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Lanai City, HI 96763  
Feb 20, 2018

Kelly King  
Chair, Maui County Planning Committee  
Kalana O Maui Building  
200 South High St.  
Wailuku, HI 96793

SUBJ: Lanai Community Plan

Dear Chair King:

I was a member of the Lanai CPAC. I intended to write this earlier perhaps to Mayor Arakawa but didn't think it would have any effect. However, I happened to see your Feb 16 meeting regarding the Molokai Community Plan and thought perhaps this would be of some use. I applaud the decision to go back to the Molokai CPAC for its input.

There has been a lot said about how long it took to complete our Plan. This is my view and some suggestions. The events go back a while so I hope I'm accurately describing what occurred.

Lanai apparently was chosen to go first because it was viewed as the easy one. Unfortunately, the timing of the 2012 sale of the island to Larry Ellison complicated matters. The CPAC's first meeting was in Jan 2013. Mr. Ellison's representative presented their vision at our third meeting in Jan. Hereafter I'll refer to Mr. Ellison's Lanai organization as the "Company". There are extensive, specific Company plans in our final draft. Lanai was still feeling the effects of the economic downturn. Lanai was losing many good, long-time residents seeking jobs elsewhere. The CPAC wanted to help the island's economy grow so they'd return and to provide jobs for our children. We didn't rubber stamp the Company's plans but worked with them.

We sent our Plan forward in Sep 2013. The Plan that came back for the Lanai Planning Commission to consider had many changes. A small number of CPAC members followed the Plan through the Commission's as well as Planning Committee's discussions. The numerous changes caused us to look closely at the new plan and subsequent changes.

Sometime during the review process, the Company decided not to go forward with desalination. The CPAC approved major developments with the thought that there was going to be another source of water, doubling output. It invalidated a lot of what was approved, but we had to settle for language that we predicated our decisions on the availability of significant additional water sources for future development proposals. It's not prominently noted.

RECEIVED AT PC MEETING ON 3/11/2018  
Committee Chair King

Sadly, there was the tragic plane crash on Feb 24, 2014 with loss of life and injury to the pilot and County staff. They had been such an integral part of and help to our deliberations, and their congenial presence was missed. It obviously had a major impact on the Planning Dept staffing.

The process started to become contentious after Chair Don Couch presented the "Lanai Community Plan: Maui County General Plan 2030" on May 28, 2015. I'll describe only the major issues. The draft contained new language on the maps - "This map is for planning purposes only and should not be used as a regulatory map." And on page 201 of the 203-page document was a new statement, "Community plan land use designation are not regulatory." We didn't want that language included as it weakens the authority of the Plan. The Planning Committee met on Lanai on Jun 23, 2015 and agreed to delete the language.

I don't think there were PC meetings after June 23, but the next version didn't come out till Dec 2015. It contained new language, "Unless specifically prohibited, the uses permitted by zoning and the standards applicable to the zoning district apply to the corresponding community plan designations." We objected to the language as spelled out in the attached Jan 25, 2016 letter. In the end, and probably because of Riki Hokama's involvement, the language was removed. The Plan was finally adopted on Jul 1, 2016.

I don't speak for the other CPAC members. My view was that Chair Couch was not dealing in good faith despite his statements in his Apr 15, 2016 letter. I really considered the changes as attempts to weaken our Plan. We didn't know where changes were coming from - Chair Couch, Planning Dept., the Company - which created further mistrust. On island, the Company wanted the Plan approved and in an Apr 13, 2016 message to some employees which requested support testimony, a Company official made reference to those of us who had been requesting changes as "dissidents". This total breakdown in trust led to much of the delay. I don't think the process is broken; it was the people involved and unique circumstances.

I acknowledge that the continued involvement of CPAC members did delay the process and I personally was a pain. But (and I know it sounds corny) we saw it as our responsibility to our community to see the Plan through to approval; our names were on it. We also didn't want to set precedents for other communities' plans.

I've attached some suggestions. Thank you for your consideration.

Sincerely,



Deborah dela Cruz

Meeting Summaries (minutes) should be timely and complete. We received them so late that we had to rely on our recollections and personal notes to assure that subsequent iterations accurately stated what the CPAC agreed upon. For example, the Summary of the 1/9/13 meeting was eight pages long. Our meetings were a minimum three hours long. From Apr 2013 on, the Summaries were half to four pages (mostly two), didn't identify attendees and listed decisions and very little, if any, discussion.

Minimize some of the briefing info, some of which would never be applicable to Lanai.

Provide clear, uniform directions on what should be in the plan. For example, should we have been noting specific prohibited uses as we deliberated?

Provide training on how the Plan is used to emphasize its importance; discuss the Hawaii Supreme Court's decision (*Gatri v Blane*) where it decided that a "community plan has the force of law." Also provide training on zoning.

Encourage CPAC involvement in the approval process. CPAC members can provide info on how they came to their decisions.

If requested by individual CPAC members, keep them apprised of Planning Commission, Planning Committee and Council deliberations on their plan. If requested, provide copies of draft/final plans as they're produced. Reviewing such long documents and taking notes on electronic devices is extremely difficult.

At the June 23, 2015 meeting, Chair Couch suspended regular order so there could be a free flow of discussion between the Committee and the public which included CPAC members. It would be valuable if your Committee would try meeting in the community once during the review process and suspend regular order. I know that it may be contentious in some communities and would require strong facilitation, but it may be worth it. Alternatively, take additional public testimony mid-meeting and, if allowed, unannounced to avoid "canned" testimony.

Not specific to Community Plans, the Maui County website makes it very hard to find documents that are being considered. It would be helpful if documents could be linked to the Agendas. Also the audio between Lanai and Maui is very poor. After one meeting, we heard from people on Maui that the Lanai testimony was inaudible. In some cases, Mr. Hokama's staff had to use a cell phone.