

## LU Committee

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**From:** Brett Davis <BDavis@chpmaui.com>  
**Sent:** Tuesday, October 17, 2017 8:28 AM  
**To:** LU Committee  
**Subject:** Hana 201H response letter  
**Attachments:** HANA 201H\_10.16.2017\_response letter with exhibits.pdf

Hello Chair Carroll, attached is our response letter with exhibits. I can deliver a hardcopy to your office this morning.

Thank you,

-Brett

**Brett A. Davis**  
Land Planner  
**CHRIS HART & PARTNERS, INC.**  
115 N. Market Street  
Wailuku, Maui, Hawaii 96793  
voice: 808.242.1955 x561  
facsimile: 808.242.1956  
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**CHRIS  
HART**  
& PARTNERS, INC.

Landscape Architecture  
City & Regional Planning

October 16, 2017

Mr. Robert Carroll, Chair  
Land Use Committee  
County of Maui  
200 S. High Street  
Wailuku, HI 96793

Dear Chair Carroll

RE: Affordable Housing Projects (Chapter 201H, Hawaii Revised Statutes)  
(Independent Development of 100 percent affordable Hana Housing Project)  
(LU-2 (2))

Chris Hart and Partners, Inc., (CH&P) has prepared the following response to your letter dated October 10, 2017.

*Comment 1. See the attached request to the Department of the Corporation Counsel, relating to the business entity who is proposing to develop the project (GTH Land Company LLC). Please advise if you have any updates concerning the status of the entity or the identity of the project developer.*

**Response:** The Applicant, Mr. Gabriel T. Hoeffken has confirmed with the Department of Commerce and Consumer Affairs (DCCA) that GTH Land Company LLC is now in good standing with the DCCA.

*Comment 2. Please advise the Committee of the proximity of the proposed project area to the 12-acre mining area on the parcel. To what extent would noise, dust, or other effects of the mining operation affect the project area? What is the duration of the State Special Use Permit for mining and resource extraction on the parcel?*

**Response:** The proposed project area is located approximately 300 feet Makai of the temporary 12-acre mining site. (See attached Location Map)

A State Land Use Commission Special Use Permit (SUP2 2014/0002) for mining and resource extraction on a 12 acre portion of the property was granted on August 11, 2015 for a period of 3 years **expiring on August 11, 2018**. (See attached and in the Final EA as Appendix H, SUP2 2014/0002 Approval dated July 29, 2015)

Mr. Robert Carroll, Chair  
Land Use Committee  
Re: (LU-2 (2)), Hana 201H  
October 16, 2017  
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The mining operation is used intermittently when Hana area construction projects create demand. The Applicant is expected to request a time extension for the SUP2 2014/0002 for a duration of another 3 years to continue the mining operation. The extension would allow the Applicant to use aggregate rock material onsite for this affordable project infrastructure, including the project road.

*Comment 3. Please provide an estimate of the cost savings anticipated as a result of the exemptions requested for the project.*

The Applicant has estimated that the requested exemptions could provide a cost savings of approximately \$615,000.00 not factoring in the effects of General Excise Tax.

In addition the 201H exemption list has been revised per our meeting on October 11, 2017. (See: Revised Exemption List)

Thank you for your review of this request. Please feel free to call me at (808) 242-1955 should you have any questions.

