

COUNCIL OF THE COUNTY OF MAUI

PLANNING AND LAND USE COMMITTEE

December 14, 2004

Committee

Report No. 04-229

Honorable Chair and Members
of the County Council
County of Maui
Wailuku, Maui, Hawaii

Chair and Members:

Your Planning and Land Use Committee, having met on November 30, 2004, makes reference to Bill No. 53 (2004), entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 2669 (1998), AS AMENDED BY ORDINANCE NO. 2853 (2000), TO EXTEND A CONDITIONAL PERMIT TO ALLOW THE OPERATION OF A CONCRETE RECYCLING AND GREEN WASTE COMPOSTING FACILITY IN CONJUNCTION WITH THE PERMITTED QUARRY AND ROCK CRUSHING OPERATION WITHIN THE COUNTY AGRICULTURAL DISTRICT FOR PROPERTY SITUATED AT WAILUKU, MAUI, HAWAII".

The purpose of Bill No. 53 (2004) is to grant a five-year Conditional Permit extension to Pohakulepo Recycling, LLC to operate a facility for the composting of green waste and grubbed material and the recycling of concrete rubble on approximately 14.8 acres in Wailuku (TMK: 3-6-004:portion of 7).

Your Committee notes that Bill No. 53 (2004) was passed on first reading by the Council at its August 24, 2004 meeting. Your Committee further notes that Bill No. 53 (2004) was referred to your Committee by the Council at its September 3, 2004 meeting.

By correspondence dated September 16, 2004, the Chair of your Committee requested the following:

1. That Bill No. 53 (2004) be revised to transfer the Conditional Permit to Hawaiian Cement.
2. That a draft resolution entitled "REFERRING TO THE MAUI PLANNING COMMISSION BILL NO. 53 (2004), DRAFT 1, RELATING TO A CONDITIONAL PERMIT TO OPERATE A FACILITY FOR THE COMPOSTING OF GREEN WASTE AND GRUBBED MATERIAL AND THE RECYCLING OF CONCRETE

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"RUBBLE IN WAILUKU" be approved as to form and legality. The purpose of the draft resolution is to refer to the Maui Planning Commission Bill No. 53 (2004), as revised.

By correspondence dated November 3, 2004, the Planning Director advised that the Maui Planning Commission had recommended approval of the proposed transfer of the Conditional Permit to Hawaiian Cement.

Your Committee notes that the Maui Planning Commission's action rendered the draft resolution moot.

At its meeting, your Committee met with the Director of Public Works and Environmental Management; the Planning Director; the Planning Program Administrator, Department of Planning; and a Deputy Corporation Counsel.

There was no public testimony.

The Planning Program Administrator provided an overview of the Maui Planning Commission's action. He noted that the subject composting and recycling facility is to be operated by Hawaiian Cement.

Your Committee voted to revise Bill No. 53 (2004) to transfer the Conditional Permit to Hawaiian Cement and incorporate technical revisions.

The Deputy Corporation Counsel informed your Committee that the revisions to Bill No. 53 (2004) were not so significant as to require passage on first reading again. The Council could pass the revised bill on second and final reading.

Your Committee voted to recommend that Bill No. 53 (2004), as revised, be passed on second and final reading.

Your Committee is in receipt of Bill No. 53 (2004), Draft 1, incorporating your Committee's revisions.

Your Planning and Land Use Committee **RECOMMENDS** that Bill No. 53 (2004), Draft 1, attached hereto, entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 2669 (1998), AS AMENDED BY ORDINANCE

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NO. 2853 (2000), TO EXTEND A CONDITIONAL PERMIT TO ALLOW THE OPERATION OF A CONCRETE RECYCLING AND GREEN WASTE COMPOSTING FACILITY IN CONJUNCTION WITH THE PERMITTED QUARRY AND ROCK CRUSHING OPERATION WITHIN THE COUNTY AGRICULTURAL DISTRICT FOR PROPERTY SITUATED AT WAILUKU, MAUI, HAWAII", be PASSED ON SECOND AND FINAL READING.

Adoption of this report is respectfully requested.

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