

LU Committee

From: Sandrella Rivas <sandrella77@aol.com>
Sent: Tuesday, May 16, 2017 2:18 AM
To: LU Committee
Cc: vanfischer@gmail.com
Subject: Makila Kai Workforce Project Support Letter
Attachments: MakilaKaiSupport.pdf

Aloha Council Members,

Attached is my support letter for the Makila Kai Workforce housing project.

Mahalo,

Sandra Rivas

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.

The fact that Makila Kai plans to offer a financial gift to each workforce homebuyer 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.

Mahalo piha,

Sandra Rivas

LU Committee

From: Ally Harney <allyrsf@aol.com>
Sent: Tuesday, May 16, 2017 5:43 AM
To: LU Committee
Subject: Brown Development Makala Kai

Allyson Harney
21 W Huapala Pl
Launiupoko
Lahaina HI 96761

808 721 4567

I am OPPOSED to this project. Brown is disguising the desire to help Maui families in a sheep clothing of trying to get around laws, rules and the well being of the people who worked hard to be in on ag properties.

I moved here to have large lots and strict rules.

Why should he be able to change what I have worked so hard for to make money?

Do you really think, after building multi million dollar homes, which I understand he had no regard to the surrounding neighbors, he cares about 18 people . '

I am sure you know he has sent letters to support himself that people could just DocuSign. I have given you a copy below. He mentioned that it is first time home owners who can walk to the beach.

Do you remember your first house? I do, it was a dump that I mixed up and not in an ideal location.

Let Brown buy inexpensive land and give dozen of families the joy of home ownership. Not disrupt our neighborhood.

thank you

Allyson Harney

Here is the letter , Brown sent to have people docusign and send to the committee. Make sure that when you do receive these that you check if they are living in the affected area.

Thank you . I am sure you will do the right thing and support the rules in place.

this is what Greg Brown has sent out to one of my clients in the Makila subdivision:

As you may likely know I have a subdivision that I am proposing in the Makila area. You can see it at Makilakai.com. I would like to ask you to send me back an e mail in support of the project. I will then put the e-mail into a letter form and send it back to you in docusign to sign digitally. I go to the counsel in just over a week, so please let me know if you can help.

Dear Maui County Counsel:

I own _____ in Makila .

I support Brown Developments Makila Kai project because (some reasons you may consider)

1. more work force housing is needed in our area.
2. Creates a place for first time maui families to live close to the ocean.
3. First work force project to ever be on 1/2 acre.
4. Follows the rural island plan.
5. Brown is donating 50K to each owner to get the price down so that it is more affordable.
6. There will be no CPR ing allowed.

7. Brown is creating his own non-potable water source.
8. Brown development is a great builder who is capable of doing this.

I know Greg Brown and Brown Development to believe him to be an honest and ethical builder who can get the job done.....

Please Vote Yes for the project.

In your words.

Thank you,

Greg

LIVE COLORFULLY!
Ally Harney

LU Committee

From: Kurt Thompson <kbtagain@me.com>
Sent: Tuesday, May 16, 2017 6:02 AM
To: LU Committee
Subject: Land Use Committee Meeting May 17, 2017 - Makila Kai
Attachments: Maui Development.pdf

Importance: High

To whom it may concern,

Please find our comments regarding the proposed Makila Kai LLC Project slated to be discussed at your meeting on May 17, 2017.

Kurt & Beth-Ann Thompson
85 Lau Awa Place
Lahaina, HI 96761
925-353-0760

April 16, 2017

Dear Land Use Committee,

We are writing to you to express our **extremely strong opposition** to the proposed Makila Kai development and Mr. Greg Brown's request for a "fast track" approval under Section 201H.

We purchased our home in Makila Plantation in 2009 because of the AG nature of the entire area and to be able to enjoy a peaceful uninterrupted time on Maui. Over the years we have also been opponents of Bed and Breakfast permits being issued to homes in our area because we felt that they would detract from the rural AG development lifestyle. We strongly believe that the entire Launiupoko hillside area that is designated as Agricultural ("AG") must remain in the same land use designation.

We, like the vast majority of Launiupoko Makila Plantation owners and the other Launiupoko Homeowner's Associations disagreed by overwhelming majority with the previously proposed larger scale project that was abandoned over a year ago. Now, Mr. Brown and Peter Martin are proposing to create "mini" developments in order to avoid having to go to the State of Hawaii to get the zoning changed for these smaller projects. Don't be fooled! They are nothing more than a couple of wolves in sheep clothing. The overall impact on the combined smaller projects will have the same disastrous impact on current homeowners in the area, and West Maui, as the larger project they abandoned. Breaking these larger AG lots into smaller rural lots and then "throwing the County a bone" with a few affordable homes where the developer "gives" \$50,000 to the buyers is just the first step in their plan to maximize their profits on the sale of the higher density lots adjacent to the affordable homes. Their aim is to maximize profits and their return on investment. It is NOT to be good citizens and develop homes to help County residents.

