

PLANNING COMMITTEE
Council of the County of Maui

M I N U T E S

Council Chamber

October 6, 2016

CONVENE: 9:04 a.m.

PRESENT: VOTING MEMBERS:

Councilmember Don Couch, Chair
Councilmember Robert Carroll, Vice-Chair
Councilmember Gladys C. Baisa
Councilmember Elle Cochran
Councilmember Don S. Guzman (arrived at 9:28 a.m.)
Councilmember Michael P. Victorino (arrived at 9:34 a.m./left at
11:19 a.m.)
Councilmember Mike White (arrived at 9:07 a.m./left at
10:44 a.m.)

STAFF: Greg Garneau, Legislative Attorney
Pauline Martins, Committee Secretary

Denise Fernandez, Council Aide, Lanai Council Office (via
telephone conference bridge)
Dawn Lono, Council Aide, Hana Council Office (via telephone
conference bridge)

ADMIN.: Michael J. Hopper, Deputy Corporation Counsel, Department of the
Corporation Counsel
William Spence, Director, Department of Planning
Jeffrey Dack, Environmental Section Supervisor, Department of
Planning

OTHERS: Tara Miller Owens, Coastal Processes & Hazards Specialist, UH Sea
Grant College Program
Cassandra Abdul
Kelly King
Mark Deakos
Kai Nishiki
Albert Perez
Tiare Lawrence
Trinette Furtado
Plus (8) other people

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PRESS: *Akaku Maui Community Television, Inc.*

CHAIR COUCH: . . . *(gavel)* . . . Will the Planning Committee meeting of October 6, 2016 please come to order. It is 9:04. My name is Don Couch. I'm the Chairman of the Committee, and before we get started, let's have everybody turn off their cell phones, put them in silent mode so that the meeting is not interrupted by all, everybody's fabulous ringtones. Alright, as, before we get started, we'll do the roll call for everybody. Joining us today is Robert Carroll, our Vice-Chair of this Committee.

VICE-CHAIR CARROLL: Good morning, Chair.

CHAIR COUCH: Good morning. Councilmember Gladys Baisa.

COUNCILMEMBER BAISA: Good morning, Chair.

CHAIR COUCH: Good morning. Councilmember Elle Cochran.

COUNCILMEMBER COCHRAN: Aloha, good morning, Chair.

CHAIR COUCH: Aloha, good morning. Excused for now is Councilmember Guzman, and then we have Councilmember Victorino.

COUNCILMEMBER VICTORINO: Good morning and aloha, Chair.

CHAIR COUCH: Good morning. And excused for now is Council Chair White. With us from the Planning Department, we have the Director, Will Spence, good morning, and we have Tara Owens who will be back here, be up here for the item that we're going to talk about with her. We have Deputy Corporation Counsel Michael Hopper.

MR. HOPPER: Good morning, Chair.

CHAIR COUCH: Good morning. And Committee, I'm sorry, Legislative Attorney Greg Garneau.

MR. GARNEAU: Good morning, Chair.

CHAIR COUCH: Good morning. Committee Secretary, Pauline Martins, good morning. She's busy getting everything put together. From the Hana District Office, we have Dawn Lono, good morning.

MS. LONO: Good morning, Chair. This is Dawn Lono at the Hana Office.

CHAIR COUCH: Good morning. From the Lanai District Office, Denise Fernandez.

MS. FERNANDEZ: Good morning, Chair. This is Denise Fernandez on Lanai.

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CHAIR COUCH: Good morning. And, Members, the Molokai District Office is closed today. Members, we have two items on our agenda, PC-37(2) Increasing Inventory of Affordable Housing, basically a Rule 7(B) Item, and then PC-22, Regulating the Construction of Seawalls. We're going to start with testimony today. For individuals testifying in the Chamber, please sign up in the back. If you're testifying from a remote testimony site, please sign up with the District Office. Testimony will be limited to the two items I talked about today that are listed on the agenda. Pursuant to the Rules of the Council, each testifier will be allowed to testify for up to three minutes per item. We have a clock here, I'm going to be allowing an extra minute if you so choose. You're going to have a green light for three minutes and then it will turn yellow, it means that you have one minute to conclude, and when it turns red, that will be the, we'd like you to conclude your comments by then. Members without...oh, by the way, when testifying, please state your name and any organization you may be representing. Members, without any objection, we'll open public testimony.

COUNCILMEMBERS VOICED NO OBJECTIONS.

. . . BEGIN PUBLIC TESTIMONY . . .

CHAIR COUCH: Okay, public testimony is open. Let's go with the Hana District Office. Hana, do you have anybody there waiting to testify?

MS. LONO: There is no one waiting to testify at the Hana Office.

CHAIR COUCH: Okay. And then Lanai?

MS. FERNANDEZ: There is no one waiting to testify at the Lanai Office.

CHAIR COUCH: Okay, thank you, ladies. If you have somebody coming to testify before we get to the end of our testifiers, please let the Staff know, okay? Otherwise we won't come back to you. Alright, Members, we have so far two people signed up to testify. We have Cassandra Abdul followed, by Kelly King.

MS. ABDUL: Good morning.

CHAIR COUCH: Good morning.

MS. ABDUL: Okay. Cassandra Abdul, Executive Director of Na Hale O Maui. We're a nonprofit organization that was formed to secure and preserve a permanent supply of affordable housing alternatives for low and moderate-income households in Maui County. We support all affordable housing and we strongly encourage affordable housing in perpetuity. It's become evident that the traditional customary solutions have fallen far short of delivering the amount of affordable housing so desperately

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needed by our Maui families. We applaud the willingness of the Department of Planning, the Councilmembers, and the three-person temporary investigative group, or TIG to think outside the box and explore potential non-traditional methods to increase the inventory of available affordable housing in Maui County. Mahalo for the opportunity for Na Hale O Maui to actively participate in the TIG business community stakeholder meeting the evening of August 10th. We eagerly anticipate the opportunity to review the results of the TIG's hard work and efforts. Na Hale O Maui believes that public funds used to subsidize affordable housing are an investment in the community and should remain in our community making the public's investment a permanent part of the pricing of affordable homes generation after generation. This is the most efficient and effective way to overcome the chronic shortage of affordable homes we face in Maui County today. We strongly believe that affordable housing in perpetuity can be a vital part of our housing strategy. We look forward to continuing opportunities to partner with the County of Maui to provide affordable houses in perpetuity for deserving, income-qualified Maui families earning less than 120 percent of AMI. We want to be an active, contributing member of Maui County's affordable housing solutions. Mahalo.

CHAIR COUCH: Thank you. Members, any questions to the testifier? Seeing none, thank you for keeping Na Hale O Maui going. Thank you. Next up to testify is, and last to sign up to testify but I think there's a couple more that are going to sign up, Kelly King.

MS. KING: Thank you, Chair Couch. Aloha, Councilmembers. Just a couple of things, I'm not as prepared as I usually like to be because I just decided to testify. I've been meeting with folks around the community who are doing affordable housing projects and one of my biggest concerns, and it's, a lot of it's based on the meeting last night that some of you were at with the Governor and the heads of Department of Agriculture, Department of Health, Department of Transportation, the concerns that kept coming up over and over again with the various subjects were about community involvement and collaboration. Last week, I met with Mike Atherton of the Tropical Plantation and for two hours discussed his affordable housing project, which I wholeheartedly support and one of the points that I wanted to make today is that it's very important to collaborate with the community. This was ten years of working within the community, making sure that it fit into the Maui Island Plan, and then he showed me his two documents that were bound that were this high that were the EIS that...and I said I hope you're not going to give that to me and expect me to read that tonight but, you know, they did an EIS. They didn't fight against the community. They worked with the community. This is what we need to have valuable affordable housing projects. He has also got over 10,000 acres of ag land that he's going to keep in ag, and so, you know, it looks, you know, from what I can see it's a beautiful project. I just wanted to say for this subject, affordable housing, for all development that we need to have more involvement with the community when these projects are being developed so that they don't, you know, they're not developed in someone's office and you come into a community, you go this is what we're going to do in your community and then the community rises up and says that doesn't fit with our

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community plan. There's a lot of that been going on. The other thing I wanted to talk about and I wanted to thank Councilmember Cochran for proposing it is I think we need to really look, I was disappointed that it didn't pass...that was I was told, it didn't pass, having an environmentalist, a requirement for an environmentalist and a cultural practitioner on the Planning Commission because that's, when you start doing things like that then you're bringing more of the community into those discussions. Right now, the community feels very disengaged from a lot of different activities. Last night, the Iao Stream came up and the community, the folks who live out there feel very disengaged so starting from the get-go and engaging people, even allowing them to talk to the County and State officials who are the ones that usually the developers get to talk to is very important. So thank you for your time and I'm here to, I'm very excited about listening to the report from the TIG as well on this issue. So I talked to some people on that committee who are very excited about presenting their findings so thank you very much.

CHAIR COUCH: Thank you. And questions for the testifier? Seeing none, thank you.

MS. KING: Thank you.

CHAIR COUCH: And I'd like to recognize Council Chair White, good morning, sir.

COUNCILMEMBER WHITE: Good morning, Chair.

CHAIR COUCH: Okay, four more people have signed up to testify. Next up is Mark Deakos, followed by Kai Nishiki.

MR. DEAKOS: Morning, Chair. Morning, Members. I'm not that real prepared today so bear with me but I want to talk about two of the items, both items. So first I'm Mark Deakos. I'm the Executive Director of the Hawaii Association for Marine Education and Research, and just to touch on the affordable housing, I do agree. You gotta take the profit out of that and, you know, to have affordable housing in perpetuity is key. We should also seriously look at the tiny home revolution, container housing. One good example is the Ho'ouluwehi Project on Kauai where they're building homes, container homes, \$60,000, fully renewable, community gardens. You know, I, myself, have lived in a 400 square-foot house the last 20 years, a studio with, I grow a lot of my own food. I'm happy. You don't need a huge house so I think there's a lot of real solutions and the key is, of course, taking the profit out of that. To go to the seawall issue, and I commend you, Councilmember Couch, for putting this on the agenda, I appreciate that. We definitely had a huge win recently with the renegotiation of the realignment of the Honoapiilani Highway down by North Olowalu and I definitely, it was a team effort and I want to thank Don Couch and Elle for doing site visits, the Mayor was down there, Rob Parsons, Jim Buika, Mariah Gill representing the landowner and of course all of the community folks, Tiare, Kai, and Autumn Ness and many, many other people and it's an example of how often where people are on different sides of a topic came together and it was really a team effort so I was happy to see that, the representatives from Maui at all levels making things happen. And of

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course a shout out to the Chair, the new Director of DOT who is willing to think of new ideas, think outside the box and really protect our coastlines. We're still not out of the hole yet. We've got the mile marker 14 seawall. That's a \$20 million seawall that we hope these new negotiations will help resolve and protect that extremely important coastline and I understand the Council doesn't oversee necessarily these projects, it's more of a Planning Commission. And I think, I remember seeing Commissioner Hedani a while back making a comment to DOT, actually praising them for the Ukumehame seawall saying, you know, thanks for doing a slanted revetment there. It was not a slanted revetment and most of you probably know that was a total disaster. So I think the Planning Commission does need to be educated a little more about the issues and hopefully this eight miles of coastline from Pali to Puamana can be a reality. I think we're very close to making that happen. We need to protect that coastline. And the public, it'd be a great legacy for Maui, the community of Maui and of course for the future generations. So I hope we work hard all together as we seem to be doing now and make that happen. So I commend everybody for their efforts in providing a solution. Thank you.

