

PLANNING COMMISSION
CITY AND COUNTY OF HONOLULU

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October 6, 2017

2017/SUP-2 (JL)

Mr. Daniel E. Orodenker, Executive Officer
Land Use Commission
Department of Business, Economic Development
and Tourism
State of Hawaii
P.O. Box 2359
Honolulu, Hawaii 96804

Dear Mr. Orodenker:

**SUBJECT: Special Use Permit No. 2017/SUP-2
Department of Design and Construction**

By Findings of Fact, Conclusions and Law, and Decision and Order dated October 6, 2017, the City and County of Honolulu Planning Commission approved the application from the Department of Design and Construction for a Special Use Permit to expand the Honouliuli Wastewater Treatment Plant. Since the approved area exceeds 15 acres, the Planning Commission's Findings of Fact, Conclusions of Law, and Decision and Order, is being transmitted for the State Land Use Commission's review and decision.

Enclosed are one original, one hard copy, one digital copy on compact disc of the record, and an index of the record.

We are also transmitting for your information a letter from the State Department of Agriculture, which was received after the close of the Planning Commission's public hearing on the matter. The letter is not part of the record.

Mr. Daniel E. Orodenker, Executive Officer
October 6, 2017
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If you have any questions, please contact Jeffrey Lee of the Department of Planning and Permitting, at 768-8202.

Sincerely,


Dean I. Hazama, Chair
Planning Commission

Enclosures

cc: R.M. Towill Corporation
Department of Design and Construction
Department of Environmental Services

FORWARDED:



Kathy K. Sokagawa, Acting Director
Department of Planning and Permitting

BEFORE THE PLANNING COMMISSION
OF THE CITY AND COUNTY OF HONOLULU

STATE OF HAWAII

IN THE MATTER OF THE APPLICATION)	FILE NO. 2017/SUP-2
)	
OF)	
)	
DEPARTMENT OF DESIGN)	FINDINGS OF FACT, CONCLUSIONS
AND CONSTRUCTION)	OF LAW, AND DECISION AND
)	ORDER
FOR A)	
)	
<u>STATE SPECIAL USE PERMIT</u>)	

**FINDINGS OF FACT, CONCLUSIONS OF LAW,
AND DECISION AND ORDER**

This matter came before the Planning Commission of the City and County of Honolulu (hereinafter the "Commission"), for public hearing on September 13, 2017, at the Mission Memorial Conference Room in Honolulu, Hawaii. Based on the record in this matter, the Commission hereby finds as follows:

FINDINGS OF FACT

1. This matter involves the Special Use Permit ("SUP") application of the Department of Design and Construction ("Applicant") for an expansion to the existing Honouliuli Wastewater Treatment Plant ("HWWTP") within the State Land Use Agricultural District on Land Study Bureau Overall Master Productivity Rating Class "A", "B", and "E" lands.
2. The site of the proposed HWWTP expansion ("Project") is located at 91-1000 Geiger Road, Ewa, Oahu, approximately 2,500 feet west of Geiger Park and 8,000 feet north of One'ula Beach Park. It consists of 2 separate sites totaling approximately 27.807 acres and includes Tax Map Keys 9-1-069: Parcel 003 and Portion of Parcel 004 ("Petition Area").
3. The Petition Area is owned by City and County of Honolulu.
4. The Applicant seeks a SUP to construct additional facilities to allow the full secondary treatment of wastewater and new support facilities for the HWWTP. The new secondary treatment and support facilities would be constructed on Parcel 003 of the Petition Area. The new secondary treatment facilities consist of Secondary Process Pump Station, Distribution Box, and six to eight Secondary Clarifiers. The support facilities include a Central laboratory, Ocean Team Facilities, administration building, operations building, Leeward Region Maintenance Building, central shops, central warehouse, and central Supervisory Control and

Data Acquisition operations building. Parcel 004 of the Petition Area will allow for upgrading the existing pump station and odor control facilities.

5. Parcel 003 of the Petition Area consists primarily of vacant land overgrown with Kiawe trees and a cell tower in the northwest corner of the lot. Parcel 004 is developed with a pump station and odor control facilities. The surrounding uses consist of wastewater treatment facility, golf courses, residential, open space, and lands under construction for industrial mixed use.

6. Access to the site is via two driveways off of Geiger Road that connects towards the east to Kapolei Parkway and Fort Weaver Road, and towards the west to Roosevelt Avenue.

7. The Petition Area is located within the Community Growth Boundary in the Ewa Development Plan. The existing and proposed expansion area of the HWWTP is consistent with the long range plans designation for industrial land use.

8. The Petition Area is zoned AG-1 Restricted Agriculture. The Project is considered a public use and is a permitted use in any zoning district.

9. The Petition Area does not comprise of lands designated as Important Agricultural Land.

10. The Petition Area comprises of Class "A", "B", and "E" rated soils, according to the Land Study Bureau Overall Master Productivity Rating System. The portion of Parcel 003 of the Petition Area is classified as "E" and Parcel 004 is classified "A" and "B."