We believe there are areas that will have significant adverse impacts as a result of the proposed development(s):

- 1 - Traffic
- 2 - Water
- 3 - Environment and Beach access
- 4 - Lifestyle.

1 - **Traffic**: Everyone who lives in the Launiupoko area knows there are currently major issues with traffic at Kai Hele Ku. This is the only road that provides entry/exit for entire Launiupoko Hillside and this is the same road that would be used for Makila Kai proposed development as well as other future West Maui Land projects. The extension of the Lahaina bypass will make matter even worse as its exit/entrance will be on Kai Hele

Ku as well. Kai Hele Ku will become the only by-pass exit/entry for anybody trying to get to Launiupoko beach and beaches south. Currently, residents on the hillside have to often times wait at a red light for up to 5 minutes in order to make a left hand turn to head south towards Olowalu. Adding additional higher density developments to access Kai Hele Ku on top of expected additional traffic from the bypass will be disastrous and will greatly increase traffic congestion and the potential for car accidents.

On May 5th '17 Makila Planation owners had a meeting with Brown development to give him opportunity to present his development. He was asked how would Makila Kai residents exit and enter their development. He stated that they would use Waianukole Place road (newly built road by West Maui Land, parallel to Honoapiilani Highway). He was reminded that that road will most likely be gated off for future Makila Ranches exclusive use (as per Maui News Jan 26th '17 article: developer requested that this road would not be public road and could be gated off, as county failed to purchase overpriced non buildable land bellow it). Mr. Brown proceeded to say that they would use emergency dirt road as an alternative. Brown did not say at any point that they would come up to Punakea loop or Haniu St. In his current proposal and on the Makila Kai web site the only direct access to his proposed development is from Haniu St. and Punakea Loop. Currently there is ongoing litigation affecting potential use of Haniu and Punakea Loop by the proposed development as these are private roads for the use of residences in the Launiupoko and Makila Homeowner's Associations.

In addition to the incremental traffic due to the increased population density on and around Kai Hele Ku, the larger and more significant impact will be on the traffic along the Honoapiilani Highway beginning at the Maalaea Harbor Area. This two lane road provides the only realistic access to the entire West Side of Maui. It is not uncommon for the 13 mile drive from Maalaea Harbor to Kai Hele Ku street to take more than ONE HOUR every day during heavy traffic times around tourist arrivals and worker shift changes at the West Maui resorts/restaurants. Additionally, it seems that every week or two there are automobile accidents that cause the highway come to a standstill bringing the entire West Side to GRIDLOCK. Any additional development, of any kind, on the West Side of Maui should be curtailed until there is an adequate solution to this problem fully in place and operational.

2 - **Water:** We own an AG property of 5.5 acres. In order to be in compliance with the AG codes we were forced to come in to compliance by the County in order to be granted a permit to add Solar panels to our property. The property we purchased was built by Mr. Brown and was occupied for FIVE YEARS by the former owner and was NEVER in compliance with the AG requirements. At a cost of over \$100,000 we added agricultural activities to our property on over 2.5 acres of land that had no prior AG. As of today approximately 65% of our land is under some form of AG. However, the access to AG water has often been a very big issue. Plants require water!! On many occasions over the past 7 years we have had shortages of AG water or situations where AG water was shut

off due to waterline breaks, damaged pipes or clogs. The results were disastrous to our AG activities and killed or damaged many of our plantings. What's going to happen when there are hundreds of additional homes using the water? Virtually ALL of the water for our area comes from the West Maui Mountains above the Launiupoko area. It does not matter where the wells are located, they ALL draw from the same source.

Water issues are having major impact on all residents of Maui. Launiupoko has had its fair share of warnings of inadequate water supply and notices to conserve water. On May 5th, Makila Plantation Owners meeting, Brown stated that he would drill his own water well, "as there were issues with new well currently being drilled by the Launiupoko water company". This new well currently being drilled by Launiupoko Water Company, is digging for additional water that will be needed for planned Makila Ranchers-another higher density non-Ag. development by West Maui Land. In April '17 Annual Makila Plantations meeting, Peter Brown-owner of West Maui Land and Launiupoko Water Company stated that he is planning on adding another 210 parcels with same purpose as Makila Kai and plans to use fast track 201H process as well. These wells access the SAME water we all use!

3 - Environment and Beach Access: Protection of shore lines and reduction of Ocean water pollution should and must be a priority for the County and State. Having septic tanks for the proposed higher density developments, so close to the ocean, has the potential to create leaching of untreated septic waste into the ocean and endanger even further our coral reefs, marine life and ocean water quality. Higher density developments should be done in areas that have septic processing facilities already available.

On most work days and especially on weekends it is very difficult to find parking at the Launiupoko beach. Mr. Brown's project about 50 new homes which can house up to 7 inhabitants, with assumption of 2.5 cars per house would yield about 123 cars. Another development that is in the planning process by Peter Martin and West Maui Land calls for an additional 210 homes of similar character. We are talking about another 525 cars on top of 123 for total of about 648 additional cars. If you create a precedent here and open the flood gates for the same type of rezoning to happen there will be cumulative adverse impacts on our lands, that will ultimately destroy our environment and appeal of Maui as a tourist destination.

