

Meeting Summary - Moloka`i CPAC Mtg. 16, August 27, 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

Absent: Glenn Teves

County of Maui – Planning Department

Pam Pogue, Long-Range Planning

Mary Jorgensen, Long-Range Planning

Jennifer Maydan, Long-Range Planning

Michael Napier, Long-Range Planning

Call to order at 3:16 PM

PUBLIC TESTIMONY:

Steve Chaikin opened testimony to the public:

- Kalua said the agricultural community uses pesticides responsibly.
- Dawn Bicoy said that he is part of the agricultural community and that those that apply for pesticide permits follow strict standards on the use of pesticides. He noted that all pesticide users are working with the Department of Agriculture. For Chapter 9 he asked that the CPAC please consider all of those working in the agricultural industry and base their recommendations on AG experts and current agricultural practices. He asked for someone from the Department of Agriculture be brought to the meetings.
- Andrew Arce noted that he spoke at the June 3 CPAC meeting. Farming is a way of life and there is a need to accept failure as a farmer along with success. Pesticides are one of the tools that he uses and without that it would be hard to bring in a harvest. He hopes the policies and recommendations allow his grandchildren to follow in his footsteps. He does not speak for all of the people but speaks for the agricultural community.
- Adolph Helm lives on a homestead and is a third generation Hawaiian. He commended the CPAC for seeking out the facts and asked to hold off on Chapter 9.5 Health and Human Services until the Hawaii Department of Agriculture can provide information on recent pesticide use.
- Karen Poepoe said she comes to understand the process and wanted to bring up the hazards of air, water, and soil. She represents the Aha Kiole and wants to be neutral in the preservation and protection of resources. We have people who are extreme activists but we are not going to take on GMO because our people are on two sides.

Lori Buchanan responded that she is a holder of a restricted use pesticide permit for 10 years and has had multiple trainings from the Department of Agriculture. State and Federal agencies have purview over pesticide use and she knows where the law lies.

REVIEW AND RECOMMENDATIONS: DRAFT COMMUNITY PLAN UPDATE

CHAPTER 6 (Housing Section, Appendices, & Map 6.1)

Mary Jorgensen suggested moving Action 7.02 on subarea development plans into Chapter 6, section 6.1 under future conditions.

Robert Stephenson asked under B. Future Conditions, page 6-5, what a subarea development plan would be. Greg Jenkins said that moving the subarea development plans would be a good thing because at least there would be an opportunity to talk about areas where there is not a current land use designation change proposed. Steve Chaikin responded yes, take beyond the maps into some other areas. Debra Kelly was concerned with having more detail and would the CPAC have the time. Jen Maydan replied that the subarea plans are an action and that we would not be doing these now. Debra asked if they could recommend what they wanted and Pam Pogue responded that yes, this could be written as descriptions under future conditions section. Greg noted that they could expand the issues. Steve clarified that Action 7.02 would be moved under Actions in section 6.1 and the CPAC confirmed.

The CPAC reviewed the handout on Community Land Trusts and Jen explained it applies to Policy 7, page 6-12 and Action 6.2.06. Greg Jenkins noted that he does support 'mixed-use' in Action 6.2.03. Lori said that Policy 7 need more information, need to investigate 'cause not sure about intent and suggested 'explore'. Edwin Mendija suggested adding "To create" to the goal to address Issue 1. Jen explained that the goal is written as an end state rather than an action. Kip Dunbar said that housing starts with youth. 99.9% of the land is in AG. He said that something is needed in the plan to show where these affordable lots are that is also where we would want to live. The East end is full of hazards, West end not affordable. If we want to create housing we need to have the right amount of land to use. Greg responded that we have the inventory and we want the diversity but we do not need to add land use designations to the community unless justified with findings of fact.

Steve Chaikin asked how much policy #3 is happening – "Maintain a supply of County subsidized affordable rental housing." Robert noted that it is not just County owned but also in part provided by private developers. Jen explains that the Lāna'i affordable housing was already planned and Mary added that Pūlama Lāna'i is working with the County to incorporated the affordable housing into the expansion area. Debra noted that Section 8 is under the State. Greg would like more information on the County affordable housing policy as it applies to the discussion pertaining to triggered percentages for development. Steve noted that many homes will be taking care of the elderly and asked about how many elderly people can be in one house in a residential area. Mary responded that five unrelated people can be in a residence. Robert supports workforce housing. Steve mentioned that Moloka'i could have a problem in the future like Oahu is having with homelessness. Robert said that both housing and health and human services are needed for the homeless. Mary noted that policies and actions for special needs population addresses chronic homelessness and Lori supported.

