

**HOLD FOR MEETING**

September 6, 2022, Committee meeting

AH-35

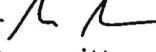
**AFFORDABLE HOUSING COMMITTEE**  
Amendment Summary Form

OFFICE OF THE  
COUNTY COUNCIL

2022 SEP -6 AM 10:04

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Legislation: Resolution 22-193.

Proposer: Gabe Johnson, Chair   
Affordable Housing Committee.

Description: Incorporate nonsubstantive revisions to Exhibit "A" to have the base list of Exemptions follow the model of Resolution 21-177. The exemption headings should be brief, not capitalized, and reference only the relevant Code sections—not Charter provisions or Code titles or chapters. The text is composed solely of complete sentences that identify the sections. I will respectfully request the Administration follow this model for future 2.97 projects.

Motion: Move to use the attached version of Exhibit "A" as the base list of Exemptions for the Committee's deliberations.

Attachment: Revised version of Exhibit "A," incorporating nonsubstantive revisions, following the Resolution 21-177 model.

ah:ltr:035aasf01

## **Exhibit "A"**

### **Kuikahi Village Workforce Housing Project**

#### **Exemptions**

Title, chapter, section, and subsection references are to the Maui County Code.

**A. Partial exemption from Section 2.97.160, "Timing of completion":**

A partial exemption from Section 2.97.160 is granted to clarify that bonding to ensure construction completion is in the form of a material house bond.

**B. Partial exemptions Chapter 2.80B, "General Plan and Community Plans":**

Partial exemptions are granted from Chapter 2.80B to permit the project to proceed without obtaining a community plan amendment.

**C. Exemption from Subsection 2.96.050(A)(3), "Residential workforce housing credits":**

Exemption from Subsection 2.96.050(A)(3) is granted to allow 100 percent of the units to qualify for workforce housing credits.

**D. Exemptions from Sections 8.04.040, "Disposal permits—Application and suspension," and 8.04.050, "Disposal charges":**

Exemptions from Sections 8.04.040 and 8.04.050 are granted to exempt the project from obtaining a construction waste disposal permit and paying disposal fees during construction.

**E.**

**F. Exemption from Subsection 12.04.025(A), "Permit fee":**

An exemption from Subsection 12.04.025(A) is granted so that no fees will be required for the approval of a County highways permit to construct improvements and install off-site utilities on Kuikahi Drive.

**G. Partial exemption from Chapter 12.24A, "Landscape Planting and Beautification":**

A partial exemption from Chapter 12.24A is granted to exempt the landscape plan from Arborist Committee review and the preparation and

processing of a Landscape Planting Plan application. Landscaping will follow Chapter 12.24A in accordance with the Conceptual Landscape Plan attached as Exhibit "1."

**H. Exemption from Subsection 12.24A.070(D), "Street trees; Subdivisions":**

An exemption from Subsection 12.24A.070(D) is granted to allow consistency with Chapter 18.20. Landscaping will follow Chapter 12.24A in accordance with the Conceptual Landscape Plan attached as Exhibit "1."

**I. Exemption from Section 14.07.030, "Water system development fee schedule":**

An exemption from Section 14.07.030 is granted to exempt the project from water system development fees.

**J. Exemption from Section 14.10.040, "Temporary meter charges," and Subsection 14.06A.060(B)(3), "Stages of water shortage":**

An exemption from Section 14.10.040 is granted to waive the fees for a temporary construction water meter for the project. An exemption is granted from Subsection 14.06A.060(B)(3) from the restrictions on water use of the temporary meter during project construction.

**K.**

**L.**

**M. Partial exemption from Chapter 16.04C, "Fire Code":**

A partial exemption from Chapter 16.04C is granted to exempt the project from Fire Code fees.

**N.**

**O. Exemption from Section 16.26B.3600, "Improvements to public streets":**

Exemption from Section 16.26B.3600 is granted so that the project will not be required to make improvements pertaining to road widening or other improvements, including curbs, gutters, and sidewalks, along Kuikahi Drive for the entire parcel.