CHAIR COUCH: Thank you, Mr. Deakos. Members, any questions to the testifier? Seeing none, thank you. Next up is Kai Nishiki, followed by Albert Perez.

MS. NISHIKI: Aloha kakahiaka, Councilmembers. I am Kai Nishiki. I am here to ask the Council to request that the Governor, the State Department of Transportation, and Maui County to stop using emergency proclamations to put up seawalls on our chronically eroding coastlines. This allows them to ignore normal environmental review and proper permitting and to fast track a project that the public does not clearly want. The State and private sectors should not be allowed to bypass all of our shoreline regulations, including public disclosure, by declaring an emergency for a chronically predictable event. Please pass a resolution asking the Governor to stop this unfair practice. This is an insult to all of us. We shouldn't have to stand in front of a construction site to guard our shorelines every day. Beach management plan for Maui, here are some answers to preserving our beaches and shoreline. Yes, it's very well used. We, as taxpayers, paid for this study and it's way past overdue for implementation. This is the second edition of the beach management plan with updated research by leaders in beach management. Please, adopt this plan as County policy and begin implementation of the various recommendations. "Beach nourishment is the only management tool that serves the dual purpose of protecting coastal lands and preserving the beach." It's expensive, I understand, but so are repeated short-term measures that erode our beaches. Imagine how much beach nourishment and shoreline restoration could have been bought with the over \$60 million being spent on illegal seawalls from Ukumehame to Launiupoko. Just recently the Maui Planning Commission approved against the recommendation of the Maui Planning Department a 400-foot long, privately-built seawall that's built 65 percent on our public beach, a public resource, for private property protection. This has not been legal for almost 20 years. Our economic engine, we all understand, is tourism. Visitors come here for beautiful beaches and amazing vistas, not seawalls and dead reefs. We can completely do this with your political will and protect this

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public trust resource. Please, read the plan, follow the recommendations, and begin gathering the funding mechanisms provided in this document. Our future depends on it. Mahalo from the keiki and imua aina warriors. Aloha.

CHAIR COUCH: Mahalo, Ms. Nishiki. Members, any questions to the testifier? Seeing none, thank you.

MS. NISHIKI: Thank you. Have a great day.

CHAIR COUCH: Next up to testify is Albert Perez, followed by Tiare Lawrence.

MR. PEREZ: Aloha, Chair Couch and Councilmembers. Albert Perez, Maui Tomorrow Foundation. Wow, that was an inspiring testimony. I wish I had written that one. I support everything that Kai said, the beach management plan, all of that. I think there have been a lot of shoreline variances issued too, the Planning Commission has rules that pretty much prohibit seawalls but diminishing variances and so that's the way that they're getting through. I would like to recommend that the County of Maui support the DOT in its request for funding of the Honoapiilani Highway this coming Legislative Session. That was a specific request that we supported from the Director of Transportation and that would facilitate the implementation of that Pali to Puamana parkway plan. I'm not clear on whether that plan has been adopted by the Council yet but if not I think it should be updated and adopted. Also, people who are members of the Maui Metropolitan Planning Organization should similarly advocate for Federal funding to realign the highway and should oppose any further shoreline hardening by DOT. There's a couple, there's one main lesson that I got, well, maybe two, from the Olowalu shoreline hardening issue and that is number one, that we really need to question the information that's presented in all applications and not just trust that everything in there is correct. Whether by, you know, it's probably not by intent but maybe just by not really knowing the facts. There was one thing that really stuck out for me. They did an assessment offshore and they said that there was 3 percent coral cover off of the project. One of our community members went out there and measured it and said it was more like 80 percent. So this is the type of information that should be verified before we're just approving projects like this. The other thing that really stuck out for me, personally, I couldn't understand why just re-striping the road wouldn't work so I went out there in the middle of the night and measured the road and it turns out that there was plenty of room and I don't know how that happened in the planning process for the project but that was the basis of the solution. So we need to question the facts that are presented to us. I really want to thank the Director of DOT, Ford Fuchigami, for being willing to listen even though we had filed a lawsuit. And if he hadn't been willing to do that...I went and talked to him after the MPO meeting one day, and if he hadn't been willing to do that, we wouldn't have been able to reach a resolution, certainly not as quickly. And final thought I'd like to leave you with is that this type of problem is going to be happening more frequently as we have sea-level rise. And also not only along the coast but with climate change the prediction is that we'll have bigger storms than had been predicted in the past and so it's also along our rivers and streams as happened recently with Iao. Unfortunately,

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that may not be as rare an event as it has been in the past so we need to adapt both along the coastlines and on our shorelines, sorry, along our rivers and streams. Thank you very much.

CHAIR COUCH: Thank you, Mr. Perez. Members, any questions to the testifier? Seeing none, thank you. Last to sign up to testify is Tiare Lawrence, and if anybody else wants to testify, please go sign up and come on down.

MS. LAWRENCE: Aloha, Councilmembers. Thank you for putting these issues on the agenda. I'm wanting to testify on both matters and as far as affordable housing is concerned, I think a lot of the issue is that the affordable housing is not staying in the affordable range. We have people buying it at the affordable prices and Statewide this is becoming an issue where they're flipping it, selling for market price and then we're out those affordable homes in perpetuity. So I think that the Maui County can kind of set a new standard and I would encourage the County to maybe look at mandating all affordable homes be put into a community land trust. It works very well across the U.S. and I think that that's something that Maui can kind of take on and make sure that these affordable homes stay in the affordable range in perpetuity. And then also, you know, as far as the seawalls are concerned, this is like a really passionate issue to me because growing up in West Maui, we've seen beautiful, white-sand beaches destroyed. Literally, they are concrete walls now and they're causing havoc on down shore and we all know, seawalls, coastal hardening, they're not good. They're temporary measures but they have adverse impacts down shore and so we, you know, we really took it on and got the word out and garnered a lot of support. And, you know, I mahalo all the support we got from the County and as, and, you know, ultimately it ended up well but the fight's not over. And mile marker 14, as you know, is home to our mother reef. It's probably one of the most pristine little beach areas we have left in that, from Ukumehame to Launiupoko so please know that that's coming up. It's going to cost our taxpayers \$23 million and I believe that \$23 million should go towards realigning that highway in back of Kapaiki Village. And so, you know, when we look at collaboration, we look at coalition building, we look at all of this it's like this issue really brought us together because we all know that that's the right thing to do. I believe the Mayor believes so, the State DOT Director and in conversations with last night with the DOT and the Governor is listening to the community and being more engaged. And I think moving forward, I would encourage the County Council to kind of come together and let the State know, like Albert has suggested, about maybe perhaps proposing some type of legislative action and really putting the realignment of Honoapiilani Highway as a priority. And I also wanted to bring up one other thing in response to erosion response and I wanted to throw this idea out to the County. During the flood, I camped out there during the flood and I, let me tell you, there was mud coming from everywhere and still to today it's still muddy. There's still dirt on the shoreline. It's pretty sad. It's been three weeks and, you know, that's choking out the reef. Sediment and soil erosion is a big issue and so I'd like to propose the County take measures to maybe doing coastal replenishment or restoration projects with native plant species to kind of help keep that soil intact and maybe this could be like a private-public partnership with nonprofits if the County is

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willing. But I think that's a great idea to kind of help mitigate a lot of the soil that's going into our oceans. We gotta do something. We gotta do something and if I can help in any way I'd like to be a part of that so.

CHAIR COUCH: Thank you, Ms. Lawrence. Members, any questions to the testifier? Seeing none, thank you. I'd like to acknowledge the presence of Councilmember Guzman, good morning.

COUNCILMEMBER GUZMAN: Good morning, Chair.

CHAIR COUCH: Good morning. One person has signed up, one more person has signed up to testify and it so far is the last person and that's Trinette Furtado.

MS. FURTADO: Aloha mai kākou, good morning.

CHAIR COUCH: Good morning.

MS. FURTADO: My name is Trinette Furtado and I'm here to speak on the PC-22, construction of seawalls. Back in my college days, which wasn't very long ago it seems to me, I worked with then Councilmember Charmaine Tavares during a beach restoration. There was a conference here on Maui where we went to all the hotspots around Maui, spoke with beach replenishment experts, the Army Corps of Engineers, and it was a very detailed, not only study but look at what we needed to do going into the future because climate change is a very real thing for all island nations. It is something that is very concerning, of course, for those that live near the shorelines and thus the issue of seawalls. Seawalls aren't good. I mean, this is what came out of the conference. No amount of shoreline armoring will save that coastline for the future. It will save it on a temporary basis. It will save it for that particular piece of property. But the other properties on either side of it and then further down the coast are also affected by it. What I want to mention here is that when looking at this agenda and looking at these items, what was very concerning, especially for me because I'm very detail oriented and I like to go through all the documents that will be spoken about in any particular meeting, these are not available to view on the website. They are not in the archives. They are not on the Planning Committee site. They are nowhere to be viewed. And so it is very difficult to come here and speak to any of these items with any kind of background, history, or anything like that without having these items available and I would like to suggest just as the agenda is put on as a hyperlink, it won't be so hard to also hyperlink these items for this specific meeting, for any specific meeting so that people can be a little bit more informed than having to go down to the offices before coming up to this meeting. And sorry about that aside but that being said, it does pertain to the seawall issue because it is not just for specific properties. We're not talking about just moving our shoreline, moving our roadways from our shorelines. It is an all-inclusive thing and though there may be the issue of State roadways versus County roadways, these are our roadways and so whether or not they're are jurisdiction or not we must have a say in them and we must impress upon the State that this is a very real concern and it won't go away. We know

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that as tourism is on the rise, we have a larger airport facility being constructed for rent-a-cars. It is obvious that we anticipate more people coming on to Maui and with that being said, we have to look at mitigation for our areas that's not a short-term solution but a long-term solution looking towards the future for our `āina and for our people. Mahalo.

CHAIR COUCH: Mahalo. Members, any questions to the testifier? Seeing none, I have a response to your, and this is for everybody in the room and everybody watching. If you go to mauicounty.legistar.com, every item on every agenda is there. I know you don't know that because that's part of our, the new Council system. The Maui County website is an Administration website so things take a while to get to there. Ours are posted when we post they go right to that site as well. So if you need to look further, that's where you can find that.

MS. FURTADO: That's awesome. Yeah, because the mauicounty.us site does not have it listed in the archive section.

CHAIR COUCH: Correct. Correct. It's mauicounty.legistar.com.

MS. FURTADO: Okay, thank you.

