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**COUNTY COUNCIL**  
COUNTY OF MAUI  
200 S. HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
[www.MauiCounty.us](http://www.MauiCounty.us)

January 3, 2019

RECEIVED  
2019 JAN -4 AM 7:49  
OFFICE OF THE  
COUNTY CLERK

Mr. Josiah K. Nishita, County Clerk  
Office of the County Clerk  
County of Maui  
Wailuku, Hawaii 96793

Dear Mr. Nishita:

SUBJECT: **REFERRAL OF VARIOUS MATTERS  
ANTICIPATED TO BE PENDING AT THE END  
OF THE 2017-2019 COUNCIL TERM** (PAF 18-315)

May I request the matter of referral of various matters anticipated to be pending before standing committees at the end of the 2017-2019 Council term, listed in the attached exhibits, be placed on the next Council meeting agenda.

Sincerely,

KELLY T. KING  
Council Chair

paf:cmn:18-315c

Attachments

COUNTY COMMUNICATION NO. 19-13

**EXHIBIT "A"**

**MATTERS ANTICIPATED TO BE PENDING**  
**BEFORE THE BUDGET AND FINANCE**  
**COMMITTEE AT THE END OF THE 2017-2019**  
**COUNCIL TERM**

**BF-104 BILL 97 (2010), RELATING TO REAL PROPERTY TAX REVIEW  
BOARDS**

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
03/04/2011	Bill 97 (2010)	"A BILL FOR AN ORDINANCE AMENDING TITLES 2 AND 3, MAUI COUNTY CODE, RELATING TO REAL PROPERTY TAX REVIEW BOARDS".

**BF-173 AMENDING THE FISCAL YEAR 2019 BUDGET: AFFORDABLE  
HOUSING FUND**

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
10/05/2018	CC 18-347	Budget Director, transmitting the following: <ol style="list-style-type: none"><li>1. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES - SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2019, AFFORDABLE HOUSING FUND";</li><li>2. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES - SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2019, AFFORDABLE HOUSING FUND";</li><li>3. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES - SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2019, AFFORDABLE HOUSING FUND"; and</li></ol>

4. A document entitled "Very Low Incoming Housing Feasibility Studies."

**BF-175                    AMENDING THE FISCAL YEAR 2019 BUDGET: OFFICE OF THE MAYOR (KAUPO COMMUNITY ASSOCIATION, INC.)**

DATE REFERRED    REFERENCE  
10/05/2018    CC 18-349

SUBJECT  
Budget Director, transmitting the following:

1. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; OFFICE OF THE MAYOR, ECONOMIC DEVELOPMENT PROGRAM; TOTAL OPERATING APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"; and
2. Certification of Additional Revenues for Fiscal Year 2019 Budget, dated 09/28/2018, for \$475,000 in Carryover/Savings from the General Fund.

**BF-182                    AMENDING THE FISCAL YEAR 2019 BUDGET: OPEN SPACE, NATURAL RESOURCES, CULTURAL RESOURCES, AND SCENIC VIEWS PRESERVATION FUND (HAWAIIAN ISLANDS LAND TRUST)**

DATE REFERRED    REFERENCE  
10/19/2018    CC 18-367

SUBJECT  
Budget Director, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES – SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2019, OPEN SPACE, NATURAL RESOURCES, CULTURAL RESOURCES, AND SCENIC VIEWS PRESERVATION FUND."

**BF-187**

**AMENDING THE FISCAL YEAR 2019 BUDGET: DEPARTMENT OF MANAGEMENT (MAUI REDEVELOPMENT PROGRAM)**

DATE REFERRED    REFERENCE  
11/02/2018    CC 18-391

SUBJECT  
Budget Director, transmitting the following:

1.    A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF MANAGEMENT, MAUI REDEVELOPMENT PROGRAM; TOTAL OPERATING APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"; and
  
2.    A Certification of Additional Revenues for Fiscal Year 2019, dated 10/25/2018, for \$250,000 in Carryover/Savings from the General Fund.

**END OF EXHIBIT "A"**

**EXHIBIT "B"**

**MATTERS ANTICIPATED TO BE PENDING BEFORE THE  
INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT  
COMMITTEE AT THE END OF THE 2017-2019 COUNCIL TERM**

**IEM-54            AMENDING SECTION 10.48.030, MAUI COUNTY CODE,  
RELATING TO PROHIBITIONS IN CERTAIN PLACES**

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
12/01/2017	CC 17-474	Director of Public Works, transmitting a draft bill entitled, "A BILL FOR AN ORDINANCE AMENDING SECTION 10.48.030, MAUI COUNTY CODE, RELATING TO PROHIBITIONS IN CERTAIN PLACES." This bill proposes to prohibit vehicles from stopping, standing, or parking within medial strips.

