

COUNCIL OF THE COUNTY OF MAUI
LAND USE COMMITTEE

November 3, 2017

Committee
Report No. _____

Honorable Chair and Members
of the County Council
County of Maui
Wailuku, Maui, Hawaii

Chair and Members:

Your Land Use Committee, having met on October 18, 2017, makes reference to County Communication 17-12, from Council Chair Mike White, relating to requests for Council approval of affordable housing projects pursuant to Chapter 201H, Hawaii Revised Statutes (“HRS”).

By correspondence dated October 5, 2017, the Director of Housing and Human Concerns transmitted the following:

1. An application for the development of the proposed 100 Percent Affordable Hana Housing Project in Hana, Maui, Hawaii, pursuant to Section 201H-38, HRS (“Application”). The proposed project would provide 25 affordable single-family lots with the potential for an ohana unit on 22 of those lots. The property is comprised of 7.226 acres at 4356 Hana Highway, Hana, Maui, Hawaii, identified for real property tax purposes as a portion of tax map key (2) 1-3-004:001 (“property”), and is west of Kawaipapa Stream and mauka of Hana Highway, between Hana High School and Hana town.
2. A proposed resolution entitled “APPROVING THE INDEPENDENT DEVELOPMENT OF THE 100 PERCENT AFFORDABLE HANA HOUSING PROJECT PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES.” The purpose of the proposed resolution is to approve the proposed project with various exemptions from certain requirements contained in the Maui County Code (“MCC”), HRS, and the Revised Charter of the County of Maui (1983), as amended (“Charter”), relating to planning, zoning, construction standards for subdivisions, the development and improvement of land, and the construction of dwelling units.

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3. A proposed resolution entitled "APPROVING WITH MODIFICATIONS THE INDEPENDENT DEVELOPMENT OF THE 100 PERCENT AFFORDABLE HANA HOUSING PROJECT PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES." The purpose of the proposed resolution is to approve the proposed project with the modifications in Exhibit "C" and various exemptions from certain requirements contained in the MCC, HRS, and Charter relating to planning, zoning, construction standards for subdivisions, the development and improvement of land, and the construction of dwelling units.

4. A proposed resolution entitled "DISAPPROVING THE INDEPENDENT DEVELOPMENT OF THE 100 PERCENT AFFORDABLE HANA HOUSING PROJECT PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES." The purpose of the proposed resolution is to disapprove the proposed project.

Pursuant to Section 201H-38, HRS, the Council shall approve, approve with modifications, or disapprove affordable housing projects by resolution within 45 days after the preliminary plans and specifications for the project have been submitted to the Council, or the project shall be deemed approved. The Council has until November 19, 2017, to act on the Application, or it will be deemed approved as submitted.

Your Committee notes that, according to the Application, the proposed lots will be a minimum of 10,000 square feet in size and priced as follows: 5 lots at below 80 percent of the area median income ("AMI"), for a sales price of \$118,150; 8 lots at 80 to 100 percent of the AMI, for a sales price of \$129,650; 4 lots at 101 to 120 percent of the AMI, for a sales price of \$177,200; and 8 lots at 121 to 140 percent of the AMI, for a sales price of \$206,750. The property is owned by Thomas Hoeffken and Nancy Hoeffken. The project was proposed for development by GTH Land Company LLC; however, the business entity was subsequently converted and the developer is now known as GTH Land Company, Inc. ("Developer").

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Your Committee notes a Final Environmental Assessment for the project was prepared and provided to the Committee as Appendix A to the Application.

Your Committee notes the State Land Use District classification is Agricultural, and the County zoning district is Interim. Your Committee was initially informed the property has a Community Plan designation of Rural and that Lots 1 through 24 are within the Rural Growth Boundary in the Maui Island Plan. However, the Department of Planning advised that portions of Lots 12, 13, and 14 are designated Agriculture in the Community Plan, and portions of those lots and the entirety of Lot 25 are outside the Rural Growth Boundary of the Maui Island Plan.

Your Committee notes the matter of the State Land Use District Boundary Amendment for the property was transmitted separately by County Communication 17-397, from Council Chair Mike White. The Director of Housing and Human Concerns subsequently transmitted the proposed District Boundary Amendment bill, by correspondence dated October 6, 2017, to your Committee. The Developer did not request an exemption under Section 201H-38, HRS, from the requirement that the State Land Use District Boundary be amended from the Agricultural District to the Rural District. However, the Developer did seek certain exemptions from the application and procedural requirements of the proposed District Boundary Amendment.

