

SP69-66 - MAUI ASPHALT INC.

RECEIVED

SEP 16 1969

State of Hawaii  
LAND USE COMMISSION

September 15, 1969

SP 69-66 Maui Asphalt

Mr. Norman Saito  
P. O. Box L  
Wailuku, Maui 96793

Dear Mr. Saito:

Mr. Yoshikazu Matsui, Chairman of the Planning Commission, and I visited two asphalt plants in Inglewood at the outskirts of Los Angeles on September 10, 1969. Mr. W. V. Davidson, General Manager of Standard Steel Corporation, accompanied us and described the various operations of the asphalt plants. Our examination has convinced us that if a standard centrifugal wet washer is installed, the air pollution problem will be within acceptable limits.

Please be advised that upon providing for such wet washer together with your asphalt plant, this office is completely satisfied that your asphalt plant is completely acceptable to the County of Maui Planning Department and fulfills the stipulation attached to our approval with Land Use Commission Special Use Permit.

Yours very truly,

*Robert O. Ohata*

ROBERT O. OHATA  
Planning Director

cc: Mr. Ramon Duran

August 4, 1969

Maui Planning Commission  
P. O. Box 1487  
Kahului, Maui, Hawaii 96732

Gentlemen:

At its meeting on August 1, 1969, the Land Use Commission voted to approve the grant of a special permit to Maui Asphalt, Inc. to construct and operate an asphalt batching plant at Waikapu, Maui, identifiable by Tax Map Key 3-6-04: 2 subject to the conditions set forth by the Maui Planning Commission and also that such plant be in operation within one year.

Enclosed for your information is the staff report.

Very truly yours,

RAMON DURAN  
Executive Officer

Enclosure

cc: Dept. of Taxation  
Meyer Ueoka

STATE OF HAWAII  
LAND USE COMMISSION

VOTE RECORD

ITEM SP69-66 - MAUI ASPHALT, INC.      DATE August 1, 1969  
 PLACE Kahului Library      TIME 3:00 p.m.

	YES	NO	ABSTAIN	ABSENT
INABA, GORO	✓			
YAMAMURA, TANJI <del>MURAKAMI, KEIICHI</del>	✓			
WUNG, LESLIE	✓			
NISHIMURA, SHIRO	✓			
CHOI, WILBERT	✓			
NAPIER, ALEXANDER	✓			
MARK, SHELLEY	✓			
KIDO, SUNAO	✓			
BURNS, C. E. S.	✓			

COMMENTS:

*Staff recommendation carried*

MEYER M. UEOKA  
JOHN T. VAIL  
Associates  
B. MARTIN LUNA  
LAWRENCE N. C. ING

*Handwritten:* xerox 8/1/69

**UEOKA & VAIL**  
ATTORNEYS AT LAW  
WAILUKU, MAUI, HAWAII 96793

2121 MAIN STREET  
Post Office Box 433  
Phone: 33-761

2938

July 29, 1969

RECEIVED

JUL 30, 1969

State of Hawaii  
LAND USE COMMISSION

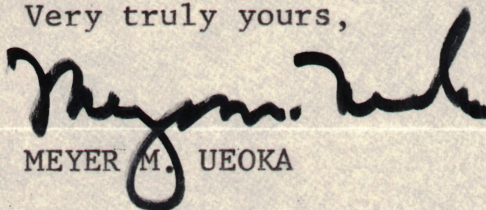
Mr. Ramon Duran  
Executive Secretary  
Land Use Commission  
State of Hawaii  
State Capitol  
Honolulu, Hawaii

Re: Application for Special Permit  
Maui Asphalt, Inc.

Dear Sir:

Enclosed herewith please find eleven (11) copies of a communication received from Robert Ohata in connection with the application for special permit filed by Maui Asphalt, Inc., a Hawaii corporation.

Very truly yours,



MEYER M. UEOKA

MMU:ptn

Encls.

STRATHMORE  
ERASEWELL BOND  
25% COTTON FIBER U.S.A.

July 24, 1969

Mr. C. E. S. Burns  
Chairman and Members  
Land Use Commission  
State of Hawaii  
State Capitol  
Honolulu, Hawaii

Gentlemen:

Re: Special Use Permit Application No. 34 from  
Maui Asphalt Inc.

The Maui Planning Commission at its meeting of July 23, 1969, voted unanimously to approve the request by Maui Asphalt Inc. to construct and operate an asphalt batching plant in the Waikapu area adjacent to the quarrying operation by Maui Concrete and Aggregates Company. The approval is based on the stipulation that the Planning staff shall approve the actual construction plans so that proper landscaping may be provided and that air pollution shall be minimized to the extent that it will conform with State and Federal standards.

The Commission feels that it is more desirable to locate such noxious industry as an asphalt batching plant in the midst of the cane area rather than a built-up industrial zone. From the planning point of view, it is noted that one noxious industry can be detrimental to other industries within its vicinity.

Very truly yours,

ROBERT O. OHATA  
Planning Director

cc Ueoka & Vail  
cc Mr. Norman Saito, Maui Asphalt Inc.

MEYER M. UEOKA  
JOHN T. VAIL  
Associates  
B. MARTIN LUNA  
LAWRENCE N. C. ING

2121 MAIN STREET  
Post Office Box 433  
Phone: 33-761

**UEOKA & VAIL**  
ATTORNEYS AT LAW  
WAILUKU, MAUI, HAWAII 96793

July 28, 1969

RECEIVED  
JUL 29 1969  
State of Hawaii  
LAND USE COMMISSION

Mr. Ramon Duran  
Executive Secretary  
Land Use Commission  
State of Hawaii  
State Capitol  
Honolulu, Hawaii

Re: Application for Special Permit  
Maui Asphalt, Inc.

