

COUNCIL OF THE COUNTY OF MAUI
LAND USE COMMITTEE

December 2, 2011

Committee
Report No. _____

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

Chair and Members:

Your Land Use Committee, having met on November 1, 2011 (site inspection), November 2, 2011, and November 16, 2011, makes reference to County Communication 11-27, from the Council Chair, relating to requests for Council approval of proposed affordable housing projects, pursuant to Chapter 201H, Hawaii Revised Statutes ("HRS").

By correspondence dated October 24, 2011, the Director of Housing and Human Concerns transmitted the following:

1. An application for the development of the proposed Kahoma Residential Subdivision on approximately 16.7 acres, identified as TMK: (2) 4-5-10:005, in Lahaina, Maui, Hawaii, pursuant to Section 201H-38, HRS. The proposed project is located between the Kahoma Flood Control Channel to the north and the Kelawea Mauka Subdivision, a residential neighborhood, to the south. It consists of approximately 68 single-family units, with lots ranging in size from approximately 5,000 square feet to 12,000 square feet, and a neighborhood park.
2. A proposed resolution entitled "APPROVING THE KAHOMA RESIDENTIAL SUBDIVISION PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES". The purpose of the proposed resolution is to approve the proposed project with various exemptions from certain requirements contained in the Maui County Code ("MCC") relating to planning, zoning, construction standards for subdivisions, the development and improvement of land, and the construction of dwelling units.
3. A proposed resolution entitled "APPROVING WITH MODIFICATIONS THE KAHOMA RESIDENTIAL SUBDIVISION PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES". The purpose of the proposed resolution is to approve the proposed project with modifications and various exemptions from certain requirements

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contained in the MCC relating to planning, zoning, construction standards for subdivisions, the development and improvement of land, and the construction of dwelling units.

4. A proposed resolution entitled "DISAPPROVING THE KAHOMA RESIDENTIAL SUBDIVISION PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES". The purpose of the proposed resolution is to disapprove the proposed project.

Your Committee notes that, pursuant to Section 201H-38, HRS, the Council shall approve, approve with modifications, or disapprove affordable housing projects by resolution within 45 days after the preliminary plans and specifications for the project have been submitted to the Council, or the project shall be deemed approved. The Council has until December 8, 2011, to act on this application, or it will be deemed approved as submitted.

Your Committee further notes that West Maui Land Company, Inc. ("the applicant") proposes that 100 percent of the project be offered at affordable prices to income-qualified households. Of the 68 single-family units, 10 will be under the direction of Habitat for Humanity. Ordinance 3818 (2011) exempts from Chapter 14.12, MCC, the County's water availability policy, residential development projects with 100 percent affordable units that are located within the service area of the County's West Maui water system. Therefore, the applicant will not be required to verify a long-term, reliable supply of water before receiving subdivision approval.

Your Committee further notes that the project site is designated as Open Space in the West Maui Community Plan. Your Committee determined that the need for open space is outweighed by the significant need for affordable housing in West Maui.

Your Committee expressed concerns about the impacts of increased traffic from the project on nearby roadways, including Kalena and Lui Streets, which are located within the Kelawea Mauka Subdivision. After considering the 2007 Traffic Impact Analysis Report and supplemental reports completed in 2010 and 2011; the information presented by the applicant's traffic consultant, Keith Niiya, with Austin, Tsutsumi & Associates, Inc.; and the Director of Public Works, your Committee was convinced that the project will not have significant traffic impacts on neighboring roadways.

Noting the narrowness of Kalena Street and Lui Street, your Committee added a modification requiring the applicant, or the applicant's agent, to prohibit their large vehicles from traveling along Kalena Street and Lui Street.

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Your Committee questioned whether there are safety concerns related to potential flood hazards created by the development of the project next to the Kahoma Flood Control Channel. The Director of Public Works assured your Committee that the United States Army Corps of Engineers has indicated that there are no concerns with flooding because the Channel was constructed to retain storm waters generated by a large storm.