**IEM-86            AMENDING SECTION 10.48.040, MAUI COUNTY CODE,  
RELATING TO PARKING PROHIBITIONS ON CERTAIN  
STREETS AND HIGHWAYS**

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
11/02/2018	CC 18-394	Director of Public Works, transmitting a draft bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 10.48.040, MAUI COUNTY CODE, RELATING TO PARKING ON CERTAIN STREETS AND HIGHWAYS."

**END OF EXHIBIT "B"**

**EXHIBIT "C"**

**MATTERS ANTICIPATED TO BE PENDING BEFORE THE LAND USE COMMITTEE AT THE END OF THE 2017-2019 COUNCIL TERM**

**LU-5                    AMENDING THE COMPREHENSIVE ZONING ORDINANCE TO ALLOW AGRICULTURAL CLUSTER SUBDIVISIONS IN THE AGRICULTURAL DISTRICT**

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
05/26/2015	CC 15-152	Planning Director, transmitting the Planning Director's report on Resolution 14-114 entitled "REFERRING TO THE LANAI, MAUI, AND MOLOKAI PLANNING COMMISSIONS A PROPOSED BILL TO ALLOW FOR THE CREATION OF AGRICULTURAL CONSERVATION LOTS."

**LU-13                    DISTRICT BOUNDARY AMENDMENT, COMMUNITY PLAN AMENDMENT, AND CHANGE IN ZONING FOR THE PROPOSED PAIA COURTYARD PROJECT AT 120 BALDWIN AVENUE (PAIA)**

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
03/10/2017	CC 17-126	Planning Director, transmitting applications from Paia 2020, LLC, requesting a Community Plan Amendment; a District Boundary Amendment; and a Change in Zoning, located at 120 Baldwin Avenue, Paia, Maui, Hawaii (tax map key (2) 2-5-005-063).

**LU-15                    COMMUNITY PLAN AMENDMENT AND CHANGE IN ZONING FOR CHOPRA HALE APARTMENTS (KAUNAKAKAI)**

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
05/26/2015	CC 15-151	Planning Director, transmitting proposed Community Plan Amendment from Single-Family Residential to Multi-Family Residential and Change in Zoning from Interim District to A-1 Apartment District applications filed by LDE Group, LLC, for 1.04 acres, located at 190 Makaena Place, Kaunakakai, Molokai, Hawaii (tax map key (2) 5-3-004:028).

**LU-19 COMMUNITY PLAN AMENDMENT AND CHANGE IN ZONING FOR THE KAHANA SUNSET CONDOMINIUM AT 4909 LOWER HONOAPIILANI ROAD (LAHAINA)**

DATE REFERRED REFERENCE  
02/26/2016 CC 16-39

SUBJECT  
Planning Director, transmitting proposed Community Plan Amendment from Single-Family to Hotel and Change in Zoning from R-3 Residential District to H-M Hotel District, filed by Kahana Sunset AOA, for 4.467 acres, located at 4909 Lower Honoapiilani Road, Lahaina, Hawaii (TMK: (2) 4-3-003:015).

**LU-22 DISTRICT BOUNDARY AMENDMENT AND CHANGE IN ZONING FOR HANZAWA'S VARIETY STORE AND ADJACENT PROPERTY (HAIKU)**

DATE REFERRED REFERENCE  
06/23/2009 CC 09-181

SUBJECT  
Planning Director, transmitting a request from The William Spence Company, on behalf of Matthew and Sandra Daniells, for a District Boundary Amendment from Agricultural to Urban, and a Change in Zoning from Interim District to B-CT Country Town Business District for approximately 2.00 acres at 1833 Kaupakalua Road (TMK: (2) 2-7-014:044 (por.)), to allow for the expansion of Hanzawa's Variety Store and other uses; and on behalf of Matthew and Sandra Daniels and Ralph Hanzawa for a District Boundary Amendment from Agricultural to Rural and a Change in Zoning from Interim District to RU-0.5 Rural District for approximately 1.945 acres, at 1833 Kaupakalua Road and 21 Awalau Road, Haiku, Maui, Hawaii (tax map keys (2) 2-7-014:044 (por.) and 052).

