

## Meeting Summary - Moloka'i CPAC Mtg. 10, July 15, 2015

CPAC Approved August 19, 2015 as amended

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**Attending:**      **Community Plan Advisory Committee**

Steve Chaikin (Chair), Lance "Kip" Dunbar (Vice-Chair), Dathan Bicoy, Robert Stephenson, Deldrine Kauinohea Manera, Gregory Jenkins, Lori Buchanan, Debra Kelly, John Sprinzel, Glenn Teves, Carl Adolpho

**Absent:**            Pi'ilani Augustiro, Edwin Mendija

**County of Maui – Planning Department**

*Pam Pogue, Long-Range Planning*

*Jennifer Maydan, Long-Range Planning*

*David Yamashita, Long-Range Planning*

*Mary Jorgensen, Long-Range Planning*

Call to order at 3:05 PM outside the OHA conference room. The meeting was then recessed and reconvened at Kalaniana'ole Hall.

**PUBLIC TESTIMONY:**

Steve opened testimony to the public: None

Pam Pogue introduced David Taylor, Director Department of Water Supply (DWS), and David Goode, Director Department of Public Works (DPWS).

Steve Chaikin asked Director Taylor if DWS serves DHHL customers. Taylor responded that DWS does not serve DHHL customers. But he noted that DWS is willing to work with DHHL to address infrastructure gaps and other issues. He also noted that DWS is not in a position to expand the distribution system. Rather they would work with developers to do this.

Glenn Teves ask how DHHL's right to water works into DWS system and planning. Taylor responded that water rights happens at the State Water Commission as they have the responsibility to allocate water to users.

Steve Chaikin asked if DWS has plans to use renewable energy, specifically solar, for pumping water. Taylor responded not on Molokai because the pumping sites don't have enough room to accommodate the quantity of PV panels required to pump water. He noted that PV panels would have to be installed on County property and PV is expensive for the County since tax breaks do not apply to government.

Kip Dunbar noted that water is always the key element in economic growth and asked how we address this. Taylor stated that all DWS customers pay relatively the same rate for water, however the cost to deliver water to different regions differs; therefore some areas are subsidizing other areas. DWS breakeven point is \$4/1,000 gallons. DWS funds operations and maintenance with rates and fees. The engineering to expand the water system is not difficult, but it costs a lot of money. It is not an engineering or technology issue, it is a financial issue.

Glenn Teves stated that there is one aquifer being drawn which causes salinity concerns. He asked if DWS has made any effort to identify other well sites outside of the Kualapuu aquifer. Taylor responded no, Kualapuu wells are the only source for DWS. He noted that water allocation starts with CWRM.

Steve Chaikin asked where the allocation stands. Taylor responded that DWS is maxed out on current allotment and the aquifer is at about 30% sustainable yield. DWS is working with CWRM to figure out what to do. The DWS is still issuing water meters and has implemented leak detection and water conservation measures.

Lori Buchanan asked whether the county has any desalinization. Taylor responded that there are a couple of private desalination plants but DWS has not researched it as an option for Molokai. He stated that water use permits in Kualapuu system is key and DWS is looking at options. Lori asked if there is an east Molokai well moratorium. Taylor said DWS is only responsible for DWS system which does not cover east Molokai. Taylor noted that some areas serviced by DWS have inadequate infrastructure to issue water meters. Lori asked if the "Show Me the Water Bill" is working. Taylor responded that it is stopping subdivision in some areas and essentially regulates what types of projects get water and which don't.

Lori Buchannan asked if there are places that people can't develop – a moratorium, and how that is working.

Taylor stated that the root issue is that infrastructure is more affordable in dense areas. Dispersed rural areas are very expensive to provide infrastructure (water, roads, wastewater, etc.) and people are unwilling to pay more.

Kip Dunbar stated that most of Molokai is zoned agriculture and he believes that the "Show Me the Water Bill" is bad.

John Sprinzel asked if DWS considered increasing the cost of water. Taylor explained that DWS is self-funded by rates and fees that have to be approved by the County Council. While the Council has approved some DWS requested rate and fee increases in the past, the Council is often reluctant to increase rates and fees.

Greg Jenkins asked about potable water standards for public and private water systems. Taylor asked for clarification if he was referring to water quality or infrastructure standards. Greg said both. Taylor explained that the State DOH regulates water quality and has rules to determine if a water system is public or private. There can be privately-owned public water systems. Taylor said that he is not aware of water system engineering standards that apply to both public and privately-owned public systems. Greg asked how the County determines if they can acquire a privately-owned public water system. Taylor said an evaluation of the system by an engineer is required to determine if the system meets DWS engineering standards or if costs are required to bring to County standards. Greg asked if the County would consider acquiring the Molokai Ranch water system. Taylor responded that the Ranch would need to do a complete evaluation of their system.

**PUBLIC TESTIMONY:**

Steve opened testimony to the public:

Halealoha Ayau, DHHL, asked to respond to a previous question regarding Kualapuu aquifer. He stated that DHHL is willing to coordinate with DWS on exploratory wells for alternative sources of water as well as getting CWRM to respond to permit water allocation issues.

Nancy McPherson, DHHL, requested revision to Ch. 8: pg. 8-2, Figure 8.1 – DHHL water usage incorrect. She will submit correction.

Clay Rumbaoa, Molokai Properties Limited, requested that the CPAC make a recommendation to add an action for the County to acquire Molokai Ranch's three public utilities, including two water systems and one wastewater system.

Lori Buchanan asked if desalination would be separate in the future. Clay responded yes, it would be separate.

Glenn Teves stated that Director Taylor's explanation makes this request concerning.

Taylor reminded the CPAC about the past issue with the Ranch's systems when Governor Lingle ordered the County to take over the systems and the County said no and the issue ended up in court. This is a larger issue than a CPAC action – it is up to Council.

Rob Stephenson asked if a CPAC action would make it easier. Taylor responded that the CPAC should clearly know why they would make the recommendation and what the ramifications would be.

Kaui Manera stated that the west end deserves affordable water.

Taylor stated that the CPAC could recommend that the Ranch conduct an assessment of their systems.

Glenn Teves remarked on Councilwoman Crivello's past comment about the Ranch providing transparency on their future plans. He stated that the West End is a mess.

## **REVIEW AND RECOMMENDATIONS: DRAFT COMMUNITY PLAN UPDATE**

### **CHAPTER 8, Section 8.1 Water**

#### **Issues (Page 8-3)**

Issue 2 – [Robert Stephenson asked w](#)What are the PCAs? Staff to send link.

Issue 3 – Revise: ~~Disputes over w~~Water use ~~and allocation~~ needs to be resolved [collectively](#).

Issue 4 – Revise: [Cyclical and seasonal D](#)droughts ~~have created~~[contribute to](#) water supply ~~shortages in recent years~~.

#### **Policies (Page 8-3)**

Greg Jenkins recommended adding a new policy regarding maximum withdrawals from Molokai's aquifers. Pam noted that his proposed new policy is covered by Policies 1, 2, & 5. The CPAC decided to reject Greg's recommendation and keep Policies 1, 2, & 5.

Policy 1 – Revise: Recognize water rights of Hawaiians ~~and DHHL homesteaders~~ under the Hawaiian Homes Commission Act, the State Water Code, and other laws.

Policy 4 – Revise: Ensure safe, efficient and reliable [island-wide](#) water systems through.....

Policy 10 – Revise: Incorporate [credible](#) local knowledge and advice on water resource issues.

Greg Jenkins recommended adding a new policy to require privately owned public water systems to meet DWS engineering standards. Taylor noted that DWS standards are state of the art and requiring

privately owned systems to meet these standards might result in higher home prices. [Director Taylor](#) ~~he~~ cautioned the CPAC to be aware of the tradeoffs of such a policy. He also noted that the DWS has an emergency plan if privately owned utilities “walk away”, including supplying water by trucks, but not taking over the system.

Lori Buchanan asked about requiring private owners to be bonded. Taylor responded that that is a State issue.

Add new Policy (or action) – [Explore the possibility of requiring new developments with privately owned public water systems to meet DWS engineering standards.](#)

Add new Policy (or action) recommended by Director Taylor – [Explore the possibility of DWS taking over Molokai Ranch water systems.](#)

Steve Chaikin recommended that utilities be locally owned. Pam reminded the CPAC that final decisions on the Community Plan will be up to the County Council and that all policies and actions need to be legal. The CPAC is a reviewing body and can make recommendations to the Community Plan, but the recommendation will not be accepted if they are not legal.

The CPAC decided to table the remainder of the water discussion until later in the meeting.

Director Goode explained the responsibilities of the DPW. He provided a handout that explained the County’s procedure for accepting roads not built to County standards as well as a response to Molokai Ranch’s request to take over roads. The County Council can accept a road not to County standards if it meets a public interest. The Council needs to also understand the cost of improving the road and the liabilities of accepting the road in non-standard condition. Goode stated that if Molokai Ranch wants the County to consider taking over private roads the Ranch needs to do an analysis of the subject roads.

Lori Buchanan asked where ~~does the~~ [the](#) public interest comes in on tax money being spent on assessments. Goode responded that the Council’s budget process is public as well as the State Transportation Improvement Program (STIP). Lori wants earlier public input. Steve suggested that Lori’s concern could be addressed in Chapter 9 Governance section.

Add new Policy (or action) – [Explore the possibility of the County acquiring privately owned roads on Molokai.](#)

**ACCEPTANCE OF SUMMARY MINUTES OF THE MAY 20, 2015 MEETING:**

✓ = Yes/Aye, N = No/Nay, A = Abstain, R=Recuse, cross-out = Absent, First = 1, Seconded = 2		
<b>Motion: Accept May 20, 2015 summary minutes as written</b>		
Unanimous		
Steve Chaikin	Kip Dunbar	<del>Pi'ilani Augustino</del>
Dathan Bicoy	Lori Buchanan	Gregory Jenkins 2
Debra Kelly	Glenn Teves	Deldrine Manera
<del>Edwin Mendija</del>	John Sprinzel 1	Robert Stephenson
Carl Adolpho		

## REVIEW AND RECOMMENDATIONS: DRAFT COMMUNITY PLAN UPDATE

### **CHAPTER 8, Section 8.6 Energy**

#### **PUBLIC TESTIMONY:**

Steve opened testimony to the public:

Matt Yamashita stated that he wanted to provide some background on renewable energy systems on Molokai. He said the goal of the Molokai Clean Energy Initiative is to create a plan to create clean energy on Molokai. Molokai leads the State in per capita and per household clean energy use. Can't install solar on Molokai now because MECO can't handle more connections to the grid at this time. Energy systems are moving from being centralized to being distributed. He encourage the community plan to embrace renewable energy.

Dave Yamashita asked about electric vehicles on Molokai. Matt responded that Molokai is the perfect place for EV but public charging stations are needed.

#### **Issues (Page 8-18)**

Issues 1 and 2 are okay as written.

#### **Policies (Page 8-18)**

Policy 2 – Revise: Support increased use of [environmentally friendly](#) alternative fuels ~~on Moloka'i such as ethanol, natural gas, biodiesel, hydrogen, propane, food waste materials, and by products~~ from feed and fiber production.

Policy 5 – Revise: Ensure that main utility transmission lines are robust and resilient enough to withstand ~~hurricane force winds~~ [severe storm effects](#).

Add new policy: [Support development of micro-grids applicable to key infrastructure and natural resources](#).

Add new policy: [Support alternative ownership options for Maui County's electric utility to provide more affordable and clean energy](#).

Moved from Action 8.6.04 and add new policy: ~~Adopt~~ [Encourage](#) an updated building code requiring increased use of energy conservation devises in both new construction and renovations.

Add new policy: [Encourage electric vehicle use including access to PV charging stations](#).

#### **Actions (Page 8-19)**

Add new action: [Install a system of electric vehicle charging stations island-wide](#).

### **CHAPTER 8, Section 8.7 Telecommunications**

#### **Issues (Page 8-20)**

Issues 1 and 2 are okay as written.

#### **Policies (Page 8-20)**

Add new policy: [Encourage cell towers and back-up generators to be located outside of flood and tsunami inundation areas](#).

#### **Actions (Page 8-21)**

Action 8.7.01 – Revise: Work with telecommunications providers to ~~increase the number of cell towers in order to expand coverage and~~ provide more reliable service.

Add new action: [Provide high speed internet at all county meeting facilities.](#)

### **CHAPTER 8, Section 8.1 Water**

Pam Pogue explained that the DWS will be drafting the Moloka'i Water Use and Development (WUDP) [once the Maui Island Water Use and Development Plan is completed which may be as early as 2016](#) ~~potentially in early 2016~~ and that it will be important to make sure that the community plan update and WUDP are coordinated.

Rob Stephenson asked ~~if~~ Action 8.1.05 duplicates state law. Pam said no and explained the history of the draft County wellhead protection ordinance.

#### **Actions (Page 8-4)**

Action 8.1.01 – Revise: Complete an Agricultural Master Plan that ties ~~desired~~ agriculture production areas and uses to reliable, cost-effective water sources. Add DWS as a partner.

Action 8.1.03 – Add DOH as a partner.

Action 8.1.04 – Revise: Promote the DWS ~~low flow fixture giveaway~~ [water conservation](#) programs.

Add new Policy: [Support State agencies, the County and other stakeholders to explore additional and alternative sources of drinking water.](#)

#### **Policies (Page 8-3)**

Policy 6 – Revise: Encourage water resource conservation ~~planning~~.

### **CHAPTER 6, Section 6.2 Housing**

Mary Jorgensen provided a brief recap of the June 4th presentation that showed Mixed-Use Residential and how it ties housing into the land use and community design elements. The CPAC continued their review from June 4<sup>th</sup> on page 6-11 of the housing section. The CPAC discussed issues, policies and actions.

#### **Policies (Page 6-11)**

Policy 2: The CPAC requested more information on buy-back provision.

Policy 5 – Revise: ~~Require, where practical that~~ [Encourage](#) new housing [to](#) be developed in locations conducive to affordability – proximate to jobs, services, infrastructure, and public facilities, [and outside of flood hazard areas.](#)

Policy 7: The CPAC asked for more information on what a community land trust is and how it works.

#### **Actions (Page 6-12)**

Action 6.2.03, Revise 2<sup>nd</sup> line: ..."housing types [to address affordability](#), including..."

Glenn Teves noted the need for farm related housing to accommodate short and long-term farm workers. Mary Jorgensen noted that Action 6.2.05 was moved to Health and Human Services on page 9-16 at the June 18<sup>th</sup> meeting.

**PUBLIC TESTIMONY:**

Steve opened testimony to the public:

Walter Ritte asked if the County has jurisdiction over homes built on DHHL lands. He stated that there is an opportunity to provide affordable housing on DHHL lands.

Nancy McPherson (DHHL) stated that DHHL asks beneficiaries to comply with County buildings standards because it is a public health and safety issue.

Walter Ritte asked for clarification on the recent community concern that the community plans have no force of law.

Dave Yamashita and Pam Pogue explained the recent community concern was brought about by an email blast from the Sierra Club incorrectly stating that proposed revisions to Maui County Code 2.80B would remove the force of law from the community plans and make the community's voice irrelevant. Pam explained that the community is not losing their voice in the community plan process. Community plan land use designations do not have the force of law, but they have the will of the community. Zoning has the force of law and zoning should follow community plan designations.

**PUBLIC TESTIMONY:**

Steve opened testimony to the public:

Nancy McPherson (DHHL) will submit new housing numbers for DHHL future plans referenced on Page 6-10, Lines 28 – 31.

[Steve Chaikin](#) stated that Moloka'i should be proactive in addressing homelessness.

Ch. 9, Health and Social Services Section – Add action: [Establish a strategy and regulations to proactively address homelessness.](#)

Meeting adjourned at 8:18 PM