



## OFFICE OF PLANNING STATE OF HAWAII

235 South Beretania Street, 6th Floor, Honolulu, Hawaii 96813  
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804

Telephone: (808) 587-2846  
Fax: (808) 587-2824  
Web: <http://planning.hawaii.gov/>

DAVID Y. IGE  
GOVERNOR

MARY ALICE EVANS  
DIRECTOR  
OFFICE OF PLANNING

DTS202106040902NA

June 7, 2021

TO: Daniel Orodener, Executive Officer  
Land Use Commission

FROM: Mary Alice Evans, Director  
Office of Planning *Mary Alice Evans*

SUBJECT: Time Extension Request for Hawaiian Cement Pohakea Quarry  
SP06-400 (SUP1 2006/0001)  
TMK: (2) 3-6-004:007 (por.)  
Maalaea, Island of Maui



The Office of Planning (OP) recommends approval of the time extension request, SP06-400, Hawaiian Cement (Applicant), as transmitted by the County of Maui, pursuant to Maui Planning Commission's recommendation for approval, including the conditions of approval, dated April 29, 2021. OP also recommends approval of the Maui Planning Commission's (MPC) recommendation to delete Conditions 10 and 16 from the LUC Special Permit SP06-400.

OP provides the following in support of the County's recommendation.

### **Factual and Procedural Background**

In 1997 the MPC approved landowner Pohakulepo Recycling, LLC's application for a State Land Use Commission (LUC) Special Use Permit (SUP) authorizing a base course production, composting, and recycling facility on a 14.8-acre portion of the subject property within the State Agricultural District. The concrete recycling and green waste composting facility is also permitted by a County Conditional Use Permit (CP) issued by the Maui County Council. In 2004, Pohakulepo Recycling, LLC signed a lease agreement with Hawaiian Cement (Applicant) which provides the Applicant a license to operate the base course, green waste composting, and concrete recycling facility. Subsequent time-extension requests for the SUP were granted by the MPC.

In 2006, the Applicant requested that the original 14.8-acre area be consolidated with a 64.4-acre expansion area, resulting in a total area of 79.2 acres for the operation, and covered under a single consolidated SUP. In addition, because the quarry and base course operation are not permitted uses in the underlying Agricultural zoning district, and because the expansion area was larger than 15 acres, a County Special Use Permit (SUP) was also sought. On December 18,

2006, the LUC issued an Order to amend the Decision and Order Approving Special Use Permit, SP06-400.

Most recently, the LUC, County Council, and MPC approved time extension requests for all three permits for the consolidated 79.2-acre site. The permits now have an expiration date of December 15, 2019. (Applicant's Exhibit 2, pg. 11) The LUC approved SUP1 2006/001 on January 7, 2011 with an expiration date of December 15, 2019 (consolidated SUP superseding original approval SUP2 96/0013).

SUP1 was approved by the LUC subject to 23 conditions. Condition No. 6 regarding annual reports was amended with the most recent time extension. The CUP was approved by the MPC with 13 conditions.

The Applicant currently operates a rock quarry and base course operation and concrete recycling facility on a 79.2-acre portion of a parcel owned by Pohakulepo Recycling, LLC. The parcel is in the State Agricultural District and designated Agricultural in the Wailuku-Kahului Community Plan and County zoning. The existing quarry site contains a rock quarry, base course, concrete debris recycling and green waste composting facility. The quarry operation includes a crusher/screening plant, maintenance shop, and scale house. Access is from a paved roadway off Honoapiilani Highway at the signalized intersection of Honoapiilani Highway and Kuihelani Highway.

### **Special Permit Guidelines**

The guidelines for Special Permits are contained within Hawaii Administrative Rules (HAR) §15-15-95 which allow certain "unusual and reasonable" uses within Agricultural and Rural Districts other than those for which the district is classified. HAR §15-15-95 lists five (5) guidelines for determining whether a proposed use is "unusual and reasonable". OP assessed the time extension request for the project in relation to these guidelines and found as follows:

**A. The use shall not be contrary to the objectives sought to be accomplished by Chapters 205 and 205A, HRS, and the rules of the Commission.**

Hawaii Revised Statutes (HRS) Chapter 205 seeks to protect agricultural lands and ensure their continued availability for agricultural use. It provides that the Agricultural District shall include lands with a high capacity for agricultural production, grazing, or other agricultural uses. Chapter 205 recognizes that some lands in the Agricultural District may not be suitable for the uses permitted in the District and, therefore, other uses may be allowed with a Special Permit.

Mr. Daniel Orodener, Executive Officer

June 7, 2021

Page 3

In this case, the site contains soils of mostly poor quality. According to the Land Study Bureau (LSB), the soils on the project site have been classified as having an overall (master) productivity rating of "E".

