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County of Hawaii

PLANNING DEPARTMENT

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September 29, 2008

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. 07-000005 (PUD 07-000005)

Applicant: Riehm Owensby Planners Architects

Landowner: LGB, Inc.

Project: "Lands of Kalihi", a 27-lot Agricultural Planned Unit Development

TMK: 8-9-003: 005; Kalihi, South Kona, 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 of 27 agricultural lots on land consisting of approximately 220.382 acres and which will be known as the "Lands of Kalihi". This PUD addresses variances for minimum building site area and roadways improvements.

Please be informed that pursuant to Section 25-2-7 of the Zoning Code, PUD Permit No. 07-000005 must be utilized no later than **September 29, 2010**, or this office will initiate proceedings to nullify this permit. The filing of a subdivision application to implement the proposed Lands of Kalihi subdivision will satisfy this requirement. An extension of time may be considered by this office pursuant to Section 25-6-14 of the Zoning Code upon the filing of a timely written request.

BACKGROUND

Project Location

The subject property, hereinafter referred to as "Property", consisting of approximately 220.382 acres, is located within the district of South Kona, along the makai side of the

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Mamalahoa Highway just south of the Miloli'i ahupua'a. The Property is situated approximately 22 miles south of the town of Captain Cook Kona at an elevation of approximately 280 to 1,520 feet with an overall average slope of about 12 percent. The Property will be accessed off of the Mamalahoa Highway via a series of 60-foot wide access easements.

Land Use Designations

The Property is situated within both the State Land Use Urban and Conservation Districts, with the upper (mauka) two-thirds of the property within the Agricultural District. The location of the Conservation and Agricultural District boundary runs along the 680- to 760-foot elevation. Similarly configured, the makai one-third of the property is designated Conservation by the County General Plan, Land Use Pattern Allocation Guide (LUPAG) Map with the mauka two-thirds designated for Extensive Agricultural uses. The County zoning designation follows the same configuration with Open (O) zoned lands in the makai one-third and Agricultural-5 acres minimum lot size (A-5a) for the mauka two-thirds. A State Land Use Boundary interpretation of the property was requested in 2006, but the State Land Use Commission failed to definitively locate district boundaries. Our rough guess would place approximately 90 acres within the Conservation District with the remaining approximately 131 acres within the Agricultural District. Based on the simple application of a required 5-acre minimum lot size across the 131 acres within the A-5a zoned district, approximately 26 five-acre lots could be accommodated within the subject property within the Agricultural-designated lands. The roughly 90-acre Conservation designated lands will be maintained within a single bulk lot. Through this PUD application, the Applicant is proposing a total of 27 lots (26 ag-lots and 1 conservation lot) to be accomplished by the applications of the requested variances. Each proposed lot will maintain a minimum lot size of no less than 4.40 acres, below the minimum 5 acres required by its zoning. The Project, with the approval of this PUD, will be consistent with the requirements of the Zoning Code and the land use policies of the General Plan since it does not exceed the overall maximum density permitted by these land use ordinances.

Compatibility with Neighboring Uses

The Property is situated within an area primarily designated for agricultural and conservation/open uses by both the State Land Use Commission and the County. Lands immediately adjacent to the north, south and east (mauka) of the Property and east (mauka) of the 600- to 640-foot elevation are designated for agricultural uses. Lands falling makai of this same elevation are situated within the Conservation District. Other agricultural subdivisions are located to the north of the Project, including 52-lot Coffee Lots Subdivision (8-acre sized lots) located about 4,000 feet away, the 18-lot Kona Agricultural Subdivision (10-acre sized lots) located about 1,300 feet away, and smaller agricultural lots with lot sizes as small as ½-acre.

Therefore, we find that the proposed Project, with lot sizes no smaller than 4.4 acres, will compliment the adjoining agricultural subdivisions within this particular section of South Kona.

Related Background Information

State Land Use – roughly 90 acres within the makai portion of the Property is situated within the Conservation District, which is also identified as a General subzone, whose primary objective is to designate open space where specific conservation uses may not be defined, but where urban use would be premature.

Land Study Bureau – soils within the mauka portion of the Property is designated as “D”, or Poor, with the makai portion, which is largely within the Conservation District, is designated as “E” or Very Poor for agricultural productivity.

Agricultural Lands of Importance to the State of Hawaii (ALISH) – Other Important Agricultural Land is identified within the mauka portion of the Property. Other Important Agricultural Land is land other than Prime or Unique Agricultural Land that is of state-wide or local importance for the production of food, feed, fiber and forage crops. The lands in this classification are important to agriculture in Hawaii yet they exhibit properties, such as seasonal wetness, erodibility, limited rooting zone, slope, flooding, or droughtiness, that exclude them from the PRIME or UNIQUE AGRICULTURAL LAND classifications. These lands can be farmed satisfactorily by applying greater inputs of fertilizer and other soil amendments, drainage improvement, erosion control practices, flood protection and produce fair to good crop yields when managed properly.

Archaeological Resources - An archaeological inventory survey of the Property was conducted in March 2007 by Rechtman Consulting, LLC. This survey located a variety of habitation and agricultural features ranging from boundary walls, animal enclosures, habitation terraces and platforms, trails, and religious platforms. A total of about 27 sites were located within the Property, of which 3 sites are recommended for preservation, all of which are trails. Two of these trails are situated within the proposed makai bulk lot that is designated Conservation by the State. One trail, Site T-10, is situated within the area designated for development into agricultural lots as well as bisected by the proposed subdivision roadway. Preservation of all 3 trails, along with proper preservation easements, will be required as part of this approved permit.

Public Access – The Project is subject to the requirements of Chapter 34, Hawaii County Code, regarding public access. A public access plan will be required as part of the subdivision application to provide a minimum 10-foot wide public pedestrian easement from the Mamalahoa

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Highway, within the 60-foot wide access easement, and through the Property to its makai boundary, preferably within the proposed 40-foot wide subdivision road. This requirement will be made a condition of approval of this permit. As part of its subdivision application, the Applicant shall submit proper proof of access rights over the existing 60-foot wide access easement leading mauka to the Mamalahoa Highway. Na Ala Hele makes mention of the Honomalino-Milolii Trail as a government-owned trail. We note that this trail is situated on lands located makai of the Project site and will not be affected by the proposed subdivision development.

PROJECT OBJECTIVES AND DESCRIPTION

According to the Applicant, the objectives for "Lands of Kalihi" (hereinafter referred to as "Project") include the following:

- The Planned Unit Development is used to achieve a more comprehensive site design, provide a more diverse agricultural use, and to maintain the rural character of the site and surrounding area.
- Development an environment of sustained desirability and stability that is in harmony with the character of the surrounding area.
- Enhance the agricultural productivity of the existing vacant lands by the provision of a new well and private water supply.
- Through the use of CC&R's, help maintain the rural character of the area and the agricultural use of the land. These CC&R's will not restrict any permitted agricultural uses or activities on the agriculturally-designated lands.
- To better preserve and maintain the economic viability and rural environment of the existing agricultural lands and to mitigate the potential, driven by market demand, for other land uses not keeping with the local lifestyle and rural character of the area.

The Project will be developed in a single phase consisting of 27 lots, each of which will maintain a minimum lot size of 4.4 acres, which may be permitted through the issuance of a Planned Unit Development permit.

The Applicant's project schedule anticipates site work to be completed within 8 months from the date of approval of this PUD application and issuance of Tentative Subdivision Approval. Sales of all of the lots is expected to be completed within 2 years after the issuance of Final Subdivision Approval.

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Proposed Subdivision Improvements

Access: The Project will utilize an existing 60-foot wide access easement from the Mamalahoa Highway that will be improved with a 20-foot wide pavement with 10-foot wide grassed shoulders. The interior subdivision road is proposed as a 40-foot wide right-of-way with the same 20-foot wide roadway profile. As part of the submittal of the subdivision application, the Applicant must submit proper proof of access over and across the 60-foot wide access easements to the Mamalahoa Highway. As a condition of this permit, the Applicant must also confirm its ability to establish a public shoreline access easement across of this 60-foot wide access easement.

Water: Water to each proposed lot will be provided by a private water system that will utilize a reverse-osmosis system if the source water is brackish. A spare pump will be kept on island as a backup. This water system does not comply with the requirements of the Subdivision Code and a variance will be necessary. As part of any variance application, the Applicant must demonstrate that its proposed alternative water system can supply the necessary quantity and quality of water to support the proposed subdivision. At just over 200 gallons per day per lot, the proposed water system is inadequate. For agricultural lots, a water system capable of supplying at least an average of 400 gallons per day and a peak of 600 gallons per day per lot must be considered. We will not consider anything less since these are the minimum standards for single family residential lots. We understand that the proposed system is a dual system, with separate non-potable pipe line for irrigation purposes. But our focus for the variance will fall upon the performance of the potable water system, which must supply at least an average of 400 gallons per day to each lot.

Wastewater: Individual wastewater disposal systems will be utilized in compliance with Department of Health standards.

AGENCIES' REVIEW

Department of Public Works: Memorandum dated November 27, 2007

DPW Memorandum attached to end of this permit letter

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Department of Public Works-Traffic Division: Memorandum dated November 9, 2007

- “1. Is this development county maintained?
2. It would not be feasible for the county to maintain custom streetlights to the standards that the developer is proposing – replacements would need to be provided in advance by the developer or the county standard streetlight fixtures would have to be used instead.
3. Lighting would need to conform to the applicable ordinances established for the island.
4. It would not be feasible for the county to maintain custom signs and sign posts to the standards that the developer is proposing – all replacements would be with county standard signs and sign posts.
5. Signs should conform to the Manual on Uniform Traffic Control Devices (MUTCD).”

Fire Department: Memorandum dated December 12, 2007

Fire Department recommends that fire apparatus access roads comply with Uniform Fire Code (UFC) Section 10.207. See copy of memorandum attached at the end of this permit letter.

Police Department: Memorandum dated November 15, 2007

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

Department of Environmental Management: Memorandum dated November 1, 2007

DEM confirms that area not serviced by a sewer system. Recommends the following regarding solid waste:

- o Commercial operations may not use transfer stations for disposal.
- o Aggregates and any other construction/demolition waste should be responsibly reused to its fullest extent and its disposal is prohibited from all transfer stations.
- o Ample and equal room should be provided for rubbish and recycling.
- o Greenwaste may be transported to the greenwaste sites located at the Kailua or Hilo transfer stations or other suitable diversion programs.
- o Submit solid waste management plan.

