

HLU Committee

From: julie graham <julie.graham@me.com>
Sent: Wednesday, August 19, 2026 12:41 PM
To: HLU Committee
Subject: Kihei Bay Vista
Attachments: Kihei Bay Vista 8.19.26.pdf

Aloha Chair U’U Hodgins, and Members of the Housing and Land Use Committee,

I wanted to add to and correct some information regarding Kihei Bay Vista from the August 5th meeting.

Kihei Bay Vista sits on South Kihei Road. This marker shows Kihei Bay Vista sitting back from South Kihei Road. It is inaccurate. Our property starts at the sidewalk of South Kihei Road. This map misrepresents it so people looking at it may not see our reality. I don’t know how they chose where to place the marker for KBV. If you look at where the building actually sit, it’s a different visual. See maps attached. So yes, it can look like other places are more at risk than KBV, but we are at very high risk based on the County’s recognized planning threshold for coastal erosion at 3.2 feet of sea level rise as identified in the Hawai’i Sea Level Rise Viewer.

Also, when people discuss what is habitable, Ms. Kelley was asked about the apparent disconnect between her saying that she lived there and it wasn’t habitable. Ms. Kelley answered that she can’t afford to get out. I hope the council heard that. And I think that is how many of us feel—those who really live there for significant amounts of the year. We are very stuck. And yes, most of us are seniors who are privileged to have a second home. But a few of us do not.

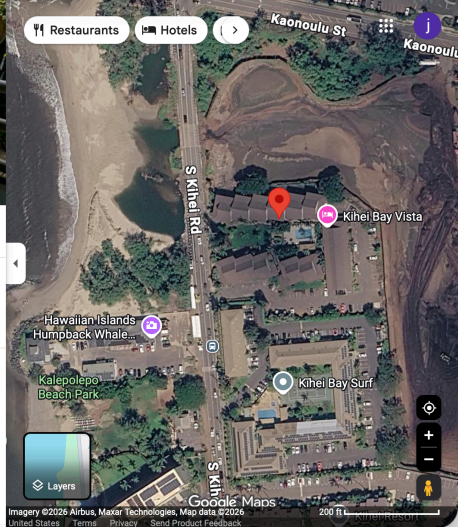
In storms like the Kona Low or the recent hurricane, our complex is at risk from flooding from the gulch and increasingly from the ocean and when it floods those two bodies of water meet—the water from the gulch and the water from the ocean literally met on our sidewalk. Ocean fish were on our property after the flood. I think someone asked how is it safe for anyone? Renters can leave. They have choices that residents lack. For the hurricane we sent out advance warnings to owners and renters.

Flood insurance. Owners can get minimal flood insurance for exorbitant rates. The HOA itself has minimal flood insurance because it cannot afford more comprehensive flood insurance on the property. The owners must cover all of the March Kona Low storm damage.

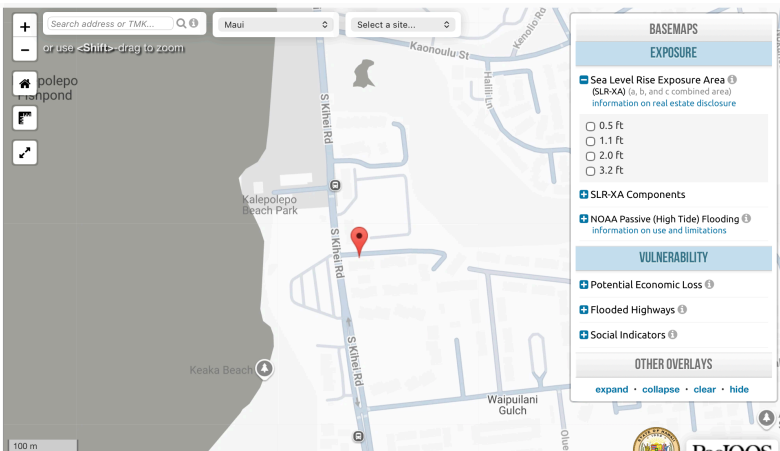
We need help addressing the issues from gulch. It’s my understanding that county made changes to decrease natural vegetation in the gulch and now we have this increased problem.

Regards,

julie graham, Kihei Bay Vista
8.19.26



The maps puts the marker set back from S. Kihei Road. However, buildings A and C abut South Kihei Road.

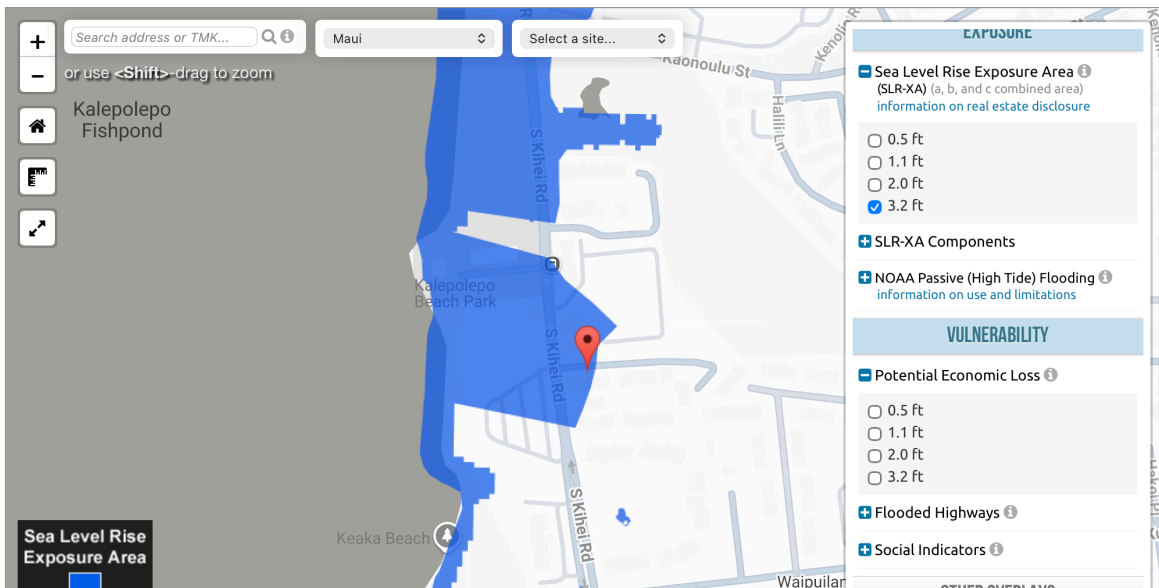


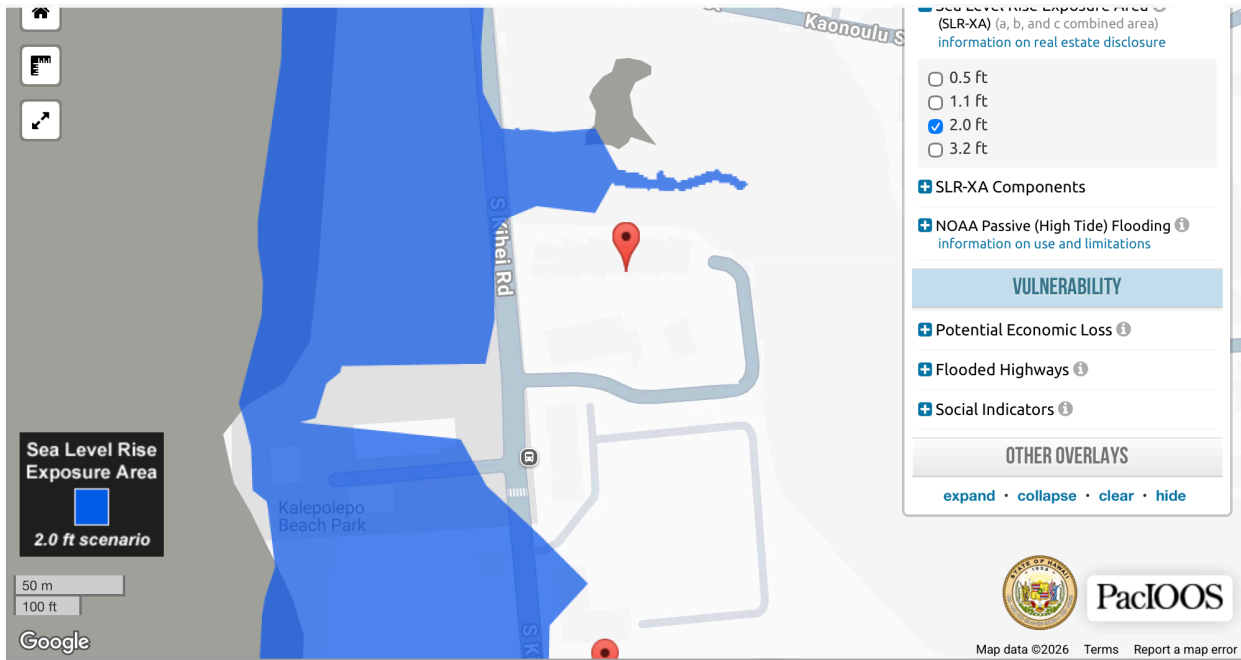
You can see from this map, we are on S. Kihei Road. Where the marker is set back well inside.

Sea level Rise at 3.2 ft— we are seriously exposed

An Interactive Mapping Tool in Support of the State of Hawai'i Sea Level Rise Vulnerability and Adaptation Report

[view full-screen map](#)





Sea level Rise at 2 ft— Building D along the gulch is exposed with 2 ft sea level rise. Marker appears in a different location.

HLU Committee

From: Johann Lall <jplgis@outlook.com>
Sent: Wednesday, August 19, 2026 11:40 AM
To: Nohe M. Uu-Hodgins; HLU Committee
Cc: Yukilei Sugimura
Subject: RE: Resolution 26-129 testimony
Attachments: Minatoya_SLRXA_Johann.xlsx

Aloha, per CM Yuki-Lei Sugmura's request, here is a spreadsheet I exported from GIS and color coded. This is from the list of 101 Minatoya properties from 2023 or 2024 and I haven't had a chance to check if the current list matches exactly.

4 are in reso 129 and intersecting SLR-XA. 4 are in reso 129 and totally within SLR-XA.

11 are totally within SLR-XA **but not** on the Reso 129 list. Another 44 are intersecting SLR-XA **but not** on the Reso 129 list. The remaining 38 are outside SLR-XA.

None of the GIS layers is survey grade so I would check with the lawyers and the Planning Dept on how GIS analysis would properly be used for this type of legislation. Eg. If a tiny 2 inch corner of a parcel is in the SLR-XA that counts the same as a parcel that's 99% inside SLR-XA so both are "intersect".

Thank you

Johann Lall

From: Nohe M. Uu-Hodgins <Nohe.Uu-Hodgins@mauicounty.us>
Sent: Friday, August 14, 2026 1:12 PM
To: Johann Lall <jplgis@outlook.com>; HLU Committee <HLU.Committee@mauicounty.us>; K. Kauanoë Batangan <k.kauanoë.batangan@mauicounty.us>
Subject: RE: Resolution 26-129 testimony

Hey Johann!

Thank you! The dashboard it pretty cool!!

-Nohe

Nohe U'u-Hodgins
Councilmember
Office 808-270-5507



Office of Councilmember Nohelani U'u-Hodgins
Makawao, Ha'ikū, Pā'ia Residency Seat

200 South High Street, 8th Floor
Wailuku, HI 96793

From: Johann Lall <jplgis@outlook.com>

Sent: Thursday, August 6, 2026 12:40 PM

To: HLU Committee <HLU.Committee@mauicounty.us>; Nohe M. Uu-Hodgins <Nohe.Uu-Hodgins@mauicounty.us>; K. Kauanoë Batangan <k.kauanoë.batangan@mauicounty.us>

Subject: Resolution 26-129 testimony

Aloha, HLU Committee. This is my testimony for Resolution 26-129. I understand the purpose is to rezone Minatoya properties within the SLR-XA to H-3 and H-4.

I wanted to be able to visualize these properties. I took the list of 101 Minatoya properties that I had imported to GIS in 2023, updated them with 2026 parcels, and overlaid them with SLR-XA. I analyzed and color coded them where blue = completely within SLR-XA, yellow = touching SLR-XA, and green = completely outside SLR-XA.

I wanted to see how building footprints compared so I downloaded countywide footprints from the State Geoportal. These were originally drawn from Pictometry by Dept of Management GIS including myself when I worked there in 2010-2012. I filtered to Minatoya only and then did the same intersect/contain analysis.

My results are on this dashboard that can be filtered or searched using the bar on the left. SLR-XA are overlaid as hashmarks. Clicking a parcel will open a popup with full data:

<https://uhm.maps.arcgis.com/apps/dashboards/fa63c1fe0b634311b57a392e2814bdfd>

You folks may have plenty of maps already, but I decided to send this in case it might be helpful in visualizing where these properties are situated relative to the SLR-XA.

Thank you!

Johann Peter Lall

Reso26129_JPL_Analysis	PROJECT_PR	TMK	TMK_txt	city_tmk	ZONE	SECTION	PLAT	PARCEL	LandValu	LandExen	BldgValu	BldgExen	PittCo	Homeow	TaxAcres	GISAcres	NHoodCo	Qpwb_Link	Shape_Le	Shape_Le	Shape_Ar	landvalu	landexen	bldgvalu	bldgexen	pittcode	homeowr	nhoodco	taxacres	gisacres	qpwb_link	MASTER_TMK	ADDRESS	YrBlt	NumUnit	Comments	category	Reason	Unit_n	Non_Minato	SLRKA_Status
Included in Reso 129 Intersect SLR-XA	KIHEI BAY SURF	239001107	239001107	39001107	3	9	001	107	8536000	0	0	0	1100	N	2.84	2.839525	3914-2	https://public.schniedercorp.csi.450.0125	450.0125	450.0125	11491.2	6828800	0	0	0	999	N	X999	2.84	2.844957	https://public.schnei.390011070000	390011070000	715 S Kihei Rd	1980	118	0	0	Intersect but not fully within SLR-XA			
Included in Reso 129 Intersect SLR-XA	KIHEI BAY VISTA	239001143	239001143	39001143	3	9	001	143	6642700	0	0	0	1100	N	2.118	2.12029	3914-2	https://public.schniedercorp.csi.374.2349	374.2349	374.2349	8580.545	5314200	0	0	0	999	N	X999	2.118	2.160273	https://public.schnei.390011430000	390011430000	679 S Kihei Rd	1989	60	0	0	Intersect but not fully within SLR-XA			
Included in Reso 129 Intersect SLR-XA	LOKELANI	243006016	243006016	43006016	4	3	006	016	1362600	0	0	0	700	N	1.3491	1.353771	0FHOTEL	https://public.schniedercorp.csi.411.2929	411.2929	411.2929	5478.539	13620500	0	0	0	999	N	X999	1.3491	1.353776	https://public.schnei.430060160000	430060160000	3833 Lower Honoapiila	1971	36	0	0	Intersect but not fully within SLR-XA			
Included in Reso 129 Within SLR-XA	HALE ONO LAND	243006044	243006044	43006044	4	3	006	044	17521000	0	0	0	700	N	1.7657	1.767152	0FHOTEL	https://public.schniedercorp.csi.346.6019	346.6019	346.6019	7151.437	17521000	0	0	0	999	N	X999	1.7657	1.767159	https://public.schnei.430060440000	430060440000	3823 Lower Honoapiila	1969	67	0	0	Intersect but not fully within SLR-XA			
Included in Reso 129 Within SLR-XA	ISLAND SANDS	238014015	238014015	38014015	3	8	014	015	16087600	0	0	0	700	N	1.752	1.748232	0FHOTEL	https://public.schniedercorp.csi.351.1142	351.1142	351.1142	7074.872	16087600	0	0	0	999	N	X999	1.752	1.753063	https://public.schnei.380140150000	380140150000	150 Hauoli St	1975	83	0	0	Completely Within SLR-XA			
Included in Reso 129 Within SLR-XA	MAALAEA KAI	238014021	238014021	38014021	3	8	014	021	20162300	0	0	0	700	N	2.288	2.287428	0FHOTEL	<a href="https://public.schniedercorp.csi.405.729</td><td>405.729</td><td>405.729</td><td>9256.932</td><td>20162300</td><td>0</td><td>0</td><td>0</td><td>999</td><td>N</td><td>X999</td><td>2.288</td><td>2.284585</td><td>https://public.schnei.380140210000	380140210000	70 Hauoli St	1974	79	0	0	Completely Within SLR-XA																
Included in Reso 129 Within SLR-XA	PIKAE	243006063	243006063	43006063	4	3	006	063	6460900	0	0	0	700	N	0.5453	0.549668	0FHOTEL	https://public.schniedercorp.csi.195.5419	195.5419	195.5419	2224.438	6460900	0	0	0	999	N	X999	0.5453	0.549671	https://public.schnei.430060630000	430060630000	5701 Lower Honoapiila	1966	12	0	0	Completely Within SLR-XA			
Included in Reso 129 Within SLR-XA	HALE KAI	244001042	244001042	44001042	4	4	001	042	11419400	0	0	0	700	N	1.0635	1.042732	0FHOTEL	https://public.schniedercorp.csi.264.1505	264.1505	264.1505	4219.804	11419400	0	0	0	999	N	X999	1.0635	1.042736	https://public.schnei.440010420000	440010420000	3691 Lower Honoapiila	1987	40	0	0	Completely Within SLR-XA			
Within SLR-XA but not in Reso 129	LAULOA MAALAEA	238014016	238014016	38014016	3	8	014	016	16335600	0	0	0	700	N	1.779	1.780376	0FHOTEL	https://public.schniedercorp.csi.347.4568	347.4568	347.4568	7204.953	16335600	0	0	0	999	N	X999	1.779	1.780888	https://public.schnei.380140160000	380140160000	100 Hauoli St	1979	47	0	0	Completely Within SLR-XA			
Within SLR-XA but not in Reso 129	MILOWAI-MAALAEA	238014022	238014022	38014022	3	8	014	022	12029000	0	0	0	700	N	1.24	1.236442	0FHOTEL	https://public.schniedercorp.csi.311.9071	311.9071	311.9071	5003.723	12029000	0	0	0	999	N	X999	1.24	1.212023	https://public.schnei.380140220000	380140220000	50 Hauoli St	1977	42	unit count rev per RPA #s	0	Intersect but not fully within SLR-XA			
Within SLR-XA but not in Reso 129	KAHANA OUTRIGGER	243005020	243005020	43005020	4	3	005	020	7308200	0	0	0	700	N	0.71	0.721906	0FHOTEL	https://public.schniedercorp.csi.238.2093	238.2093	238.2093	2921.462	7308200	0	0	0	999	N	X999	0.71	0.721909	https://public.schnei.430050200000	430050200000	4521 Lower Honoapiila	1981	8	0	0	Completely Within SLR-XA			
Within SLR-XA but not in Reso 129	KAHANA OUTRIGGER	243005021	243005021	43005021	4	3	005	021	100	0	0	0	1100	N	0	0.362122	4323-2	https://public.schniedercorp.csi.155.828	155.828	155.828	1465.461	100	0	0	999	N	X999	0	0.362123	https://public.schnei.430050210000	430050210000	4521 Lower Honoapiila	1981	4	0	0	Completely Within SLR-XA				
Within SLR-XA but not in Reso 129	KAHANA OUTRIGGER	243005031	243005031	43005031	4	3	005	031	100	0	0	0	700	N	0	0.281991	0FHOTEL	https://public.schniedercorp.csi.215.4368	215.4368	215.4368	1141.182	100	0	0	999	N	X999	0	0.281992	https://public.schnei.430050310000	430050310000	4521 Lower Honoapiila	1981	4	0	0	Completely Within SLR-XA				
Within SLR-XA but not in Reso 129	LAHAINA BEACH CLUB	243006006	243006006	43006006	4	3	006	006	1325700	0	2783300	0	1100	N	0.2335	0.233632	4323-2	https://public.schniedercorp.csi.182.8204	182.8204	182.8204	945.4786	964100	0	2200500	0	1100	N	X999	0.2335	0.233633	https://public.schnei.430060060000	430060060000	3711 Lower Honoapiila	1971	12	0	0	Completely Within SLR-XA			
Within SLR-XA but not in Reso 129	NOHONANI	243006007	243006007	43006007	4	3	006	007	9381800	0	0	0	700	N	0.8446	0.845831	0FHOTEL	https://public.schniedercorp.csi.261.8702	261.8702	261.8702	3422.969	9381800	0	0	0	999	N	X999	0.8446	0.845834	https://public.schnei.430060070000	430060070000	3723 Lower Honoapiila	1974	28	0	0	Completely Within SLR-XA			
Within SLR-XA but not in Reso 129	MAKANI SANDS	243006012	243006012	43006012	4	3	006	012	9783700	0	0	0	700	N	0.8927	0.911759	0FHOTEL	https://public.schniedercorp.csi.213.9282	213.9282	213.9282	3659.772	9783700	0	0	0	999	N	X999	0.8927	0.911763	https://public.schnei.430060120000	430060120000	3765 Lower Honoapiila	1974	30	0	0	Completely Within SLR-XA			
Within SLR-XA but not in Reso 129	NOELANI	243009002	243009002	43009002	4	3	009	002	14593000	0	0	0	700	N	1.428	1.43378	0FHOTEL	https://public.schniedercorp.csi.398.7036	398.7036	398.7036	5802.325	14593000	0	0	0	999	N	X999	1.428	1.433786	https://public.schnei.430090020000	430090020000	4095 Lower Honoapiila	1974	50	0	0	Completely Within SLR-XA			
Within SLR-XA but not in Reso 129	MAUI SANDS ST	244001071	244001071	44001071	4	4	001	071	5505700	0	0	0	700	N	0.4506	0.451321	0FHOTEL	https://public.schniedercorp.csi.189.3994	189.3994	189.3994	1826.439	5505700	0	0	0	999	N	X999	0.4506	0.451323	https://public.schnei.440010710000	440010710000	3559 Lower Honoapiila	1969	20	0	0	Completely Within SLR-XA			
Within SLR-XA but not in Reso 129	LAHAINA ROADS	245013027	245013027	45013027	4	5	013	027	7881300	0	0	0	700	N	0.6911	0.691996	0FHOTEL	https://public.schniedercorp.csi.222.1149	222.1149	222.1149	2800.421	7881300	0	0	0	999	N	X999	0.6911	0.691999	https://public.schnei.450130270000	450130270000	1403 Front St	1969	41	0	0	Completely Within SLR-XA			
Intersect SLR-XA but not in Reso 129	WALIEA EKAI H	221008064	221008064	21008064	2	1	008	064	24293400	0	0	0	1100	N	13	13.01366	2185-2	https://public.schniedercorp.csi.1078.427	1078.427	1078.427	52664.64	16563700	0	0	0	999	N	X999	13	12.91645	https://public.schnei.210080640000	210080640000	3300 Wailea Alanui Dr	1976	100	0	0	Intersect but not fully within SLR-XA			
Intersect SLR-XA but not in Reso 129	MAKANI KAI	238014001	238014001	38014001	3	8	014	001	10319600	0	0	0	700	N	0.948	0.948783	0FHOTEL	https://public.schniedercorp.csi.261.3865	261.3865	261.3865	3839.606	10319600	0	0	0	999	N	X999	0.948	0.937895	https://public.schnei.380140010000	380140010000	300 Hauoli St	1974	24	0	0	Intersect but not fully within SLR-XA			
Intersect SLR-XA but not in Reso 129	HONO KAI	238014002	238014002	38014002	3	8	014	002	10930500	0	0	0	700	N	1.011	1.017449	0FHOTEL	https://public.schniedercorp.csi.273.1262	273.1262	273.1262	4117.488	10930500	0	0	0	999	N	X999	1.011	1.004303	https://public.schnei.380140020000	380140020000	280 Hauoli St	1972	46	0	0	Intersect but not fully within SLR-XA			
Intersect SLR-XA but not in Reso 129	KANAI A NALU	238014004	238014004	38014004	3	8	014	004	24175500	0	0	0	700	N	2.591	2.593017	0FHOTEL	https://public.schniedercorp.csi.413.9522	413.9522	413.9522	10493.61	24175500	0	0	0	999	N	X999	2.591	2.593017	https://public.schnei.380140040000	380140040000	250 Hauoli St	1977	80	0	0	Intersect but not fully within SLR-XA			
Intersect SLR-XA but not in Reso 129	MAALAEA BAYVIEW	239014011	239014011	39014011	3	8	014	011	20514600	0	0	0	700	N	2.131	2.132651	0FHOTEL	https://public.schniedercorp.csi.393.5317	393.5317	393.5317	8037.055	20514600	0	0	0	999	N	X999	2.131	2.132651	https://public.schnei.390140110000	390140110000	100 Hauoli St	1987	74	0	0	Intersect but not fully within SLR-XA			
Intersect SLR-XA but not in Reso 129	MAUI SUNSET	239001002	239001002	39001002	3	9	001	002	47187700	0	0	0	700	N	5.6895	5.685876	0FHOTEL	https://public.schniedercorp.csi.613.0863	613.0863	613.0863	23010.01	47187700	0	0	0	999	N	X999	5.6895	5.673974	https://public.schnei.390010020000	390010020000	1022 S Kihei Rd	1974	225	0	0	Intersect but not fully within SLR-XA			
Intersect SLR-XA but not in Reso 129	LIJANA KAI	239001006	239001006	39001006	3	9	001	006	34692100	0	0	0	700	N	3.9702	3.967734	0FHOTEL	https://public.schniedercorp.csi.510.5738	510.5738	510.5738	16056.91	34692100	0	0	0	999	N	X999	3.9702	3.959749	https://public.schnei.390010060000	390010060000	940 S Kihei Rd	1979	113	0	0	Intersect but not fully within SLR-XA			
Intersect SLR-XA but not in Reso 129	KOA RESORT II	239001134	239001134	39001134	3	9</																																			

HLU Committee

From: Cheryl Vohaska <cvohaska@gmail.com>
Sent: Wednesday, August 19, 2026 4:12 AM
To: County Clerk
Subject: Objective Comparison Hale Kai O'Kihei More Vulnerable than Kihei Bay Vista
Attachments: Hale_Kai_O_Kihei_Vulnerability_Comparison.docx

Please post this testimony for today's HLU Meeting.

Thank you,
Cheryl Vohaska
Have Kai O'Kihei 119

COASTAL-VULNERABILITY COMPARISON

Hale Kai O'Kihei and Kihei Bay Vista

Key conclusion: Hale Kai O'Kihei is objectively more vulnerable to long-term coastal hazards and emergency-access limitations than Kihei Bay Vista.

Both properties are completely within FEMA-designated Special Flood Hazard Areas. Because their FEMA status is the same, FEMA flood-zone designation cannot explain treating Kihei Bay Vista more favorably. The meaningful differences—greater sea-level-rise exposure, direct shoreline location, proximity to the erosion line, and lack of a plausible alternate access corridor—show greater vulnerability at Hale Kai O'Kihei.

Comparative exposure

Hazard factor	Kihei Bay Vista	Hale Kai O'Kihei
Entire property within FEMA Special Flood Hazard Area	Yes	Yes
Estimated blue coverage of total property	15–20%	25–30%
Estimated blue coverage of building footprint	5% or less	8–12%
Directly on shoreline	No—landward of South Kihei Road	Yes—oceanfront
Red erosion line close to building	No	Yes—reaches or nearly reaches northern building corner
Plausible inland emergency-access corridor	Potentially available	No obvious corridor

Note: Percentages are visual estimates from the State's 3.2-foot SLR-XA mapping tool, not formal GIS calculations.

Blue 3.2-foot SLR-XA exposure

Kihei Bay Vista

Approximately 15–20% of the total Kihei Bay Vista property appears blue. Approximately 5% or less of its actual building footprint is blue, with the mapped exposure reaching only the extreme western ends or corners of the buildings.

Hale Kai O'Kihei

Approximately 25–30% of the total Hale Kai O'Kihei property appears blue, including an appreciable portion of its oceanfront grounds. Approximately 8–12% of its actual building footprint is blue, primarily near the ocean-facing northern portion.

Hale Kai therefore has at least approximately 50% greater proportional exposure across its total property. Its estimated building-footprint exposure is also roughly twice that of Kihei Bay Vista.

Shoreline-erosion vulnerability

Kihei Bay Vista is landward of South Kihei Road, and the red erosion-hazard line shown by the State mapping tool is not nearly as close to its buildings.

Hale Kai is directly on the shoreline. At the 3.2-foot scenario, the red erosion line reaches or comes extremely close to the northern oceanfront corner of its building. Hale Kai therefore faces a direct long-term shoreline-retreat threat that is not comparable to the conditions at Kihei Bay Vista.

This hazard is distinct from episodic flooding. Floodwater and mud may recede, but an advancing erosion line can eventually affect the supporting land beneath or immediately adjoining a structure. On this factor, Hale Kai is plainly more vulnerable.

Emergency access

Kihei Bay Vista

Kihei Bay Vista currently accesses South Kihei Road. When that road is passable, vehicles may travel either north or south and connect with roads leading inland toward Pi'ilani Highway.

The property still faces serious flooding. During the March 2026 storms, floodwater and debris entered Kihei Bay Vista, deposited substantial mud, and reportedly turned its parking area into a pond. This confirms that its access risk is significant even though comparatively little of its building footprint is shaded blue.

Kihei Bay Vista nevertheless has more physical flexibility for a future alternate route. Kenolio Road runs generally parallel to and inland of South Kihei Road. A large cleared, excavated or graded tract lies behind Kihei Bay Vista in the direction of the Kenolio Road corridor.

Subject to ownership, easements, engineering and County approval, that open land creates a physically conceivable opportunity to establish an emergency connection toward Kenolio Road or another inland street. It is not a guaranteed route, but it is an option that does not exist at Hale Kai.

Hale Kai O'Kihei

Hale Kai's vehicles must first reach Uluniu Road. Although traffic may travel north or south on Uluniu when conditions permit, the immediate Uluniu Road and West Lipoa Street system is low-lying and affected by mapped flood and sea-level-rise exposure.

Hale Kai is tightly confined by the ocean on the west, Uluniu Road on the east, and developed private properties to the north and south. It has no cleared inland tract and no obvious physical route to a separate inland road.

Creating an alternative would require crossing one or more developed neighboring properties, obtaining permanent easements or land, relocating existing improvements, completing flood and drainage engineering, and securing governmental approvals. A short connection to another portion of Uluniu Road would not create a genuinely independent evacuation route.

Unlike Kihei Bay Vista, Hale Kai cannot reasonably create a direct connection toward Kenolio Road or another inland corridor through adjacent open land. Its access limitations arise from its fixed oceanfront geography and surrounding development, not merely from the current placement of a driveway.

Objective conclusion

Hale Kai O'Kihei is objectively more vulnerable under the material long-term coastal-hazard measures examined here:

- Both properties are completely within FEMA Special Flood Hazard Areas; their FEMA status is equal.
- Hale Kai has approximately 25–30% total-property SLR-XA exposure, compared with approximately 15–20% at Kihei Bay Vista.
- Hale Kai has approximately 8–12% building-footprint exposure, compared with 5% or less at Kihei Bay Vista.
- Hale Kai is directly oceanfront; Kihei Bay Vista is landward of South Kīhei Road.
- The red erosion line reaches or nearly reaches Hale Kai's northern building corner but is not nearly as close to Kihei Bay Vista's buildings.
- Kihei Bay Vista has cleared land behind it and a conceivable connection toward the parallel Kenolio Road corridor.
- Hale Kai has no comparable open corridor and no obvious way to establish emergency access independent of Uluniu Road.

If Kihei Bay Vista qualifies for favorable hotel-zoning consideration because of coastal vulnerability, the same rationale applies even more strongly to Hale Kai O'Kihei. Excluding the objectively more vulnerable property while including the less-exposed property requires a clear, consistent and evidence-based explanation.

HLU Committee

From: volker.joehnk@yahoo.com
Sent: Wednesday, August 19, 2026 5:20 AM
To: HLU Committee
Subject: Missing Attachment on File #: HLU-20 Reso 26-129 - Kihei Resort Rezoning Justification
TMK 239-001-136
Attachments: Kihei Resort Application for H3-H4 Zoning Final.pdf
Importance: High

You don't often get email from volker.joehnk@yahoo.com. [Learn why this is important](#)

Dear HLU Committee Members,

I am writing to you regarding File #: HLU-20 Reso 26-129. I noticed that our 43-page justification document detailing why Kihei Resort should be rezoned to an H-3/H-4 hotel zoning designation is currently missing from the list of attachments on the Maui County Legistar webpage.

Could you please add this document to the public record and update the attachments section for this resolution?

Thank you for your time and assistance.

Sincerely,
Volker C. Joehnk
President, Board of Directors
Kihei Resort AOA

Kihei Resort

Application Submittal for H3/H4 Zoning

July 16, 2026

Kihei Resort - Board of Directors

777 South Kihei Rd, Unit #134, Kihei, HI 96753

Email: President@Kiheiresort.org

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0. Executive Summary

Established in 1981, Kihei Resort operates as a legally grandfathered short-term vacation rental property. While the property generates over \$1.81M annually in local taxes and economic contributions, it faces significant operational and environmental headwinds. Imminent sea-level rise (SLR-XA) risks severely limit the property's viable lifespan to approximately 2046, while aging infrastructure requires massive capital expenditures that will drive HOA fees up by up to 58% in the coming years.

Historical Context

Kihei Resort was purposefully designed and marketed in 1981 for resort accommodations; it was never intended or designated as workforce housing.

- **Lawful Grandfathered Standing:** Recognized on the Minatoya List, the property's transient use is explicitly permitted under its A-1 zoning without the need for supplementary permits.
- **Kihei Resort Declaration:** The Kihei Resort Declaration expressly authorizes the short-term vacation rental of our condominium units. This established use has continuously operated in full compliance with Maui County zoning ordinances.
- **Physical Footprint & Property Composition:** The complex is defined by a low-impact, low-rise design featuring compact, downsized 32 one- and 32 two-bedroom units. Infrastructure is strictly limited to basic surface-level parking, a modest amenity package, and minimal storage capacity (with absolutely no external owner storage). This utilitarian footprint makes it functionally unsuitable for standard long-term residential use.
- **Current Usage (July 2026):** Active short-term rentals make up 83% of the property, with 11% owner-occupied and 6% utilized as long-term rentals.
- **Owner Sentiment:** In a July 2026 Board of Directors vote with 96% eligible participation, 93% of owners voted in favor of rezoning.
- **TIG List Alignment:** While absent from the current TIG list (Exhibit 2), Kihei Resort shares vital physical and operational characteristics (low-rise, surface parking, modest amenities) with Kihei Bay Surf and Kihei Bay Vista.

Real Estate Market & Sales: Market hesitation regarding shifting STR regulations has compressed sales volume, with only three transactions closing over the last 18 months.

Sea Level Rise Exposure Area (SLR-XA) & Flooding

Kihei Resort is uniquely vulnerable to chronic coastal erosion and passive flooding, drastically shortening its long-term viability.

- **Imminent Present-Day Risk:** 90% of the property is currently subject to severe flooding risks. This threatens immediate economic losses estimated between \$31M (buildings only) to \$40M (buildings and land).
- **Widespread Passive Flooding:** Under the 3.2-foot sea level rise scenario, PacIOOS mapping confirms that 80% of the resort—including all 64 residential units—falls directly within the Coastal Flood Hazard Zone.
- **Viable Lifespan:** Due to extreme sea-level exposure, environmental projections suggest the viable operational horizon for Kihei Resort is only approximately 20 more years (estimated closure in 2046).

Economic Contributions & Local Employment

Despite its limited remaining lifespan, Kihei Resort remains a steady economic engine for Maui County, supporting extensive local employment and generating substantial tax revenue.

Contribution Type	Estimated Annual Value	Description
State & County Taxes	\$542,000+	TAT, GET, and Maui County TAT revenue.
Property Taxes	\$367,000+	Direct property tax contributions to Maui County.
Local Spending	\$425,000	Paid to local contractors, housekeeping, and local businesses.
Capital Maintenance	\$483,000	Reserve expenditures for property infrastructure and upkeep.
Total Measurable Impact	\$1,817,000+	Excludes secondary spending by individual owners and guests.

Local Staffing:

- 8 Contracted Staff: Dedicated to daily asset management, administration, and guest hospitality.
- 42+ Cleaning Contractors: Owner-managed local cleaning crews maintaining individual units.
- Property Managers; Numerous property managers and their partnered real estate brokers, as set forth and mandated by the Hawaii Statutes.

- Specialized Maintenance & Horticulture: Dedicated local groundskeepers, arborists, and maintenance personnel preserving the grounds and physical infrastructure.
- Maintenance & Upgrade Service Workers to service the continuing needs and improvements of the individual units

Current & Anticipated Costs

A comprehensive Level 1 Reserve Study (June 2026) highlights the extreme financial burden of maintaining this 45-year-old coastal property. Long-term rentals remain financially unviable for owners due to these escalating carrying costs.

Major Capital Infrastructure Projects:

- \$2.24M: Comprehensive siding and roof replacement. Permit# B2026-00396-00401 (2027-2030)
- \$1.5M: Solar infrastructure buyout for long-term energy autonomy (2032)
- \$375,000: Full structural coating of cast-iron plumbing (2027-2031).
- \$50,000: Total column replacement across all lanais (2026).



1. Property Profile and Legal Baseline

1.1 Kihei Resort Purpose and Uses

Kihei Resort is a condominium project located in Kihei, Maui, Hawaii, originally established 1981 by Gibraltar Maui Partners under Chapter 514A of the Hawaii Revised Statutes.

Lawful Grandfathered Standing: Kihei Resort is officially recognized on the County's Short-Term Occupancy ("Minatoya") List and has maintained continuous regulatory compliance with no known code enforcement violations.

Here is a breakdown of the property's composition and permitted uses based on its Declaration of Horizontal Property Regime:

- **Property Composition:** The resort consists of 64 condominium apartments distributed across five two-story buildings.
- **Unit Types:** There are 32 one-bedroom and 32 two-bedroom apartments, categorized into eight distinct model types (A through H).
- **Facilities & Amenities:** The grounds include a swimming pool-pavilion complex and a BBQ area.
- **Parking:** The property features 79 standard parking stalls, with 64 assigned specifically to apartments and 15 designated for guests.

Permitted Uses: The apartments are strictly designated for use as private residential or vacation dwellings. They are permitted to be rented or leased on both long-term and short-term (including daily) bases.

Governance: The property is managed by an Association of Apartment Owners (AOAO), which is responsible for maintaining the common elements such as the roads, sidewalks, and pool area.

Each apartment is intended for and shall be restricted to the following purposes and uses:

- Each apartment shall at all times be used only as a private residential or vacation dwelling for the owner, his family, tenants and social guests, and for such other purposes which are compatible with the applicable zoning ordinances.
- The owners of the respective apartments may rent or lease their apartments to any persons on any long-term or short-term (including daily) basis for such residential or vacation use.
- The apartments shall not be used as an office or for any other commercial purpose. Notwithstanding any provision to the contrary, no apartment owner shall offer, sell

or transfer any time-sharing interest in any apartment in the Project. As herein, the term "time-sharing interest" shall be deemed to include any interest in an apartment established on a fee, leasehold, right-to-use, license, partnership, association, membership in club, reservation or any other basis for use during any specified limited time period (periodically recurring or in the form of a floating period with a right-to-use by notification) set forth by contract or agreement.

Kihnei Resort

1.2 Certified Metes and Bounds Description & TMK Maps

Legal Description — Kihei Resort

777 S Kihei Rd, Kihei, HI 96753 | TMK (2) 3-9-001-136

Source of this copy

State of Hawaii, Bureau of Conveyances.

Declaration of Horizontal Property Regime, Document No. 114799001, recorded June 19, 1980; Grantor: Gibraltar Maui Partners. The legal description appears in **Exhibit "A," pages 15–16** of that document. Survey by Warren S. Unemori, Registered Professional Engineer & Land Surveyor, Certificate No. 1569, dated April 8, 1980. Transcribed from the Bureau of Conveyances online document image, viewed July 12, 2026.

