

COUNCIL OF THE COUNTY OF MAUI
AFFORDABLE HOUSING COMMITTEE

July 19, 2019

Committee
Report No. _____

Honorable Chair and Members
of the County Council
County of Maui
Wailuku, Maui, Hawaii

Chair and Members:

Your Affordable Housing Committee, having met on June 19, 2019, and reconvened on June 25, 2019, and July 3, 2019, makes reference to County Communication 19-15, from Council Chair Kelly T. King, relating to affordable-housing projects in accordance with Chapter 201H, Hawaii Revised Statutes ("HRS").

By correspondence dated June 12, 2019, the Director of Housing and Human Concerns transmitted the following:

1. An application for the proposed independent development of the Polanui Gardens workforce housing project in Lahaina, Maui, Hawaii, in accordance with Section 201H-38, HRS. The proposed project consists of 50 affordable single-family lots and 16 agricultural lots to be sold at fair market value. The proposed project also includes a 4.5-acre neighborhood park, a 1-acre community garden, and additional land designated as a buffer between the development and the highway.
2. A proposed resolution entitled "APPROVING THE INDEPENDENT DEVELOPMENT OF THE POLANUI GARDENS WORKFORCE HOUSING PROJECT BY KIPA CENTENNIAL, LLC PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES."

The purpose of the proposed resolution is to approve the proposed project with various exemptions from requirements contained in HRS, the Maui County Code, and the Revised Charter of the County of Maui (1983), as amended ("Charter"), relating to planning, zoning, construction standards for

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subdivisions, the development and improvement of land, and the construction of dwelling units.

3. A proposed resolution entitled "APPROVING WITH MODIFICATIONS THE INDEPENDENT DEVELOPMENT OF THE POLANUI GARDENS WORKFORCE HOUSING PROJECT BY KIPA CENTENNIAL, LLC PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES."

The purpose of the proposed resolution is to approve the proposed project with modifications and various exemptions from requirements contained in HRS, the Maui County Code, and the Charter, relating to planning, zoning, construction standards for subdivisions, the development and improvement of land, and the construction of dwelling units.

4. A proposed resolution entitled "DISAPPROVING THE INDEPENDENT DEVELOPMENT OF THE POLANUI GARDENS WORKFORCE HOUSING PROJECT BY KIPA CENTENNIAL, LLC PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES."

The purpose of the proposed resolution is to disapprove the proposed project.

5. An application for the proposed independent development of the Makila Rural-East workforce housing project in Lahaina, Maui, Hawaii, in accordance with Section 201H-38, HRS. The proposed project consists of 46 affordable single-family lots, 4 affordable live/work units, and 45 agricultural lots to be sold at fair market value. The proposed project also includes a 2-acre neighborhood park, a 20,000-square-foot store, and additional land designated for agriculture use and highway right-of-way.
6. A proposed resolution entitled "APPROVING THE INDEPENDENT DEVELOPMENT OF THE MAKILA RURAL-

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EAST WORKFORCE HOUSING PROJECT BY HOPE BUILDERS, LLC PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES.”

The purpose of the proposed resolution is to approve the proposed project with various exemptions from requirements contained in HRS, the Maui County Code, and the Charter, relating to planning, zoning, construction standards for subdivisions, the development and improvement of land, and the construction of dwelling units.

7. A proposed resolution entitled “APPROVING WITH MODIFICATIONS THE INDEPENDENT DEVELOPMENT OF THE MAKILA RURAL-EAST WORKFORCE HOUSING PROJECT BY HOPE BUILDERS, LLC PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES.”

The purpose of the proposed resolution is to approve the proposed project with modifications and various exemptions from requirements contained in HRS, the Maui County Code, and the Charter, relating to planning, zoning, construction standards for subdivisions, the development and improvement of land, and the construction of dwelling units.

8. A proposed resolution entitled “DISAPPROVING THE INDEPENDENT DEVELOPMENT OF THE MAKILA RURAL-EAST WORKFORCE HOUSING PROJECT BY HOPE BUILDERS, LLC PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES.”

The purpose of the proposed resolution is to disapprove the proposed project.

For a proposed affordable-housing project submitted under Section 201H-38, HRS, the Council must approve, approve with modifications, or disapprove the project by resolution within 45 days after the preliminary plans and specifications for the project have been submitted to the

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Council, or the project will be deemed approved. The Council has until July 27, 2019 to act on the 201H applications for Polanui Gardens and Makila Rural-East, or the projects will be deemed approved as submitted.

Your Committee also makes reference to County Communications 19-250 and 19-249, from the Director of Housing and Human Concerns, respectively transmitting the following:

1. A proposed bill entitled "A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL DISTRICT TO URBAN DISTRICT (CONDITIONAL BOUNDARY AMENDMENT) FOR 14.453 ACRES SITUATED AT LAHAINA, MAUI, HAWAII, TAX MAP KEY NO. (2) 4-7-13: 01 (POR.) AND 02 (POR.)."

The purpose of the proposed bill is to authorize the conditional reclassification of the property proposed for development as the Polanui Gardens project from the State Agricultural District to the State Urban District, in accordance with Section 205-3.1, HRS, and Chapter 19.68, Maui County Code.

2. A proposed bill entitled "A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL DISTRICT TO URBAN DISTRICT (CONDITIONAL BOUNDARY AMENDMENT) FOR 14.390 ACRES SITUATED AT LAHAINA, MAUI, HAWAII, TAX MAP KEY NO. (2) 4-7-13:007 (POR.), 008 (POR.) AND 010 (POR.)."

The purpose of the proposed bill is to authorize the conditional reclassification of the property proposed for development as Makila Rural-East project from the State Agricultural District to the State Urban District, in accordance with Section 205-3.1, HRS, and Chapter 19.68, Maui County Code.

The developers did not request an exemption under Section 201H-38, HRS, from the requirement that the State Land Use District Boundary be amended from the Agricultural District to the Urban District.

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However, the developers did seek certain exemptions from the application and procedural requirements of the proposed District Boundary Amendments.

The proposed District Boundary Amendment for the Polanui Gardens project applies to the 14.453-acre portion of the property that will be used only for affordable housing. The overall project site is composed of 48.87 acres owned by Kipa Centennial, LLC.

The proposed District Boundary Amendment for the Makila Rural-East project applies to the 14.390-acre portion of the property that will be used only for affordable housing. The overall project site is composed of 97.581 acres owned by Hope Builders, LLC.

According to the applications, the properties for both projects have a State Land Use District classification of Agricultural, a Community Plan designation of Agricultural, and a County zoning designation of Agricultural. Both properties are also located within the Maui Island Plan Makila Rural Growth Boundary.

According to the Polanui Gardens application, the project will contain lots of 10,000-12,000 square feet for single-family residential workforce housing, consisting of four-bedroom, two-bath units with living areas of 1,065-1,713 square feet, and three-bedroom, two-bath units with a living area of 1,368 square feet.

According to the Makila Rural-East application, the project will contain lots of approximately 10,000 square feet for single-family residential workforce housing, including four-bedroom, two-bath units and three-bedroom, two-bath units, with an average living area of 1,400 square feet.

Both projects would offer the workforce housing units to qualified individuals earning 80 percent to 140 percent of the area median income ("AMI"), under standards of the United States Department of Housing and Urban Development.

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Your Committee notes the projects could support various strategies, objectives, and policies of the Countywide Policy Plan, including the following:

- “Expand housing opportunities for residents.” (Page 57.)
- “Reduce the affordable housing deficit for residents.” (Page 57.)
- “Ensure that an adequate and permanent supply of affordable housing, both new and existing units, is made available for purchase or rental to our resident and/or workforce population, with special emphasis on providing housing for low- to moderate-income families.” (Page 57.)
- “Seek innovative ways to lower housing costs without compromising the quality of our island lifestyle.” (Page 57.)
- “Increase and maintain the affordable housing inventory.” (Page 58.)

Your Committee further notes the projects could support various goals, objectives, and policies of the Maui Island Plan, including the following:

- “Maui will have safe, decent, appropriate, and affordable housing for all residents developed in a way that contributes to strong neighborhoods and a thriving island community.” (Page 5-6.)
- “Provide affordable housing, rental or in fee, to the broad spectrum of our island community.” (Page 5-8.)
- “Reduce the cost to developers of providing housing that is affordable to families with household incomes 160 percent and below of annual median income.” (Page 5-10.)

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- “Support fast-track processing procedures for the following housing-related entitlements: affordable housing projects/units; indigenous Hawaiian housing/units; and special-needs housing units.” (Page 5-10.)

The Director of Housing and Human Concerns said both projects meet or exceed the number of affordable units required under the 201H-38 process. The Director also said the County needs 14,000 housing units within the next six years and there are less than 400 units pending development in West Maui, only 245 of which are workforce housing or affordable units.

The majority of testimony received by your Committee was in opposition to the projects, and most of the testifiers’ concerns related to the following:

- Insufficient water resources in the area.
- Fire, flood, and other emergency and evacuation hazards.
- Individual wastewater systems.
- Increased traffic in the area.
- Lack of infrastructure and nearby services.
- The limited scope of affordability, including the number of units, range of AMI categories, and length of affordability period.
- Improper application of planning, land use, and zoning policies, including removal of agricultural land and open space.
- Environmental impacts, including potential damage to coastal reefs and water quality.

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Your Committee received presentations from the developers, and discussed the project and the various exemptions being requested. In the applications for both projects, the developers requested specific exemptions from the Maui County Code to expedite the delivery of the proposed affordable-housing units, including exemptions relating to Community Plan Amendments, Changes in Zoning, and procedural requirements associated with District Boundary Amendments. The developers provided your Committee with a breakdown of the estimated savings as a result of the requested exemptions, totaling \$220,050 for the Polanui Gardens project and \$299,235 for the Makila Rural-East project.

Your Committee discussed at length potential fire and evacuation issues; the supply of non-potable water in the area; and concerns over individual wastewater systems.

A representative of the Department of Fire and Public Safety said the Department would work with the developers during the subdivision process to ensure compliance with Fire Code requirements. The representative also stated that developing the land could mitigate the potential for fires because brush would be cleared, open areas would be maintained, and residents could build defensible spaces around their property.

The developers' water consultant said there is currently sufficient potable water for existing users and the proposed developments. The consultant also said that while it would take time, money, and infrastructure, there would be sufficient non-potable water for the area as well.

Your Committee noted Section 11-62-31.1(b) of the Hawaii Administrative Rules requires a wastewater treatment facility where the total development of an area exceeds 50 units. The Director of Environmental Management said that a project with 50 units or fewer could be developed with individual wastewater systems, and by his interpretation these projects would comply with State Department of Health requirements.

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The Director of Public Works expressed concern over exemptions to street lights standards; the design of the cul-de-sacs in the Makila Rural-East project, including block length, and pedestrian and neighborhood connectivity; and the lack of complete streets to accommodate multimodal users.

The Deputy Director of Transportation said the Polanui Gardens project offered some access for public transportation, the Makila Rural-East project was more limited, and neither project could be serviced by a current route. A budget amendment would be needed to add a new bus route to the area.

The Planning Director said the planned provisions to prohibit accessory dwelling units was a lost opportunity to double the amount of homes available. The Director also said that placing conditions on the district boundary amendments would provide a direct way for the Department to monitor compliance with the Council's terms for the project.

Your Committee received suggested modifications to the proposed resolutions from several of its members, including proposals to achieve the following objectives:

- Establish start and completion times for construction of the affordable-housing units.
- Allocate the affordable units across all AMI categories.
- Distribute the affordable units via lottery.
- Establish a longer affordability period.
- Establish owner-occupancy standards.
- Prohibit short-term rentals and other transient accommodations.

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- Provide for water resources and wastewater treatment.

Some of the proposed modifications were submitted in writing and are cumulatively attached as Exhibit "1."

Your Committee notes the following Countywide Policy Plan provisions may be noteworthy in consideration of comments provided by testifiers and some agencies:

- "Establish pricing for affordable housing that is more reflective of Maui County's workforce than the United States Housing and Urban Development's median-income estimates for Maui County." (Page 57.)
- "Promote infill housing in urban areas at scales that capitalize on existing infrastructure, lower development costs, and are consistent with existing or desired patterns of development." (Page 58.)
- "Develop workforce housing in proximity to job centers and transit facilities." (Page 58.)
- "Direct growth in a way that makes efficient use of existing infrastructure and to areas where there is available infrastructure capacity." (Page 72.)

In addition, your Committee notes the following Countywide Policy Plan provisions may be noteworthy in consideration of comments provided by testifiers and some agencies:

- "Require all new developments to fund system improvements in proportion to the development impact and in accordance with the County's wastewater functional plan." (Page 6-12.)
- "The need for improved emergency care and transport is most evident in West Maui where there are no emergency care facilities

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despite the presence of a significant number of residents and tourists.” (Page 6-58.)

Your Committee recognizes the need for more affordable-housing units in Maui County; however, a majority of your Committee’s members expressed doubt about whether the projects’ benefits would outweigh the concerns.

Your Committee voted 4-3 to recommend adoption of the proposed resolutions disapproving the Polanui Gardens and Makila Rural-East projects; filing of the respective proposed resolutions approving the projects and approving the projects with modifications; and filing of the respective communications transmitting proposed District Boundary Amendments for the projects.

Committee Vice-Chair Molina and members Hokama, Rawlins-Fernandez, and Sinenci voted “aye.” Committee Chair Kama and members Lee and Sugimura voted “no.”

Your Affordable Housing Committee RECOMMENDS the following:

1. That Resolution _____, attached hereto, entitled “DISAPPROVING THE INDEPENDENT DEVELOPMENT OF THE POLANUI GARDENS WORKFORCE HOUSING PROJECT BY KIPA CENTENNIAL, LLC PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES,” be ADOPTED;
2. That Resolution _____, attached hereto, entitled “DISAPPROVING THE INDEPENDENT DEVELOPMENT OF THE MAKILA RURAL-EAST WORKFORCE HOUSING PROJECT BY HOPE BUILDERS, LLC PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES,” be ADOPTED;
3. That the proposed resolution, attached hereto, entitled “APPROVING THE INDEPENDENT DEVELOPMENT OF THE POLANUI GARDENS WORKFORCE HOUSING PROJECT BY

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KIPA CENTENNIAL, LLC PURSUANT TO SECTION 201H-38,
HAWAII REVISED STATUTES," be FILED;

4. That the proposed resolution, attached hereto, entitled "APPROVING WITH MODIFICATIONS THE INDEPENDENT DEVELOPMENT OF THE POLANUI GARDENS WORKFORCE HOUSING PROJECT BY KIPA CENTENNIAL, LLC PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES," be FILED;
5. That the proposed resolution, attached hereto, entitled "APPROVING THE INDEPENDENT DEVELOPMENT OF THE MAKILA RURAL-EAST WORKFORCE HOUSING PROJECT BY HOPE BUILDERS, LLC PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES," be FILED;
6. That the proposed resolution, attached hereto, entitled "APPROVING WITH MODIFICATIONS THE INDEPENDENT DEVELOPMENT OF THE MAKILA RURAL-EAST WORKFORCE HOUSING PROJECT BY HOPE BUILDERS, LLC PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES," be FILED;
7. That County Communication 19-249 be FILED; and
8. That County Communication 19-250 be FILED.

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This report is submitted in accordance with Rule 8 of the Rules of the Council.

A handwritten signature in black ink, appearing to read 'Tasha Kama', written over a horizontal line.

TASHA KAMA, Chair

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POLANUI GARDENS WORKFORCE HOUSING PROJECT

It is proposed to amend Appendix B of the Resolution by adding the following additional modifications:

3. Adding to the conditions of approval a requirement for the developer to provide a preference for buyers who are individuals working or residing in West Maui communities when the workforce housing or agricultural lots are offered for sale.
4. Adding to the conditions of approval a requirement for the developer to provide a homebuyers' financial education program for those purchasing workforce housing and that program must include an "individual development account" (IDA) program.
5. Adding to the conditions of approval a requirement that workforce housing units be provided in the following amounts by Area Median Income (AMI) category:
 - a. 8 workforce housing units within the 61%-80% AMI category;
 - b. 12 workforce housing units within the 81%-100% AMI category;
 - c. 22 workforce housing units within the 101%-120% AMI category, and;
 - d. 8 workforce housing units within the 121%-140% AMI category.

EXHIBIT "1"

**AFFORDABLE HOUSING PROJECTS (CHAPTER 201H, HAWAII REVISED
STATUTES) (INDEPENDENT DEVELOPMENT OF POLANUI GARDENS
WORKFORCE HOUSING PROJECT (LAHAINA)) (AH-1(1))**

****All conditions must have an enforceable deadline attached.**

1. Lower AMI from 140%-80%, in perpetuity and all workforce housing units are distributed as outlined in 15-307-2, HAR and 15-307-26, HAR for very low, low, low-moderate and moderate-income households AND that 10 homes be offered in each category, for a total of 50 affordable workforce housing units.

a. 10=60% AMI, 10=70% AMI, 10=80%AMI, 10=90% AMI, 10=100%AMI

2. The lottery for sale of these homes will be administered by the County's Department of Housing and Human Concerns to ensure the process and subsequent sales are just and fair. [See authority granted under 46-15.1(9), HRS] - Though lottery powers granted to developer, its partner, or its management company and overseen by the department (DHHC) are outlined in 2.96.090A.3, MCC, the County theoretically has authority through 46-15.1(9), HRS.

