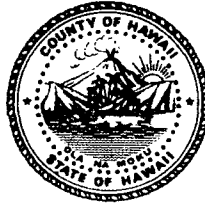


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June 18, 2015

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

Dear Mr. Lim:

SUBJECT: **Application:** **PLANNED UNIT DEVELOPMENT (PUD-15-000033)**
 Applicant: **FENWAY DEVELOPMENT, INC.**
 Owners: **WILCREST PADS, LTD, FEAGAN SHEPHERD, LTD, MAIN**
 BUFFALO INVESTMENTS, LTD.

 Request: **PUD: KUALONO**
 Tax Map Key: **7-9-005:078 & 087**

Upon review of the subject Planned Unit Development application and agency comments, the Planning Director, hereby, **approves** PUD-15-000033 to allow the development of a master-planned community consisting of 48 agricultural farm dwelling lots, open space and agricultural use areas on the subject properties. 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, Fenway Development, Inc., through the applicant is applying for a PUD to develop the subject properties, TMK: 7-9-005:078 & 087, as a master-planned community consisting of 48 agricultural farm dwelling lots, open space and agricultural use areas 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 farm dwelling agricultural community that is more in keeping with the character of the local area and that is consistent with the existing neighborhoods in the area. The project also conforms to 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 be 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 Declaration of Covenants, Conditions and Restrictions (CC&R'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 50 feet wide with 20 foot pavement width. Each side of the pavement will be 15 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. This is also to allow longer than 600 - foot cul-de-sac lengths. The roadway design for the Project and sloping terrain in certain areas of the Project will require variance of the minimum cul-de-sac radii in order to fully implement the Project concept.
- 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. The sloping terrain at the Project lands will require severe cut and fill in order to meet the gradient Code requirements, so an exception to those requirements is needed to minimize the cut and fill within the Project to minimize potential for soil runoff.

- 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.
 - L. **Water System.** (HCC §23-84(1)). In the event that water from the Department of Water Supply (DWS) is not available or feasible to develop, in whole or in part, the service to the Project, the Petitioner requests to be allowed to develop a private water system using alternate materials for domestic and irrigation purposes with an on-site well, a reverse osmosis treatment plant, transmission and distribution lines, and water storage reservoirs constructed as either steel, glass fused, or epoxy -coated or similar steel type tanks. However, the water storage, transmission lines and all appurtenances will be designed and sized to meet all DWS regulations, even though not dedicated to DWS and Water Board.
4. **Project Description/Objectives.** The project is designed to address the needs and lifestyle of residents who want to live in a planned farm dwelling agricultural community that is more in keeping with the character of the local area versus a county standard subdivision layout which would stand in stark contrast. The project consists of 48 agricultural farm dwelling lots, landscaped common areas, open spaces and agricultural use areas, and a streetscape designed to create a sense of place with a rural character which will:
- A. Provide a neighborhood that encourages a sense of community and promotes social interaction;
 - B. Provide a streetscape that is more in keeping with the unique character of similar rural agricultural roads;
 - C. Develop a master plan that mimics the local context and existing landscape; and
 - D. Through the use of CC&R's, encourage housing design that both respects the historical architecture and encourages energy efficiency through the use of passive and active solar devices.

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:

APPROVALS

PUD application submittal and approval
and subdivision submittal/tentative approval
and
Subdivision construction drawings and
final subdivision secured.

APPROXIMATE TIME FRAME

February 2015 to August 2016

CONSTRUCTION

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

September 2016 to September 2017

SALES

Projected 100% sales all 48 lots.

October 2017 to October 2019

DESCRIPTION OF PROPERTY

6. **Subject Property.** The subject properties (TMK's: 7-9-005:078 & 087), hereinafter, referred to as "Project area," consists of a total of 177.623 acres and is currently vacant. The property is situated within the District of North Kona, Hawai'i. The town of Kailua-Kona is approximately 8.5 driving miles to the north. The Keauhou Shopping Center is just north of the Project area. It is located on the east (mauka) side of Ali'i Drive (Māmalahoa Bypass Road), within a predominately agricultural area.

Elevations within the Project area range from approximately 320' at the lowest point, to 1,160' at the highest point providing an elevation range of 840'. The slope of the property is an average of 16% with some areas having slopes of \pm 35%. The Project area provides both mauka and makai view opportunities with appropriate lot orientation. The Project area is in its natural state where vegetation is a variety of grasses, plants, shrubs and trees.

7. **Current Entitlements:** The Project area is undeveloped and the A-1a & A-5a zoning are the original zoning designations.
8. **United States Department of Agriculture (USDA) Soil Type.** The property is listed as type 122 – Punalu'u-Lava flows complex, generally organic material over pahoehoe lava with highly decomposed plant material; and 142 – Kona & Haplic Udarents soils, generally organic material over pahoehoe lava, very cobbled with highly decomposed plant material, neither considered prime farmland.

