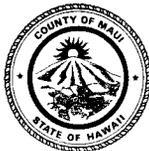


JEFFREY T. KUWADA
County Clerk



LANCE TAGUCHI
Deputy County Clerk

OFFICE OF THE COUNTY CLERK

COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.mauicounty.gov/county/clerk

October 10, 2011

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RECEIVED

Honorable G. Riki Hokama, Chair
Policy Committee
Council of the County of Maui
Wailuku, Hawaii 96793

Dear Chair Hokama:

Respectfully transmitted are copies of the following communications that were referred to your Committee by the Council of the County of Maui at its meeting of October 7, 2011:

COUNTY COMMUNICATIONS:

- No. 11-254 - Danny A. Mateo, Council Chair
- No. 11-272 - Robert Carroll, Councilmember
- No. 11-273 - Gary A. Yabuta, Chief of Police

Respectfully,

A handwritten signature in black ink, appearing to read "Jeffrey T. Kuwada", written over a large, stylized flourish.

JEFFREY T. KUWADA
County Clerk

/jym

Enclosures

cc: Director of Council Services

Council Chair
Danny A. Mateo

Vice-Chair
Joseph Pontanilla

Council Members
Gladys C. Baisa
Robert Carroll
Elle Cochran
Donald G. Couch, Jr.
G. Riki Hokama
Michael P. Victorino
Mike White



Director of Council Services
Ken Fukuoka

COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.mauicounty.gov/council

September 22, 2011

RECEIVED
2011 SEP 23 PM 1:34
OFFICE OF THE
COUNTY CLERK

Honorable Members of the Council
County of Maui
Wailuku, HI 96793

Dear Members of the Council:

SUBJECT: RESOLUTION NO. 10-57 APPROVING WITH
MODIFICATION THE KULA RIDGE AFFORDABLE
HOUSING SUBDIVISION PROJECT PURSUANT TO
SECTION 201H-38, HAWAII REVISED STATUTES ()

Attached is a letter from Kula Ridge, LLC providing a status update of the project required by Council Resolution No. 10-57, Modification No. 13.

I request that this communication be placed on the next scheduled Council meeting agenda for referral to the appropriate standing committee.

Thank you for your consideration of this matter.

Respectfully,

A handwritten signature in black ink that reads "Danny A. Mateo".

DANNY A. MATEO
Council Chair

DAM:aas

Attachment

COUNTY COMMUNICATION NO. 11-254

Kula Ridge, LLC

September 20, 2011

Jo-Ann Ridao, Director
County of Maui
Department of Housing and Human Concerns
2200 Main Street, Suite 546
Wailuku, Hawaii 96793

SUBJECT: STATUS OF THE KULA RIDGE AFFORDABLE HOUSING SUBDIVISION

Dear Ms. Ridao:

As you recall, the Maui County Council, at its meeting of October 19, 2010, approved Resolution No. 10-57 entitled APPROVING WITH MODIFICATION THE KULA RIDGE AFFORDABLE HOUSING SUBDIVISION PROJECT PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES. A copy of Resolution No. 10-57 is enclosed herewith for your reference. Modification No. 13 of Resolution No. 10-57 requires the following:

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.

The purpose of this letter is to provide a status update on the project as required by Modification No. 13.

LAND USE ENTITLEMENTS

The project's State Land Use Commission (LUC) District Boundary Amendment (DBA) petition was filed with the LUC in January of 2011. The LUC's deliberations on the petition were initiated on July 14, 2011, with a continuation of the proceedings on July 15, 2011. The evidentiary phase of the proceedings were concluded on August 25, 2011 and August 26, 2011. The LUC has tentatively scheduled its next meeting on the petition for November 3, 2011. At that time, the LUC will consider the parties' stipulated Findings of Fact, Conclusions of Law and

2145 Wells Street, Suite 301 Wailuku, HI 96793 Phone 808 986-8300 Fax 808 986-8301

Jo-Ann Ridaio, Director
September 20, 2011
Page 2

Decision and Order. The LUC's DBA process will be concluded once the LUC adopts its Findings of Fact, Conclusions of Law, and Decision of Order.

SUBDIVISION AND DESIGN

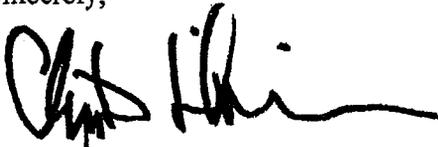
The development implementation phases of subdivision and design will commence upon conclusion of the LUC's DBA process and upon further coordination with the County's Department of Water Supply regarding water source options. Inasmuch as Kula Ridge, LLC is required to comply with Chapter 14.12 of the Maui County Code, relating to Water Availability, options for new source provisions are being reviewed to ensure that all reasonable alternatives are sufficiently evaluated.

COMPLIANCE WITH MODIFICATIONS OF RESOLUTION NO. 10-57

Although project implementation has not yet been initiated, Kula Ridge, LLC will comply with the modifications of Resolution No. 10-57, as well as conditions set forth in the LUC's Decision and Order (to be considered at the LUC's November 3, 2011 meeting).

If, prior to your forwarding this status update to the Maui County Council, there are questions or additional information you may require, please let me know.

Sincerely,



Clayton Nishikawa
KULA RIDGE LLC

CN

Enclosure

cc: Danny Mateo, Chair, Maui County Council
B.Martin Luna, Carlsmith Ball
Michael Munekiyo, Munekiyo & Hiraga, Inc.

