

From: [Jason Hartlove](#)
To: luc@dbedt.hawaii.gov; [Jason Hartlove](#)
Subject: Comments on the proposed Makila Village development
Date: 12/07/2015 12:43 PM

State Land Use Commission

Docket A15-799

Makila Rural Community EIS

Dear Sir or Ma'am,

I'm writing today about the proposed Makila Village development. I understand that there is a proposal to create 225 lots on 271 acres of zoned agricultural land near Launiupoko, including an urban center of 40 acres. I vigorously object to this proposal and am asking the State Land Use Commission to use its legal authority in service to its citizens to uphold existing laws and plans. There are a number of issues with the proposal which are at odds with existing rules, requirements and laws which should be considered. These include, but are not limited to, the following:

1. This proposal is in direct contradiction with the Maui Island Plan's requirement for open space. The Maui Island plan requires a minimum of 50% of the development to be designated as parks and open space, but the current proposal has nearly ZERO designated open space. Rather, it is indicating that PRIVATE PROPERTY should be counted as open space, which if adopted as a finding by the State Land Use Commission will most certainly be successfully challenged in court as this is absurd.
- 2.) The developer indicates that this should proceed because residents had a chance to comment in 2006-2008. While this is patently false, it does not matter. The facts are as they are today; this is a bad and unlawful proposal and should be rejected at this time, regardless of what feedback was solicited previously.
- 3.) It is state policy NOT to take good AG land out of use for housing development. I am a long time resident of this area. The land in question is by far the most productive agricultural area I have ever seen once cleared of boulders. One can witness this from the wide variety of AG plants and trees on our property and on adjacent properties. The presupposition of the proposal that this is largely waste land is not supported by the evidence and at an independent Environmental Impact Survey would show this.
- 4.) There is not enough water on this hillside to support the density of population in the proposal. There are water shortages already and it would be irresponsible to allow new construction of any large magnitude in this area as the impact on existing residences and business would be substantial and if approved, the State Land Use Commission could in

the future be shown in fact to be negligent in approving this additional use of water which would undoubtedly impact those of us actually using their properties for AG purposes.

5.) It is unhygienic and potentially harmful to place waste treatment facilities in residential areas with fragile aquifers. Strict rules regarding the use of The proposal includes a waste treatment facility, and its proximity to under ground water reserves and the location of residences would represent a dramatic step backward toward the 1950s in terms of our approach to the local ecology. In addition, the risk of breach of the facility or holding ponds from a natural disaster is non-zero and would have a devastating impact on the entire area, both for residences and for the nearby ocean areas. A independent state Environmental Impact review of this should be completed. For single family residences located near to similar aquifers, aerobic treatment systems are required. I cannot see why the developer should be granted an exception from this requirement that each residence have its own aerobic treatment system.

In summary, I state once again that I call upon the State Land Use Commission to step up to the plate at this time and provide good governance for Maui and its citizens, rather than the interests of developers. Spot zoning such as what is called for by this proposal will result in insufficient water supply (there was a water shortage to the neighborhood water supply this year, and this plan would triple the number of people on the same water supply), loss of agricultural land, loss of open space, increased pollution and degradation of the quality of life for all those living here. Please make the right call and do NOT allow this proposal to move forward.

Thank you,
Jason Hartlove

From: [Cindy Botelho](mailto:Cindy.Botelho)
To: luc@dbedt.hawaii.gov
Subject: Comments on the proposed Makila Village development
Date: 12/07/2015 10:57 AM

State Land Use Commission

Docket A15-799

Makila Rural Community EIS

Dear Sir or Ma'am,

I'm writing today about the proposed Makila Village development. I understand that there is a proposal to create 225 lots on 271 acres of zoned agricultural land near Launiupoko, including an urban center of 40 acres. I was quite shocked to hear about this given that the land is zoned as agricultural, and this would be a textbook case of "spot zoning". It has been my experience that good land use planning commissions avoid "spot zoning" because of the severe and on-going problems that are created by that practice, such as insufficient water supply (there was a water shortage to the neighborhood water supply this year, and this plan would triple the number of people on the same water supply), loss of potential agricultural land, and increased loading on roads that were never designed with that population density in mind.

The development is also in direct contradiction with the Maui Island Plan's requirement for open space. The Maui Island plan requires a minimum of 50% of the development to be designated as parks and open space, but the current proposal is attempting to count private home's back yards as open space. This is obviously gaming the system.

I am asking the State Land Use Commission to step up to the plate at this time and provide good governance for Maui. Spot zoning such as this leads to on-going issues, and degrades the quality of life for all those living there. Please make the right call and do NOT allow this proposal to move forward.

Thank you,
Cindy Hartlove

From: [Gary - Lynn McFarlane](mailto:Gary-Lynn.McFarlane)
To: <mailto:>
Cc: <mailto:mariah@westmauland.com>
Subject: Docket A15-799 - Makila Rural Community EIS
Date: 12/07/2015 12:50 PM

State of Hawaii Land Use Commission

RE: Opposition to Docket A15-799

Dear Members of the State Lane Use Commission:

Our family are residents of this community Launiupoku , mauka of the property that is being considered for rezoning.

