BEFORE THE PLANNING COMMISSION
CITY AND COUNTY OF HONOLULU
STATE OF HAWAII

In the matter of the Application of
DEPARTMENT OF DESIGN AND CONSTRUCTION, CITY AND COUNTY OF HONOLULU
Ewa Beach, Oahu, State Special Use Permit - 2017/SUP-2
Honouliuli Wastewater Treatment Plan Secondary Treatment and Support Facilities

File No. 2017/SUP-2

Taken at Mission Memorial Conference Room, Mission Memorial Building, 550 South King Street, Honolulu, Hawaii, 96813, commencing at 1:30 p.m., on September 13, 2017, pursuant to Notice.
APPEARANCES:

Commissioners present:  Dean I. Hazama, Chair
                        Cord D. Anderson
                        Kaiulani K. Sodaro
                        Steven S. C. Lim
                        Ken K. Hayashida
                        Gifford K. F. Chang

Commissioners excused:  Theresia G. McMurdo, Vice Chair
                        [prior notice given]
                        Arthur B. Tolentino
                        [prior notice given]
                        Wilfred A. Chang, Jr.
                        [prior notice given]

Deputy Corporation Counsel:  Rozelle A. Agag
                            (Advisory to the Planning Commission)

Planning Commission Staff:  Gloria Takara,
                            Secretary-Hearings Reporter

DPP Representative:  Raymond Young, Staff
                    Planner, Community Planning Branch
PROCEEDINGS

Chairman: Okay. Good afternoon and welcome to the September 13th, 2017 meeting of the Planning Commission. At this time I call the meeting to order. First up on our agenda is approval of July 19th, 2017 meeting minutes, as previously circulated. Commissioners, I understand we have received a minor late change from the Department regarding some modifications to the minutes. Any objections to adopting the minutes as amended?

Member Sodaro: None.


Next order of business on our agenda is public hearing, Ewa Beach, Oahu, State Special Use Permit, 2017/SUP-2, Honouliuli Wastewater Treatment Plant Secondary Treatment and Support Facilities. Department of Planning and Permitting.

Mr. Young: Thank you, Mr. Chairman. Mr. Chairman, members of the Planning Commission. My name is Raymond Young for the record. I'm the staff planner that worked on the project along with Mr. Jeffrey Lee behind me, who also worked on the project. If I may turn your attention to the map prepared by the DPP. The project is
basically consists of two pieces of land. It's basically
this one piece here, which is a portion of Parcel 3, and
this other piece here, which is all of Parcel 4. And as you
can see on this map the area is kind of like tinted in green
are the agriculture districts, where the rest of the area
clear is all in the urban district. So, it's pretty much
entirely surrounded by urban lands except for this area
here, which is partially vacant and partially developed with
a golf course. And that's all in the ag district.

Now, this red line here represents the Oahu
Railway right-of-way, which is right at the northern
boundary of the northern part of the petition area. And the
other roads in the area represent by this TMK lines s
Roosevelt Avenue here, which then turns into Geiger Road
around the treatment plant. So, you can see the treatment
plan on this area photo is existing here with all the
different processing facilities. And the expansion area,
mainly this one to the north is pretty much vacant. And
this piece down here to the east is already developed with a
pump station and other related facilities. This major road
up here is Kapolei Parkway, snakes around here. And we have
to the south future Industrial Mixed Use Development down in
this area, the Coral Creek Golf Course. Of course, Barbers
Point Naval Golf Course here and the Kalaeloa Community
Development District located here with the runways kind of
like off the map here.

Newly developed projects in the area include the Ka Makana Ali'i shopping mall located right here. To the north of that is Hawaiian Homelands and, of course, moving on over just mauka beyond the Verona Village area is the Ewa Villages area located in this section here. Access is being provided off of Geiger located here. There's two existing driveways. A third driveway provides access to the convenience refuse center located here and, of course, the applicant is proposing access across the railway right-of-way through Malio Street, which then connects to Renton Road and then gives access to the Kapolei Parkway here.

