

F.3 DPP Pre-consultation Meeting Notes



MEETING NOTES

Project: Honouliuli WWTP Expansion **Project No.:** 1-22440-00
Subject: DPP Meeting – Permits/Entitlements
Date & Time: 1/30/2017, 1:00 p.m.
Location: Municipal Building, 7th floor
Participants: Attendance Sheet Attached
To: DDC – Raj Rath
ENV – Jack Pobuk
By: Jim Niermann

1. Purpose of meeting was to request guidance from DPP on:
 - a. entitlements and land use approvals that will be required to expand the WWTP facilities into areas currently located within the State Land Use Agricultural District and City's AG-1 zoning district; and,
 - b. modification or replacement of the attached Unilateral Agreement that was executed for a portion of parcel 9-1-69: 003 for a previously proposed industrial park.
2. Project Background:
 - a. DDC/ENV plan to expand the WWTP into approximately 21 acres of SLU Ag / CCH AG-1 zoning to accommodate secondary treatment facilities.
 - b. The primary expansion area where secondary treatment facilities are planned is within TMK (1) 9-1-69: 003 located on the mauka side of the WWTP.
 - c. An additional 2.7-acre parcel (TMK parcel 004) located in the SLU Ag District, contiguous with the east side of the WWTP facilities, is also planned for WWTP facilities. The facilities planned for this area can be undertaken separately from the secondary treatment facilities in the primary expansion area. If feasible, we would like to include this area in the same entitlement process as the primary expansion.
 - d. Project is required by the EPA Consent Decree. NTP for construction of secondary treatment must be issued by January 1, 2019.
 - e. Need to work back from that date and obtain required entitlements by end of 2017/early 2018 to allow time for final design, building permit review, bid and contract award process.
 - f. Unilateral Agreement: In Addition, the existing WWTP and portions of the expansion area in parcel 003 were rezoned to I-2 in 2009 and are subject to Unilateral Agreement conditions based on a previously planned Industrial Park.
 - g. Draft EIS for the WWTP expansion was published in 2016. Final EIS is anticipated to be published in March/April 2017. No major issues or controversies. Main environmental issues are odor, traffic and solids disposal (sludge, pellets).
 - h. A portion of Geiger Road is within the WWTP property boundary (parcel 003).



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- i. Long range plan is to amend the SLUD Boundary to Urban, change zoning to I-2, and consolidate the parcels through subdivision process and subdivide out the Geiger Road segment.
- j. ENV is contemplating improving Malia Road and creating a driveway entrance on mauka side of property (across OR&L ROW).
- k. Project land use information:

Honouliuli WWTP Expansion Area		
TMK (1) 9-1-69:	003	004
Parcel Area (acres)	48.395	2.702
SLUD	A, U	A
CCH Zoning District	AG-1, I-2	AG-1
Acres in SLU Ag. / AG-1 Zoning (approx.)	21	2.7
LSB Productivity Rating	E	A and B
'Ewa Development Plan	urban, wastewater treatment plant	

- 3. Special Use Permit (SUP) vs. State Land Use District (SLUD) Boundary Amendment
 - a. Proposal is to process an SUP for SLUD Ag portion of parcel 003 first to give the best chance of meeting the Consent Decree deadline, then coming in for a SLUD Boundary Amendment for the entire WWTP.
 - b. No restriction to processing a SUP for Land Study Bureau lands designated A & B productivity.
 - c. SUP processing takes approximately 9 months, assuming no challenges or issues. 6 months with City + 3 months with LUC.
 - d. SLUDBA process takes 12 to 15 months, assuming no challenges or issues.
 - e. Both processes are subject to contested case, if there is opposition to the WWTP.
 - f. Both processes require HRS 343 EA/EIS. EIS needs to assess the proposed uses in the expansion area. Make sure everything is included in the EIS.
 - g. For amendments greater than 15 acres, City Council is not involved in either process.
 - h. Recommend doing outreach to organizations and individuals who might have concerns or be opposed to the expansion (Councilmembers, Sierra Club, John Bond).
- 4. Conditional Use Permit (CUP) - Minor/ Joint Development Agreement (JDA) and Zoning Waiver
 - a. WWTP is considered a "public use and structure" by the LUO. WWTP is a permitted use in all CCH zoning districts, subject to development standards of the underlying zoning district (AG-1 and I-2) and DPP approval of any necessary waivers from those standards.
 - b. CUP Minor required for JDA. The JDA is required for DPP to treat parcels 003, 004 and 007 as one zoning lot for development purposes.
 - c. CUPs and zoning waivers are processed by DPP. City Council is not involved.



