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BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of

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 Kaneohe, Island of Oahu, State of
Hawaii, Tax Map No. (1) 4-5-033: por. 001

DOCKET NO. A17-804

DIRECTOR OF THE DEPARTMENT OF
PLANNING AND PERMITTING'S
PROPOSED FINDINGS OF FACTS,
CONCLUSION OF LAW AND DECISION
AND ORDER; CERTIFICATE OF SERVICE



DIRECTOR OF THE DEPARTMENT OF PLANNING
AND PERMITTING'S PROPOSED FINDINGS OF FACTS, CONCLUSIONS OF LAW
AND DECISION AND ORDER

FINDING OF FACTS

1. Petitioner, Hawaiian Memorial Life Plan, LTD. ("Petitioner") seeks to amend the land use district boundary to reclassify approximately 53.449 acres ("Property") of land in Kaneohe, Island of Oahu, Hawaii, from the State Land Use Conservation District to State Land Use Urban District. (*Petition for Land Use District Boundary Amendment, filed November 13,*

2017(“Petition”), paragraph 4, page2) The Property is a portion of a lot of record of 163.423 acres (Petition paragraph 2, page 2)

2. Petitioner proposes to use 28.20 acres of the property, about 53%, to expand the adjacent and existing cemetery, Hawaiian Memorial Park. (Petition paragraph 10, page 4)

3. The Petitioner proposes to establish 14.50 acre cultural preserve within the Property. (Petition paragraph 10, page 4)

4. The Property would also include a 7.75 acre buffer /open space area situated between the proposed cemetery expansion and adjacent single-family dwelling and approximately 3.00 acres for internal driveways. (Petition paragraph 10, page 4)

5. The expansion of the cemetery as proposed by Petitioner is consistent with the City and County of Honolulu’s (“City”) planning for this area which is documented in the City’s Koolau Poko Sustainable Community Plan (“KPSCP”). (Written Testimony of Kathy Sokugawa, Acting Director of Department of Planning and Permitting, dated December 23, 2019, pages 3-4)

6. If the Property is reclassified from Conservation District to Urban District, the Property would automatically fall under the P-2 General Preservation District regulations of the City’s Land Use Ordinance (“LUO”), the City’s zoning regulations. (Revised Ordinances of the City and County of Honolulu, Chapter 21, “ROH”, Section 21-3.40(d))

7. The P-2 General Preservation District land use designation permits cemeteries and cultural preserves uses. (ROH Table 21-3)

8. The KPSCP, recommends that any proposed expansion by Hawaiian Memorial Park include a 150-foot buffer from residential homes, a 2,000-foot buffer from the Pohai Nani senior living community, and a phased approach to sales and marketing to ensure that the land

adjacent to the residential homes on Lipalu Street is the last portion of land used for cemetery interment, in order to minimize potential impacts to neighboring residents. (*City's Exhibit A, KPSCP, page 3-19*)

9. The KPSCP further recommends that Hawaiian Memorial Park shall record with the State of Hawaii Bureau of Conveyances or the State of Hawaii Land Court, or both, as appropriate, a conservation easement on the entirety of the 156-acre undeveloped portion of the Pikoiloa Tract property (Tax Map Key 4-5-033: 001) that would limit any other future development on the property, except for the 28.2-acre portion of the property that encompasses the proposed Hawaiian Memorial Park expansion site, and the 14.5-acre portion of the property that encompasses the proposed Kawaewae Heiau cultural preserve. (*City's Exhibit A, KPSCP, page 3-19*)

10. The cemetery expansion will cause the loss of forest which is contrary to the City's efforts to encourage the planting and preservation of trees to offset the effects of carbon production or the loss of resources that sequester carbon. (*Written Testimony of Kathy Sokugawa, Acting Director of Department of Planning and Permitting, dated December 23, 2019, page 5*)

CONCLUSION OF LAW

1. Pursuant to HRS Chapter 205 and the Commission rules under HAR chapter 15-15, and consideration of the Commission decision making criteria as required under HRS section 205-17, the Commission finds upon the clear and preponderance that the reclassification of approximately 53.449 acres of land in Kaneohe, Island of Oahu, Hawaii, from State Land Use Conservation District to State Land Use Urban District and subject to the conditions stated in the Order below, conforms to the standards for establishing the boundaries of the State Land Use

Urban District, is reasonable, not violative of HRS section 205-2 and is consistent with the policies and criteria established pursuant to HRS section 205-16, 205-17 and 205A-2.

DECISION AND ORDER

IT IS HEREBY ORDERED that HAWAIIAN MEMORIAL LIFE PLAN, LTD. Petition 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 Hawaii, Tax Map No. (1) 4-5-033: por. 001 is hereby approved with the following conditions.

1. Establishing a buffer between the proposed cemetery expansion, Pohai Nani project, and other adjacent residential properties shall be required.
2. The Petitioner shall record with the State of Hawaii Bureau of Conveyances or the State of Hawaii Land Court, or both, as appropriate, a conservation easement and related declaration of restrictive covenant on the entirety of the 156.5-acre undeveloped portion of its Pikoiloa Tract property (TMK No. 4-5-033: 001) that limits, in perpetuity, any other future development on the property, except for the 28.2-acre portion of the property that encompasses the proposed Hawaiian Memorial Park expansion site, and the 14.5-acre portion of the property that encompasses the proposed Kawaewae Heiau cultural preserve.

A copy of the recorded conservation easement and declaration of restrictive covenant shall be submitted to the City and County of Honolulu, Department of Planning and Permitting, prior to the issuance of any grading permit or any other permit which involves ground disturbance.

Should the Petitioner desire to make any major changes to the conservation easement or the declaration of restrictive covenant, a request to amend the Decision and Order shall be made to the LUC.

3. Prior to the issuance of a grading permit, the Petitioner shall submit to the City and County of Honolulu, Department of Planning and Permitting, a landscape plan and schedule of planting. Within the Petition Area, the loss of mature trees, defined as having a trunk diameter of six inches or greater, shall be replaced on a one-for-one basis, at a minimum, with preferably field stock trees that will have approximately similar size canopy coverage within a reasonable period of time. The location of replacement trees are not limited to the Petition Area.

DATED: Honolulu, Hawaii, August 26, 2020.

PAUL S. AOKI
Acting Corporation Counsel

By _____
DUANE W. H. PANG
Deputy Corporation Counsel
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CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

I hereby certify that a copy of the **DIRECTOR OF THE DEPARTMENT OF PLANNING AND PERMITTING'S POSITION STATEMENT** was duly served by either hand-delivery or U. S. Mail, postage prepaid, by certified mail, return receipt requested, to the following on the date below, addressed as follows:

	<u>DELIVERY</u>	<u>MAIL</u>
Mary Alice Evans Director Office of Planning 235 South Beretania Street, 6th Floor Honolulu, Hawaii 96813	X	
Dawn Takeuchi-Apuna, Esq. Deputy Attorney General Department of the Attorney General Hale Auhau, Third Floor 425 Queen Street Honolulu, Hawaii 96813	X	

DELIVERY

MAIL

Kathy K. Sokugawa
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City and County of Honolulu
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X

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X

Hui O Pikoiloa
Attention: Grant Yoshimori
45-464 Lipalu Street
Kaneohe, Hawaii 96744

X

DATED: Honolulu, Hawaii, August 26, 2020.

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