

COUNCIL OF THE COUNTY OF MAUI
LAND USE COMMITTEE

December 1, 2006

Committee
Report No.

06-159

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

Chair and Members:

Your Land Use Committee, having met on November 15, 2006 (site inspection and meeting), makes reference to County Communication No. 06-207, from the Planning Director, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE GRANTING GOODFELLOW BROS., INC. A CONDITIONAL PERMIT FOR THE OPERATION OF THE MOLOKAI ROCK QUARRY WITHIN THE COUNTY AGRICULTURAL DISTRICT FOR PROPERTY SITUATED AT MOLOKAI, HAWAII".

The purpose of the proposed bill is to grant a request from Goodfellow Bros., Inc. (GBI) for a five-year Conditional Permit for the operation of a rock quarry on approximately 14.9 acres located at Palaau, Molokai (TMK: (2) 5-2-11:027 (por.)) (Parcel 27).

Your Committee notes that the Molokai Planning Commission held a public hearing on the application on May 24, 2006.

Your Committee further notes that the Molokai Planning Commission, after reviewing the findings presented in the document entitled "MAUI PLANNING DEPARTMENT'S REPORT TO THE MOLOKAI PLANNING COMMISSION MAY 24, 2006 MEETING", and the conclusions and recommendations presented in the document entitled "MAUI PLANNING DEPARTMENT'S RECOMMENDATION TO THE MOLOKAI PLANNING COMMISSION MAY 24, 2006 MEETING", voted to recommend approval of the Conditional Permit on May 24, 2006.

By correspondence dated August 15, 2006, Mich Hirano, Project Manager, Munekiyo & Hiraga, Inc., transmitted a copy of the following: (1) correspondence dated April 17, 2006, from Mr. Hirano to the Planning Director, detailing compliance with the conditions of the Special Use Permit (SUP); and (2) correspondence dated August 3, 2006, from the Planning Director to Mr. Hirano, noting that the Department of Planning has reviewed the SUP compliance report and found GBI to be in compliance.

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By correspondence dated August 17, 2006, the Chair of your Committee requested that Mich Hirano, Project Manager, Munekiyo & Hiraga, Inc., provide the outcome of GBI's consultation, if any, with the Solid Waste Division, Department of Public Works and Environmental Management, regarding the use of the pit created from the quarry operations as a future landfill site.

By correspondence dated August 23, 2006, the Chair of your Committee requested that the Planning Director clarify the Conditional Permit uses being recommended by the Molokai Planning Commission and revise the proposed bill accordingly; incorporate nonsubstantive revisions to the proposed bill; provide information relating to GBI's current concrete and asphalt batching operations on an adjacent parcel; and transmit a copy of the signed Decision and Order relating to the SUP, a copy of the letter of authorization from Cooke Land Company, Inc. (the landowner), and a copy of the petition containing approximately 700 signatures in favor of the project.

By correspondence dated August 23, 2006, the Chair of your Committee requested that the Director of Public Works and Environmental Management respond whether the applicant would be required to install a protective liner beneath its fuel storage tanks to prevent groundwater infiltration, and also requested a copy of the standard requirements that would apply in the building permit approval process.

By correspondence dated August 28, 2006, the Planning Director transmitted the relevant portion of the minutes of the Molokai Planning Commission's May 24, 2006 meeting.

By correspondence dated August 31, 2006, Mich Hirano, Project Manager, Munekiyo & Hiraga, Inc., advised that the applicant had contacted the Solid Waste Division, Department of Public Works and Environmental Management, regarding the County's interest in use of the quarry site for a future landfill upon completion of operations, that information would be transmitted to the Department for review, and that the applicant would keep your Committee abreast of developments.

By correspondence dated September 14, 2006, the Planning Director 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

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PROPERTY SITUATED AT MOLOKAI, HAWAII". The purpose of the revised proposed bill is to grant a five-year Conditional Permit to GBI for the operation of a concrete batching plant, an asphalt batching plant, and a rock crushing facility, and to store aggregate on the subject property.

In his correspondence, the Planning Director also responded that the terms "rock quarry" and "quarry operations" fall under the definition of "mining and resource extraction" and are a special use in the Agricultural District; specified the Conditional Permit uses recommended by the Molokai Planning Commission; advised that the applicant may commence quarry operations without the Conditional Permit; provided information relating to the existing concrete and asphalt batching operations on an adjacent parcel; and transmitted copies of the Decision and Order, the letter of authorization from the landowner, and the petition in support of the application.

By correspondence dated November 13, 2006, the Director of Public Works and Environmental Management responded that the Department does not have jurisdiction over the question relating to the need for a protective liner beneath fuel storage tanks, but that both the Department of Fire and Public Safety and the State Department of Health may have requirements.

At its site inspection, your Committee met with the Planning Program Administrator, Current Planning Division, Department of Planning; two Planners, Department of Planning; the Deputy Director of Public Works and Environmental Management; and a Deputy Corporation Counsel. Your Committee also met with Dale Moore, Manager, Molokai Operations, Goodfellow Bros., Inc.; John Maloney, Development Manager, Pacific Rim Land, Inc.; and Mich Hirano, Project Manager, Munekiyo & Hiraga, Inc.

Your Committee viewed the subject property and surrounding area, as well as GBI's existing batching facilities, from TMK: (2) 5-2-11:029 (Parcel 29), where GBI's existing concrete and asphalt batching facilities are located. Parcel 29 is adjacent to the subject property, and provides access to and affords views of the subject property.

There was no public testimony.

Mr. Hirano informed your Committee that GBI's first operation was on Molokai, and that Mr. Moore had been employed with GBI for 56 years. Mr. Hirano showed your

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Committee a preliminary site plan of the area, and pointed out the locations of Parcel 29, Parcel 27, and the private access road.