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- d. The zoning waiver application will be used to clarify LUO compliance with AG-1 and I-2 zoning district development standards: maximum buildable area, max height (60'), FAR, setbacks, etc., and to identify required waivers from standards.
 - e. CUP-Minor processing is 45 days from DPP acceptance of the application. JDA will require ENV corporation counsel review prior to application processing.
 - f. Zoning Waiver processing is 45 days from DPP acceptance of the application.
 - g. Reference ROH 21-4.50 re: split-zone lots for guidance.
 - h. Request waivers for setback encroachments, height exceedances, lot coverage exceedances and other deviations from the LUO development standards, based on public utility/interest.
 - i. Include existing uses/development in the LUO evaluation in the waiver application. Do house cleaning to ensure all existing uses are brought into compliance with the LUO.
5. Unilateral Agreement / Zone Change
- a. Process UA amendment like a zone change application: neighborhood board meeting, DPP review and report to Planning Commission, PC hearing, City Council approval by Ordinance.
 - b. Zone Change from AG-1 to I-2 must follow the SLUD Boundary Amendment to Urban.
 - c. Zone Change process takes 10 to 12 months. Requires HRS 343 EA/EIS.
 - d. Existing UA has conditions that will likely still apply to the WWTP, i.e. the OR&L 50-foot setback.
 - e. Recommendation:
 - i. Keep the UA in place for the time being and include it later with the CCH zone change from AG-1 to I-2, after the SLUD Boundary Amendment.
 - ii. Check in with the City Councilmembers, particularly Pine.
 - iii. Contact agencies re: waiving or preparing simple letter reports to satisfy existing UA conditions (i.e. TIAR, Phase Plan, TMP, CMP, water and sewer service upgrades.)
6. Proposed Entitlement Process: See Following Pages
- a. Phase 1: SUP and CUP/JDA, Zoning Waiver
 - i. Can be processed concurrently, but SUP must be approved before the CUP and zoning waiver will be accepted for processing. Recommend submitting CUP and zoning waiver approximately 2 months before SUP approval.
 - b. Phase 2: SLUD Boundary Amendment, Zone Change/UA Mod, Subdivision-Consolidation
 - i. Must be processed in sequence: SLUD, Zone Change/UA Mod, Subdivision-Consolidation



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Proposed Entitlement Process:

Phase 1: SUP, CUP-Minor/JDA, Zoning Waiver

1. Finalize EIS
Final EIS is rerequisite for SUP, CUP and future zone change. Final EIS must assess all development proposed in the SUP and SLUDB Amendment.
2. Pre-consultation
 - a. Meet with DLNR/LUC re: SUP application and long-range SLUDB Amendment
 - b. Neighborhood Board presentation – prerequisite for SUP
 - c. Other stakeholders TBD (elected officials, Sierra Club, community leaders, etc)
3. Coordinate Applications with DPP
Prepare the applications concurrently. SUP approval is prerequisite for CUP permit and JDA. Process SUP first. Update CUP-Minor/JDA application and zoning waiver application as necessary based on City comments on SUP and submit to DPP for processing approximately 2 months before anticipated SUP approval.
4. SUP
 - a. Prepare application.
 - i. Meeting with DPP
 - ii. Request SLUD Boundary Determination from the LUC for parcel 003, prepare boundary map
 - iii. Affidavit of NB meeting and owner notification
 - iv. Contact agencies re: infrastructure
 - b. Submit SUP application to DPP for processing. (10 day DPP review for acceptance)
 - c. DPP Director's Report to Planning Commission (45 days after DPP accepts app)
 - d. Planning Commission Hearing (90 days after DPP accepts app)
 - e. Planning Commission written Decision and Order sent to LUC (60 days after public hearing)
 - f. Land Use Commission Hearing (45 days after receiving DOC)
5. Zoning Waiver Application – waiver from LUO development standards
 - a. Prepare application
 - i. Meeting with DPP
 - ii. Compile existing building permits/approved plans for site improvements
 - iii. Building elevations and dimensioned site plans
 - b. Submit application to DPP for acceptance (10 days)
 - c. DPP processing and determination (45 days after DPP accepts app)
6. CUP-Minor/JDA
 - a. Prepare application
 - i. Prepare JDA document (ROH 21-5.380)
 - ii. Prepare legal lot descriptions for all affected parcels.
 - iii. Prepare application: written statement and exhibits



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- b. Submit application to DPP for acceptance (10 days)
- c. DPP processing and determination (45 days after DPP accepts app)

Phase 2: SLUDB Amendment, Zone Change/UA Mod, Subdivision-Consolidation

1. Finalize EIS

Final EIS is prerequisite for the zone change Amendment. Final EIS must assess all development proposed in the SLUDB Amendment and zone change. If there are changes to the planned improvements, a supplemental EIS may be required.

2. SLUDB Amendment Application

- a. Meeting with LUC staff
- b. Prepare Petition to LUC per HAR 15-15-50
- c. LUC review petition for completeness (30 days)
- d. LUC Hearing (60 to 180 days after petition is accepted by LUC)
- e. LUC Decision and Order (365 days after petition is accepted)

3. Zone Change / UA Modification (file after SLUDB Amendment)

- a. Neighborhood Board Meeting
- b. Prepare application for zone change and UA modification
- c. Submit application to DPP (20 days to review for completeness)
- d. Notify adjoining land owners (10 days of DPP acceptance)
- e. DPP Director's Report to Planning Commission (90 days after DPP accepts app)
- f. Planning Commission Hearing (45 days of receiving the Director's Report)
- g. Planning Commission report to City Council (30 days after hearing)
- h. City Council Hearings – ZC approved by Ordinance (5 hearings) (90 days +)

4. Subdivision-Consolidation

- a. Determine disposition of Geiger Road. Determine road improvement requirements and responsible agency.
- b. Prepare preliminary subdivision map and application to consolidate the WWTP Lots and resubdivide to create a separate Geiger Road lot.
- c. Obtain Tentative Subdivision Approval from DPP
- d. Construct or bond infrastructure and utility improvements required by DPP for Final Subdivision Approval.
- e. Final Approval.

Meeting Sign-In Sheet

Project: Honolulu WWTP

Date and Time: 1/30/2017

Location: 7th Floor DPP

	Name	Organization	Phone	Email
1	JIM NIEMANN	RMTTC	842-1133	jimn@rmtowill.com
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