

# Meeting Minutes

**Tuesday, September 3, 2019**

Hyperlink to [Meeting Video](#)

## **Community Plan Advisory Committee**

**Attending:** Chair Kai Nishiki, Vice-Chair Jeri Dean, Donald Robert Gerbig, Hans Michel, Ravi Bugga, Joseph D. Pluta, Karen J. Comcowich, Leilani Pulmano, Dylan Payne, Dawn Hegger-Nordblom

**Absent:** Aina Kohler, Yvette Joyce Celiz, Joseph Aquino

## **County of Maui – Planning Department**

Michele McLean, Director

Pam Eaton, Long Range Planning Division

Jennifer Maydan, Long Range Planning Division

Tiffany Bostwick, Long Range Planning Division

## **County of Maui – Department of the Corporation Counsel**

Mike Hopper, Corporation Counsel

Call to order at 5:33 p.m.

## **Public Testimony (00:00 to 5:18 in Meeting Video)**

Dina Edmisson applauded CPAC members for addressing sea level rise and climate change. Suggestions included: Setback needs to be increased from 55 feet of shoreline to a safer distance; a new law stating that as of 2021, the County will not be responsible for supporting properties built on the shoreline; put restrictions on non-owner occupied residences so that the community's taxpayer dollars aren't being spent on these properties.

## **Discussion of Sending a Letter to County Council or Mayor Victorino Regarding Halting Approval of Major Development Projects Until the West Maui Community Plan Update is Adopted by Ordinance (5:19 to 57:30)**

Chair Nishiki introduced and read aloud to CPAC members a letter she drafted to County Council and/or Mayor Victorino regarding halting approval of major development projects until the West Maui Community Plan Update is adopted by Ordinance. She noted that the letter is a request, NOT a moratorium, and handed out copies of a General Plan Advisory Committee letter that was prepared in 2008 to the

same decision-making bodies. She asked if there were any comments and/or objections from CPAC. ([Link to CPAC Draft Letter](#))

Several CPAC members expressed disappointment that they were only receiving the letter now and not given more time to look it over. Objections/comments included concerns that the letter was unnecessary, since the Planning Department and Planning Commission are already knowledgeable on the rules, regulations and requirements of the permitting/application process; that the letter is misguided and may make it more difficult to get housing in general; and that the wording should be changed from “100% affordable housing” to “other housing for residents.” Chair Nishiki reiterated that the letter is just a request and has no force of law, then asked Maui County Planning Director Michele McLean and Corporation Counsel Mike Hopper for their input.

Director McLean noted that the letter is not as extreme or far-reaching as the 2008 letter from GPAC. She explained that because the CPAC letter is non-binding, the Planning Department still has an obligation to process project applications, since the Department does not have the full authority to approve these projects (decision-making bodies include the Planning Commission and the County Council). The Department could include the letter in its analysis and ensure that it is presented to those decision-making bodies as an added consideration to project applications. She also shared the concerns of CPAC members regarding housing needs.

Corporation Counsel Mike Hopper said that there is no legal issue with the letter as it is currently written, as it doesn’t change the County Code or any laws. He did note that there would likely be a legal issue if the letter distinguished between residents and non-residents in respect to housing, and would probably be subject to legal challenge. Dylan Payne asked if language like “owner-occupied” could be used instead; Mike replied that he’d have to look into it.

Comments and discussion focused on the language, wording, tone and restrictiveness of the letter; what length of time that the request would cover; and what CPAC’s responsibility is in issuing such a letter. Chair Nishiki asked if changes could be discussed and suggested over email; Mike Hopper replied that it would be a Sunshine Law issue and explained what other options CPAC members have. Chair Nishiki offered to edit the letter based on input received from CPAC members, and deferred the agenda item to be discussed again at the September 24 meeting.

## **Policies and Actions Related to Goal 2.1: Ready and Resilient Systems (57:30 to 1:54:57)**

Jen Maydan introduced the resource people available to CPAC members for policy and action discussion:

- Tara Owens – University of Hawaii Sea Grant Program
- Jeff Dack – County of Maui Planning Department, Current Planning Division
- Jim Buika – County of Maui Planning Department, Current Planning Division
- Eric Nakagawa – Director, County of Maui Department of Environmental Management
- Dave Taylor – Capital Improvement Program Coordinator, County of Maui Managing Director’s Office
- Diego Sanchez – County of Maui Planning Department, Zoning Administration and Enforcement Division

She noted the items in front of CPAC members: the Draft Policies & Actions related to Goal 2.1: Ready and Resilient Systems, the Policy/Action Decision-Making Tool handout, and 4 sections of the Maui Island Plan applicable to Goal 2.1. Planning Staff then read aloud the list of Draft Policies and Actions. ([Link to Draft List of Policies and Actions](#); other handouts can be found on the [Past Meetings](#) section of the CPAC Page.)

