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COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

July 20, 2017

Ms. Leona Rocha Wilson, Manager
Lona Ridge, LLC
588 Kulaiwi Drive
Wailuku, Hawaii 96793

Dear Ms. Wilson:

**SUBJECT: CONDITIONAL PERMIT FOR PROPERTY LOCATED
AT 588 KULAIWI DRIVE (WAILUKU) (LU-23)**

At its meeting of July 19, 2017, the Council's Land Use Committee discussed a request for a Conditional Permit for property located at 588 Kulaiwi Drive, Wailuku, Maui, known as Lona Ridge, LLC ("property"). The Committee inquired about the applicability of the Wailuku Heights Extension – Unit II Homeowners Association ("HOA") Covenants, Conditions, and Restrictions ("CC&Rs") to the property.

In correspondence dated August 1, 2016, Lester Yano, President of the HOA, noted in part, that "when purchasing the Property, [you] explicitly agreed that the Property would continue to be part of Wailuku Heights II and subject to the CC&Rs."

The Committee also noted that the property encompassing the driveway consisting of approximately 0.25-acre (formerly identified as Lot 144), which is within the boundaries of the HOA, was combined with a larger parcel consisting of approximately 5.25 acres which is outside the boundaries of the HOA.

Ms. Deborah Wright, Applicant's Attorney, noted that the CC&Rs may apply to the Lot 144 portion of the property and not to the remainder of the property.

Accordingly, may I respectfully request that you provide the following:

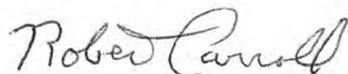
1. Did you “explicitly agree” that the entire parcel identified as TMK (2) 3-5-002:010 located at 588 Kulaiwi Drive “is part of Wailuku Heights II and subject to the CC&Rs”?
2. If so, how does this agreement affect or limit your use of the parcel?
3. If not, what is your position regarding the applicability of the CC&Rs to the Lot 144 portion of the property? Is your current and proposed use of the Lot 144 portion consistent with your obligations under the CC&Rs?
4. Please provide copies of all correspondence between the HOA and you regarding the use of the Lot 144 portion, including any denials or approvals of use and any conditions placed upon the use.
5. Please provide copies of any documents that you have received from the HOA relating to or regarding any current or future actions against you to enforce the terms of the CC&Rs. If any civil action has been initiated, provide a copy of the complaint.
6. Submit documentation notifying you of the HOA’s decision to deny your request for approval to host special events at the property.

Thank you for your consideration of this request. May I also request that you submit your written response by Wednesday, **July 26, 2017**.

To ensure efficient processing, please include the relevant Committee item number in the subject line of your response.

Should you have any questions, please contact me or the Committee staff (Gary Saldana at 270-7137, or Clarita Balala at 270-7668).

Sincerely,



ROBERT CARROLL, Chair
Land Use Committee