

Mr. Michael J. Riehm, A.I.A., Principal
RIEHM OWENSBY PLANNERS ARCHITECTS
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September 16, 2009

Harry Kim
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, Hawai'i 96729
(808) 981-8394 • Fax (808) 941-2137

December 12, 2007

TO: CHRISTOPHER J. YUEN, PLANNING DIRECTOR
FROM: DARRYL OLIVEIRA, FIRE CHIEF
SUBJECT: PLANNED UNIT DEVELOPMENT APPLICATION (PUD 07-000007)
APPLICANT: RIEHM OWENSBY PLANNERS ARCHITECTS
OWNERS: TURTLE BAY ENTERPRISES
PROPOSED: PUD-HOLUALOA INN
TAX MAP KEY: 7-6-008:005, 008 AND 030

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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"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.

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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

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DEC 16 2007 10 11 AM

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII

DATE: December 14, 2007

Memorandum

TO : Christopher J. Yuen, Planning Director
Planning Department

FROM: Galen M. Kuba, Division Chief *GK*
Engineering Division

SUBJECT : **Planned Unit Development Application PUD 07-000007**
Applicant: Riehm Owensby Planners Architects
Owner: Turtle Bay Enterprises
Location: Holualoa, N. Kona, HI
TMK: 3 / 7-6-008:005, 008, 030

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

VARIANCES

Variance Request No.s 12 and 13 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 cul-de-sacs, which may be 20%, as established by DPW policy.

Variance Requests No.s 14 and 15 from HCC Sections 23-93 and 23-94 Any required streetlights signs and markings at the private road intersection with Mamalahoa Highway shall meet with the requirements of the Department of Public Works, Traffic Division.

Variance Request No. 16 from HCC Section 23-95 We recommend the entire proposed 40-foot right-of-way be improved. We have no objection to the applicant's geometric design of Exhibit 11, with paving as required by Section 23-86 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. If swales are not required, a deed covenant should be required to prohibit construction of walls, berms or swales with the potential to concentrate and divert drainage without proper mitigation as recommended by licensed engineer. This establishes a minimum paving and improvement width standard and permits the geometric design of the applicant's Exhibit 11.

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DRAINAGE

We reviewed the Drainage Report and Flood Study dated June 2007 by Lyon & Associates.

1. For some areas (H and I), no increase in runoff from development was determined, a discrepancy that should be examined further. Justification should be provided for the infiltration component of the coefficient of runoff C by discussion of the drainage area soil type(s).
2. A hydraulic analysis of the Holualoa School Stream, based on more accurate data, to verify the FIRM mapped flood plain boundaries through the subject property is recommended prior to the subject development.
3. 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 from development of the lots. A drainage report shall be submitted with construction plans to substantiate how developed lot and roadway runoff is being disposed of with drainage structures encumbered within right-of-ways and easements. Final construction approval will require complete stabilization of the roadsides and drainage system.

ROADWAYS

1. All roads within the subdivision are considered private and shall not be considered for conveyance to the County unless improved to meet dedicable standards
2. Any vehicular security gate shall be located at least 45 feet (exclusive of gate swing) from the County road right-of-way with a turnaround on the County road side of the gate.
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 adjoining parcels.
4. The cul-de-sac turnaround geometry should be subject to approval by the Hawaii Fire Department.
5. Access to Mamalahoa Highway shall be limited to one approach.

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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PLNG-KONA

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LINDA LINGLE
GOVERNOR

2007 SEP 16 10 12 AM '09



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: ~~for~~ Newton Inouye *NI*
Acting District Environmental Health Program Chief

SUBJECT: Planned Unit Development Application (PUD 07-000007)
Applicant: Riehm Owensby Planners Architects
Owner: Turtle Bay Enterprises
Proposed: PUD-Holualoa Inn
Tax Map Key: 7-6-008:005, 008, and 030

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

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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/indy-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/genl-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]

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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."

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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.

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NOV 26 2007 09 12 45

DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII

345 KĀKĀNĀO'A STREET, SUITE 20 • HILO, HAWAII 96720
TELEPHONE (808) 961-0050 • FAX (808) 961-0657

November 26, 2007

TO: Mr. Christopher J. Yuen, Planning Director
Planning Department

FROM: Milton D. Pavao, Manager

SUBJECT: PLANNED UNIT DEVELOPMENT APPLICATION (PUD 07-000007)
APPLICANT - RIEHM OWENSBY PLANNERS ARCHITECTS
OWNER - TURTLE BAY ENTERPRISES
TAX MAP KEY 7-6-008:005, 008, AND 030

We have reviewed the subject application and have the following comments and conditions.

Water can be made available for the proposed development from an existing 8-inch waterline within Mamalahoa Highway fronting the subject parcels. The current water availability conditions in the area, which are subject to change without notice, can allow for the proposed 15-lot subdivision (14 Ag-1a lots and 1 bulk lot). As shown in the master plan for the development, the existing Holualoa Inn and another building shall be within the bulk lot. For your information, there are two existing 5/8-inch meters serving the Holualoa Inn and other facilities (Account Nos. 880-99850 and 880-99000).

Please be informed that a water commitment for 6 additional units of water was effected for a portion of Parcel 5 through Change of Zone (COZ) Ordinance 91-91, which expired on September 30, 2006. The applicant/owner may extend the water commitment to September 30, 2008 upon payment of a water commitment deposit (WCD) of \$1,800.00 for 2 years of unpaid WCD for 6 additional units of water at \$150.00 per unit (6 units at \$150.00 per unit times 2 payments). Otherwise, the water commitment may be forfeited and water availability would be subject to prevailing conditions. Each unit of water is equal to a maximum daily usage of 600 gallons per day (GPD).

For the applicant's information, final approval of the development will be subject to compliance with the following requirements:

1. Construct necessary water system improvements, which shall include, but not be limited to:
 - a. water mains capable of delivering water at adequate pressure and volume under peak-flow and fire-flow conditions; the minimum diameter of which shall be 6 inches,
 - b. cut and plug the two existing services at the main,
 - c. install service laterals that will accommodate a 5/8-inch meter to each Ag-1a lot.
 - d. install appropriately-sized service lateral(s) to serve the proposed bulk lot, limited to a maximum of 8 units of water (2 units for the existing services and 6 additional units through COZ Ordinance 91-91).

... Water brings progress...

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- e. subject to other agencies' requirements to construct improvements within the road right-of-way fronting the property affected by the proposed development, the applicant shall be responsible for the relocation and adjustment of the Department's affected water system facilities, should they be necessary, and
 - f. fire hydrants spaced no more than 600 feet apart.
2. Submit construction plans and design calculations prepared by a professional engineer, registered in the State of Hawai'i, for review and approval.
 3. Remit the prevailing facilities charge, which is subject to change, as shown below:

FACILITIES CHARGE (FC):

1 st service to Parcel 5 (already installed)	\$0.00
2 nd service to Parcel 5 (already installed)	\$0.00
6 additional units of water @ \$5,500.00/unit thru COZ Ord. 91-91	\$33,000.00
1 st service to Parcel 8 (for one Ag-1a lot)	\$1,190.00
1 st service to Parcel 30 (for one Ag-1a lot)	\$1,190.00
12 additional units for remaining Ag-1a lots @ \$5,500.00/unit	\$66,000.00
<u>FC Total (subject to change)</u>	<u>\$101,380.00</u>

4. The appropriate documents shall be submitted, properly prepared and executed, to convey the water system improvements and necessary easements to the Water Board of the County of Hawai'i prior to final subdivision approval being granted. A registered land surveyor shall stamp and certify the metes and bounds description within the conveyance documents. However, prior to water meter services being granted to the development, or any lots within, the conveyance documents shall be accepted by the Water Board.

Please also be informed that the existing 8-inch waterline within Mamalahoa Highway is inadequate to provide 2,000 gallons per minute flow for fire protection, as required per the Department's Water System Standards, for the commercially-zoned portion of Parcel 5. The applicant should consult the Fire Department for any other fire protection requirements or alternatives.

Should there be any questions, you may contact Mr. Finn McCall of our Water Resources and Planning Branch at 961-8070, extension 255.

