

## AH Committee

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**From:** Gordon Firestein <gfirestein@seapact.com>  
**Sent:** Tuesday, September 03, 2019 7:08 PM  
**To:** AH Committee  
**Subject:** Fwd: Makila Farms 201H  
**Attachments:** sea cliff 10b.pdf

Sending again, as not posted on the county website as of this date

Begin forwarded message:

**From:** Gordon Firestein <gfirestein@seapact.com>  
**Subject:** **Makila Farms 201H**  
**Date:** August 30, 2019 at 4:03:48 PM HST  
**To:** [ah.committee@mauicounty.us](mailto:ah.committee@mauicounty.us)

Aloha, Committee members,

Please deny the Makila Farms 201-H application.

Granted, this project does have some advantages over its version 1.0 you previously rejected. And it is more appealing in certain respects than the Peter Martin projects you recently denied.

But the more weighty objections to those projects still exist with this one. Plus there is a significant additional one.

I'll start with that: **Greg Brown was cited and fined** on August 21, 2019 by the Planning Department for operating an illegal short term vacation rental in Launiupoko. I've included documentation below. There can be no innocent explanation for his illegal actions. Even if it were a permissible defense, which it is not, he cannot possibly claim ignorance of the law. The only conclusion one can draw is that he chose to flaunt that law. This at the exact same moment he is asking the county for multiple exemptions so that he can develop way more lots than would be allowable otherwise. This must raise a very clear and obvious red flag about whether he will comply fully with the various conditions and restrictions that would accompany approval of his application.

A prime example of such a condition would be his adherence to the Show Me the Water requirements. His application refers to various scenarios for supplying water, both potable and non-potable. The reality of the chosen scenario won't be known until some undefined moment in the future, but given his documented willingness to flaunt the law, how can you be sure he will comply? When it comes to water, no approval should be given based on assurances about the future, such as the quality and productiveness of a well that has not yet been dug. It is critical that **Show Me the Water** in this case ought to mean Show Me the Water Now, not Maybe I'll Show you the Water Later.

Speaking of water, we are currently receiving ag water every other day in Launiupoko. Our 5-stage water conservation alert is pegged at the most severe. A recent photo of the sign is shown below. We don't have enough water in Launiupoko now. Adding more development won't help this situation.

Another weighty objection is **fire prevention**. His application shows he met with the Fire Department on 9-07-16, two years before the Hurricane Lane fire. I could find nothing in the application, other than a discussion of fire hydrants and a fire truck turnaround, that addresses the obvious risks of wildfire to this proposed development. And it is disingenuous to show a 500-foot “greenbelt barrier” between the bypass and home sites. That 500-foot swath will be green only when there is rain. For most of the year, that swath will be full of dry brown vegetative fuel, just as it is right now. In fact, the irony is that the greener it gets during the wet season, the more voluminous the fuel in the much-longer dry season. This fuel is within the boundaries of the development and contiguous with the fallow fields on either side of it. A fire starting anywhere in that field can travel freely, and quickly, depending on the direction and strength of the wind.

Another weighty objection: this application ought not to be considered until the **West Maui Community Plan Update** is completed. As you heard with the Peter Martin projects, the community has expressed a clear desire not to allow dense development in this area, and to concentrate affordable housing where infrastructure currently exists. To approve this project now would be to completely undercut the process and invalidate the long hours and hard work of the community volunteers who are working on the update.

Finally, **segmentation**: this project is one of three. Peter Martin has publicly expressed his intention to try again with his projects. If you approve this one, you will be laying the keystone for developing the entire 270-acre swath, the footprint of the original Peter Martin development that he withdrew from consideration by the State Land Use Commission. The impacts of all three projects ought to be considered as a whole.

This project offers you 12 affordable houses for 30 years in return for your willful blindness to these and other problems that will bear costs for the county in one way or another in perpetuity. Please don't take this deal. Put your efforts and the county's resources into affordable housing where it makes good sense for the community as a whole.



