

**COUNTY OF HAWAII PLANNING DEPARTMENT
RECOMMENDATION REPORT**

WHC LTD.

**SPECIAL PERMIT APPLICATION (PL-SPP-2025-000107/AMEND SPP NO. 724)
(LUC DOCKET NO. 90-37)**

Upon reviewing the request pursuant to Section 205-6, Hawai'i Revised Statutes, Chapter 15-15, Hawai'i Administrative Rules (Land Use Commission Special Permit procedures), the guidelines for granting a Special Permit, and Planning Commission Rule No. 6-8(b), the Planning Director recommends that this request be approved by the Planning Commission and forwarded to the State Land Use Commission for final determination. 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. This approval recommendation is based on the following findings:

WHC, Ltd., dba West Hawai'i Concrete (WHC), through its landowner PR Mauna Kea LLC, requests an amendment to Special Permit No. 724 (LUC Docket No. 90-374) to allow for:

- Expansion of the existing quarry area from approximately 143.48 acres (TMK: (3) 6-7-001:034) by adding approximately 80.349 acres from an adjacent parent parcel (TMK: (3) 6-7-001:025), for a total quarry area of approximately 223.829 acres; and
- Extension of the life of the Special Permit, by amending Condition No. 5 (Life of the Permit), to allow the permit to run coterminous with a proposed lease extension between the landowner and WHC through September 30, 2057, with the potential for additional extensions subject to further approvals.

According to the applicant, the amendment is requested to allow continued operation and expansion of the existing quarry, ensuring a long-term, reliable source of aggregate materials for the Hawai'i Island construction industry. The quarry has been operational for several decades and supplies aggregate used in concrete production and other construction activities. The proposed expansion and extension of the permit term through 2057 would allow for continued extraction of

approximately 6.4 million tons of remaining material at rates similar to current operations, helping to meet ongoing demand. Continued operations would maintain a consistent local supply of aggregate and reduce reliance on imported materials, as WHC currently sources all its concrete aggregate from this quarry; therefore, ceasing operations could disrupt the local construction market. The applicant also states that the site contains a unique rock source that does not produce alkali-silica reactivity (ASR) in finished concrete, a condition that can occur when concrete is exposed to moisture over time, causing expansion and potential structural failure.

Condition No. 3 of Special Permit No. 724 allows quarry operations between the hours of 5:00 a.m. to 8:00 p.m., Monday through Saturday. According to the applicant, current operations typically occur between 6:00 a.m. and 6:00 p.m., Monday through Saturday, depending on production needs. Quarry activities include extraction, crushing, and stockpiling of materials using loaders, excavators, and related equipment. The applicant indicates that operations within the proposed expansion area would occur at similar hours and intensity as existing operations, with no anticipated increase in traffic or public access to the site.

According to the applicant, approximately eight to ten employees and one independent contractor are involved in daily quarry operations at the site. The application also notes that the number of personnel onsite may vary depending on operational needs.

The grounds for approving a Special Permit are set forth in Rule 6-6 in the Planning Commission Rules of Practice and Procedure. 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 District; and (b) the proposed use would promote the effectiveness and objectives of Chapter 205, Hawai'i Revised Statutes, as amended.

Approval of this request would not be contrary to the General Plan or the Zoning Code. The Land Use Pattern Allocation Guide (LUPAG) Map of the General Plan provides a framework to guide the coordinated growth and development of the County and illustrates the relationships among various land

uses. The subject property is designated as Extensive Agriculture, with a portion in the northwest corner identified as Important Agricultural Land. Lands within the Extensive Agriculture designation are generally characterized by physical limitations, including soil composition, slope, and climate, which restrict sustained, high agricultural productivity. Less intensive uses such as grazing and pasture are typical within this category. The subject property has limited agricultural capability and has historically been used for quarry operations.