Noting that the applicant is seeking ten affordable housing credits in exchange for developing the proposed project, your Committee questioned under what authority the Council would be able to grant such affordable housing credits. Your Committee notes that by its own terms, the Residential Workforce Housing Policy does not apply to affordable housing projects proposed pursuant to Chapter 201H, HRS. Your Committee further notes that there is no provision in Chapter 201H, HRS, that would allow for housing credits.

The Deputy Corporation Counsel assured your Committee that the Council's authority to grant housing credits may be implied in Chapter 201H, HRS, when read in conjunction with Section 46-15.1, HRS, relating to the County's housing powers. The Deputy Corporation Counsel further opined that the Council may grant housing credits if the Council determines that such a grant will further the policies of Chapter 201H, HRS.

Your Committee was reluctant to grant the ten affordable housing credits requested by the applicant, noting that the applicant already receives exemptions from certain laws pursuant to 201H, HRS. Nevertheless, your Committee included a modification granting the credits subject to certain restrictions. Your Committee also included a modification requiring forfeiture of the housing credits if the applicant does not begin and complete the subdivision improvements within established deadlines.

In order to limit the applicant's ability to sell the homes and lots at market rates, your Committee included a modification requiring the applicant to initially market the homes and lots at the established affordable sales prices for at least ten years from the date of final subdivision approval, the date that the applicant can begin to market the homes and lots.

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Your Committee also agreed that the applicant should lose the benefit of the exemptions granted pursuant to Chapter 201H, HRS, for any house or lot sold at market rates. Your Committee included a modification requiring the applicant to pay fees for each unit that is initially sold at market rates. Your Committee defined market rates as the sales prices established for those households whose gross annual family income is more than 160 percent of the area median income as established by the United States Department of Housing and Urban Development ("HUD"). In order to avoid an increase in sales prices that may occur as a result of an increase in the area median income prior to the sale of the units, your Committee further clarified that the determination of sales prices should be as established by HUD for 2011, or the date of sale, whichever is lower.

Your Committee expressed concerns that the applicant may not build the project in a timely manner, despite the expedited approval process provided for in Chapter 201H, HRS. Your Committee included a modification to require the applicant to begin subdivision improvements, as defined in Section 18.04.210, MCC, within three years, and complete the improvements within seven years of the adoption of the resolution.

In order to ensure that buyers do not leave lots vacant for an unreasonable amount of time, your Committee included a modification to require that all dwelling units be built and physically occupied within 36 months of the close of escrow for the respective lot. Your Committee exempted the ten lots that the applicant intends to sell to Habitat for Humanity, recognizing that construction of those units may take more time.

Your Committee notes that the applicant intends to construct wastewater improvements that will connect to the County's sewer system, and that the wastewater will be treated at the Lahaina Wastewater Reclamation Facility ("LWWRF"). The Director of Environmental Management stated that although the LWWRF currently has the capacity for the project, it may not have enough capacity at the time of connection. To address your Committee's concerns about the costs the County may incur if the LWWRF does not have the capacity or cannot be expanded to handle the additional wastewater from the proposed project, your Committee included a modification requiring the applicant to pay a fair-share contribution for necessary improvements to the LWWRF, and to construct transmission facilities leading to the LWWRF.

Your Committee also included a modification requiring the applicant to pay an appropriate school impact fee to the State Department of Education for each of the market-rate units to benefit the West Maui school district.

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The Director of Housing and Human Concerns stated that the Department will enter into an agreement with the applicant regarding the development of the proposed project. Your Committee requested that the Department include a condition in the agreement that will require the applicant to provide annual written reports to the Department and the Council. The Director agreed to include such a condition in the agreement.

Your Committee voted 6-2 to recommend adoption of the proposed resolution approving the project with the Committee's recommended modifications, and filing of the two remaining resolutions. Committee Chair Carroll, Vice-Chair White, and members Baisa, Couch, Mateo, and Pontanilla voted "aye". Committee members Cochran and Hokama voted "no". Committee member Victorino was excused.