Dear Sir:

The Maui Asphalt, Inc., a Hawaii corporation, has applied for a special permit to construct and operate an asphalt plant at Waikapu, Maui.

Enclosed herewith please find 11 copies of Memorandum in support of the application for distribution to the members of the Commission.

Very truly yours,

*Meyer M. Ueoka*  
MEYER M. UEOKA

MMU:mas

Encls.

AIR MAIL  
SPECIAL DELIVERY

STATE OF HAWAII  
LAND USE COMMISSION

Kahului Library  
Kahului, Maui

August 1, 1969  
3:00 p.m.

STAFF REPORT

SP69-66 - MAUI ASPHALT, INC.

A special permit application to construct and operate an asphalt batching plant at Waikapu, Maui, has been filed by Maui Asphalt, Inc., a Hawaii corporation.

There is only one company engaged in asphalt-paving work on Maui and causes a severe hardship upon the people of Maui in having this service available. The County officials have recognized this difficulty and introduced two regulations in 1968, attempting to cope with this situation, copies of which have been circulated to the Commission.

The site for the asphalt plant is situated approximately one mile from the town of Waikapu. The nearest residences are approximately one mile away. The site is also located about 1,500 feet mauka of Honoapiilani Highway. Maalaea Bay is approximately four miles in distance.

The present land classification by the Land Study Bureau is "E" or very poor for agricultural productivity. The site is presently occupied by a quarry and stone crushing plant. Canefields exist between the site and the highway.

The asphalt plant would require an area approximately

*7/30/69 - Sent copy to petitioner (Meyer Uekas)*

150 feet x 200 feet. The proposed plant would be adjacent to the stone crushing plant, and the petitioners believe this is the most economical location insofar as crushed stone for the asphalt plant is concerned. The petitioners agree to plant trees around the operation to screen it from the highway. However, they point out that 20 months out of 24 months, the sugar cane growing makai of the site will screen the operation.

The Maui County Planning Commission at its meeting of July 23, 1969, voted unanimously to approve the request based on the stipulation that the planning staff shall approve the actual construction plans so that proper landscaping may be provided and air pollution shall be minimized to the extent that it will conform with State and Federal standards.

The County Planning Commission feels that it is more desirable to "locate such noxious industries as an asphalt batching plant in the midst of the cane rather than in a built-up industrial zone. From the planning point of view, it is noted that one noxious industry can be detrimental to other industries within its vicinity".

The Land Use Commission staff's analysis of the plan and request finds that such use will not be contrary to the objectives of the Land Use Law and Regulations; that the surrounding property will not be adversely affected; that such use would not burden public agencies; that unusual conditions, trends,

and needs have arisen since the district boundaries and regulations were established to justify this request; that the land upon which the proposed use is sought is unsuited for agricultural uses; that the proposed use will not substantially alter the character of the surrounding area; and that the proposed use will make the highest and best use of the land involved for the public welfare.

Therefore, it is recommended that this request be approved as recommended by the County with the additional stipulation that such plant shall be in operation within one year of Land Use Commission approval or the special permit will be automatically revoked.

Land Use Commission

-----  
P. O. Box 2359 • Honolulu, Hawaii 96804

July 30, 1969

Mr. Meyer M. Ueoka  
Ueoka & Vail  
Attorneys at Law  
2121 Main Street  
Wailuku, Maui, Hawaii 96793

Dear Mr. Ueoka:

The Land Use Commission next meets at 3 p.m. at the  
Kahului Library, Kahului, Maui, on August 1, 1969.

At that time the application by Maui Asphalt, Inc.  
for a special permit will be reviewed. Should you wish to  
attend, please feel free to do so.

Very truly yours,

RAMON DURAN  
Executive Officer

cc: Maui Planning Commission

*Cape-A*  
*Type-Erase*  
*26% COTTON FIBER*

Elmer F. Cravalho  
Mayor

PLANNING COMMISSION  
Yoshikazu Matsui, Chairman  
Motohisa Unemori, Vice-Chairman  
Joseph Franco  
G. Alan Freeland  
Adrian Hussey  
Kazuo Kage  
Ichiro Maehara  
John M. Fernandez, Ex-Officio  
Koichi Hamada, Ex-Officio



2931  
BOARD OF ADJUSTMENT  
& APPEALS

Joseph S. Medeiros, Jr., Chairman  
Peter Matsuoka, Vice-Chairman  
William Hong  
Ralph H. Moltzau  
Thomas Yagi

Robert O. Ohata, Planning Director  
Howard K. Nakamura, Dep. Pl. Dir.  
Eva M. Duponte, Adm. Asst.

COUNTY OF MAUI  
PLANNING DEPARTMENT

P. O. BOX 1487

KAHULUI, MAUI, HAWAII 96732

July 24, 1969

SP69-66

RECEIVED  
JUL 28 1969  
State of Hawaii  
LAND USE COMMISSION

Mr. C. E. S. Burns  
Chairman and Members  
Land Use Commission  
State of Hawaii  
State Capitol  
Honolulu, Hawaii

Gentlemen:

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The Commission feels that it is more desirable to locate such noxious industry as an asphalt batching plant in the midst of the cane area rather than a built-up industrial zone. From the planning point of view, it is noted that one noxious industry can be detrimental to other industries within its vicinity.

Very truly yours,

ROBERT O. OHATA  
Planning Director

cc Ueoka & Vail  
cc Mr. Norman Saito, Maui Asphalt Inc.

