

Meeting Minutes

Tuesday, March 3, 2020

Hyperlink to [Meeting Video](#)

Community Plan Advisory Committee

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

Absent: Vice-Chair Jeri Dean, Aina Kohler

County of Maui – Planning Department

Pam Eaton, Long Range Planning Division

Kate Blystone, Long Range Planning Division

Tiffany Bostwick, Long Range Planning Division

Annalise Kehler, Long Range Planning Division

Public Testimony (00:00 to 5:06 in Meeting Video)

Jonathan Kindred, on behalf of TY Management Corporation, expressed his disappointment that CPAC is not considering the proposed language he put forth for Policy 2.1.1 in his previous testimony. However, he noted his appreciation for members' attempt to narrow the scope of the policy by providing two potential options and stated that the company preferred Option 2. He also provided alternative language for Option 1 in the event that members choose to go with that option instead. Questions from CPAC included clarification on TY Management's Option preferences, and the names of the two golf courses the company owns.

Review: Draft West Maui Community Plan, Growth Framework Section – Residential Designation (5:16 to 7:42)

Planner Kate Blystone provided proposed language changes for the Residential designation in the Growth Framework section in regard to allowing limited commercial use. With no objections, Chair Nishiki tabled the discussion for a future CPAC meeting.

Review: Draft West Maui Community Plan, Policy Framework Section (7:42 to 1:19:30)

Kate Blystone introduced the resource people available to answer questions: Tiffany Bostwick and Annalise Kehler (Planning staff), as well as Linda Munsell (Department of Housing and Human Concerns), David Yamashita (Department of Parks & Recreation), Eva Blumenstein (Department of Water Supply), Rowena Dagdag-Andaya (Department of Public Works), and Ke'eaumoku Kapu ('Aha Moku representative). She then gave a brief overview of the agenda for the evening.

Goal 2.1: Ready and Resilient Systems

2.1.1 | Reserve existing golf course facilities as future receiving areas to transfer existing shoreline development that is impacted by sea level rise and coastal hazards.

Option 1: Reserve existing golf course facilities as potential future receiving areas to transfer shoreline development that is impacted by sea level rise and coastal hazards in Kā'anapali.

Option 2: Proposed Community Plan Amendments for new development on existing golf course land in Kā'anapali ma kai of Honoapi'ilani Highway should be approved only for existing shoreline development that is retreating inland because of impacts from sea level rise or other coastal hazards. **(10:28 to 26:00)**

- Discussion:
 - Members discussed the language in Option 2; whether the County has authority over private properties for this purpose; proposed alternative language; asked for Planning staff's reason for creating this policy and its language; provided input on TY Management's testimony; and considered removing the item as a policy and instead making it an action, or possibly removing it entirely.
 - **Angela Lucero made a motion to adopt Option 2's language for Policy 2.1.1; Karen Comcowich seconded the motion.** Chair Nishiki and members Leilani Pulmano, Yvette Celiz, Karen Comcowich, Angela Lucero, Ravi Bugga, and Dawn Hegger-Nordblom voted in favor of the motion, with members Donald Gerbig, Dylan Payne, Joseph Pluta and Hans Michel opposed. **7-4, MOTION PASSED.**

2.1.2 | In order to minimize impacts from future coastal erosion, new permanent structures shall be located landward of the Erosion Hazard Line for 3.2 feet of sea level rise except a minimum buildable area shall be provided to allow for reasonable development. **(26:03 to 30:50)**

- Discussion:
 - Members discussed the necessity of the policy and whether it's redundant.
 - **Angela Lucero made a motion to adopt Policy 2.1.2; Dawn Hegger-Nordblom seconded the motion.** Chair Nishiki and members Leilani Pulmano, Yvette Celiz, Karen Comcowich, Angela Lucero, Ravi Bugga, Dawn Hegger-Nordblom, Dylan Payne, Joseph Pluta and Hans Michel voted in favor of the motion, with member Donald Gerbig opposed. **10-1, MOTION PASSED.**

Goal 2.2: A Complete, Balanced and Connected Transportation Network

2.2.11 | Prevent development within the designated future multi-modal transportation corridor from Kapalua to Central Maui when identified with the completion of Action XX.XX in this plan. **(31:00 to 37:18)**

- Discussion:
 - Members discussed the meaning of multi-modal; the feasibility of getting through the Pali with a corridor; and how the policy would be implemented prior to the designation of the corridor.
 - **Hans Michel made a motion to adopt Policy 2.2.11; Joseph Pluta seconded the motion. MOTION PASSED UNANIMOUSLY.**

