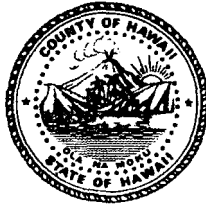


William P. Kenoi  
Mayor



Duane Kanuha  
Director

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## County of Hawai'i PLANNING DEPARTMENT

East Hawai'i Office  
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May 7, 2015

Michael J. Riehm, AIA, NCARB  
Riehm Owensby Planners Architects  
P.O. Box 390747  
Kailua-Kona, HI 96739

Dear Mr. Riehm:

**SUBJECT:**      **Application:**      **PLANNED UNIT DEVELOPMENT (PUD-15-000031)**  
                  **Applicant:**            **RIEHM OWENSBY PLANNERS ARCHITECTS**  
                  **Owner:**                 **RLF MAKALEI PROPERTIES, LLC**  
                  **Request:**                **An Agricultural PUD at Makalei**  
                  **Tax Map Key:**        **7-2-007:011, 7-2-035:001 through 045, 047 & 048**

Upon review of the subject Planned Unit Development application and agency comments, the Planning Director, hereby, **approves** PUD-15-000031 to allow the development of a master-planned community consisting of 46 agricultural lots on the subject property. This PUD approves exceptions from Chapter 25 (Zoning) and Chapter 23 (Subdivisions) based upon the following background and findings.

### BACKGROUND

#### APPLICANT'S REQUEST

1. **Request.** The owner, RLF Makalei Properties, LLC, through the applicant is applying for a PUD to develop the subject properties as a master-planned agricultural community consisting of 46 agricultural lots, open space, agricultural cultivation area and roadway lots. The applicant is requesting a PUD to allow for multiple exceptions from Chapter 25 (Zoning) and Chapter 23 (Subdivisions) in order to achieve the design principles for the subject development. Approval of the requested exceptions would also enable the applicant to implement the design guidelines of a planned agricultural community that is more in keeping with the character of the local area that is consistent with the existing density similar to other development in the Makalei area. The project conforms with the Kona Community Development Plan Clustered Rural Subdivision (KCDP-CRS) Guidelines.
2. **Exceptions Requested and Reasons – Hawai'i County Code (HCC), Chapter 25 (Zoning)**
  - A. **Minimum Street Frontage.** (HCC §25-4-30). The request is to allow the street frontage of a lot to

less than the required 50% of building site average width for lots. The different shaped lots, their sizes and widths, are a result of the street layout which is designed to maintain a rural image, avoid excessive grading and to respect the goals of the KCDP-CRS Guidelines.

- B. **Minimum Building Site Area: Minimum Building Site Average Width.** (HCC §25-4-31). The different shaped lots, their sizes and widths, are a result of the street layout which is designed to maintain a rural image, avoid excessive roadway and to respect the goals of the KCDP-CRS Guidelines.
- C. **Reduction of Building Site below Minimum Area.** (HCC §25-4-32). 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 the street layout which is designed to maintain a rural image, avoid excessive roadway and to respect the goals of the KCDP-CRS Guidelines. It is requested that there be a minimum building site area of one acre and no minimum average width.
- D. **General Requirements for Yards and Open Spaces.** (HCC §25-4-40). The different shaped lots, their sizes and widths, are a result of the street layout which is designed to maintain a rural image, avoid excessive grading and to respect the goals of the KCDP-CRS Guidelines.
- E. **Corner Building Sites.** (HCC §25-4-42). The different shaped lots, their sizes and widths, are a result of the street layout which is designed to maintain a rural image, avoid excessive grading and to respect the goals of the KCDP-CRS Guidelines.
- F. **Fences and Accessory Structures.** (HCC §25-4-43). The request is to allow for retaining walls that exceed 6 feet in height when used to retain the grade be permitted to be on the boundary line and without any front, side, or rear yard requirements.

Due to the prevalent slopes on the Island of Hawai'i, retaining walls are often required at the property line to manipulate the grade to provide buildable lot pads. These retaining walls should be permitted at the property lines without any front, side or rear yard requirements in order to develop a more useable site area.

This request is to allow any accessory structure, architectural feature, wall, fence, or any other free standing architectural feature over six feet in height to extend into any required front, side or rear yard.

A variety of free standing architectural features may be used to create the desired character and ambiance of the neighborhood. These features may be in the form of walls, gates, arbors and trellises which in some cases may be over six feet in height. Freedom in location of these items is critical to developing an intimate neighborhood character. The locations of these items will be pre-determined and the CCR's will control any abuse of this variance by the residents of the neighborhood.

- G. **Minimum Building Site Area.** (HCC §25-5-74). 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 PUD with this zoning. The different shaped lots, their sizes and widths, are a result of the street layout which is designed to maintain a rural image, avoid excessive roadway and to respect the goals of the KCDP-CRS Guidelines.
- H. **Minimum Building Site Average Width.** (HCC §25-5-75). Due to the different shaped lots, their sizes and widths, which are a result of the street layout which is designed to maintain a rural image, avoid excessive roadway and to respect the goals of the KCDP-CRS Guidelines, the need for flexibility in the minimum building site average width is required.
- I. **Minimum Yards.** (HCC §25-5-76). The different shaped lots, their sizes and widths, are a result of the street layout which is designed to maintain a rural image, avoid excessive grading and to respect the goals of the KCDP-CRS Guidelines. Also, the front, side and rear yards have been designed to allow for more flexibility in locating any building structures in order to work better with any site grading.
- J. **Other Regulations.** (HCC §25-5-77). Due to the curvilinear layout of the main roadway to reduce the road gradient and in an effort to cluster lots to respect the goals of the KCDP-CRS Guidelines, the need for flexibility in the minimum building site average width is required.

3. **Exceptions Requested and Reasons – HCC, Chapter 23 (Subdivisions)**

- A. **Block Sizes.** (HCC §23-29). Due to the curvilinear layout of the main roadway to reduce the road gradient and in an effort to cluster lots to respect the goals of the KCDP-CRS Guidelines, the need for flexibility in the block sizes is required.
- B. **Minimum Lot Sizes.** (HCC §23-33). 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 PUD with this zoning. The different shaped lots, their sizes and widths, are a result of the street layout which is designed to maintain a rural image, avoid excessive roadway and to respect the goals of the KCDP-CRS Guidelines.
- C. **Access to Lot from Street.** (HCC §23-34). An access and utility easement is used in some areas, in lieu of a public street or private street, to provide both vehicular access and utility service to all the lots.
- D. **Lot Side Lines.** (HCC §23-35). The majority of lots are laid out to create uniform square or rectangular shaped lots as much as possible. This makes for a more uniform agricultural lot that can be laid out with rows of various agricultural crops, however, some of the side lines of lots are

not at right angles to the street upon which the lot faces. The request is based on the priority of keeping the lot shapes as uniform as possible as noted above.

- E. **Minimum Right-of-Way and Pavement Widths.** (HCC §23-41). The project's internal roadway system will be a private street deviating from certain County dedicable roadway standards in order to make for a roadway design more sensitive to the existing rural character of the project and to have less of an impact on the natural environment. The right-of-way is approximately  $\pm 50$  to  $\pm 60$  feet wide with  $\pm 20$  feet pavement width. On each side of the pavement will be  $\pm 15$  to  $\pm 20$  feet of improved right-of-way with grass or other material.
- F. **Intersection Angles; Corner Radius.** (HCC §23-45). This request is to allow the streets to be permitted to intersect and have radius and or dimensions at the right-of-way lines as determined by the Civil Engineer for the Project. The street layout is designed to maintain a rural image and to avoid excessive grading.
- G. **Cul-de-sacs.** (HCC §23-48). The purpose of requesting a PUD designation for the project is to have increased design flexibility in developing a more creative master plan. Since the project is an agricultural community with large lots versus a typical single family residential community based on RS zoning, the requirements of the code are less relevant. A "T" -turn-around is used in lieu of a circular turn-around but with some modifications to adjust to the existing topography. An optional circular turn-around may be used if grading permits.
- H. **Grades and Curves.** (HCC §23-50). The purpose of requesting a PUD designation for the project is to have increased design flexibility in developing a more creative master plan and community environment than would typically be possible through the use of a typical subdivision layout and standards. Street design is critical to achieving this goal, and as such, design flexibility is required. The street layout is designed to maintain a rural image and to avoid excessive grading.
- I. **Street Lights.** (HCC §23-93). This request involves design flexibility in the placement and design of the street lights within the road rights-of-away through a custom design that would help to create a more pleasant but safe night experience.
- J. **Street Name and Traffic Signs.** (HCC §23-94). This request is to allow for customizing the street name and traffic signage to reinforce the desired character of the neighborhood and to achieve design goals. The applicant proposes to meet AASHTO specifications.
- K. **Right-of-Way Improvement.** (HCC §23-95). This request is to allow design flexibility in the treatment of the right-of-way areas in lieu of what is typically required by the standard specifications on file at the department of public works. Design flexibility is required in this area to be able to develop a right-of-way in keeping with the rural character of the area.

4. **Project Description/Objectives.** The project will consist of 46 lots, ranging in size from ± 1.16 acres to ± 2.26 acres for new lots 1 to 45, designed as an agricultural planned unit development. The master plan is based on the KCDP-CRS Guidelines. Roadways shall be designed to be in keeping with a rural environment and to avoid the appearance of a more suburban roadway section. The PUD is used to achieve a more comprehensive site design and to maintain the rural character of the site and surrounding area.

All lots within the proposed project will be subject to a Declaration of Covenants, Conditions and Restrictions (CC&R's) which will require maintenance of the rural character of the area and agricultural uses, and will not restrict any permitted agricultural uses or activities on the agricultural lands.

- A. Develop an environment of sustained desirability and stability that is in harmony with the character of the surrounding area;
- B. Re-establish, maintain and enhance the economic viability of the existing agricultural lands; and
- C. Through the use of CC&R's, help maintain the rural character of the area and the agricultural use of the land.

5. **Project Timeline.** The applicant proposes to implement the development in a single phase in accordance with the following preliminary schedule, subject to permit approvals and economic conditions:

<u>APPROVALS</u>	<u>APPROXIMATE TIME FRAME</u>
PUD application submittal and approval and subdivision submittal/tentative approval	February 2015 to May 2015
Subdivision construction drawings and final subdivision secured.	June 2015 to October 2015
<b>CONSTRUCTION</b> Site work including site utilities, and lots prepared for dwellings.	October 2015 to October 2016
<b>SALES</b> Projected 100% sales all 46 lots.	November 2016 to November 2018

**DESCRIPTION OF PROPERTY**

6. **Subject Property.** The subject properties (TMK's: 7-2-007:011 & 7-2-035:001 through 045, 047 &

048), hereinafter, referred to as "Project area", consist of a total of approximately 183.698 acres and are currently vacant. The Makalu Golf Course is directly adjacent to the project area. The property is situated within the District of North Kona, Hawai'i approximately 3.5 miles to the east of the Kona International Airport and at the 32 mile mark of the Māmalahoa Highway. It is located within a predominately agricultural area.

Elevations within the Project area range from approximately 1,860 feet to 2,200 feet above mean sea level providing both mauka and makai view opportunities with appropriate lot orientation. The site has an average slope of approximately 2 percent. A variety of grasses, plants, shrubs and trees are present.

