

**LU Committee**

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**From:** John & Debby Phelps <jandd\_phelps@yahoo.com>  
**Sent:** Monday, March 20, 2017 7:05 PM  
**To:** LU Committee; Riki Hokama; Alike A. Atay; Elle Cochran; don.couch@mauicounty.us; Stacy S. Crivello; Donald S. Guzman; Kelly King; Yukilei Sugimura; Mike White  
**Subject:** Testimony re 355 Haiku road property  
**Attachments:** 355 Haiku Road..docx

Aloha,

Attached is a letter I was asked to write summarizing the view of 20 homeowners as expressed in a meeting last week. These homeowners live within 1000 yards of the 355 Haiku road property. Our meeting was informal to discuss various items of common interest and we did not attempt to canvas the entire area. We have yet to find anyone in agreement with the proposal who lives within the 1000 yard radius. If more information is required please ask and I will try to get it.

Mahalo,

John Phelps

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John and Debby Phelps  
300 Waiama Way  
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March 17, 2017

Maui County Land Use Committee  
Maui County Council Members  
2200 Main Street  
Wailuku, Hawaii 96793

Dear Members:

Subject: 355 Haiku Road  
(2) 2-7-003:87  
SUP2 2015/0012 & CP 2015/0007

On March 15, 2017 a group of concerned homeowners met to discuss what we could do regarding Coqui frogs, home and property break-ins, and the plans to operate the property at 355 Haiku road as a transient vacation rental and a special event location. This letter is to document why the attendees unanimously object to the approval of the proposed applications for 355 Haiku Road property. Preserving the estate was a better land use than a subdivision, but the proposal raised serious concerns.

- 1) General – The Paia-Haiku Community Plan states that “The public infrastructure in the Ha`iku area is more limited....” For Haiku the plan is to “...c. Protect and maintain a rural character distinct from the city-like form of other urban communities on Maui...” The plan ...: “3. Prohibit hotel/resort development within the region.” And “10. **Discourage** approvals of Special Permits in State Agricultural and Rural Districts unless: (a) necessary to serve the immediate community in remote areas; (b) supportive of agricultural uses; or (c) needed for the use or distribution of locally produced products and services that otherwise do not adversely affect the environment, surrounding agricultural uses, or public safety.”

This document emphasizes that the plan is to not create infrastructure to support commercial use in the residential areas of Haiku. If we are to create commercial enterprises we would also have to create the infrastructure to allow the residential and commercial land uses to coexist. Bringing in hundreds of usually off island

visitors to party in Haiku does not preserve the rural character of Haiku. We understand that there is a need for special use facilities. There is one in Haiku Community Center and a second recently added Old Mill adjacent to the proposed location. Modifying the regulations to allow a third special use facility in this small residential area of Maui seems unfair.

- 2) Safety – The traffic on Haiku road is already very dangerous, one of the most dangerous on the island. Rodney Kilborn related that he was the first responder to an accident at the location being discussed where a young male died in his arms. My wife and I no longer bike on that area of the road due to the blind curves, inadequate bike lanes, and traffic speeding. I have already been hit by a truck while bicycling in Haiku so am sensitive to the danger already in Haiku. The infrastructure cannot safely support the current traffic load and the idea of people usually from out of town coming to a wedding or special event and then driving on an unknown dark road after a “party” is just asking for someone else to get killed. The guests from out of town will have their own rental cars will “party”. Since the county is aware of the traffic safety issues, to change regulations and make the situation worse without first reducing the existing risk can make the county responsible for any accident that happens. Who will testify that it is safe to walk or bike down Haiku road before or better after a “party” with 100 out of town cars adding to the traffic on the Haiku Road curves? The road accessing the property from Haiku road is so narrow that two vehicles cannot pass side by side on the roadway.
- 3) Traffic – The roads are rural. Haiku is not equipped to become resort central. Adding 100 cars to the traffic will be a significant disruption to the “rural” character which the Community plan says is to be protected. Haiku is the wrong place for a “resort” environment. If this is approved then can anyone can do the same. The Mill across the street was approved to support wedding parties. This proposal is another and precedence is being set for anyone to create a commercial resort type business in Haiku. This has to stop now. The resort environment is to be on the resort side of Maui where the infrastructure is in place to support the traffic. On Haiku road traffic continuously violates the center dividing line and the bicycle/walking area around the blind curves. There is no infrastructure plan to straighten the road, widen the road, or divide the road. These changes would be recommended to be implemented before any plan to add traffic to the road is approved.
- 4) Noise – The noise from Haiku Mill is disruptive at our home as well as at our neighbors who have previously given testimony. Haiku Mill has complied

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with the 10 pm noise curfew and their events are on the weekend so we have no violation to report. However, this new proposal is for additional noise generation approval during the week until 8 pm as well as on the weekends until 10 pm. PLEASE NO! We chose Haiku as our home due to the rural nature (which in the community plan is to be protected.) Noise in the early evening is a major problem for us as we start our online lectures at 2:30 am to support our clients on the east coast of the mainland. So to get seven hours of sleep we go to bed at 7 pm. On a calm night we hear the conversations from the Mill and of course the amplified noise. Amplified sound from another site on the weekends clashing with the noise from the Mill will be most unpleasant. During the week any sound from the estate after 7pm will make sleep difficult or impossible. The rural environment being blasted with noise means we cannot sleep with our windows open and in the summer it is too hot to close them. There are other venues on the island for these types of events.

5) Equality - The proposed permits seem to have a significant amount of process circumvention:

1) The property is over 18 acres and is therefore constrained by state law for that size of property which is being circumvented with the statement "we only propose to use 13.9 acres". Is this legal? Can all applications use this circumvention technique?

2) The county has created rules for short term rental properties to protect the surrounding neighborhood. This property is Canadian corporation owned and is not owner occupied. The number of rooms allowed for short term rental properties is exceeded. Is this not a small hotel application? The proposal does not comply with the rules that were created to protect the existing environment.

3) There is a new 41 lot subdivision plus a new subdivision planned within a mile that will further stress the existing infrastructure. Adding another special use facility at this time is not supported. We are concerned that someone is going to get killed.

Mahalo,

John and Debby Phelps

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