

LAND USE COMMISSION
MEETING MINUTES
August 21, 2024 – 9:00 a.m.

Pursuant to Hawai'i Revised Statutes, HRS §92 as amended, the Commission conducted its meeting in person. Interested persons submitting written testimony were recommended to submit their written Statements 24 hours in advance of the meeting to allow for distribution to the Commission prior to the meeting.

IN PERSON: Filipino Community Center, Flores Ballroom
94-428 Mokuola St, Waipahu, HI 96797

YOUTUBE RECORDING: <https://www.youtube.com/watch?v=11zKR51bOPY>

COMMISSIONERS PRESENT:

Dan Giovanni
Michael Yamane
Mel Kahele
Brian Lee
Nancy Carr Smith
Bruce U'u
Myles Miyasato

STAFF PRESENT:

Daniel Orodener, Executive Officer
Scott Derrickson, Chief Planner
Martina Segura, Staff Planner
Ariana Kwan, Chief Clerk
Miranda Steed, Esq. Deputy Attorney General

COURT REPORTER:

Naegeli Deposition and Trial
(Via Zoom Recording)

CALL TO ORDER (YouTube: 00:00:01)

Chair Giovanni, called the meeting to order at 9:00 a.m.

APPROVAL OF THE MINUTES (YouTube: 00:03:07)

The first agenda item was the approval of the August 8, 2024, Minutes. There was no written testimony, or members of the public who wished to testify on the approval of the Minutes.

Chair Giovanni agreed the minutes were accurate but raised concern about a paragraph where Commissioner Lee questioned Mr. Orodener about a job application. He felt the interaction was inappropriate, lacking decorum, and seemed intended to embarrass the Executive Officer. He asked that his concern be noted to prevent similar issues in the future.

Commissioner Yamane recused himself from participating in the approval of the minutes, as he was not in attendance of the meeting. Commissioner Kahele moved to adopt the Minutes, and Commissioner U'u seconded the motion. The August 8, 2024, Minutes were approved with 6 ayes, 0 nays, 1 recused, and 2 excused.

TENTATIVE MEETING SCHEDULE (YouTube: 00:05:41)

Chair Giovanni called for LUC Staff to provide the Tentative Meeting Schedule. Executive Officer, Daniel Orodener provided the following tentative meeting dates:

August 22, 2024: SP09-403 Waimanalo Sanitary Landfill (O'ahu)
September 4, 2024: SP73-147 Makakilo Quarry (O'ahu)
September 11-13, 2024: HCPO (Hawai'i)
October 9, 2024: DR24-77, RK II Partners (O'ahu)
October 10, 2024: OPSD Presentation (O'ahu)
October 23-24, 2024: SP21-412 Mahi Solar (O'ahu)
November 6, 2024: A07-772 A&B (Maui)
November 7, 2024: A07-773(a) Emmanuel Lutheran (Maui)



SP73-147 GRACE PACIFIC LLC, FORMERLY PACIFIC CONCRETE & ROCK CO., LTD. (MAKAKILO QUARRY) (O'AHU) (YouTube: 00:12:00)

Application to Amend SP73-147 (SUP No. 2007/SUP-6) conditions of approval:

- Extend the life of the Makakilo Quarry resource extraction and processing operations by 15 years to the year 2047
- Reshape the area approved for resource extraction
- Expand the operation hours of certain activities in the quarry to 24 hours a day, seven days a week
- Operate a ready-mix concrete plant in the quarry pit

Appearances

City and County of Honolulu

Department of Planning (“DPP”)

Franz Kraintz

Patricia Sendao, Esq. Deputy Corporation Counsel

Office of Planning and Sustainable Development (“OPSD”)

Katia Balassiano, Land Use Development Program Administrator

Alison Kato, Deputy Attorney General

Petitioner

Grace Pacific

Calvert Chipchase, Esq.

Jarrett Dempsey, Esq.

