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DEPARTMENT OF PLANNING
AND ECONOMIC DEVELOPMENT



LAND USE COMMISSION

Suite 1795, Pacific Trade Center, 190 South King Street, Honolulu, Hawaii 96813

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June 7, 1976

Hawaii Planning Commission
25 Aupuni Street
Hilo, Hawaii 96720

Attention: Mr. Raymond Suefuji, Planning Director

Gentlemen:

At its meeting on June 2, 1976, the Land Use Commission voted to approve a Special Permit to the Hualalai Memorial Park, Inc. (SP76-239) to allow the establishment of a cemetery and memorial park, including a chapel-office building situated within the State Land Use Agricultural District located at Auhaueae, North Kona, Hawaii, identified by Tax Map 7-5-13: 26; subject to the conditions imposed by the Hawaii County Planning Commission and subject also to the condition that the petitioner will provide the State, during the next 10 years, the necessary plots for the burial of indigents at the same price the State pays for burials in the City and County of Honolulu; further, that indigent burials will be treated no differently from any other citizen.

A copy of the staff memorandum is enclosed for your information.

Very truly yours,

AH SUNG LEONG
Acting Executive Officer

ASL:yk
Encl.

cc: Hualalai Memorial Park, Inc.
Dept. of Taxation, Hawaii
Tax Maps Recorder, Dept. of Taxation
Property Technical Office, Dept. of Taxation
Real Property Tax Assessor, Dept. of Taxation
Dept. of Planning & Economic Development
Office of Environmental Quality Control

STATE OF HAWAII
LAND USE COMMISSION

MEMORANDUM

TO: Land Use Commission June 2, 1976
10:00 a.m.

FROM: Staff

SUBJECT: SP76-239 - Hualalai Memorial Park, Inc.

A Special Permit request to allow the establishment of a cemetery and memorial park, including a chapel-office building on approximately 15 acres of land described as TMK 7-5-13:26, situated within the Agricultural District at Auhaukeae, North Kona, Hawaii has been submitted by Mr. Frank P. Krieger, Jr., President of Hualalai Memorial Park, Inc. Mr. Steve Parker, a principal in the corporation and owner of the property, has given Mr. Krieger the power of attorney to act on his behalf.

The property in question fronts the mauka side of Mamalahoa Highway approximately 1.3 miles north of the Holualoa Urban District. The land is presently vacant and designated Agriculture five-acre (A5a) under County zoning. The Hawaii General Plan designates the area for orchards and alternate urban expansion. Surrounding uses include cattle grazing and scattered single family residences. Approximately 2,000 feet to the north of the property lies the County's Keopu Cemetery. A private Japanese cemetery lies approximately 4,000 feet to the south. On August 10, 1974, the Land Use Commission approved a Special Permit to allow Sim Wenner to establish a cemetery on 10 acres of land which is located approximately 1.5 miles north of the property now under consideration. On June 18, 1975, the Hawaii County Council adopted a resolution allowing the establishment of the cemetery; however, no subdivision request for the 3,000 plot cemetery has been submitted by Sim Wenner to date.

As you will recall, Hualalai Memorial Park's previous Special Permit request (SP75-218) was considered by this Commission on October 17, 1975. A motion to deny the petition because of its prematurity failed on a vote of 4 Ayes and 4 Nays with one Commissioner absent. A subsequent motion to approve the petition again resulted in a tie vote and also failed. Since a majority vote of the Commission members (5) is required to approve a Special Permit, the status of SP75-218 is that of a disapproved petition.

The instant petition (SP76-239) is a re-application by the petitioner under Rule 6-14 of the Commission's Rules of Practice and Procedure which states:

"The Commission shall not consider any petition for boundary amendment or special use permit covering substantially the same request for substantially the same land as had previously been denied by the Commission within one year of the date of such denial unless the petitioner submits significant new data or additional reasons which substantially strengthen his position, provided that in no event shall any such new petition be accepted within six (6) months of the date of such previous denial."

It is noted that the 6 month limitation ended on April 17, 1976 and, therefore, the above provisions dealing with the submittal of "significant new data or additional reasons" would apply.

