

AH Committee

From: keytolyf@aol.com
Sent: Monday, June 17, 2019 11:23 AM
To: County Clerk; AH Committee
Subject: Written testimony regarding June 19th meeting Planning Department
Attachments: planning meeting June 19th.docx

Gregory and Bernadette Owens

P.O. Box 11286
Lahaina, HI 96761
(808) 357-0031

June 17, 2019

DEPARTMENT OF HOUSING & HUMAN CONCERNS
COUNTY OF MAUI

RE: Makila Plantation Phase I, Lot 5, 16.055 acres
TMK (2) 4-7-001:005

2200 MAIN STREET, SUITE 546
WAILUKU, MAUI, HAWAII 96793
PHONE: (808) 270-7805

county.clerk@mauicounty.us ah.committee@mauicounty.us

SUBJECT: COUNTY COUNCIL MEETING JUNE 19th REGARDING ZONING CHANGES BETWEEN HANIU
AND THE LAHAINA BYPASS - A BILL FOR AN ORDINANCE TO AMEND THE STATE
LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL DISTRICT TO URBAN
DISTRICT (CONDITIONAL BOUNDARY AMENDMENT) FOR:

- A. 14.390 ACRES SITUATED AT LAHAINA, MAUI, HAWAII, TAX MAP KEY NO. (2) 4-7-13:007 (POR.), 008 (POR.) AND 010 (POR.)
- B. 14.453 ACRES SITUATED AT LAHAINA, MAUI, HAWAII, TAX MAP KEY NO. (2) 4-7-13: 01 (POR.) AMD 02 (POR.)

Dear Members:

I'm here writing to you about dirt. That's right, dirt. If you look at the accompanying photos taken just yesterday, you'll notice two pictures of dirt that look exactly the same. One is taken from my property and the other is taken from the property being considered for fast-track approval seeking rezoning from Ag to Urban. If you look very closely, perhaps under a microscope, you'll notice small, almost undetectable differences between the dirt on their property and mine.

The same goes for looking at our respective lots. Both areas had been under cane cultivation for almost 150 years. They both are bordered by Hokiokio St. to the North, Kai Hele Ku St. to the South, Haniu St. to the East and the Lahaina Bypass to the West. Their lots are approximately 14 1/2 –acres whereas ours is 16. They're touting their lots as "vacant" where ours is 99.9987% vacant. Heck, our property is connected to theirs with only a thin barbed-wire fence separating the two. The only difference between our dirt and theirs is that the developers of Makila Rural East and Polanui Gardens, West Maui Land Co. (WML) and Brown Development (BD) managed getting their dirt included in the Maui Island Plan/Urban Growth Boundary while keeping our dirt out of it. Even worse, is the fact that WML deliberately chose to keep our dirt out of the Maui Island Plan/Urban Growth Boundary and has written into our CC&Rs restrictive covenants preventing us from doing the same? If you don't believe me, consider this statement by Patrick Ihu whom we consulted:

"It seems all of the other lots mauka of the Proposed Lahaina Bypass are zoned rural and within the proposed general growth boundaries except for Dr. Owens Lot and his neighbor's lot which seemed to have been purposely left out of the rural area and remains Ag."

Patrick Ihu

Or better yet, look at the following pictures. You'll notice immediately that my lot, outlined in red, has been deliberately left out of the mix despite being in the exact same area and even connected to the areas being considered for rezoning and fast-track. It's all so obvious. Perhaps that's why former County Council Member Elle Cochran said the following: *"Anyone can tell that they (the developers) drew all this sh*t up!"*

I believe that if you and your members truly look over these pictures, I'm sure that you'll come to exactly the same conclusions that both Elle and Patrick came to. As such, my husband and I humbly ask that you and your commission either assist us in being included in the process by having our property, located within the Boundary, to be considered for amending the State Land Use District Classification from Agricultural District to Urban District (Conditional Boundary Amendment) as is being done with Makila Rural East and Polanui Gardens or in having them, as a minimal requirement in approving their subdivisions, remove the restrictive covenants placed into our CCRs preventing us from further subdividing and have their help, with the County's approval, to include us into the Maui Island Plan/Urban Growth Boundary so as to enable us to also help with the current housing crisis through being able to further subdivide our Ag property. To do so otherwise would invite public scrutiny/opinion to believe that only the privileged are granted the ability to do so. Of course, my dad, born and raised in the Philippines, always used to talk how the rich and powerful got their way back home in the Philippines and it is hoped that Maui isn't following in their example

With these developers placing emphasis on developing the "vacant properties makai of Haniu St. (as is our property)," having already been granted inclusion in the Maui Island Plan/Urban Growth Boundary and now seeking rezoning from Ag to Urban, we hope to be included in the recommendations approved by Planning at this time. It seems only fair and natural that we be included in the process. With our lot being over 99.99% "vacant" and in the area described, we believe that we should be included in any effort to rezone along with the other lots "makai of Haniu St." After all, dirt is dirt. Should a variance be needed to account for the .0013% that is developed, it is hoped that County Planning grant a variance to include us into the proposed amendment. Of course, I hope the use of the term "vacant" isn't a blatant or deliberate attempt by the large developers in the area to pursue approval of the proposed developments to the exclusion of others like myself, who, being smaller landowners could also benefit from a change in zoning from Agricultural to Rural and are willing to help ease Maui's current housing crisis. We too wish to be afforded the same opportunity as the developers of Makila Rural East and Polanui.