Of course, if there's any questions just stop me anytime. Okay. The Department of Planning and Permitting recommends approval with conditions. But before I proceed, I'd like to make a correction on the Director's report. On page 10, paragraph 10, this is relating to odor control, I believe. Right now the paragraph one states that covers are intended to be used for their processing facilities so that no open standing water bodies associated with the processing of wastewater will occur. In other words, the report says that pretty much they all covered. But after the report was done, we had information clarifying that is not correct and that there will be processing facilities, clarifiers,
aeration tanks, channels and that sort of thing that will not be covered.

Okay. So, let me proceed with the basic description of the project. The expansion area being proposed by the petitioner, which is Department of Design and Construction is to address the first amended consent decree handed down by the courts and, of course, in collaboration with the various parties that mandates that the entire wastewater being discharged from Honouliuli Wastewater Treatment Plant be of secondary water treatment quality and that needs to be done by 2024.

Now, in addition to improvements for the full secondary treatment, the petitioner also proposing support facilities for island-wide wastewater treatment functions including laboratory admin. support buildings, maintenance, central shops, warehouses, operations building, odor control and septic receiving structures and, of course, the increase in the recycling facility, the amount of water being recycled through the Honolulu Water Recycling Facility.

Now, Table 1 in the report kind of outlines what all these various improvements and structures that are being proposed for the petition area.

A bit of background, the wastewater treatment plant was constructed in 1978. Upgrades took place in 1996. The water treatment facility, the recycled water occurred in
2000, and the expansion area was acquired by the City in 2011. And, the entire plant including the expansion area just about 100 acres, 72 of it is already urban. So, what's remaining is basically 27 acres that are in ag divided across two parcels, Parcel 3 and Parcel 4. Now, a portion of Parcel 3, in this area here, is already reclassified to the urban district and that was part of the Gentry reclassification that occurred back in 1988. So, that little piece had its own conditions of approval associated with that boundary amendment. Now, the Petitioner proposes to eventually file the request with the Land Use Commission to remove that portion from that boundary amendment so that the conditions that generally apply to housing and that development that was proposed there would no longer apply to the petitioner's wastewater treatment plan proposal.

Now, along with that boundary amendment or whatever process they used before the Land Use Commission, the Petitioner also plans to file for a boundary amendment for the petitionary to take it out of ag and put it into urban which ordinarily this is what we would've recommended in the first place. But, unfortunately, the timing for a boundary amendment which is months longer than an SUP may not allow the applicant to complete their wastewater treatment plant upgrades by the time the FACD or amended consent decree deadline rolls around which is in 2024.
Final Environmental Impact Statement for this project was published and that was back in April of this year. The project will be constructed basically in two phases. Now, Phase 1 will be the full secondary treatment upgraded to be completed by 2023, and then Phase II will be replacing all the existing secondary treatment facilities by 2035.

The applicant proposes various types of operations at this facility including primary and secondary wastewater treatment and also solid treatment from this wastewater, the pelletizing of secondary solids for fertilizer use or disposal at the Waimanalo Gulch Sanitary Landfill. The hauling by trucks of solids from the wastewater treatment plant to Waimanalo Gulch or H-Power. The treatment of septage and liquid sludge from outside sources; increased production of the recycled water, which is R-1 or some of it being reverse osmosis water and continued operations of the convenience refuse collection station. And finally the treatment of sludge from other wastewater treatment plants throughout the island including those located at Wahiawa, North Shore, Waianae, Kailua, Waiamnalo and Laie.

Now, we received various agency comments, and I'll just go through some of the significant ones. The City, Department of Transportation Services and the State Department of Transportation recommended an update to the
TIAR, which is the Traffic Impact Assessment Report.
And essentially the reason for that is when the original
TIAR is developed there was some improvements that occurred
to the roadways and that needs to be updated accordingly.
And DPP recommends that their suggestions be incorporated as
by part of the conditions of approval. We received comments
from the TOD Airports Division which recommends
implementation of safety measures associated with aircraft
and airport operations. There's Kalaeloa Airport and the
Daniel K. Inouye Airport formerly known as Honolulu
International are within a 5-mile range which then
implements the requirements under the FAA and the DOT
airports. And one of the comments related to the open bodies
of water and, of course, an avigation easement addressing
the potential for wildlife and associated safety concerns
with air traffic operations. And also that they be aware
that if any PV or photovoltaic panels are being proposed,
that they be aware of the requirements that are normally
associated with those especially with aircraft operations in
the area. That they be aware of a jet fuel line that occurs
on the site.

