

PSLU Committee

From: Scott Shapiro <shapmaui@aol.com>
Sent: Monday, June 01, 2020 6:08 PM
To: PSLU Committee
Cc: Kelly King; Tina Wildberger
Subject: PSLU-56 Testimony
Attachments: PSLU-56 Testimony 060320 Scott Shapiro.pdf

Please see attached testimony for upcoming PSLU committee meeting.

Thank you,

Scott Shapiro

Testimony 06/3/2020 PSLU-56 Scott Shapiro

Based on our current knowledge of sea level rise, I am against any current rezoning of this property, at this time, due to the unknowns of expected and unexpected sea level rise.

Paul Brewbaker- Hawaii Economist Sept 5, 2019 Maui News- Overtourism meets sea rise.

"We have to make a pathway for people to redeploy . . . move the coastline road mauka and build sewer systems."

CAR committee meeting June 1, 2020: Sea-Level Rise and Shoreline Erosion

Michelle McLean- Director of Planning- *"Be proactive reducing future risks.... be proactive, not reactive".*

Sam Lemmo-Administrator DNLR- *"The old practices aren't going to work anymore".*

An important point I took away from the CAR committee meeting above, regarding decision making. Director McLean said it best, that in these "sea level time horizons" of decades, landowners/property owners/business owners see a very narrow time frame of perhaps 7-10 years, as their needs are more immediate. Policy makers, legislators, and planners need to look longer term, into the decades as their decisions will impact generations to come.

The Council, Maui Planning Department, and the developer are seeking a zone change on land that was designated "single family" as of the 1998 Kihei Makena Community Plan. We know the KMCP is scheduled to be updated in the next year. Exhibit B is an aerial photo from the year 2000, of the land that was designated here as "single family". As you can see, the land was mostly undeveloped, and sea level rise was not a consideration.

Today we know much more, and need to "be proactive reducing future risks, not reactive".

Please consider the following factors:

1. **Future Sea Level rise will likely penetrate Maui county infrastructure** underneath South Kihei road at this location, placing it in jeopardy, putting future homeowners in harm's way with flooding, cost of flood insurance, and eventually eminent domain repossession due to the need of Maui County to relocate South Kihei Rd mauka. Projecting to a time where the county had to repossess and demolish 28 homes due to a need to provide homes, would be disastrous. This vacant parcel is outside of the 3.2 foot sea level rise projection, but South Kihei Road is not. We need to be proactive and see if the county will need this land for the relocation of South Kihei Rd before anything can be built here. Please defer this decision until all questions have been satisfied.
2. **The 1998 Kihei Makena Community Plan (KMCP) does not mention sea level rise even once.** This item is wholly based on the current KMCP designation of "single family". The KMCP was last updated in 1998. 22 long years ago. 1998 was well before sea level rise

was on anyone's radar as a topic for community discussion, let alone for planning purposes. Future updates to KMCP may not recommended this parcel to be residential with the known evidence of sea level rise probabilities, and future challenges with a flooded South Kihei Road. Please defer this item at least until an updated KMCP is complete.

3. **The "UH sea level rise viewer" Exhibit 3**-shows South Kihei Rd and Kilohana Dr to be at the "**SLR redline**" which Director McLean said on June 1 CAR meeting, will likely be the updated shoreline setback criteria. No building would be allowed closer than the redline because of an 80% confidence of flooding. South Kihei Road is at the redline and would need to be relocated mauka. The ONLY available vacant land is this parcel, and two other parcels adjacent to it, that would create a contiguous sea level rise buffer zone. If sea level rise goes beyond 3.2 feet, which is gaining credibility in the scientific community, what do we do then?
4. **The immediate area needs to be looked and master planned appropriately.** With a decrease in parking at Keawakapu beach due to the hotel/restaurant taking half, the many proposed developments occurring in this area (the KIRC property as a 20,000 sf educational facility on state owned land, a proposed development of housing on land south of the Wailea Fire station, a proposed development of condos and homes along Piilani Highway and Okolani Drive) and the evident sea level rise, we need a master plan for this area before anything is done to any open lands along this corridor. The updated KMCP will address these issues and concerns. Please defer this request for a CIZ until more questions can be answered in a thoughtful, prudent, non-reactionary, purposeful way.
5. **Rezoning this parcel without plans is not "planning".** In general, without an approved plan, and here with a non-binding skeleton plan is not in my opinion proper "planning". A change in zone should only be considered along with an approved plan for any type of development in most situations. Here it also must coincide with an update KMCP. Please defer until KMCP is updated.
6. **This Council-initiated CIZ process does not conform to typical CIZ processes.** Here, no notifications had to be mailed to residents within 500 feet of the property, and this is a real disservice to the local community. There is a reason the law states changes in zoning need to have resident neighbor notifications. Usually a council initiated CIZ is on a property that the county owns. Not here. This process is highly unusual and seems to circumvent due process, decreasing transparency and input from residents. Neighboring residents should be notified, and have a say in how properties are treated, and this CIZ application bypasses that important process, coupled here with the hardship of the Covid pandemic.