Your Committee is in receipt of a revised proposed resolution approving the project with modifications, approved as to form and legality by the Department of the Corporation Counsel, incorporating your Committee's recommended revisions as well as nonsubstantive revisions.

Your Land Use Committee RECOMMENDS the following:


1. That Resolution _____, attached hereto, entitled "APPROVING WITH MODIFICATION THE KAHOMA RESIDENTIAL SUBDIVISION PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES", be ADOPTED;
2. That Resolution _____, attached hereto, entitled "APPROVING THE KAHOMA RESIDENTIAL SUBDIVISION PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES", be FILED; and
3. That Resolution _____, attached hereto, entitled "DISAPPROVING THE KAHOMA RESIDENTIAL SUBDIVISION PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES", be FILED.

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



ROBERT CARROLL, Chair

lu:cr:11003(2)aa

Resolution

No. _____

APPROVING WITH MODIFICATION THE KAHOMA RESIDENTIAL
SUBDIVISION PURSUANT TO SECTION 201H-38,
HAWAII REVISED STATUTES

WHEREAS, West Maui Land Company, Inc., a Hawaii corporation, proposes the development of the Kahoma Residential Subdivision and related improvements (the "Project") for qualified residents; and

WHEREAS, the proposed Project will provide a total of sixty-eight (68) single family, affordable housing units to families earning less than one hundred sixty percent (160%) of Maui County's median family income as defined in Section 2.96.020, Maui County Code. Specifically, ten (10) units will be sold to those earning less than eighty percent (80%) of Maui County's median family income, eight (8) units will be sold to those earning less than one hundred percent (100%) of Maui County's median family income, seventeen (17) units will be sold to those earning less than one hundred twenty percent (120%) of Maui County's median family income, ten (10) units will be sold to those earning less than one hundred forty percent (140%) of Maui County's median family income, twenty-three (23) units will be sold to those earning less than one hundred sixty percent (160%) of Maui County's median family income. Vacant lots will be sold at fifty percent (50%) of the price of a three bedroom home within the median income range; and

WHEREAS, the proposed Project will provide ten (10) lots to Habitat for Humanity, Maui, Inc. at below market price as follows: four (4) lots at approximately \$60,000 per lot and six (6) lots at approximately \$120,000 per lot; and

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

WHEREAS, on October 24, 2011, the Department of Housing and Human Concerns submitted the preliminary plans and specifications to the Council of the County of Maui ("Council") recommending approval of the Project pursuant to Section 201H-38, Hawaii Revised Statutes (HRS); and

Resolution No. _____

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 October 24, 2011; and

WHEREAS, the units within this Project will be marketed and sold according to the provisions of a housing agreement executed between the County of Maui, Department of Housing and Human Concerns, and West Maui Land Company, Inc.; 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,

BE IT RESOLVED by the Council of the County of Maui:

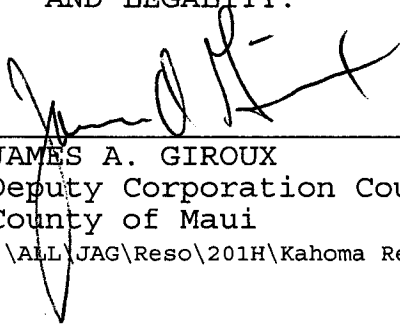
1. That, based upon the transmittals and the representations of the Department of Housing and Human Concerns and West Maui Land Company, Inc., the Council approves the Project with the modifications specified in Exhibit "1", including the Project's preliminary plans and specifications, as submitted to the Council on October 24, 2011, pursuant to Section 201H-38, HRS; provided that West Maui Land Company, Inc. 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 "2", 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

Resolution No. _____

3. 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 West Maui Land Company, Inc.

