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Attorney for Petitioner
RCFC KEHALANI, LLC

BEFORE THE LAND USE COMMISSION

STATE OF HAWAII

In the Matter of the Petition of	)	DOCKET NO. A89-642
)	
C. BREWER PROPERTIES, INC.	)	PETITIONER RCFC KEHALANI, LLC'S
	)	RESPONSE TO ORDER DEFERRING
To Amend the Agricultural Land Use District	)	DECISION MAKING ON PETITIONERS
Boundary into the Urban Land Use District	)	WAILUKU PLANTATION LLC, EDGAR
for approximately 626 Acres Situate at	)	SOMERA, FAY SOMERA, LARRY S.
Wailuku and Piihana, Maui, Hawaii, Tax	)	SKY, DAYONG ZHAO, XIU XIANG
Map Key Nos.: 3-5-01: Portion 01, Portion	)	FANG, BONG HWA SHI JORDAN,
17; 3-4-07:02; 3-3-01:33, 39, and Portion 16;	)	WENXIAO LIU and ELISE TRAVIS'
3-4-32:10, 18 and Portion 01	)	MOTION FOR ORDER BIFURCATING
	)	DOCKET NO. A89-642; DECLARATION
	)	OF RANDALL F. SAKUMOTO;
	)	EXHIBITS "1" – "5"; VERIFICATION;
	)	CERTIFICATE OF SERVICE
)	
	)	Hearing Date: November 19, 2020

PETITIONER RCFC KEHALANI, LLC'S RESPONSE TO
ORDER DEFERRING DECISION MAKING ON PETITIONERS
WAILUKU PLANTATION LLC, EDGAR SOMERA, FAY SOMERA, LARRY S. SKY,
DAYONG ZHAO, XIU XIANG FANG, BONG HWA SHI JORDAN, WENXIAO LIU
and ELISE TRAVIS' MOTION FOR ORDER BIFURCATING DOCKET NO. A89-642

Co-Petitioner RCFC KEHALANI, LLC ("RCFC Kehalani"), by and through its attorneys,
McCorryston Miller Mukai MacKinnon LLP, hereby respectfully submit its Response to Order
Deferring Decision Making On Petitioners Wailuku Plantation LLC, Edgar Somera, Fay Somera,

Larry S. Sky, Dayong Zhao, Xiu Xiang Fang, Bong Hwa Shi Jordan, Wenxiao Liu And Elise Travis' Motion For Order Bifurcating Docket No. A89-642, filed on October 5, 2020 (the "Order").

In the Order, the State of Hawaii, Land Use Commission ordered that, among other things, the parties in this docket address "how they plan to meet or demonstrate that they have met the affordable housing requirement as well as their financial capability and development timeline to move forward and complete their projects." See Order, Page 6. In response thereto, RCFC Kehalani hereby provides the following response:

AFFORDABLE HOUSING

On January 30, 1990, the Commission filed its Findings of Fact, Conclusions of Law, and Decision and Order in this docket (the "D&O"). The "affordable housing requirement" is set forth in Condition 1 of the D&O and reads as follows:

Petitioner shall provide housing opportunities for low, low-moderate, and moderate income residents of the State by offering for sale or lease a number of units equal to at least thirty percent (30%) of the residential units in each of the Project Districts of the Property, at prices which families with an income range of up to one hundred twenty percent (120%) of the County of Maui's median income can afford, and a number of units equal to at least thirty percent (30%) of the residential units in each of the Project Districts of the Property, at prices which families with an income range of one hundred twenty to one hundred forty percent (120% - 140%) of the County of Maui's median income can afford.

This condition may be fulfilled through construction and distribution of units in the Property or through other projects within the same Community Plan District as the Property, under such terms as may be mutually agreeable, between Petitioner and the Housing Finance and Development Corporation of the State and the County of Maui.

This condition may also be fulfilled, with the approval of the Housing Finance and Development Corporation and the County of Maui, through construction of rental units to be made available at rents which families in the specified income ranges can afford.

In addition, Petitioner may obtain the special credit, as determined by the Housing Finance and Development Corporation and the County of Hawaii, for the provision of more than ten percent (10%) of the total units of housing affordable to persons with incomes less than eighty percent (80%) of Maui's median income and for the provision of housing for special needs groups, as determined by the Housing Finance and Development Corporation and the County of Maui.

Insofar as possible, the Petitioner shall implement this affordable housing requirement concurrently with the completion of market priced units for the residential project. The determination of median income, as the term is used in this condition, shall be based on median income figures established by the United States Department of Housing and Urban Development at the time that construction of such housing units commenced.

On August 31, 1991, original Petitioner C. Brewer Properties, Inc., filed its annual report with the Commission, a copy of which is attached as Exhibit "1". In that report, original Petitioner C. Brewer Properties, Inc. advised the Commission as follows with respect to Condition 1 of the D&O:

"After lengthy discussions, Petitioner has reached a tentative agreement with the County of Maui to provide for fifty (50) percent of the homes in the combined project districts to be in the affordable categories starting at fifty-one percent (51%) of the median family income for Maui County. The Housing Finance and Development Corporation will be consulted with for its review and approval of this tentative agreement."

On November 8, 1991, the County approved Bill No. 70 (1991) as Ordinance No. 2053, establishing the Wailuku-Kahului Project District 3 zoning. A copy of said Ordinance No. 2053 is attached as Exhibit "2". Condition 1 of Ordinance No. 2053 imposed the following affordable housing requirement:

The applicant shall comply with the affordable housing requirements set forth in the State Land Use Commission's Decision and Order, dated January 30, 1990, which reclassified the subject parcels from the Agricultural to Urban District.

The applicant shall provide the following percentages of dwelling units in the Wailuku and Piihana Project Districts in the aggregate, for sale or rental to persons in the low, low-moderate, and moderate income groups, as identified by the Housing Finance and Development Corporation, State of Hawaii;

<u>Income Range</u>	<u>%</u>
51% to 65% of median income	5%
66% to 80% of median income	10%
81% to 120% of median income	15%
121% to 140% of median income	<u>20%</u>
TOTAL	50%”

RCFC Kehalani continues to work with Maui County Department of Housing and Human Concerns (“DHHC”) on satisfying these affordable housing requirements. On March 11, 2020, DHHC issued a letter, a copy of which is attached as Exhibit “3”, confirming, among other things, that as of March 2, 2020, the Wailuku Project District has earned 1,130 affordable housing credits through the sale of units at affordable prices and is compliant with the affordable housing requirements.

REMAINING DEVELOPMENT

Since 2013, RCFC Kehalani has spent approximately \$25,000,000 to complete various master development infrastructure for the Wailuku Project District. These costs were funded with cash resultant from sales of residential bulk lots to homebuilders and from sales of commercial lots at Kehalani Village Center.

With respect to the completion of the Wailuku Project District, the following is a summary of the infrastructure work which remains to be done as of the date hereof, along with the approximate cost of such work and the estimated timing of such work:

REMAINING INFRASTRUCTURE WORK	APPROXIMATE COST	ESTIMATED TIMING
Roadway Infrastructure	\$350,000	Traffic signals to be installed at Kehalani Village Center when the County determines that the signals are warranted. The infrastructure for the signals has already been installed.

REMAINING INFRASTRUCTURE WORK	APPROXIMATE COST	ESTIMATED TIMING
Water System Improvements	\$3,100,000	RCFC Kehalani will contribute \$2,000,000 for the construction of a new water tank. The County Dept. of Water Supply will advise when the tank needs to be constructed. RCFC Kehalani will also construct a mid-level booster pump system upon approval of the construction plans by the County Dept. of Water Supply.
Bike Path and Landscaping Improvements	\$700,000	To be completed concurrently with development of Modules 12 and 13. The project will be started upon approval of all required permits.
Roadway and Drainage System Conveyance Costs and Contingency Costs	\$1,000,000	The roadways and drainage system conveyance to the County of Maui is currently in progress. The roadway conveyance process began in 2017.
General and Administrative Costs	\$500,000	Ongoing costs of the master developer and includes property taxes, insurance, etc.
TOTAL REMAINING COSTS	\$5,650,000	

The approximate locations of the work described above is shown on the site plan of the Wailuku Project District attached as **Exhibit "4"**. RCFC Kehalani will fund the cost of the work listed above with cash reserves.

DATED: Honolulu, Hawai'i, October 21, 2020.



RANDALL F. SAKUMOTO

Attorney for Petitioner
RCFC KEHALANI, LLC

BEFORE THE LAND USE COMMISSION

STATE OF HAWAI'I

In the Matter of the Petition of) DOCKET NO. A89-642
)
C. BREWER PROPERTIES, INC.) DECLARATION OF RANDALL F.
) SAKUMOTO; EXHIBITS "1"- "5"
To Amend the Agricultural Land Use District)
Boundary into the Urban Land Use District)
for approximately 626 Acres Situate at)
Wailuku and Piihana, Maui, Hawaii, Tax)
Map Key Nos.: 3-5-01: Portion 01, Portion)
17; 3-4-07:02; 3-3-01:33, 39, and Portion 16;)
3-4-32:10, 18 and Portion 01)
)
)
_____)

DECLARATION OF RANDALL F. SAKUMOTO

I, RANDALL F. SAKUMOTO, hereby declare:

1. I am licensed to practice law in all courts of the State of Hawai'i.
2. I am an attorney with the law firm of McCorrison Miller Mukai MacKinnon LLP, attorneys for Co-Petitioner RCFC KEHALANI, LLC ("RCFC Kehalani"), as referenced above in this matter.
3. This declaration is submitted in support of Petitioner RCFC Kehalani, LLC's Response to Order Deferring Decision Making On Petitioners Wailuku Plantation LLC, Edgar Somera, Fay Somera, Larry S. Sky, Dayong Zhao, Xiu Xiang Fang, Bong Hwa Shi Jordan, Wenxiao Liu And Elise Travis' Motion For Order Bifurcating Docket No. A89-642.
4. As an attorney at McCorrison Miller Mukai MacKinnon LLP, I have personal knowledge of the filings in the above-referenced case and access to records and files kept in the normal course of the business conducted by McCorrison Miller Mukai MacKinnon LLP.

5. Attached hereto as **Exhibit "1"** is a true and correct copy the annual report dated August 31, 1991, filed in Docket No. A89-642 by original Petitioner C. Brewer Properties, Inc. with the State of Hawaii, Land Use Commission (the "Commission").