MEYER M. UEOKA  
JOHN T. VAIL  
Associates  
B. MARTIN LUNA  
LAWRENCE N. C. ING

**UEOKA & VAIL**  
ATTORNEYS AT LAW  
WAILUKU, MAUI, HAWAII 96793

2121 MAIN STREET  
Post Office Box 433  
Phone: 33-761

July 9, 1969

Mr. Robert Ohata  
Planning Commission  
County of Maui  
219 Naska  
Kahului, Maui, Hawaii 96732

RE: Maui Asphalt, Inc.  
Special Permit Application

Dear Mr. Ohata:

Enclosed herewith please find Xerox copies of the agreement and consent granted between Maui Asphalt, Inc. and Maui Concrete and Aggregates in regard to the above matter.

The applicant is presently also negotiating with Wailuku Sugar Company for more favorable terms and a longer lease than is presently existing. As soon as the agreement is documented, a copy will be forwarded to you.

Thank you for your cooperation.

Very truly yours,

LAWRENCE N. C. ING

LNCI:jh

Enclosures

June 4, 1969

Planning Commission  
County of Maui  
219 Naska  
Kahului, Hawaii 96732

Land Use Commission  
State of Hawaii  
Honolulu, Hawaii

Re: Maui Asphalt, Inc.

Gentlemen:

Please be advised that the undersigned hereby approves the request of Maui Asphalt, Inc. for a special permit to construct an asphalt plant at Waikapu, District of Wailuku, Maui, Hawaii.

Maui Concrete and Aggregates

By

  
Its

AGREEMENT made this 23<sup>rd</sup> day of April,  
1969, by and between MAUI CONCRETE AND AGGREGATES, the principal  
office and post office address of which is 8 Central Avenue,  
Wailuku, Maui, Hawaii, and NORMAN SAITO, of Wailuku, Maui,  
Hawaii.

WITNESSETH, that the parties above named do hereby  
mutually agree as follows:

1. The following terms, as herein used, shall have  
the following meanings:
  - a. "Vendor" - Maui Concrete and Aggregates who shall  
supply graded asphaltic concrete aggregates.
  - b. "Vendee" - Norman Saito.
  - c. "Asphaltic concrete aggregates or aggregates" -  
Particles of rock made by crushing larger sized  
rocks, into sizes, proportions and properties  
suitable to mix with asphalt for the manufacture  
of asphaltic concrete.
  - d. "Asphaltic concrete batching plant or batching  
plant" - A physical plant and appurtenant struc-  
tures for the preparation and mixing of the  
aggregates to manufacture asphaltic concrete.
2. The Vendor shall supply graded asphaltic concrete  
rock aggregates to the asphaltic concrete batching plant in  
three basic screen grades as specified for asphaltic concrete  
manufacture.

Measurement for payment shall be made on the basis of  
tonnage processed through the asphaltic concrete batching plant  
or on the scale located on the vendor's premise at the batch  
plant site with correction made for the weight of the asphalt.

Price for aggregates for the first 12 months starting

as of date of the asphaltic concrete manufacturing shall be:

- |    |      |             |                |
|----|------|-------------|----------------|
| a. | 1st  | 10,000 tons | \$3.60 per ton |
| b. | 2nd  | 10,000 "    | 3.40 " "       |
| c. | Over | 20,000 "    | 3.20 " "       |

Payment for the aggregates shall be made before the last day of the following month.

Prices of aggregates shall be adjusted yearly thereafter based on the cost of labor and fringe benefit increases on the premise that 1/2 of the aggregate price shall be the labor cost.

The Vendor shall provide a suitable area at the Waikapu rock crusher site to install and operate an asphaltic concrete batching plant.

The Vendor shall not sell aggregates to others for prices less than that prevailing for the said Vendee as determined above without the permission of the Vendee.

Before any transfer, sale, surrender, or other disposal of the Vendor's license or operation can be made, the same terms shall be offered to the Vendee for a period of 60 days. Such terms shall not be unreasonable for the sole purpose of accommodating a preferred purchaser.

The Vendor shall not surrender its license or abandon its operation without giving the Vendee a 12-month prior notice.

Vendor will not enter into any agreement with Wailuku Sugar Company amending the existing Indenture without adequate prior notice to the Vendee.

In the event that the Vendor shall relocate its present rock crusher site or shall open a new rock crusher site, Vendor shall grant to the Vendee an exclusive right to operate an asphalt plant within said rock crusher site by relocating its

present plant or by constructing a new asphalt plant, subject to the same terms and conditions contained herein, as modified by any amendments thereto.

3. Vendee shall have the right to examine the books and records of Vendor at any reasonable time.

Vendee will pay its pro rata share of the water costs.

Vendee will also pay its pro rata share of the cost of operating the scale at the rock crusher site, which scale shall be available for use by Vendee, together with the asphalt tank.

4. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and permitted assigns.

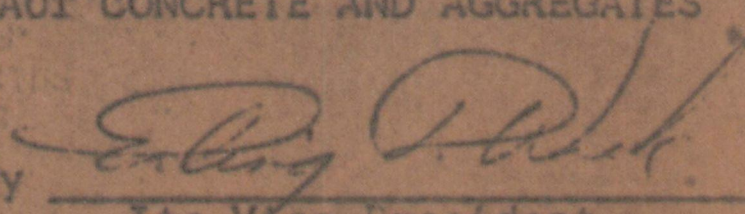
5. This Agreement shall run for a term or terms concurrent with the term or terms of the agreement between the Vendor and the Wailuku Sugar Company.

IT IS FURTHER AGREED by the parties hereto that in the event of any breach or default in any agreement contained herein, the defaulting party shall pay any reasonable attorney's fees incurred by the non-defaulting party as a result thereof, whether or not legal action is instituted by the non-defaulting party, and that all of the provisions hereof shall be binding upon and inure to the benefit of the parties hereto and their respective successors and permitted assigns.

IN WITNESS WHEREOF, the parties hereto have executed this instrument the day and year first above mentioned.