CHAIR COUCH: Thank you. Alright, anybody else want to testify? Okay, and I haven't gotten any response, I mean any feedback from the District Offices so, Members, without any objection, we'll close public testimony.

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR COUCH: Alright, public testimony is closed. Thank you, ladies.

. . . END OF PUBLIC TESTIMONY . . .

CHAIR COUCH: Okay, Members, we have two items on the agenda. The first is listed as PC-37(2). An opinion was asked for from Staff as to how we can handle this and it was first thought that we're just going to pass out the report and then that's it. We can't talk about it or anything. We have since talked with OIP and we know we can have some discussion as far as the Chair of the TIG can give her report orally and the members of the TIG can make comments about the TIG process, et cetera. The Members cannot ask questions about or deliberate. They can ask clarifying questions about the report and that's it. So without objection, I think this is going to take a little longer than I expected it to, I would like to put that at the end, go through the seawall presentation and whatever we have there because that's what it looks like most of the folks are here for and then come back to the TIG report if there's any objection to that?

COUNCILMEMBERS VOICED NO OBJECTIONS.

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CHAIR COUCH: Okay. So, Members, we'll move PC-37(2) to the end of the agenda.

PC-22 REGULATING THE CONSTRUCTION OF SEAWALLS (MISC)

CHAIR COUCH: So now we're on PC-22, Regulating the Construction of Seawalls. Members, this Miscellaneous Communication was referred to by the Council to the Committee last year. We last took up the Item on June 16, 2016 when we had a very informative presentation from the Department of Planning. As you're aware, the situation with beach erosion and the need to find alternatives to seawalls and other protection measures that harden the shoreline has become more acute. Therefore, I have asked Ms. Tara Owens to speak with us further about the subject. She didn't quite finish last time we talked. She said there was a whole lot more that we could talk about, so I know you've seen her before but for the public's benefit, I'll do a brief introduction for her. Tara Owens is a Coastal Process and Hazards Specialist with the University of Hawaii Sea Grant College Program and works with the Planning Department and she's not an employee of the Planning Department. She's actually an employee of UH, I believe. And she works with the Department. Her role is to bring science to planning and permitting by providing technical guidance, consultations, site visits, and public outreach with respect to coastal hazards. Tara also interfaces with the State and Federal agencies on collaborative projects pertaining to the climate, shoreline change, and coastal hazards. Tara holds a Bachelor's of Science degree in Marine Science from Coastal Carolina University and a Master of Science degree in Coastal Geology from the University of Hawaii. With that, let me introduce, reintroduce Tara Owens.

MS. OWENS: Thank you for the introduction, Chair, and good morning, Councilmembers. Thanks for having me back. I think as Chair mentioned, I was here on June 16th and we initiated a discussion on this item. So today is an opportunity to just dive a little bit deeper into the issue. If you can bear with me, I'll repeat myself for the first five or six slides just for the record to kind of establish the basics and then we'll go beyond that and get a little bit deeper into some certain cases. So repeating myself, and most of you guys are aware of this, erosion is an issue all over the island. Eighty-five percent of our shorelines on Maui are eroding over the long term and Maui's beaches are actually experiencing the highest rates of erosion for the islands. So directly compared to Kauai and Oahu. We also have the highest percentage of beach loss compared to those islands. It's related to sea-level rise and also armoring. In most cases, our beach loss is directly correlated to shoreline armoring that's happened in the past. There's been lots of news in just the last couple of years so I just demonstrate that, you know, this is a pervasive issue we're dealing with on a daily basis in the Planning Department. More recent news, on June 5th you'll remember we started having some severe erosion impacts in West Maui in the Kahana area, which I'll talk about in more detail today. And then of course the recent issues associated with the proposed or the actively constructed Olowalu revetment that was just put, or deferred for this time being as the State has decided to restripe the road. So most of you are aware of these kinds of issues around the island. So just really briefly, what are the causes of erosion and then what are our responses. And we'll get into more

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detail about the responses. Okay, erosion is part related to a natural process. So sea levels are rising. This is related to climate change. Sea levels are rising and as sea levels rise, our shorelines are forced to retreat landward and the result of that is our beaches narrow. And eventually sometimes it becomes lost in certain cases. This is the process of chronic erosion, long-term. On top of that, of course, we have our seasonal wave conditions and sometimes storms that come and move sand off and on beaches. So sand is always moving around. Beaches are very dynamic. That's their natural function. Sand moves up and down beaches. Sand moves on and offshore of those beaches. Beaches are the buffer between the ocean and whatever land and development is behind it. So that's referred to as episodic erosion. We lose beaches temporarily and a lot of times they recover in response to these events. And then the third impact or cause of erosion are the human things that we do. Some examples of that are sand mining that was done for many years on some of our coastlines removing sand from the system. And then the other prevalent example is shoreline armoring. So I think we're here today because we all know that shoreline armoring has consequences. We lose beach in most cases. We lose shoreline access. And we have long-lasting cumulative impacts to neighboring properties. So then the question, the following question is what do we do and that, I think, is what we're really here to discuss. And so I always present this sort of range of solutions here. When it comes to beach erosion, we don't have that many options. But starting at...let me see. Do I have...oh, it won't work for that screen. Yeah, sorry. Maybe there's a pointer in here. Well, the top of the list, one end of the spectrum is literally do nothing. That would be allowing nature to take its course and have buildings fall into the ocean. The other extreme down at the bottom of the list is armoring, which, that's, you know, building concrete seawalls or rock revetments to hold the line so to speak, which is generally good for protecting the land behind it and the development but as a consequence losing the beaches and the natural shoreline environment out front. So then it's the solutions in between where generally we would like to focus our energy. So managed retreat, an example of managed retreat is the use of shoreline setbacks. We're doing that here in Maui County. I think that folks would argue that our current erosion-based setbacks, which were established in 2003 have been pretty successful for new development. You could also argue that they have deficiencies, those setbacks and should be updated and the Planning Department is working on that. But it doesn't really help us with all that older existing development, which is where we're really running into the issues where erosion and that built environment are clashing. So what else can we do? Well, there are temporary solutions, like sometimes sand pushing is one that can help with, you know, an episodic erosion event. Things like putting sandbags in place can help protect development for a short period of time although that can also have lasting consequences. Adaptation, you know, maybe elevating or reconfiguring buildings to kind of increase that buffer between the ocean and the buildings is another way of doing things. And I think where we're going to focus discussion today is on beach nourishment and dune restoration as sort of the more environmentally-friendly alternative to, you know, it's one of the few engineering tools we have that can both protect the built environment and the natural environment. Okay, so one of the questions that we've gotten a lot of lately is, you know, how many seawalls have been built in recent history? Most armoring was done

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in the '60s and '70s and into the '80s and historically in Hawaii that's how we responded to erosion to protect development. By about the '90s I would say that, using that strategy slowed down. I would speculate that's because we started to collectively realize that there were consequences of that. And there really haven't been very many new seawalls. I can't say this for sure but within the '90s and the 2000s, I can't think of very many examples until about the last seven, six to ten years in a lot of the time that I've been here. So of the projects that I know since 2010, we've most recently had the Hololani Condominium's project approved but with very strict mitigative conditions to eventually restore a beach and possibly remove that armoring. There was the Argyropoulos property on the North Shore. That was a rock revetment that was approved on a non-sandy shoreline and is not yet built. We had the Kahului Wastewater Facility revetment approved and completed. There was armoring along the West Maui Highway in Launiupoko in 2013 and then at Ukumehame in 2012. And then the Olowalu revetment that was just temporarily deferred was approved in 2011. So myself or the Planning Department, we could answer any questions you have about any one of these individual projects at any time but I think where we're going to focus the discussion today is on the option of beach restoration as an alternative to armoring. And why would we even want to do that? So two main points, beaches are valuable to the economy, of course. Everybody knows that that's the mainstay of our tourist economy and these are not Maui figures but it just kind of just goes to show you how you can get a lot of bang for your buck by restoring beaches. Okay, so this shows on the left that in the United States, beaches are the leading tourist destination. So it's comparing it to other leading tourist destinations, like state parks or national parks, theme parks, et cetera. And on the right-hand side, it shows how beach nourishment is a good return on investment. So this is looking nationwide at beach restoration projects. So the bottom bar there is the annual taxes from beach tourists. And the top little skinny gray bar squared off in red shows you the ten years of beach nourishment costs nationwide, so a major distinction in terms of magnitudes there. But of course what's also very important in addition to the economy is the ecosystem services of beaches. So I already mentioned, the beach is that buffer between development and the ocean and if that buffer is healthy, then usually we don't have many problems. When the beach begins to slowly erode away and become degraded, then we start to have this clash between waves and buildings and roads. So beaches and dunes provide hazard mitigation as well as of course habitat for turtles, seals, shorebirds, plants, and more. Okay, so take away so far, the story is we have existing development that's threatened by chronic and worsening coastal erosion. Armoring has been the primary response historically to protect threatened development leading to beach loss. Beach restoration is one of the only tools that we have that can protect both environments, the built and the natural environment and so in some cases, where it's appropriate, and you have to define appropriate for sure, the response can shift to beach restoration as an alternative to armoring. Right, if everybody in the room where to agree that we want to avoid armoring as much as possible, then we have to find alternatives to that essentially. So I'm going to focus now on one case that we're dealing with and I'll focus on that case for a couple of reasons. One, the Planning Department is actively problem solving this case right now and I know some of you folks probably are aware of it to a degree. And

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the other reason is because this is really an example of what we're dealing with on the island. This isn't the only site but there are others and there's more to come. I was able to host Barbara Boxer out here at Kahana Bay about a year ago, Senator, US Senator Barbara Boxer and she referred to this situation as the canary in the coal mine for Maui. So this we're going to be looking at here is the Kahana Bay Beach cell. So if you're familiar, West Maui, the Kahana area. If you're familiar with Maui Brewing Company, we're talking about the shoreline area just makai of Maui Brewing Company Shopping Center. The beach cell goes from Kahana Stream at the North down to S-Turns Park at the South, so all the buildings in between and the shoreline area. There are nine condos and one private residence along that stretch of shoreline. The situation here is that we have older existing condos that were built close to the ocean and are now eminently threatened by erosion. And these are 10, 12-story buildings. The long-term erosion rate is about .7 feet per year. So that has led to narrowed beaches and because the beaches are so narrowed at this point and in addition to that armoring, there are 2 or 3 properties within this beach cell that are already armored. So they're contributing to a degree, too. And because our beach is now narrowing chronically over time, we're getting to the point where any episodic event, like our winter high waves are damaging and becoming damaging to buildings because there is no longer that natural buffer. And the formerly wide sandy beach that was once there had protected the condos for all those years from high-wave events. So this is a look back in history. This is Kahana Bay in 1949. So again you can see Kahana Stream up there labeled where S-Turns is currently down at the bottom. Back in 1949, you can see a nice wide sandy beach from one end to the other. By about 1975, you can start to see the development of the condos there very close already to the ocean. So right there in the center we've got Valley Isle, Royal Kahana, Hololani, Pohailani, and the Outrigger, I think, is next to that. And then by 1997, we now have a situation where you can no longer transit from one end of the shoreline to the other because the beach has narrowed and the two condos that were armored are without beach at that point. And then fast forward to today. This was last September. I think you've seen these photos before. This is looking at the shoreline right in front of the Royal Kahana and Valley Isle condominiums. This was 2015 summer. This was April of 2016, this year. We had an extreme erosion season, an extreme wave season that lead to erosion particularly in West Maui and you can see that the buildings are now eminently threatened. This is in front of Hololani condos just on the north side of the other two in May protected by sandbags. This is Valley Isle condos. This corner of the building we're looking at here is five feet from the waves. And this is June just after the sandbags were installed. What triggered the current effort that is underway at Kahana to look at alternatives to armoring is that the Hololani condos that you see here were proposing armoring. This is an artist's rendering of what was proposed there. It's a hybrid seawall/revetment. One thing I would like to point out about this image, this is an artist's rendering again, more than likely once the structure is built there won't continue to be beach existing out front. And actually already today we're seeing that even in the good summer recovery time for this beach there's no longer sand accumulating at that property in front of the sandbags. This project was approved but again with mitigative conditions to work with the other condominiums to do a beach restoration project and then potentially