In support of his second request, the petitioner has submitted the following:

1. Letter dated February 11, 1976 from Frank P. Krieger, Jr. to Hawaii County Planning Director advising that he, together with Messrs. Ken Michael, Pat Caires and Steve Parker are associates of Hualalai Memorial Park, Inc.
2. Copy of document by Steve Parker granting power of attorney to Mr. Krieger.
3. Letter dated January 19, 1976 from Ken Michael, President of Kona Chamber of Commerce, to Hawaii Mayor Matayoshi indicating that he has withdrawn his interests from Hualalai Memorial Park and urging the Mayor to facilitate the establishment of the proposed cemetery.
4. Letter dated March 18, 1976 from Hawaii County Corporation Counsel Clifford Lum to Mr. Andrew Chang, Director of the Department of Social Services on the subject of that agency's rules relating to the burial of an indigent. Mr. Lum indicated that the County's cemetery in Kona has run out of plots, and that only church cemeteries can accommodate this need. For indigents not affiliated with a church, the alternative is burial in Alae Cemetery in Hilo. Further, the State Board of Cemeteries and Mortuaries has indicated that Hawaii County should not be in the cemetery business. Mr. Lum noted that the County's cemetery in Kona is largely composed of solid rock, thus involving extra labor costs

in preparing the burial sites and making expansion of the cemetery unfeasible.

5. Letters supporting the Special Permit from:

Dennis W. Haserot (Kona resident)
Frank Crosby (Kona resident and shopowner)
Julie Honda (President, Kona Chamber of Commerce)
Takeshi Kudo (former State Representative from Kona)
Gilbert Hakoda (Kona businessman)
Deane Lees (past President Kona Chamber of Commerce)
Sotero Bailado (Manager of Kona Farmers Cooperative)
Walter Sutefloten (General contractor and member of the
Medical Advisory Committee for State and County
Hospital System).

6. Exhibit prepared by engineer Leo Fleming showing the proposed Increment I of the development.

7. A 15-page statement which the staff has summarized as follows:

Petitioner indicates that in his opinion, the failure to obtain Land Use Commission approval of the original Special Permit was due to his failure to submit sufficient data and reasons for approving the application and which failed to include adequate information on the planned development of Hualalai Memorial Park to enable the Commission to differentiate this project and any proposed cemetery previously approved.

Petitioner elaborates that Hualalai Memorial Park would be developed under the concept of a "conventional and proven garden-type, open space, memorial park which has been proven in practice and concept throughout the mainland and Hawaii". He notes that burials in Kona are handled on an "as needed" basis with no prior preparation. Sites are prepared by digging, use of pneumatic hammers and often dynamite. This method often causes a delay which adds to the grief of the bereaved. Presently, even crude burials of this nature are not available since County as well as church facilities have long been exhausted and no other facilities have been developed. The community of Kona is forced to use facilities in Hilo.

The facilities proposed by the petitioner will be modern, well-planned and will have broad appeal since the concept is an open space, rolling lawn and terraced development which will have available all conventional types of burial including lawn crypts with flush markers, garden mausoleums, columbariums and lawn niches. No such facilities exist in Kona nor are being planned on the above concept.

Hualalai Memorial Park will be developed on a pre-need basis to provide facilities which will be available and completed prior to the actual need. This is done by trenching, terracing, back filling, casting of vaults and niches which are then covered and then landscaped. As needed, the sod is cut, rolled back to expose the vault lid and then replaced when interment is done.

Landscaping will be in accordance with a master plan. The facility will be non-sectarian and all faiths will be welcomed. A system of "gardens" will be provided to accommodate certain faiths in a specific area, if desired.

Efficient and proper management will be assured since Mr. Pat Caires, the Executive Vice-president and co-developer, has all of the necessary background and professional experience. He has over 12 years experience in the business in the islands, is a founding and former member of the State Cemetery Board (for 8 years), is a director of the American Cemetery Association (oldest such association in the United States), as well as director or officer of Maui Memorial Park, Maui Funeral Plan, Inc., and Homelani Memorial Park, Hilo.

A perpetual care fund will be established and maintained to assure maintenance of the park in perpetuity. In order to alleviate the crisis situation in Kona, the petitioner is willing to provide the State, during the next 10 years, the necessary plots for the burial of indigents at the same price the State pays for burials in the City and County of Honolulu. Further, indigent burials will be treated no differently than any other citizen.

Petitioner feels that the proposed use will not be contrary to the objectives of the Land Use Law; will not adversely affect surrounding property; will not unduly burden public agencies and will provide the best use of the property for the public welfare.

The 1st increment will encompass 1.29 acres providing 899 grave sites. Approximately 170 sites will be developed as the initial phase. A chapel-office building will be built in the second increment, which is anticipated in late 1977 or early '78. Successive 1.25 acre increments will be developed every two years thereafter.

