North Shore Sustainable Communities Plan
CPAC Meeting #10, Part 3 Minutes
August 31, 2023, 6:00 PM – 9:00 PM
Waialua Elementary School Cafeteria

Attendance

C&C Department of Planning & Permitting:
- ✓ Brandon Soo (Project Manager)
- ✓ Dina Wong (Division Chief, Planning Division) *Joined virtually*
- ✓ Franz Kraintz (Acting Branch Chief, Community Planning)
- ✓ Zachary Stoddard (Planner)

SSFM:
- ✓ Melissa May (Project Manager)
- ✓ Malachi Krishok (Planner)
- ✓ Keith Mattson (Facilitator)
- ✓ Alice McLean (Intern)

CPAC (10 of 31 members):

CPAC Member	Attendance	CPAC Member	Attendance
Adam Borrello	☐	Lynell DaMate	✓
Calvin Mann	☐	Maka Casson Fisher	✓
Christine Alexander	☐	Manu Anana	☐
Dana Sato	☐	Mark Takemoto	☐
Denise Antolini	✓	Mia Perkins	☐
Devon Dailey	✓	Mike Biechler	☐
Diane Anderson	☐	Mike Takahashi	☐
Doug Cole	✓	Nick Farrant	☐
Ed D'Ascoli	✓	Racquel Achiu	✓
Jodi Wilmott	☐	SharLyn Foo	☐
Joe Wilson *(Virtually)*	✓	Tehani Louis-Perkins	☐
Kalei Pollock	☐	Tony Kelly	☐
Kathleen Elliott-Pahinui	✓	Will Schoettle	☐
Kevin Kelly	☐	Yvonne Alexander	☐
Kimo Lyman	☐	Zoe Bryan	☐
Leif Andersen	✓		

✓ = Present ☐ = Absent

AGENDA

1. Welcome, wehena, Meeting Agenda & Purpose
2. Plan Development Process
    o Land Use Map clarification
3. Discussion of Goals, Policies, Actions
    o Agriculture
    o Tourism Management
4. Next Steps

Meeting Minutes

(Q = Question; A = Answer by Project Team; C = Comment by CPAC Member)

1. WELCOME, WEHENA, MEETING AGENDA & PURPOSE

Keith Mattson opened the meeting. Maka Casson-Fisher offered a wehena for the meeting sharing an *oli* (chant) honoring *wai* (water). Melissa May introduced the two main topics for discussion at this meeting as tourism and agriculture.

2. PLAN DEVELOPMENT PROCESS

Melissa May provided an overview of the plan development process and recapped discussion from the last CPAC meeting. Melissa noted that the last meeting included discussions on housing development, focusing on policies to emphasize affordable housing for local residents. This discussion included a recommendation to remove language that identified a target number of new homes to be developedand call for an inventory of developable lands with consideration of constraints such as flood zones and sea level rise. The group also talked about including language opposing the use of the SLUD Rural designation on the North Shore and reviewed the land use map for consistency with the proposed policy direction. The group discussed keeping current policies around retaining the community growth boundary (CGB).

LAND USE MAP DISCUSSION

Pūʻuiki and Kukea Circle/Northern portion of Waialua Mill Camp

Brandon directed attention to the land use map to clarify whether a few areas should be included in the CGB. The first area in question is at Pūʻuiki and Kukea Circle. Brandon notes that Waialua Mill Camp previously asked for this area to be included in the CGB, but it currently is not. The decision to not include it was based on the lack of plans or design elements proposed for the area.

- **Q:** What is the current use of the land?
    o **A (DPP):** Agriculture. The property in question was never used for housing.
- **C:** I do not support moving the CGB.

<u>CPAC Proposed Policy Direction</u>: Recommend to not move the CGB to accommodate this area**.**

Peter Savio's property/land to south of Waialua Mill Camp

Brandon noted that Peter Savio's property is currently designated as Residential in the 2011 Waialua Town Master Plan. The property is connected, it would be infill development, but the current use is agriculture.