- Page 6-9, line 10: Change mixed use "zoning" to "residential".
- Page 6-12, Policy 3: Relace "County" with "government".
- Page 6-12, Policy 7: Replace "Encourage" with "Explore".
- Page 6-13, Action 6.2.06: Delete "Na Hale O Maui" and "on Maui".

PUBLIC TESTIMONY:

Steve Chaikin opened testimony to the public:

- Nancy McPherson, DHHL Planning Office requested that DHHL be added as a partner in Action 6.2.02, page 6-13 and indicated that she would like to see assistance for tenants in the flood zone. She also requested a new policy "Work with DHHL to develop an MOU that supports relaxed building and development standards on Hawaiian Home Lands while still protecting public health and safety."
- Mac Poepoe said he didn't see any reason why someone would be homeless because his people would provide a home for family members.

- Kanoë Davis would like to see the indigenous architecture section put back in.

Lori noted that this was covered by an ordinance but recommended putting an action into Chapter 7.

- Walter Ritte would like to have the legal relationship between the County and DHHL made clear in the plan. What can be done by DHHL and the County on DHHL land in terms of rules and regulation? There is 35,000 acres and a variety of ways to build a home.

Greg Jenkins supported Nancy's proposed policy. Kip Dunbar was concerned over safety issue for first responders who might be at risk if the building code is not adequate for safety. Greg said that a model building code may be too much for DHHL to develop; but, this is one consideration that may facilitate homesteaders building affordable housing. Carl felt that the affordability issue applies to everyone in the rural area. Greg suggested a policy of "encourage them to develop building standards".

- Nancy McPherson noted that DHHL does not have the staff to develop the building code and it is a big challenge for Molokai to meet the county code. DHHL has a MOU with Hawaii County to address building code and zoning issues but there is confusion on what is needed for permitting on Maui.

Robert Stephenson suggested a policy to encourage DHHL to develop their own building code. Kip was still concern about safety issues and suggested addressing by adding an Issue # 3 about the confusion, and adding Nancy's policy # 8 and an action. The CPAC rejected the addition of proposed Policy #8.

- Page 6-2, line 22-23: Add sentence to clarify the jurisdictional relationship between the County and DHHL with regard to land use entitlements, building permits, etc.
- Page 6-13, Action 6.2.04: after 'housing' add "such as housing models that can be built affordably."
- Page 6-13, Add new action "Encourage DHHL to establish a building code that protects public health and safety and benefits DHHL beneficiaries."
- Page 7-4, Add action from 2001 CP: "Review and update the indigenous architecture ordinance as appropriate."

Jen Maydan explained Appendices 6.1 and 6.2, page A-11, and how these are currently being discussed in Council Planning Committee for the Lāna'i community plan. The tables may change in the future. Lori requested the table have cites to the related ordinances. Lori also noted that she was glad that Molokai was not in the new Ag cluster ordinance. Greg asked for a definition of Project District. Mary explained that mixed use residential is more specific than project district. Steve asked if the Single Family in Mixed Use is the same as in the regular Single Family and Mary responded yes. Debra asked if 50 acres are designated will they be able to piece meal develop it or come in for approval of the whole area. Jen responded that it would be preferable to bring the whole area in for review and this could be addressed in the future condition description.

Mike Napier reviewed the Agricultural Resource Map 6.1 with the CPAC. He explained that the layers come from the State GIS website and are dated 1977. He read the definition for Prime and Other agricultural lands. Debra noted that if there isn't any irrigation there isn't a reason to consider as Prime. Nancy McPherson corrected the location of the Ag Park as below the highway.

CHAPTER 8 INFRASTRUCTURE

Section 8.1 Water

Greg Jenkins noted that Policy 5 cannot be done without the completion of Action 8.1.2. Pam Pogue said that CWRM and Fish and Wildlife offered to come to Moloka'i on September 17th and this would be a good opportunity to put their feet to the fire. Lori Buchanan wanted to add an issue on the lack of instream flow monitoring by USGS and Robert Stephenson asks whether that is a county responsibility. Pam replies that the county partners with the USGS. Debra Kelly said the last guage was cut from funding and suggest applying to grants or train students. Lori notes that someone is still needed to manage the data.

