



LAND USE COMMISSION  
STATE OF HAWAII

2019 DEC 13 A 8:54

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., A Hawai'i Corporation	)	ORDER GRANTING HUI O PIKOILOA PETITION TO INTERVENE IN
	)	HAWAIIAN MEMORIAL LIFE PLAN, LTD.'S PETITION FOR LAND USE
To Amend The Conservation Land Use District Boundary Into The Urban Land Use District For Approximately 56.459 Acres Of Land At Kāne'ōhe, Ko'ōlaupoko, O'ahu, Hawai'i,	)	DISTRICT BOUNDARY AMENDMENT; AND CERTIFICATE OF SERVICE
Tax Map Key: (1) 4-5-33: 001 (por.)	)	
_____	)	

ORDER GRANTING HUI O PIKOILOA PETITION TO INTERVENE IN HAWAIIAN  
MEMORIAL LIFE PLAN, LTD.'S PETITION FOR LAND USE DISTRICT BOUNDARY  
AMENDMENT

AND

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF  
THE DOCUMENT ON FILE IN THE OFFICE OF THE STATE LAND USE  
COMMISSION, HONOLULU, HAWAII.

December 13, 2019  
DATE

by \_\_\_\_\_

EXECUTIVE OFFICER



LAND USE COMMISSION  
STATE OF HAWAII

2010 DEC 13 A 8:54

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., A Hawai'i Corporation	)	ORDER GRANTING HUI O PIKOILOA PETITION TO INTERVENE IN
	)	HAWAIIAN MEMORIAL LIFE PLAN,
To Amend The Conservation Land Use District Boundary Into The Urban Land Use District For Approximately 56.459 Acres Of Land At Kāne'ōhe, Ko'olaupoko, O'ahu, Hawai'i,	)	LTD.'S PETITION FOR LAND USE DISTRICT BOUNDARY AMENDMENT;
Tax Map Key: (1) 4-5-33: 001 (por.)	)	AND CERTIFICATE OF SERVICE
_____	)	

ORDER GRANTING HUI O PIKOILOA PETITION TO INTERVENE IN HAWAIIAN  
MEMORIAL LIFE PLAN, LTD.'S PETITION FOR LAND USE DISTRICT BOUNDARY  
AMENDMENT

AND

CERTIFICATE OF SERVICE



LAND USE COMMISSION  
STATE OF HAWAII

2010 DEC 13 A 7 29

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., A Hawai'i Corporation	)	ORDER GRANTING HUI O PIKOILOA PETITION TO INTERVENE IN HAWAIIAN MEMORIAL LIFE PLAN, LTD.'S PETITION
To Amend the Conservation Land Use District Boundary Into The Urban Land Use District For Approximately 53.449 Acres Of Land at Kāne'ohe, Ko'olaupoko, O'ahu, Hawai'i, Tax Map Key: (1) 4-5-33: 001 (por.)	)	FOR LAND USE DISTRICT BOUNDARY AMENDMENT
	)	
	)	

ORDER GRANTING HUI O PIKOILOA'S PETITION TO INTERVENE IN HAWAIIAN  
MEMORIAL LIFE PLAN, LTD.'S PETITION FOR LAND USE DISTRICT BOUNDARY  
AMENDMENT



LAND USE COMMISSION  
STATE OF HAWAII

2019 DEC 13 A 7:29

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., A Hawai'i Corporation	)	ORDER GRANTING HUI O PIKOILOA PETITION TO INTERVENE IN HAWAIIAN MEMORIAL LIFE PLAN, LTD.'S PETITION
To Amend the Conservation Land Use District Boundary Into The Urban Land Use District For Approximately 53.449 Acres Of Land at Kāne'ōhe, Ko'olaupoko, O'ahu, Hawai'i, Tax Map Key: (1) 4-5-33: 001 (por.)	)	FOR LAND USE DISTRICT BOUNDARY AMENDMENT
	)	
	)	

ORDER GRANTING HUI O PIKOILOA PETITION TO INTERVENE IN HAWAIIAN  
MEMORIAL LIFE PLAN, LTD.'S PETITION FOR LAND USE DISTRICT BOUNDARY  
AMENDMENT

On November 13, 2017, Hawaiian Memorial Life Plan, Ltd. ("Petitioner") filed a petition for land use district boundary amendment.