9. **Land Study Bureau (LSB) Soil Rating.** The property is rated as "E" by the LSB, very poor.
10. **Agricultural Lands Important to the State of Hawai'i (ALISH).** The property is not rated as ALISH.
11. **Federal Insurance Rate Map (FIRM)/Drainage.** The property is located in Zone "X", which is an area determined by Federal Emergency Management Agency (FEMA) to be located outside of the 500-year floodplain. The proposed roadway design incorporates landscaped shoulders and swales which would help to reduce surface water and sediment runoff. Drainage will be controlled through swales, drywells, and other drainage structures that promote infiltration over runoff.
12. **Flora and Fauna.** No endemic species of animals or habitats were located on the property. A variety of non-native trees (koa haole, kiawe and opiuma), with a wide variety of non-native herbs and grasses are present within the Property. The most valuable botanical resource on the property is ohe Makai. This rare, attractive tree, although not listed as threatened or endangered, is considered Species of Concern by the U.S. Fish and Wildlife Service. However, none of the ohe Makai trees appear to be larger than 14 inches in diameter at breast height. No native forest of at least one contiguous acre was identified in a General Botanical Survey and Vertebrate Faunal Assessment that was prepared by Ron Terry, Ph.D., and Patrick L. Hart Ph.D., Geometrician Associates, LLC.
13. **Archaeological/Cultural/Historic Resources.** An Archaeological Assessment, for TMK 7-9-015:087 dated May 2012, was performed by Haun and Associates. The Assessment found that the Parcel area had been extensively disturbed by bulldozer activity, and thus no sites, features or existing traditional and customary practices were identified within it. However, additional significant sites were identified adjacent to its boundaries, so care must be taken in grading of the Petition Area.

In the Department of Land and Natural Resources' Historic Preservation Division (DLNR-HPD) letter of October 31, 2012, they issued its acceptance of the Archaeological Assessment and concluded that no further analysis or archaeological work was necessary.

An archaeological inventory survey for TMK 7-9-005: 076, 077 and 078, dated May, 2010 and revised September 2011 ("AIS"), was performed by Haun & Associates. The AIS identified features consisting of modified outcrops, mounds, terraces, enclosures, kua `iwi, grow pits, walls, U-shapes, walled terraces, platforms, soil swales, C-shapes, trails, lava blisters, L-shapes, lava tubes, artifact/ecofact scatters, pavements, roads, stone rings, depressions, filled cracks and one each of the following: cairn, railroad grade, truck, walled platform and water tank. Feature function includes agriculture, permanent habitation, permanent habitation/burial, temporary habitation, temporary habitation/burial, burial, ceremonial, transportation, historic habitation, marker, water storage and livestock control.

Numerous agricultural features and permanent habitations were documented. Seven ceremonial sites and four burials also were identified. There was no evidence of any current or recent practice of

traditional or customary native Hawaiian rights in the Project area. The final AIS was approved by DLNR-HPD in its letter of March 8, 2012.

The plans for data recovery will be detailed in a Data Recovery Plan prepared for DLNR-HPD review and approval. The specific plans for preservation and maintenance of the burial features would be detailed in a Burial Treatment Plan prepared for review and approval by DLNR-HPD and the Hawai'i Island Burial Council (HIBC). Measures to protect other non-burial sites recommended for preservation would be described in a Site Preservation Plan prepared for DLNR-HPD review and approval. As requested archaeological monitoring is planned during construction activity.

14. **View Plane/Coastal Resources.** The subject property is located mauka of Ali'i Drive. All structures, including farm dwellings, will be constructed in conformance with the zoning code height limits. This Project will also provide a considerable amount of perpetual open space, thus maintaining the current open character for the surrounding area along with its natural and scenic qualities. There are significant natural views to and from the Project area.

The Project is located a significant distance from the shoreline, more than 2,100 feet uphill from the shoreline, and outside of the County's Special Management Area (SMA), so no adverse impacts to the shoreline and near shore waters are anticipated.

15. **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 Zoning of Agricultural one and five acre minimum building site area (A-1a & A-5a). 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

16. **State Land Use District.** Agricultural.
17. **County Zoning.** Agricultural one and five acre minimum building site area (A-1a & A-5a).
18. **General Plan Designation.** The area is designated Extensive Agricultural and Important Agricultural Lands 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.
19. **Kona Community Development Plan (KCDP).** The KCDP was adopted by the County Council on December 1, 2008. There are no specific policies or strategies addressing the Kuamoo and Maihi

development areas. In general, the development will be consistent with KCDP-CRS Guidelines, Policy LU-3.4. The CRS Guidelines in Attachment C apply to proposed subdivisions outside of the Kona Urban Area (UA). The intent of the guidelines is to minimize grading, preserve the natural appearance of the land to the maximum extent possible, ensure agriculture use in the State Land Use Agricultural District, and create a rural setting for residences. Towards this end, the guidelines shall, at a minimum, specify:

1. Minimum lot sizes;
2. Natural and cultural resources meriting protection and associated buffer areas, as applicable;
3. Minimum standards for roads and wastewater disposal;
4. Legal tools for permanent protection, maintenance of open space, and/or agricultural lands; and
5. Connections to the open spaces of surrounding areas.