7. **Pending Subdivision (SUB-15-001459).** The applicant submitted an application for the subject properties on February 3, 2015. Tentative approval has not been issued. The subdivision preliminary plat map is representative of the PUD application site plan in anticipation of its approval.
8. **Current Entitlements: Existing permits and approvals.** The Project area is undeveloped, although adjacent to the Makalei Golf Course, and the original unplanned zoning was amended to the present A-1 and A-900 zoning by Change of Zone Ordinance No. 83 052 (REZ 455) with an effective date of November 29, 1983, with the conditions of approval having been satisfied.
9. **USDA Soil Type.** The property is listed as type 157 – Napuu, extremely cobbly, medial, highly decomposed plant material, generally soils of ash fields on a'a lava flows, not considered prime farmland.
10. **Land Study Bureau (LSB) Soil Rating.** The property is rated "D" (poor) by the LSB.
11. **ALISH.** The property is not rated as Agricultural Lands of Importance to the State of Hawai'i.
12. **FIRM/Drainage.** The property is located in Zone "X", which is an area determined by FEMA to be located outside of the 500-year floodplain. The proposed roadway design incorporates grassed shoulders and swales which would help to reduce surface water and sediment runoff. Drainage will be controlled through swales, drywells, and natural drainage ways that promote infiltration over runoff.
13. **Flora and Fauna.** A variety of grasses, plants, shrubs and trees are present. Twenty-three species of birds were detected. Only one native bird was seen: the Hawai'i 'Amakihi. Although not detected during the survey, it is likely that the Hawaiian Hawk is also present. All other birds seen or heard were non-native introductions.
14. **Archaeological/Cultural/Historic Resources.** An Archaeological Data Recovery Report of the project area was conducted (Berrigan, Haunn & Henry July 2007, Rpt. No 446-050207) and the Department of Land and Natural Resources' Historic Preservation Division has concurred with the reports recommendation that no further archaeological work is needed.

15. **View Plane/Coastal Resources.** The subject property is located mauka of the Mamalahoa Highway with an approximate slope of 2%. Surrounding properties are undeveloped land, primarily agricultural uses with some farm dwellings. All project area structures, including dwellings, will be constructed in conformance with the agricultural zoned height limits.
16. **Surrounding Zoning and Land Uses.** The property is situated within an area primarily designated for agricultural uses within the State Land Use Agricultural District and County Agricultural Zoning. The subject Project area is surrounded by lands zoned Ag-20a. Inasmuch as the proposed Project will establish agricultural lots that are consistent with permitted density allowed by zoning, the development of the Project will remain consistent with agricultural uses that prevail and/or are proposed within the surrounding area.

#### STATE AND COUNTY PLANS

17. **State Land Use District.** Agricultural.
18. **County Zoning.** Agricultural one acre and five hundred acres (A-1 & -900).
19. **General Plan Designation.** The area is designated Extensive Agriculture by the Land Use Pattern Allocation Guide (LUPAG) Map. This request would be consistent with the General Plan LUPAG Map designation and will complement the goals, policies, and courses of action of the General Plan.
20. **Kona Community Development Plan.** The Kona Community Development Plan (KCDP) was adopted by the County Council on September 25, 2008. For those areas located outside of the "Kona Urban Area," the KCDP encourages new development to incorporate Rural Area Growth Management principles into the master plan. Rural Area Growth Management intends to "...preserve the rural character of the existing rural towns, the agricultural lifestyle, and the open landscape. The project will be consistent with the spirit of the KCDP. The proposed development is also consistent with the CRS Guidelines which requires 40% of the project area to remain as open space.
21. **Special Management Area (SMA).** The subject property is not located within the SMA.
22. **Density.** The proposed density for the PUD and number of lots is 46 lots. The overall density can be calculated using the land area of Lot A, Lot B and existing Lots 1-45 even though Lot A will not be a part of the Petition Area. The gross area of the entire property is 929.883 acres. There are 147.229 acres in the A-1a zoning and the remainder of the land is in the A-900a zoning. With the county zoning of A-1a and A-900a and a PUD designation, the allowable density of the project is determined by dividing the gross land area by the minimum lot size per the zoning designation. Using this formula, a total of 147 lots are permitted on the 147.229 acre area with A-1a zoning and a total of 1 lot is permitted on the area with the A-900a zoning. This results in an allowable density of 148 lots for entire property. The lots shall range in size from  $\pm 1.16$  acres to  $\pm 2.26$  acres for lots 1 to 45.

23. **HRS Chapter 343 (EIS):** The project will not be utilizing any State or County lands or funds, and there are no other Environmental Impact Statement triggers.

## **PUBLIC FACILITIES AND SERVICES**

24. **Access.** Access to the Project area will be from the Mamalahoa Highway and through internal roadways consisting of minor streets with right-of-way widths of 50 to 60 feet (code compliant).

The Applicant, through this PUD, proposes that they be allowed to create internal subdivision roadways to service its proposed development that will deviate from the minimum requirements of the Subdivision Code. The Project's internal roadway system will incorporate private streets designed to reduce road gradient and to help mitigate speeding traffic. These streets would have 20-foot wide paved travel way (code compliant) and grassed/graveled shoulders and swales on both sides. Interior Minor Streets will be retained in private ownership. A Homeowner's Association (HOA) will maintain all aspects of these streets.

Cul-de-sacs with turn-around areas within the internal roadway system shall be designed to accommodate emergency vehicles and will be coordinated with the Hawai'i County Fire Department (HFD) through HFD review of the subdivision construction drawings.

25. **Water.** Water for the project will come from a private system and not from the County system. The property owner has purchased the rights to a percentage of water from a system operated by Kona Water Service Company, Inc. Kona Water Service maintains the private water system. The water source for the system are five wells at the 1800 feet elevation level.
26. **Sewer.** Sewage disposal will be by individual wastewater systems (IWS) that meet all State and County Requirements.
27. **Electricity, Telephone and Cable TV.** Power and communication services are accessible to the Property from the Māmalahoa Highway and will be installed underground. Power service is provided by Hawai'i Electric Light Company, a subsidiary of Hawaiian Electric Company. Telephone service is provided by Hawaiian Telcom. Cable T.V. service is provided by Oceanic Time Warner Cable. Existing utility poles on Mamalahoa Highway may need to be relocated if the highway is widened to construct turning lanes.
28. **Other Services.** Fire protection is provided by the County from its Makalei and Kalaoa Mauka stations. Police protection is provided by the County from its substations in Kailua-Kona. Refuse (solid waste) will be collected by private contractors and hauled to the West Hawai'i landfill at Pu'uuanahulu for disposal.



**AGENCY COMMENTS**

- 29. Fire Department (HFD): See attached memorandum dated March 16, 2015.
- 30. Department of Public Works (DPW) Traffic Division: See attached letter submitted March 18, 2015.
- 31. Police Department (HPD): See attached memorandum dated March 17, 2015.
- 32. Department of Public Works (DPW) Engineering Division: See attached memorandum submitted March 19, 2015.
- 33. Department of Environmental Management (DEM): See attached memoranda submitted March 27, 2015.
- 34. Department of Water Supply (DWS): See attached memorandum dated March 30, 2015.

**PUBLIC COMMENTS**

- 35. Opposed to application, Mark Van Pernis, Esq.: See attached letter dated March 27, 2015. Also attached is the applicant's response to Mr. Van Pernis' concerns.
- 36. As of this writing, the Planning Department has not received any other written objections or comments from the general public or adjacent landowners on the subject application.

**FINDINGS - CRITERIA FOR APPROVAL OF PUD-15-000031**

This PUD is granted in accordance with the following criteria and findings:

- 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 construction with approval of this application.

APPROVALS

APPROXIMATE TIME FRAME

PUD application submittal and approval  
and subdivision submittal/tentative approval

February 2015 to May 2015

Subdivision construction drawings and  
final subdivision secured.

June 2015 to October 2015

CONSTRUCTION

Site work including site utilities,  
and lots prepared for dwellings.

October 2015 to October 2016

SALES

Projected 100% sales all 46 lots.

November 2016 to November 2018

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

The proposed farm dwelling lots are consistent with the General Plan LUPAG Map designation for the Property of Extensive Agriculture (EA). EA include lands not classified as Important Agricultural Land. Includes lands that are not capable of producing sustained, high agricultural yields without the intensive application of modern farming methods and technologies due to certain physical constraints such as soil composition, slope, machine till ability and climate. Other less intensive agricultural uses such as grazing and pasture may be included in the Extensive Agriculture category.

The proposed development would also complement the goals, policies, and courses of action for the Economic-North Kona, Natural Beauty, Public Utilities and Land Use Elements of the General Plan.

The KCDP was adopted by the County Council on September 25, 2008. For those areas located outside of the Kona Urban Area, the KCDP encourages new development to incorporate Rural Area Growth Management principles into the master plan. Rural Area Growth Management intends to "...preserve the rural character of the existing rural towns, the agricultural lifestyle, and the open landscape. The project will be consistent with the spirit of the KCDP. The proposed development is also consistent with the CRS Guidelines which requires 40% of the project area to remain as open space. There are no native forest clusters of at least one contiguous acre. It is recommended that consideration be given to preservation of some of the individuals of increasingly rare plant species and their habitat. Additionally, the area between the northern half and the southern quarter should be explored at an intermediate survey level to find the contact zone between the sensitive and non-sensitive vegetation types and to determine if outlier species are present.

**3. The proposed development shall constitute an environment of sustained desirability and stability, shall be in harmony with the character of the surrounding area, 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 subdivision will include 45 agricultural dwelling lots and one bulk open space, agricultural use lot. The proposed density that will not exceed the maximum density permitted by zoning, which is calculated at 148 units for the entire 183.698 acre Project Site. Approval of this PUD will allow the applicant to configure the proposed lots and roadways to realize a low density residential and agricultural use presence that is generally consistent with uses within this particular area of North Kona.

The total of 45 agricultural dwelling lots and one bulk open space, agricultural use lot to be constructed will be below the maximum allowable 148 units thereby ensuring that the ratio of open space is at least as high as specified in the KCDP-CRS Guidelines. As a result, this PUD would harmonize with the character of the surrounding area and will not compromise existing and potential land uses within the surrounding area.

- 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 project is designed to address the needs and lifestyle of residents, who want to live in an agricultural residential community that is in harmony with the inherent natural beauty of the area, promotes social interaction, encourages outdoor activities, and is open space oriented. The project will consist of a total of 45 residential units and one bulk open space, agricultural use lot with landscaping designed to respect the rural, agricultural area.

The approval of this PUD will allow deviations from the standard code requirements in order to sensitively design the 45 agricultural dwelling lots and one bulk open space, agricultural use lot in harmony with the inherent natural beauty and to maximize the advantage of the surrounding open space of the home sites. The exceptions allow for deviations from the Zoning and Subdivision Code requirements and include: minimum street frontage; projections into yards and open spaces; lot side lines; intersection angles and corner radius; cul-de-sacs; grades and curves; street lights; street names and traffic signage; and right of way improvements

The granting of this PUD will allow for greater flexibility by implementing design guidelines established to enhance lot design and maximize the property's features to be complementary to existing surrounding land uses. The property is located in Zone "X", which is an area determined by FEMA to be located outside of the 500-year floodplain. Alternative roadway design standards will be implemented to encourage lower traffic speeds. Roadway design exceptions that incorporate grassed shoulders and swales would help to reduce surface water and sediment runoff. Drainage would also be controlled through swales, drywells, and natural drainage ways that promote infiltration over runoff. The retention of the natural drainage features through the Property that will reduce grading of the site and should alleviate impacts to the surrounding area.

