

Meeting Minutes

Tuesday, October 22, 2019

Hyperlink to [Meeting Video](#)

Community Plan Advisory Committee

Attending: Chair Kai Nishiki, Yvette Joyce Celiz, Hans Michel, Karen J. Comcowich, Dylan Payne, Ravi Bugga, Joseph D. Pluta, Dawn Hegger-Nordblom (arrived during recess/dinner break)

Absent: Vice-Chair Jeri Dean, Donald Robert Gerbig, Leilani Pulmano, Aina Kohler

County of Maui – Planning Department

Pam Eaton, Long Range Planning Division

Jennifer Maydan, Long Range Planning Division

Kate Blystone, Long Range Planning Division

Annalise Kehler, Long Range Planning Division

Call to order at 5:39 p.m.

Public Testimony (00:00 to 6:13 in Meeting Video)

Mark Deakos encouraged designing buildings where nothing is wasted and everything is handled on-site; a “net-positive contribution” to society and the environment. He talked about the Living Building Challenge, and gave examples of ways to use buildings to improve the environment. He also noted that 80% of fires are because of winds and power lines, and that net-positive or net-energy neutral buildings do not have the issue of power lines.

Policies and Actions Related to Goal 2.3: Responsible Stewardship of Resources, Culture and Character (6:13 to 1:18:12)

Jennifer Maydan briefly went over the Draft List of Policies and Actions related to Goal 2.3: Responsible Stewardship of Resources, Culture and Character, which CPAC members previously went over at the October 8 meeting. Cultural Resources Planner Annalise Kehler provided background and context to Policy 1, as well as the Design Policies for Lahaina Town. Yvette Celiz, who is a board member on the Cultural Resources Commission (CRC), voiced her appreciation and support for Annalise’s work in creating the Design Policies.

Chair Nishiki asked Annalise to share any concerns or wording she would add in terms of implementation. Annalise explained that the design guidelines will handle all implementation; Yvette provided a case example. Annalise added that expanding the County Historic District would help as well. **(6:13 to 12:37)**

Discussion/decisions for each policy were as follows:

POLICIES

1. Maintain the scale, building massing and architectural character of historic Lahaina town. **(12:37 to 24:00)**

Yvette Celiz made a motion to adopt Policy 1 and the related Design Policies for Lahaina Town. Karen Comcowich seconded the motion.

- Discussion:
 - Dylan Payne felt that the design policies were too specific and overuse the word “shall,” and noted that the policies seem to be in the purview of the Urban Design Review Board. Members discussed the value of having these items as policies and whether or not it is an appropriate place for the Community Plan.
 - Annalise Kehler described the CRC’s enabling legislation, and explained that the Community Plan is one of the guidance documents that the CRC can use. Yvette Celiz confirmed.
 - Members then discussed the merits of using the word “shall.” Some members expressed an interest in having the plan be as specific as possible so that the things members want to happen actually happen.

Chair Nishiki and members Karen Comcowich, Ravi Bugga and Yvette Celiz voted in favor of the motion. Not enough votes, MOTION FAILED.

- Consensus Decision(s): **Revisit.**

Discussions/decisions for Policies 2-6 completed at October 8 meeting.

7. Ensure Malu’uluolele Park is cared for in an ecologically and culturally appropriate way. **(24:00 to 27:41)**

- Discussion:
 - Joseph Pluta had concerns about what “culturally appropriate” means and how to define those terms, and that perhaps there should be definitions. Annalise Kehler noted that the policy was designed to be broad.
- Consensus Decision(s): **Adopt/Keep as is**

ADDITIONAL POLICY RECOMMENDATIONS/COMMENTS (28:47 to 41:35)

Policy from Karen Comcowich: Designate the valleys and the uplands of West Maui as cultural landscapes or traditional cultural properties to protect open spaces where archaeological properties are located.

- Jennifer Maydan noted that this is more of an **action**. Will be discussed in the Actions section of the meeting.

Policy from Karen Comcowich: Limit vacation rentals in the historic districts

- Kai noted that this could be added to **Action 4**. Will be discussed in the Actions section of the meeting.

Yvette Celiz asked members to consider putting in language on net positive buildings in Policy 5, per Mark Deakos' testimony. She suggested researching those ideas more.

