

ORDINANCE NO. _____

BILL NO. 120 (2025)

A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT
CLASSIFICATION (CONDITIONAL DISTRICT BOUNDARY AMENDMENT) FROM
THE AGRICULTURAL DISTRICT TO THE RURAL DISTRICT FOR A PORTION OF
TAX MAP KEY (2) 1-4-003:022,
HANA, MAUI, HAWAII (HANA HEALTH)

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

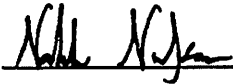
SECTION 1. By Resolution 24-138, FD1, adopted on August 13, 2024, the Council referred a proposed bill to amend the State Land Use District Classification (Conditional District Boundary Amendment) from the Agricultural District to the Rural District for a portion of Tax Map Key (2) 1-4-003:022, Hana, Maui, Hawaii. By County Communication 163-25, dated August 8, 2025, the Planning Director transmitted the Maui Planning Commission's recommendations on the bill to the Council.

SECTION 2. Under Section 205-3.1, Hawaii Revised Statutes, and Chapter 19.68, Maui County Code, the State Land Use District classification is reclassified from the Agricultural District to the Rural District (Conditional District Boundary Amendment) for a 9.501-acre portion of property situated at Hana, Maui, Hawaii, identified for real property tax purposes as Tax Map Key (2) 1-4-003:022, and more particularly described in and attached as Exhibit "A", and in Land Use District Boundary Amendment Map 305, attached as Exhibit "B."

SECTION 3. Under Section 19.68.040, Maui County Code, the State Land Use District classification granted by this Ordinance is subject to the conditions in Exhibit "C," as attached, and the Unilateral Agreement and Declaration of Conditions for State Land Use District Boundary Amendment, attached as Exhibit "D," which must be recorded in the Bureau of Conveyances or Land Court of the State of Hawaii.

SECTION 4. This Ordinance takes effect on approval.

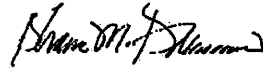
APPROVED AS TO FORM AND LEGALITY:



Department of the Corporation Counsel
County of Maui

paf:cmn:25-231a

INTRODUCED BY:

A handwritten signature in black ink, appearing to read "Shane M. Sinenci". The signature is written in a cursive, flowing style with some capitalization.

SHANE M. SINENCI

DESCRIPTION
PORTION OF GRANT 1906 TO KAHOOILIMOKU
PORTION OF PARCEL 22 OF TAX MAP KEY: (2) 1-4-003

All of that certain parcel of land, being a Portion of Grant 1906 to Kahoolimoku, being a portion of Parcel 22 of Tax Map Key: (2) 1-4-003, also being a portion of Part 1 of the Hana Community Health Center Site, (C.S.F. 22,667), situated at Kawaipapa, Hana, Island and County of Maui, State of Hawai'i and being more particularly described as follows:

Beginning at a found 2-inch pipe at the south corner of this parcel of land, on the northeasterly boundary of a Portion of Grant 1819 to Kahananui, being Parcel 9 of Tax Map Key: (2) 1-4-003, said point also being the east corner of a Portion of Grants 1269 and 3011 to Kapawa, being Parcel 41 of Tax Map Key: (2) 1-4-003, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAUIKI" being:

2,864.09 feet North
5,306.70 feet West

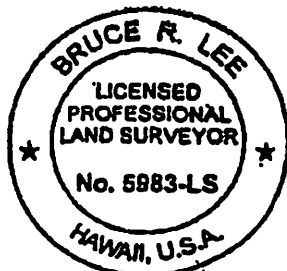
and running by azimuths measured clockwise from true South:

1. 161° 01' 00" 183.53 feet along said Portion of Grants 1269 and 3011 to Kapawa, being Parcel 41 of Tax Map Key: (2) 1-4-003;
2. 163° 17' 00" 122.03 feet along said Portion of Grants 1269 and 3011 to Kapawa, being Parcel 41 of Tax Map Key: (2) 1-4-003;
3. 162° 41' 00" 153.75 feet along said Portion of Grants 1269 and 3011 to Kapawa, being Parcel 41 of Tax Map Key: (2) 1-4-003;
4. 162° 02' 00" 329.60 feet along said Portion of Grants 1269 and 3011 to Kapawa, being Parcel 41 of Tax Map Key: (2) 1-4-003, to a found 3/4-inch pipe at the southeasterly boundary of a Portion of Royal Patent 7604, Land Commission Award 4566 to Wahineaa, being Parcel 20 of Tax Map Key: (2) 1-4-003;
5. 250° 45' 00" 153.93 feet along said Portion of Royal Patent 7604, Land Commission Award 4566 to Wahineaa, being Parcel 20 of Tax Map Key: (2) 1-4-003, to the south corner of Lot A-7 of the Subdivision of Royal Patent 6447, Land Commission Award 4846 to Kaholokai and the west corner of a Portion of Grant 1906 to Kahoolimoku, being Parcel 23 of Tax Map Key: (2) 1-4-003;

6. 262° 54' 00" 117.11 feet along said Portion of Grant 1906 to Kahoolimoku, being Parcel 23 of Tax Map Key: (2) 1-4-003, to a found 2-inch pipe;
7. 250° 48' 00" 77.04 feet along said Portion of Grant 1906 to Kahoolimoku, being Parcel 23 of Tax Map Key: (2) 1-4-003;
8. 336° 42' 00" 416.80 feet along said Portion of Grant 1906 to Kahoolimoku, being Parcel 23 of Tax Map Key: (2) 1-4-003, to a found ½-inch pipe;
9. 244° 01' 00" 385.40 feet along said Portion of Grant 1906 to Kahoolimoku, being Parcel 23 of Tax Map Key: (2) 1-4-003;
10. 335° 49' 00" 324.98 feet along the remainder of said Portion of Grant 1906 to Kahoolimoku, being Parcel 22 of Tax Map Key: (2) 1-4-003, to a found ½-inch pipe at to the west corner of a Portion of Grant 1819 to Kahananui, being Parcel 25 of Tax Map Key: (2) 1-4-003 and the north corner of said Portion of Grant 1819 to Kahananui, being Parcel 9 of Tax Map Key: (2) 1-4-003;
11. 65° 48' 30" 807.40 feet along said Portion of Grant 1819 to Kahananui, being Parcel 9 of Tax Map Key: (2) 1-4-003, to the point of beginning and containing an area of 9.501 Acres, more or less.

Prepared by:

NEWCOMER-LEE
LAND SURVEYORS, INC., a Hawai'i Corporation



This description was prepared from a survey on the ground performed by me or under my supervision.

Bruce R. Lee 04/08

BRUCE R. LEE
 Licensed Professional Land
 Surveyor Certificate No. 5983-LS

3/24/06
 GYA/HANA
 File 02-5592
 02-5592 GYA-Hana Medical Center Portion Parcel 22

SCALE: 1" = 200'

VICINITY MAP

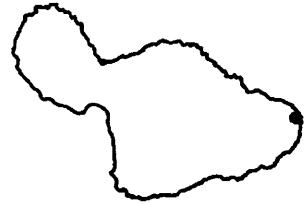


EXHIBIT "B"

TMK (2) 1-4-003:023

TMK (2) 1-4-003:022 (por.)
STATE OF HAWAII

9.501 Acres
AG to RURAL

TMK (2) 1-4-003:041

TMK (2) 1-4-003:024

TMK (2) 1-4-003:025

TMK (2) 1-4-003:009

HANA HIGHWAY

TAX MAP KEY

T.M.K. (2) 1-4-003:022
(POR.)

AREA

9.501 Acres

LAND USE DISTRICT BOUNDARY AMENDMENT MAP NO. 305

DISTRICT BOUNDARY AMENDMENT - HANA, MAUI, HAWAII
FROM AGRICULTURAL DISTRICT TO RURAL DISTRICT

Exhibit "C"

As used in these conditions, "petition area" means the 9.501-acre portion of Tax Map Key (2) 1-4-003:022.