Further, the KCDP Action Committee did not submit comments or concerns.

20. **Special Management Area (SMA).** The subject property is not located within the SMA.
21. **Density.** Based on applying the required 1-acre minimum land area per building site in the A-1a area, with the total land area of 16.123 acres, a total of 16 lots would be the maximum density that is allowable by zoning. Then, based on applying the required 5-acre minimum land area per building site in the A-5a area, with the total land area of 161.50 acres, a total of 32 lots would be the maximum density that is allowable.

The proposed development of 48 lots does not exceed the overall maximum density permitted by the zoning designations of the Project area.

22. **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

23. **Access.** Access to the Project area will be from Ali'i Drive (Māmalahoa Bypass Road) and through internal roadways consisting of minor streets and cul-de-sacs with right-of-way widths of 50 feet.

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 grading, road gradient and to help mitigate speeding traffic. These streets would have 20-foot wide

paved travel way and 15-foot wide landscaped shoulders and swales on both sides. The roadway may have medial separations, elevation separations, landscaping and associated fixtures at the entrance to visually define and control the entrance to the subdivision. 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.

24. **Water.** By letter dated April 2, 2015 from the Department of Water Supply, existing facilities cannot support the proposed development. The applicant has stated, that In the event water from the Department of Water Supply (DWS) is not available or feasible to develop service to the Project, the Petitioner proposes potable and irrigation water to be served by a combination of a water catchment system and private well system using alternate materials for domestic and irrigation purposes with an on-site well, a reverse osmosis treatment plant, transmission and distribution lines, and water storage reservoirs maintained by the HOA. The development will be subject to covenants to include conservation measures for water usage.
25. **Sewer.** On-site Individual Wastewater Systems (IWS) will be used to dispose of wastewater for each lot. The IWS units will be installed by lot owners and designed pursuant to Department of Health and County standards.
26. **Electricity, Telephone and Cable TV.** Power and communication services are accessible to the Property and will be installed underground. Power service is provided by Hawai'i Electric Light Company, a subsidiary of Hawaiian Electric Company. Communication systems are to consist of cellular technology and satellite service for television. All utilities will be installed underground.

In the event that utility power from HELCO is not available to service the entire Project needs, the Applicant is considering installation of solar panels on all dwellings and a solar array to service all accessory uses (e.g. HOA fixtures and the proposed private water treatment RO system).
27. **Other Services.** Fire protection is provided by the County from its Keauhou and Captain Cook substations. Police protection is provided by the County from its substations in Keauhou & Captain Cook. Refuse (solid waste) will be collected by private contractors and hauled to the West Hawai'i landfill at Pu'uuanahulu for disposal. Mail delivery and pick up will be via a mail kiosk located close to the main entrance to the Project or in cluster boxes at each turn around.

AGENCY COMMENTS

28. Department of Public Works (DPW) Traffic Division: See attached memoranda received on March 18, 2015.

29. Department of Environmental Management (DEM): See attached letter received on March 27, 2015.
30. Hawai'i Electric Light Company (HELCO): See attached memorandum dated March 27, 2015.
31. Police Department (HPD): See attached memorandum dated March 25, 2015.
32. DPW Engineering Division: See attached memorandum dated April 8, 2015.
33. Fire Department (HFD): See attached memorandum dated April 30, 2015.
34. Department of Water Supply (DWS): See attached memorandum dated April 2, 2015.

PUBLIC COMMENTS

35. Opposed to the application, Kathleen & Rodney Puou, Denise Russell and Chuck & Patti Balzarini: See attached letter dated March 25, 2015 and e-mails dated March 30, 2015 & March 30, 2015, respectively. Their concerns involve buffering from the photovoltaic array, height and noise restrictions, potential proximity of a potable water well in relation to existing individual wastewater systems, affordability of the home sites/houses and protection of endemic species, etc. We have attempted to address the concerns that we have jurisdiction over in the conditions of this approval that follow.
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-15-000033

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

PUD application submittal and approval
and subdivision submittal/tentative approval
and
Subdivision construction drawings and
final subdivision secured.

APPROXIMATE TIME FRAME

February 2015 to August 2016

CONSTRUCTION

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

September 2016 to September 2017

SALES

Projected 100% sales all 48 lots.

October 2017 to October 2019

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) (90% at the makai/west end) and Important Agricultural Lands (IAL) (10% at the mauka/east end). 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 tillability and climate. Other less intensive agricultural uses such as grazing and pasture may be included in the Extensive Agriculture category. IAL are those lands with better potential for sustained high agricultural yields because of soil type, climate, topography, or other factors.

