

BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Petition )  
for Special Permit of )  
C. EARL STONER, JR., )  
ON BEHALF OF S & F LAND )  
COMPANY )  

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SP83-358 - C. EARL STONER, JR.,  
ON BEHALF OF S & F LAND  
COMPANY

FINDINGS OF FACT, CONCLUSIONS OF LAW  
DECISION AND ORDER

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OF THE STATE OF HAWAII

In the Matter of the Petition )  
for Special Permit of ) SP83-358 - C. EARL STONER, JR.,  
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ON BEHALF OF S & F LAND ) COMPANY  
COMPANY )  
\_\_\_\_\_ )

FINDINGS OF FACT, CONCLUSIONS OF LAW  
DECISION AND ORDER

The Land Use Commission of the State of Hawaii having duly considered the entire record in the above entitled matter at its action meeting on January 17, 1984 at Honolulu, Oahu, makes the following findings of fact and conclusions of law.

FINDINGS OF FACT

1. C. Earl Stoner, Jr., on Behalf of S & F Land Company is requesting a special permit to allow the operation of a baseyard for the storage of construction equipment and materials, the fabrication of large construction material items such as roof trusses, etc., and the limited storage of containerized household and freight goods on approximately 17.52 acres of land situated within the State Land Use Agricultural District, TMK 2-3-8-05: Portion of 19. The subject property is located at the southeast corner of the Mokulele Highway - Waiko Road intersection in Puunene, Wailuku, Island of Maui.

2. Proposed improvements to the subject area include: the possible relocation of one large portable building and two or more smaller buildings to the site, the construction of an

office and related facilities such as toilet improvements and related ancillary uses for personnel employed at the site and the development of a landscaped corridor along the Mokulele Highway frontage for enhancing the appearance of the subject area.

3. The applicant has entered into a 20-year lease agreement with the owners of the property, Alexander and Baldwin, Inc. for the use of the subject area as a construction baseyard. The owners of the property have authorized S & F Land Company to request the special use permit.

4. Access to the subject property is through the unimproved extension of Waiko Road. A 6-inch waterline provides water to the property and sewage is handled through a cesspool.

5. The subject area has been used for industrial-type facilities such as concrete batching plant and a lumber yard for the past 30 years. The subject property now contains two warehouse structures and an office building.

6. Neighboring businesses include the Honolulu Wood Treating Company and JRN Cabinets Shop on the abutting parcel 22. The Honolulu Wood Treating plant also maintains a 2-acre storage area on parcel 19. The Honolulu Wood Treating Company operates under a special permit granted by the Maui Planning Commission and the Land Use Commission on April 21, 1972. JRN Cabinets operates under a Special Permit granted by the Maui Planning Commission in May 24, 1983. Lands surrounding the subject property are currently cultivated in cane sugar.

7. The County of Maui has designated the subject property Agriculture in the Wailuku-Kahului General Plan.

The property is outside the County's Special Management Area.

8. The Land Study Bureau's Detailed Land Use Classification Map has assigned the subject property an overall rating of A indicating a very good overall soil suitability for agricultural use.

9. The subject property has not been in the agricultural production since before 1969.

10. The State Department of Agriculture has indicated by letter dated September 12, 1983 that "only as much land as necessary for the proposed operations should be considered for approval."

11. Maui County Department of Water Supply indicated by letter of September 16, 1983 that it had no objections to the special permit application provided that the applicant satisfies any concerns the County Fire Department may have regarding fire protection.

12. The Department of Public Works reviewed the application and offered the following comments:

- "1. Provide verification that the grading and runoff water generated by the project will not have an adverse effect on the adjacent and downstream properties.
- "2. That a request for approval of a subdivision be filed for the area to be leased. The minimum lot size shall be two (2) acres.
- "3. That a determination of the number of parking spaces required cannot be made based on the

plans submitted by the applicant. However, the number of parking spaces shall be based on the following:

- a. Storage use: one (1) space per 700 square feet of floor area of the building or twenty percent of the lot area, whichever is greater.
- b. Office use: one (1) space per 500 square feet of floor area of building (minimum of three spaces).

- "4. That a plan showing the driveway access for the site be submitted for our review and approval. Due to the proposed use of the site (i.e., heavy equipment, slow moving vehicles, etc.), consideration should be given to turning lanes, pavement widening, and acceleration and deceleration lanes.
- "5. That an inspection revealed that the storing of heavy equipment has been initiated. A notice of violation has been issued."

