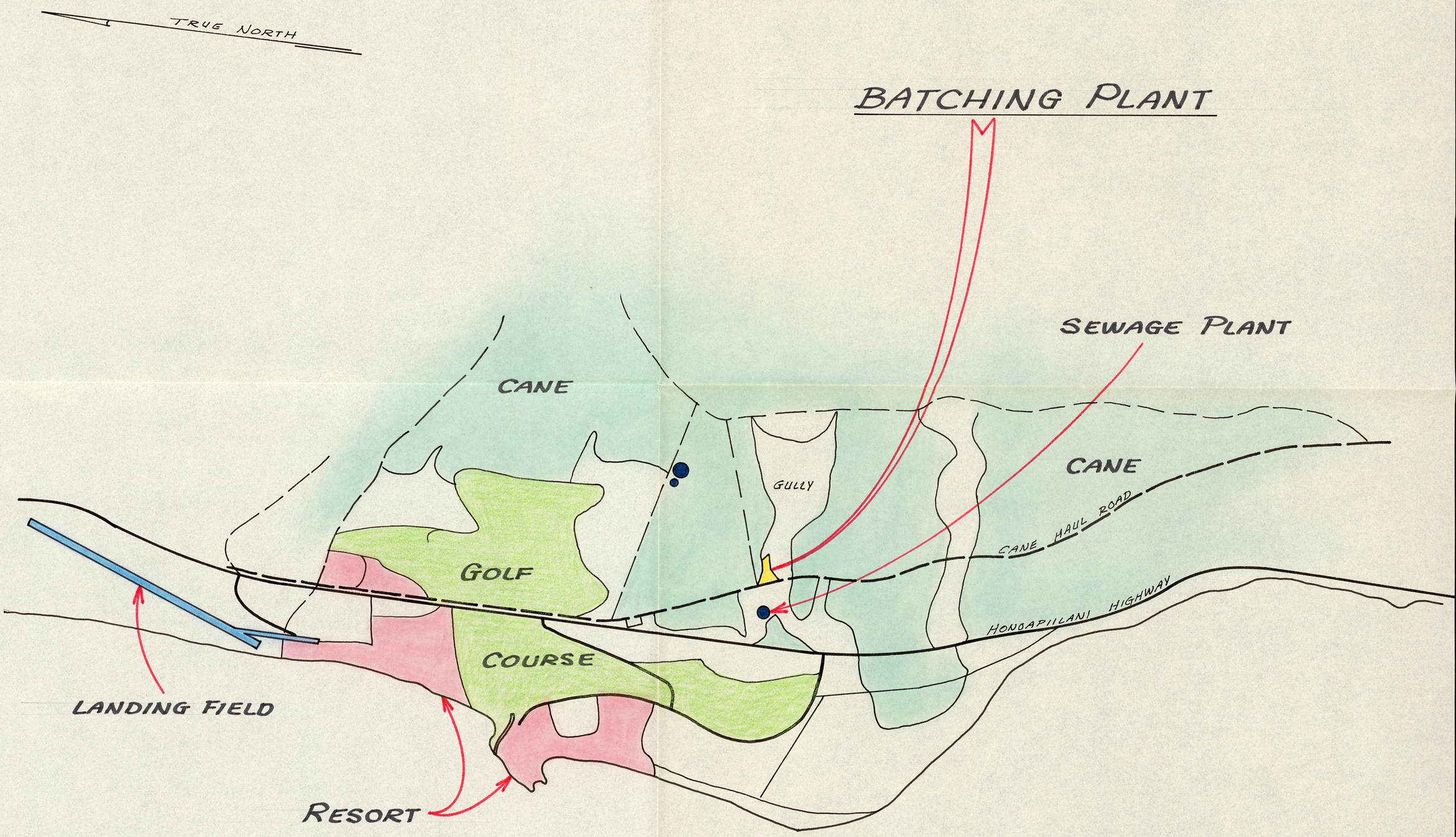
M-1509

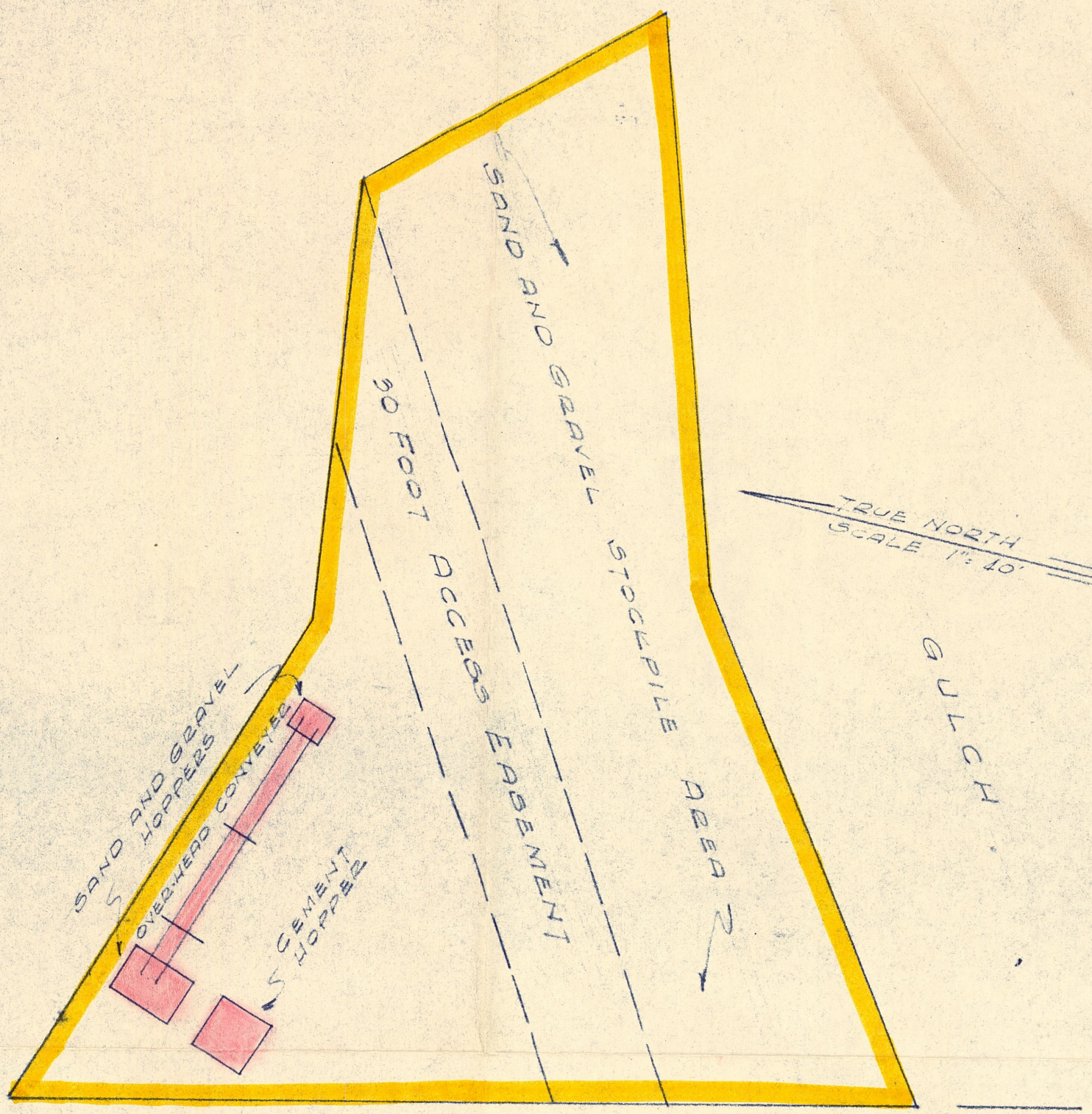
SE-66-21 PIONEER MILL CO. & KAHULUI RAILROAD CO.

SP66-21 — PIONEER MILL, KAHULUI R.R.



7469
JAN 28 '66

Maui P&TC (1)

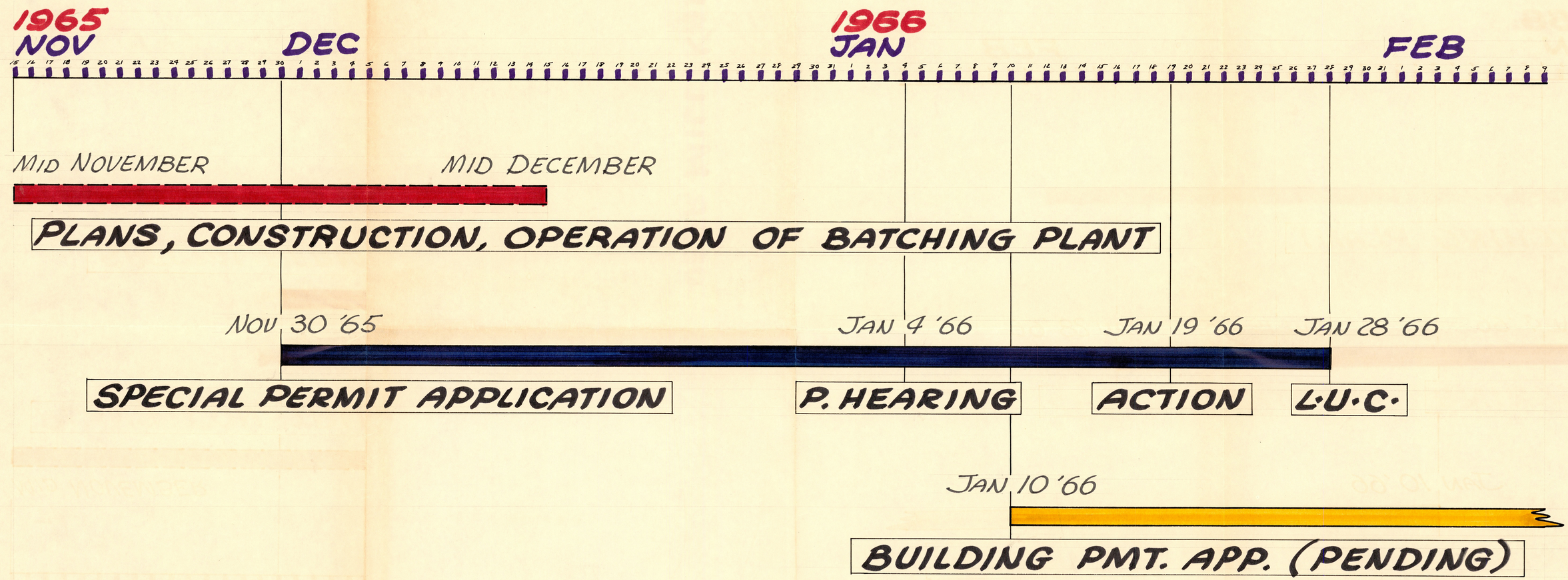


KAHULUI RAILROAD CO.
BATCHING PLANT SITE
KAANAPALI, MAUI

7470

CHRONOLOGICAL SUMMARY

SP66 -21 PIONEER MILL, KAHULUI R.R.



7471

Maui Concrete Aggregates

Kahului RR Batching Plant

SP66-21

GEOLOGICAL SURVEY

M-2

EFFECTIVE DATE: AUG 23, 1964

U = URBAN
A = AGRICULTURAL
C = CONSERVATION

HAWAII-ISLAND AND COUNTY OF MAUI
7.5 MINUTE SERIES (TOPOGRAPHIC)

Mapped, edited, and published by the Geological Survey

Control by USGS and USC&GS

Topography from aerial photographs by multiplex methods
Aerial photographs taken 1950. Field check 1956

Hydrography compiled from USC&GS chart 4130 (1952)

Polyconic projection. Old Hawaiian datum
10,000-foot grid based on Hawaiian coordinate system, zone 2
1000-meter Universal Transverse Mercator grid ticks,
zone 4, shown in blue

Unchecked elevations are shown in brown

APPROXIMATE MEAN DECLINATION, 1956

SCALE 1:24000

CONTOUR INTERVAL 40 FEET
DATUM IS MEAN SEA LEVEL
DEPTH CURVES IN FEET—DATUM IS MEAN LOWER LOW WATER
SHORELINE SHOWN REPRESENTS THE APPROXIMATE LINE OF MEAN HIGH WATER
MEAN RANGE OF TIDE IS APPROXIMATELY 1 FOOT

ROAD CLASSIFICATION

Heavy-duty — Light-duty
Medium-duty — Unimproved dirt
Territorial Route

Map of the Island of Maui, scale 1:62 500, from an earlier survey, is available

HAWAIIAN ISLANDS
MAUI
QUADRANGLE LOCATION

FOR SALE BY U. S. GEOLOGICAL SURVEY, DENVER 2, COLORADO OR WASHINGTON 25, D. C.
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

INTERIOR-GEOLOGICAL SURVEY, WASHINGTON, D. C.—1959—NS
MR 5864

M-2 LAHAINA, HAWAII

N2050—W15635/7.5

1956

7473

STATE OF HAWAII

LAND USE COMMISSION

VOTE RECORD

ITEM Maui County Atty Ltr

DATE 4-14-66

PLACE Maui

TIME

NAMES	YES	NO	ABSTAIN	ABSENT
M WUNG, L.	✓			
INABA, G.	✓			
OTA, C.	✓			
S WENKAM, R.	✓			
BURNS, C.E.S.	x		✓	
NISHIMURA, S.	✓			
MARK, S.	✓			
~~FERRY, J.~~				
THOMPSON, M.	✓			

COMMENTS: Receive + file letter - take no further action.

