

REQUEST FOR LEGAL SERVICES

RECEIVED

By Corporation Counsel at 3:33 pm, Oct 02, 2025

Date: October 1, 2025

From: Tamara Paltin, Chair

Disaster Recovery, International Affairs, and Planning Committee

TRANSMITTAL

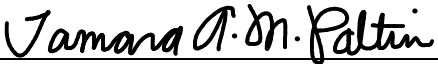
Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: Michael J. Hopper, Esq.

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)

Background Data: Please review and, if appropriate, approve the bill as to form and legality. Please also identify the appropriate signatories for Maui Oceanview LP and revise the unilateral agreement as appropriate. Please submit your response to drip.committee@mauicounty.us with a reference to DRIP-17.

Work Requested: ☒ FOR APPROVAL AS TO FORM AND LEGALITY

☒ OTHER: See above.

Requestor's signature  Tamara Paltin, Chair	Contact Person <u>Jarret Pascual or Carla Nakata</u> (Telephone Extension: <u>7141 or 5519, respectively</u>)
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☐ ROUTINE (WITHIN 15 WORKING DAYS)

☐ RUSH (WITHIN 5 WORKING DAYS)

☐ PRIORITY (WITHIN 10 WORKING DAYS)

☐ URGENT (WITHIN 3 WORKING DAYS)

☒ SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): October 28, 2025

REASON: For consideration at the November 5, 2025, DRIP Committee meeting.

FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO: <u>MJH</u>	ASSIGNMENT NO. <u>2025-0175</u>	BY: <u>maa</u>
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TO REQUESTOR: ☒ 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): _____

Bill No. 132, CD1 (2025) e-signed without the Exhibit "1".

DEPARTMENT OF THE CORPORATION COUNSEL

Date 10/28/2025

By MJH

(Rev. 7/03)

drip:ltr:017acc01:jpp
Attachment

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:017abill01:jpp

INTRODUCED BY:

Tamara A. M. Paltin
TAMARA PALTIN

DRIP Committee

From: Melody A. Andrion <Melody.Andrion@co.maui.hi.us>
Sent: Wednesday, October 29, 2025 3:05 PM
To: DRIP Committee
Cc: Jarret P. Pascual; Carla M. Nakata; michael.hopper@co.maui.hi.us
Subject: DRIP-17 Bill 132 (2025) Amend Ord 3889 (2011) Re: CIZ Pulelehua
Attachments: DRIP-17 2025-10-28 RAFL Closing Bill 132 CD1 without UA Exhibit.pdf

Importance: High

See attached closing of RFLS received on 10/02/2025 regarding the subject matter [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, Hawaii] **BILL NO. 132, CD1, (2025)** e-signed by Michael Hopper without Exhibit "1".
Thanks!

For consideration at the November 5, 2025, DRIP Committee meeting.

NOTICE: The information in this transmittal (including attachments, if any) is privileged and confidential and is intended only for the recipient(s) listed above. Any review, use, disclosure, distribution or copying of this transmittal is prohibited except by or on behalf of, the intended recipient. If you have received this transmittal in error, please notify me immediately by reply email and destroy all copies of the transmittal. Thank you