



Letter of opposition

Todd Erickson

to:

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12/01/2015 12:34 PM

Cc:

mariah

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From: Todd Erickson <todderickson11@gmail.com>

To: luc@dbedt.hawaii.gov

Cc: mariah@westmauland.com

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

To whom it may concern,

As a neighbor who will be greatly affected by the proposed development, I feel powerfully compelled to speak out in opposition to it.

I find it completely hypocritical that Maui County is even considering the possibility of such a dense, multi-unit, non-agricultural development when their whole mandate to this point in time has been to encourage and enforce the idea of large, agricultural lots.

As an owner in the area, I have been told repeatedly by the real estate sales community, the HOA's, the County, West Maui Land and even Peter Martin himself, that the land in question and the surrounding area was to be developed with the same larger acreage, agricultural theme that has been mandated for all the other surrounding neighborhoods.

The County in particular has gone out of its way to ensure that agricultural plans and agricultural uses are strictly enforced on the existing properties in the surrounding neighborhoods.

West Maui Land has openly promoted to buyers and the real estate sales community that these areas are all going to be developed with the same sensitivity to agricultural use as the surrounding neighborhoods and that the County would ensure that.

I was under the understanding that Maui County was trying to promote and assist in the development of a local agricultural community that would produce local agricultural goods that would be healthier and not require transport from the mainland.

Owners in the area have all bought with the understanding that this whole area would be preserved as an agricultural area.

It would be a travesty if the county suddenly shifted its mandate to accommodate the greed of an apparently unscrupulous developer who will say whatever is necessary to get a deal done even if it means deliberately misleading all the buyers in their previous developments.

In my opinion and the opinion of everybody that I have communicated with in the surrounding neighborhoods, it is time for the County to be accountable for their originally stated intentions for the area and stand up against West Maui Land's unscrupulous methods and deliberately misleading marketing campaigns.

The mandate of large acreage agricultural lots is an important one and will become more important with successive generations.

The county needs to stay true to their originally intended agricultural course and not bend to the greed of a developer no matter how powerful they are or what they promise.

For a list of more technical reasons to stop this development, please see below:

1) This plan does not conform to the Maui Island Plan's requirement for Open Space. How will it be changed to conform?

(<http://www.co.maui.hi.us/index.aspx?nid=1503> see plan Chapter 8 page 8-62 for info on the Maui Island Plan)

The Maui Island plan includes a minimum of 50% of this development to be designated parks and open space. Makila Land Co. is achieving this 50% by including parts of lots they intend to sell. So yes, they are counting people's backyards in the 50% number. Open space belongs to everyone and should not be part of someone's backyard. This inclusion of people's yards in the 50% was publicly confirmed to us by a consultant to Makila Land Co. You can bet it was not the intent of the Maui Island Plan to include portions of private lots in the open space designation.

- 2) This plan has an urban core of 40 acres. This urban core was not in the Maui Island Plan.
- 3) The developer is stating that we should have all known about this development because of public outreach they conducted during 2006-2008. There are many homeowners claiming they were never informed. Did you own your lot in 2006-2008? Were you approached about this plan when the developer was lobbying the County? If you bought your lot after 2008, did you ever receive any disclosure about this plan to have the adjoining land rezoned for higher density residential and commercial use?
- 4) Section 3 of the Makila EISPN states "there are no known environmentally sensitive areas, wetlands, Critical Habitat, or endangered plant or animal species on the Property.

Many of us have seen Nene geese flying up from the direction of the fields below. Nene are a federally recognized endangered species. There is certainly a question as to whether Nene habitat is affected.

The Newell's shearwater and the Hawaii dark-rumped petrol are also believed to be nesting in the West Maui Mountains. These are also endangered species and may be affected.

- 5) Except for the drainage gulches (and only the drainage gulches!) this area has been designated as "good soil", having the 2nd highest productivity rating classified by the state. It is state policy NOT to take good soil out of AG use. So in this plan, why are they taking "good" soil out of agricultural use? PLUS only 10% of AG land falls into the top two productivity levels. Why are we taking some of this good land out of AG?
- 6) In addition, in the EISPN, Makila Land state that the current use of the land is undeveloped and vacant and not currently used for agriculture. Yes BUT the land is not being used for agriculture because they have chosen not to use it, not because it is inferior or poor AG land.
- 7) Emergency Evacuation- With the likely tripling in density, how are the proposed roads going to enable quick and safe evacuation from the abutting subdivisions in the event of another Launiupoko fire?
- 8) Will there be adequate water? We already face water shortages (as seen by the note that we all received this past summer asking us, on behalf of Launiupoko water company, to conserve water) so a likely tripling of the population will affect the water supply.
- 9) The Makila Plan includes a sewage treatment plant on the property. There is the issue of smell wafting up from the sewage treatment facility, but also the proximity to the sea and the potential effect of any sewage flooding/overflow during storms.
- 10) Road congestion and safety. In addition to the issue of fire evacuation, currently the lights at the

bottom of Kai Hele Ku Street are a bottleneck with only one road in and out of our development from the Highway. Even if a second road goes in, (currently not in the plan), with a tripling of population this is unlikely to solve the resulting congestion problem.

11) The development may have a detrimental effect upon the coral reefs below it. Dr. Eric Brown and many other marine biologists and researchers voiced their concerns before the General Plan Advisory committee and the Maui Planning Commission in 2008 and 2009 (regarding the development of Olowalu). They asked that the mauka lands not be urbanized so that the reefs and water quality are not put at risk. The same inherent problems face the reefs below the Makila Rural Development.

12) There is likely to be an increase in both light and noise pollution. We all live up slope. How will the noise carry? How will this be addressed?

13) An increase in population is likely to mean an increase in crime, in paramedic callouts, in house fires, etc. How will the project address the increased need for emergency service coverage?

Todd Erickson