

BEFORE THE LAND USE COMMISSION

LAND USE COMMISSION
STATE OF HAWAII

OF THE STATE OF HAWAII

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| In the Matter of the Petition of |) | DOCKET NO. A17-804 |
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| HAWAIIAN MEMORIAL LIFE PLAN, LTD. |) | HAWAIIAN MEMORIAL LIFE |
| |) | PLAN, LTD. |
| To Amend The Conservation Land Use |) | |
| District Boundary Into The Urban Land Use |) | |
| District For Approximately 53.449 Acres Of |) | |
| Land At Kāneʻohe, Island of Oahu, State of |) | |
| Hawaiʻi, Tax Map Key: (1) 4-5-033: por. 001 |) | |
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PETITION FOR LAND USE
DISTRICT BOUNDARY AMENDMENT

VERIFICATION

EXHIBITS "1" THROUGH "5"

AFFIDAVIT OF SERVICE OF PETITION
FOR LAND USE DISTRICT BOUNDARY AMENDMENT

AFFIDAVIT OF SENDING OF NOTIFICATION OF PETITION FILING

AND

CERTIFICATE OF SERVICE

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HAWAIIAN MEMORIAL LIFE
PLAN, LTD.

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PETITION FOR LAND USE
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TO THE HONORABLE LAND USE COMMISSION OF THE STATE OF HAWAII:

HAWAIIAN MEMORIAL LIFE PLAN, LTD. ("Petitioner") by and through its attorneys, MATSUBARA, KOTAKE & TABATA, respectfully petitions the Land Use Commission of the State of Hawaiʻi ("Commission") to amend the land use district boundary of approximately 53.449 acres of land at Kāneʻohe, Island of Oʻahu, Hawaiʻi, ("Property" or "Petition Area") more particularly described below, from the State Land Use Conservation District to the State Land Use Urban District for a cemetery expansion ("Project"). In support of this Petition, Petitioner respectfully presents the following:

1. Background. The Petition Area is undeveloped lands in the State Land Use Conservation District.

Petitioner is now seeking to reclassify the Petition Area to the State Land Use Urban District to allow the expansion of the cemetery area, creation of a cultural preserve, internal roadways, and open space area.

2. Standing. The fee simple ownership of TMK: (1) 4-5-033: 001, comprising of approximately 163.423 acres of land, is vested in Petitioner, a Hawai'i corporation, whose principal place of business is 1330 Maunakea Street, Honolulu, Hawai'i, 96813. Petitioner possesses the requisite standing to file this Petition pursuant to HRS § 205-4(a) and Hawai'i Administrative Rules ("HAR") § 15-15-46(3).

3. Authorized Representatives. Mr. Benjamin M. Matsubara and the law firm of Matsubara, Kotake & Tabata have been appointed to represent the Petitioner pursuant to HAR § 15-15-35(b). All correspondence and communications in regard to this Petition shall be addressed to, and served upon, Mr. Benjamin M. Matsubara, Matsubara, Kotake & Tabata, 888 Mililani Street, Suite 308, Honolulu, Hawai'i 96813 and Mr. Jay Morford, Hawaiian Memorial Life Plan, Ltd., 1330 Maunakea Street, Honolulu, Hawai'i 96813

4. Relief Sought. Petitioner desires to amend the land use district boundary to reclassify approximately 53.449 acres of land at Kāne'ohe, Island of O'ahu, Hawai'i, from the State Land Use Conservation District to the State Land Use Urban District.

5. Authority for Relief Sought. Petitioner files this Petition pursuant to HRS § 205-4 and the Land Use Commission Rules of the State of Hawai'i, HAR, Title 15, Subtitle 3, Chapter 15.

6. Description of the Property. The Petition Area is currently undeveloped, and previous land uses on the property within the last 50 to 75 years include grazing and possibly agriculture (pineapple cultivation).

A map identifying the location of the Property is attached as Exhibit "1". A survey map and metes and bounds description of the Property is attached as Exhibit "2". Tax maps showing the Property are attached as Exhibit "3".

7. Petitioner's Property Interest. The fee simple ownership of Petition Area is owned by Petitioner. Attached to this Petition as Exhibit "4" are documents evidencing Petitioner's ownership of the Petition Area.

8. Description of Easements on the Subject Property. An easement for cable line purposes was granted to the United States of America, which was assigned to Hawaiian Memorial Park Cemetery Association. The Title Guaranty Status Report describing the easement is attached as a part of Exhibit "4".

9. Petitioner's Financial Condition. This Petition will be amended with Petitioner's financial statements towards the end of the EIS process.

10. Reclassification Sought, Proposed Use of Property and Conformity to Urban District Standards. The Property is presently classified within the State Land Use

Conservation District. Petitioner seeks to reclassify the Property to the State Land Use Urban District to allow the Project. Petitioner is proposing the following: 1) Cemetery Expansion Area (28.20 acres); 2) Cultural Preserve (14.50 acres); 3) Internal Roadways (approximately 3.00 acres); and 4) Other Open Space Area (approximately 7.75 acres)

Cemetery Expansion

The majority of the approximately 53.45-acre Petition Area would be used for expansion of the existing Hawaiian Memorial Park ("HMP") cemetery by 28.2 acres (53% of total Petition Area). The cemetery expansion would involve the construction of landscaped areas for burial space. Small private structures could also be placed throughout the cemetery grounds with special features, garden walls, walkways, and monuments similar to that present within other areas of HMP. After grading to establish appropriate slopes, the majority of the land would be landscaped with turf and would match the appearance of the existing cemetery.

An internal roadway system encompassing about 3 acres would be constructed to provide access to various areas as shown in Figure 2.2. The roadway would be paved and suitable to accommodate two way traffic. An irrigation system would be provided to irrigate the landscape elements of the cemetery. The irrigation system for the existing HMP is served by the City's potable water system. A connection point is located at the entrance to HMP in the vicinity of Mahinui Road and Kamehameha Highway. A waterline under Kumakua Place irrigates the existing Ocean View Garden

site. The feasibility of incorporating a non-potable water source for the cemetery expansion area would be evaluated. However, if a non-potable water source cannot be obtained, the cemetery would be allowed to hook up to the domestic water supply. Storm water runoff would be managed in accordance with applicable City regulations and drainage standards. The primary method planned to manage the cemetery's stormwater would be a system of retention areas designed to meet City's Drainage Standards for the 100-year, 1-hour storm event. More detailed information associated with grading and drainage improvements would be discussed in the Draft Environmental Impact Statement ("DEIS").