And, finally the DOT Traffic Division or Highways
Division mentioned that they are opposed to a crossing of
the railroad for the Malio street access. Again, as I
mentioned earlier right across here.
Now, the DPP analysis indicates that the SUP is a reasonable permit provided that the petitioner be required to seek a boundary amendment to urban district within a reasonable time frame. And the plant be upgraded to address odor concerns, such as enclosing odor sources. The new Headworks project will be addressing some of the older concerns that the area residents have experienced over the past. The noise sources that does analyze by the agencies are basically short term from construction purposes, and both noise and odor concerns were requirements are established by the Department of Health. So, the petitioner need to comply with those.

Now, we analyze the views of the area, and they do have a large setback and, of course, landscaping along the fence line and so much of those structures or industrial type structures associated with the plant will be screened by landscaping and setbacks.

Now, the Land Use Ordinance limits the height that structures can be up to, maximum of 60 feet. And distant views of the Waianae mountains are not being significantly obscured. There's already existing trees that do that.

Now, on-site drainage basins are handling the stormwater and, of course, stormwater quality would have to comply with the current rules regarding standards of water quality in their discharge. And the applicant proposes
various traffic improvements to Geiger, including left turn
storage lanes, accel, decel lanes. And also they've
mentioned that their truck traffic will be normally handled
by driveways off of Geiger, and they don't intend to have it
accessed through Malio Street.

Now, the DPP also recommended a lighting plan,
pursuant to the recommendations of the Ewa Development Plan
to address environmental and potential wildlife in the area.
There are no historic properties on the site and the State
Historic Preservation Division already issued a
determination of no effect and that occurred back in
February of last year.

Now, regarding the DOT airport comments with
respect to air traffic regulations and operations. We felt
that there's no need for a separate condition for that
because our standard condition requires that the Applicant
or Petitioner comply with all of other governmental
approvals.

Now, I think you just received today is the letter
from the State Department of Transportation dated September
12th. It did mention that they want to work towards a
memorandum of agreement regarding wildlife. Of course, the
Department does not have any objections if you included it
in your Order today, language to address that. So, that
concludes my presentation. I'm open to questions.
Chairman: Okay. Thank you. Any questions, Commissioners of DPP at this time? [no response] The subsequent or the future recommended boundary amendment because of the size does the Applicant go straight to LUC or do they have to go to Council first?

Mr. Young: Yes. It's over 15 acres, so they will apply directly to the Land Use Commission. The City Department of Planning and Permitting is a party to that proceeding.

Chairman: Okay. But they go straight?

Mr. Young: Yes, straight there.

Chairman: Okay. Any other questions, Commissioners?

Member Sodaro: Can I ask a clarifying question of staff. So, when they get the SLUD BA, the SUP note expires. So the conditions that were attached to the SUP will those roll into DPP's testimony at the SLUD BA or does the LUC create all their own new conditions?

Mr. Young: Because the City Department of Planning and Permitting is a party to the proceedings. There's that possibility that some of these conditions may still be applicable at that time and depending on the position that DPP takes, they could recommend similar conditions be applied at the boundary amendment. But the intent is once the boundary amendment is approved, the
entire SUP and all its requirements become voided.

Chairman: I noticed that the Department's recommendation didn't mention anything regarding a condition for removal of the condition for that small urban Gentry piece. I would assume, though, that the Applicant would go in at the same time to remove those conditions and apply for the SLUD BA as well, right?

Mr. Young: That's correct. They intend to do that, so at this point there's no need for the Department to make that recommendation since they will be already doing that. Because it's really to their benefit to remove those conditions that are applicable to the Gentry project and not applicable to their wastewater treatment.

Chairman: But they need the property, though. They need the land, right? That portion of properties required for this project.

