

## County of Hawai'i

### PLANNING DEPARTMENT

Aupuni Center • 101 Pauahi Street, Suite 3 • Hilo, Hawai'i 96720  
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May 11, 2011

Steven S.C. Lim, Esq.  
CARLSMITH BALL LLP  
P.O. Box 686  
Hilo, HI 96721-0686

**SUBJECT**    **Application:**    **PUD 09-000016**  
                  **Re:**                    **Moa'ula Agricultural Subdivision**  
                  **Rep.:**                    **Carlsmith Ball, LLP**  
                  **Applicant:**        **Ka'u Farm & Ranch, LLC**  
                  **Owner:**             **WWK Hawaii – Moa'ula LLC/WWK Hawaii – Church, LLC**  
                  **TMK(s):**            **(3) 9-6-003:002 and 022; 9-6-005: 015 and 056; 9-6-006: 005, 006, 007, and 008 (VAR 09-027)**

Dear Mr. Lim,

After reviewing the information submitted with the Planned Unit Development (PUD) application, the Planning Director hereby approves PUD No. 09-000016 to allow the development of a 101-lot farm community, commonly identified as "Moa'ula Agricultural Subdivision" or "Moa'ula Coffee Farm." The property is proposed for use/development as coffee farms, farms residences, roads, bridges and drainage systems, lots established for coffee processing, workers' housing, agricultural co-op offices, and a research and training facility.

The PUD application seeks relief from the following Subdivision and Zoning code standards:

- Individual rainwater catchment and private well system in lieu of a public system, or system meeting Department of Water Supply standards,
- Individual wastewater system for sewage disposal in lieu of a municipal system,
- Use of private roadway standards in lieu of dedicable roadway standards,
- Roads standards that differ from the general subdivision requirements,
- Relief from block requirements,

- Increases in road lengths for dead-end roads and cul-de-sacs,
- Omission of sidewalks and pedestrian ways,
- Omission of curbs and gutters, and
- Reduction in lot size and building site area below the minimum zoning requirement.

### **Planned Unit Development Purpose**

Section 25-6-1 of the Zoning Code identifies the purpose of PUDs as follows:

The purpose of planned unit development (P.U.D.) is to encourage comprehensive site planning that adapts the design of development to the land, by allowing diversification in the relationships of various uses, buildings, structures, open spaces and yards, building heights, and lot sizes in planned building groups, while still insuring that the intent of this chapter is observed.

### **Project Location and Description**

The subject property (TMKs 9-6-003:002 and 022; 9-6-005: 015 and 056; 9-6-006: 005, 006, 007, and 008), hereinafter referred to as "Property", totals approximately 2,022 acres in size and is located northwest of Pahala Town at Moa'ula, Ka'u District, Island of Hawaii (see *Attachment 1*). The subject property is relatively undeveloped, with existing uses being coffee farms, pasture land, and naturalized areas. Prior use of the property was a sugarcane plantation ranging back to the late 1800s. Elevations within the property range from approximately 660 feet above mean sea level at the makai boundary to approximately 2,500 feet. An archaeological survey had previously been conducted by Haun and Henry (2004) and more recently by Rechtman Consulting, LLC. Eight archaeological sites were recorded (see *Attachment 2*), with differing degrees of significance and preservation recommended. Further recommendations were made for ongoing monitoring during any mass grading and grubbing.

### **PUD Application Overview**

The Moa'ula Coffee Farm is proposed as the integration of existing and future coffee farms into a planned farming community. The development envisions farm lots organized around a pre-determined agricultural plan, wherein a substantial portion of each farm lot is dedicated to agricultural production directly by the lot owner or by a local farmer through a long-term lease (see *Attachment 3*). Coffee is anticipated to be the principal crop; however other crops and agricultural activities are expected. The PUD application identifies that, where practical, the community will employ sustainable development practices such as water catchment and conservation measures.

### **Ownership, Organization and Governance**

WWK Hawaii-Moa'ula, LLC and WWK Hawaii-Church, LLC are Delaware limited liability companies and own the property. Ka'u Farm & Ranch Company, LLC (KF&R) is owned and controlled by WWK, with KF&R to develop and market the property. KF&R is to be organized under a governance charter with a "Farm Owners Association" (FOA). Additionally, the applicant has proposed that KF&R will create an agricultural cooperative (AG CO-OP) offering on-site coffee processing, marketing and research facilities and services to on-site farmers and possibly other farmers outside the project. KF&R is proposed as the FOA's founder, controlling the FOA until a turnover (application anticipates within ten years of the start of the development or when 90% of the farm lots are sold, whichever occurs first).

### **Land Use Designations and Compliance with Agricultural Character**

The Property is situated within the State Land Use Agricultural District and currently designated as Agricultural by the County General Plan, Land Use Pattern Allocation Guide (LUPAG) Map (see *Attachment 4*). The property is further mapped by the Agricultural Lands of Importance to the State of Hawaii (ALISH) as Prime Ag Lands and Other Important Ag Lands (see *Attachment 5*). The County zoning for the Property is A20a – Agricultural 20 acre minimum lot size.

The application proposes 101 lots to be created; including 98 farm lots and the remainder designated for roads, open space, and devoted to various farm facilities. These associated farm facilities include a coffee processing center, co-op and guest-worker housing, and coffee research center (see *Attachments 6 & 7*).

Overall density is proposed at one lot per 20 acres of land, however through the PUD process a number of lots are proposed below the general lot size standard. Proposed "farm lots" range from 6 acres to 25 acres, average 14 acres in size and identified as having approximately 1.5 predetermined acres per lot available for farm dwelling-related purposes, with the remainder for agricultural use. Approximately 615 acres are designated for open space and center around major drainage ways running mauka-makai through the property. The development is proposed in phases, depending upon market demand, which would include farm lots, infrastructure and other community improvements with each phase (see *Attachment 8*).

### **Proposed Subdivision Improvements**

*Water:* Individual rainwater catchment and private well system is proposed in lieu of a public system, or system meeting Department of Water Supply standards. The Department of Water Supply has provided comments concerning the property being outside their service limits, significant cost to upgrade the system for service, no funding or time line known for such, and no

opposition to the use of catchment/private well. Furthermore, a separate Variance application is being reviewed concurrently to provide relief from this requirement. Rainfall occurring at the property ranges at elevations where precipitation is measured from approximately 60 inches per year to 120 inches per year (see *Attachment 9*).

*Sewer:* Individual wastewater system for sewage disposal is proposed in lieu of a municipal system, since no municipal system is available in the vicinity.

*Roads:* The application identifies that the roads for the development will be rural in nature and not gated. Access to the property is not provided directly through public county roads but rather through an existing cane haul road (collector road). Various road-related improvements are proposed, many of which require variances and are identified below. (See *Attachment 10*)

- In lieu of public roads, the proposed interior roads are to be privately owned and maintained by the farm owners association, along with the landscaping, roadside swales and drainage. The applicant has identified a potential future dedication of the collector road to the county, however the Department of Public Works has raised concerns since it does not currently connect to a county road. Furthermore the collector is proposed with a grassed shoulder while DPW generally requires paved shoulders for dedicable roads.
- Collector Road: The main road within the development is a former cane haul road and proposed as a 20-foot paved section within a 60-foot right-of-way (ROW) (see *Attachment 11*). It should be noted that the circulation plan appears to inadvertently label the collector road as a 50-foot wide ROW.
- The remaining roads are identified to be surfaced with asphalt or concrete, with private drives serving up to four farm lots and being surfaced with gravel depending on slope.
  - Minor Two-Lane Road: Identified as secondary roads with paved driving surface of 16 feet within a 30-foot ROW (see *Attachment 12*). The road detail provided by the applicant, however, identifies the drive surface as "pavement/gravel." Other road sections are identified as a paved driving surface of 12 feet within a 24-foot ROW. No road details have been provided for this 12-foot section within a 24-foot ROW or clarification of when/where such would be used within the development.
  - Minor Single Lane Roads & Dead-end Roads: Identified as gravel shared drives 12 feet in width and allowing access to up to 4 farm lots (see *Attachment 13*). Said 12-foot drives are proposed with pull-outs to accommodate 2-way traffic. It should be noted that the road details for these single lane roads are identified within 30-foot ROWs, while the circulation plan identifies them within 24-foot wide ROWs.
- Drainage: Roadside drainage is proposed by grassed roadside swales. A variance is being requested for the omission of curbs and gutters, which would be an improvement more typical of a subdivision in an urban setting.

- Water course roadway crossings: The applicant proposes the construction of permanent structural roadway crossings via box culverts or bridges; single lane structures 16 feet in width.
- Cul-de-sacs/dead end roads: The applicant proposes an increase the in length generally permitted for cul-de-sac type roads due to the agricultural character, limited traffic and access needed, and physical characteristics of the land.
- Improved access ways for pedestrians has also been discussed in the application, with sidewalks and pedestrian ways proposed for omission.

#### AGENCIES' REVIEW

- Co. of HI Dept. of Environmental Management memorandum, dated July 25, 2009, commenting on wastewater and solid wastes (see *Attachment 14*).
- Co. of HI Fire Dept. memorandum, dated July 31, 2009, commenting on access, fire suppression and signage (see *Attachment 15*).
- Co of HI Police Dept. memorandum, dated August 5, 2009, commenting on seasonal workers and the accommodations that might be provided (see *Attachment 16*).
- Co. of HI Dept. of Public Works memorandum, dated August 7, 2009, commenting on various issues (see *Attachment 17*).
- Co. of HI Dept. of Water Supply memorandum, dated August 7, 2009, commenting on the property being outside of their service area, the significant improvements that would be required, lack of current funding, and lack of a schedule for said improvements. The memo further identifies no opposition to the applicant's use of a private well and rainwater catchment to serve the development (see *Attachment 18*).
- Hawaii Electric Light Company, Inc. memorandum, dated August 7, 2009, commenting on its ability to provide electrical service (see *Attachment 19*).

#### PUBLIC COMMENTS

No comments were received from the general public.

#### APPROVED VARIANCES

The following variances are hereby approved:

##### Variances to the Subdivision Code

- **Water Supply/System** (Hawai'i County Code §23-84). County code requires a water system meeting the minimum requirements of the County Department of Water Supply. The applicant has proposed a combination of individual rainwater catchment and private well

system in lieu of a public system, or system meeting Department of Water Supply standards. Relief from this requirement must be provided by a separate Variance application that has been submitted concurrently with this PUD application.

- **Wastewater/Sewage Disposal System** (Hawai'i County Code §23-85). County code requires that where subdivisions cannot make sewer connections to existing systems, that they meet the minimum requirements of the State Department of Health. The applicant has proposed individual wastewater systems for sewage disposal in lieu of a municipal system since the project area is not served by municipal sewage disposal, Individual Wastewater Systems (IWSs) allow accommodations for existing farm acreage, and the proposed IWSs will be able to discharge water to be used for irrigation purposes.
- **Public Streets** (Hawai'i County Code §23-53). Use of private roadway standards in lieu of dedicable roadways has been requested and approved, as detailed further under the Minimum Right-of-Way and Pavement Width section below. If at such future time that the subdivision roads are improved to dedicable standards, the County may consider its dedication. All roads within the development are proposed as privately owned and maintained, including such improvements as the travel ways, drainage improvements and grassed shoulders.
- **Cul-de-sacs** (Hawai'i County Code §23-48) restricts cul-de-sacs to no more than 600 feet in length nor serving more than 18 lots. Of the approximate 3.67 miles of dead-end and cul-de-sac roads that this PUD application proposes, six road segments will be longer than the 600-foot maximum and each of the six serves less than three lots.
- **Minimum Right-of-Way and Pavement Widths** (Hawai'i County Code §23-41). Subdivision standards, relevant to the proposed rural/agricultural streets, would generally require the following:
  - Collectors: 60 feet ROW with 20 feet paved constructed to DPW Standard Details R-33 and R-34 (see *Attachments 20 and 21*).
  - Minor streets (including cul-de-sacs/dead ends): 50 ROW with 20 paved constructed to DPW Standard Detail R-39 (see *Attachment 22*).