MAUI CONCRETE AND AGGREGATES

By

  
Its Vice President

Norman Saito  
NORMAN SAITO

STATE OF HAWAII }  
COUNTY OF MAUI } SS.

On this 23<sup>rd</sup> day of April, 1969, before me appeared ERLING P. WICK, to me personally known, who, being by me duly sworn, did say that he is the Vice President of MAUI CONCRETE AND AGGREGATES and that the seal affixed to the foregoing instrument is the corporate seal of said corporation, and that the instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors, and the said officer acknowledged the instrument to be the free act and deed of said corporation.

Setenko Kaneshina  
Notary Public, Second Judicial  
Circuit, State of Hawaii.

My commission expires: Dec. 7, 1971

STATE OF HAWAII }  
COUNTY OF MAUI } SS.

On this 23<sup>rd</sup> day of April, 1969, before me personally appeared NORMAN SAITO, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same as his free act and deed.

Setenko Kaneshina  
Notary Public, Second Judicial  
Circuit, State of Hawaii.

My commission expires: Dec. 7, 1971



△ WAIKAPU CHURCH

SEC. 5 PLAT 04

WAIKAPU

STREAM

Wailuku Sugar Co  
2250 Ac

WAIKAPU

L.C. No. 63852  
Wailuku Sugar Co.  
250.16 Ac.  
(240.29 ac)

L.C. No. 3440-2  
Plot 05

PLAT 05

PLAT 06

PLAT 05

PLAT 07

Roadway  
Ditch

Reservoir

Reservoir

Reservoir

Railroad  
Plantation

8 4 4

Gr. 1844

Gr. 2960

Gr. 3043

Approx. 1 mile

Reservoir

Road

**SITE FOR ASPHALT PLANT**

Scale: 1 in. = 1000 ft. (Approx.)

K

A

Approx. size  
150' x 200'



Roadway  
Ditch

WAILUKU - LAHAUNA ROAD  
HAYASHI CAMP

PLAT 02

Center

Gulch

INSTRUCTIONS:

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

MAUI PLANNING 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	_____
Notice published	_____
Public hearing	_____
Recommendation to LUC	_____
Action by State LUC	_____
County & Appl. notified	_____

A. Description of Property: (1) Tax Map Key No. 3-6-04-2  
 (2) Lot Area 30,000 sq ft (3) Location Waikapu, Maui, Hawaii

B. Ownership: (1) Owner's name Wailuku Sugar Company  
Maui Concrete  
 (2) Lessee's name \_\_\_\_\_ and Aggregates \_\_\_\_\_ (3) Unexpired term 6 years

C. Request: (1) State request briefly and exactly: Special permit  
for purpose of construction of an asphalt plant for manufacture  
of asphalt within an area classified as agricultural district.

(2) Reasons justifying granting of request: (a) The area, although  
designated agricultural, is not so suited and is presently used  
for quarry purposes. (b) The plant will be adjacent to existing  
stone crushing plant. (c) The nearest residence is approximately  
one mile away. (d) There will be no odor nor will there be excess  
smoke or dust. (e) The proposed site is about 500 yards from the  
highway and will be surrounded by trees, plus 20 months out of 24,  
the sugar cane will also block visibility from the highway.  
 (f) The applicant is a corporation formed by local residents to  
fulfill a need in the community.

D. Applicant: (1) Name MAUI ASPHALT, INC.  
 (2) Address 2158 Main St., Wailuku, Maui (3) Telephone 33761  
 (4) Signature Meyer M. Ueha, its attorney

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 \_\_\_\_\_



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7. Maui County Council Resolution . . . . .	Exhibit A
8. Maui County Council Resolution . . . . .	Exhibit B
9. Petitioner's Application . . . . .	Exhibit C

## Introduction

Maui, the "Valley Isle", is the second largest island in the Hawaiian Chain, having an area of approximately 729 square miles and extreme dimensions of 48 miles long and 26 miles wide. The population of Maui is estimated at approximately 41,500.

Tourism has become the island's greatest growth industry. Visitor accommodations on Maui have increased more than 600% since 1960. With the announced new transpacific route being given to five additional airlines, a greater boom can be expected. A recent estimate at the number of visitors to Hawaii in 1975 has been stated to be 5 million, almost five times those coming now.

Business activity in 1968 continued to advance vigorously over previous year. Major construction as to hotels, condominiums, and apartment set new levels of unprecedented growth. Building permits for single family dwellings also reached new peaks. With the above stated growth, the construction industry will be hard pressed to meet the demands of Maui County.

However, in the County of Maui at the present time, there is just one company engaged in asphalt paving work. This definitely works a hardship upon the people of the County of Maui and puts them at a distinct disadvantage in having this service available.

The County officials have recognized this problem and in 1968, the Council passed two resolutions in regard to this

matter. The first resolution (Exhibit A) stated that the County found it less expensive to negotiate contracts than let them out for bid where asphalt paving was concerned, as there was only one company bidding, and authorized contracts to be issued without the normal bidding. The second resolution (Exhibit B) acted upon by the County Council, requested the State Legislature enact legislation authorizing the County of Maui to establish and operate its own plant to produce material to macadamize their roads.

Clearly the County of Maui, in an era of unprecedented rate of growth in population and economy, is in need of such an asphalt plant as proposed by the petitioner.

### Petitioner's Proposed Plant

Maui Asphalt, Inc., a Hawaii corporation, owned by Maui residents, have petitioned the County of Maui and the State of Hawaii for a special permit to construct an asphalt plant for the manufacture of asphalt in an area located within an agricultural zone.

The site chosen for the asphalt plant by the petitioners is situate approximately one mile from residences in Waikapu. Waikapu town, in turn, is two miles south on Honoapiilani Highway from the County capital of Wailuku and four miles north on said highway from Maalea Bay. (See Map of Maui on page 4.)

