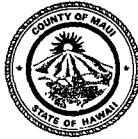


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COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

October 11, 2017

Mr. William Spence, Director
Department of Planning
County of Maui
Wailuku, Hawaii 96793

Dear Mr. Spence:

SUBJECT: AFFORDABLE HOUSING PROJECTS (CHAPTER 201H, HAWAII REVISED STATUTES) (INDEPENDENT DEVELOPMENT OF 100 PERCENT AFFORDABLE HANA HOUSING PROJECT) (LU-2(2))

The Land Use Committee is in receipt of correspondence dated October 5, 2017, from the Director of Housing and Human Concerns, transmitting the above-referenced project application for consideration. The Council's deadline for consideration is November 19, 2017.

The Committee has also received correspondence dated October 6, 2017, from the Director of Housing and Human Concerns, transmitting a proposed bill to grant a District Boundary Amendment for the property; that matter is separately identified as item LU-46.

The proposed project will consist of 25 single-family lots with the potential for an ohana unit on 22 of those lots, and associated infrastructure and roadway access, on approximately 7.226 acres at 4356 Hana Highway, identified for real property tax purposes as a portion of tax map key (2) 1-3-004:001 ("Property").

It appears the existing land use designations for the Property are as follows: Agricultural State Land Use District classification, Rural Maui Island Plan growth boundary, either Rural or Agriculture Community Plan designation,¹ and Interim zoning district.

¹ The correspondence dated August 28, 2014 from the Planning Director varies in this regard from his April 26, 2016 correspondence (see attached).

May I please request the following:

1. Please confirm the Community Plan designation for the Property.
2. It appears the 25th lot was added into the project area after the Draft Environmental Assessment was routed for review and comment. According to the Final Environmental Assessment, at page 3 (attached), Lot 25 is located outside the Rural Growth Boundary in the Maui Island Plan.
 - a. Is an amendment to the Maui Island Plan required for the portion of the Property within the Rural Growth Boundary (the 24 lots)?² Please explain.
 - b. Is an amendment to the Maui Island Plan required for Lot 25? Please identify the Maui Island Plan designation for Lot 25 and explain.

If one or more amendments to the Maui Island Plan are needed for the Project, then the request will be added to the list of exemptions to Chapter 2.80B, which currently refers to an exemption from obtaining a Community Plan Amendment only (proposed Exemption A).

3. Does the inclusion of Lot 25 affect any other land use designations for the Property?
4. The developer seeks various exemptions to Chapter 19.68, Hawaii Revised Statutes, to allow the project to proceed without adhering to the procedural requirements associated with a District Boundary Amendment. (See attached list of proposed exemptions.) The developer is separately seeking a District Boundary Amendment from Agricultural District to Rural District. Because the developer is seeking an exemption from the requirements that a public hearing be held before the Maui Planning Commission, and findings and recommendations from the Maui Planning Commission be transmitted to the Council, does your Department recommend an

² According to Table 8-2 of the Maui Island Plan, "Rural Residential Areas are primarily a residential development pattern with lower residential densities (0.5 to 10 ACRE/du), agricultural activities, and few services or employment opportunities."

exemption also be requested from Sections 8-8.4 and 8-8.6 of the Revised Charter of the County of Maui (1983), as amended?

5. The developer is seeking an exemption from Chapter 19.02A, Maui County Code ("MCC"), so that the Property need not be developed in accordance with Interim District standards. The developer proceeds to state the project will be built in accordance with lot area, height, and yard requirements applicable to the R-3 Residential District. The developer also seeks an exemption from Rural District Standards, although there is no indication the Property is zoned Rural.

- a. Is an exemption to the Rural District lot size development standard required for this project (see proposed exemption G.2)?
- b. Are there development standards apart from lot area, height, and yard requirements that should be identified in connection with the zoning exemption (e.g., lot width)? If so, please identify them.
- c. With respect to proposed exemption G.1, please advise whether the language below is clear and please revise or supplement it as needed to cover the areas of concern relating to development standards for the proposed affordable lots:

G.1. An exemption from Title 19, Article 1, MCC, Interim Zoning Provisions, shall be granted to exempt the project from Interim District development standards. The following development standards shall apply to the project:

Minimum lot area shall be 10,000 square feet.

