

# Resolution

No. 25-115

REFERRING TO THE MAUI PLANNING  
COMMISSION AND BOARD OF WATER SUPPLY  
A PROPOSED BILL TO IMPOSE INTERIM  
RESTRICTIONS ON NEW PRIVATE SWIMMING  
POOLS IN THE WEST MAUI COMMUNITY PLAN  
AREA

WHEREAS, the Council is considering a proposed bill to impose interim restrictions on new private swimming pools in the West Maui Community Plan Area; and

WHEREAS, Sections 8-8.4 and 8-8.6 of the Revised Charter of the County of Maui (1983), as amended, require that the appropriate planning commission review proposed land use ordinances and amendments, and provide findings and recommendations to the Council; and

WHEREAS, Charter Section 8-11.3 states: "The board of water supply shall act as advisor to . . . the council in all matters concerning the county's water system"; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That it refers the proposed bill, entitled "A BILL FOR AN ORDINANCE IMPOSING INTERIM RESTRICTIONS ON NEW PRIVATE SWIMMING POOLS IN THE WEST MAUI COMMUNITY PLAN AREA," attached as Exhibit "1," to the Maui Planning Commission for appropriate action under Sections 8-8.4 and 8-8.6 of the Revised Charter of the County of Maui (1983), as amended;
2. That it also refers the proposed bill to the Board of Water Supply for advice under Section 8-11.3 of the Revised Charter of the County of Maui (1983), as amended; and
3. That certified copies of this resolution be transmitted to the Mayor, Planning Director, Director of Water Supply, Chair of the Board of Water Supply, and Maui Planning Commission.

**Resolution No.** 25-115

APPROVED AS TO FORM AND LEGALITY

/s/ Michael J. Hopper

Department of the Corporation Counsel  
County of Maui

paf:cmn:24-250b

INTRODUCED BY:

*Tamara A.M. Paltin*

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TAMARA PALTIN

EXHIBIT “1”

ORDINANCE NO. \_\_\_\_\_

BILL NO. \_\_\_\_\_ (2025)

A BILL FOR AN ORDINANCE IMPOSING INTERIM RESTRICTIONS ON NEW  
PRIVATE SWIMMING POOLS IN THE WEST MAUI COMMUNITY PLAN AREA

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Title 19, Maui County Code, is amended by adding a new  
chapter to read as follows:

**“Chapter 19.98**

**INTERIM RESTRICTIONS ON NEW PRIVATE SWIMMING POOLS  
IN THE WEST MAUI COMMUNITY PLAN AREA**

Sections:

- 19.98.010 Findings and purpose.
- 19.98.020 Authority.
- 19.98.030 Applicability.
- 19.98.040 Restrictions.
- 19.98.050 Exemptions.
- 19.98.060 Duration.
- 19.98.070 Penalties.

**19.98.010 Findings and purpose.** The council finds that the State commission on water resource management designated the Lahaina aquifer sector area as a Surface and Ground Water Management Area, effective August 6, 2022. The Lahaina aquifer sector area consists of the Honokōhau, Honolua, Honokahua, Kahana, Honokōwai, Wahikuli, Kahoma, Kaua‘ula, Launiupoko, Olowalu, and Ukumehame surface water hydrologic units and the Honokōhau, Honolua, Honokōwai, Launiupoko, Olowalu, and Ukumehame groundwater hydrologic units.

In its decision, the commission determined that:

- The surface and ground water resources in the Lahaina aquifer sector area may be threatened by existing or proposed withdrawals or diversions of water;

- Saltwater intrusion harms groundwater quantity and quality;
- Serious historic and ongoing disputes over current and planned uses of water exist;
- Climate uncertainty and potential drought and decline in rainfall and recharge exist; and
- Surface and groundwater interaction and connection should be managed in an integrated manner.

A year later, wildfires destroyed more than 2,200 structures in Lahaina. In the wake of the wildfires, property owners are seeking to rebuild, and the County is seeking to grow its residential workforce-housing inventory.

According to the commission on water resource management, the Lahaina aquifer sector area provides water for everyone in West Maui. The council finds that supplying water to support stable housing for West Maui residents is an urgent priority. The council further finds that a private swimming pool is an amenity that requires a large quantity of potable water but does not serve essential housing needs. In addition, the West Maui community has access to public swimming pools and beaches for recreation and exercise.

Thus, this chapter's purpose is to impose an interim restriction on the permitting and construction of new private swimming pools in the West Maui community plan area.

**19.98.020 Authority.** This chapter is adopted under the authority of the Revised Charter of the County of Maui (1983), as amended, and chapters 46 and 205, Hawai'i Revised Statutes.

**19.98.030 Applicability.** This chapter applies to all properties within the West Maui community plan area.

**19.98.040 Restrictions.** No County employee or agency may issue a permit for the construction of a new private swimming pool in the West Maui community plan area until one or more of the following conditions is satisfied:

A. All three phases of the West Maui groundwater availability study are complete, consisting of:

1. Phase 1: Field reconnaissance, securing permits, study design, and developing monitoring well specifications.
2. Phase 2: Well monitoring and needs assessment for additional wells.
3. Phase 3: Drilling additional wells warranted by Phases 1 and 2 and collecting at least one year of production data for those wells.

B. The State commission on water resource management determines that reliable capacity for the West Maui system, including pre-fire system requirements, exceeds demand.

C. The department of water supply develops or acquires additional West Maui water source sufficient to address the rebuild of structures lost in the August 2023 Maui wildfires and the domestic water needs of new residential development for which permits are sought.

**19.98.050 Exemptions.** This chapter does not prevent:

A. The processing, approval, or granting of any permit for the construction of a private swimming pool in the West Maui community plan area that was complete and properly filed with the applicable agency before the effective date of this chapter.

B. The construction of a private swimming pool in the West Maui community plan area for which required permits were obtained before the effective date of this chapter.

C. The permitting and construction of a private swimming pool when a property's covenants, conditions, and restrictions, if any, explicitly allowed the swimming pool before the effective date of this chapter.

D. Repairs to and maintenance of a private swimming pool constructed before the effective date of this chapter.

E. The permitting and construction of a public swimming pool.

**19.98.060 Duration.** This chapter's provisions apply until one or more of the conditions in section 19.98.040 are satisfied or December 31, 2028, whichever is sooner.

**19.98.070 Penalties.** A. A violation of a provision of this chapter is subject to enforcement under chapter 19.530.

B. In addition, the corporation counsel is authorized to take legal action in a court of competent jurisdiction to restrain and enjoin an entity who violates any chapter provision.

C. This section's remedies are cumulative and not exclusive."

SECTION 2. This Ordinance takes effect on approval.

APPROVED AS TO FORM AND LEGALITY:

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Department of the Corporation Counsel  
County of Maui

paf:cmn:24-250a

INTRODUCED BY:

*Tamara A.M. Paltin*

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TAMARA PALTIN