Sincerely yours,



Milton D. Pavao, P.E.
Manager

FM:dfg

copy - Riehm Owensby Planners Architects
Turtle Bay Enterprises

Mr. Michael J. Riehm, A.I.A., Principal
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Hawaii Electric Light Company, Inc. • PO Box 1027 • Hilo, HI 96721-1027

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November 21, 2007

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

Gentlemen:

Subject: Holualoa Inn
TWK: (3) 7-6-008:005, 008 and 030
Holualoa, District of North Kona, Hawaii

Thank you for the opportunity to review the subject project located in North 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 your 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 265,600 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 10 MVA Keahuolu 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 adequate to serve the estimated load of 531 KW.
3. Off-Site Electrical Distribution System - The existing off-site 12,470 volt distribution system along Mamalahoa Highway is adequate to serve the proposed development.
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.

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.

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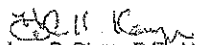
HELCO recommends energy efficient and conservation measures to reduce the maximum electrical demand and energy consumption. The developer may call HELCO's Energy Services Manager, Curtis Beck, at (808) 969-0134 for questions or details on available programs.

It is encouraged that the developer's electrical consultants 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,


For Jose S. Dizon, P.E., Manager
Engineering Department

JSD.HKK:SSO:cmk

Attachment



Figure 1: Master Plan Concept

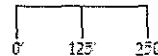
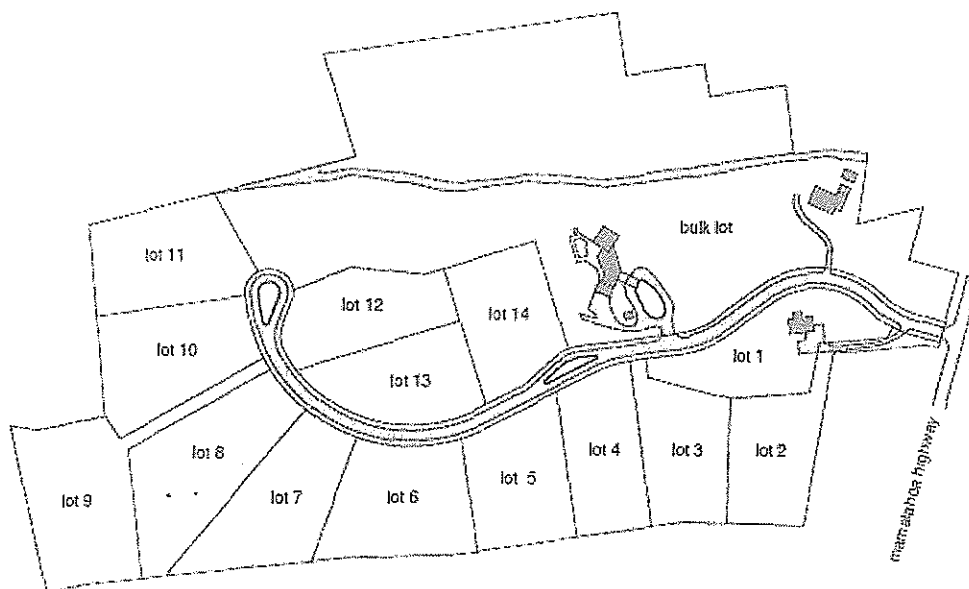


Exhibit 2: Yard Designation Variance Request - Zoning Code

Request:

The Petitioner request the front, rear, and side yards be designated as indicated below for lots 1, 2, 3.

(See Exhibit No. 1, page 8-24, for lot location in project)

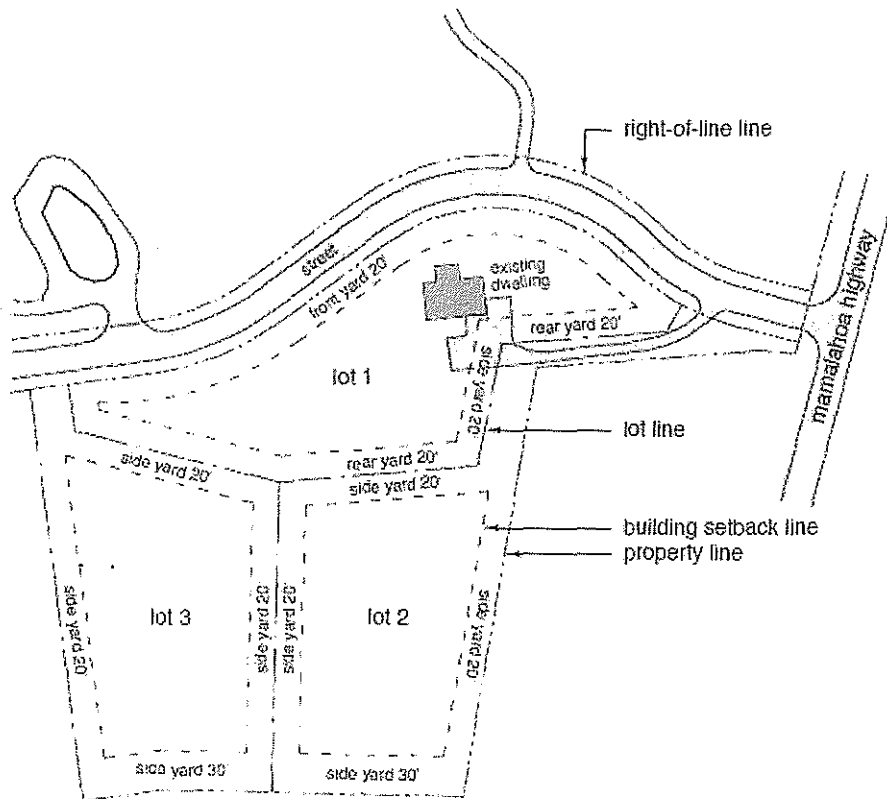


Exhibit 3: Yard Designation Variance Request - Zoning Code

Request:

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

(See Exhibit No. 1, page 8-24, for lot location in project)

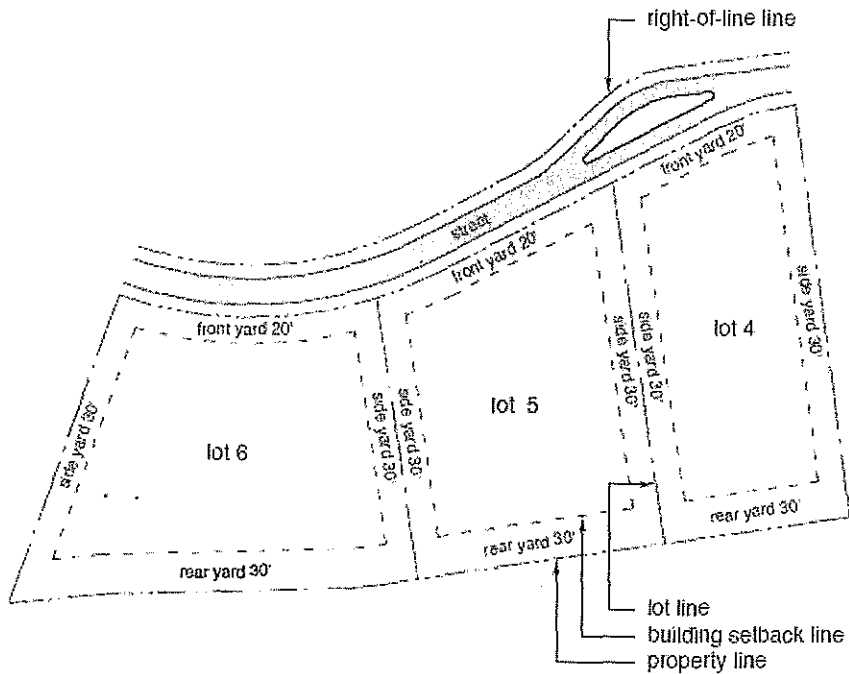


Exhibit 4: Yard Designation Variance Request - Zoning Code

Request:

The Petitioner request the front, rear, and side yards be designated as indicated below for lots 7, 8, 9, 10, 11.