Chair Nishiki invited resource person Tara Owens to speak. Tara provided a quick overview of the sea level rise exposure area (SLR-XA), and showed screenshots of primary areas in West Maui prone to erosion and high-wave flooding (UH Sea Grant’s online SLR viewer was unavailable due to technical difficulties).

Discussion/decisions for each policy/action were as follows:

### **POLICIES**

1. Require public and private water purveyors to coordinate water development in order to optimize pumpage, mitigate saltwater intrusion, and preserve regional resources. **(1:12:45 to 1:24:59)**
  - Discussion:
    - Dave Taylor and Planning staff Tiffany Bostwick clarified questions from members about how the policy would get implemented and its need in the Community Plan.
    - Add “prevention of impacts onto streams”
    - Discussion on “optimize” vs. “minimize”
  - Consensus Decision(s): **None**

2. Require new developments to install landscaping that reduces water use, using drought resistant and micro-climate appropriate design and plants. **(1:24:59 to 1:25:32)**
  - Discussion:
    - Add gray water use when State Department of Health allows it
  - Consensus Decision(s): **None**
  
3. New developments in West Maui shall connect to County or private wastewater reuse systems when available; if reuse is not readily available, developments should be designed to allow for future connections. **(1:25:32 to 1:30:50)**
  - Discussion:
    - Change “should” to “shall”
    - Director Nakagawa clarified what developers would need to do to comply with the policy.
  - Consensus Decision(s): **None**
  
4. Reserve existing golf course facilities as future receiving areas to transfer existing development impacted by climate change. **(1:30:50 to 1:37:17)**
  - Discussion:
    - Jen Maydan clarified that the policy would not restrict existing facility use.
    - Planning staff Kate Blystone noted that Policy #4 pairs with Action #3.
  - Consensus Decision(s): **None**
  
5. For redevelopment and new developments within the 3.2 feet Sea Level Rise Exposure Area (SLR-XA), or the state recognized threshold for sea level rise exposure, new structures shall be situated on the most mauka extent of the project area or as allowed by applicable rules. **(1:37:17 to 1:41:35)**
  - Discussion:
    - No new or redevelopment within the SLR-XA
    - There should be a 150ft setback to allow for future parks as sea level rise impacts Maui
    - Tara Owens and Director McLean explain the Department’s effort to update the County’s Shoreline Rules that are intended to incorporate the SLR-XA (“redline”) into the shoreline setback line. This is related to the inclusion of text “or as allowed by applicable rules”).
  - Consensus Decision(s): **None**

## **ACTIONS – Organization(s) in parentheses responsible for corresponding action item**

1. Conduct a detailed vulnerability assessment for the SLR-XA and other hazards for all existing County infrastructure in West Maui. (CIP Coordinator/MD office). **(1:41:35 to 1:54:57)**
  - Discussion:
    - Would like coordination with the State on infrastructure
    - Add “the state-recognized threshold (for the SLR-XA)”
      - Dave Taylor recommended making Action #1 and Policy #5 (which is related) more general since the language (SLR-XA) may change within the next 20 years.
      - Chair Nishiki cautioned against actions being too generic, as it often leads to things not getting done.
      - Dylan Payne suggested “best available data” as an alternative
      - Jeff Dack noted that SLR-XA has had five years of work behind it, and that it’s valuable to reference SLR-XA as a specific term; could add language to broaden it.
      - Tara Owen suggested revising the threshold statement to say “the state or county recognized threshold”.
  - Consensus Decision(s): **None**

## **RECESS/DINNER BREAK**

### **Policies and Actions Related to Goal 2.1: Ready and Resilient Systems (1:54:57 to END)**

2. Develop a post-disaster recovery plan for West Maui. (MEMA, Department of Planning). **(1:54:57 to 2:10:09)**
  - Discussion:
    - Change to “Develop both a disaster preparation plan and a post-disaster recovery plan”
    - Change to “post-disaster recovery and reconstruction plan”
    - Should implement recommendations from Tara Owens’ technical resource paper ([Link to Climate Change and Sea Level Rise Technical Resource Paper](#))
  - Consensus Decision(s): **Revisit, and potentially add more action items, based on the Climate Change and Sea Level Rise Technical Resource Paper**

