

## LU Committee

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**From:** Ulrich 'Uli' Okura Kirkegaard <uli@mauitechguru.com>  
**Sent:** Wednesday, May 17, 2017 9:43 AM  
**To:** LU Committee  
**Subject:** AFFORDABLE HOUSING PROJECTS (CHAPTER 201H, HAWAII REVISED STATUTES)  
(INDEPENDENT DEVELOPMENT OF MAKILA KAI; LAHAINA) (LU-2(1))

**Importance:** High

Aloha Councilmembers,

I'm writing in support of proposed Makila Kai workforce housing development. I would like you to know that I support Makila Kai for many reasons;

Lahaina needs more housing – but the current market leaves many of us incapable of owning a home on the West side we call home.

High housing prices causes people to live elsewhere which means more commuters – and more traffic which is getting pretty bad. Makila Kai residents can easily get to Lahaina by car, bus or even bicycle.

Makila Kai is designed with ample green areas and will be a contribution to the West side.

The homes built will be affordable - Makila Kai is a rare opportunity – and very much needed. I excited for the opportunity it presents. Also Makila Kai developer 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.

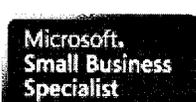
Thank you so much for helping run Maui County. Both my dad and brother were both council members in the county we grew up in so I know how much time and dedication it takes. Thanks again.

Mahalo for your kokua,

Have an awesome time 😊

Yours Truly Online,

**Ulrich 'Uli' Okura Kirkegaard**  
Principal Guru, MCP - Maui Tech Gurus  
Biz Tech Partners & Small Biz Specialist  
'Helping businesses tie IT all together'  
**Ph. (808) 661-1000 or Cell (808) 281-1169**  
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Visit <http://www.mauitechgurus.com/>



**Rotary Club of Lahaina Sunrise**

Past President (2012-13)

<http://www.lahainasunriserotary.org/>

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## LU Committee

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**From:** Uehara 'Ohana <kaulana001@gmail.com>  
**Sent:** Wednesday, May 17, 2017 10:16 AM  
**To:** LU Committee  
**Subject:** LU-2 Makila Kai

Aloha,

I wish to submit my whole-hearted support for the Makila Kai subdivision. We are long time kama'aina family, born and raised here. My two children graduated from Kamehameha Schools on Maui, and both just recently graduated college and would like to return home, but with the outrageous prices, this dream seems out of reach. Makila Kai workforce project is exactly what is needed to enable our local kids to come back home and contribute to their own community. Too many of our residences are being occupied by newcomers who have no ties to our island. This project will help our keiki live and contribute to their island, and not to be a minority in their own home. I strongly urge the committee to approve this much needed project.

Mahalo,  
Toby Uehara

Na ke Akua pū

## LU Committee

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**From:** Malama Maui <malamanorthshoremaui@gmail.com>  
**Sent:** Wednesday, May 17, 2017 10:25 AM  
**To:** Robert Carroll; LU Committee  
**Subject:** West Maui Land-Makila Kai Wednesday hearing

Hi robert,

West Maui land and their partners treat the longtime residents who live next door to their proposed projects pretty disrespectful over in Lahaina and in Haiku. We had not idea of their plans until they start building, we have not saying on any decisions because they do not care to listen to us even though we have been leaving in this neighborhood for a few decades. We invite them to meet with us, and they do not show up.

We are concerned about plans for dense development in old pineapple and sugar fields by developers Dave Ward, Greg Brown, Franckton, and Peter Martin. This fields have not been properly tested for chemicals. The county ask for a soil sample to be from 0 to 6 inches, which might work for some chemicals, but not for this highly toxic chemical. In our case the deeper they go the more chemicals we will find.

It is scary to be in the hands of people that care more about economics than about their people and land. It is sad and scary, and it has been for generations.

I guess this is way our planet has been deteriorating so profoundly.

thank you, and I hope you can start balancing the priorities from a different perspective.

Marina

## LU Committee

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**From:** firm@wkmaui.com  
**Sent:** Wednesday, May 17, 2017 11:32 AM  
**To:** LU Committee  
**Subject:** Testimony in opposition to Makila Kai  
**Attachments:** Makila Plantation HOA written testimony 5\_17\_17.pdf

Please accept the attached written testimony submitted on behalf of the Makila Plantation Homeowners Association.

Regards,

Doug Wright

WRIGHT & KIRSCHBRAUN  
A Limited Liability Law Company  
1885 Main Street, Suite 108, Wailuku, HI 96793  
Telephone: 808-244-6644 / Facsimile: 808-244-1013

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Keith D. Kirschbraun (Email: [Keith@wkmaui.com](mailto:Keith@wkmaui.com))

Douglas R. Wright (Email: [Doug@wkmaui.com](mailto:Doug@wkmaui.com))

May 17, 2017

Sent via e-mail to: [lu.committee@mauicounty.us](mailto:lu.committee@mauicounty.us)

Maui County Council

Attn: Land Use Committee

Re: Makila Kai proposed project

Dear Committee Members:

I have been asked by the Makila Plantation Homeowners Association Inc. ("HOA") to submit written comments expressing some of the concerns identified following an expedited review of the Makila Kai application.

