DEPARTMENT OF
HOUSING AND HUMAN CONCERNS
COUNTY OF MAUI

ALAN M. ARAKAWA
Mayor
JO-ANN T. RIDAO
Director
JAN SHISHIDO
Deputy Director

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OFFICE OF THE MAYOR

July 6, 2011

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

For Transmittal to:

Honorable G. Riki Hokama, Chair
Policy Committee
Maui County Council
200 South High Street
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL

Mayor 7/7/11 Date

Dear Chair Hokama:

SUBJECT: KULA RIDGE AFFORDABLE HOUSING SUBDIVISION RESIDENTIAL WORKFORCE HOUSING AGREEMENT (POL-13)

Per your June 30, 2011 letter request regarding the above subject matter, enclosed please find a copy of Resolution No. 10-57.

The State Land Use Commission will be meeting on the Kula Ridge Land Use Boundary Amendment Application at the Makena Resort on July 14 and 15, 2011. The Land Use Commission has also tentatively scheduled this agenda item for its August meeting should it become necessary.

Once the application hearings are completed and the Commission issues its Findings and Order, I will be sure to provide your office with a copy.

Please do not hesitate to contact me at Ext. 7805 should you require additional information.

Sincerely,

JO-ANN T. RIDAO
Director of Housing and Human Concerns

Enclosure

Resolution

No. 10-57

APPROVING WITH MODIFICATION THE
KULA RIDGE AFFORDABLE HOUSING SUBDIVISION PROJECT
PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES

WHEREAS, Kula Ridge, LLC, a Hawaii Limited Liability Company, proposes the development of the Kula Ridge Affordable Housing Subdivision Project and related improvements (the "Project") for qualified residents; and

WHEREAS, the proposed Project will provide a total of fifty-nine affordable housing units to families earning at or less than one-hundred and forty percent (140%) of Maui County's median family income. Specifically, seventeen (17) senior housing units will be provided for below-moderate income households, seventeen (17) senior housing units and twelve (12) single family units will be provided for moderate income households, and thirteen (13) single family units will be provided for above-moderate income households, as defined by Section 2.96.020, Maui County Code; and

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

WHEREAS, on September 8, 2010, the Department of Housing and Human Concerns submitted the preliminary plans and specifications to the Council of the County of Maui ("Council") recommending approval of the Project pursuant to Section 201H-38, Hawaii Revised Statutes (HRS); and

WHEREAS, pursuant to Section 201H-38, HRS, the Council shall approve, approve with modification, or disapprove the Project by resolution within forty-five (45) days after the Department of Housing and Human Concerns has submitted the preliminary plans and specifications for the Project to the Council, which submittal occurred on September 8, 2010; and

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

Resolution No. 10-57

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

1. That, based upon the transmittals and the representations of the Department of Housing and Human Concerns and Kula Ridge, LLC, the Council approves the Project with the modifications specified in Exhibit "1", including the Project's preliminary plans and specifications, as submitted to the Council on September 8, 2010, pursuant to Section 201H-38, HRS; provided that Kula Ridge, LLC shall comply with all statutes, ordinances, charter provisions, and rules of governmental agencies relating to planning, zoning and construction standards for subdivisions, development and improvement of land, and the construction of units thereon, except for the exemptions specified in Exhibit "2", attached hereto and made a part hereof; and

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

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

APPROVED AS TO FORM AND LEGALITY:

KIMBERLY A. B. SLOPER
Deputy Corporation Counsel
County of Maui

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PROJECT MODIFICATIONS TO THE KULA RIDGE 201H AFFORDABLE HOUSING APPLICATION

1. The applicant shall install a street-lighting system that will be shielded and directed downward where the light is needed with zero scattering upon the mountain slopes of Haleakala, and shall abide by the outdoor lighting ordinance (Chapter 20.35 of the Maui County Code).

