

BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Petition )  
for Special Permit of )  
HAWAIIAN MEMORIAL PARK CEMETERY ) SP83-357  
ASSOCIATION )  
For approximately 18 acres of ) HAWAIIAN MEMORIAL PARK  
land within the State Land Use ) CEMETERY ASSOCIATION  
Agricultural District at Pauwela, )  
Makawao, Island of Maui, Tax Map )  
Key 2-7-07: 52 )  

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DECISION AND ORDER

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Key 2-7-07: 52	)	
	)	

FINDINGS OF FACT, CONCLUSIONS OF LAW,  
DECISION AND ORDER

The Land Use Commission of the State of Hawaii, having duly considered the entire record in the above entitled matter at its action meeting on July 20, 1983 at Lihue, Kauai, makes the following findings of fact and conclusions of law.

FINDINGS OF FACT

1. The Petition for Special Permit was filed with the Maui Planning Commission by Hawaiian Memorial Park Cemetery Association, pursuant to Section 205-6, Hawaii Revised Statutes, to operate a cemetery on approximately 18 acres of land situated in the State Land Use Agricultural District at Pauwela, Makawao, Maui, Tax Map Key 2-7-07: 52.
2. The subject property is located on the makai side of Hana Highway, approximately three fourths of a mile east of Pauwela town and about a mile north of the Haiku Urban District.
3. The site is currently being utilized as a cemetery and has been in that use since 1968. Approval was given by the Maui County Board of Supervisors to the established cemetery use in 1967.
4. The requirement for a State Land Use Special Permit was not met during the establishment of the cemetery.

The current owners, Hawaiian Memorial Park Cemetery Association, is applying for the Special Permit to comply with the land use regulatory requirements of Chapter 205, Hawaii Revised Statutes.

5. Presently established on the site are a chapel, an administration building and associated parking, and a pagoda.

6. Access is provided via Hana Highway. Access rights within the subject property over an irrigation canal was obtained from East Maui Irrigation Company in the form of a quit claim deed.

7. Current County land use designations are:

Maui County Zoning - Agriculture

Paia-Haiku Community Plan - Public

The subject property is also located within the County Special Management Area.

8. The proposed cemetery will help to satisfy a community need for the Haiku-Pauwela region of Maui. The cemetery use has been in existence at the site for over ten years and an expanded use of the property will not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations.

9. The proposed use would not adversely affect surrounding property. Use of the parcel for a cemetery since 1968, has not caused significant adverse impact upon the environment, drainage, noise levels and has not contributed to pollution of the surrounding areas.

10. The proposed use would not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, and school improvements, and police and fire protection. Infrastructural systems already exist on the subject site. These systems were installed when the cemetery use was initiated. As a result, no public agencies would be burdened to provide infrastructural improvements. Police and fire protection are available.

11. Unusual conditions, trends and needs have arisen since the district boundaries and regulations were established. The continued use of the subject parcel for cemetery use will provide Maui residents with an alternative cemetery site in the Haiku-Pauwela region. Most cemeteries are now located in central Maui in the Wailuku-Kahului area.

12. The land upon which the cemetery use is sought is generally unsuited for the uses permitted within the Agricultural District. The soils of the property is designated "C" or average by the Land Study Bureau under its Detailed Land Use Classification System. In addition, approval of this permit will not cause the removal of any active ongoing agricultural activity from the subject lands.

13. The Maui Planning Commission considered the subject Special Permit request at its meeting on June 21, 1983, and concluded that the proposed use will not result in significant adverse impacts and does meet the "tests to be applied" for Special Permits within the State Agricultural District.

14. The complete record of the subject Special Permit was received at the Land Use Commission office on July 1, 1983.

#### CONCLUSIONS OF LAW

The proposed use is an "unusual and reasonable" use as defined by Chapter 205-6, Hawaii Revised Statutes and the proposed use is not contrary to the objectives sought to be accomplished by the State Land Use Law and Regulations in that it could further the purpose of the Land Use Law to preserve, protect and encourage the development of lands in the State for those uses to which they are best suited in the interest of the public health and welfare.