3. All properties must be owner occupied and owner may not own another property through trust, LLP, LLC, incorporation or any other business organization.

a. If they object you can say that you will allow for second and third-time homebuyers, if they will be renting the unit at an affordable rate, as determined by County rental guidelines.

b. Sale of market-priced residential lots must conform to 15-307-84, HAR, as they are being considered part of this project for the 201H process.

4. Developer must work with the Department of Fire and Public Safety, to develop exit routes that are approved by Maui Police and Fire Departments

5. Developer must pay a pro-rata share for public highway improvements to address traffic and safety issues.

6. Cul-de-sac design not allowed; streets must connect within the subdivision and with neighboring streets and subdivisions for increased walkability, biking and reduction of traffic concerns within the project.

7. Market-Priced Lots must conform to all State and County Requirements

a. The minimum lot size shall be one acre ii.

b. The minimum lot width (average) shall be 100 feet iii.

Received AH 7/3/19

CM Rawlins-Fernandes

- c. No more than one farm dwelling per lot shall be allowed iv.
- d. No farm labor dwellings shall be allowed

8. Increase Ag lots size from 1 acre to 2 acre to conform with agriculture requirements and follow the Maui Island Plan.

9. Developer must comply with HRS section 11.62.1.1 (b) and install an on-site wastewater treatment facility.

- A) Section reads: "total development of an area shall not exceed fifty single family residential lots or exceed fifty dwelling units except for developments consisting of one dwelling unit per acre or greater."
- B) If this triggers an EIS, ask that an EIS be conducted due to the cumulative impact sheet. [HRS 343]

10. Developer will subsidize or completely furnish ALL ATUs for workforce housing units of this project.

11. If ATUs are to be used, expand the state minimum separation of 3' between infiltration surface and the groundwater table, to 6'.

12. This development may not have housing credit according to 2.96 section 050.A4; only 100% affordable projects are eligible for housing credits. If credits are considered, then exemptions requested would not be granted.

13. Require that the developer "show" the Council adequate and consistent water supply before subdivision.

a. County Code Title 14 "Show Me the Water" requires that the developer prove water availability before subdivision. Given that the County has received multiple complaints from residents that were sold homes in this exact area by this same landowner, alleging they do not have sufficient water for their home or farms needs, requires closer scrutiny. These homeowners were sold property with the impression that they would receive sufficient water. We must take precautions and require that the developer show there is sufficient water for this project in advance. It is not only prudent but also logical.

Possible Amendments for Wednesday 7/3/19 AH meeting.

1. Affordability provision for 30 years - not 10 years.
2. Subdivision construction, including grading shall not start prior to the completion of water systems.
3. Private infrastructure is expensive to develop and maintain and places a burden on homeowners. The development and maintenance costs for the water system(s) will not be passed onto to affordable houses and properties during the affordability period.
4. The Applicants shall pay for the maintenance costs for each private wastewater system as recommended by the atu manufacturer during the affordability period.
5. Private wastewater systems are required to be maintained regularly in order to work properly and prevent effluent from entering our underground water system. An annual compliance report shall be submitted to the County Council. The report shall list the property address and tmk, inspection dates, inspection results and recommendations and maintenance performed.
6. For each agriculturally zoned market lot, an annual report shall be submitted by the applicant to the Council listing the agricultural activities, crops, and income derived from agriculture.
7. No Short term rental home permits or bed and breakfast permits or conditional permits for rentals of less than 6 months shall be permitted.
8. The applicant shall provide credits or funding for each home to install firewise construction, such as the highest rated fire safe roofing materials.
9. The applicant shall maintain in perpetuity a firebreak as recommended by the Maui Fire Department Fire Prevention Bureau for the boundaries of the subdivision.

30' - 100 Ft

Received AH 7/3/19
on Sineci

EXHIBIT "B"

Modifications (Polanui Gardens)

1. The Polanui Gardens Affordable Housing Project ("Project") approved by this resolution and the exemptions set forth in Exhibit "A" shall all lapse and become void if:
 - a. By the end of 180 days from the effective date of this resolution, Kipa Centennial LLC has failed to receive the Maui County Council's approval of a State Land Use District Boundary Amendment from Agricultural District to Urban District, for the approximately 14.453 acres of land for the 50 residential workforce housing units, as depicted in the Application; or
 - b. 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 14.453 acres containing the 50 residential workforce housing units.
2. The Developer shall act in good faith and with its reasonable best efforts to complete construction of all 50 residential workforce housing units on the 14.453 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 50 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 16 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 66 lots. Market-rate lots shall absorb the costs of the non-potable water system. Said yield shall serve the project either directly or by dedication to Launiupoko Irrigation Co. in order to alleviate any project impact in Kauaula Stream flows. 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 66 lots in the Project is prohibited.
 - c. Use or operation of any dwelling on the 66 lots for transient or short-term rentals, including any rental for a term of less than 180 days, is prohibited.
 - d. A private waste water treatment package facility shall be constructed and operated strictly in accordance with all applicable laws and regulations.
 - 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 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 66 lots shall be limited to residential and agricultural uses.

10. 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.

Resolution

No. _____

DISAPPROVING THE INDEPENDENT DEVELOPMENT OF THE POLANUI GARDENS WORKFORCE HOUSING PROJECT BY KIPA CENTENNIAL, LLC PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES

WHEREAS, Kipa Centennial, LLC, a Colorado Limited Liability Company, proposes the development of Polanui Gardens Workforce Housing Project (the "Project") for qualified residents on approximately 48.87 acres located in Lahaina, Maui, Hawaii, on those parcels identified for real property tax purposes as Tax Map Key Nos. (2) 4-7-013:001 and 002; and

WHEREAS, the proposed Project will have a total of fifty (50) single-family residential workforce housing units, sixteen (16) market priced agricultural lots; an approximately 4.5-acre neighborhood park with parking, and an approximately one-acre "food park" that will utilize edible landscaping and contain space for community gardens; and

WHEREAS, the proposed single-family residential workforce housing units will be made available to households earning within eighty percent to one hundred forty percent of Maui's median income; and

WHEREAS, the Project will provide needed affordable residential workforce housing units to meet the current and growing demand for housing; and

WHEREAS, on June 12, 2019, the Department of Housing and Human Concerns submitted the preliminary plans and specifications and accompanying application to the Council of the County of Maui ("Council") recommending approval of the Project pursuant to Chapter 201H, Hawaii Revised Statutes ("HRS"); and

WHEREAS, pursuant to Section 201H-38, HRS, the Council shall approve, approve with modification, or disapprove the Project by resolution within forty-five (45) days after the Department of Housing and Human Concerns has submitted the preliminary plans and specifications for the Project to the Council, which submittal occurred on June 12, 2019; and

WHEREAS, pursuant to Section 4-1 of the Revised Charter of the County of Maui (1983), as amended, the Council is authorized to act by resolution; now, therefore,

Resolution No. _____

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

1. That the Council disapproves the Project submitted to the Council on June 12, 2019, pursuant to Section 201H-38, HRS; and
2. That certified copies of this resolution be transmitted to the Director of Public Works, Director of Planning, the Director of Housing and Human Concerns, and Kipa Centennial, LLC.

APPROVED AS TO FORM
AND LEGALITY:



JEFFREY UEOKA
Deputy Corporation Counsel
County of Maui

2019-0904

2019-05-15 Polanui Gardens Disapprove

Resolution

No. _____

DISAPPROVING THE INDEPENDENT DEVELOPMENT OF THE MAKILA RURAL-EAST WORKFORCE HOUSING PROJECT BY HOPE BUILDERS LLC PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES

WHEREAS, Hope Builders LLC, a Hawaii Limited Liability Company, proposes the development of Makila Rural-East Workforce Housing Project (the "Project") for qualified residents on approximately 97.5 acres located in Launiupoko, West Maui, mauka of Honoapiilani Highway and Lahaina Bypass Highway, on those parcels identified for real property tax purposes as Tax Map Key Nos. (2) 4-7-013:006, 007, 008 and 010; and

WHEREAS, the proposed Project will have a total of forty-six (46) affordable single-family residential workforce housing units, four (4) live/work units and forty-five (45) market priced agricultural lots and related improvements including neighborhood country stores and community park; and

WHEREAS, the affordable single-family residential workforce housing units will be developed to qualified individuals earning within eighty percent to one hundred forty percent of Maui's median income; and

WHEREAS, the Project will provide needed affordable residential workforce housing units to meet the current and growing demand for housing; and

WHEREAS, on June 12, 2019, the Department of Housing and Human Concerns submitted the preliminary plans and specifications and accompanying application to the Council of the County of Maui ("Council") recommending approval of the Project pursuant to Chapter 201H, Hawaii Revised Statutes ("HRS"); and

WHEREAS, pursuant to Section 201H-38, HRS, the Council shall approve, approve with modification, or disapprove the Project by resolution within forty-five (45) days after the Department of Housing and Human Concerns has submitted the preliminary plans and specifications for the Project to the Council, which submittal occurred on June 12, 2019; and

WHEREAS, pursuant to Section 4-1 of the Revised Charter of the County of Maui (1983), as amended, the Council is authorized to act by resolution; now, therefore,

Resolution No. _____

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

1. That the Council disapproves the Project submitted to the Council on June 12, 2019, pursuant to Section 201H-38, HRS; and

2. That certified copies of this resolution be transmitted to the Director of Public Works, Director of Planning, the Director of Housing and Human Concerns, and Hope Builders LLC.

APPROVED AS TO FORM
AND LEGALITY:



JEFFREY UEOKA
Deputy Corporation Counsel
County of Maui

2019-0903

2019-05-15 Makila Rural-East Disapprove

Resolution

No. _____

APPROVING THE INDEPENDENT DEVELOPMENT OF THE POLANUI GARDENS WORKFORCE HOUSING PROJECT BY KIPA CENTENNIAL, LLC PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES

WHEREAS, Kipa Centennial, LLC, a Colorado Limited Liability Company, proposes the development of Polanui Gardens Workforce Housing Project (the "Project") for qualified residents on approximately 48.87 acres located in Lahaina, Maui, Hawaii, on those parcels identified for real property tax purposes as Tax Map Key Nos. (2) 4-7-013:001 and 002; and

WHEREAS, the proposed Project will have a total of fifty (50) single-family residential workforce housing units, sixteen (16) market priced agricultural lots; an approximately 4.5-acre neighborhood park with parking, and an approximately one-acre "food park" that will utilize edible landscaping and contain space for community gardens; and

WHEREAS, the proposed single-family residential workforce housing units will be made available to households earning within eighty percent to one hundred forty percent of Maui's median income; and

WHEREAS, the Project will provide needed affordable residential workforce housing units to meet the current and growing demand for housing; and

WHEREAS, on June 12, 2019, the Department of Housing and Human Concerns submitted the preliminary plans and specifications and accompanying application to the Council of the County of Maui ("Council") recommending approval of the Project pursuant to Chapter 201H, Hawaii Revised Statutes ("HRS"); and

WHEREAS, pursuant to Section 201H-38, HRS, the Council shall approve, approve with modification, or disapprove the Project by resolution within forty-five (45) days after the Department of Housing and Human Concerns has submitted the preliminary plans and specifications for the Project to the Council, which submittal occurred on June 12, 2019; and

WHEREAS, pursuant to Section 4-1 of the Revised Charter of the County of Maui (1983), as amended, the Council is authorized to act by resolution; now, therefore,

Resolution No. _____

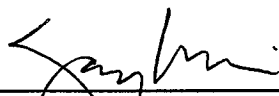
BE IT RESOLVED by the Council of the County of Maui:

1. That based upon the transmittals and the representations of the Department of Housing and Human Concerns and Kipa Centennial, LLC, the Council approves the Project, including the Project's preliminary plans and specifications, as submitted to the Council on June 12, 2019, pursuant to Section 201H-38, HRS; provided that Kipa Centennial, LLC, shall comply with all statutes, ordinances, charter provisions, and rules of governmental agencies relating to planning, zoning and construction standards for subdivisions, development and improvement of land, and the construction of units thereon, except for the exemptions specified in Exhibit "A", attached hereto and made a part hereof; and

2. That the final plans and specifications for the Project shall be deemed approved by the Council if the final plans and specifications do not substantially deviate, as determined by the Director of Housing and Human Concerns, from the preliminary plans and specifications submitted to the Council. Any substantial deviation from the preliminary plans and specifications shall be submitted to the Council for prior approval. The final plans and specifications shall constitute the zoning, building, construction, and subdivision standards for the Project; and

3. That certified copies of this resolution be transmitted to the Director of Public Works, the Director of Planning, the Director of Housing and Human Concerns, and Kipa Centennial, LLC.

APPROVED AS TO FORM
AND LEGALITY:



JEFFREY UEOKA
Deputy Corporation Counsel
County of Maui
2019-0904
2019-05-15 Polanui Gardens Approve

EXHIBIT "A"

**POLANUI GARDENS-EXEMPTIONS PURSUANT TO
SECTION 201H-38 HAWAII REVISED STATUTES**

- 1. Chapter 2.80B, Maui County Code ("MCC"), General Plans and Community Plans.** An exemption is granted from Chapter 2.80B, MCC, General Plan and Community Plans, to permit the project to proceed without obtaining community plan and Maui Island Plan amendments.
- 2. Chapter 12.08, MCC, Driveways.** An exemption is granted to exempt the project from driveway permit and inspection fees for the workforce housing units.
- 3. Chapter 14.62, MCC, Traffic and Roadway Improvements in West Maui, Hawaii.** An exemption is granted from traffic impact fees for the workforce housing units.
- 4. Title 16, MCC, Buildings and Construction.** An exemption is granted from Chapters 16.04A, Fire Code, 16.18A, Electrical Code, 16.20A, Plumbing Code, and 16.26A, Building Code, to exempt the project from fire, electrical, plumbing, and building permit, plan review and inspection fees for the workforce housing units.
- 5. Title 18, MCC, Subdivisions.**
 - (a) Exemptions are granted from Section 18.04.030, MCC, Administration, and Section 18.16.020, MCC, Compliance, to exempt the project from obtaining a change in zoning and community plan amendment.
 - (b) Exemptions are granted from Section 18.16.050, MCC, Minimum Right of Way and Pavement Widths, and Section 18.16.060, MCC, Widening of Existing Rights of Way, to waive the requirement to widen the Punakea Street pavement and to permit the project to be developed in compliance with the following design standards for subdivision roadways:
 - (i) Right of Way Width: 40 feet
 - (ii) Pavement Width: 20 feet
 - (c) An exemption is granted from Section 18.16.220, MCC, Lots-Size and Shape, and Section 18.16.230, MCC, Lots-Minimum Sizes, to allow lot sizes, widths, shapes, orientation and minimum building setback lines within the project that are not in conformance with the provisions of Title 19, Chapter 19.30A, MCC Agricultural District.
 - (d) An exemption is granted from Section 18.16.320, MCC, Parks and Playgrounds, to exempt the project from park dedication requirements. The project shall include two privately owned and maintained community parks consisting of approximately 5.5 acres. The parks shall be open to the public. Approximately 9.6 acres within the 500-foot wide open space "greenbelt" between the Lahaina Bypass Phase 1-B2 and the closest rural residential home unit shall be

provided for agricultural activities. Portions of open space parks/areas may be utilized for drainage purposes.

(e) An exemption from Sections 18.20.040, MCC, Existing Streets, is granted to exempt the project from any requirements for improvement to existing streets.

(f) An exemption from Section 18.20.060, MCC, Street Lights, is granted to exempt the project from street light construction requirements except that street lights shall be placed at the Punakea Street intersections with each of the two internal project roads and at the Punakea/Haniu intersection. All outdoor lighting will be in compliance with Chapter 20.35, Maui County Code, which provides standards to limit degradation of the night visual environment by minimizing light glare, pollution, and trespass through regulation of the type and use of outdoor lighting.

(g) An exemption to Section 18.20.080, MCC, Curbs and Gutters, is granted to exempt the project from providing curbs and gutters on all streets within the subdivision. The project is designed to fit the rural and agricultural design standards of the existing neighboring subdivisions. In addition, LID techniques such as vegetated swales and bioretention are planned to replace and enhance traditional drainage engineering for the project and such techniques would be hindered by curb and gutters.

(h) An exemption to Section 18.20.100, MCC, Pedestrian Ways, is granted to exempt the project from the construction specifications requirements. The project shall include pedestrian trails that connect mauka to makai, to neighboring subdivisions, as well as to the project's two community parks.

6. Title 19, MCC, Zoning; and Section 8-8.4, Charter of Maui County.

(a) An exemption from Chapter 19.30A, MCC, Agricultural District, is granted to permit the development and use of portions of the subject parcel for single-family residential purposes.

(b) The project shall be exempt from development design standards set forth in Chapter 19.30A, including wall height restrictions, as noted below.

(c) An exemption from Sections 19.30A.030.A, B and G, is granted to allow the subdivision of the Property in the plat configuration shown in Figure 7 of the Application, a copy of which is attached to this Exhibit "A" as Schedule 1.

