

AH Committee

From: Sara Tsukamoto Strona <sstrona@STARNLAW.COM>
Sent: Tuesday, September 03, 2019 9:26 AM
To: AH Committee
Subject: Testimony for 9/4/19 Affordable Housing Committee Meeting
Attachments: Steve Strombeck Written Testimony for 9-4-19 Meeting of the Maui County Council Affordable Housing Committee.pdf

Chair Kama,

Attached is written testimony in opposition to the Makila Farms project, submitted on behalf of Mr. Steve Strombeck.

Thanks.

Sara S. Tsukamoto Strona
Attorney at Law

Starn O'Toole Marcus & Fisher
A Law Corporation
Pacific Guardian Center, Makai Tower
733 Bishop Street, Suite 1900
Honolulu, HI 96813
Email: sstrona@starnlaw.com
Telephone: (808) 537-6100
Facsimile: (808) 537-5434
Website: www.starnlaw.com

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TO: Councilmember Tasha Kama, Committee Chair, Affordable Housing Committee of the Council of the County of Maui

FROM: Steve Strombeck

RE: Written Testimony in Opposition to Makila Farms Project (agenda item AH-1(3))

DATE: September 3, 2019

Aloha Chair Kama:

I live at 24 South Lahoe Place, near the proposed Makila Farms project. I am writing to oppose this project for the following reasons:

- **There is not enough water to serve our existing agricultural communities.** Adding a new development project will only make the situation more dire. Recently implemented Interim Instream Flow Standards for several West Maui streams (namely, Kaua‘ula Stream) have further constrained the limited water resources that are available for existing agricultural activity in the area, including my sod farm. My neighbors and I have been repeatedly instructed by the water companies that serve our area to cut down on our water use in response to the water shortage. How can the developer honestly say that there is adequate water in the area for more housing when this sort of condition is ongoing?
- **Adding more houses in this area would make the traffic unbearable and potentially impede residents’ ability to get to safety in the event of an emergency.** Existing traffic conditions in Launiupoko are already bad. West Maui has experienced multiple fires over the past few years due to dry and hot conditions, and more houses, coupled with inadequate access routes, could lead to disaster if another fire occurs.
- In connection with the HRS Chapter 201H application, the developer is requesting multiple exemptions from County zoning ordinances that would undermine the intent of those ordinances – to encourage the construction of safe and livable communities.
- **The project is not primarily affordable.** The project will only add 19 “workforce” housing units to the market. As pointed out by the Maui Planning Department in its December 11, 2018 comment letter, and as admitted by the developer’s consultant in its response, the buyers of the proposed 15 market-rate agricultural lots would have the ability to build additional dwellings on their 2-acre lots. **That means that the number of additional homes that could be built within this project is actually 49, and not 34, and that the percentage of “workforce” housing units in this project is actually 39%, and not 56%.**

HRS § 201H-41 and HAR §§ 15-307-26 and 15-307-52 require that a project be primarily designed for lower income housing in order to qualify for exemptions under HRS § 201H-38. Because only 39% of the units in the project will be lower income housing, the project does not qualify for HRS Chapter 201H-38 exemptions.

- **The project is inconsistent with the Maui Island Plan**, which designates the project area within the Rural Growth Boundary rather than the Urban Growth Boundary.
- After the proposed 271.175-acre “Makila Rural Community” project failed to gain traction, the developer tried and failed to develop multiple smaller projects on the same land by segmenting the land and requesting district boundary amendments for smaller areas that were conveniently below the 15-acre threshold for determination by the County Council rather than the State Land Use Commission. **If this project is approved, the developer will likely use this project as a justification for approving the next project, causing a “domino effect” of rezoning in the area and the loss of even more agricultural land.**

The State Land Use Commission, in its November 15, 2018 letter to the developer’s consultant, voiced opposition to the Makila Farms project:

Based on our understanding of Makila Farms, we believe that our previous comments remain applicable despite the changes undertaken to the number of lots and their acreages. In particular, we continue to question whether the proposed housing community is, in fact, an appropriate use within the State Land Use Agricultural District especially given the poor quality of the soils (the soils are characterized as “stony to very stony” and there is no existing irrigation system on the site) and no evidence of a comprehensive and vetted farming plan at this time. *We do not believe that homeowner gardens, as stated in the application, constitute agricultural uses as envisioned by HRS chapter 205.* As you know, agricultural activities in the State Land Use Agricultural District must be actively and primarily pursued.

Until such time [the developer] can demonstrate that Makila Farms is a valid agricultural subdivision consistent with the spirit and intent of HRS chapter 205, it is our position that [the developer] should file a district boundary amendment petition with the Land Use Commission (LUC) to reclassify the entire approximately 76.1-acre property from the State Land Use Agricultural District to the State Land Use Rural District. As we previously pointed out, we believe that such treatment of Makila Farms will enable the LUC to consider the project in an open forum to determine areas of statewide interest and appropriate mitigative measures.

(Emphases added).

I urge the Committee and the full Council to heed the recommendations of the Land Use Commission and the significant and consistent community opposition to new housing developments in Launiupoko. Please deny this 201H application.

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

- Steve Strombeck