

LAND USE COMMITTEE

Council of the County of Maui

Meeting Agenda

Thursday, September 12, 2013

9:00 a.m.

MEETING SITE: Council Chamber, 8th Floor, 200 South High Street, Wailuku, Hawaii

RECEIVED
2013 SEP - 5 AM 10:30
OFFICE OF THE
COUNTY CLERK

REMOTE TESTIMONY SITES: Hana Council District Office, Hana Community Center,
5091 Uakea Road, Hana, Hawaii
Lanai Council District Office, Lanai Community Center, 8th Street, Lanai
City, Hawaii
Molokai Council District Office, 100 Ainoa Street, Kaunakakai, Hawaii

website: www.mauicounty.gov/committees/LU

VOTING MEMBERS

Robert Carroll, Chair

Don S. Guzman, Vice-Chair

Gladys C. Baisa

Elle Cochran

Donald G. Couch, Jr.

Stacy Crivello

G. Riki Hokama

Michael P. Victorino

Mike White

AGENDA ITEMS ARE SUBJECT TO CANCELLATION. For a confirmation of the meeting date and time, and for tentative scheduling of agenda items, please contact the Committee Staff (Carla Nakata or Clarita Balala) at: Office of Council Services, 200 South High Street, Wailuku, HI 96793, 808-270-7838, 1-800-272-0026 (toll-free from Molokai), 1-800-272-0098 (toll-free from Lanai), 808-270-7686 (fax).

ORAL OR WRITTEN TESTIMONY on any agenda item will be accepted. Each testifier shall be allowed to speak for three minutes on each item. If additional time is requested, the testifier shall be allowed one minute to conclude the testimony on the item. These time limits may be modified pursuant to the Rules of the Council, provided a modification would apply equally to all testifiers and all items. No further oral testimony by the testifier on the item shall be permitted. An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify. To ensure its distribution prior to the meeting, written testimony must be received in the Office of Council Services at least 24 hours prior to the meeting; provided, that if a meeting will be held on a Monday, written testimony shall be received by 12:00 noon on the business day preceding the meeting. If written testimony is submitted at the meeting site, 16 copies are requested to ensure distribution at the meeting.

REMOTE TESTIMONY SITES: Oral testimony may be received by telephone from each of the Council district offices noted above. If the audio connection between the meeting site in the Council Chamber and any of the remote testimony sites is lost, the meeting in the Council Chamber will still continue. Members of the public interested in information about offering testimony on an agenda item from a remote testimony site may contact the Office of Council Services prior to the meeting. While oral testimony is being received, the district offices cannot provide other services. The audio connection will be terminated after all oral testimony has been received.

INDIVIDUALS WHO INTEND TO ATTEND THE MEETING AND WHO HAVE DISABILITIES REQUIRING SPECIAL ASSISTANCE should call the Office of Council Services at least three days in advance.

DOCUMENTS ON FILE WITH THE COMMITTEE, which may include correspondence relating to the agenda items below, may be inspected prior to the meeting date. Photocopies may be ordered, subject to charges imposed by law (Maui County Code, Sec. 2.64.010). Please contact the Office of Council Services to make arrangements for inspection or photocopying of documents.

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LU-3(1) AFFORDABLE HOUSING PROJECTS (CHAPTER 201H, HAWAII REVISED STATUTES) (WAIKAPU GARDENS, PHASE II)

DESCRIPTION: The Committee is in receipt of the following:

1. Correspondence dated August 26, 2013, from the Director of Housing and Human Concerns, transmitting an application for the development of the proposed Waikapu Gardens, Phase II project on approximately 10.501 acres in Waikapu, Maui, Hawaii, TMK: (2) 3-5-002:016, pursuant to Section 201H-38, Hawaii Revised Statutes (“HRS”), along with proposed resolutions to approve, approve with modification, or disapprove the proposed project. The proposed project consists of 48 affordable single-family housing units to be sold as house-and-lot packages, with 100 percent of the project offered at affordable prices to income-qualified households, and a neighborhood commercial center (“proposed project”).
2. Correspondence dated August 28, 2013, from the Planning Director, transmitting a copy of his correspondence dated August 13, 2013, to Council Chair Gladys C. Baisa, concerning the requested exemption from the Maui Island Plan Protected Area designation of Preservation for the property.
3. Correspondence dated August 30, 2013, from the Department of the Corporation Counsel, transmitting the following:
 - a. A revised proposed resolution entitled “APPROVING THE WAIKAPU GARDENS PHASE II PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES”. The purpose of the revised proposed resolution is to approve the proposed project with various exemptions from certain requirements contained in the Maui County Code (“MCC”) and HRS relating to planning, zoning, construction standards for subdivisions, the development and improvement of land, and the construction of dwelling units;
 - b. A revised proposed resolution entitled “APPROVING WITH MODIFICATION THE WAIKAPU GARDENS PHASE II PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES”. The purpose of the revised proposed resolution is to approve the proposed project with the modifications in Exhibit “1” and various exemptions from certain requirements contained in the MCC and HRS relating to planning, zoning, construction standards for subdivisions, the development and improvement of land, and the construction of dwelling units; and
 - c. A revised proposed resolution entitled “DISAPPROVING THE WAIKAPU GARDENS PHASE II PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES”. The purpose of the revised proposed resolution is to disapprove the proposed project.
4. Documents from Vince Bagoyo, Bagoyo Development Consulting Group, received at the Committee meeting of September 4, 2013, containing requested revisions to the list of exemptions and a proposed modification for the project.

STATUS: Pursuant to Section 201H-38, HRS, the Council shall approve, approve with modification, or disapprove the proposed project by October 10, 2013, or it will be deemed approved. The Committee may consider whether to recommend adoption of a revised proposed resolution, with or without further revisions. The Committee may also consider other related action.