The department has approved the following street standards:

- Collector: 60 feet ROW with 20 feet paved constructed to DPW Standard Details R-39, but with grassed shoulders in lieu of paved shoulders requested by DPW. Should at such future time the subdivision roads be considered for dedication, roads will need to be upgraded for compliance with DPW Standard Details R-33 and R-34, however the County may not desire to accept such dedication due to the proposed road network not connecting to a government road.
- Minor Two-Lane Roads: These secondary roads are being approved for access to more than 4 farm lots. Improvements are identified as paved driving surfaces 16 feet in width,

located within a 30-foot ROW, grassed shoulders and constructed per DPW Standard Detail R-39.

- Minor Single Lane Roads & Dead-end Roads: These minor roads are being approved for access up to 4 farm lots. Improvements are identified as gravel shared drives 12 feet in width, located within a 30-foot ROW, and grassed shoulders. Said 12-foot drives are proposed with pull-outs to accommodate 2-way traffic.
- **Sidewalks** (Hawai'i County Code §23-89) and **Pedestrian Ways** (Hawai'i County Code §23-90). Paved pedestrian access is generally required with new subdivision requests, however the applicant has requested that this improvements be omitted since the property is agricultural in character. Due to the relatively low traffic anticipated for the development, and the presence of maintained grassed shoulders which will allow for pedestrian movement at a location other than the vehicular travel way, the department does not oppose this variance.
- **Dedicable Streets** (Hawai'i County Code §23-86). This code section prescribes certain improvements for streets with the anticipation of future dedication. The PUD application, however, requests that roads be developed and maintained as private (aside from the collector road which the application cites as potentially being dedicated at some future date).
- **Curbs and Gutters** (Hawai'i County Code §23-91). The applicant requests the omission of curbs and gutters in the development and replacement with grassed shoulders to be privately maintained.
- **Minimum Lot Sizes** (Hawai'i County Code §23-33). The applicant requests a reduction to the minimum lot size for lots zoned A-20a. Additional discussion and limitations of this variance is provided below under the *Variances from Zoning Code* section.
- **Block Sizes** (Hawai'i County Code §23-29). The Subdivision Code designates blocks to no less than 400 feet in length and no more than 1,300 feet in length. Due to the agricultural nature of the development, topography and natural areas, a typical "lot and block" layout is not feasible for the proposal. Furthermore, the department has confirmed that block lengths may necessitate reduction with a minimum of 200 feet being approved.

#### Variances to the Zoning Code

- **Minimum Lot Sizes** (Hawai'i County Code §25-5-71). The applicant requests a reduction to the minimum lot size for lots zoned A-20a. County zoning generally requires all A-20a-zoned lots to measure a minimum of 20 acres in size. Through the PUD process, the applicant proposed an average of one lot per 20 acres over the entire 2,020+ acre site. 98 of the 101 lots are proposed as "farm lots" and range in size from 6 to 25 acres, with an average of 14 acres. One parcel is planned to accommodate an agricultural/coffee research center and is permitted for a 2.4-acre minimum lot size. The reduction in lot area is reasonable due to a

large portion of the property being maintained as open space and designated for agricultural purposes.

- **Minimum Building Site Area** (Hawaii County Code §25-5-74). The applicant requests a reduction of the minimum 5 acres of buildable site area to 1.5 predetermined acres on which a farm dwelling and associated structures may be built. The remaining lot area is proposed to be maintained for agricultural purposes. As referenced above, one of the non-“farm lots” is also proposed at a minimum of 2.4 acres.

#### Variances Not Granted

- **Minimum Right-of-Way and Pavement Widths** (Hawai‘i County Code §23-41).
  - **Minor Two-Lane Road.** The application’s narrative seeks approval of some sections of the two-lane road to be improved with a 12-foot wide travel way within a 24-foot wide ROW. Sufficient explanation of need has not been provided to warrant approval, nor has there been clarification of where these lesser roads are proposed. The department has determined that a 30-foot wide ROW is appropriate.
  - **Minor Single Lane Roads & Dead-end Roads.** The road details provided within the application identify 12-foot wide travel ways within 30-foot wide ROWs, while the circulation plan identifies 24-foot wide ROWs. Due to the necessary ROW width to accommodate pull-outs, storm drainage and pedestrian access (since sidewalks and pedestrian ways have been omitted) a reduction to a 24-foot wide ROW width has not been approved.

#### **FINDINGS**

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

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

The applicant identifies that development is expected in phases and based upon farm lot sales. The first phase was anticipated for commencement upon receipt of the required approvals, assumed to start the Fall 2009 and spanning approximately 10 years for build-out and sales. The remaining phases were identified as starting in 2 to 3-year increments depending upon the sales market. Given that additional time has been needed by the department for the review and determination on the PUD, the development period is presumed to also have lengthened.



**(b) the proposed development substantially conforms to the General Plan.**

The applicant has provided an examination of the relevant portions of the General Plan and including the following: Section 2, Economy; Section 10, Public Facilities; Section 11, Utilities; Section 12, Transportation; and Section 13, Land Use. The Land Use Pattern Allocation Guide (LUPAG) map for the vicinity designates a significant portion of the site as "Important Agriculture" and "Extensive Agriculture." The applicant proposed to maintain the agriculture character of the property by providing for farm-lot sites and agricultural-emphasis via the co-op, coffee research center, coffee processing center and seasonal worker accommodations.

**(c) Any residential or agricultural development shall constitute an environment of sustained desirability and stability for the district that is in harmony with the character of the surrounding area, that results in an intensity of land use no higher than that otherwise specified for the district, and that maintains the standards of open space at least as high as that otherwise specified for the district in which the development occurs.**

The application identifies that, of the 2,022-acre site, there currently is approximately 270 acres under coffee cultivation by several local farmers. Other acreage is in pasture for beef cattle. Overall density equates one lot per 20 acres of land. The development proposal identifies that the farm community will employ sustainable development practices such as rain water catchment and conservation measures, wind and solar power, and sustainable wastewater facilities. Approximately 615 acres will further be designated as open space.

**(d) Any commercial development shall not create traffic congestion which exceeds that which would have been produced under conventional development patterns, practices and standards in the district or interfere with any projected public improvements, shall provide for proper entrances and exits along with proper provisions for internal traffic and parking, and be an attractive center which does not adversely impact upon adjacent and surrounding existing or prospective developments.**

Commercial-related activity is not planned.

- (e) **Any industrial development shall be in conformity with desirable performance standards and shall constitute an efficient and well organized development with adequate provisions for freight service and necessary storage, and shall not adversely impact upon adjacent and surrounding existing or prospective development.**

Industrial-related activity is not planned.

- (f) **The development of a harmonious, integrated whole justifies exceptions, if required, to the normal requirements of this chapter (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.**

Various deviations or exceptions from the Subdivision and Zoning Code have been requested, with the intent of a more harmonious overall design of the agricultural development.

#### **CONDITIONS OF APPROVAL**

The Planning Director hereby approves PUD 09-000016 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. *Master Plan and Street Layout.* The proposed development shall be developed in a manner which substantially complies with the goals, intent and vision of this PUD permit, as were expressed within exhibits, figures and narrative explanation.
3. *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.
4. *Allowable Density.* No more than one dwelling unit may be constructed on the individual farm lots (98 of the 101 proposed). Additional dwellings and residential-type accommodations are permitted on the remaining lots, such as the seasonal worker accommodations and temporary farm dwellings identified within the PUD application material.
5. *Plan Approval.* Pursuant to Section 25-2-71 (f) of the zoning code, Plan Approval will be required prior to development of such community improvements such as the coffee processing center, guest worker housing, and agricultural research center.

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6. *Ownership.* The private streets, open space lots, community lots, and the associated improvements are to be commonly owned/maintained or to have similar protection to ensure their continued presence, maintenance and operation.
7. *Easements and Preservation.* The recorded plat and/or other associated documents shall identify the location designed on the individual lots as the buildable area for non-agricultural production, agricultural production, open space, and archeological protection.
8. *Governance documents.* Prior to final subdivision approval of the first phase, the applicant shall provide to the department the proposed governance document(s) to be recorded against the property and ensuring the long-term management of the community. Such Articles of Incorporation, Bylaws, Conditions Covenants and Restrictions (CC&Rs), or other such governance documents shall clearly identify the development and continued existence of the property is primarily for agricultural purposes and limitations on allowable residential density. The applicant shall further provide design details, including conceptual graphical or narrative explanations, to aid the community in reviewing and approving road improvements and construction on individual lots for compliance with the agricultural character. A copy of the recorded document(s) shall be filed with the Planning Department upon its receipt from the Bureau of Conveyances.
9. *Ongoing coordination and compliance.* The applicant shall continue to coordinate with the applicable governmental agencies and department throughout the design and development of the site to address concerns and meet requirements, including those identified in the response memorandums provided to the Planning Department.
10. *Time Extension.* Pursuant to Section 25-2-7 of the Zoning Code, an application for the 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. If the applicant should require an extension of time, the applicant may request a time extension pursuant to Section 25-6-14 (Time extensions and amendments).

Should any of the conditions fail to be met or substantially complied with in a timely fashion, the Director shall initiate the nullification of the PUD 09-000016.

Sincerely,



BJ LEITHEAD TODD  
Planning Director

GES:nci

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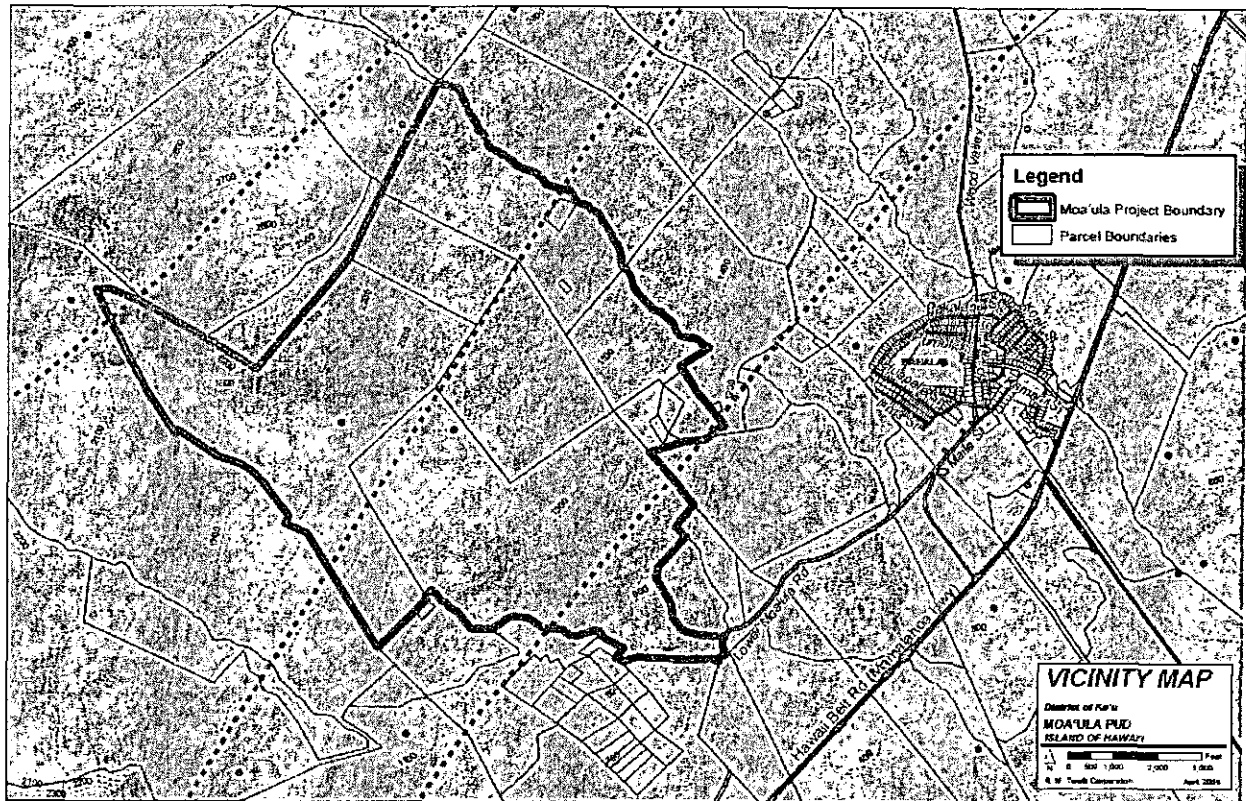
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- Enclosures:
- Attachment 1 – Vicinity Map
  - Attachment 2 – Archeological Site
  - Attachment 3 – Development Plan
  - Attachment 4 – Land Use Designation
  - Attachment 5 – ALISH Map
  - Attachment 6 – Conceptual Coffee Research Center
  - Attachment 7 – Conceptual Coffee Processing and Guest Worker Housing
  - Attachment 8 – Phasing Plan
  - Attachment 9 – Rainfall
  - Attachment 10 – Circulation Plan
  - Attachment 11 – Collector Road Detail
  - Attachment 12 – Two-lane Road Detail
  - Attachment 13 – One-lane Road Detail
  - Attachment 14 – Dept. of Environmental Management Memo
  - Attachment 15 – Fire Department Memo
  - Attachment 16 – Police Department Memo
  - Attachment 17 – Dept. of Public Works Memo
  - Attachment 18 – Water Supply Memo
  - Attachment 19 – Hawaii Electric Company Memo
  - Attachment 20 – DPW Standard Detail R-33
  - Attachment 21 – DPW Standard Detail R-34
  - Attachment 22 – DPW Standard Detail R-39