**P. Partial exemption from Section 18.16.020, "Compliance":**

A partial exemption from Section 18.16.020 is granted to exempt the project from the need to obtain a change in zoning or community plan amendment to enable subdivision approval, allow for the project to be developed to the standards outlined in this Exemptions list, and allow for flexible design standards for the proposed roundabout on Kuikahi Drive at the Kehalani Mauka Parkway intersection to enable subdivision approval.

**Q.**

**R. Exemptions from Sections 18.16.050, “Minimum right-of-way and pavement widths,” and 18.16.060, “Widening of existing rights-of-way”:**

Exemptions from Sections 18.16.050 and 18.16.060 are granted for the project’s internal roadways. The project’s internal roadways will have a 20-foot-wide right-of-way.

**S. Exemption from Section 18.04.030, “Administration”:**

An exemption from Section 18.04.030 is granted to exempt the project from needing to obtain a change in zoning or community plan amendment to enable subdivision approval and for the project to be developed to the standards outlined in this Exemptions list.

**T.**

**U. Exemption from Section 18.20.080, “Curbs and gutters”:**

An exemption is granted from Section 18.20.080 to allow glass swales within the project instead of curbs and gutters.

**V. Partial exemptions from Titles 14, “Public Services,” 16, “Buildings and Construction,” and 18, “Subdivisions”:**

Partial exemptions from Titles 14, 16, and 18 are granted to authorize the Director of Public Works to defer various subdivision requirements or limitations, or both; approve the subdivision application for the parcel identified as TMK (2)3-5-002:003, approximately 148.01 acres; and create the approximately 14.97-acre site for the project (“Project Site”). The subject subdivision will result in two lots: (a) the approximately 14.97-acre Project Site; and (b) an approximately 133.04-acre lot.

**W. Partial exemptions from Section 19.04.050, “Fees,” and Subsection 19.510.010(B), “General application procedures; fees”:**



Partial exemptions from Section 19.04.050 and Subsection 19.510.010(B) are granted to exempt the project from any building permit resubmittal fees.

**X. Exemption from Chapter 19.30A, "Agricultural District":**

An exemption from Chapter 19.30A is granted for the Project Site.

The following development standards will be utilized for the 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 Chapter 19.67.

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

Minimum lot size:

Dwellings: 4,500 square feet

Parks: 1,250 square feet

Building height as measured from finished grade:

Dwellings: No building may exceed three stories or 42 feet in height.

Park structures: No building may exceed two stories or 30 feet in height.

Retaining walls: Retaining walls may not exceed eight feet in height.

Fences and other walls: Fences and other walls may not exceed six feet in height.

Setbacks:

Single-story dwellings up to 15 feet in height: Front: 15 feet; Side and rear: six feet.

Two- and three-  
story dwellings  
above 15 feet in  
height:

Front: 15 feet;  
Side and rear: 10 feet.

Parks structures: 0 feet.

Y.

**Z.**

**AA. Partial exemption from Section 19.36B.080, "Landscaping":**

A partial exemption from Section 19.36B.080 is granted 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 will otherwise comply with Section 19.36B.080 in effect at the time of the filing of the Chapter 2.97 application. Refer to Exhibit "1."

**BB.**

**CC.**

**DD.**

ah:misc:035aasf01\_att

**EXHIBIT "1"**

**Conceptual Landscape Plan**

# **KUIKAHI REQUESTED EXEMPTIONS**

## **ASF VERSION**

#	MCC	Purpose	Notes
<b>A</b> (1)	<b>2.97.160</b> – Timing of Completion	Stating that the developer will use material house bond funding	<ul style="list-style-type: none"> <li>Applicant will secure their own bond funding and under 2.97.160 is supposed to work with DPW to determine the form of bonding once construction commences</li> </ul>
<b>D</b> (4)	<b>8.04.040 &amp; 8.04.050</b> – Disposal Permits & Disposal Charges	No waste disposal permit or disposal fees during construction	<ul style="list-style-type: none"> <li>Standard exemption is from fees, EXCEPT exemption from getting the permit</li> </ul>
<b>E</b> (5)	<b>12.08.050</b> – Driveways Permit Fee	Already given under 12.08.050(D)	
<b>F</b> (6)	<b>12.04.025(A)</b> – Street and Highway Excavations Permit Fee	No fees for highway permit approval to construct improvements and install off-site utilities on Kuikahi Drive	<ul style="list-style-type: none"> <li>Standard request</li> </ul>
<b>K</b> (11)	<b>2.97.150 &amp; 14.35.080</b> – Wailuku-Kahului Regional Wastewater	Already given under 14.35.080(B)	