4 - Lifestyle: Most homeowner's purchased property in this area because of it's lifestyle opportunities and financial value. The hillside is generally a peaceful and serene environment with expansive views, open space and agricultural activities. Having privacy on 1 to 25+ acre lots is what sold many homeowners on this area. Allowing for rezoning of the large AG lands below Haniu Street will DESTROY this lifestyle and will have a significant detrimental financial impact on many current homeowners as the \$value placed on their current "lifestyle" will be eliminated by higher density homes,

traffic, environmental issues and all the other problems caused by this proposed development and future proposed developments.

We strongly urge you to VOTE NO on Mr. Brown's request and to VOTE NO on any other future requests to change the zoning on any parcels of land in the Launiupoko area. The AG land designation should remain as such. Don't be fooled by the wolves wearing sheep clothing.

Sincerely,

Kurt & Beth-Ann Thompson
85 Lau Awa Place
Lahaina, HI 96761

LU Committee

From: Dave Minami <Dave@westmauiland.com>
Sent: Tuesday, May 16, 2017 6:26 AM
To: LU Committee
Subject: Makila Kai Project Testimony
Attachments: Makila Kai Support Letter Dave Testimony.docx

Aloha Attached is a copy of my written testimony.
Mahalo for the opportunity
Dave Minami
808 357 3984

May 15, 2017

Via email to: lu.committee@mauicounty.us

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 Vice-Chair Carroll,

My name is Dave Minami, I was born and raised in Lahaina and am a lifetime resident. I have seen many changes to my home in my lifetime and most of them have been good. I am very fortunate to be able to live in and raise my family in Launiupoko. If I look back, it has been tough at times, but we appreciate the ability to have a home in such an amazing place.

I am in favor of the affordable & workforce housing projects and I want to thank Mr. Greg Brown for attempting to bring homes to working families on the Westside. I have two daughters that have recently graduated from college on the mainland and will have to stay on the mainland because there is nothing within reach for them in Lahaina. They want a home and a place to raise their own families.

We live on an island and it will continue to grow, roads and traffic will continue to be a challenge, but we should not let this be a reason to block our local working class families and our kids that need to find a home. We need to give them a chance to come home to their roots and we need to give Maui families a chance at achieving their dreams and goals. Lahaina is full of hardworking people that need a home.

You are going to hear many testimonies about congestion, traffic, and water. Yes these are concerns, but ones that can be dealt with. What is unfair, is when I hear of people saying they moved to Laniupoko because it was zoned agriculture and they don't want to see changes. These people purchased their agricultural lands and should be happy and appreciative with what they have and should continue farm their lands. This area can easily be shared and it is unfair and selfish for residents who have moved from the mainland to be so self-serving and have a NOT IN MY BACKYARD approach. This area has turned out to be such a beautiful area to live. We should give more local people and our children the opportunity to spread their wings and not be priced out of paradise. I applaud Greg Brown and Peter Martin for not giving up and trying to make this happen. I have watched Brown Development grow from its inception to where it is now. He is builds quality homes.

It is my hope that we can assist multi-generational, extended families, living in one home, the opportunity to have their own place, where kids can have a yard and play, streets aren't one lane due to excessive parking and good HOA controls in place to keep the area beautiful.

In closing, I am a resident of Launiupoko and in FAVOR of these projects. We need affordable homes. I will gladly respond to any comments or questions or serve on committees if necessary to bring this to pass.

Mahalo for your consideration.

Dave Minami
390 Punakea Loop, Lahaina, Maui, HI 96761
808 357 3984

Sincerely,

LU Committee

From: Betsy Talon <mauistaging@hawaiiantel.net>
Sent: Tuesday, May 16, 2017 7:10 AM
To: LU Committee
Cc: Leslie Freimuth
Subject: LU-2
Attachments: testimony.docx

Aloha, I live in Launiupoko, and was the first resident to live there moving in almost 15 years ago. 10 years ago during our drought years, we had the devastating fire that burned for 4 days originating in Olowalu. It jumped over the mountain and came down through my property and did \$50,000 worth of damage. I was told at the time that our wells were down to 10% of capacity. They were using water from local swimming pools to fight the fires from the helicopters. My main concern is that if we find ourselves in another drought, which is probable, and since the population has probably doubled in the last 10 years, what will we do when our wells dry up? I understand that both West Maui Land and Brown development are looking for ways to increase the home density by a few hundred homes. How can we tax our wells with this added usage? It does not add up.

Sunday, in the Maui News, the front page article headline read "Solutions for pali traffic woes elusive". It went on to describe the unbearable waits the traffic load is imposing on our residents and tourists. How long before our tourists stop coming due to inadequate infrastructure in our roads? The reasons for the growing traffic were cited in the article as increased flow from tourists, more construction, and development in West Maui. It was stated that there will be substantial growth in the population of Maui and the west side, but our island is not getting any bigger, and our roads, at least for now, are not keeping up with the population growth. By building more housing on the west side, we are putting the cart before the horse. We can only accommodate more housing, affordable and otherwise, if we can make room for them in an intelligent manner by fixing the infrastructure first.

