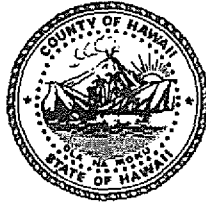


Harry Kim  
Mayor



Christopher J. Yuen  
Director  
Brad Kurokawa, ASLA, LEED™ AP  
Deputy Director

## County of Hawaii

### PLANNING DEPARTMENT

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

May 23, 2007

Mr. Michael J. Riehm, A.I.A.  
Riehm Owensby Planners Architects  
P.O. Box 390747  
Kailua-Kona, HI 96739

Dear Mr. Riehm:

**PLANNED UNIT DEVELOPMENT PERMIT NO. 06-000001 (PUD 06-000001)**

**Applicant:** Riehm Owensby Planners Architects, Michael J. Riehm, A.I.A.

**Landowner:** Maluhia Trust

**Project:** "Redwater Park" – a 10-lot single family residential subdivision

**Location:** TMK: 6-5-002: 043; Waimea Homesteads, South Kohala, Hawai'i

After reviewing the information submitted with the Planned Unit Development Application, the Planning Director hereby approves the requested amendments to allow the development of a master planned community called "Redwater Park" on land consisting of a total of approximately 2.3 acres. This PUD addresses variances for minimum building site area and widths, roadways improvements, minimum yard setbacks, and lot configuration. Please accept our apologies for our delayed action on your application.

### BACKGROUND

#### **Project Location**

The subject property (TMK: 6-5-002: 043), hereinafter referred to as "Property", consists of approximately 2.3 acres that is located within the town of Waimea in the district of South Kohala, along the north side of Kawaihae Road in the vicinity of Opelo Road. The Property is situated approximately a 1/3 mile west of Waimea Park. Access to the Property from Kawaihae Road is via Opelo Road and Pomaika'i Place, both County-maintained roadways. Direct access to Kawaihae Road is not proposed.

### **Land Use Designations**

The Property is situated within the State Land Use Urban District and currently designated for Medium Density Urban uses by the County General Plan, Land Use Pattern Allocation Guide (LUPAG) Map. The County zoning designation for the entire property, which was established in 1967 by the adoption of the South Kohala District Zone Map, is Single Family Residential-7,500 square feet minimum lot size (RS-7.5). Based on the simple application of a required 7,500 square feet minimum lot size across the 2.3-acre Property, approximately 13 lots could be accommodated within the subject property. However, anticipating that roughly 20 percent of the subject property must be dedicated to supporting roadway and drainage systems, a more realistic lot count is probably in the neighborhood of 10 lots, consist with the Applicant's proposal. Through this PUD application, the Applicant is proposing a total of 10 lots to be accomplished by the applications of the requested variances. As part of this PUD application, the Applicant is proposing lots of at least 10,000 square feet in size. With the approval of this PUD application, and taking into consideration that the overall permitted density of the Property will not be exceeded by the proposed project, we find that the proposed subdivision will be consistent with the requirements of the Zoning Code and the land use policies of the General Plan. The General Plan Land Use Pattern Allocation Guide (LUPAG) Map establishes the basic urban and non-urban form for areas within the County. The project area is designated Medium Density Urban by the LUPAG map. The Medium Density Urban designation includes village and neighborhood commercial and single family and multiple family residential and related functions. Thus, the proposed development would be consistent with the LUPAG Map designation.

### **Compatibility with Neighboring Uses**

The Property is situated within an area designated for Urban uses by both the State Land Use Commission and the County. Lands immediately adjacent and surrounding the Property to the north and west (makai) are designated for Single Family (RS-7.5) uses by County Zoning Code. The Project, with minimum lot sizes of 10,000 square feet, is typical of lots within this part of Waimea. Located adjacent to the east and back towards Waimea town are lands zoned for Commercial (CV) uses. These adjoining lands accommodate various restaurants and businesses such as Opelo Plaza, Edelweiss, and Parker Square. We find that the proposed 10-lot Redwater Park subdivision and the variances being requested by this PUD application would be compatible with the overall land use pattern already well-established within this particular section of South Kohala.

## **PROJECT OBJECTIVES AND DESCRIPTION**

The objectives for Redwater Park ("Project"), as articulated by the Applicant, include the following:

- Provide a neighborhood environment that encourages a sense of community and promotes social interaction.
- Provide a safe, pedestrian oriented environment and streetscape.
- Develop a master plan that fits harmoniously into the local context and existing landscape.
- Develop a landscape theme for the development that will blend the new residences into the natural landscape.
- Through the use of CC&Rs, encourage housing design that respects the local building vernacular and encourages energy efficiency through the use of passive and active solar devices.

### **Project Components:**

The Project will be developed in a single phase consisting of 10 lots, each of which will maintain a minimum lot size of 10,000 square feet. According to information provided by the Applicant within its PUD application, the Project will also consist of the following components:

- Lot sizes of at least 10,000 square feet, at least 7,500 square feet excluding roadway easement, consistent with Zoning Code minimum lot size of 7,500 square feet (RS-7.5).
- Two (2) on-site parking spaces per lot.
- Private roadway.
- One subdivision access roadway from Pomaika'i Place, which will have a minimum pavement width of 20 feet with 8-foot wide grassed stabilized shoulders within a 36-foot wide roadway easement. Portion of this privately-maintained subdivision access road will widen to a 46 to 65-foot wide roadway easement to accommodate 15-foot wide separated travel lanes and minimum 6 to 22-foot wide landscaped median. The proposed roadway improvements and roadway easements are in lieu of the minimum 50-foot wide right-of-way and 20-foot wide pavement with curb, gutter and sidewalk improvements as required by the Subdivision Code and specified by Department of Public Works Standard Detail R-33 & 34.

The Applicant's project schedule anticipates site work to be completed and sales of all lots and homes to be completed within 18 months from the date of approval of this PUD application and issuance of Final Subdivision Approval.

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## AGENCIES' REVIEW

Department of Public Works: Memorandum dated May 17, 2006

### BUILDING

Buildings shall conform to all requirements of code and statutes pertaining to building construction.

### DRAINAGE

1. All development generated runoff shall be disposed of on-site and shall not be directed towards any adjacent properties.
2. The applicant shall be informed that if they include drywells in the subject development, an Underground Injection Control (UIC) permit may be required from the Department of Health, State of Hawaii.
3. A drainage study shall be prepared, and the recommended drainage system shall be constructed meeting with the approval of DPW.

### EARTHWORK

1. All earthwork and grading shall conform to Chapter 10, Erosion and Sediment Control, of the Hawaii County Code.
2. The applicant shall comply with Chapter 11-55, Water Pollution Control, Hawaii Administrative Rules, Department of Health, which requires an NPDES permit for certain construction activities.

### ROADWAYS

1. All roads within the proposed subdivision are to be privately owned and maintained. The proposed interior subdivision road system does not meet dedicable standards. The applicant shall hold harmless and defend the County from any claims or legal action taken as a result of allowing the variance from the Subdivision Code.
2. Minimum 20-foot right-of-way or easement line radii shall be provided at the County Road approaches in accordance with Section 23-45. Interior corner lot radii should be provided to allow for adequate shoulder and drainage system construction.
3. The applicant should provide adequate off-street or additional road width for on street parking within the subdivision. The roadways are not conducive to overflow parking with all of the street trees and landscaping shown on the exhibits. Overflow parking should not be forced onto the County Roads because of inadequate provision for onsite parking.
4. Pomaikai Place is a County maintained street with 18-20 feet of asphalt pavements (in fair to poor condition) and grass shoulders in a 40 foot wide right of way. Where the existing pavement is not 20 feet in width along the subject property frontage, the applicable should be required to widen it to a minimum of 20 feet, meeting with the approval of the DPW.

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5. Access to Pomaikai Place including the provision of adequate sight distances, shall meet with the approval of DPW. All driveway connections to a County road shall conform to Chapter 22, Streets and Sidewalks, of the Hawaii County Code.
6. Vehicular access gates at the approach to Pomaikai Place shall be recessed a minimum of 25 feet (exclusive of gate travel) from the County right-of-way.
7. Construction Plans shall show locations of existing streetlights or utility poles along Pomaikai Place near the proposed subdivision approach. Install a street light and any necessary signs and markings as required by DPW, Traffic Division.
8. Vehicular access shall not be allowed from Kawaihae Road. We oppose the requested variance from a requirement to provide a 'no vehicular access planting screen easement' along Kawaihae Road."

Fire Department: Memorandum dated April 25, 2006

Fire Department recommends that fire apparatus access roads comply with Uniform Fire Code (UFC) Section 10.207 and that water supply conform to UFC Section 10.301(c).

Police Department: Memorandum dated May 1, 2006

"Staff has reviewed the above-referenced application and has no comments or objections to offer at this time."

Department of Environmental Management: Memorandum dated April 20, 2006

DEM confirms that no sewer system is planned for the subject area.

Department of Water Supply: Memorandum dated May 8, 2006

DWS confirms that water to support the proposed 10-lot subdivision is available from an existing 8-inch waterline located within Kawaihae Road or from an 8-inch waterline located within Opelo Road. Due to fire flow requirements, the existing 6-inch waterline located within Pomaika'i Place is inadequate. As part of the proposed subdivision, the Applicant will be required to install necessary water system improvements which will include water mains, service laterals, fire hydrants and other required improvements. However, prior to requesting a water commitment deposit for the proposed development, the Department of Water Supply is requesting water-demand calculations, prepared by a professional engineer licensed with the State of Hawaii, for all non-domestic water use within the project. The required water commitment deposit will be determined upon receipt of the water demand calculations.

