

§201H-38 Housing development; exemption from statutes, ordinances, charter provisions, and rules. (a) The corporation may develop on behalf of the State or with an eligible developer, or may assist under a government assistance program in the development of, housing projects that shall be exempt from all statutes, ordinances, charter provisions, and rules of any government agency relating to planning, zoning, construction standards for subdivisions, development and improvement of land, and the construction of dwelling units thereon; provided that:

(1) The corporation finds the housing project is consistent with the purpose and intent of this chapter, and meets minimum requirements of health and safety;

(2) The development of the proposed housing project does not contravene any safety standards, tariffs, or rates and fees approved by the public utilities commission for public utilities or of the various boards of water supply authorized under chapter 54;

(3) The legislative body of the county in which the housing project is to be situated shall have approved the project with or without modifications:

(A) The legislative body shall approve, approve with modification, or disapprove the project by resolution within forty-five days after the corporation has submitted the preliminary plans and specifications for the project to the legislative body. If on the forty-sixth day a project is not disapproved, it shall be deemed approved by the legislative body;

(B) No action shall be prosecuted or maintained against any county, its officials, or employees on account of actions taken by them in reviewing, approving, modifying, or disapproving the plans and specifications; and

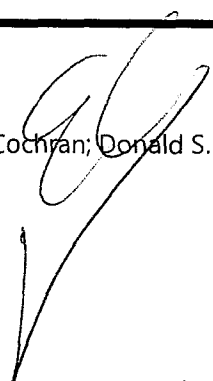
(C) The final plans and specifications for the project shall be deemed approved by the legislative body if the final plans and specifications do not substantially deviate from the preliminary plans and specifications. The final plans and specifications for the project shall constitute the zoning, building, construction, and subdivision standards for that project. For purposes of sections 501-85 and 502-17, the executive director of the corporation or the responsible county official may certify maps and plans of lands connected with the project as having complied with applicable laws and ordinances relating to consolidation and subdivision of lands, and the maps and plans shall be accepted for registration or recordation by the land court and registrar; and

(4) The land use commission shall approve, approve with modification, or disapprove a boundary change within forty-five days after the corporation has submitted a petition to the commission as provided in section 205-4. If, on the forty-sixth day, the petition is not disapproved, it shall be deemed approved by the commission.

(b) For the purposes of this section, "government assistance program" means a housing program qualified by the corporation and administered or operated by the corporation or the United States or any of their political subdivisions, agencies, or instrumentalities, corporate or otherwise. [L 2006, c 180, pt of §3; am L 2007, c 249, §32]

RECEIVED AT LU MEETING ON 11-1-17 (CANTUANA MESS)

From: Gordon Firestein <gfirestein@seapact.com>
Sent: Monday, October 9, 2017 10:43 AM
To: Alike A. Atay; Mike White; Robert Carroll; Stacy S. Crivello; Elle Cochran; Donald S. Guzman; Kelly King; Riki Hokama; Yukilei Sugimura
Subject: Water restrictions in Launiupoko, re Makila Kai etc.



Aloha County Council members,

Attached is a notice every resident in Launiupoko received this past Saturday. Our ag water has been cut to 3 days per week, effective immediately.

I have annotated the notice at the bottom to indicate the area that is proposed for imminent development.

We thought it important that you have this information.

As you know, the availability of water for Makila Kai (and the other developments to follow) has been a key question.

This notice highlights the urgency of these questions, for example:

Given that there is clearly insufficient water for the current residents now, and given the scale of the proposed new developments, how could the County possibly approve these projects?

If ever there were a need for compliance with the Show Me the Water rules, this is it.

Thank you for your time and consideration of this recent news.