#### DECISION AND ORDER

IT IS HEREBY ORDERED that Special Permit 83-357 for the operation and improvement of an existing cemetery on approximately 18 acres of land situated in the State Land Use

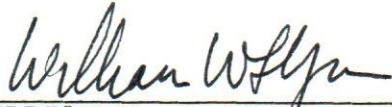
Agricultural District at Pauwela, Makawao, Maui, Tax Map Key

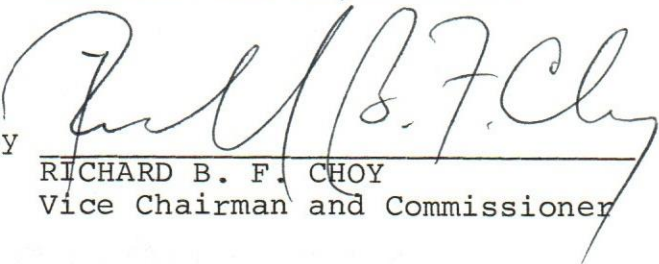
2-7-07: 52, be approved subject to the following conditions:

1. That an updated master plan for the cemetery including building locations shall be submitted to the Planning Department for review and approval within six (6) months of the granting of the Special Use Permit by the Land Use Commission and prior to any improvements on the subject site.
2. That an application for a Special Management Area Permit shall be submitted to the Planning Department for all improvements to the site including but not limited to buildings, fences, signs, lighting, paving and landscape planting.
3. That full compliance with all applicable State and County requirements be rendered.

Done at Honolulu, Hawaii, this 8th day of August,  
1983, per motion on July 20, 1983.


LAND USE COMMISSION  
STATE OF HAWAII

By   
WILLIAM W. L. YUEN  
Chairman and Commissioner

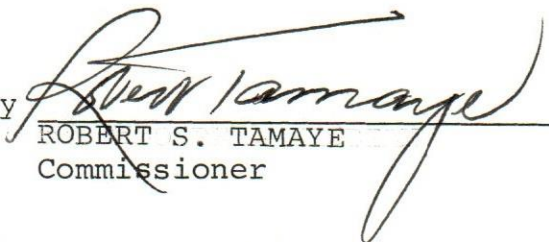
By   
RICHARD B. F. CHOY  
Vice Chairman and Commissioner

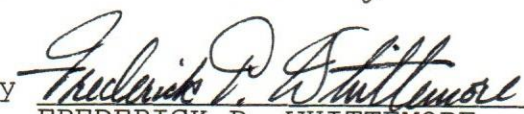
By   
EVERETT L. CUSKADEN  
Commissioner

By   
SHINSEI MIYASATO  
Commissioner

By   
WINONA E. RUBIN  
Commissioner

By   
TEOFILO PHIL TACBIAN  
Commissioner

By   
ROBERT S. TAMAYE  
Commissioner

By   
FREDERICK P. WHITTEMORE  
Commissioner

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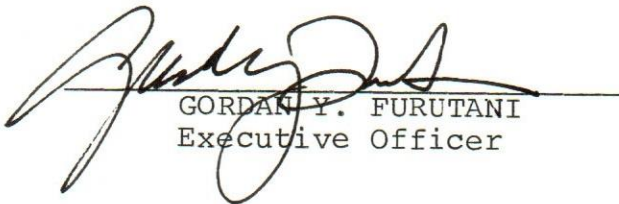
CERTIFICATE OF SERVICE

I hereby certify that a copy of the Land Use Commission's Decision and Order was served upon the following by either hand delivery or depositing the same in the U.S. Postal Service by certified mail:

TOSH ISHIKAWA, Planning Director  
Planning Department  
County of Maui  
200 South High Street  
Wailuku, Hawaii 96793

ALAN GINOZA, Executive Vice President  
Hawaiian Memorial Park Cemetery Association  
45-425 Kamehameha Highway  
Kaneohe, Hawaii 96744

DATED: Honolulu, Hawaii, this 15th day of September, 1983.

  
GORDAN Y. FURUTANI  
Executive Officer

SP83-357 - HAWAIIAN MEMORIAL PARK CEMETERY ASSOCIATION

A certified copy of the Land Use Commission's Decision and Order was served by regular mail to the following on September 15, 1983.

KENT KEITH, Director  
Department of Planning and Economic Development  
State of Hawaii  
250 South King Street  
Honolulu, Hawaii 96813

REAL PROPERTY TAX OFFICE  
County of Hawaii  
865 Piilani Street  
Hilo, Hawaii 96720

REAL PROPERTY ASSESSMENT DIVISION  
City and County of Honolulu  
Mapping Section  
Property Technical Office  
Property Assessment Section  
1188 Fort Street Mall  
Honolulu, Hawaii 96813

OFFICE OF ENVIRONMENTAL QUALITY CONTROL  
550 Halekauwila Street, Room 301  
Honolulu, Hawaii 96813

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