

Meeting Minutes

Thursday, January 23, 2020

Hyperlink to [Meeting Video](#)

Community Plan Advisory Committee

Attending: Vice-Chair Jeri Dean, Hans Michel, Karen J. Comcowich, Ravi Bugga, Donald Robert Gerbig, Dawn Hegger-Nordblom, Joseph D. Pluta, Dylan Payne, Angela Lucero, Yvette Joyce Celiz

Absent: Chair Kai Nishiki, Leilani Pulmano, Aina Kohler

County of Maui – Planning Department

Pam Eaton, Long Range Planning Division

Jennifer Maydan, Long Range Planning Division

Dan McNulty-Huffman, Long Range Planning Division

Mike Napier, Long Range Planning Division

Tiffany Bostwick, Long Range Planning Division

Sean Birney, Long Range Planning Division

County of Maui – Corporation Counsel

Mike Hopper, Deputy Corporation Counsel

Call to order at 5:36 p.m.

Public Testimony (00:00 to 49:30 in Meeting Video)

Brad Paulson advocated for a Rural Residential designation for Plantation Estates and responded to several issues that had been raised in previous meetings regarding the area, including density; obligations regarding farming; and community feedback. Questions and comments from CPAC included how a Rural Residential designation helps the Plantation Estates community; clarification on the misunderstandings Brad mentioned in his testimony; how the RR designation serves the greater West Maui Community; Karen Comcowich's desire to see farmers hired to farm the land rather than landscapers hired to landscape it; further clarification on why Brad is making his proposal; what implications a designation change to RR would have on similar situations across Maui; how many of the lots are vacant/built out; whether Plantation Estates has certain criteria for building on vacant lots; how many residences are occupied on a full-time basis by the owner; and further clarification on Brad's concern with density. **(0:55 to 28:18)**

Jonathan Kindred suggested that accepting the Planning Department's Ag designation recommendation means members are perpetuating gentleman estates in Agriculture. He recommended completely abolishing agricultural subdivisions, and that anyone wanting to subdivide ag lands should go through a public hearing rezoning process. He also answered some of the questions asked during Brad's testimony. Questions and comments from CPAC included hearing the rest of Jonathan's testimony (which was cut short due to testimony time limits); whether Jonathan's proposed abolishment would take away something from property owners; whether a Rural Residential designation would actually limit a person's ability to break Homeowner's Association's Rules; and that there are different comments from different parts of the West Maui community regarding gentleman estates. **(28:34 to 42:08)**

Mr. Yap disagreed with the perspectives of the previous two testifiers, noting that Plantation Estates residents knew what they were buying into, and that they are more concerned about changing the rules to ensure that their property values don't go down.

Sergio Alvarez voiced his confusion of the definitions of Ag, RU2, etc. He also noted that he knew what he was buying into, and that he farms to the extent of providing for his family and to the extent of agricultural conservation. He noted the challenges of running a viable farm business while adhering to the strict rules of the Homeowner's Association as well as multiple organizations in the vicinity, and expressed his displeasure at having to deal with ridicule and criticism from the outside community for being a Plantation Estates resident.

Reporting on CPAC Member Attendance at Informational Meetings and Presentations (49:38 to 53:27)

Joseph Pluta and Hans Michel briefly reported on their attendance to monthly Kā'anapali 2020 meetings and the 20th Anniversary meeting that had taken place the day before.

Review: Draft West Maui Community Plan, Growth Framework Section – Kapalua Subarea (53:30 to 1:29:47)

Jennifer Maydan went over the agenda for the rest of the evening as well as a general overview of how the rest of the CPAC process will go. She introduced the Long Range Division's Geographic Information Systems staff who would be assisting with the Land Use Maps portion of the CPAC process: Dan McNulty-Huffman, Mike Napier and Sean Birney.

Tiffany Bostwick went over the mapping tool resources available to CPAC: the West Maui StoryMap and the West Maui Growth Alternatives Comparison Tool. **(57:35 to 1:04:50)**

Jennifer Maydan introduced the resource people available to answer questions: Tim Esaki (Maui Land and Pineapple Company) and Tom Schnell (consultant for Kapalua Project Districts 1 & 2). She briefly went over various designations shown on the Department Recommended Alternative Map's Kapalua subarea.

Questions from CPAC included clarification on the vacation rentals sheet; Maui Land and Pine (MLP)'s input on the Department Recommended Alternative Map; how designation changes may impact MLP's plans or approvals; clarification on where Project District 1 & 2 are on the map; and how designation changes will impact projects in general. **(1:11:47 to 1:21:40)**

Jennifer Maydan asked members which areas or specific items they wanted to look into and discuss. Members decided on the following:

- Rural Growth Boundary
- Kapalua Mauka (Project District 2)
- Kapalua (Project District 1)
- Minatoya List
- Potential industrial area

At this time, Dylan Payne asked for clarification regarding an email that was sent by Leilani Pulmano (who was absent) and distributed to CPAC members earlier in the evening. Deputy Corporation Counsel Mike Hopper clarified that members should not discuss the email in Leilani's absence, as it could be a potential Sunshine Law violation.