At its meeting, your Committee received testimony from 25 individuals, most of whom are residents of Hana who support the project. Community members spoke of the urgent need for affordable housing and of multiple generations living under one roof and in some cases, in tents. Your Committee also heard from the Community Relations and Development Director for Habitat for Humanity, which has committed to acquiring 12 of the lots for development through its sweat-equity program.

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Your Committee notes the project would support various strategies, objectives, and policies of the Countywide Policy Plan, including the following:

- “Expand housing opportunities for residents” (Countywide Policy Plan, Section III.E, page 41, and Section IV.E, page 57)
- “Reduce the affordable housing deficit for residents.” (Objective E.1, page 57)
- “Ensure that an adequate and permanent supply of affordable housing, both new and existing units, is made available for purchase or rental to our resident and/or workforce population, with special emphasis on providing housing for low- to moderate-income families.” (Policy E.1.a, page 57)
- “Seek innovative ways to lower housing costs without compromising the quality of our island lifestyle.” (Policy E.1.b, page 57)
- “Seek innovative methods to secure land for the development of low- and moderate-income housing.” (Policy E.1.c, page 57)
- “Increase and maintain the affordable housing inventory.” (Objective E.3, page 58)

Your Committee also notes the project would support various goals, objectives, and policies of the Maui Island Plan, including the following:

- “Maui will have safe, decent, appropriate, and affordable housing for all residents developed in a way that contributes to strong neighborhoods and a thriving island community.” (Maui Island Plan, Goal 5.1, page 5-6)
- “Provide affordable housing, rental or in fee, to the broad spectrum of our island community.” (Objective 5.1.3, page 5-8)
- “Reduce the cost to developers of providing housing that is affordable to families with household incomes 160 percent and below of annual median income.” (Objective 5.1.6, page 5-10)
- “Support fast-track processing procedures for the following housing-related entitlements: affordable housing projects/units;

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indigenous Hawaiian housing/units; and special-needs housing units." (Policy 5.1.6.a, page 5-10)

In the Application, the Developer requested 16 exemptions for the project. Your Committee revised the exemptions to Titles 2, 18, and 19, MCC, based in part on responses from the Department of Planning and the Department of Public Works, and a request by the Developer for additional exemptions from certain infrastructure improvements.

Your Committee added an exemption from the requirement of obtaining an amendment to the Maui Island Plan.

Your Committee revised exemption G.1 to replace individual development standards for lot area, height, and yard setbacks with a requirement of compliance with the uses and standards of Chapter 19.08, MCC, relating to R-3 Residential districts. Your Committee specifically allowed an exception for Lot 25 to have a required minimum lot width of 50 feet because the Developer said the triangular shape of that lot would not allow for the 70-foot width required by the R-3 development standard.

Your Committee also added exemptions from Charter Sections 8-8.4 and 8-8.6 to exempt the project from the requirements of planning commission review, public hearing, and transmittal of findings and recommendations to the Council on the proposed District Boundary Amendment. Your Committee also added an exemption from Chapter 19.510, MCC, to exempt the project from the application, public hearing, and procedural requirements associated with the project.

The Developer requested exemptions be added to allow for the project road cul-de-sac to exceed 550 feet in length and serve more than 20 lots, provided a truck turnaround and fire lane would be constructed to ensure emergency access is not compromised by these exemptions. The Developer also requested exemptions from lot sizes and shapes, and minimum lot sizes not in conformance with the Interim zoning district standards. The Developer further requested certain exemptions to pavement of streets, street lights, sidewalks, curbs and gutters, pedestrian ways, compliance with provisions of Title 19, MCC, and certification, final

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approval and release of surety, and acceptance guidelines for roadways and infrastructure improvements. Your Committee agreed with these added exemptions, but requested a diagram of a typical roadway cross-section be provided, showing the shoulder area and pavement width. Your Committee also requested the Developer have further discussions with the Department of Public Works concerning the proposed exemptions from certification and acceptance guidelines under Sections 18.20.260 and 18.40.010, MCC, respectively.

Your Committee declined to incorporate exemptions from the provisions relating to existing streets and traffic-calming elements. Your Committee also revised Exemption D.1, relating to traffic impact fees, because traffic impact fees for Hana have not been adopted. The revision reflects this exemption would only apply in the event such fees are adopted prior to the issuance of building permits for the project.

