

CARLSMITH BALL LLP

JENNIFER A. LIM 8357  
ASB Tower, Suite 2200  
1001 Bishop Street  
Honolulu, Hawai'i 96813  
Tel. No.: (808) 523-2500  
Facsimile No.: (808) 523-0842

Attorney for Petitioner  
MAKILA LAND CO., LLC

**BEFORE THE LAND USE COMMISSION**

**OF THE STATE OF HAWAII**

**In the Matter of the Petition of**

MAKILA LAND CO., LLC

To Amend The Agricultural Land Use District Boundaries Into The Rural Land Use District For Approximately 231 acres of land, consisting of Tax Map Key Nos. (2) 4-7-013:001, 002, 003, 004, 005, 006 (por.), 007 (por.), 008 (por.), 009, 010, 011, 012, And Into The Urban Land Use District For Approximately 40 acres of land, consisting of Tax Key Nos. (2) 4-7-013: 006 (por.), 007 (por.), 008 (por.) at Launiupoko, Polanui, Lahaina, Island and County of Maui, State of Hawai'i

**DOCKET NO. A 15-799**

PETITION FOR LAND USE DISTRICT BOUNDARY AMENDMENT; PETITIONER'S EXHIBITS 1 - 7; VERIFICATION OF JENNIFER A. LIM; AFFIDAVIT OF JENNIFER A. LIM ATTESTING TO SERVICE OF PETITION; AFFIDAVIT OF JENNIFER A. LIM ATTESTING TO MAILING OF THE NOTIFICATION OF PETITION FILING; CERTIFICATE OF SERVICE

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LAND USE COMMISSION  
STATE OF HAWAII

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**BEFORE THE LAND USE COMMISSION  
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**In the Matter of the Petition of**

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**DOCKET NO. A 15-799**

PETITION FOR LAND USE DISTRICT  
BOUNDARY AMENDMENT

**PETITION FOR LAND USE DISTRICT BOUNDARY AMENDMENT**

Makila Land Co., LLC ("**Petitioner**"), a Hawai'i limited liability company, whose mailing address is 305 E. Wakea Avenue, Suite 100, Kahului, Hawai'i, 96732, by and through its legal counsel, CARLSMITH BALL LLP, hereby respectfully petitions this Honorable Land Use Commission of the State of Hawai'i (the "**Commission**") to amend the land use district boundaries of certain lands consisting of approximately 271.175 acres situate at Launiupoko, District of Lahaina, Island and County of Maui, State of Hawai'i.

Specifically, Petitioner petitions the Commission to amend the land use district boundaries of certain lands consisting of approximately 231 acres, situate at Launiupoko, District of Lahaina, Island and County of Maui, State of Hawai'i, Tax Map Key Nos. (2) 4-7-013:001, 002, 003, 004, 005, 006 (por.), 007 (por.), 008 (por.), 009, 010, 011, 012 (the "**Petition Area**

A"), from the State Land Use Agricultural District ("**Agricultural District**") to the State Land Use Rural District ("**Rural District**"). Petitioner also requests that the Commission amend the land use district boundaries of certain lands consisting of approximately 40 acres, situate at Launiupoko, District of Lahaina, Island and County of Maui, State of Hawai'i, Tax Map Key Nos. (2) 4-7-013: 006 (por.), 007 (por.), 008 (por.) (the "**Petition Area B**"), from the State Land Use Agricultural District to State Land Use Urban District ("**Urban District**"). Petition Area A and Petition Area B shall hereinafter be referred to collectively as the "**Petition Area**."

Prior to taking action on Petitioner's request for a Land Use District Boundary Amendment ("**DBA**"), concurrent with the filing of this Petition Petitioner has filed a Motion Requesting the Land Use Commission to be the Accepting Authority for an Environmental Impact Statement, and Requesting that the Land Use Commission Determine That the Proposed Action Warrants the Preparation of an Environmental Impact Statement to be Initiated With the Preparation of an Environmental Impact Statement Preparation Notice ("**EIS Motion**"). Through the EIS Motion, respectfully requests that this Commission: (1) agree to be the accepting authority to determine the acceptability of the environmental impact statement ("**EIS**") that Petitioner shall prepare to assess the environmental effects of the proposed DBA and development of the Petition Area; and (2) direct Petitioner to initiate the EIS process by proceeding directly to the preparation of an environmental impact statement preparation notice ("**EISPN**") rather than an environmental assessment because, in the Commission's judgment and experience, the proposed DBA and development of the Petition Area, if authorized, may have a significant effect on the environment.





## **I. INTRODUCTION**

Petitioner's development plan calls for subdividing the Petition Area to provide approximately 150 rural residential lots that will range in size from one-half acre to one acre. Petitioner also plans a minimum of 50 single-family workforce housing units, with the potential of up to 75 single-family workforce housing units. The workforce housing units will be clustered near a central "village core" that will offer basic conveniences and services for the Project, including a park, limited commercial space, a community center, and possibly a site for a fire and ambulance substation. In addition, approximately seven acres within the Petition Area will be made available to the Hawai'i State Department of Transportation for the construction of the Lahaina Bypass.

## **II. ENVIRONMENTAL REVIEW AND AMENDED PETITION**

Due to the requirement to complete the environmental review process, and the necessity of obtaining several land use entitlements in order to develop the Project, the final number and size of the lots, and the timeframes related to development of the Project, may change from what is described in this initial Petition. In addition, the precise acreages proposed for reclassification to the Rural District and the Urban District will be refined throughout the environmental review process, and therefore the acreages presented here are expected to change. However, in no event will Petitioner request an Urban District reclassification of more than 40 acres to the Urban District.

In light of these considerations, Petitioner reserves the right to file an Amended Petition with this Commission upon completion of the HRS Chapter 343 environmental review process. This Amended Petition will include a more refined Project description and a greater level of detail about the Project and the requirements for a DBA. Much of the necessary information will

be developed as part of the preparation of the EIS. Petitioner acknowledges that this Petition does not satisfy the Commission's requirements for an acceptable Petition under the Commission's rules, Title 15, Chapter 15, Hawai'i Administrative Rules ("**HAR**"). Petitioner affirms that all appropriate information regarding the Project and the proposed DBA will be provided in the Amended Petition.

Petitioner's Act 172-12 EISPN provides this information and more. A copy is attached hereto and incorporated herein as **Petitioner's Exhibit 1**.<sup>1</sup> Should the Commission grant Petitioner's requested relief and agree that it is the appropriate accepting authority for this EISPN, the EISPN will be submitted to OEQC and published in *The Environmental Notice*. Publication of the EISPN will start a public review and comment period of 30 days within which agencies, groups or individuals have an opportunity to request to become a consulted party and to make written comments regarding environmental effects of the proposed action. *See* HAR § 11-200-15(b).

### **III. DBA PETITION - AUTHORITY FOR RELIEF SOUGHT, PETITIONER, PETITION AREA, NOTIFICATION, SERVICE**

*HAR § 15-15-50(a)(1): State clearly and concisely the authorization or relief sought; and (2) Cite by appropriate reference the statutory provision or other authority under which commission authorization or relief is sought;*

The Commission is authorized to grant the relief sought herein pursuant to HRS Chapter

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<sup>1</sup> The Hawai'i Environmental Policy Act Citizen's Guide (October 2014), prepared by the State of Hawai'i Office of Environmental Quality Control provides that an Act 172-12 EISPN should at a minimum indicate in a concise manner the following: (1) identification of the applicant; (2) identification of accepting authority; (3) brief description of the proposed action; (4) determination; (5) reasons for supporting the determination; and (6) name, address and phone number of contact person for further information. Petitioner's Act 172-12 EISPN provides this information and more. Similarly streamlined EIS Preparation Notices have been prepared for the following recent projects, all of which are unrelated to the Makila Rural Community: 2013-01-08-EISPN-5B-Hawaiian-Islands-Humpback-Whale-National-Marine-Sanctuary; 2013-02-08-KA-5b-EISPN-Kauai-Water-System-Conservation-at-Kalihi; 2013-12-23-OA-5E-EISPN-Na-Pua-Makani-Wind-Project; 2014-01-08-OA-5E-EISPN-Schofield-Generating-Station-Project; 2012-12-23-EISPN-5B-Kakaako-Community-Transit-Oriented-Development; and 2015-03-23-OA-5B-EISPN-Kakaako-Makai-Parks-Active-Use-Facilities-Master-Plan.

205. Under HRS § 205-2, the Commission is charged with the classification of lands in Hawai'i into districts. The Commission is also specifically charged with considering requests to amend district boundaries that involve lands greater than fifteen acres. HRS § 205-4 states, in relevant part, as follows:

[A]ny person with a property interest in the land sought to be reclassified, may petition the **land use commission** for a change in the boundary of a district. This section applies to all petitions for changes in district boundaries of . . . lands greater than fifteen acres in the agricultural, rural and urban districts.

HRS § 205-4 (emphasis added). The proposed DBA will cover approximately 271.175 acres; approximately 231 acres from the Agricultural District into the Rural District, and approximately 40 acres from the Agricultural District into the Urban District. No lands within the State Land Use Conservation District are proposed for reclassification. Therefore, the Commission has the necessary statutory authority to consider a DBA Petition in this matter.

A. IDENTIFICATION OF PETITIONER

*HAR § 15-15-50(c)(1): The exact legal name of each petitioner and the location of the principal place of business and if applicant is a corporation, trust, or association, or other organized group, the state in which the petitioner was organized or incorporated;*

Petitioner MAKILA LAND CO., LLC is a Hawai'i limited liability company, whose mailing address is 305 E. Wakea Ave., Suite 100, Kahului, Hawai'i, 96732.

B. AUTHORIZED REPRESENTATIVES

*HAR § 15-15-50(c)(2): The name, title, and address of the person to whom correspondence or communications in regard to the application are to be addressed;*

The law firm of CARLSMITH BALL LLP, has been appointed to represent Petitioner in this Petition and the proceedings thereon pursuant to HAR § 15-15-35(b). Attached hereto as

**Petitioner's Exhibit 2** is Petitioner's fee owner authorization. Pursuant to HAR § 15-15-

50(c)(2), all correspondences and communications in regard to this Petition shall be addressed to, and served upon:

JENNIFER A. LIM  
CARLSMITH BALL LLP  
ASB Tower, Suite 2200  
1001 Bishop Street  
Honolulu, Hawai'i 96813

And:

MAKILA LAND CO., LLC  
305 E. Wakea Ave., Suite 100  
Kahului, Hawai'i 96732  
Attention: Ms. Heidi Bigelow

C. DESCRIPTION OF PETITION AREA

*HAR § 15-15-50(c)(3): Description of the subject property, acreage, and tax map key number, with maps, including the tax map, that identify the area under petition. If the subject property is a portion of one or more lots, or the petition proposes incremental development of the subject property on both increments of development, the petitioner shall include a map and description of the subject property and increments in metes and bounds prepared by a registered professional land surveyor.*

The Petition Area is located in Launiupoko, Polanui, District of Lahaina, Island and County of Maui, State of Hawai'i and consists of a total of approximately 271.175 acres of land. The tax map key numbers within the Petition Area are TMK Nos. (2) 4-7-013: 001 through 012. Figure 4 of the EISPN is a tax map showing the Petition Area. Upon the filing of the Amended Petition, Petitioner will provide to this Commission a full sized copy of said tax map.

Petition Area A will consist of approximately 231 acres within TMK Nos. (2) 4-7-013:001, 002, 003, 004, 005, 006 (por.), 007 (por.), 008 (por.), 009, 010, 011, 012. Petition Area B will consist of approximately 40 acres within TMK Nos. (2) 4-7-013: 006 (por.), 007 (por.), 008 (por.). The precise acreages proposed for reclassification to the Rural District and the Urban

District will be refined throughout the EIS process, and therefore the acreages presented here are expected to change. However, in no event will Petitioner request a reclassification of more than 40 acres to the Urban District.

Petitioner acknowledges that because the areas proposed for reclassification consist in some instances of portions of a TMK parcel, Petitioner will be required to provide the Commission a map and metes and bounds description of Petition Area A and Petition Area B in order to have a Petition accepted for processing by this Commission. This information will be provided in the Amended Petition.

#### **IV. BOUNDARY AMENDMENT SOUGHT.**

*HAR § 15-15-50(c)(4): The boundary amendment sought and present use of property, including an assessment of conformity of the boundary amendment to the standards for determining the requested district boundary amendment.*

Petitioner seeks the reclassification of approximately 231 acres of land from the Agricultural District to the Rural District, and approximately 40 acres of land from the Agricultural District to the Urban District.

The Petition Area is currently undeveloped and vacant. Petitioner acquired the Petition Area from Pioneer Mill Company, Limited in 2001. Under Pioneer Mill's ownership the land had been cleared for sugar production. However, the sugar plantation was closed in 1999, and no significant or intensive agricultural use has taken place from that time. Under Petitioner's ownership, portions of the Petition Area have been used for low intensity cattle grazing.

#### **V. PETITIONER'S PROPERTY INTEREST; AFFIDAVIT; EASEMENTS**

*HAR § 15-15-50(c)(5): (A) A true copy of the deed, lease, option agreement, development, or other document conveying to the petitioner a property interest in the subject property or a certified copy of a nonappealable final judgment of a court of competent jurisdiction quieting title in the petitioner; (B) If the petitioner is*

*not the owner in fee simple of the subject property, or any part thereof, written authorization of all fee owners to file the petition and a true copy of the deed to the subject property; and (C) An affidavit of the petitioner or its agent attesting to its compliance with section 15-15-48;*

Petitioner has standing to file this Petition pursuant to HRS § 205-4(a) and HAR § 15-15-46(3), which entitle any person with a property interest in the land sought to be reclassified to petition the Commission for a DBA. Petitioner is the fee simple owner of the Petition Area pursuant to the following documents, copies of which are attached hereto as **Petitioner's Exhibit 3a** and **Petitioner's Exhibit 3b** (1) Limited Warranty Deed and Reservation of Rights, recorded in the Bureau of Conveyances as Document No. 2001-006058; and (2) Deed and Reservation of Rights, recorded in said Bureau as Document No. 2001-006059.

An affidavit of Jennifer A. Lim, attorney with Carlsmith Ball LLP, attesting to Petitioner's compliance with HAR § 15-15-48 (Service of Petition) is filed with this Petition. In accordance with HAR § 15-15-48(b), copies of this Petition will also be served upon any potential intervenors upon receipt of a notice of intent to intervene pursuant to HAR § 15-15-52(b).

A. **DESCRIPTION OF EASEMENTS**

*HAR § 15-15-50(c)(6): A description of any easements on the subject property, together with identification of the owners of the easements; a description of any other ownership interests shown on the tax maps.*

The Petition Area is encumbered by a limited number of easements and declarations, as noted on the policy of title insurance issued by Old Republic Title & Escrow of Hawai'i, a copy of which is attached hereto and incorporated herein by reference as **Petitioner's Exhibit 4**.

Those entities that are parties to the easements and similar encumbrances include the

following: State of Hawai'i Department of Transportation; County of Maui Department of Public Works; Pioneer Mill Company; Maui Electric Company, Ltd; Hawaiian Telecom, Inc.; Mahanalua Nui Homeowners Association, Inc. Makila Plantation Homeowners Association, Inc.; Kauaula Land Company LLC; Launiupoko Associates, LLC and Makila Ridge Properties LLC. These entities have been served a copy of this Petition. Petitioner acknowledges that more refined details regarding easements and easement holders will need to be provided with the Amended Petition in order for the Commission to accept the Amended Petition for processing. Petitioner further acknowledges that service of the Amended Petition will need to be made on all persons with a property interest in the Petition Area as recorded in the County's real property tax records at the time that the Amended Petition is filed.

**VI. MAKILA RURAL COMMUNITY: THE PROPOSED PROJECT**

**A. PROPOSED DEVELOPMENT**

*HAR § 15-15-50(c)(7): Type of use or development being proposed, including without limitation, a description of any planned development, residential, golf course, open space, resort, commercial, or industrial use;*

The Makila Rural Community will be a rural residential community proposed to contain approximately 150 rural residential lots ranging in size from one-half to one-acre within the proposed Rural District. Petitioner proposes a minimum of 50 single-family workforce housing units, with a potential of up to 75 single-family workforce housing units, on lots with a minimum size of 6,000 square feet within the proposed Urban District. The workforce housing units will be clustered near a central "village core" which is envisioned to offer basic conveniences and services including a park, limited commercial space, a community center, and possibly a site for a fire and ambulance substation. In addition, approximately seven acres within the Petition Area are proposed for dedication to the State Department of Transportation for the construction of the



Lahaina Bypass. *See* EISPN Figure 3 for a conceptual plan.

Approximately 50 percent of the Petition Area will be kept as open space for agriculture, community gardens, trails, parks, natural areas and other non-buildable reserve areas. The open space areas will include a 500-foot wide greenbelt on the makai side of the community to ensure an open space buffer between the Lahaina Bypass and the proposed residential and commercial structures.

The seven acres proposed to be dedicated to the State Department of Transportation is within the Petition Area and may therefore be part of the Project. However, Petitioner wishes to call attention to the fact those acres will not be counted as part of the Project area should the property be deeded to the Department of Transportation.

Table 8-28 of the MIP describes the "Makila Planned Growth Area" and explains that parks and open space requirement within the Makila Planned Growth Area should be at least 50 percent (the distinct boundaries of the parks and open space is to be defined through updates to the West Maui Community Plan). Petitioner is prepared to deed the Bypass land to the Department of Transportation, and in such case Petitioner would exempt the Bypass land from Project area that will be required to have at least 50 percent open space under the MIP. *See* EISPN Figure 3, Area Designated for Bypass ROW. Should the Department of Transportation pursue a Bypass alignment that is entirely outside of the Petition Area, Petitioner intends to retain the Area Designated for Bypass ROW as open space.

The Community will be developed with walking and/or biking paths that will link to the village center. In addition, the existing Punakea Loop road that is mauka of the Petition Area will be extended into the Petition Area through TMK No. (2) 4-7-013: 012, which is an existing road lot. The extension of Punakea Loop will provide area residents an alternative means of



accessing the coast and neighboring communities.

B. DEVELOPMENT PROJECTIONS

*HAR § 15-15-50(c)(8): A statement of projected number of lots, lot size, number of units, densities, selling price, intended market, and development timetables;*

As described above, approximately 50 percent of the Project area will be kept in open space for agriculture, community gardens, trails, parks, natural areas and other non-buildable reserve areas. The remaining portions of the Petition Area will be developed with approximately 150 rural residential lots ranging in size from one-half to one-acre within the proposed 231-acre Rural District, and between 50 to a maximum of 75 single-family workforce housing units on 6,000 square foot lots within the 40-acre Urban District.

The Makila Rural Community is not intended as a resort development. Specifics on the intended market will be analyzed through the EIS process via the preparation of a market assessment. Similarly, the range of selling prices will be established through the EIS process and reported to the Commission in the Amended Petition.

Development is not intended to take place in phases. Assuming timely receipt of land use approvals, Petitioner anticipates that all backbone infrastructure necessary for the Community can be installed within 10 years of the Commission's approval of the requested DBA.

C. FINANCIAL CONDITION

*HAR § 15-15-50(c)(9): A statement describing the financial condition together with a current certified balance sheet and income statement as of the last calendar year, or if the petitioner is on a fiscal year basis, as of the end of the petitioner's last fiscal year, and a clear description of the manner in which the petitioner proposes to finance the proposed use or development.*

Petitioner's financial condition is sound. However, at this preliminary stage of the planning and entitlement process, Petitioner has not generated projected cost figures for the Makila Rural Community. Therefore at this time Petitioner is not prepared to provide the

necessary financial information to the Commission.

Petitioner will obtain and prepare greater levels of detail regarding costs for the development throughout the EIS process, together with a certified balance sheet and income statement that will be current at the time that the Commission is asked to consider the Amended Petition. Petitioner acknowledges that it will be required to provide the Commission a financial statement as well as a clear description of the manner in which Petitioner proposes to finance the development of the Community. This information will be provided in the Amended Petition.

## VII. PETITION AREA



### A. DESCRIPTION OF SUBJECT PROPERTY AND SURROUNDING AREA

*HAR § 15-15-50(c)(10): Description of the subject property and surrounding areas including the use of the property over the past two years, the present use, the soil classification, the agricultural lands of importance to the State of Hawaii classification (ALISH), the productivity rating, the flood and drainage conditions, and the topography of the subject property;*

The Petition Area is located in the West Maui region of Maui and spans the *ahupua'a* of Launiupoko and Polanui. There are no known environmentally sensitive areas, wetlands, federally listed critical habitat, or threatened or endangered plant or animal species within the Petition Area. Vegetation within the Petition Area is predominantly non-native, and consists mainly of dryland grasses. A substantial portion of the ground is bare. Shrubs and a few trees inhabit the gullies.

The Petition Area is bordered by the Pu'unoa Subdivision Phases I and II to the north, the Makila Plantation Phases I and II to the east (mauka), Kai Hele Kū Street to the south; and existing and proposed alignments of the Lahaina Bypass (Phases 1B-2) and Makila Ranches Phase II to the west (makai).

The Petition Area is currently undeveloped and vacant. Petitioner acquired the Petition



Area from Pioneer Mill Company, Limited in 2001. Since that time portions of the Petition Area have been used for low intensity cattle grazing.

1. Soil Classification

All soils within the Petition area are part of the Wainee series, which is made up of deep, well-drained soils. Permeability is moderate to moderately rapid, with medium runoff. The Wainee soils formed from weathered volcanic rock, and were deposited by water at the foot of the West Maui Mountains. *See* Figure 8, EISPN.

2. Agricultural Lands of Importance to the State of Hawai'i

The State Department of Agriculture has established three categories of Agricultural Lands of Importance to the State of Hawai'i ("ALISH"): Prime, Unique and Other. Lands that do not fall into one of the three ALISH categories are listed as Unclassified. "Prime" land is the best suited for the production of food, feed, forage, and fiber crops. "Unique" land is used for the production of specific high-value food crops. "Other" land does not qualify as Prime or Unique, but is still of Statewide or local importance for the production of food, feed, fiber, and forage crops. Soils without any ALISH classification are not considered agriculturally important lands.

The soils within the Petition Area are almost entirely without any ALISH classification. However a small area is designated as "Other ALISH." No ALISH Prime soils are within the Petition Area. *See* Figure 9, EISPN.

3. Land Study Bureau

Most of the soils within the Petition Area have a Land Study Bureau classification of "B" meaning the soils are considered "good." Swaths of LSB "E", or "very poor" soils run through the Petition Area. *See* Figure 10, EISPN.

4. Flood and Drainage

According to the Flood Insurance Rate Map prepared by the Federal Emergency Management Agency, National Flood Insurance Program, the Petition Area is within Flood Zone X. This means that the Petition Area is outside the 0.2 percent-annual-chance (500-year) flood zone. See Figure 11, EISPN. Petitioner has obtained a Zoning and Flood Confirmation from the County of Maui for all by one of the TMK parcels within the Petition Area. See **Petitioner's Exhibit 5**, attached hereto and incorporated herein ("**Z&F Confirmation**").

5. Topography

The Petition Area elevation ranges from 95 to 275 feet above sea level. Rainfall averages 15 inches a year, with most falling during the winter. Slopes range from 5 to 15 percent and average 8 percent overall. According to the evacuation maps prepared by the Maui County Civil Defense Agency, the Petition Area is not located within the tsunami inundation zone and therefore does not lie in an area subject to tsunami evacuation

**VIII. ASSESSMENT OF IMPACTS**

*HAR § 15-15-50(c)(11): An assessment of the impacts of the proposed use or development upon the environment, agriculture, recreational, cultural, historic, scenic, flora and fauna, groundwater, or other resources of the area. If required by chapter 343, HRS, either a finding of no significant impact after a review of an environmental assessment or an environmental impact statement conforming to the requirements of chapter 343, HRS, must be filed;*

As described above, Petitioner intends to prepare an EIS to assess the potential impacts of the proposed development and to identify appropriate mitigation measures for those impacts. Upon the completion of the EIS process, and acceptance of the Final EIS by the Commission, Petitioner will file an Amended Petition that will fully address the impacts assessment required under HAR § 15-15-50(c)(11). At this preliminary stage of the planning process, Petitioner has

not completed its planned scientific studies in regards to several of these resources.

An assessment of the anticipated impacts as a result of the development of the Makila Rural Community will be provided through detailed studies, which will be incorporated in the Draft EIS, including but not necessarily limited to: (i) Air Quality Assessment; (ii) Acoustic Assessment; (iii) Agricultural Impact Assessment; (iv) Archeological Inventory Survey; (v) Biological Survey; (vi) Cultural Impact Assessment; (vii) Economic and Fiscal Cost Benefit Analysis; (viii) Hydrological Study; (ix) Market Study; (x) Preliminary Engineering Report; (xi) Traffic Impact Analysis Report; and (xi) Wastewater Analysis.

Even at this early stage of the environmental review process, Petitioner acknowledges that a Project drainage system will need to be constructed to accommodate the increase in runoff that will be generated by the proposed development. Petitioner proposes that it will utilize Low Impact Development techniques, such as drainage sedimentation control systems, within the Petition Area. Such techniques are intended to reduce the possibility of flooding at communities makai of the Petition Area. They will also minimize nonpoint source pollution from entering coastal waters.

1. Archaeological Resources

A study titled *Archaeological Inventory Survey of 633 Acres in the Launiupoko (Large Lot) Subdivision Nos 3, 4 and 7, Launiupoko and Polanui Ahupua'a, District of Lahaina (Formerly Ka'anapali), Island of Maui, Hawaii ("AIS")* prepared in 2006 by Scientific Consultant Services. The AIS covered the Petition Area and other adjacent properties. The DLNR State Historic Preservation Division ("SHPD") approved the AIS by letter dated November 13, 2006, copy enclosed as **Petitioner's Exhibit 6.**

The AIS covered 633 acres of land, including the entirety of the Petition Area. *See AIS*



Figure 1. The AIS identified a total of ten sites, the majority of which are historic in age. AIS at 44. Five of the ten sites are large rock mounds, terraces, and irrigation ditches associated with the sugarcane plantation era. Two of the ten sites are rock walls associated with the cattle ranching era. AIS at ii. One of the ten sites is a scatter of slag fragments and cores interpreted to be a historic work area. AIS at 44. All of the sites have been fully mapped and recorded. AIS at 48.

All of the sites identified during the AIS are significant under Criterion D of the evaluation system established for the Hawai'i State Register of Historic Places. As such, all of the sites have yielded or have the potential to yield information important in prehistory or history. AIS at 47-48.



The AIS recommended no further work for the majority of the Petition Area. Archeological Monitoring will be required only for one site -- Site 50-50-03-5950 -- and only in the event that these mounds are dismantled in conjunction with the areas of development.

## **IX. AVAILABILITY OF PUBLIC SERVICES AND FACILITIES**

*HAR § 15-15-50(c)(12): Availability or adequacy of public services and facilities such as schools, parks, wastewater systems, solid waste disposal, drainage, water, transportation systems, public utilities, police and fire protection, civil defense, emergency medical service and medical facilities, and to what extent any public agency would be impacted by the proposed development or reclassification;*

### **A. EDUCATIONAL AND RECREATIONAL RESOURCES**

Regarding the availability of educational resources, the State Department of Education operates the following public schools in the vicinity of the Petition Area in Lahaina: (1) Kamehameha III Elementary School; (2) Princess Nahienaena Elementary School; (3) Lahaina Intermediate School; (4) Lokelani Intermediate School; (5) Lahainaluna High School. The



forthcoming Draft EIS will discuss whether the Project will create increased demand for educational resources and necessary mitigation measures, if any.

Regarding the availability of recreational resources, the Project calls for the development of such resources for the benefit of the planned community. Approximately 50 percent of the Petition Area will be kept as open space for agriculture, community gardens, trails, parks, natural areas and other non-buildable reserve areas.

B. WASTEWATER SYSTEMS

The Project proposes the construction of a private package waste water treatment facility in which recycled water is to be used for irrigation purposes. The forthcoming Draft EIS will discuss the manner in which the package plant will treat wastewater, and the uses of recycled wastewater for irrigation purposes within the Petition Area. The Project proposes the construction of a private package waste water treatment facility, with recycled wastewater to be used for irrigation purposes.

C. SOLID WASTE DISPOSAL

The forthcoming Draft EIS will discuss how construction materials, cleared and grubbed material, and other materials will be disposed of during and after construction of the Project, including details such as whether privately-owned or government haulers will be used and whether there will be any impact on existing solid waste collection/disposal services & facilities.

D. DRAINAGE

The Project drainage system will ensure that there are no adverse impacts on downstream properties. Low Impact Development (LID) techniques, such as drainage sedimentation control systems, are proposed to mitigate the potential for flooding makai of the community and to minimize nonpoint source pollution from entering coastal waters.

E. WATER

It is anticipated that the Project will be serviced by a privately owned utility company that is regulated by the Public Utilities Commission. Those entities are the Launiupoko Irrigation Company and the Launiupoko Water Company. The forthcoming Draft EIS will describe the proposed water system and how the drinking and non-drinking water needs of the Project will be met. The Draft EIS will also provide an assessment of the hydrological impacts of the proposed system.



F. TRANSPORTATION SYSTEMS

The Petition Area is in close proximity to Honoapi'ilani Highway (Hawai'i Route 30), a 35-mile road which begins in Wailuku and extends south through Waikapua and Mā'alaea. Access from Honoapi'ilani Highway to the Petition Area is provided by Kai Hele Kū Street. Honoapi'ilani Highway falls under the jurisdiction of the State of Hawai'i Department of Transportation. The Petition Area is not currently served directly by the Maui Bus, the County's public bus service. Access from Honoapi'ilani Highway to the Petition Area is available via Kai Hele Kū Street.

Petitioner proposes to construct an internal road within the Petition Area that will extend the existing, mauka Punakea Loop road through the community (via the roadway lot (TMK 4-7-013: 012)) providing residents alternative access to the coast by bike or on foot. This roadway and underpass will also provide linkages between the Makila Rural Community and neighboring communities including Launiupoko and Lahaina Town.

The forthcoming Draft EIS will discuss the results of the Traffic Impact Analysis Report ("TIAR") that is to be conducted. Specifically, the Draft EIS will discuss (1) the level of service provided by Honoapi'ilani Highway; (2) anticipated background traffic conditions





without the proposed Project; (4) anticipated traffic impacts from the development of the Project; and (4) mitigating measures recommended by the TIAR.

G. PUBLIC UTILITIES

The forthcoming Draft EIS will discuss the state of the public utilities within the Petition Area. Specifically, the Draft EIS will consider (1) what changes, if any, must be made to the existing electrical transmission system, and (2) whether additional electrical, cable, and telephone systems will need to be installed, either overhead or underground, to serve the Makila Rural Community.

H. POLICE, FIRE, EMERGENCY MEDICAL SERVICES

The forthcoming Draft EIS will discuss whether the proposed Project will impact the service capacity and capability of police, fire, and emergency medical operations. Specifically, the Draft EIS will consider (1) Whether the water system can provide the necessary water for fire flow protection; (2) Whether the Project will expand/extend the service area limit of emergency medical services; and (3) Whether sufficient measures are in place for crime prevention and deterrence. Petitioner is considering setting aside a site for a fire and ambulance substation within the Petition Area.

I. CIVIL DEFENSE

The County of Maui Civil Defense Agency is responsible for administering and operating the various local, state and federal civil defense programs for the County of Maui. This includes planning, preparing and coordinating civil defense operations in meeting disaster situations and coordinating post-disaster recovery operations. The forthcoming Draft EIS and related consultation will determine whether specific civil defense improvements are needed.

J. PUBLIC AGENCIES

The forthcoming Draft EIS will discuss whether the Project will affect population parameters in such a way as to have a significant effect on public agencies. Specifically, the Draft EIS will discuss whether the Project will generate a need for recreational/education facilities and services, and whether the Project calls for an expansion of existing emergency medical services in the area.

X. LOCATION AND ADJACENT LAND USE DISTRICTS

*HAR § 15-15-50(c)(13): Location of the proposed use or development in relation to adjacent land use districts and any centers of trading and employment;*

The Petition Area is located in the West Maui region of Maui and spans the *ahupua'a* of Launiupoko and Polanui. The Petition Area is surrounded by lands in the Agricultural District.

The Petition Area is bordered by the Pu'unoa Subdivision Phases I and II to the north, the Makila Plantation Phases I and II to the east (mauka), Kai Hele Kū Street to the south, and existing and proposed alignments of the Lahaina Bypass (Phases 1B-2) and Makila Ranches Phase II to the west (makai) of the Petition Area.

The Petition Area is in close proximity to Lahaina, a center of trading and employment. Once a capital of the Hawaiian Kingdom and later a historic whaling village, Lahaina is a current Maui hot spot with dozens of art galleries and a variety of unique shops and restaurants. The Petition Area is located approximately 4.8 miles from the center of Lahaina via Honoapi'ilani Highway.

XI. ECONOMIC IMPACTS OF THE PROPOSED BOUNDARY AMENDMENT

*HAR § 15-15-50(c)(14): Economic impacts of the proposed reclassification, use, or development including, without limitation, the provisions of any impact on employment opportunities, and the*

*potential impact to agricultural production in the vicinity of the subject property, and in the county of and State;*

The forthcoming Draft EIS will discuss the short-term and long-term economic impacts resulting from development of the Petition Area, including the impacts on employment. The studies to be prepared to support the Draft EIS will also include an assessment of the potential impacts to agricultural production in the vicinity of the Petition Area, as well as impacts to agricultural production within the County and the State. Because the Petition Area has not been intensive agricultural production for well over a decade, significant impacts to agricultural production are not anticipated.

A. HOUSING NEEDS OF LOW INCOME, LOW-MODERATE INCOME AND GAP GROUPS

*HAR § 15-15-50(c)(15): A description of the manner in which the petitioner addresses the housing needs of low income, low-moderate income, and gap groups.*

The Makila Rural Community will address the housing needs of below-moderate income, moderate income, and above moderate income groups by including a significant number of workforce housing homes as part of the development plan. The proposed residential community will include a minimum of 50 single-family workforce housing units, with the potential of up to 75 single-family workforce housing units.

**XII. ASSESSMENT OF NEED FOR RECLASSIFICATION**

*HAR § 15-15-50(c)(16): An assessment of need for the reclassification based upon the relationship between the use or development proposed and other projects existing or proposed for the area and consideration of other similarly designated land in the area;*

Petitioner files this Petition for DBA to request the reclassification of approximately 271.125 acres of land. Approximately 231 acres are proposed for reclassification to the Rural



District, and 40 acres for reclassification to the Urban District.

The proposed Urban District lands will be developed with between 50 to 75 single-family residential workforce housing units. Those units will be on lots of a minimum size of 6,000 square feet. There will also be a village center within the Urban District. This area will include basic conveniences and services for the community, including limited commercial space, a community center and a park. Space may also be provided for a fire and/or ambulance substation.

The Project addresses the demand and need for rural residential and workforce housing in a desirable location in West Maui. The rural community will provide a logical transition from the Lahaina Bypass, which is proposed to border the community to the west, and the surrounding agricultural subdivisions that have occurred in and around Launiupoko. Within the Rural Growth Boundary of the Maui Island Plan, the Makila Rural Community implements this plan by preserving open space, maximizing the efficient use of infrastructure, and protecting natural, agricultural, and scenic resources. No similar projects are planned in the area, and no undeveloped State Land Use Rural District lands are within the vicinity. *See* Figure 5, EISPN.

A. CONFORMITY OF THE BOUNDARY AMENDMENT TO THE STANDARDS FOR DETERMINING THE BOUNDARIES OF THE RURAL DISTRICT

Petitioner seeks to have Petition Area A reclassified from the Agricultural District to the Rural District, and Petition Area B reclassified from the Agricultural District to the Urban District. HAR § 15-15-21 sets forth the standards used by the Commission for determining Rural District boundaries. The proposed reclassification of Petition Area A conforms to those standards, as discussed below, and as will be more fully discussed in the Amended Petition.

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1. **HAR § 15-15-21(1): Areas consisting of small farms; provided that the areas need not be included in this district if their inclusion will alter the general characteristics of the areas;**

Petition Area A will satisfy HAR § 15-15-21(1) upon completion of the Project.

Although currently undeveloped and vacant, upon completion Petition Area A will provide the opportunity to implement small farms. Portions of the greenbelt area may include small farms and grazing land. The Petition Area has been placed within the Rural Growth Boundary by the recently enacted MIP.

2. **HAR § 15-15-21(2): Activities or uses as characterized by low-density residential lots of not less than one-half acre and a density of not more than one single family dwelling per one-half acre in areas where “city-like” concentrations of people, structures, streets, and urban levels of services are absent, and where small farms are intermixed with the low-density residential lots;**

Petition Area A will satisfy HAR § 15-15-21(2) upon completion of the Project. First, upon completion, Petition Area A will easily be characterized as "low-density residential lots not less than one half acre." The Project calls for the creation of rural lots between one-half to one acre in size. Second, Petition Area A will have a density "not more than one single family dwelling per one-half acre." Third, upon completion Petition Area A will not contain "city-like concentrations of people, structures, streets, and urban levels of services." The Project restricts the development of a "village core" with many of these attributes exclusively to the proposed Urban District within Petition Area B. Fourth, Petition Area A will feature "small farms intermixed with low-density residential lots." The Project anticipates that at least some of the lots will be put to agricultural uses by their ultimate owners. In addition, a significant percent of the planned community will be reserved as open space for agriculture, community gardens, trails, parks, and/or passive natural areas.

3. **HAR § 15-15-21(3): It may also include parcels of land which are surrounded by, or contiguous to this district, and are not suited to low-density residential uses for small farm or agricultural uses.**

HAR § 15-15-21(3) is not applicable to Petition Area A. Petition Area A is not surrounded by or contiguous to land that is designated as Rural District. In addition, as discussed above, the land is indeed suited to low density residential uses for small farm or agricultural uses.

B. **CONFORMITY OF THE BOUNDARY AMENDMENT TO THE STANDARDS FOR DETERMINING THE BOUNDARIES OF THE URBAN DISTRICT**

Petitioner seeks to have Petition Area B reclassified from the Agricultural District to the Urban District. HAR § 15-15-18 sets forth the standards used by the Commission for determining Urban District boundaries. The proposed reclassification of Petition Area B conforms to those standards, as briefly discussed below, and as will be more fully discussed in the Amended Petition.

1. **HAR § 15-15-18(1): It shall include lands characterized by "city-like" concentrations of people, structures, streets, urban level of services and other related land uses;**

Petition Area B will satisfy HAR § 15-15-18(1) upon completion of the Project. Petition Area B will be characterized by "city-like concentrations of people, structures, streets, urban level of services and other related land uses." However, in keeping with the purpose of the Makila Rural Community, the proposed Urban District lands will be designed with a lower standard of urban services and amenities in order to complement the surrounding rural community. The Project calls for the development of workforce housing homes clustered around a central "village core" which will offer basic conveniences and services including a park, limited commercial space, a community center, and possibly a site for a fire and ambulance substation.

As described in the MIP, areas within the MIP Rural Growth Boundary may contain limited amounts of State Land Use Urban District lands, including residential and small clusters of business and civic uses mostly to support the surrounding rural and agricultural uses.

2. **HAR § 15-15-18(2): It shall take into consideration the following specific factors: (A) Proximity to centers of trading and employment except where the development would generate new centers of trading and employment;**

Petition Area B is located in close "[p]roximity to centers of trading and employment." Specifically, Petition Area B is in close proximity to Lahaina, one of Maui's major centers of trade and employment

Lahaina contains a full array of commercial and other services that provide centers of trading and employment. Lahaina was once the capital of the Hawaiian Kingdom, and later a historic whaling village. Currently it is a Maui hot spot with dozens of art galleries and a variety of unique shops and restaurants. Petition Area B is located approximately 4.8 miles from the center of Lahaina via Honoapi'ilani Highway. Petition Area B is approximately one-third of a mile from the edge of Lahaina's urban district.

3. **HAR § 15-15-18(2): It shall take into consideration the following specific factors: . . . (B) Availability of basic services such as schools, parks, wastewater systems, solid waste disposal, drainage, water, transportation systems, public utilities, and police and fire protection;**

Basic services will be available either within Petition Area B or in the nearby vicinity upon the completion of the Project. Water and wastewater services will be provided by private companies and not the County of Maui. Existing water services is available, and Petitioner will construct a wastewater treatment plant that will also generate recycled non-drinking water for irrigation purposes.

Development of the Makila Rural Community will involve the development of parks and

other open space within the Petition Area.

To address drainage, Petition proposes to construct a drainage system that will incorporate Low Impact Development techniques, such as drainage sedimentation control systems, with the goal of mitigating potential flooding makai of the community and minimizing nonpoint source pollution from entering coastal waters. Finally, a location for fire and ambulance substation may be provided within the village center. The forthcoming Draft EIS will more fully describe and assess the availability of such basic services.

4. **HAR § 15-15-18(2): It shall take into consideration the following specific factors: . . . and (C) Sufficient reserve areas for foreseeable urban growth;**

The proposed reclassification of Petition Area B retains sufficient areas for foreseeable urban growth. The Petition Area was recently designated within a Rural Growth Boundary under the MIP. The MIP is the result of years of assessment and analysis of the future direction of growth on Maui.

5. **HAR § 15-15-18(3): It shall include lands with satisfactory topography, drainage, and reasonably free from the danger of any flood, tsunami, unstable soil condition, and other adverse environmental effects;**

Petition Area B has suitable topography and drainage and is situated in a location reasonably free from dangerous flood or tsunami conditions. The proposed Urban District Petition Area B has slopes ranging from 5 percent to 15 percent, with an average of 8 percent. On-site elevations range from 55 feet to 225 feet above mean sea level. The evacuation maps prepared by the Maui County Civil Defense Agency show that the Petition Area is not located within the tsunami inundation zone and, therefore, does not lie in an area subject to tsunami evacuation. The Petition Area is located in Flood Zone "X." Zone X represents areas outside of the 0.2 % annual chance (500-year) flood zone.



6. **HAR § 15-15-18(4): Land contiguous with existing urban areas shall be given more consideration than non-contiguous land, and particularly when indicated for future urban use on state or county general plans;**

Although Petition Area B is not contiguous with any State Land Use Urban District lands, the entire Petition Area has been placed within the Rural Growth Boundary of the MIP. The MIP directs that developments within the MIP Rural Growth Boundary may contain limited amounts of State Land Use Urban District lands, including residential and small clusters of business and civic uses mostly to support the surrounding rural and agricultural uses.

The purpose of the Rural Growth Boundary is to contain the spread of residential uses into prime agricultural lands, and to provide a tool for designing villages with a mix of lots and lifestyle choices. *See* MIP Table 8-2.

7. **HAR § 15-15-18(5): It shall include lands in appropriate locations for new urban concentrations and shall give consideration to areas of urban growth as shown on the state and county general plans;**

Petition Area B will satisfy HAR § 15-15-18(5) upon completion of the Project. As explained above, in light of the MIP Rural Growth Boundary, Petition Area B is in "an appropriate location for new urban concentration." Petition Area B will serve as an essential "village core" within the Makila Rural Community.

8. **HAR § 15-15-18(6): It may include lands which do not conform to the standards in paragraphs (1) to (5) [of HAR § 15-15-18]: (A) When surrounded by or adjacent to existing urban development; and (B) Only when those lands represent a minor portion of this district;**

Petition Area B generally conforms to the standards under HAR § 15-15-18(1) through (5). To the extent that the approximately 40 acres proposed for Urban District reclassification do not conform to those standards, this relatively small Urban District village core will represent only a minor portion of the Urban District lands on Maui.

9. **HAR § 15-15-18(7): It shall not include lands, the urbanization of which will contribute toward scattered spot urban development, necessitating unreasonable investment in public infrastructure or support services;**

Petition Area B will satisfy HAR § 15-15-18(6) upon completion of the Project. The urbanization of Petition Area B does not constitute "scattered spot urban development requiring unreasonable investment in public infrastructure." First, as previously discussed, Petition Area B will serve as a central "village core" for the Project, as well as for the surrounding communities. Existing infrastructure such as roads, water, and utility lines are adjacent to the Petition Area and therefore capable of providing service to the Project. All of which will be more fully described in the Draft EIS and later in the Amended Petition. Second, as previously discussed, the Urban District core is precisely what is intended within the Makila Planned Growth Area under the recently enacted MIP.