- **Q:** What is it zoned now?
  - o **A (DPP):** It is currently zoned as AG-1, so it would need to be rezoned in order to become urbanized, which is likely why it hasn't been developed yet. The idea in Peter Savio's plan is that it would not be purely residential, it would be supporting agriculture.
- **C:** I don't believe development is a responsible move for a variety of reasons. We don't have the resources to support it (infrastructure, first responders, etc.).
- **C:** Support taking it out. Right now the plan includes that development, so we have to update the Waialua Master Town Plan ASAP.
- **C:** Consider future development through the lens of a land inventory as discussed at the last CPAC meeting, rather than having a piecemeal discussion about developing specific properties.

<u>CPAC Proposed Policy Direction</u>*:* Recommend to take the property out of the CGB and change the land use designation from Residential to Agriculture.

Haleʻiwa Town/undeveloped land between North and South developed areas

Brandon noted that in the current land use plan, the Country Town designation is continuous from Konos to the Waialua Community Association. The land in between is owned by Kamehameha Schools, is in active agriculture, zoning is agriculture, and State LUD is agriculture. Opens up discussion of the long-term vision for this land.

- **C:** That is from our plan from the late 1980s. What is currently causing problems is the City allowing MCEs which are unrestricted in terms of density, and the lack of walkways. The vision is there, but it's the lack of regulation that is creating issues. The reality is that tourists are here, they're not going away, and we need to get people to park on-site so they can use the walkways.
- **C:** That land will never really be used for agriculture with the bypass road splitting it.
- **C:** The land between the old Waialua gym and the North Shore Marketplace, and the land behind Malama Market, these are two of the most important parcels for adding parking and getting people out of their cars in Haleʻiwa. But if the new development is only adding buildings, all it will do is worsen the traffic congestion problem. Infrastructure needs to be addressed for the area as a whole. We don't want piecemeal, developer-driven upzoning; there should be a plan that guides it. No land use or zoning changes should be approved until the Haleʻiwa Town Plan is updated.
  - o **C:** The problem with a moratorium is what if it takes 20 years to update the plan?
- **C:** One thing we can't overlook is wastewater systems. Then there is traffic. What we're concerned about is fixing our infrastructure first. We should never sacrifice agricultural land for development.

- **C:** Traffic is from food trucks and lack of planning. My feeling is we can't add more development until those things are addressed.
- **Q:** Was this all designated Country Town since before this draft?
  - **A (DPP):** It has been like this since 2011.
- **Q:** Is Country Town a designation just for this particular map, or is it zoning?
  - **A (DPP):** It represents a type of land use defined by a form, a collection of uses. It is defined in the plan.
- **C:** Possible action item would be to remove agricultural parcels from the CGB.
- **C:** This plan is meant to support our community and way of life, not developers or tourists.
- **C:** I'm in favor for making things harder, not easier. If someone comes in with something we need, we will band together to help. We have a process in place and we need to force people to follow the process.
- **C:** You could merge the two suggestions of removing all agricultural land from the designation in there until the Haleʻiwa Master Plan is updated.

CPAC Proposed Policy Direction: Recommend to remove the land in question from Country Town designation and change to Agriculture.

North of Paʻalaʻa Road

Brandon brings the area north of Paʻalaʻa Road up for discussion. This area is currently in Rural Residential on the land use map. It is a potential area for residential expansion, but it is currently being used for agriculture.

- **C:** We want to keep it in agriculture.
- **C:** It should be agriculture.
- **C:** In addition to an inventory of land, you need to consider road access. There's just a small lane.

CPAC Proposed Policy Direction: General agreement to remove the land from Rural Residential and change to Agriculture.

3. PRIORITY TOPICS

AGRICULTURE DISCUSSION

Melissa noted that the two agricultural issues for discussion are 1) development on agricultural land, and 2) agritourism. What we heard last time: limit/prohibit and improve enforcement against non-agricultural uses. Some of the considerations are that agricultural land issues are largely a state issue so DPP has limited ability to review uses, though that is somewhat changing. There are some updates to the land use ordinance that are still pending that could potentially address this. Finally, agricultural zoning may limit the community's desired uses in some areas (such as off-street parking in Haleʻiwa).

