

# WAI Committee

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**From:** Robert L. Horcajo <bob@livemaui.com>  
**Sent:** Wednesday, July 31, 2019 12:34 PM  
**To:** WAI Committee  
**Subject:** FW: WAI-38

Aloha Committee Chair Lee and fellow Council members of the Water and Infrastructure Committee,

I respectfully submit this written testimony regarding WAI-38.

First some history. I have been a licensed realtor on Maui since 1976. I have processed or help process several subdivisions on Maui since around 1979. Some of these have been smaller 2 or 3 lot subdivisions and most of these subdivisions had used the 3 Lot or Less Agreement available at the time. Of course, I know that option was removed from the County Ordinance around 2007.

While I sense the reason for the bill is to prevent wealthier landowners from benefiting from the existing ordinance, it also affects the longtime kama'aina landowners as well. Having done subdivisions for several landowners utilizing the 3 Lots or Less Agreement, I can honestly say said that it made the subdivision financially feasible for them. Remember that these subdividers knew they were legally obligated to pay their share of road improvements if and when the County asked for it. I sense the demise of the 3 Lots of Less Agreement was because of the inconsistency of how, when and if the County created Improvement Districts to legally ask for the funds. In my mind, property owners (future subdividers) were being penalized for something they had no control over.

Personally for my business, I represent a kama'aina family who has owned Maui lands since around 1943 who intend to utilize the existing ordinance to benefit the current heirs, numbering 17 as of today. And for my family, I am planning on submitting a 2 lot subdivision of our 37 acres where we live in Iao Valley very soon.

In speaking with a staff member from DSA, there were approximately 27 property owners who submitted 2 lot subdivisions under the current law. For the record, they do not track the applicants based on financial strata, whether they are kama'aina or malihini or their disposal plans for the subsequent lots, if any. In my opinion, 27 2-lot projects over 4 years is not many. I bet if I went to Hana and other rural areas and explained the benefit of the ordinance as written, I could get 27 potential projects within 3-6 months. Just because it's being utilized by whom some would consider wealthy property owners, it's available to the non-wealthy as well, most just don't know about it. Similarly, I bet if you asked all your non-governmental friends, 90% or more do not know of the changes to the accessory dwellings sizes which helps lessen the strain of multiple family accommodations.

In closing, I truly feel the existing ordinance gives local families another means to provide for their family and therefore, removing it only adds to the "haves and have not" dilemma facing our community and your role as community leaders for all Maui County citizens.

Mahalo nui for your considerations. Bob

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