Mr. Young: Yes. That is correct. They already acquired that piece. It's just a matter of clearing up the land use approvals that are still affecting it.

Chairman: Okay. All right. Any other questions?


Mr. Young: All right. Thank you.

Chairman: Okay. Who is Applicant, ENV--Yeah, come on up, together is fine. [referring to unknown males in the audience] Kind of hard to tell because DDC is on
there. Good afternoon.

Mr. Niermann: Good afternoon, Chair, members of the Planning Commission. I'm Jim Niermann. I'm a planner with R.M. Towill Corporation, and we're assisting the City with the application for the Special Use Permit. And with me is Guy Inouye. He's the chief of the wastewater division. Now, ENV when we started with DDC. That's one of the points we wanted to discuss with you today too as far as process and who will be defined as Petitioner.

So, we did prepare a presentation. So, thank you to Raymond. I think he covered most of it. We do have a couple of things we want to clarify. So, I could run through some of the slides on that.

Chairman: Yes, go ahead.

[At this time Mr. Niermann does a PowerPoint presentation]

Mr. Niermann: So, I'll skip over some of this stuff at the beginning here. But essentially this is our site again showing--Here's our site. Kind of go down through these. This is just the background State Land Use District and zoning. This is the existing site and then the showing the perimeter of--The expansion area includes this piece down here to it. This is all one parcel that extends through and the highlighted areas are the State Land Use Ag District, the subject of the petition. The consent decree,
there's another deadline that we're up against which is why we're doing this kind of two-step process going from an SUP first and then subsequent to the State Land Use Boundary Amendment. And that's January 1st, 2019. The consent decree requires that the City issue notice to proceed for construction of secondary treatment facilities and backing away from that date, that we would want to get into our construction building permit process by the beginning of 2018, which is coming up next January or February and be through the construction, the building permit and construction plan approvals as well as bidding and procurement for the construction, so we can be ready to issue the NTP by that date.

And then 2024, by June 1, 2024, the facilities have to be complete and operational. So, those are the two deadlines we're working towards.

So, essentially this is the facility after completion of the secondary treatment facilities. We have all of the existing facility generally on this Parcel 7. The portion that's in the State Land Use Ag piece here. This is its own parcel, identified as Parcel 4. That's the facility Headworks where all the fluid initially enters the plant and then there is associated odor control system there. But on this side down here, this is the BWS water recycle facility. Currently, there is about 26 million
gallons that come through their facility a day, and about
half of it is treated to secondary. With the implementation
of 100% treatment that involves the construction of these
six additional tanks, these are secondary clarifier tanks
and then the other two here are also secondary clarifier
tanks but they would only be--that'll be a later future
phase, only if required.

But the main components that we're proposing to
construct up here is an aeration basin and then the
secondary clarifier tanks here. There's also proposed
improvements along the side here to put in a new septic
receiving facility. Drainage detention basin along the edge
here and that's kind of the overview. I'm trying to avoid
not, tripping into the rabbit hole and going into too much
detail. But any questions you have we can address them.

And the what we're also requesting in addition to
the secondary treatment, which is essentially the secondary
treatment I just described it as shown in this kind of gold
color. All these facilities in blue are the proposed support
facilities. Several of these are--they're tied to Sand
Island Wastewater Treatment Plant at present. And to make
space at Sand Island Wastewater Treatment Plant to
accommodate the consent decree improvements that are
required there for secondary treatment. There is a warehouse
basically storing the emergency back-up bumps and equipment
that's used to respond in emergency events. There's a
laboratory and then there's also SCADA control system at
Sand Island right now that have to be relocated. So, we're
proposing to relocate them also to this expansion area. And
those all proposed right now, and I think the proposed
budget would have those coming on-line in 2022.

In addition to that this isn't scheduled or
budgeted yet, but the administration building for ENV is
also being contemplated for this location as well. It's
shown in the program. It's covered in the EIS. As far as
the timing of that program, it's not yet determined.