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Department of Water Supply: Memorandum dated November 26, 2007

“Please be informed that the subject property is not within the Department’s existing service limits. The nearest Department of Water Supply facility is an existing 8-inch waterline within Mamalahoa Highway, approximately 12 miles away at the Hookena Junction.

The proposed potable/non-potable water system for the development does not meet the Department’s Water System Standards, and therefore, we cannot comment as to whether the system would be adequate for the needs of the development. Should the developer choose to construct a water system in accordance with the Department’s Water System Standards, the developer must submit construction plans prepared by a professional engineer licensed in the State of Hawaii and pay a fee of four-tenths of one percent of the estimated cost for the construction of the water system, but not less than \$50.00, to cover the costs for plan review, testing, and inspection. Further, the system shall be privately owned and operated as the Department will not be responsible for operation and maintenance of the system.”

State Department of Health: Memorandum dated November 29, 2007

See letter attached to the end of this permit letter

HELCO: Letter dated November 20, 2007

See letter attached at the end of this permit letter. In summary, HELCO indicated that it will be able to provide electrical service to the proposed Project subject to an analysis of detailed design drawings and estimated demand calculations. Noted that existing substation is not adequate, so an additional off-site 12.47KV distribution line and easements must be provided.

Na Ala Hele: Letter dated January 10, 2008

In summary, Na Ala Hele comments make reference to four trails noted within an archaeological report, but no records of same exist with the State Survey office. Pointed out that landowner’s deed also makes the following reservation, “Reserving to the members of the public the unimpeded use of the public makai trail, which is three feet wide at its narrowest point, and running from Omokaa to the Northern boundary of Honomalino.” Our review of the archaeological report indicates that this trail is located along the coastline outside of this Project boundaries.

See letter dated January 10, 2008 attached to the end of this permit letter.

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PUBLIC COMMENTS

Letter dated November 27, 2007 from Mary Helen Higgins

See letter attached to this permit letter.

In summary, Ms. Higgins noted that she was not properly notified. Questions statement that property will be utilized for agriculture since land is not suitable for agriculture. Does not understand statements made by applicant regarding the creation of a more comprehensive site design and more diverse agricultural uses. Information provide by applicant is too vague. Recommends that any kind of development on the lower conservation piece be denied and all development denied until all neighbors are notified.

Letter dated November 23, 2007 from Jeannine Johnson

See letter attached to this permit letter.

In summary, Ms. Johnson encourages this department to not permit this type of "urban" encroachment onto agricultural lands in Omoka'a. Project will decimate the marine resources of Miloli'i and lead to the degradation of this pristine area and destroy the livelihood of Native Hawaiians who have fished this area for generations.

APPROVED VARIANCES

The following variances are hereby approved:

Variances to the Zoning Code

- **Minimum Building Site Area; Minimum Average Width** (Hawaii County Code §25-4-31). With the smallest proposed lot at about 4.4 acres, the Applicant is seeking relief from the minimum 5-acre building site area requirement. With the lot being split zoned to allow for the mauka two-thirds of the Property to be developed, the Applicant is seeking to maximize the number of lots due to the existing configuration of the Property and the zone district boundaries. A reduction of about 10% of the required minimum lot size is not significant since it will still provide for sufficient land area for its intended use, which is agriculture. The Applicant will still be able to maintain the minimum building site average width of 200 feet as well as comply with all required yard setbacks. So we see this requested variance as limited and reasonable.

- **Minimum Building Site Area (Hawaii County Code §25-4-32).** For the reasons as discussed above, we have no objection to this requested variance.
- **Minimum Building Site Area (Hawaii County Code §25-5-74).** For the reasons as discussed previously, we have no objections to the granting of this variance.

Variances to the Subdivision Code

- **Lot side lines (Hawaii County Code §23-35).** The Subdivision Code requires that the side lines of a lot shall run at right-angles to the street or radial to the curve when a lot is considered a corner lot. Due to the relatively narrow configuration of the Property, the proposed agricultural lots will be laid out to create a relatively uniform configuration along both sides of the subdivision spine road, which has to meander a bit in order to moderate the grade of the road within the Property which has slopes of about 12 percent. Due to the meandering road, the side lines do not intersect with the road at a 90 degree (right) angle. The large size of these lots will negate any issues with a lot line not intersecting the road at a right angle. Smaller, residential-sized lots are more susceptible due to the smaller yard setbacks and the ability to locate both structures and driveways.
- **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 widths for its internal, minor-type subdivision roadway. The requested variances are related to right-of-way widths, the use of medians and traffic calming features within the right-of-way, and shoulder/swale details.
 - **Agricultural Street (40' wide road right-of-way in lieu of 50' ROW-Exhibit 6).** The proposed standards for the 40-foot wide agricultural street-type roadway will deviate from the minimum 50-foot wide ROW specified by DPW Standard Detail R-39. The Applicant is proposing a pavement width of 20 feet with 10-foot wide grassed shoulders on each side. The lower volume and speed of vehicles typically carried by these large-lot agricultural streets affords the opportunity to reduce the right-of-way 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 vehicular traffic. This approved roadway specification will also be implemented within the 60-foot wide easement located mauka of the subject property and connecting to the Mamalahoa Highway.
 - **Special Pavement treatment within road right-of-way (Figures 7, 9 thru 13).** We approve of the Applicant's request to install special paving and street landscaping and mail kiosk at the subdivision entrance to not only define the entrance to the subdivision, but also to provide an area for a mail kiosk. The special paving may also be used at intervals along the lengthy subdivision spine road to manage vehicle speeds and provide a distinctive character within the streetscape. The type of special paving and the location

of vertical elements, such as the street trees and mail kiosk, 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. Where these special paving/landscaping treatments occur, the right-of-way will be widened to as much as 70 feet or more with pavement widths for each separated travel lane of at least 14 feet.

- **Cul-de-sacs** (Hawaii County Code §23-48(b)). Applicant requests that the requirement for a circular turn-around and maximum 600-foot length be waived since this is a large-lot subdivision that makes these requirements less relevant. As it currently stands, the subdivision spine road is simply a very long cul-de-sac that exceeds the 600-foot limit established by the Subdivision Code. Given the narrow configuration of the existing Property, the need for such a lengthy roadway is inevitable. However, we will reserve the option of requesting a north-south connector stub-outs roadways that could provide for future mid-level connections to adjoining properties, should they also be developed.
- **Grades and curves** (Hawaii County Code §23-50). Applicant requested a variance from the minimum requirements for vertical and horizontal curves, which is 12 percent for agricultural roadways as proposed by the Applicant. This variance is approved on the basis of topography to minimize the grading requirements and to retain as much of the natural terrain as practical. *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.* The geometric design of the streets should be based on the AASHTO Guidelines for Geometric Design of Low Volume Roads. While we approve of this variance, it is with the understanding that no subdivision roadway shall exceed a maximum grade of 18 percent.
- **Street lights** (Hawaii County Code §23-93). Applicant requested design flexibility in the placement and type of street lights permitted within the internal subdivision roadway easement. The Applicant proposes the use of custom street lighting fixtures along the agricultural roadway (see Exhibit No. 4). Due to the limited number of lots to be serviced by the internal subdivision roadway, a reduction in the number of lights would help to impart a more rural feel to the neighborhood while having sufficient lighting primarily at critical points for traffic safety considerations. *This variance is approved subject to the condition that a licensed engineer certify the safety of the street lighting plan for the agricultural subdivision.* Lighting along the subdivision roadway, including the project entry and mail pick-up area, 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 (see Exhibit No 12). While this variance will allow these signs to deviate from standard specifications, it must still meet ASHTO specifications.

DENIED VARIANCES

- **Corner radius** (Hawaii County Code §23-45(a) & (b)). Applicant requests that streets not be laid out to intersect at right angles unless topography requires a lesser angle, but not less than 60 degrees. Applicant also requests that corner radiuses at intersections within the private roadways be waived from the required minimum of 25 feet. However, there are no intersections currently shown on the Applicant's plans. We considered the possibility of a future north-south connector roadway somewhere along the alignment of the spine road, but given the large size of these proposed lots, we don't consider a minimum 25-foot corner radius or a roadway intersection between 60 and 90 degrees as unreasonable.
- **Right of way Improvement** (Hawaii County Code §23-95). There is no justification for this variance. Plans submitted by the Applicant indicate that the entire roadway easement will be improved with either a paved travelway or graded and grassed shoulders. These improvements, as permitted by this PUD, satisfies this particular requirement.

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 is ready to start development as soon as approvals are issued, with infrastructural improvements and basic grading done to accommodate home construction within 8 months from the approval of infrastructural construction drawings/final subdivision approval. The Applicant anticipates that sales for the entire development will be completed within 2 years after the lots are made available, subject to market conditions.

- 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 Extensive Agricultural and Conservation, which coincides with the State Land Use and Zoning designations promoting a similar agricultural and conservation land use pattern. The proposed agricultural lots are consistent with the General Plan Land Use and Housing goals and policies by preserving the agricultural character of the land and promoting opportunities for agricultural endeavors within this portion of South Kona. In accordance with the General Plan's Housing element, this project will also provide for a diversity of socio-economic housing mix. This particular area of South Kona has a

range of agricultural lots as small as ½-acre to 10 acres or more. This project, with lots at least 4.4 acres in size, will help provide for a mix of agricultural lot sizes and agricultural/housing opportunities. The approximately 90-acre bulk lot will coincide with these Conservation-designated lands. A future roadway easement is depicted on the site plan, but its ultimate implementation must be approved by the State Department of Land and Natural Resources.

- 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 27-lot agricultural subdivision will provide a density that will not exceed the maximum density permitted by zoning, which is calculated at 27 lots. With slopes within the project site running about 12 percent, the Applicant has worked to align the subdivision roadway and the proposed lots to follow the existing grade and minimize grading. While approval of this PUD will allow for lots that fall below the minimum lot size of 5 acres, we still believe that lots at least 4.4 acres in size or greater provides ample opportunity for agricultural pursuits while designing a subdivision that best conforms to the narrow configuration of the Property and the steepness of the landform. Therefore, approval of this PUD will not compromise the rural agricultural character of the surrounding area. Public comments have questioned the suitability of these lands for agricultural uses as proposed by the Applicant as well as have viewed this Project as urban encroachment into this agricultural area. Concerns regarding the Conservation lands situated within the makai portion of the Property and surrounding area, as well as the village of Miloli'i, has been expressed. This Project, as conceptualized and approved by the issuance of this PUD permit, conforms to the policies and minimum requirements of the General Plan, State Land Use Law, and the Zoning Code. The future owners of these proposed lots are required to conform to these land use laws which promotes agricultural uses on these parcels. The Applicant has indicated that the deed covenants and restrictions for these proposed lots will not prohibit agricultural uses as permitted by both State and County land use laws. The Conservation-designated lands within the Property will be maintained as a bulk lot with no indication of any intended use being presented by the Applicant at this time. Improvements within the Conservation-designated area must first be reviewed and approved by the Office of Conservation and Coastal Lands.