Cultural Preserve

A 14.5-acre area within the Petition Area would be established as a cultural preserve. This cultural preserve would allow for the preservation and maintenance of cultural sites present within this area. This area contains a range of significant resources within its boundaries, including, but not limited to Kawa'ewa'e Heiau, other historic sites, native plants used for cultural practices, and is the site of wahi pana (storied places or landscapes). A preservation plan is currently being developed by Hawaiian Memorial Life Plan, Ltd. in partnership with the Ko'olaupoko Hawaiian Civic Club regarding the stewardship and management of the cultural preserve. The preservation plan would determine the best treatment strategies for the resources within the cultural preserve, the reserve's management, and its operation. The

preservation plan would ensure the long-term maintenance and security of Kawa'ewa'e Heiau and this area.

The Project is described in the draft Environmental Impact Statement Preparation Notice ("EISPN"), dated November 2017, attached hereto and incorporated herein by reference as Exhibit "5".

The Project is consistent with the standards for urban districts pursuant to HAR § 15-15-18. The Project will have "city-like" concentrations of people, structures, streets and urban level of services, and the Project is proximately located to centers of trading and employment, accessible to basic services, has satisfactory topography, reasonably free from adverse environmental effects, and is contiguous with urban areas.

11. Projected Number of Lots, Lot Size, Number of Units, Densities, Selling Price, Intended Market and Development Timetables. The Project does not include a residential component, and, therefore the number of lots, lot size, number of units and densities is not applicable to the Project. A market and economic study will be conducted to evaluate the development timetable as a part of the DEIS.

12. Environmental Impact. Exhibit "5" to this Petition is the draft EISPN. If the Land Use Commission, State of Hawai'i ("LUC") agrees to be the accepting authority and accepts the proposed Final Environmental Impact Statement ("FEIS"), then this Petition will be amended to incorporate the FEIS as an exhibit to this Petition.

13. Description of the Property, Surrounding Area and Use of Land. The Petition Area is currently undeveloped. The entire HMP property is generally bounded by Kamehameha Highway to the northwest, or mauka (inland) side. Single family residences associated with the Pikoiloa Tract Units 9 and 10 subdivisions are situated immediately to the west. A natural ridgeline generally running in a south to north direction borders the northern and eastern ends of the site.

14. Soils Classification, Agricultural Lands of Importance to the State of Hawai'i, and Productivity Rating. The U.S. Department of Agriculture (USDA) Natural Resources Conservation Service classifies soils within the Petition Area as comprised of: 1) Alaeloa Series; and 2) Kāne'ohe Series association of soils. These soil types are shown on Figure 3.2, and a description of these soils based upon the *Soil Survey, Islands of Kaua'i, O'ahu, Maui, Moloka'i and Lāna'i, State of Hawai'i* (SCS, 1972) study is provided below.

Alaeloa Series

A broad band of soil from the Alaeloa series, the dominant soil series in the proposed expansion area, exists below the hillside. The Alaeloa series is described to typically consist of deep and very deep, well drained soils that formed in material weathered from basic igneous rock. Alaeloa soils are on uplands and have a broad range of slopes.

These soils are well drained with slow to very rapid runoff depending on slope. Permeability is moderately rapid. The Petition Area has Alaeloa silty clay with 40% to 70% slopes (ALF) situated on the northern and southern ends. In the middle of these pockets of ALF is a large section of Alaeloa silty clay with 15% to 25% slope (AeE).

Kāne'ohe Series

The Kāne'ohe Series is described to characteristically consist of well-drained soils on terraces and alluvial fans that typically developed in alluvium and colluvium derived from basic igneous rock. This type of soil is present within gently sloping to very steep areas, and are characteristically found in elevations that can range from 100 to 1,000 feet AMSL on O'ahu. Where existing slope is less than 15%, runoff is medium and the erosion hazard is moderate. Where existing slope is greater than 30%, runoff is medium to rapid and the erosion hazard is moderate to severe.

The band of soil extending along the western end of the project's petition area is comprised of Kāne'ohe silty clay with slopes ranging from 8% to 15% (KgC). The southwest end of the petition area has soils that are characterized as typically being within areas having slopes ranging from 30% to 65% (KHOF). However, the actual slopes on the southwest end of the site are not as steep (slope up to 45%) as other areas on the island where KHOF soils are present.

15. Topography. The Petition Area encompasses the lower area of the hillside that includes gently sloping areas with smaller gullies. The site generally slopes in a

northwest direction from the hillside toward the Pikoiloo subdivisions. Elevations associated with cemetery expansion area range from 200 feet above mean sea level (AMSL) to 375 feet AMSL. This area has gentle to moderate slopes varying from 10% to 15% in some areas, and 15% to 45% in other steeper areas closer to the hillside.

The area planned for the cultural preserve extends further up the hillside to an elevation of about 500 feet AMSL.

16. Assessment of the Impacts of the Proposed Development on the Environment. A discussion of the impacts of the Project on the environment will be included in the DEIS.

a. Flora. Existing vegetation found within the Petition Area can be characterized as being an alteration of native plant habitat. As a result, very few native plant elements remain in the area. A botanical study conducted in 2006 (HHF, 2008) determined that 95% of the vegetation present were alien or introduced. Only 5% of the existing vegetation was identified as native, primarily because the parcel has historically been disturbed when it was used for dairy ranching. Of the 94 plant species observed, 88 species were alien, four were indigenous (native to the Hawaiian Islands and elsewhere), and two were endemic (native only to the Hawaiian Islands).

The native species included infrequent occurrences of 'uhaloa (*Waltheria indica*), hala (*Pandanus tectorius*), ka'e'e or sea bean (*Mucuna gigantean*), and moa (*Pisilotum nudum*). Of the two endemic species, two koa (*Acacia koa*) trees were observed near the

Kawa'ewa'e Heiau, and 'akia (*Wikostroemia Oahuensis* var. *Oahuensis*) was documented along the edges of the Ocean View Garden section of HMP and within the upper elevations near the ridgeline. Four Polynesian introduced plant species were observed, including: ti (*Cordyline fruticosa*); niu or coconut (*Cocos nucifera*); kukui (*Aleurites moluccana*); and hau (*Hibiscus tiliaceus*). The kukui and hau were observed scattered throughout the survey area especially in the small gulches and ravines. Ti plants were observed along the boundary of the existing HMP and scrub vegetation, as well as along several of the ridges (HHF, 2008).