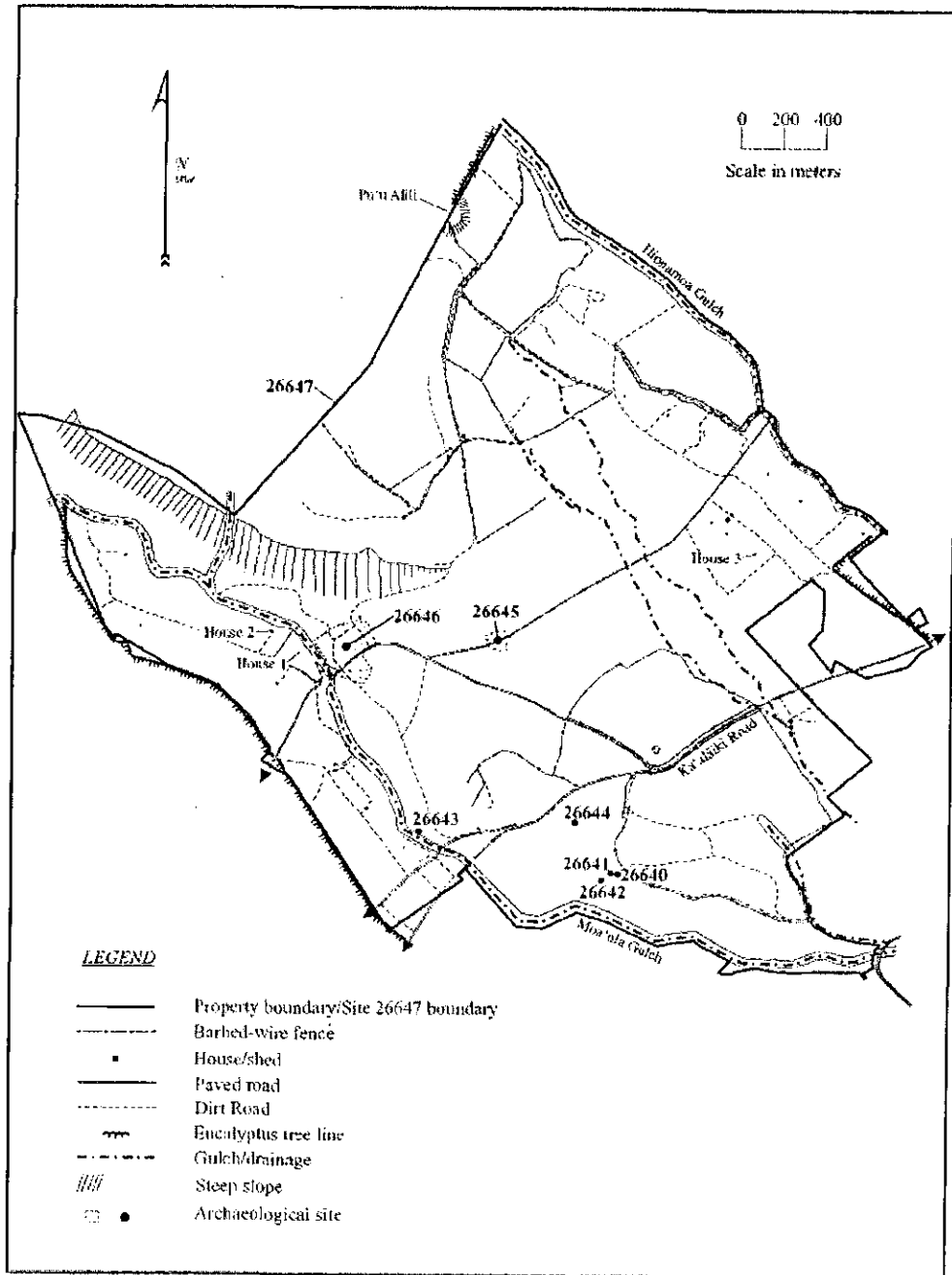
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- Department of Environmental Management
  - Department of Public Works, Engineering (Hilo and Kona)
  - Department of Water Supply
  - Fire Department
  - Hawaii Electric Light Company, Inc.
  - Police Department

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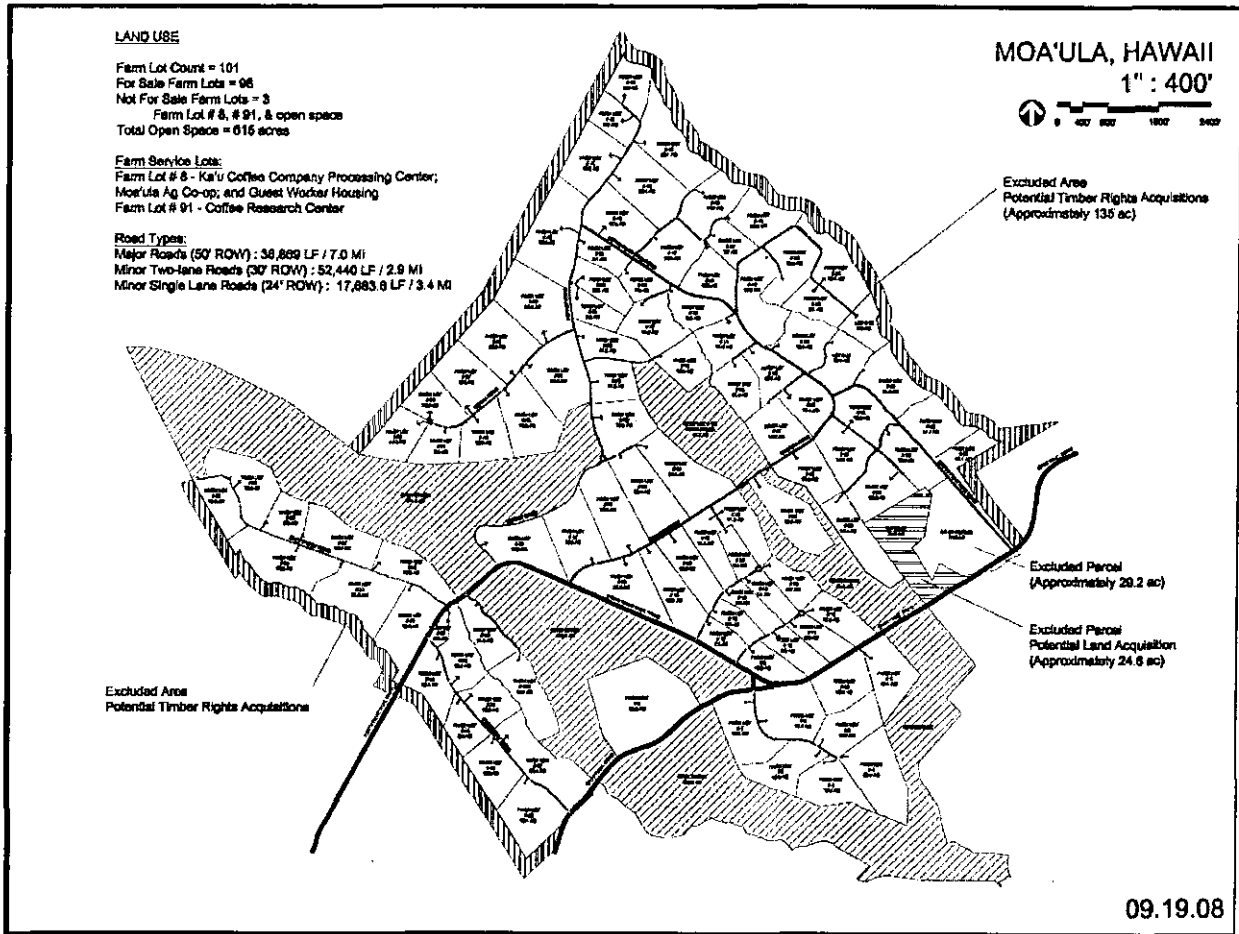
*Attachment 1 – Vicinity Map*



