

COUNCIL OF THE COUNTY OF MAUI
AFFORDABLE HOUSING COMMITTEE

October 23, 2020

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 23, 2020, and reconvened on September 29, 2020, and October 5, 2020, makes reference to County Communication 19-15, from Council Chair Kelly T. King, relating to affordable housing projects in accordance with Chapter 201H, Hawaii Revised Statutes ("HRS").

By correspondence dated September 9, 2020, the Director of Housing and Human Concerns transmitted the following:

1. An application for the development of the proposed Lihau'ula Workforce Housing Project in Olowalu, Maui, Hawaii, in accordance with Section 201H-38, HRS. The proposed project consists of 40 workforce housing units on single-family lots, for sale to qualified households earning between 80 and 140 percent of the area median income ("AMI"), as set forth by the Department of Housing and Human Concerns' Affordable Sales Price Guidelines. The proposed project also includes nine market-rate single-family lots or residences, and 10 one-acre agricultural lots on 27.79 acres. The parcel is identified for real property tax purposes as tax map key (2) 4-8-003:103, and has a State Land Use classification of Agricultural District. A District Boundary Amendment would be required for the 14.70-acre portion of the property containing the 49 residential lots. The parcel owner and proposed project developer is Lihau'ula LLC ("Developer").
2. A proposed resolution entitled "APPROVING THE INDEPENDENT DEVELOPMENT OF THE LIHAU'ULA WORKFORCE HOUSING PROJECT PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES."

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The purpose of the proposed resolution is to approve the proposed project with various exemptions from certain requirements contained in the Maui County Code, relating to planning, zoning, land development and improvement, and construction standards for subdivisions and dwelling units.

3. A proposed resolution entitled "APPROVING WITH MODIFICATIONS THE INDEPENDENT DEVELOPMENT OF THE LIHAU'ULA WORKFORCE HOUSING PROJECT PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES."

The purpose of the proposed resolution is to approve the proposed project with modifications, and with various exemptions from certain requirements contained in the Maui County Code, relating to planning, zoning, land development and improvement, and construction standards for subdivisions and dwelling units.

4. A proposed resolution entitled "DISAPPROVING THE INDEPENDENT DEVELOPMENT OF THE LIHAU'ULA WORKFORCE HOUSING PROJECT PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES."

The purpose of the proposed resolution is to disapprove the proposed project.

Under Section 201H-38, HRS, the Council must approve, approve with modifications, or disapprove the proposed project within 45 days after the preliminary plans and specifications have been submitted to the Council. The Council has until October 24, 2020, to act on the 201H application for the Lihau'ula project, or it will be deemed approved.

Your Committee received testimony on the proposed project from over 650 testifiers as of October 14, 2020, with many testifiers emphasizing the need for affordable owner-occupied housing in West

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Maui. However, the majority of the written and oral testimony was in opposition to the project. The most cited concerns were:

- Insufficient infrastructure, including inadequate water resources in the area.
- Environmental impacts to Olowalu's unique coastal reef system, water quality, and vulnerable marine life, including manta rays.
- Impacts on archaeological, historical, and cultural resources, located within, and in areas both mauka and makai of the property.
- Risks of wildfires and flooding in the area.
- Lack of nearby services, and increased traffic, congestion, and sprawl.
- Improper application of planning, land use, and zoning policies.
- Lack of affordability of the proposed workforce housing units.

Your Committee received a presentation from the Developer's representatives and discussed the project plans and specifications. The project proposes to build three- and four-bedroom single-family residences on minimum lot sizes of 10,000 square feet, priced from \$506,400 to \$815,235 for qualified households in the 80 to 140 percent AMI categories.

The Developer has requested exemptions from the Maui County Code to expedite the delivery of the workforce units, including exemptions relating to community plan amendments, changes in zoning, and district boundary amendments. The Developer has also requested exemptions from construction-related fees totaling \$431,265.

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Your Committee discussed various aspects of the proposed project with representatives of the Department of Housing and Human Concerns, Department of Planning, Department of Environmental Management, and Department of Fire and Public Safety.

The Deputy Director of Housing and Human Concerns expressed support for the project and noted almost 68 percent of the proposed units and lots would be for workforce housing.