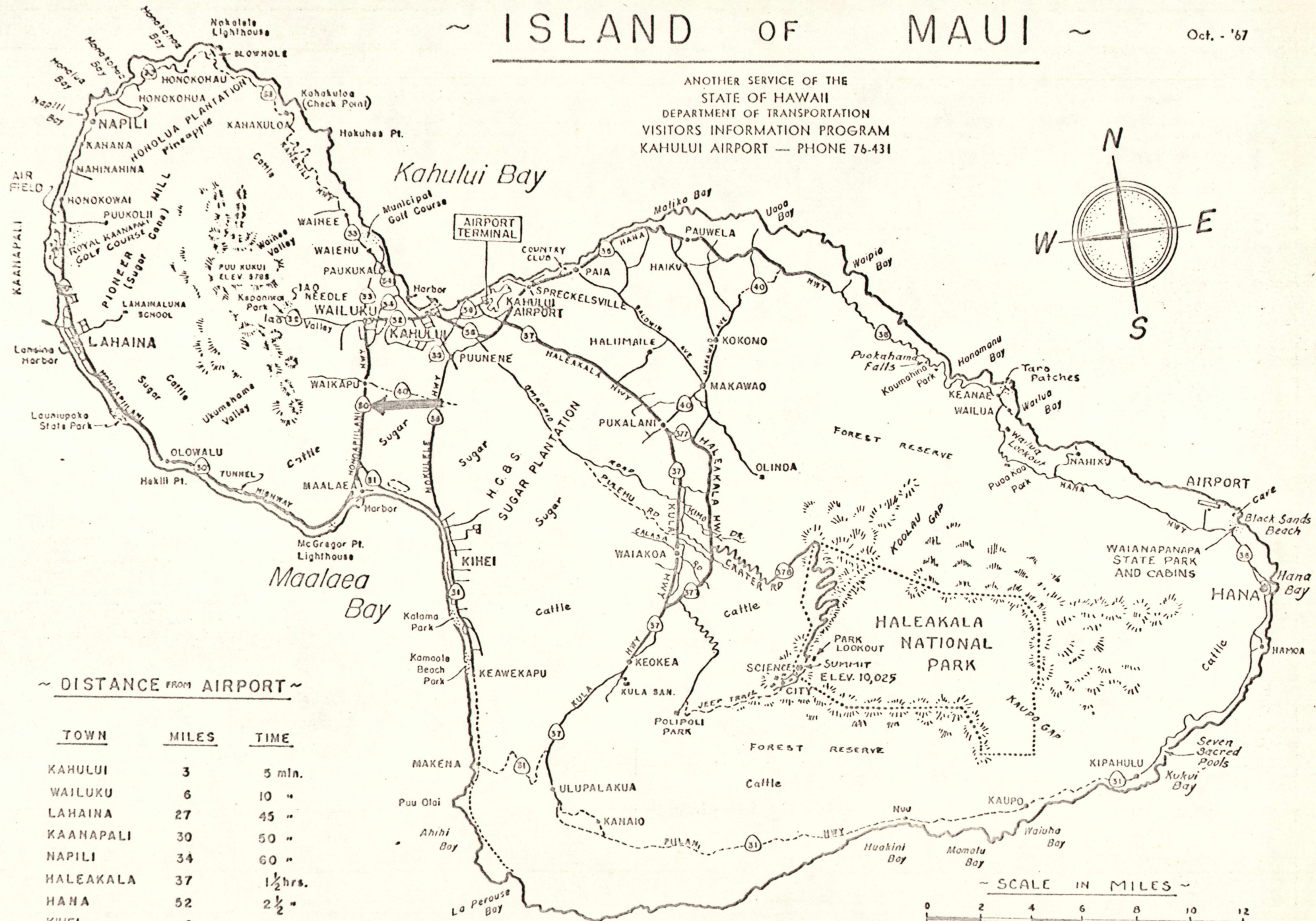
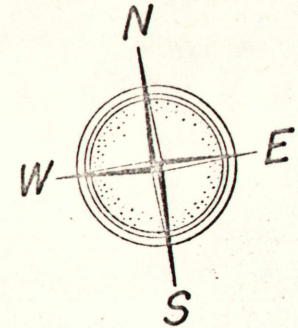
The land area, although designated agricultural is not so suited due to its strong condition and is in fact, presently used for quarry purposes by another firm--Maui Concrete and Aggregates. To allow a special permit use in this immediate area would not do violence to the concept of preserving for agricultural use the parcels of land best suited for such.

The proposed plant and companion operations will be adjacent to an existing stone-crushing plant run by said Maui Concrete and Aggregates. This is economically the best location insofar as the crushed stone would be transported the shortest distance for use by the asphalt plant. The plant's location would be about 500 yards from Honoapiilani Highway and would be surrounded by trees to be planted by the petitioner. However, even without the trees, the sugarcane growth would block visibility from the motorists on the highway for twenty (20) months

# ~ ISLAND OF MAUI ~

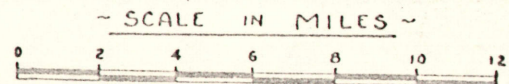
Oct. - '67

ANOTHER SERVICE OF THE  
STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION  
VISITORS INFORMATION PROGRAM  
KAHULUI AIRPORT — PHONE 76-431



~ DISTANCE FROM AIRPORT ~

TOWN	MILES	TIME
KAHULUI	3	5 min.
WAILUKU	6	10 "
LAHAINA	27	45 "
KAANAPALI	30	50 "
NAPILI	34	60 "
HALEAKALA	37	1 1/2 hrs.
HANA	52	2 1/2 "
KIHEI	6	20 min.
MAALAEA	6	20 min.

