

BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Petition of )  
HAWAIIAN CEMENT )  
For a Special Permit to Allow a )  
Rock Quarrying/Crushing Operation )  
and Related Uses on Approximately )  
45.957 Acres on Land Situated )  
Within the State Land Use )  
Agricultural District at Pulehunui, )  
Wailuku, Maui, Tax Map Key No.: )  
3-8-08: portion of 1 and portion )  
of 31 )

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DOCKET NO. SP92-380  
HAWAIIAN CEMENT

JUL 13 10 43 AM '92  
LAND USE COMMISSION  
STATE OF HAWAII

FINDINGS OF FACT, CONCLUSIONS OF LAW,  
AND DECISION AND ORDER

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Agricultural District at Pulehunui,	)	
Wailuku, Maui, Tax Map Key No.:	)	
3-8-08: portion of 1 and portion	)	
of 31	)	

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FINDINGS OF FACT, CONCLUSIONS OF LAW,  
AND DECISION AND ORDER

Hawaiian Cement (hereinafter "Applicant") initiated this proceeding pursuant to Section 205-6, Hawaii Revised Statutes, as amended, (hereinafter "HRS") and subchapter 12 of Chapter 15-15, Hawaii Administrative Rules. The Land Use Commission (hereinafter "LUC"), having considered the entire record on this matter, hereby makes the following findings of fact, conclusions of law, and decision and order:

FINDINGS OF FACT

PROCEDURAL MATTERS

1. The special permit application (hereinafter "Permit") to allow a rock quarrying/crushing operation and related uses on approximately 45.957 acres at Pulehunui, Wailuku, Maui was filed by the Applicant with the County of Maui Planning Department (hereinafter "Department") on October 1, 1991.

2. The Department transmitted the application to the Department of Public Works (hereinafter "DPW") as part of the standard submittal procedures for all permit applications. The application was deemed to be complete and ready for processing by the DPW on October 4, 1991.

3. The Maui County Planning Commission (hereinafter "Planning Commission") conducted a public hearing on the Permit on February 11, 1992 pursuant to notice published in the Maui News on January 10, 1992. The Planning Commission did not receive any public testimony on the Permit.

4. On February 11, 1992, the Planning Commission recommended approval of the Permit to the LUC subject to 11 conditions. The LUC received the record of the County's proceedings on the Permit on April 14, 1992.

#### PERMIT BACKGROUND

5. On December 28, 1979, the Board of Land and Natural Resources (hereinafter "BLNR") granted Allied Hauling, Inc.'s (hereinafter "Allied") request for a land license (Land License No. S-291) (hereinafter "License") for quarrying operations on a portion of the present Permit area. This License expires on October 16, 1993 and was subject to the concurrence of Alexander & Baldwin, Inc.

6. At its meeting on April 21, 1982, the LUC approved a special permit (SP82-354) (hereinafter "Special Permit") for Allied to operate a rock crushing and concrete batching plant at



its licensed area. The Special Permit was subject to seven conditions as specified in the order:

- "1. That the Special Use Permit be nontransferable and limited to a period of 5 years. Further extensions may be granted upon favorable review by the Maui Planning Commission.
- "2. That the uses of the subject property shall be limited to rock crushing, quarrying and concrete batching operations only, as proposed by the subject Special Use Permit application.
- "3. That the applicant, prior to construction and operation, comply with the following requirements of the Department of Public Works as per their Memorandum dated February 3, 1982:
  - a. That a detailed drainage and erosion control plan including, but not limited to, hydrologic and hydraulic calculations, scheme for controlling erosion and disposal of runoff water, and an analysis of the soil loss using the HESL erosion formula, be submitted for review and approval by the Maui Department of Public Works.
  - b. That the project conform to the Maui Off-Street Parking and Loading Ordinance.
  - c. That the lot be subdivided per the County's Subdivision Ordinance.
  - d. That the access road be improved with a minimum pavement width of twenty (20) feet and graded shoulders.
  - e. That the intersection of the access road with Mokulele Highway be addressed relative to providing adequate sight distance, road signage, etc.
- "4. That the applicant, prior to construction, submit a detailed water consumption and development program for approval by the Director of Planning, County of Maui.
- "5. That the applicant comply with State Department of Health, Air Pollution Control regulations.

