

COUNCIL OF THE COUNTY OF MAUI
AFFORDABLE HOUSING COMMITTEE

October 7, 2022

Committee
Report No. _____

Honorable Chair and Members
of the County Council
County of Maui
Wailuku, Maui, Hawaii

Chair and Members:

Your Affordable Housing Committee, having met on September 1, 2022, and reconvened on September 6, 2022, and September 13, 2022, makes reference to the following:

1. Resolution 22-192 entitled “APPROVING THE INDEPENDENT DEVELOPMENT OF THE KUIKAHI VILLAGE WORKFORCE HOUSING PROJECT UNDER CHAPTER 2.97, MAUI COUNTY CODE.”

Resolution 22-192’s purpose is to approve the proposed Kuikahi Village Project (“Project”) with various exemptions from certain requirements in the Maui County Code relating to planning, zoning, land development and improvement, and construction standards for subdivisions and dwelling units.

2. Resolution 22-193 entitled “APPROVING WITH MODIFICATIONS THE INDEPENDENT DEVELOPMENT OF THE KUIKAHI VILLAGE WORKFORCE HOUSING PROJECT UNDER CHAPTER 2.97, MAUI COUNTY CODE.”

Resolution 22-193’s purpose is to approve the proposed Project with modifications listed in “Exhibit B,” and with various exemptions from certain requirements in the Maui County Code relating to planning, zoning, land development and improvement, and construction standards for subdivisions and dwelling units.

3. Resolution 22-194 entitled “DISAPPROVING THE INDEPENDENT DEVELOPMENT OF THE KUIKAHI VILLAGE

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WORKFORCE HOUSING PROJECT UNDER CHAPTER 2.97,
MAUI COUNTY CODE.”

Resolution 22-194’s purpose is to disapprove the proposed
Project.

By correspondence dated August 23, 2022, the County Clerk transmitted a letter dated August 15, 2022, from the Director of Housing and Human Concerns, transmitting an application for the development of the proposed Project under Chapter 2.97, Maui County Code.

Your Committee notes Chapter 2.97 allows a developer to seek fast track development of a 100 percent residential workforce housing project by applying for County exemptions.

In accordance with Section 2.97.170, the Council may approve, approve with modifications, or disapprove the Project within 60 days of receiving the application, or by October 14, 2022. If the Council does not take action by October 14, 2022, the Director of Housing and Human Concerns may approve, approve with modifications, or disapprove the Project within 14 days or the Project will be deemed approved.

Your Committee notes the Project is located in Wailuku, Maui, Hawai’i on a 14.97-acre parcel identified for real property tax purposes as tax map key (2) 3-5-002:003 (por.). The property owner and developer is listed as Kuikahi Properties, LLC (“Developer”).

Your Committee notes the Project’s amenities include a pavilion and playground, parks, a pedestrian and bike path, landscaped green spaces, sidewalks, neighborhood services in live-work units, and adequate parking in close proximity to schools, government services, and businesses.

Your Committee notes the Project site is designated “Agricultural” by the State Land Use Commission and zoned “Agriculture” by the County. Additionally, the site is located within the Maui Island Plan’s Urban Growth Boundary and is designated “Agriculture” in the Wailuku-Kahului Community Plan.

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Your Committee further notes that an Environmental Assessment was prepared, as required by Section 2.97.040, to comply with the environmental review requirements of Chapter 343, Hawai'i Revised Statutes. The Environmental Assessment was submitted in May 2022 with no significant findings.

Additionally, under Section 2.97.050, informational meetings with the community were held on January 11, 2021, February 16, 2021, March 8, 2021, April 22, 2021, and January 26, 2022.

Your Committee received a presentation from a representative of the Developer. As noted in the presentation and application, Kuikahi Village consists of 202 multi-family, duplex, townhome, live-work, studio, and single-family units. The units will be offered for sale to income-qualified households earning at or below 140 percent of the Area Median Income ("AMI").

