



ORIGINAL

August 15, 2008
2004.33.8000 / 08P-285

Mr. Henry Eng, FAICP, Director
Department of Planning and Permitting
City and County of Honolulu
650 South King Street, 7th Floor
Honolulu, HI 96813

RECEIVED
SEP 12 2008
STATE OF HAWAII
LAND USE COMMISSION

DEPT OF PLANNING
AND PERMITTING
CITY & COUNTY OF HONOLULU

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Attention: Raymond Young

Dear Mr. Eng:

2007/SUP-6(RY)
Makakilo Quarry Expansion and Time Extension
Grace Pacific Corporation

Thank you for providing us with a copy of the Director's Report and Recommendation to the Planning Commission for the above project. I am writing on behalf of the applicant, Grace Pacific, to provide you with comments on the recommendations presented in your report beginning on page 29 at Section V. We wish to offer the following for your consideration:

Item A. We respectfully request your re-examination of the recommended acreages. It appears to us that the "total excavation area of approximately 175.2 acres...as shown on Exhibit A..." does not match the acreage we previously submitted to the City on June 6, 2008 as presented in our Revised Figure 4, which is included in your report as Exhibit 8. We believe the correct number, based on Exhibit 8 and the information presented in our June 6th letter, should be 184.2 acres. As presented in our June 6th letter, the 184.2-acre area includes 20.6 acres of quarry expansion and 44 acres of landscaped grading in parcel 74, as well as 78.4 acres of existing quarry and 41.2 acres of proposed landscape grading in parcel 82. We believe the discrepancy arises from the fact that the 103.2-acre Pit and Berm Expansion area shown in your Exhibit 2 does not match the grading areas presented in Exhibit 8. The shaded 103.2-acre area in Exhibit 2 should actually extend as a moderately thin strip that wraps around the north, east, south and west sides of the area identified in Exhibit 2 as the 72-Acre Approved Area, in a manner consistent with the area shown in Exhibit 8. The grading area presented in Exhibit 8 surrounding the so-called Approved Area was requested by your staff to achieve the 75% slope discussed in the last paragraph of page 3 of your report. Exhibits A, 2, 5 and 6 of your report will need to be revised to reflect this correction, as will Table 1.

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Item B. As a result of the adjustment discussed above, we respectfully request that the acreage of the total buffer area be revised. We believe the corrected number should be 302.7 acres. Your Exhibit 2 will need to be revised to reflect this correction, as will your Table 1.

Item C. We respectfully request clarification as to how the 53.6-acre area of Lot 4 was determined. The tax map for the area indicates that the total area of Lot 4 is 54.488 acres, which is composed of the main lot area (53.6 acres) plus two smaller areas (0.562 acres and 0.280 acres). We believe the 0.562-acre area is a flag-like strip connecting to Parcel 10 and the 0.280-acre area is a road remnant. These are both portions of Lot 4. Your report cites the 53.6-acre portion of Lot 4 rather than the total area of 54.488 acres.

We also note that Item C discusses “the tunnel” as being included in the Lot 4 acreage. Exhibits A, 2, 3 and 5 of your report depict a narrow strip crossing the H-1 Freeway right-of-way, and describe it as a “tunnel” or “conveyor tunnel.” Exhibit G of our original SUP application identified the area of the tunnel as 0.075 acres. We respectfully request that the tunnel acreage be added to the total acreage discussed in Item C. We believe the revised acreage in Item C should be 54.563 acres.

Item D. We respectfully request clarification as to why a 1.5-acre access driveway was added to the overall SUP area. The access driveway was not included in our original application because it is not owned by Grace Pacific and does not function as an exclusive access road to the quarry. It is a privately owned driveway. The property owner allows Grace Pacific vehicles, and vehicles and farm equipment associated with a large farm leasing the parcel on which the driveway is located to use the drive. The property, which the driveway crosses, is owned by D. R. Horton. Has the property owner agreed to his property being included as part of the SUP? We would also note that the applicant advises us that use of the existing driveway will likely be discontinued in the near future as a new driveway is intended to be constructed on Parcel 74 as an accessory or ancillary use to the quarry.

Conclusion: If you find that the clarifications discussed above are warranted, then the total acreage of the SUP, as presented in Section A of your report, and elsewhere, will need to be revised.

Following are our comments on the recommended conditions of approval.

- 1a. We concur, subject to acreage revision in items A and B above.
- 1b. We concur.
2. We concur.

3. We concur.

4. We respectfully request clarification of the term "landscaped open space." The applicant is considering the appropriateness of using Lot 4 as a plant nursery for the cultivation of plant material required for the revegetation/remediation of the quarry site. Is a plant nursery a permitted use in the AG-1 zoning district?

5a. We respectfully request a determination whether cleaning and wash-down of equipment is allowable after the 6 am to 6 pm hours of operation. We are advised by the applicant that cleaning and wash-down of the equipment is normally conducted after equipment has been shut down for the day. If this activity is included in the term "equipment maintenance," then it will have to be conducted before 6 pm, Monday through Saturday, which will result in a shortening of the active work day. We are assured by the applicant that the cleaning and wash-down activities do not require operation of the equipment, and therefore, are not anticipated to generate noise or fugitive dust impacts.

5b. We concur.

5c. We concur.

6. We concur.

7. We concur.

8. We concur.

9. We concur.

10. We respectfully request clarification of the phrase, "...shall be submitted to the Department of Planning and Permitting, for review and approval within the fifth (5th) year after the date of the Land Use Commission's decision..." We understand that this phrase means that the re-use plan has to be submitted to DPP by the end of the 5th year; but that DPP may approve it subsequent to the 5th year. Please confirm our understanding.

We also request clarification regarding your reference to "the extension of Makakilo Drive" in the discussion of public access in the second paragraph. It is our understanding that the North South Road will eventually connect to Pueonani Street, and we are unclear if the report is referencing that connection as an extension of Makakilo Drive. Our concern is that Pueonani does not abut the Quarry property. Thus, a public access "connection" to the "extension of Makakilo Drive" might be interpreted as meaning that the applicant will need to acquire private property between the Quarry property and Pueonani to secure the connection.

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11. We respectfully request clarification as to how this condition affects the SUP and the CUP. What happens if the Development Plan or the Land Use Ordinance is subsequently changed in a manner which directly undermines the operation of the Quarry until 2032? Does this condition render the SUP or CUP moot in the event that other land use ordinances or government agency requirements change?

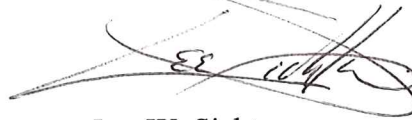
12. We concur.

13. We concur.

Thank you for the opportunity to review and comment on your report. We hope that these clarifications and determinations can be made prior to the Planning Commission hearing, if not, we will request clarification at the hearing. Should you wish to discuss any of the matters discussed above in further detail, please call me at 521-5361.

Very truly yours,

BELT COLLINS HAWAII LTD.



Lee W. Sichter
Principal Planner

LWS:lf

cc: Robert Creps
J. Douglas Ing