

# Resolution

No. 22-194

## DISAPPROVING THE INDEPENDENT DEVELOPMENT OF THE KUIKAHI VILLAGE WORKFORCE HOUSING PROJECT UNDER CHAPTER 2.97, MAUI COUNTY CODE

WHEREAS, Kuikahi Properties, LLC, proposes the development of the workforce housing project known as the Kuikahi Village Workforce Housing Project ("Project") on approximately 14.97 acres of land, located in Wailuku, Maui, Hawai'i, and identified for real property tax purposes as Tax Map Key (2) 3-5-002:003 (por.);

WHEREAS, the proposed Project is 100% affordable, consisting of 202 for-sale multi-family, duplex, townhome, live-work, studio, and single-family units;

WHEREAS, all units will be marketed to households earning at or below 140 percent of the area median income, as established by the U.S. Department of Housing and Urban Development;

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

WHEREAS, the Project is being independently developed under Chapter 2.97, Maui County Code ("MCC");

WHEREAS, under Chapter 2.97, MCC, the Council of the County of Maui ("Council") may approve certain exemptions for the Project, and the requested exemption list is attached as Exhibit "A";

WHEREAS, under Section 2.97.170, MCC, the Council must approve, approve with modification, or disapprove the Project by resolution within 60 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 August 15, 2022; and

WHEREAS, under 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:

1. That the Council disapproves the Project submitted to the Council on August 15, 2022, under Chapter 2.97, MCC.

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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 Kuikahi Properties, LLC.

APPROVED AS TO FORM AND LEGALITY:

/s/ Mimi Desjardins  
MIMI DESJARDINS  
Deputy Corporation Counsel  
County of Maui  
2021-0973  
2022-08-10 Kuikahi Village Resolution Disapproving

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INTRODUCED BY:

A handwritten signature in black ink, appearing to read "J. Lee", is written over a horizontal line.

Upon the request of the Mayor.

# Exhibit A

## PROPOSED KUIKAHI AFFORDABLE HOUSING PROJECT CHAPTER 2.97 EXEMPTION REQUESTS

**A. EXEMPTION FROM TITLE 2 – ADMINISTRATION AND PERSONNEL, CHAPTER 2.97 – RESIDENTIAL WORKFORCE HOUSING POLICY INCENTIVES AND EXEMPTIONS, SECTION 160 TIMING OF COMPLETION**

1. MCC 2.97.160 – Timing of Completion. Clarification is requested to state that the form of bonding to ensure that construction is completed will be in the form of a material house bond.

**B. EXEMPTION FROM TITLE 2 – ADMINISTRATION AND PERSONNEL, CHAPTER 2.97 - RESIDENTIAL WORKFORCE HOUSING POLICY INCENTIVES AND EXEMPTIONS, SECTION 120 – EXEMPTIONS, CHAPTER 2.80B - GENERAL PLAN AND COMMUNITY PLANS**

1. MCC 2.97.120 - Exemptions. Chapter 2.80B, General Plan and Community Plans. Per County Code 2.97.120, an exemption from Chapter 2.80B, MCC, General Plan and Community Plans, shall be granted to permit the project to proceed without obtaining a community plan amendment. The project site is designated as "Agricultural" in the Wailuku-Kahului Community Plan Map. The exemption will allow the project to proceed with the "Single Family", "Multi-Family", "Business/Multi-Family", and "Park" uses as proposed.

**C. EXEMPTION FROM TITLE 2 – ADMINISTRATION AND PERSONNEL, CHAPTER 2.96 – RESIDENTIAL WORKFORCE HOUSING POLICY, SECTION 050 – RESIDENTIAL WORKFORCE HOUSING CREDITS**

1. MCC 2.96.050 - Residential Workforce Housing Credits. An exemption from MCC 2.96.050, Residential Workforce Housing Credits, is requested to allow 100% of the units to qualify for workforce housing credits.