Attachment 2 – Archeological Sites



Attachment 3 – Development Plan



Attachment 4 – Land Use Designation

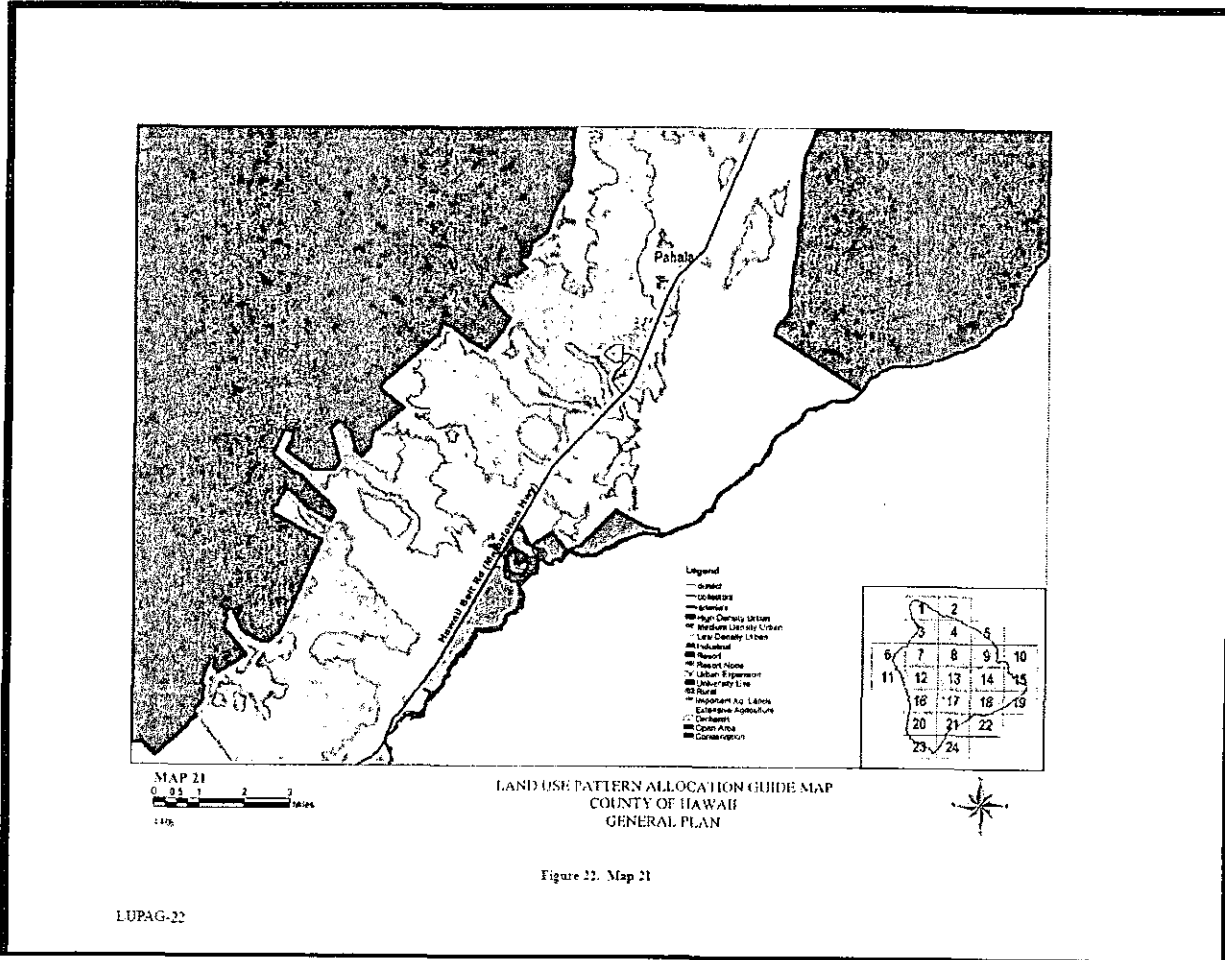
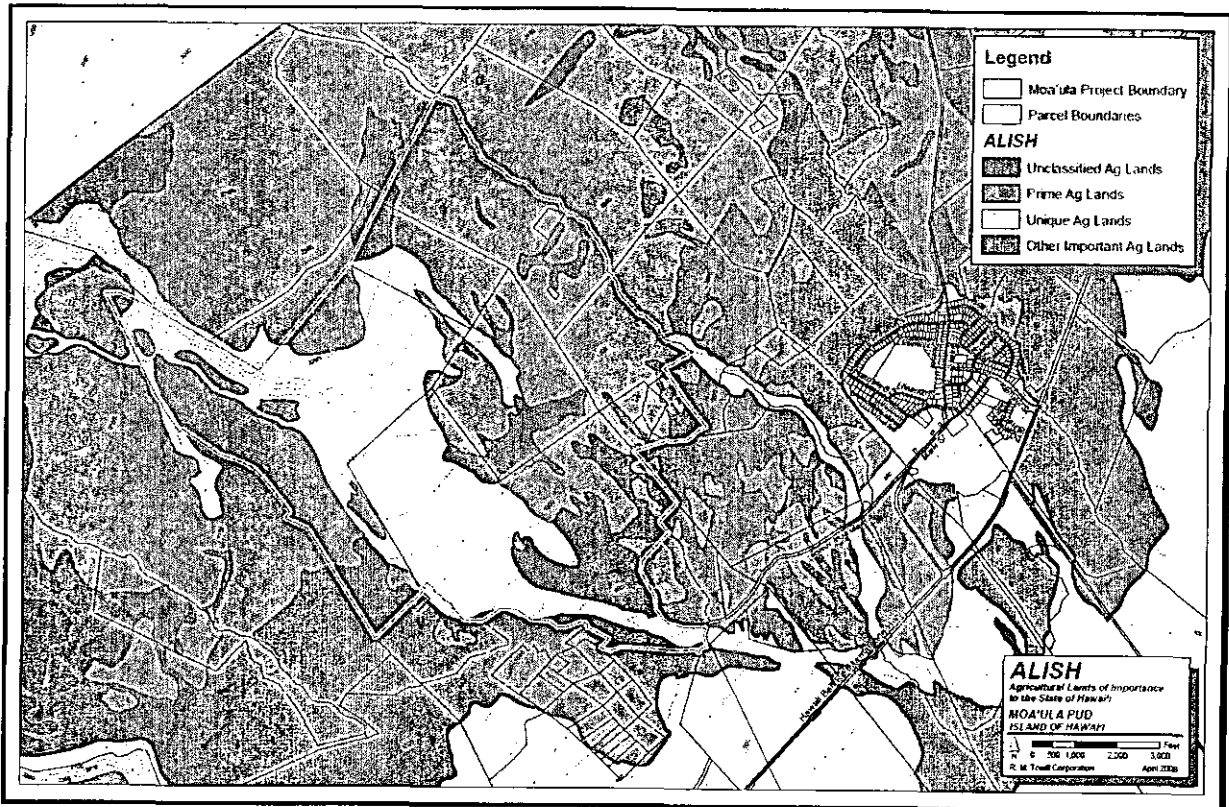


Figure 22. Map 21

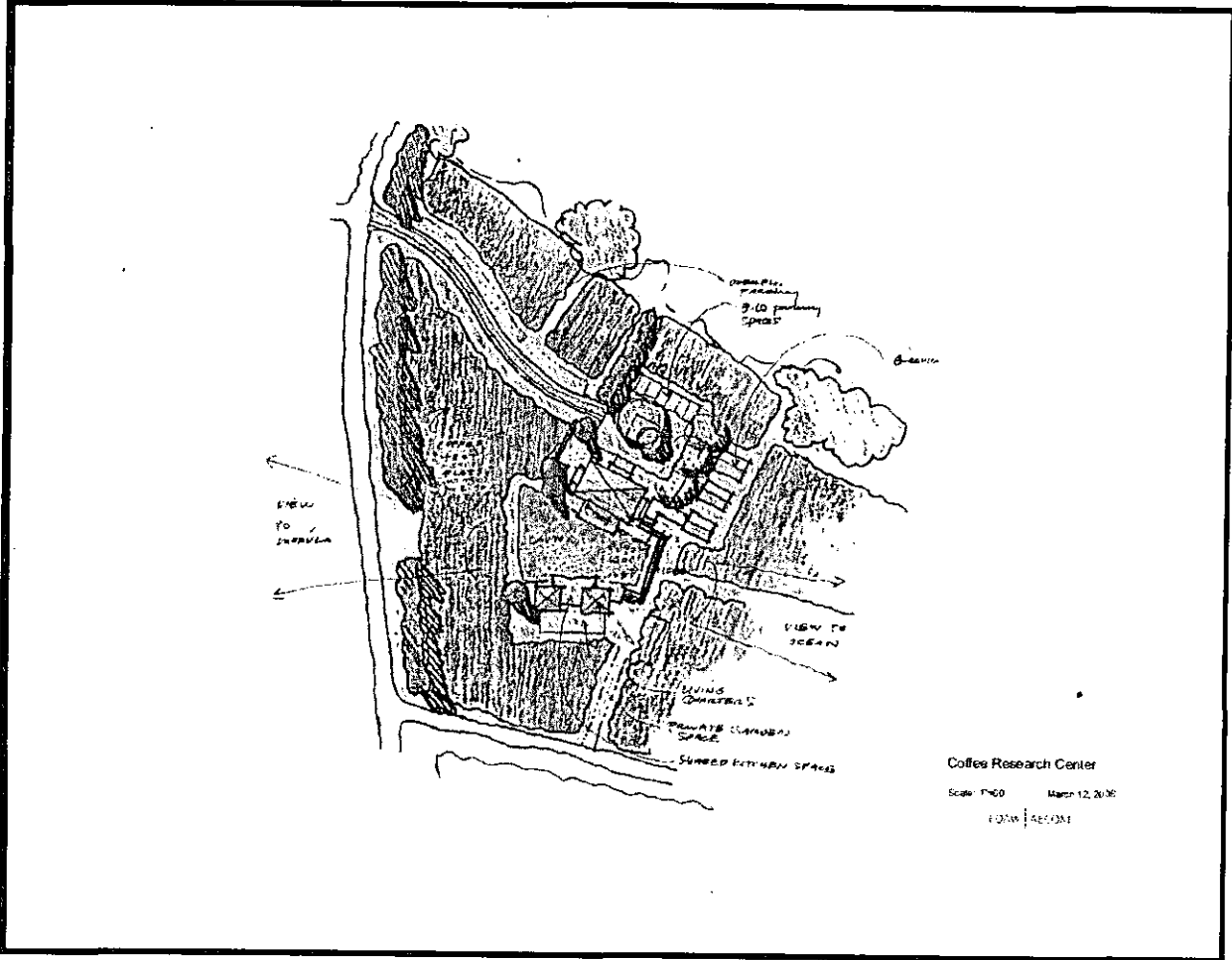
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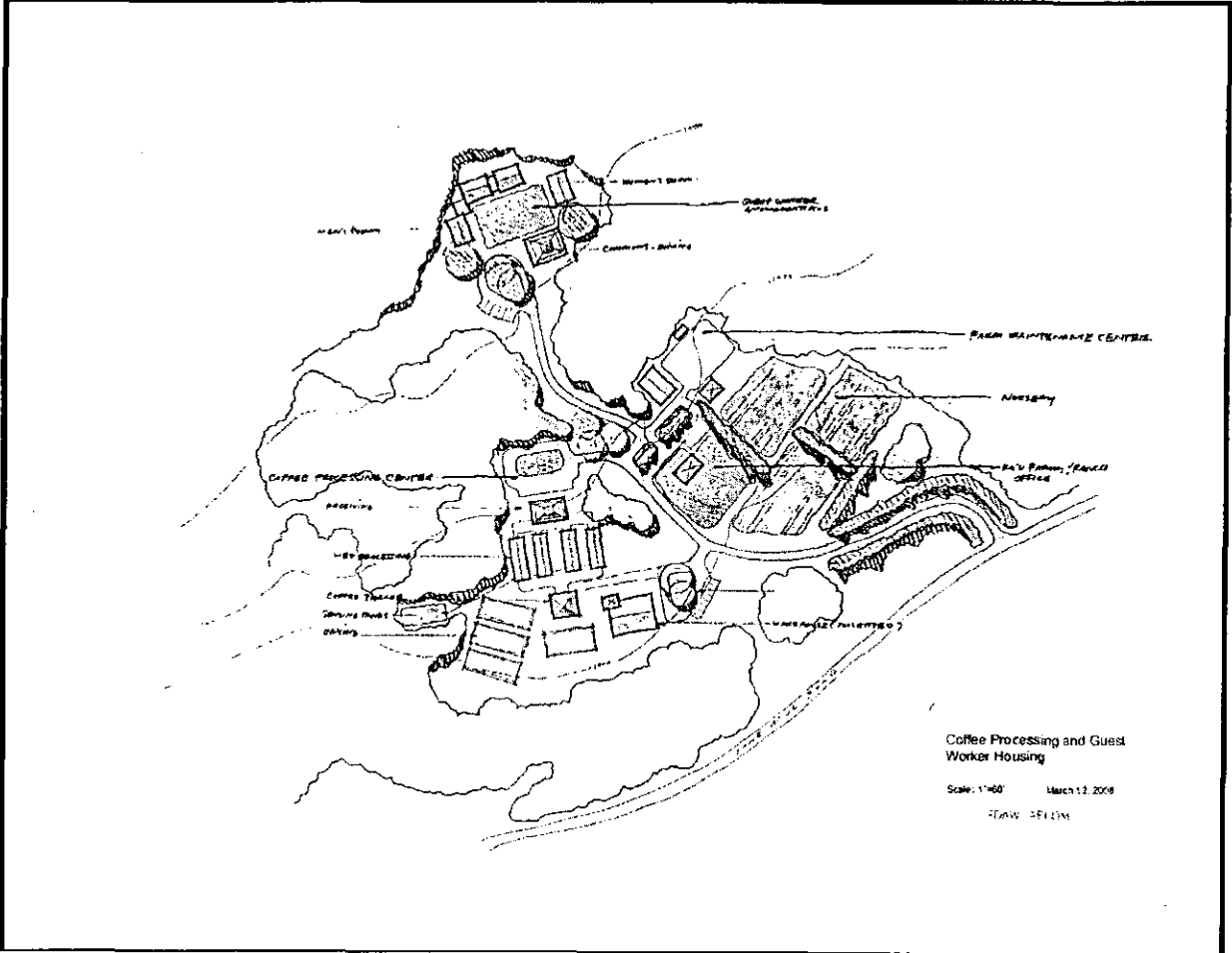
Attachment 5 – ALISH Map