Your Committee received comments from various County agency representatives, including representatives from the Department of Environmental Management, Department of Fire and Public Safety, Department of Housing and Human Concerns, Department of Planning, Department of Police, Department of Public Works, and Department of Water Supply. Written comments were also included in the Project's application materials.

Your Committee discussed various exemptions, as requested by the Developer and listed in Exhibit "A," relating to land use and zoning; construction and design standards; fast track permitting; and the Project's applicant selection and waitlist procedures.

Your Committee notes that the Developer submitted proposed sales prices, as required by Section 2.97.060(5)(d) on September 9, 2022, which were included in its presentation. The Developer said official prices for units will be released as part of the marketing plan for the Project.

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Your Committee discussed amending the Project's price guidelines to include very low, low, below moderate, moderate, and above moderate income-qualified individuals between 51 percent and 140 percent AMI.

A Deputy Corporation Counsel clarified that any legislation affecting affordable sales price calculations would impact unit prices.

Your Committee discussed traffic flow concerns at the intersection of Ku'ikahi Drive and Kehalani Mauka Parkway. Your Committee supported reimbursement for the cost of traffic mitigation measures from the Affordable Housing Fund or another available County fund.

Your Committee discussed concerns with the Wailuku Water Reservoir #10 ("Reservoir"), which borders the Project site to the north, which received a Notice of Deficiency from the Department of Land and Natural Resources ("DLNR") on September 4, 2021. The Developer clarified that although located on the parcel, the Reservoir is not owned or operated by the landowner.

The Developer agreed to work with the Department of the Corporation Counsel on an indemnification agreement to ensure the Reservoir is in good standing condition with the DLNR before units are occupied. The Developer also said it plans to build a retention basin on the property to manage storm water runoff.

Your Committee agreed to most of the listed exemptions in Exhibit "A," with revisions. Based on comments from the Director of Public Works, your Committee did not support an exemption from the provisions of Section 16.26B.3600, Maui County Code, requiring sidewalks on the Project's frontage streets and revised Exhibit "A" accordingly.

Your Committee supported using funds from the Affordable Housing Fund or another available County fund for the reimbursement of all reasonable costs related to certain fees granted to the Developer that are not outlined in Section 2.97.150.

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Your Committee considered several modifications to the Project, as listed in Exhibit “B,” including provisions to achieve the following objectives:

- Restrict animals within the Project to indoor cats and dogs in enclosed areas.
- Require plant composting and recycling.
- Require all units to be owner-occupied in perpetuity as a deed restriction recorded with the State of Hawai'i Bureau of Conveyances.
- Adjust the start and completion times for the Project.
- Require that preference must be given to long-term residents of the County.
- Require the Developer to include an indemnification agreement relating to the Reservoir.

Your Committee notes Bill 127 (2022), entitled “A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL DISTRICT TO URBAN DISTRICT (CONDITIONAL BOUNDARY AMENDMENT) FOR PROPERTY SITUATED AT WAILUKU, MAUI, HAWAII, TAX MAP KEY NOS. (2) 3-5-002:003 (POR.), CONTAINING A TOTAL OF 14.97 ACRES,” was referred to your Committee at the August 23, 2022 Council meeting, and accompanied the Project application.

A Deputy Corporation Counsel confirmed land use ordinances, such as Bill 127, would require review by the Maui Planning Commission under Section 8-8.6 of the Revised Charter of the County of Maui (1983), as amended, prior to Council approval.

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Your Committee agreed the Project fulfills an urgent need for affordable housing in the County and voted 9-0 to recommend adoption of Resolution 22-193, CD1; filing of Resolution 22-192; and filing of Resolution 22-194. Committee Chair Johnson, Vice-Chair Molina, and members Kama, King, Lee, Paltin, Rawlins-Fernandez, Sinenci, and Sugimura voted “aye.”

Your Committee is in receipt of Resolution 22-193, CD1, entitled “APPROVING WITH MODIFICATIONS THE INDEPENDENT DEVELOPMENT OF THE KUIKAHI VILLAGE WORKFORCE HOUSING PROJECT UNDER CHAPTER 2.97, MAUI COUNTY CODE,” approved as to form and legality by the Department of the Corporation Counsel, incorporating your Committee’s recommended revisions and nonsubstantive revisions.