6. Attached hereto as **Exhibit "2"** is a true and correct copy of Bill No. 70 (1991), Ordinance No. 2053, approved by the County of Maui on November 8, 1991, establishing the Wailuku-Kahului Project District 3.

7. Attached hereto as **Exhibit "3"** is a true and correct copy of a letter dated March 11, 2020, from the County of Maui, Department of Housing & Human Concerns to Dowling Company, Inc.

8. Attached hereto as **Exhibit "4"** is a true and correct copy of a site plan of the Wailuku Project District showing the approximate locations of the infrastructure work which remains to be done as of the date hereof.

9. Attached hereto as **Exhibit "5"** is a true and correct copy of the Verification dated and notarized on October 20, 2020, made by Brian Ige. The original will be submitted for filing at a later date.

I, RANDALL F. SAKUMOTO, declare under penalty of law that the foregoing is true and correct.

Executed this 21st day of October, 2020, at Honolulu, Hawai'i.



RANDALL F. SAKUMOTO

FOLEY MAEHARA JUDGE NIP & CHANG

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WESLEY Y. S. CHANG
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JAMES R. JUDGE

ARLENE S. KISHI
ERIC T. MAEHARA
RENTON L. K. NIP
CARL TOM

PAULA W. CHONG
MIMI K. HORIUCHI
LENORE HU LEE

LEANNE A. N. NIKAI DO
JORDAN D. WAGNER

August 31, 1991

Land Use Commission
State of Hawaii
Old Federal Building, Room 104
335 Merchant Street
Honolulu, Hawaii 96813

Re: Annual Report for Docket No. A89-642:
C. Brewer Properties, Inc.

Honorable Chairman and Members:

Please be advised that this office serves as legal counsel for C. Brewer Properties, Inc., Petitioner in the above-referenced docket, and in response to condition 12 of the Findings, Conclusions of Law, and Decision and Order, filed on January 30, 1990, we submit the following report.

Background

On January 30, 1990, the Land Use Commission (the "Commission") adopted Findings of Fact, Conclusions of Law, and Decision and Order in Docket No. A89-642, the ("Order"), granting the reclassification of approximately 626 acres of land comprising of two (2) separate non-contiguous parcels of real property situate in the Wailuku District, Island and County of Maui, State of Hawaii, which are designated in the Wailuku-Kahului Plan for the County of Maui as Project District No. 3, comprising of approximately 547 acres (the "Wailuku Project District"), and Project District No. 2, comprising of approximately 79 acres (the "Piihana Project District") and are further described on Tax Maps of the State of Hawaii as follows: Wailuku Project District, comprising of Tax Map Key Nos: (Second Division) 3-5-01: portion of 1 and portion of 17, and 3-4-07:02; and Piihana Project District, comprising of Tax Map Key Nos: (Second Division) 3-3-01:33, 39 and portion of 16, and 3-4-32:10, 18 and portion of 01 (both project districts may sometimes be collectively referred to as the "Property") from the Agricultural District to the Urban District to permit the development of two residential communities providing for a variety of residential unit types along with required amenities to serve said developments.

SEP 3 2 45 PM '91
LAND USE COMMISSION
STATE OF HAWAII

On April 24, 1990, Petitioner filed separate applications for project district approval and change in zoning for the Wailuku Project District and the Piihaha Project District. Following a public hearing on August 21, 1990, the Maui Planning Commission voted to approve the applications and forward the same for review and action by the Maui County Council. Presently, the two project district applications have been referred to the Council's Committee on Planning and Economic Development following a recently completed public hearing by the County Council.

Response to Conditions

1. Petitioner shall provide housing opportunities for low, low-moderate, and moderate income residents of the State by offering for sale or lease a number of units equal to at least thirty percent (30%) of the residential units in each of the project districts of the Property, at prices which families with an income range of up to one hundred twenty percent (120%) of the County of Maui's median income can afford, and a number of units equal to at least thirty percent (30%) of the residential units in each of the project districts of the Property, at prices which families with an income range of one hundred twenty to one hundred forty percent (120-140%) of the County of Maui's median income can afford.

This condition may be fulfilled through construction and distribution of units in the Property or through other projects within the same Community Plan District as the Property, under such terms as may be mutually agreeable, between Petitioner and the Housing Finance and Development Corporation ("HFDC") of the State and the County of Maui.

This condition may also be fulfilled, with the approval of the HFDC and the County of Maui, through construction of rental units to be made available at rents which families in the specified income ranges can afford.

In addition, Petitioner may obtain the special credit, as determined by the HFDC and the County of Maui, for the provision of more than ten percent (10%) of the total units of housing affordable to persons with incomes less than eighty percent (80%) of Maui's median income and for the provision of housing for special needs groups, as determined by the HFDC and the County of Maui.

Insofar as possible, Petitioner shall implement this affordable housing requirement concurrently with the completion of market priced units for the residential project. The

determination of median income, as the term is used in this condition, shall be based on median income figures published by the United States Department of Housing and Urban Development at the time that construction of such housing units is commenced.

Response: After lengthy discussions, Petitioner has reached a tentative agreement with the County of Maui to provide for fifty (50) percent of the homes in the combined project districts to be in the affordable categories starting at fifty-one percent (51%) of the median family income for Maui County. The Housing Finance and Development Corporation will be consulted with for its review and approval of this tentative agreement.

2. Petitioner shall prepare, or participate in the preparation of, a regional traffic impact study to address all traffic impacts resulting from the project in coordination with the State Department of Transportation and the County of Maui.

Petitioner shall participate on a pro rata share basis in the funding and construction of regional transportation improvements identified by, and to the satisfaction of, the State Department of Transportation and the County of Maui. Petitioner shall also fund and construct the transportation improvements in the immediate vicinity, and necessitated by the proposed development as identified by, and to the satisfaction of, the State Department of Transportation and the County of Maui. In addition, Petitioner shall submit all construction plans, traffic studies and drainage reports associated with the project districts to the State Department of Transportation and the County of Maui for review and approval.

Response: Petitioner has prepared a regional long-range traffic impact study in conjunction with the State Department of Transportation and the County of Maui Department of Public Works. Copies of this study have been distributed to the State Department of Transportation and various agencies of the County of Maui. In addition, Petitioner has made a formal proposal to the County of Maui to share, on a fair and equitable basis, in funding the planning, engineering and construction of various highway and traffic improvements, including the extension of the Waiale Road bypass, extensions of Eha Street, Mahalani Street and Imikala Street, and the existing cane haul road from Mill Street to lower Main Street. In addition, participation on a fair and equitable basis by Petitioner will provide for improvements to other intersections and road improvements within and around the Wailuku Project District and Piihaha Project District.

3. Petitioner shall prepare a drainage and erosion control plan and shall fund and construct the necessary drainage improvements.

Response: Petitioner is in the process of preparing a preliminary engineering report which describes in detail the drainage and erosion control plans for both project districts. This report will be completed and submitted to the County of Maui as part of its Step 2 Project District Approval Application.

4. Petitioner shall provide the necessary water source and transmission facilities to service the Project.

Response: Petitioner has entered into and continues in discussions with the Department of Water Supply, County of Maui, for the development of water sources and transmission facilities in the Waiehu and Waihee aquifers to service these projects.

5. Petitioner shall pay its pro rata share to expand or improve the existing Kahului Wastewater Treatment Plant and/or route the wastewater to be generated by the project to the proposed new Central Maui Wastewater Treatment Plant to the satisfaction of the County of Maui, Department of Public Works, and the State Department of Health. Petitioner shall also participate in the funding of the proposed new wastewater treatment plant and required transmission lines.

Response: Petitioner has entered into an agreement with Maui Lani Partners, A & B, Inc. and the County of Maui to expand the existing Kahului Wastewater Treatment Plant from 6.0 to 7.9 million gallons per day capacity. Petitioner will receive an allocation of approximately 350,000 gallons from this expansion and can acquire additional gallons in the future through the payment of a sewer impact fee. Petitioner's share of the cost will be approximately \$2,000,000. The final agreement is currently under review by the Mayor's Office and will be transmitted to the County Council for final approval. Construction time of the completion for the improvements will be approximately 18 months and will be completed prior to the occupancy of the first dwelling unit properties.

6. Petitioner shall inform all prospective occupants of the Hawaii Right-to-Farm Act, Chapter 165, Hawaii Revised Statutes, which limits the circumstances under which pre-existing farming activities may be deemed a nuisance.

Response: Petitioner is drafting a disclosure statement to be included in the sales packages for prospective purchasers and will include restrictive covenants and deeds disclosing the

Hawaii Right-to-Farm Act, Chapter 165, Hawaii Revised Statutes, which limits the circumstances in which pre-existing farm activities may be deemed a nuisance.

7. Petitioner shall provide its pro rata share for school facilities as may be required by and to the satisfaction of the State Department of Education.

Response: Petitioner has agreed to provide an eight (8) acres school site within the Wailuku Project District which is in compliance with the requirements of the State Department of Education for a new elementary school.

8. Petitioner shall provide its pro rata share for police, fire, park and solid waste disposal as may be required by and to the satisfaction of the County of Maui.

Response: Petitioner is willing to provide its prorated share for police, fire and solid waste disposal. No request for the same has been received from the County of Maui. Further, in lieu of a park assessment, Petitioner has agreed to develop approximately twenty (20) acres for active park use and will set aside additional acreage for open space and passive park use.

9. Petitioner shall perform further subsurface testing of the Piihaha Project District to the satisfaction of the State Historic Preservation Office. Petitioner shall also submit a mitigation plan to the State Historic Preservation Office for review and approval.

Petitioner shall immediately stop work and contact the State Historic Preservation Office should any archaeological resources such as artifacts, shell, bone, or charcoal deposits, human burial, rock or coral alignments, pavings or walls be encountered during the project's development.

Response: With regard to the Piihaha Project District, Petitioner has been in close contact with the State Historic Preservation Office. An agreement has been made to leave the existing sand dunes in its natural state and arrangements have been made with both the State Historic Preservation Office and the Maui Burial Council in the event any archaeological resources or burials are discovered.

10. Petitioner shall develop the Property in substantial compliance with representations made to the Land Use Commission in obtaining the reclassification of the Property.

