

**MAUI PLANNING COMMISSION
DRAFT MINUTES
MAY 27, 2014**

DRAFT

A. CALL TO ORDER

The regular meeting of the Maui Planning Commission was called to order by Vice-Chairperson Keone Ball at approximately 9:04 a.m., Tuesday, May 27, 2014, Planning Conference Room, First Floor, Kalana Pakui Building, 250 South High Street, Wailuku, Maui.

C. PUBLIC HEARINGS (Action to be taken after each public hearing.)

- 2. MR. DAVE GOMES, General Manager of HAWAIIAN CEMENT requesting amendments to its State Land Use Commission Special Permit (SUP) and County Special Use Permit (CUP) to add 51.697 acres to its existing site, obtain a fifteen (15)-year time extension for the SUP and a fourteen (14)-year time extension for the CUP, and request amendments to the existing permit conditions; subject parcel is 51.7 acres of State Agricultural land at Maui Tax Map Key (2) 3-8-004:001 (por.), Kahului, Maui, Hawaii. (P. Fasi)**

Mr. Paul Fasi: Good afternoon Commissioners. Thank you. We are discussing an amendment to two permits, State Land Use Special Permit and a County Special Use Permit, both are for time extensions, 15 years... 14 years and 15 years respectively. The reason for the one-year difference is so they end at the same time.

The requested amendments are to extend the boundaries of the 24.4-acre quarry site by adding 42 acres. To add 9.6 acres to the existing quarry site. Number 3, to delete Condition No. 16 which relate to an old map. And Number 4, 15-year and 14-year time extension for the two respective permits.

The land use designations are State Land Use District is Ag. On Maui Island Plan it is undesignated. It's in the Wailuku-Kahului Community Plan as Ag, County Zoning is Ag. It is not in the Special Management Area.

As far as government regulations pursuant 205-6, Hawaii Revised Statutes certain unusual and reasonable uses within the Ag District and Rural District other than those for which the district is classified which may be permitted. And this current use right now is operating under a current State Land Use Commission Permit. So today, this body is gonna make a recommendation to the State Land Use Commission. It still needs to get approval from the State Land Use Commission. You will be making a decision on the County Special Use Permit today.

So anyway, getting back to the State Land Use Commission, Section 205-6, this has been deemed an unusual and reasonable use. It has been in existence for 22 years at this site under Hawaiian Cement. It has previously been quarried under another entity previous to the 22 years. So it's been there for quite a while at that site.

The County Special Use Permit requirements within the Ag District as long as they have approved County Special Use Permit, it is listed as a special use with an approved Special Use Permit. And that I believe it is mining and resource extraction, Item No. K, I believe. Okay, mining and resource

extraction that's the category it falls under. I'm gonna turn it over to Karlynn Fukuda, Munekiyo & Hiraga, just to save us some time 'cause I don't wanna repeat myself. She's would just gonna be repeating what I say.

As far as other governmental approvals, like I said, it will need a State...approval from the State Land Use Commission. There has been eight letters of support that I passed out earlier. You have in your hand. That was just received by the Department recently. So, I'm gonna turn it over to Karlynn. She has a really good presentation and will probably answer most of your questions. Thank you.

Ms. Karlynn Fukuda: Good afternoon, Chair and Members of the Maui Planning Commission. My name is Karlynn Fukuda of Munekiyo & Hiraga, Inc. We are before you today regarding the request for amendments to the State Special Use Permit and County Special Use Permit for the Hawaiian Cement Puunene quarry. Joining me today are David Gomes, the General Manager of Hawaiian Cement on Maui and Kirk Tanaka of R.T. Tanaka Engineers, the project civil engineer.

As Paul noted, the request we have before you today are amendments to the existing State Special Use Permit and County Special Use Permit. The use permit requests are needed due to the proposed quarry use. The Planning Commission as Paul said will make a recommendation to the State Land Use Commission on the State Special Use Permit while you do have approval authority on the County Special Use Permit.