No building shall exceed two stories or 30 feet in height.

Minimum yard setbacks shall be:

- 15 feet for front yard;
- 6 feet for side and rear yards for one-story buildings; and
- 10 feet for side and rear yards for two-story buildings.

6. Does your Department recommend an exemption from the application and procedural requirements of Chapter 19.510, MCC?

Mr. William Spence
October 11, 2017
Page 4

7. Please provide any other comments your Department may have that would assist the Committee in its consideration of this project and the requested exemptions.

I would appreciate receiving your response by **Monday, October 16, 2017**. I apologize for the shortness of time for response. To ensure efficient processing, please include the relevant Committee item number in the subject line of your response.

Thank you in advance for your assistance. Should you have any questions, please contact me or the Committee staff (Carla Nakata at ext. 7659, or Clarita Balala at ext. 7668).

Sincerely,



ROBERT CARROLL, Chair
Land Use Committee

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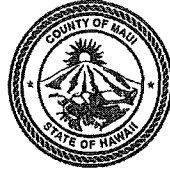
Attachments

cc: Mayor Alan M. Arakawa
Jeffrey Ueoka, Deputy Corporation Counsel
Brett Davis, Chris Hart & Partners, Inc.
Paul Fasi, Planner, Department of Planning

ALAN M. ARAKAWA
Mayor

WILLIAM R. SPENCE
Director

MICHELE CHOUTEAU McLEAN
Deputy Director



RECEIVED

SEP - 2 2014

CHRIS HART & PARTNERS, INC.
Landscape Architecture and Planning

CC: MHA 13/062

COUNTY OF MAUI
DEPARTMENT OF PLANNING

August 28, 2014

Mr. Jordan E. Hart
Chris Hart and Partners
115 North Market Street
Wailuku, Hawaii 96793

Dear Mr. Hart:

SUBJECT: REQUEST FOR COMMENTS (RFC) ON THE PROPOSED HANA AFFORDABLE HOUSING PROJECT, HANA, ISLAND OF MAUI, HAWAII; TMK: (2) 1-3-004:001 (PORTION) (RFC 2014/0072)

The Department of Planning (Department) is in receipt of your Request for Comments as of August 1, 2014, wherein you request pre-consultation comments for the subject project as it will require a Special Management Area (SMA) permit and an Environmental Assessment (EA).

The Department understands that your project consists of a twenty-four (24) unit one hundred percent (100%) affordable single family residential project on 8.5 acres mauka of Hana Highway between Hana High School and Hana Town.

The proposed project is on a portion of an existing parcel which has split-zoning, the majority of which is zoned Agricultural. Approximately 8.5 acres is in the Interim Zone.

If the applicant were not applying for 201-H approval, the Department would have the following comments:

State Land Use

The state land use designation for this property is Agriculture, which does not allow development as proposed. A state land use district boundary amendment from Agriculture to Rural or Urban may be required for this project.

Maui Island Plan

The location of the proposed project is in the Rural Growth Boundary of the Maui Island Plan. It is outside the Hana Affordable Residential Growth Area (MIP Page 8-68).

Community Plan

The Hana Community Plan designation for this parcel is Agriculture. This project will require a Community Plan Amendment to change the designation to Single-Family.

Mr. Jordan E. Hart
August 28, 2014
Page 2

County Zoning

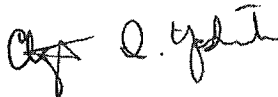
You will need to satisfy yourself and the Planning Commission that the proposed project is entirely within the Interim Zone, as such a project is not allowed in agricultural zoning districts. Otherwise a Zone Change will be required.