**How much affordable housing will this project actually provide and how does that stack up against the risks and damage it is likely to bring? Doesn't this warrant more time to take a good look at the impacts?**

The applicant seeks to fast-track a repurposing of land under the auspice of "affordable housing." This is to provide 25 lots on approximately 14.6 acres which may be offered for sale to a pool of eligible people having annual earnings between 81% and 140% of the Median Income as published by the County. But from these 25 lots, only 8 will be offered to those earning less than 100% of the median income.

The applicant has bundled its affordable housing with requests for significant exemptions to build and sell 24 market priced homes as well. The project before you asks for your permission to convert 80 acres of agricultural land to something having a greater density that will allow the applicant to make a lot of money. In exchange, the County gets only 8 homes on the market for those who earn less than 100% of the median income.

**The County should not be asked to partner with a developer if the request seeks to maximize a private entity's profits by pitting significant priorities of sustainable living and affordable housing against each other. The applicant earns a hefty profit, gets permission to evade certain laws, gloss over environmental concerns and mute the public. The County doesn't even get a drop in the bucket toward housing.**

A hurried decision is being forced upon you to accommodate the applicant's motives. It is still a *decision* that must factor in the significant cost and risk that comes this project. The decision should not be made in haste, and it's important to remember that "NO" is a good option under the circumstances, recognizing that there are significant concerns which merit a meaningful due diligence process. After all, the proposal substantially fractures the existing, functional agricultural community (each neighboring agricultural lot with a home is required to submit and adhere to a County-approved farm plan) and will permanently expand non-ag urban sprawl. It places at risk the environment, the precious public right to water, as well as public safety due to the increased traffic burden.

The neighboring HOA only recently became aware of the detailed plans (the applicant refused to voluntarily provide the HOA with a copy of the application), but have quickly identified at least the following concerns:

**1. Ill-conceived location and abuse of County project goals.**

Makila Kai permanently prioritizes urban sprawl over existing agricultural communities. Urban sprawl vastly benefits the private developer far more than Maui residents/community. Compare/contrast with Kahoma Residential which went from Ag to Urban: the big issue was the commitment to affordable housing, the character of the surrounding community and the existing level of urban services adjacent thereto. Urban opportunities for designated land infill development on the West Side remain available. **Makila Kai is proposed for the benefit of the applicant, not the community.**

**2. Water.**

We must be responsible with our scarcest resource, especially knowing that the existing community currently confronts supply problems. An island community that has goals of working toward being self-sufficient should responsibly manage its scarcest resources: agricultural land and water. Perhaps the developer should fund an independent study of water supply (i.e. long-term potable and non-potable water systems capacity, reliability and expandability). The Department of Water has pointed out that the correct water usage figures are 181,000 gallons per day ("gpd") for 49 residences on 60.5 acres, not including ag use. The applicant's response only gave lip-service to the Department's work. **The application itself contradicts the findings prepared and presented by the County's Department of Water Supply.** This difference alone is serious enough to take the time for a thorough analysis!

**3. Environment.**

The socioeconomic and environmental impacts are real and important. To name a few, this project *changes* the community experienced by residents and those traveling to Lahaina; *impacts* the shoreline; *removes* good ag land; *affects* wildlife; and *increases* pollution (light, traffic, hard road surfaces, density, fire concerns). **Hawai'i law addressing environmental impact statements mandates the preparation of an environmental assessment. See HRS §343-5(6). This is a KEY step in reducing the risk of irreparable damage.**

**4. Segmentation.**

Makila Kai is just one section (about 1/3 total acreage) of the previously submitted Makila Rural project. That was withdrawn from the state LUC April 2016 but has now returned “segmented” or split into three smaller scale (but contiguous) projects. Once the HOA became aware of this developer’s plan, a letter dated Feb. 14, 2017 was prepared and sent raising the issue with the Maui County Planning Department.

Unfortunately, and unbeknownst to the HOA, the HOA’s letter was sent one week after the County already submitted its review of Makila Kai, and the issue of segmentation is absent from its review. Since the HOA’s concerns about segmentation do not appear to be otherwise considered, a copy of that letter is enclosed and incorporated herein.

We would also direct this Committee to the responses of the State LUC and Office of Planning who clearly recognized this segmentation issue and the motives behind it in trying to avoid a full EIS and DBA application.

**5. Jurisdiction.**

Is this a 14.6 acre project or a 79.5 acre project? The applicant seeks exemptions for the entire project and has tied exemptions related to the so-called affordable housing aspect to the market rate side. The applicant though urges you to make a decision for a boundary adjustment claiming the project is only 14.6 acres. Which is it? Is the review limited to the 14.6 acres and it will comply with the agriculturally zoned laws for the balance of the acreage or is the applicant seeking a change for the entire parcel. It matters because the County does not have jurisdiction to entertain a district boundary amendment over the entire project – that is a matter that rests with the State’s Land Use Commission. The applicant is deceiving you by arguing the project is really only 14.6 acres, the applicant is asking you to deceive the community by repeating his false claim, and the applicant is inviting litigation for a determination as to the appropriate jurisdiction for its request. By letter dated January 26, 2017, the State’s Land Use Commission agrees. **This project needs to be presented to the State Land Use Committee.**

**6. Community Outreach**

This is a substantial departure from the character of a functioning community having roughly 1,000 people. Rushing the process, providing only one limited chance to consider the plan hardly qualifies as “community outreach”. Most community members still have not adequately considered the reach of the project and what questions they may have or identify opportunities for improvement. It is apparent, though, that careful planning should be a priority.