2. The applicant shall comply with all provisions of Chapter 14.12, Maui County Code, relating to water availability.

3. The applicant shall provide for a comfort station in the development's three-acre park.

4. The applicant shall fund and construct a sidewalk and crosswalks between the Kula Community Center and the Haleakala Waldorf School. The proposed design shall incorporate traffic-calming and other safety measures, such as raised crosswalks, speed humps, warning lights, or other measures deemed appropriate by the Department of Public Works to support the objective of creating a safer pedestrian environment along this segment of roadway. The specific alignment of the sidewalk, mauka or makai, shall be defined by the applicant in coordination with the Department of Public Works and neighboring property owners.

5. Upon the completion of the affordable housing agreement between the applicant and the Department of Housing and Human Concerns, the plan shall be forwarded to the Council for approval.

6. The applicant shall provide ADA-compliant walkways that will connect the various senior housing units.

7. No accessory dwelling shall be allowed in the Kula Ridge Affordable Housing Subdivision. However, each four-acre rural lot located at the mauka extent of the project shall be allowed one main dwelling and one accessory dwelling, with no further subdivision.

8. The Applicant shall pay the Department of Education the appropriate school impact fee for each of the market units in the Kula Ridge Affordable Housing Subdivision. Such fees shall benefit Kula Elementary School, Kalama Intermediate School, and/or King Kekaulike High School.

9. Archaeological monitoring for the Kula Ridge Affordable Housing Subdivision shall be required for ground-altering activities. The monitoring shall be undertaken in accordance with a monitoring plan approved by the State Historic Preservation Division.

10. In the event the Kula Ridge Affordable Housing Subdivision's water-system improvement involves the crossing of Keahuaiwi Gulch or the Kula Ridge Mauka Parcel, the applicant shall coordinate with the State Historic Preservation Division to ensure that all archaeological-review procedures for waterline crossing are appropriately addressed.

11. The minimum lot size for the single-family affordable units (house/lot packages) shall be 6,000 square feet.

12. The affordable single-family homes and senior affordable duplexes shall be built at a rate of two single-family homes or one senior affordable duplex for each market-rate home built or market-rate lot sold, whichever is earlier.

13. The applicant, through the Department of Housing and Human Concerns, shall update the Council on the status of the project and the applicant's progress in complying with the modifications adopted by the Council's resolution on at least an annual basis, commencing one year from the adoption of the Council's resolution. For modifications that contain specific due dates, the Department shall update the Council as to the status of each modification no later than two months prior to the date specified in the modification.

14. Construction of the Kula Ridge Affordable Housing Subdivision shall be initiated within one year of granting of a bonded final subdivision approval. If the applicant chooses to implement construction of subdivision improvements as part of the normal final subdivision approval process (i.e., non-bonding scenario), construction shall be initiated within one year of receipt of approval of the project's subdivision construction plans. Initiation of construction shall be defined as initiation of subdivision grading work or subdivision-related offsite infrastructure improvements. A time extension to the construction initiation date shall be considered by the Council upon timely receipt of a request for time extension at least 90 days prior to the expiration of the initial construction start date.

15. For the purposes of this 201H application, the term "senior" shall mean those income-qualified prospective purchasers who are 55 years in age or older.

16. The following zoning standards shall apply to the four-acre rural lots:

Minimum Lot Size	4 acres
Minimum Lot Width	150 feet
Front Yard Setback	35 feet
Side Yard Setback	20 feet
Rear Yard Setback	20 feet
Walls within Setback Area	4 feet maximum height
Maximum Building Height	30 feet

17. All references in the Revised Application to eleven (11) single-family residential workforce housing units shall be deemed stricken.

PROPOSED REVISED EXEMPTIONS FOR AFFORDABLE HOUSING SUBDIVISION
PROPOSED SECTION 201H, HRS, EXEMPTIONS
FROM THE MAUI COUNTY CODE ("MCC")

A. EXEMPTION FROM TITLE 2, MCC, ADMINISTRATION AND PERSONNEL

1. An exemption from Chapter 2.80B, MCC, General Plan and Community Plans, shall be granted to permit the project without obtaining a general plan andcommunity plan amendment.

2. An exemption from Chapter 2.96, MCC, Residential Workforce Housing Policy shall be granted for the project in accordance with Section 2.96.030.B.6, MCC.

