

BEFORE THE LAND USE COMMISSION

LAND USE COMMISSION
STATE OF HAWAII

OF THE STATE OF HAWAII

2019 OCT 22 P 12:37

In the Matter of the Petition of)	DOCKET NO. A17-804
)	
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 Kāne'ōhe, Island of Oahu, State of)	
Hawai'i, Tax Map Key: (1) 4-5-033: por. 001)	
_____)	

PETITIONER HAWAIIAN MEMORIAL LIFE PLAN, LTD.
MEMORANDUM RE PETITION TO INTERVENE

AND

CERTIFICATE OF SERVICE

BENJAMIN M. MATSUBARA, #993-0
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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
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HAWAIIAN MEMORIAL LIFE PLAN, LTD.)	PETITIONER HAWAIIAN
)	MEMORIAL LIFE PLAN, LTD.
To Amend The Conservation Land Use)	MEMORANDUM RE PETITION
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MEMORANDUM RE PETITION TO INTERVENE

Comes now Petitioner HAWAIIAN MEMORIAL LIFE PLAN, LTD., by and through its attorneys, MATSUBARA, KOTAKE & TABATA, and hereby submits it Memorandum Re Petition to Intervene.

I BACKGROUND

On November 13, 2017, Petitioner HAWAIIAN MEMORIAL LIFE PLAN, LTD. (“Petitioner”) filed its Petition for Land Use District Boundary Amendment to reclassify approximately 53.449 acres of land from the Conservation District to the Urban District for the expansion of the existing cemetery, the creation of a 14.5 acre cultural preserve internal roadways and open space (“Petition”).

On April 26, 2019, the Land Use Commission, State of Hawaii (“LCU”) entered its Findings of Fact, Conclusions of Law, and Decision and Order Accepting Petitioner’s Final Environmental Impact Statement.

On May 10, 2019, Petitioner filed its First Amendment to Petition for Land Use District Boundary Amendment.

On June 19, 2019, Petitioner filed its Second Amendment to Petition for Land Use District Boundary Amendment.

By letter dated June 17, 2019, the Petition was deemed a proper filing and accepted for processing as of July 16, 2019.

On October 10, 2019, the Petition to Intervene was filed by HUI O PIKOILOA, and unincorporated Association, LIANNE CHING, BETTYE HARRIS, RICHARD MCCREEDY, JULIANNE MCCREEDY, JESSE REAVIS, and GRANT YOSHIMORI (“Intervenors”).

On October 15, 2019, the notice of hearing was published, filed and served pursuant to § 15-15-51, Hawaii Administrative Rules (“HAR”).

On October 15, 2019, the Petition to Intervene was received by Petitioner.

II. DISCUSSION

Petitioner does not oppose the Petition to Intervene, but requests that the order granting intervention specifically states that Intervenors be limited to raising those issues and impacts that are listed by bullet points on page 5 of the Petition to Intervene, which are limited to the following: increasing flooding risks and similar hazards to nearby properties, adding risks of rock falls and mud slides in the area, impacts on native gathering and access rights for ahupua`a residents, impacts on native plants and

fauna, increased construction traffic and noise, loss of conservation district lands, adversely impacting the microclimate, visual impacts, and impacting property values.

Limiting Intervenors' issues to those identified in the Petition to Intervene provides the parties notice of Intervenors' claims, and promotes efficiency and judicial economy by focusing the proceedings on orderly raised issues to be addressed.

DATED: Honolulu, Hawai'i, October 22, 2019.



Of Counsel:

MATSUBARA, KOTAKE & TABATA
A Law Corporation

BENJAMIN M. MATSUBARA
CURTIS T. TABATA
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
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HAWAIIAN MEMORIAL LIFE PLAN, LTD.) CERTIFICATE OF SERVICE
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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 Oʻahu, State of)
Hawaiʻi, Tax Map Key: (1) 4-5-033: por. 001)
_____)

CERTIFICATE OF SERVICE

I hereby certify that a file-marked of the foregoing document was duly served upon the following AS INDICATED BELOW on October 22, 2019.

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HAND-DELIVERY

HUI O PIKOILOA, an unincorporated
Association, LIANNE CHING, BETTYE
HARRIS, RICHARD MCCREEDY, JULIANE
MCCREEDY, JESSE REAVIS, and
GRANT YOSHIMORI
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CERTIFIED MAIL
RETURN RECEIPT
REQUESTED

DATED: Honolulu, Hawai`i, October 22, 2019.



Of Counsel:

MATSUBARA, KOTAKE & TABATA
A Law Corporation

BENJAMIN M. MATSUBARA
CURTIS T. TABATA
Attorneys for Petitioner
HAWAIIAN MEMORIAL LIFE
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