**D. EXEMPTIONS FROM TITLE 8 – HEALTH AND SAFETY, CHAPTER 8.04 – REFUSE COLLECTION AND LANDFILLS, SECTIONS: 040 – DISPOSAL PERMITS-APPLICATION AND SUSPENSION, 050 – DISPOSAL CHARGES**

1. MCC 8.04.040 - Disposal Permits – Application and Suspension and MCC 8.04.050- Disposal Charges. An exemption from MCC 8.04.040, and 050, Refuse Collection and Landfills is requested to exempt the project from obtaining a construction waste disposal permit and paying disposal fees during construction.

- E. **EXEMPTIONS FROM TITLE 2 – ADMINISTRATION AND PERSONNEL, CHAPTER 2.97 RESIDENTIAL WORKFORCE HOUSING POLICY INCENTIVES AND EXEMPTIONS, SECTION 150 – FEE WAIVER, TITLE 12 – STREETS, SIDEWALKS, AND PUBLIC PLACES, CHAPTER 12.08 – DRIVEWAYS, SECTION 050 – PERMIT-FEE**
1. MCC 2.97.150 - Fee Waiver and MCC 12.08.050 - Permit-Fee. Per County Code 2.97.150, an exemption from MCC 12.08.050 - Permit Fee, is requested that no fees will be required for the approval and construction of the driveways.
- F. **EXEMPTIONS FROM TITLE 2 – ADMINISTRATION AND PERSONNEL, CHAPTER 2.97 RESIDENTIAL WORKFORCE HOUSING POLICY INCENTIVES AND EXEMPTIONS, SECTION 120 – EXEMPTIONS, TITLE 12 – STREETS, SIDEWALKS, AND PUBLIC PLACES, CHAPTER 12.04 – STREET AND HIGHWAY EXCAVATIONS, SECTION 025 – PERMIT FEE**
1. MCC 2.97.120 – Exemptions and MCC 12.04.025 - Permit Fee. Per County Code 2.97.120, an exemption from MCC 12.04.025 – Permit Fee, is requested that no fees will be required for the approval of a County highways permit to construct improvements and install off-site utilities on Ku'ikahi Drive.
- G. **EXEMPTION FROM TITLE 12 – STREETS, SIDEWALKS, AND PUBLIC PLACES, CHAPTER 12.24A LANDSCAPE PLANTING AND BEAUTIFICATION**
1. MCC 12.24A – Landscape Planting and Beautification. Exemption from MCC 12.24A is requested to exempt the landscape plan from the Arborist Committee Review and the preparation and processing of a Landscape Planting Plan Application. Landscaping will follow MCC 12.24A in accordance with the Conceptual Landscape Plan. See **Exhibit “1”**.
- H. **EXEMPTION FROM TITLE 12 – STREETS, SIDEWALKS, AND PUBLIC PLACES, CHAPTER 12.24A LANDSCAPE PLANTING AND BEAUTIFICATION, SECTION 070D – STREET TREES, SUBDIVISIONS**
1. MCC 12.24A.070D – Street Trees, Subdivisions. Planting of Street Trees, exemption shall be granted to allow consistency with MCC 18.20. Landscaping will follow MCC 12.24A in accordance with the Conceptual Landscape Plan attached as **Exhibit “1”**.
- I. **EXEMPTION FROM TITLE 14 – PUBLIC SERVICES, CHAPTER 14.07 – WATER SYSTEM DEVELOPMENT FEES, SECTION 030 – WATER SYSTEM DEVELOPMENT FEE SCHEDULE**
1. MCC 14.07.030 – Water System Development Fee Schedule. An exemption from MCC Chapter 14.07.030, Water System Development Fees, is requested to exempt the project from water system development fees.
- J. **EXEMPTION FROM TITLE 14 – PUBLIC SERVICES, CHAPTER 14.10 – WATER RATES AND FEES, SECTION 040 – TEMPORARY METER CHARGES AND WATER USE RESTRICTIONS**

1. MCC 14.10.040 – Temporary Meter Charges. An exemption from MCC Chapter 14.10.040, Temporary Meter Charges, to waive the fees for a temporary construction water meter for the project and from the restrictions on water use of temporary meter during construction of the project.