The approval of this PUD request will allow the lots to be developed in keeping with the applicant's objectives for a low density rural, agricultural character utilizing Design Guidelines that are representative of existing developed areas and will not be materially detrimental to the public's welfare nor cause substantial adverse impact to the area's character. Further, there were no substantial comments or objections by reviewing agencies.

Approval of the above exceptions is different from what is normally applicable under the district regulation, however, they will assist the developer in achieving a design standard harmonious with the surrounding areas.

5. This summarizes the applicant's response to Mr. Van Pernis' objection letter of March 27, 2015:
  - A. Surrounding property owner notification letter was sent on March 7, 2015;
  - B. There is a consolidation and resubdivision application being processed;
  - C. The owners, RLF Makalei Properties, LLC have retained Riehm Owensby as their agents;
  - D. The PUD process allows for lot sizes that differ from the zoning, but not the permissible density;
  - E. The PUD application was submitted prior to March 23, 2015, the date of passage for the County Council to review PUD application rather than the Planning Director.

#### **APPROVED EXCEPTIONS**

Based on the above findings, the following exceptions to the County of Hawaii Chapter 25 (Zoning) and Chapter 23(Subdivisions) for **RLF Makalei Properties, LLC (PUD-15-000031)** are hereby approved:

#### **Exceptions Granted from Chapter 25 (Zoning):**

1. **Minimum Street Frontage.** (HCC §25-4-30). The request is to allow the street frontage of a lot to be less than the required 50% of building site average width for lots other than flag lots and those at the ends of cul-de-sacs. The different shaped lots, their sizes and widths, are a result of the street layout which is designed to maintain a rural image, avoid excessive grading and to respect the goals of the KCDP-CRS Guidelines. In reviewing the exhibits of the lot layout, we find that sufficient street frontages are provided.
2. **Minimum Building Site Area: Minimum Building Site Average Width.** (HCC §25-4-31). The different shaped lots, their sizes and widths, are a result of the street layout which is designed to maintain a rural image, avoid excessive roadway and to respect the goals of the KCDP-CRS Guidelines. In reviewing the exhibits of the lot layout, we find that sufficient buildable area and lot shape is being provided.
3. **Reduction of Building Site below Minimum Area.** (HCC §25-4-32). 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 PUD with this zoning. The different shaped lots, their sizes and widths, are a result of the street layout which is designed to maintain a rural image, avoid excessive roadway and to

respect the goals of the KCDP-CRS Guidelines. It is requested that there be a minimum building site area of one acre (the minimum required by Hawai'i Revised Statutes (HRS)) and no minimum average width. In reviewing the exhibits of the lot layout, we find that sufficient buildable area is being provided.

4. **General Requirements for Yards and Open Spaces.** (HCC §25-4-40). The different shaped lots, their sizes and widths, are a result of the street layout which is designed to maintain a rural image, avoid excessive grading and to respect the goals of the KCDP-CRS Guidelines. We approve the yard/setbacks as requested as they are inter-development in nature and do not infringe on surrounding properties.
5. **Corner Building Sites.** (HCC §25-4-42). The different shaped lots, their sizes and widths, are a result of the street layout which is designed to maintain a rural image, avoid excessive grading and to respect the goals of the KCDP-CRS Guidelines. We approve the yard/setbacks as requested as they are inter-development in nature and do not infringe on surrounding properties.
6. **Fences and Accessory Structures.** (HCC §25-4-43). The request is to allow for retaining walls that exceed 6 feet in height when used to retain the grade be permitted to be on the boundary line and without any front, side, or rear yard requirements.

Due to the prevalent slopes on the Island of Hawai'i, retaining walls are often required at the property line to manipulate the grade to provide buildable lot pads. These retaining walls should be permitted at the property lines without any front, side or rear yard requirements in order to develop a more useable site area. **This portion of the request is inapplicable as retaining walls of any height are allowed up to the property line with no setback required provided the top of the retaining wall does not extend more than six feet above the retained ground.**

This request is to allow any accessory structure, architectural feature, wall, fence, or any other free standing architectural feature over six feet in height to extend into any required front, side or rear yard. This exception is approved as shown in the exhibits (attached).

A variety of free standing architectural features may be used to create the desired character and ambiance of the neighborhood. These features may be in the form of walls, gates, arbors and trellises which in some cases may be over six feet in height. Freedom in location of these items is critical to developing an intimate neighborhood character. The locations of these items will be pre-determined and the CCR's will control any abuse of this exception by the residents of the neighborhood. **This exception shall be detailed on a master plan submitted to the Planning Department prior to submission of any individual building permit applications. The master plan shall identify the locations and heights of all "architectural features" proposed to extend into required open space areas.**

7. **Minimum Building Site Area.** (HCC §25-5-74). 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 PUD with this zoning. The different shaped lots, their sizes and widths, are a result of the street layout which is designed to maintain a rural image, avoid excessive roadway and to respect the goals of the KCDP-CRS Guidelines. This approval is based on the minimum area of 1 acre required by HRS.

8. **Minimum Building Site Average Width.** (HCC §25-5-75). Due to the different shaped lots, their sizes and widths, which are a result of the street layout which is designed to maintain a rural image, avoid excessive roadway and to respect the goals of the KCDP-CRS Guidelines, the need for flexibility in the minimum building site average width is required. Although approved, it is found that the lots all meet the requirement of the FA-1a section of the code.
9. **Minimum Yards.** (HCC §25-5-76). The different shaped lots, their sizes and widths, are a result of the street layout which is designed to maintain a rural image, avoid excessive grading and to respect the goals of the KCDP-CRS Guidelines. Also, the front, side and rear yards have been designed to allow for more flexibility in locating any building structures in order to work better with any site grading. This exception is approved as shown in the exhibits (attached).
10. **Other Regulations.** (HCC §25-5-77). Due to the curvilinear layout of the main roadway to reduce the road gradient and in an effort to cluster lots to respect the goals of the KCDP-CRS Guidelines, the need for flexibility in the minimum building site average width is required. In reviewing the exhibits of the lot layout, we find that sufficient buildable area and lot shape is being provided.

#### **Exceptions Granted From Chapter 23 (Subdivisions)**

1. **Block Sizes.** (HCC §23-29). Due to the curvilinear layout of the main roadway to reduce the road gradient and in an effort to cluster lots to respect the goals of the KCDP-CRS Guidelines, the need for flexibility in the block sizes is required. The blocks that are less than 400 feet in length are acceptable as shown in the site plan.
2. **Minimum Lot Sizes.** (HCC §23-33). 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 PUD with this zoning. The different shaped lots, their sizes and widths, are a result of the street layout which is designed to maintain a rural image, avoid excessive roadway and to respect the goals of the KCDP-CRS Guidelines. This approval is based on the minimum area of 1 acre required by HRS.
3. **Access to Lot from Street.** (HCC §23-34). An access and utility easement is used in some areas, in lieu of a public street or private street, to provide both vehicular access and utility service to all the lots. As all lots have access to this easement, we find that this exception is inapplicable as all of the lots have access to a roadway system.

4. **Lot Side Lines.** (HCC §23-35). The majority of lots are laid out to create uniform square or rectangular shaped lots as much as possible. This makes for a more uniform agricultural lot that can be laid out with rows of various agricultural crops, however, some of the side lines of lots are not at right angles to the street upon which the lot faces. The request is based on the priority of keeping the lot shapes as uniform as possible as noted above. In reviewing the exhibits of the lot layout we approve this exception.
5. **Minimum Right -of -Way and Pavement Widths.** (HCC §23-41). The project's internal roadway system will be a private street deviating from certain County dedicable roadway standards in order to make for a roadway design more sensitive to the existing rural character of the project and to have less of an impact on the natural environment. The right-of-way is approximately  $\pm 50$  to  $\pm 60$  feet wide with  $\pm 20$  feet pavement width. On each side of the pavement will be  $\pm 15$  to  $\pm 20$  feet of improved right-of-way with grass or other material. The right-of-way improvement may need a justification report by a licensed civil engineer for forecast traffic volumes and for a declared pavement life. Shoulders and swales shall be graded and stabilized to the right-of-way or easement width exclusive of cut and fill slopes providing for the AASHTO recommended clear zone and for collection and conveyance of storm runoff in accordance with the County Storm Drainage Standards.
6. **Intersection Angles; Corner Radius.** (HCC §23-45). This request is to allow the streets to be permitted to intersect and have radius and or dimensions at the right-of-way lines as determined by the Civil Engineer for the Project. The street layout is designed to maintain a rural image and to avoid excessive grading.
7. **Cul-de-sacs.** (HCC §23-48). The purpose of requesting a PUD designation for the project is to have increased design flexibility in developing a more creative master plan. Since the project is an agricultural community with large lots versus a typical single family residential community based on RS zoning, the requirements of the code are less relevant. A "T" -turn-around is used in lieu of a circular turn-around but with some modifications to adjust to the existing topography. An optional circular turn-around may be used if grading permits. The turn-around geometry shall be reviewed by the HFD for compliance with their requirements.
8. **Grades and Curves.** (HCC §23-50). The purpose of requesting a PUD designation for the project is to have increased design flexibility in developing a more creative master plan and community environment than would typically be possible through the use of a typical subdivision layout and standards. Street design is critical to achieving this goal, and as such, design flexibility is required. The street layout is designed to maintain a rural image and to avoid excessive grading. This is approved with the understanding that the roadways be designed and posted to comply with geometric design guidelines established by AASHTO for an appropriate design speed. A maximum grade of 16% for the collector street, 18% for minor streets and 20% for cul-de-sacs by DPW policy.

9. **Street Lights.** (HCC §23-93). This request involves design flexibility in the placement and design of the street lights within the road rights-of-away through a custom design that would help to create a more pleasant but safe night experience. The engineer of record shall certify the adequacy of any lighting design. This is granted with the understanding that all street lights shall meet with the Hawai'i County Code, Chapter 14, Article 9, Outdoor Lighting.
10. **Street Name and Traffic Signs.** (HCC §23-94). This request is to allow for customizing the street name and traffic signage to reinforce the desired character of the neighborhood and to achieve design goals. The engineer of record shall be required to design in accordance with nationally recognized standards such as the Manual on Uniform Traffic Control Devices.
11. **Right-of-Way Improvement.** (HCC §23-95). This request is to allow design flexibility in the treatment of the right-of-way areas in lieu of what is typically required by the standard specifications on file at the department of public works. Design flexibility is required in this area to be able to develop a right-of-way in keeping with the rural character of the area. Shoulders and swales shall be graded and stabilized to the right-of-way or easement width exclusive of cut and fill slopes providing for the AASHTO recommended clear zone and for collection and conveyance of storm runoff in accordance with the County Storm Drainage Standards.