"6. That all other Federal, State and County requirements be met.

"7. The applicant shall commence quarrying operations within one year from the effective date of approval of the Special Permit by the Land Use Commission."

7. On May 24, 1985, the BLNR approved a consent document between Allied and M. Funes Concrete, Inc. (hereinafter "Funes") to allow Funes to conduct quarrying operations on a 40.341 acre portion of Allied's Special Permit area with the balance of 5.616 acres to be retained by Allied. The term of the operating agreement between Allied and Funes extended from July 1, 1985 to April 16, 1993.

8. On January 5, 1988, under Docket No. SP87-367/ Allied Hauling, Inc., the LUC approved Allied's request of a five-year extension to the life of its Special Permit to October 16, 1993, (the termination date of Allied's License agreement with the State of Hawaii), subject to 11 conditions:

- "1. That said operation shall be limited to quarrying, rock crushing, and concrete batching and shall be valid until October 16, 1993, the time when the applicant's land license agreement with the State of Hawaii terminates. Time extensions may be granted upon timely request and favorable review by the Maui Planning Commission and the State Land Use Commission.
- "2. That appropriate measures shall be taken to mitigate potential adverse impacts relative to soil erosion from wind and rain, ambient noise levels, and traffic disruptions.
- "3. That full compliance with the requirements of the Department of Public Works in their memo dated November 10, 1987 shall be rendered unless written verification be submitted to the Planning Department that the conditions have been modified or deleted.



- "4. That the Special Use Permit shall be valid only for the uses as approved and in accordance with plans submitted therein.
- "5. That the uses or structures allowable by the Special Use Permit shall not be expanded or increased in size or area or changed to another special use, unless authorized by law, utilizing the proper procedures.
- "6. In the event any historic, archaeological, or cultural sites, remains, artifacts, or resources are discovered, work shall stop and the State Historic Site Office, Department of Land and Natural Resources, the Office of Hawaiian Affairs, and the County Planning Department shall be duly notified to advise of appropriate action.
- "7. That upon termination of operations depleted and excavated areas shall be graded to blend with the surrounding natural contours and that appropriate vegetative cover consisting of trees, shrubs, and groundcover shall be established.
- "8. That this permit shall be non transferable (Allied Hauling holding the land license agreement and M. Funes Concrete, Inc. being the Operator) unless prior approval has been obtained from the Planning Commission, the State Land Use Commission, and the Board of Land and Natural Resources.
- "9. In the event that any of the conditions of this permit are breached the applicant/permittee shall be served a written notice by the Planning Department or appropriate County enforcement agency and shall be required to cease all operations from and after receipt of said notice of the Planning Commission to address the breach of conditions. If no appeal is duly filed by the applicant, the Planning Commission shall revoke the subject Special Use Permit.
- "10. That the project shall conform to the requirements of any other applicable Federal, State, and County statutes, ordinances, rules, and regulations or codes.
- "11. Petitioner shall incorporate the above Special Permit Conditions Numbers one through ten in its operating agreement with the Operator, M. Funes Concrete, Inc."

9. On January 11, 1988, the Applicant acquired all the shares of stock in Funes (Funes is now a wholly-owned subsidiary of the Applicant).

10. On July 14, 1989, the BLNR approved Allied's request to revise the boundaries of its licensed area to include lands to its immediate east, which were believed to contain larger quantities of rock material, and to delete the northern portion of the licensed area. The licensed area, which was originally identified as Tax Map Key No.: 3-8-08: portion of 1 (and subsequently identified as Tax Map Key No.: 3-8-08: 31 due to the subdivision of parcel 1), was now composed of Tax Map Key No.: 3-8-08: portion of 1 and portion of 31. Although the boundaries of the licensed area were reconfigured, the land area remained approximately 45.957 acres.