- 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 relatively narrow profile of the Property justifies the variances to the minimum building site area and streetscape requirements. The street design variances result in the desire to conform to the rural character of the surrounding area, which we find very reasonable given the small number of large-acreage lots that will surround a dead-end subdivision access. 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 40 feet. This is reasonable given the small number of lots that will not place an unreasonable burden to provide for on-street parking, sidewalks, and extensive drainage systems that are much reduced or non-existent. Therefore, the need for extensive shoulder width and improvements are not seen as crucial to the maintenance and support of this small single family residential subdivision. As a private roadway, the community association will assume maintenance responsibility of the landscaped areas, street signs and street lighting fixtures located within the right-of-way.

CONDITIONS OF APPROVAL

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

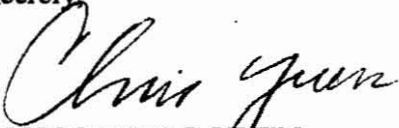
1. *Permit Runs with the Land.* The applicant, its successors or assigns shall be responsible for complying with all of the stated conditions of approval.
2. *Indemnification.* The applicant shall indemnify and hold the County of Hawaii harmless from and against any loss, liability, claim or demand for 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 and figures attached to this Planned Unit Development Permit. The proposed subdivision road right-of-way must terminate at the boundary of the Conservation District, and convert to a future road alignment with no right-of-way being established. No improvements will be permitted within the State Land Use Conservation District unless approvals are secured from the Office of Conservation and Coastal Lands.
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. The geometric design of the interior subdivision access road should be based on the AASHTO Guidelines for Geometric

- Design of Low Volume Roads. Subdivision roadways shall remain private and privately maintained, including all street lights and signs.
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. *Public Access.* The Project is subject to the requirements of Chapter 34, Hawaii County Code, regarding public access. A public access plan will be required as part of the subdivision application to provide a minimum 10-foot wide public pedestrian easement from the Mamalahoa Highway, within the 60-foot wide access easement, and through the Property to its makai boundary, preferably within the proposed 40-foot wide subdivision road. Also as part of its subdivision application, the Applicant shall submit proper proof of access rights over the existing 60-foot wide access easement leading mauka to the Mamalahoa Highway.
 7. *No Additional Farm Dwellings.* Restrictive covenants in the deeds of all proposed agricultural 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 (additional farm dwelling) 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.
 8. *Archaeological Resources:* Archaeological preservation easements shall be designated on subdivision plat maps along the alignment of the three trails identified for preservation by the Rechtman archaeological inventory survey dated March 2007. All archaeological mitigation measures as recommended by the survey and approved by the State Historic Preservation Division shall be completed prior to the issuance of Final Subdivision Approval for any portion of the proposed Project.
 9. *Compliance with other rules and conditions.* The applicant shall comply with all other applicable rules, regulations and requirements. Other applicable conditions set forth under the "Approved Variances" section of this letter are incorporated herein as conditions of approval.
 10. *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).

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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.

Sincerely,



CHRISTOPHER J. YUEN
Planning Director

DSA:jlh

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

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NA ALA HELE
Hawaii Trail & Access System

2008 JAN 17 10 2 07
January 10, 2008

Ref: H08:01 Kalihl

TO: Clement Chang, Trail Technician

FROM: Doris Moana Rowland, Abstractor *DMR*

SUBJECT: Disposition of Trails through a Planned Unit Development known as "Lands of Kalihl" situate in the ahupuaa of Kalihl at South Kona, designated as Tax Map Key: 8-9-3-5

Research has been completed in response to a request for comments from the County of Hawaii Planning Department regarding the subject development.

A representative of the landowner provided a copy of an Archaeological Inventory Survey for the subject land and adjoining parcels. This report identified four trails that were recommended for preservation. These trails are discussed in more detail in the said report.

Maps available at the State Survey Office identified only one coastal trail through the subject land. This trail more commonly known as the "Honomalino-Miloli Trail" is shown on a portion of Registered Map Number 2468 for the South Kona area dated 1909 (Exhibit A). The coastal trail was used to connect the communities that once existed in the neighboring ahupuaa.

A report submitted by Geo. B. Kalaau, the South Kona Road Supervisor in 1854, provides information on the number of persons who were required to provide labor in building roads in the area in lieu of paying a Road Tax. In December of 1854 he stated there were 44 people from Miloli to Kapua. The road that these citizens were building would have been the coastal trail identified on Registered Map Number 2468. One can see on this map that the coastal trail connected to the more improved road at Hoopuloa that provided access to the landing. The landing would have been an important feature that allowed for supplies to be delivered in this remote part of the island.

Therefore, although the archaeological report mentioned above identified four trails, no evidence of these trails has been located in the records at the State Survey office. This is not uncommon since not every single trail was noted on maps prepared at the time the government was engaged in selling and mapping government lands.

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Mr. Michael J. Riehm, A.I.A.
Riehm Owensby Planners Architects
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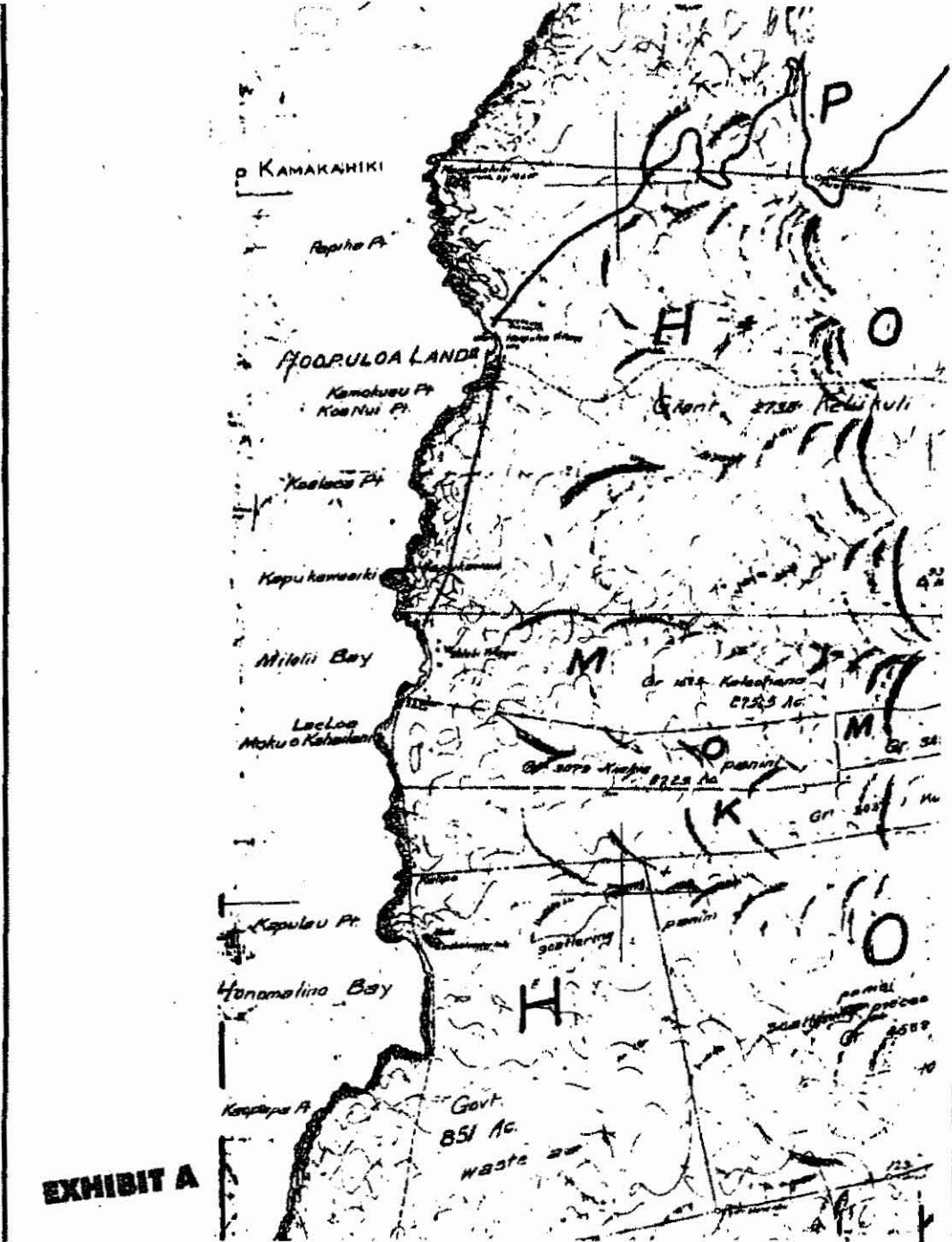
It should be noted that the landowner's deed contains the following reservation:

"Reserving to the members of the public the unimpeded use of the public makai trail, which is three feet wide at its narrowest point, and running from Omokaa to the Northern boundary of Honomalino."

It is recommended that Historic Preservation be consulted in determining which features on this parcel should be marked for preservation status.

Please contact me if you have any questions or concerns regarding this matter.

c: Darryn Arai, County of Hawaii Planning Department



Mr. Michael J. Riehm, A.I.A.
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2008 FEB 12 PM 3 20

PLANNING DEPARTMENT
UNIVERSITY OF HAWAII
NA ALA HELE
Hawaii Trail & Access System

February 7, 2008

Ref: H08:01A Kallhi
Revised

TO: Clement Chang, Trail Technician

FROM: Doris Moana Rowland, Abstractor *DMR*

SUBJECT: Disposition of Trails through a Planned Unit Development known as "Lands of Kallhi" situate in the ahupuaa of Kallhi at South Kona, designated as Tax Map Key: 8-9-3-5

Research has been completed in response to a request for comments from the County of Hawaii Planning Department regarding the subject development.

A representative of the landowner provided a copy of an Archaeological Inventory Survey for the subject land and adjoining parcels. This report identified four trails that were recommended for preservation. These trails are discussed in more detail in the said report.

Maps available at the State Survey Office identified only one coastal trail through the subject land. This trail more commonly known as the "Honomalino-Milolii Trail" is shown on a portion of Registered Map Number 2468 for the South Kona area dated 1909 (Exhibit A). The coastal trail was used to connect the communities that once existed in the neighboring ahupuaa.