Your Committee also incorporated nonsubstantive revisions to the list of exemptions to make the wording clearer while maintaining the Committee's intent.

Your Committee notes the Developer estimated the cost savings to be realized from the exemptions total \$615,918. A breakdown of those exemptions shows the majority of savings relate to infrastructure improvement exemptions (\$240,000), above-ground utility lines (\$205,000), and an exemption from the requirement of planting street trees (\$119,400).

Your Committee notes in an August 23, 2016, correspondence to the Planning Director, the Developer's consultant said the Developer is open to prohibiting short-term vacation rentals and bed and breakfast uses within the project. Your Committee recommended a modification be added to require the Developer to record in the Bureau of Conveyances a restriction against the property permanently providing that the use or operation of any dwelling for transient or short-term rentals, including any rental for a term of less than 180 days, is prohibited on the lots.

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Your Committee voted 8-0 to recommend adoption of the proposed resolution approving the project with modifications and filing of the two remaining resolutions. Committee Chair Carroll and members Atay, Cochran, Crivello, Guzman, King, Sugimura, and White voted "aye." Committee Vice-Chair Hokama was excused.

Your Committee is in receipt of a revised proposed resolution approving the project with modifications, approved as to form and legality by the Department of the Corporation Counsel, incorporating your Committee's recommended revisions and nonsubstantive revisions.

Your Land Use Committee RECOMMENDS the following:


1. That Resolution _____, attached hereto, entitled "APPROVING WITH MODIFICATIONS THE INDEPENDENT DEVELOPMENT OF THE 100 PERCENT AFFORDABLE HANA HOUSING PROJECT PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES," be ADOPTED;
2. That the proposed resolution, attached hereto, entitled "APPROVING THE INDEPENDENT DEVELOPMENT OF THE 100 PERCENT AFFORDABLE HANA HOUSING PROJECT PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES," be FILED; and
3. That the proposed resolution, attached hereto, entitled "DISAPPROVING THE INDEPENDENT DEVELOPMENT OF THE 100 PERCENT AFFORDABLE HANA HOUSING PROJECT PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES," be FILED.

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This report is submitted in accordance with Rule 8 of the Rules of the Council.



ROBERT CARROLL, Chair

lu:cr:17002(2)aa:cmn

Resolution

No. _____

APPROVING WITH MODIFICATIONS THE INDEPENDENT DEVELOPMENT OF THE 100 PERCENT AFFORDABLE HANA HOUSING PROJECT PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES

WHEREAS, GTH Land Company, Inc., a Hawaii Corporation, proposes the development of the 100 percent Affordable Hana Housing Project (the "Project") for qualified residents on approximately 7.226 acres located at 4356 Hana Highway, Hana, Maui, Hawaii, identified for real property tax purposes as tax map key (2) 1-3-004:001 (por.); and

WHEREAS, the Project will consist of twenty-five lots suitable for the construction of single family dwelling units; and

WHEREAS, all twenty-five lots will be sold at prices set forth in Exhibit "A," attached hereto and made a part hereof; and

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

WHEREAS, on October 5, 2017, the Department of Housing and Human Concerns submitted the preliminary plans and specifications and accompanying application to the Council of the County of Maui ("Council"), recommending approval of the Project pursuant to Chapter 201H, Hawaii Revised Statutes ("HRS"); and

WHEREAS, the Project is being independently developed pursuant to Section 201H-41, HRS; and

WHEREAS, pursuant to Section 201H-38, HRS, the Council may approve certain exemptions for the Project, which exemptions are attached hereto and made a part hereof as Exhibit "B"; and

WHEREAS, pursuant to Section 201H-38, HRS, the Council shall approve, approve with modification, or disapprove the Project by resolution within forty-five 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 October 5, 2017; 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. _____

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 GTH Land Company, Inc., the Council approves the Project with the modifications specified in Exhibit "C," including the Project's preliminary plans and specifications, as submitted to the Council on October 5, 2017, pursuant to Section 201H-38, HRS; provided that GTH Land Company, Inc., 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 "B"; 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 GTH Land Company, Inc. shall sell the lots at the prices set forth in Exhibit "A"; and

4. That in the event of any conflict between the plans and specifications of the Project and this Resolution, the terms of the Resolution and any attached exhibits shall control; and

5. 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 GTH Land Company, Inc.