10. **HAR § 15-15-18(8): It may include lands with a general slope of twenty per cent or more if the commission finds that those lands are desirable and suitable for urban purposes and that the design and construction controls, as adopted by any federal, state, or county agency, are adequate to protect the public health, welfare and safety, and the public's interests in the aesthetic quality of the landscape.**

Petition Area B will satisfy HAR § 15-15-18(6) upon completion of the Project. This statutory exception that allows for the reclassification of land with general slopes exceeding 20 percent is not applicable to Petition Area B. The slopes for the entire Project Area range from 5 percent to 15 percent, with an average slope of 8 percent.

**XIII. CONFORMITY OF THE RECLASSIFICATION TO THE GOALS, OBJECTIVES, AND POLICIES OF THE HAWAI'I STATE PLAN, PRIORITY GUIDELINES AND FUNCTIONAL PLANS POLICIES**

*HAR § 15-15-50(c)(17): An assessment of conformity of the reclassification to applicable goals, objectives, and policies of the Hawaii state plan, chapter 226, HRS, and applicable priority guidelines and functional plans policies;*



The Hawai'i State Planning Act found in HRS Chapter 226 (the "**HSP**"), is a comprehensive guide for the future long-range development of the State of Hawai'i. Among other things, the HSP's purposes are to identify the goals, objectives, policies, and priorities for the State of Hawai'i, provide a basis for allocating limited resources, and improve coordination between Federal, State and County agencies. The three themes underlying the HSP are: (1) individual and family self-sufficiency; (2) social and economic mobility; and (3) community or social well-being. *See* HRS § 226-3.

The HSP also provides numerous State goals and specific objectives and policies to achieve those goals. The State goals include a strong, viable, stable and diverse economy, the development of physical environments that are beautiful, clean and unique, and that enhance the mental and physical well-being of the residents, and the physical, social, and economic well-being for the people of Hawai'i that nourishes a sense of community responsibility and participation. *See* HRS § 226-4. The development of the Project will further the above-described goals of the HSP.

A point-by-point analysis of the Project's conformance with the numerous objectives, policies, priority guidelines and functional plans of the HSP will be provided in the forthcoming Draft EIS. A more streamlined analysis of the Project's conformance with specific HSP objectives and policies is provided below.

A. GOALS, OBJECTIVES AND POLICIES OF THE HAWAII STATE PLAN

In particular, the proposed reclassification conforms to the following goals, objectives and policies of the HSP:

1. HRS § 226-4 - State Goals

*(1) A strong, viable economy, characterized by stability, diversity, and growth, that enables the fulfillment of the needs and expectations of Hawaii's present and future generations.*

*(2) A desired physical environment, characterized by beauty, cleanliness, quiet, stable natural systems, and uniqueness, that enhances the mental and physical well-being of the people.*

*(3) Physical, social, and economic well-being, for individuals and families in Hawaii, that nourishes a sense of community responsibility, of caring, and of participation in community life.*

2. HRS § 226-5 – Objectives and Policies for Population

*(b)(2) Encourage an increase in economic activities and employment opportunities on the neighbor islands consistent with community needs and desires.*

*(b)(3) Promote increased opportunities for Hawaii's people to pursue their socio-economic aspirations throughout the islands.*

3. HRS § 226-6 – Objective and Policies for the Economy in General

*(a)(1) Increased and diversified employment opportunities to achieve full employment, increased income and job choice, and improved living standards for Hawaii's people, while at the same time stimulating the development and expansion of economic activities capitalizing on defense, dual-use, and science and technology assets, particularly on the neighbor islands where employment opportunities may be limited.*

*(b)(9) Strive to achieve a level of construction activity responsive to, and consistent with, state growth objectives.*

*(b)(11) Encourage labor-intensive activities that are economically satisfying and which offer opportunities for upward mobility.*

*(b)(14) Stimulate the development and expansion of economic activities which will benefit areas with substantial or expected employment problems.*

The Project conforms with the above-quoted goals, objectives, and policies of the HSP, HRS §§ 226-4, 5 and 6 in several respects. First, with respect to HRS § 226-4, the Project

involves the development of a physical environment that is beautiful, clean, quiet, and unique, namely, a community of rural residential lots surrounding a small village core. Second, with respect to HRS § 226-5, the Project will "increase the opportunities of Hawai'i's people to pursue their socio-economic aspirations" by developing a minimum of 50 single-family workforce housing units near the community's village core. Third, with respect to HRS § 226-6, the Project "encourages labor-intensive activities that are economically satisfying and which offer opportunities for upward mobility" by providing opportunities for small scale agriculture on rural residential lots while at the same time providing for workforce housing.

B. HAWAII STATE PLAN PRIORITY GUIDELINES

The proposed reclassification conforms to the following goals, objectives and policies of the Hawaii State Plan Priority Guidelines:

1. HRS § 226-103 - Economic Priority Guidelines

*HRS § 226-103(1) Seek a variety of means to increase the availability of investment capital for new and expanding enterprises.*

a. Encourage investments which:

- (i) Reflect long term commitments to the State;*
- (ii) Rely on economic linkages within the local economy;*
- (iii) Diversify the economy;*
- (iv) Re-invest in the local economy;*
- (v) Are sensitive to community needs and priorities; and*
- (vi) Demonstrate a commitment to management opportunities to Hawai'i residents.*

2. HRS § 226-104 Population Growth and Land Resources Priority Guidelines

*(a)(1) Encourage planning and resource management to insure that population growth rates throughout the State are consistent with available and planned resource capacities and reflect the needs and desires of Hawaii's people.*

*(b)(1) Encourage urban growth primarily to existing urban areas where adequate public facilities are already available or can be provided with reasonable public expenditures and away from areas where other important benefits are present, such as protection of important agricultural land or preservation of lifestyles.*

*(b)(2) Make available marginal or non-essential agricultural lands for appropriate urban uses while maintaining agricultural lands of importance in the agricultural district.*

*(b)(12) Utilize Hawaii's limited land resources wisely, providing adequate land to accommodate projected population and economic growth needs while ensuring the protection of the environment and the availability of the shoreline conservation lands, and other limited resources for future generations.*

The Project is in keeping with the Hawai'i State Plan Priority Guidelines in several respects. With respect to HRS § 226-103, the Project is an investment which is a long-term commitment to the State, relies on local economic linkages, re-invests in the local economy and is sensitive to community needs and priorities. Specifically, the Project addresses the demand and need for rural residential and workforce housing in a manner that links a desirable location in West Maui to one of the island's economic centers in Lahaina. With respect to HRS § 226-104, the Project is a wise use of Hawai'i's limited land resources that provides adequate land to accommodate projected population and economic growth needs while ensuring the protection of the environment. Specifically, the Project wisely balances the development of rural residential lots and workforce housing with the preservation of open space for agriculture, community gardens, trails, parks, natural areas and other non-buildable reserve areas.

## C. STATE FUNCTIONAL PLANS



The HSP called for the creation of functional plans to further define and implement the statewide goals, objectives and policies set forth under the HSP. *See* HRS § 226-56. Developed in the late 1980s and early 1990s, the State Functional Plans (the "**SFP**") are the primary guidance tools for implementing the HSP. While the HSP establishes long-term objectives for the State of Hawai'i, the SFP are intended to identify major state-wide concerns, define current strategies, identify major relationships and provide strategies for departmental policies, programs, and priorities. The forthcoming Draft EIS will address the relationship of the Project to the various SFP. The reclassification requested by Petitioner is consistent with the following specific SFP:

### 1. Agricultural Functional Plan

The current Agricultural Functional Plan ("**AFP**") was prepared by the State of Hawai'i, Department of Agriculture in 1991. The AFP set as an objective the "achievement of optimal contribution by agriculture to the state's economy" (Objective D). More specifically, the AFP calls for the determination of "alternative agricultural uses of the land, water, infrastructure, and human resources presently committed to sugarcane and pineapple production. (Action D(1)(c)). While the Petition Area has historically been used for commercial sugar production, it has not been used for this purpose for well over a decade. The reclassification requested by the Petitioner will support an "alternative agricultural use" of the land by providing rural residential lots with the opportunity to conduct small-scale farming. For these reasons, reclassification of the Petition Area is consistent with the policies and objectives of the HSP and the AFP.

### 2. Employment Functional Plan

The current Employment Functional Plan ("**AFP**") was developed by the State of



Hawai'i, Department of Industrial Relations in 1990. Portions of the HSP pertain to employment in the State and the EFP's development was guided by these provisions. For example, HRS § 226-3 values individual and family self-sufficiency and economic mobility. HRS § 226-6 sets forth objectives and policies to increase and diversify employment opportunities, foster cooperation between the public and private sectors, and stimulate the development and expansion of economic activities. In turn, the EFP through job training, education, and other employment support services seeks to improve the qualifications of Hawai'i workers to enter and compete in the labor force.

The Project supports the goals, policies and objective of the HSP and EFP in several ways. The development and construction of the infrastructure will result in both direct and indirect increases in jobs on Maui each year during the build out of the Project. Second, after the initial infrastructure development, individual lot construction is expected to create an additional demand for workers in the area.

### 3. Transportation Functional Plan

The current Transportation Functional Plan ("TFP") was developed by the State DOT in 1991. Among the policies and objectives of the TFP are (1) maximizing joint efforts with the private sector; (2) pursuing land use initiatives which help reduce travel demand; and (3) encouraging resident quality-of-life improvements through improved mobility opportunities and travel reduction.

The Project may help satisfy these goals. Petitioner has been working closely with the State Department of Transportation regarding the future alignment of the Southern Terminus of the Lahaina Bypass, and has committed to donate land to the State for the Bypass right of way. The Petitioner has also sold a number of acres of prime coastal land to the County of Maui, to





facilitate the County's plans to establish a coastal park and preserve open space.

Furthermore, the Project is designed with an effort to reduce travel demand. The Project calls for the development of an internal road that will extend through the community providing alternative access to the coast. The Project also encourages resident quality of life improvements through mobility opportunities. The Project will include walking and/or bike paths that will link the rural lots to the community's village center, thereby encouraging a healthy, social lifestyle and reducing dependence on cars for transportation.

#### **XIV. CONFORMITY OF THE RECLASSIFICATION TO THE OBJECTIVES AND POLICIES OF THE COASTAL ZONE MANAGEMENT PROGRAM**

*HAR § 15-15-50(c)(18): An assessment of the conformity of the reclassification to objectives and policies of the coastal zone management program, chapter 205A, HRS;*

Hawai'i's Coastal Zone Management Program ("CZMP"), found in Chapter 205A of the HRS, establishes numerous objectives, policies, and standards to guide and regulate public and private uses in the coastal zone management area. The Petition Area is not within the County Special Management Area. However, the Project's relationship to the following CZMP objectives and policies will be reviewed and assessed in the Draft EIS and below.

##### **A. HISTORIC RESOURCES.**

**Objective:** Protect, preserve and, where desirable, restore those natural and man-made historic and prehistoric resources in the coastal zone management area that are significant in Hawaiian and American history and culture.

**Policies:** (a) Identify and analyze significant archeological resources;

(b) Maximize information retention through preservation of remains and artifacts or salvage operations; and

(c) Support state goals for protection, restoration, interpretation, and display of historic resources.



The Project is not expected to have an adverse effect on historical cultural resources. As set forth in Section IX.1, *supra.*, the Petitioner area has been assessed historical resources. The AIS, which was approved by DLNR-SHPD on November 13, 2006, determined that no further archaeological work is required for almost the entirety of the Petition Area.

With respect to cultural resources, a CIA will be prepared as part of the Draft EIS process.

B. ECONOMIC USES.

**Objective:** Provide public or private facilities and improvements to the State's economy in suitable locations.

**Policies:** (a) Concentrate coastal development in appropriate areas;

(b) Ensure that coastal development such as harbors and ports, and coastal related development such as visitor facilities and energy generating facilities, are located, designed, and constructed to minimize adverse social, visual, and environmental impacts in the coastal zone management area; and

(c) Direct the location and expansion of coastal dependent developments to areas presently designated and used for such developments and permit reasonable long-terms growth at such areas, and permit coastal dependent development outside of presently designated areas when:

(i) Use of presently designated locations is not feasible;

(ii) Adverse environmental effects are minimized; and

(iii) The development is important to the State's economy.

The Project is not a coastal dependent development. This said, the Project will provide private facilities that will improve the economy by generating good permanent jobs and construction-related job opportunities for Maui residents. Therefore, the Project is consistent with the objective and policies for economic uses.



C. COASTAL HAZARDS.

**Objectives:** Reduce hazard to life and property from tsunami, storm waves, stream flooding, erosion, subsidence and pollution.

**Policies:** (a) Develop and communicate adequate information about storm wave, tsunami, flood, erosion, subsidence, and non-point source pollution hazards;

(b) Control development in areas subject to storm wave, tsunami, flood, erosion, hurricane, wind, subsidence, point and non-point pollution hazards;

(c) Ensure that developments comply with requirements of the Federal Flood Insurance Program;

(d) Prevent coastal flooding from inland projects; and

(e) Develop a coastal point and non-point source pollution control program.



As previously noted, the Petition Area is located in Flood Zone "X." Zone X represents areas outside of the 0.2% annual chance flood plain. In addition, the tsunami inundation parameters do not apply to the Petition Area. Drainage improvements for the Project will be designed in accordance with the Drainage Standards of the County of Maui to ensure that the Project will not adversely affect downstream properties or coastal waters from the effects of flooding and erosion.

D. BEACH PROTECTION.

**Objective:** Protect beaches for public use and recreation.

**Policies:** (a) Locate structures inland from the shoreline setback to conserve open space and to minimize loss of improvements due to erosion;

(b) Prohibit construction of private erosion-protection structures seaward of the shoreline, except when they result in improved aesthetic and engineering solutions to erosion at the sites and do not interfere with existing recreational and waterline activities; and

- 
- 
- (c) Minimize the construction of public erosion-protection structures seaward of the shoreline.

The Petition Area is not located along the shoreline. As a result, there is no impact on the use of beaches by the public and for recreation.

E. MARINE RESOURCES.

**Objective:** Implement the State's ocean resources management plan.

**Policies:** (a) Exercise an overall conservation ethic, and practice stewardship in the protection, use, and development of marine and coastal resources;

(b) Assure the use and development of marine and coastal resources are ecologically and environmentally sound and economically beneficial;

(c) Coordinate the management of marine and coastal resources and activities management to improve effectiveness and efficiency;

(d) Assert and articulate the interests of the State as a partner with federal agencies in the sound management of ocean resources within the United States exclusive economic zone;

(e) Promote research, study, and understanding of ocean processes, marine life, and other ocean resources in order to acquire and inventory information necessary to understand how ocean development activities relate to and impact upon ocean and coastal resources; and

(f) Encourage research and development of new, innovative technologies for exploring, using, or protecting marine and coastal resources.

As stated previously, the Petition Area is not located within the Special Management Area, and is not on the coast. Low Impact Design measures will be included in the development of the Project infrastructure, and best management practices will be utilized to ensure that construction runoff is appropriately captured, minimizing the impact on coastal waters.



F. PUBLIC PARTICIPATION.

**Objective:** Stimulate public awareness, education, and participation in coastal management.

**Policies:** (a) Maintain a public advisory body to identify coastal management problems and to provide policy advice and assistance to the coastal zone management.

(b) Disseminate information on coastal management issues by means of educational materials, published reports, staff contact, and public workshops for persons and organizations concerned with coastal-related issues, developments, and government activities; and

(c) Organize workshops, policy dialogues, and site-specific mediations to respond to coastal issues and conflicts.

The Petitioner has already reached out to the following groups to discuss the Project:

- Puamana Community Association Board of Directors
- Mahanalua Nui board members and interested homeowners
- West Maui Taxpayers Association
- Lahaina Rotary Club
- Pu‘unoa Homeowners Association
- Makila Plantation Homeowners Association
- Kuleana Kuikahi

In addition, Petitioner expects to continue outreach efforts with additional community organizations, groups, interested individuals, as well as with County and State agencies.

Furthermore, the forthcoming Draft EIS will be sent to all relevant County, State and Federal agencies and organizations, as well as community organizations and interested individuals and elected officials

XV. CONFORMITY OF THE RECLASSIFICATION TO THE COUNTY GENERAL PLAN, COMMUNITY PLANS, AND ZONING DESIGNATIONS AND POLICIES

*HAR § 15-15-50(c)(19): An assessment of conformity of the reclassification to the applicable county general plans, development or community plans, zoning designations and policies, and proposed amendments required;*



The relevant County plans are: (i) the Maui County General Plan; (ii) the Countywide Policy Plan; (iii) the Maui Island Plan; and (iv) the West Maui Community Plan.

A. MAUI COUNTY GENERAL PLAN

The purpose of the General Plan is to indicate desired population and physical development patterns for each island and region in the County of Maui. The General Plan sets forth desired patterns, sequences and characteristics of future development *See* Maui County Charter.

The proposed reclassification is consistent with the land use objectives and policies of the General Plan. First, listed among the General Plan's land use objectives is "To use the land within the County for the social and economic benefit of all the County's residents." As stated above, the Project benefits all County residents by creating jobs and providing an economic boost in both the short and long term. Second, polices of the General Plan that will be supported by development of the Project include the following:

- 1b. Provide and maintain a range of land use districts sufficient to meet the social, physical, environmental, and economic needs of the community.
- 1d. Formulate a directed growth strategy, which will encourage the redevelopment and infill of existing communities allowing for mixed land uses, where appropriate.

As mentioned earlier, the proposed reclassification addresses the community's need for rural and residential housing in West Maui. Also, the Project's call for the creation of both rural lots and workforce housing in a manner that preserves open space while at the same time developing a village core exemplifies the General Plan's vision of directed growth allowing for mixed land uses.

B. COUNTYWIDE POLICY PLAN

The Countywide Policy Plan was adopted as Ordinance No. 3732 on March 24, 2010. The Countywide Policy Plan is an over-arching values statement and is an umbrella policy document for the MIP and various community plans. The Countywide Policy Plan provides a vision for the County, a statement of core themes or principles for the county, and a list of countywide objectives and policies for population, land use, the environment, the economy and housing.

Through a series of outreach efforts with the public, certain core themes were identified and noted in the Countywide Policy Plan, along with both general goals related to each core theme and more specific objectives and policies which support each core theme. The core themes are:



- A. Protect the Natural Environment*
- B. Preserve Local Cultures and Traditions*
- C. Improve Education*
- D. Strengthen Social and Healthcare Services*
- E. Expand Housing Opportunities for Residents*
- F. Strengthen the Local Economy*
- G. Improve Parks and Public Facilities*
- H. Diversify Transportation Options*
- I. Improve Physical Infrastructure*
- J. Promote Sustainable Land Use and Growth Management*
- K. Strive for Good Governance*

Maui County General Plan 2030, Countywide Policy Plan at 1.

The core themes that will be supported by development of the Project include but are not limited to: (A) Protect the natural environment; (F) Strengthen the local economy; and (J) Promote sustainable land use and growth management.

1. Protect the Natural Environment.

Objective 3: Improve the stewardship of the natural environment.



Policies: Evaluate development to assess potential short-term and long-term impact on land, air, aquatic, and marine environments.

Educate the construction and landscaping industries and property owners about the use of best management practices to prevent erosion and nonpoint source pollution.

a. Analysis:

The Project's potential short and long-term impacts to the natural environment will be identified, evaluated and addressed through the EIS. At this point, prior to the EIS, Petitioner has committed to utilize Low Impact Development techniques, such as drainage sedimentation control systems, are proposed to mitigate the potential flooding makai of the community and to minimize nonpoint source pollution from entering coastal waters.

2. Strengthen the Local Economy.

Objective 1: Promote an economic climate that will encourage diversification of the County's economic base and a sustainable rate of growth.

Policies.: Support economic decisions that create long-term benefits.

Support and promote locally-produced products and locally-owned operations and businesses that benefit local communities and meet local demand.

Support public and private entities that assist entrepreneurs in establishing locally operated businesses.

a. Analysis:

As will be determined through the economic and fiscal impacts analysis to be provided with the Draft EIS, development of the Makila Rural Community is anticipated to have a positive effect on Maui's economy and will encourage diversification of the county's economic base. The Project will also contribute to the larger, statewide economy through increased job opportunities, purchases of goods, and demand for services. The Project will show immediate, short-term





economic benefits as a result of design, construction and construction-related employment during the build out and development phases of the Project. In the long term, the Project will support local businesses, maximize efficient use of infrastructure, and protect natural, agricultural, and scenic resources.

3. Promote Sustainable Land Use and Growth Management.

Objective 1. Improve land use management and implement a directed-growth strategy

Policies: Direct urban and rural growth to designated areas.

Objective 4. Improve and increase efficiency in land use planning and management.

Policies: Ensure that new development projects requiring discretionary permits demonstrate a community need, show consistency with the General Plan, and provide an analysis of impacts.

a. Analysis:

As stated throughout this Petition, the Project addresses a community need and directs Urban and Rural growth accordingly. The Makila Rural Community will also address the demand and need for rural residential and workforce housing in a desirable location in West Maui. The rural community will provide a logical transition from the Lahaina Bypass, which is proposed to border the community to the west, and the surrounding agricultural subdivisions that have occurred in and around Launiupoko.

C. MAUI ISLAND PLAN

The MIP sets forth an island-wide land use strategy for Maui and encompasses a managed and directed growth plan which includes a managed and directed growth plan. The Maui Island Plan was reviewed by the General Plan Advisory Committee, the Maui Planning Commission, and approved by the County of Maui Council. It has been adopted by County of

Maui Ordinance No. 4004, enacted December 28, 2012.

The Petition Area is within the Rural Growth Boundary of the MIP. *See* Maui Island Plan Directed Growth Map W3; *and see* EISPN Figure 6. Therefore, this area has been selected by the people of Maui County for future rural development. It should also be duly noted that the MIP recognizes that successful implementation of the plan will rely in significant part on the innovative use of existing land use regulatory controls and programs. The Plan states explicitly:

Updates to Title 19 will be necessary to implement this Plan. In particular, the lot size and density permitted in the agricultural district ordinance and expanding some districts to allow for mixed uses will be necessary to implement this directed growth strategy. . . Delineation of future urban, small town, and rural development is a key component of the County's managed and directed growth plan.

*See* Maui Island Plan 10-17.

Within the Rural Growth Boundary, Rural Residential areas are primarily areas for residential development with lower residential densities, e.g., one half to one acre lots. However, the MIP also recognizes that within the Makila Planned Growth Area the projected dwelling unit count of 200 units could be increased to provide affordable housing in excess of what is required by law. *See* Table 8-28, MIP. The Makila Rural Community proposes a total of 200 to 225 residences, of which 50 to 75 will be affordable housing.

#### D. WEST MAUI COMMUNITY PLAN

The Petition Area is located within the West Maui Community Plan region. The Community Plan was first adopted in 1982 as the Lahaina Community Plan. The plan was updated and renamed the West Maui Community Plan in 1992-1993 as part of the County's decennial review process. The existing West Maui Community Plan was adopted by Ordinance No. 2476 and has been effective, as amended, since 1996. The Petition Area is designated as



Agriculture on the Community Plan land use map. *See* Figure 7, EISPN. Upon successful completion of the DBA process, Petitioner will be submitting a Community Plan Amendment to the County of Maui to request an amendment to the Rural, Single Family and Business categories. The development of the Project is consistent with the following goals, objectives, policies and standards of the West Maui Community Plan.

1. Land Use



Goal: An attractive, well-planned community with a mixture of compatible land uses in appropriate areas to accommodate the future needs of residents and visitors in a manner that provides for the stable social and economic well-being of residents and the preservation and enhancement of the region's open space areas and natural environmental resources.

Objectives and Policies: Preserve and enhance the mountain and coastal scenic vistas and the open space areas of the region . . . Ensure that appropriate lands are available to support the region's present and future agricultural activities . . .

Establish an appropriate supply of urban land within the region to meet the needs of the community over the next 20 years.

a. Analysis:

As discussed throughout this Petition, the Project exemplifies the Community Plan's goals, objectives, and policies in regards to land use. First, the Project calls for the development of "an attractive, well-planned community with a mixture of compatible land uses." The proposed rural residential community will include rural lots, workforce housing, a village core, and commercial space. Second, the Project will preserve the region's open space areas and natural environmental resources. Approximately 50 percent of the Project area will be kept as



open space for agriculture, community gardens, trails, parks, natural areas and other non-buildable reserve areas. Third, the Project establishes an appropriate supply of urban land within the region. As previously stated, the Project includes the development of an urban "village core" within the largely rural Petition Area that offers basic conveniences such as a park, limited commercial space, and a community center.

2. Housing

Goal: A sufficient supply and choice of attractive, sanitary and affordable housing accommodations for a broad cross section of residents.

Objectives and Policies: Accommodate the 20-year housing needs of the planning region . . . Coordinate the planning, design and construction of public infrastructure improvements with major residential projects that have an affordable housing component . . . Plan, design and construct off-site public infrastructure improvements (i.e., water, roads, sewer, drainage, police and fire protection, and solid waste) in anticipation of residential developments defined in the Community Plan and consistent with the directed and managed growth plan required by the County General Plan . . . Promote efficient housing designs in order to reduce residential home energy consumption . . . Maintain acceptable standards for affordable housing projects, including but not limited to, the installation of sidewalks and provision of adequate off-street parking.

a. Analysis:

As discussed throughout this Petition, the Project exemplifies the Community Plan's goals, objectives, and policies in regards to housing. The Project offers a "sufficient supply and choice of attractive, sanitary and affordable housing accommodations for a broad cross section of



residents." Specifically the Project calls for the development of both rural residential lots and single family workforce housing units that will appeal to a broad cross section of residents.

### 3. Infrastructure

Goal: Timely and environmentally sound planning, development, and maintenance of infrastructure systems which serve to protect and preserve the safety and health of the region's residents, commuters, and visitors through the provision of clean water, effective waste disposal and efficient transportation systems which meets the needs of the community.

Objectives and Policies: Coordinate the construction of all water and public utility improvements to minimize construction impacts . . . Coordinate expansion of and improvements to water system to coincide with the development of residential expansion areas.

As discussed throughout this Petition, the Project exemplifies the Community Plan's goals, objectives, and policies in regards to infrastructure. Low Impact Development techniques, such as drainage sedimentation control systems, are proposed to mitigate the potential for flooding makai of the community and to minimize nonpoint source pollution from entering coastal waters. In addition, a private package waste water treatment facility is proposed, with recycled wastewater to be used for irrigation purposes.

The forthcoming Draft EIS will discuss how the planned infrastructure improvements are aligned with the Community Plan's goals, objectives, and policies as well.

### E. COUNTY ZONING AND PROPOSED AMENDMENTS

The Project Area is zoned "Agricultural" by the County of Maui. *See Z&F Confirmation.* Principal permitted uses within the County's Agricultural zoning district include (1) agriculture,

(2) agricultural land conservation, (3) agricultural parks, (4) animal and livestock raising, (5) private agricultural parks, and (6) minor utility facilities. Permitted accessory uses include, among other uses, two farm dwellings per lot and one farm labor dwelling (per five acres of lot area).

Development of the Makila Rural Community will require a change in zoning. ("CIZ"). In conjunction with the Community Plan Amendment, Petitioner will seek rezoning to allow for rural residential lots within Petition Area A and a combination of small lots with commercial and civic uses within Petition Area B. The zoning amendments to be requested as anticipated to be to the Rural (RU-5), Residential (R-1) and Neighborhood Business (B-1) districts. The forthcoming Draft EIS will discuss the zone changes that are most appropriate for the proposed use of the Petition Area in detail.

#### **XVI. DEVELOPMENT OF URBAN DISTRICT WITHIN TEN YEARS**

*HAR § 15-15-50(c)(20): Petitioners submitting petitions for boundary amendment to urban district shall also represent that development of the subject property in accordance with the demonstrated need therefor will be accomplished before ten years after the date of commission approval. In the event full urban development cannot substantially be completed within such period, the petitioner shall submit a schedule for development of the total of such project in increments together with a map identifying the location of each increment, each such increment to be completed within no more than a ten-year period;*

It is estimated that all backbone infrastructure necessary for the Makila Rural Community can be completed within 10 years of the Commission's approval of the requested DBA (after completion of the EIS process and the filing of an Amended Petition). The Project is not projected to be built in distinct and separate phases, so although the requirements under HAR § 15-15-50(c)(20) apply only to reclassifications to the Urban District, Petitioner currently anticipates that all Project infrastructure will be completed within that 10-year timeframe.

## **XVII. HAWAIIAN CUSTOMARY AND TRADITIONAL RIGHTS**

*HAR § 15-15-50(c)(21): A statement addressing Hawaiian customary and traditional rights under Article XII, section 7 of the Hawaii State Constitution;*

Petitioner is aware of, and is sensitive to, the protections afforded to Native Hawaiian customary and traditional rights under Article XII, section 7 of the Hawai‘i State Constitution. The forthcoming Draft EIS will discuss the findings of the Cultural Impact Assessments that will be prepared for the Project, which will include details about whether the Petition Area has been used for traditional cultural purposes within recent times, and whether the proposed development will affect the exercise of any Hawaiian traditional or customary activities including activities related to gathering, access, or other customary activities.

## **XVIII. WRITTEN COMMENTS**

*HAR § 15-15-50(c)(22): Any written comments received by the petitioner from governmental, non-governmental agencies, organizations, or individuals in regards to the proposed reclassification;*

Petitioner is in the process of undertaking public outreach for the proposed Makila Rural Community. As of the date of the Petitioner's EISPN, Petitioner has reached out to the following groups to discuss the proposal:

- Puamana Community Association Board of Directors
- Mahanalua Nui board members and interested homeowners
- West Maui Taxpayers Association
- Lahaina Rotary Club
- Pu'unoa Homeowners Association
- Makila Plantation Homeowners Association
- Kuleana Kuikahi

However, at this time Petitioner has not received written comments from any agencies, organizations or individuals regarding the proposed DBA.

**XIX. NOTIFICATION OF PETITION FILING**

*HAR § 15-15-50(c)(23): A copy of the notification of petition filing pursuant to [HAR § 15-15-50(d)].*

Attached hereto as **Petitioner's Exhibit 7**, and incorporated herein by reference, is a true and correct copy of the Notification of Petition Filing of this Petition, required under HAR § 15-15-50(d). Copies of said Notification were sent to all persons included on the mailing list provided by the Commission's Chief Clerk.

**XX. CONCLUSION**

Based on the foregoing, Petitioner respectfully requests that at the appropriate time, upon completion of the environmental review process and Petitioner's filing of an Amended Petition, this Commission find that the Amended Petition complies with the necessary requirements of a Petition for District Boundary Amendment pursuant to HAR § 15-15-50. At that time Petitioner shall also respectfully request that the Commission find that the proposed development of Petition Area A and Petition Area B meets with the standards for determining the Rural and Urban District boundaries pursuant to HAR § 15-15-21 and HAR § 15-15-18, respectively, and therefore grant the reclassification of the approximately 271-acre combined Petition Areas accordingly.

DATED: Honolulu, Hawai'i, September 11, 2015.

  
\_\_\_\_\_  
JENNIFER A. LIM  
Attorney for Petitioner  
MAKILA LAND CO., LLC



**BEFORE THE LAND USE COMMISSION**

**OF THE STATE OF HAWAII**

**In the Matter of the Petition of**

MAKILA LAND CO., LLC

To Amend The Agricultural Land Use District Boundaries Into The Rural Land Use District For Approximately 231 acres of land, consisting of Tax Map Key Nos. (2) 4-7-013:001, 002, 003, 004, 005, 006 (por.), 007 (por.), 008 (por.), 009, 010, 011, 012, And Into The Urban Land Use District For Approximately 40 acres of land, consisting of Tax Key Nos. (2) 4-7-013: 006 (por.), 007 (por.), 008 (por.) at Launiupoko, Polanui, Lahaina, Island and County of Maui, State of Hawai'i

**DOCKET NO. A15-799**

**VERIFICATION OF JENNIFER A. LIM**

**VERIFICATION**

I, JENNIFER A. LIM, declare that:

1. I am an attorney for Petitioner MAKILA LAND CO., LLC in the above-captioned matter;
2. I make this verification under Hawai'i Administrative Rules Section 15-15-39(c);
3. I have read the Petition for District Boundary Amendment dated September 11, 2015 and the Exhibits 1 through 7 attached thereto and incorporated therein, know the contents thereof; and that the contents therein contained are true to the best of my knowledge, information and belief; and
4. I declare under penalty of law that the foregoing is true and correct.

DATED: September 11, 2015, Honolulu,  
Hawai'i

  
\_\_\_\_\_  
JENNIFER A. LIM

Attorney for Petitioner  
MAKILA LAND CO., LLC

BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

**In the Matter of the Petition of**  
MAKILA LAND CO., LLC

**DOCKET NO. A15-799**

To Amend The Agricultural Land Use District Boundaries Into The Rural Land Use District For Approximately 231 acres of land, consisting of Tax Map Key Nos. (2) 4-7-013:001, 002, 003, 004, 005, 006 (por.), 007 (por.), 008 (por.), 009, 010, 011, 012, And Into The Urban Land Use District For Approximately 40 acres of land, consisting of Tax Key Nos. (2) 4-7-013: 006 (por.), 007 (por.), 008 (por.) at Launiupoko, Polanui, Lahaina, Island and County of Maui, State of Hawai'i

**AFFIDAVIT OF JENNIFER A. LIM  
ATTESTING TO SERVICE OF  
PETITION**

AFFIDAVIT OF JENNIFER A. LIM ATTESTING TO SERVICE OF PETITION

JENNIFER A. LIM, being first duly sworn on oath, deposes and says:

1. Affiant is one of the attorneys for Petitioner MAKILA LAND CO., LLC ("**Petitioner**"), is licensed to practice law in the State of Hawai'i, is duly authorized to make this affidavit, and does so upon personal knowledge and belief.

2. MAKILA LAND CO., LLC is a Petitioner for a State of Hawai'i Land Use District Boundary Amendment, for certain lands consisting of approximately 271.175 acres, situate at Launiupoko, District of Lahaina, Island and County of Maui, State of Hawai'i, Tax Map Key Nos. (2) 4-7-013:001, 002, 003, 004, 005, 006 (por.), 007 (por.), 008 (por.), 009, 010, 011, 012.

3. In compliance with §15-15-48(a), Hawai'i Administrative Rules, Affiant has, on September 11, 2015, served a copy of the Petition for Land Use District Boundary Amendment



by depositing the same in the United States mail, postage paid, or by hand delivery, to each of the following persons, addressed as follows:

LEO R. ASUNCION, JR., AICP Acting Director Office of Planning State of Hawaii 235 South Beretania Street, 6th Floor Honolulu, Hawaii 96813	BY HAND DELIVERY
---	------------------

BRYAN C. YEE, ESQ. Deputy Attorney General Department of the Attorney General 425 Queen Street Honolulu, HI 96813	BY HAND DELIVERY
---	------------------

RAY MCCORMICK Highways Administrator Department of Transportation State of Hawaii 869 Punchbowl Street, Room 513 Honolulu, HI 96813	BY HAND DELIVERY
--	------------------

WILLIAM SPENCE Director, County of Maui Department of Planning 2200 Main St., One Main Plaza Bldg., Ste 315 Wailuku, HI 96793	BY MAIL
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PLANNING COMMISSION County of Maui 2200 Main St., One Main Plaza Bldg., Ste 315 Wailuku, HI 96793	BY MAIL
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PATRICK K. WONG, ESQ. Corporation Counsel Department of the Corporation Counsel County of Maui 200 S. High St. Wailuku, HI 96793	BY MAIL
---	---------

DAVID GOODE BY MAIL  
Director, County of Maui Department of  
Public Works  
200 South High St.  
Kalana O Maui Bldg 4th fl  
Wailuku, HI 96793

PIONEER MILL COMPANY BY MAIL  
c/o Amfac Land Company, Limited  
700 Bishop Street, Suite 501  
Honolulu, HI 96813

MAUI ELECTRIC COMPANY, LIMITED BY MAIL  
c/o Phil Hauret  
Hawaiian Electric Company  
1100 ASB Tower  
1001 Bishop Street  
Honolulu, HI 96813

HAWAIIAN TELCOM, INC BY MAIL  
Attn: Legal Department  
1177 Bishop Street  
Honolulu, HI 96813

MAHANALUA NUI HOMEOWNERS BY MAIL  
ASSOCIATION, INC.  
c/o Management Consultants of Hawaii  
727 Wainee Street  
Lahaina, HI 96761

MAKILA PLANTATION BY MAIL  
HOMEOWNERS ASSOCIATION, INC.  
c/o Management Consultants of Hawaii  
P.O. Box 10039  
Lahaina, HI 96761-0039

KAUAULA LAND COMPANY LLC BY MAIL  
Attn: Glenn Tremble  
305 E. Wakea Ave. Suite 100  
Kahului, HI 96732

LAUNIUPOKO ASSOCIATES, LLC  
&  
MAKILA RIDGE PROPERTIES LLC  
Attn: Peter Martin  
305 E. Wakea Ave. Suite 100  
Kahului, HI 96732

BY MAIL


4. This Affidavit is provided in compliance with §15-15-50(c)(5)(C), HAR.

That further Affiant sayeth naught.

DATED: Honolulu, Hawai'i, September 11, 2015.

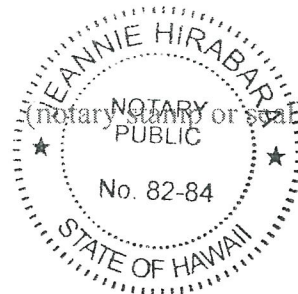
  
\_\_\_\_\_  
JENNIFER A. LIM

The AFFIDAVIT OF JENNIFER A. LIM  
ATTESTING TO SERVICE OF PETITION,  
dated September 11, 2015, which consists of  
four (4) pages (including this page), was  
executed by Jennifer A. Lim who was  
subscribed and sworn to before me this 11th  
day of September, 2015, in the First Judicial  
Circuit of the State of Hawai'i.

  
\_\_\_\_\_  
[Notary Signature]

Printed Name: Jeannie Hirabara

My commission expires: 2/7/18



BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

**In the Matter of the Petition of**

MAKILA LAND CO., LLC

To Amend The Agricultural Land Use District Boundaries Into The Rural Land Use District For Approximately 231 acres of land, consisting of Tax Map Key Nos. (2) 4-7-013:001, 002, 003, 004, 005, 006 (por.), 007 (por.), 008 (por.), 009, 010, 011, 012, And Into The Urban Land Use District For Approximately 40 acres of land, consisting of Tax Key Nos. (2) 4-7-013: 006 (por.), 007 (por.), 008 (por.) at Launiupoko, Polanui, Lahaina, Island and County of Maui, State of Hawai'i

**DOCKET NO: A15-799**

**AFFIDAVIT OF JENNIFER A. LIM  
ATTESTING TO MAILING OF THE  
NOTIFICATION OF PETITION  
FILING**

**AFFIDAVIT OF JENNIFER A. LIM  
ATTESTING TO MAILING OF THE NOTIFICATION OF PETITION FILING**

JENNIFER A. LIM, being first sworn on oath, deposes and says that:

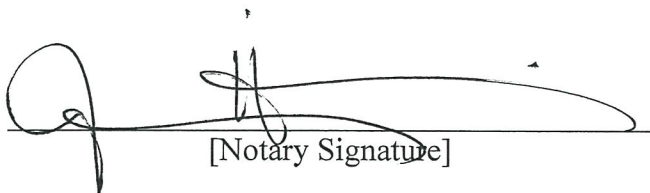
1. Affiant is one of the attorneys for MAKILA LAND COMPANY, LLC ("**Petitioner**"), is licensed to practice law in the State of Hawai'i, is duly authorized to make this affidavit, and does so upon personal knowledge and belief.
2. This affidavit is made to comply with Section 15-15-50(d), Hawai'i Administrative Rules ("**HAR**") for the State of Hawai'i Land Use Commission ("**Commission**").
3. On September 11, 2015, Petitioner filed with the Commission a Petition For Land Use District Boundary Amendment ("**Petition**") in Docket No. A15-799.
4. On September 11, 2015, the same day that the Petition was filed with the Commission and pursuant to HAR Section 15-15-50(d), Petitioner sent a Notification of Petition

Filing to persons included on the Statewide and Maui County mailing lists provided to Petitioner by the Chief Clerk of the Commission on or about September 3, 2015, copies of which are attached hereto as Exhibits "A" and "B" respectively.

Further affiant sayeth naught.

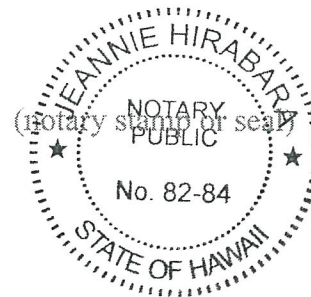
  
\_\_\_\_\_  
JENNIFER A. LIM

The attached document: AFFIDAVIT OF JENNIFER A. LIM ATTESTING TO MAILING OF THE NOTIFICATION OF PETITION FILING, dated September 11, 2015, which consists of twelve (12) pages (including this page), was executed by Jennifer A. Lim who was subscribed and sworn to before me this 11th day of September, 2015, in the First Judicial Circuit of the State of Hawai'i.

