

LU Committee

From: Jordan Ruidas <jordan.ruidas@vacasa.com>
Sent: Wednesday, May 24, 2017 8:46 AM
To: LU Committee
Subject: Affordable Housing Project (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 proposed Makila Kai project. I would like you to know that I support Makila Kai for the following reasons.

Location. I support the creation of housing on Maui which is located near community facilities and important services. Makila Kai residents would be able to drive to Lahaina Town in five minutes or could eventually take the bus, since the project is located along the future Lahaina Bypass Highway. Now I know some are concerned about the traffic but I myself already use this highway so I will NOT be adding to the pre-existing traffic.

Community design. 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. I also think that it is very generous to want to develop the dwellings on 1/2 acre lots.. you don't see that often with "work-force" housing. That is a big reason why I am interested in this project because it will give me a good amount of space to have a chance to have the garden I've always wanted and dreamed of.

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 (great for families and kids to stay active), pedestrian trails (which I am very interested in because I love to run), and a large greenbelt along the future bypass. These features will directly benefit the neighborhood in terms of well-being and visual impacts.

Affordable homes. Makila Kai will provide 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 a home at 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 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. Brown will also be building the "affordable" houses first before the regular market houses which has never been done. I feel that is very generous of him and I commend them for that!

Lastly, if Makila Kai goes through it will give 25 families the opportunity to be home owners. We all know that Hawaii especially Maui is in desperate need of more affordable housing so us locals are NOT forced out. It will give 25 families the opportunity to fulfill their dreams of owning a house and raising a family in the paradise that we love and call home. The people that are interested and have invested in this project are good hard working people that deserve a home to call theirs just like anyone else. Please approve this project and give the people of Maui a reason to stay on Maui and be apart of the amazing community.

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

Mahalo for your time!

Sincerely,

--

Jordan Ruidas | *Office Admin & Special Projects*
Vacasa Vacation Rentals of Hawaii LLC
On Maui [808 667-5900 ext 21](tel:8086675900) | Toll Free [800 887-7654](tel:8008877654)
jordan.ruidas@vacasa.com
vacasa.com
Vacation rentals made easy@

LU Committee

From: Sarah Reyes <sarah.reyes8@icloud.com>
Sent: Wednesday, May 24, 2017 10:41 AM
To: LU Committee
Subject: Makila Kai Project
Attachments: Council Vice.docx

Aloha!

Please read the attached support letter for Makila Kai Project.

Thank you.

Sarah

*Council Vice-Chair Robert Carroll,
Chair – Land Use Committee
Maui County Council
Kalama 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 Council members:

I would like you to know that I support Makila Kai project because of the following reasons:

Makila Kai is located near community facilities, important services and my work, I can even walk to work and Driving to Lahaina Town would be five minutes or less. The project is located along the future Lahaina Bypass Highway so, I don't think traffic would be worse than it is now.

I really support this project because it's situated in a nice area where they provided a half acre land where we can plant our own vegetables and flowers. There's park, pedestrian trails where we can jog or exercise. The house will be only single story that won't block the current resident's view.

This is really a rare opportunity for Maui residents to purchase an affordable first home on a large lot, as I mentioned above, where we can grow our own vegetables. I also recommend the developer for providing the opportunity for working families to purchase a workforce home in this desirable area of West Maui.

Makila Kai also plans to offer a financial gift to each workforce home buyer so, it's really truly "affordable" housing. I am so grateful to the developer and would like to know him or meet him one day to thank him

I'm really excited about this project. When I first received an email confirming that I am in a lottery and my son and his wife too. I was so happy that I wanted to cry; it was happiness. I'm a single mom of 4 and now my children have grown. I have a son that has two children. I wanted a home for my kids when they where little but could not afford one. Now, this is a great and unique opportunity that we should not be missed, for my family or other families out there.

Please hear us out and I ask and strongly encourage the Maui County Council to support Makila Kai.

Thank you for your time.

Sincerely,

*Sarah Reyes
1304 Kenui PL
Lahaina, HI 96761*

LU Committee

From: Elizabeth Boney <lizabeth658@yahoo.com>
Sent: Wednesday, May 24, 2017 3:35 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

SUBJECT: Affordable Housing Project (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 proposed Makila Kai project. I would like you to know that I support Makila Kai for the following reasons.

Location. I support the creation of housing on Maui which is located near community facilities and important services. Makila Kai residents would be able to drive to Lahaina Town in five minutes or could eventually take the bus, since the project is located along the future Lahaina Bypass Highway.

Community design. 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.

Affordable homes. Makila Kai will provide 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 a home at 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.

Testimony: I have lived and worked in Lahaina, Maui for many years. I would love to have a house to call my own. Unfortunately, as a teacher I will never have the opportunity to buy a house at market rates. To be able to own something in this place I call home would be an amazing opportunity and I feel that the Makila Kai would be a great addition to what already exists on the land.

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.

Sincerely,

Elizabeth Scott

LU Committee

From: Ashley Garza <ashleyvgarza@gmail.com>
Sent: Wednesday, May 24, 2017 4:38 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 proposed Makila Kai project. I would like you to know that I support Makila Kai for the following reasons.

Location. I support the creation of housing on Maui which is located near community facilities and important services. Makila Kai residents would be able to drive to Lahaina Town in five minutes or could eventually take the bus, since the project is located along the future Lahaina Bypass Highway.

Community design. 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.

Affordable homes. Makila Kai will provide 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 a home at 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 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.

Sincerely,
Ashley Garza

LU Committee

From: Mary Maiolo <maiolonani@gmail.com>
Sent: Wednesday, May 24, 2017 5:17 PM
To: maiolonani@gmail.com
Subject: I oppose Makila Kai Development

My name is Mary Maiolo, I am 86 years old and I live in Launiupoko. My daughter raised her family here. My granddaughter is in high school now and is a Maui girl through and through. She grew up here from a baby, dancing hula on the West Side since she was four and being a champion of protecting the Aina since she was small. She has testified before and written to the paper to urge the grown ups to protect the aina. Her mantra has always been “look out for each other and look out for the earth”.

I would bet that every person on both sides of this believes in their heart that affordable housing is an important issue. It is a big problem that needs a big solution. A big solution. You cannot put a tiny band aid on a large wound and expect it to have any effect. This tiny band aid carries with it some serious infectious germs. The potential damage to the environment, the ocean, the land, coupled with the risk to public safety are the germs on this tiny band aid.

This developer has had a couple of years now to put together his proposal. Yet he is giving you only 45 days to spend making your decision. Is this enough time to **make sure**?

More people on the land means additional traffic and the risk of major issues in the event of a large fire. It is not just the people living in Launiupoko now who are at risk, but the people in this affordable housing too! Can you say, without any doubt, that if there is a fire in Launiupoko that ALL the people, those in the development now and in Makila Kai, will be able to leave safely?! We have a duty to keep the community safe. Take the time to **Make sure**.

Water is a public resource. Will there be enough for everyone? Can you say now, without any doubt, that the people in this new development and all of Launiupoko will have enough water? Will the salinity levels be too high? Are we sure the increased water usage won't come at someone else's loss of water? Water belongs to all of us. Take the time to **Make sure**.

With all these people on the land, are we sure that this will not put our aina at risk? What about pollution of the shoreline? The developer is talking about adding hundreds of septic tanks and leaching fields. Are we sure this will have no effect on the shoreline? We have a duty to the aina. Take the time to **Make sure**.

We are supposedly asking the market priced housing owners to farm in small farms? I grew up on a farm in Italy, and am the descendant of a long line of small farm farmers. Our **small** farms were MUCH bigger than 1 ½ to 2 acres. I know how much land is needed to do real small farms and there is no way, after homes,

driveways, landscaping and setbacks that anyone can farm on what is left of this kind of acreage. Let's **make sure** that this developer is not pulling the wool over anyone's eyes.

We have all heard the accusations that this is just a case of NIMBY, not in my back yard. We live on an island. This is Maui. The ocean belongs to all of us. The aina is our shared duty to protect. This isn't my backyard, it is all of our backyards!

Ask this developer to resubmit his proposal without the fast track component. No one should be bulldozed into making a quick decision. There is too much at stake. Let's go through the full process, Environmental review and State LUC review. Let's take the time to **make sure**.

You, along with everyone here, have a duty to protect the community, our natural resources, our aina, our ocean. **If this project is truly worth doing, it will still be worth doing after the time is taken to be sure. Please, don't approve this fast track proposal. Take the time to make sure.**

You have a tough job to do here, the welfare of the people and the aina are at stake, take the time to make sure!

Aloha

Mary Maiolo

I ask that someone please reply so I know that you received this.

LU Committee

From: valeria magri <vmagri@hotmail.com>
Sent: Thursday, May 25, 2017 9:02 AM
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 would like you to know that I support Makila Kai for the following reasons.

Location. I support the creation of housing on Maui which is located near community facilities and important services. Makila Kai residents would be able to drive to Lahaina Town in five minutes or could eventually take the bus, since the project is located along the future Lahaina Bypass Highway.

Community design. 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.

Affordable homes. Makila Kai will provide 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 a home at 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 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.

Sincerely,

Valeria Pollaccia
John Pollaccia
Lorenzo Pollaccia

VALERIA

LU Committee

From: Robert Applegate <raocom@earthlink.net>
Sent: Thursday, May 25, 2017 12:43 PM
To: LU Committee
Subject: Makila Kai

Dear Committee Members:

My name is Robert Applegate and I am a resident in the neighborhood directly adjacent to the proposed Makila Kai development ("Makila Kai").

I write to voice my opposition to Makila Kai based on, among other things, the items raised in the letter dated May 17, 2017 from Doug Wright, attorney for the Makila Plantation Homeowner's Association and the letter dated May 17, 2017 from Mr. Steve Strombeck.

The Makila Kai project should not be approved.

Thank you,

Robert Applegate

LU Committee

From: JoAnne Applegate <mailjoanne@roadrunner.com>
Sent: Thursday, May 25, 2017 12:46 PM
To: LU Committee
Subject: Makila Kai

Dear Committee Members:

My name is JoAnne Applegate and I am a resident in the neighborhood directly adjacent to the proposed Makila Kai development ("Makila Kai").

I write to voice my opposition to Makila Kai based on, among other things, the items raised in the letter dated May 17, 2017 from Doug Wright, attorney for the Makila Plantation Homeowner's Association and the letter dated May 17, 2017 from Mr. Steve Strombeck.

The Makila Kai project should not be approved.

Thank you,

JoAnne Applegate

LU Committee

From: Erik Tollefsrud <erikdtollefsrud@gmail.com>
Sent: Friday, May 26, 2017 6:34 AM
To: LU Committee
Subject: AFFORDABLE HOUSING PROJECTS (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,

We are sending this letter in support of the proposed Makila Kai project. We would like you to know that we support Makila Kai for the following reasons.

Location- We support the creation of housing on Maui which is located near community facilities and important services. Makila Kai residents would be able to drive to Lahaina Town in five minutes or could eventually take the bus, since the project is located along the future Lahaina Bypass Highway.

Community design- 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, we 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.

Affordable homes- Makila Kai will provide 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 a home at market rates. We commend the developer for providing the opportunity for working families to purchase a workforce home in this desirable area of West Maui.

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.

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

Sincerely,
Amie & Erik Tollefsrud
Lahaina, Maui

LU Committee

From: Shantelle Uyeda <kanakeli96761@yahoo.com>
Sent: Friday, May 26, 2017 7:48 AM
To: LU Committee
Subject: Makila Kai Project

Dear Councilmembers,

I am sending this letter in support of the proposed Makila Kai project. I would like you to know that I support Makila Kai for the following reasons.

Location. I support the creation of housing on Maui which is located near community facilities and important services. MakilaKai residents would be able to drive to Lahaina Town in five minutes or could eventually take the bus, since the project is located along the future LahainaBypass Highway.

Community design. 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, makairural 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.

Affordable homes. Makila Kai will provide 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 a home at 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. Where I live now in Honokowai they are selling their complex and they are for seeing it reaching market value within 5 years... I have a friend who is a single mother paying \$1500 for a studio at Sunset Terrace, she has three jobs.. it's ridiculous. Having this option open to people is such a blessing!!! PLEASE GIVE US AN OPPORTUNITY TO THRIVE.

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.

Sincerely,
Shantelle & Tyson Morgan

Sent from my iPhone

LU Committee

From: G Chiang <mauichiang@yahoo.com>
Sent: Friday, May 26, 2017 7:52 AM
To: LU Committee
Subject: Makila kai approve please

Dear Councilmembers,

I am sending this letter in support of the proposed Makila Kai project. I would like you to know that I support Makila Kai for the following reasons.

Location. I support the creation of housing on Maui which is located near community facilities and important services. Makila Kai residents would be able to drive to Lahaina Town in five minutes or could eventually take the bus, since the project is located along the future Lahaina Bypass Highway.

Community design. 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 (maukaagricultural 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.

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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.

Salvador Chiang

LU Committee

From: John Wallis <john@wallis.ca>
Sent: Friday, May 26, 2017 11:26 AM
To: LU Committee
Subject: Makila Kai project
Attachments: Makila Kai project.pdf

Dear Committee Members,
Please accept my vote against the Makila Kai proposal from Greg Brown.

Thank you,
John Wallis

May 26, 2017

Via e-mail: Lu.committee@mauicounty.us

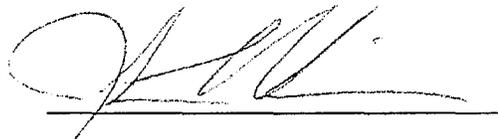
Dear Committee Members:

My name is John Wallis and I am an owner in the neighborhood directly adjacent to the proposed Makila Kai development ("Makila Kai").

I write to voice my opposition to Makila Kai based on, among other things, the items raised in the letter dated May 17, 2017 from Doug Wright, attorney for the Makila Plantation Homeowner's Association and the letter dated May 17, 2017 from Mr. Steve Strombeck.

The Makila Kai project should not be approved.

Thank you,

A handwritten signature in black ink, appearing to be "J. Wallis", written over a horizontal line.

LU Committee

From: Mark Nigh <menigh@gmail.com>
Sent: Friday, May 26, 2017 3:51 PM
To: LU Committee
Subject: Makila Kai Development Plans

To whom it may concern:

As background, we have owned in Launiupoko since 2010 and recently moved here permanently in June of 2014. We purchased our home based on the "knowledge" that we were in an agricultural area and that the area below us was made up of minimum 15 acre lots (as the current development of the lots just above the Honoapillani Highway attest to). Every map we saw and were shown for the area showed nothing but that usage. We chose to live in Launiupoko because of the beauty and tranquility provided by the neighborhood and surrounding area.

With the current development under discussion and the other 2 that are working their way through the channels, instead of lots with a main home and a single ohana per lot, there would upwards of 200 homes added instead of the 20 or so based on current zoning. That is a significant multiplier on the infrastructure needs that were not planned for when the original area was approved.

As such, we'd like to express our concern about the proposed changes to the area and expect that full and extensive investigations will be performed on the plan prior to any decisions that would alter the original plan and usage for the entire area.

Areas of concern that need to be addressed include:

- **Traffic:** the traffic impact needs to be addressed and taken seriously. Now that the bypass is under construction and it is being built with a single ingress and egress point for the entire development as provided for by a single light at Kai Hele Kui, traffic that is already a problem will only get worse. Even without added development, the bypass plan itself should be investigated to provide alternative access for residents.
- **Water:** the current water support system for the area was based on 15 acre lot homesteads and farms in the affected area, not 200+ new homes and the number of people that would accommodate. Daily we see issues with water pressure, particularly on the non-potable side. I understand that the development says they will not use the non-potable water source, but water is water and there is only so much available in the immediate area to fulfill needs. The "Show Me the Water Law" needs to be implemented before anything gets approved
- **Use of prime agricultural land for housing:** That area has prime soil for agricultural use and should be developed as such to help Maui become more self sufficient. The original concept I believe for the 15+ acre lot minimums (instead of smaller acreage) was so that the land would be used for agriculture.

I also find it presumptuous that the developer has had a website for the sale of houses in the proposed development for several months instead of proceeding through the appropriate channels before offering such options.

While the proposed plan may have some merits, we feel that the negatives far outweigh the positives and expect that, with a thorough evaluation of the project, you will come to the same conclusion.

Mahalo for your considerations.

Mark and Judy Nigh

228 Paia Pohaku Place

Lahaina, HI 96761

LU Committee

From: Anita White <anita@aviatoragent.com>
Sent: Friday, May 26, 2017 4:59 PM
To: LU Committee
Subject: Affordable Housing Project (Chapter 201H, Hawaii Revised Statutes) (Independent Development of Makila Kai; Lahaina) (LU-2(1))

Dear Council Members,

My husband and I have both lived in Hawaii for over 35 years, we are sending this letter in support of the proposed **Makila Kai** project. We would like you to know that we support **Makila Kai** for the following reasons.

Location: We support the creation of housing on Maui which is located near community facilities and important services. **Makila Kai** residents would be able to drive to Lahaina Town in five minutes.

Community Design: **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, we 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.

Affordable Homes: **Makila Kai** will provide 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 a home at market rates. I commend **Brown Development** for providing the opportunity for working families to purchase a workforce home in this desirable area of West Maui.

The fact that **Makila Kai** plans to offer a financial gift to each workforce home buyer further emphasizes the **Brown Development** commitment to the idea of truly “**affordable**” housing.

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

Mahalo,

Steve and Anita Schulz

LU Committee

From: Ryan Gadson <rgadson527@gmail.com>
Sent: Friday, May 26, 2017 10:54 PM
To: LU Committee
Subject: AFFORDABLE HOUSING PROJECTS (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

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

Dear Councilmembers,

My name is Carl Gadson. I did testify in the previous hearing in support of Makila Kai. I know that some of the people who are opposing Makila Kai are worried about traffic coming down to the highway. I am here to say, being that the contractor that I work for also builds custom homes in Launiupoko and I work up there on a regular basis, that I have not experienced the traffic backups that they speak of. I am not saying that they don't happen but the most I have seen for cars waiting to turn left on the highway is 5 cars. I have been making it a point to really pay attention after hearing all the complaints. I would also like to add that if my family and I were selected for a home, I would no longer be commuting from central Maui to west Maui. One less vehicle traveling the pali. As I stated when I testified in the previous hearing, I think Makila Kai would give families a great opportunity to own a home on a nice 1/2 acre lot. Giving them room to live more self sufficiently.

