

**WAIKAPU GARDENS PHASE II AFFORDABLE HOUSING  
SUBDIVISION – PROPOSED EXEMPTIONS PURSUANT TO SECTION  
201H-38, HAWAII REVISED STATUTES**

**A. EXEMPTIONS 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.
2. An exemption from Section 2.80B.030, MCC, incorporating by reference Exhibit “B” to Chapter 2.80B, MCC, “The Maui Island Plan,” shall be granted to exempt the project from the Protected Area designation of Preservation for the property.

**B. EXEMPTIONS 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 driveway permit and inspection fees.

**C. EXEMPTION FROM TITLE 14, MCC, PUBLIC SERVICES**

1. An exemption from Chapter 14.35, MCC, Wastewater Assessment Fees for Facility Expansion for the Wailuku/Kahului Wastewater Treatment System, shall be granted to exempt the project from wastewater assessment fees.

**D. EXEMPTIONS FROM TITLE 16, MCC, BUILDINGS AND CONSTRUCTION**

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

**E. EXEMPTIONS FROM TITLE 18, MCC, SUBDIVISIONS**

1. An exemption from Section 18.20.020, MCC, Sewage Disposal, relating to sewer lateral connections for residences, shall be granted to allow for the use of double laterals instead of single laterals to the single-family homes.
2. 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 change in zoning and community plan amendment.

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## 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 subject parcel for single-family residential purposes. Further, this exemption shall allow the subdivision of the property in the plat configuration shown in Appendix “C” of the Application. The following zoning standards shall apply to the proposed lots:

Minimum lot size:	5,000 Square Feet
Height:	No building shall exceed 2 stories or thirty (30) feet in height

### Setbacks:

Front yard	Minimum of 15 feet
Garage	Minimum of 20 feet
One-story homes (side and rear)	Minimum of 6 feet
Two-Story Homes (side and rear)	Minimum of 10 feet

## **2. The Commercial Center shall be subject to the restrictions contained in Chapter 19.16, MCC, pertaining to B-1 Neighborhood Business Districts.**

## G. EXEMPTIONS 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 grubbing, grading, and permit fees, as well as inspection fees.

## H. EXEMPTIONS FROM CHAPTER 8.04, MCC, REFUSE COLLECTION AND LANDFILLS

1. An exemption from Section 8.04.040, MCC, Disposal Permits – Application and Suspension, shall be granted to exempt the project from the requirement of a refuse disposal permit.

## I. EXEMPTIONS FROM 302A -1601 TO 1612, HAWAII REVISED STATUTES (HRS)

1. An exemption from Sections 302A -1601 through 302A-1612, HRS, State Department of Education School Impact Fees, shall be granted to exempt the project from State DOE school impact fees.

**J. EXEMPTIONS [FROM] IN ACCORDANCE WITH SECTIONS 237-29 AND 201H-36, HRS**

1. An exemption [from] **in accordance with** Sections 237-29 **and 201H-36**, HRS, **pertaining to an exemption from the** State General Excise Tax, shall be granted. [to exempt the project from State General Excise Tax (GET).]

**K. EXEMPTIONS FROM CHAPTER 14.07, MCC, WATER SYSTEM DEVELOPMENT FEES SCHEDULE**

1. An exemption from Section 14.07.030, MCC, Water System Development Fee Schedule, shall be granted to exempt the project from the Department of Water Supply's water system development fee.

**L. EXEMPTIONS FROM CHAPTER 467, HRS**

1. An exemption from Chapter 467, HRS, Real Estate Brokers and Sales Persons, shall be granted to exempt the project from the use of real estate brokers and salespersons.

**M. EXEMPTIONS FROM CHAPTER 19.68, MCC, AND CHAPTER 205, HRS**

1. An exemption from Chapter 19.68, MCC, and Chapter 205, HRS, shall be granted to exempt the project from obtaining a State Land Use District Boundary Amendment.

## MODIFICATIONS

1. The Commercial Center shall be limited to one (1) vehicular access on Waiko Road and one (1) vehicular access on Waiale Road. The residential portion of the project shall be limited to one (1) vehicular access on Waiale Road and one (1) emergency vehicle access on Waiko Road.

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