APPROVED AS TO FORM
AND LEGALITY:

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

JAMES A. GIROUX
Deputy Corporation Counsel
County of Maui

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MODIFICATIONS

1. That West Maui Land Company, Inc. shall be awarded ten (10) affordable housing credits subject to the following restrictions:
 - a. The credits must be used in the West Maui Community Plan area.
 - b. The credits may be applied toward a single-family or multi-family unit.
 - c. The credits must be used for those households whose gross annual family income is more than eighty percent, but not more than one hundred percent, of the area median income as established by the United States Department of Housing and Urban Development.
 - d. The credits shall be given for a future development only after timely initiation and completion of subdivision improvements.
 - e. The credits shall be used by West Maui Land Company, Inc. or its affiliates, and shall not be sold or transferred.
2. That the initial marketing period for the homes or lots shall be a minimum of ten years at the sales prices established in the second paragraph of this resolution. The affordable-marketing period shall commence on the date of final subdivision approval.
3. That for any unit sold initially at market rates, the Director of Housing and Human Concerns shall assess that unit's pro-rata portion of the total value of the exemptions listed in Exhibit "2". For purposes of this modification, "market rates" shall mean sales prices established for those households whose gross annual family income is more than one hundred sixty percent of the area median income as established by the United States Department of Housing and Urban Development as determined for 2011 or at the date of sale, whichever is lower. Any portion of pro-rata fees collected for an exemption from park dedication and assessment requirements shall be paid to the Department of Parks and Recreation. All other pro-rata fees collected shall be placed in the affordable housing fund.
4. That subdivision improvements, as defined in Section 18.04.210, Maui County Code, shall begin within three years and be completed within seven years of the adoption of this resolution. A time extension to the subdivision improvement initiation date may be considered by the Council upon timely receipt of a request for time extension at least 90 days prior to the expiration of the initial subdivision improvement start

date. If West Maui Land Company, Inc. is unable to comply with the deadlines established by this modification, or if a time extension is requested, West Maui Land Company, Inc. shall forfeit the ten affordable housing credits.

5. That West Maui Land Company, Inc. shall pay the Department of Education the appropriate school impact fee for each of the market-rate units in the Kahoma Residential Subdivision. Such fees shall benefit the West Maui District.
6. That all dwelling units shall be built and physically occupied within 36 months of the close of escrow for the respective lot. All ten Habitat for Humanity lots shall be exempt from this modification.
7. If the Lahaina Wastewater Reclamation Facility (LWWRF) does not have the capacity or cannot be expanded to service the Kahoma Residential Subdivision, West Maui Land Company, Inc. shall pay a fair-share contribution, as determined by the County, to fund improvements at the LWWRF necessary to accommodate the additional flow, and construct wastewater transmission facilities leading to the LWWRF. The fair-share contribution shall be paid prior to the issuance of the first building permit requiring a connection to the LWWRF for the Kahoma Residential Subdivision.
8. During the construction phase, West Maui Land Company, Inc., or its agent, shall ensure that vehicles under their control with a gross vehicle weight rating of 10,000 pounds or higher shall not travel along Kalena Street or Lui Street.

Proposed Section 201H-38, HRS, Exemptions

A. Exemption from Title 2, MCC, Administration and Personnel

1. 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.

B. Exemption from Title 12, MCC, Streets, Sidewalks, and Public Places

1. An exemption from Chapter 12.08, MCC, Driveways, shall be granted to exempt the project from payment of driveway permit and inspection fees.

C. Exemption from Title 14, MCC, Public Services

1. An exemption from Section 14.62.070, MCC, West Maui Traffic Impact Fees, shall be granted to exempt the project from payment of traffic impact fees.

D. Exemptions from Title 16, MCC, Buildings and Construction

1. Exemptions from MCC Chapters 16.04B, Fire Code, 16.18B, Electrical Code, 16.20A, Plumbing Code, and 16.26, Building Code, shall be granted to exempt the project from payment of fire, electrical, plumbing, and building permit fees, as well as inspection fees.

E. Exemptions from Title 18 MCC, Subdivisions

1. Exemptions from Section 18.04.030, MCC, Administration, and Section 18.16.020, MCC, Compliance, shall be granted to exempt the project from obtaining a community plan amendment and change in zoning.
2. Exemptions from Section 18.16.320, MCC, Parks and Playgrounds, shall be granted to exempt the project from payment of park and playground fees and exempt the project from the provision of a comfort station and parking.

