

# Resolution

No. 25-180

REFERRING TO THE MAUI PLANNING  
COMMISSION A PROPOSED BILL RELATING TO  
A CONDITIONAL CHANGE IN ZONING FROM  
R-2 RESIDENTIAL DISTRICT TO  
P-1 PUBLIC/QUASI-PUBLIC DISTRICT  
(CONDITIONAL ZONING) FOR 3.255 ACRES AT  
LAHAINA, HAWAI'I, TAX MAP KEYS (2) 4-5-  
002:005 AND 006 (LAHAINA UNITED  
METHODIST CHURCH)

WHEREAS, the Council is considering a proposed bill for a Conditional Change in Zoning from R-2 Residential District to P-1 Public/Quasi-Public District for two parcels in Lahaina, Hawai'i, owned by Lahaina United Methodist Church and identified for Real Property Tax purposes as Tax Map Keys (2) 4-5-002:005 and 006, comprising 3.255 acres; and

WHEREAS, the church was established nearby in 1896 on Luakini Street as the Lahaina Japanese Methodist Episcopal Church and moved to its current location in 1922, absorbing the Mala Filipino Methodist Church after the 1946 tsunami; and

WHEREAS, the Pu'ukoli'i Camp Methodist Church also merged with the church in 1958, and the education building that eventually became the preschool was built on the property in 1964; and

WHEREAS, the church building stood along Front Street for more than 100 years until it and all other structures on the parcels were destroyed in the August 8, 2023, wildfire; and

WHEREAS, the parcels are located in the Special Management Area, have a State Land Use District classification of Urban and a Community Plan designation of Public/Quasi-Public, and are within the Maui Island Plan's Urban Growth Boundary; and

WHEREAS, Sections 8-8.4 and 8-8.6 of the Revised Charter of the County of Maui (1983), as amended, require that the appropriate planning

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commission review proposed zoning and other land use ordinances and provide findings and recommendations to the Council; now, therefore,

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

1. That it refers the proposed bill entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-2 RESIDENTIAL DISTRICT TO P-1 PUBLIC/QUASI-PUBLIC DISTRICT (CONDITIONAL ZONING) FOR 3.255 ACRES AT LAHAINA, HAWAI'I, TAX MAP KEYS (2) 4-5-002:005 AND 006 (LAHAINA UNITED METHODIST CHURCH)," attached as Exhibit "1," to the Maui Planning Commission for appropriate action under Sections 8-8.4 and 8-8.6 of the Revised Charter of the County of Maui (1983), as amended;
2. That it welcomes suggestions from the Maui Planning Commission and Department of Planning on revising the bill and requests the Department of Planning generate the appropriately numbered Land Zoning Map, but it does not seek revised legislation from the Department of Planning; and
3. That certified copies of this Resolution be transmitted to the Mayor, Planning Director, and Maui Planning Commission.

INTRODUCED BY:

*Tamara A.M. Paltin*

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TAMARA PALTIN

**EXHIBIT “1”**

ORDINANCE NO. \_\_\_\_\_

BILL NO. \_\_\_\_\_ (2025)

A BILL FOR AN ORDINANCE TO CHANGE ZONING  
FROM R-2 RESIDENTIAL DISTRICT TO P-1  
PUBLIC/QUASI-PUBLIC DISTRICT (CONDITIONAL  
ZONING) FOR 3.255 ACRES AT LAHAINA, HAWAI‘I,  
TAX MAP KEYS (2) 4-5-002:005 AND 006 (LAHAINA  
UNITED METHODIST CHURCH)

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

SECTION 1. Under Chapters 19.31 and 19.510, Maui County Code, a Change in Zoning from R-2 Residential District to P-1 Public/Quasi-Public District is granted for two parcels in Lahaina, Hawai‘i, identified for Real Property Tax purposes as Tax Map Keys (2) 4-5-002:005 and 006, comprising 3.255 acres, and more particularly described in Exhibit “A” and in Land Zoning Map \_\_\_\_\_, Exhibit “B.”