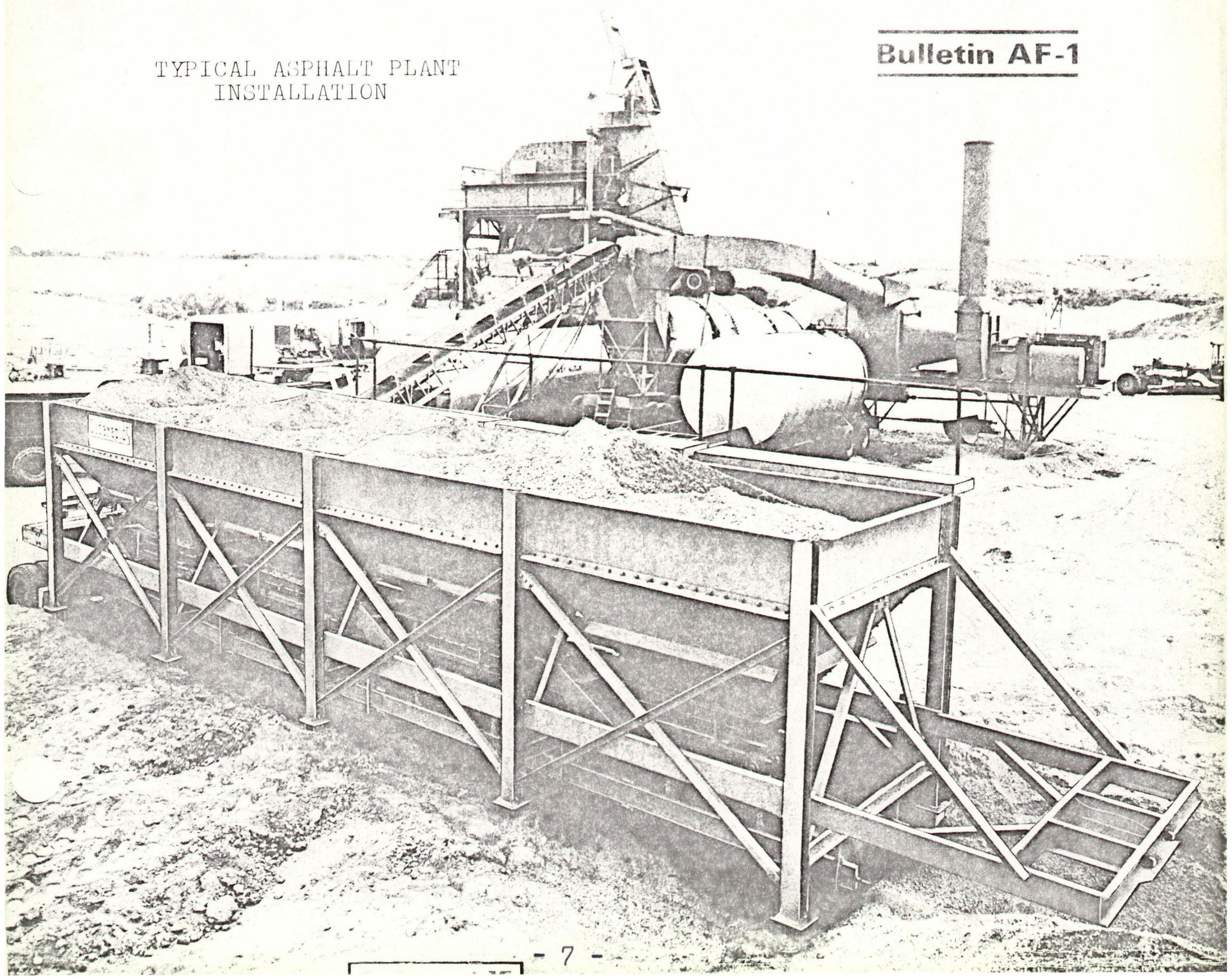


out of every twenty-four (24). (See neighborhood Map on Page 6.)