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

County Board of Supervisors Chambers
Wailuku, Maui

April 14, 1966 - 2:25 P.M.

Commissioners Present: Myron B. Thompson, Chairman
C. E. S. Burns
Robert Wenkam
Shelley Mark
Jim P. Ferry
Leslie Wung
Goro Inaba
Charles Ota
Shiro Nishimura

Staff Present: George S. Moriguchi, Executive Officer
Roy Takeyama, Legal Counsel
Ah Sung Leong, Draftsman
Dora Horikawa, Stenographer

A short prayer by Chairman Thompson was followed by the usual introduction of Commissioners and staff members, swearing in of persons testifying during the hearing, and a brief explanation of the procedures to be followed.

PETITION OF ALEXANDER AND BALDWIN, INC. (A65-106), TO AMEND THE URBAN DISTRICT BOUNDARY AT KAHULUI, MAUI, identifiable by Tax Map Key 3-8-07: 02

Staff recommendation was for favorable consideration of the petition since adequate proof had been submitted of the need for urbanization of an additional 12 acres, and the lands were suitable for development for urban purposes.

Commissioner Wenkam asked whether petitioner had entertained the idea of revising the urban line more approximate with the master plan for Maui, and Mr. Moriguchi replied that this had been done, that the petitioner had closely followed the master plan.

Mr. Richard Cox of Alexander and Baldwin stated that the staff had adequately covered the pertinent points. He submitted an additional map showing how the proposed area would tie in with the other developments, pointing out the various existing uses.

Mr. Cox solicited comments from the Commissioners with respect to Alexander and Baldwin's desire to proceed with construction of the 32.5 acres of the 10th increment presently in an Urban District.

Commissioner Ferry advised that this matter would fall under the jurisdiction of the County, inasmuch as it involved urban lands, and that it would not be prudent for the Commissioners to make any comments.

Since there was no further testimony, the hearing was closed.

PETITION OF HONOKAI DEVELOPERS (A65-101), TO AMEND THE URBAN DISTRICT BOUNDARY AT HONOULIULI, OAHU, identifiable by Tax Map Key 9-1-15: 8

Staff memorandum presented by Mr. Moriguchi (see copy on file) maintained the original recommendation made at the time of the public hearing for denial of the petition, since the petitioner had not served to prove that additional urban lands were required, and on confirmation of the fact that sufficient urban lands were available.

Commenting on the hardship factor, Commissioner Burns wondered when the project was started and how much money had been expended. The only expense incurred to date was for the sewage treatment plant, Mr. Moriguchi advised, which was installed around 1962 to serve the existing subdivision in addition to the subject area in anticipation of receiving approval.

Chairman Thompson pointed to the statement in the staff memo referring to the availability of sufficient urban lands in this area. Mr. Moriguchi replied that this was a direct quote taken from the City Planning Commission's recommendation which reads as follows: "Although there are sufficient lands for urban purposes in the Ewa District (i.e. Makakilo City) this is the only fee simple residential subdivision in the immediate area."

Mr. Vincent Yano of Honokai Developers presented additional testimony in support of the petition. At the time the developers submitted the 50-acre plan to the City Planning Commission, the whole area was zoned Rural Protective. Subsequently, the Land Use Commission reclassified it in the Agricultural District. The sewage treatment plant was a City Planning Commission requirement even before the developers could proceed with Unit 1-A. Mr. Yano stressed that he certainly did not mean to imply that they "gambled" $170,000 for a sewage plant to take care of the entire 50-acre subdivision. They were mandated by the City to submit detailed subdivision plans for the entire area before tentative approval could be granted. Although the City did grant tentative approval for the entire subdivision, the developers were advised to seek actual approval on an increment basis at the time their plans materialized. This was the reason they did not have approval for the subject parcel under petition.

Commissioner Ferry felt that the amount of $170,000 for the sewage plant was in line with expenditures required to serve the needs of 250 lots.

Chairman Thompson raised the question of flooding in the 1-A increment resulting from an over-flow of the stream following a big rain. Mr. Yano replied that this was handled by adequate drainage.

Referring to the slow rate of sales in the 1-A increment, Commissioner Ferry submitted that during the latter part of 1959 to the middle of 1961, there was a depressed real estate market, and that some weight should be given this factor

since petitioner was granted approval in 1960. Secondly, the growth of the leeward area has only begun, primarily due to the investment that the government has begun making. One of the stifling growth factors was the lack of proper access, and this was being resolved by construction of better highways. With the projection of 1,185,000 people for 1980 for Oahu alone, it was easy to conceive that a good portion of the increase in population would locate in the leeward area.

Commissioner Ferry continued that staff was not presenting a true picture by drawing comparisons such as that described in page 2, item 4, of the memorandum. Other factors that should be considered in making such comparisons would be the availability of financing, the promotional budget, the number of developed lots, etc.

Commissioner Ferry confirmed that the H-I highway would be completed within the next 10 years.

Commissioner Nishimura observed that the amount of urban lands submitted as being available in the general area was deceiving, in that much of this land was owned by the federal government. Mr. Moriguchi commented that the federal government did develop its own residential subdivisions. He also pointed out that Makakilo is available with a potential for 25,000 persons.

Pursuing the matter a little further, Commissioner Ferry commented that facilities for an additional 25,000 persons in the Makakilo area were hardly sufficient to meet the needs of the 450,000 additional residents anticipated for the Island of Oahu by 1980.

Commissioner Wenkam pointed to the fact that this Commission had previously turned down reclassification of Fort Barrette which had the same potential as the subject area under consideration. To argue for approval of this petition on the basis of population expansion, he felt, was invalid since this would only accommodate such a small percentage of the needs. He felt that the proposed urban reclassification in the Makaha area, on which the Commission will be acting on today, would more than adequately meet the requirements of the population growth within the leeward area.

Commissioner Wenkam continued that he was arguing against this petition because it was typical of the scattering of developments which, to some extent, was responsible for bringing about the establishment of the Land Use Commission. To condone the continuation of this subdivision merely because it had already been started, was akin to agreeing that two wrongs make a right. This was an undesirable projection of an urban area into the center of an Agricultural District and open spaces, and did not contribute to a well-planned and well-organized community.

Mr. Moriguchi submitted that the Commission had denied any number of requests involving indigent citizens wishing to subdivide agricultural lands, even though hardship had been advanced as the major factor. Therefore, in order to be consistent, this fact should be given due consideration.

In addition, a study made by Harlan Bartholomew had recommended keeping the subject area in agriculture and this Commission had seen fit to accept this recommendation and had modified the urban line to its present location.

Commissioner Ota commented that petitioner's lands were not in productive use and some improvements had already been installed. Also, this was one of the few fee simple lands available in the rural area on Oahu.

Commissioner Ferry wondered whether any of the petitions turned down in the past on the neighbor islands abutted an urban area, and Mr. Moriguchi replied that they did not.

Commissioner Ferry then asked if a similar situation had occurred on the neighbor island with all things being equal, would there be much reason to deny extension of an Urban District. Chairman Thompson requested that the discussion be confined to the subject petition without making references to precedents set. Also, circumstances differed on the neighbor islands and on Oahu.

Commissioner Wenkam referred to the hardship factor presented by the petitioner and commented that Fort Barette had also suffered similar difficulties.

Commissioner Ferry replied, as a matter of clarification, that there was a major difference between Fort Barette and the Honokai development. At the time of purchase, Fort Barette had already been zoned agricultural, whereas petitioners had received approval for the subdivision in 1960 and committed their investments.

Commissioner Ferry moved that the application be approved since sufficient justification had been presented by the petitioner for a boundary change from an Agricultural District to an Urban District, seconded by Commissioner Nishimura. The Commissioners were polled as follows:

Ayes: Commissioners Inaba, Ota, Burns, Nishimura, Ferry.

Nays: Commissioners Wung, Wenkam, Mark, Chairman Thompson.

The motion was not carried.

PETITION OF CAPITAL INVESTMENT CO., LTD. (A65-100), TO AMEND THE URBAN DISTRICT BOUNDARY AT MAKAHA, OAHU, identifiable by Tax Map Key 8-4-02

Mr. Moriguchi presented the staff memorandum recommending a modified urban-conservation line, involving 1,370 acres (see copy on file). The modifications and the recommended urban boundaries were pointed out in detail on the map.

Commissioner Burns questioned whether staff's recommendation for approval included the 20% slopes.

Mr. Moriguchi conceded that it did--that denial of the 20% slopes would restrict the development to such an extent that it would be economically difficult for the developers to proceed with their plans. It was also pointed out that staff had recommended urbanization of the remaining Class E lands since most of the prime agricultural lands had already been absorbed in the plans.

In reply to Commissioner Ota's request, Mr. Moriguchi pointed out the proposed uses on the map such as the resort complex, commercial areas, open spaces, residential area, etc. There were provisions for a total of 5,400 dwelling units

if the petition as requested by Capital Investment Co. were approved.

Mr. Moriguchi advised that the modified urban-conservation line was discussed with the petitioner and agreed upon, although petitioner did point out the fact that the City and County had planned on allowing construction on lands over 30% slopes.

Commissioner Wenkam stated that the beauty of the islands was largely dependent upon keeping the hillsides free of developments. However, he felt that construction on slopes up to 30% in this instance was feasible due to the vastness of the area and the tremendous open spaces which allowed for greater flexibility, and that he supported the staff's recommendations.

Commissioner Ota expressed bewilderment over staff's inconsistency in recommending denial of the Honokai petition, acted on earlier, for 32 acres adjacent to an Urban District on grounds that sufficient urban lands were available; and then to recommend approval of this petition involving thousands of acres.

Mr. Moriguchi replied that staff recognized this very point might be brought up. Staff had viewed the Makaha petition from the standpoint of the overall general plan for the island, and the State General Plan's proposal for this area was for a major resort complex, based on future tourist expansion. The petitioner had submitted substantial data along this line. The Honokai petition was for an isolated appendage to an Urban District that should not have been there in the first place, and the State General Plan did not include this area for urban purposes.

Referring back to the statement made earlier by staff, Commissioner Ferry agreed that economic hardship was involved if construction were disallowed on the gentle slopes. However, one could not deny that staff was arguing from the economic standpoint. Yet, in the Honokai petition, the economics involved did not warrant staff's consideration. Commissioner Ferry wondered how this could be rationalized.

It was stressed by staff that economics was not the basis for recommending approval of the Capital Investment petition--that if sufficient justification of need for the complex had not been submitted by the petitioner, staff would have argued against the proposal.

Chairman Thompson agreed that the question raised by Commissioner Ferry required clarification, with respect to the rationale for the Honokai petition. He advised that there were 24 hours in which to reconsider the Honokai petition, but for the moment discussion should be confined to the subject petition.

Commissioner Ferry stated that he was completely in favor of the proposed subdivision by Capital Investment Co. On the basis of 5 persons per unit, the 5,400 units would accommodate 27,000 persons, which would take care of only a fraction of the projected population increase by 1980.

Commissioner Wenkam moved that petition be approved as recommended by staff, which was seconded by Commissioner Ferry. The Commissioners were polled as follows:

Ayes: Commissioners Burns, Ferry, Inaba, Mark, Nishimura, Wenkam, Chairman Thompson.

Nays: Commissioners Ota and Wung

The motion was carried.

Chairman Thompson called for a 5-minute recess.

****

The meeting was resumed at 3:45 p.m.

RECONSIDERATION OF THE HONOKAI DEVELOPERS' PETITION (A65-101)

Chairman Thompson announced that a reconsideration of the Honokai petition was in order based on the conflicting rationale presented on this and the Makaha petition. It was also pointed out that whatever the decision was during this reconsideration, it would be absolutely final.

To enable Chairman Thompson to make the move for reconsideration, Vice-Chairman Burns was requested to chair this portion of the meeting.

Commissioner Thompson moved to reconsider the Honokai petition, which was seconded by Commissioner Ferry. The motion was carried by the following votes:

Ayes: Commissioners Wung, Inaba, Ota, Nishimura, Ferry, Thompson, Chairman Pro-tempore Burns

Nays: Commissioners Wenkam and Mark

The floor was opened for discussion.

Commissioner Wenkam commented that population increase should not be the only consideration for justification of boundary change. Emphasis should also be placed on proper planning, proper location, community services available in keeping with an orderly community.

In answer to Commissioner Thompson's query, Mr. Moriguchi advised that the H-I Highway ended at Barbers Point and cut off before the Honokai development. Completion date for the H-I Highway, according to the Bureau of Public Roads, was set for 1972, and 1974 for the whole defense highway system.

Commissioner Wenkam suggested that perhaps the petitioner could come in and apply for boundary change when the highway system was completed and as the need arose.

Commissioner Ferry argued that if this Commission were to operate as a functional body, it was necessary to look 10 years into the future. He added that the Department of Transportation has moved with acceleration on the road construction project to alleviate the inadequacy of the highway system in the leeward area.

Commissioner Ota submitted that equal emphasis should be placed on good planning and conservation of prime agricultural land. He stated that the Makaha petition involved prime agricultural lands with easy accessibility to water. The Honokai lands involved rocky, uneven terrain, without access to water, with absolutely no agricultural value. He stressed that one of the main purposes of the Commission was the conservation of prime agricultural lands. Yet, the Makaha petition was approved for boundary change while the Honokai development was denied.