I understand the need for affordable housing and I applaud your attention and devotion to finding a solution to that issue. The developers are promising an attractive quick fix for this problem, but in my opinion, they are creating an even bigger problem by doing so.

Sincerely
With Aloha
Betsy Talon

LU Committee

From: Kenneth Fiori <AEonMaui@live.com>
Sent: Tuesday, May 16, 2017 7:52 AM
To: LU Committee
Subject: New Land development
Attachments: County Letter.rtf

Thanks for hearing my input.

Kevin Fiori.

Aloha county council members,

Thank you for taking the time to hear a local residents' voice on the Makila Kai project. My name is Kevin Fiori, I am a entrepreneur and philanthropist living central Maui. My main concerns are our keiki and our aina. Its important to me we develop the land in a sustainable manner, meaning we have the capability to produce our own energy and food source. Right now, we import fruit from countries like Mexico and Brazil. One natural disaster or disruption in the supply chain and we could have hundreds of thousands of locals fighting for the last loaf of bread at the supermarket. Thats not a future I want to pass on to our kids. We have a unique opportunity to create a utopian society where the people care about each other, care about the land, and can show the world the true meaning of Aloha. To do this, we must develop our land capable of producing our own food source. The Makila Kai project proposes ½ acre lots capable of generating these small local farms essential to a sustainable vision. Im also happy to see it isnt just another concrete ocean we all despise yet keep building. Im going to keep working with the keiki and leading by example. I hope you consider approving the Makila Kai project and other developments like it, that propose nature balanced design and large parcels capable of producing local food and energy sources. Mahalo for your time.

Sincerely,

Kevin Fiori

LU Committee

From: shawn mclaughlin <evanshawnmclaughlin@gmail.com>
Sent: Tuesday, May 16, 2017 8:09 AM
To: LU Committee
Subject: Affordable land and housing projects
Attachments: Makila Kai Support Letter BLANK 2.pdf

May 15, 2017

Via email to: lu.committee@mauicounty.us

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 Vice-Chair Carroll,

To all maui council members who care about affordable housing and small business,
Please vote to allow this project to proceed legally.

Maui, especially the Lahaina community is desperately in need of projects
like this to become available and affordable which may
allow those of us wishing for larger lots to possibly start a small farm or business.
I fully support the use of the land to develop a project as this.

Sincerely,

Shawn McLaughlin
Maui resident since 1991
Farms and Families
Lot 11 Puna Kea Loop,
Launiupoko, Lahaina
96761
808 283 0745 Shawn McLaughlin
Maui resident since 1991
Farms and Families
Lot 11 Puna Kea Loop,
Launiupoko, Lahaina
96761
808 283 0745

LU Committee

From: Jordan Ruidas <jordan.ruidas@vacasa.com>
Sent: Tuesday, May 16, 2017 8:24 AM
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.

Lastly, it would truly be a blessing to get picked to own at Makila Kai. I want nothing more than to be a home owner on the westside as I have grown up here. Lahaina is in desperate need of more affordable housing. And this project is an amazing opportunity. Please understand that approving this project would be a great deal and would mean that 25 families will be able to be home owners.

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

Mahalo for your time!

--

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

LU Committee

From: jmaher@hawaiiantel.net
Sent: Tuesday, May 16, 2017 8:36 AM
To: LU Committee
Subject: Opposition to Makila Kai project

Aloha,

I am writing to inform you of my opposition to the Makila Kai project in Lahaina as I am unable to attend the meeting on Wednesday in person due to my work schedule. I am opposed to the project primarily because of the impact it will have on traffic in the area which is already terrible. We don't need more cars on the road in the Launiupoko and Puamana area where traffic is already backed up to a standstill every afternoon. We need to preserve open space and not add to the congestion of Lahaina town.

Sincerely,

Janet Maher

LU Committee

From: David Jenkins <jenkins2753@msn.com>
Sent: Tuesday, May 16, 2017 9:50 AM
To: LU Committee
Subject: LU-2 Makila Kai Hearing
Attachments: Makila Kai Testimony.docx

Aloha committee members

Please find attached my written testimony for the Weds May 17th hearing on Makila Kai
David Jenkins

Makila Kai: Testimony to May 17th 2017 Maui County LUC Hearing

Aloha Land Use Committee Members

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

Background

Residents of Launiupoko know that the fields makai of Haniu Street cannot stay undeveloped for ever, that would be naïve. Two developers, Brown Development and Makila Land, have conducted a number of public presentations outlining their plans for three developments but the Makila Kai 700 page document only became available to us last Friday.

We are reasonably looking for the County to approve appropriate development of this prime agricultural land and not to approve inappropriate and damaging developments where the trade off is uneven and the financial benefits go to the developer and the community picks up the long-term costs.

We contend that any decision on the Makila Kai project has to be made in the context of overall developer plans for the area taking in to account the history of proposed development of these fields over the last 18 month.