Goal 2.3: Responsible Stewardship of Resources, Culture and Character

2.3.2 | Gulches, as identified in the map in figure XX of this plan, shall remain in open space and no new permanent structures shall be developed in or within 100 feet of the top of the bank of identified gulches unless low-impact development strategies are implemented to prevent stormwater runoff to the gulch. **(37:38 to 49:53)**

- Discussion:
 - Kate Blystone provided some background on the draft Gulches map provided to members.
 - **Angela Lucero made a motion to adopt Policy 2.3.2; Yvette Celiz seconded the motion.**
 - Discussion included whether the policy covers only the main gulches or everything within the green area; if there are any structures already within the 100ft boundary; whether to include the phrase “to the gulch” at the end of the policy
 - **Ravi Bugga made a motion to amend the current motion to remove “to the gulch” from the end of Policy 2.3.2; Donald Gerbig seconded the motion. MOTION PASSED UNANIMOUSLY**
 - **MOTION AS AMENDED PASSED UNANIMOUSLY.**

2.3.9 | Support a thriving community at Hanakaō’ō Beach (Canoe Beach). **(50:07 to 51:31)**

- Discussion:
 - Kate Blystone apologized for the policy not being highlighted for review. She noted that the Parks Department had commented that the language of the policy was unclear.
 - **Leilani Pulmano made a motion to include the word “paddling” in between the words “thriving” and “community”; Joseph Pluta seconded the motion. MOTION PASSED UNANIMOUSLY.**

2.3.16 | All development projects shall engage in consultation with the ‘Aha Moku o Maui representative associated with the project area – either Moku o Lahaina or Moku o Kā’anapali – and provide evidence of this engagement to the Department. (51:35 to 55:44)

- Discussion:
 - Kate Blystone provided background on how they came up with the policy language, and Ke’aumoku Kapu voiced his support for the policy.
 - **Joseph Pluta made a motion to adopt Policy 2.3.16; Angela Lucero seconded the motion. MOTION PASSED UNANIMOUSLY.**

Goal 2.4: Economic Opportunity Through Innovation and Collaboration

2.4.2 | Prohibit conversion of agricultural lands outside of the Maui Island Plan’s growth boundaries, and limit conversion of agricultural lands within the growth boundaries to urban and rural designations in West Maui unless it can be demonstrated that:

- a. conversion is required to accommodate the population or employment projections for the region, or;
- b. conversion will facilitate shoreline retreat by directly replacing an existing development of similar size and character. Public facilities developed under this policy do not need to be of comparable size to the public facilities that they are replacing. (55:57 to 1:07:32)

- Discussion:
 - **Leilani Pulmano felt the policy was redundant and made a motion to delete Policy 2.4.2; Joseph Pluta seconded the motion.** Members Hans Michel, Joseph Pluta, Dylan Payne, Donald Gerbig and Leilani Pulmano voted in favor of the motion, with Chair Nishiki and members Dawn Hegger-Nordblom, Ravi Bugga, Angela Lucero, Karen Comcowich and Yvette Celiz opposed. **5-6, MOTION FAILED.**
 - **Angela Lucero made a motion to adopt Policy 2.4.2; Dawn Hegger-Nordblom seconded the motion.**
 - **Chair Nishiki made a motion to amend the language at the end of Section a. to include the following: “because further urban densification or repurposing of commercial/industrial districts into multi-use residential areas is not feasible”;** Angela Lucero seconded the motion. Chair Nishiki and members Angela Lucero, Ravi Bugga, Donald Gerbig and Karen Comcowich voted in favor of the motion, with members Hans Michel, Joseph Pluta, Dawn Hegger-Nordblom, Yvette Celiz and Leilani Pulmano opposed. **5-6, MOTION FAILED.**

- On Angela's original motion, Chair Nishiki and members Dawn Hegger-Nordblom, Ravi Bugga, Angela Lucero, Karen Comcowich and Yvette Celiz voted in favor of the motion, with members Hans Michel, Joseph Pluta, Dylan Payne, Donald Gerbig and Leilani Pulmano opposed. **6-5, MOTION FAILED.**

Goal 2.5: Safe, Healthy, Livable Communities For All

2.5.3 | Support the development of trails and greenways in West Maui as part of a larger integrated recreation and transportation network and maintain public ma uka to ma kai access along the tops of gulches as identified in Map ## and listed here: (list names of gulches). **(1:07:40 to 1:09:04)**