CONSENSUS DECISION ON POLICY 5: Revisit

Policy from Chair Nishiki: Encourage tertiary treatment for all municipal wastewater that is disposed through deep injection wells. Phase out all municipal and private injection wells in coordination with water reuse programs where feasible. ACCOMPANYING ACTION: Transition from the use of wastewater injection wells to appropriate environmentally sound methods of wastewater disposal, and promote the beneficial reuse of wastewater effluent. **CONSENSUS: Revisit**

- Chair Nishiki noted that language from both were taken from the Maui Island Plan (MIP) but that she wanted to include it in the West Maui Community Plan due to Lahaina Wastewater facility being in their district. Jennifer Maydan pointed out that the MIP applies to all community plan regions and that staff would prefer to minimize repetition of MIP policies/actions in the Community Plan.
- Members discussed the language of the policy and action and how it would apply to existing injection wells, as well as the locations of injection wells in West Maui.

ACTIONS - Organization(s) in parentheses responsible for corresponding action item

1. Continue working with the community to identify appropriate uses and management practices for County-controlled properties in County Historic District No. 1, including Malu'uluolele Park, Kamehameha Iki Park, and Banyan Tree Park. (Department of Parks & Recreation/Planning)
 - Discussion: None
 - Consensus Decision(s): **Adopt/Keep as is**

2. Establish a code of conduct for visitor use at County parks with cultural sites in West Maui and install signs explaining the code of conduct at appropriate locations. (Department of Parks & Recreation)
 - Discussion: None
 - Consensus Decision(s): **Adopt/Keep as is**

3. Identify parks and County properties that should display information about their historical, cultural or environmental significance (Department of Parks & Recreation/Finance/Planning) **(42:37 to 45:52)**
 - Discussion:
 - Ravi Bugga proposed deleting “identify parks and County properties that should” and Joseph Pluta agreed; Yvette Celiz preferred to keep identification in the policy and Karen Comcowich agreed. Members on both sides discussed their reasoning. Chair Nishiki noted that the intent is to identify and display, and that it is valuable to have that included. Staff will fix wording based on CPAC’s comments.
 - Consensus Decision(s): **Adopt with amended language**

4. Expand the County Historic District to include both sides of Front Street from Shaw Street to the Puamana condo complex. (Department of Planning) **(45:52 to 50:17)**
 - Discussion:
 - Karen Comcowich (per previous comments in “Additional Policies/Comments” section) proposed either adding another policy or changing the wording in this policy to limit vacation rentals in the Historic District to the same level it is limited in all other neighborhoods.
 - Annalise confirmed that no short-term rental permits are required in the County Historic Districts, and while most buildings in the County Historic Districts are primarily commercial, there are some residential units as well. If the County Historic Districts are expanded, then yes, that is something CPAC should consider if they want to limit short-term rentals.
 - Consensus Decision(s): **Adopt/Keep as is, and add a NEW policy to limit short-term rentals in Historic Districts 1 & 2.**

5. Support and expand funding for citizen science and environmental restoration programs in West Maui. (Mayor's Office/County Council)
 - Discussion: None
 - Consensus Decision(s): **Adopt/Keep as is**

6. Create an off-road motor vehicle park in an area that will not damage watersheds and ecosystems and encourage landowners to decommission existing off-road motor vehicle trails in areas that damage watersheds. (Department of Parks & Recreation) **(50:31 to 59:00)**
 - Discussion:
 - Members discussed the reality of doing this action and the merit of adopting it if it is more aspirational than realistic.
 - Suggested language: "Create an off-road vehicle park in an area that will not damage critical watersheds and native forests."
 - Consensus Decision(s): **Adopt with amended language**

7. Amend the Maui County Code to prohibit new development within gulches and implement a 200-foot buffer around gulches and streams where no structures will be allowed. (Department of Planning) **(59:00 to 1:08:56)**
 - Discussion:
 - Chair Nishiki proposed including wetlands. Dylan Payne opposed the action as it was written, specifically the 200ft buffer. Members discussed the possibility of reducing the buffer to a shorter distance as well as the definition of wetland.
 - Jennifer Maydan suggested removing the specific distance from both this action and the accompanying policy and just speak to minimizing/mitigating sediment runoff, low-impact development, groundcover, etc. Part of the action could be to study the appropriate setback distance.
 - Consensus Decision(s): **Revisit; clarify setback distance with resource person Tova Calendar**

8. Amend the Maui County Code to establish low-impact development standards and require developments to incorporate those standards. (Department of Public Works) **(1:08:56 to 1:11:28)**
 - Discussion:
 - Dylan noted that Actions 7 & 8 seemed redundant and suggested striking Action 7. Chair Nishiki disagreed.
 - Consensus Decision(s): **Adopt/Keep as is**