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Hawaii Electric Light Company: Letter dated April 26, 2006

“We do not have any objections to the development and subdivision of the referenced TMK property. However, we do have the following general comments:

1. The subject area is currently serviced by our three phase 12,470-volt overhead distribution lines from Lalamilo Substation, which has adequate capacity to serve the proposed project.
2. HELCO’s current system peak load is 196,370 KW and our total generation system capability is 269,330 KW. Our reserve margin is 37% and has adequate generation to serve the project.
3. We strongly recommend that energy efficient and conservation features suitable to reduce the peak electrical demand are part of the development’s plans. We recommend that this development take full advantage of waste heat recovery equipment to recycle and reuse the waste heat rejected by air conditioning and refrigeration equipment. If this equipment is incorporated in the development’s original design, the amount of energy required will be substantially reduced.
4. The project consultants and engineers are urged to contact HELCO’s Engineering Department as soon as practicable to open a service request to insure timely procurement of long lead equipment. A remote meter reading option is now available using the electrical lines as communication medium to a central master receiver at the substation. This option will require additional equipment in the HELCO meters and the substation. A cost estimate for this option may be requested from the Engineering Department.”

Waimea Community Association: Email dated May 17, 2006

“Thank you for the opportunity for the Waimea Planning & Design Review Committee to review the plans of the proposed ten lot Redwater Park subdivision to be built between Pomaika’i Place and Kawaihae road in Waimea (Kamuela), Hawaii TMK: (3)-6-5-002: 043 Adjacent to Opelo Plaza.

We have some reservations concerning the number of variances requested, however we find that most are similar to that of adjacent parcels and since the road will be privately owned and maintained, the project as requested will be in keeping with the rural character desired by this community.

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While some of the neighbors who currently live on Pomaika'i place would prefer that the project have the entry on Kawaihae, that layout would add another intersection at an already congested area of Kawaihae Road. However, in keeping with the project's stated desire to make the project pedestrian, stroller, and bicycle friendly we suggest that the developers include a walkway between lots 5 and 6 for ease of pedestrian access to local shopping and schools.

Since this project may adversely affect traffic in the immediate area, we suggest that the project be delayed until the completion of the Parsons Brinckerhoff-Waimea Traffic Study which is to be previewed at the Waimea Community Association meeting June 1, 2006.

The plans do not address water drainage from the roadway above which currently drains through the parcel, nor water mitigation from the new roadway and homes.

We are satisfied that the plans will meet the specifications of the Waimea Design Plan of 1984 as to Paniolo style structure, preservation of the tree line and vistas."

### **APPROVED VARIANCES**

The following variances as detailed below are hereby approved. Please note that the approval of these variances are based on the conceptual layout of the proposed subdivision provided by the Applicant.

#### **Variances to the Zoning Code**

- **General Requirements for Yards and Open Spaces** (Hawaii County Code §25-4-40 & §25-5-7). Applicant is requesting flexibility in the designation of yards, as detailed within Exhibits 2 and 3. The orientation and configuration of the proposed lots and the designation of yards and its setbacks are managed through the master plan to ensure the preservation of reasonable building separation and clearspace. Applicant is requesting a front yard setback of 10 feet and rear yard of 15 feet in lieu of the required 15 feet. Side yard setbacks will range from 5 feet to 10 feet in lieu of the required 8 feet, but assigned in consistent manner so that a minimum combined setback of at least 15 feet between buildings on separate lots will be maintained. The designation of the respective yards is determined by the various exhibits. Note that the front yard setbacks will be taken from the edge of the roadway easement.
- **Corner Building Sites** (Hawaii County Code §25-4-42). While relief from this requirement was not requested, it was implied in the exhibits since side yards are identified along property boundaries we would normally consider as a front yard. We do not have an objection to the

granting of this variance under the condition that the application of yards and setbacks, as approved by this PUD, is limited to the configurations shown on Exhibits 2 and 3.

- **Fences and Accessory Structures** (Hawaii County Code §25-4-43). Applicant incorrectly makes reference to retaining walls being limited to 6 feet in height. Maximum height of fences and walls are applied to boundary walls, not retaining walls. The Applicant also wishes to allow for free-standing entry wall features over 6 feet in height into the minimum front yard setback. We have no objection to this requirement, provided it is limited to free-standing entry wall features only as depicted on Exhibit 4 and will not apply to accessory structures, boundary walls or fences.

#### **Variations to the Subdivision Code**

- **Lot Size, Shape, and Setback Line** (Hawaii County Code §23-32). We have no objection to granting a variance from this requirement that lot size, shape and setbacks comply with the minimum requirements of the Zoning Code. The master plan presents lot configurations and sizes that deviate from the strict application of code, but maintains its intent and purpose by presented a comprehensive and cohesive package that preserves sufficient building site area, yard setbacks and access to the proposed lots. The master plan does not stray far from what the Zoning Code attempts to accomplish through its regulations.
- **Lot Side Lines** (Hawaii County Code §23-35). The proposed roadway alignment will make it difficult to have side property boundaries always hit the road right-of-way at a right angle. Orienting property boundaries at right angles with a roadway makes greater sense on smaller residential-sized lots to ensure proper sitting opportunities for structures and driveway location. However, with the combination of master-planned sitting and setback configurations, we don't believe that a variance from this particular requirement will compromise the integrity of any of the proposed lots to properly site a home or driveway, especially when considering that the roadway alignment does not place severe horizontal curves along the frontages of any of the proposed lots.
- **Minimum Right-of-Way and Pavement Widths** (Hawaii County Code §23-41(a)). The Applicant is requesting a variance from the minimum rights-of-way/easement widths for its internal, minor street-type roadways. The requested variances are related to right-of-way/easement widths, the use of medians and traffic calming features within the right-of-way/easement, and shoulder/swale details.
  - **Minor Entry Street from Pomaika'i Place (36-foot wide road ROW in lieu of 50-foot wide ROW with alternative shoulder improvements-Figure 8)**. The proposed standards for the 36-foot wide minor street-type roadway will deviate from the minimum 50-foot wide ROW specified by DPW Standard Details R-33 and R-34. The Applicant is proposing a standard pavement width of 20 feet with 8-foot wide grassed stabilized shoulders. The lower volume and speed of vehicles typically carried by this dead-end



minor street affords the opportunity to reduce the pavement width and manage speeds. The proposed 20-foot wide pavement, which does meet County standards, will provide opportunities for a landscaped shoulder/drainage swale while still accommodating two-way traffic.

- **Landscaped Median (46 to 65-foot wide roadway easement with 15-foot wide separated travel lanes and 8-foot wide grassed shoulders-Exhibits 6 & 7)**. We approve of the Applicant's request to install a 6 to 22-foot wide landscaped median along the subdivision entry street with 15-foot wide separated travel lanes and 8-foot wide grassed shoulders within a right-of-way ranging between 46 and 65 feet in width. The location of the median must meet with the approval of the Department of Public Works to ensure that its location does not inhibit larger vehicles like buses or fire trucks.
- **Grades and curves** (Hawaii County Code §23-50). Applicant requested a variance from the minimum requirements for vertical and horizontal curves. This variance is approved on the basis of providing design flexibility in the presence of site constraints, but in a manner as generally represented in the Applicant's master plan. *In those instances where the vertical or horizontal curves do not meet the minimum requirements, the Applicant shall present alternate standards at the time of construction plan review, as provided for in §23-50(b), with lower design speeds assigned in order to meet the roadway safety standards as specified within the AASHTO Policy on Geometric Design of Highways and Streets, 2001.*
- **Sidewalks** (Hawaii County Code §23-89). In order to maintain the rural character of this proposed subdivision in a manner consistent with adjoining residential subdivisions, we support relief from the need to provide sidewalks within this proposed subdivision. Only 10 lots are being developed along a dead-end street. This particular development will not result in a high level of pedestrian traffic that would warrant such constructed pedestrian facilities. The Waimea Community Association finds that the proposed subdivision is consistent with the Waimea Design Plan. We do not wish to force a constructed pedestrian facility that will deviate from the rural character of an area that the Waimea Design Plan intends to preserve.
- **Curbs and Gutters** (Hawaii County Code §23-91). The proposed subdivision will utilize curbless streets to promote a more "rural feeling". We, as well as the Waimea Community Association, agree with this "curbless" concept, especially in an area where curbs and gutters are a rarity in subdivisions. The absence of curbs will also provide additional opportunities for on-street parking for those times when overflow parking is needed.
- **Street lights** (Hawaii County Code §23-93). Applicant requested design flexibility in the type of street lights permitted within the internal subdivision roadway easement. The Applicant proposes the use of custom street lighting fixtures that are more sympathetic with the overall design goals of the subdivision. The use of custom street lights along this private roadway would help to impart a more rural feel to the neighborhood. *This variance is approved subject to the condition that a licensed engineer certify the safety of the lighting*

*plan for the minor street.* Lighting along the subdivision minor street, including the landscaped "island", shall comply with the requirements of the County outdoor lighting code.

- **Street names & traffic signs** (Hawaii County Code §23-94). Approved to allow use of custom street name and traffic signs that will reinforce the desired character of the neighborhood and its design goals. While this variance will allow these signs to deviate from standard specifications, it must still meet AASHTO specifications.
- **Right of way Improvement** (Hawaii County Code §23-95). While this variance approval would allow for deviation from the County's standard detail regarding the improvement of the entire road right-of-way, such improvements of the right-of-way will be in conformance with the improved right-of-way detail for the approved PUD roadway as shown on Figure 11.

#### **DENIED VARIANCES**

- **Minimum Street Frontage**(Hawaii County Code §25-4-30). According to the Applicant's site plan, all proposed lots will have sufficient street frontages to meet this code requirement. Without sufficient justification or evidence that relief is necessary, we deny this variance request.
- **Permitted Projections into Yards and Open Spaces** (Hawaii County Code §25-4-44). The Applicant wishes to allow for trellis, attached or detached from a structure and exceeding 6 feet in height, to project any distance into the 8-foot minimum side yard setback. We will not grant this variance as it will conflict with the minimum requirements of the Building Code, which specifies a setback of at least 3 feet.
- **Through Lots; Planting Screen Easements** (Hawaii County Code §23-36). Through lots may be permitted, at the discretion of the director, due to topographic constraints or to overcome specific disadvantages of topography or orientation. In this particular instance, the Planning Department and the Department of Public Works objects to any access roadway connection to Kawaihae Road, requiring the subdivision access road to end in a cul-de-sac, thereby rendering the two lots at the end of a cul-de-sac as through lots. As provided for by Section 23-36 of the Subdivision Code, I will permit these through lots due to orientation of the property along Kawaihae Road and access prohibition upon same. Therefore, no variance will be required.
- **Future Extension of Streets.** (Hawaii County Code §23-44). No variance from this section of code is necessary since its application is at the Director's discretion. With the proposed subdivision already situated between two existing subdivisions with no opportunity for road interconnection, I will not require a road stubout anywhere within the proposed subdivision.
- **Intersection Angles/Corner radius** (Hawaii County Code §23-45(b)). The Applicant's exhibits reflect that the only proposed street intersection with Pomaika'i Place will maintain a minimum radius of 25 feet. Without sufficient justification or evidence that relief is necessary, we deny this variance request.

