

Modifications (Makila Farms)

1. The Makila Farms Workforce Housing Project ("Project") approved by this resolution and the exemptions set forth shall all lapse and become void if:
 - Construction of the Project has not started within two years of the adoption of this resolution. Start of construction shall mean the visible start of grading, pursuant to a valid grading permit as needed for the development of the 76.1 acres containing the 19 residential workforce housing units.
2. The Developer shall act in good faith and with its reasonable best efforts to complete construction of all 19 residential workforce housing units on the 76.1 acres, with all related roads and infrastructure, not later than five years from the effective date of this resolution.
3. The height of all buildings, including but not limited to the 19 residential workforce housing units and all homes to be constructed on lots sold at market prices, shall be limited to one story.
4. The Developer shall develop all workforce housing units before or concurrently with the development of homes on the 19 market-rate lots.
5. The Developer shall develop a well for non-potable water for irrigation with a yield sufficient to meet the non-potable water demand of all 34 lots. Market-rate lots shall absorb the costs of the non-potable water system. The County of Maui shall not grant final subdivision approval if, and as long as, the Developer is in breach of this modification.
6. The Developer shall record in the Bureau of Conveyances of the State of Hawaii restrictions permanently providing for the following:
 - a. The residential workforce housing units shall by deed restriction be owner occupied for a period of 30 years; provided, however, that if no loans are approved due to the 30-year deed restriction, the Developer may request of the Council of the County of Maui, via resolution, an adjustment of the deed restriction. The Developer shall not sell the units at market rate.
 - b. Condominium conversion or further subdivision of any of the 34 lots in the Project is prohibited.
 - c. Use or operation of any dwelling on the 34 lots for transient or short-term rentals, including any rental for a term of less than 180 days, is prohibited.

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- d. Makila Farms will utilize a decentralized system of aerobic treatment unit (ATU) individual wastewater systems. On each lot, the developer will provide one ATU which can accommodate up to 5 rooms. Furthermore, these ATUs will be maintained by the Makila Farms HOA.
 - e. For an initial marketing period of 120 days, market-rate lots shall be offered to first-time home buyers only, as defined by the criteria set forth in Section 2.96.090(B)(5), MCC, which provides that, for a period of three years before the submittal of the ownership application, an applicant shall not have had an interest of fifty percent or more in real property in fee or leasehold in the United States, where the unit or land is deemed suitable for dwelling purposes, unless the applicant is selling an affordable unit and purchasing a different affordable unit that is more appropriate for the applicant's family size.
7. The construction of accessory dwellings shall be prohibited in the Project area.
 8. The Project shall comply with all applicable requirements of Chapter 2.96, MCC, and Chapter 201H, HRS.
 9. The State Department of Transportation must approve Exit#5, ingress and egress from and to Honoapiilani Highway.
 10. Each residential unit on each lot must have a map, including all exits, of the Makila Farms subdivision as well as copies of all gate and bolster keys.
 11. The Project shall be developed in strict compliance with the representations made to the Maui County Council in obtaining approval of this Resolution, including the following:
 - a. The Project will be developed in conformance with the Residential District standards set forth under Section 19.08 MCC.
 - b. Internal Project roadways will be constructed to the Design standards as specified under Section 18.16.050, MCC.
 - c. The 34 lots shall be limited to residential and agricultural uses.
 12. The Department of Housing and Human Concerns shall oversee the distribution of all affordable units via lottery. No affordable units shall be promised or pledged to applicants prior to such lottery.

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