9. Continue and expand collaborative ecosystem restoration efforts between nonprofits, private entities and County departments. (All County)
 - Discussion: None
 - Consensus Decision(s): **Adopt/Keep as is**

10. Provide funding and other support for Coral Reef Alliance's stream gulch vegetation restoration and high flow diversion pond construction at Wahikuli Stream, mauka of Hanaka'ō'ō Beach Park, in order to reduce sediment that reaches the ocean and create cultural, educational, and recreational opportunities. (Mayor's Office/County Council) **(1:11:44 to 1:13:05)**
 - Discussion:
 - Hans Michel asked about other watersheds that still need attention, but had no suggestions for or objections to the action.
 - Consensus Decision(s): **Adopt/Keep as is**

11. Implement recommended actions that are within the County's jurisdiction from the Army Corps of Engineers West Maui Watershed Study when complete. (All County) **(1:13:05 to 1:15:45)**
 - Discussion:
 - Planning staff will look at the existing West Maui Watershed Management Plan and the Ridge to Reef Watershed Management Plan and craft new language.
 - Consensus Decision(s): **Revisit**

12. Develop new design guidelines for Lahaina Town that provide detailed guidance on: the rehabilitation of historic buildings; additions to historic buildings; the construction of new buildings; landscape and streetscape elements; and the treatment of archaeological properties and cultural sites. (Department of Planning) **(1:15:45 to 1:17:15)**

- Discussion:
 - Ravi Bugga asked for clarification about the design policies following this policy and what it means. Annalise clarified that the Design policies are interim steps and that it's meant to comply with Title 2.80B.
- Consensus Decision(s): **Adopt/Keep as is**

DESIGN POLICIES FOR LAHAINA TOWN (1:17:15 to 1:18:12)

Members decided to revisit these design policies at a later meeting.

RECESS/DINNER BREAK

Policies and Actions Related to Goal 2.3: Responsible Stewardship of Resources, Culture and Character (Cont.) (1:18:12 to 1:33:55)

Proposed action from Karen Comcowich: Designate the valleys and the uplands of West Maui as cultural landscapes or traditional cultural properties to protect open spaces where archaeological properties are located. **(1:18:12 to 1:28:50)**

- Discussion:
 - Karen noted that more information can be found in the Historic Preservation Technical Resource Paper. Annalise Kehler clarified the item as it was written in the Paper and explained the intent of the recommendation. Hans Michel and Dawn Hegger-Nordblom further discussed the action's intent as it relates to Honokowai and Honokohau Valley.
- Consensus Decision(s): **Revisit later in the meeting (Karen to write out language for members to review)**

Proposed action from Chair Nishiki: Provide funding and other support to finish Lahaina Flood Control project. **(1:28:50 to 1:31:38)**

- Jennifer Maydan noted that a similar action was already adopted in Goal 2.1: Ready and Resilient Systems.

Proposed action from Chair Nishiki: Create a County Historic District Officer or position responsible for enforcement and education in the Lahaina Historic Districts, and implement a Safe & Clean Program as part of the proposed Parking Action Plan to include revenue generation. **(1:31:38 to 1:33:35)**

- Discussion:
 - Annalise Kehler felt that there are bigger issues with the enforcement system that need to be addressed first to make the Enforcement Officer position more effective.
- Consensus Decision(s): **Revisit**

Policies and Actions Related to Goal 2.5: Safe, Healthy Livable Communities for All
(1:33:35 to END)

POLICIES

1. Provide parks and recreation facilities as part of a community's basic infrastructure because they offer services that are essential to the quality of life and health of residents and visitors.
 - Discussion: None
 - Consensus Decision(s): **Adopt/Keep as is**
2. Provide a balanced distribution of parks throughout existing and new West Maui communities to provide equitable opportunities and access to parks.
 - Discussion: None
 - Consensus Decision(s): **Adopt/Keep as is**
3. Support the development of trails and greenways in West Maui as part of a larger integrated recreation and transportation network and maintain public mauka to makai access along the tops of gulches. **(1:34:35 to 1:40:44)**
 - Discussion:
 - Members discussed how to define gulches. Staff will utilize language from Maui County Code Title 19 and check in with Administration and Zoning divisions for input.
 - Consensus Decision(s): **Revisit**
4. Use Low Impact Development (LID) principles and techniques when designing, building, renovating and maintaining parks and recreation facilities.
 - Discussion: None
 - Consensus Decision(s): **Adopt/Keep as is**