Commissioner Ferry remarked that an argument in favor of granting the Honokai petition was the existence of facilities and that this would constitute a normal extension of an existing Urban District.

Referring to the existing facilities, Mr. Moriguchi pointed out that when the petitioners were mandated by the County to install the sewage treatment plant, they had not received approval for the subject parcel. Therefore, the plant could have been built on an increment basis, but instead the petitioners chose to "gamble" in anticipation of receiving approval for the whole development. By the very action of this Commission in pulling the urban line back, they recognized that urbanization of this parcel would constitute spot zoning. In addition, marginal lands did not necessarily have to be reclassified into an urban zone.

Commissioner Thompson wondered what drain it would place on the county and state if this development were approved. Mr. Moriguchi informed that bus services for the children, fire and police protection will need to be provided.

Commissioner Ferry agreed with staff that land that is not in productive agricultural use need not necessarily be put into urban. However, the reason the Puna area, where small lot sizes were zoned agricultural, fell into this category was that there was no physical development on those lots. He contended that had there been a multitude of homesexisting on the lots, this Commission would have seen fit to zone this area as urban. He continued that the Honokai development presented an entirely different situation, in that home were already existing in the first unit and families were living there.

Mr. Moriguchi argued that this was merely conjecture, that even if there had been homes in the Puna area, this was no assurance that the Commission would have zoned it in the Urban District. The criteria for urbanization was not to extend an already existing urban use but rather on the basis of whether this constitutes a good Urban District and is contiguous with facilities ordinarily related to a community. He reiterated that Harlan Bartholomew had concurred with staff's findings.

In reply to Commissioner Thompson's comment that when the Land Use Commission classified the subject area in the Agricultural District, they did not have knowledge of the population expansion, Mr. Moriguchi stated that this should not lead to urbanization anywhere, that instead it should follow a well-developed plan.

Commissioner Ferry moved that the Honokai Developer's petition be granted because ample proof had been submitted, seconded by Commissioner Nishimura. Commissioner Wenkam argued that he did not believe proof had been provided for need of subject parcel, that there were sufficient urban lands in the Waianae area.

The Commissioners were polled as follows:

Ayes: Commissioners Inaba, Ota, Nishimura, Ferry, Thompson, Chairman Pro-tempore Burns.

Nays: Commissioners Wung, Wenkam, Mark.

The motion was carried.

PETITION OF BERNICE P. BISHOP ESTATE (KAPAKAHI RIDGE) A65-97, TO AMEND THE URBAN DISTRICT AT WAIALAE-IKI, OAHU, identifiable by Tax Map Key 3-5-19: 13 and 3-5-24: portion of parcel 1

Staff memorandum, presented by Mr. Moriguchi (see copy on file), recommended denial of the original petition in its entirety and advised the petitioners to come in with an entirely new petition submitted in accordance with the latest plans of the Trustees of the Bishop Estate.

Commissioner Inaba moved to deny the original petition in its entirety on the basis of staff's recommendation which was seconded by Commissioner Wenkam.

Mr. Takeyama, legal counsel, advised that a request for amendment had been made by the petitioner and it was in order to act on this matter before moving on staff's recommendation.

Chairman Thompson reminded the members that the Land Use Commission, in the past, had made it its practice not to extend a boundary for a petition; however, had exercised its prerogative to bring it down. The Makaha petition was the only exception, but it was pointed out that this was done at the time of the hearing.

Mr. Takeyama stated that the petitioner was within his legal rights to come in and request for an amendment to the petition, in this case involving 12 plus acres. The Commission could vote to either deny or approve the request for amendment, and act on the petition separately. In reply to Chairman Thompson's question, Mr. Takeyama advised that there was nothing in the rules and regulations to prohibit the Commission from granting the request for amendment.

Mr. Takeyama continued that approval of the amendment did not remove the necessity for another public hearing. If the request is approved the petitioners would have to come in with a new petition which would be duly advertised. This would put into motion the proceedings for a new hearing. However, if the request for amendment to the petition is denied, the Commission would be acting on the original petition as submitted by the petitioners. If it followed that the Commission voted for denial of the original petition, the petitioners would have to submit substantial grounds of change in condition before they can attempt to file another petition for the subject parcel.

Commissioner Inaba moved to deny petitioner's request for amendment to the original petition, seconded by Commissioner Nishimura. The motion was passed with the following votes:

Ayes: Commissioners Inaba, Mark, Nishimura, Wenkam, Wung.

Nays: Chairman Thompson, Commissioner Burns.

Excused: Commissioner Ota

Chairman Thompson then announced that the Commission was now in a position to act on the original petition as submitted.

Commissioner Nishimura moved that the petition be denied as recommended by staff, seconded by Commissioner Wenkam. The Commissioners were polled as follows:

Ayes: Commissioners Wenkam, Inaba, Wung, Nishimura, Mark, Chairman Thompson.

Nays: Commissioner Burns.

Excused: Commissioner Ota

LALAMILO HOUSE LOTS

Mr. Moriguchi reviewed that during the previous meeting on March 25, 1966 at Kona, staff had been instructed by the Commission to investigate whether there might be substantiating evidence to indicate Commission's intent when the permanent boundaries were established for the subject area. However, staff was not able to locate any concrete evidence in this respect. Therefore, it was the staff's recommendation that this Commission, on its motion, initiate a boundary change for the subject area, along with the Honokaa lands, sometime in the future.

Following a brief discussion, Commissioner Wung moved that the Commission initiate a boundary change for the Lalamilo House Lot area, which was seconded by Commissioner Nishimura, and the motion was passed unanimously.

NEXT MEETING DATE AND PLACE

Tentative meeting schedule was presented by staff. It was pointed out that this was to inform the Commissioners of tentative dates and to give them an opportunity to voice their preferences.

Staff-recommended date of May 13, 1966 for the next meeting was changed to May 6, 1966 to be held in Hilo. The action items were eliminated.

SENATE RESOLUTION NO. 97

Chairman Thompson referred to Senate Resolution No. 97, a certified copy of which had been distributed to each Commissioner. This involved a request for the State Land Use Commission and the Department of Planning and Economic Development to study the feasibility of the arrangements for the conveyance of lands in rural or agricultural districts as outlined and to report their findings and recommendations to the Legislature not later than 20 days preceding the convening of the 1967 session of the Legislature.

Chairman Thompson expressed concern over the fact that the already limited staff time would be taxed with this additional responsibility. However, it was determined that staff would find time to complete its findings before the next Legislature.

LETTER FROM MAUI COUNTY ATTORNEY GENERAL (KAANAPALI BATCHING PLANT)

Chairman Thompson referred to a letter received from Mr. Kase Higa, Maui County Attorney, regarding the application for a special permit by Pioneer Mill Company involving a concrete batching plant at Kaanapali, Maui. In effect, the letter suggested that no further action be taken in this matter, but that the County Attorney would be willing to pursue this matter further if the Commission felt strongly enough and if the legal counsel could find adequate legal grounds.

Commissioner Burns advised that, as an officer of Pioneer Mill Company, he would have to abstain from making any comments.

Chairman Thompson wondered how it was possible that Pioneer Mill Company had not consulted with its attorneys prior to negotiating with the Kahului Railroad Company.

Commissioner Burns thought that this might have merely been a letter of agreement between the two firms; whereas, had it been funneled through the legal office, they might have checked into the matter of proper zoning for such an installation.

Commissioner Wung moved to accept the letter from the Maui County Attorney and take no further action on this matter. Commissioner Wenkam seconded the motion and it was passed unanimously. Commissioner Burns abstained from voting.

ALLISON PETITION

A point for clarification was brought up by Mr. Moriguchi on the Allison petition. He wondered whether the Allison petition was acceptable as submitted despite the absence of signatures of a few of the landowners involved in the petition.

Mr. Takeyama, legal counsel, suggested that the Land Use Commission, on its own motion, could initiate petition for those people who did not sign the petition so that the whole area might be considered as one contiguous parcel. He further advised that this action would not imply that the Commission was in favor of the petition, but was merely to clear the way for a public hearing. If this is not done, Mr. Takeyama advised that the Commission could not consider those 3 or 4 parcels on which there was no request for boundary change, at the time of the hearing.

Mr. Moriguchi stated that the request from the petitioners was for reclassification of the entire area, in response to Chairman Thompson's question.

Mr. Takeyama further clarified his earlier suggestion with the statement that it was specifically provided in the law that the Land Use Commission could, on its own motion, initiate a boundary change. This provision was set up to enable the Land Use Commission to open up other lands.

Commissioner Wenkam felt that a broad discussion on the reasonableness, the moral implications, etc., should precede any motion by the Commission.

Chairman Thompson stated that the motion was merely to expedite and facilitate proceedings for the hearing, and that interested parties could voice their feelings at the time of the hearing.

Commissioner Inaba moved that the Land Use Commission initiate a boundary change for those people who did not sign the Allison petition, which was seconded by Commissioner Ota. The motion was carried with the following votes:

Ayes: Commissioners Inaba, Ota, Burns, Nishimura, Chairman Thompson.

Nays: Commissioners Wung, Wenkam, Mark

LITIGATION

Mr. Takeyama, legal counsel, advised that he was meeting with Judge Felix in Hilo tomorrow to discuss the case of Tamura vs. Land Use Commission. He was also appearing in court next week on the motion to dismiss appeal of the Nuuanu Valley Community Association.

ADOPTION OF MINUTES

Minutes of the meetings of October 1, 1965 and October 2, 1965 were adopted as circulated.

The meeting was adjourned at 5:10 p.m.

1906.

KASE HIGA
COUNTY ATTORNEY

DEPUTIES
RICHARD R. KOMO
ARTHUR T. UEOKA

OFFICE OF THE COUNTY ATTORNEY
COUNTY OF MAUI
WAILUKU, MAUI, HAWAII 96793

RECEIVED
MAR 30 1966
State of Hawaii
LAND USE COMMISSION

March 28, 1966

Mr. Myron B. Thompson, Chairman
Land Use Commission
State of Hawaii
426 Queen Street
Honolulu, Hawaii 96813

Dear Mr. Thompson:

Your letter dated March 3, 1966, relative to the application for a special permit by Pioneer Mill Company involving a concrete batching plant at Kaanapali, Maui, has been referred to this office for review and action.

You are correct in stating that neither a special permit nor a building permit was obtained before the construction of the concrete batching plant. Naturally, we are as concerned as you are in enforcing the integrity of the Land Use Law and in enforcing the provisions of the Maui County Building Code.

As to the violation of the Maui County Building Code, we have already assessed a penalty, consisting of double building permit fees, against Kahului Railroad Company, the applicant for the building permit. Our investigation shows that had this been a portable concrete batching plant, a building permit would not have been necessary. Evidently, there was some confusion on this point among the officials of Kahului Railroad Company. The concrete batching plant constructed at Kaanapali is definitely a nonportable type and a building permit must be obtained for its construction.

Our understanding is that the concrete batching plant will remain for a temporary period, not exceeding five years. Our understanding, further, is that officials of Pioneer Mill Company had not consulted their attorneys prior to making an agreement with Kahului Railroad Company. The violation of the Land Use Law appears to have been completely unintentional.

April 11, 1966

This matter will be discussed at our meeting on April 14, 1966, at Wailuku, Maui.

Xerox copy to all Comm.

Myron B. Thompson, Chairman

Under these circumstances, it is our conclusion that no further action be taken in this matter. We are, however, open to any suggestions from you or the attorneys for the Land Use Commission on this point. In other words, if you feel strongly enough, and if your attorneys can find adequate legal grounds, we will be willing to pursue this matter further and possibly institute court proceedings.

Please be assured of our willingness to cooperate with you at all times.

Yours sincerely,

Kase Higa

Kase Higa
County Attorney

KH:hm

PERMANENT RECORD
SOUTHWORTH CO. U.S.A.

February 11, 1966

Mr. Robert O. Ohata
Planning Director
Planning & Traffic Commission
P. O. Box 1487
Kahului, Maui 96732

Dear Mr. Ohata:

At its meeting on January 28, 1966, the Land Use Commission voted to approve the grant of a special permit to Pioneer Mill Company and Kahului Railroad Company, SP66-21, to establish and operate a ready mix batching plant on .914 acre of land mauka of Kaanapali, described by Tax Map Key 4-4-06: portion 1 at Kaanapali, Maui.

We are enclosing our staff report for your information.

Very truly yours,

GEORGE S. MORIGUCHI
Executive Officer

Encl.
cc: Chairman Thompson
Pioneer Mill Co.
Department of Taxation
Dept. of Land & Natural Resources

STATE OF HAWAII
LAND USE COMMISSION

LUC Hearing Room
Honolulu, Hawaii

1:30 P.M.
January 28, 1966

STAFF REPORT

SP66-21 - PIONEER MILL CO. & KAHULUI RAILROAD CO.
TMK 4-4-06: 1, Maui

Background

Pioneer Mill Co. ~~submitted~~ submitted an application for a special permit to the Maui Planning & Traffic Commission on ~~December~~ Nov. 30, 1965, to establish and operate a ready-mix concrete batching plant on a parcel of land approximately 9/10's of an acre in size, located at Kaanapali, Maui. A public hearing was duly held on January 4, 1966, and action was taken on January 19, 1966 by the Maui Planning & Traffic Commission on this application. On January 20, 1966, the Land Use Commission received a recommendation for approval from the Maui Planning and Traffic Commission (see attached copy).

