

## LU Committee

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**From:** deakos@hawaii.edu  
**Sent:** Monday, October 30, 2017 5:13 AM  
**To:** LU Committee; Robert Carroll  
**Cc:** Mike White; Elle Cochran; Riki Hokama; Stacy S. Crivello; Donald S. Guzman; Alika A. Atay; Kelly King; Yukilei Sugimura; planning@mauicounty.gov  
**Subject:** Testimony Requesting Denial of Bill 67 to reclassify zoning for Makila Kai Project  
**Attachments:** Deakos\_Makila\_Kai\_Testimony\_Deny\_Zoning\_Change\_30NOV2017.pdf; Launiupoko\_DOH\_Water\_Quality\_Results.xlsx

Dear Members of the Land Use Committee:

I am deeply concerned about the negative impacts of the Makila Kai development and asking that the Land Use Committee defer a decision on Bill 67 to reclassify the zoning on this project. Although I have many concerns with this particular project, below I have listed the major ones. I've embedded links to support my statements to ensure these are not just opinions of mine but supported by science and evidence.

1. Our \$360M a year ocean tourism economy (<https://scholarspace.manoa.hawaii.edu/bitstream/10125/2723/1/vol58n2-231-242.pdf>) supports thousands of jobs throughout Maui but is dependent on the health of our coral reefs and swimmable beaches. West Maui's coral reefs are also the primary source of sand for West Maui's beaches and protects our shorelines by suppressing waves and storm surge by over 90% (<http://oceanwealth.org/ecosystem-services/coastal-protection/>).
2. We have lost nearly 50% of our coral reefs in Maui over the past 30 years and we are on track to 100% by 2050 (<https://news.nationalgeographic.com/2017/06/coral-reef-bleaching-global-warming-unesco-sites>) if we continue to allow poorly designed developments that alter our landscapes and undermine our natural resources.
3. Studies show that all types of septic systems (including Anaerobic Treatment Units - ATUs) should not be used in Hawaii due to the porous nature of lava rock and our steep slopes (<http://coral.org/wordpress/wp-content/uploads/2017/01/PuakoPERAmendment011017.pdf> - pg. 3-5) since the effluent inevitably makes its way into the groundwater, into our oceans and onto our reefs. This compromises drinking water, makes beaches unswimmable and kills coral reefs ([http://dlnr.hawaii.gov/coralreefs/files/2014/12/TNC\\_Puako\\_FinalReport\\_103014.pdf](http://dlnr.hawaii.gov/coralreefs/files/2014/12/TNC_Puako_FinalReport_103014.pdf)).
4. Launiupoko is already battling bouts of water contamination from effluent resulting in warnings to the public to stay out of the water (<http://khon2.com/2017/03/07/waters-off-two-maui-beaches-show-high-bacteria-count/>). Levels of Enterococcus bacteria at Launiupoko have violated DOH standards 38 times since 2005 including levels 50 times the legal limit in 2016 and 10 times the legal limit in 2017 (<http://emdweb.doh.hawaii.gov/CleanWaterBranch/WaterQualityData/default.aspx> - also see attached spreadsheet).
5. Makila Kai proposes 49 dwellings at Launiupoko on septic systems. Allowable ohanas will further increase the sewage impact. Makila East and Polanui Gardens are two additional septic system proposals for this area that have been submitted for review, which will greatly increase the sewage impact to the Launiupoko groundwater, shorelines, beaches and reefs.
6. Although Anaerobic Treatment Units (ATUs) are an improved septic system, they are still not suitable for Hawaii landscapes (<http://coral.org/wordpress/wp-content/uploads/2017/01/PuakoPERAmendment011017.pdf> - pg. 4-4 to 4-6). Dr. Colbert from U.H. Hilo tracked green dye flushed down 10 toilets in Puako on the Big Island (4 cesspools, 4 ATUs and 2 septic systems) and die from **ALL systems** reached the shoreline within **10 days**, some within **5 hours** ([http://dlnr.hawaii.gov/coralreefs/files/2014/12/TNC\\_Puako\\_FinalReport\\_103014.pdf](http://dlnr.hawaii.gov/coralreefs/files/2014/12/TNC_Puako_FinalReport_103014.pdf), pers. comm. 2017).



7. The cost per household to maintain an ATU system is \$300/month or \$3,600/year (<http://coral.org/wordpress/wp-content/uploads/2017/01/PuakoPERAmendment011017.pdf> - pg. 3-7, Table 4). For low income families, maintaining their ATU will not be a priority. Unmaintained ATUs are essentially cesspools, which were banned by the governor in 2016 (<http://governor.hawaii.gov/newsroom/latest-news/doh-news-release-hawaii-bans-new-cesspools-and-offers-upgrade-tax-credit/>) because of their impacts to drinking water.

8. Today developers all over the world are abandoning regular and even low-impact design and are moving towards “restorative design”, which develops in harmony with nature not against it. Rather than compromising our drinking water, natural resources, human health and our economy, these builders are restoring valuable ecosystem services and including biophilic designs (e.g., [A Framework for Integrating Ecosystem Services into China's ... - MDPI](#)). Maui needs to choose projects that invoke “restorative design” not “low-impact design” if we are going to heal and preserve our natural resources, the essential backbone of our economy.

9. Hawaii’s 201H Revised Status

(<http://www.hawaiihousingalliance.org/docs/pubs/Affordable%20Housing%20Process%20in%20Hawaii/201H%20Process%20Flowchart.pdf>) is possibly the biggest threat to West Maui at this time because it enables our elected officials to fast-track poorly designed, irresponsible development, with exemptions from environmental review, community plans and zoning (to name a few), all while hiding under the guise of “supporting affordable housing.” The only way to solve the affordable housing crisis is to have true affordable homes with restricted deeds in perpetuity, not by flipping 201H homes for quick profits.

Given that West Maui is struggling with some of the worst water quality in the State, and Launiupoko is struggling with beach closures due to contamination from effluent, this is not the time to add three new developments at Launiupoko, all proposing septic systems. The science is clear, septic systems, even ATUs, do not belong in Hawaii and will further compromise Launiupoko beach and the natural resources that sustain our economy. **Please defer the zoning decision** until the effluent contamination at Launiupoko Beach can be addressed and more information can be gathered on restorative development designs that work together with nature, not against it.

Mahalo for your consideration,

Mark Deakos  
Napili  
808-280-6448

#### References:

- High bacteria counts at Launiupoko reported:
  - <http://khon2.com/2017/03/07/waters-off-two-maui-beaches-show-high-bacteria-count/>
  - <http://www.lahainanews.com/page/content.detail/id/543596/Researchers-explain-ocean-water-quality-advisories.html?nav=19>
  - <http://www.staradvertiser.com/2017/03/07/breaking-news/high-bacteria-levels-prompt-warning-signs-at-big-isle-maui-beaches/>
  - <http://www.bestplaces.net/health/city/hawaii/launiupoko>
  - <https://maui.surfrider.org/what-we-do/blue-water-task-force/>
  - <http://emdweb.doh.hawaii.gov/cwb/wqd/viewer/Map.aspx> (or see attached DOH water quality spreadsheet for Launiupoko)



- Science showing cesspools/septic/ATU contaminate waters and shorelines
  - <https://www.nature.org/ourinitiatives/regions/northamerica/unitedstates/hawaii/howwework/puako-lpb-update.pdf>
  - [http://dlnr.hawaii.gov/coralreefs/files/2014/12/TNC\\_Puako\\_FinalReport\\_103014.pdf](http://dlnr.hawaii.gov/coralreefs/files/2014/12/TNC_Puako_FinalReport_103014.pdf)
  - <http://www.southkohalacoastalpartnership.com/uploads/2/5/7/1/25718612/puako-uhh-tnc-2015-3v-revised-ab2.compressed.pdf>
  - <http://www.hawaiiibusiness.com/water-warning/>
  - [http://coral.org/wordpress/wp-content/uploads/2014/11/Puako\\_PCA\\_mt\\_11\\_2014.pdf](http://coral.org/wordpress/wp-content/uploads/2014/11/Puako_PCA_mt_11_2014.pdf)
  - [http://health.hawaii.gov/wastewater/files/2015/09/OSDS\\_NI.pdf](http://health.hawaii.gov/wastewater/files/2015/09/OSDS_NI.pdf) (map page 10)
  - [Preliminary Engineering Report - Coral Reef Alliance](#)
  - Some direct quotes from this last report on ATUs:

*"Unlike the other options discussed in later sections, however, the ATUs will still have a direct discharge into the groundwater through the drain fields, which then flows quickly into the ocean and around the reef, due to the geology described in Section 1.1. The likelihood of the remaining nutrients in the treated wastewater reaching the ocean is high. It is also worth noting that if ATUs are not maintained and serviced regularly, the ability to treat wastewater to the quality described above is significantly reduced, resulting in even more nutrients and biological contaminants reaching the ocean. The primary maintenance costs for each ATU consists of pumping solids, general equipment maintenance and replacement, and electrical cost to operate blowers and pumps. The scheduled and emergency service should be contracted locally. It is anticipated that the ATUs will need to be pumped annually (\$3,600/yr, \$300/month). The operational costs of the ATU system are highest based on the annual requirements to service and pump the systems as prescribed by the County. The option of installing ATUs at each residence would be better than doing nothing and can be implemented for the lowest capital cost. However, due to the high O&M costs, over a 20-year period and because it provides the least benefit from an environmental standpoint, this may not be the best option. While these units can be as successful in the removal of nitrogen and phosphorous as a centralized treatment facility, the remaining nutrients and organic material is still discharged into the groundwater and quickly into the ocean. This option provides a lack of adequate protection to the reef by allowing wastewater with some remaining nutrients from entering the ocean. - Because of this wastewater entering the ocean, a lack of protection to human health may also exist. While the ATUs provide a certain degree of treatment, this is somewhat contingent upon regular maintenance and adjustments based on water quality testing. While a service contract can and should be established in connection with this option, if this contract is maintained, or if adequate service is not provided, the quality of treatment is lessened, and risk to the coral reef and human health increases."*

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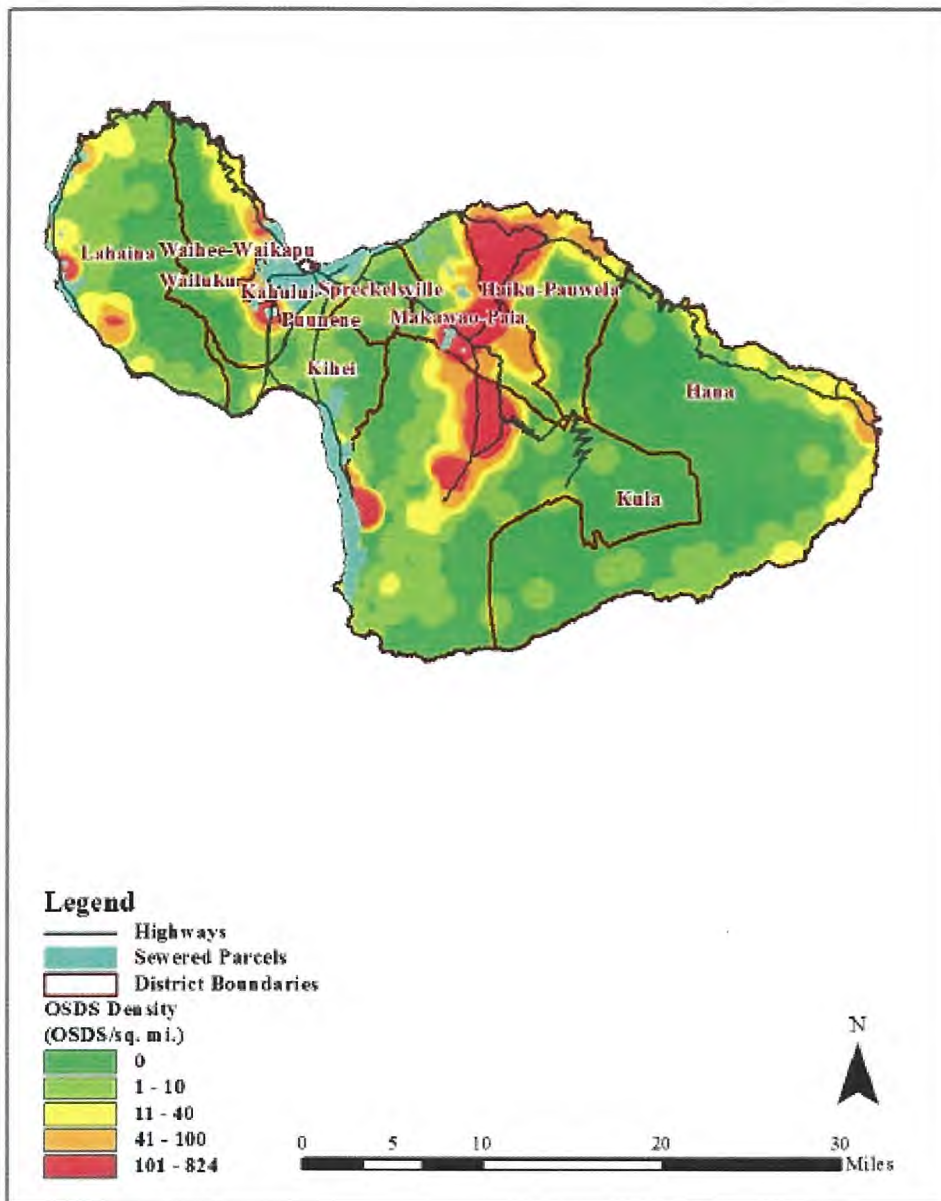


Figure ES-3. The distribution of OSDS density on Maui shown with district boundaries and sewered areas

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- *All dye tracers flushed down the toilets connected to septic systems at Puako reached the shoreline within 5 hours to 10 days, even systems with ATUs.*

October 30, 2017

Maui County Council  
Land Use Committee

**RE: Testimony requesting Denial of Bill 67 to amend the zoning classification from agriculture to rural for the Makila Kai Development.**

Dear Members of the Land Use Committee:

I am deeply concerned about the approval of the Makila Kai Project and asking you to defer a decision on Bill 67 to reclassify zoning from agriculture to rural. Here are some of my greatest concerns:

1. Our tourist economy, and the jobs of thousands of people, rely on the existence and persistence of health coral reefs and swimmable beaches. Coral reefs in Hawaii support a \$360M a year ocean recreation industry, is the source of sand for our beaches, and protects our shorelines by suppressing waves and storm surge by 90%.
2. We have lost nearly 50% of our coral reefs in Maui over the past 30 years and we are on track to lose all our reefs by 2050 if we continue with business as usual practices.
3. Science has shown that any type of septic system is a poor choice in Hawaii due to the porous nature of lava rock as has been in Puako and South Maui. Inevitably, effluent from homes makes its way into the groundwater and out into the ocean in a matter of hours or days. This compromises drinking water, makes beaches unswimmable and kills coral reefs.
4. Launiupoko is already battling bouts of water contamination from effluent with human pathogen levels 30 times the safe limit leading to warnings to the public to stay out of the water.
5. Makila Kai is proposing 49 dwellings at Launiupoko on septic systems. Allowable ohanas will increase the effluent input. Makila East and Polanui Gardens are two additional proposals that have been submitted also on septic in the Launiupoko area.
6. Although Anaerobic Treatment Units (ATUs) are an improved septic system, they are still not suitable for Hawaii landscapes. Dr. Colbert from U.H. Hilo tracked green dye flushed down 10 toilets in Puako on the Big Island (4 cesspools, 4 ATUs and 2 septic systems) and die from all systems reached the shoreline within 10 days, some within 5 hours.
7. The cost per household to maintain an ATU system is \$300/month (REF). For low income families, maintaining their ATU will not likely to be a priority. Unmaintained ATUs are equivalent to cesspools, which were banned by the governor in 20XX (REF) because of their impacts to drinking water.



