

Meeting Summary - Moloka`i CPAC Mtg. 13, August 19, 2015

Attending: **Community Plan Advisory Committee**
 Steve Chaikin (Chair), Lance “Kip” Dunbar (Vice-Chair), Pi`ilani Augustiro, Dathan Bicoy, Robert Stephenson, Deldrine Kauinohea Manera, Gregory Jenkins, Lori Buchanan, Debra Kelly, John Sprinzel, Edwin Mendija, Carl Adolpho

Absent: Glenn Teves

County of Maui – Planning Department

Pam Pogue, Long-Range Planning

Mary Jorgensen, Long-Range Planning

William Spence, Planning Director

Jen Maydan, Long Range Planning

Michael Napier, Long-Range Planning

Call to order at 3:10 PM

ACCEPTANCE OF SUMMARY MINUTES OF THE JULY 15 AND 16, 2015 MEETINGS:

July 15, 2015 amendments:

- Steve Chaikin’s name was misspelled.

✓ = Yes/Aye, N = No/Nay, A = Abstain, R=Recuse, cross-out = Absent, First = 1, Seconded = 2		
Motion: Accept the July 15, 2015 summary minutes as amended		
Passed: Unanimously		
✓ Steve Chaikin	Kip Dunbar	Pi`ilani Augustiro
✓ Dathan Bicoy -2	✓ Lori Buchanan	✓ Gregory Jenkins
✓ Debra Kelly	Glenn Teves	✓ Deldrine Manera
✓ Edwin Mendija	✓ John Sprinzel	✓ Robert Stephenson -1
Carl Adolpho		

July 16, 2015 amendments:

- Page 2, second paragraph, last sentence: add “not” between “should” and “dominate”
- Page 3 near bottom, Revise: “Rob Stephenson noted that the revision of the BCT guidelines, Action 7.01, would include input from the [business and local planning professionals’](#) community.
- Page 6, under “Kualapu`u” after Glenn’s comment, add [Rob Stephenson cautioned the CPAC against creating buffer zones; if discussed it should be based on factual information.](#)
- Page 7 voting table, change nay votes to add Kip Dunbar, John Sprinzel, and Kauai for a total of four nay votes.
- Page 8, 2nd paragraph, 2nd sentence: Revise: “...forwarded, **but doesn’t say anything about the [along with](#)** Planning Commission’s recommendations to Council.

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✓ Steve Chaikin	✓ Kip Dunbar - 2	Piilani Augustire
✓ Dathan Bicoy	✓ Lori Buchanan - 1	✓ Gregory Jenkins
✓ Debra Kelly	Glenn Teves	✓ Deldrine Manera
✓ Edwin Mendija	✓ John Sprinzel	✓ Robert Stephenson
Carl Adolphe		

PRESENTATION BY PLANNING DIRECTOR – OVERVIEW OF COMMUNITY PLANNING PROCESS

In an effort to address on-going misunderstanding, misinformation, and rumors, Will Spence, the Director of Planning, delivered a PowerPoint presentation. The full PowerPoint presentation is available on the Maui County website. Major points of the presentation are below:

- The county charter requires that the Planning Director update Community Plans every 10 years (Section 8-8.3 Powers and Duties).
- The Community Plan content, process, and selection of CPAC members are all dictated by the Maui County Code 2.80.090(B).
- The Charter requires Planning Commission review of CPs (8-8.4).
- Change in zoning is regulated by Title 19.510.040. County Council grants all zoning changes -- this does not fall within the purview of the CPAC.
- "Community Plans are not being gutted" by PC-21 (agenda item before the County Council Planning Committee). To the contrary -- in the cases of discretionary permits - such as SMAs, special uses; as well as subdivisions and CIPs, all look to Community Plan. Per Title 19.510.070 (Special Use Permits) "A special use permit shall comply with the provisions of this section and with the policies and objectives of the general plan and community plans of the county..."
- "CPs not being gutted" also shown by compliance with SMA guidelines §205A-26 "No development shall be approved unless the authority has first found: (C) That the development is consistent with the county general plan and zoning.
- The various digital layers involved in planning were displayed and their relevance was explained: State Districts (Ag, rural, urban, conservation), parcel layers, zoning, and community plan land use designations.
- Explained that mixed use residential is defined in the draft plan update and is, for example, basically the same land use pattern as seen in the existing Kualapu`u town. The idea is to have any new growth have the same character as the existing towns.
- "Concern over the 2015 Moloka`i CP update CARVING UP the Island with new development proposals". Will showed the 1981 and 2001 CP land use maps for Kaluako`i. In fact these areas were entitled, zoned, and all had CP land use designations pre-existing the 2015 CP update.
- "Lack of public notice for the 2015 update". The process was published at least 20 times in the Moloka`i Dispatch - each meeting advertised twice and at least 1 week prior to meeting, also posted to online Dispatch page, hard copy notices are posted on 7 community bulletin boards from Mana`e to Maunaloa, County website has all draft documents, meeting summaries, etc..
- County planning office, council services and library all have had the hard copy document since February 2015.
- Emails are sent to all who have signed up on email meeting notification list.