Laua'e (*Phymatosorus grossus*) populations are also present, and are dominated by a thick canopy of monkeypod (*Samanea saman*), java plum (*Syzygium cumini*), and octopus trees (*Schefflera actinophylla*).

Several liana species were observed growing up into the canopy of the forest, including, ka'e'e or sea bean (*Mucuna gigantea*), passion fruit (*Passiflora edulis*), and maile pilau (*Paederia foetida*).

No wetlands were encountered during the botanical survey. None of the plant species observed were a threatened or endangered species, nor was any plant a species of concern. All of the plants can be found in similar environmental habitats throughout the Hawaiian Islands. Project improvements should not have a significant effect on botanical resources because the vast majority of species present are alien or introduced. No threatened or endangered plant species would be affected. Native and endemic

plant species within the cultural preserve could be increased as part of cultural restoration efforts conducted in that area, which would have a beneficial effect on botanical resources and support native Hawaiian cultural practices. The majority of the expanded cemetery area would consist of grass, however, native plants could be incorporated into landscape plans developed for other areas. An updated botanical survey will be conducted for the DEIS to evaluate current conditions and botanical resources present to assess the impact from present project plans.

b. Fauna. An avifauna and feral mammal survey conducted in 2008 (HHF, 2008) determined the project area provides habitat for a variety of alien birds and mammals, none of which are endangered or threatened.

No native land birds were recorded during the survey, and the absence of native land birds was not unexpected given the location, elevation, and type of habitats available at this site. The short-eared Owl (*Asio flammeus sandwicensis*) or Pueo forages in grasslands, agricultural fields, and pastures as well as in upland forested habitat. This species was not recorded during the survey work done at HMP in 2008.

No native waterbirds were recorded, nor were any expected on this property due to an absence of suitable wetland habitat. Similarly, no seabirds were recorded on the property due to unsuitable habitat, the presence of ground predators, and habitat disruption. Some species of seabird may occasionally fly over the property. One species of migratory shorebird, the Pacific Golden-Plover or Kōlea (*Pluvialis fulva*), was

observed on lawns adjacent to the Petition Area. Kolea are not listed as either endangered or threatened species by the U.S. Fish and Wildlife Service, nor proposed as a candidate for listing as an endangered or threatened species.

A total of 14 species of introduced (alien) birds were recorded. The more common of these species included: the Spotted Dove (*Streptopelia chinensis*); the Red-vented Bulbul (*Pycnonotus cafer*); the Redwhiskered Bulbul (*Pycnonotus jocosus*); the Japanese White-eye (*Zosterops japonicus*); and the House Finch (*Carpodacus mexicanus*).

Feral cats (*Felis catus*), Small Indian Mongoose (*Herpestes auropunctatus*), and pigs (*Sus scrofa*) were observed. Pig tracks and uprooted areas caused by pigs were abundant throughout the site. Mice (*Mus musculus*) and rats (*Rattus* spp.) undoubtedly occur on the property. The native endangered Hawaiian Hoary Bat was not detected during the survey, and none were expected given the low number of bats reported to occur on O'ahu. Project improvements should not have a significant effect on avifauna and faunal resources because the vast majority of species present are alien. No federal endangered or threatened species, or species of concern were observed.

Expansion of the cemetery would reduce areas that may currently be used by feral pigs (*Sus scrofa*) resulting in a change to their foraging and destructive activities, particularly on vegetation. The clearing of the area and its subsequent conversion to more landscaped lawn habitat would reduce the immediate, local populations of alien

birds using the area. But, this change would provide new foraging space for the wintering Kōlea, who forage in grassy areas with a good insect supply.

Revegetation of portions of the Petition Area with a plant palette dominated by native and Polynesian introduced plants could provide habitat for a number of avian species including the O'ahu 'amakihi, Pueo, and any of the alien bird species typically found in Windward O'ahu. There is an abundance of non-native habitat in the lands surrounding the Petition Area for bird species, and provides sufficient habitat for potential Pueo that may exist in the general area. An updated avifauna and faunal survey will be conducted for the DEIS to evaluate current conditions and species present to assess the impact from present project plans.

A survey of native invertebrate resources conducted for HMP in 2008 (HHF, 2008) encountered three native species: 1) the widespread endemic grass feeding bug *Trigonotylus hawaiiensis*; 2) the endemic Moss moth (*Eudonia sp.*); and 3) the endemic small moth or micro-moth (*Mestolobes*). No native mollusks were observed and no invertebrate listed under either federal or state endangered species statutes was located. The extremely low level of native plants serving as arthropod hosts was most likely the reason for the absence of Hawaiian arthropods in the area. Anecdotal information provided by area residents indicated the presence of the endangered native Blackline Hawaiian Damselfly (*Megalagrion nigrohamatum nigrolineatum*) being present on a small portion of the Petition Area. The Petition Area was subsequently surveyed by Dr.

Steven Montgomery to determine the presence or absence of this species. Damselflies were typically common in a variety of lowland habitat, and the higher inland elevation of the HMP property is not a typical habitat. A small number (about 10 individuals) of federally listed endangered Blackline Hawaiian Damselfly were observed along a soggy drainage area within the northwestern section of the Petition Area.

All sections of the Memorial Fountain at the Ocean View Garden site were also inspected, but no Blackline Hawaiian Damselflies were observed. This water feature did have many tadpoles of the cane toad, *Bufo marinus*, but no native species. An adult *Bufo* was seen in the area above the seeps. Although *Bufo* may be a predator on the Damselfly adults, it is mostly a nocturnal feeder. Project improvements should not have a significant effect on native invertebrate species because of the low level of native plants serving as potential arthropod hosts within the Petition Area.

Establishment of the cultural preserve could allow for cultural restoration of the area using native plants to replace alien plants. Increasing native plants within this preserve could support creating improved habitat for endemic arthropods, which is a beneficial effect.