8. Right now we have developers all over the world that have abandoned low-impact design and have moved to "restorative design", which builds in harmony with nature not against it. Rather than compromising our drinking water, natural resources, human health and our economy, these builders are restoring valuable ecosystem services in their design. Maui needs to move to grow smart by invoking "restorative design" to ensure our natural resources thrive as they are the backbone of our economy.
9. 201H is the biggest threat to West Maui because it is enabling our elected leaders to fast-track irresponsible development, exempt from environmental review, community plans and zoning (to name a few), while hiding under the guise of "supporting affordable housing." Affordable housing in perpetuity solves affordable housing, not 201H.

Given that West Maui is struggling with some of the worst water quality in the State, and Launiupoko is struggling with beach closures due to contamination from effluent, this is not the time to add three new developments at Launiupoko, all proposing septic systems. The science is clear, septic systems do not belong in Hawaii and compromising Launiupoko beach and the natural resources that sustain our economy is not worth a few affordable homes and gentlemen estates. Please defer the zoning decision until more information can be gathered on addressing water quality at Launiupoko Beach and on existing restorative development designs.

Thank you,

A handwritten signature in dark ink, appearing to read "Mark Deakos". The signature is fluid and cursive, with a large loop at the beginning and a long, sweeping tail.

Mark Deakos  
Napili

## References:

- High bacteria counts at Launiupoko reported:
- <http://khon2.com/2017/03/07/waters-off-two-maui-beaches-show-high-bacteria-count/>
- <http://www.lahainanews.com/page/content.detail/id/543596/Researchers-explain-ocean-water-quality-advisories.html?nav=19>
- <http://www.staradvertiser.com/2017/03/07/breaking-news/high-bacteria-levels-prompt-warning-signs-at-big-isle-maui-beaches/>
- <http://www.bestplaces.net/health/city/hawaii/launiupoko>
- <https://maui.surfrider.org/what-we-do/blue-water-task-force/>
- <http://emdweb.doh.hawaii.gov/cwb/wqd/viewer/Map.aspx> (or see attached DOH water quality spreadsheet for Launiupoko)

## Science showing cesspools/septic/ATU contaminate waters and shorelines

- <https://www.nature.org/ourinitiatives/regions/northamerica/unitedstates/hawaii/howwework/puako-lpb-update.pdf>
- [http://dlnr.hawaii.gov/coralreefs/files/2014/12/TNC\\_Puako\\_FinalReport\\_103014.pdf](http://dlnr.hawaii.gov/coralreefs/files/2014/12/TNC_Puako_FinalReport_103014.pdf)
- <http://www.southkoralacoastalpartnership.com/uploads/2/5/7/1/25718612/puako-uhh-tnc-2015-3v-revised-ab2.compressed.pdf>
- <http://www.hawaiiibusiness.com/water-warning/>
- [http://coral.org/wordpress/wp-content/uploads/2014/11/Puako\\_PCA\\_mt\\_11\\_2014.pdf](http://coral.org/wordpress/wp-content/uploads/2014/11/Puako_PCA_mt_11_2014.pdf)
- [http://health.hawaii.gov/wastewater/files/2015/09/OSDS\\_NI.pdf](http://health.hawaii.gov/wastewater/files/2015/09/OSDS_NI.pdf) (map page 10)
- <http://coral.org/wordpress/wp-content/uploads/2017/01/PuakoPERAmendment011017.pdf>

## Some direct quotes from this last report on ATUs:

"Unlike the other options discussed in later sections, however, the ATUs will still have a direct discharge into the groundwater through the drain fields, which then flows quickly into the ocean and around the reef, due to the geology described in Section 1.1. The likelihood of the remaining nutrients in the treated wastewater reaching the ocean is high. It is also worth noting that if ATUs are not maintained and serviced regularly, the ability to treat wastewater to the quality described above is significantly reduced, resulting in even more nutrients and biological contaminants reaching the ocean. The primary maintenance costs for each ATU consists of pumping solids, general equipment maintenance and replacement, and electrical cost to operate blowers and pumps. The scheduled and emergency service should be contracted locally. It is anticipated that the ATUs will need to be pumped annually (\$3,600/yr, \$300/month). The operational costs of the ATU system are highest based on the annual requirements to service and pump the systems as prescribed by the County. The option of installing ATUs at each residence



would be better than doing nothing and can be implemented for the lowest capital cost. However, due to the high O&M costs, over a 20-year period and because it provides the least benefit from an environmental standpoint, this may not be the best option. While these units can be as successful in the removal of nitrogen and phosphorous as a centralized treatment facility, the remaining nutrients and organic material is still discharged into the groundwater and quickly into the ocean. This option provides a lack of adequate protection to the reef by allowing wastewater with some remaining nutrients from entering the ocean. - Because of this wastewater entering the ocean, a lack of protection to human health may also exist. While the ATUs provide a certain degree of treatment, this is somewhat contingent upon regular maintenance and adjustments based on water quality testing. While a service contract can and should be established in connection with this option, if this contract is maintained, or if adequate service is not provided, the quality of treatment is lessened, and risk to the coral reef and human health increases.”

Location Identifier	Location Name	Island	Lat Dec Deg	Long Dec Deg	CP	CP Result	Ent	Ent Results	Sample No	Date	Time	Temperature	Salinity	Dissolved Oxygen	Dissolved Oxygen Saturation	pH	Turbidity	Comments
694	Launiupoko	Maui	20.842242	-156.652781		9		364	MD03021702	3/2/2017	8:05 AM	23.62	35.6	6.93	101.3	7.92	52	breazy, 2 to 3 foot shorebreak;
694	Launiupoko	Maui	20.842242	-156.652781		6		75	RA09221606	9/22/2016	7:49 AM	27.25	35.5	5.91	92.2	8.11	12.5	tide rising, 1' swells, no rain, muddy water, seal on beach
694	Launiupoko	Maui	20.842242	-156.652781		11		75	RA09191606	9/19/2016	7:45 AM	26.89	35.63	5.8	90.1	8.09	8.85	high tide, 1' swells, no rain
694	Launiupoko	Maui	20.842242	-156.652781		4		2005	RA09151606	9/15/2016	7:44 AM	27.21	35.58	5.91	92.2	8.1	20.2	tide falling, 1' swells, no rain,
694	Launiupoko	Maui	20.842242	-156.652781		11		885	RA09141606	9/14/2016	8:04 AM	27.42	35.36	5.6	87.8	8.06	35.1	low tide, 1' swells, rain, muddy water, seal on beach
694	Launiupoko	Maui	20.842242	-156.652781		2		42	RA12221506	12/22/2015	7:42 AM	23.79	35.24	6.17	90.6	8.12	4.36	tide falling, 1' swells, no rain
694	Launiupoko	Maui	20.842242	-156.652781		1		87	RA12211506	12/21/2015	7:47 AM	22.9	35.41	6.16	89.3	8.14	4.14	low tide, choppy, no rain
694	Launiupoko	Maui	20.842242	-156.652781		4		53	RA10221506	10/22/2015	7:30 AM	27.56	35.07	5.49	85.9	8.01	2.47	tide rising, 1' swells, no rain
694	Launiupoko	Maui	20.842242	-156.652781		4		75	RA10011506	10/1/2015	7:43 AM	26.81	35.7	5.83	90.2	8.14	5.2	high tide, 1' swells, no rain, seal on beach
694	Launiupoko	Maui	20.842242	-156.652781	<	1		75	RA09301506	9/30/2015	7:34 AM	27	35.19	5.88	91	8.07	3.3	tide falling, 1' swells, no rain, seal on beach
694	Launiupoko	Maui	20.842242	-156.652781		1		87	RA07161506	7/16/2015	7:44 AM	27.3	35.43	5.38	84.3	8.09	3.01	tide falling, 1' swells, no rain
694	Launiupoko	Maui	20.842242	-156.652781		2		288	RA03031406	3/3/2014	8:28 AM	24.07	35.48	6.14	90.2	8.22	8.37	tide falling, 1' swells, rain
694	Launiupoko	Maui	20.842242	-156.652781		2		42	RA02111406	2/11/2014	7:44 AM	24.23	35.64	5.43	80	8.15	4.35	tide falling, 1' swells, no rain
694	Launiupoko	Maui	20.842242	-156.652781		1		75	RA01231406	1/23/2014	7:47 AM	23.19	35.8	6.31	91.4	8.22	6.21	tide rising, 1' swells, no rain
694	Launiupoko	Maui	20.842242	-156.652781		2		87	RA12161306	12/16/2013	7:48 AM	24.03	35.48	6.13	89.3	8.13	4.27	tide falling, 1' swells, no rain
694	Launiupoko	Maui	20.842242	-156.652781		5		42	RA12121106	12/12/2011	7:49 AM	22.94	35.04	6.19	89.5	8.17	5.86	tide falling, 1' swells, no rain
694	Launiupoko	Maui	20.842242	-156.652781		9		53	RA03211106	3/21/2011	7:48 AM	23.92	35.03	6.34	93.3	8.12	9.14	low tide, 1' swells, no rain
694	Launiupoko	Maui	20.842242	-156.652781		13		111	RA03151106	3/15/2011	7:37 AM	24.8	35.22	6.09	90.8	8.13	7.7	tide falling, 1' swells, no rain
694	Launiupoko	Maui	20.842242	-156.652781		4		87	RA03071106	3/7/2011	7:51 AM	23.86	34.95	6.08	89.1	8.07	7.74	tide falling, 1' swells, no rain
694	Launiupoko	Maui	20.842242	-156.652781		3		53	RA01181106	1/18/2011	7:56 AM	23.81	35.32	6.11	90.1	8.14	4.84	low tide, 1' swells, no rain
694	Launiupoko	Maui	20.842242	-156.652781		12		42	RA12221006	12/22/2010	7:42 AM	24.73	35	6.23	92.9	8.16	5.76	tide falling, choppy, rain
694	Launiupoko	Maui	20.842242	-156.652781		8		42	RA12201006	12/20/2010	7:56 AM	24.7	35.07	5.94	88.7	8.15	6.18	tide falling, choppy, rain
694	Launiupoko	Maui	20.842242	-156.652781	<	1		64	RA10041006	10/4/2010	7:54 AM	25.85	34.98	6.31	95.6	8.17	2	low tide, 1' swells, no rain
694	Launiupoko	Maui	20.842242	-156.652781		27		384	RA08091006	8/9/2010	8:15 AM	26.27	34.34	6.24	95.3	8.1	2.59	tide falling, 1' swells, no rain
694	Launiupoko	Maui	20.842242	-156.652781	<	1		42	RA03081007	3/8/2010	8:54 AM	23.74	34.72	6.19	90.5	8.1	4.29	low tide, flat, no rain
694	Launiupoko	Maui	20.842242	-156.652781	<	1		42	RA03160906	3/16/2009	8:35 AM	22.92	34.82	6.65	96.1	8.13	4.34	high tide, 1' swells, rain
694	Launiupoko	Maui	20.842242	-156.652781		3		42	RA01130906	1/13/2009	8:24 AM	23.66	34.57	0	0	8.07	9.19	tide falling, flat, no rain; No DO data - probe ma
694	Launiupoko	Maui	20.842242	-156.652781	<	1		75	RA01080906	1/8/2009	8:33 AM	23.5	34.56	0	0	8.04	3.9	tide falling, flat, no rain; No DO data - probe ma
694	Launiupoko	Maui	20.842242	-156.652781	<	1		111	RA12150806	12/15/2008	8:32 AM	24.64	34.55	6.19	91.7	7.92	16.4	high tide, 1' swells, no rain
694	Launiupoko	Maui	20.842242	-156.652781		1		53	RA01300806	1/30/2008	8:41 AM	0	0	0	0	0	6.21	tide falling, 1' swells, rain, No field data - Qua
694	Launiupoko	Maui	20.842242	-156.652781		1		64	RA12170708	12/17/2007	9:19 AM	23.3	34.4	6.13	90.2	8.17	7.85	tide rising, 1' swells, no rain
694	Launiupoko	Maui	20.842242	-156.652781	<	1		192	RA12130706	12/13/2007	9:06 AM	24.45	34.54	5.94	87.6	8.13	7.18	tide falling, 1' swells, no rain
694	Launiupoko	Maui	20.842242	-156.652781	<	1		87	RA12110708	12/11/2007	9:39 AM	25.06	34.2	5.84	86.7	8.12	12.3	tide falling, choppy, no rain, muddy
694	Launiupoko	Maui	20.842242	-156.652781	<	1		53	RA09170708	9/17/2007	9:18 AM	26.92	34.5	0	0	0	1.82	high tide, choppy, no rain, No DO and pH data - Fa
694	Launiupoko	Maui	20.842242	-156.652781	<	1		53	RA07190706	7/19/2007	8:59 AM	26.94	34.89	5.85	90.5	7.84	2.35	high tide choppy, no rain
694	Launiupoko	Maui	20.842242	-156.652781	<	1		42	RA03200608	3/20/2006	9:47 AM	24.84	34.48	6.36	94.4	8.09	3.79	tide falling, choppy, rain
694	Launiupoko	Maui	20.842242	-156.652781		0.5		56	RA02070508	2/7/2005	11:01 AM	26.48	34.72	6.77	103.5	8.23	3.71	low tide, choppy, no rain
694	Launiupoko	Maui	20.842242	-156.652781		1.2		106	RA01030508	1/3/2005	10:52 AM	25.03	34.74	6.41	94.9	8.16	4.34	tide falling, choppy, rain



## LU Committee

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**From:** Mary Jane <mjed222@gmail.com>  
**Sent:** Monday, October 30, 2017 7:45 AM  
**To:** LU Committee  
**Subject:** Fwd: WE SUPPORT MAKILA KAI

Sent from my iPhone  
Ed and Mary Jane  
808 268-0105

Begin forwarded message:

**From:** Mary Jane <mjed222@gmail.com>  
**Date:** October 30, 2017 at 7:13:28 AM HST  
**To:** [luc.committee@mauicounty.us](mailto:luc.committee@mauicounty.us)  
**Subject:** WE SUPPORT MAKILA KAI

Edwin and Mary Jane Brown  
80 Paia Pohaku Street  
Lahaina HI 96761  
October 30, 2017

Maui County Council  
Land Use Committee Meeting, November 1, 2017

To Whom It May Concern,

We support Makila Kai. We have been blessed to live in Launiupoko for fifteen years. Makila Kai will give others a chance to live in this beautiful place. This development is an innovative affordable well designed project.

