

COUNTY OF HAWAI'I PLANNING DEPARTMENT RECOMMENDATION

AB MAUI QUARRIES, LLC SPECIAL PERMIT APPLICATION NO. PL-SPP-2026-000121

Upon review of the request against the guidelines for granting a Special Permit, the Planning Director recommends that the request to **construct and operate a concrete and asphalt batch plant and maintenance shop, office building, and warehouse for mechanical repair and storage and related accessory uses on a 14.9-acre portion of a larger 934.7-acre property within the State Land Use Agricultural District be approved** by the Planning Commission. Since this recommendation is made without the benefit of public testimony, the Director reserves the right to modify and/or alter this position based upon additional information presented at the public hearing.

The approval recommendation is based on the following findings:

The proposed use is an unusual and reasonable use of agricultural land within the State Land Use Agricultural District. Although the subject parcel is zoned Agricultural (A-5a), the applicant's 14.9-acre project area is part of a much larger 934.66-acre parcel characterized by undeveloped lava terrain, limited agricultural productivity, and no existing agricultural use on the project site. The applicant proposes to use approximately 5 acres for an asphalt plant and approximately 5 acres for a concrete plant, with the remaining area used for supporting facilities such as an office and parking area, maintenance shop, warehouse, fuel farm, equipment staging, stormwater basin, and internal access improvements. Given the site conditions and the limited size of the requested area relative to the overall parcel, the proposed use would not remove productive agricultural land from active cultivation.

The project is intended to support regional construction and infrastructure needs in South Kohala and West Hawai'i. The applicant states that continued residential, commercial, roadway, and infrastructure development in the Waikoloa area has increased demand for locally available asphalt and concrete

materials. The proposed facility would provide a local source of construction materials, reduce reliance on more distant suppliers, and support public and private infrastructure projects, including roads and other development in the region.

The project will function as a centralized industrial site for the production, storage, and distribution of construction materials, including concrete and asphalt, as well as associated activities such as equipment maintenance, material handling, and staging. Overall, the request seeks authorization to establish a heavy industrial-type use within the Agricultural district through the Special Permit process, encompassing both the primary production areas (approximately 10 acres combined) and the remaining acreage dedicated to operational support, circulation, drainage, and infrastructure within the 14.9-acre project area.

The grounds for approving a Special Permit are based on Rule 6-7 in the Planning Commission Rules. It states that the Planning Commission shall not approve a Special Permit unless it is found that the proposed use (a) is an unusual and reasonable use of land situated within the Agricultural or Rural District, whichever the case may be, and (b) the proposed use would promote the effectiveness and objectives of Chapter 205, Hawai'i Revised Statutes, as amended.

The proposed use is an unusual and reasonable use of land situated within the Agricultural District that would not be contrary to the effectiveness and objectives of Chapter 205, Hawai'i Revised Statutes, as amended. In recognizing that lands within agricultural districts might not be best suited for agricultural activities and yet classified as such, and in recognition that certain types of uses might not be strictly agricultural in nature, yet reasonable in such districts, the legislature has provided for the Special Permit process to allow certain unusual and reasonable uses within the Agricultural district.

While industrial in nature, the proposed use can be considered appropriate within the Agricultural District through the Special permit process, as

it is not expected to significantly impact surrounding agricultural lands or preclude future agricultural use of the remaining parcel, and can be conditioned to ensure consistency with State land use objectives.

In addition to the above listed criteria, the Planning Commission shall also consider the following criteria listed under Section 6-3(b)(5) (A) through (G) of its rules of practice and procedure:

(A) Such uses shall not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations. The proposed project occupies a limited 14.9-acre portion of a larger 934.66-acre parcel and does not involve the conversion of actively cultivated agricultural lands. The use supports regional infrastructure and construction needs, which are essential to the orderly development of the island, and can be considered consistent with the broader objectives of balanced land use planning. Additionally, the subject property is classified by the Land Study Bureau's rating system as class "E" or "Very Poor" soil for agricultural productivity and is "undesignated" on the ALISH map. Based on the preceding, the proposed use will not adversely affect the preservation and agricultural use of the County's agricultural lands of high agricultural potential and is not contrary to the objectives sought to be accomplished by the State Land Use Law and Regulations.