The proposal is consistent with the Industrial Land Use and Economic elements of the General Plan, which recognize that industrial activities may be appropriately located near raw material sources and support the development of resource-based industries. Quarry operations provide essential construction materials and contribute to the County's economic base.

The subject property is zoned A-40a and is located within the State Land Use Agricultural District. Quarry operations may be permitted within this district through the issuance of a Special Permit pursuant to HRS §205-6. Accordingly, the proposed amendment is not contrary to the General Plan or the County Zoning Code.

The South Kohala Community Development Plan does not specifically address quarry operations; however, the proposed use is consistent with its general policies relating to land use compatibility and resource management.

A favorable recommendation for these requests would not be contrary to the original reasons for granting of the permit. The proposed amendment is not contrary to the original reasons for the granting of the permit. Quarry operations on the subject property have been continuously authorized since approximately 1945 through a series of approvals, including Special Permit No. 357 (1977), Special Permit No. 90-374 (1990), and subsequent amendments. These approvals have allowed for the continued operation and incremental expansion of the quarry for more than 50 years.

The proposed amendment, which includes expansion of the quarry area and extension of the permit term, represents a continuation of this established pattern of use and does not constitute a substantial departure from prior approvals.

Accordingly, the proposed amendment is consistent with the basis for the original approval.

The proposed amendment is an unusual and reasonable use of land situated within the Agricultural District. The proposed amendment constitutes an unusual and reasonable use of land within the State Land Use Agricultural District. Chapter 205, Hawai'i Revised Statutes, recognizes that not all lands within the Agricultural District are suitable for agricultural production and provides for the Special Permit process to allow certain uses that are compatible with the intent of the district.

The subject property is characterized by limited agricultural capability, including soils classified as Class "D" (poor) and "E" (very poor) by the Land Study Bureau, and "Unclassified" by the Agricultural Lands of Importance to the State of Hawai'i (ALISH) map. Furthermore, only a small portion in the northwest corner is designated as Important Agricultural Lands by the County General Plan. The property has been utilized for quarry operations since approximately 1945, reflecting a long-standing commitment of the land to this use.

Given these factors, the continued operation and proposed expansion of the quarry, along with the extension of the permit term, are consistent with the historical use of the property and represent an unusual and reasonable use of the land in this location.

The proposed amendment will not be contrary to the objectives sought to be accomplished by the State Land Use Law and its regulations. The proposed amendment is not contrary to the objectives of Chapter 205, HRS, and the State Land Use Law. Chapter 205 is intended to preserve and protect lands for uses to which they are best suited in the interest of public health, safety, and welfare.

The State Land Use Commission has previously determined that quarry operations on the subject property constitute a reasonable and appropriate use within the Agricultural District. The proposed amendment does not alter the fundamental nature of the approved use and will continue to operate in accordance with the terms and conditions of Special Permit No. 724, as amended. Accordingly,

the proposed amendment remains consistent with the intent and objectives of the State Land Use Law.

The proposed amendment will not adversely affect the surrounding properties. Surrounding properties are owned by Parker Ranch and are similarly zoned A-40a by the County and classified within the State Land Use Agricultural District. The closest residences are located approximately 1.25 miles to the east in DHHL's Pu'ukapu Pasture Lots Subdivision, and Waimea Town is approximately 5 miles to the north. The surrounding area is predominantly agricultural in both zoning and use, supporting cattle pasture and related ranching activities. The broader area includes lands zoned A-40a, A-20a, A-10a, A-5a, RA-1a, RS-10, and CV-7.5; however, most nearby lands remain agricultural in character. The subject property is part of a large parent parcel encompassing the existing quarry and proposed expansion area, providing a substantial buffer from neighboring uses. Commercial and residential development is generally concentrated in and around Waimea Town, while surrounding lands continue to support ranching and quarry-related activities.

Quarry operations have existed on the subject property since approximately 1945 and have historically coexisted with surrounding uses without documented complaints, demonstrating the suitability of the area for continued quarry use. The site's remote location and large parcel size provide substantial open space, minimizing potential physical, social, and environmental impacts.

