COUNTY COUNCIL
COUNTY OF KAUA‘I

Resolution No. 2016-53

RESOLUTION APPROVING THE LIMA OLA WORKFORCE HOUSING PROJECT PURSUANT TO SECTION 201H-38, HAWAI‘I REVISED STATUTES

WHEREAS, the Kaua‘i County Housing Agency ("Housing Agency") proposes the development of the Lima Ola Workforce Housing Project ("Project") and related improvements on approximately seventy-five (75) acres of County-owned land in ‘Ele‘ele, Kaua‘i, Hawai‘i, identified as Tax Map Key (4) 2-1-001:027; and

WHEREAS, the proposed project will provide up to five hundred fifty (550) affordable housing units for Kaua‘i residents, providing single-family and multi-family units that are affordable to households earning from eighty percent (80%) and below to one hundred forty percent (140%) of the Kaua‘i median household income; and

WHEREAS, the Project is being developed in four phases to provide needed affordable housing to meet the current and projected future demand for affordable housing supply; and

WHEREAS, on August 5, 2016, the Housing Agency submitted the 201H Exemption Application ("Application") for the Project to the Kaua‘i County Council ("Council") requesting approval of the Project exemptions pursuant to Section 201H-38, Hawai‘i Revised Statutes ("HRS"); and

WHEREAS, Section 201H-38, HRS, provides for the development of affordable housing, where housing projects may be exempt from all statutes, ordinances, charter provisions, and rules of any government agency relating to planning, zoning, construction standards for subdivisions, development and improvement of land, and the construction of dwelling units thereon; provided that the project meets minimum requirements for health and safety; and

WHEREAS, pursuant to Section 201H-38, HRS, the Council shall approve, approve with modification, or disapprove the Project exemptions by resolution within forty-five (45) calendar days after the Housing Agency has submitted the Application to the Council, which submittal occurred on August 5, 2016; and

WHEREAS, pursuant to Section 4.02 of the Charter of the County of Kaua‘i, the Council is authorized to act by resolution; now, therefore,

Exhibit 5
BE IT RESOLVED BY THE COUNCIL OF THE COUNTY OF KAUA‘I,
STATE OF HAWAII, THAT:

1. Based upon the transmittals and the representations of the Housing
Agency, the Council approves the Project exemptions as submitted to the Council on
August 5, 2016, pursuant to Section 201H-38, HRS, provided that the Housing
Agency shall comply to all statutes, ordinances, charter provisions, and rules of
government agencies relating to planning, zoning, construction standards, for
subdivisions, development and improvement of land, and the construction of units
thereon, except for the requested Project exemptions specified in Exhibit “1,” which
is attached hereto and made a part hereof; and

2. The General Plan amendment, Preliminary Zoning Map, and
Preliminary Subdivision Map for the Project shall be deemed approved by the Council
if the final zoning and the final subdivision plans do not substantially deviate, as
determined by the Housing Director, from the Preliminary Zoning Map and the
Preliminary Subdivision Map submitted to the Council. Any substantial deviation
from the Preliminary Zoning Map or the Preliminary Subdivision Map shall be
submitted to the Council for prior approval. The Preliminary Zoning Map and the
Preliminary Subdivision Map submitted in the Application shall constitute the
zoning and subdivision plan for the Project.

BE IT FINALLY RESOLVED, that certified copies of this Resolution
be transmitted to the County Engineer, the Planning Director, and the
Housing Director.

Introduced by:

[Signature]
JOANN A. YUKIMURA
(By Request)

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Certificate Of Adoption

We hereby certify that Resolution No. 2016-53 was adopted
by the Council of the County of Kaua‘i, State of Hawai‘i, Lihu‘e,
Kaua‘i, Hawai‘i, on August 17, 2016.