- **Protection from Existing or Proposed Arterial Streets** (Hawaii County Code §23-51).  
Due to the desire of not permitting any driveway or access road connection onto Kawaihae Road from any of the proposed lots within the subdivision, we deny this variance request in order to establish a minimum 10-foot wide no access planting screen along those lots fronting Kawaihae Road. This is a reasonable request that does not intrude into the buildable area of any of the proposed lots due to minimum yard setbacks that are already larger than this no-access planting screen. We do not understand the Applicant's opposition to such a demand and therefore, will not support relief from this requirement of code.

### PUBLIC COMMENTS

There were comments received from the general public regarding this application. These comments are maintained as part of the file regarding this particular application with the Planning Department. The majority of the comments focused upon the adverse traffic impacts the project would have upon the narrow Pomaika'i Place and Opelo Road and its intersection with Kawaihae Road. Some other comments included the loss of greenspace as well as the impact of this development upon local schools. Light pollution and the increase in crime were also mentioned.

- |   |                              |
|---|------------------------------|
| 1. Marquita Denison                               | 65-1320 Pomaika'i Place      |
| 2. Joyce Frederic                                 | 65-1243A Pomaika'i Place     |
| 3. January Herron Whitehead                       | 65-1235 Opelo Road, Suite A5 |
| 4. John C. Hance                                  | 65-1250 Opelo Road           |
| 5. Paul Stomski                                   | 65-1312 Pomaika'i Place      |
| 6. James & Beth Hood/Helen Burlingame             | 65-1316 Pomaika'i Place      |
| 7. Robert & Pamela Hons                           | 65-1322 Pomaika'i Place      |
| 8. David Reitow, Agro Resources, Inc.             | P.O Box 2933, Kamuela        |
| 9. Sharon Dewenter & Lisa Rincon                  | P.O Box 2072, Kamuela        |
| 10. James Jolliff, Ph.D.                          | P.O Box 6085, Kamuela        |
| 11. Gary & Kari Hagerman                          | 65-1308 Pomaika'i Place      |
| 12. Richard Rocker, Pres., Pomaika'i Cottages AOA | P.O Box 6719, Kamuela        |

We understand the concerns of these neighboring landowners as the increase in traffic generated by the proposed subdivision upon Pomaika'i Place and Opelo Road will be significant when compared to existing levels of traffic along these roadways. However, the general recommendation to relocate the subdivision access to Kawaihae Road to relieve the impact upon Pomaika'i Place and Opelo Road fails to take into account the regional impacts that may occur. Some of the things that we kept in mind as we developed our positions regarding this Planned Unit Development Permit include:

1. Current zoning of the property would allow for the construction of 13 single family dwellings without the need for a subdivision. The current proposal is for 10 single family dwellings with a condition of this permit that restricts the construction of additional (ohana) dwellings on each lot.
2. Should this PUD not be approved, the Applicant could still proceed with a standard subdivision of, say, 10 lots and still access of Pomaika'i Place with no restriction on the future application for an ohana dwelling.
3. Relocating the subdivision access to Kawaihae Road would create another access point on this congested roadway, creating another choke point. The Department of Public Works objects to creating another intersection along this section of Kawaihae Road for this very reason.
4. Creating another road intersection in such close proximity to Opelo Road will create an unsafe mix of turning movements as vehicles jostle to turn into and out of a relocated subdivision access road while other vehicles are attempting to turn into or exit from Opelo Road.
5. Any new roadway in such close proximity to Opelo Road may significantly affect the ability of the County to provide improvements to the Kawaihae Road-Opelo Road intersection at some point in the future.
6. This approval is conditioned upon the Applicant improving the pavement width of Pomaika'i Place to 20 feet, which is the standard width of the travelway for minor streets.

The purpose of PUD is to encourage comprehensive site-planning by allowing diversification in the relationship of various uses, buildings, structures, open spaces and yards, building heights and lot sizes in planned building groups in order to best adapt to the land while still insuring that the intent of the Zoning Code is observed. What all this means is that a PUD will allow for some flexibility in our codes in order to promote a project design that best compliments the landform.

We are fully aware of the traffic problems in Waimea, but the PUD process is not the mechanism that will solve these types of regional concerns. That is the function of zoning. The zoning of the property is already in place and will accommodate a subdivision of 7,500 square foot lots. We support the Applicant's proposal, through this PUD process, to provide some relief from our street design and lot configuration standards in return for a better-designed subdivision with an overall lower lot count than what is permitted by zoning as well as a restriction on ohana dwellings.

## **FINDINGS**

The following findings are made in accordance with Section 25-6-10 (Criteria for granting a PUD):

- 1) The construction of the project shall begin within a reasonable period of time from the date of full approval and shall be completed within a reasonable period of time.**

The Applicant's project schedule anticipates site work to be completed and sales of all lots and homes to be completed within 18 months from the date of approval of this PUD application and issuance of Final Subdivision Approval

- 2) The proposed development substantially conforms to the General Plan.**

The proposed single family residential lots are consistent with the General Plan LUPAG Map designation for the Property of Medium Density Urban, which allows for village and neighborhood commercial and single family and multiple family residential uses and related functions. Multiple family residential units up to 35 units per acre are permitted. The proposed single-family residential subdivision is consistent with the goals and policies of the General Plan Land Use and Housing Elements by providing a diversity of housing choices to meet a range of housing needs, designing in accordance with the environment, and fostering a pedestrian-friendly community.

- 3) The proposed development shall constitute an environment of sustained desirability and stability, shall be in harmony with the character of the surrounding neighborhood and shall result in an intensity of land utilization no higher than, and standards of open space at least as high as permitted or as otherwise specified for the district in which this development occurs.**

The proposed 10-lot single family residential subdivision will provide a density that is consistent with the density permitted by zoning, which is calculated at approximately 10 lots when taking into consideration the land area required for roadways. The Applicant has managed the minimum yard setbacks for each lot to ensure that sighting of structures and maximized and that the streetscape and its pedestrian-oriented character are not compromised. Approval of this PUD will allow for the construction of an interior subdivision roadway that will be consistent with rural roads that serve other residential subdivisions within this part of Waimea town. The Waimea Community Association has reviewed the proposed PUD application and has stated that they "...are satisfied that the plans will meet the specifications of the Waimea Design Plan of 1984 as to Paniolo style

*structure, preservation of the tree line and vistas*". Each proposed lot, exclusive of the roadway easement, will be consistent with the minimum 7,500 square foot minimum lot size required by its RS-7.5 zoning. This subdivision is also sandwiched between two existing single family residential subdivisions. So approval of this PUD application will permit the establishment of a 10-lot single family residential subdivision no different than the various subdivisions that already surround it.

- 4) **The development of a harmonious, integrated whole justifies exceptions, if required, to the normal requirements of the Zoning and Subdivision Codes, and that the contemplated arrangements or use make it desirable to apply regulations and requirements differing from those ordinarily applicable under the district regulations.**

The construction of a rural-style subdivision access road that meanders, rather than form a straight line through the proposed subdivision, provides visual interest that minimizes the hard, visual lines of the roadway and emphasizes the individual homesites. This flexibility in design justifies the variances to the minimum yards, lot configuration and roadway requirements. The street design variances result in the desire to preserve the rural character of the surrounding area within this particular section of Waimea. While the actual pavement width of 20 feet is consistent with code requirements, it is only the improved right-of-way that will be reduced from 50 feet to 46 feet with the use of grassed shoulders verses the concrete curb, gutter and sidewalks that is more typical of urban subdivisions. The proposed lots are at least 7,500 square feet in size and should provide ample opportunity for off-street parking. The absence of curbing along the subdivision street and its grassed shoulders will provide additional opportunities to accommodate the casual on-street parking for homeowners.

### **CONDITIONS OF APPROVAL**

The Planning Director approves the Planned Unit Development subject to the following conditions:

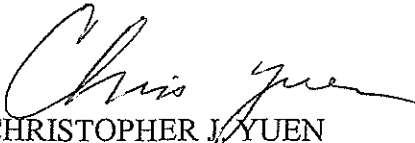
1. *Permit Runs with the Land.* The applicant, its successors or assigns shall be responsible for complying with all of the stated conditions of approval.
2. *Indemnification.* The applicant shall indemnify and hold the County of Hawaii harmless from and against any loss, liability, claim or demand for the property damage, personal injury or death arising out of any act or omission of the applicant, its successors or assigns, officers, employees, contractors and agents under this permit or relating to or connected with the granting of this permit.