Parcel First — Lot 21-A

ALL of that certain parcel of land (being a portion of Royal Patent 7447, Land Commission Award 3237, Part 2 to H. Hewahewa) being LOT 21-A of the Kaonoulu Beach Lots, the same being a portion of Lot 16-B and all of Lot 21 of the Kaonoulu Beach Lots, situate on the easterly side of Kihei Road, at Kaonoulu (Kihei), Wailuku, Island and County of Maui, State of Hawaii, and being more particularly described as per survey of Warren S. Unemori, Registered Professional Engineer & Land Surveyor, Certificate No. 1569, ES, dated April 8, 1980, as follows:

Beginning at a pipe at the northwest corner of this lot, the coordinates of which referred to Government Survey Triangulation Station "KALAEPOHAKU" being 5,934.06 feet South and 1,273.46 feet East and running by azimuths measured clockwise from True South:

No.	Azimuth	Distance	Running along
1	265° 20' 30"	360.56 ft	Lot 20, Kaonoulu Beach Lots to a pipe
2	281° 24' 30"	180.91 ft	Lot 16-B, Kaonoulu Beach Lots to a pipe
3	35° 35'	102.09 ft	Lot 1, Waiohuli-Keokea Beach Homesteads to a pipe
4	85° 20' 30"	464.87 ft	Lot 22-A, Kaonoulu Beach Lots to a pipe
5	Curve right, R = 11,439.16 ft; chord 173° 44' 18.5"	129.05 ft	Kihei Road to the point of beginning

Containing an area of 61,266 square feet.

Parcel Second — Lot 22-A

ALL of that certain parcel of land (being a portion of Royal Patent 7447, Land Commission Award 3237, Part 2 to H. Hewahewa), being LOT 22-A of the Kaonoulu Beach Lots, the same being a portion of Lot 16-B and all of Lot 22 of the Kaonoulu Beach Lots, situate on the easterly side of Kihei Road, at Kaonoulu (Kihei), Wailuku, Island and County of Maui, State of Hawaii, and being more particularly described as per survey of Warren S. Unemori, Registered Professional Engineer & Land Surveyor, Certificate No. 1569, ES, dated April 8, 1980, as follows:

Beginning at a pipe at the northwest corner of this lot, the coordinates of which referred to Government Survey Triangulation Station "KALAEPOHAKU" being 6,061.35 feet South and 1,287.42 feet East and running by azimuths measured clockwise from True South:

No.	Azimuth	Distance	Running along
1	265° 20' 30"	464.87 ft	Lot 21-A, Kaonoulu Beach Lots to a pipe

No.	Azimuth	Distance	Running along
2	35° 35'	167.02 ft	Lot 1, Waiohuli-Keokea Beach Homesteads to a pipe
3	85° 20' 30"	351.98 ft	Lot 23, Kaonoulu Beach Lots to a pipe
4	Curve right, R = 11,439.16 ft; chord 173° 05' 53.7"	127.59 ft	Kihei Road to the point of beginning

Containing an area of 52,085 square feet.

Notes

Area reconciliation: Parcel First (61,266 sf) + Parcel Second (52,085 sf) = 113,351 sf, which matches the County of Maui Real Property Assessment land area for TMK (2) 3-9-001-136.

July 12, 2026. Source: Hawaii Bureau of Conveyances, Document No. 114799001 (Declaration of Horizontal Property Regime), Exhibit "A," pp. 15-16.

Kihei Resort — Property / Tax / Parcel Record

TMK (2) 3-9-001-136 • Master TMK 390011360000 • 777 S Kihei Rd, Kihei, HI

Retrieved 2026-07-08 from official Maui County / State of Hawaii GIS sources (see Sources tab)

Field	Value	Source / Note
Project name	KIHEI RESORT (CONDO MASTER)	Maui County Certified Parcels 2026 (RPFOWNER)
Master TMK	(2) 3-9-001-136 / 390011360000	State GIS ParcelsZoning + RPAD key
Situs address	777 S Kihei Rd, Kihei, HI 96753	Short-Term Occupancy List; RPAD
Year built	1981	Short-Term Occupancy (Minatoya) List
Number of units	64 CPR (condominium) units	Certified Parcels: 64 unit TMKs + 1 master
Ownership	64 individually-owned CPR units (individuals, LLCs, trusts) — NO single owner/AOAO as fee owner	Certified Parcels 2026 RPFOWNER layer
Owner-occupied units	11 of 64 have a homeowner exemption (53 non-owner-occupied)	Certified Parcels RPFVALUE (Homeowner flag)
Land area	2.6022 tax acres (2.604 GIS acres; ~10,538 m2 mapped)	State GIS Maui Parcels layer 30
Zoning district	A-1 Apartment (zone code 110)	State GIS "County Zoning - Maui" layer 33
Community Plan	Kihei-Makena (designation: Multi-Family / MF)	State GIS Community Plan layer 10 + STO List
State Land Use District	Urban (U)	State GIS State Land Use Districts layer 20
Special Management Area	YES — parcel lies within an SMA (coastal permitting applies)	State GIS SMA layer 21
Development Plan Area	Kihei-Makena	State GIS Development Plan Areas layer 24
Minatoya / Short-Term Occupancy List	LISTED — apartment-district property allowed short-term occupancy (Bill 9 phase-out applies)	Planning Dept STO List as of 06/27/2024
Master parcel assessed value	Land \$7,934,600 / Building \$0	Certified Parcels RPFVALUE (master 0000 record)
Total building value (64 units)	\$31,278,100	Sum of CPR unit building assessments
Est. total project assessed value	~\$39.2M (land \$7.93M + buildings \$31.28M)	Land carried on master; buildings on units
Tax classification codes (PITT)	49 units code 1100; 11 units code 900; 4 units code 1200	Certified Parcels RPFVALUE PittCode
Permit / land-use history (MAPPS)	COULD NOT CONFIRM via automation — MAPPS requires interactive session	See note in Sources tab
qpublic.net / mauipropertytax.com RPAD portal	COULD NOT ACCESS — Cloudflare bot challenge blocks automated browsing; data above sourced from equivalent official County/State GIS layers	Verified block 2026-07-08

1.3 Building Permit History and Regulatory Compliance

Building Permit History & Regulatory Compliance

Recent permits on record (County of Maui Real Property / MAPPS):

Date	Permit No.	Type	Valuation
4/19/2022	B2022-00049	Re-Roof	\$85,500
4/19/2022	B2022-00048	Re-Roof	\$128,200
4/19/2022	B2022-00047	Re-Roof	\$170,900
4/19/2022	B2022-00046	Re-Roof	\$85,500
4/19/2022	B2022-00043	Re-Roof	\$170,900
4/19/2022	B2022-00042	Re-Roof	\$128,200
11/13/1992	B922499	(building)	\$2,000

Historical records: The County of Maui Public Documents "All Docs for TMK" search returns 151 records for this TMK, consisting of original construction-era building permits and inspection worksheets (late 1970s–1990s) plus later re-roof permits. These are the full permit and inspection history and can be downloaded individually.

Original 1980 Construction Master Permits / Permit Number: B800474 and B800472 Type: Building Permit - New/Addition/Alteration. Issued/Finalized Date: March 13, 1980

Description: KIHEI RESORT: KIHEI RESORT - CONDO MASTER

Regulatory compliance snapshot: Zoning A-1 Apartment; Kihei-Makena Community Plan designation Multi-Family; on the County Short-Term Occupancy ("Minatoya") List (vacation-rental use recognized); no open code-enforcement items identified in the assessment record. The 2022 re-roof permits indicate active, permitted maintenance.

Sources: [County of Maui Public Documents \(All Docs for TMK\)](#) · [Maui Real Property \(qPublic\) permit record](#) · [Minatoya List \(06/27/2024\)](#)

Zoning Consistency: Properties directly across South Kihei Road (such as Menehune Shores and Koa Lagoon) are already located within the Hotel Zone. Similarly, Kihei Bay Surf and Kihei Bay Vista have been recommended for H-3/H-4 zoning. Extending similar consideration to Kihei Resort would create a more consistent and logical zoning pattern along this section of South Kihei Road.

1.4 Existing Property Features and Footprint

Kihei Resort consists of five (5) two-story apartment building complexes containing sixty-four (64) condominium apartments, a resident manager's unit and a swimming pool-pavilion complex.

Feature	Detail
Land area	113,351 SF (2.60 acres) — Parcel First 61,266 SF + Parcel Second 52,085 SF
Improvements	5 residential buildings, 2 stories each; 64 apartment units; built 1981
Construction	Hollow tile / wood frame
Site location	Easterly (mauka) side of S Kihei Rd; garden view; no ocean frontage
Amenities	Swimming pool, hot tub/spa, BBQ area, recreation area, beach access; cable paid by association
Parking / other	Surface parking (see condo map CM 737 for stall layout); pets not allowed
Owner occupancy	~17% (balance rental / vacation rental)
Developer	Gibraltar Maui Partners (1980–81)

Unit mix (per condominium map / assessment):

Beds	Baths	Interior SF	Units
1	1	621	22
1	1	635	10
2	2	824	18
2	2	838	9
2	2	936	2
2	2	950	1
2	2	978	2
		Total	64

Footprint / coverage note: *Exact building footprint, lot coverage, setbacks and parking-stall layout are shown on Condominium File Plan No. 737 (see 2.d). A site/footprint exhibit can be produced from CM 737 and the County GIS aerial.*

Legal description (from Declaration Exhibit A): Lot 21-A (Parcel First, 61,266 SF) and Lot 22-A (Parcel Second, 52,085 SF) of the Kaonoulu Beach Lots, portion of Royal Patent 7447, Land Commission Award 3237, Part 2 to H. Hewahewa; per survey of Warren S. Unemori, R.P.E. & L.S., Cert. No. 1569, dated April 8, 1980. (Full metes-and-bounds saved separately in the project file.)

Each condo shall be deemed to include:

- any adjacent lanai to which such apartment has direct, exclusive access,
- all the walls and partitions which are not load-bearing within its perimeter walls,
- the inner decorated or finished surfaces of all walls, floors and ceilings,
- any doors, door frames, windows, window frames or panels along the perimeters, and
- all fixtures originally installed therein. The respective apartments shall not be deemed to include:
 - the undecorated or unfinished surfaces of the perimeter walls, the interior load-bearing walls, or the party walls,
 - the undecorated or unfinished floors and ceilings surrounding each apartment, or
 - any pipes, shafts, wires, conduits or other utility or service lines running through such apartment which are utilized for or serve more than one apartment, the same being deemed common elements as hereinafter provided.

One-bedroom condos have an interior living area of approximately 621-635 square feet, including a living room, kitchen with built-in breakfast counter, one bedroom, and a bathroom (with toilet and bathtub-shower combination). Each condo has a lanai off the living room area containing an area of approximately 67 square feet, together with an adjoining fenced-in court area of approximately 100 square feet.

Every one-bedroom condo has one designated parking stall.

Two-bedroom condos are on the second floor of each apartment building complex. condo has an interior living area of approximately 838 square feet, including a dining-living area, a kitchen, two bedrooms and two bathrooms, each containing a toilet and bathtub-shower combination. Each condo is in a two-level configuration with the entry, dining-living area, kitchen, one bedroom and one bathroom on the lower level, and one bedroom and bathroom on the mezzanine. The lower level and the mezzanine are connected by an interior stairway. Each condo also has a lanai off the dining-living area containing approximately 67 square feet. Each condo has direct access to a stairway shared with the adjoining condo.

Every two-bedroom condo has one designated parking stall.

Common Elements

All parking stalls (including the fifteen guest (15) stalls and the sixty-four (64) parking stalls) the apartments as limited common elements.

All facilities in the swimming pool-pavilion complex, which includes a swimming pool, equipment and swimming pool storage facilities, showers and toilets, and a jacuzzi pool;

All landscaped area, trash enclosures, roads, driveway areas, stairways, entry ways and fences.

The court area (“Zen Garden”) adjoining each building and condos and the fence enclosing the court area shall be a limited common element reserved for the exclusive use of each condo.



1.5 Bureau of Conveyances (BOC) Recordation Input

Tenure: Fee simple, Regular System (no Land Court certificate). Verified in the State of Hawaii Bureau of Conveyances (RecordEASE); 250+ recorded instruments reference the "Kihei Resort" condominium.

Instrument	Document No. / Ref	Recorded	Notes
Declaration of Horizontal Property Regime (CPR)	114799001 (56 pp)	6/19/1980	Foundational document; Grantor Gibraltar Maui Partners; contains legal description (Exhibit A, pp.15-16)
Condominium File Plan (Condominium Map)	CM 737	1980	The recorded condo map (building/unit/parking layout); cited in every unit deed
Reference instruments on Declaration	A86370366/AD (6 pp); A89780161/M (8 pp)	1980	Related recorded instruments noted on the Declaration
Master-parcel conveyance	8700108916	7/21/1987	Conveyance tied to the master parcel (per assessment sales record)

1.6 Sea Level Rise Exposure Area (SLRXA) and Flooding

Kihei Resort is highly vulnerable to coastal hazards, facing significant risks from chronic erosion and sea-level rise. The Sea Level Rise Exposure Area (SLR-XA) outlines combined threats (passive flooding, annual high waves, and erosion), while updated Maui rules require hazard mitigation plans for oceanfront structures.

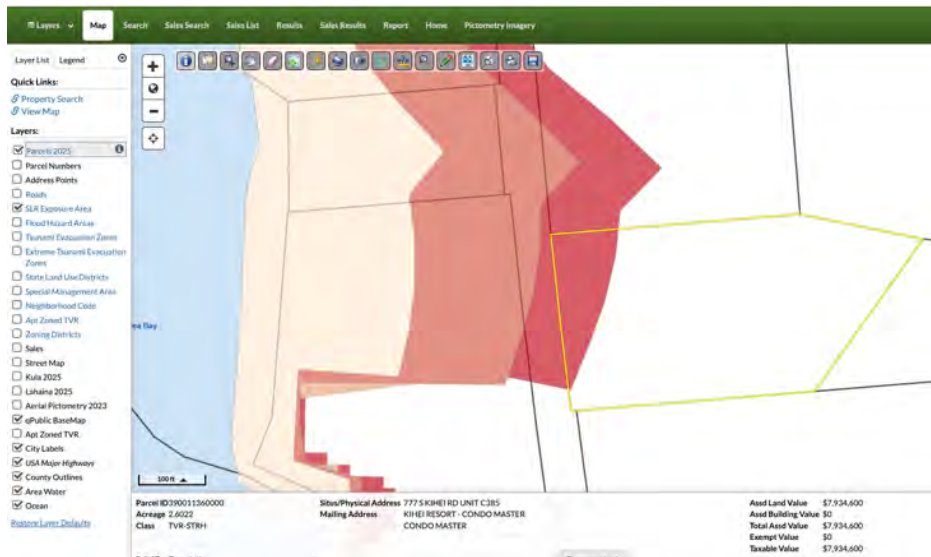
Widespread Passive Flooding: According to official Pacific Islands Ocean Observing System (PacIOOS) mapping, approximately 80% of Kihei Resort - including all 64 residential units - falls directly within the Coastal Flood Hazard Zone under the 3.2-foot sea level rise scenario.

Imminent Present-Day Flood Risk: Present-day Flood Hazard Zone determinations show that 90% of the property is already subject to severe flooding risks, threatening immediate economic losses exceeding \$31M (Buildings only) to \$40M (Buildings & Land).

Due to these severe sea-level exposure risks, the complex's comprehensive Level 1 Reserve Study maps out a viable operational horizon for the property of approximately 20 years (extending to 2046). Given these long-term environmental risks, transitioning the property toward permanent residential housing may not represent the most sustainable long-term land-use strategy.

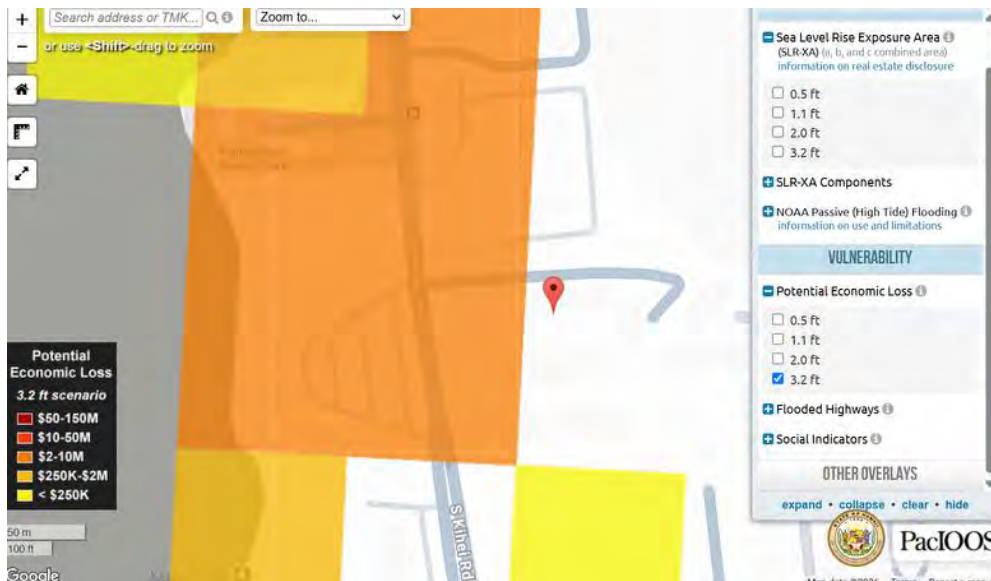
The modeling indicates the following:

- A portion of Kihei Resort (specifically all units closest to South Kihei Road) clearly falls **within** the SLR-XA map under the **3.2-foot sea level rise** scenario.
- The estimated economic impact to Kihei Resort under this scenario is **between \$2 million and \$10 million**.
- According to the **Coastal Flood Hazard Zone with 3.2-foot Sea Level Rise** mapping, approximately **80% of Kihei Resort** - including all residential units, with the exception of the parking area at the very back of the property - would be subject to flooding.
- According to the **Flood Hazard Zone** determination (representing present-day flood risk without accounting for future sea level rise), approximately **90% of Kihei Resort**— including all residential units, with the exception of a portion of the rear parking lot - would be subject to flooding. Under this scenario, as 90 percent of KR is subject to it (all 62 units), economic loss will significantly exceed \$30-40 million threshold.

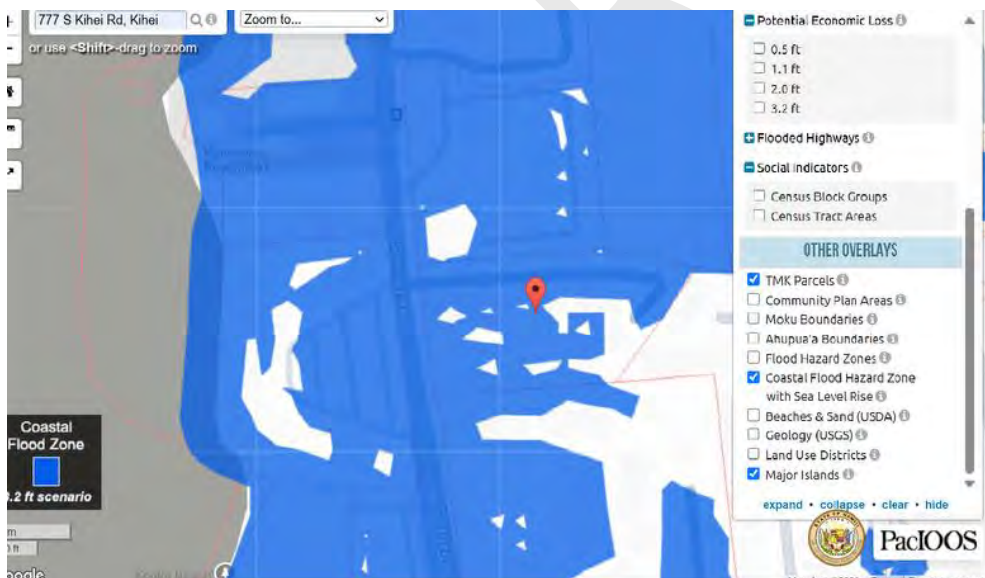


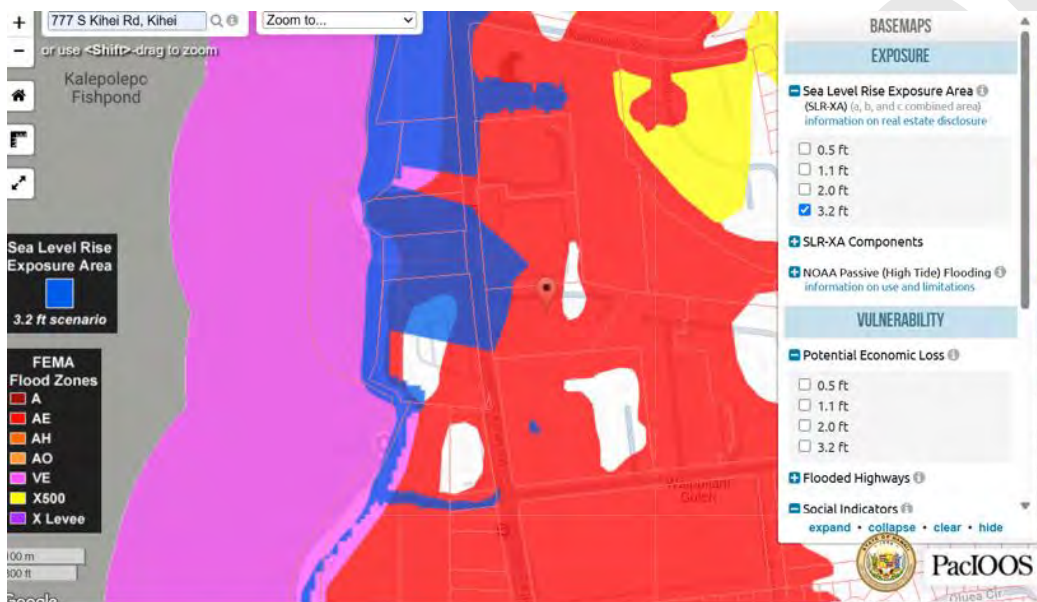
Tool link: <https://www.pacioos.hawaii.edu/shoreline/slr-hawaii/>

Potential Economic Loss



Costal Flood Hazard Zone





The Flood Challenge at Kihei Resort

The flooding in South Kīhei is primarily driven by massive volumes of storm runoff rushing down the slopes of Haleakalā. As this water hits infrastructure chokepoints on the coastal plain, it overflows natural boundaries and creates severe hazards for local properties.

A Natural Bottleneck: Kīhei Resort is highly vulnerable due to its specific location situated directly between two major drainage corridors: Kūlanihākoʻi Gulch to the north and Waipuʻilani Gulch to the south. When heavy rains occur, these gulches regularly overtop their banks and flood the entire surrounding area.

Severed Access & Safety Risks: The resulting overspill frequently turns local roadways into temporary rivers. During recent major flood events, water and debris have rendered South Kīhei Road completely impassable for up to five days. Most critically, this cuts off all vehicle access, meaning even first responders and emergency services are unable to reach the resort during these extended closures.

Mitigation Costs: Proactive physical measures have been successfully implemented on-site to deflect direct floodwaters and prevent them from striking the property's structures. However, even with these defenses in place, the sheer volume of surrounding mud and debris saddles the property with unavoidable annual cleanup costs ranging from \$10,000 to \$20,000 on an annual basis.

Haleakalā Gardens Escape Route: Given the ongoing, severe threat of severed road access and the inability to rely on first responder vehicles during floods, a critical contingency plan has been put into action. A pedestrian escape route has been established through the neighboring Haleakalā Gardens complex. This pathway ensures a way out if the main roads are submerged, but it is strictly designated for emergencies only.

2. Existing Use and Ownership Composition

2.1 Current Usage Analysis (Transient Vacation Rental vs. Long-Term vs. Owner-Occupied)

While the property is fully zoned (A-1) to allow short-term vacation rentals, the exact number actively operating as transient vacation rentals changes slightly depending on owner preferences. Historically, around 70% to 80% of the units are utilized as active vacation rentals, while the remaining units are kept for long-term residents or owner-occupants.

A current snapshot of July 2026 has the following stats:

- Short term Rental: 83%
- Owner Occupied: 11%
- Long Term Rental: 6%

In terms of owner occupied or long-term rental one-bedroom units have typically one occupant. Two-bedroom units have at maximum two occupants.

Historically, Kihei Resort has been an adult only community with no kids. This also applies to tenants.

2.2 Owner Authorization & AOA Voting Results

In July 2026, the Board of Directors conducted an owner vote regarding the proposed rezoning.

The vote produced the following results:

96.48% of eligible owners participated.

93.36% of the participating owners voted in favor of the proposed rezoning.

A certified copy is included as Exhibit A.

Copy of the ballot

OFFICIAL BALLOT KIHAI RESORT CONDOMINIUM ASSOCIATION SPECIAL VOTE ON PROPOSED RE-ZONING EFFORT

INSTRUCTIONS TO VOTER:

1. Please review the explanation below regarding the impact of your vote.
2. Mark an "X" or a checkmark in the box corresponding to your choice.
3. Sign, date, and print your name and unit number at the bottom of this form.
4. Return this ballot via one of the designated options no later by **July 15, 2026**

PROPOSAL: AUTHORIZATION FOR ZONE CHANGE APPLICATION

The Board of Directors is seeking authorization from the membership to pursue a formal zoning amendment for the Kihei Resort property in response to Maui County Bill 9.

What Your Vote Means:

- A **"YES" Vote**: Authorizes the Board of Directors to submit a formal zone change application to transition Kihei Resort from A-1/A-2 to the H-3/H-4 designation, legally protecting our history of short-term rental operations.
- A **"NO" Vote**: Opposes the zone change, leaving Kihei Resort subject to the standard restrictions and phase-out timelines mandated under Bill 9.

CAST YOUR VOTE (MARK ONLY ONE)

☐	YES — I authorize the Board of Directors to submit a formal zone change application to transition Kihei Resort to the H-3/H-4 designation.
☐	NO — I oppose the zone change, leaving Kihei Resort subject to the standard restrictions and phase-out timelines under Bill 9.

VOTER VERIFICATION & SIGNATURE

Unit Number(s): _____

Printed Name of Owner(s): _____

Signature of Owner: _____ Date: _____

3. Historical Transient Vacation Rental (TVR) Compliance

3.1 Grandfathered Status Verification (The Minatoya List)

Lawful Grandfathered Standing: The Kihei Resort Declaration expressly authorizes the short-term vacation rental of our condominium units. This established use has continuously operated in full compliance with Maui County zoning ordinances. Specifically, as a legally grandfathered property recognized on the Minatoya List, our transient use is explicitly permitted under our A-1 zoning without the necessity of a supplementary permit. Furthermore, from its initial development in 1981 by Gibraltar Maui Partners, Kihei Resort was purposefully designed and marketed for resort accommodations; it was never intended nor designated to serve as workforce housing.

3.2 Temporary Investigative Group (TIG) Baseline Recognition

Kihei Resort is not on the TIG list. However, Kihei Resort shares many of the same physical and operational characteristics as Kihei Bay Surf and Kihei Bay Vista (low-rise design, similar unit sizes, surface parking, resort amenities, transient accommodations) which are on the TIG list (Exhibit 2).

Kihei Resort Unit Configuration

- Community consists exclusively of one-bedroom and two-bedroom units. No three-bedroom units are available.
- One-bedroom units range from approximately 688–702 sq. ft.
- Two-bedroom units range from approximately 891–905 sq. ft
- Unit sizes are generally smaller and less accommodating for larger families.

Family Suitability

- Limited space for larger households due to unit size, bedroom count and parking space.
- No large family floor plans available.
- Loft/mezzanine-style second-floor units may be less practical for families with young children, elderly residents, or multigenerational households
- Community design is more consistent with compact condominium living than family-oriented residential living.

Storage & Parking

- No garages, basements, attics, or significant owner storage areas.
- Surface parking only with assigned stalls and guest parking
- Lacks the storage and parking features often preferred by larger families.

Recreational Amenities

- Amenities are limited to a swimming pool, jacuzzi/spa, pavilion, and landscaped common areas
- No playgrounds, sports courts, children's recreation areas, or family-oriented facilities are identified in the governing documents.
- Pool and recreation area is relatively modest in size and are not designed to support large-family recreational use.

Site Design

- Property consists of 64 condominium units in a compact, low-rise layout.
- Buildings are arranged around shared courtyard and common areas.
- Ground-floor units contain only small, enclosed courtyard areas rather than substantial private yards
- Limited private outdoor space compared with communities designed for family occupancy.

Comparison to Kihei Bay Surf & Kihei Bay Vista

- Similar compact condominium layout.
- Similar small-unit configuration.
- Similar limited storage capabilities.
- Similar surface parking arrangement.
- Similar amenity package focused on pool and common-area use.
- Similar overall suitability for smaller households rather than larger family occupancy.

Distinction from Koa Resort

- Kihei Resort lacks larger residential-style floor plans.
- Kihei Resort lacks extensive family-oriented amenities.
- Kihei Resort provides less private outdoor space.
- Kihei Resort's overall design is denser and more compact.
- Koa Resort is generally better suited for larger families due to its more spacious residential environment.

Conclusion

Based on unit size, bedroom configuration, storage limitations, surface parking, modest amenity package, smaller recreation areas, limited private outdoor space, and overall community design, Kihei Resort is most comparable to Kihei Bay Surf and Kihei Bay Vista and should be evaluated within that same category rather than being grouped with Koa Resort.

Complexes that were left off the TIG Exhibit 2 list—such as Kihei Resort—generally didn't meet the group's specific criteria for a streamlined hotel-zoning pathway. The most common reasons a property was excluded from the TIG's recommendation list include:

Lower STR Density: The TIG heavily weighed the percentage of active vacation rentals versus long-term residents or owners within the complex. Complexes with a higher mix of long-term occupants or lower relative commercial vacation rental density were less likely to be recommended for a full commercial hotel designation.

[KR Response]: We do believe that this was an oversight. 83% of units are short term rental.

Neighborhood Blend: The TIG looked at whether converting a specific land parcel to an explicit hotel zone fit harmoniously with the adjacent properties or if it would cause zoning friction with surrounding strictly residential neighborhoods.

[KR Response]: As stated, earlier Kihei Bay Vista and Kihei Bay Surf are on the TIG list while Kihei Resort and Koa Resort are not. The complexes across the street (Menehune Shores and Koa Lagoon) are already in the hotel zone

Infrastructure Limits: Concerns over localized water, wastewater, or traffic infrastructure sometimes disqualified specific parcels from a recommended commercial hotel designation.

[KR Response]: This paragraph doesn't apply to us

3.3 Aggregate Historic Accommodation Tax (TAT/MCTAT) Contributions

A critical component of Kihei Resort's qualification for the H-3/H-4 Hotel-Resort zoning district is its documented history of continuous compliance with State and County transient accommodation tax requirements. For decades, individual units within the property have actively remitted both State Transient Accommodations Tax (TAT) and General Excise Tax (GET). Furthermore, since the establishment of the Maui County Transient Accommodations Tax (MCTAT) under Ordinance No. 5291, the resort's transient operations have directly contributed to the County's localized revenue generation.

The aggregate tax history detailed below establishes that Kihei Resort has not only operated transparently within the scope of a commercial visitor accommodation baseline but has consistently served as a reliable economic contributor to Maui County's public infrastructure and services.

Our estimate yielded Maui Transient Tax range of \$30,960 (low) to \$77,400 (high) as annual contribution.

Tax Estimate	Maui TAT	GE Tax	Transient Tax	Sub Total
Low	\$ 30,960.00	\$ 41,280.00	\$ 103,200.00	\$175,440.00
High	\$ 77,400.00	\$ 103,200.00	\$ 258,000.00	\$438,600.00

4. Economic and Infrastructure Analysis

4.1 Property Sales History and Market Impact

Market Overview & Regulatory Impact

Over the past 18 months (January 2025 – July 2026), sales activity at Kihei Resort has slowed significantly. This deceleration is primarily driven by the ongoing regulatory uncertainty and market hesitation surrounding the impact of Maui County’s **Bill 9**. Compounding this regulatory friction is the structural reality of the property itself; the compact unit footprints are explicitly optimized for transient vacationers or individual occupants and are not tailored for family residency.

Historical Sales (January 2025 – July 2026)

Reflecting the broader market hesitation, only three transactions closed during this 18-month window. Interestingly, despite shifting regulations, two of the three sales resulted in properties transitioning *into* short-term rental use:

- **Unit 221G** (Parcel ID: 390011360053) – **\$550,000** (03/16/2026)
 - *Usage Shift:* Short-Term Rental → Owner-Occupied
- **Unit 126D** (Parcel ID: 390011360026) – **\$550,000** (08/27/2025)
 - *Usage Shift:* Owner-Occupied → Short-Term Rental
- **Unit 124B** (Parcel ID: 390011360024) – **\$460,000** (05/01/2025)
 - *Usage Shift:* Long-Term Rental → Short-Term Rental

Current Market Inventory

There are currently four active units on the market, illustrating a stable pricing baseline for one-bedroom units right around the mid-\$500K mark, while the larger, two-bedroom layout demonstrates immediate buyer demand under the right terms:

- **Unit 110:** 1 Bed, 1 Bath (621 sqft) — **\$499,000** (Active)
- **Unit 107:** 1 Bed, 1 Bath (635 sqft) — **\$535,000** (Active)
- **Unit 105:** 1 Bed, 1 Bath (621 sqft) — **\$550,000** (Active)
- **Unit 205:** 2 Bed, 2 Bath (1,024 sqft) — **\$499,000** (Pending / In Escrow)

Summary Takeaway

The data reflects a highly cautious buyer pool navigating policy changes. While the asset class remains inherently structured for short-term and adult-oriented use, transaction

volume will likely remain compressed until permanent clarity on local short-term rental zoning stabilizes confidence.

Kihnei Resort

4.2 Current Financial Status

The Association's accounts remain healthy, with total liquid assets approaching \$900,000. Through the first quarter, the AOA was operating strictly on track with the projected budget.

This all due to major contribution of short-term rentals:

Account Type	Current Balance
Operating Accounts	\$366,000.00
Reserve Accounts	\$495,000.00
Total Association Funds	\$861,000.00

4.3 AOA Reserve Study and Long-Term HOA Forecasts

In June 2026, Kihei Resort completed a comprehensive Level 1 Reserve Study to map out future expenditures and ensure long-term fiscal health. While the complex sits on a remarkably stable financial foundation, the 45-year-old property is actively addressing the natural effects of aging. The Board has already launched major, proactive infrastructure updates that go well beyond routine maintenance:

Lanai Structural Integrity: Total column replacement across all lanais (Maui Building Permit# B2026-00396-00401 | \$50,000).

Siding & Roof Revitalization: Comprehensive replacement of siding and roof sections to rectify a historic false-roof installation (Permit# B2026-00396-00401 | \$2.24M).

Solar Autonomy: A \$1.5M buyout option for the solar infrastructure to secure long-term energy savings.

Plumbing Modernization: Full structural coating of all cast iron pipes (\$375,000).

To fund these critical, high-value capital improvements, the HOA is strategically increasing reserve contributions instead of utilizing assessments. Looking further ahead, the Board is keeping a close eye on environmental longevity; due to sea-level exposure risks, current projections suggest a viable operational horizon for the resort of approximately 20 years (estimated to 2046).

HOA Fee Projection	One Bedroom Unit			Two-Bedroom Unit		
	Maintenance	Reserve	Total	Maintenance	Reserve	Total
2026	\$ 703.99	\$ 272.00	\$ 975.99	\$911.05	\$352	\$1,263.05
2027	\$ 774.39	\$ 408.00	\$ 1,182.39	\$1,002.16	\$ 528.00	\$1,530.16
2028	\$ 851.83	\$ 408.00	\$ 1,259.83	\$1,102.37	\$ 528.00	\$1,630.37
2029	\$ 937.01	\$ 408.00	\$ 1,345.01	\$1,212.61	\$ 528.00	\$1,740.61
2030	\$ 1,030.71	\$ 408.00	\$ 1,438.71	\$1,333.87	\$ 528.00	\$1,861.87
2031	\$ 1,133.78	\$ 408.00	\$ 1,541.78	\$1,467.26	\$ 528.00	\$1,995.26
2032	\$ 1,247.16	\$ 367.20	\$ 1,614.36	\$1,613.98	\$ 475.20	\$2,089.18
2033	\$ 1,371.88	\$ 367.20	\$ 1,739.08	\$1,775.38	\$ 475.20	\$2,250.58
2034	\$ 1,509.07	\$ 367.20	\$ 1,876.27	\$1,952.92	\$ 475.20	\$2,428.12
2035	\$ 1,659.97	\$ 293.76	\$ 1,953.73	\$2,148.21	\$ 380.16	\$2,528.37
2036	\$ 1,825.97	\$ 293.76	\$ 2,119.73	\$2,363.03	\$ 380.16	\$2,743.19
2037	\$ 2,008.57	\$ 293.76	\$ 2,302.33	\$2,599.33	\$ 380.16	\$2,979.49
2038	\$ 2,209.42	\$ 235.01	\$ 2,444.43	\$2,859.27	\$ 304.13	\$3,163.39
2039	\$ 2,430.36	\$ 188.01	\$ 2,618.37	\$3,145.19	\$ 243.30	\$3,388.49
2040	\$ 2,673.40	\$ -	\$ 2,673.40	\$3,459.71	\$ -	\$3,459.71
2041	\$ 2,940.74	\$ -	\$ 2,940.74	\$3,805.68	\$ -	\$3,805.68
2042	\$ 3,234.82	\$ -	\$ 3,234.82	\$4,186.25	\$ -	\$4,186.25
2043	\$ 3,558.30	\$ -	\$ 3,558.30	\$4,604.88	\$ -	\$4,604.88
2044	\$ 3,914.13	\$ -	\$ 3,914.13	\$5,065.36	\$ -	\$5,065.36
2045	\$ 4,305.54	\$ -	\$ 4,305.54	\$5,571.90	\$ -	\$5,571.90
2046	\$ 4,736.09	\$ -	\$ 4,736.09	\$6,129.09	\$ -	\$6,129.09

To responsibly fund these essential capital repairs, HOA fees are projected to increase by up to 58% over the coming years. Once the major improvement program is completed, fees are expected to begin declining in 2038 and remain lower in subsequent years. By 2040, no further owner contributions are anticipated; instead, the Association will strategically draw down reserves through the projected end of the resort's viable operating life in 2046.

Long term rentals remain unattractive for owners. This explains why our long-term rental occupancy is only at 6%.

4.4 Staffing

Operational Excellence at Kihei Resort

Kihei Resort is powered by a world-class, multi-disciplinary contracting staff that sets the benchmark for property and hospitality management:

- **8 Core Resources (Day-to-Day & Guest Management):** This central team focuses on the daily operations of the resort. They are responsible for comprehensive asset management, delivering top-tier guest hospitality, and maintaining administrative tasks.
- **42+ Cleaning Resources (Owner-Managed Cleaning Crews):** Contracted directly by condo owners on an ongoing basis, this extensive team ensures the continuous cleaning and upkeep of the individual vacation units.
- **Specialized Horticulture Team (Variable Size):** A dedicated group of expert groundskeepers and specialized arborists focused exclusively on the care, preservation, and specific palm tree maintenance of our tropical Zen garden.
- **Maintenance Personnel:** Dedicated to proactive maintenance, ensuring the rapid and high-standard upkeep of all physical infrastructure across the property.

Leading Crisis Readiness

Our team is trained to handle the unexpected with absolute precision. Through extensive practice and real-world execution, our staff has mastered comprehensive emergency protocols for flood and grid-outage contingencies. Kihei Resort's emergency response capability is a proven gold standard, often serving as a critical resource and blueprint for neighboring properties during local disruptions like flood and power outages.

Expert Governance

This operational engine is governed by a Board of Directors. Composed of recognized industry experts, the Board maintains a hands-on approach to daily operations while simultaneously safeguarding the resort's long-term capital and strategic value.