[Signature]
County Clerk
Dated August 18, 2016

[Signature]
Chairman & Presiding Officer
<table>
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<tr>
<th>Kauai County Code (KCC) Current Requirement</th>
<th>Requested Exemption</th>
<th>Proposed Alternate Standard</th>
<th>Benefit</th>
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<tbody>
<tr>
<td>Title IV, KCC, Chapter 7, Article 3, Section 7-3.1, General Plan for the County of Kauai</td>
<td>Amendment to the General Plan is required to proceed with change to project area map designation</td>
<td>Project area map designation amended thru 201H-38 process, pursuant to Section 201H-38, HRS</td>
<td>Reduce time and decrease cost</td>
</tr>
<tr>
<td>Title IV, KCC, Chapter 8, Article 2, Section 8-2.2 (c), Zoning Maps</td>
<td>Changes in the boundary of any zoning district shall be by ordinance</td>
<td>Project zoned thru 201H-38 process, pursuant to Section 201H-38, HRS</td>
<td>Reduce time, decrease cost, and allow for the building of single-family and multi-family residential units and supporting infrastructure</td>
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<tr>
<td>Title IV, KCC, Chapter 8, Article 2, Section 8-2.4, Uses and Structures in the Agriculture and Residential Zoning Districts That Require a Use Permit</td>
<td>A Use Permit is necessary for proposed community center in either the Agriculture or Residential Zoning Districts</td>
<td>Proceed without Use Permit for proposed community center</td>
<td>Reduce time and decrease cost</td>
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<td>Title IV, KCC, Chapter 8, Article 4, Section 8-4.4 (a), Development Standards for Residential Structures Which Involve the Subdivision of Land Single Family Detached</td>
<td>1. Minimum Average Lot Size: 6,000 Sq. Ft. 2. No more than 20% of the lots in the proposed subdivision shall be less than 6,000 Sq. Ft. 3. Setback (Rear): Minimum of 15 Ft. 4. Minimum Lot Width: 45 Ft. 5. Pole Section of Flag Lot Width: Minimum of 15 Ft.</td>
<td>1. Minimum Average Lot Size: 5,500 Sq. Ft. 2. No more than 20% of the lots in the proposed subdivision shall be less than 5,000 Sq. Ft. 3. Setback (Rear): Minimum of 5 Ft. 4. Minimum Lot Width: 35 Ft. 5. Pole Section of Flag Lot Width: Minimum of 10 Ft.</td>
<td>Maximize buildable land area</td>
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<tr>
<td>Title IV, KCC, Chapter 8, Article 4, Section 8-4.4 (b) Development Standards for Residential Structures Which Involve the Subdivision of Land Single Family Attached</td>
<td>1. Minimum Average Lot Area: 3,000 Sq. Ft. 2. No Lot shall be less than 2,400 Sq. Ft. 3. No more than 40% of the lots in the proposed subdivision shall be less than 3,000 Sq. Ft. 4. Setback (Rear): Minimum of 15 Ft. 5. Minimum Lot Width: 24 Ft. 6. Minimum lot length shall not exceed four times its average width</td>
<td>1. Minimum Average Lot Area: 2,400 Sq. Ft. 2. No lot shall be less than 1,800 Sq. Ft. 3. No more than 40% of the lots in the proposed subdivision shall be less than 2,200 Sq. Ft. 4. Setback (Rear): Minimum of 5 Ft. 5. Minimum Lot Width: 20 Ft 6. Minimum Lot Length: 20 Ft</td>
<td>Maximize buildable land area</td>
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Lima Ola Workforce Housing Development Requested Exemptions

<table>
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<tr>
<th>Kauai County Code (KCC) Current Requirement</th>
<th>Requested Exemption</th>
<th>Proposed Alternate Standard</th>
<th>Benefit</th>
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<tr>
<td>Title IV, KCC, Chapter 8, Article 4, Section 8-4.4 (c), Development Standards for Residential Structures Which Involve the Subdivision of Land Multi-Family</td>
<td>1. Minimum Lot Size: 10,000 Sq. Ft. 2. Setback (Rear): Minimum of 10 Ft. 3. Minimum Lot Width: 80 Ft. 4. Minimum Lot Length: The average length of any lot shall not exceed three times its average width</td>
<td>1. Minimum Lot Size: 8,000 Sq. Ft. 2. Setback (Rear): Minimum of 5 Ft. 3. Minimum Lot Width: 60 Ft. 4. Minimum Lot Length: The average length of any lot shall not exceed five times its average width</td>
<td>Maximize buildable land area</td>
</tr>
<tr>
<td>Title IV, KCC, Chapter 8, Article 4, Section 8-4.5 (a) (4), Standards of Development Applicable to All Residential Development</td>
<td>A minimum of two (2) off-street parking spaces per dwelling unit shall be provided</td>
<td>A minimum of one and one (1) off-street parking spaces per dwelling unit shall be provided</td>
<td>Maximize buildable land area and encourage bike and multimodal transportation</td>
</tr>
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<td>Title IV, KCC Chapter 9, Article 3, Section 9-2.3 (e) (3), Streets</td>
<td>Curbs, gutters, sidewalks on all proposed streets within or abutting the subdivision. If the requirement of sidewalks is waived, the developer shall be required to pay a fee in lieu of required sidewalk construction.</td>
<td>Install vegetated swales and pedestrian walkways on all proposed streets within or abutting the subdivision. All applicable fees waived</td>
<td>Cost savings, increase green space, promote green sustainable features, and encourage healthy lifestyles with walkable and bikeable paths</td>
</tr>
<tr>
<td>Title IV, KCC Chapter 9, Article 3, Section 9.3.2 (b), Filing fees for Preliminary Subdivision Map Approval and Section 9-3.7(c) Construction Inspection fee</td>
<td>Required fees</td>
<td>All applicable fees waived</td>
<td>Cost savings</td>
</tr>
<tr>
<td>Title IV, KCC Chapter 9, Article 2, Section 9-2.11, Blocks</td>
<td>Maximum block length of four hundred and fifty feet (450' in Residential Districts</td>
<td>Increase maximum block length to eight hundred feet (800') in Residential Districts</td>
<td>Maximize buildable area and cost savings</td>
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Resolution No. 2017-12

