

COUNCIL OF THE COUNTY OF MAUI
LAND USE COMMITTEE

October 19, 2007

Committee
Report No.

07-113

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

Chair and Members:

Your Land Use Committee, having met on October 3, 2007, makes reference to County Communication No. 07-113, from the Planning Director, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE GRANTING GOODFELLOW BROS., INC. A CONDITIONAL PERMIT FOR USES RELATING TO A ROCK QUARRY WITHIN THE COUNTY AGRICULTURAL DISTRICT FOR PROPERTY SITUATED AT KIHEI, HAWAII". The purpose of the proposed bill is to grant a request from Goodfellow Bros., Inc. (GBI) for a ten-year Conditional Permit for the operation of offices, a rock crushing facility, a construction baseyard facility, and for aggregate and materials storage on approximately 14.5 acres located at Kihei, Maui, Hawaii.

Your Committee notes that the subject application relates to two parcels (TMK: (2) 2-2-02:054 (por.) and (2) 2-2-02:069 (por.)) owned by Pacific Rim Land, Inc.

Your Committee also notes that the Maui Planning Commission held a public hearing on the application on December 12, 2006.

Your Committee further notes that at its meeting of December 12, 2006, the Maui Planning Commission, after reviewing the findings presented in the document entitled "MAUI PLANNING DEPARTMENT: REPORT TO THE MAUI PLANNING COMMISSION December 12, 2006" (Department's Report) and the conclusions presented in the document entitled "MAUI PLANNING DEPARTMENT: RECOMMENDATION TO THE MAUI PLANNING COMMISSION December 12, 2006", voted to recommend approval of the Conditional Permit.

By correspondence dated July 23, 2007, the Chair of your Committee requested that Mich Hirano, Project Manager, Munekiyo & Hiraga, Inc., update your Committee on the status of GBI's noise permit, as well as the hours of operation of the rock crushing facility. The Chair noted that Condition No. 10 of the State Special Use Permit (SUP) approval letter, dated November 13, 2006, provides that "the hours of operation of the rock crushing facility shall be limited to the period beginning at 6:30 a.m. and ending at

COUNCIL OF THE COUNTY OF MAUI
LAND USE COMMITTEE

October 19, 2007
Page 2

Committee
Report No. 07-113

5:00 p.m.”, while the Department’s Report indicated that the facility operates until 6:00 p.m. Monday through Saturday.

By correspondence dated July 23, 2007, the Chair of your Committee requested that the Department of the Corporation Counsel revise the proposed bill to correct the Tax Map Key numbers and incorporate nonsubstantive revisions.

By correspondence dated July 26, 2007, Mich Hirano, Project Manager, Munekiyo & Hiraga, Inc., transmitted a copy of the current Community Noise Permit for Construction Activities.

By correspondence dated August 1, 2007, the Department of the Corporation Counsel transmitted a revised proposed bill entitled “A BILL FOR AN ORDINANCE GRANTING GOODFELLOW BROS., INC. A CONDITIONAL PERMIT FOR USES RELATING TO A ROCK QUARRY WITHIN THE COUNTY AGRICULTURAL DISTRICT FOR PROPERTY SITUATED AT KIHEI, HAWAII”, incorporating the requested revisions.

By correspondence dated September 10, 2007, Mich Hirano, Project Manager, Munekiyo & Hiraga, Inc., confirmed that the hours of operation for the facility extend through 6:00 p.m., Monday through Saturday.

By correspondence dated September 19, 2007, the Chair of your Committee requested that the Planning Director respond whether an amendment to the SUP is required for GBI to lawfully operate the rock crushing facility until 6:00 p.m., and to other questions relating to hours of operation.

By correspondence dated September 26, 2007, Ken Gift, Goodfellow Bros., Inc., informed your Committee that the Community Noise Permit allows construction activities until 6:00 p.m. Monday through Saturday (excluding Sundays and holidays); that rock crushing operations end at 5:00 p.m.; and that employees at the site after 5:00 p.m. are involved in procedures needed to maintain the facility.