1. Segmentation of Makila Rural

Mr. Brown's proposal on his 79 acres is clearly just the first step in a three-part plan to develop 210 acres in three phases. Makila Land's environmental Consultant Mariah Gill has conducted a number of public outreach presentations on two developments contiguous to Makila Kai (Polanui Gardens and Makila Ranches East) ahead of those two plans coming to this committee. This past Monday she confirmed that Polanui Gardens will be coming to your committee before the end of May.

With these plans now being in the public domain this committee cannot responsibly look at the environmental and social impact of Makila Kai in isolation. The effects of Makila Kai on traffic congestion, water use, near ocean pollution and the permanent loss of good agricultural land is only about a third of the total impact of the three projects taken together.

Makila Rural (State LUC Docket No. A15-799) was put to the State LUC in September 2015 and then withdrawn in the face of strong public opposition in April 2016. What is crystal clear to everyone is that Makila Land's Makila Rural project to develop the whole area as one coordinated development has come back to life in a different form.

2. The need for an Environmental Impact Statement

The scale of the environmental impact of Makila Rural was acknowledged by Ms Jennifer Lim, attorney for Makila Land, in the Petition when she wrote:-

*“Petitioner does not believe it prudent to proceed under the assumption that development of the proposed Project could **not** have a significant effect on the environment”.*

Put in clearer English, the developer accepted there **would** be significant impact requiring a full Environmental Impact Statement and the Petition went on to outline all the expected impacts.

Given the above assumption by Makila Land it would be illogical that now with essentially the same density of development segmented in to three smaller projects (about 260 lots versus Makila Rural’s 250-275) to assume that the impact will be any different.

So if Makila Rural was going to have to do an EIS and apply to the State LUC for a DBA then logically these projects should too. For developers to attempt to use the 201H-38 procedures combined with splitting the one big project in to three smaller ones to avoid/evade a DBA at State level seems so nakedly transparent in its intent that it is inappropriate for your committee to approve.

3. Segmentation Legal Issues

The Makila HOA legal counsel wrote to the County Planning Department on February 14th this year pointing out that that under Hawaii Administrative Rules 11-200-7 this segmentation tactic linked with a 201H affordable housing application does *not* let an applicant evade appropriate environmental scrutiny. The very fact that the State has such an Administrative Rule suggests this is not a new developer tactic. Residents were made aware of this issue by the HOA. We would ask committee members to be conversant with this segmentation issue and correspondence.

4. Segmentation Agency Responses to the Application

We note that in Agency responses to the Brown application this segmentation issue is seen for what it is with the State LUC suggesting (on Page 621) that Makila Kai should be filing a District Boundary Amendment due to the application being quote:-

“improper use of exemption provisions of the 201H procedure and this view is shared by the Office of Planning”

And on Page 622 the LUC states that a DBA application will:-

“.... not only prevent the unwarranted parcelization of the property in to separate developments, but will more accurately represent the true residential nature of Makila Kai as a single integrated community.....”

From a layman's point of view the State LUC professionals clearly 'get it' the same way we residents do. We see the provision of some affordable housing under 201H being used/abused to unlock more intensive development of market price housing on agricultural land without going through appropriate levels of environmental impact scrutiny.

5. Some detailed comments on the Makila Kai Application

5.1 Traffic, congestion

Launiupoko was developed with one road in and out, Kai Hele Ku Street, so further development of about 1000 people and vehicles across the three projects will make an existing problem much worse. This is a public safety hazard that needs to be weighed against authorizing dense housing development in the area.

The recent Maui News article on westside traffic quoted Ford Fuchigami of the State DOT as saying:-

'smart land-use decisions can minimize the impacts future growth will have on the highway system'

We would ask the committee to consider whether approval of these development projects independent of road use issues constitute smart decisions.

The Kai Hele Ku traffic lights, in combination with the Hokiokio lights cause regular back-ups from the Ocean Center to north of Kannapali. There is a four minute light change for people trying to get out of KHK probably the longest light on the island.

The work on the current phase of the by-pass is not going to improve things. It will still only be a two-lane road, one lane in each direction, and will still have a traffic light at KHK. Access to the existing road will be cut off.

There has been no firm undertaking by West Maui Land on its plans to provide another paved road out to the north and it keeps the new Punakea Street gated. The "dirt road" fire evacuation route has been left to deteriorate so Kai Hele Ku remains a bottleneck. There seems no integration between the development of these private road systems and these private housing projects and we believe the County should take a more active role before approving further development.

The community will have to live with these traffic problems long after the developer has made his money and moved on. These are public safety and social problems and we submit that the County should not rely on the developer's rosy assessment of the impacts. The Police and Fire service should be tasked with a thorough assessment of the impact of a doubling of Launiupoko population and should not be put under the 45 days gun of the fast track procedure.

These are long-term irrevocable changes to the quality of life of the whole community and there is no compelling reason to prioritize a developer using 201H to short-cut full scrutiny over giving time for public comment and consideration. The provision of 25 affordable units with all the 201H development subsidies should not be allowed to impose a long term burden on the surrounding community....it is an uneven trade.