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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

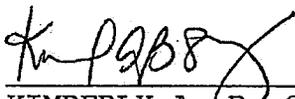
BE IT RESOLVED by the Council of the County of Maui:

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

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 and community 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.

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

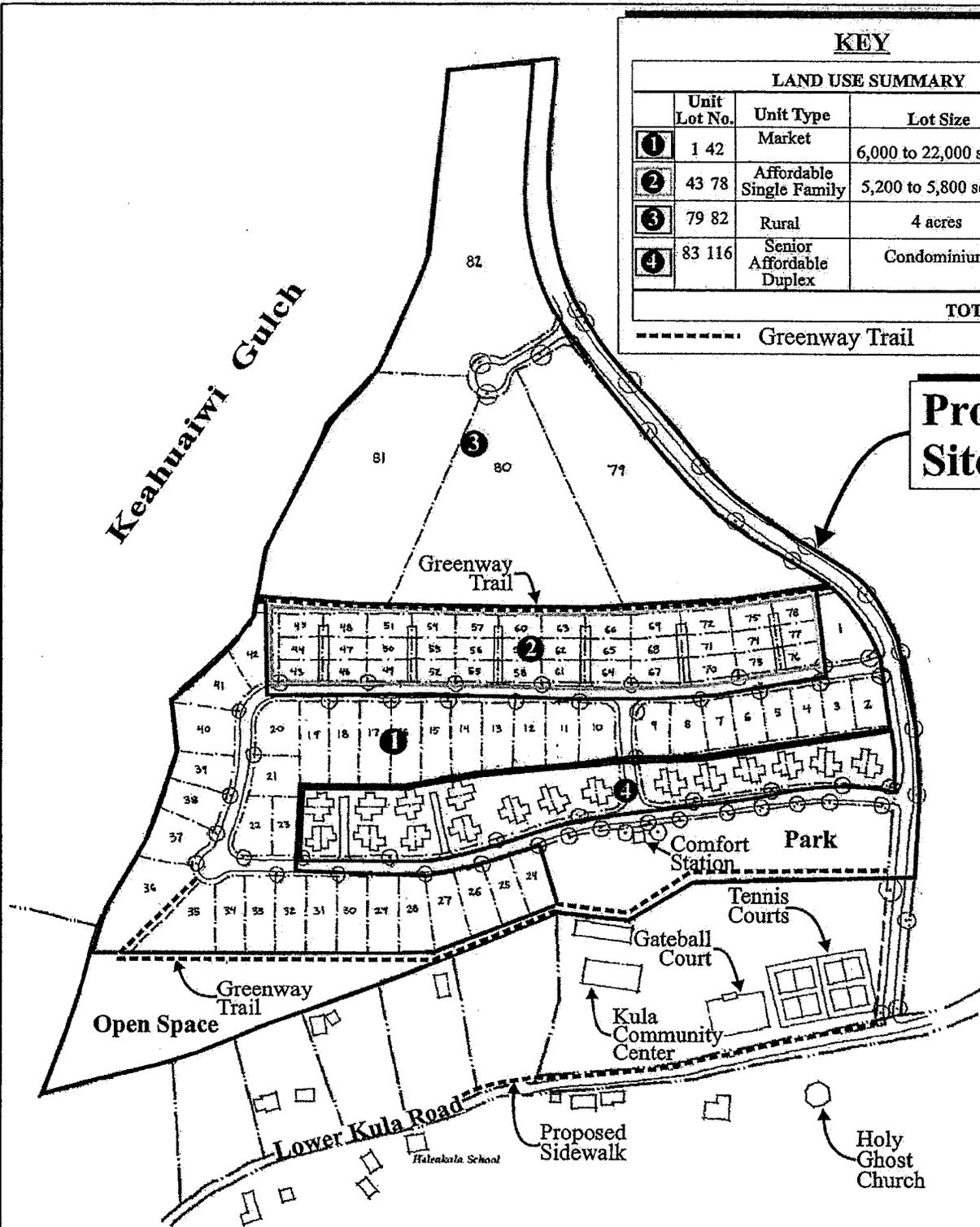
1. An exemption from Section 20.08.090, MCC, Grubbing and Grading Permit Fees, shall be granted to exempt the project from payment of grading, grubbing and excavation permit fees, as well as inspection fees.

KEY

LAND USE SUMMARY				
	Unit Lot No.	Unit Type	Lot Size	Quantity
①	1 42	Market	6,000 to 22,000 sq. ft.	42
②	43 78	Affordable Single Family	5,200 to 5,800 sq. ft.	36
③	79 82	Rural	4 acres	4
④	83 116	Senior Affordable Duplex	Condominium	34
TOTAL				116

----- Greenway Trail

Project Site



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

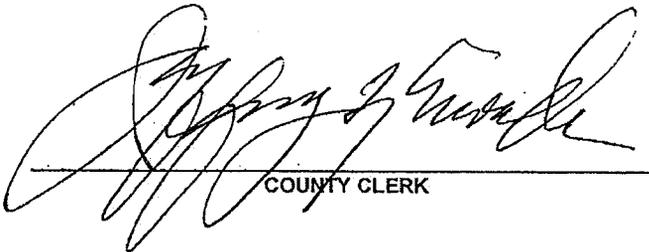
COUNCIL OF THE COUNTY OF MAUI

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