

## LU Committee

---

**From:** Shauna Norris <ilovemaui22@gmail.com>  
**Sent:** Wednesday, May 17, 2017 12:38 PM  
**To:** LU Committee  
**Subject:** Affordable Housing Project (Chapter 201H, Hawaii Revised Statutes) (Independent Development of Makila Kai; Lahaina) (LU-2(1))

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

Dear Councilmembers,

I am sending this letter in support of the proposed Makila Kai project. I wish I could be there to support but I am working so I could not make it there today. So I hope this email would be something to show some support of this development. I would like you to know that I support Makila Kai for the following reasons:

Maui needs more affordable housing since the cost of a single family home is overpriced at above \$700,000. Being a single mom of two kids I would love to have the opportunity to have a safe and open place with a yard for my kids to play since the Makila Kai lots are bigger in size. These lots are big enough to make gardens to grow and teach our Keiki how to be self sustainable.

This is a rare opportunity for Maui residents to purchase an affordable first home on a large lot which is usually attainable only by buyers who can afford to purchase homes at over the top market rates. I commend the developer for providing the opportunity for working families to purchase a workforce home in this desirable area of West Maui.

The community design of Makila Kai is located in an area designated for rural growth by the Maui Island plan. Given this designation and the existing agricultural (large) lots outside the Rural Growth Boundary, Makila Kai's design (mauka agricultural lots, makai rural lots) provides a thoughtful compromise between what exists and what is allowed by the Maui Island Plan.

In addition, I support this project because about 50% (41 acres) of Makila Kai will be open space, and 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.

The fact that Makila Kai 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 for your time.

Sincerely,

Shauna Norris

## LU Committee

---

**From:** Abby Rinke <abbyrinke@aol.com>  
**Sent:** Wednesday, May 17, 2017 12:44 PM  
**To:** robertr@resortrealtylife.com; LU Committee; strombeckpro@yahoo.com  
**Cc:** Abby Rinke  
**Subject:** Launiupoko HOA

To Whom it may concern,

After researching for years for our second home location, we met a group of locals that solidified Abby's and my desire to buy on Maui. Our Realtor showed us a cottage in Launiupoko and we fell in love with the agricultural feel of the development. We love the eclectic farming and ranching that is so unique to Launiupoko.

We closed on a cottage and soon after that we purchased a lot on Launiupoko and started working with our architect to build a full size retirement home in Launiupoko.

Within a few months, our home owners association started sending us notices that our one acre cottage parcel was not in compliance with the three acre minimum lot size of our particular subdivision. We contacted Greg Brown, the developer, and he stated that because he condominiumized the larger parcel into three smaller parcels, he didn't have to live with the subdividing into less than three acres.

I'm not an attorney and I'm not familiar with Hawaii law, but condominiumizing seems to be getting around the intents of the minimum parcel size.

I have developed over one thousand resort condos in Pensacola, Florida over the past twenty years and have developed several single family subdivisions with covenants and restrictions.

I have tried to resolve this matter without legal council over the past two years and am not getting anywhere. Greg Brown keeps insisting that this is legal. I am going to be forced into dealing with this legally because I will need to sell my cottage without any encumbrances to the title. I don't want to be at odds with the home owners association concerning having too small of a lot size for the larger agricultural feel of Launiupoko.

I will continue and try and work with Greg Brown and the Launiupoko HOA to try and resolve this matter. I do feel strongly the Launiupoko should be preserved with its agricultural and ranching feel that makes it so unique to Maui.

Sincerely,  
Robert Rinke



A business card for Hannah Brown. On the left is a black and white portrait of a smiling woman with long hair. To the right of the portrait, the text reads: **HANNAH BROWN**, OPERATIONS ASSISTANT // RELOCATION DIRECTOR, 850.417.5624 - CELL // 850.332.0464 - OFFICE, and HANNAHB@RESORTREALTYLIFE.COM. In the top right corner is a logo with a large 'R' and 'WALTON' underneath. On the far right edge, there is a partial view of another logo with the text 'LEVI R J RESIDENTIAL'.