Development on agricultural land

- **C:** I don't see CPRs discussed as an issue anywhere here. It is in my opinion the single biggest threat to agricultural land on the North Shore, so the fact that our plan is silent on it is problematic.
  - **A (SSFM):** It is already illegal to use CPR's to add unpermitted residential density on agricultural land, so any NSSCP policy would just be re-enforcing the law. Using CPRs to facilitate illegal development is an enforcement problem.
  - **C:** Can the plan bolster enforcement issues?
  - **C:** We have used enforcement statements as a way in the past to push back against developers.
- **C:** Could we just adopt a policy that bans/discourages/deprioritizes those behaviors that we're listing? The point would be to describe them, and mention CPRs directly.
  - **C (SSFM):** What would the priority action be, since it's already illegal?
  - **C:** The action would be to do something about the illegal actions.
  - **C:** That wouldn't clearly state what you do want.
- **C:** For our land, we CPRed it. I didn't have to go through a review, or go to a board. Might be beyond this purview. Maybe there is a process when a person purchases an excess amount of acres.
  - **C (DPP):** Right now when someone registers a CPR they have to come to the County, and the County has to certify that there's enough infrastructure on their property for what they want to do. It's more a disclosure because it's not a land use approval. You're dividing your property. Even if a property is CPR'd, the number of structures allowed on it does not increase.
  - **C:** It's an increasing density of use because it allows for increased ownership of land. It fundamentally changes how it is used. DPP really needs to change their position on this. We're seeing the land use impacts of it in a major way.
- **C**: It needs to be clear enough that anyone looking to buy a parcel of land will think twice. Really what we're trying to avoid is someone coming in, buying a piece of land, and thinking that they can make this much money because they can CPR it. We want to discourage those buyers to begin with.
- **C:** Can the SCP recommend that DPP establish an enforcement officer for building and use code violations on ag/CPR properties?
  - **C (DPP):** We do have inspectors going around to agricultural properties. It's an issue that's been talked about for a long time. The State Legislature required a report about agricultural CPRs in 2020 and they produced a list of recommendations.
- **C:** We took agricultural land out of the mix, so how do we now protect what we just designated as ag, like making it mandatory to dedicate your property to agriculture? How do we make it so difficult that the developers don't want it?
- **Q:** Is there something you can describe as far as density goes? A lot of our problem is that they're going around the zoning laws and becoming over dense which is creating other problems. Just like monster houses, it's the same with agriculture.

- o **A (DPP):** If they CPR their property they still have to follow zoning laws. So the amount of density allowed is the same.
- **C:** Right now part of the problem is the permit exemption for farm structures under 1,000 sq. ft. and it's the interplay between that and CPRs that is creating this problem. It's making enforcement hard. When you add 50 new owners to a lot, then you have 50 new structures.
  - o **C (DPP):** We proposed legislation a couple years ago for the ag structures. Our concern is that if we modify that, it would hurt the small farmers.
- **C:** Maybe somewhere in here we can make fines extreme and if you violate you're taking it down at your cost and you cannot build for 3 years.
- **C:** We are trying to find a way to eliminate the problem without eliminating the small farmer.
- **C:** When I CPRed my lot I had to create a farm plan/ranch plan and I have to submit something every year.
  - o **C (DPP):** That was for your designation.
  - o **C:** No, that was for my CPR.
- **C:** The BWS is looking at doing some additional meter ag waivers and is looking at requiring a farm plan.
- **C (DPP):** There would be a large administrative burden if every farm had to send DPP a farm plan. One of the key problems with enforcement is that we don't have criteria for what constitutes legitimate agriculture. That is what the proposed policy speaks to.
  - o **C:** If you are doing a legit farm, you will have a farm plan. Let's make it hard.
- **C:** If someone comes in for an accessory permit, that's when additional criteria would come in for appropriate agriculture. Could we say "develop and enforce criteria to ensure the properties of agriculturally zoned land include farm plans for accessory use"?
  - o **C (DPP):** It's such an important problem statewide, seems like it needs action rather than just a policy. The rules are good, it's just a matter of actually enforcing them.
  - o **C:** It would be easier to enforce if there's a farm plan.
  - o **C:** Work with agencies that have rules in place already to help DPP with enforcement.
  - o **C (DPP):** We require farm plans for ag clusters.