Potential impacts associated with quarry operations, including dust and noise, are regulated by the State Department of Health. The applicant has implemented dust control measures, including regular water spraying, and will continue to comply with applicable Clean Air Branch requirements. A condition of approval will limit hours of operation between 5:00 a.m. and 8:00 p.m. Given the separation from nearby residences and other sensitive land uses, as well as ongoing regulatory compliance, impacts are not anticipated to result in significant adverse impacts.

Based on the location, scale, and regulatory controls, the proposed amendment is not anticipated to result in significant adverse impacts.

The proposed amendment will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, and police and fire protection. Access to the property is provided via Māmalahoa Highway, a State-owned and maintained roadway, which connects to a private quarry access road within the property. While the proposed permit area is located approximately 3.42 miles from the Waimea-Kohala Airport (MUE), the site is not situated beneath any identified approach or departure flight paths. Furthermore, the proposed quarry expansion does not involve the construction of vertical structures that would penetrate Federal Aviation Administration (FAA) Part 77 airspace surfaces. As such, the project is not anticipated to result in hazards to air navigation, subject to compliance with applicable FAA notification requirements, including the submittal of FAA Form 7460-1, if required.

The existing quarry operations are self-sufficient and do not rely on public utilities. The proposed expansion will continue to operate in the same manner. Water is hauled to the site for operational needs, including dust control, electrical needs are met through on-site generation, wastewater is managed through portable sanitary facilities, and telecommunications are provided via cellular service.

The proposed amendment will not result in a significant increase in traffic or demand for public infrastructure or services. Existing operations generate minimal traffic and have not adversely impacted public roadways. The project is not anticipated to create drainage issues or require additional public infrastructure improvements. The quarry has operated for decades without requiring additional public services, including police or fire protection, and the proposed amendment will not change this condition. Accordingly, the proposed amendment will not unreasonably burden public agencies.

Unusual conditions, trends, and needs have arisen since the district boundaries and regulations were established. Hawai'i Island, particularly West Hawai'i, has experienced sustained population growth and development, resulting in increased demand for construction materials, including aggregates and crushed

stone. This level of growth and associated demand was not anticipated when the current district boundaries and regulations were adopted. The proposed amendment will help ensure a continued local supply of these materials necessary to support ongoing and future development. Accordingly, unusual conditions, trends, and needs have arisen since the district boundaries and regulations were established that support approval of the requested amendment.

The land upon which the proposed use is sought is unsuited for the uses permitted within the district. Soils within the project area are classified as the Puu Pa Series. The existing quarry is located on Puu Pa very cobbly medial very fine sandy loam with slopes ranging from 12 to 20 percent, while the expansion area consists of similar soils with slopes ranging from 6 to 12 percent. In a representative profile, the surface layer consists of very dark brown, extremely stony, very fine sandy loam approximately 6 inches thick, underlain by dark brown to dark yellowish brown, very stony, fine sandy loam extending to approximately 40 inches, over fragmental 'a'ā lava.

The Land Study Bureau's Overall Productivity Rating classifies these soils as Class "D" (poor) to Class "E" (very poor) for agricultural productivity. Additionally, the Agricultural Lands of Importance to the State of Hawai'i (ALISH) Map designates the project area as "Other" and "Unclassified," indicating that the soils are not identified as Important Agricultural Lands. These characteristics, including very stony conditions, shallow soil profile, and underlying lava substrate, significantly limit the agricultural potential of the site and render it unsuitable for intensive or economically viable agricultural use.

By contrast, the site is well-suited for quarry operations, which have historically occurred on the property and surrounding lands. Accordingly, the proposed use is appropriate for the site.