Hannah Brown

Operations Assistant // Relocation Director

Levin Rinke Realty



## LU Committee

---

**From:** Robert Carroll  
**Sent:** Wednesday, May 17, 2017 1:18 PM  
**To:** LU Committee  
**Cc:** Darlene Ane  
**Subject:** FW: Makila Kai Development

**Robert Carroll**

*Vice Chair Maui County Council  
Chair Land Use Committee  
Office #: (808) 270-7246  
Fax#: (808) 270-7246*

**From:** Ke'eaumoku Kapu [mailto:kapukapuakea@gmail.com]  
**Sent:** Wednesday, May 17, 2017 12:49 PM  
**To:** Robert Carroll <Robert.Carroll@mauicounty.us>; Yukilei Sugimura <Yukilei.Sugimura@mauicounty.us>; Elle Cochran <Elle.Cochran@mauicounty.us>; Kelly King <Kelly.King@mauicounty.us>; stacet.crivello@mauicounty.us; Donald S. Guzman <Donald.Guzman@mauicounty.us>; Riki Hokama <Riki.Hokama@mauicounty.us>; Alika A. Atay <Alika.Atay@mauicounty.us>; Mike White <Mike.White@mauicounty.us>  
**Subject:** Makila Kai Development

Aloha Council Chair Bob Carol of the Land Use and to all members of the Count Council,

My Name is Ke'eaumoku Kapu and in my testimony I would like to request that this project be deferred for a few reasons.

1. Makila Kai draft proposal for workforce Housing is lacking much needed information on the cultural component of these area's.
2. The Kuleana Families of Kaua'ula was not provided with any information as to this project being in front of the Land Use committee, which we just heard of it today.

This area is very sensitive to much of our families which stems from.

- The availability of water for kuleana usage of traditional cultivation of Taro and other sustainable crops for home use and consumption.
- Access for Kuleana that live above the project area that it does not address those issues any where in their plans. Mauka to Makai.

For the past 20 years we the Kuleana of Kaua'ula have been seeing drastic changes to our ahupua'a from the now existing homes that have been allowed and built so far and we fear that we will no longer be able to sustain our livelihood which is passed down from one generation to the next mainly on the availability of water which I ask this council to look into past laws on water rights from the supreme courts from 1897 Kumuliilii vs Horner Lahaina which set a precedence for our families.

By going forward with this project may put our families into a hostile state.

I ask that this council defer this item until our issues are addressed and that we are kept informed of this and all meetings in the future so we can at least be there in the presence and not scrambling at the last minute as our lives depend on it. and also ask that this council look into the supreme court ruling of 1897 Kaua'ula water law of Kumuli'ili'i vs horner.

Mahalo for your time and energy on all issues before you.

Ke'eaumoku Kapu

---

 Virus-free. [www.avast.com](http://www.avast.com)

## LU Committee

---

**From:** Lauren Kang <lkang@hawaii.edu>  
**Sent:** Wednesday, May 17, 2017 1:34 PM  
**To:** LU Committee; Robert Carroll  
**Subject:** Makila Kai testimony

Aloha,

My name is Charlie Palakiko, I am a resident of Kaua'ula valley, which sits above Launiupoko, in upper Makila. I've been living on this land since I was 12 years old, I am now 43. We started two little kalo patches (lo'i kalo) that was fed by a hose connected to a 1.5 inch pipe that we installed for our home as there was no water in the steam at that time.

Years later, I started to rebuild old lo'i and also clean and restore the auwai (a branch of water from the river) to feed the kalo patches. At that time, West Maui Land Company was dumping water from a Kaua'ula reservoir that ended up in the steam right at the intake of this auwai that I used to get my patches started. This intake contained invasive species such as clams and crayfish that destroy banks of kalo patches. Because of this we negotiated with Peter Martin for clean water from the steam. We eventually came to an agreement through mediation, so he started dumping water at the dam with a six inch pipe. This six inch pipe was not enough water, so we created a diversion at the dam to deliver more water. This worked for about a year or so until they destroyed it and started dumping water about a mile and a half below the dam through a flume because of lost water through saturation. This left a mile and a half gap of river that has been without water ever since then. They used a six inch pipe initially, and recently cut back to a four inch pipe giving us less water.

These past few years have been getting even worse with the increasing development, at times causing us to go without water for up to a week disturbing the growth of the kalo, even losing crops of kalo to rot.