11. With the pending expiration on April 16, 1993 of the operating agreement between Allied and Funes, as well as of both the Special Permit and the License granted to Allied on October 16, 1993, the Applicant petitioned the Planning Commission for its own special permit on Allied's reconfigured licensed area to operate and expand the quarry's facilities. The Applicant has already applied to the BLNR for a license to remove and sell rock from the quarry. Upon the issuance of the license and special permit to the Applicant, Allied plans to surrender its License and Special Permit.



#### DESCRIPTION OF THE PROPERTY AND SURROUNDING AREAS

12. The Permit area, approximately 45.957 acres, is located one mile east off of Mokulele Highway and three miles south of Pu'unene. It is identified as Tax Map Key No.: 3-8-08: portion of 1 and portion of 31 (hereinafter "Property").

13. The Property is owned by the State of Hawaii. Alexander and Baldwin, Inc. has a general lease (S-4197) for the Property and surrounding areas for sugarcane cultivation.

14. Access to the area from Mokulele Highway is along Kamaaina Road, onto a cane haul road, and through an access easement on the adjoining lot. The total road distance from the highway to the Property is approximately two miles.

15. To the north, south, and east of the Property are cane fields. An irrigation reservoir and the Maui Factors Pig Farm lie to the west of the Property. Another quarry operated by the Applicant abuts the Property's eastern boundary. This rock quarry was conditionally approved by the LUC under Special Permit No. SP90-376/Hawaiian Cement by order issued on October 17, 1990.

16. Average rainfall in the area is between 20-30 inches annually.

17. Runoff from sugarcane fields above the Property is directed to Kolaloa Gulch by existing diversionary ditches.

18. According to the U.S. Department of Agriculture, Soil Conservation Service, the predominant type of soil at the Property belongs to the Waiakoa and Pulehu series. The Waiakoa



series includes stony silty clay loam (WGB & WhB). The Pulehu series includes clay loam and cobly clay loam (PsA & PtA) and silt loam and cobly silt loam (PbB & PrB).

19. The slope of the Property averages two to three percent.

20. According to the Land Study Bureau's Detailed Land Classification system, the Property has an overall master productivity of "E".

#### DESCRIPTION OF THE PROPOSED USE

21. The Applicant proposes to continue the existing rock crushing and concrete batching plant operations, as well as provide additional operations of concrete and asphalt batching plants and related concrete and asphaltic products. The Applicant is requesting that the Permit be granted for ten years to allow for sufficient time in upgrading the existing concrete batching plant and support facilities and establish additional production and services, resulting in competitive prices for the Maui consumer.

#### STATE AND COUNTY PLANS AND PROGRAMS

22. The State Land Use District Classification of the Property is Agricultural, as reflected on State Land Use District boundary map, M-8, Puu O Kali.

23. The County of Maui zoning designation is Agriculture.

24. The Kihei-Makena Community Plan designates the Property as Agriculture.

25. The Property is not located within the County's Special Management Area.

SUMMARY OF STATE AND COUNTY AGENCIES COMMENTS

26. The DPW offered the following comments on the Applicant's request (Exhibit 3):

- "1. That a detailed drainage and erosion control plan including, but not limited to, hydrologic and hydraulic calculations, scheme for controlling erosion and disposal of runoff water, and an analysis of the soil loss using the HESL erosion formula, be submitted for our review and approval. The plan shall provide verification that the grading and runoff water generated by the project will not have an adverse effect on the adjacent and downstream properties. Also, measures to address the overflows of the ponding area shall be provided.
- "2. That paved parking spaces be provided per the County's Off-Street Parking and Loading Ordinance.
- "3. That a sight distance analysis and traffic assessment be conducted to determine if a left turn lane is warranted at the project's access onto Mokulele Highway.
- "4. That the developer shall submit a solid waste management plan acceptable to the Department of Public Works to include the following:
  - a. Solid waste reduction, re-use and recycling programs to reduce the amount of solid waste to be disposed of at the County landfills.
  - b. All yard debris shall be composted and re-used on their landscape plantings.
  - c. Alternatives means of disposal of grubbed material and rock shall be utilized other than disposed of at the County landfills.