5.2 Water

Water supply in Launiupoko is always an issue with potable water from aquifers a finite and precious resource. As Launiupoko has developed to about 300 lots agricultural water has always been supplied by surface streams subject to seasonal flows and kuleana water rights and is now tapped out and unavailable to new developments.

In order to be able to make the claim that the one and a half acre market price lots are 'agricultural' Makila Kai is planning to dig a well to supply agricultural water through separate meters putting further strain on this common potable water resource.

We would draw your attention to the Department of Water Supply noting on Page 668 that the developer's water consumption forecasts are half of the Department's.

Makila Land is also drilling a further well for its Polanui Gardens project so again it is the combined impact of these three projects which need to be considered. Water decisions particularly should not be fast tracked.

5.3 Septic Systems

The three developments will place several hundred septic systems and leeching fields close to the ocean and beaches downhill. Makila Kai touts in the application how close the development will be to the ocean for recreational purposes. That means so is the effluent.

Dr. Eric Brown and other marine biologists have voiced their concerns at the intensive development near the shoreline on the westside where there are few remaining healthy reefs. We feel the committee should weigh the danger to this Hawaiian jewel against developers maximizing profit through entitlements to greater density than is currently allowed on agricultural land.

5.4 Exaggerated Open Space Claims

It has been purported than nearly 50% of the area will be open space. Open space is defined by the EPA as :-

'any open piece of land that is undeveloped and accessible to the public'

Of the 79.5 acres 20.2 is the bypass setback, 0.7 a park presumably open to the public for about 26%. The 3.8 acres of gulch, very dangerous to go in to, and 8.0 acres of people's lot setbacks really should not be counted in this calculation. Even granting these dubious area it only comes to 41%.

Makila Kai is a dense development and claims of 50% open space cannot be reasonably accepted as genuine.

5.5 Loss of Good Agricultural Land

Launiupoko was developed by West Maui Land as an agricultural community and presented to buyers as that. The feeling of "bait and switch" is widespread among people who have invested in recent years.

Times may change but the State's objectives and policies for the protection of good agricultural land remain the same.

Makila Kai is the very sort of development that State land use objectives discourage; it is urban sprawl, a spot development surrounded by agricultural zoned land and remote from services, town water, sewer, transport etc.

We understand that this is a prioritization issue for the committee and the compelling need to generate more affordable housing may seem a reason to approve development over preservation. However 25 homes on half acre lots is a drop in the bucket and brings with it 24 three and a half million dollar market price homes hardly in line with State objectives, a point picked up in Agency reviews.

5.6 Other Projects

It is worth noting that there are other affordable housing projects in the pipeline that make much more sense in terms of scale and impact on the housing crisis without the Makila Kai trade-offs. Kahoma, Kaiaula and Pulelehua combine for a claimed 576 affordable units.

Furthermore Ms Cochran's TIG hearings would not point anyone towards the benefit this type of development outweighing the community costs. At one hearing an extremely convincing case was made by a mainland developer of affordable housing who stressed that economies of scale in construction cost was critical and that the rule of thumb was apartment blocks of about 100 units was necessary to achieve these economies and thus truly affordable sale or rental units.

5.7 Legal Issues

Makila residents have been made aware that there is pending litigation brought by the Makila Plantation HOA and that Brown Development is a defendant. Since the litigation involves the private roads and access rights it seems inappropriate for the committee to fast track approval of the Makila Kai proposal as it may be effected by the litigation. A more normal approval timetable would give the litigation issues reasonable time to play out.

A County document for 201H applicants titled:-

'Developer Application-Eligible Developer, Information Required, Project Proposal Requirements'

specifically address:-

'legal action taken or pending against the applicant or its principals'

and asks for:-

'proof of the applicant's ties to the community and support from local community groups'

It is reasonable to expect the Committee to do thorough due diligence in these areas before considering a fast track application approval.

6. Claims of Community Support

This development is not supported by the effected neighboring community.

The "segmentation" of Makila Rural in to three smaller projects as an attempt to avoid full environmental scrutiny and the use of the 201H procedure to fast track approval of denser development than is allowed on agricultural land is transparently obvious and seen for what it isprofit maximization beyond what developing the land at agricultural zoned density would yield.

The granting of fast track authorization by the committee will prioritize private profit over the ability of the community to have adequate time and notice for full and fair assessment and input.

Makila Kai was first presented at a four hour drop in meeting on September 29th 2016. Invitations were sent out by mail about a week ahead and consequently few residents were able to attend or were even aware of the event. Those who attended were not supportive.

Thereafter the developer pressed the HOA to make further marketing opportunities available to him to present his proposal again to residents!

A further presentation was arranged May 5th 2017 and a straw poll of attendees recorded 17 against and 1 ambivalent.

Support for the project is limited to the two developers, their family members, financial partners of developers, realtors working for the developers, employees of developers and a limited number of residents.