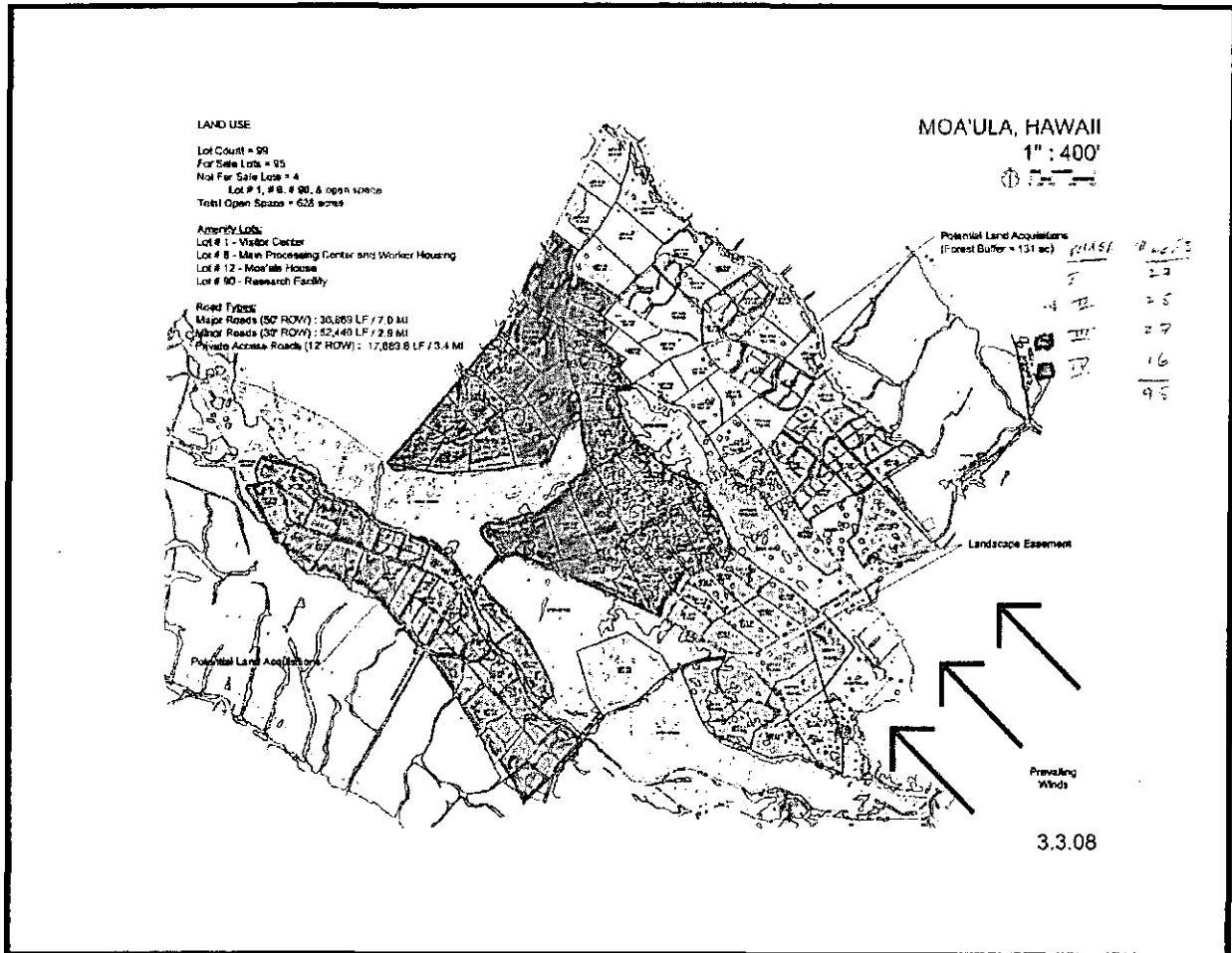
*Attachment 6 – Conceptual Coffee Research Center*



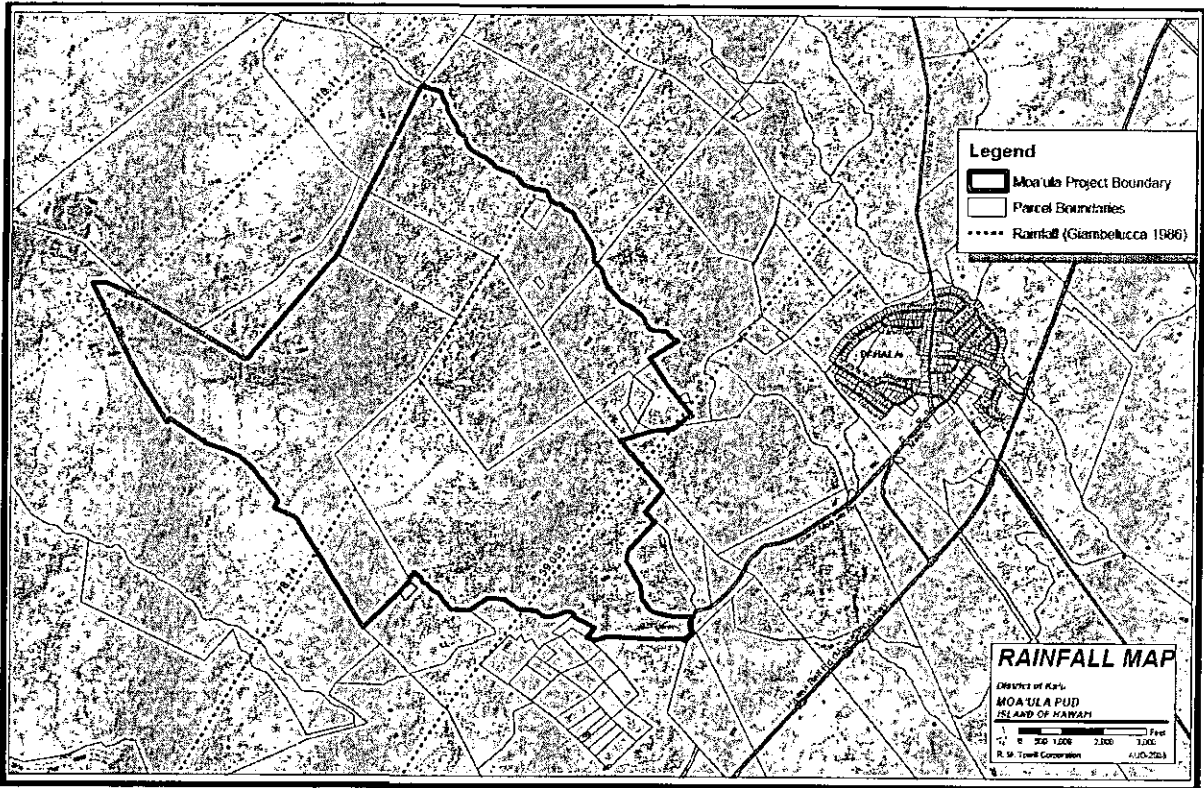
*Attachment 7 – Conceptual Coffee Processing and Guest Worker Housing*



