

WILLIAM SPENCE & ASSOCIATES
LAND USE PLANNING AND CONSULTING

February 27, 2020

Kai Nishiki, Chair
And Members of the West Maui CPAC

Re: Rural Designation for Plantation Estates

My name is William Spence and I am a former Planning Director. The representatives of Plantation Estates in Kapalua asked me to speak regarding their request to be designated "Rural" in the community plan.

Why designate to rural? What community benefit is there?

We have a land use pattern on Maui, indeed it within the state, where agricultural land is subdivided into large lots and luxury homes are built. We called them things like gentlemen's estates and fake farms. It's an objectionable land use pattern to most of us, including myself, yet it repeats over and over again. The latest luxury subdivision is going in on the east side of Hali'imaile on what used to be rolling pineapple land.

This land use is objectionable because we call it "agriculture" when it is anything but that. Yes, the county can require a bunch of citrus and avocado trees but for most people, the 5,000 square foot home with three car garage and infinity pool is hardly a "farm." So instead of perpetually pretending they are agriculture, let's start calling them what they are: rural residential.

The concept of recognizing these subdivisions as rural is nothing new as it has been talked about for decades. I give Dick Mayer credit as he brought it up during the formulation of the Makawao Pukalani Kula Community Plan in the early 1990's. That CPAC said to: *"Eliminate pseudo-agricultural lots such as Kula 200 and Kula Glen, through recognition of such lots as rural residential subdivisions."* (Pg. 20, MPK CP). When I was Planning Director the other county directors discussed this as well, noting that Rural is the proper district for this kind of housing. The agricultural working group formed by former council member Guzman discusses this at some length and supports the concept.

Let's stop repeating the same bad practice over and over again. If we can start a new pattern of recognizing these subdivisions for what they are, we can start requiring district boundary amendments and a changes in zoning for new subdivisions. The Maui Island Plan reflects this thought by including policies toward this end:

7.1.1.I Encourage 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. (pg. 7-8)

7.1.1-Action 5 Revise existing land use regulations to ensure that Prime Agricultural Lands are distinct from rural (primarily residential) land uses. Pg. 7-8

7.1.1.c Discourage developing or subdividing productive agricultural lands for residential uses in which the residence would be the primary use and any agricultural activities would be secondary uses.

Looking at it the opposite way

Not designating to Rural perpetuates the shibai. Continuing to call Plantation Estates "agriculture" is not going to make these properties into farms, nor will it make the owners into farmers. The homes will not somehow become "farm dwellings," they will continue to be luxury estates. A glance at the current MLS listings shows the highest offering in Plantation Estates is \$7,800,000 dollars. Planting a whole bunch of citrus trees isn't going to turn that property into a farm.

Concerns over Additional Density

Some may have a concern that designating to Rural will lead to additional density. I'm not at all concerned about that and for two reasons.

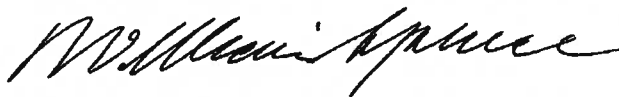
1. Additional density can be simply prevented by making a specific requirement or condition in the community plan. These specific conditions are very common in our planning documents – the Maui Island Plan has numerous "stories" for properties that must be followed, almost every existing community plan has explicit details for individual properties.

It is simple enough to say, "*Plantation Estates will be zoned no smaller than two-acre rural, and no further residential subdivision shall be allowed.*" That would essentially be limiting Plantation Estates to what is currently there. And if you are concerned about too many ohanas, you can also say limit one ohana per lot.

2. Given that kind of limitation, adding density would be nearly impossible to do. It would require changing the language of the plan, which much more difficult than changing the map. It would also require a change in zoning.

These are utterly miserable processes that make it extremely impractical to allow more development. The processes have no guarantee of success and take three to ten years of very public criticism and stress to do. There are multiple hearings before planning commission and council committees. It is very expensive to undertake, \$100,000 to \$300,000 or more. These are extraordinary disincentives, making it impractical to create more development

Respectfully,



William Spence