5. Zoning Impact Assessment (Alternatives Analysis)

5.1 Scenario A: Retention of A-1/A-2 Designation (Amortization and Phase-Out Impact)

Prolonged Transition: Period Short-Term Rental (STR) owners will likely continue operating their units to maximize rental revenue until the phase-out takes full effect, or until pending legal challenges are resolved.

Potential Shift in Ownership Demographics: Owners facing financial pressure may seek quick sales, potentially leading to below-market transactions. If local buyers are constrained by current market conditions, this could attract well-capitalized, out-of-state investors.

Adapting Community Rules and Amenities: Should the property's demographic shift toward more long-term residents, future Boards may need to propose amendments to our declarations, bylaws, and house rules to accommodate changing needs—such as adding family-friendly amenities or pet areas. However, these amendments require a 75% supermajority vote from owners, which is historically very difficult to achieve. Similarly, resolving our ongoing constraints regarding limited storage and single deeded parking spaces per unit remains impossible without significant, unified owner support.

Risk of Lost Solar Funding: There is a possibility that current solar funding could be withdrawn. If this occurs, Kihei Resort would remain reliant on standard utility electricity rates, which may lead to higher long-term operational costs.

Reductions in Maintenance and Staffing: Financial constraints could necessitate budget reductions for property management and landscaping. This may lead to the elimination of 3 to 4 contracting positions, which could impact the frequency and standard of the grounds' upkeep.

5.2 Scenario B: Transition to H-3/H-4 Designation (Conformity with Existing Footprint and Use)

Operational Stability: The resort maintains a consistent operational balance, with 80%+ of properties functioning as short-term rentals. This structure supports long-term stability for the property.

Ongoing Property Improvements: Owners continue to invest in their individual units. These regular upgrades ensure the resort remains modernized, well-maintained, and appealing to visitors.

Local Economic Contribution: The resort is a steady contributor to the local economy, generating tax revenue and supporting area businesses and infrastructure.

Fiscal Responsibility: By maintaining cooperative relations and avoiding costly litigation with the county, both owners and local government preserve financial resources that can be better directed toward future planning.

7. Addenda and Supporting Exhibits

Exhibit A: Certified Board Resolution

Kihei Resort								
Ballot/Written Consent Results								
(text provided separately)								
as of July 15, 2026								
<u>Proposed Amendments:</u>	<u>In Favor</u>		<u>Against</u>		<u>Abstained</u>		<u>Total</u>	
	#	%	#	%	#	%	#	%
Proposed Amendment Number	60	93.36	2	3.12			62	96.48

Source: Associa Hawaii, July 15, 2026

Exhibit B: Kihei Resort At A Glance



Department of Fire Control
FIRE MARSHALL DIVISION
STATE OF HAWAII

County of Maui
Certificate of Occupancy

A. GENERAL INFORMATION

Name: Kihei Resort Location: Kihei, Maui
 Legal owner: Gilbralthier Maui Partners Address: 777 So. Kihei
 Hotel ☐ Dormitory ☐ Other: _____
 Apartment ☒ Rooming House ☐ No. of rooms: (64) units, 1 & 2 bedrooms
 Tenement ☐ Club House ☐ Total capacity: _____
 Person in charge: Mr. Stanley Iwasaki Date of inspection July 14, 81 Time 10:45 a.m.
 Inspected by Fire Inspector: R. Mukogawa Accompanied by Mr. Stanley Iwasaki, Supt.
C. Kaupalo J.S.&W. Construction Co.

B. HOUSEKEEPING PRACTICES Type: (V) 1-Hr., (2) story w/ mezzanine floor

1. Is there accumulation of rubbish, combustible material, etc., on premises or in buildings? Yes ☐ No ☒ Describe:
2. Is the attic, basement or space under stairways used for storage of combustible or flammable material? Yes ☐ No ☒ Describe:

C. EXITS AND OTHER STRUCTURAL FACTORS (2) Hr. fire wall, up to underside of roof

1. Are stairways, corridors, hallways clear and unobstructed? Yes ☒ No ☐ Describe: 5' either side.
2. Are there adequate exits and doors equipped with "EXIT" lights and panic hardware in working order, unobstructed and opening in line of exit travel? Yes ☐ No ☐ Describe: n/a
3. Are there any dead-end corridors or hallways? Yes ☐ No ☒ Describe:
4. Are interior stairways, elevator shafts, other openings properly enclosed or protected? Yes ☒ No ☐ Describe:
5. Describe other deficiencies such as lack of fire doors, fire walls, smoke barriers, isolation of hazardous locations, etc.:

D. ELECTRICITY

1. What is the general condition of the electrical wiring, equipment, or appliances: satisfactory
2. Should inspection of electrical wiring and equipment be referred to electrical department having jurisdiction in your county? Yes ☐ No ☒
3. Location of main electrical switch: Main breakers located on ground floor of clusters

E. FUEL STORAGE

1. Type of fuel: L.P. gas ☐ Domestic gas ☐ Fuel oil ☐ Kerosene ☐ Other ☐ None ☐
Above ground ☐ Underground ☐ Amount of storage _____
Describe: _____
2. Are fuel supply lines equipped with shut-off valves outside of buildings? Yes ☐ No ☐ Are staff members familiar with their locations? Yes ☐ No ☐
3. Are L.P. gas cylinders, if any, rigidly mounted on suitable base and securely fastened to prevent tipping? Yes ☐ No ☐ Describe: _____
4. Is the storage and use of flammable liquids, gases, or other volatile substances in accordance with safety provisions of the FMRR? Yes ☐ No ☐ Describe: _____
5. Location of main gas shut-off valve: _____

F. OTHER HAZARDOUS LOCATIONS AND CONDITIONS

1. Are kitchen stoves, stacks, and other heating equipment located at safe distance from wall, ceiling, roof, or other combustible material and meet requirements of the FMRR? Yes ☒ No ☐ Describe: Electric range
2. Are hoods, stacks, ventilating equipment free from dirt, grease, dust? Yes ☒ No ☐ Describe: Electric dryer
3. Is boiler room in separate building or otherwise cut off from all other portions of the building by fire resistive construction? Yes ☒ No ☐ Describe: Electric water heater
4. Are smoking receptacles, waste cans, rubbish collection containers, etc., adequately provided throughout the building and premises? Yes ☒ No ☐ Describe: _____

G. FIRE ALARM AND OTHER FIRE PROTECTION FACILITIES

Smoke detectors ()

1. Is there an adequate fire alarm system? Yes ☐ No ☐ Type, when last tested: n/a, typical
2. How are fires reported to the local fire department? 911
3. Location of nearest fire alarm box: none
4. Are there inside fire standpipes, hose, hydrants, other fire-fighting facilities in building or on premises? Yes ☒ No ☐ Indicate number, condition, adequacy, etc. (33) U/L label Portable fire extinguishers rated 2A 10BC
5. Are there adequate extinguishers, proper type, suitably located? Yes ☐ No ☐ Need additional extinguishers? Yes ☐ No ☐ Date checked: _____ By whom: _____
6. Are there adequate emergency drill plan and training program provided for all employees? Yes ☐ No ☐
7. Does this plan outline evacuation procedure and emergency notification to available staff members on the grounds? Yes ☐ No ☐
8. Date and time last fire drill held: _____ Does person in charge report drill satisfactory? ☐ Unsatisfactory? ☐ Needs further assistance in planning? Yes ☐ No ☐

H. ACTION TAKEN

You are hereby requested to comply with items as checked below and/or explained under remarks within _____ days after receipt of this inspection form.

- | | |
|---|---|
| 1. Install automatic sprinklers ☐ | 9. Provide hydrants, hose stations, adequate water supply, etc. ☐ |
| 2. Install adequate fire alarm system ☐ | 10. Provide training and evacuation drill plan ☐ |
| 3. Provide additional exits, stairways, ramps, etc. ☐ | 11. Correct electrical deficiencies ☐ |
| 4. Enclose interior stairways, shafts, chutes, etc. ☐ | 12. Refer electrical inspection to electrical dept. ☐ |
| 5. Provide fire walls, fire doors, barriers, etc. ☐ | 13. Correct faulty installation of heating, cooking, ventilating equipment ☐ |
| 6. Isolate hazardous locations ☐ | 14. Improve housekeeping practices ☐ |
| 7. Remove obstructions from corridors, stairways, windows, exits, etc. ☐ | 15. Improve combustible storage conditions ☐ |
| 8. Provide portable fire extinguishing equipment ☒ | |

REMARKS: (1) Recommend ^{Additional} Battery smoke detector unit for loft area
(2) Provide self-closing ^{Closers} device for ^{ALL} typical ground floor ^{ENTRY} doors below exterior stairway.
(3) Provide ~~annual~~ ^{insp.} portable fire extinguisher tag and assemble all portable extinguishers for usage.

Recommendations: ☐ Written ☐ Verbal ☐ Orders: ☐ Written ☐ Verbal ☐ Date: _____
 Issued to: _____ Address: _____ Time: _____

FIRE CHIEF

Exhibit D: Special Flood Hazard Area Certification



DEPARTMENT OF PUBLIC WORKS ENGINEERING DIVISION COUNTY OF MAUI

SPECIAL FLOOD HAZARD AREA CERTIFICATION

Standards for development within a special flood hazard area require certification by an architect or engineer licensed in the State of Hawaii that the project conforms to requirements of Maui County Code (MCC) §16.29.60.

SECTION A – PROJECT INFORMATION		
A1. Project Owner: Kihei Resort AOA		Property Owner: Kihei Resort AOA
A2. Street Address: 777 S. Kihei Road		
City: Kihei	State: HI	ZIP Code: 96753
A3. TMK: (2) 3-9-001:136		
A4. Project Type: ☐ Structural Development		Building Use: Residential
☒ Non-Structural Development Only (wall, outside improvements, paving, grading, mining, drilling operations, storage of equipment of materials, subdivision, or watercourse alteration)		
A5. Project Name and Description: Kihei Resort Column Repair and Re-Siding : Project consists of repair and replacement in kind (lanai columns and siding) and does not constitute new construction or substantial improvement; existing flood compliance conditions remain unchanged.		

SECTION B – FLOOD INSURANCE RATE MAP (FIRM) INFORMATION		
B1. FIRM Index Date: 11/04/2015	B2. Panel Number: 1500030586G	B3. Panel Effective Date: 11/04/2015
B4. Flood Zone: AE,X	B5. Base Flood Elevation (feet LTD): 9-10'	
B6. Source of Base Flood Elevation: ☒ FIRM ☐ FIS ☐ Other:		
B7. Design Flood Elevation (feet, LTD): 9-10'		

SECTION C – STANDARDS OF DEVELOPMENT
New construction, subsequent improvement, substantial improvement, or other development conforms to the following standards of development in special flood hazard areas for the following provisions of MCC §16.29.060. SELECT ALL APPLICABLE PROVISIONS
C1. Anchoring ☐ a. Adequately anchored to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. ☐ b. Manufactured home is on a permanent foundation and is securely anchored to an adequately anchored foundation. ☐ c. Buoyancy calculations certified by an engineer or architect have been provided for pool or tank. C2. Construction Materials and Methods ☐ a. Constructed with materials and utility equipment resistant to flood damage. ☐ b. Constructed using methods and practices that minimize flood damage. ☐ c. Constructed with electrical, heating, ventilation, plumbing, air conditioning, and other service facilities that are designed or located at least one foot above the base flood elevation so as to prevent the entry and accumulation of floodwater. ☐ d. In Zone AH or AO, will provide adequate drainage paths around structures on slopes to guide floodwaters around and away from structures. C3. Elevation ☐ a. Structure will have the lowest floor, including basement, elevated to at least one foot above the base flood elevation. ☐ b. Manufactured home is elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to at least one foot above the base flood elevation. ☐ c. Structure in Zone AO, will have the lowest floor, including basement, elevated above the natural highest adjacent grade at least as high as one foot above the depth number specified on the FIRM, or at least three feet if no depth number is specified. ☐ d. For structure built on fill, will be reasonably safe from flooding in accordance with FEMA's Technical Bulletin 10, as amended, and a <i>Certification for Reasonably Safe from Flooding for Structures Built on Fill in or Near Special Flood Hazard Areas</i> has been provided. ☐ e. Upon completion of the structure, a <i>FEMA Elevation Certificate</i> signed by an engineer or surveyor licensed in the State of Hawaii will be provided. ☐ f. Unfinished or flood-resistant fully enclosed areas below the lowest floor that are usable solely for vehicular parking, building access, or storage in an area other than a basement and which are subject to flooding, is designed with flood openings to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. C4. Floodproofing for Non-Residential Construction , with the lowest floor, including basement, not elevated above the base flood elevation, will together with attendant utility and sanitary facilities, ☐ a. Be floodproofed so that walls below the base flood level are substantially impermeable to the passage of water.

☐ b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

☐ c. Be certified by a structural engineer or architect with a *FEMA Dry Floodproofing Certificate*.

C5. Utilities (water supply or sanitary sewer systems)

☐ a. New and replacement water supply and sanitary sewage systems are designed to minimize or eliminate infiltration of floodwaters into such systems and discharge from such systems into floodwaters.

☐ b. On-site waste disposal systems are located to avoid impairment to, or contamination from, such systems during flooding.

C6. Subdivision and Other Developments

☐ a. Approved final subdivision plats for subdivisions identifies special flood hazard areas and base flood elevations on the proposed sites.

☐ b. Subdivision or developments in Zone A, V, or D will conform to requirements of MCC §16.29.060.C.

☐ c. Subdivision and other developments where special flood hazard areas have not been defined, water surface elevations have not been provided, and there is insufficient data to identify the floodway or coastal high hazard areas, but there are verifiable physical indications that such hazards are present, will be consistent with the need to minimize flood damage, have utilities, such as sewer, gas, electric, and water systems, located and constructed to minimize flood damage, provide adequate drainage to reduce exposure to flood hazards, and meets requirements of MCC §16.29.050.

C7. Recreational Vehicles

☐ a. Be on site for fewer than thirty consecutive days.

☐ b. Be fully licensed and ready for highway use.

☐ c. Meets requirements of MCC §16.29.050 and §16.29.060.D for manufactured homes.

C8. Zone A, AH, AO, or AE, where base flood elevations have been determined but a floodway has not been designated,

☐ a. The cumulative effect of the proposed construction, substantial improvement, or development (including fill), when combined with all other existing and anticipated construction, substantial improvement, and development, will not increase the water surface elevation of the base flood at any point.

☐ b. A *Certification of Compensatory Storage or Conveyance* has been provided.

C9. Floodway (Zone AEF)

☐ a. Encroachment in floodway will not result in any increases in base flood levels and a *FEMA No-Rise Certification* has been provided.

☐ b. Encroachment in floodway or development will cause a rise in the base flood elevation and a *FEMA Conditional Letter of Map Revision* has been provided.

☐ c. A *FEMA Letter of Map Revision (LOMR)* will be obtained and an application for a *LOMR* will be submitted to FEMA no later than six months after the completion of a development.

C10. Coastal High Hazard Area (Zone V or VE)

☐ a. Development is within a coastal high hazard area and a *Coastal High Hazard Area Certification* has been provided.

C11. General Floodplain (Zone A, V, or D)

☐ a. Will conform to MCC §16.29.050 and §16.29.060.

C12. Flood Map Revisions

☐ a. Development will increase or decrease base flood elevations within a special flood hazard area and a *FEMA Conditional Letter of Map Revision (CLOMR)* has been provided.

☐ b. A *FEMA Letter of Map Revision (LOMR)* will be obtained and an application for a *LOMR* will be submitted to FEMA no later than six months after the completion of a development.

C13. Watercourse Alteration

☐ a. Development will alter or relocate a riverine watercourse and the State of Hawaii Department of Land and Natural Resources Commission of Water Resource Management has been notified and evidence provided.

☐ b. The flood-carrying capacity of the altered or relocation portion of the watercourse will be maintained, and a *Flood Carrying Capacity Certification* has been provided.

C14. Project is in a flood-prone area where special flood hazard areas have not been defined, water surface elevations have not been provided, and there is insufficient data to identify the floodway or coastal high hazard area, but there are verifiable physical indications that such hazards are present,

☐ a. New construction, subsequent improvements, and substantial improvements, including the placement of manufactured homes, will comply with applicable standards.

SECTION D – SPECIAL FLOOD HAZARD AREA CERTIFICATION			
I CERTIFY THAT BASED UPON DEVELOPMENT AND/OR REVIEW OF THE STRUCTURAL AND ENGINEERING DESIGN, PLANS, AND SPECIFICATIONS FOR CONSTRUCTION THAT THE DESIGN AND METHODS OF CONSTRUCTION MEET OR EXCEED APPLICABLE STANDARDS FOR FLOOD HAZARD REDUCTION AS INDICATED BY THE SELECTED PROVISIONS IN SECTION C.			
D1. Certifier: Sarah A. Marshall		D2. License Number: AR-20933	
D3. Company: SAM & CO Consulting			
D4. Address: 1215 S. Kihei Rd.			
City: Kihei		State: HI	ZIP Code: 96753
D5. Email: info@sambar-ae.com		D6. Phone: 808-400-0690	
D7. Signature: Sarah A. Marshall		Date: 4/2/2026	

Exhibit E: Important Links

Data point	Official source URL (HTTP-verified 2026-07-08)
Kihei Resort	www.kiheiresort.org
Parcel geometry / acreage / land value	https://geodata.hawaii.gov/arcgis/rest/services/ParcelsZoning/MapServer/30
Zoning district (A-1 Apartment)	https://geodata.hawaii.gov/arcgis/rest/services/ParcelsZoning/MapServer/33
State Land Use District (Urban)	https://geodata.hawaii.gov/arcgis/rest/services/ParcelsZoning/MapServer/20
Community Plan (Kihei-Makena)	https://geodata.hawaii.gov/arcgis/rest/services/ParcelsZoning/MapServer/10
Special Management Area	https://geodata.hawaii.gov/arcgis/rest/services/ParcelsZoning/MapServer/21
Owner of record (per CPR unit)	https://services3.arcgis.com/fsrDo0QMPlK9CkZD/ArcGIS/rest/services/Maui_County_Certified_Parcels_2026/FeatureServer/11
Assessed values / tax class (per unit)	https://services3.arcgis.com/fsrDo0QMPlK9CkZD/ArcGIS/rest/services/Maui_County_Certified_Parcels_2026/FeatureServer/12
Minatoya / Short-Term Occupancy List (PDF)	https://www.mauicounty.gov/DocumentCenter/View/112945/Short-Term-Occupancy-List-as-of-06272024
County Tax Parcel Viewer (interactive)	https://experience.arcgis.com/experience/2e0c5f29b6eb43aea00ae4b3c1f033a4
RPAD portal (qpublic — Cloudflare-blocked to automation)	https://qpublic.schneidercorp.com/Application.aspx?AppID=1029&PageTypeID=4&KeyValue=390011360000
MAPPS permit system (interactive; not retrieved)	https://www.mauicounty.gov/2479/MAPPS---Mauis-Automated-Planning-and-Per

END

HLU Committee

From: Carrie Ann Shirota <cashirota808@gmail.com>
Sent: Wednesday, August 19, 2026 1:33 AM
To: HLU Committee
Subject: Testimony in Opposition to Resolutions 26-129 and 26-130
Attachments: Testimony Maui County Council Oppose Resolutions 26-129 C.A. Shirota 08-19-26.pdf

You don't often get email from cashirota808@gmail.com. [Learn why this is important](#)

Aloha,

I am writing to submit my testimony for the Maui County Council hearing scheduled for today, Wednesday, August 19, 2026. Please find the document attached for the Council's review and inclusion in the public record.

I would appreciate it if you could please confirm receipt of this submittal at your earliest convenience to ensure it has been properly filed.

Mahalo,
Carrie Ann Shirota
808.269.3858

Maui County Housing and Land Use Committee
Public Hearing
Planning Conference Room
Kalana Pakui Building, 250 South High Street
Wailuku, Hawai'i
August 19, 2026 at 9:00 a.m.

Testimony in Opposition to Resolutions 26-129 and 26-130

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 A-1 AND A-2 APARTMENT DISTRICT PROPERTIES
INTO THE H-3 AND H-4 HOTEL DISTRICTS

Aloha Chair U'u-Hodgins, Vice Chair Batangan, and Members of the Maui County
Housing and Land Use Committee:

My name is Carrie Ann Shirota, and I am writing to respectfully oppose Resolutions 26-129 and 26-130. As background, I was born and raised in Kaupakalua. Although I currently live on O'ahu with my son, we still consider Maui home - returning as often as we can to visit our 'ohana from Kaupakalua, to Kula, Kahului, Wai'ehu and Waihe'e.

My Son's Fear of Being Forced to Leave Maui and Hawai'i

My son Kūliaikapono just entered his freshmen year. While grocery shopping together a few weeks ago, my son asked my opinion if prices would ever decrease. This led to a candid conversation that exorbitant grocery prices are unlikely to drop - unless we make systemic policy changes and investments in Hawai'i.

Imagine my surprise and sadness when my son expressed his deep seated fear that he won't be able to afford to live on Maui or anywhere in Hawai'i. At the tender age of 14, he actually foresees a future where he is forced to move to the U.S. continent to make ends meet, even if he earns his college degree.

I literally cried that night. I can not begin to tell you how this conversation broke my heart, and how much it hurts to know that so many Kanaka and local families have had to leave Hawai'i to make ends meet.

While the latest census data reveals that more Native Hawaiians live outside of Hawai'i than in Hawai'i, it doesn't have to be this way. We can reverse this trend if we implement a multitude of data driven solutions to increasing affordable housing in Hawai'i and investing in education, living wage opportunities and sustainable energy.

While Bill 9 is not a panacea for our housing crisis, its core strength lies in its commitment to data-driven decision-making, a principle that must remain the cornerstone of sound public policy.

Data-Driven Decision-Making is Necessary to Advancing Sound Public Policy

I am deeply troubled by the proposed Resolutions to significantly water down the spirit and letter of Bill 9. Based on the Office of Hawaiian Affairs' updated review, the proposed Resolutions would exponentially increase the number of units for potential H-3 and H-4 housing as follows:

- Resolutions 26-110 and 26-111 together refer 3,610 units to the Maui Planning Commission for possible H-3 and H-4 hotel zoning.
- Resolution 26-110 accounts for approximately 1,831 units
- Resolution 26-111 accounts for approximately 1,779 units, including Amendment Summary Forms from Councilmember Paltin, two amendment forms from Councilmember Cook, and an amendment form Councilmember Sinenci.
- Resolution 26-129 would refer an additional 1,091 units for possible H-3 and H-4 hotel zoning, including Amendment Summary Forms from Councilmember Cook and Council Chair Lee requesting additional properties be added to the list for rezoning.
- OHA could not verify the total number of units affected by Resolution 26-130 because the properties do not appear to be included in the Exhibit.

For perspective, Ordinance 5909, commonly known as Bill 9, affects over 6,000 units. Even excluding Resolution 26-130, Resolutions 26-110, 26-111, and 26-129 together place approximately 4,701 units on a path toward permanent hotel zoning.

These proposed measures undermine the core intent of Bill 9, which was to reclaim housing units for long-term residential use. By arbitrarily expanding the scope for rezoning without rigorous policy analysis or evidence-based justification, the County risks eroding potential housing stock for local families.

Given that preliminary data from the Maui County Department of Finance indicates Bill 9 is successfully generating housing opportunities, it is premature to authorize these broad rezoning referrals. I urge the County to prioritize the adoption of objective criteria and conduct parcel-specific reviews. The County must exercise due diligence and allow sufficient time to evaluate the initial impact of the law before taking actions that would severely compromise the legislative purpose of Bill 9.

In closing, I strongly urge the Committee to defer Resolutions 26-129 and 26-130. We must act decisively to protect Maui's limited housing stock and ensure a future where the next generation is not forced into exile by unsustainable policy. By prioritizing residential stability over further hotel expansion, you can begin to assuage the deep-seated fears of families like mine and ensure that Maui Nui remains a home for those who love this land.

Mahalo for the opportunity to submit this testimony and for carefully considering the impact of your vote on our keiki and future generations.

Sincerely,

Carrie Ann Shirota, Esq.

HLU Committee

From: Rebecca Krill <rebecca@hihoalaw.com>
Sent: Tuesday, August 18, 2026 12:22 PM
To: Maui_County Council_mailbox
Subject: Oral Testimony at August 19, 2026, HLU Meeting
Attachments: 260818 Memo to Corp Counsel re Sunshine Law and Oral Testimony.pdf

You don't often get email from rebecca@hihoalaw.com. [Learn why this is important](#)

Dear Mr. Raatz,

It has come to our attention that oral testimony may be limited at tomorrow's Housing and Land Use Committee meeting and that, those interested person who provided oral testimony on August 5, 2026, may be precluded from providing supplemental testimony.

For the reasons discussed in the attached memorandum, the Committee should permit supplemental oral testimony at tomorrow's HLU meeting, given the timing of the Committee's receipt of testimony, and the substantive nature of amendments being proposed by Chair Uu-Hodgins.

Should you have any questions, please feel free to contact me directly via cell: (808) 281-3839, and I would be happy to discuss with you further.

Thanks,

Rebecca Krill, Esq.
Principal

HI | HOA LAW

HOA | CONDO | REAL ESTATE | CONSTRUCTION

808.281.3839
rebecca@hihoalaw.com
www.hihoalaw.com

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Rebecca O. Krill
rebecca@hihoalaw.com | (808) 281-3839

MEMORANDUM

TO: Office of Council Services
ATTN: David M. Raatz
FROM: Rebecca O. Krill, Esq.
DATE: August 18, 2026
RE: **Resolution 26-129 — Request to Permit Supplemental Oral Testimony
Regarding Addition of Special Flood Hazard Area Criterion**

I. QUESTION PRESENTED

Whether interested persons who testified on Resolution 26-129 at the Housing and Land Use Committee's ("Committee") August 5, 2026, meeting should be permitted to provide supplemental oral testimony when the Committee reconvenes on August 19, 2026, where, after the original public notice was issued, the Committee Chair proposed a substantive amendment adding location within a Special Flood Hazard Area ("SFHA") as an independent criterion for inclusion in the proposed council-initiated rezoning.

II. SHORT ANSWER

Yes. Although Hawai'i's Sunshine Law permits a properly recessed meeting to be continued without automatically reopening oral testimony on an unchanged agenda item, the circumstances presented here are materially different.

The August 5 public notice specifically described Resolution 26-129 as a proposal concerning A-1 and A-2 Apartment District properties "in the Sea Level Rise Exposure Area." The agenda went further and expressly defined that criterion by reference to the County's 3.2-foot sea-level-rise planning threshold. It identified eight affected properties and stated that additional properties could be considered if they were "consistent with the Resolution's purpose."

The Chair's subsequent amendment does considerably more than refine that criterion. It adds an alternative and independent eligibility criterion: location in a Special Flood Hazard Area, as defined and established under Maui County Code §§ 16.29.030 and 16.29.040. The amendment changes the title of Resolution 26-129, its substantive recitals, the titles and operative provisions of

both proposed resolutions, and expressly declares that A-1 and A-2 Apartment District properties located in either the SLR-XA or an SFHA are appropriate for H-3/H-4 rezoning.

The Chair's own Amendment Summary Form confirms the substantive significance of the change: Kihei Bay Surf and Kihei Bay Vista were included in the proposed bills because they are located in a Special Flood Hazard Area, and the amendment was intended to document that reasoning. Thus, SFHA status is not merely additional information relevant to the existing SLR-XA criterion; it supplies a separate substantive justification for selecting properties for council-initiated rezoning.

Under HRS §§ 92-1, 92-3, and 92-7, the public is entitled to reasonable notice of the matters a board intends to consider and a meaningful opportunity to present testimony on those matters. The Office of Information Practices ("OIP") has consistently interpreted § 92-7 to require sufficient specificity to allow a member of the public to understand what a board intends to consider and decide whether to attend and testify. A generic reservation that an item may be considered "with or without revisions" cannot reasonably substitute for notice that the Committee may adopt an entirely separate geographic and regulatory criterion for determining which properties should receive council-initiated rezoning.

Accordingly, even if the August 19 proceeding is treated as a continuation of the August 5 meeting under *Kanahele v. Maui County Council*, 130 Hawai'i 228, 307 P.3d 1174 (2013) ("*Kanahele*"), the better course—and the course most consistent with the Sunshine Law's notice and public-participation requirements—is to permit supplemental oral testimony related to the substantive amendments introduced after the original testimony opportunity, particularly the addition of SFHA status as an independent criterion.

III. FACTUAL AND PROCEDURAL BACKGROUND

A. The August 5, 2026, Agenda Expressly Identified Only SLR-XA as the Criterion Underlying the Purpose of Resolution 26-129

The August 5 agenda identified the matter as:

RESOLUTION 26-129, REFERRING TO THE MAUI PLANNING COMMISSION PROPOSED BILLS TO AMEND THE KIHAI-MAKENA COMMUNITY PLAN AND WEST MAUI COMMUNITY PLAN, AND TO CHANGE THE ZONING FOR A-1 AND A-2 APARTMENT DISTRICT PROPERTIES IN THE SEA LEVEL RISE EXPOSURE AREA.

The agenda's detailed description reinforced that limitation. It stated that Resolution 26-129's purpose was to refer proposed bills changing the community-plan designations and zoning of:

Apartment District properties in the Sea Level Rise Exposure Area to allow for continued Transient Vacation Rental uses.

The agenda then specifically defined the SLR-XA criterion:

The Sea Level Rise Exposure Area is determined by using the County's recognized planning threshold for coastal erosion at 3.2 feet of sea level rise as identified in the Hawai'i Sea Level Rise Viewer.

Thus, the public was not merely told that the Committee would generally consider which Apartment District properties should receive council-initiated H-3/H-4 rezoning. The notice identified a particular class of properties, defined by a particular geographic and planning criterion: location within the SLR-XA. The agenda then identified eight specific properties affected by the resolution.

B. The Agenda Permitted Revisions, But Tied the Addition of Properties to the Existing Purpose of Resolution 26-129

The "Status" portion of the agenda stated that the Committee could recommend adoption "with or without revisions." More specifically, it advised that the Committee might add properties from the attached Apartment District list: "consistent with the Resolution's purpose."

That qualification is significant.

As the same agenda had expressly defined the Resolution's purpose as rezoning Apartment District properties in the SLR-XA, a reasonable member of the public would understand the Committee's authority to add properties "consistent with the Resolution's purpose" to mean additional properties satisfying the announced SLR-XA criterion—not properties selected pursuant to a different hazard designation that was nowhere identified in the public notice.

C. Chair Uu-Hodgins' Amendment Introduces SFHA Status as a Separate and Independent Criterion

The Chair's Amendment Summary Form describes the amendment as one that "includes properties located in a Special Flood Hazard Area." It proposes inserting "OR A SPECIAL FLOOD HAZARD AREA" into the title of Resolution 26-129 and adding SFHA status to its substantive WHEREAS clauses. It further proposes a new recital establishing that SFHAs are defined and established under Maui County Code §§ 16.29.030 and 16.29.040.

The amendment does the same to both proposed bills. It changes their titles and operative language from SLR-XA properties to properties in the:

SEA LEVEL RISE EXPOSURE AREA OR A SPECIAL FLOOD HAZARD AREA.

The proposed CD1 accordingly states that the Council is considering rezoning A-1 and A-2 properties "in the Sea Level Rise Exposure Area or a Special Flood Hazard Area" to H-3 and H-4.

Most significantly, the proposed zoning ordinance affirmatively declares:

A-1 and A-2 Apartment District properties in the Sea Level Rise Exposure Area or a Special Flood Hazard Area are appropriate for H-3 and H-4 Hotel District zoning, respectively, to allow for continued Transient Vacation Rental uses.

This is a substantive expansion of the policy underlying Resolution 26-129.

IV. APPLICABLE LAW

A. HRS § 92-1 Requires the Sunshine Law to be Construed in Favor of Open Government.

HRS Chapter 92 embodies Hawai‘i’s strong public policy that governmental deliberation and decision making be conducted openly. Section 92-1 directs that the provisions governing open meetings be construed to protect the people’s right to participate in the formation and conduct of public policy. That statutory purpose informs both the testimony requirement of § 92-3 and the notice requirements of § 92-7.

B. HRS § 92-3 requires an opportunity for oral testimony on agenda items.

HRS § 92-3 provides that boards: “shall also afford all interested persons an opportunity to present oral testimony on any agenda item; provided that the oral testimonies of interested persons shall not be limited to the beginning of a board’s agenda or meeting.” It also authorizes boards to provide by rule for the “reasonable administration of oral testimony.”

The Council therefore may impose reasonable and evenhanded procedures governing testimony. But procedural rules governing the administration of testimony operate against the background requirement that the public first receive adequate notice of the subject on which the testimony opportunity is being afforded.

A three-minute opportunity to testify about SLR-XA is not necessarily a meaningful opportunity to testify about SFHA when SFHA was not disclosed or properly noticed as part of the purpose of Resolution 26-129, when the testimony was first given.

C. HRS § 92-7 requires meaningful advance notice of the matters to be considered.

HRS § 92-7(a) requires the meeting notice to include an agenda listing the items that will be considered.

OIP interprets this requirement to mean that an agenda must identify each item with sufficient detail and specificity to permit a member of the public to understand what the board intends to consider and to determine whether to attend and participate through oral or written testimony. See OIP Op. Ltr. No. 07-02, publicly available at: <https://ags.hawaii.gov/oip/07-02/>.

OIP has expressly rejected general descriptions and “catch-all” provisions intended to preserve a board’s ability to consider matters not specifically disclosed in the agenda. Such language is contrary to the purpose of the Sunshine Law because it does not provide meaningful notice of what the board will actually consider. *Id.*; see also OIP Op. Ltr. No. F25-01, publicly available at: <https://ags.hawaii.gov/oip/f25-01/>.

OIP’s more recent decisions similarly ask whether there is a sufficient nexus between the matter actually discussed and the agenda description such that the public had reasonable notice and

an opportunity to provide meaningful testimony. S Memo 24-01, publicly available at: <https://ags.hawaii.gov/oip/s-memo-24-01/>.

D. D. HRS § 92-7(d) Restricts the Addition of New Matters to a Posted Agenda

Section 92-7(d) permits addition of an item to an agenda within the statutory notice period only upon the required two-thirds recorded vote. Even then, an item cannot be added if it is “of reasonably major importance” and board action on the item “will affect a significant number of persons.”

OIP has emphasized that these considerations are not viewed narrowly or in isolation. The importance and consequences of the matter must be evaluated in their larger context. OIP Op. Ltr. No. 06-05, publicly available at: <https://ags.hawaii.gov/oip/06-05/>.

OIP has also recognized that a proposed bill—the mechanism through which a county council enacts law—is generally a matter of reasonably major importance affecting a significant number of persons. That principle was expressly discussed by the Hawai‘i Supreme Court in *Kanahele*.

Here, Resolution 26-129 proposes changes to community-plan designations and zoning for multiple properties and establishes the criteria by which Apartment District properties may be selected for council-initiated rezoning. The addition of an independent criterion capable of determining which properties receive that treatment cannot reasonably be characterized as a minor administrative matter.

The Committee should also consider whether the addition of Special Flood Hazard Area status as an independent basis for council-initiated rezoning constitutes a new agenda item for purposes of HRS § 92-7(d), rather than merely a permissible revision to the noticed item.

The August 5 agenda repeatedly and specifically identified the subject of Resolution 26-129 as the rezoning of A-1 and A-2 Apartment District properties “in the Sea Level Rise Exposure Area,” and expressly defined that area by reference to the 3.2-foot sea-level-rise threshold. The Chair’s proposed amendment does not merely modify the manner in which that announced criterion is applied. It adds, in the disjunctive, “or a Special Flood Hazard Area,” invokes a separate statutory and regulatory framework under MCC §§ 16.29.030 and 16.29.040, and makes SFHA status an independently sufficient basis for determining that an Apartment District property is appropriate for H-3 or H-4 rezoning. Importantly, the Amendment Summary Form expressly states that Kihei Bay Surf and Kihei Bay Vista were included because they are located in a Special Flood Hazard Area, confirming that SFHA status supplies an independent substantive rationale for governmental action rather than merely clarifying the noticed SLR-XA criterion.

If the SFHA criterion is sufficiently distinct from the noticed SLR-XA criterion to constitute a new item, HRS § 92-7(d) presents a separate issue that cannot necessarily be cured simply by allowing supplemental testimony at the continued meeting. As noted, Section 92-7(d) restricts a board’s ability to add matters that were not included on the filed agenda and prohibits the addition of an item that is “of reasonably major importance and action thereon by the board will affect a significant number of persons.” The proposed SFHA criterion potentially determines which Apartment District properties will receive council-initiated community-plan amendments and rezoning to H-3 or H-4 and which properties will not. Given the substantial land-use consequences of

that determination and its potential application to a broader class of properties than those identified through the SLR-XA criterion, there is a substantial basis to conclude that the matter is one of reasonably major importance affecting a significant number of persons.

Accordingly, this memorandum expressly places the Committee and Corporation Counsel on notice of the potential HRS § 92-7(d) deficiency and reserves the position that supplemental oral testimony, while necessary to provide meaningful public participation on the newly introduced criterion, may not by itself cure an underlying failure of statutory agenda notice.

The Committee should therefore obtain Corporation Counsel's advice regarding whether consideration or adoption of the SFHA criterion at the continued August 19 meeting is permissible under § 92-7(d), or whether the SFHA proposal must instead be placed on a properly noticed agenda before substantive action is taken.

E. *Kanahele* Does Not Eliminate the Requirement of Adequate Notice and Meaningful Public Participation

In *Kanahele v. Maui County Council*, 130 Hawai'i 228, 307 P.3d 1174 (2013), the Hawai'i Supreme Court considered the Maui County Council's practice of recessing and reconvening a meeting concerning the Wailea 670 project after oral testimony had closed.

The Court concluded that HRS § 92-7(d) permits a board to continue an unfinished meeting to a reasonable date and time without necessarily posting a new agenda or reopening oral testimony at every continued session. However, the Court also emphasized an important limitation: even when utilizing the statutory continuation procedure, a board remains constrained by the spirit and purpose of the Sunshine Law, and continued meetings must be conducted in a manner ensuring open government and public participation. *Id.*

OIP's underlying authority similarly recognizes that a continuation that significantly impairs the public's ability to testify on an ongoing issue may not be reasonable.

Kanahele, therefore, should not be read as authorizing a board to use the continuation procedure to introduce a materially different substantive criterion after the public's only opportunity for oral testimony has passed.

V. ANALYSIS

A. The August 5 Agenda Did Not Provide Sufficient Notice that SFHA Status Would Be Considered

Nothing in the agenda description of Resolution 26-129 identified SFHAs, FEMA flood-hazard mapping, Maui County Code Chapter 16.29, flood zones, or flooding generally as an alternative basis for selecting properties for Council-initiated rezoning.

Instead, the agenda repeatedly and specifically identified **SLR-XA** as the relevant geographic criterion. That specificity significantly determines public understanding and participation. A property

owner reviewing the agenda could reasonably investigate whether the owner's property was within the SLR-XA and decide whether the proposed resolution implicated that property.

An owner whose property was outside the SLR-XA but inside an SFHA would have had no comparable notice that the Committee was contemplating a criterion that could bring that property within the council-initiated rezoning process. Conversely, owners of SLR-XA properties had no notice that they would need to address the policy justification for treating SFHA exposure as equivalent or alternative to SLR-XA exposure.

The Sunshine Law's notice requirement exists precisely so members of the public can make those decisions before governmental deliberation occurs.

B. SFHA Status is Not a Refinement of the Noticed SLR-XA Criterion; it is an Independent Criterion for Selecting Properties

The distinction between SLR-XA and SFHA is central.

The August 5 agenda did not announce a general inquiry into whether properties exposed to "coastal hazards," "environmental hazards," "flooding," or other broadly described risks should receive council-initiated rezoning.

It announced **SLR-XA**.