F. Exemption from Title 19, MCC, Zoning

1. An exemption from Chapter 19.30A, MCC, Agricultural District, shall be granted to permit the development and use of the parcel for single-family residential purposes. Further, this exemption shall allow the subdivision of the property in the conceptual plat configuration shown in Attachment "A", which may be amended by the Director of Public Works.

The following zoning standards shall apply to the proposed lots:

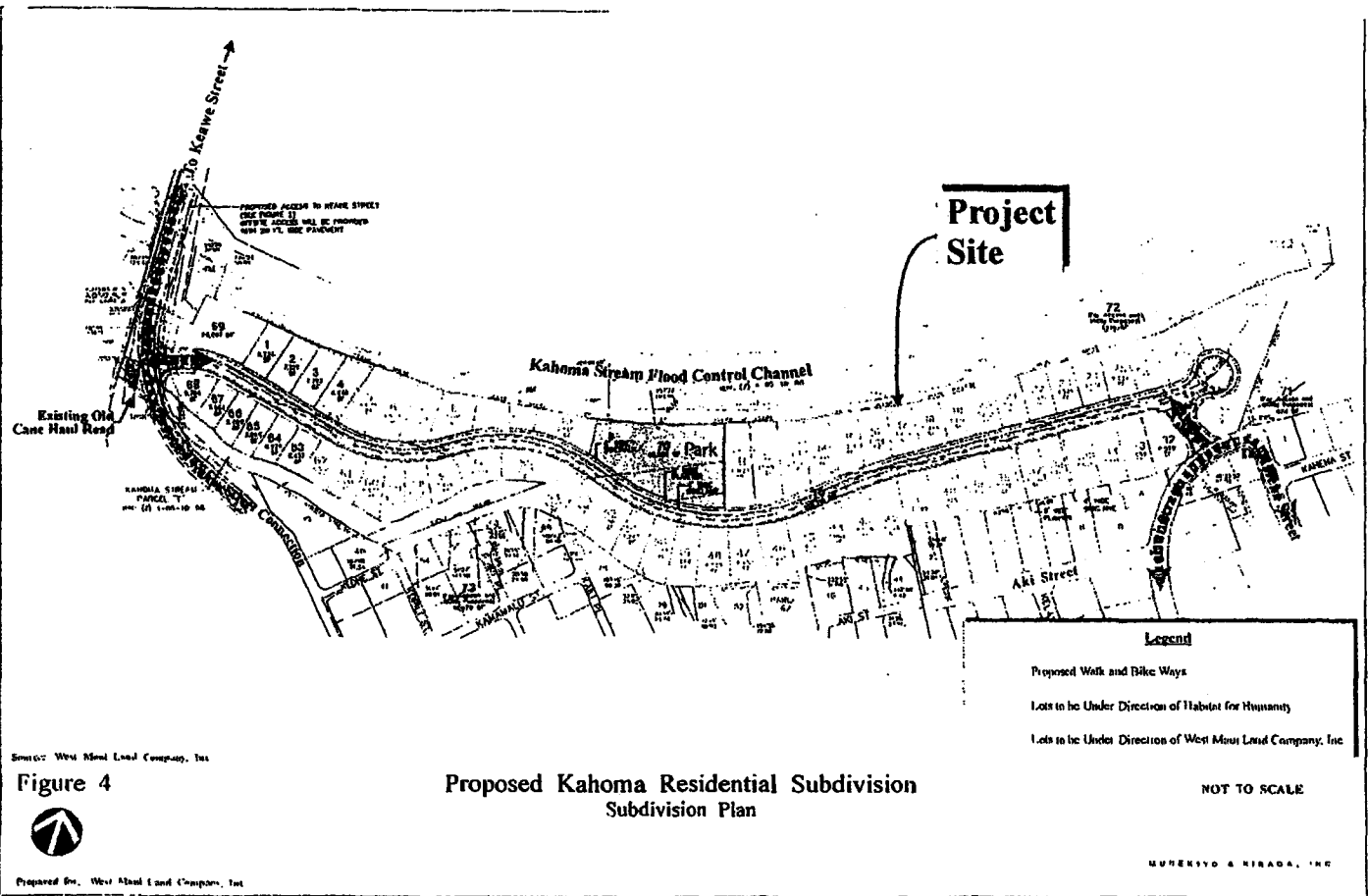
Minimum lot size: 5,000 square feet
Height: No building shall exceed two (2) stories or thirty (30) feet in height
Lot width: Minimum of 35 feet

