REQUEST FOR LEGAL SERVICES

D a t e: **July 2, 2026**

F r o m: **Nohelani U'u-Hodgins, Chair**
Housing and Land Use Committee

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

Subject: BILL 89 (2026), BILL 90 (2026), AND BILL 91 (2026), DISTRICT BOUNDARY AMENDMENT, COMMUNITY PLAN AMENDMENT, AND CHANGE IN ZONING FOR A 6.097-ACRE PORTION OF TAX MAP KEY (2) 2-7-007:008, HAMAKUALOA, HAWAI'I (HA'IKŪ FIRE STATION) (HLU-17)

Background Data: Please provide a written response to the attached question. Please submit your response to hlu.committee@mauicounty.us with a reference to HLU-17.

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

[X] OTHER: Response to question

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

[ ] 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): July 15, 2026
REASON: For potential consideration at the July 30, 2026, Housing and Land Use Committee meeting.

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)

hlu:ltr:017acc01:zcs
Attachments

The attached Revised Recovery Coordination Directive 9, dated June 15, 2026, states the following:

> Public uses and utility facilities and uses, as defined in Maui County Code §19.04.040, are hereby authorized as uses by right in Agricultural zoning districts on lands owned or managed by the County of Maui, the State of Hawai‘i, or any agency or instrumentality thereof, in support of recovery efforts.

Under the Directive, can the proposed Ha‘ikū Fire Station be constructed without the requested land use entitlements in Bill 89 (2026), Bill 90 (2026), and Bill 91 (2026)? Please explain why or why not.

RICHARD T. BISSEN, JR.
Mayor

JOSIAH K. NISHITA
Managing Director

ERIN A. WADE
Deputy Managing Director

DEPARTMENT OF MANAGEMENT
COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAI'I 96793
www.mauicounty.gov

OFFICE OF RECOVERY – REVISED RECOVERY COORDINATION DIRECTIVE No. 9

DATE: June 15, 2026

TO: JACKY TAKAKURA, DIRECTOR OF PLANNING

CC: ALL DEPARTMENT AND AGENCY HEADS

FROM: JOSIAH NISHITA, MANAGING DIRECTOR
JOHN SMITH, PE, OFFICE OF RECOVERY ADMINISTRATOR

THRU: MAYOR RICHARD T. BISSEN, JR.

SUBJECT: **AUTHORIZATION OF PUBLIC USES AS USES BY RIGHT IN AGRICULTURAL ZONING DISRICTS**

This Recovery Coordination Directive (RCD) authorizes public uses as uses by right in Agricultural zoning districts. This directive suspends the requirement to obtain a Special Use Permit (SUP) under the Maui County Code for such uses on publicly owned or managed lands to allow for the rebuilding of public facilities and to provide public infrastructure to support critical housing construction for the duration required to complete permanent zoning code amendments consistent with this directive.

The purpose of this RCD is to remove a regulatory barrier that would otherwise delay the siting and construction of critical public facilities urgently needed to serve the recovering Lahaina community and replace housing units.

Background
The August 8, 2023 wildfires caused catastrophic destruction across Lahaina, resulting in the loss of at least 102 lives and the destruction of more than 2,000 structures and over 5,000 housing units. Among the critical public facilities destroyed was Kamehameha III Elementary School; a cornerstone institution that served the Lahaina community.

The most suitable publicly owned lands in the immediate Lahaina area for siting a replacement public facility, including a new elementary school, are zoned Agricultural under the Maui County Zoning Code (Title 19, Maui County Code). Under the current code, public uses are not permitted as of right in the Agricultural district. Instead, they require approval of a Special Use Permit (SUP) pursuant to Maui County Code § 19.30A.060.