CPAC Proposed Policy Direction:

- Remove mention of rezoning agricultural land within the CGB for housing.
  - o *Example: RC5/5.2/P1 – REVISE DESCRIPTION to be more in line with what was discussed in Land Use Map Discussion above, keeping ag land within CGB in agriculture.*
- Consider adding clarifying language to preserve conservation and/or agricultural uses in inundated areas.
  - o *Example: AG1/1.4/A2 – REVISE LANGUAGE "Consider new **agricultural or conservation** uses for agricultural lands subject to inundation."*
- Ensure that the narrative emphasizes the current issues around CPR's being used to facilitate illegal development and that the plan takes a strong stance against it. Look for opportunities to mention it in policies where appropriate.
  - o *Example: AG2/2.1 – ADD "…including CPRs, co-ops, etc"*
- Increase the penalties for illegal uses on agricultural land.
  - o *Example: AG2/2.1/P1 – ADD language about increasing penalties/fines.*

Agritourism

- **C:** I've heard rumors about allowing things like ziplines and ATVs. Make them provide a plan.
  - **C (DPP):** Instead of requiring an agritourism plan, maybe let's define what is allowable, and that would be explained in the CUP in order to be compliant with the NS SCP. It's kind of subjective, right? For example, the distillery in Kunia.
  - **C:** What I'm reading here (*AG1/1.3/P2*) is that I could have a zipline and a garden.
    - **C (DPP):** There is a 50% requirement.
  - **C:** We need to clarify in our statement that it should be incidental, not the primary use.
- **C:** Concerned about the word monitor (*AG2/2.1/A2*)
  - **C:** Some CUPs require an annual report, like Sunset Ranch.
    - **C (DPP):** We are currently getting reports because of the CUPs.
  - **C:** We have tons of people who are very creative in bending the rules.
  - **C:** The thread through all of this is infrastructure. Whether it's roads or whatever. What's affecting us most is how the land is being used and people are not abiding by the zoning laws or building codes and there's no enforcement of it.
  - **Q:** How do we help DPP have a better ability to take a course of action? Would adding language on site visits bolster DPP's ability to enforce?
    - **C (DPP):** We usually do site visits when someone complains.
  - **C:** Put the onus on the landowner to monitor and submit reports to DPP.
  - **C:** Consider bringing in HTA.
  - **Q:** Would HTA comment if we send it to them?
    - **C:** For sure. It would be in HTA's best interest to respond.
- **C:** I think to be consistent in protecting agricultural land we should just say we do not support putting up windmills or solar panels (*AG2/2.2/P1*).
  - **C:** If the panels are on an agricultural building, that's fine.
  - **C:** If HECO builds a solar farm, they don't want to share the electricity.
  - **C (DPP):** Mahi Solar provided free land for the farmers and water infrastructure for them on their site but they were developing a solar energy facility.
    - **C:** There's no guarantee in deals like that, it depends how long the lease is.
    - **C:** It restricts the farmer because they are not able to invest.
  - **C:** I think our sentiment is ag for ag land. Will send a copy of a resolution adopted by the North Shore NHB that articulates our position.

CPAC Proposed Policy Direction:

- Consider changing the language of complementary activities on agricultural land.
  - *Example: AG1/1.3/P2 – ADD LANGUAGE such as "… other uses if the activity is **inherently related/there is a strong nexus/directly related to an agricultural product grown on the land and incidental** to the primary agricultural uses…"*
- Add language on monitoring and enforcing tourism activities on agricultural land to minimize adverse impacts.
  - *Example: AG2/2.1/A2 – ADD LANGUAGE such as "… such as annual reports or site visits"*