Scott Komatsu

Public

Dr. Keoni Dudley

Ana Tuiasosopo

Peter Iriarte

Gino Soquena

Disclosures (YouTube: 00:14:24)

Commissioner Hayashida recused himself, as he participated in the portions of the hearing at the City and County of Honolulu Planning Commission, and there were no additional disclosures.

Public Testimony Round One (YouTube: 00:17:55 - 00:41:37)

The Land Use Commission received 13 written testimonies prior to the meeting. At the hearing the Teamsters & Allied Workers Local 996 requested to rescind their written testimony.

Chair Giovanni opened the floor for public testimony, four individuals provided oral testimony. The first individual highlighted the burdens on the west side and advocated for a Hawaiian carving on the Makakilo Quarry back wall. Other testifiers supported extending Grace Pacific's Quarry permit, emphasizing its importance for jobs, the local economy, and highlighting the company's positive contributions to the community and stressed that the quarry's operations are vital for their union members and the broader construction sector in Hawaii.

Presentations (YouTube: 00:40:50 - 01:26:40)

Petitioner Grace Pacific LLC (YouTube: 00:40:50 - 01:18:12) Mr. Chipchase presented a petition to amend the special use permit, proposing a 15-year extension, reshaping the pit for better access to high-quality aggregate, and confirming the operation of a ready-mix concrete plant. The quarry, is essential for Hawaii's construction needs, providing about a million tons of aggregate annually. The amendments aim to ensure continued local supply, reducing the need for imports, and include measures to mitigate environmental and community impacts.

The application involved extensive studies and community consultations, with the Planning Commission recommending approval. The proposed changes include expanding the quarry area while minimizing visual impacts, addressing noise, dust, and safety concerns, and improving operational efficiency. Mr. Chipchase also discussed OPSD's suggested revisions to the permit

conditions, emphasizing the importance of balancing operational needs with environmental and community considerations. The petition underscores the quarry's significance to Hawaii's economy and infrastructure while striving to be a responsible community partner. Commissioners had no questions for the petitioner at this time.

County (*YouTube: 01:18:20 - 01:19:05*) provided their presentation recommending that the LUC adopt the Findings of Facts, Conclusions of Law and Decision and Order dated May 29, 2024, as submitted by the Planning Commission. Commissioners had no questions for the county.

OPSD (*YouTube: 01:19:08 - 01:26:40*) provided their presentation supporting the petitioners request and recommending approval with modifications of Condition 2 and Condition 1. Commissioner Lee asked a question regarding the stabilization of the slope.

Public Testimony Round Two (*YouTube: 01:26:47 - 01:34:29*)

Chair Giovanni invited public a second opportunity to provide oral testimony on this matter. Dr. Dudley provided additional testimony advocating for the transformation of the wall.

Closing Arguments (*YouTube: 01:34:57 - 02:05:54*)

Mr. Chipchase opposes OPSD's proposed berming condition, favoring the Planning Commission's condition 2 with a minor wording change "four" to "five". He also argues against Dr. Dudley's rockface transformation idea due to material unsuitability and visibility issues, emphasizing Grace Pacific's strong community commitment and requesting a 15-year permit extension with operational modifications.

The County recommends adopting the May 29, 2024 Decision and Order, supporting changes to the lines of sight and condition number 2 aligning with the 2008 D&O to mitigate potential project impacts. OPSD notes that the revised closure grading plan introduces benches and narrows the berm, differing from the 2008 plan, with the petitioner's position focusing on cost considerations.

Commissioners asked questions regarding condition 2, benches, grading closure plan, what are the plans for the property after 2047.

Deliberations (*YouTube: 02:06:11 - 02:19:07*)

Commissioner Kahele expresses support for the petitioner's application and moved to grant the application to amend. Commissioner Lee seconded the motion clarifying that the motion is to also amend the conditions of approval in accordance with the Honolulu Planning Commission and correcting the four to five public site lines.

The motion was approved with 7 ayes, 0 nays, and 2 excused.

ADJORNMENT (*YouTube: 02:19:20*)

Chair Giovanni adjourned the meeting at 1:57 p.m.