It specifically defined the SLR-XA for purposes of the resolution by reference to the Hawai'i Sea Level Rise Viewer and the 3.2-foot sea-level-rise threshold. The Chair's amendment introduces a separately defined legal and geographic designation: Special Flood Hazard Areas established under MCC §§ 16.29.030 and 16.29.040.

The amendment uses the disjunctive "or." A property therefore need not satisfy both criteria. Under the amendment, qualification under either criterion may independently support council-initiated rezoning. That is a substantive expansion of the resolution's governing policy.

The Chair's Own Stated Reason for the Amendment Confirms that SFHA is Substantive. The Amendment Summary Form eliminates any substantial doubt about whether SFHA was merely explanatory.

It states:

Kihei Bay Surf and Kihei Bay Vista are listed in the proposed bills attached as Exhibits '1' and '2' to the resolution because they are located in a Special Flood Hazard Area. This amendment ensures this reasoning is documented.

Thus, SFHA status is being used to answer the fundamental legislative question presented by Resolution 26-129: Which Apartment District properties should receive council-initiated rezoning to H-3 or H-4? That is not an incidental detail. It is the criterion being used to justify governmental treatment of particular properties. The proposed ordinance now expressly declares that properties in either an SLR-XA or an SFHA "are appropriate" for H-3/H-4 zoning.

C. D. “With or without revisions” Cannot Cure the Notice Deficiency.

The agenda states that Resolution 26-129 may be recommended “with or without revisions.” That language should not be construed as advance notice of any conceivable substantive amendment. Such an interpretation would largely defeat HRS § 92-7. Virtually any legislative agenda item could be noticed broadly and then materially transformed under a reservation that it may be adopted “with revisions.”

OIP has rejected precisely this type of catch-all approach. An agenda must contain sufficient detail for a member of the public to understand what the board actually intends to consider; general language cannot preserve unlimited authority to consider undisclosed matters. *OIP Op. Ltr. No. 07-02*; *OIP Op. Ltr. No. F25-01*.

The language immediately following “with or without revisions” makes the problem even clearer. The agenda specifically states that additional properties may be added if they are: “consistent with the Resolution’s purpose.”

But the agenda itself had just defined that purpose as rezoning Apartment District properties within the SLR-XA. Adding another SLR-XA property would therefore be a reasonably anticipated revision. Adding an entirely separate SFHA criterion is qualitatively different: it changes the announced purpose by expanding the rule used to determine which properties qualify.

D. The Original Testimony Opportunity Could Not Provide Meaningful Participation Concerning a Criterion that Had Not Been Disclosed

HRS § 92-3 guarantees interested persons an opportunity to present oral testimony on agenda items. The statutory right would be substantially diminished if a board could:

1. notice a legislative proposal based on Criterion A;
2. receive the public’s oral testimony concerning Criterion A;
3. close oral testimony;
4. introduce Criterion B as an independent substantive basis for the legislation; and
5. prohibit the same members of the public from addressing Criterion B because they already testified before Criterion B was disclosed.

The problem is especially apparent here because SFHA status affects the central policy question underlying Resolution 26-129: which properties should be selected for council-initiated rezoning and why.

Interested persons who testified on August 5 had no reason to devote their limited three- or six-minute testimony to whether SFHA status is an appropriate rezoning criterion because the agenda did not disclose that issue.

The August 5 agenda itself limited oral testimony to three minutes per agenda item. A three-minute opportunity to address the expressly noticed SLR-XA proposal cannot reasonably be characterized as an opportunity to address a materially different SFHA criterion introduced thereafter.

E. F. *Kanahele* does not require the Committee to disregard a material change in the substance of the matter noticed.

The Committee may rely on *Kanahele* for the proposition that it need not reopen testimony every time a continued meeting reconvenes. That proposition, while correct, does not apply to the present issue.

The argument for supplemental testimony is not based solely on the passage of time between August 5 and August 19. Nor is it based merely on the fact that Resolution 26-129 was amended. It is based on the nature of the amendment and the inadequacy of the original notice to alert the public that this particular substantive criterion, SFHA, would be considered.

The more precise issue is:

May the public's August 5 testimony opportunity be treated as a meaningful opportunity to address an independent substantive rezoning criterion that was not disclosed in the August 5 agenda?

That question implicates HRS §§ 92-3 and 92-7 in a manner not resolved merely by treating August 19 as a continuation of the same meeting. The Supreme Court itself cautioned in *Kanahele* that continued meetings must still be administered consistently with the Sunshine Law's fundamental purposes of open government and public participation.

VI. THE APPROPRIATE REMEDY IS NARROW: PERMIT SUPPLEMENTAL TESTIMONY CONCERNING THE SUBSTANTIVE AMENDMENTS

The Committee need not reopen the entire record or permit repetitive testimony concerning matters fully addressed on August 5. A tailored procedure would adequately address the concern.

The Committee can allow interested persons who previously testified a new three-minute opportunity related to substantive amendments introduced after the original testimony opportunity, including: Such a procedure preserves the Committee's ability to conduct its business efficiently while providing meaningful public participation on a substantive issue the public was not notified it would need to address.

Accordingly, the Committee should permit supplemental oral testimony before acting on Resolution 26-129 as amended. At minimum, interested persons who testified before the SFHA amendment was introduced should be permitted a reasonable opportunity to address that amendment and other substantive changes that were not included in the August 5 public notice.

Doing so would not undermine *Kanahele* or require testimony to reopen following every legislative amendment. It would instead recognize the narrower principle that when an amendment materially expands the substantive criteria underlying proposed legislation beyond what the public notice reasonably disclosed, the public should receive a meaningful opportunity to address the new matter before governmental action is taken.

Office of Corporation Counsel

August 18, 2026

Page 10

That result best gives effect to HRS §§ 92-1, 92-3, and 92-7 and to Hawai'i's fundamental policy that governmental decision making be conducted openly and with meaningful public participation.

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A Limited Liability Law Company

A handwritten signature in black ink, appearing to read "Rebecca Krill". The signature is stylized with a large, looped "R" and a cursive "Krill".

Rebecca Krill, Esq.
Principal

Cc: Housing and Land Use Committee
Maui County Council

HLU Committee

From: Maui_County Council_mailbox
Sent: Tuesday, August 18, 2026 4:13 PM
To: HLU Committee
Subject: Forwarding Email as Attachment from Rebecca Krill
Attachments: Oral Testimony at August 19, 2026, HLU Meeting

Mahalo.

HLU Committee

From: McKenna Woodward <mckennaw@oha.org>
Sent: Tuesday, August 18, 2026 1:52 PM
To: HLU Committee
Cc: Tamara A. Paltin
Subject: OHA Updated Analysis/Supplemental Testimony - Aug. 19 Resolutions 26-129 & 26-130
Attachments: OHA Supplemental Testimony in Oppositions_Resos 26-129 & 26-130 8.19.26 final..pdf

Importance: High

Some people who received this message don't often get email from mckennaw@oha.org. [Learn why this is important](#)

Aloha,

Per Councilmember Paltin's request at the August 5th HLU hearing regarding Resolutions 26-129 and 26-130, attached please find an updated analysis on the number of untis affected.

Please accept the attached as supplemental written testimony from the Office of Hawaiian Affairs on these two resolutions for the hearing tomorrow.

Mahalo,

McKenna Woodward
'Aho Pueo Kulekele Aupuni | Public Policy Advocate
Office of Hawaiian Affairs
P: (808) 582-0537 | E: McKennaW@OHA.org
560 N. Nimitz Highway, Honolulu, HI 96817

www.oha.org





Maui County Housing and Land Use Committee

Public Hearing
Planning Conference Room
Kalana Pakui Building, 250 South High Street
Wailuku, Hawai'i
August 19, 2026
9:00 a.m.

Supplemental Testimony in Opposition to Resolutions 26-129 and 26-130

REFERRING TO THE MAUI PLANNING COMMISSION PROPOSED BILLS TO AMEND THE KIHAI-MAKENA COMMUNITY PLAN AND WEST MAUI COMMUNITY PLAN, AND TO CHANGE THE ZONING FOR CERTAIN A-1 AND A-2 APARTMENT DISTRICT PROPERTIES INTO THE H-3 AND H-4 HOTEL DISTRICTS

Aloha e Chair U'u-Hodgins, Vice Chair Batangan, and Members of the Maui County Housing and Land Use Committee:

The Office of Hawaiian Affairs (OHA) respectfully submits this supplemental testimony in continued OPPOSITION to Resolutions 26-129 and 26-130. **OHA submits this update in response to the Committee's August 5, 2026, request for additional analysis on the number of units affected by Resolutions 26-110, 26-111, 26-129, and 26-130, including Amendment Summary Forms submitted the morning of the August 5 hearing.**

Based on OHA's updated review, Resolutions 26-110 and 26-111 together refer 3,610 units to the Maui Planning Commission for possible H-3 and H-4 hotel zoning. Resolution 26-110 accounts for approximately 1,831 units, and Resolution 26-111 accounts for approximately 1,779 units, including Amendment Summary Forms from Councilmember Paltin¹, two amendment forms from Councilmember Cook², and an

¹ Amendment Summary Form from Councilmember Tamara Paltin to Resolution 26-110 (July 24, 2026), <https://mauicounty.legistar.com/View.ashx?M=F&ID=15673821&GUID=E04917B3-1567-4A6E-96A2-8582A0384890>.

² Amendment Summary Form from Councilmember Thomas Cook to Resolution 26-110 (July 24, 2026), <https://mauicounty.legistar.com/View.ashx?M=F&ID=15665868&GUID=A8202178-3A63-450F-BB63-DF3546E51846>; Resolution 26-111 (July 24, 2026), <https://mauicounty.legistar.com/View.ashx?M=F&ID=15665871&GUID=9E455F52-331D-4310-88FB-AC0B71402EDE>.

amendment from Councilmember Sinenci.³ Resolution 26-129 would refer an additional 1,091 units for possible H-3 and H-4 hotel zoning, including Amendment Summary Forms from Councilmember Cook⁴ and Council Chair Lee⁵ requesting additional properties be added to the list for rezoning. **OHA could not verify the total number of units affected by Resolution 26-130 because the properties do not appear to be included in Exhibit 1.**^{6 7}

Even excluding Resolution 26-130, **Resolutions 26-110, 26-111, and 26-129 together place approximately 4,701 units on a path toward permanent hotel zoning.** For reference, Ordinance 5909,⁸ commonly referred to as Bill 9, affects over 6,000 units.⁹ In practical effect, these measures would exempt a substantial majority of the units Bill 9 was intended to return to long-term residential use, while appearing to arbitrarily add new units for rezoning without any policy analysis of their potential or appropriate use as residential units for local families.

OHA reiterates concern with pushing through broad rezoning and entitlements for nonresident investor owners before a full evaluation of the potential impacts to local families. The Department of Finance's own data shows that Bill 9 is already creating local

³Amendment Summary Form from Councilmember Shane M. Sinenci;; and "July 24, 2026 Meeting Minutes," reflecting adopted Amendment Summary Forms for Resolutions 26-110 and 26-111,
<https://mauicounty.portal.civicclerk.com/event/1385/files/agenda/5908>.

⁴ County of Maui Council, Amendment Summary Form from Councilmember Thomas Cook to Resolution 26-129 (August 5, 2026),
<https://mauicounty.legistar.com/View.ashx?M=F&ID=15746308&GUID=5A8F72A8-930A-46F9-B14B-695E3CCA7066>.

⁵ County of Maui Council, Amendment Summary Form from Council Chair Alice Lee to Resolution 26-129 (August 5, 2026),
<https://mauicounty.legistar.com/View.ashx?M=F&ID=15746311&GUID=42066930-1F98-436C-812C-C83D08335DBC>.

⁶ County of Maui, Housing and Land Use Committee, "August 5, 2026, Meeting Agenda, Exhibit 1,"
<https://mauicounty.legistar.com/View.ashx?M=A&ID=1431899&GUID=E3B68BCF-6D04-4ECF-B071-F10279580314>.

⁷ County of Maui Housing and Land Use Committee Resolution 26-130
<https://mauicounty.legistar.com/LegislationDetail.aspx?ID=8156254&GUID=0500B098-0EF2-4536-8BA2-269B6818C91D&Options=ID|Text|&Search=26-130>.

⁸ County of Maui, Ordinance No. 5909, Bill 9, CD1, FD1 (2025), "A Bill for an Ordinance Amending Chapters 19.12, 19.37, Maui County Code, Relating to Transient Vacation Rentals in Apartment Districts, Including Transient Vacation Rentals Allowed to Continue Under Ordinance 1797 (1989),"
<https://www.mauicounty.gov/DocumentCenter/View/157039/Ord-5909?bidId=>.

⁹ County of Maui, "Mayor Richard Bissen signs historic Bill 9 into law after Maui County Council vote today," *Press Releases* (December 15, 2025),
<https://www.mauicounty.gov/m/newsflash/Home/Detail/18061>.

housing opportunities. Of 101 Bill 9-affected properties sold after Ordinance 5909 took effect, 25 were purchased by local buyers at an average price of approximately \$452,000.¹⁰ Bill 9 was adopted to restore apartment-zoned lands to residential use. It should not be substantially undone through successive batches of rezoning referrals before the County has adopted objective criteria, conducted parcel-specific review, or measured the early effects of the law.

Bill 9 did not eliminate tourism or short-term rentals in Maui County. Approximately 6,500 TVR parcels, along with thousands of hotel units, more than 2,400 timeshares, and bed-and-breakfast operations, continue to operate.¹¹ Maui will continue to have visitor accommodations. **However, in a housing crisis with a shortage of water resources impacting the building of new units, care must be taken before apartment-zoned units are permanently rezoned into hotel districts.**

OHA therefore reiterates our concerns in this supplemental testimony, updated to consider the addition of over 1,000 units through Resolutions 26-129 and 26-130. These resolutions would undercut the community benefit Bill 9 is already beginning to produce before that benefit can be meaningfully observed, measured, or expanded.

For these reasons, OHA respectfully urges the Committee to **DEFER Resolutions 26-129 and 26-130**. Mahalo for the opportunity to provide supplemental testimony.

¹⁰ County of Maui Department of Finance, "HLU-16 Bill 88 (2026) - Correspondence from Finance 06-22-2026," <https://mauicounty.legistar.com/View.ashx?M=F&ID=15650180&GUID=9DAFB7EB-8C31-472A-9F7D-715AF0DBEC93>.

¹¹ County of Maui, "Mayor Richard Bissen signs historic Bill 9 into law after Maui County Council vote today," *Press Releases* (December 15, 2025), <https://www.mauicounty.gov/m/newsflash/Home/Detail/18061>.

HLU Committee

From: Ross Isokane <isokane@gmail.com>
Sent: Tuesday, August 18, 2026 8:55 AM
To: HLU Committee
Subject: Housing and Land Use Committee 8/19/2026 – LIMBY Hawai'i Testimony in opposition to 26-129 and 26-130
Attachments: LIMBY Hawai'i Testimony for Maui Resolutions 26-129 and 26-130 (2026-08-19).pdf

You don't often get email from isokane@gmail.com. [Learn why this is important](#)

Aloha,

Please see attachment for testimony that may be attached to two (2) resolutions:

Meeting Name: Housing and Land Use Committee (2025-2027)

Meeting date/time: 8/19/2026 9:00 AM

Resolutions:

1. HLU-20 Reso 26-129
2. HLU-22 Reso 26-130

Position: Oppose

Organization: LIMBY Hawai'i

Attachment: PDF

Mahalo,

--

Ross Isokane

isokane@gmail.com

(808) 476-3466



Opposition to Resolutions 26-129 and 26-130

Aloha e Chair U‘u-Hodgins, Vice Chair Batangan, and Members of the Committee:

This testimony is in opposition to Resolutions 26-129 and 26-130.

I am testifying on behalf of Locals In My Backyard (LIMBY) Hawai‘i. LIMBY Hawai‘i is a hui of concerned kama‘āina and kānaka advocating for solutions to our state’s housing crisis.

LIMBY Hawai‘i’s Stance

LIMBY Hawai‘i rejects the extremes of two separate movements: (1) NIMBYism (opponents of all development) and (2) YIMBYism (promoters of any development, even that which primarily benefits from overseas investors and provides few units available to residents).

We believe that the true solution supports building more, with priority on housing availability for local families.

History of Maui’s Bill 9 (Ordinance 5909) and Current Housing Metrics

Bill 9 was introduced in May 2024. After lengthy discussion, it was signed as Ordinance 5909 in December 2025, beginning a process to restore roughly 7,000 apartment-zoned units to their original residential purpose.¹

Zillow’s Housing Data research site² suggests that even the anticipation and discussion of Bill 9 has tracked with real relief for Maui residents whose most dire need is more available and more affordable housing options. From its introduction in May 2024 through June 2026, Maui condo prices fell roughly 18%, against about 5% in Honolulu. The trend is not limited to small units – three-bedroom homes fell about 6% in Maui while remaining flat in Honolulu. And Maui’s rents rose just 1% over that span, compared to 11% in Honolulu.

But within months of the signing of Ordinance 5909, a process to rezone many of these units into new H-3 and H-4 Hotel Districts commenced (Bill 88 and Resolutions 26-110 and 26-111).

¹ <https://www.civilbeat.org/2025/12/maui-vacation-rental-bill-that-divided-community-is-signed-into-law/>

² <https://www.zillow.com/research/data/> – county-level series, as of the July 2026 release

Even as that rezoning moved forward, Bill 9 kept delivering. Department of Finance data³ shows about 25% of affected properties sold since Ordinance 5909 took effect went to local buyers, at an average price near \$452,000, indicating that policies geared toward making more housing available and affordable for local families can make a difference if given a chance.

It is too early to credit Bill 9 alone for these signs. But it is precisely because the evidence is early and encouraging that unwinding the program now is premature.

Proposed Resolutions 26-129 and 26-130

Proposed Resolutions 26-129 and 26-130 would further carve back what Ordinance 5909 sought to accomplish – together with the previous two resolutions, thousands of units that could house local families today would be referred for possible rezoning into the H-3 and H-4 Hotel Districts.

The stated basis for Resolution 26-129 is flood risk. But two hazards are being described, and rezoning answers neither. Converting units to permanent hotel zoning resolves neither sea-level-rise exposure nor flash flooding – the latter better addressed by prioritizing the County's own drainage master plan. It only decides who is allowed to occupy the property when the risk arrives.

As drafted, Resolution 26-129 is not risk mitigation – it is a hazard designation used to justify a present-day zoning giveaway to vacation rental owners in the middle of a housing crisis crippling local families.

Resolution 26-130 rests on a separate rationale – retroactive-classification – that deserves its own scrutiny.

Together these proposals continue the rapid unwinding of benefits Ordinance 5909 created just eight months ago – before those benefits have had a chance to be fully realized for local families.

Good governance means meeting today's housing crisis with today's housing stock while funding tomorrow's mitigation for tomorrow's hazard – not trading one for the other.

LIMBY Hawai'i asks the Committee to defer both resolutions.

Mahalo nui for your consideration,

Ross Isokane – Member, on behalf of LIMBY Hawai'i
August 2026

³ <https://mauicounty.legistar.com/View.ashx?M=F&ID=15650180&GUID=9DAFB7EB-8C31-472A-9F7D-715AF0DBEC93>

HLU Committee

From: Rob Maushardt <robmaush@outlook.com>
Sent: Tuesday, August 18, 2026 7:35 AM
To: HLU Committee
Subject: Compiled written testimony for HLU Meeting 19 Aug 2026 9:00 am
Attachments: KaleialohaOwnerTestimony-HotelZoning.pdf

You don't often get email from robmaush@outlook.com. [Learn why this is important](#)

Dear HLU Committee Members,

I'm Robert Maushardt, owner of unit 114 at Kaleialoha and I serve as the AOA board president. I compiled written testimony from many of our owners in support of our request for Kaleialoha to be included in the list of council-initiated zoning changes to the newly created hotel zones.

Thank for your consideration and leadership,
Rob

KALEIALOHA OWNER TESTIMONY

In support of inclusion in Ordinance 6008 Resolutions to identify Council-Initiated zoning changes for certain condominium projects to the newly created hotel zones.

Rob Maushardt, Unit 114	Subject: Strong Support for the Inclusion of Kaleialoha (3785 Lower Honoapiilani Rd., Lahaina) in the County Initiated zoning updates to the new H-3/H-4 Hotel Zones under Ordinance 6008. To: Honorable Members of the Housing and Land Use Committee and the Maui County Council: Subject Property: Kaleialoha, Master TMK 430060130000, 3785 Lower Honoapiilani Rd., Built in 1973, Zoned A-2, 68 Units. My name is Robert Maushardt. I am the owner of unit 114 at Kaleialoha, and I serve as the President of the Board of Directors of the Association of Apartment Owners of Kaleialoha in Honokowai, West Maui. Please accept this as my written testimony to formally request that the HLU Committee and the County Council consider and include Kaleialoha in the list of properties being considered for County Initiated zoning change to the newly established H-3 or H-4 zoning districts under Ordinance 6008. Several other owners and I have prepared this document being submitted (this testimony and that of many other owners are included in Exhibit B - Kaleialoha Owner Testimony in support of inclusion in Ordinance 6008 Resolutions to identify Council-Initiated zoning changes for certain condominium projects to the newly created hotel zones). Background Kaleialoha represents exactly the type of property Ordinance 6008 was created to protect, an inherently tourist-centric, historically compliant visitor accommodation that does not compete with or subtract from Maui's long term workforce housing market. We urge the HLU Committee to include Kaleialoha in the active pipeline of council-initiated rezoning for the following reasons: 1. Built for tourism, it was intentionally built, designed, and operated as an oceanfront vacation resort. Featuring dense, resort style amenities including elevator, swimming pool, limited parking of only one space per unit, and layout optimized for short term visitors rather than long term residential neighborhoods. Kaleialoha Resort Condominiums has operated as a residential property which included legal vacation rental uses from the very beginning.
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	We provide references to the earliest Community Plan covering our area, the 1982 Lahaina Community Plan which in later revisions became the West Maui CP. These early references show our property was classified by the County in verifiable Property Tax records as Resort/Hotel in the neighborhood OFHOTEL (Oceanfront Hotel). Furthermore, we have a verifiable history of operating legal vacation rental units, paying Transient Accommodation Tax prior to the date September 24, 2020, set in Ordinance 6008. 2. Longstanding Legal Compliance: For decades, owners at Kaleialoha have operated legally as short-term rentals under the "Minatoya List" apartment-zoning framework. Prior to the Minatoya List, we show how the county recognized Kaleialoha Resort Condominiums as Class Hotel/Resort and was located in the neighborhood OFHOTEL (Ocean-front Hotel), with a MF land use area described as Residential including long- and short-term occupancy, also mentioned specifically in the 1982 Lahaina CP as an area where Visitor Accommodations are located along the shoreline and long-term housing is located inland from there. 3. No Impact on Local Long-Term Housing: Due to its direct, high-premium oceanfront location and compact layout, Kaleialoha is fundamentally unsuited to serve as affordable, long-term local housing. Forcing a phase-out here under Ordinance 5909 will not generate the intended local workforce housing; it will instead create a severe economic vacuum. 4. Operating as a Hotel: We also share our history of operating as a hotel with one company starting Kaleialoha's vacation rental operations in the 1970s, and operating our front office, through the evolution to a more modern and efficient operation. Although not currently operating the front desk, that one company is still with many Kaleialoha Owners, and the market has evolved to allow other Maui-based vacation reservation companies to also represent Kaleialoha owners. 5. Located within the 3.2 ft SLR-XA area: Thirdly, and most timely for the meeting scheduled for the HLU Committee on August 05, 2026, our property is on the shoreline and is shown to be fully within the 3.2 ft SLR-XA area. 6. Vital Contributor to the Local Economy: Our TVR guests directly sustain local businesses, restaurants, and tourism workers of West Maui. Forcing Kaleialoha out of operation by the January 1, 2029 West Maui deadline would devastate our owners financially, slash local jobs, and significantly reduce Maui's property tax revenue base. Kaleialoha has been a proud, responsible participant in Maui's visitor industry for over 50 years. We respectfully request that the HLU Committee formally include Kaleialoha on the active eligibility lists and map amendments in the pending Resolutions so that we may transition to the H-3/H-4 hotel zones.
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	Thank you for reviewing our request and testimony here and from many other owners in the document. Should you need additional details or documents, I will be happy to provide them. Thank you for your time, leadership, and consideration of our community. Rob Maushardt Owner, Unit 114 / President of the AOA Board of Directors Kaleialoha Resort Condominiums RobMaush@Outlook.COM
Aysel Gunar - 415	August 3, 2026 To: The Honorable Tamara Paltin, Council Member representing West Maui, and Honorable Members of the Maui County Council and the Housing and Land Use Committee: Aloha! My name is Aysel Gunar, and I am the owner of Unit 415 at Kaleialoha Resort Condominiums, 3785 Lower Honoapiilani Road, Honokowai, West Maui. My family has owned and cared for this unit since 2016, held through our family company, Gunar Properties LLC. This unit is much more than an investment to us. We come back to Honokowai at least twice a year, and our children have grown up at Kaleialoha - learning to swim and snorkel off the beach, watching sunsets from the lanai, getting to know the same neighbors and staff year after year. Between our visits, the unit welcomes visitors who fall in love with West Maui the way we did. If we were forced to sell, we would not just lose a property; we would lose a place that holds our family's history. I am writing to ask for your support in including Kaleialoha in the Council Initiated Zoning Changes to the newly created H-3 or H-4 Hotel District under Ordinance 6008. Our Board of Directors and fellow owners have documented the property-wide history in their own testimony to this Committee; rather than repeat that record, I offer my perspective as one of the individual owners behind it. Our unit meets every criterion in Section 19.14.020(B)(2) of the ordinance. Kaleialoha is zoned A-2 - the zoning for which the H-3 or H-4 District is reserved - has been lawfully existing since 1973, and already appears on Exhibit "1" to Ordinance 6008. Our unit is classified as a Hotel/Resort in the County's real property tax records, and we have held Transient Accommodations Tax and General Excise Tax licenses and paid those taxes every year since 2016 – well before the September 24, 2020 date in the ordinance - and remain current today. We have provided our Board with ten years of filed returns documenting this.

	We are a small family owner, not a mainland corporation. We work with Maui-based management companies, and our rental supports local housekeepers, maintenance workers, and vendors. We have kept investing in the property - a new air conditioning system and furnishings in our unit, and our share of the substantial seawall investment owners recently funded to protect the shoreline and the building. A long-term rent high enough to cover these carrying costs - association fees, insurance, resort-rate property taxes, and oceanfront upkeep – would sit far above the local long-term market. Losing vacation rental use would not create affordable housing; it would only bring hardship and forced sales for owners who have followed every rule and paid every tax. On the sea level rise question before the Committee on August 5, 2026: as our Board's submission documents, the entire building lies within the 3.2 ft Sea Level Rise Exposure Area, with 48 of 68 units exposed even at 0.5 ft. A building in the SLR-XA is not where Maui should direct its long-term housing needs; its appropriate use remains what it has been for over fifty years - well-managed visitor accommodations. Mahalo for your time and your service to West Maui. I am glad to provide copies of our tax filings, licenses, or any other records the Committee may wish to review. Aysel Gunar ayselgunar@gmail.com Owner, Unit 415, Kaleialoha Resort Condominiums (Gunar Properties LLC) Honokowai, West Maui
Patrick Willard & Lisa Warr #113	To: The Honorable Tamara Paltin, Council Member representing West Maui, and Honorable Members of the Maui County Council and the Housing and Land Use Committee: Warmest Aloha to you all!! I write to you as a third generation owner of our beloved Kaleialoha. Our Ohana started back in the early seventies with our grandfather. He was one of the first owner's who "put the shovel in the ground" at the ground breaking ceremony with a select few of others. When Kaleialoha was finished, he installed the sign "Kaleialoha" on the second story which still stands proud today. My sister and I have been able to keep Kaleialoha because we use Short Term Rental income to offset the steep monthly HOA dues exceeding 1200 per month plus taxes and insurance. Our Keiki's would spend summers at our condo learning Hawaiian heritage, respecting the culture and surfing. Last summer, we had my daughter's wedding at her favorite place of worship as a young island girl growing up at Lahuiokealani Ka'anapali Congregational Church across the street from Honokowai Park. A beautiful celebration of hopefully bringing together the 4th generation of ownership to our Kaleialoha.

	Please find it not only from the business reasons for H3/H4 zoning that will be presented from other owners of Kaleialoha, but also from owners like myself and my sister, who have long family roots to Kaleialoha and the magical island of Maui. God Bless!! Patrick Willard Lisa Warr Owners of #113 offgasing2@yahoo.com
Ramonchito Menor	Honorable Chair and Members of the Maui Council and the Housing and Land Use Committee, My name is Ramonchito Menor and an owner at Kaleialoha Resort Condominium, located in West Maui. I am writing to formally request that the County Council include and consider Kaleialoha for a zoning map amendment to the newly established H-3 or H-4 Zoning districts under Bill 88. Kaleialoha represents exactly the type of property Bill 88 was created to protect, an inherently tourist-centric, historically compliant visitor accommodation that does not compete with or subtract from Maui's long term workforce housing market. We urge the council to include Kaleialoha in the active pipeline of council-initiated rezoning for the following reasons: 1. Built for tourism, it was intentionally built , designed and operated as an oceanfront vacation resort. Featuring dense, resort style amenities including elevator, swimming pool, and layout optimized for short term visitors rather than long term residential neighborhoods. 2. Legal Compliance: For decades, owners at <u>Kaleialoha</u> have operated legally as short-term rentals under the grandfathered "Minatoya List" apartment-zoning framework. We have strictly complied with Maui County tax laws, paying the maximum Transient Accommodations Tax (TAT) and General Excise Tax (GET) to directly fund infrastructure on our island. 3. No Impact on Local Long-Term Housing: Due to its direct, high-premium oceanfront location and compact layout, <u>Kaleialoha</u> is fundamentally unsuited to serve as affordable, long-term local housing. Forcing a phase-out here under Bill 9 will not generate the intended local workforce housing; it will instead create a severe economic vacuum. 4. Vital Contributor to the Local Economy: Our guests directly sustain the local businesses, restaurants, and tourism workers of West Maui. Forcing <u>Kaleialoha</u> out of operation by the 2029 West Maui deadline would

	devastate our owners financially, slash local jobs, and significantly reduce Maui's property tax revenue base. 5. Higher exposure to sea-level rise / located in or impacted by the Sea Level Rise Exposure Areas. Our resort has spent thousands of dollars repairing our seawall, sinkhole, chronic erosions and scarp retreat which are all documented due to the Sea Level Rise Exposure. <u>Kaleialoha</u> has been a proud, responsible participant in Maui's visitor industry for over 50 years. We respectfully request that the Council formally include <u>Kaleialoha</u> on the active eligibility lists and map amendments alongside the initial waves of Resolutions 26-110 and 26-111 so that we may transition to the H-3/H-4 hotel designations. Thank you for your time, leadership, and consideration of our community. Sincerely, Ramonchito Menor Owner at Kaleialoha Condominiums
Glasser/Palmer Trusts Unit 112	To: The Honorable Tamara Paltin, Council Member representing West Maui, and Honorable Members of the Maui County Council and the Housing and Land Use Committee: Aloha! Our names are Steven Palmer and Alan Glasser. We are the owners of Kaleialoha Unit 112. Please accept this as my written testimony asking for your support to include Kaleialoha Condominiums at 3785 Lower Honoapiilani Road on the list of Council Initiated Zoning Changes to the newly created Hotel Zones. Kaleialoha Resort Condominiums has operated as a residential property which included legal vacation rental uses from the very beginning. We provide references to the earliest Community Plan covering our area, the 1982 Lahaina Community Plan which in later revisions became the West Maui CP. These early references show our property was classified by the County in verifiable Property Tax records as Resort/Hotel. Furthermore, we have a verifiable history of operating legal vacation rental units, paying Transient Accommodation Tax prior to the date September 24, 2020, set in Ordinance 6008. We also share our history of operating as a hotel with one company starting vacation rental operations and operating our front office, through the evolution to a more modern and efficient operation. The same family business has represented us since we purchased Kaleialoha in 2003. Thirdly, and most timely for the meeting scheduled for the HLU Committee on August 05, 1026, our property is on the shoreline and is shown to be fully beyond the 3.2 ft SLR-XA shoreline.

	Thank you for kind consideration. Steven Palmer Alan Glasser Steven Palmer Alan Glasser Owners of Unit 112 glasspalm@outlook.com
Bruce and Theresa Conway Owners Kaleialoha Unit 106	To Housing and Land Use Committee and Maui County Council: I am the owner of Unit 106 at Kaleialoha. Because Kaleialoha is within the sea level rise zone, this should qualify the property for continued STR status. Also, this property has had decades of continued STR history and was on the Minatoya List for this reason. It has a long history of paying transient accommodation taxes. Please include Kaleialoha for conversion from A-2 to H-3 or H-4 zoning. Thank you for your consideration. Respectfully, Bruce and Theresa Conway Owners Kaleialoha Unit 106 bruce.a.conway@gmail.com
Tula and John McGaugh	Aloha Members of the Maui County Council, My name is Tula McGaugh, and I respectfully ask you to reconsider the proposed rezoning of Kaleialoha. Thirteen years ago, my husband and I purchased a condominium at Kaleialoha because we fell in love with Maui, its people, and its unique Hawaiian culture. My brother and sister in law purchased their unit over twenty years ago, and together we envisioned Kaleialoha as a place where our family could gather for reunions and create lasting memories for generations. It has become much more than a vacation property—it is part of our family's history. When we purchased our unit, we did so in good faith, relying on its long-established legal status as a short-term vacation rental. We made a significant financial commitment with the understanding that the property's zoning and permitted use would remain in place. Changing that designation now would have a profound financial impact on us and many other owners who have followed every rule and invested responsibly.

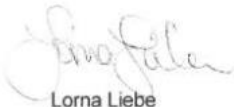
	Although we own a condominium in Maui, we have stayed in local hotels and eat at local restaurants, shop at neighborhood businesses and support Maui's economy every time we visit. Visitors who stay at Kaleialoha do far more than occupy a condominium. They support Maui's local businesses by dining in restaurants, shopping at local stores, booking tours and activities, renting vehicles, and supporting countless small businesses throughout West Maui. These visitors help sustain jobs and contribute to the island's economy. I fully understand that Maui faces a serious housing challenge, and I support efforts to create more affordable housing for local residents. However, I do not believe that eliminating long-established, legally permitted vacation rentals such as Kaleialoha is the right solution. Addressing the housing crisis requires thoughtful, long-term strategies that do not unfairly penalize property owners who purchased their homes under existing laws. Like many owners, we have developed a deep appreciation and respect for Maui's culture, history, and community over the many years we have been visiting. Maui has become a place that feels like a second home to my family. We care deeply about its future and want to continue visiting in a way that supports the local community and economy. I respectfully ask the Council to reconsider the rezoning of Kaleialoha and preserve its legal status as a short-term vacation rental property. I hope you will pursue balanced solutions that address Maui's housing needs while honoring the expectations of longtime property owners and protecting the businesses and workers who depend on tourism. Mahalo for your time, your thoughtful consideration, and your continued service to the people of Maui. Tula and John McGaugh tulamcgaugh@sbcglobal.net
Peng Lu Unit 310	Aloha, My name is Peng Lu, owner of Unit 310 at Kaleialoha. I respectfully ask the Maui County Council and the Housing and Land Use Committee to support including Kaleialoha in the Council-initiated zoning changes to the newly created Hotel Zones. I purchased my unit as a vacation rental property, and short-term rentals have long been an important and legal part of Kaleialoha's history and community. Continuing to allow eligible units to operate as short-term rentals is important to both property owners and the local economy.

	I respectfully request your support in approving the zoning change so that Kaleialoha can continue operating eligible units as legal short-term rentals. Thank you for your time and consideration. Mahalo, Peng Lu Owner, Unit 310 donkeyest83@gmail.com
Mark & Amy O'Leary Owners and Fulltime Occupants Unit #107	To: The Honorable Tamara Paltin, Council Member representing West Maui, and Honorable Members of the Maui County Council and the Housing and Land Use Committee: Aloha! Please accept this written testimony in support of adding Kaleialoha to the Council Initiated Zoning Changes list for the newly created Hotel Zones. As new owners and full-time residents of Kaleialoha, my wife and I support the Board of Directors' request to be included on the rezone list. We have reviewed other Kaleialoha Owner testimony supporting this request and agree with it. Although we do not plan to rent out our unit because it is our primary residence, we recognize the importance of maintaining short-term rental status so owners may rent their units as they choose, supporting tourism and much-needed jobs in West Maui. Mahalo. Mark & Amy O'Leary Owners and Fulltime Occupants Unit #107 Concretescapes@msn.com 808-783-8792
Marlene Stephenson #413	Kaleialoha #413 Marlene H. Stephenson Revocable Living Trust Please accept this as my written testimony asking for your support to include Kaleialoha on the list of Council Initiated Zoning Changes to the newly created Hotel Zones. Marlene Stephenson

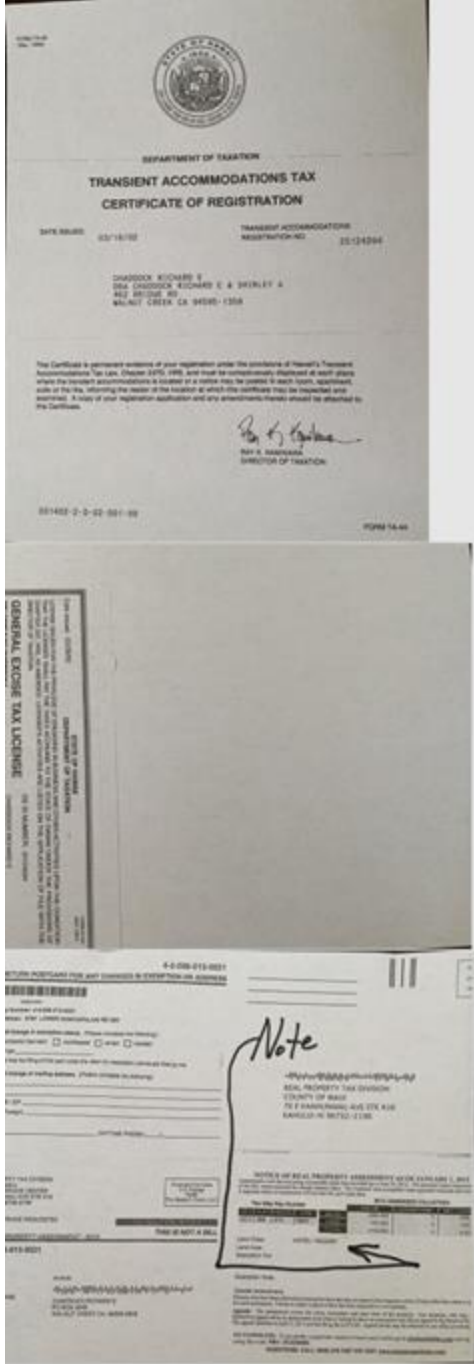
William Cofer unit 210	To: The Honorable Tamara Paltin, Council Member representing West Maui, and Honorable Members of the Maui County Council and the Housing and Land Use Committee: My name is William Cofer, and my wife and I own unit 210 in the Kaleialoha Resort Condominiums. Please accept this as my written testimony asking for your support to include Kaleialoha on the list of Council Initiated Zoning Changes to the newly created Hotel Zones. We have owned our condo since July, 2019 and we purchased it specifically for our own occasional use and to rent it on a short-term basis at all other times. As part of our closing documents, the Tax Assessment form lists the Tax Class for 2018 and 2019 as "Short Term Rental", and for all years prior to that that are listed (back to 2010), it is listed as "Hotel/Resort". Our condo is managed locally by Maui Paradise Properties, who also take care of the tax obligations involved with short-term rentals. For example, for 2025, we paid \$2,258.80 for the GET tax, \$1,438.11 for the MCTAT tax, and \$4,913.56 for the TAT tax. Our condo is, and always has been, intended for short-term rentals and we would like to continue in that format. Thank you for your consideration of my testimony. William Cofer wsuhokie@gmail.com 509-432-1251
Maggie Glaser unit 212	To The Honorable Tamara Paltin, Council Member representing West Maui, and Honorable Members of the Maui County Council and the Housing and Land Use Committee: Aloha ! My name is Maggie Glaser and I serve on the Board of Directors of the Association of Apartment Owners of Kaleialoha in Honokowai, West Maui. I would like this to be a written testimony and for you to accept this, as my formal asking for your support to include Kaleialoha on the list of the Council initiated Zoning Changes to the newly created Hotel Zoning. My family has owned at Kaleialoha since 1979 and ever since we bought into this building it has operated as a residential property which included legal vacation rental usage. And ever since we bought in going forward this has always been the legal status of Kaleialoha Resort Condominiums. There are other legal reasons as well for us to be reclassified into the newly created Hotel Zoning not the least one being our property is on the shoreline and is shown to be fully beyond the 3.2 Ft SLR-XA shoreline.