(B) The desired use would not adversely affect surrounding properties. The project site is located within a large, undeveloped Agriculturally zoned parcel and is not immediately adjacent to any residential subdivisions. Surrounding lands are predominantly agricultural or undeveloped or contain established industrial development. Potential impacts such as noise, dust, and traffic are typical of this type of use but can be mitigated through conditions of approval, including operational controls, buffering, and compliance with applicable regulations. As such, adverse impacts to surrounding properties are not anticipated to be significant.

(C) Such use shall not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements,

and police and fire protection. The applicant has demonstrated that necessary infrastructure can be provided without undue burden on public agencies. Access is available via Waikoloa Road, and traffic generation is not expected to exceed thresholds requiring major roadway improvements. Potable water will be provided by an existing private utility system and existing water agreement, with additional non-potable water supplied by an on-site well. Wastewater will be handled through an on-site Individual Wastewater System, and drainage will be managed on-site. Police and fire services are available within the South Kohala region, and no substantial expansion of public facilities is required.

According to the applicant's pre-consultation with the County Fire Department, adequate fire apparatus access and fire suppression water supply shall be provided in accordance with NFPA 1, Hawai'i State Fire Code. The applicant has indicated that on-site infrastructure will include fire flow provisions integrated into the project's water system, including non-potable water storage, and that access will be provided via a new connection to Waikoloa Road.

Potable water for the project will be provided by Hawai'i Water Service via connection to an existing water system along Waikoloa Road, with an estimated demand of approximately 5,550 gallons per day. In addition, a proposed on-site well and storage system will supply non-potable water for operational uses, including dust control and fire protection.

The Department of Environmental Management notes that no county wastewater collection system is available in the project area. The applicant proposes to utilize an on-site Individual Wastewater System (IWS), consisting of a septic tank and leach field, to serve the facility. Wastewater disposal will be subject to review and approval by the State Department of Health (DOH).

(D) Unusual conditions, trends, and needs have arisen since district boundaries and regulations were established. In the 1960s and 1970s, the State Land Use Agricultural District boundaries and regulations were established pursuant to Chapter 205, Hawai'i Revised Statutes. Since that time, the South Kohala region, particularly the Waikoloa area, has experienced

substantial growth, including residential, commercial, resort, and infrastructure development. This growth has created increased demand for construction materials and supporting industrial services that were not anticipated at the time the Agricultural District boundaries were originally established.

The subject property and surrounding lands remain designated Agricultural; however, the area has evolved to include nearby urban expansion areas and limited industrial uses. The proposed batch plant is intended to address current regional needs by providing a local source of asphalt and concrete materials, reducing reliance on more distant facilities. The request is consistent with the purpose of the Special Permit process, which allows for consideration of appropriate non-agricultural uses in response to changing conditions. Based on the above, the applicant has met this criterion.

(E) The land upon which the proposed use is sought is unsuited for the uses permitted within the district. The subject property consists primarily of undeveloped ‘a‘ā lava terrain with sparse vegetation, limited soil development, and no existing agricultural activity. Existing site conditions, including poor soil quality and lack of irrigation infrastructure, constrain the site’s potential for productive agricultural use. In addition, the property is not identified as Important Agricultural Lands under the State Agricultural Lands of Importance to the State of Hawai‘i (ALISH) designation system. Based on these factors, the subject property is considered poorly suited for agricultural uses permitted within the State Land Use Agricultural District.