SETBACK

Front yard Minimum of 15 feet (Dwelling)
Minimum of 20 feet (Garage)
One-story homes Minimum of 8 feet
side and rear
Two-story homes Minimum of 10 feet
side and rear
Rear (Lots 32 Minimum of 20 feet
through 54)

G. Exemption from Title 20, MCC, Environmental Protection

1. 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.



Resolution

No. _____

APPROVING THE KAHOMA RESIDENTIAL SUBDIVISION
PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES

WHEREAS, West Maui Land Company, Inc., a Hawaii corporation, proposes the development of the Kahoma Residential Subdivision and related improvements (the "Project") for qualified residents; and

WHEREAS, the proposed Project will provide a total of sixty-eight (68) single family, residential workforce housing units to families earning less than one hundred sixty percent (160%) of Maui County's median family income as defined in Section 2.96.020, Maui County Code. Specifically, ten (10) units will be sold to those earning less than eighty percent (80%) of Maui County's median family income, eight (8) units will be sold to those earning less than one hundred (100%) percent of Maui County's median family income, seventeen (17) units will be sold to those earning less than one hundred twenty percent (120%) of Maui County's median family income, ten (10) units will be sold to those earning less than one hundred forty percent (140%) of Maui County's median family income, twenty-three (23) units will be sold to those earning less than one hundred sixty percent (160%) of Maui County's median family income. Vacant lots will be sold at fifty percent (50%) of the price of a three bedroom home within the median income range; and

WHEREAS, the proposed Project will provide ten (10) lots to Habitat for Humanity, Maui, Inc. at below market price as follows: four (4) lots at approximately \$60,000 per lot and six (6) lots at approximately \$120,000 per lot; and

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

WHEREAS, on October 24, 2011, the Department of Housing and Human Concerns submitted the preliminary plans and specifications to the Council of the County of Maui ("Council") recommending approval of the Project pursuant to Section 201H-38, Hawaii Revised Statutes (HRS); and

WHEREAS, pursuant to Section 201H-38, HRS, the Council shall approve, approve with modification, or disapprove the

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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 October 24, 2011; and

WHEREAS, the units within this Project will be marketed and sold according to the provisions of a housing agreement executed between the County of Maui, Department of Housing and Human Concerns, and West Maui Land Company, Inc.; and

WHEREAS, the applicant, West Maui Land Company, Inc., desires to be awarded ten (10) affordable housing credits, the application of said credits shall be subject to the restrictions contained in Section 2.96.050, Maui County Code, as amended; 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,

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, West Maui Land Company, Inc., the Council approves the Project, including the Project's preliminary plans and specifications, as submitted to the Council on October 24, 2011, pursuant to Section 201H-38, HRS; provided that West Maui Land Company, Inc. 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 "1", attached hereto and made a part hereof; and

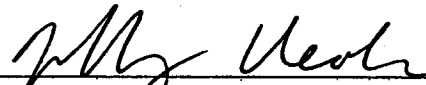
2. That the final plans and specifications for the Project shall be deemed approved by the Council if the final plans and specifications do not substantially deviate, as determined by the Director of Housing and Human Concerns, from the preliminary plans and specifications submitted to the Council. Any 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. That the applicant, West Maui Land Company, Inc., be awarded ten (10) affordable housing credits, the application of said credits shall be subject to the restrictions contained in Section 2.96.050, Maui County Code, as amended; and

Resolution No. _____

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 West Maui Land Company, Inc.