The Interim Zone allows, in Chapter 19.02.030 of the Maui County Code: *"One-family dwellings; provided, that no such dwelling shall be constructed on any lot having an area of less than six thousand square feet and that the minimum frontage for such lots shall be not less than sixty feet; provided, further, that this area requirement shall not apply to the building of a single-family dwelling on a lot less than six thousand square feet in area where the boundaries of such lot were established prior to the effective date of the ordinance codified in this article; provided, also, that if more than one such dwelling is to be constructed on any lot, there must be six thousand square feet for each dwelling and that the minimum lot frontage for such lots shall be not less than sixty feet. There may be the usual necessary accessory buildings in connection with any such dwelling, including a private garage of such size as may be necessary for the occupants of the dwelling, as well as buildings used for accessory dwellings."*

We look forward to reviewing the Draft EA and the proposed 201-H Exemption list.

Thank you for the opportunity to comment on this matter. If additional clarification is required, please contact Staff Planner Keith Scott via email at keith.scott@mauicounty.gov or by phone at (808) 463-3867.

Sincerely,



CLAYTON I. YOSHIDA, AICP
Planning Program Administrator

for WILLIAM SPENCE
Planning Director

xc: John S. Rapacz, Planning Program Administrator (PDF)
Keith C. Scott, Staff Planner (PDF)
Development Services Administration
Project File
General File

WRS:CIY:KCS:njm

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ALAN M. ARAKAWA
Mayor

WILLIAM R. SPENCE
Director

MICHELE CHOUTEAU McLEAN
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

April 26, 2016

RECEIVED

MAY 09 2016

CHRIS HART & PARTNERS, INC.
Landscape Architecture and Planning

CC: Brett

13/062

Ms. Carol Reimann, Director
Maui County Department of Housing and Human Concerns
2200 Main Street, Suite 546
Wailuku, Hawaii 96793

Dear Ms. Reimann:

**SUBJECT: DRAFT ENVIRONMENTAL ASSESSMENT FOR PROPOSED
201H AFFORDABLE HANA HOUSING PROJECT
TMK: (2) 1-3-004:001 (POR) (EAC 2016/0006)**

The Department of Planning (Department) is in receipt of the above referenced Draft Environmental Assessment (DEA) for review and comment. The Department offers these comments:

- The proposed project is in the State Agricultural District.
- The proposed project is in the County Interim District and would be subject to the Title 19 MCC Change of Zoning process. Due to the nature of this project being a 201H 100% affordable housing project, the Department concurs with the Applicant's eligibility and request for an exemption from Title 19 requirements.
- The propose project is designated Rural (R) in the Hana Community Plan Map and therefore, making it an appropriate project as designated.
- Lastly, the proposed project is located within the Rural Growth Boundary in the Maui Island Plan and therefore, making it an appropriate project for its location.

Thank you for the opportunity to comment. Should you require further clarification, please contact Staff Planner Paul Fasi at paul.fasi@mauicounty.gov or at (808)270-7814.

Sincerely,

A handwritten signature in black ink, appearing to read "William Spence".

WILLIAM SPENCE
Planning Director

Ms. Carol Reimann, Director
April 26, 2016
Page 2

xc: Clayton I. Yoshida, AICP, Planning Program Administrator (PDF)
John S. Rapacz, Program Administrator (PDF)
Paul F. Fasi, Staff Planner (PDF)
Brett Davis, Chris Hart & Partners
Project File
General File

WRS:PFF:ela

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Wailuku, HI 96793
Email: jhart@chpmaui.com
Phone: (808) 242-1955
Fax: (808) 242-1956

State Land Use District: Agricultural

Hana Community Plan: Rural (R)

Maui County Zoning: Interim District

Maui Island Plan: Rural Growth Boundary * Note: lot 25 is located outside of the Rural growth Boundary.

Flood Insurance Rate Map: Zones X & A

Existing Land Use: Mauka of the project site is a permitted mining and resources extraction occurring under a special use permit.

Proposed Use: 100% affordable 24 25 lot single family subdivision on ~~6.7~~ 7.220 acres (Ohana Units would be permitted)

Existing Access: An unpaved driveway provides access to the site from Hana Highway and is used for the existing mining operation. This driveway will be improved for the development of the proposed affordable housing.

C. Chapter 343, HRS Accepting Agency

Agency: Maui County
Department of Housing and Human Concerns
Ms. Carol Reimann, Director
One Main Plaza #546
2200 Main Street
Wailuku, HI 96793
Phone: (808) 270-7805

**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.