**LU-29 CHANGE IN ZONING FOR SOULSPACE RANCH, LLC (MAKAWAO)**

DATE REFERRED REFERENCE  
06/20/2014 CC 14-162

SUBJECT  
Planning Director, transmitting an application from Jordan Hart, Chris Hart & Partners, Inc., on behalf of Xorin Balbes, Soulspace Ranch, LLC, for a Change in Zoning from Interim District to P-1 Public/Quasi-Public District, for approximately 5.66 acres located at 1813 Baldwin Avenue, Makawao, Maui, Hawaii, the site of the Fred Baldwin Memorial Home, now operating as Lumeria Maui (TMK: (2) 2-5-004:007).

**LU-30                    SHORT-TERM RENTAL HOMES ON MOLOKAI**

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
04/21/2017	CC 17-173	Councilmember Crivello, transmitting a proposed resolution entitled "REFERRING TO THE MOLOKAI PLANNING COMMISSION A PROPOSED BILL TO AMEND THE COMPREHENSIVE ZONING ORDINANCE RELATING TO SHORT-TERM RENTAL HOMES ON MOLOKAI."

**LU-48                    AMENDING THE COMPREHENSIVE ZONING ORDINANCE RELATING TO RESOURCE EXTRACTION OR PROCESSING**

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
10/06/2017	MISC	County Clerk, reporting that on 10/06/2017, the Council referred the matter relating to resource extraction or processing.
12/13/2018	CR 18-222 (Recommitted)	Councilmember Guzman, transmitting a proposed resolution entitled "REFERRING TO THE LANAI, MAUI, AND MOLOKAI PLANNING COMMISSIONS A PROPOSED BILL TO AMEND THE COMPREHENSIVE ZONING ORDINANCE RELATING TO RESOURCE EXTRACTION OR PROCESSING."

**LU-53                    AMENDING ORDINANCE 4295 (2016), TO ALLOW MAUI DRAGON FRUIT FARM LLC TO ALSO OPERATE A TRANSIENT VACATION RENTAL IN A TWO-BEDROOM FARM DWELLING AT 833 PUNAKEA LOOP UNIT 1 (LAHAINA)**

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
01/19/2018	CC 18-34	Planning Director, transmitting a request from Lawrence and Crystal Schmitt of Maui Dragon Fruit Farm LLC to amend Ordinance 4295 (2016), to also allow transient vacation rental use in a two-bedroom farm dwelling on the property in addition to the uses allowed under the Conditional Permit granted by Ordinance 4295.



**LU-61                    CONDITIONAL PERMIT FOR HO`OMOANA CAMPGROUND  
(LAHAINA)**

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
08/03/2018	CC 18-285	Planning Director, transmitting a request from Ho`omoana Foundation for a Conditional Permit to operate an overnight campground for a limited number of homeless individuals on approximately 7.9 acres of a 22.7 acre parcel of land located at Hokiokio Place and Lahaina Bypass Road, Lahaina, Maui, Hawaii (portion of tax map key (2) 4-7-003:031).

**LU-71                    CHANGE IN ZONING FOR 266 DICKENSON STREET  
APARTMENTS (LAHAINA)**

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
10/05/2018	CC 18-351	Planning Director, transmitting application from Christopher Ondatje, requesting a Change in Zoning on 10,595 sf of land located at 266 Dickenson Street, Lahaina, Maui, Hawaii (tax map keys (2) 4-6-011-011 and (2) 4-6-011-028).

**LU-75                    CONDITIONAL PERMIT FOR THE KUKAHIKO ESTATE  
(MAKENA)**

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
10/19/2018	CC 18-377	Planning Director, transmitting a request from John and Kamaka Kukahiko of Makena Corporation for a Conditional Permit for the continued use of special events at the Kukahiko Estate on approximately 0.811 acres located at 5034 Makena Road, Kihei, Hawaii (tax map key (2) 2-1-007:079).