13. No other reviewing agency had any comments or objections on the subject request.

14. Approval of the proposed use would not be contrary to the objectives of the Land Use Law and Regulations. The site has been used for limited industrial-type uses since 1969. Prior to 1969, the site was used as a concrete batching plant by the sugar plantation.

15. The property has been used for an industrial-type activity since the district boundaries and regulations were established.

16. The land upon which the proposed use is sought is unsuited for the use permitted within the Agricultural District. Although the soils of the property are classified "A" or very good by the Land Study Bureau Land Classification Map, the property has not been used for agricultural purposes for the past 30 years.

17. The Maui County Commission held a public hearing on this permit request on October 4, 1983. On October 18, 1983, the Planning Commission voted to approve the Special Use Permit subject to the following conditions:

- "1. That the Special Use Permit shall be limited to the operation of a baseyard for household storage and storage of equipment and materials that are construction-related and that any additional proposals for industrial uses such as fabrication shall be subject to review and approval by the Maui Planning Commission.
- "2. That the Special Use Permit shall be valid for a period of five (5) years from the date of the granting of the permit. However, further extensions may be granted upon favorable review and approval by the Planning Commission and the Land Use Commission.
- "3. That full compliance with the attached comments

of the Department of Water Supply dated September 16, 1983 shall be rendered.

- "4. That full compliance with the attached comments of the Department of Public Works dated September 20, 1983 shall be rendered except items 2 and 5.
- "5. That the Special Use Permit shall be non-transferable.
- "6. That the final landscape planting plan shall be submitted to the Planning Department for review and approval.
- "7. That a comprehensive sign program for the site shall be submitted to the Planning Department for review and approval.
- "8. That all other State and County requirements shall be met."

18. The complete record of the Special Permit request was received at the Land Use Commission office on December 15, 1983.

#### CONCLUSIONS OF LAW

The proposed use is an "unusual and reasonable use" as defined by Chapter 205-6 Hawaii Revised Statutes, and State Land Use District Regulation 5-2.

DECISION AND ORDER


It is hereby ordered that Special Permit 83-358 for the operation of a baseyard for the storage of construction equipment and materials, the fabrication of large construction material items and the storage of containerized household and freight goods on approximately 17.52 acres of land situated within the State Land Use Agricultural District, TMK 2-3-08-5: Portion of 19 and illustrated on Exhibit "A" attached hereto and incorporated by reference herein, be and hereby is approved; subject, however, to the condition recommended by the Maui County Planning Commission as set forth in paragraph 19 of the Findings of Fact herein.

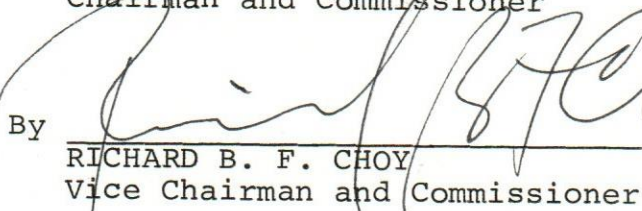



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Done at Honolulu, Hawaii, this 1st day of February,  
1984, per motion on January 17, 1984.

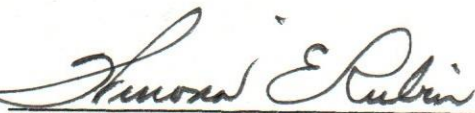
LAND USE COMMISSION  
STATE OF HAWAII


By   
WILLIAM W. L. YUEN  
Chairman and Commissioner

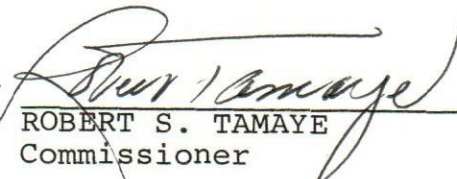
By   
RICHARD B. F. CHOY  
Vice Chairman and Commissioner