Homes will be affordable for thirty years not ten years.

Those chosen in lottery will be able to choose size of home they desire and receive a \$50,000 discount at closing. Homes are on half acre lots, with fifty percent of area in park, open space, trails and setbacks. No further CPR, subdivision or short term rental will be allowed.

Also Makila Kai will have it's own non potable well. Oversized retention basins will be constructed to catch runoff and improve conditions at Launiupoko Beach Park.

Thankyou for giving your consideration to this well thought out affordable development.

Sincerely

Edwin and Mary Jane Brown  
80 Paia Pohaku Street  
Lahaina HI 96761

Sent from my iPhone  
Ed and Mary Jane  
808 268-0105



## LU Committee

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**From:** Nakamura, Galen <Galen.Nakamura@boh.com>  
**Sent:** Monday, October 30, 2017 9:59 AM  
**To:** LU Committee  
**Subject:** Makila Kai Bill 67

Dear Members of the Committee:

I wanted to take a few minutes to pledge my support to the Workforce development being set forth by Greg Brown and his company, Brown Development. We all know we have a huge housing crisis on Maui. The vast majority of our local families cannot afford to purchase their own homes, instead they are sentenced to having to pay extraordinarily high rents to find a place to live and raise their children, or go homeless. I believe the problem is a supply problem and we need public and private organizations to come together to help fix this. I know, or at least hope, you, as members, can appreciate the feeling of pride and satisfaction gotten out of owning your own home.

Makila Kai is 25 units. It doesn't even come close to fix our problem, but it's a start, with 25 new families having the opportunity to own their home and start to set the parents and children up for future financial independence. Brown is offering a "true" affordable project, with these homeowners in mind. I believe it is the best project to come around in years.

I live in Wailuku and have workforce housing in the immediate area, as well as homeless shelters and transitional housing. My child goes to school with the kids from these facilities. These are families that deserve the right to have the same opportunities as the rest of us, and, YES, sometimes we need to give them a helping hand, so I would hope that any opposition to this project is one truly based on facts and the good of the community and NOT excuses to promote selfishness and self-interest, protecting their view plain of not wanting "riff raff" in their neighborhood. We all live in this community together.

I know Greg Brown, personally, as well as professionally. In full-disclosure, I am an employee at Bank of Hawaii, who is financing this project, but I am sending this letter as a community member, not a Bank of Hawaii Senior Vice President. I don't recall the last time Bank of Hawaii financed a project like this on Maui, although I'm sure we have at some point in our history. I pledged my support to financing this project, as the Island Manager, because I feel it is a project that this island needs. I am writing this letter, because I know about the project, and felt the need to show my support to the Committee. Thank you.

Galen Nakamura

## LU Committee

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**From:** Alberta De Jetley <lanaitoday@yahoo.com>  
**Sent:** Monday, October 30, 2017 10:12 AM  
**To:** LU Committee  
**Subject:** Makila Kai Bill 67

Please support Makila Kai Bill 67. Innovative ways to improve housing for Maui County's work force is needed.

This project will allow more residents who are employed at Kaanapali and other West Maui resorts to live where they work and will help to decrease traffic on the highway.

I am supporting this bill as a private citizen and not as a representative of any organization.

Alberta de Jetley  
P. O. Box 630601  
Lanai, HI 96763  
email: [lanaitoday@yahoo.com](mailto:lanaitoday@yahoo.com)  
ph. 808-649-0808



## LU Committee

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**From:** Wesley Nash <wkn922@gmail.com>  
**Sent:** Monday, October 30, 2017 10:23 AM  
**To:** LU Committee  
**Subject:** Makila Kai Bill 67

To whom it may concern;

I have been asked to write a character reference for Greg Brown regarding his professionalism and follow through as a General Contractor/Developer. First, I will establish a foundation for my opinion. In the 1970's I was a Building Inspector, Zoning Administrator and City Engineer for the City of Ketchum in Idaho. Between 1980 and 2006 I was a General Contractor, Land Developer, Structural Engineer as well as a Regional Loan & Equity Inspector for Bank of America, approving monthly construction draws for all projects financed by BofA. Because of this extensive construction background, I formed strong opinion's regarding both quality and a sense of fair-play in building construction.

Greg Brown Development built our home at 108 Kumu Niu Place Lahaina in 2007. It was our first experience in 40 years where our construction company was not the General Contractor. That said, Greg Brown Development exceeded our expectations in quality. Further, Greg Brown personally was more than fair and a pleasure to work with throughout the whole construction process. In addition our complete satisfaction of Greg's performance, unexpectedly Greg honored an out-of-warranty item years later. In conclusion, the best compliment you can give a builder is to use them again. Based on our past experience's we would use Greg Brown Development without hesitation!

Regarding the Makila Kai Development, Greg showed me the plat map over a year ago. What I remember from that meeting was the size of the Affordable Housing lots which looked very generous. I am confident Greg will build a quality project, not unlike the many visual pleasing homes he has built in the Laniupoko area over the past 10+ years.

Sincerely

Wesley Nash

## LU Committee

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**From:** cndylst@aol.com  
**Sent:** Monday, October 30, 2017 10:34 AM  
**To:** LU Committee  
**Subject:** Makila Kai Bill 67

Aloha Council Chair Mike White and Council members:

My name is Cindy Lester and I am a 40 year resident of Maui and am writing to you in support the Makila Kai subdivision workforce housing project mainly because I believe that affordable housing is one of the most pressing issues facing the people of Maui today. 16 years ago, I was blessed to be a part of the affordable housing project known as "Self-Help Hawaii". This particular program was targeted towards low income families and offered the opportunity to be a part of an affordable housing program that allowed us to own a home on island as long as we put the work in and gave at least 32 hours a week to building our homes. The Makila Kai project is a different type of affordable housing, and is just as necessary. The middle class is often forgotten about or pushed to the side. There are programs for the lower income folks, but there aren't many safety nets designed to help middle class families succeed. The "Workforce" population of this island is in urgent need of housing. Rentals are either way too expensive or being used for Short Term rentals and unavailable to those who live here.

This project is one of those projects designed to give home ownership to the middle class on Maui and I would imagine, deserves to be approved by this council. I have lived in the home that I helped to build for 16 years now. My children grew up with the other kids on the block because we all came into the neighborhood at the same time. This allowed us to have a much closer and longer lasting relationship with our neighbors than most people of this generation are able to have. It is not enough to approve affordable housing projects that only push for cheaper apartment or condo rentals. Maui County should be supporting families who want to own a home and add to the community and economy of the West Side. The "workforce" is what enables this island to become a vacation haven for both tourists and "snowbirds" who come here for months at a time. Workforce persons are the ones that will be serving these visitors. They need to know that they have a place to come home to and not a rental or homeless situation due to the lack of housing on the island.

These homes will be on large lots that will give these families the space to have a garden and be more self-sufficient and they will allow people to live closer to their jobs cutting down on traffic along the Pali. There is a By-pass highway that will be going thru Launiupoko subdivision which allows for additional means of leaving the area. More people will be able to move back to Lahaina therefore cutting down on traffic, not increasing it.

Also the Westside school system would get a huge influx of much needed funds via the building permit process and the School Impact Fees. The subdivision stands to give over \$144,000 in permit fees to the Lahaina area schools. I don't see how that is a bad thing considering that our teachers are part of this "workforce" and most have shortfall of housing. Not only would their schools benefit, but they could also.

Aloha,  
Cindy Lester



## LU Committee

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**From:** Steve Bayes <steve@bdmaui.com>  
**Sent:** Monday, October 30, 2017 10:57 AM  
**To:** LU Committee  
**Subject:** Makila Kai Bill 67

To the Maui County Council,

Unfortunately I am unable to attend the council meeting this Friday, but I still wish to voice my support for the Makila Kai workforce home project. I support this project because I have lived and worked on Maui for many years and have seen the opportunities for working class families to buy homes on Maui dwindle while the amount of luxury homes continue to rise. This project is a wonderful opportunity for Maui County to give the families of Maui's workforce a chance to own a home in a beautiful location. Without this project, and the dedication from this developer, homes of this caliber will continue to be out of reach for many working class families. The opportunity for this may not come again.

I understand that this developer has been talking about workforce homes for years and is dedicated to providing affordable homes on Maui. His devotion to this project is made obvious by his \$50,000 price reduction "gift" for all of his workforce homes. I have never heard of any other developer offering this before. He has committed to not using agricultural water from the Launiupoko stream system or current area non-potable water infrastructure. The website also states that individual wastewater systems will be provided on each lot circumventing the need for a sewer/wastewater treatment plant. All of the homes are to be one story so even the views will be protected. It would appear that Brown Development has done the hard work of finding a way to build homes for those who need them while respecting the rights and concerns of those already living in the area.

I believe that this project will be invaluable to Maui's west side workforce and will impact the community for the better.

Thank you,  
Steve Bayes  
Community Member

## LU Committee

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**From:** Shauna Norris <ilovemaui22@gmail.com>  
**Sent:** Monday, October 30, 2017 11:01 AM  
**To:** LU Committee  
**Subject:** Makila Kai Bill 67

Aloha Council Members,

I'm writing in regards to the Makila Kai project, which has been passed in June. However, now needs your approval to pass Bill 67 for this development.

I am in support of the Makila Kai project. Unfortunately, I could not make it to the hearing due to work. But I strongly ask your approval to pass Bill 67 for this project to go through. This development will help local families be able to have an opportunity to own an affordable home on 1/2 acre lots.

I was qualified & in the lottery for this development and have patiently been waiting to see the outcome. I was happy to get an updated email for the passing of Bill 67.

As a local resident born and raised on the island of Maui, I've seen so much development happen that cannot be obtained by a working person. And even more so nowadays with the rise of market prices. As a single mom of two kids it's hard enough to even find a rental in the meantime that 100 people wouldn't apply for. And to stand out in the crowd in my situation is very slim. Living in overcrowded housing with family makes me feel fortunate, but honestly frustrated seeing hotel development & million dollar homes a priority is ridiculous. To have Brown Development be so generous of the Makila Kai Workforce Housing is a breath of fresh air. As well as putting into consideration the surrounding neighborhood, community and environment:

They plan to use 50% of the area to open space greenbelt including a park & setback areas. Also, all homes will be single story to protect the views. No further development such as condominium property regimes(CPR) as well as no short-term rentals. I feel like this would make it a truly tight knit community.

A big issue that arose was the water. Brown Development took in to consideration the environment & people against this issue by using its own independent non-potable agricultural well, so the rest of the valley's water is not affected by the new residents. No water will be used from the Launiupoko stream or the Launiupoko Irrigation Company. The water will be from Launiupoko Water Company, who's source is 3 wells that have more than sufficient capacity for Makila Kai homes.

Another environmental issue Brown Development has took into consideration is to improve current run-off conditions and protect Launiupoko Beach Park by using oversized retention basins.

As you see there has been so much thought and effort put into making this development truly great for future homeowners, the community, the county and the environment. This would be a wonderful opportunity for a local

working person to have a nice property. Who is to say that someone who can afford a million dollar home (like in Launiupoko) works harder than an average paid local resident and their home should be elsewhere? Workforce homes with a well developed plan no matter where it is should be approved for local residents.

Mahalo for your time! And I strongly urge you to pass Bill 67.

Mahalo,  
Shauna Norris

Sent from my iPhone



## LU Committee

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**From:** Anita White <anita@aviatoragent.com>  
**Sent:** Monday, October 30, 2017 11:19 AM  
**To:** LU Committee  
**Subject:** Makila Kai Bill 67

Dear Council Members,

I am writing on behalf of my wife and I who are long time residences of Maui. We are currently working and living on the West Side. In the past, there has been very limited affordable housing here and we applaud the council and land use commission for your efforts to relieve this problem.

As you are aware, Makila Kai is in a beautiful area and to own a home here would be a dream come true for our family. This is the first affordable project in a rural setting with room for gardens and pets. To own a home here would give us a strong sense of security and a future in this community that we enjoy and feel so blessed to be a part of.

The American Dream is awaiting your approval.