- Discussion:
 - **Angela Lucero made a motion to adopt Policy 2.5.3; Yvette Celiz seconded the motion. MOTION PASSED UNANIMOUSLY.**

2.5.8 | 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. **(1:09:15 to 1:11:10)**

- Discussion:
 - Pam Eaton let members know that GIS (Geographic Information Systems) staff is working with the State Department of Land and Natural Resources to get the GIS data layers for the West Maui Trails Map.
 - **Angela Lucero made a motion to adopt Policy 2.5.8; Yvette Celiz seconded the motion. MOTION PASSED UNANIMOUSLY.**

2.5.15 | Support infill development and redevelopment near town centers, transit stops and transportation corridors. Support redevelopment that replaces less desirable commercial developments with walkable mixed use community centers and a variety of housing types. **(1:11:23 to 1:13:10)**

- Discussion:
 - **Dawn Hegger-Nordblom made a motion to adopt Policy 2.5.15; Leilani Pulmano seconded the motion. MOTION PASSED UNANIMOUSLY.**

Before moving on to the next agenda item, Leilani Pulmano asked to revisit Policy 2.2.4.

Policy 2.2.4 | Require all new commercial and multi-family residential development to install and maintain charging stations to support the expanded use of electric vehicles in West Maui until future technology advancements make this unnecessary. (1:13:36 to 1:19:30)

- Discussion:
 - **Leilani Pulmano made a motion to delete Policy 2.2.4; Dylan Payne seconded the motion.**
 - Members discussed the importance of incentives for moving away from gas vehicles, and whether public charging stations are needed (as opposed to owners just charging their electric vehicles at home).
 - Members Hans Michel, Joseph Pluta, Dylan Payne, Donald Gerbig and Leilani Pulmano voted in favor of the motion, with Chair Nishiki and members Dawn Hegger-Nordblom, Ravi Bugga, Angela Lucero, Karen Comcowich and Yvette Celiz opposed. **5-6, MOTION FAILED.**

Review: Draft West Maui Community Plan, Implementation and Monitoring Section
(1:19:40 to 1:36:47)

Kate Blystone and Tiffany Bostwick went over the recommended changes for action items in the Supplemental Information document.

Goal 2.1: Ready and Resilient Systems

Action 1.12 | Adopt siting and design standards to enhance resilience in public housing and affordable housing projects.

Recommended revised language: Adopt building, fire, and zoning codes that promote resilient structures and communities. (1:20:25 to 1:22:21)

- Discussion:
 - **Ravi Bugga made a motion to adopt Action 1.12 with the recommended revised language; Yvette Celiz seconded the motion. MOTION PASSED UNANIMOUSLY.**

Action 1.48 | Develop guidelines and incentives for landowners, both large and small, to have more permeable surfaces on their property.

Recommended revised language: Develop guidelines and incentives for landowners, both large and small, to retain stormwater runoff and include more permeable surfaces on their property. (1:22:35 to 1:29:04)

- Discussion:
 - **Angela Lucero made a motion to adopt Action 1.48 with the recommended revised language; Dawn Hegger-Nordblom seconded the motion.**
 - Public Works Director Rowena Dagdag-Andaya felt that the policy would be in line with what the department wants to do with its stormwater management program.
 - **Dylan Payne made a motion to amend the language in Action 1.48 to omit the phrase “both large and small”; Yvette Celiz seconded the motion.** Members Hans Michel, Joseph Pluta, Dylan Payne, Dawn Hegger-Nordblom, Ravi Bugga, Donald Gerbig, Yvette Celiz and Leilani Pulmano voted in favor of the motion, with Chair Nishiki and members Angela Lucero and Karen Comcowich opposed. **8-3, MOTION PASSED.**
 - On Angela’s original motion as amended, **MOTION PASSED UNANIMOUSLY.**

Goal 2.2: A Complete, Balanced and Connected Transportation Network

Action 2.15 | Discourage at-grade intersections along the planned Lahaina Bypass Road, in order to maintain safe and efficient traffic flow without traffic signals. Consideration should be given to safe passage of agricultural equipment and vehicles where appropriate.

Recommended revised language: Discourage at-grade intersections along the planned Lahaina Bypass Road, in order to maintain safe and efficient traffic flow without traffic signals. Consideration should be given to safe passage of agricultural equipment and vehicles, and kuleana access, where appropriate. (1:29:25 to 1:36:47)

Discussion:

- **Karen Comcowich made a motion to amend the word “Consideration” with “Priority,” and adopt the second sentence of Action 2.15 as a policy; Leilani Pulmano seconded the motion.**
 - Members discussed language, the effectiveness of having the second sentence as a policy, and whether it makes sense to have a policy or action on a road that may end up falling under State jurisdiction and regulation.
 - Karen withdrew her motion with the intent of putting more thought into her motion during the dinner break. Members agreed to table discussion until after the break.