1. There shall be a prohibition on any action that would interfere with or restrain farming operations adjacent to the petition area provided the farming operations are conducted in a manner consistent with generally accepted agricultural and management practices on adjacent or contiguous lands in the agricultural district.
2. There shall be notification to all prospective developers or purchasers of land or interest in land in the petition area and subsequent notification to lessees or tenants of land that farming operations and practices on adjacent or contiguous land in the agricultural district are protected under Chapter 165, Hawaii Revised Statutes, the Hawaii Right to Farm Act, and that the notice shall be included in any disclosures required for the sale or transfer of real property or any interest in real property.

EXHIBIT "D"

LAND COURT SYSTEM

REGULAR SYSTEM

Return By Mail (X) Pickup (): To:

Office of the County Clerk
County of Maui
200 South High Street
Wailuku, Hawai'i 96793

Total Number of Pages: 10

(Including exhibits, notary certification pages, and all other components)

Affects Tax Map Key (2) 1-4-003:022 (portion)

UNILATERAL AGREEMENT AND DECLARATION OF CONDITIONS FOR STATE LAND USE DISTRICT BOUNDARY AMENDMENT

THIS INDENTURE, referred to as "Declaration" or "Unilateral Agreement," is made this 22nd day of July, 2025, by Hana Health, formerly known as Hana Community Health Center, Inc., whose principal address is at 4590 Hana Highway, Hana, Hawai'i, 96713, referred to as "Hana Health"; and by the State of Hawaii, through the Board of Land and Natural Resources, whose principal place of business is located in Honolulu, Oahu, Hawaii, and whose mailing address is 1151 Punchbowl Street, Honolulu, Hawai'i, 96813, referred to as the "State." Hana Health and the State shall hereinafter be referred to collectively as the "Declarant."

WITNESSETH

WHEREAS, the State is the owner of that certain 9.501-acre portion of real property located at Kawaipapa, Hana, Maui, and identified for real property tax purposes as tax map key (2) 1-4-003:022, referred to as "the Property"; and

WHEREAS, the State's authorized signatory is the Chairperson of the Board of Land and Natural Resources, State of Hawai'i, who is currently Dawn N. S. Chang; and

WHEREAS, Hana Health is the lessee of the Property, and its authorized contact person is the Executive Director, who is currently Cheryl Vasconcellos; and

WHEREAS, a letter of authorization, dated August 8, 2024, and signed by Dawn N. S. Chang, authorized the initiation of proceedings regarding a State Land Use District Boundary Amendment for the Property; and

WHEREAS, the Council is considering a bill for an ordinance to amend the State Land Use District Boundary for the Property, described in Exhibit "1" and more particularly identified in Exhibit "2," State Land Use District Boundary Amendment Map 305; and

WHEREAS, the Declarant has agreed to execute this Unilateral Agreement in accordance with Section 19.68.040, Maui County Code;

NOW, THEREFORE, the Declarant makes the following Declaration:

1. In accordance with Maui County Code. That this Declaration is made in accordance with the provisions of Section 19.68.040, Maui County Code, relating to State Land Use District Boundary Amendments;

2. Binding until Maui County written release. That until written release by the County of Maui, (a) the Property, and all its parts, are held subject to this Declaration's covenants, conditions, and restrictions, which are effective as to and run with 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 with respect to the Property by the Declarant, the County of Maui, or any successor or assign; (b) the acquisition of any right, title, or interest in or with respect to the Property by any person or entity constitutes acceptance of all of the covenants, conditions, and restrictions of this Declaration by the person or entity; and (c) upon any transfer of any right, title, or interest in or with respect to the Property, the transferee assumes, is bound by, and is obligated to observe and perform all of the covenants, conditions, and restrictions of this Declaration;

3. Running with the Land. That this Declaration and all of its covenants, conditions, and restrictions contained are effective as to and run with the land in perpetuity, or until the Declarant notifies the County Department of Planning that any of the covenants, conditions, and restrictions are satisfied by the Declarant, and the Department verifies the satisfaction and provides a written release of the covenant, condition, or restriction;

4. Hana Health and the State as Declarant. That the term "Declarant" and any pronoun in reference to it, wherever used in this Declaration, means the singular or the plural, the masculine or the feminine, or the neuter, and vice versa, and includes any corporation or any other entity, and means and includes Declarant and the Declarant's successors and assigns;

