



DEPARTMENT OF PLANNING
AND ECONOMIC DEVELOPMENT

LAND USE COMMISSION

250 South King St. / Honolulu, Hawaii 96813 / P. O. Box 2359 / Honolulu, Hawaii 96804

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November 4, 1975

Hawaii Planning Commission
25 Aupuni Street
Hilo, Hawaii 96720

Attention: Mr. Raymond Suefuji
Planning Director

Gentlemen:

At its meeting on October 28, 1975, the Land Use Commission voted to disapprove the Special Permit SP75-222 submitted by Kapehe Land Investment to establish a memorial park in the Agricultural District on 31.2 acres of land described as Tax Map Key 7-3-2: 9, Kalaoa 2nd, N. Kona, Hawaii. The motion for denial of the petition was on the basis that the application was premature. The Commission noted that a Special Permit was approved in August, 1974 (SP74-184, Sim Wenner) which would provide 10 acres for burial sites; and also that it did not have sufficient information to approve the request now under consideration.

The Commission further instructed its staff to request the Hawaii County Planning Director to consider the following:

- 1) that should future Special Permit applications be considered for the establishment of cemetery uses, particularly in the West Hawaii area, that the petitioner be required to show the need for such proposed uses in more depth;
- 2) that in addition to conformity with General Plan criteria, other supportive data such as population growth rates, death rates, availability of burial facilities and other pertinent information be considered for inclusion in the findings of the Hawaii County Planning Commission; and
- 3) that a comprehensive study be made to determine the projected needs for additional facilities of this type.

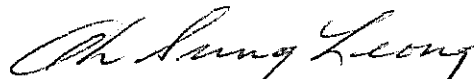
Hawaii Planning Commission

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November 4, 1975

Should you have any questions on the above matter,
please do not hesitate to contact this office.

Very truly yours,



AH SUNG LEONG
Acting Executive Officer

Encl.

cc: Kapehe Land Investment

STATE OF HAWAII
LAND USE COMMISSION

MEMORANDUM

October 28, 1975
10:00 a.m.

TO: Land Use Commission

FROM: Staff

SUBJECT: SP 75-222 - Kapehe Land Investment

Mr. Mark M. Onaka, in behalf of Kapehe Land Investment, requests approval of a Special Permit to allow the establishment of a Memorial Park including a mortuary and mausoleum within the State Land Use Agricultural District at Kalaoa 2nd, North Kona, Hawaii. The subject property is described as TMK 7-3-02:9 and consists of approximately 31.18 acres of land. It is located along the mauka side of Mamalahoa Highway directly across from the Kona Wonder View Lots Development. The property is owned in fee by Mrs. Emma Jane Kapehe.

In support of his request, the applicant has submitted a proposed development plan and the following statements:

1. "Requested special permit use conforms to Section 13 (B) (20) use and buildings normally considered accessory to the above permitted uses subject to approval of the Director.
2. "The desired use will be a long-term development and definitely fit in with the ecology plans for Hawaii. The design will be developed artistically and the perpetual maintenance of the grounds should enhance the value of surrounding property.
3. "The desired use will require water, telephone and electricity from available public utility facilities. The burden should be no greater if as much as a similar agricultural planned area with residences. Internal roads and streets will be built and maintained by the developer. Access roads may need to be paved and widened. Police protection in most cases would be limited to funeral escorts.
4. "At present West Hawaii has a number of small cemeteries that are not very well maintained, and only very limited space left for burial plots. The normal growth of population in this area may be expected to create a strong demand for County action to provide additional cemetery space. This proposal would relieve the County of this problem to a large extent.

5. "The land upon which the proposed use is sought may be considered as a necessary complement to the other uses permitted within the district. The proposed use may be considered just as essential to the public as parks, recreation areas, airfields, private clubs, golf courses, and other amenities.

6. "The proposed use will in general conform to the character of the land and should not pose any problems of drainage or other ecological factors. At present the land is not being used for any agricultural activity.

7. "A memorial park will fill an urgent need in West Hawaii. When completed it will afford many positions for local residents, including workers on the grounds and offices. This cemetery will be available to all the people of Hawaii regardless of religious beliefs or ethnic group. A full-service mortuary and mausoleum will be included on the grounds with various facilities to accommodate the desires, needs and wants of all the religious and ethnic customs of the Islands."

In addition, the applicant, in part, has submitted the following information regarding the proposed project:

1. "Two acres of land will be set aside for those who must turn to the State of Hawaii or County of Hawaii for their burial space and funeral expenses.

2. "The project will start with the development of ten acres into the various areas, with roads, the mortuary and the mausoleum.

3. "According to Utility Commission statistics, there are 18,000 people in the Kona area and 10,000 people in the region of Honokaa and the Kohalas. This would indicate a death rate in the area of 250 per year."