11. The Petition Area contains 1.6 acres within Parcel 004 classified as Prime Agricultural Lands pursuant to the Agricultural Lands of Importance to the State of Hawaii Classification System, while Parcel 003 is unclassified.

12. The Project was presented to the Ewa Beach Neighborhood Board No. 23 at its June 8, 2017 meeting by the Applicant.

13. The Project was reviewed for environmental impacts under the criteria established by Chapter 343, Hawaii Revised Statutes ("HRS") and a Final Environmental Impact Statement was accepted by the City and County of Honolulu, Department of Environmental Services on March 28, 2017.

14. The Commission received a report from the Director of the Department of Planning and Permitting ("DPP") dated September 8, 2017. The report provides an analysis of the request and a recommendation for approval of the SUP application subject to conditions.

15. At the public hearing of September 13, 2017, the Commission did not receive any public testimony. The Applicant provided testimony from its staff and consultants on the Project.

CONCLUSIONS OF LAW

The Commission hereby concludes as follows:

1. The Commission has jurisdiction to permit unusual and reasonable uses within the agricultural districts, pursuant to Section 205-6, HRS.
2. The Project is an "unusual and reasonable" use as set forth in Section 205-6, HRS, and the five guidelines established by the Commission, pursuant to Section 2-45 of the Rules of the Commission.
3. The Project will not have an adverse impact on the surrounding properties.
4. The Project would not be contrary to the objectives sought to be accomplished by the State Land Use Law.

DECISION AND ORDER

Pursuant to the foregoing Findings of Fact and Conclusions of Law, the Commission hereby **APPROVES** the Application for a State Special Use Permit, File No. 2017/SUP-2, for approximately 27.807 acres, Tax Map Key 9-1-069: 004 and Portion of 003, for the expansion of the Honouliuli Wastewater Treatment Plant, as shown on Exhibit A, subject to the following conditions:

1. Prior to building permit approval for any new structures within the Petition Area or within 180 days of the Land Use Commission's Decision and Order, whichever occurs sooner, the Petitioner shall submit to the DPP for review and approval, the following:
 - a. A survey map accompanied by a metes and bounds description of the approved SUP area.
 - b. A Lighting Plan with catalog cuts showing exterior fixtures are fully shielded and that the level of lighting in lumens is appropriate for its intended use. The Lighting Plan will consider dimming controls or being turned off during off peak hours.
 - c. A timeline or phasing plan of the anticipated dates to obtain building permit(s) for demolition/construction work shall be prepared by the Petitioner in a format acceptable to the DPP. The timeline should identify when the construction management plan, traffic management plan, and updated Traffic Impact Analysis Report will be submitted for review and approval. Updates to the timeline may be required by the DPP as needed.
2. The Petitioner shall submit an updated Traffic Impact Analysis Review that includes daily monitoring of hauling and delivery trucks on city roadways around the Project site, Construction Management Plan, and Traffic Demand Management Plan to the DPP for review and approval on a schedule acceptable to the DPP.
3. The Petitioner shall apply for a State Land Use District Boundary Amendment for the 25.1 acre expansion area on Parcel 003 and the 2.702-acre Parcel 004 from the State Land Use Agricultural District to the State Land Use Urban District within three years of the date of

the Land Use Commission's Decision and Order approving the Special Use Permit. Requests for extension of this deadline shall be submitted to the DPP prior to the expiration of the deadline. The Director of the DPP may grant a one-time extension to the deadline of up to three years for a total period of six years after the Land Use Commission's Decision and Order granting the Special Use Permit for the Petitioner to apply for a State Land Use District Boundary Amendment due to unforeseen circumstances that were beyond the control of the Petitioner.

4. The Petitioner shall establish the Project by June 1, 2022. Project establishment shall be defined as the date a contractor has mobilized on site and starting construction activities within the Petition Area. Requests for extension of this deadline shall be submitted to the DPP prior to the expiration of the deadline. The Director of the DPP may grant a one-time extension to the start deadline of up to three years, but not beyond June 1, 2025, due to unforeseen circumstances that were beyond the control of the Petitioner.

5. This SUP will automatically expire and become null and void once a State Land Use District Boundary Amendment to the Urban District is approved by the Land Use Commission for the Petition Area.

6. Major modifications to: (1) the approved site plan; (2) amendments to the conditions of approval; (3) change in approved uses stated herein, will be subject to the review and approval of the Planning Commission and if approved, subject to approval by the Land Use Commission. Minor modifications, including minor additions or relocations to accessory uses and structures in the approved area, are subject to review and approval by the Director of the DPP.

7. Approval of this SUP does not constitute compliance with other Land Use Ordinance or governmental agencies' requirements, including building permit approval. They are subject to separate review and approval. The Petitioner will be responsible for insuring that all final plans for the project approved under this SUP comply with all applicable governmental agencies' provisions and requirements.

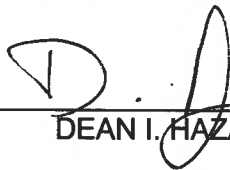
8. On or before December 31 of each year that the Special Use Permit is in effect, the Petitioner or its successor will file an Annual Report to the DPP and the Land Use Commission that demonstrates the Petitioner's compliance with the conditions of the SUP.

