

REQUEST FOR LEGAL SERVICES

Date: January 31, 2019
From: Tamara Paltin, Chair
Planning and Sustainable Land Use Committee

CORPORATION COUNSEL

2019 FEB 12 11:02

TRANSMITTAL

Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: David Galazin, Esq.

Subject: CHANGE IN ZONING FOR TAX MAP KEY (2) 5-3-002:049 (KAUNAKAKAI) (PSLU-23)

Background Data: Please review the attached revised proposed resolution and, if appropriate, approve it as to form and legality. A hard copy is requested with your response.

Work Requested: [X] FOR APPROVAL AS TO FORM AND LEGALITY

[ ] OTHER:

Requestor's signature: Tamara A.M. Paltin
Contact Person: James Krueger (Telephone Extension: 7761)

- [ ] ROUTINE (WITHIN 15 WORKING DAYS)
[ ] RUSH (WITHIN 5 WORKING DAYS)
[ ] PRIORITY (WITHIN 10 WORKING DAYS)
[ ] URGENT (WITHIN 3 WORKING DAYS)

[X] SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): February 6, 2019
REASON: To submit for posting on the February 15, 2019 Council meeting agenda.

FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO: DAG ASSIGNMENT NO. 2019-0101 BY: MAA

TO REQUESTOR: [X] APPROVED [ ] DISAPPROVED [ ] OTHER (SEE COMMENTS BELOW)
[ ] RETURNING--PLEASE EXPAND AND PROVIDE DETAILS REGARDING ITEMS AS NOTED

COMMENTS (NOTE - THIS SECTION NOT TO BE USED FOR LEGAL ADVICE):

DEPARTMENT OF THE CORPORATION COUNSEL

Date: 2-5-19

By: [Signature]

(Rev. 7/03)

pslu:ltr:023acc01:jgk

Attachment

RECEIVED
OFFICE OF THE CORPORATION COUNSEL
2019 FEB -5 PM 12:57

# Resolution

No. \_\_\_\_\_

REFERRING TO THE MOLOKAI PLANNING COMMISSION A PROPOSED BILL TO CHANGE THE ZONING FROM INTERIM ZONE TO B-CT COUNTRY TOWN BUSINESS DISTRICT FOR APPROXIMATELY 32,068 SQUARE FEET OF PROPERTY IN KAUNAKAKAI, MOLOKAI, HAWAII, IDENTIFIED AS TAX MAP KEY (2) 5-3-002:049

WHEREAS, the Council is considering a proposed bill to change the zoning from Interim Zone to B-CT Country Town Business District for that certain real property situated in Kaunakakai, Molokai, Hawaii, identified for real property tax purposes as tax map key (2) 5-3-002:049, comprised of approximately 32,068 square feet; and

WHEREAS, the Change in Zoning would make the zoning consistent with the subject property's land use designation in the Molokai Island Community Plan, established by Ordinance 4920 (2018); 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 thereto, and provide findings and recommendations to the Council; now, therefore,

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

1. That it hereby refers the proposed bill, entitled "A BILL FOR AN ORDINANCE TO CHANGE THE ZONING FROM INTERIM ZONE TO B-CT COUNTRY TOWN BUSINESS DISTRICT FOR APPROXIMATELY 32,068 SQUARE FEET OF PROPERTY IN KAUNAKAKAI, MOLOKAI, HAWAII, IDENTIFIED AS TAX MAP KEY (2) 5-3-002:049," a copy of which is attached hereto as Exhibit "1" and made a part hereof, to the Molokai Planning Commission for appropriate action, pursuant to Sections 8-8.4 and 8-8.6 of the Revised Charter of the County of Maui (1983), as amended; and

**Resolution No. \_\_\_\_\_**

2. That it respectfully requests that the Molokai Planning Commission transmit its findings and recommendations to the Council as expeditiously as possible; and
3. That certified copies of this resolution be transmitted to the Mayor, the Planning Director, and the Molokai Planning Commission.

APPROVED AS TO FORM AND  
LEGALITY



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DAVID A. GALAZIN

Deputy Corporation Counsel  
County of Maui

2019-0101

PSLU-23 2019-02-05 Reso CIZ Kaunakakai

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

BILL NO. \_\_\_\_\_ (2019)

A BILL FOR AN ORDINANCE TO CHANGE THE ZONING FROM INTERIM ZONE TO B-CT COUNTRY TOWN BUSINESS DISTRICT FOR APPROXIMATELY 32,068 SQUARE FEET IN KAUNAKAKAI, MOLOKAI, HAWAII, IDENTIFIED AS TAX MAP KEY (2) 5-3-002:049

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

SECTION 1. Pursuant to Chapters 19.15 and 19.510, Maui County Code, a change in zoning from Interim to B-CT Country Town Business District is hereby granted for that certain real property situated in Kaunakakai, Molokai, Hawaii, identified for real property tax purposes as tax map key (2) 5-3-002:049, identified in Exhibit "A," attached hereto and made a part hereof, and in Land Zoning Map No. L-\_\_\_\_\_, attached hereto as Exhibit "B" and made a part hereof.