(d) An exemption from Sections 19.30A.030.C and D is granted for the project workforce lots identified as W-1 thru W-50.

(e) Lot Allocation Agreements with the County of Maui recorded pursuant to Section 19.30A.030.G shall not apply to Polanui Gardens.

(f) The project workforce lots and units identified as W-1 thru W-50 will be in conformance with the R-3 Residential Districts standards set forth under Chapter 19.08 except:

- i. The minimum lot width (average) shall be 50 feet
- ii. No accessory dwellings shall be allowed

(g) The project market-rate lots identified as 1 thru 16 and units shall be in conformance with the Agricultural District standards set forth under Section 19.30A.030, MCC, except:

- i. The minimum lot size shall be one acre
- ii. The minimum lot width (average) shall be 100 feet
- iii. No more than one farm dwelling per lot shall be allowed
- iv. No farm labor dwellings shall be allowed

(h) The project parks shall be in conformance with the General Park Districts (PK) provisions set forth under Chapter 19.27, MCC.

(i) Pursuant to Section 205-3.1, HRS and Section 19.68.040, MCC, the Maui County Council shall be the decision-making authority for the requested state land use district boundary reclassification to change the approximately 14.4 acres of the Property containing the 10,000+ SF affordable units from the State Agricultural District to the State Land Use Urban District. Exemptions from Section 19.68.020, MCC, Applications; Section 19.68.030, MCC, Procedures; and Section 8-8.4, Maui County Charter, are granted to exempt the project from: 1) the need to file an application for a boundary reclassification of state land use district boundaries for the approximately 14.4 acres of the Property containing the 10,000+ SF lots with workforce housing units; and 2) the procedures associated with such applications, including the requirement for the Maui Planning Commission to conduct a public hearing on the requested boundary reclassification. However, Polanui Gardens is not requesting an exemption to Section 19.68.040, MCC, which provides for the Maui County Council to: 1) consider the boundary reclassification; 2) hold hearings; 3) take evidence and testimony; 4) be the decision-making authority on the boundary reclassification; and 5) impose conditions upon the use of the Property to prevent adverse effects upon public health, safety and welfare.

7. Title 20, MCC, Environmental Protection. An exemption from Section 20.08.090, MCC, Grubbing and Grading Permit Fees, is granted to exempt the project from grubbing, grading and excavation permit and inspection fees.



PROJECT SUMMARY

URBAN

<input type="checkbox"/> Workforce Housing (Min. 10,000 SF Lots)	50 units
<input type="checkbox"/> Community Park (+/- 4.5 ac.)	
Subtotal: 50 units	

AGRICULTURAL

<input type="checkbox"/> Market Lots (1+ ac.)	16 units
Total: 66 units	

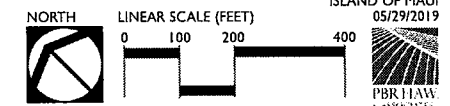
TOTAL LAND AREA : 48.8722 acres

Total Open Space : 34.15 acres

Percentage of Open Space : $34.15 / 48.8722 = 69.9\%$

MASTER PLAN

Polanui Gardens



Resolution

No. _____

APPROVING WITH MODIFICATIONS THE INDEPENDENT DEVELOPMENT OF
THE POLANUI GARDENS WORKFORCE HOUSING PROJECT BY KIPA
CENTENNIAL, LLC
PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES

WHEREAS, Kipa Centennial, LLC, a Colorado Limited Liability Company, proposes the development of Polanui Gardens Workforce Housing Project (the "Project") for qualified residents on approximately 48.87 acres located in Lahaina, Maui, Hawaii, on those parcels identified for real property tax purposes as Tax Map Key Nos. (2) 4-7-013:001 and 002; and

WHEREAS, the proposed Project will have a total of fifty (50) single-family residential workforce housing units, sixteen (16) market priced agricultural lots; an approximately 4.5-acre neighborhood park with parking, and an approximately one-acre "food park" that will utilize edible landscaping and contain space for community gardens; and

WHEREAS, the proposed single-family residential workforce housing units will be made available to households earning between eighty percent to one hundred forty percent of Maui's median income; and

WHEREAS, the Project will provide needed affordable residential workforce housing units to meet the current and growing demand for housing; and

WHEREAS, on June 12, 2019, the Department of Housing and Human Concerns submitted the preliminary plans and specifications and accompanying application to the Council of the County of Maui ("Council") recommending approval of the Project pursuant to Chapter 201H, Hawaii Revised Statutes ("HRS"); and

WHEREAS, pursuant to Section 201H-38, HRS, the Council shall approve, approve with modification, or disapprove the Project by resolution within forty-five (45) days after the Department of Housing and Human Concerns has submitted the preliminary plans and specifications for the Project to the Council, which submittal occurred on June 12, 2019; and

WHEREAS, pursuant to Section 4-1 of the Revised Charter of the County of Maui (1983), as amended, the Council is authorized to act by resolution; now, therefore,

Resolution No. _____


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

1. That based upon the transmittals and the representations of the Department of Housing and Human Concerns and Kipa Centennial, LLC, the Council approves the Project with the modifications specified in Exhibit "B", including the Project's preliminary plans and specifications, as submitted to the Council on June 12, 2019, pursuant to Section 201H-38, HRS; provided that Kipa Centennial, LLC, shall comply with all statutes, ordinances, charter provisions, and rules of governmental agencies relating to planning, zoning and construction standards for subdivisions, development and improvement of land, and the construction of units thereon, except for the exemptions specified in Exhibit "A" attached hereto and made a part hereof; and

2. That the final plans and specifications for the Project shall be deemed approved by the Council if the final plans and specifications do not substantially deviate, as determined by the Director of Housing and Human Concerns, from the preliminary plans and specifications approved by the Council. Any substantial deviation from the preliminary plans and specifications shall be submitted to the Council for prior approval. The final plans and specifications shall constitute the zoning, building, construction, and subdivision standards for the Project; and

3. That certified copies of this resolution be transmitted to the Director of Public Works, Director of Planning, the Director of Housing and Human Concerns, and Kipa Centennial, LLC.

APPROVED AS TO FORM
AND LEGALITY:



JEFFREY UEOKA
Deputy Corporation Counsel
County of Maui

2019-0904

2019-05-15 Polanui Gardens Approve w/ Modifications

EXHIBIT "A"

**POLANUI GARDENS-EXEMPTIONS PURSUANT TO
SECTION 201H-38 HAWAII REVISED STATUTES**

- 1. Chapter 2.80B, Maui County Code ("MCC"), General Plans and Community Plans.** An exemption is granted from Chapter 2.80B, MCC, General Plan and Community Plans, to permit the project to proceed without obtaining community plan and Maui Island Plan amendments.
- 2. Chapter 12.08, MCC, Driveways.** An exemption is granted to exempt the project from driveway permit and inspection fees for the workforce housing units.
- 3. Chapter 14.62, MCC, Traffic and Roadway Improvements in West Maui, Hawaii.** An exemption is granted from traffic impact fees for the workforce housing units.
- 4. Title 16, MCC, Buildings and Construction.** An exemption is granted from Chapters 16.04A, Fire Code, 16.18A, Electrical Code, 16.20A, Plumbing Code, and 16.26A, Building Code, to exempt the project from fire, electrical, plumbing, and building permit, plan review and inspection fees for the workforce housing units.
- 5. Title 18, MCC, Subdivisions.**
 - (a) Exemptions are granted from Section 18.04.030, MCC, Administration, and Section 18.16.020, MCC, Compliance, to exempt the project from obtaining a change in zoning and community plan amendment.
 - (b) Exemptions are granted from Section 18.16.050, MCC, Minimum Right of Way and Pavement Widths, and Section 18.16.060, MCC, Widening of Existing Rights of Way, to waive the requirement to widen the Punakea Street pavement and to permit the project to be developed in compliance with the following design standards for subdivision roadways:
 - (i) Right of Way Width: 40 feet
 - (ii) Pavement Width: 20 feet
 - (c) An exemption is granted from Section 18.16.220, MCC, Lots-Size and Shape, and Section 18.16.230, MCC, Lots-Minimum Sizes, to allow lot sizes, widths, shapes, orientation and minimum building setback lines within the project that are not in conformance with the provisions of Title 19, Chapter 19.30A, MCC Agricultural District.
 - (d) An exemption is granted from Section 18.16.320, MCC, Parks and Playgrounds, to exempt the project from park dedication requirements. The project shall include two privately owned and maintained community parks consisting of approximately 5.5 acres. The parks shall be open to the public. Approximately 9.6 acres within the 500-foot wide open space "greenbelt" between the Lahaina Bypass Phase 1-B2 and the closest rural residential home unit shall be

provided for agricultural activities. Portions of open space parks/areas may be utilized for drainage purposes.

(e) An exemption from Sections 18.20.040, MCC, Existing Streets, is granted to exempt the project from any requirements for improvement to existing streets.

(f) An exemption from Section 18.20.060, MCC, Street Lights, is granted to exempt the project from street light construction requirements except that street lights shall be placed at the Punakea Street intersections with each of the two internal project roads and at the Punakea/Haniu intersection. All outdoor lighting will be in compliance with Chapter 20.35, Maui County Code, which provides standards to limit degradation of the night visual environment by minimizing light glare, pollution, and trespass through regulation of the type and use of outdoor lighting.

(g) An exemption to Section 18.20.080, MCC, Curbs and Gutters, is granted to exempt the project from providing curbs and gutters on all streets within the subdivision. The project is designed to fit the rural and agricultural design standards of the existing neighboring subdivisions. In addition, LID techniques such as vegetated swales and bioretention are planned to replace and enhance traditional drainage engineering for the project and such techniques would be hindered by curb and gutters.

(h) An exemption to Section 18.20.100, MCC, Pedestrian Ways, is granted to exempt the project from the construction specifications requirements. The project shall include pedestrian trails that connect mauka to makai, to neighboring subdivisions, as well as to the project's two community parks.

6. Title 19, MCC, Zoning; and Section 8-8.4, Charter of Maui County.

(a) An exemption from Chapter 19.30A, MCC, Agricultural District, is granted to permit the development and use of portions of the subject parcel for single-family residential purposes.

(b) The project shall be exempt from development design standards set forth in Chapter 19.30A, including wall height restrictions, as noted below.

(c) An exemption from Sections 19.30A.030.A, B and G, is granted to allow the subdivision of the Property in the plat configuration shown in Figure 7 of the Application, a copy of which is attached to this Exhibit "A" as Schedule 1.

(d) An exemption from Sections 19.30A.030.C and D is granted for the project workforce lots identified as W-1 thru W-50.

(e) Lot Allocation Agreements with the County of Maui recorded pursuant to Section 19.30A.030.G shall not apply to Polanui Gardens.

(f) The project workforce lots and units identified as W-1 thru W-50 will be in conformance with the R-3 Residential Districts standards set forth under Chapter 19.08 except:

- i. The minimum lot width (average) shall be 50 feet
- ii. No accessory dwellings shall be allowed

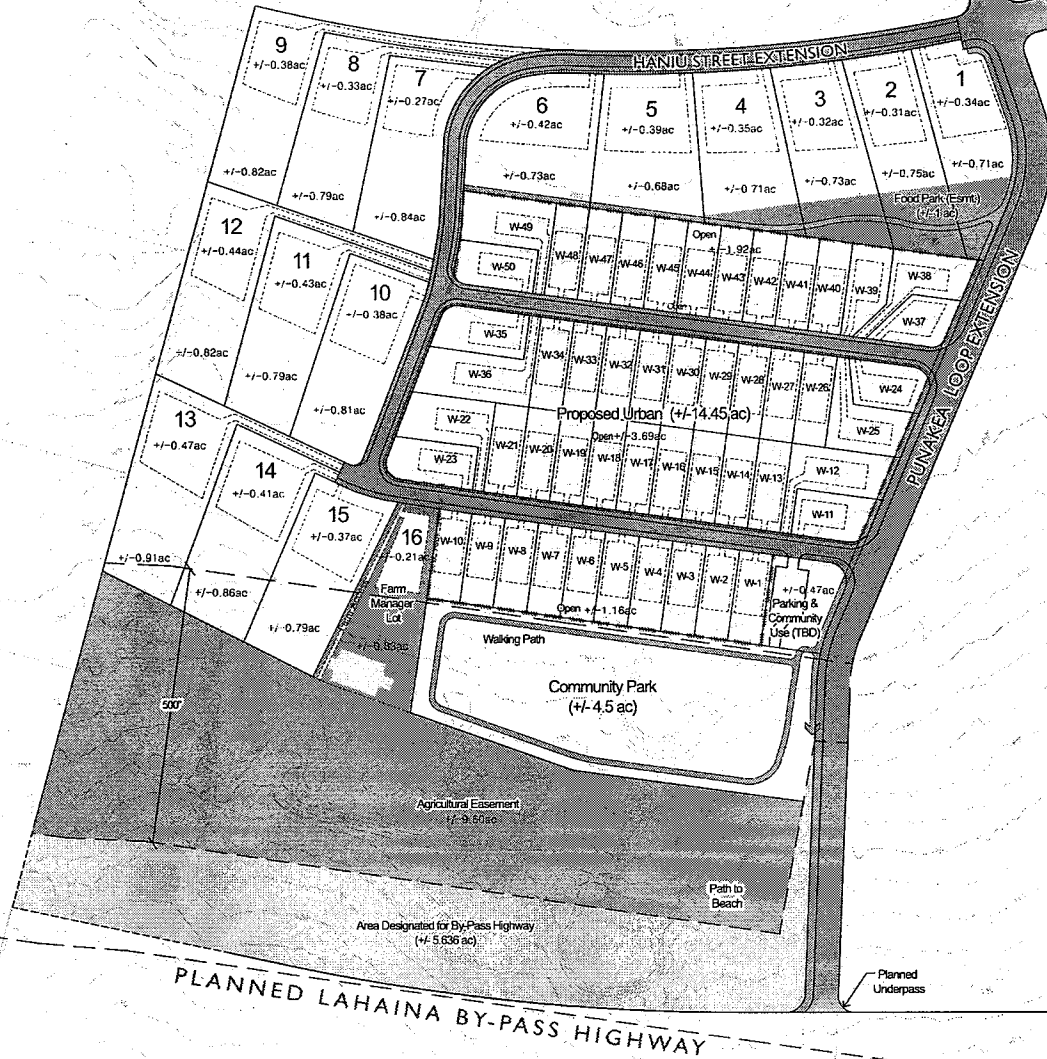
(g) The project market-rate lots identified as 1 thru 16 and units shall be in conformance with the Agricultural District standards set forth under Section 19.30A.030, MCC, except:

- i. The minimum lot size shall be one acre
- ii. The minimum lot width (average) shall be 100 feet
- iii. No more than one farm dwelling per lot shall be allowed
- iv. No farm labor dwellings shall be allowed

(h) The project parks shall be in conformance with the General Park Districts (PK) provisions set forth under Chapter 19.27, MCC.

(i) Pursuant to Section 205-3.1, HRS and Section 19.68.040, MCC, the Maui County Council shall be the decision-making authority for the requested state land use district boundary reclassification to change the approximately 14.4 acres of the Property containing the 10,000+ SF affordable units from the State Agricultural District to the State Land Use Urban District. Exemptions from Section 19.68.020, MCC, Applications; Section 19.68.030, MCC, Procedures; and Section 8-8.4, Maui County Charter, are granted to exempt the project from: 1) the need to file an application for a boundary reclassification of state land use district boundaries for the approximately 14.4 acres of the Property containing the 10,000+ SF lots with workforce housing units; and 2) the procedures associated with such applications, including the requirement for the Maui Planning Commission to conduct a public hearing on the requested boundary reclassification. However, Polanui Gardens is not requesting an exemption to Section 19.68.040, MCC, which provides for the Maui County Council to: 1) consider the boundary reclassification; 2) hold hearings; 3) take evidence and testimony; 4) be the decision-making authority on the boundary reclassification; and 5) impose conditions upon the use of the Property to prevent adverse effects upon public health, safety and welfare.

7. Title 20, MCC, Environmental Protection. An exemption from Section 20.08.090, MCC, Grubbing and Grading Permit Fees, is granted to exempt the project from grubbing, grading and excavation permit and inspection fees.



PROJECT SUMMARY

URBAN

- ☐ Workforce Housing (Min. 10,000 SF Lots) 50 units
- ☐ Community Park (+/- 4.5 ac.)
- Subtotal: 50 units

AGRICULTURAL

- ☐ Market Lots (1+ ac.) 16 units
- Total: 66 units

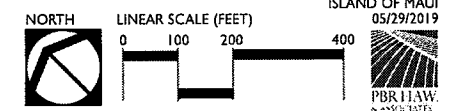
TOTAL LAND AREA : 48.8722 acres

Total Open Space : 34.15 acres

Percentage of Open Space : $34.15 / 48.8722 = 69.9\%$

MASTER PLAN

Polanui Gardens



MODIFICATIONS

1. Construction of Polanui Gardens ("Project") shall commence within two years of the effective date of this resolution. Commencement of construction shall mean the visible start of grading, pursuant to a valid grading permit as needed for the development of the property. Kipa Centennial LLC shall act in good faith and with its reasonable best efforts to complete construction of the 50 residential workforce housing units, with all related roads and infrastructure, no later than four years after the effective date of this resolution.