#### CONDITIONS OF APPROVAL

The Planning Director approves the **RLF Makalei Properties, LLC** PUD (PUD-15-000031) 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 PUD shall be developed in a manner, substantially, as represented by the applicant within the application.
3. **Historical and Archaeological Considerations.** In the event any historic properties are encountered, the project shall be subject to further review by DLNR-SHPD.
4. **Potable Water System.** Potable water shall be provided and extended to all of the buildable lots.
5. **Roadway Design Guidelines.** All non-dedicable roadways shall be constructed to follow the guidelines incorporated in the Hawai'i 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 roads should be based on the AASHTO Guidelines for Geometric Design of Low Volume Roads (average daily traffic volume of less than 400 vehicle trips per day).



6. **Utilities.** All utilities shall be installed underground.
7. **Construction Plan Review by Fire Department.** The Applicant shall consult with the HFD to ensure conformance of roads and water for emergency and firefighting purposes within the Project Site to meet the minimum requirements of the Fire Code. Besides the DPW and DWS, construction plans shall also be submitted to the HFD for review.
8. **No Additional Dwellings.** The Applicant shall record a declaration affecting all proposed units within the PUD which shall give notice that the terms of this PUD approval shall prohibit the construction of a second dwelling unit on each lot. The proposed declaration is to be recorded with the Bureau of Conveyances by the applicant at their cost and expense. A copy of the recorded document shall be forwarded to the Planning Department.
9. **Compliance with Other Rules and Conditions.** The applicant shall comply with all other applicable rules, regulations and requirements. Other applicable conditions set forth under the "Approved Exceptions" section of this letter as well as the requirements of the affected agencies as contained in the "Agencies' Review" section are incorporated herein as conditions of approval.
10. **Time Extension.** Pursuant to Section 25-2-7 of the Zoning Code, and in accordance with the terms and approvals granted by this PUD approval, compliance with the conditions of this PUD shall commence within two (2) years from the date of this approval. 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 approval.

Sincerely,



DUANE KANUHA  
Planning Director

JRH:nci

\\COH33\planning\public\Admin Permits Division\PUD Permits\2015\PUD-15-000031 Makalei\APVL.docx

Encls: Exhibits, Agency Comments, Other Comments

Michael J. Riehm, AIA, NCARB  
Riehm Owensby Planners Architects  
Page 18  
May 7, 2015

xc: DPW, Engineering (Hilo and Kona)  
DWS  
HFD

Mark Van Pernis, Esq.  
Law Offices of Mark Van Pernis  
75-167F Hualālai Road, Suite B  
Kailua-Kona, HI 96740-1714

xc w/encls: Jesse McDowell  
RLF Makalei Properties, LLC  
1530 16<sup>th</sup> Street, Suite 300  
Denver, CO 80202

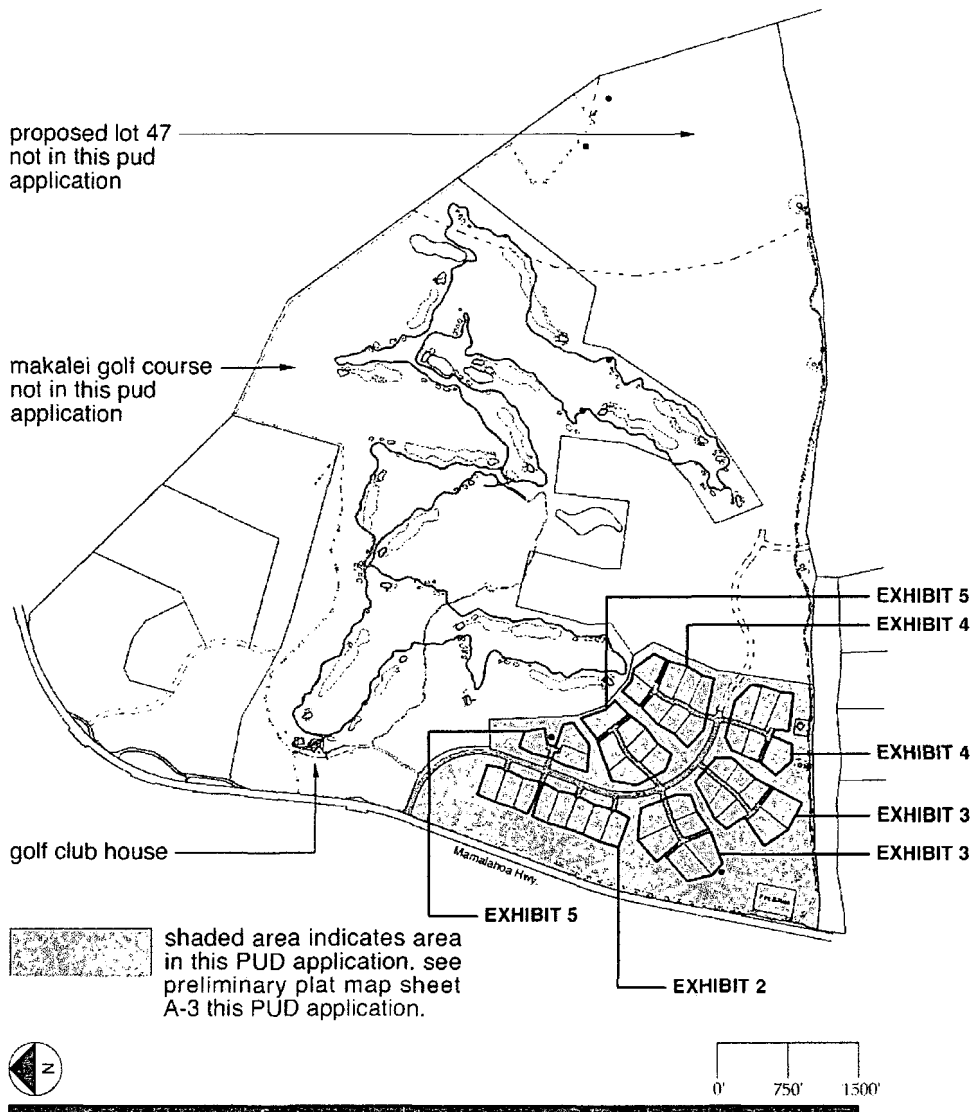
Planning Dept. (Kona) - T. Dunlap, KCDP Planner (via e-mail)  
GIS Section, G. Bailado (via e-mail)

# Exhibit 1: Yard Designation

Variance Request - Zoning Code

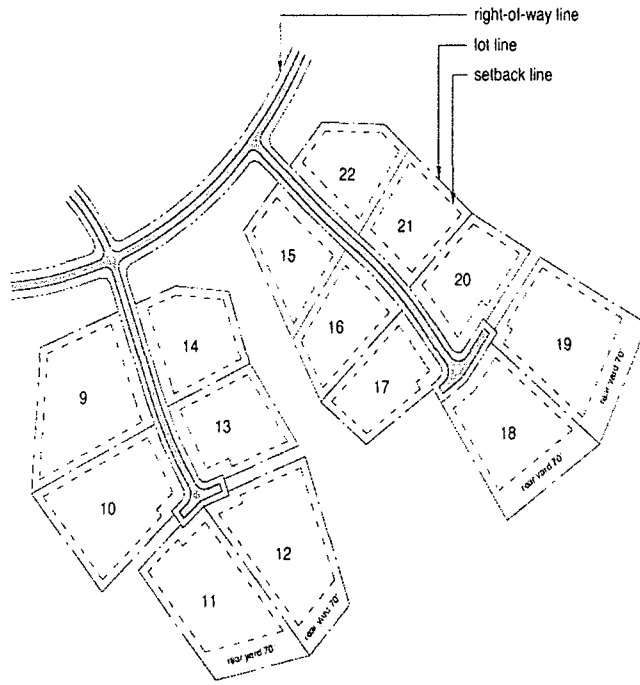
## Request:

The Petitioner request the yards be designated as indicated in Exhibits 1 to 5. Below is the reference site plan indicating lot location and lot number for referral to exhibits 2 to 5:

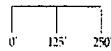


### Exhibit 3: Yard Designation Variance Request - Zoning Code

**Request:**  
The Petitioner request the yards be designated as indicated below.  
(See Exhibit No. 1, page 8-28, for lot location in project)

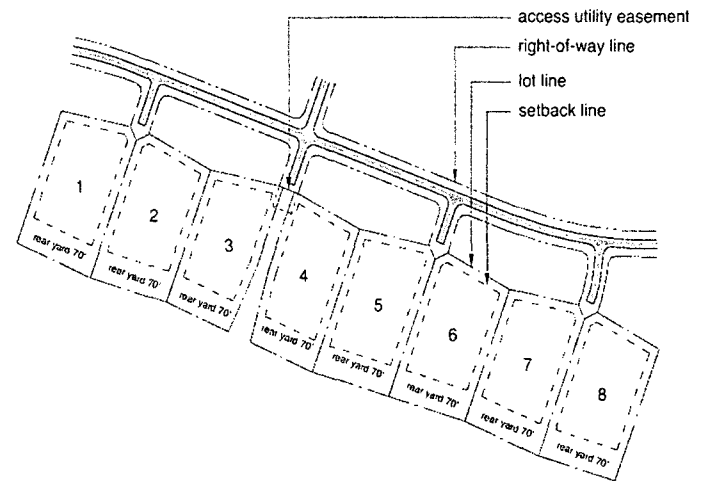


All front yards shall be 30 feet.  
All rear yards shall be 20 feet unless otherwise noted.  
All side yards shall be 20 feet.

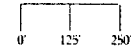


### Exhibit 2: Yard Designation Variance Request - Zoning Code

**Request:**  
The Petitioner request the yards be designated as indicated below.  
(See Exhibit No. 1, page 8-28, for lot location in project)

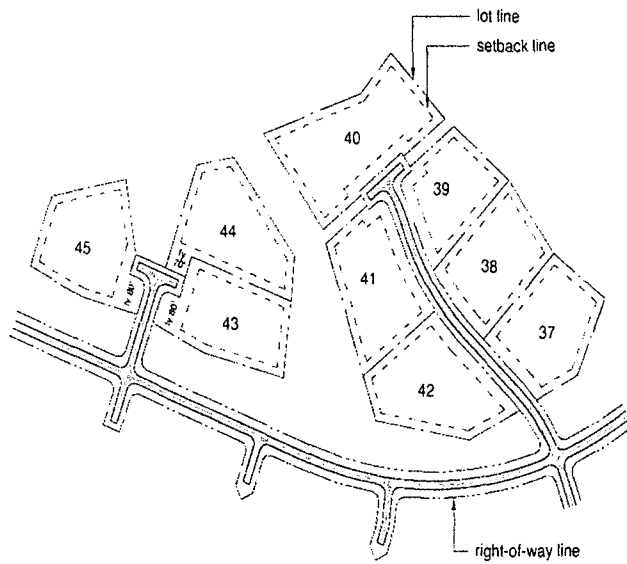


All yards these lots shall be designated as 20 foot side yards unless otherwise noted.