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

Sincerely,
Carl Gadson

LU Committee

From: Megan Grevich <mmgrevich@yahoo.com>
Sent: Monday, May 29, 2017 7:47 AM
To: LU Committee
Subject: Affordable housing project. Makila Kai 201h

Dear Councilmembers,

We are a couple who has lived on Maui a decade and grew up in Kona. After almost ten years together we are ready to settle down and start a home but are unable to afford a single family home on Maui with current market prices. Do to the influx of vacation rentals and people who don't live in Hawaii buying investment property, the prices have become out of our reach on west Maui. We live and work on West Maui and don't want to buy on the other side and then have to commute. The chance of being able to win the lottery for affordable housing on the west side is a dream come true for us.

I am sending this letter in support of the proposed Makila Kai project. I would like you to know that I support Makila Kai for the following reasons.

Location. I support the creation of housing on Maui which is located near community facilities and important services. Makila Kai residents would be able to drive to Lahaina Town in five minutes or could eventually take the bus, since the project is located along the future Lahaina Bypass Highway.

Community design. 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.

Affordable homes. Makila Kai will provide 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 a home at 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 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.

Sincerely,

Megan Grevich and Steven Anderson

Lahaina, Hi

Sent from my iPhone

LU Committee

From: gvalkirs . <valkirs@gmail.com>
Sent: Monday, May 29, 2017 3:45 PM
To: LU Committee
Subject: Opposition to Makila Kai Project
Attachments: Oppositon to Makila Kai Project.pdf

Aloha,

please see attached testimony in opposition of the Makila Kai project.

Aloha,

Gunars Valkirs

To: Maui County Council Land Use Committee

From: Gunars Valkirs
Owner, Maui Ku'ia Estate Cacao
Owner, Maui Ku'ia Estate Chocolate

Subject: Opposition to Proposed Makila Kai Development

Aloha Council Members,

I am a farmer on land leased from Kamehameha Schools just south of Lahainaluna Rd. and a resident of West Maui. I receive non-potable water from Launiupoko Irrigation Company and grow cacao for the purpose of making chocolate in a factory that I will be building in Lahaina. I have 10 acres of cacao trees planted, will have another 10 acres planted this summer, and intend on planting a total of 50 acres of cacao. This will provide the raw material to produce approximately 100,000 lbs. of fine Maui chocolate in a factory in Lahaina that will commence operations in the fall of 2018. I have committed to using 100% of the net profit from this operation to benefit Maui non-profit and charitable organizations, partly through direct grants and partly through the Makana Aloha Foundation, my family foundation that has been donating approximately \$250,000 a year to Maui charities since 2008. I provide this background so that you understand that I am committed to the Maui community and have its best interests in my heart.

The proposed Makila Kai development is being reviewed on a fast track without proper consideration of its impact on the existing users of non-potable water from Launiupoko Irrigation Company. To my knowledge, there has been no assessment of the future water usage from the proposed development and its impact on existing customers of Launiupoko Irrigation Company. I strongly urge the Land Use Committee to disapprove the proposed Makila Kai project at this time and to request a complete analysis of the impact of such a project on existing customers of Launiupoko Irrigation Company.

Aloha,



Gunars Valkirs
Owner, Maui Ku'ia Estate Cacao
Owner, Maui Ku'ia Estate Chocolate

LU Committee

From: David Jenkins <jenkins2753@msn.com>
Sent: Tuesday, May 30, 2017 7:29 AM
To: LU Committee
Subject: Makila Kai LUC Hearing Wednesday May 31st. (LU-2(1))

Makila Kai. Testimony to LUC Hearing May 31st

Aloha LUC Committee Members.

My name is David Jenkins and I am a resident of the Makila Plantation sub-division of Launiupoko, Lahaina.

With time to read the 700 page application and taking in to account the May 17th meeting these are the key reasons for you to reject this application.

1. Segmentation.

It is now abundantly clear that Makila Kai is only one small part, *only one fifth*, of the overall development plan for the area.

Two developers, Brown Development and Makila Land have resurrected Makila Rural (State LUC Docket A15-799 Sept. 2015) broken in to three smaller scale developments. These will be presented sequentially to your committee.

It is recognized by Hawaii Administrative Rule 11-200-7 that this is a developer ploy to show that each small part will have minimal environmental impact. It is intended to obscure the fact that if taken together segmented projects produce significant effects that would require the preparation of an Environmental Assessment at minimum.

Knowing that two other projects from Peter Martin will follow Makila Kai with the three totaling about 250-260 lots covering 250 acres, **that** is the impact that needs to be considered by the committee. Not just the effect of Makila Kai's 49 lots.

When Makila Rural was submitted to the State LUC it was for a single integrated project of about 225 lots on 275 acres and the applicant acknowledged there would be significant impact requiring a full EIS. If a developer volunteered that *then*, it is not *now* acceptable for the applicants to be improperly using the 201 H provisions to avoid environmental impact assessment.

Until the LUC sees the three developments together you cannot evaluate the long term impacts on traffic, water, wastewater pollution etc.

The LUC should reject the Makila Kai application until such time as the applicant comes together with the other developer and they jointly put the whole plan in front of you for consideration. You should not fast track Makila Kai before the whole plan is disclosed to you and the public.

2. Improper Use of 201 H 38 Procedures

'Improper Use' of 201 H is the opinion of the State LUC and State Office of Planning.

A 201 H 38 has 'threshold requirements' which are met when the *primary* purpose of the development is to provide affordable workforce housing. The primary purpose of this application is to generate entitlement for 24 market price lots. Under current zoning the developer can only develop 3 market price lots.

The provision of a relatively small number of affordable homes is a necessary investment cost that will be handsomely recouped with the increase in market price entitlement over current zoning.

The developer has pitched the affordable lots at just under 15 acres with the objective of generating County level fast track approval of the whole development. ***This is a transparent ploy.*** He is attempting to segment even his own development in two to avoid appropriate scrutiny of what is an integrated development; without the 24 market price lots there would be no application for 25 affordable lots.

Makila Kai is an integrated development of 79 acres and as such needs to seek a DBA from the State LUC after providing a full EA or EIS.

The LUC should reject the application and direct the applicant to apply for a DBA for the whole 79 acres.

3. Requests for 201 H Exemptions

C. Exemptions from Building and Construction codes: all the application supplies is a one-page resume of Greg Brown. There are highly specific County requirements of a 201 H applicant and due diligence is required. The applicant failed to mention pending legal action for instance or any history of legal claims. The committee heard testimony on May 17th from a Launiupoko resident on a building defect legal action against the developer.

D. Exemption from road width requirements: the rural designation being sought requires 24 foot road widths, Punakea Street is 20 feet. Punakea Street was built by Makila land specifically to enable the plans for both Makila Kai and the coming Polanui Gardens. About 160 lots, say 450 people and vehicle will have this road as their sole ingress and egress. The developments cannot exist without this road. It exists purely to enable development of 150-160 lots.

So it is a bit rich for developers to be using 201 H to achieve rural designation to increase density and then ask for an exemption to the County rural road standards because of their own error or oversight.

G and H. A request for exemption from traffic impact fees. Traffic congestion on Kia Hele Ku St. the sole ingress and egress for Launiupoko will be effected by housing development out-stripping road infrastructure.

More importantly the LUC should not evaluate Makila Kai in isolation. The real impact will be the three developments combined...Makila Kai will be only a fifth of the overall traffic impact.

The LUC should reject these requests for exemptions and fast track approval until the two developers show you the combined traffic impact of their plans.

4. Water

Launiupoko has exhausted existing agricultural water supply yet the applicant touts the agricultural nature of his development as support for re-designation.

Launiupoko is currently experiencing repeated ag. water supply failures by Launiupoko Irrigation. Farmers with kuleana water rights testified of their problems on May 17th. The applicant plans to drill a well on the property, which is banned by CC&Rs to individual neighbors on immediately abutting property. So a developer can do what is specifically banned for existing residents in order to support the farce that this will be a community of small farms? Similarly Makila Land (which wrote the CC&Rs) has drilled a new well for its Polanui Gardens project. Someone other than developers should be taking a look at overall water draw of all new developments.

The LUC should reject the application and demand an evaluation of the cumulative water needs of the three projects together.

This study should be conducted by experts not employed by the applicant.

5. Waste Water

All three developments totaling 250 plus lots will be discharging septic tank wastewater close to our ocean, reefs and recreational beaches.

Ocean science experts can provide scientific testimony on this issue.

A layman knows that what comes out of a septic system is not pure water!

The key point here is that like traffic and water the LUC cannot make an informed judgement on Makila Kai in isolation since the discharge will only be *one fifth* of the three projects combined. Something of this scale should connect to an existing sewer system....there isn't one so this is probably the wrong place for this density.

The LUC should reject the application for fast tracking Makila Kai until such time as the two developers together have satisfied the scientific community of the effects of the overall 250 lot development plan on risk to the environment.

6. Traffic Congestion

This development will increase traffic congestion in an area already acknowledged to be the worst on the island.

There is no apparent coordination between the developers' plans for housing density and the road layout. Kai Hele Ku Street is the single way in and out and is a bottleneck for the existing population of Launiupoko. This is more than an inconvenience, it is a public safety issue. The traffic light regularly backs traffic up from the Ocean Center to Kaannapali. The new by-pass will not improve the situation, it will make it worse introducing new lights to the area.

Remembering that Makila Kai is only one fifth of the full development plan for the area, this is where the applicant's traffic impact analysis is particularly useless to the LUC in considering environmental impact.

The LUC should reject the application until such time as the two developers provide a single traffic impact study of the three developments combined.

7. Failure to Disclose Ownership Costs to Affordable Homes Applicants.

Owning a home in a private development carries costs that are elsewhere picked up by the County. Makila Kai's slick marketing has failed to disclose this to workforce housing applicants.

Launiupoko has a private road system and common area maintenance fees that are covered by HOA dues. Currently Makila Plantation owners immediately abutting Makila Kai pay \$400 a month in dues, \$4800 a year. Additionally they pay for garbage collection, potable and agricultural water separately and maintenance of their septic systems.

Makila Kai residents will not be able to use the common road infrastructure for free, they will have to contribute. This has not been pointed out to them in the marketing material. Makila Land tried to palm off all the maintenance costs of Punakea Street, which will only be used by 150 plus Makila Kai and Polanui Gardens lot owners, on to Makila Plantation owners. This outrageous unfairness is part of the pending legal action against both developers.

The LUC should carefully consider whether this development on private land is truly affordable with these undisclosed extra ownership costs. The application should be rejected to give adequate time for review and resolution of the outstanding legal issues.

8. Summary.

The issues above are only a selection of reasons for the LUC to deny this application. Other testifiers will flesh this out.

But the key point I would respectfully ask committee members to focus on is that you cannot make an informed judgment on the long term impact of Makila Kai in isolation from the overall development plan for the area. This overall plan has deliberately been broken up in to three smaller projects to obscure the overall environmental impact and evade appropriate scrutiny.

The long-term environmental cost to the community will be large in relation to the very small number of truly affordable homes provided. Affordable housing is not the *primary* purpose of this application, so it is not a 201 H.

The LUC should reject this 201 H application for fast tracking Makila Kai and require the overall 250 acre plan to go through a normal EIS procedure and application to the State LUC for a District Boundary Amendment.

LU Committee

From: Doug@wkmaui.com
Sent: Tuesday, May 30, 2017 8:22 AM
To: LU Committee
Cc: Gary Saldana
Subject: Makila Kai 201H
Attachments: Makila Plantation HOA written testimony 5_30_17.pdf; 2017 01-27 Makila HOA-Complaint & Summons.pdf

Please see attached written testimony with enclosure for the record.

Douglas R. Wright
WRIGHT & KIRSCHBRAUN
A Limited Liability Law Company
1885 Main Street, Suite 108, Wailuku, HI 96793
Telephone: 808-244-6644 / Facsimile: 808-244-1013

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Deborah K. Wright (Email: Deborah@wkmaui.com)

Keith D. Kirschbraun (Email: Keith@wkmaui.com)

Douglas R. Wright (Email: Doug@wkmaui.com)

May 30, 2017

Sent via e-mail to: lu.committee@mauicounty.us

Maui County Council

Attn: Land Use Committee

Re: Makila Kai proposed project

Dear Committee Members:

On behalf of the Makila Plantation Homeowners Association Inc. ("HOA"), please find enclosed a copy of the Complaint (Civil No. 17-1-0036(1)) filed in the Circuit Court of the Second Circuit, State of Hawaii. The Complaint specifically sets forth the specifics of the issues being litigated, however, the following is a summary:

The owner of the land and developer of the subdivisions was Makila Land Co. (or related entity). When the subdivisions were developed, the singular ingress and egress was from Honoapiilani to Kai Hele Ku to Haniu (and other streets off Haniu). Makila Land retained ownership of the land under the roads but granted a nonexclusive, perpetual easement to the owners within Makila Plantation (and subdivisions falling under umbrella of Makila Plantation HOA) for use of the road. The roads were designated a common element of the HOA and the HOA is charged with the exclusive responsibility for maintaining the roads (including repairs, insuring, reserves, etc.). All members of the HOA share in the cost equally. The easement agreement also said that if other lots were allowed to use the road that they, too, would join the HOA and share in the cost equally.

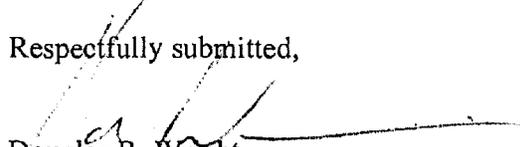
Last May (2016) Makila Land unilaterally changed the terms for use of the roads and removed the requirement that other users would have to join the HOA or share in the cost equally. This was without permission of the HOA and essentially required the existing members of the HOA to subsidize others' use of the private road. Makila Land (or related entity) sold the lots without the requirement of the HOA fees and probably earned a premium sale price since at least one of the lots was actually marketed as having \$0.00 maintenance fees - I have a copy of this listing. Considering the fact that Makila Kai proposes 49 - 90 (or so) possible additional residences and the neighboring property owned, in part, by Peter Martin will be submitting another 201H application known as Polanui Gardens in the next few weeks, the potential for very heavy use of

Land Use Committee
Maui County Council
Re: Written Testimony *Objection* to Makila Kai
May 30, 2017
Page 2

the roads, paid for by their neighbors, is very troubling and deceptive. The developers. Including Makila Kai, reap the profits at their neighbors' expense.

The Complaint has been filed against Makila Land (or related entity) and the owners of all lots affected since the lawsuit affects their use of the roads for ingress and egress.

Respectfully submitted,


Douglas R. Wright
Enc.

cc: Makila Plantation HOA

FILED

2017 JAN 27 PM 2:54

WRIGHT & KIRSCHBRAUN
A Limited Liability Law Company

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D. PELLAZAR, CLERK
SECOND CIRCUIT COURT
STATE OF HAWAII

Attorneys for Plaintiff
BOARD OF DIRECTORS of the
MAKILA PLANTATION HOMEOWNERS ASSOCIATION, INC.

IN THE CIRCUIT COURT OF THE SECOND CIRCUIT
STATE OF HAWAII

BOARD OF DIRECTORS of the MAKILA
PLANTATION HOMEOWNERS
ASSOCIATION, INC., a Hawaii nonprofit
corporation,

Plaintiff,

vs.

MAKILA LAND CO., LLC, a Hawaii limited
liability company; PETER KLINT MARTIN,
TRUSTEE OF THE PETER KLINT MARTIN
TRUST; DEBORAH LEE MARTIN,
TRUSTEE OF THE DEBORAH LEE
MARTIN TRUST; MAKILA EKOLU
INVESTMENT, LLC, a Washington limited
liability company; KIPA CENTENNIAL,
LLC, a Colorado limited liability company;
MAKILA KAI LLC, a Hawaii limited liability
company; and DOE DEFENDANTS 1 - 20.

Defendants.

CIVIL NO. 17-1-0036 (1)
(Other Civil Action)

COMPLAINT; SUMMONS

I hereby certify that this is a true and
correct copy of the original

Clerk, Second Circuit Court

COMPLAINT

COMES NOW Plaintiff BOARD OF DIRECTORS of the MAKILA PLANTATION HOMEOWNERS ASSOCIATION, INC., a Hawaii nonprofit corporation (“Plaintiff Makila HOA”), by and through its attorneys, Wright and Kirschbraun, A Limited Liability Law Company, and alleges as follows:

I. INTRODUCTION

1. This case is brought to obtain relief for the intentional and/or negligent acts, by and on behalf of, the Defendants identified herein who caused to be prepared and recorded certain documents pertaining to the governance and ability to manage the internal affairs of Plaintiff Makila HOA, which were inaccurate, misleading and without authority and have caused Plaintiff Makila HOA to suffer substantial damages.

II. PARTIES

2. Plaintiff Makila Plantation Homeowners Association, Inc. is a Hawaii nonprofit corporation, registered to do business with Department of Commerce and Consumer Affairs, State of Hawaii, on May 15, 2002, having its principal place of business in the County of Maui, State of Hawaii, and is governed by and through its Board of Directors (referred to entirely as “Plaintiff Makila HOA”).

3. Plaintiff Makila HOA is governed by the following documents:

- a. Articles of Incorporation filed with the Department of Commerce and Consumer Affairs, State of Hawaii, on May 15, 2002 (“Articles”). The Articles have not been amended.
- b. ByLaws of Makila Plantation Homeowners’ Association Inc. adopted May 16, 2002 (“ByLaws”). The ByLaws have not been amended.