APPROVED AS TO FORM
AND LEGALITY:



JEFFREY JUEOKA
Deputy Corporation Counsel
County of Maui

2017-0095/2017-0095

S:\ALL\JTU\HOUSING\201H\Hana\Modifications.wpd

LU-2(2) 2017-2017-24 Ord Hana 201H Approving with Modification

100% AFFORDABLE HANA HOUSING PROJECT

LOT PRICING

	Percentage of Area Median Income			
	<80	80 – 100	101 – 120	121-140
Price	\$118,150	\$129,650	\$177,200	\$206,750
# of Lots	5	8	4	8

**201H Exemption Requests
for the proposed
100% Affordable Hana Housing Project**

The 100% Affordable Hana Housing Project ("project") will provide 100% affordable single-family housing. The project is seeking the following exemptions pursuant to Section 201H-38, Hawaii Revised Statutes ("HRS").

These exemptions will automatically terminate if the project has not commenced construction within four years of the adoption of this resolution. For purposes of this resolution, construction of the project shall be considered to have commenced when the owner has obtained grading permits and has executed a construction contract for the project. Extensions may be granted by Council resolution.

A. Exemption from Title 2, Maui County Code ("MCC"), Administration and Personnel

1. An exemption from Chapter 2.80B, MCC, General Plan and Community Plans, shall be granted to permit the project to proceed without obtaining an amendment to the Maui Island Plan or the Hana Community Plan.

B. Exemption from Title 8, MCC, Health and Safety

1. An exemption from Chapter 8.04, MCC, Refuse Collection and Landfills, shall be granted to exempt the project from the requirement of obtaining a construction waste disposal permit and making payment of the permit fee during the construction phase of the project. This exemption shall not apply to long-term, ongoing operations.

C. Exemptions from Title 12, Streets, Sidewalks and Public Places

1. An exemption from Chapter 12.08, MCC, Driveways, shall be granted to exempt the project from making payment of driveway permit and inspection fees.
2. An exemption from Section 12.24A.070(D), MCC, Planting of street trees, shall be granted to exempt the project from the requirement of planting street trees.

*Note: The project site road will be connected to Hana Highway. The right-of-way will be 44 feet wide with 20 feet of pavement. Within the project site there will be no curbs, gutters, or sidewalks, and the road shoulders will be grassed. The cul-de-sacs will have an edge of pavement radius of 43 feet and a right-of-way radius of 50 feet.

D. Exemption from Title 14, MCC, Public Services

1. An exemption from Chapter 14.70, MCC, Impact Fees for Traffic and Roadway Improvements in Hana, Maui, Hawaii, shall be granted to exempt the project from traffic impact fees, should such fees be adopted prior to the issuance of building permits for the project.

E. Exemptions from Title 16, MCC, Buildings and Construction

1. The project shall conform to Chapter 16.04C, MCC, Fire Code; Chapter 16.18B, MCC, Electrical Code; Chapter 16.20B, MCC, Plumbing Code; and Chapter 16.26B, MCC, Building Code, as stated at the time of the filing of the 201H-38 application (October 5, 2017), despite any subsequent amendments to the Fire Code, Electrical Code, Plumbing Code, or Building Code, or any updates to these Chapters adopted prior to the issuance of the last building permit for the project. This does not pertain to future renovations of buildings or units, only to new construction.

F. Exemptions from Title 18, MCC, Subdivisions

1. An exemption from Section 18.04.030, MCC, Administration, and related land use consistency and conformity requirements of Title 18, shall be granted to exempt the project from the requirement of obtaining a Change n Zoning, Community Plan Amendment, or Maui Island Plan Amendment to enable subdivision approval.
2. An exemption from Section 18.16.130, MCC, Cul-de-sacs, shall be granted to allow the project road cul-de-sac to exceed 550 feet in length and serve more than 20 lots; provided that a truck turnaround and fire lane will be constructed to ensure that emergency access is not compromised by these exemptions.
3. An exemption from Section 18.16.220, MCC, Lots--Size and shape, shall be granted to allow lot sizes, widths, shapes,

and orientation, and minimum building setback lines within the project that are not in conformance with the provisions of Section 19.02A.030, MCC, Permitted property uses, Interim District.