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 (approximately 42.8% provided). There are no native forest clusters of at least one contiguous acre present in the Project area. The property owner requested information on the prevalence and distribution of large trees, defined as those with trunks larger than 14 inches diameter at breast height (dbh). Such trees are extremely numerous mauka of the railroad berm. They are mainly kukui, monkeypod, pride of India, mango and kiawe, all of which are no-native species. Makai of the railroad berm, there are a least a few dozen large monkeypods and kukui, but most of the larger trees are the thorny kiawe and opiuma. The property does not appear to contain large native trees such as ohia or wiliwili. None of the ohe Makai trees appear to be larger than 14 inches dbh.

Most valuable botanical resource on the property is ohe Makai. This rare, attractive tree, although not listed as threatened or endangered, is considered a Species of Concern by the U.S. Fish and Wildlife Service and merits preservation when feasible.

- 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 48 agricultural farm dwelling lots and open space and agricultural areas. Based on applying the required 1-acre minimum land area per building site in the A-1a area, with the total land area of 16.123 acres, a total of 16 lots would be the maximum density that is allowable by zoning. Then, based on applying the required 5-acre minimum land area per building site in the A-5a area, with the total land area of 161.50 acres, a total of 32 lots would be the maximum density that is allowable. Approval of this PUD will allow the applicant to configure the proposed lots and roadways to realize a rural agricultural presence that is generally consistent with uses within this particular area of North Kona.

The project site is surrounded to the north, west, and south by lands zoned A-5a and on the east by land zoned A-1a. The total of 48 agricultural lots and open space and agricultural use areas will be in keeping with the density as permitted. As 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.

The proposed subdivision will include 48 agricultural farm dwelling lots and open space and agricultural use areas. The proposed density that will not exceed the maximum density permitted by zoning, which is calculated at 48 lots for the entire 177.623 acre Project Site. Approval of this PUD will allow the applicant to configure the proposed lots and roadways to realize a low density rural agricultural use presence that is generally consistent with uses within this particular area of North Kona.

- 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 a rural agricultural community that is in harmony with the surrounding uses of the area, promotes social interaction, encourages outdoor activities, and is open space and agricultural use oriented. The project will consist of a total of 48 farm dwelling lots with landscaping designed to respect the low rainfall climate with water conservation as a major criterion. As stated by the applicant, their objective is to create a low density rural agricultural farm dwelling development that conveys an open space feeling.

The approval of this PUD will allow deviations from the standard code requirements in order to sensitively design the 48 farm dwelling lots, open space and agricultural use areas in harmony with the inherent natural beauty and to maximize the open space feeling 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 landscaped 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 existing makai development.

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 developed areas.

APPROVED EXCEPTIONS

Based on the above findings, the following exceptions to the County of Hawai'i Chapter 25 (Zoning) and Chapter 23 (Subdivisions) for **Fenway Development (PUD 15-000033)** 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. A minimum building site area of one acre shall be maintained as that is the minimum area required by Hawai'i Revised Statutes (HRS). 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 CC&R'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 50 feet wide with 20 feet pavement width. On each side of the pavement will be 15 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). This variance will allow cul-de-sac lengths of up to 1,100 feet in lieu of the maximum length of 600 feet. However, the Applicant shall consult with the HFD to ensure that this alternative cul-de-sac design will meet with their approval.
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 and of Low Volume Roads (average daily traffic volume of less than 400 vehicle trips per day). 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.
12. **Water System.** (HCC §23-84(1)). In the event that water from the Department of Water Supply (DWS) is not available or feasible to develop, in whole or in part, the service to the Project, the Petitioner requests to be allowed to develop a private water system using alternate materials for domestic and irrigation purposes with an on-site well, a reverse osmosis treatment plant, transmission and distribution lines, and water storage reservoirs constructed as either steel, glass fused, or epoxy-coated or similar steel type tanks. However, the water storage, transmission lines and all appurtenances will be designed and sized to meet all DWS regulations, even though not dedicated to DWS and Water Board. Provisions shall also be made for emergency and firefighting purposes in consultation with HFD. **Individual rain water catchment systems will not be allowed as the primary source of water supply.**

CONDITIONS OF APPROVAL

The Planning Director approves the Fenway Development, Inc. "Kualono Agricultural PUD" (PUD 15-000033) 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.** The Archaeological Assessment reviewed by the DLNR-HPD has determined that no further analysis or archaeological work was necessary for Parcel 087 for this project.

The final Archaeological Inventory Survey was approved for Parcel 078 by DLNR-HPD by letter dated March 8, 2012.

The plans for data recovery shall be detailed in a Data Recovery Plan prepared for DLNR-HPD review and approval. The specific plans for preservation and maintenance of the burial features will be detailed in a Burial Treatment Plan prepared for review and approval by DLNR-HPD and the Hawai'i Island Burial Council (HIBC). Measures to protect other non-burial sites recommended for preservation shall be described in a Site Preservation Plan prepared for DLNR-HPD review and approval. Archaeological monitoring is required during construction activity.

