

REQUEST FOR LEGAL SERVICES

RECEIVED

By Corporation Counsel at 4:34 pm, Jun 25, 2026

Date: June 25, 2026
From: Nohelani U'u-Hodgins, Chair
Housing and Land Use Committee

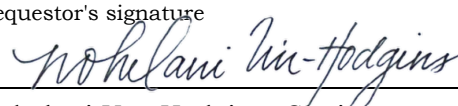
TRANSMITTAL

Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: Nāhulu Nunokawa, Esq.

Subject: RESOLUTION 26-110, REFERRING TO THE MAUI PLANNING COMMISSION PROPOSED BILLS TO AMEND THE KIHEI-MAKENA COMMUNITY PLAN AND WEST MAUI COMMUNITY PLAN, AND TO CHANGE THE ZONING FOR CERTAIN TIMESHARE, LEASEHOLD, AND OTHER PROPERTIES IN THE A-1 AND A-2 APARTMENT DISTRICTS (HLU-18)

Background Data: Please see attached proposed CD1 version of Resolution 26-110. Please submit your response to hlu.committee@mauicounty.us with a reference to HLU-18.

Work Requested: FOR APPROVAL AS TO FORM AND LEGALITY
 OTHER:

| | |
|--|---|
| Requestor's signature  Nohelani U'u-Hodgins, Chair | Contact Person <u>James Krueger or Carla Nakata</u> (Telephone Extension: <u>7761 or 5519, respectively</u>) |
|--|---|


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): June 30, 2026
REASON: For the July 1, 2026, HLU Committee meeting.

FOR CORPORATION COUNSEL'S RESPONSE

| | | |
|-------------------------|---------------------------------|----------------|
| ASSIGNED TO: <u>CNN</u> | ASSIGNMENT NO. <u>2025-0171</u> | BY: <u>maa</u> |
|-------------------------|---------------------------------|----------------|

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): Reviewed and signed resolutions.
Bills will need to establish evidence supporting determination criteria.

Date 06/29/2026 DEPARTMENT OF THE CORPORATION COUNSEL
By 

hlu:ltr:018acc01:jgk

(Rev. 7/03)

Attachment

Resolution

No. 26-110, CD1

REFERRING TO THE MAUI PLANNING COMMISSION A PROPOSED BILL TO AMEND THE KIHEI-MAKENA COMMUNITY PLAN AND WEST MAUI COMMUNITY PLAN AND A PROPOSED BILL TO CHANGE THE ZONING FOR CERTAIN TIMESHARE, LEASEHOLD, AND OTHER PROPERTIES IN THE A-1 AND A-2 APARTMENT DISTRICTS

WHEREAS, the Council is considering a proposed bill to change the zoning for certain timeshare, leasehold, and other A-1 and A-2 Apartment District properties to the H-3 and H-4 Hotel Districts, respectively; and

WHEREAS, the Council is also considering a proposed bill to amend Kihei-Makena Community Plan Land Use Designations and West Maui Community Plan Land Use Designations, as appropriate, to provide the necessary consistency for the proposed Change in Zoning bills; 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 commissions review proposed zoning and other land use ordinances, and provide findings and recommendations to the Council; now, therefore,

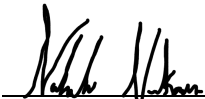
BE IT RESOLVED by the Council of the County of Maui:

1. That it refers the following 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:
 - a. A proposed bill, entitled “A BILL FOR AN ORDINANCE TO AMEND THE KIHEI-MAKENA COMMUNITY PLAN AND WEST MAUI COMMUNITY PLAN FOR CERTAIN TIMESHARE, LEASEHOLD, AND OTHER PROPERTIES IN THE A-1 AND A-2 APARTMENT DISTRICTS,” attached as Exhibit “1”; and

Resolution No. 26-110, CD1

- b. A proposed bill, entitled “A BILL FOR AN ORDINANCE TO CHANGE THE ZONING FOR CERTAIN TIMESHARE, LEASEHOLD, AND OTHER PROPERTIES IN THE A-1 AND A-2 APARTMENT DISTRICTS TO THE H-3 AND H-4 HOTEL DISTRICTS,” attached as Exhibit “2”; and
2. That certified copies of this Resolution be transmitted to the Mayor, Planning Director, and Maui Planning Commission.