(F) The use will not substantially alter or change the essential character of the land and the present use. The subject property is currently vacant and undeveloped, consisting of rough ‘a‘ā lava terrain with sparse vegetation. The proposed use will be contained within a defined 14.9-acre portion of a larger 934.66-acre parcel, with the remainder of the property remaining in its existing condition. Surrounding lands are predominantly agricultural, undeveloped, or designated for future urban expansion, with limited industrial activity in the broader area. The adjoining parcel to the south, TMK: (3) 6-8-

001:066, has received prior County and State approvals for industrial uses substantially similar to those proposed. State Special Permit No. 833 (LUC Docket No. SP92-381) authorized establishment and operation of a quarry and allied uses on approximately 220 acres, including blasting, rock crushing and screening, concrete ready-mix batching, asphalt product manufacturing, equipment storage, repair activities, and related operations supporting aggregate production. Quarry operations have been active in the area since approximately 1995, and the permit was subsequently amended to extend operations and authorize additional recycling-related activities. In addition, Special Permit No. SPP 08-000064 authorized a construction base yard and was later amended to allow operation of a concrete and asphalt batching plant within a 14.77-acre area adjacent to the quarry. Prior findings identified the broader area as supporting sensitive natural resources, including habitat and observations in the vicinity of the endangered Blackburn's sphinx moth, and incorporated avoidance and resource protection measures as conditions of approval. While the proposed batch plant is industrial in nature, it is relatively isolated and not located adjacent to established residential areas. Given the scale of the overall parcel, the location of the project, and existing land use patterns in the vicinity (including active quarrying), the proposed use will not substantially alter the essential character of the land or surrounding area.

(G) The request will not be contrary to the General Plan and Community Development Plan (CDP) and Zoning Code. The Land Use Pattern Allocation Guide (LUPAG) Map component of the General Plan provides a generalized framework for the distribution and relationship of land uses across the island, guiding long-term growth and development. The subject property is designated as Urban Expansion under the LUPAG, which anticipates the transition of lands to more intensive uses as infrastructure and development needs arise. The proposed project, while located in the State Land Use Agricultural District and County Agricultural (A-5a) zoning, is consistent with this

designation in that it supports future urban and infrastructure-related growth in the Waikoloa region.

The proposed use is also generally consistent with the elements of the General Plan, which support the development of facilities necessary to accommodate growth, including construction-related services and infrastructure improvements. Listed below are the specific goals and policies of the General Plan that align with the proposed project:

Land Use – Industrial (Chapter 14.4)

Goal 14.4.2(a):

“Designate and allocate industrial areas in appropriate proportions...”

Policy 14.4.3(c):

“Locate industrial areas convenient to transportation facilities...”

Policy 14.4.3(e):

“Industrial development shall be located in areas adequately served by transportation, utilities, and other essential infrastructure.”

Policy 14.4.3(h):

“Require developers to provide basic infrastructure necessary for development.”

The proposed project expands industrial-zoned land in an area already characterized by industrial and service uses. The site’s proximity to existing roadway infrastructure and planned improvements supports the General Plan directive to locate industrial uses where transportation and utilities are available. The project also aligns with the requirement that development provide necessary infrastructure, as it will contribute to or rely on planned infrastructure improvements identified in the area.

Economic Development (Chapter 2.3)

Policy 2.3(g):

“Capital improvements program shall improve the quality of existing commercial and industrial areas.”

Policy 2.3(j):

“Support the development of high technology industries.”

Policy 2.3(m):

“Encourage active liaison with the private sector with respect to... establishing businesses...”

Policy 2.3(p):

“Identify the needs of the business community and take actions... to improve the business climate.”

Policy 2.3(y):

“Encourage new industries that provide favorable benefit-cost relationships...”

The project facilitates expansion of industrial land supply in South Kohala, addressing a recognized shortage of industrial-zoned land and supporting business establishment. By enabling industrial and service uses, the project contributes to economic diversification, improves the business climate, and supports capital investment in infrastructure and employment-generating activities consistent with the Economic Element.

Public Facilities / Infrastructure (Chapter 10.1)

Goal 10.1.2(a):

“Encourage the provision of public facilities that effectively service community and visitor needs...”