For additional information, the developer is requested to contact the Solid Waste Division.



"5. That the subject parcel may need to be subdivided. The applicant is requested to submit copies of the lease, rental, license, and other related documents for our review."

27. The Department of Land and Natural Resources, Historic Preservation Division (hereinafter "DLNR") offered the following comments (Exhibits 4 & 5):

"We believe that this (special permit) application will have 'no effect' on significant historic sites. There are no known historic sites within this property and previous archaeological surveys on adjacent parcels identified no historic sites."

28. The State Department of Transportation, Highways Division (hereinafter "DOT") offered the following comments (Exhibit 6):

- "1. Mokulele Avenue will be turned over to the state soon. We request the opportunity to review all requests and/or applications of abutting land parcels to ensure that negative impacts are minimized;
- "2. The intersection of Mokulele Avenue and the plantation road (quarry access road) needs to be maintained regularly. The intersection contains loose aggregates that may have fallen from trucks hauling aggregates from the quarry;
- "3. The presence of the company sign at the intersection needs to be evaluated. It may be a violation of the outdoor advertising statutes;
- "4. The proposed operation is located mauka of the highway, which is flooded regularly. The applicant shall make sure that no additional runoff created by its operation be added into this plain. Diverting runoff to the adjacent gulches will contribute to this problem. We recommend that the onsite retention basin be designed to store more than 10 year, 1 hour storm runoff; and,

- "5. Design of intersection geometrics should be verified if it meets current design standards. If the intersection was designed for agricultural equipment crossing only, existing geometrics may not be adequate for heavy vehicles, say WB50, to execute the required movements without affecting the mainstream traffic. Auxiliary lanes may need to be constructed to mitigate this problem; and,
- "6. We request the opportunity to review roadway improvement plans, if any."

29. The State Department of Health, Maui District Health Office (hereinafter "DOH") had no objections to the Permit, and commented that the rock crushing and asphalt batching plants would require air pollution control permits.

#### SOCIO-ECONOMIC IMPACTS

30. The quarry provides another source of concrete and crushed rock at competitive prices to the local building and construction firms. Many jobs are directly and indirectly affected by the quarry and rock crushing plant.

#### IMPACTS UPON THE RESOURCES OF THE AREA

##### Agricultural Resources

31. Prior use of the area has been as a rock and cinder quarry. The land has poor productivity potential for most agricultural uses.

##### Flora and Fauna

32. Inasmuch as the area has previously been used as a rock quarry and the surrounding lands remain under sugarcane cultivation, the effects of the continued quarrying operations on flora and fauna will be minimal. There are no rare, threatened, or endangered species of flora or fauna on the Property.



### Scenic Resources

33. The existing quarry is not located near any urbanized areas and is not visible from any major roads.

### Archaeological and Cultural Resources

34. The continuance of the quarry mining and rock crushing plant operations will have "no effect" on historical sites since no known historic sites occur within the Property. Earlier archaeological surveys on adjacent parcels identified no historic sites.

### ADEQUACY OF PUBLIC FACILITIES AND UTILITIES

#### Highways and Roadway Facilities

35. The intersection of Mokulele Highway and the plantation road needs to be maintained regularly because of the presence of loose aggregates on the road, which may have fallen from trucks hauling aggregates from the quarry. The design of the intersection geometrics should be verified to determine whether it meets current design standards. Auxiliary lanes may be necessary to handle heavy vehicles associated with quarry activity if the intersection is designed for agricultural equipment crossing only.

#### Drainage

36. Due to the periodic flooding of the highway, an on-site retention basin designed to store more than a hypothetical ten year-one hour storm runoff is recommended by the DOT as a preventive measure.

### Water

37. Existing water is being supplied by an on-site non-potable well with potable water being brought in. The Property is not currently being serviced by the Department of Water Supply.