2. Project approval shall lapse and become void if by the end of 180 days from the effective date of this resolution, Kipa Centennial LLC has failed to receive the Maui County Council's approval of a State Land Use District Boundary Amendment from Agricultural to Urban for the property.

Resolution

No. _____

APPROVING THE INDEPENDENT DEVELOPMENT OF THE MAKILA RURAL-EAST WORKFORCE HOUSING PROJECT BY HOPE BUILDERS LLC PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES

WHEREAS, Hope Builders LLC, a Hawaii Limited Liability Company, proposes the development of Makila Rural-East Workforce Housing Project (the "Project") for qualified residents on approximately 97.5 acres located in Launiupoko, West Maui, mauka of Honoapiilani Highway and Lahaina Bypass Highway, on those parcels identified for real property tax purposes as Tax Map Key Nos. (2) 4-7-013:006, 007, 008 and 010; and

WHEREAS, the proposed Project will have a total of forty-six (46) affordable single-family residential workforce housing units, four (4) live/work units and forty-five (45) market priced agricultural lots and related improvements including neighborhood country stores and community park; and

WHEREAS, the proposed affordable single-family residential workforce housing units will be developed to qualified individuals earning within eighty percent to one hundred forty percent of Maui's median income; and

WHEREAS, the Project will provide needed affordable residential workforce housing units to meet the current and growing demand for housing; and

WHEREAS, on June 12, 2019, the Department of Housing and Human Concerns submitted the preliminary plans and specifications and accompanying application to the Council of the County of Maui ("Council") recommending approval of the Project pursuant to Chapter 201H, Hawaii Revised Statutes ("HRS"); and

WHEREAS, pursuant to Section 201H-38, HRS, the Council shall approve, approve with modification, or disapprove the Project by resolution within forty-five (45) days after the Department of Housing and Human Concerns has submitted the preliminary plans and specifications for the Project to the Council, which submittal occurred on June 12, 2019; and

WHEREAS, pursuant to Section 4-1 of the Revised Charter of the County of Maui (1983), as amended, the Council is authorized to act by resolution; now, therefore,

Resolution No. _____

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

1. That based upon the transmittals and the representations of the Department of Housing and Human Concerns and Hope Builders LLC, the Council approves the Project, including the Project's preliminary plans and specifications, as submitted to the Council on June 12, 2019, pursuant to Section 201H-38, HRS; provided that Hope Builders LLC, shall comply with all statutes, ordinances, charter provisions, and rules of governmental agencies relating to planning, zoning and construction standards for subdivisions, development and improvement of land, and the construction of units thereon, except for the exemptions specified in Exhibit "A", attached hereto and made a part hereof; and

2. That the final plans and specifications for the Project shall be deemed approved by the Council if the final plans and specifications do not substantially deviate, as determined by the Director of Housing and Human Concerns, from the preliminary plans and specifications submitted to the Council. Any substantial deviation from the preliminary plans and specifications shall be submitted to the Council for prior approval. The final plans and specifications shall constitute the zoning, building, construction, and subdivision standards for the Project; and

3. That certified copies of this resolution be transmitted to the Director of Public Works, Director of Planning, the Director of Housing and Human Concerns, and Hope Builders LLC.

APPROVED AS TO FORM
AND LEGALITY:



JEFFREY UEOKA
Deputy Corporation Counsel
County of Maui

2019-0903

2019-05-15 Makila Rural-East Approve

EXHIBIT "A"

**MAKILA RURAL EAST WORKFORCE HOUSING PROJECT-
PROPOSED SECTION 201H-38, HRS COUNTY EXEMPTIONS FROM
THE MAUI COUNTY CODE (MCC) AND OTHER STATE STATUTES**

1. **Chapter 2.80B, Maui County Code ("MCC"), General Plans and Community Plans.** An exemption is granted from Chapter 2.80B, MCC, General Plan and Community Plans, to permit the project to proceed without obtaining community plan and Maui Island Plan amendments.
2. **Chapter 12.08, MCC, Driveways.** An exemption is granted to exempt the project from driveway permit and inspection fees for the workforce housing units.
3. **Chapter 14.62, MCC, Traffic and Roadway Improvements in West Maui, Hawaii.** An exemption is granted from traffic impact fees for the workforce housing units.
4. **Title 16, MCC, Buildings and Construction.** An exemption is granted from Chapters 16.04A, Fire Code, 16.18A, Electrical Code, 16.20A, Plumbing Code, and 16.26A, Building Code, to exempt the project from fire, electrical, plumbing, and building permit, plan review and inspection fees for the workforce housing units.
5. **Title 18, MCC, Subdivisions.**
 - (a) Exemptions are granted from Section 18.04.030, MCC, Administration, and Section 18.16.020, MCC, Compliance, to exempt the project from obtaining a change in zoning and community plan amendment.
 - (b) Exemptions are granted from Section 18.16.050, MCC, Minimum Right of Way and Pavement Widths, and Section 18.16.060, MCC, Widening of Existing Rights of Way, to waive the requirement to widen the Punakea Street pavement and to permit the project to be developed in compliance with the following design standards for subdivision roadways:
 - (i) Right of Way Width: 40 feet
 - (ii) Pavement Width: 20 feet
 - (c) An exemption from Section 18.20.080, MCC, is granted to exempt the project from constructing curbs and gutters for the portion of the project within the proposed urban area.
 - (d) An exemption from Section 18.16.230, MCC, Lots – Minimum Sizes, is granted to allow lot sizes within the project that are not in conformance with the provision of Title 19, Chapter 19.30A, MCC, Agricultural District.

(e) An exemption from Section 18.16.220, Lots – Size and Shape, is granted to allow lot sizes, widths, shapes, and orientation, and minimum building setback lines within the project that are not in conformance with the provisions of title 19, Chapter 19.30A, MCC, Agricultural District.

(f) An exemption from Section 18.16.130, MCC, Cul-de-sacs, is granted to exempt the project from having a cul-de-sac not more than eight hundred feet in agricultural areas and no more than five hundred fifty feet in other areas, nor serve more than twenty lots; provided that a truck turnaround will be constructed to ensure that emergency access is not compromised by these exemptions.

(g) An exemption from Section 18.16.320, MCC, Parks and Playgrounds, is granted to exempt the project from park dedication requirement; however, the project will include a community park approximately 2 acres in size, and approximately 54 acres (56% of total area) in farm, greenbelt, open space, and lot setback reserve areas to foster rural community character.

(h) An exemption from Section 18.20.060, MCC, Street Lights, is granted to exempt the project from street light construction requirements except that street lights shall be placed at each of the three internal project intersections and at the Haniu Street intersection. All outdoor lighting will be in compliance with Chapter 20.35, Maui County Code, which provides standards to limit degradation of the night visual environment by minimizing light glare, pollution, and trespass through regulation of the type and use of outdoor lighting.

6. Title 19, MCC, Zoning; and Section 8-8.4, Charter of Maui County.

(a) An exemption from Chapter 19.30A, MCC, Agricultural District, is granted to permit the development and use of portions of the subject parcel for single-family residential and country store purposes.

(b) The project shall be exempt from development design standards set forth in Chapter 19.30A, including wall height restrictions, as noted below.

(c) An exemption from Sections 19.30A.030.A, B and G shall be granted to allow the subdivision of the Property in the plat configuration shown in Appendix B of the Application, a copy of which is attached to this Exhibit "A" as Schedule 1.

(d) An exemption from Section 19.30A.030.C and D is granted for the workforce lots identified as W-1 thru W-46.

(e) Lot Allocation Agreements with the County of Maui recorded pursuant to Section 19.30A.030.G shall not apply to Makila Rural East Workforce Housing Project.

(f) The project workforce lots and units identified as W-1 thru W-46 will be in conformance with the R-3 Residential Districts standards set forth under Chapter 19.08 except:

- i. The minimum lot width (average) shall be 50 feet
- ii. No accessory dwellings shall be allowed

(g) The project market-rate lots identified as 1 thru 45 and units shall be in conformance with the Agricultural District standards set forth under Section 19.30A.030, MCC, except:

- i. The minimum lot size shall be one acre
- ii. The minimum lot width (average) shall be 100 feet
- iii. No more than one farm dwelling per lot shall be allowed
- iv. No farm labor dwellings shall be allowed

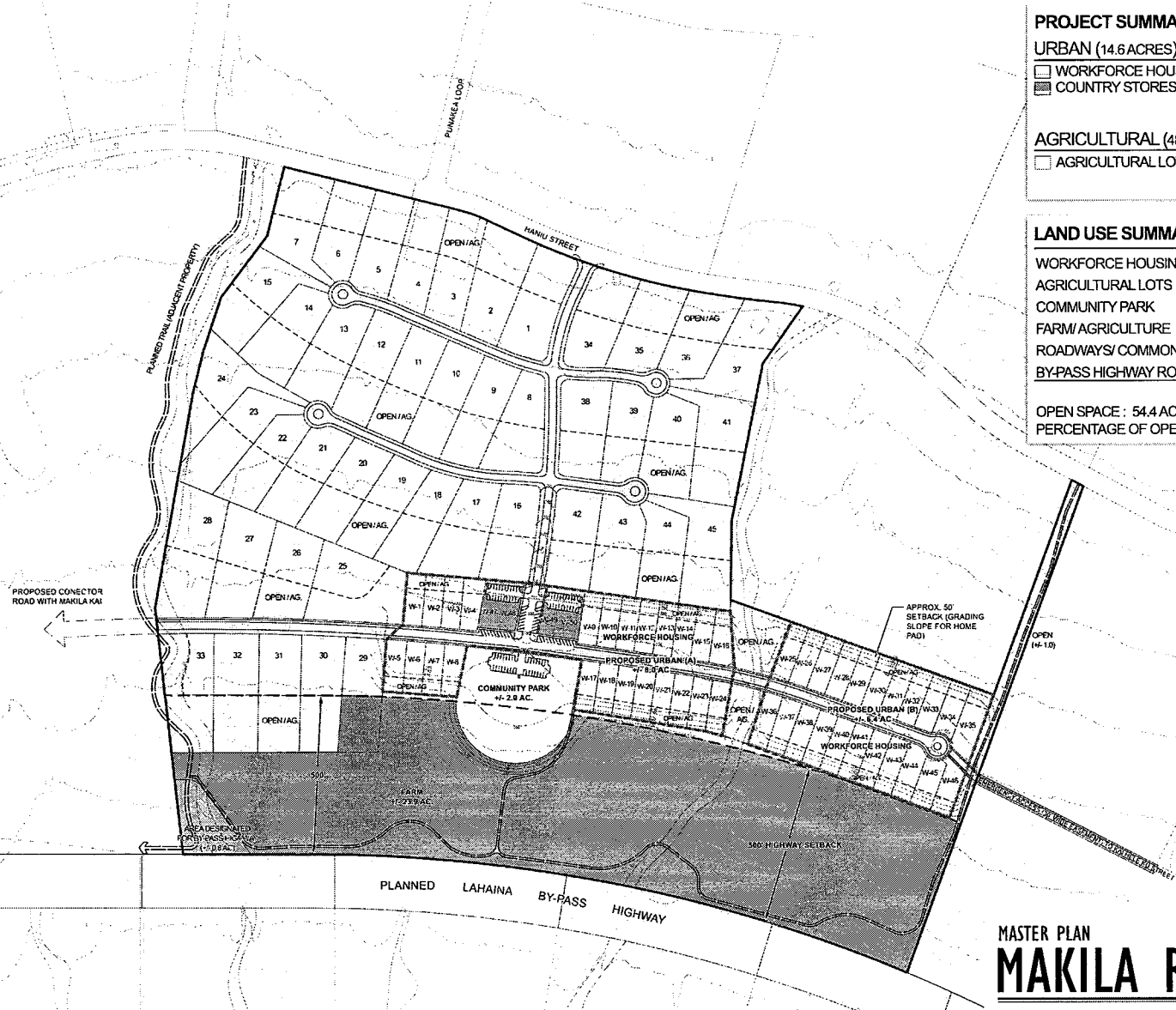
(h) The community park shall be in conformance with the General Park Districts (PK) provisions set forth under Chapter 19.27, MCC.

(i) The neighborhood country store/workforce live-work units will be in conformance with the permitted uses for the B-CT country town business district as set forth under Section 19.15.020, MCC; the accessory uses as set forth under Section 19.15.025; the special uses as set forth under Section 19.15.030; and the development standards as set forth under Section 19.15.040, except:

- i. Design review provision set forth under Section 19.15.040 shall not apply
- ii. The number of live/work dwelling units shall be limited to four and shall be located above commercial uses.

(j) Pursuant to Section 205-3.1, HRS and Section 19.68.040, MCC, the Maui County Council shall be the decision-making authority for the requested state land use district boundary change/reclassification to reclassify the approximately 14.6 acres of the Property containing the 10,000 square feet workforce home lots from the State Agricultural District to the State Land Use Urban District. Exemptions from Section 19.68.020, MCC, Applications; Section 19.68.030, MCC, Procedures; and Section 8-8.4 of Charter of Maui County are granted to exempt the project from: 1) the need to file an application for a boundary change/reclassification of state land use district boundaries for the approximately 14.6 acres of the Property containing the 10,000 square feet workforce housing lots; and 2) the procedures associated with such applications, including the requirement for the Maui Planning Commission to conduct a public hearing on the requested boundary reclassification. However, the applicant is not requesting an exemption to Section 19.68.040, MCC, which provides for the Maui County Council to: 1) consider the boundary change/reclassification; 2) hold hearings; 3) take evidence and testimony; 4) be the decision-making authority on the boundary change/reclassification; and 5) impose conditions upon the use of the Property to prevent adverse effects upon public health, safety and welfare.

7. Title 20, MCC, Environmental Protection. An exemption from Section 20.08.090, MCC, Grubbing and Grading Permit Fees, is granted to exempt the project from grubbing, grading and excavation permit fees, as well as inspection fees.



PROJECT SUMMARY

URBAN (14.6 ACRES)

WORKFORCE HOUSING	46 UNITS
COUNTRY STORES/LIVE-WORK UNITS	4 UNITS
SUBTOTAL:	50 UNITS

AGRICULTURAL (48.1 ACRES)

AGRICULTURAL LOTS (1+ ACRE)	45 UNITS
TOTAL:	95 UNITS

LAND USE SUMMARY

APPROX. AREA

WORKFORCE HOUSING	14.6 ACRES
AGRICULTURAL LOTS	49.0 ACRES
COMMUNITY PARK	2.0 ACRES
FARM/AGRICULTURE	23.9 ACRES
ROADWAYS/COMMON AREAS	7.3 ACRES
BY-PASS HIGHWAY ROW	0.8 ACRES
TOTAL:	97.581 ACRES

OPEN SPACE : 54.4 ACRES

PERCENTAGE OF OPEN SPACE : 54.4 / (97.581-0.8) = 56%

MASTER PLAN

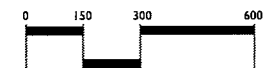
MAKILA RURAL-EAST

ISLAND OF MAUI
05/29/2019

NORTH



LINEAR SCALE (FEET)



Resolution

No. _____

APPROVING WITH MODIFICATIONS THE INDEPENDENT DEVELOPMENT OF
THE MAKILA RURAL-EAST WORKFORCE HOUSING PROJECT BY HOPE
BUILDERS LLC
PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES

WHEREAS, Hope Builders LLC, a Hawaii Limited Liability Company, proposes the development of Makila Rural-East Workforce Housing Project (the "Project") for qualified residents on approximately 97.5 acres located in Launiupoko, West Maui, mauka of Honoapiilani Highway and Lahaina Bypass Highway, on those parcels identified for real property tax purposes as Tax Map Key Nos. (2) 4-7-013:006, 007, 008 and 010; and

WHEREAS, the proposed Project will have a total of forty-six (46) affordable single-family residential workforce housing units, four (4) live/work units and forty-five (45) market priced agricultural lots and related improvements including neighborhood country stores and community park; and

WHEREAS, the affordable single-family residential workforce housing units will be developed to qualified individuals earning within eighty percent to one hundred forty percent of Maui's median income; and

WHEREAS, the Project will provide needed affordable residential workforce housing units to meet the current and growing demand for housing; and

WHEREAS, on June 12, 2019, the Department of Housing and Human Concerns submitted the preliminary plans and specifications and accompanying application to the Council of the County of Maui ("Council") recommending approval of the Project pursuant to Chapter 201H, Hawaii Revised Statutes ("HRS"); and

WHEREAS, pursuant to Section 201H-38, HRS, the Council shall approve, approve with modification, or disapprove the Project by resolution within forty-five (45) days after the Department of Housing and Human Concerns has submitted the preliminary plans and specifications for the Project to the Council, which submittal occurred on June 12, 2019; and

WHEREAS, pursuant to Section 4-1 of the Revised Charter of the County of Maui (1983), as amended, the Council is authorized to act by resolution; now, therefore,

Resolution No. _____


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

1. That based upon the transmittals and the representations of the Department of Housing and Human Concerns and Hope Builders LLC, the Council approves the Project with the modifications specified in Exhibit "B", including the Project's preliminary plans and specifications, as submitted to the Council on June 12, 2019, pursuant to Section 201H-38, HRS; provided that Hope Builders LLC, shall comply with all statutes, ordinances, charter provisions, and rules of governmental agencies relating to planning, zoning and construction standards for subdivisions, development and improvement of land, and the construction of units thereon, except for the exemptions specified in Exhibit "A" attached hereto and made a part hereof; and

2. That the final plans and specifications for the Project shall be deemed approved by the Council if the final plans and specifications do not substantially deviate, as determined by the Director of Housing and Human Concerns, from the preliminary plans and specifications approved by the Council. Any substantial deviation from the preliminary plans and specifications shall be submitted to the Council for prior approval. The final plans and specifications shall constitute the zoning, building, construction, and subdivision standards for the Project; and

3. That certified copies of this resolution be transmitted to the Director of Public Works, Director of Planning, the Director of Housing and Human Concerns, and Hope Builders LLC.