4. An exemption from Section 18.16.230, MCC, Lots--Minimum sizes, shall be granted to allow lot sizes within the project that are not in conformance with the provisions of Section 19.02A.030, MCC, Permitted property uses, Interim District.
5. An exemption from Section 18.20.030, MCC, Pavement of streets, shall be granted to allow the project to be developed as follows: The project site road will be connected to Hana Highway. The right-of-way will be 44 feet wide with 20 feet of pavement. Within the project site there will be no curbs, gutters, or sidewalks, and the road shoulders will be grassed. The cul-de-sacs will have an edge of pavement radius of 43 feet and a right-of-way radius of 50 feet.
6. An exemption from Section 18.20.060, MCC, Street lights, shall be granted to exempt the project from the requirement of constructing street lights within the subdivision.
7. An exemption from Section 18.20.070, MCC, Sidewalks, shall be granted to exempt the project from the requirement of constructing sidewalks. Note: Twelve-foot-wide grass shoulders will be provided on both sides of internal subdivision roadways. A seven-foot-wide grass shoulder will be provided at cul-de-sac locations.
8. An exemption from Section 18.20.080, MCC, Curbs and gutters, shall be granted to exempt the project from the requirement of installing curbs and gutters within the subdivision.
9. An exemption from Section 18.20.100, MCC, Pedestrian ways, shall be granted to exempt the project from the requirement of providing pedestrian ways in conformance with this section within the project. Note: Twelve-foot-wide grass shoulders will be provided on both sides of subdivision roadways. A seven-foot-wide grass shoulder will be provided at cul-de-sac locations.
10. An exemption from Section 18.20.140, MCC, Utility lines and facilities, shall be granted to allow utility lines (electric,

telephone, street lighting, cable television, and other utilities, if any) on the project site to be installed above ground.

11. An exemption from Section 18.20.240, MCC, Zoning restrictions, shall be granted to allow the director to approve a preliminary plat or subdivision map despite noncompliance with the provisions of Title 19, MCC, where such provisions have been exempted by this resolution.
12. An exemption from Section 18.20.260, MCC, Certification, shall be granted to allow subdivision improvements to be considered complete and acceptable for final approval after such improvements are so certified in writing to be complete and constructed to the standards described herein.
13. An exemption from Section 18.20.270, MCC, Final approval and release of surety, shall be granted to allow for the final approval and release of surety to be based upon the subdivision roadway and infrastructure improvements described herein.
14. An exemption from Section 18.40.010, MCC, Acceptance guidelines, shall be granted for roadways and infrastructure improvements. The County of Maui may accept ownership and maintenance of the subdivision roadway and infrastructure improvements located within the subdivision right-of-way, as described herein.

G. Exemptions from Title 19, MCC, Zoning

1. An exemption from Title 19, Article I, MCC, Interim Zoning Provisions, shall be granted to exempt the project from the Interim District development standards. The project shall comply with the uses and standards of Chapter 19.08, MCC, relating to R-3 Residential districts, except that the minimum lot width for Lot 25 shall be 50 feet.
2. An exemption from Section 19.68.020(B)(8), MCC, Applications, State Land Use District Boundaries, shall be granted to exempt the project from the requirement of paying a filing fee.
3. An exemption from Section 19.68.020(C)(2), MCC, Applications, State Land Use District Boundaries, shall be granted to exempt the project from notice of application and timing requirements.

4. An exemption from Section 19.68.030, MCC, Procedures, State Land Use District Boundaries, shall be granted to exempt the project from the Maui Planning Commission public hearing requirements and the timing requirement for newspaper notification.
5. An exemption from Chapter 19.510, MCC, Application and Procedures, shall be granted to exempt the project from the application, public hearing, and procedural requirements associated with this project.

H. Exemption 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.

I. Exemption from the State General Excise Tax

1. The County of Maui does not object to the Developer seeking an exemption for the State of Hawaii's General Excise Tax in accordance with Section 201H-37, HRS.

J. Exemptions from Sections 8-8.4 and 8-8.6, Revised Charter of the County of Maui (1983), as amended

1. An exemption from Sections 8-8.4 and 8-8.6, Revised Charter of the County of Maui (1983), as amended, shall be granted to exempt the project from the requirements of planning commission review, public hearing, and transmittal of findings and recommendations to the Council on the proposed amendment to the State Land Use District Boundary.

MODIFICATION

1. The Developer shall record in the Bureau of Conveyances of the State of Hawaii a restriction permanently providing that the use or operation of any dwelling on the lots for transient or short-term rentals, including any rental for a term of less than 180 days, is prohibited.