**Exhibit 5: Yard Designation**  
 Variance Request - Zoning Code

**Request:**  
 The Petitioner request the yards be designated as indicated below.  
 (See Exhibit No. 1, page 8-28, for lot location in project)

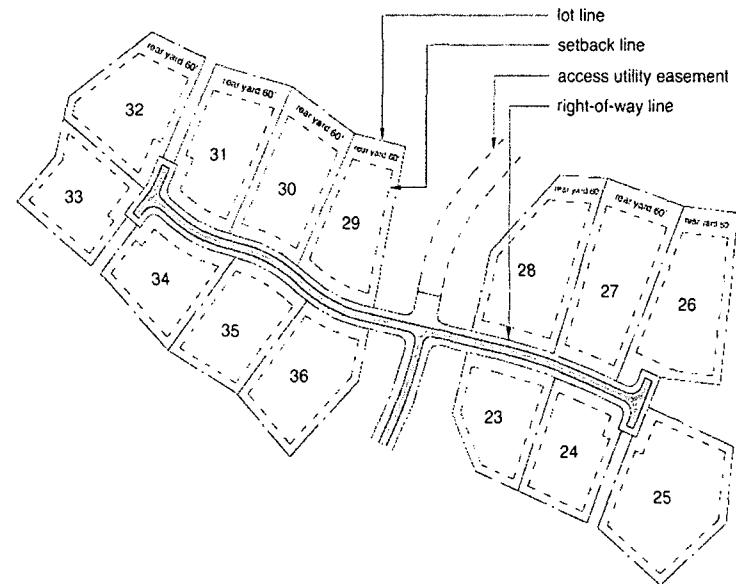


All front yards shall be 30 feet unless otherwise noted.  
 All rear yards shall be 20 feet.  
 All side yards shall be 20 feet.



**Exhibit 4: Yard Designation**  
 Variance Request - Zoning Code

**Request:**  
 The Petitioner request the yards be designated as indicated below.  
 (See Exhibit No. 1, page 8-28, for lot location in project)



All front yards shall be 30 feet.  
 All rear yards shall be 20 feet unless otherwise noted.  
 All side yards shall be 20 feet.

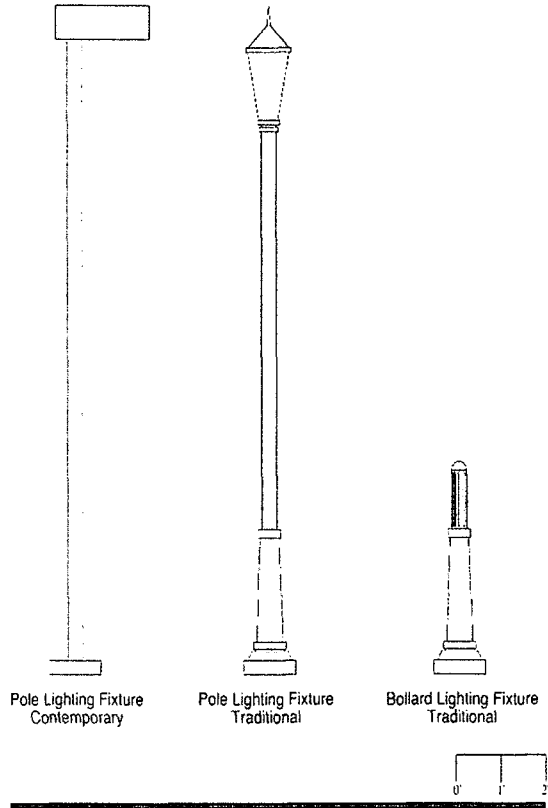


## Exhibit 8: Street Lights

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:



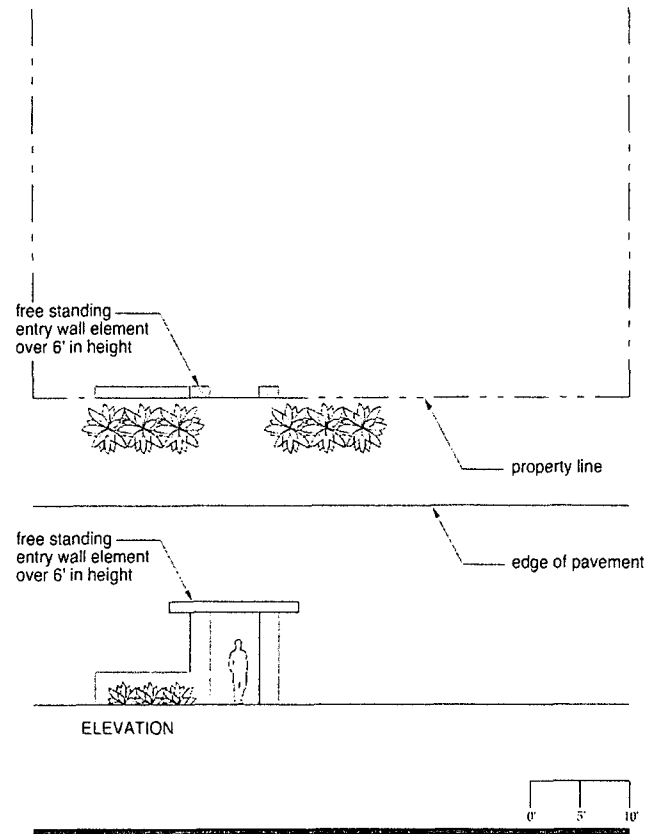
8-35

## Exhibit 6: Fences and Accessory Structures

Variance Request - Zoning Code

**Request:**

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



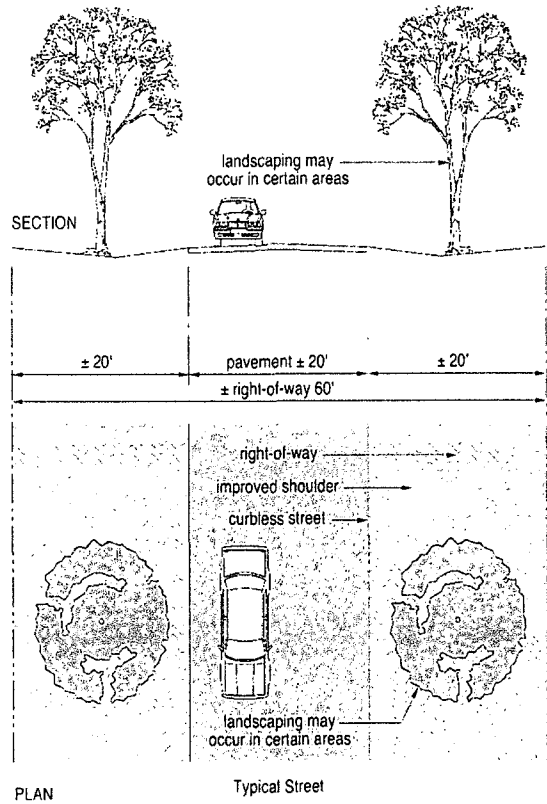
8-33

## Exhibit 10: 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:



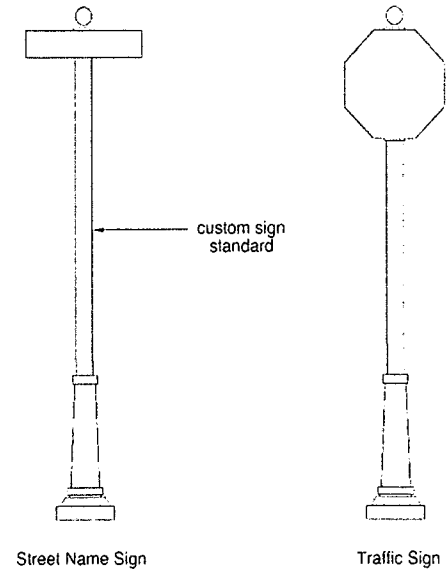
8-37

## Exhibit 9: 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:



8-36

William P. Kenoi  
Mayor



PLANNING DEPARTMENT

Darren J. Rosario  
Fire Chief

Benwick J. Victorino  
Deputy Fire Chief

County of Hawaii  
HAWAII FIRE DEPARTMENT  
25 Aupuni Street • Room 2501 • Hilo, Hawaii 96720  
(808) 932-2900 • Fax (808) 932-2928

March 16, 2015

TO: DUANE KANUHA, PLANNING DIRECTOR  
FROM: DARREN J. ROSARIO, FIRE CHIEF  
SUBJECT: PLANNED UNIT DEVELOPMENT (PUD-15-000031)  
APPLICANT: RIEHM OWENSBY PLANNERS ARCHITECTS  
OWNER: RLF MAKALEI PROPERTIES, LLC  
REQUEST: AN AGRICULTURAL PUD AT MAKALEI  
TAX MAP KEY: 7-2-007:011, 7-2-035:001 THROUGH 045, 047 & 048

In regards to the above-mentioned PUD application, project meets fire code access requirements as designed. In addition, the following shall be in accordance:

**NFPA 1, UNIFORM FIRE CODE, 2006 EDITION**

Note: NFPA 1, Hawaii State Fire Code with County amendments. County amendments are identified with a preceding "C-" of the reference code.

**Chapter 18 Fire Department Access and Water Supply**

18.1 General. Fire department access and water supplies shall comply with this chapter.

For occupancies of an especially hazardous nature, or where special hazards exist in addition to the normal hazard of the occupancy, or where access for fire apparatus is unduly difficult, or areas where there is an inadequate fire flow, or inadequate fire hydrant spacing, and the AHJ may require additional safeguards including, but not limited to, additional fire appliance units, more than one type of appliance, or special systems suitable for the protection of the hazard involved.

**18.1.1 Plans.**

18.1.1.1 Fire Apparatus Access. Plans for fire apparatus access roads shall be submitted to the fire department for review and approval prior to construction.



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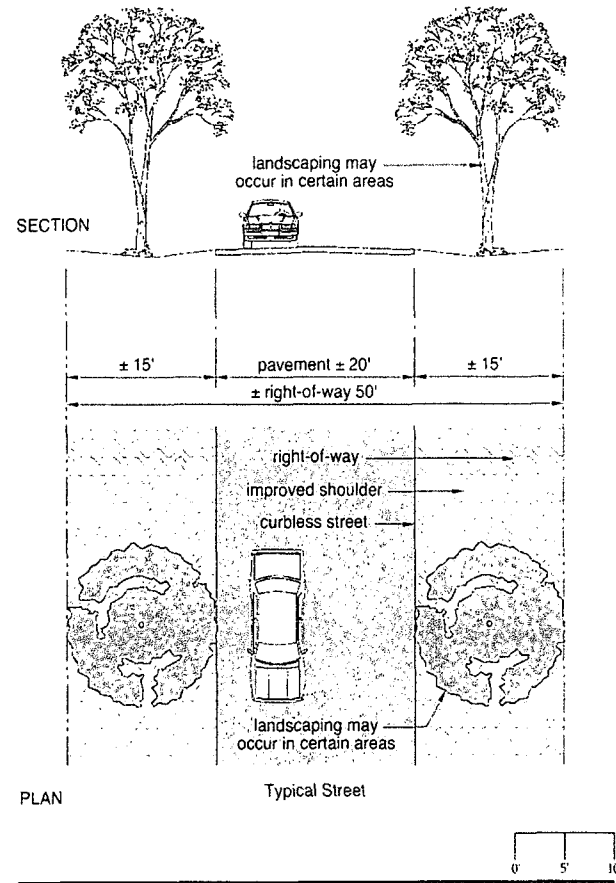
Hawaii County is an Equal Opportunity Provider and Employer.