Sincerely yours,

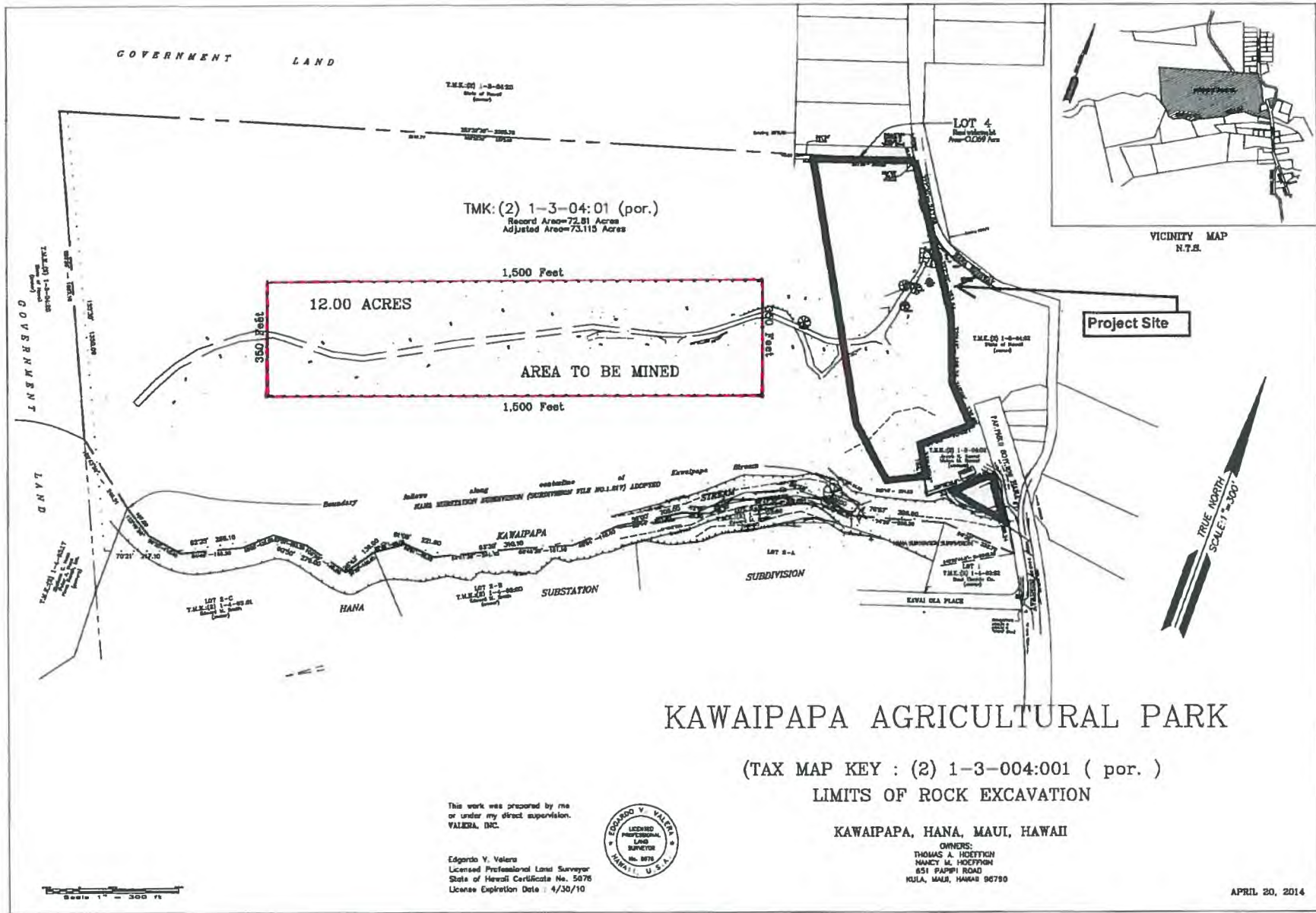


Jordan E. Hart, President  
Land Planner

ENCLOSURES: (3)

1. Location map
2. SUP2 2014/0002 Approval dated July 29, 2015
3. Revised Exemption List

CC: Carla Nakata, Council Services (Via Email)  
(CH&P 13-062)



# KAWAIPAPA AGRICULTURAL PARK

(TAX MAP KEY : (2) 1-3-004:001 ( por. )  
 LIMITS OF ROCK EXCAVATION

KAWAIPAPA, HANA, MAUI, HAWAII

OWNERS:  
 THOMAS A. HOEFFGEN  
 NANCY M. HOEFFGEN  
 521 PAPPY ROAD  
 KULA, MAUI, HAWAII 96780

This work was prepared by me  
 or under my direct supervision.  
**VALERA, INC.**

Edgardo V. Valera  
 Licensed Professional Land Surveyor  
 State of Hawaii Certificate No. 5076  
 License Expiration Date : 4/30/10



APRIL 20, 2014

ALAN M. ARAKAWA  
Mayor

WILLIAM R. SPENCE  
Director

MICHELE CHOUTEAU McLEAN  
Deputy Director



COUNTY OF MAUI  
**DEPARTMENT OF PLANNING**

July 29, 2015

Mr. Keone Ball, Chairman  
and Members of the Maui Planning Commission  
250 South High Street  
Wailuku, Hawaii 96793

Dear Chair Ball and Members:

**SUBJECT: A STATE LAND USE COMMISSION SPECIAL USE PERMIT (SUP)  
FOR MINING AND RESOURCE EXTRACTION ON A TWELVE (12)  
ACRE PORTION OF A 72.8 ACRE PARCEL, LOCATED IN THE STATE  
AGRICULTURAL DISTRICT, HANA, ISLAND OF MAUI, HAWAII;  
TMK (2) 1-3-004:001 (por.) (SUP2 2014/0002)**

The Application is for a State Land Use Commission SUP for mining and resource extraction on a twelve (12) acre portion of 72.8 acre parcel in the State Agricultural District, Tax Map Key (TMK) No. (2) 1-3-004:001 (por.), Hana, Island of Maui, Hawaii.

A public hearing was held before the Hana Advisory Committee (HAC) on March 9, 2015 at the Old Hana School Cafeteria, 5091 Uakea Road, Hana, Island of Maui, Hawaii. The HAC unanimously voted to defer the project to as short a period as possible, but with time enough for a site visit. The HAC unanimously voted that HAC Members Hoopai-Waikoloa, Crawford, and Mardfin be selected for the investigative group to meet with the Applicant and do a site visit of the subject property. The HAC unanimously voted to RECESS the meeting until Tuesday, March 17, 2015.

On March 17, 2015, the site visit of the HAC was held at approximately 2:17 p.m. at the driveway entrance to 4356 Hana Highway. Present were Vice Chairperson Ward Mardfin and Committee members Ed Cashman, Ian Ballantyne, and Scott Crawford. The HAC unanimously voted to dissolve the temporary investigative group. The HAC meeting reconvened at the Old Hana School Cafeteria.

The HAC voted to recommend approval of the Department of Planning's (Department) Report and Recommendation dated August 11, 2015 with the following conditions:

1. That the State Land Use Commission SUP shall be valid for three (3) years from the date of the Maui Planning Commission (Commission) approval, subject to extension by the Planning Director (Director) upon a timely request for extension filed at least ninety (90) days prior to its expiration. The Director may forward the time-extension request to the Commission for review and approval and may require a public hearing on the time extension by the Commission.

2. That the subject State Land Use Commission SUP shall not be transferred without the prior written approval of the Director. However, in the event that a contested case hearing preceded issuance of said State Land Use Commission SUP, a public hearing shall be held by the appropriate Commission upon due published notice, including actual written notice to the last known addresses of parties to said contested case and their counsel.
3. That the Applicant, its successors and permitted assigns, shall exercise reasonable due care as to third parties with respect to all areas affected by subject State Land Use Commission SUP and shall procure at its own cost and expense, and shall maintain during the entire period of this State Land Use Commission SUP, a policy or policies of comprehensive liability insurance in the minimum amount of ONE MILLION AND NO/100 DOLLARS (\$1,000,000.00) naming the County of Maui and State of Hawaii as an additional insured, insuring and defending the Applicant, County of Maui and State of Hawaii against any and all claims or demands for property damage, personal injury and/or death arising out of this permit, including but not limited to: (1) claims from any accident in connection with the permitted use, or occasioned by any act or nuisance made or suffered in connection with the permitted use in the exercise by the Applicant of said rights; and (2) all actions, suits, damages and claims by whomsoever brought or made by reason of the non-observance or non-performance of any of the terms and conditions of this permit. Proof of a policy naming County of Maui as an additional insured shall be submitted to the Department within ninety (90) calendar days from the date of transmittal of the decision and order. The proof of insurance and all subsequent certifications of insurance coverage shall include the applicable TMK and permit numbers.
4. That full compliance with all applicable governmental requirements shall be rendered.
5. That the Applicant shall submit to the Department two (2) copies of a detailed report addressing its compliance with these conditions. The Compliance Report shall be submitted to the Department with the request for time extension.
6. That the Applicant shall develop the property in substantial compliance with the representations made to the Commission in obtaining the SUP. Failure to develop the property as represented may result in the revocation of the permit.
7. That the Applicant is willing to operate within the hours of 7:30 a.m. to 4:30 p.m., Monday through Friday, to address the noise and dust control.
8. That the Applicant is willing to retain an archaeological monitor to be on site in the event that historic properties, including concentrations of artifacts, human