(See Exhibit No. 1, page 8-24, for lot location in project)

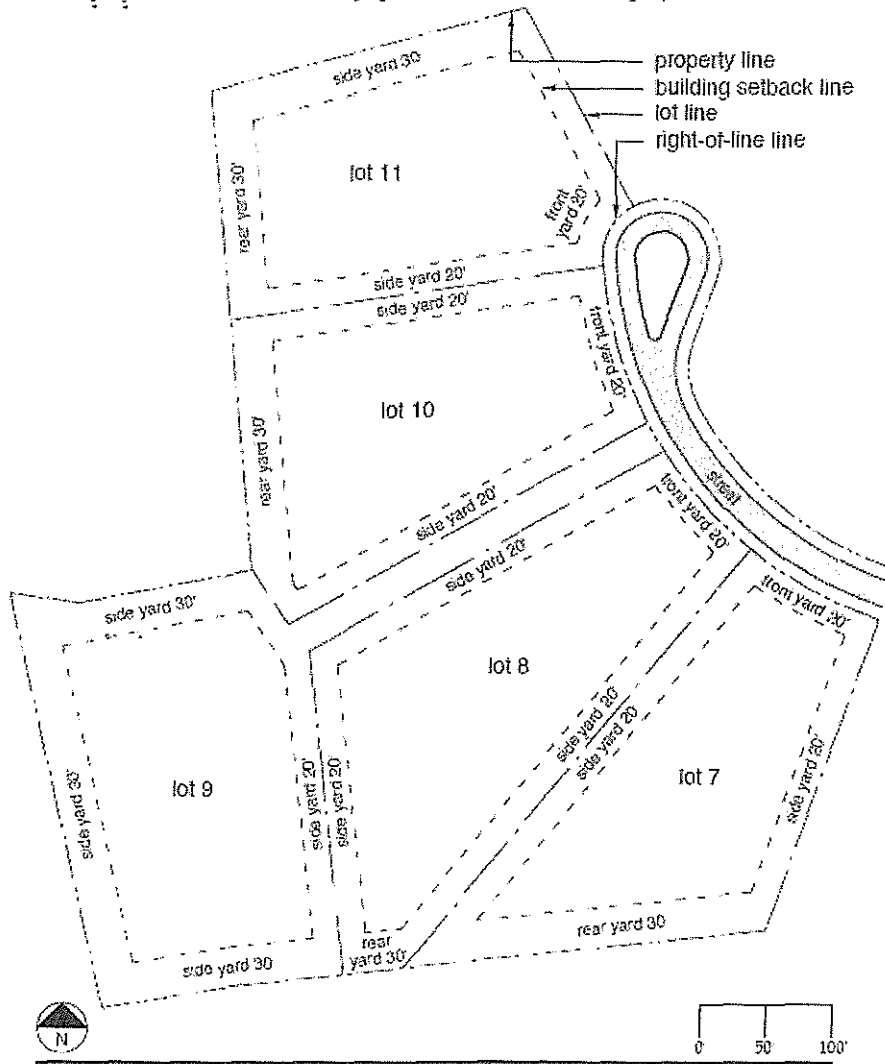


Exhibit 5: Yard Designation Variance Request - Zoning Code

Request:

The Petitioner request the front, rear, and side yards be designated as indicated below for lots 12, 13, 14.

(See Exhibit No. 1, page 8-24, for lot location in project)

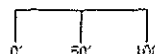
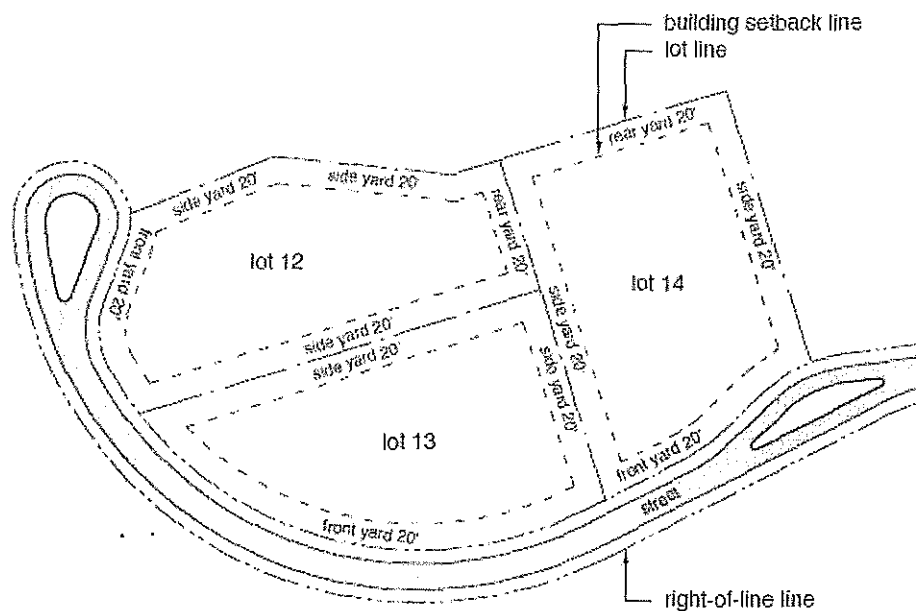
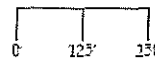
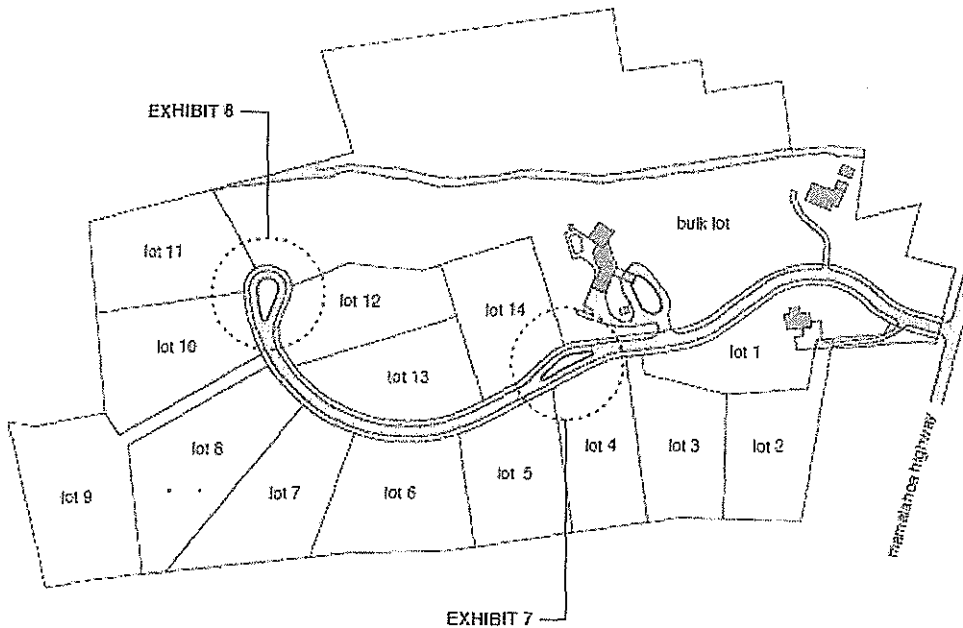


Exhibit 6: Street Intersection Angles and Radius Variance Request - Subdivision Control Code

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)

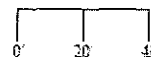
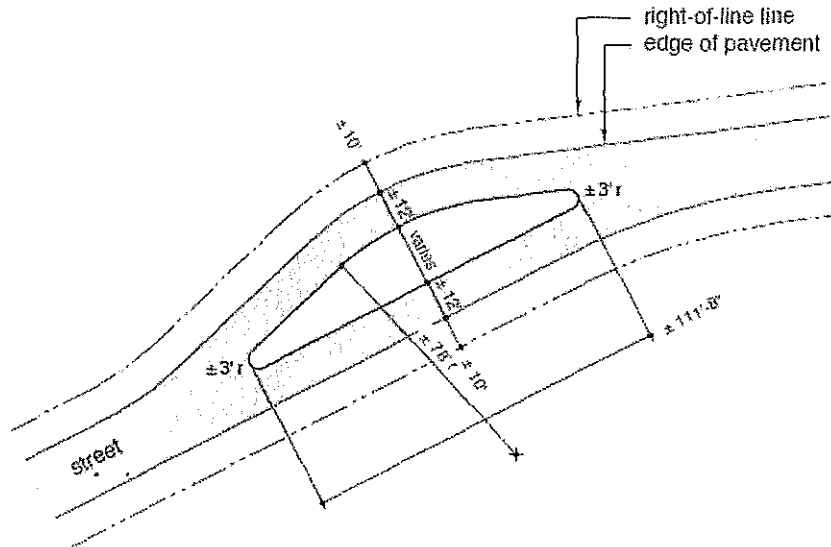


