

EXHIBIT "C"

CONDITIONS OF ZONING

1. MVI, LLC and any future owner or lessee must not operate Short-Term Rental Homes, Bed and Breakfast Homes, or any other transient accommodations on the property.
2. MVI, LLC and any future owner or lessee must construct and maintain firebreaks on all perimeter property boundaries as approved by the Maui Fire Department.
3. In order to provide safe continued access to the existing Pali Trail and continued vehicle access to the existing Pali Trail parking lot, MVI, LLC and any future owner or lessee must provide the following items as shown on Exhibit "I" prior to final subdivision approval:
 - a. A 24-foot wide trail/roadway lot between proposed lots 5 and 6 depicted on the map attached as Exhibit "II." This lot must be dedicated to the Department of Land and Natural Resources (DLNR).
 - b. A 10-foot wide trail lot adjoining a subdivision roadway lot starting at Honoapi'ilani Highway and ending at the makai end of the 24-foot wide trail/roadway lot described in Condition 3a. This 10-foot wide trail lot must be improved with a multiuse path paved with asphalt, concrete, or any other material approved by the DLNR. This trail lot must be dedicated to the DLNR.
 - c. A roadway access easement over a subdivision roadway lot starting at Honoapi'ilani Highway and ending at the makai end of the 24-foot wide trail/roadway lot described in Condition 3a. This easement must remain open to the public 24 hours a day in perpetuity and must be dedicated to the DLNR.
 - d. A pedestrian crosswalk across Honoapi'ilani Highway, at the Honoapi'ilani Highway and North Kihei Road intersection.
4. In order to provide safe bicycle and pedestrian access from the property to the nearby commercial areas, MVI, LLC and any future owner or lessee must provide the following items as shown in Exhibit "II" prior to final subdivision approval:

RECEIVED AT PSLU MEETING ON 10/16/19
(COMMITTEE CHAIR PARTIAL)

- a. A 10-foot wide bikeway/pedestrian lot starting at the end of a subdivision roadway lot near the mauka end of the lot line between proposed lots 20 and 21 depicted on the map attached as Exhibit "I" and ending at the Honoapi'ilani Highway and Kapoli Street intersection. This 10-foot wide bikeway/pedestrian lot must be improved with a multiuse path paved with asphalt, concrete, or a similar material.
 - b. A pedestrian crosswalk across Honoapi'ilani Highway at the Honoapi'ilani Highway and Kapoli Street intersection.
5. MVI, LLC and any future owner or lessee are responsible for traffic and roadway improvements necessary to mitigate the project's impacts. The necessary traffic and roadway improvements must be specified to the satisfaction of the State Department of Transportation, the County Department of Transportation, and the Department of Public Works, and will be documented in a Memorandum of Agreement prior to final subdivision approval.
6. MVI, LLC and any future owner or lessee must leave the area subject to the Change in Zoning undeveloped, without any structures, because of drainage concerns, to provide a buffer for cultural sites in the area, and to preserve views.
7. MVI, LLC, and any future owner or lessee must not pursue approvals under Chapter 201H, Hawaii Revised Statutes or any other similar regulation. MVI, LLC and any future owner or lessee are informed that the Council's approval of the Change in Zoning to Agricultural District is based on this commitment to not pursue such approval.
8. The County of Maui will have the first right of refusal to purchase for transportation purposes a parcel at least 40 acres in size that results from subdivision of the property.
9. MVI, LLC and any future owner or lessee must develop the property in substantial compliance with the submittals and representations made to the Maui County Council and the Council's Planning and Sustainable Land Use Committee in obtaining the Change in Zoning to Agricultural District.