APPROVED AS TO FORM
AND LEGALITY:



JEFFREY UEOKA
Deputy Corporation Counsel
County of Maui

2019-0903

2019-05-15 Makila Rural-East Approve w/ Modifications

EXHIBIT "A"

**MAKILA RURAL EAST WORKFORCE HOUSING PROJECT-
PROPOSED SECTION 201H-38, HRS COUNTY EXEMPTIONS FROM
THE MAUI COUNTY CODE (MCC) AND OTHER STATE STATUTES**

- 1. Chapter 2.80B, Maui County Code ("MCC"), General Plans and Community Plans.** An exemption is granted from Chapter 2.80B, MCC, General Plan and Community Plans, to permit the project to proceed without obtaining community plan and Maui Island Plan amendments.
- 2. Chapter 12.08, MCC, Driveways.** An exemption is granted to exempt the project from driveway permit and inspection fees for the workforce housing units.
- 3. Chapter 14.62, MCC, Traffic and Roadway Improvements in West Maui, Hawaii.** An exemption is granted from traffic impact fees for the workforce housing units.
- 4. Title 16, MCC, Buildings and Construction.** An exemption is granted from Chapters 16.04A, Fire Code, 16.18A, Electrical Code, 16.20A, Plumbing Code, and 16.26A, Building Code, to exempt the project from fire, electrical, plumbing, and building permit, plan review and inspection fees for the workforce housing units.
- 5. Title 18, MCC, Subdivisions.**
 - (a) Exemptions are granted from Section 18.04.030, MCC, Administration, and Section 18.16.020, MCC, Compliance, to exempt the project from obtaining a change in zoning and community plan amendment.
 - (b) Exemptions are granted from Section 18.16.050, MCC, Minimum Right of Way and Pavement Widths, and Section 18.16.060, MCC, Widening of Existing Rights of Way, to waive the requirement to widen the Punakea Street pavement and to permit the project to be developed in compliance with the following design standards for subdivision roadways:
 - (i) Right of Way Width: 40 feet
 - (ii) Pavement Width: 20 feet
 - (c) An exemption from Section 18.20.080, MCC, is granted to exempt the project from constructing curbs and gutters for the portion of the project within the proposed urban area.
 - (d) An exemption from Section 18.16.230, MCC, Lots – Minimum Sizes, is granted to allow lot sizes within the project that are not in conformance with the provision of Title 19, Chapter 19.30A, MCC, Agricultural District.

(e) An exemption from Section 18.16.220, Lots – Size and Shape, is granted to allow lot sizes, widths, shapes, and orientation, and minimum building setback lines within the project that are not in conformance with the provisions of title 19, Chapter 19.30A, MCC, Agricultural District.

(f) An exemption from Section 18.16.130, MCC, Cul-de-sacs, is granted to exempt the project from having a cul-de-sac not more than eight hundred feet in agricultural areas and no more than five hundred fifty feet in other areas, nor serve more than twenty lots; provided that a truck turnaround will be constructed to ensure that emergency access is not compromised by these exemptions.

(g) An exemption from Section 18.16.320, MCC, Parks and Playgrounds, is granted to exempt the project from park dedication requirement; however, the project will include a community park approximately 2 acres in size, and approximately 54 acres (56% of total area) in farm, greenbelt, open space, and lot setback reserve areas to foster rural community character.

(h) An exemption from Section 18.20.060, MCC, Street Lights, is granted to exempt the project from street light construction requirements except that street lights shall be placed at each of the three internal project intersections and at the Haniu Street intersection. All outdoor lighting will be in compliance with Chapter 20.35, Maui County Code, which provides standards to limit degradation of the night visual environment by minimizing light glare, pollution, and trespass through regulation of the type and use of outdoor lighting.

6. Title 19, MCC, Zoning; and Section 8-8.4, Charter of Maui County.

(a) An exemption from Chapter 19.30A, MCC, Agricultural District, is granted to permit the development and use of portions of the subject parcel for single-family residential and country store purposes.

(b) The project shall be exempt from development design standards set forth in Chapter 19.30A, including wall height restrictions, as noted below.

(c) An exemption from Sections 19.30A.030.A, B and G shall be granted to allow the subdivision of the Property in the plat configuration shown in Appendix B of the Application, a copy of which is attached to this Exhibit "A" as Schedule 1.

(d) An exemption from Section 19.30A.030.C and D is granted for the workforce lots identified as W-1 thru W-46.

(e) Lot Allocation Agreements with the County of Maui recorded pursuant to Section 19.30A.030.G shall not apply to Makila Rural East Workforce Housing Project.

(f) The project workforce lots and units identified as W-1 thru W-46 will be in conformance with the R-3 Residential Districts standards set forth under Chapter 19.08 except:

- i. The minimum lot width (average) shall be 50 feet
- ii. No accessory dwellings shall be allowed

(g) The project market-rate lots identified as 1 thru 45 and units shall be in conformance with the Agricultural District standards set forth under Section 19.30A.030, MCC, except:

- i. The minimum lot size shall be one acre
- ii. The minimum lot width (average) shall be 100 feet
- iii. No more than one farm dwelling per lot shall be allowed
- iv. No farm labor dwellings shall be allowed

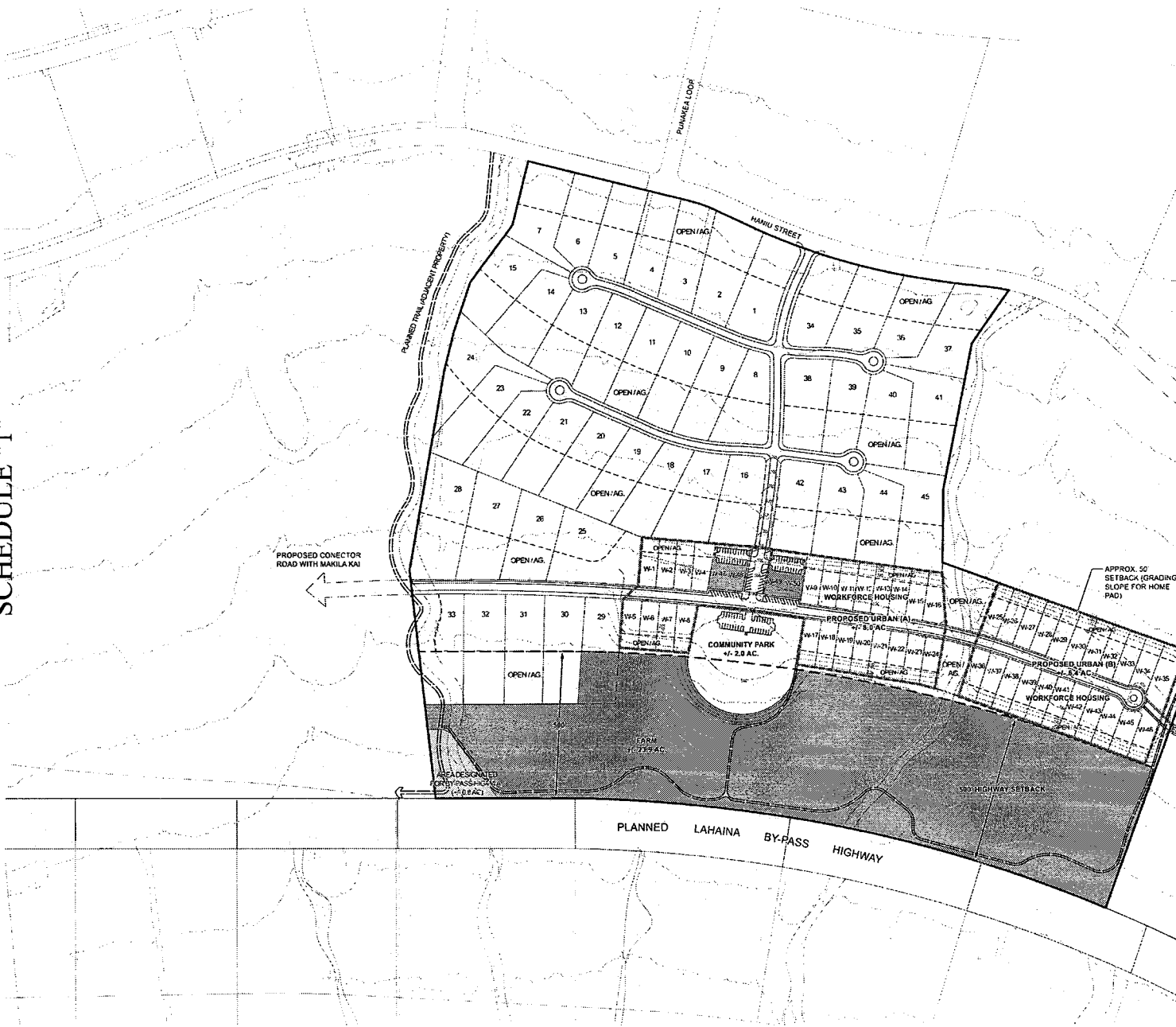
(h) The community park shall be in conformance with the General Park Districts (PK) provisions set forth under Chapter 19.27, MCC.

(i) The neighborhood country store/workforce live-work units will be in conformance with the permitted uses for the B-CT country town business district as set forth under Section 19.15.020, MCC; the accessory uses as set forth under Section 19.15.025; the special uses as set forth under Section 19.15.030; and the development standards as set forth under Section 19.15.040, except:

- i. Design review provision set forth under Section 19.15.040 shall not apply
- ii. The number of live/work dwelling units shall be limited to four and shall be located above commercial uses.

(j) Pursuant to Section 205-3.1, HRS and Section 19.68.040, MCC, the Maui County Council shall be the decision-making authority for the requested state land use district boundary change/reclassification to reclassify the approximately 14.6 acres of the Property containing the 10,000 square feet workforce home lots from the State Agricultural District to the State Land Use Urban District. Exemptions from Section 19.68.020, MCC, Applications; Section 19.68.030, MCC, Procedures; and Section 8-8.4 of Charter of Maui County are granted to exempt the project from: 1) the need to file an application for a boundary change/reclassification of state land use district boundaries for the approximately 14.6 acres of the Property containing the 10,000 square feet workforce housing lots; and 2) the procedures associated with such applications, including the requirement for the Maui Planning Commission to conduct a public hearing on the requested boundary reclassification. However, the applicant is not requesting an exemption to Section 19.68.040, MCC, which provides for the Maui County Council to: 1) consider the boundary change/reclassification; 2) hold hearings; 3) take evidence and testimony; 4) be the decision-making authority on the boundary change/reclassification; and 5) impose conditions upon the use of the Property to prevent adverse effects upon public health, safety and welfare.

7. Title 20, MCC, Environmental Protection. An exemption from Section 20.08.090, MCC, Grubbing and Grading Permit Fees, is granted to exempt the project from grubbing, grading and excavation permit fees, as well as inspection fees.



PROJECT SUMMARY

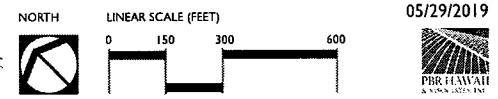
URBAN (14.6 ACRES)	
WORKFORCE HOUSING	46 UNITS
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SUBTOTAL: 50 UNITS	

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AGRICULTURAL LOTS (1+ ACRE)	45 UNITS
TOTAL: 95 UNITS	

LAND USE SUMMARY	APPROX. AREA
WORKFORCE HOUSING	14.6 ACRES
AGRICULTURAL LOTS	49.0 ACRES
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BY-PASS HIGHWAY ROW	0.8 ACRES
TOTAL: 97.581 ACRES	
OPEN SPACE : 54.4 ACRES	
PERCENTAGE OF OPEN SPACE : 54.4 / (97.581-0.8) = 56%	

MASTER PLAN
MAKILA RURAL-EAST

ISLAND OF MAUI
05/29/2019



MODIFICATIONS

1. Construction of Makila Rural East Workforce Housing Project ("Project") shall commence within two years of the effective date of this resolution. Commencement of construction shall mean the visible start of grading, pursuant to a valid grading permit as needed for the development of the property. Hope Builders LLC shall act in good faith and with its reasonable best efforts to complete construction of the 46 residential workforce housing units, 4 workforce live-work units, neighborhood country store, community park and 45 market priced agricultural lots with all related roads and infrastructure, no later than four years after the effective date of this resolution.

2. Project approval shall lapse and become void if by the end of 180 days from the effective date of this resolution, Hope Builders LLC has failed to receive the Maui County Council's approval of a State Land Use District Boundary Amendment from Agricultural to Urban for the property.

ORDINANCE NO. _____

BILL NO. _____ (2019)

A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE
DISTRICT CLASSIFICATION FROM AGRICULTURAL DISTRICT
TO URBAN DISTRICT (CONDITIONAL BOUNDARY AMENDMENT) FOR
14.453 ACRES SITUATED AT LAHAINA, MAUI, HAWAII,
TAX MAP KEY NO. (2) 4-7-13: 01 (POR.) AND 02 (POR.)

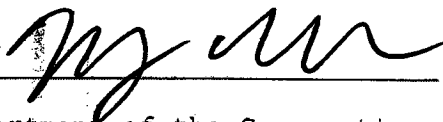
BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Pursuant to 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 Urban District (Conditional Boundary Amendment) for that certain land situated at Lahaina, Maui, Hawaii, identified for real property tax purposes by Tax Map Key No. (2) 4-7-13:01 (por) and 02 (por.), containing a total of 14.453 acres (the "Property"), and more particularly described in Exhibit "A" attached hereto and made a part hereof, and in District Boundary Amendment Map No. DB _____ attached hereto as Exhibit "B" and made a part hereof.

SECTION 2. Pursuant to Section 19.68.040, Maui County Code, the State Land Use District classification granted by this ordinance is subject to the conditions set forth in Exhibit "C" attached hereto and made a part hereof, and the Unilateral Agreement and Declaration of Conditions for State Land Use District Boundary Amendment, attached hereto and made a part hereof as Exhibit "D".

SECTION 3. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM
AND LEGALITY:



Department of the Corporation
Counsel, County of Maui

EXHIBIT "A"

Description of T.M.K. (2) 4-7-13: portion of 01 and T.M.K. (2) 4-7-13: portion of 02

Land situated on the northerly side of Punakea Loop at
Polanui, Launiupoko, Lahaina, Maui, Hawaii

Being portions of Lot 1 of Makila Ranches - Phase 1 and
Remainder Parcel 1 of Honoapiilani Highway Realignment,
Phase 1B-2, being also portions of Royal Patent 8395, Land
Commission Award 8559-B, Apana 25 to Wm. C. Lunalilo
(Certificate of Boundaries No. 10) and Royal Patent 1358,
Land Commission Award 82 to Thomas Phillips

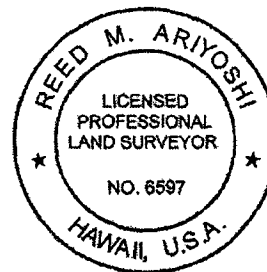
Beginning at a point at the southeasterly corner of this land,
the azimuth and distance from the southwesterly corner of Lot 1 of
Makila Ranches - Phase 1 and the southeasterly corner of Remainder
Parcel 1 of Honoapiilani Highway Realignment, Phase 1B-2 being:
248° 58' 580.80 feet, the coordinates of said point of beginning
referred to Government Survey Triangulation Station "LAUNIUPOKO"
being: 6,095.18 feet North and 6,825.93 feet West and running by
azimuths measured clockwise from True South:

1. 68° 58' 715.54 feet along the northerly side of
Punakea Loop to a point;
2. Thence along same on a curve to the left, with the point of
curvature azimuth from the
radial point being:
158° 58' and the point of
tangency azimuth from the
radial point being:
148° 17' 33", having a radius
of 290.00 feet, the chord
azimuth and distance being:
63° 37' 46.5" 53.95 feet to a
point;
3. 144° 00' 718.47 feet along the remainder of
Remainder Parcel 1 of
Honoapiilani Highway
Realignment, Phase 1B-2, being
also along the remainder of
Royal Patent 8395, Land
Commission Award 8559-B,
Apana 25 to Wm. C. Lunalilo
(Certificate of Boundaries
No. 10) to a point;

4. 234° 00' 208.18 feet along the remainders of
Remainder Parcel 1 of
Honoapiilani Highway
Realignment, Phase 1B-2 and
Lot 1 of Makila Ranches -
Phase 1, being also along the
remainder of Royal Patent 8395,
Land Commission Award 8559-B,
Apana 25 to Wm. C. Lunalilo
(Certificate of Boundaries
No. 10) to a point;
5. 143° 50' 78.38 feet along the remainder of Lot 1 of
Makila Ranches Phase 1, being
also along the remainder of
Royal Patent 8395, Land
Commission Award 8559-B,
Apana 25 to Wm. C. Lunalilo
(Certificate of Boundaries
No. 10) to a point;
6. Thence along same on a curve to the right, having a radius of
20.00 feet, the chord azimuth
and distance being:
195° 20' 31.30 feet to a
point;
7. 246° 50' 305.11 feet along same to a point;
8. 246° 20' 65.58 feet along same to a point;
9. 233° 30' 57.77 feet along same to a point;
10. 229° 20' 89.50 feet along same to a point;
11. 323° 20' 93.61 feet along same to a point;

11. 323° 50'

842.63 feet along the remainder of Lot 1 of Makila Ranches - Phase 1, being also along the remainders of Royal Patent 8395, Land Commission Award 8559-B, Apana 25 to Wm. C. Lunalilo (Certificate of Boundaries No. 10) and Royal Patent 1358, Land Commission Award 82 to Thomas Phillips to the point of beginning and containing an area of 14.453 Acres.