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Exhibit 7: Street Intersection Angles and Radius Variance Request - Subdivision Control Code

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

(See Exhibit No. 6, page 8-29, for lot location in project)



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Exhibit 8: 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. 6, page 8-29, for lot location in project)

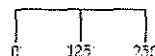
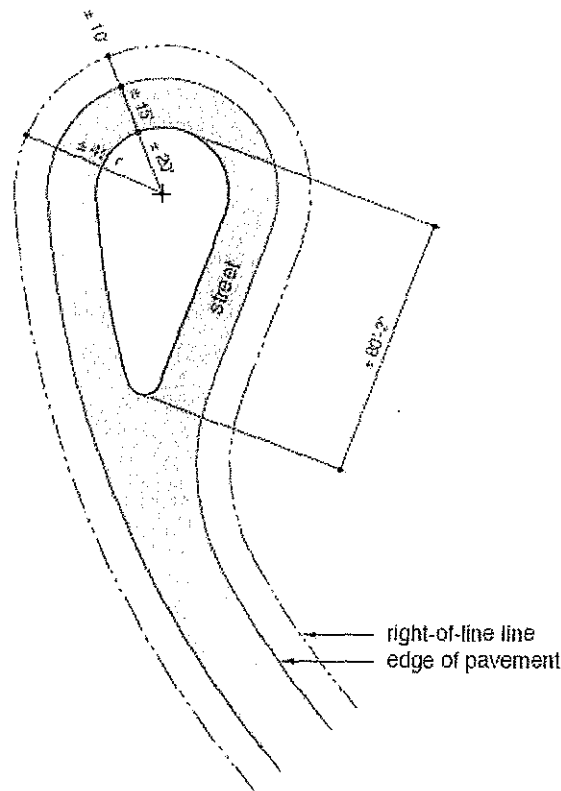
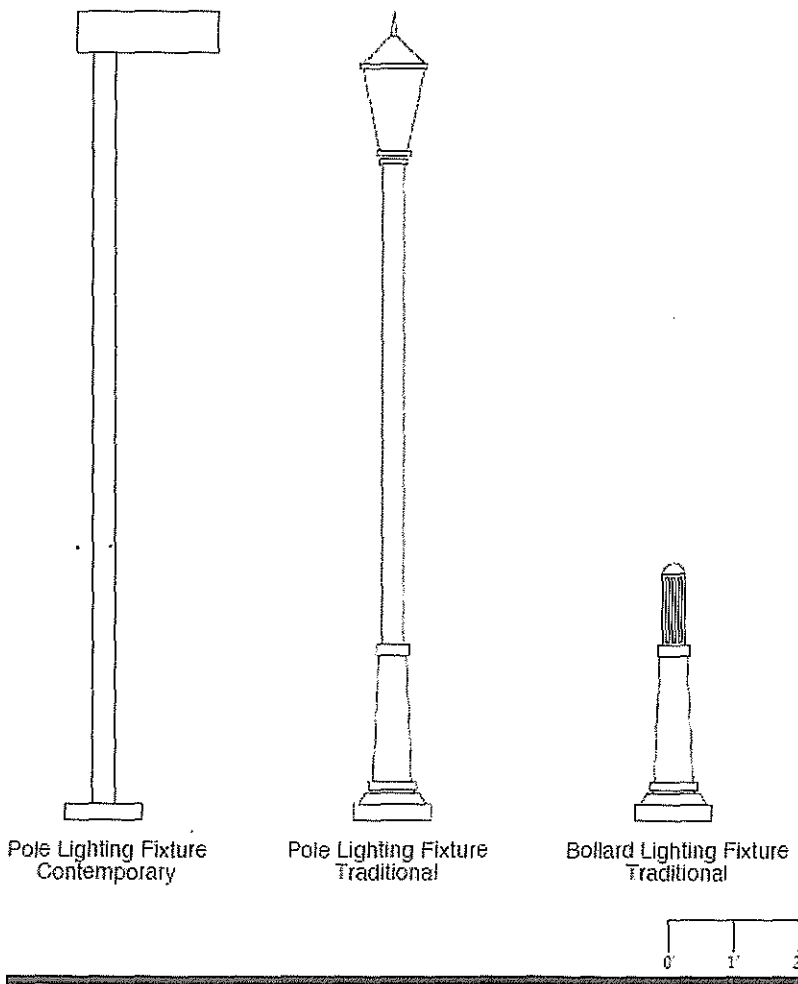


Exhibit 9: Street Lights Variance Request - Subdivision Control Code

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:

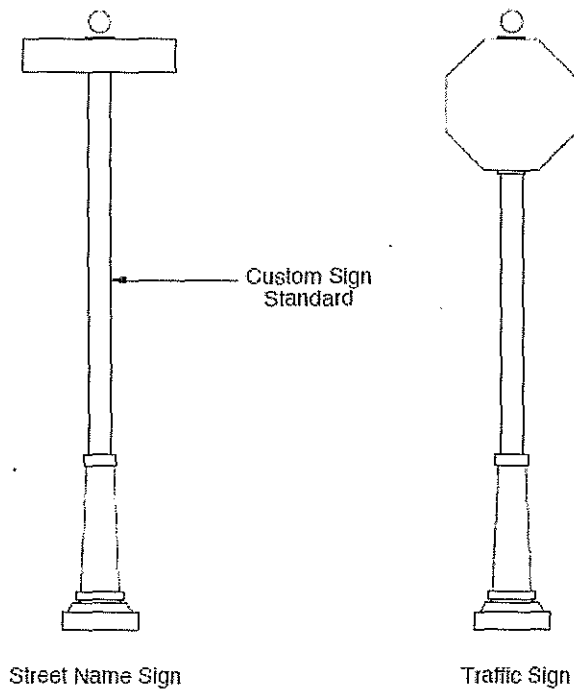
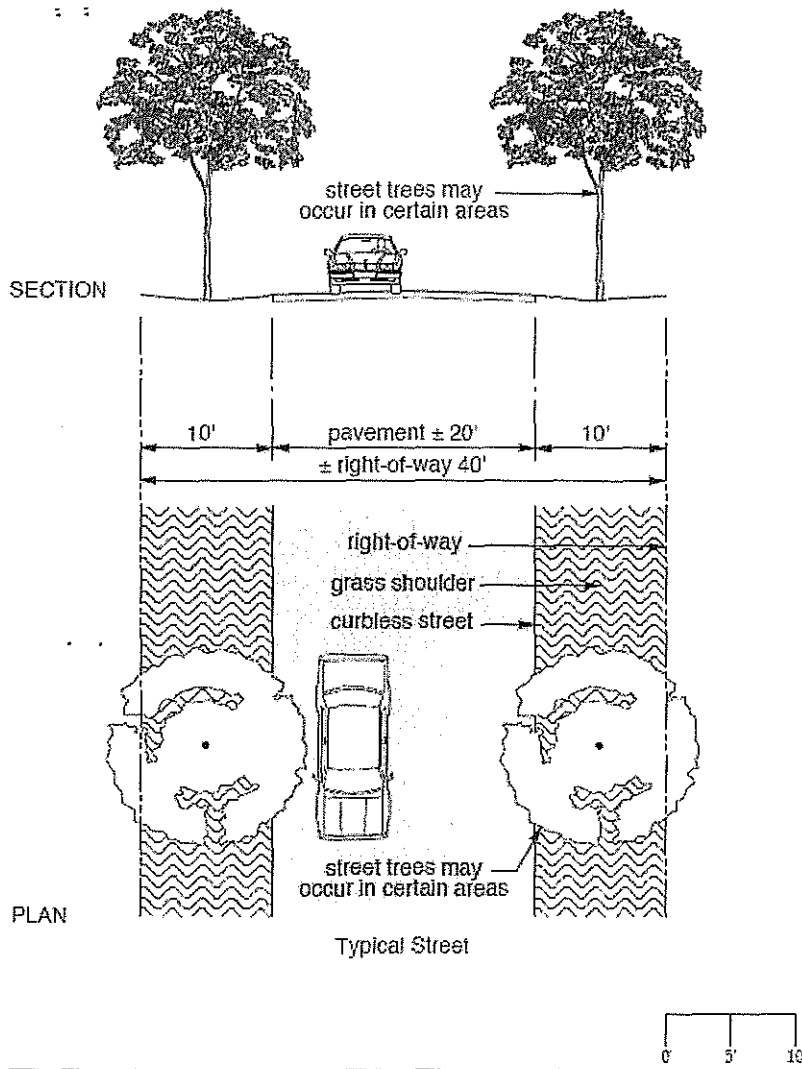
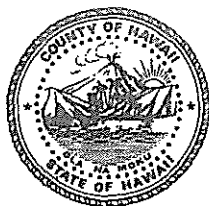