RECESS/DINNER BREAK

Review: Draft West Maui Community Plan, Implementation and Monitoring Section (Cont.) (1:36:47 to END)

Action 2.15 (Continued) (1:36:47 to 1:38:36)

- Discussion:
 - **Karen Comcowich made a motion to amend the language of Action 2.15 to the following: Encourage safe, pedestrian friendly intersections along the planned Lahaina Bypass Road. Priority should be given to safe passage of agricultural equipment and vehicles, and kuleana access, where appropriate.; Leilani Pulmano seconded the motion. MOTION PASSED UNANIMOUSLY.**

Goal 2.3: Responsible Stewardship of Resources, Culture and Character

Action 3.10 | Amend the Maui County Code to prohibit new development within gulches as identified in figure XX and wetlands and implement a 100- foot buffer around gulches, wetlands and streams where no structures will be allowed, unless low-impact development strategies are implemented to prevent stormwater runoff to the gulch. (1:39:16 to 1:40:30)

- Discussion:
 - **Joseph Pluta made a motion to adopt Action 3.10 with the phrase “to the gulch” omitted; Dawn Hegger-Nordblom seconded the motion. MOTION PASSED UNANIMOUSLY.**

Action 3.11 | Amend the Maui County Code to establish low-impact development standards and require developments to incorporate those standards.

Recommended revised language: Amend the Maui County Code to include Low Impact Development (LID) requirements on new and redevelopment projects. (1:40:39 to 1:45:20)

- Discussion:
 - Planning staff provided clarification on their recommended language.
 - **Angela Lucero made a motion to adopt Action 3.11 with the recommended revised language; Dawn Hegger-Nordblom seconded the motion. MOTION PASSED UNANIMOUSLY.**

Action 3.14 | Amend the County Code to prohibit backwashing or emptying of pools outside property boundaries. (1:45:22 to 1:52:46)

- Discussion:
 - Planning staff and Rowena Dagdag-Andaya provided clarification on the reason for recommended deletion of Action 3.14. **Tiffany Bostwick noted that if members want to keep something in the Plan, one recommended change would be “Amend the County Code to have property owners with pools follow the County’s ‘Discharge and Swimming Pool Water best practices for maintaining pools.’”**
 - **Chair Nishiki made a motion to adopt Action 3.14 as recommended by the Planning Department; Dawn Hegger-Nordblom seconded the motion. MOTION PASSED UNANIMOUSLY.**

Goal 2.4: Economic Opportunity Through Innovation and Collaboration

Action 4.05 | Deny or recommend denial of new Short Term Rental Home Permits, new hotels and hotel expansions in West Maui until the supply of residential housing units exceeds the supply of visitor units. (1:53:05 to 2:02:56)

- Discussion:
 - Kate Blystone noted that Action 4.05 is based off of a previous version of Policy 2.4.3, and that the Planning Department recommends deleting Action 4.05 because its intent is already adequately covered by the current Policy 2.4.3.
 - **Joseph Pluta made a motion to delete Action 4.05; Angela Lucero seconded the motion.**
 - Members discussed Action 4.05’s more specific targeting of Short Term Rental Homes, and the ratio of residential to visitor units.
 - Members Hans Michel, Joseph Pluta, Dylan Payne, Ravi Bugga, Donald Gerbig, Yvette Celiz and Leilani Pulmano voted in favor of the motion, with Chair Nishiki and members Dawn Hegger-Nordblom, Angela Lucero and Karen Comcowich opposed. **7-4, MOTION PASSED.**

Goal 2.5: Safe, Healthy, Livable Communities For All

Action 5.07 | Implement zoning based on Community Plan Designations for growth areas identified as high priority for affordable housing by the Community Plan. (2:03:05 to 2:12:09)

- Discussion:
 - **Angela Lucero made a motion to adopt Action 5.07; Dawn Hegger-Nordblom seconded the motion.**

- Leilani Pulmano made a friendly amendment to add “100%” in front of “affordable housing.”
- Questions and discussion included how many 100% affordable housing projects have come to West Maui in the past few years; how this action would be implemented; whether 75% might be a better percentage to use; and what the implications are in amending the language to include 100%
- **MOTION PASSED UNANIMOUSLY.**

PROPOSED ADDITIONAL POLICIES AND/OR ACTIONS (2:12:09 to END)

Ravi Bugga shared his concerns with developments avoiding the 25% affordable housing requirement by buying credits or making in-lieu payments, and proposed having a policy that requires affordable housing to be built in the West Maui Community Plan area. Housing and Human Concerns Director Linda Munsell provided background on in-lieu fees, Title 2.96 and credits, and Kate Blystone provided clarification on definitions of subarea and region. Ravi agreed to work on specific policy language. **(2:12:09 to 2:24:11)**

PROPOSED ACTION:

Identify existing barriers in laws, rules and processes that prohibit the construction of safe, sanitary, and affordable on-farm employee housing for farmworkers, including mobile units for temporary and seasonal farmworkers with special consideration given to modular housing as a solution. **(2:25:00 to 2:30:03)**

- Discussion:
 - Linda Munsell noted that this is more of a Planning and Public Works-led action item; Kate Blystone encouraged all proposed action items to include an assigned priority and/or County Agency lead.
 - **Chair Nishiki made a motion to add the action item to Goal 2.5: Safe, Healthy, Livable Communities For All; Joseph Pluta seconded the motion.** Chair Nishiki and members Joseph Pluta, Dylan Payne, Dawn Hegger-Nordblom, Ravi Bugga, Donald Gerbig, Angela Lucero and Leilani Pulmano voted in favor of the motion, with members Hans Michel and Karen Comcowich opposed; Yvette Celiz was briefly absent and did not vote. **8-2, MOTION PASSED.**

PROPOSED ACTION:

Create a separate legal designation as it relates to zoning for homes without a permanent foundation. (2:30:07 to 2:35:22)

- Discussion:
 - **Chair Nishiki made a motion to add the action item to Goal 2.5: Safe, Healthy, Livable Communities For All; Angela Lucero seconded the motion.**
 - Members discussed whether the Community Plan is the right place to address this issue since it is not specific to West Maui, and appropriate language for the action. **Chair Nishiki then withdrew her motion** to allow Planning staff to come up with alternative language.

PROPOSED ACTION:

Prepare a feasibility study and implement recommendations for repurposing/conversion of commercial/industrial buildings into multi-use residential areas. (2:36:30 to 2:42:06)

- Discussion:
 - **Dawn Hegger-Nordblom made a motion to add the action item to Goal 2.5: Safe, Healthy, Livable Communities For All; Yvette Celiz seconded the motion.**
 - Member discussed whether the action item is a task more suitable to the private sector.
 - **MOTION PASSED UNANIMOUSLY.**

PROPOSED ACTION:

Amend the zoning code to increase density for infill developments in order to reduce urbanization in our agricultural and open space lands. (2:42:24 to 2:48:37)

- Discussion:
 - **Leilani Pulmano made a motion to add the action item to Goal 2.5: Safe, Healthy, Livable Communities For All; Yvette Celiz seconded the motion.**
 - Planning staff and Leilani clarified “amend the zoning code to increase density”; and whether the action item was to incentivize relocation or to encourage infill developments
 - **Leilani amended her action item to the following: Amend the zoning code to increase density for infill developments that are outside of shoreline setback areas and historic districts in order to reduce urbanization in our agricultural and open space lands. Yvette seconded the amendment.**

- Members Hans Michel, Joseph Pluta, Dylan Payne, Dawn Hegger-Nordblom, Ravi Bugga, Donald Gerbig, Angela Lucero, Karen Comcowich, Yvette Celiz and Leilani Pulmano voted in favor of the motion, with Chair Nishiki opposed. **10-1, MOTION PASSED.**

PROPOSED ACTION:

Credits or units used to meet the workforce housing requirements for projects in West Maui shall be located within the West Maui Community Plan Area. **(2:48:55 to 3:04:34)**

- Discussion:
 - **Ravi Bugga made a motion to add the action item; Dawn Hegger-Nordblom seconded the motion.**
 - Members discussed narrowing the scope to subarea (instead of the entire community plan area); and the credit incentive and other incentives.
 - Chair Nishiki and members Joseph Pluta, Ravi Bugga, Angela Lucero, Yvette Celiz and Karen Comcowich voted in favor of the motion, with members Hans Michel, Dylan Payne, Dawn Hegger-Nordblom, Donald Gerbig and Leilani Pulmano opposed. **6-5, MOTION FAILED.**

NEXT MEETING IS ON MARCH 4, 2020. MEETING ADJOURNED.