Mr. Hirano provided background information relating to the Conditional Permit application and the SUP granted by the Maui Planning Commission in May 2006. He pointed out the asphalt batching equipment presently located on Parcel 29, noting that the entire batching plant operations would be relocated onto the 14.9-acre site, and that the purpose of the application is to obtain corrective land use entitlements for the batching plant and other related activities. He also explained how storm water would be handled and noted that fencing had been erected around the perimeter of the 14.9-acre site, in compliance with a condition of the SUP.

Mr. Moore advised that GBI has an exclusive easement over the property. He noted that the life of both the proposed Conditional Permit and the SUP is five years, and estimated the life of the subject property for quarrying purposes to be 20 to 25 years. Mr. Moore stated that once the life of the rock quarry on the 14.9-acre site had been spent, the operation could be moved to another area within the 61-acre portion of Parcel 27 for which GBI has its perpetual easement.

Mr. Moore noted the proximity of the County landfill to the subject property. Mr. Hirano advised that a condition of the SUP is that reclamation activities occur once the quarrying operations are over.

Mr. Moore noted that the batching plant currently has a portable fuel tank on site. He advised that if a permanent tank is installed, GBI will place it on a concrete platform with a berm surrounding it.

Your Committee noted the proximity of other businesses in the area, including Molokai Electric Company and Coffees of Hawaii, Inc.

Mr. Moore indicated where the quarrying operations would be located, and also approximated where the boundaries between Parcel 29 and Parcel 27 lay. He noted that a natural drainage gulch exists and would remain undisturbed, and that culverts would be installed.

Your Committee deferred consideration of the application pending a meeting at the Mitchell Pauole Center, Kaunakakai, Molokai, later that evening.

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At its meeting on Molokai, your Committee met with the Planning Program Administrator, Current Planning Division, Department of Planning; two Planners, Department of Planning; the Deputy Director of Public Works and Environmental Management; and a Deputy Corporation Counsel. Your Committee also met with Dale Moore, Manager, Molokai Operations, Goodfellow Bros., Inc.; John Maloney, Development Manager, Pacific Rim Land, Inc.; and Mich Hirano, Project Manager, Munekiyo & Hiraga, Inc.

Your Committee received public testimony from one individual in support of the application. The testifier noted that he is a mason and favors having another quarry on Molokai to foster competition and eliminate the monopoly that currently exists.

Mr. Hirano provided your Committee with background information concerning the application and the site, and a copy of the preliminary site plan shown at the site inspection. He also noted that a petition had been distributed that contained several hundred signatures of Molokai residents in support of the application.

Mr. Hirano distributed a handout entitled "Forecast of Aggregate/Batching Requirements for Molokai", containing a listing of projects currently under construction and projects under contract on Molokai. He outlined the anticipated needs for asphalt, concrete, and aggregate to be generated by the facility. He also noted that residents would benefit from increased employment, estimating that the facility would create four additional full-time jobs.

Mr. Hirano described the proposed on-site facilities, which would include an asphalt drum mixer, aggregate bin, conveyor system, and other related equipment, and crushed rock stockpiles. He noted that the batching site would be located in close proximity to Molokai Electric Company; The Gas Company; and Coffees of Hawaii, Inc., and would be compatible with the existing surrounding land uses.

Your Committee discussed the best management practices plans for the project.

A Planner advised that the applicant had submitted its first compliance report dated April 17, 2006, to address the 14 conditions of the SUP, and the Department has found the applicant to be in full compliance with those conditions.

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Mr. Hirano described the capacity of GBI's water storage tank and truck. He noted that there is no requirement for a specific amount of water for fire protection because no buildings are involved in the project. He also advised your Committee of the estimated water storage tank capacities of nearby operations.

Your Committee discussed Condition No. 14 of the SUP, which requires that the quarry site be fully restored to "then prevailing current County DPWEM [Department of Public Works and Environmental Management] requirements and standards", should quarry operations cease. The Deputy Director advised that the Department has general standards relating to rehabilitation of the site to ensure that it is left in a safe condition, but does not regulate mining activities. A Planner advised that the intent of the condition was to give the Department of Public Works and Environmental Management the leeway it needed to make a determination, at the necessary point in time, of the remedial work that should occur.

Mr. Hirano informed your Committee that fencing had been erected around the perimeter of the quarry site to define the boundaries of the 14.9-acre portion of the parcel. Mr. Hirano advised that an archaeological inventory survey and a cultural impact assessment had been conducted. He further advised that the sites had been inventoried, and that the petroglyphs mentioned in the cultural impact assessment were well outside the property boundary, and thus not impacted by the project.

Mr. Hirano informed your Committee that sand for the concrete had been brought in by barge from Piihana, a GBI site on Maui that had been excavated. Mr. Moore noted that there is no source of sand on Molokai, and that the sand used is not beach-quality sand.

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

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

1. That Bill No. _____ (2006), 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 QUARRY WITHIN THE COUNTY AGRICULTURAL DISTRICT FOR PROPERTY SITUATED AT MOLOKAI, HAWAII", be **PASSED ON FIRST READING** and be **ORDERED TO PRINT**; and

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2. That County Communication No. 06-207 be FILED.

Adoption of this report is respectfully requested.

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ROBERT CARROLL **Chair**

DAIN P. KANE **Member**

JOSEPH PONTANILLA **Vice-Chair**

DANNY A. MATEO **Member**

MICHELLE ANDERSON **Member**

MICHAEL J. MOLINA **Member**

G. RIKI HOKAMA **Member**

CHARMAINE TAVARES **Member**

JO ANNE JOHNSON **Member**