

**CONDITIONS<sup>1</sup>**

1. That Paia 2020, LLC, and the David R. Spee Revocable Trust, dated November 16, 2009, shall start construction of the proposed 56 independent senior living units within two years of the Maui Planning Commission's approval of the Special Management Area permit for the project, unless Paia 2020, LLC, and the David R. Spee Revocable Trust, dated November 16, 2009, can demonstrate to the satisfaction of the planning director that unforeseen delays prevented compliance with this condition. Start of construction shall mean the visible start of grading, pursuant to a valid grading permit as needed for the development of the 9.038-acre project site.
2. That Paia 2020, LLC, and the David R. Spee Revocable Trust, dated November 16, 2009, shall complete construction of all 56 independent senior living units on the project site, with related roads and infrastructure, within three years from the start of construction, unless Paia 2020, LLC, and the David R. Spee Revocable Trust, dated November 16, 2009, can demonstrate to the satisfaction of the planning director that unforeseen delays prevented compliance with this condition.
3. That Paia 2020, LLC, and the David R. Spee Revocable Trust, dated November 16, 2009, shall develop at their own cost a well for non-potable water for irrigation with a yield sufficient to meet the annual non-potable water demand of the project.
4. That Paia 2020, LLC, and the David R. Spee Revocable Trust, dated November 16, 2009, shall complete all project infrastructure, such as curbs, gutters, sidewalks, roadways, and irrigation systems, prior to issuance of any certificate of occupancy for the project.
5. That Paia 2020, LLC, and the David R. Spee Revocable Trust, dated November 16, 2009, shall retain all drainage and storm water run-off generated by the project onsite.
6. That Paia 2020, LLC, and the David R. Spee Revocable Trust, dated November 16, 2009, shall develop the project in strict compliance with the representations made to the Maui County Council in obtaining approval of this ordinance.

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<sup>1</sup> Conditions 1-7 are from the revised proposed Change in Zoning bill transmitted by correspondence dated November 20, 2017, from the Department of the Corporation Counsel. Conditions 8-9 are from the revised proposed District Boundary Amendment bill transmitted by correspondence dated November 20, 2017, from the Department of the Corporation Counsel. The consolidated set of conditions reflected in this document would apply to both bills.

**EXHIBIT "B"**

7. That Paia 2020, LLC, and the David R. Spee Revocable Trust, dated November 16, 2009, shall ensure the sales prices for the independent senior living units being provided pursuant to the County's Residential Workforce Housing Policy are in conformance with the requirements of Chapter 2.96, Maui County Code.
8. That 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.
9. That 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 "B"**