  
\_\_\_\_\_  
[Notary Signature]

Printed Name: Jeannie Hirabara

My commission expires: 2/7/18





UH Director of Capital Improvements  
1960 East West Road, Rm B102  
Honolulu, Hawaii 96822

Anthony J.H. Ching  
State of Hawaii  
Hawaii Community Development Authority  
461 Cooke Street  
Honolulu, Hawaii 96813



**STATEWIDE MAILING LIST**  
**Last Updated: 8/31/15**

Earth Justice Legal Defense Fund  
850 Richards St. Suite 400  
Honolulu HI 96813

Mr. Perry Artates  
Hawaii Operating Engineers  
95 Lono Avenue, Suite 104  
Kahului HI 96732-1610

Ashford & Wriston Library  
P. O. Box 131  
Honolulu HI 96810

Associated Press  
500 Ala Moana Boulevard, Suite 7-590  
Honolulu, Hawaii 96813

Jennifer Darrah  
102 Prospect Street  
Honolulu HI 96813

Mr. Ikuto Taketa  
c/o Hawaii Irrigation & Supply  
803 Mapunapuna Street  
Honolulu HI 96819

Michael J. Belles, Esq.  
Belles Graham Proudfoot & Wilson  
4334 Rice Street, Suite 202  
Lihue HI 96766

Gene Zarro  
22 Ulunui Place  
Pukalani, HI 96768

Beryl Leolani Bailey Blaich,  
P. O. Box 1434  
Kilauea HI 96754

Mr. James Garrigan  
P O Box 3143  
Kailua-Kona, Hawaii 96745

Mr. Kenneth Okamura  
641 Polipoli Road  
Kula, Hawaii 96790

James S. Greenwell  
Lanihau Properties LLC  
P.O. Box 9032  
Kailua-Kona, HI 96745

Patrick Borge, Sr.  
536 Haawina Street  
Paia, Hawaii 96779-9609

P. Roy Catalani  
Young Brothers, Ltd.  
Pier 40 – P. O. Box 3288  
Honolulu, HI 96801

Building Industry Association of Hawaii  
P.O. Box 970967  
Waipahu, HI 96797

Kika Bukoski  
Hawaii Building and Construction  
Trade Council  
735 Bishop Street, Suite 412  
Honolulu HI 96813

Roy A. Vitousek III  
Cades Schutte LLP  
75-170 Hualalai Road, Suite B-303  
Kaulua-Kona HI 96740

Ms. Phyllis Cayan  
99-060 Kauhale St, Apt. 607  
Aiea HI 96701

Mr. Charles Trembath  
4152 Palaumahu  
Lihue HI 96766

Surety Kohala Corporation  
P. O. Box 249  
Hawi HI 96719

Mr. Bruce Tsuchida  
Townscape  
900 Fort Street Mall, #1160  
Honolulu HI 96813

Ms. Meredith J. Ching  
Alexander & Baldwin, Inc.  
P. O. Box 3440  
Honolulu HI 96801

Council Services Administration  
Kauai County Council  
4396 Rice St. Suite 209  
Lihue, HI 96766

Ms. K. Chun  
P. O. Box 3705  
Honolulu HI 96811

City Desk Clerk-Public Hearings  
Honolulu Star Advertiser  
500 Ala Moana Boulevard, Unit 210  
Honolulu, Hawaii 96813-4914

Ms. Eleanor Mirikitani  
c/o Waikoloa Land Co.  
150 Waikoloa Beach Drive  
Waikoloa HI 96738

Mr. David Penn  
P. O. Box 62072  
Honolulu HI 96839

**Exhibit A**





Castle & Cooke Hawaii  
Dole Office Building Suite 510  
680 Iwilei Road  
Honolulu, HI 96817

Honglong Li  
1001 Bishop Street, Suite 2400  
American Savings Bank Tower  
Honolulu, HI 96813



Alan Kaufman, DVM  
P O Box 297  
Kula, HI 96790

Karen Piltz  
Chun Kerr Dodd Beaman & Wong  
745 Fort Street, 9<sup>th</sup> Floor  
Honolulu, HI 96813

Mr. David Rae  
The Estate of James Campbell  
1001 Kamokila Boulevard  
Kapolei HI 96707

United States Marine Corps  
Commander, Marine Forces Pacific  
Attn: G4. Box 64118  
Camp H.M. Smith, Hawaii 96861-4118

Representative Cindy Evans  
7<sup>th</sup> District  
State Capitol, Room 311  
Honolulu, Hawaii 96813

U.S. Fish and Wildlife Service  
300 Ala Moana Blvd., Rm. 3-122  
Honolulu HI 96850

Department of the Army  
Directorate of Public Works  
Attn: Planning Division  
Schofield Barracks, Hawaii 96857-5013

Mr. Albert K. Fukushima  
1841 Palamoi Street  
Pearl City HI 96782

Mr. Michael A. Dahilig, Director  
Planning Department - Kauai  
4444 Rice Street, Suite 473  
Lihue HI 96766

J. Gillmar  
P. O. Box 2902  
Honolulu HI 96802

Wyeth Matsubara, Esq.  
c/o Nan, Inc.  
636 Laumaka Street  
Honolulu HI 96819

Isaac Hall, Esq.  
2087 Wells Street  
Wailuku HI 96793

The Hallstrom Group, Inc.  
Suite 1350  
1003 Bishop Street  
Honolulu HI 96813

Ms. Esther Ueda  
98-1784-B Kaahumanu Street  
Pearl City HI 96782

Real Property Division  
County of Kauai  
4444 Rice Street  
Lihue HI 96766

Mr. Randy Hara  
C&C Department of Planning & Permitting  
650 South King Street  
Honolulu HI 96813

Hawaii's Thousand Friends  
300 Kuulei Rd. Unit A, #281  
Kailua HI 96734

Jacqui Hoover, President  
Hawaii Leeward Planning Conference  
P. O. Box 2159  
Kamuela HI 96743

Mr. Gordon Pang  
Honolulu Star Advertiser  
500 Ala Moana Blvd # 7-500  
Honolulu, HI 96813

The Pele Defense Fund  
P. O. Box 4969  
Hilo HI 96720

Jan Higa & Company LLC  
1670 Makaloa #204, PMB 183  
Honolulu, Hawaii 96814

Department of the Navy  
Commander in Chief, U.S. Pacific Fleet  
Commander in Chief  
250 Makalapa Drive  
Pearl Harbor, HI 96860-3131

U.S. Pacific Command  
Commander in Chief  
Box 64028  
Camp H.M. Smith, Hawaii 96861-4028

Commander  
Navy Region Hawaii  
850 Ticonderoga Street, Suite 110  
Pearl Harbor HI 96860-5101

Lawrence Ing, Esq.  
Ing, Horikawa & Jorgensen  
2145 Wells Street, Suite 204  
Wailuku, Hawaii 96793-2222

Office of the Governor – Kaua'i  
3060 Eiwa Street, #106,  
Lihue 96766

Ms. Sara Collins  
DLNR - Historical Preservation Division  
601 Kamokila Blvd., Room 555  
Kapolei HI 96707

Walter Mensching  
RSS Ltd.  
1658 Liholiho Street, Suite 306  
Honolulu, Hawaii 96822



Mr. Alexander C. Kinzler  
1100 Alakea Street Ste. 2900  
Honolulu, HI 96813-2833

Schlack Ito-attn: Adrienne Elkind  
Topa Financial Center  
745 Fort Street, Suite 1500  
Honolulu, HI 96813



Jill K. Veles, Legal Assistant  
Oshima, Chun, Fong & Chung  
841 Bishop Street, #400  
Honolulu HI 96813

Isaac Fiesta  
ILWU Local 142 - Hawaii Division  
100 W. Lanikaula Street  
Hilo, HI 96720

Libbie Kamisugi  
2500 Aha Aina Place  
Honolulu HI 96821

Collette M.Sakoda  
Environmental Planning Solutions LLC  
945 Makaiwa Street  
Honolulu, HI 96816

Jean McManus  
47-314 Lulani St.  
Kaneohe, HI 96744

PBR Hawaii  
1719 Haleloki Street  
Hilo, HI 96720

Verizon Hawaii, Inc.  
Attn: Real Property Section  
P O Box 2200  
Honolulu, HI 96841

Lynn Peters  
P.O. Box 11960  
Honolulu, HI 96828-0960

Cheryl Izuka, Senior Title Officer  
Title Guaranty of Hawaii, Inc.  
235 Queen Street  
Honolulu, Hawaii 96813

Attn.: Ms. Wanda Wehr  
KITV News 4  
801 S. King Street  
Honolulu HI 96813

West Hawaii Today  
Attn: Reed Flickinger  
P. O. Box 789  
Kailua-Kona HI 96745-0789

Mr. Chester Koga  
R.M. Towill Corporation  
2024 North King Street, Suite 200  
Honolulu, Hawaii 96819

Benjamin A. Kudo, Esq.  
Ashford & Wriston  
999 Bishop Street. Suite 1400  
Honolulu HI 96813

Mr. Kenneth Kupchak  
Damon Key Bocken Leong & Kupchak  
1003 Bishop Street, #1600  
Honolulu HI 96813

Burt Lau, Esq.  
999 Bishop St., Ste. 2600  
Honolulu HI 96813

Land Use Research Foundation of Hawaii  
1100 Alakea Street, Suite 408  
Honolulu HI 96813

Dain P. Kane  
Maui County Council  
200 South High Street  
Wailuku HI 96793

Pat Lee & Associates, Inc.  
45-248A Pahikaua Place  
Kaneohe HI 96744

League of Women Voters  
49 South Hotel Street, Rm. 314  
Honolulu HI 96813

Dickson C. H. Lee, Esq.  
Takushi Wong Lee & Yee  
841 Bishop Street, Suite 1540  
Honolulu, Hawaii 96813

Sean Combs  
Princeville Development, LLC  
5-3541 Kuhio Highway, Suite 201  
Princeville HI 96722

Life of the Land  
P.O. Box 37158  
Honolulu HI 96837

Steven S.C. Lim, Esq.  
Carlsmith Ball  
121 Waianuenue Avenue  
Hilo HI 96720

Crockett & Nakamura  
38 S. Market Street  
Wailuku, Hawaii 96793

Mr. Greg Apa, President  
Leeward Land LLC  
87 2020 Farrington Hwy  
Waianae, Hawaii 96792-3749

Benjamin M. Matsubara, Esq.  
C.R. Kendall Building, 8th Floor  
888 Mililani Street  
Honolulu HI 96813

Sue White  
1118 Maunawili Road  
Kailua HI 96734

Mr. Gregory Kugle  
Damon Key Bocken Leong & Kupchak  
1003 Bishop Street, #1600  
Honolulu HI 96813



William W.L. Yuen, Esq.  
1001 Bishop Street, Suite 1800  
Alston, Hunt, Floyd and Ing  
Honolulu HI 96813-7984

Attn: Bonnie Stifel  
McCarrison Miller Mukai MacKinnon  
P. O. Box 2800  
Honolulu HI 96803-2800



Duane Kanuha, Director  
County of Hawaii, Planning Department  
101 Pauahi Street, Suite 3  
Hilo, Hawaii 96720

Pat Tummons  
190 Keawe Street #29  
Hilo, Hawaii, 96720

Dawn Takeuchi-Apuna  
Department of the Corporation Counsel  
City and County of Honolulu  
530 S. King Street, Rm. 110  
Honolulu, Hawaii 96813

Real Property Tax Division, Dept of Finance  
County of Hawaii  
101 Aupuni Street, Suite 4  
Hilo, HI 96720-4224

Frances Mossman  
P. O. Box 31069  
Honolulu HI 96820-1069

Franklin Mukai, Esq.  
McCarrison Miller Mukai MacKinnon  
P. O. Box 2800  
Honolulu HI 96803-2800

National Resources Conservation Svc.  
Attn: Chris Smith  
P. O. Box 50004  
Honolulu HI 96850

Ms. Heide Meeker  
Dept. of Education/Facilities & Support Svcs  
Kalani High School  
4680 Kalaniana'ole Hwy #TB1A  
Honolulu, Hawaii 96821

Native Hawaiian Legal Corporation  
1164 Bishop Street, #1205  
Honolulu HI 96813

Nathan Natori, Esq.  
1003 Bishop Street  
Suite #1360  
Honolulu HI 96813

Natural Resources Conservation Svc.  
300 Ala Moana Blvd., Room 4-118  
Honolulu HI 96850

Wilson Okamoto & Associates  
Attn: Earl Matsukawa  
1907 S. Beretania Street  
Honolulu, HI 96826

Julian Ng, Inc.  
P. O. Box 816  
Kaneohe HI 96744-0816

Mr. John M. White  
Hawaii Land Company  
P. O. Box 10  
Honolulu HI 96810

Ms. Donna Ann Kamehaiku Ono  
He'e'ia Historical Society  
46-522 Haiku Plantations Drive  
Kaneohe HI 96744

Peter Yukimura  
P. O. Box 1031  
Lihue, HI 96766

Mr. Kent Matsuo  
James Campbell Co., LLC  
1001 Kamokila Boulevard, Ste 200  
Kapolei HI 96707

Phyllis Fujimoto  
1043 Kuahiwi Pl.  
Hilo, Hawaii 96720

DOT Highways / Oahu District Office  
Engineer Program Manager  
727 Kakoi Street  
Honolulu, HI 96819

Anita Hofschneider  
Honolulu Civil Beat  
3465 Wai'alae Avenue Suite 200  
Honolulu, HI 96816

PBR Hawaii  
Pacific Tower, Suite 650  
1001 Bishop Street  
Honolulu HI 96813

Senator Donovan M. Dela Cruz  
Hawaii Capitol Room 202  
415 South Beretania Street  
Honolulu, Hawaii 96813

Director of Planning  
County of Maui  
2200 Main Street, Suite 315  
Wailuku, HI 96793

Mr. Mark Murakami  
Damon Key Leong Kupchak Hastert  
1003 Bishop Street, #1600  
Honolulu, HI 96813

Julie Ann Miyashiro  
3247 Catherine St.  
Honolulu, HI 96815

Real Property Tax Division  
Department of Finance - County of Hawaii  
101 Pauahi Street, Suite No. 4  
Hilo HI 96720

Mr. Richard Poirier  
95-584 Naholoholo  
Miliiani HI 96789

Prosser Realty, Inc.  
4379 Rice Street  
Lihue HI 96766



Sierra Club, Kauai Group  
P. O. Box 3412  
Lihue HI 96766

Mr. Dan Yasui  
A & B Properties, Inc.  
P. O. Box 3440  
Honolulu HI 96801-3440



Canen Hookano  
PO Box 160  
Koloa, Kaua'i , HI 96756

Leo Asuncion, Acting Director  
Office of Planning  
P. O. Box 2359  
Honolulu HI 96804-2359

Ms. Brenda Salgado  
KGMB  
420 Waiakamilo Road, Suite 205  
Honolulu, HI 97817

Sierra Club, Hawai'i Chapter  
P. O. Box 2577  
Honolulu HI 96803

Peter H.M. Lee  
Hawaii LECET  
650 Iwilei Road, Suite 285  
Honolulu, HI 96817

Mr. Robert J. Smolenski  
841 Bishop Street, Ste. 1628  
Honolulu HI 96813-3921

Mr. Steven Strauss  
P. O. Box 11517  
Hilo HI 96720

Wesley R. Segawa & Associates  
736 South St. #206  
Honolulu, HI 96813

Mr. Bruce A. Coppa  
Communications Pacific  
600 Queen St., Unit 2808  
Honolulu, HI 96813

Claudia Rohr  
369 Nene St.  
Hilo, HI 96720

Steven Lee Montgomery, Ph.D.  
94-610 Palai Street  
Waipahu, Hawaii 96797-4535

Frank Carlos  
656 Moaniala St.  
Honolulu, HI 96821-2572

Randall Sakumoto, Esq.  
McCorriston Miller Mukai MacKinnon LLP  
P. O. Box 2800  
Honolulu, Hawaii 96803-2800

Brenda Luana Machado Lee  
P. O. Box 133  
Captain Cook, Kona, Hawaii 96704

Laura Kodama  
Castle & Cooke Hawaii  
Dole Office Building Suite 510  
680 Iwilei Road  
Honolulu, HI 96817

John White  
Executive Director  
The Pacific Resource Partnership  
1100 Alakea St. 4<sup>th</sup> Floor  
Honolulu, HI 96813:

Irene Anzai  
Rush Moore LLP  
737 Bishop Street, Suite 2400  
Honolulu, HI 96813

Stanford S. Carr, President  
Stanford Carr Development LLC  
1100 Alakea Street, 27th Floor  
Honolulu, HI 96813

Bill Mills, Chairman  
The Mills Group  
1100 Alakea Street, Suite 2200  
Honolulu, HI 96813

DOT Highways / Hawaii District Office  
Engineer Program Manager  
50 Makaala Street  
Hilo, HI 96720

Law Offices of Kyong-Su Im LLLC  
1608 Laukahi St.  
Honolulu, Hawaii 96821

DOT Highways / Maui District Office  
Engineer Program Manager  
650 Palapala Drive  
Kahului, HI 96732

Department of Transportation  
Highways Division  
Kauai District Office  
1720 Haleukana Street  
Lihue, Hawaii 96766

Michael Levine  
85 Chesnut St. S.  
Livingston, NJ 0739-6105

Curtis T. Tabata  
Matsubara - Kotake  
A Law Corporation  
888 Mililani Street, Eighth Floor  
Honolulu, Hawaii 96813

Chairman - Planning Commission  
County of Kauai  
4444 Rice Street, Suite 473  
Lihue HI 96766

Emi L.M. Kaimulua, Esq.  
Watanabe Ing LLP  
999 Bishop Street, 23rd Floor  
Honolulu, HI 96813

DOT – Airports Administrator  
Inter-Island Terminal, Suite 700  
Honolulu International Airport  
400 Rodgers Blvd.  
Honolulu, HI 96819



Daryn Arai  
 County of Hawaii, Planning Department  
 101 Pauahi Street, Suite 3  
 Hilo, Hawaii 96720

Elaine Wender  
 HC 1 Box 93  
 Ha ik , Hawai i 96708



Laura McIntyre, AICP  
 DOH-Environmental Planning Office Mgr, Rm.  
 312  
 919 Ala Moana Boulevard  
 Honolulu HI 96814

Department of Transportation  
 Harbors Division  
 79 South Nimitz Highway  
 Honolulu HI 96813

Director - OEQC  
 235 South Beretania St., Rm. 702  
 Honolulu HI 96813

Mr. Luis P. Salaveria, Director  
 DBEDT  
 P. O. Box 2359  
 Honolulu HI 96804-2359

Mr. Ronald F. Tsuzuki  
 Highways Division, Planning Branch  
 869 Punchbowl Street  
 Honolulu, HI 96813

Deputy Director  
 Department of Transportation  
 869 Punchbowl Street  
 Honolulu HI 96813

Bryan Yee, Deputy Attorney General  
 Commerce & Economic Development Div  
 Department of Attorney General  
 425 Queen Street  
 Honolulu, Hawaii 96813

HIARNG Environmental Office  
 3949 Diamond Head Road  
 Honolulu, HI 96816-4495

Scot Urada  
 DOT Design Branch, Highways Division  
 601 Kamokila Blvd., Room 688-A  
 Kapolei HI 96707

DOT Transportation Planning Office  
 869 Punchbowl Street  
 Honolulu, HI 96813

Department of Land and Natural Resources  
 Land Division, Coastal Lands Program  
 P O Box 621  
 Honolulu, HI 96809-0621

Executive Director  
 HHFDC  
 677 Queen Street, Suite 300  
 Honolulu HI 96813

Mr. Gordon Matsuoka  
 DAGS - Public Works Division  
 P. O. Box 119  
 Honolulu HI 96810

Chairman of the Board  
 Dept of Agriculture  
 1428 South King Street  
 Honolulu HI 96814

HHFDC  
 Planning & Evaluation Office  
 677 Queen Street, Suite 300  
 Honolulu HI 96813

Dwight Vicente  
 2608 Ainaloa Dr.  
 Hilo, HI 96720

Michael D. Formby, Deputy Director  
 DOT Harbors Division  
 79 S. Nimitz Highway  
 Honolulu, HI 96813-4898

Major General Arthur J. Logan  
 Adjutant General-State of Hawaii  
 Department of Defense  
 3949 Diamond Hear Road  
 Honolulu, HI 96816

Diane E. Erickson, Esq.  
 Deputy Attorney General  
 425 Queen Street  
 Honolulu HI 96813

Commission on Water Resource Management  
 Dept. of Land & Natural Resources  
 1151 Punchbowl Street, Room 227  
 Honolulu HI 96813

Land Management Division  
 Dept. of Land & Natural Resources  
 1151 Punchbowl Street, Room 131  
 Honolulu, HI 96813

Dept. of Land & Natural Resources  
 Chairperson's Office  
 1151 Punchbowl Street, Room 130  
 Honolulu HI 96813

Deputy Director  
 Department of Land and Natural Resources  
 P.O. Box 621  
 Honolulu, Hawaii 96809

Dept. of Hawaiian Home Lands  
 P. O. Box 1879  
 Honolulu HI 96805

The Honorable David Ige  
 Governor, State of Hawaii  
 State Capitol  
 Honolulu HI 96813

Jennifer Benck  
 Carlsmith Ball LLP  
 1001 Bishop St., Ste 2200  
 Honolulu, Hawaii 96813

Ms. Iris Nakagawa  
 Carlsmith Ball LLP  
 1001 Bishop St., Ste 2200  
 Honolulu, Hawaii 96813

Mr. Andrew Gomes  
 The Honolulu Star-Advertiser  
 500 Ala Moana Boulevard, Suite 7-210  
 Honolulu, HI 96813



Wendy Cortez-Botelho  
 Governor's Rep. East-Hawaii  
 75 Aupuni Street, Hilo HI 96720

Senator Laura H. Thielen  
 Hawaii State Capitol Room 231  
 415 South Beretania Street  
 Honolulu, Hawaii 96813



Jonathan Ching  
 Office of Hawaiian Affairs  
 737 Iwilei Rd. Suite 200  
 Honolulu, HI 96817

Lisa Judge  
 3451 Omaopio Road  
 Kula, Hawaii 96790

Shannon Wood  
 Koolau News  
 P.O. Box 6366  
 Kaneohe, Hawaii 96744

Governor's Representative, Maui  
 2264 Aupuni Street, #1,  
 Wailuku, HI 96793

Beverly Pauole-Moore  
 Volunteer Governor's Rep., Molokai  
 P. O. Box 88.  
 Kaunakakai HI 96748

Leticia "Letty" Castillo  
 Volunteer Governor's Rep. Lanai  
 P. O. Box 630806.  
 Lanai City HI 96763

Representative Ryan I. Yamane  
 Hawaii State Capitol Room 420  
 415 South Beretania Street  
 Honolulu, Hawaii 96813

Duane -Shimogawa  
 Pacific Business News  
 737 Bishop St. Suite #1590  
 Honolulu, HI 96813

Councilman Ikaika Anderson  
 530 S. King St. Rm 202  
 Honolulu, HI 96813

Outdoor Circle- Bob Loy  
 1314 S. King St. Suite 306  
 Honolulu, HI 96814

Lori Lum  
 Watanabe Ing  
 999 Bishop St. Suite #2300  
 Honolulu, HI 96813

Shannon Alivado  
 Director of Government Relations  
 General Contractors Association of Hawaii  
 1065 Ahua Street, Honolulu, Hawaii 96819

Ke'ala Nichols-Administrative Assistant  
 Public Policy-Office of Hawaiian Affairs  
 737 Iwilei Rd. Suite 200  
 Honolulu, HI 96817

DAGS- Automotive Management Division  
 Parking Control Office-Attn: Brian Saito  
 PO Box 119  
 Honolulu, HI 96819-0119

Jerry B. Norris-Advocacy – Compliance  
 Office of Hawaiian Affairs  
 737 Iwilei Rd. Suite 200  
 Honolulu, HI 96817

Jessica Freedman  
 Office of Hawaiian Affairs  
 560 N. Nimitz Hwy  
 Honolulu, HI 96817



Betty Adams  
167 S. Franklin Street  
Juneau, AK 99801

Herbert Matsubayashi  
Maui District Health Office  
54 High Street  
Wailuku, Hawaii 96793

Ms. Karolyn Mosman, President  
Kula Community Association  
P. O. Box 417  
Kula, Hawaii 96790

Lucienne de Naie  
P. O. Box 610  
Haiku, Hawaii 96708-0610

Director – Department of Water Supply  
County of Maui  
200 High Street  
Wailuku, Hawaii 96793-2155

Mary Evanson  
P. O. Box 694  
Makawao, Hawaii 96768

Kingdom of Hawaii Nation  
P. O. Box 2845  
Wailuku, Hawaii 96793

Lanai Public & School Library  
P. O. Box 550  
Lanai City, Hawaii 96763

Land Use Committee  
Maui County Council  
200 South High Street  
Wailuku, Hawaii 96793

Paul R. Mancini, Esq.  
Mancini, Welch & Geiger  
305 E. Wakea Avenue, Suite 200  
Kahului, HI 96732

James Sato  
132 Ikea Place  
Pukalani, Hawaii 96788

Maui Civil Defense Agency  
200 South High Street  
Wailuku, Hawaii 96793

Chairman  
Maui County Planning Commission  
250 South High Street  
Wailuku, Hawaii 96793

Fairfax Reilly  
P. O. Box 630111  
Lanai City, Hawaii 96763

Mr. Richard Mayer  
1111 Lower Kimo Drive  
Kula, Hawaii 96790

Mr. Brian McCafferty  
P. O. Box 792048  
Paia, Hawaii 96779-2048

Mr. Ron McComber  
P. O. Box 630646  
Lanai City, Hawaii 96763

Darlene Valencia  
142 Ikea Place  
Makawao, Hawaii 96768

Molokai Legal Aid Society  
P. O. Box 427  
Kaunakakai, Hawaii 96748

Munekiyō & Hiraga, Inc.  
305 High Street, Suite 104  
Wailuku, Hawaii 96793

Ms. Barbara Long  
P. O. Box 523  
Kula, Hawaii 96790

Mr. David Nobriga, Chairman  
West Maui Soil & Water Conservation  
District  
P. O. Box 1170  
Wailuku, Hawaii 96793

Director  
Public Works & Environmental  
Management  
200 South High Street  
Wailuku, Hawaii 96793

Operating Engineers  
Local Union #3  
95 Lono Avenue, #104  
Kahului, Hawaii 96732

Bud Pikrone, General Manager  
Wailea Community Association  
555 Kaukahi Street, #214  
Wailea, Hawaii 96753

Marcial Basbas  
P.O. Box 3021  
Wailuku, Hawaii 96793

Mr. Brian Perry  
The Maui News  
100 Mahalani Street  
Wailuku, Hawaii 96793-0550

Bill Medeiros, GIS Coordinator  
2145 Kaohu Street, Room 104  
Wailuku, Hawaii 96793

Real Property Tax Div – County of Maui  
Service Center, Suite A-16  
70 Kaahumanu Avenue  
Kahului, Hawaii 96732

**MAUI MAILING LIST**  
**Updated: 4/27/15**

**Exhibit B**

Nadine Chase  
38 Kealohilani St.  
Kahului, Hawaii 96732

West Maui Councilmember  
200 S. High Street  
Wailuku, Hawaii 96793

David M. Johnston  
P. O. Box 388  
Puunene, HI 96784

Dustin Caserta  
104 Ikaika Place  
Lahaina, Hawaii 96761

Kula Community Assn:  
attn:Ron Montgomery/Richard Mayer  
P.O. Box 417  
Kula, HI, 96790

Mr. James Williamson  
12501 Greenwood Ave. N. Apt C413  
Seattle WA 98133-8000

USDA Natural Resources  
Conservation Service  
77 Hookele Street, Suite 202  
Kahului, Hawaii 96732-3516

Edwin Tanji  
The Maui News  
P. O. Box 550  
Wailuku, Hawaii 96793

Maui District Land Office  
DLNR  
54 South High Street, Room 101  
Wailuku, Hawaii 96793

Gabija McLauchlin  
1431 Riverplace Blvd. #1610  
Jacksonville Beach, Florida 32207

Mr. Norman Stubbs  
#1 Uapoko Place  
Haiku, Hawaii 96708

Claire Apana  
260 Hale Nani Drive  
Wailuku, Hawaii 96793

Mr. Warren Watanabe, President  
Maui County Farm Bureau  
P. O Box 148  
Kula, Hawaii 96790

Haleakala Ranch Company  
529 Kealaloa Avenue  
Makawao, Hawaii 96768

Irene Bowie, Executive Director  
Maui Tomorrow Foundation, Inc.  
55 North Church Street, Suite A4  
Wailuku, Maui 96793

Teresa Adams  
632 Luakini Street  
Lahaina, Hawaii 96761

Stephen M. Gelber  
Gelber, Gelber, Ingersoll & Klevansky  
Fort Street Tower, Suite 1400  
745 Fort Street  
Honolulu, Hawaii 96813

Patricia Nishiyama  
320 Kaeo Place  
Lahaina, HI 96761

Mike Moran  
167 Ahaaina Way  
Kihei, HI 96753

Judy Dando  
85 East Kanamele Loop  
Wailuku, Hawaii 96793

Jan and Rich Ehrenkrook  
P.O. Box 12347  
Lahaina, Hawaii 96761

C.K. Spellman  
224 Kanui Circle  
Lahaina, HI 96761

Robin Knox  
28 Waikalani Pl.  
Kihei, Hawaii 96753-7369

English Mountain Estates  
R.M. Hughes, Vice President  
P.O. Box 1203  
Lahaina, HI, 96767

Johan and Erin Crinion  
P.O. Box 187  
Lahaina, HI, 96767

Randy D. Ragon  
713-A Front St.  
Lahaina, HI, 96767

Henry Vandervelde  
P.O. Box 792106  
Paia, HI, 96767

Derek and Amy Driver  
4401 Edmonson Avenue  
Dallas, Texas 752095-2603

Bruce Curtis  
P.O. Box 10385  
Lahaina, HI, 96761

Michele Lincon  
452 Aki Street  
Lahaina, HI 96761



Nanea Kalani  
The Maui News  
100 Mahalani St.  
Wailuku, HI 96793



Susan Halas  
1939A Vineyard St.  
Wailuku, HI 96793



Barbara Longo  
1777 Piilani Highway  
Kihei, HI 96753

**BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII**

**In the Matter of the Petition of**

MAKILA LAND CO., LLC

To Amend The Agricultural Land Use District Boundaries Into The Rural Land Use District For Approximately 231 acres of land, consisting of Tax Map Key Nos. (2) 4-7-013:001, 002, 003, 004, 005, 006 (por.), 007 (por.), 008 (por.), 009, 010, 011, 012, And Into The Urban Land Use District For Approximately 40 acres of land, consisting of Tax Key Nos. (2) 4-7-013: 006 (por.), 007 (por.), 008 (por.) at Launiupoko, Polanui, Lahaina, Island and County of Maui, State of Hawai'i

**DOCKET NO. A15-799**

**CERTIFICATE OF SERVICE**

**CERTIFICATE OF SERVICE**

I hereby certify that due service of the within document was made by depositing the same with the United States Mail, postage prepaid, or by hand delivery, on September 11, 2015, addressed to:

LEO R. ASUNCION, JR., AICP  
Acting Director  
Office of Planning  
State of Hawaii  
235 South Beretania Street, 6th Floor  
Honolulu, Hawaii 96813

BY HAND DELIVERY

BRYAN C. YEE, ESQ.  
Deputy Attorney General  
Department of the Attorney General  
425 Queen Street  
Honolulu, HI 96813

BY HAND DELIVERY



RAY MCCORMICK  
Highways Administrator  
Department of Transportation  
State of Hawaii  
869 Punchbowl Street, Room 513  
Honolulu, HI 96813

BY HAND DELIVERY

WILLIAM SPENCE  
Director, County of Maui Department of  
Planning  
2200 Main St.,  
One Main Plaza Bldg., Ste 315  
Wailuku, HI 96793

BY MAIL

PLANNING COMMISSION  
County of Maui  
2200 Main St.,  
One Main Plaza Bldg., Ste 315  
Wailuku, HI 96793

BY MAIL

PATRICK K. WONG, ESQ.  
Corporation Counsel  
Department of the Corporation Counsel  
County of Maui  
200 S. High St.  
Wailuku, HI 96793

BY MAIL

DAVID GOODE  
Director, County of Maui Department of  
Public Works  
200 South High St.  
Kalana O Maui Bldg 4th fl  
Wailuku, HI 96793

BY MAIL

PIONEER MILL COMPANY  
c/o Amfac Land Company, Limited  
700 Bishop Street, Suite 501  
Honolulu, HI 96813

BY MAIL



MAUI ELECTRIC COMPANY, LIMITED BY MAIL  
c/o Phil Hauret  
Hawaiian Electric Company  
1100 ASB Tower  
1001 Bishop Street  
Honolulu, HI 96813

HAWAIIAN TELCOM, INC BY MAIL  
Attn: Legal Department  
1177 Bishop Street  
Honolulu, HI 96813

MAHANALUA NUI HOMEOWNERS BY MAIL  
ASSOCIATION, INC.  
c/o Management Consultants of Hawaii  
727 Wainee Street  
Lahaina, HI 96761

MAKILA PLANTATION BY MAIL  
HOMEOWNERS ASSOCIATION, INC.  
c/o Management Consultants of Hawaii  
P.O. Box 10039  
Lahaina, HI 96761-0039

KAUAULA LAND COMPANY LLC BY MAIL  
Attn: Glenn Tremble  
305 E. Wakea Ave. Suite 100  
Kahului, HI 96732

LAUNIUPOKO ASSOCIATES, LLC BY MAIL  
&  
MAKILA RIDGE PROPERTIES LLC  
Attn: Peter Martin  
305 E. Wakea Ave. Suite 100  
Kahului, HI 96732

DATED: Honolulu, Hawai'i, September 11, 2015.



---

JENNIFER A. LIM

Attorneys for Petitioner  
MAKILA LAND CO., LLC



## PETITIONER'S EXHIBITS

- Exhibit "1" Environmental Impact Statement Preparation Notice
- Exhibit "2" Fee Owner Authorization of Makila Land Co., LLC
- Exhibit "3a" Limited Warranty Deed and Reservation of Rights, Document No. 2001-006058
- Exhibit "3b" Deed and Reservation of Rights, Document No. 2001-006059
- Exhibit "4" Title Insurance Policy Issued by Old Republic Title & Escrow of Hawai'i
- Exhibit "5" County of Maui Zoning and Flooding Confirmation Forms
- Exhibit "6" SHPD Letter dated November 13, 2006,
- Exhibit "7" Notification of Petition Filing

# MAKILA RURAL COMMUNITY

---

## *Environmental Impact Statement Preparation Notice*

Prepared for:

MAKILA LAND CO., LLC

Accepting Authority:

Land Use Commission, State of Hawai'i

Prepared by:



September 2015





# MAKILA RURAL COMMUNITY

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## *Environmental Impact Statement Preparation Notice*

Prepared for:

MAKILA LAND CO., LLC

Accepting Authority:

Land Use Commission, State of Hawai'i

Prepared by:



September 2015

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Makila Rural Community  
Environmental Impact Statement Preparation Notice

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## SUMMARY

This Environmental Impact Statement Preparation Notice (EISPN) has been prepared in accordance with Chapter 343, Hawai‘i Revised Statutes (HRS) for the Makila Rural Community, a proposed rural residential community on 12 parcels (the Property) that are owned by Makila Land Co., LLC (MLC), a Hawaii limited liability company. The Property is located in the Launiupoko-Polanui area, island of Maui, State of Hawai‘i. Figure 1 shows the location of the Property, relative to Lahaina and Honoapi‘ilani Highway; Figure 2 shows an aerial photo of the Property. Figure 3 shows the Makila Rural Community conceptual plan.

- Name:** Makila Rural Community
- Location:** Launiupoko-Polanui, Maui, Hawai‘i (Figure 1)
- Judicial District:** Lahaina
- Tax Map Keys:** TMK (2) 4-7-013:001, 002, 003, 004, 005, 006, 007, 008, 009, 010, 011, 012  
Figure 4 shows the Tax Map Key (TMK) parcels that comprise the Property.  
Throughout this EISPN, collectively, the 12 TMK parcels are referred to as the “Property.”
- Landowner:** Makila Land Co., LLC (MLC)
- Petitioner/Applicant:** MLC
- Accepting Authority:** State of Hawai‘i Land Use Commission
- Land Area:** Approximately 271.175 acres
- Requested Reclassification:** Approximately 231 acres from Agricultural to Rural  
Approximately 40 acres from Agricultural to Urban
- Existing Use:** The Property is currently vacant and undeveloped.
- Proposed Action:** MLC is proposing a rural residential community comprised of 150 rural residential lots, a minimum of 50 single-family workforce housing units, with a potential of up to 75 single-family workforce housing units, and a central “village core” with a park, limited commercial space, a community center, and possibly a site for a fire and ambulance substation. Approximately seven acres within the Property are proposed for dedication to the State Department of Transportation for the construction of the Honoapi‘ilani Highway Bypass (aka the Lahaina Bypass).

**Makila Rural Community**  
Environmental Impact Statement Preparation Notice

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**Land Use**

**Designations:**

*State Land Use District:* Agricultural (Figure 5)  
*Maui Island Plan:* within the Rural Growth Boundary (Figure 6);  
*West Maui Community Plan Designation:* Agriculture (Figure 7)  
*County Zoning District:* Agriculture  
*Special Management Area (SMA):* Not in the SMA

**Major Approvals**

**Required/Issuing Body:**

Permit/Approval	Issuing Body/Agency
Chapter 343, HRS Compliance	State Land Use Commission
State Land Use District Boundary Amendment	
Community Plan Amendment	Maui County Council
Change in Zoning	
Subdivision	Maui County, Department of Public Works
Building Permit	
Grading Permit	
NPDES Permit	State Department of Health



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DATE: 9/10/2015

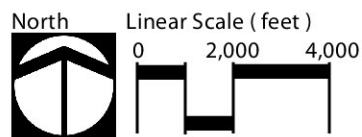
**LEGEND**

 Makila Rural Community

**Figure 1**  
**Regional Location**

**Makila Rural Community**

Island of Maui



Source: ESRI Online Basemap. County of Maui (2013).

Disclaimer: This graphic has been prepared for general planning purposes only and should not be used for boundary interpretations or other spatial analysis.



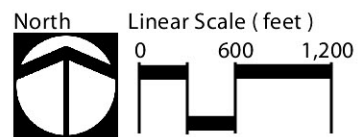
DATE: 9/10/2015

**LEGEND**

 Makila Rural Community

**Figure 2**  
**Aerial Photograph**  
**Makila Rural Community**

Island of Maui



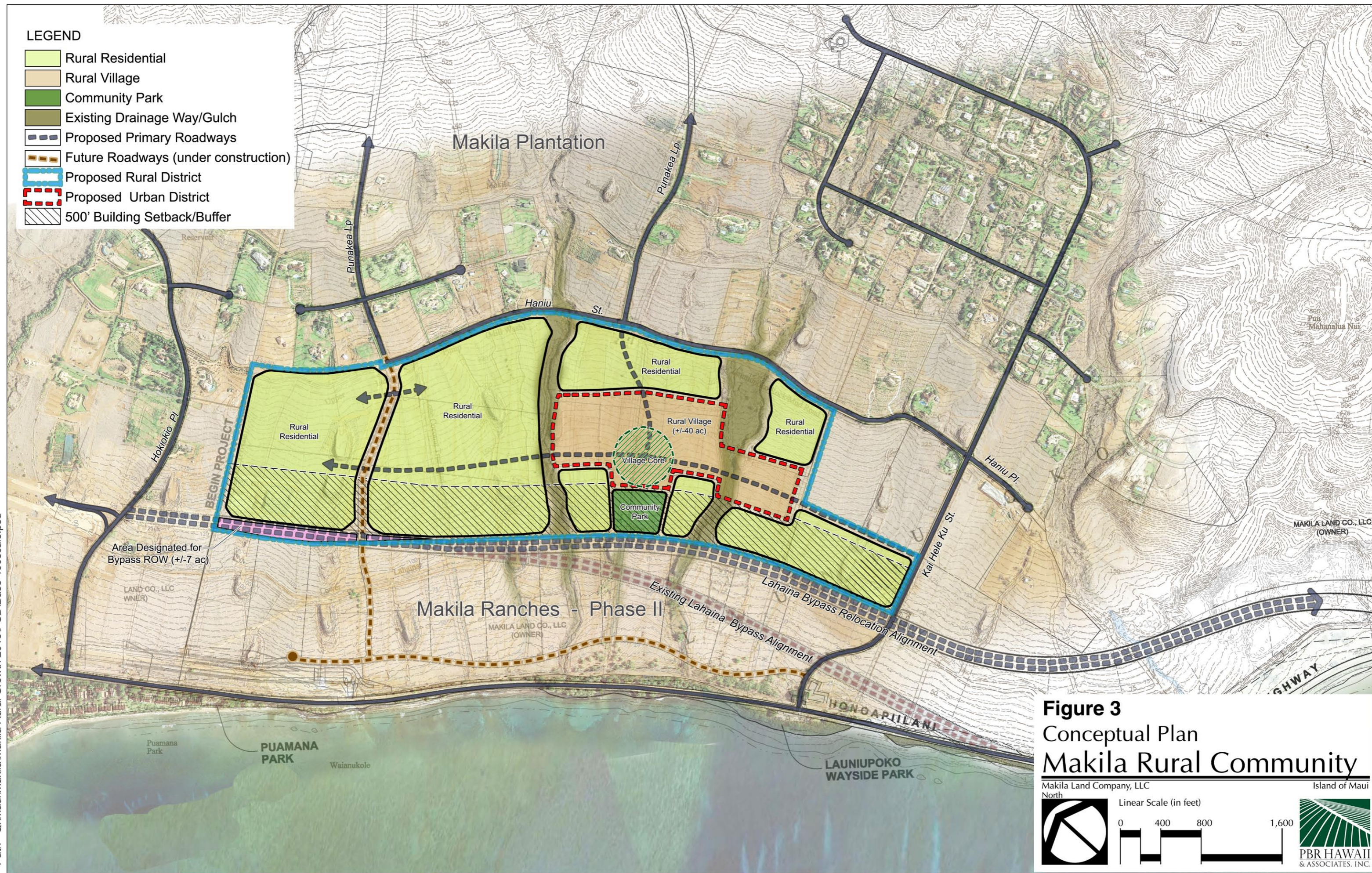
Source: ESRI Online Basemap.

Disclaimer: This graphic has been prepared for general planning purposes only and should not be used for boundary interpretations or other spatial analysis.



**LEGEND**

- Rural Residential
- Rural Village
- Community Park
- Existing Drainage Way/Gulch
- Proposed Primary Roadways
- Future Roadways (under construction)
- Proposed Rural District
- Proposed Urban District
- 500' Building Setback/Buffer



**Figure 3**  
**Conceptual Plan**  
**Makila Rural Community**

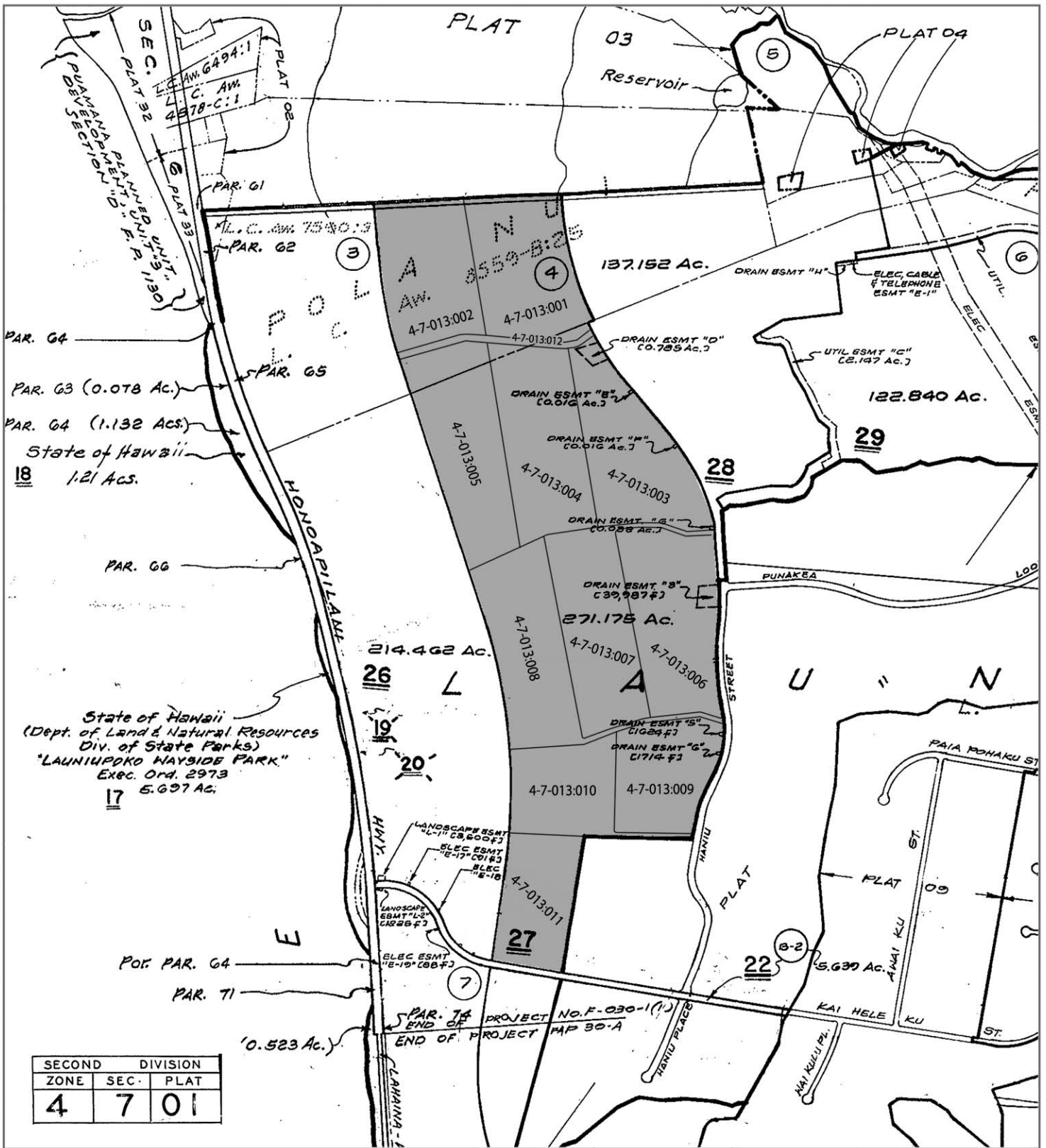
Makila Land Company, LLC  
 North

Linear Scale (in feet)  
 0 400 800 1,600

Island of Maui  
**PBR HAWAII**  
 & ASSOCIATES, INC.