Policy 10.1.3(c):

“Develop short and long-range capital improvement programs...”

Policy 10.1.3(d):

“Develop and adopt an Impact Fees Ordinance.”

The project is consistent with the General Plan’s emphasis on coordinated infrastructure planning and funding. Industrial development in this location is intended to occur alongside planned infrastructure improvements, including roadway and utility upgrades, ensuring that public facilities are expanded in a manner that supports growth.

Land Use – Industrial Site Planning (Supporting Context)

Policy 14.4.3(a):

“Support the creation of industrial parks in appropriate locations...”

Policy 14.4.3(b):

“Achieve a broader diversification of local industries...”

The project functions as an expansion of an industrial node rather than isolated strip development, reinforcing the General Plan preference for consolidated industrial areas and diversified industrial opportunities.

The South Kohala Community Development Plan (SKCDP) recognizes ongoing growth in the Waikoloa area and includes policies to provide infrastructure and services for a growing community. While the project is industrial in nature, it indirectly supports SKCDP objectives by contributing to the infrastructure needed to sustain residential, commercial, and public facility development in the region.

The project supports the SKCDP’s transportation objectives by concentrating industrial uses in an area served by existing and planned roadway infrastructure. Industrial development in this location facilitates efficient goods movement and supports planned roadway improvements and long-term multimodal transportation planning.

The project is consistent with the SKCDP’s infrastructure-first framework by aligning industrial land expansion with areas where infrastructure planning and improvements are occurring. The proposal avoids premature or isolated development and instead supports coordinated growth consistent with CDP intent.

The project directly implements the Waikoloa SKCDP policies by concentrating industrial development in an appropriate growth area rather than dispersing such uses. The proposal supports “smart growth” by reinforcing an existing/planned industrial node and aligning with infrastructure investment priorities.

The project supports the SKCDP's land use pattern by reinforcing an established regional service and transportation node. Industrial expansion in proximity to Kawaihae and the Queen Ka'ahumanu Highway corridor is consistent with the SKCDP's implicit strategy of concentrating employment and service uses in accessible locations.

Although the proposed use is not permitted outright within the Agricultural (A-5a) zoning district, the Special Permit process is specifically intended to allow for consideration of appropriate non-agricultural uses that meet established criteria. Based on the above, the request is not contrary to the General Plan, South Kohala CDP, or Zoning Code.

The request is not contrary to Chapter 205A, Hawai'i Revised Statutes, relating to Coastal Zone Management. The request is not contrary to Chapter 205A, Hawai'i Revised Statutes, relating to Coastal Zone Management. The subject property is located inland within the South Kohala District, in proximity to the Kawaihae/Queen Ka'ahumanu Highway corridor and is approximately 4 miles from the nearest shoreline. Due to its inland location, the property is not subject to coastal hazards such as shoreline erosion, sea level rise, or tsunami inundation, and the proposed project will not adversely impact coastal ecosystems, beaches, or marine resources.

The property is not located within the Special Management Area (SMA), as such the proposed industrial use will not require SMA review or permits. Furthermore, there is no evidence of designated public shoreline or mountain access routes traversing the property that would be affected by the project.

Based on the foregoing, the proposed action is consistent with and not contrary to the objectives and policies of Chapter 205A, Hawai'i Revised Statutes, relating to Coastal Zone Management.

The request will not have a significant adverse impact to traditional and customary Hawaiian Rights. In view of the Hawai'i State Supreme Court's "*PASH*" and "*Ka Pa'akai O Ka'Aina*" decisions, the issue relative to native Hawaiian gathering and fishing rights must be addressed in terms of the cultural,

historical, and natural resources and the associated traditional and customary practices of the site.

Investigation of valued resources: A formal Archaeological Reconnaissance Survey (ARS) was conducted for the subject property by ASM Affiliates, covering the entire 934.66-acre parcel. In addition, the application included a review of existing archaeological records, cultural resources, and background research.