A report submitted by Geo. B. Kalaau, the South Kona Road Supervisor in 1854, provides information on the number of persons who were required to provide labor in building roads in the area in lieu of paying a Road Tax. In December of 1854 he stated there were 44 people from Milolii to Kapua. The road that these citizens were building would have been the coastal trail identified on Registered Map Number 2468. One can see on this map that the coastal trail connected to the more improved road at Hoopuloa that provided access to the landing. The landing would have been an important feature that allowed for supplies to be delivered in this remote part of the island.

Therefore, although the archaeological report mentioned above identified four trails, no evidence of these trails has been located in the records at the State Survey office. This is not uncommon since not every single trail was noted on

038164

maps prepared at the time the government was engaged in selling and mapping government lands.

Pursuant to the Highways Act of 1892 (discussed below), the "Honomalino-Milolii Trail" is government owned under the jurisdiction of the State of Hawaii through its Board of Land and Natural Resources.

The Highways Act of 1892

In October of 1892, Queen Liliuokalani and the legislature of the Kingdom of Hawaii enacted the Highways Act of 1892. The Highways Act of 1892 defined what constituted a "public highway", established certain rights and duties in connection with public highways, and declared that the ownership of all public highways is in the Hawaiian government in fee simple. Chapter 47 of the 1892 Hawaii Session Laws stated in pertinent part:

Highways Act of 1892, Section 2 Definition of Public Highway

All roads, alleys, streets, ways, lanes, courts, places, trails and bridges in the Hawaiian Islands, whether now or hereafter opened, laid out or built by the Government, or by private parties, and dedicated or abandoned to the public as a highway, are hereby declared to be public highways.

All public highways once established shall continue until abandoned by due process of law.

Today, Hawaii Revised Statutes § 264-1 is founded in and furthers the intent of the Highways Act of 1892. This section states in part:

HRS §264-1 Public highways and trails

- (b) All trails, and other nonvehicular rights-of-way in the State declared to be public rights-of-way by the Highways Act of 1892, or opened, laid out, or built by the government or otherwise created or vested as nonvehicular public rights-of-way at any time thereafter, or in the future, are declared to be public trails. A public trail is under the jurisdiction of the state Board of Land and Natural Resources unless it was created by or dedicated to a particular county, in which case it shall be under the jurisdiction of that county.

Available records fail to disclose relinquishment of the government's fee simple in the "Honomalino-Milolii Trail."

Conclusion

Therefore, any actions that may affect the "Honomalino-Milolii Trail" within the subject lands is subject to the approval of the Board of Land and Natural Resources. Furthermore, the State Historic Preservation Division must be consulted to determine the preservation status of the "Honomalino-Milolii Trail".

Mr. Michael J. Riehm, A.I.A.
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It should be noted that the landowner's deed contains the following reservation:

"Reserving to the members of the public the unimpeded use of the public makal trail, which is three feet wide at its narrowest point, and running from Omokaa to the Northern boundary of Honomalino."

Please contact me if you have any questions or concerns regarding this matter.

c: Darryn Arai, County of Hawaii Planning Department

Mr. Michael J. Riehm, A.I.A.
Riehm Owensby Planners Architects
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Harry King
Mayor



Darryl J. Oliveira
Fire Chief

Glen P.I. Honda
Deputy Fire Chief

County of Hawai'i
HAWAII FIRE DEPARTMENT
25 Aupuni Street • Suite 103 • Hilo, Hawaii 96720
(808) 981-4394 • Fax (808) 981-2037

December 12, 2007

TO: CHRISTOPHER J. YUEN, PLANNING DIRECTOR
FROM: DARRYL OLIVEIRA, FIRE CHIEF
SUBJECT: PLANNED UNIT DEVELOPMENT APPLICATION (PUD 07-000005)
APPLICANT: RIEHM OWENSBY PLANNERS ARCHITECTS
OWNERS: LGB, INC.
PROPOSED: PUD-LANDS OF KALIHI
TAX MAP KEY: 8-9-003:005

In regards to the above-mentioned Planned Unit Development application, we offer the following response:

Fire apparatus access roads shall be in accordance with UFC Section 10.207:

"Fire Apparatus Access Roads

"Sec. 10.207. (a) General. Fire apparatus access roads shall be provided and maintained in accordance with the provisions of this section.

"(b) Where Required. Fire apparatus access roads shall be required for every building hereafter constructed when any portion of an exterior wall of the first story is located more than 150 feet from fire department vehicle access as measured by an unobstructed route around the exterior of the building.

"EXCEPTIONS: 1. When buildings are completely protected with an approved automatic fire sprinkler system, the provisions of this section may be modified.

"2. When access roadways cannot be installed due to topography, waterways, nonnegotiable grades or other similar conditions, the chief may require additional fire protection as specified in Section 10.301 (b).

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Mr. Michael J. Riehm, A.I.A.
Riehm Owensby Planners Architects
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December 12, 2007
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"3. When there are not more than two Group R, Division 3 or Group M Occupancies, the requirements of this section may be modified, provided, in the opinion of the chief, fire-fighting or rescue operations would not be impaired.

"More than one fire apparatus road may be required when it is determined by the chief that access by a single road may be impaired by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access.

"For high-piled combustible storage, see Section 81.109.

"(c) **Width.** The unobstructed width of a fire apparatus access road shall meet the requirements of the appropriate county jurisdiction.

"(d) **Vertical Clearance.** Fire apparatus access roads shall have an unobstructed vertical clearance of not less than 13 feet 6 inches.

"**EXCEPTION:** Upon approval vertical clearance may be reduced, provided such reduction does not impair access by fire apparatus and approved signs are installed and maintained indicating the established vertical clearance.

"(e) **Permissible Modifications.** Vertical clearances or widths required by this section may be increased when, in the opinion of the chief, vertical clearances or widths are not adequate to provide fire apparatus access.

"(f) **Surface.** Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface so as to provide all-weather driving capabilities." (20 tons)

"(g) **Turning Radius.** The turning radius of a fire apparatus access road shall be as approved by the chief." (45 feet)

"(h) **Turnarounds.** All dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with approved provisions for the turning around of fire apparatus.

"(i) **Bridges.** When a bridge is required to be used as access under this section, it shall be constructed and maintained in accordance with the applicable sections of the Building Code and using designed live loading sufficient to carry the imposed loads of fire apparatus.

Mr. Michael J. Riehm, A.I.A.
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"(j) **Grade.** The gradient for a fire apparatus access road shall not exceed the maximum approved by the chief." (15%)

"(k) **Obstruction.** The required width of any fire apparatus access road shall not be obstructed in any manner, including parking of vehicles. Minimum required widths and clearances established under this section shall be maintained at all times.

"(l) **Signs.** When required by the fire chief, approved signs or other approved notices shall be provided and maintained for fire apparatus access roads to identify such roads and prohibit the obstruction thereof or both."

Water supply shall be in accordance with NFPA 1142.


DARRYL OLIVEIRA
Fire Chief

DO:ipc

Mr. Michael J. Riehm, A.I.A.
Riehm Owensby Planners Architects
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September 29, 2008

LINDA LINGLE
GOVERNOR

2007 11 29 10 58 AM '07



CHIYOME L. FUKINO, M.D.
Director of Health

STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. BOX 916
HILO, HAWAII 96721-0916

MEMORANDUM

DATE: November 29, 2007

TO: Christopher J. Yuen
Planning Director, County of Hawaii

FROM: *Newton Inouye*
Acting District Environmental Health Program Chief

SUBJECT: Planned Unit Development Application (PUD 07-000005)
Applicant: Riehm Owensby Planners Architects
Owner: LGB, Inc.
Proposed: PUD-Lands of Kalihi
Tax Map Key: 8-9-003:005

Underground Injection Systems (Ph. 586-4258) which receive wastewater or storm runoffs from the proposed development need to address the requirements of Chapter 23, Hawaii State Department of Health Administrative Rules, Title 11, "Underground Injection Control."

The applicant would need to meet the requirements of our Department of Health Air Pollution Rules, Chapter 60.1, Title 11, State of Hawaii for fugitive dust control. If there is need to discuss these requirements, please contact our Clean Air Branch staff at Ph. 933-0401.

The Department of Health (DOH), Clean Water Branch (CWB), acknowledges receipt of the subject document on November 1, 2007. The CWB has reviewed the limited information contained in the subject document and offers the following comments:

1. The Army Corps of Engineers should be contacted at (808) 438-9258 for this project. Pursuant to Federal Water Pollution Control Act (commonly known as the "Clean Water Act" (CWA)), Paragraph 401(a)(1), a Section 401 Water Quality Certification (WQC) is required for "[a]ny applicant for Federal license or

000004

Mr. Michael J. Riehm, A.I.A.
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permit to conduct any activity including, but not limited to, the construction or operation of facilities, which may result in any discharge into the navigable waters...". The term "discharge" is defined in CWA, Subsections 502(16), 502(12), and 502(6); Title 40, Code of Federal Regulations, Section 122.2, and Hawaii Administrative Rules (HAR), Chapter 11-54.