- c. Makila Plantation Declaration of Covenants, Conditions and Restrictions, recorded with the Bureau of Conveyances, State of Hawaii ("Bureau"), on May 21, 2002, bearing Document No. 2002-088749 ("Declaration").
- d. Amended and Restated Makila Plantation Declaration of Covenants, Conditions and Restrictions, recorded with the Bureau on October 16, 2003, bearing Document No. 2003-227086 ("Amended and Restated Declaration").
- e. First Amendment to Amended and Restated Makila Plantation Declaration of Covenants, Conditions and Restrictions, recorded with the Bureau on November 7, 2003, bearing Document No. 2003-246052 ("First Amendment").
- f. Second Amendment to Amended and Restated Makila Plantation Declaration of Covenants, Conditions and Restrictions, recorded with the Bureau on December 11, 2003, bearing Document No. 2003-272575 ("Second Amendment").
- g. Third Amendment to Amended and Restated Makila Plantation Declaration of Covenants, Conditions and Restrictions, recorded with the Bureau on March 3, 2009, bearing Document No. 2009-031680 ("Third Amendment").
- a. Fourth Amendment to Amended and Restated Makila Plantation Declaration of Covenants, Conditions and Restrictions, recorded with the Bureau on August 13, 2009, bearing Document No. 2003-124489 ("Fourth Amendment").

4. Pursuant to the Articles, the management of the business and affairs of Plaintiff Makila HOA and the control and distribution of its assets shall be vested in a Board of Directors which shall consist of not less than three (3) individuals.

5. Defendant Makila Land Co., LLC is a Hawaii limited liability company registered to do business with Department of Commerce and Consumer Affairs, State of Hawaii, on

December 12, 2000, having its principal place of business in the County of Maui, State of Hawaii ("Defendant Makila Land"). Defendant Makila Land has its principal place of business in the County of Maui, State of Hawaii. Peter Martin is the registered agent for Defendant Makila Land.

6. Defendant Makila Land is the owner of the land underlying the private roads known as Road Lots 20 (Punakea Loop), 21 (Haniu Street), and 22 (Punakea Loop), being further described at Exhibits "A", "B" and "C", respectively, appended to the Declaration of Non-Exclusive Easements for Rodway Use (Makila Ranches Phases 1, 2 and 3), recorded with the Bureau on February 6, 2008, Document Number 2008-017410 ("2008 Easement Declaration"). These roads serve as the exclusive means of ingress and egress for lots owned by members of Plaintiff Makila HOA.

7. Defendant Peter Klint Martin is the Trustee of the Peter Klint Martin Revocable Trust under Trust Agreement dated April 11, 1995, as amended, and Defendant Deborah Lee Martin is the Trustee of the Deborah Lee Martin Revocable Trust dated April 11, 1995 (collectively referred to as "Defendant Martin Trusts"). Peter Klint Martin and Deborah Lee Martin are residents of the County of Maui, State of Hawaii. Defendant Martin Trusts are the owner of vacant real property bearing tax map numbers (2) 4-7-013-010 consisting of approximately 17.477 acres of land, (2) 4-7-013-008 consisting of approximately 26.857 acres of land and (2) 4-7-013-060 consisting of approximately 27.147 acres of land and being described more fully in respective deeds recorded with the Bureau as Document Numbers A-60400169 dated July 9, 2016, A-60400170 dated July 9, 2016 and A-60890440 dated August 31, 2016. Title to the aforementioned parcels was conveyed to Defendant Martin Trusts by three separate

Warranty Deeds executed by Peter K. Martin, as Director and Chairman of the Board for Makila Ranches Inc., a Hawaii corporation.

8. Defendant Makila Ekolu Investments, LLC, is a foreign limited liability company, incorporated in the State of Washington and registered to do business in the State of Hawaii on August 23, 2016 (“Defendant Makila Ekolu”). Defendant Makila Ekolu is the owner of vacant real property bearing tax map number (2) 4-7-013-007 consisting of approximately 26.099 acres of land and being described more fully in a deed recorded with the Bureau as Document Number A-60890434 and dated August 31, 2016. Title to the aforementioned parcel was conveyed to Defendant Makila Ekolu by Warranty Deed executed by Peter K. Martin, as Director and Chairman of the Board for Makila Ranches Inc., a Hawaii Corporation.

9. Defendant Kipa Centennial, LLC is a foreign limited liability company, incorporated in the State of Colorado on June 16, 1998 (“Defendant Kipa”). Defendant Kipa is not registered to do business in the State of Hawaii. Defendant Kipa is the owner of vacant real property bearing tax map numbers (2) 4-7-013-001 consisting of approximately 27.169 acres of land and (2) 4-7-013-002 consisting of approximately 27.338 acres of land and being described more fully in a deed recorded with the Bureau as Document Number A-60160099 and dated June 16, 2016. Title to the aforementioned parcels was conveyed to Defendant Kipa by Warranty Deed executed by Peter K. Martin, as Director and Chairman of the Board and J. Stephen Goodfellow, as Director and President for Makila Ranches Inc., a Hawaii Corporation.

10. Defendant Makila Kai LLC is a Hawaii limited liability company registered to do business with Department of Commerce and Consumer Affairs, State of Hawaii, on April 20, 2016, having its principal place of business in the County of Maui, State of Hawaii (“Defendant Makila Kai”). Defendant Makila Kai was originally formed and registered with the Department

of Commerce and Consumer Affairs, State of Hawaii under the name Coco Palms LLC, but changed its name by filing a Name Change on October 26, 2016. Defendant Makila Kai is the owner of vacant real property bearing tax map numbers (2) 4-7-013-003 consisting of approximately 27.19 acres of land, (2) 4-7-013-004 consisting of approximately 25.862 acres of land (2) 4-7-013-005 consisting of approximately 26.46 acres of land and being described more fully in deed(s) recorded with the Bureau as Document Number A-60180352 and dated June 14, 2016. Title to the aforementioned parcels was conveyed to Defendant Kipa by Warranty Deed executed by Peter K. Martin, as Director and Chairman of the Board and J. Stephen Goodfellow, as Director and President for Makila Ranches Inc., a Hawaii Corporation.

11. The persons named herein as Defendants, and other persons whose names are unknown, are necessary parties to a complete determination or settlement of the issues involved herein.

12. Plaintiff Makila HOA, after diligent and good faith attempts, is informed and believes that the Defendants cited herein are the only persons who are necessary parties to this action. However, to the extent there are individuals, entities and/or governmental entities presently unknown to Plaintiff, but who come to be identified as necessary parties, they are named herein as "Defendants Does." Plaintiff will identify such persons or entities if and when their existence and identities become known.

III. JURISDICTION AND VENUE

13. This Court has jurisdiction over this action pursuant to Hawai'i Revised Statutes ("HRS") § 603-21.5. Venue is proper pursuant to HRS § 603-36(5) because the properties involved are situated, the claims for relief arose, and a majority of the defendants are domiciled, in the Second Judicial Circuit, State of Hawaii.

IV. FACTUAL BACKGROUND

The Makila Plantation Subdivisions

14. Defendant Makila Land was the owner of extensive acreage of agricultural land previously owned and operated by Pioneer Mill Company as sugar cane fields in West Maui.

15. Defendant Makila Land owned, and subsequently sold, its fee simple interest in real property comprising of over 1,000 acres which it subdivided and sold, in part, and identified as (i) Makila Plantation – Phase I, consisting of approximately 300.177 acres having 19 agricultural lots and 3 road lots and being more fully described in Exhibit “A” of the Declaration; (ii) Makila Plantation – Phase II, consisting of approximately 136.213 acres of land having 24 agricultural lots, 5 road lots and 2 greenway lots and being more fully described in Exhibit “A-1” of the Amended and Restated Declaration; Makila Plantation – Phase III, consisting of approximately 122.840 acres of land having 5 agricultural lots and being more fully described in Exhibit A-2 of the Third Amendment; and (iv) Makila Ridge, consisting of 507.78 acres of land having 11 agricultural lots and 1 road lot and being more fully described in Exhibit A-3 of the Fourth Amendment.

16. Defendant Makila Land formed Plaintiff Makila HOA upon filing Articles of Incorporation on May 15, 2002 with the DCCA.

17. On behalf of Plaintiff Makila HOA, Defendant Makila Land adopted ByLaws on May 16, 2002.

18. Defendant Makila Land, as Declarant, caused a Declaration to be executed and recorded on behalf of Plaintiff Makila HOA on May 16, 2002, recorded with the Bureau on May 21, 2002.

19. The Declaration at §1 expressly states:

It is the Declarant's intention to create a common development plan.

20. The Declaration at §1 further states that the:

acceptance of a deed, Agreement of Sale, lease or other conveyance by any person of any property or any interest in any property within the subdivision shall constitute acceptance of these covenants, regardless of whether or not said instrument is expressly made subject hereto.

21. The Declaration states that the Makila Plantation Subdivision includes, but is not limited to, all Properties (as that term is defined in the Declaration, i.e. existing numbered lots or other lots which may be created or added), and all roads and Common Areas (whether now or in the future designated as such).

22. The Declaration identifies Common Areas as all roadways and appurtenant landscaping, including but not limited to Road Lots 20, 21, 22, 27, 28, 29, 30 and 31 ("Roadway Lots") waterlines, drainage easements, greenway easements, along with other areas and assets now existing or to be added.

23. The Roadway Lots referenced in the Declaration at Section 7.01, refer a more particular description of these lots to the Phase I Plan (for Lots 20-22) and the Phase II Plan (for Lots 27-31). The Phase I Plan Map, stamped with the Final Subdivision Approval, File No. 4.825, by the County of Maui's Director for the Department of Public Works and Waste Management, dated May 3, 2002, at Note 29 states that Lots 20, 21 and 22 are roadway lots to be owned by Plaintiff Makila HOA. The Phase II Plan Map, stamped with the Final Subdivision Approval, File No. 4.838, by the County of Maui's Director for the Department of Public Works and Waste Management, dated September 16, 2003, at Note 7 states that Lots 27 to 31, inclusive, are roadway lots to remain under private ownership in perpetuity by Plaintiff Makila HOA. The Phase I Plan Map and Phase II Plan Map were prepared by Defendant Makila Land and provide

to members of Plaintiff Makila HOA as part of the subdivision documents reviewed prior to their purchase. The Roadway Lots are the only roads providing ingress and egress to the lots owned by the members of Plaintiff Makila HOA.

24. With regard to broadening the scope of Plaintiff Makila HOA's responsibilities to others, the Declaration states at §5.01 that

...the Declarant in its discretion may expand the scope, functions and membership of Makila Plantation Homeowners' Association, Inc. to include common areas, properties and members outside of Makila Plantation, regardless of whether or not contiguous.

In each case, the said membership in the Association may be transferred or encumbered only with and to the same extent as the Property to which it is appurtenant is transferred or encumbered.

25. Defendant Makila Land did, in fact, expand the scope and membership of Plaintiff Makila HOA on multiple occasions when it added subdivisions known as Makila Plantations Phases II and III, and Makila Ridge. On each occasion, the additional lots were added as members and permitted use of Plaintiff Makila HOA's Common Areas, including the roads, commensurate with the obligation to pay assessments in accordance with the Declaration and ByLaws.

26. Pursuant to the Declaration at §5.02 it is the responsibility of Plaintiff Makila HOA to:

hold, control, manage and operate, as a common expense, all Common Areas and facilities, from and after the time when ownership or use thereof shall have been transferred to the Association (or the Association acquires rights with respect thereto), and may exercise all reasonable management rights, powers and authority with respect thereto including, but not limited to, (a) the power to enter into contracts for, or otherwise to implement, the maintenance, operation, repair, replacement and sale of such assets and facilities; (b) the power to maintain appropriate casualty and liability insurance; and (c) the power to adopt, implement and enforce reasonable rules and regulations to govern the orderly use and operation thereof. The Declaration empowers Plaintiff Makila HOA to assess

for common expenses in accordance with the Articles of Incorporation and ByLaws and to enforce and collect each such assessment.

27. The ByLaws, with respect to assessments for Common Areas, at Article XI(1) requires each member to pay an equal share:

Each Property shall be liable for an equal share of the common expenses of the corporation for the maintenance, repair and operation of the corporate property and common areas and facilities in Makila Plantation and the expenses of operating the Association.

28. Members of Plaintiff Makila HOA pay dues on a monthly basis. The assessments are used to manage, maintain, repair and hold reserves for the future management, repair and maintenance of the Common Areas, including such things as roadways, drainage, landscaping and other expenses associated with their management and operation.

29. The Declaration at §5.05 provides that Defendant Makila Land, as Declarant, shall act on behalf of the Association and its Board of Directors:

until the first of the following to occur: (a) the expiration of fifteen (15) years from the date of the recording of the Declaration; (b) the date on which Declarant notifies the Owners of Properties of its relinquishment of said authority. Declarant may in its discretion relinquish said authority either in full at one time or in portions or stages over time during the 15-year period. Upon the expiration or relinquishment of Declarant's control, the Association shall promptly elect a Board of Directors so as to minimize any disruption in the Association's affairs caused by the transition.

30. Declarant remained in control of Plaintiff Makila HOA for approximately the first three years.

31. It was during Plaintiff Makila HOA's annual meeting in 2006 that it was announced that all three seats on the Board of Directors were vacant. Owners from within Plaintiff Makila HOA volunteered to serve with elections occurring annually thereafter with only owners exclusively serving on the Board of Directors for Plaintiff Makila Plantation HOA to present.

32. The Declaration at §7.01 provides that:

a nonexclusive, perpetual easement is granted to the Owners and occupants of all Properties and their tenants, licensees and visitors for pedestrian and vehicular passage over the Road Lots 20, 21 and 22 ...

33. The Declaration at §7.02 further assigns to Plaintiff Makila HOA all of the responsibilities and liabilities, including costs and expenses, associated with the use, operation and maintenance of the Common Areas, including Road Lots 20, 21, and 22, when it states that

From and after the date on which each road or related Common Area is available for use by the lot owners (regardless of whether or not it shall have been conveyed to the Association) or such later date as Declarant may determine in its discretion, the Association will assume all responsibilities and liabilities with respect to its use, operation, maintenance and improvement. All costs and expenses will be assessed to and paid by all Properties as common expenses as provided in Section 5.03 above and in the Bylaws of the Association.

34. Pursuant to the Declaration at §10.01, the Declarant reserved the ability to add lots, as follows:

Declarant has the right to add additional lots in both Makila Plantation and outside of Makila Plantation, and may amend this Declaration unilaterally, from time to time, to add said lots to the "Properties" to which the benefits and burdens of this Declaration shall accrue in accordance with this Declaration. Refer also to Sections 2.06, 2.07 and 3.18.

35. The Declaration at §11.04 also addressed the procedure and authority for any amendments thereto:

These covenants may be amended or terminated at any time by the affirmative vote or the written consent of the Owners of not less than 65% of all Properties which are subject to this Declaration. Said amendment shall be effective upon the filing in the Bureau of Conveyances of the State of Hawaii of an instrument which shall (a) recite said amendment; (b) recite that the Owners of not less than 65% of all Properties which are subject to this Declaration voted for, or gave their written approval for, said amendment or termination; and (c) be signed and sworn by the Owners of not less than 3 Properties.

Notwithstanding the foregoing, this Declaration may not be amended in any event, or at any time, without Declarant's written consent as long as the period of Declarant's control under Section 5.05 shall remain in effect, and thereafter as

long as Declarant shall elect to maintain this approval right, unless Declarant shall be dissolved, shall be declared bankrupt, or shall in its sole discretion elect to relinquish said approval by right of written notice signed by Declarant and duly recorded in the State of Hawaii Bureau of Conveyances.

Notwithstanding the foregoing, the Declarant acting unilaterally may amend these covenants at any time and for any purpose within ten years from the date these covenants are recorded in the Bureau of Conveyances of the State of Hawaii. In addition, notwithstanding anything herein to the contrary, the Declarant may from time to time amend these covenants unilaterally without the consent of any Owner or mortgagee of any Property during or after the end of said ten year period, for any of the following purposes:

...

(d) to annex to this Declaration additional Lots and Common Areas which may be developed in the future in lands abutting or near Makila Plantation.

The Declarant's rights reserved under this Section 11.04 may be released by Declarant in its discretion at any time upon Declarant's voluntary relinquishment of said rights by written release recorded in the Bureau of Conveyances of the State of Hawaii.

Defendant Makila Land acts on behalf of Plaintiff Makila HOA

36. Defendant Makila Land owned real property known as Large Lots 3 ("Makila Ranches Phase 1"), Large Lot 4 ("Makila Ranches Phase 2"), and Large Lot 7 ("Makila Ranches Phase 3") of the Launiupoko Subdivision No. 2, consisting of approximately 634.046 acres and being further described on Exhibits "D", "E", and "F", respectively, attached to the Declaration of Non-Exclusive Easements for Roadway Use, recorded on February 6, 2008 as Document Number 2008-017410 with the Bureau ("2008 Easement Declaration").

37. In 2004, Defendant Makila Land owned real property known as Lot 1 of the Launiupoko (Large-Lot) Subdivision No. 2, consisting of approximately 507.78 acres ("Makila Ridge").

38. By Warranty Deed executed February 27, 2004, Defendant Makila Land, by and through its president, Peter K. Martin, conveyed title to Makila Ridge to Peter K. Martin et al.,

said deed being recorded with the Bureau on March 10, 2004, bearing Document Number 2004-049716.

39. By Warranty Deed executed January 22, 2008, Peter K. Martin et al, conveyed title to Makila Ridge to Makila Ridge Properties, Inc., a Hawaii corporation, said deed being recorded with the Bureau on February 13, 2008, bearing Document Number 2008-021313.

40. Defendant Makila Land, by and through its managing member Peter K. Martin, executed and caused to be recorded the 2008 Easement Declaration.

41. The 2008 Easement Declaration provides:

The purpose of this Declaration is to establish a perpetual and non-exclusive easement, appurtenant to each Large Lot (and to all Lots and interests into which each Large Lot may be subdivided), to use the Roadways. By separate instrument, the owners of each Large Lot or said subdivided Lots shall become members of the Association and shall be obligated to pay their fair share of the costs of road maintenance and other common expenses of the Association.