3. Master Plan and Street Layout. The proposed Planned Unit Development shall be developed in a manner as substantially represented within exhibits attached to this Planned Unit Development Permit.
4. Roadway design guidelines. All roadways shall follow the guidelines incorporated in the Hawaii Statewide Uniform Design Manual for Streets and Highways or the applicable AASHTO design guide for the appropriate design speed.
5. Construction Plan Review by Fire Department. The Applicant shall consult with the Fire Department to ensure that its conformance with the minimum requirements of the Fire Code. Besides the Department of Public Works and Department of Water Supply, construction plans shall also be submitted to the Fire Department for review.
6. Improvements to Pomaika'i Place. The Applicant shall widen Pomaika'i Place to a minimum pavement width of 20 feet from the subdivision access road to Opelo Road, in a manner meeting with the approval of the Department of Public Works. Current pavement width ranges between 18 and 20 feet. Improvements will be limited to widening only and not the resurfacing of the entire roadway.
7. Access Restrictions. A 10-foot wide no-access planting screen easement shall be established along the entire Kawaihae Road frontage of lots within the proposed subdivision. Vehicular access gates at the approach to Pomaika'i Place shall be recessed a minimum of 25 feet (exclusive of gate travel) from the County right-of-way
8. No Additional Single Family Dwellings. Restrictive covenants in the deeds of all proposed lots within the Planned Unit Development shall give notice that the terms of this Planned Unit Development Permit shall prohibit the construction of a second dwelling unit on each lot. A copy of the proposed covenants to be recorded with the Bureau of Conveyances shall be submitted to the Planning Director for review and approval prior to the issuance of Final Subdivision Approval. A copy of the recorded document shall be filed with the Planning Department upon its receipt from the Bureau of Conveyances.
9. Compliance with other rules and conditions. The applicant shall comply with all other applicable governmental rules, regulations and requirements.
10. Annual Report. An annual progress report shall be submitted to the Planning Director prior to the anniversary date of the Planned Unit Development (PUD) permit. The report shall include, but not be limited to, the status of the development and to what extent the conditions of approval are being complied with. This condition shall remain in effect until all of the conditions of approval have been complied with and/or the Planning Director acknowledges that further reports are not required.
11. Time Extension. If the applicant should require an extension of time, the applicant may request for time extension pursuant to Section 25-6-14 (Time extensions and amendments). Should any of the conditions not be met or substantially complied with in a timely fashion, the Director shall initiate the nullification of the Planned Unit Development Permit.

Mr. Michael J. Riehm, A.I.A.  
Riehm Owensby Planners Architects  
Page 16  
May 23, 2007

Again, we apologize for the delay in preparing this Planned Unit Development Permit and appreciate your cooperation during the review process.

Sincerely,



CHRISTOPHER J. YUEN  
Planning Director

DSA:cd

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xc: Department of Public Works, Building Division  
Department of Public Works, Engineering (Hilo and Kona)  
Department of Water Supply  
Department of Environmental Management  
Fire Department  
West Hawaii Planning Office



Figure 1: Master Plan Concept

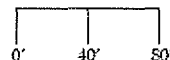
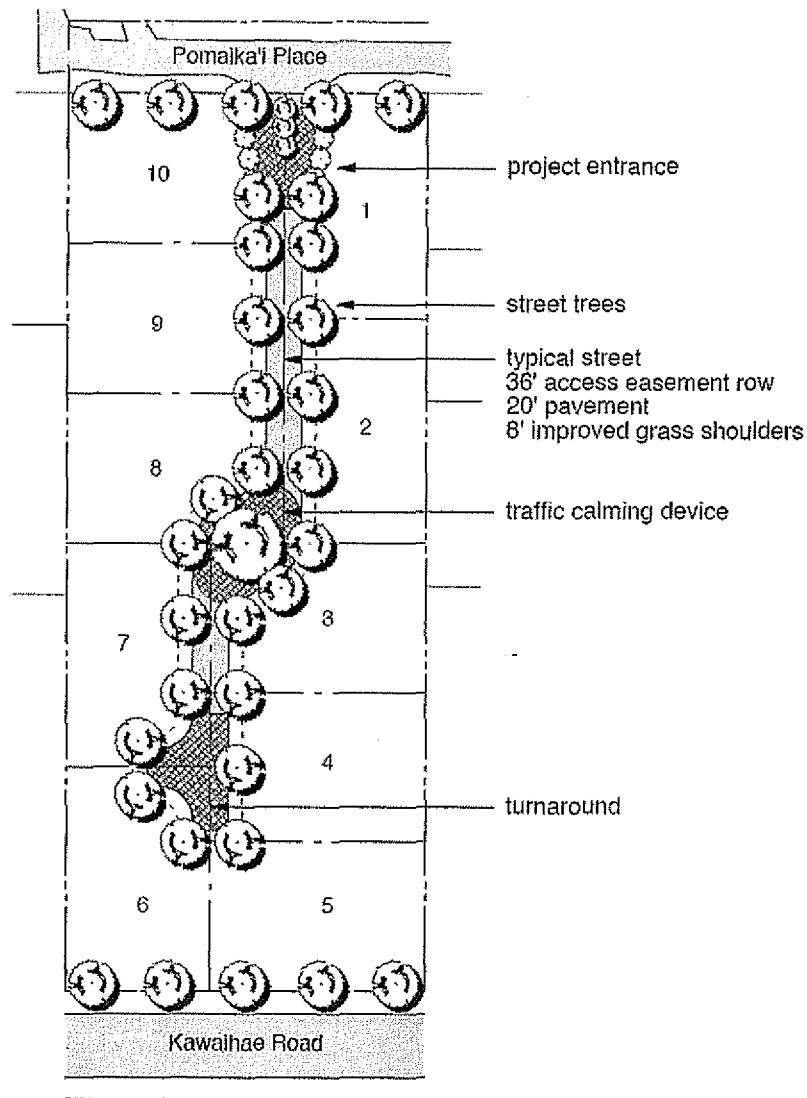


Figure 7: Project Entrance

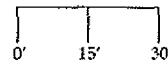
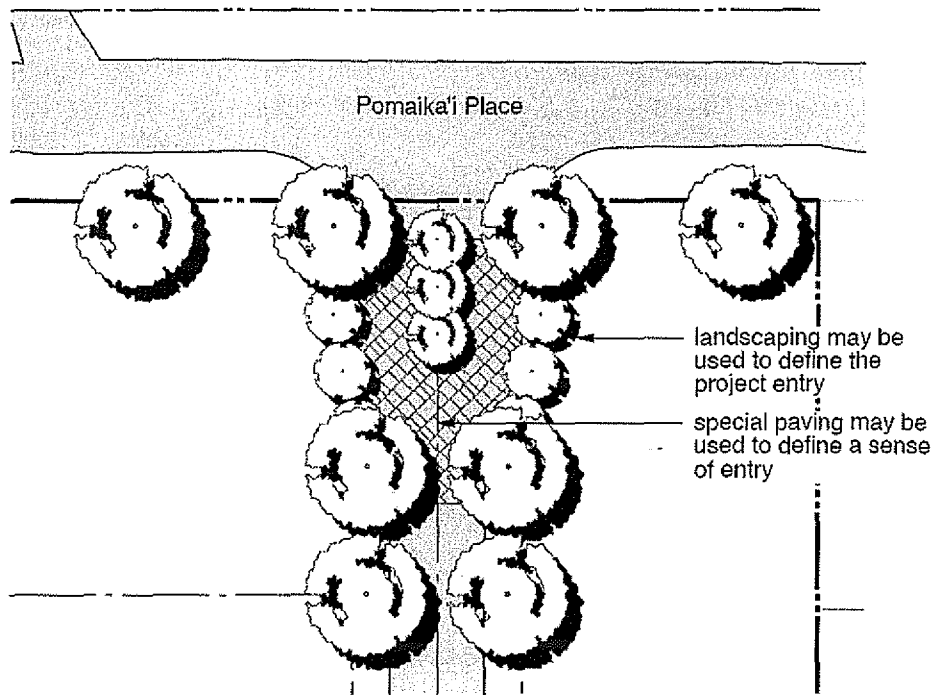