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 Path - Q:\Maui\Makila Rural Growth 2015\PSD\BBase 400scale.psd

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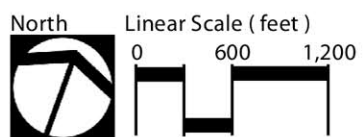


DATE: 9/10/2015

**Figure 4**  
**Tax Map Key**  
**Makila Rural Community**

**LEGEND**

Makila Rural Community



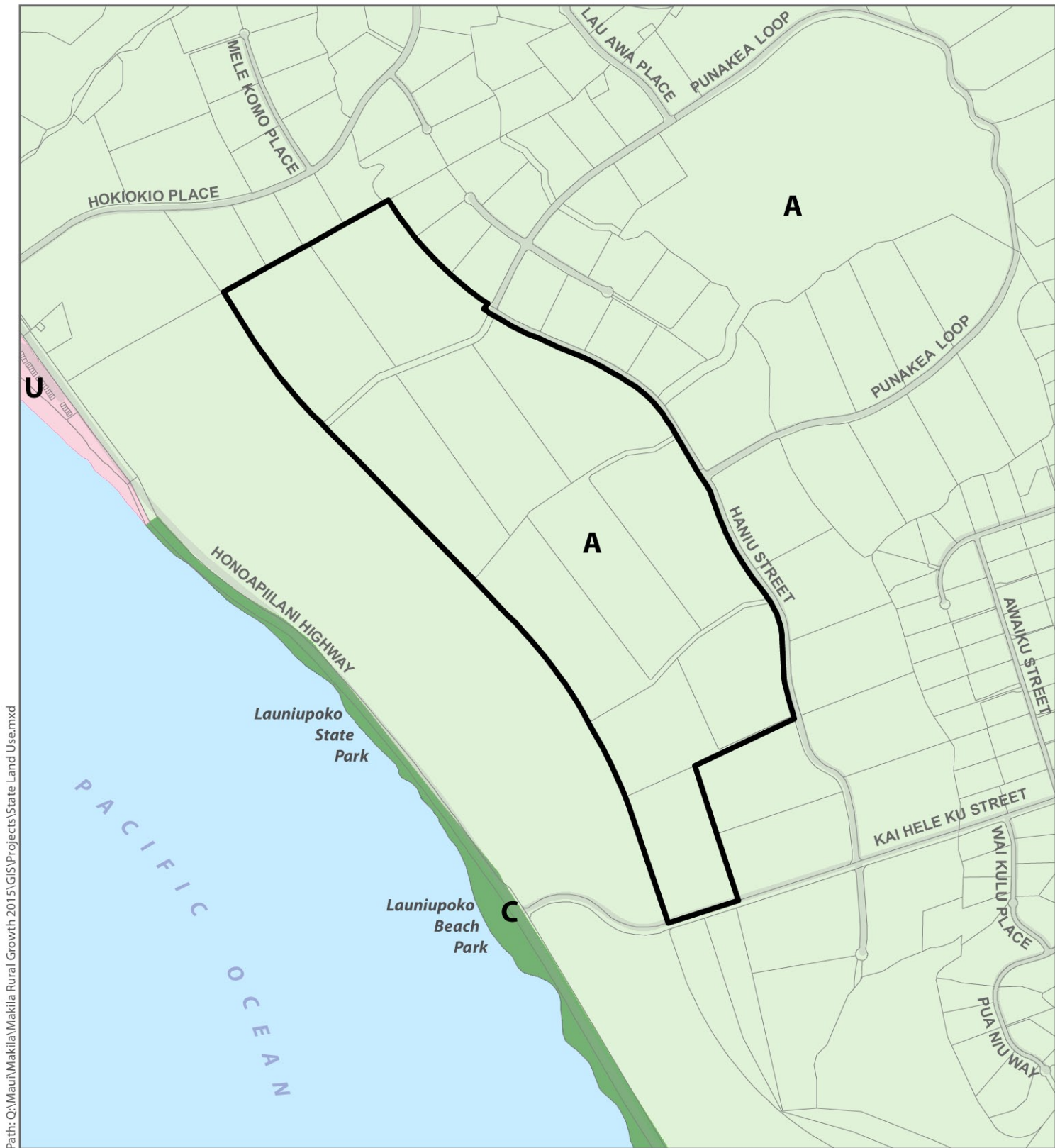
Island of Maui



Source: County of Maui (1990).

Disclaimer: This graphic has been prepared for general planning purposes only and should not be used for boundary interpretations or other spatial analysis.

SECOND DIVISION		
ZONE	SEC.	PLAT
4	7	01



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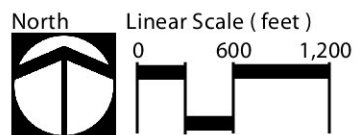
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**LEGEND**

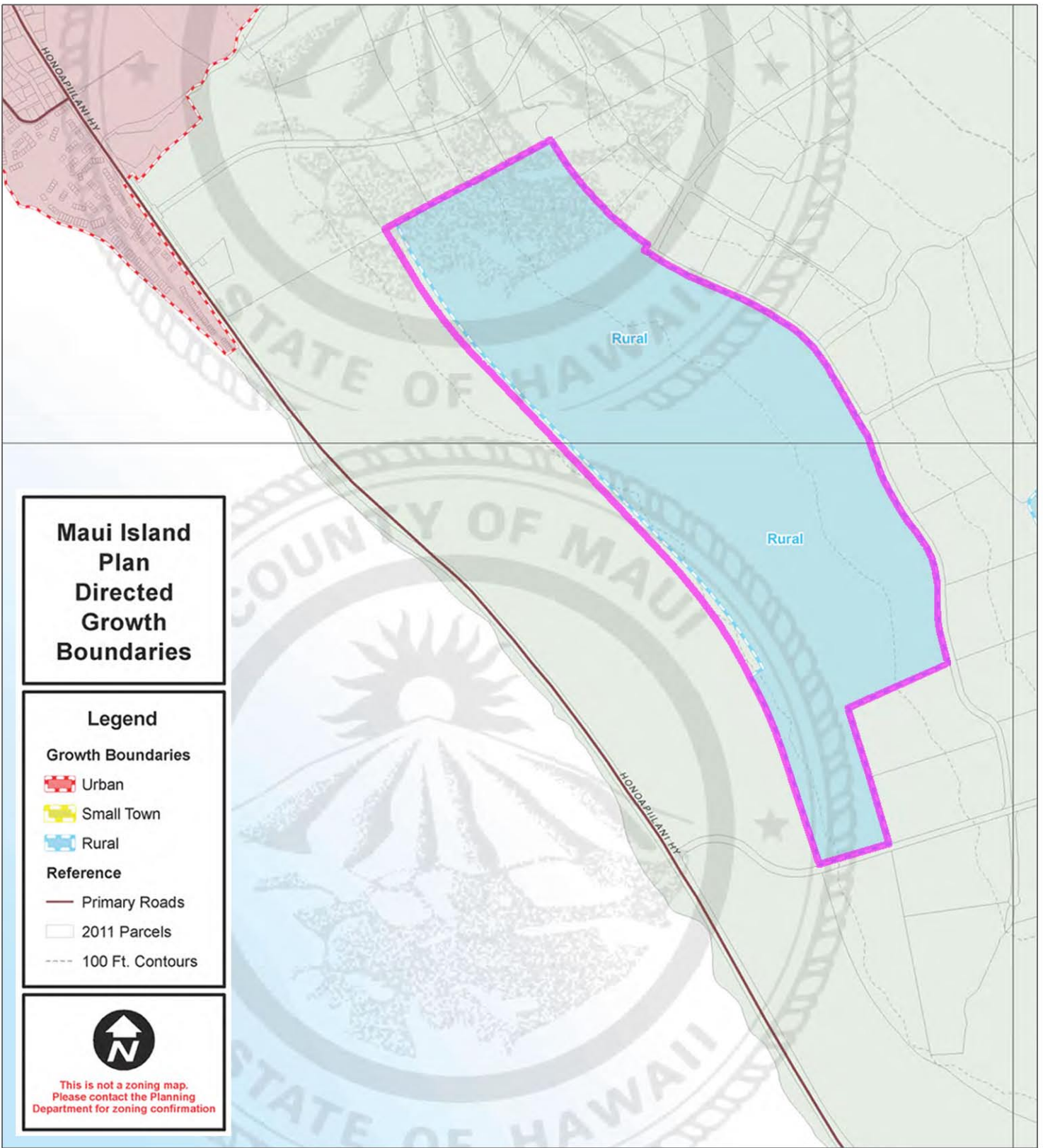
-  Makila Rural Community
-  A: Agricultural District
-  C: Conservation District
-  U: Urban District

**Figure 5**  
**State Land Use Districts**  
**Makila Rural Community**

Island of Maui



Source: State Land Use Commission (2014).  
 Disclaimer: This graphic has been prepared for general planning purposes only and should not be used for boundary interpretations or other spatial analysis.



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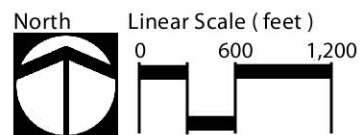
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**LEGEND**

 Makila Rural Community

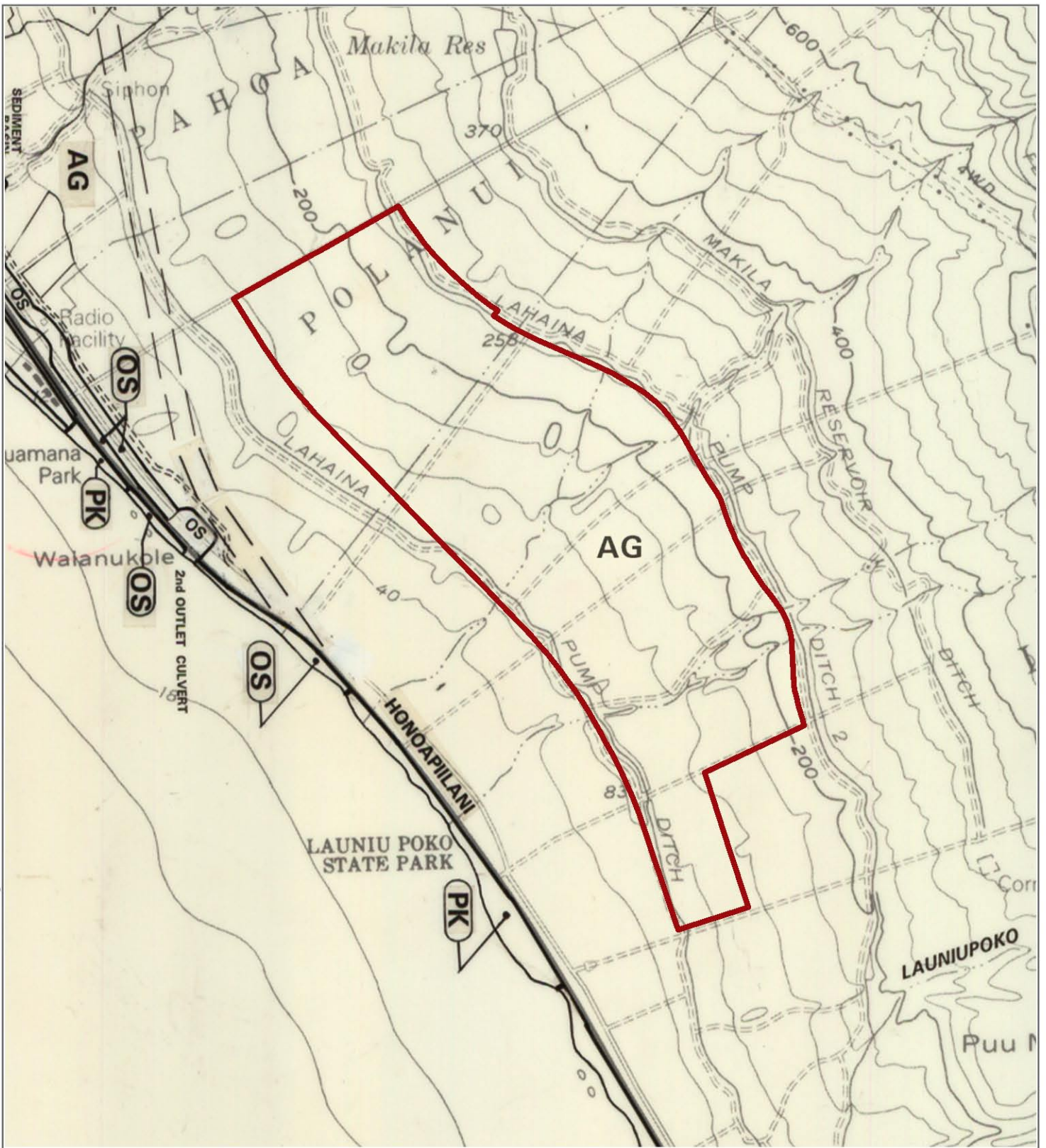
**Figure 6**  
**Maui Island Plan**  
**Makila Rural Community**

Island of Maui



Source: County of Maui (2012).

Disclaimer: This graphic has been prepared for general planning purposes only and should not be used for boundary interpretations or other spatial analysis.



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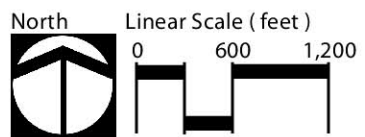
DATE: 9/10/2015

**LEGEND**

- Makila Rural Community
- AG Agricultural
- PK Park
- OS Open Space

**Figure 7**  
**West Maui Community Plan**  
**Makila Rural Community**

Island of Maui



Source: County of Maui (1996).

Disclaimer: This graphic has been prepared for general planning purposes only and should not be used for boundary interpretations or other spatial analysis.

## 1 IDENTIFICATION OF PROPOSING AGENCY

The applicant is Makila Land Co., LLC (MLC).

**Contact:** Ms. Heidi Bigelow  
Makila Land Co., LLC  
305 East Wakea Avenue, Suite 100  
Kahului, Hawai'i 96732  
Phone: (808) 877-4202  
Fax: (808) 877-9409

## 2 IDENTIFICATION OF ACCEPTING AUTHORITY

The State of Hawai'i Land Use Commission is the accepting authority.

**Contact:** Mr. Daniel E. Orodener, Executive Officer  
State of Hawai'i Land Use Commission  
Department of Business, Economic Development & Tourism  
Honolulu, Hawai'i 96804-3822  
Phone: (808) 587-3822  
Fax: (808) 587-3827

## 3 IDENTIFICATION OF PLANNING & ENVIRONMENTAL CONSULTANT

MLC's environmental planning and environmental consultant is PBR HAWAII & Associates, Inc.

**Contact:** Tom Schnell, AICP, Principal  
PBR HAWAII & Associates, Inc.  
1001 Bishop Street, Suite 650  
Honolulu, HI 96813  
Phone: (808) 521-5631  
Fax: (808) 523-1402

## 4 BRIEF DESCRIPTION OF PROPOSED ACTION

### 4.1 Location

The Makila Rural Community Property is in the West Maui region of Maui and spans the *ahupua'a* of Launiupoko and Polanui. It is within the Rural Growth Boundary of the Maui Island Plan and is situated approximately one-third mile from the edge of the Lahaina Urban Growth Boundary. The Property totals approximately 271 acres and encompasses 12 parcels (including a roadway lot) subdivided as Makila Ranches Phase I. Figure 1 shows the location of the Property, relative to Lahaina and Honoapi'ilani

**Makila Rural Community**  
Environmental Impact Statement Preparation Notice

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Highway; Figure 2 shows an aerial photo of the Property. Figure 6 shows the location of the Property within the Rural Growth Boundary of the Maui Island Plan.

The Property is bordered by:

- Pu‘unoa Subdivision Phases I and II to the north;
- Makila Plantation Phases I and II to the east (mauka);
- Kai Hele Kū Street to the south; and
- Existing and proposed alignments of the Lahaina Bypass (Phases 1B-2) and Makila Ranches Phase II to the west (makai).

## **4.2 Existing Use**

The Property is currently undeveloped and vacant. Occasionally it is used for low intensity cattle grazing. The land was cleared for sugar cultivation in the past by former landowner Pioneer Mill Company. However, the land has not been in intensive agricultural production since closure of the sugar plantation in 1999.

## **4.3 Statement of Purpose and Need**

Makila Rural Community addresses the demand and need for rural residential and workforce housing in a desirable location in West Maui. The rural community will provide a logical transition from the Lahaina Bypass, which is proposed to border the community to the west, and the surrounding agricultural subdivisions that have occurred in and around Launiupoko. Within the Rural Growth Boundary of the Maui Island Plan, the Makila Rural Community implements this plan by preserving open space, maximizing the efficient use of infrastructure, and protecting natural, agricultural, and scenic resources.

## **4.4 Makila Rural Community Description**

The Makila Rural Community will be a rural residential community proposed to contain: 1) approximately 150 rural residential lots ranging in size from approximately one-half to one-acre; and 2) a minimum of 50 single-family workforce housing units, with a potential of up to 75 single-family workforce housing units, on lots with a minimum size of 6,000 square feet. The workforce housing units will be clustered near a central “village core” which is envisioned to offer basic conveniences and services including a park, limited commercial space, a community center, and possibly a site for a fire and ambulance substation. In addition, approximately seven acres within the Property are proposed for dedication to the State Department of Transportation for the construction of the Lahaina Bypass. Figure 3 shows the Makila Rural Community conceptual plan.

Walking and/or bike paths will link to the village center, encouraging a healthy, social lifestyle and reducing dependence on cars for transportation. In the same spirit, an internal road will extend the existing, mauka Punakea Loop road through the community (via the roadway lot (TMK 4-7-013-012)) to cross under the Lahaina Bypass, so that residents may safely access the coast by bike or on foot. This roadway and underpass will also provide linkages between the Makila Rural Community and neighboring communities including Launiupoko and Lahaina Town.

Approximately 50 percent of the community will be open space for agriculture, community gardens, trails, parks, and natural areas. The open space area will include a 500-foot wide greenbelt on the makai side of the community to ensure an open space buffer between the Lahaina Bypass and the proposed dwellings and commercial structures.



Low Impact Development (LID) techniques, such as drainage sedimentation control systems, are proposed to mitigate the potential for flooding makai of the community and to prevent nonpoint source pollution from entering coastal waters. In addition, a private package waste water treatment facility is proposed, with recycled wastewater to be used for irrigation purposes.

The Property is within the State Land Use Agricultural District. MLC has filed petition for a State Land Use District Boundary Amendment with the State Land Use Commission to reclassify: 1) approximately 231 acres from the State Agricultural District to the State Rural District for the rural homestead lots; and 2) approximately 40 acres from the State Agricultural District to the State Urban District for the workforce housing homes and village core area. At the appropriate time, MLC intends to also seek a community plan amendment and change in zoning from the County of Maui.

## **5 DESCRIPTION OF THE ENVIRONMENT**

The Property elevation ranges from 95 to 275 feet above sea level. Rainfall averages 15 inches a year, with most falling during the winter.

There are no known environmentally sensitive areas, wetlands, Critical Habitat, or endangered plant or animal species on the Property.

Vegetation on the Property is predominantly non-native, and consists mainly of dryland grasses which are grazed short by cattle. A substantial portion of the ground is bare. Shrubs and a few trees inhabit the gullies.

Under the United States Department of Agriculture Natural Resources Conservation Service soil classification system, all soils on the Property are part of the Waianai series, which is made up of deep, well-drained soils (Figure 8). Permeability is moderate to moderately rapid, with medium runoff. The Waianai soils formed from weathered volcanic rock, and were deposited by water at the foot of the West Maui Mountains. Slopes range from 3 to 15 percent.

The majority of the Property is not designated under the Agricultural Lands of Importance to the State of Hawai'i (ALISH) soil classification system, however a small area is designated as "Other" (Figure 9). The University of Hawai'i Land Study Bureau Land Study Bureau classifies the soils of the Property primarily as "Good" (B), with soil in and around erosional features classified as "Very Poor" (E) (Figure 10).

Large, man-made rock piles in the area are the result of field clearing for sugarcane production and ranching. The Property contains some other historic remains from past agricultural activities, such as irrigation systems, terraces, slag scatter, modified rock deposit, lithic/midden scatter, and wall segments.

According to the Flood Insurance Rate Map (Figure 11) prepared by the Federal Emergency Management Agency, National Flood Insurance Program, the Property is within Flood Zone X. This means that Makila Rural Community is outside the 0.2 percent-annual-chance (500-year) flood zone.

## 6 PLANNING HORIZON

The planning horizon for the proposed Makila Rural Community is long-term, as the forthcoming Environmental Impact Statement (EIS) is intended to assess both short-term and long-term potential impacts of the rural community's presence in West Maui. The community is designed to accommodate the vision and core values set forth in the Maui Island Plan, thus ensuring sustainability for the long-range planning horizon.

It is estimated that all backbone infrastructure necessary for the Makila Rural Community can be completed within 10 years of the Land Use Commission approval of the State Land Use District boundary amendment.

The Draft EIS will include a discussion of what other actions in the area are reasonably foreseeable in the future.

## 7 ALTERNATIVES

The Draft EIS will include a discussion of alternatives including taking no action and alternate site designs.

## 8 DETERMINATION

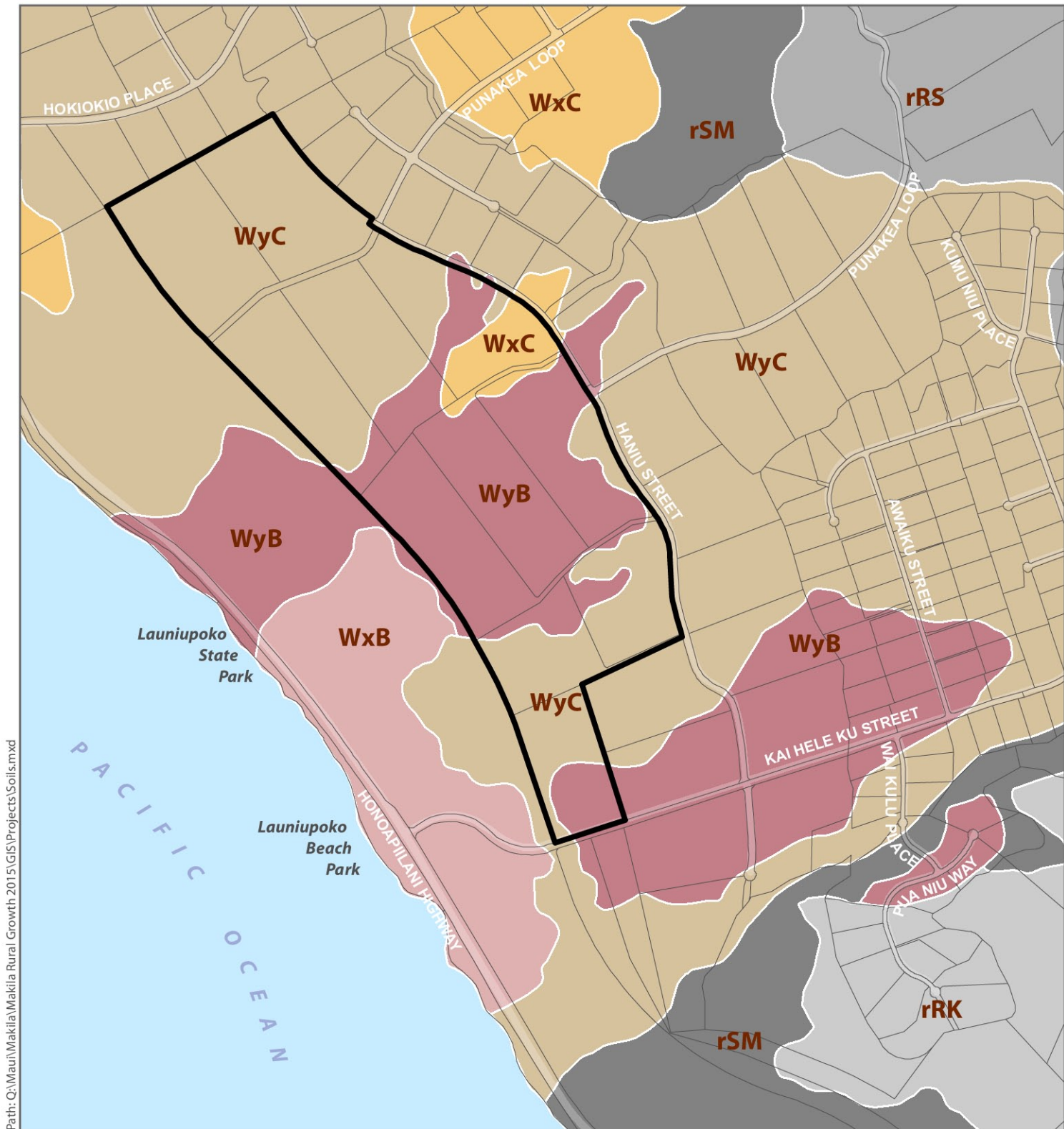
Section 343-5 (e), HRS (enacted by Act 172 (2012)) allows an applicant to prepare an EIS rather than an environmental assessment if the accepting authority determines, through its judgment and experience, that an EIS is likely to be required. The preparation of such an EIS begins with the preparation of an EISPN, sometimes referred to as an "Act 172 EISPN." Under the provisions of §343-5 (e), HRS, and based on consultation with State Land Use Commission staff, MLC has determined that an EIS is likely to be required for the Makila Rural Community.

Preparation of an EIS is being undertaken to address requirements of Chapter 343, HRS and Title 11, Department of Health, Chapter 200, Environmental Impact Rules, Hawai'i Administrative Rules. Section 343-5, HRS, establishes nine "triggers" that require compliance with the State's EIS law. The triggers for the Makila Rural Community include, without limitation, the following:

- Propose any amendments to existing county general plans where the amendment would result in designations other than agriculture, conservation, or preservation, except actions proposing any new county general plan or amendments to any existing county general plan initiated by a county.
- Propose any wastewater treatment unit, except an individual wastewater system or a wastewater treatment unit serving fewer than fifty single-family dwellings or the equivalent.
- Propose the use of State or County lands.<sup>1</sup>

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<sup>1</sup> Use of State or County lands in relation to the Makila Rural Community is expected to be limited to connections to, or easements across, State or County lands in relation to infrastructure required to serve the community.



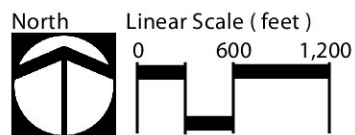
Path: Q:\Mau\1\Makila Rural Growth 2015\GIS\Projects\Soils.mxd

DATE: 9/10/2015

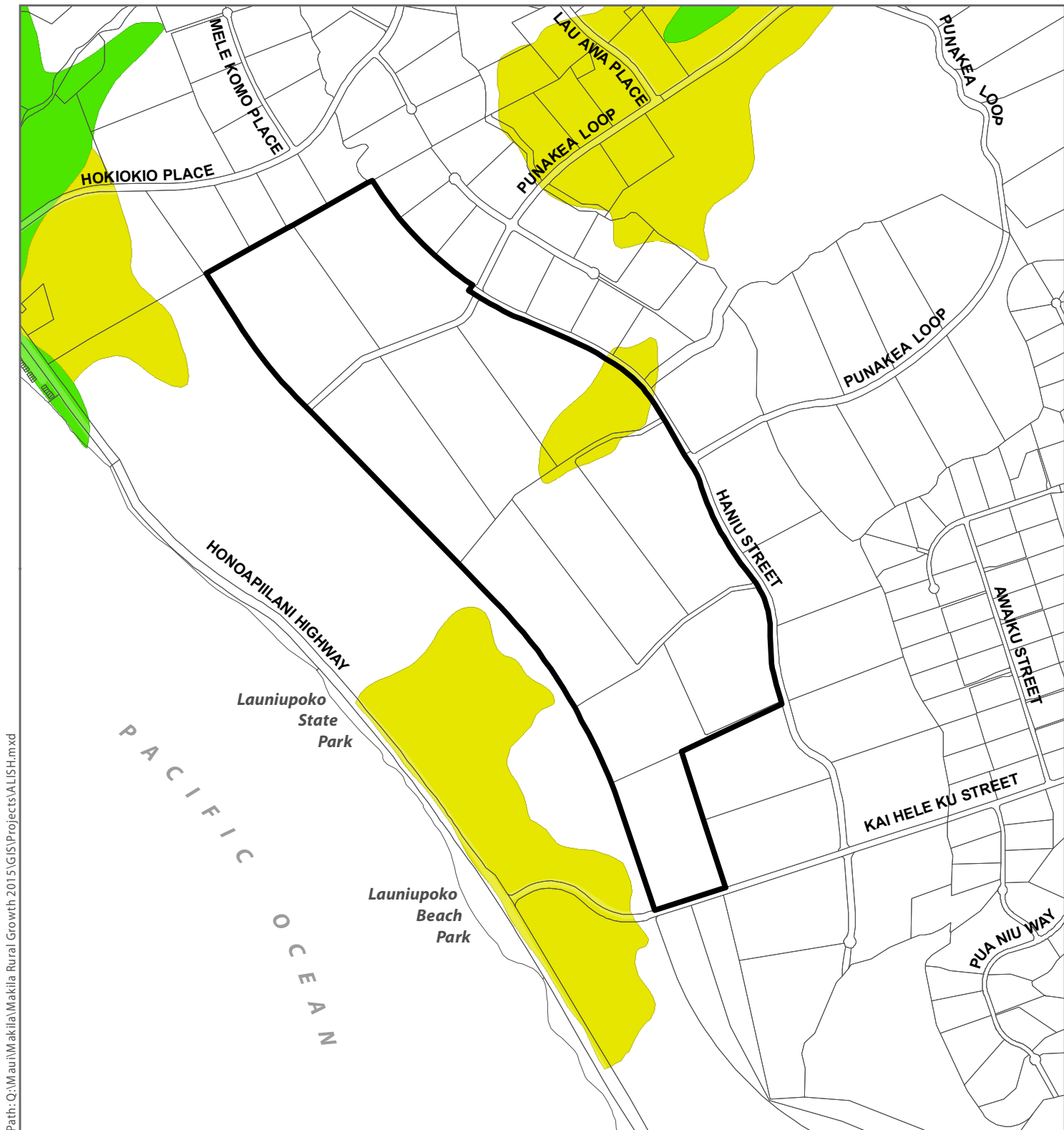
**LEGEND**

-  Makila Rural Community
-  WxB: Wainee very stony silty clay, 3 -7% slopes
-  WyB: Wainee extremely stony silty clay, 3-7% slopes
-  WxC: Wainee very stony silty clay, 7-15% slopes
-  WyC: Wainee extremely stony silty clay, 7-15% slopes
-  rRK: Rock land
-  rRS: Rough broken and stony land
-  rSM: Stony alluvial land

**Figure 8**  
**USDA NRCS Soils**  
**Makila Rural Community**  
 Island of Maui







Source: U.S. Department of Agriculture Natural Resources Conservation Service (1972).  
 Disclaimer: This graphic has been prepared for general planning purposes only and should not be used for boundary interpretations or other spatial analysis.



Path: Q:\Mauri\Makila Rural Growth 2015\GIS\Projects\ALISH.mxd

DATE: 9/10/2015

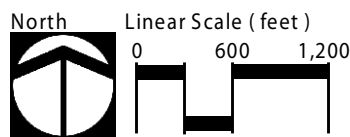
**LEGEND**

-  Makila Rural Community
-  Prime ALISH
-  Other ALISH
-  Not classified

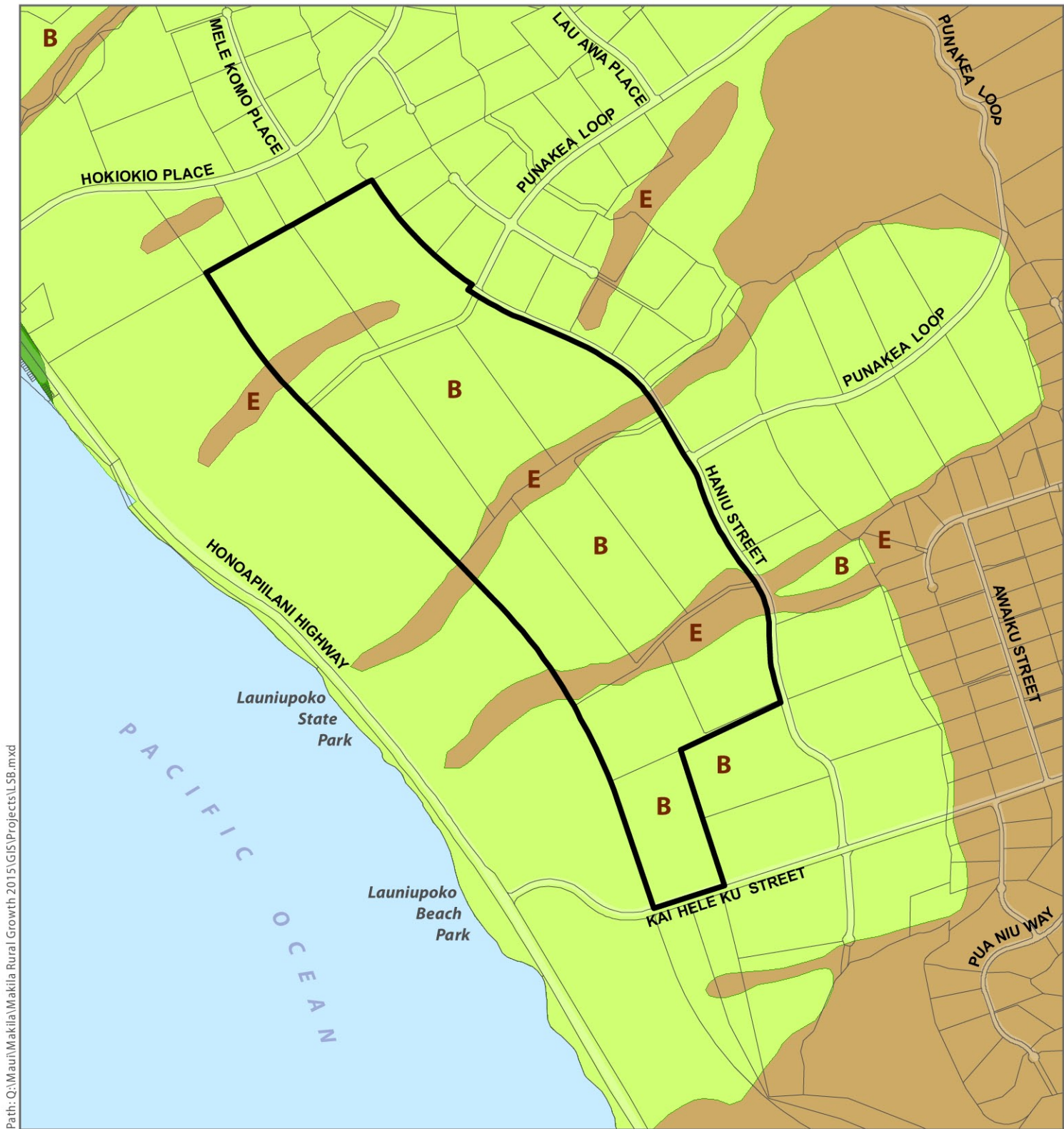
**Figure 9**  
**Agricultural Lands of Importance to the State of Hawaii**

**Makila Rural Community**

Island of Maui



Source: State Department of Agriculture (1977).  
 Disclaimer: This graphic has been prepared for general planning purposes only and should not be used for boundary interpretations or other spatial analysis.



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DATE: 9/10/2015

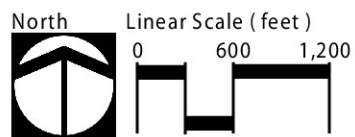
**LEGEND**

Makila Rural Community

- A: Excellent
- B: Good
- C: Fair
- D: Poor
- E: Very Poor

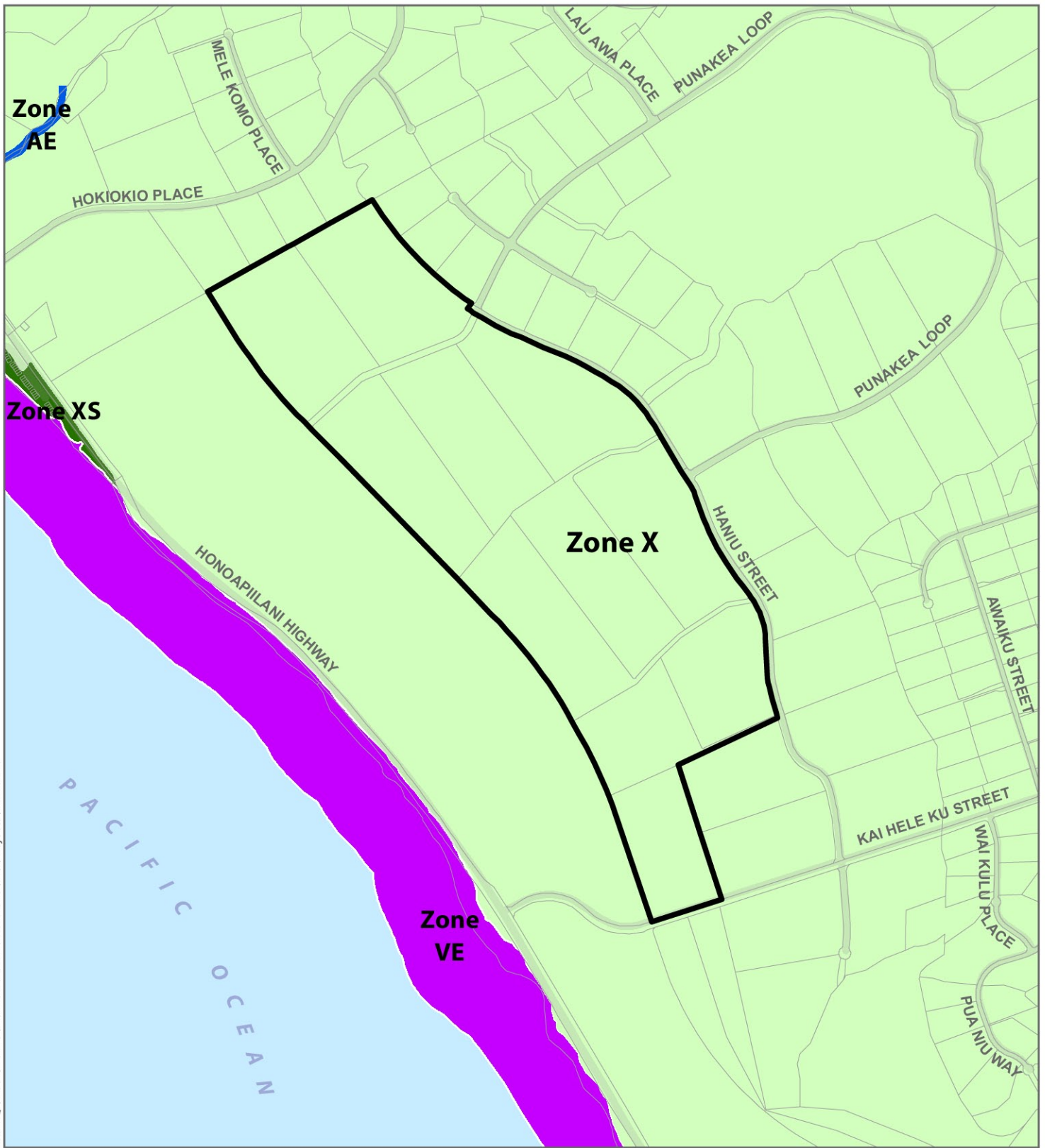
**Figure 10**  
**Land Study Bureau**  
**Detailed Land Classification**  
**Makila Rural Community**

Island of Maui



Source: Land Study Bureau (1972).

Disclaimer: This graphic has been prepared for general planning purposes only and should not be used for boundary interpretations or other spatial analysis.



Path: Q:\Maui\Makila Rural Growth 2015\GIS\Projects\FIRM.mxd

DATE: 9/10/2015

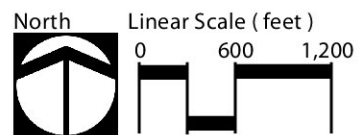
**LEGEND**

-  Makila Rural Community
-  X: Outside 500-year Flood Zones
-  VE: 100-year Coastal Flood Zones
-  XS: 500-year Flood Zones
-  AE: Floodway

**Figure 11**  
**FIRM**

**Makila Rural Community**

Island of Maui



Source: Federal Emergency Management Agency (2012).

Disclaimer: This graphic has been prepared for general planning purposes only and should not be used for boundary interpretations or other spatial analysis.

## 8.1 Reasons Supporting the Determination

MLC has determined, in consultation with State Land Use Commission staff, that an EIS (rather than a less extensive environmental assessment) is necessary based on a review of the significance criteria set forth under Section 11-200-12(b), HAR and listed below:

1. Involves in an irrevocable commitment to loss or destruction of any natural or cultural resource;
2. Curtails the range of beneficial uses of the environment;
3. Conflicts with the state's long-term environmental policies or goals and guidelines as expressed in Chapter 344, HRS, and any revisions thereof and amendments there to, court decisions, or executive orders;
4. Substantially affects the economic welfare, social welfare, and cultural practices of the community or State;
5. Substantially affects public health;
6. Involves secondary impacts, such as population changes or effects on public facilities;
7. Involves a substantial degradation of environmental quality;
8. Is individually limited but cumulatively has a considerable effect upon the environment or involves a commitment for larger actions;
9. Substantially affects a rare, threatened, or endangered species, or its habitat;
10. Detrimentially affect air or water quality or ambient noise levels;
11. Affects or be likely to suffer damage by being located in an environmentally sensitive area such as a flood plain, tsunami zone, beach, erosion-prone area, geologically hazardous land, estuary, fresh water or coastal waters;
12. Substantially affects scenic vistas and view planes identified in county or state plans or studies; and
13. Requires substantial energy consumption.

Based the above criteria, MLC does not expect that it could be affirmatively concluded that activities associated with the Makila Rural Community would not have a significant effect on the environment. In particular, as a new community on previously undeveloped land, the Makila Rural Community will: 1) involve secondary impacts which may include additional population or effects on public facilities such roads, schools, and recreational facilities; and 2) require additional energy consumption related to both the build out and on-going operations of the community. Further, the Makila Rural Community is expected substantially affect the economic and social welfare of the community in a number of ways, including, through: 1) capital investment, job creation, and tax revenue generation during both the build out and on-going operations of the community, therefore positively impacting the economic welfare of the community and the State; and 2) the provision of workforce housing, thus positively affecting the social welfare of residents of the Maui County.

The Draft EIS will include a full assessment of anticipated impacts, as well as proposed mitigation measures to minimize anticipated adverse impacts. However, MLC does not anticipate that an environmental assessment prepared to assess the anticipated impacts would warrant a Finding of No Significant Impact (FONSI) in light of the significance criteria under Section 11-200-12(b), HAR. Therefore, based on its judgment and experience, MLC believes that the Makila Rural Community is likely to require a full environmental review that is provided through the completion of an EIS and

**Makila Rural Community**  
Environmental Impact Statement Preparation Notice

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therefore that the environmental review should proceed directly to the preparation of an EIS through this EISPN. The State Land Use Commission is believed to be the appropriate accepting authority in light of the fact that the State Land Use District Boundary Amendment is first land use entitlement/request for approval being sought by MLC for the Makila Rural Community. As the accepting authority, the State Land Use Commission has the authority to determine, through its judgment and experience, that an EIS is likely to be required, and therefore to authorize MLC to initiate its environmental review through the preparation of an EISPN.

## **9 STUDIES ANTICIPATED TO BE INCLUDED IN THE EIS**

The forthcoming EIS will include several technical reports and studies prepared by experts in specific fields. The reports and studies are expected to include:

- Air Quality Assessment
- Acoustic Assessment
- Agricultural Impact Assessment
- Archeological Inventory Survey
- Biological Survey
- Cultural Impact Assessment
- Economic and Fiscal Cost Benefit Analysis
- Hydrological Study
- Market Study
- Preliminary Engineering Report
- Traffic Impact Analysis Report
- Wastewater Analysis

## **10 AFFECTED PARTIES**

As part of the Makila Master Planning process, and as a precursor to the Maui General Plan Update, MLC conducted extensive community outreach with nearby residents and stakeholders as well as West Maui associations, groups, and individuals between 2006 and 2008. In addition, there was extensive review of the proposal during the Maui Island Plan proceedings before the General Plan Advisory Committee, the Maui Planning Commission, and the Maui County Council. The proposed Makila Rural Community is the culmination of these community consultation efforts and the resultant incorporation of the project into the Maui Island Plan.

MLC is in the process of undertaking a subsequent round of public outreach for the proposed Makila Rural Community. As of the date of this EISPN, MLC has reached out to the following groups to discuss the proposal:

- Puamana Home Owners Association Board of Directors
- Mahanalua Nui board members and interested homeowners
- West Maui Taxpayers Association
- Lahaina Rotary Club



**Makila Rural Community**  
Environmental Impact Statement Preparation Notice

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- Pu‘unoa Homeowners Association
- Makila Plantation Homeowners Association
- Kuleana Kuikahi

MLC expects to continue community outreach efforts with other community organizations, groups, and interested individuals as the forthcoming EIS is prepared. In the summer of 2015 MLC also met with the State Land Use Commission staff and the County of Maui Planning Department staff regarding the Makila Rural Community and expects to meet with other State and County agencies as the forthcoming EIS is prepared.

In addition, MLC has been working closely with the State of Hawai‘i regarding the southern extension of the Lahaina Bypass terminus, and has committed to donate land to the State for the Lahaina Bypass right-of-way. Also, as part of an overall effort to preserve coastal lands abutting the existing Honoapi‘ilani Highway for parks and open space, MLC reached an agreement with the County of Maui for the County’s acquisition of 185 acres of land stretching between Puamana and the former Olowalu Landfill, a distance of approximately 2.5 miles.

The forthcoming Draft EIS will be sent to all relevant County, State and Federal agencies and organizations, as well as community organizations, groups, and interested individuals and elected officials.