The proposed uses will not substantially alter or change the essential character of the land and the present use. The subject property and surrounding lands are characterized by rural agricultural uses, including cattle ranching, as well as long-standing quarry operations that have existed since approximately 1945 and have historically coexisted with surrounding uses without documented

complaints or adverse impacts. The proposed expansion area is immediately adjacent to the existing quarry and shares similar physical characteristics, including topography and vegetation, as well as established land use patterns. The applicant has indicated that the proposed expansion and extension of the permit term will not result in an increase in operational intensity, including no increase in hours of operation, workforce, or daily truck trips, and no permanent structures are proposed, with operations continuing to utilize portable equipment consistent with existing quarry activities. The proposed expansion is adjacent to the existing quarry and will not increase operational intensity, including hours of operation, workforce, or traffic. The proposed amendment represents a continuation and incremental expansion of an existing use rather than the introduction of a new or incompatible use. Accordingly, the essential character of the area will be maintained.

The proposed amendment requests are consistent with the objectives and policies as provided by Chapter 205A, HRS, and Special management Area guidelines contained in Rule No. 9 of the Planning Commission Rules of Practice and Procedure. The request will not have a significant adverse impact to traditional and customary Native Hawaiian rights. In view of the Hawai'i State Supreme Court's PASH and Ka Pa'akai O Ka'āina decisions, the issue relative to Native Hawaiian rights must be addressed in terms of the cultural, historical, and natural resources of the project area, as well as the associated traditional and customary practices.

- Investigation of valued resources: An Archaeological Inventory Survey (AIS) conducted in January 2025 identified no archaeological or historic properties within the expansion area. The survey determined that the site has been substantially disturbed by prior ranching and quarry activities, reducing the likelihood of intact cultural resources. A botanical survey conducted in November 2024 identified predominantly non-native vegetation within the project area, with limited occurrences of common native species. No rare, threatened, or endangered plant species or designated critical habitat were observed.

- The valued cultural, historical, and natural resources found in the permit area: An Archaeological Inventory Survey (AIS) of the Expansion Area identified no archaeological or historic properties. The AIS was submitted to the State Historic Preservation Division (SHPD) for review. In a letter dated May 29, 2026, SHPD accepted the AIS report and concurred that no historic properties would be affected by the proposed project. A Ka Pa‘akai O Ka ‘Āina cultural impact analysis concluded that there are no known traditional or customary Native Hawaiian practices occurring within the expansion area and that the proposed quarry expansion will not affect cultural, historical, or natural resources within or outside the project area. Archival research and consultation efforts identified general historic practices in the broader Waimea region, including bird hunting, agriculture, and ranching; however, no such practices were documented within the expansion area. Archaeological investigations similarly identified no traditional cultural sites or features, and all existing features are of modern origin. The applicant has not received any claims for the exercise of traditional or customary Native Hawaiian rights within the project area. No culturally significant natural features, including springs, heiau, caves, or native forest resources, were identified. The expansion area does not contain native plant resources in sufficient quantity or quality to support traditional gathering practices. A botanical survey conducted in November 2024 identified predominantly non-native vegetation, with limited occurrences of common native species. No rare, threatened, or endangered plant species or designated critical habitat were observed. Based on the AIS, cultural analysis, and biological surveys, the expansion area does not contain significant cultural, historical, or natural resources.
- Possible adverse effects or impairment of valued resources: No significant adverse effects to cultural, historical, or natural resources are anticipated. The project area has been previously disturbed, and no known cultural resources or traditional practices have been identified. Potential impacts are limited to the inadvertent discovery of previously unidentified cultural or archaeological resources, including human remains, during ground-disturbing activities.

Conditions of approval will require compliance with all applicable State and Federal regulations to protect any threatened or endangered species that may be identified.

- Feasible actions to protect Native Hawaiian rights: No traditional or customary Native Hawaiian rights have been identified within the project area, and the proposed action is not anticipated to affect such rights. As a protective measure, a condition of approval will require that, in the event previously unidentified cultural resources or human remains are encountered, all work shall cease in the immediate area, and the State Historic Preservation Division (SHPD) shall be notified. Work shall only resume upon SHPD concurrence and implementation of appropriate mitigation measures.