Response: Petitioner shall develop the Property in substantial compliance with the representations made to the Commission. Upon obtaining Commission approval for the reclassification, Petitioner applied for project district adoption and change in zoning with the County of Maui. The applications were reviewed by appropriate State and County agencies and were found to be in substantial compliance with the representations made before the Commission.

11. Petitioner shall give notice to the Commission of any intent to sell, lease, assign, place in trust, or otherwise voluntarily alter the ownership interest in the Property covered by the approved petition, prior to development of the Property.

Response: Petitioner owns the Property and is proceeding with appropriate development activity. Petitioner will notify the Commission of any change of the ownership structure.

12. Petitioner shall provide annual reports to the Land Use Commission, the Office of State Planning and the County of Maui Planning Department in connection with the status of the Project and Petitioner's progress in complying with the conditions imposed.

Response: This letter constitutes compliance with the requirement for annual reports to be provided to the Commission, the Office of State Planning and the County of Maui Planning Department.

13. Petitioner shall enter into an Agreement with the Department of Hawaiian Home Lands (DHHL) that Petitioner shall take no action within four years of the date of said Agreement, on Petitioner's Piihana and Wailuku Project Districts, which will jeopardize the ability of DHHL to apply for or obtain an allocation of sewage treatment capacity from the County. Said Agreement shall be recorded within thirty (30) days of the effective date of the Commission's Decision and Order and shall run with the land.

Response: Petitioner has entered into an agreement with the Department of Hawaiian Home Lands, a copy of which is attached hereto as Exhibit A, wherein Petitioner agrees that it shall take no action within four years of the date of said agreement which would jeopardize the ability of the Department of Hawaiian Home Lands to apply for or obtain an allocation of sewage treatment capacity from the County. Said agreement has been recorded with the Bureau of Conveyances and runs with the land.

14. In the event that Petitioner should sell its interest in its Piihana and Wailuku Project Districts, Petitioner shall subject the Property to deed restrictions to run with the land which shall require the successors and assigns to comply with the terms and conditions set forth in the Commission's Decision and Order.

Response: In the event Petitioner should sell its interest in its Piihana and Wailuku Project Districts, it shall subject the Property to deed restriction to run with the land which shall require their successors and assignors to comply with the terms and conditions set forth in the Commission's Decision and Order.

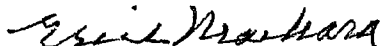
15. The Commission may fully or partially release these conditions as to all or any portion of the Property upon timely motion, and upon the provision of adequate assurance of satisfaction of these conditions by the Petitioner.

Response: At this time we are not prepared to ask for any change or modification.

Conclusion

Petitioner shall serve copies of this annual report on the Office of State Planning and the County of Maui. We apologize for the untimely submittal of this annual report and shall provide timely reports in the future. Should you have any questions or require any further additional information with regard to the foregoing, please contact the undersigned.

Very truly yours,



Eric T. Maehara

ETM:cs



STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
LAND USE COMMISSION
Room 104, Old Federal Building
335 Merchant Street
Honolulu, Hawaii 96813
Telephone: 548-4611

August 13, 1991

Eric Maehara, Esq.
Foley, Maehara, Judge,
Nip & Chang
2700 Grosvenor Center
737 Bishop Street
Honolulu, Hawaii 96813

Dear Mr. Maehara:

Subject: Filing of Conditions for LUC Docket No.
A89-642/C. Brewer Properties, Inc., and Agreement
dated July 26, 1990 Between C. Brewer Properties,
Inc. and the State Department of Hawaiian
Homelands

This is to acknowledge receipt of the certified copies of
the Declaration of Conditions and Agreement for the subject
docket transmitted by your letter dated August 8, 1991.

Thank you for your cooperation on this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Esther Ueda".

ESTHER UEDA
Executive Officer

EU:to

ORDINANCE NO. 2053

BILL NO. 70 (1991)

A BILL FOR AN ORDINANCE TO ESTABLISH
WAILUKU-KAHULUI PROJECT DISTRICT 3 ZONING
(CONDITIONAL ZONING) FOR PROPERTY
LOCATED AT WAILUKU, MAUI, HAWAII

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

SECTION 1. Pursuant to Chapters 19.42 and 19.45 of the Maui County Code, Wailuku-Kahului Project District 3 Zoning (conditional zoning) is hereby established, subject to Section 2 of this ordinance, for those certain parcels of land located at Wailuku and Waikapu, Maui, Hawaii, identified for real property tax purposes by Tax Map Key Numbers 3-4-07:2, 3-5-01: Portion of 1, and 3-5-01: Portion of 17, comprised of approximately 547.256 acres, more particularly described in Exhibit "A", which is attached hereto and made a part hereof, and in Land Zoning Map No. L-409, which is on file in the Office of the County Clerk of the County of Maui and which is by reference made a part hereof.

SECTION 2. Pursuant to Section 19.42.060 of the Maui County Code, the zoning established by this ordinance shall be subject to the conditions set forth in Exhibit "B", which is attached hereto and made a part hereof, and the Unilateral Agreement and Declaration for Conditional Zoning, which is attached hereto and made a part hereof as Exhibit "C".

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

APPROVED AS TO FORM AND LEGALITY:



ROBERT K. KEKUNA, JR.
Deputy Corporation Counsel
County of Maui
waiag/ords/c(cs)

Exhibit 2

Wailuku Project District No. 3
Description of Parcel Above Monoapilani Highway

Land situated on the west side of Monoapilani Highway F.A.P. No. 13-G and on the north side of Kuikahi Drive at Wailuku, Waikapu, Maui, Hawaii.

Being portion of R.P. 7659, L.C. Aw. 126 to Wm. Humphreys; R.P. 4529-B & 4549, L.C. Aw. 71 to Michael J. Nowlain; R.P. 1925, 1928, 1958, L.C. Aw. 387 Part 5, Sec. 1 to A.S.C.F.M; Grant 172 to E. Bailey and Grant 483 to E. Bailey

Beginning at a pipe at the southwest corner of this parcel of land on the north side of Kuikahi Drive, the coordinates referred to Government Survey Triangulation Station "LUKE" being 4,783.71 feet South and 5,925.55 feet West and running by azimuths measured clockwise from True South:

1. 186° 10' 50" 186.31 feet along Lots 1, 2 and 3 of Wailuku Heights Subdivision Unit I, File Plan 1707;
2. Thence along Lots 3 and 4 of Wailuku Heights Subdivision Unit I, File Plan 1707 on a curve to the left having a radius of 155.00 feet, the chord azimuth and distance being: 172° 55' 45" 71.06 feet;
3. 159° 40' 40" 238.06 feet along Lots 4, 5 and 6 of Wailuku heights Subdivision Unit I, File Plan 1707;
4. 202° 13' 20" 139.44 feet along Lots 7 and 8 of Wailuku Heights Subdivision Unit I, File Plan 1707;
5. Thence along Lot 8 of Wailuku Heights Subdivision Unit I, File Plan 1707 on a curve to the left having a radius of 85.00 feet, the chord azimuth and distance being: 190° 36' 40" 34.22 feet;
6. 179° 00' 149.65 feet along Lots 8 and 9 of Wailuku Heights Subdivision Unit I, File Plan 1707;

7. 34°	37'	14.49 feet	along Lot 9 of Wailuku Heights Subdivision Unit I, File Plan 1707;
8. 175°	35'	106.92 feet	along the remainder of R.P. 4529-B and 4549, L.C. Aw. 71 to Michael J. Nowlein;
9. 167°	04'	325.21 feet	along same;
10. 164°	06'	110.01 feet	along same;
11. 151°	58'	59.48 feet	along the remainder of Grant 483 to E. Bailey;
12. 144°	34'	54.42 feet	along same;
13. 136°	32'	125.13 feet	along same;
14. 133°	08'	322.70 feet	along same;
15. 136°	25'	63.50 feet	along same;
16. 146°	11'	66.61 feet	along same;
17. 155°	47'	99.76 feet	along same;
18. 137°	21'	52.57 feet	along same;
19. 183°	52'	90.13 feet	along same;
20. 152°	14'	97.08 feet	along same;
21. 191°	58'	43.72 feet	along same;
22. 228°	14'	121.65 feet	along same;
23. 215°	42'	39.52 feet	along same;
24. 191°	06'	69.00 feet	along same;
25. 184°	13'	241.09 feet	along same;
26. 176°	07'	125.63 feet	along same;
27. 164°	38'	114.86 feet	along same;
28. 156°	05'	105.53 feet	along same;
29. 143°	56'	325.71 feet	along same;

30. 163° 02' 105.02 feet along same;
31. 168° 43' 111.54 feet along same;
32. 162° 45' 56.00 feet along same;
33. 139° 24' 53.01 feet along same;
34. 106° 32' 100.04 feet along same;
35. 195° 56' 26.63 feet along the easterly side of West Alu Road;
36. Thence along same on a curve to the right having a radius of 459.10 feet, the chord azimuth and distance being: 218° 35' 281.45 feet;
37. 236° 26' 343.30 feet along same;
38. Thence along same on a curve to the left having a radius of 291.50 feet, the chord azimuth and distance being: 212° 31' 236.35 feet;
39. 188° 36' 137.66 feet along same;
40. Thence along same on a curve to the left having a radius of 390.50 feet, the chord azimuth and distance being: 165° 40' 304.32 feet;
41. 142° 44' 44.86 feet along same;
42. Thence along same on a curve to the right having a radius of 56.60 feet, the chord azimuth and distance being: 181° 16' 70.52 feet;
43. 219° 48' 123.26 feet along same;
44. Thence along same on a curve to the left having a radius of 336.50 feet, the chord azimuth and distance being: 192° 49' 305.36 feet;
45. 165° 50' 189.16 feet along same;