APPROVED AS TO FORM
AND LEGALITY:



for JAMES A. GIROUX
Deputy Corporation Counsel
County of Maui

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Proposed Section 201H-38, HRS, Exemptions

A. Exemption from Title 2, MCC, Administration and Personnel

1. 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.

B. Exemption from Title 12, MCC, Streets, Sidewalks, and Public Places

1. An exemption from Chapter 12.08, MCC, Driveways, shall be granted to exempt the project from payment of driveway permit and inspection fees.

C. Exemption from Title 14, MCC, Public Services

1. An exemption from Section 14.62.070, MCC, West Maui Traffic Impact Fees, shall be granted to exempt the project from payment of traffic impact fees.

D. Exemptions from Title 16, MCC, Buildings and Construction

1. Exemptions from MCC Chapters 16.04A, Fire Code, 16.18A, Electrical Code, 16.20A, Plumbing Code, and 16.26, Building Code, shall be granted to exempt the project from payment of fire, electrical, plumbing, and building permit fees, as well as inspection fees.

E. Exemptions from Title 18 MCC, Subdivisions

1. Exemptions from Section 18.04.030, MCC, Administration, and Section 18.16.020, MCC, Compliance, shall be granted to exempt the project from obtaining a community plan amendment and change in zoning.
2. Exemptions from Section 18.16.320, MCC, Parks and Playgrounds, shall be granted to exempt the project from payment of park and playground fees and exempt the project from the provision of a comfort station and parking.

F. Exemption from Title 19, MCC, Zoning

1. An exemption from Chapter 19.30A, MCC, Agricultural District, shall be granted to permit the development and use of the parcel for single-family residential purposes. Further, this exemption shall allow the subdivision of the property in the conceptual plat configuration shown in Attachment "A", which may be amended by the Director of Public Works.

The following zoning standards shall apply to the proposed lots:

Minimum lot size: 5,000 square feet
Height: No building shall exceed two (2) stories or thirty (30) feet in height
Lot width: Minimum of 35 feet