42. The easement granted in the 2008 Easement Declaration to use the Roadways required, as previously stated, that each Large Lot shall become a member of Plaintiff Makila HOA. As a further condition, each lot would have to pay a fair share of the costs for road maintenance and other common expenses. What it means to contribute toward these shared costs is clarified in paragraph numbered "1", which states:

The owner(s) of each Large Lot shall pay to the Association, on a monthly basis (or at other intervals determined from time to time by the Association) a fee (the "Maintenance Cost Share") calculated to provide to the Association a reasonable contribution to offset a fair portion of the costs of maintaining, repairing, operating and replacing the Roadways and all landscaping associated with the Roadways, including but not limited to regular maintenance costs, all costs of capital improvements and replacements, all maintenance and replacement reserves, premiums for casualty and liability insurance and other costs relating to the Roadways and related common landscape areas only. The amount of the Maintenance Cost Share shall be an amount equal to one hundred percent (100%) of the regular assessment charged by the Association to each of the other subdivided parcels of land served by the Roadways and whose owners are members of the Association, as such assessment shall change from time to time.

The Maintenance Cost Share shall be paid with respect to both regular monthly assessments (relating to all Association expenses) as well as to special assessments relating directly to road costs.

When in the future any Large Lot shall be subdivided, the easement established hereby shall be appurtenant to each of the subdivided Lots and the owner(s) of each such subdivided Lot shall become members of the Association with membership rights and obligations (including common expense obligations) equal to each of the other lots in the Association.

43. The 2008 Easement Declaration references that the Roadways are subject to the governance and management of Plaintiff Makila HOA as Common Areas in accordance with the Declaration, First Amendment, Second Amendment and Third Amendment.

44. The 2008 Declaration of Easement was intended to be binding upon the owners and run with the land, including subdivided lots:

Declarant hereby declares, establishes, and grants non-exclusive, perpetual and irrevocable easements over, across and under the Roadways ...

...

This easement shall inure to the benefit and be binding upon the Large Lot owner and its successors in interest and shall run with the land.

45. Contemporaneously with the 2008 Declaration of Easement, a document entitled Non-Exclusive, Perpetual Easement for Roadway Purposes for Makila Ranches (Phases 1, 2 and 3), Kai Hele Ku (Lot B-2), was recorded with the Bureau on February 6, 2008, bearing Document Number 2008-017411 ("2008 Kai Hele Ku Easement"). The 2008 Kai Hele Ku Easement was executed by Peter K. Martin in three different capacities, as follows: (i) a Member of Launiupoko Associates, LLC; (ii) a Member of Defendant Makila Land; and (iii) on behalf of Makila HOA.

46. The 2008 Kai Hele Ku Easement granted a perpetual non-exclusive easement for vehicular and pedestrian access and for utility services to property owned by Defendant Makila

Land, known as Launiupoko Large Lots 3, 4 and 7, and described in Exhibits "B", "C", and "D" attached to the 2008 Kai Hele Ku Easement ("Makila Ranches Phases 1, 2 and 3" respectively).

47. The use of the easement by owners and occupants in the 2008 Kai Hele Ku Easement is expressly subject to the Declaration, as amended, which states:

In addition, [Defendant Makila Land] shall have the right to grant and confirm such easement rights over the Easement Area to and for the benefit of the individual owners and occupants of all lots within each Subdivision [Makila Ranches Phases 1, 2 and 3], said grant to be by way of one or more separate grants of easement or by easements granted and confirmed in the deeds of the individual subdivided lots in each Subdivision. The use of the Easement Area by said owners and occupants shall be subject to the Declaration.

48. Compared to the 2008 Easement Declaration, the 2008 Kai Hele Ku Easement specifically calculated a different sharing of costs associated with the use of Kai Hele Ku:

[Plaintiff Makila HOA] shall pay to the Mahanalua Nui Homeowners' Association, Inc. (the "Mahanalua Nui Association"), as and when invoiced by the Mahanalua Nui Association a fair, proportionate share of all costs and expenses of owning, operating, maintaining, repairing and replacing the road, utilities and landscaping within the Easement Area, the Association-Grantee's share thereof being a fraction, the numerator of which shall be the total number of lots within the Subdivision (excluding road lots and separate utility areas) and the denominator of which shall be the sum of all lots within Mahanalua Nui Association plus all lots within the Association-Grantee. The total number of lots in each Association shall include any additional lots which shall have been established in the future by resubdivision.

49. The 2008 Kai Hele Ku Easement required Plaintiff Makila HOA to pay a fair, proportionate assessment for use of Kai Hele Ku for the easement conveyed to the individual lot owners and occupants of Makila Ranches Phases 1, 2 and 3. Further the 2008 Kai Hele Ku Easement set forth a sharing of costs methodology to calculate a proportionate share, not an equal share (as in the 2008 Easement Declaration), for those costs associated with use of the easement. Plaintiff Makila HOA is responsible for assessing the lots of Makila Ranches Phases

1, 2 and 3 as a common expense in accordance with the Declaration, as amended and other Plaintiff Makila HOA governing documents.

50. In 2009, Defendant Makila Land annexed the land known as Makila Ridge to the Makila Plantation Subdivision, as evidenced by the Fourth Amendment. Peter K. Martin signed the Fourth Amendment on behalf of Defendant Makila Land (as the purported Declarant) in his capacity as Vice President for West Maui Land Company, Inc., the stated manager for Defendant Makila Land. Peter K. Martin also signed the Fourth Amendment on behalf of Makila Ridge Properties, Inc. (as the purported Owner), in his capacity as president.

51. Annexation of the Fourth Amendment allowed the Makila Ridge property, which had been subdivided into eleven agricultural lots and one road lot, to have the use and enjoyment of the Common Areas, but was also subject to the terms and conditions in the Declaration, as amended, including monthly dues and other assessments payable to Plaintiff Makila HOA.

52. The authority for the annexation of Makila Ridge is set forth in the Declaration at Sections 10.01 and 11.04(d).

53. By Warranty Deed executed May 2, 2016, Defendant Makila Land conveyed title to Large-Lot 4, consisting of twelve subdivided parcels with approximately 271.175 acres of land ("Makila Ranches"), to Makila Ranches Inc., a Hawaii corporation, being recorded with the Bureau on May 9, 2016, bearing Document Number A-59730131 ("Makila Ranches Deed").

54. The Makila Ranches Deed included an easement for roadway and utility purposes of Punakea Loop, Haniu Street, and Punakea Loop, as described Exhibits "A", "B" and "C" attached to the 2008 Easement Declaration, as well as Kai Hele Ku Street, as described in Exhibit "A" attached to the 2008 Kai Hele Ku Easement.

55. The conveyance of the Makila Ranches Deed was subject to numerous drainage easements that Plaintiff Makila HOA must maintain.

56. The conveyance of the Makila Ranches Deed was also expressly subject to the terms and conditions of the 2008 Easement Declaration and the 2008 Kai Hele Ku Easement.

57. On May 10, 2016, less than a week after the recording of the Makila Ranches Deed, which expressly required the lots within Makila Ranches Phases 1, 2 and 3 to become members of Plaintiff Makila HOA and pay their equal share toward dues and assessments necessary for the repair, operation and maintenance of the Common Areas, Defendant Makila Land executed a First Amendment to Declaration of Non-Exclusive Easement for Roadway Use (Makila Ranches Phases 1, 2 and 3), recorded with the Bureau on May 13, 2016, bearing Document Number A-59770007 ("First Amendment to 2008 Easement Declaration").

58. The First Amendment to 2008 Easement Declaration purported to amend, for the benefit of Makila Ranches Phases 1 and 2, the 2008 Easement Declaration in the following material ways:

- i) Deleting easement access over Punakea Loop (Lots 20 and 31), reserving access across Haniu Street only;
- ii) Deleting the existing requirement that lots within Makila Ranches Phases 1 and 2 shall become members of Plaintiff Makila HOA; and
- iii) Modifying the payment responsibility for easement access for the benefit of Makila Ranches Phases 1 and 2 lots, such that they will only be required to pay a "proportionate and equitable share" of the costs associated with Haniu Street.

59. The term "proportionate and equitable share" in the First Amendment to 2008 Easement Declaration is not defined but Defendant Makila Land has represented that it is

intended to have the same meaning as proportional share is defined in the 2008 Kai Hele Ku Easement.

60. Defendant Makila Land did not have the authority, nor did it have the consent of Plaintiff Makila HOA, to execute the First Amendment to 2008 Easement Declaration.

61. Defendant Makila Land executed a Fifth Amendment to the Amended and Restated Makila Plantation Declaration of Covenants, Conditions and Restrictions, dated May 10, 2016, recorded with the Bureau on May 13, 2016, bearing Document Number A-59770006 ("Fifth Amendment"). The Fifth Amendment was executed by Defendant Makila Land and Makila Ranches Inc.

62. The Fifth Amendment attempted to add more responsibility to Plaintiff Makila HOA by designating additional lands as Common Areas requiring management, including a new street, recreational trails and drainage easements, all of which serve or are located within the bounds of Makila Ranches Phases 1 and 2.

63. Defendant Makila Land executed the Fifth Amendment in its capacity as the Declarant and under the purported authority of Section 2.03 of the Declaration. Section 2.03 of the Declaration reads "2.03 'Committee' is defined as in Section 4.02." Section 4.02 refers to the Plantation Design Review Committee within the section of the Declaration entitled "Architectural Controls."

64. The Declaration at Section 2.04, believed to be the correct citation intended in the Fifth Amendment, states the definition for "Common Areas" identifying such things as roadway lots, drainage easements, waterlines, greenway easements and other areas, including a generic catch-all "such other assets, properties, facilities, and property rights, if any, which may in the

future be designated as Common Area by the Declarant or transferred to or acquired by the Association.”

65. The authority to further add to or encumber the Common Areas is limited in the Declaration by Sections 5.05 and 11.04.

66. Defendant Makila Land did not have the authority to execute the Fifth Amendment.

67. Makila Ranches Inc. conveyed all of the Makila Ranches property it received from Defendant Makila Land pursuant to the Makila Ranches Deed to various related and unrelated entities. Title to the Makila Ranches Phase 1 conveyances from Makila Ranches Inc. is presently held by Defendant Martin Trusts, Defendant Makila Ekolu, Defendant Kipa and Defendant Makila Kai (collectively the “Adjacent Owners”).

68. Each deed from Makila Ranches Inc. conveys title to the lots within Makila Ranches to the respective Adjacent Owners, subject to, among other things, the 2008 Easement Declaration, the First Amendment to 2008 Easement Declaration, the 2008 Kai Hele Ku Easement, the Fifth Amendment and subject to the terms and conditions of the Declaration, as amended, as it relates to Common Areas.

69. The Adjacent Owners, each of them, benefit from the use of the Common Areas under the control and management of Plaintiff Makila HOA, including an easement for roadway access as the Adjacent Owners’ means of ingress and egress to their respective lots.

70. The real property owned by the Adjacent Owners have not been added or otherwise joined as members of the Plaintiff Makila HOA.

V. CLAIMS AGAINST DEFENDANT MAKILA LAND

FIRST COUNT

(Breach of Contract / Breach of Governing Documents)

71. Plaintiff realleges paragraphs 1 - 70 above and incorporates them herein by reference.

72. Defendant Makila Land formed Plaintiff Makila HOA when it caused the Articles to be filed and executed the ByLaws and Declaration.

73. Defendant Makila Land took further actions by and/or on behalf of Plaintiff Makila HOA, when it executed the Amended and Restated Declaration, First Amendment, Second Amendment, Third Amendment and Fourth Amendment, as well as the 2008 Easement and 2008 Kai Hele Ku Easement (these documents, collectively with the Articles, ByLaws and Declaration, shall be generally referred to as the "Governing Documents").

74. Defendant Makila Land formed Plaintiff Makila HOA to hold, control, manage and operate, pursuant to a common plan and as a common expense, all Common Areas and facilities, to equally assess those who have a beneficial interest in the use of the Common Areas as common expenses in accordance with the Articles of Incorporation and ByLaws and to enforce and collect each such assessment an equal share of the common expenses of the corporation for the maintenance, repair and operation of the corporate property and common areas and facilities in Plaintiff Makila HOA as an expense of operating the Association.

75. Defendant Makila Land turned over control of Plaintiff Makila HOA after the Board of Directors was formed and complete control of the Board of Directors for Plaintiff Makila HOA was turned over to independent owner/members in 2006.

76. Defendant Makila Land, without the authority to do so, executed the First Amendment to the 2008 Easement Declaration.

77. The First Amendment to the 2008 Easement Declaration contradicted the prior agreements entered into and on behalf of Plaintiff Makila HOA by permitting other parties, the Adjacent Owners, to use Common Areas which are under Plaintiff Makila HOA's exclusive control to care, maintain, operate and manage without equally sharing or being accountable for the use and financial contributions toward those Common Areas, as required by members of Plaintiff Makila HOA in the 2008 Easement Declaration and other Governing Documents.

78. The 2008 Easement Declaration required conveyances to the Adjacent Owners (and their predecessors in title) to become members of Plaintiff Makila HOA. The privilege of using the Common Areas was, therefore, conditioned upon full and equal membership in the entity that is required to manage and operate the Common Areas, Plaintiff Makila HOA. This was a condition and representation made by Defendant Makila Land to Plaintiff Makila HOA, its members, owners and recorded as a condition in the title of the Adjacent Owners.

79. Defendant Makila Land's unilateral action changed the terms upon which Plaintiff Makila HOA manages the Common Areas and was without authority, directly contradicted Governing Documents and has resulted, and will continue to result, in a decreased financial contribution with regard to the increased use imposed upon the Plaintiff Makila HOA's Common Areas.

80. Defendant Makila Land's actions effectively modified Plaintiff Makila HOA's ability to manage and control the Common Areas in a material way, thereby changing the character of the development and placing an undue and unforeseen burden on the existing owner/members and Plaintiff Makila HOA's ability to manage the Common Areas.

81. Defendant Makila Land's acts constitute a breach of contract and the Governing Documents.

82. As a direct and proximate result of Defendant Makila Land's breaches, Plaintiff Makila HOA has suffered, and will continue to suffer, damages in an amount to be proven at trial.

SECOND COUNT

(Breach of the Covenant of Good Faith and Fair Dealing)

83. Plaintiff Makila HOA realleges paragraphs 1 - 82 above and incorporates them herein by reference.

84. Every contract in the State of Hawaii has an implied covenant of good faith and fair dealing.

85. Defendant Makila Land exercised its authority to amend and make certain representations in the Governing Documents that new development would be on equal terms with, and require equal contributions from, new lots who enjoy the use and enjoyment of the Common Areas managed by Plaintiff Makila HOA.

86. Defendant Makila Land turned over the operational control and financial responsibility of the Common Areas to an independent Board of Directors for Plaintiff Makila HOA.

87. Defendant Makila Land, though, executed documents to its own advantage which increased the burden on Plaintiff Makila HOA without the matching requirement to require an equal operational and fiscal responsibility.

88. Defendant Makila Land attempted to exercise its perceived unilateral authority to make decisions on behalf of, and to the detriment of, Plaintiff Makila HOA. In doing so Defendant Makila Land breached the implied covenant of good faith and fair dealing, thereby causing to Plaintiff Makila HOA to incur damages in an amount to be determined at trial.

THIRD COUNT
(Invalid Amendments)

89. Plaintiff Makila HOA realleges paragraphs 1 - 88 above and incorporates them herein by reference.

90. The Fifth Amendment was not approved pursuant to the affirmative vote or written consent of the Owners of not less than 65% of all Properties subject to the Declaration, as amended, and required in accordance with Section 11.04 of the Declaration.

91. Defendant Makila Land turned over all control of, and responsibility for, Plaintiff Makila HOA no later than the 2006 annual meeting when an independent board of directors for Plaintiff Makila HOA was elected and Defendant Makila Land expressly relinquished control of Plaintiff Makila HOA.

92. The 2008 Easement Declaration was executed by Defendant Makila Land during the ten year authority to make such additions binding Plaintiff Makila HOA. The terms of the 2008 Easement Declaration conformed to the Governing Documents by requiring membership in Plaintiff Makila HOA, thereby subjecting the beneficial users to the same terms and conditions of the Declaration, as amended, as well as the requirement to make financial contributions in an amount equal to all other members.

93. The First Amendment to the 2008 Easement Declaration, however, was executed by Defendant Makila Land and was not approved pursuant to the affirmative vote or written consent of the Owners of not less than 65% of all Properties subject to the Declaration, as amended, and not otherwise a permissible act by Defendant Makila Land in accordance with Section 11.04 of the Declaration.

94. As a result of the enactment of the unapproved amendments, Defendant Makila Land has exposed Plaintiff Makila HOA to additional expenses and duties, thereby causing damages to Plaintiff Makila HOA in amounts to be proven at trial.

FOURTH COUNT
(Promissory Estoppel)

95. Plaintiff Makila HOA realleges paragraphs 1 – 94 above and incorporates them herein by reference.

96. Defendant Makila Land formed Plaintiff Makila HOA with the purpose of exclusively managing and operating certain Common Areas, including the roadways which provide for the exclusive ingress and egress to and from various subdivisions, as well as the responsibilities appurtenant thereto including such things as landscaping, drainage, roadway repairs, replacement reserves and insurance.

97. Plaintiff Makila HOA manages the Common Areas and relied upon the representations made by Defendant Makila Land that, although Defendant Makila Land reserved the ability to add land and/or facilities to the Common areas, and to expand those who use and benefit from the use of the Common Areas, those users shall share equally in the expenses in managing the Common areas, and subject to the same rules and conditions as all other users.

98. It was reasonable for Plaintiff Makila HOA to rely upon the representations made by Defendant Makila Land in the Governing Documents.

99. By Executing the Fifth Amendment and the First Amendment to the 2008 Easement Declaration, Defendant Makila Land violated the representations made to, and relied upon by, Plaintiff Makila HOA.

100. The First Amendment to the 2008 Easement Declaration and the Fifth Amendment should be declared invalid, as injustice can only be avoided by enforcement of the promises reasonably relied upon.

