

COUNCIL OF THE COUNTY OF MAUI
LAND USE COMMITTEE

July 22, 2005

Committee
Report No.

_____ 05-91

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

Chair and Members:

Your Land Use Committee, having met on June 29, 2005, makes reference to County Communication No. 05-109, from the Planning Director, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 2794 (1999), TO EXTEND A CONDITIONAL PERMIT TO ALLOW THE CONTINUED OPERATION OF A CONCRETE BATCHING PLANT WITHIN THE COUNTY AGRICULTURAL DISTRICT FOR PROPERTY SITUATED AT KIHEI, MAUI, HAWAII".

The purpose of the proposed bill is to grant a three-year extension of a Conditional Permit to "Kihei Ameron Concrete" to allow for the continued operation of a concrete batching plant on approximately 2.02 acres at Kihei, Maui (TMK: (2) 3-8-04:023 (por.)).

Your Committee notes that the Maui Planning Commission held a public hearing on the Conditional Permit time extension request on November 9, 2004.

Your Committee further notes that at its meeting of November 9, 2004, the Maui Planning Commission, after reviewing the findings presented in the document entitled "MAUI PLANNING DEPARTMENT'S REPORT AND RECOMMENDATION TO THE MAUI PLANNING COMMISSION NOVEMBER 9, 2004 MEETING", voted to recommend approval of the proposed Conditional Permit time extension application.

By correspondence dated March 18, 2005, the Chair of your Committee requested that the Department of the Corporation Counsel revise the proposed bill to correct the name of the applicant from "Kihei Ameron Concrete" to "Ameron Hawaii" and to make nonsubstantive revisions.

By correspondence dated March 23, 2005, the Department of the Corporation Counsel transmitted a revised proposed bill incorporating the requested revisions.

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By correspondence dated June 23, 2005 to Lorrin Pang, M.D., District Health Officer, State Department of Health (State DOH), the Chair of your Committee requested that a representative of the Department attend the June 29, 2005 meeting of your Land Use Committee to respond to questions that might arise from the Department's August 23, 2004 correspondence, or to otherwise comment on the application.

By correspondence dated June 23, 2005 to Rodney Haraga, Director, State Department of Transportation (State DOT), the Chair of your Committee requested that a representative of the Department attend the June 29, 2005 meeting of your Land Use Committee to respond to questions that might arise relating to the anticipated relocation of the site, the widening of Mokulele Highway, and the application in general.

By correspondence dated June 28, 2005, Matthew Slepín, Planner, Munekiyo & Hiraga, Inc., transmitted a regional location map of the Kihei Batch Plant relocation site.

At its meeting, your Committee met with the Planning Director; a Planner, Department of Planning; the Deputy Director of Public Works and Environmental Management; a Deputy Corporation Counsel; Blake Shiigi, Environmental Health Specialist, Clean Air Branch, State DOH; Charlene Shibuya, Assistant District Engineer, Maui District Office, State DOT; Michael Munekiyo, President, Munekiyo & Hiraga, Inc. (applicant's consultant); and Eric Yoshizawa, Vice President of Operations, Ameron Hawaii (applicant).

Mr. Munekiyo provided background information regarding the concrete batching plant. He informed your Committee that the plant was originally established in 1974, about 1,000 feet southwest of its current location, which is right at the intersection of Piilani Highway and Mokulele Highway. When Piilani Highway was constructed in 1978, the plant needed to be relocated to its existing location. The current request is to allow Ameron Hawaii to operate for three more years or until it obtains a Conditional Permit for the new site. Mr. Munekiyo further informed your Committee that the State DOT is in the midst of its widening project for Mokulele Highway. The current plant location is part of the future right-of-way for the highway-widening project, and the plant will, therefore, be displaced.

The Planner provided a brief overview of the request by Ameron Hawaii, stating that the applicant is also in the process of obtaining a new Conditional Permit for the relocated site.

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Mr. Shiigi informed your Committee that no complaints had been filed with the State DOH within the past five years. He further informed your Committee that National Pollutant Discharge Elimination System (NPDES) permits are designed to monitor and minimize water pollution, stream pollution, or near-shore water pollution. Facilities similar to Ameron Hawaii's concrete batching plant are required to have NPDES permits. The NPDES permit for the plant has expired or lapsed and another permit may be required. Mr. Shiigi did not know whether Ameron Hawaii had applied or is in the process of applying for the permit.

Mr. Shiigi further advised your Committee that Ameron Hawaii applied in about January 2005 to renew its Clean Air Branch permit, which expired on February 1, 2005. Under the Branch's current administrative rules, the plant is allowed to continue operating even though a new permit has not yet been issued. It is unclear whether a new permit will be required for the relocation of the plant 100 feet or 300 feet away. When Ameron Hawaii applies for its relocation, a permit amendment determination will be made.

Your Committee questioned whether any conflict existed or complaints had been received with regard to large trucks or other traffic accessing the concrete batching plant. Ms. Shibuya indicated that no complaints had been received for the current site. Your Committee further discussed the phasing of the highway-widening project. Ms. Shibuya advised that an off-site water line is being constructed with the phase that just began, which will impact the batching plant's current location.

Your Committee discussed whether rezoning of the property rather than an extension of the Conditional Permit should be considered. The Planner recommended that the property not be rezoned at this time due to the imminent relocation of the plant. She noted, however, that your Committee may want to consider a change in zoning when the new site for the plant is considered.

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

Your Land Use Committee RECOMMENDS the following:

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1. That Bill No. _____ (2005), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 2794 (1999), TO EXTEND A CONDITIONAL PERMIT TO ALLOW THE CONTINUED OPERATION OF A CONCRETE BATCHING PLANT WITHIN THE COUNTY AGRICULTURAL DISTRICT FOR PROPERTY SITUATED AT KIHAI, MAUI, HAWAII", be PASSED ON FIRST READING and be ORDERED TO PRINT; and

2. That County Communication No. 05-109 be FILED.

Adoption of this report is respectfully requested.

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