**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:





18.2.3.1.4 When fire department access roads cannot be installed due to location on property, topography, waterways, nonnegotiable grades, or other similar conditions, the AHJ shall be authorized to require additional fire protection features.

**18.2.3.2 Access to Building.**

18.2.3.2.1 A fire department access road shall extend to within 50 ft (15 m) of at least one exterior door that can be opened from the outside that provides access to the interior of the building. Exception: 1 and 2 single-family dwellings.

18.2.3.2.1.1 When buildings are protected throughout with an approved automatic sprinkler system that is installed in accordance with NFPA 13, NFPA 13D, or NFPA 13R, the distance in 18.2.3.2.1 shall be permitted to be increased to 300 feet.

18.2.3.2.2 Fire department access roads shall be provided such that any portion of the facility or any portion of an exterior wall of the first story of the building is located not more than 150 ft (46 m) from fire department access roads as measured by an approved route around the exterior of the building or facility.

18.2.3.2.2.1 When buildings are protected throughout with an approved automatic sprinkler system that is installed in accordance with NFPA 13, NFPA 13D, or NFPA 13R, the distance in 18.2.3.2.2 shall be permitted to be increased to 450 ft (137 m).

18.2.3.3 Multiple Access Roads. More than one fire department access road shall be provided when it is determined by the AHJ that access by a single road could be impaired by vehicle congestion, condition of terrain, climatic conditions, or other factors that could limit access.

**18.2.3.4 Specifications.**

**18.2.3.4.1 Dimensions.**

C- 18.2.3.4.1.1 FDAR shall have an unobstructed width of not less than 20ft with an approved turn around area if the FDAR exceeds 150 feet. Exception: FDAR for one and two family dwellings shall have an unobstructed width of not less than 15 feet, with an area of not less than 20 feet wide within 150 feet of the structure being protected. An approved turn around area shall be provided if the FDAR exceeds 250 feet.

C- 18.2.3.4.1.2 FDAR shall have an unobstructed vertical clearance of not less than 13ft 6 in.

C- 18.2.3.4.1.2.1 Vertical clearances may be increased or reduced by the AHJ, provided such increase or reduction does not impair access by the fire apparatus, and approved signs are installed and maintained indicating such approved changes.

RECEIVED  
FIRE DEPARTMENT  
MARCH 16 2015  
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C- 18.2.3.4.1.1  
C- 18.2.3.4.1.2  
C- 18.2.3.4.1.2.1

Duane Kanuha  
March 16, 2015  
Page 2

18.1.1.2 Fire Hydrant Systems. Plans and specifications for fire hydrant systems shall be submitted to the fire department for review and approval prior to construction.

C- 18.1.1.2.1 Fire Hydrant use and Restrictions. No unauthorized person shall use or operate any fire hydrant unless such person first secures permission or a permit from the owner or representative of the department or company that owns or governs that water supply or system. Exception: Fire Department personnel conducting firefighting operations, hydrant testing, and/or maintenance, and the flushing and acceptance of hydrants witnessed by Fire Prevention Bureau personnel.

**18.2 Fire Department Access.**

18.2.1 Fire department access and fire department access roads shall be provided and maintained in accordance with Section 18.2.

**18.2.2\* Access to Structures or Areas.**

18.2.2.1 Access Box(es). The AHJ shall have the authority to require an access box(es) to be installed in an accessible location where access to or within a structure or area is difficult because of security.

18.2.2.2 Access to Gated Subdivisions or Developments. The AHJ shall have the authority to require fire department access be provided to gated subdivisions or developments through the use of an approved device or system.

18.2.2.3 Access Maintenance. The owner or occupant of a structure or area, with required fire department access as specified in 18.2.2.1 or 18.2.2.2, shall notify the AHJ when the access is modified in a manner that could prevent fire department access.

**18.2.3 Fire Department Access Roads. (\*may be referred as FDAR)**

**18.2.3.1 Required Access.**

18.2.3.1.1 Approved fire department access roads shall be provided for every facility, building, or portion of a building hereafter constructed or relocated.

18.2.3.1.2 Fire Department access roads shall consist of roadways, fire lanes, parking lots lanes, or a combination thereof.

18.2.3.1.3\* When not more than two one- and two-family dwellings or private garages, carports, sheds, agricultural buildings, and detached buildings or structures 400R<sup>2</sup> (37 m<sup>2</sup>) or less are present, the requirements of 18.2.3.1 through 18.2.3.2.1 shall be permitted to be modified by the AHJ.

18.2.3.4.6.3 Fire department access roads connecting to roadways shall be provided with curb cuts extending at least 2 ft (0.61 m) beyond each edge of the fire lane.

18.2.3.4.7 Traffic Calming Devices. The design and use of traffic calming devices shall be approved by the AHJ.

#### 18.2.3.5 Marking of Fire Apparatus Access Road.

18.2.3.5.1 Where required by the AHJ, approved signs or other approved notices shall be provided and maintained to identify fire department access roads or to prohibit the obstruction thereof of both.

18.2.3.5.2 A marked fire apparatus access road shall also be known as a fire lane.

#### 18.2.4\* Obstruction and Control of Fire Department Access Road.

##### 18.2.4.1 General.

18.2.4.1.1 The required width of a fire department access road shall not be obstructed in any manner, including by the parking of vehicles.

18.2.4.1.2 Minimum required widths and clearances established under 18.2.3.4 shall be maintained at all times.

18.2.4.1.3\* Facilities and structures shall be maintained in a manner that does not impair or impede accessibility for fire department operations.

18.2.4.1.4 Entrances to fire departments access roads that have been closed with gates and barriers in accordance with 18.2.4.2.1 shall not be obstructed by parked vehicles.

##### 18.2.4.2 Closure of Accessways.

18.2.4.2.1 The AHJ shall be authorized to require the installation and maintenance of gates or other approved barricades across roads, trails, or other accessways not including public streets, alleys, or highways.

18.2.4.2.2 Where required, gates and barricades shall be secured in an approved manner.

18.2.3.4.1.2.2 Vertical clearances shall be increased when vertical clearances or widths are not adequate to accommodate fire apparatus.

C~ 18.2.3.4.2 Surface. Fire department access roads and bridges shall be designed and maintained to support the imposed loads (25 Tons) of the fire apparatus. Such FDAR and shall be comprised of an all-weather driving surface.

#### 18.2.3.4.3 Turning Radius.

C~ 18.2.3.4.3.1 Fire department access roads shall have a minimum inside turning radius of 30 feet, and a minimum outside turning radius of 60 feet.

18.2.3.4.3.2 Turns in fire department access road shall maintain the minimum road width.

18.2.3.4.4 Dead Ends. Dead-end fire department access roads in excess of 150 ft (46 m) in length shall be provided with approved provisions for the fire apparatus to turn around.

#### 18.2.3.4.5 Bridges.

18.2.3.4.5.1 When a bridge is required to be used as part of a fire department access road, it shall be constructed and maintained in accordance with county requirements.

18.2.3.4.5.2 The bridge shall be designed for a live load sufficient to carry the imposed loads of fire apparatus.

18.2.3.4.5.3 Vehicle load limits shall be posted at both entrances to bridges where required by the AHJ.

#### 18.2.3.4.6 Grade.

C~ 18.2.3.4.6.1 The maximum gradient of a Fire department access road shall not exceed 12 percent for unpaved surfaces and 15 percent for paved surfaces. In areas of the FDAR where a Fire apparatus would connect to a Fire hydrant or Fire Department Connection, the maximum gradient of such area(s) shall not exceed 10 percent.

18.2.3.4.6.2\* The angle of approach and departure for any means of fire department access road shall not exceed 1 ft drop in 20 ft (0.3 m drop in 6 m) or the design limitations of the fire apparatus of the fire department, and shall be subject to approval by the AHJ.

18.3.5 Private water supply systems shall be tested and maintained in accordance with NFPA 25 or county requirements as determined by the AHJ.

18.3.6 Where required by the AHJ, fire hydrants subject to vehicular damage shall be protected unless located within a public right of way.

18.3.7 The AHJ shall be notified whenever any fire hydrant is placed out of service or returned to service. Owners of private property required to have hydrants shall maintain hydrant records of approval, testing, and maintenance, in accordance with the respective county water requirements. Records shall be made available for review by the AHJ upon request.

C- 18.3.8 Minimum water supply for buildings that do not meet the minimum County water standards:

Buildings up to 2000 square feet, shall have a minimum of 3,000 gallons of water available for Firefighting.

Buildings 2001- 3000 square feet, shall have a minimum of 6,000 gallons of water available for Firefighting.

Buildings, 3001- 6000 square feet, shall have a minimum of 12,000 gallons of water available for Firefighting.

Buildings, greater than 6000 square feet, shall meet the minimum County water and fire flow requirements.

Multiple story buildings shall multiply the square feet by the amount of stories when determining the minimum water supply.

Commercial buildings requiring a minimum fire flow of 2000gpm per the Department of Water standards shall double the minimum water supply reserved for firefighting.

Fire Department Connections (FDC) to alternative water supplies shall comply with 18.3.8 (1)-(6) of this code.

**NOTE: In that water catchment systems are being used as a means of water supply for firefighting, such systems shall meet the following requirements:**

(1) In that a single water tank is used for both domestic and firefighting water, the water for domestic use shall not be capable of being drawn from the water reserved for firefighting;

18.2.4.2.3 Roads, trails, and other accessways that have been closed and obstructed in the manner prescribed by 18.2.4.2.1 shall not be trespassed upon or used unless authorized by the owner and the AHJ.

18.2.4.2.4 Public officers acting within their scope of duty shall be permitted to access restricted property identified in 18.2.4.2.1.

18.2.4.2.5 Locks, gates, doors, barricades, chains, enclosures, signs, tags, or seals that have been installed by the fire department or by its order or under its control shall not be removed, unlocked, destroyed, tampered with, or otherwise vandalized in any manner.

### 18.3 Water Supplies and Fire Hydrants

18.3.1\* A water supply approved by the county, capable of supplying the required fire flow for fire protection shall be provided to all premises upon which facilities or buildings, or portions thereof, are hereafter constructed, or moved into or within the county. When any portion of the facility or building is in excess of 150 feet (45 720 mm) from a water supply on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains capable of supplying the required fire flow shall be provided when required by the AHJ. For on-site fire hydrant requirements see section 18.3.3.

#### EXCEPTIONS:

1. When facilities or buildings, or portions thereof, are completely protected with an approved automatic fire sprinkler system the provisions of section 18.3.1 may be modified by the AHJ.
2. When water supply requirements cannot be installed due to topography or other conditions, the AHJ may require additional fire protection as specified in section 18.3.2 as amended in the code.
3. When there are not more than two dwellings, or two private garage, carports, sheds and agricultural, Occupancies, the requirements of section 18.3.1 may be modified by AHJ.

