

May 17, 2017

Land Use Committee Hearing

When we purchased our home in Launiupoko 10 years ago, disclosure for sales stated that the surrounding developments were zoned agricultural. With current developments: Teacher's Pension Development of Ka'anapali golf course, Hyatt's completion of construction, Kahului's new parallel runway, we are seeing in West Maui uncontrolled commercial expansion.

You are aware of problems of the waste water injection systems, drainage runoff damage to Fleming Beach, Olowalu reef, & cesspool prohibition relating to aquifer purity.

The availability of 448 acres behind Foodland Farms state zoned for affordable housing & the recent sale of 880 acres behind Kapalua Airport add to our problem of infrastructure deficiencies. See attached.

I am strongly opposed to the approval of this project, specifically in regards to zoning change.

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Greg Brown's Makila Kai Development  
Call to Action Wednesday May 17<sup>th</sup> County Meeting.

This document is to remind you of issues you may wish to think about and include in either written or oral testimony: please add your own thoughts and concerns:

### **1. Background**

Just over a year ago Peter Martin submitted a proposal for "Makila Rural" to the State Land Use Commission for development of the fields makai of Haniu Street. There was strong opposition throughout Launiupoko, over 80 people wrote to the LUC and the proposal was apparently dropped. It was stated that the land would be sold off as 11 large agricultural parcels. That did not happen.

### **2. Current Status**

3 smaller scale projects are being proposed individually. These 3 projects add up to roughly the same density as the Makila Rural project (with similar resulting negative effects on our community). The developers are claiming that these are independent projects and they are not colluding.

The developers' strategy is to present these projects to the county one at a time so that they appear to be smaller projects, with fewer approval hurdles needed.

Greg Brown's project is the first of these smaller proposed projects.

This strategy is called "segmentation" and is against State Land use objectives and strategies.

### **3. What is a 201 H 'Fast Track??"**

A 201H is designed to make developers offer affordable housing in the same ratio as market priced house.

It is a fast track procedure which eliminates a lot of normal developer costs and fees, passing them on to taxpayers, limits the scope of public scrutiny and input, and shortcuts proper environmental impact assessment.

It gives the county only 45 days to reach a decision.

## Possible Objection Points:

- 1. Greg Brown's Makila Kai project should not be looked at in isolation.** The other 2 proposed developments (Polanui Gardens and Makila Ranches East) have begun their community outreach process so the developers have made their intentions known. Each development looked at in isolation makes it difficult to assess the impacts on traffic, water, and the environment. A look at the combined proposals is warranted to determine the true effects. **A full Environmental Impact Statement should be required, despite the 201H status.**

State statutes expressly recognize that this is developers' purpose in "segmenting" projects and are designed to stop it.

- 2. A State LUC DBA should be deemed necessary.** The state LUC (Land Use Commission) presents a second hurdle that a developer needs to clear if he is requesting a dba (District Boundary Amendment) to allow rural lot sizes on agricultural zoned land. However, if the land in question is under 15 acres, this requirement can be waived. Greg Brown's total project is 79 acres. But he is segmenting and claiming that the affordable housing piece will be the only rural and is under 15 acres so no state review is needed. The size of his entire project needs to be considered, not just one piece of it. Therefore the extra step of state LUC approval should be required.
- 3. Traffic, road congestion:** The road system is already a major problem. We experience backups to the Maui Ocean Center almost every day! The bypass is not going to change that since traffic will be forced onto Kai Hele Ku Street with a traffic light at the bypass junction. With at least a doubling of population and vehicles in Launiupoko, but no real change to the roads, there is nothing in the developers' plan to address this. This is a safety issue.

The community has to live with these traffic problems long after the developer has made his money and moved on. Public safety and traffic impacts are of major concern and the County should not rely on the Developers assessment of the traffic situation. The County has a duty to scrutinize this piece thoroughly and if that means

more than 45 days are required, then that time should be taken. We expect the Police and Fire Service to be given sufficient time to evaluate and assess this situation.

4. **Potable Water:** Potable water is a precious and limited resource. This development is a further strain on the water supply. While of course the developer is claiming that there is plenty of water, this **MUST** be double checked by an independent source. Do the numbers add up?
5. **Light/Noise:** How will light and noise pollution be addressed? And how will this effect endangered species that we see in the area? (Nene etc.)
6. **Septic and Leeching Fields:** What effect will several hundred new septic systems have on the quality of groundwater leaching in to the ocean downhill? In his application, the Developer talks about how “close” the Affordable Housing will be to the shoreline for recreational purposes, “only 1500 feet”. Doesn’t that mean that leeching fields are also close to the shoreline!

Dr. Eric Brown and many other marine biologists and researchers voiced their concerns before the General Plan Advisory Committee and the Maui Planning Commission in 2008 and 2009 about the detrimental effect of development on Olowalu’s coral reefs. They asked that mauka lands not be urbanized so that the water quality is not put at risk. Shouldn’t this be a major consideration and warrant ample time taken to make sure our ocean is not put at risk?

7. **Forever Loss of AG Land:** The conversion of good agricultural land into dense housing conflicts with a broad range of State land use objectives and policies. There needs to be a compelling reason to prioritize developer profit over State priorities for protection of good agricultural land.

8. **Pending Legal Action:** Owners have all been informed that this developer is a defendant in a legal action brought by the Makila Plantation HOA on road access and costs. Surely the County should not fast track a developer application with this type of legal action pending. Particularly since the outcome could affect the road layout contained in the plan.

Finally, one overall comment: The need for affordable housing in West Maui is real. And there are several west side affordable housing developments in progress, Kahoma, Kaiaula and Pulelehua for a combined total of 576 affordable housing units. This project of 25 affordable housing units is a drop in the bucket against the need. While some may argue that something is better than nothing, at what cost? An impact this small in terms of fulfilling the housing need must be weighed against the environmental damage and the permanent removal of good land from AG that will result.