7. Summary

In summary there seems no compelling reason for fast track approval of this project beyond developer profit. The long-term impact of the three projects in the pipeline needs to be evaluated together before approving this one. The trade off of only 25 affordable units against all the downside risk to the community needs to be thought through and we should not face a 45 day deadline.

LU Committee

From: Leslie Freimuth <leslifreimuth1@gmail.com>
Sent: Tuesday, May 16, 2017 10:17 AM
To: LU Committee
Cc: gritlee71@gmail.com; Pamela Boyd
Subject: Makilia Kai

Aloha, I live in Launiupoko, and was the first resident to live there moving in almost 15 years ago. 10 years ago during our drought years, we had the devastating fire that burned for 4 days originating in Olowalu. It jumped over the mountain and came down through my property and did \$50,000 worth of damage. I was told at the time that our wells were down to 10% of capacity. They were using water from local swimming pools to fight the fires from the helicopters. My main concern is that if we find ourselves in another drought, which is probable, and since the population has probably doubled in the last 10 years, what will we do when our wells dry up? I understand that both West Maui Land and Brown development are looking for ways to increase the home density by a few hundred homes. How can we tax our wells with this added usage? It does not add up.

Sunday, in the Maui News, the front page article headline read "Solutions for pali traffic woes elusive". It went on to describe the unbearable waits the traffic load is imposing on our residents and tourists. How long before our tourists stop coming due to inadequate infrastructure in our roads? The reasons for the growing traffic were cited in the article as increased flow from tourists, more construction, and development in West Maui. It was stated that there will be substantial growth in the population of Maui and the west side, but our island is not getting any bigger, and our roads, at least for now, are not keeping up with the population growth. By building more housing on the west side, we are putting the cart before the horse. We can only accommodate more housing, affordable and otherwise, if we can make room for them in an intelligent manner by fixing the infrastructure first.

I understand the need for affordable housing and I applaud your attention and devotion to finding a solution to that issue. The developers are promising an attractive quick fix for this problem, but in my opinion, they are creating an even bigger problem by doing so.

Leslie Freimuth
40 Kumu Niu Place
Lahaina, HI 96761

LU Committee

From: Sese Vave <sese.cdb@gmail.com>
Sent: Tuesday, May 16, 2017 10:21 AM
To: LU Committee
Cc: 'Greg Brown'
Subject: Makila Kai - Letters of Support
Attachments: Makila Kai Support Letter Sese.pdf

Aloha Vice-Chair Carroll,
Please find Makila Kai letters of support attached for your use. Have a good day!
Mahalo,

Sese Vave
CWA Ventures, LLC
P.O Box 1062 Puunene, Hawaii 96784
Cell: 808 870 5349
Fax: 808 877 7119
sese.cdb@gmail.com

May 15, 2017

Via email to: lu.committee@mauicounty.us

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 Vice-Chair Carroll,

For a while now I've been looking for a home for my family of five. However, with the prices of homes here it's been quite difficult to find one that's affordable.

I have had the privilege of working with Brown Development and Greg Brown for the past 15 years. He has always been honest, committed and very capable to take on Makila Kai project.

As a Kama'aina, this project would be a great opportunity for us, Ohana who live and work here in paradise. I ask that you support this Makila Kai project. I have been living on Maui for 24 years and I feel we need this work force housing project on Maui for our work force.

Sincerely,

Sese Vave

LU Committee

From: Michelle Micucci <michelle.micucci@yahoo.com>
Sent: Tuesday, May 16, 2017 11:47 AM
To: LU Committee
Cc: Michelle Micucci; Van Fischer; Cardoza Collette
Subject: Makila Kai Project Support Letter
Attachments: Makila Kai Project Support Letter.pdf

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.

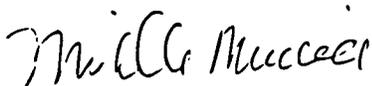
In addition, I support this project because about 50% (41 acres) of Makila Kai will be open space, and buildings will be limited to a single story to protect views. Most of the open space will be taken up by a neighborhood park, pedestrian trails, and a large greenbelt along the future bypass. These 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.

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,



LU Committee

From: rhonda ruidas <rscrmaui@yahoo.com>
Sent: Tuesday, May 16, 2017 11:50 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

Subject: AFFORDABLE HOUSING PROJECTS (CHAPTER 201H, HAWAII REVISED STATUTES) (INDEPENDENT DEVELOPMENT OF MAKILA KAI; LAHAINA) (LU-2(1))

Dear Council members,

Location: I feel the location is a wonderful location/area. It is close to Launiupoko beach, a well loved beach for both locals and visitors. It is also just a few minutes out of Lahaina town, which i really appreciate since I'm not a town or city person at heart. I love the fact that there is a common park and trails for families to get out doors and enjoy the beautiful weather that we have all year long. This open area, about 50% (41 acres) of Makila Kai will be space that keeps it looking and feeling rural.