In the event any further unexpected historic properties are encountered, the project shall be subject to further review by DLNR-HPD.

4. **Potable Water System.** Potable water shall be provided and extended to all of the buildable lots. **Should the private water system well(s) cause any hardship on surrounding properties due to its proximity to existing individual wastewater systems (cesspools or septic systems), the developer shall bear the expense and costs associated with any required remedial measures (system upgrades).**
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). The profile of the private roadway approach to the Ali'i Drive (Māmalahoa Bypass Road (Bypass)) shall be designed to match the future widening of the Bypass to the 120 foot wide, 4 lane configuration as shown in DPW Standard Detail R-33. Provision also shall be made for future 4 lane wide Bypass northbound deceleration lane and southbound left turn lane.
6. **Utilities.** All utilities shall be installed underground. **Any solar array system shall be appropriately buffered from adjacent properties with regard to noise, glare or other nuisance.**

Steven S.C. Lim, Esq.
Carlsmith Ball, LLP
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June 18, 2015

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 Planned Unit Development approval.

Sincerely,



DUANE KANUHA
Planning Director

JRH:nci

\\COH33\planning\public\Admin Permits Division\PUD Permits\2015\PUD-15-000033 Kualono\APVL.dOCX

Encls: Exhibits

Steven S.C. Lim, Esq.
Carlsmith Ball, LLP
Page 21
June 18, 2015

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

Kathleen Puou & Rodney Puou
P.O. Box 536
Kealahou, HI 96750-0536

Denise Russell & Robert James Boenig (via e-mail denisekrussell@gmail.com)
P.O. Box 2988
Kailua-Kona, HI 96745-2988

Chuck & Patti Balzarini (via e-mail hercules@mtaonline.net)
P.O. Box 1911
Kealahou, HI 96750

xc w/encls: Fenway Development, Inc., et al.
1520 Oliver Street
Houston, TX 77007

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

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

MASTER PLAN

LEGEND	
[Symbol]	OPEN SPACE
[Symbol]	ARCHAEOLOGICAL SITE
[Symbol]	ACCESS UTILITY EASEMENT
[Symbol]	AGRICULTURAL CULTIVATION
[Symbol]	LANDSCAPE COMMON AREA
[Symbol]	25' FIRE BUFFER
[Symbol]	HOURLY SITES
[Symbol]	AGRICULTURAL LOT
[Symbol]	PHOTOVOLTAIC
[Symbol]	WELL LOT
[Symbol]	SLOPES 33% OR MORE

PROJECT INFORMATION

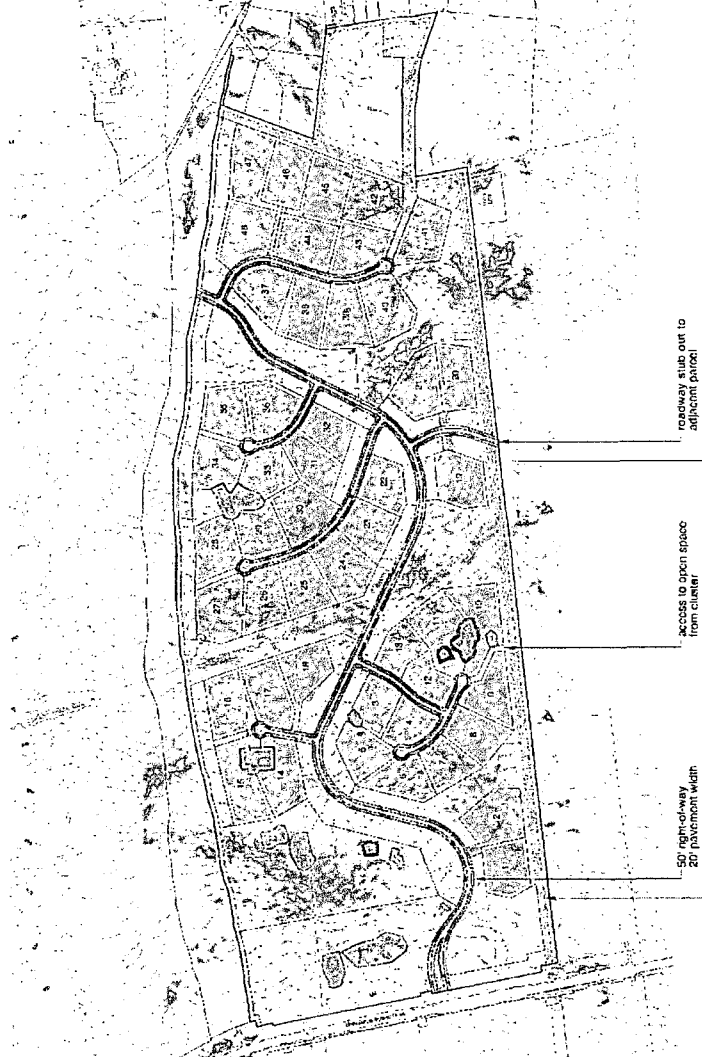
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TOTAL AREA	161.50 ACRES
COUNTY ZONING	A-5a
TAX MAP KEY	TMK (017-9-05-87)
TOTAL AREA	16.123 ACRES
COUNTY ZONING	A-1a
TOTAL NUMBER OF LOTS	48 LOTS