## 11 REFERENCES

- County of Maui Planning Department, Long Range Division. (2012). *Maui Island Plan, General Plan 2030*. Wailuku, Maui.
- Federal Emergency Management Agency. (2012, September 19). Digital Flood Insurance Rate Map Database, Maui County, Hawai'i, USA. Washington, D.C.
- Maui County Council. (1996). *West Maui Community Plan*. Maui.
- State of Hawai'i Office of Planning. (Accessed 2015). Agricultural Lands of Importance to the State of Hawaii, from State Department of Agriculture 1:24,000 hand drafted blue line maps; compiled and drafted in 1977. Prepared with the assistance of SCS, USDA, CTAHR, University of Hawai'i. *State of Hawai'i Office of Planning GIS Layer*.
- State of Hawai'i Office of Planning. (Updated 2012, Accessed 2015). Land Study Bureau (LSB) Detailed Land Classification, from Land Study Bureau's Detailed Land Classification Aerial Photos hand drafted onto paper overlays of the U.S.G.S., 1:24,000 topographic and orthophoto quads. *State of Hawai'i Office of Planning GIS Layer*.
- State of Hawai'i Office of Planning. (Updated 2014, Accessed 2015). State Land Use District Boundaries, from State Land Use Commission 1:24,000 mylar maps. State of Hawai'i Office of Planning GIS Layer.
- United States Department of Agriculture. (2001, September). Retrieved September 2015, from Official Series Description - Waivee Series:  
[https://soilseries.sc.gov.usda.gov/OSD\\_Docs/W/WAINEE.html](https://soilseries.sc.gov.usda.gov/OSD_Docs/W/WAINEE.html)

**FEE OWNER AUTHORIZATION**

TO WHOM IT MAY CONCERN:

This will certify that MAKILA LAND CO., LLC, a Hawai'i limited liability company, is the fee owner of that certain real property situate at Launiupoko, Polanui, District of Lahaina, Island and County of Maui, State of Hawai'i, consisting of approximately 271.175 acres, more or less, as more particularly described hereinbelow.

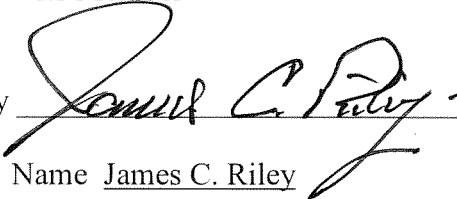
MAKILA LAND CO., LLC hereby authorizes JENNIFER A. LIM and the law firm of CARLSMITH BALL LLP and its attorneys, and/or their designated representatives to apply for all necessary permits and approvals relative to the development of said real property, including, but not limited to, applying for a State Land Use District Boundary Amendment of said property in LUC Docket A15-779.

A facsimile or electronic copy of this executed authorization shall be considered as effective and valid as the original.

Dated: September 9, 2015

MAKILA LAND CO., LLC

By MAKILA MANAGEMENT LLC  
Its Member

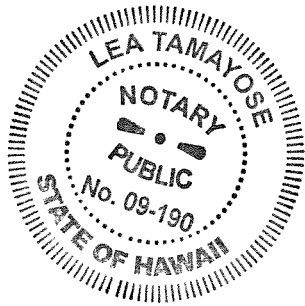
By  \_\_\_\_\_  
Name James C. Riley

Title Member

**TMK (2) 4-7-013:001, 002, 003, 004, 005, 006, 007, 008, 009, 010, 011, 012,**

STATE OF HAWAII )  
 ) SS.  
COUNTY OF MAUI )

On this 9th day of September, 2015, before me personally appeared James C. Riley, to me personally known, who, being by me duly sworn or affirmed, did say that such person(s) executed the foregoing instrument as the free act and deed of such person(s), and if applicable, in the capacity shown, having been duly authorized to execute such instrument in such capacity.

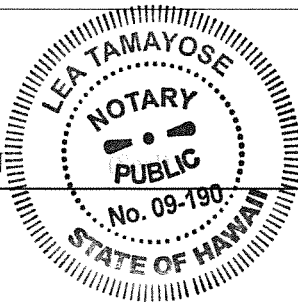


A handwritten signature in black ink, appearing to read "Lea Tamayose".

Print Name: Lea Tamayose  
Notary Public, State of Hawaii.

My commission expires: 17 May 17

Date of Document: <u>Sept. 9, 2015</u> # Pages: <u>2</u>	
Name: <u>Lea Tamayose</u>	Second Circuit
Doc. Description: <u>Fee Owner Authorization</u>	
 Notary Signature	<u>9 Sept 15</u> Date
NOTARY CERTIFICATION	



R-300

STATE OF HAWAII  
BUREAU OF CONVEYANCES  
RECORDED

JAN 16, 2001 08:01 AM

Doc No(s) 2001-006058

/s/ CARL P. WATANABE  
ACTING  
REGISTRAR OF CONVEYANCES

CONVEYANCE TAX: \$14287.00

Return by Mail  Pickup

MR PETER K MARTIN  
MAKILA LAND CO., LLC  
173 HOOHANA ST  
STE 201  
KAHULUI, HI 96732

TGOH 345062-S  
TGES A0-101-2384  
BARBARA PAULO

Total Pages: 37

Tax Map Key Nos.: (2) 4-7-01:2 (portion)  
(2) 4-7-04:4 (portion)  
(2) 4-7-05:1 (portion)  
(2) 4-6-18:1  
(2) 4-6-19:4 (portion)  
(2) 4-6-25:1 (portion)

**LIMITED WARRANTY DEED  
AND RESERVATION OF RIGHTS**

THIS LIMITED WARRANTY DEED AND RESERVATION OF RIGHTS (this "Deed") is made as of January 16, 2001, by and between **PIONEER MILL COMPANY, LIMITED**, a Hawaii corporation (the "Grantor"), the address of which is c/o Amfac Land Company, Limited, 700 Bishop Street, Suite 501, Honolulu, Hawaii 96813, and **MAKILA LAND CO., LLC**, a Hawaii limited company (the "Grantee"), the address of which is 173 Hoohana Street, Suite 201, Kahului, Maui, Hawaii 96732.

**W I T N E S S E T H:**

That for Ten Dollars and other valuable consideration paid by the Grantee to the Grantor, the receipt of which is hereby acknowledged, and pursuant to that certain Property Purchase Agreement made as of October 16, 2000, as amended (the "Purchase Agreement"), by and between the Grantor, as seller, and the Grantee, as purchaser, the Grantor does hereby grant and convey unto the Grantee, as tenant in severalty, that certain real property (the "Property") described in Exhibit "A" attached hereto, which Exhibit "A" is incorporated into this Deed by reference;

AND the reversions, remainders, rents, issues and profits thereof and all of the estate, right, title and interest of the Grantor, both at law and in equity, therein and thereto.

TO HAVE AND TO HOLD the same, together with all rights, easements, rights of way, privileges, appurtenances thereon and thereto belonging or appertaining or held and enjoyed therewith, and all other rights and benefits running with the Property, unto the Grantee forever.

SUBJECT, HOWEVER, to: (i) existing county, state and federal laws, rules and regulations, including zoning ordinances and other land use regulations and restrictions applicable to the Property; (ii) claims, if any, to the Property arising out of rights customarily and traditionally exercised for subsistence, cultural, religious, access or gathering purposes, and such claims or rights, including access, use and/or occupancy rights, as may be attendant or ancillary to kuleana claims on or affecting the Property; (iii) encroachments, easements and other rights, facts or matters which may or would be disclosed by a correct boundary and improvement survey or archaeological study of the Property; including, without limitation, easements, trails, rights-of-way, historic property, burial sites and other items of historical, archaeological or religious significance; and (iv) all encumbrances, exceptions, reservations, easements and other items set forth in this Deed.

FURTHER SUBJECT to the covenants and agreements of the Grantee, as follows:

1. The Grantee confirms and agrees that the Grantee has inspected the Property and that the Property is being conveyed to the Grantee in "AS IS" condition, and without any representations or warranties of any kind with respect to the Property, except as expressly provided in this Deed, all as more particularly set forth in Section 8 of the Purchase Agreement.

2. The Grantee hereby assumes all liability for damage to persons or property caused by or resulting from any interference with the flow of drainage from, over, through or across the Property in connection with the Grantee's activities on all or any part of the Property, and agrees to and shall indemnify, defend and hold harmless the Grantor and Amfac-Related Entities from and against any liability, claim, demand, action or suit arising out of or in connection with such interference.

3. The Grantor shall have, and there is hereby reserved to the Grantor, its successors and assigns, the exclusive right to receive and retain any and all compensation paid or payable to the Grantee, its successors and/or assigns, in connection with any condemnation or other conveyance of all or any portions of those certain power transmission lines, poles and related facilities ("PMCo Powerline") located as of the date hereof upon and across the Property approximately as indicated on the map attached hereto as Exhibit "B", and such easement or other rights associated therewith or any relocation thereof, by or to Maui Electric Company, Limited, or other appropriate governmental entity or utility company. The Grantee, for itself and on behalf of its successors and assigns, agrees to and shall pay or assign over to the Grantor all such compensation, immediately upon receipt thereof or entitlement thereto.

4. The Grantee acknowledges that drainage ("Mill Drainage"), resulting from the active pumping by the Grantor of water from the Grantor's sugar mill, enters and flows through drainage ditches affecting portions of the Property. The Grantor shall have, and there is hereby reserved to the Grantor, its successors and assigns, a drainage easement within and through the

drainage ditches located within the Property (together with rights of access to and upon such drainage ditches) as necessary to accommodate the Mill Drainage; provided, however, that (i) the Grantee shall have the right to manage, relocate and redirect such drainage ditches and the Mill Drainage within the Property as may be reasonably necessary or desirable in connection with the Grantee's use and development of the Property; and (ii) the Grantor shall use diligent good efforts to obtain appropriate governmental approvals for redirection of the Mill Drainage into and through Kauaula Stream, and upon receipt of such approvals the Grantor's drainage easement pursuant to this Section 4 shall terminate.

AND, as provided in that certain Subdivision Agreement (Agricultural Use) dated June 18, 1992 ("Subdivision Agreement"), recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 92-103494, the Property shall be subject to the restriction on uses as prescribed in Section 205-4.5, Hawaii Revised Statutes, and to the condition that the uses shall be primarily in pursuit of an agricultural activity, and all present and future owners, lessees and occupants of the Property grant to the County of Maui, Department of Public Works, the right to enter upon at reasonable times and inspect the Property to ensure compliance with the provisions of the Subdivision Agreement. As further provided in the Subdivision Agreement, (i) the Subdivision Agreement shall be subject to subsequent legislative and administrative amendments and interpretations, which are made to Chapter 205, Hawaii Revised Statutes, and the State Land Use Commission District Regulations, (ii) the Subdivision Agreement shall remain in effect so long as the land retains its Agricultural District classification under the State Land Use Commission and the pertinent restrictive conditions of Chapter 205, Hawaii Revised Statutes and the State Land Use Commission District Regulations remain in effect, and (iii) the terms and provisions of the Subdivision Agreement shall be cancelled and rendered null and void upon the land being reclassified to a land use district other than agricultural district under the State Land Use Commission.


In consideration of the premises, the Grantor does hereby covenant with the Grantee that the Grantor is seised of the Property in fee simple; that the Property is free and clear of and from all liens and encumbrances made or suffered by the Grantor, excepting the lien of real property taxes assessed for the current fiscal year but not yet due, and further excepting any and all exceptions, reservations and encumbrances created by or referred to in this Deed; that the Grantor has good right to sell and convey the Property; and that the Grantor will WARRANT AND DEFEND the same unto the Grantee against the lawful claims and demands of all persons, except as aforesaid.

This conveyance and the covenants of the Grantor shall be binding upon the Grantor and the Grantor's successors and assigns, and shall run in favor of and inure to the benefit of the Grantee and the Grantee's successors and assigns. The covenants and agreements of the Grantee shall run with the land described in Exhibit "A" attached hereto, shall be binding upon the Grantee and the Grantee's successors and assigns, and shall run in favor of and inure to the benefit of the Grantor and the Grantor's successors and assigns.

The parties hereto agree that this Deed may be executed in counterparts, each of which shall be deemed an original, and said counterparts shall together constitute one and the same agreement, binding all of the parties hereto, notwithstanding all of the parties are not signatory to the original or the same counterparts. For all purposes, including, without limitation, recordation, filing and delivery of this Deed, duplicate unexecuted and unacknowledged pages of the counterparts may be discarded and the remaining pages assembled as one document.

above. The Grantor and the Grantee have executed this Deed as of the date first referenced

PIONEER MILL COMPANY, LIMITED

By   
Name: TAMARA G. EDWARDS  
Title: VICE-PRESIDENT  
Grantor

MAKILA LAND CO., LLC

By \_\_\_\_\_  
Name: Peter K. Martin  
Title: President  
Grantee



above. The Grantor and the Grantee have executed this Deed as of the date first referenced

PIONEER MILL COMPANY, LIMITED

By \_\_\_\_\_  
Name:  
Title:  
Grantor

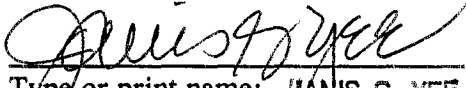
MAKILA LAND CO., LLC

By *Peter K. Martin*  
Name: Peter K. Martin  
Title: President  
Grantee

STATE OF HAWAII )  
 ) SS.  
CITY AND COUNTY OF HONOLULU )

PIONEER MILL COMPANY, LIMITED

On JAN 10 2001, before me personally appeared TAMARA G. EDWARDS, to me personally known, who, being by me duly sworn or affirmed, did say that such person executed the foregoing instrument as the free act and deed of such person, and if applicable, in the capacities shown, having been duly authorized to execute such instrument in such capacities.

  
\_\_\_\_\_  
Type or print name: JANIS G. YEE  
Notary Public, State of Hawaii

My commission expires: DEC. 29, 2001

STATE OF HAWAII

MAKILA LAND CO., LLC

COUNTY OF Maui

)  
) SS.  
)

On this 11<sup>th</sup> day of January 2001, before me personally appeared Peter K. Martin, to me personally known, who, being by me duly sworn or affirmed, did say that such person executed the foregoing instrument as the free act and deed of such person, and if applicable, in the capacities shown, having been duly authorized to execute such instrument in such capacities.

CS

Lynn M. Sueda

Type or print name: \_\_\_\_\_  
Notary Public, State of Hawaii

My commission expires: \_\_\_\_\_

LYNN M. SUEDA  
Expiration Date: April 6, 2001

EXHIBIT "A"

-ITEM I:- (2) 4-7-001-002

FIRST:

All of that certain parcel of land (being all of the land(s) described in and covered by Royal Patent Number ---, Mahele Award Number 31, Part 2 to Kaulunae, being ½ of the Ahupuaa of Puunauiki, Royal Patent Number 1776, Land Commission Award Number 6904 to Kauanui, Royal Patent Number 2743, Land Commission Award Number 9811 to Makaula, and portions of Royal Patent Number 1719, Land Commission Award Number 4878-Z, Apana 3 to Honokoa, Royal Patent Number 2719, Land Commission Award Number 6872, Apana 3 to Kauaua, Royal Patent Number 1690, Land Commission Award Number 6881, Apana 1 to Kahulanui, Royal Patent Number 2720, Land Commission Award Number 6883, Apana 3 to Kahanamoku, Royal Patent Number 1708, Land Commission Award Number 9822, Apana 3 to Kaailau, Royal Patent Number 1358, Land Commission Award Number 82 to Thomas Phillips, Royal Patent Number 1190, Land Commission Award Number 7590, Apana 3 to Kainokane, Royal Patent Number 6727, Apana 2, Land Commission Award Number 8520, Apana 3 to Iosua Kaeo, Royal Patent Number 8395, Land Commission Award Number 8559-B, Apana 25 to Wm. C. Lunalilo, Royal Patent Number 4445, Land Commission Award Number 10221, Apana 2 to Makaulia, Deed of Kamehameha III to Kalua dated ----, recorded in Liber 7 at Page 293, being a portion of the Ahupuaa of Kauaula (Certificate of Boundaries No. 59) and old Government Road, Royal Patent Number 25, Land Commission Award Number 364, Apana 3 to John White, Royal Patent Number 4445, Land Commission Award Number 10221, Apana 3 to Makaulia, and Royal Patent Number 1718, Land Commission Award Number 6528, Apana 5 to Hakuole) situate, lying and being at Polanui, Polaiki, Puunauiki, Puehuehunui, Puehuehu, Halakaa, Launiupoko, Kauaula, District of Lahaina, Island and County of Maui, State of Hawaii, being LOT B-1, comprising all of the parcels of land which is described in Exhibit "A-1" attached hereto and incorporated herein, by different land use classification: Part I Agricultural Lands, and Part II Conservation Lands.

Together with Easement 2 (60-foot wide) for access and utility purposes over and across Lot B-2 of the Mahanalua Nui Subdivision, as shown on the subdivision map approved by the County of Maui, L.U.C.A. File No. 4.724.

SECOND:

Excluding from FIRST, the following:

- (A) Royal Patent Number 2743, Land Commission Award Number 9811 to Makaula;
- (B) Royal Patent Number 1719, Land Commission Award Number 4878-Z, Apana 3 to Honokoa;

- (C) Royal Patent Number 2719, Land Commission Award Number 6872, Apana 3 to Kauaua;
- (D) Royal Patent Number 1690, Land Commission Award Number 6881, Apana 1 to Kahulanui;
- (E) Royal Patent Number 2720, Land Commission Award Number 6883, Apana 3 to Kahanamoku; and
- (F) Royal Patent Number 1708, Land Commission Award Number 9822, Apana 3 to Kaailau.

-ITEM II:- (2) 4-7-004-004

FIRST:

All of that certain parcel of land (being all of the land described and covered by Royal Patent Number 1718, Land Commission Award Number 6528, Apana 1, 2, 3 and 4 to H. W. Hakuole, and portions of the land(s) described in and covered by Royal Patent Number 1718, Land Commission Award Number 6528, Apana 5 to H. W. Hakuole, Royal Patent Number 8395, Land Commission Award Number 8559-B, Apana 25 to William C. Lunalilo, Royal Patent Number 8399, Land Commission Award Number 581, Apana 2 to Sol. Laahili, Royal Patent Number 1718, Land Commission Award Number 6528, Apana 5 to H. W. Hakuole, Royal Patent Number 8401, Land Commission Award Number 6795, Apana 2 to Ukukua, Royal Patent Number 8256, Land Commission Award Number 9817, Apana 2 to Makaele and Royal Patent Number 4445, Land Commission Award Number 10221, Apana 2 to Makaulia) situate, lying and being at Puehuhuiki, Polapola and Polanui, District of Lahaina, Island and County of Maui, State of Hawaii, bearing Tax Key designation (2) 4-7-004-004, and containing an area of 35.120 acres, more or less.

SECOND:

EXCLUDING from FIRST, the following:

- (A) Royal Patent Number 1718, Land Commission Award Number 6528, Apana 1, 2, 3 and 4 to H. W. Hakuole;
- (B) Royal Patent Number 8401, Land Commission Award Number 6795, Apana 2 to Ukukua; and
- (C) Royal Patent Number 8256, Land Commission Award Number 9817, Apana 2 to Makaele.

-ITEM III:- (2) 4-7-005-001

FIRST:

All of that certain parcel of land (being portion of the land(s) described in and covered by Royal Patent Number (None), Land Commission Award Number 6802 to Pelekane; Royal Patent Number 1198, Land Commission Award Number 6900 to Keaweolu; Royal Patent Number 5692-C, Land Commission Award Number 4878-D, Apana 2 to Hone for Kuapua; Royal Patent Number 1866, Land Commission Award Number 4878-I, Apana 2 and 4 to Kupalii; Royal Patent Number 2724, Land Commission Award Number 6207, Apana 1 to Kahaka; Royal Patent Number 1676, Land Commission Award Number 10465, Apana 3, 4 and 5 to Nalehu; Royal Patent Number 4529, Land Commission Award Number 10644, Apana 2 and 3 to Piiko; Royal Patent Number (None), Land Commission Award Number 10667, Apana 3 and 4 to Pikanele; Royal Patent Grant Number 725, Apana 5 to N. Namauu; Royal Patent Number 5707-C, Land Commission Award Number 4878, Apana 1 to Upai; Royal Patent Number 1699, Land Commission Award Number 5458, Apana 1 to Manu; Royal Patent Number 1707, Land Commission Award Number 6875, Apana 2 to Kaulahea; Royal Patent Number 4490, Land Commission Award Number 10474, Apana 2 to N. Namauu (Certificate of Boundaries No. 26); Royal Patent Number 8406, Land Commission Award Number 11293, Part 2 to Isaaka Kaiama (Certificate of Boundaries No. 213) and poalima, being portion of Royal Patent Number 4490, Land Commission Award Number 10474 to N. Namauu) situate, lying and being at Kooka, Alio, Ilikahi and Pahoa, District of Lahaina, Island and County of Maui, State of Hawaii, bearing Tax Key designation (2) 4-7-005-001, and containing an area of 41.395 acres, more or less.

SECOND:

EXCLUDING from FIRST, the following:

- (A) Royal Patent Number (None), Land Commission Award Number 6802 to Pelekane;
- (B) Royal Patent Number 5692-C, Land Commission Award Number 4878-D, Apana 2 to Hone for Kuapua;
- (C) Royal Patent Number 1866, Land Commission Award Number 4878-I, Apana 2 and 4 to Kupalii;
- (D) Royal Patent Number 2724, Land Commission Award Number 6207, Apana 1 to Kahaka;
- (E) Royal Patent Number 1676, Land Commission Award Number 10465, Apana 3, 4 and 5 to Nalehu;
- (F) Royal Patent Number 4529, Land Commission Award Number 10644, Apana 2 and 3 to Piiko;

Exhibit "A"  
(Page 3 of 14)

- (G) Royal Patent Number (None), Land Commission Award Number 10667, Apana 3 and 4 to Pikanele;
- (H) Royal Patent Grant Number 725, Apana 5 to N. Namauu;
- (I) Royal Patent Number 5707-C, Land Commission Award Number 4878, Apana 1 to Upai; and
- (J) Royal Patent Number 1699, Land Commission Award Number 5458, Apana 1 to Manu.

-ITEM IV:- (2) 4-6-018-001

All of that certain parcel of land (being portion of the land described in and covered by Royal Patent Number 5660, Land Commission Award Number 5207-B, Apana 1 to R. Kalaipaihala) situate, lying and being at Wainee, District of Lahaina, Island and County of Maui, State of Hawaii, bearing Tax Key designation (2) 4-6-018-001, and containing an area of 133.440 acres, more or less.

-ITEM V:- (2) 4-6-019-004

FIRST:

All of that certain parcel of land (being portion of the land(s) described in and covered by Royal Patent Number 4377, Land Commission Award Number 4878-N, Apana 2 to Kaekae, Royal Patent Number (None), Land Commission Award Number 6895, Apana 4 to Kauakahi, Royal Patent Number 6727, Land Commission Award Number 8520 to Iosua Kaeo and Land Patent Grant Number 7855 to Lahaina Agricultural Company, Limited) situate, lying and being at Halakaa, Puehuhunui and Wainee, District of Lahaina, Island and County of Maui, State of Hawaii, bearing Tax Key designation (2) 4-6-019-004, and containing an area of 23.710 acres, more or less.

SECOND:

EXCLUDING from FIRST, the following:

- (A) Royal Patent Number 4377, Land Commission Award Number 4878-N, Apana 2 to Kaekae; and
- (B) Royal Patent Number (None), Land Commission Award Number 6895, Apana 4 to Kauakahi.

-ITEM VI:- (2) 4-6-025-001

FIRST:

All of that certain parcel of land (being portion of the land(s) described in and covered by Royal Patent Number 8403, Land Commission Award Number 8525-B to J. A. Kauwa (Certificate of Boundaries No. 229); Deed of Kamehameha III to Kalua dated December 12, 1849, recorded in Liber 7 at Page 293, being a portion of the Ahupuaa of Kauaula (Certificate of Boundaries No. 59); and all of Royal Patent Number 3457, Land Commission Award Number 6507, Apana 1 to Apana) situate, lying and being at Makila, Kauaula and Kooka, District of Lahaina, Island and County of Maui, State of Hawaii, bearing Tax Key designation (2) 4-6-025-001, and containing an area of 445.710 acres, more or less.

SECOND:

EXCLUDING from FIRST, the following:

(A) Royal Patent Number 3457, Land Commission Award Number 6507, Apana 1 to Apana.

SUBJECT, HOWEVER to the following:

1. Reservation in favor of the State of Hawaii of all mineral and metallic mines.
2. LEASE in favor of MAUI ELECTRIC COMPANY, LIMITED, and HAWAIIAN TELEPHONE COMPANY, now known as GTE HAWAIIAN TELEPHONE COMPANY INCORPORATED, dated October 13, 1967, recorded in Liber 5893 at Page 226.
3. -AS TO ITEM I:-
  - (A) Ditches, Reservoirs and Flumes, as shown on the Tax Map.
  - (B) Free flowage of Launiupoko, Waiolimu and Kauaula Streams as shown on the Tax Map.
  - (C) Matters arising out of the failure of a patent to have issued on Mahele Award Number 31, Part 2 to Kaulunae.

(D) GRANT

TO : MAUI ELECTRIC COMPANY, LIMITED, a Hawaii corporation

DATED : November 18, 1974

RECORDED : Liber 10268 Page 94

Exhibit "A"  
(Page 5 of 14)



GRANTING : a perpetual right and easement for electrical purposes, along, across, over, through and upon the easement areas more particularly described therein

(E) SUBDIVISION AGREEMENT (AGRICULTURAL USE)

DATED : June 18, 1992  
RECORDED : Document No. 92-103494  
PARTIES : PIONEER MILL COMPANY, LIMITED, and the COUNTY OF MAUI, through its Department of Public Works, a body politic and corporate, and a political subdivision of the State of Hawaii

(F) PRIVATE WATER SYSTEM AGREEMENT

DATED : September 29, 1992  
RECORDED : Document No. 92-164418  
PARTIES : PIONEER MILL COMPANY, LIMITED, a Hawaii corporation, and the DEPARTMENT OF WATER SUPPLY of the County of Maui

(G) NOTICE OF CHANGE OF AGRICULTURAL USE TO DEDICATION dated April 3, 2000 (effective July 1, 2000), recorded as Document No. 2000-046048, by PIONEER MILL COMPANY, LIMITED; re: dedication of land for ranching purposes.

(H) All rights, claims and/or interest of others which exist or might arise by virtue of those kuleana described in Item I, Second.

(I) Cane Haul Road as shown on the Tax Map.

(J) Triangulation Survey Station "LAUNIUPOKO" located within the land described herein, as shown on the Tax Map prepared by the Taxation Maps Bureau, Department of Finance, County of Maui.

(K) Restriction of vehicle access along Honoapiilani Highway as shown on the map prepared by James R. Thompson, Licensed Professional Land Surveyor, with Walter P. Thompson, Inc., Surveying & Mapping, dated September 8, 2000.

(L) GRANT

TO : MAUI ELECTRIC COMPANY, LIMITED, a Hawaii corporation

DATED : December 22, 1995  
RECORDED : Document No. 95-168464

GRANTING : a perpetual right and easement to build, construct, rebuild, repair, maintain and operate pole and wire lines and underground power lines, etc., as may be necessary for the transmission of electricity, over, under, upon, across and through Easement "O-1" (area 204,347 square feet), Easement "O-2" (area 17,056 square feet), and Easement "O-3" (area 453,639 square feet), more particularly described therein and shown on the map attached thereto

(M) UNRECORDED LICENSE AGREEMENT dated June 26, 1997, by and between PIONEER MILL COMPANY, LIMITED and GST TELECOM HAWAII, INC., as contained in instrument dated September 30, 1997, recorded as Document No. 97-138330.

(N) DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS, RESERVATIONS AND RESTRICTIONS

DATED : May 28, 1999  
RECORDED : Document No. 99-087373

(O) GRANT

TO : KAUAULA LAND COMPANY LLC, a Hawaii limited liability company

DATED : May 28, 1999  
RECORDED : Document No. 99-087400  
GRANTING : non-exclusive easement rights for access purposes over and across the existing cane-haul road

The above GRANT was amended by that certain CORRECTION OF GRANT OF EASEMENT effective May 28, 1999, recorded as Document No. 2001-001279.

(P) GRANT

TO : KAUAULA LAND COMPANY LLC, a Hawaii limited liability company

DATED : October 13, 1999  
RECORDED : Document No. 99-188831  
GRANTING : the right, in the nature of a perpetual, non-exclusive easement over, under, through and across Easement "A" (area 22,924 square feet or 0.526 acre) for waterline purposes, and Easement "B" (area 11,823 square feet or 0.271 acre) for waterwell and watertank purposes, said easements being more particularly described therein and shown on the map attached thereto

(Q) GRANT

TO : MAUI ELECTRIC COMPANY, LIMITED, a Hawaii corporation,  
and GTE HAWAIIAN TELEPHONE COMPANY  
INCORPORATED, a Hawaii corporation

DATED : November 4, 1999

RECORDED : Document No. 2000-000364

GRANTING : a perpetual right and easement to build, construct, reconstruct,  
rebuild, repair, maintain and operate poles, guys, anchors and lines  
for the transmission of electricity over, across, through and under  
Easement "E-17" (area 91 square feet or 0.002 acre), Easement "E-  
18" (area 91 square feet or 0.002 acre), Easement "E-19" (area 88  
square feet or 0.002 acre), Easement "20" (area 90 square feet or  
0.002 acre), and Easement "E-21" (area 70 square feet or 0.002 acre),  
more particularly described therein

(R) GRANT

TO : LAUNIUPOKO ASSOCIATES LLC, a Hawaii limited liability  
company

DATED : March 23, 2000

RECORDED : Document No. 2000-047610

GRANTING : the right, in the nature of a revocable, non-exclusive license to enter  
License Area "L-1" (area 3,500 square feet) and License Area "L-2"  
(area 1,225 square feet), for the construction and maintenance of  
"dry-stack" (non-mortared) stone walls and landscaping as an  
enhancement to the road entrance at Honoapiilani Highway, said  
License Areas being more particularly described therein

(S) -AS TO THAT PORTION COVERED BY ROYAL PATENT NUMBER 25, LAND  
COMMISSION AWARD NUMBER 364, APANA 3 TO JOHN WHITE:-

- (1) Location of the boundary of the Waiolimu and Kauaula Streams and the  
effect, if any, upon the area of the land described herein.
- (2) All rights, claims and/or interests of others which exist or might arise by  
virtue of those matters set forth in the following memorandum, to-wit:

Land Commission Award Number 364, Apana 3 was issued to JOHN WHITE on  
October 23, 1853, containing a total area of approximately 7-1/2 acres, more or less.  
Royal Patent Number 25 was subsequently issued thereon.

Exhibit "A"  
(Page 8 of 14)

JOHN WHITE died in Lahaina on August 9, 1857 and his estate was duly probated in the Second Judicial Circuit as Probate Number 38. By provisions of his will admitted to probated, the testator devised all property to his wife, KEAWE WHITE and upon her death shall be equally divided among the testator's children living at the time of KEAWE WHITE's death. The proceedings do not reveal the identity of the children of JOHN WHITE.

By Deed dated April 17, 1880, recorded in Liber 70 at Page 204, JOHN WHITE (and wife, Kahalelana K. White) conveyed his interest in the subject land to his son, WILLIAM WHITE. From the date of the foregoing deed, title to this interest descends straight and unbroken to PIONEER MILL COMPANY, LIMITED.

By Deed dated January 4, 1896, recorded in Liber 158 at Page 49, HARRY TOLBERT (and wife, Nuela Tolbert) conveyed to PIONEER MILL COMPANY, LIMITED all his undivided half interest in the subject land, besides other lands. This deed is silent as to how the Grantor acquired his interest in the subject land. The records of Pioneer Mill Company show that HARRY TOLBERT (also known as HARRY TORBERT) was the brother and only surviving heir of his sister, ELLEN TORBERT and such interest "having descended to him from his mother, who was one of the two surviving children of the Patentee."

- (T) -AS TO THAT PORTION COVERED BY ROYAL PATENT NUMBER 4445, LAND COMMISSION AWARD NUMBER 10221, APANA 3 TO MAKAULIA:-

Location of the boundary of the Kauaula Stream and the effect, if any, upon the area of the land described herein.

- (U) -AS TO THAT PORTION COVERED BY ROYAL PATENT NUMBER 1718, LAND COMMISSION AWARD NUMBER 6528, APANA 5 TO HAKUOLE:-

- (1) Existing Dirt Road as shown on survey map of James R. Thompson, Licensed Professional Land Surveyor, with Walter P. Thompson, Inc. dated September 8, 2000, revised October 11, 2000.
- (2) All rights, claims and/or interests of others which exist or might arise by virtue of those matters set forth in the following memorandum, to-wit:

Land Commission Award Number 6528, Apana 1, 2, 3, 4 and 5 was issued to H. W. HAKUOLE on October 5, 1853, containing a total area of approximately 1.19 acres, more or less. Royal Patent Number 1718 was subsequently issued thereon.

No conveyances appear of record by H. W. HAKUOLE, likewise, there is no probate proceeding of this estate.

Exhibit "A"  
(Page 9 of 14)

By Warranty Deed dated February 23, 1912, recorded in Liber 362 at Page 197, S. HAKUOLE and O. H. HAKUOLE (and wife, Kainalu Hakuole) conveyed to LAHAINA AGRICULTURAL CO., LTD. all their right, title and interest in and to that certain piece of land in Makila, Lahaina, described in "R. P. 1718, L. C. A. 6528, 5 apana, to Hakuole, and containing 1.19 acres, more or less".

By Deed dated April 2, 1924, recorded in Liber 730 at Page 139, LAHAINA AGRICULTURAL CO., LTD. conveyed to PIONEER MILL COMPANY, LIMITED, the subject land, besides other lands.

There appears of record that certain Deed dated June 12, 1974, recorded in Liber 9957 at Page 194, by GEORGE M. WILCOX, also known as GEORGE MONTAQUE WILCOX, conveying unto MYRTLE WILCOX SCHUMANN all interest in the subject land, besides other lands. This deed recites "Being the same property which my Inheritance from, HAKUOLE, ALSO KNOWN AS JOHN LAFAYETTE HAKUOLE (RIVES), MY GREAT GRANDFATHER."

(V) -AS TO THAT PORTION COVERED BY ROYAL PATENT NUMBER 8395, LAND COMMISSION AWARD NUMBER 8559-B, APANA 25 TO W. C. LUNALILO (LUNALILO ESTATE LOTS 3, 9 AND PORTION OF 2) :-

(1) -AS TO LOTS 3 AND 9:-

Location of the boundary of the Kauaula Stream and the effect, if any, upon the area of the land described herein.

(2) -AS TO LOT 3:-

(a) GRANT

TO : MAUI ELECTRIC COMPANY, LIMITED, a Hawaii corporation

DATED : November 18, 1974

RECORDED : Liber 10268 Page 94

GRANTING : a perpetual right and easement for electrical purposes along, across, over, through and upon the easement areas more particularly described therein

(b) Existing Dirt Road as shown on survey map of James R. Thompson, Licensed Professional Land Surveyor, with Walter P. Thompson, Inc., dated September 8, 2000, revised October 11, 2000.

Exhibit "A"  
(Page 10 of 14)

(3) -AS TO LOT 9:-

(a) Easement "O-3", Maalaea-Lahaina Third 69KV Transmission Line, as shown on survey map of James R. Thompson, Licensed Professional Land Surveyor, with Walter P. Thompson, Inc., dated September 8, 2000, revised October 11, 2000.

(b) GRANT

TO : MAUI ELECTRIC COMPANY, LIMITED, a Hawaii corporation

DATED : December 22, 1995

RECORDED : Document No. 95-168464

GRANTING : a perpetual right and easement to build, construct, rebuild, repair, maintain and operate pole and wire lines and underground power lines, etc., as shown on maps attached thereto

(W) Designation of the land described herein as West Maui Forest Reserve by Governor's Proclamation dated ----.

4. -AS TO ITEM II:-

(A) Location of the boundary of the Kauaula Stream and the effect, if any, upon the area of the land described herein.

(B) Ditch as shown on the Tax Map.

(C) GRANT

TO : MAUI ELECTRIC COMPANY, LIMITED, a Hawaii corporation

DATED : November 18, 1974

RECORDED : Liber 10268 Page 94

GRANTING : a perpetual right and easement for electrical purposes, along, across, over, through and upon the easement areas more particularly described therein

- (D) NOTICE OF CHANGE OF AGRICULTURAL USE TO DEDICATION dated April 3, 2000 (effective July 1, 2000), recorded as Document No. 2000-046049, by PIONEER MILL COMPANY, LIMITED; re: dedication of land for ranching purposes.
- (E) All rights, claims and/or interest of others which exist or might arise by virtue of those kuleana described in Item II, Second.
- (F) -AS TO THAT PORTION COVERED BY ROYAL PATENT NUMBER 1718, LAND COMMISSION AWARD NUMBER 6528, APANA 5 TO HAKUOLE:-
  - (1) Existing Dirt Road as shown on survey map of James R. Thompson, Licensed Professional Land Surveyor, with Walter P. Thompson, Inc. dated September 8, 2000, revised October 11, 2000.
  - (2) All rights, claims and/or interests of others which exist or might arise by virtue of those matters set forth in the following memorandum, to-wit:

Land Commission Award Number 6528, Apana 1, 2, 3, 4 and 5 was issued to H. W. HAKUOLE on October 5, 1853, containing a total area of approximately 1.19 acres, more or less. Royal Patent Number 1718 was subsequently issued thereon.

No conveyances appear of record by H. W. HAKUOLE, likewise, there is no probate proceeding of this estate.

By Warranty Deed dated February 23, 1912, recorded in Liber 362 at Page 197, S. HAKUOLE and O. H. HAKUOLE (and wife, Kainalu Hakuole) conveyed to LAHAINA AGRICULTURAL CO., LTD. all their right, title and interest in and to that certain piece of land in Makila, Lahaina, described in "R. P. 1718, L. C. A. 6528, 5 apana, to Hakuole, and containing 1.19 acres, more or less".

By Deed dated April 2, 1924, recorded in Liber 730 at Page 139, LAHAINA AGRICULTURAL CO., LTD. conveyed to PIONEER MILL COMPANY, LIMITED, the subject land, besides other lands.

There appears of record that certain Deed dated June 12, 1974, recorded in Liber 9957 at Page 194, by GEORGE M. WILCOX, also known as GEORGE MONTAQUE WILCOX, conveying unto MYRTLE WILCOX SCHUMANN all interest in the subject land, besides other lands. This deed recites "Being the same property which my Inheritance from, HAKUOLE, ALSO KNOWN AS JOHN LAFAYETTE HAKUOLE (RIVES), MY GREAT GRANDFATHER."

5. -AS TO ITEM III:-

(A) Location of the boundary of the Kauaula and Waiolimu Streams and the effect, if any, upon the area of the land described herein.

(B) Ditches and old stream as shown on the Tax Map.

(C) GRANT

TO : MAUI ELECTRIC COMPANY, LIMITED, a Hawaii corporation

DATED : December 22, 1995

RECORDED : Document No. 95-168464

GRANTING : a perpetual right and easement to build, construct, rebuild, repair, maintain and operate pole and wire lines and underground power lines, etc., as may be necessary for the transmission of electricity, over, under, upon, across and through Easement "Q" (area 83,222 square feet), more particularly described therein and shown on the map attached thereto

(D) All rights, claims and/or interest of others which exist or might arise by virtue of those kuleana described in Item III, Second.

(E) The land has no recorded access to a public roadway.

6. -AS TO ITEM IV:-

(A) Location of the boundary of the Kauaula Stream and the effect, if any, upon the area of the land described herein.

(B) Pipeline right-of-way, ditch and roadway as shown on the Tax Map.

(C) GRANT

TO : MAUI ELECTRIC COMPANY, LIMITED, a Hawaii corporation

DATED : December 22, 1995

RECORDED : Document No. 95-168464



GRANTING : a perpetual right and easement to build, construct, rebuild, repair, maintain and operate pole and wire lines and underground power lines, etc., as may be necessary for the transmission of electricity, over, under, upon, across and through Easement "T-1" (area 63,043 square feet) and Easement "T-2" (area 30,236 square feet), more particularly described therein and shown on the map attached thereto

7. -AS TO ITEM V:-

- (A) Location of the boundary of the Kauaula Stream and the effect, if any, upon the area of the land described herein.
- (B) Ditch as shown on the Tax Map.
- (C) All rights, claims and/or interest of others which exist or might arise by virtue of those kuleana described in Item V, Second.

8. -AS TO ITEM VI:-

- (A) Location of the boundary of the Kauaula Stream and the effect, if any, upon the area of the land described herein.
- (B) Ditch, known as Piilani Auwai, as shown on the Tax Map.
- (C) Designation of a major portion of the land described herein on Schedule C as West Maui Forest Reserve by Governor's Proclamation dated -----.
- (D) All rights, claims and/or interest of others which exist or might arise by virtue of those kuleana described in Item VI, Second.

9. The reservations and exceptions created by or referred to in the Limited Warranty Deed and Reservation of Rights to which this exhibit is attached and incorporated.

END OF EXHIBIT "A"

EXHIBIT "A-1"

DESCRIPTION OF  
LOT B-1, MAHANALUA NUI SUBDIVISION

As per survey prepared by James R. Thompson, Licensed Professional Land Surveyor with Walter P. Thompson, Inc., dated September 8, 2000.