46. Thence along same on a curve to the right having a radius of 107.50 feet, the chord azimuth and distance being:
203° 20' 130.88 feet;
47. 240° 50' 253.47 feet along same;
48. Thence along same on a curve to the left having a radius of 1,181.80 feet, the chord azimuth and distance being:
236° 52' 45" 162.99 feet;
49. 232° 55' 30" 14.56 feet along same;
50. 323° 34' 60.01 feet along the remainder of R.P. 1925, 1928, 1958, L.C. Aw. 387 Part 5 Sec. 1 to A.B.C.F.M.;
51. 232° 55' 30" 71.25 feet along same;
52. 306° 21' 42" 97.17 feet along same;
53. 257° 55' 57" 87.82 feet along same;
54. 240° 36' 74.60 feet along same;
55. 214° 22' 03" 63.81 feet along same;
56. 199° 19' 181.92 feet along same;
57. 163° 04' 63.63 feet along same;
58. Thence along the south side of West Alu Road on a curve to the left having a radius of 1513.70 feet, the chord azimuth and distance being:
235° 15' 16" 30.00 feet;
59. 322° 28' 189.35 feet along the remainder of R.P. 1925, 1928, 1958, L.C. Aw. 387 Part 5 Sec. 1 to A.B.C.F.M.;
60. 232° 28' 642.65 feet along same;
61. 244° 58' 826.58 feet along same and the remainder of Grant 172 to E. Bailey;
62. 345° 30' 135.00 feet along the remainder of Grant 172 to E. Bailey;
63. 300° 45' 160.00 feet along same;

64.	257°	45'		120.00 feet along same;
65.	258°	00'		190.88 feet along same;
66.	10°	55'	30"	396.16 feet along same;
67.	15°	29'		340.28 feet along same;
68.	271°	30'		103.79 feet along same;
69.	1°	30'		30.00 feet along same;
70.	91°	30'		203.65 feet along same;
71.	350°	47'		484.00 feet along same;
72.	271°	30'		360.00 feet along same;
73.	350°	47'		1,032.08 feet along same and the remainder of R.P. 1925, 1928, 1958, L.C. Aw. 387 Part 5 Sec. 1 to A.B.C.F.M.; and Grant 483 to E. Bailey;
74.	260°	47'		375.00 feet along the remainder of Grant 483 to E. Bailey;
75.	350°	47'		30.00 feet along same;
76.	250°	47'		119.92 feet along same;
77.	350°	49'		1,869.36 feet along the west side of Honoapiilani Highway, F.A.P. No. 13-G;
78.	Thence along same on a curve to the right having a radius of 28,607.80 feet, the chord azimuth and distance being: 351° 19' 33.5" 508.59 feet;			
79.	354°	53'	43"	158.02 feet along same;
80.	Thence along same on a curve to the right having a radius of 28,599.80 feet, the chord azimuth and distance being: 352° 19' 09.8" 167.72 feet;			

31. Thence along the north side of Kuikahi Drive on a curve to the right having a radius of 39.00 feet, the chord azimuth and distance being:
37° 09' 37.3" 53.43 feet;
32. 81° 50' 210.82 feet along same;
33. Thence along same on a curve to the left having a radius of 1,933.86 feet, the chord azimuth and distance being:
63° 05' 30" 1242.71 feet;
34. 44° 21' 916.59 feet along same;
35. Thence along same on a curve to the right having a radius of 1,017.74 feet, the chord azimuth and distance being:
71° 09' 30" 918.02 feet;
36. 97° 58' 82.59 feet along same;
37. Thence along same on a curve to the left having a radius of 1,933.86 feet, the chord azimuth and distance being:
94° 46' 30" 215.34 feet;
38. 91° 35' 338.07 feet along same to the point of beginning and containing an gross area of 439.041 Acres.

Subject also to an easement in favor of Alexander and Baldwin Inc. for Waiale Division Conduit more particularly described as follows:

A perpetual easement or right-of-way for an underground pipe or tunnel (herein referred to as the Waiale Division Conduit) from the New Waihee Ditch to the Old Waihee Ditch, of such size and capacity as shall be sufficient to divert and carry any volume of water to the full capacity of the New Waihee Ditch, along the line of or adjacent to the present 36" diversion pipe; the center line of said present pipe being described as follows:

Beginning at a point on the mauka line of Lot 1, of the Old Waihee Ditch Right-of-Way above described in paragraph (A), and in the center line of said present diversion pipe, at its outlet into said Old Waihee Ditch, the coordinates of which point referred to Luke Trig. Station are 21.45 feet South and 1,251.85 feet West; also said point is azimuth and distance 136° 30' 22.7 feet from the end of Course 4 of Lot 1 of said Old Waihee Ditch Right-of-Way, and running by true azimuths:

1. 87° 29'

1,624.00 feet along the center line of this underground right-of-way along under the North side of Road, crossing under said Road to bend in present pipe just north of High Street, and South of the culvert under High Street;

2. 69° 01'

1,721.50 feet along the center line of this underground right-of-way under High Street, and up to the intake at the New Waihee Ditch.

0312d

Wailuku Project District No. 3
Description of Parcel Makai (East) of Monoapilani Highway

Land situated between Monoapilani Highway F.A.P. No. 13-G and Waiale Road on the south side of Koa Venture Subdivision, File Plan 1426 at Wailuku, Maui, Hawaii

Being a portion of R.P. 4529-B and R.P. 4549, L.C. Aw. 71 to Michael J. Nowlein; R.P. 7712, L.C. Aw. 215 to Henry L. Brooks; R.P. 3523, L.C. Aw. 3338 to Namailou; R.P. 4552, L.C. Aw. 244 to George Lawrence; R.P. 5426, L.C. Aw. 3511, Apana 2 to Kalaione; R.P. 4124, L.C. Aw. 8076 to Hiolo; Grant 483 to E. Bailey; Deed: Kam IV to Henry I. Jones; Poalima; and all of R.P. 5426, L.C. Aw. 3511, Apana 1 to Kalaione; and Poalimas

Beginning at a point at the northwest corner of this parcel of land on the east side of Monoapilani Highway F.A.P. No. 13-G, the coordinates of which point of beginning referred to Government Survey Triangulation Station "LUKE" being 39.31 feet South and 2,857.06 feet West and running by azimuths measured clockwise from True South:

1. 263° 21' 40" 111.65 feet along Lot 3 of Koa Venture Subdivision, File Plan 1426;
2. 284° 14' 10" 71.79 feet along Lot 4 of Koa Venture Subdivision, File Plan 1426;
3. 287° 45' 60.50 feet along same;
4. 278° 52' 44.60 feet along Lots 4 and 9 of Koa Venture Subdivision, File Plan 1426;
5. 268° 54' 181.91 feet along Lots 9, 10 and 16 of Koa Venture Subdivision, File Plan 1426;
6. 267° 29' 678.49 feet along Lots 16, 17, 24, 28, 29, 30 and 31 of Koa Venture Subdivision, File Plan 1426;
7. 346° 30' 34.23 feet along the westerly side of Koa Drive;
8. 267° 29' 393.88 feet along the southerly side of Koa Drive;
9. 293° 08' 142.32 feet along same;

1. 331° 30' 20" 160.74 feet along same;
2. 376° 43' 86.03 feet along same;
3. 8° 52' 79.49 feet along the westerly side of Waiale Drive;
4. 259° 14' 5.08 feet along same;
5. 8° 52' 283.49 feet along same;
6. 3° 12' 144.73 feet along same;
7. 357° 35' 444.70 feet along same;
8. 9° 00' 224.50 feet along same;
9. 279° 00' 55.00 feet along the southerly end of Waiale Drive;
10. 9° 00' 1,278.06 feet along the remainder of Grant 483 to E. Dailey;
11. Thence along same on a curve to the right having a radius of 550.00 feet, the chord azimuth and distance being:
37° 52' 30" 531.19 feet;
12. 66° 45' 226.21 feet along same;
13. Thence along same and the remainder of R.P. 4529-B and R.P. 4549, L.C. Av. 71 to Michael J. Nowlein on a curve to the right having a radius of 2,260.00 feet, the direct chord azimuth and distance being:
74° 17' 30" 593.24 feet;
14. 81° 50' 51.17 feet along the remainder of R.P. 4529-B and R.P. 4549, L.C. Av. 71 to Michael J. Nowlein;
15. 172° 39' 15.22 feet along the easterly side of Monoapiilani Highway F.A.P. No. 13-G;
16. Thence along same on a curve to the left having a radius of 28,682.80 feet, the chord azimuth and distance being:
171° 44' 917.74 feet;

26. 170° 49' 2,359.00 feet along same;
 27. 90° 49' , 5.00 feet along same;
 28. 170° 49' 28.72 feet along same to the point of beginning and containing an Area of 108.215 Acres.

SUBJECT, HOWEVER to an easement in favor of Alexander and Baldwin, Inc., more particularly described as follows:

A perpetual easement or right-of-way for an underground pipe or tunnel (herein referred to as the Waiale Diversion Conduit) from the New Waihee Ditch to the Old Waihee Ditch, of such size and capacity as shall be sufficient to divert and carry any volume of water to the full capacity of the New Waihee Ditch, along the line of or adjacent to the present 36" diversion pipe; the center line of said present pipe being described as follows:

Beginning at a point on the east side of Honoapiilani Highway F.A.P. No. 13-G, the coordinates of which point of beginning referred to Government Survey Triangulation Station "LUKE" being 94.21 feet South and 2,864.28 feet West and running by azimuths measured clockwise from True South:

1. 265° 35' 45.70 feet;
 2. 270° 10' 132.00 feet;
 3. 268° 25' 293.00 feet;
 4. 267° 21' 193.00 feet;
 5. 266° 12' 486.96 feet to the westerly side of Koa Drive.

0313d

CONDITIONS

Pursuant to Section 19.42.060 of the Maui County Code, the zoning established by this ordinance is subject to the following conditions:

1. The applicant shall comply with the affordable housing requirements set forth in the State Land Use Commission's Decision and Order, dated January 30, 1990, which reclassified the subject parcels from Agricultural District to Urban District.

The applicant shall provide the following percentages of dwelling units in the Wailuku and Piihaha Project Districts in the aggregate, for sale or rental to persons in the low, low-moderate, and moderate income groups, as identified by the Housing Finance and Development Corporation, State of Hawaii;

<u>Income Range</u>	<u>%</u>
51% to 65% of median income	5%
66% to 80% of median income	10%
81% to 120% of median income	15%
121% to 140% of median income	<u>20%</u>
TOTAL	50%

Affordable housing units shall be allocated between Project Districts 2 and 3, to avoid undue concentration of any particular housing type or category in either project;

This condition may be fulfilled through construction and distribution of units in the Property or through other projects within the same Community Plan District as the Property, under such terms as may be mutually agreeable, between Petitioner and the Housing Finance and Development Corporation of the State and the County of Maui.

This condition may also be fulfilled, with the approval of the Housing Finance and Development Corporation and the County of Maui, through construction of rental units to be made available at rents which families in the specified income ranges can afford.