An updated survey of native invertebrate resources would be conducted, and project effects addressed in the Draft EIS. This would include an expanded field inspection to determine the full extent of the presence of the endangered Blackline

Hawaiian Damselfly. Necessary best management practices would be addressed to ensure the project does not impact Damselfly habitat.

c. Groundwater. The State DLNR, Commission on Water Resource Management (CWRM) has established groundwater hydrologic units to provide a consistent basis for managing groundwater aquifers. A coding system has been established under the State's Water Resource Protection Plan that classifies and describes the islands aquifers. The project area is located within the Ko'olaupoko Aquifer system (30603) of the larger Windward Aquifer Sector (306) (CWRM, 2008). This system spans from the ridgeline of the Ko'olau Mountains to the shoreline and in a south to north direction from the beginning of Kāne'ohe up to Waiāhole. The Windward aquifer has an estimated sustainable yield of 91 million gallons per day (mgd). The Ko'olaupoko Aquifer system has a sustainable yield of 30 mgd.

The most abundant form of groundwater on O'ahu is the basal aquifer, which is a lens of fresh to brackish water floating on sea water. The Petition Area is located in an area where a primary basalt aquifer is overlain with an upper aquifer of sedimentary caprock. The upper aquifer is an unconfined, basal sedimentary system. The upper aquifer is currently used, ecologically important, considered irreplaceable, has low salinity (250-1,000 mg/l Cl-), and a high vulnerability to contamination. The lower aquifer groundwater is confined basal in dike compartments, and is classified as

drinking water, with fresh salinity <250 mg/l Cl-, considered replaceable, and has moderate vulnerability to contamination.

The Underground Injection Control (UIC) line was established to protect the aquifers of Hawai'i, as established by §11-23, HAR. Above this line, the groundwater is considered to be useable for drinking water; below it is not. The Petition Area is located below the UIC line, and the state does not consider the area to be viable for developing drinking water. Windward O'ahu generally receives sufficient precipitation to minimize the need for supplemental irrigation of landscaping. However, some irrigation would be required for the Petition Area during establishment of new sections for use and during dry periods. Proposed improvements should not have a significant effect on the underlying aquifer. Although some impervious areas would be created by structures and roadways, the majority of the cemetery expansion area would be pervious areas consisting of landscaped grass. Detention and/or retention basins are planned as part of drainage site improvements that would enhance groundwater recharge. Such site improvements would be discussed in greater detail in the DEIS.

The DEIS will address the project's potential to impact groundwater resources.

d. Surface Water. There are no current perennial or intermittent streams running through the Petition Area. A water quality study will be conducted that evaluates the Project's impact on surface water and discussed in the DEIS.

e. Archaeological and Historical Resources. Two archaeological inventory surveys have been undertaken that cover the Petition Area; one completed in 1989 by Szabian, Landrun & Cleghorn (SLC); the other in 2007 by Cultural Surveys Hawai'i (CSH). These two efforts identified several archaeological sites within and in the vicinity of the Petition Area. A supplemental archaeological inventory survey will be conducted to: 1) field truth previously identified sites; 2) update their condition; 3) re-assess the description of the heiau; and 4) conduct additional test excavations. The results from this supplemental study will provide further documentation of existing historic sites so that potential impacts can be addressed, and necessary mitigative measures identified, if warranted.

f. Cultural Resources. A Cultural Impact Assessment will also be prepared to assess potential impacts to traditional cultural practices as a result of the project. The study will include interviews with lineal and cultural descendants along with other groups or individuals with ties to the property.

g. Agriculture. The Project's impact on agriculture will be discussed in the DEIS.

h. Air and Noise Quality. The project should not have significant long-term impacts on air quality in the project area because it only consists of expansion of the existing HMP cemetery. Activities occurring within project area would not generate concentrations of pollutants that may exceed state or federal standards.

Vehicles of family members and guests visiting burial sites would be low on a daily basis and will not generate concerns with CO emissions.

Construction activities would cause some short-term effects such as emissions of particulate matter and CO from grading activities and equipment. However, these emissions are not expected to be significant or cause exceedances of state or federal standards. The Draft EIS will address best management practices that could be implemented to minimize these short-term effects. The project should not have significant long-term impacts on noise in the project area. Activities occurring within the expanded cemetery would not generate significant noise impacts. Noise sources would continue to be attributable to gravesite excavations and human voices from visitors.

Construction activities would cause some short-term noise effects from grading activities, roadway construction, etc. along with equipment being used. Noise from construction activities is regulated under Title 11, Chapter 46 (Community Noise Control) of the State DOH's Administrative Rules (State of Hawai'i, 1996). Construction activities are expected to be limited to regular workday hours (7:30 a.m. to 4:30 p.m., Monday through Friday). If necessary, a community noise permit for construction activities would be obtained from the State DOH. The DEIS will address existing and probable noise impacts from the project in greater detail. The DEIS will discuss air and noise quality impacts.

i. Scenic and Open Space Resources. Visual resources within and around the project area have been addressed in two City planning documents, the *Ko'olau Poko Sustainable Communities Plan* (Ko'olau Poko SCP) (DPP, 2017) and *Coastal View Study* (Chu and Jones, 1987). These planning documents identify visual resources associated with the project area. The *Coastal View Study* did not identify any important scenic resources or viewing corridors in the vicinity of HMP.

The Ko'olau Poko SCP identifies the orientation and vantage points of major panoramic views within the Ko'olaupoko ahupua'a, which includes the project area. HMP is identified as a cemetery under the Open Space Map of the Ko'olau Poko SCP. There are no significant views from stationary points in the area of HMP. The Ko'olau Poko SCP identified the following scenic views from major roadways identified below.

1. Continuous views of the distant Kāne'ohe district and coastline from the H-3 Freeway generally from the Tetsuo Harano Tunnels down to its intersection with Kamehameha Highway.
2. Intermittent views of the natural landscape along the H-3 Freeway between Kamehameha Highway and the entrance to Marine Corps Air Station Kāne'ohe Bay. Development in the vicinity of HMP is low-rise in nature and characterized by single-family residences and businesses. The primary exception to the low-rise built environment in the vicinity is the Pohai Nani Retirement Community, which is north of the Petition Area. The centerpiece of the retirement community is a

large 14-story building, which is prominently visible throughout the region. HMP cemetery contributes to the open space of the region by virtue of its size and open landscape character.