5. Include a variety of appropriate trees in parks, along streets, trails and greenways, and throughout the community to provide shade, beauty and reduce sediment runoff. **(1:40:57 to 1:41:51)**
 - Discussion:
 - Suggestion from Karen Comcowich: “Include a variety of native trees and shrubs that are appropriate to the microclimate.”
 - Consensus Decision(s): **Adopt with amended language**

6. Provide improved parks within a five to 10 minute walk of new residential neighborhoods to meet recreational needs and to promote a well distributed network of parks and recreation facilities. **(1:41:51 to 1:53:32)**
 - Discussion:
 - Dave Yamashita (resource person) noted that it doesn’t matter if the language is “parks” or “improved parks;” the important thing is to have park sites within a certain distance of residential areas.
 - Karen Comcowich suggested changing the wording to “parks and public open space.” Members discussed the semantics before ultimately deciding to just remove “improved” from the language.
 - Consensus Decision(s): **Adopt with amended language**

7. Promote the acquisition and development of parks that are consistent with DPR guidelines (Park Classification Matrix), capable of meeting a variety of recreational needs, designed to meet Crime Prevention Through Environmental Design (CPTED) guidelines, promote health, and are fully accessible to visitors of all abilities. The acquisition and development of new parks should include funding for DPR maintenance and operational responsibilities.
 - Discussion: None
 - Consensus Decision(s): **Adopt/Keep as is**

8. During Subdivision Application Review, refer to the West Maui Trails Map and consult with DLNR Na Ala Hele to ensure that existing government trails are preserved through the subdivision process.
 - Discussion: None
 - Consensus Decision(s): **Adopt/Keep as is**

9. Encourage and increase active transportation options throughout West Maui to promote public health and reduce auto use and carbon emissions.
- Discussion: None
 - Consensus Decision(s): **Adopt/Keep as is**
10. Support the development of pedestrian-oriented complete communities that meet residents' needs for daily living by providing a mix of land uses, housing close to jobs, services, schools and recreation, and convenient and safe mobility options including walking, biking and transit options. Require affordable housing projects, including projects using the State 201H or County 2.97 process, to be near jobs, schools, transit and services, and include sidewalks, parks, bus stops and other infrastructure and pedestrian-oriented design elements that create walkable and livable communities for all. **(1:54:45 to 2:08:32)**
- Discussion:
 - Dylan Payne suggested changing "require" to "encourage" and questioned the broadness of the word "near;" members discussed the pros and cons of the word "require" and the possibility of adding a specific distance in place of the word "near."
 - Jennifer Maydan's suggested amendment for second sentence: "Require affordable housing projects to be near transit with access to jobs, schools and services, and include sidewalks..."
 - Members discussed the amenities needed for affordable housing, and further debated the word "require."
 - Consensus Decision(s): **Revisit**
11. Support missing middle housing types (multi-unit or clustered housing types compatible in scale with single-family homes such as 'ohana, duplex, tri-plex, four-plex, courtyard apartments, bungalow court, and live/work units) and simple style single-family homes to meet the growing demand for a diversity of housing options and affordability.
- Discussion: None
 - Consensus Decision(s): **Adopt/Keep as is**

12. Support projects that provide housing for resident households earning 140 percent area median income (AMI) and below according to the need identified by the Department of Housing and Human Concerns, and that are consistent with other Community Plan policies. **(2:09:05 to 2:27:30)**

- Discussion:
 - Ravi Bugga raised concerns about using an AMI of 140 percent, and asked members to consider a lower number.
 - Jennifer Maydan explained the intent behind staff’s suggested language in this action, and proposed an amendment: “Support projects that provide housing for resident households earning 140 percent area median income (AMI) and below according to the need identified **for each AMI category** by the Department of Housing and Human Concerns...”
 - Members discussed at length what the right percentage number should be. Staff will ask the Department of Housing and Human Concerns to review again and provide specific comments about lowering the AMI number.
 - Dawn Hegger-Nordblom asked if more social service issues will be addressed in the plan; Jennifer noted that the Community Plan is a Land Use plan, but that there can be policies that identify those needs.
- Consensus Decision(s): **Revisit**

Policies 13-15 and Actions 1-9 were not discussed due to time constraints.

Ravi brought up his concerns with inclusive zoning and the 25% affordable housing policy for new developments, specifically credits for affordable housing being built in areas completely separate from their associated project(s). He also found issue with developers making payments in lieu of building the required affordable housing units. He noted that he is meeting with Buddy Almeida from the Department of Housing and Human Concerns the following day and would update CPAC on his findings. **(2:27:30 to END)**

NEXT MEETING IS ON OCTOBER 24, 2019. MEETING ADJOURNED AT 8:46 P.M.