Figure 8: Street Character

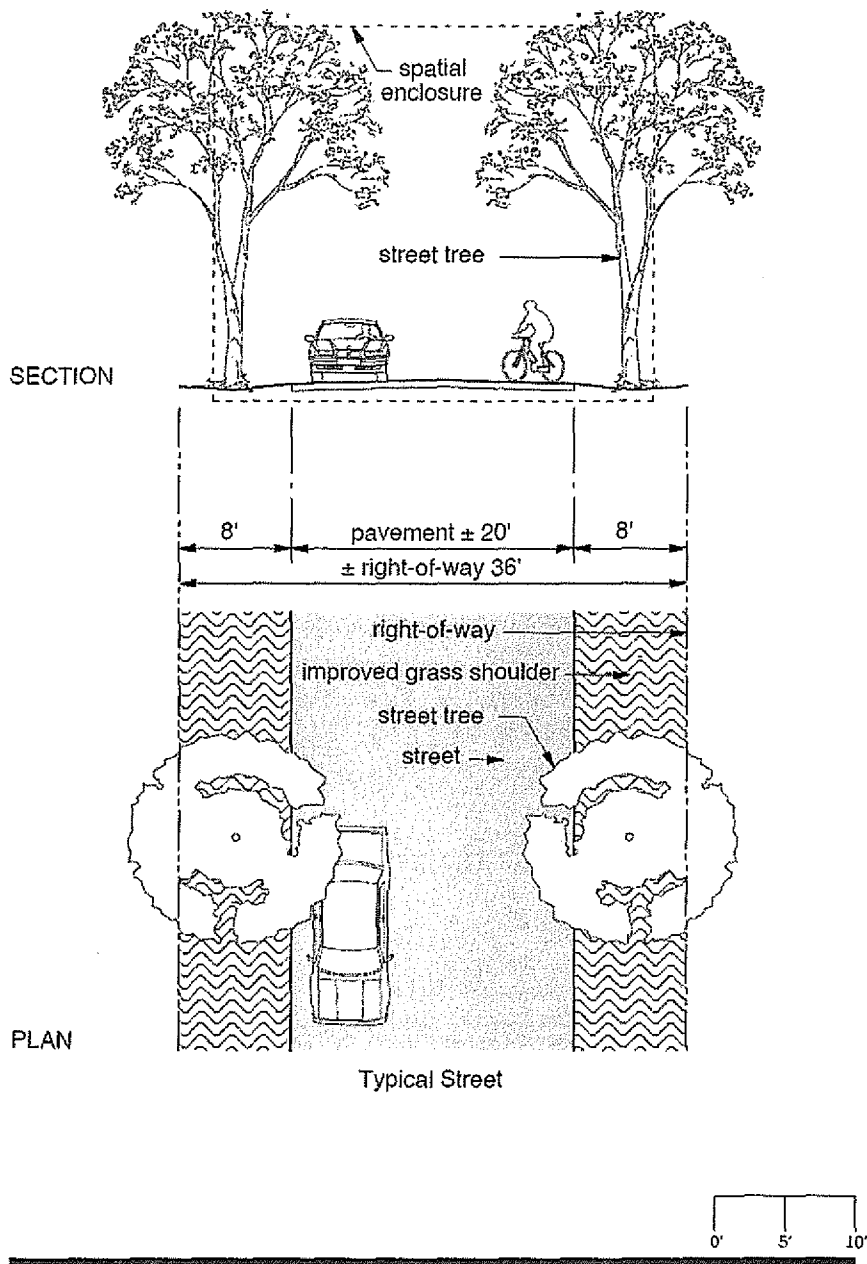


Figure 9: Traffic Calming Device

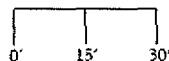
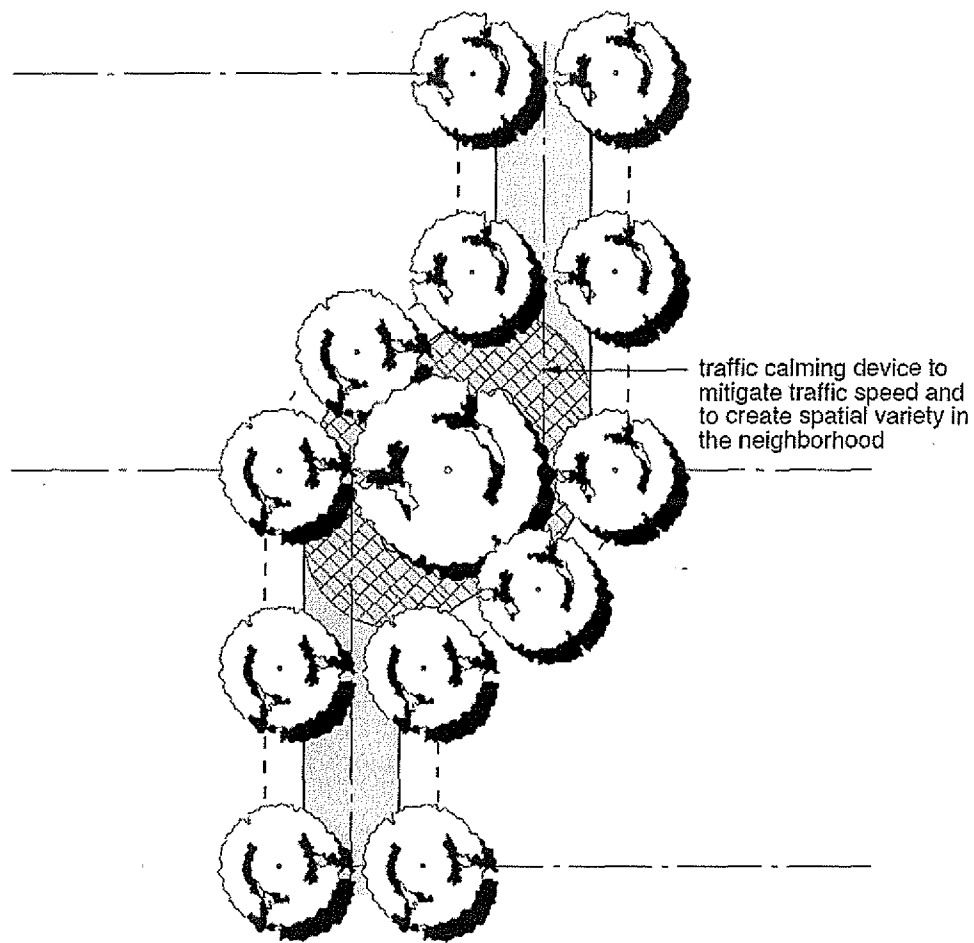
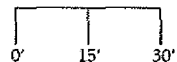
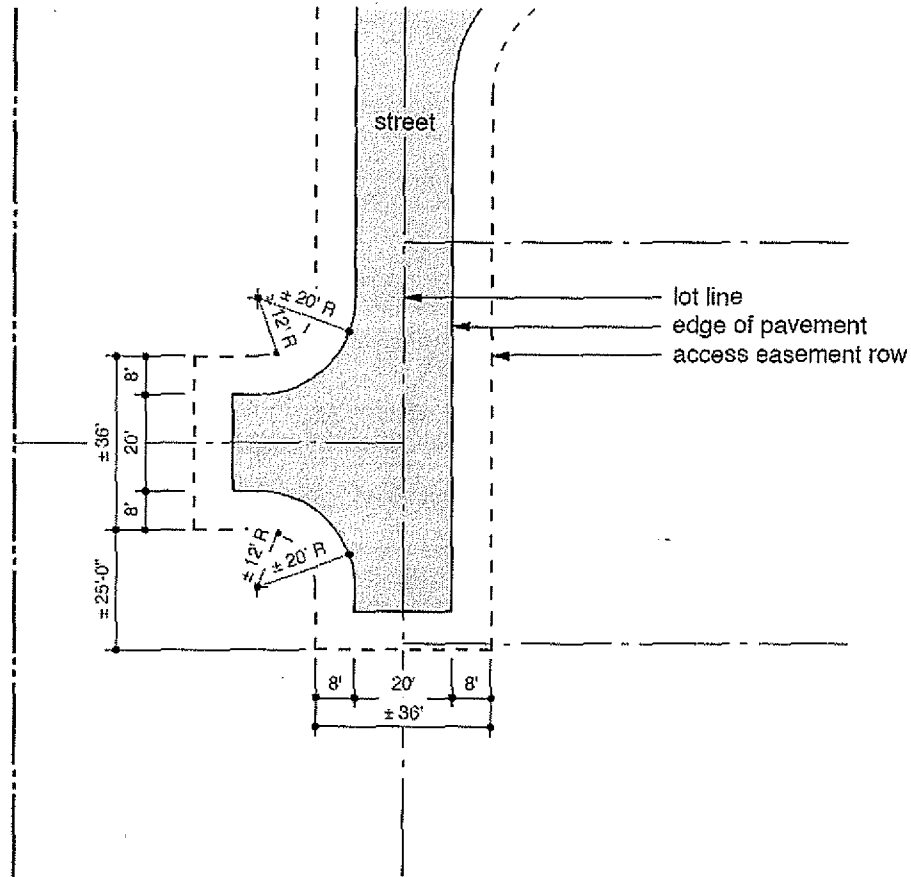


Figure 10: Turnaround



### Figure 11: Special Paving

**Comment:**

Another important element of the street character may be the use of special paving at select areas to designate a street intersection and/or to help mitigate the speed of automobiles.

(See figures for special paving location as referenced below)

