

WAI Committee

From: David Goode <dcg.mauicounty@gmail.com>
Sent: Monday, September 16, 2019 1:16 PM
To: WAI Committee
Subject: WAI-38, Testimony of David Goode

Aloha Chair Lee and Committee Members:

I am testifying as an individual and as the former director of the Department of Public Works.

I have watched some of the committee and full council discussion on this topic and am a wee bit perturbed at some of the allegations made about the making of the ordinance and my involvement therein.

For the record, there is no way the two lot road improvement provision was covertly put into the upcountry fire improvement exemption. Councilwoman Baisa had approached us to see if this could work, and DPW thought the idea had merit as we were then processing quite a few variances for this very matter. Working the normal legislative process, the 2 lot road exemption language was added to the bill, with review by corp counsel and council services staff, discussed and voted on in committee, added to the committee report, and voted on twice at full council. My role as always was to present the facts, answer questions, and make recommendations as needed. Anything suggested beyond this role is mudslinging meant to confuse folks from whatever the real issue may be.

It is good administrative and legislative practice to correct an ongoing issue (variances being requested and granted) with legislation. So, the question going forward is one I always liked to ask DPW staff, "What problem are we trying to fix?".

If the problem is two lot exemptions in urban areas, that is easy to fix. If the problem is the size of lots, that too is easy to fix. If the problem is wealthy vs non-wealthy owners, that is not easy to fix. If the problem is something else, state it, analyze it, fix it or file it. But the problem is not how the law was passed in 2015, which others have unsuccessfully attempted to "correct" in court.

Finally, if the committee is inclined to eliminate the two lot exemption and force folks into variances, the committee should also consider eliminating other similar instances where small incremental increases in density do not require road improvements. Two of those instances would be 1) when an ohana is added to a property (effectively doubling the road impacts at that property), and 2) when a home adds bedrooms and bathrooms that could effectively double the impacts to the road servicing the property. But I don't think anyone wants to do either of those two changes, nor do I. So why completely eliminate two lot subdivision road exemptions?

Mahalo for the opportunity to clarify and opine on this issue.