



County of Hawai'i

PLANNING COMMISSION

Aupuni Center • 101 Pauahi Street, Suite 3 • Hilo, Hawai'i 96720
Phone (808) 961-8288 • Fax (808) 961-8742

September 7, 2006

Ms. Penny Brumbaugh
A Hui Hou Tribute Center, Inc.
75-5745 Kuakini Highway
Kailua-Kona, HI 96740

Dear Ms. Brumbaugh:

Use Permit Application (USE 06-000004)
Applicant: A Hui Hou Tribute Center, Inc.
Request: To Allow Cremation Within an Existing Mortuary Facility on
Property Zoned Village Commercial (CV)
Tax Map Key: 7-5-22:3

The Planning Commission at its duly held public hearing on August 25, 2006, voted to approve the above-referenced application to allow cremation within a mortuary facility on property zoned Village Commercial (CV). The property (former 7-11 Store) is located along the east side of Kuakini Highway, approximately 100 feet northwest of the Kuakini Highway-Hualalai Road intersection, Honuaula, Kailua Village, North Kona, Hawaii.

Approval of this request is based on the following:

The applicant is requesting a Use Permit to allow cremation within an existing mortuary facility on property zoned Village Commercial (CV-7.5). The request is to allow the cremation of human remains in an oven built specifically for the purpose in addition to the existing services presently operating. The cremation equipment is an American A-200HT Cremator made by the American Crematory Equipment Company. There will be a crematory hot air stack for emissions protruding from the roof of the structure. The manufacturer advertises that the unit is smoke and odor free and is temperature controlled to prevent overheating and operator error. According to the applicant, the facility is a fully operational funeral home, although they were originally approved to operate only as a "funeral services office." The applicant provides every possible service available to the deceased with the exception of cremation. The addition of a retort will allow the applicant the opportunity to cremate the deceased in an affordable and timely manner for the convenience of the family and the freedom from the

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restrictions of their competitors. The facility will operate 24 hours a day, 7 days a week, and there will be three full-time employees.

In considering the Use Permit request, the Planning Commission found that the proposed use would conform to the following guidelines of Rule 7 of the Planning Commission Rules relating to Use Permits:

- (A) The granting of the proposed use shall be consistent with the general purpose of the zoned district, the intent and purpose of the Zoning Code, and the County General Plan;
- (B) The granting of the proposed use shall not be materially detrimental to the public welfare nor cause substantial, adverse impact to the community's character or to surrounding properties; and
- (C) The granting of the proposed use shall not unreasonably burden public agencies to provide roads and streets, sewer, water, drainage, schools, police and fire protection and other related infrastructure.

The proposed request to allow cremation within an existing mortuary facility on property zoned Village Commercial (CV) would meet the guidelines for approval of a Use Permit, for the reasons outlined below.

The granting of the proposed use is consistent with the general purpose of the zoned district, the intent and purpose of the Zoning Code, and the County General Plan. According to the Zoning Code, Village Commercial districts "provides for a broad range or variety of commercial and light industrial uses that are necessary to serve the population in rural areas where the supplementary support of the general business uses and activities of a central commercial district is not readily available." Crematoriums may be permitted in the CV district, provided that a use permit is issued. The applicant proposes to operate a cremation business within an existing mortuary facility (formerly a 7-11 Convenience Store), and is applying for a use permit. The General Plan designation for this area is Medium Density Urban, which allows for Village and neighborhood commercial and single family and multiple family residential and related functions (multiple family residential -- up to 35 units per acre). The proposed use is consistent with the intent of the General Plan designation and as such, the use will not significantly alter the appearance or character of the neighborhood.

The proposed cremation operation would complement the following policies of the General Plan:

Economic Element

- * Economic development and improvements shall be in balance with the physical, social and cultural environments of the island of Hawaii.
- * Provide an economic environment which allows new, expanded, or improved economic opportunities that are compatible with the County's cultural, natural and social environment.

Land Use Element

- * Encourage the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environment.
- * The development of commercial facilities should be designed to fit into the locale with minimal intrusion while providing the desired services. Appropriate infrastructure and design concerns shall be incorporated into the review of such developments.

Thus, the proposed cremation operation is consistent with the intent of the Zoning Code for this district, is consistent with the General Plan designation and is in keeping with the policies of the General Plan.

The granting of the proposed use is not materially detrimental to the public welfare nor will it cause substantial, adverse impact to the community's character or to surrounding properties. The subject property is 7,500 square feet in size and is rectangular in shape. It is located at 75-5745 Kuakini Highway in Kailua-Kona. It is the location of a former 7-Eleven convenience store. There is an existing cinder block building that is 2,332 square feet in size and a parking lot with 8 parking spaces and 1 handicap/van parking space.

The surrounding properties are similarly zoned CV-7.5 with a property zoned RM-1 located directly to the rear. To the south is the Territorial Savings Building. To the west across Kuakini Highway is the Go Ma Ichi Ramen Restaurant with parking lot. To the north is the Aama Surf Shop, an office building and McDonald's. To the east on the adjacent rear property is an older structure and further east are residential apartments.

At this time, there are two cremation businesses on the east side of the Big Island, Dodo Mortuary and Homelani, and one cremation business on the west side of the Big Island, Cremation Services of West Hawaii. According to the applicant, the addition of a retort will allow the applicant the opportunity to cremate the deceased in an affordable

and timely manner for the convenience of the family and the freedom from the restrictions of their competitors.