FIFTH COUNT
(Fraud in the Inducement)

101. Plaintiff Makila HOA realleges paragraphs 1 - 100 above and incorporates them herein by reference.

102. The members of Plaintiff Makila HOA relied upon the representations in the Governing Documents, budgets, planned expenses, maintenance requirements, uses of Common Areas and who would be required to contribute, equally, to those shared responsibilities.

103. Plaintiff Makila HOA is responsible for managing the Common Areas, including the financial ability to plan and meet the needs associated with the management of the Common Areas on behalf of its members.

104. Defendant Makila Land intentionally represented to Plaintiff Makila HOA and its members that new users of the Common Areas, that those currently enjoying the benefit of the Common Areas, and those to be joined at a later date who share in the use of the Common Areas, would all be required to join the Association, subject to the same terms and conditions as the other members of Plaintiff Makila HOA, and to contribute financially in an amount equal to that of each other member.

105. Defendant Makila Land, immediately following conveyance of title to Makila Ranches, Inc. revoked the aforementioned membership and financial conditions and enabled the subject conveyance of the subject properties free from the obligations to contribute to and be bound by Plaintiff Makila HOA's management and operational conditions for the Common Areas.

106. As a direct and proximate result of Defendant Makila Land's fraudulent representations, Plaintiff Makila HOA has suffered damages in an amount as shall be proven at trial.

SIXTH COUNT
(Negligence and Negligent Misrepresentation)

107. Plaintiff Makila HOA realleges paragraphs 1 - 106 above and incorporates them herein by reference.

108. Defendant Makila Land, to the extent it retained any control of the ability for Plaintiff Makila HOA to manage and operate the Common Areas, had a duty to refrain from any amendment or modification of documents that would materially change the management and operation of the Common Areas or burden the association and its members in a manner in contravention of the Governing Documents.

109. At all times relevant hereto, Defendant Makila Land knew, or should have known, that the use of the Common Areas by additional lots, including Adjacent Owners, would increase the burdens on Plaintiff Makila HOA and its members.

110. Defendant Makila Land breached its duty to Plaintiff Makila HOA and its members when it executed the Fifth Amendment and the First Amendment to the 2008 Easement Declaration.

111. As a direct and proximate result of the negligence of Defendant Makila Land, Plaintiff Makila HOA has suffered damages in an amount which shall be proven at trial.

SEVENTH COUNT
(Fraudulent Misrepresentation)

112. Plaintiff Makila HOA realleges paragraphs 1 - 111 above and incorporates them herein by reference.

113. Defendant Makila Land knew that Plaintiff Makila HOA was responsible for the management of the designated Common Areas and required financial contributions for their management.

114. Defendant Makila Land represented that those properties that had an interest in the Common Areas would contribute to their management by joining Plaintiff Makila HOA and contributing equally financially.

115. Defendant Makila Land knew or should have known that more easements for use of the Roadways results in more management and direct expenses required by Plaintiff Makila HOA.

116. Defendant Makila Land knew that Plaintiff Makila HOA relied upon an equal contribution from all of those properties who benefit from their use to budget, plan, manage and operate the Common Areas; of which, said reliance was reasonable.

117. By executing the Fifth Amendment, Defendant Makila Land knew that the addition of common areas to Plaintiff Makila HOA would increase the management and expense of Plaintiff Makila HOA.

118. By executing the First Amendment to the 2008 Easement Declaration, Defendant Makila Land knew that the additional Makila Ranches properties would enjoy the use of the Common Areas managed by Plaintiff Makila HOA, but not be bound to the same terms and conditions for their use nor be required to contribute equally toward the expenses associated with Plaintiff Makila HOA's management of the Common Areas.

119. On May 9, 2016, Defendant Makila Land's conveyance of title to Makila Ranches Inc. was recorded with the Bureau of Conveyances, State of Hawaii. Within a week, Defendant Makila Land caused to be recorded the First Amendment to the 2008 Easement Declaration and

the Fifth Amendment revoking representations and requirements made to and for the equitable benefit of Plaintiff Makila HOA. Defendant Makila Land also added facilities and easements to Plaintiff Makila HOA's Common Area management, while increasing the impact on existing Common Areas by adding new users/lots.

120. Thereafter, the Makila Ranches Phase 1 lots were marketed and sold with the representation that they were not required to contribute any monthly maintenance fees to an association.

121. Within a few months all of the lots for Makila Ranches Phase 1 were sold to Defendant Martin Trusts, Defendant Makila Ekoru, Defendant Kipa, Defendant Makila Kai and Defendant Blue Makai.

122. Defendant Makila Land has not required any of the Adjacent Owners to join as a member or equally contribute financially to Plaintiff Makila HOA.

123. Defendant Makila knew that Plaintiff Makila HOA relies upon the contributions from those who have an interest in the Common Areas to manage and operate those Common Areas.

124. Defendant Makila Land fraudulently misrepresented to Plaintiff Makila HOA and its members that it would require Makila Ranches lot owners to join Plaintiff Makila HOA as a member and contribute equally toward the shared common expenses.

125. As a direct and proximate result of Defendant Makila Land's fraudulent misrepresentation, Plaintiff Makila HOA has suffered damages in an amount as shall be proven at trial.

EIGHTH COUNT
(Unfair and Deceptive Trade Practice)

126. Plaintiff Makila HOA realleges paragraphs 1 - 125 above and incorporates them herein by reference.

127. The misrepresentations and actions by Defendant Makila Land were committed in the course of its business subdividing, marketing and selling real property, and constitute unfair and deceptive trade practices under Hawai'i Revised Statutes, Chapter 481A.

128. As a direct and proximate result of Defendant Makila Land's unfair and deceptive trade practices, Plaintiff Makila HOA has suffered damages in an amount to be proven at trial.

VI. CLAIMS AGAINST ALL DEFENDANTS

FIRST COUNT
(Unjust Enrichment)

129. Plaintiff Makila HOA realleges paragraphs 1 - 128 above and incorporates them herein by reference.

130. Defendant Makila Land conveyed title burdened by restrictions that those properties join Plaintiff Makila HOA, subject to the terms and conditions thereto; however, immediately following the conveyance, Defendant Makila Land unilaterally revoked these requirements. Defendant Makila Land intended to revoke the membership and financial commitment requirements and was able to market, sell or otherwise convey title to the Makila Ranches Phase 1 properties with the knowledge that they would not be subject to the same conditions as other users of the Common areas. The Makila Ranches Phase 1 properties would unfairly and inequitably enjoy the use of Common Areas at the expense of their neighboring properties. This unfair and inequitable treatment provided a financial benefit to Defendant Makila Land for the marketing, sale or other conveyance.

131. Defendant Martin Trusts, Defendant Makila Ekolu, Defendant Kipa, Defendant Makila Kai and Defendant Blue Makai, each of them, accepted title to their respective properties with notice that title was subject to the Governing Documents and management of the Common Areas, including the private roadways providing exclusive ingress and egress, by Plaintiff Makila HOA.

132. Defendant Martin Trusts, Defendant Makila Ekolu, Defendant Kipa, Defendant Makila Kai and Defendant Blue Makai, each of them, have retained the benefit of the use and enjoyment of the Common Areas and management thereof, but without having certain terms and conditions attached thereto, including the requirement to contribute equally toward the Plaintiff Makila HOA common expenses.

133. Defendants' use and enjoyment of this benefit is at the expense of Plaintiff Makila HOA and its members.

134. The retention of this benefit by Defendants is unjust and, as a direct and proximate result, Plaintiff Makila HOA has suffered damages in an amount to be proven at trial.

SECOND COUNT
(Breach of Governing Documents)

135. Plaintiff Makila HOA realleges paragraphs 1 - 134 above and incorporates them herein by reference.

136. Defendant Makila Land conveyed title to Makila Ranches Phase 1 properties encumbered by the requirements that, to enjoy the use of the easement and other Common Areas managed by a different entity (being Plaintiff Makila HOA), those properties shall be required to join the association and equally contribute toward the common expenses.

137. With the knowledge of these title encumbrances, Defendant Makila Land, without notice, consent or authority from Plaintiff Makila HOA, or its members, executed the First

Amendment to the 2008 Easement Declaration attempting to revoke the aforementioned conditions for owners of Makila Ranches Phases 1 and 2.

138. Defendants Adjacent Owners held title to their respective Makila Ranches Phase 1 properties with actual notice of the Governing Documents, including the requirements to join Plaintiff Makila HOA and make equal financial contributions toward the common expenses associated with the Common Areas.

139. Defendant Adjacent Owners have an interest in the property within control of Plaintiff Makila HOA.

140. Defendants Adjacent Owners hold title to their respective Makila Ranches Phase 1 properties with notice of the Governing Documents, including Defendant Makila Land's failure of authority to modify or otherwise amend the ability of Plaintiff Makila HOA to manage and operate the Common Areas.

141. Defendants Adjacent Owners knew, or should have known, that they would be required to become members of Plaintiff Makila HOA and equally participate in the commitments and be equally subject to the same terms and conditions for their use and enjoyment of the Common Areas.

142. Defendants Adjacent Owners use and enjoy the Common Areas but have failed to become members of Plaintiff Makila HOA and have failed to contribute equally in the shared common expenses for the Common Areas.

143. As a direct and proximate result of Defendants Adjacent Owners breach of the governing documents, Plaintiff Makila HOA has suffered damages in an amount to be proven at trial.

VII. REQUEST FOR RELIEF

WHEREFORE, Plaintiff Makila HOA prays for judgment against the Defendants identified herein, as follows:

- a. An award of general and special damages in amounts to be proven at trial;
- b. A determination that the Fifth Amendment to the Declaration and the First Amendment to the 2008 Easement Declaration are invalid and that that Adjacent Owners shall become members of Plaintiff Makila HOA, equally subject to the same terms, conditions and responsibilities as all members of Plaintiff Makila HOA;
- c. An award to Plaintiff for its attorneys' and paralegal fees, costs of suit and expenses; and,
- d. Such other and further relief as is appropriate.

DATED: Wailuku, Maui, Hawaii; January 27, 2017.



DEBORAH K. WRIGHT
KEITH D. KIRSCHBRAUN
DOUGLAS R. WRIGHT

Attorneys for Plaintiff
BOARD OF DIRECTORS of the
MAKILA PLANTATION HOMEOWNERS
ASSOCIATION, INC.

IN THE CIRCUIT COURT OF THE SECOND CIRCUIT

STATE OF HAWAII

BOARD OF DIRECTORS of the MAKILA
PLANTATION HOMEOWNERS
ASSOCIATION, INC., a Hawaii nonprofit
corporation,

Plaintiff,

vs.

MAKILA LAND CO., LLC, a Hawaii limited
liability company; PETER KLINT MARTIN,
TRUSTEE OF THE PETER KLINT MARTIN
TRUST; DEBORAH LEE MARTIN,
TRUSTEE OF THE DEBORAH LEE
MARTIN TRUST; MAKILA EKOLU
INVESTMENT, LLC, a Washington limited
liability company; KIPA CENTENNIAL,
LLC, a Colorado limited liability company;
MAKILA KAI LLC, a Hawaii limited liability
company; and DOE DEFENDANTS 1 – 20.

Defendants.

CIVIL NO. _____
(Other Civil Action)

SUMMONS

SUMMONS

TO THE ABOVE-IDENTIFIED DEFENDANT(S):

You are hereby summoned and required to file with the court and serve upon WRIGHT & KIRSCHBRAUN, A Limited Liability Law Company, 1885 Main Street, Suite 108, Wailuku, HI 96793, Telephone Number 808-244-6644, an answer to the Complaint, which is attached hereto. This action must be taken by you within twenty (20) days after service of this Summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the Complaint.

Pursuant to Rule 4(b) of the Hawaii Rules of Civil Procedure, this Summons shall not be delivered between the hours of 10:00 p.m. and 6:00 a.m. on premises not open to the general public, unless a Judge of the Second Circuit Court permits, in writing on the Summons, personal delivery during those hours.

A failure to obey this Summons may result in an entry of default and default judgment against the disobeying person or party.

JAN 27 2017

DATE ISSUED: Wailuku, Maui, Hawaii; _____.

/sgd/ D. PELLAZAR (seal)

CLERK OF THE ABOVE-ENTITLED COURT

LU Committee

From: Ally Harney <allyrsf@aol.com>
Sent: Tuesday, May 30, 2017 8:49 AM
To: LU Committee
Subject: Makila Kai development

Dear Committee Members:

My name is Allyson Harney and I am a resident in the neighborhood directly adjacent to the proposed Makila Kai development (“Makila Kai”).

I write to voice my opposition to Makila Kai based on, among other things, the items raised in the letter dated May 17, 2017 from Doug Wright, attorney for the Makila Plantation Homeowner’s Association and the letter dated May 17, 2017 from Mr. Steve Strombeck.

The Makila Kai project should not be approved.

Thank you,
Allyson Harney
808 721 4567

LIVE COLORFULLY!

Ally Harney

LU Committee

From: Ken Moore <kenmoore@live.com>
Sent: Tuesday, May 30, 2017 8:56 AM
To: LU Committee
Cc: Michele Moore; Ken Moore
Subject: Opposition to rezoning of land from Agricultural to Rural

Dear Land Use Committee,

My name is Kenneth Moore. My wife Michele and I own property in Makila Plantation, very close to the proposed Makila Kai development.

We strongly oppose the rezoning of the proposed development site from Agricultural to Rural. A rezoning to Rural would allow a much higher density development of what is now prime agricultural land. The higher density will seriously aggravate the existing traffic and water shortage problems. The higher density will also increase the risk of fire danger and impede safe evacuation of the area in the event of a fire or other natural disaster. Furthermore, the increased density will adversely impact the agricultural use of this land.

Lastly, the rezoning opens the door to further development on adjacent lots, in blatant violation of the rules against development by segmentation. A larger development including the adjacent lots has already been denied. This is an attempt to achieve the same high density development in a piecemeal fashion.

We urge the Land Use Committee to retain the current proper and best zoning of the land as Agricultural.

Sincerely,

Kenneth and Michele Moore

LU Committee

From: Gordon Firestein <gfirestein@seapact.com>
Sent: Tuesday, May 30, 2017 9:05 AM
To: LU Committee
Subject: Makila Kai proposal LU-2(1)

Aloha, County Council Members,

We are Doris Lang and Gordon Firestein, residents of Launiupoko since 2008.

We testified at the May 17th hearing, urging you to reject the Makila Kai proposal. We mentioned some of the same concerns you heard from others and read in their emailed testimonies: developing on ag land, exacerbating an already bad traffic situation, increasing the demand on a finite water supply, and adding more cars to the only evacuation route for the entire hillside.

We write now in advance of the May 31st hearing to elaborate on just two of these topics.

First, on the rezoning of ag land.

There is a widespread misimpression about Launiupoko that we do not farm here. Nothing could be further from the truth.

We count ourselves among the farmers in Launiupoko, and have been members of the Hawaii Farmers Union United since the first chapter began on Maui. We have a grove of 250 olive trees, chickens for egg production, a tropical fruit orchard, vegetable and herb gardens, shade houses for propagation, agroforestry plots, and a plant-and-tree list that includes ulu, moringa, sugarcane, pineapple, cassava, soursop, cacao, and on and on. Our ornamental plantings concentrate on native plants, with some endemic and endangered varieties including wili wili, sandalwood, and ohai ula.

All of this on Grade E soil, through much hard work and efforts to regenerate the soil through composting, mulching, and cover cropping with nitrogen-fixing plants. Imagine the bounty that can --and should -- be produced on the Grade B soil that exists where the Makila Project seeks to change the zoning from ag to rural?

Our farm is not unique in Launiupoko. We drove the streets recently to count other farms, and we were able to spot 50 of them. These are the ones we could see from the road. We suspect there are more hidden behind hedges.

We see people up here growing large quantities of bamboo, dragon fruit, citrus of all kind, coconuts, bananas, papayas, mangoes, and cacao. Until recently there was a prized coffee farm here, with roasting facilities in the barn. There is a commercial egg production farm here. The Maui Animal Farm just makai of us offers tours and school-group visits. Some neighbors raise goats. The Lahaina Stables offers trail rides on horseback. This is ag land. If you haven't seen this for yourselves, we urge you to visit.

We all know Maui needs to do more to be food secure. This is especially true for West Maui, given our vulnerability to total isolation from the rest of the island. Good soil is precious and rare. We ought not to be putting dense development -- houses, concrete roads and driveways, septic systems -- on top of it. Once rezoned from ag, it will never go back.

Second topic: evacuation.

I (Gordon) mentioned briefly in my oral testimony on May 17th my position as co-chair of the Launiupoko Firewise Committee. Our neighborhood is the first in West Maui to receive certification as a Firewise community. The motto is: "Residents Reducing Wildfire Risks." We have signs at the entrance to the neighborhood reminding everyone of our common goal.

The first step in becoming certified as Firewise was to prepare a detailed Community Hazard Assessment. This assessment was coordinated and developed by the Hawaii Wildfire Management Organization, in collaboration with the West Maui Mountains Watershed Partnership, and the State of Hawaii Department of Land and Natural Resources Division of Forestry and Wildlife.

Hawaii Wildfire, by the way, is the same organization that developed the 2013 Wildfire Hazard Assessment for the entire island of Maui in partnership with the Maui Fire Department. For that study, they drove every residential road on the island, assessing and ranking 36 hazard criteria.

Bottom line: the number one "major wildfire hazard of priority concern" for Launiupoko is "lack of ingress and egress."

As you know, the entire current population of Launiupoko has one way in and one way out: Kai Hele Ku St. The traffic plan for the Makila Kai development, and the other neighboring developments soon to be proposed, funnel all traffic onto Kai Hele Ku St. via Haniu St. These developments provide NO alternative route for their residents to any of the other nearby roads: not to the bypass now under construction, nor the existing highway, nor Hokiokio St. to the north.

What is currently a very risky situation will only be made worse with additional cars trying to squeeze through the same bottleneck.