APPROVED AS TO FORM AND LEGALITY:



NĀHULU NUNOKAWA
Department of the Corporation Counsel
County of Maui

hlu:misc:018areso01:jgk

INTRODUCED BY:

Nohelani U'u-Hodgins

NOHELANI U'U-HODGINS

EXHIBIT "1"

ORDINANCE NO. _____

BILL NO. _____ (2026)

A BILL FOR AN ORDINANCE TO AMEND THE KIHEI-MAKENA COMMUNITY
PLAN AND WEST MAUI COMMUNITY PLAN FOR CERTAIN TIMESHARE,
LEASEHOLD, AND OTHER PROPERTIES IN THE A-1 AND A-2 APARTMENT
DISTRICTS

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

SECTION 1. Under Ordinance 5909, Transient Vacation Rental uses are being phased out of the Apartment Districts. By Ordinance 6008, effective June 22, 2026, the Council established the H-3 and H-4 Hotel Districts. The Council now intends to rezone certain timeshare, leasehold, and other properties as H-3 or H-4. Under Section 19.510.040(A)(4)(b), Maui County Code, a Change in Zoning requires consistency "with the applicable community plan land use map." This Ordinance provides the necessary consistency by granting a Hotel land use designation for certain properties within the Kihei-Makena Community Plan Area and a Resort/Hotel land use designation for certain properties within the West Maui Community Plan Area.

Among the properties with changed land use designations under this Ordinance are:

- Properties with a mix of Timeshare and Transient Vacation Rental uses.
- Leasehold properties, which are difficult to finance and plan for as long-term housing.

- Properties with less than five units and property values that are difficult for the average potential homeowner to afford.

This Ordinance’s purpose is to change community plan land use designations and approve related community plan amendments to allow Transient Vacation Rental uses to continue at these properties.

SECTION 2. Under Chapter 2.80B, Maui County Code, the Kihei-Makena Community Plan is amended by amending the Community Plan Land Use Map by changing the designation from Multi-Family to Hotel for the following properties:

| Property Name | Tax Map Key | Address | Size in acres |
|------------------------|--------------------|------------------------------|----------------------|
| Hono Kai | (2) 3-8-014:002 | 280 Hauoli Street, Mā‘alaea | 1.011 |
| Lauloa Maalaea | (2) 3-8-014:016 | 100 Hauoli Street, Mā‘alaea | 1.779 |
| Maalaea Kai | (2) 3-8-014:021 | 70 Hauoli Street, Mā‘alaea | 2.288 |
| Maui Sunset | (2) 3-9-001:002 | 1032 South Kihei Road, Kihei | 5.69 |
| Maui Hill | (2) 3-9-004:081 | 2881 South Kihei Road, Kihei | 12.247 |
| My Waii Beach Cottage | (2) 3-9-005:012 | 2128 Iliili Road, Kihei | 0.375 |
| Indo Lotus Beach House | (2) 3-9-005:022 | 2216 South Kihei Road, Kihei | 0.255 |
| N/A | (2) 3-9-005:039 | 2131 Iliili Road, Kihei | 0.253 |
| N/A | (2) 3-9-007:001 | 1194 Uluniu Road, Kihei | 0.298 |
| N/A | (2) 3-9-007:002 | 1178 Uluniu Road, Kihei | 0.298 |
| Villa Moana | (2) 3-9-007:025 | 1158 Uluniu Road, Kihei | 0.177 |
| N/A | (2) 3-9-009:002 | 1444 Halama Street, Kihei | 0.243 |
| N/A | (2) 3-9-009:003 | 1440 Halama Street, Kihei | 0.263 |
| Waiohuli Beach Duplex | (2) 3-9-009:010 | 64 West Lipoa Street, Kihei | 0.115 |
| N/A | (2) 3-9-009:025 | 1470 Halama Street, Kihei | 0.278 |

SECTION 3. Under Chapter 2.80B, Maui County Code, the Kihei-Makena Community Plan is amended by amending the Community Plan Land Use Map by changing the designation from Light Industrial to Hotel for a 1.24-acre parcel identified for Real Property Tax purposes as Tax Map Key (2) 3-8-014:022, situated at 50 Hauoli Street, Mā‘alaea, Hawai‘i, containing the Milowai-Maalaea.

SECTION 4. Under Chapter 2.80B, Maui County Code, the Kihei-Makena Community Plan is amended by amending the Community Plan Land Use Map by changing the designation from Single-Family to Hotel for a 0.167-acre parcel identified for Real Property Tax purposes as Tax Map Key (2) 3-9-009:005, situated at 69 West Kapu Place, Kihei, Hawai‘i, containing the Kapu Townhouse.