Resolution

No. _____

APPROVING THE INDEPENDENT DEVELOPMENT OF THE 100 PERCENT AFFORDABLE HANA HOUSING PROJECT PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES

WHEREAS, GTH Land Company LLC, a Hawaii Limited Liability Company, proposes the development of the 100 percent Affordable Hana Housing Project (the "Project") for qualified residents on approximately 7.22 acres located at 4356 Hana Highway, Hana, Maui, Hawaii, identified for real property tax purposes as Tax Map Key No. (2) 1-3-004:001 (por.); and

WHEREAS, the proposed Project will consist of twenty-five (25) lots suitable for the construction of single family dwelling units; and

WHEREAS, all twenty-five (25) lots will be sold at prices set forth in Exhibit "A", attached hereto and made a part hereof; and

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

WHEREAS, on October 5, 2017, the Department of Housing and Human Concerns submitted the preliminary plans and specifications and accompanying application to the Council of the County of Maui ("Council") recommending approval of the Project pursuant to Chapter 201H, Hawaii Revised Statutes ("HRS"); and

WHEREAS, the Project is being independently developed pursuant to Section 201H-41, HRS; and

WHEREAS, pursuant to Section 201H-38, HRS, the Council may approve certain exemptions for the Project, the requested exemption list is attached hereto and made a part hereof as Exhibit "B"; 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 October 5, 2017; 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. _____

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 GTH Land Company LLC, the Council approves the Project, including the Project's preliminary plans and specifications, as submitted to the Council on October 5, 2017, pursuant to Section 201H-38, HRS; provided that GTH Land Company 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 "B", 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 submitted to 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. GTH Land Company LLC shall sell the lots at the prices set forth in Exhibit "A"; and

4. In the event of any conflict between the plans and specifications of the Project and this Resolution, terms of the Resolution and any exhibits thereof shall control; and

5. 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 GTH Land Company LLC.

APPROVED AS TO FORM
AND LEGALITY:



JEFFREY UJOKA
Deputy Corporation Counsel
County of Maui

S:\ALL\JTU\HOUSING\201H\Hana\Approve.wpd
2017-0623

100% AFFORDABLE HANA HOUSING PROJECT

LOT PRICING

	Percentage of Area Median Income			
	>80	80 – 100	101 – 120	121-140
Price	\$118,150	\$129,650	\$177,200	\$206,750
# of Lots	5	8	4	8

**201H Exemption Requests
for the proposed
100% Affordable Hana Housing Project**

The project is 100% affordable single family housing. The project is seeking the following exemptions pursuant to Section 201H-38, Hawaii Revised Statutes.

These exemptions will automatically terminate if the Hana Affordable Housing project has not commenced construction within four (4) years of the date of the 201H Approval. For this purpose construction commencement will be defined as when the owner has obtained grading permits and has executed a construction contract for the project. Extensions to this termination will be granted at the discretion of the County Council and passed by Resolution.

As a 100% affordable housing project the project will seek to reduce fees as per Chapter 2.96.20 of the Maui County Code.

A. Exemption from Title 2, Maui County Code (MCC) Administration and Personnel

1. An exemption from Section 2.80B, MCC, General Plan and Community Plans, shall be granted to permit the project without obtaining a Community Plan Amendment.

B. Exemption from Title 8, MCC, Health and Safety

1. An exemption from Section 8.04, MCC, Refuse Collection and Landfills, shall be granted to exempt the project from construction waste disposal permit and fees during the construction phase of the project but not long term ongoing operations.

C. Exemption from Title 12, Streets, Sidewalks and Public Places

1. An exemption from Chapter 12.08, MCC, Driveways, shall be granted to exempt the project from driveway permit and inspection fees.
2. Exemption from Section 12.24A.070D MCC, Planting of street trees, shall be granted to delete the requirement for street trees.

*Note: The proposed project site road will be connected to Hana Highway. The right-of-way width will be 44 feet wide and 20 feet of pavement. Within the project site there will be no curb, gutters, or sidewalks and the road shoulders will be grassed. The cul-de-sacs will have an edge of pavement radius of 43 feet and a right-of-way radius of 50 feet.

D. Exemption from Title 14, MCC, Public Services

1. An exemption from Section 14.70, MCC, Impact Fees for Traffic and Roadway Improvements in Hana Maui, Hawaii, shall be granted to exempt the project from traffic impact fees.