Since the river began to run, there is now native steam life thriving in it, such as o'opu and opae. This life needs water connectivity from mauka to makai to survive.

Before any more development continues, these matters must be settled concerning water for steam life and for the kalo. Until that happens, I highly recommend that this project is denied.

Thank you,  
Charlie Palakiko

--  
Mahalo,

Lauren Kang

## LU Committee

---

**From:** gvalkirs . <valkirs@gmail.com>  
**Sent:** Wednesday, May 17, 2017 1:54 PM  
**To:** LU Committee  
**Subject:** Makila Kai

Please defer a decision on Makila Kai until the water usage for the region can be looked at carefully. Farmers may be getting less water in the future making agriculture on the West Side impossible.

Aloha, .

Gunars Valkirs  
Maui Ku'ia Estate Cacao

## LU Committee

---

**From:** Norman Cheng <ncheng@starnlaw.com>  
**Sent:** Wednesday, May 17, 2017 3:29 PM  
**To:** LU Committee  
**Cc:** Steve Strombeck; 1211\_001\_Strombeck\_Steve\_Tina\_General E\_mail  
**Subject:** Testimony against Makila Kai Proposed Project  
**Attachments:** Testimony of Steve Strombeck.pdf

Dear Committee Members,

I am transmitting the attached testimony in opposition to the Makila Kai project on behalf of my client, Steve Strombeck.

Please confirm receipt of the attached testimony.

Aloha,  
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)  
Telephone: (808) 537-6100  
Facsimile: (808) 537-5434  
Website: [www.starnlaw.com](http://www.starnlaw.com)

NOTICE TO RECIPIENT: THIS E-MAIL IS MEANT FOR ONLY THE INTENDED RECIPIENT(S) OF THE TRANSMISSION, AND MAY BE A CONFIDENTIAL COMMUNICATION PRIVILEGED AND/OR OTHERWISE PROTECTED BY LAW. UNLESS AN ENGAGEMENT AGREEMENT IS SIGNED BY OUR FIRM AND THE RECIPIENT, THIS E-MAIL SHALL NOT CREATE AN ATTORNEY CLIENT RELATIONSHIP BETWEEN OUR FIRM AND THE RECIPIENT. IF YOU RECEIVED THIS E-MAIL IN ERROR, ANY REVIEW, USE, DISTRIBUTION, OR COPYING OF THIS E-MAIL IS STRICTLY PROHIBITED. PLEASE NOTIFY US IMMEDIATELY OF THE ERROR BY RETURN E-MAIL AND PLEASE DELETE THIS MESSAGE AND ANY COPIES THEREOF. THANK YOU IN ADVANCE FOR YOUR COOPERATION.

TO: Land Use Committee of the Council of the County of Maui

FROM : STEVE STROMBECK

Re: OPPOSITION to Affordable Housing Development of Makila Kai; Lahaina (LU-2(1))

Date: May 17, 2017

My name is Steve Strombeck and I live at 24 South Lahoe Place (right across the street from the proposed project). By trade I am a developer in California. The purpose of my letter is to oppose the new subdivision in Makila Kai that is being proposed by Greg Brown. I have been through this process many times in the past and I understand what it takes to subdivide land. Let me list my concerns about the current proposed project.

1. The facts are that 4 years ago when I bought the property nothing was ever disclosed to me about the possibility of a subdivision going in. The only thing I was told about was that a Bypass would be going in over the next few years. Disclosure is important and was never done! Greg Brown made promises to me and my neighbors that haven't been kept, similar promises to those he is making to the County for this project.
2. The facts are that traffic will become a huge issue if this subdivision goes in. You can't put that many more cars in to the mix and not expect big problems. Yes, you can hire an engineering company that can produce a traffic study that satisfies whoever is paying to have it produced. Traffic will be the biggest problem! Emergency vehicles will have trouble getting in and out as well. In addition to the issue of fire evacuation, currently the lights at the bottom of Kai Hele Ku Street are a bottleneck with only one road in and out of our development from the highway. Even if a second road goes in, with a tripling of the population this is unlikely to solve the resulting congestion problem. This traffic issue is my biggest concern and I will have a traffic study done at my own expense if need be.
3. The facts are that water is a big deal and I have been told over and over that I need to conserve. Again consultants can be hired to report anything but water just can't be made out of thin air. I have animals to water and crops to water. I have a farm plan as required and I need a lot of water. Any new project will have the same needs and the information provided to the County by the Developer has not shown that adequate water is available.
4. Almost every day I see Nene geese flying around my house. I think they nest next door on the property that is being proposed. I think that these Nene geese are federally recognized as endangered species and I don't think that you want their habitat disturbed.
5. I'm concerned that this is not really an affordable project at all. I met with the developer (Greg Brown) and he acknowledged that he is going to profit well from the market-priced homes. If this is going to get approved as an affordable project, it should be more than