B. EXEMPTION FROM TITLE 14, PUBLIC SERVICES

1. Exemption from Chapter 14.74, Impact Fees for Traffic and Roadway Improvements in Makawao-Pukalani-Kula, Maui, Hawaii, to exempt the project from traffic impact fees should such fees be adopted prior to the issuance of building permits for the project.

C. EXEMPTIONS FROM TITLE 16, MCC, Buildings and Construction

1. Exemptions from MCC Chapters 16.04B, Fire Code, 16.18B, Electrical Code, 16.20A, Plumbing Code, and 16.26, Building Code, shall be granted to exempt the project from fire, electrical, plumbing, building permit fees and demolition permit fees, as well as inspection fees.

D. EXEMPTIONS FROM TITLE 18, MCC, SUBDIVISIONS

1. Exemptions from Section 18.04.030, MCC, Administration, and related land use consistency requirements of Title 18, shall be granted to exempt the project from obtaining a change in zoning and community plan amendment to enable subdivision approval.

2. An exemption from Section 18.16.320, MCC, Parks and Playgrounds, shall be granted to allow the 3.0 acres of park land and accompanying comfort station within the project to satisfy the park dedication and assessment requirements.

EXHIBIT "2"

3. An exemption from Section 18.16.050 MCC, Minimum Right-of-way and Pavement Widths, shall be granted to allow 24 ft. right-of-way and 20 ft. pavement widths for private streets within the subdivision.

E. EXEMPTIONS FROM TITLE 19, MCC, ZONING

1. An exemption from Chapter 19, MCC, shall be granted to permit the development and use of the parcel for single-family, duplex, and rural residential purposes, including supporting infrastructure requirements. Further, this exemption shall allow the subdivision of the property in the plat configuration shown in Attachment "A". The following zoning standards shall apply to the proposed lots:

Affordable Lots

Minimum Lot Size . . . . . 5,000 square feet
Minimum Lot Width . . . . . 60 feet
Front Yard Setback . . . . . 10 feet
Zero Lot Line . . . . In conformance with R-0 Standards
Access Yard Setback Line . . . . . 15 feet

Other Setback Lines . . . . . 6 feet at 1-story
Height . . . . . No building shall exceed 1-story or 24 feet in height from finished grade of the subdivision

Duplex Standards

Minimum Lot Size . . . . . 7,500 square feet
(There may be more than one duplex dwelling on any lot, provided that there is not less than 7,500 square feet for each two-family dwelling (duplex).)
Minimum Lot Width . . . . . 65 feet
Front Yard Setback . . . . . 15 feet
Side Yard Setback . . . . . 6 feet at 1-story
Rear Yard Setback . . . . . 20 feet
Height . . . . . No building shall exceed 1-story or 24 feet in height from finished grade of the subdivision

