

Resolution

No. 11-126

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

EXHIBIT "II"

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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:

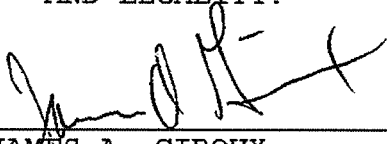
1. That, based upon the transmittals and the representations of the Department of Housing and Human Concerns and West Maui Land Company, Inc., the Council approves the Project with the modifications specified in Exhibit "1", including the Project's preliminary plans and specifications, as submitted to 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

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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:



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)

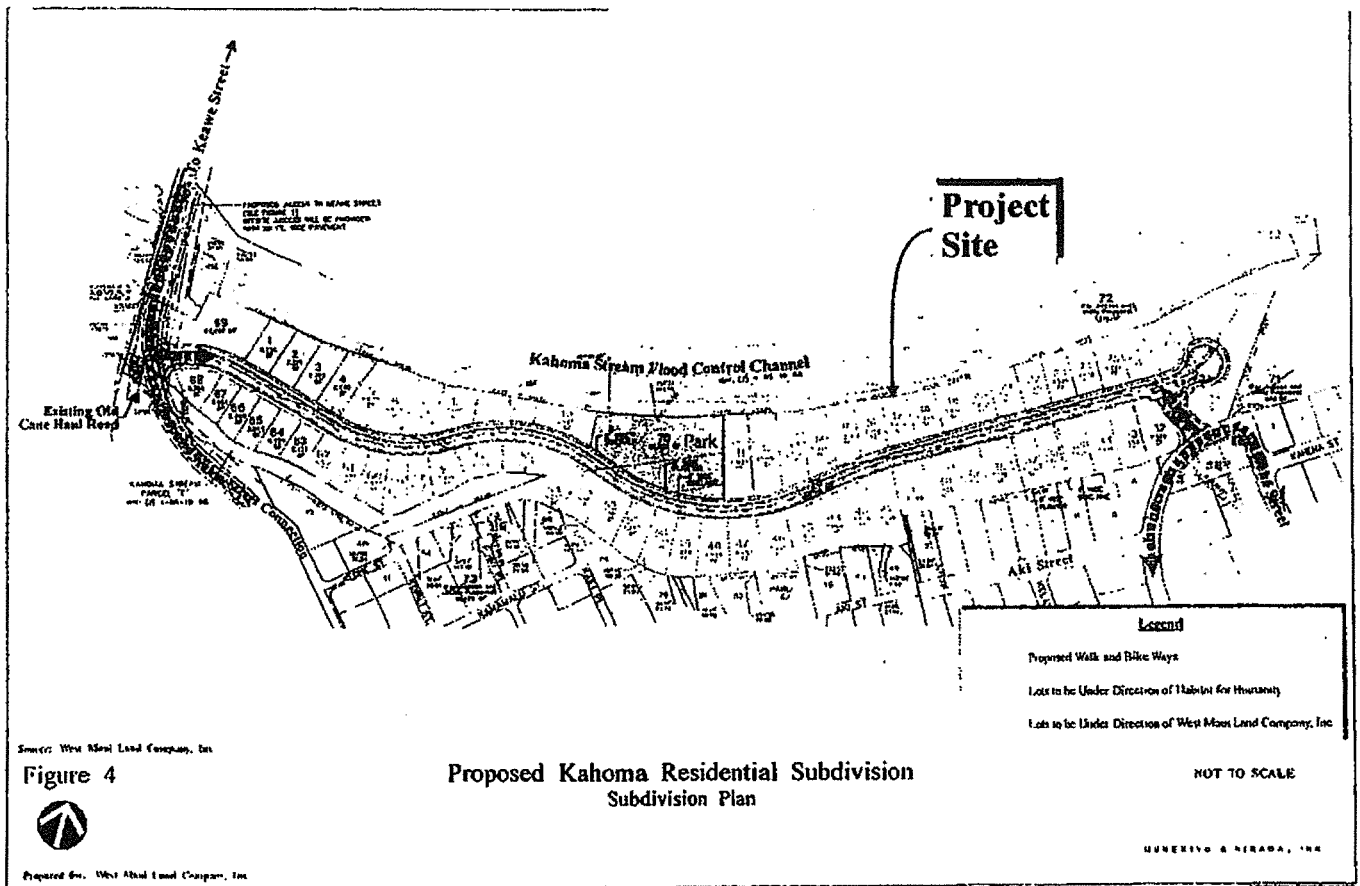
One-story homes Minimum of 8 feet
side and rear

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.



Source: West Maui Land Company, Inc

Figure 4



Prepared for: West Maui Land Company, Inc

Proposed Kahoma Residential Subdivision Subdivision Plan

NOT TO SCALE

HUNTER & HERRERA, INC

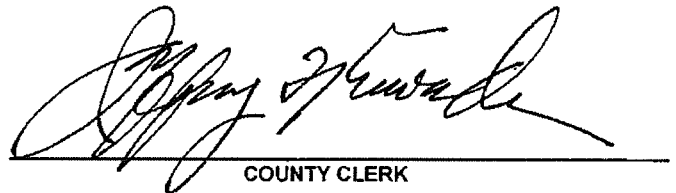
COUNCIL OF THE COUNTY OF MAUI

WAILUKU, HAWAII 96793

CERTIFICATION OF ADOPTION

It is HEREBY CERTIFIED that RESOLUTION NO. 11-126 was adopted by the Council of the County of Maui, State of Hawaii, on the 2nd day of December, 2011, by the following vote:

MEMBERS	Dennis A. MATEO Chair	Joseph PONTANILLA Vice-Chair	Gladys C. BAISA	Robert CARROLL	Eleanora COCHRAN	Donald G. COUCH, JR.	G. Riki HOKAMA	Michael P. VICTORINO	Michael B. WHITE
ROLL CALL	Aye	Aye	Aye	Aye	No	Aye	No	Aye	Aye



COUNTY CLERK