2. In accordance with HAR, Sections 11-55-04 and 11-55-34.05, the Director of Health may require the submittal of an individual permit application or a Notice of Intent (NOI) for general permit coverage authorized under the National Pollutant Discharge Elimination System (NPDES).
 - a. An application for an NPDES individual permit is to be submitted at least 180 days before the commencement of the respective activities. The NPDES application forms may also be picked up at our office or downloaded from our website at <http://www.hawaii.gov/health/environmental/water/cleanwater/forms/individual-index.html>.
 - b. An NOI to be covered by an NPDES general permit is to be submitted at least 30 days before the commencement of the respective activity. A separate NOI is needed for coverage under each NPDES general permit. The NOI forms may be picked up at our office or downloaded from our website at: <http://www.hawaii.gov/health/environmental/water/cleanwater/forms/general-index.html>.
 - i. Storm water associated with industrial activities, as defined in Title 40, Code of Federal Regulations, Sections 122.26(b)(14)(i) through 122.26(b)(14)(ix) and 122.26(b)(14)(xi). [HAR, Chapter 11-55, Appendix B]
 - ii. Construction activities, including clearing, grading, and excavation, that result in the disturbance of equal to or greater than one (1) acre of total land area. The total land area includes a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under a larger common plan of development or sale. An NPDES permit is required before the commencement of the construction activities. [HAR, Chapter 11-55, Appendix C]
 - iii. Discharges of treated effluent from leaking underground storage tank remedial activities. [HAR, Chapter 11-55, Appendix D]
 - iv. Discharges of once through cooling water less than one (1) million gallons per day. [HAR, Chapter 11-55, Appendix E]

Mr. Michael J. Riehm, A.I.A.
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- v. Discharges of hydrotesting water. [HAR, Chapter 11-55, Appendix F]
 - vi. Discharges of construction dewatering effluent. [HAR, Chapter 11-55, Appendix G]
 - vii. Discharges of treated effluent from petroleum bulk stations and terminals. [HAR, Chapter 11-55, Appendix H]
 - viii. Discharges of treated effluent from well drilling activities. [HAR, Chapter 11-55, Appendix I]
 - ix. Discharges of treated effluent from recycled water distribution systems. [HAR, Chapter 11-55, Appendix J]
 - x. Discharges of storm water from a small municipal separate storm sewer system. [HAR, Chapter 11-55, Appendix K]
 - xi. Discharges of circulation water from decorative ponds or tanks. [HAR, Chapter 11-55, Appendix L]
2. In accordance with HAR, Section 11-55-38, the applicant for an NPDES permit is required to either submit a copy of the new NOI or NPDES permit application to the State Department of Land and Natural Resources, State Historic Preservation Division (SHPD), or demonstrate to the satisfaction of the DOH that the project, activity, or site covered by the NOI or application has been or is being reviewed by SHPD. If applicable, please submit a copy of the request for review by SHPD or SHPD's determination letter for the project.
 3. Any discharges related to project construction or operation activities, with or without a Section 401 WQC or NPDES permit coverage, shall comply with the applicable State Water Quality Standards as specified in HAR, Chapter 11-54.

Hawaii Revised Statutes, Subsection 342D-50(a) requires that "[n]o person, including any public body, shall discharge any water pollutants into state waters, or cause or allow any water pollutant to enter state waters except in compliance with this chapter, rules adopted pursuant to this chapter, or a permit or variance issued by the director."

If you have any questions, please contact Mr. Alec Wong, Supervisor of the Engineering Section, CWB, at (808) 586-4309.

Construction activities must comply with the provisions of Hawaii Administrative Rules, Chapter 11-46, "Community Noise Control."

Mr. Michael J. Riehm, A.I.A.
Riehm Owensby Planners Architects
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1. The contractor must obtain a noise permit if the noise levels from the construction activities are expected to exceed the allowable levels of the rules.
2. Construction equipment and on-site vehicles requiring an exhaust of gas or air must be equipped with mufflers.
3. The contractor must comply with the requirements pertaining to construction activities as specified in the rules and the conditions issued with the permit.

Should there be any questions on this matter, please contact the Department of Health at 933-0917.

We recommend that you review all of the Standard Comments on our website: www.state.hi.us/health/environmental/env-planning/landuse/landuse.html. Any comments specifically applicable to this project should be adhered to.

Mr. Michael J. Riehm, A.I.A.
Riehm Owensby Planners Architects
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2007 DEC 11 PM 1:30

71-1644 Pua Napoo Drive #12
Kailua-Kona HI 96740
November 27, 2007

Christopher Yuen
Planning Director
County of Hawaii Planning Dept
101 Pauahi Street, Ste 3
Hilo, HI 96720

RE: Application for Planned Unit Development TMK(3) 8-9-03:05
Petitioner - LGB Inc

Dear Mr. Yuen,

I am writing regarding the above application. Before I give you my comments, however, I would like to make an observation regarding notice of said application. I am a "surrounding property owner" (TMK (3)8-9-05-07 - see notation on enclosed map) and did NOT receive this notice nor to my knowledge did any of my immediate neighbors. I happened to hear about this issue from a friend who gave me a copy of it. Secondly, the letter itself states that any comments should be sent to the Planning Director. However, your name is omitted and there is no phone or fax number nor address on how to contact you making it time consuming and difficult to report back to you. This alone is disturbing and makes me question the integrity of this application.

Regarding the application itself, the whole area makai and South of this land in question is part of a special zone which the State of Hawaii is trying to preserve for posterity. There are numerous historical sites in the area and I believe the lower part of this lot was zoned conservation for this reason. As for the rest of the parcel, zoned for agricultural use, "buyer beware." I do not deny anyone their right to want to own their little piece of paradise, but to assert that these lots will be used for agriculture is stretching the definition to say the least. I have been passing through land parallel and about a half mile south of this property for the past sixty years and it is NOT suitable for agriculture. There is no county water, very little rainfall, and drilling for water has so far been proven very difficult with results being brackish and extremely limiting.

I also question the applicant's wish to keep his "roadways designed to be in keeping with a rural environment and to avoid the appearance of a more suburban roadway." From what I understand of the current county requirements for subdividing, this is not possible.

Finally, the last sentence of the developer's intent states: "The planned development is used to achieve a more comprehensive site design, provide for a more diverse agricultural use, and to maintain the rural character of the site and surrounding area." What does the first part mean? The whole sentence seems ambiguous, leaving a lot to one's imagination and interpretation.

My recommendation is to totally deny any kind of development on the lower conservation piece and deny any of it until all "neighbors" are informed, including how to contact your department. I recommend that the letter be re-written so that the intent of the developer will be more clearly understood. Presently, it is way too vague and leaves too many questions unanswered.

Thank you for your time and attention.

Sincerely yours,


Mary Helen Higgins

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Mr. Michael J. Riehm, A.I.A.
Riehm Owensby Planners Architects
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2007 DEC 11 AM 9 15
DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII

DATE: November 27, 2007

Memorandum

TO : Christopher J. Yuen, Planning Director
Planning Department

FROM: Galen M. Kuba, Division Chief 
Engineering Division

SUBJECT : **Planned Unit Development Application (PUD 07-000005)**
Applicant: Riehm Owensby Planners Architects
Owner: LGB, Inc.
Location: Kalihi, S. Kona
TMK: 3 / 8-0-003:005

We reviewed the subject application and our comments are as follows:

Section 5.2: Contrary to the applicants statements, dedicable roadway standards are not required for lots three acres and larger in size.

Section 4.9: Hawaii Island is in Seismic Zone 4.

VARIANCES

Variance Requests No. 5 and 8 from HCC Section 23-41 and 23-50 The requests should be approved only if the roadways are designed to comply with geometric design guidelines established by AASHTO for an appropriate design speed. A specific right of way and pavement width should be required for clarity of plat and plan review. We have no objection to 20 feet of pavement centered in a 40-foot right-of-way with any necessary sight distance and drainage easements. A maximum grade of 18% should be imposed on the private roads except for culdesacs, which may be 20%, as established by a DPW policy.

Variance Request No. 6 from HCC Section 23-45: The request is not justified by the applicant as no intersections are proposed. Return radii should be designed to accommodate agricultural and emergency vehicles. We don't think the subdivision code requirements are excessive.

Variance Request No. 7 from HCC Section 23-48 We defer to the Planning Director regarding street connectivity with adjacent parcels.

305796

Mr. Michael J. Riehm, A.I.A.
Riehm Owensby Planners Architects
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Memo to PD PUD 07-000005
November 27, 2007
P. 2 of 2

Variance Request No. 11 from Section 23-95 We recommend the entire proposed 40 foot right-of-way be improved in accordance with HCC Section 23-87 and Standard Detail R-29 or approved equal. The roads shall be improved with stabilized shoulders and swales to the required right-of-way or easement width exclusive of cut and fill slopes. This establishes a minimum paving and improvement width standard and permits the geometric design of the applicant's Exhibit 6.

1. The Hawaii Belt Highway is under the jurisdiction of the Hawaii Department of Transportation (HDOT). Comments and requirements should be obtained from HDOT.
2. All roads within the proposed subdivision are private and shall not be considered for conveyance to the County unless improved to meet dedicable standards.
3. Roadway connections to adjoining parcels should be provided meeting with the approval of DPW. These roadways should be open to public traffic. It is DPW's policy on larger subdivisions to recommend that an interconnection be made to the adjoining parcels.
4. All roadways within the proposed development shall follow the guidelines incorporated in the current Policy For Geometric Design of Highways and Streets by AASHTO.
5. All storm drainage generated by the development shall be disposed of on site in a manner meeting with the approval of DPW and the Storm Drainage Standard. This includes not only the roadways but also storm runoff attributable to future development of the lots themselves. A drainage report shall be submitted with construction plans to substantiate how developed lot and roadway runoff is being disposed of within drainage structures encumbered by right-of-ways and easements. Final construction approval will require complete stabilization of the roadsides and drainage system.

Should there be any questions concerning this matter, please feel free to contact Kiran Emler of our Kona Engineering Division office at 327-3530.

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copy: ENG-HILO/KONA
PLNG-KONA

Mr. Michael J. Riehm, A.I.A.
Riehm Owensby Planners Architects
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September 29, 2008

From: Jeannine Johnson To: Director Yuen

Date: 11/23/2007 Time: 7:27:44 PM

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Jeannine Johnson
5648 Pia Street, Honolulu, Hawai'i 96821
Phone: 373-2874 (h) / 523-5030 (w)
November 23, 2007

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RECEIVED
PLANNING DEPARTMENT

Via fax (808) 961-8742 & 327-3563 and e-mail to planning@co.hawaii.hi.us

Mr. Christopher Yuen, Director
County of Hawai'i Planning Department
Aupuni Center, Suite 3
101 Pauahi Street
Hilo, HI 96720

Re: Tax Map Key: (3) 8-9-003:005
PUD 07-0000005
Applicant: Michael J. Riehm, AIA for LGB, Inc. Lands of Kalihi

Dear Director Yuen,

Miloli'i in South Kona, called the "last traditional fishing village of Hawai'i," was the first to earn designation through legislation as a Community-Based Subsistence Fishing Area. Omoka'a is the ahupua'a directly south of Miloli'i. As you may know, the area from Hawai'i Volcanoes National Park to Miloli'i (80 miles) is largely pristine, unspoiled, uninhabited, and undeveloped. Inshore waters off the coast are said to have the best marine life in the State. Separated from the main highway by five miles of winding road, Miloli'i's isolation may be why it has maintained many aspects of its traditional culture. The area is a source for recreation, livelihood and subsistence for Native Hawaiians and critical to the identity and customs of the people of Miloli'i as the foundation upon which their culture and community depends. It is said to be the likely landing point of the first Polynesians to reach Hawai'i and well-preserved cultural and historic sites still dominate these beautiful shores.