Generally there are four amendment requests that we have before you today. I'd like to review them briefly here and then go into further detail when we're discussing the request by permit. These requests will provide Hawaiian Cement Puunene quarry with the ability to access additional rock material that is needed to support the construction industry on Maui.

So the first amendment request that we have here is to extend the boundaries of the existing Puunene quarry site by adding 42 acres for quarry use. The second request is to add an approximately 9.7-acre portion to the existing quarry site. The third request is to delete Condition No. 16 of the State Special Use Permit which is related to the submittal of a boundary to reflect the previously permitted 105 or approximately 106-acre quarry site. And the last request is to request a time extension for both the State Special Use Permit and the County Special Use Permit which currently have about a one-year time difference because of I believe the approvals that the permits went through. I would like to also note there were two previous amendments to the permit boundaries, to amend the permit boundaries for the Puunene quarry the last one being issued in 2006.

I have the regional location map here to give you context for the location. So here we have Mokulele Highway, Kahului on this end, Kihei on this end. This is the approximate area of the 100...I'm sorry, approximately 350 acres that Hawaiian Cement has under lease from A&B Hawaii for the quarry. Hawaiian Cement received approvals back in 1992 for the Puunene quarry. And as I previously mentioned they did receive two amendments to extend the boundaries of the quarry. I would also like to note that in their lease agreement with A&B Hawaiian Cement can only have 30 acres at a time in active quarry use.

This next slide is to review the existing permitted lands at the Puunene quarry as noted in yellow. So the 172 acres that I mentioned earlier would make up this area here, this area here, this area here, and this fourth area here. This area noted in green is the approximately 42-acre expansion that they are asking for today. And then this triangular piece in blue is the approximately 9.6-acre portion that was previously quarried. I would also like to note that this 24.4-acre portion is the area that they are currently quarrying and that this approximately 42 acre portion has not been quarried as of yet although they do have approvals for that.

This aerial map again provides an approximation of the 350-acre boundary area that Hawaiian Cement has with A&B. Again, you can see the existing...this is where they have the concrete aggregate and rock crushing processing and this is the area that they are currently quarrying. And this is the approximate area of the 42-acre expansion site. I would like to note that so access to the quarry is provided off of the signalized intersection here of Kaamaina Road and Mokulele Highway. There is also the Maui Humane Society again to give you reference and the Army National Guard is located here. At its closest point, the quarry is about a little over a mile away from Mokulele Highway. So...

The proposed amendments to the State Special Use Permit and County Special Use Permit are not anticipated to have additional impacts as the proposed site is located adjacent to the existing quarry sites. As such the existing quarry infrastructure would be utilized to support the new area. The Puunene quarry also plays an important role in supporting the construction industry providing needed materials for roadway paving as well as the construction of buildings. I also like to note as I previously noted that based on their lease agreement, Hawaiian Cement can have no more than 30 acres in active quarry use and that their lease agreement also calls for restoration of lands once the quarry has been completed, quarrying has been completed.

I would now like to go through the amendment request for the State Special Use Permit and County Special Use Permit specifically. I would like to note that the amendment requests are similar for both the State Special Use Permit and the County Special Use Permit and so the proposed amendments under applicability to each permit is noted here in the matrix.

So with the first amendment that we are requesting which is to extend the boundaries of the existing Puunene quarry site approximately 42 acres. That amendment request is being sought for both the State Special Use Permit and the County Special Use Permit. The second request with the addition of the approximately 9.7-acre portion to the project permitted area. In discussions with the State Land Use Commission, it was determined that there was that blue triangular portion that I noted earlier that had accidentally been quarried although it had not been included in their previous permits and it was unclear as to why that area had not been included in the Permit area because it was adjacent to two other quarry sites. And so we are asking for approval of inserting that portion into the permits for both the State and the County.

The State Special Use Permit going onto the third amendment request is that we would like to delete Condition No. 16 of the State Special Use Permit which required Hawaiian Cement to submit an updated map of the boundaries of the previously permitted areas. And as noted in the staff report in December 2007, Hawaiian Cement's civil engineer had actually submitted that to the County of Maui and so we would like to ask for deletion of this condition because we've met the

requirements of the condition which was the submittal. That condition or that request is not applicable to the County Special Use Permit because that was not a condition of the County Special Use permit.