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remove the armoring. And that leads us to where we are today and how the Council has been involved as well. You may remember that last year, for FY '16, we came and asked for some funding to have a study done to look at the viability of beach restoration for this beach cell, Kahana Bay. So we were given partial funding for that project with the provision that, the proviso that we would get the community to contribute as well. And we were successful at that. And so we worked to do an RFP. We got a consultant to do a one-year study to evaluate beach nourishment solution, which involved A, looking for sand. If there was no sand offshore available for us to restore the beach then that option would not be available to us so that was the first criteria. And then look at alternative beach configurations. So that was accomplished. We now have the results of that study. The first thing the consultant did was go out there with all kinds of geophysical instruments and look for sand. So these lines on this map here are showing you where they took the boat with side-scan sonar and sub-bottom profilers and did a really detailed study looking for sand and what we found was a lot of it. Beautiful beach quality sand out there, 405,000 cubic yards to be precise, which is something like 4 or more times what we would actually need to restore the beach at Kahana Bay. Out of that study, the consultant just did some very early preliminary designs of what would be some possible configurations if we did restore this beach and one of the things they've said is that more than likely a sand only solution would not be successful at Kahana Bay because of the shape of the shoreline and the exposure of the waves there, both in the winter and summer. So they're suggesting that we're going to also need rock groin structures, like the ones depicted here although we have to look at final links since spacing and citing and all kinds of other stuff before this would ever be considered a final design. But the idea is we could have maybe a 50-foot-wide beach with 50,000 cubic yards of sand or a 100-foot-wide beach with 100,000 cubic yards of sand and essentially what we're doing is taking the sand from offshore that once existed on this beach and has eroded away and has been deposited in the near-shore area and recycling it back up onto the shoreline to restore the beach that serves as the buffer between the ocean and the buildings. This is a similar example. This is a project from Oahu, Iroquois Point. This is just on the west side of Pearl Harbor at a military housing complex that is now being made available to the public. They removed the front row of homes and then restored the beach with 100,000 cubic yards of sand and nine rock t-head groins. So that's what this, the beach there looks like today. Just as an example. So what now? Where are we now? It's complicated at the shoreline. There's a lot of folks involved in a lot of different jurisdictions. This is just, this is looking at South Maui but just to kind of show you, obviously there's the private development and the County regulates that development through the Special Management Area and the shoreline rules. The jurisdictional boundary between County and State is the shoreline. Wherever is the high wash of waves. So that's the red line there. So seaward of that red line is the State's jurisdiction and that becomes public land. It's Conservation District land. Once you get down lower on the beach profile to mean high or high water, the blue line, then you're getting into other State agencies and Federal jurisdiction as well. So everyone, Federal, State, County, private has a role in managing the shoreline and probably has, you know, stewardship obligations as well. What we're working on now is partnership building. We have to continue planning, designing, permitting, and

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hopefully eventually implementing the regional beach restoration project if at the end of the day that's what the community would like to do. There is a group that is organizing now referring to themselves as the Kahana Bay Restoration Foundation. This is mostly a group of owners within all of the nine condominiums and they're trying to help with decisions, outreach, and project funding. I think we've had 12 or more community meetings out at the site. The next major step is an EA or EIS for the beach restoration project. And this would include other studies that are needed, like _____ habitat studies just as an example, looking at the alternatives, all the alternatives, and engineering drawings. The cost of that is going to be approximately \$600,000. There are 2 possible implementation paths at this point. We are working with the Army Corps of Engineers. If some of you Councilmembers may remember we had Milton Yoshimoto come here from the Army Corps of Engineers and talk about their continuing authorities program and how the community and the County might be able to partner with them through their program to continue the studies and then possibly contribute \$5 million to the final project, whatever that is. The other option is to go the private consultant approach, which has some advantages as well. It would probably be faster and the community would have maybe more control over the outcome. But of course, we would bear the entire cost of that as well. One last thing to mention and then I'll open it up for discussion and question is this Kahana Bay Restoration Foundation is, in knowing the need to fund the EIS and then eventually the implementation of a project, they're looking into the option of using the improvement district Code, it's Title 14.36 in our existing Code, which would establish an improvement district, which would allow a tax assessment of all the properties on the bay to eventually achieve implementation of this project. And of course, I'm not an expert in this area. It's, this is more of a planning item but I just wanted to let you know that that is being looked at and that would eventually probably involve this Council. Thank you.

CHAIR COUCH: Thank you, Ms. Owens. Mr. Spence, you have a comment?

MR. SPENCE: Yeah, thank you, Mr. Chairman. And just on the improvement district, there's, as you know, we go out to all the budget meetings and the various community plan areas. I was approached by a couple that, from one of the condos along Kahana Bay and they were very enthusiastic about starting this improvement district. So, and they reported that yes, the other owners are also very enthusiastic about this. So, I mean, they are willing to tax themselves to restore this beach and do the necessary studies, et cetera. So I found that quite encouraging that, you know, the private property owners are grouping up to get this kind of thing done. Thank you.

CHAIR COUCH: Thank you, Mr. Spence. Okay, ready to open it up for questions from the Members. Anybody have any questions? Well, if nobody does I do. All right, Mr. Guzman?

COUNCILMEMBER GUZMAN: Okay, I actually reviewed the study and watched the, I guess you have a stream online as well, the meeting that you introduced. The, I don't recall the cost of going out and getting the offshore sands. Would that be a yearly thing that

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you would have to do that? At some point, there's going to be deterioration at some point. And so you'd have to go back and get the, get some more sands offshore deposits and bring it back to shore. Is that, I didn't get the time periods. I mean, is that going to be every 10 years, every 5 years, or what?

MS. OWENS: So there's kind of two questions in there --

COUNCILMEMBER GUZMAN: Right.

MS. OWENS: --cost and then longevity.

COUNCILMEMBER GUZMAN: Right, right.

MS. OWENS: Right. So I will say that the consultant has estimated that the cost of restoring the beach, including the groin structures is going to be somewhere between 7 to \$11 million, which sounds like a lot but we have 9 condominiums and maybe about 1,000 owners. So distributed among those owners, it pencils out as economically feasible. In terms of longevity, one of the ideas behind including the groin structures is to give this project a lifecycle that's meaningful and cost effective. The similar Iroquois Point Project on Oahu with the installation of those groins, they are expecting that they will never have to renourish again within the foreseeable future. So we're monitoring, of course, the success of that project so far. So far they're very pleased with the outcomes and they're not losing sand and, so we expect something similar would be possible at Kahana Bay.

COUNCILMEMBER GUZMAN: Okay, follow-up, Chair. So in terms of the timeframe, if we were to start the project like let's say next month, how long would that take for us to eventually stabilize that beach area? And in the meantime, I know, as part of the discussion in your group was allowing, I guess, certain property owners to build temporary revetments or seawalls on the condition that upon the restoration, those seawalls or revetments would be removed. I guess I just wanted to know the timeframe. I mean, is that something that's been discussed?

MS. OWENS: Yes. Well, you know, construction timeframe is relatively small and narrow. The challenging part is the permitting. So we think, you know, if we were able to get a project going, which means starting the EIS and figuring out a way to fund the implementation eventually, between all of the planning and permitting and then implementation we're looking at three to five years.

COUNCILMEMBER GUZMAN: Okay, three to five years.

MS. OWENS: So I can't really comment on how and why the Planning Commission decided to allow Hololani to armor temporarily but I'm guessing part of it was related to the fact that, you know, we have this time period in front of us.

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COUNCILMEMBER GUZMAN: I guess that was kind of an emergency kind of deal, right, wherein they did place it as a condition that once restoration was, I guess, completed they would be required to remove the armory?

MR. SPENCE: Right. Okay, so what happened with Hololani, the Department's original recommendation was to not approve it but to defer decision making on the project on the shoreline armoring until such time as we could determine how much sand was offshore to find a more environmentally friendly solution than armoring. They had already gone through the EA/EIS process, the last approval was through the Planning Commission, the last discretionary approval. The, I'll just tell you that the Planning Commission really wrestled with it but ultimately they felt that these property owners, whether they're seasonal visitors or whether they're permanent residents, and there was a mixture, they felt like their properties needed more immediate protection but they really did back, the Planning Commission really did back the long-term solution that Tara has been talking about with nourishment and t-groins, et cetera. So that's why the...and thanks to staff who's really spent a huge amount of time on this issue and going out to the community meetings and discussing things like, you know, setting up these special districts. It's paving the way for a long-term solution instead of just the short-term of armoring.

COUNCILMEMBER GUZMAN: Very good. I do have that special improvement district ordinance in my Committee and it would be nice to see that the Planning Department and the Finance Department were on the same page. If that could possibly happen is that I think it would help our Members to move forward on it.

MR. SPENCE: Well, as part of the Administration, we will work with the Finance Department.

COUNCILMEMBER GUZMAN: Thank you. Thank you very much.

MR. SPENCE: The special district for facilities, which this would fall under, is already in Title 14.

COUNCILMEMBER GUZMAN: Right.

MR. SPENCE: So we're going to, we'll work at that.

COUNCILMEMBER GUZMAN: But, you know, there's a lot of amendments in the new ordinance because the present ordinance is very convoluted and very difficult to maneuver through so.

MR. SPENCE: Yeah.

COUNCILMEMBER GUZMAN: Thank you. Thank you, Chairman.

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MR. SPENCE: Whichever one works out the easiest and to the greatest benefit of the property owners and the community, we'll push forward on that.

COUNCILMEMBER GUZMAN: Sounds good. Thanks. Thank you, Chair.

CHAIR COUCH: Thank you, Mr. Guzman. Anybody else? Okay, Ms. Baisa and then Ms. Cochran.

COUNCILMEMBER BAISA: Thank you very much, Chair, and thank you so much, Tara, for the information. It really helps me understand. But I'm kind of curious. You know, if we're going to go into the water and take out the sand and move it and bring it closer, does that have an effect on where it is already? Where it's there? Because, you know, again it's a process of you taking something and moving it, does it cause any problems where you take it from?