The ARS identified a number of previously documented archaeological sites within the broader parcel; however, these are located outside of the proposed 14.9-acre project area. The study concluded that the likelihood of encountering additional archaeological resources within the project site is low. No stand-alone botanical or faunal survey was conducted; however, general site observations and environmental analysis were included in the application to characterize existing conditions.

The valued cultural, historical, and natural resources found in the special permit area: The subject property is located within a dryland lava landscape characterized by 'a'ā lava flows, sparse vegetation, and limited soil development. Vegetation within the project area is predominantly non-native species such as fountain grass, with limited native plant presence.

While the immediate project site contains no identified cultural or natural resources, the broader parcel and surrounding area contain known archaeological features, including traditional Hawaiian sites such as platforms, terraces, and possible burial features. These resources are located outside of the project footprint, primarily in the southwestern portion of the parcel.

Native plant species of cultural significance, including wiliwili (*Erythrina sandwicensis*), have been identified in the general vicinity, though not within the project area. These species are recognized as having cultural and ecological value. The State Historic Preservation Division (SHPD) has reviewed the project and determined that, with avoidance measures in place, the project will result in

“no historic properties affected.” No traditional or customary Native Hawaiian gathering areas, access rights, or ongoing cultural practices were identified within the project site.

Possible adverse effect or impairment of valued resources: The proposed project involves development of approximately 14.9 acres within a much larger 934.66-acre parcel, with the remainder of the property remaining undeveloped. The project footprint has been specifically designed to avoid known archaeological sites and established preservation buffers.

Given the absence of identified cultural resources within the project area, and the implementation of avoidance measures for nearby resources, the project is not expected to result in significant adverse impacts to cultural or historic resources.

While some disturbance to existing vegetation will occur, the project area is largely dominated by non-native species, and impacts to native flora are expected to be minimal. The limited presence of native habitat further reduces the likelihood of impacts to culturally significant natural resources. Overall, potential impacts are considered minor and site-specific and are consistent with development of similar scale and type in comparable areas.

Feasible actions to protect native Hawaiian rights: The applicant has incorporated measures to avoid and protect known cultural resources, including maintaining established avoidance areas and buffers identified in the archaeological study.

In addition, standard conditions of approval will require that:

- If inadvertent discoveries of cultural or historic resources, including human remains, occur during construction, all work in the immediate area shall cease, the find shall be protected from further disturbance, and the State Historic Preservation Division (SHPD) shall be notified to determine appropriate mitigation measures.

The project will not restrict access to any known cultural sites, and no traditional access routes have been identified within the project area. To the

extent that traditional and customary practices may occur in the broader region, the proposed development will not interfere with those practices. In addition to the applicant's proposed avoidance measures, SHPD requires verification that interim protection measures (such as construction fencing) are installed along preservation buffer boundaries prior to construction activities.

Lastly, this approval is made with the understanding that the applicant remains responsible for complying with all other applicable governmental requirements in connection with the approved use, prior to its commencement or establishment upon the subject property. Additional governmental requirements may include the issuance of building permits, the installation of approved wastewater disposal systems, compliance with the Building Code and Fire Code, installation of improvements required by the American with Disabilities Act (ADA), among many others. Compliance with all applicable governmental requirements is a condition of this approval; failure to comply with such requirements will be considered a violation that may result in enforcement action by the Planning Department and/or the affected agencies.

Based on the preceding considerations, the approval to construct and operate a concrete and asphalt batch plant and related accessory uses on a 14.9-acre portion of a 934.7-acre property within the State Land Use Agricultural District would support the objectives sought to be accomplished by the Land Use Law and Regulations.

Approval of this request is subject to the following conditions:

1. The applicant(s), its successor(s), or assign(s) ("Applicant") shall be responsible for complying with all stated conditions of approval.
2. The operation of the proposed use shall be conducted in a manner that is substantially representative of plans and details as contained within the Special Permit Application received by the Planning Department, dated February 26, 2026, and representations made to the Leeward Planning Commission. Any expansion of uses beyond what is represented in these documents shall require an amendment to this permit.