WARREN S. UNEMORI ENGINEERING, INC.
Wells Street Professional Center
2145 Wells Street, Suite 403
Wailuku, Maui, Hawaii 96793
May 16, 2019

BY: Reed M. Ariyoshi 04/30/20 Exp.
Licensed Professional Land Surveyor
Certificate No. 6597

Note: This metes and bounds description has been prepared for State Land Use District Boundary Amendment purposes only.

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EXHIBIT "B"

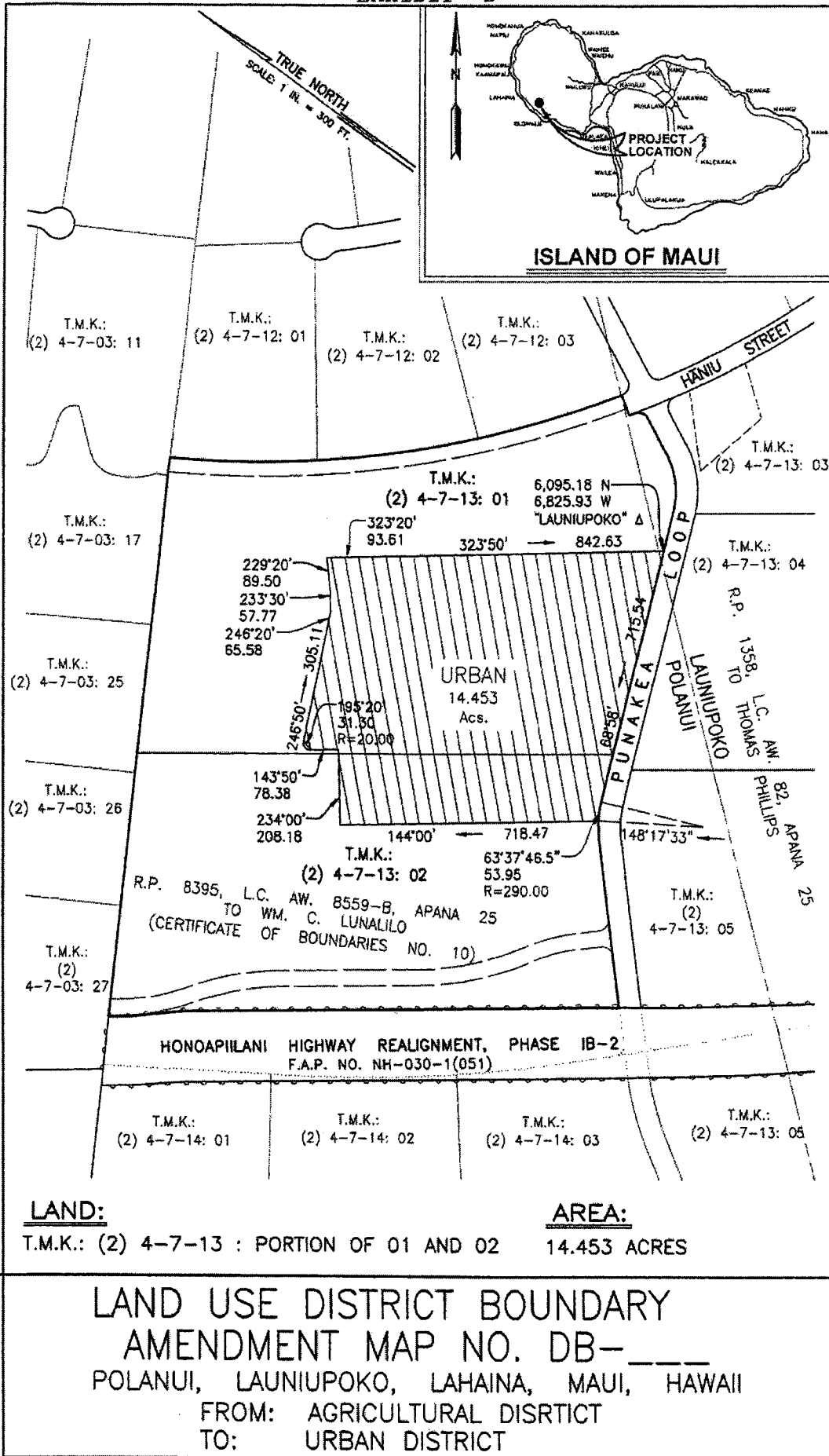


EXHIBIT "C"

CONDITIONS

1. This ordinance is conditional upon the Council's adoption of a resolution approving with modifications the independent development of Polanui Gardens pursuant to Section 201H-38, Hawaii Revised Statutes (the "201H Resolution").

2. If the 201H Resolution shall expire due to the developer's failure to start physical construction on the Property by the time deadline set forth in the 201H Resolution, this ordinance shall also terminate concurrently with the expiration of the 201H Resolution.

3. Developer shall complete all of the 50 residential workforce housing units on the Property with all related infrastructure not later than the fourth (4th) anniversary of the effective date of the 201H Resolution. Developer may, subject to Council approval by resolution and for good cause, be granted one (1) time extension to this deadline, provided the request for time extension is received by the Council prior to the third (3rd) anniversary of the effective date of the 201H Resolution. Failure to submit the request in a timely manner shall result in a forfeiture of the opportunity for extension.

4. The Property shall be developed as a residential housing project known as Polanui Gardens, in accordance with the 201H Resolution.

5. The Property shall be developed in strict compliance with the representations made to the Council in obtaining approval of the State District Boundary Amendment.

6. There shall be a prohibition on any action that would interfere with or restrain farming operations; 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.

7. 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 the land, that farming operations and practices on adjacent or contiguous land in the Agricultural District are protected under Chapter 165, the Hawaii Right to Farm Act, and the notice shall be included in any disclosure 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 () Pickup () To:

Office of the County Clerk
County of Maui
200 S. High Street
Wailuku, Hawaii 96793

Tax Key: (2) 4-7-13:01 (por.) and 02 (por.)

Total No. of Pages: ____

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

THIS INDENTURE, made this ____ day of _____, 2018, by KIPA CENTENNIAL LLC, a Colorado limited liability company, whose address is 305 E. Wakea Avenue, Suite 100, Kahului, Hawaii 96732, hereinafter referred to as "Declarant", and who is the owner of that certain land located at Lahaina, Maui, Hawaii, comprised of approximately 14.453 acres and identified for real property tax purposes by Tax Map Key No. (2) 4-7-13:01 (por.) and 02 (por.), hereinafter referred to as the "Property".

WITNESSETH:

WHEREAS, the Council of the County of Maui, State of Hawaii, hereinafter referred to as "Council", is considering the Declarant's Petition for a State land use district boundary amendment for the Property, comprised of approximately 14.453 acres, which is more particularly described in Exhibit "1", which is attached hereto and made a part hereof, and is more

particularly identified in District Boundary Amendment Map No. _____ attached hereto as Exhibit "2" and made a part hereof; and

WHEREAS, Declarant proposes that the Property be developed as a residential workforce housing project under the name "Polanui Gardens"; and

WHEREAS, the Council recommends through its Land Use Committee, Committee Report No. _____, that the State Land Use District Boundary Amendment be approved for passage on first reading subject to certain conditions, pursuant to Section 19.68.040, Maui County Code; and

WHEREAS, the Declarant has agreed to execute this instrument pursuant to the State land use district boundary classification provisions of Section 19.68.040, Maui County Code;

NOW, THEREFORE, the Declarant makes the following Declaration:

1. That this Declaration is made pursuant to the provisions of Section 19.68.040, Maui County Code, relating to State land use district boundary amendments;
2. That, until written release by the County of Maui, the Property, and all parts thereof, is and shall be held subject to the covenants, conditions and restrictions which are set forth on Exhibit "3" attached hereto and which shall be effective as to and shall 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 with respect thereto 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 persons, entity or entities, whomsoever, shall be deemed to constitute the acceptance of all of the covenants, conditions and restrictions of this Declaration by such person or persons, entity or entities; and that upon any transfer of any right, title or interest in or with respect to the Property

the same shall be subject to, and the transferee shall 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 contained herein shall 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 said 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 thereto, wherever used herein, shall be construed to mean the singular or the plural, the masculine or the feminine, or the neuter, and vice versa, and shall include any corporation, and shall be held to mean and include the "Declarant", the Declarant's heirs, devisees, executors, administrators, personal representatives, successors and assigns;

5. That the Declaration shall become fully effective on the effective date of the ordinance approving the establishment of the Urban State land use district boundary classification and this Declaration shall 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 set forth in Exhibit "3", which is attached hereto and made a part hereof and which shall be made a part of the State land use district boundary amendment ordinance;

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

AND IT IS EXPRESSLY UNDERSTOOD AND AGREED that, until released in writing by the County, the conditions imposed in this Declaration shall run with the land identified hereinabove and shall bind and constitute notice to all subsequent lessees, grantees, assignees, mortgagees, lienors and any other persons who claim an interest in said land, and the County of Maui shall have the right to enforce this Declaration by appropriate action

at law or suit in equity against all such persons, provided that the Declarant or its successors and assigns may at any time file a petition for the removal of the conditions and terminate this Unilateral Agreement, such petition to 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 shall be deemed to be an original, but all of which, taken together, shall constitute one and the same Declaration.

Each person signing this Unilateral Agreement represents and warrants that he or she is duly authorized and has 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 such party's obligations hereunder have been duly authorized and that this Unilateral Agreement is a valid and legal agreement binding on such party and enforceable in accordance with its terms.

[Signatures on next page]

IN WITNESS WHEREOF, the undersigned has executed this Agreement the day and year first above written.

DECLARANT:

KIPA CENTENNIAL LLC

By _____

Its _____

APPROVED AS TO FORM
AND LEGALITY:

Deputy Corporation Counsel
County of Maui

STATE OF HAWAII)
) SS.
COUNTY OF MAUI)

On _____, before me personally appeared _____, to me personally known, who, being by me duly sworn or affirmed, did say that such person(s) executed this _____-page Unilateral Agreement and Declaration of Conditions for State Land Use District Boundary Amendment dated _____, in the Second Circuit of the State of Hawaii, as the free act and deed of such person(s), and if applicable, in the capacity(ies) shown, having been duly authorized to execute such instrument in such capacity(ies).

Print Name: _____
Notary Public, State of Hawaii.

My commission expires: _____

EXHIBIT "1"

Description of T.M.K. (2) 4-7-13: portion of 01 and
T.M.K. (2) 4-7-13: portion of 02

Land situated on the northerly side of Punakea Loop at
Polanui, Launiupoko, Lahaina, Maui, Hawaii

Being portions of Lot 1 of Makila Ranches - Phase 1 and
Remainder Parcel 1 of Honoapiilani Highway Realignment,
Phase 1B-2, being also portions of Royal Patent 8395, Land
Commission Award 8559-B, Apana 25 to Wm. C. Lunalilo
(Certificate of Boundaries No. 10) and Royal Patent 1358,
Land Commission Award 82 to Thomas Phillips

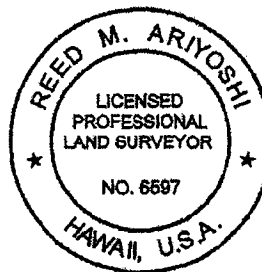
Beginning at a point at the southeasterly corner of this land,
the azimuth and distance from the southwesterly corner of Lot 1 of
Makila Ranches - Phase 1 and the southeasterly corner of Remainder
Parcel 1 of Honoapiilani Highway Realignment, Phase 1B-2 being:
248° 58' 580.80 feet, the coordinates of said point of beginning
referred to Government Survey Triangulation Station "LAUNIUPOKO"
being: 6,095.18 feet North and 6,825.93 feet West and running by
azimuths measured clockwise from True South:

1. 68° 58' 715.54 feet along the northerly side of
Punakea Loop to a point;
2. Thence along same on a curve to the left, with the point of
curvature azimuth from the
radial point being:
158° 58' and the point of
tangency azimuth from the
radial point being:
148° 17' 33", having a radius
of 290.00 feet, the chord
azimuth and distance being:
63° 37' 46.5" 53.95 feet to a
point;
3. 144° 00' 718.47 feet along the remainder of
Remainder Parcel 1 of
Honoapiilani Highway
Realignment, Phase 1B-2, being
also along the remainder of
Royal Patent 8395, Land
Commission Award 8559-B,
Apana 25 to Wm. C. Lunalilo
(Certificate of Boundaries
No. 10) to a point;

4. 234° 00' 208.18 feet along the remainders of
Remainder Parcel 1 of
Honoapiilani Highway
Realignment, Phase 1B-2 and
Lot 1 of Makila Ranches -
Phase 1, being also along the
remainder of Royal Patent 8395,
Land Commission Award 8559-B,
Apana 25 to Wm. C. Lunalilo
(Certificate of Boundaries
No. 10) to a point;
5. 143° 50' 78.38 feet along the remainder of Lot 1 of
Makila Ranches Phase 1, being
also along the remainder of
Royal Patent 8395, Land
Commission Award 8559-B,
Apana 25 to Wm. C. Lunalilo
(Certificate of Boundaries
No. 10) to a point;
6. Thence along same on a curve to the right, having a radius of
20.00 feet, the chord azimuth
and distance being:
195° 20' 31.30 feet to a
point;
7. 246° 50' 305.11 feet along same to a point;
8. 246° 20' 65.58 feet along same to a point;
9. 233° 30' 57.77 feet along same to a point;
10. 229° 20' 89.50 feet along same to a point;
11. 323° 20' 93.61 feet along same to a point;

11. 323° 50'

842.63 feet along the remainder of Lot 1 of Makila Ranches - Phase 1, being also along the remainders of Royal Patent 8395, Land Commission Award 8559-B, Apana 25 to Wm. C. Lunalilo (Certificate of Boundaries No. 10) and Royal Patent 1358, Land Commission Award 82 to Thomas Phillips to the point of beginning and containing an area of 14.453 Acres.