Exhibit 11: Right of Way Improvement Variance Request - Subdivision Control Code

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:



William P. Kenoi
Mayor



BJ Leithead Todd
Director

Margaret K. Masunaga
Deputy Planning Director

County of Hawai'i

PLANNING DEPARTMENT

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

September 16, 2009

Mr. Michael J. Riehm, A.I.A., Principal
RIEHM OWENSBY PLANNERS ARCHITECTS
P. O. Box 390747
Kailua-Kona, HI 96739

Dear Mr. Riehm:

SUBJECT: PLANNED UNIT DEVELOPMENT PERMIT-(PUD 07-000007)
Request: PUD: HOLUALOA INN
Applicant: RIEHM OWENSBY PLANNERS ARCHITECTS
Owner: TURTLE BAY ENTERPRISES LLC
Tax Map Key: 7-6-008:005, 008, and 030

After reviewing your Planned Unit Development application, the Planning Director hereby approves PUD 07-000007 subject to conditions. The PUD permits development of the master-planned community of "Holualoa Inn" creating 14 minimum 1-acre agricultural lots and 1 bulk lot of approximately 11.16 acres affecting a total area of approximately 28.997 acres. The PUD grants variance and allows minimum building site area and widths, roadways improvements, minimum yard setbacks, and lot configuration subject to PUD conditions. We apologize for the long delay in issuing this approval and appreciate your extreme patience with us.

BACKGROUND

Project Location

The subject Property is situated at Makai Portion, Holualoa 1st and 2nd Partition Lots, North Kona, Hawai'i. The subject properties (hereinafter referred to as "Property"), consisting of three individual parcels which have a combined land area of 28.997 acres, are located in Holualoa 1st and 2nd, makai portion, within the district of North Kona.

The Property is situated a little over 5 miles to the east of the town of Kailua-Kona at an elevation ranging between 1,084 to 1,814 feet with slopes of roughly averaging 15 percent.

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Land Use Designations

The Property maintains State Land Use district classifications of Urban along the makai side of the Old Mamalahoa Highway and Agricultural for the remaining makai lands. The Property is designated for Medium and Low Density Urban uses by the County General Plan. The County zoning designation for the entire Property consists of Commercial (CV-1a, CV-10), Resort-Hotel (V-1.25) along the makai side of the old Mamalahoa Highway with a zoning designation of Agricultural-1 acre (A-1a) for the balance of the Property.

The applicant, on behalf of the owner, is proposing to subdivide and develop the referenced TMK property into 14 one-plus-acre agricultural lots, one "bulk lot", and associated rights-of-ways pursuant to Chapter 25, Zoning, Article 6, Optional Development Regulations, Division 1, Planned Unit Development (P.U.D). Variances from minimum roadway, minimum yards, and other requirements of Hawaii County Code, Chapter 23, Subdivisions, and Chapter 25, Zoning, respectively, are being requested as part of the PUD application.

The proposed 11.16 acres bulk lot contains the existing Holualoa Inn and also the existing Holualoa Trail. The Holualoa Inn will continue its services as allowed by its current Special Permit.

Each proposed agricultural lot will maintain a minimum lot size of no less than 1 acre, consistent with its current Agricultural zoning and State Land Use classifications for that particular portion of the Property. 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 the respective zoning designations.

Description of Property

The roughly 29-acre Property has a variety of slopes with areas of open cleared fields, coffee trees in some areas and some areas within existing shrubs and tress. A variety of buildings exist on the site such as the Holualoa Inn and some farm dwellings. The Property is irregular in shape and ranges in elevation from about 1,084 to 1,814 feet. The Property experiences temperatures ranging between lows of 66° F to highs of 88°F with an average of 75° F. Average annual rainfall varies between 50 to 75 inches.

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Proposed Subdivision Improvements

According to the Applicant, the Property is currently traversed by existing paved driveway with a single access point from the Mamalahoa Highway. This existing driveway provides access to the existing Holualoa Inn complex as well as two existing single family residences located within the Project site. This existing driveway will be reconstructed as a road that will have a pavement width of 20 feet with 10-foot wide grass-stabilized shoulders within a 40-foot wide right-of-way, in lieu of the minimum 20-foot wide pavement within a 50-foot wide right-of-way required by the Subdivision Code and specified by Department of Public Works Standard Detail R-39. All utilities will be installed underground to minimize its visual impact. The Applicant indicates that it has secured the necessary water commitments from the Department of Water Supply to provide individual meters to each proposed lot. Wastewater will be disposed of within individual wastewater disposal systems that will meet applicable State requirements.

The Property is not listed on the National and State Register of Historic Places and has historically been utilized for farming and ranching. Site 50-10-37-24211, a mauka-makai trail, traverses a portion of the bulk lot. However, the PUD does not impact any portion of this Site. There are no observable traditional and customary native Hawaiian practices being exercised on the Property. On September 5, 2003, the State Historic Preservation Division - Kona provided comment to a Change of Zone Application for a portion of Parcel 05 to the effect that: "The project has already gone through the historic preservation review process . . . we believe that 'no historic properties will be affected.'" Nonetheless, during the course of improving the site, should any unanticipated archaeological features or sites be discovered, the Applicant will cease work and consult with the proper agencies to obtain the proper clearances to resume the development of the Project.

Drainage

Current drainage conditions for TMK (3) 7-6-8:05, 08 and 30 were examined and reviewed. The drainage or runoff conditions upon the properties before project development and the project's affect on current drainage were analyzed. In addition, the Holualoa Drainageway and Holualoa Drainageway Tributary were considered and reviewed as a drainageway through the properties. Given the PUD or proposed 14-lot agricultural development which include and require necessary paved roadways, driveways, etc.; as expected, there will be a slight increase in surface runoff created by the proposed PUD. However, the increase or additional runoff created by developing the properties will be addressed and mitigated by constructing necessary on-site retention basins, dry wells, or drainage structures, etc. to insure that additional runoff created by proposed PUD does not adversely affect abutting or neighboring properties.

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North Kona Flood Plain Management Study (Dec 1984): This study was developed to provide the state and county governments with the basic hydrologic and hydraulic data concerning the flooding problems and possible alternatives in the rapidly growing North Kona area, within which the Property resides. Portions of the Property are clearly within the Holualoa Drainage way, containing areas subject to the 100-year frequency flood.

In addition to the drainage improvements to mitigate any increase in surface runoff, should the existing Floodplain be modified, and modifications or encroachments into the Holualoa Drainageways or the Holualoa Drainageway Tributary will follow National Flood Insurance Program (NFIP) requirements and would like include a no-rise certification for a licensed professional engineer and/or a Letter of Map Revisions (LOMR).

Compatibility with Neighboring Uses

The Property is situated within an area primarily designated for agricultural uses. The Property is bounded on the north, south and west sides by predominately agricultural based development and farming operations and on the east side by commercial uses from the town of Holualoa. Inasmuch as the proposed Project will configure lots that are consistent with zoning, the development of the Project will remain consistent with agricultural land uses that prevail within the surrounding area.