We have been residents at 167 Awaiku Street for 11 years on agricultural land that has allowed us the privilege of farming , housing, adding trees and green spaces protecting open spaces,

and providing areas for the birds and wildlife to continue to support humans.

We desired to live here because this was designated Agricultural land. Our HOA has tried to observe the need to reduce light pollution, efforts to farm and care responsibly on AG lands. This in addition to the commitment to the County's guidelines in managing the property.

The Makila Rural Community plan do not conform to the Maui Island Plan for Open Space. This urban core of 40 acres is not in the plan and goes against all reason.

The Makila plan believes " that there are no known environmentally sensitive areas....critical Habitat...or endangered animal species on the property."

Many can dispute this statement: I have many pictures of our land and adjacent lands below our property over the years that prove that the endangered NENE daily fly here for feeding , socializing and possibly mating on the open spaces and green fields. We have flocks and known pairs that come here.

I can watch them come in early in the morning and move from AG land to AG land during the day. We must protect this open space.

If you change this land to urban-rural it could be devastating to not only the NENES but other birds, bees and wildlife. The loss of good AG land CAN NOT be reversed.

It is STATE POLICY to NOT take good soil out of AG use- we are losing it already at a rapid pace around the county.

Just because Makila Land states that the current use of the land is vacant and undeveloped and not currently used for agriculture is NOT A GOOD REASON as they have chosen to not use it and only occasionally have cattle feeding on the fields.

They are NOW developing 15 acre AG properties Maiki of this Rural-Urban proposal. This is in keeping with their original commitment of the properties that were started in 2000 to be AG properties.

These properties will have to meet the same AG requirements as we have all met in Launiupoko and all other phases.

BUT how can they have it both ways? How can they promise AG properties and now drop a 40 acre high density project in the midst of the AG area?

They will already be adding more demand for our only road KAI HELE KU with a new

access on to it, more demand for WATER, which at times is in low supply, but at least they are keeping the land as AG properties which was their promise to this area.

NOW with their Rezoning proposal they are asking to triple the density, put a strain on the water resources, add to the enormous traffic problem, add another access road, endanger wildlife, and increase the demand on the near Launiupoko Beach and the precious Ocean! The list is SO LONG.

Makila's proposal to justify changing AG land to Urban-Rural are sometimes plausible but not when the over all picture is realized.

The goal of a development company-group is to develop. There are other areas that meet their dreams. Just because they own the land is not a good reason to rezone for dense development.

There are other lands that would be suitable for such a project.

I would also like to add that when this presentation from Makila (at that time West Maui Land) was first mentioned in 2006 (I attended our HOA annual meeting where it was added to the end of the evening as an Idea) that we only had a quorum of members and our suggestions and input never seemed to be noted. There have been other development projects by this group (Including the present Olowalu project) that have come and gone. We thought the idea had been denied as it was in AG land and regarded urban sprawl . My observation was that there was not any agreement to consider that project then , just another project idea from R. Frampton 's client.

The next we knew of it was last August with a follow up meeting for a presentation to the homeowners in October. This was met with almost total rejection of the project. It was also held at a senior center that only allowed one and a half hour before closing - this did not allow responsible inter action or explanation. It was a token presentation - thus a hand vote by the owners to prove to the developers our rejection.

Our goal is to protect the disappearing Agricultural lands.

I am so sorry for my lengthy letter and thank you for taking the time to read my opposition to Docket A15-799

If possible I would like to know that you received my letter.

Thank you, thank you, thank you.

Sincerely,
Lynn McFarlane

Dec. 7, 2015

From: [Maryann](#)
To: mariah@westmauland.com; luc@dbedt.hawaii.gov; [Michele Chapman](#)
Cc: [Jay Wisthoff](#)
Subject: Makila Village Opposition Letter
Date: 12/07/2015 11:18 PM

To:
State Land Use Commission
Docket A15-799
Makila Rural Community EIS
To Whom it may Concern:

I recently had a conversation with a mainland friend who is involved with civil engineering, community planning, and neighborhood development, much of which takes place in very congested areas. He told me that often a developer with land for planning will put a possible “second agenda” program on the table of a community, neighborhood, or township that makes no sense, makes no rational contribution, and upsets every single person who would be affected. Often the plan involves broken promises made by this very developer in the name of improving the community with a new idea. The developer holds community meetings and sit there and listen at length to each and every protest that comes from all points of the negative impact view. Eventually, enough dissenting reaction is heard and that plan is rejected, put aside, on hold, or under advisement for further review.

Then the developer comes up with the “first agenda” project that he really has had his sights set upon the entire time, one that is much more lucrative for him. Usually, it is almost as unreasonable as the previous proposal and will make even a larger negative impact on the entire community, but because of all the previous meetings and protestations, the residents are a bit worn down and sometimes don’t protest as much.

In June of this year, this said developer came up with the brilliant idea of building a homeless campground in very close proximity to several areas that he, in fact, created and sold, promising buyers that all would be ag. After months of debate, the plan was put aside. Now, he wants to take what he promised would be eleven agricultural lots, have them rezoned, and turn them

into a **whole town**, oddly with not mention of a campground for the homeless or anyone else.