	Treatment System Expansion		
<b>L</b> (12)	<b>2.97.150 &amp; 14.76.120</b> – Impact Fees for Traffic and Roadway Improvements in Wailuku-Kahului	Already given under 14.76.120(A0(6))	
<b>M</b> (13)	<b>16.04C</b> – Fire Code	No fire code fees	
<b>Q</b> (17)	<b>2.97.150 &amp; 18.16.320</b> – Parks and Playgrounds	Already given under 18.16.320(I)(5).	
<b>W</b> (22)	<b>19.04.050 &amp; 19.510.010(B)</b> – Zoning – Fees & General Application Procedures	No building permit resubmittal fees	<ul style="list-style-type: none"> <li>• Standard request</li> </ul>
<b>CC</b> (29)	<b>20.08.090</b> – Grubbing and Grading Permit Fees	Exemption already given under 20.08.090(D)	
<b>J</b> (10)	<b>14.10.040 &amp; 14.06A.060(B)(3)</b> – Temporary Meter Charges & Stages of Water Shortage	No temporary water meter charges & no water use restrictions of the temporary water meter	<ul style="list-style-type: none"> <li>• DWS previously stated they object to this objection</li> </ul>
<b>I</b> (9)	<b>14.07.030</b> – Water System Development Fees	No water system development fee	<ul style="list-style-type: none"> <li>• DWS previously stated they object to this objection</li> </ul>

<b>DD</b>  (30)	<b>20.08.130, 20.08.140 &amp; 20.08.150</b> – Soil Erosion and Sedimentation Control Permit – Bond Required, Conditions & Term	Already allowed under 20.08.130. See the last two sentences	
<b>C</b>  (3)	<b>2.96.050(A)(3)</b> – Residential Workforce Housing Credits	Allow 100% of units to qualify for workforce housing credits	<ul style="list-style-type: none"> <li>• Under current Code: Only 75% of units will qualify for credits</li> <li>• DHHC objects to this.</li> </ul>
<b>N</b>  (14)	<b>16.26B.108.2(2)</b> – Building code fees	16.26B.108.2(2) is the exemption	
<b>O</b>  (15)	<b>16.26B.3600</b> – Improvements to Public Streets	Exempt project from improvements to public streets, such as no requirement for road widening, or for curbs, gutters, or sidewalks along Kuikahi Drive	<ul style="list-style-type: none"> <li>• Developer requests blanket exemption but did not list out all of the possible requirements under 16.26B.3600, such as pavement widening, undergrounding or relocating utilities, and drainage improvements</li> </ul>
<b>R</b>  (18)	<b>18.16.050 &amp; 18.16.060</b> – Minimum right-of-way and pavement widths & Widening of existing rights-of-way	Exempt from road width and widening requirements	<ul style="list-style-type: none"> <li>• Developer intends to have narrower roads (20-foot wide right of way)</li> <li>• Developer does not intend to dedicate internal roads to the County in the future.</li> </ul>
<b>T</b>  (20)	<b>18.20.070</b> – Sidewalks	Exemption O encompasses this exemption	

<b>U</b>  (21)	<b>18.20.080</b> – Curbs and Gutters	Allow grass swales within the project site	
<b>X</b>  (24)	<b>19.30A</b> – Agricultural District	Exempt from following Ag District design standards	<ul style="list-style-type: none"> <li>• Project will follow their own design standards:               <ul style="list-style-type: none"> <li>○ Permitted <u>principal</u> uses: single-family dwellings, multi- family dwellings, parks, pavilions, gazebos, playgrounds and play courts, and home-based businesses, as defined by <u>Chapter 19.67</u></li> <li>○ Permitted <u>accessory</u> uses: carports, private garages, small-scale energy systems, fences and walls, storage sheds</li> <li>○ Minimum lot size                   <ul style="list-style-type: none"> <li>▪ Dwellings: 4,500 square feet</li> <li>▪ Parks: 1,250 square feet</li> </ul> </li> <li>○ Building Height                   <ul style="list-style-type: none"> <li>▪ Dwellings: no building shall exceed 3 stories or 42 feet in height</li> <li>▪ Park Structures: no building shall exceed 2 stories or 30 feet in height</li> <li>▪ Walls: retaining walls up to 8 feet; fences and other walls up to 6 feet</li> </ul> </li> <li>○ Setbacks                   <ul style="list-style-type: none"> <li>▪ For single-story dwellings up to 15 feet in height: front setback = 15 feet; side and rear = 6 feet</li> <li>▪ For 2- and 3-story dwellings above 15 feet in height: front = 15 feet; side and rear = 10 feet</li> </ul> </li> </ul> </li> <li>• For parks structures: 0 feet</li> </ul>