PART I AGRICULTURAL LANDS

Beginning at the south corner of this parcel of land, the same being on the common boundary of the lands of Launiupoko and Olowalu and on the easterly side of Honoapiilani Highway (Lahaina-Wailuku Road, Federal Aid Project 30-A), the coordinates of said point of beginning referred to Government Survey Triangulation Station "LAUNIUPOKO" being 3659.02 feet South and 1126.29 feet West and thence running by azimuths measured clockwise from true South:

1. 132° 42' 14"            204.78 feet along the easterly side of Honoapiilani Highway;
2. 42° 42' 14"            10.00 feet along the easterly side of Honoapiilani Highway;
3. 132° 42' 14"            716.47 feet along the easterly side of Honoapiilani Highway;

Thence along the easterly side of Honoapiilani Highway on a curve to the left with a radius of 2183.59 feet, the chord azimuth and distance being

4. 129° 35' 59"            236.49 feet;
5. 216° 29' 44"            5.00 feet along the easterly side of Honoapiilani Highway;

Thence along the easterly side of Honoapiilani Highway on a curve to the left with a radius of 2188.59 feet, the chord azimuth and distance being

6. 124° 29' 44"            152.76 feet along the easterly side of Honoapiilani Highway;
7. 32° 29' 44"            5.00 feet along the easterly side of Honoapiilani Highway;

Thence along the easterly side of Honoapiilani Highway on a curve to the left with a radius of 2183.59 feet, the chord azimuth and distance being

8. 113° 59' 44" 645.51 feet;

9. 105° 29' 44" 836.02 feet along the easterly side of Honoapiilani Highway;

Thence along the easterly side of Honoapiilani Highway on a curve to the right with a radius of 2609.42 feet, the chord azimuth and distance being

10. 127° 48' 44" 1981.73 feet;

11. 150° 07' 44" 1161.89 feet along the easterly side of Honoapiilani Highway;

12. 240° 07' 44" 5.00 feet along the easterly side of Honoapiilani Highway;

13. 150° 07' 44" 1274.71 feet along the easterly side of Honoapiilani Highway;

Thence along Pola Nui Drive, Lot B-2, Mahanalua Nui Subdivision on a curve to to the right with a radius of 30.00 feet, the chord azimuth and distance being

14. 195° 02' 22" 42.36 feet;

15. 239° 57' 120.37 feet along Pola Nui Drive, Lot B-2, Mahanalua Nui Subdivision;

Thence along Pola Nui Drive, Lot B-2, Mahanalua Nui Subdivision on a curve to to the right with a radius of 470.00 feet, the chord azimuth and distance being

16. 277° 08' 30" 568.21 feet;

Thence along Pola Nui Drive, Lot B-2, Mahanalua Nui Subdivision on a curve to the left with a radius of 530.00 feet, the chord azimuth and distance being

- 17. 283° 40' 30" 540.51 feet;
- 18. 253° 01' 2741.95 feet along Lot B-2, Mahanalua Nui Subdivision;
- 19. 3° 05' 50" 121.91 feet along Lot 29, Mahanalua Nui Subdivision;
- 20. 345° 07' 176.11 feet along Lots 29 and 30, Mahanalua Nui Subdivision;
- 21. 2° 07' 40" 761.27 feet along Lots 30, 31 and 33, Mahanalua Nui Subdivision;
- 22. 59° 13' 196.94 feet along Lot 33, Mahanalua Nui Subdivision;

Thence along Lot 33, Mahanalua Nui Subdivision on a curve to the left with a radius of 126.00 feet, the chord azimuth and distance being

- 23. 24° 21' 25" 144.04 feet;
- 24. 349° 29' 50" 483.65 feet along Lot 33, Mahanalua Nui Subdivision;
- 25. 335° 21' 10" 336.07 feet along Lot 33, Mahanalua Nui Subdivision;
- 26. 336° 26' 30" 328.10 feet along Lot 33, Mahanalua Nui Subdivision;
- 27. 326° 35' 40" 215.12 feet along Lot 33, Mahanalua Nui Subdivision;

Thence along Lots 33 and 34, Mahanalua Nui Subdivision on a curve to the left with a radius of 266.50 feet, the chord azimuth and distance being

- 28. 272° 29' 10" 431.80 feet;
- 29. 218° 22' 40" 157.56 feet along Lot 34, Mahanalua Nui Subdivision;
- 30. 259° 13' 50" 448.71 feet along Lot 34, Mahanalua Nui Subdivision;

31. 259° 38' 50" 100.00 feet along Lot 34, Mahanalua Nui Subdivision;  
 Thence along Lot 34, Mahanalua Nui Subdivision on a curve to the left with a radius of 105.50 feet, the chord azimuth and distance being
32. 211° 44' 55" 156.55 feet;
33. 163° 51' 155.45 feet along Lot 34, Mahanalua Nui Subdivision;
34. 155° 30' 30" 158.06 feet along Lot 34, Mahanalua Nui Subdivision;
35. 161° 02' 10" 184.83 feet along Lot 34, Mahanalua Nui Subdivision;
36. 149° 22' 30" 16.04 feet along Lot 34, Mahanalua Nui Subdivision;
37. 133° 33' 40" 146.52 feet along Lot 34, Mahanalua Nui Subdivision;  
 Thence along Lot 34, Mahanalua Nui Subdivision on a curve to the left with a radius of 164.50 feet, the chord azimuth and distance being
38. 116° 08' 40" 98.48 feet;
39. 98° 43' 40" 180.97 feet along Lot 34, Mahanalua Nui Subdivision;  
 Thence along Lot 34, Mahanalua Nui Subdivision on a curve to the right with a radius of 93.00 feet, the chord azimuth and distance being
40. 113° 23' 45" 47.10 feet;
41. 128° 03' 50" 89.91 feet along Lot 34, Mahanalua Nui Subdivision;
42. 136° 52' 40" 32.13 feet along Lot 34, Mahanalua Nui Subdivision;
43. 172° 24' 50" 26.27 feet along Lot 34, Mahanalua Nui Subdivision;
44. 190° 04' 20" 8.87 feet along Lot 34, Mahanalua Nui Subdivision;
45. 231° 25' 20" 10.45 feet along Lot 34, Mahanalua Nui Subdivision;
46. 236° 54' 20" 28.76 feet along Lot 34, Mahanalua Nui Subdivision;

- 47. 244° 34' 40" 112.64 feet along Lot 34, Mahanalua Nui Subdivision;
- 48. 228° 07' 20" 53.04 feet along Lot 34, Mahanalua Nui Subdivision;
- 49. 212° 17' 81.58 feet along Lot 34, Mahanalua Nui Subdivision;
- 50. 228° 31' 224.13 feet along Lots 34 and 35, Mahanalua Nui Subdivision;
- 51. 255° 27' 113.80 feet along Lot 35, Mahanalua Nui Subdivision;
- 52. 231° 37' 40" 85.62 feet along Lot 35, Mahanalua Nui Subdivision;
- 53. 224° 04' 20" 104.09 feet along Lot 35, Mahanalua Nui Subdivision;
- 54. 252° 09' 10" 193.19 feet along Lot 35, Mahanalua Nui Subdivision;
- 55. 267° 08' 109.54 feet along Lot 35, Mahanalua Nui Subdivision;

Thence along Lot 35, Mahanalua Nui Subdivision on a curve to the left with a radius of 68.00 feet, the chord azimuth and distance being

- 56. 223° 24' 40" 94.00 feet;
- 57. 179° 41' 20" 50.10 feet along Lot 35, Mahanalua Nui Subdivision;
- 58. 145° 24' 20" 180.03 feet along Lot 35, Mahanalua Nui Subdivision;
- 59. 117° 37' 30" 117.18 feet along Lot 35, Mahanalua Nui Subdivision;
- 60. 104° 27' 30" 243.50 feet along Lot 35, Mahanalua Nui Subdivision;
- 61. 143° 40' 40" 157.22 feet along Lot 35, Mahanalua Nui Subdivision;
- 62. 196° 59' 49.56 feet along Lot 35, Mahanalua Nui Subdivision;
- 63. 242° 17' 20" 362.59 feet along Lot 35, Mahanalua Nui Subdivision;
- 64. 275° 22' 20" 169.34 feet along Lot 35, Mahanalua Nui Subdivision;
- 65. 302° 00' 30" 112.82 feet along Lot 35, Mahanalua Nui Subdivision;
- 66. 282° 42' 50" 354.90 feet along Lot 35, Mahanalua Nui Subdivision;

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- 67. 278° 59' 20" 206.23 feet along Lot 35, Mahanalua Nui Subdivision;
- 68. 297° 41' 30" 755.24 feet along Lots 41-J & 41-I, Mahanalua Nui Subdivision;
- 69. 287° 57' 10" 363.67 feet along Lot 41-I, Mahanalua Nui Subdivision;
- 70. 296° 39' 40" 333.87 feet along Lot 41-I, Mahanalua Nui Subdivision;

Thence along Lot 41-I, Mahanalua Nui Subdivision on a curve to the left with a radius of 100.00 feet, the chord azimuth and distance being

- 71. 257° 40' 40" 125.82 feet;
- 72. 218° 41' 40" 670.00 feet along Lot 41-I, Mahanalua Nui Subdivision;
- 73. 235° 03' 352.77 feet along Lot 41-I, Mahanalua Nui Subdivision;

Thence along Lot 41-I, Mahanalua Nui Subdivision on a curve to the left with a radius of 94.00 feet, the chord azimuth and distance being

- 74. 166° 18' 25" 175.21 feet;
- 75. 97° 33' 50" 78.00 feet along Lot 41-I, Mahanalua Nui Subdivision;
- 76. 169° 46' 50" 72.67 feet along Lot 41-H, Mahanalua Nui Subdivision;
- 77. 193° 30' 179.41 feet along Lot 41-H, Mahanalua Nui Subdivision;
- 78. 207° 59' 30" 80.99 feet along Lot 41-H, Mahanalua Nui Subdivision;
- 79. 191° 18' 10" 119.28 feet along Lot 41-H, Mahanalua Nui Subdivision;
- 80. 151° 19' 40" 165.57 feet along Lot 41-H, Mahanalua Nui Subdivision;
- 81. 160° 45' 20" 120.58 feet along Lot 41-H, Mahanalua Nui Subdivision;
- 82. 129° 12' 30" 296.08 feet along Lot 41-H, Mahanalua Nui Subdivision;
- 83. 70° 43' 20" 380.50 feet along Lot 41-H, Mahanalua Nui Subdivision;

- 84. 152° 38' 40" 405.55 feet along Lot 41-H, Mahanalua Nui Subdivision;
- 85. 194° 10' 20" 104.16 feet along Lot 41-H, Mahanalua Nui Subdivision;
- 86. 103° 00' 50" 64.93 feet along Lot 41-H, Mahanalua Nui Subdivision;
- 87. 92° 08' 10" 52.20 feet along Lot 41-H, Mahanalua Nui Subdivision;
- 88. 119° 12' 65.20 feet along Lot 41-H, Mahanalua Nui Subdivision;
- 89. 45° 52' 121.12 feet along Lot 41-H, Mahanalua Nui Subdivision;
- 90. 328° 19' 50" 144.78 feet along Lot 41-H, Mahanalua Nui Subdivision;
- 91. 5° 22' 10" 270.17 feet along Lot 41-H, Mahanalua Nui Subdivision;
- 92. 104° 10' 10" 62.96 feet along Lot 41-H, Mahanalua Nui Subdivision;
- 93. 172° 30' 50" 126.08 feet along Lot 41-H, Mahanalua Nui Subdivision;

Thence along Lot 41-H, Mahanalua Nui Subdi-  
vision on a curve to the left with a radius of  
53.50 feet, the chord azimuth and distance  
being

- 94. 135° 49' 45" 63.92 feet;
- 95. 99° 08' 40" 107.13 feet along Lot 41-H, Mahanalua Nui Subdivision;
- 96. 142° 30' 10" 89.44 feet along Lot 41-H, Mahanalua Nui Subdivision;
- 97. 173° 58' 20" 385.39 feet along Lot 41-H, Mahanalua Nui Subdivision;
- 98. 194° 46' 30" 556.18 feet along Lots 41-H and 41-F, Mahanalua Nui  
Subdivision;
- 99. 212° 59' 40" 611.15 feet along Lot 41-F, Mahanalua Nui Subdivision;
- 100. 236° 52' 30" 186.15 feet along Lot 41-F, Mahanalua Nui Subdivision;
- 101. 217° 55' 20" 337.47 feet along Lot 41-F, Mahanalua Nui Subdivision;
- 102. 187° 28' 10" 167.46 feet along Lot 41-F, Mahanalua Nui Subdivision;
- 103. 123° 49' 30" 203.46 feet along Lot 41-F, Mahanalua Nui Subdivision;

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104.	61° 52'	404.57 feet along Lot 41-F, Mahanalua Nui Subdivision;
105.	76° 52' 20"	451.13 feet along Lot 41-F, Mahanalua Nui Subdivision;
106.	52° 47' 40"	304.84 feet along Lot 41-F, Mahanalua Nui Subdivision;
107.	99° 58' 10"	242.22 feet along Lot 41-E, Mahanalua Nui Subdivision;
108.	137° 21' 20"	217.29 feet along Lot 41-E, Mahanalua Nui Subdivision;
109.	90° 45' 40"	272.18 feet along Lot 41-E, Mahanalua Nui Subdivision;
110.	121° 48' 30"	99.12 feet along Lot 41-E, Mahanalua Nui Subdivision;
111.	159° 59' 50"	306.15 feet along Lot 41-E, Mahanalua Nui Subdivision;
112.	199° 46' 40"	158.74 feet along Lot 41-E, Mahanalua Nui Subdivision;
113.	178° 01' 10"	128.73 feet along Lot 41-E, Mahanalua Nui Subdivision;
114.	152° 26' 20"	69.95 feet along Lot 41-E, Mahanalua Nui Subdivision;
115.	190° 22' 20"	464.61 feet along Lot 41-D, Mahanalua Nui Subdivision;
116.	173° 04' 20"	155.26 feet along Lot 41-D, Mahanalua Nui Subdivision;
117.	193° 03' 20"	185.91 feet along Lot 41-D, Mahanalua Nui Subdivision;
118.	206° 14'	129.75 feet along Lot 41-D, Mahanalua Nui Subdivision;
119.	173° 20' 40"	271.43 feet along Lot 41-D, Mahanalua Nui Subdivision;
120.	129° 23' 40"	239.62 feet along Lot 41-D, Mahanalua Nui Subdivision;
121.	74° 40' 10"	104.75 feet along Lot 41-D, Mahanalua Nui Subdivision;
122.	109° 14' 10"	208.03 feet along Lot 41-D, Mahanalua Nui Subdivision;
123.	89° 55'	620.48 feet along Lots 41-D and 41-C, Mahanalua Nui Subdivision;

Thence along Lot 41-C, Mahanalua Nui Subdivision on a curve to the left with a radius of 327.50 feet, the chord azimuth and distance

being

- |      |              |  |
|------|--------------|--|
| 124. | 31° 28' 45"  | 558.11 feet;   |
| 125. | 333° 02' 30" | 305.40 feet along Lot 41-C, Mahanalua Nui Subdivision;           |
| 126. | 345° 20'     | 373.96 feet along Lot 41-C, Mahanalua Nui Subdivision;           |
| 127. | 349° 04' 10" | 176.50 feet along Lot 41-C, Mahanalua Nui Subdivision;           |
| 128. | 18° 48' 20"  | 135.04 feet along Lot 17, Mahanalua Nui Subdivision;             |
| 129. | 56° 42' 50"  | 548.07 feet along Lots 17, 16 and 15, Mahanalua Nui Subdivision; |
| 130. | 79° 32' 50"  | 220.86 feet along Lots 15 and 14, Mahanalua Nui Subdivision;     |
| 131. | 62° 45' 40"  | 157.03 feet along Lots 14 and 13, Mahanalua Nui Subdivision;     |
| 132. | 47° 09' 30"  | 96.62 feet along Lot 13, Mahanalua Nui Subdivision;              |
| 133. | 13° 23' 40"  | 74.96 feet along Lot 13, Mahanalua Nui Subdivision;              |
| 134. | 44° 13' 10"  | 96.65 feet along Lot 13, Mahanalua Nui Subdivision;              |
| 135. | 70° 05' 50"  | 292.82 feet along Lots 13 and 12, Mahanalua Nui Subdivision;     |
| 136. | 57° 02' 50"  | 225.88 feet along Lot 12, Mahanalua Nui Subdivision;             |
| 137. | 40° 22' 10"  | 202.59 feet along Lots 12 and 11, Mahanalua Nui Subdivision;     |
| 138. | 356° 33' 20" | 54.46 feet along Lot 11, Mahanalua Nui Subdivision;              |
| 139. | 334° 26' 10" | 470.28 feet along Lot 11, Mahanalua Nui Subdivision;             |
| 140. | 345° 21' 30" | 560.52 feet along Lots 10, 8 and 7, Mahanalua Nui Subdivision;   |
| 141. | 340° 26' 30" | 283.55 feet along Lots 7 and 6, Mahanalua Nui Subdivision;       |

- 142. 330° 20' 230.87 feet along Lots 6 and 5, Mahanalua Nui Subdi-  
vision;
- 143. 325° 33' 40" 260.49 feet along Lots 5 and 4, Mahanalua Nui Subdi-  
vision;
- 144. 1° 31' 20" 225.06 feet along Lot 4, Mahanalua Nui Subdivision;
- 145. 348° 45' 20" 286.22 feet along Lots 3 and 1, Mahanalua Nui Subdi-  
vision;
- 146. 3° 05' 50" 222.23 feet along Lot 1, Mahanalua Nui Subdivision;
- 147. 73° 01' 2763.88 feet along Pola Nui Drive, Lot B-2, Mahanalua  
Nui Subdivision;

Thence along Pola Nui Drive, Lot B-2,  
Mahanalua Nui Subdivision on a curve to  
the right with a radius of 470.00, the chord  
azimuth and distance being

- 148. 103° 40' 30" 479.32 feet;

Thence along Pola Nui Drive, Lot B-2,  
Mahanalua Nui Subdivision on a curve to  
the left with a radius of 530.00, the chord  
azimuth and distance being

- 149. 97° 08' 30" 640.75 feet;

- 150. 59° 57' 120.38 feet along Pola Nui Drive, Lot B-2, Mahanalua  
Nui Subdivision;

Thence along Pola Nui Drive, Lot B-2,  
Mahanalua Nui Subdivision on a curve to  
the right with a radius of 30.00, the chord  
azimuth and distance being

- 151. 104° 48' 20" 42.32 feet;

Thence along the easterly side of Honoapiilani  
Highway on a curve to the left with a radius of  
11499.16 feet, the chord azimuth and distance  
being

152. 145° 05' 12" 1834.26 feet;
153. 140° 30' 44" 519.28 feet along the easterly side of Honoapiilani Highway;
- Thence along the easterly side of Honoapiilani Highway on a curve to the left with a radius of 5769.58 feet, the chord azimuth and distance being
154. 135° 04' 14" 1094.28 feet;
155. 129° 37' 44" 411.63 feet along the easterly side of Honoapiilani Highway;
- Thence along the easterly side of Honoapiilani Highway on a curve to the right with a radius of 5689.58 feet, the chord azimuth and distance being
156. 137° 24' 44" 1541.05 feet;
157. 145° 11' 44" 709.98 feet along the easterly side of Honoapiilani Highway;
158. 239° 00' 44" 390.00 feet along Parcel 1, along the remainders of R.P. 1190, L.C. Aw. 7590, Ap. 1 to Kainokane and R.P. 8395, L.C. Aw. 8559-B, Ap. 25 to W.C. Lunalilo;
159. 241° 18' 44" 780.00 feet along Parcel 1, along the remainder of R.P. 8395, L.C. Aw. 8559-B, Ap. 25 to W.C. Lunalilo;
160. 241° 08' 44" 2070.00 feet along Parcels 1 and 2, along the remainder of R.P. 8395, L.C. Aw. 8559-B, Ap. 25 to W.C. Lunalilo;
161. 241° 28' 44" 1200.00 feet along Parcel 2, along the remainder of R.P. 8395, L.C. Aw. 8559-B, Ap. 25 to W.C. Lunalilo;
162. 242° 55' 44" 1235.64 feet along Parcel 2, along the remainders of R.P. 8395, L.C. Aw. 8559-B, Ap. 25 to W.C. Lunalilo, R.P. 1718, L.C. Aw. 6528, Ap. 5 to Hakuole and Lot 2 of the Lunalilo Estate;

163. 244° 24' 832.23 feet along the remainder of R.P. 8395, L.C. Aw. 8559-B, Ap. 25 to W.C. Lunalilo, Lots 2 and 3 of the Lunalilo Estate and R.P. 4445, L.C. Aw. 10221, Ap. 2 to Makaulia;
164. 224° 30' 325.00 feet along R.P. 4445, L.C. Aw. 10221, Ap. 2 to Makaulia;
165. 261° 30' 167.00 feet along R.P. 4445, L.C. Aw. 10221, Ap. 2 to Makaulia;
166. 189° 30' 47.80 feet along R.P. 4445, L.C. Aw. 10221, Ap. 2 to Makaulia to the southerly bank of Kauaula Stream;
- Thence along the southerly bank of Kauaula Stream to the intersection of Waiolimu Stream and along the southerly bank of Waiolimu Stream in all their irregularities, the direct azimuth and distance being
167. 246° 43' 05" 2228.05 feet;
168. 180° 00' 880.00 feet along R.P. 4490, L.C. Aw. 10474, Ap. 2 to N. Namauu;
169. 222° 12' 1565.00 feet along R.P. 4490, L.C. Aw. 10474, Ap. 2 to N. Namauu;
170. 151° 18' 225.00 feet along R.P. 4490, L.C. Aw. 10474, Ap. 2 to N. Namauu;
171. 270° 30' 90.00 feet along R.P. 1706, L.C. Aw. 4878-B, Ap. 2 to Kapua;
172. 179° 12' 133.00 feet along R.P. 1706, L.C. Aw. 4878-B, Ap. 2 to Kapua to the southerly bank of Kauaula Stream;
173. 253° 59' 315.37 feet along the southerly bank of Kauaula Stream;
174. 4° 48' 59.89 feet along R.P. 2740, L.C. Aw. 6932, Ap. 1 to Poonui;
175. 39° 50' 55.07 feet along R.P. 5665, L.C. Aw. 6914-H, Ap. 2 to

Hau;

176. 274° 08' 160.10 feet along R.P. 5665, L.C. Aw. 6914-H, Ap. 2 to Hau, along Poalima, along R.P. 5587, L.C. 6877, Ap. 4 to Kahili and along R.P. 7835 L.C. Aw. 6876, Ap. 3 to Kua;
177. 283° 34' 44.55 feet along R.P. 5665, L.C. Aw. 6914-H, Ap. 3 to Hau and along R.P. 5587, L.C. Aw. 6877, Ap. 5 to Kahili;
178. 274° 18' 40.18 feet along R.P. 4557, L.C. Aw. 6878, Ap. 4 to Kauhiiheha;
179. 262° 11' 33.00 feet along R.P. 5587, L.C. Aw. 6877, Ap. 6 to Kahili;
180. 229° 57' 52.78 feet along R.P. 2740, L.C. Aw. 6932, Ap. 2 to Poonui and along R.P. 5587 L.C. Aw. 6877, Ap. 3 to Kahili;
181. 242° 00' 102.16 feet along R.P. 2740, L.C. Aw. 6932, Ap. 1 to Poonui;
182. 341° 52' 53" 13,257.40 feet along the West Maui Forest Reserve Line;
183. 54° 15' 44" 5,997.14 feet along the boundary between the lands of Launiupoko and Olowalu to the point of beginning and containing an area of 2,226.286 acres, more or less.

## PART II CONSERVATION LANDS

Beginning at the southwest corner of this parcel of land and on the common boundary between the lands of Launiupoko and Olowalu, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LAUNIUPOKO" being 156.23 feet South and 3741.58 feet East and thence running by azimuths measured clockwise from true South:

1. 161° 52' 53" 13,257.40 feet along the West Maui Forest Reserve Line to the southerly boundary of R.P. 2740, L.C. Aw. 6932, Ap. 1 to Poonui;
2. Thence along R.P. 2740 , L.C. Aw. 6932, Ap. 1 to Poonui to the southerly bank of

**Kauaula Stream;**

3. Thence along the southerly bank of Kauaula Stream to the westerly boundary of R.P. 1708 ,L.C. Aw. 9822, Ap. 1 to Kaailau;
4. Thence along the westerly boundary of R.P.1708 ,L.C. Aw. 9822, Ap. 1 to Kaailau;
5. Thence along the southerly boundaries of R.P.1708, L.C. Aw. 9822, Ap. 1 to Kaailau, R.P. 1711, L.C. Aw. 6921, Ap. 4 to Paikaualani, R.P. 2716, L.C. Aw. 6896 to Kupihea and R.P. 1713, L.C. Aw. 6889, Ap. 1 to Kawaihae to the westerly boundary of the Government Land of Puehuhunui;
6. Thence along the Government Land of Puehuhunui in its entirety to the southeast corner of R.P. 1713, L.C. Aw. 6889, Ap. 1 to Kawaihae;
7. Thence along the easterly boundary of R.P. 1713, L.C. Aw. 6889, Ap. 1 to Kawaihae to the southerly bank of Kauaula Stream;
8. Thence along the southerly bank of Kauaula Stream in an easterly direction to a branch in the stream;
9. Thence along the centerline of the northerly branch of Kauaula Stream in an easterly direction to its point of beginning;
10. Thence along the existing gully to the centerline of the ridge between the lands of Kauaula and Wailuku;
11. Thence along the centerline of the ridge in a southerly direction to the common boundary of the lands of Kauaula, Olowalu and Wailuku;
12. Thence along the centerline of the ridge in a westerly direction to the common boundary of the lands of Kauaula, Olowalu and Launiupoko;
13. Thence across the valley in a southerly direction between the lands of Launiupoko and Olowalu to the point of beginning called "LEHAU".
14. Thence along the centerline of the ridge in a westerly direction between the lands of Launiupoko and Olowalu to the point of beginning and containing an area of 2,528.968 acres, more or less.

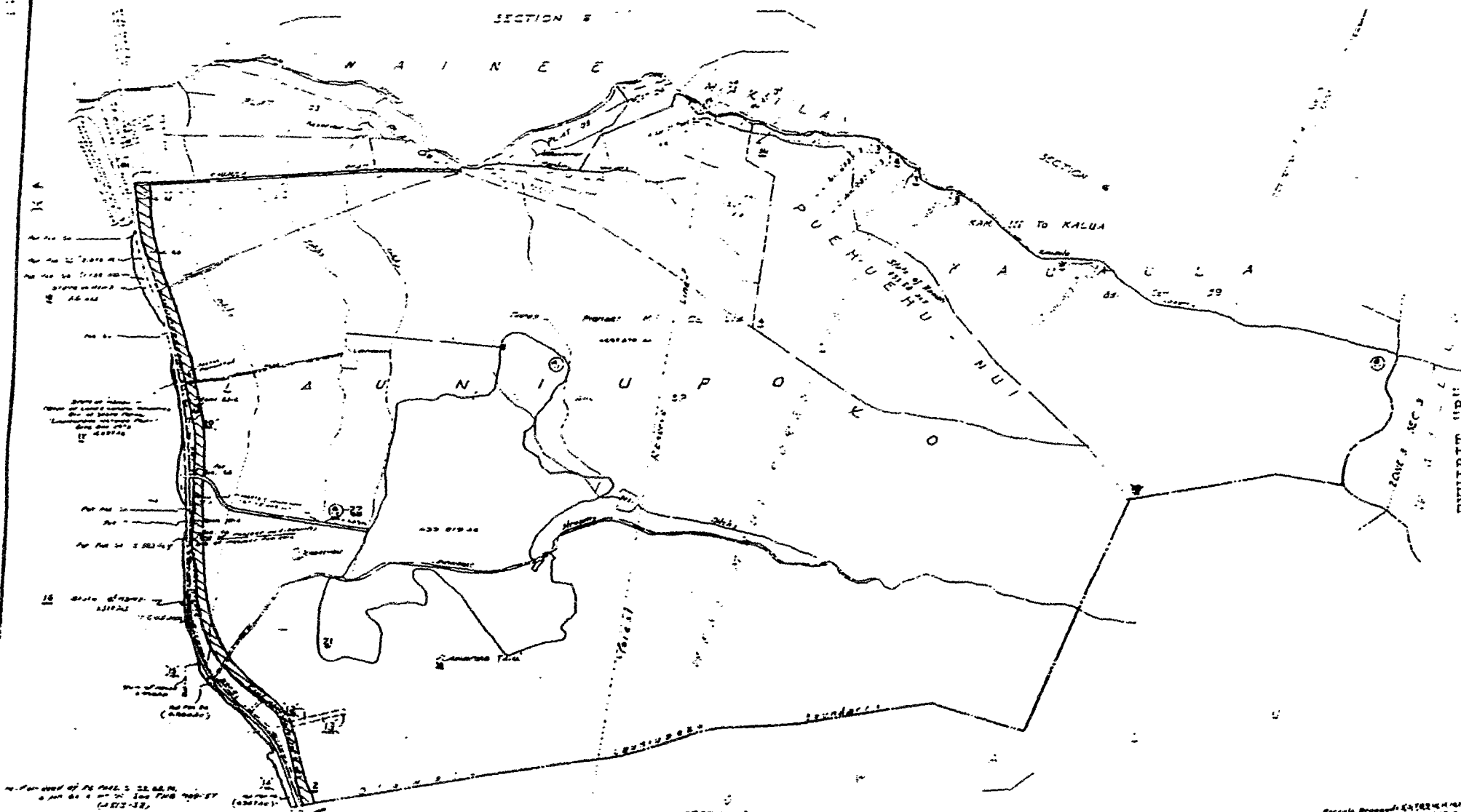
**SUBJECT, HOWEVER, TO Easements "0-1", "0-2" and "0-3", Maalaea-Lahaina Third 69KV Transmission Line as recorded in Document No. 95-168464.**

SUBJECT, ALSO, HOWEVER to an Electrical Easement in favor of Maui Electric Company, Ltd. recorded in Liber 10268, Page 94.

SUBJECT, ALSO, HOWEVER to the Restriction of Vehicle Access Rights as noted on the Lahaina-Wailuku Road Right-of-Way Map, Federal Aid Project No. F-030-1(1), Sheets 3 and 4.

TOGETHER, WITH Easement 2 (60-ft wide) for Access and Utility Purposes over and across Lot B-2, of the Mahanalua Nui Subdivision, as shown on the subdivision map approved by the County of Maui, L.U.C.A. File No. 4.724.





Approximate location of existing "PMC" Powerline

ALNIPOKO, LEHANA, MAUI

Graphic Symbols ESTABLISHED 1-1-52, 1954

SECTION	DIVISION
ZONE   SEC.   PLAT	
4   7   101	
CONTAINING PARCELS	
SCALE 1" = 1000'	

ADVANCE PROJECT

PRINTED

STATE OF HAWAII  
BUREAU OF CONVEYANCES  
RECORDED

JAN 16, 2001 08:01 AM

Doc No(s) 2001-006059

/S/ CARL T. WATANABE  
ACTING  
REGISTRAR OF CONVEYANCES  
CONVEYANCE TAX: \$188.00

Delivered by Mail [ ] Pickup [ ]

MR PETER K MARTIN  
MAKILA LAND CO., LLC  
173 HOOHANA ST  
STE 201  
KAHULUI, HI 96732

Accom-TGOH 345062  
TGES AO-101-2384  
BARBARA PAULO

Total Pages: 9

Tax Map Key Nos.: (2) 4-7-01:2 (portion), 4-6-19:4 (portion), 4-6-18:8, 4-6-18:9,  
4-6-19:1, 4-6-19:2, 4-6-19:3, 4-6-20:5, 4-6-20:9, 4-6-20:11, 4-6-20:12,  
4-6-20:15, 4-6-20:17, 4-6-20:18, 4-6-20:23, 4-6-20:26, 4-6-20:28,  
4-6-20:29, 4-6-21:1, 4-6-21:3, 4-6-21:4, 4-6-21:15, 4-6-22:1, 4-6-22:7,  
4-6-22:9, 4-6-23:1, 4-6-23:2, 4-6-24:1, 4-6-24:2, 4-6-24:3, 4-6-24:4,  
4-6-24:5, 4-6-24:6, 4-6-24:7, 4-6-24:8, 4-6-25:1 (portion),  
4-7-04:4 (portion), 4-7-05:1 (portion), 4-7-05:3, 4-7-05:4, 4-7-06:1,  
4-7-06:3, 4-7-06:4

**DEED**  
**AND RESERVATION OF RIGHTS**

THIS DEED AND RESERVATION OF RIGHTS (this "Deed") is made as of January 16, 2001, between **PIONEER MILL COMPANY, LIMITED**, a Hawaii corporation (the "Grantor"), the address of which is c/o Amfac Land Company, Limited, 700 Bishop Street, Suite 501, Honolulu, Hawaii 96813, and **MAKILA LAND CO., LLC**, a Hawaii limited liability company (the "Grantee"), the address of which is 173 Hoohana Street, Suite 201, Kahului, Maui, Hawaii 96732.

**WITNESSETH:**

That for Ten Dollars and other valuable consideration paid by the Grantee to the Grantor, the receipt of which is hereby acknowledged, and pursuant to that certain Property Purchase Agreement made as of October 16, 2000, as amended (the "Purchase Agreement"), by and between the Grantor, as seller, and the Grantee, as purchaser, the Grantor does hereby quitclaim unto the Grantee all of the Grantor's interest in that certain real property (the "Property") described in Exhibit

"A" attached hereto, which Exhibit "A" is incorporated into this Deed by reference, with no title representations or warranties whatsoever from the Grantor.

SUBJECT TO the covenants and agreements of the Grantee, as follows:

1. The Grantee confirms and agrees that the Grantee has inspected the Property and that the Property is being conveyed to the Grantee in "AS IS" condition, and without any representations or warranties of any kind with respect to the Property, all as more particularly set forth in the Purchase Agreement.

2. The Grantee hereby assumes all liability for damage to persons or property caused by or resulting from any interference with the flow of drainage from, over, through or across the Property in connection with the Grantee's activities on all or any part of the Property, and agrees to and shall indemnify, defend and hold harmless the Grantor and Amfac-Related Entities from and against any liability, claim, demand, action or suit arising out of or in connection with such interference.

3. The Grantor shall have, and there is hereby reserved to the Grantor, its successors and assigns, the exclusive right to receive and retain any and all compensation paid or payable to the Grantee, its successors and/or assigns, in connection with any condemnation or other conveyance of all or any portions of those certain power transmission lines, poles and related facilities ("PMCo Powerline") located as of the date hereof upon and across the Property approximately as indicated on the map attached hereto as Exhibit "B", and such easement or other rights associated therewith or any relocation thereof, by or to Maui Electric Company, Limited, or other appropriate governmental entity or utility company. The Grantee, for itself and on behalf of its successors and assigns, agrees to and shall pay or assign over to the Grantor all such compensation, immediately upon receipt thereof or entitlement thereto.

4. The Grantee acknowledges that drainage ("Mill Drainage"), resulting from the active pumping by the Grantor of water from the Grantor's sugar mill, enters and flows through drainage ditches affecting portions of the Property. The Grantor shall have, and there is hereby reserved to the Grantor, its successors and assigns, a drainage easement within and through the drainage ditches located within the Property (together with rights of access to and upon such drainage ditches) as necessary to accommodate the Mill Drainage; provided, however, that (i) the Grantee shall have the right to manage, relocate and redirect such drainage ditches and the Mill Drainage within the Property as may be reasonably necessary or desirable in connection with the Grantee's use and development of the Property; and (ii) the Grantor shall use diligent good efforts to obtain appropriate governmental approvals for redirection of the Mill Drainage into and through Kauaula Stream, and upon receipt of such approvals the Grantor's drainage easement pursuant to this Section 4 shall terminate.

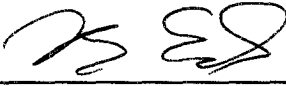
The covenants and agreements of the Grantee shall run with the land described in Exhibit "A" attached hereto, shall be binding upon the Grantee and the Grantee's successors and assigns, and shall run in favor of and inure to the benefit of the Grantor and the Grantor's successors and assigns.

The parties hereto agree that this Deed may be executed in counterparts, each of which shall be deemed an original, and said counterparts shall together constitute one and the same

agreement, binding all of the parties hereto, notwithstanding all of the parties are not signatory to the original or the same counterparts. For all purposes, including, without limitation, recordation, filing and delivery of this Deed, duplicate unexecuted and unacknowledged pages of the counterparts may be discarded and the remaining pages assembled as one document.

The Grantor and the Grantee have executed this Deed as of the date first referenced above.

PIONEER MILL COMPANY, LIMITED

By  \_\_\_\_\_  
Name: **TAMARA G. EDWARDS**  
Title: **VICE-PRESIDENT**  
Grantor

MAKILA LAND CO., LLC

By \_\_\_\_\_  
Name: **Peter K. Martin**  
Title: **President**  
Grantee

agreement, binding all of the parties hereto, notwithstanding all of the parties are not signatory to the original or the same counterparts. For all purposes, including, without limitation, recordation, filing and delivery of this Deed, duplicate unexecuted and unacknowledged pages of the counterparts may be discarded and the remaining pages assembled as one document.

The Grantor and the Grantee have executed this Deed as of the date first referenced above.

PIONEER MILL COMPANY, LIMITED

By \_\_\_\_\_  
Name:  
Title:  
Grantor


MAKILA LAND CO., LLC

By *Peter K. Martin*  
Name: Peter K. Martin  
Title: President  
Grantee

STATE OF HAWAII )  
 ) SS.  
CITY AND COUNTY OF HONOLULU )

PIONEER MILL COMPANY, LIMITED

On JAN 10 2001, before me personally appeared TAMARA G. EDWARDS, to me personally known, who, being by me duly sworn or affirmed, did say that such person executed the foregoing instrument as the free act and deed of such person, and if applicable, in the capacities shown, having been duly authorized to execute such instrument in such capacities.

  
Type or print name: JANIS G. YEE  
Notary Public, State of Hawaii

My commission expires: DEC. 29, 2001

STATE OF HAWAII

MAKILA LAND CO., LLC

COUNTY OF Mauie

)  
) SS:  
)

On January 11, 2001, before me personally appeared Peter K. Martin, to me personally known, who, being by me duly sworn or affirmed, did say that such person executed the foregoing instrument as the free act and deed of such person, and if applicable, in the capacities shown, having been duly authorized to execute such instrument in such capacities.

LS

Lynn Sueda  
Type or print name: \_\_\_\_\_  
Notary Public, State of Hawaii

My commission expires: \_\_\_\_\_

LYNN M. SUEDA  
Expiration Date: April 6, 2001

EXHIBIT "A"

FIRST:

- (A) Royal Patent Number 2743, Land Commission Award Number 9811 to Makaula;
- (B) Royal Patent Number 1719, Land Commission Award Number 4878-Z, Apana 3 to Honokoa;
- (C) Royal Patent Number 2719, Land Commission Award Number 6872, Apana 3 to Kauaua;
- (D) Royal Patent Number 1690, Land Commission Award Number 6881, Apana 1 to Kahulanui;
- (E) Royal Patent Number 2720, Land Commission Award Number 6883, Apana 3 to Kahanamoku; and
- (F) Royal Patent Number 1708, Land Commission Award Number 9822, Apana 3 to Kaailau.

SECOND:

- (A) Royal Patent Number 1718, Land Commission Award Number 6528, Apana 1, 2, 3, 4 and 5 to H. W. Hakuole;
- (B) Royal Patent Number 8401, Land Commission Award Number 6795, Apana 2 to Ukukua; and
- (C) Royal Patent Number 8256, Land Commission Award Number 9817, Apana 2 to Makaele.

THIRD:

- (A) Royal Patent Number (None), Land Commission Award Number 6802 to Pelekane;
- (B) Royal Patent Number 5692-C, Land Commission Award Number 4878-D, Apana 2 to Hone for Kuapua;
- (C) Royal Patent Number 1866, Land Commission Award Number 4878-I, Apana 2 and 4 to Kupalii;



- (D) Royal Patent Number 2724, Land Commission Award Number 6207, Apana 1 to Kahaka;
- (E) Royal Patent Number 1676, Land Commission Award Number 10465, Apana 3, 4 and 5 to Nalehu;
- (F) Royal Patent Number 4529, Land Commission Award Number 10644, Apana 2 and 3 to Piiko;
- (G) Royal Patent Number (None), Land Commission Award Number 10667, Apana 3 and 4 to Pikanele;
- (H) Royal Patent Grant Number 725, Apana 5 to N. Namauu;
- (I) Royal Patent Number 5707-C, Land Commission Award Number 4878, Apana 1 to Upai; and
- (J) Royal Patent Number 1699, Land Commission Award Number 5458, Apana 1 to Manu.

FOURTH:

- (A) Royal Patent Number 4377, Land Commission Award Number 4878-N, Apana 2 to Kaekae; and
- (B) Royal Patent Number (None), Land Commission Award Number 6895, Apana 4 to Kauakahi.

FIFTH:

Royal Patent Number 3457, Land Commission Award Number 6507, Apana 1 to Apaa.

SIXTH:

The real property identified on the tax maps for the County of Maui as Tax Map Key Nos.:

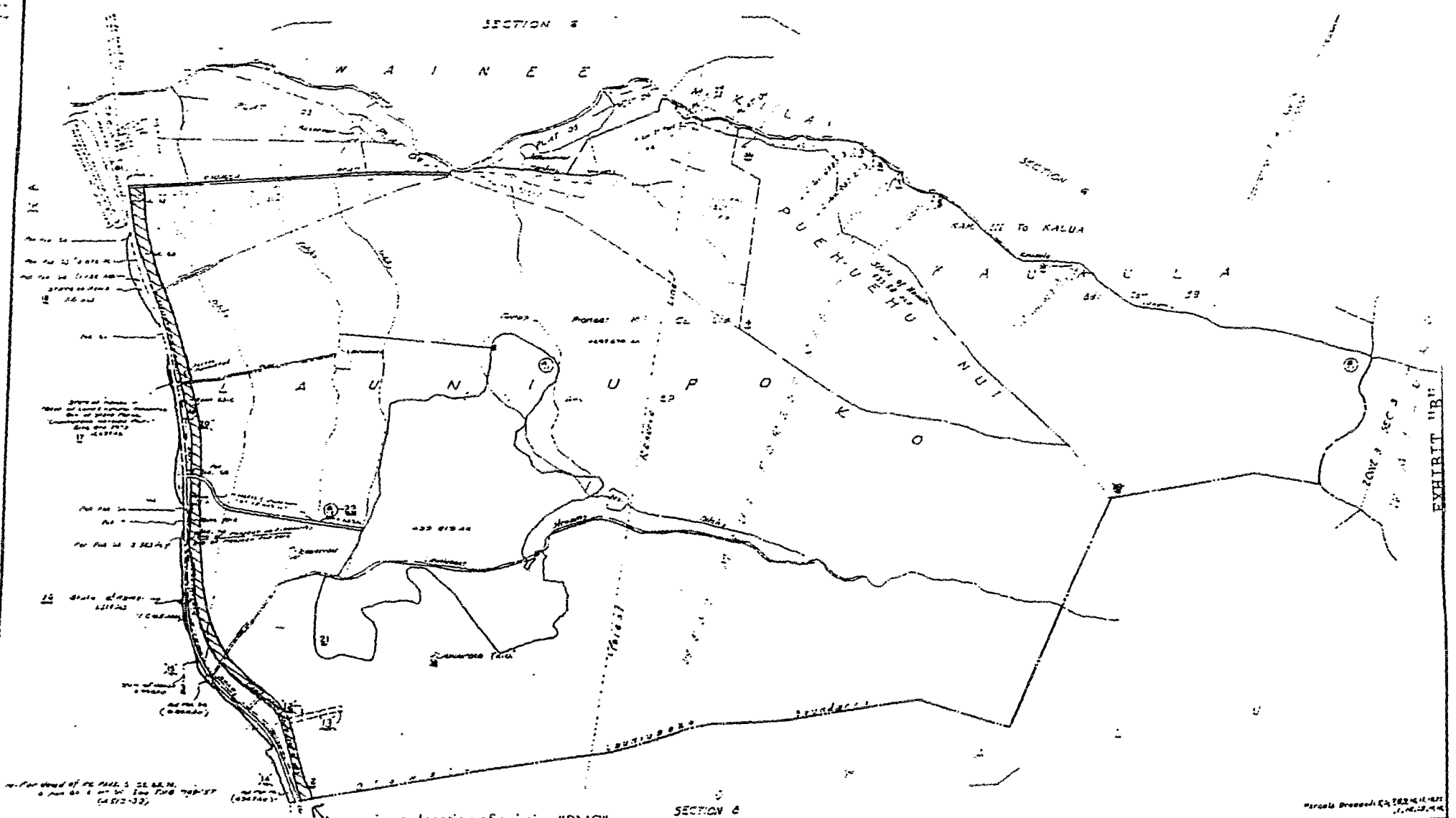
- (2) 4-6-18:8
- (2) 4-6-18:9
- (2) 4-6-19:1
- (2) 4-6-19:2
- (2) 4-6-19:3
- (2) 4-6-20:5
- (2) 4-6-20:9
- (2) 4-6-20:11

- (2) 4-6-20:12
- (2) 4-6-20:15
- (2) 4-6-20:17
- (2) 4-6-20:18
- (2) 4-6-20:23
- (2) 4-6-20:26
- (2) 4-6-20:28
- (2) 4-6-20:29
- (2) 4-6-21:1
- (2) 4-6-21:3
- (2) 4-6-21:4
- (2) 4-6-21:15
- (2) 4-6-22:1
- (2) 4-6-22:7
- (2) 4-6-22:9
- (2) 4-6-23:1
- (2) 4-6-23:2
- (2) 4-6-24:1
- (2) 4-6-24:2
- (2) 4-6-24:3
- (2) 4-6-24:4
- (2) 4-6-24:5
- (2) 4-6-24:6
- (2) 4-6-24:7
- (2) 4-6-24:8
- (2) 4-7-05:3
- (2) 4-7-05:4
- (2) 4-7-06:1
- (2) 4-7-06:3
- (2) 4-7-06:4

SEVENTH:

Such land situated within the banks of Kauaula Stream adjacent to the property covered by that certain Limited Warranty Deed and Reservation of Rights dated January 16, 2001, recorded as Document No. 2001-006058, or other portions of the property covered by this Deed and Reservation of Rights.

END OF EXHIBIT "A"



Approximate location of existing "PMC" Powerline

Parcels Dressed 4/28/52 11/18/54

SECOND		DIVISION	
ZONE	SEC.	PLAT	
4	7	01	
CONTAINING		PARCELS	
SCALE 1" = 4000'			

ALNIPOKO, LAHAINA, MAUI.

ADVANCE MAP  
PROJECT 71

PRINTED

EXHIBIT "B"



**OLD REPUBLIC**  
TITLE & ESCROW OF HAWAII

33 Lono Avenue, Suite 170  
Kihei, HI 96732  
(808) 871-2800 Fax: (808) 871-8828

## PRELIMINARY REPORT

Our Order Number 6829000600-DD

WEST MAUI LAND COMPANY, LLC  
33 Lono Avenue, Suite 450  
Kahului, HI 96732

Attention: HEIDI BIGELOW

When Replying Please Contact:

Dawn DeRego  
dderego@ortc.com  
(808) 871-2800

Property Address:

Lot 4 Launiuopoko Large Lot Subdivision, Lahaina, HI 96761

In response to the above referenced application for a policy of title insurance, OLD REPUBLIC TITLE & ESCROW OF HAWAII hereby reports that it is prepared to issue, or cause to be issued, as of the date hereof, a Policy or Policies of Title Insurance describing the land and the estate or interest therein hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an Exception below or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations of said policy forms.