In addition to the requested expansion of the quarry area and extension of the permit term, the Planning Director recommends revisions to several existing conditions of approval to reflect completed requirements, improve administrative clarity, and ensure consistency with current standard condition language. These revisions are administrative in nature and do not alter the substance of the approved use or the basis for prior approvals. Condition Nos. 1 (General Compliance), 4 (Archaeological Requirements), 7 (Compliance with Laws), and 8 (Annual Reporting) are revised for consistency with current standard conditions. Condition No. 2 (Scope of Operations) is revised to require that the use be developed and operated in substantial accordance with the approved plans. Condition No. 5 (Life of Permit) is revised to extend the term of the Special Permit consistent with the proposed lease extension. In addition, a new condition is recommended requiring final subdivision and consolidation approval involving the subject property and adjacent lands to ensure the Special Permit area is contained within a single legal parcel. The proposed revisions are reflected in the conditions set forth below.

Based on the preceding considerations, the Planning Director recommends that the Planning Commission approve the request to amend Special Permit No. 724, together with the Planning Director's recommended revisions to the conditions of approval. If approved, the requested amendments and the Planning

Commission's recommendation will be forwarded to the State Land Use Commission for final determination. The proposed amendments and revised conditions are reflected below. Text to be deleted is bracketed and struck through, and text to be added is underscored:

1. The applicant(s), its successors(s), or assigns ("Applicant") shall be responsible for complying with all of the stated conditions of approval.
2. The quarry operations shall be limited to dynamiting, portable crushing, loading, and limited stockpiling.
3. The quarrying activity, including the loading and hauling, shall be limited to between the hours of 5:00 a.m. and 8:00 p.m. on Mondays through Saturdays only.
4. Final Consolidation/Resubdivision Approval of the proposed quarry expansion shall be secured from the Planning Director within one (1) year from the effective date of this ordinance.

[4-]5. ~~In the unlikely 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 demolition and/or construction work, the Applicant and/or quarry operator shall cease work in the immediate vicinity of the find, protect the find from additional disturbance, and contact the Hawai'i Island archaeologist at the State Historic Preservation Division.] 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.~~

[5-]6. The life of this Special Permit shall run coterminous with the current quarry lease between PR Mauna Kea LLC and WHC, Ltd., which terminates on [September 30, 2037] September 30, 2057. Any extension to the life of this Special Permit beyond

the current lease shall require the approval of the Planning Commission and the State Land Use Commission.

[6-]7. Upon termination of operations or abandonment of any portion of the affected site, the land shall be graded to blend with the surrounding areas and revegetated. Further, the site shall be left in a nonhazardous condition. Appropriate documentation which demonstrates compliance with this condition shall be submitted to the Planning Director for review and approval within ninety (90) days from the termination or abandonment date.

[7-]8. ~~[That all other applicable laws, requirements, rules, and regulations be complied with.]~~ The Applicant shall comply with all applicable County, State and Federal laws, rules, regulations and requirements.

[8-]9. An annual monitoring report shall be submitted to the Planning Director and the Commission prior to the anniversary date of the approval of issuance of the Commission's Decision and Order. The report shall include, but not be limited to, the amount of material quarried, a detailed listing of public complaints or problems and their disposition, and the applicant's progress in complying with the conditions imposed herein.

Should a conflict arise which cannot be mitigated or mediated, the quarry operations shall cease upon appropriate findings by the Planning Commission that the introduced use will have an adverse impact on surrounding properties.

[9-]9. If the Applicant should require an additional extension of time for any condition of this permit, the applicant shall submit their request to the Planning Commission for appropriate action by the Planning Commission and State Land Use Commission. Should any of the conditions not be met or substantially complied with in a timely fashion, the Director shall initiate procedures to revoke the permit.