MS. OWENS: As one of my colleagues always says, with any project every time we're putting a shovel in the ground, there's an impact, right? And even though this may be the softest, most environmentally friendly solution, we certainly have to be careful about how it's done. There, it, there's a lot of sand out there and it's in an area where there's a low spot in the reef. Because there's actually a stream channel that comes in right out of S-Turns, right. You're probably familiar with it. So what happens is you have, you know, reef there and over geological time streams move around. And it's fresh water so it essentially dissolves away the reef and we end up with this low spot. So all of the sand there is the sand that's probably eroded from Kahana Beach and Honokowai, which is entirely armored and then it goes where it can finally place, find a place to rest. And so it rests in that low spot. So we're going to recycle it back onto the beach but only probably a relatively small portion of it, a quarter of it or so. What the engineers would do and this would be done through that Environmental Assessment process is look at exactly how deep do you go with the sand. Usually when you doing these kinds of projects, you don't want to go very deep because sometimes you can get into sediment that's been buried for so long that it's anoxic and maybe doesn't have as desirable qualities and also you don't want to change the way the bisymmetry of the sea floor, right, and the way waves break and that kind of stuff.

COUNCILMEMBER BAISA: Right.

MS. OWENS: So you take a shallow thin layer of sand and you can do that without having impact.

COUNCILMEMBER BAISA: Okay, thank you. I just wondered about that because we're saying we're going to take it but I didn't want to cause a problem where it is.

MS. OWENS: We do need more study.

COUNCILMEMBER BAISA: Thank you.

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CHAIR COUCH: Thank you, Ms. Baisa. Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you, Chair, and thank you, Tara, for your wonderful presentation and bringing us up to date on things. And I'm very encouraged by the statements of Director Spence in regards to the condo owners in the Kahana area willing to look to the special improvement district title that we have and utilizing that and yes, looking forward to working further in Mr. Guzman's Committee, so very excited to hear that portion. So having glanced through the beach management plan that was handed out through Ms. Nishiki this morning, and there is a whole page in regards to a beach study and all the sand deposits that are offshore of this area we're speaking about, so what, it seemed like it had been done and then we were tapped for another 160,000 grand to look back to do another study. But this study...so was that just to get more updated numbers? Because I had no idea that they had already done a very, very thorough study back in this plan.

MS. OWENS: No, there were no studies previously done. The beach management plan suggests that these types of sand search studies should be done. At the time of the writing of that report, there may have been one completed for Napili Bay but there had never been done any research on Kahana area. Kaanapali as well. Kaanapali's been working for a long time studying their options and looking for sand resources. But we've never actually actively done any work in this area for Kahana. So it's very site specific. When you go looking for sand like we know beaches erode. We lose the sand from the shoreline, it goes somewhere. Usually we don't know where it goes until we go looking for it and that's what we did in this case. And it had never been done for this area.

COUNCILMEMBER COCHRAN: Okay. So the Page 13 on here, these numbers, they're just guesstimate, maybe we think this is what is out there?

MS. OWENS: Let me see. Page 13?

COUNCILMEMBER COCHRAN: Because they sure did go through some detail and itemizing it in cubic footage or whatever these M2, M squared, whatever that means, I don't know.

MS. OWENS: Yeah. So, okay, Page 13 is you're referring to the study that was done for Napili Bay. So when we're talking about bringing sand from offshore and recycling it back onto the beach, it has to be in a fairly nearby near-shore area because you're essentially vacuuming it up from the sea floor, taking it through a pipeline as a mixture of sand and water and putting it back onto the beach. So if you're getting sand that's far away from the exact site where you're putting it, it would not be physically possible and it probably wouldn't be very cost effective either. So this particular study was done specifically for Napili Bay at the request of the Napili Bay and Beach Foundation. So the sites that they identify in here, the sand patches and the ____ areas are only the ones that are close enough to make a project possible for

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Napili. These would be too far away more than likely from Kahana to be used for Kahana.

COUNCILMEMBER COCHRAN: Okay.

MS. OWENS: And then there's also the issue of you, in general, with beach management and sand management, we always want to be careful about stealing from Peter to pay Paul so to speak. So the offshore sand resources off of Napili we would probably want to reserve for Napili because they probably originated there and the offshore sand resources for Kahana we would probably want to reserve for Kahana and same for Kaanapali.

COUNCILMEMBER COCHRAN: Okay.

MS. OWENS: Does that help answer the question?

COUNCILMEMBER COCHRAN: Yeah, yes. And so then this Iroquois Point intrigues me also in, but it doesn't give me the reference of what it was, how long it took to get to what it looks like today in this photo, and as you said, they were very, very pleased with the outcome and predict that they will never, ever have to nourish again. So that's great. I mean, that's good news. So what kind of timeframe happened here and was there zero beach when they started and what specifically?

MS. OWENS: It was very similar condition. There was a front row of homes there, single-family homes. You know, they were, it was a military housing complex. I think they were maybe duplexes. They, it was getting to a point where the beach had narrowed and homes were being threatened and they actually removed a front row of homes for that reason before they even restored the beach. So the beach was probably in a very similar condition. In terms of the length of time, planning and permitting, I don't know the exact answer to that. I'm guessing just knowing the permitting processes it's as we would project for Kahana, that it was five years or so. But we can get more information on that if it's of interest.

COUNCILMEMBER COCHRAN: Well, thanks. I was thinking more along the lines, yeah I mean, of course the permitting and that part of the timeline but as in from where they took away the homes, there's no beach, they installed these groins and now the sand came back and it looks like it does in this picture, that timeline.

MS. OWENS: The construction more than...the construction of the beach?

COUNCILMEMBER COCHRAN: Mainly the sand. I want to know how long it took to get back, how long it, you know, to get to this state of this picture I see. How long did it take from the home was falling in, they removed in, you put the groins up, you put the solution out there and then here the improvement occurred in a year? This is ten years later it finally happened now yea, we never have to do this again.

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MS. OWENS: The big time sink is the permitting. So from the point where they removed the homes to the point where they put sand on the beach was whatever time it took for them to permit. So let's just say something like five years. Then the construction at that point is very quick, you know, a matter of maybe six months or less they have constructed the groins and the beach.

COUNCILMEMBER COCHRAN: Okay. And then sand came on and now...

MS. OWENS: Yeah. They put 100,000 cubic yards that they actually excavated right off of the edge of Pearl Harbor, placed that in between. So they built the groins, placed the sand, and moved the sand down the beach as they continued building the nine groins consecutively and that was within a matter of months and now we're about three years post project.

COUNCILMEMBER COCHRAN: Okay, three years. And so the groins, I mean the beach nourishment, the groins help keep the beach, the nourished beach in not so much create, you know, a pattern to where the tidal action and the natural currents bring natural sand in and keeps, you know, makes the flow a natural pattern versus...is that what the groins are just holding back what was installed basically?

MS. OWENS: Yeah, they're sand containment structures if you want to think of them that way but in addition to containing the sand, the idea of the t-heads is that you actually tune those, so to speak, to the prevailing environment, wave and wind patterns of the particular site so that the wave energy that causes beach erosion is controlled.

COUNCILMEMBER COCHRAN: Okay, that helps.

CHAIR COUCH: Okay.

MR. SPENCE: Mr. Chairman?

COUNCILMEMBER COCHRAN: Oh, Mr. Spence.

CHAIR COUCH: Thank you. Mr. Spence?

MR. SPENCE: Thank you, and I think those are really important questions. Yeah, let's see what we can find out, what kind of studies we can find and go ahead and we'll make them available to the Council and we'll discuss internally about putting them on our website so those are, those will be available to the public.

COUNCILMEMBER COCHRAN: Okay, thank you very much.

CHAIR COUCH: Thank you. Ms. Baisa again.

COUNCILMEMBER BAISA: Yes, just one more question. Does the 7 to \$11 million estimate for beach restoration at Kahana include the temporary seawalls?

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MS. OWENS: It does not.

COUNCILMEMBER BAISA: It does not? So it would be in addition?

MS. OWENS: That's correct.

COUNCILMEMBER BAISA: Okay, thank you very much. Do we know what that might be?

MS. OWENS: I think the...let's see, let me go back. The cost for the seawall at Hololani, I have three, three million? Thank you. They have also though been placing sandbags as temporary protection and there is a significant expense associated with those. I think the Valley Isle sandbags that were recently installed were somewhere around a million? Is that correct, planners?

COUNCILMEMBER BAISA: Okay, very expensive process --

MS. OWENS: Very expensive.

COUNCILMEMBER BAISA: --but really important. Thank you.

CHAIR COUCH: Okay...oh, Chair White?

COUNCILMEMBER WHITE: Thank you, Chair. The idea of the improvement district is a really critical one because it is appropriate for the landowners to pay for the nourishment because they're the ones that are not only threatened but they're the ones that benefit from it. And essentially that's what we have in Kaanapali and Wailea, the planned developments that have in their covenants that we must participate in maintaining the resort and beach nourishment is simply one of those aspects. And I don't recall what we've contributed towards the beach nourishment program but as Tara mentioned, we, this has been going on for quite a number of years and I believe the project cost is somewhere in the neighborhood of \$10 million, 8 to \$10 million and there's a portion of that that is going to be State funding. I don't believe there's any County funding either anticipated or requested from the Kaanapali project.

MS. OWENS: Correct.

COUNCILMEMBER WHITE: Thank you.

CHAIR COUCH: Thank you. I have a couple of questions --

COUNCILMEMBER VICTORINO: Chair?

CHAIR COUCH: --and if anybody else has any more, you know, Ms. Owens, if you go to the artist rendering page. We know how artists are known to take artistic license. When

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they put in the seawall there that they, whoops, that they're expecting to do and the rocks, are they also including sand or are they just saying that sand will come there? I don't know, you know, they show us a really nice picture of sand, not very wide, but sand and I can only assume that there's none there now so they're going to put some in?

MS. OWENS: There's no placement of sand associated with the seawall project. Typically in recent history, the summertime is the months of recovery for this particular section of that shoreline and so you would in years past have had sand accumulating out front of this property when the south swells push it back. And what we're seeing is that, the last two years that's no longer the case, that we're probably getting to a point of permanent beach loss here in front of this property. So I think the rendering kind of assumes that you're going to have that seasonal recovery that we're no longer seeing.

CHAIR COUCH: Okay. Yeah, I kind of thought that but I wasn't sure. You mentioned that permitting takes the big time consuming thing. How much of that can the County or is County permitting issues and what can we do to maybe expedite that as far as for the renourishment phase?

MS. OWENS: That is kind of a million dollar question. I'd actually rather defer to one of the planners on that rather than me not being the permitter [sic]. I don't know if, Will can, Jim or Keith respond or do you want to respond?

CHAIR COUCH: Mr. Spence? And if you can't respond, we'll make that as a question to the Department and then get it back into the file.