PROJECT OBJECTIVES AND DESCRIPTION

According to the Applicant, the objectives for Holualoa Inn ("Project") include the following:

- Develop 14 agricultural lots that are "sensitively placed among the coffee trees so as to have as little impact as possible on the existing agricultural operations and local rural character."
- All proposed lots will be subject to covenants and restrictions which will preserve the economically viable and feasible agricultural uses on the land within the project that will require lot owners to be part of a cooperative farming association, whose purpose will be to own, operate and/or maintain the common coffee areas within the Project, including any portion of the individual lots dedicated to farming activities when these individual lot owners do not wish to conduct the farming activities themselves.
- Development an environment of sustained desirability and stability that is in harmony with the character of the surrounding area.

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- Maintain the economic viability of the existing agricultural production operation.
- Through the use of CC&R's, encourage building design that respects the local building vernacular and encourages energy efficiency through the use of passive and active solar devices. The proposed CC&Rs will not restrict any permitted agricultural uses and activities on the agricultural lands within the Project.

The Project will be developed in a single phase consisting of 14 agricultural lots. The Applicant's project schedule anticipates site work to be completed within 12 months from the date of approval of this PUD application and issuance of Tentative Subdivision Approval and completion of sales of all lots within 2 years from the date of issuance of Final Subdivision Approval.

AGENCIES' REVIEW

1. The Office of Housing and Community Development memorandum dated November 5, 2007 states in part;

“Affordable housing requirements, pursuant to Hawai'i County Code, Chapter 11, Housing, are applicable to the request.”

2. The Department of Environmental Management memorandum dated November 1, 2007.

The Department of Environmental management confirms that no County sewer is currently planned for the area. DEM indicated that commercial operations, State and Federal agencies, religious entities and non-profit organizations may not use transfer stations for disposal. Aggregates and any other construction/demolition waste should be responsibly reused to its fullest extent. Ample and equal room should be provided for rubbish and recycling. Greenwaste may be transported to the greenwaste sites located at the Kailua and Hilo transfer stations, or other suitable diversion programs. Submit solid waste management plan prepared in accordance with DEM guidelines.

3. The Department of Public Works (DPW-Traffic Division) memorandum is dated November 9, 2007 (attached to this report)

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4. The Hawaii County Police Department memorandum dated November 15, 2007 states:

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

5. The HELCO letter is dated November 21, 2007 and is attached to this report.

6. The Department of Water Supply (DWS-Engineering Division) memorandum dated November 26, 2007 states in part:

“Water can be made available for the proposed development from an existing 8-inch waterline within Mamalahoa Highway fronting the subject parcels. The current water availability conditions in the area, which are subject to change without notice, can allow for the proposed 15-lot subdivision (14 Ag-1a lots and 1 bulk lot). As shown in the master plan for the development, the existing Holualoa Inn and another building shall be within the bulk lot. For your information, there are two existing 5/8-inch meters serving the Holualoa Inn and other facilities (Account Nos. 880-99850 and 880-99000).

Please be informed that a water commitment for 6 additional units of water was effected for a portion of Parcel 5 through Change of Zone (COZ) Ordinance 91-91, which expired on September 30, 2006. The applicant/owner may extend the water commitment to September 30, 2008 upon payment of a water commitment deposit (WCD) of \$1,800.00 for 2 years of unpaid WCD for 6 additional units of water at \$150.00 per unit (6 units at \$150.00 per unit times 2 payments). Otherwise, the water commitment may be forfeited and water availability would be subject to prevailing conditions. Each unit of water is equal to a maximum daily usage of 600 gallons per day (GPD).

For the applicant's information, final approval of the development will be subject to compliance with the following requirements:

1. Construct necessary water system improvements, which shall include, but not be limited to:
 - a. water mains capable of delivering water at adequate pressure and volume under peak-flow and fire-flow conditions; the minimum diameter of which shall be 6 inches,
 - b. cut and plug the two existing services at the main,
 - c. install service laterals that will accommodate a 5/8-inch meter to each Ag-1a lot,

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- d. install appropriately-sized service lateral(s) to serve the proposed bulk lot, limited to a maximum of 8 units of water (2 units for the existing services and 6 additional units through COZ Ordinance 91-91),
 - e. subject to other agencies' requirements to construct improvements within the road right-of-way fronting the property affected by the proposed development, the applicant shall be responsible for the relocation and adjustment of the Department's affected water system facilities, should they be necessary, and
 - f. fire hydrants spaced no more than 600 feet apart.
2. Submit construction plans and design calculations prepared by a professional engineer, registered in the State of Hawai'i, for review and approval.
 3. Remit the prevailing facilities charge, which is subject to change, as shown below:

FACILITIES CHARGE (FC):

1 st service to Parcel 5 (already installed)	\$0.00
2 nd service to Parcel 5 (already installed)	\$0.00
6 additional units of <u>water@\$5,500.00/unit</u> thru COZ Ord. 91-91	\$33,000.00
1 st service to Parcel 8 (for one Ag-1a lot)	\$1,190.00
1 st service to Parcel 30 (for one Ag-1a lot)	\$1,190.00
12 additional units for remaining Ag-1a lots @ \$5,000.00 unit	\$66,000.00
FC Total (subject to change)	\$101,380.00

4. The appropriate documents shall be submitted, properly prepared and executed, to convey the water system improvements and necessary easements to the Water Board of the County of Hawai'i prior to final subdivision approval being granted. A registered land surveyor shall stamp and certify the metes and bounds description within the conveyance documents. However, prior to water meter services being granted to the development, or any lots within, the conveyance documents shall be accepted by the Water Board.

Please be informed that the existing 8-inch waterline within Mamalahoa Highway is inadequate to provide 2,000 gallons per minute flow for fire protection, as required per the Department's Water System Standards, for the commercially-zoned portion of Parcel 5. The applicant should consult the Fire Department for any other fire protection requirements or alternatives."

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7. The State of Hawaii-Department of Health (DOH) memorandum is dated November 29, 2007 and is attached to this report.
8. The Department of Public Works (DPW-Engineering Division) memorandum dated December 14, 2007 states in part:

“VARIANCES

Variance Request No.s 12 and 13 from HCC Section 23-41 and 23-50 (sic) The requests (sic) 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 plan 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 cul-de-sacs, which may be 20%, as established by DPW policy.

Variance Requests No.s 14 and 15 from HCC Sections 23-93 and 23-94 (sic) Any required streetlight signs and markings at the private road intersection with Mamalahoa Highway shall meet with the requirements of the Department of Public Works, Traffic Division.

Variance Request No. 16 from HCC Section 23-95 (sic) We recommend the entire proposed 40-foot right-of-way be improved. We have no objection to the applicant's geometric design of Exhibit 11, with paving as required by Section 2386 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. If swales are not required, a deed covenant should be required to prohibit construction of walls, berms or swales with the potential to concentrate and divert drainage without proper mitigation as recommended by licensed engineer. This establishes a minimum paving and improvement width standard and permits the geometric design of the applicant's Exhibit 11.

DRAINAGE

We reviewed the Drainage Report and Flood Study dated June 2007 by Lyon & Associates.

1. For some areas (H and I), no increases in runoff from development was determined, a discrepancy that should be examined further. Justification should be provided for the

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infiltration component of the coefficient of runoff C by discussion of the drainage area soil type(s).

2. A hydraulic analysis of the Holualoa School Stream, based on more accurate data, to verify the FIRM mapped flood plain boundaries through the subject property is recommended prior to the subject development.
3. 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 from development of the lots. A drainage report shall be submitted with construction plans to substantiate how developed lot and roadway runoff is being disposed of with drainage structures encumbered within right-of-ways and easements. Final construction approval will require complete stabilization of the roadsides and drainage system.
9. The Hawaii County Fire Department (COH-HFD) memorandum is dated December 12, 2007 and is attached to this permit report.
10. Notice to Surrounding Owners/Posted Sign. The applicant and/or owners submitted a copy notice(s) dated September 24, 2007 and November 7, 2007 and attachments sent or mailed to surrounding property owners. According to mailing list(s) and affixed USPS mailing receipt(s), notices regarding both variance application(s) from Chapter 23, Subdivisions and Chapter 25, Zoning, were mailed by the USPS to surrounding property owners on September 24, 2007 and November 7, 2007.

Affidavit/Posted Sign: The applicant filed affidavit regarding posting of sign dated September 8, 2009 and pictures or photographs of posted sign(s) upon subject TMK property.

