

Plantation Estates Lot Owners Association

10 Hoohui Road, Suite 302

Lahaina, Hawaii 96761

(808) 669-9030

November 1, 2019

ATTN: WEST MAUI CPAC
Department of Planning
2200 Main St., Suite 315
Wailuku, HI 96793

By Email to: wearewestmaui@mauicounty.gov

Re: Testimony Regarding Suggested Policies and Actions, Economic Opportunity through Innovation and Collaboration, Agenda Item C

Dear CPAC Members:

On behalf of the Board of Directors of Plantation Estates Lot Owners Association ("PELOA"), I offer this written testimony as supplemental to that submitted to the West Maui Community Plan Advisory Committee ("CPAC") on July 23, 2019. In the earlier testimony I sought support for designating PELOA as Rural Residential ("RR") in the West Maui Community Plan. This supplemental testimony also is offered in support of such designation.

Agenda Item C for the November 5 meeting concerns "Suggested Policies and Actions: Economic Opportunity through Innovation and Collaboration." Draft policies 2 and 3 state:

2. Prohibit conversion of agricultural lands outside of the Maui Island Plan's growth boundaries, and limit conversion of agricultural lands within the growth boundaries to urban and rural designations in West Maui unless it can be demonstrated that:
 - a. conversion is required to accommodate the population or employment projections for the region, or
 - b. conversion will facilitate shoreline retreat by directly replacing an existing development of similar size and character that is threatened by climate change.
3. The number of visitor units in West Maui shall not exceed 33 percent of the total units in West Maui.

We share CPAC's concerns that agriculture is an important activity to be encouraged in West Maui. We also share CPAC's concerns that further development should be regulated and reasonably

constrained, particularly given our existing critical infrastructure needs such as highway improvements, affordable housing and water resource management. We share many of the views the committee has articulated regarding the future of our West Maui Community. At the same time, we believe our goals must be accompanied by pragmatic plans which make them economically attainable. We are concerned that these proposed policies run counter to a pragmatic approach sustainable in the long term.

Regarding Policy 2, PELOA lies within the existing rural growth boundary defined in the 2012 Maui Island Plan. Therefore, the first clause by its terms does not apply to PELOA. However, we urge CPAC to carefully consider how this proposal may constrain the economic viability of Maui County in the long term, especially given the many thousands of acres of unused, abandoned agricultural lands currently existing in West Maui.

Regarding the last clause of Policy 2, these would limit conversion to urban or rural designations unless it can be demonstrated that conversion is “required to accommodate the population or employment projections for the region” or to facilitate shoreline retreat. The drafters of the 2012 Maui Island Plan considered and described many arguments, analyses and alternatives when considering land use designations in the 2012 Maui Island Plan.¹ We respectfully suggest that CPAC not attempt to redo that work by imposing restrictions solely based on these limited criteria. In particular, on behalf of PELOA, I respectfully urge CPAC to have due regard to Maui Island Plan Policy 7.1.1.I, which states “[e]ncourage future community plan efforts to identify lands within the County Agricultural zoning district that are primarily being used for large-lot residential or rural use and consider such lands for reclassification to an appropriate County Rural zone.”² To the extent that CPAC feels compelled to redo the work of the Maui Island Plan drafters, we suggest further clarifying language³ to add additional language into Policy 2 after “projections for the region, or” as follows: “economic revenue requirements of Maui County to accommodate the goals articulated in the West Maui Community Plan, or”.

Policy 3 would limit the number of visitor units in West Maui to 33 percent of the total units. The Draft West Maui Plan states that the average daily visitor population on West Maui was around 33,000 people in 2016, and that the region had nearly 25,000 residents in 2017.⁴ While we do not know the precise number of existing visitor and residential units in West Maui, the proposed number of 33 percent currently appears to be exceeded. If a policy such as this is to be further considered, we

¹ See Maui Island Plan: General Plan 2030, Chapter 7: Land Use, pp. 7-1 to 7-28 (2012). See also Maui County Code, Title 19.

² Maui Island Plan: General Plan 2030 at 7-8.

³ Without more definition the language appears susceptible of many different interpretations. How are existing neighborhoods and commercial areas to be evaluated under these criteria? How are the criteria measured? By whom? If existing areas met past objectives and/or are meeting current objectives, would that suffice? What diligence should be done or standards followed in making the projections? Who is the person or body that should do the evaluation? Is the intent behind this a moratorium on any changes to existing areas regardless whether a change would result in other benefits to the community concerned or the community at large?

⁴ Draft West Maui Community Plan, p. 1-10.

suggest it might be better informed by defining "visitors", "residents" and "units" and then understanding the existing number of visitor and residential units. We also recommend clarifying that existing, already approved subdivisions and developments (such as PELOA) are exempt, consulting with Maui Corporation Counsel if needed.

In connection with your consideration of the Suggested Policies and Actions, Economic Opportunity Through Innovation and Collaboration, many of the improvements called for in the Draft West Maui Plan require revenue to implement. Of course, it is important for CPAC and West Maui to have sources of revenue to support our plans. This Maui County fiscal year, owners of the 103 PELOA lots will pay over \$1.6 million of the total \$358 million in budgeted property taxes.⁵ We respectfully submit that West Maui benefits from communities such as ours that contribute to a vibrant tax base and enable the kinds of visions to which we all aspire in the West Maui Community Plan.

In addition to supporting the community through property and other tax payments, many PELOA members are active in and provide philanthropic support for various natural resource, cultural and cultural preservation objectives contemplated in the community plan. We respectfully submit that in being true to a balanced and pragmatic approach to a sustainable future, CPAC should recognize the positive role played by communities such as ours in the community plan. The importance of Rural Residential communities, particularly existing ones such as PELOA, should be recognized and not discouraged.

Thank you for your consideration. I respectfully urge your support.

Sincerely,

A handwritten signature in black ink, appearing to read 'JB Kindred', written in a cursive style.

Jonathan B. Kindred
President

⁵ County of Maui, Department of Finance, Real Property Assessment Division online data and Ordinance No. 4988, Bill No. 36 (2019).