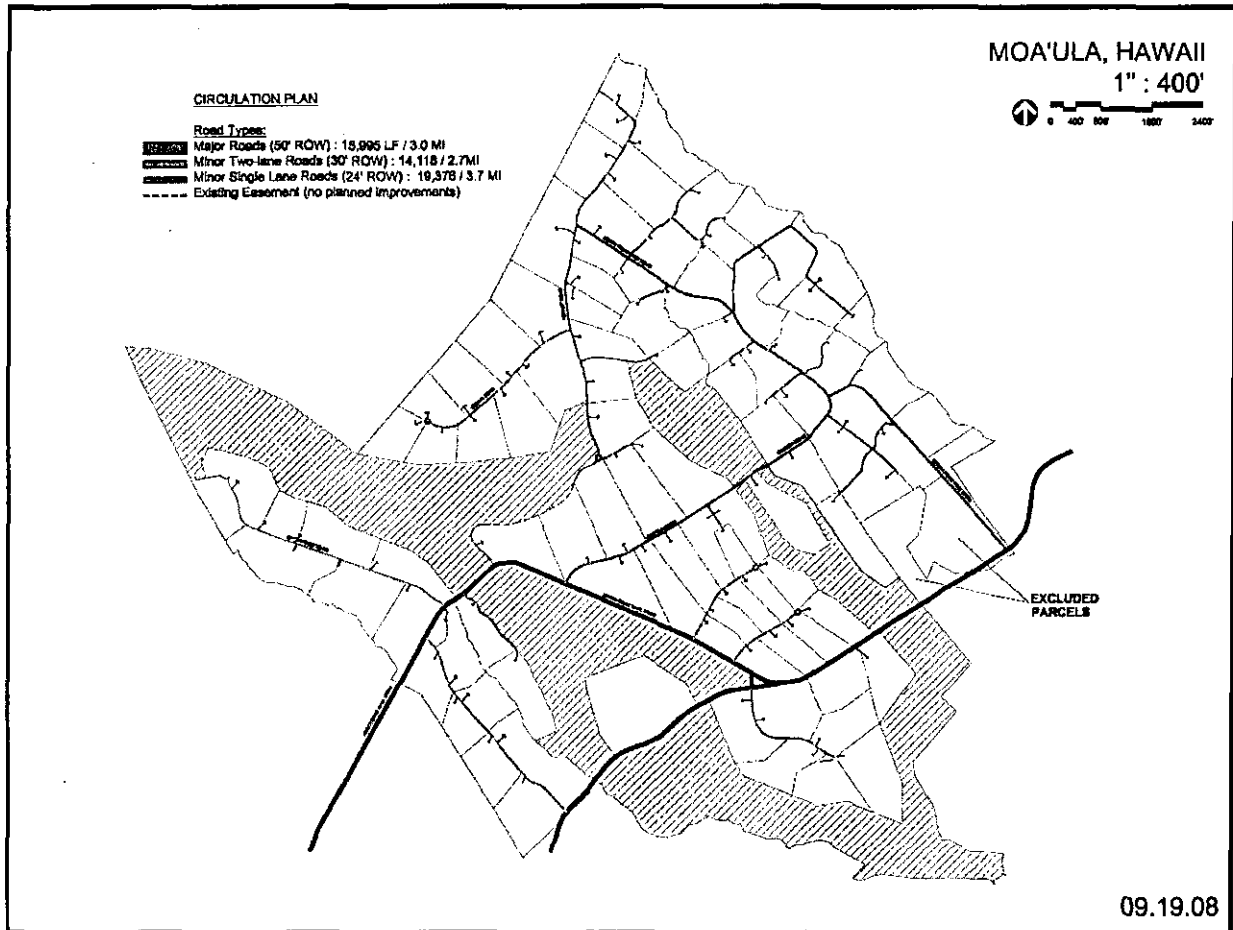
Attachment 8 – Conceptual Phasing Plan



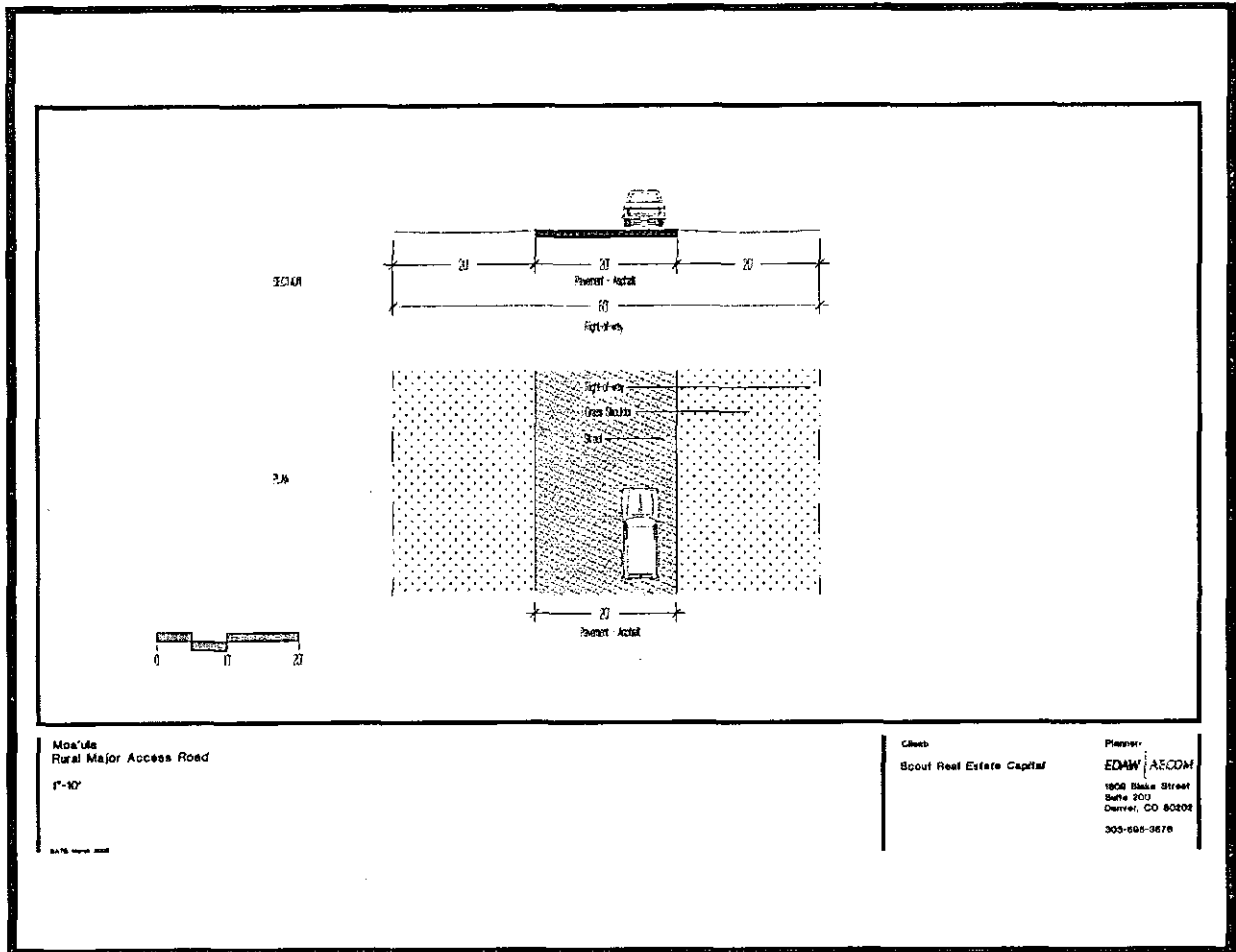
*Attachment 9 – Rainfall*



*Attachment 10 – Circulation Plan*

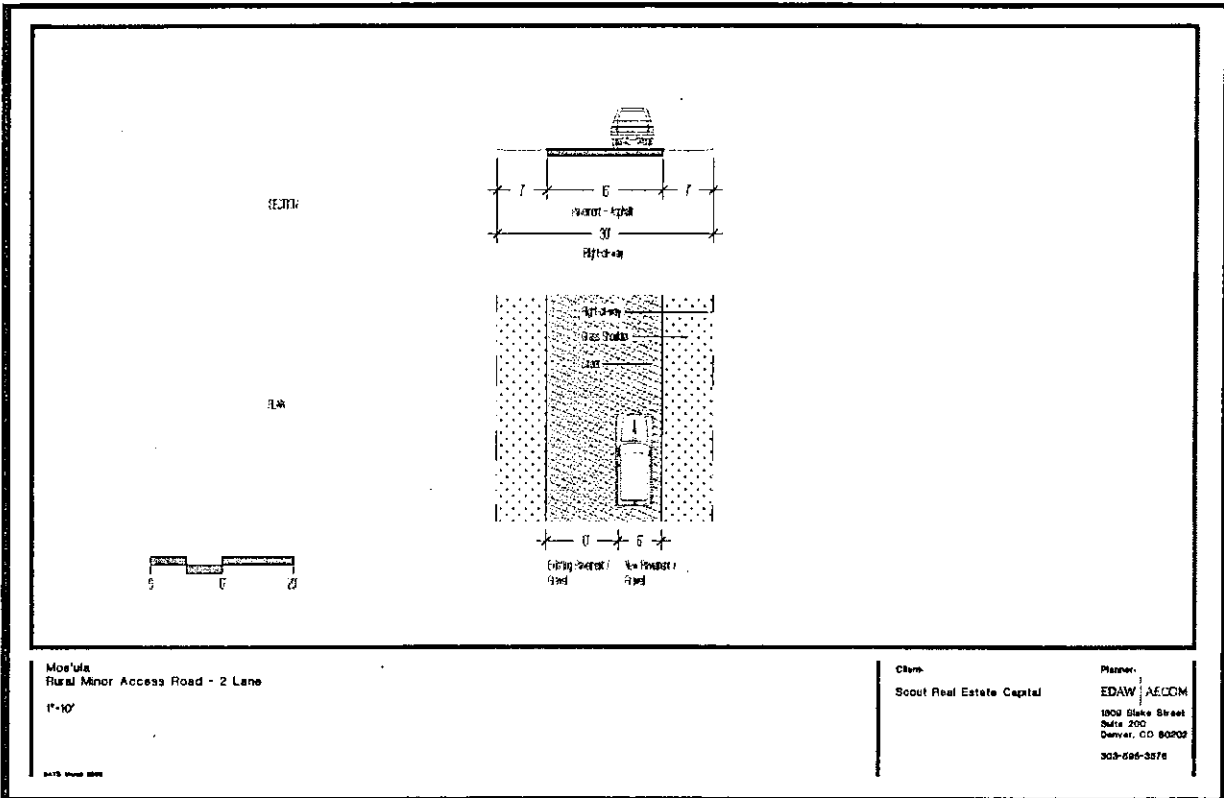


Attachment 11 – Collector Road Detail



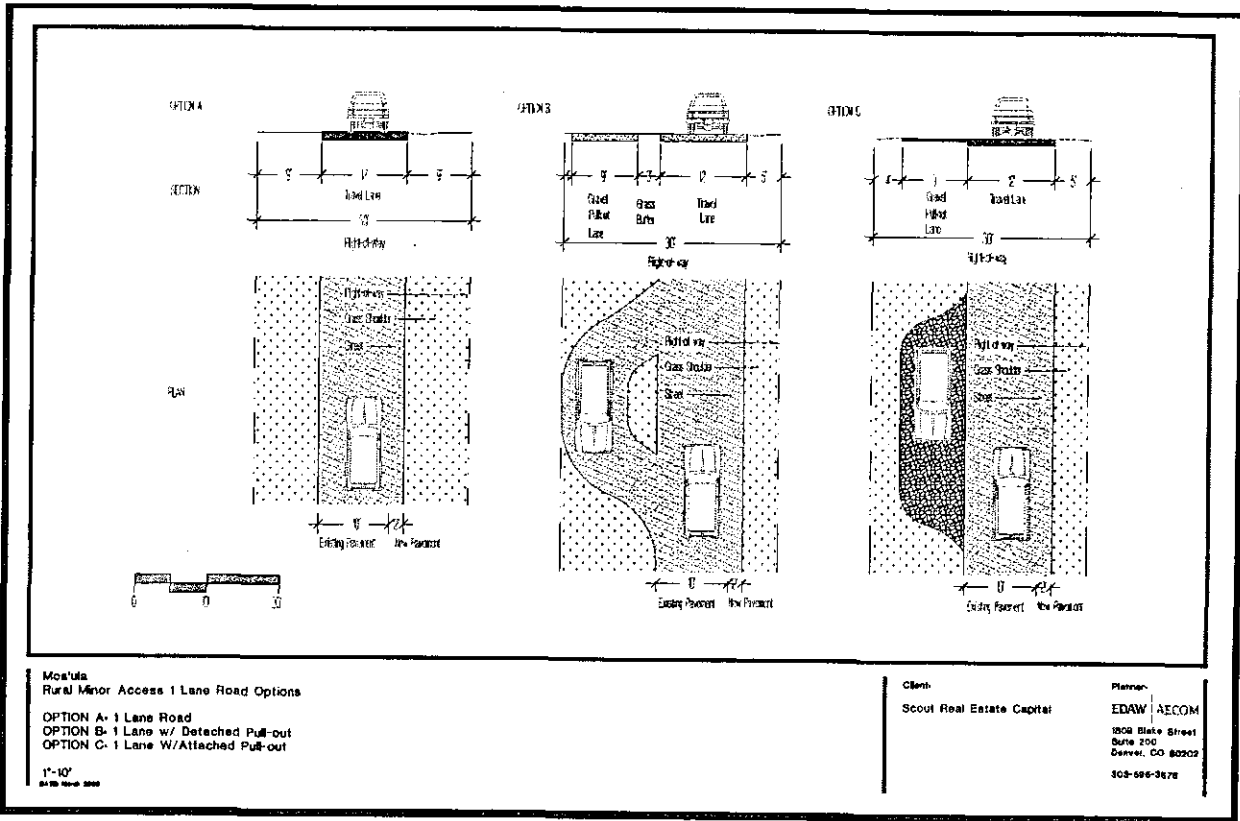
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*Attachment 12 – Two-Lane Road Detail*





Attachment 13 – One-Lane Road Detail



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Attachment 14 – Dept. of Environmental Management Memo

William Kenoi  
Mayor



PLANNING DEPARTMENT  
2009 JUL 31 PM 4:21  
Lono A. Tyson  
Director  
Iviah M. Torigoe  
Deputy Director

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(808) 961-8083 • Fax (808) 961-8086  
[http://co.hawaii.hi.us/director/dir\\_envmna.htm](http://co.hawaii.hi.us/director/dir_envmna.htm)

MEMORANDUM

Date : July 25, 2009  
To : BJ LEITHHEAD TODD, Planning Director  
From : LONO A. TYSON, Director *LT*  
Subject: PLANNED UNIT DEVELOPMENT APPLICATION (PUD 09-000016)  
Re: MOAULA AGRICULTURAL SUBDIVISION  
Representative: CARLSMITH BALL, LLP  
Applicant: KA'U FARM & RANCH, LLC  
Owner: WWK HAWAII-MOAULA LLC  
TMK: 9-6-003:002 and 022; 9-6-005:015 and 056; and 9-6-006:005, 006, 007 and 008

We have reviewed the subject application and offer the following recommendations:

DEPARTMENT COMMENTS: REFER TO COMMENTS BELOW.

