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November 15, 2017

To: Daniel Orodener, Executive Officer
Land Use Commission

From: Leo R. Asuncion, Director 
Office of Planning

Subject: Honouliuli Wastewater Treatment Plant Secondary Treatment and Support Facilities
City and County of Honolulu, Department of Design and Construction
Special Permit No. SP17-409
Tax Map Key: (1) 9-1-069: Portion 003, and 004
Ewa Beach, Oahu, Hawaii

The Office of Planning (OP) recommends approval of Special Permit Application, SP17-409, Department of Design and Construction ("Petitioner"), as transmitted by the City and County of Honolulu, Planning Commission's Findings of Fact, Conclusions of Law and Decision and Order, dated October 6, 2017. OP provides the following in support of this recommendation.

Factual and Procedural Background

1. The Petitioner submitted a Special Use Permit application to the Department of Planning and Permitting, City and County of Honolulu ("DPP") for the expansion of the existing Honouliuli Wastewater Treatment Plant ("WWTP"). OP commented on this application by letter dated August 2, 2017 to DPP. This letter is included within the DPP's Exhibit 13, which was transmitted to the Land Use Commission ("LUC") on September 14, 2017.

The existing WWTP site is located on Tax Map Key parcels 9-1-013: 007 Portion; 9-1-069: 003 Portion; and 9-1-069: 004 Portion, and provides primary treatment and limited secondary treatment for the Honouliuli sewer basin. The Honouliuli sewer basin services about 300,000 people ranging from Moanalua/Red Hill to Campbell Industrial Park and Ko Olina. Parcel 7 is within the State Urban Land Use District. Parcel 3 is within the State Urban (23.3 acres) and Agricultural Land Use Districts (25.1 acres), and Parcel 4 (2.702) is within the State Agricultural Land Use District. The WWTP has an average daily flow capacity of approximately 38 million gallons per day (MGD) with one unit on standby and 51 MGD with all units in service.

Also on site is the Honouliuli Water Recycling Facility ("HWRF"), owned by the City Board of Water Supply. The HWRF has a capacity of 12 MGD and produces two MGD of recycled water for irrigation and industrial purposes. There is a convenience center refuse collection station, which operates independently from the WWTP operation.

The Special Permit Application is required in order to expand the wastewater facility to accommodate secondary treatment and support facilities required to comply with the 2010 Consent Decree or as currently referred to as the First Amended Consent Decree (FACD) between the Applicant, the State Department of Health, and the Environmental Protection Agency. The key terms are:

- a. January 1, 2019—Applicant shall begin construction of the secondary treatment facilities for Honouliuli WWTP.
- b. June 1, 2024—Applicant shall complete construction of secondary treatment facilities.

In the short term, in order to comply with the FACD deadlines, the applicant seeks to obtain a Special Permit to allow the expansion, construction and operation of the WWTP on the State Agricultural Land Use District areas of parcel 3 and parcel 4.

Special Permit Guidelines

2. The guidelines for Special Permits are contained within Hawaii Administrative Rules (HAR) § 15-15-95 which allow certain “unusual and reasonable” uses within Agricultural and Rural Districts other than those for which the district is classified. HAR § 15-15-95 lists six (6) guidelines for determining whether a proposed use is “unusual and reasonable.” OP assessed the project in relation to these guidelines, and provided comments to the DPP, which were addressed as follows:

A. The use shall not be contrary to the objectives sought to be accomplished by Chapters 205 and 205A, HRS, and the rules of the Commission.