5. Effective as of date State Land Use District Boundary Amendment ordinance approved. That this Declaration is fully effective on the effective date of the State Land Use District Boundary Amendment ordinance approving the establishment of a State Land Use reclassification from the Agricultural District to the Rural District for the Property;

6. Develop consistent with State Land Use District Boundary Amendment conditions. That the Declarant agrees to develop the Property in conformance with the conditions stated in Exhibit "3" and in the State Land Use District Boundary Amendment ordinance;

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

8. Conditions enforceable by County of Maui. AND IT IS EXPRESSLY UNDERSTOOD AND AGREED that until released in writing by the County of Maui, the conditions imposed in this Declaration run with the land identified in this Declaration and bind and constitute notice to all subsequent owners, lessees, grantees, assignees, mortgagees, lienors, and any other persons who claim an interest in the Property. The Declarant further understands and agrees that the County of Maui has the right to enforce this Declaration by appropriate action at law or suit in equity against all such persons, with the understanding the Declarant or its successors and assigns may at any time file a petition with the County Department of Planning for the removal of the conditions and termination of this Unilateral Agreement, which will be processed in the same manner as petitions for State Land Use District Boundary amendments.


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


Any persons signing this Unilateral Agreement represent that they are duly authorized and have legal capacity to execute and deliver this Unilateral Agreement. Each party represents 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.

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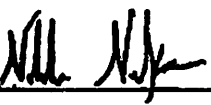
IN WITNESS WHEREOF, the undersigned has executed this Declaration on the day and year indicated on the following notary public certification pages.

DECLARANT:


By: 
CHERYL VASCONCELLOS
Hana Health
Executive Director

By: 
DAWN N. S. CHANG
State of Hawaii
Board of Land and Natural Resources
Chairperson

Approved as to Form and Legality:

By: 
Deputy Corporation Counsel
County of Maui

Approved as to form:

By: 
Deputy Attorney General
State of Hawaii

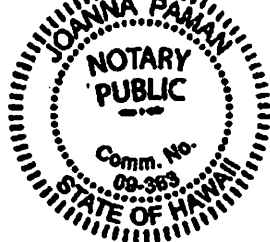
STATE OF HAWAII

COUNTY OF MAUI

SS.

On this 17 day of July, before me personally appeared Cheryl Vaseconcellos to me personally known, who being by me duly sworn, did say that he/she is the Executive Director of Hana Health, and that said instrument was signed on behalf of Hana Health, and Cheryl Vaseconcellos, as deponent, Executive Director, acknowledged said instrument to be the free act and deed of Cheryl Vaseconcellos.

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



Notary Public, State of Hawaii

Print Name: Joanna Paman

My Commission Expires: 07-23-2015

NOTARY PUBLIC CERTIFICATION

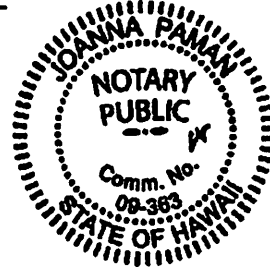
Doc Date: 07-17-2015 # Pages: 10

Notary Name: Joanna Paman Judicial Circuit: 2

Document Description: Unilateral Agreement and Declaration of Intent for State Land Use District Discontinuance

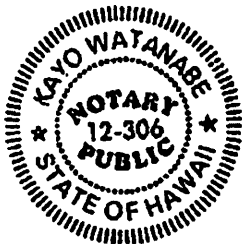
Notary Signature: Joanna Paman

Date: 07-17-2015



STATE OF HAWAII)
) SS.
CITY & COUNTY OF HONOLULU)

On JUL 22 2025, before me personally appeared
Dawn N.E. Chang, to me personally known,
who, being by me duly sworn or affirmed, did say that such person(s) executed the foregoing
instrument as the free act and deed of such person(s), and if applicable, in the capacity/capacities
shown, having duly authorized to execute such instrument in such capacity/capacities.