EXHIBIT "B"

In addition, Petitioner may obtain the special credit, as determined by the Housing Finance and Development Corporation and the County of Maui, for the provision of more than ten percent (10%) of the total units of housing affordable to persons with income less than eighty percent (80%) of Maui's median income and for the provision of housing for special needs groups, as determined by the Housing Finance and Development Corporation and the County of Maui.

Insofar as possible, the Petitioner shall implement this affordable housing requirement concurrently with the completion of market priced units for the residential project. The determination of median income, as the term is used in this condition, shall be based on median income figures published by the United States Department of Housing and Urban Development at the time that construction of such housing units is commenced.

2. The applicant shall submit a twenty-year master plan to the Director of Public Works of the County of Maui prior to preliminary subdivision approval of the project for the sewer, drainage, and traffic facility improvements in which the applicant participates. The master plans shall include, but shall not be limited to, on-site and off-site typical design standards, classification of roadways, and proposed construction schedules for each phase of the project.
3. The applicant shall participate in those traffic improvement needs as required by the Department of Transportation of the State of Hawaii and the Director of Public Works of the County of Maui. This participation shall include, but shall not be limited to:
 - a. The extension, construction, and improvement of Waiale Drive from the vicinity of the proposed Mahalani Street intersection to Honoapiilani Highway in conformance to the standards of the County of Maui. Land and construction of this roadway extension is to be funded entirely by the applicant and shall be offered for dedication to the County of Maui upon completion of its construction;
 - b. The right-of-way of the existing cane haul road from Lower Main Street to the Maui Correctional Center shall be dedicated in fee simple interest, free and clear of all encumbrances, to the County

of Maui upon request of the Director of Public Works. The value of the applicant's dedication of right-of-way and participation in the improvement of the roadway construction of the existing cane haul road shall be credited against any impact fee assessment. The applicant shall provide its fair and equitable share of costs of constructing the roadway. Construction of the roadway shall be in conformance to the standards of the County of Maui;

- c. The applicant shall provide its fair and equitable share of the costs of roadway construction of the Mahalani Road extension in conformance to the standards of the County of Maui;
 - d. The intersection and roadway improvements of Honoapiilani Highway with the Project District in conformance to the requirements of the Highways Division of the Department of Transportation of the State of Hawaii which are to be funded entirely by the applicant;
 - e. The applicant shall provide its fair and equitable share of the costs of the planning and construction of a future by-pass roadway south of the Waiale Drive extension and the southern end of the Project District past Waikapu town which includes, but which is not limited to, the offer of dedication of the future by-pass right-of-way to the appropriate governmental body. The value of the applicant's participation in the improvement in the planning and construction of the roadway shall be credited against any impact fee assessment; and
 - f. The conformance with any impact fees assessed by the County of Maui;
4. Prior to issuance of a building permit for each phase of the project, the applicant shall submit a traffic study approved by the Director of Public Works indicating those improvements and/or contributions for that particular phase. Said traffic study shall detail the sequence and timing of improvements and/or contributions as well as provide an analysis of operating conditions/levels of service at key intersections in the vicinity, provided that;
- a. No building permits will be issued for any structures mauka of Honoapiilani Highway until a construction contract has been executed and notice to proceed with construction has been issued for

Waiale Drive, from Kaohu Street to Honoapiilani Highway, and the extension of Mahalani Street, from the vicinity of the Maui Memorial Hospital to Waiale Drive.

5. The applicant shall participate in drainage improvements required by the drainage master plans and Director of Public Works of the County of Maui. In addition, the applicant shall fund an independent drainage study to be done by an independent consultant chosen by the Director of Public Works to verify the representations of the applicant regarding the proposed on-site disposal and over flow connection system which the applicant proposes to connect to the wastewater reclamation facilities or collection systems;
6. The applicant shall connect to the new Central Maui Wastewater Reclamation Facility or expanded Wailuku Wastewater Reclamation Facility, if and when capacity is available. In addition, the applicant shall conform to any impact fees assessed by the County of Maui pertaining to construction and expansion of wastewater reclamation facilities or collection systems;
7. The applicant shall provide its fair and equitable share of park improvements generated by the project as is deemed necessary by the Director of Parks and Recreation of the County of Maui. The applicant's participation shall include, but shall not be limited to, the dedication of land in fee simple, free and clear of all encumbrances, for park use and a community center site for use by the community;
8. The applicant shall provide its fair and equitable share for the impact the project district has upon public educational facilities as is deemed necessary by the Department of Education of the State of Hawaii which shall include, but which shall not be limited to, the dedication of land in fee simple interest, free and clear of all encumbrances, for a new school site; and
9. The applicant shall enter into and execute appropriate agreements with the appropriate agencies of the State of Hawaii and County of Maui regarding the applicant's required participation in improving the infrastructure and public facilities identified herein. These agreements shall be file with the Bureau of Conveyances of the State of Hawaii upon their execution.


WE HEREBY CERTIFY that the foregoing BILL NO. 70 (19 91)

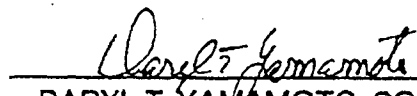
1. Passed FINAL READING at the meeting of the Council of the County of Maui, State of Hawaii, held on the 1st day of November, 19 91, by the following votes:

Howard S. KIHUNE Chair	Patrick S. KAWANO Vice-Chair	Vince G. BAGOYO, Jr.	Goro HOKAMA	Alice L. LEE	Ricardo MEDINA	Wayne K. NISHIKI	Joe S. TANAKA	Lorraine TERUYA DRUMMOND
Aye	Aye	Aye	Aye	Aye	Excused	Aye	Aye	Excused

2. Was transmitted to the Mayor of the County of Maui, State of Hawaii, on the 1st day of November, 19 91.

DATED AT WAILUKU, MAUI, HAWAII, this 1st day of November, 19 91.

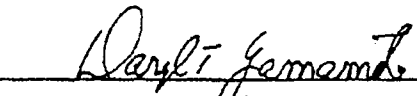

HOWARD S. KIHUNE, CHAIR
Council of the County of Maui


DARYL T. YAMAMOTO, COUNTY CLERK
County of Maui

THE FOREGOING BILL IS HEREBY APPROVED THIS 8 DAY OF NOVEMBER, 1991.


LINDA CROCKETT LINGLE, MAYOR
County of Maui

I HEREBY CERTIFY that upon approval of the foregoing BILL by the Mayor of the County of Maui, the said BILL was designated as ORDINANCE NO. 2053 of the County of Maui, State of Hawaii.


DARYL T. YAMAMOTO, COUNTY CLERK
County of Maui

Passed First Reading on September 6, 1991.
Effective date of Ordinance November 8, 1991.

I HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 2053, the original of which is on file in the Office of the County Clerk, County of Maui, State of Hawaii.

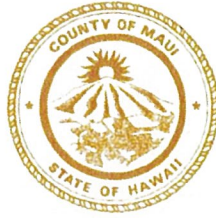
Dated at Wailuku, Hawaii, on

County Clerk, County of Maui

MICHAEL P. VICTORINO
Mayor

LORI TSUHAKO
Director

LINDA R. MUNSELL
Deputy Director



DEPARTMENT OF HOUSING
& HUMAN CONCERNS
COUNTY OF MAUI
2200 MAIN STREET, SUITE 546
WAILUKU, MAUI, HAWAII 96793
PHONE: (808) 270-7805

RECEIVED
MAR 16 2020

March 11, 2020

Mr. Everett Dowling
Dowling Company, Inc.
2005 Main Street
Wailuku, HI 96793

Dear Mr. Dowling:

SUBJECT: Wailuku Project District 3 – Kehalani Master Planned Community

This letter serves as confirmation of the affordable housing credits earned to date for the Kehalani Master Planned Community. As of March 2, 2020, the Project has earned 1,130 affordable housing credits through the sale of units at affordable prices on an overall basis. Upon completion of Phase III of the Project, and assuming sales at price ranges previously represented to the County, a total of 786 affordable housing credits will be required, leaving a surplus of 344 credits for use in future phases of the Project. This total is reflected in the attached Exhibit 1 (Kehalani Affordable Housing Summary as of 3-2-20).

Consistent with the Land Use Commission Annual Report for Docket No. A-89-642 submitted on September 15, 2012, any deficit in affordable housing units within an income group will need to be addressed by remaining undeveloped Kehalani modules or built offsite but within the same Community Plan Area. Likewise, the County expects any surplus of affordable housing within an income group will be used to offset the affordable housing requirements of that income group (or a higher income group) of future Kehalani modules.

As of March 2, 2020, the project has a surplus of 10 units within the 51%-65% income group. As previously stated, Kehalani will need to be in compliance at the end of each year with the affordable housing requirement for the 51% - 65% income group.

Please contact me at 270-7805 if you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "Lori Tshako".