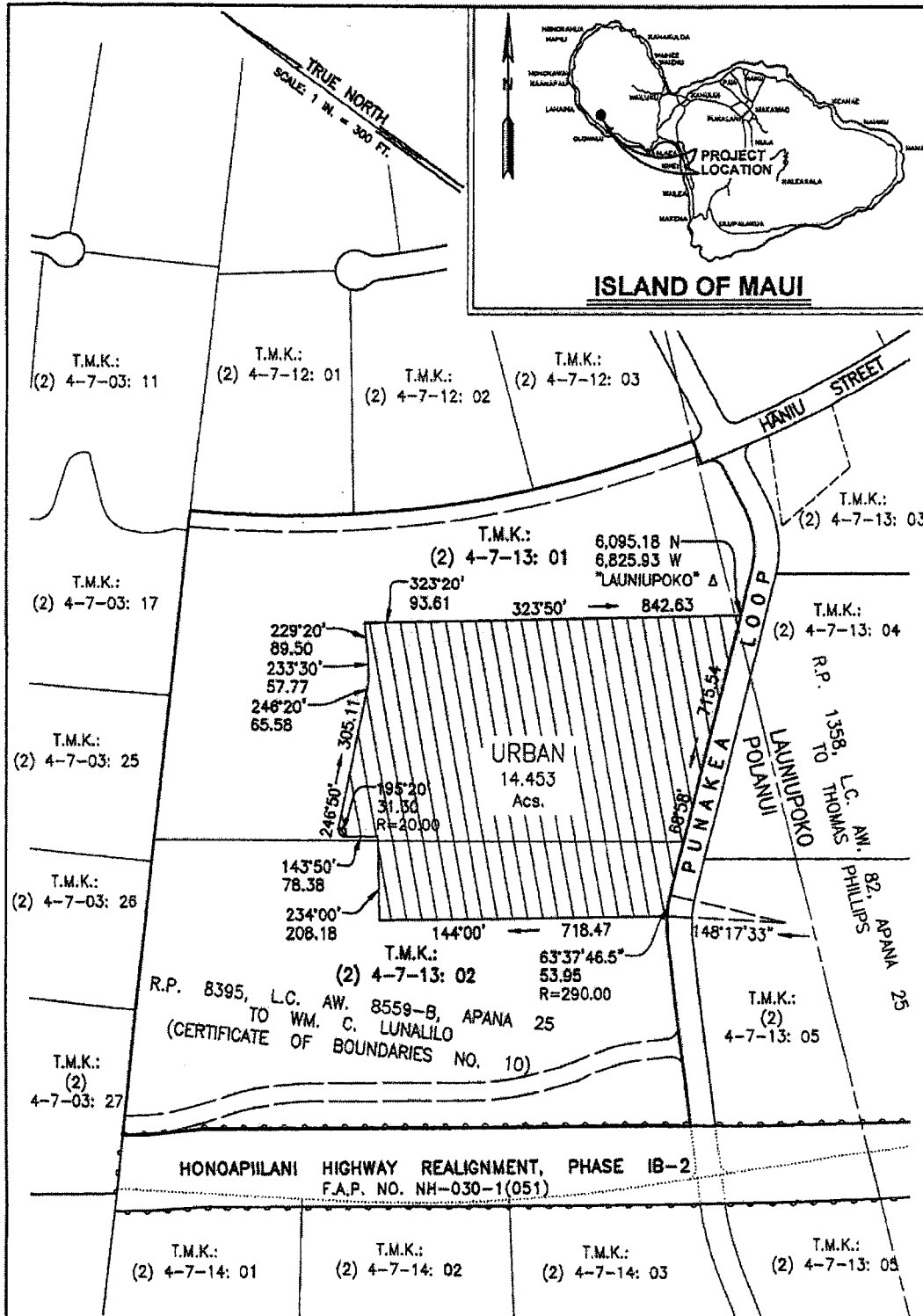
WARREN S. UNEMORI ENGINEERING, INC.
Wells Street Professional Center
2145 Wells Street, Suite 403
Wailuku, Maui, Hawaii 96793
May 16, 2019

BY: Reed M. Ariyoshi 04/30/20 Exp.
Licensed Professional Land Surveyor
Certificate No. 6597

Note: This metes and bounds description has been prepared for State Land Use District Boundary Amendment purposes only.

V:\Projdata\18prof\18024\Survey\Desc-por of 01 and 02.docx

EXHIBIT "2"



LAND:

T.M.K.: (2) 4-7-13 : PORTION OF 01 AND 02

AREA:

14.453 ACRES

LAND USE DISTRICT BOUNDARY
AMENDMENT MAP NO. DB-_____
POLANUI, LAUNIUPOKO, LAHAINA, MAUI, HAWAII
FROM: AGRICULTURAL DISTRICT
TO: URBAN DISTRICT

EXHIBIT "3"

CONDITIONS

1. This ordinance is conditional upon the Council's adoption of a resolution approving with modifications the independent development of Polanui Gardens pursuant to Section 201H-38, Hawaii Revised Statutes (the "201H Resolution").

2. If the 201H Resolution shall expire due to the developer's failure to start physical construction on the Property by the time deadline set forth in the 201H Resolution, this ordinance shall also terminate concurrently with the expiration of the 201H Resolution.

3. Developer shall complete all of the 50 residential workforce housing units on the Property with all related infrastructure not later than the fourth (4th) anniversary of the effective date of the 201H Resolution. Developer may, subject to Council approval by resolution and for good cause, be granted one (1) time extension to this deadline, provided the request for time extension is received by the Council prior to the third (3rd) anniversary of the effective date of the 201H Resolution. Failure to submit the request in a timely manner shall result in a forfeiture of the opportunity for extension.

4. The Property shall be developed as a residential housing project known as Polanui Gardens, in accordance with the 201H Resolution.

5. The Property shall be developed in strict compliance with the representations made to the Council in obtaining approval of the State District Boundary Amendment.

6. There shall be a prohibition on any action that would interfere with or restrain farming operations; 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.

7. 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 the land, that farming operations and practices on adjacent or contiguous land in the Agricultural District are protected under Chapter 165, the Hawaii Right to Farm Act, and the notice shall be included in any disclosure required for the sale or transfer of real property or any interest in real property.

ORDINANCE NO. _____

BILL NO. _____ (2019)

A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE
DISTRICT CLASSIFICATION FROM AGRICULTURAL DISTRICT
TO URBAN DISTRICT (CONDITIONAL BOUNDARY AMENDMENT) FOR
14.390 ACRES SITUATED AT LAHAINA, MAUI, HAWAII,
TAX MAP KEY NO. (2) 4-7-13:007 (POR.), 008 (POR.) AND 010 (POR.)

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

SECTION 1. Pursuant to 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 Urban District (Conditional Boundary Amendment) for that certain land situated at Lahaina, Maui, Hawaii, identified for real property tax purposes by Tax Map Key No. (2) 4-7-13:007 (por.), 008 (por.) and 010 (por.), containing a total of 14.390 acres (the "Property"), and more particularly described in Exhibit "A" attached hereto and made a part hereof, and in District Boundary Amendment Map No. DB _____ attached hereto as Exhibit "B" and made a part hereof.

SECTION 2. Pursuant to Section 19.68.040, Maui County Code, the State Land Use District classification granted by this ordinance is subject to the conditions set forth in Exhibit "C" attached hereto and made a part hereof, and the Unilateral Agreement and Declaration of Conditions for State Land Use District Boundary Amendment, attached hereto and made a part hereof as Exhibit "D".

SECTION 3. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM
AND LEGALITY:



Department of the Corporation
Counsel, County of Maui

EXHIBIT "A"

ITEM I:

Description of T.M.K. (2) 4-7-13: portion of 07 and
T.M.K. (2) 4-7-13: portion of 08

Land situated on the westerly side of Hāniu Street at
Launiupoko, Lahaina, Maui, Hawaii

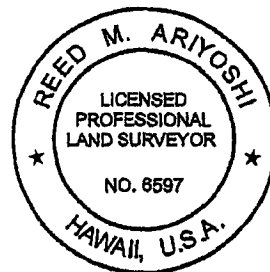
Being portions of Lot 7 of Makila Ranches - Phase 1 and
Remainder Parcels 12 and 16 of Honoapiilani Highway
Realignment, Phase 1B-2, being also a portion of Royal
Patent 1358, Land Commission Award 82 to Thomas Phillips

Beginning at a point at the southwesterly corner of this land,
the azimuth and distance from the southwesterly corner of Remainder
Parcels 12 and 16 of Honoapiilani Highway Realignment, Phase 1B-2
and the northwesterly corner of Lot 10 of Makila Ranches - Phase 1
being: 238° 18' 21" 540.13 feet, the coordinates of said point of
beginning referred to Government Survey Triangulation Station
"LAUNIUPOKO" being: 3,051.70 feet North and 5,240.00 feet West and
running by azimuths measured clockwise from True South:

1. 144° 10' 473.55 feet along the remainder of
Remainder Parcels 12 and 16 of
Honoapiilani Highway
Realignment, Phase 1B-2, being
also along the remainder of
Royal Patent 1358, Land
Commission Award 82 to Thomas
Phillips to a point;
2. 234° 10' 161.10 feet along the remainders of
Remainder Parcels 12 and 16 of
Honoapiilani Highway
Realignment, Phase 1B-2 and
Lot 7 of Makila Ranches -
Phase 1, being also along the
remainder of Royal Patent 1358,
Land Commission Award 82 to
Thomas Phillips to a point;

3. Thence along the remainder of Lot 7 of Makila Ranches -
Phase 1, being also along the remainder of Royal Patent 1358, Land Commission Award 82 to Thomas Phillips on a curve to the left, with the point of curvature azimuth from the radial point being:
234° 12' 45" and the point of tangency azimuth from the radial point being:
231° 43' 04", having a radius of 8,360.00 feet, the chord azimuth and distance being:
142° 57' 54.5" 363.97 feet to a point;
4. 57° 30' 163.36 feet along the remainders of Lot 7 of Makila Ranches - Phase 1 and Remainder Parcels 12 and 16 of Honoapiilani Highway Realignment, Phase 1B-2, being also along the remainder of Royal Patent 1358, Land Commission Award 82 to Thomas Phillips to a point;
5. 140° 00' 233.54 feet along the remainder of Remainder Parcels 12 and 16 of Honoapiilani Highway Realignment, Phase 1B-2, being also along the remainder of Royal Patent 1358, Land Commission Award 82 to Thomas Phillips to a point;
6. 230° 00' 170.97 feet along the remainders of Remainder Parcels 12 and 16 of Honoapiilani Highway Realignment, Phase 1B-2 and Lot 7 of Makila Ranches - Phase 1, being also along the remainder of Royal Patent 1358, Land Commission Award 82 to Thomas Phillips to a point;

7. 280° 40' 62.58 feet along the remainder of Lot 7 of Makila Ranches - Phase 1, being also along the remainder of Royal Patent 1358, Land Commission Award 82 to Thomas Phillips to a point;
8. 230° 10' 169.84 feet along same to a point;
9. 320° 30' 385.51 feet along same to a point;
10. 324° 00' 48.16 feet along same to a point;
11. 324° 10' 597.63 feet along same to a point;
12. 46° 47' 13.51 feet along Lot 10 of Makila Ranches - Phase 1, being also along the remainder of Royal Patent 1358, Land Commission Award 82 to Thomas Phillips to a point;
13. 44° 00' 216.51 feet along the remainder of Remainder Parcels 12 and 16 of Honoapiilani Highway Realignment, Phase 1B-2, being also along the remainder of Royal Patent 1358, Land Commission Award 82 to Thomas Phillips to a point;
14. 58° 30' 155.17 feet along same to the point of beginning and containing an area of 7.970 Acres.



WARREN S. UNEMORI ENGINEERING, INC.
Wells Street Professional Center
2145 Wells Street, Suite 403
Wailuku, Maui, Hawaii 96793
May 16, 2019

BY: Reed M. Ariyoshi 04/30/20 Exp.
Licensed Professional Land Surveyor
Certificate No. 6597

Note: This metes and bounds description has been prepared for State
Land Use District Boundary Amendment purposes only.

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ITEM II:

Description of T.M.K. (2) 4-7-13: portion of 10

Land situated on the westerly side of Hāniu Street at
Launiupoko, Lahaina, Maui, Hawaii

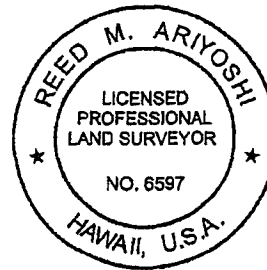
Being a portion of Lot 10 of Makila Ranches - Phase 1, being
also a portion of Royal Patent 1358, Land Commission Award 82
to Thomas Phillips

Beginning at a point at the northeasterly corner of this land,
the azimuth and distance from the northwesterly corner of Lot 9
and the northeasterly corner of Lot 10 of Makila Ranches - Phase
1 being: 336° 00' 200.81 feet, the coordinates of said point of
beginning referred to Government Survey Triangulation Station
"LAUNIUPOKO" being: 3,138.82 feet North and 4,839.70 feet West and
running by azimuths measured clockwise from True South:

1. 336° 00' 683.11 feet along Lot 9 and the remainder
of Lot 10 of Makila Ranches -
Phase 1, being also along the
remainder of Royal Patent 1358,
Land Commission Award 82 to
Thomas Phillips to a point;
2. 66° 00' 410.00 feet along the remainder of Lot 10
of Makila Ranches - Phase 1,
being also along the remainder
of Royal Patent 1358, Land
Commission Award 82 to Thomas
Phillips to a point;
3. 156° 00' 676.77 feet along same to a point;
4. 243° 30' 177.87 feet along same to a point;
5. 247° 50' 44.40 feet along same to a point;

6. 246° 00'

187.92 feet along same to the point of
beginning and containing an
area of 6.420 Acres.



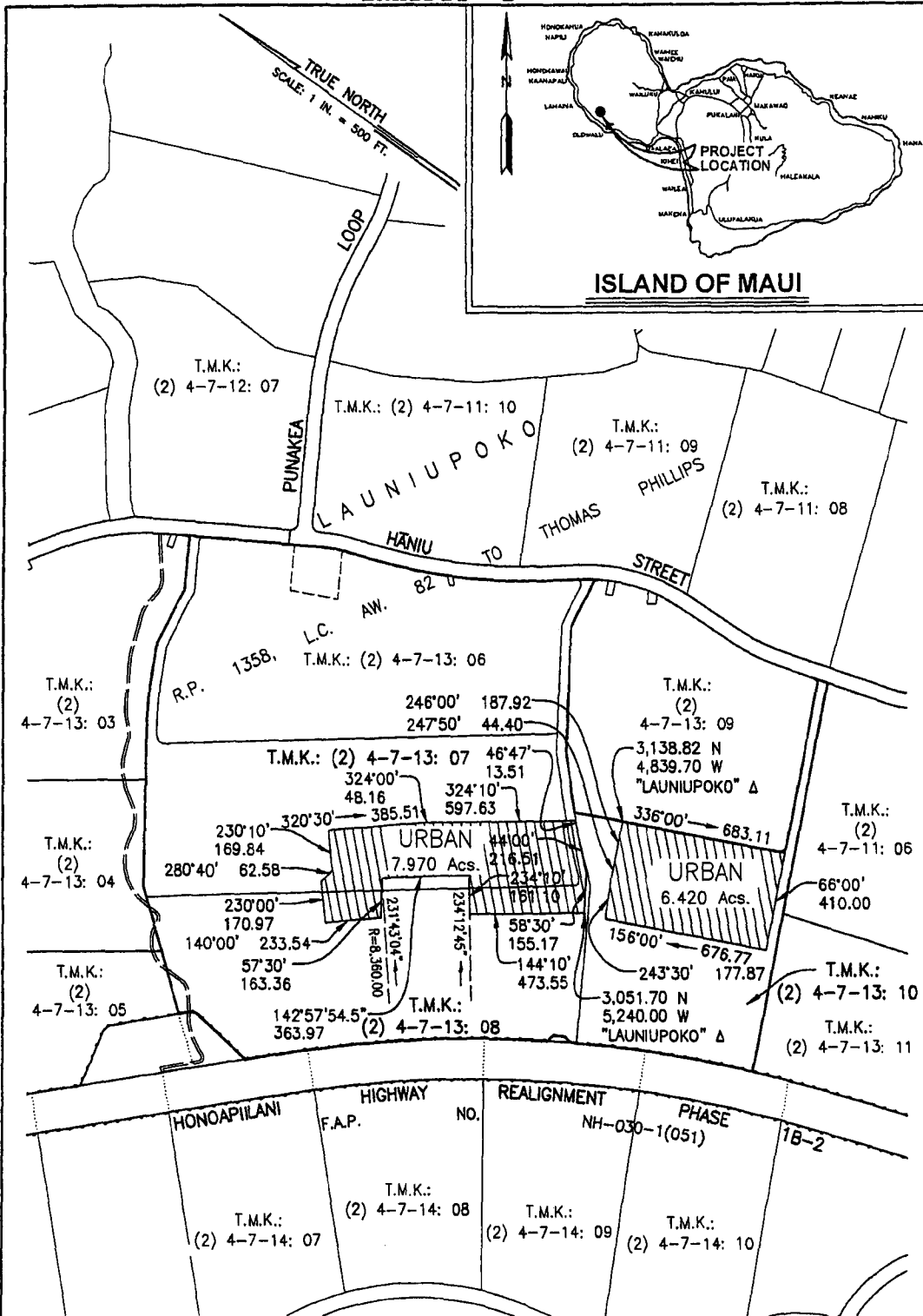
WARREN S. UNEMORI ENGINEERING, INC.
Wells Street Professional Center
2145 Wells Street, Suite 403
Wailuku, Maui, Hawaii 96793
May 16, 2019

BY: Reed M. Ariyoshi 04/30/20 Exp.
Licensed Professional Land Surveyor
Certificate No. 6597

Note: This metes and bounds description has been prepared for State
Land Use District Boundary Amendment purposes only.

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EXHIBIT "B"



LAND:

AREA:

T.M.K.: (2) 4-7-13 : PORTIONS OF 07, 08 AND 10 14.390 ACRES

LAND USE DISTRICT BOUNDARY
AMENDMENT MAP NO. DB-_____
LAUNIUPOKO, LAHAINA, MAUI, HAWAII
FROM: AGRICULTURAL DISTRICT
TO: URBAN DISTRICT

EXHIBIT "C"

CONDITIONS

1. This ordinance is conditional upon the Council's adoption of a resolution approving with modifications the independent development of Makila Rural East Workforce Housing Project pursuant to Section 201H-38, Hawaii Revised Statutes (the "201H Resolution").

2. If the 201H Resolution shall expire due to the developer's failure to start physical construction on the Property by the time deadline set forth in the 201H Resolution, this ordinance shall also terminate concurrently with the expiration of the 201H Resolution.

3. Developer shall complete all of the 46 residential workforce housing lots, the 4 workforce live-work units on the Property, the neighborhood country store, and the community park, with all related infrastructure not later than the fourth (4th) anniversary of the effective date of the 201H Resolution. Developer may, subject to Council approval by resolution and for good cause, be granted one (1) time extension to this deadline, provided the request for time extension is received by the Council prior to the third (3rd) anniversary of the effective date of the 201H Resolution. Failure to submit the request in a timely manner shall result in a forfeiture of the opportunity for extension.