Thank you for your consideration,  
Steve Schulz & Anita White Schulz

## LU Committee

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**From:** Amy Yamaguchi <ajmy7777@gmail.com>  
**Sent:** Monday, October 30, 2017 11:32 AM  
**To:** LU Committee  
**Subject:** Makila Kai Bill 67

Aloha,

My name is Amy Yamaguchi. I am one of the applicants for the Makila Kai housing project. I am you writing in hopes that this letter will urge you to help make Makila Kaia reality. I've worked on the West side of Maui for 14 years, 1st at Roy's Restaurant, then at multiple spas. I have worked as a massage therapist for 11 years at the Ritz-Carlton, the Westin Ka'anapali, and a smaller spa at Honua Kai Resort and Spa. Yes, like many, I have 3 jobs with no benefits like health, vacation, or sick leave. Although I am so very grateful for work, the reality of the W Maui community is to have multiple jobs and little to no options to buy. We are the work force and back bone of the tourist industry, which feeds W. Maui. We need options to purchase a home. We don't want all of our land to be purchased by wealthy outsiders as 2nd homes. Please help make Makila Kai a reality so that the future of W Maui can be sustainable and thrive. Many Mahalo for your Kokua.

Me Ke Aloha Pumehana...  
(With Warmest Regards)

Amy Yamaguchi

## LU Committee

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**From:** Mark Claydon <mauiwings@aol.com>  
**Sent:** Monday, October 30, 2017 11:44 AM  
**To:** LU Committee  
**Subject:** Makila Kai Bill 67

To whom it may concern,

I am writing in support of Bill 67 and ask that the council pass this bill.

I have lived full time at 155 Awaiku Street since May 2002. I love living in Launiupoko and plan to live here for many more years.

I realize that some would object to any changes to the area, but I realize that change will occur. With that said, I feel that the project Brown Development is building is great for our community. It has been well planned and I have no concerns.

Again, I request that the council pass Bill 67.

Mahalo.

Mark Claydon  
155 Awaiku Street  
Lahaina Hi 96761  
808-385-2360

Sent from my iPhone



## LU Committee

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**From:** Stacey Kenney <psmkenney@comcast.net>  
**Sent:** Monday, October 30, 2017 12:23 PM  
**To:** LU Committee  
**Subject:** I support Makila Kai bill 67

I support Makila Kai for the following reasons:

### PIONEERING POLICY ON AFFORDABILITY

- **Brown Development is allowing the lottery winner to choose the size of their new home** regardless of the income bracket they fall into.
  - Many other developers only build 3- or 4-bedroom homes, which price out single working people who might only want a 1- or 2-bedroom home.
- **\$50,000 financial gift from Brown Development** for all workforce homebuyers (this has never been done before); this commitment, provided per suggestions from Councilmembers, provides true affordability.
- **With the \$50,000 gift, workforce homes will start at about \$178,000** for a 1- bedroom home; this makes Makila Kai truly affordable to Maui's workforce.
- **Homes will be on ½ acre lots:** No other workforce community has provided workforce homes on ½ acre lots.
- **Affordable for 30 years** compared to the current code requirement of 5-10 years.
- **Brown Development will waive the right to relist any homes** at market rate that do not sell within 90 days.
- The housing market on Maui, especially the West Side, becomes more restrictive with each passing year. Makila Kai, is the most affordable option when you take into consideration the ability to choose the number of bedrooms and **the additional \$50,000 discount in the form of Brown's financial gift.**

### THE MAKILA KAI COMMUNITY

- **25 workforce homes** on half-acre lots
- **Open Space:** Approximately 50 percent of the area will be in greenbelt, park, open space, and setback areas to foster a rural community character, including:
  - **Neighborhood park:** approximately 1.3 acres.
  - **Open space greenbelt** 500-feet wide and totaling approximately 20 acres, along the Lahaina Bypass Highway.
- **Loop trail around** the entire community.
- **Single-story homes:** To protect views, all homes are limited to single story (workforce and market).

- **No further subdivision or condominium property regimes (CPR) allowed:** Deed restrictions on all lots (workforce and market) will prohibit further subdivision and condominium property regimes (CPR) and will not be able to be changed by the homeowner association.
- **No short-term rental homes allowed:** Short-term rental of any home (workforce homes and on any homes on market-priced lots) will be prohibited through deed restrictions.

## **INFRASTRUCTURE**

- **Water**
  - o **Makila Kai will have its own non-potable agricultural well** and the ability to tank and store its water, so the rest of the valley's water is not affected by the new residents. (Independent of the current system.)
  - o **Makila Kai will not use water from Launiupoko Stream** or the Launiupoko Irrigation Company.
  - o **Potable (drinking) water will be from Launiupoko Water Company, who's source is 3 wells that have more than sufficient capacity** for Makila Kai, existing homes, and future users.
- **Runoff**
  - o **Brown Development will construct oversized retention basins that will:**
    - **Catch and retain runoff from both Makila Kai and the mauka subdivision** to improve current run-off conditions and protect Launiupoko Beach Park.
    - **Greatly exceed County requirements**

## **COUNTY FEES**

- **Brown Development will not request any exemptions from paying any County fees** related to development.

Patrick and Stacey Kenney  
3 Sunwood Dr.  
Milford, MA 01757  
Psmkenney@comcast.net

Sent from my iPad  
 Sent from my iPad

## LU Committee

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**From:** Norman Cheng <ncheng@starnlaw.com>  
**Sent:** Monday, October 30, 2017 12:25 PM  
**To:** LU Committee  
**Subject:** Bill 67 Opposition Testimony  
**Attachments:** Steve Strombeck Written Testimony in Opposition to Bill 67 (2017).pdf; Norman Cheng Written Testimony in Opposition to Bill 67 (2017).pdf

Dear Land Use Committee Members:

Please find attached written testimony opposing Bill 67.

Thank you,  
Norman

Norman Cheng  
Attorney at Law

Starn O'Toole Marcus & Fisher  
A Law Corporation  
Pacific Guardian Center, Makai Tower  
733 Bishop Street, Suite 1900  
Honolulu, HI 96813  
Email: [ncheng@starnlaw.com](mailto:ncheng@starnlaw.com)  
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Facsimile: (808) 537-5434  
Website: [www.starnlaw.com](http://www.starnlaw.com)

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**TO:** Robert Carroll, Committee Chair of the Land Use Committee of the Council of the County of Maui

**FROM:** Steve Strombeck

**RE:** Written Testimony in Opposition to Bill 67 (2017) (Reclassification of 14.594 acres from Agricultural to Rural State Land Use District Classification)

**DATE:** October 30, 2017

My name is Steve Strombeck, and I live at 24 South Lahoe Place, right across Haniu Street from the proposed Makila Kai project. I previously submitted written testimony in opposition to Makila Kai on May 17, 2017. I am writing again to reiterate my opposition to the Makila Kai project and to Bill 67.

I hereby request that the Council hold a **CONTESTED CASE HEARING** before the appropriate County agency on the following issues:

- (1) whether the Developer's request for a district boundary amendment for only 14.594 acres instead of the entire 79.5-acre project area is appropriate;
- (2) whether the Developer's request is properly before the Council or should be deferred to the State of Hawaii Land Use Commission ("LUC"); and
- (3) if and only if the Commission first determines that the Developer's request covers the appropriate land area and is properly before the Council, whether the Developer's request should be granted.

It is important for the County to hold a public hearing and allow public input on these issues. Hawaii Administrative Rules §§ 15-15-52 and 15-15-97 provide procedures for interested third parties to intervene in district boundary amendment proceedings before the LUC. In seeking to pass Bill 67, the County is exercising authority delegated by the LUC. As such, the public should be afforded the same rights they would have if the hearing was before the LUC. These procedures were put in place to protect the interests of the public.

As an abutting property owner, I have an interest in these proceedings that is clearly distinguishable from the interest of the general public, and I believe it is my right to be able to attend and testify at a public hearing on the Developer's request before the Planning Commission.

Please feel free to call me at (707) 527-2204 if you have any questions about my request. Thank you for your time.

Sincerely,

Steve Strombeck



**TO:** Robert Carroll, Committee Chair of the Land Use Committee of the Council of the County of Maui

**FROM:** Norman H. Y. Cheng, Esq., attorney for Steve Strombeck

**RE:** Written Testimony in Opposition to Bill 67 (2017) (Reclassification of 14.594 acres from Agricultural to Rural State Land Use District Classification)

**DATE:** October 30, 2017

Our law firm represents Mr. Steve Strombeck, a concerned neighbor whose property is adjacent to the proposed Makila Kai project. On behalf of Mr. Strombeck, I am writing to testify about the legal problems associated with Bill 67. Mr. Strombeck is also submitting separate written testimony.

1. **The Developer's intentional segmentation of the larger Makila Kai project area to circumvent State Land Use Commission review is contrary to the intent of Hawaii Revised Statutes Chapter 205 and should not be allowed.**

As others have expressed in their testimony in opposition to the Makila Kai project (the "Project"), the request from Makila Kai LLC (the "**Developer**") to the Council for a district boundary amendment ("**DBA**") for an area of 14.594 acres is a thinly veiled attempt to circumvent the State Land Use Commission ("**LUC**") DBA process by segmenting what is in reality a larger project into multiple areas that are conveniently 15 acres or smaller so that they fall under the purview of the County.

The Makila Kai project area is a part of a larger 271.175-acre "Makila Rural Community" area for which a predecessor landowner applied to the LUC for a DBA from the Agricultural District to the Rural and Urban Districts (Docket No. A15-799). After the applicant withdrew that application on April 15, 2016, the larger area was divided into three proposed projects: Makila Kai, Polanui Gardens, and Makila Rural East.

Now, the Developer is asking the Council to consider a DBA for only a portion of the approximately 79.5-acre Makila Kai project area, in direct contradiction to the intent of Hawaii's State Land Use Law, Hawaii Revised Statutes Chapter 205 ("**Chapter 205**"). This type of segmentation is akin to "parceling" in the procurement context and "structuring" in the money laundering context.

"Parceling" refers to the practice of artificially splitting up a larger procurement request into multiple smaller requests to avoid having to comply with procurement regulations and procedures. Parceling is prohibited under Haw. Rev. Stat. § 103D-305 precisely because the practice violates the underlying goal of Hawaii's procurement laws: to ensure a fair and transparent procurement process for government contracting.

"Structuring" (also known as "smurfing") is the practice of splitting up cash transactions into smaller transaction amounts with the purpose of evading certain filing, reporting, or record-

keeping requirements under the Bank Secrecy Act or 26 U.S.C. § 6050I (e.g., IRS Form 8300 Report of Cash Payments Over \$10,000 Received in a Trade or Business). 31 U.S.C. § 5324 prohibits structuring because dodging reporting requirements violates the underlying goal of the Bank Secrecy Act and related statutes: to prevent money laundering and illicit financial transactions.

Similarly, the practice of segmenting a larger project area into smaller areas in order to circumvent more stringent review by the LUC runs contrary to the underlying goals of Chapter 205. The LUC recognized that the Developer's attempts to segment the larger project are for the improper purpose of circumventing LUC review. In its January 26, 2017 letter to the Developer's consultant, the LUC stated:

Makila Kai LLC should file a district boundary amendment petition with the LUC for the entire 79.5-acre development from the State Land Use Agricultural District to the State Land Use Rural District. **This will not only prevent the unwarranted parcelization of the property into separate developments, but it will more accurately represent the true residential neighborhood of Makila Kai as a single integrated community with workforce homes and the market-rate agricultural lots.** It is our position that such treatment of Makila Kai will allow the LUC and other appropriate regulatory agencies to consider the project in a forum where areas of statewide interest, including but not limited to transportation, schools, cultural/historical resources, and agriculture, are vetted in a comprehensive manner.

(Emphasis added).

Furthermore, by limiting the scope of the requested DBA to just the 14.594 acres on which the so-called "workforce homes" will be constructed, the Developer is asserting that the 24 market-rate "farm lots" that the Developer plans to construct on the remainder of the project area are a permissible use within the Agricultural District. The State of Hawaii Office of Planning correctly noted in its January 13, 2017 letter to the Developer's consultant that "the project's proposed construction of 24 single family dwellings is clearly an unpermitted use in the State Agricultural District, and is more consistent with permitted uses in the Urban or Rural District."

Based on the Developer's proposed uses of the land, there is no basis for the artificial segmentation of the 14.594 acres from the larger project area, and the entire project should be subject to review by the LUC.

2. **The Developer's requests for exemptions from the application and public hearing requirements are part of an attempt to minimize public input and to avoid an agency decision after a contested case hearing.**

The Developer requested exemptions from: (1) the requirement to file an application for boundary amendment/reclassification with the County of Maui Planning Department under Maui County Code § 19.68.020; and (2) the requirement for the County of Maui Planning Commission

(the “**Planning Commission**”) to hold a public hearing on the requested boundary amendment/reclassification under Maui County Code § 19.68.030.B.

At the County level, the Planning Commission is best able to evaluate the likely effects of the proposed DBA in the context of the larger project area and of the other proposed projects on adjacent parcels (Polanui Gardens and Makila Rural East). In granting the Developer’s requested exemptions by passing Resolution No. 17-108, the Council has deprived itself of the benefit of the Planning Commission’s report and recommendations, which are usually required to be provided to the Council to aid in its decision-making process under Maui County Code § 19.68.040.A.

The Developer’s intent in requesting these exemptions was clearly to minimize public input and to avoid an “agency hearing” before the Planning Commission. The Planning Commission is an “agency” under Haw. Rev. Stat. § 91-1, so a hearing before the Planning Commission would constitute an “agency hearing.” A circuit court would very likely determine that such an agency hearing is a “contested case hearing” and that the Planning Commission’s recommendation to the Council constitutes a “final decision and order in a contested case” eligible for judicial review under Haw. Rev. Stat. § 91-14. The Developer clearly understands this risk, and has requested the exemptions to deprive adjacent landowners and other interested parties from meaningfully participating in the process.

It is important for the Planning Commission to hold a public hearing and to comply with the procedures set forth in Maui County Code § 19.68.030. A and B, which were put in place specifically to ensure that the public has an opportunity to comment on DBA applications. Therefore, this Committee should recommend that the Council reverse its prior decision to exempt the Developer from the application and public hearing requirements.

3. **The Developer’s request for a DBA is improperly before the Council, and to grant it would constitute an abuse of discretion.**

The Developer’s request to the Council for a DBA is improper, and the Council would be abusing its discretion by granting the request. The Hawaii Supreme Court has held that where an applicant’s request for a special use permit would have been more appropriately the subject of an application for a DBA, the LUC’s approval of the special use permit was an abuse of discretion:

The procedural and substantive differences between the two techniques underscore the necessity for their proper application to the particular land use problems they were designed to address. As courts have repeatedly recognized, **unlimited use of the special permit to effectuate essentially what amounts to a boundary change would undermine the protection from piecemeal changes to the zoning scheme guaranteed landowners by the more extensive procedural protections of boundary amendment statutes.**

...