Regarding the objectives of HRS Chapter 205A, the application and continuing conditions of approval sufficiently address the project's compliance with applicable Coastal Zone Management program objectives and policies. The Petition Area is not within the Special Management Area.

The continued operation of the Pohakea Quarry is necessary to ensure that the Maui construction industry has an on-island source of base course material and is an "unusual and reasonable" use. "Mining and resource extraction" is an allowable special use within the County's Agricultural District, and the quarry operation is also consistent with the Wailuku-Kahului Community Plan. (Exhibit 2, pg. 9),

The MPC recommends that Condition Nos. 10 and 16 be removed as they are no longer applicable. The conditions state:

"10. That prior to any excavation work within the 64.4-acre expansion, the following shall be resolved with the DLNR, SHPD:

d. Clarification in the form of an archaeological survey level documentation as to whether Temporary Site T-9 is a previously identified historic site;

e. A preservation plan for the "agreed upon preservation areas"; and

f. A thorough field inspection of the 65+ acres into which the proposed quarry will expand to determine the condition of the previously identified sites as well as documentation of any additional sites. Documentation from the DLNR, SHPD, that all concerns have been addressed shall be filed with the DP and the County Department of Public Works and Environmental Management (DPWEM) prior to issuance of any grading permit, if required, and initiation of excavation work within the expansion area."

"16. That the protective construction fencing located around site T-9 (a remnant of a historic wall) shall be maintained for the life of the LUC Special Use Permit. All individuals and/or organizations working on this site shall be briefed on the location of Site T-9 to avoid damaging this site."

An Archaeological Inventory Survey (AIS) and Archaeological Monitoring Plan (AMP) were prepared for the quarry expansion area in 2008 and both have been accepted by the State Historic Preservation Division (SHPD). Site T-9 was determined following a thorough inspection to be a naturally occurring unmodified boulder field as there was no evidence of human alteration or uses. Based on the findings of the survey, Site T-9 was no longer considered an archaeological site, did not warrant archaeological data recovery, and no longer warranted implementation of measures to prevent accidental

encroachment. (SHPD acceptance letter, Exhibit F.) No new expansion of the quarry is proposed. Consequently, the removal of Conditions Nos. 10 and 16 is warranted.

**B. The desired use would not adversely affect surrounding property.**

Surrounding uses include vacant Agricultural lands to the north, east, and south, with the West Maui Mountains to the west. The LSB classifies the soils on these lands as predominantly "E". The nearest urban area is the Maalaea community approximately 1.4 miles to the south of the site. The continued operation of the quarry will have no adverse effects on surrounding properties.

**C. The use would not unreasonably burden public agencies to provide streets, sewers, water, drainage, schools, fire, and police resources.**

Maui County has determined that the continued quarry use does not generate a demand for public services or county infrastructure. (Exhibit 2, pg. 8.)

Condition No. 8 addresses potential impacts to State Highway facilities, including:  
"A. Applicant's commitment to develop a maintenance plan to regularly remove dirt, debris, gravel, and other by-products of quarry operations from the quarry access road's intersection with Honoapiilani Highway. The Applicant shall also develop a plan for rapid removal of any quarry products spilled on the State Highway right-of-way. Both plans shall be reviewed and approved by the DOT;  
B. No increase in storm water runoff will be allowed onto the State highway right-of-way. Plans for the construction and maintenance of retention basins shall be submitted to the DOT for review and approval; and  
C. Plans for work within the State highway right-of-way shall be reviewed and approved by the Highways Division, Maui District."

The Applicant reports it is in compliance with the Condition (Exhibits D and E) and intends to continue to comply. (Exhibit 4a, pgs. 4-5.) Consequently, OP does not find any unreasonable burden to State public resources.

**D. Unusual conditions, trends, and needs have arisen since the district boundaries and rules were established.**

As noted earlier, the continued operation of the quarry is necessary to ensure that the Maui construction industry has an on-island source of base course material. Base course material is a necessary and critical component of the various types of construction activity without which the industry cannot function.



Mr. Daniel Orodener, Executive Officer  
June 7, 2021  
Page 5

**E. The land upon which the proposed use is sought is unsuited for the uses permitted within the district.**

As noted earlier, the site contains soils of mostly poor quality. The LSB classifies the soils on the project site as having an overall (master) productivity rating as "E".

**Recommendation.**

Having reviewed the application and applied the available information to the applicable Special Permit guidelines, OP supports the 15-year time extension request and deletion of conditions 10 and 16 as recommended by the MPC and recommends that the LUC concur with the MPC's decision and approve the time extension request.

If you have any questions, please contact Aaron Setogawa of our Land Use Division at (808) 587-2883 or email [aaron.h.setogawa@hawaii.gov](mailto:aaron.h.setogawa@hawaii.gov).