51% affordable. As a responsible developer he should provide more public benefit instead of only lining his own pockets.

6. Almost 80 acres is being turned into 25 affordable homes. That seems like an incredible waste of acreage. The fast-track process should be used to create higher-density development as those are the types of projects that will have a real impact on affordable housing shortage. 25 affordable units will not be any help at all to the Maui market, but it will certainly make a big impact to the developer's own pocket. This just doesn't seem right.
7. The developer is saying that there will be agricultural farms on the market-rate homes, yet the lot sizes are only 1.5-2 acres. After the house, driveway, wastewater systems, setbacks, etc., there will be little land left to actually farm.
8. Many people in my neighborhood do not support the project and we are prepared to challenge this process through the legal system.
9. Even the State Land Use Commission and State Office of Planning do not believe that the project should be able to avoid review by the State. This just isn't the type of project that should receive the benefits of the fast-track process.

In summary I have many concerns about this proposed subdivision. I just don't believe that this can work as proposed. Maybe if there was a much smaller subdivision planned and all of our studies proved out, then the proposed project may work but that would have to be looked at very carefully. I've attached some additional specific notes from the developer's application that should make the County take a long look at whether this is the type of project that should benefit from being identified as "affordable".

As I said before, I am a developer in California and I have some experience in how this gets approved. Even if this got approved there is a very good chance that the courts will get involved as there are a number of problems with the project. I would like to see this property remain as AG as it is zoned now. Our farm does very well and the AG land needs to be preserved in Hawaii. This land once grew sugar cane and produced a great harvest. The ground is very fertile so why not continue to use it for AG purposes? Let's not get into a war over this project, it's going to cost all of us a lot of time and money. If anyone would like to call me in regards to my concerns, my number is (707)527-2204. Thanks for your time.

Sincerely,

Steve Strombeck

## Specific Notes re Concerns About the Makila Kai Project

(from Steve Strombeck, concerned neighbor)

1. 201 Expedited Review is Not Warranted. The entire project is not appropriate for expedited review under 201H as only 51% of the units are affordable units. Developer is abusing the process to “fast-track” the market segment of his project.
2. The Project is NOT “Primarily” Affordable. 201H requires that the projects be “primarily” for affordable housing. The developer here is taking the term “primarily” very literally and only providing 51% of the units as affordable. Other 201H projects approved in Maui have been predominantly 100% affordable and here the developer is only providing barely more than half of the units as affordable.
3. The Project is an Inefficient use of Land. The reclassification of 80 acres to only create 25 affordable units is not efficient. Prior 201H projects created many more units on much smaller lots:
  - a. 30-acre project on Lanai created 372 affordable units (2010)
  - b. 4-acre project (Hale Mahaolu Ewalu) created 60 affordable units (2014)
  - c. 48-acre parcel (Kula Ridge) to provide 116 homes (only 36% of the units will be market-compared to 49% at Makila Kai).
  - d. 9.3 acre project (Kaiwahine Village) to provide 120 units (100% affordable)
4. The State Land Use Commission (LUC) Must Review the Project. The entire 80 acre project should be reviewed by the State Land Use Commission.
  - a. The LUC has taken a clear position in its comment letter to the Project dated January 26, 2017 that the Project should **not** be exempt from review under HRS 205.
  - b. Developer is trying to break the project into two pieces so it can specifically avoid review by the LUC by taking advantage of special rules that allow the Counties to reclassify property less than 15 acres in size. The Developer has conveniently squeezed all of the affordable units onto a 14.6 acre parcel.
  - c. This “segmentation” of the project to avoid appropriate levels of review should not be permitted as it will result in creating a precedent for “spot zoning” by the Counties which was not the intent when the State delegated authority to the Counties for parcels under 15 acres.
  - d. The Hawaii State Office of Planning has also taken the position that the LUC needs to review this Project given its size and the proposed reclassification under the state land use laws.