SECTION 2. Under Section 19.510.050, Maui County Code, the zoning granted by this Ordinance is subject to the conditions in Exhibit “C” and the Unilateral Agreement and Declaration for Conditional Zoning in Exhibit “D,” which must be recorded in the Bureau of Conveyances of the State of Hawai‘i.

SECTION 3. This Ordinance takes effect on approval.

INTRODUCED BY:

*Tamara A.M. Paltin*

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TAMARA PALTIN

Exhibit "A"

LAND DESCRIPTION

Addresses: 988 Front Street and 142 Baker Street, Lahaina, Hawai'i 96761.

Tax Map Keys: (2) 4-5-002:005 and 006.

Maps: See next two pages.

## 988 Front St.



**142 Baker St.**



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Exhibit "C"

CONDITIONS OF ZONING

1. Notwithstanding Section 19.31.020, Maui County Code, the following uses are prohibited: cemeteries and crematoriums, hospitals, water treatment facilities, and wastewater treatment facilities.
2. Notwithstanding Sections 19.31.030 and 19.31.040, Maui County Code, uses and structures that are subordinate or of similar intensity to the uses prohibited in Condition 1 are also prohibited.

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EXHIBIT "D"

LAND COURT

REGULAR SYSTEM

Return by Mail to:

OFFICE OF THE COUNTY CLERK  
County of Maui  
200 South High Street  
Wailuku, Maui, Hawaii 96793

TITLE OF DOCUMENT:

UNILATERAL AGREEMENT AND DECLARATION FOR CONDITIONAL  
ZONING

TOTAL NUMBER OF PAGES \_\_\_\_

Affects Tax Map Keys (2) 4-5-002:005 and 006

## **UNILATERAL AGREEMENT AND DECLARATION FOR CONDITIONAL ZONING**

THIS AGREEMENT, made on \_\_\_\_\_, 20\_\_, by Lahaina United Methodist Church, referred to as “the Declarant,” which is the owner of two adjacent parcels located at 988 Front Street and 142 Baker Street, Lahaina, Maui, Hawai‘i, identified for real property tax purposes as Tax Map Keys (2) 4-5-002:005 and 006 referred to as “the Property.”

### **W I T N E S S E T H:**

WHEREAS, the Council of the County of Maui, State of Hawaii, is considering the establishment of P-1 Public/Quasi-Public District zoning for the Property, which comprises approximately 3.255 acres and is described in Exhibit “1” and more particularly identified in Exhibit “2,” Land Zoning Map \_\_\_\_; and

WHEREAS, the Council recommends through Committee Report \_\_\_\_ that the establishment of P-1 Public/Quasi-Public District zoning be approved for passage on first reading subject to certain conditions under Section 19.510.050, Maui County Code; and

WHEREAS, the Declarant has agreed to execute this instrument under the conditional zoning provisions of Section 19.510.050, Maui County Code.

NOW, THEREFORE, the Declarant makes the following Declaration:

1. That this Declaration is under the provisions of Section 19.510.050, Maui County Code, on conditional zoning;
2. That until written release by the County of Maui, the Property is held subject to the covenants, conditions, and restrictions, which are effective as to and run with the land as to the Property from and after the recording of this Declaration with the Bureau of Conveyances or the Land Court of the State of Hawaii without the execution, delivery, or recordation of any further deed, instrument, document, agreement, declaration, covenant, or the like by the Declarant, the County of Maui, or any heir, devisee, executor, administrator, personal representative, successor, and assign; that the acquisition of any right, title, or interest in or with respect to the Property by any person or entity includes the acceptance of all of the covenants, conditions, and restrictions of this Declaration by the person or entity and that upon any transfer of any right, title, or interest in or with respect to the Property, the person or entity will be subject to, and the transferee will assume and be bound and obligated to observe and perform all of the covenants, conditions, and restrictions of this Declaration;
3. That this Declaration and all of the covenants, conditions, and restrictions continue to be effective as to and run with the land in perpetuity or

until the Declarant notifies the appropriate County department that any of the covenants, conditions, and restrictions are satisfied by the Declarant, and the appropriate County department verifies the satisfaction and provides a written release of the covenant, condition, or restriction;