Dawn Hegger-Nordblom asked about changing the Department Recommended Alternative, and Jennifer confirmed that the Department Recommended Alternative is a base map to work off of, and that members can use the other alternatives as a resource to make designation recommendations. **(1:21:40 to 1:29:47)**

RECESS/DINNER BREAK

Review: Draft West Maui Community Plan, Growth Framework Section – Kapalua Subarea (Cont.) (1:29:47 to END)

Jennifer Maydan briefly went over the order in which members would discuss the list of areas.

Kapalua Mauka (Project District 2) (1:31:30 to 2:24:21)

Discussion:

- Questions and comments from CPAC included map acreages on the map matching the description handout; whether the area could be designated as Park/Open Space and/or Agriculture; how the map compares with the Project District; whether there is a connection between the Project Districts and the affordable housing component of the Pulelehua project; whether land owners would need to seek new land use entitlements if designation changes are made to their areas; clarification on Project District 2 and Mahana Estates; recommendations from Maui Land and Pineapple Company; building affordable homes; how Project District zoning and the old Village walking course would be affected if the designation were changed to Park/Open Space; what kinds of homes would be in the Project District and what are the affordable housing requirements; issues with runoff from Mahana Estates and brown water at DT Fleming Beach; whether CPAC can require more affordable housing requirements; housing surplus issues; and including a PQP designation for a cultural meeting place.
- **Ravi Bugga made a motion to accept the Planning Department's recommendations for Kapalua Mauka, with the possibility of including a cultural center and recycling area. Yvette Celiz seconded the motion.** Vice Chair Jeri Dean and members Ravi Bugga, Yvette Celiz, Karen Comcowich, Donald Gerbig, Dawn Hegger-Nordblom, Angela Lucero, Hans Michel and Joseph Pluta voted in favor of the motion, while Dylan Payne opposed. **9-1, MOTION PASSED.**

Vice Chair Dean noted the time (8:26pm) and asked members if they would like to continue; no objections.

Kapalua (Project District 1) (2:25:37 to 2:35:42)

Discussion:

- Jennifer Maydan explained the designation placement and provided background for the Planning Department's recommendation.
- Questions from CPAC included identifying the SLR-XA on the map, and what portion of development is at risk; how the existing road will handle the traffic with new development; what is currently in the northernmost residential area; and where the Kapalua preschool is located.
- **Ravi Bugga made a motion to accept the Planning Department's recommendation for Kapalua (Project District 1). Dylan Payne seconded the motion. All members voted in favor of the motion; MOTION PASSED UNANIMOUSLY.**

Plantation Estates (2:35:49 to 2:48:35)

Discussion:

- **Karen Comcowich made a motion to accept the Planning Department's recommendation for Plantation Estates. Yvette Celiz seconded the motion.**
 - Members discussed the merits of an Agriculture designation versus a Rural Residential designation.
 - Members supporting a Rural Residential designation cited the testimonies of Plantation Estates residents, noted that the community still has an Agriculture zoning, and that CPAC should follow what was put into the Maui Island Plan (Plantation Estates in the Rural Growth Boundaries).
 - Members supporting an Agriculture designation expressed concern with the idea of changing a designation (to Rural Residential) to help enforce (Plantation Estates' Homeowners Association's) CC&Rs (Covenant, Conditions & Restrictions) and the implications that would have on the greater Maui community; that a Rural Residential designation would strip the protection that the Right to Farm Act provides to residents on Ag land; and supported looking for creative agriculture opportunities.
- Vice-Chair Jeri Dean and members Ravi Bugga, Yvette Celiz, Karen Comcowich, and Angela Lucero voted in favor of the motion, while members Donald Robert Gerbig, Dawn Hegger-Nordblom, Hans Michel, Dylan Payne, Joseph D. Pluta opposed. **5-5, MOTION FAILED.**

Minatoya Properties (2:48:42 to 3:07:28)

Discussion:

- Members discussed what a good percentage cap would be for transient vacation rentals (TVRs). Questions included whether the change to a Resort/Hotel designation would change a property's tax bracket; and why Kapalua Bay Villas and Kahana Sunset were picked for the Department Recommended Alternative.
- **Ravi Bugga made a motion to accept the Planning Department's recommendation for the two Minatoya List properties (Kapalua Bay Villas and Kahana Sunset). Donald Gerbig seconded the motion.**
 - Dylan Payne asked if there is a timeline for when the Minatoya List properties will be phased out.
- Vice-Chair Jeri Dean, Ravi Bugga, Yvette Celiz, Karen Comcowich, Donald Gerbig, Dawn Hegger-Nordblom and Angela Lucero voted in favor of the motion, with Hans Michel, Dylan Payne and Joseph Pluta opposed. **7-3, MOTION PASSED.**

Jennifer Maydan clarified what areas were still on the list to be discussed, but noted that aside from revisiting Plantation Estates, members have essentially completed discussion of the Kapalua subarea.

NEXT MEETING IS ON FEBRUARY 4, 2020. MEETING ADJOURNED AT 9:11 P.M.

