

# REQUEST FOR LEGAL SERVICES

**Date:** July 7, 2026  
**From:** Nohelani U'u-Hodgins, Chair  
Housing and Land Use Committee

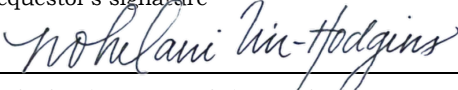
**TRANSMITTAL**

**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 [hluc@mauicounty.us](mailto:hluc@mauicounty.us) with a reference to HLU-18.

**Work Requested:** ☒ FOR APPROVAL AS TO FORM AND LEGALITY  
☐ OTHER:

|                                                                                                                                            |                                                                                                                                     |
|--------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|
| Requestor's signature<br><br>Nohelani U'u-Hodgins, Chair | Contact Person<br><u>James Krueger, Carla Nakata, or Ellen McKinley</u><br>(Telephone Extension: 7761, 5519, or 7661, respectively) |
|--------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|

☐ 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): July 15, 2026  
REASON: For posting on the July 24, 2026, Council meeting agenda.

**FOR CORPORATION COUNSEL'S RESPONSE**

|              |                |     |
|--------------|----------------|-----|
| ASSIGNED TO: | ASSIGNMENT NO. | BY: |
|--------------|----------------|-----|

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): \_\_\_\_\_

DEPARTMENT OF THE CORPORATION COUNSEL

Date \_\_\_\_\_

By \_\_\_\_\_

(Rev. 7/03)

hluc:ltr:018acc02:jgk

Attachment

# Resolution

**No. 26-110, CD1**

REFERRING TO THE MAUI PLANNING  
COMMISSION A PROPOSED BILL TO AMEND  
THE KIHEI-MAKENA COMMUNITY PLAN, PA‘IA-  
HA‘IKU 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, a Pa‘ia-Ha‘iku Community Plan Land Use Designation, 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, PA‘IA-HA‘IKU 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:018areso02: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 KIHAI-MAKENA COMMUNITY PLAN, PA‘IA-HA‘IKU 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, a Hotel land use designation for a property within the Pa‘ia-Ha‘iku 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.
- Properties with all units being legally permitted Timeshare units.

- Leasehold properties, which are difficult to finance and plan for as long-term housing.
- Properties with single ownership.
- Properties with variances allowing continued Transient Vacation Rental use.

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:

| <b>Property Name</b>   | <b>Tax Map Key</b> | <b>Address</b>               | <b>Size in acres</b> |
|------------------------|--------------------|------------------------------|----------------------|
| Hono Kai               | (2) 3-8-014:002    | 280 Hauoli Street, Mā'alaea  | 1.011                |
| Kana'i A Nalu          | (2) 3-8-014:004    | 250 Hauoli Street, Mā'alaea  | 2.591                |
| 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 Schooner          | (2) 3-9-001:004    | 980 South Kihei Road, Kihei  | 2.292                |
| 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                |
| Wailea Inn             | (2) 3-9-005:013    | 2141 Iliili Road, Kihei      | 0.304                |
| 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                |
| Aloha Villas           | (2) 3-9-008:031    | 1338 Uluniu Road, Kihei      | 0.324                |
| Waiohuli Beach Duplex  | (2) 3-9-009:010    | 64 West Lipoa Street, Kihei  | 0.115                |

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 Single-Family to Hotel for the following properties:

| <b>Property Name</b> | <b>Tax Map Key</b> | <b>Address</b>            | <b>Size in acres</b> |
|----------------------|--------------------|---------------------------|----------------------|
| 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                |
| N/A                  | (2) 3-9-009:025    | 1470 Halama Street, Kihei | 0.278                |

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 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-Ma‘alaea.

SECTION 5. Under Chapter 2.80B, Maui County Code, the Pa‘ia-Ha‘iku Community Plan is amended by amending the Community Plan Land Use Map by changing the designation from Multi-Family to Hotel for a 1.046-acre parcel identified for Real Property Tax purposes as Tax Map Key (2) 2-6-012:050, situated at 777 Hana Highway, Pā‘ia, Hawai‘i, containing the Kuau Plaza.

SECTION 6. 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:

| <b>Property Name</b> | <b>Tax Map Key</b> | <b>Address</b>                        | <b>Size in Acres</b> |
|----------------------|--------------------|---------------------------------------|----------------------|
| Kahana Outrigger     | (2) 4-3-005:020    | 4521 Lower Honoapiilani Road, Lahaina | 0.71                 |
| Kahana Outrigger     | (2) 4-3-005:021    | 4521 Lower Honoapiilani Road, Lahaina | 0.362                |
| Kahana Village       | (2) 4-3-005:029    | 4531 Lower Honoapiilani Road, Lahaina | 3.199                |
| Kahana Outrigger     | (2) 4-3-005:031    | 4521 Lower Honoapiilani Road, Lahaina | 0.28                 |

|                                                 |                 |                                       |       |
|-------------------------------------------------|-----------------|---------------------------------------|-------|
| Lahaina Beach Club                              | (2) 4-3-006:006 | 3711 Lower Honoapiilani Road, Lahaina | 0.233 |
| Hono Koa                                        | (2) 4-3-006:014 | 3801 Lower Honoapiilani Road, Lahaina | 0.877 |
| Hale Mahina Beach Resort                        | (2) 4-3-006:041 | 3875 Lower Honoapiilani Road, Lahaina | 1.604 |
| 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 I                                    | (2) 4-4-001:052 | 3559 Lower Honoapiilani Road, Lahaina | 1.154 |
| Maui Sands II, also known as Maui Sands Seaside | (2) 4-4-001:071 | 3559 Lower Honoapiilani Road, Lahaina | 0.451 |