- Page 8-2, line 8-9 - delete "s" on "aquifers"
- Page 8-3, line 29 delete "and other laws"
- Page 8-3, Policy 1: Add "priority after "Recognize" and add "Native" before "Hawaiian".
- Page 8-3 Policy 4: Add "protection," before "improvement"
- Page 8-4, Add new policy: "Encourage CWRM to revive the Moloka'i Water Working Group."
- Page 8-4 Action 8.1.01 – Revise and move to Policy: Add "Support the State to complete..." and delete "that ties desired agriculture production areas and uses reliable, cost-effective water sources."
- Page 8-4 Action 8.1.04 delete "the DWS" and delete "low flow fixture giveaway". Add "All water purveyors" to Partners.
- Page 8-4 Action 8.1.06: add "all water purveyors" before "the DWS" and change partners to "all water purveyors"
- Page 8-4 Action 8.1.08: Replace "possibility" with "feasibility".
- Page 8-4 Add new policy: "Support re-instating instream flow monitoring for recharge data."
- Page 8-4 Add new action: "Encourage the State to reinstate instream flow monitoring."
- Page 8-4 Add an action from 2001 CP: "Develop improved transmission and/or storage systems to provide better fire protection." Add as partners DWS, DHHL, Moloka`i Ranch, Kawela Plantation, Department of Agriculture

Section 8.2 Waste Water

Pam Pogue that Act 120 will upgrade cesspools located within 200 feet of the shoreline, stream, or wetland. It will start in 2016 through 2021, with \$5 million available each year. There is a \$10,000 tax credit for the upgrade. The DOH is reaching out to homeowners.

- Page 8-6 line 29 Issue 2 add "shorelines" after sources

Section 8.3 Stormwater

Nancy McPherson suggested a policy that would help landowners work together to address stormwater issues across TMK lines. Debra Kelly suggested combining this with Policy #5. Debra also recommended adding the health risk of impassible highways into the existing conditions.

- Page 8-8, line 22: replace "inconveniences" with "threatens public health and safety"
- Page 8-8, lines 23-24 put back in deleted language (per DPW) "as well as inadequate, nonexistent or poorly maintained drainage systems in Kaunakakai town. Delete "nonexistent"
- Page 8-9, Issue 1: delete "dirt roads into gulches and" add "hill to the ocean and coral reefs."
- Page 8-9 line 7, Issue 2: add "accumulation" after mud.

- Page 8-9 line 11,, Issue 4 delete "Kapaakea" and add "along the south shore"
- Page 8-9 line 15, Issue 5 add: "and impact the fringing coral reef."

Policies

- Page 8-9, line 28, Policy 2: delete "developed" and add "other impacted areas".
- Page 8-9, line 35-36, Policy 5, Revise and combine with Nancy's: "Encourage development of an integrated and effective storm water management system from Kalamaula to Kamalo through a partnership of large landowners mauka of Kamehameha V Highway.

Actions

- Actions 8.3.01 and 8.3.02 add HI DOT as a partner.
- Actions – Add DLNR as partner to all actions.
- Action 8.3.03 add "the" before Kaunakakai.
- Action 8.3.04 Add "maintain" after Inspect.
- Add action "Improve or restore historic wetlands that improve the stormwater drainage systems."

Review stopped at Chapter 8, Section 8.4 Solid Waste.

PUBLIC TESTIMONY:

Steve opened testimony to the public:

- Mahealani Davis requested language on EPA designation of Moloka`i as a Sole Source Aquifer added to existing conditions, page 8-2. She also suggested Findings of Fact as a wealth of information from legal cases that could be cited in document.
- Karen Holt stated that there is a limited supply of developable water available for all uses on Moloka`i. The aquifer is very thin compared to Pearl Harbor's.
- Karen Poepoe said that the USGS is doing a longitudinal study of erosion on the reef, which is a national resource. She also noted that Well # 17, owned by the Ranch as a purveyor, comes from the middle of the island to the west end. She asked if there would be another chance for input.

Steve Chaikin said this is one step in a long process. The Moloka`i Planning Commission has six months and the County Council has one year.

- Karen asked if there was anything on air and water quality. For issue # 2 on page 8-3, he questioned whether there was a policy to address the issue.

Pam Pogue explained the Wellhead Protection Ordinance and suggested a policy be added.

- Walter Ritte said that the USGS report on the reef states that the 30 miles of reef is the largest contiguous reef system. He said that one foot of water use on mountain side is a 40 foot loss on ocean side. He said to add working with Permacultural International.
- Walter Ritte and Jeanine Rossa suggested adding an action: "The updated Moloka`i Water Use and Development Plan needs to address the impacts of water withdrawals on fringing coral reefs and fresh water ecosystems."

Greg Jenkins suggested adding in "and that does not create environmental impacts such as to the coastal reef system to Action 8.1.02, page 8-4. The CPAC did not make any change.

- Hoala Davis suggested that Policy #1, page 8-3 recognize priority water rights. She also suggested striking Action 8.1.08.
- Karen Holt heard that Molokai Ranch wants the county to take over the roads and water system. Molokai Ranch agreed to take care of the roads.

Greg Jenkins notes that the word "explore" brings the issue out from under the table.

Meeting adjourned at 8:45 PM