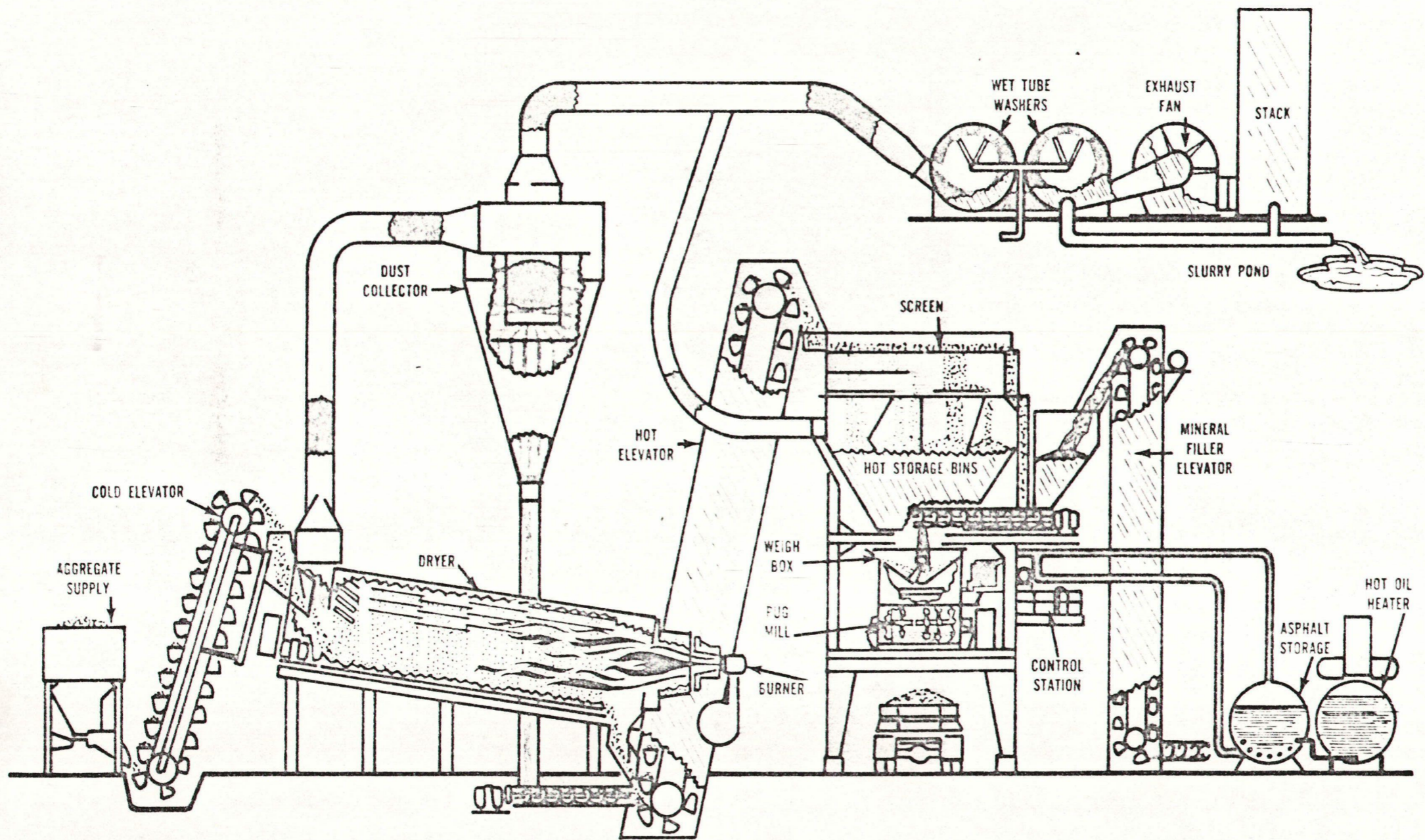
The plant would cover approximately 30,000 square feet. The height of the structure would be 43 feet. There would be no odor, nor measurable smoke from the plant operations. There may be a small amount of water vapor, but this would be kept to a minimum by the latest technical improvements and whatever vapor produced would be white in color. Any dust problem will also be kept to the smallest degree, and the petitioner will make all attempts to maintain the strict Federal pollution standards.

TYPICAL ASPHALT PLANT  
INSTALLATION

Bulletin AF-1



ASPHALT PLANT  
FLOW DIAGRAM



February 16, 1968

# Resolution

No \_\_\_\_\_ Introduced By \_\_\_\_\_ Supervisor

WHEREAS, Hawaiian Bitumuls & Paving Company, Limited is the only company engaged in asphalt-concrete paving work on the island of Maui; and

WHEREAS, Molokai Rock & Equipment, Inc. is the only company engaged in asphalt-concrete paving work on the island of Molokai; and

WHEREAS, it has been the experience of the County of Maui that it is less expensive for the County to negotiate contracts with Hawaiian Bitumuls & Paving Company, Limited and Molokai Rock & Equipment, Inc. than to ask for bids on asphalt-concrete paving work; and

WHEREAS, under the provisions of Section 9-22, Revised Laws of Hawaii 1955, as amended, the Board of Supervisors of the County of Maui may authorize expenditures in excess of \$4,000 without the necessity of calling for bids when the situation warrants such action; and

WHEREAS, in many instances asphalt-concrete paving work can be done least expensively when the above-named companies are working in areas where County projects are scheduled; and

WHEREAS, in some instances prior approval of the Board of Supervisors to negotiate contracts with the above-named companies becomes impossible; now, therefore,

BE IT RESOLVED by the Board of Supervisors of the County of Maui that it does hereby authorize the County Engineer and the County Chairman and Executive Officer to proceed with formal

Resolution No. \_\_\_\_\_

negotiations between the County of Maui and the said Hawaiian Bitumuls & Paving Company, Limited and Molokai Rock & Equipment, Inc., respectively, whenever A.C. paving projects have been approved by the Public Works Committee and the Board of Supervisors, without further specific authorization for each project so approved; and

BE IT FURTHER RESOLVED that all negotiated contracts obtained in the foregoing manner shall be subsequently submitted to the Public Works Committee and/or other appropriate Standing Committee for review and necessary appropriation of funds prior to final acceptance of same and final authorization by the Board of Supervisors for the Chairman and Executive Officer to duly execute such negotiated contracts on behalf of the County of Maui; and

BE IT FURTHER RESOLVED that the County Engineer and the Chairman and Executive Officer be hereby authorized to enter into negotiated contracts with Hawaiian Bitumuls & Paving Company, Ltd. for the following projects, which were previously approved by the issuance of purchase orders and/or adoption of committee reports only:

1. Baldwin High Upper Campus Court...\$ 4,540.00 (State)
2. Honokohua Basketball Court.....\$ 4,450.00 (State)
3. Kula Elementary Basketball Court..\$ 4,600.00 (State)
4. Malahi Road (Upper Waiehu).....\$17,472.24 (County)

AND BE IT FURTHER RESOLVED that certified copies of this resolution be transmitted to the County Engineer, the County Chairman, the County Auditor and the Public Works Committee,  
Seconded by \_\_\_\_\_ Supervisor

BOARD OF SUPERVISORS - COUNTY OF MAUI									
WAILUKU, HAWAII									
MEMBERS	Elmer F. CRAVALHO CHM.	Richard I. C. CALDITO	Goro HOKAMA	Soon Oak LEE	Marco M. MEYER	Lanny H. MORISAKI	Wilfred M. TAVARES	Bernard H. TOKUNAGA	Yoneto YAMAGUCHI
AYES									
NOES									
AB.									
EX.									
Adopted on the _____ day of _____ 19____.					I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF RESOLUTION NO. _____ THE ORIGINAL OF WHICH IS NOW ON FILE IN THE OFFICE OF THE COUNTY CLERK, COUNTY OF MAUI, STATE OF HAWAII. DATED THIS _____ DAY OF _____ 19____.				