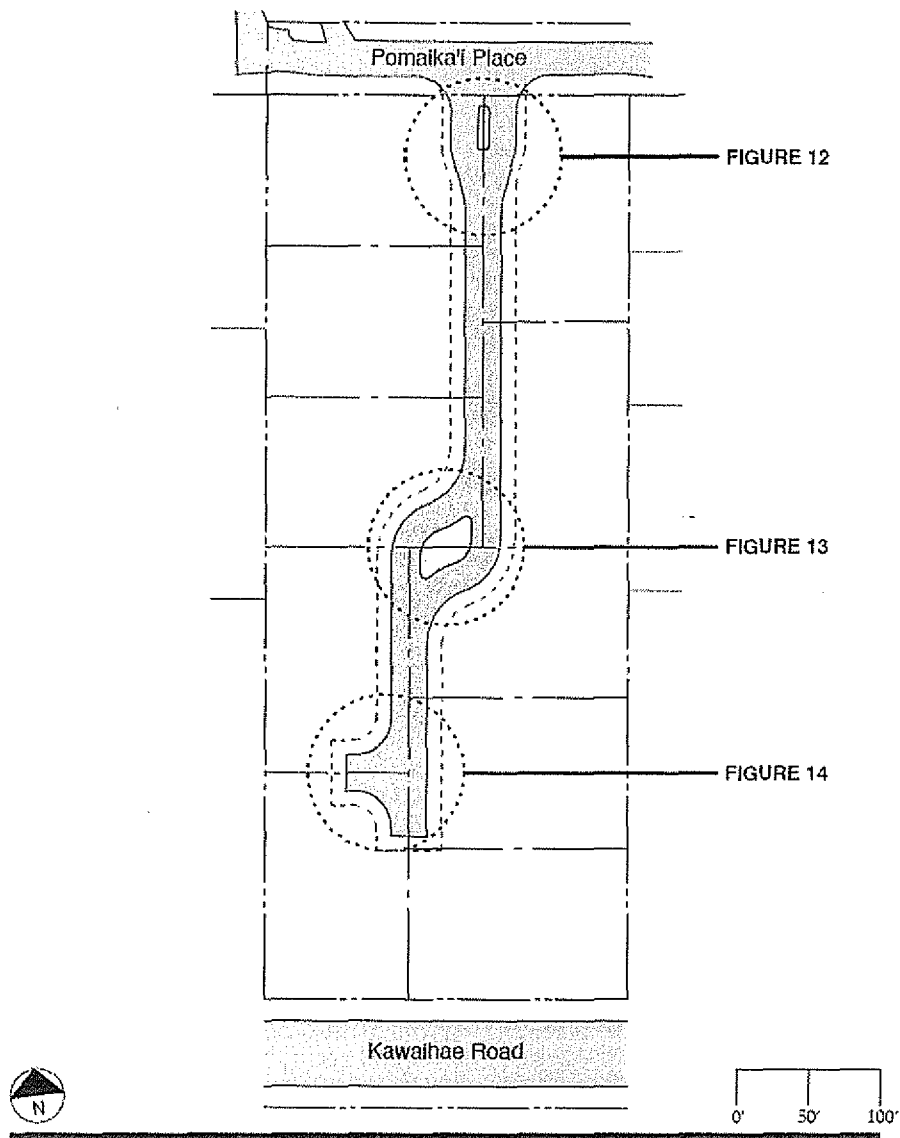


Figure 12: Special Paving

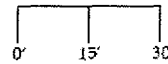
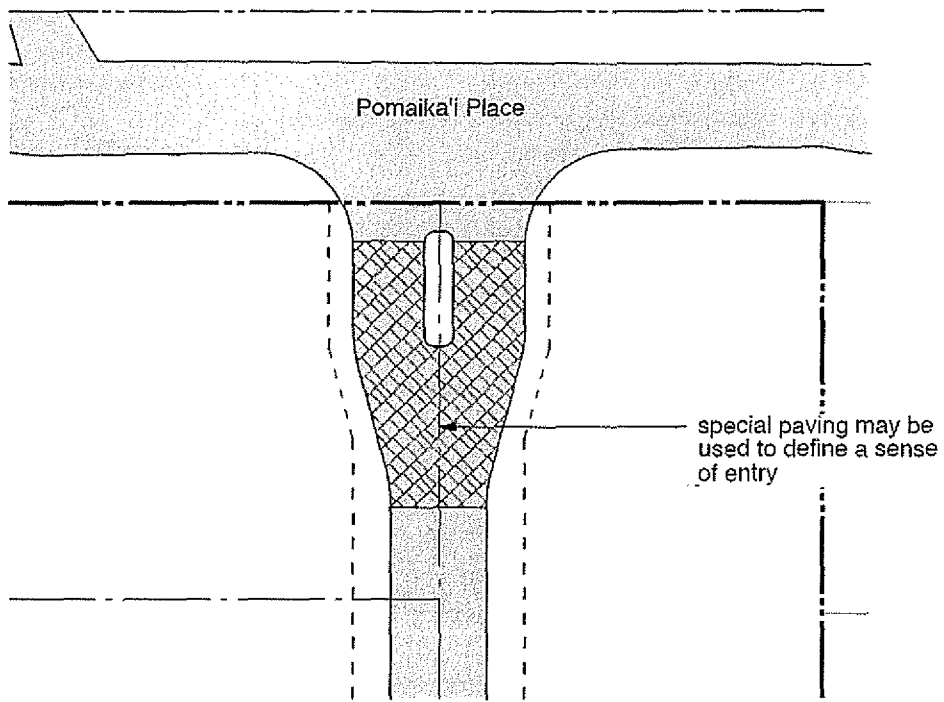


Figure 13: Special Paving

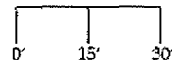
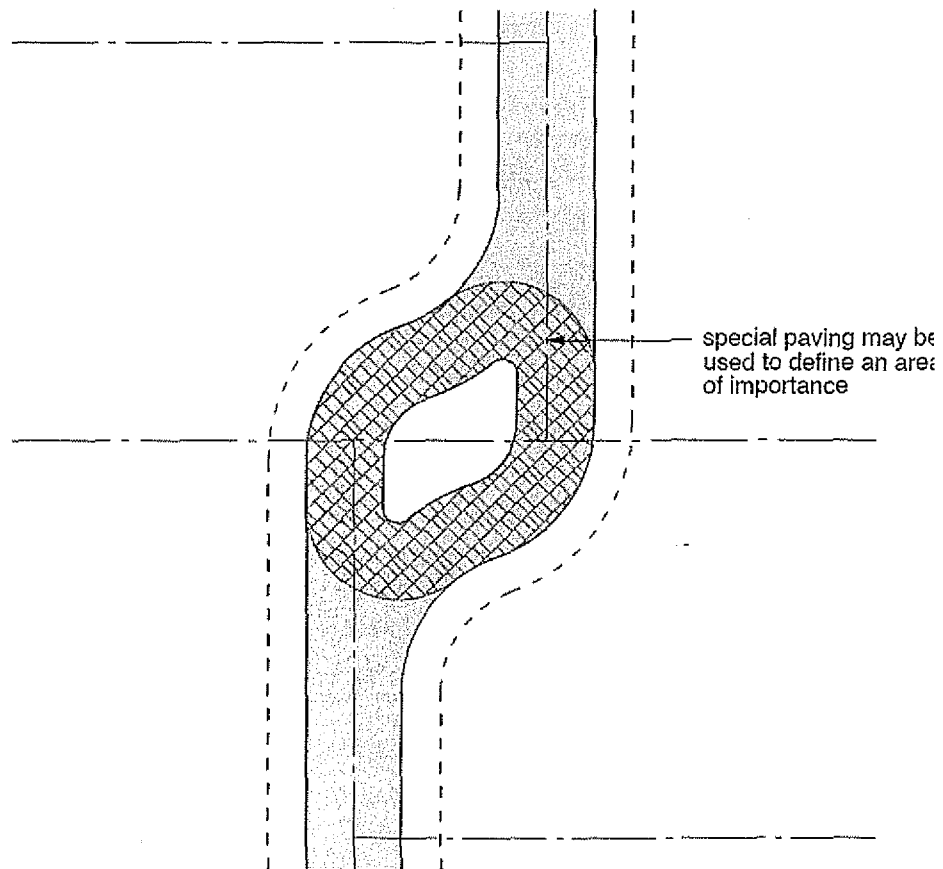
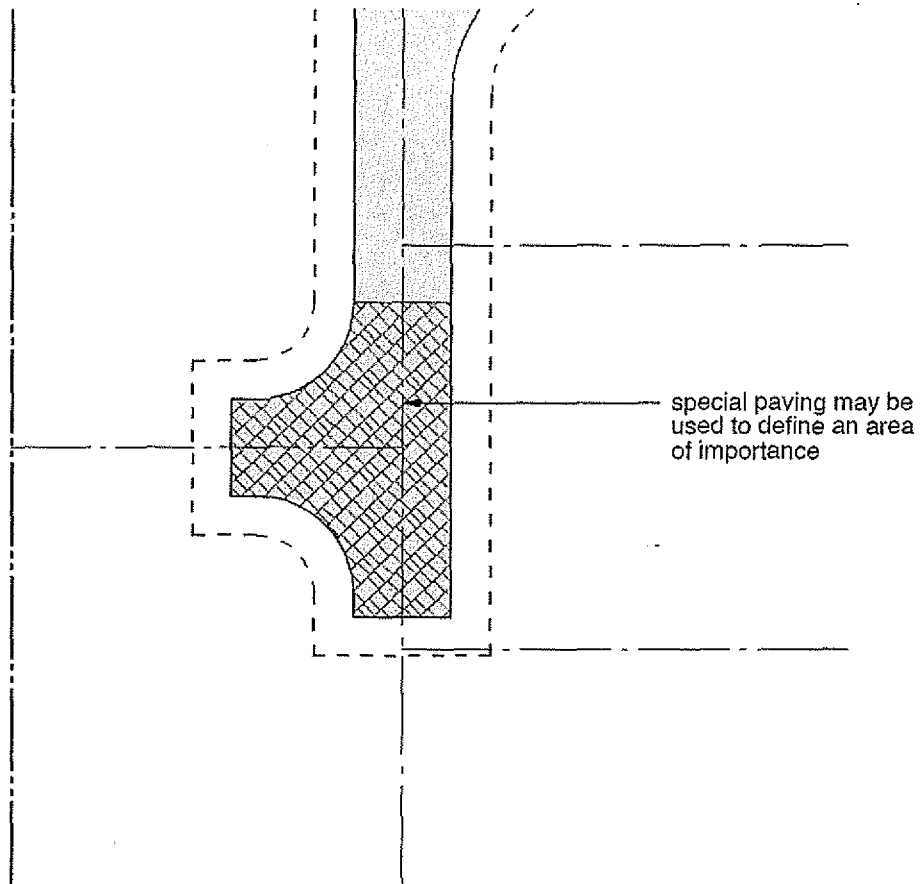




Figure 14: Special Paving



## Exhibit 2: Yard Designation

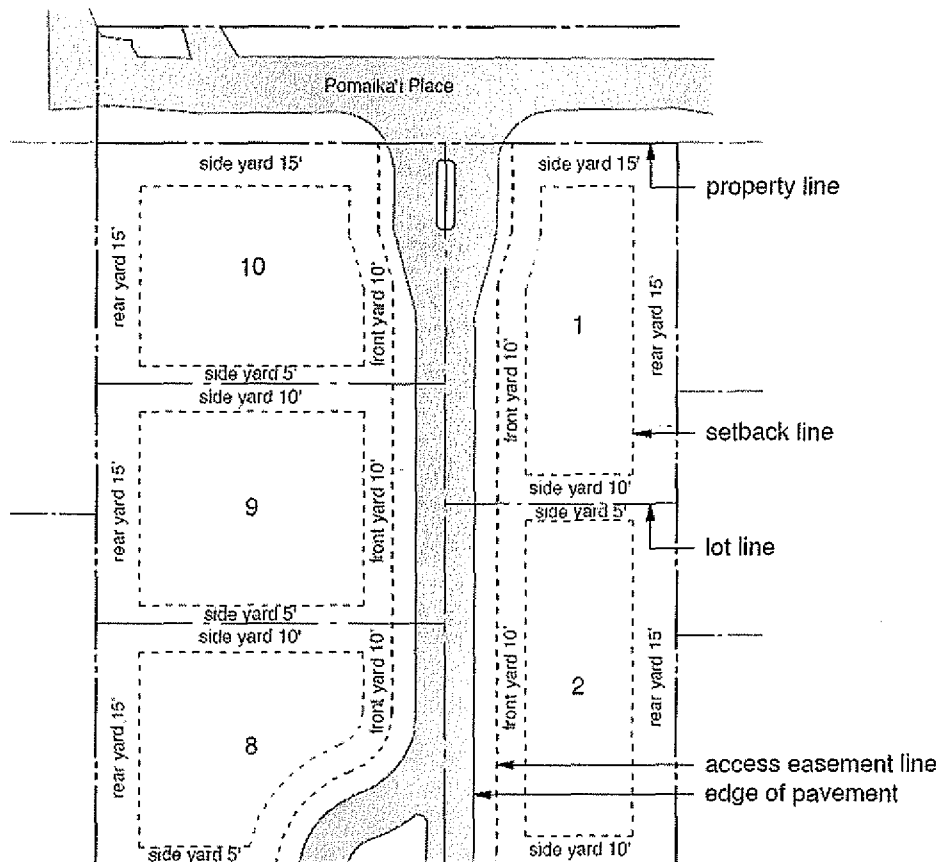
Variance Request - Zoning Code

**Request:**

The Petitioner request the front, rear, and side yards be designated as indicated below for lots 1, 2, 8, 9 and 10.