In order to protect the valuable native Hawaiian resources, including heiau, slides, and other archaeological evidence of ancient Hawaiian habitation as well as the natural resources, native plants, and land and aquatic animals in the South Kona and Ka'u area, the Hawai'i State Legislature created the South Kona Wilderness Area in 2003. In 2005, the Legislature passed HCR 5 HD1 SD1 which authorized the DLNR to establish the South Kona-Ka'u Coastal Conservation Task Force to preserve this precious area. The Legislature was particularly concerned about the intrusion of urban activities and development into this pristine coastal wilderness area and its destructive impact on the valuable native Hawaiian resources, natural resources, native plants, and land and aquatic animals and their habitats. Therefore, the Legislature found it was imperative that these remaining treasures be protected and preserved due to their ecological, cultural, recreational, or agricultural importance.

Director Yuen, the encroachment of this urban development on the agricultural lands in Omoka'a must not be allowed. You must take into account the area's socioeconomic, environmental and cultural considerations in your decision. If you allow the applicant to go forward with its subdivision, it will decimate the marine resources which are the traditional fishing grounds of my 'ohana, the Apos, and the residents of Miloli'i. In addition, it will lead

Mr. Michael J. Riehm, A.I.A.
Riehm Owensby Planners Architects
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From: Jeannine Johnson To: Director Yuen

Date: 11/23/2007 Time: 7:27:44 PM

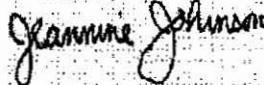
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Mr. Christopher Yuen, Director
County of Hawai'i Planning Department
November 23, 2007
Page 2

to the degradation of this pristine area and destroy the livelihood of Native Hawaiians who have fished this area for generations.

Please feel free to contact me if you have any questions regarding this matter.

Mahalo,



Jeannine Johnson

cc: Mr. Herman Apo
Mr. John (Junior) Apo (via email)
Mrs. Genevieve Medeiros
Ms. Charlotte Apo
Jody Kaulukukui, The Nature Conservancy (via email)
Pea Pano Miloi'i

Mr. Michael J. Riehm, A.I.A.
Riehm Owensby Planners Architects
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September 29, 2008

Hawaii Electric Light Company, Inc. • PO Box 1027 • Hilo, HI 96721-1027



2007 NOV 23 PM 3 12

RECEIVED
COUNTY OF HAWAII

November 20, 2007

Mr. Christopher Yuen, Planning Director
County of Hawaii
Planning Department
101 Pauahi Street, Suite 3
Hilo, Hawaii 96720-4224

Phone: (808) 981-8288

Gentlemen:

Subject: Lands of Kalihi
TMK: (3) 8-8-003:005
Kalihi, District of South Kona, Hawaii

Thank you for the opportunity to review the subject project located in South Kona. HELCO will be able to provide electrical service to the subject development as described subject to detailed analysis to be performed after receipt of the consultant's detailed design drawings and estimated demand.

1. Generation Capacity - HELCO's current system peak load is 201,300 KW and our total generation system capability is 266,600 KW. Our reserve margin is 32 percent and has adequate generation to serve the above.
2. Electrical Substation - The area is currently served by our existing 5.0 MVA Keala electrical substation and a 12,470 volt distribution overhead system along Mamalahoa Highway. Based on an assumption of 18.3 KW/acre, the capacity of our existing substation is not adequate to serve the estimated load of 4,033 KW. A lot with a minimum size of 250' by 250' must be deeded to HELCO for the construction of a new substation.
3. Off-Site Electrical Distribution System - The existing off-site 12,470 volt distribution system along Mamalahoa Highway is not adequate to serve the proposed development. An additional off-site 12.47 KV distribution line and easements are required to provide two distribution circuits to serve the anticipated load.
4. On-Site Electrical System - On-site distribution line extensions and easements are required on the developer's property to serve the anticipated load. An environmental site assessment may be required to serve this development from our distribution system in the State right-of-way.

035611

Mr. Michael J. Riehm, A.I.A.
Riehm Owensby Planners Architects
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Christopher Yuen, Planning Director
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After the development's detailed electrical load calculations and civil plans are submitted, HELCO will design the electrical system and prepare a firm cost to provide electrical power to the development.

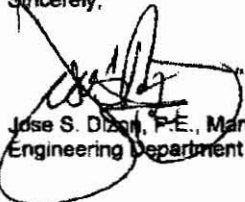
HELCO recommends energy efficient and conservation measures to reduce the maximum electrical demand and energy consumption. The developer may call HELCO's Energy Services Manager, Curtis Beck, at (808) 969-0134 for questions or details on available programs.

It is encouraged that the developer's electrical consultant open a service request with HELCO's Engineering Department as soon as practicable to ensure timely electrical facility installation.

The site plan is attached for reference.

Should you have any questions, please contact Hal Kamigaki at (808) 969-0322.

Sincerely,



Jose S. Diaz, P.E., Manager
Engineering Department

JSD:HKK:SSO:cmk

Attachment



Figure 1: Master Plan Concept

(For detail drawings of the master plan see attached 11"x17" drawings sheet A-1 & A-2)

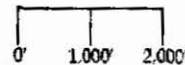
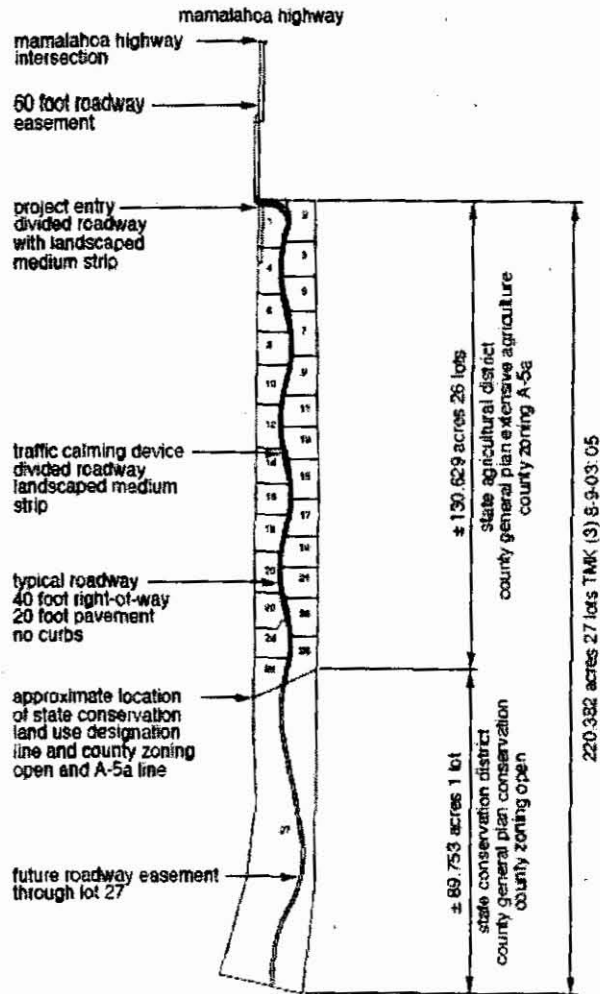


Exhibit 1: Street Intersection Angles and Radius Variance Request - Subdivision Control Code

Request:

The Petitioner request the corner radius at the street intersections be as indicated below:

(See exhibits for radius criteria as referenced below at each intersection)

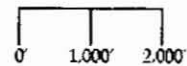
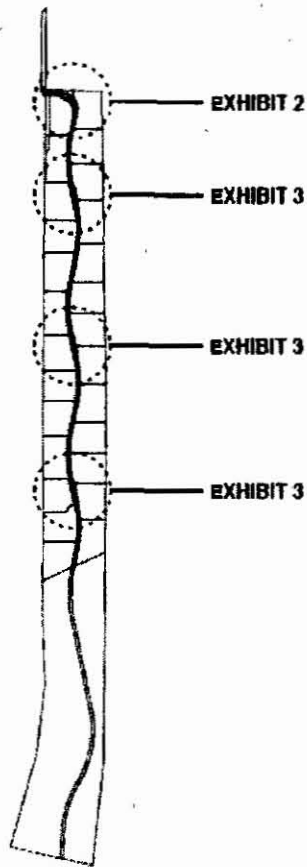


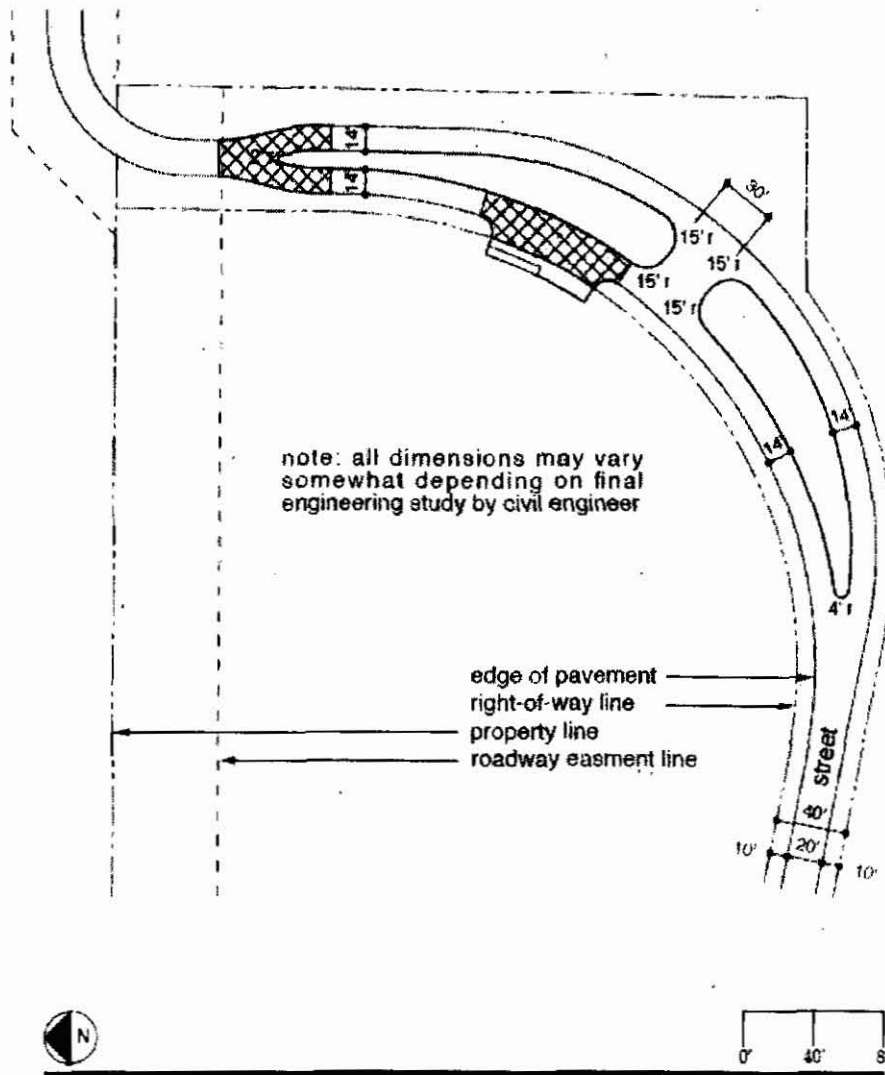
Exhibit 2: Street Intersection Angles and Radius