COUNTY OF MAUI  
 DEPARTMENT OF PLANNING  
 ZONING ADMINISTRATION AND  
 ENFORCEMENT DIVISION  
 2200 Main Street, Suite 315  
 WAILUKU, MAUI, HAWAII 96793  
 Telephone: (808) 270-7253  
 Facsimile: (808) 270-7634  
 E-mail: [planning@mauicounty.gov](mailto:planning@mauicounty.gov)  
 Website: [www.mauicounty.gov](http://www.mauicounty.gov)

FILE NO	NOV 2019/0104
RFS NO	19-0001145
DATE OF NOTICE	August 21, 2019
DATE OF VIOLATION	September 4, 2018
CONTINUING VIOLATION	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
COLLECTED FINE	NONE
CERTIFIED RECEIPT NO	70183090000117458031

**NOTICE OF VIOLATION**

MAUI COUNTY CODE, TITLE 19 - COMPREHENSIVE ZONING ORDINANCES

**TO:** Sea Cliff 10B LLC  
 P.O. Box 1060  
 Lahaina, Hawaii 96767

<b>RE:</b> TMK	(2) 4-7-001-057-0001	<b>PERMIT NO</b>	NONE
<b>ADDRESS</b>	217 Pua Niu Way, Lahaina, Hawaii		

I have inspected the above described structure and/or premises and have found the following violation(s) of the County of Maui's Code(s) and/or Ordinance(s) governing same, as amended:

CODE(S); ORDINANCE(S); SECTION(S)	NATURE AND EVIDENCE OF THE VIOLATION(S)
Maui County Code (MCC) § 19.65.080(E)	Operating a short-term rental home without a valid permit. Evidence of the aforementioned violation(s) include(s) website advertisements and reviews.

**ORDER**

Pursuant to MCC § 19.530.030(B), and Chapter 12-103, Rules for Administrative Procedures and Civil Fines for Violations of Chapter 16.13 and Title 19 of the MCC (Administrative Rules), as amended, you are hereby ordered as follows:

<input checked="" type="checkbox"/>	Cease and desist all activity immediately.		
<input checked="" type="checkbox"/>	Correct the violation(s) at your own expense by:	August 28, 2019	By taking the following corrective action(s), operation of short term rentals, remove all vacation advertisements, and cancel all reservations.
<input checked="" type="checkbox"/>	Pay an initial civil fine in the amount of:	\$1,000.00	To the Department of Planning (Planning) by September 21, 2019
<input checked="" type="checkbox"/>	Pay a daily civil fine in the amount of:	\$1,000.00	Per day to Planning if the corrective action described above is not completed by August 28, 2019

Pursuant to MCC § 19.530.030(B)(2) and (C) and § 12-103-5(a)(5), Administrative Rules, as amended, this Notice of Violation and Order shall become final thirty (30) days after the date of this notice, unless an appeal is properly filed with the Board of Variances and Appeals (BVA). The appropriate form may be found online at <http://co.maui.hi.us/planningcenter/view/5028> or at the Department of Planning, One Main Plaza, 2200 Main Street #315, Wailuku, Maui, Hawaii 96793. An appeal to the BVA shall not stay any provision of this Order.

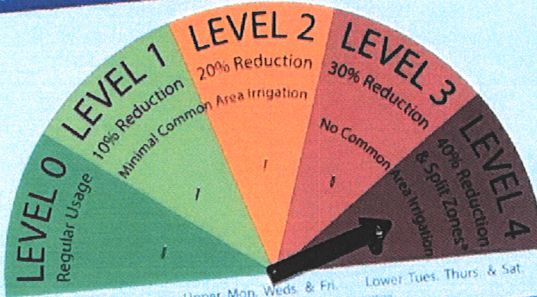
Pursuant to § 12-103-12(b), Administrative Rules, as amended, the initial fine shall be payable whether the violation is corrected before or after the Order becomes final.

Pursuant to § 91-5(b)(5), Hawaii Revised Statutes, you may retain counsel or appear on your own behalf.

Pursuant to § 12-103-12(a), Administrative Rules, as amended, in the case of a continuing violator, the daily fine shall be doubled on the first (1st) day of each thirty (30) day period after the end of the time to take corrective action, up to a maximum amount of ONE THOUSAND AND NO HUNDRED DOLLARS (\$1,000.00) per day.



# IRRIGATION WATER CONSERVATION LEVELS



\*Split Zone Irrigation: Upper Mon, Weds. & Fri. Lower Tues, Thurs. & Sat.  
No IRRIGATION SUNDAYS during Level 4 Conservation

Mahalo for your cooperation. LAUNIUPOKO IRRIGATION COMPANY, INC.