4. The Property shall be developed as a residential housing project known as Makila Rural East Workforce Housing Project, in accordance with the 201H Resolution.

5. The Property shall be developed in strict compliance with the representations made to the Council in obtaining approval of the State District Boundary Amendment.

6. There shall be a prohibition on any action that would interfere with or restrain farming operations; 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.

7. 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 the land, that farming operations and practices on adjacent or contiguous land in the Agricultural District are protected under Chapter 165, the Hawaii Right to Farm Act, and the notice shall be included in any disclosure 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 () Pickup () To:

Office of the County Clerk
County of Maui
200 S. High Street
Wailuku, Hawaii 96793

Tax Key: (2) 4-7-13:007, 008 and 010

Total No. of Pages: _____

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

THIS INDENTURE, made this _____ day of _____, 2018, by HOPE BUILDERS LLC, a Hawaii limited liability company, whose address is 305 E. Wakea Avenue, Suite 100, Kahului, Hawaii 96732, hereinafter referred to as "Declarant", and who is the owner of that certain land located at Lahaina, Maui, Hawaii, comprised of approximately 14.390 acres and identified for real property tax purposes by Tax Map Key No. (2) 4-7-13:007, 008 and 010, hereinafter referred to as the "Property".

WITNESSETH:

WHEREAS, the Council of the County of Maui, State of Hawaii, hereinafter referred to as "Council", is considering the Declarant's Petition for a State land use district boundary amendment for the Property, comprised of approximately 14.390 acres, which is more particularly described in Exhibit "1", which is attached hereto and made a part hereof, and is more particularly identified in District Boundary Amendment Map No.

_____ attached hereto as Exhibit "2" and made a part hereof;
and

WHEREAS, Declarant proposes that the Property be developed as a residential workforce housing project under the name "Makila Rural East Workforce Housing Project"; and

WHEREAS, the Council recommends through its Land Use Committee, Committee Report No. _____, that the State Land Use District Boundary Amendment be approved for passage on first reading subject to certain conditions, pursuant to Section 19.68.040, Maui County Code; and

WHEREAS, the Declarant has agreed to execute this instrument pursuant to the State land use district boundary classification provisions of Section 19.68.040, Maui County Code;

NOW, THEREFORE, the Declarant makes the following Declaration:

1. That this Declaration is made pursuant to the provisions of Section 19.68.040, Maui County Code, relating to State land use district boundary amendments;

2. That, until written release by the County of Maui, the Property, and all parts thereof, is and shall be held subject to the covenants, conditions and restrictions which are set forth on Exhibit "3" attached hereto and which shall be effective as to and shall 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 with respect thereto 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 persons, entity or entities, whomsoever, shall be deemed to constitute the acceptance of all of the covenants, conditions and restrictions of this Declaration by such person or persons, entity or entities; and that upon any transfer of any right, title or interest in or with respect to the Property

the same shall be subject to, and the transferee shall 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 contained herein shall 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 said 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 thereto, wherever used herein, shall be construed to mean the singular or the plural, the masculine or the feminine, or the neuter, and vice versa, and shall include any corporation, and shall be held to mean and include the "Declarant", the Declarant's heirs, devisees, executors, administrators, personal representatives, successors and assigns;

5. That the Declaration shall become fully effective on the effective date of the ordinance approving the establishment of the Urban State land use district boundary classification and this Declaration shall 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 set forth in Exhibit "3", which is attached hereto and made a part hereof and which shall be made a part of the State land use district boundary amendment ordinance;

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

AND IT IS EXPRESSLY UNDERSTOOD AND AGREED that, until released in writing by the County, the conditions imposed in this Declaration shall run with the land identified hereinabove and shall bind and constitute notice to all subsequent lessees, grantees, assignees, mortgagees, lienors and any other persons who claim an interest in said land, and the County of Maui shall have the right to enforce this Declaration by appropriate action

at law or suit in equity against all such persons, provided that the Declarant or its successors and assigns may at any time file a petition for the removal of the conditions and terminate this Unilateral Agreement, such petition to 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 shall be deemed to be an original, but all of which, taken together, shall constitute one and the same Declaration.

Each person signing this Unilateral Agreement represents and warrants that he or she is duly authorized and has 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 such party's obligations hereunder have been duly authorized and that this Unilateral Agreement is a valid and legal agreement binding on such party and enforceable in accordance with its terms.

[Signatures on next page]

IN WITNESS WHEREOF, the undersigned has executed this Agreement the day and year first above written.

DECLARANT:

HOPE BUILDERS LLC

By _____

Its _____

APPROVED AS TO FORM
AND LEGALITY:

Deputy Corporation Counsel
County of Maui

STATE OF HAWAII

)

) SS.

COUNTY OF MAUI

)

On _____, before me personally appeared _____, to me personally known, who, being by me duly sworn or affirmed, did say that such person(s) executed this ____-page Unilateral Agreement and Declaration of Conditions for State Land Use District Boundary Amendment dated _____, in the Second Circuit of the State of Hawaii, as the free act and deed of such person(s), and if applicable, in the capacity(ies) shown, having been duly authorized to execute such instrument in such capacity(ies).

Print Name:

Notary Public, State of Hawaii.

My commission expires: _____

EXHIBIT "1"

ITEM I:

Description of T.M.K. (2) 4-7-13: portion of 07 and
T.M.K. (2) 4-7-13: portion of 08

Land situated on the westerly side of Hāniu Street at
Launiupoko, Lahaina, Maui, Hawaii

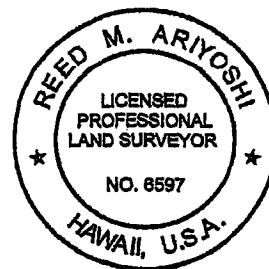
Being portions of Lot 7 of Makila Ranches - Phase 1 and
Remainder Parcels 12 and 16 of Honoapiilani Highway
Realignment, Phase 1B-2, being also a portion of Royal
Patent 1358, Land Commission Award 82 to Thomas Phillips

Beginning at a point at the southwesterly corner of this land,
the azimuth and distance from the southwesterly corner of Remainder
Parcels 12 and 16 of Honoapiilani Highway Realignment, Phase 1B-2
and the northwesterly corner of Lot 10 of Makila Ranches - Phase 1
being: 238° 18' 21" 540.13 feet, the coordinates of said point of
beginning referred to Government Survey Triangulation Station
"LAUNIUPOKO" being: 3,051.70 feet North and 5,240.00 feet West and
running by azimuths measured clockwise from True South:

1. 144° 10' 473.55 feet along the remainder of
 Remainder Parcels 12 and 16 of
 Honoapiilani Highway
 Realignment, Phase 1B-2, being
 also along the remainder of
 Royal Patent 1358, Land
 Commission Award 82 to Thomas
 Phillips to a point;
2. 234° 10' 161.10 feet along the remainders of
 Remainder Parcels 12 and 16 of
 Honoapiilani Highway
 Realignment, Phase 1B-2 and
 Lot 7 of Makila Ranches -
 Phase 1, being also along the
 remainder of Royal Patent 1358,
 Land Commission Award 82 to
 Thomas Phillips to a point;

3. Thence along the remainder of Lot 7 of Makila Ranches -
Phase 1, being also along the
remainder of Royal Patent 1358,
Land Commission Award 82 to
Thomas Phillips on a curve to
the left, with the point of
curvature azimuth from the
radial point being:
234° 12' 45" and the point of
tangency azimuth from the
radial point being:
231° 43' 04", having a radius
of 8,360.00 feet, the chord
azimuth and distance being:
142° 57' 54.5" 363.97 feet
to a point;
4. 57° 30' 163.36 feet along the remainders of Lot 7
of Makila Ranches - Phase 1 and
Remainder Parcels 12 and 16 of
Honoapiilani Highway
Realignment, Phase 1B-2, being
also along the remainder of
Royal Patent 1358, Land
Commission Award 82 to Thomas
Phillips to a point;
5. 140° 00' 233.54 feet along the remainder of
Remainder Parcels 12 and 16 of
Honoapiilani Highway
Realignment, Phase 1B-2, being
also along the remainder of
Royal Patent 1358, Land
Commission Award 82 to Thomas
Phillips to a point;
6. 230° 00' 170.97 feet along the remainders of
Remainder Parcels 12 and 16 of
Honoapiilani Highway
Realignment, Phase 1B-2 and Lot
7 of Makila Ranches - Phase 1,
being also along the remainder
of Royal Patent 1358, Land
Commission Award 82 to Thomas
Phillips to a point;

7. 280° 40' 62.58 feet along the remainder of Lot 7 of Makila Ranches - Phase 1, being also along the remainder of Royal Patent 1358, Land Commission Award 82 to Thomas Phillips to a point;
8. 230° 10' 169.84 feet along same to a point;
9. 320° 30' 385.51 feet along same to a point;
10. 324° 00' 48.16 feet along same to a point;
11. 324° 10' 597.63 feet along same to a point;
12. 46° 47' 13.51 feet along Lot 10 of Makila Ranches - Phase 1, being also along the remainder of Royal Patent 1358, Land Commission Award 82 to Thomas Phillips to a point;
13. 44° 00' 216.51 feet along the remainder of Remainder Parcels 12 and 16 of Honoapiilani Highway Realignment, Phase 1B-2, being also along the remainder of Royal Patent 1358, Land Commission Award 82 to Thomas Phillips to a point;
14. 58° 30' 155.17 feet along same to the point of beginning and containing an area of 7.970 Acres.



WARREN S. UNEMORI ENGINEERING, INC.
Wells Street Professional Center
2145 Wells Street, Suite 403
Wailuku, Maui, Hawaii 96793
May 16, 2019

BY: Reed M. Ariyoshi 04/30/20 Exp.
Licensed Professional Land Surveyor
Certificate No. 6597

Note: This metes and bounds description has been prepared for State
Land Use District Boundary Amendment purposes only.

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ITEM II:

Description of T.M.K. (2) 4-7-13: portion of 10

Land situated on the westerly side of Hāniu Street at
Launiupoko, Lahaina, Maui, Hawaii

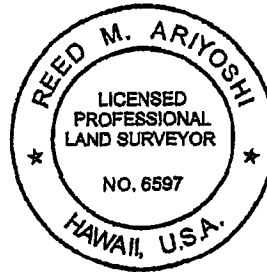
Being a portion of Lot 10 of Makila Ranches - Phase 1, being
also a portion of Royal Patent 1358, Land Commission Award 82
to Thomas Phillips

Beginning at a point at the northeasterly corner of this land,
the azimuth and distance from the northwesterly corner of Lot 9
and the northeasterly corner of Lot 10 of Makila Ranches - Phase
1 being: 336° 00' 200.81 feet, the coordinates of said point of
beginning referred to Government Survey Triangulation Station
"LAUNIUPOKO" being: 3,138.82 feet North and 4,839.70 feet West and
running by azimuths measured clockwise from True South:

- | | | | |
|----|----------|-------------|--|
| 1. | 336° 00' | 683.11 feet | along Lot 9 and the remainder
of Lot 10 of Makila Ranches -
Phase 1, being also along the
remainder of Royal Patent 1358,
Land Commission Award 82 to
Thomas Phillips to a point; |
| 2. | 66° 00' | 410.00 feet | along the remainder of Lot 10
of Makila Ranches - Phase 1,
being also along the remainder
of Royal Patent 1358, Land
Commission Award 82 to Thomas
Phillips to a point; |
| 3. | 156° 00' | 676.77 feet | along same to a point; |
| 4. | 243° 30' | 177.87 feet | along same to a point; |
| 5. | 247° 50' | 44.40 feet | along same to a point; |

6. 246° 00'

187.92 feet along same to the point of
beginning and containing an
area of 6.420 Acres.

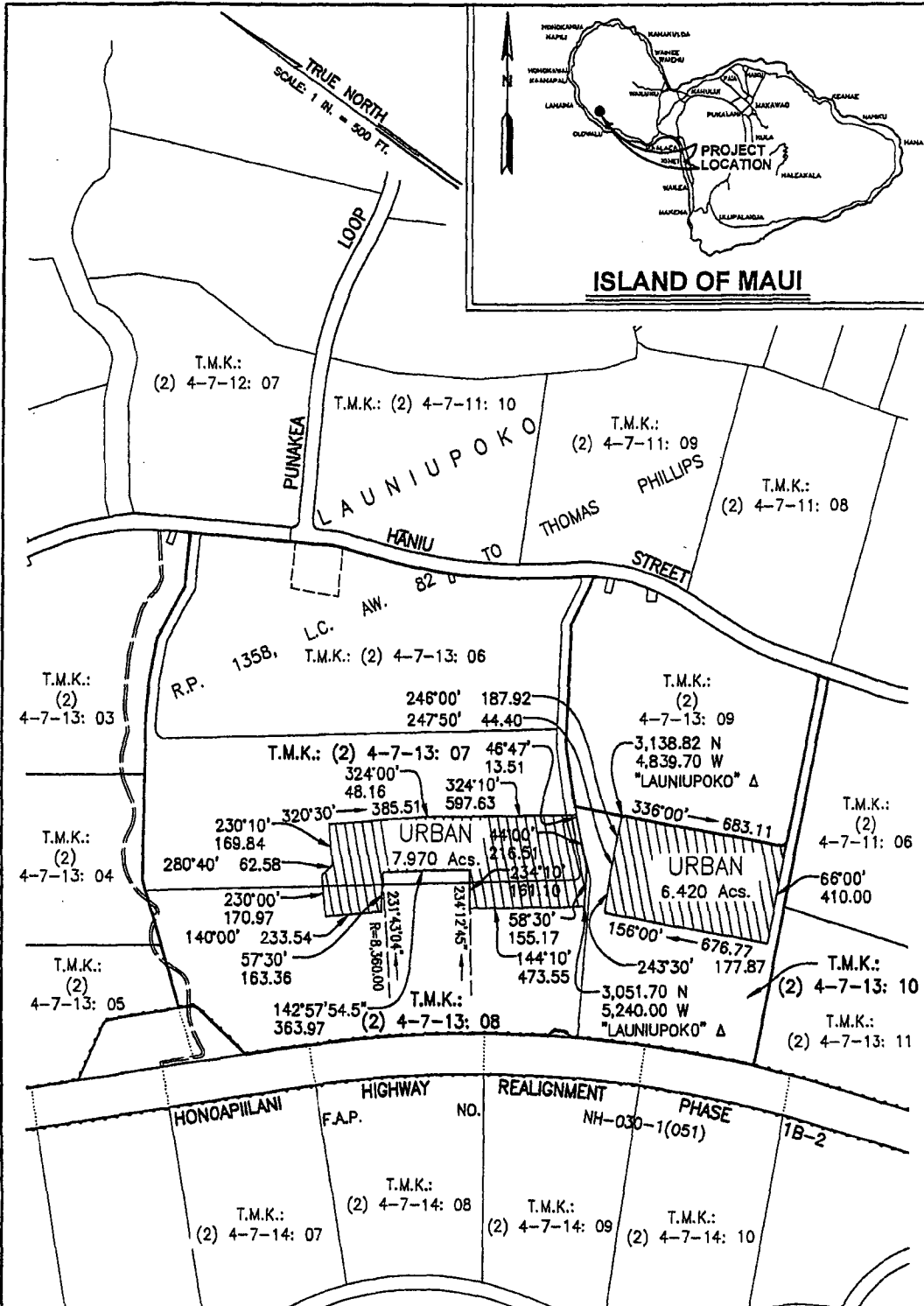


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[illegible]

AREA:

T.M.K.: (2) 4-7-13 : PORTIONS OF 07, 08 AND 10 14.390 ACRES

LAND USE DISTRICT BOUNDARY
AMENDMENT MAP NO. DB-_____
LAUNIUPOKO, LAHAINA, MAUI, HAWAII
FROM: AGRICULTURAL DISTRICT
TO: URBAN DISTRICT

EXHIBIT "3"

CONDITIONS

1. This ordinance is conditional upon the Council's adoption of a resolution approving with modifications the independent development of Makila Rural East Workforce Housing Project pursuant to Section 201H-38, Hawaii Revised Statutes (the "201H Resolution").

2. If the 201H Resolution shall expire due to the developer's failure to start physical construction on the Property by the time deadline set forth in the 201H Resolution, this ordinance shall also terminate concurrently with the expiration of the 201H Resolution.

3. Developer shall complete all of the 46 residential workforce housing lots, the 4 workforce live-work units on the Property, the neighborhood country store, and the community park, with all related infrastructure not later than the fourth (4th) anniversary of the effective date of the 201H Resolution. Developer may, subject to Council approval by resolution and for good cause, be granted one (1) time extension to this deadline, provided the request for time extension is received by the Council prior to the third (3rd) anniversary of the effective date of the 201H Resolution. Failure to submit the request in a timely manner shall result in a forfeiture of the opportunity for extension.

4. The Property shall be developed as a residential housing project known as Makila Rural East Workforce Housing Project, in accordance with the 201H Resolution.

5. The Property shall be developed in strict compliance with the representations made to the Council in obtaining approval of the State District Boundary Amendment.

6. There shall be a prohibition on any action that would interfere with or restrain farming operations; 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.