LORI TSUHAKO, LSW, ACSW
Director of Housing and Human Concerns

Attachments
xc: Housing Division

TO SUPPORT AND EMPOWER OUR COMMUNITY TO REACH ITS FULLEST
POTENTIAL FOR PERSONAL WELL-BEING AND SELF-RELIANCE

Exhibit 3

MLS #	Lot	Bldg N m	Sold Price	Liv-SF	Closing Date	TMK	Address	Bds	Bths	% Median Income	80-120%	120-140%
1	368709	Lot 5	\$482,625	1,457	11/4/2016	2.35E+12	73 Ho'ola'au St	3	2.5	80-120	1	0
2	368736	Lot 6	\$489,400	1,457	11/15/2016	2.35E+12	75 Ho'ola'au St	3	2.5	120-140	0	1
3	368668	Lot 7	\$474,000	1,457	11/15/2016	2.35E+12	77 Ho'ola'au St	3	2.5	80-120	1	0
4	368795	Lot 9	\$474,000	1,457	11/16/2016	2.35E+12	81 Ho'ola'au St	3	2.5	80-120	1	0
5	368797	Lot 10	\$480,825	1,457	11/23/2016	2.35E+12	83 Ho'ola'au St	3	2.5	80-120	1	0
6	368708	Lot 11	\$489,275	1,457	11/28/2016	2.35E+12	85 Ho'ola'au St	3	2.5	120-140	0	1
7	368721	Lot 117	\$469,900	1,457	12/7/2016	2.35E+12	82 Ho'ola'au St	3	2.5	80-120	1	0
8	368799	Lot 118	\$482,550	1,457	12/12/2016	2.35E+12	84 Ho'ola'au St	3	2.5	80-120	1	0
9	368796	Lot 8	\$490,425	1,457	12/16/2016	2.35E+12	79 Ho'ola'au St	3	2.5	120-140	0	1
10	368798	Lot 12	\$481,825	1,457	12/20/2016	2.35E+12	87 Ho'ola'au St	3	2.5	80-120	1	0
11	370309	Lot 13	\$475,825	1,457	1/17/2017	2.35E+12	89 Ho'ola'au St	3	2.5	80-120	1	0
12	370310	Lot 14	\$480,125	1,457	1/18/2017	2.35E+12	91 Ho'ola'au St	3	2.5	80-120	1	0
13	370291	Lot 119	\$481,825	1,425	1/23/2017	2.35E+12	88 Ho'ola'au St	3	2	80-120	1	0
14	370359	Lot 120	\$488,700	1,425	1/25/2017	2.35E+12	90 Ho'ola'au St	3	2	120-140	0	1
15	370294	Lot 15	\$484,000	1,457	1/30/2017	2.35E+12	93 Ho'ola'au St	3	2.5	80-120	1	0
16	370319	Lot 121	\$481,900	1,425	2/6/2017	2.35E+12	92 Ho'ola'au St	3	2	80-120	1	0
17	370292	Lot 122	\$484,825	1,425	2/8/2017	2.35E+12	94 Ho'ola'au St	3	2	80-120	1	0
18	370283	Lot 17	\$499,075	1,457	2/13/2017	2.35E+12	97 Ho'ola'au St	3	2.5	120-140	0	1
19	370288	Lot 18	\$494,825	1,457	2/15/2017	2.35E+12	99 Ho'ola'au St	3	2.5	120-140	0	1
20	370290	Lot 16	\$479,000	1,457	2/24/2017	2.35E+12	95 Ho'ola'au St	3	2.5	80-120	1	0
21	370286	Lot 19	\$492,500	1,425	3/8/2017	2.35E+12	101 Ho'ola'au St	3	2	120-140	0	1
22	370285	Lot 20	\$494,375	1,425	3/13/2017	2.35E+12	103 Ho'ola'au St	3	2	120-140	0	1
23	371395	Lot 21	\$487,125	1,425	4/3/2017	2.35E+12	105 Ho'ola'au St	3	2	120-140	0	1
24	371290	Lot 22	\$481,125	1,425	4/5/2017	2.35E+12	107 Ho'ola'au St	3	2	80-120	1	0
25	371292	Lot 24	\$493,250	1,425	4/12/2017	2.35E+12	111 Ho'ola'au St	3	2	120-140	0	1
26	371291	Lot 23	\$492,825	1,425	4/13/2017	2.35E+12	109 Ho'ola'au St	3	2	120-140	0	1
27	371293	Lot 25	\$491,125	1,425	4/17/2017	2.35E+12	113 Ho'ola'au St	3	2	120-140	0	1
28	371294	Lot 26	\$489,825	1,425	4/19/2017	2.35E+12	115 Ho'ola'au St	3	2	120-140	0	1
29	371295	Lot 27	\$507,000	1,425	5/8/2017	2.35E+12	117 Ho'ola'au St	3	2	120-140	0	1
30	371289	Lot 28	\$496,825	1,425	5/10/2017	2.35E+12	119 Ho'ola'au St	3	2	120-140	0	1
31	371320	Lot 29	\$502,725	1,425	5/15/2017	2.35E+12	121 Ho'ola'au St	3	2	120-140	0	1
32	371384	Lot 138	\$504,475	1,465	6/16/2017	2.35E+12	124 Ho'ola'au St	3	2.5	120-140	0	1
33	371339	Lot 30	\$485,825	1,425	6/23/2017	2.35E+12	123 Ho'ola'au St	3	2	120-140	0	1

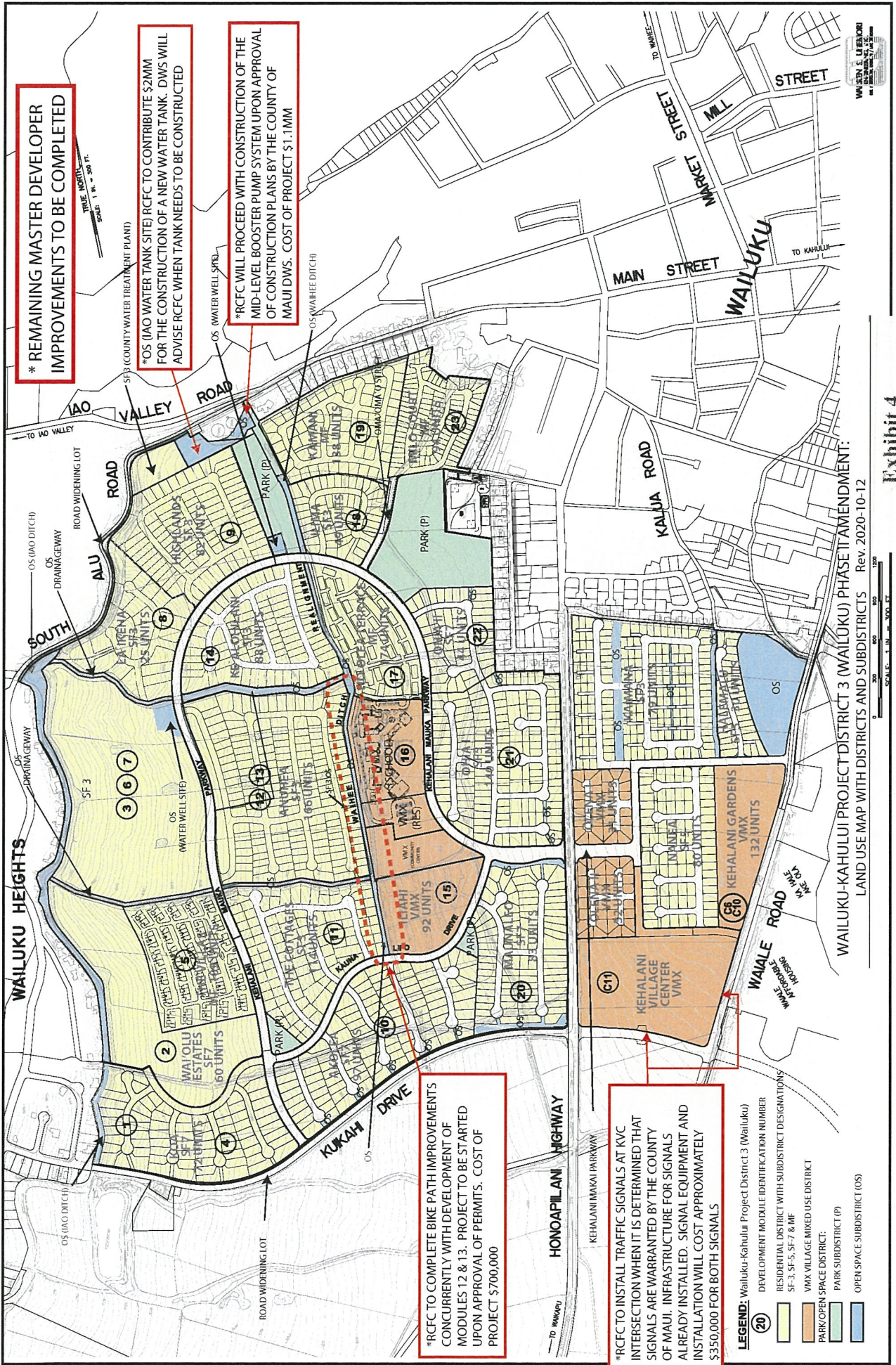
MLS #	Lot	Bldg Nbr	Sold Price	Liv-SF	Closing Date	TMK	Address	Bds	Bths	% Median Income	80-120%	120-140%	
34	372892	Lot 127	\$510,125	1,457	8/16/2017	2.35E+12	183 Poouli St	3	2.5	120-140	0	1	
35	372712	Lot 128	\$531,950	1,457	8/25/2017	2.35E+12	185 Poouli St	3	2.5	>140	0	0*	
36	371321	Lot 137	\$512,000	1,465	9/7/2017	2.35E+12	126 Ho'ola'au St	3	2.5	120-140	0	1	
37	372726	Lot 136	\$501,125	1,465	9/13/2017	2.35E+12	128 Hoolaau St	3	2.5	120-140	0	1	
Previously Submitted as of 9-20-17 and approved 10-25-17													
											SUBTOTAL	15	21
38	372991	Lot 31	\$498,725	1,425	9/26/2017	2.35E+12	125 Hoolaau St	3	2	120-140	0	1	
39	372705	Lot 130	\$505,000	1,457	9/27/2017	2.35E+12	189 Poouli St	3	2.5	120-140	0	1	
40	372992	Lot 113	\$515,150	1,465	9/29/2017	2.35E+12	188 Poouli St	3	2.5	>140	0	0*	
41	372711	Lot 124	\$519,475	1,425	9/29/2017	2.35E+12	197 Akepa Ln	3	2	>140	0	0*	
42	372948	Lot 33	\$495,825	1,425	10/2/2017	2.35E+12	129 Hoolaau St	3	2	120-140	0	1	
43	372831	Lot 129	\$508,825	1,457	11/22/2017	2.35E+12	187 Poouli St	3	2.5	120-140	0	1	
44	374238	Lot 37	\$498,000	1,425	11/30/2017	2.35E+12	137 Hoolaau St	3	2	120-140	0	1	
45	372713	Lot 114	\$504,825	1,465	12/1/2017	2.35E+12	186 Poouli St	3	2.5	120-140	0	1	
46	372738	Lot 116	\$517,450	1,465	12/1/2017	2.35E+12	182 Poouli St	3	2.5	>140	0	0*	
47	372899	Lot 125	\$506,825	1,425	12/6/2017	2.35E+12	199 Akepa Ln	3	2	120-140	0	1	
48	372779	Lot 32	\$492,650	1,425	12/13/2017	2.35E+12	127 Hoolaau St	3	2	120-140	0	1	
49	372894	Lot 35	\$496,825	1,425	12/13/2017	2.35E+12	133 Hoolaau St	3	2	120-140	0	1	
50	374324	Lot 38	\$502,000	1,425	12/14/2017	2.35E+12	139 Hoolaau St	3	2	120-140	0	1	
51	374275	Lot 44	\$522,925	1,457	12/14/2017	2.35E+12	151 Hoolaau St	3	2.5	>140	0	0*	
52	372830	Lot 34	\$491,000	1,425	12/15/2017	2.35E+12	131 Hoolaau St	3	2	120-140	0	1	
53	372659	Lot 126	\$502,000	1,425	12/19/2017	2.35E+12	201 Akepa Ln	3	2	120-140	0	1	
54	372757	Lot 132	\$517,900	1,465	12/21/2017	2.35E+12	136 Ho'ola'au St	3	2.5	>140	0	0*	
55	372887	Lot 131	\$513,600	1,465	12/22/2017	2.35E+12	138 Hoolaau St	3	2.5	120-140	0	1	
56	374166	Lot 41	\$500,000	1,457	12/28/2017	2.35E+12	145 Hoolaau St	3	2.5	120-140	0	1	
57	372858	Lot 115	\$509,125	1,465	1/3/2018	2.35E+12	184 Poouli St	3	2.5	120-140	0	1	
58	372814	Lot 36	\$495,725	1,425	1/12/2018	2.35E+12	135 Hoolaau St	3	2	120-140	0	1	
59	373015	Lot 133	\$506,000	1,465	1/19/2018	2.35E+12	134 Hoolaau St	3	2.5	120-140	0	1	
60	373016	Lot 134	\$504,000	1,465	1/19/2018	2.35E+12	132 Hoolaau St	3	2.5	120-140	0	1	
61	374327	Lot 110	\$510,725	1,457	1/25/2018	2.35E+12	150 Hoolaau St	3	2.5	120-140	0	1	
62	373028	Lot 135	\$505,125	1,465	1/26/2018	2.35E+12	130 Hoolaau St	3	2.5	120-140	0	1	
63	372890	Lot 123	\$513,825	1,425	2/8/2018	2.35E+12	195 Akepa Ln	3	2	120-140	0	1	
64	374165	Lot 39	\$499,500	1,425	3/19/2018	2.35E+12	141 Hoolaau St	3	2	120-140	0	1	

