

**Name: Mark Hyde**

**Agenda Item: C. 2. Section 2.2 Safe Livable Communities for All**

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### **Testimony for December 14, 2022 CPAC Meeting**

In further reflection on major problems and opportunities facing South Maui, the lack of what I call "Good Government" is huge drag on the success of our community. Likewise, truly Good Government" poses is significant improvement opportunity should it be realized.

The two most significant civic development issues affecting the community the past 10 years have been:

- The so-called Mega Mall, which was going to be developed, with county support, illegally, on the 88 acre parcel known as the Pi'ilani Promenade site, and
- The Kihei High School/ Pi'ilani Highway intersection juggernaut.

In both instances state Land Use Commission Orders directed how these parcels were to be developed in exchange for approval of land use reassignment. In both cases, government flat-out ignored them.

- In the case of the Mega Mall, in 1995 the Land Use Commission ordered that the property be developed as represented to the Commission, which was a 123-lot light industrial park, not a gigantic retail shopping mall with acres of asphalt parking lot fronting Pi'ilani Highway. This was followed by specific reference in the KMCP - that the property be developed into a light industrial park with only incidental retail services located within the park to serve park users.
- In the case of the High School intersection, the LUC ordered either an overpass or an underpass to be developed before school opening.

With respect to the Mega Mall, and despite the LUC Order and community plan directive, in or about 2011 the community first learned that construction on the retail shopping center was about to begin. The illegality of this was immediately brought to the attention of the Arakawa administration, to no effect. Citizens were required to bring an administrative action to compel compliance with the Order. Even then the county, acting through the Planning Department, sided with the developer and against the community. Its representatives sat at the council table with the developer throughout the proceedings. The LUC ruled in favor of the community, consistent with its earlier Order.

With respect to the high school intersection, I was present at the hearing when the LUC ordered that either an underpass or an overpass be built before school opening. Despite this clear and important condition in support of public safety, HDOT and DOE have failed and refused to comply with it.

Both instances can reasonably be termed callous disregard for the law by state and county government - to the detriment and disrespect of the South Maui community. It is not “good government” as envisioned in the Countywide Policy Plan or in common parlance (<https://www.mauicounty.gov/DocumentCenter/View/11132/Final--Countywide-Policy-Plan---Complete?bidId=>).

So why bring it up in the context of the community plan update. The answer is simple. Just as floods, rising sea level, traffic and other tangible threats affect the community, so do intangibles when government stands in the way of planned community development. If our plans are ignored, whether our community plan or LUC orders which are themselves the product of significant community input and testimony, we lose just as if inundated by flood waters.

**“Bad Government” is a risk to the planned development of South Maui and is worthy of mention as one of several key problems facing the area. It is also one of the best opportunities to make our community better. Imagine if the next community plan is honored by the state and county, *and actually implemented*. Imagine this plan being crafted with the help of the Planning Department such that clear development objectives are listed, metrics tied to milestones are crystalized, and progress is rigorously tracked and made known to the community with complete transparency. Is this too much to ask?**

I don't think anything is more important to planned development of South Maui than the need for Good Government.

Mark Hyde  
4320 E. Waiola Loop  
Wailea, Hawaii 96753