**K. EXEMPTIONS FROM TITLE 2 – ADMINISTRATION AND PERSONNEL, CHAPTER 2.97 RESIDENTIAL WORKFORCE HOUSING POLICY INCENTIVES AND EXEMPTIONS, SECTION 150 – FEE WAIVER, TITLE 14 – PUBLIC SERVICES, CHAPTER 14.35 – WASTEWATER ASSESSMENT FEES FOR FACILITY EXPANSION FOR THE WAILUKU/KAHULUI WASTEWATER TREATMENT SYSTEM, SECTION 080 – EXEMPTIONS**

1. MCC 2.97.150 - Fee Waiver and MCC 14.35.080 – Exemptions. Per MCC 2.97.150, an exemption from MCC 14.35.080, Wastewater Assessment Fees for Facility Expansion for the Wailuku/Kahului regional Wastewater Treatment System.

**L. EXEMPTION FOR TITLE 2 – ADMINISTRATION AND PERSONNEL, CHAPTER 2.97 RESIDENTIAL WORKFORCE HOUSING POLICY INCENTIVES AND EXEMPTIONS, SECTION 150 – FEE WAIVER, TITLE 14 – PUBLIC SERVICES, CHAPTER 14.76 - IMPACT FEES FOR TRAFFIC AND ROADWAY IMPROVEMENTS IN WAILUKU- KAHULUI, MAUI, HAWAI'I, SECTION 120 – EXEMPTIONS AND CREDITS**

1. MCC 2.97.150 – Fee Waiver and MCC 14.76.120 – Exemptions and Credits. Per MCC 2.97.150, an exemption from MCC 14.76.120, Impact fees for traffic and roadway improvements in Wailuku-Kahului, Maui, Hawai'i.

**M. EXEMPTIONS FROM TITLE 2 – ADMINISTRATION AND PERSONNEL, CHAPTER 2.97 RESIDENTIAL WORKFORCE HOUSING POLICY INCENTIVES AND EXEMPTIONS, SECTION 150 – FEE WAIVER, TITLE 16, BUILDINGS AND CONSTRUCTION, MCC: SECTIONS - 16.04C, FIRE CODE; 16.18B, ELECTRICAL CODE; 16.20B, PLUMBING CODE; 16.26B, BUILDING CODE**

1. MCC 2.97.150 – Fee Waiver and MCC Title 16 - Building and Construction Exemptions from MCC Chapters: 16.04C-Fire Code, 16.18B-Electrical Code, 16.20B-Plumbing Code, and 16.26B-Building Code. Per Maui County Code 2.97.150, exemptions from MCC 16.04C Fire Code; 16.18B Electrical Code; 16.20B Plumbing Code; and 16.26B Building Code, is requested to exempt the project from Fire, Electrical, Plumbing, and Building Permit fees, as well as plan review and inspection fees.

**N. EXEMPTION FROM TITLE 16 – BUILDING AND CONSTRUCTION, CHAPTER 16.26B – BUILDING CODE, SECTION 108.2.1 – SCHEDULE OF PERMIT FEES**

1. MCC 16.26B.3600 – Chapter 36 Added, Improvements to Public Streets. An exemption from MCC 16.26B.3600, Improvements to Public Streets, is requested that the project will not be required to make improvements pertaining to road widening, or other improvements including, but not limited to curbs, gutters, and sidewalks along Ku'ikahi Drive for the entire parcel.