SECTION 7. 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 8. 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 9. Under Chapter 2.80B, Maui County Code, the Pa'ia-Ha'iku 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 10. 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 11. This Ordinance takes effect on approval.

hlu:misc:018acpabill01:jgk

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.
- Properties with all units being legally permitted Timeshare uses.
- Leasehold properties, which are difficult to finance and plan for as long-term housing.
- Properties with single ownership.
- Properties with variances allowing continued Transient Vacation Rental use.

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:

| <b>Property Name</b>   | <b>Tax Map Key</b>        | <b>Address</b>               | <b>Size in acres</b> |
|------------------------|---------------------------|------------------------------|----------------------|
| 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                |
| Wailea Inn             | (2) 3-9-005:013           | 2141 Iliili Road, Kihei      | 0.304                |
| 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 |
| Aloha Villas          | (2) 3-9-008:031 | 1338 Uluniu Road, Kihei               | 0.324 |
| 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) 4-3-005:021 | 4521 Lower Honoapiilani Road, Lahaina | 0.362 |
| Kahana Village        | (2) 4-3-005:029 | 4531 Lower Honoapiilani Road, Lahaina | 3.199 |
| 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:

| <b>Property Name</b>                            | <b>Tax Map Key</b>        | <b>Address</b>                        | <b>Size in Acres</b> |
|-------------------------------------------------|---------------------------|---------------------------------------|----------------------|
| Kuau Plaza                                      | (2) 2-6-012:050           | 777 Hana Highway, Pā'ia               | 1.046                |
| Hono Kai                                        | (2) 3-8-014:002 (portion) | 280 Hauoli Street, Mā'alaea           | Portion of 1.011     |
| Kana'i A Nalu                                   | (2) 3-8-014:004           | 250 Hauoli Street, Mā'alaea           | 2.591                |
| 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 Schooner                                   | (2) 3-9-001:004           | 980 South Kihei Road, Kihei           | 2.292                |
| Lahaina Beach Club                              | (2) 4-3-006:006           | 3711 Lower Honoapiilani Road, Lahaina | 0.233                |
| Hono Koa                                        | (2) 4-3-006:014           | 3801 Lower Honoapiilani Road, Lahaina | 0.877                |
| Hale Mahina Beach Resort                        | (2) 4-3-006:041           | 3875 Lower Honoapiilani Road, Lahaina | 1.604                |
| 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 I                                    | (2) 4-4-001:052           | 3559 Lower Honoapiilani Road, Lahaina | 1.154                |
| Maui Sands II, also known as Maui Sands Seaside | (2) 4-4-001:071           | 3559 Lower Honoapiilani Road, Lahaina | 0.451                |
| Hale Kaanapali                                  | (2) 4-4-006:011           | 45 Kai Ala Drive, Kā'anapali          | 11.764               |

|                     |                 |                              |       |
|---------------------|-----------------|------------------------------|-------|
| Ka'anapali<br>Royal | (2) 4-4-008:023 | 2560 Kekaa Drive, Kā'anapali | 7.125 |
|---------------------|-----------------|------------------------------|-------|

SECTION 4. Under Chapters 19.14 and 19.510, Maui County Code, a Change in Zoning from M-1 Light Industrial District and A-2 Apartment District to H-4 Hotel District is granted 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-Ma'alaea.

SECTION 5. This Ordinance takes effect on approval.

hlu:misc:018acizbill01:jgk

INTRODUCED BY:

*Nohelani U'u-Hodgins*  
\_\_\_\_\_  
NOHELANI U'U-HODGINS

## HLU Committee

---

**From:** HLU Committee  
**Sent:** Tuesday, July 7, 2026 1:22 PM  
**To:** corpounselrfls@co.maui.hi.us  
**Cc:** HLU Committee  
**Subject:** OCS - HLU - re: Reso 26-110, Proposed Bills to Amend the Kihei-Makena CP and West Maui CP and to Change the Zoning for Certain Timeshare, Leasehold, and Other Properties in the A-1 and A-2 Apartment Districts (HLU-18)  
**Attachments:** 018acc02.pdf

Aloha Corporation Counsel,

Please see the attached Request for Legal Services from HLU Chair U‘u-Hodgins, dated 07/07/2026, regarding the above-referenced matter.

Mahalo,  
HLU Committee Staff