Mr. Keone Ball, Chairperson  
and Members of the Maui Planning Commission  
July 29, 2015  
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skeletal remains, subsurface cultural deposits, or structural remnants over fifty (50) years of age, are identified during construction activities, all work in the vicinity of the find must cease, the find must be protected from additional disturbance, and the Department of Land and Natural Resources-State Historic Preservation Division (DLNR-SHPD), Maui Island Section, shall be contacted immediately at (808) 243-1285;

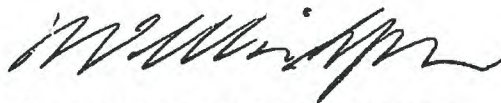
9. That the uses and structures permitted on the property shall be limited to single-family dwellings, duplex dwellings, and Bed and Breakfast (B&B) homes, subject to the provisions of Section 19.64.030 of the Maui County Code (MCC).

Transmitted for your review and consideration are the following:

1. The Department's Report to the HAC dated March 9, 2015;
2. The Department's Recommendation to the HAC dated March 9, 2015;
3. Draft Minutes of the March 9, 2015 HAC meeting;
4. Draft Minutes of the March 17, 2015 HAC meeting; and
5. Letters and testimony distributed at the March 9, 2015 and March 17, 2015 HAC meeting.

Thank you for your cooperation. Should additional clarification be required, please contact Staff Planner Sybil Lopez at [sybil.lopez@mauicounty.gov](mailto:sybil.lopez@mauicounty.gov) or at (808) 270-5529.

Sincerely,



WARD MARDFIN, Vice-Chairperson  
Hana Advisory Committee on the  
Maui Planning Commission

Attachments

xc: Clayton I. Yoshida, AICP, Planning Program Administrator (PDF)  
Hana Advisory Committee members (letter only) (PDF)  
Sybil K. Lopez, Staff Planner (PDF)  
Tom Hoeffken, Tom's Backhoe, Applicant  
Project File  
General File

WRS:SKL:sn

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**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 Section 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 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, Lots-Size and Shape, shall be granted to allow lot sizes, widths, shapes, and orientation, and minimum building setback lines with the Project that are not in conformance with the provisions of Title 19, Chapter 19.02A.030, MCC, Interim District.
4. An exemption from Section 18.16.230, Lots-Minimum Sizes, shall be granted to allow lot sizes within the Project that are not in conformance with the provisions of Title 19, Chapter 19.02A.030, MCC, Interim District.
5. An exemption from Section 18.20.030 MCC, Pavement of streets, shall be granted to allow the project to develop as follows: 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.

6. An exemption from Section 18.20.040 MCC, Existing streets, shall be granted to allow the project to be developed as follows: 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.
7. An exemption from Section 18.20.060, MCC, Street lights, shall be granted to not require streetlights within the subdivision.
8. An exemption from Section 18.20.070 MCC, Sidewalks, shall be granted to not require the construction of sidewalks. Note: A twelve (12) foot grass shoulders will be provided on both sides of internal subdivision roadways. A seven (7) foot grass shoulder will be provided at cul-de-sac locations.
9. An exemption from Section 18.20.080 MCC, Curbs and gutters, shall be granted to not require installation of curbs and gutters within the subdivision.
10. An exemption from Section 18.20.100 MCC, Pedestrian ways, shall be granted to not require pedestrian ways within the project. Note: A twelve (12) foot grass shoulders will be provided on both sides of subdivision roadways. A seven (7) foot grass shoulder will be provided at cul-de-sac locations.
11. An exemption from Section 18.20.105 MCC, Traffic calming elements, shall be granted to not require installation of traffic calming elements.
12. 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.
13. An exemption from Section 18.20.240 MCC, Zoning Restrictions, shall be granted to allow Exemption from compliance with the provisions of Title 19.
14. 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.
15. An exemption from Section 18.20.270 MCC, Final approval and release of surety, shall be granted to allow Final approval and release of surety shall be

based on the subdivision roadway and infrastructure improvements described herein.

16. An exemption from Section 18.40.010 MCC, Acceptance Guidelines, shall be granted for roadways and infrastructure improvements. The County of Maui will 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 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 similar to the R-3 Residential District development standards.

*\*Note: The minimum lot width shall be 50 feet for the project.*

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 19.08.060A - Yards. There shall be a front yard of fifteen feet, sideyard of six feet, and rear yard of six feet within the project. Side and rear yards for two-story structures shall be ten feet.

2. 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.
3. 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.
4. 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.

5. 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.