

# LU Committee

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**From:** Jim or Belinda <2jbhome@hawaiiintel.net>  
**Sent:** Tuesday, March 13, 2018 8:44 PM  
**To:** LU Committee  
**Subject:** TESTIMONY ITEM LU - 54 corrected  
**Attachments:** 03 14 18 TESTIMONY LU 54 corrected.odt

Hello,

I am transmitting testimony regarding Item LU -54 that is corrected and attached here. It is attached to this email.

Please distribute to committee members. If there is any problem my email is 2jbhome@hawaiiintel.net and my phone number is 572-0218

Mahalo

Jim Smith

Jim Smith  
99 Kapuai Road  
Haiku, Maui, Hawaii 96708

March 14, 2018

Honorable Robert Carroll, Chairperson  
Maui Council Land Use Committee

TESTIMONY: Related to Item LU 54 and County Communication No. 18-52

Aloha,

It is apparent that the Planning Director feels there exists an inconsistency in County Policy that requires correction by revision to the Paia-Haiku Community Plan. In 1995 Deputy Corporation Council Kelly Cairns approved the ordinance adopting revisions to the Plan as to legality and form. In addition, later, it appears that Deputy Corporation Counsel Gary Zakian approved as to legality and form the ordinance enacting as law the provision of Chapter 19 at issue.

Any decision to “pass” simultaneously, individually or not at all the proposed ordinances; seems to depend upon an answer to the question of whether inconsistency exists. I feel it does not. The Director's alleges it exists.

Clearly, the Paia-Haiku plan is required and compliant with the General law of the State, commonly known as the Hawaii State Plan. And our Charter requires the Director of Planning to administer and enforce its terms. It seems the Director cannot do so. The legal question of consistency should be answered in writing by independent Counsel before action is taken because other Plans may be affected. I ask that no action be taken.

Jim Smith – 572-0218