

LU Committee

From: g bro <gebrololo@gmail.com>
Sent: Wednesday, May 31, 2017 12:42 PM
To: LU Committee
Subject: Makila Kai proposed development Testimony

In the matter of Makila Kai proposed development, I submit the following:

This project cannot be viewed on its own, but must be considered the first part of a 230 acre housing project consisting of 259 lots. (Brown 49 lots, Martin 210 lots)

In the testimony it prepared for Makila Land Co presented before the State Land Use Commission 9/11/2015 (Docket No. A15-799), the consulting firm PBR Hawaii acknowledged the need for an EIS under HRS § 11-20-12(b). The same criteria listed in the 2015 testimony still exist within those very same lands that Makila Kai seeks to develop today. Yet, PBR Hawaii would have you believe an EIS is not necessary for Makila Kai.

Maui Island Plan designates parts of Makila as a planned rural growth area. It also stipulates that new rural growth areas are intended to be complete, self-sufficient rural communities and must be located a significant distance from existing urban areas. Makila Kai does not meet these criteria.

Maui County section 19.30A.020 (District criteria) states that Agricultural lands that meet at least two of the following criteria should be given the highest priority for retention in the agricultural district:

- A. Agricultural lands of importance to the state of Hawaii (ALISH)
- B. Land not classified by the ALISH system ... shall include ... lands in agricultural cultivation in five of the 10 years immediately preceding the date of approval of this chapter and
- C. Lands which have 75% or more of their boundaries contiguous to lands who is in the agricultural district. (Ord. 2749 § 3 (part), 1998)

The agricultural lands Makila Kai proposes to develop meet B and C above and “should be given the highest priority for retention”.

The three Makila Kai lots have been previously subdivided when Makila Land was developing its lands. Under Maui County 19.30A.040 (Limitations on resubdivision)” No lot, or portion thereof, which is in the agricultural district shall be further subdivided beyond the maximum number of lots permitted pursuant to this chapter and as recorded with the bureau of conveyances...” There are some exceptions.

Regarding the three TMK's 79 acre Makila Kai project, the developer claims less than 15 acres therefore doesn't require a District Boundary Amendment. As stated in the development plans the total acreage is far greater than 15 acres. Under HRS §205-3.1 (Amendments to district boundaries) require a DBA.

The EPA and the HRS (§ 246-34) define open space as accessible to the public. Maui County under 19.93.040 – Districts, G basically says the same thing. For this developer to suggest private back yards should count towards the 50% open space requirement under MIP (Table 8 - 28: Makila Planned Growth Area) is preposterous.

Respectfully submitted, George Brown, 5/31/2017