WASTEWATER COMMENTS:

- No comments
- Require connection of existing and/or proposed structures to the public sewer in accordance with Section 21-5 of the Hawai'i County Code.
- Require Council Resolution to approve sewer extension in accordance with Section 21-26.1 of the Hawai'i County Code. Complete D.E.M. Sewer Extension Application.
- Require extension of the sewer system to service the proposed subdivision in accordance with Section 23-85 of the Hawai'i County Code.
- Other: NOT WITHIN PLANNED SEWER AREA FOR PUD

TECHNICAL SERVICES COMMENTS:

SOLID WASTE COMMENTS:

- No comments
- 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.
- Green waste may be transported to the green waste sites located at the Kaitua and Hilo transfer stations, or other suitable diversion programs.
- Construction and demolition waste is prohibited at all County Transfer Stations.
- Submit Solid Waste Management Plan in accordance with attached guidelines.
- Existing Solid Waste Management Plan is to be followed. Provide update to the department on current status.
- Other:

cc: SWD, WWD

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Steven S. C. Lim, Esq.  
CARLSMITH BALL LLP  
Page 27  
May 11, 2011

Attachment 15 – Fire Department Memo

William P. Kenoi  
Mayor



PLANNING DEPARTMENT  
COUNTY OF HAWAII  
Darryl J. Oliveira  
Fire Chief

2009 AUG -5 AM 8:46  
Glen P. I. Honda  
Deputy Fire Chief

County of Hawai'i  
HAWAII FIRE DEPARTMENT  
25 Aupuni Street • Suite 103 • Hilo, Hawaii 96720  
(808) 981-8394 • Fax (808) 981-2037

July 31, 2009

TO : BJ LEITHEAD TODD, PLANNING DIRECTOR  
FROM : DARRYL OLIVEIRA, FIRE CHIEF  
SUBJECT: PLANNED UNIT DEVELOPMENT APPLICATION (PUC 09-000016)  
RE: MOAULA AGRICULTURAL SUBDIVISION  
REPRESENTATIVE: CARLSMITH BALL, LLP  
APPLICANT: KAU FARM 7 RANCH, LLC  
OWNER: WWK HAWAII-MOAULA LLC  
TAX MAP KEY: 9-6-003:002 AND 022' 9-6-005:015 AND 056;  
AND 9-6-006:005, 006, 007, AND 008

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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BJ Leithead Todd  
July 31, 2009  
Page 2

"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

Steven S. C. Lim, Esq.  
CARLSMITH BALL LLP  
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May 11, 2011

BJ Leithead Todd  
July 31, 2009  
Page 3

designed live loading sufficient to carry the imposed loads of fire apparatus.

"(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."

In that the catchment system will also be used for fire protection, it is recommended that the fire department connection to the tank be located in an area accessible by fire apparatus.

  
DARRYL OLIVEIRA  
Fire Chief

RP:lpc

Steven S. C. Lim, Esq.  
CARLSMITH BALL LLP  
Page 30  
May 11, 2011

*Attachment 16 – Police Department Memo*

William P. Kenoi  
*Mayor*

PLANNING DEPARTMENT  
COUNTY OF HAWAII



Harry S. Kubojiri  
*Police Chief*

Paul K. Ferreira  
*Deputy Police Chief*

2009 AUG -7 PM 12:08

**County of Hawai'i**

POLICE DEPARTMENT  
349 Kapi'olani Street • Hilo, Hawai'i 96720-3998  
(808) 935-3311 • Fax (808) 961-2389

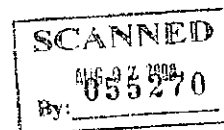
August 5, 2009

TO : BJ LEITHEAD TODD, PLANNING DIRECTOR, PLANNING DEPARTMENT  
FROM : HENRY A. TAVARES JR., ASSISTANT CHIEF, AREA II OPERATIONS  
SUBJECT : PLANNED UNIT DEVELOPMENT APPLICATION (PUD 09-000016)  
Re: Moaula Agricultural Subdivision  
Representative: Carlsmith Ball, LLP  
Applicant: Kau Farm & Ranch, LLC  
Owner: WWK Hawaii-Moaula LLC  
Tax Map Key: 9-6-003:002 and 022; 9-6-005:015 and 056;  
and 9-6-006:005, 006,007, and 008

Staff has reviewed the above-referenced application and voiced concerns over the importing and housing of seasonal workers and their impact on the surrounding community. As pointed out on page 19 of the application, there are plans for a "30-room men's dormitory." Staff recommends single occupancy of the rooms to mitigate problems between workers. Staff was also concerned with potential violence between seasonal workers and the residents of Pahala and Naalehu.

Should you have any questions, please contact Captain Andrew Burian, Commander of the Ka'u District, at (808) 939-2520.

AB/HJT:dmv  
RS 0900452



Steven S. C. Lim, Esq.  
CARLSMITH BALL LLP  
Page 31  
May 11, 2011

Attachment 17 – Dept. of Public Works Memo

PLANNING DEPARTMENT  
COUNTY OF HAWAII  
700 PUNAHOU RD HI 96726  
DEPARTMENT OF PUBLIC WORKS  
COUNTY OF HAWAII  
HILO, HAWAII

DATE: August 7, 2009

*Memorandum*

TO: BJ Leithead Todd, Planning Director

FROM: *fw* Department of Public Works

SUBJECT: PLANNED UNIT DEVELOPMENT APPLICATION (PUD 09-000016)  
Moaula Agricultural Subdivision  
Representative: Carlsmith Ball, LLP  
Applicant: Ka'ū Farm & Ranch Company, LLC  
Owner: WWK Hawai'i-Moa'ula LLC  
TMKs: 9-6-03:002 & 022; 9-6-05: 015 & 056; & 9-6-06: 05, 07, & 08

We have reviewed the subject application forwarded by your memo dated July 17, 2009 and offer the following comments for your consideration.

All development-generated runoff shall be disposed of on site and not directed toward any adjacent properties. A drainage study shall be prepared and the recommended drainage system shall be constructed meeting the approval of the Department of Public Works.

Identify all watercourses and drainageways. Identify "top-of-bank" of gulches and streams and designate areas within as "approximate areas of flood inundation."

The subject parcels are in an area designated as Zone X on the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA). Zone X is an area determined to be outside the 500-year floodplain.

All earthwork activity, including grading and grubbing, shall conform to Chapter 10, Erosion and Sedimentation Control, of the Hawaii County Code.

For areas intended for agricultural use, the applicant should consult with the Natural Resources Conservation Service (an agency of the U. S. Department of Agriculture) which works with the local Soil and Water Conservation Districts.

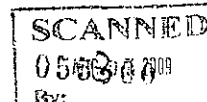
All roads "for future dedication to the County" shall be designed and constructed to County dedicable standards including 20 foot wide pavement with paved shoulders and swales conforming to standard details R-33 and R-34.

We are concerned with the proposed future dedication of the "main" roads (former cane haul roads) as they do not connect to any County roads.

Install streetlights and traffic control devices as may be required by the Traffic Division, Department of Public Works. The applicant shall be responsible for the design, purchase, and installation of such devices.

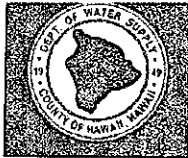
Questions may be referred to Kelly Gomes at ext. 8327.

County of Hawaii is an Equal Opportunity Provider and Employer



Steven S. C. Lim, Esq.  
CARLSMITH BALL LLP  
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May 11, 2011

Attachment 18 – Dept. of Water Supply Memo



DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII  
345 KEKŪANAŌ'A STREET, SUITE 20 • HILO, HAWAII 96720  
TELEPHONE (808) 961-8050 • FAX (808) 961-8657

August 7, 2009

TO: Ms. BJ Leithhead Todd, Planning Director  
Planning Department

FROM: Milton D. Pavao, Manager

SUBJECT: PLANNED UNIT DEVELOPMENT APPLICATION (PUD 09-000016)  
APPLICANT – KA'U FARM AND RANCH, LLC  
TAX MAP KEY 9-6-003:002 AND 022; 9-6-005:015 AND 056; AND 9-6-006:006, 007,  
AND 008

PLANNING DEPARTMENT  
AUG 7 2009 7 11 32 26

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

Please be informed that the proposed development is not within the Department's existing service limits. In order to provide water service to the proposed development, extensive improvements and additions would be required, which may include, but not be limited to, source, storage, booster pumps, transmission, and distribution facilities. Currently funding is not available from the Department and no time schedule is set for such improvements.

We have no objection to the applicant's proposed use of a private well and rainwater catchment systems to serve the development. The applicant should consult with the State Department of Land and Natural Resources, Commission on Water Resource Management to determine any permitting requirements for the development of a private well. The State Department of Health, Safe Drinking Water Branch should also be consulted to determine any requirements regarding the use of a private well for potable water.

Should there be any questions, please 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 - Ka'u Farm & Ranch, LLC

... Water brings progress...

SCANNED  
055301  
By: \_\_\_\_\_



Steven S. C. Lim, Esq.  
CARLSMITH BALL LLP  
Page 33  
May 11, 2011

Attachment 19 – Hawaii Electric Co. Memo



August 7, 2009

County of Hawaii Planning Department  
Ms. B.J. Leithead Todd  
101 Pauahi Street, Suite 3  
Hilo, Hawaii 96720

Gentlemen:

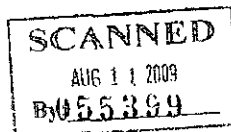
Subject: Planned Unit Development Moaula Agricultural Subdivision  
TMK: (3) 9-6-003:002 and 022; (3) 9-6-005:015 and 056;  
& (3) 9-6-006:005, 006, 007 and 008  
Kau District, Hawaii County

Thank you for the opportunity to review the Subject Project located in Kau. HELCO will be able to provide electrical service to the proposed 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 198,200 kW and our total generation system capability is 269,600 kW. Our reserve margin is 36 percent and has adequate generation to serve the above.
2. Electrical Substation – The area is currently served by our existing 5.0 MVA Punaluu electrical substation and a 12,470 volt distribution overhead system along Hawaii Belt Road. Based on the 10W/sf (office building) and 3kW/unit (guest quarters) and 6W/sf (farm maintenance) and 1.5kW/unit (dormitory) and 1W/sf (equipment shed), the capacity of our existing substation is adequate to serve the estimated load of 111.5kW.
3. Off-Site Electrical Distribution System – The existing off-site 12,470 volt distribution system along Hawaii Belt Road 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.

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



Steven S. C. Lim, Esq.  
CARLSMITH BALL LLP  
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May 11, 2011

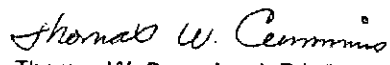
Ms. BJ Leithead Todd  
Page 2  
August 7, 2009

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.