**O. EXEMPTION FROM TITLE 16 – BUILDING AND CONSTRUCTION, CHAPTER 16.26B – BUILDING CODE, SECTION 3600 – CHAPTER 36 ADDED. IMPROVEMENTS TO PUBLIC STREETS**

1. MCC 16.26B.3600 – Chapter 36 Added, Improvements to Public Streets. An exemption from MCC 16.26B.3600, Improvements to Public Streets, is requested that the project will not be required to make improvements pertaining to, road widening, or other improvements including, but not limited to curbs, gutters, and sidewalks along Ku'ikahi Drive for the entire parcel.

**P. EXEMPTION FROM TITLE 18 – SUBDIVISIONS, CHAPTER 18.04 – GENERAL, PROVISIONS, CHAPTER 18.16 – DESIGN STANDARDS, SECTION 020 – COMPLIANCE**

1. MCC 18.16.020 – Design Standards. An exemption from MCC 18.04 General Provisions and 18.16.020 Design Standards, is requested as related to land use consistency and conformity requirements of Title 18, and any requirement to obtain a change in zoning and/or community plan amendment and also allow for flexible design standards for the proposed roundabout on Ku'ikahi Drive at the Kehalani Mauka Parkway intersection to enable subdivision approval.

**Q. EXEMPTION FROM TITLE 2 – ADMINISTRATION AND PERSONNEL, CHAPTER 2.97 RESIDENTIAL WORKFORCE HOUSING POLICY INCENTIVES AND EXEMPTIONS, SECTION 150 – FEE WAIVER, TITLE 18 – SUBDIVISIONS, CHAPTER 18.16 – DESIGN STANDARDS, SECTION 320 – PARKS AND PLAYGROUNDS**

1. MCC 2.97.150 – Fee Waiver and MCC 18.16.320 – Parks and Playgrounds. Per County Code, 2.97.150, an exemption from MCC 18.16.320 Parks and Playgrounds, is requested to exempt the project from park assessment fees.

**R. EXEMPTIONS FROM TITLE 18 – SUBDIVISIONS, CHAPTER 18.16 – DESIGN STANDARDS, SECTIONS: 050 – MINIMUM RIGHT-OF-WAY AND PAVEMENT WIDTHS, 060 – WIDENING OF EXISTING RIGHTS-OF-WAY**

1. MCC 18.16.050 - Minimum Right-of-Way and Pavement Widths and MCC 18.16.060 - Widening of Existing Rights-of-Way. An exemption from MCC 18.16.050, minimum right-of-way and pavement widths, and 18.16.060 widening of existing rights-of-way is requested for project's internal roadways. The Project's internal roadways are proposed to have a 20-foot wide right of way.

**S. EXEMPTION FROM TITLE 18 – SUBDIVISIONS, CHAPTER 18.04 – GENERAL PROVISIONS, SECTION 030 – ADMINISTRATION**

1. MCC 18.04.030 – Administration. 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 and/or community plan amendment to enable subdivision approval and for the project to be developed to the standards outlined in this exemption list.

**T. EXEMPTIONS FROM TITLE 18 – SUBDIVISIONS, CHAPTER 18.20 – IMPROVEMENTS, SECTION 070 – SIDEWALKS**

1. MCC 18.20.070 – Sidewalks. An exemption from MCC 18.20.070 is requested to not require the Applicant to construct a sidewalk along Ku'ikahi Drive.
2. An exemption from Section 18.20.070 MCC, Sidewalks, shall be granted to allow the following sidewalk standards within the project:
  - Three (3) feet wide, with no curb and gutter

**U. EXEMPTION FROM TITLE 18 – SUBDIVISIONS, CHAPTER 18.20 – IMPROVEMENTS, SECTION 080 – CURBS AND GUTTERS**

1. MCC 18.20.080 – Curbs and Gutters. An exemption from Section 18.20.080 MCC, Curbs and Gutters, shall be granted to allow grass swales within the Project.