**7. Pending litigation (Civil No. 17-1-0036). Access to this large development is through a private road.**

Access to the project is through a private road managed by Makila Plantation HOA. The HOA charges each of its members equally for the shared maintenance cost for this road and everything associated with it. Without the approval or knowledge of the HOA, Makila Land Co., another developer, unilaterally changed the cost-sharing mechanism requiring the existing HOA members to subsidize the applicant’s access to the entire project (affordable and market-rate

lots). A Complaint has been filed and the matter is pending. **Until appropriate access has been resolved, this project should not proceed.**

**8. Better-suited proposals.**

There is a recent boost in meaningful proposals for affordable housing projects in our community, many of which bolster the supply of housing far greater than this project, and in areas appropriate for dense development. **Makila Kai should not be considered in isolation.**

**9. Subsidies.**

The public bears the heavy cost (exemption for fees, less/no emphasis on subdivision safety, environmental concerns, neighbor impacts, etc.) to facilitate the applicant's ability to sell multi-million dollar homes (as represented by the applicant to the neighbors) with the absolute removal of agriculture from the land (see proposed water restrictions).

**10. Character of the Community.**

More than 1000 people own homes here now because they were expressly told that the adjoining areas would be subdivided as ag lots (requiring approved ag farm plans). The proposal may benefit a few, will certainly enrich the developer but comes at the cost of permanently changing the community.

**11. Highway Traffic.**

Principal public access is through a burdened highway. The traffic study was prepared by SSFM International. Interestingly, it found that the existing intersection at Kai Hele Ku and Honoapiilani Highway operate at an appropriate level of service. This would likely come as a surprise to most drivers. In a recent Maui News article concerning traffic on the West Side, State Department of Transportation Director Ford Fuchigami was quoted as saying that "smart land-use decisions can minimize the impacts future growth will have on the existing highway system." Tanji, Melissa. "Solution for pali traffic woes elusive." *The Maui News*, May 14, 2017. **This new development will increase pressure on a road system which is currently not even coping with today's density of population.**

A decision has been forced upon the County due to the developer's desire to fast-track and obtain valuable benefits of fast-tracking. However, it is still a decision that needs to be made and a recognition that these benefits come at a significant cost. The decision can, and should be, made not to fast-track this project. There are lots of concerns which merit a meaningful due diligence process. This is a substantial fracture of an existing, functioning agricultural community (each home has a County approved farm plan) and has the potential of permanently severing and expanding non-ag urban sprawl. The potential risk to the environment, the precious public resource of water, and the safety of the community warrants taking the time to make the right decision.

The overwhelming crush of unanswered questions, realignment of priorities, extraordinarily low public benefit, public subsidies in the form of fee and land use exemptions, and the significant risk of the wasteful use of long-term resources highly weighs in favor of denying this project.

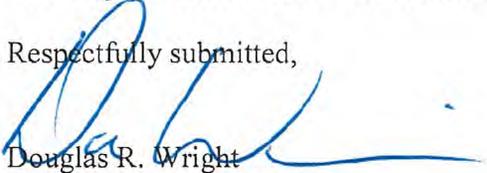
Land Use Committee  
Maui County Council  
Re: Written Testimony *Objection* to Makila Kai  
May 17, 2017  
Page 5

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After all, the standard bearer requires the exercise of reasonable judgment that the proposed project is primarily for the benefit of lower income housing. HRS §201H-41. The applicant has failed to demonstrate or otherwise justify that this project is reasonable under the circumstances or that it's primarily for the benefit of lower income housing.

On behalf of the HOA, please **DENY** the application. This application is just not justified in proceeding on an expedited basis. There is too much at stake and there is a much better way of approaching the use of this land. After all, the applicant purchased the land knowing its restrictions; it is not the County's job to spend the public's capital to maximize the applicant's profits. There is nothing preventing the applicant from building affordable homes in conformance with the agricultural zoning – in fact, the County should consider the fact that those who might benefit the most from affordable housing are farmers.

Respectfully submitted,

  
Douglas R. Wright

Enc.

cc: Makila Plantation HOA

## WRIGHT & KIRSCHBRAUN

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Douglas R. Wright (Email: [Doug@wkmaui.com](mailto:Doug@wkmaui.com))

February 14, 2017

Danny Dias, Planner  
Current Planning Division  
Department of Planning, County of Maui  
2200 Main Street, Suite 619  
Wailuku, Maui, Hawaii 96793

**Re: Segmentation of development for the withdrawn Makila Rural project**

TMK Nos.: (2)4-7-013:001 and 002 (Polanui Gardens)

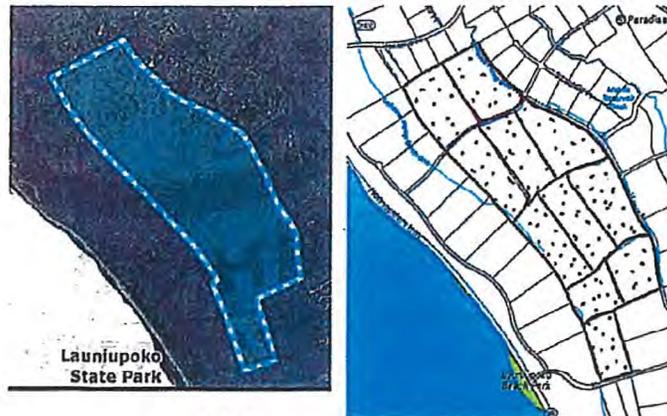
(2)4-7-013:003, 004 and 005 (Makila Kai)