The Planning Director noted the project site is designated "Agricultural" at the State, County, and Community Plan levels. She also noted the project likely does not conform to the anticipated West Maui Community Plan update.

Your Committee discussed concerns about the proposed project, with extensive consideration given to issues and testimony relating to the project's water supply; wastewater treatment; environmental, archaeological, historical, and cultural impacts; likely nonconformity with the anticipated updates to the West Maui Community Plan; and lack of attainability because of the high prices of the workforce units.

Members of your Committee expressed concerns with the project's water supply, particularly in light of testimony that the existing supply is insufficient to meet current residents' needs. The Developer's representative said a contract will be entered into is pending with Olowalu Water Company, Inc. for a line expansion to serve the project's residents. He said the Olowalu Stream flow will not be affected, as the source for the aquifer is groundwater, which will be used for both potable and non-potable water use. He added that complaints from current residents mauka of the project area relate to non-potable water supply.

Members of your Committee expressed concern over the project's proposed use of potable water for irrigation. The Developer's representative said a dual system is not being planned because of the small number of proposed residences. He noted the project would double current water usage from 100,000 to 200,000 gallons per day, and the

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sustainable yield is in excess of two million gallons per day. He also said it was not feasible to reclaim wastewater.

Your Committee noted it was the responsibility of the State Public Utility Commission and other agencies to regulate water delivery; however, concerns remained about knowingly developing homes in an area lacking adequate resources.

Your Committee also expressed concern with the project's proposed wastewater treatment system. The Developer's representative said an individual wastewater system ("IWS") would be installed for each workforce housing unit, with the cost for the system included in the sales price.

Your Committee notes under Chapter 11-62, Hawaii Administrative Rules ("HAR"), the State Department of Health ("DOH") requires a wastewater treatment facility where the total development of an area exceeds 50 dwelling units or lots, except for developments consisting of one dwelling unit per acre or greater. The 10 farm dwellings allowed on the project's one-acre lots may be excluded from the total unit count. The Developer's representative provided an email response from the DOH Wastewater Branch Chief confirming the project would be allowed to use IWS; and the Deputy Director of Environmental Management and a Deputy Corporation Counsel concurred, noting the matter would not be under the County's jurisdiction.

Your Committee discussed concerns over potential environmental impacts of the project. Your Committee commented on the unique nature of the Olowalu coastal reef system and the need to protect the reef and its inhabitants, including a significant manta ray population. Your Committee also noted the area is prone to flooding, and sea level rise could eventually require the Honoapiilani Highway to be realigned mauka of the project, adversely affecting residents. Your Committee also considered possible damage and disturbance to significant archaeological, historical, and cultural resources located within, and both mauka and makai, of the project site.

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Your Committee discussed the proposed project's nonconformity with the Maui Island Plan and West Maui Community Plan. Your Committee also considered the work of the West Maui Community Plan Advisory Committee ("CPAC"), and the negative impact fast-tracking projects could have on current and future CPAC processes and participation levels.

Your Committee also expressed concern that the high prices of the workforce unit make them unattainable to residents in need of affordable housing. Your Committee pointed to the County's need for 10,000 housing units across all AMI categories, and that this project would help to address that need in the higher AMI categories. It was also noted that the project is not seeking any subsidies from the Affordable Housing Fund.

Your Committee considered a number of modifications to the project, including provisions to achieve the following objectives:

- Extend the existing water system in the area to ensure a reliable supply of potable and non-potable water for prospective and current residents.
- Ensure sufficient capacity and proper maintenance of the IWS.
- Prohibit short-term rentals, condominium property regimes, and accessory dwelling units.
- Ensure multiple emergency access routes.
- Limit building heights and on-street parking within the project.
- Set various standards and specifications relating to the marketing, sale, and distribution of units.

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- Establish project start and completion timelines and annual status report requirements.

Your Committee notes the Developer's representative was amenable to many of the modifications. However, several of the modifications conflicted with requested exemptions or were otherwise not acceptable to the Developer, including provisions to:

- Increase the deed-restricted affordability period from the proposed 10 years to 30 years.
- Deny exemptions from application and procedure requirements under Chapter 19.68, Maui County Code, relating to State Land Use District Boundaries.
- Deny exemptions from fee waivers.