**V. EXEMPTIONS FROM TITLE 14 - PUBLIC SERVICES, TITLE 16 - BUILDING AND CONSTRUCTION, TITLE 18 – SUBDIVISIONS, TITLE 19.30A - AGRICULTURAL ZONING**

1. An exemption is requested from the requirements of Title 14, Title 16, Title 18 and Section 19.30A of the Maui County Code to authorize the Director of Public Works to defer various subdivision requirements, limitations or both, to approve the subdivision application for the parcel identified at TMK (2)3-5-002:003, area approximately 148.01 acres, to create the approximately 14.97 acre site for the Project ("Project Site"). The subject subdivision will result in two (2) lots, (a) the approximately 14.97 acre Project Site; and (b) an approximately 133.04 acre lot. The approximately 133.04 acre lot and the Project Site will be subject to the provisions of Titles 14, 16, and 18, and Section 19.30A, MCC, upon application for further subdivision or building permit, whichever occurs first, with the understanding that certain exemptions are being requested for the Project Site as part of this Chapter 2.97, MCC, application.



**W. EXEMPTIONS FROM TITLE 19 – ZONING, ARTICLE II. – COMPREHENSIVE ZONING PROVISIONS, CHAPTER 19.04 – GENERAL PROVISIONS AND DEFINITIONS, SECTION 050 – FEES, ARTICLE V. – ADMINISTRATION AND ENFORCEMENT, CHAPTER 19.510 – APPLICATION AND PROCEDURES, SECTION 010.B – GENERAL APPLICATION PROCEDURES, FEES**

1. An exemption from Section 19.04.050, MCC Fees, and Section 19.510.010B, Application and Procedures is requested to exempt the project from any building permit resubmittal fees.

**X. EXEMPTIONS FROM TITLE 19, CHAPTER 19.30A – AGRICULTURAL DISTRICT**

1. An exemption from 19.30A. Agricultural District, MCC, is requested for the project site.

The following development standards will be the utilized for the proposed project:

Permitted principal uses: single-family dwellings, multi-family dwellings, parks amenities such as pavilions, gazebos, playgrounds and play courts and home-based businesses, as defined by MCC 19.67.

Permitted accessory uses: carports, private garages, small-scale energy systems, fences and walls, storage sheds.

**Minimum lot size:**

<b>Dwellings:</b>	4,500 square feet
<b>Parks:</b>	1,250 square feet

**Building Height:**

<b>Dwellings:</b>	No building shall exceed three stories or 42 feet in height
<b>Park Structures:</b>	No building shall exceed two stories or 30 feet in height

**Walls:** Retaining walls - eight feet; fences and other walls -- six feet

**Setbacks:**

For single-story dwellings up to 15 feet in height: front 15 feet; side and rear six feet.

For two and three-story dwellings above 15 feet in height: front 15 feet; side and rear 10 feet For Parks structures: 0 feet

**Y. EXEMPTION FROM TITLE 19 – ZONING, ARTICLE II. – COMPREHENSIVE ZONING PROVISIONS, CHAPTER 19.30A – AGRICULTURAL DISTRICT, SECTION 030 – DISTRICT STANDARDS**

1. MCC 19.30A.030 – District Standards. An exemption from 19.30A.030, District Standards, shall be granted to allow for the use of walls with a maximum height of eight (8) feet for the project including retaining walls which may be needed for site utilization.

**Z. EXEMPTION FROM TITLE 19 – ZONING, ARTICLE II. – COMPREHENSIVE ZONING PROVISIONS, CHAPTER 19.30.A – AGRICULTURAL DISTRICT, SECTION 030 – DISTRICT STANDARDS**

1. MCC 19.30.050 – Development Standards. An exemption from Section 19.30.A.030, MCC, Development Standards, to allow a maximum height of three-stories not to exceed 42 feet, as measured from finished grade.