Driving along Kamehameha Highway in either direction, motorists can view across the landscaped cemetery lawns through to the foothills. Project improvements are not expected to have a significant impact on scenic resources for views from major roadways. HMP is not visible from the H-3 freeway between Kamehameha Highway and the entrance to Marine Corps Air Station Kāneʻohe Bay. Views of HMP along the H-3 Freeway from the Tetsuo Harano Tunnels are not easily recognizable because the site blends into the larger Kāneʻohe Town landscape from that distance. The Petition Area is also located behind the existing HMP making it less visible from major roadways. Therefore, project improvements would have minimal effect on views of Kāneʻohe Town from the H-3 Freeway. The DEIS will evaluate visual impacts from the project in further detail from Kamehameha Highway and other locations from immediate surrounding neighborhoods.

17. Availability or Adequacy of Public Services and Facilities.

a. Roadways and Public Transportation. The main vehicular circulation route in the vicinity is Kamehameha Highway, a four-lane thoroughfare with a central median. There are two existing access points to HMP from Kamehameha

Highway. The central access is across of Halekou Road and the second access is across of Mahinui Road.

A paved two-lane road beginning at the Kamehameha Highway entrance to the HMP and Hawaii State Veterans Cemetery runs northeast through the existing HMP grounds. The main road has several small spurs leading to outlying sections of the cemetery. Visitors to the cemetery park their vehicles along the internal park roads. The internal road system provides access to the Ocean View Garden area through an easement agreement with Hawai'i State Veterans Cemetery. HMP currently closes the vehicular access gates to the cemetery at dusk. The project is not expected to have a significant impact on existing traffic conditions along Kamehameha Highway because the expansion of HMP would generate minimal traffic during the weekday commuter peak hours. Currently, HMP operations limit burial and inurnment ceremonies to mid-day time periods, typically from 9:00 a.m. to 3:00 p.m. Funerals are also restricted to similar midday time periods. Some funeral services are scheduled during the evenings, starting at 6:00 p.m. Thus, cemetery activities that draw the largest crowds are intentionally scheduled during the non-peak midday or evening time periods when there are lower traffic volumes and less congestion on Kamehameha Highway. A traffic impact analysis study will be conducted to evaluate existing traffic conditions and impacts from the project in greater detail.

b. Water System. Presently, the proposed expansion area is without on-site water infrastructure. The irrigation system serving the existing sections of HMP is served by the City's potable water system. The connection point to this system is located at the entrance to HMP in the vicinity of Mahinui Road and Kamehameha Highway. A 6-inch meter on Kamehameha Highway services HMP, and has a capacity of 1,000 gallons per minute (gpm).

A 5/8-inch water meter at Kumakua Place and a 1-inch lateral serves the irrigation system for the Ocean View Garden section of HMP. Previous discussions with the City Board of Water Supply (BWS) indicated that ample water quantities and pressure should exist in association with the Kumakua Place system to fully service approximately 30 acres of turf landscaping requiring 550 gallons per minute (gpm). There is also a waterline under Lipalu Street. However, due to the differences in elevation between the reservoir serving this line (272 feet) and the proposed cemetery elevations of 200 to 375 feet, the pressure would not be sufficient without a booster pump system. A discussion of the irrigation system and water source necessary to serve the current proposed project plans will be addressed in greater detail in the Draft EIS. Overall, the project should not have a significant impact on water facilities, and consultation with the City BWS would be conducted to verify continued availability of water based upon current project plans. A preliminary engineering report will be prepared to assess existing water facilities and project impacts in greater detail.

c. Wastewater System. The City Department of Environmental Services (DES) provides municipal wastewater collection and treatment in the Kāneʻohe district via a system of wastewater pump stations and sewer lines. There are currently no sewer lines within the Petition Area. There are wastewater lines within the existing HMP adjacent to the Petition Area, and an 8-inch municipal transmission line in Lipalu Street. The Kailua Wastewater Treatment Plant (WWTP) processes wastewater collected from the HMP and surrounding areas. The proposed expansion of the cemetery may plan to include restroom facilities that would not require additional wastewater collection lines to connect to the site's existing system. HMP currently uses an approved septic system. Therefore, the project should have no impact on the City's existing wastewater facilities. A preliminary engineering report will be prepared to assess existing wastewater facilities and if there would be any project impacts in greater detail.

d. Drainage. Existing City drainage facilities surrounding the HMP area are generally provided within urbanized areas developed as part of existing residential subdivisions. There are no City drainage facilities within Kamehameha Highway fronting the HMP. The drainage system generally consists of storm drains of various sizes within roadways conveying storm water, inlets (curb, grate, etc.) and catch basins for collecting runoff from streets, and outlets serving as discharge points for storm water.

Because the Petition Area is undeveloped, storm water runoff generally sheet flows in a northwest direction toward the Pikoiloa Tract subdivision area. The southern area of the Petition Area likely sheet flows in a southwest direction toward Kāwā Stream. Runoff would follow existing topography and naturally collect in low lying drainageways. Due to the slope and low soil permeability associated with the Petition Area, much of the storm water runoff generated during rain events likely discharges from the site as runoff rather than infiltrating into the soil.

The Pikoiloa subdivision does have a drainage system collecting storm water runoff from residences and roadways which are eventually channeled into Kāwā Stream that carries water toward Kāneʻohe Bay. There is a drainage culvert at the end of Lipalu Street intended to collect runoff from upland areas, including the Petition Area. Other drainage inlets or culverts are provided behind residences at the end of cul de sacs or just bordering the undeveloped HMP project area to collect storm water runoff from this undeveloped area. Expansion of the cemetery would have an effect on existing drainage conditions and runoff rates. Site improvements are planned to include drainage improvements such as detention and/or retention basins to decrease runoff rates from the Petition Area. Based upon previous preliminary engineering studies conducted in 2008 (HHF, 2008), the proposed drainage system would reduce storm water runoff from the 10- and 100-year, 1-hour, storm events. Updated drainage plans would be prepared for this project based upon current plans, and drainage

improvement should similarly reduce storm water runoff from the Petition Area. The DEIS will include the updated preliminary engineering study conducted to address drainage conditions and necessary improvements.

e. Electrical, Telephone, and Cable Television Services. Electrical service is provided to HMP and surrounding land uses by the Hawaiian Electric Company (HECO) via overhead subtransmission lines located on utility poles. These lines are suspended from utility poles usually routed along roadways within and surrounding the project area. Hawaiian Telcom and Spectrum both provide communication service via existing facilities in the Kāneʻohe area including HMP.

The Petition Area is undeveloped and is not serviced by any existing power or communications facilities. An overhead easement from 1964 exists over the Ocean View Garden site of HMP off Kumakua Place. Currently, an underground line enters from Kumakua Place and traverses several hundred feet before ending at a 7.2 kilo Volt transformer. It is anticipated that HECO would provide necessary electrical service to the Petition Area. Minimum electrical demand would be required, and mainly for limited security lighting because HMP closes at dusk. Therefore, the project should have minimal effect on HECO facilities and electrical demands.

Project plans would be coordinated with HECO during the project's design phase.

Either Hawaiian Telcom or Spectrum would provide necessary communication service to the Petition Area. Because the project involves an expansion of the existing cemetery, such communication service would be minimal, if needed at all. HMP operations and facilities would continue where they are presently located and not require additional improvements with the project.

f. Police and Fire Protection. The HMP project area falls within the jurisdiction of the City's Honolulu Police Department (HPD) District 4 (Kāne'ohe/Kailua/Kahuku) command. District 4 is HPD's largest patrol area, extending from Makapu'u Point to Kawela Bay on the North Shore of O'ahu.

The project is not expected to have a significant impact on the HPD's ability to provide police protection services in Kāne'ohe. The Project would not increase residential housing or visitor units and therefore should not place increased demand on police protection and staff associated with new residents or visitors.

The City's Honolulu Fire Department (HFD) Battalion 3 provides fire protection services for Windward O'ahu from Makapu'u Point to Kawela Bay. The Kāne'ohe Fire Station Number 17 is located in the heart of Kāne'ohe town, approximately three miles from HMP. The next closest station is 'Aikahi Fire Station Number 19, located on Kāne'ohe Bay Drive approximately four miles from HMP. Station 17 serves as Battalion 3 headquarters and is equipped with an engine company and a ladder company. Station 19 is equipped with an engine company.

The Project is not expected to have a significant impact on the HFD's ability to provide fire protection services in Kāne'ohe. The project would not increase residential housing or visitor units and therefore should not place increased demand on fire protection and staff associated with an increase in population. The expansion of the cemetery consists primarily of landscaped grounds that would not create additional potential fire hazards, such as new buildings. Accessory improvements serving the expansion area would similarly not create potential fire hazards.

g. Educational Facilities. HMP is situated within the Castle Complex of public schools, administered by the State Department of Education. Schools in the Castle Complex include eight elementary schools ('Ahuimanu, Ben Parker, He'eia, Kahalu'u, Kāne'ohe, Kapunahala, Pu'ohala, and Waiahole), S.W. King Intermediate School, and James B. Castle High School. The only school within the general vicinity of HMP and the Petition Area is Kāne'ohe Elementary School. This school is located along Mokulele Drive about 250 feet north of the northern end of HMP, and separated from the cemetery by a residential subdivision.

Hawai'i Pacific University's Hawai'i Loa campus is a private university located about 1.5 miles southeast of the Hawai'i State Veterans Cemetery and HMP. The project should have no impact on existing school facilities or activities present in the general vicinity of HMP and the cemetery expansion area. The Project would not increase residential units and therefore not place increased demand on school facilities

and faculty due to new students. The Project would similarly not place additional demands or impact activities at Hawai'i Pacific University.

h. Recreational Facilities. The City Department of Parks and Recreation (DPR) manages most recreational facilities in the Kāne'ohe district, which include a botanical garden, regional parks, and community parks. These recreational facilities generally fall under DPR's District No. 4, Windward O'ahu. There is also a golf course that is managed by the City's Department of Enterprise Services. Most City park sites are located within the Kāne'ohe town center significant distances to the north of HMP. Those facilities in the general vicinity of HMP include the following:

1. *Pali Golf Course.* This municipal 18-hole golf course is located southeast of HMP across Kamehameha Highway.
2. *Ho'omaluhia Botanical Garden.* This 400-acre botanical garden is located southwest of HMP across Kamehameha Highway, and extends from behind residential subdivisions up to the H-3 Freeway. This botanical garden allows catch-and-release fishing in a reservoir, camping, activities associated with its visitor center, hiking, and outdoor passive recreation.
3. *Kaluapuhi Neighborhood Park.* This park is located within the Pikoiloa residential subdivision along Keana Road. This park site is situated about 1 mile north from the Petition Area. The park has two basketball courts, a volleyball court, pavilion, and large open field used for activities.

There are no recreational facilities provided within HMP. However, the grounds are used by neighboring residents for walking, jogging, and walking dogs every day, usually during the morning and afternoon. Unauthorized access does occasionally occur within the Petition Area for unpermitted recreational activities such as paintball and hiking. The project should have no impact on existing recreational facilities present in the general vicinity of HMP and the cemetery expansion area. The project would not increase residential or visitor units and would not generate increased demand for use of these recreational facilities due to increased population. Activities occurring at HMP would not interfere or disrupt golfing activities at the Pali Golf Course or recreational activities at Kaluapuhi Neighborhood Park.

i. Solid Waste Disposal. The City Honolulu Department of Environmental Service (DES) Refuse Division provides curbside collection of municipal solid waste and recyclables for single-family residences. The DES also provides this service for a limited number of multi-family properties, non-residential customers, and City agencies on O'ahu. Bulky items are collected by the DES on a monthly basis and items are disposed of at the Waimānalo Gulch Sanitary Landfill, O'ahu's only municipal solid waste landfill located in west O'ahu.

The City's refuse collection service does not serve the HMP or Petition Area because HMP is a private operation. HMP uses a private refuse company for collecting their waste and composting green waste generated. Solid waste at HMP is collected

and transported to the City's Honolulu Program of Waste Energy Recovery (H-POWER) for processing and disposal. HMP's operational program protocol does not remove grass clippings from the site, as they are left in place to decay. Construction activities associated with the cemetery expansion would generate some solid waste needing disposal. Construction debris would need to be properly disposed of at the PVT Nānākuli Construction and Demolition Material Landfill. Solid waste generated from construction of these improvements would be typical of construction-related activities. Construction waste generated would have a short-term minor impact, and consist primarily of vegetation, rocks, lumber, plastics, etc. which the contractor would need to properly dispose of.

