

PLANNING COMMISSION OF THE CITY AND COUNTY OF HONOLULU

STATE OF HAWAII

IN THE MATTER OF THE APPLICATION)

OF)

DEPARTMENT OF)
ENVIRONMENTAL SERVICES)

2002/SUP-6

FOR AN AMENDMENT TO A)
STATE SPECIAL USE PERMIT)

FINDINGS OF FACT, CONCLUSIONS, AND DECISION

I. PROPOSAL

The Planning Commission, at its public hearing held on March 5, 2003, pursuant to Section 205-6, Hawaii Revised Statutes and Subchapter 4, Rules of the Planning Commission, City and County of Honolulu, considered the application of Department of Environmental Services to amend Special Use Permit (SUP) File No. 86/SUP-5. The applicant proposes a 21-acre, 5-year capacity expansion to the existing 86.5-acre landfill to allow continued disposal of municipal solid waste (MSW). The proposed expansion includes 4 cells (E1 through E4) for disposing MSW, berms, detention and stilling basins, drainage channels, and access routes located within the State Land Use Agricultural District in Waimanalo Gulch, Honouliuli, Ewa, Oahu. The project area is identified by Tax Map Key 9-2-3: portion of 72 and portion of 73.

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EXHIBIT E

II. FINDINGS OF FACT

On the basis of the evidence presented, the Commission hereby finds that:

1. The subject expansion area is identified by Tax Map Key 9-2-3: portion of Parcel 72 and portion of Parcel 73 and is owned by the City & County of Honolulu.
2. The site is located in Waimanalo Gulch, Honouliuli, Ewa, Oahu.
3. The site is within the State Land Use Agricultural District, is partially within the Urban Growth Boundary of the Ewa Development Plan, and is zoned AG-2 General Agricultural District.
4. The landfill is not classified by the State Agricultural Lands of Importance to the State of Hawaii classification system. The University of Hawaii Land Study Bureau overall master productivity rating for the property is "E" which indicates very poor crop productivity potential.
5. The site is adjacent to Hawaiian Electric Company's Kahe Power Plant and Kahe Point Homes on its northwestern boundary; to the proposed Makaiwa Hills residential and commercial community on its southeastern boundary; and to Farrington Highway on its southwestern boundary. Across Farrington Highway from the site is the Ko Olina Resort, which contains resort and residential units, a golf course and marina. Honokai Hale and Nanakai Gardens residential subdivisions are located about 4,000 feet to the southeast of the site.
6. The Waianae Coast Neighborhood Board No. 24 recommended that Cell E1 be relocated to minimize litter, odor, and visual impacts; that the 5-year deadline to terminate landfill

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operations be clarified, and that community members be on the landfill siting team. The Honokai Hale/Makakilo/Kapolei Neighborhood Board No. 34 opposed the placement of refuse towards the front of the landfill.

7. The Department of Planning and Permitting (DPP) accepted the Final Supplemental Environmental Impact Statement (FSEIS) on January 10, 2003. Notice of the DPP's acceptance of the FSEIS was published in the January 23, 2003 issue of the Environmental Notice, in accordance with the Environmental Impact Law, Chapter 343, Hawaii Revised Statutes.
8. The Planning Commission received a Report and Recommendation dated February 28, 2003 from the Director of Planning and Permitting providing an analysis of the Special Use Permit amendment request and its recommendation for approval with 2 additional conditions.
9. At the public hearing of March 5, 2003, 3 persons testified and one written testimony was received. Councilmember Mike Gabbard, representing Council District 1, supported the request with conditions relating to closure of the landfill and to inclusion of community members on a proposed alternative site selection committee. Councilmember Nestor Garcia, representing Council District 9, supported the expansion with conditions relating to closure, alternative site selection, inclusion of community members in the site selection committee, and encouragement of use of alternative technologies and waste recovery programs. State Senator Brian Kanno opposed the expansion request. A member of the Waianae community indicated that there are concerns on impacts to the neighborhood and the environment and opposed the expansion request.

10. The Planning Commission considered the public testimony and recommended that:

- a. The applicant submit to the City Council, an alternative landfill site(s) by December 31, 2003, and
- b. Community members be included on the alternate site selection committee.

Items 10a and 10b are recommendations to the applicant and are not included as conditions of approval of the SUP amendment.

III. CONCLUSIONS OF LAW

The Planning Commission hereby concludes that:

1. The proposed use would not be contrary to the objectives of the State Land Use Law. The landfill and proposed expansion are located on soils that have very poor potential for crop production.
2. The proposed expansion would not adversely affect surrounding property if operated in accordance with relevant governmental approvals and requirements, including conditions of the Special Use Permit. Concerns relating to impacts on the surrounding community and the environment have been adequately disclosed in the FSEIS. Mitigation measures should be implemented in accordance with the applicant's representations as documented in the FSEIS.
2. The proposal will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, and police and fire protection. Government agencies did not object to the proposed SUP amendment.
3. Unusual conditions, trends and needs have arisen since the Agricultural District boundaries and regulations were established. The landfill is quickly approaching its

maximum capacity, and there is no feasible alternative that can be implemented in time to dispose MSW after the approved landfill capacity is exhausted. At the time the original SUP was granted, the Planning Commission and the Land Use Commission found that the proposal met all 5 guidelines for issuing an SUP. Also at that time, plans for the development of Kapolei as the Second City and development of support housing, Ko Olina Resort, industrial, and support infrastructure in proximity to the landfill were being implemented.

4. The site's soil quality is not conducive crop production and the steep terrain does not lend itself to pasture use. Prior SUP approvals have allowed the removal of the property from agricultural use. Circumstances relating to use of the property for agriculture have not changed since the original SUP was granted. The State Department of Agriculture has not objections to the proposal.

IV. DECISION AND ORDER

Pursuant to the foregoing Findings of Fact, Conclusions and attachment, it was the decision of the Planning Commission, at its meeting of March 5, 2003, to approve Special Use Permit No. 2002/SUP-6, subject to the following additional conditions:

10. Within 5 years from the date of this Special Use Permit Amendment approval or date of the Solid Waste Management Permit approval for this expansion, whichever occurs later but not beyond May 1, 2008, the 200-acre property shall be restricted from accepting any additional waste material and be closed in accordance with an approved closure plan.
11. Prior to commencing land filling in the 21-acre expansion area, the applicant shall submit to the Director of Planning and Permitting for review and approval, a metes and bounds

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description and map of the approved landfill area as permitted by this Special Use Permit and amendments thereto. Any minor modifications to allow reasonable adjustments of the approved area due to engineering and/or health and safety requirements may be approved by the Director of Planning and Permitting, providing there is no net increase to the approved area of 107.5 acre.

Dated at Honolulu, Hawaii this 13th day of March, 2003.

PLANNING COMMISSION
CITY AND COUNTY OF HONOLULU

By Brian Yakata for
CHARLIE RODGERS, Chair

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