RESOLUTION AMENDING RESOLUTION NO. 2016-53,
APPROVING THE LIMA OLA WORKFORCE HOUSING PROJECT
PURSUANT TO SECTION 201H-38, HAWAII REVISED STATUTES

BE IT RESOLVED BY THE COUNCIL OF THE COUNTY OF KAUA'I, STATE OF
HAWAI'I, THAT:

SECTION 1. Resolution No. 2016-53, is hereby amended in its entirety
to read as follows:

"WHEREAS, the Kaua'i County Housing Agency ("Housing Agency")
proposes the development of the Lima Ola Workforce Housing Project
("Project") and related improvements on approximately seventy-five (75) acres
of County-owned land in 'Ele'ele, Kaua'i, Hawai'i, identified as Tax Map Key
[(4) 2-1-001:027] (4) 2-1-001:054; and

WHEREAS, the proposed project will provide up to five hundred
fifty (550) affordable housing units for Kaua'i residents, providing
single-family and multi-family units that are affordable to households earning
from eighty percent (80%) and below to one hundred forty percent (140%) of
the Kaua'i median household income; and

WHEREAS, the Project is being developed in four phases to provide
needed affordable housing to meet the current and projected future demand
for affordable housing supply; and

WHEREAS, on August 5, 2016, the Housing Agency submitted the 201H
Exemption Application ("Application") for the Project to the Kaua'i County
Council ("Council") requesting approval of the Project exemptions pursuant to
Section 201H-38, Hawai'i Revised Statutes ("HRS"); and

WHEREAS, Section 201H-38, HRS, provides for the development of
affordable housing, where housing projects may be exempt from all statutes,
ordinances, charter provisions, and rules of any government agency relating to
planning, zoning, construction standards for subdivisions, development and
improvement of land, and the construction of dwelling units thereon; provided
that the project meets minimum requirements for health and safety; and

WHEREAS, pursuant to Section 201H-38, HRS, the Council shall
approve, approve with modification, or disapprove the Project exemptions by
resolution within forty-five (45) calendar days after the Housing Agency has
submitted the Application to the Council, which submittal occurred on
August 5, 2016; and

WHEREAS, pursuant to Section 4.02 of the Charter of the County of
Kaua'i, the Council is authorized to act by resolution; now, therefore,
BE IT RESOLVED BY THE COUNCIL OF THE COUNTY OF KAUAI, STATE OF HAWAII, THAT:

1. Based upon the transmittals and the representations of the Housing Agency, the Council approves the Project exemptions as submitted to the Council on August 5, 2016, pursuant to Section 201H-38, HRS, provided that the Housing Agency shall comply to all statutes, ordinances, charter provisions, and rules of government agencies relating to planning, zoning, construction standards, for subdivisions, development and improvement of land, and the construction of units thereon, except for the requested Project exemptions specified in Exhibit “1,” which is attached hereto and made a part hereof; and

2. The General Plan amendment, Preliminary Zoning Map, and Preliminary Subdivision Map for the Project shall be deemed approved by the Council if the final zoning and the final subdivision plans do not substantially deviate, as determined by the Housing Director, from the Preliminary Zoning Map and the Preliminary Subdivision Map submitted to the Council. Any substantial deviation from the Preliminary Zoning Map or the Preliminary Subdivision Map shall be submitted to the Council for prior approval. The Preliminary Zoning Map and the Preliminary Subdivision Map submitted in the Application shall constitute the zoning and subdivision plan for the Project.

BE IT FINALLY RESOLVED, that certified copies of this Resolution be transmitted to the County Engineer, the Planning Director, and the Housing Director.

SECTION 2. Material to be deleted is bracketed. New material is underscored. Exhibit “1” is incorporated herein by reference.

SECTION 3. This Resolution shall take effect upon its approval.

SECTION 4. Certified copies of this Resolution shall be transmitted to the County Engineer, the Planning Director, and the Housing Director.

Introduced by:

[Signature]

ARTHUR BRUN
(By Request)

Certificate Of Adoption

We hereby certify that Resolution No. 2017-12 was adopted by the Council of the County of Kauai, State of Hawaii, Lihu’e, Kauai, Hawaii, on January 12, 2017.

Deputy County Clerk
Dated January 13, 2017

Chairman & Presiding Officer