(2)4-7-013:006, 007 and 008 (Makila Rural East)

(2) (name not yet known)

Dear Mr. Dias:

It is my understanding that you are the planner assigned to review the Polanui Gardens development project, which includes a mix of urban affordable housing development, as well as market rate lots dubbed "agricultural." This project is being proposed as one of several in the area formerly known as Makila Rural for mixed-use development seeking the expedited review and exemptions afforded HRS Chapter 201H-38 affordable housing projects. Since pictures say a thousand words, here are a few pictures to put things into perspective:



Makila Rural +/- 270 acres

(as depicted on Maui Island Plan Directed Growth Map & Tax Map - project withdrawn)

Following are pictures of the tax maps showing the land presently being drafted and presented for new development, under the guise of different owners and different projects, in the works:

Polanui Gardens:



+/-54.507 acres

Makila Kai:



+/- 79.512 acres

Makila Rural East:



+/-80.103 (est.)

As you may know, the now-defunct Makila Rural project would have required a change in zoning and land use designation. As part of any application for change to the land use designation from agriculture to a denser development, the applicant would have been required to prepare and present an Environmental Assessment and, in all likelihood, a full environmental impact statement to fully explore the significant impacts arising out of the proposed use upon the natural environment and its community. As you can see from the above pictures, the projects being proposed occupy and represent the dense development for the previously withdrawn project. The applicant has broken its massive project into chunks and seeks to fast-track the review of its pieces by linking arms with the County and using affordable housing as the tool to avoid a meaningful review.

This is not a new tactic and Hawaii Administrative Rules ("HAR") have a particular rule in response:

§ 11-200-7. Multiple or Phased Applicant or Agency Actions.

A group of actions proposed by an agency or an applicant shall be treated as a single action when:

- (1) The component actions are phases or increments of a larger total undertaking;
- (2) An individual project is a necessary precedent for a larger project;
- (3) An individual project represents a commitment to a larger project; or
- (4) The actions in question are essentially identical and a single statement will adequately address the impacts of each individual action and those of the group of actions as a whole.

Although each of the above projects are linked with affordable housing, and seek the benefits of a fast-track review and its significant statutory exemptions (HRS §201H-38), the process does not disregard or otherwise omit environmental considerations. The exemption from certain environmental scrutiny for affordable housing projects states:

§ 11-200-8. Exempt Classes of Action.

(a) Chapter 343, HRS, states that a list of classes of actions shall be drawn up which, because they will probably have minimal or no significant effect on the environment, may be declared exempt by the proposing agency or approving agency from the preparation of an environmental assessment provided that agencies declaring an action exempt under this section shall obtain the advice of other outside agencies or individuals having jurisdiction or expertise as to the propriety of the exemption. Actions declared exempt from the preparation of an environmental assessment under this section are not exempt from complying with any other applicable statute or rule. The following list represents exempt classes of action:

...

(11) Acquisition of land and existing structures, including single or multi-unit dwelling units, for the provision of affordable housing, involving no material change of use beyond that previously existing, and for which the legislature has appropriated or otherwise authorized funding.

The above exemption would not apply to the projects proposed due to the fact that they represent a radical change of use to the land as it presently exists. However, as if to use a highlighter to point out that segmentation of projects shall not be allowed to avoid environmental scrutiny, the very next section in the HAR, states:

(b) All exemptions under the classes in this section are inapplicable when the cumulative impact of planned successive actions in the same place, over time, is significant, or when an action that is normally insignificant in its impact on the environment may be significant in a particularly sensitive environment.

These projects seek to plant dense development in the middle of agricultural land. The two projects which have shared information so far appear to *intentionally mislead* about the true nature of the remaining developments. Polanui Gardens and Makila Kai each refer to the remaining lots as "Ag" or "Agricultural" lots:

Polanui Gardens



Makila Kai



The plans for the development of these lots, though, state that there will be NO non-potable (agricultural) water. The only water supply will be potable water, a cherished resource which deserves protection, respected and used efficiently. The details and impacts are not known and not adequately investigated, but that is exactly why these

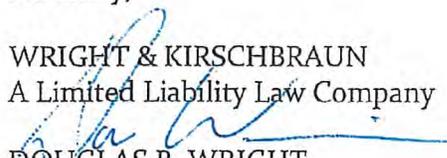
Current Planning Division  
Planning Department, County of Maui  
February 14, 2017  
Page 4

projects should be viewed cumulatively and not in isolation. The parceled review of shared and important resources is also why the Hawaii Administrative Rules guard against segmentation of projects. In this same regard, enclosed is a letter prepared by and on behalf of the neighboring Makila Plantation Homeowners Association, Inc., which has asked me to provide it to the Department.