Variance Request - Subdivision Control Code

Request:

The Petitioner request the corner radius at the street intersections be as indicated below:

(See Exhibit No. 1, page 8-18 for intersection location in project)



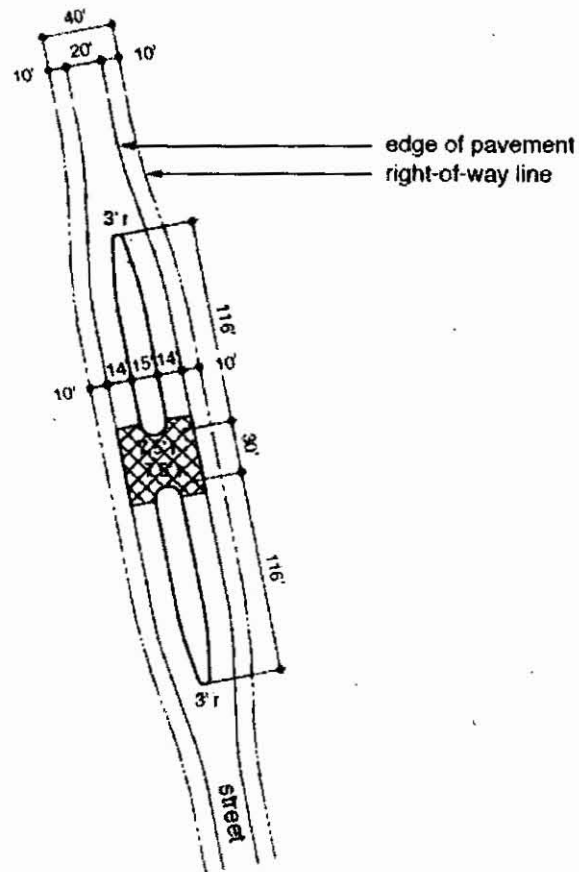
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Exhibit 3: Street Intersection Angles and Radius Variance Request - Subdivision Control Code

Request:

The Petitioner request the corner radius at the street intersections be as indicated below:

(See Exhibit No. 1, page 8-16 for intersection location in project)



note: all dimensions may vary somewhat depending on final engineering study by civil engineer

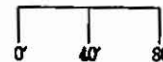


Exhibit 4: Street Lights

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:

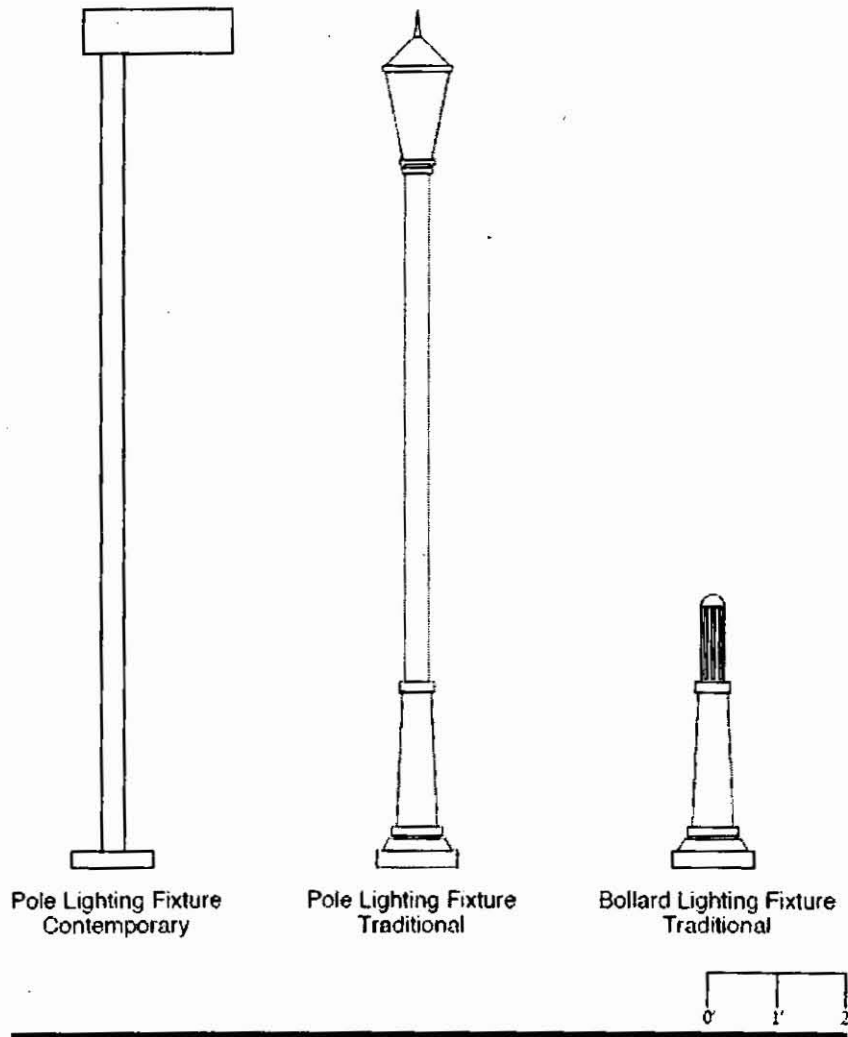
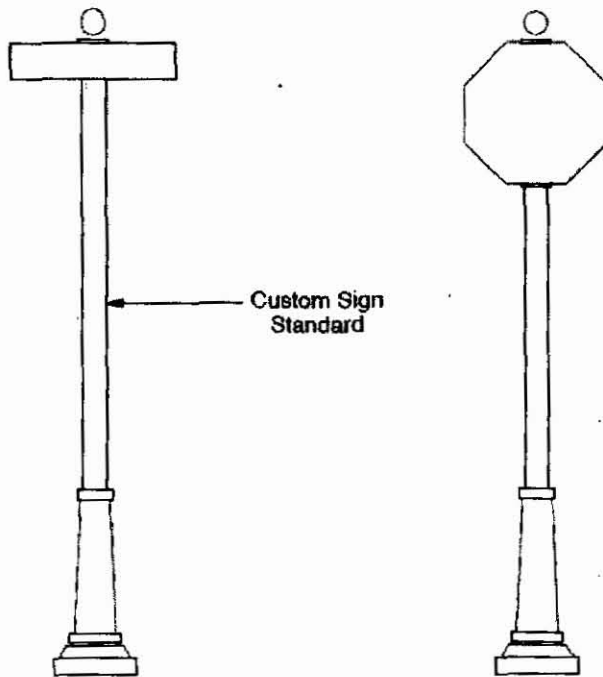


Exhibit 5: Street Signs

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:



Street Name Sign

Traffic Sign

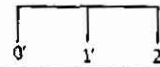


Exhibit 6: Right of Way Improvement Variance Request - Subdivision Control Code

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:

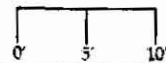
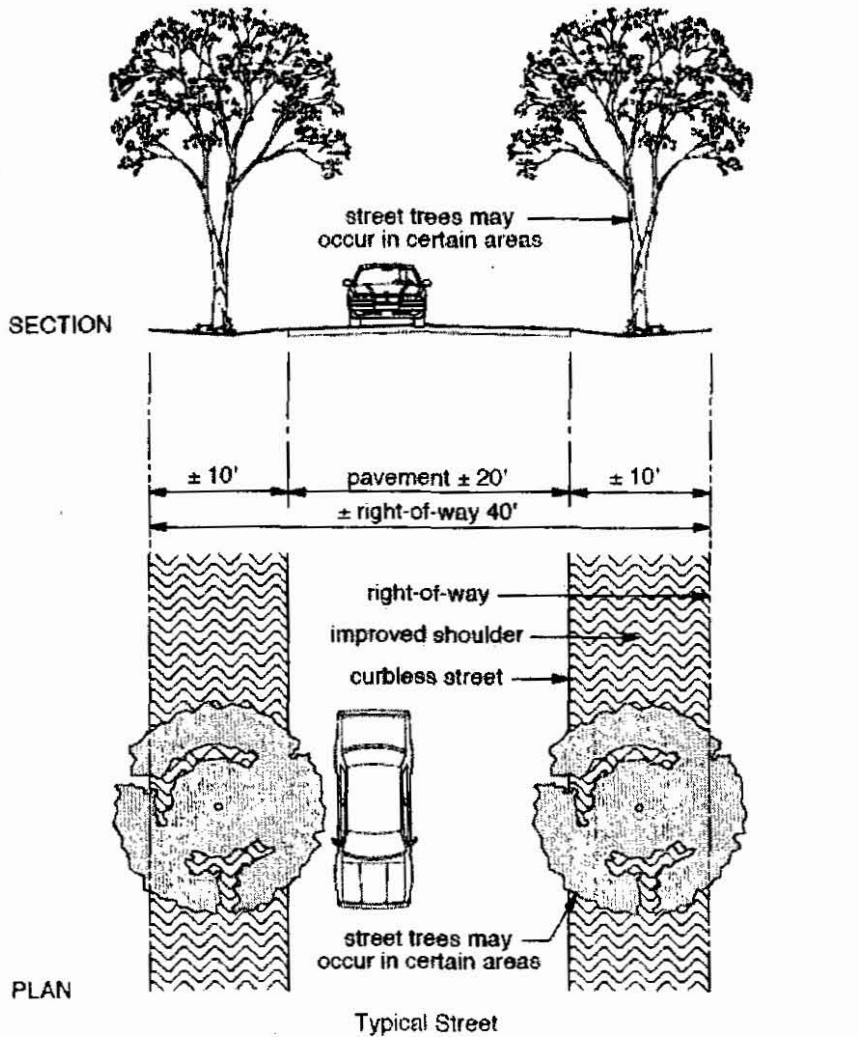


