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COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

February 2, 2026

Mr. Paul Cheng, President
Maui Oceanview LP
4950 Westgrove Drive, Suite 105
Dallas, Texas 75248

Via Email: paul@usaiinvestments.com

Dear Mr. Cheng:

SUBJECT: BILL 132 (2025), AMENDING ORDINANCE 3889 (2011), RELATING TO CHANGE IN ZONING (CONDITIONAL ZONING) FOR WEST MAUI PROJECT DISTRICT 5 (PULELEHUA) FOR PROPERTY SITUATED AT LAHAINA, HAWAI'I (DRIP-17)

To proceed to first reading on Bill 132, CD1 (2025), the Maui County Council's Disaster Recovery, International Affairs, and Planning Committee will need to receive three original signed and notarized unilateral agreements. My understanding is that the County's Department of the Corporation Counsel has been in communication with you on executing the unilateral agreement and has provided you a copy for your consideration.

May I please request a status update on the unilateral agreement's execution. If you are not agreeable to the language recommended by the Committee, then this matter will need to be scheduled at a future Committee meeting for further deliberations.

Please note that I am not able to advise you on the preparation of the unilateral agreement and would recommend you consult with your attorney.

May I further request you transmit your response to drip.committee@mauicounty.us by **February 17, 2026**. To ensure efficient processing, please include the Committee item number in the subject line.

Mr. Paul Cheng
February 2, 2026
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Should you have any questions, please contact me or the Committee staff (Jarret Pascual at ext. 7141, or Yvette Bouthillier at ext. 7758).

Sincerely,

A handwritten signature in black ink that reads "Tamara A.M. Paltin". The signature is written in a cursive, flowing style.

TAMARA PALTIN, Chair
Disaster Recovery, International Affairs,
and Planning Committee

drip:ltr:017a01:jpp

Attachment

cc: Deputy Corporation Counsel Michael J. Hopper

ORDINANCE NO. _____

BILL NO. 132, CD1 (2025)

A BILL FOR AN ORDINANCE AMENDING ORDINANCE 3889 (2011), RELATING TO THE CHANGE IN ZONING (CONDITIONAL ZONING) FOR WEST MAUI PROJECT DISTRICT 5 (PULELEHUA) FOR PROPERTY SITUATED AT LAHAINA, HAWAI'I

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

SECTION 1. By Resolution 24-174, FD1, adopted on October 25, 2024, the Council referred to the Maui Planning Commission a proposed bill to amend the Conditions of Zoning for West Maui Project District 5 (Pulelehua) by repealing Conditions 2 and 15.

Since Ordinance 3889 was enacted, property ownership has transferred to Maui Oceanview LP. As a function of the Ordinance's unilateral agreement, the Conditions of Zoning run with the land and bind subsequent owners and assigns, including Maui Oceanview LP.

By correspondence dated September 9, 2025, the Planning Director transmitted the Maui Planning Commission's recommendations on the bill to the Council. The Maui Planning Commission recommended that Condition 2 be amended, rather than repealed, and that the proposed repeal of Condition 15 be denied. This Ordinance incorporates the Maui Planning Commission's recommendations, with technical and nonsubstantive revisions.

SECTION 2. Under Chapters 19.45 and 19.510, Maui County Code, Ordinance 3889 (2011), relating to the Change in Zoning (Conditional Zoning)

for West Maui Project District 5 (Pulelehua), for real property situated in Lahaina, Hawai'i, identified for Real Property Tax purposes as Tax Map Keys (2) 4-3-001:082 and (2) 4-3-001:083, comprising 153.207 acres and 151.048 acres, respectively, is amended as described in Section 3.

SECTION 3. Condition 2 of Exhibit "C" (Conditions of Zoning) of Ordinance 3889 (2011) is amended to read as follows:

"2. [Maui Land & Pineapple Company, Inc.] Maui Oceanview LP shall provide potable and non-potable water source, storage, and transmission improvements necessary to serve Pulelehua in accordance with the requirements of the County of Maui Department of Water Supply[.], except that this condition shall not preclude Pulelehua from availing itself of any exemption from the requirements of Chapter 14.12, Maui County Code, for which it qualifies under Code Section 14.12.030, or from receiving, under the exemption, subdivision approval and civil permits for infrastructure construction."

SECTION 4. Under Section 19.510.050, Maui County Code, the zoning granted by this Ordinance is subject to:

- The Conditions of Zoning in Ordinance 3889's Exhibit "C," as amended by this Ordinance's Section 3; and
- This Ordinance's Exhibit "1," the First Amendment to Unilateral Agreement and Declaration for Conditional Zoning.

SECTION 5. Material to be repealed is bracketed. New material is underscored. In printing this bill, the County Clerk need not include the brackets, the bracketed material, or the underscoring.

SECTION 6. This Ordinance takes effect on approval.

APPROVED AS TO FORM AND LEGALITY:

/s/ Michael J. Hopper

Department of the Corporation Counsel
County of Maui

drip:misc:017abill02:jpp

INTRODUCED BY:

Tamara A.M. Paltin
TAMARA PALTIN

DRIP Committee

From: DRIP Committee
Sent: Monday, February 2, 2026 10:23 AM
To: paul@usaiinvestments.com
Cc: DRIP Committee; michael.hopper@co.maui.hi.us; Melody A. Andrion
Subject: PLEASE READ attached letter re: Bill 132 (2025) (Pulelehua) (DRIP 17); reply by 2/17/26
Attachments: 017a01signed.pdf

Mr. Cheng: Please refer to the attached letter from the Disaster Recovery, International Affairs, and Planning Committee Chair, dated February 2, 2026, and respond by **February 17, 2026**.

Deputy Michael Hopper: FYI

Mahalo,
DRIP Committee