Operation of the cemetery should not generate much solid waste in the long-term and have minimal impact on solid waste facilities. Such waste would primarily consist of vegetation (e.g. flowers from burial sites) needing to be disposed of. This green waste would be disposed of following current disposal practices at HMP.

j. Medical Facilities. Adventist Health Castle (formerly Castle Medical Center) is the primary medical facility serving Windward O'ahu. The medical center is located in Kailua on the southwestern corner of the intersection of Kalaniana'ole Highway and Kailua Road. The facility is a full-service medical center offering a wide range of inpatient, outpatient, and home-based services. The medical

center is a 160-bed facility with more than 1,000 employees, and is staffed by 248 physicians.

There are other smaller, private, medical centers in the general vicinity of HMP located closer to Kāneʻohe town near Likelike Highway and Kāneʻohe Bay Drive. The Kaiser Permanente Koolau Medical Office is located along Kamehameha Highway about 0.7 miles north of HMP. This center provides same day care service, behavioral health, and diagnostic imaging. U.S. Renal Care Windward Dialysis is a dialysis clinic located across the street of Kaiser Permanente. The Aloha Nursing and Rehab Center is located along Kamehameha Highway north of HMP. The project should have no impact on existing medical facilities or activities present in the general vicinity of HMP and the cemetery expansion area. The project would not increase residential units and therefore would not place increased demand on medical facilities and staff due to increased population. Expansion of the cemetery would not generate activities that interfere or disrupt the operations or patients of these medical facilities.

18. Location of the Proposed Development to in Relation to Adjacent Land Use Districts and Centers of Trading and Employment. The Petition Area is adjacent to lands in the Urban District. The Petition Area is also near to centers of trading and employment.

19. Economic Impacts of the Proposed Development. A Market and Economic impact study will be prepared and discussed in the DEIS.

20. Housing Needs of Low Income, Low-moderate Income and Gap Groups.

The Project will not include a residential component.

21. Need for the Reclassification. HMP serves as the final resting place for over 41,000 persons, and accommodates an average of between 700 to 800 interments¹ a year from families throughout Hawai'i. HMP accommodates about 25% of all burials occurring in the state. Over the decades, as the need for additional burial space has increased, HMP has met the demand by increasing the land area available for burials within its owned property. Since 1958, as sections of the cemetery have filled, HMP has grown from six acres to their present size of about 80 acres. The most recent expansion occurred in 1999 on a 7.9-acre site within the larger Parcel 1, and is identified as the Ocean View Garden site. As of June 2017, HMP has sold over 94% percent of available burial plots, and anticipates it will exhaust its available supply of burial plots in the near-term. As shown on Figure 2.1, of the approximately 79,000 individual plots, less than about 6% remain. Consequently, HMP's inventory of plots is being significantly constrained and could be exhausted in about 5 years, if not sooner.

Management of cemeteries requires a large number of available inventory, especially ground burial spaces, in order to adequately service the community, specifically allowing a choice for the future generations of the families that currently own and/or are interred at HMP. Since HMP must be able to satisfy all of these different demands, it is necessary to have vacant inventory available scattered

throughout the cemetery, even as new inventory is developed. Consequently, future planning must occur well in advance of the depletion of existing inventory to ensure the needs of families can be met. The need for burial services in Hawai'i is increasing for several reasons. Hawai'i's resident population over the age of 55 is on the rise, a trend which reflects the baby boomer generation moving into and through their 50s and 60s. At the current annual rate of ground burial and with the expected increase in numbers of burials associated with Hawai'i's aging population, HMP will need to expand its inventory in order to meet increasing demand for the families they serve while maintaining vital heritage sensitivities. In addition to addressing the current rate of burial ground use, there are a number of demographic factors that will influence the demand for new burial space in the future.

22. Hawai'i State Plan and Hawaii State Functional Plans. The Hawai'i State Plan (Chapter 226, HRS) sets forth the goals, objectives, policies, and priority guidelines for growth, development, and allocation of limited resources throughout the State. It contains diverse policies and objectives on topics of state interest including but not limited to, the economy, agriculture, the visitor industry, federal expenditure, the physical environment, facility systems, socio-cultural advancement, and sustainability. The DEIS would discuss how the project conforms to the pertinent policies and guidelines in the Hawai'i State Plan. The Statewide planning system requires the development of State Functional Plans. The State Functional Plans guide the

implementation of State and County actions in the areas of agriculture, conservation lands, education, energy, health, higher education, historic preservation, housing, recreation, tourism, water resources development, transportation, employment, and human services.

The DEIS would discuss how the project is consistent with the objectives, policies and implementing actions of pertinent functional plans.

23. Hawai'i Coastal Zone Management ("CZM") Program. Hawai'i's Coastal Zone Management (CZM) program was enacted in 1977 (Chapter 205A, Hawai'i Revised Statutes), following the passage of the federal CZM Act of 1972. In Hawai'i, the entire state has been designated as being within the CZM area. The Hawai'i CZM program under Chapter 205A, HRS also contains the general objectives and policies upon which all counties within the State have structured specific legislation creating and regulating Special Management Areas (SMA). Although the HMP and Petition Area are not located within the City's SMA boundary, the DEIS will address pertinent objectives and policies from Hawai'i's CZM program.

24. City and County of Honolulu General Plan. The *General Plan* of the City and County of Honolulu (DGP, 1992, amended October 3, 2002) is a comprehensive statement of objectives and policies which sets forth the long-range social, economic, environmental, and design objectives for O'ahu. The *General Plan* serves as a guide for

government, private enterprise, communities, and individual citizens around 11 areas of concern.

The Plan is currently undergoing an update. The O'ahu 2035: General Plan Focused Update is looking at the critical issues of growth, development, and quality of life, including regional population, economic health, affordable housing, and sustainability. A final plan is expected to be completed by the end of 2017, which will then be reviewed and adopted by the City Council. Until the new plan is adopted, the current General Plan remains the guiding document, and will be addressed in the

DEIS evaluating the project's consistency with pertinent objectives and policies.