(See Exhibit No. 1, page 8-37, for lot location in project)

Note: the yards indicated below apply to both one and two story buildings.



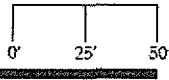
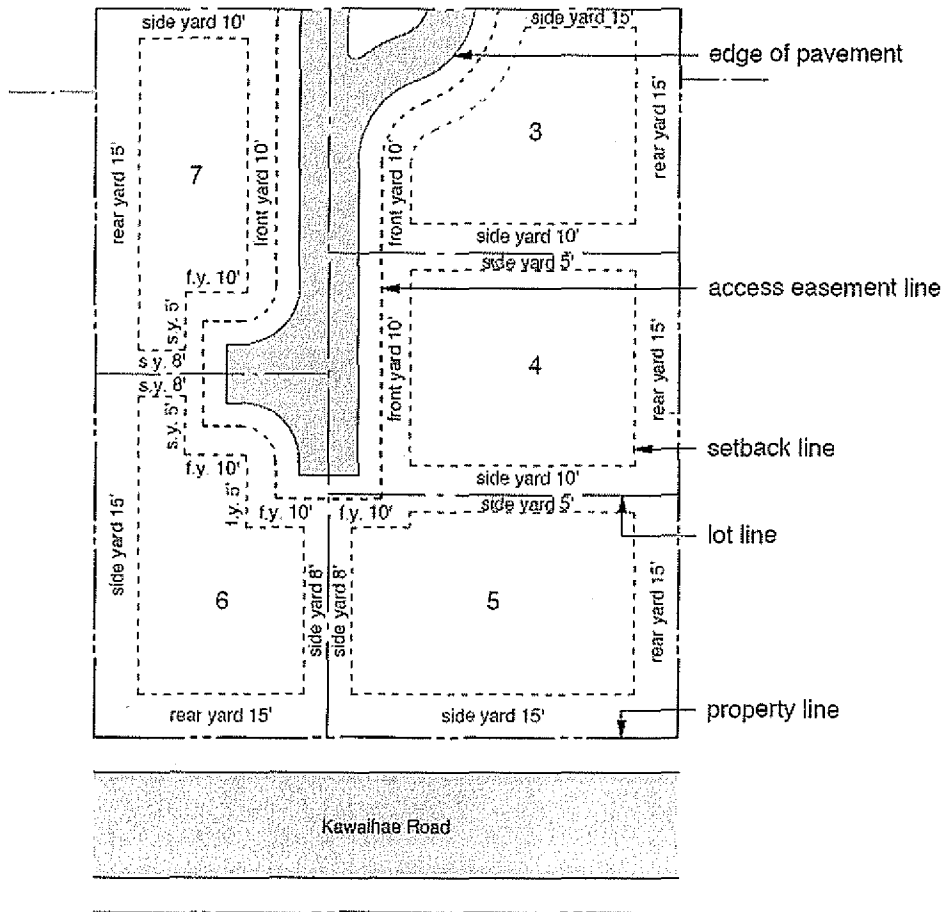
### Exhibit 3: Yard Designation Variance Request - Zoning Code

**Request:**

The Petitioner request the front, rear, and side yards be designated as indicated below for lots 3, 4, 5, 6, and 7.

(See Exhibit No. 1, page 8-37, for lot location in project)

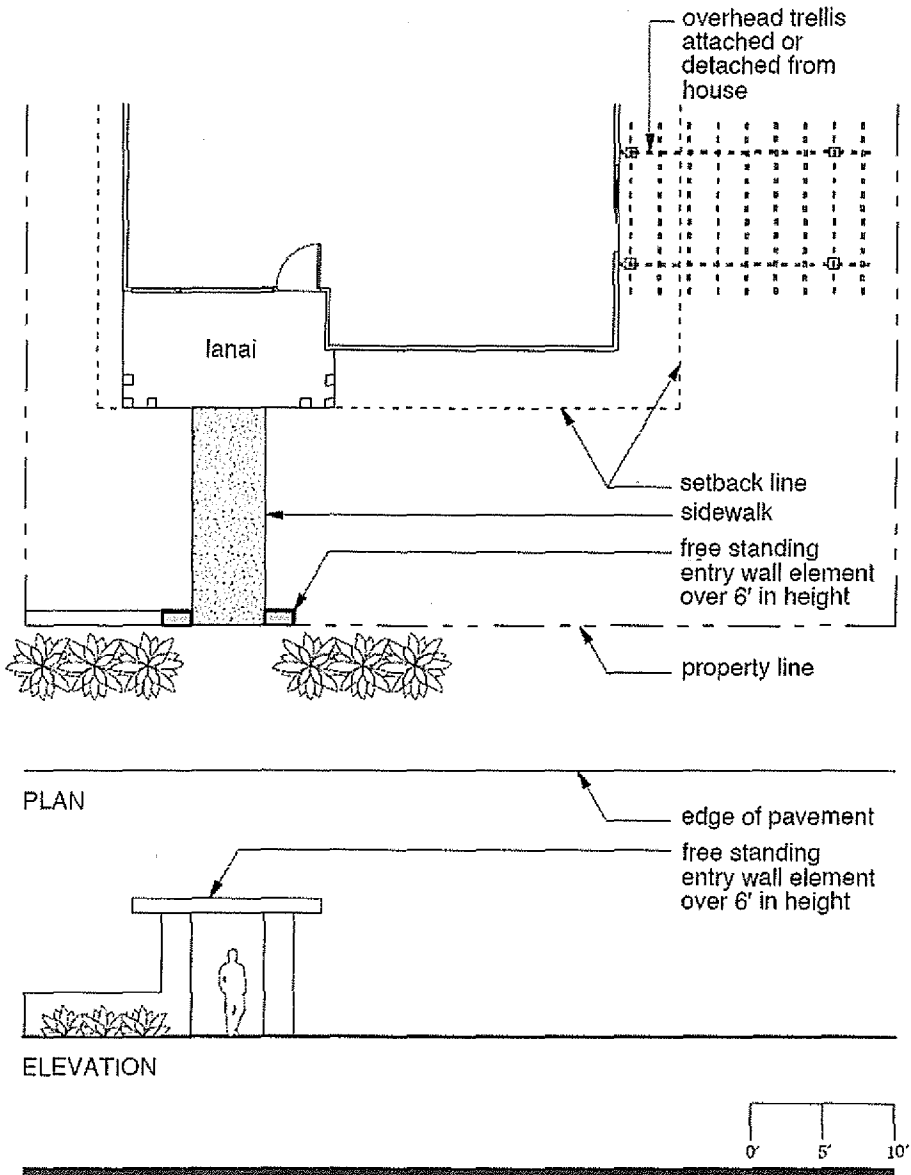
Note: the yards indicated below apply to both one and two story buildings.



### Exhibit 4: Fences and Accessory Structures Variance Request - Zoning Code

**Request:**

The Petitioner request the allowance of any accessory structure, architectural feature, wall, fence, trellis or any other architectural feature over six feet in height to extend into any required front, side, or rear yard. Below is an example of how this variance would apply:

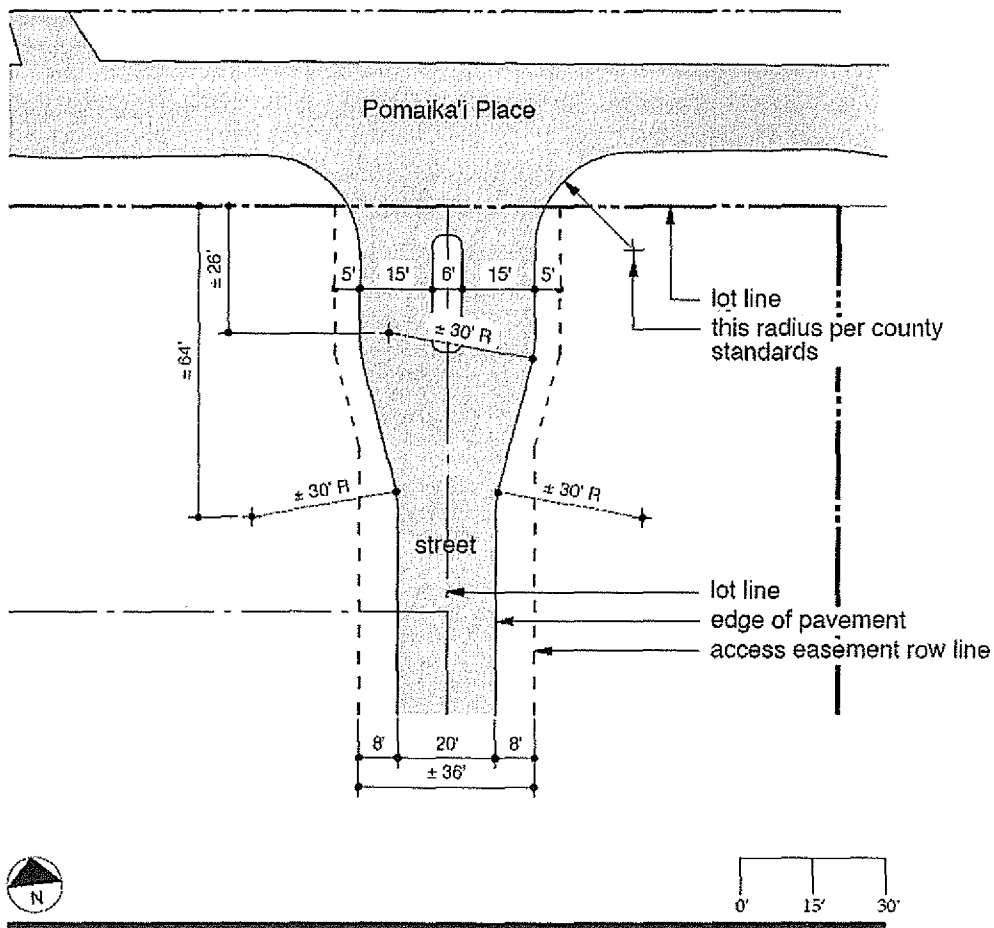


### Exhibit 6: Street Intersection Angles and Radius Variance Request - Subdivision Control Code

**Request:**

The Petitioner request the corner radius be permitted to be approximately in the range as indicated below:

(See Exhibit No. 5, page 8-49 for intersection location in project)

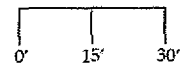
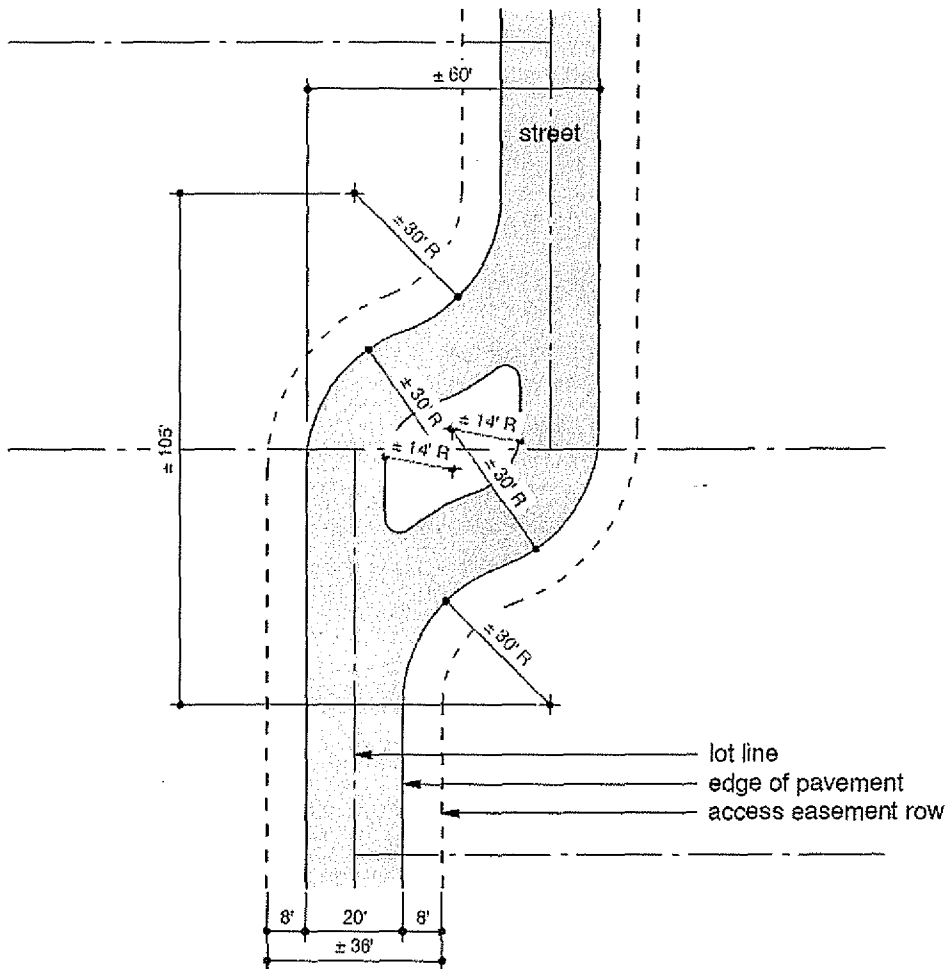


### Exhibit 7: Street Intersection Angles and Radius Variance Request - Subdivision Control Code

**Request:**

The Petitioner request the corner radius be permitted to be approximately in the range as indicated below:

(See Exhibit No. 5, page 8-49 for intersection location in project)

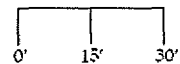
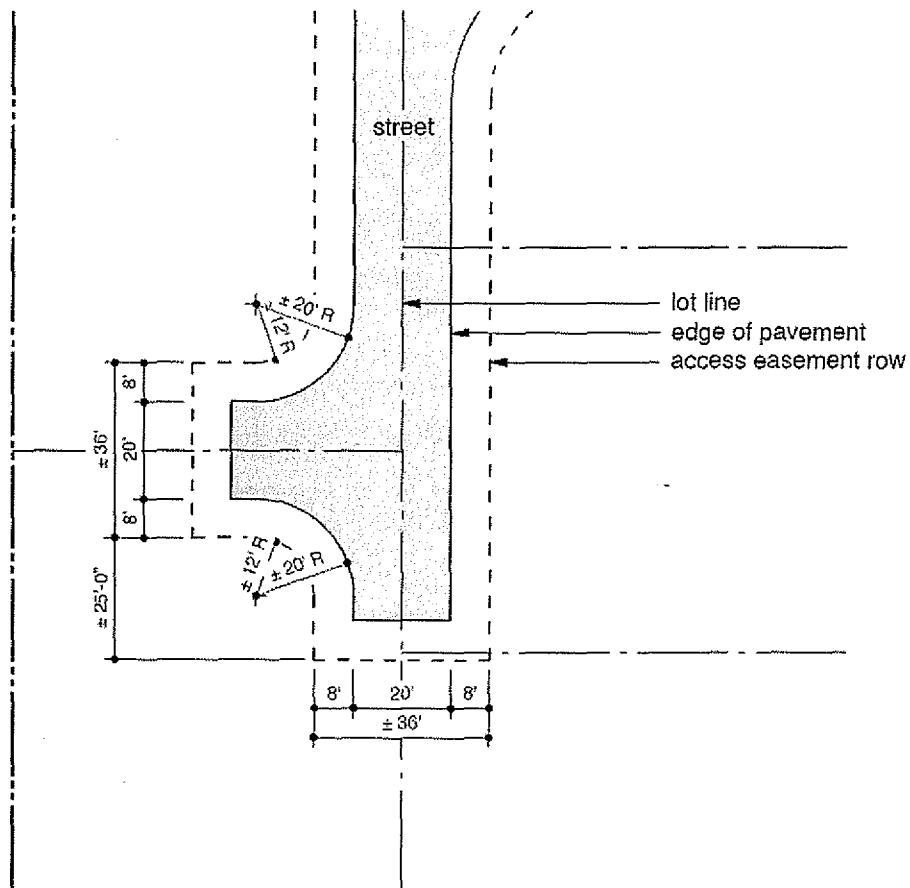


### Exhibit 8: Street Intersection Angles and Radius Variance Request - Subdivision Control Code

**Request:**

The Petitioner request the corner radius be permitted to be approximately in the range as indicated below:

(See Exhibit No. 5, page 8-49 for intersection location in project)

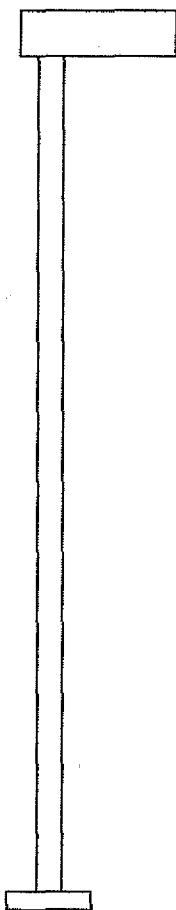


## Exhibit 9: Street Lights

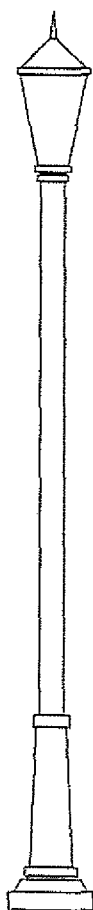
Variance Request - Subdivision Control Code

**Request:**

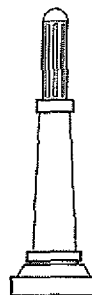
The Petitioner request that the requirements of Section 23-93 be waived in lieu of a custom street light fixture, allowing flexibility in color and housing type selection. Pole type lighting fixtures may be used at street intersections while bollard type lighting fixtures may be used to aid pedestrians. Typical examples of custom light fixtures that might be used in the project are as indicated below:



Pole Lighting Fixture  
Contemporary



Pole Lighting Fixture  
Traditional



Bollard Lighting Fixture  
Traditional



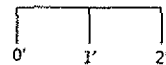
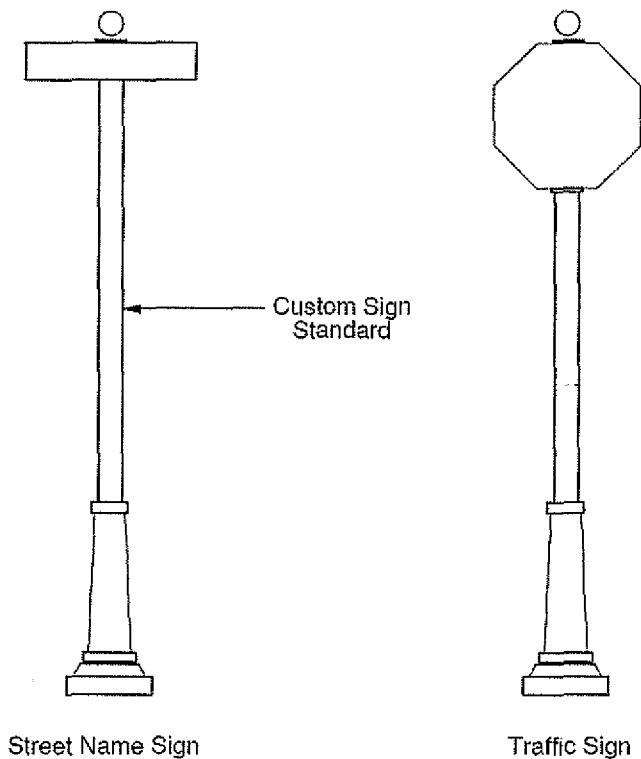


### Exhibit 10: Street Signs

Variance Request - Subdivision Control Code

**Request:**

The Petitioner request that the requirements of Section 23-94 be waived in lieu of custom street name and traffic sign fixtures, which are more in keeping with the design goals of the project. Typical examples of custom fixtures that might be used in the project are as indicated below:



## Exhibit 11: Right of Way Improvement Variance Request - Subdivision Control Code

**Request:**

The Petitioner request that the requirements of Section 23-95 be waived to allow design flexibility in the treatment of the right of way areas as indicated below:

