

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition)
to allow additional uses of)
C. EARL STONER, JR. ON BEHALF)
OF S & F LAND COMPANY)

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

DECISION AND ORDER

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OF THE STATE OF HAWAII

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to allow additional uses of) SP83-358 - C. EARL STONER, JR.
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OF S & F LAND COMPANY) LAND COMPANY
_____)

FINDINGS OF FACT, CONCLUSIONS OF LAW
DECISION AND ORDER

C. Earl Stoner, Jr. (Petitioner) initiated this proceeding individually, and on behalf of S & F Land Company pursuant to Section 205-6 Hawaii Revised Statutes, and Part IX of the Land Use Commission's Rules of Practice and Procedure. The Land Use Commission, having considered the entire record on this matter, hereby makes the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. On February 13, 1984, the Land Use Commission granted a Special Permit to the Petitioner for the operation of a baseyard, 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 within the State Land Use Agricultural District, at the southeast corner of the Mokulele Highway - Waiko Road intersection in Puunene, Maui, Tax Map Key 3-8-05:

Portion of 19 (Subject Property).

2. Petitioner requests an amendment to Special Permit No. 83-358 to allow the following additional uses:

1. Storage of parts and equipment and minor fabrication for a manufacturer of outrigger canoes.
2. Storage of ceramic goods and fabrication for a decorative and construction ceramics company.
3. Storage of contract appliances for a restaurant supply company.
4. Storage of disposal containers including the welding and maintenance of containers.

3. The Petitioner also requests that discretionary authority be given to the Planning Director to review and approve subsequent uses not previously allowed on the Subject Property.

4. The Subject Property contains a wood frame warehouse, a large saw mill shed, and two smaller buildings adjacent to the wood frame warehouse. All proposed uses except for the storage and maintenance of the disposal containers will locate in the wood frame structure. The disposal company proposes to use a part of the saw mill shed for their operations.

5. The Subject Property has been used for industrial-type facilities such as concrete batching plant and lumber yard for the past 30 years. Lands surrounding the Subject Property are currently cultivated in cane sugar.

6. The Subject Property is adjacent to neighboring businesses, including the Honolulu Wood Treating Company and JRN Cabinets Shop. JRN Cabinets Shop operates under a Land Use Commission Special Permit granted by the Planning Commission in May 24, 1983.

7. The County of Maui has designated the Subject Property Agricultural in the Wailuku-Kahului General Plan. The Subject Property is outside the County's Special Management Area.

8. According to the Land Study Bureau's Detailed Land Use Classification, the Land is assigned an overall rating of "A" indicating very good overall soil suitability for agricultural use. However, the Subject Property has not been in agricultural production since before 1969.

9. The Maui County Planning Commission conducted a public hearing on this permit request on September 25, 1984. The Planning Commission voted to recommend approval of the request subject to the following two conditions:

- "1. That an application for a district boundary amendment from Agricultural to Urban District be filed with the State Land Use Commission within three years from this date, subject to owner's consent.
- "2. That all subsequent uses not identified in the prior approvals are subject to review by the Planning Director."

10. The complete record of the Special Permit Amendment request was received at the Land Use Commission office on October 9, 1984.

CONCLUSIONS OF LAW

11. The additional uses proposed for the Subject Property are "unusual and reasonable" as defined by Chapter 205-6 Hawaii Revised Statutes, and State Land Use District Regulations 5-2.

DECISION AND ORDER

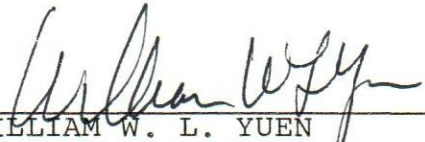
IT IS HEREBY ORDERED that the additional four uses described in paragraph 3 of the Findings of Fact herein be and hereby is approved; subject to the condition "That an application for a district boundary amendment from Agricultural to Urban District be filed with the State Land Use Commission within three years from this date, subject to owners consent."


The Commission does not approve the additional condition recommended by the Maui County Planning Commission "That all subsequent uses not identified in the prior approvals are subject to review by the planning director" be and hereby is denied and not made a condition to this approval.

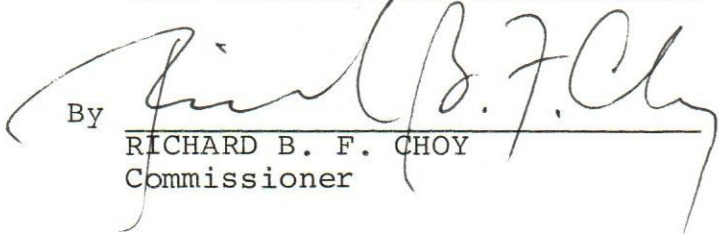
SP83-358 - C. EARL STONER, JR. ON BEHALF OF S & F LAND COMPANY
(1ST AMENDMENT)

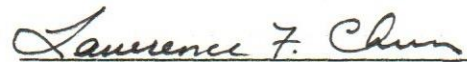
Done in Honolulu, Hawaii, this 11th day of December,
1984, per motion on November 14, 1984.

LAND USE COMMISSION
STATE OF HAWAII

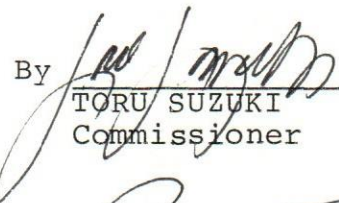
By 
WILLIAM W. L. YUEN
Chairman and Commissioner

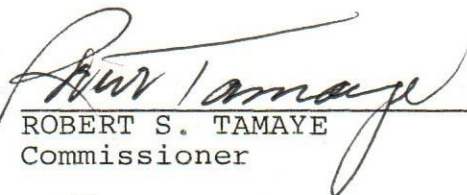
By 
TEOFILO PHIL TACBIAN
Vice Chairman and Commissioner

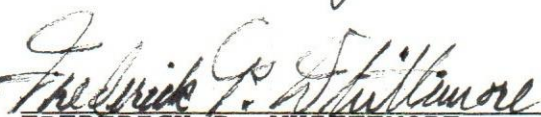
By 
RICHARD B. F. CHOY
Commissioner

By 
LAWRENCE F. CHUN
Commissioner

By 
WINONA E. RUBIN
Commissioner

By 
TORU SUZUKI
Commissioner

By 
ROBERT S. TAMAYE
Commissioner

By 
FREDERICK P. WHITTEMORE
Commissioner

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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, Maui, Hawaii 96793

C. EARL STONER, JR., PRESIDENT
S & F Land Company
P. O. Box 806
Puunene, Maui, Hawaii 96784

DATED: Honolulu, Hawaii, this 17th day of December, 1984.



GORDAN Y. FURUTANI
Executive Officer

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(1ST AMENDMENT)

A certified copy of the Land Use Commission's Decision and Order was served by regular mail to the following on December 17, 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

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

Annette Chock, Deputy Attorney General
Department of the Attorney General
State Capitol, 4th Floor
Honolulu, HI 96814

H. RODGER BETTS, Corporation Counsel
Office of the Corporation Counsel
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200 High Street
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