The last amendment request that we would like to...that we are seeking today is a 15-time extension to the State Special Use Permit which would allow for the expiration to be in July 2032 and for the County Special Use Permit it would be a 14-year time extension which would also bring it in concurrence with the State Special Use Permit for expiration in July 2032. I would also like to note that Hawaiian Cement's lease with A&B does expire in 2032 with the option for renewal. So there's continuity in the dates there.

We'd like to request that the Commission approve the Planning Department's staff report and recommendations to the State Land Use Commission on the proposed amendments for the State Special Use Permit. And we would also like to respectfully request that the Commission approve the amendments to the County Special Use Permit today. The Puunene quarry plays a vital role in the construction industry for Maui and is needed to support various projects including the one that the Commission just approved this morning, the Makena HM project. So this concludes my presentation and we are available to answer any questions you may have. Thank you very much.

Vice-Chair Ball: Thank you. At this time, we'll open the floor for public testimony. Seeing none, public testimony is closed.

Mr. Freitas: So move to approve.

Vice-Chair Ball: Hold on. Questions for the applicant? Sandra?

Ms. Duvauchelle: Karlynn, what is the closest structure to the quarry with the expansion? Is it like a mile, two miles?

Ms. Fukuda: It's probably at least, at least a mile.

Mr. Freitas: More.

Ms. Fukuda: Actually it's more because if you're talking about the expansion area here--

Ms. Duvauchelle: Moving away.

Ms. Fukuda: Yeah, the nearest structure that I could think of is the National Guard, the Army National Guard buildings that are here. So we're basically moving mauka away.

Mr. Freitas: More than a mile.

Ms. Fukuda: Yeah, so...It's probably more than a mile away because you know, at its closest point here it's...I think we're looking at a little over a mile to Mokulele Highway.

Ms. Duvauchelle: Okay, thank you.

Vice-Chair Ball: Penny?

Ms. Wakida: Karlynn, when the land is depleted...how does the company determine that the land is depleted?

Ms. Fukuda: In terms of the rock material?

Ms. Wakida: Of quarrying, yes.

Ms. Fukuda: I believe that they, you know, are able to test and go down as they are actually quarrying the material and there have been instances where they've come across rock material that's not suitable and so they won't utilize that material.

Ms. Wakida: And that would be, can you give me an idea of how deep we're talking?

Ms. Fukuda: I believe if I'm not mistaken it's about 20 feet, about 25 feet on average going down, about 25 feet.

Ms. Wakida: Okay.

Vice-Chair Ball: Go ahead Penny, you can ask your second question.

Ms. Wakida: Oh, my second question. Has any of the land been depleted, considered depleted so far?

Ms. Fukuda: So there is about 30 acres that based on their lease agreement with A&B they have to restore the lands that are done with quarrying. In some instances like this area here although they've quarried, you know they're moving back towards this way so they can't necessarily return all of this land because they're using their equipment to transport the mined material back to the crushing operation that's here. But there is...and it's kinda hard to see, but there's a portion here about 30 acres that has been restored and returned back to A&B for their use.

Ms. Wakida: And can you briefly tell me what this restoration process involves?

Ms. Fukuda: It essentially involves, they are required to remove the top soil and stockpile it before they actually do the quarry. So then they are required to refill approximately 18 feet, sorry, not 18 feet, 18 inches, put that top soil back in, but Hawaiian Cement has actually been doing more probably about two feet of fill and returning it back to A&B.

Ms. Wakida: Well...may I ask one more? Well, if they're digging down 25 feet and they put in what did you say?

Ms. Fukuda: Two feet.

Ms. Wakida: I mean, then we've got a 23-foot hole. I don't get it as far as restoring the land.

Ms. Fukuda: Well, the soil is returned so that they can utilize it for agricultural purposes and that's the requirement of their lease agreement with A&B.

Ms. Wakida: But they don't fill the hole back up?