### Solid Waste

38. The nearest landfill site is located at Pu'unene. The DPW has requested that a solid waste management plan be submitted by the Applicant to the DPW with the following requirements: a) solid waste reduction, reuse, and recycling programs to reduce solid waste; b) all yard debris shall be composted and reused on their landscape plantings; c) alternative means of disposal of grubbed material and rock shall be utilized other than disposed of at the County landfills; and d) refuse collection shall be by a private collector.

### Sewage

39. Sewage disposal is currently handled through an on-site cesspool. No further improvements will be required by the DOH.

### Police and Fire Protection

40. A fully manned police station is located in Wailuku approximately seven miles from the Property. A fully manned fire station is located at Kahului approximately 4.5 miles from the Property.



## Electricity and Telephone Service

41. Electrical and telephone services are currently available to the Property from overhead lines within the immediate area.

## CONFORMANCE WITH SPECIAL USE PERMIT TESTS

42. The Department did not offer any specific comments with respect to the Permit's conformance with the Special Use Permit Tests. The LUC finds that the Permit conforms with the criteria as follows:

1. The use shall not be contrary to the objectives sought to be accomplished by Chapter 205 and Chapter 205A, HRS, and Chapter 15-15, Hawaii Administrative Rules.

The potential for agricultural activity on the Property is poor. The Land Study Bureau's Detailed Land Classification designates the Property with an overall master productivity of "E".

The area has been the site of a rock and cinder quarry for the past ten years.

According to the Kihei-Makena Community Plan, Special Permits in the State Agricultural District may be allowed only to accommodate extractive industries, such as quarrying, where the operation would not adversely offset the environment or surrounding agricultural uses. The proposed use is an extracting industry that would not adversely impact the environment and surrounding agricultural uses provided appropriate mitigative measures are incorporated.

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

Prior use of the area as a rock and cinder quarry has not adversely affected surrounding properties nor precluded other viable agricultural activities in the area.

3. The use would not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage and school improvements, and police and fire protection.

The proposed use would not unreasonably burden public agencies to provide additional infrastructure. There are adequate facilities existing to serve the proposed use. Mitigative measures have been proposed in the event improvements to the infrastructure are deemed necessary.

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

The Applicant has stated that the Maui consumer will benefit by continued and improved quarrying and rock crushing services and products.

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

The Property has poor productivity potential for most agricultural uses.

#### PLANNING COMMISSION RECOMMENDATIONS

43. At its meeting of February 11, 1992, the Planning Commission recommended approval of the Permit to the LUC subject to the following conditions:

- "1. That the Land Use Commission Special Use Permit shall be valid for a period of ten (10) years from the date of its granting, subject to further extensions by the Land Use Commission upon a timely request for extension filed at least one-hundred twenty (120) days prior to its expiration. The appropriate Planning Commission shall make a recommendation to the Land Use Commission and may require a public hearing on the time extension.
- "2. That the conditions of this Land Use Commission Special Use Permit shall be self enforcing and, accordingly, upon due notice by the Planning Department to the permit holder and the Land Use Commission that there is prima facie evidence that a breach has occurred the permit shall be automatically suspended pending action by the Land Use Commission. A hearing on the continuity of such Land Use Commission Special Use Permit may be held, provided that written request for such a hearing is filed with the Land



Use Commission within ten (10) working days of the date of such notice of alleged breach. If no request for hearing is filed within said ten (10) working day period, the Land Use Commission may revoke said Land Use Commission Special Use Permit.