**END OF EXHIBIT "C"**

## EXHIBIT "D"

### MATTERS ANTICIPATED TO BE PENDING BEFORE THE PARKS, RECREATION, ENERGY, AND LEGAL AFFAIRS COMMITTEE AT THE END OF THE 2017-2019 COUNCIL TERM

#### PRL-1 LITIGATION MATTERS

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
01/02/2015	CC 15-6	Councilmember White, relating to litigation matters.
01/16/2017	CC 17-6	Council Chair White, relating to litigation matters.
01/09/2015	Sub-item (2)	<b>STATUS AND SETTLEMENT AUTHORIZATION:</b> <u>OCEAN RESORT VILLAS VACATION OWNERS ASSOCIATION, ET AL. V. COUNTY OF MAUI, ET AL., CIVIL 13-1-0848(2)</u>
02/12/2015	Sub-item (6)	<b>SETTLEMENT AUTHORIZATION AND STATUS:</b> <u>DOUGLAS LEONE, ET AL. V. COUNTY OF MAUI, ET AL.; CIVIL 07-1-0496(2)</u>
Sub-item (25)		<b>SETTLEMENT AUTHORIZATION:</b> AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII DEPARTMENT OF DEFENSE, THE NATIONAL CEMETERY ADMINISTRATION OF THE U.S. DEPARTMENT OF VETERANS AFFAIRS, THE STATE HISTORIC PRESERVATION DIVISION OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES, AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION; CIVIL 15-1-0209(2)

11/17/2017 Bill 96 (2017)  
(Recommitted) “A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII DEPARTMENT OF DEFENSE, THE NATIONAL CEMETERY ADMINISTRATION OF THE U.S. DEPARTMENT OF VETERANS AFFAIRS, THE STATE HISTORIC PRESERVATION DIVISION OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES, AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION TO SET FORTH GUIDELINES TO MAINTAIN THE MAUI VETERANS CEMETERY AT “SHRINE STATUS”” along with written testimony.

DATE REFERRED    REFERENCE                      SUBJECT  
08/13/2018    Sub-item (43)                      **SETTLEMENT AUTHORIZATION:**    JEANNE M. BERRY V. KILOHANA WAENA CORPORATION, ET AL.;  
CIVIL 17-1-0175(2)

DATE REFERRED    REFERENCE                      SUBJECT  
09/04/2018    Sub-Item (46)                      **STATUS AND SPECIAL COUNSEL AUTHORIZATION:**  
LITIGATION AGAINST OPIOID MANUFACTURERS AND DISTRIBUTORS

DATE REFERRED    REFERENCE                      SUBJECT  
10/02/2018    Sub-item (47)                      **SETTLEMENT AUTHORIZATION:**    COUNTY OF MAUI V. KUALAPU’U RANCH 4, LLC, ET AL.;  
CIVIL 18-1-0321(3)

DATE REFERRED    REFERENCE                      SUBJECT  
12/03/2018    Sub-item (51)                      **SETTLEMENT AUTHORIZATION:**    COUNTY OF MAUI V. PEDRO TOLENTINO, JR., ET AL.;  
CIVIL 18-1-0124(1)

**PRL-2                      CHRISTOPHER SALEM V. ALAN ARAKAWA, ET AL., CIVIL 15-00384 LEK-KSC**

DATE REFERRED    REFERENCE                      SUBJECT  
01/16/2017    CC 16-309                      Council Vice-Chair Guzman, relating to Christopher Salem v. Alan Arakawa, et al., Civil 15-00384 LEK-KSC.

**END OF EXHIBIT “D”**

**EXHIBIT "E"**

**MATTERS ANTICIPATED TO BE PENDING BEFORE THE POLICY,  
ECONOMIC DEVELOPMENT, AND AGRICULTURE COMMITTEE AT  
THE END OF THE 2017-2019 COUNCIL TERM**

**PEA-5            AGRICULTURAL TOURISM**

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
09/04/2015	CC 15-153	Councilmember Couch, referring the matter relating to the Maui Island Plan, Chapter 4, Economic Development, relating to tourism.

**END OF EXHIBIT "E"**

**EXHIBIT "F"**

**MATTERS ANTICIPATED TO BE PENDING BEFORE THE WATER  
RESOURCES COMMITTEE AT THE END OF THE 2017-2019  
COUNCIL TERM**

**WR-16            LANAI WATER ADVISORY COMMITTEE**

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
06/15/2012	CC 12-133	Chair of the Board of Water Supply, transmitting the Board of Water Supply's recommendations relating to a proposed bill establishing a Lanai Water Advisory Committee ("LWAC").
11/02/2012	CR 12-124 (Recommitted)	Water Resources Committee, recommending the following: <ol style="list-style-type: none"><li>1.    FIRST READING of bill amending Title 2, Maui County Code, establishing LWAC; and</li><li>2.    FILING of communication.</li></ol>

**END OF EXHIBIT "F"**

paf:cmn:18-315d