Affordable homes for the locals, who work, sweat, and live here, and have for many years or all their lives, usually working 2 jobs just to stay here on the islands, seems unfair to have homes only available for \$700,00.00 and up. Incomes have not grown to support these rising prices. We bought our home 20 years ago in affordable housing and i would greatly appreciate that my daughter be allowed to do the same, even though its higher than what we paid, its also been 20 years. And we struggled at times to try and cover all our bills. I do not see how anyone can afford \$700,000. housing payments for single family homes. I feel that is why there are so many foreclosures and bankruptcy. Let's help the people who love Hawaii and want to live here because they love the appreciate the Hawaiian lifestyle. My favorite saying is, "it takes a community to raise a child, or family". lets come together as a community and help our children and their families.

The fact that Makila Kai plans to offer a financial gift of "affordable" housing to each workforce home buyer further emphasizes the developer's commitment to the community.

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

Sincerely,

Rhonda Ruidas

LU Committee

From: Tiare Parsons <snosraprose@gmail.com>
Sent: Tuesday, May 16, 2017 12:21 PM
To: LU Committee
Subject: Affordable Housing Project (Chapter 201H, Hawaii Revised Statutes) (Independent Development of Makila Kai; Lahaina) (LU-2(1))

May 16, 2017

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 Vice-Chair Carroll,

I have worked on the west side of Maui for the past four years and feel it is well overdue for an affordable housing development in this area. Furthermore, I have known Greg Brown for several years and believe that he will put out a quality project that will benefit many local families. I fully support the Makila Kai subdivision.

Sincerely,

Tiare Parsons

LU Committee

From: Wesley Nash <wkn922@gmail.com>
Sent: Tuesday, May 16, 2017 1:00 PM
To: LU Committee
Subject: Makila Kai Development

May 16, 2017

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 Vice-Chair Carroll,

I have been asked to write a character reference for Greg Brown regarding his professionalism and follow through as a General Contractor/Developer. First, I will establish a foundation for my opinion. In the 1970's I was a Building Inspector, Zoning Administrator and City Engineer for the City of Ketchum located in Idaho. Between 1980 and 2006 I was a General Contractor, Land Developer, Structural Engineer as well as working for Bank of American on contract for 19 years as a regional Equity Inspector for all new construction. Because of this extensive background I have developed strong opinion's regarding both quality and a sense of fair-play in building construction.

Greg Brown Development built our home at 108 Kumu Niu Place Lahaina in 2007. It was our first experience in 40 years not being the General Contractor. That said, Greg Brown Development exceeded our expectations in quality and Greg Brown personally was more than fair and a pleasure to work with throughout the construction process. Also unexpectedly, Greg honored an out-of-warranty item years later. In conclusion, the best compliment you can give a builder is to use them again. We would use Greg Brown Development without hesitation!

Regarding the Makila Kai Development, Greg showed me the plat map over a year ago. What I remember from that meeting was the size of the Affordable Housing lots looked very generous.

Sincerely

Wesley Nash

LU Committee

From: Gary - Lynn McFarlane <lynnrossgary@msn.com>
Sent: Tuesday, May 16, 2017 1:12 PM
To: LU Committee
Subject: Reference LU-2 Makila Kai

Dear Land Use Committee Members: We are residents in Launiupoko since 2004 and have watched the growth of our now almost 300 strong community on agricultural land. Our efforts to landscape, farm and green the land have produced good results in protecting the land. The Nenes now habitat here. We are at fire risk a great deal of the time and work hard to be aware of this danger. Large areas of green growth and mature trees protect us all.

We are still trying to get evacuation roads for our development. The new by-pass will not be an answer to this problem.

Our traffic will just increase onto Kai Here Ku Street with a traffic light at the junction.

With the possibility of 3 small developments being added to this situation - It will result in a dangerous traffic and safety issue

This Makila Kai project is the first of 3 proposed projects to be addressed and should be pointed out in the overview. This could add 700 - 1,000 cars to an overcrowded ONE highway in and out of Lahaina and North.

The Fire Department and Police department are constantly aware of these dangers and they must be listen to for the existing population plus all of the Visitors that vacation on the West side.

The developments that are proposed do not answer these problems or address the water issue. Several hundred new septic systems with groundwater leaching into a downhill land adjacent to the Ocean - not to forget in a Tsunami zone could be disastrous to the area.

We object to reZoning AG to rural land. There appears to be loopholes that this project can use to request pieces of the 79 acres to be segmented and use only for affordable housing.

A State LUC DBA should be deemed necessary,

Once the AG land is rezoned, others will follow like a domino effect and it can not be reversed.

We understand that avoidable housing is a must for the life of the community. We back all projects that are in prime areas that comply with the State Land Use Commission.

It is a shame that previous developers did not put in avoidable housing when requested.

However, to allow a Fast Track 201 H procedure gives the county only 45 days to study (700 page document) and assess this first segmentation project.

There are two more projects coming behind Greg Brown's application.

There are affordable housing developments already in progress: Kahoma, Pulelehua and Kaiaula that will add 576 units.

We respectfully request that you turn this project down for the negative impact to our community.

Mahalo, Lynn and Gary McFarlane

167 Awaiku Street
Lahaina