By   
LAWRENCE F. CHUN  
Commissioner

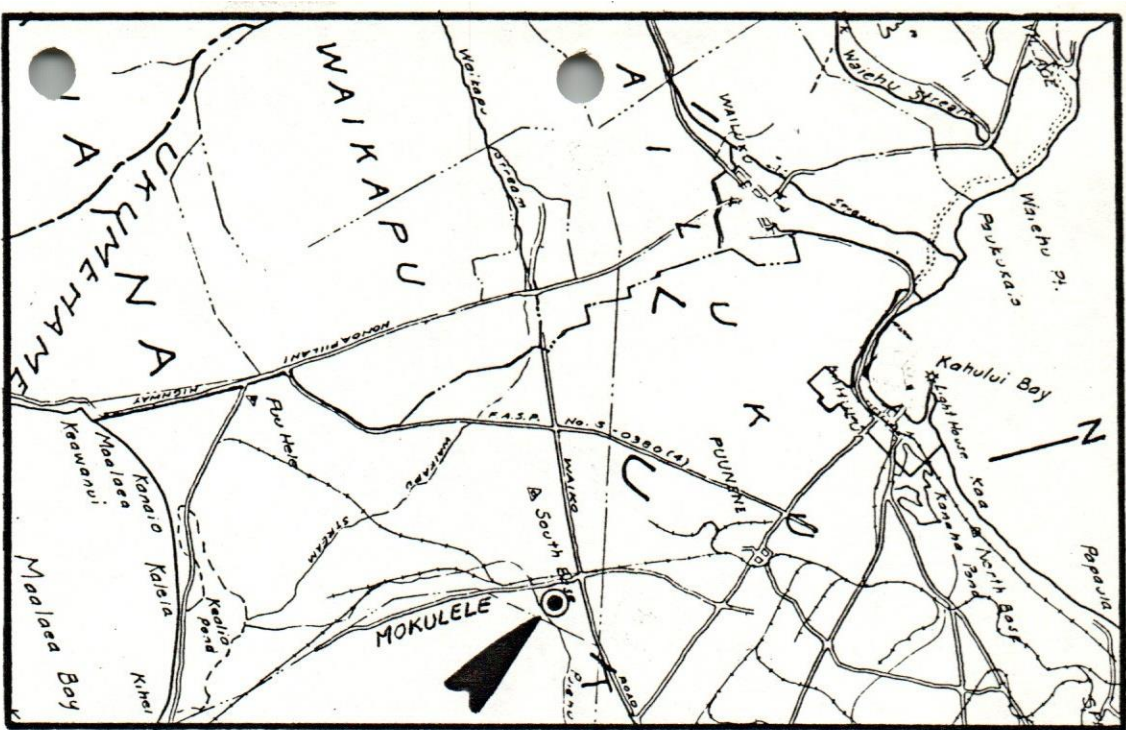
By   
SHINSEI MIYASATO  
Commissioner

By   
WINONA E. RUBIN  
Commissioner

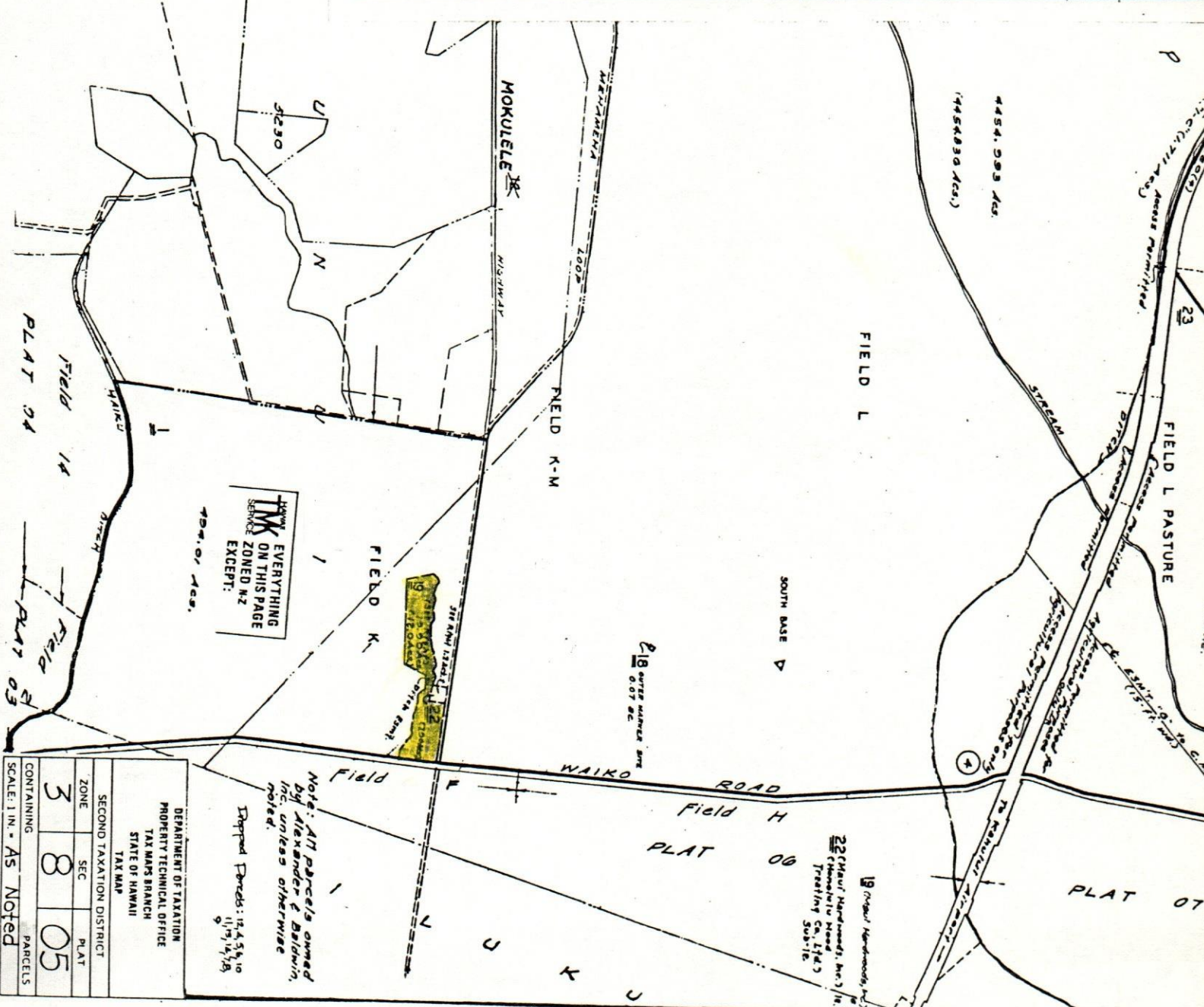
By   
TEOFILO PHIL TACBIAN  
Commissioner