Your Committee also notes the following specific representations by the Developer:

- The updated site plan provides for multiple access roads, including a fire access road.
- The DOH would prohibit any further residential development in the area without a wastewater treatment facility.
- The 0.69-acre park in the initial site plan has been replaced by a 10-foot makai to mauka walking trail and additional vehicle access, in response to community feedback.
- There would be a Homeowners' Association ("HOA") for common areas and internal roadways, trail, and drainage basin. Internal roadways would remain private and not dedicated to the County.

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- The Developer would be willing to consider further modifications to the project relating to installing and maintaining IWS; using 100-year event flood projection standards; developing a park or open space outside of the project area; and partnering with Na Hale O Maui and Habitat for Humanity to develop the 12 units in lower AMI categories.

Your Committee notes the project could support various strategies, objectives, and policies of the Countywide Policy Plan, including the following:

- “Expand housing opportunities for residents.” (Page 57)
- “Reduce the affordable housing deficit for residents.” (Page 57)
- “Ensure that an adequate and permanent supply of affordable housing, both new and existing units, is made available for purchase or rental to our resident and/or workforce population, with special emphasis on providing housing for low- to moderate-income families.” (Page 57)
- “Seek innovative ways to lower housing costs without compromising the quality of our island lifestyle.” (Page 57)
- “Increase and maintain the affordable housing inventory.” (Page 58)

Your Committee further notes the project could support various goals, objectives, and policies of the Maui Island Plan, including the following:

- “Maui will have safe, decent, appropriate, and affordable housing for all residents developed in a way that contributes to strong neighborhoods and a thriving island community.” (Pages 5-6)

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- “Provide affordable housing, rental or in fee, to the broad spectrum of our island community.” (Pages 5-8)
- “Reduce the cost to developers of providing housing that is affordable to families with household incomes 160 percent and below of annual median income.” (Pages 5-10)
- “Support fast-track processing procedures for the following housing-related entitlements: affordable housing projects/units; indigenous Hawaiian housing/units; and special-needs housing units.” (Pages 5-10)

Your Committee notes the following Countywide Policy Plan provisions may be noteworthy in consideration of comments provided by testifiers and some agencies:

- “Establish pricing for affordable housing that is more reflective of Maui County’s workforce than the United States Housing and Urban Development’s median-income estimates for Maui County.” (Page 57)
- “Promote infill housing in urban areas at scales that capitalize on existing infrastructure, lower development costs, and are consistent with existing or desired patterns of development.” (Page 58)
- “Develop workforce housing in proximity to job centers and transit facilities.” (Page 58)
- “Direct growth in a way that makes efficient use of existing infrastructure and to areas where there is available infrastructure capacity.” (Page 72)

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In addition, your Committee notes the following Countywide Policy Plan provisions may be noteworthy in consideration of comments provided by testifiers and some agencies:

- “Require all new developments to fund system improvements in proportion to the development impact and in accordance with the County’s wastewater functional plan.” (Pages 6-12)
- “The need for improved emergency care and transport is most evident in West Maui where there are no emergency care facilities despite the presence of a significant number of residents and tourists.” (Pages 6-58)

Your Committee expressed its commitment to promoting suitable and attainable housing for residents, and noted recently approved projects that would provide 100 percent of their units as affordable or workforce housing. Your Committee recognized the need for additional housing opportunities in Maui County.

Your Committee considered a motion to recommend adoption of the proposed resolution approving the Lihau‘ula project with the modifications discussed in committee and agreed-to by the Developer. That motion failed on a vote of 4-5. Committee Chair Kama and members Hokama, Lee, and Sugimura voted “aye.” Committee Vice-Chair Molina and members King, Paltin, Rawlins-Fernandez, and Sinenci voted “no.”

Your Committee voted 5-4 to recommend adoption of the proposed resolution disapproving the Lihau‘ula project; filing of the proposed resolution approving the project; and filing of the proposed resolution approving the project with modifications.

Committee Vice-Chair Molina and members King, Paltin, Rawlins-Fernandez, and Sinenci voted “aye.” Committee Chair Kama and members Hokama, Lee, and Sugimura voted “no.”

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Your Committee is in receipt of a revised proposed resolution, entitled "DISAPPROVING THE INDEPENDENT DEVELOPMENT OF THE LIHAU'ULA WORKFORCE HOUSING PROJECT IN ACCORDANCE WITH SECTION 201H-38, HAWAII REVISED STATUTES," approved as to form and legality by the Department of the Corporation Counsel, and incorporating nonsubstantive revisions.

Your Affordable Housing Committee RECOMMENDS the following:

1. That Resolution _____, attached hereto, entitled "DISAPPROVING THE INDEPENDENT DEVELOPMENT OF THE LIHAU'ULA WORKFORCE HOUSING PROJECT IN ACCORDANCE WITH SECTION 201H-38, HAWAII REVISED STATUTES," be ADOPTED;
2. That the proposed resolution, attached hereto, entitled "APPROVING THE INDEPENDENT DEVELOPMENT OF THE LIHAU'ULA WORKFORCE HOUSING PROJECT PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES," be FILED; and
3. That the proposed resolution, attached hereto, entitled "APPROVING WITH MODIFICATIONS THE INDEPENDENT DEVELOPMENT OF THE LIHAU'ULA WORKFORCE HOUSING PROJECT PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES," be FILED.

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



Tasha Kama
2020.10.16
10:38:30 -10:00

TASHA KAMA, Chair

Resolution

No. _____

APPROVING THE INDEPENDENT DEVELOPMENT OF THE LIHAU'ULA WORKFORCE HOUSING PROJECT PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES

WHEREAS, Lihau'ula LLC, a Hawaii Limited Liability Company, proposes the development of the Lihau'ula Workforce Housing Project (the "Project") for qualified residents on approximately 27.799 acres located at Olowalu, Maui, Hawaii, identified for real property tax purposes as Tax Map Key No. (2) 4-8-003:103; and

WHEREAS, the proposed Project will consist of forty workforce single family residences, nine market single family residential lots, and ten market one-acre agricultural lots; and

WHEREAS the affordable single-family residential workforce housing units will be developed and sold to qualified individuals earning up to one hundred and forty percent of Maui's median income; and

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

WHEREAS, on September 9, 2020, the Department of Housing and Human Concerns submitted the preliminary plans and specifications and accompanying application to the Council of the County of Maui ("Council") recommending approval of the Project pursuant to Chapter 201H, Hawaii Revised Statutes ("HRS"); and

WHEREAS, the Project is being independently developed pursuant to Section 201H-41, HRS; and

WHEREAS, pursuant to Section 201H-38, HRS, the Council may approve certain exemptions for the Project, the requested exemption list is attached hereto and made a part hereof as Exhibit "A"; and

WHEREAS, pursuant to Section 201H-38, HRS, the Council shall approve, approve with modification, or disapprove the Project by resolution within forty-five (45) 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 September 9, 2020; and

WHEREAS, pursuant to 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,

Resolution No. _____

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 Lihau'ula LLC, the Council approves the Project, including the Project's preliminary plans and specifications, as submitted to the Council on September 9, 2020, pursuant to Section 201H-38, HRS; provided that Lihau'ula LLC, shall 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 thereon, except for the exemptions specified in Exhibit "A", attached hereto and made a part hereof; and

2. That the final plans and specifications for the Project shall be deemed 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. Any substantial deviation from the preliminary plans and specifications shall be submitted to the Council for prior approval. The final plans and specifications shall constitute the zoning, building, construction, and subdivision standards for the Project; and

3. In the event of any conflict between the plans and specifications of the Project and this Resolution, terms of the Resolution and any exhibits thereof shall control; and

4. 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 Lihau'ula LLC.

APPROVED AS TO FORM
AND LEGALITY:

/s/ Mimi Desjardins

MIMI DESJARDINS
Deputy Corporation Counsel
County of Maui
2019-2060
2020-08-24 Lihau'ula Approve

Resolution No. _____

Lihau`ula Workforce Housing Project
Requested Exemptions and Fee Waivers

Requested Exemptions:

The following exemptions from the Maui County Code (MCC) are being requested for the proposed project:

Exemptions from Chapter 2.80B – General Plan and Community Plans

An exemption from Chapter 2.80B is requested to permit the project to proceed without obtaining an amendment to the West Maui Community Plan.

Exemption from Chapter 12.24A – Landscape Planting and Beautification

An exemption from Chapter 12.24A is requested to permit the project to proceed without requiring compliance with the landscape planting plan of one tree per residential lot.