On December 11, 2017, Hui O Pikoiloa ("HOP") filed a timely Notice of Intent to Intervene pursuant to Hawai'i Administrative Rules ("HAR") §15-15-52(b).



On October 10, 2019, Lianne Ching, Bettye Harris, Richard McCreedy, Juliane McCreedy, Jesse Reavis, Grant Yoshimori and Hui O Pikoiloa<sup>1</sup> (collectively “HOP”) filed a timely Petition To Intervene In Hawaiian Memorial Life Plan, Ltd.’s Petition For Land Use District Boundary Amendment (“Petition To Intervene”) pursuant to section 15-15-52, (“HAR”).

In their Petition To Intervene, HOP stated that as owners of single-family residential lots that either abut or are within 400 feet of the Petition Area, they have a direct and indirect interest that is clearly distinguishable from the general public which would be adversely impacted by the proposed expansion of the Hawaiian Memorial Park Cemetery. HOP further asserted that some members of HOP exercise native gathering and access rights in the Petition Area and utilize Kāne‘ohe Bay for recreational purposes. HOP noted that the reclassification of the Petition Area will have an immediate and direct affect on owners of property who reside in close proximity to the Petition Area, including (1) an increased risk of flooding and similar hazards; (2) added risk of rock falls and mudslides; (3) impacts on native gathering and access rights for ahupua`a residents; (4) impacts on native plants and fauna; (5) increased construction traffic and noise; (6) loss of Conservation District lands; (7) adverse impact on the microclimate; (8) scenic resources and visual impacts; and (9) impacts on property values.

On October 15, 2019, Petitioner published a Notice of Hearing in newspapers of statewide circulation providing notice of a hearing scheduled for November 21, 2019.

On November 12, 2019, the Commission filed a meeting agenda and notice of hearing for November 21, 2019, in Kāne‘ohe, Hawai‘i, to the Statewide and O‘ahu mailing and electronic mail lists, and the Lt. Governor’s Office.

---

<sup>1</sup> Hui O Pikoiloa is an unincorporated community organization of concerned residents of the Pikoiloa Subdivision and other community members. Named individuals in the Petition To Intervene were Lianne Ching, Bettye Harris, Richard McCreedy, Julianne McCreedy, Jesse Reavis, and Grant Yoshimori.

The Commission considered the Petition To Intervene at its meeting on November 21, 2019, in Kāneʻohe, Hawaiʻi. Grant Yoshimori, Richard and Julianne McCreedy appeared on behalf of HOP. Curtis T. Tabata, Esq., and Jay Morford appeared on behalf of Hawaiian Memorial Life Plan, Ltd. (“Petitioner”). Dawn Takeuchi-Apuna, Esq., Rodney Funakoshi, and Lorene Maki appeared on behalf of the State Office of Planning (“OP”). Dina Wong and Ray Young appeared on behalf of the County.

The following commissioners made disclosure statements: Dawn Chang; Arnold Wong; Gary Okuda; and, Jonathan Scheuer. There were no objections to the commissioners’ participation from any of the parties or the potential interveners.

There was no public testimony.

At the meeting, Mr. Yoshimori stated that he was the designated spokesperson for HOP. Mr. Yoshimori then elaborated on the nature and extent of HOP’s interest in this matter and the effect the reclassification of the Petition Area would have on the group’s interest. Mr. Yoshimori further explained that there are no other means of effectively protecting the interests of HOP as there are no other parties in the proceeding that effectively represent the interests held by HOP. Mr. Yoshimori also pointed out that HOP’s intervention in the proceeding will result in the development of a complete record before the Commission and will serve the public’s interest by ensuring that the concerns of the group are adequately represented. Mr. Yoshimori indicated HOP was willing to limit the scope of its intervention to the issues articulated in its Petition To Intervene and four additional issues: the need for the expansion; alternatives to expansion; compliance with State and county laws; and, impact to the climate. Finally, Mr. Yoshimori represented that if HOP was granted intervener status in this matter, he would be the spokesperson for the group with possible assistance from Richard McCreedy.

Following Mr. Yoshimori's presentation on HOP's Petition To Intervene, Petitioner stated that it did not oppose the intervention as long as it was limited in scope to the issues identified by HOP in its Petition to Intervene and the additional four issues raised by Mr. Yoshimori in oral testimony. In addition, Petitioner reserved the right to object during the course of the Petition.

The County had no objections to the Petition To Intervene and the proposed scope of intervention.