The review of these projects in isolation should not be rushed, and certainly not outside the scrutiny of environmental law. Although affordable housing projects enjoy the benefit of a fast-track review process and exemption from certain laws, the development in Makila clearly anticipates successive dense developments having a cumulative impact in the same place, over time, and being quite significant in scope, a burden on resources and permanent impact upon the land and community.

Sincerely,

WRIGHT & KIRSCHBRAUN  
A Limited Liability Law Company



DOUGLAS R. WRIGHT

Enc.

cc: William Spence, Planning Director  
Jeffrey Ueoka, Deputy Corporation Counsel  
Makila Plantation Homeowners' Association, Inc.

**To: Department of Planning, Maui County**

**From: Board of Directors, Makila Plantation Homeowners Association, Inc.**

**Dated: February 10, 2017**

**Memorandum of Objections to the  
fast-tracking of Three Launiupoko development projects**

Residents of Launiupoko are aware that developers have plans to 'fast-track' three project covering substantially the same acreage as the withdrawn Makila Rural project. 'Fast-tracking' of three apparently independent projects is a transparent ploy by developers to get the County to sign on as partners/co-sponsors hence avoiding the level of environmental scrutiny facing the larger single Makila Rural project.

The leading edge of these three phased developments is by Brown Development branded as Makila Kai currently working its 201H-38 project through the planning Dept. Residents want to raise these concerns now in advance of the normal timing of public input since there is a widespread perception that the fast-track process is not a level playing field and is tilted heavily in developers favor against resident opposition.

It is our understanding that developers work with County planning over a period of months to produce a plan where the County partners with the developer as a condition of 201H-38 status. This status exempts the developer from most of the normal development costs and regulation and significantly allows approval at County level and avoids EIS environmental scrutiny that would normally take place at State level as a DBA application. Fast-track allows only a very compressed 45 day period for analysis assessment and comment by the public after developer and County have worked together on the project. We are advised that it is very rare that significant changes to a 201H-38 are achieved once the County has signed on as a sponsor of a developer's plan.

There is widespread perception by the community that 'affordable housing' being offered up to gain 201H-38 status, which developers claim they will build at a loss, is an avenue to buy favors and exceptions from County Code

ordinances, thereby financially benefitting a developer at the cost of far greater density of market price housing than current zoning allows, radically changing communities and forever altering the landscape

These suspicions result from Makila Land putting forward the Makila Rural project for a large single integrated development of the fields makai of Haniu Street and then withdrawing it after submission to the State LUC. Substantial local opposition was voiced plus a formal Intention to Intervene by a neighboring HOA. On April 14<sup>th</sup> 2016 at the time of withdrawal of the project from the LUC it was stated by Heidi Bigelow *"Makila Land has decided to terminate their pursuit of a rural community and will instead market the eleven existing agricultural lots"*

This has not happened.

What has become crystal clear is that substantially the same project covering most of the acreage of the original Makila Rural has been segmented in to three projects each attempting to claim it is a small-scale project. Nobody in Launiupoko is fooled.

The open house presented by Greg Brown of Brown Development September 23<sup>rd</sup> last year and site plans produced made it clear that the 25 affordable housing units currently in front of Planning was not a stand-alone project. Rather it was an integrated plan to allow the developer to market and develop 24 market price lots on the remainder of the three large agricultural lots. The developer was totally open that this was the only way he could develop affordable housing.

Furthermore at that same meeting Peter Martin appeared and announced that on the lots he still owned (not in fact sold off as announced in April 2016) contiguous and south of the Brown development it was his intention to follow up Brown with dense, urban development of 10,000 to 12,000 square foot lots.

So residents feel it is reasonable to expect that any public official involved in the approval process on these projects will see clearly that:

i) Makila Rural has been segmented into three (or more) to make the whole thing easier to get through the County and avoid a State require EA or EIS.

ii) affordable housing and the 201H-38 process is being used/abused to facilitate massive market price development on agricultural land.

iii) the Brown Development project of 25 affordable housing lots has been misleadingly marketed on the Makila Kai web site and portrayed in a PR piece in the Lahaina News February 1st ....*"MKL proposes to develop Makila Kai a workforce housing community in the Launiupoko area....the project would be located on three large parcels totaling 79.5 acres"*. No. The workforce housing would be on just under 15 acres (hence not triggering a State DBA) with the remainder a legally-required buffer from the proposed by-pass and the remaining majority of the acreage developed as 24 market priced lots. This is not a subtle difference and makes clear the true purpose of this segmentation.

Brown Development is well known in the community and we would expect that the extensive vetting laid out on the County web site for developer 201H-38 eligibility is fully pursued before Maui County becomes a partner/sponsor. In particular:

i) *a resume of housing development experience...* Brown is a developer of high end luxury homes, the BD web site stresses this exclusivity. There does not seem to be evidence of previous experience or interest in an integrated housing low cost development.

ii) *proof of applicant's ties to the community and support from local community groups....* Brown Development has a reputation in Launiupoko which officials should investigate

iii) *legal action taken or pending....* We would reasonably expect the developer's record of legal actions be thoroughly checked by the County's Corporation Counsel and Planning, so that decision-making may be as well-informed as possible about the relationship being entered into. For example, the developer been prohibited building elsewhere or had his license in jeopardy?

In summary, it is the perception of the surrounding ag community that Brown and Makila Land (and its successor corporations, Makila Ranches, Kipa Centennial et al) seeks to segment the previously withdrawn large Makila Rural project, with the express objective of easier approval.

We are asking all involved branches of the County to recognize this transparent reality during your process before signing on to partnering on 201H-38 projects.

Board of Directors  
Makila Plantation Howeowners Association, Inc.

## LU Committee

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**From:** thomas landrigan <toroland12@icloud.com>  
**Sent:** Wednesday, May 17, 2017 11:49 AM  
**To:** LU Committee  
**Subject:** Affordable Housing Projects (Chapter 201H Hawaii Revised Statutes) (Independent Development of Makila Kai; Lahaina) (LU-2(1))  
**Attachments:** Makila Kai Opposition Letter Landrigan 5-17-17.docx; LUC Makila Opposition Letter Landrigan 12-7-15.docx

Please find attached our letter expressing concerns about the Makila Kai project.

We have also attached our letter of opposition to the Makila Rural project which is referenced in this document.

Thank you for your consideration.

Thomas and Rona Landrigan

Thomas and Rona Landrigan

590 Punakea Loop

Lahaina, HI 96761

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May 17, 2017

Affordable Housing Projects (Chapter 201H Hawaii Revised Statutes) (Independent Development of Makila Kai; Lahaina) (LU-2(1))  
[lu.committee@mauicounty.us](mailto:lu.committee@mauicounty.us)

Dear members of the Maui County Land Use Committee,

We are submitting our second letter AGAINST large development in Launiupoko. The first was submitted on December 7, 2015 (attached) to the planners of the Makila Rural project. We are attaching it because most of our core opinions within it are applicable to this current related development.

The Makila Rural project was an endeavor that was destined to fail and would not be able to secure approval in the wake of the Olowalu Development defeat.

We apologize to the Committee for this late submission, but this time around, we were not planning to write a letter. However, we remembered that everyone's voice counts and felt compelled to speak up.

So much misinformation exists and most residents we have spoken with have not been properly informed of the intentions of Luxury Builder Greg Brown's plan to revive, in piecemeal fashion, the previous attempt to alter these Makila lands.

Of course every great scam comes with an angle. The County is being asked to endorse the façade of what some would characterize a groundbreaking noble plan to house workers. We see it as a thinly veiled attempt to bypass regulations and achieve the original goals intended by Makila Land Co. and to profit handsomely from it.

In fact, despite all we have heard that the two are entirely separate entities, many of the planners are active in both camps. If this project is allowed to proceed without modification and in what the citizens believe is an unnecessary hurried manner circumventing normal requirements, their plans to intensify development will proceed to damage our West Maui community.

On April 16, 2016, Makila Land Co. made the announcement that they were terminating their plans for the Makila Rural Community and that the land would stay in agricultural use and be marketed as Makila Ranches. Obviously, the war room of the wealthy developers, their planners and, of course, attorneys, began to churn immediately. Massive amounts of time and financial capital had to be invested to beat our system of checks and balances. Massive financial gain was at stake.

So essentially, at this exact time last year, we unknowingly were in a time of peace; that is, when this community was not fighting the aggressive tactics of land developers. It was a short-lived interim period.

The devious war rooms had sprung up during this time making use of our valid reasonable arguments presented against Makila Rural and turning them to their advantage. Segmentation into three smaller development projects to avoid some of the more rigorous state regulations was their scheme.

On May 17, 2016, the public pronouncement in the Maui News that Makila Land Co. had withdrawn their attempted planned community brought relief to Launiupoko residents and all those that oppose overdevelopment here in our West Maui community. It was stated that eleven parcels totaling 271 acres would stay in agriculture.

During June of 2016, in a somewhat under the radar maneuver, when the public's guard was down, Greg Brown Development, ever so quietly, purchased three of the eleven agricultural lots. We have subsequently learned, that over the summer months of 2016, Brown covertly reached out to those sympathetic to his cause and those who would stand financial gain if they align with him. They would help him hone his plans that would be revealed to the community at a later date.

We, and the majority of residents would not learn until September 2016 that new plans had been hatched, apparently from the moment that the news had hit the paper stating the Makila Rural development was off the table. Everyone's guard had been down; we should have known better.

On September 29, 2016, at an Open House meeting, hosted by Greg Brown in a shipping container, we were some of the last to find out what had been in the planning for months. To this day, because of the failing of this developer to reach out to all of the community, many folks have not received proper notification.

There in Brown's shipping container we learned of the intentions of Peter Martin, the original developer. In a seemingly joint venture with Brown Luxury Home Development,

the apparent balkanization of the original lands, which would have failed before this council in his previous Makila Rural state, would become a reality.

By way of example there are currently only two HOA's in greater Launiupoko. One side, Mahanalua Nui, is more developed, the other, Makila Plantation is made up of larger lots with building restrictions. Brown wants to put proposed dense development surrounded by large lots on the Makila side.

If luxury home builder Brown has his way and gets to build 24 luxury homes, they will not only to pay for 25 work force homes but he will make a very handsome profit. We ask relief from the council, that if this ill-conceived project were to go through, Brown's market price homes be restricted to just three, as he would be permitted to build under current zoning restrictions.

Regarding the HOA's, this modern day Robin Hood is even attempting to establish a caste system. The wealthy landowners, who would give Brown a big payday, would co-habit the intended merge of the three large parcels. They will be segregated from the "serf" class of workers that had to rely on assistance to live there. Brown is proposing separate HOA's for each financial class of people occupying the same large parcel and sharing the same amenities.

