



County of Hawai'i

WINDWARD PLANNING COMMISSION

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September 16, 2010

Mr. Ron Terry, Ph.D.
Geometrician Associates, LLC
P.O. Box 396
Hilo, HI 96720

Dear Mr. Terry:

Special Permit Application (SPP 10-000104)

Applicant: Department of Parks & Recreation, County of Hawai'i

Request: Expansion of Alae Cemetery

Tax Map Key: 2-6-12:48

The Windward Planning Commission at its duly held public hearing on September 1, 2010, voted to approve the above-referenced application to allow for the expansion of the existing 17.8 acre Alae Cemetery. The proposed 11.079 acre expansion area is situated adjacent to and west (mauka) of the existing cemetery, on lands situated within the State Land Use Agricultural District. Alae Cemetery and the proposed expansion site are situated along the west (mauka) side of Highway 19 (Hawai'i Belt Road), approximately 1.7 miles north of Hilo, Alae, South Hilo, Hawai'i.

Approval of this request is based on the following:

The applicant is requesting a Special Permit to expand the existing Alae Cemetery and to construct related improvements, including the interior roadway system and a pavilion similar to the one at the existing cemetery. The expansion would be on an 11.079-acre property adjacent to the existing cemetery property.

The expansion of the cemetery is necessary in order to meet the demand for approximately 125 burials and an equal number of reservations every year. The area is expected to accommodate about 500 plots per acre, or ultimately as many as 5,000 – 6,000 new plots.

As of July 1, 2000, management of County cemeteries was transferred from the County's Department of Public Works to the Department of Parks and Recreation. The County has 21 public cemeteries. The size of cemeteries ranges from one-half acre to 14

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acres with the average size in rural areas being two acres. There are several private cemeteries, notably the Homelani and the Chinese cemetery in Hilo, and the Mauna Kea Memorial Park in Kaieie, Pāpa'ikou.

There are three public cemeteries in South Hilo: a Veteran's Cemetery (two sites consolidated into a single location at Ponahawai), a cemetery in Waiākea-Uka and Alae Cemetery.

The criteria for approving a Special Permit are based on Rule 6-6 in the Planning Commission Rules. Rule 6-6 states that the Planning Commission shall not approve a Special Permit unless it is found that the proposed use (a) is an unusual and reasonable use of land situated within the Agricultural or Rural District, whichever the case may be; and (b) the proposed use would promote the effectiveness and objectives of Chapter 205, Hawai'i Revised Statutes, as amended.

The proposed use is an unusual and reasonable use of land situated within the Agricultural District. In recognizing that lands within Agricultural districts might not be best suited for agricultural activities and yet classified as such, and in recognition that certain types of uses might not be strictly agricultural in nature, yet reasonable in such districts, the legislature has provided for the Special Permit process to allow certain unusual and reasonable uses within the Agricultural district. The proposed request to expand the existing cemetery on an adjoining property to provide additional area for burial plots is a much needed service and benefit to the public that is reasonable, unusual and necessary.

The granting of this request would promote the effectiveness and objectives of Chapter 205, Hawai'i Revised Statutes, as amended. The State Land Use Law and Regulations are intended to preserve, protect and encourage the development of lands for those uses to which they are best suited in the interest of the public welfare of the people of the State of Hawai'i. In the case of the Agricultural District, the intent is to preserve or keep lands of high agricultural potential in agricultural use. Soils on the subject property are classified as "C" or "Fair" by the Land Study Bureau's Overall Master Productivity Rating and are classified as Prime Agricultural Land by the Department of Agriculture's ALISH Map. In reviewing the proposed request against the above reference guidelines, it has been determined that the need to provide the public service of an expanded County cemetery outweighs the need to utilize this property for agricultural uses. Therefore, in the interest of the public welfare, the expansion of the cemetery on this property would provide a greater public benefit for the people of the State of Hawai'i.

In addition to the above listed criteria, the Planning Commission shall also consider the criteria listed under Section 6-3(b)(5) (A) through (G). In considering the criteria, the Planning Director recommends the following:

(A) Such use shall not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations. The subject request is considered an unusual and reasonable use of agricultural lands and would provide a greater public benefit for the people of the State of Hawai‘i.

(B) The desired use would not adversely affect surrounding properties. Surrounding properties are zoned A-20a and consist of agricultural uses, vacant land or scattered dwellings. To the east is the existing Alae Cemetery zoned A-20a and further east across Highway 19 are properties zoned RS-15 and maintained in residential uses. The closest neighborhood is in Honoli‘i, which is located across Highway 19 from the existing cemetery. Additionally, there are some scattered farm dwellings to the south and southwest of the site. As the property will be used as a cemetery, it is not anticipated that there will be significant adverse impacts to the surrounding properties.