Figure 8: Landscape Theme

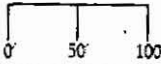
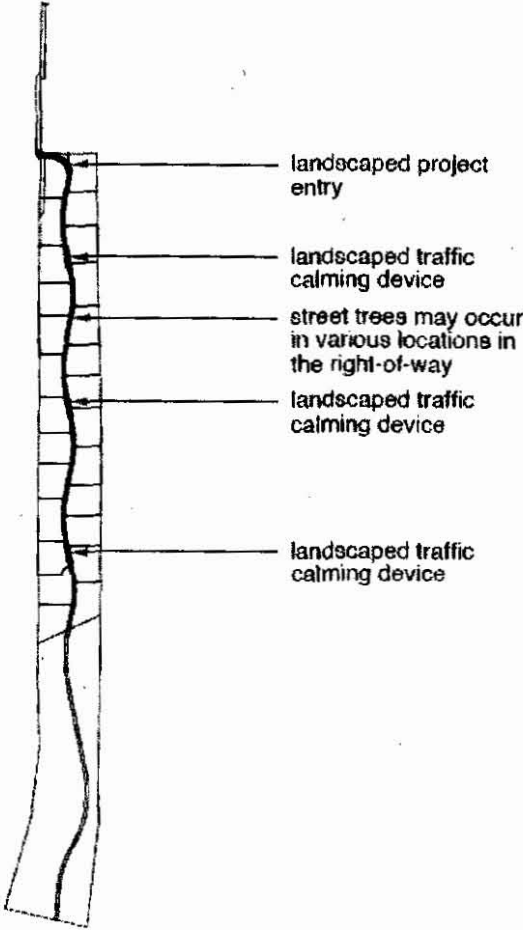


Figure 9: Project Entry

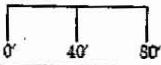
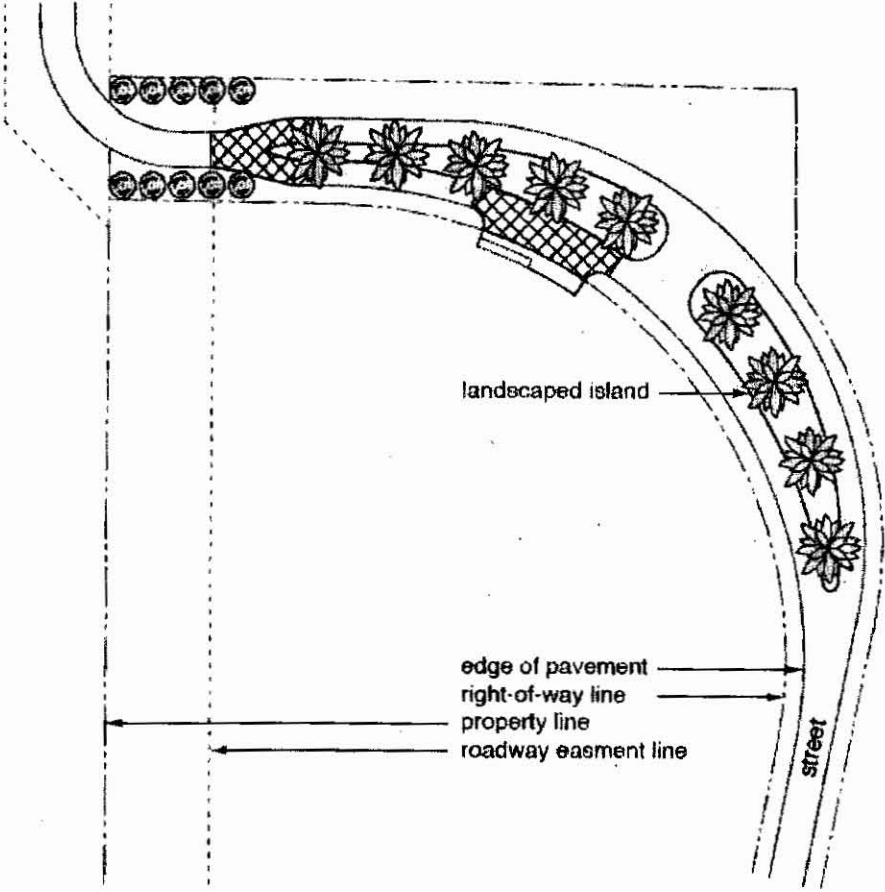


Figure 10: Mail Kiosk

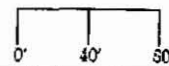
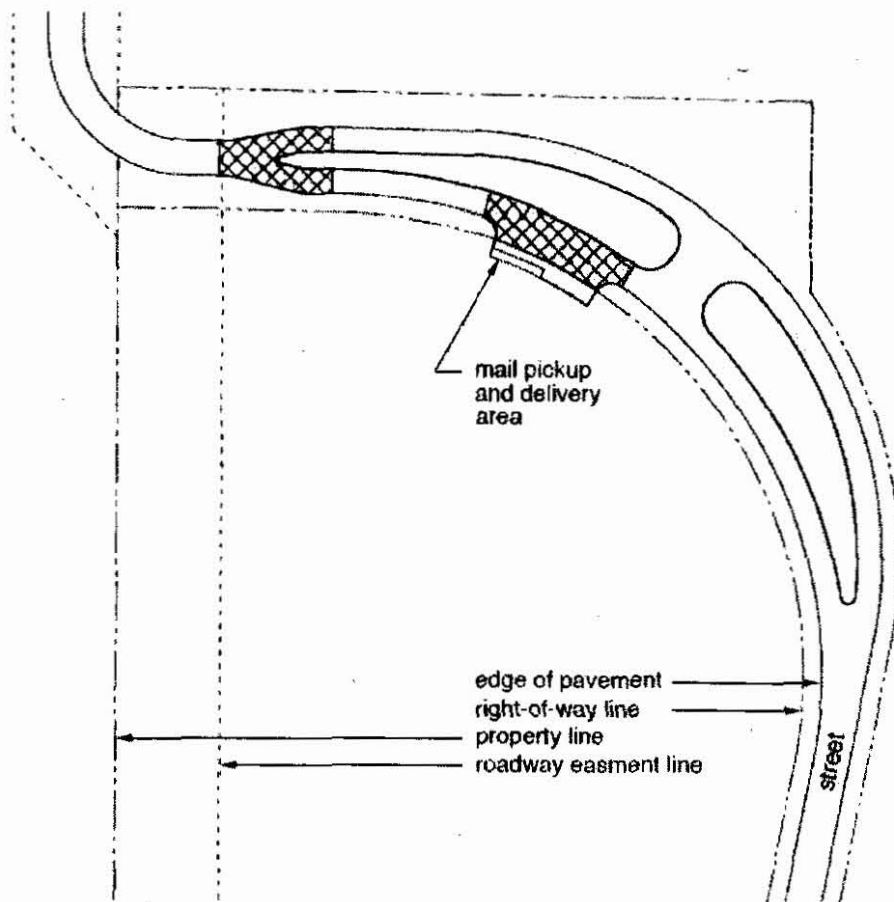


Figure 11: Special Paving

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)

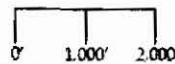
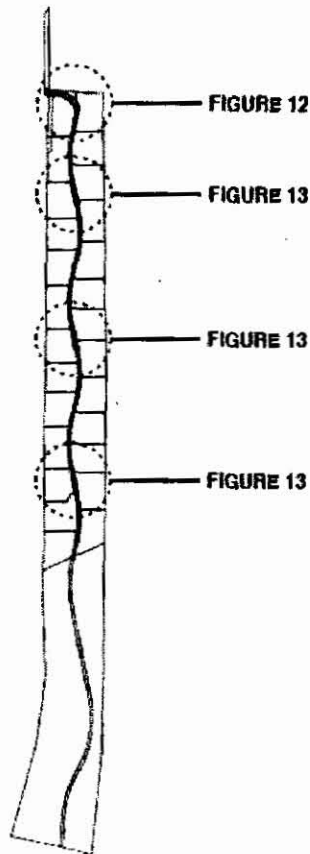


Figure 12: Special Paving

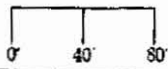
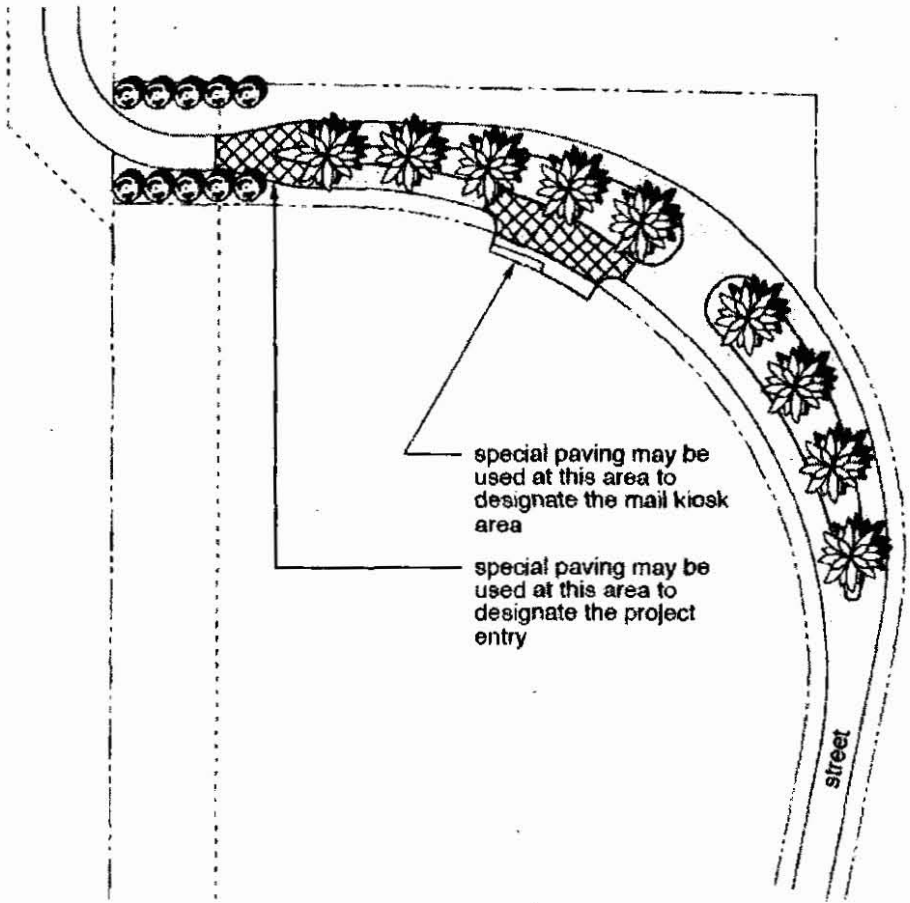


Figure 13: Special Paving