We are not for or against these subdivisions yet we all agree that the Maui General Plan needs to be updated to allow for growth to ease Maui's housing crisis. I seek to have my lot either allowed to be further subdivided as Ag, by having the developers remove their restrictive covenants from my CC&Rs, or identified as "Rural" and included in the "Rural Growth Boundary" designation of the Maui Island Plan and Urban Growth Boundary as are the proposed subdivisions. I would also like to be included in the CPAC discussions and hope to gain the support of the General Plan Advisory Committee in making this happen. As we understand it, the large developers in the area, Peter Martin representing Makila Kai and Makila Rural, Greg Brown of Brown and Associates representing Polanui Gardens and others seek inclusion of their lands "makai of Haniu St." (Where our Lot is located) and, as such, seek to change zoning on their lands, "vacant properties makai of Haniu St." from Agricultural to Rural. In consideration of these ongoing discussions and workshops being held in West Maui focused on the

West Maui Community Plan in regards to Launiupoko, Olowalu and Ukumehame, as they relate to the Maui Island Plan and Urban Growth Boundaries, my husband and I humbly ask Planning to consider placing our real property located at 25 Haniu Street, Lahaina, HI 96761, Lot 5, Makila Plantation in Launiupoko, TMK (2) 4-7-001:005, in "the Planned Growth Areas/Rural Growth Boundaries" of the Maui Island Plan and within the Urban Growth Boundary. Why the large developers in the area are granted inclusion in the Maui Island Plan/Urban Growth Boundary, and are able to rezone from "Agricultural" to "Rural" while small landowners such as my husband and I are not afforded the very same opportunity? If that were the case, it seems far from being Pono, is unfair and definitely un-American.

My husband and I respectfully request that this matter be entered as part of our written testimony and referred to the appropriate Council committee for review and discussion. We appreciate your attention to this matter and sincerely thank you for any and all help that you may provide. Please do not hesitate in contacting us should you have any questions regarding the aforementioned.

Sincerely,

Bernadette Owens

AH Committee

From: keytolyf@aol.com
Sent: Monday, June 17, 2019 11:23 AM
To: County Clerk; AH Committee
Subject: Written testimony regarding June 19th meeting Planning Department
Attachments: planning meeting June 19th.docx

Gregory and Bernadette Owens

P.O. Box 11286
Lahaina, HI 96761
(808) 357-0031

June 17, 2019

DEPARTMENT OF HOUSING & HUMAN CONCERNS
COUNTY OF MAUI

2200 MAIN STREET, SUITE 546
WAILUKU, MAUI, HAWAII 96793
PHONE: (808) 270-7805

county.clerk@mauicounty.us ah.committee@mauicounty.us

RE: Makila Plantation Phase I, Lot 5, 16.055 acres
TMK (2) 4-7-001:005

SUBJECT: COUNTY COUNCIL MEETING JUNE 19th REGARDING ZONING CHANGES BETWEEN HANIU
AND THE LAHAINA BYPASS - A BILL FOR AN ORDINANCE TO AMEND THE STATE
LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL DISTRICT TO URBAN
DISTRICT (CONDITIONAL BOUNDARY AMENDMENT) FOR:

- A. 14.390 ACRES SITUATED AT LAHAINA, MAUI, HAWAII, TAX MAP KEY NO. (2) 4-7-13:007 (POR.), 008 (POR.) AND 010 (POR.)
- B. 14.453 ACRES SITUATED AT LAHAINA, MAUI, HAWAII, TAX MAP KEY NO. (2) 4-7-13: 01 (POR.) AMD 02 (POR.)

Dear Members:

I'm here writing to you about dirt. That's right, dirt. If you look at the accompanying photos taken just yesterday, you'll notice two pictures of dirt that look exactly the same. One is taken from my property and the other is taken from the property being considered for fast-track approval seeking rezoning from Ag to Urban. If you look very closely, perhaps under a microscope, you'll notice small, almost undetectable differences between the dirt on their property and mine.