By correspondence dated October 3, 2007, the Chair of your Committee transmitted a copy of correspondence dated January 12, 2006, from Brennon T. Morioka, Deputy Director, Highways Division, State Department of Transportation (DOT), to the Planning Director, relating to comments the Department had submitted in connection with the SUP time extension request for the facility.

COUNCIL OF THE COUNTY OF MAUI
LAND USE COMMITTEE

October 19, 2007
Page 3

Committee
Report No. 07-113

By correspondence dated October 3, 2007, the Planning Director responded that an amendment to the SUP would be required in order for GBI to operate the facility until 6:00 p.m.; that the Department of Planning would initiate the necessary procedures to amend the SUP; and that GBI would be required to cease operations by 5:00 p.m. until the SUP is amended.

At its meeting, your Committee met with the Planning Director; a Planner, Department of Planning; the Deputy Director of Public Works; a Deputy Corporation Counsel; Ken Gift, Senior Project Manager, Goodfellow Bros., Inc.; John Maloney, Development Manager, Pacific Rim Land, Inc.; and Mich Hirano, Project Manager, Munekiyo & Hiraga, Inc.

There was no public testimony.

Your Committee received a computer-generated presentation from Mr. Hirano. He discussed the uses proposed for the facility, which include a rock crushing operation, supportive administrative office functions, a construction baseyard, and aggregate storage. He clarified that no quarrying operations would occur on the subject property.

Mr. Hirano further provided background information concerning the application, noting that the rock crushing facility has been in operation since the 1970s. He described the procedural history of the application, the site layout, and site access, and noted that a water tank supplies reclaimed water for the project as well as other construction sites. Mr. Hirano advised that no complaints about the operation have been made.

The Planner noted that the Department recommends that the Conditional Permit run concurrently with the SUP, and that both permits are required in order for the operation to continue.

The Planning Director explained that updates to the Agricultural District zoning provisions (Chapter 19.30A, Maui County Code) now require that a Conditional Permit be obtained, although one was not required in the past.

Your Committee questioned how the reporting requirement for conditional permits under Section 19.40.110, Maui County Code, is being interpreted and fulfilled. Despite the reference in the provision to the “department of public works”, the Planning Director noted that the question was more appropriately directed to the Department of

COUNCIL OF THE COUNTY OF MAUI
LAND USE COMMITTEE

October 19, 2007
Page 4

Committee
Report No. 07-113

Planning, and that the reference to the Department of Public Works was likely an antiquated one.

Your Committee referenced the State DOT's comments dated January 12, 2006, and requested that a response be provided as to whether its concerns had been adequately addressed by mitigation measures being implemented by GBI.

Mr. Hirano confirmed that GBI would operate within the hours set forth in the SUP (to end by 5:00 p.m.). He also confirmed that GBI is operating within the requirements of the noise permit, that no complaints about noise or dust had been received, and that GBI has no plans to expand its facility.

In light of the clarification that no quarrying operations would occur on the subject property, your Committee recommended that the title of the proposed bill be revised by replacing the word "quarry" with the phrase "crushing facility".

Your Committee voted to recommend passage of the proposed bill, as further revised, and filing of the communication.

Your Committee is in receipt of a further revised proposed bill, approved as to form and legality, incorporating your Committee's requested revisions and a nonsubstantive revision.

Your Land Use Committee **RECOMMENDS** the following:

1. That Bill No. _____ (2007), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE GRANTING GOODFELLOW BROS., INC. A CONDITIONAL PERMIT FOR USES RELATING TO A ROCK CRUSHING FACILITY WITHIN THE COUNTY AGRICULTURAL DISTRICT FOR PROPERTY SITUATED AT KIHEI, MAUI, HAWAII", be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication No. 07-113 be FILED.

Adoption of this report is respectfully requested.