	Thank you for accepting my request and testimony as an owner of Kaleialoha. And thank you for your sincere attention in this matter. Maggie Glaser Owner unit 212 magymac@earthlink.net
Jeff and Beth Tribble unit #208	To: The Honorable Tamara Paltin, Council Member representing West Maui, and Honorable Members of the Maui County Council and the Housing and Land Use Committee: Aloha! We are owners of Kaleialoha #208. Thank you for using this as our written testimony. We are reaching out and asking to include Kaleialoha on the list of Council Initiated Zoning Changes to the newly created Hotel Zones. Kaleialoha Resort Condominiums has operated as a residential property which included legal vacation rental uses from the very beginning. We provide references to the earliest Community Plan covering our area, the 1982 Lahaina Community Plan which in later revisions became the West Maui CP. These early references show our property was classified by the County in verifiable Property Tax records as Resort/Hotel. We possess a verifiable history of operating legal vacation rental units, paying Transient Accommodation Tax prior to the date September 24, 2020, set in Ordinance 6008. Kaleialoha does have history of hotel operations with one company starting the vacation rentals and having a working office on property. We have evolved with times and have a more efficient way of continuing running rental properties. That company still has many owners who use their services as well as other reservation companies. We are prepared for the meeting scheduled for the HLU Committee on August 05, 1026, our property is on the shoreline and is shown to be fully beyond the 3.2 ft SLR-XA shoreline. Thank you for using this as our written testimony. We appreciate the time and efforts in taking our request and testimony here and from other owners. Thank you for your attention in this matter. Warm Regards, Jeff and Beth Tribble Owners of Kaleialoha unit 208 lizabethytribble@gmail.com

Sharna Law	My sentiments are the same as our President Rob. Kaleialoha Unit 416 Sharna Law Sharnalaw@hotmail.com
ERNEST AND TERESA COOPER Unit Number 105	The Honorable Tamara Paltin, Council Member representing West Maui, and Honorable Members of the Maui County Council and the Housing and Land Use Committee: Aloha! We are Ernie and Teresa Cooper, and we are the owners of unit #105, Kaleialoha in Honokowai, West Maui. Please accept this as our written testimony asking for your support to include Kaleialoha on the list of Council-initiated zoning changes to the newly created Hotel Zones. Along with several other owners, we have prepared a document with more details for your consideration. In this document, you will learn that Kaleialoha Resort Condominiums has operated as a residential property which included legal vacation rental uses from the very beginning. We provide references to the earliest Community Plan covering our area, the 1982 Lahaina Community Plan which in later revisions became the West Maui CP. These early references show our property was classified by the County in verifiable Property Tax records as Resort/Hotel. Furthermore, we have a verifiable history of operating legal vacation rental units, paying Transient Accommodation Tax prior to the date September 24, 2020, set in Ordinance 6008. We also share our history of operating as a hotel with one company starting vacation rental operations and operating our front office, through the evolution to a more modern and efficient operation. That one company is still with many Kaleialoha Owners, and the market has evolved to allow other Maui-based vacation reservation companies to also represent Kaleialoha. Thirdly, and most timely for the meeting scheduled for the HLU Committee on August 05, 1026, our property is on the shoreline and is shown to be fully beyond the 3.2 ft SLR-XA shoreline. Thank you for your attention in this matter. Ernie and Teresa Cooper

Lorna Liebe and Robert Gardner, 410	8/3/2026 To: Kaleialoha Board of Directors, We, the owners of Kaleialoha, 410, respectfully request that Kaleialoha continue to legally operate as a short term rental, based upon past precedent. We also recognize that the property is within the 3.2 foot Sea Level Rise Exposure Area, and therefore should not be considered as viable long-term housing. Sincerely,  Lorna Liebe Robert Gardner [transcript: 8/3/2026 To Kaleialoha Board of Directors, We, the owners of Kaleialoha 410, respectfully request that Kaleialoha continue to legally operate as a short term rental, based upon past precedent. We also recognize that the property is within the 3.2 foot Sea Level Rise Exposure Area, and therefore should not be considered as viable long-term housing. Sincerely, {signature of Lorna Liebe} Lorna Liebe Robert Gardner :transcript ends]
Shirley and Richard Chaddock, Unit 205	To: Honorable Tamara Paltin, Council Member representing West Maui, and Honorable Members of the Maui County Council and the Housing and Land Use Committee: Aloha, Our names are Shirley and Richard Chaddock's owner of unit #205 at Kaleialoha. Please accept this as our written testimony asking for your support to include Kaleialoha on the list of Council Initiated Zoning Changes to the newly created Hotel Zones. We purchased unit #205 June 2001. Previous owner was short term renting the unit, and we continued short term renting until the 2023 fire. We paid all fees, and taxes for 20 plus years. Attached is a copy of State of Hawaii Department of Taxation "General Excise Tax License. Dated 03/26/02.

	Also attached: State of Hawaii Department of Taxation "Transient Accommodations Tax Certificate of Registration Dated 03/19/02 Also attached: Notice of Real Property Assessment As of January 1, 2013. PLEASE NOTE Property described "Land Class. Hotel /Resort" The State and County provided us with license to conduct our short term rental business for over 20 years. They provided us with a Hotel /Resort land class. Thank you for reviewing our letter and reviewing the three (3) attached State and County documents. Respectfully Shirley and Richard Chaddock [attachments posted earlier in this document and below for completeness]
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Suzette Whitcher unit 115	The Honorable Tamara Paltin, Council Member representing West Maui Honorable Members of the Maui County Council and the Housing and Land Use Committee Hello Council and Committee Members- I am Suzette Whitcher. My husband and I fell in love with Maui and purchased our condo here almost 20 years ago. My husband passed just over 10 years ago, but I still love being here.

	Please accept this as my written testimony asking for your support to include Kaleialoha on the list of Council Initiated Zoning Changes to the newly created Hotel Zones. I support and validate the information provided with my testimony. I have served three terms as a member of the Kaleialoha board, and I care deeply about our community. Thanks for your attention to my testimony and the information our community has provided. Suzette Whitcher Former member of Kaleialoha AOA Board Owner unit 115 Smwfl@aol.com
Andrew Smith and Karin Brotman, Unit 401	The Maui County Council Housing, Land Use, and Sustainability Committee 200 S. High Street Wailuku, Maui, HI 96793 Cc: Council Member Tamara Paltin (West Maui District Member) Subject: TESTIMONY IN SUPPORT of Council-Initiated Rezoning for Kaleialoha Complex to H-3 or H-4 (Bill 88 Framework / Ordinance 6008) Dear Chair U'u-Hodgins and Members of the Committee: Aloha! My name is Andrew Smith, co-owner along with my wife, Karin Brotman, of Unit 401 at the Kaleialoha Complex. Together we are submitting written testimony asking for your support to include Kaleialoha on the list of Council Initiated Zoning Changes to the newly created H-3 or H-4 Hotel Zone. Our testimony fully supports and aligns with the submission by Rob Maushardt and our fellow Kaleialoha owners (referenced in Exhibit B: Kaleialoha Owner Testimony in Support of Inclusion in Ordinance 6008 Resolutions). Specifically, we request that the Housing, Land Use, and Sustainability Committee include the Kaleialoha Complex (located in West Maui) in the Council-initiated property rezoning resolutions under the newly established Bill 88 framework. Following the passage of Bill 88, we believe it is critical that historically designated visitor accommodations like Kaleialoha are granted a clear pathway to preservation ahead of the Bill 9 phase-out timelines. The Kaleialoha Complex is an exemplary candidate for H-3 or H-4 designation, as it demonstrates the full spectrum of physical, financial, operational, and climate-related criteria established during Council and Temporary Investigative Group (TIG) deliberations:

	• Alignment with Council TIG Criteria on Sea Level Rise (3.2-ft SLR-XA): The Council's Temporary Investigative Group (TIG) explicitly identified coastal climate vulnerability as a primary factor against long-term residential conversion. Kaleialoha sits directly within the State of Hawai'i's designated 3.2-foot Sea Level Rise Exposure Area (SLR-XA) and the complex has ongoing exposure to high tides, ocean spray, and coastal erosion. Unit owners bear substantial, ongoing special assessments to finance expensive seawall revetment projects and oceanfront structural protection—costs that cannot be reasonably passed to or sustained by long-term residential occupants. Forcing a conversion to permanent long-term housing would place local families in a zone facing severe, ongoing risks from chronic flooding, high-wave inundation, and coastal erosion. Keeping such environmentally vulnerable coastal properties in transient visitor use is the most responsible land-use policy. • Recognized Minatoya List Precedent & Unbroken Operations: Decades of continuous, grandfathered operation as a Transient Vacation Rental (TVR) led to Kaleialoha's official inclusion on the County's Minatoya List. This status formally recognized that while the underlying land was historically classified as an Apartment district, the property's primary, unbroken physical and operational use has always been visitor accommodation. • Economic & Local Employment Contribution: Though it has operated as a short term rental unit for many years before, Maui Paradise Properties (MPP) has managed our unit as a short term rental continuously since 2016. MPP supports our short term rentals by collecting and submitting the Transient Accommodations Tax (TAT), Maui County TAT, and General Excise Tax on our behalf. In addition, MPP is a local organization and has always prioritized supporting small businesses and attractions which help support a thriving local economy. • Original 1973 Resort Design & Housing Unsuitability: Kaleialoha was constructed in 1973—well before modern zoning code updates—and was purposefully designed, built, and marketed from its inception as an oceanfront vacation resort. Our unit (Unit 401) is typical of the building, featuring compact floor plans, minimal closet/storage space, no exterior storage, and limited parking. It lacks the multi-bedroom infrastructure and residential amenities necessary for long-term workforce housing. • Severe Carrying Costs & Financial Infeasibility: High monthly AOA maintenance fees, combined with real property taxes and insurance, create carrying costs that far exceed typical costs for similarly sized units or usual household incomes in West Maui. The units are economically unviable for local long-term buyers or tenants. In addition, due to its commercial design and resort-oriented operations, national mortgage lenders evaluate Kaleialoha as a "condo-hotel." This classification requires commercial-style down payments (30% to 40%) and strict lending criteria that create substantial barriers for local, first-time buyers seeking standard 30-year residential mortgages.
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	With the West Maui Bill 9 phase-out deadline approaching, establishing regulatory clarity and structural stability for properties like Kaleialoha is urgent. Reclassifying Kaleialoha into the H-3 or H-4 hotel zone aligns directly with the TIG's findings and simply modernizes the zoning map to reflect the original design intent and unbroken 50-plus-year operational history of the building. We respectfully urge the Committee to introduce a property-specific resolution referring the Kaleialoha Complex to the appropriate Planning Commission for expedited review and H-3 or H-4 reclassification. Thank you for your dedicated leadership and your continued work to navigate Maui's housing and economic recovery. We sincerely appreciate your consideration. Mahalo. <i>Andrew Smith and Karin Brotman</i> <i>Owners of Kaleialoha, Unit 401</i> <i>andyalan1@mac.com</i>
Patty Rumpp, unit #315	"Aloha" to all concerned..... The spirit of Hawaii has been a part of me since I was 7 yrs old..... My dad, was stationed in Oahu when I was in 2nd grade.... It was such a happy time....! My mother and dad never met a stranger....they embraced the people, culture and spirit of Oahu....My mother said "YES" to taking hula lessons when a friend asked her to join her.... To their surprise and delight , my mother and her friend were asked to dance the hula on one of the floats for the King Kamehameha Day Parade in Oahu around 1955!!! I remember seeing ti leaves soaking in the bath tub, a pot of seeds and oil on the stove.....and her ipu and 'uli 'uli at the ready.....she was all in and a lovely and graceful hula dancer 🌺 My brother, sister and I ran along the float with such glee and excitement...it was indeed a celebratory day, a forever memory.....I can't help but think my mom, in her wisdom, knew it would be.....Many lessons were learned at this time..... My mom's Celebration of Life Service was on United Nation's Day, 10/24/2025..... her hula song book was on display at her service.... My heart is with "the aloha spirit" My husband Carl stayed at the Kaleialoha when he visited his son who was renting here and working at The Chart House many years ago.....long before I met

	Carl..... Carl and I have been coming together to the Kaleialoha since 1984, we became engaged here in 1986....then our dream of owning a place here magically came to fruition in 1999!! We were over the moon!! That we could rent our condo out on a short term basis made all the difference in our decision....we never were in it to make money.....That the rentals would help with the purchase price, badly needed renovation, taxes, maintenance fees and yearly upkeep, etc was exactly what we needed and what we legally agreed upon when we bought our home away from home.... We loved meeting the local people here...many of them provided a variety of services to keep our condo and the Kaleialoha property up and running.....always grateful for the work they provided.....becoming friends.... What we didn't count on was the lovely messages we received from guests after their stay here!!! Our guest books are filled with life experiences here, celebrating special occasions or needing to just start again.... FALLING IN LOVE WITH MAUI AND WANTING TO REVISIT IS ALWAYS THE TAKE AWAY from the messages.... I had a lovely, sincere conversation with a person from the assessment office last year regarding Bill 9after about 30 minutes we seemed to understand each others concerns and view points and it was suggested that hotel re-zoning may be a way to keep short term rentals. Towards the end of our conversation we confided in each other about the "aloha spirt" slipping away not only toward "outsiders" but within the local community as well.....and yes people were hurting badly and feeling angry..... The fires were horrific.....the trauma, the children, the devastation, the losses, the grief, the utter heartbreak.....incomprehensible, this nightmare... Of course people are angry and it is because they are hurting.....poverty, desperate, dire situations breeds anger and the hurting needs to be attended to..... I do not think Bill 9 is the answerIt is creating too much conflict and I don't believe it will rectify the housing situationthe Kaleialoha condos are 1 bedroom and efficiency units on the oceanexpensive..... prices have gone down significantly and are not selling...Long term rental contracts are not easily managed and will have occupancy limits (# of people), etc... SHORT TERM RENTALS REQUIRE SERVICES AT A MUCH HIGHER FREQUENCY.....thus MORE WORK FOR LOCALS..... House cleaning comes in much more often, after each guest whether it be 2
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	nights, 4 nights or one week, etc Needed income for people living here... Last year I had my condo painted, this year I had the kitchen & bathroom cabinets repainted...next year I will have my floors cleaned and resealed.... All done by LOCAL PEOPLE....short term rentals provide the income I need to do these things.....a win win situation. Hotel re-zoning may be the legal answer to keep short term rentals activeand our people employed. I am not knowledgeable enough about hotel re-zoning or the legality of Bill 9.... Our employees are not hotel employees but THEY CERTAINLY ARE LOCAL EMPLOYEES and many have been with us for a substantial amount of time.....Property Managers could lose their jobs, housekeeping, landscape and maintenance workers hours could be cut significantly ... ALL is working well here.....please believe it..... Carl and I have worked with the same rental property team since we started in 2000! Sadly, I lost Carl on 2/2/2024 “Pono” to me is a sacred word in the Hawaiian language....it comes from “within” I feel.....”Doing the right thing”will keep our island whole I feel.....we must get back to itwe must work at it until we find the best solution for all....think out of the box , be true to ourselves.....honor commitments made and help those who are sufferingif “ the magic leaves” more will follow..... Mahalo for listening with an open heart.....if we work together, I believe the answers will come.... Patty Rumpp, owner of unit #315 at our beloved Kaleialoha, 610-209-7802 cell
Ronald Friedman Owner of unit 211	To: The Honorable Tamara Paltin, Council Member representing West Maui, and Honorable Members of the Maui County Council and the Housing and Land Use Committee Aloha! My name is Ronald Friedman and have been an owner of my unit since 1989. My wife, Sharon, had been President of the board for many years, prior to her passing. Please accept this as my written testimony asking for your support to include Kaleialoha on the list of Council Initiated Zoning Changes to the newly created Hotel Zones. Several other owners and I have prepared this document (this testimony and that of other owners is included in Exhibit B - Kaleialoha Owner Testimony in Support of Inclusion in Ordinance 6008 Resolutions to identify Council Initiated Zoning Changes for Certain Condominium Projects to the Newly Created Hotel Zones).

	In this document, you will learn that Kaleialoha Resort Condominiums has operated as a residential property which included legal vacation rental uses from the very beginning. We provide references to the earliest Community Plan covering our area, in the 1982 Lahaina Community Plan which in later revisions became the West Maui CP. These early references show our property was classified by the county in verifiable Property tax records as Resort/Hotel. Furthermore, we have a verifiable history of operating legal vacation rental units, paying Transient Accommodation Tax prior to the date September 24, 2020, set in Ordinance 6008. We also share our history of operating as a hotel with one company starting vacation rental operations and operating our front office, through the evolution to a more modern and efficient operation. That one company is still with many Kaleialoha Owners, and the market has evolved to allow other Maui-based vacation reservation companies to also represent Kaleialoha. Thirdly, and the most timely for the meeting scheduled for August 5, 2026, our property is on the shoreline and is shown to be fully beyond the 3.2ft SLR-XA shoreline. Thank you for reviewing our request and testimony here and from many other owners. Should you need additional details or copies of old documents, I will be happy to provide them. Thank you for your attention in this matter. Ronald Friedman Owner of unit 211 smef.sf@gmail.com
Richard Beamer owner unit 309	To: The Honorable Tamara Paltin, Council Member representing West Maui, and Honorable Members of the Maui County Council and the Housing and Land Use Committee: Aloha! My name is Richard Beamer, and I serve as a member of the Board of Directors of the Association of Apartment Owners of Kaleialoha in Honokowai, West Maui. My wife Patricia and I have been owners of unit 309 since 1984. We have participated in a short-term rental program since we purchased our unit then. In light of the recent changes in zoning and requirements for Short Term Rental participation, we respectfully request that the Kaleialoha Association of Apartment Owners be included on the list of Council initiated Zoning Changes to the newly created Hotel Zones. Since the time of our purchase in 1984 we had

	been designated in a MF land use zone which allows residential use including short term rental. For several years we maintained an office to serve rental guests, and the county referred to us as OFHOTEL, and classed Resort/Hotel. Thank you for including our comments as testimony of owners at Kaleialoha. Richard Beamer owner unit 309 rbeamer@comcast.net
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HLU Committee

From: Cheryl Vohaska <cvohaska@gmail.com>
Sent: Sunday, August 16, 2026 6:37 PM
To: Alice L. Lee; Yukilei Sugimura; K. Kauanoe Batangan; Thomas M. Cook; Gabe Johnson; Tamara A. Paltin; Keani N. Rawlins; Shane M. Sinenci; Nohe M. Uu-Hodgins; corpcoun@mauicounty.gov; planning@mauicounty.gov; Maui_County Council_mailbox; County Clerk
Cc: Michael C. Carroll; Sharon Paris
Subject: CORRECTED FACTS Re: Urgent: Hale Kai O'Kihei Mitigation Plan and Disparate Treatment of Adjacent Properties
Attachments: Hale_Kai_OKihei_Resolution_26-129_Testimony.pdf

Aloha,

I apologize. Please disregard my previous email which contained incorrect data about one property.

Attached is the corrected version.

Mahalo,
Cheryl Vohaska

On Sun, Aug 16, 2026 at 10:32 PM Cheryl Vohaska <cvohaska@gmail.com> wrote:

Aloha Chair Kama, Vice-Chair Cook, and members of the Housing and Land Use Committee.

I am the Bill 9/Bill 88 Board-Approved Committee Chair at Hale Kai O'Kihei, located at 1310 Uluniu Road in Kihei.

I respectfully ask the Committee to amend Resolution 26-129 by adding Hale Kai O'Kihei to Exhibits 1 and 2 for consideration of H-3 zoning under Ordinance 6008.

The amendment before you establishes a clear, objective standard. It states that properties are being added because they are within the Sea Level Rise Exposure Area, using the County's recognized planning threshold of 3.2 feet of sea-level rise shown in the Hawai'i Sea Level Rise Viewer.

Hale Kai O'Kihei satisfies that standard.

The State's 3.2-foot SLR-XA mapping reaches our property and portions of our building footprint. It also affects practical emergency access to our oceanfront property. Hale Kai O'Kihei is additionally located in FEMA Flood Zone AH and consists of non-elevated, slab-on-grade buildings constructed in 1969.

The proposed zoning bill expressly finds that A-1 and A-2 Apartment District properties within the Sea Level Rise Exposure Area are appropriate for H-3 or H-4 zoning to allow continued transient vacation rental use.

The unequal treatment is particularly clear when Hale Kai O'Kihei is compared with the neighboring oceanfront properties on the same beach with contiguous property lines directly adjacent to Hale Kai O'Kihei to the north and south.

1) Our directly adjacent neighbor to the south is Aloha Villas at 1338 Uluniu Road. Aloha Villas is a four-unit, A-1 Apartment-zoned multifamily vacation-rental property built in 1980. That construction date is eleven years later than Hale Kai O'Kihei's 1969 construction, meaning Aloha Villas could not have begun any lawful short-term-rental operation before 1980. Hale Kai O'Kihei therefore has an established development and lawful vacation-rental history extending more than a decade earlier, while sharing the same beachfront, erosion, road access, SLR-XA and FEMA AH Flood Risk Category.

Nevertheless, Aloha Villas is identified on the County's Minatoya short-term-occupancy list and was included in Resolution 26-110's original Council-initiated rezoning process under Ordinance 6008.

2) Immediately beyond Aloha Villas is Waiohuli Beach Duplex at 64 West Lipoa Street. It is a two-unit, A-1 Apartment-zoned property, also identified on the County's Minatoya short-term-occupancy list and included in Resolution 26-110's Council-initiated rezoning process despite sharing the same beachfront, erosion, road access, SLR-XA and FEMA AH Flood Risk Category as Hale Kai O'Kihei.

3) Directly adjacent to Waiohuli Beach Duplex on the same beach is Waiohuli Beach Hale at 49 West Lipoa Street. Waiohuli Beach Hale was added to Resolution 26-129 under the 3.2-foot SLR-XA standard. Like Hale Kai O'Kihei, it is an A-1 Apartment-zoned oceanfront condominium with a long history of lawful vacation-rental use although a full decade less than Hale Kai O'Kihei. Waiohuli Beach Hale also shared the same beachfront, erosion, road access and SLR-XA and FEMA AH Flood Risk Category.

In fact available condominium records also identify David P. Ting or David P. Ting & Sons as the developer of both Waiohuli Beach Hale and Hale Kai O'Kihei, with Hale Kai O'Kihei again having a decade-longer established history of legal short-term rental.

Hale Kai O'Kihei is now effectively sandwiched between neighboring beachfront properties that have been given a legal pathway to continue short-term-rental operations while facing the same threats as Hale Kai O'Kihei who is not being offered the same consideration.

4) Immediately north, Beach Paradise at 1290 Uluniu Road is also A-1 Apartment-zoned but may continue operating under an individual Short-Term Rental Home Permit issued in 2020. Its permitted short-term-rental rights therefore do not have the same five plus decades-long history as Hale Kai O'Kihei's lawful vacation-rental use, yet they are afforded the right to continue short term rentals.

Hale Kai O'Kihei appears to be experiencing disparate and potentially arbitrary treatment compared with similarly situated adjacent A-1 Apartment-zoned properties. The County is preserving the ability of neighboring properties to continue short-term-rental operations through individual permits or Council-initiated rezoning, while requiring Hale Kai O'Kihei, despite its much longer history of lawful short-term-rental use, to cease those same operations. Unless the County can identify an objective, property-specific distinction, this raises serious concerns about unequal application of its land-use policies and arbitrary governmental line-drawing.

Three adjacent and contiguous oceanfront properties to the south received access to the Council-initiated rezoning process: Aloha Villas and Waiohuli Beach Duplex through Resolution 26-110's original

Ordinance 6008 selection, and Waiohuli Beach Hale through Resolution 26-129's sea-level-rise criterion. Hale Kai O'Kihei, situated on the same shoreline and subject to the same coastal hazards, was omitted from both pathways without any stated property-specific distinction.

The adjacent property to the north, Beach Paradise was constructed in 2001 with A-1 zoning which exists to this day. It could not qualify for the same pre-1989 treatment applicable to Hale Kai O'Kihei. Its present short-term-rental authority arose from an individual permit approved in 2020, 19 years after it was built. Hale Kai O'Kihei, by contrast, was constructed 33 years earlier in 1969 and has operated lawfully as a vacation-rental property for decades. It is difficult to justify preserving short-term-rental operations created through a comparatively recent discretionary permit while extinguishing Hale Kai O'Kihei's far older and more deeply established lawful use.

The publicly available records reviewed for Beach Paradise do not clearly establish the legal basis, commencement date or continuity of any short-term-rental operations between its construction in 2001 and the approval of its individual STRH permit in 2020. We are not alleging that the property operated unlawfully; rather, its pre-permit rental history and legal authorization remain unclear from the available public record. By contrast, Hale Kai O'Kihei's lawful vacation-rental use is longstanding, well documented and rooted in its 1969 construction and decades of established operation. The County should explain why a neighboring property with comparatively recent and less clearly documented short-term-rental rights may continue operating while Hale Kai O'Kihei's much older, established lawful use is being terminated.

Disparate treatment is difficult to reconcile with a fair and objective application of the County's stated standards. Hale Kai O'Kihei is larger, older, has operated lawfully as a vacation-rental property for over five decades, and independently satisfies the 3.2-foot SLR-XA criterion in addition to sharing the same SLR-XA 3.2ft threat and FEMA AH Risk Category. We believe its omission is an oversight that should now be corrected.

We are asking only to proceed through the same community-plan amendment, Planning Commission review, and H-3 rezoning process afforded to these three neighboring properties. Inclusion does not predetermine the final zoning decision; it simply gives Hale Kai O'Kihei the same opportunity for public and agency review.

Please amend Exhibits 1 and 2 of Resolution 26-129 to include Hale Kai O'Kihei. If the Committee believes Hale Kai O'Kihei does not satisfy its stated standard, we respectfully request that the objective, property-specific reason for treating Hale Kai O'Kihei differently from these three adjacency oceanfront properties be placed on the public record.

SEA-LEVEL-RISE MITIGATION FOLLOW-UP

Additionally, we are following up on your questions regarding Hale Kai O'Kihei's sea-level-rise mitigation plan and wish to share the following:

1. Natural Dune and Coastal-Vegetation Restoration

Beginning around 2010, Hale Kai O'Kihei cooperated with State efforts to preserve the Uluniu Beach Reserve's natural dune system. The previously graded and landscaped backshore was allowed to regenerate naturally, restoring dunes and coastal vegetation that provide nature-based

protection from coastal flooding and wave impacts. For more than a decade, Hale Kai O'Kihei has maintained the adjoining State beach reserve in a manner consistent with State beach-reserve and Special Management Area requirements.

2. Uluniu Road Flooding, Drainage and Access

Regarding flooding on Uluniu Road, the County's own 2022 Kihei Drainage Master Plan discusses the Uluniu Road area in detail. The plan states that the area extending approximately 480 feet mauka of South Kihei Road to the ocean is subject to FEMA Zone AO and Zone AH shallow flooding.

The County report also identifies significant limitations in the existing drainage infrastructure. It states that a 12-inch pipe running along Uluniu Road is the only drainline identified in the area and that it outlets to the beach through an 18-inch pipe.

The County evaluated providing additional roadway drainage along Uluniu Road and enlarging the existing outlet. Significantly, the Drainage Master Plan concludes that, because of the nature of the existing terrain, this option would not alleviate the flooding problem.

This is important because Uluniu Road provides direct vehicular access to Hale Kai O'Kihei and Aloha Villas, while nearby West Lipoa Street serves Waiohuli Beach Duplex and Waiohuli Beach Hale. The question is therefore not simply whether an individual condominium unit can withstand a particular future sea-level-rise or flood scenario. The condition and long-term reliability of the surrounding access and drainage system should also be considered when determining whether this shoreline location is appropriate for increased reliance on permanent residential occupancy.

3. Professional Sea-Level-Rise Assessment

We are currently in the process of obtaining proposals from the following engineering firms before formalizing our Board's sea-level-rise mitigation plan:

Sea Engineering: Sea Engineering is a Hawai'i-based coastal engineering firm with more than 50 years of experience. Its services include sea-level-rise analysis, beach-erosion studies, storm-wave run-up and inundation analysis, shoreline-protection assessments and coastal permitting. Sea Engineering prepared the Beach Management and Erosion Response Plan for Kanai A Nalu, an oceanfront condominium complex in Mā'alaea.

Coastal Frontiers Corporation: Coastal Frontiers was retained by Maui County in January 2026 for the "Coastal Sand Dune Impacts on the Kihei Drainage Master Plan." They are highly relevant to Hale Kai O'Kihei because our exposure includes not only shoreline erosion, but also the dune/berm, passive flooding, drainage and the potential loss of ingress and egress. We are asking them to conduct a conflict-of-interest check. However, their familiarity with Kihei's coastal and drainage conditions is valuable.

Coastal Planners, LLC: Coastal Planners is a Wailuku-based coastal planning and permitting firm. Its work includes sea-level-rise mitigation, erosion response, shoreline setbacks, flood-development permits and Special Management Area permitting.

REQUESTED REPORT AND SCOPE

Sea-Level-Rise Vulnerability, Adaptation and Mitigation Feasibility Assessment for Hale Kai O‘Kihei

The requested scope for the proposals is as follows:

A physical site inspection.

Review of the existing dune, berm, vegetation and any previous restoration measures.

Evaluation of the 0.5-, 1.1-, 2.0-, 3.2- and 4-foot sea-level-rise scenarios.

Separate consideration of passive flooding, annual high-wave flooding and coastal erosion.

Evaluation of FEMA Zone AH flooding and drainage limitations.

Assessment of exposure to the buildings, utilities and other property improvements.

Evaluation of the potential loss of safe ingress and egress through Uluniu Road.

Consideration of nature-based measures, dune and vegetation restoration, drainage improvements, flood proofing, elevation of utilities, temporary barriers, beach nourishment and shoreline protection.

Analysis of whether each potential measure would likely be permitted under Maui County, Special Management Area and State DLNR/OCCL requirements.

Planning-level cost estimates.

Identification of measures that are technically feasible, financially reasonable and likely to receive permits.

Identification of conditions that cannot reasonably be mitigated without substantial reconstruction, elevation, relocation or shoreline hardening.

A signed professional opinion and concise executive summary suitable for submission to the County Council.

We are asking for an objective evaluation of what can reasonably be mitigated, what cannot be mitigated and why.

Mahalo for your time and consideration.

Respectfully submitted,

Cheryl Vohaska

Hale Kai O‘Kihei Bill 9/Bill 88 Committee Chair

On behalf of the Hale Kai O‘Kihei Board of Directors

Cc: Hale Kai O’Kihei Board

Cc: Sharon Paris, Esq.; Michael Carroll, Esq.; Lung Rose Voss & Wagnild

TESTIMONY ON RESOLUTION 26-129

Request to Add Hale Kai O'Kihei to Exhibits 1 and 2

Aloha Chair Kama, Vice-Chair Cook, and members of the Housing and Land Use Committee.

I am the Bill 9/Bill 88 Board-Approved Committee Chair at Hale Kai O'Kihei, located at 1310 Uluniu Road in Kihei.

I respectfully ask the Committee to amend Resolution 26-129 by adding Hale Kai O'Kihei to Exhibits 1 and 2 for consideration of H-3 zoning under Ordinance 6008.

The amendment before you establishes a clear, objective standard. It states that properties are being added because they are within the Sea Level Rise Exposure Area, using the County's recognized planning threshold of 3.2 feet of sea-level rise shown in the Hawai'i Sea Level Rise Viewer.

Hale Kai O'Kihei satisfies that standard.

The State's 3.2-foot SLR-XA mapping reaches our property and portions of our building footprint. It also affects practical emergency access to our oceanfront property. Hale Kai O'Kihei is additionally located in FEMA Flood Zone AH and consists of non-elevated, slab-on-grade buildings constructed in 1969.

The proposed zoning bill expressly finds that A-1 and A-2 Apartment District properties within the Sea Level Rise Exposure Area are appropriate for H-3 or H-4 zoning to allow continued transient vacation rental use.

The unequal treatment is particularly clear when Hale Kai O'Kihei is compared with the neighboring oceanfront properties on the same beach, including properties with contiguous boundaries directly adjacent to Hale Kai O'Kihei to the north and south.

1. Aloha Villas - Directly South

Our directly adjacent neighbor to the south is Aloha Villas at 1338 Uluniu Road. Aloha Villas is a four-unit, A-1 Apartment-zoned multifamily vacation-rental property built in 1980. That construction date is eleven years later than Hale Kai O'Kihei's 1969 construction, meaning Aloha Villas could not have begun any lawful short-term-rental operation before 1980. Hale Kai O'Kihei therefore has an established development and lawful vacation-rental history extending more than a decade earlier, while sharing the same beachfront and the same categories of erosion, road-access, SLR-XA and FEMA Zone AH flood risk.

Nevertheless, Aloha Villas is identified on the County's Minatoya short-term-occupancy list and was included in Resolution 26-110's original Council-initiated rezoning process under Ordinance 6008.

2. Waiohuli Beach Duplex

Immediately beyond Aloha Villas is Waiohuli Beach Duplex at 64 West Lipoa Street. It is a two-unit, A-1 Apartment-zoned property, also identified on the County's Minatoya short-term-occupancy list and included in Resolution 26-110's Council-initiated rezoning process, despite sharing the same beachfront and the same categories of erosion, road-access, SLR-XA and FEMA Zone AH flood risk as Hale Kai O'Kihei.

Hale Kai O'Kihei is effectively sandwiched between neighboring beachfront properties that have been given a legal pathway to continue short-term-rental operations while facing the same categories of coastal threats. Hale Kai O'Kihei has not been offered the same consideration.

3. Beach Paradise - Directly North

Immediately north, Beach Paradise at 1290 Uluniu Road is also A-1 Apartment-zoned but may continue operating under an individual Short-Term Rental Home Permit issued in 2020. Its permitted short-term-rental rights therefore do not have the same five-plus-decades-long history as Hale Kai O'Kihei's lawful vacation-rental use, yet it is afforded the right to continue short-term rentals.

Hale Kai O'Kihei appears to be experiencing disparate and potentially arbitrary treatment compared with similarly situated adjacent A-1 Apartment-zoned properties. The County is preserving the ability of neighboring properties to continue short-term-rental operations through individual permits or Council-initiated rezoning, while requiring Hale Kai O'Kihei, despite its much longer history of lawful short-term-rental use, to cease those same operations. Unless the County can identify an objective, property-specific distinction, this raises serious concerns about unequal application of its land-use policies and arbitrary governmental line-drawing.

Two neighboring oceanfront properties to the south received access to the Council-initiated rezoning process: Aloha Villas and Waiohuli Beach Duplex through Resolution 26-110's Ordinance 6008 selection. Hale Kai O'Kihei, situated on the same shoreline and subject to the same categories of coastal hazards, was omitted from that pathway without any stated property-specific distinction.

The adjacent property to the north, Beach Paradise, was constructed in 2001 with A-1 zoning, which exists to this day. It could not qualify for the same pre-1989 treatment applicable to Hale Kai O'Kihei. Its present short-term-rental authority arose from an individual permit approved in 2020, nineteen years after it was built. Hale Kai O'Kihei, by contrast, was constructed thirty-two years earlier, in 1969, and has operated lawfully as a vacation-rental property for decades. It is difficult to justify preserving short-term-rental operations created through a comparatively recent discretionary permit while extinguishing Hale Kai O'Kihei's far older and more deeply established lawful use.

The publicly available records reviewed for Beach Paradise do not clearly establish the legal basis, commencement date or continuity of any short-term-rental operations between its construction in 2001 and the approval of its individual STRH permit in 2020. We are not alleging that the property operated unlawfully; rather, its pre-permit rental history and legal authorization remain unclear from the available public record. By contrast, Hale Kai O'Kihei's lawful vacation-rental use is longstanding, well documented and rooted in its 1969 construction and decades of established operation. The County should explain why a neighboring property with comparatively recent and less clearly documented short-term-rental rights may continue operating while Hale Kai O'Kihei's much older, established lawful use is being terminated.

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We are asking only to proceed through the same community-plan amendment, Planning Commission review, and H-3 rezoning process afforded to Aloha Villas and Waiohuli Beach Duplex. Inclusion does not predetermine the final zoning decision; it simply gives Hale Kai O'Kihei the same opportunity for public and agency review.

Please amend Exhibits 1 and 2 of Resolution 26-129 to include Hale Kai O'Kihei. If the Committee believes Hale Kai O'Kihei does not satisfy its stated standard, we respectfully request that the objective, property-specific reason for treating Hale Kai O'Kihei differently from these neighboring oceanfront properties be placed on the public record.

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This is important because Uluniu Road provides direct vehicular access to Hale Kai O’Kihei and Aloha Villas, while nearby West Lipoa Street serves Waiohuli Beach Duplex. The question is therefore not simply whether an individual condominium unit can withstand a particular future sea-level-rise or flood scenario. The condition and long-term reliability of the surrounding access and drainage system should also be considered when determining whether this shoreline location is appropriate for increased reliance on permanent residential occupancy.

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Sea Engineering is a Hawai’i-based coastal engineering firm with more than 50 years of experience. Its services include sea-level-rise analysis, beach-erosion studies, storm-wave run-up and inundation analysis, shoreline-protection assessments and coastal permitting. Sea Engineering prepared the Beach Management and Erosion Response Plan for Kanai A Nalu, an oceanfront condominium complex in Mā’alaea.

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- Evaluation of the 0.5-, 1.1-, 2.0-, 3.2- and 4-foot sea-level-rise scenarios.
- Separate consideration of passive flooding, annual high-wave flooding and coastal erosion.
- Evaluation of FEMA Zone AH flooding and drainage limitations.
- Assessment of exposure to the buildings, utilities and other property improvements.
- Evaluation of the potential loss of safe ingress and egress through Uluniu Road.
- Consideration of nature-based measures, dune and vegetation restoration, drainage improvements, floodproofing, elevation of utilities, temporary barriers, beach nourishment and shoreline protection.
- Analysis of whether each potential measure would likely be permitted under Maui County, Special Management Area and State DLNR/OCCL requirements.
- Planning-level cost estimates.
- Identification of measures that are technically feasible, financially reasonable and likely to receive permits.
- Identification of conditions that cannot reasonably be mitigated without substantial reconstruction, elevation, relocation or shoreline hardening.
- A signed professional opinion and concise executive summary suitable for submission to the County Council.

We are asking for an objective evaluation of what can reasonably be mitigated, what cannot be mitigated and why.

Mahalo for your time and consideration.