25. Ko'olau Poko Sustainable Communities Plan. The City's Development/Sustainable Communities Plan program provides a regional level framework to implement the City's *General Plan* objectives. The HMP project area is located within the Ko'olau Poko SCP area, one of eight geographic regions of O'ahu that are part of the SCP program. The Ko'olaupoko district encompasses the windward coastal and valley areas generally extending from Makapu'u Point to Kailua, Kāne'ohe, and northbound up to Ka'ō'io Point in Kualoa. The existing *Ko'olau Poko Sustainable Communities Plan* was recently updated in August 2017 as Ordinance No. 17-42, ROH.

The current SCP includes the proposed expansion of HMP. This is reflected in their Open Space Map, where the current HMP site and 53.45 acre expansion are designated as a "Cemetery" land use, are included as part of "Urban Areas," and are

within the “community growth boundary.” The SCP Land Use Map also designates HMP and the Petition Area as “Cemetery” as shown on Figure 6.3.

Discussion of the HMP and expansion area is included under Section 3.1.3.4, under the cemeteries subheading. Other sections of the SCP were amended to include some design criteria applicable to HMP’s cemetery expansion. The DEIS will discuss how the project is consistent with the policies and guidelines of the Ko’olau Poko SCP.

26. Zoning Ordinance. Permitted land uses and activities under the City’s jurisdiction are prescribed under Chapter 21 Land Use Ordinance (LUO) of the City’s Revised Ordinances of Honolulu, as amended (City, 1990). The LUO describes the various zoning districts throughout the City, the uses allowed within each zoning district, and the applicable development standards for each district. The Petition Area is within the City’s P-1, Restricted Preservation District. The Ocean View Garden site is within the P-2, General Preservation District. The P-1 Restricted Preservation District corresponds to the State’s Conservation District as intended under the City’s LUO, Section 21-3.40(b).

The P-2, General Preservation District is intended for uses characterized by open space (parks, golf courses, cemeteries) within the State Urban District. The proposed cemetery expansion within this zoning district is a permitted use under the LUO. Within the P-1, Restricted Preservation District, all uses, structures and development standards are governed by the Board of Land and Natural Resources. This

environmental document is supporting a petition to the State Land Use Commission to reclassify the areas of the Petition Area within the Conservation District to the Urban District. Upon reclassification to the Urban District, all uses, structures and development standards would be as specified for the P-2, General Preservation District. Consequently, the expansion of the cemetery along with the cultural preserve would be permitted uses. The Draft EIS will address the project's consistency with the development standards and permitted uses allowed under these zoning regulations.

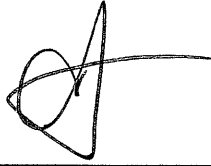
27. Development of the Property. It is anticipated that Project will be substantially completed within ten (10) years after the date of the Commission's approval.

28. Hawaiian Customary and Traditional Rights. Petitioner is aware of and sensitive to the existence and practice of native Hawaiian customary and traditional rights that are protected by Article XII, Section 7 of the Hawai'i State Constitution. A cultural impact assessment for the Project will be prepared and included with the DEIS.

29. Written Comments from Agencies and Organizations. Written comments from agencies and organizations will be included in the DEIS.

Based on the foregoing, Petitioner respectfully requests that the Commission finds that the Petition meets the standards for determining Urban District boundaries pursuant to HAR § 15-15-18, and amends the land use district boundary of the Property from the State Land Use Conservation District to the State Land Use Urban District.

DATED: Honolulu, Hawai'i, November 13, 2017.



Of Counsel:

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Attorneys for Petitioner
HAWAIIAN MEMORIAL LIFE
PLAN, LTD.

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

| | | |
|---|---|--------------------|
| In the Matter of the Petition of |) | DOCKET NO. A17-804 |
| |) | |
| HAWAIIAN MEMORIAL LIFE PLAN, LTD. |) | VERIFICATION |
| |) | |
| To Amend The Conservation Land Use |) | |
| District Boundary Into The Urban Land Use |) | |
| District For Approximately 53.449 Acres Of |) | |
| Land At Kaneohe, Island of Oahu, State of |) | |
| Hawai'i, Tax Map Key: (1) 4-5-033: por. 001 |) | |
| _____ |) | |

VERIFICATION

| | | |
|-----------------------------|---|------|
| STATE OF HAWAII |) | |
| |) | ss.: |
| CITY AND COUNTY OF HONOLULU |) | |

Jay Morford, being first duly sworn, on oath, deposes and says that:

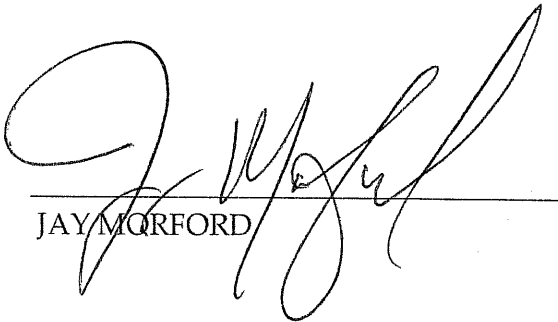
1. I am the President of HAWAIIAN MEMORIAL LIFE PLAN, LTD. ("Petitioner"), and in this capacity I am familiar with matters relating to the land which is the subject of Docket No. A17-804 and knowledgeable to testify on behalf of the Petitioner.

2. I have personal knowledge of the matters set forth in the foregoing Petition in Docket No. A17-804 and am qualified and competent to make this verification.

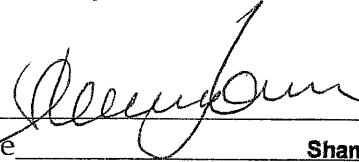
3. I make this verification pursuant to HAR § 15-15-39, Land Use Commission Rules.

4. I have read the foregoing document and the contents therefore are true and correct to the best of my knowledge and belief.

Dated: Honolulu, Hawai'i, 11/7/17.


JAY MORFORD

Subscribed and sworn to me
this 7 day of NOVEMBER 2017


Name Shannon Hirao

Notary Public, State of Hawai'i

My commission expires: My commission expires: October 12, 2018




NOTARY CERTIFICATE (Hawai'i Administrative Rules § 5-11-8)

Document Identification or Description: Verification

Doc. Date: NOV 07 2017 No. of Pages: 2

Jurisdiction: 1 Circuit

(in which notarial act is performed)

 Shannon Hirao NOV 07 2017

Signature of Notary

Date of Certificate

Shannon Hirao

Printed Name of Notary



(Official Stamp or Seal)