Exemption from Title 18 – Subdivisions

Exemptions from Section 18.04.030, Administration, and Section 18.16.020, Compliance, are requested to exempt the project from obtaining a change in zoning and community plan amendment.

Exemptions from Section 18.16.220, Lots – Size and Shape, and Section 18.16.230 – Lots – Minimum Sizes, are requested to allow lot sizes, widths, shapes, orientations, fence and wall heights, and minimum setback lines within the project that are not in conformance with the provisions of Chapter 19.30A, Agricultural District.

Exemptions from Section 18.20.070, Sidewalks, is requested to exempt the project from constructing sidewalks on both sides of the internal subdivision roadways. A five-foot wide concrete sidewalk will instead be provided on one side of the internal subdivision roadways.

EXHIBIT “A”

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Exemptions from Title 19 - Zoning

An exemption from Chapter 19.30A, MCC, Agricultural District, is requested to permit the development and use of the subject parcel for single-family residential purposes. The proposed workforce housing project shall be exempt from all development design standards set forth in Chapter 19.30A, including wall height restrictions. Further, this exemption shall allow the subdivision of the property in the plat as shown in the project site plan.

The following zoning standards shall apply to the proposed lots identified as 1 thru 49 (as shown on the project site plan):

Minimum Lot Size:	10,000 Square Feet
Height:	No building shall exceed two stories or thirty feet in height
Minimum Lot Width:	50 Feet

SETBACK

Front Yard	Minimum of 15 feet
Side and Rear Yard	
One Story homes	Minimum of 6 feet
Two Story Homes	Minimum of 10 feet

The following zoning standards shall apply to the proposed agricultural lots identified as 1-A thru 10-A (as shown on the project site plan):

Minimum Lot Size:	One Acre
Height:	No building shall exceed two stories or thirty feet in height

SETBACK

Front Yard	Minimum 25 feet
Side and Rear Yard	
One Story homes	Minimum of 15 feet
Two Story Homes	Minimum of 15 feet

Pursuant to Section 205-3.1, HRS and Section 19.68.040, MCC, the Maui County Council is the

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decision-making authority for the requested state land use district boundary reclassification to change the approximately 14.7-acre portion of the property containing the 49 parcels roughly 10,000 square feet in area from the State Land Use Agricultural District to the State Land Use Urban District. The balance of the 27.799-acre parcel will remain in the State Land Use Agricultural District. Exemptions from Section 19.68.020, MCC, Applications, Section 19.68.030, MCC, Procedures, and Section 8-8.4, Maui County Charter, are requested to exempt the project from: 1) the need to file an application for a boundary reclassification of state land use district boundaries for the 14.7-acre portion; and 2) the procedures associated with such applications, including the requirement for the Maui Planning Commission to conduct a public hearing on the requested boundary reclassification. However, the applicant is not requesting an exemption from Section 19.68.040, MCC, which provides for the Maui County Council to: 1) consider the boundary reclassification; 2) hold hearings; 3) take evidence and testimony; 4) be the decision-making authority on the boundary reclassification; and 5) impose conditions upon the use of the property to prevent adverse effects upon public health, safety, and welfare.

Fee Waivers

The following fee waivers (MCC section reference noted below) are being requested for the proposed project:

1. Driveway permit and inspection fees, Section 12.08.
2. Traffic and roadway improvements impact fees in West Maui, Section 14.62.
3. Fire plan review fee, Section 16.04C.
4. Plumbing permit fees, Section 16.20B.
5. Electrical permit fees, Section 16.18B.
6. Building permit fees, Section 16.26B.
7. Park dedication and assessment fees, Subsection 18.16.320(I)(5).
8. Grubbing and grading permit fees, Section 20.08.090.