**AA. EXEMPTION FROM TITLE 19 – ZONING, ARTICLE II. – COMPREHENSIVE ZONING PROVISIONS, CHAPTER 19.36B – OFF-STREET PARKING AND LOADING, SECTION 080 – LANDSCAPING**

1. MCC 19.36B.080 – Landscaping. An exemption from Section 19.36B.080, MCC, Landscaping, to allow for flexibility in the location of landscaping, and exempting the project from submitting a Landscape Planting Plan Application. The project will comply with providing the required number of shade trees. The project shall comply with Section 19.36 B.080 in effect at the time of the filing of the MCC Chapter 2.97 application, and that the project shall not be subject to any amendments to Section 19.36 B.080 adopted prior to the issuance of building permits for the project until construction is completed. Refer to **Exhibit “1”**.

**BB. EXEMPTIONS FROM TITLE 2 – ADMINISTRATION AND PERSONNEL, CHAPTER 2.97 RESIDENTIAL WORKFORCE HOUSING POLICY INCENTIVES AND EXEMPTIONS, SECTION 120 – EXEMPTIONS, TITLE 19 – ZONING, CHAPTER 19.68 – STATE LAND USE DISTRICT BOUNDARIES, CHAPTER 19.510 – APPLICATION AND PROCEDURES, ARTICLE 8. – CHAPTER 8, REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED**

1. MCC 19.68 – State Land Use District Boundaries. MCC 19.510 – Application and Procedures Article 8. – Chapter 8, Revised Charter of the County of Maui (1983), as amended. Per County Code 2.97.120, an exemption from Chapter 19.68, MCC, State Land Use District Boundaries; Chapter 19.510, MCC, Application and Procedures; Article 8, Chapter 8, Revised Charter of the County of Maui (1983), as amended. Exemptions are granted from Chapters 19.68 and 19.510, MCC, and Article 8, Chapter 8, of the Revised Charter of the County of Maui (1983), as amended, to enable the District Boundary Amendment request to proceed directly to the Maui County Council. The District Boundary Amendment request will not require the preparation of a District Boundary Amendment application and will not require processing through the Maui Planning Commission.

**CC. EXEMPTION FROM TITLE 20 – ENVIRONMENTAL PROTECTION, CHAPTER 20.08 – SOIL EROSION AND SEDIMENTATION CONTROL, SECTION 090 – GRUBBING AND GRADING PERMIT FEES**

1. MCC 20.08.090 - Grubbing and Grading Permit Fees. 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.

**DD. EXEMPTIONS FROM TITLE 20 – ENVIRONMENTAL PROTECTION, CHAPTER 20.08 – SOIL EROSION AND SEDIMENTATION CONTROL, SECTIONS: 130 – PERMIT-BOND-REQUIRED, 140 – PERMIT-BOND-CONDITIONS, 150 – PERMIT-BOND-TERM**

1. MCC 20.08.130 – Permit-Bond-Required, MCC 20.08.140 – Permit-Bond-Conditions, and MCC 20.08.150 – Permit-Bond-Term. An exemption from Sections 20.08.130, 20.08.140 and 20.08.150, MCC, Permit Bond, shall be granted to exempt the project from filing a bond and instead, allow Applicant to provide a cash equivalent to the County of Maui for grading, construction of drainage improvements and implementation of erosion control measures.

## Plant Palette

### Trees:

- Milo
- Pink Tecoma
- Rainbow Shower
- Plumeria
- Avocado
- Mango
- Plumeria
- Jatropha
- Foxtail Palm
- Loulou Palm
- Yew Pine

### Shrubs:

- Hau
- El Dorado
- Queen Emma Lily
- Plumbago
- Firecracker
- Areca Palm
- Ape
- Akia
- Kalo
- Croton

### Ground Cover:

- Pohinahina
- Kupu Fern
- Ilima Papa
- Nehe
- Lauae Fern
- Ruellia
- Golden Glory
- El Toro Zoysia Grass

## Exhibit 1



## KUIKAHI AFFORDABLE HOUSING

Wailuku, Maui, Hawaii

6-15-21