Ms. Fukuda: Right, they don't fill it because they've removed the rock that's...that was underneath that soil, so...

Ms. Wakida: So I guess I don't get the picture of how it's being put back into agricultural use then if it's a big hole in the ground?

Ms. Fukuda: Well, they're...you know, that's A&B's or HC&S's option is to be able to utilize that area for, you know, whether it be seed crop, seed cane crop or you know other agricultural use, but that's the requirement that Hawaiian Cement has been asked to do. So once the land is turned back over to A&B or HC&S, I mean that's up to them to utilize how they wish for agricultural use.

Vice-Chair Ball: Wayne?

Mr. Hedani: That actually answers my question I think. During quarrying operations, Karlynn, is there a storm water retention area or is storm water 100 percent retained on site?

Ms. Fukuda: I will defer to Kirk Tanaka, but there are retention basins that they I believe temporarily install so that the water, so if there is a storm event, it's not filling into the quarry hole.

Mr. Hedani: Okay.

Mr. Kirk Tanaka: Good afternoon, Chairman Ball and Members of the Commission. My name is Kirk Tanaka of Tanaka Engineers. We're the project civil engineers. To answer Commissioner Hedani's question, yes there would be surface retention, temporarily to pick up any storm water associated with the quarrying operations or the site itself without having to overflow into the adjacent gulch. On the north side of the expansion area there is...there's also a low spot right here on the north side of the expansion area which tends to pond the runoff even today. But, yeah, I'm sorry, it was confirmed. Last time I was out there they had a crop on it, but so they are still, HC&S are still actively cultivating cane in the 42 acres.

Vice-Chair Ball: Anyone else questions? Seeing none, can we get the recommendation from Paul Fasi?

Mr. Fasi: Thank you, Chair. In consideration of the foregoing, the Planning Department recommends that the Maui Planning Commission adopt the Planning Department's report and recommendation prepared for the May 27, 2014 meeting as its finding of fact, conclusions of law, decision and order and authorize the Director of Planning to transmit said decision and order on behalf of the Planning Commission. Planning Department based on the facts presented in the Department's report finds that the proposed amendments will not have a significant, adverse environmental or ecological effect. And the proposed amendments are consistent with Chapter 205, HRS, the Countywide Policy Plan, the Wailuku-Kahului Community Plan and applicable

County Zoning ordinances, in sum the Department recommends a full approval and an approval of recommendation to the State Land Use Commission. Thank you.

Mr. Freitas: So move to approve.

Mr. Hedani: Second.

Vice-Chair Ball: There is a second. Discussion? Did you say...did you remove that 17 or whatever it was, 16, sorry?

Mr. Fasi: You make a recommendation to the State Land Use Commission.

Vice-Chair Ball: Okay, we're taking these together. There was a motion and second. All those in favor?

Ms. Wakida: Wait, could we repeat the motion please?

Vice-Chair Ball: Yes.

Ms. McLean: Okay, the motion would be to recommend to the State Land Use Commission that they make the following amendments to the State Special Use Permit and for the Commission to approve the County Special Use Permit with the additions of adding a new approximately 42 acre site including an already used 9 plus acre site. The two time extensions, the 15 and 14 years, and for the State Land Use Commission Special Permit deleting Condition 16.

Vice-Chair Ball: Got that? All in favor say, "aye" and raise your hand please?

Commission Members: Aye.

Vice-Chair Ball: Any opposed? Carried. Seven ayes.

Mr. Fasi: Thank you.

Ms. Fukuda: Thank you very much.

It was moved by Mr. Jack Freitas, seconded by Mr. Wayne Hedani, then unanimously

**VOTED: To Recommend Approval to the State Land Use Commission (LUC) on the Proposed Amendments to the State Land Use Commission Special Permit; and to Approve the Proposed Amendments to the County Special Use Permit as Written and Submitted in the Department of Planning's Report and Recommendation Report Dated May 27, 2014.
(Assenting - S. Duvauchelle, W. Hedani, R. Higashi, J. Freitas, J. Medeiros, M. Tsai, P. Wakida)
(Excused - I. Lay)**