E. Exemptions from Title 16, MCC, Buildings and Construction

1. The project shall conform to Section 16.04C, MCC, Fire Code; Section 16.18B, MCC, Electrical Code; Section 16.20B, MCC, Plumbing Code; and Section 16.26B, MCC, Building Code; as stated at the time of the filing of the 201H-38 application, despite any subsequent amendments to these sections, or any updates to these sections adopted prior to the issuance of the last building permit for the project. This does not pertain to future renovations of buildings or units, only to new construction.

F. Exemptions from Title 18, MCC, Subdivisions

1. An exemption from Section 18.04.030, MCC, Administration, and related land use consistency and conformity requirements of Title 18, shall be granted to exempt the project from obtaining a change in zoning or Community Plan Amendment to enable subdivision approval.
2. An exemption from Section 18.20.140 MCC, Utility lines and facilities, shall be granted to allow for proposed above ground utility lines (electric, telephone, street lighting, cable television, and other utilities, if any) on the project site to be installed above ground.

G. Exemptions from Title 19, MCC, Zoning

1. An exemption from Section 19.02A, MCC, Interim Zoning Provisions, shall be granted to exempt the project from the Interim District development standards. The project will be built in accordance with the R-3 Residential District development standards.

*Note: The project will comply with the following sections of Chapter 19.08, MCC, Residential Districts:

Section 19.08.040A - Area Regulations. The minimum lot area shall be ten thousand square feet in R-3 Residential Districts.

Section 19.08.050 - Height Regulations. No buildings shall exceed two stories nor thirty feet in height.

Section 19.80.060A - Yards. There shall be a front yard of fifteen feet, sideyard of six feet, and rear yard of six feet for all residential districts. Side and rear yards for two-story structures shall be ten feet in all residential districts.

2. An exemption from Section 19.29.020, MCC, Rural District standards, shall be granted to exempt the project from the Rural District's ½ acre minimum lot size. The project will be built in accordance with the R-3 Residential District development standards.
3. An exemption from Section 19.68.020, MCC, State Land Use District Boundaries, Applications, B.8 shall be granted to exempt the project from the filing fee requirements.
4. An exemption from Section 19.68.020, MCC, State Land Use District Boundaries, Applications, C.2 shall be granted to exempt the project from the notification and timing requirements.
5. An exemption from Section 19.68.030, MCC, State Land Use District Boundaries, Procedures, A shall be granted to exempt the project from the Maui Planning Commission public hearing requirements.
6. An exemption from Section 19.68.030, MCC, State Land Use District Boundaries, Procedures, B shall be granted to exempt the project from the timing requirement for newspaper notification.

H. 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.

I. Exemption from the State General Excise Tax

1. The County of Maui does not object to the Developer seeking an exemption for the State of Hawaii's General Excise Tax in accordance with Section 201H-37, HRS.

Resolution

No. _____

DISAPPROVING THE INDEPENDENT DEVELOPMENT OF THE 100 PERCENT AFFORDABLE HANA HOUSING PROJECT PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES

WHEREAS, GTH Land Company LLC, a Hawaii Limited Liability Company, proposes the development of the 100 percent Affordable Hana Housing Project (the "Project") for qualified residents on approximately 7.22 acres located at 4356 Hana Highway, Hana, Maui, Hawaii, identified for real property tax purposes as Tax Map Key No. (2) 1-3-004:001 (por.); and

WHEREAS, the proposed Project will consist of twenty-five (25) lots suitable for the construction of single family dwelling units; and

WHEREAS, all twenty-five (25) lots will be sold at prices set forth in Exhibit "A", attached hereto and made a part hereof; and

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

WHEREAS, on October 5, 2017, the Department of Housing and Human Concerns submitted the preliminary plans and specifications and accompanying application to the Council of the County of Maui ("Council") recommending approval of the Project pursuant to Chapter 201H, Hawaii Revised Statutes ("HRS"); and

WHEREAS, the Project is being independently developed pursuant to Section 201H-41, HRS; and

WHEREAS, pursuant to Section 201H-38, HRS, the Council may approve certain exemptions for the Project, the requested exemption list is attached hereto and made a part hereof as Exhibit "B"; 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 October 5, 2017; 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,

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

Resolution No. _____

1. That the Council disapproves the Project submitted to the Council on October 5, 2017, pursuant to Section 201H-38, HRS; and

2. 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 GTH Land Company LLC.