Respectfully submitted,

Cheryl Vohaska

Hale Kai O'Kihei Bill 9/Bill 88 Committee Chair

On behalf of the Hale Kai O'Kihei Board of Directors

Cc: Hale Kai O'Kihei Board; Sharon Paris, Esq.; Michael Carroll, Esq.; Lung Rose Voss & Wagnild

HLU Committee

From: Rebecca Krill <rebecca@hihoalaw.com>
Sent: Monday, August 17, 2026 8:22 AM
To: HLU Committee
Cc: Yukilei Sugimura; Thomas M. Cook; Nohe M. Uu-Hodgins; Tamara A. Paltin; Alice L. Lee; Gabe Johnson; Keani N. Rawlins; Shane M. Sinenci; K. Kauanoe Batangan
Subject: Resolution 26-129/Testimony for Polynesian Shores AOAO
Attachments: 260817 Ltr to HLU Re Resolution 26-129 (Polynesian Shores).pdf

Aloha Housing and Land Use Committee,

Please find attached written testimony on behalf of the Association of Apartment Owners of Polynesian Shores

Project Name: POLYNESIAN SHORES
Address: 3975 L Honoapiilani Rd., Lahaina, HI 96761
TMK: (2) 4-3-008-002,003

The purpose of this testimony is, in part, to demonstrate that, to the extent the Committee seeks to limit application of the SLR-XA to certain properties, the most rational and objective delineation point is where the SLR-XA intersects *any portion* of a residential building structure. Any other “line in the sand” is arbitrary.

Thank you,

Rebecca Krill, Esq.
Principal

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Rebecca O. Krill
rebecca@hihoalaw.com | (808) 281-3839

August 17, 2026

VIA EMAIL

Housing and Land Use Committee
200 South High Street
Wailuku, Hawaii 96793
hlu.committee@mauicounty.us

**Re: Testimony in Support of Resolution 26-129, As Amended, to Include
Polynesian Shores, 3975 L Honoapiilani Rd, Lahaina, HI 96761
TMK. (2) 4-3-008-002,003**

Dear Housing and Land Use Committee,

This letter is submitted behalf of the Association of Apartment Owners of Polynesian Shores, in support of Resolution No. 26-129, as amended by Councilmember Tom Cook, to include the Polynesian Shores condominium resort (“Polynesian Shores”) among those properties for council-initiated rezoning from Apartment District A-1 to Hotel District H-3.

The purpose of this submission is fourfold. First, we demonstrate that, to the extent the Committee seeks to limit the application of the Sea Level Rise Exposure Area (“SLR-XA”), the only rational criterion for doing so is where the SLR-XA intersects with *any portion* of a residential building structure. Any other “line in the sand” is arbitrary and exposes the Committee’s decision-making process to legal challenge.

Second, we address comments made during the Committee’s deliberations on August 5, 2026, suggesting that the SLR-XA is an obsolete planning tool. We explain why the SLR-XA remains a recognized and appropriate planning criterion under current State and County planning policies.

Third, we demonstrate that the Polynesian Shores satisfies the objective criteria presently identified by the Committee and should continue to be included in Resolution 26-129.

Finally, we reiterate the importance of identifying, clearly defining, and consistently applying objective planning criteria to all similarly situated properties so that Council-initiated rezoning decisions are grounded in transparent and rational land-use principles rather than ad hoc, property-specific determinations.

A. The Committee Should Apply an Objective SLR-XA Threshold Rather Than Individualized Vulnerability Assessments

The Committee's application of the SLR-XA criterion should remain consistent with the fundamental purpose of the Council-initiated rezoning process: to establish an objective, administrable mechanism for identifying Apartment District properties appropriate for rezoning without requiring each individual property to undertake the expense, delay, and uncertainty of a separate parcel-specific rezoning analysis.

The Temporary Investigative Group ("TIG") identified SLR-XA exposure as an objective criterion that could be used to identify properties for Council-initiated rezoning. The value of the SLR-XA in this context is precisely that it provides a preexisting, scientifically developed, geographically mapped planning tool that can be applied uniformly across properties.

The Council-initiated process was intended to avoid requiring similarly situated properties to proceed independently through a costly and time-consuming parcel-specific rezoning process. The TIG's identification of objective criteria, including the SLR-XA, provides a means of determining eligibility without requiring each property to independently establish its entitlement to rezoning through extensive technical evidence.

The Committee should therefore resist converting the SLR-XA criterion into a parcel-by-parcel vulnerability inquiry. Doing so would undermine one of the principal benefits of Council-initiated rezoning and recreate many of the same burdens the process was intended to avoid.

On August 5, 2026, the Department of Planning transmitted to the Committee a list of 59 Apartment District properties identified by the Department as being within the SLR-XA.

The Department expressly recognized that the SLR-XA does not affect every property in precisely the same manner. This observation recognizes an inherent characteristic of any geographic hazard overlay: properties intersecting the same mapped exposure area will not necessarily experience identical impacts.

That variability, however, does not require the Committee to undertake an individualized vulnerability assessment before applying the SLR-XA criterion. The Department's identification of the 59 properties demonstrates the opposite point. Despite acknowledging differences in the nature and extent of exposure, the Department was nevertheless able to identify a defined universe of Apartment District properties based upon an objective geographic criterion.

The Committee should preserve that objectivity.

B. The SLR-XA Criterion Should Apply Where the Exposure Area Intersects with *Any Portion* of a Residential Building Structure

If the Committee determines that the Planning Department's parcel-intersection approach identifies too broad a universe of properties, the Committee may reasonably establish a narrower criterion. But any narrowing principle should itself remain objective, rational, and uniformly applicable.

The most defensible line is whether the SLR-XA intersects the residential building.

This approach provides the most objective and rational planning threshold that is consistent with the purpose and methodology of the SLR-XA. By contrast, requiring a residential building to be “fully exposed” or 100% within the 3.2-foot SLR-XA would impose a threshold that does not appear in the State’s SLR-XA methodology, is not supported by current State and County planning guidance, and may substantially understate the long-term vulnerability of coastal residential structures.

1. The SLR-XA Is an Exposure Area, Not a Percentage-of-Structure Test

The SLR-XA is intended to identify geographic areas exposed to chronic coastal hazards associated with sea-level rise. For Maui, the SLR-XA combines three modeled hazards: (1) passive flooding, (2) annual high-wave flooding, and (3) coastal erosion. The combined footprint of these hazards defines the projected extent of chronic flooding associated with sea-level rise. The State describes flooding within the SLR-XA as associated with long-term, chronic hazards punctuated by annual or more frequent flooding events.

Importantly, the State’s methodology does not identify any particular percentage of a building footprint that must fall within the SLR-XA before the building is considered exposed. Nor does the methodology establish a 25-percent, 50-percent, majority, or 100-percent structural exposure threshold.

The State’s 2022 update (discussed below) expressly recommends referring to the SLR-XA as an “exposure zone” rather than a “vulnerability zone” because the mapped area identifies exposure, while the degree of vulnerability or resilience within that exposure area may vary depending upon other factors and adaptation measures. Accordingly, the threshold question for purposes of applying an objective SLR-XA criterion should be whether the modeled exposure area reaches *any portion* the residential structure.

2. Requiring “Full Exposure” Would Create an Arbitrary Line That is Not Derived From the SLR-XA Methodology

If the Committee requires “full exposure” of the entire building to qualify for rezoning based on the SLR-XA, the Committee would be impermissibly converting the State and County’s geographic exposure model into a structural percentage test, for which there is no apparent scientific basis or planning rationale.

The most principled way for the Committee to narrow its application of SLR-XA, without making it arbitrary, is to require that the SLR-XA intersect the residential structure itself. This distinguishes properties from parcels where the exposure area merely clips a portion of the parking lot, landscaped area, or shoreline, or other undeveloped portion of the property. The rule becomes clear and capable of consistent application:

If the 3.2-foot SLR-XA intersect any portion of a building containing dwelling units, the property satisfies the SLR-XA and should be included in council-initiated rezoning.

This rule is objective, geographically verifiable, uniformly applicable, and directly connected to the reason the Council is considering SLR-XA in the first place: whether the property represents an appropriate location for long-term residential housing.

It also avoids the inherently arbitrary task of choosing 25%, 50%, 75%, or 100%, or vague descriptions like “full”, “partial” exposure. Unless there is scientific or planning evidence establishing one of those percentages as an accepted threshold, every percentage becomes essentially a policy number selected after looking at the map.

3. Partial Exposure of a Residential Building Can Affect the Function and Habitability of the Building as a Whole

A residential condominium building does not function as a collection of independent square feet. It operates as an integrated structure dependent upon common foundations, structural components, electrical and mechanical systems, drainage, water and wastewater infrastructure, access, parking, and other common facilities.

The relevant planning inquiry should not be whether every dwelling unit—or every square foot of the building footprint—will be inundated. Coastal hazards affecting only one portion of a residential structure have consequences extending beyond the precise portion of the building depicted within a mapped exposure boundary.

The SLR-XA addresses chronic coastal hazards, not simply a single catastrophic future flood event. The State’s planning guidance explains that lands within the passive-flooding component of the SLR-XA are projected to experience flooding at high tide or more frequently at the applicable sea-level-rise scenario and that sea-level rise can worsen other flooding through direct marine inundation, groundwater rise, and impaired drainage.

The consequences of this exposure include exposure to foundations and structural building components, electrical equipment or other centralized building systems, wastewater and drainage infrastructure serving the property, saltwater intrusion of groundwater affecting underground utilities, and emergency access and reliable ingress/egress.

These considerations demonstrate why considering a percentage of building footprint is an incomplete measure of long-term residential suitability. The fact that a majority of a building footprint may remain outside a particular mapped exposure area does not establish that the building will remain unaffected by the chronic coastal hazards reaching another portion of the structure.

4. Current State Guidance Makes a 100% Exposure Requirement at the 3.2-Foot Sea Level Scenario Difficult to Justify

The State’s updated sea-level-rise guidance further weighs against narrowing the SLR-XA criterion to buildings that are fully encompassed by the existing 3.2-foot exposure area.

Following NOAA’s updated sea-level-rise projections, the State’s 2022 Hawai‘i Sea Level Rise Vulnerability and Adaptation Report (linked below) recommends four (4) feet of sea-level rise

as the minimum scenario for all planning and design, based upon NOAA's Intermediate scenario for Hawai'i of approximately 3.9 feet by 2100. The State further recommends a 6-foot benchmark for public infrastructure and other projects having a low tolerance for risk.

The State has not yet replaced the existing 3.2-foot SLR-XA with a complete composite SLR-XA reflecting the higher planning benchmark. In the interim, State guidance directs planners to continue using the existing 3.2-foot SLR-XA together with NOAA passive-flooding data for higher sea-level-rise scenarios. PacIOOS currently states:

Guidance from the State of Hawai'i based on the 2022 Hawai'i Sea Level Rise Vulnerability and Adaptation Report recommends evaluating two sea level rise scenarios depending on tolerance for risk:

1. **4 feet** of sea level rise should be considered as the minimum scenario for all planning and design. This is following the latest NOAA interagency sea level rise report (Sweet et al., 2022) based on the report's Intermediate (mid-range) scenario for Hawai'i of 3.9 feet of sea level rise by 2100. **Continue to use the 3.2-foot SLR-XA and NOAA 4-foot passive flooding map data until updated SLR-XA data are available.**

See: <https://www.pacioos.hawaii.edu/shoreline/slr-hawaii/> (bold in original; underscore added).

This distinction is important. The existing 3.2-foot SLR-XA remains the State and County's recognized planning overlay, but recent data indicates it will be raised to 4 feet for future planning benchmarks. We just have not gotten there yet.

Requiring that the building be 100 percent encompassed within that existing 3.2-foot boundary would compound the problem: the Committee would be taking an exposure map based upon a lower sea-level-rise scenario and then narrowing its application even further through a percentage requirement that does not appear in the State methodology.

5. Long-Term Residential Land-Use Planning Warrants Consideration of Emerging Exposure, Not Merely Ultimate Inundation

The Committee's inquiry is fundamentally a **land-use planning determination**, not a determination of whether a building is presently unsafe for occupancy.

The question is whether these coastal properties should continue to be planned and relied upon as locations for long-term residential housing. A long-term residential designation assumes that a property is reasonably appropriate for households to establish stable residences and depend upon the building, its infrastructure, and its access over an extended period. Where the State's sea-level-rise modeling already identifies a portion of the residential structure as exposed to chronic coastal hazards, that assumption becomes materially less certain.

Partial intersection with the existing SLR-XA should therefore be understood as an indicator of emerging and progressively increasing exposure, rather than evidence that the remainder of the structure is insulated from future impacts.

This is particularly important where the State's current minimum scenario is project to increase from 3.2 feet to approximately 4 feet. The appropriate question is not whether the entire building is presently depicted within the 3.2-foot SLR-XA. **The more relevant planning question is whether the leading edge of the current State-modeled 3.2-foot SLR-XA has already reached the residential structure.**

C. The 3.2-Foot SLR-XA Remains the Current and Recognized Planning Tool and Should Be Followed In the Committee's Planning Decisions

Questions raised at the August 5, 2026, HLU Committee meeting indicate some Councilmembers may regard the 3.2-foot SLR-XA as "outdated" or no longer a relevant planning tool. Our research indicates this is entirely unfounded.

The SLR-XA originates from the December 2017 Hawaii Sea Level Rise Vulnerability and Adaptation Report ("2017 Report"). A copy of the 2017 Report is publicly available at: https://dlnr.hawaii.gov/occl/files/2022/03/SLR-Report_Dec2017.pdf.

The 2017 Report provided "the first state-wide assessment of Hawaii's vulnerability to sea level rise and recommendations to reduce our exposure and sensitivity to sea level rise and increase our capacity to adapt." 2017 Report, p. iv. The 2017 Report modeled a planning scenario of 3.2 feet of sea level rise. The report notes: "Although this Report provides a range of sea level rise projections and vulnerability scenarios, the SLR-XA with 3.2 feet of sea level rise was chosen to depict hazards that may occur in the mid to latter half of this century." *Id.*

In October 2020, a supplement to the 2017 Report was published entitled, "Guidance for Using the Sea Level Rise Exposure Area in Local Planning and Permitting Decisions." ("2020 Guidance") The 2020 Guidance is publicly available at <http://seagrant.soest.hawaii.edu/wp-content/uploads/2020/12/Guidance-for-Addressing-SLR-in-Community-Planning-in-HI.pdf>.

The 2020 Guidance "was developed in response to requests from county planning departments and other stakeholders to provide information on appropriately interpreting and applying the SLR-XA map data in land use planning and permitting decisions while understanding the methods, assumptions, and limitations of the data." 2020 Guidance, p. 1. The 2020 Guidance acknowledged that, while sea-level rise science had advanced since 2017, **"the latest science further supports using the 2.3 ft SLR-XA as the primary benchmark for land use planning."** *Id.*, p. 2. The 2020 Guidance also specifically explained that SLR-XA mapping had not yet been produced for scenarios above 3.2 feet. *Id.*

In 2022, the Hawaii State Climate Commission issued a formal update to the 2017 SLR-XA Report in the Hawaii Sea Level Rise Vulnerability and Adaptation Report: 2022 Update ("2022 Update"). The 2022 Update is publicly available at: <https://dlnr.hawaii.gov/occl/files/2024/08/OCCL23-Sea-Level-Rise-Report-FY22-1.pdf>.

The 2022 Update distinguished between the amount of sea level rise that should be assumed for long-range planning decisions, and the existing mapped SLR-XA used to identify geographic exposure. Based on a 2022 NOAA interagency sea-level-rise projection, the State recommended using 4 feet as the minimum planning and policy benchmark for planning and design based on

intermediate projections for Hawaii of approximately 2.9 feet by 2100. **However, the State did not withdraw, invalidate, supersede or otherwise declare obsolete the 3.2-foot SLR-XA.**

Rather, the 2022 Update specifically states “**The latest science suggests that the SLR-XA for 3.2 ft of sea level remains valid as a planning overlay for the mid-century at this time.**” 2022 Update, p. 28. The report then specifically recommends: “**The State should continue to use the 3.2 foot Sea Level Rise Exposure Area (SLR-XA) ... until updated SLR-XA data is available.**” *Id.*

This undermines any argument that the 3.2-foot SLR-XA is obsolete, outdated, or otherwise invalid as a legitimate planning tool. Our research indicates that new benchmarks have not yet been published, nor mapped.

If the Committee intends to use sea-level rise exposure as an objective criterion for selecting properties for Council-initiated rezoning, there is presently an established, publicly available, statewide geographic dataset for doing so. That is the 3.2-foot SLR-XA. If the Committee believes newer science warrants a different criterion – e.g., a 4-foot exposure area – it would need to identify an objective dataset capable of determining which parcels satisfy that criterion. The State itself recognized that updated SLR-XA data corresponding to the new planning benchmark has not yet replaced the existing 3.2-foot SLR-XA. See 2022 Update, p. 28.

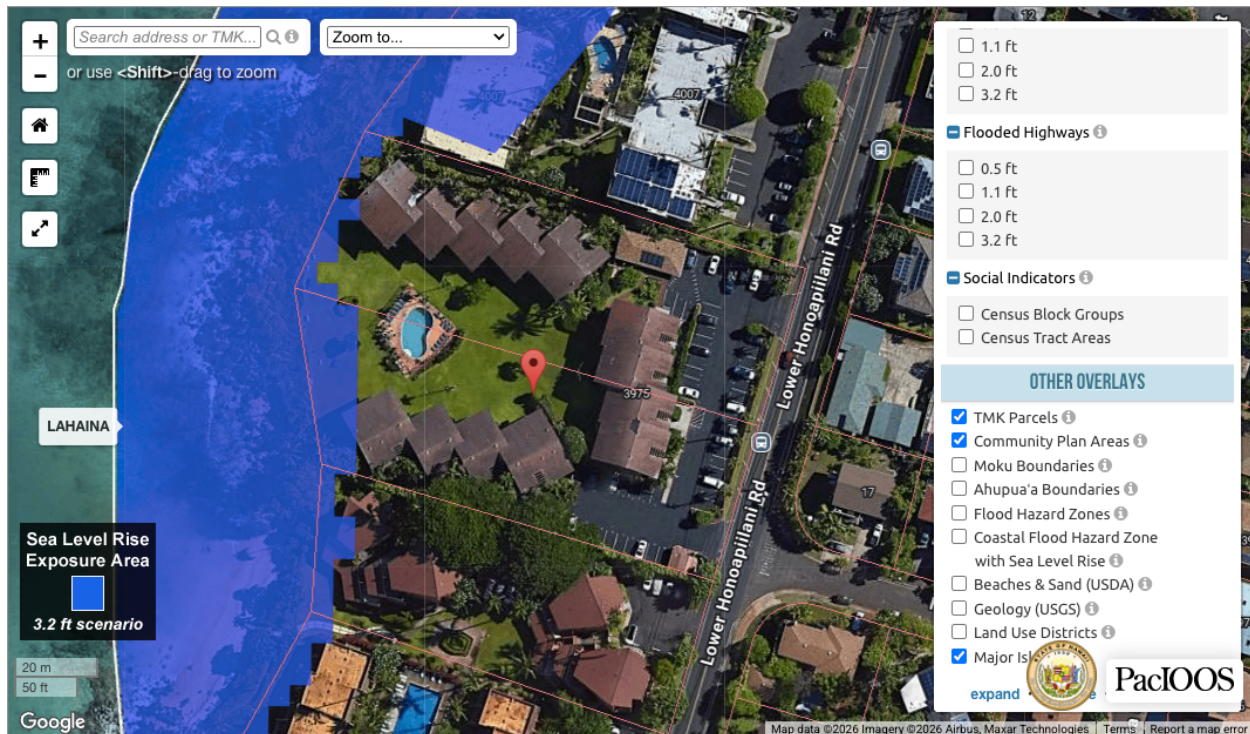
Newer science does not and should not justify abandoning objective criteria and substituting subjective judgment about which individual properties are sufficiently threatened by projected sea level rise.

On August 5, 2026, Committee Chair Uu-Hodgins moved to amend Resolution 26-129 to delete language describing the applicable sea-level rise threshold as “the County’s recognized planning threshold for coastal erosion.”

The deletion of the recital describing 3.2 feet as the County’s “recognized planning threshold for coastal erosion” does not alter the geographic boundaries of the SLR-XA, nor does it change which properties satisfy that criterion. If Resolution 26-129 continues to rely upon location within the SLR-XA as a basis for Council-initiated rezoning, the relevant inquiry remains whether a property falls within that objectively mapped 3.2-foot exposure area. Removing the characterization of the 3.2-foot scenario does not provide a principled basis for including one property within the mapped exposure area while excluding another similarly situated property.

D. Polynesian Shores Meets the Objective Criteria Identified by the Committee In Resolution 26-129, As Amended

Polynesian Shores is located within the SLR-XA. This undisputed fact is supported by the Department of Planning’s August 5, 2026, communication to the Committee, enclosing a November 5, 2020, letter to Councilmember Paltin with a **list of properties that the Department has concluded, for planning purposes, fall within the SLR-XA.** The Polynesian Shores is on that list.



From a planning perspective, Polynesian Shores is objectively within the SLR-XA, and the 3.2-foot SLR-XA intersects with materially significant portions of the makai corners of both main residential buildings. For the reasons we discussed above, this is the only rational and objective limitation that can be placed on the application of the SLR-XA criterion, other than including all properties identified by the Planning Department as falling within SLR-XA.

For these and other reasons, the Polynesian Shores is not suited for long-term residential housing and should be rezoned.

E. The Committee Should Identify, Clearly Define, and Consistently Apply Objective Planning Criteria to All Similarly Situated Properties

The amendments to Resolution 26-129 underscore the importance of identifying and clearly defining the objective planning criteria that will guide the Council's selection of properties for Council-initiated rezoning. The Council has broad legislative discretion to determine which land-use considerations warrant Council action. That discretion, however, is best exercised through identifiable and consistently applied planning principles. Where the Council relies upon objective characteristics—such as a property's location within the SLR-XA or a Special Flood Hazard Area—those criteria should be defined with sufficient clarity that property owners, the public, and the Council itself can understand why particular properties have been selected and why other similarly situated properties have not.

The Council should identify objective eligibility criteria first and then determine which properties satisfy those criteria—not select properties first and develop varying rationales for their inclusion afterward.

Both the SLR-XA and SFHA provide objective, geographically mapped criteria capable of consistent application. The SLR-XA identifies areas exposed to modeled coastal hazards associated with sea-level rise, while SFHA identifies properties subject to defined flood hazards under the flood-hazard framework referenced in Maui County Code. Whatever weight the Council ultimately assigns to each consideration, both provide an ascertainable basis for evaluating properties that is fundamentally different from subjective assessments that a particular property “floods often,” is perceived to face greater coastal risk, or otherwise warrants rezoning based upon Councilmember’s property-specific observations.

The need for clearly articulated criteria is particularly important where Council-initiated rezoning is being extended to some properties but not others that share the same relevant planning characteristics. If location within the SLR-XA is a reason supporting Council-initiated rezoning, that criterion should be applied consistently to similarly situated properties within the mapped exposure area. As discussed above, **the only way to apply that criterion consistently is by drawing the line at either the parcel boundary, or any portion of a building footprint.**

The Council should identify the criteria it intends to use, define those criteria objectively, and then apply them consistently to all similarly situated properties. Doing so provides a transparent and rational connection between the Council’s stated land-use objectives and the properties selected for rezoning, promotes predictability and fairness in the legislative process, and avoids the appearance that Council-initiated rezoning decisions are being made through ad hoc, property-specific determinations rather than through generally applicable planning principles.

F. Support for Resolution 26-129, As Amended, to Include Polynesian Shores for Council-Initiated Rezoning

For the foregoing reasons, the Association respectfully requests that Resolution 26-129, as amended by Councilmember Cook, be passed, to include the Polynesian Shores among the properties proposed for council-initiated rezoning.

If the Council determines not to include Polynesian Shores, we respectfully request that the legislative record identify the objective planning basis that distinguishes Polynesian Shores from the other properties included within the resolution. Articulating that basis will ensure that the Council’s action is transparent, internally consistent, and supported by the planning principles underlying Resolution No. 26-129.

Thank you for your consideration of the Association’s request on behalf of the Board of Directors of Polynesian Shores.

You may contact me at (808) 281-3839 or rebecca@hihoalaw.com.

Sincerely,

HI HOA LAW

A Limited Liability Law Company

Housing and Land Use Committee
August 17, 2026
Page 10

A handwritten signature in black ink, reading "Rebecca Krill". The signature is written in a cursive style with a large initial "R" and a stylized "K".

Rebecca Krill, Esq.
Principal

Cc: Maui County Council

HLU Committee

From: Rebecca Krill <rebecca@hihoalaw.com>
Sent: Friday, August 14, 2026 4:44 PM
To: HLU Committee
Cc: Yukilei Sugimura; Thomas M. Cook; Nohe M. Uu-Hodgins; Tamara A. Paltin; Alice L. Lee; Gabe Johnson; Keani N. Rawlins; Shane M. Sinenci; K. Kauanoe Batangan
Subject: Resolution 26-129/Testimony for Shores of Maui AOA
Attachments: 260814 Ltr to HLU Re Resolution 26-129 (Shores of Maui).pdf

Aloha Housing and Land Use Committee,

Please find attached written testimony on behalf of the Shores of Maui AOA.

Project Name: SHORES OF MAUI
Address: 2075 S Kihei Rd., Kihei, HI 96753
TMK: (2) 3-9-017-003

The purpose of this testimony is, in part, to demonstrate that, to the extent the Committee seeks to limit application of the SLR-XA to certain properties, the most rational and objective delineation point is where the SLR-XA intersects *any portion* of a residential building structure. Any other “line in the sand” is arbitrary.

Mahalo,

Rebecca Krill, Esq.
Principal



HOA | CONDO | REAL ESTATE | CONSTRUCTION

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rebecca@hihoalaw.com

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Rebecca O. Krill
rebecca@hihoalaw.com | (808) 281-3839

August 14, 2026

VIA EMAIL

Housing and Land Use Committee
200 South High Street
Wailuku, Hawaii 96793
hlu.committee@mauicounty.us

**Re: Testimony in Support of Resolution 26-129, As Amended, to Include
Shores of Maui, 2075 S Kihei Rd, Kihei, HI 96753, TMK. (2) 3-9-017-003**

Dear Housing and Land Use Committee,

This letter is submitted behalf of the Shores of Maui AOA, in support of Resolution No. 26-129, as amended by Councilmember Tom Cook, to include the Shores of Maui condominium resort (“Shores of Maui”) among those properties for council-initiated rezoning from Apartment District A-1 to Hotel District H-3.

The purpose of this submission is fourfold. First, we demonstrate that the most rational criterion for application of the Sea Level Rise Exposure Area (“SLR-XA”) is where it intersects with *any portion* of a residential building structure. Any other “line in the sand” is arbitrary and exposes the Committee’s decision-making process to legal challenge.

Second, we address comments made during the Committee’s deliberations on August 5, 2026, suggesting that the SLR-XA is an obsolete planning tool. We explain why the SLR-XA remains a recognized and appropriate planning criterion under current State and County planning policies.

Third, we demonstrate that the Shores of Maui satisfies the objective criteria presently identified by the Committee and should continue to be included in Resolution 26-129.

Finally, we reiterate the importance of identifying, clearly defining, and consistently applying objective planning criteria to all similarly situated properties so that Council-initiated rezoning decisions are grounded in transparent and rational land-use principles rather than ad hoc, property-specific determinations.

A. The SLR-XA Criterion Should Apply Where the Exposure Area Intersects with *Any Portion* of a Residential Building Structure

In determining which A-1/A-2 properties are appropriate for Council-initiated rezoning to H-3/H-4, the Committee should apply the SLR-XA criterion based upon whether the SLR-XA intersects a residential structure, rather than requiring that all, or some arbitrary percentage, of a building footprint falls within the mapped exposure area.

This approach provides the most objective and rational planning threshold that is consistent with the purpose and methodology of the SLR-XA. By contrast, requiring a residential building to be “fully exposed” or 100% within the 3.2-foot SLR-XA would impose a threshold that does not appear in the State’s SLR-XA methodology, is not supported by current State and County planning guidance, and may substantially understate the long-term vulnerability of coastal residential structures.

1. The SLR-XA Is an Exposure Area, Not a Percentage-of-Structure Test

The SLR-XA is intended to identify geographic areas exposed to chronic coastal hazards associated with sea-level rise. For Maui, the SLR-XA combines three modeled hazards: (1) passive flooding, (2) annual high-wave flooding, and (3) coastal erosion. The combined footprint of these hazards defines the projected extent of chronic flooding associated with sea-level rise. The State describes flooding within the SLR-XA as associated with long-term, chronic hazards punctuated by annual or more frequent flooding events.

Importantly, the State’s methodology does not identify any particular percentage of a building footprint that must fall within the SLR-XA before the building is considered exposed. Nor does the methodology establish a 25-percent, 50-percent, majority, or 100-percent structural exposure threshold.

The State’s 2022 update (discussed below) expressly recommends referring to the SLR-XA as an “exposure zone” rather than a “vulnerability zone” because the mapped area identifies exposure, while the degree of vulnerability or resilience within that exposure area may vary depending upon other factors and adaptation measures. Accordingly, the threshold question for purposes of applying an objective SLR-XA criterion should be whether the modeled exposure area reaches *any portion* the residential structure.

2. Requiring “Full Exposure” Would Create an Arbitrary Line That is Not Derived From the SLR-XA Methodology

If the Committee requires “full exposure” of the entire building to qualify for rezoning based on the SLR-XA, the Committee would be impermissibly converting the State and County’s geographic exposure model into a structural percentage test, for which there is no apparent scientific basis or planning rationale.

The most principled way for the Committee to narrow its application of SLR-XA, without making it arbitrary, is to require that the SLR-XA intersect the residential structure itself. This distinguishes properties from parcels where the exposure area merely clips a portion of the parking

lot, landscaped area, or shoreline, or other undeveloped portion of the property. The rule becomes clear and capable of consistent application:

If the 3.2-foot SLR-XA intersect any portion of a building containing dwelling units, the property satisfies the SLR-XA and should be included in council-initiated rezoning.

This rule is objective, geographically verifiable, uniformly applicable, and directly connected to the reason the Council is considering SLR-XA in the first place: whether the property represents an appropriate location for long-term residential housing.

It also avoids the inherently arbitrary task of choosing 25%, 50%, 75%, or 100%, or vague descriptions like “full”, “partial” exposure. Unless there is scientific or planning evidence establishing one of those percentages as an accepted threshold, every percentage becomes essentially a policy number selected after looking at the map.

3. Partial Exposure of a Residential Building Can Affect the Function and Habitability of the Building as a Whole

A residential condominium building does not function as a collection of independent square feet. It operates as an integrated structure dependent upon common foundations, structural components, electrical and mechanical systems, drainage, water and wastewater infrastructure, access, parking, and other common facilities.

The relevant planning inquiry should not be whether every dwelling unit—or every square foot of the building footprint—will be inundated. Coastal hazards affecting only one portion of a residential structure have consequences extending beyond the precise portion of the building depicted within a mapped exposure boundary.

The SLR-XA addresses chronic coastal hazards, not simply a single catastrophic future flood event. The State’s planning guidance explains that lands within the passive-flooding component of the SLR-XA are projected to experience flooding at high tide or more frequently at the applicable sea-level-rise scenario and that sea-level rise can worsen other flooding through direct marine inundation, groundwater rise, and impaired drainage.

The consequences of this exposure include exposure to foundations and structural building components, electrical equipment or other centralized building systems, wastewater and drainage infrastructure serving the property, saltwater intrusion of groundwater affecting underground utilities, and emergency access and reliable ingress/egress.

These considerations demonstrate why considering a percentage of building footprint is an incomplete measure of long-term residential suitability. The fact that a majority of a building footprint may remain outside a particular mapped exposure area does not establish that the building will remain unaffected by the chronic coastal hazards reaching another portion of the structure.

4. Current State Guidance Makes a 100% Exposure Requirement at the 3.2-Foot Sea Level Scenario Difficult to Justify

The State's updated sea-level-rise guidance further weighs against narrowing the SLR-XA criterion to buildings that are fully encompassed by the existing 3.2-foot exposure area.

Following NOAA's updated sea-level-rise projections, the State's 2022 Hawai'i Sea Level Rise Vulnerability and Adaptation Report (linked below) recommends four (4) feet of sea-level rise as the minimum scenario for all planning and design, based upon NOAA's Intermediate scenario for Hawai'i of approximately 3.9 feet by 2100. The State further recommends a 6-foot benchmark for public infrastructure and other projects having a low tolerance for risk.

The State has not yet replaced the existing 3.2-foot SLR-XA with a complete composite SLR-XA reflecting the higher planning benchmark. In the interim, State guidance directs planners to continue using the existing 3.2-foot SLR-XA together with NOAA passive-flooding data for higher sea-level-rise scenarios. PacIOOS currently states:

Guidance from the State of Hawai'i based on the 2022 Hawai'i Sea Level Rise Vulnerability and Adaptation Report recommends evaluating two sea level rise scenarios depending on tolerance for risk:

1. **4 feet** of sea level rise should be considered as the minimum scenario for all planning and design. This is following the latest NOAA interagency sea level rise report (Sweet et al., 2022) based on the report's Intermediate (mid-range) scenario for Hawai'i of 3.9 feet of sea level rise by 2100. **Continue to use the 3.2-foot SLR-XA and NOAA 4-foot passive flooding map data until updated SLR-XA data are available.**

See: <https://www.pacioos.hawaii.edu/shoreline/slr-hawaii/> (bold in original; underscore added).

This distinction is important. The existing 3.2-foot SLR-XA remains the State and County's recognized planning overlay, but recent data indicates it will be raised to 4 feet for future planning benchmarks. We just have not gotten there yet.

Requiring that the building be 100 percent encompassed within that existing 3.2-foot boundary would compound the problem: the Committee would be taking an exposure map based upon a lower sea-level-rise scenario and then narrowing its application even further through a percentage requirement that does not appear in the State methodology.

5. Long-Term Residential Land-Use Planning Warrants Consideration of Emerging Exposure, Not Merely Ultimate Inundation

The Committee's inquiry is fundamentally a **land-use planning determination**, not a determination of whether a building is presently unsafe for occupancy.

The question is whether these coastal properties should continue to be planned and relied upon as locations for long-term residential housing. A long-term residential designation assumes that a property is reasonably appropriate for households to establish stable residences and depend upon the building, its infrastructure, and its access over an extended period. Where the State's sea-level-rise modeling already identifies a portion of the residential structure as exposed to chronic coastal hazards, that assumption becomes materially less certain.

Partial intersection with the existing SLR-XA should therefore be understood as an indicator of emerging and progressively increasing exposure, rather than evidence that the remainder of the structure is insulated from future impacts.

This is particularly important where the State's current minimum scenario is project to increase from 3.2 feet to approximately 4 feet. The appropriate question is not whether the entire building is presently depicted within the 3.2-foot SLR-XA. **The more relevant planning question is whether the leading edge of the current State-modeled 3.2-foot SLR-XA has already reached the residential structure.**

B. The 3.2-Foot SLR-XA Remains the Current and Recognized Planning Tool And Should Be Followed In the Committee's Planning Decisions

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This undermines any argument that the 3.2-foot SLR-XA is obsolete, outdated, or otherwise invalid as a legitimate planning tool. Our research indicates that new benchmarks have not yet been published, nor mapped.

If the Committee intends to use sea-level rise exposure as an objective criterion for selecting properties for Council-initiated rezoning, there is presently an established, publicly available, statewide geographic dataset for doing so. That is the 3.2-foot SLR-XA. If the Committee believes newer science warrants a different criterion – e.g., a 4-foot exposure area – it would need to identify an objective dataset capable of determining which parcels satisfy that criterion. The State itself recognized that updated SLR-XA data corresponding to the new planning benchmark has not yet replaced the existing 3.2-foot SLR-XA. See 2022 Update, p. 28.

Newer science does not and should not justify abandoning objective criteria and substituting subjective judgment about which individual properties are sufficiently threatened by projected sea level rise.

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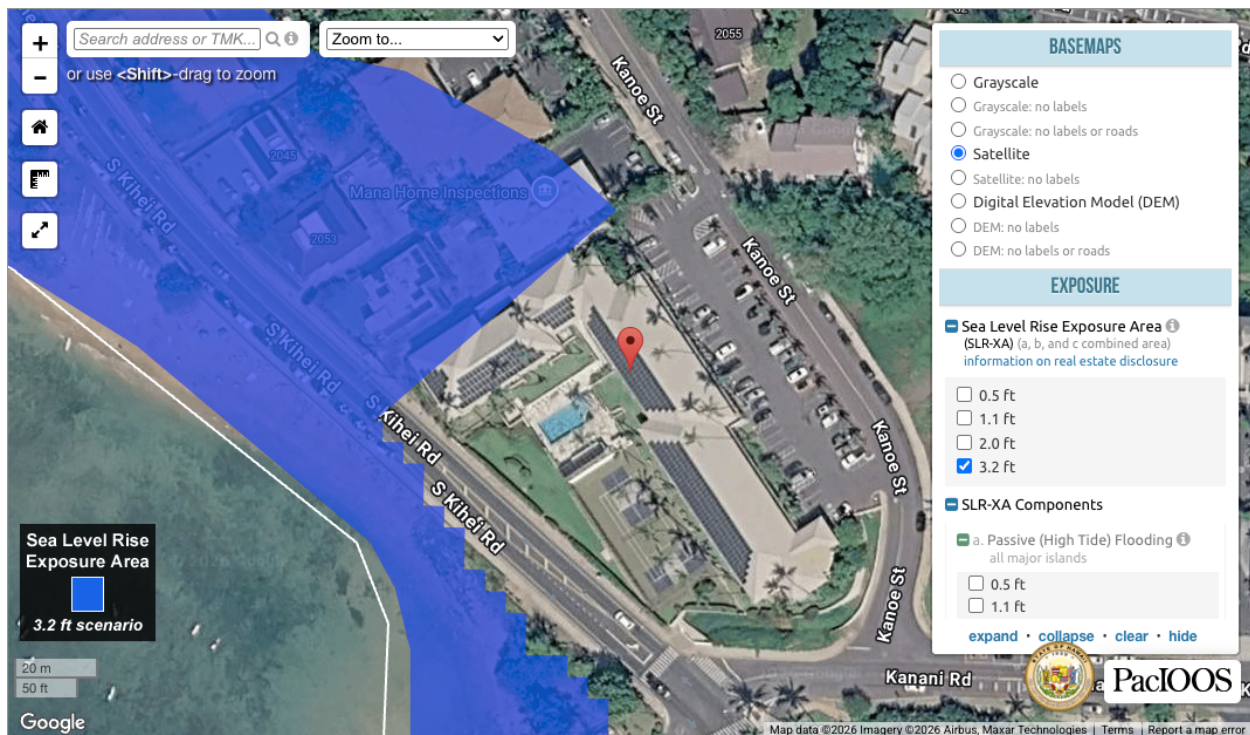
The deletion of the recital describing 3.2 feet as the County’s “recognized planning threshold for coastal erosion” does not alter the geographic boundaries of the SLR-XA, nor does it change which properties satisfy that criterion. If Resolution 26-129 continues to rely upon location within the SLR-XA as a basis for Council-initiated rezoning, the relevant inquiry remains whether a property falls within that objectively mapped 3.2-foot exposure area. Removing the characterization of the

3.2-foot scenario does not provide a principled basis for including one property within the mapped exposure area while excluding another similarly situated property.

C. Shores of Maui Meets the Objective Criteria Identified by the Committee In Resolution 26-129, As Amended

The Shores of Maui is located within the SLR-XA. This undisputed fact is supported by the Department of Planning’s August 5, 2026, communication to the Committee, enclosing a November 5, 2020, letter to Councilmember Paltin with a **list of properties that the Department has concluded, for planning purposes, fall within the SLR-XA**. The Shores of Maui is on that list.

The Shores of Maui also received, in 2025, the Association received a Special Management Area Exemption for repair and maintenance of a front-facing retaining wall. In the Planning Department’s communication to the Association, the Director of Planning concluded that the Shores of Maui was within the SLR-XA. The Exemption states: “The proposed project is located within the 3.2-foot Sea Level Rise Exposure Area (SLR-XA) as mapped by the Hawaii Sea Level Rise Viewer (www.hawaiisealevelriseviewer.org)...”



From a planning perspective, Shores of Maui is objectively within the SLR-XA, and the 3.2-foot SLR-XA intersects a significant portion along the north side of the main building. For the reasons we discussed above, this is the only rational and objective limitation that can be placed on the application of the SLR-XA criterion, other than including all properties identified by the Planning Department as falling within SLR-XA.