We do not believe that the legislature envisioned the special use technique to be used as a **method of circumventing district boundary amendment procedures** to allow the ad hoc infusion of major urban uses into agricultural districts.

Neighborhood Bd. No. 24 (Waianae Coast) v. State Land Use Comm'n, 64 Haw. 265, 272, 639 P.2d 1097, 1102-03 (1982) (emphases added).

Similarly, the legislature did not intend to allow developers to use the delegation to the counties of the LUC's power to consider DBAs for areas less than 15 acres pursuant to Haw. Rev. Stat. § 205-3.1(c) as a method of circumventing DBA procedures. Under the ruling in Neighborhood Bd. No. 24, the Council's approval of the Developer's request would also constitute an abuse of discretion, and the Council should defer the Developer's request to the LUC.

4. **The project requires environmental review under Haw. Rev. Stat. Chapter 343, and the Council has a duty to enforce that requirement.**

The project should not be exempt from the requirement for an environmental review under Haw. Rev. Stat. Chapter 343. The Developer has attempted to take advantage of the exemption from this requirement for affordable housing projects set forth in Haw. Adm. Code § 11-200-8(a)(11).<sup>1</sup> This project does not qualify for the exemption because: (1) the project will result in a "material change in use beyond that previously existing"; and (b) under Haw. Adm. Code § 11-200-8, the exemption in § 11-200-8(a)(11) is "inapplicable when the cumulative impact of planned successive actions in the same place, over time, is significant[.]"

The current use of the land is open space, so the project will clearly result in a material change in use beyond that previously existing. The cumulative impact of the "workforce housing" and market-rate farm lot components of the Makila Kai project, especially in the context of the adjacent Polanui Gardens and Makila Rural East projects following behind Makila Kai, is significant. Therefore, as the "accepting authority" under Haw. Adm. Code § 11-200-2, having been delegated the power to evaluate the request for a DBA, the Council has a duty to comply with Haw. Adm. Code § 11-200-7 and 8 and to deny the Developer's de facto request for an exemption from an environmental review.

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<sup>1</sup> Haw. Adm. Code § 11-200-7 provides, in relevant part:

(a) Chapter 343, HRS, states that a list of classes of actions shall be drawn up which, because they will probably have minimal or no significant effect on the environment, may be declared exempt by the proposing agency or approving agency from the preparation of an environmental assessment provided that agencies declaring an action exempt under this section shall obtain the advice of other outside agencies or individuals having jurisdiction or expertise as to the propriety of the exemption. Actions declared exempt from the preparation of an environmental assessment under this section are not exempt from complying with any other applicable statute or rule. The following list represents exempt classes of action:

...

(11) Acquisition of land and existing structures, including single or multi-unit dwelling units, for the provision of affordable housing, **involving no material change of use beyond that previously existing**, and for which the legislature has appropriated or otherwise authorized funding.

(Emphasis added).

5. **Within the County of Maui, the Council has an affirmative duty under Haw. Rev. Stat. § 205-12 to enforce the land use classification districts under Chapter 205.**

Under Haw. Rev. Stat. § 205-12,<sup>2</sup> the Council has a statutory duty, within the County of Maui, to enforce the State land use classification districts under Chapter 205. In a 1975 Opinion of the Department of the Attorney General, Deputy Attorney General Ronald Y. Amemiya discussed the counties' enforcement duty under Haw. Rev. Stat. § 205-12<sup>3</sup> in the context of an application for a subdivision of agricultural land. Mr. Amemiya concluded that the counties have an affirmative duty to prevent the circumvention of Chapter 205:

*...the Legislature has charged the counties with the very important duty of enforcing the land use classifications of chapter 205 and the State Land Use District Regulations, the counties must insure that the provisions of chapter 205 and the State Land Use District Regulations are not circumvented. To insure the preservation of prime agricultural land, especially when a relatively large area of prime agricultural land is involved, the counties must take positive preventive measures against potential violations of the land use restrictions of chapter 205 and the State Land Use District Regulations. Therefore, the counties should thoroughly investigate any application for subdivision of a large area of agricultural land into lots that appear to be too small for economically feasible agricultural activity. If the investigation and the comments and recommendations from other governmental agencies indicate that the proposed subdivision appears to be intended for purposes contrary to the existing land use classification and in violation of chapter 205 and the State Land Use District Regulations, the subdivision application should be disapproved. Any doubt as to whether a proposed subdivision will result in a significant change of land use should be resolved in favor of a disapproval.*

State of Hawaii Department of the Attorney General Opinion No. 75-8, 1975 WL 429086 (Hawaii A.G. Sep. 3, 1975) at \*7 (emphases added).

The Developer asks the Council to be complicit with the Developer's attempts to contravene the underlying principles of Chapter 205. Instead, the Council should comply with its statutory duty to enforce the use classification districts adopted by the LUC. There is no ambiguity

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<sup>2</sup> The current version of Haw. Rev. Stat. § 205-12 provides:

The appropriate officer or agency charged with the administration of county zoning laws shall enforce within each county the use classification districts adopted by the land use commission and the restriction on use and the condition relating to agricultural districts under section 205-4.5 and shall report to the commission all violations.

<sup>3</sup> At the time the Opinion was written, Haw. Rev. Stat. § 205-12 provided:

The appropriate officer or agency charged with the administration of county zoning laws shall enforce within each county the use classification districts adopted by the land use commission and shall report to the commission all violations.



here; the LUC has clearly indicated in its January 26, 2017 letter that the Developer's request is improperly before the Council.

I therefore urge this Committee to recommend that the Council: (1) reverse its decision to exempt the Developer from the public hearing requirement and direct the Planning Commission to hold a contested case hearing on the Developer's request; (2) make a formal determination that the proposed reclassification is more appropriately subject to LUC review and defer the Developer's application to the LUC; or (3) deny the Developer's request and recommend that the Developer submit a petition for a DBA for the entire 79.5-acre project area to the LUC. This will ensure that the project undergoes the rigorous review process it deserves.

Please feel free to call me at (808) 537-6100 if you have any questions about my testimony. Thank you for your time and consideration.

Sincerely,

Norman H. Y. Cheng, Esq.

## LU Committee

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**From:** Cambria Reiter <cambria.reiter@gmail.com>  
**Sent:** Monday, October 30, 2017 12:40 PM  
**To:** LU Committee  
**Subject:** Makila Kai Bill 67

Aloha councilmembers,

My name is Cambria Russell, I'm writing this e-mail to show my support for the Makila Kai workforce project at Launiopoko. My husband, Norman Russell Jr, and I have two small children. I have lived in Lahaina for 15 years and my husband has been here for 20 years. We have always lived and worked on the west side. We work in the tourism industry at the hotels. We love our community and our ohana we have created on the westside.

We currently live in Front Street Apartment, which unfortunately is no longer affordable. However, the affordable rate we have had over the years has lead us to a position to be able to put a down payment on a house of our own. We would prefer to stay on the west side where we have our lives. The cost of market value rentals and real estate on this island is putting pressure on us to move across island, making us commute or move to the mainland. The importance of raising our kids here is crucial to us.

Brown Development's Makila Kai project is a dream come true for us. We need real affordable workforce housing on this side and Greg Brown seems to have the answer to help the working people.

We ask that you please pass Bill 67. We have worked so hard and will be devastated if we get pushed out of a place we love so much.

Mahalo,  
Cambria Russell  
808-280-5626  
cambria.reiter@gmail.com

## LU Committee

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**From:** shawn mclaughlin <evanshawnmclaughlin@gmail.com>  
**Sent:** Monday, October 30, 2017 1:16 PM  
**To:** LU Committee  
**Subject:** Makila Kai Bill 67

Dear Maui County Counsel Members,  
Please accept this letter in lieu of my personal testimony.  
I believe this Makila Kai subdivision will benefit the sorely needed  
affordable homes in Lahaina area.  
I have known the developer Greg Brown for almost 25 years and  
trust in him to legally honor the proposed plans he has for these workforce homes  
and market value land lots.  
I hope you approve and pass Makila Kai Bill 67.  
I also wish for all land developers to pursue low income option homes and  
for you to support all legal developments.

Sincerely,  
Launiupoko residents  
Freida Hazen & Shawn McLaughlin  
881 Kai Hele Ku  
Lahaina, Hawaii, 96761

## LU Committee

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**From:** Stephanie Shoemaker <stephmaui@live.com>  
**Sent:** Monday, October 30, 2017 1:35 PM  
**To:** LU Committee  
**Subject:** Makila Kai Bill 67  
**Attachments:** Makila Kai Support Letter .docx

Office of Council Services,  
Please find attached a support letter for Makila Kai Bill 67.  
Thank you,  
Stephanie Shoemaker

October 30, 2017

Via email to: [lu.committee@mauicounty.us](mailto:lu.committee@mauicounty.us)

Office of Council Services  
ATTN: Makila Kai Bill 67  
200 South High Street  
Wailuku, Hawaii 96793

**SUBJECT: Makila Kai Bill 67**

To Whom It May Concern:

I Stephanie Shoemaker have owned property at 80 Piaia Phokau Street in Launiupoko, above the proposed site of the affordable housing project, since 2001. I have taught and worked as a special education teacher and student services coordinator at the schools in Lahaina since 1991. I am fortunate to have this home, but many of my co-workers cannot afford a home in Lahaina and are forced to find homes that are more affordable on the other side. Many of my colleagues are applying to buy a home at this affordable housing project. This will prevent them from driving from the other side of the island and could help to reduce traffic and to keep teachers employed in Lahaina. There is a shortage of homes on Maui priced for workforce buyers. Makila Kai will provide opportunities for people who work in West Maui to own a home there.

I have seen Brown Developments work in our neighborhood and it is of very high standards. I believe that BD has taken the area residents into consideration. This is a rural area and Greg Brown has done a rural concept and reached out to many of the owners to explain this. The large lots will maintain the rural character of the area. Brown Development is a qualified builder and I believe Greg Brown is ethical and of good character.

Sincerely,

Stephanie Shoemaker  
Student Services Coordinator  
Princess Nahienaena Elementary School  
816 Niheu St.  
Lahaina HI, 96761



## LU Committee

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**From:** Eva Stover <evastovermaui@gmail.com>  
**Sent:** Monday, October 30, 2017 2:06 PM  
**To:** LU Committee  
**Subject:** Testimony of Makila Kai

Hello

we emailing our testimony of Stover's family.

We would love to protect nature of Maui but in others side in Maui west side they building another hotels... and for who... tourists but what about people that lives here.

New young families???

It's so much discrimination about housing , if you want to rent the house it's so hard with kids and pets.

If we want to stay here and work but raise our kids right way it's hard just be in small Appartment without storage and garden.

It's not fair to build Maui only for rich people.

But should be also some options and possibility for functional young families.

Eva & Sean Stover  
808-339-5830

## LU Committee

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**From:** Katie Zimmerman <kzimmerman@whalersassociates.com>  
**Sent:** Monday, October 30, 2017 2:10 PM  
**To:** LU Committee  
**Subject:** Makila Kai Bill 67

Aloha,

I am in support of the Council passing Bill 67. Please pass the bill so that the project can continue moving forward and build much needed work force housing in West Maui.

Respectfully,

Katie Zimmerman, REALTOR® (S) e-PRO

RS-75832

Are you interested in receiving updates on what's happening in Maui? Please 'Like' me on Facebook: <http://www.facebook.com/katiezimmermanrealestate>

Whalers Associates  
KW Island Living  
2435 Kaanapali Pkwy Suite A3  
Lahaina, Maui Hawaii 96761  
cell: (808) 280-8986  
office: (808) 661-8777  
toll free: (800) 367-5632  
fax: (808) 661-8951  
website: [www.kwislandliving.com](http://www.kwislandliving.com)  
facebook: [www.facebook.com/katiezimmermanrealestate](http://www.facebook.com/katiezimmermanrealestate)

## **LU Committee**

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**From:** Joseph Pluta <pluta@maui.net>  
**Sent:** Monday, October 30, 2017 2:13 PM  
**To:** LU Committee  
**Cc:** County Clerk  
**Subject:** Makila Kai Bill 67

**Aloha Maui County Council Land Use Committee Chairman Robert Carroll and Members:**

**re: Makila Kai Bill 67**

**Please accept this letter as my personal testimony in Strong Support for approval of the Makila Kai Housing Project!**

**As a member of the West Maui Community active in the West Maui Taxpayer's Association Inc. for nearly 40 years, I am keenly aware of the housing crisis that exists in our community today.**

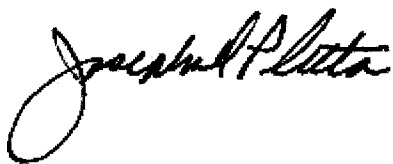
**So called "affordable" housing simply does not exist and we have over 6,000 workers driving to West Maui from Central Maui and Kihei as they simply cannot find any place to rent or purchase in West Maui.**

**This may be the first proposal your committee has seen with so many positive ways to address concerns by those who simply do not support any "affordable" housing in or near their expensive properties.**

**However, it presents bonafide ways to meet the needs in a unique and attractive way such as proving options for one or two bedroom homes as well as larger ones.**

**The facts are clear that this proposal provides prudent and realistic alternatives which should be recognized as significant to override objections to its approval to be allowed to move forward expeditiously."**

**Warm Regards,**

A handwritten signature in black ink, appearing to read "Joseph Pluta". The signature is fluid and cursive, with a large loop at the end.

Joseph D Pluta  
1612 Ainakea Road,  
Lahaina, HI 96761  
(808) 283-4533

## LU Committee

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**From:** Ulrich 'Uli' Okura Kirkegaard <uli@mauitechguru.com>  
**Sent:** Monday, October 30, 2017 2:38 PM  
**To:** LU Committee  
**Subject:** Makila Kai Bill 67

Aloha Council members,

I have previously written in favor of approving Makila Kai workforce housing and have testified several times. Once again I urge the council committee to approve the requested zoning change for Makila Kai to become a reality; approve Bill 67.

We all know that Lahaina side needs more housing, and we know that the Launiopoko area is far from being agriculturally developed; it's mostly fancy mansions with swimming pools and large lawns.