Importantly- your decision should be based on current knowledge and every plan the county follows, The 1990 General Plan, The Kihei-Makena Community plan, The Countywide Policy Plan, and The Maui Island Plan. This land cannot be rezoned to single family at this point in time due to the unanswered questions of sea level rise and its effects on South Kihei Road, and lack of a proper master plan.

The 1990 General Plan does not mention sea level rise anywhere.

The Kihei-Makena Community Plan was last updated in 1998. Again, it has zero references to sea level rise. As you see the aerial photograph below from 2000, very few homes had been built here. Designating the vacant lot as single family back then was understandable. Today you shouldn't support a CIZ on a policy decision made in 1998, that wasn't able to see into the future, into our life in 2020. You have the benefit of being alive now, and can see our future: our shorelines are eroding, and our seas are rising.

The Countywide Policy Plan was updated in 2010. It has 5 references to sea level rise that are important to planning.

Page 14, mentions sea level rise three times in one paragraph where it says **“Conservative estimates suggest the sea level may rise up 1m (3.2 feet) by 2100”** and **“Projected sea level rise over the next 20 years will increase at an exponential rate and would impact all coastlines”**, and **“Prudent planning will consider sea level rise as a variable in planning for each island”**.

Page 19 Under Land Use and Development patterns **“In fact, because of sea level rise, it is probable that some of the County’s land will not be accessible in the coming years.”** Page 74 says under policy section G. **“Restrict development in areas that are prone to..... sea-level rise”**.

The Maui Island Plan was last updated in 2012. It has 7 important references to Sea Level Rise. We are doing better over time incorporating this issue.

Here are two references:

In Chapter 3- Natural Hazards- Page 3-3 (third paragraph): **“During the time horizon of the MIP (present – 2030), it will be important to understand how sea-level rise and shoreline changes may affect low-lying areas.”**

Do we understand how sea level rise may affect South Kihei Road here? This vacant piece of land? If you cannot answer, be proactive and err on the side of caution, for today.

Page 3-3 Sea Level Rise: **“Prudent land use planning will consider possible sea-level rise as a variable in the future.”** As a legislative and governing body, you should consider sea level rise as a variable here.

What is the prudent land use planning decision here?

The essence of this is to show that now is not the time to recommend a change in zone for this open space property. There are too many unanswered questions, and too many possibilities that could place this property, the county, and its future residents in harm's way. A deferral or denial of this decision is the only way to be sure that proactive planning, not reactive, is taking place for the decades of Maui residents yet to come.

Exhibits 1,2, and 3 to follow.

Exhibit 1- The image on left shows elevation at sea level designated here as 6 feet, at orange “pointer”. The image on the right at the orange “pointer” is the edge of proposed parcel and elevation designated at 13 feet .

Just a 7 foot difference at current low tide. What happens when the oceans rise by 3 feet? 4 feet? 5 feet? If nothing is done to stop it, the oceans rise, and property is flooded.



Wela Street Area- Circa 2000

This view is two years after the 1998 Kihei Makena Community Plan was adopted. Very few homes and SEALEVEL RIS



Google Earth

Image U.S. Geological Survey

Image NASA



Ion Resources

Regions



Waves

Currents

Shoreline Impacts

Water Characteristics

Weather

Projects

75%

cursor: 20.7057°, -156.4287°

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