MLS #	Lot	Bldg Nrm	Sold Price	Liv-SF	Closing Date	TMK	Address	Bds	Bths	% Median Income	80-120%	120-140%
65	374276	Lot 112	Kamani at Kehalani	\$523,025	1,465	3/23/2018	2.35E+12 190 Poouli St	3	2.5	>140	0	0*
66	373936	Lot 111	Kamani at Kehalani	\$519,150	1,465	3/28/2018	2.35E+12 192 Poouli St	3	2.5	>140	0	0*
67	376345	Lot 40	Kamani at Kehalani	\$503,000	1,425	4/2/2018	2.35E+12 143 Hoolaau St	3	2	120-140	0	1
68	374326	Lot 42	Kamani at Kehalani	\$502,500	1,457	4/4/2018	2.35E+12 147 Hoolaau St	3	2.5	120-140	0	1
69	373853	Lot 109	Kamani at Kehalani	\$507,825	1,457	4/9/2018	2.35E+12 152 Hoolaau St	3	2.5	120-140	0	1
70	374162	Lot 43	Kamani at Kehalani	\$509,200	1,457	4/13/2018	2.35E+12 149 Hoolaau St	3	2.5	120-140	0	1
71	373856	Lot 101	Kamani at Kehalani	\$510,000	1,425	4/17/2018	2.35E+12 153 Akihoa St	3	2	120-140	0	1
72	374328	Lot 98	Kamani at Kehalani	\$513,000	1,465	4/20/2018	2.35E+12 158 Akihoa St	3	2.5	120-140	0	1
73	374164	Lot 97	Kamani at Kehalani	\$512,125	1,465	4/24/2018	2.35E+12 160 Akihoa St	3	2.5	120-140	0	1
74	374203	Lot 103	Kamani at Kehalani	\$501,825	1,425	4/27/2018	2.35E+12 157 Akihoa St	3	2	120-140	0	1
75	374295	Lot 104	Kamani at Kehalani	\$511,500	1,425	5/1/2018	2.35E+12 159 Akihoa St	3	2	120-140	0	1
76	374325	Lot 96	Kamani at Kehalani	\$515,300	1,465	5/11/2018	2.35E+12 162 Akihoa St	3	2.5	>140	0	0*
77	374032	Lot 95	Kamani at Kehalani	\$522,300	1,465	5/18/2018	2.35E+12 164 Akihoa St	3	2.5	>140	0	0*
78	373920	Lot 105	Kamani at Kehalani	\$499,825	1,425	6/15/2018	2.35E+12 161 Akihoa St	3	2	120-140	0	1
79	374252	Lot 106	Kamani at Kehalani	\$510,325	1,425	6/19/2018	2.35E+12 163 Akihoa St	3	2	120-140	0	1
80	374294	Lot 94	Kamani at Kehalani	\$518,425	1,465	6/22/2018	2.35E+12 166 Akihoa St	3	2.5	>140	0	0*
81	373821	Lot 93	Kamani at Kehalani	\$521,825	1,465	6/26/2018	2.35E+12 168 Akihoa St	3	2.5	>140	0	0*
82	373955	Lot 107	Kamani at Kehalani	\$507,350	1,425	6/29/2018	2.35E+12 165 Akihoa St	3	2	120-140	0	1
83	374251	Lot 108	Kamani at Kehalani	\$508,825	1,425	7/3/2018	2.35E+12 167 Akihoa St	3	2	120-140	0	1
84	374307	Lot 102	Kamani at Kehalani	\$525,000	1,425	8/14/2018	2.35E+12 155 Akihoa St	3	2	120-140	0	1
85	375552	Lot 49	Kamani at Kehalani	\$529,825	1,465	8/31/2018	2.35E+12 180 Akihoa Pl	3	2.5	120-140	0	1
86	375673	Lot 51	Kamani at Kehalani	\$527,350	1,465	9/10/2018	2.35E+12 176 Akihoa Pl	3	2.5	120-140	0	1
87	375554	Lot 50	Kamani at Kehalani	\$524,300	1,465	9/14/2018	2.35E+12 178 Akihoa Pl	3	2.5	120-140	0	1
88	375546	Lot 54	Kamani at Kehalani	\$527,300	1,465	9/18/2018	2.35E+12 170 Akihoa Pl	3	2.5	120-140	0	1
89	375689	Lot 48	Kamani at Kehalani	\$528,700	1,457	9/21/2018	2.35E+12 181 Akihoa Pl	3	2.5	120-140	0	1
90	375594	Lot 47	Kamani at Kehalani	\$509,850	1,457	9/25/2018	2.35E+12 179 Akihoa Pl	3	2.5	120-140	0	1
91	375553	Lot 52	Kamani at Kehalani	\$516,600	1,465	9/25/2018	2.35E+12 174 Akihoa Pl	3	2.5	120-140	0	1
92	375545	Lot 53	Kamani at Kehalani	\$519,825	1,465	9/27/2018	2.35E+12 172 Akihoa Pl	3	2.5	120-140	0	1
93	375641	Lot 45	Kamani at Kehalani	\$532,500	1,425	10/2/2018	2.35E+12 171 Akihoa Pl	3	2	120-140	0	1
94	375544	Lot 46	Kamani at Kehalani	\$518,825	1,425	10/3/2018	2.35E+12 173 Akihoa Pl	3	2	120-140	0	1
95	377064	Lot 55	Kamani at Kehalani	\$525,075	1,425	10/19/2018	2.35E+12 43 Kakawahie Pl	3	2	120-140	0	1
96	377230	Lot 57	Kamani at Kehalani	\$519,095	1,425	10/26/2018	2.35E+12 47 Kakawahie Pl	3	2	120-140	0	1
97	377185	Lot 58	Kamani at Kehalani	\$523,825	1,425	10/30/2018	2.35E+12 49 Kakawahie Pl	3	2	120-140	0	1