- "3. That the subject Land Use Commission Special Use Permit shall not be transferred without the prior written approval of the Land Use Commission. The appropriate Planning Commission shall make a recommendation to the Land Use Commission. However, in the event that a contested case hearing preceded issuance of said Land Use Commission Special Use Permit, a public hearing shall be held by the appropriate Planning Commission upon due published notice, including actual written notice to the last known addresses of parties to said contested case and their counsel.
- "4. That the applicant, its successors and permitted assigns shall exercise reasonable due care as to third parties with respect to all areas affected by subject Land Use Commission Special Use Permit and shall hold the County of Maui State of Hawaii harmless from and against any loss, liability, claim or demand arising out of this permit.
- "5. That full compliance with all applicable governmental requirements shall be rendered.
- "6. That a restoration plan be submitted, showing that upon termination of operations depleted and excavated areas shall be graded to blend with the surrounding natural contours and that appropriate vegetative cover consisting of trees, shrubs, and ground cover shall be established.
- "7. That a detailed drainage plan be submitted to the Department of Public Works and Department of Transportation for their review and approval.
- "8. That a detailed solid waste management plan be submitted to Public Works for their review and approval.
- "9. That a regular maintenance program for the access road be submitted to Department of Transportation Highways Division and Department of Public Works for review and approval to ensure that loose aggregate, which may have fallen from trucks coming from the quarry site, shall be removed.
- "10. That air pollution control permits, for the rock crushing and asphalt batching plants, be obtained.

"11. That a sight distance analysis and traffic assessment shall be conducted to determine if intersection improvements are warranted at the projects' access to Mokulele Highway to the satisfaction of the Director of Public Works. If improvements are warranted, such improvements shall be provided at the applicant's expense to county or state standards as may be applicable at the time of the improvements."

#### CONCLUSIONS OF LAW

The Special Permit request to allow a rock quarrying/crushing operation and related uses constitutes an "unusual and reasonable" use as defined in Chapter 205-6, HRS, as amended, and the proposed use is not contrary to the objectives sought to be accomplished by the State Land Use Law to preserve, protect, and encourage development of lands in the State for those uses to which they are best suited in the interest of the public health and welfare.

#### ORDER

IT IS HEREBY ORDERED that Special Permit Docket No. SP92-380 to allow a rock quarrying/crushing operation and related uses on approximately 45.957 acres of land designated within the State Land Use Agricultural District, Tax Map Key No.: 3-8-08: portion of 1 and portion of 31 at Pulehunui, Wailuku, Maui, and approximately identified on Exhibit "A" attached hereto and incorporated by reference herein, is hereby approved with modification and subject to the following conditions:

1. That the Land Use Commission Special Use Permit shall be valid for a period of ten (10) years from the date of its granting, subject to further extensions by the Land Use



Commission upon a timely request for extension filed at least one-hundred twenty (120) days prior to its expiration. The appropriate Planning Commission shall make a recommendation to the Land Use Commission and may require a public hearing on the time extension.

2. That the conditions of this Land Use Commission Special Use Permit shall be enforced by the County of Maui pursuant to Section 205-12, Hawaii Revised Statutes, and accordingly, upon due notice by the Planning Department and Planning Commission to the permit holder and the Land Use Commission that there is prima facie evidence that a breach has occurred, a hearing on the continuity of such Special Use Permit may be held, provided that written request for such a hearing is filed by Applicant with the Planning Department and Planning Commission within ten (10) working days of the date of such notice of alleged breach. If no request for hearing is filed by Applicant within said ten (10) working day period, the Planning Department and Planning Commission may revoke said Land Use Commission Special Use Permit.

3. That the subject Land Use Commission Special Use Permit shall not be transferred without the prior written approval of the Land Use Commission. The appropriate Planning Commission shall make a recommendation to the Land Use Commission. However, in the event that a contested case hearing preceded issuance of said Land Use Commission Special Use Permit, a public hearing shall be held by the appropriate Planning

Commission upon due published notice, including actual written notice to the last known addresses of parties to said contested case and their counsel.

4. That Applicant, its successors and permitted assigns shall exercise reasonable due care as to third parties with respect to all areas affected by subject Land Use Commission Special Use Permit and shall hold the County of Maui and the State of Hawaii harmless from and against any loss, liability, claim or demand arising out of this permit.

5. That full compliance with all applicable governmental requirements shall be rendered.

6. That a restoration plan be submitted, showing that upon termination of operations, depleted and excavated areas shall be graded to blend with the surrounding natural contours and that appropriate vegetative cover consisting of trees, shrubs, and ground cover shall be established.