Just really briefly. On this short-term,
long-term entitlement strategy, we met with the LUC. We're
going through the SUP application currently to address the
zoning concerns like the height, exceedance of the maximum
height. We're also coming in for a zoning waiver
application. Currently, there's only one building on site
that exceeds the 60-foot height limit. That's planned to be
demo in the future, but we will get a zoning waiver for that
at present. The future improvements are all well under the
height restriction.

Currently, both the height restriction both for
the industrial zoning as well as for the current
agricultural zoning. And the in addition what we plan to
do--I'll go back to the exhibit for this. We plan to do a
CUP minor and a joint development agreement. With the secondary treatment, we'll have three separate parcels that will comprise the overall facility. Parcel 7 here, Parcel 4, (inaudible) and then Parcel 3, which is the expansion. So, for this first step, we will are going to get a CUP/JDA to combine those parcels into one zoning lot.

In the long run our second step on this, and this in again in consultation both with DPP as well as with the LUC. We will come in for State Land Use District Boundary Amendments for the agricultural areas to bring those into urban and then do a subdivision to combine these parcels. Right now a portion of Geiger Road right here enters into the property that's owned by the City that's part of the wastewater treatment plant. So, we will subdivide that road out into a separate road lot for the City. So, that's our long-term.

And then finally on that we would change the zoning. Right now the State Land Use Ag area is all zoned AG-1. So, we go through a zone change, and that'll have some other issues related to that.

I'll go to some of the issues, I think that Raymond covered. We're happy to answer any questions on any of these. But we're fine with the conditions as proposed by DPP.

Completing the Traffic Impact Assessment. I'm
going to go the OR now. DOT recommended against this
crossing, Malio Street crossing, OR&L railway line. We
understand their concerns. It's going to require a pretty
involved federal regulatory process to get the approvals for
that. But we still would like to pursue that.
So, we're still intending to--ENV is still intending to
pursue this application and has already initiated that with
DOT.

I think the planning reviewers on this may not
have been aware of those that it had been initiated, and I
think they were certainly flagging a good cautionary note on
that because of those federal requirements.

But the benefit of having this back up is really
in an event of emergency. Right now we have--primary access
is right here off Geiger Road. We're also contemplating a
driveway. This location off of Roosevelt Avenue. But if in
the event of an emergency or where some condition where
Geiger Road would be shut down or Roosevelt, we would want
to have another access into the facility. So, that's the
focus of this location here. So, we're still planning or
ENV is still planing to pursue that.

The avigation and wildlife mitigation measure
that's what's reflected in that letter from DOT-Air. This
is to show how close we're to HNL and then we're about 9,000
feet or roughly off to the end of the runway at Kalaeloa,
about 32,000 feet off of HNL.

We're working cooperatively with DOT Airports on making sure that the concerns about potential risk to airlift from becoming a wild life attractant. Basically attracting birds would be an airstrike that those could be addressed.

We will--proposing to do that through an MOA with DOT Airports. This is just showing where some of the other solar farms and ponds are in the area.

This is what I wanted to focus on. The LUC docket right now, this highlighted blue portion. This is the Urban Industrial-2 area, within our expansion area. And because it's still included in this docket, it's subject to all of the conditions of the docket. So, in discussions with LUC, they said in addition to the State Land Use District Amendment petition they would like us to also include a separate action to bifurcate that property from this docket. So, the docket will remain but our property will be pulled out of it. It's unclear if it will be subject to the conditions imposed for the rest of the petition area with the boundary amendment. But that will be determined as we go through with that process.

Let' see, and one of the conditions. As far as conditions within the current docket that may apply. Most of them are not applicable but one of them is, the buffer
along the perimeter, and as part of the improvements. In phases, as the various phases of the treatment plant are developed, we would be incorporating the perimeter landscaping.

The other is the unilateral agreement that's attached to the zone change. It's a 2011 zone change it was referenced. And there are couple conditions in there they're also not applicable. They're applicable to development of that site as an industrial park, but not the wastewater treatment plant. So, as part of the zone change in that second entitlement step, we will come back and propose to either replace the current unilateral agreement with conditions that are applicable to the wastewater treatment plant. The conditions that are in there that we are complying with so far. There were some comments from BWS to improve the waterline on Geiger Road and ENV is still working or is working with BWS on that, complying with that and then also some comments from fire department on fire protection. So, those are ongoing discussion as part of the ongoing design for the facility improvements. So, these past two items, the docket and UA would be picked up when we get into that second step of entitlements.