The subject lands are presently situated within the Agricultural District, approximately 1,000 feet mauka of the Honoapiilani Highway, ending nearly directly opposite the main entrance to the Kaanapali resort complex. Land use in the area is agricultural in nature, with the exception of the golf course and hotel complex at the Kaanapali resort area. Agricultural activities involve sugar cane crops entirely. The site itself is presently prepared for a batching plant operation and equipped with batching plant equipment.

Staff evaluation of the permit based on the guidelines of Section 2.24 of the Land Use District Regulations finds as follows:

1. The proposed use is not contrary to the objectives sought to be accomplished by the Land Use Law and Regulations.

2. The proposed use would not adversely affect surrounding property.

3. The proposed use would not unreasonably burden public agencies to provide service.

4. The proposed use would not substantially alter or change the essential character of the land and the present use.

On the basis of this evaluation, the proposed used can be classified as "unusual and reasonable" within an Agricultural District.

During the course of the public hearing and deliberations conducted by the Maui Planning & Traffic Commission, it has been established that:

1. The batching plant was constructed by Kahului Railroad Company, lessees of the subject parcel, without a special permit as required by the Land Use Law.

2. The batching plant was put into actual operation for a period of approximately 3 days without a special permit.

3. The Kahului Railroad Company reported that they were unaware of the violation of an ordinance.

During the course of its evaluation and collection of data on the subject application, the Land Use Commission staff has determined that:

1. The subject batching plant was constructed by Kahului Railroad Company without a building permit which is required for such construction by Ordinance No. 272 of the County of Maui (effective since December 19, 1958).

2. Kahului Railroad Company made application for a building permit on January 10, 1966, after construction of the batching plant had been substantially completed and operated.

3. Such a building permit has not been issued to date.

Recommendation:

1. Evaluation of facts and data pertaining to the proposed use under a

special permit leads the staff to recommend that the application for a special permit be approved.

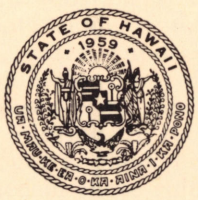
2. Based on the apparent violation of the Land Use Law and Ordinance 272 of the County of Maui, the staff recommends that this Commission give this matter further consideration.

PUBLIC HEALTH REGULATIONS

CHAPTER 35

AIR POLLUTION

County of Maui



DEPARTMENT OF HEALTH

State of Hawaii

PUBLIC HEALTH REGULATIONS

Department of Health, State of Hawaii

CHAPTER 35

AIR POLLUTION, COUNTY OF MAUI

Under and by virtue of the provisions of Chapter 47, Part IV, Revised Laws of Hawaii 1955, as amended, and all other applicable laws, the rules and regulations of the Department of Health, State of Hawaii, are hereby amended to include therein a chapter to be numbered Chapter 35, and to read as follows:

PURPOSE OF REGULATIONS

The purpose of this Chapter is to regulate and control the emission into the atmosphere of materials that are of such character as to create air pollution because they:

(a) Injure or have a tendency to injure the health, peace, welfare or safety of any person or the public;
(b) Create a disagreeable or undesirable odor in the atmosphere;
(c) Cause damage to property or inconvenience to property owners or businesses;
(d) Create a hazard to public safety by obscuring vision;
(e) Have an injurious effect upon trees, plants or other forms of vegetation, fish or animal life.

SECTION 1. DEFINITIONS:

(a) **Director:** The Director of Health of the State of Hawaii or his duly authorized agent, officer or inspector.
(b) **Air Contaminants:** Such substances, include, but are not limited to, smoke; fly ash; soot; cinders; toxic substances; noxious or obnoxious acids, fumes, gases, vapors and odors; dusts; particulate matter; or any combination thereof.
(c) **Air Pollution:** The presence of air contaminants in quantities which are or tend to be injurious to the health, safety or welfare of the public, business, property, plant, or animal life or in excess of the limitations established in these rules and regulations.
(d) **Atmosphere:** The air that envelopes or surrounds the earth.
(e) **Dust:** Gas borne and airborne solid particles larger than one micron in mean diameter.
(f) **Dust Separating Equipment:** Any device for separating dust from the gas medium in which it is suspended.
(g) **Fuel-Burning Equipment:** Any furnace, incinerator, refuse-burning equipment, boiler, apparatus, device, mechanism, stack or structure used in the process of burning fuel or combustible material, excepting internal combustion engines, domestic kitchen appliances, fireplaces, ranges, furos or gas water heaters.
(h) **Fumes:** Gases or vapors or solid particles one micron or less in mean diameter.
(i) **Internal Combustion Engine:** An engine in which combustion of a gaseous or liquid fuel takes place within one or more cylinders or combustion chambers.
(j) **Open Fire:** Any fire, wherefrom the products of combustion are emitted into the atmosphere and are not directed thereto through a stack or chimney.

(k) **Particulate Matter:** Material which is suspended in or discharged into the atmosphere in finely divided form as a liquid or solid but not including water vapor.

(l) **Person:** Any individual, firm, association, organization, partnership, business trust, corporation, company, contractor, supplier, installer, user, operator, owner, or federal, state, county or city and county government agency.

(m) **Ringelmann Chart:** The Ringelmann Chart, with instructions for use as published by the U.S. Bureau of Mines.

(n) **Smoke:** Small gas borne and airborne particles consisting essentially of carbonaceous material in sufficient number to be observable.

(o) **Soot:** Agglomerated particles essentially of carbonaceous material.

(p) **Stack:** A flue, conduit or opening arranged for emitting gases into the atmosphere.

(q) **Toxic Chemicals:** Any substance which has the capacity to produce personal injury or illness to man through ingestion, inhalation or absorption through any body surface, and which falls within any of the following categories:

(1) Produces death within fourteen days in half or more than half of a group of ten or more laboratory white rats, each weighing between two hundred and three hundred grams, at a single dose of two hundred fifty milligrams or less per kilogram of body weight, when orally administered; or

(2) Produces death within fourteen days in half or more than half of a group of ten or more laboratory white rats, each weighing between two hundred and three hundred grams, when inhaled continuously for a period of one hour or less at an atmospheric concentdation of one thousand parts per million by volume or less of gas or vapor or ten milligrams per liter by volume or less of mist or dust, provided such concentration is likely to be encountered by man when the substance is used in any reasonably forseeable manner; or

(3) Produces death within fourteen days in half or more than half of a group of ten or more rabbits tested in a dosage of one gram or less per kilogram of body weight, when administered by continuous contact with the bare skin for twenty-four hours or less.

If the Director finds that available data on human experience with any substance indicate results inconsistent with those obtained on laboratory animals in the above-named dosages or concentrations, the human data shall take precedence.

SECTION 2. REGISTRATION:

No person shall build, erect, install, replace, modify, operate or use any new or existing fuel-burning equipment, or any machine or contrivance specifically designed to control emission of air contaminants, unless such equipment, machine or contrivance has first been duly registered with the Director. Nothing herein shall require the registration of ships, boats, or other marine craft. Existing equipment shall be registered with the Director within 90 days from the effective date of these regulations.

Registration shall be made in duplicate on forms provided for this purpose by the Director and shall include such information as may be necessary to enable the Director to evaluate the nature and effect of emissions. The registration fee shall be $10 for each stack or chimney and such fees shall be used in part for the expenses of the air sanitation section on Maui, as provided, by Section 47-65, RLH 1955.

Registration shall not relieve any registrant from liability for damages to person or property caused by any defect in such fuel-burning equipment, machines or contrivance to control emission of air contaminants, nor shall

the Director or any agent, officer or inspector of the Director be held as assuming any such liability by reason of the act of registration. Further, the registration shall not exempt any registrant from prosecution on account of violation of other sections of this Chapter.

SECTION 3. RINGELMANN CHART:

No person shall cause, suffer or allow to be discharged into the atmosphere from any fuel-burning equipment, internal combustion engine, premises or open fire, air contaminants, the shade or appearance of which is equal to or darker than No. 2 of the Ringelmann Chart, or of such opacity as to obscure an observer's view to a degree equal to or greater than do air contaminants described above, excepting

(a) Air contaminants, the shade, appearance or opacity of which is equal to but not darker than No. 2 of the Ringelmann Chart for a period or periods aggregating four minutes in any 30-minute period.

(b) Air contaminants, the shade, appearance or opacity of which is equal to but not darker than No. 3 of the Ringemann Chart for a period or periods aggregating three minutes in any 15-minute period, when building or starting a new fire, or when breakdown of equipment occurs, such as to make it evident that the emission was not reasonably preventable.

(c) During cycles of boiler tube soot blowing the air contaminant concentration may exceed No. 3 of the Ringelmann Chart for periods of short duration not to exceed 15 seconds. The average intensity of No. 3 of the Ringelmann Chart is not to be exceeded for a period or periods aggregating three minutes in any 15-minute period.

(d) Immediately after starting the engine of a diesel locomotive, boat, truck or other vehicle, air contaminants shall be permitted of a shade, appearance or opacity greater than No. 2 but less than No. 3 of the Ringelmann Chart for not more than four minutes during the first 15 minutes. After a diesel locomotive, boat, truck or other vehicle is in or ready for service, air contaminants of a density or opacity greater than No. 2 but less than No. 3 of the Ringelmann Chart shall be permitted for not more than one minute in any 15 minutes, except that in cases of towboat, fleet operations and diesel locomotive switching operations, air contaminants may be emitted of a density greater than No. 2 but less than No. 3 of the Ringelmann Chart for one minute at each start up or reversal of the vehicle. Ringelmann Chart as published by the U.S. Bureau of Mines is hereby made a part of these regulations by reference.

SECTION 4. DUST:

(a) No person shall cause, suffer or allow to be discharged from any fuel-burning equipment or to pass any convenient measuring point in any stack, dust in the gases to exceed 0.85 lbs. per 1,000 lbs. of gases, adjusted to 12% CO_2 content of combustion products for mixed fuels and to 50% excess air in combustion products for petroleum fuels.

(b) No person shall cause, suffer or allow to be discharged from any other industrial process, manufacturing operation, material handling, operation, premises or other source, dust into the atmosphere to exceed 0.85 lbs. of dust per 1,000 lbs. of air or gases, to be measured by computing the difference in the weight of dust in the air or gases at convenient upwind and downwind measuring points.

SECTION 5. PARTICULATE MATTER:

No person shall cause, suffer or allow to be discharged into the atmosphere from any source particulate matter in excess of 0.4 grains per cu. ft. of gas at 760 mm pressure and 85°F.

SECTION 6. SOOT AND FUMES:

No person shall cause, suffer or allow to be discharged into the atmosphere from any fuel-burning equipment, internal combustion engine, railroad locomotive, vehicle, premises, open fire, or stack, soot or fumes that are a detriment to the property of others or that are a nuisance to the public or which endanger the comfort, repose, health or safety of the public or which cause or have a natural tendency to cause injury or damage.

SECTION 7. SULPHUR DIOXIDE:

No person shall cause, suffer or allow to be discharged into the atmosphere in any state or combination thereof sulphur compounds, calculated as sulfur dioxide (SO_2) exceeding 0.2% by volume in concentration at the point of discharge.

SECTION 8. OPEN FIRES:

No person shall cause, suffer or allow open burning of old rubber, automobile batteries, leather, waste oils and grease, garbage, junk atomobiles or similar items, cloth, plastics or leaves or trimmings, or scrap building material or refuse.

This section does not apply to burning leaves, grass, weeds, wood, paper and similar materials in residential sections on one's own premises provided such burning is not within 50 ft. of any habitable building, is attended or supervised by an adult person and is completed within daylight hours (6 a.m. to 6 p.m.) and provided further that such burning shall not be in violation of the provision of Section 6 of this Chapter and of other fire control agencies.

SECTION 9. INCINERATORS AND DISPOSAL EQUIPMENT:

All incinerators or disposal equipment to be constructed for destroying, reducing or salvaging by fire any material or substance shall include multiple combustion chambers with auxiliary fire and standard appurtenances and such other facilities as may be required to comply with the provisions of this Chapter.

SECTION 10. TOXIC CHEMICALS:

No person shall apply toxic chemicals by airplane or helicopter without a written permit. Application for a permit shall be made on forms provided by the Director. Such permit shall expire on the 31st day of March annually and may be suspended or revoked upon the violation by the holder of any of the terms of the permit.

SECTION 11. EXCEPTIONS:

Sections 3, 4(b), 5, 6 and 8 of these regulations shall not apply to the following:

(a) Open fires set by any public or fire control officer in the course of his official duty for the prevention of fire hazard to the public and to property and for the purpose of instruction in methods of fire fighting.
(b) Open fires set in isolated areas as approved by the Director.
(c) Agricultural operations which shall include the transportation and hauling of products but exclude factory and factory maintenance operations, fuel-burning equipment and internal combustion engines.
(d) Camping fires and open fires for food preparation or light.
(e) Quarry operations in isolated areas as approved by the Director.

SECTION 12. VARIANCES:

Variances from these regulations shall be allowed under any of the following circumstances:

(a) Where the Director finds that a more unhealthful condition can occur if a variance is not granted. The period of such variance shall be determined by the Director.

(b) Where the Director finds it necessary to allow an extension of time for existing equipment and practices to comply with these regulations. The period of the extension shall be determined by the Director.

(c) Where the Director finds that land development and construction activities, road building and similar operations are carried out in a manner which will minimize actual and potential air pollution of the atmosphere by the use of all reasonable controls, he may grant a variance upon such terms and conditions, and for such periods, as he may deem proper.

SECTION 13. PENALTIES:

Any private person or agency who violates any of the provisions of this Chapter shall be fined $100 for each seven-day period of such violation or fraction thereof following the ninth day after the expiration of the time fixed for the taking of preventive or corrective measures as the Director may order. The Director may institute legal proceedings in the name of the State to recover the penalty, which shall be a government realization.

Any person who denies, obstructs or hampers the entrance or inspection by any member or duly authorized officer or agent of the Director, of any building or place which he is authorized to enter and inspect under the provisions of Section 47-64 (e), Revised Laws of Hawaii 1955, as amended, and these regulations shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than $500.00.

SECTION 14. HEARINGS AND APPEALS:

Hearings before the Director shall be held and appeals from any of his decisions for any violation of these regulations shall be made in accordance with Sections 47-69 to 47-73, Revised Laws of Hawaii 1955, as amended.

SECTION 15. APPLICATION:

The provisions of this Chapter shall apply to the islands of Maui, Molokai, and Lanai, including harbor areas.

SECTION 16. UNCONSTITUTIONALITY CLAUSE:

Should any section, paragraph, sentence, clause, phrase or application of this Chapter be declared unconstitutional or invalid for any reason by competent authority, the remainder of any other application of said Chapter shall not be affected thereby.

SECION 17. DATE OF EFFECT:

This Chapter shall be effective 60 days from the date of its filing with the Lieutenant Governor of the State of Hawaii.

I, Leo Bernstein, M.D., Director of Health, hereby certify that the foregoing regulations were adopted by the Department of Health on the 19th day of February, 1965.

LEO BERNSTEIN, M.D.
Director of Health

The foregoing regulations are hereby approved as to form this 25th day of February, 1965.

CLINTON K. L. CHING
Deputy Attorney General

BERT T. KOBAYASHI
Attorney General

The foregoing regulations are hereby approved this 27th day of February, 1965.

JOHN A. BURNS
Governor of Hawaii

Filed with the Lieutenant Governor, March 1, 1965.

1 of 2

1-26-66

Kahului RR Sp. Perm.

Ordinance No. 272
(Bill No. 10 - 1958 - as Amended)
Effective 12-19-58

An Ordinance Adopting the "Uniform Building Code Short Form 1958 Edition" By Reference, with certain exceptions, regulating, construction, enlargement, alteration, repair moving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of all buildings or structures in the County of Maui, T.H.; providing for the issuance of permits and collection of fees therefor; and establishing fire zones; providing penalties for the violation thereof; and repealing Ordinance No. 204.

U.B.C. Chap 3.
Sec. 301(a) Permits required. No person, firm or corporation, shall erect, construct, enlarge, altar, repair, move, improve, remove, convert or demolish any building or structure in the City or cause the same to be done, without first obtaining a separate building permit for each such building or structure from the Building Official.

(cont'd)

2 of 2

Section 7 Ord. ~~27~~ 70 (Main)

"If the Building Official is satisfied that the work described in an application for permit and the plans filed therewith conform to the requirements of this Code and the pertinent laws and Ordinances, he shall prior to issuing a permit therefor, require the applicant to obtain the approval of the Board of Health in writing. ---"

MAUI NEWS ★ SATURDAY, JANUARY 22, 1966

Batching Plant Spotlighted

Board Asks Penalty; Planners Okay Permit

Maui County's Board of Supervisors yesterday (Friday) by 9-0 vote referred to the County Attorney's office, "for appropriate action to have a penalty imposed on Kahului Railroad," a matter which Joe Bulgo claimed "smeared the integrity of the Board."

Commenting on action taken by the County Planning and Traffic Commission Wednesday in approving a special use permit for construction and operation of a concrete batching plant by KRR and Pioneer Mill Company at Kaanapali, Mr. Bulgo said:

"We should abolish the Planning Commission and suspend Planning Director Robert Ohata for a month. The Planning Commission has kept very quiet about this. It's time we stop covering up for the 'big people' who have multi-million dollar projects.

"A $5,000 penalty should be imposed on Kahului Railroad," he continued. "When the poor people come in a $500 penalty is slapped on them. The work at the batching plant should be stopped today. I think the integrity of the Board is smeared."

Mr. Ohata was directed to appear before the Supervisors and explain the action taken by the Commissioners. He said, in part:

"My recommendation for approval is that it is desirable to have a batching plant at Kaanapali. The Planning Commission concurred with my recommendation. The Land Use Commission has final approval."

Mr. Ohata noted, also: "Our office, to my knowledge, hasn't issued a building permit (to KRR and Pioneer Mill). They violated the State Land Use law by building on land zoned for agricultural use without obtaining a variance. That is under the jurisdiction of the Land Use Commission."

By an unexpected 6-0 vote, the County Planning and Traffic Commission Wednesday recommended approval of a special use permit for Pioneer Mill and Kahului Railroad Company "to construct and operate" a concrete batching plant at Kaanapali.

The action was taken at a

(Continued on Page 2)

Batching

(Continued from Page 1)

special lunch meeting held in Tasty Crust restaurant in Wailuku. Commissioner Kazuo Kage, who had indicated opposition to granting of the permit was absent.

Voting approval, in a surprise switch, was Commissioner Yoshikazu (Zuke) Matsui, who said: "After an investigation and conference with Kahului Railroad Company officials, I believe that they were just ignorant of the law, and not trying to 'get away' with anything."

He was referring to the fact that the batching plant was constructed and put into operation before any permit to build was even obtained.

The question came out in the open on January 4, when KRR-Co. Assistant Manager Ronald Gammie appeared before the Commission to testify on behalf of an application from Pioneer Mill Company and KRR to build and operate the plant.

At that meeting, Mr. Matsui questioned Mr. Gammie: "Isn't it a fact that the plant is already built . . . and has already been in operation"?

Mr. Gammie acknowledged that such was the case, and added that the company ceased operations immediately, upon learning that they were in violation of the law.

It was up to the Planning Commission to make a recommendation to the State Land Use Commission, which has final jurisdiction over the agricultural land where the plant is located.

Following the January 4 hearing, some Commissioners expressed anger over the fact that: (1) the plant was built before a permit was obtained, and (2) acknowledgement of the fact was brought out only through direct questioning.

Mr. Matsui, who brought the situation to light, indicated that some form of penalty would probably be levied against the company.

At Wednesday's special meeting, however, Mr. Matsui said: "Although I first thought of imposing a penalty, I now believe they have been punished enough. Their operations have been shut down for some time (since mid-December), and it will probably be at least another week before the Land Use Commission takes action."

Planning Director Robert Ohata pointed out, at the beginning of the meeting, that should the Commissioners recommend disapproval, their decision would be final. The only recourse the permit-seekers would then have, would be a suit in Circuit Court.

On the other hand, the law provides that if the Commissioners should recommend approval, the State Land Use Commission could over-ride and reverse the decision.

Mr. Ohata recommended approval of the application, with the stipulation that the permit be good for a maximum of five years, or until the area is zoned for urban use — whichever comes first. The stipulations were approved by the Commissioners.

The KRRCo.-built batching plant is to be operated by Concrete Industries, Inc., a subsidiary of Honolulu Construction and Draying Company (HC&D), which has purchased the Railroad's quarry operations and the concrete products division of A&B Commercial Company.

SP 66-21 = Pioneer Mill + Kahului RR

Maui Planning + Traffic Comm. Files:

① Map - 1"=40' Proposed Kahului RR Co. Batching Plant Site dtd Nov 29 '65 (Note: the copy I have seems to be an earlier map. The copy in the MPTC file is a little more detailed + dated)
② Description of Batching Plant Lease (see copy)
③ Application for S. Permit (on hand)
④ Ltr from Lofts (Kahului RR) to Williamson (Pioneer Mill) dtd Nov 30 '65 (see copy)
⑤ Ltr from Williamson to Maui P+TC dtd Nov 29 '65 (on hand)
⑥ Ltr from Ohata to Williamson dtd Dec 6 '65 acknowledging application; date of hearing to be Jan 4 '66; notice to be published Dec 15.
⑦ Ltr from LUC to Williamson dtd Dec 3 '65
⑧ Ltr from Greig (Pioneer Mill) to LUC Dec 6 '65
⑨ Ltr from Greig (" " Assoc. Civil Engr.) to Maui P+TC dtd Dec 6 '65 forwarding sketch; final draft of lease to be delayed pending rezoning approval
⑩ Notice of Public Hearing - draft.
⑪ Ltr Maui Planning Div. to Maui Bd. of Supervisors dtd Dec 9 '65 - notice of S.P. receipt.
⑫ Affidavit of Publication - (on hand)
⑬ Minutes of hearing - Jan 4 '66 (see copy)
⑭ Ohata to Williamson dtd Jan 6 '66 informing Com Commission will act on Jan 19 '66
⑮ Williamson to Ohata Jan 11 '66 referring to ltr sent to LUC; prefers a special permit procedure over that of a boundary change

(16) Olata to LUC dtd Jan 19'66

Minutes of the action Mtg are still to be transcribed + typed. They will be forwarded early this week.

✓ There was no staff report prepared by Bob.

See item in Mari News re/ action meeting results — and consequences!

Dept. of Health (Sam Goo - Division of Sanitation)

2 other batching plants on Maui but no record of registration. However, their files show registration by Maui Concrete & Aggregates and Kahului RR for hot mix (asphalt) and quarrying operations only.

The building permit application for Pioneer Mill's batching plant was signed by a field man (in the absence of Sam) and approved in spite of the fact that no plans were submitted; also, those the permit does not have an official stamp

See "Remarks" sec. of permit application: it reads: Provide toilet facilities for workers at site (Bd of Dept Health Reg. Ch. 29)"

Building Dept. (Mr. SANO)

✓ Approval of the application & Permit is pending LUC decision

The violation was discovered by one of 2 building inspectors on Maui and the info was relayed to Maui P & T C.

Site location plan not submitted as yet altho requested

Note on folder - charge double the filing fee because construction had already started - signed by SONE (Supervisor of above)

See Xerox copies of Cement Silo & Footing details.

Maui P&TC (4)

November 30, 1965

Mr. Richard C. Williamson, Vice Pres., Manager
Pioneer Mill Co., Ltd.
Lahaina, Maui, Hawaii

Dear Mr. Williamson:

With the purpose of establishing a competitive source of Readymix Concrete Supply for the construction industry of West Maui we are requesting a minimum five (5) year lease of the parcel of land that we have previously discussed.

At the present the land in question is used only as a rock dump.

We feel that our investment in these facilities will enable us to better serve our community.

At the present time we are considering the merging of A & B Commercial Concrete Products Operation with Kahului Railroad Rock Crusher Operation, therefore the lease can be drawn up as applicable to either company.

We are sorry to have had to push this negotiation so rapidly, but the nature and scope of the construction work at hand will not wait, and we must therefore act as soon as possible.

If there are any further questions please let us know.

Very truly yours,

David S. Lefts, Supt.
Kahului Railroad Crusher Division -
A & B Commercial Concrete Products
Division

Held 1-4-66

3. LAND USE COMMISSION SPECIAL PERMIT APPLICATION FROM PIONEER MILL COMPANY AND KAHULUI RAILROAD COMPANY TO OPERATE CONCRETE BATCHING PLANT AT KAANAPALI.

Planning Director read the Notice of Public Hearing which was published in the Maui News of December 15, 1965, and proceeded to read a letter dated November 29, 1965 from Mr. Richard C. Williamson, Vice President and Manager of Pioneer Mill Company, Ltd., wherein request is made for the rezoning of an 0.914 acre piece of agricultural zoned land to industrial, and wherein Pioneer Mill states that this piece of land would be leased to Kahului Railroad Company on a short-term lease basis, not exceeding five years in duration. Mr. Ohata read an application for special permit in which, among other pertinent information, Pioneer Mill Company, the applicant, requests such permit to establish and operate a ~~mix~~ readymix concrete batching plant.

Mr. Ohata pointed out the plant on said Land Zoning Map No. 9, and proceeded to outline the workings of such a plant, i.e., stock-piling, hopper to hold the bulk cement, elevator and truck in which concrete would be mixed, a little office to take orders, etc. and an area for the parking of trucks. Such a plant could be seen only when the cane is low, Mr. Ohata believed.

Can be seen from Shoreline Drive

There were no letters of approval or letters of protest.

Chairman Medeiros opened the public hearing.

Mr. Ronald Gammie of Kahului Railroad Company appeared before the Commission, and stated that Kahului Railroad Company has a five-year lease of this area, and would continue to look for a more suitable site on which to place a batching plant, knowing that this area could very well be for some other use than a batching plant; that no activities would be carried on except the normal activities attached to a batching plant. The batching plant has been painted medium green to more or less match the cane colors, and that every effort is being made to keep the dust problem down. He also informed the Commission that Alexander & Baldwin had sold out its concrete business to a subsidiary of H. C. & D., Concrete

Industries.

Mr. Matsui, directing to Mr. Gammie, stated that Mr. Gammie was here to ask for a special use permit to construct a batching plant, and that he is informed that there is a construction already, to which Mr. Gammie stated that such was correct; that in the rush and confusion no permit was obtained prior to the construction of such a plant. He further stated that the batching plant was set up and concrete was batched out for three days; that it was not realized at that time that Kahului Railroad Company was in violation of an ordinance, and that operations had been stopped upon orders received and as soon as it was realized that an error had been made. Mr. Gammie further stated that they had been talking about a batching plant from about two months ago; that they had looked into the availability of the old cannery yard, and that negotiations were made with American Factors shortly after they were turned down.

Repres. 75 Land Owners

— Mr. Louis van der Linden was in favor of the issuance of a special permit to the applicant. There were no protests.

Chairman Medeiros stated that the Commission would take this matter under advisement and that it would take action at a subsequent meeting. The applicant would be notified and final action will be taken by the State Land Use Commission.

Let's the cat out of the bag? This is so only if they recommend approval.

MINUTES OF THE REGULAR MEETING OF DECEMBER 15, 1965:

It was decided to defer acceptance of the minutes.

COMMUNICATIONS:

1. Castle & Cooke, Inc. requesting lot width variance for parcel of land in Lanai City.

Planning Director Ohata drew a sketch on the blackboard showing subdivision of three lots to be sold to the occupants of the houses. It was recommended by Mr. Ohata that variance be granted. It was moved and seconded that the requested variance be granted. Motion carried unanimously.

Maui P&TC (2)

November 23, 1965

DESCRIPTION OF KAHULUI RAILROAD
COMPANY'S BATCHING PLANT LEASE

LAND SITUATED APPROXIMATELY 2,000 FEET SOUTH OF THE ROYAL KAANAPALI GOLF COURSE MAINTENANCE SHED AND 450 FEET EAST OF THE KAANAPALI SEWAGE TREATMENT PLANT ALONG THE EAST EDGE OF THE 60 FOOT PIONEER MILL COMPANY, LIMITED INDUSTRIAL ROAD RIGHT OF WAY.

All that certain parcel of land situated at Hanakaoo, Kaanapali, Maui, State of Hawaii and being a portion of Royal Patent 2567, Land Commission Award 7715, Apana 3 to Lota Kamehameha.

Beginning at a ½" pipe on the northwest corner of this lot, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LAINA" being 8,657.81 feet North and 6,667.07 feet West, thence being more particularly described by azimuths measured clockwise from true South:

1.	289°	02'	160.00 feet	along remainder of L.C.Aw. 7715, Apana 3 to Lota Kamehameha; to a pipe;
2.	282°	25'	125.00 feet	along remainder of L.C.Aw. 7715, Apana 3 to Lota Kamehameha; to a pipe;
3.	317°	25'	97.00 feet	along remainder of L.C.Aw. 7715, Apana 3 to Lota Kamehameha; to a pipe;
4.	72°	00'	162.00 feet	along remainder of L.C.Aw. 7715, Apana 3 to Lota Kamehameha; to a pipe;
5.	54°	57'	158.81 feet	along remainder of L.C.Aw. 7715, Apana 3 to Lota Kamehameha; to a pipe;
6.	166°	54'	256.00 feet	along remainder of L.C.Aw. 7715, Apana 3 to Lota Kamehameha, to the point of beginning and containing an area of 39,002 square feet or 0.814 acres.

EXCEPTING AND RESERVING unto the Lessor, a 50 Foot Access Road Easement over and across above described lot, said easement being more particularly described as follows:

Beginning at a ½" iron pipe, being also a lot corner pipe along the northeast boundary of above described lot, the coordinates of said pipe referred to Government Survey Triangulation Station "LAINA" being 8,821.91 feet North and 6,321.14 feet West, thence running by azimuths measured clockwise from true south:

1.	58°	20'	30"	274.91 feet across Lot 1, to a point;
2.	166°	54'		51.65 feet along Lot 1, northwest boundary, to a point;
3.	238°	20'	30"	197.70 feet across Lot 1, to a point;
4.	262°	23'		73.54 feet to the point of beginning and containing an area of 7,089 square feet or 0.163 acres.

?

COUNTY OF MAUI

2nd. Division				
Z	S	PL	PAR	LOT

BUILDING INSPECTION DIVISION

DEPARTMENT OF PUBLIC WORKS

Application and Building Permit

PERMIT No. no bldg plan

TOTAL VALUATION $ 40,000

PERMIT FEE $ 115.00

Legal Owner Kahului Railroad Company Address Kahului, Maui

Lessee/Tenant _____ Address _____

Owner's Agent _____ Address _____

Plans By _____ Address _____

Builder Owner Address _____

Plumbing Contractor _____ Address _____ Permit No. _____

Electrical Contractor _____ Address _____ Permit No. _____

To construct and/or repair, etc., all in accordance with State Laws, and Ordinances of the County of Maui, to-wit:

New Building _____; Type _____ Constr.; Stories _____; Repairing _____; Demolition _____; Reconstruction _____;

Old Building _____; Addition _____; Alteration _____; Remodel _____; Moving _____; Misc. Structure X;

At _____
House Number Street Town District

Now Occupied as _____ To Be Occupied as Batching Plant Lot Area _____

Fire Zone No. _____ Zone _____ Occupancy _____

Dimensions _____; Floor Area _____ Sq. Ft.; Ceiling none

Walls steel; Floor _____; Basement Floor _____

Partitions none; Roof steel; Connection to Sewer or Cesspool _____

Foundation concrete; Roof Overhang none; Kind of Toilets _____

Distance between walls of this and the nearest building on the same property 100'±

Distance to nearest interior lot boundary (right) 100'± (left) 100'± (rear) 100'± (front) 100'±

The free clearance between the bottom of floor and ground _____ in. Construction to be completed on or about _____

REMARKS Provide toilet facilities for workers at site (regs. posted) Regulations Chapter 4)

APPROVED:

Date _____ 196__ _____ DEPUTY COUNTY ENGINEER

Date 1-21 196 6 Ian Mac (by proxy) _____ AGENT, STATE DEPARTMENT OF HEALTH

Date _____ 196__ _____ DIRECTOR, MAUI PLANNING & TRAFFIC COMM.

Date _____ 196__ _____ DEPUTY, FIRE MARSHAL, MAUI

Date 1/10/66 196__ Kahului Railroad Co. APPLICANT,

per _____ Gammie, Asst Mgr.

Date _____ FOR DIVISION HEAD

Date inspected:

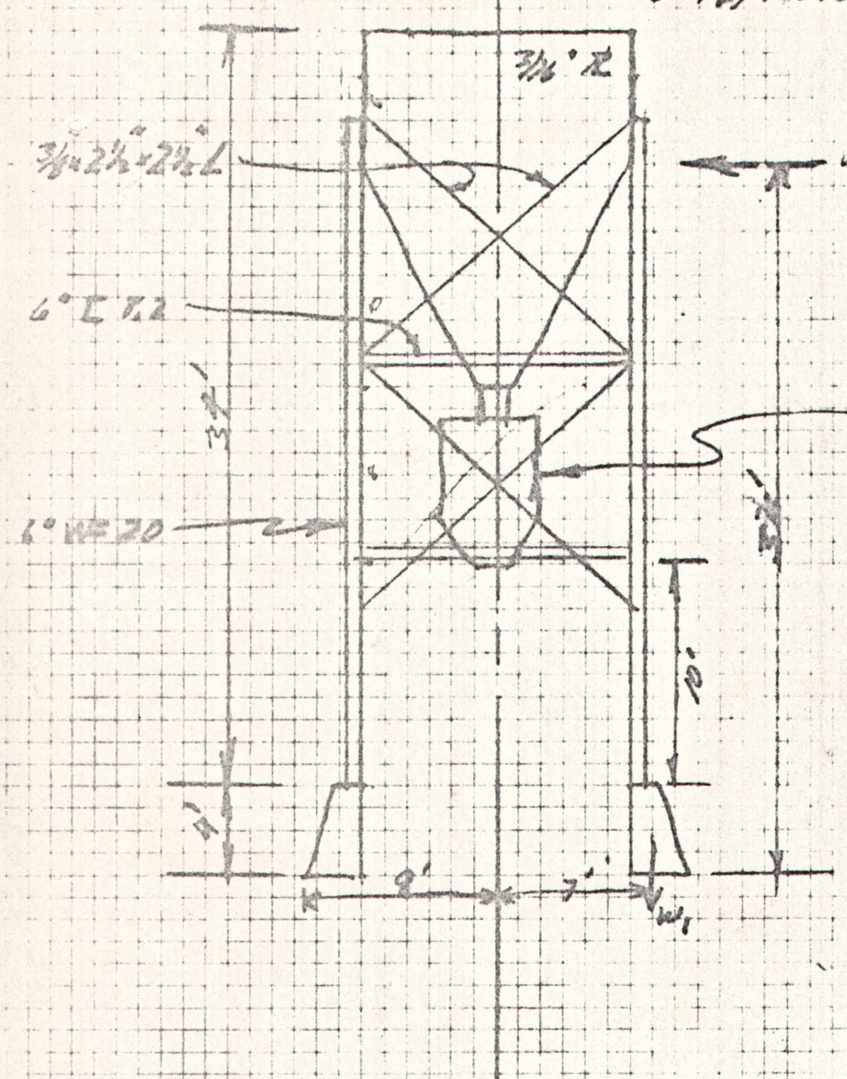
/ 196 _____ INSPECTOR

/ 196 _____ INSPECTOR

/ 196 _____ INSPECTOR

DEPT. OF HEALTH COPY

W = Silo + Weigh Batcher
= 10,500 + 1200
= 12,700 lbs



Wind 12 x 6 x 30 = 2160
+ (12 x 12)/2 x 30 = 1800
3960

Say 4500 lbs

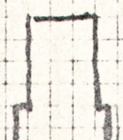
Application 1400
1/10/66

300 lbs. Concrete = 113,000
Silo = 10,500
Batcher = 1,200
Total wt = 124,700
Load Per Column = 31,20
Allowable concentric load for 6x6 WF 20 @ 10 ft Length = 115,000 lbs — OK

$$M_b = 4500 \times 32 - 11,700 \times 9 - W_1 \times 7 = 0$$

$$W_1 = \frac{144,000 - 105,300}{7} = \frac{39,000}{7} \approx 6000 \text{ lbs}$$

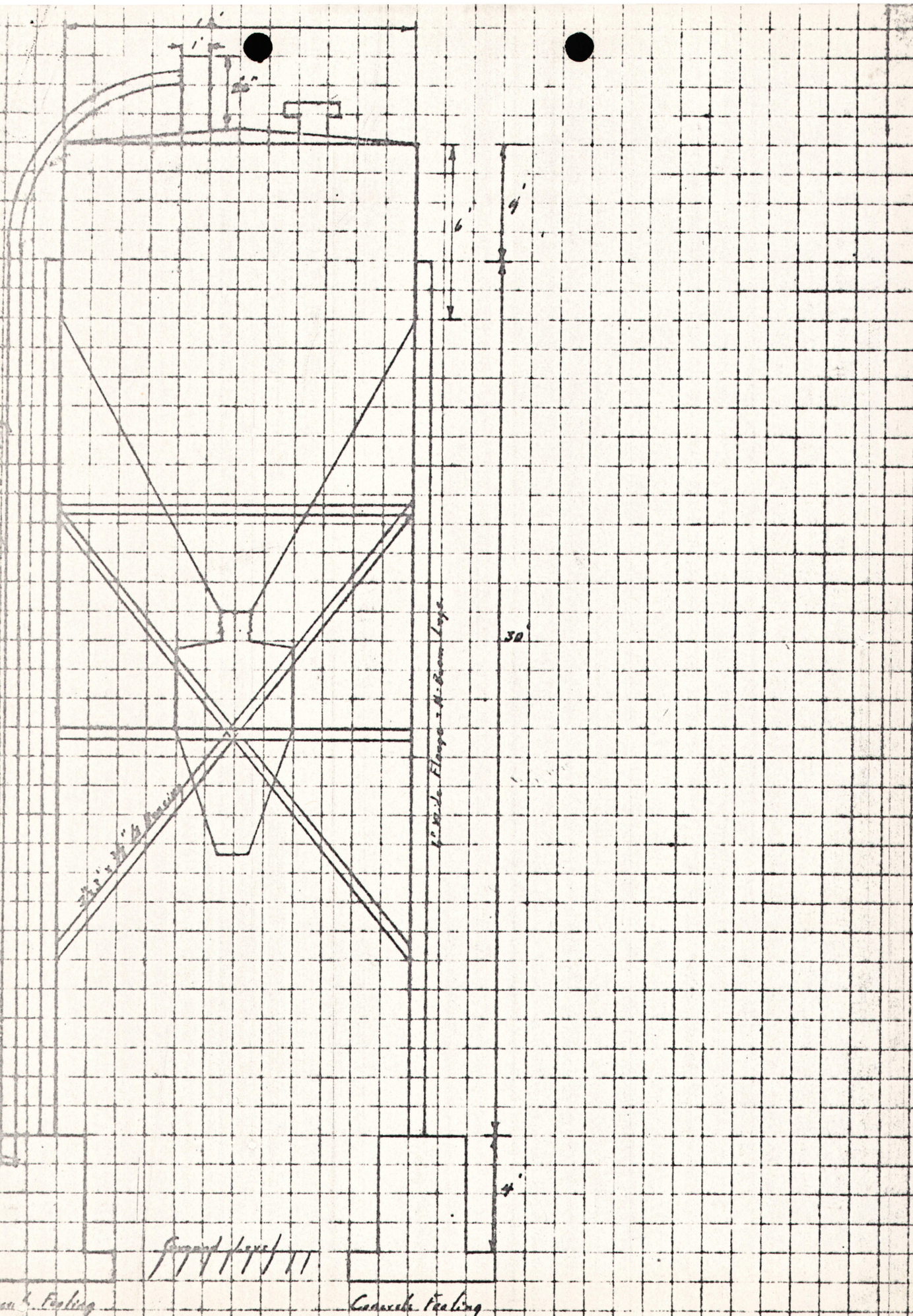
Footing -



3 x 3 x 4 Top = 36 cu ft
5 x 5 x 4 base = 25 cu ft
61 cu ft x 150 = 9,200 lbs

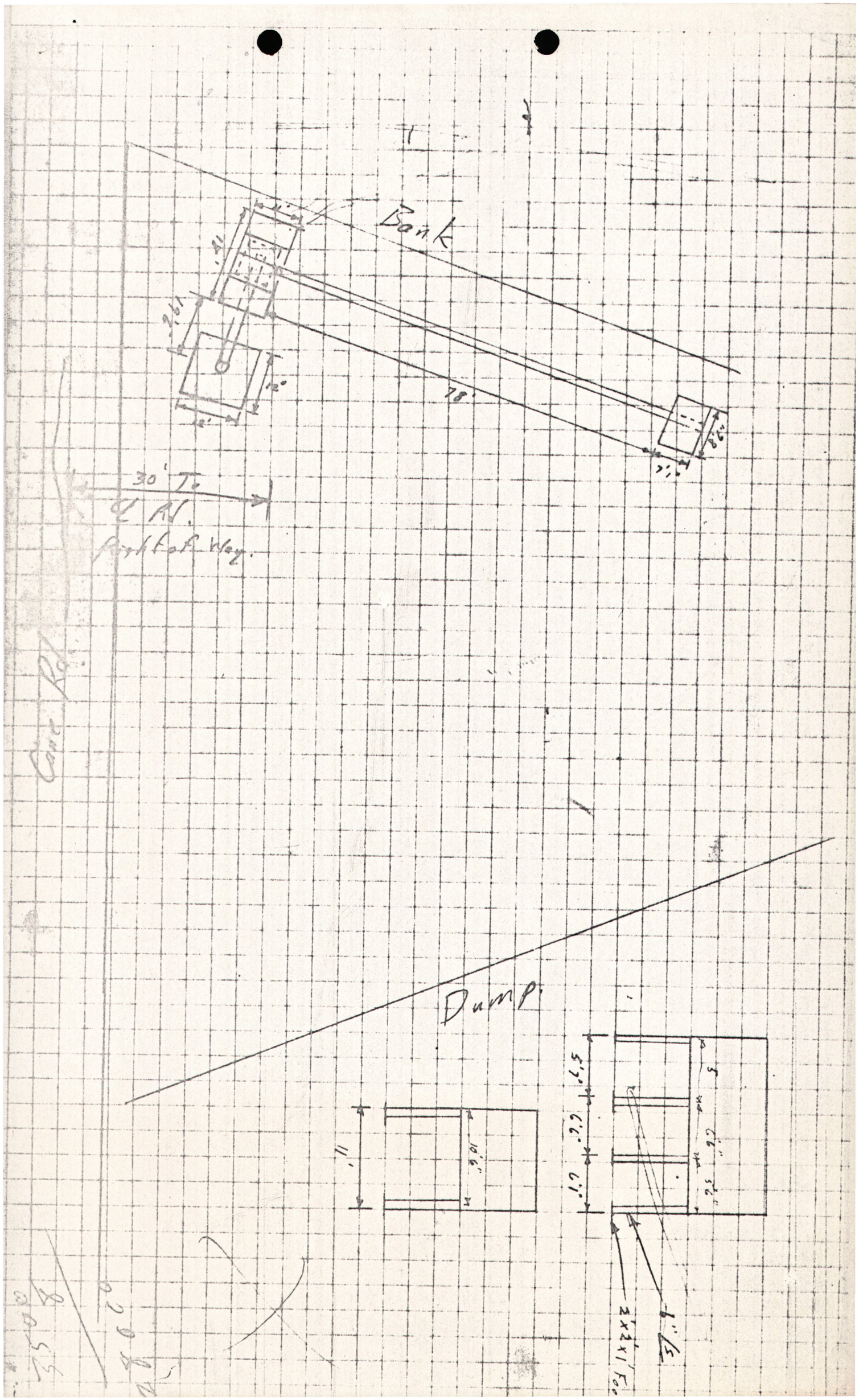
Groundload - $\frac{34,900 \times 124,200}{4 \times 5 \times 5} \cdot \frac{161,500}{1000} = 1,615$ lbs/sq ft.

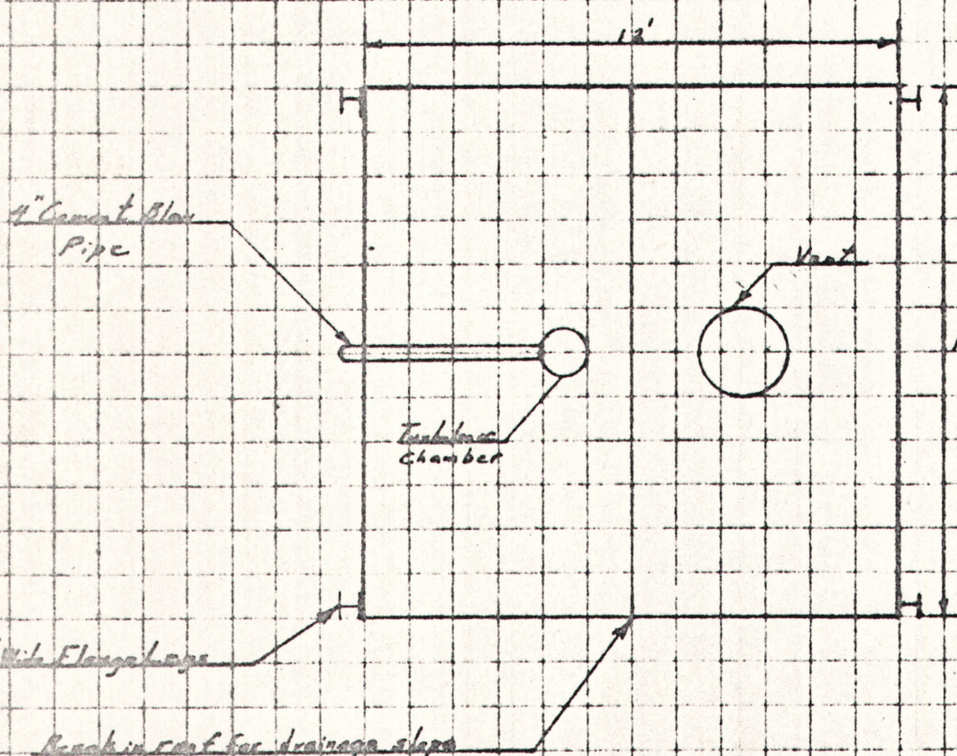
PURCHASE ORDER NO.	KAHULUI RAILROAD COMPANY	DRAWN BY
USED FOR		APPROVED BY
		DATE
REPORT	SUBJECT: Cement Silo	S. O. NO.
		FILE NO.
		DRAWING NO. S—



Side View

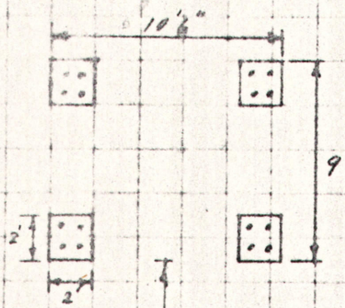
K.R.R. - Kaanapali Ralch Plant
Cement Silo
R.S. Loftis 11-12-65
Scale: ½" = 1'


Bank
78'
30' To
℄ Rd.
Right of Way.
Dump.
11'
10'6"
5'7"
6'6"
6'7"
5
6'6"
2'5"
2'x2'x1' For
6" ⌊5

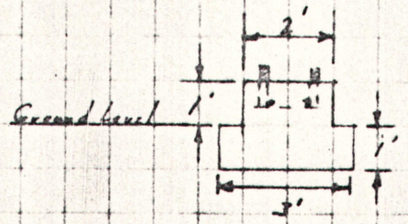


Plan View

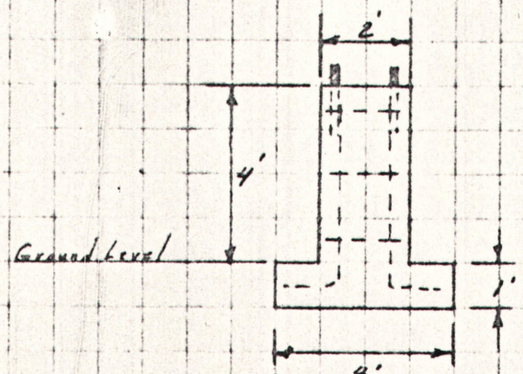
K.R.R. - Kasungu Batch Plant
Cement Silo
D.S. Lofts 11-12-65
Scale: ½" = 1'



Loading Hopper



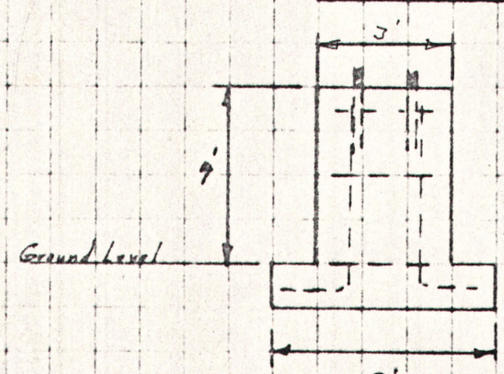
Loading Hopper Footing
Scale 1/4" = 1'



Rock Bunker Footings
Scale 1/4" = 1'

76'

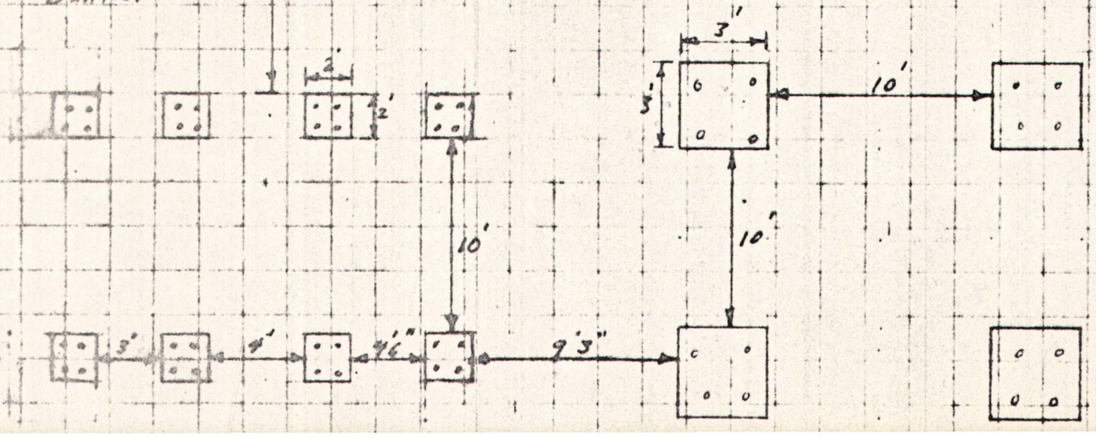
Kaunapali Batch Plant
Footing Plan
O. S. Lattz 11-9-45
Scale 1/8" = 1'



Cement Silo Footings
Scale 1/4" = 1'

Top of Rock Bunker Footings and Cement Silo footings to be same elevation.

Rock Bunker



Cement Silo

1 of 2

Ah Sung, re: Pioneer Mill-Kahului RR S.P.

Check out these data and any other items you might think of.

☆- Obtain copies of any of the items that may be critical

Minutes of Maui P+TC

1. For public hearing ✓
2. For action meeting ✓
3. Ohata's staff report, if any ✓

~~Application for Sp. P.~~ (on hand)

Building Permit Application ✓
date + data

Building Permit, ✓
date + data

Board of Health Clearance if any ✓ — Same God air pollution etc.
other clearances required and obtained?

Location of nearest other batching ✓
plant for ready mix
1. Maui Concrete + Aggre.
8 Central Ave (Wick, E.P. + Co)
NASKA = Naval Air Stn, Kahului
Lahaina

Location of plant on parcel
Extent of construction; permanency?
Surrounding Land Use
Plant site originally in what use
Condition of public road serving plant

Maui County Bldg Dept requirements (ordinance?)

If none issued find out why

If any item turns up a negative result find out why and if further compliance is required by the petitioner.

For example, if they never cleared with the Board of Health, is clearance necessary and mandatory. Would the Bd of Health stop the project until clearance is received. If so, do they (the Bd.) plan to take action to stop project.