The printed Exceptions and Exclusions from the coverage of said Policy or Policies are set forth in Exhibit A attached. Copies of the Policy forms should be read. They are available from the office which issued this report.

Please read the exceptions shown or referred to below and the exceptions and exclusions set forth in Exhibit A of this report carefully. The exceptions and exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered.

It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects, and encumbrances affecting title to the land.

This report (and any supplements or amendments hereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby. If it is desired that liability be assumed prior to the issuance of a policy of title insurance, a Binder or Commitment should be requested.

Dated as of March 29, 2011, at 8:00 AM

OLD REPUBLIC TITLE & ESCROW OF HAWAII  
For Exceptions Shown or Referred to, See Attached

**OLD REPUBLIC TITLE & ESCROW OF HAWAII**  
ORDER NO. 6829000600-DD

The form of policy of title insurance contemplated by this report is:

CLTA Standard Coverage Policy -1990; AND ALTA Loan Policy - 1992. A specific request should be made if another form or additional coverage is desired.

The estate or interest in the land hereinafter described or referred or covered by this Report is:

Fee Simple

Title to said estate or interest at the date hereof is vested in:

MAKILA LAND CO., LLC, a Hawaii limited liability company

The land referred to in this Report is situated in the State of Hawaii, and described as follows:

See Legal Description Exhibit.

**OLD REPUBLIC TITLE & ESCROW OF HAWAII**  
ORDER NO. 6829000600-DD

At the date hereof exceptions to coverage in addition to the Exceptions and Exclusions in said policy form would be as follows:

1. Taxes and assessments, general and special, for the fiscal year 2010 - 2011, as follows:

Tax Map Key	:	2-4-7-001-027	
1st Installment	:	\$75.00	Marked Paid
2nd Installment	:	\$75.00	Marked Paid
Total Value	:	\$11,400.00	
Land Value	:	\$11,400.00	
Imp. Value	:	\$0.00	
Exemption	:	\$0.00	

2. The lien of deferred or roll back taxes, if any, assessed pursuant to the provisions of Section 3.48.325, et seq. of the Maui County Tax Code. (RE: Change in land use classification.)

3. Claims arising out of customary or traditional rights and practices, including without limitation those exercised for subsistence, cultural, religious, access or gathering purposes, as provided for in the Hawaii Constitution or the Hawaii Revised Statutes, as amended.

4. Title to all minerals, and metallic mines reserved to the State of Hawaii.

5. LEASE

In favor of	:	MAUI ELECTRIC COMPANY, LIMITED AND HAWAIIAN TELEPHONE COMPANY, now known as HAWAIIAN TELCOM, INC.
Dated	:	October 13, 1967
Recorded	:	in the Bureau of Conveyances, State of Hawaii, in <a href="#">Book 5893, Page 226</a>
Term	:	35 years commencing from the date hereof and thereafter from year to year until terminated
Purpose	:	Leasing and demising a right-of-way 25 feet in width for electrical purposes

**OLD REPUBLIC TITLE & ESCROW OF HAWAII**  
ORDER NO. 6829000600-DD

6. Agreement for : SUBDIVISION (AGRICULTURAL USE)  
Executed By : PIONEER MILL COMPANY, LIMITED  
and Between : COUNTY OF MAUI, through its Department of Public Works, a body  
politic and corporate and a political subdivision of the State of Hawaii

On the terms, covenants and conditions contained therein,

Dated : June 18, 1992  
Recorded : [June 29, 1992 in the Bureau of Conveyances, State of Hawaii, as  
Document No. 92-103494](#)

7. Agreement for : PRIVATE WATER SYSTEM  
Executed By : PIONEER MILL COMPANY, LIMITED, a Hawaii corporation  
and Between : DEPARTMENT OF WATER SUPPLY OF THE COUNTY OF MAUI

On the terms, covenants and conditions contained therein,

Dated : September 29, 1992  
Recorded : [October 9, 1992 in the Bureau of Conveyances, State of Hawaii, as  
Document No. 92-164418](#)

8. UNRECORDED LICENSE AGREEMENT

Executed By : PIONEER MILL COMPANY, LIMITED  
and Between : GST TELECOM HAWAII, INC.

On the terms, covenants and conditions contained therein,

Dated : June 26, 1997

As disclosed in instrument dated September 30, 1997, recorded in the Bureau of  
Conveyances, State of Hawaii, as Document No. [97-138330](#).

9. Covenants, Conditions and Restrictions, but omitting any covenants or restrictions if any,  
based upon race, color, religion, sex, handicap, familial status, or national origin unless and  
only to the extent that said covenant (a) is exempt under Title 42, Section 3607 of the  
United States Code or (b) relates to handicap but does not discriminate against handicapped  
persons, as provided in an instrument.

Entitled : DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS  
Dated : May 28, 1999  
Recorded : [June 1, 1999 in the Bureau of Conveyances, State of Hawaii, as  
Document No. 99-087373](#)

**OLD REPUBLIC TITLE & ESCROW OF HAWAII**  
ORDER NO. 6829000600-DD

10. Terms and provisions as contained in an instrument,

Entitled : NOTICE OF CHANGE OF AGRICULTURAL USE TO DEDICATION  
Dated : April 3, 2000  
Recorded : [April 6, 2000 in the Bureau of Conveyances, State of Hawaii, as Document No. 2000-046048](#)

For a term of 20 years, for the purpose of dedication of land for ranching purposes.

NOTE: Sale of the property may result in special tax assessment retroactive to the date of the dedication.

11. Covenants, conditions, restrictions, reservations, agreements, obligations, easements and other provisions set forth in Limited Warranty Deed and Reservation of Rights dated January 16, 2001, recorded January 16, 2001 in the Bureau of Conveyances, State of Hawaii, as Document No. [2001-006058](#), but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status, or natural origin to the extent such covenants, conditions or restrictions violate 42 USC 3604(c) or Section 515-6, HRS.

12. Covenants, conditions, restrictions, reservations, agreements, obligations, easements and other provisions set forth in Deed and Reservation of Rights dated January 16, 2001, recorded January 16, 2001 in the Bureau of Conveyances, State of Hawaii, as Document No. [2001-006059](#), but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status, or natural origin to the extent such covenants, conditions or restrictions violate 42 USC 3604(c) or Section 515-6, HRS.

13. Agreement for : KAUAULA WATER SYSTEM  
Executed By : PIONEER MILL COMPANY, LIMITED, a Hawaii corporation  
and Between : MAKILA LAND CO., LLC, a Hawaii limited liability company

On the terms, covenants and conditions contained therein,

Dated : January 16, 2001  
Recorded : [January 16, 2001 in the Bureau of Conveyances, State of Hawaii, as Document No. 2001-006060](#)



**OLD REPUBLIC TITLE & ESCROW OF HAWAII**  
ORDER NO. 6829000600-DD

14. Agreement for : ALLOCATION FOR FUTURE SUBDIVISION POTENTIAL  
Executed By : MAKILA LAND CO., LLC  
and Between : COUNTY OF MAUI, through its Department of Public Works and  
Waste Management

On the terms, covenants and conditions contained therein,

Dated : February 25, 2002  
Recorded : [March 12, 2002 in the Bureau of Conveyances, State of Hawaii, as Document No. 2002-042691](#)

15. Agreement for : SUBDIVISION (AGRICULTURAL USE)  
Executed By : MAKILA LAND CO., LLC, a Hawaii limited liability company  
and Between : COUNTY OF MAUI, through its Department of Public Works and  
Waste Management

On the terms, covenants and conditions contained therein,

Dated : February 25, 2002  
Recorded : [March 12, 2002 in the Bureau of Conveyances, State of Hawaii, as Document No. 2002-042693](#)

16. Agreement for : SUBDIVISION (AGRICULTURAL USE)  
Executed By : MAKILA LAND CO., LLC, a Hawaii limited liability company  
and Between : COUNTY OF MAUI, through its Department of Public Works and  
Waste Management

On the terms, covenants and conditions contained therein,

Dated : December 3, 2002  
Recorded : [December 19, 2002 in the Bureau of Conveyances, State of Hawaii, as Document No. 2002-226524](#)

17. Agreement for : ALLOCATION OF FUTURE SUBDIVISION POTENTIAL  
Executed By : MAKILA LAND CO., LLC  
and Between : COUNTY OF MAUI, through its Department of Public Works and  
Waste Management, a political subdivision of the State of Hawaii

On the terms, covenants and conditions contained therein,

Dated : December 3, 2002  
Recorded : [December 19, 2002 in the Bureau of Conveyances, State of Hawaii, as Document No. 2002-226525](#)

**OLD REPUBLIC TITLE & ESCROW OF HAWAII**  
ORDER NO. 6829000600-DD

The foregoing agreement was amended and restated by the following:

Amended and Restated Agreement for Allocation of Future Subdivision Potential dated August 29, 2003, recorded October 17, 2003 in the Bureau of Conveyances, State of Hawaii, as Document No. [2003-227640](#).

First Amendment to the Amended and Restated Agreement for Allocation of Future Subdivision Potential dated April 11, 2006, recorded June 13, 2006 in the Bureau of Conveyances, State of Hawaii, as Document No. [2006-107565](#).

18. Agreement for : SUBDIVISION (DEFERRAL OF REQUIREMENTS PURSUANT TO MCC SECTION 18.04.030 (5))  
Executed By : MAKILA LAND CO., LLC, a Hawaii limited liability company  
and Between : COUNTY OF MAUI, through its Department of Public Works and Waste Management

On the terms, covenants and conditions contained therein,

Dated : August 20, 2002  
Recorded : [December 24, 2002 in the Bureau of Conveyances, State of Hawaii, as Document No. 2002-229575](#)

19. Existing Easements "3", "4", "5" and "6", for drainage purposes, as shown on subdivision map, "Launiupoko (Large-Lot) Subdivision No. 2", Subdivision Number, LUCA File No. 4.837 dated December 30, 2002 prepared by Reed M. Ariyoshi, Land Surveyor, with Warren S. Unemori – Engineering, Inc.

20. Easements "D", "E", "F" and "G", for drainage purposes, as shown on subdivision map, "Launiupoko (Large-Lot) Subdivision No. 2", Subdivision Number, LUCA File No. 4.837, dated December 30, 2002 prepared by Reed M. Ariyoshi, Land Surveyor, with Warren S. Unemori – Engineering, Inc.

21. An easement affecting that portion of said land and for the purposes stated herein and incidental purposes as provided in the following

Instrument : GRANT  
Granted To : MAKILA PLANTATION HOMEOWNERS' ASSOCIATION INC., a Hawaii non-profit corporation  
For : An easement for drainage and incidental purposes over Easements "D", "E", "F" and "G", more particularly described therein  
Dated : January 20, 2004  
Recorded : [January 26, 2004 in the Bureau of Conveyances, State of Hawaii, as Document No. 2004-015491](#)

**OLD REPUBLIC TITLE & ESCROW OF HAWAII**  
ORDER NO. 6829000600-DD

22. Agreement for : HOLD HARMLESS  
Executed By : MAKILA LAND CO. LLC, "Owner"  
and Between : COUNTY OF MAUI, through its Department of Public Works and  
Environmental Management

On the terms, covenants and conditions contained therein,

Dated : December 15, 2005  
Recorded : [January 25, 2006 in the Bureau of Conveyances, State of Hawaii, as  
Document No. 2006-015461](#)

23. Terms and provisions as contained in an instrument,

Entitled : UNILATERAL AGREEMENT AND DECLARATION FOR CONSTRUCTION  
OF A FARM DWELLING ON LANDS ZONED COUNTY AGRICULTURAL  
DISTRICT OR DESIGNATED STATE AGRICULTURAL DISTRICT  
Dated : May 12, 2005  
Recorded : [April 26, 2006 in the Bureau of Conveyances, State of Hawaii, as  
Document No. 2006-077871](#)

24. Agreement for : ALLOCATION OF FUTURE SUBDIVISION POTENTIAL (Subdivision File  
No. 4.924)  
Executed By : MAKILA LAND CO., LLC, "Subdivider"  
and Between : COUNTY OF MAUI, through its Department of Public Works, a  
political subdivision of the State of Hawaii, "County"

On the terms, covenants and conditions contained therein,

Dated : September 7, 2007  
Recorded : [September 24, 2007 in the Bureau of Conveyances, State of Hawaii,  
as Document No. 2007-169135](#)

25. Terms and provisions as contained in an instrument,

Entitled : DECLARATION OF NON-EXCLUSIVE EASEMENTS FOR ROADWAY USE  
(MAKILA RANCHES PHASES 1, 2 AND 3)  
Dated : January 31, 2008  
Recorded : [February 6, 2008 in the Bureau of Conveyances, State of Hawaii, as  
Document No. 2008-017410](#)

**OLD REPUBLIC TITLE & ESCROW OF HAWAII**  
ORDER NO. 6829000600-DD

26. Terms and provisions as contained in an instrument,
- Entitled : NON-EXCLUSIVE PERPETUAL EASEMENT FOR ROADWAY PURPOSES FOR MAKILA RANCHES (PHASES 1, 2 AND 3)
- Dated : January 31, 2008
- Recorded : [February 6, 2008 in the Bureau of Conveyances, State of Hawaii, as Document No. 2008-017411](#)
27. An easement affecting that portion of said land and for the purposes stated herein and incidental purposes as provided in the following
- Instrument : UTILITY EASEMENT
- Granted To : MAUI ELECTRIC COMPANY, LIMITED, a Hawaii corporation and HAWAIIAN TELCOM, INC., a Hawaii corporation
- Dated : March 14, 2008
- Recorded : [April 2, 2008 in the Bureau of Conveyances, State of Hawaii, as Document No. 2008-050838](#)
28. Terms and provisions as contained in an instrument,
- Entitled : DECLARATION OF ACCESS EASEMENTS
- Dated : July 25, 2008
- Recorded : [July 31, 2008 in the Bureau of Conveyances, State of Hawaii, as Document No. 2008-122078](#)
29. Any unrecorded and subsisting leases.
30. Rights and claims of parties in possession.
31. Any facts, rights, interests or claims which an accurate survey would show.
32. The requirement that this Company be provided with a suitable Owner's Affidavit (form ORT 174). The Company reserves the right to make additional exceptions and/or requirements upon review of the Owner's Affidavit.

33. Prior to the issuance of any policy of title insurance, the Company will require the following with respect to MAKILA LAND CO., LLC, a Hawaii Limited Liability Company:

1. A current certified copy of its Articles of Organization (Form LLC-1) from the office of the director of the State of Hawaii Department of Commerce and Consumer Affairs (DCCA director).
2. A copy of any operating agreement and any amendments thereto, together with a current list of all members of said LLC.

The Company reserves the right to make additional exceptions and/or requirements upon review of the above.

----- Informational Notes -----

A. NOTE: The last recorded transfer or agreement to transfer the land described herein is as follows:

A. LIMITED WARRANTY DEED AND RESERVATION OF RIGHTS

Recorded : in the Bureau of Conveyances, State of Hawaii, as Document No. 2001-006058  
Grantor : PIONEER MILL COMPANY, LIMITED, a Hawaii corporation  
Grantee : MAKILA LAND CO., LLC, a Hawaii limited liability company

B. DEED AND RESERVATION OF RIGHTS

Recorded : in the Bureau of Conveyances, State of Hawaii, as Document No. 2001-006059  
Grantor : PIONEER MILL COMPANY, LIMITED, a Hawaii corporation  
Grantee : MAKILA LAND CO., LLC, a Hawaii limited liability company

NOTE: According to the public records, there have been no deeds conveying the property described in this report recorded within a period of 36 months prior to the date hereof except as follows:

NONE

B. Short Term Rate ("STR") applies (but may be precluded or limited by application of the above shown section(s) of our Schedule of Fees and Charges.)

**OLD REPUBLIC TITLE & ESCROW OF HAWAII**  
ORDER NO. 6829000600-DD

- C. We find no open Mortgage of record. Please verify by inquiry of Escrow Personnel and/or Agents whether or not we have overlooked something and advise the Title Department accordingly prior to closing.

## LEGAL DESCRIPTION EXHIBIT

The land referred to in this Report is situated in the State of Hawaii, and described as follows:

### LOT 4

#### LAUNIUPOKO (LARGE-LOT) SUBDIVISION NO. 2

Land situated on the Easterly side of Honoapiilani Highway (F.A.P. No. F-030-1 (1)) at Launiupoko, Polanui, Lahaina, Maui, Hawaii

Being a portion of L. C. Aw. 8559-B, Apana 2 to Wm. C. Lunalilo, R. P. 8395, L. C. Aw. 8559-B Apana 25 to Wm. C. Lunalilo (Certificate of Boundaries No. 10), and R. P. 1358, L. C. Aw. 82 to Thomas Phillips.

Beginning at a point at the Northwesterly corner of this lot, being also the Northeasterly corner of Lot 3 of Launiupoko (Large-Lot) Subdivision No. 2, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Launiupoko" being 7364.07 feet North and 7406.90 feet West and running by azimuths measured clockwise from True South:

1.      241° 08' 44"    1656.30            feet along Lot 15 of Pu'uona Subdivision, being also along the remainder of R. P. 8395, L. C. Aw. 8559-B Apana 25 to Wm C. Lunalilo (Certificate of Boundaries No. 10) to a point;
  
2.      241° 21' 44"      31.34            feet along Lot 15 of Pu'uonoa Subdivision being also along the remainder of R. P. 8395, L. C. Aw. 8559-B Apana 25 to Wm. C. Lunalilo (Certificate of Boundaries No. 10) to a point;
  
3.      Thence along Lot 5 of Launiupoko (Large-Lot) Subdivision No. 2 being also along the remainder of R. P. 8395, L. C. Aw. 8559-B Apana 25 to Wm. C. Lunalilo (Certificate of Boundaries No. 10) on a curve to the left with the point of curvature azimuth from the radial point being: 239° 58' 09" and the point of tangency azimuth from the radial point being: 214° 07', having a radius of 2834.79 feet, the chord azimuth and distance being: 317° 02' 34.5" 1268.27 feet to a point;

4.      34° 07'                  60.00                  feet along Lot 5 of Launiupoko (Large-Lot) Subdivision No. 2 being also along the remainder of R. P. 1358, L. C. Aw. 82 to Thomas Phillips to a point;
  
5.      Thence along same on a curve to the left with the point of curvature azimuth from the initial point being: 214° 07' and the point of tangency azimuth from the radial point being: 203° 30', having a radius of 2894.79 feet, the chord azimuth and distance being: 298° 48' 30" 535.63 feet to a point;
  
6.      293° 30'                  374.50                  feet along same to a point;
  
7.      Thence along same on a curve to the right with the point of curvature azimuth from the radial point being: 23° 30' and the point of tangency azimuth from the radial point being: 35° 38' 22", having a radius of 2834.79 feet, the chord azimuth and distance being: 299° 34' 11" 599.49 feet to a point;
  
8.      Thence along same on a curve to the right with the point of curvature azimuth from the radial point being: 35° 38' 22" and the point of tangency azimuth from the radial point being: 60° 00', having a radius of 970.00 feet, the chord azimuth and distance being: 317° 49' 11" 409.32 feet to a point;
  
9.      330° 00'                  672.39                  feet along same and along the Westerly side of Haniu Street to a point;
  
10.     Thence along the Westerly side of Haniu Street on a curve to the right with the point of curvature azimuth from the radial point being: 60° 0' and the point of tangency azimuth from the radial point being: 71° 0', having a radius of 470.00 feet, the chord azimuth and distance being: 335° 30' 90.10 feet to a point;
  
11.     341° 00'                  130.05                  feet along same to a point;



12. Thence along same on a curve to the left with the point of curvature azimuth from the radial point being:  $251^{\circ} 0'$  and the point of tangency azimuth from the initial point being:  $233^{\circ} 0'$ , having a radius of 2230.00 feet, the chord azimuth and distance being:  $332^{\circ} 0'$  697.70 feet to a point;
13.  $323^{\circ} 00'$  150.95 feet along same to a point;
14. Thence along same on a curve to the right with the point of curvature azimuth from the initial point being:  $53^{\circ} 0'$  and the point of tangency azimuth from the point of tangency azimuth from the initial point being:  $89^{\circ} 0'$ , having a radius of 720.00 feet, the chord azimuth and distance being:  $341^{\circ} 0'$  444.98 feet to a point;
15.  $359^{\circ} 00'$  212.13 feet along same to a point;
16. Thence along same on a curve to the left with the point of curvature azimuth from the radial point being:  $269^{\circ} 0'$  and the point of tangency azimuth from the radial point being:  $253^{\circ} 0'$ , having a radius of 1030.00 feet, the chord azimuth and distance being:  $351^{\circ} 30'$  268.88 feet to a point;
17.  $344^{\circ} 00'$  195.23 feet along same to a point;
18.  $66^{\circ} 00'$  965.57 feet along Lot 6 of Makila Plantation, being also along the remainder of R. P. 1358, L. C. Aw. 82 to Thomas Phillips to a point;
19.  $343^{\circ} 01'$  1247.00 feet along Lots 6 and 5 of Makila Plantation, being also along the remainder of R. P. 1358, L. C. Aw. 82 to Thomas Phillips to a point;
20.  $73^{\circ} 01'$  602.04 feet along the Northerly side of Kai Hele Ku Street (Lot B-2) of Mahanalua Nui Subdivision, being also along the remainder of R. P. 1358, L. C. Aw. 82 to Thomas Phillips to a point;

21. Thence along same on a curve to the right with the point of curvature azimuth from the radial point being:  $163^{\circ} 01'$  and the point of tangency azimuth from the radial point being:  $252^{\circ} 0'$ , having a radius of 30.00 feet, the chord azimuth and distance being:  $117^{\circ} 30' 30''$  42.05 feet to a point;
22.  $162^{\circ} 00'$                       854.46                      feet along Lot 3 of Launiupoko (Large-Lot) Subdivision No. 2, also being along the remainder of R. P. 1358, L. C. Aw. 82 to Thomas Phillips to a point;
23. Thence along same on a curve to the left with the point of curvature azimuth from the radial point being:  $72^{\circ} 0'$  and the point of tangency azimuth from the radial point of being:  $46^{\circ} 0'$ , having a radius of 4854.65 feet, the chord azimuth and distance being:  $149^{\circ} 0'$  2184.12 feet to a point;
24.  $136^{\circ} 00'$                       2436.56                      feet along Lot 3 of Launiupoko (Large-Lot) Subdivision No. 2 and the remainders of R. P. 1358, L. C. Aw. 82 to Thomas Phillips and R. P. 8395, L. C. Aw. 8559-B Apana 25 to Wm. C. Lunalilo (Certificate of Boundaries No. 10) to a point;
25. Thence along Lot 3 of Launiupoko (Large-Lot) Subdivision No. 2 and the remainder of R. P. 8395, L. C. Aw. 8559-B Apana 25 to Wm. C. Lunalilo (Certificate of Boundaries No. 10) on a curve to the right with the point of curvature azimuth from the radial point being:  $226^{\circ} 0'$  and the point of tangency azimuth from the radial point being:  $238^{\circ} 0'$ , having a radius of 4012.56 feet, the chord azimuth and distance being:  $142^{\circ} 0'$  838.85 feet to a point;
26.  $148^{\circ} 00'$                       500.47                      feet along same to the point of beginning and containing an area of 271.175 acres, more or less, as per survey of Reed M. Ariyoshi, Licensed Professional Land Surveyor, Certificate No. 6597, dated September 15, 2006.

TOGETHER WITH Easement "2" (60 feet wide) for access and utility purposes over and across Lot B-2 of the "Mahanalua Nui Subdivision", designated as Tax Key (2) 4-7-001-022.

TOGETHER WITH non-exclusive, perpetual and irrevocable easements for roadway purposes, including all rights of pedestrian and vehicular ingress and egress and for the installation, operation, repair and replacement of underground utility services, over, across and under Roadway Lots 20 (Punakea Loop), 21 (Haniu Street) and 31 (Punakea Loop) being more particularly described in Exhibit "A", "B" and "C" attached to DECLARATION OF NON-EXCLUSIVE EASEMENTS FOR ROADWAY USE (MAKILA RANCHES PHASES 1, 2 AND 3) dated January 31, 2008, recorded February 6, 2008 in the Bureau of Conveyances, State of Hawaii, as Document No. [2008-017410](#).

TOGETHER WITH a non-exclusive perpetual easement for vehicular and pedestrian access together with the right to construct, operate, maintain, repair and replace wires, lines, pipes and other appurtenances for utility services, over the Easement Area, Lot B-2 (Kai Hele Ku) being more particularly described in Exhibit "A" attached to NON-EXCLUSIVE, PERPETUAL EASEMENT FOR ROADWAY PURPOSES FOR MAKILA RANCHES (PHASES 1, 2 AND 3) dated January 31, 2008, recorded February 6, 2008 in the Bureau of Conveyances, State of Hawaii, as Document No. [2008-017411](#).

Being a portion of the property described in the following:

A. LIMITED WARRANTY DEED AND RESERVATION OF RIGHTS

Recorded : in the Bureau of Conveyances, State of Hawaii, as Document No. [2001-006058](#)  
Grantor : PIONEER MILL COMPANY, LIMITED, a Hawaii corporation  
Grantee : MAKILA LAND CO., LLC, a Hawaii limited liability company

B. DEED AND RESERVATION OF RIGHTS

Recorded : in the Bureau of Conveyances, State of Hawaii, as Document No. [2001-006059](#)  
Grantor : PIONEER MILL COMPANY, LIMITED, a Hawaii corporation  
Grantee : MAKILA LAND CO., LLC, a Hawaii limited liability company

CALIFORNIA LAND TITLE ASSOCIATION  
STANDARD COVERAGE POLICY - 1990  
EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building or zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien, or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.-  
  
(b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims or other matters:
  - (a) whether or not recorded in the public records at Date of Policy, but created, suffered, assumed or agreed to by the insured claimant;
  - (b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;
  - (c) resulting in no loss or damage to the insured claimant;
  - (d) attaching or created subsequent to Date of Policy; or
  - (e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the insured mortgage or for the estate or interest insured by this policy.
4. Unenforceability of the lien of the insured mortgage because of the inability or failure of the insured at Date of Policy, or the inability or failure of any subsequent owner of the indebtedness, to comply with the applicable doing business laws of the state in which the land is situated.
5. Invalidity or unenforceability of the lien of the insured mortgage, or claim thereof, which arises out of the transaction evidenced by the insured mortgage and is based upon usury or any consumer credit protection or truth in lending law.
6. Any claim, which arises out of the transaction vesting in the insured the estate of interest insured by this policy or the transaction creating the interest of the insured lender, by reason of the operation of federal bankruptcy, state insolvency or similar creditors' rights laws.

EXCEPTIONS FROM COVERAGE - SCHEDULE B, PART I

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Taxes or assessments Which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.  
  
Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Any facts, rights, interests, or claims Which are not shown by the public records but which could be ascertained by an inspection of the land which may be asserted by persons in possession thereof,
3. Easements, liens or encumbrances, or claims thereof, which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the public records.
6. Any lien or right to a lien for services, labor or material not shown by the public records.

AMERICAN LAND TITLE ASSOCIATION LOAN POLICY(10—17-92)  
AMERICAN LAND TITLE ASSOCIATION LEASEHOLD LOAN POLICY (10—17-92)  
EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.  
  
(b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims or other matters.
  - (a) created, suffered, assumed or agreed to by the insured claimant;
  - (b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;
  - (c) resulting in no loss or damage to the insured claimant;
  - (d) attaching or created subsequent to Date of Policy (except to the extent that this policy insures the priority of the lien of the insured mortgage over any statutory lien for services, labor or material or to the extent insurance is afforded herein as to assessments for street improvements under construction or completed at Date of Policy); or
  - (e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the insured mortgage.
4. Unenforceability of the lien of the insured mortgage because of the inability or failure of the insured at Date of Policy, or the inability or failure of any subsequent owner of the indebtedness, to comply with applicable doing business laws of the state in which the land is situated.
5. Invalidity or unenforceability of the lien of the insured mortgage, or claim thereof, which arises out of the transaction evidenced by the insured mortgage and is based upon usury or any consumer credit protection or truth in lending law.
6. Any statutory lien for services, labor or materials (or the claim of priority of any statutory lien for services, labor or materials over the lien of the insured mortgage) arising from an improvement or work related to the land which is contracted for and commenced subsequent to Date of Policy and is not financed in whole or in part by proceeds of the indebtedness secured by the insured mortgage which at Date of Policy the insured has advanced or is obligated to advance.
7. Any claim, which arises out of the transaction creating the interest of the mortgagee insured by this policy, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that is based on:
  - (i) the transaction creating the interest of the insured mortgagee being deemed a fraudulent conveyance or fraudulent transfer; or
  - (ii) the subordination of the interest of the insured mortgagee as a result of the application of the doctrine of equitable subordination; or
  - (iii) the transaction creating the interest of the insured mortgagee being deemed a preferential transfer except where the preferential transfer results from the failure:
    - (a) to timely record the instrument of transfer, or
    - (b) of such recordation to impart notice to a purchaser for value or a judgment or lien creditor.

The above policy forms may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following General Exceptions:

## EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.  
  
Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
3. Easements, liens or encumbrances, or claims thereof, which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the public records.
6. Any lien or right to a lien for services, labor or material not shown by the public records.

# OLD REPUBLIC TITLE & ESCROW OF HAWAII

## Privacy Policy Notice

### PURPOSE OF THIS NOTICE

Title V of the Gramm-Leach-Bliley Act (GLBA) generally prohibits any financial institution, directly or through its affiliates, from sharing nonpublic personal information about you with a nonaffiliated third party unless the institution provides you with a notice of its privacy policies and practices, such as the type of information that it collects about you and the categories of persons or entities to whom it may be disclosed. In compliance with the GLBA, we are providing you with this document, which notifies you of the privacy policies and practices of OLD REPUBLIC TITLE & ESCROW OF HAWAII

We may collect nonpublic personal information about you from the following sources:

- Information we receive from you such as on applications or other forms.
- Information about your transactions we secure from our files, or from [our affiliates or] others.
- Information we receive from a consumer reporting agency.
- Information that we receive from others involved in your transaction, such as the real estate agent or lender.

Unless it is specifically stated otherwise in an amended Privacy Policy Notice, no additional nonpublic personal information will be collected about you.

We may disclose any of the above information that we collect about our customers or former customers to our affiliates or to nonaffiliated third parties as permitted by law.

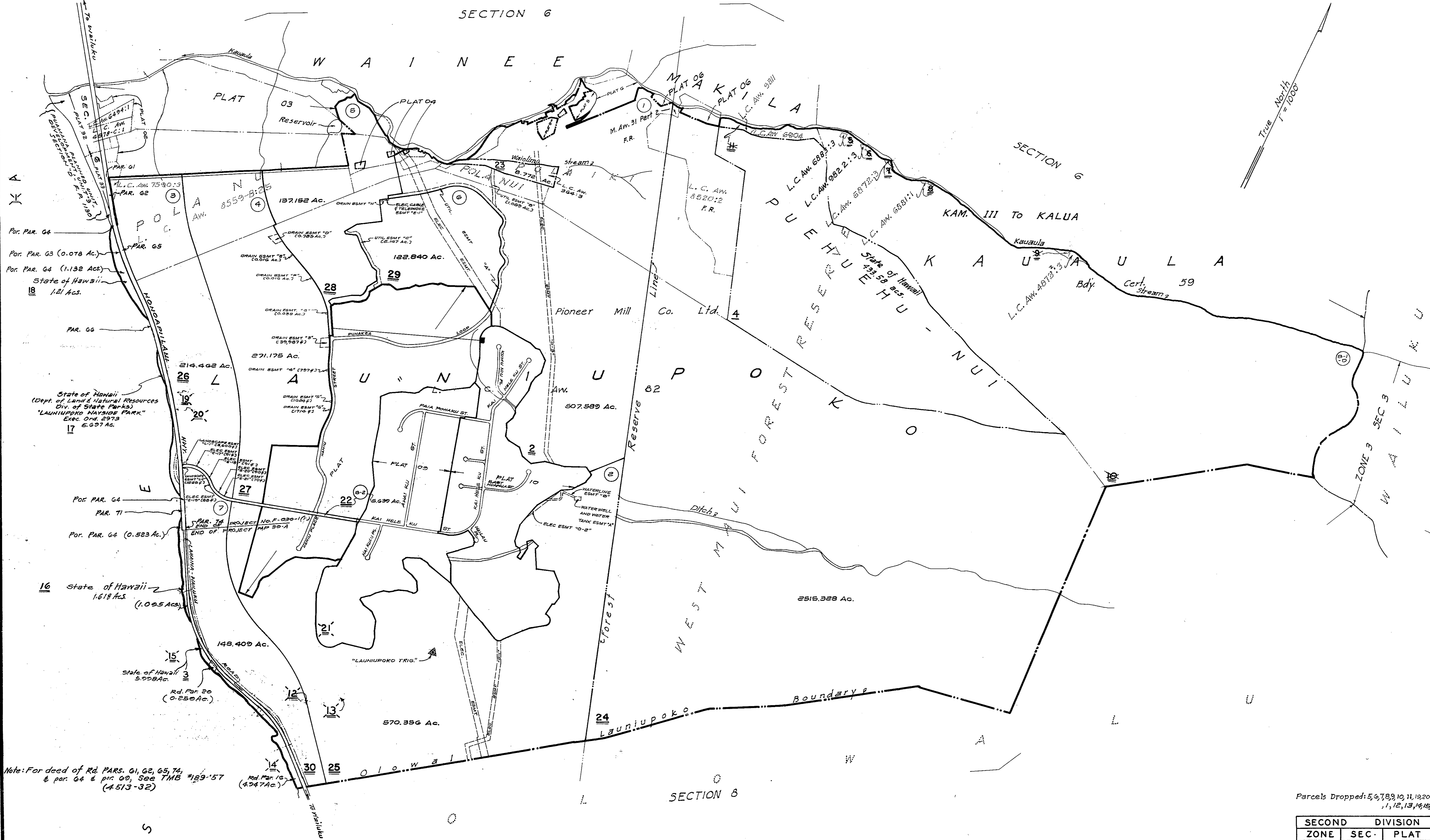
We also may disclose this information about our customers or former customers to the following types of nonaffiliated companies that perform marketing services on our behalf or with whom we have joint marketing agreements:

- Financial service providers such as companies engaged in banking, consumer finance, securities and insurance.
- Non-financial companies such as envelope stuffers and other fulfillment service providers.

**WE DO NOT DISCLOSE ANY NONPUBLIC PERSONAL INFORMATION ABOUT YOU WITH ANYONE FOR ANY PURPOSE THAT IS NOT SPECIFICALLY PERMITTED BY LAW.**

We restrict access to nonpublic personal information about you to those employees who need to know that information in order to provide products or services to you. We maintain physical, electronic, and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.

CORRECTED  
 JAN 17 1939  
 JAN 20 1939  
 FEB 9 1939  
 FEB 13 1940  
 JAN 29 1941  
 JAN 7 1941  
 SEP 23 1942  
 FEB 10 1943  
 OCT 6 '48  
 OCT 13 '48  
 OCT 21 '48  
 NOV 12 '48  
 NOV 19 '48  
 NOV 23 '48  
 DEC 1 1948  
 DEC 8 1948  
 DEC 15 1948  
 DEC 22 1948  
 DEC 29 1948



Note: For deed of Rd. PARS. G1, G2, G5, 7A, & par. G4 & par. G9, See TMB #189-57 (A.513-32)

Parcels Dropped: 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15

SECOND DIVISION	
ZONE	SEC. PLAT
4	7 01
CONTAINING PARCELS	
SCALE: 1 in = 1000 ft.	

ADVANCE SHEET  
 SUBJECT TO CHANGE

PRINTED.....

Dwg. No: 2030  
 By: L.K.H. - May, 1934  
 Source: Tex. Maps, Bureau, Geo. F. Wright & U.S.G.S. Maps.

LAUNIUPOKO, LAHAINA, MAUI.





## ZONING AND FLOOD CONFIRMATION FORM

*(This section to be completed by the Applicant)*

APPLICANT NAME Makila Land Company LLC TELEPHONE (808) 877-4202  
PROJECT NAME Makila Rural CIZ/CPA/DBA E-MAIL Heidi@westmauland.com  
PROPERTY ADDRESS N/A TAX MAP KEY (2)4-07-13:1

Yes  No Will this Zoning & Flood Confirmation Form be used with a Subdivision Application?  
IF YES, answer questions A and B below and comply with instructions 2 & 3 below:

A)  Yes  No Will it be processed under a consistency exemption from Section 18.04.030(B), MCC?  
IF YES, which exemption? (No. 1, 2, 3, 4 or 5) \_\_\_\_\_

B) State the purpose of subdivision and the proposed land uses (ie 1-lot into 2-lots for all land uses allowed by law):  
\_\_\_\_\_

- INSTRUCTIONS:**
- 1) Please use a separate Zoning & Flood Confirmation Form for each Tax Map Key (TMK) number.
  - 2) If this will be used with a subdivision application AND the subject property contains multiple districts/designations of (1) State Land Use Districts, (2) Maui Island Plan Growth Boundaries, (3) Community Plan Designations, or (4) County Zoning Districts; submit a signed and dated Land Use Designations Map, prepared by a licensed surveyor, showing the metes & bounds of the subject parcel and of each district/designation including any subdistricts.
  - 3) If this will be used with a subdivision application AND the subject property contains multiple State Land Use Districts; submit an approved District Boundary Interpretation from the State Land Use Commission.

*(This section to be completed by ZAED)*

**LAND USE DISTRICTS/DESIGNATIONS (LUD) AND OTHER INFORMATION:** <sup>1</sup>

STATE DISTRICT:  Urban  Rural  Agriculture  Conservation  (SMA) Special Management Area

MAUI ISLAND PLAN Growth Boundary: <sup>2</sup>  Urban  Small Town  Rural  Planned Growth Area  Outside Growth Boundaries

Protected Area: <sup>2</sup>  Preservation  Park  Greenbelt  Greenway  Sensitive Land  Outside Protected Areas

COMMUNITY PLAN: <sup>2</sup> Ag. Agriculture

COUNTY ZONING: Ag. Agriculture

OTHER/COMMENTS:

**FEMA FLOOD INFORMATION:**

FLOOD HAZARD AREA ZONES <sup>3</sup> & BASE FLOOD ELEVATIONS: X

FEMA DESIGNATED FLOODWAY For Flood Zone AO, FLOOD DEPTH: \_\_\_\_\_

FLOOD DEVELOPMENT PERMIT REQUIRED (Zones V, VE, A, AO, AE, AH, D, & Floodways)  See Additional Comments (Pg.2)  See Attached LUD Map

**SUBDIVISION LAND USE CONSISTENCY:**  Not Consistent, (LUDs appear to have NO permitted uses in common).

Not Applicable, (Due to processing under consistency exemption No. 1, 2, 3, 4, 5).

Interim Zoning, (The parcel or portion of the parcel that is zoned interim shall not be subdivided).

<sup>4</sup> Consistent, (LUDs appear to have ALL permitted uses in common).

<sup>4</sup> Consistent, upon obtaining an SMA, PD, or PH subdivision approval from Planning.

<sup>4</sup> Consistent, upon recording a permissible uses unilateral agreement processed by Public Works (See Pg.2).

- NOTES:**
- 1 The conditions and/or representations made in the approval of a State District Boundary Amendment, Community Plan Amendment, County Change In Zoning, SMA Permit, Planned Development, Project District and/or a previous subdivision, may affect building permits, subdivisions, and uses on the land.
  - 2 Please review the Maui Island Plan and the Community Plan document for any goals, objectives, policies or actions that may affect this parcel.
  - 3 Flood development permits might be required in zones X and XS for any work done in streams, gulches, low-lying areas, or any type of drainageway; Flood development permits are required for work in all other zones. Subdivisions that include/adjoin streams, gulches, low-lying areas, or any type of drainageway might require the following designations to be shown on the subdivision map: 100-year flood inundation limits; base flood elevations; drainage reserves.
  - 4 Subdivisions will be further reviewed during the subdivision application process to verify consistency, unilateral agreement requirements, and the conditions associated with a unilateral agreement [Section 18.04.030.D, Maui County Code].

**REVIEWED & CONFIRMED BY:**  
*John S. Rapacz* (Signature)  
7/20/15 (Date)

For: John S. Rapacz, Planning Program Administrator, Zoning Administration and Enforcement Division



## ZONING AND FLOOD CONFIRMATION FORM

*(This section to be completed by the Applicant)*

APPLICANT NAME Makila Land Company LLC TELEPHONE (808) 877-4202  
PROJECT NAME Makila Rural CIZ/CPA/DBA E-MAIL Heidi@westmauland.com  
PROPERTY ADDRESS N/A TAX MAP KEY (2)4-07-13:2

Yes  No Will this Zoning & Flood Confirmation Form be used with a Subdivision Application?  
IF YES, answer questions A and B below and comply with instructions 2 & 3 below:

A)  Yes  No Will it be processed under a consistency exemption from Section 18.04.030(B), MCC?  
IF YES, which exemption? (No. 1, 2, 3, 4 or 5) \_\_\_\_\_

B) State the purpose of subdivision and the proposed land uses (ie 1-lot into 2-lots for all land uses allowed by law):  
\_\_\_\_\_

- INSTRUCTIONS:**
- 1) Please use a separate Zoning & Flood Confirmation Form for each Tax Map Key (TMK) number.
  - 2) If this will be used with a subdivision application AND the subject property contains multiple districts/designations of (1) State Land Use Districts, (2) Maui Island Plan Growth Boundaries, (3) Community Plan Designations, or (4) County Zoning Districts; submit a signed and dated Land Use Designations Map, prepared by a licensed surveyor, showing the metes & bounds of the subject parcel and of each district/designation including any subdistricts.
  - 3) If this will be used with a subdivision application AND the subject property contains multiple State Land Use Districts; submit an approved District Boundary Interpretation from the State Land Use Commission.

*(This section to be completed by ZAED)*

**LAND USE DISTRICTS/DESIGNATIONS (LUD) AND OTHER INFORMATION:** <sup>1</sup>

STATE DISTRICT:  Urban  Rural  Agriculture  Conservation  (SMA) Special Management Area

MAUI Growth Boundary:  Urban  Small Town  Rural  Planned Growth Area  Outside Growth Boundaries

ISLAND Protected Area:  Preservation  Park  Greenbelt  Greenway  Sensitive Land  Outside Protected Areas

PLAN Community Plan: <sup>2</sup> Ag - Agriculture

COUNTY ZONING: Ag - Agriculture

OTHER/COMMENTS: \_\_\_\_\_

**FEMA FLOOD INFORMATION:**

FLOOD HAZARD AREA ZONES <sup>3</sup> X  
& BASE FLOOD ELEVATIONS:

FEMA DESIGNATED FLOODWAY For Flood Zone AO, FLOOD DEPTH: \_\_\_\_\_

FLOOD DEVELOPMENT PERMIT REQUIRED (Zones V, VE, A, AO, AE, AH, D, & Floodways) Attached LUD Map  (PD) Planned Development  
 (PH) Project District  
 See Additional Comments (Pg.2)  
 See Attached LUD Map

**SUBDIVISION LAND USE CONSISTENCY:**  Not Consistent, (LUDs appear to have NO permitted uses in common).

Not Applicable, (Due to processing under consistency exemption No. 1, 2, 3, 4, 5).

Interim Zoning, (The parcel or portion of the parcel that is zoned interim shall not be subdivided).

<sup>4</sup> Consistent, (LUDs appear to have ALL permitted uses in common).

<sup>4</sup> Consistent, upon obtaining an SMA, PD, or PH subdivision approval from Planning.

<sup>4</sup> Consistent, upon recording a permissible uses unilateral agreement processed by Public Works (See Pg.2).

- NOTES:**
- 1 The conditions and/or representations made in the approval of a State District Boundary Amendment, Community Plan Amendment, County Change In Zoning, SMA Permit, Planned Development, Project District and/or a previous subdivision, may affect building permits, subdivisions, and uses on the land.
  - 2 Please review the Maui Island Plan and the Community Plan document for any goals, objectives, policies or actions that may affect this parcel.
  - 3 Flood development permits might be required in zones X and XS for any work done in streams, gulches, low-lying areas, or any type of drainageway; Flood development permits are required for work in all other zones. Subdivisions that include/adjoin streams, gulches, low-lying areas, or any type of drainageway might require the following designations to be shown on the subdivision map: 100-year flood inundation limits; base flood elevations; drainage reserves.
  - 4 Subdivisions will be further reviewed during the subdivision application process to verify consistency, unilateral agreement requirements, and the conditions associated with a unilateral agreement [Section 18.04.030.D, Maui County Code].