And with that, I think—I don't know if for the record if we need to clarify what is open and what is covered or if Raymond's testimony was sufficient or his
report was sufficient. We're happy to go over any other
questions that you may have.

Member Lim: You know the FEMA flood zones for the
UA?

Mr. Niermann: Yeah. So none within the facility
itself, and outside of that I'm not as familiar but we know
that Coral Creek next door, right adjacent here, this is
essentially what's functioning as the flood, the drainage
system for the regional drainage system. How we're tying
into that, can start by saying there will be no net increase
leaving the site, per the City's standard. What's being
proposed--I don't want to go off answering questions you
didn't ask.

Member Lim: Is it zoned X?

Mr. Niermann: It's zoned X; yes.

Member Sodoro: Since you have the site plan up,
where's the RO facility?

Mr. Niermann: The RO facility is here. So they
actually produce both R1 and RO, and right now they're
producing approximately 12 million gallons per day, and
that's coming from the secondary treatment. So, overall
these are rough numbers but it's about 26 million gallons
per day of wastewater that comes in that's treated.
About half of that goes to secondary treatment and that
secondary treated F1 then goes to the water recycle
facility. Ten million gallons is R1, is my understanding, about 2 million gallons is R0.

    Member Lim: When the whole project is all finished and producing secondary treatment, is that R2 or R3?

    Mr. Niermann: No. Actually that's still not at that R--

    Mr. Inouye: I believe it's secondarily treated sewage. I believe it's classified R3, and if it's disinfected then it might go to R2.

    Member Lim: So, you have to get the entire treatment plant to R2?

    Mr. Niermann: To get it to a useable--Because R3 is not, wouldn't be suitable for process necessarily, right? [referring to Mr. Inouye]

    [colloquy between Mr. Niermann and Mr. Inouye]

    Chairman: Okay. Any questions of Applicant, further questions?

    Member Lim: You talked a little bit about the Coral Creek Golf Course being like the settling basin for that area. The reason why I asked the question was you've seen what happened in Houston and Florida, got all these infrastructure facilities being inundated by big floods and if there is a bigger flood, a 100-year storm that overcomes the golf course. What's the elevation of our treatment
Mr. Niermann: If we get up to the treatment plant we're all in a lot of trouble. So, we are in X. I don't know the actual hydrology or how high it would go up. But my understanding is the Oneula Beach Park where they have essentially it's functioning as a forwarder [phonetic], a wear [phonetic], that will disperse or will overtop that well before it will reach the elevations back here or come up to flood. That'll be my initial action. We can certainly provide more information on that.

Member Lim: That's good. I just wanted to put that on the record to consider this.

Mr. Niermann: Okay. It's a good point because this is an essential facility handling third of the island's population.

Member Sodaro: Could you show the timeline for filing the SLUD BA.

Mr. Niermann: Okay. So, I guess it's a recommended condition in here. Our intent is to prepare it and get it underway immediately and file it within a year to 18 months. And 18 months we're comfortable with but we would like to have a little breathing room. So, the proposed condition is three years. Within three years of the LUC action that we have that SLUD BA filed or the petition filed.
Member Sodaro: In that same timeline it says that for the full build out it would take to 2030, but the consent decree has 2024. Does that comply with that or is that above and beyond the issue that needs to be--

Mr. Niermann: Kind of above and beyond because by that time we would expect to have the--the boundary amendment would be in place, and then we we wouldn't have anything hindering completion of those designs other than our own. It'll be all on us. It wouldn't be with a third party entitlement requirement.

Member Sodaro: Okay.

Member Lim: There's one issue that came out of the September 12th, 2017 State Department of Transportation, Airports Division letter. I think the agreement, the fact that DPP wouldn't object to the additional condition to address the concerns. Their concerns were basically that they want to have an agreement that the Department of Environmental Services would address the wildlife issues and any allegation an avigation easement. This is a major proposed condition so suggest you check it out to see if that's acceptable to you guys.