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APPROVING WITH MODIFICATIONS THE INDEPENDENT DEVELOPMENT OF THE LIHAU'ULA WORKFORCE HOUSING PROJECT PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES

WHEREAS, Lihau'ula LLC, a Hawaii Limited Liability Company, proposes the development of the Lihau'ula Workforce Housing Project (the "Project") for qualified residents on approximately 27.799 acres located at Olowalu, Maui, Hawaii, identified for real property tax purposes as Tax Map Key No. (2) 4-8-003:103; and

WHEREAS, the proposed Project will consist of forty workforce single family residences, nine market single family residential lots, and ten market one-acre agricultural lots; and

WHEREAS the affordable single-family residential workforce housing units will be developed and sold to qualified individuals earning up to one hundred and forty percent of Maui's median income; and

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

WHEREAS, on September 9, 2020, the Department of Housing and Human Concerns submitted the preliminary plans and specifications and accompanying application to the Council of the County of Maui ("Council") recommending approval of the Project pursuant to Chapter 201H, Hawaii Revised Statutes ("HRS"); and

WHEREAS, the Project is being independently developed pursuant to Section 201H-41, HRS; and

WHEREAS, pursuant to Section 201H-38, HRS, the Council may approve certain exemptions for the Project, the requested exemption list is attached hereto and made a part hereof as Exhibit "A"; and

WHEREAS, pursuant to Section 201H-38, HRS, the Council shall approve, approve with modification, or disapprove the Project by resolution within forty-five (45) 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 September 9, 2020; and

WHEREAS, pursuant to 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,

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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 Lihau'ula LLC, the Council approves the Project with the modifications specified in Exhibit "B", including the Project's preliminary plans and specifications, as submitted to the Council on September 9, 2020, pursuant to Section 201H-38, HRS; provided that Lihau'ula LLC, shall 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 thereon, except for the exemptions specified in Exhibit "A", attached hereto and made a part hereof; and

2. That the final plans and specifications for the Project shall be deemed 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. Any substantial deviation from the preliminary plans and specifications shall be submitted to the Council for prior approval. The final plans and specifications shall constitute the zoning, building, construction, and subdivision standards for the Project; and

3. In the event of any conflict between the plans and specifications of the Project and this Resolution, terms of the Resolution and any exhibits thereof shall control; and

4. 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 Lihau'ula LLC.

APPROVED AS TO FORM
AND LEGALITY:

/s/ Mimi Desjardins

MIMI DESJARDINS
Deputy Corporation Counsel
County of Maui

2019-2060

2020-08-24 Lihau'ula Approve w/ Modifications

Resolution No. _____

Lihau`ula Workforce Housing Project
Requested Exemptions and Fee Waivers

Requested Exemptions:

The following exemptions from the Maui County Code (MCC) are being requested for the proposed project:

Exemptions from Chapter 2.80B – General Plan and Community Plans

An exemption from Chapter 2.80B is requested to permit the project to proceed without obtaining an amendment to the West Maui Community Plan.

Exemption from Chapter 12.24A – Landscape Planting and Beautification

An exemption from Chapter 12.24A is requested to permit the project to proceed without requiring compliance with the landscape planting plan of one tree per residential lot.

Exemption from Title 18 – Subdivisions

Exemptions from Section 18.04.030, Administration, and Section 18.16.020, Compliance, are requested to exempt the project from obtaining a change in zoning and community plan amendment.

Exemptions from Section 18.16.220, Lots – Size and Shape, and Section 18.16.230 – Lots – Minimum Sizes, are requested to allow lot sizes, widths, shapes, orientations, fence and wall heights, and minimum setback lines within the project that are not in conformance with the provisions of Chapter 19.30A, Agricultural District.

Exemptions from Section 18.20.070, Sidewalks, is requested to exempt the project from constructing sidewalks on both sides of the internal subdivision roadways. A five-foot wide concrete sidewalk will instead be provided on one side of the internal subdivision roadways.

EXHIBIT “A”

Exemptions from Title 19 - Zoning

An exemption from Chapter 19.30A, MCC, Agricultural District, is requested to permit the development and use of the subject parcel for single-family residential purposes. The proposed workforce housing project shall be exempt from all development design standards set forth in Chapter 19.30A, including wall height restrictions. Further, this exemption shall allow the subdivision of the property in the plat as shown in the project site plan.