Waiehu Pt
Waiehu
Waiehu Camp
Nehe Pt
KAHULUI BAY
Paukukalo
Hobron Pt
KAHULUI AIRPORT
Puuohula Village
Baldwin High Sch
Maui Vocational Sch
WAILUKU
(BM 331)
Hospital
Radio Sta (KMVI)
Kahului
Village 4
Village 5
Village 6
Village 13
McGerrow Village
Puunene
(BM 76)
Ah Fong Village
Wailuku Heights
Waiale Reservoirs
Waikapu
Waikapu Stream
Pumping Sta
Cemetery
Park
Cistern
Hopoi Reservoir
County Jail
Kanaio
Maalaea
Small Boat Harbor
Kapoli Spring
Kealia Pond
Palalau
Kaleia
MAALAEA BAY
McGregor Pt
McGregors Landing
Papawai Pt
Manuohuie
Keanapaakai
Kihei
(BM 7)
Kalaepohaku
WAIAKOA HOMESTEADS
MAIPOINA-O-EIAU BEACH PARK
Kaipukaihina
Kulanihakoi
Kalepolepo
Radio Tower (WWVH)
Old Sea Wall
Lihui Cem
Laie
WAIOHUI BEACH HOMESTEADS
KEOKEA
Maui Airport
Beacon 102
Camp K-3
Kolaloa
Waiehu Forest Res
Waiehu Stream
Kapalua
Kepaniwai Park
Iao
Iao Valley
Puu Lio Ridge
Kapilau Ridge
Puu Anu
Kaunohua Ridge
Puu Moe
Puu Hona
Puu Luau
Pohakea
Pohakuloa
Kealaloa Ridge
Opuhaha Gulch
Makahuna Gulch
Kaalaina Gulch
Waihee Ridge
Waihee Valley
Waihee Ditch
Honoapiilani Highway
Maalaea Road
Upper Maalaea Road
Lower Maalaea Road
Kuihelani Highway
Pulehu
Papaula
Spartan
Kane
Kope
Kaalaea
Polanui
Kahekili Highway
Paukukalo Stream
Waiale Ditch
Waihee Ditch
Aqueduct
Dairy Road
Hana Hwy
Kaahumanu Ave
Lipoa St
Kihei Rd
Piilani Hwy
Waiko Rd
Waiinu Rd
Waiale Rd
Mokuhau Rd
Mahalani St
Lono Ave
Kamehameha Ave
Main St
Wells
Tanks
Water
Cinder Pit
Gaging Sta
Oil
Control Tower
Fairgrounds
Kanaha Pond Waterfowl Refuge
Trebreak
Spanish
Haiku
South
Boundary Road
Approximate
Ditch
Stream
Gulch
Ridge
Valley
Well
Beach
Park
Cem
Hospital
Water
Oil
Pumping Sta
Cinder Pit
Beacon
Control Tower
Fairgrounds
Gaging Sta
Cistern
Tanks
Wells
Waiehu Camp
Waiehu Forest Res
Waiehu Stream
Kepaniwai Park
Iao
Iao Valley
Puu Lio Ridge
Kapilau Ridge
Puu Anu
Kaunohua Ridge
Puu Moe
Puu Hona
Puu Luau
Pohakea
Pohakuloa
Kealaloa Ridge
Opuhaha Gulch
Makahuna Gulch
Kaalaina Gulch
Waihee Ridge
Waihee Valley
Waihee Ditch
Honoapiilani Highway
Maalaea Road
Upper Maalaea Road
Lower Maalaea Road
Kuihelani Highway
Pulehu
Papaula
Spartan
Kane
Kope
Kaalaea
Polanui
Kahekili Highway
Paukukalo Stream
Waiale Ditch
Waihee Ditch
Aqueduct
Dairy Road
Hana Hwy
Kaahumanu Ave
Lipoa St
Kihei Rd
Piilani Hwy
Waiko Rd
Waiinu Rd
Waiale Rd
Mokuhau Rd
Mahalani St
Lono Ave
Kamehameha Ave
Main St
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Beach
Park
Cem
Hospital
Water
Oil
Pumping Sta
Cinder Pit
Beacon
Control Tower
Fairgrounds
Gaging Sta
Cistern
Tanks
Wells



Mahinahina Pt
Lae o Kama
Honokowai Camp
Honokowai Pt
Coral Reef
Kaanapali
Ammonia
Kekaa Pt
VABM 91
Hanakaoo Pt
Hanakaoo Cem
Puukolii
Powerhouse
Water
Honokowai Res
Honokowai
Pulepule
Mahinahina Camp
Kahanaiki
Gulch
Puu Makina
Kekaalaau
Honolua
Kaulalewelewe
Puu Kolii
VABM 1263
Horner Res
Hahakea
Wahikuli
Gulch
Keaili
Puu Laina
VABM 650
Crater Res
Crater Village
Kahoma
Halona
Kanaha
Paupau
Lahainaluna High Sch
Mala
Kapunakea
Cisterns
Puunoa Pt
Puunoa
Kelawea
Stack
Lahaina
Lunaville
Lighthouse
Kamehameha III Sch
Wainee
NW Base
Makila Reservoir
Cistern
Launiupoko
Waianukole
Corral
Puu Hipa
Mahanalua Nui
Lahaina SE Base
Launiupoko Pt
National Guard Rifle Range
Nalima Wai
Ka Puali
Awalua
Kilea
Mopua
Olowalu
Hekili Pt
Kauaula Res
Luakoi Ridge
Helu
Kauaula
Powerplant
Well
Cem
BM 15
BM 5
LAHAINA ROADSTEAD
AUAU CHANNEL
55'
50'

1853

JOSEPH S. MEDEIROS, JR., CHAIRMAN
KAZUO KAGE, VICE-CHAIRMAN
G. ALAN FREELAND, MEMBER
WILLIAM HONG, MEMBER
YOSHIKAZU MATSUI, MEMBER
PETER MATSUOKA, MEMBER
MOTOHISA UNEMORI, MEMBER

KOICHI HAMADA, EX-OFFICIO
HIDEO HAYASHI, EX-OFFICIO
JEAN R. LANE, EX-OFFICIO
MASAO SONE, EX-OFFICIO
ROBERT O. OHATA, PLANNING DIRECTOR
MRS. EVA M. DUPONTE, ADM. ASST.

SP 66-21

PLANNING & TRAFFIC COMMISSION

COUNTY OF MAUI

POST OFFICE BOX 1487
KAHULUI, MAUI, HAWAII 96732

RECEIVED
JAN 21 1966
State of Hawaii
LAND USE COMMISSION

January 19, 1966

Mr. Myron Thompson
and Members
State Land Use Commission
426 Queen Street
Honolulu, Hawaii 96813

Gentlemen:

RE: SPECIAL PERMIT APPLICATION NO. 18, PIONEER MILL COMPANY AND KAHULUI RAILROAD COMPANY, LAHAINA, MAUI, HAWAII

0.914 TMK 4-4-06: portion 1

The Maui Planning and Traffic Commission at a special meeting held on January 19, 1966, voted unanimously to approve a special permit pursuant to Section 98H-6, RLH 1955 as amended by Act 205, SLH 1963, to Pioneer Mill Company and Kahului Railroad Company to establish and operate a ready mix batching plant on .194 acre of land mauka of Kaanapali. The approval will carry the following stipulation: That special use permit shall be for a period of 5 years and shall automatically terminate should an urban classification be approved prior to the 5 year period.

The Commission's action was based on the following:

1. Batching Plant is a conforming and desirable use in an agricultural district, especially since quarrying is a permissible use.

2. The temporary nature of the special permit with automatic cut-off date would guarantee its relocation when the urban resort development expands to this area.

3. Operation of batching plant within the proximity of the major resort area is essential for its continued economic growth, especially considering the tremendous distance that the mix must be transported at the present time.

4. The nuisance angle is nil inasmuch as the sugar cane creates smoke, and the canehaul road creates dust and noise in excess of the proposed batching plant.

Enclosed herewith are: One copy of application; letter from Mr. R. C. Williamson dated November 29, 1965; Affidavit of public hearing.

Yours very truly,

Robert O. Ohata

ROBERT O. OHATA
Planning Director

Encls.

PERMANENT RECORD
SOUTHWORTH CO. U.S.A.
75% COTTON FIBER CONTENT

PIONEER MILL COMPANY, LIMITED

Growers of sugar cane and producers of raw sugar

Developers of Kapalua — Hawaii's finest destination resort area

WHOLLY OWNED SUBSIDIARY OF AMERICAN FACTORS, LTD. HONOLULU SAN FRANCISCO NEW YORK

LAHAINA, MAUI, HAWAII

OUR LETTER NO.

REFER TO YOUR

November 29, 1965

Mr. Robert Ohata
Maui Planning and Traffic Commission
P. O. Box 1487
Kahului, Maui, Hawaii

Dear Mr. Ohata,

In an effort to furnish West Maui with a more competitive concrete service, we earnestly request the rezoning of a 0.914 acre piece of agricultural zoned land to industrial.

Should this request be granted, Kahului Railroad Company will construct a Readymix Concrete Batching Plant on the site.

The piece in question is presently classified as waste land and is used primarily as a rock dump area.

Pioneer Mill Company, Limited would lease this piece to Kahului Railroad Company on a short term lease basis. The lease would not exceed five, (5) years in duration.

Please feel free to contact us if any questions should arise.

Thank you for your time and attention.

Yours sincerely,

PIONEER MILL COMPANY, LTD.

Richard C. Williamson
Vice President, Manager

Encl.

JHG:ys

cc: Mr. Frank Martin



ADDRESS ALL COMMUNICATIONS TO THE COMPANY—NOT TO INDIVIDUALS

Maui SP66-24

INSTRUCTIONS:

1. To be filed in triplicate.
2. Use black ink or typewriter with black ribbon.
3. Use additional sheets if necessary.

RECEIVED
JAN 20 1966
State of Hawaii
LAND USE COMMISSION

MAUI PLANNING & TRAFFIC COMMISSION
P.O. BOX 1487, KAHULUI, HAWAII

APPLICATION FOR SPECIAL PERMIT
Special Permit is hereby requested:

DO NOT WRITE IN THIS SPACE

Appl. & fee received	11/30/65
Notice published	12/16/65
Public hearing	1/4/66
Recommendation to LUC	1/19/66
Action by State LUC	
County & Appl. notified	

A. Description of Property: (1) Tax Map Key No. 4-4-06-1

(2) Lot Area 89,802 sq.ft. (3) Location Kaanapali, Maui

B. Ownership: (1) Owner's name Pioneer Mill Co., Ltd.

(2) Lessee's name Kahului Railroad Co. (3) Unexpired term ___ years

C. Request: (1) State request briefly and exactly: To establish and operate a Readymix Concrete Batching Plant.

(2) Reasons justifying granting of request: To establish adequate and competitive service to the construction projects of West Maui.

D. Applicant: (1) Name ~~XXXXXXXXXXXXXXXXXX~~ Pioneer Mill Co., Ltd.

(2) Address ~~XXXXXXXXXXX~~ Lahaina, Maui (3) Telephone ~~XXXXX~~ 662-955

(4) Signature K. V. Williamson

E. Planning Commission action: _____ Date _____ Vote: ___ ___
ayes noes

Reasons: _____

F. State Land Use Commission's action: _____ Date: _____

G. Copies to: State LUC___ Supervisors___ Applicant___ Owner & Lessee_

AFFIDAVIT OF PUBLICATION

STATE OF HAWAII, County of Maui. } ss.

Rose Alcomindras being duly sworn deposes and says, that he is Adv. Traffic Clerk of the Maui Publishing Co., Ltd., publishers of the MAUI NEWS, a newspaper published in Wailuku, County of Maui, State of Hawaii; that the ordered publication as to NOTICE OF PUBLIC HEARING SPECIAL USE PERMIT of which the annexed is a true and corrected printed notice, was published 1 times in the MAUI NEWS, aforesaid, commencing on the 15th day of December, 19 65, and ending on the day of , 19 , (both days inclusive), to-wit: on December 15, 1965

and that affiant is not a party to or in any way interested in the above entitled matter.

Rose Alcomindras

Subscribed and sworn to before me this 15 day of Dec. A. D. 19 65

Notary Public, Second Judicial Circuit, State of Hawaii.

My commission expires August 31, 1968

NOTICE OF PUBLIC HEARING

SPECIAL USE PERMIT

NOTICE IS HEREBY GIVEN of a public hearing to be held by the County of Maui Planning and Traffic Commission in the Chambers of the Board of Supervisors at the County Building in Wailuku, on Tuesday, January 4, 1966, at 1:30 p.m. or soon thereafter as those interested may be heard to consider the following request for SPECIAL USE PERMIT under provisions of SECTION 98H-6, REVISED LAWS OF HAWAII 1955, 1961 SUPPLEMENT, AS AMENDED BY ACT 205, SESSION LAWS OF HAWAII 1963:

KAANAPALI, LAHAINA DISTRICT

Construction and operation of concrete batching plant and storage area for the purpose of providing ready mix concrete. The site is mauka of Kaanapali Resort Area, directly abutting the Cane Haul Road in the vicinity of the sewerage treatment plant at Kaanapali, Tax Map Key 4-4-06, portion of parcel 1.

Applicant: Pioneer Mill Company, Ltd., and Kahului Railroad Company.

Area: 39,802 square feet.

Sketch showing the general location is on file in the office of the County of Maui Planning and Traffic Commission at Naska, Kahului, Maui, Hawaii, and is open to the public for inspection during office hours.

All protests against the SPECIAL USE PERMIT should be filed in writing to said Commission, P. O. Box 1487, Kahului, Maui, Hawaii, before the date of the public hearing or presented in person at the time of the public hearing.

MAUI PLANNING AND TRAFFIC COMMISSION
JOSEPH S. MEDEIROS, Chairman
By Robert O. Ohata
County Planning Director

(MN—December 15, 1965)