Regarding this proposed development, I am credible and have standing. My father fought in the World War II and before and after he came home, worked as a laborer. My mother was a secretary for a city Housing Authority and I grew up essentially in Work Force Housing.

I am who I am today because of that upbringing. I learned the value of a dollar, how to save my money and appreciate the value of hard work throughout a 37 and a half-year career in Law Enforcement.

It was these principles, which, upon my retirement, afforded me the opportunity to buy a cottage in Launiupoko after a lifetime of work.

My wife is a teacher who currently substitutes at Lahaina Intermediate School.

We are involved in community charity endeavors and are active participants in school functions.

We appreciate the need for Work Force Housing for families on Maui. Greg Brown is presenting, what on the surface seems to be an attractive proposal. He is seeking an endorsement from the County. While we recognize the need for a project like this at this time, we strongly believe that it should not be at this place, whose infrastructure cannot support it.

We know of two other proposals Polanui Gardens and Makila Rural East, shortly to be

submitted by Peter Martin for higher density development adjacent to Makila Kai. This is the same area where the community of Makila Rural had been proposed.

On April 14, 2016, the developer, Makila Land Company terminated "their pursuit of a rural community and instead would market the eleven existing agricultural lots known as Makila Ranches Phase I." We understand from Mariah Gill that the Polanui Gardens proposal is expected to be before the County later this month. These three projects (Makila Kai, Polanui Gardens and Makila Rural East) will more than double the number of people currently living in Launiupoko, with conservative estimates predicting 700-1000 more people and vehicles. It would create an area of higher density population than the attempted Makila Rural, which was strongly opposed by local residents and various State Agencies. We strongly believe that a decision on Makila Kai cannot be made without taking these other proposals into consideration.

These proposals being submitted under the 201H statute bring deep concerns that environmental issues such as water supply, (currently Peter Martin is drilling a new well and we understand Greg Brown proposes to do the same), are endangered. We have concerns that drilling could affect the salinity in the aquifer and affect the entire water supply. Has the potential pollution from hundreds of septic systems close to the ocean been taken into consideration? We are very concerned that these issues are not being adequately studied before any decision is made. Everyone already knows about and has experienced West Maui's traffic issues – from the traffic on the Pali, to the choke point at Kai Hele Ku, which, by all accounts, will be exacerbated by the new bypass.

The access roads, as private roads, have HOA dues attached to them. Is this an unwanted burden for prospective homeowners under this 201H program?

Again we stress our belief that workforce housing is needed but this is not the place that offers families easy access to services and schools. Another widely held concern in Launiupoko is the emergency evacuation routes. What we currently have would be insufficient in a real emergency situation. What provisions are being made for the increased population?

Also, of great concern is that good Class B Agricultural land will be removed from agriculture forever.

I believe the Committee will see a reserved Greg Brown, not the threatening, argumentative side of him that we have seen recently at homeowner meetings. He stated he could put three times as many people on this land if he wanted to and spoke of planting tall trees to obscure the views of current residents if they object to his plans.

Thank you for your consideration.

Respectfully submitted,

Thomas and Rona Landrigan

Thomas and Rona Landrigan

590 Punakea Loop

Lahaina, HI 96761

[toroland12@icloud.com](mailto:toroland12@icloud.com)

December 7, 2015

West Maui

Makila Rural Community

Docket Number A15-799

Subject: EISPN

TMK: (2)4-7-013:001,002,003,004,005,006,007,008,009,010,011 and 012

Dear Ms. Bigelow, Mr. Orodener and Mr. Schnell,

We are writing in response to the EISPN for the Makila Rural Community.

We oppose any development other than what was shown on all previous Launiupoko Plat Maps as "Future Makila Ranches Phase I." The public and Launiupoko residents had always known these 271 acres to be eleven large agricultural lots.

On January 21 of this year Maui Now ran a story about Launiupoko. The article stated of Launiupoko: "This area is one of the only places left in West Maui with large acreage still available" and "as we all know, agricultural land in West Maui is very rare."

During April 2015 the Makila HOA held it's annual meeting. No one knew of this planned community then. A lot of planning had to be done before this project was sprung on the residents. How ironic that West Maui Land chose September 11 to file the PETITION FOR LAND USE DISTRICT BOUNDARY AMENDMENT.

Although shocking to many citizens, there are still many Launiupoko residents who have no knowledge of these proposed changes. We therefore ask the State of Hawai'i Land Use Commission to consider their statements at a later date.

My wife and I seem to have been duped like many other Launiupoko homebuyers. Our West Maui Realtor showed us the plans for Olowalu Town, and for that reason, we chose not to purchase there. I asked her specifically if such a development was contemplated for Launiupoko. She stated that there were no such plans. We examined the plat maps and she showed us that all the space was accounted for as Agricultural Land.

As a result of that declaration, and several other factors we believed favorable, we purchased our Launiupoko home during June 2012. As recently as July of 2014, our immediate neighbor was not apprised of the anticipated Makila Rural Community at the time of purchase and learned of it from us just weeks ago.

