

October 28, 2024

MEMO TO: DRIP-2(24) File

F R O M: Tamara Paltin, Chair *Tamara A.M. Paltin*
Disaster, Resilience, International Affairs, and Planning Committee

SUBJECT: **DISCUSSION ON PROPOSED CHANGE IN ZONING FOR
PULELEHUA** (DRIP-2(24))

The attached informational document pertains to Item 2(24) on the Committee's agenda.

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Attachment

RECEIVED
2024 OCT 28 AM 11:47
OFFICE OF THE
COUNTY COUNCIL

Resolution

No. 24-174, FD1

**REFERRING TO THE MAUI PLANNING
COMMISSION A PROPOSED BILL TO AMEND
ORDINANCE 3889 (2011), RELATING TO THE
CHANGE IN ZONING (CONDITIONAL ZONING)
FOR WEST MAUI PROJECT DISTRICT 5
(PULELEHUA) FOR PROPERTY SITUATED AT
MAHINAHINA, KAHANA, LAHAINA, MAUI,
HAWAII**

WHEREAS, Ordinance 3889, effective November 18, 2011, granted a Conditional Change in Zoning from the Agricultural District to West Maui Project District 5 (Pulelehua) for real property identified as tax map keys (2) 4-3-001:082 and (2) 4-3-001:083, collectively comprising 304.255 acres, in Mahinahina, Kahana, Lahaina, Maui, Hawai'i, subject to 17 Conditions of Zoning; and

WHEREAS, the property was once owned by Maui Land & Pineapple Company, Inc. and is now owned by Maui Oceanview LP; and

WHEREAS, the Pulelehua project is positioned to provide much-needed affordable housing to the West Maui community in the wake of the August 2023 wildfires but is not able to provide the potable and nonpotable water required by Ordinance 3889's Condition 2; and

WHEREAS, the Council proposes to repeal Condition 2 to expedite the permitting and construction of the project's affordable housing; and

WHEREAS, the Council appropriated \$1.3 million from the Open Space, Natural Resources, Cultural Resources, and Scenic Views Preservation Fund for land acquisition and related costs for a 50-acre park site in the West Maui Community Plan Area, in accordance with Ordinance 3889's Condition 15, in the Fiscal Year 2022 Budget; and

WHEREAS, the Council further proposes to repeal Condition 15 because it has been satisfied; and

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WHEREAS, Subsection 19.510.050(G), Maui County Code, requires that changes or alterations of conditions be processed in the same manner as petitions for zone changes; 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 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 proposed bill, entitled "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 MAHINAHINA, KAHANA, LAHAINA, MAUI, HAWAI'I," attached as Exhibit "A," 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; 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:

/s/ Michael J. Hopper

Department of the Corporation Counsel
County of Maui

paf:cmn:24-247b

INTRODUCED BY:

Tamara A.M. Paltin

TAMARA PALTIN

EXHIBIT "A"

ORDINANCE NO. _____

BILL NO. _____ (2024)

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 MAHINAHINA, KAHANA, LAHAINA, MAUI, HAWAI'I

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

SECTION 1. 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 Mahinahina, Kahana, Lahaina, Maui, 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 Sections 2 and 3.

SECTION 2. Condition 2 of Exhibit "C" (Conditions of Zoning) of Ordinance 3889 (2011) is repealed in its entirety, with deleted language in brackets:

["2. Maui Land & Pineapple Company, Inc. 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."]

SECTION 3. Condition 15 of Exhibit "C" (Conditions of Zoning) of Ordinance 3889 (2011) is repealed in its entirety, with deleted language in brackets:

["15. That Maui Land & Pineapple Company, Inc. designate and offer for sale to the County of Maui, at agricultural land rates,

a 50-acre park site presently identified in the West Maui Community Plan at an alternate site mauka of the Honoapiilani Highway and along the Honopiilani Highway in the vicinity of residential uses. The 50-acre park site shall be determined during the Community Plan Update process, provided that the park site not be located mauka of the Kapalua West Maui Airport.”]

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 Sections 2 and 3; and
- This Ordinance’s Exhibit “1,” the First Amendment to Unilateral Agreement and Declaration for Conditional Zoning.

SECTION 5. This Ordinance takes effect on approval.

APPROVED AS TO FORM AND LEGALITY:

Department of the Corporation Counsel
County of Maui

paf:cmn:24-247a

INTRODUCED BY:

Tamara A.M. Paltin

TAMARA PALTIN