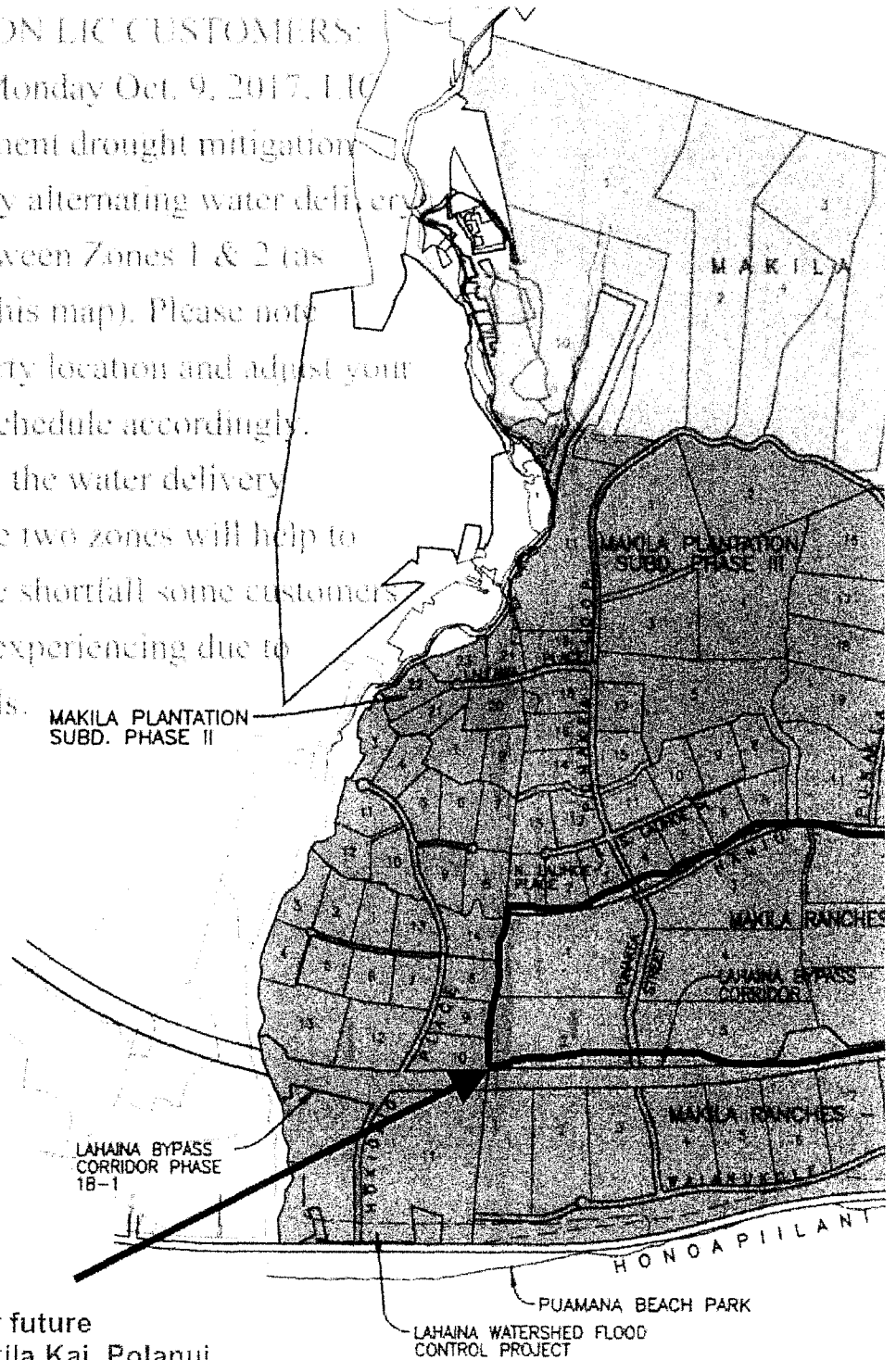
Sincerely,

Gordon Firestein & Doris Lang

186 Paia Pohaku Pl.
Lahaina HI 96761

510-384-2376 Gordon's cell

ATTENTION LIC CUSTOMERS:
 Effective Monday Oct. 9, 2017, LIC
 will implement drought mitigation
 measures by alternating water delivery
 service between Zones 1 & 2 (as
 shown on this map). Please note
 your property location and adjust your
 irrigation schedule accordingly.
 Alternating the water delivery
 between the two zones will help to
 mitigate the shortfall some customers
 have been experiencing due to
 low rainfalls.



Area proposed for future
 development (Makila Kai, Polanui
 Gardens, Makila Rural East)

Irrigation Water Delivery Schedule

From: Kurt Thompson <khtagain@me.com>
Sent: Wednesday, September 13, 2017 1:19 AM
To: Alika A. Atay; Riki Hokama; Robert Carroll; Donald S. Guzman; Kelly King; Yukilei Sugimura; Elle Cochran; Stacy S. Crivello; Mike White
Subject: Fwd: Launiupoko Irrigation Co., Inc. - CONSERVATION NOTICE
Attachments: LIC CONSERVATION NOTICE 091217.pdf
Importance: High

Just to keep you informed as to the WATER ISSUES impacting the current residents in the Launiupoko area. I have over 1,300 olive trees, 100 coconut trees and 50 fruit trees on my property that are being significantly impacted by the lack of water. THE AREA CAN'T SUPPORT the higher density developments like the one's that Greg Brown and Peter Martin are proposing!!! Please stop them!!!