The West Maui Land Company wants to now remove 271 agricultural (good quality soil) acres from our island's inventory. This should not even be an issue. The Land Use Commission should reject this proposal merely because the developers wish to have an urban component, which is not allowed in the Maui Island Plan.

The proposed "Makila Rural" project will be a disaster waiting to happen. It is environmentally unsound for many reasons. The proposal of these 225 residential units creates a totally different environment mauka of the proposed bypass; an environment contrary to all previously recorded maps and plans. With such close proximity to the ocean and such density of home sites, inevitably, pesticides and lawn care products will permeate into the ocean.

John Denver once wrote "more people, more scars upon the land."

The estimated proposed new population will exceed that of current Greater Launiupoko (Makila Plantation & Mahanalua Nui combined). Greater Launiupoko is not fully sold out and many parcels have not been built out yet. Some are not fully occupied. More people will drain resources.

The developer must seek water from other sources than the three existing reservoirs as they are now strained to meet demands. Current demands are a fraction of what will be needed when the existing parcels are completed, occupied and saturation has been reached. One cannot even imagine how much water the proposed population dense community will consume.

Any other additional development beyond the eleven "Future Makila Ranches Phase I" is simply not prudent.

On November 2, 2015, the developers pitched their plan at the West Maui Senior Center to a mistrustful audience of homeowners and concerned citizens. There was only one person in favor of the project, a realtor, who, like the developers, stands to gain financially if the State of Hawai'i Land Use Commission approves this development.

The influx of people will alter the very nature of our peaceful community. Crime is extremely low and once the roads are opened, crime, litter and quality of life issues will arise. Public Safety is paramount.

I remember visiting Maui, noting how the hotel representatives bragged of the wisdom of the forefathers, both in the distant past and in the environmentally sound practices of civic leaders of the modern era. Even lights were not to pollute the night sky. If this development is permitted the dark serenity we now enjoy will end.

Experts on both sides of this issue will speak about endangered wildlife. The hired guns will try to convince the Commission that the wildlife on land and in the sea is not in jeopardy. This we all know in our hearts to be false.

Nothing is so sad as seeing a Pueo Owl struck by a vehicle. The number of vehicles will increase greatly in proportion to the population growth.

The Nene Geese, our State Bird, are known to frequent this beautiful hillside. There are many other protected creatures that will suffer if the developer's plan is enacted.

The idea of a sewage treatment plant makes me think of the recent overflow of sewage in Waikiki. The beaches were closed and tourism hurt. If the Commission compromises prudent thinking in favor of the developers, there is a distinct chance of such negative publicity appearing on national news.

Developers are people who neither live with, nor even near you, who claim that they are acting in your best interests. Thanks caring developers!

This project holds nothing of benefit to the residents of Launiupoko or even Greater West Maui; nothing that is in anyone's interest but the developers own.

Traffic will be forever altered with this spot urbanization. We cannot sustain such radical increases in population on this side of our island. The current infrastructure is not capable of withstanding the onslaught of development.

Increased congestion on our roadways is hazardous and poses a safety risk we should not ignore.

The Commission is empowered to become the steward of this land. The developers cannot be trusted. Residents here know that nothing good can come from altering this land forever.

The developers would do best for all if they were to develop a conscience.

While writing this letter, we learned that the State Land Use Commission overwhelmingly rejected the Olowalu Town EIS. The factors, which influenced that logical outcome, are equally applicable here.

Thank you for hearing our concerns,

Thomas M. & Rona E. Landrigan

Applicant: Makila Land Co., LLC

305 East Wakea Avenue, Suite 100

Kahului, HI 96732

Attention: Ms. Heidi Bigelow

mariah@westmauiland.com

Approving Agency: State of Hawaii Land Use Commission

Department of Business, Economic Development and Tourism

PO Box 2359

Honolulu, HI 96804

Attention: Daniel Orodener, Executive Officer

luc@dbedt.hawaii.gov

Consultant: PBR & Associates, Inc.

1001 Bishop Street, Suite 650

Honolulu, HI 96813

Attention: Tom Schnell, Principal

tschnell@pbrhawaii.com

## LU Committee

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**From:** hulali perreira <hulalisky@hotmail.com>  
**Sent:** Wednesday, May 17, 2017 11:59 AM  
**To:** LU Committee  
**Cc:** info@makilakai.com  
**Subject:** Affordable Housing Project (Chapter 201H, Hawaii Revised Statutes) (Independent Development of Makila Kai; Lahaina) (LU-2(1))  
**Attachments:** Makila Kai Support Letter Sample.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.

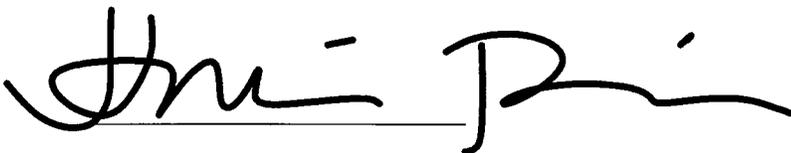
In addition, I support this project because about 50% (41 acres) of Makila Kai will be open space, and buildings will be limited to a single story to protect views. Most of the open space will be taken up by a neighborhood park, pedestrian trails, and a large greenbelt along the future bypass. These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

A handwritten signature in black ink, appearing to read "Robert Carroll". The signature is written in a cursive, flowing style with a horizontal line underneath the name.