MR. SPENCE: Sure, thank you, Mr. Chairman. It's, our processes, I can just attest to the County processes, they're pretty laid out by either State law or by our Administrative Rules. They pretty much have to go the way that they're laid out. Part of it, too, are the studies that go along with it, Tara mentioned a couple with _____ and a couple of those things and also the ecosystems that are in there. The, those take time and they take quite a bit of money. I know that there's been support in the past by the County Council and perhaps that's something we can look forward to in the future. But really, it's a cost and some of these things they just take time and when we're dealing with County agencies, we're dealing with multiple State agencies and the permitting that has to go on through that, the EIS process as well as going into Federal agencies, it's quite cumbersome. We have all our environmental protections in place for good reason. Sometimes they get in the way of doing something that everybody wants, too, so.

CHAIR COUCH: Okay. Well, I still want to, if there's a, if we can get in, we'll send you a letter and if we can get some response as to what the processes are.

MR. SPENCE: Okay. Yeah, we would appreciate that.

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MS. OWENS: I would like to think that a County-supported project would help to grease the skids some degree.

CHAIR COUCH: Okay. Mr. Spence?

MR. SPENCE: Yeah, and that's a very good point. Projects that are well supported by all the government agencies and all of the different community groups and the property owners is very different than one that's resisted by all the agencies. The original Hololani project to harden was resisted all the way along. That takes an incredible amount of time as well to deal, to maneuver through those objections. So anyway, yeah, something that's supported, you know, whether it's resos from the Council, letters from my Department, other agencies, that will go a long ways towards helping something go faster.

CHAIR COUCH: Okay, thank you.

MR. SPENCE: Good point.

CHAIR COUCH: Mr. Victorino?

COUNCILMEMBER VICTORINO: Thank you, Chair. I thought you had forgotten me down here.

CHAIR COUCH: No.

COUNCILMEMBER VICTORINO: Okay, thank you. And since most of the questions were asked that I was going to ask that's fine. I do have one particular question that hasn't really been brought up and that's the real reality of sea level rising. I mean, I don't care what you do to replenish, we're going to have sea level rising. It's going to rise no matter what we do. That's been kind of an agreed upon. Now some people say 100 years, 50 years, 20 years. Different experts give you different timeframes but we know it's coming and this replenishment of sand will work for a while and then things will change again. We have catastrophic events, southern swells has taken out much of the beaches. Kaanapali, you only show the north end of Kaanapali. You ought to show the south end because down by the Marriot, everything disappears. Kaanapali Beach, Kaanapali Alii, Whalers, everything disappears and it actually went up to and through the walkways. A lot of the coconut trees fell in the early 2000s, you know, because I worked there and I was part of the whole process of putting sandbags and it didn't work. With all that being said, what other mitigating plans do we have available because we can do all of this immediate mitigation, what long term? It's coming. And so it's like putting a Band-Aid on the problem. We're not coming up with any real plausible long-term solutions and unless we do, and again, some of us won't be sitting here, so you know, I know that discussion will come long after I leave but it's the discussion that's coming real quick. It's coming very quickly. All I've heard today is more immediacy, done, we going help solve the situation for right now but nobody's talking long term, which we can't start leaving out of the equation. You make, you put

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the Band-Aid today, what happens in a week or two, a month, a year, ten when that wound opens up again and maybe even worst off then it was when we first started. So I'd like to hear what you have to say to that particular long-term question but really it is something we have to consider.

MS. OWENS: Well, wise words. We left out the whole discussion of climate change because that's, you know, another entire hour-long discussion but it's true. At the end of the day, we eventually are going to lose beaches and we are going to lose infrastructure to the changing future conditions. We can't, we will not, at some point, be able to keep up with the changes that are going to be coming at us from nature. I don't know what the answer to that is.

COUNCILMEMBER VICTORINO: And thank you. I just wanted the public to know that all of what we've discussed today are short term and whether short term is 10 years, 100 years, no one knows for sure, right, Mr. Chair? We're all really more or less every expert has different timeframes and there's no real guarantee this is going to happen. However, if it continues on this change, you know, what do you call, global warming, I don't, climate change, whatever term you want to use, it is coming. And we A, can change what's there but B, we better be cognizant of not approving anything and having major setbacks, you know, major setbacks.

MS. OWENS: Yeah, I should add, you know, this is the solution that's being proposed for this particular case. It isn't necessarily the right solution everywhere. We can't restore all beaches. It just happens to be, you know, economically viable here. It's a place where it's, we have high-density development so it's going to be very difficult to talk about moving buildings. But there are places where there are opportunities to do that. Single-family homes, you can move them. So, you know, the tools in our toolbox are limited. We have to use them, hopefully in the right ways and the right places and find more solutions for these future issues that aren't going away.

COUNCILMEMBER VICTORINO: And, Ms. Owens, I thank you.

MS. OWENS: Thank you.

COUNCILMEMBER VICTORINO: And I'm not trying to put the blame on you or anything.

MS. OWENS: Oh, no. I appreciate it.

COUNCILMEMBER VICTORINO: But it's a reality we face and, you know, we've kind of skated around all day talking about what we can do now, which is fine. But the reality is once you start doing something like this, others will say well, why can't you do it here? Why can't you do it there? And it's, this is not one size fits all solution. And that's what I wanted the public to hear. There will be more challenges and the way to mitigate it in the future is never allowing shoreline development, you know, making setbacks, really, 250, 500 feet or whatever it might be but in the future that can be done. But what the present holds for us, what we have here now, whether it's

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Kaanapali Beach south side, north side, Kahana, and even in Wailea, it's going to continue happening and so we better do the best we can to find answers to the immediate problems. Thank you, Chair.

CHAIR COUCH: Thank you. Mr. Spence?

MR. SPENCE: Yeah thank you, Mr. Chairman. And just along those lines, we're seeing more and more of this kind of thing happening and we're going to see more immediacy issues. When I started in the Planning Department in 1992, 24 years ago, this was already a raging debate. The issue of hardening the shoreline and coastal erosion is not a new issue but as time goes on and I remember the discussion of whether the Hayashi seawall will work or won't it and all those things and we were starting to discuss, at that time we were starting to discuss so what should the proper setbacks from the ocean be because we know it's going to erode. Time goes on we're experiencing more and more erosion and actually I think increased, it's accelerating. But our understanding of shoreline processes has also increased considerably so it's coming more and more to the public forefront. It's not just a bunch of planners in the Planning Department now making this an issue, it's, you know, it's front and center with Honoapiilani Highway around Olowalu and Ukumehame. The already, and that's the un-built environment. This is, you know, here we have hundreds if not several thousand units already at risk so I just thought I'd back it up a little bit and say this is not a new issue for us, anyways, planners.

COUNCILMEMBER VICTORINO: Chair, I'd like to just add this comment. Thank you, Mr. Spence. And I guess the cliché I would use, it's no longer crying wolf, the sky is falling.

MR. SPENCE: Agreed.

COUNCILMEMBER VICTORINO: Well, thank you, Mr. Chair. I know you squinted but that's a fact.

CHAIR COUCH: That was two. You combined two. Mister, Chair White?

COUNCILMEMBER WHITE: Yeah, I think that was Chicken Little not the Big Bad Wolf.

COUNCILMEMBER VICTORINO: And it doesn't make a difference, whichever it was.

COUNCILMEMBER WHITE: I have a question for Ms. Owens. Mr. Deakos mentioned sloped revetments and my recollection is that about 20 years ago the Westin was threatened and I believe they put in a sloped revetment, a sloped rock revetment. And I know they were required to take it out but my recollection is that the, you know, as you know, Kaanapali Beach is a very dynamic beach and the sand moves back and forth at great speeds and in pretty significant quantities. But my recollection was that that rock revetment was covered up fairly quickly after the swell that caused the erosion dissipated. Are there cases where those rock revetments, as long as they're well

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sloped, should just simply be left in place for future events if they're likely to get covered up or if they're going to get covered up through beach nourishment? I don't know if the one pictured is sloped enough. I don't recall the angle of slope that the Westin revetment involved.

MS. OWENS: If you have to armor...thank you for the question. There's lots of aspects of that. If you have to armor, sloped rock revetments are preferred over straight up vertical sheet pile wall or a concrete wall because it does at least absorb some of the wave energy through the crevices and in the structure as well as, you know, being angled and sloped and below the sand it can move and reshape as the shoreline moves and reshapes. Generally with armoring, if you're responding to an episodic event with armoring, which, I think, is what happened at Kaanapali, then you're probably responding at a time when you shouldn't. Right, we have these episodic events during certain seasons of the year where sand is moving and a lot of times those beaches recover. And a lot of them we can predict exactly how they recover. You know, example is Baldwin Beach. Just came up with the pavilion. You know, it was recently exposed and starting to be undermined by the seasonal waves but we could predict that. We know the beach will be fully recovered by about mid-November based on data that we have. So you want to be careful about responding to episodic events with long-term solutions and give time for beaches to recover. If it's a situation like this where it's chronically eroding and you know the sand's not going to recover, then, you know, that's another issue. At Kaanapali and other places, I've heard it discussed that you could maybe use revetments as what's a "backstop" to protect the properties if during an episodic events, you know, they become, those properties become exposed again. And possibly that's a solution that can be looked at for certain sites where episodic erosion is the dominant factor versus chronic erosion. You know, Kaanapali, one end, the north end up by the Sheraton toward Black Rock is more episodic. The other end that you were speaking of, Mr. Victorino, is more a chronic erosion trend. We're losing sand over time. So the solutions have to fit, of course, the conditions of the site. But it is in the realm of possibilities to use something like a rock revetment on the property as a backstop. It may not have the same long lasting impacts as a situation like this where there is never a beach buffer to recover but it will have impacts as well. It may get covered up by sand temporarily.

COUNCILMEMBER WHITE: Okay, thank you. Thank you, Chair.

CHAIR COUCH: Thank you, Chair. Ms. Cochran? And we're going to try and wrap this up because people need to go on a break and move their cars.

COUNCILMEMBER COCHRAN: That's fine. That's fine. And so speaking of walls, I went, I recently went and did a walk through Kahana Sunset and their final wall, I don't know, like a wave wall or something to that effect where it's solid but it curves and so what they were explaining to me is that when the wave hits it goes but then it drops back. The water doesn't crash over, it actually kind of loops back around and goes back into the ocean and also carries the sand back out. Is that how those, I don't know, it's like a semi-circle type of wall?

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MS. OWENS: It's like a wave reflector cap? That can be part of the construction design and that's essentially meant to keep the waves from splashing over into the property. It doesn't really affect the overall function of the wall or mitigate any of the energy reflection that we have off of the wall that's undesirable. It just keeps the water to some degree from going into the building.

COUNCILMEMBER COCHRAN: Okay. So it's more preventative for their property, their lawns and what have you? So my thought was it's bringing back the sand, you know, instead of the sand disappearing, it's throwing it back where it came from but no, that's not quite how it works. Okay.

MS. OWENS: Yeah, the wall still has the same effect that it, without that feature.

COUNCILMEMBER COCHRAN: Okay. Okay, good.

CHAIR COUCH: Okay.