SECTION 2. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:

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Department of the Corporation Counsel  
County of Maui

paf:ldm:18-294c

EXHIBIT 1

- Controls** <<
- Available Layers
    - Parcels
    - Sales
    - Parcel Numbers
    - Pending Parcel Changes
    - Roads
    - Tsunami Evacuation Zones
    - Flood Hazard Areas
    - Neighborhood Code
    - State Land Use Districts
    - Special Management Area
    - Pictometry (2014)
    - Aerials (Esri)
    - Street Map



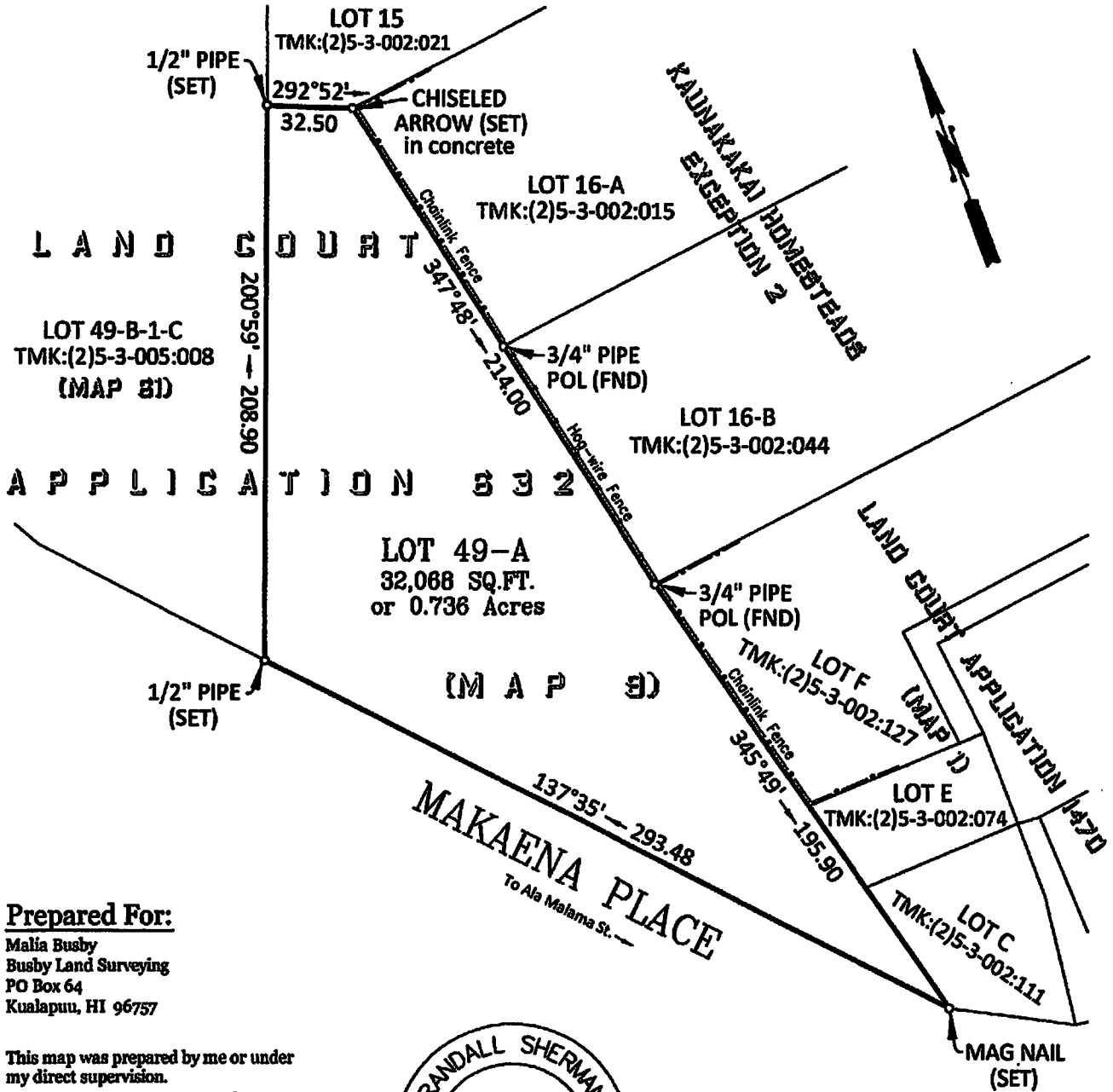
[Show Scale](#)

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31°05'36.6"N 157°01'22.4"W (21.6935, -157.0229)



**EXHIBIT "A"**

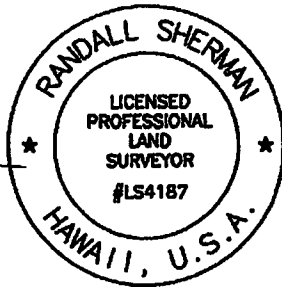


**Prepared For:**

Malia Busby  
Busby Land Surveying  
PO Box 64  
Kualapuu, HI 96757

This map was prepared by me or under my direct supervision.

**Randall Sherman**  
Licensed Professional Land Surveyor  
State of Hawaii Certificate Number LS4187  
License Expiration Date: April 30, 2018  
Land Court Certificate Number 189



**Exhibit Showing  
LOT 49-A  
of  
LAND COURT APPLICATION 632**

(Map 9)

Situated at  
Kaunakakai, Molokai, Hawaii

**NOTES:**

1. This map is based on an actual field survey performed on 16 AUG 16.
2. Unless shown herein no encroachments were noted during the course of this survey.
3. POL: Point-on-line