Your Affordable Housing Committee RECOMMENDS the following:

1. That Resolution 22-193, CD1, as revised herein and attached hereto, entitled “APPROVING WITH MODIFICATIONS THE INDEPENDENT DEVELOPMENT OF THE KUIKAHI VILLAGE WORKFORCE HOUSING PROJECT UNDER CHAPTER 2.97, MAUI COUNTY CODE,” be ADOPTED;
2. That Resolution 22-192, attached hereto, entitled “APPROVING THE INDEPENDENT DEVELOPMENT OF THE KUIKAHI VILLAGE WORKFORCE HOUSING PROJECT UNDER CHAPTER 2.97, MAUI COUNTY CODE,” be FILED; and
3. That Resolution 22-194, attached hereto, entitled “DISAPPROVING THE INDEPENDENT DEVELOPMENT OF THE KUIKAHI VILLAGE WORKFORCE HOUSING PROJECT UNDER CHAPTER 2.97, MAUI COUNTY CODE,” be FILED.

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This report is submitted in accordance with Rule 8 of the Rules of the Council.



GABE JOHNSON, Chair

ah:cr:22035aa:pmg

Resolution

No. 22-193, CD1

APPROVING WITH MODIFICATIONS 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 14.97 acres of land located in Wailuku, Maui, Hawai'i, identified for real property tax purposes as Tax Map Key (2) 3-5-002:003 (por.); and

WHEREAS, the proposed Project is a 100 percent workforce housing project, consisting of 202 for-sale multi-family, duplex, townhome, live-work, studio, and single-family units; and

WHEREAS, all units will be marketed to households earning between 51 and 140 percent of the area median income, as established by the U.S. Department of Housing and Urban Development; and

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; and

WHEREAS, under Chapter 2.97, 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"; and

WHEREAS, under Section 2.97.170, Maui County Code, the Council must approve, approve with modifications, or disapprove the Project by resolution within sixty days after the Department of Housing and Human Concerns has submitted the preliminary plans and specifications for the Project to the Council, which 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 based on the transmittals and representations of the Department of Housing and Human Concerns and Kuikahi Properties LLC, the Council approves the Project with the modifications specified in Exhibit "B," including the Project's

Resolution No. 22-193, CD1

preliminary plans and specifications as submitted to the Council on August 15, 2022, and supplemented on September 9, 2022, under Chapter 2.97, Maui County Code; except that Kuikahi Properties, LLC, must 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, unless exempted as specified in Exhibit "A";

2. The Project's final plans and specifications will be 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 submitted to the Council;
3. Any substantial deviation from the preliminary plans and specifications must be submitted to the Council for prior approval;
4. The Project's final plans and specifications constitute the zoning, building, construction, and subdivision standards for the Project;
5. In the event of any conflict between the plans and specifications of the Project and this Resolution, the terms of this Resolution and any exhibits will control; and
6. 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:



Department of the Corporation Counsel
County of Maui

ah:misc:035areso01:ans

INTRODUCED BY:

A handwritten signature in cursive script, appearing to read "Alice L. Lee", written over a horizontal line.

ALICE L. LEE

Upon the request of the Mayor

EXHIBIT "A"

KUIKAHI VILLAGE WORKFORCE HOUSING PROJECT

All title, chapter, section, and subsection references are to the Maui County Code. The following exemptions are approved for the Kuikahi Village Workforce Housing Project:

1. EXEMPTIONS

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 bond.

B. Partial exemption from Chapter 2.80B, "General Plan and Community Plans":

A partial exemption from Chapter 2.80B is granted to permit the Project to proceed without obtaining a community plan amendment.

C. Exemption from Section 8.04.050, "Disposal charges":

An exemption from Section 8.04.050 is granted to exempt the Project from disposal fees during construction.