Kurt Thompson
85 Lau Awa Place
Lahaina, HI 96761

Begin forwarded message:

From: Deborah Belle <Deborah@mchawaii.com>
Subject: Launiupoko Irrigation Co., Inc. - CONSERVATION NOTICE
Date: September 12, 2017 at 10:13:18 PM EDT
To: Deborah Belle <Deborah@mchawaii.com>

Aloha,

Please review the attached notice from Launiupoko Irrigation Co., Inc. regarding conservation / irrigation water use.

Mahalo,

Deborah Belle, CMCA®
Community Association Manager
Management Consultants of Hawaii, Inc.
P.O. Box 10039, Lahaina HI 96761-0039
Phone: 808-661-8795; Fax: 808-667-7608
deborah@MCHawaii.com

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305 E Wakea Ave, Ste 100
Kahului, HI 96732

Phone 808-877-4202
Fax 808-877-9409

September 12, 2017

LIC CONSERVATION NOTICE

Aloha Valued Customer~

The Launiupoko Irrigation Company is urging all the HOA's and residents in the Launiupoko Irrigation service area (Puunoa, Makila, and Launiupoko to voluntarily reduce irrigation water use. Specifically, we are asking residents to cut back on the amount of water used for landscaping purposes (yards and roadway landscape), hopefully this will allow enough for crop and true agricultural use.

The rainfall in the mountains are very low this time of the year and the streams and reservoirs are very low.

Conservation Measures in the works: (Update email will be sent separately later this week to explain details of LIC water use)

We have also asked the highway contractors not to use Ag water for their dust control needs.

We are in the process of adding a well to this system to help avoid the need to limit water service. We are still several months from being online. Thank you for your cooperation.

Please advise us if you see any unnecessary leaks, breaks or irrigation valves stuck in the "on" position for extended periods of time. Let's all work together to conserve during this drought. If you have any questions, please let us know.

Sincerely,

MANAGEMENT
LAUNIUPOKO IRRIGATION COMPANY, INC

From: Kurt Thompson <khtagain@me.com>
Sent: Monday, September 18, 2017 9:34 AM
To: Alika A. Atay; Riki Hokama; Robert Carroll; Donald S. Guzman; Kelly King; Yukilei Sugimura; Elle Cochran; Stacy S. Crivello; Mike White
Subject: Continued water issues in the Launiupoko area
Importance: High

Dear Maui County Commissioners,

We continue to have significant AG water shortages in the Launiupoko/Makila area. Below is a copy and paste of my recent e-mail correspondence with Dave Minami from the Launiupoko Water and Launiupoko Irrigation companies. This e-mail conversation took place in the past 24 hours. We have been having significant AG water shortages in our area for several weeks now. Agricultural plantings, as required by Title 19, are in serious jeopardy of dying and will result in a significant financial loss for many homeowners. My 1,300 olive tree farm, for example, cost nearly \$100,000 to set-up, install irrigation systems and plant. How can the County require AG when AG water can't be guaranteed? Lawns and Landscaping of many properties are also in jeopardy of dying.

We (and YOU) must STOP the developments proposed by Greg Brown and Peter Martin. THERE IS NOT ENOUGH WATER OR A CONSISTENT RELIABLE SOURCE OF WATER!

Frustrated and mad,

Kurt Thompson
85 Lau Awa Place
Lahaina, HI 96761

Dave, What is the status of AG water and supply to my property at 85 Lau Awa Place? My 1,300 olive trees are starting to die! Kurt Thompson

Dave Minami, Launiupoko



Kurt, I think the safest thing to do for now, will be to go to a contingency mode and water the trees with Potable water until we get some rains back. I am working with the office on additional conservation measures and steps, e.g. water restrictions for certain areas on certain days. Please follow up in a day or so as I know mother nature has dealt us a difficult situation. Dave

You

It is clearly not practical to use potable water to irrigate 1,300 olive trees. They are spaced over 2-3 acres in 48 rows, about 120 feet long. There are 20-30 trees per row. The County forced me to do AG in order to get a permit for solar panels and now I can't water the AG!

Dave Minami



Kurt, I understand your frustration but cannot make the decision on whether it practical or not. That's your call, im sure that it will be a temporary measure just to minimize losses. I am open to suggestions or ideas on conservation measures and doing the best we can. Mahalo,