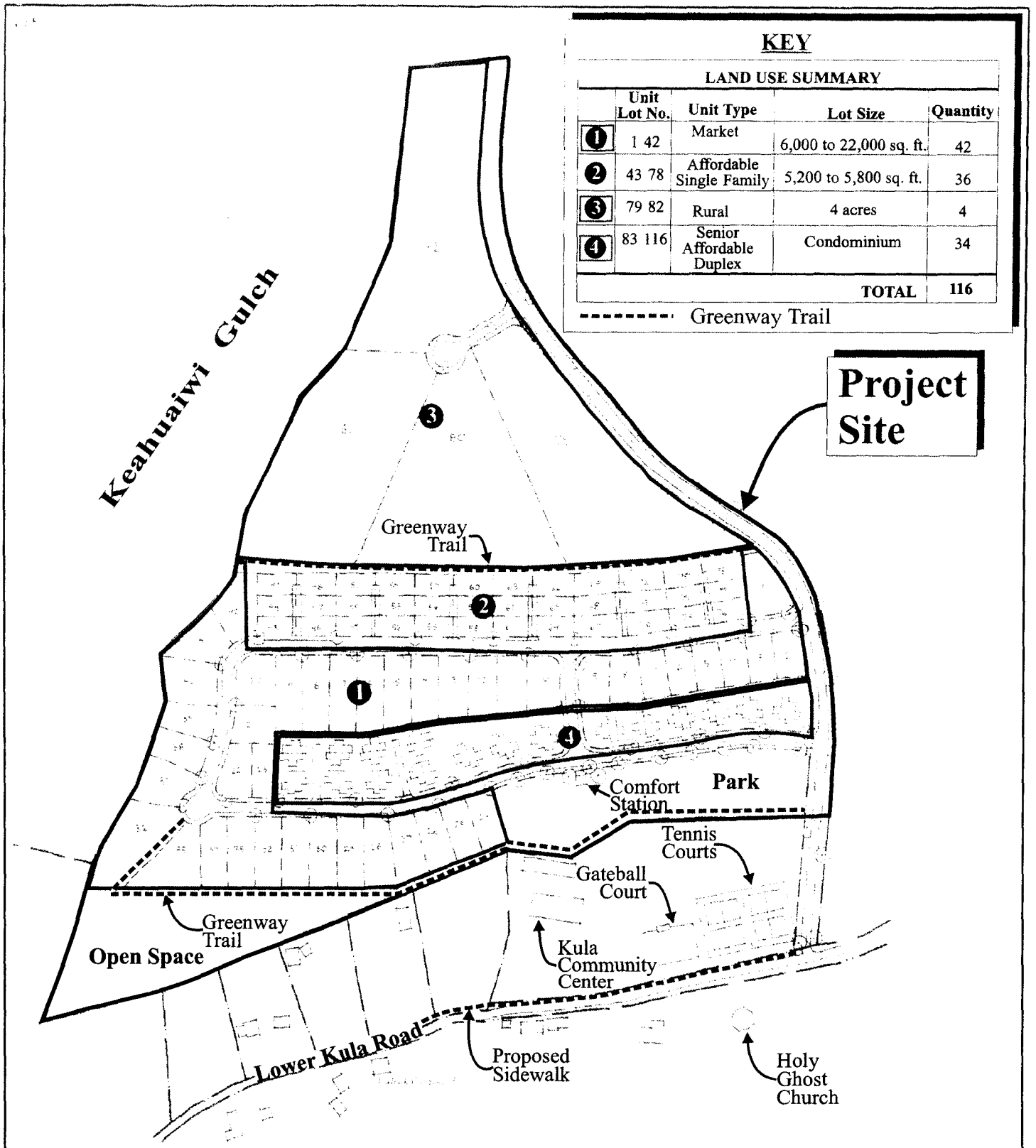
Market Lots

Minimum Lot Size . . . . . 6,000 square feet
Minimum Lot Width . . . . . 60 feet
Front Yard Setback . . . . . 15 feet
Other Setback
Lines . . . . . 6 feet at 1-story, 10 feet at 2-story

Height: No building shall exceed 2-story or 30 feet in height from finished grade of the subdivision.

F. EXEMPTIONS FROM TITLE 20, MCC, ENVIRONMENTAL PROTECTION

1. An exemption from Section 20.08.090, MCC, Grubbing and Grading Permit Fees, shall be granted to exempt the project from payment of grading, grubbing and excavation permit fees, as well as inspection fees.



Source: Architectural Design & Construction, Inc.

Proposed Kula Ridge Affordable Housing Subdivision

Revised Conceptual Site Plan

NOT TO SCALE

Prepared for: Kula Ridge, LLC

MUNEKIYO & HIRAGA, INC.

Nishikawa/KulaAH 1107/New201H/revisedsite

ATTACHMENT "A"

COUNCIL OF THE COUNTY OF MAUI

WAILUKU, HAWAII 96793

CERTIFICATION OF ADOPTION

It is HEREBY CERTIFIED that RESOLUTION NO. 10-57 was adopted by the Council of the County of Maui, State of Hawaii, on the 19th day of October, 2010, by the following vote:

MEMBERS	Dennis A. MATEO Chair	Michael J. MOLINA Vice-Chair	Gladys C. BAISA	Jo Anne JOHNSON	Solomon P. KAHO'OHALAHALA	William J. MEDEIROS	Wayne K. NISHIKI	Joseph PONTANILLA	Michael P. VICTORINO
ROLL CALL	Aye	Aye	Aye	Aye	No	Aye	No	Aye	Excused

COUNTY CLERK