COUNCILMEMBER COCHRAN: And then real quickly, Chair, if you don't mind?

CHAIR COUCH: Yes.

COUNCILMEMBER COCHRAN: In reference to, and I'm very excited that Senator Barbara Boxer has been here and has seen with her own eyes and firsthand experience of what we're going through as I was just in a meeting at the White House yesterday with tribal leaders, with many colleagues from our NACo Committees and senators and all sorts of people, great cross section from across the board. Couple people were from Hawaii, Pacific Islands, what have you, talking about just that we are here today, especially the sea level rise issues. But anything that has to do with the oceans, you know, we were there to talk about our national ocean policies on that high, high level and how it trickles down to what we're talking about here today on the ground in our islands. And so, you know, from the Arctic changes and we had representatives from the Gulf to up in Maine and Vermont and New Hampshire area to Washington, Orcas Islands, and so it's an incredible body of people. And I just want to say what we're talking about, what our Planning Department is talking about to, you know, improve our permitting and to address adaptive changes, what have you, all that stuff, and not just the Band-Aid that we're talking about but future, in the future planning is what the national level is looking for. And having those comments brought to this new administration coming in and that's the job of the body that I've been nominated to via Councilmember Hokama is to bring that voice. So what we're discussing is very key and the national level needs to understand the importance that it affects us all nationwide. Not just our islands but collectively and why our senators, our Congress needs to push these types of great policies we're working on forward to help protect all of us. And funding is key. Why we all need the money to move forward the initiatives and the projects and plans and everything we all need to keep our, sustain ourselves and our economy, which is tourism like many other places around the nation. That

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one slide you showed gave us that figure. So that's awesome for everyone across...that's our common thread that is threatened right now and we all need to be a part of it. And so the high-level officials at the congress level can see what they can do to help assist all of us. So I appreciate the timely item on your agenda here today, Chair, because it really fits into why I was sent up to D.C. and to bring our voice there. So we're all looking like on the same page. Not a good page because we're all addressing many threats and negative impacts to our environment and communities but I think together we can work and figure the solutions out. So it's good.

MS. OWENS: It's so exciting that you're able to participate on that committee. And one thing that might be useful to you is, you know, we have the State Interagency Climate Adaptation Committee that was legislatively mandated, I don't know, two Leg sessions ago? And the committee and the scientists involved have been doing lots of work and as far as I understand, Jeff Dack, who is in the audience here from the Planning Department, is trying to organize a session with the ICAC for Council maybe sometime in the spring. So that's more policy related too and that might contribute to your other...

COUNCILMEMBER COCHRAN: Okay, good. Thanks.

CHAIR COUCH: Okay, thank you.

COUNCILMEMBER COCHRAN: I'll be in touch. Thank you, Chair.

CHAIR COUCH: Alright, Members, this item is not going to go away, this issue. I'm, without your, with your, without any objection, I would like to certainly defer this item and I don't know if it will come up again this year but at least I will be asking that it be moved forward to the next term.

MR. SPENCE: Mr. Chairman?

CHAIR COUCH: So without objection, we'll defer...yes, Mr. Spence?

MR. SPENCE: Just before this item is deferred, I just had a couple comments because the testimony on, regarding Honoapiilani Highway around in the Ukumehame area, et cetera. First off, congratulations to everybody who participated in gaining ground with Department of Transportation. But somebody brought up the Pali to Puamana project, the studies and the EIS and I was looking at that and I don't want to forget how important that is in the context of this discussion. The, if we do not have those studies on the Planning Department's website, we will go ahead and put them on at some point. The, they are a little bit dated and I recall Mr. Couch was on the technical advisory committee back in probably 2004. The P to P project, it identifies the shoreline erosion through that area as one of the primary reasons to do this, to move the highway so this is, again, this is another thing that's been identified for a very long time and mahalo to the people who participated in that. But there, it, some of these

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things should be updated but they will, but they are at the forefront of discussion right now and we'll make sure they're available to the general public.

CHAIR COUCH: Okay, thank you. And thank you for that. Yes, that was a very interesting study and set of meetings and that's one of the reasons why we're here today. And always advocating for the movement of that highway. Again, Members, we're ready to defer this and it will be high on the list of, you know, hopefully on the next Planning Commission...Committee. Without any objections, we'll defer this item.

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR COUCH: Okay, this item is deferred.

ACTION: DEFER.

CHAIR COUCH: Members, let's take a ten-minute break, be back here by five minutes to 11:00 because we still have a bit of discussion, or at least comments. So this meeting is in recess until five minutes until 11:00. . . . *(gavel)* . . .

RECESS: 10:44 a.m.

RECONVENE: 11:01 a.m.

CHAIR COUCH: . . . *(gavel)* . . . Will the Planning Committee meeting of--what is today--October 6th please come back to order? Alright, Members, we talked a little bit about this at the beginning of the meeting. For those who weren't here, we'll go through the instructions again.

PC-37(2) INCREASING INVENTORY OF AVAILABLE HOUSING (Rule 7(B))

CHAIR COUCH: Members, your Committee...we're on PC-37(2), Increasing Inventory of Available Housing. Your Committee formed a temporary investigative group earlier this year to investigate ways to increase the availability of housing. The temporary investigative group was led by Councilmember Elle Cochran as Chair, Councilmember Gladys Baisa and I were members. Today is the deadline set to receive the report from the group and Staff has distributed the report to you at today's meeting. And it's also, I understand, now on Granicus so you can pull it off Granicus. Under Section 92-2.5 of the Hawaii Revised Statutes, the State's Sunshine Law, the Committee may only receive the report at this meeting and may not have any deliberations on it until a subsequent meeting. However, the members of the temporary investigative group may report orally on the investigation, including disclosing the findings and recommendations of the group and advocating for the recommendations. Members of the Planning Committee who were not members of the investigative group may only ask clarifying questions of the group members and may not discuss or deliberate upon

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the recommendations. This is based on an Office of Information Practices guidance. We got that last night. I ask that if any Member has clarifying questions for a TIG member, please direct your question to me. I will then determine if the question is the best, is best left for our next meeting when full discussion of the report will occur or ask TIG member to respond. I intend to schedule full discussion of the group's findings and recommendations at our meeting of October 12th. We will have bare quorum at that meeting and it will only last two hours so we're going to have discussion about that and then probably recess that meeting to the following week and have a full panel based on our discussion of the four that are going to be here. So if you can make it or move things around, please come to the October 12th meeting because you'll have some input as to who we're going to have on the panel. At this time, I will ask the TIG Chair to provide her remarks on the report. Member Cochran?

COUNCILMEMBER COCHRAN: Yes, thank you very much, Chair. And it was quite exciting and I think we all can agree very informative and productive. So first off, I just want to say mahalo for allowing me to chair this investigative group on increasing the housing inventory. This was a valuable opportunity to engage with the community to explore what the problems are and hammer out real creative solutions that I believe will result in more housing for our residents. And our group was tasked with identifying five items that would allow, would affect creation of housing. And so in this report, which got handed out and it's a nice thick, almost inch, well, a small report but then all the attachments that reinforce what's in our report is the attachment of about an inch worth of papers. We have the prioritized items and a list of items that we believe are equally as important that we ask be referred to appropriate standing committees for further attention. So this was a learning process, I believe, for everyone involved and the group had community meetings with developers, contractors, builders, home finance experts, and our administrative departments. We brought our ideas to the table, sifted through them together. Some of our ideas were thrown out and some new ideas were brought to us by the people in the community who know this issue very, very well. The content in this report was generated by the community and is supported with solid research and tools for quick implementation. So our proposed solutions fall into a few categories. One would be infrastructure problems were a recurring theme. Our current infrastructure doesn't really support the development of more homes and developers are required to bear most, if not all, of those upgrade costs, which gets passed on to the price of the home. And number two, we examined the true cost of building affordable homes, what kind of factors contribute to higher home costs and how the County can assist in bringing those costs down responsibly. Some of our proposed solutions focus on streamlining the planning, zoning, review, and permitting processes. So the time and money saved can result in lower home prices. Third, we focused on County supported solutions, how can best use County-owned lands and resources to build workforce housing. So for the record and for everyone out there listening, I'll list the items and ask anyone who is interested in the details to read the report and the attached resources in full. The five items are ranked as most important in order of priority for immediate consideration by the Planning Committee. One, permitting accessory or affordable accessory dwellings on smaller lots. Two, comprehensive rezoning by the Council to

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match the Maui Island Plan. Three, expediting the building plan review process by developing a catalog of preapproved plans. Four, explore zoning and permitting issues relating to the establishment of tiny houses, communities and tiny houses on existing lots. Five, identify underdeveloped properties with multi-family and industrial designations that could be targeted for redevelopment as multi-family housing. So there's also nine items that were considered to be important by the TIG members based upon our investigation but are more suitable for consideration in other Council committees and TIG members asked the Council Chair to consider referring these following items to the appropriate committees. One, prioritize County development of off-site infrastructure, especially water improvement, sewer, and traffic to support housing and make it more affordable. Two, third party, not County employee, chief to coordinate construction of affordable housing. Three, creating a one-stop shop at the new County Service Center to streamline the processing of permits. Four, revise County housing policies, both Maui County Code Chapters 2.86 and 2.96 to encourage the development of affordable housing and reduce barriers and costs. Five, consider sale of County-owned properties at Maui Lani Fairways and Sandhills Estate Subdivision. Use money from the sale of these properties to develop affordable housing. Six, propose an amendment to Maui County Code Section 3.35.010(B) to require a larger percentage, around 4 percent, of real property taxes to be set aside in the Affordable Housing Fund. Seven, investigate building affordable homes or rentals on County-owned properties in West and South Maui. Eight, amend Chapter 19.3a [sic] of the Maui County Code to decrease the minimum lot size for farm labor dwellings on agricultural lands. Nine, allow for an independent third party building plan review process for quicker processing. So we will need even more community engagement as we move forward with these ideas. Input from community advocates is going to be an important part of ensuring that these solutions are vetted and implemented quickly and so, in the interest of our local residents who are in dire need of this housing. So with that, Chair, that's my opening pretty detailed comments in reference to what we had done and I think the best to my and Staff's ability to recall the outcome of all of hours of discussion. And I definitely want to thank the work of my office and the OCS staff for a wonderful job.

CHAIR COUCH: Thank you, Ms. Cochran. Ms. Baisa, do you have any comments?

COUNCILMEMBER BAISA: Oh, yes definitely.

CHAIR COUCH: Turn on your microphone, please.

COUNCILMEMBER BAISA: That helps, definitely. I would like to thank Member Cochran, who has worked really, really hard at putting this TIG together and I'd like to thank her staff and everybody in OCS that has helped, too. It's been an interesting experience to be a part of this TIG and there was just so much information to look at and so much to sift through and to try to prioritize and I think that I'm very pleased with the report. I realize that it will probably be shredded by the time we're done but there is much in it that makes perfect sense and is well backed up by good documentation. So there is a lot of it that, you know, that we can get some results

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quickly. We're in a crisis and we can sit here and, you know, theorize for the next ten years but I think it's really important that we agree to some things and do them as quickly as possible. I am in support of the report and again it's been a pleasure to be a part of the TIG and I hope that we will get support from the Members to get some of these items going as quickly as we can. Thank you, Chair.