OP stated they had no objections to the Petition To Intervene and the proposed scope of intervention.

Following discussion, a motion was made and seconded to (i) grant the Petition To Intervene with respect to Hui O Pikoiloa, subject to the condition that the group shall be represented in all matters before this Commission by group members Grant Yoshimori with assistance from Richard McCreedy, on the grounds that HOP has demonstrated that they will be so directly and immediately affected by the proposed change that their interest in the proceeding is clearly distinguishable from that of the general public; that the position of HOP concerning the proposed change is not substantially the same as the position of a party already admitted in the proceeding; and that admission of HOP, subject to the above condition, will not render the proceedings inefficient and unmanageable; and, (ii) limit the scope of intervention to the nine issues raised by Hui O Pikoiloa in their Petition to Intervene and an additional four issues raised orally at the hearing. There being a vote tally of 7 ayes and 1 excused, the motion carried.<sup>2</sup>

---

<sup>2</sup> Currently there is one at-large position vacant on the Commission.



## ORDER

This Commission, having duly considered the Hui O Pikoiloo's timely Petition To Intervene, the arguments of the parties presented in the proceeding, and a motion having been made at a meeting on November 21, 2019, in Honolulu, Hawai'i, and the motion having received the affirmative votes required by HAR §15-15-13, and there being good cause for the motion,

HEREBY ORDERS that Hui O Pikoiloo's timely Petition To Intervene be GRANTED with respect to Hui O Pikoiloo as an unincorporated association subject to the following conditions:

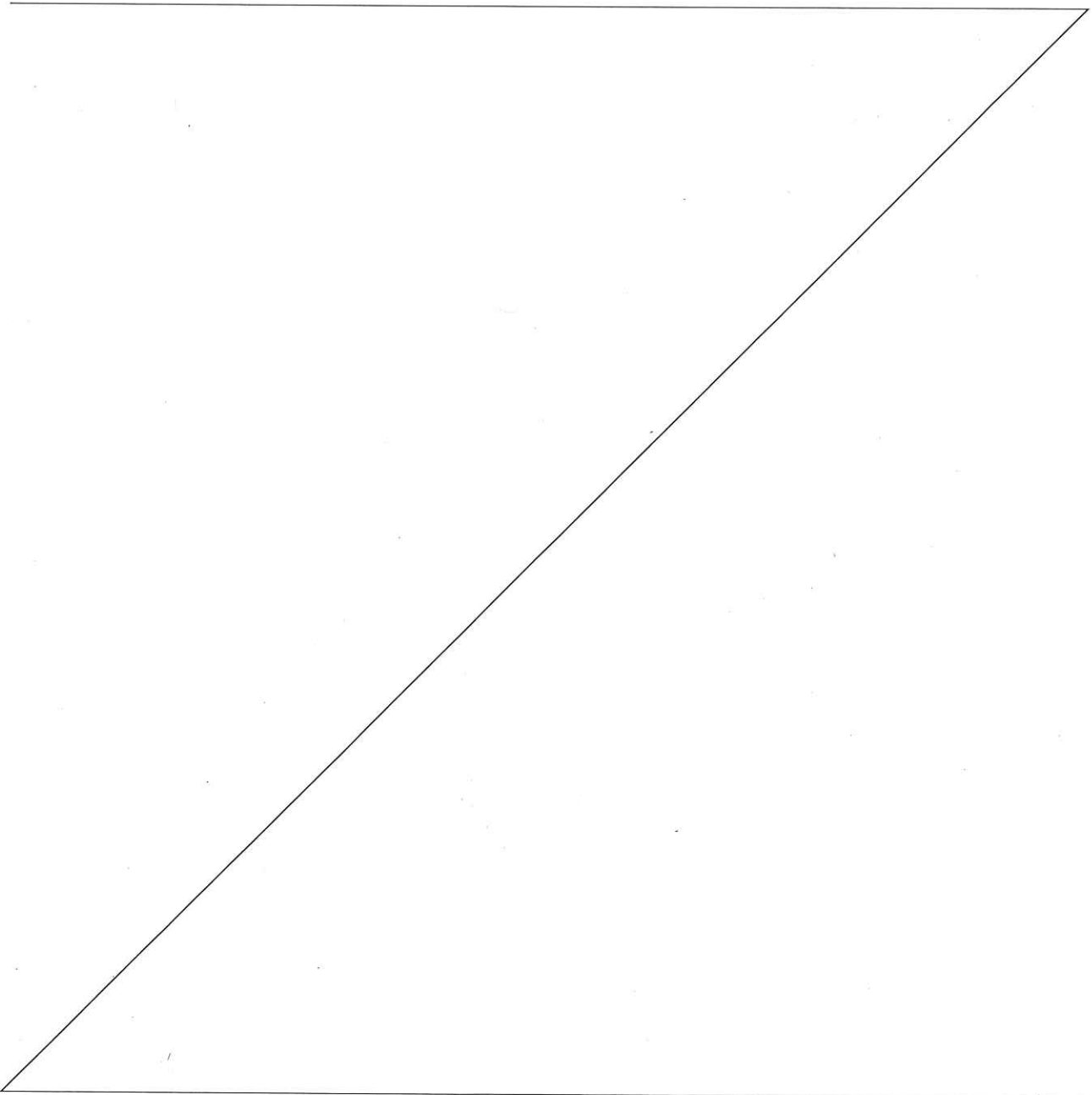
(1) that Hui O Pikoiloo shall be represented in all matters before this Commission by Grant Yoshimori and assisted by Richard McCreedy; and,