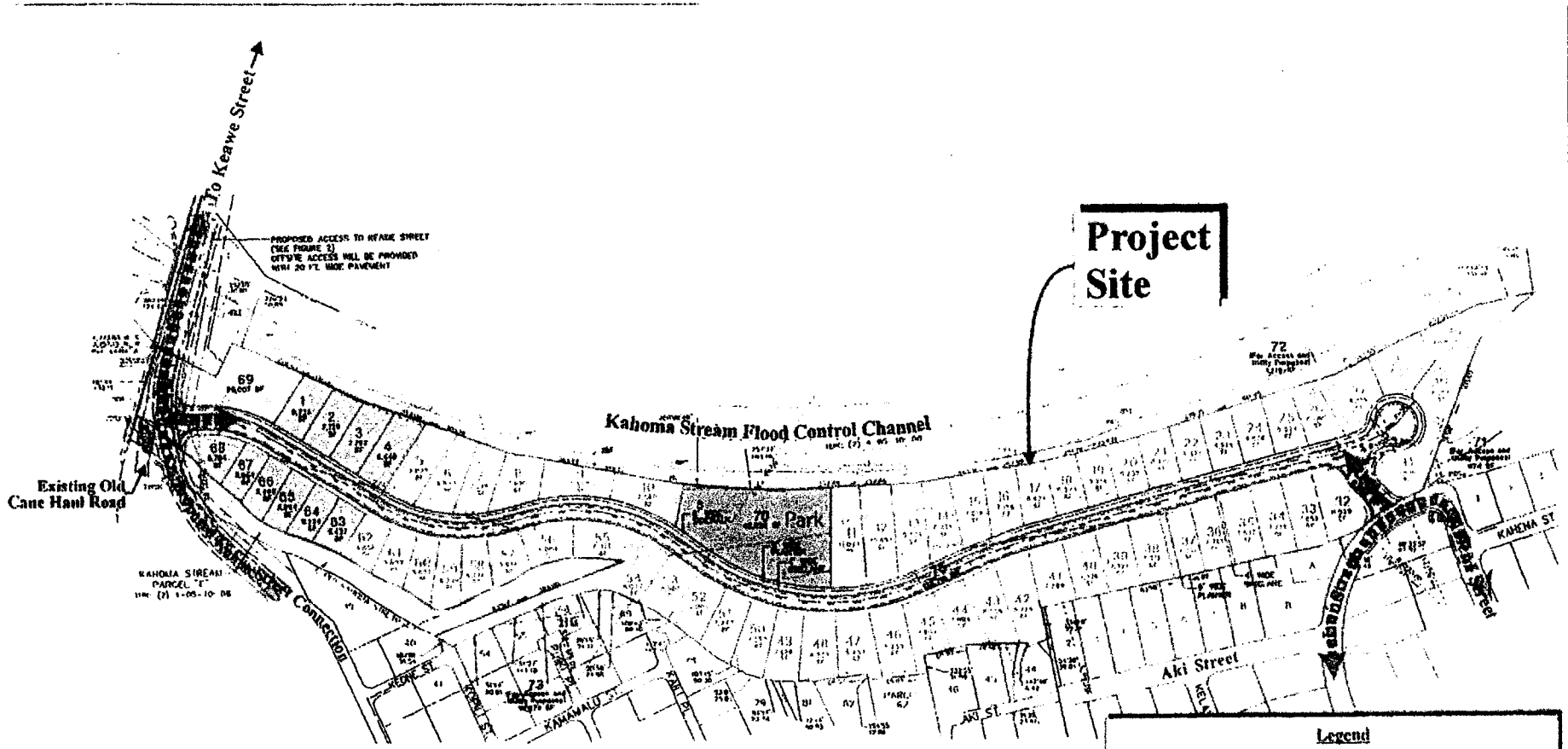
SETBACK

Front yard Minimum of 15 feet (Dwelling)
Minimum of 20 feet (Garage)
One-story homes Minimum of 8 feet
side and rear
Two-story homes Minimum of 10 feet
side and rear
Rear (Lots 32 Minimum of 20 feet
through 54)

G. Exemption from Title 20, MCC, Environmental Protection

1. 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.

Project Site



Legend

- Proposed Walk and Bike Ways
- Lots to be Under Direction of Habitat for Humanity
- Lots to be Under Direction of West Maui Land Company, Inc.

Source: West Maui Land Company, Inc.

Figure 4

Proposed Kahoma Residential Subdivision Subdivision Plan

NOT TO SCALE



Prepared for: West Maui Land Company, Inc.

MUHUKIYO & HIRAGA, INC.

ATTACHMENT "A"

Resolution

No. _____

DISAPPROVING THE KAHOMA RESIDENTIAL SUBDIVISION
PURSUANT TO SECTION 201H-38,
HAWAII REVISED STATUTES

WHEREAS, Section 201H-38, Hawaii Revised Statutes ("HRS"), provides a process for the review and development of affordable housing subdivision projects, where suitable projects can be exempted from 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, provided that such projects meet minimum requirements for health and safety and fulfill affordability criteria; and

WHEREAS, West Maui Land Company, Inc., a Hawaii corporation, submitted an application for the development of the proposed Kahoma Residential Subdivision and related improvements (the "Project") pursuant to Section 201H-38, HRS, to the Department of Housing and Human Concerns of the County of Maui; and

WHEREAS, on October 24, 2011, the Department of Housing and Human Concerns submitted the preliminary plans and specifications to the Council of the County of Maui recommending approval of the Project pursuant to Section 201H-38, HRS; 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 October 24, 2011; and

WHEREAS, pursuant to Section 4-1 of the Revised Charter of the County of Maui (1983), as amended, and Section 201H-38, HRS, 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 the Council disapproves the Project submitted to the Council on October 24, 2011, pursuant to Section 201H-38, HRS; and

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 West Maui Land Company, Inc.

APPROVED AS TO FORM
AND LEGALITY:


for _____
JAMES B. GIROUX
Deputy Corporation Counsel
County of Maui

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