- a. Hawaii Revised Statutes (HRS) Chapter 205 seeks to protect agricultural lands and ensure their continued availability for agricultural use. It provides that the Agricultural District shall include lands with a high capacity for agricultural production, grazing, or other agricultural uses. Chapter 205 recognizes that some lands in the Agricultural District may not be suitable for the uses permitted in the Agricultural District and, therefore, other uses may be allowed with a Special Permit.
- b. In this case, the site contains soils of mostly poor quality (Parcel 3) with a small area containing higher quality agricultural lands (Parcel 4). According to the Land Study Bureau (LSB), the soils in Parcel 3 have been classified as having an overall (master) productivity rating as “E” lands, and soils within Parcel 4 have been designated as “A” and “B.” We note that Parcel 4 already contains existing appurtenant uses.
- c. Regarding the objectives of HRS Chapter 205A, the application sufficiently addresses the project’s compliance with applicable Coastal Zone Management (CZM) program objectives and policies and it appears that the proposed use is not contrary to the

objectives of the program. The proposed project will improve water quality in the nearby coastal waters, thus improving recreational opportunities in the area. The project is also required to meet the FACD.

- d. The project site has not been recommended as Important Agricultural Lands (IAL).
- e. Additionally, an archaeological assessment (AA) has been provided. The State Historic Preservation Division reviewed the AA and determined that the report is “accepted” and that no other work is required.

B. The desired use would not adversely affect surrounding property.

- a. According to the application, the proposed project is not anticipated to directly or indirectly affect adjacent uses. The project site is located south of the Ewa Villages, bounded by Geiger Road on the south, Roosevelt Avenue on the south and west sides, Kalo Gulch on the east and the Oahu Railway and Land Right of way on the north. Also adjacent to Parcels 3 and 4 is the existing Honouliuli WWTP, and other City uses.
- b. Expansion construction of the Honouliuli WWTP would result in short-term impacts that are temporary, intermittent, and localized. Long-term impacts related to operations and maintenance, including noxious odors and noise, would be minimized by buffer areas on the residential side of the project.

C. The use would not unreasonably burden public agencies to provide streets, sewers, water, drainage, schools, fire, and police resources.

- a. According to the application, the proposed project would increase the capacity of the Honouliuli WWTP, and meet the FACD requirements. As such it would improve municipal wastewater services.

D. Unusual conditions, trends, and needs have arisen since the district boundaries and rules were established.

- a. OP recognizes the State’s interest in the City meeting the requirements of the FACD. OP also recognizes the State’s interest in conserving the State’s agricultural land resource base and assuring the long-term availability of agricultural lands for agricultural use. OP acknowledges the proposed project site was primarily used as cattle ranching and is not irrigated, however, currently there is no agricultural use on the project site. The City has designated the site within the Ewa Development Plan Community Growth Boundary.

E. The land upon which the proposed use is sought is unsuited for the uses permitted within the district.

- a. The land upon which the proposed use is sought is suited for the uses permitted within the district. As noted above, the project would be located on relatively poor quality lands, as approximately 25.5 acres are Class E land on Parcel 3, as rated by the LSB productivity rating system. Under the Agricultural Lands of Importance to the State of Hawaii (ALISH) these lands are unclassified. The project area also includes Parcel 4, which is approximately 2.702 acres, on Class A and B lands. Under the ALISH system, the soils on the subject property are classified as Prime. However, as noted above, there are already existing uses on Parcel 4.

Recommendation

Having reviewed the application and applied the available information to the applicable Special Permit guidelines, OP supports the intent of the proposed project, and agrees with the conditions of approval from the City Planning Commission Findings of Fact, Conclusions of Law, and Decision and Order dated October 6, 2017.

OP also notes the following.

- In the long-term, the applicant plans to file a Motion for Amendment with the Land Use Commission (LUC) to bifurcate Parcel 3 from the original reclassification under Docket No. A88-627, and concurrently file a District Boundary Amendment to reclassify a portion of Parcel 3 and Parcel 4 from the State Agricultural to the Urban Land Use District.
- OP has no objection to the proposed Special Permit to allow the expansion of the Honouliuli WWTP in order to fulfill the FACD requirements. We note that OP will have the opportunity to comment on the proposed Motion to Amend and District Boundary Amendment during the LUC process.

If you have any questions, please contact Lorene Maki of our Land Use Division at (808) 587-2888.