Presently, a single-family dwelling and a carport is situated on the subject property. The land is not used for any agricultural activity and the surrounding land area includes a Roman Catholic Church, the Church of Latter-Day Saints, pasture lands, and scattered single-family residences. There are several small cemeteries located within the North Kona District and a proposed new cemetery. The proposed cemetery is situated approximately 4.7 miles south (Kealahou side) of the subject property. The Land Use Commission approved the Special Permit request to establish this cemetery by Sim Wenner (SP 75-184) on August 10, 1974. The proposal under this Special Permit includes the development of 3,000 plots on approximately ten acres of land.

The soil type of this parcel is Punaluu extremely rocky peat, rock outcrops occupy 40 to 50 percent of the surface and the surface layer is about four inches thick and underlaid with Pahoe-hoe lava bedrock. The soil is rapidly permeable, runoff is slow, and the erosion hazard is slight. The land capability unit is class VII or soils which have very severe limitations for crop cultivation and limited pasture, woodland and wildlife uses. Rainfall in the area is about 40 to 50 inches annually and the slope is approximately 6 to 20 percent.

The General Plan Land Use Pattern Allocation Guide Map designates the area for extensive agricultural uses and as an alternate urban expansion area. The County's zoning designation is Ag-20 acres. The zoning code of the County allows cemeteries within the Agricultural zone.

The "Public Facilities - Health and Sanitation" subelement of the General Plan document states as a course of action for the Kona District that "New cemetery sites to serve future needs shall be sought."

The Hawaii County Planning Commission staff received the following comments:

Department of Health

"In response to your letter of June 10, 1975 staff members from our Hawaii office inspected the proposed cemetery site in Kona, Tax Map Key: 7-3-02: 9, and found it to be suitable for such use. Based on their findings we have no objections to your proposal.

However, final approval of the proposed cemetery will be given only upon our favorable review of your application including a complete set of plans, with full description of the grounds, lots, buildings, roads, water supply and sewage disposal. A copy of your proposed rules and regulations governing the control of the place must also be filed with the application. The foregoing requirements are contained in Section 103, Chapter 1 - Sanitation, of the public health regulations."

Department of Transportation

"We have no objections on the proposed action for the subject application but have the following comments:

1. Only one access off the Hawaii Belt Road, Project No. F-10(5) shall be permitted.
2. Recommend access be directly opposite existing Kona Wonder View Subdivision access, Loloa Drive.
3. Submit construction plans for review and approval."

Department of Water Supply

"In response to your request, we see no immediate objections to your intended creation of a cemetery on the subject parcel.

From your brief description, we note that the crypts will be constructed and sealed watertight and we do appreciate your environmental concern in this matter."

Hawaii County Fire Department

"Fire hydrants are located on Hawaii Belt Road. Nearest fire station is Kailua Station.

Other cooperating agencies had no objections or comments on the subject request.

The following letters expressing support of this special permit request were received from the following persons:

1. Lee H. Taylor - letter dated August 27, 1975
2. A. Kealamakia - letter dated August 17, 1975
3. John and Katherine Cox - letter dated August 17, 1975

In addition, the Planning Commission has received a letter dated August 22, 1975 from Jeffery Choi which states that:

"We represent the owners of property located at Kalaoa 2nd, North Kona, tax map key 7-3-02-9 and a portion of 7-3-02-10.

They received notification of an application for special permit to a parcel designated as being at Kalaoa, North Kona, also bearing tax map key 7-3-02-9, i.e., Mark Onaka for Emma Jane Kapehe, et al. While we do not either support or oppose the application for special permit, we do wish to inform the Commission that there is presently outstanding in the Third Circuit Court of Hawaii an action to quiet title to the parcel designated by tax map key 7-3-02-9 and 7-3-02-10.

The dispute is primarily a boundary dispute between the parties and if the special permit is granted it could conceivably affect the property which the court may subsequently say is owned by my clients rather than the applicants for special permit."

Upon further inquiry and examination of this matter, the Planning Commission staff reported that:

" This letter refers to a quiet title action suit against Emma Jane Kapehe and according to Mr. Choi, involves approximately five (5) acres of the total 31.1 acres involved. In checking on this matter with the Office of the Corporation Counsel, they have informed the staff that should the dispute not be settled by the time of the action meeting, and if a favorable recommendation is contemplated, then the disputed area should be conditioned from development. In other words, it should be conditioned that development of the disputed area shall not be developed until such time as a favorable verdict is obtained by the applicant. However, if the courts act in favor of Mr. Choi's clients, then the 5-acre area in dispute shall be void."