The following zoning standards shall apply to the proposed lots identified as 1 thru 49 (as shown on the project site plan):

Minimum Lot Size:	10,000 Square Feet
Height:	No building shall exceed two stories or thirty feet in height
Minimum Lot Width:	50 Feet

SETBACK

Front Yard	Minimum of 15 feet
Side and Rear Yard	
One Story homes	Minimum of 6 feet
Two Story Homes	Minimum of 10 feet

The following zoning standards shall apply to the proposed agricultural lots identified as 1-A thru 10-A (as shown on the project site plan):

Minimum Lot Size:	One Acre
Height:	No building shall exceed two stories or thirty feet in height

SETBACK

Front Yard	Minimum 25 feet
Side and Rear Yard	
One Story homes	Minimum of 15 feet
Two Story Homes	Minimum of 15 feet

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Pursuant to Section 205-3.1, HRS and Section 19.68.040, MCC, the Maui County Council is the decision-making authority for the requested state land use district boundary reclassification to change the approximately 14.7-acre portion of the property containing the 49 parcels roughly 10,000 square feet in area from the State Land Use Agricultural District to the State Land Use Urban District. The balance of the 27.799-acre parcel will remain in the State Land Use Agricultural District. Exemptions from Section 19.68.020, MCC, Applications, Section 19.68.030, MCC, Procedures, and Section 8-8.4, Maui County Charter, are requested to exempt the project from: 1) the need to file an application for a boundary reclassification of state land use district boundaries for the 14.7-acre portion; and 2) the procedures associated with such applications, including the requirement for the Maui Planning Commission to conduct a public hearing on the requested boundary reclassification. However, the applicant is not requesting an exemption from Section 19.68.040, MCC, which provides for the Maui County Council to: 1) consider the boundary reclassification; 2) hold hearings; 3) take evidence and testimony; 4) be the decision-making authority on the boundary reclassification; and 5) impose conditions upon the use of the property to prevent adverse effects upon public health, safety, and welfare.

Fee Waivers

The following fee waivers (MCC section reference noted below) are being requested for the proposed project:

1. Driveway permit and inspection fees, Section 12.08.
2. Traffic and roadway improvements impact fees in West Maui, Section 14.62.
3. Fire plan review fee, Section 16.04C.
4. Plumbing permit fees, Section 16.20B.
5. Electrical permit fees, Section 16.18B.
6. Building permit fees, Section 16.26B.
7. Park dedication and assessment fees, Subsection 18.16.320(I)(5).
8. Grubbing and grading permit fees, Section 20.08.090.

Resolution No. _____

EXHIBIT "B"

Resolution

No. _____

DISAPPROVING THE INDEPENDENT DEVELOPMENT OF THE LIHAU'ULA WORKFORCE HOUSING PROJECT IN ACCORDANCE WITH SECTION 201H-38, HAWAII REVISED STATUTES

WHEREAS, Lihau'ula LLC, a Hawaii Limited Liability Company, proposes the development of the Lihau'ula Workforce Housing Project (the "Project") for qualified residents on approximately 27.79 acres located at Olowalu, Maui, Hawaii, identified for real property tax purposes as Tax Map Key (2) 4-8-003:103; and

WHEREAS, the Project would consist of 40 workforce single-family residences, nine market-rate single-family residential lots, and 10 market-rate one-acre agricultural lots; and

WHEREAS, the residential workforce housing units would be developed and sold to qualified individuals earning between 80 and 140 percent of Maui's area median income; and

WHEREAS, on September 9, 2020, the Department of Housing and Human Concerns submitted the preliminary plans and specifications and accompanying application to the Council, recommending approval of the Project in accordance with Chapter 201H, Hawaii Revised Statutes ("HRS"); and

WHEREAS, the Project would be independently developed in accordance with Section 201H-41, HRS; and

WHEREAS, under Section 201H-38, HRS, the Council must approve, approve with modifications, or disapprove the Project by resolution within 45 days after the Department of Housing and Human Concerns submitted the Project's preliminary plans and specifications to the Council, which submittal occurred on September 9, 2020; 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 Lihau'ula Workforce Housing Project, submitted to the Council on September 9, 2020, in accordance with Section 201H-38, Hawaii Revised Statutes; and
2. That certified copies of this Resolution be transmitted

Resolution No. _____

to the Director of Public Works, the Planning Director, the Director
of Housing and Human Concerns, and Lihau'ula LLC.

APPROVED AS TO FORM AND LEGALITY

/s/ Mimi Desjardins

MIMI DESJARDINS
Deputy Corporation Counsel
County of Maui

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