<b>Y</b> (25)	<b>19.30A.030(F)</b> – (Ag) District Standards – Maximum Wall Height	Exemption X encompasses this exemption	
<b>Z</b> (26)	<b>19.30A.030(E)</b> – (Ag) District Standards – Maximum Height Limit	Exemption X encompasses this exemption	
<b>G</b> (7)	<b>12.24A</b> – Landscape Planting and Beautification	Exempt from landscape planting plan application and from Arborist Committee review	<ul style="list-style-type: none"> <li>• Developer will follow their own conceptual landscape plan</li> <li>• Request describes exemption from Arborist Committee Review and landscape planting plan application, but they reference the <u>entire Chapter (12.24A)</u> (which includes provisions relating to parking area trees, street trees, park trees, exceptional trees, and hazardous trees and shrubs)</li> </ul>
<b>H</b> (8)	<b>12.24A.070(D)</b> Street Trees (Subdivisions)	Exempt from street tree requirements for subdivisions	<ul style="list-style-type: none"> <li>• Developer will follow their own conceptual landscape plan</li> </ul>
<b>AA</b> (27)	<b>19.36B.080</b> – Landscaping	Allow flexibility in location of landscaping, no landscaping planting plan application (covered in #7), exempt from any amendments to the code section through the end of construction	<ul style="list-style-type: none"> <li>• Project will provide the required amount of shade trees, but may be placed in a layout different than what is required</li> </ul>
<b>B</b> (2)	<b>Chapter 2.80B</b> – General Plan and Community Plans	Exempt from change in zoning or community plan amendment	<ul style="list-style-type: none"> <li>• Current state land use designation: Agricultural</li> <li>• Current zoning: Agricultural</li> <li>• Current community plan designation: Agricultural</li> </ul>

			<ul style="list-style-type: none"> <li>Proposed uses: Single Family, Multi-Family, Business/Multi-Family, and Park</li> </ul>
<b>P</b>  (16)	<b>18.16.020</b> –Subdivision General Provisions & Design Standards Compliance	Exemption from requirement to obtain change in zoning or community plan amendment and to allow for flexible design standards for the proposed roundabout at Kuikahi and Kehalani Mauka Parkway to enable subdivision approval	
<b>S</b>  (19)	<b>18.04.030</b> – Subdivisions – General Provisions – Administration	Exempt project from the need to obtain a change in zoning or community plan amendment	<ul style="list-style-type: none"> <li>Project will be developed according to the standards and uses outlined in exemption list</li> </ul>
<b>V</b>  (22)	<b>Title 14</b> – Public Services <b>Title 16</b> – Building and Construction <b>Title 18</b> – Subdivisions	<p>Allow the TMK to be divided into @ parcels: The project site (14.97 acres) and the remainder (133 acres) without various subdivision requirements or limitations</p> <p>The lots “will be subject to the provisions of Titles 14, 16, and 18 MCC, upon application for <u>further subdivision or building permit</u>, 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.”</p>	<p><b>NOT</b> a standard request. No examples of this from previous projects. Seems questionable to exempt them from entire <u>titles</u> in the Code.</p> <ul style="list-style-type: none"> <li>Per Developer: The remaining 133 acres will be subject to regular subdivision requirements</li> </ul>

<b>BB</b>  (28)	<b>19.68</b> – State Land Use District Boundaries & <b>19.510</b> – Zoning – Application and Procedures		
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