3. Construction of the proposed development shall be completed within five (5) years from the effective date of this permit. Prior to construction, the Applicant(s) shall secure Final Plan Approval for the proposed development from the Planning Director in accordance with Section 25-2-70, Chapter 25 (Zoning Code), Hawai'i County Code. Plans shall identify all existing and/or proposed structure(s), paved driveway access and parking stalls associated with the proposed development. Landscaping shall be indicated on the plans for the purpose of mitigating any adverse noise or visual impacts to adjacent properties in accordance with the requirements of Planning Department's Rule No. 17 (Landscaping Requirements) and Chapter 25 (Zoning Code), Hawai'i County Code.
4. Unless otherwise approved by the County Department of Public Works and the Police Department, the Applicant shall utilize the existing Easement No. 3 from Waikoloa Road to access the project area.
5. Prior to any land disturbing activities, the Applicant shall provide the Planning Department a final metes and bounds survey to ensure the entire project area does not exceed 14.9-acres total, including, but not limited to, septic areas, roads and access driveways, and other related development.
6. All earthwork and grading activity shall conform to Chapter 10, Erosion and Sedimentation Control of the Hawai'i County Code.
7. The method of sewage disposal shall meet with the requirements of the Department of Health.
8. If aggregate is to be transported to the project area via the intersection of Queen Kaahumanu Highway and Waikoloa Road, the Applicant shall consult with the Hawaii Department of Transportation (HDOT) Highways Division regarding the potential impact of debris on the State Roadway and implement any requirements in accordance with HRS Ch. 291C-131(a).
9. Prior to any land disturbing activities, the Applicant shall provide to the Planning Department documentation from the U.S. Army Corps of

Engineers identifying whether the proposed Special Permit area overlaps any Waikoloa Maneuver Area Military Munitions Response Site (MRS), and if so, provide documentation demonstrating the site has achieved Response Complete (RC) status or identify applicable Land Use Controls, construction protocols, and required coordination.

10. The Applicant shall consult with the State Department of Health, Solid and Hazardous Waste Branch, to determine whether a solid waste management permit is required for any proposed recycling or waste handling activities. The Applicant shall comply with all applicable State regulations regarding solid and hazardous waste management.
11. Prior to the commencement of grading or construction activities, the Applicant shall provide verification to the State Historic Preservation Division (SHPD) that appropriate protection measures, including fencing or other delineation, have been installed along all preservation buffers associated with identified archaeological sites.
12. In the event that surface or subsurface historic resources, including human skeletal remains, structural remains (e.g. rock walls, terraces, platforms, etc.), cultural deposits, marine shell concentrations, sand deposits, or sink holes are identified during the demolition and/or construction work, the Applicant shall cease work in the immediate vicinity of the find, protect the find from additional disturbance and contact the Department of Land and Natural Resources-State Historic Preservation Division (SHPD) at (808) 933-7651. Subsequent work shall proceed upon archaeological clearance from SHPD when it finds that sufficient mitigation measures have been taken.
13. The Applicant shall comply with all applicable County, State, and Federal laws, rules, regulations, and requirements in connection with the approved use, prior to its commencement or establishment upon the subject property.

14. An initial extension of time for the performance of conditions within the permit may be granted by the Director upon the following circumstances:
 - A. The non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors or assigns, and that are not the result of their fault or negligence.
 - B. Granting of the time extension would not be contrary to the General Plan or Zoning Code.
 - C. Granting of the time extension would not be contrary to the original reasons for the granting of the permit.
 - D. The time extension shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year).
 - E. If the applicant should require an additional extension of time, the Planning Director shall submit the applicant's request to the Planning Commission for appropriate action.
15. Should any of these conditions not be met or substantially complied with in a timely fashion, the Planning Director may initiate procedures to revoke this Special Permit.