18.3.2\* Where no adequate or reliable water distribution system exists, approved reservoirs, pressure tanks, elevated tanks, fire department tanker shuttles, or other approved systems capable of providing the required fire flow shall be permitted.

18.3.3\* The location, number and type of fire hydrants connected to a water supply capable of delivering the required fire flow shall be provided on a fire apparatus access road on the site of the premises or both, in accordance with the appropriate county water requirements.


18.3.4 Fire Hydrants and connections to other approved water supplies shall be accessible to the fire department.

Duane Kanuha  
March 16, 2015  
Page 9

greater than 2000 square feet, but less than 3000 square feet and meets the minimum Fire Department Access Road requirements, the distance to the Fire Department Connection may be increased to 500 feet.

(5) For buildings with an approved automatic sprinkler system, the minimum water supply required may be modified.

If there are any questions regarding these requirements, please contact Captain Kazuo Todd at (808) 640-3728 to discuss water supply and hydrant locations.

  
DARREN J. ROSARIO  
Fire Chief

KT/lc

Duane Kanuha  
March 16, 2015  
Page 8

- (2) Minimum pipe diameter sizes from the water supply to the Fire Department Connection (FDC) shall be as follows:
- (a) 4" for C900 PVC pipe;
  - (b) 4" for C906 PE pipe;
  - (c) 3" for ductile iron;
  - (d) 3" for galvanized steel.
- (3) The Fire Department Connection (FDC) shall:
- (a) be made of galvanized steel;
  - (b) have a gated valve with 2-1/2 inch, National Standard Thread male fitting and cap;
  - (c) be located between 8 ft and 16 ft from the Fire department access.  
The location shall be approved by the AHJ;
  - (d) not be located less than 24 inches, and no higher than 36 inches from finish grade, as measured from the center of the FDC orifice;
  - (e) be secure and capable of withstanding drafting operations. Engineered stamped plans may be required;
  - (f) not be located more than 150 feet of the most remote part, but not less than 20 feet, of the structure being protected;
  - (g) also comply with section 13.1.3 and 18.2.3.4.6.1 of *this code*;
- (4) Commercial buildings requiring a fire flow of 2000gpm shall be provided with a second FDC. Each FDC shall be independent of each other, with each FDC being capable of flowing 500gpm by engineered design standards. The second FDC shall be located in an area approved by the AHJ with the idea of multiple Fire apparatus' conducting drafting operations at once, in mind.
- (5) Inspection and maintenance shall be in accordance to NFPA 25.
- (6) The owner or lessee of the property shall be responsible for maintaining the water level, quality, and appurtenances of the system.

**EXCEPTIONS TO SECTION 18.3.8:**

- (1) Agricultural buildings, storage sheds, and shade houses with no combustible or equipment storage.
- (2) Buildings less than 800 square feet in size that meets the minimum Fire Department Access Road requirements.
- (3) For one and two family dwellings, agricultural buildings, storage sheds, and detached garages 800 to 2000 square feet in size, and meets the minimum Fire Department Access Road requirements, the distance to the Fire Department Connection may be increased to 1000 feet.
- (4) For one and two family dwellings, agricultural buildings, and storage sheds

County of Hawaii  
Department of Public Works - Traffic Division

17-Mar-2015

Review Comments

To: Duane Kanuha-Planning  
From: Kent Tsuisui (KTT), Traffic Division, Street Lights and Signals Section  
Project Name: Proposed PUD: Agricultural at Makalei  
Project No: PUD-15-000031  
TMK: 7-2-007-011,7-2-35:1 thru 045, 047 & 048

Item	Sh: Dwg No	Comment	By
1	General	All non-dedicable private roadways, at a minimum, the blue light component of any street lighting shall be less than 1% and configured as a fully shielded fixture to minimize up-lighting with respect to Dark Sky Initiatives. See County Ordinance, Chapter 14, Article 9 for reference.	KTT

PLANNING DEPARTMENT  
DEPARTMENT OF PUBLIC WORKS - TRAFFIC DIVISION  
COUNTY OF HAWAII  
PLAN REVIEW COMMENT SHEET

Memorandum No. 2015 - 585 Date Received: 3/3/2015  
To: Duane Kanuha - Planning Director Date Transmitted: 3/18/2015  
From: Traffic Division  
Subdivision/Project: An Agricultural PUD at Makalei (PUD-15-000031)  
Subdivision/Project No: RLF Makalei Properties TMK: 7-2-007:011,7-2:035:001 thru 045,047&048

SIGNS/MARKINGS:

1. R. Mangaoang Review Date: \_\_\_\_\_ Initial: \_\_\_\_\_  
 No Review  See Attached Comments  Comments on Plan/Sketch  
 Other Comments  No Comments

2. C. Hatada Review Date: \_\_\_\_\_ Initial: \_\_\_\_\_  
 No Review  See Attached Comments  Comments on Plan/Sketch  
 Other Comments  No Comments

STREET LIGHTS/TRAFFIC SIGNALS:

3. K. Tsutsui Review Date: 3/17/2015 Initial: \_\_\_\_\_  
 No Review  See Attached Comments  Comments on Plan/Sketch  
 Other Comments  No Comments

4. Z. Zhai Review Date: \_\_\_\_\_ Initial: \_\_\_\_\_  
 No Review  See Attached Comments  Comments on Plan/Sketch  
 Other Comments  No Comments

Administration:

5. A. Takaba Review Date: 3/11/2015 Initial: \_\_\_\_\_  
 No Review  See Attached Comments  Comments on Plan/Sketch  
 Other Comments  No Comments

6. R. Thiel Review Date: 3/18/2015 Initial: \_\_\_\_\_  
 No Review  See Attached Comments  Comments on Plan/Sketch  
 Other Comments  No Comments

097602

William P. Kenoi  
Mayor



PLANNING DEPARTMENT

Harry S. Kubojiri  
Police Chief

2015 MAR 17 PM 2:52

Paul K. Ferreira  
Deputy Police Chief

**County of Hawai'i**

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

March 17, 2015

TO : DUANE KAUHA, PLANNING DIRECTOR  
FROM : PAUL H. KEALOHA, JR., ASSISTANT CHIEF, AREA II OPERATIONS

SUBJECT : APPLICATION: PLANNED UNIT DEVELOPMENT (PUD-15-000031)  
APPLICANT: RIEHM OWENSBY PLANNERS ARCHITECTS  
OWNER: RLF MAKALEI PROPERTIES, LLC  
REQUEST: AN AGRICULTURAL PUD AT MAKALEI  
TAX MAP KEY: 7-2-007:011, 7-2-035:001 THROUGH 045, 047 & 048

This is in reference to your memorandum dated February 26, 2015, regarding a request for review and comments on the Planned Unit Development (PUD) at the above location involving the aforementioned applicant.

Thank you for allowing the Hawai'i Police Department to make comments regarding this development. At this time, the Hawai'i Police Department has no comments.

Should you have any questions or concerns, please contact Captain Randal M. Ishii, Commander of our Kona Patrol Division, at 326-4646, extension 299.

RI/jaj  
RS150151

**County of Hawaii**  
**Department of Public Works - Traffic Division**

March 11, 2015

**Review Comments**

To: Duane Kauha, Director, Planning Department  
From: Aaron Takaba (ATT), Traffic Division, Signs & Markings Section  
Project Name: Planned Unit Development (PUD-15-000031) Makalei  
DPW Folder: N/A  
TMK: 7-9-005:078 & 087

Item	Shu/Dwg No	Comment	By
1	General	All internal roads, if they are ever dedicated to the County, need to be brought up to current County of Hawaii standards as approved by the Traffic Division.	ATT
2		A review of the signs and striping plan shall be conducted by the Traffic Division to ensure any affected County road signs and striping is to County of Hawaii standards.	

Memorandum to PD- PUD 15-000031  
March 19, 2015  
Page 2 of 3

5. All roads within the proposed subdivision are to be private. The subdivision streets shall not be considered for conveyance to the County unless improved to meet dedicable standards.
7. All roadways within the proposed development shall be designed to comply with geometric design guidelines recommended by AASHTO for an appropriate design speed declared on the construction plans.
8. Roadway connections to adjoining parcels should be provided meeting with the approval of DPW. These roadways should be open to public traffic. (At minimum, seeing there are plans to subdivide the 46 lot development from the bulk parcel, a road lot or easement, in favor of the remainder bulk lot, for future extension of the 60-foot wide collector street, plus additional easements or right-of-entry to construct cut and fill slopes, should be required.)

#### VARIANCES

1. Variance request No. 13 HCC Section 23-34. We question both the necessity and appropriateness of this request.
2. Variance request No. 15 from HCC Section 23-41. A specific right-of-way and pavement width must be specified by the applicant and/or required by the Planning Director for clarity of plat and plan review rather than the + or - widths in Section 5.4, exhibits 10 and 11 and A-4.
3. Variance request No. 18 from HCC Section 23-45 Section 23-45 regulates the minimum corner radius for property lines at intersecting roadways. We oppose the requested variance as the minimum property line return radii standards of Section 23-45 are appropriate for this development.
4. Variance Request No. 17 from HCC Section 23-48. The cul-de-sac turnaround geometry should be subject to approval by the Hawaii Fire Department.
5. Variance No. 18 from HCC Section 23-50 The request should be approved only if the roadways are designed and posted to comply with geometric design guidelines established by AASHTO for an appropriate design speed. A maximum grade of 16% for the collector street, 18% for minor streets and 20% for cut-de-sacs by DPW policy.
6. Variance Nos. 19 and 20 from HCC Sections 23-93 and 23-94. DPW Traffic Division will not review or comment on striping and street lights for private roads. The engineer of record should be required to design in accordance with

Hawaii County is an Equal Opportunity Provider and Employer

DEPARTMENT OF PUBLIC WORKS  
COUNTY OF HAWAII  
HILO, HAWAII

DATE: March 19, 2015

## Memorandum

TO : Duane Kanuha, Planning Director  
Planning Department

FROM : Ben Ishii, Division Chief  
Engineering Division *BI*

SUBJECT : **Planned Unit Development Application (PUD 15-000031)**  
Applicant: Riehm Owensby Planners Architects  
Owner: RLF Makalei Properties, LLC  
Proposed: An Agricultural PUD at Makalei  
Location: N. Kona, HI  
TMK: 3 17-2-007: 011 and 7-2-035:001 through 045, 047 and 048

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

#### GENERAL COMMENTS

1. All earthwork and grading shall conform to Chapter 10, Erosion and Sediment Control, of the Hawaii County Code.
2. The applicant shall comply with chapter 11-55, Water Pollution Control, Hawaii Administrative Rules, Department of Health, which requires an NPDES permit for certain construction activity.
3. All development generated runoff shall be disposed of on site in a manner meeting with the approval of DPW and the Storm Drainage Standards. 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.
4. The Hawaii Belt Highway, fronting the subject property, is under the jurisdiction of the Hawaii Department of Transportation (HDOT). Comments and requirements concerning this road should be obtained from the HDOT.