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

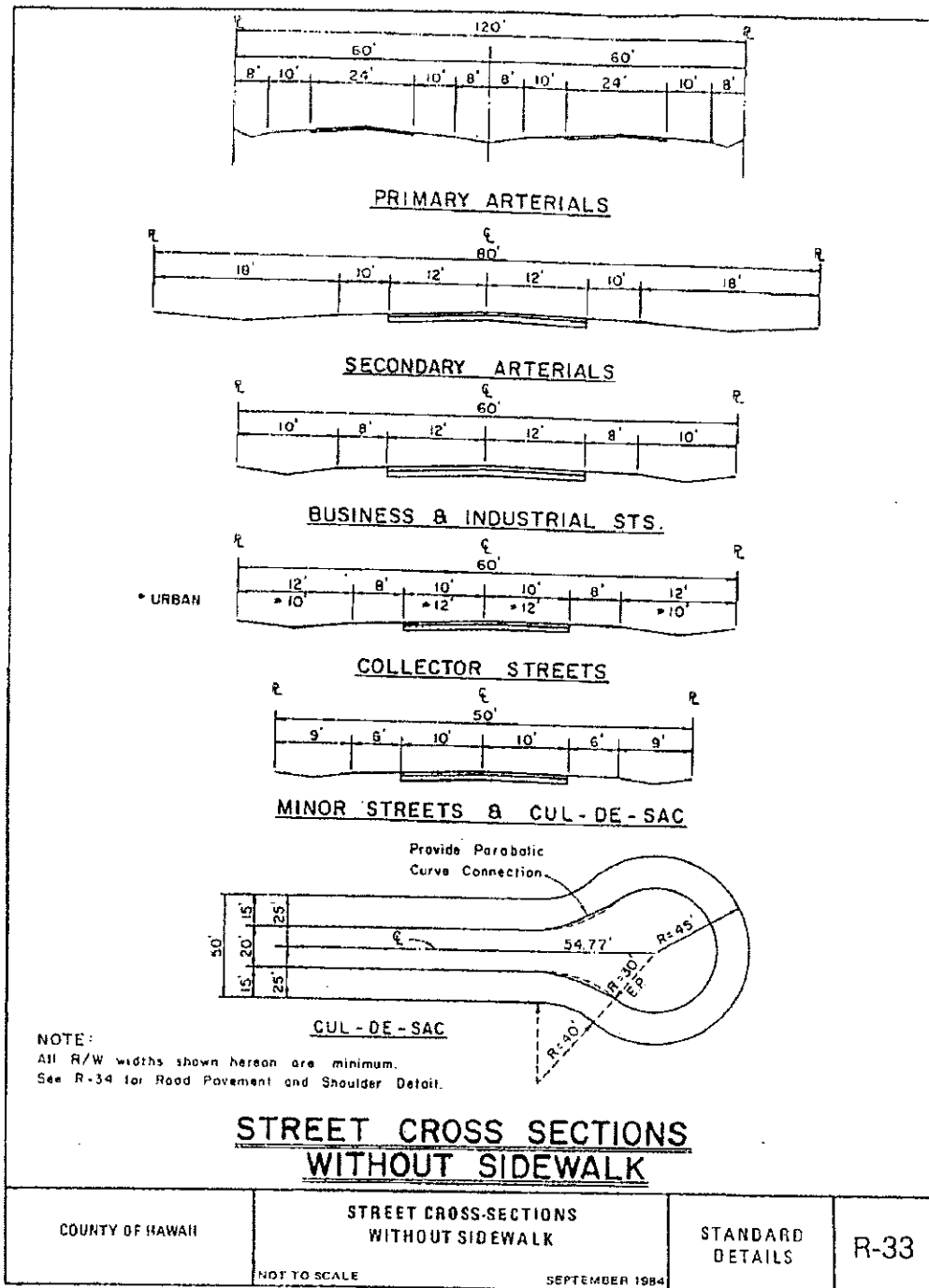
Sincerely,

  
Thomas W. Cummins, L.P.L.S.  
Manager, Engineering Department

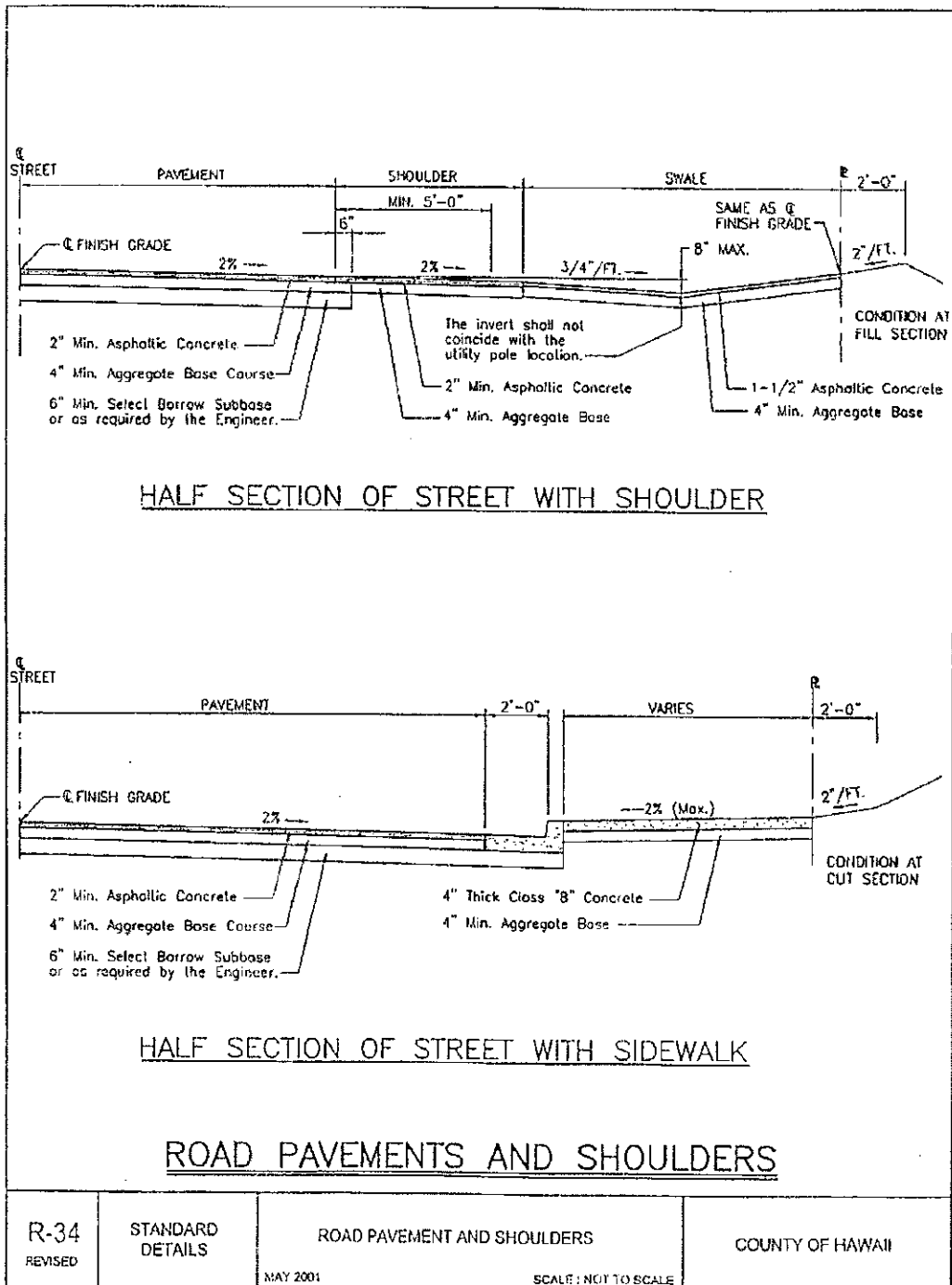
TWC:SSO:bb  
Attachment

cc: S. Oshiro  
H. Kamigaki

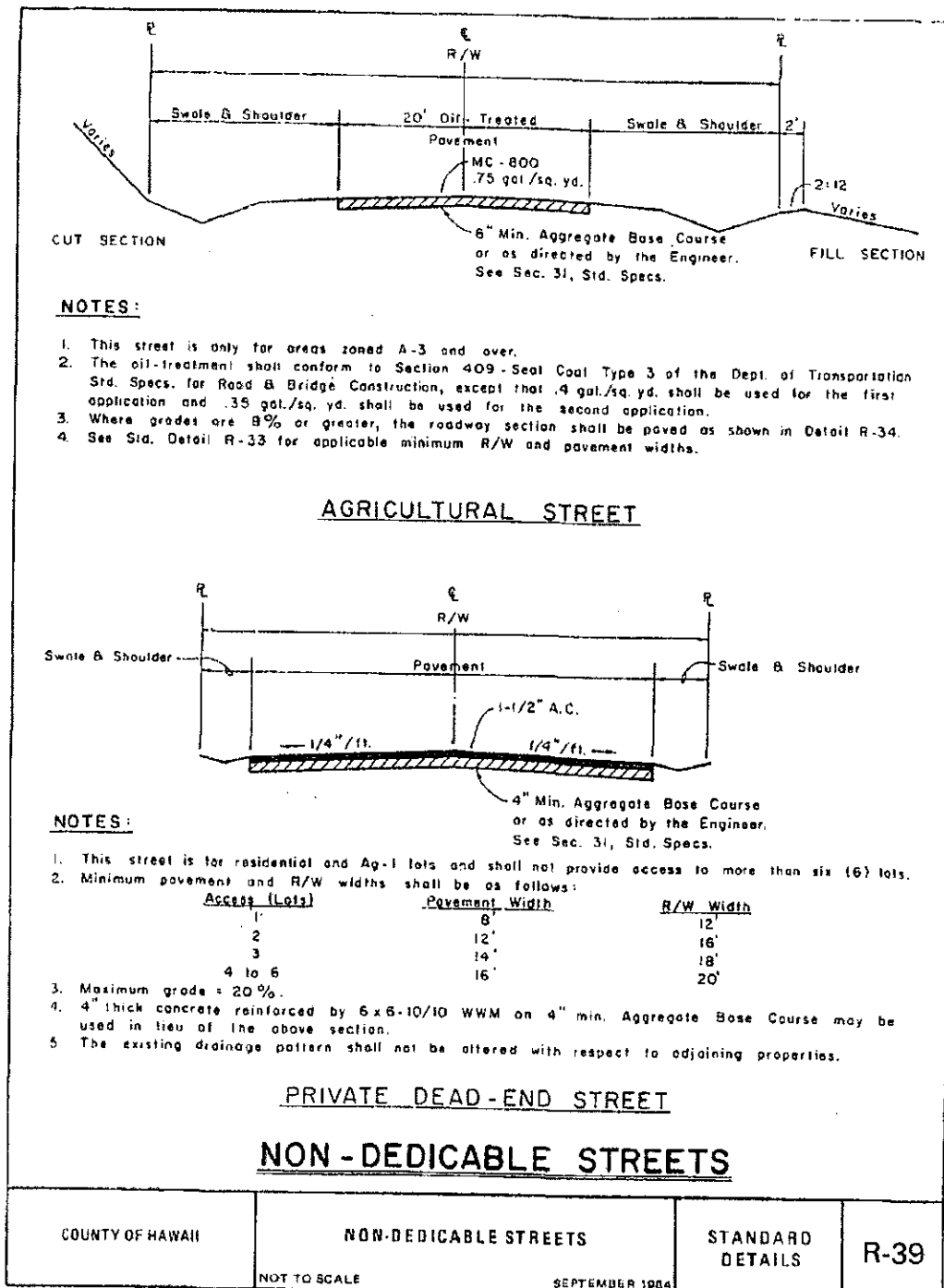
Attachment 20 – DPW Standard Detail R-33



Attachment 21 – DPW Standard Detail R-34



Attachment 22 – DPW Standard Detail R-39



**NOTES:**

1. This street is only for areas zoned A-3 and over.
2. The oil-treatment shall conform to Section 409 - Seal Coat Type 3 of the Dept. of Transportation Std. Specs. for Road & Bridge Construction, except that .4 gal./sq. yd. shall be used for the first application and .35 gal./sq. yd. shall be used for the second application.
3. Where grades are 8% or greater, the roadway section shall be paved as shown in Detail R-34.
4. See Std. Detail R-33 for applicable minimum R/W and pavement widths.

**NOTES:**

1. This street is for residential and Ag-1 lots and shall not provide access to more than six (6) lots.
2. Minimum pavement and R/W widths shall be as follows:

COUNTY OF HAWAII

NON-DEDICABLE STREETS

STANDARD  
 DETAILS

R-39

NOT TO SCALE

SEPTEMBER 1984