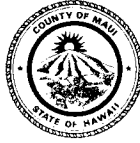


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COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

October 9, 2017

MEMO TO: Patrick K. Wong
Corporation Counsel

F R O M: Robert Carroll, Chair
Land Use Committee

A handwritten signature in black ink, appearing to be "R. Carroll", is written over the name "Robert Carroll" in the "FROM" line.

SUBJECT: **DISTRICT BOUNDARY AMENDMENT FOR 4356 HANA HIGHWAY, HANA** (LU-46)

The Land Use Committee is in receipt of the attached proposed bill entitled "A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL DISTRICT TO RURAL DISTRICT FOR PROPERTY SITUATED AT 4356 HANA HIGHWAY, HANA, MAUI, HAWAII, TAX MAP KEY NO. (2) 1-3-004:001 (POR.), CONTAINING A TOTAL OF 7.226 ACRES."

According to pages 5-6 of the related application submitted on October 5, 2017, pursuant to Chapter 201H, Hawaii Revised Statutes, for the "100% Affordable Hana Housing Project," the property is bordered to the south and west by lands with an Agricultural State Land Use District classification. (See attached.)

Section 205-3.5(a), Hawaii Revised Statutes, provides:

Any decision approving a petition for a boundary amendment pursuant to this chapter where lands in the petition area are contiguous or adjacent to lands in the agricultural district, shall include the following conditions in the decision granting approval:

- (1) A prohibition on any action that would interfere with or restrain farming operations; provided the farming operations are conducted in a manner consistent with generally accepted agricultural and

Patrick K. Wong
October 9, 2017
Page 2

management practices on adjacent or contiguous lands in the agricultural district; and

- (2) Notification to all prospective developers or purchasers of land or interest in land in the petition area and subsequent notification to lessees or tenants of the land, that farming operations and practices on adjacent or contiguous land in the agricultural district are protected under chapter 165, the Hawaii right to farm act, and that the notice shall be included in any disclosure required for the sale or transfer of real property or any interest in real property.

Because these two conditions appear to be mandated by State law, please incorporate them into Exhibit "C" to the proposed bill. Please also revise Section 2 of the proposed bill to read as follows:

Pursuant to Section 19.68.040, Maui County Code, and Section 205-3.5, Hawaii Revised Statutes, the State Land Use District classification granted by this ordinance is subject to the conditions set forth in Exhibit "C," attached hereto and made a part hereof, and the Unilateral Agreement and Declaration of Conditions for State Land Use District Boundary Amendment, attached hereto and made a part hereof as Exhibit "D."

I am also enclosing for your reference a printout from the County's real property tax database, reflecting Thomas A. Hoeffken and Nancy M. Hoeffken as the fee owners of the property. Please confirm whether they are the current owners of the property and would be the signatories on any unilateral agreement attached to the proposed bill.

May I please request you transmit the revised proposed bill with your written response by **Monday, October 16, 2017**. To ensure efficient processing, please include the relevant Committee item number in the subject line of your response.

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

lu:ltr:046acc01:cmn

Attachments

cc: Jeffrey Ueoka, Deputy Corporation Counsel
Carol Reimann, Director of Housing and Human Concerns
Brett Davis, Chris Hart & Partners, Inc.

I. Exemption from Section 237-29, Hawaii Revised Statutes (HRS)

1. An exemption from Section 237-29, HRS, State General Excise Tax, shall be granted to exempt the project from State General Excise Tax (GET) during development and construction. The County of Maui does not object to the Developer seeking an exemption under Section 201H-37, HRS. Section 201H-37, HRS allows for exemption from Section 237-29 HRS for affordable housing projects.

These exemptions are provided in Appendix I of the FEA.

B. Description of the Existing Environment

1. Physical Environment

a. Surrounding Land Use

Identified by TMK (2) 1-3-04:01, the subject property is located in Hana, Maui and occupies an area of 72.81 acres and is located to the west of Kawaipapa Stream and mauka of Hana Highway. The proposed 201H affordable housing project is located on a 7.220 acre portion of the parcel. (See: **Figures 5, State Land Use District Map, 6, Maui County Zoning Map, 7, Hana Community Plan Map, & 8 Maui Island Plan Map.**) The State land use, zoning, Maui Island Plan and Hana Community Plan designations for surrounding properties are summarized below:

North:	<u>Community Plan:</u> Rural and Agriculture <u>State Land Use:</u> Rural <u>Zoning:</u> Interim <u>Maui Island Plan:</u> Rural Growth Boundary Existing Uses: Rural Single Family Subdivision
South:	<u>Community Plan:</u> Rural <u>State Land Use:</u> Agricultural <u>Zoning:</u> Ru -0.5 and Interim <u>Maui Island Plan:</u> Rural Growth Boundary Existing Uses: Kawaipapa Stream, AG land
East:	<u>Community Plan:</u> Agriculture <u>State Land Use:</u> Rural <u>Zoning:</u> Interim

Maui Island Plan: Rural Growth Boundary
Existing Uses: Rural single family Subdivision