MLS #	Lot	Bldg N/m	Sold Price	Liv-SF	Closing Date	TMK	Address	Bds	Bths	% Median Income	80-120%	120-140%
98	377231	Lot 59	\$537,645	1,457	11/2/2018	2.35E+12	51 Kakawahie Pl	3	2.5	120-140	0	1
99	377135	Lot 60	\$526,825	1,457	11/7/2018	2.35E+12	53 Kakawahie Pl	3	2.5	120-140	0	1
100	377256	Lot 61	\$517,825	1,457	11/9/2018	2.35E+12	61 Kakawahie Pl	3	2.5	120-140	0	1
101	377243	Lot 62	\$527,825	1,457	11/14/2018	2.35E+12	63 Kakawahie Pl	3	2.5	120-140	0	1
102	377241	Lot 56	\$529,475	1,425	11/26/2018	2.35E+12	45 Kakawahie Pl	3	2	120-140	0	1
103	377959	Lot 63	\$547,000	1,465	12/7/2018	2.35E+12	62 Kakawahie Pl	3	2.5	120-140	0	1
104	377924	Lot 64	\$535,000	1,465	12/11/2018	2.35E+12	60 Kakawahie Pl	3	2.5	120-140	0	1
105	378034	Lot 66	\$531,575	1,457	12/18/2018	2.35E+12	56 Kakawahie Pl	3	2.5	120-140	0	1
106	377998	Lot 67	\$544,425	1,457	12/21/2018	2.35E+12	54 Kakawahie Pl	3	2.5	120-140	0	1
107	377958	Lot 65	\$525,000	1,457	12/26/2018	2.35E+12	58 Kakawahie Pl	3	2.5	120-140	0	1
108	377967	Lot 68	\$553,005	1,457	12/27/2018	2.35E+12	52 Kakawahie Pl	3	2.5	120-140	0	1
Previously submitted 01-08-19												
SUBTOTAL											0	60
109	377978	Lot 69	\$543,725	1,457	1/11/2019	2.35001E+12	50 Kakawahie Pl	3	2.5	120-140	0	1
110	377991	Lot 70	\$530,000	1,457	1/15/2019	2.35001E+12	48 Kakawahie Pl	3	2.5	120-140	0	1
111	377946	Lot 71	\$534,150	1,457	1/18/2019	2.35001E+12	46 Kakawahie Pl	3	2.5	120-140	0	1
112	380816	Lot 100	\$617,000	1,465	1/18/2019	2.35001E+12	154 Aki'aoa St	3	2.5	>140	0	0*
113	377948	Lot 72	\$529,900	1,457	1/23/2019	2.35001E+12	44 Kakawahie Pl	3	2.5	120-140	0	1
114	377939	Lot 73	\$530,000	1,457	1/25/2019	2.35001E+12	42 Kakawahie St	3	2.5	120-140	0	1
115	377937	Lot 74	\$527,000	1,457	1/29/2019	2.35001E+12	40 Kakawahie St	3	2.5	120-140	0	1
116	378691	Lot 92	\$540,000	1,425	2/6/2019	2.35001E+12	35 Kakawahie St	3	2	120-140	0	1
117	378827	Lot 76	\$536,875	1,457	2/7/2019	2.35001E+12	36 Kakawahie St	3	2.5	120-140	0	1
118	378763	Lot 75	\$540,000	1,457	2/12/2019	2.35001E+12	38 Kakawahie St	3	2.5	120-140	0	1
119	378694	Lot 91	\$542,950	1,425	2/15/2019	2.35001E+12	33 Kakawahie St	3	2	120-140	0	1
120	378769	Lot 78	\$544,550	1,457	2/22/2019	2.35001E+12	32 Kakawahie St	3	2.5	120-140	0	1
121	378782	Lot 77	\$552,175	1,457	2/22/2019	2.35001E+12	34 Kakawahie St	3	2.5	120-140	0	1
122	378719	Lot 89	\$532,000	1,425	2/26/2019	2.35001E+12	29 Kakawahie St	3	2	120-140	0	1
123	378740	Lot 90	\$549,950	1,425	2/28/2019	2.35001E+12	31 Kakawahie St	3	2	120-140	0	1
124	380815	Lot 99	\$569,000	1,465	2/28/2019	2.35001E+12	156 Aki'aoa St	3	2.5	>140	0	0*
125	379577	Lot 87	\$552,800	1,425	3/12/2019	2.35001E+12	25 Kakawahie St	3	2	120-140	0	1
126	379624	Lot 88	\$550,000	1,425	3/15/2019	2.35001E+12	27 Kakawahie St	3	2	120-140	0	1
127	379676	Lot 79	\$556,825	1,457	4/1/2019	2.35001E+12	30 Kakawahie St	3	2.5	120-140	0	1
128	379674	Lot 81	\$556,920	1,457	4/12/2019	2.35001E+12	26 Kakawahie St	3	2.5	120-140	0	1
129	379695	Lot 82	\$543,000	1,457	4/16/2019	2.35001E+12	24 Kakawahie St	3	2.5	120-140	0	1
130	380814	Lot 86	\$561,000	1,425	5/14/2019	2.35001E+12	23 Kakawahie Pl	3	2	120-140	0	1
131	380813	Lot 85	\$591,000	1,425	5/29/2019	2.35001E+12	21 Kakawahie St	3	2	>140	0	0*

MLS #	Lot	Bldg Nm	Sold Price	Liv-SF	Closing Date	TMK	Address	Bds	Bths	% Median Income	80-120%	120-140%	
132	379652	Lot 80	Kamani at Kehalani	\$560,000	1,457	5/31/2019	2.35001E+12	28 Kakawahie St	3	2.5	120-140	1	
133	379686	Lot 83	Kamani at Kehalani	\$565,000	1,457	5/31/2019	2.35001E+12	22 Kakawahie St	3	2.5	120-140	1	
134	379688	Lot 84	Kamani at Kehalani	\$554,000	1,457	6/10/2019	2.35001E+12	20 Kakawahie St	3	2.5	120-140	1	
135	383846	Lot 3	Kamani at Kehalani	\$645,000	1,457	1/10/2020	2.35001E+12	69 Hoolaa St	3	2.5	>140	0*	
136	383847	Lot 4	Kamani at Kehalani	\$615,000	1,457	1/24/2020	2.35001E+12	71 Hoolaa St	3	2.5	>140	0*	
137	383848	Lot 1	Kamani at Kehalani	\$599,000	1,457	2/14/2020	2.35001E+12	65 Hoolaa St	3	2.5	>140	0	
138	383849	Lot 2	Kamani at Kehalani	\$609,950	1,457	2/19/2020	2.35001E+12	67 Hoolaa St	3	2.5	>140	0	
Current submittal 03-02-2020											SUBTOTAL	0	23
											TOTAL	15	104

*Over income limit



*** REMAINING MASTER DEVELOPER IMPROVEMENTS TO BE COMPLETED**

*** OS (IAO WATER TANK SITE) RCFC TO CONTRIBUTE \$2MM FOR THE CONSTRUCTION OF A NEW WATER TANK. DWS WILL ADVISE RCFC WHEN TANK NEEDS TO BE CONSTRUCTED**

***RCFC WILL PROCEED WITH CONSTRUCTION OF THE MID-LEVEL BOOSTER PUMP SYSTEM UPON APPROVAL OF CONSTRUCTION PLANS BY THE COUNTY OF MAUI DWS. COST OF PROJECT \$1.1MM**

***RCFC TO COMPLETE BIKE PATH IMPROVEMENTS CONCURRENTLY WITH DEVELOPMENT OF MODULES 12 & 13. PROJECT TO BE STARTED UPON APPROVAL OF PERMITS. COST OF PROJECT \$700,000**

***RCFC TO INSTALL TRAFFIC SIGNALS AT KVC INTERSECTION WHEN IT IS DETERMINED THAT SIGNALS ARE WARRANTED BY THE COUNTY OF MAUI. INFRASTRUCTURE FOR SIGNALS ALREADY INSTALLED. SIGNAL EQUIPMENT AND INSTALLATION WILL COST APPROXIMATELY \$350,000 FOR BOTH SIGNALS**

- LEGEND:** Wailuku-Kahului Project District 3 (Wailuku)
- 20** DEVELOPMENT MODULE IDENTIFICATION NUMBER
 - RESIDENTIAL DISTRICT WITH SUBDISTRICT DESIGNATIONS SF-3, SF-5, SF-7 & MF
 - VMX VILLAGE MIXED USE DISTRICT
 - PARK/OPEN SPACE DISTRICT:
 - PARK SUBDISTRICT (P)
 - OPEN SPACE SUBDISTRICT (OS)

WAILUKU-KAHULUI PROJECT DISTRICT 3 (WAILUKU) PHASE II AMENDMENT:
LAND USE MAP WITH DISTRICTS AND SUBDISTRICTS Rev. 2020-10-12

Exhibit 4



BEFORE THE LAND USE COMMISSION

STATE OF HAWAI'I

In the Matter of the Petition of) DOCKET NO. A89-642
)
C. BREWER PROPERTIES, INC.) VERIFICATION
)
To Amend the Agricultural Land Use District)
Boundary into the Urban Land Use District)
for approximately 626 Acres Situate at)
Wailuku and Piihaha, Maui, Hawaii, Tax)
Map Key Nos.: 3-5-01: Portion 01, Portion)
17; 3-4-07:02; 3-3-01:33, 39, and Portion 16;)
3-4-32:10, 18 and Portion 01)
_____)

VERIFICATION

I, BRIAN IGE, being first sworn on oath, deposes and says that:

1. I am the Development Manager of RCFC Kehalani, LLC, a Delaware limited liability company, and am authorized to make this verification on behalf of RCFC Kehalani, LLC.

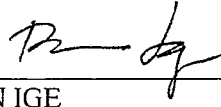
2. I have read RCFC Kehalani, LLC's Response to Order Deferring Decision Making On Petitioners Wailuku Plantation LLC, Edgar Somera, Fay Somera, Larry S. Sky, Dayong Zhao, Xiu Xiang Fang, Bong Hwa Shi Jordan, Wenxiao Liu And Elise Travis' Motion For Order Bifurcating Docket No. A89-642 (the "Response"), know the contents thereof, and verify that the contents therein contained are true to the best of my knowledge, information and belief.

3. I have personal knowledge of the matters set forth in the Response and am qualified to make this verification.

4. I make this verification under Hawaii Administrative Rules, Section 15-15-39

Further affiant sayeth naught

DATED: October 20, 2020.

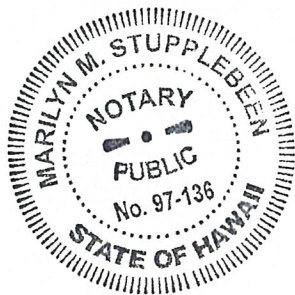


BRIAN IGE



STATE OF HAWAII)
) SS.
COUNTY OF MAUI)

On October 20, 2020, before me appeared **Brian Ige**, to me personally known (or proved to me on the basis of satisfactory evidence), 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 capacity shown, having been duly authorized to execute such instrument in such capacity.



Marilyn M. Stupplebeen
(Signature of Notary)

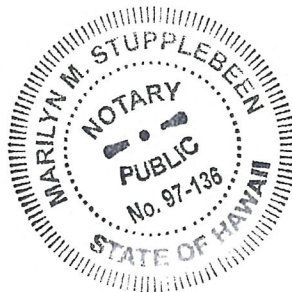
Print Name of Notary: Marilyn M. Stupplebeen
NOTARY PUBLIC, State of Hawaii

My commission expires: 04.17.2021

Doc. Date: 10.20.20 # Pages: 3
Marilyn M. Stupplebeen Second Circuit
Doc. Description: Verification

Marilyn M. Stupplebeen 10.20.20
Notary Signature Date

NOTARY CERTIFICATION



BEFORE THE LAND USE COMMISSION

STATE OF HAWAI'I

In the Matter of the Petition of	)	DOCKET NO. A89-642
)	
C. BREWER PROPERTIES, INC.	)	CERTIFICATE OF SERVICE
)	
To Amend the Agricultural Land Use District)	
Boundary into the Urban Land Use District)	
for approximately 626 Acres Situate at)	
Wailuku and Piihana, Maui, Hawaii, Tax)	
Map Key Nos.: 3-5-01: Portion 01, Portion)	
17; 3-4-07:02; 3-3-01:33, 39, and Portion 16;)	
3-4-32:10, 18 and Portion 01)	
)	
)	

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document will be duly served upon the following persons by mailing said copy, postage prepaid, first class, in a United States post office ("M") or by hand delivery ("HD") in the manner indicated, addressed as set forth below:

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