

**AFFORDABLE HOUSING PROJECTS (CHAPTER 201H, HAWAII REVISED  
STATUTES) (INDEPENDENT DEVELOPMENT OF POLANUI GARDENS  
WORKFORCE HOUSING PROJECT (LAHAINA)) (AH-1(1))**

**\*\*All conditions must have an enforceable deadline attached.**

1. Lower AMI from 140%-80%, in perpetuity and all workforce housing units are distributed as outlined in 15-307-2, HAR and 15-307-26, HAR for very low, low, low-moderate and moderate-income households AND that 10 homes be offered in each category, for a total of 50 affordable workforce housing units.

a. 10=60% AMI, 10=70% AMI, 10=80%AMI, 10=90% AMI, 10=100%AMI

2. The lottery for sale of these homes will be administered by the County's Department of Housing and Human Concerns to ensure the process and subsequent sales are just and fair. [See authority granted under 46-15.1(9), HRS] - Though lottery powers granted to developer, its partner, or its management company and overseen by the department (DHHC) are outlined in 2.96.090A.3, MCC, the County theoretically has authority through 46-15.1(9), HRS.

3. All properties must be owner occupied and owner may not own another property through trust, LLP, LLC, incorporation or any other business organization.

a. If they object you can say that you will allow for second and third-time homebuyers, if they will be renting the unit at an affordable rate, as determined by County rental guidelines.

b. Sale of market-priced residential lots must conform to 15-307-84, HAR, as they are being considered part of this project for the 201H process.

4. Developer must work with the Department of Fire and Public Safety, to develop exit routes that are approved by Maui Police and Fire Departments

5. Developer must pay a pro-rata share for public highway improvements to address traffic and safety issues.

6. Cul-de-sac design not allowed; streets must connect within the subdivision and with neighboring streets and subdivisions for increased walkability, biking and reduction of traffic concerns within the project.

7. Market-Priced Lots must conform to all State and County Requirements

a. The minimum lot size shall be one acre ii.

b. The minimum lot width (average) shall be 100 feet iii.

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- c. No more than one farm dwelling per lot shall be allowed iv.
- d. No farm labor dwellings shall be allowed

8. Increase Ag lots size from 1 acre to 2 acre to conform with agriculture requirements and follow the Maui Island Plan.

9. Developer must comply with HRS section 11.62.1.1 (b) and install an on-site wastewater treatment facility.

- A) Section reads: "total development of an area shall not exceed fifty single family residential lots or exceed fifty dwelling units except for developments consisting of one dwelling unit per acre or greater."
- B) If this triggers an EIS, ask that an EIS be conducted due to the cumulative impact sheet. [HRS 343]

10. Developer will subsidize or completely furnish ALL ATUs for workforce housing units of this project.

11. If ATUs are to be used, expand the state minimum separation of 3' between infiltration surface and the groundwater table, to 6'.

12. This development may not have housing credit according to 2.96 section 050.A4; only 100% affordable projects are eligible for housing credits. If credits are considered, then exemptions requested would not be granted.

13. Require that the developer "show" the Council adequate and consistent water supply before subdivision.

a. County Code Title 14 "Show Me the Water" requires that the developer prove water availability before subdivision. Given that the County has received multiple complaints from residents that were sold homes in this exact area by this same landowner, alleging they do not have sufficient water for their home or farms needs, requires closer scrutiny. These homeowners were sold property with the impression that they would receive sufficient water. We must take precautions and require that the developer show there is sufficient water for this project in advance. It is not only prudent but also logical.