11. Comments from Surrounding Property Owners or Public.

No other agency comments were received. No written objections to the variance application were received from surrounding property owners or public.

ALTERNATIVES/SPECIAL AND UNUSUAL CIRCUMSTANCES

After considering the variances sought by the applicant and landowner and review of supplemental maps including road sections, etc. to consider and ensure that 1) adequate light and air, proper siting and arrangements of all structures and improvements was address and provided

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for, 2) traffic generated by and abutting developments was considered; and future uses and traffic, pedestrian safety, and emergency access for build out have been addressed, etc., 3) landscaping upon public and private open spaces including rights-of-way is commensurate with uses and surroundings, 4) unsightly areas associated with other permitted commercial use(s) or public places are properly protected and/or screened or eliminated, etc. 5) an adequate mix of off-street parking commensurate with uses are provided, 6) access throughout the development is designed and managed to prevent potential accident hazards, etc., and 7) historical and/or important natural (drainage) and man-made features (e.g. lots for open space, specimen trees, historical preserve, water supply, etc.) are identified and preserved upon the subject property.

The background information, associated drawings and exhibits submitted by the Applicant generally addresses all comments and concerns from the reviewing agencies regarding road dedication, roadway safety, streetscape design, lot geometry, residential building envelopes, and other items. The proposed roadways will be improved and built according to specific roadway sections (exhibits) included with the report.

VARIANCES

In view of the background report, the following variances, as detailed below, from Hawaii County Code (HCC) Chapter 23, Subdivisions, and Chapter 25, Zoning, are hereby approved subject to conditions.

CHAPTER 23, HCC – Subdivisions

The following variance(s) from **Chapter 23, Subdivisions**, are hereby approved subject to agency comments and requirements received:

- S-1. **Section 23-29. Block sizes.** The Subdivision Code limits the lengths of blocks to 1,300 feet, but with a length no less than 400 feet. Based on the conceptual subdivision layout, we see nothing in the design that would constitute a “block”. Given the topography of the land and the configuration of drainage systems within the Property, there is that possibility where accessibility to a proposed lot could be accomplish by additional subdivision roadways. On this remote possibility, we will grant this variance to allow for block sizes to be less than 400 feet in length, but no less than 2 lots in overall length. Anything less will be considered a through-lot, which is discouraged by the Subdivision Code.

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- S-2. **Section 23-35. Lot side lines.** The Subdivision Code requires and specifies that lot lines shall run a right angles to the street "as far as practicable". The proposed land patterns incorporate the retention approved development including drainage ways. This variance allows deviations from this requirement to avoid the creation and appearance of the classic "cookie-cutter" subdivision land pattern, as long as every reasonable effort is made to have a lot line approach a street at a right angle. Given this project's design philosophy and preference for preservation of open space retaining natural topography and need to position and create new roads with unusual road geometry make having all side lines of proposed lots to "run at right angles to the proposed streets, loops, and/or cul-de-sacs upon which the lot faces" difficult, when the ultimate goal should be the best lot or subdivision configuration suitable for its intended purpose without extensive lot preparation.
- S-3. **Section 23-41. Minimum right-of-way and pavement widths.** The Applicant is requesting a variance from the minimum pavement and rights-of-way widths and shoulder/swale details for its private internal subdivision roadway. We support the issuance of these variances for these internal subdivision roadways which are considered agricultural streets. We realize that a portion of this street traverses over CV-10 zoned lands along the makai side of the Mamalahoa Highway. But for a distance of less than 200 feet, we feel that it is reasonable to include this commercial section within the scope of this variance in order to promote a more unified design with the proposed adjoining agricultural subdivision as well as along the Mamalahoa Highway, which is not improved with curb, gutters or sidewalks.
- **Agricultural Street (40' wide road right-of-way in lieu of 50' ROW-Exhibit 11).** The proposed standards for the 40-foot wide agricultural street-type roadway with 20 feet of pavement will deviate from the minimum 50-foot wide ROW specified by DPW Standard Detail R-39. The Applicant is proposing a minimum pavement width of 20 feet with 10-foot wide grassed-stabilized shoulders on each side with no curb, gutters or sidewalks. The relatively large size of the proposed lots warrant a reduced right-of-way since on-street parking is less of a concern when you have such large lots. The paved travel section will meet code, so vehicular movement should not be affected by this variance. The deviations will be directed towards the use of grass shoulders and swales and a reduced right-of-way width.
- S-4. **Section 23-48. Cul-de-sacs.** The proposed roadway or cul-de-sac design exceeding 600 feet in length, including terminus designs, are permitted provided adequate and/or

minimum turn around space for emergency vehicles is provided and/or COH-Hawaii Fire Department requirements are met.

- S-5. **Section 23-50. Grades and curves.** The variance requested by the applicant is approved given the nature of the proposed development to preserve existing terrain including certain trees, etc. within lots set aside for open space, etc. Pursuant to Section 23-50(b), the Applicant or Applicant's engineer can propose and identify variations from grades and horizontal and vertical curves in detailed subdivision construction plans submitted for agency review. Therefore, variations from the required curves and grades may be permitted by the County-DPW and Planning Department due to unusual site conditions and shall be determined during review of the detailed construction plans. Deviations from the standard minimum requirements from grades and curves for dedicable and non dedicable privately owned rights-of-way within "Holualoa Inn" shall be specified and approved by the County-DPW. A condition of this variance will require that roadway designs shall follow guidelines incorporated in the Hawaii Statewide Uniform Design Manual for Streets and Highways or the applicable AASHTO design guide for the appropriate design speed. This will ensure reasonable design criteria that will not compromise public health and safety. Please note that this exception does not apply to the intersection of the private subdivision road with the Mamalahoa Highway, which shall conform to the requirements of this section. Furthermore, no roadway within the proposed subdivision will be permitted to exceed a maximum grade of 18 percent.
- S-6. **Section 23-93. Street lights.** This variance is approved subject to provision that standard and/or alternative architectural lighting fixtures and traffic signs/names installed within the rights-of-way (road lots) and roadways including shoulder improvements being dedicated to the County are approved by the DPW and placement of architectural lighting/street names/ and traffic signs installed within the private roadways are certified by a licensed engineer for adequacy and safety. The street lights fixtures and/or lighting within proposed PUD or subdivision shall comply with Hawaii County and/or DPW outdoor lighting code requirements. These exceptions will not be permitted for any street lighting at the intersection of the private subdivision road and the Mamalahoa Highway.
- S-7. **Section 23-94. Street names and traffic signs.** This variance is approved subject to provision that standard and/or alternative traffic signs installed within the rights-of-way (road lots) and roadways including shoulder improvements being dedicated to the County are approved by the DPW and placement of architectural lighting/street names/ and traffic signs installed within the private roadways, alleys, and pedestrian rights-of-way (trails), etc. are certified by a licensed engineer for adequacy and safety. Traffic signs

and street names shall meet minimum ASHTO specifications and standards. These exceptions will not be permitted for any street or traffic sign installed at the intersection of the private subdivision road and the Mamalahoa Highway.

CHAPTER 25, HCC – Zoning

And, the following variance(s) from **Chapter 25, Zoning**, are hereby approved subject to agency comments and requirements received for respective variance application(s) and specific agency requirements received and associated submittals:

- Z-1. **Section 25-4-30. Minimum street frontage.** The irregular shape lots, their sizes and widths are a result of the street layout which is designed to maintain a rural image and to respond to a number of site specific conditions. The Subdivision Code requires a minimum street frontage of 100 feet. Due to topographic considerations and orientation concerns, we believe that this requirement could stifle a more appropriate design that compliments the site characteristics. We will, however, support a reduction of the minimum street frontage to no less than 30 feet, the minimum required for a residential-sized lot. We think this is very reasonable and should be easily accommodated.
- Z-2. **Section 25-4-31. Minimum building site area; minimum average width.** We will not support a reduction in the minimum building site area of one (1) acre since it is the minimum requirement of the State Land Use Law. We will, however, support a reduction in the minimum building site area average width from the required 120 feet down to 100 feet, which should give the Applicant adequate design flexibility for the proposed 1-acre plus lots. Anything less will promote elongated and narrow agricultural lots, which only serves to place homes closer together and further restricts reasonable agricultural use of the land.
- Z-3. **Section 25-4-32. Reduction of building site below minimum area.** This variance will confirm a reduction of building site average width for proposed 14 agricultural lots. Regardless of the minimum area and minimum width of the lots, the overall density or intensity of land utilization is within the allowable range for a Planned Unit Development with this zoning. The different shaped lots, their sizes and widths, are a result of a loop road or cul-de-sac layout which designed to maintain a rural image and to respond to a number of site specific conditions.
- Z-4. **Section 25-4-40. General requirement for yards and open spaces.** This variance clarifies and allows proposed yards and associated attendant open yard spaces for

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proposed agricultural lots (Lots 1 thru 14) within "Holualoa Inn" in accordance with exhibits. The applicant's request for this variance to allow flexible yards for the proposed agricultural lots within the PUD or "Holualoa Inn" is approved subject also to minimum UBC-Uniform Building Code and/or the current County Building Code requirements. Refer to Exhibits and Figures attached to this PUD report for the approved configuration and application of minimum yard setbacks, which basically is limited to allowing the application of a 20-foot wide minimum front and rear yard setbacks in lieu of the required 30-foot wide front and rear yard setbacks.