By   
ROBERT S. TAMAYE  
Commissioner

By   
FREDERICK P. WHITTEMORE  
Commissioner



SCALE  
1" = 2000 ± FT.  
TRUE NORTH



TMK EVERYTHING ON THIS PAGE ZONED N-2 EXCEPT:

DEPARTMENT OF TAXATION  
PROPERTY TECHNICAL OFFICE  
TAX MAPS BRANCH  
STATE OF HAWAII  
TAX MAP

SECOND TAXATION DISTRICT

ZONE	SEC	PLAT
3	8	05

CONTAINING PARCELS  
SCALE: 1 IN. = AS NOTED

18 (Mauka) Homeowners, No. 22 (Maui) Homeowners, No. 23 (Honolulu) Homeowners, No. 24 (Treaty) Co. 1943 Sub-1e

Note: All parcels owned by Alexander & Baldwin, Inc. unless otherwise noted.  
Eriopod Forests: 12,456.10  
11/27/78  
9/17/78

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\_\_\_\_\_ )

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Land Use Commission's Decision and Order was served upon the following in the U. S. Postal Service by certified mail:

TOSH ISHIKAWA, Planning Director  
Planning Department  
County of Maui  
200 South High Street  
Wailuku, HI 96793

LAWRENCE N. C. ING  
ING & KUSHI  
2145 Wells Street, Suite 204  
P. O. Box LLL  
Wailuku, Maui, HI 96793

DATED: Honolulu, Hawaii, this 13th day of February,  
1984.

  
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GORDAN Y. FURUTANI  
Executive Officer

SP83-358 - C. EARL STONER, JR., ON BEHALF OF S & F LAND COMPANY

A certified copy of the Land Use Commission's Decision and Order was served by regular mail to the following on February 13, 1984.

KENT M. KEITH, Director  
Department of Planning and Economic Development  
State of Hawaii  
250 South King Street  
Honolulu, Hawaii 96813

REAL PROPERTY TAX DIVISION  
County of Maui  
200 High Street  
Wailuku, Hawaii 96793

REAL PROPERTY ASSESSMENT DIVISION  
City and County of Honolulu  
Mapping Section  
Property Technical Office  
Property Assessment Section  
1188 Fort Street Mall  
Honolulu, Hawaii 96813

OFFICE OF ENVIRONMENTAL QUALITY CONTROL  
550 Halekauwila Street, Room 301  
Honolulu, Hawaii 96813

DIVISION OF LAND MANAGEMENT  
Department of Land and Natural Resources  
Kalanimoku Building  
1151 Punchbowl Street  
Honolulu, Hawaii 96813