(C) Such use shall not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, and police and fire protection. Access to the expanded cemetery area is via an interior private roadway within the existing cemetery property. Access to the existing cemetery is from a single location on Mamalohoa Highway (Highway 19), which is State owned highway. County water is available for the expanded cemetery area. Telephone and electrical services are available to the pavilion at the existing cemetery, but are not being considered to be extended to the expanded cemetery area. Police, fire and medical services are available in Hilo, approximately 2 miles from the subject property. Based on the previous information, the requested use will not burden public agencies to provide additional services.

(D) Unusual conditions, trends, and needs have arisen since district boundaries and regulations were established. In the 1960's and 1970's, the State's agricultural district boundaries and regulations were established and subsequently amended pursuant to HRS Chapter 205. The State Land Use Commission was created in 1961, and interim regulations and temporary district boundaries became effective in 1962. Subsequently, the regulations and Land Use District Boundaries became effective in August of 1964. The property and surrounding areas are designated for agricultural uses by both State and County land use laws. Through the issuance of a Special Permit, various "non-agricultural" services may be allowed.

(E) The land upon which the proposed use is sought is unsuited for the uses permitted within the district. The land upon which the proposed use is sought is suited for agricultural uses. The public benefit that the expansion of the cemetery will bring to the people of Hawai'i outweighs the use of the property for agricultural uses.

(F) The use will not substantially alter or change the essential character of the land and the present use. Currently, the property is vacant of uses and structures. The proposed request to use the property for the expansion of the existing cemetery be consistent with the character of the adjoining property and its present use. Therefore, the proposed use will not substantially alter or change the essential character of the land.

(G) The request will not be contrary to the General Plan. The Land Use Pattern Allocation Guide (LUPAG) Map component of the General Plan is a representation of the document's goals and policies to guide the coordinated growth and development of the County. It reflects a graphic depiction of the physical relationship among the various land uses. The LUPAG Map establishes the basic urban and non-urban form for areas within the County. The property is located in an area identified as Important Agricultural Land on the LUPAG Map. The proposed request is consistent with the General Plan and implements a Course of Action for South Hilo within the Public Facilities element of the General Plan which states, "Expansion of existing cemeteries or creation of new sites shall be undertaken."

The granting of this request would promote the effectiveness and objectives of Chapter 205A, Hawai'i Revised Statutes, relating to the Coastal Zone Management Program. The subject property is located outside of the Special Management Area over 1,000 feet from the nearest coastline. There is no record of a designated public access to the shoreline or mountain areas traversing the property, but it is open to the public. Due to the properties distance from the shoreline, the request will not impact recreational resources, scenic and open space or visual resources, coastal ecosystems and marine coastal resources. No historic properties exist on the property due to extensive cultivation of the land. Further, there is no evidence of valued cultural, historical or native resources, nor evidence of any traditional and customary Native Hawaiian rights being practiced on the site.

Based on the above considerations, approval of the request is subject to the following conditions:

1. The applicant, successors or assigns shall comply with all of the stated conditions.

2. The applicant shall comply with all the rules and regulations outlined in Chapter 6, Article 1, (relating to cemeteries) of the Hawai'i County Code within one year from the effective date of this permit.
3. The applicant shall provide an interior driveway access within the proposed expansion area adequate for on-pavement parallel parking, meeting with the approval of the Planning Director in consultation with the Department of Public Works.
4. Should any remains of historic sites, such as rock walls, terraces, platforms, marine shell concentrations or human burials be encountered, work in the immediate area shall cease and the Department of Land and Natural Resources-Historic Preservation Division (DLNR-HPD) shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the DLNR-HPD when it finds that sufficient mitigative measures have been taken.
5. The applicant shall comply with all applicable County, State and Federal laws, rules, regulations and requirements.
6. An initial extension of time for the performance of conditions of the permit may be granted by the Planning Director upon the following circumstances:
 - A. Non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors or assigns, and that are not the result of their fault or negligence.
 - B. Granting of the time extension would not be contrary to the General Plan or the Zoning Code.
 - C. Granting of the extension would not be contrary to the original reasons for the granting of the permit.
 - D. The time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year).
 - E. If the applicant should require an additional extension of time, the Planning Department shall submit the applicant's request to the Planning Commission for appropriate action.

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7. Should any of the conditions not be met or substantially complied with in a timely manner, the Planning Director may initiate procedures to revoke the permit.

This approval does not, however, sanction the specific plans submitted with the application as they may be subject to change given specific code and regulatory requirements of the affected agencies.

Should you have any questions, please contact Daryn Arai of the Planning Department at 961-8288.

Sincerely,



Rell Woodward, Chairman
Windward Planning Commission

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cc: Department of Parks & Recreation
Department of Public Works
Department of Water Supply
County Real Property Tax Division
State Land Use Commission
DOT-Highways, Honolulu
Mr. Gilbert Bailado /