West: Community Plan: Agricultural
State Land Use: Agricultural
Zoning: Agricultural
Maui Island Plan: Agricultural
Existing Uses: Applicant owned land for Mining and resource extraction

b. Climate

Hana is located on the eastern edge of the Island of Maui and experiences a hot and wet climate year typical of a tropical rainforest. Annual average temperatures range from 68-82 degree and the region averages over 75 inches of rain a year, with some areas receiving more.

c. Flood and Tsunami Zone

The flood insurance rate map (Map Number 1500030670E, Revised September 25, 2009) prepared by the Federal Emergency Management Agency, reveals that the majority of the subject parcel is located in Zone "X". Zone X is area determined to be outside the 0.2% annual chance floodplain (i.e., a low risk flood hazard area). A small portion of the property along the Kawaipapa Stream is situated in Flood A. Zone A is a flood zone with no Base Flood Elevation determined. (See: **Figure 10, Flood Hazard Assessment Map.**)

d. Topography and Soils

The parcel slopes down in a north to south direction from an elevation of approximately 180 feet above mean sea level to approximately 160 feet above mean seal level, averaging approximately 4%.

According to the *Soil Survey of the Islands of Kauai, Oahu, Maui, Moloka`i, and Lana`i, State of Hawai`i, April 1972*, prepared by the United States Department of Agriculture, the soil associated with the subject parcel is MYD. This soil is comprised entirely of the Malama extremely stony muck, 3-25% slope (MYD). Permeability is very rapid. Runoff is very slow, and the erosion hazard rate is no

[§205-3.5] Reclassification of land contiguous to an agricultural district; approval conditions. (a) Any decision approving a petition for a boundary amendment pursuant to this chapter where lands in the petition area are contiguous or adjacent to lands in the agricultural district, shall include the following conditions in the decision granting approval:

(1) A prohibition on any action that would interfere with or restrain farming operations; provided the farming operations are conducted in a manner consistent with generally accepted agricultural and management practices on adjacent or contiguous lands in the agricultural district; and

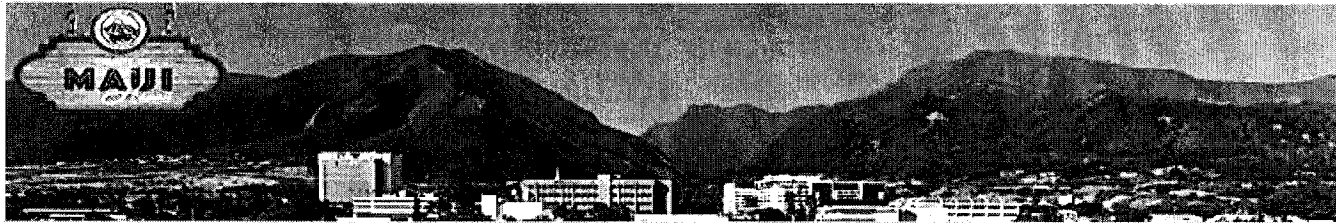
(2) Notification to all prospective developers or purchasers of land or interest in land in the petition area and subsequent notification to lessees or tenants of the land, that farming operations and practices on adjacent or contiguous land in the agricultural district are protected under chapter 165, the Hawaii right to farm act, and that the notice shall be included in any disclosure required for the sale or transfer of real property or any interest in real property.

(b) For purposes of this section, "farming operation" shall have the same meaning as provided in section 165-2. [L 2008, c 124, §1]

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Owner and Parcel Information

Owner Name	HOEFFKEN, THOMAS A Fee Owner HOEFFKEN, NANCY M Fee Owner Show All Owners and Addresses	Today's Date	October 6, 2017
Mailing Address	651 PAPIPI RD KULA HI 96790	Parcel Number	130040010000
Location Address	0 HANA HWY	Parcel Map	Show Parcel Map
Neighborhood Code	1341-5	Land Area	72.81 Acres
Legal Information	SITUATE AT KAWAIPAPA, HANA POR OF GR 2579	Parcel Note	

[Generate Owner List By Radius](#)

Assessment Information [Show Historical Assessments](#)

Year	Tax Class	Market Land Value	Agricultural Land Value	Assessed Land Value	Building Value	Total Assessed Value	Total Exemption Value	Total Net Taxable Value
2017	AGRICULTURAL	\$ 597,000	\$ 0	\$ 597,000	\$ 20,300	\$ 617,300	\$ 0	\$ 617,300

Current Tax Bill Information [2017 Tax Payments](#) [Show Historical Taxes](#)

Tax Period	Description	Original Due Date	Taxes Assessment	Tax Credits	Net Tax	Penalty	Interest	Other	Amount Due
No Tax Information available on this parcel.									

Improvement Information

No improvement information available for this parcel.

Accessory Information

Building Number	Description	Dimensions/Units	Year Built	Percent Complete	Value
1	FRAME UTILITY SHED	0x0 352 / 1	2000	100 %	\$ 20,300

Sales Information

Sale Date	Price	Instrument #	Instrument Type	Valid Sale or Other Reason	Document Type	Record Date	Land Court #	Land Court Cert
09/15/2004	\$ 1,025,000	04-202280	Fee conveyance	Valid Sale	Warranty deed	10/01/2004		
09/15/1999	\$ 0	9900151058	Fee conveyance			09/20/1999		

Permit Information

Date	Permit Number	Reason	Permit Amount
02/27/2013	SHED	No permit	\$ 0

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