SECTION 5. Under Chapter 2.80B, Maui County Code, the West Maui Community Plan is amended by amending the Community Plan Land Use Map by changing the designation from Residential to Resort/Hotel for the following properties:

| Property Name | Tax Map Key | Address | Size in Acres |
|---|--------------------|---------------------------------------|----------------------|
| Kahana Outrigger | (2) 4-3-005:020 | 4521 Lower Honoapiilani Road, Lahaina | 0.71 |
| Kahana Outrigger | (2) 4-3-005:031 | 4521 Lower Honoapiilani Road, Lahaina | 0.28 |
| Hale Mahina Beach Resort | (2) 4-3-006:041 | 3875 Lower Honoapiilani Road, Lahaina | 1.604 |
| Hale Ono Loa | (2) 4-3-006:044 | 3823 Lower Honoapiilani Road, Lahaina | 1.766 |
| Kuleana | (2) 4-3-008:004 | 3959 Lower Honoapiilani Road, Lahaina | 0.831 |
| Kuleana | (2) 4-3-008:005 | 3959 Lower Honoapiilani Road, Lahaina | 2.668 |
| Paki Maui III | (2) 4-4-001:050 | 3615 Lower Honoapiilani Road, Lahaina | 0.85 |
| Paki Maui I & II | (2) 4-4-001:051 | 3601 Lower Honoapiilani Road, Lahaina | 2.029 |
| Maui Sands II, also known as Maui Sands Seaside | (2) 4-4-001:071 | 3559 Lower Honoapiilani Road, Lahaina | 0.451 |

SECTION 6. Under Chapter 2.80B, Maui County Code, the West Maui Community Plan is amended by amending the Community Plan Land Use Map from Transit Oriented Corridor to Resort/Hotel for a 7.125-acre parcel identified for Real Property Tax purposes as Tax Map Key (2) 4-4-008:023, situated at 2560 Kekaa Drive, Kā‘anapali, Hawai‘i, containing the Ka‘anapali Royal.

SECTION 7. Under Chapter 2.80B, Maui County Code, the Kihei-Makena Community Plan is amended at Part V, A., “Land Use Categories and

Definitions,” for the “Hotel (H)” designation by repealing the bracketed material and adding the underscored material:

“This designation applies to transient accommodations [which] that do not contain kitchens within individual units[.] or that are in the H-3 or H-4 zoning district. Such hotel facilities may include permissible accessory uses primarily intended to serve hotel guests.”

SECTION 8. The West Maui Community Plan is amended by amending page 176 in the table under “Most Compatible Zoning Districts for Updated Community Plan Designations” for the “Resort/Hotel (RH)” designation by repealing the bracketed material and adding the underscored material:

“B-R, B-1, H-1, H-2, H-3, H-4, H-M, [A-1, A-2,] PK, PKGC, OS-1, OS-2”

SECTION 9. This Ordinance takes effect on approval.

paf:jgk:26-180b

INTRODUCED BY:

Nohelani U'u-Hodgins

NOHELANI U'U-HODGINS

EXHIBIT "2"

ORDINANCE NO. _____

BILL NO. _____ (2026)

A BILL FOR AN ORDINANCE TO CHANGE THE ZONING FOR CERTAIN
TIMESHARE, LEASEHOLD, AND OTHER PROPERTIES IN THE A-1 AND A-2
APARTMENT DISTRICTS TO THE H-3 AND H-4 HOTEL DISTRICTS

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

SECTION 1. Under Ordinance 5909, Transient Vacation Rental uses are being phased out of the Apartment Districts. By Ordinance 6008, effective June 22, 2026, the Council established the H-3 and H-4 Hotel Districts.

The following A-1 and A-2 Apartment District properties are appropriate for H-3 and H-4 Hotel District zoning, respectively, to allow for continued Transient Vacation Rental uses:

- Properties with a mix of Timeshare and Transient Vacation Rental uses.
- Leasehold properties, which are difficult to finance and plan for as long-term housing.
- Properties with less than five units and property values that are difficult for the average potential homeowner to afford.

This Ordinance's purpose is to change the zoning for these properties.

This Ordinance is intended to advance the following General Plan policies:

- "Support the renovation and enhancement of existing visitor facilities." (Countywide Policy Plan)

- “Recognize the important contributions that the visitor industry makes to the County’s economy.” (Countywide Policy Plan)
- “Provide a rich visitor experience, while protecting the island’s natural beauty, culture, lifestyles, and aloha spirit.” (Maui Island Plan)
- “Recognize the important economic contributions that the visitor industry makes and support a healthy and vibrant visitor industry.” (Maui Island Plan)
- “Establish balance between visitor industry employment and non-visitor industry employment.” (Kihei-Makena Community Plan)
- “Support best practices for tourism management in West Maui to protect the residents’ quality of life, and the area’s environment, culture, and character.” (West Maui Community Plan)