CPAC Discussion / Questions

- Lori Buchanan asked Will Spence to explain to the community up-zoning and down-zoning and why Hotel CP designation on Kaiaka Rock can't be changed to Open Space. Will explained that there are two types of takings; condemnation of property by government in which compensation is required; and regulatory by which government regulation renders land "useless" or with no financially beneficial use. Will recommends that options be explored for Kaiaka Rock, including the County purchasing the property for preservation.
- Greg Jenkins asked why the inconsistencies between CP designation and zoning in Kaluakoi are not a taking. Will responded that he is not sure of the timing of all of the zoning and CP designations in Kaluakoi and that a takings can't be sought until the last discretionary permit is issued which has not taken place.
- Steve Chaikin noted that the intent of any proposed mixed use residential area can be explained in Chapter 6. Will confirmed and noted that zoning will follow the community plan.
- Greg asked what will be the process to establish mixed use residential zoning in Title 19. Will responded that the Planning Department will look at the community plans first to develop zoning changes to Title 19 and then it will get reviewed by the Moloka'i Planning Commission. He noted that Moloka'i exceptions are common in zoning regulations.
- Kip Dunbar noted that any development still has to come back to the Moloka'i Planning Commission to determine the amount of use in that area. It is not going to go out of the hands of the community.
- Robert Stephenson asked under what scenario it would be difficult for a landowner to continue their current land use of agriculture and it be a taking. Will replied that if the community plan land use designation changed from agricultural land use but had existing agricultural zoning that the landowner would be allowed to do whatever is allowed under agricultural land zoning and that a taking would only occur if all economic value is removed from the land.
- Steve asked if the Planning Commission can change CPAC recommendations. Will responded that both the CPAC and Planning Commission are advisory and Council makes the final decisions. Both group's recommendations will be provided to Council. He noted that the CPAC remains intact until the plan is adopted by Council so he encourages members to be involved throughout the process.

PROPOSED TIME EXTENSION

Planning Department Director Will Spence explained the process for the extension to be granted. He also explained that the Council will be concerned about other community plans on Maui Island that are long overdue and slated to begin soon. Travel costs are also a concern and a large percentage of overtime pay.

CPAC Discussion / Questions

- Greg Jenkins said he is committed to do what is necessary to create a final product that reflects the needs of the community.
- Carl Adolpho said more time is needed.
- Debra Kelly is concerned that the CPAC stay on task now and move forward. She was unsure about an extension.
- Steve Chaikin agreed that they need to push forward.

- Kauai Manera is not happy with the extension but wants to have a quality CPAC recommendation.
- John Sprinzel is against the extension. The CPAC has a deadline.
- Rob Stephenson noted that there were really only 2 missed meetings and he is against the extension. He stated that there was ample time for community input.
- Lori Buchanan wants specific dates to be able to consider the extension. She is willing to do what is needed. She noted that the original time of 6 months is not enough.
- Kip Dunbar noted that the CPAC had many meetings go longer than originally planned and will really need to put their feet to the fire if granted extension.
- Edwin Mendija said he is willing to extend but has concerns with over thinking issues.
- Dathan Bicoy asked how long and how many meetings more.

PUBLIC TESTIMONY:

Steve opened testimony to the public:

David Jensen provided written testimony on behalf of the West Molokai Association regarding the rights-of-way in Kaluakoi.

Kamalu Poepoe noted that she is an Aha Kiole representative and that the community came to the Aha Kiole now, not earlier. She noted that the community plan update shows sensitivity to who the Moloka'i community is and thanked the Planning Department and CPAC. She noted that the CPAC represents the community. She supports the extension. Aha Kiole will take the draft plan to each moku for roundtable discussions. Steve asked that the Aha Kiole provide specific recommendations for the plan. Will encouraged testifiers to submit testimony in writing so that it becomes part of the record and County Council will see it.

Unidentified testifier asked if Moloka'i needs all of the mixed use residential proposed at Kualapu'u and noted that water is a concern. Take care of water system first for people that are there.

Jeannine Rossa noted that she has experience in natural resources and planning. She supports the extension and involvement of Aha Kiole noting that now people have heard about it and want to get involved.

Judy Caparida said that Moloka'i is a special place and we all should be thankful for what we have.

Hano Naehu loves Moloka'i and works to protect the aina for future generations. He supports jobs and opportunities that won't hurt Moloka'i. He said the CPAC was not chosen by the community and many people would like to be on the CPAC. He supports the extension and more community input.

Kanoe Davis noted that the community has to be involved.

Keri Zacher quoted a Dispatch article written by Steve. She asked the CPAC to please accept the Aha Kiole's help.

Kanoe Davis asked that the CPAC allow the Aha Kiole to help with outreach. She asked that the extension be granted until February. The Aha Kiole has contacted the community and will be taking the draft plan to them for comment then bringing comments back to the CPAC for consideration.

Mahealani Davis said that the community has to be involved. She has concerns with mixed use, which she sees as not different than interim zoning.

Unidentified testifier said that the time of the meetings is inconvenient and the community is not involved. Testifier is worried about sea level rise on the west end.

Mahealani Davis noted that she was on the GPAC for Moloka`i. She has faith in the younger generation. The CPAC needs the extension in order to be more thoughtful and diligent. Regarding land use she said sea level rise is a real thing and fresh water is important. She mentioned the USGS study on Moloka`i's aquifers and The Nature Conservancy's efforts to restore forests. She said agriculture and conservation are important land uses. She supports traditional land use designation for traditional land use and not being required to pay taxes or have tax incentives.

Steve Chaikin closed public testimony at the time.

CPAC Discussion / Questions

- Steve wants to error on the side of caution in case the CPAC is not done by September 8.
- Carl stated that community input is important and all groups should be represented. He noted that he has never heard of the Aha Kiole.
- Greg agrees with the Chair. The CPAC needs adequate time to complete their job. The community doesn't trust the process.
- Kauai agrees with Chair. She noted that the community also has the responsibility to show up and participate in meetings.
- Kip noted that he has great faith in the Aha Kiole. He doesn't want Moloka`i to change but it needs to grow to have opportunities and the best way is having input from our community on what these opportunities should be. He is willing to do a couple more meetings.
- Will noted that Council will likely not grant an extension beyond a month or two and definitely not until February.
- Jen and Pam encouraged the public to testify at Council regarding the extension.
- Carl asked if the CPAC would get a second shot at an extension. Staff responded no. Carl said the CPAC should make a reasonable request to Council.
- Kip suggested that the CPAC seek an extension to make up for the two meetings missed due to weather (other two meetings canceled made up on August 26 & 27) or extend to have four more meetings.

✓ = Yes/Aye, N = No/Nay, A = Abstain, R=Recuse, cross-out = Absent, First = 1, Seconded = 2		
Motion: To seek a time extension for four more meetings from the Maui County Council to October 30, 2015.		
Passed with 8 Yes/Aye, 3 No/Nay, and 2 Absent		
✓ Steve Chaikin	✓ Kip Dunbar - 1	Pi'ilani Augustire
✓ Dathan Bicoy	✓ Lori Buchanan	Gregory Jenkins - N
✓ Debra Kelly - 2	Glenn Teves	Deldrine Manera - N
✓ Edwin Mendija	✓ John Sprinzel	Robert Stephenson - N
✓ Carl Adolpho		

REVIEW AND RECOMMENDATIONS: DRAFT COMMUNITY PLAN UPDATE
Chapter 6 Land Use maps

Mike Napier provided an overview of land use workshop maps including the existing supply of community plan designated lands by region and units and population that could be accommodated by total supply.

PUBLIC TESTIMONY: Discussion between CPAC members and Moloka`i Ranch

Steve opened testimony to the public:

- Clay Rambaoua, Moloka`i Ranch testified to explain the Molokai Ranch land use map he submitted as public testimony. In Kaunakakai, Molokai Ranch proposes changing the Single Family designation above Ranch Camp to Mixed Use Residential. At the industrial park Molokai Ranch proposes to change 656.5 acres from AG to Industrial. In Maunaloa, Molokai Ranch proposes to change Project District to Mixed Use Residential. In Kaluakoi, Molokai Ranch proposes removing Hotel designation on Kaiaka Rock and designating 30 acres between the two existing north Hotel designations as Hotel. Molokai Ranch proposes designating the wastewater treatment plant as Public/Quasi-Public. Molokai Ranch proposes Heavy Industrial designation for two locations for water source development.
- Steve Chaikin asked what the two additional industrial areas to be used for? Clay answered storage, desalinization, and solar energy.
- Lori Buchanan and Debra Kelly asked about whether the energy would be solar or wind. Clay responded it would be solar as wind doesn't fit with the aesthetics of the area.
- Greg Jenkins asked about CP land use designations vs. existing water allocations.
- Robert Stephenson asked if light industrial could instead be proposed.
- Lori asked how big a solar farm can be on an Ag lot. Is there a restriction on size? How many MGW needed for desalinization? How many acres would be needed to carry solar panels?
- Kip Dunbar asked if the power would give the Ranch the ability to recycle the water. Kip continued with expressing an interest in the WWTF and fuel storage tanks being endangered by sea level rise. Clay said the WWTF could be relocated to the proposed Heavy Industrial area but the Ranch is trying to move away from fuel to solar so they wouldn't want to have fuel storage.
- Dathan Bicoy explained who owned what parcels within the industrial area being discussed, west of Kaunakakai town.
- Clay explained that Molokai Ranch wants to make best use of renewable energy, such as use biomass crops for fuel. He said Molokai Ranch would like to be 100% renewable, including electric cars.
- Lori concerned about 656 acres being designated as heavy industrial. She asked if desalinization is permitted on AG land.
- Robert asked what was in the 2001 CP for this area. 2001 CP - 70 acres heavy industrial, 40 acres light industrial, Molokai Ranch wants to add 340 acres of heavy industrial.
- Lori concerned about shoreline and fishpond located makai of industrial area, as well as wetlands that may be potentially impacted.
- Will Spence requested that the Ranch put this testimony in writing and submit it to the CPAC and Planning Department. Will also requested to change a slide in his presentation to match Clay's information.

PUBLIC TESTIMONY:

Steve opened testimony to the public:

Kamalu Poepoe said she is concerned about burials and artifacts. Will explained that embedded within the County permitting process are regulations mandating archeological and cultural surveys within the SMA boundary and any time coastal/natural resources are to be impacted. This is also part of State and

Federal Coastal Zone Management Act. Will explained the State and County process to fully entitle land including District Boundary Amendment (DBA), Change in Zoning (CIZ), Shoreline Management Act (SMA), etc. and can take up to seven years.

Kanoe Davis said she is concerned about proposed industrial area located uphill and impacts to areas downhill. What about impacts from fuels and waste -- are these to be moved? "Where will the WWTF and fuel tanks be in 10-15 years?" She also noted that the area above Manila Camp is full of archeological sites but above these there are none because this was where a dryland forest was in the past.

Nancy McPherson, DHHL, requested a map to evaluate the proposal as DHHL are adjacent. She would like to see public facilities in public/quasi-public land use designations

Hoke _____ noted that housing close to ranching causes problems. He has 500 acres above Ranch Camp.

Unidentified testifier He was also concerned about the large amount of heavy industrial use proposed by the Ranch and questioned what the uses would be and if they would benefit the community.

Steve Chaikin closed public testimony at the time.

CPAC continued discussion of Ch. 6 land use maps –

Kalae

- Steve followed up on a previous CPAC question regarding zoning at the Ironwood Hills Golf Course and the possibility of a restaurant. Jen responded that the golf course is zoned and community planned agriculture and that a restaurant would either require a change to park golf course or a special or conditional use permit. Lori noted that she talked with 37 owners in Kalae and they said that they would support a restaurant but no other additional uses. Steve asked if there was CPAC support for changing the golf course CP designation from AG to PK (GC). CPAC did not support for change.
- Greg said he wanted to "hit the reset button" and abandon all CPAC recommendations from the previous land use workshops because the existing supply of developable land is adequate to accommodate future demand. He noted that he is against mixed use residential CP designation on Moloka`i and he is concerned with what will come out of mixed use residential zoning when it is developed. He wants to look at what is essential for the community for the next 20 years. He questioned why single family CP designation is needed above Ranch Camp and proposes removing it. He requested a land use map that shows inconsistencies between CP land use and zoning. Pam explained that zoning is not within the purview of CPAC and outside of the scope of the CP. For the past 7 years the Planning Department has been addressing this through the DSSRT project (update and creation of a Countywide zoning layer) and once complete review will be done through Planning Commissions and the Maui County Council and at that time there will be public testimony. Zoning is not within the purview of the CPAC as they are an advisory body. Zoning falls within the jurisdiction of the Moloka`i Planning Commission and County Council. Lori agrees with Greg that all CPAC proposals from workshop should be withdrawn.

Kaluako`i

- Steve noted that the CPAC's last suggestion was to leave Kaiaka Rock as is in the 2001 plan. Will noted that as of the 1981 Community Plan the area has been fully entitled and was zoned as Hotel and has CP Land Use as Hotel. CPAC made no recommendation to change CP designation on Kaiaka Rock.
- Lori asked if the Ranch's request for heavy industrial CP designation in Kaluakoi would require a change of the State Land Use District. Will explained that the process for a District Boundary Amendment (DBA) for 15 or more acres is reviewed and approved by the State Land Use Commission and a DBA for less than 15 acres is reviewed by the County. He explained that a change in zoning would also be required.
- Robert supported changing the CP designation to industrial because there are many restrictions through the permitting process.
- Greg asked what the use of the proposed heavy industrial would be and if it is required to accommodate future growth. Clay responded that it is needed for a combination of reasons including existing issues with the MIS and drilling wells on the west end. He noted that the project is in the infancy stage and no final designs have been completed.
- Debra asked if the land has to be designated heavy industrial for desalination. Clay responded that he was not sure.
- Will reminded the CPAC that community plan is at the 30,000 ft. level and they should be addressing the issue of if new land uses are needed in the next 20 years, where should they go. The CPAC should not be diving to the level of project details because CP designation is only the first step.
- Greg noted that he is concerned about identifying lands for growth that are not needed.
- Rob asked if there was any support on the CPAC for the Ranch's proposed heavy industrial designations in Kaluako`i. Lori noted that the Ranch could pursue a special use permit. No support expressed by CPAC.

Maunaloa

- Jen noted that the Ranch withdrew the request to add a new light industrial area in Maunaloa. The only Ranch request in Maunaloa is to change the project district to mixed use residential.
- Rob expressed support for the change from project district to mixed use residential to expand the town and provide the opportunity for commercial services to support the residents after the Lodge reopens.
- Lori said that she can't support mixed use residential.
- Steve said that he is ok with mixed use residential.
- Greg asked about the process to amend the project district.
- Jen noted that corresponding zoning was never created for the Maunaloa project district and that the only indication of how the project district would be developed is the description in the 2001 plan which reads "The objective of the project district at Maunaloa is to provide a mixture of single family and multi-family, and park uses for low and moderate income residents. Variations in housing unit types, lot sizes and other development standards should be considered to provide planning flexibility and encourage affordable housing."
- Carl noted that the description of the project district was primarily residential and that the proposed change to mixed use residential would provide economic opportunities rather just residential uses.
- Rob made a motion to change the CP designation from project district to mixed use residential.
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✓ = Yes/Aye, N = No/Nay, A = Abstain, R=Recuse, cross-out = Absent, First = 1, Seconded = 2		
Motion: Change Community Plan designation of Maunaloa project district to mixed use residential.		
Passed with 7 Yes/Aye or Abstain, 3 No/Nay, 1 Recuse, and 2 Absent		
✓ Steve Chaikin	✓ Kip Dunbar	Piilani Augustire
Dathan Bicoy – R	Lori Buchanan - N	Gregory Jenkins - N
Debra Kelly - N	Glenn Teves	✓ Deldrine Manera - 2
✓ Edwin Mendija	John Sprinzel - A	✓ Robert Stephenson - 1
✓ Carl Adolpho		

- Greg asked that Corporation Counsel attend future CPAC meetings to explain the connection between mixed use residential CP designation and mixed use residential zoning. Will noted that he has already addressed this issue at the meeting and that Corporation Counsel would have the same explanation. He reminded the CPAC that all matters related to change in zoning and Title 19 are reviewed by the Moloka'i Planning Commission and public input is sought.
- Edwin reminded the CPAC that they can define in the CP what uses are acceptable in mixed use residential and what the intent of the particular area is when it is developed.
- Jen reviewed a handout provided to the CPAC that had examples from the Lāna'i CP of growth area descriptions.

PUBLIC TESTIMONY:

Steve opened testimony to the public:

Kanoe Davis said that the Maunaloa project district has an affordable housing requirement and she was very concerned that the CPAC's recommendation to change the areas to mixed use residential relinquished the Ranch from their agreement to provide affordable housing. Will responded that the affordable housing project that Kanoe is speaking of is not the same as the project district. It is a separate 201G project in Maunaloa. Kanoe recommended that the CPAC ask for public testimony before they take a vote.

Jeannine Rossa commented that as sea level rise occurs natural resources move inland too and this factor needs to be taken into account in planning for the future.

Julia Peters stated that she is a homesteader and she appreciates everyone's hard work.

Steve Chaikin closed public testimony.

Meeting adjourned at 10:00 PM