We lived in the San Francisco Bay Area in 1991 when one of the largest fires in U.S. history engulfed the Oakland hills. Twenty five people died in that fire, most of them trapped on inadequate evacuation routes. We witnessed this firestorm, at first at a safe distance, but I (Gordon again) saw the aftermath up-close as a ham radio operator supporting Fire Department operations and as a Red Cross volunteer. Doris lived through the 1967 Paseo Grande firestorm in Southern California, having to evacuate under extreme duress just ahead of the flame front with horses and dogs in tow. The concern about fire and evacuation for us is personal.

We saw how close our neighborhood came to a similar situation in 2007, when massive flames swept to Launiupoko from Olowalu. The population in the area is much greater now. And these development proposals seek to add more. This should NOT be allowed until a second evacuation route can be established.

It should be noted, by the way, that the development of a plan for island-wide evacuation routes is cited as "Action 1" of Section 3.1.3 of the Maui Island Plan. This action has not yet been completed.

I would also like to mention that as a recent graduate of the County's Community Emergency Response Team (CERT) training, our Fire Department instructors emphasized the importance of prevention of further injury in any disaster scenario. Having been trained in triage, disaster medical operations, and light search and rescue, I have an acute appreciation for the value of preventing problems that will compound the response to a disaster. A wildfire in our neighborhood would be bad enough. To make it worse by not ensuring in advance adequate evacuation routes is unthinkable. Ultimately, this is the County's responsibility. In fact, your decision on Makila Kai is one step toward fulfilling that responsibility.

These issues -- preservation of ag land and public safety -- are just two of the host of issues raised by the Makila

Kai proposal. They are difficult to solve, and the details are complex. The decisions made will affect current and future generations.

They ought NOT to be decided on a fast track. They ought to be considered with all of the fact-finding and deliberation they deserve through the normal approvals process.

The Makila Kai developers are telling their supporters on Facebook that “should the Committee not approve the project, it will be the death of Makila Kai. This is a one shot deal.” Why is that? Why is it so important to the developers that the decision be made within a 45-day window, with limited public input, and without the careful studies exemplified by an Environmental Impact Statement?

We make these points not just on our own behalf, but also on behalf of the signers of an online petition that urges you to reject the fast-tracking of the Makila Kai proposal. At last count, 304 people from all over Maui, Hawaii, the mainland and even as far away as Australia, have signed. Many of them left comments similar to the ones in this letter. We urge you to take their voices into account when it comes time to vote on this proposal.

Thank you for your thoughtful consideration of our letter.

Sincerely,

Gordon Firestein & Doris Lang

186 Paia Pohaku Pl.
Lahaina HI 96761

LU Committee

From: Gordon Firestein <gfirestein@seapact.com>
Sent: Tuesday, May 30, 2017 10:19 AM
To: LU Committee
Subject: online petition re: LU-2(1) Makila Kai
Attachments: onlinePetition.pdf

Aloha, County Council members,

Attached is a print-out of an online petition on change.org.

At current count, 304 people from all over Maui, Hawaii, the mainland and even as far away as Australia have signed it to registration their opposition to the Makila Kai project.

Following the signatures are comments from some of the signers.

We hope you will take time to review this document.

Thank you for your efforts on behalf of all the citizens of Maui County (and, as you can see, beyond).

Sincerely,

Gordon Firestein

186 Paia Pohaku Pl.
Lahaina HI 96761

change.org
Malama Launiupoko

Recipient: Maui County Council

Letter: Greetings,

The new developments proposed for Launiupoko will have significant impacts on the existing neighborhood, the nearby reefs and beach parks, and the already intolerable traffic on the West Side.

The first of 3 or 4 subdivisions is now before the Maui County Land Use Committee. It is being considered under a fast-track process that gives the County only 45 days to make a decision, exempts the developers from the usual requirements like an Environmental Impact Statement, and gives the public very limited opportunities for comment.

A hearing on the Makila Kai development is scheduled for Wednesday, May 31, at 1:30 PM at the County Council Chambers in Wailuku.

The area is Grade B (very good) ag land and is presently zoned by the State, County and Community for agricultural use. It is not the right place for high density development on the West Side. If approved, the zoning would be changed and the agricultural designation of this area would be lost forever.

We have signed this petition to urge the County to reject the Makila Kai proposal and require the developer to pursue approvals and permits through the normal planning process.

Signatures

Name	Location	Date
Jesse Juan	Honolulu, HI, United States	2017-05-21
Vera Sredanovic	Hilo, HI, United States	2017-05-25
Robert Applegate	Lahaina, HI, United States	2017-05-25
Doris Lang	Lahaina, HI, United States	2017-05-25
Jay Wisthoff	Lahaina, HI, United States	2017-05-25
Linda Jenkins	Lahaina, HI, United States	2017-05-25
Colleen Coe	Lahaina, HI, United States	2017-05-25
Mary Maiolo	Lahaina, HI, United States	2017-05-25
JoAnne Applegate	Lahaina, HI, United States	2017-05-25
Ann Green	Trumbull, CT, United States	2017-05-25
frank Caprioni	Hauula, HI, United States	2017-05-25
Damian Antioco	Lahaina, HI, United States	2017-05-26
Tiare Lawrence	Kapolei, HI, United States	2017-05-26
Hans Lammer	Lahaina, HI, United States	2017-05-26
Garrett Soong	Orem, UT, United States	2017-05-26
Rachel Zachry	Lahaina, HI, United States	2017-05-26
Kai Nishiki	Lahaina, HI, United States	2017-05-26
Arika Murphy	Honolulu, HI, United States	2017-05-26
Eric Cruz	Lahaina, HI, United States	2017-05-26
Marco Molina	Kihei, HI, United States	2017-05-26
Mary Leyva	Wailuku, HI, United States	2017-05-26
Michele Feorene	Wailuku, HI, United States	2017-05-26
Amber Delamarian	Lahaina, HI, United States	2017-05-26
Jenny Pawai	Jenkintown, HI, United States	2017-05-26
Richard DeLeon	Kapaa, HI, United States	2017-05-26
jayson asuncion	Lahaina, HI, United States	2017-05-26
Gordon Firestein	Waipahu, HI, United States	2017-05-26
Nathan Yuen	Honolulu, HI, United States	2017-05-26
jesse iwamoto	Wailuku, HI, United States	2017-05-26
Eloise Miranda	Haiku, HI, United States	2017-05-26

Name	Location	Date
Titilua Fraser	Waipahu, HI, United States	2017-05-26
Michael Mulvihill	Makawao, HI, United States	2017-05-26
Kathryn Jennings	Wailuku, HI, United States	2017-05-26
Thomas Bogar	Hilo, HI, United States	2017-05-26
Samantha Higbee	Kihei, HI, United States	2017-05-26
Pete Sayer	Makawao, HI, United States	2017-05-26
Paul Solomon	Kailua Kona, HI, United States	2017-05-26
diana st. gaudens	Haiku, HI, United States	2017-05-26
Howard Pietsch	Lahaina, HI, United States	2017-05-26
william greenleaf	Henderson, HI, United States	2017-05-26
Miki'ala Pua'a-Freitas	Wailuku, HI, United States	2017-05-26
Amy Stephens	Oakland, HI, United States	2017-05-26
Diana Hayes	Lahaina, HI, United States	2017-05-26
Kaikoa Anderson	Honolulu, HI, United States	2017-05-26
Abigail Hale	Paia, HI, United States	2017-05-26
Brent Schlea	Lahaina, HI, United States	2017-05-26
david jenkins	Lahaina, HI, United States	2017-05-26
Wailani Stoner	Pico Rivera, HI, United States	2017-05-26
Sharise Dudoit	Lahaina, HI, United States	2017-05-26
Maya Myers	Lahaina, HI, United States	2017-05-26
Michael Haines	Maunaloa, HI, United States	2017-05-26
Robert Masters	Kula, HI, United States	2017-05-26
Kathryn Snyder	Mililani, HI, United States	2017-05-26
randy faulkner	Denver, CO, United States	2017-05-26
Janice Herrick	Wailuku, HI, United States	2017-05-26
William Oldham	Orinda, CA, United States	2017-05-26
Chandy Lopes	Wailuku, HI, United States	2017-05-26
Kacey Pahukoa	Waipahu, HI, United States	2017-05-26
Leslie Heron	Hauula, HI, United States	2017-05-26
Kim Barney	Petaluma, CA, United States	2017-05-26
Marianne Fisher	Kihei, HI, United States	2017-05-26
Monica Bogar	Hilo, HI, United States	2017-05-26

Name	Location	Date
Annie Wu	Haiku, HI, United States	2017-05-26
Rona Landrigan	Lahaina, HI, United States	2017-05-26
Thomas Landrigan	Lahaina, HI, United States	2017-05-26
Robert Wilcox	Lahaina, HI, United States	2017-05-26
michelle Griffoul	Hilo, HI, United States	2017-05-26
natalie forster	Kula, HI, United States	2017-05-26
Erik Jennings	Lahaina, HI, United States	2017-05-26
Poppy Hudson	Ewa Beach, HI, United States	2017-05-26
Victoria Zupancic	Mililani, HI, United States	2017-05-26
Teresa Jacques	Lahaina, HI, United States	2017-05-26
kasi Nakooka	Henderson, HI, United States	2017-05-26
Alejandra Carta	Honolulu, HI, United States	2017-05-26
Blake Hill	Lahaina, CA, United States	2017-05-26
joachim schreiber	Lahaina, HI, United States	2017-05-26
Madelynne Nehl	Kula, HI, United States	2017-05-26
Jami Power	Lahaina, HI, United States	2017-05-26
Hugh England	Makawao, HI, United States	2017-05-26
rubye. deutsch	Kihei, HI, United States	2017-05-26
marta greenleaf	Holualoa, HI, United States	2017-05-26
Lani Basquws	Lahaina, HI, United States	2017-05-26
Garrett Pfetzing	Makawao, HI, United States	2017-05-26
Jacqueline Ambrose	Makawao, HI, United States	2017-05-26
Peter Fallon	Makawao, HI, United States	2017-05-26
Eva Wisemark	Douglas, , Isle of Man	2017-05-26
Leslie Jaramillo	Wailuku, HI, United States	2017-05-26
Terez Amato Lindsey	Kihei, HI, United States	2017-05-26
malka Essig	Petaluma, CA, United States	2017-05-26
Cecilia Reilly	Alhambra, HI, United States	2017-05-26
Kurt Thompson	Lincoln, RI, United States	2017-05-26
sarah Moller	Langata, , Kenya	2017-05-26
Beth Thompson	New Hope, PA, United States	2017-05-26
brian murphy	Makawao, HI, United States	2017-05-26

Name	Location	Date
Jennifer Castleberry	Paia, HI, United States	2017-05-26
Carmie Spellman	Mililani, HI, United States	2017-05-26
Ananda Stone	Kailua, HI, United States	2017-05-26
Veronica Pietsch	Lahaina, HI, United States	2017-05-26
Rachael Chisom	Lahaina, HI, United States	2017-05-26
Seth Cooke	Lahaina, HI, United States	2017-05-26
Peter Kekona	Lahaina, HI, United States	2017-05-26
Fiorella Lenta	Lahaina, HI, United States	2017-05-26
Kelli Uderitz	Wailuku, HI, United States	2017-05-26
Joshua Morgan	Kihei, HI, United States	2017-05-26
janel akana	Honolulu, HI, United States	2017-05-26
Sean McKee	Lahaina, HI, United States	2017-05-26
Christian Delatori	Lahaina, HI, United States	2017-05-26
Nicole Bear	Lahaina, HI, United States	2017-05-26
Rina Andrade	Makawao, HI, United States	2017-05-26
Wayne Cochran	Honolulu, HI, United States	2017-05-26
Briggs Vioria	Newport Beach, CA, United States	2017-05-26
Matthew Bredeson	Honolulu, HI, United States	2017-05-26
Claes Nordenskiold	Orlando, FL, United States	2017-05-26
Linda Halopoff	Irvine, CA, United States	2017-05-26
Stephen Sutherland	Lahaina, HI, United States	2017-05-26
Shawna Dagupion	Hilo, HI, United States	2017-05-26
Trisha Anderson	Wailuku, HI, United States	2017-05-26
La'a Kane	Kahului, HI, United States	2017-05-26
Steve Friedman	Cape Schanck, , Australia	2017-05-26
Ihilani Marchello	Lahaina, HI, United States	2017-05-26
Biljana Gallardo	Diamond Bar, CA, United States	2017-05-26
Nicole Wood	Kailua, HI, United States	2017-05-26
Mahina Poepoe	Honolulu, HI, United States	2017-05-27
Lisa Giesick	Haiku, HI, United States	2017-05-27
Teresa Lawwell	Jeffersonville, OH, United States	2017-05-27
Connie Mcaboy	Makawao, HI, United States	2017-05-27

Name	Location	Date
Deytyn Asami	Honolulu, HI, United States	2017-05-27
Linda Staffulani	Newport, MI, United States	2017-05-27
Irene McPhee	Lahaina, HI, United States	2017-05-27
Sandra Toliver	Wailuku, HI, United States	2017-05-27
Eloise Engman	Makawao, HI, United States	2017-05-27
Chris Breckels	Lahaina, HI, United States	2017-05-27
George Olivit	Haiku, HI, United States	2017-05-27
leslie Hutchinson	Holualoa, HI, United States	2017-05-27
Colleen Curran	Kihei, HI, United States	2017-05-27
Anthony LaBua-Keiser	Makawao, HI, United States	2017-05-27
Maui Mcmillin	Lahaina, HI, United States	2017-05-27
Kim Wagner	Lahaina, HI, United States	2017-05-27
Barbara Maiolo	Central Islip, NY, United States	2017-05-27
kathleen maiolo	West Babylon, NY, United States	2017-05-27
Lou Maiolo	Coram, NY, United States	2017-05-27
Sondra Byrne	Waterbury, CT, United States	2017-05-27
annette davidsson	Haiku, HI, United States	2017-05-27
Richard laconetti	Lahaina, HI, United States	2017-05-27
John and Marilyn Muenchow	Richmond, CA, United States	2017-05-27
Angel Sandoval	San Diego, CA, United States	2017-05-27
Megan McPhee	Lahaina, HI, United States	2017-05-27
Sal Bodnar	Haiku, HI, United States	2017-05-27
Kathy Corcoran	Honolulu, HI, United States	2017-05-27
deb mader	Midway City, HI, United States	2017-05-27
Linda Unemori	Wailuku, HI, United States	2017-05-27
Robert Sternthall	Makawao, HI, United States	2017-05-27
Nansy Phleger	Lahaina, HI, United States	2017-05-27
Marlene Orr	Lahaina, HI, United States	2017-05-27
sandi ioakimi	Pico Rivera, HI, United States	2017-05-27
Sue Pepe	Pompton Lakes, NJ, United States	2017-05-27
patricia osborne	Kihei, HI, United States	2017-05-27
jeff munoz	Papaalooa, HI, United States	2017-05-27

Name	Location	Date
WILLIAM PEPE	Pompton Lakes, NJ, United States	2017-05-27
Janet Spreiter	Lahaina, HI, United States	2017-05-27
Joyce Silva	Wahiawa, HI, United States	2017-05-27
Susan Willhoit	Encinitas, CA, United States	2017-05-27
Richard Apel	Encinitas, CA, United States	2017-05-27
Helga Fiederer	Makawao, HI, United States	2017-05-27
Sandra Puamana Santiago	Houston, TX, United States	2017-05-27
Liliana Akuna	Hana, HI, United States	2017-05-27
k c	Pico Rivera, CA, United States	2017-05-27
Patrick Deprez	, Australia	2017-05-27
Akemi Tofofoe	Haiku, HI, United States	2017-05-27
Serena Lamla	Kahului, HI, United States	2017-05-27
Lana L Perry	Lahaina, HI, United States	2017-05-27
Michael Orr	Lahaina, HI, United States	2017-05-27
Carol Nichols	, Australia	2017-05-28
Cassandra Sternthall	Lahaina, HI, United States	2017-05-28
Michael Byrne	Waterbury, CT, United States	2017-05-28
John Maiolo	Secaucus, NJ, United States	2017-05-28
Mark Nigh	Lahaina, HI, United States	2017-05-28
Lani Orr	Kihei, HI, United States	2017-05-28
Troy Neary	Wahiawa, HI, United States	2017-05-28
Floremce Bahr	Hilo, HI, United States	2017-05-28
Myrna Ah Hee	Laie, HI, United States	2017-05-28
Truls Jedemo	Kihei, HI, United States	2017-05-28
Daniel Atteberry	Wahiawa, HI, United States	2017-05-28
Charles Phillips	Lahaina, HI, United States	2017-05-28
darci d'anna	Marina, CA, United States	2017-05-28
steve alumbaugh	Wailuku, HI, United States	2017-05-28
Erin Trosky	San Francisco, CA, United States	2017-05-28
Mary Lynn Fisher	Lahaina, HI, United States	2017-05-28
Faith Ewbank	Mira Loma, HI, United States	2017-05-28
Isadora Sicking	Pico Rivera, HI, United States	2017-05-28