SECTION 2. Under Chapters 19.14 and 19.510, Maui County Code, a Change in Zoning from A-1 Apartment District to H-3 Hotel District is granted for the following properties:

| Property Name | Tax Map Key | Address | Size in acres |
|------------------------|------------------------------|------------------------------|----------------------|
| Hono Kai | (2) 3-8-014:002 (portion) | 280 Hauoli Street, Ma‘alaea | Portion of 1.011 |
| Maui Hill | (2) 3-9-004:081 | 2881 South Kihei Road, Kihei | 12.247 |
| My Waii Beach Cottage | (2) 3-9-005:012 | 2128 Iliili Road, Kihei | 0.375 |
| Indo Lotus Beach House | (2) 3-9-005:022 | 2216 South Kihei Road, Kihei | 0.255 |
| N/A | (2) 3-9-005:039 | 2131 Iliili Road, Kihei | 0.253 |
| N/A | (2) 3-9-007:001 | 1194 Uluniu Road, Kihei | 0.298 |
| N/A | (2) 3-9-007:002 | 1178 Uluniu Road, Kihei | 0.298 |
| Villa Moana | (2) 3-9-007:025 | 1158 Uluniu Road, Kihei | 0.177 |
| N/A | (2) 3-9-009:002 | 1444 Halama Street, Kihei | 0.243 |

| | | | |
|-----------------------|-----------------|---------------------------------------|-------|
| N/A | (2) 3-9-009:003 | 1440 Halama Street, Kihei | 0.263 |
| Kapu Townhouse | (2) 3-9-009:005 | 69 West Kapu Place, Kihei | 0.167 |
| Waiohuli Beach Duplex | (2) 3-9-009:010 | 64 West Lipoa Street, Kihei | 0.115 |
| N/A | (2) 3-9-009:025 | 1470 Halama Street, Kihei | 0.278 |
| Kahana Outrigger | (2) 4-3-005:020 | 4521 Lower Honoapiilani Road, Lahaina | 0.71 |
| Kahana Outrigger | (2) 4-3-005:031 | 4521 Lower Honoapiilani Road, Lahaina | 0.28 |
| Kuleana | (2) 4-3-008:004 | 3959 Lower Honoapiilani Road, Lahaina | 0.831 |
| Kuleana | (2) 4-3-008:005 | 3959 Lower Honoapiilani Road, Lahaina | 2.668 |

SECTION 3. Under Chapters 19.14 and 19.510, Maui County Code, a Change in Zoning from A-2 Apartment District to H-4 Hotel District is granted for the following properties:

| Property Name | Tax Map Key | Address | Size in Acres |
|---|------------------------------|---------------------------------------|----------------------|
| Hono Kai | (2) 3-8-014:002 (portion) | 280 Hauoli Street, Mā'alaea | Portion of 1.011 |
| Lauloa Maalaea | (2) 3-8-014:016 | 100 Hauoli Street, Mā'alaea | 1.779 |
| Maalaea Kai | (2) 3-8-014:021 | 70 Hauoli Street, Mā'alaea | 2.288 |
| Milowai-Ma'alaea | (2) 3-8-014:022 (portion) | 50 Hauoli Street, Mā'alaea | Portion of 1.24 |
| Maui Sunset | (2) 3-9-001:002 | 1032 South Kihei Road, Kihei | 5.69 |
| Hale Mahina Beach Resort | (2) 4-3-006:041 | 3875 Lower Honoapiilani Road, Lahaina | 1.604 |
| Hale Ono Loa | (2) 4-3-006:044 | 3823 Lower Honoapiilani Road, Lahaina | 1.766 |
| Paki Maui III | (2) 4-4-001:050 | 3615 Lower Honoapiilani Road, Lahaina | 0.85 |
| Paki Maui I & II | (2) 4-4-001:051 | 3601 Lower Honoapiilani Road, Lahaina | 2.029 |
| Maui Sands II, also known as Maui Sands Seaside | (2) 4-4-001:071 | 3559 Lower Honoapiilani Road, Lahaina | 0.451 |
| Ka'anapali Royal | (2) 4-4-008:023 | 2560 Kekaa Drive, Kā'anapali | 7.125 |

SECTION 4. This Ordinance takes effect on approval.

paf:jgk:26-180c

INTRODUCED BY:

Nohelani U'u-Hodgins

NOHELANI U'U-HODGINS

HLU Committee

From: Chris N. Nunokawa <Chris.N.Nunokawa@co.maui.hi.us>
Sent: Monday, June 29, 2026 2:59 PM
To: HLU Committee
Cc: Melody A. Andrion
Subject: RE: HLU-18 - Resolution 26-110 - LF2025-0171
Attachments: 06-29-2026_RFLS_RESO-26-110_CNN-Signed.pdf

Aloha,

I have attached the above referenced resolution. It has been reviewed and signed. Bill will need additional evidence supporting determination criteria on the record established during proceedings. Please let me know if you have any questions or concerns.

Mahalo,

Nāhulu Nunokawa
Deputy Corporation Counsel
chris.n.nunokawa@co.maui.hi.us

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