Mr. Niermann: Okay.

Member Lim: It's basically following very closely, the last sentence, page 1, Airports Division matter AIR-EP 17.0101. The new condition would be, "the Petitioner
shall enter into a memorandum of agreement per MOA", between
the State of Hawaii, Department of Transportation, Airports
Division and the City and County of Honolulu, Department of
Environmental Services with respect to avigation and
wildlife management requirements to address safety concerns
that flight operations at Daniel K. Inouye International and
Kalaeloa Airports.

The MOA shall run with the land and shall be
recorded with the Bureau of Conveyances to the State of
Hawaii and if appropriate the office of the Assistant
Registrar, Land Court of the State of Hawaii.

Mr. Inouye: We understand those conditions, and
we have no objection.

Member Lim: That's all.

Chairman: Any other questions?

Mr. Niermann: May I just just one other question
so that we don't get into trouble later on. Just the issue
of the Petitioner is currently DDC but that has now become
ENV per the City Charter amendment. Does that present any
concerns or issues that we need to then--

Chairman: Still the City--So, I understand the
revision to the UA that you mentioned. I guess that's the
final--Kind of like the last step of this whole thing. But
you're also going in for a zone change. Why do you need to
do that, I guess, is my question.
Mr. Niermann: Well, I guess it would be considered at that point, actually wouldn't need one, right.
That's a good point. Once we're in the public use-
Chairman: Once you're in the public district--
Mr. Niermann: Yeah, it's allowed in any of the county zoning districts.
Chairman: The zone change is--I mean you still have to do basically almost the same process with the UA change.
Mr. Niermann: Yeah, the only--
Chairman: I'm just trying to find out why you needed a zone change.
Mr. Niermann: I think the only reason is the development standards probably for AG-1 versus the I-2. It will still require a waiver is my understanding if we had anything--
Chairman: Non-conforming structures.
Mr. Niermann: Yeah. Right now we're not expecting any. I think the height limit in AG-1 is 25 feet, and all of our structures are currently proposed to be below that. Other than in the future, the admin. building would exceed that height, most likely exceeded. That was what was being proposed over in this area. So, it would require a height waiver at that point. So, it was mainly just so that everything was more consistent with the intent of the
underlying zoning for that use. More of an industrial, I
guess that would be an office function, that type of
function.

Chairman: Okay.

Member Sodaro: Can I ask another timeline
question. So, is ENV contemplating starting work while the
SUP is active. You're not going to wait for the boundary
change to then start work. It's all time to actual
improvements?

Mr. Niermann: Uh-hmm, that's correct.

And that's actually one of the reasons we're getting an SUP
first rather than a boundary amendment.

Member Sodaro: So you can move?

Mr. Niermann: Yes.

Member Sodaro: Okay. So, to Commissioner Lim's,
you know, question on the proposed MOA language, is that
with the SUP condition and that goes away or does the UTF to
come back at the boundary amendment or is the Applicant open
to make the MOA binding regardless of what permit or
boundary amendment it's operating under. I'm just trying to
think, does now make sense or does later?

Member Lim: Or we put it in now, take it up at
the LUC--

Member Sodaro: Roll it over--

Member Lim: Yeah, roll it over.
Mr. Niermann: We're anticipating it will be a requirement at the boundary amendment as well, that it be condition.

Member Sodaro: Okay.

Mr. Niermann: Yes. If it is not executed by then--

Member Sodaro: Can I ask ENV if--Are there any educational tours of the plant now?

Mr. Inouye: Yes, there are.

Member Sodaro: Okay. Thank you.

Chairman: [inaudible]

Member Sodaro: I mean, this is a pretty significant expansion. So, I wasn't familiar, but I do think with such heavy infrastructure projects, you know, if you're not doing open educational tours. I think it'll be really good especially since you're trying to get the 100% R1 treatment. So, thanks.

Chairman: Okay. Any other questions at this time, Commissioners? [no response] Okay. Staff, Gloria, we have anybody signed up to testify?