Name	Location	Date
Mike Cunningham	Lahaina, HI, United States	2017-05-28
Sandra Bailey	Makawao, HI, United States	2017-05-28
Steven Blackington	Lahaina, HI, United States	2017-05-28
Margaret Sweemey	Lahaina, HI, United States	2017-05-28
Madeleine Buchanan	Lahaina, HI, United States	2017-05-28
Jim Sweeney	Lahaina, HI, United States	2017-05-28
Gwen Morinaga-Kama	Makawao, HI, United States	2017-05-28
Jerry Tichy	Lahaina, HI, United States	2017-05-28
Peggy Schine	Albuquerque, NM, United States	2017-05-28
Leslie Freimuth	Lahaina, HI, United States	2017-05-28
Cheryl Bevacqua	Stratford, CT, United States	2017-05-28
robert freimuth	Aspen, CO, United States	2017-05-28
David Nutter	Lahaina, HI, United States	2017-05-28
Dna P	Worthing, ENG, United Kingdom	2017-05-28
Brian MacDonald	Lahaina, HI, United States	2017-05-29
Kathy Johnson	Lahaina, HI, United States	2017-05-29
Danijela Milosevic	Huntington Beach, CA, United States	2017-05-29
Mary Lynn Kasper	Lahaina, TX, United States	2017-05-29
Joan Warner	Lahaina, HI, United States	2017-05-29
monique chicheportiche	Lahaina, HI, United States	2017-05-29
Katherine Larsen	Lahaina, HI, United States	2017-05-29
Teresa Adams	Lahaina, HI, United States	2017-05-29
Ed Mark	Goleta, CA, United States	2017-05-29
JULIANNE DAHL	Haleiwa, HI, United States	2017-05-29
Dana Reed	Lahaina, HI, United States	2017-05-29
Donna Brown	Lahaina, HI, United States	2017-05-29
Ian Green	Atlanta, GA, United States	2017-05-29
Maura Mark	Goleta, CA, United States	2017-05-29
Jeanne Hardie, MD	Lahaina, HI, United States	2017-05-29
Lorrie Klein	San Clemente, CA, United States	2017-05-29
Jon Jancaterino	Lahaina, HI, United States	2017-05-29
Betsy Talon	Lahaina, HI, United States	2017-05-29

Name	Location	Date
James Flanagan	Smithfield, RI, United States	2017-05-29
Gunars Valkirs	Lahaina, HI, United States	2017-05-29
Jeanne B. Denton-Nelson	Lahaina, HI, United States	2017-05-29
Brenna McCarthy	Smithfield, RI, United States	2017-05-29
James Simpliciano	Ewa Beach, HI, United States	2017-05-29
Laurent Joly	Lahaina, HI, United States	2017-05-29
Margot Thom	Lahaina, HI, United States	2017-05-29
Aleta Halter	Van Nuys, CA, United States	2017-05-29
JoRene Valkirs	Lahaina, HI, United States	2017-05-29
Addison Johnson	Kaneohe, HI, United States	2017-05-29
Aleysa Martin	Waipahu, HI, United States	2017-05-29
Maher Maher	Lahaina, HI, United States	2017-05-29
Leslie LauHee	Kailua, HI, United States	2017-05-29
Keith Ranney	Waipahu, HI, United States	2017-05-29
Brad Paulson	Lahaina, HI, United States	2017-05-29
Janis Grossman-Paulson	Mililani, HI, United States	2017-05-29
Anela Palafox	Wailuku, HI, United States	2017-05-29
Catherine Velasquez	Kula, HI, United States	2017-05-29
Pamela MacIsaac MacIsaac	Västerås, HI, United States	2017-05-29
anthony earley	mtl, , Canada	2017-05-29
Krishna Narayan	Lahaina, HI, United States	2017-05-29
Crystal Lujan	Los Angeles, CA, United States	2017-05-29
Leland Reiswig	Lahaina, HI, United States	2017-05-29
Anna Eriksson	Stockholm, , Sweden	2017-05-29
David Johnston	Honolulu, HI, United States	2017-05-29
Lois Reiswig	Lahaina, HI, United States	2017-05-29
Mark Thompson	Lahaina, HI, United States	2017-05-29
Monique Gedenk	Lahaina, HI, United States	2017-05-29
Mark Deakos	Hilo, HI, United States	2017-05-29
Gene Perkins	Chicago, OR, United States	2017-05-29
Amy Fonarow	Paia, HI, United States	2017-05-29
Laura Civitello	Kula, HI, United States	2017-05-29

Name	Location	Date
Dave Kolars	Wheaton, IL, United States	2017-05-29
Diane Pure	Lahaina, HI, United States	2017-05-29
wanda chaney-tardy	Haiku, HI, United States	2017-05-29
John Voorhis	Lahaina, HI, United States	2017-05-30
Don Johnson	Lahaina, HI, United States	2017-05-30
Debbie Hollomon	Lahaina, HI, United States	2017-05-30
Pat Mifsud	Lahaina, HI, United States	2017-05-30
Allyson Harney	Lahaina, HI, United States	2017-05-30
Catharine Kingcome	Smethwick, ENG, United Kingdom	2017-05-30
Cynthia Mifsud	Lahaina, HI, United States	2017-05-30
Patrick Verhagen	Mililani, HI, United States	2017-05-30
sylvia singh	San Francisco, CA, United States	2017-05-30
Charlan Ursua	Corvallis, HI, United States	2017-05-30
Barb Greenhalgh	Lahaina, HI, United States	2017-05-30
Gerry Dameron	Makawao, HI, United States	2017-05-30
Melynn Frederick	Westwood, MA, United States	2017-05-30
Abe Galan	Lahaina, HI, United States	2017-05-30
Jan Hendrix	Lahaina, HI, United States	2017-05-30
Lauren Campbell	Haiku, HI, United States	2017-05-30
Judith Lauridsen	Lahaina, HI, United States	2017-05-30
Bo Petty	Lahaina, HI, United States	2017-05-30
Neil Vonhof	Haiku, HI, United States	2017-05-30
Lucas Sutherland	Lahaina, HI, United States	2017-05-30
Yuri Cardenas	San Francisco, CA, United States	2017-05-30
Anne-Marie Forsythe	Makawao, HI, United States	2017-05-30
Kari Ainsworth	Lahaina, HI, United States	2017-05-30
Marie Schroeder	Lahaina, HI, United States	2017-05-30
Jeanne Duberstein	Surfside, HI, United States	2017-05-30
Ann Pistillo	, Italy	2017-05-30
Wendy HARVEY	Kihei, HI, United States	2017-05-30

Comments

Name	Location	Date	Comment
Robert Applegate	Lahaina, HI	2017-05-25	The area is becoming overdeveloped with no regard by the developers for the safety of everyone. The developers live on the other side of the island and one lives on a different island. Traffic congestion is already at a maximum and there are no plans for more traffic lights and the only one signal controls the entire area.
Robert Applegate	Lahaina, HI	2017-05-25	Water, Fire and emergency evacuation needs to be addressed before Maui County should approve anything.
Gordon Firestein	Lahaina, HI	2017-05-25	This area is extremely vulnerable to wildfire, and there is only one road in and out. This development will add more people who will need to use that road (Kai Hele Ku), without adding an alternative evacuation route.
JoAnne Applegate	Lahaina, HI	2017-05-25	The land is zoned for agriculture at this time. There isn't sufficient water at this time. There is far too much traffic and not a viable plan for access and egress at this time. The developers will complete their mission(s) and they will move on. We will be isolated, a big portion of the tourist industry will have moved elsewhere and the developers could care less.
Rachel Zachry	Severna Park, MD	2017-05-26	Save our aina!
Arika Murphy	Lahaina, HI	2017-05-26	I have grown up in Lahaina and want this to be a place my grandkids will love as much as I do. Don't overdevelop!
Mary Leyva	Wailuku, HI	2017-05-26	No more development on Maui!!
Richard DeLeon	Wailuku, HI	2017-05-26	Keep maui green and stainable Grow local buy local. One cannot eat a house that's unaffordable
jesse iwamoto	wailuku, HI	2017-05-26	nuff already
Titilua Fraser	Honolulu, HI	2017-05-26	I'm signing because agriculture is more important than development or buldings. The island of Maui is not only beautiful naturally as it is, but it is a great natural resource for all people. Use agriculture land for agriculture.
Thomas Bogar	Lahaina, HI	2017-05-26	Too much already. Let's be sure our infrastructure can support more development. Also, let's be sure public opinion is heard first.
Samantha Higbee	Paia, HI	2017-05-26	Stop over development on the west side. There's not enough resources already. Traffic is extremely congested too.
Howard Pietsch	Puunene, HI	2017-05-26	The fast track development process should not be used to change the zoning of agricultural land for a minuscule amount of affordable housing piggybacked with the loins share of luxury homes
Doris Lang	Lahaina, HI	2017-05-26	Our aina is precious, once it's gone, it's gone forever. It needs to be preserved and cultivated for future generations. Ag zoned land needs to remain ag zoned.
William Greenleaf	Makawao, HI	2017-05-26	preserve good ag lands...fix the road to Lahania before more housing and cars..
david jenkins	Lahaina, HI	2017-05-26	Maui needs the right development in the right places. These proposals are wrong, totally for the developer's benefit with big long term environmental costs for the community

Name	Location	Date	Comment
Sharise Dudoit	Lahaina, HI	2017-05-26	My family has been here since before Kamehameha was king, I'm disappointed with the management of our town. It is being over developed with little respect to the land, natural resources or the local people. Please take time in the process, just like anything else. Be Pono, live in righteousness and remember what you do will come back at you.
William Oldham	Orinda, CA	2017-05-26	Maui is unique and all development should only proceed with careful consideration of the environment--- no fast-tracking to avoid scrutiny
Kacey Pahukoa	Kahului, HI	2017-05-26	Maui needs more affordable housing
Marianne Fisher	Kihei, HI	2017-05-26	This land needs to be saved from developers. Mahalo
Marianne Fisher	Kihei, HI	2017-05-26	Protect this land from developers' greed
Robert Wilcox	Lahaina, HI	2017-05-26	The designation is agricultural for a good reason!
michelle Griffoul	Lahaina, HI	2017-05-26	No more development on the west side . Too much traffic, not enough water.
Teresa Jacques	Lahaina, HI	2017-05-26	No fast tracks. No shortcuts. The County has required procedures for development for a reason.
Jami Power	Lahaina, HI	2017-05-26	Ag land is very important for sustaining food crops as well as a way of life for Maui farmers.
Hugh England	Haiku, HI	2017-05-26	Agriculture needed on Maui - not more over priced development for the rich.
ruby. deutsch	kihei, HI	2017-05-26	No more we need AG land for a reason this is an Island .keep it green.all this for tourist I think not.
Garrett Pftzing	Kula, HI	2017-05-26	Enough with development on ag land. Get it right .
Jacqueline Ambrose	Haiku, HI	2017-05-26	No fast tracking of the process. We the people need to have our say about the proposed subdivision T Launiupoko
Leslie Jaramillo	wailuku, HI	2017-05-26	Leave da lands to us Hawaiians
Terez Amato Lindsey	Kihei, HI	2017-05-26	No conversion of valuable ag land for poorly designed and overpriced developments that do not meet the needs of the community or solve any of the overwhelming infrastructure problems we have. Our water resours are already severely tapped and inadequate. What about traffic, scools, and sewage treatment? What about run off? This is a bad deal for the people of Maui. This project needs to be rejected. Thank you.
Cecilia Reilly	Paia, HI	2017-05-26	Building developments on Maui, in Hawai'i are leading to degradation of resources. Proper understanding of ecological considerations must be addressed before ANY more developments are allowed. The lack of responsibility in resource management is appalling!
brian murphy	Maui, HI	2017-05-26	See you May 31, at 1:30 PM at the County Council Chambers in Wailuku.
Ananda Stone	Lahaina, HI	2017-05-26	Launiupoko has already created a huge traffic slow down leaving and entering Lahaina. The traffic in and out of Lahaina has gotten so bad, that even in the off tourist season months, like this May, we are snailing along at 5 MPH to get anywhere. We have gone beyond the carrying capacity for residence and hotels for the west side.
Fiorella Lenta	Lahaina, HI	2017-05-26	Stop developing , create sustainable living thru organic farming
Kelli Uderitz	Wailuku, HI	2017-05-26	It is important that environmental studies are conducted before any development can take place.

Name	Location	Date	Comment
Sean McKee	Lahaina, HI	2017-05-26	Maui does not need more mass development, if development is to occur, it needs to be done in a smarter way. No more building houses, hotels, apartments, stores, etc and THEN worrying about all the impact later. We need more and better infrastructure FIRST! But overall, keep Maui open and green! I'll take agriculture over another hotel or un"affordable" housing. Or even better, make a second pali road to ease congestion.
Christian Delatori	Lahaina, HI	2017-05-26	Enough is enough! Too many million dollar homes going up on the west side of Maui while we still need a hospital and affordable housing! It seems as if the political power in Hawaii is trying to push all the local people out and turn Maui into a full time vacation destination. Growing up, I've seen so many beaches get ruined by beachfront hotels, multi-million dollar housing, etc. In just the past 7 years I've seen the reefs go from a thriving bright -blues, pinks, yellows, to a muddy coat of silt brown. Our actions on land affect what happens in the sea. People come here to get away from the overcrowded nonsense the mainland has become. It's rare to find someone who LIKES Waikiki as a vacation destination any more, I'm afraid Maui is on that path...
			Aloha
Wayne Cochran	Lahaina, HI	2017-05-26	Way too much overdeveloped
briggs viloria	Newport Beach, CA	2017-05-26	To much development
Steve Friedman	Cape Schanck, Australia	2017-05-26	Malama Ka Aina. Grow food not developments.
Biljana Gallardo	Diamond Bar, CA	2017-05-26	County needs to reject the Makila Kai proposal and require the developer to pursue approvals and permits through the normal planning process.
Kim Barney	Petaluma, CA	2017-05-26	Maui is about the locals. Stop building its not necessary.
Teresa Lawwell	Bloomingsburg, OH	2017-05-27	The loss of agriculture land is devastating to all, once lost it can never return, with more to feed each year it s den
Deytyn Asami	Lahaina, HI	2017-05-27	We already have too many people and traffic in West Maui! Fix infrastructure before any more development!
Sandra Tolvier	Wailuku, United States Minor Outlying Islands	2017-05-27	It is important, especially on a remote island, to be able to feed the community healthy food, grown here, not flown here.
Chris Breckels	Lahaina, HI	2017-05-27	There is not enough water already and no sewer system. Current sewage leaches into the ocean. The seaweed that was there for consumption disappeared 2 years ago. The reef will be next to decline. How much money does the partners of WML need? Enough already!
Colleen Curran	Kihei, HI	2017-05-27	Development is OUT OF CONTROL! It is time to focus on restoring our reefs and ocean, protecting our agricultural land and providing a better quality of life for our kaamaina community and especially our keiki.
Sondra Byrne	Waterbury, CT	2017-05-27	I do not feel that the environmental impact is worth risking for new development properties.
deb mader	Kihei, HI	2017-05-27	Keep ag land ag!!! Fix wastewater problems, protect the reef, move the highway away from the ocean. Stop filling developers pockets for more second and third home for the wealthy who don't live and work here.

Name	Location	Date	Comment
Susan Vickery	Makawao, HI	2017-05-27	End all this irresponsible development with no thought of the future. Enough wastewater, traffic, overload of infrastructure already. No need more housing developments that the people that live here can afford. End the slavery of those of us who call Maui "Home". Mahalo nui for leaving without any impact to our reefs, beaches, water, air, soil and Aina! Aloha ~
janet spreiter	Lahaina, HI	2017-05-27	All this new westside development is way in advance of any solution/action to traffic issues. Congestion is out of control, yet council keeps approving more permits to build. Nothing should be fast tracked in our current status. Even if you argue it is for the benefit of tourism you are dead wrong again, because the word is already out that west Maui is a parking lot. Review all current approved development and all future proposals until the coastal road is retrieved from the ocean. Pretty obvious if you have eyes to see.
Susan Willhoit	Cardiff by the Sea,, CA	2017-05-27	Save paradise!!
Richard Apel	Encinitas, CA	2017-05-27	This project needs full environmental review and public input. No fast track.
Sandra Puamana Santiago	Houston, TX	2017-05-27	This land..Hawaii as a whole is like no other place on the world. It needs to be preserved just as the Hawaiian culture should be preserved. So much of the land in Hawaii has been sold to benefit other purposes mostly to fill the pockets of the already wealthy that are not Hawaiian. Just as so much our culture is already had already been prostituted out to the world. Don't get me wrong, We Hawaiians love to share but what are we getting in return? All we get is MEMORIES of what Hawaii use to look like, and what our life was like before commerce and industry came in..true we did our part in allowing it to happen...But enough is enough..I can't even afford to live in the county I was born in...it's too expensive..I come home to visit family..I don't recognize the place..landmarks are gone. .like lao Valley. That in itself is disgusting..once again all we hawaiians get back is a memory of the good old days..stop being a sell out..leave alone what left there is of Hawaii.
Patrick Deprez	Australia	2017-05-27	What is left of precious and viable agricultural land must be preserved for all.
Lana L Perry	Paia, HI	2017-05-27	We need agriculture land for organic farming. The infrastructure can not handle more subdivisions. I insist on enviromental impact statement.
Michael Orr	Lahaina, HI	2017-05-27	I strongly oppose this development because of the adverse effect it will have on the area, including traffic, water and infrastructure. STOP THIS PROJECT!
michael Byrne	Bridgeport, CT	2017-05-28	I enjoy the natural beauty of this area and new development should not be approved without proper safeguards in place to preserve this pristine environment.
Mark Nigh	Lahaina, HI	2017-05-28	Fast tracking is not the right way to do this, hiding behind workforce housing exceptions, to bypass normal procedures. There are a lot of issues with the current plan: water, traffic, environmental impact, loss of ag land, etc, etc. And on top of that, the developer has had the audacity to have a website pre-selling the homes since January. Not the way to do things here or anywhere.
Troy Neary	Wahiawa, HI	2017-05-28	David V. Neary
Florence Bahr	Kihei, HI	2017-05-28	Traffic is too heavy without more development. This does not belong on Ag land.
darci d'anna	monterey, CA	2017-05-28	So sad to hear about overdevelopment on Maui since I left in 2003. Can't go back once its built! Try hemp as a crop to solve many problems. Mahalo
steve alumbaugh	Wailuku, HI	2017-05-28	development in West Maui has got to stop
Isadora Sicking	Lahaina, HI	2017-05-28	We need housing but not at the expense of the environment or food.