- Z-5. **Section 25-5-75. Minimum building site average width.** As stated earlier, we will support a reduction in the minimum building site area average width from the required 120 feet down to 100 feet, which should give the Applicant adequate design flexibility for the proposed 1-acre plus lots. Anything less will promote elongated and narrow agricultural lots, which only serves to place homes closer together and further restricts reasonable agricultural use of the land.
- Z-6. **Section 25-5-76. Minimum yards.** The proposed irregular shape lots and associated sizes and widths including rights-of-way are designed to create and maintain a rural image; and, preserve natural land features without resorting to excessive grading. Also, the front, side and rear yards have been designed to allow for more flexibility in locating or positioning structures in order to work better with any site grading. Refer to Exhibits and Figures attached to this PUD report for the approved configuration and application of minimum yard setbacks, which basically is limited to allowing the application of a 20-foot wide minimum front and rear yard setbacks in lieu of the required 30-foot wide front and rear yard setbacks.

NOT APPLICABLE

- N-1. **Section 23-36. Through lots; planting screen easement.** The Subdivision Code does not prohibit through lots, it just discourages it unless essential to overcome disadvantages due to topography or orientation. Therefore, a variance from this require is not necessary since it relies on the Applicant to demonstrate the appropriateness of providing through lots within its subdivision.
- N-2. **Section 23-95. Right-of-way improvement.** The roadway profile provided by the Applicant indicates that the entire 40-foot wide right-of-way will be improved, namely, a 20-foot wide travelway with 10 feet of grass-stabilized shoulders, which would satisfy

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the requirements of this section of code. Therefore, there is no justification for this variance.

- N-3. **Section 25-4-14. Flag lots.** This section of the Zoning Code simply allows for the creation of flag lots, with certain requirements. It is not clear from the Applicant's submittals as to exactly what requirement they are seeking relief. The conceptual subdivision layout does identify flag lots that appear to conform to the minimum requirements of code, provided that the body of the flag lot is at least 1-acre in size and the access pole is at least 15 feet wide; requirements that are relatively easy to meet.
- N-4. **Section 25-5-74. Minimum building site area.** We will not support the issuance of this variance since it will conflict with the requirements of the State Land Use Law, which requires a minimum lot size of one (1) acre.

In view of above, the above-stated variance(s) from **Chapter 23, Subdivisions** and **Chapter 25, Zoning, are hereby approved** subject to conditions of approval as further detailed below.

The PUD application PUD 07-000007 was acknowledged by letter dated October 22, 2007. Additional time was required by the agencies to review revised plans and incorporated other required submittals. The applicant or applicant's agent granted the Planning Director additional time to render decision on the PUD application or variances from the Subdivision and Zoning Codes to September 11, 2009.

Pursuant to the background information and findings, specific variances requested by the Applicant will not be materially detrimental to the public's welfare and will not cause substantial adverse impact to the area's character and to adjoining properties.

DETERMINATION-VARIANCE CONDITIONS

The applicant, owner(s), their assigns, or successors shall be responsible for complying with following PUD 07-000007 conditions:

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 12 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 agricultural lots are consistent with the General Plan LUPAG Map designation for the Property of Low Density Urban and Medium Density Urban. The PUD does not seek to compromise the minimum lot size dictated by the existing zoning for this particular area of Kona. The proposed agricultural lots are consistent with the General Plan Land Use and Housing goals and policies by providing a diversity of housing choices to meet a range of housing needs and designing in accordance with the environment. So this PUD will provide for a more diverse agricultural use and maintain the rural character of the site and surrounding area.

- 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 14-lot and 1 bulk lot agricultural subdivision will provide a density that will not exceed the maximum density permitted by zoning, which is calculated at 17 lots. The Property is similar to many other parcels within this particular area of North Kona. This PUD will allow the Applicant this opportunity, which we believe is reasonable and will not compromise the agricultural activities already being conducted upon the Property.

The greatest concern regarding this PUD application is its location within proximity of a major drainageway, the Holualoa Drainageway. A report on proposed drainage improvements was prepared by the Applicant which basically identified the types of drainage

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improvements to be implemented prior to, during and after construction of the proposed subdivision. The use of on-site drywells to capture building generated runoff is a good idea and is made a condition of this PUD.

- 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 presence of an existing coffee orchard within the Project site justifies the variances to the minimum building site average width, and minimum yards, among other variances from lot configuration and streetscape requirements. The street design variances result in the desire to utilize, to the extent possible, the existing coffee farm access road to minimize the need to grade additional farm land and relocate existing coffee trees, all of which we find very reasonable given the intent to maintain the existing coffee farm. 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-PUD APPLICATION-PUD 07-000007

The Planning Director approves Planned Unit Development Application (PUD 07-000007) or "Holualoa Inn" subject to the following PUD 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. 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 applicant, owner(s), their assigns, or successors shall be responsible for complying with Change of Zone Ordinance No. 03-162.
3. The subdivider, owners, their assigns, or successors understand that the proposed lots will use and maintain the privately owned road lots and privately owned non-dedicable roadways including any necessary emergency access and/or utility easements on their own without any expectation of governmental assistance to maintain the non-dedicable roadway improvements within roadway lots identified on the subdivisions preliminary

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plat map and/or any necessary emergency access and/or utility easement(s) within the proposed subdivision.

4. 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 Utility poles within these subdivision roads shall conform to DPW Standard Detail R-39 (revised).
5. Along with construction drawings for the subdivision roadways utilizing grassed drainage swales and shoulders, or prior to submitting full construction drawings, the Applicant shall submit an engineer's report showing that the grassed shoulders and drainage swales will be stable and not erode or wash out during stormwater flow conditions considering the grades and soil conditions within the Property. The report shall be reviewed by the Department of Public Works. The Planning Director, in consultation with the Department of Public Works, may require paving, stabilization, or alternative shoulder and swale treatment to take care of any erosion problems. A road maintenance association or equivalent shall be responsible for the continual maintenance and upkeep of the shoulders and drainage swales
6. 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.
7. Any vehicular security gate shall be located at least 45 feet (exclusive of gate swing) from the Mamalahoa Highway right-of-way with a turnaround on the County road side of the gate.
8. The Applicant shall record a declaration affecting all proposed lots within the Planned Unit Development which 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 declaration 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.

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9. 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. Pursuant to Section 25-2-7 of the Zoning Code, an application for subdivision of the Property in accordance with the terms and approvals granted by this PUD Permit shall be submitted to and accepted by the Planning Department within two years from the date of this permit. Should the Applicant require an extension of time, the applicant may request for time extension pursuant to Section 25-6-14 (Time extensions and amendments).
11. 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

Thank you for your understanding and patience during our review. Should you have any questions regarding the PUD or PUD conditions, please feel free to contact Daryn Arai of this office at 961-8288.

Sincerely,



BJ LEITHEAD TODD
Planning Director

WRY/DSA:cs

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xc: Department of Public Works-Bldg. Division
Department of Public Works-Eng. Division (Hilo/Kona)
COH-Department of Water Supply
COH-Fire Department
West Hawaii Planning Office w/ PUD Application