Mr. Niermann: Just the two of us.

Chairman: Oh, okay. Okay. Thank you. Anybody else wishing to testify on this matter before the Planning Commission? [no response] Okay. Seeing none, can I get a motion then to close public testimony.

Member Lim: So moved.
Member Sodaro: Second.

Chairman: Moved and seconded. Any objections?


Commissioners, any further discussion either with Department or Applicant or anybody else? DPP.

One of the conditions, basically you giving them three years once the SUP becomes active to, I guess file for the boundary amendment, right. However, I guess you're allowing them—There's a provision in here that the Director can actually extend that for another three years.

Mr. Young: That's correct.

Chairman: What are you guys thinking or—

Mr. Young: Well, I guess this brings to mind what happened in our last SUP where NRG took over, First Wind and those guys—PV project, right. They went bankrupt, but I'm not anticipating that to happen here, but unanticipated events could occur in this case, and we we want to be prepared for that so we don't end up going back to the Land Use Commission to ask for an extension. If they want is necessary and they still haven't got it squared away by 2023, then the Director, assuming the Land Use Commission and the Planning Commission goes along with it, will have that authority.

Chairman: Okay. So, they will still have to come
back to both LUC and Planning Commission for the extension?

   Mr. Young: If this condition wasn't imposed as worded. The intent is to try to avoid going back to the Land Use Commission and the Planning Commission to allow an extension. In this case it's a one time extension.

   Member Lim: In other words, the Director can do it by himself.

   Mr. Young: But for unforeseen circumstances.

   Chairman: They might override you on that one, but they might not like that. Okay. So, it's a one time extension for an additional three years?

   Mr. Young: That's correct.

   Chairman: Okay. Any other questions for the Department? [no response] Okay. You mentioned--The Department doesn't have any objections to entering into the MOA with the Department of Transportation, correct?

   Mr. Young: No objections.

   Chairman: Okay. Thank you.

   Mr. Young: Thank you.

   Chairman: Okay. Any further discussions, Commissioners? [no response] No. Okay. Do we have a motion?

   Member Lim: Okay. I move that the Special Use Permit Application File NO. 2017/SUP-2 with the expansion of Honouliuli Wastewater Treatment Plant on approximately
27.807 acres of land, the State Land Use Agricultural
District at Tax Map Key 9-1-069 portion of Parcel 003 and
Parcel 004 be approved subject to the nine conditions
proposed by the DPP with the addition of the new 10th
condition that I read earlier, which is, I'll try again.
Petitioner shall enter into a memorandum of agreement (MOA)
between the State of Hawaii, Department of Transportation,
Airports Division and the City and County of Honolulu,
Department of Environmental Services, is that the correct
agency?

Chairman: Yes.

Member Lim: With respect to avigation and wildlife
management requirements to address safety concerns for
flight operations at Dan K. Inouye International and
Kawailoa Airports. The MOA shall run with the land and
shall be recorded with the Bureau of Conveyances of the
State of Hawaii and if appropriate the Office of the
Assistant Registrar of the Land Court of the State of
Hawaii.

Chairman: Okay. Do we have a motion.

Member G. Chang: Second.

Chairman: Moved and seconded. Any discussion,
Commissioners?

Member Sodaro: No.

Chairman: Okay. Seeing none--
Mr. Young [from the audience]: Mr. Chair, excuse me, did the motion mention DDC or ENV?

All Commissioners: ENV.

Mr. Young [from the audience]: Okay.

Chairman: Okay. Any further discussions, Commissioners? [no response] All those in favor, say aye.

All Commissioners: Aye.


Seeing no further items on our agenda, can I get a motion to adjourn.

Member G. Chang: Motion to adjourn.

Chairman: Moved.

Member Sodaro: Second.


[meeting adjourned at approximately 2:20 p.m.]

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I certify that the foregoing is a true and correct transcription of the proceedings, prepared to the best of my ability, of the meeting held on Wednesday. September 13, 2017.

[Signature]

Gloria Takara
Secretary-Hearings Reporter

Adopted on September 27, 2017