TOURISM DISCUSSION

- **C (SSFM):** What we heard from the CPAC was that there is opposition to any form of new visitor accommodation on the North Shore *(TM2/2.2/P1)*.
    - **C**: The Waialua Town Plan included a small inn, but I opposed it. We've had no resort zoning since our first plan 1999. I will fight to keep it that way.
    - **C**: We are already battling a significant increase in property taxes, and having a resort zoned area will increase our taxes.
    - **C (SSFM)**: The plan already says no resort zoning. There's also mention that there would need to be some special kind of permit for the inn. The reason we're bringing it up is that it needs to go through public review. What we've heard from initial surveys, even from previous CPAC surveys, is that people are divided on it.
    - **C**: You open that door and all these creative minds are going to take advantage. So we don't need any more accommodations. The professionals, the surf community, they can stay at Turtle Bay.
    - **C**: The new code word for short term rentals is workforce housing. People are creating their agribusinesses and want to create workforce housing for people who want to come visit.
    - **C**: I don't care what the Waialua Town Plan says, it's old, the neighbors will go crazy if we allow it.
    - **C**: We don't have control over illegal rentals even now.
    - **C (SSFM)**: What's going to happen is that we're going to make the changes visible in the public draft, and either people will come out against or support.
- **C:** We should say reducing illegal STRs "before" (rather than "while"). We need transparency within the community so for example how easy is it for a resident to look up all the violations. This will allow us to self-enforce a lot more.
    - **C (DPP):** That transparency might be difficult for privacy reasons but I'm not sure.
    - **C (SSFM):** We could just say eliminate STRs.
- **C:** I still have a problem with this (*TM2/2.1/PA3)* because there's no enforcement.
    - **C:** My feeling is that we've had this for 30+ years. I've always been supportive of it, but I've changed my mind because we don't have the infrastructure. I don't think we could be doing a future vision for leaving the door open for this knowing we don't have the infrastructure.
- **C:** I think we would all agree that we are over capacity with visitors (*TM1/1.1)*. I feel like we should have a statement in here that says we are over capacity.
    - **A:** The introduction of the Tourism Management chapter will paint that picture.
    - **C:** Would we be able to suggest a toll for all rental cars coming past Wahiawā?
        - **C:** If you're doing a tollbooth you're charging everyone including residents. Congestion pricing would require new stage legislation and would allow it.
        - **C (SSFM):** Tolls would require state legislation and are highly unlikely to be adopted, however they are mentioned in the plan as a possible tool.
    - **C:** Another approach is management of hotspots.

- ▪ **C:** I hear what you're saying, but you'll also include residents in that. You're going to eliminate a lot of residents. The problem is how to balance that because the whole goal is that we don't want to have locals not be able to go to the beach parks.
- **C:** There are lots of negative impacts to locals because there are too many people (*TM2/2.1).*
  - o **C:** There was discussion from Ige of closures of certain parks. This is the first time tourism management has been in this plan, so it's a chance to set the tone and foundation of the plan.
  - o **C:** The title of Goal TM 2 is good —would be good to repeat.
  - o **C (SSFM):** There is also a lot about carrying capacity in the tourism section. A key for that is collecting data on what the actual visitor numbers are to come up with solutions.
- **C:** In order for this plan to work (*PR1/1.4*), we need to close the beaches to everyone at certain times. Closures were part of Hawaiian history.
  - o **C:** MPW has hired SSFM to do a biological carrying capacity study for Sharks Cove. We will have data to back up the options and will be doing pilot projects including closures.
  - o **C:** We had a hearing a few years back about the tour buses. When I was growing up, Laniākea had pine trees all along the road. I wish the trees were still there. We have allowed the influx of visitors to penetrate to a point where we are now stuck.
  - o **C:** Communities get asked to do so much but we need support to do so.
- **C:** Don't mention "food establishments" (*RC2/2.3*). We should somehow address the idea of a first responders/resilience hub.
  - o **C:** Proposes removing "such as" from the list.
    - ▪ **C (DPP):** Keeping "such as" qualifies it because there might be an appropriate use that we cannot foresee.
- **C:** We need satellite spaces for first responders, but I think we should be more general than naming Sunset Beach (*PF3/3.3/A2).*

CPAC Proposed Policy Direction:

- Remove language about adding a small country inn in Hale'iwa and/or Waialua.
  - o *Example: TM2/2.2 – DELETE language about small country inn*
- Change language on illegal STRs from "reducing" to "eliminating"
  - o *Example: TM2/2.2 – CHANGE language from "…reducing illegal STRs…" to "…eliminating illegal STRs…"*
- Remove reference to food establishments in *RC2/2.3.*
- Consider removing mention of Sunset Beach in the establishment of a storage facility for the City Ocean Safety and Lifeguard Services Division.
  - o *Example: PF3/3.3/A2—REMOVE "…near Sunset Beach."*

3. NEXT STEPS

The identified changes will be incorporated and an Agency Review Draft will be circulated to DPP and other agencies. Then the Public Review Draft will be released for public comment with another round of community outreach (target summer 2024).