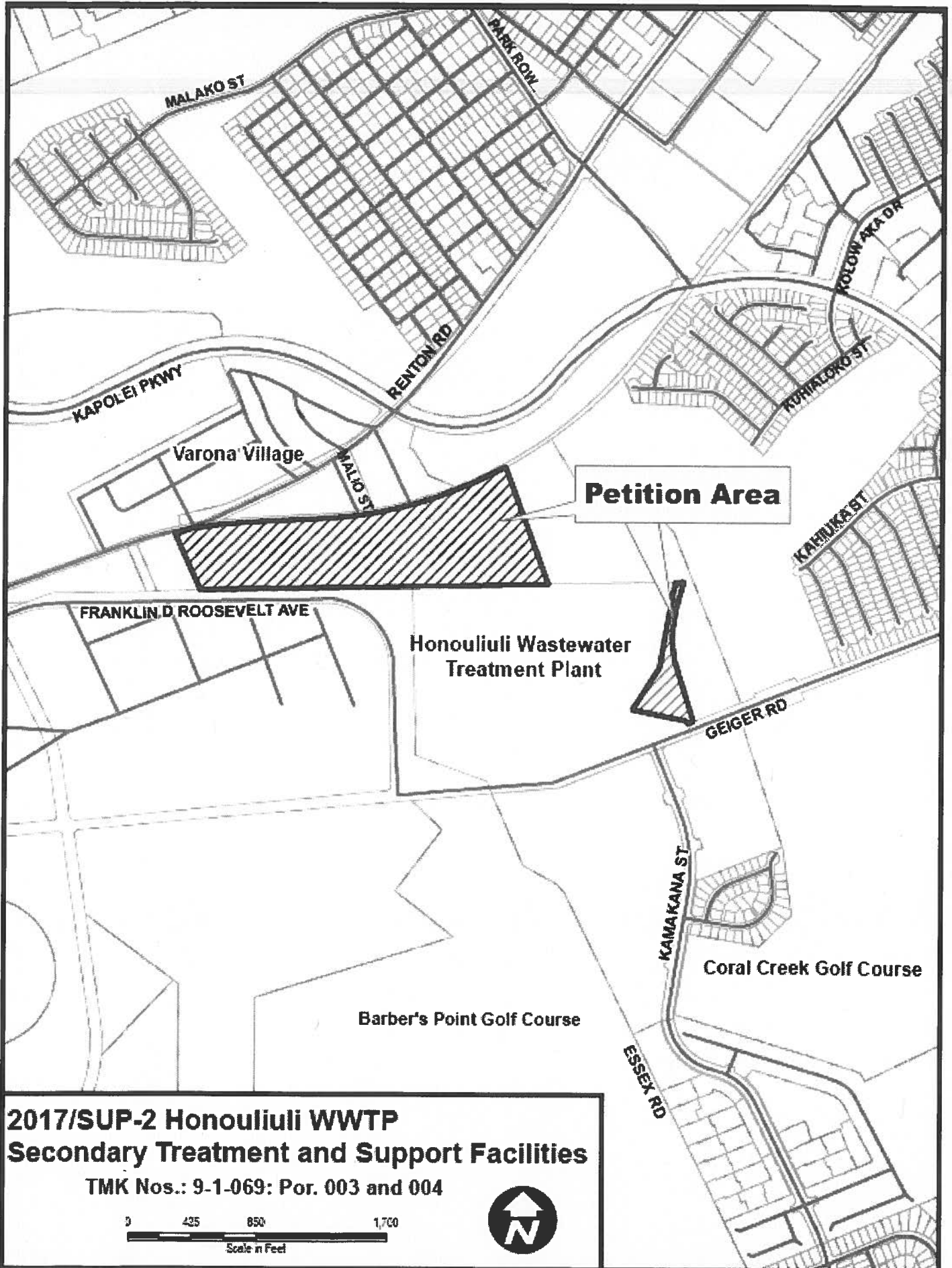
9. Enforcement of the conditions of the SUP shall be pursuant to the Rules of the Planning Commission, including the issuance of an order to show cause as to the reason the SUP should not be revoked if the Planning Commission has reason to believe that there has been a failure to perform the conditions imposed herein.

10. The Petitioner shall enter into a memorandum of agreement ("MOA"), between the State of Hawaii, Department of Transportation, Airport Division and the City and County of Honolulu, Department of Environmental Services with respect to aviation and wildlife management requirements to address safety concerns for flight operations at the Daniel K. Inouye International and Kalaeloa 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.

Dated at Honolulu, Hawaii this 6 th day of October, 2017.

PLANNING COMMISSION
CITY AND COUNTY OF HONOLULU

By  _____
DEAN I. HAZAMA, Chair



**2017/SUP-2 Honouliuli WWTP
Secondary Treatment and Support Facilities**
 TMK Nos.: 9-1-069: Por. 003 and 004

0 425 850 1,700
 Scale in Feet