D. Exemption from Section 12.04.025(A), "Permit fee":

An exemption from Section 12.04.025(A) is granted to exempt the Project from fees for the approval of a County highways permit to construct improvements and install off-site utilities on Kuikahi Drive.

E. 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."

F. Exemption from Section 12.24A.070(D), “Street trees; Subdivisions”:

An exemption from Section 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.”

G. 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.

H. Exemption from Section 14.10.040, “Temporary meter charges,” and Section 14.06A.060(B)(3), “Stages of water shortage”:

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

I. 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.

J. 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.

K. 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.

L. Exemption from Section 18.04.030, “Administration”:

An exemption from Section 18.04.030 is granted to exempt the Project from the need to obtain a change in zoning or community plan amendment

to enable subdivision approval and allow for the Project to be developed to the standards outlined in this Exemptions list.

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

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

N. 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 initial subdivision application for the parcel identified as TMK (2)3-5-002:003, 148.01 acres (“Original Parcel”); and create a 14.97-acre site for the Project.

The Developer represented that no new or additional water service will be required or requested for the purposes of the initial subdivision. Therefore, the initial two-lot subdivision is determined to be exempt from Chapter 14.12.

Additionally, the two-lot subdivision is granted a deferral of subdivision requirements from Chapter 14.05 and Section 16.04C.470 - Subsection 18.4.6 until the parcels are developed, further subdivided, or water service is requested.

When the Project site is developed, further subdivided, or water service is requested, the Developer, or its successor, must construct the subdivision requirements only applicable to the Project site. When the remaining 133.04-acre parcel of the Original Parcel is developed, further subdivided, or water service is requested, the Developer, or its successor, must construct the subdivision requirements only applicable to the 133.04-acre parcel.

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

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

P. 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, and storage sheds.

Minimum lot size:

Dwellings: 4,500 square feet

Parks: 1,250 square feet

Building height as measured from natural or finished grade, whichever is lower:

Dwellings: The maximum building height is limited to three stories and 42 feet.

Park structures: The maximum building height is limited to two stories and 30 feet.

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.

Q. 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 to exempt the Project from submitting a Landscape Planting Plan application. The Project will provide the required number of shade trees and will otherwise comply with Section 19.36B.080 in effect at the time of Project application to the Council. Refer to Exhibit “1.”

R. Exemption from Chapter 19.510, “Applications and Procedures”:

An exemption from Chapter 19.510 is granted to enable the District Boundary Amendment to proceed directly to the Council for referral to the Maui Planning Commission for review as required under Section 8-8.4 of the Revised Charter of the County of Maui (1983), as amended.

2. WAIVERS

Under Section 2.97.150, the project is granted waivers of the following fees:

- A. Driveway permit fee under Section 12.08.050(D).
- B. Wastewater assessment fees for facility expansion for the Wailuku-Kahului regional wastewater treatment system under Section 14.35.080(B).
- C. Impact fees for traffic and roadway improvements in Wailuku-Kahului, Maui, Hawaii under Section 14.76.120(A)(6).
- D. Grubbing and grading permit fees under Section 20.08.090(D).
- E. Plumbing permit fees under Section 16.20B.103.4.1.3.
- F. Electrical permit fees under Section 16.18B.107-1(C).
- G. Building permit fees under Section 16.26B.108.2(2).
- H. Park dedication and assessment fees under Section 18.16.320(I)(5).

3. FEE REIMBURSEMENT

For any fee waivers approved by this Resolution, except those itemized in Section 2 of this Exhibit, the Affordable Housing Fund or another fund will be used to reimburse the following:

- A. Any fund that would have otherwise received revenue from the waived fees; or
- B. The Developer, if the Developer pays the fees in anticipation of being reimbursed.

ah:misc:035areso01a_Exhibit A

EXHIBIT "B"