**REVIEWED & CONFIRMED BY:**

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date) 7/29/15

For: John S. Rapacz, Planning Program Administrator, Zoning Administration and Enforcement Division



## ZONING AND FLOOD CONFIRMATION FORM

(This section to be completed by the Applicant)

APPLICANT NAME Makila Land Company LLC TELEPHONE (808) 877-4202  
PROJECT NAME Makila Rural CIZ/CPA/DBA E-MAIL Heidi@westmauland.com  
PROPERTY ADDRESS N/A TAX MAP KEY (2)4-07-13:3

Yes  No Will this Zoning & Flood Confirmation Form be used with a Subdivision Application?  
IF YES, answer questions A and B below and comply with instructions 2 & 3 below:

A)  Yes  No Will it be processed under a consistency exemption from Section 18.04.030(B), MCC?  
IF YES, which exemption? (No. 1, 2, 3, 4 or 5) \_\_\_\_\_

B) State the purpose of subdivision and the proposed land uses (ie 1-lot into 2-lots for all land uses allowed by law):  
\_\_\_\_\_

- INSTRUCTIONS:**
- 1) Please use a separate Zoning & Flood Confirmation Form for each Tax Map Key (TMK) number.
  - 2) If this will be used with a subdivision application AND the subject property contains multiple districts/designations of (1) State Land Use Districts, (2) Maui Island Plan Growth Boundaries, (3) Community Plan Designations, or (4) County Zoning Districts; submit a signed and dated Land Use Designations Map, prepared by a licensed surveyor, showing the metes & bounds of the subject parcel and of each district/designation including any subdistricts.
  - 3) If this will be used with a subdivision application AND the subject property contains multiple State Land Use Districts; submit an approved District Boundary Interpretation from the State Land Use Commission.

(This section to be completed by ZAED)

**LAND USE DISTRICTS/DESIGNATIONS (LUD) AND OTHER INFORMATION:**<sup>1</sup>

STATE DISTRICT:  Urban  Rural  Agriculture  Conservation  (SMA) Special Management Area

MAUI ISLAND PLAN Growth Boundary:  Urban  Small Town  Rural  Planned Growth Area  Outside Growth Boundaries

Protected Area:  Preservation  Park  Greenbelt  Greenway  Sensitive Land  Outside Protected Areas

COMMUNITY PLAN:<sup>2</sup> AG - Agriculture  (PD) Planned Development

COUNTY ZONING: AG - Agriculture  (PH) Project District

OTHER/COMMENTS:

**FEMA FLOOD INFORMATION:**

FLOOD HAZARD AREA ZONES<sup>3</sup> & BASE FLOOD ELEVATIONS: X  See Additional Comments (Pg.2)

FEMA DESIGNATED FLOODWAY For Flood Zone AO, FLOOD DEPTH:  See Attached LUD Map

FLOOD DEVELOPMENT PERMIT REQUIRED (Zones V, VE, A, AO, AE, AH, D, & Floodways)

**SUBDIVISION LAND USE CONSISTENCY:**  Not Consistent, (LUDs appear to have NO permitted uses in common).

Not Applicable, (Due to processing under consistency exemption No. 1, 2, 3, 4, 5).

Interim Zoning, (The parcel or portion of the parcel that is zoned interim shall not be subdivided).

<sup>4</sup> Consistent, (LUDs appear to have ALL permitted uses in common).

<sup>4</sup> Consistent, upon obtaining an SMA, PD, or PH subdivision approval from Planning.

<sup>4</sup> Consistent, upon recording a permissible uses unilateral agreement processed by Public Works (See Pg.2).

**NOTES:**

- 1 The conditions and/or representations made in the approval of a State District Boundary Amendment, Community Plan Amendment, County Change in Zoning, SMA Permit, Planned Development, Project District and/or a previous subdivision, may affect building permits, subdivisions, and uses on the land.
- 2 Please review the Maui Island Plan and the Community Plan document for any goals, objectives, policies or actions that may affect this parcel.
- 3 Flood development permits might be required in zones X and XS for any work done in streams, gulches, low-lying areas, or any type of drainageway; Flood development permits are required for work in all other zones. Subdivisions that include/adjoin streams, gulches, low-lying areas, or any type of drainageway might require the following designations to be shown on the subdivision map: 100-year flood inundation limits; base flood elevations; drainage reserves.
- 4 Subdivisions will be further reviewed during the subdivision application process to verify consistency, unilateral agreement requirements, and the conditions associated with a unilateral agreement [Section 18.04.030.D, Maui County Code].

**REVIEWED & CONFIRMED BY:**

John S. Rapacz  
(Signature)

1/20/16  
(Date)

For: John S. Rapacz, Planning Program Administrator, Zoning Administration and Enforcement Division



## ZONING AND FLOOD CONFIRMATION FORM

(This section to be completed by the Applicant)

APPLICANT NAME Makila Land Company LLC TELEPHONE (808) 877-4202  
PROJECT NAME Makila Rural CIZ/CPA/DBA E-MAIL Heidi@westmauland.com  
PROPERTY ADDRESS N/A TAX MAP KEY (2)4-07-13:4

Yes  No Will this Zoning & Flood Confirmation Form be used with a Subdivision Application?  
IF YES, answer questions A and B below and comply with instructions 2 & 3 below:

A)  Yes  No Will it be processed under a consistency exemption from Section 18.04.030(B), MCC?  
IF YES, which exemption? (No. 1, 2, 3, 4 or 5) \_\_\_\_\_

B) State the purpose of subdivision and the proposed land uses (ie 1-lot into 2-lots for all land uses allowed by law):  
\_\_\_\_\_

- INSTRUCTIONS:**
- 1) Please use a separate Zoning & Flood Confirmation Form for each Tax Map Key (TMK) number.
  - 2) If this will be used with a subdivision application AND the subject property contains multiple districts/designations of (1) State Land Use Districts, (2) Maui Island Plan Growth Boundaries, (3) Community Plan Designations, or (4) County Zoning Districts; submit a signed and dated Land Use Designations Map, prepared by a licensed surveyor, showing the metes & bounds of the subject parcel and of each district/designation including any subdistricts.
  - 3) If this will be used with a subdivision application AND the subject property contains multiple State Land Use Districts; submit an approved District Boundary Interpretation from the State Land Use Commission.

(This section to be completed by ZAED)

**LAND USE DISTRICTS/DESIGNATIONS (LUD) AND OTHER INFORMATION:** <sup>1</sup>

STATE DISTRICT:  Urban  Rural  Agriculture  Conservation  (SMA) Special Management Area

MAUI ISLAND PLAN Growth Boundary:  Urban  Small Town  Rural  Planned Growth Area  Outside Growth Boundaries

Protected Area:  Preservation  Park  Greenbelt  Greenway  Sensitive Land  Outside Protected Areas

COMMUNITY PLAN: <sup>2</sup> AG - Agriculture

COUNTY ZONING: AG - Agriculture

OTHER/COMMENTS:

**FEMA FLOOD INFORMATION:**

FLOOD HAZARD AREA ZONES <sup>3</sup> & BASE FLOOD ELEVATIONS: X

FEMA DESIGNATED FLOODWAY For Flood Zone AO, FLOOD DEPTH: \_\_\_\_\_

FLOOD DEVELOPMENT PERMIT REQUIRED (Zones V, VE, A, AO, AE, AH, D, & Floodways)  See Additional Comments (Pg.2)  See Attached LUD Map

**SUBDIVISION LAND USE CONSISTENCY:**  Not Consistent, (LUDs appear to have NO permitted uses in common).

Not Applicable, (Due to processing under consistency exemption No. 1, 2, 3, 4, 5).

Interim Zoning, (The parcel or portion of the parcel that is zoned interim shall not be subdivided).

<sup>4</sup> Consistent, (LUDs appear to have ALL permitted uses in common).

<sup>4</sup> Consistent, upon obtaining an SMA, PD, or PH subdivision approval from Planning.

<sup>4</sup> Consistent, upon recording a permissible uses unilateral agreement processed by Public Works (See Pg.2).

- NOTES:**
- 1 The conditions and/or representations made in the approval of a State District Boundary Amendment, Community Plan Amendment, County Change In Zoning, SMA Permit, Planned Development, Project District and/or a previous subdivision, may affect building permits, subdivisions, and uses on the land.
  - 2 Please review the Maui Island Plan and the Community Plan document for any goals, objectives, policies or actions that may affect this parcel.
  - 3 Flood development permits might be required in zones X and XS for any work done in streams, gulches, low-lying areas, or any type of drainageway; Flood development permits are required for work in all other zones. Subdivisions that include/adjoin streams, gulches, low-lying areas, or any type of drainageway might require the following designations to be shown on the subdivision map: 100-year flood inundation limits; base flood elevations; drainage reserves.
  - 4 Subdivisions will be further reviewed during the subdivision application process to verify consistency, unilateral agreement requirements, and the conditions associated with a unilateral agreement [Section 18.04.030(D), Maui County Code].

**REVIEWED & CONFIRMED BY:**

\_\_\_\_\_  
(Signature) John S. Rapacz \_\_\_\_\_  
(Date) 7/30/15



## ZONING AND FLOOD CONFIRMATION FORM

(This section to be completed by the Applicant)

APPLICANT NAME Makila Land Company LLC TELEPHONE (808) 877-4202  
PROJECT NAME Makila Rural CIZ/CPA/DBA E-MAIL Heidi@westmauland.com  
PROPERTY ADDRESS N/A TAX MAP KEY (2)4-07-13:5

Yes  No Will this Zoning & Flood Confirmation Form be used with a Subdivision Application?  
IF YES, answer questions A and B below and comply with instructions 2 & 3 below:

A)  Yes  No Will it be processed under a consistency exemption from Section 18.04.030(B), MCC?  
IF YES, which exemption? (No. 1, 2, 3, 4 or 5) \_\_\_\_\_

B) State the purpose of subdivision and the proposed land uses (ie 1-lot into 2-lots for all land uses allowed by law):  
\_\_\_\_\_

- INSTRUCTIONS:**
- 1) Please use a separate Zoning & Flood Confirmation Form for each Tax Map Key (TMK) number.
  - 2) If this will be used with a subdivision application AND the subject property contains multiple districts/designations of (1) State Land Use Districts, (2) Maui Island Plan Growth Boundaries, (3) Community Plan Designations, or (4) County Zoning Districts; submit a signed and dated Land Use Designations Map, prepared by a licensed surveyor, showing the metes & bounds of the subject parcel and of each district/designation including any subdistricts.
  - 3) If this will be used with a subdivision application AND the subject property contains multiple State Land Use Districts; submit an approved District Boundary Interpretation from the State Land Use Commission.

(This section to be completed by ZAED)

**LAND USE DISTRICTS/DESIGNATIONS (LUD) AND OTHER INFORMATION:**<sup>1</sup>

STATE DISTRICT:  Urban  Rural  Agriculture  Conservation  (SMA) Special Management Area

MAUI ISLAND PLAN Growth Boundary:<sup>2</sup>  Urban  Small Town  Rural  Planned Growth Area  Outside Growth Boundaries

Protected Area:<sup>2</sup>  Preservation  Park  Greenbelt  Greenway  Sensitive Land  Outside Protected Areas

COMMUNITY PLAN:<sup>2</sup> AG - Agriculture  (PD) Planned Development

COUNTY ZONING: AG - Agriculture  (PH) Project District

OTHER/COMMENTS:

**FEMA FLOOD INFORMATION:**

FLOOD HAZARD AREA ZONES<sup>3</sup> & BASE FLOOD ELEVATIONS: X  See Additional Comments (Pg.2)

FEMA DESIGNATED FLOODWAY For Flood Zone AO, FLOOD DEPTH:  See Attached LUD Map

FLOOD DEVELOPMENT PERMIT REQUIRED (Zones V, VE, A, AO, AE, AH, D, & Floodways)

**SUBDIVISION LAND USE CONSISTENCY:**  Not Consistent, (LUDs appear to have NO permitted uses in common).

Not Applicable, (Due to processing under consistency exemption No. 1, 2, 3, 4, 5).

Interim Zoning, (The parcel or portion of the parcel that is zoned interim shall not be subdivided).

<sup>4</sup> Consistent, (LUDs appear to have ALL permitted uses in common).

<sup>4</sup> Consistent, upon obtaining an SMA, PD, or PH subdivision approval from Planning.

<sup>4</sup> Consistent, upon recording a permissible uses unilateral agreement processed by Public Works (See Pg.2).

**NOTES:**

- 1 The conditions and/or representations made in the approval of a State District Boundary Amendment, Community Plan Amendment, County Change In Zoning, SMA Permit, Planned Development, Project District and/or a previous subdivision, may affect building permits, subdivisions, and uses on the land.
- 2 Please review the Maui Island Plan and the Community Plan document for any goals, objectives, policies or actions that may affect this parcel.
- 3 Flood development permits might be required in zones X and XS for any work done in streams, gulches, low-lying areas, or any type of drainageway; Flood development permits are required for work in all other zones. Subdivisions that include/adjoin streams, gulches, low-lying areas, or any type of drainageway might require the following designations to be shown on the subdivision map: 100-year flood inundation limits; base flood elevations; drainage reserves.
- 4 Subdivisions will be further reviewed during the subdivision application process to verify consistency, unilateral agreement requirements, and the conditions associated with a unilateral agreement [Section 18.04.030.D, Maui County Code].

**REVIEWED & CONFIRMED BY:**

John S. Rapacz  
(Signature)

1/27/16  
(Date)

For: John S. Rapacz, Planning Program Administrator, Zoning Administration and Enforcement Division



## ZONING AND FLOOD CONFIRMATION FORM

*(This section to be completed by the Applicant)*

APPLICANT NAME Makila Land Company LLC TELEPHONE (808) 877-4202  
PROJECT NAME Makila Rural CIZ/CPA/DBA E-MAIL Heidi@westmauland.com  
PROPERTY ADDRESS N/A TAX MAP KEY (2)4-07-13:6

Yes  No Will this Zoning & Flood Confirmation Form be used with a Subdivision Application?  
IF YES, answer questions A and B below and comply with instructions 2 & 3 below:

A)  Yes  No Will it be processed under a consistency exemption from Section 18.04.030(B), MCC?  
IF YES, which exemption? (No. 1, 2, 3, 4 or 5) \_\_\_\_\_

B) State the purpose of subdivision and the proposed land uses (ie 1-lot into 2-lots for all land uses allowed by law):  
\_\_\_\_\_

- INSTRUCTIONS:**
- 1) Please use a separate Zoning & Flood Confirmation Form for each Tax Map Key (TMK) number.
  - 2) If this will be used with a subdivision application AND the subject property contains multiple districts/designations of (1) State Land Use Districts, (2) Maui Island Plan Growth Boundaries, (3) Community Plan Designations, or (4) County Zoning Districts; submit a signed and dated Land Use Designations Map, prepared by a licensed surveyor, showing the metes & bounds of the subject parcel and of each district/designation including any subdistricts.
  - 3) If this will be used with a subdivision application AND the subject property contains multiple State Land Use Districts; submit an approved District Boundary Interpretation from the State Land Use Commission.

*(This section to be completed by ZAED)*

**LAND USE DISTRICTS/DESIGNATIONS (LUD) AND OTHER INFORMATION:** <sup>1</sup>

STATE DISTRICT:  Urban  Rural  Agriculture  Conservation  (SMA) Special Management Area

MAUI ISLAND PLAN Growth Boundary:  Urban  Small Town  Rural  Planned Growth Area  Outside Growth Boundaries

PLAN Protected Area:  Preservation  Park  Greenbelt  Greenway  Sensitive Land  Outside Protected Areas

COMMUNITY PLAN: <sup>2</sup> Ag - Agriculture  (PD) Planned Development

COUNTY ZONING: Ag - Agriculture  (PH) Project District

OTHER/COMMENTS: \_\_\_\_\_  See Additional Comments (Pg.2)

**FEMA FLOOD INFORMATION:**

FLOOD HAZARD AREA ZONES <sup>3</sup> X  See Attached LUD Map

FEMA DESIGNATED FLOODWAY For Flood Zone AO, FLOOD DEPTH: \_\_\_\_\_

FLOOD DEVELOPMENT PERMIT REQUIRED (Zones V, VE, A, AO, AE, AH, D, & Floodways)

**SUBDIVISION LAND USE CONSISTENCY:**  Not Consistent, (LUDs appear to have NO permitted uses in common).

Not Applicable, (Due to processing under consistency exemption No. 1, 2, 3, 4, 5).

Interim Zoning, (The parcel or portion of the parcel that is zoned interim shall not be subdivided).

<sup>4</sup> Consistent, (LUDs appear to have ALL permitted uses in common).

<sup>4</sup> Consistent, upon obtaining an SMA, PD, or PH subdivision approval from Planning.

<sup>4</sup> Consistent, upon recording a permissible uses unilateral agreement processed by Public Works (See Pg.2).

- NOTES:**
- 1 The conditions and/or representations made in the approval of a State District Boundary Amendment, Community Plan Amendment, County Change In Zoning, SMA Permit, Planned Development, Project District and/or a previous subdivision, may affect building permits, subdivisions, and uses on the land.
  - 2 Please review the Maui Island Plan and the Community Plan document for any goals, objectives, policies or actions that may affect this parcel.
  - 3 Flood development permits might be required in zones X and XS for any work done in streams, gulches, low-lying areas, or any type of drainageway; Flood development permits are required for work in all other zones. Subdivisions that include/adjoin streams, gulches, low-lying areas, or any type of drainageway might require the following designations to be shown on the subdivision map: 100-year flood inundation limits; base flood elevations; drainage reserves.
  - 4 Subdivisions will be further reviewed during the subdivision application process to verify consistency, unilateral agreement requirements, and the conditions associated with a unilateral agreement [Section 18.04.030.D, Maui County Code].

**REVIEWED & CONFIRMED BY:**

\_\_\_\_\_  
(Signature) 7/27/15  
\_\_\_\_\_  
(Date)

For: John S. Rapacz, Planning Program Administrator, Zoning Administration and Enforcement Division



## ZONING AND FLOOD CONFIRMATION FORM

(This section to be completed by the Applicant)

APPLICANT NAME Makila Land Company LLC TELEPHONE (808) 877-4202  
PROJECT NAME Makila Rural CIZ/CPA/DBA E-MAIL Heidi@westmauland.com  
PROPERTY ADDRESS N/A TAX MAP KEY (2)4-07-13:7

- Yes  No Will this Zoning & Flood Confirmation Form be used with a Subdivision Application?  
IF YES, answer questions A and B below and comply with instructions 2 & 3 below:
- A)  Yes  No Will it be processed under a consistency exemption from Section 18.04.030(B), MCC?  
IF YES, which exemption? (No. 1, 2, 3, 4 or 5) \_\_\_\_\_
- B) State the purpose of subdivision and the proposed land uses (ie 1-lot into 2-lots for all land uses allowed by law):

- INSTRUCTIONS:**
- 1) Please use a separate Zoning & Flood Confirmation Form for each Tax Map Key (TMK) number.
  - 2) If this will be used with a subdivision application AND the subject property contains multiple districts/designations of (1) State Land Use Districts, (2) Maui Island Plan Growth Boundaries, (3) Community Plan Designations, or (4) County Zoning Districts; submit a signed and dated Land Use Designations Map, prepared by a licensed surveyor, showing the metes & bounds of the subject parcel and of each district/designation including any subdistricts.
  - 3) If this will be used with a subdivision application AND the subject property contains multiple State Land Use Districts; submit an approved District Boundary Interpretation from the State Land Use Commission.

(This section to be completed by ZAED)

**LAND USE DISTRICTS/DESIGNATIONS (LUD) AND OTHER INFORMATION:** <sup>1</sup>

STATE DISTRICT:  Urban  Rural  Agriculture  Conservation  (SMA) Special Management Area

MAUI ISLAND PLAN Growth Boundary: <sup>2</sup>  Urban  Small Town  Rural  Planned Growth Area  Outside Growth Boundaries

Protected Area: <sup>2</sup>  Preservation  Park  Greenbelt  Greenway  Sensitive Land  Outside Protected Areas

COMMUNITY PLAN: <sup>2</sup> Agriculture

COUNTY ZONING: Agriculture

OTHER/COMMENTS:

**FEMA FLOOD INFORMATION:**

FLOOD HAZARD AREA ZONES <sup>3</sup> X  
& BASE FLOOD ELEVATIONS:

FEMA DESIGNATED FLOODWAY For Flood Zone AO, FLOOD DEPTH: \_\_\_\_\_

FLOOD DEVELOPMENT PERMIT REQUIRED (Zones V, VE, A, AO, AE, AH, D, & Floodways) Attached LUD Map

(PD) Planned Development  
 (PH) Project District  
 See Additional Comments (Pg.2)  
 See Attached LUD Map

- SUBDIVISION LAND USE CONSISTENCY:**  Not Consistent, (LUDs appear to have NO permitted uses in common).
- Not Applicable, (Due to processing under consistency exemption No. 1, 2, 3, 4, 5).
- Interim Zoning, (The parcel or portion of the parcel that is zoned interim shall not be subdivided).
- <sup>4</sup> Consistent, (LUDs appear to have ALL permitted uses in common).
- <sup>4</sup> Consistent, upon obtaining an SMA, PD, or PH subdivision approval from Planning.
- <sup>4</sup> Consistent, upon recording a permissible uses unilateral agreement processed by Public Works (See Pg.2).

**NOTES:**

- 1 The conditions and/or representations made in the approval of a State District Boundary Amendment, Community Plan Amendment, County Change In Zoning, SMA Permit, Planned Development, Project District and/or a previous subdivision, may affect building permits, subdivisions, and uses on the land.
- 2 Please review the Maui Island Plan and the Community Plan document for any goals, objectives, policies or actions that may affect this parcel.
- 3 Flood development permits might be required in zones X and XS for any work done in streams, gulches, low-lying areas, or any type of drainageway; Flood development permits are required for work in all other zones. Subdivisions that include/adjoin streams, gulches, low-lying areas, or any type of drainageway might require the following designations to be shown on the subdivision map: 100-year flood inundation limits; base flood elevations; drainage reserves.
- 4 Subdivisions will be further reviewed during the subdivision application process to verify consistency, unilateral agreement requirements, and the conditions associated with a unilateral agreement [Section 18.04.030.D, Maui County Code].

**REVIEWED & CONFIRMED BY:**

For: John S. Rapacz Planning Program Administrator, Zoning Administration and Enforcement Division  
(Signature) 7/30/15 (Date)



## ZONING AND FLOOD CONFIRMATION FORM

(This section to be completed by the Applicant)

APPLICANT NAME Makila Land Company LLC TELEPHONE (808) 877-4202  
PROJECT NAME Makila Rural CIZ/CPA/DBA E-MAIL Heidi@westmauiland.com  
PROPERTY ADDRESS N/A TAX MAP KEY (2)4-07-13:8

- Yes  No Will this Zoning & Flood Confirmation Form be used with a Subdivision Application?  
IF YES, answer questions A and B below and comply with instructions 2 & 3 below:
- A)  Yes  No Will it be processed under a consistency exemption from Section 18.04.030(B), MCC?  
IF YES, which exemption? (No. 1, 2, 3, 4 or 5) \_\_\_\_\_
- B) State the purpose of subdivision and the proposed land uses (ie 1-lot into 2-lots for all land uses allowed by law):

- INSTRUCTIONS:**
- 1) Please use a separate Zoning & Flood Confirmation Form for each Tax Map Key (TMK) number.
  - 2) If this will be used with a subdivision application AND the subject property contains multiple districts/designations of (1) State Land Use Districts, (2) Maui Island Plan Growth Boundaries, (3) Community Plan Designations, or (4) County Zoning Districts; submit a signed and dated Land Use Designations Map, prepared by a licensed surveyor, showing the metes & bounds of the subject parcel and of each district/designation including any subdistricts.
  - 3) If this will be used with a subdivision application AND the subject property contains multiple State Land Use Districts; submit an approved District Boundary Interpretation from the State Land Use Commission.

(This section to be completed by ZAED)

**LAND USE DISTRICTS/DESIGNATIONS (LUD) AND OTHER INFORMATION:**<sup>1</sup>

STATE DISTRICT:  Urban  Rural  Agriculture  Conservation  (SMA) Special Management Area

MAUI ISLAND PLAN Growth Boundary:<sup>2</sup>  Urban  Small Town  Rural  Planned Growth Area  Outside Growth Boundaries

Protected Area:<sup>2</sup>  Preservation  Park  Greenbelt  Greenway  Sensitive Land  Outside Protected Areas

COMMUNITY PLAN:<sup>2</sup> Agriculture

COUNTY ZONING: Agriculture

OTHER/COMMENTS:

**FEMA FLOOD INFORMATION:**

FLOOD HAZARD AREA ZONES<sup>3</sup> X  
& BASE FLOOD ELEVATIONS:

FEMA DESIGNATED FLOODWAY For Flood Zone AO, FLOOD DEPTH: \_\_\_\_\_

FLOOD DEVELOPMENT PERMIT REQUIRED (Zones V, VE, A, AO, AE, AH, D, & Floodways) Attached LUD Map

(PD) Planned Development  
 (PH) Project District  
 See Additional Comments (Pg.2)  
 See Attached LUD Map

- SUBDIVISION LAND USE CONSISTENCY:**  Not Consistent, (LUDs appear to have NO permitted uses in common).
- Not Applicable, (Due to processing under consistency exemption No. 1, 2, 3, 4, 5).
- Interim Zoning, (The parcel or portion of the parcel that is zoned interim shall not be subdivided).
- <sup>4</sup> Consistent, (LUDs appear to have ALL permitted uses in common).
- <sup>4</sup> Consistent, upon obtaining an SMA, PD, or PH subdivision approval from Planning.
- <sup>4</sup> Consistent, upon recording a permissible uses unilateral agreement processed by Public Works (See Pg.2).

**NOTES:**

- 1 The conditions and/or representations made in the approval of a State District Boundary Amendment, Community Plan Amendment, County Change In Zoning, SMA Permit, Planned Development, Project District and/or a previous subdivision, may affect building permits, subdivisions, and uses on the land.
- 2 Please review the Maui Island Plan and the Community Plan document for any goals, objectives, policies or actions that may affect this parcel.
- 3 Flood development permits might be required in zones X and XS for any work done in streams, gulches, low-lying areas, or any type of drainageway; Flood development permits are required for work in all other zones. Subdivisions that include/adjoin streams, gulches, low-lying areas, or any type of drainageway might require the following designations to be shown on the subdivision map: 100-year flood inundation limits; base flood elevations; drainage reserves.
- 4 Subdivisions will be further reviewed during the subdivision application process to verify consistency, unilateral agreement requirements, and the conditions associated with a unilateral agreement [Section 18.04.030.D, Maui County Code].

**REVIEWED & CONFIRMED BY:**

For: John S. Rapacz (Signature) Planning Program Administrator, Zoning Administration and Enforcement Division  
Date: 7/30/15





## ZONING AND FLOOD CONFIRMATION FORM

(This section to be completed by the Applicant)

APPLICANT NAME Makila Land Company LLC TELEPHONE (808) 877-4202  
PROJECT NAME Makila Rural CIZ/CPA/DBA E-MAIL Heidi@westmauland.com  
PROPERTY ADDRESS N/A TAX MAP KEY (2)4-07-13:9

Yes  No Will this Zoning & Flood Confirmation Form be used with a Subdivision Application?  
IF YES, answer questions A and B below and comply with instructions 2 & 3 below:

A)  Yes  No Will it be processed under a consistency exemption from Section 18.04.030(B), MCC?  
IF YES, which exemption? (No. 1, 2, 3, 4 or 5) \_\_\_\_\_

B) State the purpose of subdivision and the proposed land uses (ie 1-lot into 2-lots for all land uses allowed by law):  
\_\_\_\_\_

- INSTRUCTIONS:**
- 1) Please use a separate Zoning & Flood Confirmation Form for each Tax Map Key (TMK) number.
  - 2) If this will be used with a subdivision application AND the subject property contains multiple districts/designations of (1) State Land Use Districts, (2) Maui Island Plan Growth Boundaries, (3) Community Plan Designations, or (4) County Zoning Districts; submit a signed and dated Land Use Designations Map, prepared by a licensed surveyor, showing the metes & bounds of the subject parcel and of each district/designation including any subdistricts.
  - 3) If this will be used with a subdivision application AND the subject property contains multiple State Land Use Districts; submit an approved District Boundary Interpretation from the State Land Use Commission.

(This section to be completed by ZAED)

**LAND USE DISTRICTS/DESIGNATIONS (LUD) AND OTHER INFORMATION:** <sup>1</sup>

STATE DISTRICT:  Urban  Rural  Agriculture  Conservation  (SMA) Special Management Area

MAUI ISLAND PLAN Growth Boundary: <sup>2</sup>  Urban  Small Town  Rural  Planned Growth Area  Outside Growth Boundaries

PLAN Protected Area: <sup>2</sup>  Preservation  Park  Greenbelt  Greenway  Sensitive Land  Outside Protected Areas

COMMUNITY PLAN: <sup>2</sup> Agriculture

COUNTY ZONING: Agriculture

OTHER/COMMENTS:

**FEMA FLOOD INFORMATION:**

FLOOD HAZARD AREA ZONES <sup>3</sup> X  
& BASE FLOOD ELEVATIONS:

FEMA DESIGNATED FLOODWAY For Flood Zone AO, FLOOD DEPTH: \_\_\_\_\_

FLOOD DEVELOPMENT PERMIT REQUIRED (Zones V, VE, A, AO, AE, AH, D, & Floodways) Attached LUD Map

(PD) Planned Development  
 (PH) Project District  
 See Additional Comments (Pg.2)  
 See Attached LUD Map

**SUBDIVISION LAND USE CONSISTENCY:**  Not Consistent, (LUDs appear to have NO permitted uses in common).

\_\_\_\_\_  Not Applicable, (Due to processing under consistency exemption No. 1, 2, 3, 4, 5).  
(Signature)  Interim Zoning, (The parcel or portion of the parcel that is zoned interim shall not be subdivided).

<sup>4</sup> Consistent, (LUDs appear to have ALL permitted uses in common).

<sup>4</sup> Consistent, upon obtaining an SMA, PD, or PH subdivision approval from Planning.

<sup>4</sup> Consistent, upon recording a permissible uses unilateral agreement processed by Public Works (See Pg.2).

- NOTES:**
- 1 The conditions and/or representations made in the approval of a State District Boundary Amendment, Community Plan Amendment, County Change In Zoning, SMA Permit, Planned Development, Project District and/or a previous subdivision, may affect building permits, subdivisions, and uses on the land.
  - 2 Please review the Maui Island Plan and the Community Plan document for any goals, objectives, policies or actions that may affect this parcel.
  - 3 Flood development permits might be required in zones X and XS for any work done in streams, gulches, low-lying areas, or any type of drainageway; Flood development permits are required for work in all other zones. Subdivisions that include/adjoin streams, gulches, low-lying areas, or any type of drainageway might require the following designations to be shown on the subdivision map: 100-year flood inundation limits; base flood elevations; drainage reserves.
  - 4 Subdivisions will be further reviewed during the subdivision application process to verify consistency, unilateral agreement requirements, and the conditions associated with a unilateral agreement [Section 18.04.030.D, Maui County Code].

**REVIEWED & CONFIRMED BY:**

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date) 7/30/15

For: John S. Rapacz, Planning Program Administrator, Zoning Administration and Enforcement Division



## ZONING AND FLOOD CONFIRMATION FORM

(This section to be completed by the Applicant)

APPLICANT NAME Makila Land Company LLC TELEPHONE (808) 877-4202  
PROJECT NAME Makila Rural CIZ/CPA/DBA E-MAIL Heidi@westmauiland.com  
PROPERTY ADDRESS N/A TAX MAP KEY (2)4-07-13:10

- Yes  No Will this Zoning & Flood Confirmation Form be used with a Subdivision Application?  
IF YES, answer questions A and B below and comply with instructions 2 & 3 below:
- A)  Yes  No Will it be processed under a consistency exemption from Section 18.04.030(B), MCC?  
IF YES, which exemption? (No. 1, 2, 3, 4 or 5) \_\_\_\_\_
- B) State the purpose of subdivision and the proposed land uses (ie 1-lot into 2-lots for all land uses allowed by law):

- INSTRUCTIONS:**
- 1) Please use a separate Zoning & Flood Confirmation Form for each Tax Map Key (TMK) number.
  - 2) If this will be used with a subdivision application AND the subject property contains multiple districts/designations of (1) State Land Use Districts, (2) Maui Island Plan Growth Boundaries, (3) Community Plan Designations, or (4) County Zoning Districts; submit a signed and dated Land Use Designations Map, prepared by a licensed surveyor, showing the metes & bounds of the subject parcel and of each district/designation including any subdistricts.
  - 3) If this will be used with a subdivision application AND the subject property contains multiple State Land Use Districts; submit an approved District Boundary Interpretation from the State Land Use Commission.

(This section to be completed by ZAED)

<b>LAND USE DISTRICTS/DESIGNATIONS (LUD) AND OTHER INFORMATION:</b> <sup>1</sup>		<input type="checkbox"/> (SMA) Special Management Area
STATE DISTRICT: <input type="checkbox"/> Urban <input type="checkbox"/> Rural <input checked="" type="checkbox"/> Agriculture <input type="checkbox"/> Conservation		
MAUI ISLAND Growth Boundary: <sup>2</sup> <input type="checkbox"/> Urban <input type="checkbox"/> Small Town <input checked="" type="checkbox"/> Rural <input checked="" type="checkbox"/> Planned Growth Area <input type="checkbox"/> Outside Growth Boundaries		
PLAN Protected Area: <sup>2</sup> <input type="checkbox"/> Preservation <input type="checkbox"/> Park <input checked="" type="checkbox"/> Greenbelt <input type="checkbox"/> Greenway <input type="checkbox"/> Sensitive Land <input checked="" type="checkbox"/> Outside Protected Areas		
COMMUNITY PLAN: <sup>2</sup> Agriculture	<input type="checkbox"/> (PD) Planned Development  <input type="checkbox"/> (PH) Project District  <input type="checkbox"/> See Additional Comments (Pg.2)  <input type="checkbox"/> See Attached LUD Map	
COUNTY ZONING: Agriculture		
OTHER/COMMENTS:		
<b>FEMA FLOOD INFORMATION:</b>		
FLOOD HAZARD AREA ZONES <sup>3</sup> X & BASE FLOOD ELEVATIONS:		
<input type="checkbox"/> FEMA DESIGNATED FLOODWAY	For Flood Zone AO, FLOOD DEPTH:	
<input type="checkbox"/> FLOOD DEVELOPMENT PERMIT REQUIRED (Zones V, VE, A, AO, AE, AH, D, & Floodways)		

- SUBDIVISION LAND USE CONSISTENCY:**  Not Consistent, (LUDs appear to have NO permitted uses in common).  
 Not Applicable, (Due to processing under consistency exemption No. 1, 2, 3, 4, 5).  
 \_\_\_\_\_ (Signature)  Interim Zoning, (The parcel or portion of the parcel that is zoned interim shall not be subdivided).  
 <sup>4</sup> Consistent, (LUDs appear to have ALL permitted uses in common).  
 <sup>4</sup> Consistent, upon obtaining an SMA, PD, or PH subdivision approval from Planning.  
 <sup>4</sup> Consistent, upon recording a permissible uses unilateral agreement processed by Public Works (See Pg.2).

**NOTES:**

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- 4 Subdivisions will be further reviewed during the subdivision application process to verify consistency, unilateral agreement requirements, and the conditions associated with a unilateral agreement [Section 18.04.030.D, Maui County Code].

**REVIEWED & CONFIRMED BY:**

For: \_\_\_\_\_ (Signature) \_\_\_\_\_ (Date) 7/30/15  
John S. Rapacz, Planning Program Administrator, Zoning Administration and Enforcement Division



## ZONING AND FLOOD CONFIRMATION FORM

*(This section to be completed by the Applicant)*

APPLICANT NAME Makila Land Company LLC TELEPHONE (808) 877-4202  
PROJECT NAME Makila Rural CIZ/CPA/DBA E-MAIL Heidi@westmauland.com  
PROPERTY ADDRESS N/A TAX MAP KEY (2)4-07-13:11

Yes  No Will this Zoning & Flood Confirmation Form be used with a Subdivision Application?  
IF YES, answer questions A and B below and comply with instructions 2 & 3 below:

A)  Yes  No Will it be processed under a consistency exemption from Section 18.04.030(B), MCC?  
IF YES, which exemption? (No. 1, 2, 3, 4 or 5) \_\_\_\_\_

B) State the purpose of subdivision and the proposed land uses (ie 1-lot into 2-lots for all land uses allowed by law):  
\_\_\_\_\_

- INSTRUCTIONS:**
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  - 3) If this will be used with a subdivision application AND the subject property contains multiple State Land Use Districts; submit an approved District Boundary Interpretation from the State Land Use Commission.

*(This section to be completed by ZAED)*

**LAND USE DISTRICTS/DESIGNATIONS (LUD) AND OTHER INFORMATION:** <sup>1</sup>

STATE DISTRICT:  Urban  Rural  Agriculture  Conservation  (SMA) Special Management Area

MAUI ISLAND PLAN Growth Boundary:  Urban  Small Town  Rural  Planned Growth Area  Outside Growth Boundaries

PLAN Protected Area:  Preservation  Park  Greenbelt  Greenway  Sensitive Land  Outside Protected Areas

COMMUNITY PLAN: <sup>2</sup> Agriculture  (PD) Planned Development

COUNTY ZONING: Agriculture  (PH) Project District

OTHER/COMMENTS: \_\_\_\_\_  See Additional Comments (Pg.2)

**FEMA FLOOD INFORMATION:**

FLOOD HAZARD AREA ZONES <sup>3</sup> X & BASE FLOOD ELEVATIONS: \_\_\_\_\_  See Attached LUD Map

FEMA DESIGNATED FLOODWAY For Flood Zone AO, FLOOD DEPTH: \_\_\_\_\_

FLOOD DEVELOPMENT PERMIT REQUIRED (Zones V, VE, A, AO, AE, AH, D, & Floodways)

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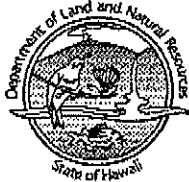
- NOTES:**
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  - 4 Subdivisions will be further reviewed during the subdivision application process to verify consistency, unilateral agreement requirements, and the conditions associated with a unilateral agreement [Section 18.04.030.D, Maui County Code].

**REVIEWED & CONFIRMED BY:**

\_\_\_\_\_  
(Signature) 7/30/15  
(Date)

For: John S. Rapacz, Planning Program Administrator, Zoning Administration and Enforcement Division

LINDA LINGLE  
GOVERNOR OF HAWAII



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION  
601 KAMOKILA BOULEVARD, ROOM 555  
KAPOLEI, HAWAII 96707

PETER T. YOUNG  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA  
DEPUTY DIRECTOR - LAND

DEAN NAKANO  
ACTING DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAOLOAWE ISLAND RESERVE COMMISSION  
LAND  
STATE FARMS

November 13, 2006

Dr. Michael Dega  
Scientific Consultant Services, Inc.  
711 Kapiolani Boulevard, Suite 975  
Honolulu, Hawaii 96813

LOG NO: 2006.3593  
DOC NO: 0611MK07  
Archaeology

Dear Dr. Dega:

**SUBJECT: Chapter 6E-42 Historic Preservation Review –  
Revised Archaeological Inventory Survey for 633 Acres in the  
Launiupoko Large Lot Subdivision Numbers 3, 4, and 7  
Launiupoko and Polanui Ahupuaa, Lahaina District, Island  
TMK (2) 4-7-001: por. 2**

Thank you for the opportunity to review this revised report which our staff received on August 24, 2006 (Paraso and Dega 2006, *An Archaeological Inventory Survey of 633 acres in the Launiupoko [Large Lot] Subdivision NOS 3, 4, and 7, Launiupoko and Polanui Ahupuaa, District of Lahaina [Formerly Kaanapali] Island of Maui, Hawaii [TMK (2) 4-7-01:2 por.]*...Scientific Consultant Services, Inc., ms). We previously provided comments and requested some revisions (LOG NO: 2006.2835/DOC NO: 0608MK27) including the insertion of permanent SIHP site numbers throughout the report. We indicated that the background section was acceptable.

The survey has adequately covered the project area documenting ten historic properties, two of which were previously identified during previous archaeological inventory survey. Previously identified SIHP 50-50-03-2665 consists of two historic ranching wall segments, and 50-50-03-4787 consists of an historic irrigation ditch. Newly identified sites 50-50-03-5950 through -5957 consist of plantation and ranching activity sites including rock mounds, irrigation systems, terraces, slag scatter, modified rock deposit, lithic/midden scatter, and wall segments. These sites represent historic plantation activities related to sugar production or ranching activities.

We agree with the significance assessments that all of the sites are significant under Criterion "D" for their information content. No further work is necessary for SIHP 50-50-03-5951 through 5957, -2665, and -4787.

We previously concurred with the preliminary mitigation recommendations for SIHP 50-50-03-5930, which consists of the large plantation era clearing mounds, and has been discussed within the community from a cultural perspective. Oral documentation by former plantation workers suggests that the mounds may be both constructed upon existing stone structures, and that cultural materials were periodically placed within the mounds during the field clearing process. We believe that archaeological monitoring during any deconstruction of these mounds is appropriate. We will await a monitoring plan detailing the proposed scope of monitoring.

Dr. Michael Dega  
Page 2

We find this report to be acceptable. As always, if you disagree with our comments or have questions, please contact Dr. Melissa Kirkendall at (808) 243-5169 as soon as possible to resolve these concerns.

Aloha,



Melanie Chinen, Administrator  
State Historic Preservation Division

MK:kf

c: Bert Ratte, DPWEM, County of Maui, FAX 270-7972  
Michael Foley, Director, Dept. of Planning, FAX 270-7634  
Maui Cultural Resources Commission, Dept. of Planning, 250 S. High Street, Wailuku, HI 96793

September 11, 2015  
**Notification of Petition Filing**

This is to advise you that a petition to amend the State Land Use District Boundaries with the following general information has been submitted to the State of Hawai'i Land Use Commission ("Commission"):

**Docket No:** A15-799

**Petitioner/  
Address:** Makila Land Co., LLC  
305 E Wakea Ave., Ste 100  
Kahului, Hawai'i 96732

**Landowner:** Makila Land Co., LLC

**TMK Nos.** (2) 4-7-013:001, 002, 003, 004, 005, 006, 007, 008, 009, 010, 011, 012

**Location:** Launiupoko, Polanui, District of Lahaina, Island and County of Maui,  
State of Hawai'i

**Requested  
Reclassification:** Approximately 40 Acres from Agricultural to Urban  
Approximately 231 Acres from Agricultural to Rural

**Petition Area/  
Total Acreage:** Approximately 271.175 acres

**Proposed Uses:** MLC is proposing a rural residential community proposed to contain approximately 150 rural residential lots ranging in size from approximately one-half to one-acre, and a minimum of 50 single-family workforce housing units, with a potential of up to 75 single-family workforce housing units, on lots with a minimum size of 6,000 square feet. The workforce housing units will be clustered near a central "village core" which is envisioned to offer basic conveniences and services including a park, limited commercial space, a community center, and possibly a site for a fire and ambulance substation. In addition, approximately seven acres within the Petition Area are proposed for dedication to the State Department of Transportation for the construction of the Lahaina Bypass.

You may review detailed information regarding the petition at the Commission office or the County of Maui Planning Department. The Commission's office is located at 235 S. Beretania Street, Room 406, Honolulu, Hawai'i. Office hours are from 7:45 a.m. to 4:30 p.m., Mondays through Fridays. The County of Maui Planning Department is located at 250 S. High St., Kalana Pakui Bldg. Suite 200, Wailuku, HI 96793. Office hours are from 7:45 a.m. to 4:30 p.m., Monday through Friday.

A hearing on this petition will be scheduled at a future date. If you are interested in participating in the hearing as a public witness, please write or call the Commission office at P. O. Box 2359, Honolulu, Hawai'i 96804-2359; Phone (808) 587-3822.

If you intend to participate in the hearing as an intervenor, pursuant to §15-15-52(b), Hawai'i Administrative Rules, you should file a Notice of Intent to Intervene with the Commission within 30 days of the date of this notice. Please contact the Commission office for further information.

4853-2593-2328.1.054246-00005