The SUP process, while an important tool for evaluating new uses in agricultural areas under ordinary circumstances, is not designed to accommodate the pace and urgency required for disaster recovery. The process involves public hearings, agency review periods, and approval timelines that can extend 12 to 24 months or longer; an unacceptable delay when an entire community has been without a permanent neighborhood school for nearly three years. The County has a responsibility to remove unnecessary administrative barriers to the rebuilding of this facility. This RCD fulfills that responsibility.

In addition, critical water and wastewater infrastructure is necessary to support much needed housing construction. In many cases these facility capacity areas are located in agricultural districts, even though the housing they serves is located within urban areas. This RCD also allows for infrastructure projects to proceed as uses-by-right in agricultural districts.

Authority
This directive is issued by the Mayor of the County of Maui pursuant to the authority vested in the Mayor by the Revised Charter of the County of Maui (1983), as amended, Chapter 127A, Hawai'i Revised Statutes, and the Mayor's Emergency Proclamation Relating to Wildfires, originally issued August 8, 2023, and as subsequently amended and extended (collectively, the "Emergency Proclamation"). This directive is consistent with the County's adopted recovery framework and the mission of the Office of Recovery established under Ordinance No. 5590 (2023), and shall be implemented in coordination with the Department of Planning. This directive is further consistent with Recovery Coordination Directive No. 1 (Coordination with the Office of Recovery), which establishes the framework under which Recovery Coordination Directives are issued.

A permanent amendment to the Maui County Zoning Code to codify the substance of this directive will be prepared and submitted to the Maui County Council in accordance with applicable procedures. This directive shall remain in effect until such permanent code amendment is enacted.

Directive
Effective immediately upon issuance of this RCD, the following shall apply:

1. **Authorized Uses.** Public uses and utility facilities and uses, as defined in Maui County Code §19.04.040, are hereby authorized as uses by right in Agricultural zoning districts on lands owned or managed by the County of Maui, the State of Hawai'i, or any agency or instrumentality thereof, in support of recovery efforts.
2. **SUP Requirement Suspended.** The requirement to obtain a Special Use Permit under Maui County Code §19.30A.060 is hereby suspended for the authorized uses described above, for publicly owned or controlled lands, for the duration of this directive.
3. **Standard Permitting Remains Required.** This directive does not waive or supersede any requirements for building permits, grading permits, environmental review, historic preservation review, or any other applicable local, state, or federal permits or approvals. All such requirements remain in full force.
4. **Coordination with Planning Department.** The Department of Planning shall implement this directive and shall provide administrative guidance to project applicants seeking to rely on this authorization. The Department shall track all projects proceeding under this RCD and provide regular reporting to the Office of Recovery.

5. **Zoning Code Amendment.** The Department of Planning shall prepare a zoning text amendment to permanently incorporate the authorization established by this directive into the Maui County Zoning Code and shall submit such amendment to the Maui County Council as expeditiously as practicable.

Implementation
Public agency applicants shall submit a written request to the Department of Planning including the property TMK, a location map with zoning districts identified with a description of qualifying publicly owned parcels, and a description of the public use necessary for recovery being met by the request.

Review
This directive shall remain in full force and effect until the earlier of: (a) the effective date of a permanent zoning code amendment enacted by the Maui County Council that incorporates the substance of this directive; or (b) written rescission by the Mayor. This directive shall be reviewed no less than annually from the date of issuance.

HLU Committee

From:	HLU Committee
Sent:	Thursday, July 2, 2026 12:38 PM
To:	corpcounselrfls@co.maui.hi.us
Cc:	HLU Committee
Subject:	OCS - HLU - re: Bill 89 (2026), Bill 90 (2026), and Bill 91 (2026), DBA, CPA, and CIZ for a 6.097 acre of TMK (2) 2-7-007:008 (HA'IKŪ FIRE STATION) (HLU-17)
Attachments:	017acc01.pdf

Aloha Corporation Counsel,

Please see the attached Request for Legal Services from HLU Chair U‘u-Hodgins, dated 07/02/2026, regarding the above-referenced matter.

Mahalo,
HLU Committee Staff