Petitioner notes that the Special Permit to Sim Wenner was approved by this Commission on August 10, 1974. Over ten

months later, on June 18, 1975, a County resolution approving the application was obtained. To date, no further action has been taken by Sim Wenner and no final plot plan or cemetery lay out has been submitted to the County. Petitioner notes that the Wenner concept is non-conventional and based on larger plot areas. The County-imposed limit of 200 interments per acre on the Wenner development precludes the capability of offering complete conventional facilities. Development will be limited to provide burial sites only. Petitioner feels that the public is entitled to a freedom of choice between the two concepts and that it is not in keeping with the American system to grant monopolies and limit competition.

Pertinent Comments from governmental agencies:

Police Department - recommends that access be located where adequate sight distance is available.

Department of Public Works - notes that storm water runoff shall be kept from crossing the County road.

Department of Water Supply - advises that water service may not be available until the latter part of 1977 and that low water pressure may be a problem.

Other agencies had no comments or objections.

According to the Soil Conservation Service report, the soil type is of the Honuaulu Series which consists of well-drained extremely stony silty clay loam that formed in volcanic ash. The surface layer and subsoil are 9 inches and 28 inches thick respectively. Permeability is rapid, runoff is slow, and the erosion hazard is slight. The slope ranges from 12 to 20 percent, and the annual rainfall is generally 75 inches.

At the public hearing held by the Hawaii County Planning Commission on April 1, 1976, Mr. Krieger indicated that if the petition is approved by the Land Use Commission, they will apply to the County Council to dedicate the land; process subdivision and park plans with the Planning Department; secure approval from the State Cemetery Commission and be in an actual position of having the beginnings of a cemetery. He felt that they could accept interments within six months.

County Recommendations:

On April 22, 1976, the Hawaii County Planning Commission voted to recommend the 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 proposed cemetery will provide additional burial sites in an area where existing cemeteries are almost completely used. The establishment of a proposed use will therefore serve and meet the future needs of the region.
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 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 to not have an 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.

3. That unusual needs have arisen since the district boundaries and regulations were established. The cemetery owned and

maintained by the County at Keopu, Kona has no available burial plots. The only cemeteries in the Kona area with available burial plots are the church cemeteries. As such, for those individuals not affiliated with a church which does have burial plots, a serious problem exists. The only burial alternative is at Alae Cemetery situated outside of Hilo, a distance of approximately 100 miles from Kona.

On August 10, 1974, a special permit was granted to Sim Wenner for the creation of a 3,000-plot cemetery on ten acres of land. This cemetery has recently been approved by the County Council, however, no subdivision plans have been filed to date. Even with the development of the Wenner cemetery, known as Kaimana Burial Gardens, it is felt that the provision of additional burial plots is still reasonable in order to assure that present and future needs will be served.

4. 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 petitioner, Hualalai Memorial Park, Inc., 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 date of approval of the Special Permit.
2. That the petitioner obtain approval for the establishment of a cemetery from the State Department of Health within one (1) year from the date of approval of the Special Permit.
3. That a landscaping plan be submitted for approval by the Planning Director prior to the clearing of the land. Said plan shall include the preservation of large trees on the property wherever possible.
4. That all grave markers shall be designed to meet the standard of the General Plan's Public Facilities - Health and Sanitation element which encourages the use of plaques installed flush with the ground.

5. 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.
6. That development of the cemetery complex shall proceed incrementally and conform with the representations made by the petitioner. The first increment shall consist of 1.52 acres to include approximately 899 grave sites and approximately 0.23 acre of access roadway. Subsequent increments shall consist of 1.25 acres each. The chapel-office building shall be constructed in the second increment.
7. That a hydrologic/drainage study shall be submitted to and approved by the Planning Director and the Chief Engineer, Pub Works Department, prior to the commencement of development of the site.
8. That the petitioner submit a subdivision plan for the first increment and receive final approval within one (1) year from the date of approval by the County Council for the establishment of a cemetery within the County. Development of the cemetery shall commence within one (1) year thereafter.
9. That the exact location of the access onto the property as well as width of the roadway shall be determined at the time of subdivision review.
10. That adequate on-site parking shall be provided. The petitioner shall submit a parking scheme which shall be approved by the Planning Director prior to development.
11. That all other applicable rules and regulations shall be complied with.

Should any of the foregoing conditions not be met, the Special Permit shall be deemed null and void."