3. Conduct a feasibility study on shoreline retreat in West Maui. Issues to be studied should include at a minimum, analysis of alternatives to achieve shoreline retreat, such as establishing retreat areas and receiving areas for areas threatened by coastal hazards, and use of a programmatic Environmental Impact Statement to incentivize proactive retreat. (Mayor). (2:10:09 to 2:15:14)
  - Discussion:
    - Prohibit new developments that don't connect to wastewater
    - All new hotel/commercial/industrial developments should be halted until 4000 new affordable housing units have been built; only affordable housing until highway has achieved a level of safe service
    - Action items that aren't mentioned and need to be added to list: Prioritize new development outside of new SLR-XA; Limit rebuilding in areas vulnerable to sea level rise; Develop an inventory of infrastructure that may be vulnerable to sea level rise
  - Consensus Decision(s): **None**
  
4. Establish special improvement districts and community facilities districts as appropriate for areas threatened by coastal hazards in West Maui. (County Council, Planning).
  - Discussion: None
  - Consensus Decision(s): **Keep as is**
  
5. Create and implement beach management plans for beach cells in West Maui. (Planning).
  - Discussion: None
  - Consensus Decision(s): **Keep as is**
  
6. Update the Lahaina Town Drainage Master Plan. (DPW)
  - Discussion: None
  - Consensus Decision(s): **None**
  
7. Complete the Lahaina Watershed Flood Control project. (DPW). (2:16:32 – 2:19:22)
  - Discussion:
    - Issue with funding – this is a Federal project, but there is no funding for it.
  - Consensus Decision(s): **Revisit, after Department of Public Works gets a chance to comment on Actions 7, 8 and 9**

8. Complete an inventory of drainage facilities in West Maui for use in developing long-term plans for addressing stormwater issues. (DPW).
  - Discussion: None
  - Consensus Decision(s): **Revisit, after Department of Public Works gets a chance to comment on Actions 7, 8 and 9**
  
9. Improve stormwater management systems along Lower Honoapiʻilani Road to minimize stormwater runoff to the ocean. (DPW).
  - Discussion: None
  - Consensus Decision(s): **Revisit, after Department of Public Works gets a chance to comment on Actions 7, 8 and 9**

**NEW POLICY/ACTION suggested by Karen Comcowich (2:19:22 – 2:20:21)**

Develop Ordinances giving the County rights to inspect and levy fines to land owners for flood mitigation channels that are not cleared or maintained, including in residential areas.

10. Develop basal groundwater sources in West Maui to provide for planned population growth and offset decreased surface water diversions. (DWS)
  - Discussion: None
  - Consensus Decision(s): **Keep as is**
  
11. Improve interconnection between Department of Water Supply subsystems in West Maui. (DWS).
  - Discussion: None
  - Consensus Decision(s): **Keep as is**
  
12. Develop contingency agreements between County and private water purveyors in West Maui. (DWS).
  - Discussion: None
  - Consensus Decision(s): **Keep as is**
  
13. Identify potential new users of recycled water and expand recycled water storage and conveyance systems in West Maui to increase the reuse of recycled water. (DEM)
  - Discussion: None
  - Consensus Decision(s): **Keep as is**

14. Study and implement other disposal means to decrease use of underground injection control wells. (DEM) (2:21:15 to 2:49:55)

- Discussion:
  - Replace “decrease” with “eliminate”
    - Director Nakagawa noted that eliminating injection wells is not attainable; excess R-1 (treated) water needs to go somewhere. Alternatives include deep-ocean outfalls and treating water to potable water standards, but both are extremely costly. DEM is committed to reusing what they can, but the County still needs a backup; wastewater facilities treat 4 million gallons of water per day and there is not enough land to store the excess.
    - Chair Nishiki expressed the need for another side to this controversial subject and suggested having an additional meeting to further address it.
  - Nothing in policies/actions for the electrical system; where is the right place to address this?
    - Leilani’s suggestion: Encourage MECO to incorporate distributed energy resources in West Maui such as renewable energy generation and energy storage.
    - Community Plan action items need to have a County agency attached for implementation; MECO is a private entity. Pam Eaton also noted that Leilani’s suggestion is more of an island-wide policy/action. She suggested looking at how the Maui Island Plan addresses it.
- Consensus Decision(s): **Revisit**

15. Improve odor control at the Lahaina Wastewater Reclamation Facility. (DEM)

- Discussion:
- Consensus Decision(s): **Keep as is**

16. Prepare an acquisition strategy for parks in West Maui, considering the potential for sea-level rise and climate change. (DPR) (2:50:20 to 2:50:53)

- Discussion:
  - Include “and implement”
- Consensus Decision(s): **None**

**Closing Discussions (2:50:53 to END)**

CPAC members asked questions and discussed policies and actions, including prioritization, when and how best to make additional suggestions, and requests to staff.

**Joseph Pluta and Hans Michel left the meeting at approximately 8:54 p.m.**

**NEXT MEETING IS ON SEPTEMBER 3, 2019. MEETING ADJOURNED AT 8:59 P.M.**