4. That the term Declarant and any pronoun in reference to the Declarant means the singular or the plural, the masculine or the feminine, or the neuter, and vice versa, includes any corporation, and includes the Declarant, the Declarant's heirs, devisees, executors, administrators, personal representatives, successors, and assigns;

5. That the Declaration will become fully effective on the effective date of the zoning ordinance approving the establishment of P-1 Public/Quasi-Public District zoning, and this Declaration must be recorded in the Bureau of Conveyances or Land Court of the State of Hawaii;

6. That the Declarant agrees to develop the Property in conformance with the conditions in Exhibit "3";

7. That the conditions imposed are reasonable and rationally relate to the objective of preserving the public health, safety, and general welfare, and the conditions fulfill the need for the public service demands created by the Property's proposed use;

AND IT IS EXPRESSLY UNDERSTOOD AND AGREED that until released in writing by the County, the conditions imposed in this Declaration will run with the land identified as the Property and will bind and constitute notice to all later owners, lessees, grantees, assignees, mortgagees, lienors, and any other persons who claim an interest in the Property, and the County of Maui will have the right to enforce this Declaration by appropriate action at law or suit in equity against all persons, except that the Declarant or its successors and assigns may at any time file a petition for the removal of the conditions and terminate this Declaration, with the petition to be processed in the same manner as petitions for a change in zoning.

This Declaration may be executed in counterparts, each of which will be considered an original but all of which taken together are one and the same Declaration.

Each person signing this Unilateral Agreement represents and warrants that they are duly authorized and have legal capacity to execute and deliver this Unilateral Agreement. Each party represents and warrants to the other that the execution and delivery of this Unilateral Agreement and the performance of the party's obligations have been duly authorized and that this Unilateral Agreement is a valid and legal agreement binding on the party and enforceable in accordance with its terms.

IN WITNESS WHEREOF, the undersigned have executed this Declaration  
the day and year first written above.

DECLARANT:

Lahaina United Methodist Church

By: \_\_\_\_\_

Name of Signer \_\_\_\_\_

Title of Signer \_\_\_\_\_

APPROVED AS TO FORM AND  
LEGALITY:

\_\_\_\_\_

Department of the Corporation Counsel  
County of Maui

STATE OF \_\_\_\_\_ )  
 )  
 ) SS.  
 )

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared \_\_\_\_\_, to me personally known, who, being by me duly sworn or affirmed, did say that such person executed the foregoing instrument as the free act and deed of such person, and if applicable, in the capacity shown, having been duly authorized to execute such instrument in such capacity.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

[Stamp or Seal]

\_\_\_\_\_  
Notary Public, State of \_\_\_\_\_

Print Name: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

NOTARY PUBLIC CERTIFICATION

Doc. Date: \_\_\_\_\_ # Pages: \_\_\_\_\_

Notary Name: \_\_\_\_\_ Judicial Circuit: \_\_\_\_\_

Document Description: \_\_\_\_\_

\_\_\_\_\_  
[Stamp or Seal]

Notary Signature: \_\_\_\_\_

Date: \_\_\_\_\_

EXHIBIT "1"

LAND DESCRIPTION

Addresses: 988 Front Street and 142 Baker Street, Lahaina, Hawai'i 96761.  
Tax Map Keys: (2) 4-5-002:005 and 006.

Maps: See next two pages.

**988 Front St.**





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**142 Baker St.**



EXHIBIT "2"  
LAND ZONING MAP

## EXHIBIT “3”

### CONDITIONS OF ZONING

1. Notwithstanding Section 19.31.020, Maui County Code, the following uses are prohibited: cemeteries and crematoriums, hospitals, water treatment facilities, and wastewater treatment facilities.
2. Notwithstanding Sections 19.31.030 and 19.31.040, Maui County Code, uses and structures that are subordinate or of similar intensity to the uses prohibited in Condition 1 are also prohibited.

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