(Signature)

KAYO WATANABE
Expiration Date: September 2, 2028

(Typed / Stamped Name)

FOR HAWAII NOTARIES ONLY

Doc Date: JUL 22 2025 # Pages 10

Notary Name: Kayo Watanabe 1st Circuit

Doc Description: Unilateral Agreement and Declaration of Conditions for
State Land Use District Boundary Amendment

Notary Signature **KAYO WATANABE**
Expiration Date: September 2, 2028

JUL 22 2025
Date

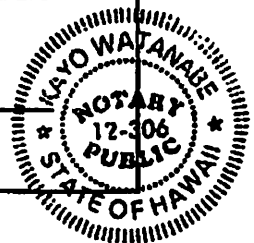


EXHIBIT "1"

DESCRIPTION PORTION OF GRANT 1906 TO KAHOOILIMOKU PORTION OF PARCEL 22 OF TAX MAP KEY: (2) 1-4-003

All of that certain parcel of land, being a Portion of Grant 1906 to Kahoolimoku, being a portion of Parcel 22 of Tax Map Key: (2) 1-4-003, also being a portion of Part 1 of the Hahaione Community Health Center Site, (C.S.F. 22,667), situated at Kawaipapa, Hana, Island and County of Maui, State of Hawai'i and being more particularly described as follows:

Beginning at a found 2-inch pipe at the south corner of this parcel of land, on the northeasterly boundary of a Portion of Grant 1819 to Kahanaui, being Parcel 9 of Tax Map Key: (2) 1-4-003, said point also being the east corner of a Portion of Grants 1269 and 3011 to Kapawa, being Parcel 41 of Tax Map Key: (2) 1-4-003, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAUIKI" being:

2,864.09 feet North
5,306.70 feet West

and running by azimuths measured clockwise from true South:

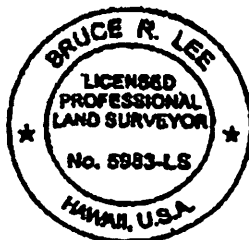
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EXHIBIT "1"

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Prepared by:

**NEWCOMER-LEE
LAND SURVEYORS, INC., a Hawai'i Corporation**



3/24/06
GYA/HANA
File 02-5592
02-5592 GYA-Hana Medical Center Portion Parcel 22

This description was prepared from a survey on the ground performed by me or under my supervision.

Bruce R. Lee 04/08

BRUCE R. LEE
Licensed Professional Land
Surveyor Certificate No. 5983-LS

SCALE: 1" = 200'

VICINITY MAP

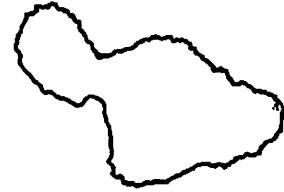


EXHIBIT "2"

TMK (2) 1-4-003:023

HANA HIGHWAY

TMK (2) 1-4-003:024

TMK (2) 1-4-003:025

TMK (2) 1-4-003:022 (por.)
STATE OF HAWAII

9.501 Acres
AG to RURAL

TMK (2) 1-4-003:041

TMK (2) 1-4-003:009

TAX MAP KEY

T.M.K. (2) 1-4-003:022
(POR.)

AREA

9.501 Acres

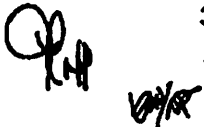
LAND USE DISTRICT BOUNDARY AMENDMENT MAP NO. 305

DISTRICT BOUNDARY AMENDMENT - HANA, MAUI, HAWAII
FROM AGRICULTURAL DISTRICT TO RURAL DISTRICT

EXHIBIT "3"

As used in these conditions, "petition area" means the 9.501-acre portion of tax map key (2) 1-4-003:022

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2. There shall be notification to all prospective developers or purchasers of land or interest in land in the petition area and subsequent notification to lessees or tenants of land that farming operations and practices on adjacent or contiguous land in the agricultural district are protected under Chapter 165, Hawaii Revised Statutes, the Hawaii Right to Farm Act, and that the notice shall be included in any disclosures required for the sale or transfer of real property or any interest in real property.

 ~~3. To the extent practicable while serving the staffing needs of the center, priority for housing shall be given to Hana residents.~~ 