(2) that Hui O Pikoiloo's intervention shall be limited in scope to the following issues identified in the Petition to Intervene and as articulated at the intervention hearing:

- a. Increasing flooding risks and similar hazards to nearby properties;
- b. Adding risks of rock falls and mud slides in the area;
- c. Impacts on native gathering and access rights for ahupua'a residents;
- d. Impacts on native plants and fauna;
- e. Increased construction traffic and noise;
- f. Loss of conservation lands;
- g. Adverse impacts to the microclimate;
- h. Visual impacts;
- i. Impacts to property values;



- j. Questions regarding the need for expansion;
- k. Alternatives to expansion;
- l. Compliance with State and county laws; and,
- m. Impacts to climate.



ADOPTION OF ORDER

The ORDER and its ADOPTION shall take effect upon the date this ORDER is certified and filed by this Commission.

DONE at Honolulu, Hawai'i, this 13th day of December, 2019, per motion on November 21, 2019.

APPROVED AS TO FORM

  
Deputy Attorney General

LAND USE COMMISSION  
STATE OF HAWAI'I

By   
JONATHAN LIKEKE SCHEUER  
Chairperson and Commissioner

Filed and effective on:

12/13/19

  
DANIEL E. ORODENKER

Executive Officer



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, ) CERTIFICATE OF SERVICE  
LTD., A Hawai'i Corporation )  
)  
To Amend The Conservation Land Use )  
District Boundary Into The Urban Land )  
Use District For Approximately 56.459 )  
Acres Of Land At Kāne'ōhe, Ko'olaupoko, )  
O'ahu, Hawai'i, )  
Tax Map Key: (1) 4-5-33: 001 (por.) )  
\_\_\_\_\_ )

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the ORDER GRANTING HUI O PIKOILOA'S  
PETITION TO INTERVENE IN HAWAIIAN MEMORIAL LIFE PLAN, LTD.'S PETITION  
FOR LAND USE DISTRICT BOUNDARY AMENDMENT was served upon the following by  
either hand delivery or depositing the same in the U. S. Postal Service by regular or certified  
mail as noted:

DEL. MARY ALICE EVANS, Director  
Office of Planning  
P. O. Box 2359  
Honolulu, Hawai'i 96804-2359

DEL. DAWN APUNA, Esq.  
Deputy Attorney General  
425 Queen Street  
Honolulu, Hawai'i 96813

REGULAR MAIL: KATHY SOKUGAWA, Acting Director  
Department of Planning and Permitting  
650 South King Street  
Honolulu, Hawai'i 96813

REGULAR MAIL: PAUL S. AOKI, Esq.  
Corporation Counsel  
City and County of Honolulu  
530 South King Street  
Honolulu, Hawai'i 96813

CERTIFIED MAIL: CURTIS T. TABATA, Esq  
MATSUBARA, KOTAKE & TABATA  
888 Mililani Street, Suite #308  
Honolulu, Hawai'i 96813

CERTIFIED MAIL: GRANT YOSHIMORI, Pro se  
HUI 'O PIKOILOA  
45-464 Līpalu Street  
Kaneohe, Hawai'i 96744

Honolulu, Hawai'i, 12/13/19



DANIEL E. ORODENKER  
Executive Officer