# Resolution

October 18, '68

No \_\_\_\_\_ Introduced By \_\_\_\_\_ Supervisor

WHEREAS, the County of Maui has to rely exclusively on a single Honolulu-based company to macadamize county roads; and

WHEREAS, said company operates on Maui only at certain times of the year; and

WHEREAS, at times county roads have to be repaired and macadamized without any delay; and

WHEREAS, it may be practical and economical for the county to establish and operate its own plant to produce material to macadamize roads; and

WHEREAS, however, the laws of the State of Hawaii must be changed to permit the County of Maui to establish and operate its own plant to produce material to macadamize roads; now, therefore,

BE IT RESOLVED by the Board of Supervisors of the County of Maui that it does hereby respectfully request the legislature of the State of Hawaii to seriously consider enacting legislation, including the amendment of Section 9-21 and 9-22, R.L.H. 1955, as amended, to permit the county to establish and operate its own plant to produce material to macadamize roads; and

BE IT FURTHER RESOLVED that certified copies of this resolution be transmitted to the Governor of the State of Hawaii, to the President of the Senate, to the Speaker of the House, and to each legislator from the County of Maui serving in the next legislature of the State of Hawaii.

## BOARD OF SUPERVISORS - COUNTY OF MAUI

WAILUKU, HAWAII

MEMBERS	Elmer F. CRAVALHO CHM.	Richard I. C. CALDITO	Goro HOKAMA	Soon Oak LEE	Marco M. MEYER	Lanny H. MORISAKI	Wilfred M. TAVARES	Bernard H. TOKUNAGA	Yoneto YAMAGUCHI
AYES									
NOES									
AB.									
EX.									

Adopted on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

Exhibit B

I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF RESOLUTION NO. \_\_\_\_\_ THE ORIGINAL OF WHICH IS NOW ON FILE IN THE OFFICE OF THE COUNTY CLERK, COUNTY OF MAUI, STATE OF HAWAII.  
DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 19\_\_\_\_.

May 27, 1969

Mr. Yoshikazu Matsui, Chairman,  
and Members of the Maui  
County Planning Commission  
Kahului, Maui, Hawaii 96732

Gentlemen:

The Maui Asphalt, Inc., a Hawaii corporation, which is owned by Maui residents, hereby applies for a special permit to construct an asphalt plant for the purpose of manufacturing asphalt in the area designated on the map attached hereto and by reference made a part hereof. The asphalt plant will be approximately 150 feet by 200 feet and is located within an agricultural zone. The area involved, although designated as agricultural, is not suitable for agricultural purposes because of the stony condition. The asphalt plant will be constructed adjacent to the stone crushing plant which is owned by Maui Concrete & Aggregates, Inc.

Your favorable action will be greatly appreciated.

Very truly yours,

MEYER M. UEOKA

MMU:mas

Encl.

△ WAIKAPU CHURCH

SEC. 5, PLAT 04

WAIKAPU

STREAM

Wailuku Sugar Co  
6250 AC

WAIKAPU

PLAT 03

PLAT 06

PLAT 05

PLAT 07

L.C. No. 6383  
SUGAR CO.  
250.16 AC.  
(040.89 ac)

L.C. No. 3440:2  
Plot 05

Roadway  
Ditch

Reservoir

Reservoir

Reservoir

Reservoir

Plantation

1 8 4 4

Gr. 1844

Gr. 2360

Gr. 3043

Ditch

Approx. 1 mile

Reservoir

Road

SITE FOR ASPHALT PLANT

Scale: 1 in. = 1000 ft. (Approx.)

K

A

A

Approx. size  
150' x 200'

WAILUKU - LAHAUNA ROAD  
Hitachi Camp

Center of Gulch

PLAT 02

INSTRUCTIONS:

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

MAUI PLANNING 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	_____
Notice published	_____
Public hearing	_____
Recommendation to LUC	_____
Action by State LUC	_____
County & Appl. notified	_____

A. Description of Property: (1) Tax Map Key No. 3-6-04-2  
 (2) Lot Area 30,000 sq ft (3) Location Waikapu, Maui, Hawaii

B. Ownership: (1) Owner's name Wailuku Sugar Company  
Maui Concrete  
 (2) Lessee's name and Aggregates (3) Unexpired term 6 years

C. Request: (1) State request briefly and exactly: Special permit  
for purpose of construction of an asphalt plant for manufacture  
of asphalt within an area classified as agricultural district.

(2) Reasons justifying granting of request: (a) The area, although  
designated agricultural, is not so suited and is presently used  
for quarry purposes. (b) The plant will be adjacent to existing  
stone crushing plant. (c) The nearest residence is approximately  
one mile away. (d) There will be no odor nor will there be excess  
smoke or dust. (e) The proposed site is about 500 yards from the  
highway and will be surrounded by trees, plus 20 months out of 24,  
the sugar cane will also block visibility from the highway.  
 (f) The applicant is a corporation formed by local residents to  
fulfill a need in the community.

D. Applicant: (1) Name MAUI ASPALT, INC.  
 (2) Address 2158 Main St., Wailuku, Maui (3) Telephone 33761  
 (4) Signature Meyer M. Ueha, its attorney

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 \_\_\_\_\_