The pending request to change zoning for the land where Makila Kai sub-division is to be developed into a rural zone is most fitting for the entire Launiopoko area.

Please approve the Bill 67 so Makila Kai workforce housing project can become a reality – and help the workforce grow and prosper.

Thanks you much,

Have an awesome time ☺

Yours Truly Online,

**Ulrich 'Uli' Okura Kirkegaard**  
Principal Guru, MCP - Maui Tech Gurus  
Biz Tech Partners & Small Biz Specialist  
'Helping businesses tie IT all together'  
**Ph. (808) 661-1000 or Cell (808) 281-1169**  
E-mail [uli@mauitechgurus.com](mailto:uli@mauitechgurus.com)  
Visit <http://www.mauitechgurus.com/>



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**From:** Ulrich 'Uli' Okura Kirkegaard

**Sent:** Friday, June 2, 2017 11:55 AM

**To:** lu.committee@mauicounty.us

**Subject:** AFFORDABLE HOUSING PROJECTS (CHAPTER 201H, HAWAII REVISED STATUTES) (INDEPENDENT DEVELOPMENT OF MAKILA KAI; LAHAINA) (LU-2(1))

Aloha Councilmembers,

Please support and approve Makila Kai workforce housing project – it's a unique opportunity for my family and others the like to own a new home in Lahaina.

I've seen Launiopoko change – I used to only see the pristine hills. Now big houses are everywhere - development is still ongoing – owners dividing parcels building more houses; selling to highest bidder – The local workforce cannot afford it.

Increasing rents & housing prices in Lahaina; a Lahainaluna Rd house is \$750,000. We can't afford this. So Makila Kai is a great opportunity.

The opposition typically have their houses already hence want no further development. But remember time ago they too needed sub-divisions approved - and they were. There is still plenty room for more houses; Makila Kai won't spoil views or create a huge traffic issue.

Traffic in/out of Lahaina slowed up drastically when the Kai Hele Ku St. traffic light was added – before it traffic was much smoother. The traffic issue can and will be solved separately; the new bypass is expanding. But Maui County already approved many hotel/timeshare expansions on the west side adding thousands of cars to the roads – those put many tax \$\$\$ in county coffers; it make sense maybe - so 50 workforce houses shouldn't be an issue. As the community grows and traffic increases we need to keep planning for that – and will. But please don't stop Makila Kai workforce housing project because of traffic concerns.

Water; I am truly sorry that Hawaiians upstream lost water access during the plantation era and that these families are still struggling to resolve this. We need to resolve this – allocate resources to mend this - perhaps use some of the timeshare/hotel \$\$ to fix the problem. But please don't stop Makila Kai affordable houses because of water concerns.

I recommend that the committee approves the Makila Kai project – to allow these affordable houses be built for us the local workforce.

Have an awesome time ☺

Yours Truly Online,

**Ulrich 'Uli' Okura Kirkegaard**

Principal Guru, MCP - Maui Tech Gurus

Biz Tech Partners & Small Biz Specialist

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**Ph. (808) 661-1000 or Cell (808) 281-1169**

E-mail [uli@mauitechgurus.com](mailto:uli@mauitechgurus.com)



**Rotary Club of Lahaina Sunrise**

Past President (2012-13)

<http://www.lahainasunriserotary.org/>

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**From:** Ulrich 'Uli' Okura Kirkegaard

**Sent:** Wednesday, May 31, 2017 10:26 AM

**To:** 'lu.committee@mauicounty.us' <[lu.committee@mauicounty.us](mailto:lu.committee@mauicounty.us)>

**Subject:** RE: AFFORDABLE HOUSING PROJECTS (CHAPTER 201H, HAWAII REVISED STATUTES) (INDEPENDENT DEVELOPMENT OF MAKILA KAI; LAHAINA) (LU-2(1))

**Importance:** High

Dear Councilmembers,

I'm writing again to voice my support for the Makila Kai affordable house project. At last committee meeting we heard pros from people for and cons from people against. My family is for Makila Kai – we are pre-approved and in the lottery. We are excited for this opportunity. We humbly request that the honorably committee will approve the Makila Kai workforce housing project today.

People pro and for this project are like us in need of proper housing in Lahaina. We are overwhelmed by ever increasing rents and lack of inventory pushing sales prices up .. and up ... a house on Lahainaluna Rd is now ~\$750,000 because it offers rental income though likely not even permitted. it's impossible for a working family to buy these old plantation houses. For us Makila Kai will be the best ever workforce housing project.

People against already own houses in the Launiopoko area and would like to keep status quo – not to develop anymore. I don't blame them but they too have to realize that before them the whole area was undeveloped and it needed to be developed for them to buy a house. It will continue to change as Maui resident base grows. No one should have the right to block others from owning a house too. Still there is plenty room for more houses; Makila Kai won't spoil their views or create a huge traffic issue.

Traffic was a concern; but 1) 25-50 more house aren't going to make a huge change to traffic; considering there are thousands of cars going through daily. The new bypass section promises to resolve part of the traffic issue; so traffic planning is a different discussion; traffic shapes around community needs – the community shouldn't shape around the traffic conditions.

I recommend that the committee approves Makila Kai workforce housing project today – to allow these affordable houses for local workforce.

Please Please Please,

Your truly,

Ulrich 'Uli' Okura Kirkegaard  
Lahaina Resident.

**From:** Ulrich 'Uli' Okura Kirkegaard  
**Sent:** Wednesday, May 17, 2017 9:43 AM  
**To:** 'lu.committee@mauicounty.us' <lu.committee@mauicounty.us>  
**Subject:** AFFORDABLE HOUSING PROJECTS (CHAPTER 201H, HAWAII REVISED STATUTES) (INDEPENDENT DEVELOPMENT OF MAKILA KAI; LAHAINA) (LU-2(1))  
**Importance:** High

Aloha Councilmembers,

I'm writing in support of proposed Makila Kai workforce housing development. I would like you to know that I support Makila Kai for many reasons;

Lahaina needs more housing – but the current market leaves many of us incapable of owning a home on the West side we call home.

High housing prices causes people to live elsewhere which means more commuters – and more traffic which is getting pretty bad. Makila Kai residents can easily get to Lahaina by car, bus or even bicycle.

Makila Kai is designed with ample green areas and will be a contribution to the West side.

The homes built will be affordable - Makila Kai is a rare opportunity – and very much needed. I excited for the opportunity it presents. Also Makila Kai developer plans to offer a financial gift to each workforce home buyer further emphasizes the developer's commitment to the idea of truly "affordable" housing.

I ask and strongly encourage the Maui County Council to support Makila Kai.

Thank you so much for helping run Maui County. Both my dad and brother were both council members in the county we grew up in so I know how much time and dedication it takes. Thanks again.

Mahalo for your kokua,

Have an awesome time ☺

Yours Truly Online,

**Ulrich 'Uli' Okura Kirkegaard**  
Principal Guru, MCP - Maui Tech Gurus  
Biz Tech Partners & Small Biz Specialist  
'Helping businesses tie IT all together'  
**Ph. (808) 661-1000 or Cell (808) 281-1169**

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## LU Committee

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**From:** Devin Ridgley <ridg27@vt.edu>  
**Sent:** Monday, October 30, 2017 3:14 PM  
**To:** LU Committee; hana@bdmaui.com; Van Fischer  
**Subject:** Makila Kai Bill 67

Dear Land Use Committee Members,

I am composing this testimonial letter in support for the Makila Kai project for affordable workforce housing. As I'm sure you're aware, the Makila Kai project is offering an unrivaled package for working residents of Maui to finally afford their own home. Greg Brown has put together a package that includes a 1/2 acre of land, free standing home and a generous \$50K financial gift to aid the hard working Maui residents and achieve their dream of homeownership. While there are several other components that make the Makila Kai project fantastic, I feel it may be more important to share my story and perspective. Unfortunately, I am unable to attend the meeting due to work obligations, so I hope that my testimonial makes an impact through this emailed letter.

I grew up in a small farm town in Missouri and received my education from the University of Missouri and Virginia Tech via scholarships and grants that I worked hard to achieve. I have lived in several locations throughout the mainland in pursuit of my dream career within a wonderful community. I have found both on Maui. I work for a small company that produces high technical hardware for the International Space Station in collaboration with NASA and other international partners. I love the work that I do and, more importantly, I love Maui. I have never owned a home and seek to find a home on Maui to begin my long-term dream career. Unfortunately, the housing market on Maui is too expensive for new homeowners. I cannot afford to spend \$500K on a house that will require a lot of renovations or >\$700K for a turn-key home. I have worked very hard throughout my life to finally achieve homeownership, only to learn that this is not a possibility in the current Maui marketplace. The Makila Kai project offers hardworking Maui residents with an opportunity to affordably own a home on Maui. Aside from my own circumstance, I can say without question, that Maui will not be able to support high technology industry personnel without these workforce housing projects. I urge you to approve this generous workforce housing project that Greg Brown and associates have put together so that hard working Maui residents, like myself, will finally achieve the dream of owning their own home. The benefits of approving the Makila Kai project for workforce housing go beyond providing affordable homes. The approval of this project sends a message to the entire community that the County of Maui is committed to supporting the hardworking residents that make this island so wonderful. Please make my dream of owning a home on Maui a reality.

Sincerely,  
Devin

--

Devin Ridgley, Ph.D.  
[ridg27@vt.edu](mailto:ridg27@vt.edu)

## LU Committee

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**From:** Rebecca Winkie <r\_winkie@yahoo.com>  
**Sent:** Monday, October 30, 2017 6:07 PM  
**To:** LU Committee  
**Subject:** Fw: Makila Kai Bill 67  
**Attachments:** Testimony 4 for Makila Kai.pdf

On Saturday, October 28, 2017 11:35 AM, Rebecca Winkie <r\_winkie@yahoo.com> wrote:

October 28, 2017

Land Use Committee  
Maui County Council  
Kalana O'Maui Building, Eighth Floor  
200 South High Street  
Wailuku, HI 96793

### **RE: Makila Kai Bill 67**

Dear Members of the Land Use Committee:

I ask and strongly encourage the Maui County Council to support the proposed Makila Kai project, and I do so both professionally and personally.

As a public school teacher and administrator in Maui County since 2003, I see every day how much our community needs to have homes that local working families can afford. I see this from the perspective of my coworkers and our students' families who must work multiple jobs in order to provide their children a home. Many students end up transferring to other schools because their families can no longer afford housing on the Westside. In addition, I see the need for more affordable housing in the number of teachers who commute from the other side of Maui and maybe even more so in the number of teachers moving back to the mainland simply because they've lost hope of ever affording a single-family home on Maui, much less in the Lahaina area.

Personally, I commuted from the other side of the island to work at an elementary school in Lahaina for two years. During that time, I aggressively pursued the purchase of a West Maui home and watched with dismay as out-of-state buyers outbid my offers and moderately priced houses were sold before they even appeared on market listings. Average working residents are left to pick between overpriced homes we can't afford or distressed properties that likely won't pass inspection without major renovations/improvements.

The rental situation is not any better. During the same two-year time frame, I sought out every rental home opportunity on the Westside. With so many Air BNBS and VRBOs on the market, there are fewer properties available for long-term rentals. I literally had to compete with other families just for the chance to rent, with dozens of potential applicants submitting applications at the same time. Virtually all 3 bedroom/2 bath house rentals are listed around \$3,000 (or higher) per month, which is much more than the average working family can afford and much higher than the recommended ratio of housing costs to monthly income. It is very difficult to just survive economically in these market conditions, much less hold on to the dream of purchasing a home in Lahaina.

With family homes in this area starting at over \$700,000, the average family is being priced off the island. For many of us, the dream of home ownership on Maui depends on pursuing every affordable housing opportunity that comes along – and those are few and far between. The wait is much too long and the process is emotionally exhausting. There are so many



ups and downs just hoping the project will get approved. Then, after jumping through all the hoops to become qualified to purchase, it will still come down to the luck of the draw, with all the applicants just hoping they are lucky enough to be selected in the lottery. We need many more affordable homes to become available in our area to greatly improve the odds for workforce families.

The Makila Kai project has generated a lot of excitement in the community because it will provide a rare opportunity for residents to purchase single-family homes on large lots in a very desirable area. In addition, the \$50,000 financial gift offered to each workforce buyer towards the purchase of a home makes it truly affordable. Please recognize that the Lahaina community desperately needs this project to move forward, and the workforce families deserve this opportunity!

Sincerely,

Rebecca Winkie, PhD

## LU Committee

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**From:** Mark Marolf <marolf@hotmail.com>  
**Sent:** Monday, October 30, 2017 6:12 PM  
**To:** LU Committee  
**Subject:** Makila Kai workforce housing project

Mark Marolf  
3708 Lower Honoapiilani #42  
Lahaina, HI 96761

10/30/17

To the Honorable Maui County Council,

I would like to voice my support for the proposed Makila Kai workforce housing project. One thing I have personally experienced is the lack of affordable housing. There is plenty of development geared towards the extremely wealthy in comparison to working families. This workforce home project will help to counteract that problem. This is a great opportunity for local families to raise their children in a safe and friendly community with a sense of security that renting and the quickly rising costs of home ownership do not currently allow for.

This development is well thought out. With large lots, planned loop trail, playground, and sidewalks this will be one of the great neighborhoods on Maui. The single story homes will protect the view and the 500 foot set back from the bypass adds to the safety of the community.

These homes are priced reasonably and are geared for people who plan to be a part of the community long term and full time. They cannot be sold within 10 years and they can't be rented. The local working class families of Maui deserve the opportunity to live in good homes on good land on their own island. As of now those benefits are only being awarded to the wealthy part time vacationers who don't contribute to the day to day economy of Maui.

Please support Maui's workforce and approve this project.

Mahalo

*Mark Marolf*

Mark Marolf

## LU Committee

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**From:** Amber Gifford <amberonislands@gmail.com>  
**Sent:** Monday, October 30, 2017 6:34 PM  
**To:** LU Committee  
**Subject:** Makila Kai bill 67

I am in favor of the Makila Kai development and hope you can be too. The housing market on Maui, especially the West Side, becomes more restrictive with each passing year. Please support affordable housing Thank you Amber Sumimoto (808)283-9193

## LU Committee

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**From:** manutea09 . <mapuanas@gmail.com>  
**Sent:** Monday, October 30, 2017 6:35 PM  
**To:** LU Committee  
**Subject:** Makila Kai Bill 67  
**Attachments:** Makila Kai Bill 67\_Testimony letter 10.30.17.pdf

Aloha!