AREA CALCULATIONS

LOTS	73.17 AC	41.20 %
ACCESS UTIL ESMT	9.59 AC	5.40 %
HDW	11.82 AC	6.54 %
WELL	1.17 AC	0.68 %
PHOTOVOLTAIC	8.01 AC	3.08 %
OPEN SPACE	76.08 AC	42.82 %
TOTAL AREA	177.82 AC	100.00 %

LOT AREA

LOT 01	1.45 ACRES
LOT 02	1.70 ACRES
LOT 03	1.18 ACRES
LOT 04	1.09 ACRES
LOT 05	1.33 ACRES
LOT 06	1.37 ACRES
LOT 07	1.28 ACRES
LOT 08	1.48 ACRES
LOT 09	1.44 ACRES
LOT 10	1.67 ACRES
LOT 11	1.74 ACRES
LOT 12	1.06 ACRES
LOT 13	1.09 ACRES
LOT 14	1.57 ACRES
LOT 15	1.78 ACRES
LOT 16	1.65 ACRES
LOT 17	1.63 ACRES
LOT 18	1.51 ACRES
LOT 19	1.38 ACRES
LOT 20	1.27 ACRES
LOT 21	1.14 ACRES
LOT 24	1.82 ACRES
LOT 25	1.51 ACRES
LOT 26	1.62 ACRES
LOT 27	1.77 ACRES
LOT 28	1.51 ACRES
LOT 29	1.42 ACRES
LOT 30	1.70 ACRES
LOT 31	1.44 ACRES
LOT 32	1.53 ACRES
LOT 33	1.53 ACRES
LOT 34	1.41 ACRES
LOT 35	1.43 ACRES
LOT 36	1.60 ACRES
LOT 37	1.54 ACRES
LOT 38	1.74 ACRES
LOT 39	1.66 ACRES
LOT 40	1.75 ACRES
LOT 41	1.56 ACRES
LOT 42	1.78 ACRES
LOT 43	1.58 ACRES
LOT 44	1.71 ACRES
LOT 45	1.60 ACRES
LOT 46	1.66 ACRES
LOT 47	1.86 ACRES
LOT 48	1.92 ACRES



North Korea, Texas: TMK (37-9-015-075 & 087)
 Fantasy Developments, Inc.
 1520 Oliver Street, Houston, Texas 77007

Kualono... an agricultural planned unit development

Exhibit E

Exhibit 1: Yard Designation

Variance Request - Zoning Code

Request:

The Petitioner request the yards be designated as indicated in Exhibits 1 to 7. Below is the reference site plan indicating lot location and lot number for referral to exhibits 2 to 7:

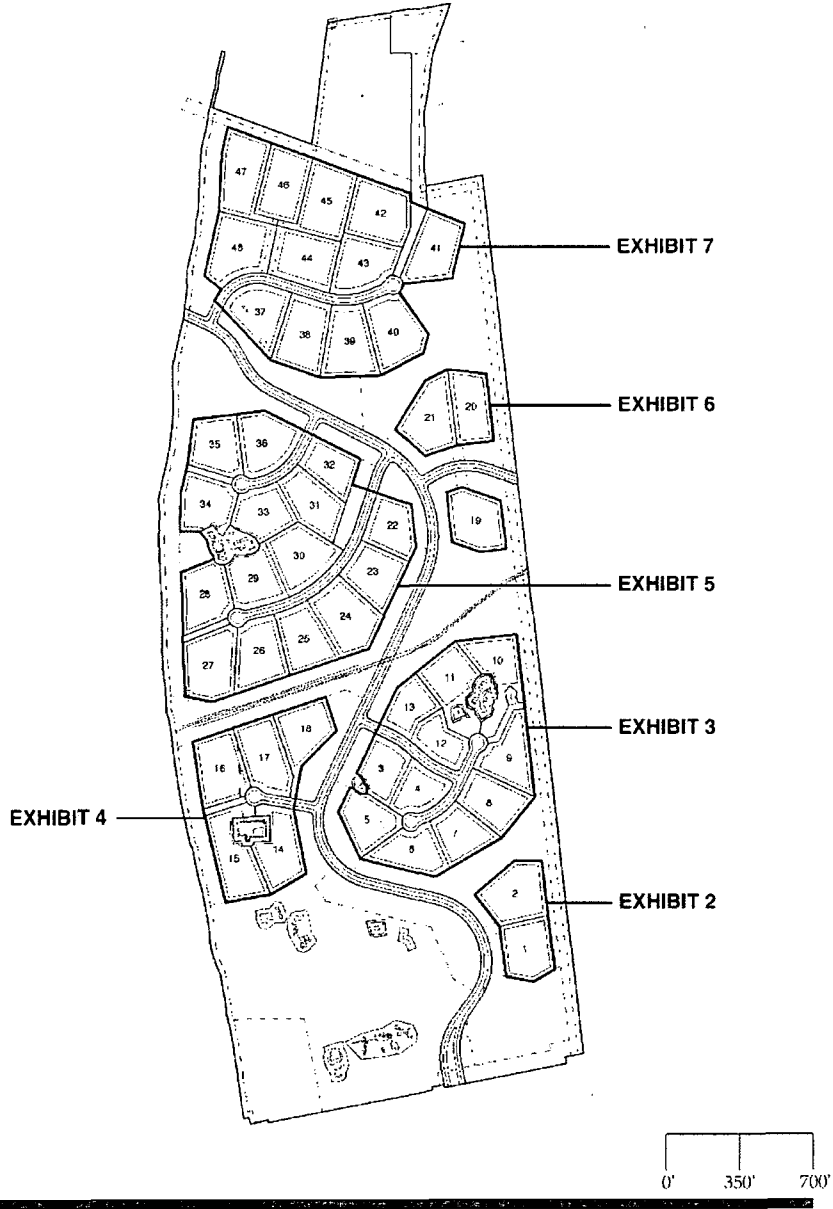
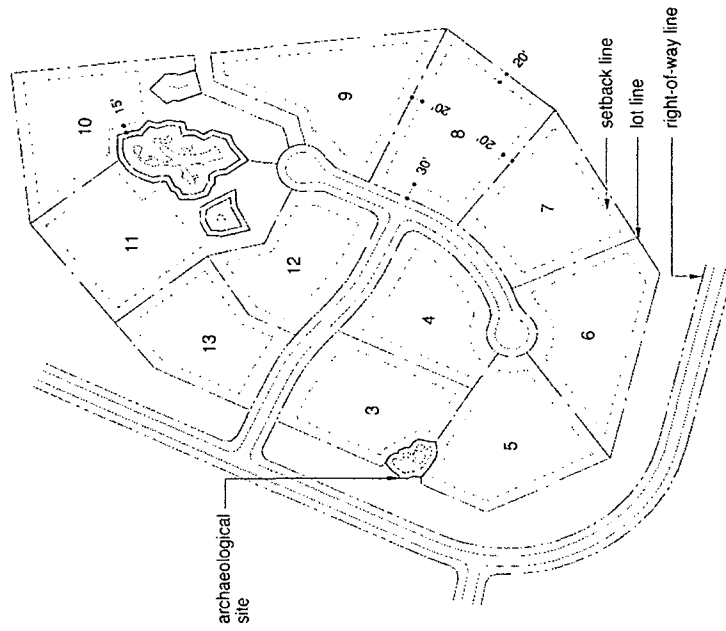


Exhibit 3: Yard Designation
 Variance Request - Zoning Code

Request:
 The Petitioner request the yards be designated as indicated below.

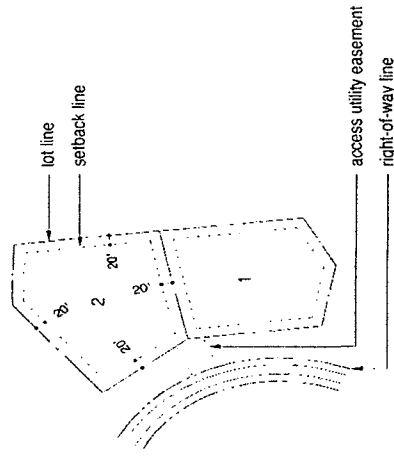


All front yards shall be 30 feet
 All rear yards shall be 20 feet
 All side yards shall be 20 feet
 All yards adjacent archaeological sites shall be designated as 15 foot side yards from edge of buffer line.



Exhibit 2: Yard Designation
 Variance Request - Zoning Code

Request:
 The Petitioner request the yards be designated as indicated below.