7. That a detailed drainage plan be submitted to the Department of Public Works and Department of Transportation for their review and approval.

8. That a detailed solid waste management plan be submitted to Public Works for their review and approval.

9. That a regular maintenance program for the access road be submitted to Department of Transportation Highways Division and Department of Public Works for review and approval to ensure that loose aggregate, which may have fallen from trucks coming from the quarry site, shall be removed.



10. That air pollution control permits, for the rock crushing and asphalt batching plants, be obtained.

11. That a sight distance analysis and traffic assessment shall be conducted to determine if intersection improvements are warranted at the projects' access to Mokulele Highway to the satisfaction of the Director of Public Works. If improvements are warranted, such improvements shall be provided at the applicant's expense to county or state standards as may be applicable at the time of the improvements.

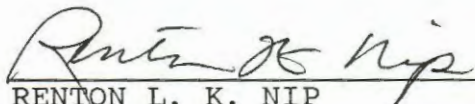
12. Applicant shall cause Allied Hauling, Inc. to submit a request through the Maui Planning Commission to revoke its special use permit issued under Docket No. SP87-367/Allied Hauling, Inc. for quarrying purposes on the Property within two (2) months from filing of the Decision and Order of the Land Use Commission approving this application.

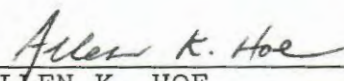
13. An annual progress report shall be submitted to the Planning Director and the State Land Use Commission prior to the anniversary date of the approval of the permit. The report shall include, but not be limited to, the status of the development and to what extent the conditions of approval are being complied with. This condition shall remain in effect until all of the conditions of approval have been complied with and the Planning Director acknowledges that further reports are not required.

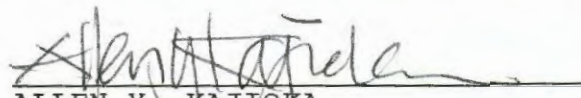
DOCKET NO. SP92-380 - HAWAIIAN CEMENT

Done at Honolulu, Hawaii, this 13th day of July 1992,  
per motions on May 28, 1992 and July 10, 1992.

LAND USE COMMISSION  
STATE OF HAWAII

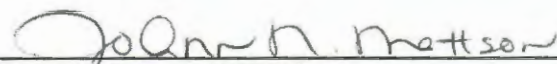
By   
RENTON L. K. NIP  
Chairman and Commissioner

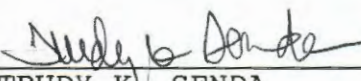
By   
ALLEN K. HOE  
Vice Chairman and Commissioner

By   
ALLEN Y. KAJIOKA  
Vice Chairman and Commissioner

By   
KAREN S. AHN  
Commissioner

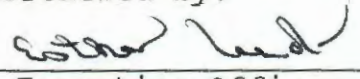
By (absent)  
EUSEBIO LAPENIA, JR.  
Commissioner


By   
JOANN N. MATTSON  
Commissioner

By   
TRUDY K. SENDA  
Commissioner

Filed and effective on  
July 13, 1992

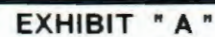
Certified by:

  
Executive Officer

By   
ELTON WADA  
Commissioner

By (absent)  
DELMOND J. H. WON  
Commissioner







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CERTIFICATE OF SERVICE

I hereby certify that a copy of the Findings of Fact, Conclusions of Law, and Decision and Order was served upon the following by either hand delivery or depositing the same in the U. S. Postal Service by certified mail:

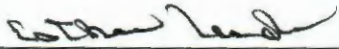
CERT.      BRIAN MISKAE, Planning Director  
             Planning Department, County of Maui  
             250 South High Street  
             Wailuku, Hawaii 96793

CERT.      GUY A. HAYWOOD, ESQ.  
             Corporation Counsel  
             Office of the Corporation Counsel  
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DATED:      Honolulu, Hawaii, this 13th day of July 1992.

  
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ESTHER UEDA  
Executive Officer