I would like to submit the attached testimony letter by email in support of Makila Kai Bill 67 scheduled for hearing on 11/1/17.

Mahalo,  
Mapuana Samonte  
Melva Ching

10/30/17

Aloha,

My name is Mapuana Samonte.

I would like to thank you for the opportunity to enter my testimony by letter (email) today in support of the Makila Kai Residential Workforce Housing Project, Makila Kai Bill 67.

I was born and raised on Maui. I grew up in the town of Lahaina. And I was a resident (Renting) there for more than 43 years. I currently reside in Wailuku, Maui due to the lack of inventory of fair cost rental housing, I was forced to move to Central Maui for the past 3 years since- as it is more affordable for us.

I am a small business owner & I have a household of 3. I am the person that provides for my son and my mother.

I have a unique situation that I would like to share, as a person of part Hawaiian Ancestry. I am a full-time caregiver for my elderly mother who is 86 years of age who has been on the Department of Hawaiian Homelands residential waitlist since **1986**. We were kept on this list in case the laws change where the blood quantum is less than 50%.

We have just recently received an update and a denial letter from DHHL clarifying her blood quantum to be just short of 3% to qualify for their program of home ownership. Unfortunately, we will not be able to remain as candidates of what other local- Hawaiian families have the opportunity to do, to simply own a home, and take care of their families.

It would be wonderful to be able to own my first home in West Maui, something that is affordable and is in West Maui such as the Makila Kai Project!

I like all the features of this project, and especially like the fact that the lots are ½ acre (which is rare), so homeowner's can use it for agricultural purposes as we would.

Please pass Makila Kai Bill 67!

Aloha & Thank you for your consideration,

Mapuana Samonte & Melva Ching

## LU Committee

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**From:** john fujikawa <jhfuji@yahoo.com>  
**Sent:** Monday, October 30, 2017 7:02 PM  
**To:** LU Committee  
**Subject:** Makila Kai Bill 67  
**Attachments:** REVISED Makila Kai Letter for LUC hearing 11-1-17.pdf

Oct 30, 2017

Council Vice-Chair Robert Carroll, Chair – Land Use Committee  
Maui County Council  
Kalana O Maui Building, Eight Floor 200 South High Street

Wailuku, Hawaii 96793

**SUBJECT:** Affordable Housing Project (Chapter 201H, Hawaii Revised Statutes) (Independent Development of Makila Kai; Lahaina) (LU-2(1))

Dear Councilmembers,

We are sending this letter in support of the proposed Makila Kai project. Our home is in the Makila Plantation subdivision just hundreds of feet right above this development.

Greg Brown and Brown Development recently built a home and a cottage for us over the past two years on our Makila lot. We dealt directly with Greg and found him and his crew and staff to be honest, ethical and of good character. Greg builds to a very high standard, is very involved and cares about this community. We spent 3.8 million dollars on our home and cottage recently and we could easily recommend Brown Development to a family member, a friend, the community or the county of Maui. We are very happy. Brown and his crew are honest, they care and they do a great Job. We know many others he has built for feel the same.

We understand that many of the work force homes built below us may be for teachers, fireman and local folks in a similar income range. This is wonderful! We support this!

We also understand that Greg is proposing to keep his 24 market lots in the 1.5 to 2 acre range in agriculture. He has done this because he is taking the neighborhood into consideration. He is not allowing CPR or further subdivision. We support this!

I feel our Makila HOA is run by a few individuals who do not speak for the entire home owner community. Greg has done more to inform us about what is going on in our area than the HOA has.

Do not believe individuals who say Greg or Brown Development have a bad reputation. They do not know Greg. We do, Greg has worked for us and we have paid his company a lot of money to work for us recently. We are extremely happy with Greg and Brown Development. We support whatever he does in this community.

Greg has provided a thoughtful compromise between what exists and what is allowed by the Maui Island Plan as he is including agriculture and Rural.

In addition, we support this project because buildings will be limited to a single story to protect views. Most of the open space will be taken up by a neighborhood park, pedestrian trails, and a large greenbelt along the future bypass. These features will directly benefit the neighborhood in terms of well-being and visual impacts.

We ask and strongly encourage the Maui County Council to support Makila Kai.

Sincerely,

Nahal Ashouri  
John Fujikawa



Greg Brown  
PO Box 1060  
Lahaina, HI, 96767  
Office: 808-662-3879  
Office Fax: 808-662-3870  
Contractor #BC-31541

Aloha,

Thank you for your continued support of the Makila Kai Workforce Housing community in Launiupoko!

As many of you know, the County Council passed the main resolution approving Makila Kai in June, but now the Council must pass Bill 67, which pertains to the district boundary amendment for the workforce homes. Makila Kai cannot move forward without the Council passing Bill 67, so I am asking you for your support again.

**The County Council Land Use Committee is holding a hearing on Makila Kai on Wednesday, November 1, at 9:00 a.m.** The hearing will be in the Council Chamber 8th floor at 200 South High Street, Wailuku.

If you are able to attend in person, I would greatly appreciate your supportive testimony at the hearing.

I recognize many of you have job or family commitments and may not be available. Another way to let Councilmembers know you support Makila Kai is to provide written testimony.

You can email your testimony to [lu.committee@mauicounty.us](mailto:lu.committee@mauicounty.us) and note Makila Kai Bill 67 in the subject line. You can also fax testimony to (808) 270-7686, or mail a printed copy to Office of Council Services ATTN: Makila Kai Bill 67, 200 South High Street, Wailuku, HI 96793.

To be most effective your written testimony should be emailed or faxed to the Land Use Committee by the end of the day on Monday, October 30, but testimony is also accepted by email up to the hearing time and can be delivered in person at the hearing on Wednesday. If you attend the meeting in person and have written testimony that you wish to deliver to the Councilmembers, please bring 15 copies.

On the following pages you will find a summary of the things that make Makila Kai a unique and truly affordable workforce housing community. Thank you again for your time and support.

Sincerely,

*Greg Brown*



## **PIONEERING POLICY ON AFFORDABILITY**

- **Brown Development is allowing the lottery winner to choose the size of their new home** regardless of the income bracket they fall into.
  - Many other developers only build 3- or 4-bedroom homes, which price out single working people who might only want a 1- or 2-bedroom home.
- **\$50,000 financial gift from Brown Development** for all workforce homebuyers (this has never been done before); this commitment, provided per suggestions from Councilmembers, provides true affordability.
- **With the \$50,000 gift, workforce homes will start at about \$178,000** for a 1-bedroom home; this makes Makila Kai truly affordable to Maui's workforce.
- **Homes will be on ½ acre lots**: No other workforce community has provided workforce homes on ½ acre lots.
- **Affordable for 30 years** compared to the current code requirement of 5-10 years.
- **Brown Development will waive the right to relist any homes** at market rate that do not sell within 90 days.
- The housing market on Maui, especially the West Side, becomes more restrictive with each passing year. Makila Kai, is the most affordable option when you take into consideration the ability to choose the number of bedrooms and **the additional \$50,000 discount in the form of Brown's financial gift.**

### **Compare Makila Kai with Other Workforce Developments**

Income Bracket	Makila Kai	Waiale Rd 201	Waikapu Gardens II	Kaiaulu at Kaanapali	Kahoma Villages
Below Moderate (80%)	<b>\$178,760 (1Bed)</b>	\$359,400 (3Bed)	\$334,300 (3Bed)	\$359,400 (3Bed)	\$281,520 (2Bed)
Moderate (100%)	<b>\$235,880 (1Bed)</b>	\$449,200 (3Bed)	\$417,800 (3Bed)	\$449,200 (3Bed)	\$414,000 (3Bed)
Above Moderate (120%)	<b>\$293,070 (1Bed)</b>	\$539,100 (3Bed)	\$501,400 (3Bed)	\$539,100 (3Bed)	\$496,800 (3Bed)

## **THE MAKILA KAI COMMUNITY**

- **25 workforce homes** on half-acre lots
- **Open Space:** Approximately 50 percent of the area will be in greenbelt, park, open space, and setback areas to foster a rural community character, including:
  - **Neighborhood park:** approximately 1.3 acres.
  - **Open space greenbelt** 500-feet wide and totaling approximately 20 acres, along the Lahaina Bypass Highway.
- **Loop trail around** the entire community.
- **Single-story homes:** To protect views, all homes are limited to single story (workforce and market).
- **No further subdivision or condominium property regimes (CPR) allowed:** Deed restrictions on all lots (workforce and market) will prohibit further subdivision and condominium property regimes (CPR) and will not be able to be changed by the homeowner association.
- **No short-term rental homes allowed:** Short-term rental of any home (workforce homes and on any homes on market-priced lots) will be prohibited through deed restrictions.

## **INFRASTRUCTURE**

- **Water**
  - **Makila Kai will have its own non-potable agricultural well** and the ability to tank and store its water, so the rest of the valley's water is not affected by the new residents. (Independent of the current system.)
  - **Makila Kai will not use water from Launiupoko Stream** or the Launiupoko Irrigation Company.
  - **Potable (drinking) water will be from Launiupoko Water Company, who's source is 3 wells that have more than sufficient capacity** for Makila Kai, existing homes, and future users.
- **Runoff**
  - **Brown Development will construct oversized retention basins that will:**
    - **Catch and retain runoff from both Makila Kai and the mauka subdivision** to improve current run-off conditions and protect Launiupoko Beach Park.
    - **Greatly exceed County requirements**

## **COUNTY FEES**

- **Brown Development will not request any exemptions from paying any County fees** related to development.

## LU Committee

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**From:** gary <onsitehawaii@aol.com>  
**Sent:** Monday, October 30, 2017 7:08 PM  
**To:** LU Committee  
**Subject:** Makila Kai Bill 67

Committee Members,

I am in support of this project. We need housing for the locals that are really affordable. I moved to Maui over Thirty years ago and was fortunate to be able to buy a home. Now the prices are so outrageous the younger families are priced out of the market. We need affordable housing that is affordable. Do the right thing and pass this bill.

Gary Miyamoto

## LU Committee

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**From:** Pete155@aol.com  
**Sent:** Monday, October 30, 2017 7:26 PM  
**To:** LU Committee; Robert Carroll  
**Subject:** Makila Kai project should be DENIED

Aloha Council members,

PLEASE vote against the Makila Kai project Wednesday....This is an extremely important decision & it will be reflected in election support next year.

The Makila Kai project should be rejected for the following reasons:

- (1) The 201 H process is being used to avoid a Community Plan Amendment, & escape environmental review, & avoid proper sewage treatment;
- (2) Very few truly affordable units would be provided.....Families who earn 120% or 140 % of Maui's median income should not qualify.
- (3) There is no proven source for enough decent drinking water;
- (4) Traffic congestion in the project area is already terrible & would be exacerbated by 49 additional houses;
- (5) Septic tanks or an anaerobic system will allow pollution to damage 1 of Maui's best parks & reef system;
- (6) Makila Kai is a segment of a much larger development proposal...  
There are 2 adjacent projects awaiting for this approval; and
- (7) a lawsuit has been filed against the County & Council members re. this proposed project.

Council members who vote in favor of this terrible project will have very serious opposition from many of us in next year's election.

Mike Foley.....former Maui County Planning Director

## LU Committee

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**From:** Robert Monteiro <bo.monteiro1@gmail.com>  
**Sent:** Monday, October 30, 2017 8:48 PM  
**To:** LU Committee  
**Subject:** Makila Kai Bill 67

I Robert Monteiro approve and believe in this project. Looking at the sheer volume of items that the builder is doing to preserve the area and create a wonderful space is unprecedented. The fact that the builder is willing to build which ever size home the lottery person draws to allow for the single workers that's another show of commitment. \$50,000 as a gift to each Lottery member that buys a home another commitment that is unheard of anywhere. We need homes that people can afford. Working people can buy, live, and work on this island. The only people that can afford homes anymore are people that don't live here or the wealthy. The dream of owning a home is so far out of the working persons reach that it's stifling. Please consider this project in a positive manner and vote to allow this project to go through.

Thank you for your consideration sincerely Robert Monteiro

## LU Committee

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**From:** Joseph Kohn <weareoneent@msn.com>  
**Sent:** Monday, October 30, 2017 9:14 PM  
**To:** LU Committee  
**Cc:** bob.carroll@mauicounty.us  
**Subject:** OPPOSE Makila Kai project File #: LU-35 BILL 67 (2017)

Aloha Members of the Land Use Committee!

Please OPPOSE Makila Kai project, File #: LU-35 BILL 67 (2017)

Approval would set a HUGE precedent for using the 201 H process to avoid Community Plan Amendments & environmental review & sewage treatment.....Very few truly affordable units would be provided & traffic would be added at Maui's most congested location.....Council members running for election next year should be strongly opposed if they vote for this Makila Kai project.

Joseph Kohn MD  
Founder, We Are One, Inc. - WAO  
1268 W Hiahia Pl  
Wailuku, HI 96793-9762  
808-359-6605  
[Joseph@WeAreOne.cc](mailto:Joseph@WeAreOne.cc)  
[www.WeAreOne.cc](http://www.WeAreOne.cc)

## LU Committee

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**From:** Brad Irimata <birimata@gmail.com>  
**Sent:** Tuesday, October 31, 2017 12:04 AM  
**To:** LU Committee  
**Subject:** Makila Kai Bill 67  
**Attachments:** Makila Kai Support Letter.doc

Please see attached.

Mahalo

Aloha

My name is Brad and I am a hopeful applicant of the Makila Kai affordable housing project. I was born and raised on Maui. My great grandfather moved here from Japan to work in the plantations. My grandpa grew up in H-poko until he moved his family to Kahului when my dad was around 4 years of age. My dad worked as a bar tender and salesman and bought his home here at the age of 30 where he and my mom raised my two siblings and I. I graduated from Baldwin in 2004 and then graduated from UH Manoa with a business degree where I was blessed to meet my wife of 7 years who is a native of Hilo. We have fought to fulfill our dream to build our family here on Maui. Not only because Maui is a beautiful island, but because Maui is where my family lives and Maui is where my family's history lies. And to many from our community, family is everything.