The same goes for looking at our respective lots. Both areas had been under cane cultivation for almost 150 years. They both are bordered by Hokiokio St. to the North, Kai Hele Ku St. to the South, Haniu St. to the East and the Lahaina Bypass to the West. Their lots are approximately 14 1/2 –acres whereas ours is 16. They're touting their lots as "vacant" where ours is 99.9987% vacant. Heck, our property is connected to theirs with only a thin barbed-wire fence separating the two. The only difference between our dirt and theirs is that the developers of Makila Rural East and Polanui Gardens, West Maui Land Co. (WML) and Brown Development (BD) managed getting their dirt included in the Maui Island Plan/Urban Growth Boundary while keeping our dirt out of it. Even worse, is the fact that WML deliberately chose to keep our dirt out of the Maui Island Plan/Urban Growth Boundary and has written into our CC&Rs restrictive covenants preventing us from doing the same? If you don't believe me, consider this statement by Patrick Ihu whom we consulted:

"It seems all of the other lots mauka of the Proposed Lahaina Bypass are zoned rural and within the proposed general growth boundaries except for Dr. Owens Lot and his neighbor's lot which seemed to have been purposely left out of the rural area and remains Ag."

Patrick Ihu

Or better yet, look at the following pictures. You'll notice immediately that my lot, outlined in red, has been deliberately left out of the mix despite being in the exact same area and even connected to the areas being considered for rezoning and fast-track. It's all so obvious. Perhaps that's why former County Council Member Elle Cochran said the following: *"Anyone can tell that they (the developers) drew all this sh*t up!"*

I believe that if you and your members truly look over these pictures, I'm sure that you'll come to exactly the same conclusions that both Elle and Patrick came to. As such, my husband and I humbly ask that you and your commission either assist us in being included in the process by having our property, located within the Boundary, to be considered for amending the State Land Use District Classification from Agricultural District to Urban District (Conditional Boundary Amendment) as is being done with Makila Rural East and Polanui Gardens or in having them, as a minimal requirement in approving their subdivisions, remove the restrictive covenants placed into our CCRs preventing us from further subdividing and have their help, with the County's approval, to include us into the Maui Island Plan/Urban Growth Boundary so as to enable us to also help with the current housing crisis through being able to further subdivide our Ag property. To do so otherwise would invite public scrutiny/opinion to believe that only the privileged are granted the ability to do so. Of course, my dad, born and raised in the Philippines, always used to talk how the rich and powerful got their way back home in the Philippines and it is hoped that Maui isn't following in their example

With these developers placing emphasis on developing the "vacant properties makai of Haniu St. (as is our property)," having already been granted inclusion in the Maui Island Plan/Urban Growth Boundary and now seeking rezoning from Ag to Urban, we hope to be included in the recommendations approved by Planning at this time. It seems only fair and natural that we be included in the process. With our lot being over 99.99% "vacant" and in the area described, we believe that we should be included in any effort to rezone along with the other lots "makai of Haniu St." After all, dirt is dirt. Should a variance be needed to account for the .0013% that is developed, it is hoped that County Planning grant a variance to include us into the proposed amendment. Of course, I hope the use of the term "vacant" isn't a blatant or deliberate attempt by the large developers in the area to pursue approval of the proposed developments to the exclusion of others like myself, who, being smaller landowners could also benefit from a change in zoning from Agricultural to Rural and are willing to help ease Maui's current housing crisis. We too wish to be afforded the same opportunity as the developers of Makila Rural East and Polanui.

We are not for or against these subdivisions yet we all agree that the Maui General Plan needs to be updated to allow for growth to ease Maui's housing crisis. I seek to have my lot either allowed to be further subdivided as Ag, by having the developers remove their restrictive covenants from my CC&Rs, or identified as "Rural" and included in the "Rural Growth Boundary" designation of the Maui Island Plan and Urban Growth Boundary as are the proposed subdivisions. I would also like to be included in the CPAC discussions and hope to gain the support of the General Plan Advisory Committee in making this happen. As we understand it, the large developers in the area, Peter Martin representing Makila Kai and Makila Rural, Greg Brown of Brown and Associates representing Polanui Gardens and others seek inclusion of their lands "makai of Haniu St." (Where our Lot is located) and, as such, seek to change zoning on their lands, "vacant properties makai of Haniu St." from Agricultural to Rural. In consideration of these ongoing discussions and workshops being held in West Maui focused on the

West Maui Community Plan in regards to Launiupoko, Olowalu and Ukumehame, as they relate to the Maui Island Plan and Urban Growth Boundaries, my husband and I humbly ask Planning to consider placing our real property located at 25 Haniu Street, Lahaina, HI 96761, Lot 5, Makila Plantation in Launiupoko, TMK (2) 4-7-001:005, in "the Planned Growth Areas/Rural Growth Boundaries" of the Maui Island Plan and within the Urban Growth Boundary. Why the large developers in the area are granted inclusion in the Maui Island Plan/Urban Growth Boundary, and are able to rezone from "Agricultural" to "Rural" while small landowners such as my husband and I are not afforded the very same opportunity? If that were the case, it seems far from being Pono, is unfair and definitely un-American.

My husband and I respectfully request that this matter be entered as part of our written testimony and referred to the appropriate Council committee for review and discussion. We appreciate your attention to this matter and sincerely thank you for any and all help that you may provide. Please do not hesitate in contacting us should you have any questions regarding the aforementioned.

Sincerely,

Bernadette Owens