5. The 1.5 to 2 acre lot size proposed for “Agricultural” use are a sham.
- a. Given the size of the lots, no realistic agricultural use will occur on the market lots.
  - b. The market-rate lots will become “gentlemen farms” where the wealthy will point to vegetable gardens or fruit trees to substantiate their “agriculture” on the property.
  - c. Other AG Lots (like in Kula Ridge) were 4 acres in size which provides owners with the area required to conduct meaningful agricultural activities.
  - d. There is no non-potable water to sustain agricultural uses on the 24-market rate lots. Water is in short supply and potable resources should not be used for farming. The Developer’s failure to find a non-potable resource suggests he does not intend these lots to ever be used for farming.
  - e. The County Department of Planning in its letter providing comments on this Project has expressed specific concerns about the size of the lots and the potential use as “gentlemen estates” and recommended that the Developer reclassify the affordable units from the State Agricultural District to the State Rural District to better “reflect the actual use of the property.”
6. It is Unclear if There is Water Adequate to Service the Project.
- a. In its response to specific questions from the Department of Water Supply, the developer has taken the position of assuring the county that it will be figured out later as part of the building permit process. This is not responsible development.
  - b. Developer is seeking approval for a project where the estimated water consumption and availability (potable and non-potable) have not been defined. The County should not approve projects where the availability of water is unknown. The Developer needs to clearly show that there is adequate water (potable and non-potable) to serve the project.
  - c. The County estimates that 181,500 gallons per day will be required whereas the Developer suggested that only 98,000gpd was required. The County’s estimate also does NOT include water usage for agricultural purposes (which, if the market rate units are in fact used for agriculture) will cause this number to increase significantly.
  - d. According to the 2002 Water System Standards, the State estimates that 5,000 gallons per day, per acre is the anticipated utilization for agricultural use on Maui. That is likely to generate an additional 90,000 gallons (or more) of consumption per day of POTABLE water (as Developer has not identified a non-potable water source).
  - e. According to the 2013 Rainfall Atlas of Hawaii published by the UH Manoa Department of Geography, the Laniupoko region on Maui is described as “mostly

desert, dry and sunny virtually all the time”. The rainfall totals in the region are in the lowest range (i.e., only 10.3 to 30 inches of rainfall per year). This climate will likely require significant irrigation which will further strain the potable water system.

7. To Suggest that this Project is an “affordable” Project is Disingenuous. The project is not truly an “affordable” project based on the unit breakdown. 17 of the 25 homes (i.e., 68% of the units) will be sold to families with moderate to above moderate incomes. Only 8 of the 49 units will be sold to families with below moderate incomes.
8. The rules of the HHFDC say that an EA is required, but one has not been prepared.
  - a. In the “Threshold Requirements for Applications to HHFDC”, the Hawaii Housing Finance and Development Corporation who administers the 201H program specifically provides that developers submit an approved EA if the project: (i) is greater than 15 acres; (ii) will rely on non-public sewer or water systems; and (iii) is a subdivision and requests subdivision exemptions. Here, the Project satisfies all of these triggers, yet no EA has been prepared.
  - b. With 49 new private septic systems being installed, there could be significant impacts to groundwater resources as the Laniupoko region does have an underground aquifer.

## LU Committee

---

**From:** Valerie Mitchell <lilbitval1983@hotmail.com>  
**Sent:** Wednesday, May 17, 2017 5:27 PM  
**To:** LU Committee  
**Subject:** Affordable housing projects (Chapter 201H, Hawaii revised statutes) (Independent development of Makila Kai; Lahaina) (LU-2(1))

Dear Councilmembers,

I am sending this letter in support of the Makila Kai housing project. Finding a place to live in west Maui has been a struggle for quite some time. Finding an affordable place is almost impossible now. I truly believe that this kind of project is my only chance to ever own a home on Maui, as a single woman. The fact that it is on enough land to grow my own food, and have a yard makes this particular project the best one on the west side. Maui needs more projects like this. Thank you for your consideration.

Sincerely, Valerie Mitchell  
Lahaina, HI

Sent from Outlook