William P. Kenoi  
Mayor

Walter K.M. Lau  
Managing Director



BJ Leithhead Todd  
Director

John A. Medeiros  
Deputy Director

County of Hawaii  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
345 Kekaha'ao'a Street, Suite 41 • Hilo, Hawaii 96720  
(808) 961-8083 • Fax (808) 961-8086  
<http://www.hawaii.gov/county/department-of-environmental-management/>

MEMORANDUM

Date : March 3, 2015

To : DUANE KANUHA, Planning Director

From : BJ LEITHEAD TODD, Director *per Jim*

Subject: Application: PLANNED UNIT DEVELOPMENT (PUD-15-000031)  
Applicant: RIEHM OWENSBY PLANNERS ARCHITECTS  
Owner: RLF MAKALEI PROPERTIES, LLC  
Request: An Agricultural PUD at Makalei  
TMK: 7-2-007:011, 7-2-035:001 through 045, 047 & 048

2015 MAR 27 PM 2: 06  
PLANNING DEPARTMENT  
COUNTY OF HAWAII

The Solid Waste Division has reviewed the subject application and offers the following recommendations (Please note Wastewater Division's comments will be submitted separately):

DEPARTMENT COMMENTS:

- Wastewater Division had no comment as this area is not a sewer and there are no immediate plans for sewerage of the area.
- Other \_\_\_\_\_

SOLID WASTE COMMENTS: (Contact Solid Waste Division for details.)

- 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 Kailua 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: \_\_\_\_\_

Memorandum to PD- PUD 15-000031  
March 19, 2015  
Page 3 of 3

nationally recognized standards such as the Manual on Uniform Traffic Control Devices.

7. Variance Request No. 21 from Section 23-95. Exhibits 10, 11 and A-4 do not specify the proposed pavement section or shoulder and swale design. The applicant requests the standard details and specifications be waived but does not propose alternative details and specifications. Design standards are necessary to conduct a proper construction plan review. The required rights-of-way should be improved in accordance with HCC Sections 23-86 or as specified in a pavement justification report by a licensed civil engineer for forecast traffic volumes and for a declared pavement life. Shoulders and swales should be graded and stabilized to the right-of-way or easement width exclusive of cut and fill slopes providing for the AASHTO recommended clear zone and for collection and conveyance of storm runoff in accordance with the County Storm Drainage Standards.

Should there be any questions concerning this matter, please feel free to contact Kiran Emler of our Kona Engineering Division office at 323-4851.

KE

Copy: ENG-HILO/KONA





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

March 30, 2015

TO: Mr. Duane Kanuha, Director  
 Planning Department

FROM: Quirino Antonio, Jr., Manager – Chief Engineer

SUBJECT: PLANNED UNIT DEVELOPMENT (PUD 15-000031)  
 APPLICANT – RIEHM OWENSBY PLANNERS ARCHITECTS  
 OWNER – RLF MAKALEI PROPERTIES, LLC  
 TAX MAP KEY 7-2-007:011, 7-2-035:001 – 045, 047 AND 048

PLANNING DEPARTMENT  
 COUNTY OF HAWAII  
 2015 MAR 31 AM 10:16

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

Please be informed that the water system in the area is privately owned and operated.

As the proposed project will be subject to a subsequent subdivision application, the following minimum requirements pursuant to Section 23-84 of the Hawaii County Code regulating subdivisions must be complied with for subdivision approval:

1. Provide a water system designed to deliver water at adequate pressure and volume under peak-flow conditions in accordance with the Water System Standards, State of Hawaii, and the Rules and Regulations of the Department of Water Supply. The water system shall include, but not be limited to, the installation of extensive improvements and additions, including source, storage, transmission, booster pumps, and distribution facilities.
2. Submit construction plans for our review and approval.
3. Pay a fee of four-tenths of one percent of the estimated cost for the construction of the water system, but not less than \$50.00, to cover the cost for plan review, testing, and inspection.

Should there be any questions, please contact Ryan Quitoriano of our Water Resources and Planning Branch at 961-8070, extension 256.

Sincerely yours,

  
 Quirino Antonio, Jr., P.E.  
 Manager-Chief Engineer

RQ:dfig

copy – Riehm Owensby Planners  
 RLF Makalei Properties, LLC

... Water, Our Most Precious Resource ... Ka Wai A Kane ...  
 The Department of Water Supply is an Equal Opportunity provider and employer.

097920



William P. Kenoi  
 Mayor

Walter K.M. Lau  
 Managing Director

BJ Leithead Todd  
 Director

John A. Medeiros  
 Deputy Director

County of Hawai'i

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
 345 KekūanaŌ'a, Suite 41 • Hilo, Hawaii 96720  
 (808) 961-8083 • Fax (808) 961-8086  
<http://hawaii.gov/env/environmental-management/>

**MEMORANDUM**

Date : March 20, 2015

To : DUANE KANUHA, Planning Director

From : BJ LEITHEAD TODD, Director *BJL*

Subject: PRELIMINARY PLAT MAP AND DEFER ACTION  
 SUBDIVIDERS: RLF MAKALEI PROPERTIES, LLC  
 "Ainamalu @ Hu'e hu'e Ranch"  
 Prop Cons. of Lots 1-45, Inclusive, Lot B, Lots R-1, R-2, R-3 & R-4, and resubd. Into Lots 1-47, inclusive, Lot R-1 & Designation of Easements AU-1 & AU-2  
 Ka'ū, Pu'ukala, 'Ohiki, Awalua, Kaulana & Mahai'ula, North Kona  
 TMK: 7-2-007:011 & 7-2-035:001-045, 0477-048 (SUB 15-001459)

The Wastewater Division has reviewed the subject application and offers the following recommendations (please note Solid Waste Division comments will be submitted separately):

DEPARTMENT COMMENTS: \_\_\_\_\_

WASTEWATER COMMENTS: (Contact Wastewater Division for details.)

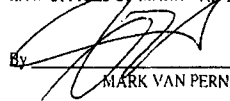
- (X) No comments
- ( ) Require connection of existing and/or proposed structures to the public sewer in accordance with Section 21-5 of the Hawaii County Code.
- ( ) Require Council Resolution to approve sewer extension in accordance with Section 21-26.1 of the Hawaii County Code. Complete Sewer Extension Application.
- ( ) Require extension of the sewer system to service the proposed subdivision in accordance with Section 23-85 of the Hawaii County Code.
- ( ) Check or line out as applicable: [ ] If required by the Director of the Department of Environmental Management ("Director of DEM"), [ ] applicant shall conduct a sewer study in accordance with the then applicable wastewater system design standards prior to approval to connect to the County sewer system. Applicant shall provide such sewer line or other facility improvements as the Director of DEM may reasonably require, which the sewer study may indicate are advisable for mitigation of impacts of the proposed project. Contact Wastewater Division Chief for details.
- ( ) Other: \_\_\_\_\_

County of Hawai'i is an Equal Opportunity Provider and Employer.

DUANE KANUHA, Planning Director  
County of Hawaii  
MICHAEL J. RIEHM, AIA, NCARB  
Michael J. Riehm Inc.  
March 27, 2015  
Page Two

Please feel free to contact me further in this matter.

LAW OFFICES OF MARK VAN PERNIS

By   
MARK VAN PERNIS

MVP/sam

- c. Bill Bugbee ([bbugbee@globetrans-cc.com](mailto:bbugbee@globetrans-cc.com))  
Steve Raymond ([sraymond@nhtcorp.com](mailto:sraymond@nhtcorp.com))  
Laurie Sokach ([laurie@associahawaii.com](mailto:laurie@associahawaii.com))  
Councilperson Karen Eoff ([karen.eoff@hawaiicounty.gov](mailto:karen.eoff@hawaiicounty.gov))

**LAW OFFICES OF MARK VAN PERNIS** A Law Corporation

75-167F Hualalai Road, Suite B, Kailua-Kona, Hawaii 96740-1714  
Phone (808) 329-3551 Fax (808) 329-6185  
Email [mvpv@hawaii.rr.com](mailto:mvpv@hawaii.rr.com)

March 27, 2015

DUANE KANUHA, Planning Director  
County of Hawaii  
101 Pauahi Street, Suite 3  
Hilo, Hawaii 96740

[planning@co.hawaii.hi.us](mailto:planning@co.hawaii.hi.us)

MICHAEL J. RIEHM, AIA, NCARB  
Michael J. Riehm Inc.  
Post Office Box 390747  
Keauhou, Hawaii 96739

Dear County Planning Director Kanuha and Mr. Riehm,

I am contacting you as a Makalei Estates lot owner, which is nearby, concerning the proposed subdivision (PUD) proposed by Mr. Riehm. Please note that the Makalei Estates lot owners only within the last few days received notice of the proposed subdivision.

Please note the following, which should be considered objections to the proposed subdivision.

1. Notice to all concerned was not timely provided.
2. The lots (TMKs) identified appear to include already existing subdivision lots which should not be changed absent "consolidation and resubdivision".
3. The true owners of record of the subject property are not identified, and the "applicant" is thus a "strawman".
4. The proposed P.U.D. as are most P.U.D. applications is actually a rezoning and subdivision in that it proposes some lots smaller than those allowed by the applicable zoning.
5. The proposed P.U.D. violates the spirit and intent of the recently passed County ordinance requiring that P.U.D. applications go before a Planning Commission so that the public has an opportunity for input instead a surreptitious unilateral act by the applicant and the Planning Director to, in essence, rezone and subdivide.

097985

subject to the new amendment. This application was filed and accepted prior to the effective date (March 23, 2015) of this amendment and thus subject to the then prevailing PUD provision.

I trust that this satisfactorily responds to the comments. If not or if there are any questions on this matter, please feel free to contact me. Thank you very much.

Sincerely,



Michael J. Riehm, AIA, NCARB  
Applicant for RLF Makalei Properties, LLC

Copy: RLF Makalei Properties, LLC via email  
Jim McCully via email  
Sidney Fuke via email



April 8, 2015

Mr. Duane Kanuha, Director  
Planning Department  
County of Hawai'i  
101 Pauahi Street  
Hilo, HI 96720

Subject: Planned Unit Development - RLF Makalei Properties, LLC  
N. Kona, Hawai'i, TMK: 7-2-007: 011 and 7-2-035: 1-45, 47, 48

Dear Mr. Kanuha:

In a letter, dated March 27, 2015, Mr. Mark Van Pernis raised a number of matters with your office. We would like to use this means to address his concerns.

1. It is our understanding that the letter notifying surrounding property owners was provided timely. Said letter was dated March 7, 2015, and an affidavit from the sender (Ms. Katherine Higa) was provided your office.
2. As you are aware, if approved, the PUD would enable the subsequent consolidation and re-subdivision of the existing lots, resulting in their being placed at a somewhat different location. The consolidation/re-subdivision application has already been filed with your office, but action is being deferred pending the outcome of this PUD application.
3. It is not uncommon to have the applicant be the landowner's agent or representative. That is the case here where although Michael J. Riehm, AIA, is listed as the applicant, the owner/developer is RLF Makalei Properties, LLC. That disclosure or information is contained in the petition itself.
4. The PUD process does allow the creation of lots smaller than what is zoned for, provided that the overall density of the existing zoning is being maintained. Such is the case here.
5. When the PUD provision of the Zoning Code was amended (Ordinance No. 15-33, Bill 281, draft 2), the Council clearly acknowledged that all pending PUD applications would not be