Name	Location	Date	Comment
Maddie Buchanan	Lahaina, HI	2017-05-28	Do not change AG zoning. Leave as is, save this precious commodity. Once this land is gone it cannot be replaced. Promises are made and then quickly forgotten. I oppose the rezoning of AG land.
peggy schine	riverside, CA	2017-05-28	Money will never be able to buy back the ecological and environmental devastation this have on the area. This needs to be wisely considered, for future repercussions.
Leslie Freimuth	Lahaina, HI	2017-05-28	I believe this is not the right place for this development. Infrastructure, water, traffic and no amenities for homes.
Cheryl Bevacqua	Stratford, CT	2017-05-28	We need to leave some land not developed
David Nutter	Lahaina, HI	2017-05-28	Obvious from the title
Brian MacDonald	Lahaina, HI	2017-05-29	We need to keep a more rural character on the Punakea side of Launiupoko.
Mary Lynn Kasper	Lahaina, TX	2017-05-29	I am signing this position to protest the fast-track process for the Makila Kai proposed developments. This area of West Maui is plagued by traffic jams every day due to inadequate roads. The current plan for a bypass is not enough new roads to make any significant impact on these traffic problems. It only make sense to build the roads to handle the additional traffic before any new developments are approved and built. I strongly urge the County to reject the Makila Kai proposal and require the developer to pursue approvals and permits through the normal planning process, and no permits should be issued without a road plan that will be implemented before any development. We live on a small island, at some point we have to realize that limiting the number of cars allowed on Maui is the only way to escape a Mauiulu that will destroy our lovely aina and have tourists looking for a better island to go to. Please think of our children and grandchildren and save our aina for the good of all the people. Mary Lynn
Joan Warner	Lahaina, HI	2017-05-29	Gridlock traffic on West Side already. This isolates us in times of emergency because we have only one highway coming to this side of the island. No more fast-track!
Daniel Dowdall	Lahaina, HI	2017-05-29	NO fast tracking for ANY proposal...
Katherine Larsen	Santa Rosa, CA	2017-05-29	There is illegality behind the process the developer(s) are using to push this development forward. This is ag land yet they are agreeing to put up a few low cost homes in order to circumvent the ag laws of development. And if they get away with it, the precedent will be set for many more developments of this sort to go through. The gains to the developer(s) will be huge from the large parcels with large houses (in the 3 million dollars range) that will be developed if we let this illegal land use go forward. We do not have the water for this development. Where is the water to come from? The developers have not answered that question. There will need to be greater infrastructure built, especially roads and traffic lights at intersections to support this development of all the Launiupoko travelers too, yet neither the city, county, or state, or the developers have really addressed where the money will come from for these needs.

Name	Location	Date	Comment
Teresa Adams	Lahaina, HI	2017-05-29	<p>Theses are agricultural lots, zoning and use should not be changed because the infrastructure cannot sustain the 3 proposed future projects. Fire Evacuation would be impossible and traffic is already an issue so adding hundreds and hundreds more people exiting and entering the area would be illogical and dangerous.</p> <p>Affordable and workforce housing should be planned as a whole unit not in a place where home owners and buyers have purchased and now developers can change density and traffic to their gain but at the expense of their previous buyers.</p>
Donna Brown	Lahaina, HI	2017-05-29	<p>This is the wrong place for dense development. No sewer lines = sptic tanks which will leach into nearshore water. Traffic is horrendous and this will make it worse. Our economy is based on tourism and the appeal of Maui is being destroyed for the financial gain of a few developers.</p>
Lorrie Klein	Laguna Niguel, CA	2017-05-29	<p>The developer is trying to skirt the law. Having money to bribe, wheel and deal and/or find loopholes shouldn't endanger our environment or way of living. This would ruin what Launiupoko lifestyle is all about and also endanger our water supply and worsen our traffic.</p>
Gunars Valkirs	Lahaina, HI	2017-05-29	<p>I am a farmer on the West Side and I fear this development and others like it will eliminate the availability of land and water for farmers that are trying to bring real agriculture back to the West Side. Please do not give this fast track approval. Please make the developer and everyone else that will profit from this to prove that it will not impact agriculture and life on the West Side adversely.</p>
Jeanne B. Denton-Nelson	Lahaina, HI	2017-05-29	<p>We need balance, and in case of war, flooding, excessive tourism, we need a place to have farming. No farms, no food!</p>
James Simpiciano	Lahaina, HI	2017-05-29	<p>We need to preserve and protect our kuleana families water resource, and agricultural land for the purpose of providing future farmers families.</p>
Laurent Joly	Lahaina, HI	2017-05-29	<p>This area should continue to be reserved for Ag and very low density residences. No reason to make any changes just to enrich promoters</p>
Margot Thom	Lahaina, HI	2017-05-29	<p>Maui beauty needs to be preserved and protected from developers who are simply out to make even more money.</p>
Pamela Maclsaac Maclsaac	Paia, HI	2017-05-29	<p>We are already over crowded with traffic and crowds in the stores and schools</p>
Leland Reiswig	Lahaina, HI	2017-05-29	<p>I believe the public should be allowed a full review of this project versus fast tracking.</p>
Lois Reiswig	Lahaina, HI	2017-05-29	<p>Public needs a full hearing. No fast track.</p>
Mark Thompson	Lahaina, HI	2017-05-29	<p>I don't think any project can justify a fast track process given the sensitive community and environmental issues involved. It has never been clear to me how the benefits of fast-tracking a project out-weigh the negatives if we are striving to achieve a satisfactory long-term solution.</p>
Gene Perkins	Chicago, OR	2017-05-29	<p>I feel the development w'll have a huge impact on a already unacceptable traffic problem for west maui residence and the land put aside for agricultural should be left as is and developed as per existing zoning. Besides that it would create more traffic to a already unacceptable level. Consider an evacuation of the area with the traffic already. Lives would be lost if a fire or other natural disaster. At what cost?? So more housing can be built in an area to fill the pockets of developers and council members?</p>
Laura Civitello	Haiku, HI	2017-05-29	<p>We need to start making sense, Maui.</p>

Name	Location	Date	Comment
Diane Pure	Lahaina, HI	2017-05-29	The land is zoned agriculture. This developer does not have a good reputation. I've seen his work, mediocre is being kind. Standards will be shaky at best.
wanda chaney-tardy	Haiku, HI	2017-05-29	i feel strongly that maui does not need to lose ag land only to gain more housing developments!
Kathy Johnson	Lahaina, HI	2017-05-29	This development should not be considered until the infrastructure is in place as well as an independent environmental impact study is completed.
John Voorhis	Lahaina, HI	2017-05-30	There are water supply questions that should be addressed. Also the land is ag. With the current traffic problems and the future bypass years from completion....future development should be well planned and traffic issues addressed first.
Don Johnson	Lahaina, HI	2017-05-30	<ul style="list-style-type: none"> - Save our county of Maui agricultural zoned land. "Once it's gone it's gone forever " - Require a full environmental impact statement. "No fast track " "No segmentation " - Demand an independent traffic impact study. " No shortcuts " " No bottlenecks " - Don't close the lower Beach road . " save what we have " - Look at the (3) proposed developments as one . "No high density "
patrick mifsud	Dearborn Heights, MI	2017-05-30	I'm concerned about the traffic. If there is an emergency in the neighborhood how would everyone evacuate? I'm also concerned about how this will effect the environment. Water is also a concern will there be enough?
Allyson Harney	Lahaina, HI	2017-05-30	Signing due to the obvious Traffic water evacuated from fire
Pat Verhagen	Lahaina, HI	2017-05-30	There is an acute water shortage already just with the existing housing. Remember these lands do not use public water, they pull the water from the mountain streams behind us. Every summer they tell us there is a shortage, we cannot allow this fast track housing without looking into the water needs. STOP THIS PROJECT TO PROTECT OUR AG LANDS!
Pat Verhagen	Lahaina, HI	2017-05-30	This project would use water from the mountain streams behind us. There is already an acute shortage for our AG lands. STOP THIS FAST TRACK HOUSING!
Sylvia Singh	San Francisco, CA	2017-05-30	I am very concerned about water supply. We have seen our reservoirs run almost dry twice in last 5 yrs. The existing reservoirs will not support so many more users
Charlan Ursua	Kailua-Kona, HI	2017-05-30	Save West Maui Agricultural Lands

Name	Location	Date	Comment
Gerry Dameron	Kihei, HI	2017-05-30	Please do NOT add new fast tracked housing projects to the west side that take land out of precious and IMPORTANT ag land zoning. Also, there should not be any approvals for any subdivisions until the solutions to traffic and road problems are fully solved. Thank you for protecting our ag land so we can increase local regenerative agriculture to reduce our 90% imports of food to Maui; instead we need our ag lands deployed for organic local farmers to produce food for our people's food security. We need to follow Governor Ige's leadership to immediately double local food production on the 4 islands, and then go even further to support putting more fallow ag land into cultivation with safe, healthy, and sustainable regenerative ag. It's our food future! We need 80%+ local Grown on Maui food production. Not so much coffee, not some much more bio diesel, not more cattle. We need diversified ag and no-till organic food forests to support our people in the future. 10 years to 80% Local Food. It is the PONO direction that Maui citizens overwhelmingly support. Gerry Dameron, HFUU Member and Mauna Kahalawai chapter (west Maui) board member. Aloha and Kuleana for our sustainable and self-sufficient food future on Maui and throughout Hawaii, by 2025.
Melynn Frederick	San Diego, CA	2017-05-30	The traffic in west maui is already intolerable! Until that is addressed further development should be put on hold!
Jan Hendrix	Lahaina, HI	2017-05-30	This proposed development could be the start of 'segmentation' - 3 or 4 more high density developments that will forever change the agricultural nature of this area.
Lauren Campbell	Paia, HI	2017-05-30	No development should be fast tracked - especially along the west Maui coastline!
Judith Lauridsen	Lahaina, HI	2017-05-30	My big concerns are loss of future farm land and the ability to make it a sustainable part of Maui, the limited water availability is a major worry, only one road access out of the neighborhood with no drivable existing evacuation routes in an emergency situation. The congested traffic that is currently here and will become increasingly worse with larger numbers of people traveling it daily. Also, the negative impact to the ocean affecting the reef and potential loss of tourism.

Name	Location	Date	Comment
Robert "Bo" Petty	Lahaina, HI	2017-05-30	<p>I support this petition because fast-tracking is NOT the way to deal with important issues like rezoning agricultural land in West Maui. Issues abound with this Makila Kai project. Here is a short list of just some.</p> <p>Traffic impacts on an already crowded road.</p> <p>Lack of sufficient water availability to supply existing needs in addition to new concentrated housing growth.</p> <p>Threats to a rare and fragile but significantly important (economically, aesthetically and environmentally) West Maui reef that lies just below the proposed construction project.</p> <p>Encroachment of high-density housing in an area frequented by the endangered nēnē (Hawaiian goose).</p> <p>A danger of an overcrowded, single road fire evacuation route in a fire-prone home and farm area.</p> <p>The permanent loss of limited high quality agricultural land at a time when Maui's agricultural future is changing from a huge single crop industry toward small and medium multiple crop and animal, sustainable farms.</p> <p>These are all reasons not to fast-track this and coming Launiupoko projects promising limited amounts of high-density, affordable workforce housing in exchange for profitable development opportunities when there are other appropriate, affordable workforce housing projects around Maui in areas less critical for agriculture. Issues like these need to be considered over an appropriate time frame by all stakeholders within the community and not rushed in a way that allows bypassing the framework designed to make good, long-term decisions for the land, the community and future generations. Please do not approve this fast-track approach.</p>
Una Somerville	Lahaina, HI	2017-05-30	I love the westside
abby rinke	Lahaina, HI	2017-05-30	not the intended use for this land, low density ag. not the infrastructure (water, roads, etc) to handle high density housing
Curtis Coon	Lahaina, HI	2017-05-30	I'd like the zoning to remain agricultural .
Norma Sizemore	Lahaina, HI	2017-05-30	Adding homes to an already congested area on designated agricultural land is not cohesive w/the environment. The "new" bypass is already behind the curve since it's being built on a 12 year old study and now you want to add more gridlock! Don't overbuild and create an Oahu!
Meagan JONES	Kula, HI	2017-05-30	I'm signing this because we have a water quality issue here on Maui that can't be solved with more development and less infrastructure. We need leadership into solving these issues on Maui before more development is approved in compromised areas. Please vote no! This affects our health, well being and economy.
Moni Wagner	Vienna, Austria	2017-05-30	Holy Aina!!

LU Committee

From: John Greenhalgh <jgreenhalgh@twc.com>
Sent: Tuesday, May 30, 2017 10:25 AM
To: LU Committee
Subject: NO for the development of the proposed Makila Kai LLC 79.5 acres of land.

1. When we purchased our home in this community it was based on the assumption that it would always be an agricultural neighborhood and not be over developed.

I understand the need and support affordable housing for Maui residents. It was brought to my attention that there is 300 acres set aside for affordable housing by the state on the West side of Maui above Kaanapali. This is the area that should be focused on due to it's proximity to the Kaanapali hotel area. This would reduce traffic and allow for public transportation for the working families that are employed by the hotels and surrounding areas.

I am against the application for the development of the proposed Makila Kai LLC 79.5 acres of land, identified for real property tax purposes as tax map keys (2) 4-7-013:003, 004, and 005, in the area of Launiupoko in West Maui, mauka of the Honoapiilani Highway and the Lahaina Bypass Highway corridor.

Please be cautious of developers requesting the re-zoning of land promoting that they have the health and welfare of the community first, when in effect they are really are only concerned with their personal gain.

Keep the Launiupoko community the way it was intended to be when it was created. Please vote **NO** for the development of the proposed Makila Kai LLC 79.5 acres of land.

Sincerely,

John R. Greenhalgh

506 Kai Hele Ku St.

Lahaina, HI., 96761

808-868-6077

LU Committee

From: tiare4maui@gmail.com
Sent: Tuesday, May 30, 2017 10:53 AM
Cc: Mike White; Yukilei Sugimura; Kelly King; Donald S. Guzman; Stacy S. Crivello; Elle Cochran; Alike A. Atay; Riki Hokama; Robert Carroll; LU Committee
Subject: Makila Kai

Aloha Council,

I was struck by how evasive Tom Schnell was when he was asked about the ownership of the land flanking Makila Kai.

He used phrases like 'various other owners' and pretended he knew little about what was going on. This is the same stance Mariah Gill has taken in public meetings on Polanui Gardens.

We don't know why they are trying to obscure the truth on public platforms since it only takes a couple of minutes to find from public records.

You may know this already but just in case..

- The whole lot, both north and south of Makila Kai is owned by Peter Martin under different corporate names.

- The 54 acres of Polanui Gardens, coming to you soon, is registered to Kipa Cenntennial a Colorado LLC but headquartered at 590 Stable Road, Sprecklesville, Peter Martin's home address.

- The three lots totaling 80 acres to the south of Makila Kai which we are told will be marketed as Makila Ranches East is owned by a couple of Martin family trusts one with his ex-wife.

Then towards the end of the meeting Schnell pretended that they would try to get these various unknown owners to coordinate with Brown. They really do think we are stupid.

Thanks for your clear-eyed assessment of the segmentation issue and appreciation that it is the environmental impact of the three developments in total which should be looked at before any decision on Makila Kai is rushed through.

The Council could help by telling these three developers that all 3 projects will be evaluated together, thus removing any incentive for them to segment the projects.

The Council should disapprove this project within the 45-day window and tell all three developers to follow up by approaching the County together.

'O'ia'i'o
Tiare Lawrence

Sent from my iPhone

LU Committee

From: Bob Sternthall <bsternthall@gmail.com>
Sent: Tuesday, May 30, 2017 11:05 AM
To: LU Committee
Subject: Makila Kai Proposed Development

Dear Committee members,

I am writing in opposition to the proposed Makila Kai development for the following reasons:

- The local infrastructure has not been adapted to new development in regard to traffic flow, fire protection, emergency medical services, disaster evacuation, water availability, archaeology, and wastewater. I am sure that there are more infrastructure issues as well.
- Only part of the development is "workforce housing" and the developer stands to make millions of dollars from the market price lots. This proposed development should not be fast tracked because it has a token number of "workforce" dwellings. It should be subject to the same rigorous permitting process as any dwelling or development..
- This is good agricultural land and the zoning should remain Agriculture.
- Approval of this development as proposed will set a precedent for approval for the other lot owners who are awaiting this outcome. So, this is not just about one development, but more in the future. How can you deny them if you approve fast tracking Makila Kai? If you take this to its logical conclusion, it will only exacerbate the aforementioned infrastructure issues and the loss of more agricultural land.

Thank you for taking the time to consider my concerns.

Respectfully,

Bob Sternthall

LU Committee

From: Van Fischer <vanfischer@gmail.com>
Sent: Tuesday, May 30, 2017 11:49 AM
To: LU Committee
Subject: AFFORDABLE HOUSING PROJECTS (CHAPTER 201H, HAWAII REVISED STATUTES)
(INDEPENDENT DEVELOPMENT OF MAKILA KAI; LAHAINA) (LU-2(1))

Dear Council Members,

I work for Moffett Properties and am one of the real estate agents that will perform the lottery and work with the future home buyers of Makila Kai once the community is approved. I want to share with you that the preliminary response to Makila Kai has been overwhelming and that there are over 100 families that have qualified with various lenders and will be entered in the lottery for these homes. Once the project is granted formal approval, the project will be marketed in accordance with the HUD guidelines which will result in the number of qualified applicants increasing even more. It is very clear that this is the kind of community home buyers want and is in the area they want to live.

My background is in land development and it is clear to me that Greg Brown has required his team to go above and beyond the minimum requirements in dealing with the various concerns of a project of this type to protect the environment and the community as a whole. This area of Launiupoko was designated for rural density on the Island Plan and blends well with the bulk of Launiupoko which mostly consists of CPR'd 1/2 to 1.5 acre lots.

The hundreds of potential homeowners I have personally spoke with have made one thing very clear in that they do not want to be shoved into high density tiny neighborhoods with no privacy or room to have a garden. They want to have the Maui dream home. A house on the hill with a view of the ocean and room for their kids to run free and play. Sadly, other approved workforce housing projects will no longer offer affordable home ownership and will offer only affordable rental units.

Please support this community and help make these peoples dream come true.

Mahalo for your support of Makila Kai.

G. Van Fischer
Moffett Properties
Lahaina, HI
808-419-2766
vanfischer@gmail.com