CHAIR COUCH: Thank you, Ms. Baisa. And I, too, want to thank Ms. Cochran for heading this and for your team rainbows and unicorns as they call themselves and team reality, Mr. Garneau, everybody got together and everybody came to a really good conclusion. Your staff did a bang up job and did some, went above and beyond in some cases so I really appreciate that. And I really appreciate the community members who did come out. We had a long discussion with the people who actually deal with this in different places, different locations and in different manners so I really appreciate them getting all this information put together. Members, it's going to be some very interesting comments and findings as I heard some muttering already on wow how that, how some of these things got up to the top so it's going to be some good discussions and like I said, October 12th, we're going to have I think only four of us here and if some of you can change your schedule it would be great because it will be some very good discussions. And then the following meeting, I can't remember exactly, I think it's the 20th, we're going to have a panel here of some folks and really get down to the meat and potatoes of this so hopefully we'll see you there. Right now I can entertain questions for clarification and not for advocacy [sic] or anything like that. Mr. Guzman?

COUNCILMEMBER GUZMAN: Okay. Thank you. I'd like to at least thank Ms. Cochran and Ms. Baisa and yourself, Chair, for doing such a diligent job on putting this together. I know it's not easy, that added to your normal workload. So I do appreciate Ms. Cochran's leadership as well as both Ms. Baisa and yourself. When you prioritized it, was it via the low-hanging fruit that could be effective faster and then to the longer term that are more difficult? Is that how you prioritized?

CHAIR COUCH: I'll have to defer to staff here on this one whether that's a clarification question or kind of getting into the meat and potatoes, or deliberation-type question. He's, because he's going to be, the staff...

COUNCILMEMBER GUZMAN: Yeah, yeah. So I just was wondering because when I'm reading it through and it says number one, two, three, is that something that I should take note of is that that's the highest priority...

CHAIR COUCH: That's the highest priority. It's my understanding that these are in priority --

COUNCILMEMBER GUZMAN: Okay, okay.

CHAIR COUCH: --of what we think should go first, second, third.

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COUNCILMEMBER GUZMAN: And I guess my second question to that would be when you were prioritizing, was it based off of what could be easier, done easiest or more, I guess, more of...

CHAIR COUCH: Yeah, and that question I think gets more towards deliberations.

COUNCILMEMBER GUZMAN: Okay, okay.

CHAIR COUCH: So we'll bring that up, I think, at the...and I'm fine. I would love to answer that question but we went from you can't even say any words to what we're saying now in 24 hours.

COUNCILMEMBER GUZMAN: Right.

CHAIR COUCH: So I want to be very...

COUNCILMEMBER GUZMAN: Okay. No, I'm just --

CHAIR COUCH: Yeah.

COUNCILMEMBER GUZMAN: --like if I'm looking at number 1 and it's going to take me 20 years to do it, then, you know, I'd rather be looking at number 10 --

CHAIR COUCH: Understood. Right.

COUNCILMEMBER GUZMAN: --yeah, that it would take, you know, a month.

CHAIR COUCH: Exactly.

COUNCILMEMBER GUZMAN: Okay.

CHAIR COUCH: That was discussed. I can just say that.

COUNCILMEMBER GUZMAN: Okay. Alright.

CHAIR COUCH: Members, any other questions on that? Okay, any final comments from any of the TIG members? Seeing none, I look forward to everybody on the October 12th meeting to come in as much as you can and then get deep into those questions. Ms. Baisa?

COUNCILMEMBER BAISA: Because your Committee usually meets in the morning, you want to announce the time?

CHAIR COUCH: Oh, yes. I'm sorry. It is going to be at 1:30.

COUNCILMEMBER BAISA: I think that's important.

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CHAIR COUCH: It's 1:30 to 3:30. It definitely will end at 3:30 if not sooner. We're going to do as much as we can with only four people out of seven. I understand so we're not going to get into the meat too much but we're going to answer questions like that and go into each item and get responses from the Department, et cetera.

COUNCILMEMBER BAISA: Thank you.

CHAIR COUCH: Mr. Victorino? You look like you may have had a question.

COUNCILMEMBER VICTORINO: No. I have no questions. I also concur that you folks have done a yeomen's job and I thank you very much. We have discussed many of these issues in the past but now I think having a plan, a what I call a nice guide to move us forward I think is very important. Now we need to hear what the public has to say about all of this. And, you know, I will not be at the 12th because I will be in the mainland and the 20th I'll be in the mainland so just happens the scheduling came about the same way so I won't be able to participate but I will say this, I will look forward to reviewing the tapes when they are completed and then, you know, when we have the last meeting where we'll kind of get more into the substance then we'll talk about it more.

CHAIR COUCH: I'm going to put this out there and mister, either Mr. Hopper or Mr. Garneau, stop me if I'm getting outside of the OIP stuff and Sunshine Law, you may, I believe, you may ask, now that we've got it, you may put any questions in writing and I'll be happy to put those into the record both orally and of course they will be in the record as soon as you submit them. So feel free to submit questions since you're not going to be here and even comments if you want and then I'll make sure that they get read into the record.

COUNCILMEMBER VICTORINO: Is that alright with you, Mr. Hopper? I mean, I just do not want to cross lines that later on cause challenges for us.

CHAIR COUCH: Yeah, exactly. Mr. Hopper?

MR. HOPPER: Well, we'd have to look at that.

COUNCILMEMBER VICTORINO: Okay.

MR. HOPPER: I mean, I don't think generally the, that type of communication, something that's typically done if a Member can't be there. I'm not sure how often that actually has happened. If it's been done before and it's a common practice that's fine but I thought generally those were avoided. But it's kind of like Member oral testimony or something like that and I'm not sure if we've done that before.

COUNCILMEMBER VICTORINO: Okay. I'll wait to hear it from you and get a ruling.

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CHAIR COUCH: Okay.

COUNCILMEMBER VICTORINO: I'll take it from that point. Thank you, Chair.

CHAIR COUCH: Okay, Mr. Garneau?

MR. GARNEAU: Yes, Councilmember Victorino. I'll work with you and find out an answer. Thank you.

CHAIR COUCH: Okay, Ms. Baisa?

COUNCILMEMBER BAISA: Just another question that I think is important. Now that this report has been passed out to us, it is available to the public?

CHAIR COUCH: Yes. It's on the Legistar page that I mentioned before and it is now available.

COUNCILMEMBER BAISA: You might want to give that address again. I think people will want to read it. Thank you.

CHAIR COUCH: It's...sure, mauicounty.legistar.com, mauicounty.legistar.com. And look under the Planning Committee meeting this, of today and click on meeting items, I think it's called, meeting items or something like that. Alright, Mr. Guzman?

COUNCILMEMBER GUZMAN: Oh, yeah. Just, I want to vent a little bit. Why can't we discuss this on the first day that it's being handed out to us? And why do we have to wait for another meeting? This is kind of ridiculous, you know, I'm sorry, but this --

CHAIR COUCH: I agree.

COUNCILMEMBER GUZMAN: --is kind of, you know, what? We can't even talk about it?

CHAIR COUCH: Exactly.

COUNCILMEMBER GUZMAN: We just received it.

CHAIR COUCH: Exactly. Mr. Hopper can explain that.

MR. HOPPER: I'm not going to defend the Sunshine Law.

COUNCILMEMBER GUZMAN: Yeah, I know, it's a ridiculous law.

MR. HOPPER: But I can tell you what it says.

COUNCILMEMBER GUZMAN: In fact, I'm going to run for State just to knock this out.

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MR. HOPPER: On that ticket? In any case, the Sunshine Law talks about, when it talks about kind of the TIG exception, it says two or more members of a board but less than the number of members which would constitute a quorum for the board may be assigned to investigate a matter relating to the official business of their board provided that, so A, the scope of the investigation and the scope of each members' authority are defined at a meeting of the board, so that's one step. B says all resulting findings and recommendations are presented to the board at a meeting of the board, and C, deliberation and decision making on the matter investigated, if any, occurs only at a duly noticed meeting of the board held subsequent to the meeting at which the findings and recommendations of the investigation were presented to the board.

COUNCILMEMBER GUZMAN: That one word stops it.

MR. HOPPER: So you cannot deliberate or make decisions and I guess OIP has said they don't feel that receiving the report or asking clarifying questions is considered deliberation. But the Sunshine Law says you can't deliberate or make decisions on the report until another meeting afterwards. The legislative history of that and everything, I'm not sure but that's what it says.

COUNCILMEMBER GUZMAN: Right, I heard the language. Okay, thank you, Chair. Thank you.

CHAIR COUCH: There you go. And that's a good idea. Do it.

COUNCILMEMBER GUZMAN: It's that one word, subsequent. Okay, thank you.

CHAIR COUCH: Alright, Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you. Yeah, and thank you for all your folks' appreciative words and it's definitely a collective and team effort here but thank you on everyone's behalf for this. And again I think it's a very helpful tool that we have in this TIG process and I'm looking forward to utilizing it in the future for other in-depth things that we need to work on, on a sidebar as Mr. Guzman mentioned --

CHAIR COUCH: Agreed.

COUNCILMEMBER COCHRAN: --on top of our other workload. But with that, I want to just touch on a point if I may?

CHAIR COUCH: Certainly.

COUNCILMEMBER COCHRAN: There was a lot of discussion in the TIG, too, but it was brought up by a testifier and the word perpetuity is not in any of our lists and I just want to share now that I'm, my office is moving forward on its behalf in particular with that term and what the meaning is to have our homes in affordable perpetuity. So that's the venue I, my office and myself would like to take on that so.

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CHAIR COUCH: Okay.

COUNCILMEMBER COCHRAN: Not that it's a dead subject but it is going to be pursued, so thank you.

CHAIR COUCH: Okay. Alright. Any other comments? Seeing none, Members, thank you. Without objection, we'll defer this item and bring it up as the sole item on the October 12th meeting.

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR COUCH: Alright, this item is deferred.

ACTION: DEFER.

CHAIR COUCH: That being said, everything else, we're done with the agenda items. I want to thank the departments and Staff for being here and I appreciate you guys being here, too. So this meeting is adjourned. . . . *(gavel)* . . .

ADJOURN: 11:23 a.m.

APPROVED BY:


DON COUCH, Chair
Planning Committee

pc:min:161006:kr

Transcribed by: Kekai R. Robinson

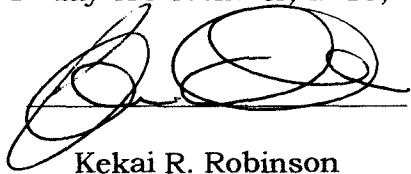
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CERTIFICATE

I, Kekai R. Robinson, hereby certify that the foregoing represents to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED the 1st day of November, 2016, in Kou, Maui, Hawai'i

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke, positioned above the printed name.

Kekai R. Robinson