For these and other reasons, the Shores of Maui is not suited for long-term residential housing and should be rezoned.

D. The Committee Should Identify, Clearly Define, and Consistently Apply Objective Planning Criteria to All Similarly Situated Properties

The amendments to Resolution 26-129 underscore the importance of identifying and clearly defining the objective planning criteria that will guide the Council's selection of properties for Council-initiated rezoning. The Council has broad legislative discretion to determine which land-use considerations warrant Council action. That discretion, however, is best exercised through identifiable and consistently applied planning principles. Where the Council relies upon objective characteristics—such as a property's location within the SLR-XA or a Special Flood Hazard Area—those criteria should be defined with sufficient clarity that property owners, the public, and the Council itself can understand why particular properties have been selected and why other similarly situated properties have not.

The Council should identify objective eligibility criteria first and then determine which properties satisfy those criteria—not select properties first and develop varying rationales for their inclusion afterward.

Both the SLR-XA and SFHA provide objective, geographically mapped criteria capable of consistent application. The SLR-XA identifies areas exposed to modeled coastal hazards associated with sea-level rise, while SFHA identifies properties subject to defined flood hazards under the flood-hazard framework referenced in Maui County Code. Whatever weight the Council ultimately assigns to each consideration, both provide an ascertainable basis for evaluating properties that is fundamentally different from subjective assessments that a particular property “floods often,” is perceived to face greater coastal risk, or otherwise warrants rezoning based upon Councilmember's property-specific observations.

The need for clearly articulated criteria is particularly important where Council-initiated rezoning is being extended to some properties but not others that share the same relevant planning characteristics. If location within the SLR-XA is a reason supporting Council-initiated rezoning, that criterion should be applied consistently to similarly situated properties within the mapped exposure area. As discussed above, **the only way to apply that criterion consistently is by drawing the line at either the parcel boundary, or any portion of a building footprint.**

The Council should identify the criteria it intends to use, define those criteria objectively, and then apply them consistently to all similarly situated properties. Doing so provides a transparent and rational connection between the Council's stated land-use objectives and the properties selected for rezoning, promotes predictability and fairness in the legislative process, and avoids the appearance that Council-initiated rezoning decisions are being made through ad hoc, property-specific determinations rather than through generally applicable planning principles.

E. Support for Resolution 26-129, As Amended, to Include Shores of Maui for Council-Initiated Rezoning

For the foregoing reasons, the Association respectfully requests that Resolution 26-129, as amended by Councilmember Cook, be passed, to include the Shores of Maui among the properties proposed for council-initiated rezoning.

If the Council determines not to include the Shores of Maui, we respectfully request that the legislative record identify the objective planning basis that distinguishes the Shores of Maui from the other properties included within the resolution. Articulating that basis will ensure that the Council's action is transparent, internally consistent, and supported by the planning principles underlying Resolution No. 26-129.

Thank you for your consideration of the Association's request on behalf of the Board of Directors of the Shores of Maui.

You may contact me at (808) 281-3839 or rebecca@hihoalaw.com.

Sincerely,

HI HOA LAW

A Limited Liability Law Company

A handwritten signature in black ink that reads "Rebecca Krill". The signature is stylized, with a large "R" and "K".

Rebecca Krill, Esq.

Principal

Cc: Maui County Council

HLU Committee

From: Rebecca Krill <rebecca@hihoalaw.com>
Sent: Friday, August 14, 2026 11:51 AM
To: HLU Committee
Cc: Yukilei Sugimura; Thomas M. Cook; Nohe M. Uu-Hodgins; Tamara A. Paltin; Alice L. Lee; Gabe Johnson; Keani N. Rawlins; Shane M. Sinenci; K. Kauanoe Batangan
Subject: Resolution 26-129/Testimony for AOA Kaleialoha
Attachments: 260812 Ltr to HLU Re Resolution 26-129 (Kaleialoha).pdf

Aloha Housing and Land Use Committee,

Please find attached written testimony on behalf of the Association of Apartment Owners of Kaleialoha.

Project Name: KALEIALOA
Address: 3785 L. Honoapiilani Rd., Lahaina, HI 96761
TMK: (2) 4-3-006-013

Mahalo,

Rebecca Krill, Esq.
Principal



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Rebecca O. Krill
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August 12, 2026

VIA EMAIL

Housing and Land Use Committee
200 South High Street
Wailuku, Hawaii 96793
hlu.committee@mauicounty.us

**Re: Testimony in Support of Amending Resolution 26-129 to Include Kaleialoha,
3785 Lower Honoapiilani Rd., Lahaina HI 96761, TMK. 2-4-3-006-013**

Dear Housing and Land Use Committee,

This letter is submitted behalf of the Association of Apartment Owners of Kaleialoha, in support of amending Resolution No. 26-129 to include the Kaleialoha condominium resort (“Kaleialoha”) among those properties for council-initiated rezoning from Apartment District A-2 to Hotel District H-4.

The purpose of this submission is threefold. First, it demonstrates that Kaleialoha satisfies the objective criteria presently identified by the Housing and Land Use Committee (“Committee”) as the basis for Council-initiated rezoning under Resolution 26-129, including the criteria set forth in the recently proposed amendment by Committee Chair Uu-Hodgins.

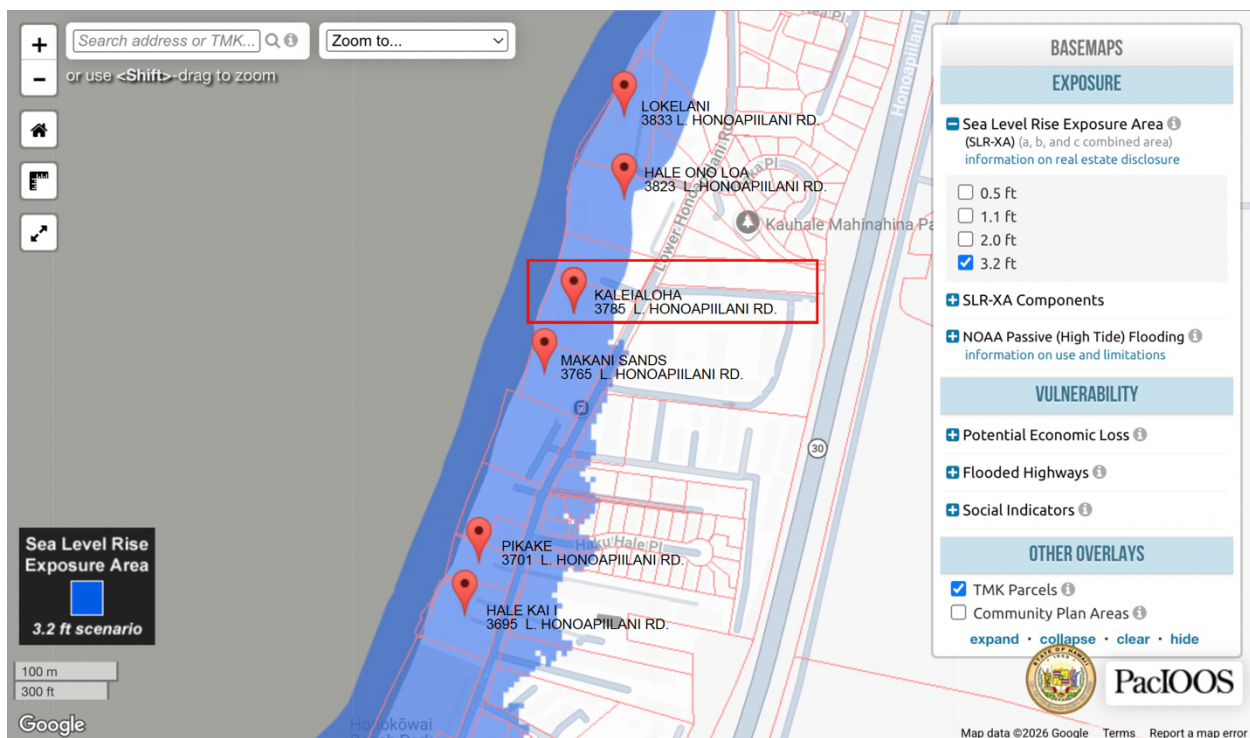
Second, we address comments made during the Committee’s deliberations on August 5, 2026, that the Sea Level Rise Exposure Area (“SLR-XA”) is an obsolete planning tool, and explains why the SLR-XA remains a recognized and appropriate planning criterion under current State and County planning policies.

Finally, we reiterate the importance of identifying, clearly defining, and consistently applying objective planning criteria to all similarly situated properties so that Council-initiated rezoning decisions are grounded in transparent and rational land-use principles rather than ad hoc, property-specific determinations.

A. Kaleialoha Meets the Objective Criteria Identified by the Committee In Resolution 26-129, As Amended

Resolution 26-129 proposes that properties in the SLR-XA should be rezoned into H-3 or H-4 Hotel Districts. The Committee has not yet identified whether a property must be completely or substantially located within the SLR-XA, whether partial exposure is sufficient, whether exposure to buildings is required, or whether SLR-XA exposure must be coupled with other criteria, such as the Special Flood Hazard Zone.

Kaleialoha is located immediately adjacent to Makani Sands and is geographically situated between the four (4) other Lahaina properties originally included in Resolution 26-129.



There is no material distinction between Kaleialoha, and the properties identified and selected for Council-initiated rezoning in Resolution 26-129.

Councilmember Tom Cook and Council Chair Alice Lee should be lauded for their recently proposed amendments to Resolution 26-129 to add Makani Sands to the list of properties for Council-initiated rezoning. **Given the location of Kaleialoha and proximity to other included properties within the SLR-XA along Lower Honoapiilani Road, there is no legitimate reason that Kaleialoha should be excluded. Doing so would be clearly arbitrary.**

B. SLR-XA Remains a Current and Recognized Planning Tool And Should Be Followed In the Committee's Planning Decisions

Questions raised at the August 5, 2026, HLU Committee meeting indicate some Councilmembers may regard the SLR-XA as “outdated” or no longer a relevant planning tool. Our research indicates this is entirely unfounded.

The SLR-XA originates from the December 2017 Hawaii Sea Level Rise Vulnerability and Adaptation Report (“2017 Report”). A copy of the 2017 Report is publicly available at: https://dlnr.hawaii.gov/occl/files/2022/03/SLR-Report_Dec2017.pdf.

The 2017 Report provided “the first state-wide assessment of Hawaii’s vulnerability to sea level rise and recommendations to reduce our exposure and sensitivity to sea level rise and increase our capacity to adapt.” 2017 Report, p. iv. The 2017 Report modeled a planning scenario of 3.2 feet of sea level rise. The report notes: “Although this Report provides a range of sea level rise projections and vulnerability scenarios, the SLR-XA with 3.2 feet of sea level rise was chosen to depict hazards that may occur in the mid to latter half of this century.”

In October 2020, a supplement to the 2017 Report was published entitled, “Guidance for Using the Sea Level Rise Exposure Area in Local Planning and Permitting Decisions.” (“2020 Guidance”) The 2020 Guidance is publicly available at <http://seagrant.soest.hawaii.edu/wp-content/uploads/2020/12/Guidance-for-Addressing-SLR-in-Community-Planning-in-HI.pdf>.

The 2020 Guidance “was developed in response to requests from county planning departments and other stakeholders to provide information on appropriately interpreting and applying the SLR-XA map data in land use planning and permitting decisions while understanding the methods, assumptions, and limitations of the data.” 2020 Guidance, p. 1.

The 2020 Guidance acknowledged that, while sea-level rise science had advanced since 2017, “the latest science further supports using the 2.3 ft SLR-XA as the primary benchmark for land use planning.” *Id.*, p. 2 The 2020 Guidance also specifically explained that SLR-XA mapping had not yet been produced for scenarios above 3.2 feet. *Id.*

In 2022, the Hawaii State Climate Commission issued a formal update to the 2017 SLR-XA Report in the Hawaii Sea Level Rise Vulnerability and Adaptation Report: 2022 Update (“2022 Update”). The 2022 Update is publicly available at: <https://dlnr.hawaii.gov/occl/files/2024/08/OCCL23-Sea-Level-Rise-Report-FY22-1.pdf>.

The 2022 Update distinguished between the amount of sea level rise that should be assumed for long-range planning decisions, and the existing mapped SLR-XA used to identify geographic exposure. Based on a 2022 NOAA interagency sea-level-rise projection, the State recommended using 4 feet as the minimum planning and policy benchmark for planning and design based on intermediate projections for Hawaii of approximately 2.9 feet by 2100. **However, the State did not withdraw, invalidate, supersede or otherwise declare obsolete the 3.2-foot SLR-XA.**

Rather, the 2022 Update specifically states “**The latest science suggests that the SLR-XA for 3.2 ft of sea level remains valid as a planning overlay for the mid-century at this time.**” 2022

Update, p. 28. The report then specifically recommends: “**The State should continue to use the 3.2 foot Sea Level Rise Exposure Area (SLR-XA) ... until updated SLR-XA data is available.**” *Id.*

This specifically undermines any argument that the 3.2-foot SLR-XA is obsolete, outdated, or otherwise invalid as a legitimate planning tool. Our research indicates that new benchmarks have not yet been published, nor mapped.

If the Committee intends to use sea-level rise exposure as an objective criterion for selecting properties for Council-initiated rezoning, there is presently an established, publicly available, statewide geographic dataset for doing so. That is the 3.2-foot SLR-XA.

If the Committee believes newer science warrants a different criterion – e.g., a 4-foot exposure area – it would need to identify an objective dataset capable of determining which parcels satisfy that criterion. The State itself recognized that updated SLR-XA data corresponding to the new planning benchmark has not yet replaced the existing 3.2-foot SLR-XA. See 2022 Update, p. 28.

Newer science does not and should not justify abandoning objective criteria and substituting subjective judgment about which individual properties are sufficiently threatened by projected sea level rise.

On August 5, 2026, Committee Chair Uu-Hodgins moved to amend Resolution 26-129 to delete language describing the applicable sea-level rise threshold as “the County’s recognized planning threshold for coastal erosion.”

The deletion of the recital describing 3.2 feet as the County’s “recognized planning threshold for coastal erosion” does not alter the geographic boundaries of the SLR-XA, nor does it change which properties satisfy that criterion. If Resolution 26-129 continues to rely upon location within the SLR-XA as a basis for Council-initiated rezoning, the relevant inquiry remains whether a property falls within that objectively mapped 3.2-foot exposure area. Removing the characterization of the 3.2-foot scenario does not provide a principled basis for including one property within the mapped exposure area while excluding another similarly situated property.

C. The Committee Should Identify, Clearly Define, and Consistently Apply Objective Planning Criteria to All Similarly Situated Properties

The amendments to Resolution 26-129 underscore the importance of identifying and clearly defining the objective planning criteria that will guide the Council’s selection of properties for Council-initiated rezoning. The Council has broad legislative discretion to determine which land-use considerations warrant Council action. That discretion, however, is best exercised through identifiable and consistently applied planning principles. Where the Council relies upon objective characteristics—such as a property’s location within the SLR-XA or a SFHA—those criteria should be defined with sufficient clarity that property owners, the public, and the Council itself can understand why particular properties have been selected and why other similarly situated properties have not.

The Council should identify objective eligibility criteria first and then determine which properties satisfy those criteria—not select properties first and develop varying rationales for their inclusion afterward.

Both the SLR-XA and SFHA provide objective, geographically mapped criteria capable of consistent application. The SLR-XA identifies areas exposed to modeled coastal hazards associated with sea-level rise, while SFHA identifies properties subject to defined flood hazards under the flood-hazard framework referenced in Maui County Code. Whatever weight the Council ultimately assigns to each consideration, both provide an ascertainable basis for evaluating properties that is fundamentally different from subjective assessments that a particular property “floods often,” is perceived to face greater coastal risk, or otherwise warrants exclusion from rezoning based upon Councilmember’s property-specific observations.

The need for clearly articulated criteria is particularly important where Council-initiated rezoning is being extended to some properties but not others that share the same relevant planning characteristics.

If location within the SLR-XA is a reason supporting Council-initiated rezoning, that criterion should be applied consistently to similarly situated properties within the mapped exposure area. Likewise, if location within a SFHA is now an independent basis supporting Council action, properties located within the same applicable flood-hazard classification should be evaluated under the same standard. The addition or refinement of criteria during the legislative process is entirely appropriate; what is important is that the final criteria be sufficiently defined to allow for consistent application.

A clearly defined framework is especially important because the SLR-XA and SFHA measure different, although potentially overlapping, forms of environmental exposure. If either criterion independently supports Council-initiated rezoning, the Resolution should make that relationship clear. If both must be present, that too should be stated. And if the Council intends to weigh the criteria together with other factors, those additional factors should be identified. Without such clarity, it becomes difficult to determine why one property has been included while another property exhibiting the same identified planning characteristics has been excluded.

The Council should identify the criteria it intends to use, define those criteria objectively, and then apply them consistently to all similarly situated properties. Doing so provides a transparent and rational connection between the Council’s stated land-use objectives and the properties selected for rezoning, promotes predictability and fairness in the legislative process, and avoids the appearance that Council-initiated rezoning decisions are being made through ad hoc, property-specific determinations rather than through generally applicable planning principles.

D. Request for Amendment of Resolution 26-129, to Include Kaleialoha for Council-Initiated Rezoning

For the foregoing reasons, the Association respectfully requests an amendment to Resolution 26-129, to include Kaleialoha among the properties proposed for council-initiated rezoning.

If the Council determines not to include Kaleialoha, we respectfully request that the legislative record identify the objective planning basis that distinguishes Kaleialoha from the other properties included within the resolution. Articulating that basis will ensure that the Council's action is transparent, internally consistent, and supported by the planning principles underlying Resolution No. 26-129.

Thank you for your consideration of the Association's request on behalf of the owners at Kaleialoha.

You may contact me at (808) 281-3839 or rebecca@hihoalaw.com.

Sincerely,

HI HOA LAW

A Limited Liability Law Company

A handwritten signature in black ink, appearing to read "Rebecca Krill". The signature is stylized with a large, looped "R" and a cursive "Krill".

Rebecca Krill, Esq.

Principal

Cc: Maui County Council
Housing and Land Use Committee

HLU Committee

From: Volker Joehnk <volker.joehnk@yahoo.com>
Sent: Thursday, August 13, 2026 3:15 PM
To: HLU Committee
Subject: Resolution 26-129: Sea Level Rise and Impact to Kihei Resort TMK 239-001-136
Attachments: Kihei Resort - Sea level rise and flooding - Final.pdf

You don't often get email from volker.joehnk@yahoo.com. [Learn why this is important](#)

Aloha Chair U'u-Hodgins and Members of the Housing and Land Use (HLU) Committee,

Please find our enclosed position paper submitted on behalf of the Kihei Resort AOA. This document is provided as a direct response to the oral testimony given on August 5, 2026, where several questions were raised regarding our property's specific circumstances.

Below is an executive summary of our position, which represents a formally recorded 93.4% owner vote authorizing the pursuit of H-3/H-4 hotel rezoning:

*** **The 1.1-Foot Infrastructure Reality:****

Assessing viability based solely on whether a building's footprint remains dry ignores catastrophic infrastructure failure. At just a 1.1-foot sea level rise, passive flooding and high waves will compromise South Kihei Road. The loss of ground-level access, submerged parking, and compromised utilities will render the building functionally uninhabitable before the ocean reaches the county's 3.2-foot mark.

*** **Terminal Viability:****

Due to structural aging, groundwater vulnerability, and escalating flood insurance costs, the remaining viable economic lifespan of the complex is roughly 20 to 25 years (2045–2050).

*** **Protecting Local Residents:****

Forcing a property with a known terminal expiration date of 2046 into the long-term housing pool contradicts the intent of Bill 9. It is irresponsible to incentivize local workforce families to invest or shelter in a deteriorating hazard zone where flooding would trap them and prevent access to work, schools, and emergency services.

*** **Funding Resilience & Adaptation:****

Retaining the higher revenue stream from short-term rentals is the only financially viable way to fund critical infrastructure upgrades. Additionally, it allows the county to collect premium tax revenues during a 20-year "managed wind-down" to fund municipal adaptation projects.

* **Equal Protection:** Excluding Kihei Resort from Resolution 26-129, while including neighboring properties with minimal SLR-XA coverage, is an arbitrary and legally precarious application of municipal zoning policy.

We appreciate your time in reviewing the detailed scenarios and considerations in the attached full document.

Sincerely,

Volker Joehnk

President, Kihei Resort AOA Board of Directors

—

Kihei Resort – TMK 239-001-136

Sea Level Rise and Flooding Impact to Kihei Resort

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Executive Summary

The 1.1-Foot Reality: Ground-Level Infrastructure Failure: The current debate regarding whether the Sea Level Rise Exposure Area (SLR-XA) must physically intersect a building's footprint fundamentally misunderstands the reality of coastal flooding. A condominium complex does not operate in a vacuum. The [State of Hawai'i Sea Level Rise Viewer](#) data confirms that at just a 1.1-foot sea

level rise threshold, severe passive flooding and annual high waves will cause the surrounding county infrastructure to fail.

When the South Kihei Road corridor washes out—as it already does during routine annual weather events—the primary ingress and egress points at our parcel boundaries are completely severed, making access to Kihei Resort impossible. Assessing a property's viability based solely on whether a concrete footprint remains dry ignores this catastrophic failure. The complete loss of ground-level access, submerged parking areas, and compromised utilities renders the entire building functionally uninhabitable long before the ocean reaches the county's 3.2-foot planning mark.

Kihei Resort's Terminal Viability: Given the environmental and structural realities, the remaining viable economic lifespan of the complex is likely 20 to 25 years (roughly targeting 2045–2050). It is incumbent upon the County to invest the necessary funds to address and counter these environmental impacts. Therefore, without significant intervention by the County, these impacts will drastically shorten the longevity of Kihei Resort.

Structural & Groundwater Vulnerability: The low-rise, wood-framed buildings at Kihei Resort are 45 years old and sit on concrete slab foundations. Pushing these structures past the 50-to-75-year mark means facing severe degradation from salt air, rising groundwater, and subterranean saltwater corrosion of plumbing.

The Infrastructure Tipping Point: An immediate inland bypass to the South Kihei Road corridor is currently outside the county's active construction timeline. Escalating environmental risks translate directly to massive spikes in mandatory flood insurance and emergency repairs that will outpace the viability of standard residential ownership.

Responsible Public Policy (Protecting Local Residents) The goal of H-3/H-4 rezoning is not just a financial necessity for the owners, but the most responsible public policy choice for Maui County.

- **Protecting Locals from "Stranded Assets":** The legislative intent of Bill 9 is to return units to the local housing market. However, incentivizing local workforce families to buy or rent in a known, deteriorating hazard zone with a terminal expiration date of 2046 directly contradicts this goal. It is far better to let transient visitors absorb the financial and physical risks of sea-level rise and managed retreat.
- **The Commuter Reality vs. Shelter-in-Place:** When South Kihei Road becomes impassable, vacationers can safely shelter in place. Conversely, if converted to long-term housing, these floods would trap working residents—preventing them from commuting to jobs, getting children to Kūlanihāko'i High School, or accessing emergency services.
- **Funding Infrastructure, Solar, and Grid Resilience:** Retaining the higher revenue stream from short-term rentals is the only financially viable way to fund essential infrastructure upgrades (solar installations, backflow prevention, and floodproofing) that ultimately take pressure off the broader South Maui grid.

Introduction

The current debate regarding whether the Sea Level Rise Exposure Area (SLR-XA) must physically intersect a building's footprint fundamentally misunderstands the reality of coastal flooding. A condominium complex does not operate in a vacuum. The [State of Hawai'i Sea Level Rise Viewer](#) data confirms that at just a 1.1-foot sea level rise threshold, **severe passive flooding** and annual high waves will cause the surrounding county infrastructure to fail.

When the South Kihei Road corridor washes out—as it already does during routine annual weather events—the primary ingress and egress points at our parcel boundaries are completely severed, making access to Kihei Resort impossible. Assessing a property's viability based solely on whether a concrete footprint remains dry ignores this catastrophic failure. Even if the water does not flood a second-story unit, the complete loss of ground-level access, submerged parking areas, and compromised utilities renders the entire building functionally uninhabitable long before the ocean ever reaches the county's 3.2-foot planning mark.

Kihei Resort Situation

Kihei Resort at 777 South Kihei Road sits directly within the state's Sea Level Rise Exposure Area (SLR-XA), with properties located in designated flood zones. Given the environmental and structural realities, the remaining viable economic lifespan of the complex is likely 20 to 25 years (roughly targeting 2045–2050).

- **Structural Realities:** The low-rise, wood-framed buildings at Kihei Resort are 45 years old and sit on concrete slab foundations. Pushing these structures past the 50-to-75-year mark means facing severe degradation from salt air, wind, and humidity, which will require increasingly aggressive and costly interventions.
- **Groundwater Vulnerability:** As sea levels rise, the groundwater table is pushed upward, risking subterranean flooding, foundation instability, and saltwater corrosion of plumbing and utilities from below the surface.
- **The Infrastructure Tipping Point:** A building is only as viable as its access. The municipal drainage network is already overwhelmed, resulting in South Kihei Road experiencing chronic, nearly annual closures. If the road becomes permanently or frequently impassable, the complex is effectively isolated and becomes a stranded asset.
- **Financial Tipping Points:** Escalating environmental risks translate directly to massive spikes in insurance premiums. The combined cost of mandatory FEMA flood insurance, structural mitigations, and emergency repairs will eventually outpace the economic viability of maintaining owner-managed rental properties.

1. Protecting Local Residents from "Stranded Assets"

The core legislative intent of Bill 9 is to return units to the local housing market for Maui residents. However, forcing a property with a known, scientifically backed terminal expiration date of 2046 into the long-term housing pool directly contradicts this goal. Kihei Resort believes that is deeply irresponsible public policy to incentivize local workforce families to buy or rent in a known, deteriorating hazard zone.

It is far better to let transient visitors and Kihei Resort residents absorb the financial and physical risks of sea-level rise and managed retreat than to trap residents in properties that will eventually be condemned.

2. Funding Infrastructure and Grid Resilience

Kihei Resort is funding solar and floodproofing measures:

- **Solar:** Coupling solar panels with battery storage keeps allows refrigeration, and medical devices running during unexpected grid outages. Energy independence: Generating power on-site reduces your reliance on Maui Electric's grid and power outages.
- **Backflow Prevention:** Install backflow valves on the resort's main sewer and drainage lines to prevent wastewater from backing up into first-floor units during extreme high tides or storms. If Kihei wastewater pump station #3 near Kalepolepo Beach Park gets flooded or suffers a severe mechanical/force main failure, it can trigger a raw wastewater overflow into the surrounding low-lying coastal area and South Kihei Rd. The pump station is 100 ft away from the beach.
- **Floodproofing:** Employ "dry" floodproofing (such as temporary barriers) in common areas and adapt first-floor spaces to utilize water-resistant materials ("wet" floodproofing) for quicker recovery.

Retaining the higher revenue stream from short-term rentals is the only financially viable way to fund these expensive green infrastructure upgrades. These projects directly benefit the county by taking pressure off the broader South Maui electrical grid during the exact extreme weather events that cause the flooding.

3. The "Shelter-in-Place" vs. Commuter Reality

When South Kihei Road inevitably floods and becomes impassable, vacationers can simply shelter in place without major societal disruption. Conversely, if the property were converted to long-term housing, those floods would trap working residents—preventing them from commuting to their jobs, getting children to nearby schools like Kūlanihāko'i High School, or accessing emergency services. The property's vulnerability to isolation makes it fundamentally unsuited for the daily logistical requirements of a local neighborhood.

4. Generating Revenue for County Adaptation

Properties operating as short-term rentals generate significantly higher property taxes and Transient Accommodations Tax (TAT) for the county. The 20-year extension to 2046 is a "managed wind-down." By allowing the resort to continue its STR operations, the county continues to collect premium tax revenues from the property, which can be explicitly earmarked by the county to fund critical adaptation projects—like the North-South Collector Road access to Kihei Resort or future county buyout programs.

5. Shielding the County from Litigation

The 20-year amortization period for the ownership to naturally wind down investments and extract remaining economic value will significantly reduce the county's exposure to expensive, protracted litigation.

6. The "Equal Protection" and Arbitrary Application Argument

The county is failing to apply its own stated sea-level-rise criteria consistently. Other excluded associations, like Kīhei Park Shore, are already testifying that Kīhei Bay Surf and Kīhei Bay Vista are

only minimally covered (roughly 20%) by the 3.2-foot Sea Level Rise Exposure Area (SLR-XA) mapping layer. If properties with minimal SLR-XA coverage are included in the resolution, excluding Kihei Resort is an arbitrary and legally precarious application of municipal zoning policy. The county cannot pick winners and losers on the exact same stretch of vulnerable coastline.

Year 2046 Scenarios

Losing a coastal property to sea level rise is a complex and daunting scenario, but it is one that many coastal communities in Hawaii are actively having to plan for. If South Kihei Road were to become uninhabitable in a 1.1 or 2 ft level scenario due to sea level rise, coastal erosion, passive flooding, or related storm surge, the path forward would be governed by Hawaii's condominium laws, insurance policies, and evolving state climate adaptation strategies.

Chronic flooding on South Kihei Road has already forced multiple closures, and as the frequency of these events increases, maintaining reliable ingress and egress will dictate the resort's viability just as much as the physical structures.

Dissolution of the Condominium Regime (HRS § 514B-47)

If the common elements suffer substantial destruction and the association decides not to rebuild—or if the land, simply can no longer safely support the structures—the owners can vote to legally remove the property from the condominium property regime.

- **The Vote:** This requires the execution and recording of an instrument by owners representing at least 80% of the common interests, along with the consent of all mortgage lienholders.
- **Partition and Sale:** Once dissolved, the property ceases to be a condo and is considered "owned in common" by all unit owners in proportion to their original common interest. The AOA board would typically facilitate a partition and sale of whatever land remains viable.
- **Payout:** The net proceeds from the sale of the land, combined with any insurance payouts on the property, would be pooled into a single fund and distributed proportionally to the unit owners.

Government Condemnation and Managed Retreat

As sea levels rise, the State of Hawaii and Maui County may increasingly step in to manage coastal retreat to protect public beaches and safety.

Eminent Domain (Condemnation): If the county determines the structures pose an imminent public safety or environmental hazard (e.g., foundations falling into the ocean), they could legally condemn the property.

Compensation: Under condemnation, the government is required to provide compensation for the taking of the land and improvements. However, it is important to note that the appraised value of a severely eroded or chronically flooded property could be significantly lower than its historical market value.

Buyout Programs: While still in the early stages of legislative policy in Hawaii, future state, county, or federal coastal retreat programs could offer structured property buyouts to help relocate residents and return the shoreline to a natural state.

Navigating these waters requires tight coordination between the ownership base, legal counsel specializing in HRS Chapter 514B, and local Maui officials to ensure fiduciary duties are met and owners are protected as much as possible.

Additionally, the relocation and alternative housing solutions for locals could be problematic, as already evidenced by the continuing dilemma experienced by Lahaina fire survivors.

To secure long-term access, the strategy has to shift toward municipal advocacy and operational contingencies. Here are the most viable paths forward:

1. Accelerating the North-South Collector Road

The most effective long-term solution for the area is the completion of the North-South Collector Road, which would provide a crucial inland bypass when South Kihei Road is underwater. However, an immediate feeder connector to the South Kihei Road corridor is currently outside the county's active construction timeline.

2. Influencing the South Maui Community Plan

Maui County is actively evaluating managed retreat strategies, which includes discussions about moving vulnerable infrastructure and utilities mauka (inland). Pushing the Department of Public Works to upgrade undersized culverts — such as those near Waipuilani Gulch — can also help mitigate the immediate impacts of muddy runoff and debris during Kona lows.

Further efforts to influence these impacts would also be to remove and rebuild the bridge over the Kulanihakoi gulch to provide for increased drainage as well as regular and continuing efforts to remove silt and debris, which clog the culverts and result in extensive flooding, washouts, and infrastructure damage.

The Bottom Line

While the physical concrete may survive longer, the practical utility of the complex will likely expire when the surrounding municipal infrastructure completely fails. To preserve the viability and value of the owner-managed rental units for the next two decades, the focus must shift heavily toward localized flood mitigation and building robust financial reserves to weather the inevitable spikes in insurance premiums.

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Source note: Citations support the factual, statutory, planning, and technical background.

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13. County of Maui, South Maui Community Plan Update / CPAC materials (coastal adaptation and managed-retreat language). <https://www.mauicounty.gov/Archive.asp?ADID=30162>

Kihei Resort – TMK 239-001-136

Sea Level Rise and Flooding Impact to Kihei Resort

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Executive Summary

The 1.1-Foot Reality: Ground-Level Infrastructure Failure: The current debate regarding whether the Sea Level Rise Exposure Area (SLR-XA) must physically intersect a building's footprint fundamentally misunderstands the reality of coastal flooding. A condominium complex does not operate in a vacuum. The [State of Hawai'i Sea Level Rise Viewer](#) data confirms that at just a 1.1-foot sea level rise threshold, severe passive flooding and annual high waves will cause the surrounding county infrastructure to fail.

When the South Kihei Road corridor washes out—as it already does during routine annual weather events—the primary ingress and egress points at our parcel boundaries are completely severed, making access to Kihei Resort impossible. Assessing a property's viability based solely on whether a concrete footprint remains dry ignores this catastrophic failure. The complete loss of ground-level access, submerged parking areas, and compromised utilities renders the entire building functionally uninhabitable long before the ocean reaches the county's 3.2-foot planning mark.

Kihei Resort's Terminal Viability: Given the environmental and structural realities, the remaining viable economic lifespan of the complex is likely 20 to 25 years (roughly targeting 2045–2050). It is incumbent upon the County to invest the necessary funds to address and counter these environmental impacts. Therefore, without significant intervention by the County, these impacts will drastically shorten the longevity of Kihei Resort.

Structural & Groundwater Vulnerability: The low-rise, wood-framed buildings at Kihei Resort are 45 years old and sit on concrete slab foundations. Pushing these structures past the 50-to-75-year mark means facing severe degradation from salt air, rising groundwater, and subterranean saltwater corrosion of plumbing.

The Infrastructure Tipping Point: An immediate inland bypass to the South Kihei Road corridor is currently outside the county's active construction timeline. Escalating environmental risks translate directly to massive spikes in mandatory flood insurance and emergency repairs that will outpace the viability of standard residential ownership.

Responsible Public Policy (Protecting Local Residents) The goal of H-3/H-4 rezoning is not just a financial necessity for the owners, but the most responsible public policy choice for Maui County.

- **Protecting Locals from "Stranded Assets":** The legislative intent of Bill 9 is to return units to the local housing market. However, incentivizing local workforce families to buy or rent in a known, deteriorating hazard zone with a terminal expiration date of 2046 directly contradicts this goal. It is far better to let transient visitors absorb the financial and physical risks of sea-level rise and managed retreat.
- **The Commuter Reality vs. Shelter-in-Place:** When South Kīhei Road becomes impassable, vacationers can safely shelter in place. Conversely, if converted to long-term housing, these floods would trap working residents—preventing them from commuting to jobs, getting children to Kūlanihāko'i High School, or accessing emergency services.
- **Funding Infrastructure, Solar, and Grid Resilience:** Retaining the higher revenue stream from short-term rentals is the only financially viable way to fund essential infrastructure upgrades (solar installations, backflow prevention, and floodproofing) that ultimately take pressure off the broader South Maui grid.

Introduction

The current debate regarding whether the Sea Level Rise Exposure Area (SLR-XA) must physically intersect a building's footprint fundamentally misunderstands the reality of coastal flooding. A condominium complex does not operate in a vacuum. The State of Hawai'i Sea Level Rise Viewer data confirms that at just a 1.1-foot sea level rise threshold, **severe passive flooding** and annual high waves will cause the surrounding county infrastructure to fail.

When the South Kihei Road corridor washes out—as it already does during routine annual weather events—the primary ingress and egress points at our parcel boundaries are completely severed, making access to Kihei Resort impossible. Assessing a property's viability based solely on whether a concrete footprint remains dry ignores this catastrophic failure. Even if the water does not flood a second-story unit, the complete loss of ground-level access, submerged parking areas, and compromised utilities renders the entire building functionally uninhabitable long before the ocean ever reaches the county's 3.2-foot planning mark.

Kihei Resort Situation

Kihei Resort at 777 South Kihei Road sits directly within the state's Sea Level Rise Exposure Area (SLR-XA), with properties located in designated flood zones. Given the environmental and structural realities, the remaining viable economic lifespan of the complex is likely 20 to 25 years (roughly targeting 2045–2050).

- **Structural Realities:** The low-rise, wood-framed buildings at Kihei Resort are 45 years old and sit on concrete slab foundations. Pushing these structures past the 50-to-75-year mark means facing severe degradation from salt air, wind, and humidity, which will require increasingly aggressive and costly interventions.
- **Groundwater Vulnerability:** As sea levels rise, the groundwater table is pushed upward, risking subterranean flooding, foundation instability, and saltwater corrosion of plumbing and utilities from below the surface.
- **The Infrastructure Tipping Point:** A building is only as viable as its access. The municipal drainage network is already overwhelmed, resulting in South Kihei Road experiencing chronic, nearly annual closures. If the road becomes permanently or frequently impassable, the complex is effectively isolated and becomes a stranded asset.
- **Financial Tipping Points:** Escalating environmental risks translate directly to massive spikes in insurance premiums. The combined cost of mandatory FEMA flood insurance, structural mitigations, and emergency repairs will eventually outpace the economic viability of maintaining owner-managed rental properties.

1. Protecting Local Residents from "Stranded Assets"

The core legislative intent of Bill 9 is to return units to the local housing market for Maui residents. However, forcing a property with a known, scientifically backed terminal expiration date of 2046 into the long-term housing pool directly contradicts this goal. Kihei Resort believes that is deeply irresponsible public policy to incentivize local workforce families to buy or rent in a known, deteriorating hazard zone.

It is far better to let transient visitors and Kihei Resort residents absorb the financial and physical risks of sea-level rise and managed retreat than to trap residents in properties that will eventually be condemned.

2. Funding Infrastructure and Grid Resilience

Kihei Resort is funding solar and floodproofing measures:

- **Solar:** Coupling solar panels with battery storage keeps allows refrigeration, and medical devices running during unexpected grid outages. Energy independence: Generating power on-site reduces your reliance on Maui Electric's grid and power outages.
- **Backflow Prevention:** Install backflow valves on the resort's main sewer and drainage lines to prevent wastewater from backing up into first-floor units during extreme high tides or storms. If Kihei wastewater pump station #3 near Kalepolepo Beach Park gets flooded or suffers a severe mechanical/force main failure, it can trigger a raw wastewater overflow into the surrounding low-lying coastal area and South Kihei Rd. The pump station is 100 ft away from the beach.
- **Floodproofing:** Employ "dry" floodproofing (such as temporary barriers) in common areas and adapt first-floor spaces to utilize water-resistant materials ("wet" floodproofing) for quicker recovery.

Retaining the higher revenue stream from short-term rentals is the only financially viable way to fund these expensive green infrastructure upgrades. These projects directly benefit the county by taking pressure off the broader South Maui electrical grid during the exact extreme weather events that cause the flooding.

3. The "Shelter-in-Place" vs. Commuter Reality

When South Kihei Road inevitably floods and becomes impassable, vacationers can simply shelter in place without major societal disruption. Conversely, if the property were converted to long-term housing, those floods would trap working residents—preventing them from commuting to their jobs, getting children to nearby schools like Kūlanihāko'i High School, or accessing emergency services. The property's vulnerability to isolation makes it fundamentally unsuited for the daily logistical requirements of a local neighborhood.

4. Generating Revenue for County Adaptation

Properties operating as short-term rentals generate significantly higher property taxes and Transient Accommodations Tax (TAT) for the county. The 20-year extension to 2046 is a "managed wind-down." By allowing the resort to continue its STR operations, the county continues to collect premium tax revenues from the property, which can be explicitly earmarked by the county to fund critical adaptation projects—like the North-South Collector Road access to Kihei Resort or future county buyout programs.

