

ALAN M. ARAKAWA
Mayor
MICHELE CHOUTEAU MCLEAN
Director
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COUNTY OF MAUI
DEPARTMENT OF PLANNING

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October 15, 2018

Honorable Alan M. Arakawa
Mayor, County of Maui
200 South High Street
Wailuku, Hawaii 96793

For Transmittal to:

Honorable Stacy Crivello, Chair
and Members of the Housing, Human Services and
Transportation Committee
Maui County Council
200 South High Street
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL
Alan Arakawa 10/15/18
Mayor

Dear Chair Crivello and Committee Members:

**SUBJECT: AMENDMENTS TO THE RESIDENTIAL WORKFORCE HOUSING
POLICY (PROPOSED AMENDMENTS RELATING TO
INCENTIVES AND EXEMPTIONS) (HHT-2(3))**

Thank you for asking for our comments on the proposed bill.

The proposed bill appears to allow the Council to grant exemptions from a broad variety of County land use, construction, development, permitting and other requirements, including fees. This is similar to the process established by Chapter 201H, Hawaii Revised Statutes (HRS).

We support the intent of the proposed bill, with several comments and concerns as follows:

Proposed sec. 2.96.160.C calls for the preparation of an Environmental Assessment. The triggers for the preparation of such a document are provided by Chapter 343 HRS; it is not within the County's authority to amend these triggers or to require the preparation of an environmental document if there is no Chapter 343 HRS trigger.

Proposed secs. 2.96.160.K.1, 3 and 4 would allow exemptions from land use restrictions and processes. Therefore, we consider the proposed bill to be a land use ordinance that must be reviewed by the three planning commissions pursuant to Sec. 8-8.4 of the Charter of the County of Maui.

Honorable Alan M. Arakawa
For Transmittal to:
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October 15, 2018
Page 2

Proposed sec. 2.96.160.O sets timelines for completion that seem to be too strict. If a project were to receive its fast-track approval through the process contemplated by the proposed bill, it would take several months for the developer to obtain construction-related permits, such as grading or building permits. The preparation of the civil and construction drawings needed for such permits is time-consuming and expensive, and it is likely that the developer would not invest much of either before obtaining Council approval. Two years from the date of Council approval to initiate construction – defined in the bill as obtaining building permits -- is tight, though it may be manageable depending on the complexity of the buildings and utilities. Three years from the date of Council approval to complete construction is unrealistic, especially if it allows for only one year after building permits are issued.


The timeline must also keep in mind that other permits may be required and may not be issued until after Council approval, such as Special Management Area or flood development permits. These would justifiably add time to the construction timeline.

Lastly, the proposed bill should include proposed amended language in Title 19, Maui County Code, to indicate that Title 19 restrictions may not apply to these fast track projects. A new subsection in Chapter 19.04 might be appropriate.

Despite these comments, the proposed bill is an important step in local control of a fast-track affordable housing approval process, and we look forward to working with you on this initiative.

Again, thank you for the opportunity to offer comments on the proposed bill. If you have any questions or need additional information, please feel free to contact me.

Sincerely,



MICHELE MCLEAN
Planning Director

xc: Joseph Alueta, Deputy Director (pdf)
David Raatz, Administrative Planning Officer (pdf)

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