After graduating from UH Manoa I worked in different management positions within the hospitality industry. It was hard work and consisted of 60-70 hour work weeks. It took a toll on my family so two years ago I changed my career and became a firefighter. My wife has worked for years in the HR department of Maui Memorial Medical Center and was recently hired to do similar work for Hale Makua. We are proud of the work we do even though it forces us to live humbly. We are conservative with our budget and have spent our entire marriage saving money for a down payment for our first home. Although my wife and I are debt free and have good credit scores, we qualify for a mortgage that is \$250,000 less than the median priced home on Maui.

My wife and I are thankful that unlike many people our age with children of their own, we do not live with my parents or extended family. We are able to afford to rent our own place and have the sense of independence that any 30 year old would want. But our rental is far from ideal. The home we rent is over 50 years old. When it rains, our tap water takes on a faint but noticeable tint of brown. The house next to us is a half way house. And that is an improvement from the last place we rented where our neighbor's home was raided by MPD's SRT/SWAT team in the middle of the day while I was home with my then 2 year old daughter. Midnight police visits were common for that neighbor as well. I wish we could afford to rent a nice home in a gated community but like in all things, we get what we pay for.

Unfortunately, if my wife and I were to have a second child we would have to spend an additional \$600 a month on child care. We would no longer be able to afford our current rental. In fact we would not be able to afford any rental that could comfortably fit our family in the current market where a single bedroom ohana rents for an average of \$1200/month.

There are so many families on Maui made up of hard working college graduates who hold respectable jobs, have a stable income and cannot afford to buy a market priced home. The job market and job salaries on Maui have failed to keep up with the inflation of the housing market which has been flooded by investors, flippers, and wealthy part time winter residents. Just 60 years ago my grandpa as a milk man with four children, was able to afford a brand new home on a 10,000 square foot lot. Today, I can't even afford a used home on a 3500 square foot lot unless it comes with a "sold as is" addendum. That is why projects like these are necessary. I and so many others are fighting to build our dreams on this island we know as home, and we are losing. The odds are against us and we need programs like this to give us a fighting chance.

Mahalo for your time.



## LU Committee

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**From:** ike k <ikestafari73@hotmail.com>  
**Sent:** Tuesday, October 31, 2017 12:11 AM  
**To:** LU Committee  
**Subject:** Makila Kai bill 67

Not for only myself, but for many hardworking, tax paying, trying to do right thing and be pono ohanas, need this opportunity to purchase and own, reach and fulfill the dream of having an actual home. I qualified for another project at Kaanapali, but didn't get pulled in the lottery, my wife was heartbroken, but we carry on. Now we are approved for this development and anxiously want to be pulled in the lottery, but we need you for even a shot at this. Please help us and others like ourselves. Rent is way out of control, but where can I go? What can I do? Affordable renting is scarce if anything. I'm proud to be born and raised here on Maui, in Lahaina. I don't want to become another statistic that had to move to the mainland because I can't afford my homeland. I have so much love and respect for Maui/Hawai'i and once again, I need, we need your help. If not, I'm not sure how much longer we can continue to just carry on.

Mahalo nui,

Isaac King

Sent from my iPhone

## LU Committee

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**From:** thelightguy@hawaiiintel.net  
**Sent:** Tuesday, October 31, 2017 7:01 AM  
**To:** LU Committee  
**Subject:** MAKILA KAI BILL 67: ERIC MILLER- VALLEY ISLE LIGHTING

I am writing in support of the Makila Kai Project.

In a time where truly affordable housing is essentially a falsehood on Maui, Brown Development has generously come forward to offer hope to Maui residents who would otherwise have no hope in owning a home.

The affordable homes in this project would allow the owners to realize the dream of home ownership without the burden of exorbitant mortgage payments and the stress of maintaining those payments over a 30 year period. This offers the opportunity to create a lifestyle of abundance instead of want, gives them more expendable income to spend throughout the local economy, and creates strong families with a real sense of pride.

This project is not only good for the potential homeowners but the entire Maui community.

Thank you for your consideration.

Eric Miller  
President  
Valley Isle Lighting

## LU Committee

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**From:** Michelle Micucci <michelle.micucci@yahoo.com>  
**Sent:** Tuesday, October 31, 2017 7:55 AM  
**To:** LU Committee  
**Cc:** Micucci Michelle  
**Subject:** Makila Kai Future homes

Aloha and Good morning, I would like to thank you for taking the time in reading this email. My husband and I are one for many candidates for the future homes at Makila Kai.

Please be in favor and consider Makila Kai project 100%. We would like to be given the opportunity to have a beautiful NEW HOME at an affordable price.

Currently there is nothing out on the market to buy a home within our price range. We have considered buying a condo but with allowance of short term vacation rentals in most condos and absurd maintenance fees, this has become an undesirable option. We have lived and worked on the westside of Maui for 40 years plus. All of our children and grandchildren live on the Westside as well. We do not want to live on the other side of the island

Because our life is here. My husband and I have been patiently waiting for Makila Kai Project to come to fruition please make it a reality.

Kind Regards,

Michelle Micucci

## LU Committee

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**From:** Rulan Waikiki <ruanwaikiki@hotmail.com>  
**Sent:** Tuesday, October 31, 2017 9:32 AM  
**To:** LU Committee  
**Subject:** MAKILA KAI BILL 67  
**Attachments:** Makila.pdf

Please accept my written testimony in support of the subject project.

Mahalo~  
Rulan Waikiki

Aloha Councilmembers:

Subject: MAKILA KAI BILL 67

I am writing to express my support for the Makila Kai project. As a native Hawaiian, born and raised here on Maui, it frustrates me to see our people not able to get ahead on the island where our ancestors worked so hard to ensure a better future for their children, grandchildren and so forth. Our children have been moving to the mainland for so long now just because it is cheaper for them to make a living and achieve the dream of owning their own homes.

Affordable housing as we typically see is really a joke. Who can really afford that now? A two parent family that works at the least two full time jobs...and lets not throw a kid or two into that picture, otherwise those parents need to choose between a mortgage and an education, or health care or other necessities. 'Affordable Housing' is really just a way for developers to make money...those underlying conditions if advertised as much as the word affordable would show this community what the developers are really after – and it's not helping the Maui people.

Personal feelings aside, I have worked for the County for over 27 years. I have seen projects come and I've seen the hype over the word affordable. And I've also seen developers push their projects with words like "I support the community", "this is for the people of Maui"....yada yada yada. And I see their agendas...it's to make them more money. They really don't give a crap about the people and it shows in their project approvals. I have also processed many if not most of the permits in Launiupoko, including Farm Plans. Unfortunately, farming at Launiupoko is a joke. There are several true farmers there, but the majority as everyone knows are fake.

Makila Kai is leading the County in true affordability with lots of extras and a huge plus...location! You can't deny that Brown Development has done their homework – with people in mind, not money. For a developer who has numerous projects and as I imagine makes a lot of money off of them, it's rare to see this magnitude of selflessness and true desire to help 'normal' people. The project policies as listed below are unheard of on Maui ... BUT, should be made a standard in Affordable Housing!

I understand some current residents in Launiupoko have concerns about the project. Here are my thoughts which are based on fact.

Losing ag land - That is a joke! A lot of the area is unuseable, or filled with blue rock. At any given time you can take a drive through the million dollar homes and see how much ag is really being done. Those that are complaining should have an active farm going on....I dare them to share exactly what their ag activities are.

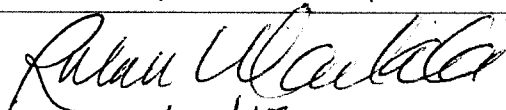
Concerns about water is not applicable since Makila Kai will have its' own well.

Stereotyping the working class as a potential security issue is just infuriating and shows their arrogance.

Makila Kai is a great project. Great for Maui as an example to follow with future affordable housing projects. All developers should follow Brown Development in creating more projects like this in all districts of Maui...provided they really care about the people of Maui more than money.

I can be reached at (808)281-3473 if any clarification is required. Mahalo~

Rulan Waikiki  
752 Kealii Drive  
Wailuku, Hawaii 96793

  
10/31/17

## **Makila Kai:**

### **PIONEERING POLICY ON AFFORDABILITY**

- **Brown Development is allowing the lottery winner to choose the size of their new home** regardless of the income bracket they fall into.
  - Many other developers only build 3- or 4-bedroom homes, which price out single working people who might only want a 1- or 2-bedroom home.
- **\$50,000 financial gift from Brown Development** for all workforce homebuyers (this has never been done before); this commitment, provided per suggestions from Councilmembers, provides true affordability.
- **With the \$50,000 gift, workforce homes will start at about \$178,000** for a 1- bedroom home; this makes Makila Kai truly affordable to Maui's workforce.
- **Homes will be on ½ acre lots**: No other workforce community has provided workforce homes on ½ acre lots.
- **Affordable for 30 years** compared to the current code requirement of 5-10 years.
- **Brown Development will waive the right to relist any homes** at market rate that do not sell within 90 days.
- The housing market on Maui, especially the West Side, becomes more restrictive with each passing year. Makila Kai, is the most affordable option when you take into consideration the ability to choose the number of bedrooms and **the additional \$50,000 discount in the form of Brown's financial gift.**

### **THE MAKILA KAI COMMUNITY**

- **25 workforce homes** on half-acre lots
- **Open Space**: Approximately 50 percent of the area will be in greenbelt, park, open space, and setback areas to foster a rural community character, including:
  - **Neighborhood park**: approximately 1.3 acres.
  - **Open space greenbelt** 500-feet wide and totaling approximately 20 acres, along the Lahaina Bypass Highway.
- **Loop trail around** the entire community.
- **Single-story homes**: To protect views, all homes are limited to single story (workforce and market).
- **No further subdivision or condominium property regimes (CPR) allowed**: Deed restrictions on all lots (workforce and market) will prohibit further subdivision and condominium property regimes (CPR) and will not be able to be changed by the homeowner association.
- **No short-term rental homes allowed**: Short-term rental of any home (workforce homes and on any homes on market-priced lots) will be prohibited through deed restrictions.

### **INFRASTRUCTURE**

- **Water**
  - **Makila Kai will have its own non-potable agricultural well** and the ability to tank and store its water, so the rest of the valley's water is not affected by the new residents. (Independent of the current system.)
  - **Makila Kai will not use water from Launiupoko Stream** or the Launiupoko Irrigation Company.
  - **Potable (drinking) water will be from Launiupoko Water Company, who's source is 3 wells that have more than sufficient capacity** for Makila Kai, existing homes, and future users.
- **Runoff**
  - **Brown Development will construct oversized retention basins that will:**
    - Catch and retain runoff from both Makila Kai and the mauka subdivision to improve current run-off conditions and protect Launiupoko Beach Park.
    - Greatly exceed County requirements

### **COUNTY FEES**

- **Brown Development will not request any exemptions from paying any County fees** related to development.
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## LU Committee

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**From:** Linda Garcia <lindagmaui@twc.com>  
**Sent:** Tuesday, October 31, 2017 9:48 AM  
**To:** LU Committee  
**Cc:** aishamalik285@gmail.com  
**Subject:** Makila Kai Bill 67  
**Attachments:** Land Use Letter.pdf

Aloha:

Please find attached my letter regarding Makila Kai Bill 67. I tried to fax my letter to your office a few times however it kept coming back to me with an error code.

Mahalo,

Linda Garcia  
281-8486

**LINDA GARCIA**  
**35 KATIE LANE, APT. 73**  
**LAHAINA, MAUI, HI 96761**  
**(808) 281-8486**  
**[lindagmaui@twc.com](mailto:lindagmaui@twc.com)**

October 31, 2017

Maui County Council Land Use Committee  
Fax #808-270-7686

Re: Makila Kai Bill 67

Aloha:

I am writing to you in regards to Makila Kai Bill 67. I am requesting your consideration in passing this bill.

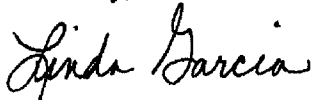
I have lived in Lahaina Maui for 37 years and have never struggled as much as I struggle now. I work 2 jobs just to make ends meet. Maui is in dire need of affordable housing. There is nothing available on the west side of the island that a family or a single person can afford to rent or buy. The price to purchase a home is out of control along with the rents that owners are charging. This is also another factor for the large amount of homelessness that is on our beautiful island.

Although I already own a condo of my own, my son who is 4<sup>th</sup> generation in Maui, unfortunately will never be able to purchase a home in Maui unless it is through the work force housing market. Makila Kai is one of the few developers that is offering 25 affordable ½ acre lots with homes. It would be a dream come true if my son were selected as one of the lucky 25.

I am asking that you please take this matter into consideration and pass Bill 67 as workforce housing is desperately needed. Please give 25 more people/families the opportunity to be able to purchase a home of their dreams on the west side at an affordable price.

Should you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Linda Garcia".

Linda Garcia



## **LU Committee**

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**From:** Gilberto <ritzcastro75@gmail.com>  
**Sent:** Tuesday, October 31, 2017 10:24 AM  
**To:** LU Committee  
**Subject:** Makilakai Bill 67

My name is Gilberto Castro, Westside resident and Ritz Carlton Hotel employee, using this mail to show my support for work force Makilakai project. Please approve this project and give us the opportunity to have House!!!  
Mahalo!!!

Sent from my iPhone

## LU Committee

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**From:** Tiffany cowan <cowantiffany@yahoo.com>  
**Sent:** Tuesday, October 31, 2017 10:46 AM  
**To:** LU Committee  
**Subject:** bill 67

Aloha council members!!

I have been a resident of Maui for 23 years!! I have a family here. Mom, brother, sister and 6 grandchildren! Two of those grandchildren are mine. Taj 11 and Anella 9. Im recently a single mother trying desperately to provide for my children!!! Makila kai project actually is the only hope at the moment I have to truly afford a HOME!!! Everything about the project is astounding! The fact that Brown development will offer 50,000 financial gift, beyond gracious and any hope i could ever have. The most amazing land to be apart of, i feel better for Maui community to be blessed by this project , than more millionaire mainlanders buying up Maui land!! I think you would all agree. Please give us people hope that we can build a community within ourselves. One question I have Is... what will you do with the land anyways? And would it serve a better purpose than providing a home to a Maui family?

Mahalo for your consideration,  
Tiffany Pitts

Sent from Yahoo Mail. [Get the app](#)