APPROVED AS TO FORM
AND LEGALITY:



JEFFREY LEOKA
Deputy Corporation Counsel
County of Maui

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2017-0623

100% AFFORDABLE HANA HOUSING PROJECT

LOT PRICING

	Percentage of Area Median Income			
	>80	80 – 100	101 – 120	121-140
Price	\$118,150	\$129,650	\$177,200	\$206,750
# of Lots	5	8	4	8

**201H Exemption Requests
for the proposed
100% Affordable Hana Housing Project**

The project is 100% affordable single family housing. The project is seeking the following exemptions pursuant to Section 201H-38, Hawaii Revised Statutes.

These exemptions will automatically terminate if the Hana Affordable Housing project has not commenced construction within four (4) years of the date of the 201H Approval. For this purpose construction commencement will be defined as when the owner has obtained grading permits and has executed a construction contract for the project. Extensions to this termination will be granted at the discretion of the County Council and passed by Resolution.

As a 100% affordable housing project the project will seek to reduce fees as per Chapter 2.96.20 of the Maui County Code.

A. Exemption from Title 2, Maui County Code (MCC) Administration and Personnel

1. An exemption from Section 2.80B, MCC, General Plan and Community Plans, shall be granted to permit the project without obtaining a Community Plan Amendment.

B. Exemption from Title 8, MCC, Health and Safety

1. An exemption from Section 8.04, MCC, Refuse Collection and Landfills, shall be granted to exempt the project from construction waste disposal permit and fees during the construction phase of the project but not long term ongoing operations.

C. Exemption from Title 12, Streets, Sidewalks and Public Places

1. An exemption from Chapter 12.08, MCC, Driveways, shall be granted to exempt the project from driveway permit and inspection fees.
2. Exemption from Section 12.24A.070D MCC, Planting of street trees, shall be granted to delete the requirement for street trees.

*Note: The proposed project site road will be connected to Hana Highway. The right-of-way width will be 44 feet wide and 20 feet of pavement. Within the project site there will be no curb, gutters, or sidewalks and the road shoulders will be grassed. The cul-de-sacs will have an edge of pavement radius of 43 feet and a right-of-way radius of 50 feet.

D. Exemption from Title 14, MCC, Public Services

1. An exemption from Section 14.70, MCC, Impact Fees for Traffic and Roadway Improvements in Hana Maui, Hawaii, shall be granted to exempt the project from traffic impact fees.

E. Exemptions from Title 16, MCC, Buildings and Construction

1. The project shall conform to Section 16.04C, MCC, Fire Code; Section 16.18B, MCC, Electrical Code; Section 16.20B, MCC, Plumbing Code; and Section 16.26B, MCC, Building Code; as stated at the time of the filing of the 201H-38 application, despite any subsequent amendments to these sections, or any updates to these sections adopted prior to the issuance of the last building permit for the project. This does not pertain to future renovations of buildings or units, only to new construction.

F. Exemptions from Title 18, MCC, Subdivisions

1. An exemption from Section 18.04.030, MCC, Administration, and related land use consistency and conformity requirements of Title 18, shall be granted to exempt the project from obtaining a change in zoning or Community Plan Amendment to enable subdivision approval.
2. An exemption from Section 18.20.140 MCC, Utility lines and facilities, shall be granted to allow for proposed above ground utility lines (electric, telephone, street lighting, cable television, and other utilities, if any) on the project site to be installed above ground.

G. Exemptions from Title 19, MCC, Zoning

1. An exemption from Section 19.02A, MCC, Interim Zoning Provisions, shall be granted to exempt the project from the Interim District development standards. The project will be built in accordance with the R-3 Residential District development standards.

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Section 19.80.060A - Yards. There shall be a front yard of fifteen feet, sideyard of six feet, and rear yard of six feet for all residential districts. Side and rear yards for two-story structures shall be ten feet in all residential districts.

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4. An exemption from Section 19.68.020, MCC, State Land Use District Boundaries, Applications, C.2 shall be granted to exempt the project from the notification and timing requirements.
5. An exemption from Section 19.68.030, MCC, State Land Use District Boundaries, Procedures, A shall be granted to exempt the project from the Maui Planning Commission public hearing requirements.
6. An exemption from Section 19.68.030, MCC, State Land Use District Boundaries, Procedures, B shall be granted to exempt the project from the timing requirement for newspaper notification.

H. 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.

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