**KUIKAHI VILLAGE WORKFORCE HOUSING PROJECT
MODIFICATIONS**

1. The Developer must commence construction of the Kuikahi Village Workforce Housing Project within two years of enactment of Bill 127 (2022) and must complete construction within five years of enactment of Bill 127 (2022). Resolution 22-193, inclusive of exhibits, automatically lapses and becomes void if construction has not commenced within two years of enactment of Bill 127 (2022), except that an extension may be granted by Council by resolution.
2. The Developer must develop and manage the Project in substantial compliance with all representations made to the Council and its Affordable Housing Committee, and in its Project application, to obtain approval of this Resolution. The County has the right to deny the issuance of permits if, and as long as, the Developer is in breach of any of these modifications.
3. To the extent permitted by law, the applicants selected by lottery must be ranked by the total length of time each has been a resident of the County. The workforce housing units must then be offered in the order of the rankings.
4. The Developer must record in the State of Hawai'i Bureau of Conveyances a deed restriction for each residential unit within the Project site to remain owner-occupied in perpetuity. This requirement must be listed in the homeowners' association ("HOA") governing documents. Violations of this requirement will be subject to fines paid to the HOA.
5. The HOA must restrict animals allowed within the Project to indoor cats and dogs in enclosed areas. Feeding feral cat colonies and feral chickens is prohibited. The HOA must provide bait stations for rodents and mongooses, including covered trash receptacles.
6. The HOA must provide areas and receptacles for plant composting and recycling.
7. The Developer must construct sidewalks, gutters, and curbs on all frontage streets, and may seek reimbursement from the County for all reasonable associated construction costs. The County intends to reimburse the Developer with funds from the Affordable Housing Fund, or another fund, for all reasonable costs related to frontage street sidewalk, gutter, and curb construction.

8. In addition to Section 2.97.190, Maui County Code, the Developer and the County, in accordance with terms approved by the Department of the Corporation Counsel, must execute a Hold Harmless Agreement that indemnifies the County against any claims of loss or damage caused by any failure of Wailuku Water Company Reservoir #10 (MA-0151) ("Reservoir #10") due to structural defects or negligence related to its operation, maintenance, upkeep, or necessary repair for which the Developer is found liable or responsible as the landowner. In the event the Developer, as the landowner, is found responsible for ensuring compliance with the conditions contained in the Notice of Deficiency ("NOD"), dated September 4, 2021, issued by the State of Hawai'i Department of Land and Natural Resources ("DLNR"), none of the Project's units may be occupied until the DLNR confirms in writing that all remediation actions have been completed.
9. The Developer must disclose to all potential Project homebuyers that Reservoir #10 received a NOD and a High Hazard Potential dam classification by the DLNR on September 4, 2021, and must disclose to the potential Project homebuyers at the time of the sale of each unit of the most current status of compliance with the conditions set forth in the NOD.

ah:misc:035areso01a_Exhibit B

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



Resolution

No. 22-192

APPROVING 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 based upon the transmittals and the representations of the Department of Housing and Human Concerns and Kuikahi Properties LLC, the Council approves the Project, including the Project's preliminary plans and

specifications, as submitted to the Council on August 15, 2022, under Chapter 2.97, MCC; except that Kuikahi Properties, LLC must 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, unless exempted as specified in Exhibit "A";

2. The final plans and specifications for the Project will be 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 submitted to the Council;

3. Any substantial deviation from the preliminary plans and specifications must be submitted to the Council for prior approval;

4. The final plans and specifications constitute the zoning, building, construction, and subdivision standards for the Project;

5. In the event of any conflict between the plans and specifications of the Project and this resolution, terms of this resolution and any exhibits will control; and

6. 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 Approving

Resolution No. 22-192

INTRODUCED BY:

A handwritten signature in black ink, appearing to read "Greg A. Lee", 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:

Dwellings:	4,500 square feet
Parks:	1,250 square feet

Building Height:

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

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



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.

Resolution No. 22-194

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

Resolution No. 22-194

INTRODUCED BY:

A handwritten signature in black ink, appearing to read "J. R. 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.
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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:

Dwellings:	4,500 square feet
Parks:	1,250 square feet

Building Height:

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

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