So now, here we are again. Please look at how this area and these people are being manipulated in an effort for one developer to make even more money and irreparably change the existing community forever.

Thanks for reading this letter.

Mary Ann Leigh
Mahanalua Nui

From: [Maryann](#)
To: mariah@westmauland.com; luc@dbedt.hawaii.gov; [Michele Chapman](#)
Cc: [Jay Wisthoff](#)
Subject: Makila Village Opposition Letter
Date: 12/07/2015 10:23 PM

To:
State Land Use Commission
Docket A15-799
Makila Rural Community EIS

Where is the water source for the new development? Currently the existing system is being pushed to the maximum. Adding 225 – 250 new homes in an area that was originally planned to support only eleven large ag parcels will cause an enormous strain on the current water supply. We are often advised to reduce consumption and conserve. This applies to potable and ag non-potable water.

Changing from Ag to a State Rural/State Urban District will impact all infrastructure systems, traffic, vehicular and pedestrian, fire and police protection, fire evacuation routes, noise, lighting, sewage disposal, ingress and egress, and wildlife feeding and breeding habitat.

In closing, I believe the changes will negatively affect the ag lifestyle of the existing area and impact all neighboring property in the worst possible way.

Ted Loberg
Mahanalua Nui

From: [Kevin Brooks](#)
Reply To: [Kevin Brooks](#)
To: mariah@westmauland.com; luc@dbedt.hawaii.gov; tschnell@pbrhawaii.com
Cc: [Gordon Firestein](#); [John Fitzpatrick](#); [Tom and Rona Landrigan](#); [Brian And Suchada MacDonald](#); [Janet Maher Email](#); [Linda Marie Angel Email](#); [Ray Horses Email](#); [Doris Lang](#); [Bob](#); [Suchada MacDonald](#); [David Jenkins](#); [Linda Jenkins](#)
Subject: Project : Makila Rural Community : SUBJECT : PUBLIC OPPOSITION VOTE TAKEN ! 0 IN FAVOR , 90 OPPOSED !
Date: 12/07/2015 09:19 PM

District , West Maui
Project : Makila Rural Community
Docket # , A 15 - 799
Subject : E I S P N
T M K : { 2 } -4-7-8-9-10-11& 12

Makila Land Co.
305 East Wakea Ave
Suite 100
Kahului , Hi . 96732
C / O Heidi Bigelow and Mariah

Aloha Land Use Commission ,

I have been a permanent resident of Makila Ph 1 , lot 12 , for 11 years . I have been a full time working resident of Maui , for 16 years and a full time working resident of Hawaii for 28 years . I work hard and today i am working a 12 hour day .

When I purchased Lot 12 , I was told by my West Maui Land Sales agent , that below me , someday , way in the future , there would probably be 20 or 30 large ag lots , 25 to 35 acre ag parcels ; max homes , 2 per parcel .

However , the main reason for me writing this letter is to inform the LUC that on Monday , November 2nd at 4:30 , there was a public meeting organized by Makila Land { Controlling interests ; West Maui Land And Goodfellows } , suggested by the State , to gather public documented input . It was held at the Senior Center in Lahaina .

After the Makila Rural Land presentation , there were many people voicing total opposition for all the obvious reasons .

About mid way through , i was given the floor to ask my question .

I identified myself properly . I had counted 96 people in attendance , i do not believe 96 people actually signed in . I spoke clearly , slowly , and with volume .

My question was directed to everyone in the room . { Not Makila Rural Community reps }

My question was : Is their anyone in this room , who IS IN FAVOR of

this Makila Rural Community ?

LUC members , please note , not one person in that room raised their hand . It was a STUNNING moment !

I then asked publicly , of the recording secretary , Mariah , to make a formal note of the vote " for the record " in her minutes of the public meeting . She looked at me and said she would .

Having been down these roads before , after the meeting concluded , I was able to sit with Mariah , the meeting minutes taker , and I asked her if she had made the voting notations accurately . She said she had . I asked her to show me those notes , in her 5 or 6 pages of minutes / notes .

She could not " locate my question that generated the above vote , nor was there any reference by Mariah , at all , to the Vote Results , " 90 OPPOSED , 0 In Favor " , of the Makila Rural Land project .

In fairness to all concerned , prior to the vote , one lady said she was in favor and after the vote one man , expressed a positive opinion . However , when the question was posed for the actual public " raise your hand to vote in favor or opposed ; 0 hands were raised in favor of this project . Approximately 90 people expressed opposition " . Pretty staggering .

I sincerely hope that this " accurate " information is put forward by Makila Rural Land , to the LUC , in their presentation .

Thank you for your time , Merry Christmas and Happy Holidays !

Kevin " Sparky " Brooks ,
120 Punakea Loop , Lahaina , Hi . 96761 808 264 2050

" Aloha is to hear what is not said...to see what cannot be seen... and to know the unknowable."

~Queen Lili'uokalani