County Recommendation

The Hawaii County Planning Commission held a duly advertised public hearing on the subject request on August 28, 1975. On September 25, 1975 the Planning Commission voted to recommended approval of the special permit as it was found:

1. "That the proposed use will make the highest and best use of the land involved for the welfare of the general public. The proposed use will be implementing the County General Plan's Public Facilities - Health and Sanitation element. Under this element, a course of action for the Kona District is that new cemetery sites to serve future needs shall be sought. The establishment of the proposed cemetery in conjunction with the cemetery for which a Special Permit was recently granted and the proposed cemetery which the County Planning Commission recently recommended for approval will serve and meet the needs of the region for burial facilities long into the future. The establishment of these three proposed cemeteries will assure that the needs of the region are adequately served and that some range of choice is available to the present and future population of the area.

Further, approval of the subject application would provide the Kona region with a complete range of services which are not now available. In addition to providing burial plots, the

applicant's proposed development includes a full service mortuary with modern embalming facilities and a mausoleum with double crypts. The mausoleum would also contain columbarium niches. The proposal also includes cremation facilities, a chapel, wake service areas, a kitchen and eating areas, parking, display areas and private consultation rooms. At the present time there are no mortuary or mausoleum facilities in Kona. Throughout the country, there has been a shift in attitude towards mausoleum burials rather than ground plots in that these utilize space more efficiently. The proposed development would thus provide for such changes in methods of burial.

2. "That the proposed use will not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations. The intent of the Land Use Law and Regulations is 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 of the people of the State of Hawaii. The area under consideration is classified as agricultural by the State Land Use Commission. The Land Use Regulations state that lands surrounded by or contiguous to agricultural lands and which are not suited to agricultural and ancillary activities by reason of topography, soils and other related characteristics may be included in the agricultural district. According to the Soil Conservation Service's 1973 soil survey of this island, the agricultural capability class for the area under consideration is VII, which is the next to the lowest of the Service's capability class rankings. Although certain agricultural activities can be conducted on the subject property, it is determined that the requested use for the land under consideration will not be contrary to the Land Use Law and Regulations, given the guidelines set forth for determining the agricultural district as well as the area's capability classification for agricultural productivity. Further, the proposed use of the subject area is determined not to have any adverse impact on the overall agricultural activity of the region and the island. It is also acknowledged that the proposed use will still perpetuate a form of open space.

"In addition, the County Zoning Code allows cemeteries within the agricultural zone as conditionally permitted uses, thereby recognizing the need for such facilities in appropriate locations.

3. "That approval of the proposed use will not place an unreasonable burden on public agencies to provide services and facilities. The applicant will not be using public sewers and drainage systems nor any variety of other public services and facilities which other types of land uses demand. In addition, the proposed use is not expected to generate a large volume of traffic, and what traffic is generated will be occasional.

"The favorable recommendation was also subject to the following conditions:

1. "That the applicant, Kapehe Land Investment, comply with all the rules and regulations as outlined in Chapter 4, Article 1, relating to cemeteries, of the Hawaii County Code within one (1) year from the official date of approval.
2. "That a landscaping plan be submitted to be approved by the Planning Director prior to the clearing of the land.
3. "That all grave markers shall be designed to meet the standards of the General Plan's Public Facilities - Health and Sanitation element which encourages that use of plaques installed flushed with the ground.
4. "That there shall be adequate assurance, as determined by the Corporation Counsel, for maintenance by the developers and/or association of the memorial park by recorded covenant running with the land.
5. "That development shall proceed in three (3) increments and conform substantially with the representations made by the applicant. The first increment shall consist of ten (10) acres and shall include the mortuary and the first phase of the mausoleum. Subsequent increments shall consist of 10 acres each. The area presently involved in the quiet title action suit shall not be developed until such time as the suit is settled.
6. "That only one access off the Hawaii Belt Highway shall be permitted. Said access shall be directly opposite the existing Kona Wonder View subdivision access which is Loloa Drive and shall be approved by the District Engineer, State Highways Division.
7. "That a hydrologic/drainage study shall be submitted to and approved by the Planning Director and the Chief Engineer, Department of Public Works, prior to commencement of the site development.
8. "That adequate on-site parking shall be provided. The applicant shall submit a parking scheme which shall be approved by the Planning Director prior to development.
9. "That all other applicable rules and regulations shall be complied with."



GOLD COAST REALTY

(808) 329-3155 — POST OFFICE BOX 631 — KAILUA-KONA, HAWAII 96740

April 12, 1976

Mr. Raymond H. Suefuji
Planning Director
Planning Department
County of Hawaii
25 Aupuni Street
Hilo, Hawaii 96720

Dear Mr. Suefuji:

We would like to take this opportunity to thank you for the consideration you showed us when we applied for a special permit in order to develop a cemetery on Kapehe land.

However, at this time we have completely changed our minds about this development and thought it best to let you know. We will not be refiling for a special permit for this purpose in the future.

Very truly yours,

A handwritten signature in cursive script that reads 'Mark M. Onaka'.

Mark M. Onaka
Attorney-in-Fact
Kapehe Land

MMO:af

*Received as Certified
mail No. 081818;
return receipt provided.*

*refd
4/14*