5. Shielding the County from Litigation

The 20-year amortization period for the ownership to naturally wind down investments and extract remaining economic value will significantly reduce the county's exposure to expensive, protracted litigation.

6. The "Equal Protection" and Arbitrary Application Argument

The county is failing to apply its own stated sea-level-rise criteria consistently. Other excluded associations, like Kihei Park Shore, are already testifying that Kihei Bay Surf and Kihei Bay Vista are only minimally covered (roughly 20%) by the 3.2-foot Sea Level Rise Exposure Area (SLR-XA) mapping layer. If properties with minimal SLR-XA coverage are included in the resolution, excluding Kihei Resort is an arbitrary and legally precarious application of municipal zoning policy. The county cannot pick winners and losers on the exact same stretch of vulnerable coastline.

Year 2046 Scenarios

Losing a coastal property to sea level rise is a complex and daunting scenario, but it is one that many coastal communities in Hawaii are actively having to plan for. If South Kihei Road were to become uninhabitable in a 1.1 or 2 ft level scenario due to sea level rise, coastal erosion, passive flooding, or related storm surge, the path forward would be governed by Hawaii's condominium laws, insurance policies, and evolving state climate adaptation strategies.

Chronic flooding on South Kihei Road has already forced multiple closures, and as the frequency of these events increases, maintaining reliable ingress and egress will dictate the resort's viability just as much as the physical structures.

Dissolution of the Condominium Regime (HRS § 514B-47)

If the common elements suffer substantial destruction and the association decides not to rebuild—or if the land, simply can no longer safely support the structures—the owners can vote to legally remove the property from the condominium property regime.

- **The Vote:** This requires the execution and recording of an instrument by owners representing at least 80% of the common interests, along with the consent of all mortgage lienholders.
- **Partition and Sale:** Once dissolved, the property ceases to be a condo and is considered "owned in common" by all unit owners in proportion to their original common interest. The AOA board would typically facilitate a partition and sale of whatever land remains viable.
- **Payout:** The net proceeds from the sale of the land, combined with any insurance payouts on the property, would be pooled into a single fund and distributed proportionally to the unit owners.

Government Condemnation and Managed Retreat

As sea levels rise, the State of Hawaii and Maui County may increasingly step in to manage coastal retreat to protect public beaches and safety.

Eminent Domain (Condemnation): If the county determines the structures pose an imminent public safety or environmental hazard (e.g., foundations falling into the ocean), they could legally condemn the property.

Compensation: Under condemnation, the government is required to provide compensation for the taking of the land and improvements. However, it is important to note that the appraised value of a severely eroded or chronically flooded property could be significantly lower than its historical market value.

Buyout Programs: While still in the early stages of legislative policy in Hawaii, future state, county, or federal coastal retreat programs could offer structured property buyouts to help relocate residents and return the shoreline to a natural state.

Navigating these waters requires tight coordination between the ownership base, legal counsel specializing in HRS Chapter 514B, and local Maui officials to ensure fiduciary duties are met and owners are protected as much as possible.

Additionally, the relocation and alternative housing solutions for locals could be problematic, as already evidenced by the continuing dilemma experienced by Lahaina fire survivors.

To secure long-term access, the strategy has to shift toward municipal advocacy and operational contingencies. Here are the most viable paths forward:

1. Accelerating the North-South Collector Road

The most effective long-term solution for the area is the completion of the North-South Collector Road, which would provide a crucial inland bypass when South Kihei Road is underwater. However, an immediate feeder connector to the South Kihei Road corridor is currently outside the county's active construction timeline.

2. Influencing the South Maui Community Plan

Maui County is actively evaluating managed retreat strategies, which includes discussions about moving vulnerable infrastructure and utilities mauka (inland). Pushing the Department of Public Works to upgrade undersized culverts — such as those near Waipuilani Gulch — can also help mitigate the immediate impacts of muddy runoff and debris during Kona lows.

Further efforts to influence these impacts would also be to remove and rebuild the bridge over the Kulanihakoi gulch to provide for increased drainage as well as regular and continuing efforts to remove silt and debris, which clog the culverts and result in extensive flooding, washouts, and infrastructure damage.

The Bottom Line

While the physical concrete may survive longer, the practical utility of the complex will likely expire when the surrounding municipal infrastructure completely fails. To preserve the viability and value of the owner-managed rental units for the next two decades, the focus must shift heavily toward localized flood mitigation and building robust financial reserves to weather the inevitable spikes in insurance premiums.

Kihnei Resort

References

0. Kihei Resort application for re-zoning
<https://drive.google.com/file/d/1l4ehoU-HKXQt-RTnDd4nVFLY8AHm4a0/view?usp=sharing>

Source note: Citations support the factual, statutory, planning, and technical background.

1. Pacific Islands Ocean Observing System (PacIOOS), Hawai'i Sea Level Rise Viewer / Shoreline & Sea Level Rise resources. <https://www.pacioos.hawaii.edu/shoreline/slr-hawaii/>
2. Hawai'i Climate Change Mitigation and Adaptation Commission, "Rising Sea Level" and State Sea Level Rise Resources (SLR-XA, coastal flooding, groundwater emergence, infrastructure exposure). <https://climate.hawaii.gov/hi-facts/sea-level-rise/>
3. County of Maui, "South Kihei Road Closure," March 13, 2026 (closure between North Kihei Road and Uwapo Road due to flooding).
<https://www.mauicounty.gov/CivicAlerts.aspx?AID=18355>
4. County of Maui, Kihei Sub-Area Transportation Plan, Project #4: North-South Collector Road – Phase 1A (notes South Kihei Road flooding and need for alternate exit routes).
<https://www.mauicounty.gov/DocumentCenter/View/128106/Kihei-Sub-Area-Transportation-Plan>
5. Hawai'i Climate Change Mitigation and Adaptation Commission, Climate Change Reports / Risks of Sea Level Rise and Increased Flooding (groundwater inundation and coastal infrastructure risks). <https://climate.hawaii.gov/hi-adaptation/climate-change-reports/>
6. Federal Emergency Management Agency (FEMA), Wet Floodproofing guidance and floodproofing requirements under the National Flood Insurance Program.
https://www.fema.gov/sites/default/files/documents/fema_rsl_nfip-technical-bulletin-7-wet-floodproofing-guidance_042025.pdf
7. State of Hawai'i Department of Taxation, Renting Residential Real Property (short-term rentals are subject to GET and TAT; long-term rentals are not subject to TAT).
<https://tax.hawaii.gov/rental/>
8. Maui County Council / Legistar, Housing and Land Use Committee Bill 9 Temporary Investigative Group correspondence (Oct. 14, 2025), listing Kihei Bay Surf and Kihei Bay Vista among identified properties.

<https://mauicounty.legistar.com/View.ashx?GUID=0E662694-9EF7-4969-BE91-1DF976EDD4DD&ID=15044384&M=F>

9. Hawai'i Revised Statutes § 514B-47, Removal from provisions of the Condominium Property Act (80% common-interest threshold, lienholder consent, partition/sale, and distribution of proceeds). https://data.capitol.hawaii.gov/hrscurrent/Vol12_Ch0501-0588/HRS0514B/HRS_0514B-0047.htm

10. Hawai'i Climate Change Mitigation and Adaptation Commission, Managed Retreat Analysis: Policy & Funding Opportunities (2025) and related adaptation reports. <https://climate.hawaii.gov/hi-adaptation/climate-change-reports/>

11. Hawai'i Revised Statutes Chapter 101, Eminent Domain (condemnation and compensation framework). https://data.capitol.hawaii.gov/hrscurrent/Vol02_Ch0046-0115/HRS0101/HRS_0101-.htm

12. County of Maui, 2024 State of the County Address (federal funding for the North-South Collector Road project in Kihei). <https://www.mauicounty.gov/2781/2024-State-of-the-County-Address>

13. County of Maui, South Maui Community Plan Update / CPAC materials (coastal adaptation and managed-retreat language). <https://www.mauicounty.gov/Archive.asp?ADID=30162>

HLU Committee

From: County Clerk
Sent: Friday, August 7, 2026 9:37 AM
To: HLU Committee
Subject: Fw: 2022 Kihei Master Drainage Plan and Hale Kai O'Kihei
Attachments: Vohaska - Revised Flood Quote - Dwelling and Contents.pdf

From: Cheryl Vohaska <cvohaska@gmail.com>
Sent: Friday, August 7, 2026 9:20 AM
To: County Clerk <County.Clerk@mauicounty.us>; Alice L. Lee <Alice.Lee@mauicounty.us>; Yukilei Sugimura <Yukilei.Sugimura@mauicounty.us>; K. Kauanoe Batangan <k.kauanoe.batangan@mauicounty.us>; Thomas M. Cook <Thomas.Cook@mauicounty.us>; Gabe Johnson <Gabe.Johnson@mauicounty.us>; Tamara A. Paltin <Tamara.Paltin@mauicounty.us>; Keani N. Rawlins <Keani.Rawlins@mauicounty.us>; Shane M. Sinenci <Shane.Sinenci@mauicounty.us>; Nohe M. Uu-Hodgins <Nohe.Uu-Hodgins@mauicounty.us>; Jared P. Agtunong <Jared.Agtunong@mauicounty.us>; Stacy Takahashi <Stacy.N.Takahashi@mauicounty.us>; Chaelin Ryu <chaelin.ryu@mauicounty.us>; planning@mauicounty.gov <planning@mauicounty.gov>; zoningdivision@mauicounty.gov <zoningdivision@mauicounty.gov>
Cc: Sharon Paris <SParis@legalhawaii.com>; Michael C. Carroll <mcarroll@legalhawaii.com>
Subject: 2022 Kihei Master Drainage Plan and Hale Kai O'Kihei

Dear Councilmembers, Housing and Land Use Committee Members, and Planning and Zoning Staff,
RE: Critical Additional Flood Information to Add to August 5 HLU Testimony
I would like to provide additional information regarding Hale Kai O'Kihei that I believe is relevant when evaluating properties for potential hotel rezoning.
Hale Kai O'Kihei is located at 1310 Uluniu Road in Kihei. In addition to the State's Sea Level Rise Exposure Area (SLR-XA) findings we have previously submitted, there are multiple government-recognized indicators demonstrating that this location warrants careful consideration before being allowed to default to long-term residential use.
There are three separate but overlapping concerns:

1. FEMA Flood Hazard and Uluniu Road

Hale Kai O'Kihei is located within a FEMA Special Flood Hazard Area associated with Zone AH. Zone AH represents areas subject to a 1% annual-chance flood event involving shallow flooding and established Base Flood Elevations.

Importantly, this is not a newly identified concern. When FEMA flood maps for Maui were substantially revised in 2012, the State of Hawai'i specifically identified Uluniu Road as one of the Kihei streets affected by the FEMA mapping changes that became effective September 19, 2012.

More importantly, the County's own 2022 Kihei Drainage Master Plan discusses the Uluniu Road area in detail. The plan states that the area extending approximately 480 feet mauka of South Kihei Road to the ocean is subject to FEMA Zone AO and Zone AH shallow flooding.

The County report also identifies significant limitations in the existing drainage infrastructure. It states that a 12-inch pipe running along Uluniu Road is the only drainline identified in the area and that it outlets to the beach through an 18-inch pipe.

The County evaluated providing additional roadway drainage along Uluniu Road and enlarging the existing outlet. Significantly, the Drainage Master Plan concludes that, because of the nature of the existing terrain, this option would not alleviate the flooding problem.

This is important because Uluniu Road provides the only direct access to Hale Kai O’Kihei. The question is therefore not simply whether an individual condominium unit can withstand a particular future sea-level-rise scenario. The condition and long-term reliability of the surrounding access and drainage system should also be considered when determining whether this location is appropriate for increased reliance on permanent residential occupancy.

Comparison to North Kihei Properties Included in Resolution 26-129

This FEMA information is also relevant when comparing Hale Kai O’Kihei with the North Kihei properties selected for consideration under Resolution 26-129.

Kihei Bay Vista and Kihei Bay Surf are identified within FEMA Zone AE, while Hale Kai O’Kihei is identified within FEMA Zone AH. Although the letter designations differ, both AE and AH represent FEMA 1%-annual-chance flood-hazard areas with established Base Flood Elevations. In other words, FEMA flood exposure does not appear to provide a basis for distinguishing Hale Kai O’Kihei from these North Kihei properties.

When this existing FEMA and County-documented flood exposure is considered together with the State’s 3.2-foot SLR-XA mapping showing impacts to Hale Kai’s building footprint and potential loss of emergency ingress and egress, it is difficult to understand why similarly flood-exposed North Kihei properties would be considered for hotel rezoning while Hale Kai is excluded from the same evaluation. We respectfully ask that these properties be evaluated using consistent criteria and that Hale Kai O’Kihei receive the same consideration.

2. State 3.2-Foot SLR-XA – Building Exposure

The State of Hawai‘i’s 3.2-foot Sea Level Rise Exposure Area mapping shows coastal hazards extending into Hale Kai O’Kihei’s building footprint.

Hale Kai O’Kihei has already preserved its natural dune system and shoreline vegetation, the primary nature based mitigation measures available to the property. Despite these existing protections, the State’s analysis continues to show exposure reaching the building.

3. State 3.2-Foot SLR-XA – Emergency Access

The same 3.2-foot SLR-XA scenario also indicates potential loss of safe emergency ingress and egress to the property.

These are three distinct but overlapping concerns: an existing FEMA-recognized flood hazard and documented drainage limitations along Uluniu Road, State-projected sea level rise impacts to the building itself, and State-projected impacts to emergency access.

Taken together, these findings raise a fundamental land-use question: Is it appropriate for Hale Kai O’Kihei to automatically transition toward long-term residential housing without first evaluating whether the property is safe and suitable for that purpose over the long term?

Flood Insurance, Financing, and Affordability for Local Families

I have also attached a recent quote for private dwelling and contents flood insurance for a less than 600 square-foot, one-bedroom/one-bath, studio-style Hale Kai O’Kihei unit.

Private flood insurance is necessary for owners seeking building coverage beyond the protection available through the Association’s National Flood Insurance Program (NFIP) master policy. Hale Kai O’Kihei’s Association already carries its NFIP Residential Condominium Building Association Policy at

the maximum NFIP building coverage available. Under FEMA's NFIP rules, residential condominium building coverage is limited to \$250,000 per unit.

This private flood policy is not an HO-6 condominium policy. The HO-6 is a separate policy and currently has a premium of \$2,000 per year. On top of the individual private flood and HO-6 policies, a portion of every owner's HOA dues goes toward the Association's master flood policy.

Most, if not all, Hale Kai O'Kihei owners currently self-insure some of their flood exposure because obtaining sufficient additional private coverage is simply not affordable. In a significant flood loss, an individual owner could potentially be responsible for approximately \$250,000–\$300,000 out of pocket, depending upon the unit and extent of the loss.

If additional private flood insurance is considered unaffordable even for an owner generating income through short-term rentals, I believe it is reasonable to question whether these same insurance costs and risks would create an extreme hardship or make ownership financially impossible for a local family or first-time homebuyer.

There is also an important mortgage consideration.

For a new buyer, the lender must make a flood-hazard determination. Because Hale Kai O'Kihei is located within a FEMA Special Flood Hazard Area associated with Zone AH, federally regulated or insured lending generally triggers flood-insurance requirements. FEMA specifically includes Zone AH among its Special Flood Hazard Area classifications.

This does not mean that a Hale Kai unit cannot be mortgaged. However, a prospective local buyer would face a mortgage payment, HOA dues that include the Association's master flood insurance costs, a separate HO-6 policy costing \$2,000 per year and a substantial \$9,500 per year private flood insurance premium.

These costs should be considered when determining whether Hale Kai realistically represents appropriate and affordable long-term housing for local families.

We are suggesting all of these factors ultimately should result in a proper zoning outcome. We respectfully ask that the County consider the cumulative evidence and evaluate Hale Kai O'Kihei using the same objective criteria applied to similarly situated properties being considered for hotel rezoning. We believe additional flood criteria was used when including properties in resolution 26-129 which is why we are providing this information.

Properties with documented sea level rise, FEMA flood hazards, known drainage limitations, building exposure, emergency-access concerns, and significant insurance and financing challenges should not be excluded from evaluation and simply default to long-term housing without consideration of those conditions.

The question should not simply be whether a Hale Kai condominium can legally be occupied long-term. The question should also be whether it represents safe, insurable, financially sustainable, and realistically affordable housing for the local families this legislation is intended to benefit.

We respectfully request that Hale Kai O'Kihei be included in the County's evaluation of properties appropriate for hotel rezoning.

Thank you for your continued consideration and for the opportunity to provide this additional information.

Respectfully submitted,

Cheryl Vohaska

Hale Kai O'Kihei Bill 9/Bill 88 Committee Chair

On behalf of the Hale Kai O'Kihei Board of Directors

Cc: Hale Kai O'Kihei Board of Directors

Sharon Paris, Esq.

Michael Carroll, Esq.

STANDARD FLOOD NON-BINDING QUOTE



Wright National Flood Insurance Company
 A Stock Company
 PO Box 33003
 St. Petersburg, FL, 33733
 Office: 800.820.3242
 Fax: 800.850.3299

AGENCY INFORMATION		QUOTE INFORMATION	
Agency Number	600305	Quote Number	52QT5802179899
Agency	BROWN & BROWN INSURANCE SERVICES INC	Applicant	VOHASKA, WILLIAM J
Address	1585 KAPIOLANI BLVD STE 1215,	Current Date	07/17/2026
City, State, Zip	HONOLULU, HI 96814-	Effective Date	08/16/2026
Phone Number	808.540.3333	Rating Method	Rating Engine

BUILDING INFORMATION			
Property Address	1310 ULUNI RD # 119	Building Replacement Cost	\$6,515,454
City, State, Zip	KIHEI, HI 96753-8254	Building Square Footage	33000 sq. ft.
Construction Date	01/01/1969	Occupancy Type	Residential Unit
Primary Residence	No	Foundation Type	Slab on Grade
Pre-FIRM	No	# of Floors	3
Newly Mapped Discount	No	Elevation Certificate	None
Machinery & Equipment	Not Elevated		
Building Flood Proofed	No		

COMMUNITY INFORMATION		COVERAGE/PREMIUM INFORMATION		
Program Type	Flood Regular Policies	Coverage	Limits	Deductible
Community	150003 - MAUI COUNTY *	Building	\$200,000	\$1,250
Flood Risk/Rated Zone	AH	Contents	\$50,000	\$1,000
Zone Determination #	DRP00000000021307168	Discount/Surcharge	\$662	
Zone Reference #	18598816	1 Year Premium	\$9,464	

IMPORTANT NOTES

THIS IS NOT AN OFFER FOR INSURANCE. THIS QUOTE IS NON-FIRM AND NON-BINDING AND SUBJECT TO REVIEW AND ADJUSTMENT.

Please submit the required documentation listed on your application summary for review and approval. If additional information is required to actuarially rate the risk, you will be contacted.

FLOOD INSURANCE WAIVER OF AGENT'S RESPONSIBILITY

I understand that, if I decline this protection, my agent and/or his/her agency will be held harmless and not liable in the event I suffer a flood loss. I have been made aware of the following facts:

1. Homeowners insurance does not cover flood damage.
2. Federal disaster assistance is most typically an interest-bearing loan.
3. Flooding can and does occur in low-risk zones nationwide.

(Initial next to the following. Sign and date at the bottom.)

_____ I reject building and contents coverage for flood protection.

_____ I understand that my building coverage is lower than the replacement cost of my structure.

Property Owner Signature: _____ Date: _____

This quote is issued by Wright National Flood Insurance Company

20260717193921

The online application process must be completed. *Please do not submit this form with your payment.*

Carefully review the quote being provided for accuracy. Price and terms associated with this quote are subject to underwriting review and may not be available if FEMA rates change. **Please refer to the policy for complete terms, conditions, and exclusions.** Please refer to www.ambest.com for rating, financial size category and additional information on the insurance carrier shown on this quote.

STANDARD FLOOD NON-BINDING QUOTE



Wright National Flood Insurance Company
 A Stock Company
 PO Box 33003
 St. Petersburg, FL, 33733
 Office: 800.820.3242
 Fax: 800.850.3299

AVAILABLE DEDUCTIBLE/PREMIUM COMBINATIONS

Building	Contents	Discount/Surcharge	Total Premium
\$1,250	\$1,000	\$0	\$9,464
\$1,250	\$2,000	\$0	\$9,441
\$1,250	\$5,000	\$0	\$9,396
\$1,250	\$10,000	\$0	\$9,292
\$2,000	\$1,000	\$0	\$9,422
\$2,000	\$2,000	\$0	\$9,398
\$2,000	\$5,000	\$0	\$9,354
\$2,000	\$10,000	\$0	\$9,250
\$5,000	\$1,000	\$0	\$9,325
\$5,000	\$2,000	\$0	\$9,302
\$5,000	\$5,000	\$0	\$9,257
\$5,000	\$10,000	\$0	\$9,153
\$10,000	\$1,000	\$0	\$9,079
\$10,000	\$2,000	\$0	\$9,055
\$10,000	\$5,000	\$0	\$9,010
\$10,000	\$10,000	\$0	\$8,906

This quote is issued by Wright National Flood Insurance Company

20260717193921

The online application process must be completed. *Please do not submit this form with your payment.*

Carefully review the quote being provided for accuracy. Price and terms associated with this quote are subject to underwriting review and may not be available if FEMA rates change. **Please refer to the policy for complete terms, conditions, and exclusions.** Please refer to www.ambest.com for rating, financial size category and additional information on the insurance carrier shown on this quote.

HLU Committee

From: Johann Lall <jplgis@outlook.com>
Sent: Thursday, August 6, 2026 12:40 PM
To: HLU Committee; Nohe M. Uu-Hodgins; K. Kauanoë Batangan
Subject: Resolution 26-129 testimony

Aloha, HLU Committee. This is my testimony for Resolution 26-129. I understand the purpose is to rezone Minatoya properties within the SLR-XA to H-3 and H-4.

I wanted to be able to visualize these properties. I took the list of 101 Minatoya properties that I had imported to GIS in 2023, updated them with 2026 parcels, and overlaid them with SLR-XA. I analyzed and color coded them where blue = completely within SLR-XA, yellow = touching SLR-XA, and green = completely outside SLR-XA.

I wanted to see how building footprints compared so I downloaded countywide footprints from the State Geoportal. These were originally drawn from Pictometry by Dept of Management GIS including myself when I worked there in 2010-2012. I filtered to Minatoya only and then did the same intersect/contain analysis.

My results are on this dashboard that can be filtered or searched using the bar on the left. SLR-XA are overlaid as hashmarks. Clicking a parcel will open a popup with full data:

<https://uhm.maps.arcgis.com/apps/dashboards/fa63c1fe0b634311b57a392e2814bfdf>

You folks may have plenty of maps already, but I decided to send this in case it might be helpful in visualizing where these properties are situated relative to the SLR-XA.

Thank you!
Johann Peter Lall

HLU Committee

From: County Clerk
Sent: Wednesday, August 5, 2026 2:00 PM
To: HLU Committee
Subject: Fw: Response to HLU Question: Hale Kai O'Kihei

From: Cheryl Vohaska <cvohaska@gmail.com>
Sent: Wednesday, August 5, 2026 1:17 PM
To: County Clerk <County.Clerk@mauicounty.us>; Alice L. Lee <Alice.Lee@mauicounty.us>; Yukilei Sugimura <Yukilei.Sugimura@mauicounty.us>; K. Kauanoë Batangan <k.kauanoë.batangan@mauicounty.us>; Thomas M. Cook <Thomas.Cook@mauicounty.us>; Gabe Johnson <Gabe.Johnson@mauicounty.us>; Tamara A. Paltin <Tamara.Paltin@mauicounty.us>; Keani N. Rawlins <Keani.Rawlins@mauicounty.us>; Shane M. Sinenci <Shane.Sinenci@mauicounty.us>; Nohe M. Uu-Hodgins <Nohe.Uu-Hodgins@mauicounty.us>
Cc: Michael C. Carroll <mcarroll@legalthawaii.com>; Sharon Paris <SParis@legalthawaii.com>
Subject: Response to HLU Question: Hale Kai O'Kihei

Dear Housing and Land Use Committee,

Following up on today's meeting regarding the Committee's question on Hale Kai O'Kihei's mitigation of the 3.2-foot Sea Level Rise Exposure Area (SLR-XA) affecting Hale Kai O'Kihei, our property has already implemented the primary nature-based mitigation available by preserving the natural dune system and shoreline vegetation.

Those existing dunes were incorporated into the State's Sea Level Rise Exposure Area analysis. Even with those natural protections in place, the 3.2-foot scenario continues to show seawater encroaching into our building footprint, erosion reaching the building, and the loss of emergency access.

We have discussed potential mitigation options and recognize that relocating a 1969 concrete condominium building is not feasible. Shoreline hardening is generally discouraged under current County policy, would be cost-prohibitive for a small association with a large ocean frontage, and would require extensive permitting with no assurance of approval based on recent County practice.

At this time, we are unaware of any practical mitigation measures that would change the State's conclusions regarding our property's future exposure. If there are additional mitigation strategies the County believes should be considered, we would welcome that guidance and are open to further discussion.

Respectfully submitted,

Cheryl Vohaska

Hale Kai O'Kihei Bill 9/Bill 88 Committee Chair

On behalf of the Hale Kai O'Kihei Board of Directors

Cc: Hale Kai O'Kihei Board of Directors

Cc: Sharon Paris, Esq.

Michael Carroll, Esq.

Lung Rose Voss & Wagnild

Counsel for Hale Kai O'Kihei

HLU Committee

From: Craig Emmerich <craigmaria@gmail.com>
Sent: Wednesday, August 5, 2026 1:35 PM
To: Nohe M. Uu-Hodgins; Alice L. Lee; Yukilei Sugimura; K. Kauanoe Batangan; Thomas M. Cook; Gabe Johnson; Tamara A. Paltin; Keani N. Rawlins; Shane M. Sinenci; HLU Committee
Subject: Resolution 26-129 follow up.
Attachments: Bill 88 Rezoning Document SLRXA and Affordability proposal Chair.pdf

You don't often get email from craigmaria@gmail.com. [Learn why this is important](#)

Hello Council Members,

I am following up on my testimony from today's council meeting. Thank you all for your hard work and for allowing me to testify today.

Attached is my original proposal I sent you last week. I updated the photos and SLRXA images to improve readability.

The stated goal of resolution No. 26-129 is to rezone properties affected by the 3.2 foot sea level rise. Kamaole One located at 2230 S Kihei Road is completely included in the 3.2 foot rise area and partially affected by the 3.2-foot erosion.

The property also falls outside of affordability ranges. Units average assessed value is \$1,569,466. Recent sales averaged over \$1,500,000 and all of these sales occurred after the passage of bill 9 (over 30% lower than the assessed values prior to bill 9 passing).

We have a board meeting next week and I will start the process of planning for sea level mitigation and will keep the committee posted on the planning.

I am respectfully requesting your support in including Kamaole One in Resolution 26-129.

Thanks,
Craig Emmerich
952-239-4855
Kamaole One President

Date: July 31st, 2026

HLU Committee Chair U'u-Hodgins

Re: Proposed Amendment to Resolution No. 26-129 – Inclusion of Kamaole One

Chair U'u-Hodgins and committee members,

Thank you for your consideration of this request. On behalf of the Board of Directors of the Association of Apartment Owners of Kamaole One ("Kamaole One"), I respectfully request your consideration of the enclosed proposal to include Kamaole One in Resolution No. 26-129.

BACKGROUND

Kamaole One is an existing condominium property located at **2230 S. Kihei Road, Kihei**, identified for real property tax purposes as **Tax Map Key (2) 3-9-005:023-0000 consisting of approximately 0.5 acres (21780 Square Feet)**.

BASIS FOR INCLUSION

Kamaole One is a 12 unit complex with parking structure almost entirely located in the SLRXA 3.2 foot sea level rise water excursion zone. The attached map from the State of Hawaii Se Level Rise Viewer. I have highlighted the property in yellow and included a second larger map.

The 100% of our Association board of directors approved an amendment to the Association's Bylaws expressly authorizing the rezoning of Kamaole One under Hotel District zoning. Acting under that authority, the Board supports inclusion of Kamaole One in the proposed Community Plan Amendment and Change in Zoning so that the Planning Commission may evaluate the property together with the other properties identified in Resolution 26-129.

The proposed amendment does not alter the scope or purpose of Resolution No. 26-129. It simply adds Kamaole One to the list of properties that will be evaluated through the same Planning Commission review process contemplated for the other properties identified in the Resolution. The scope of resolution 26-129 is to include properties effected by the 3.2 foot water excursion. Attachment A clearly shows that the entire complex is within this zone. In addition, the 3.2 foot erosion line runs along the entire length of the property.

I also attached supporting materials in Attachment B. This attachment addresses the affordability of Kamaole One. Kamaole One condo property assessments for the current year range from \$ \$1,377,900 to \$1,859,900 with an average unit assessed value of \$1,569,466. There were 3 sales in the last 2 years with an average sale price of \$1,515,110.00. All of these sales were after the passage of Bill 9 and subsequent reduction of over 30% in property assessments. The annual association dues are \$15,945.92 (\$1,328.91 per month) and average property taxes paid in 2025 were \$19,271.65 per year. Kamaole One includes one small, covered car port for each unit with no street or nearby parking available. Large vehicles or trucks won't fit in these stalls.

Our costs weigh heavily on each unit with only 12 units. Flood insurance alone is \$11,675 this year and goes up every year. I also included a list of projects in the last 20 years that required special assessments. This greatly increases the financial burden of these condos with only 12 units sharing the cost.

Thank you for your service to Maui County and for your consideration of this request.

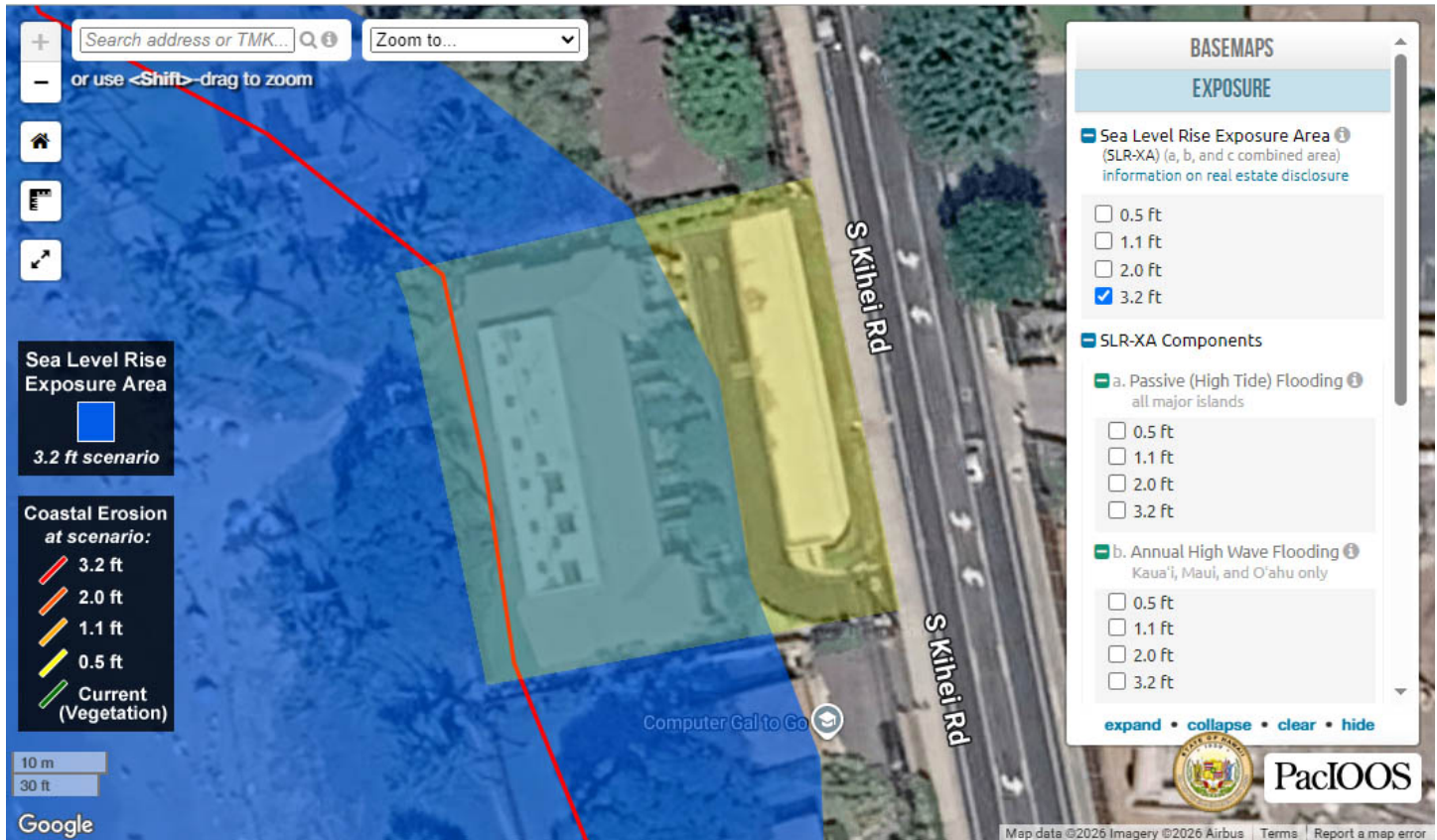
Sincerely,

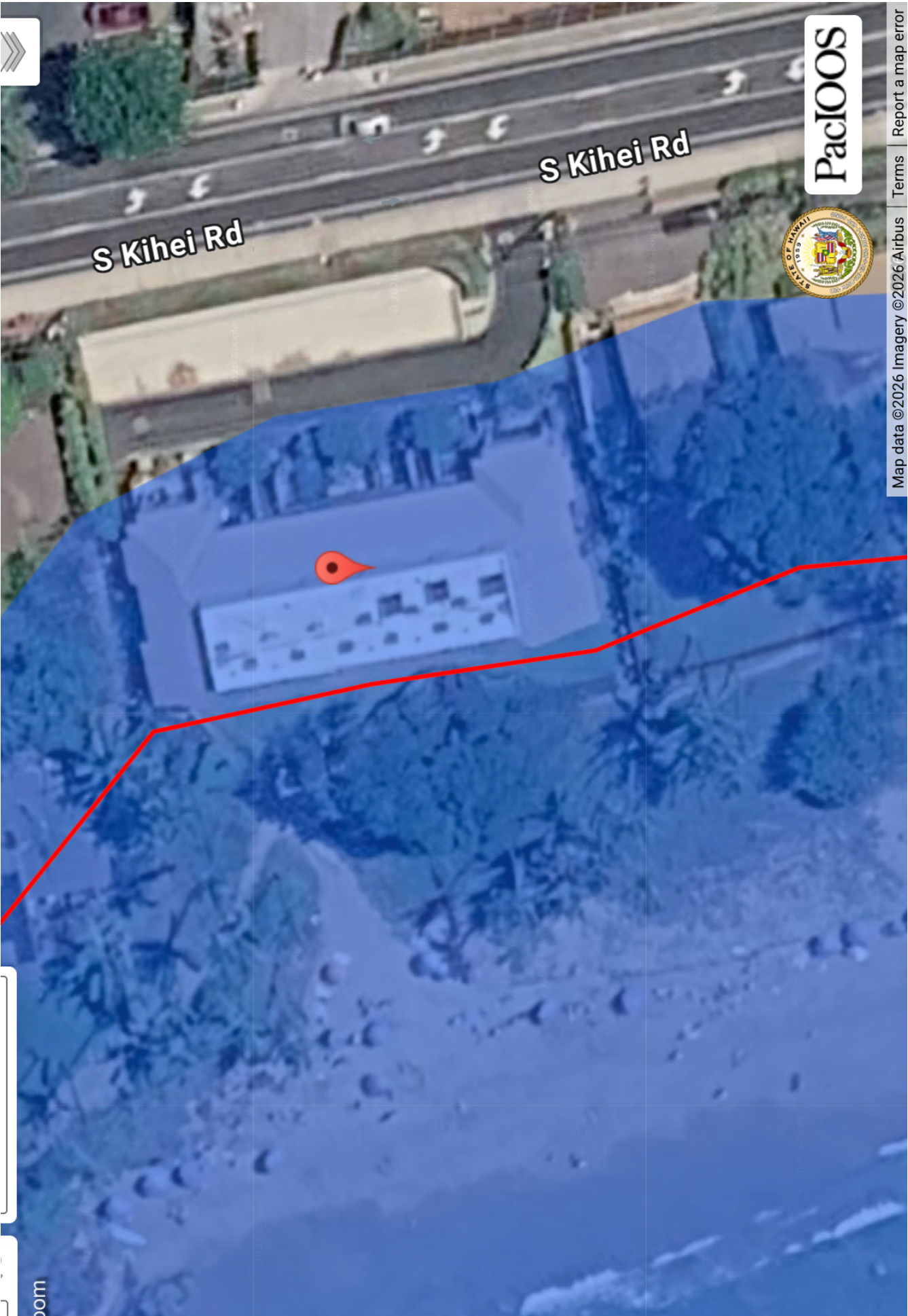
Craig Emmerich
President
Condo Corp Kamaole One
2230 S Kihei Rd Apt 12
Kihei, Hawaii 96753

Attachment A

SLR-XA Map:

SLR-XA 3.2 foot sea level rise highlighted in blue and the 3.2 foot erosion line in red. Kamaole One property boundary is shaded in yellow.





Attachment B

Attached are the Property Assessments showing the range of assessed values for condos at Kamaole One.

Tax Assessments:

Here are the assessed values for all 12 units for 2026:

Condo #	Taxes Paid in 2026
1	\$1,377,900
2	\$1,859,900
3	\$1,859,900
4	\$1,859,900
5	\$1,677,900
6	\$1,404,800
7	\$1,477,700
8	\$1,477,700
9	\$1,477,700
10	\$1,477,700
11	\$1,477,700
12	\$1,404,800

Property Taxes:

Here is a table listing all property taxes paid by the 12 units in Kamaole One last year:

Condo #	Taxes Paid in 2025
1	\$2,273.54
2	\$13,049.25
3	\$26,098.50
4	\$26,098.50
5	\$23,368.50
6	\$19,272.00
7	\$20,365.50
8	\$20,365.50
9	\$20,365.50
10	\$20,365.50
11	\$20,365.50
12	\$19,272.00

Here is a list of the 3 units that have sold in the last 2 years (units 9, 10 and 11):

Unit	Sqft	Date sold	Sold price ↕	
 Unit 10 2 bd, 2 ba Delmore Realty	977	03/03/2025	\$1,470,300	>
 Unit 9 2 bd, 2 ba Delmore Realty	977	08/04/2025	\$1,500,000	>
 Unit 11 2 bd, 2 ba Delmore Realty	977	02/09/2026	\$1,575,000	>

Special Assessments in the last 20 years:

There have been several special assessments and major projects over the last 20 years. Here is a summary of the major ones.

2003 parking garage roof was redone. Garden was removed. The cost was about \$83,000. This was a special assessment of almost \$7,000 per condo.

2012 Parking garage, roof pillars and rebar were all repaired. Parking lot was all ripped up and resurfaced with asphalt. At that time we put in a service manhole at the top of the parking lot. We installed new electrical lines and waterlines. We lined all the sewer pipes underneath the building and redid every unit. Dryer vents were all replaced in each unit. Lanai were repaired and new storm doors added to each upper unit. All new railings were installed on each upper deck. Cost was about \$180,000

2015 The building was washed, prepped and painted. The top roof of the building was resealed and painted. Painting was about \$80,000 in the roof repair was another \$20,000 for a total of \$100,000,00.

Cast Iron pipes were relined at a cost of \$45,000.

Our complex has four major repairs that came to about \$850,000 total over the last 20 years. For a 12 unit complex, these costs are quite high per unit.

We are just starting planning for SLRXA planning and mitigation. This will add to the costs significantly.