The cremation oven to be purchased must pass stringent environmental standards in order to be approved for use in the State of Hawaii. Today's cremation ovens are very clean burning due to EPA statutes. When operated properly, the ovens are smokeless and odorless.

Letters have been received from surrounding neighbors indicating concern regarding possible adverse impacts from emissions that may be generated from a cremation facility that would be operating so close to where they work and reside. A representative of the retort manufacturer confirmed that any emissions from the cremation oven would not be detrimental to the public. To address these concerns of possible emissions, the Planning Commission has added several conditions of approval, such as requiring that the crematorium be operated without smoke (smokeless) and without odor (odorless), and that the crematorium not emit particulate matter that would settle on surrounding properties. Additional conditions of approval have been added to address possible noise impacts and to restrict outsourcing of cremation services to other funeral businesses. If a complaint is received regarding the violation of these conditions of approval, the Planning Director will investigate, and if not resolved, forward to the Planning Commission for possible revocation of the permit.

Based on the above information, the proposed use should not be materially detrimental to the public welfare nor should it cause substantial, adverse impact to the community's character or to surrounding properties.

The granting of the proposed use will not unreasonably burden public agencies to provide roads and streets, sewer, water, drainage, schools, police and fire protection and other related infrastructure. Access to the subject property is from Kuakini Highway, which has a paved access road with curb, gutter and sidewalks within an approximate 80-foot wide right-of-way. The current off-street parking (8 parking spaces and 1 handicap/van parking space) has been determined by the Planning Director to be sufficient for the current "funeral services office" and proposed cremation addition with the understanding that no funeral services or viewings be performed at the site. Based on this information, traffic impacts are expected to be minimal for the proposed use. Wastewater will be disposed of in accordance with applicable rules of the Department of Health and Department of Environmental Management. The property is located in Zone X and is not located within any designated flood plain. Water, telephone and electricity is available to the facility. Police and fire protection are located within one mile from the property.

The project site is located approximately 1,000 feet from the nearest coastline. The existing operation will not impact any recreational resources, including access to and along the shoreline, mountain access, scenic and open space nor visual resources, coastal ecosystems, and marine coastal resources. Further, the property will not be affected by any coastal hazards nor beach erosion. Therefore, the approval of the subject request shall not be contrary to the objectives and policies of the Coastal Zone Management Program.

Further, as no valued cultural, historical or native resources nor any traditional and customary Native Hawaiian rights were practiced in the area, and that the property has been completely graded, it is also not anticipated that the proposed request will have any adverse impact on cultural or historical resources in the area.

Based on the above, this request to allow cremation within an existing mortuary facility on property zoned Village Commercial (CV) is approved subject to the following conditions:

1. The applicant, successors, or assigns shall be responsible for complying with all stated conditions of approval.
2. The crematorium shall be established within two (2) years from the effective date this permit.
3. The operation of the funeral services office and crematorium shall be conducted in a manner that is substantially representative of plans and details as contained within the Use Permit Application (USE 06-000004) received May 8, 2006.
4. The applicant shall not conduct services, viewings or similar activities on-site.
5. The crematorium shall be operated without smoke (smokeless) and without odor (odorless), as represented to the Planning Commission.
6. The crematorium shall not emit particulate matter that settles on surrounding properties.
7. The crematorium shall operate without noise that is audible to the surrounding properties.
8. The applicant shall have a backup generator for the crematorium.

9. The applicant shall utilize the crematorium business only in conjunction with A Hui Hou Funeral & Tribute Services. No outsourcing of the crematorium business shall be allowed.
10. The applicant shall be required to install a reduced principle type backflow prevention assembly within five feet of the meter on private property. The installation of the backflow prevention assembly shall be inspected and approved by the Department of Water Supply.
11. The applicant shall finalize all previous building, electrical and plumbing permits issued for the subject property meeting with the approval of the Department of Public Works.
12. The applicant shall comply with all applicable County, State and Federal laws, rules, regulations and requirements, including the Department of Health, Department of Environmental Management, Department of Public Works and the Environmental Protection Agency (EPA) for this use.
13. Any complaints received by the applicant shall be forwarded to the Planning Director. The Planning Director shall investigate and, if necessary, suspend the permit. If the complaint(s) is not resolved, the Planning Director shall then refer the matter to the Planning Commission to revoke the permit. Upon appropriate findings by the Planning Commission, if the applicants fail to comply with the conditions of approval or has caused any unreasonable interference or nuisance on the surrounding community, the permit may be revoked.
14. An initial extension of time for the performance of conditions within the permit may be granted by the Planning Director upon the following circumstances:
 - A. The 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 or their fault or negligence.
 - B. Granting of the time extension would not be contrary to the General Plan or Zoning Code.
 - C. Granting of the time extension would not be contrary to the original reasons for 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).

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Should any of the conditions not be met or substantially complied with in a timely fashion, the 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 Norman Hayashi of the Planning Department at 961-8288.

Sincerely,

A handwritten signature in black ink, appearing to be 'C. Kim Alameda', written over a horizontal line.

C. Kim Alameda, Chairman
Planning Commission

Lahuihou02PC

cc: Department of Public Works
Department of Water Supply
County Real Property Tax Division - Kona
Planning Department - Kona
Rodney Haraga, Director/DOT-Highways, Honolulu
Department of Health
Department of Environmental Management
Environmental Protection Agency
Clark Realty Co.