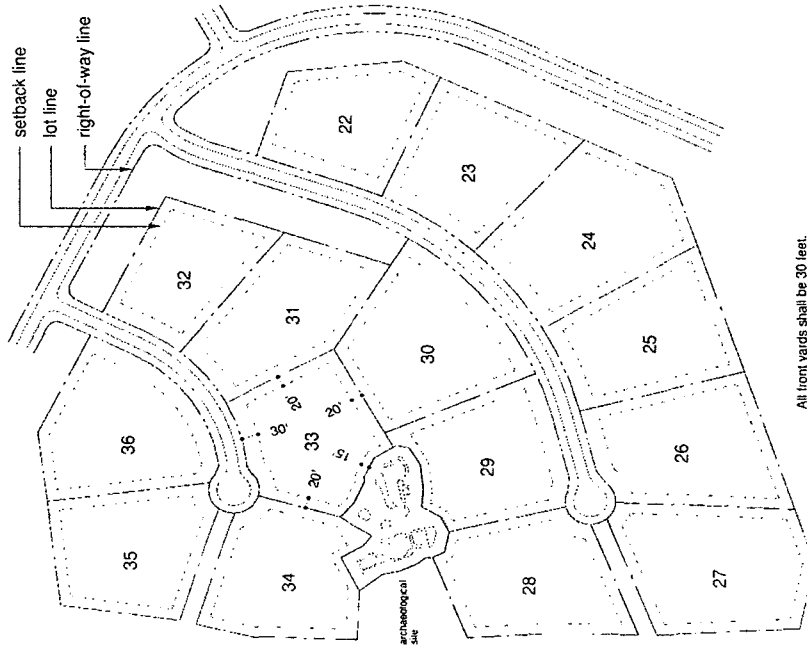


All yards these lots shall be designated as 20 foot side yards.



Exhibit 5: Yard Designation Variance Request - Zoning Code

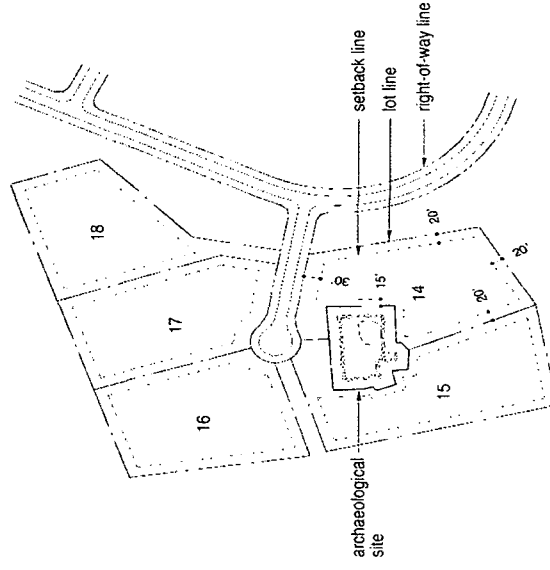
Request:
The Petitioner request the yards be designated as indicated below.



All front yards shall be 30 feet.
All rear yards shall be 20 feet.
All side yards shall be 20 feet.
All yards adjacent archaeological sites shall be designated as 15 foot side yards from edge of buffer line.

Exhibit 4: Yard Designation Variance Request - Zoning Code

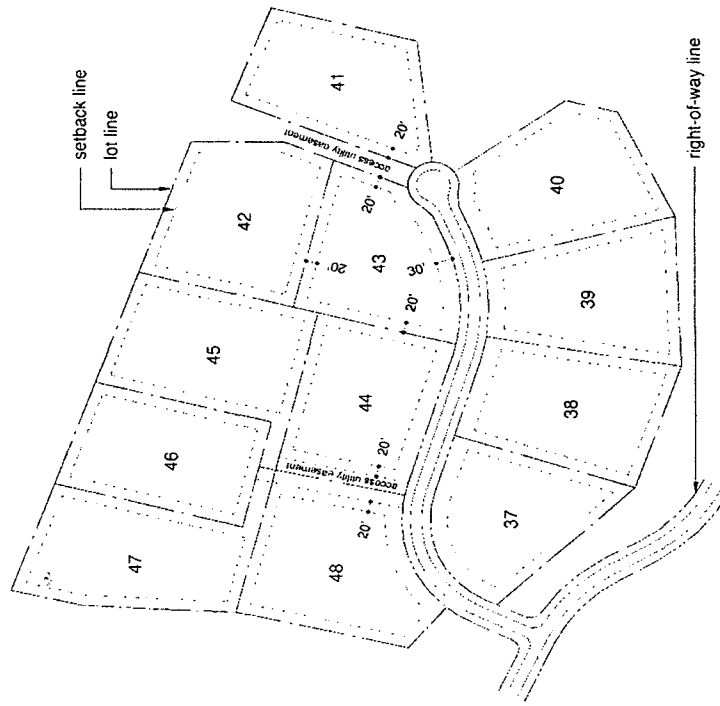
Request:
The Petitioner request the yards be designated as indicated below.



All front yards shall be 30 feet.
All rear yards shall be 20 feet.
All side yards shall be 20 feet.
All yards adjacent archaeological sites shall be designated as 15 foot side yards from edge of buffer line.

Exhibit 7: Yard Designation
 Variance Request - Zoning Code

Request:
 The Petitioner request the yards be designated as indicated below.



All front yards shall be 30 feet.
 All rear yards shall be 20 feet.
 All side yards shall be 20 feet.

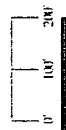
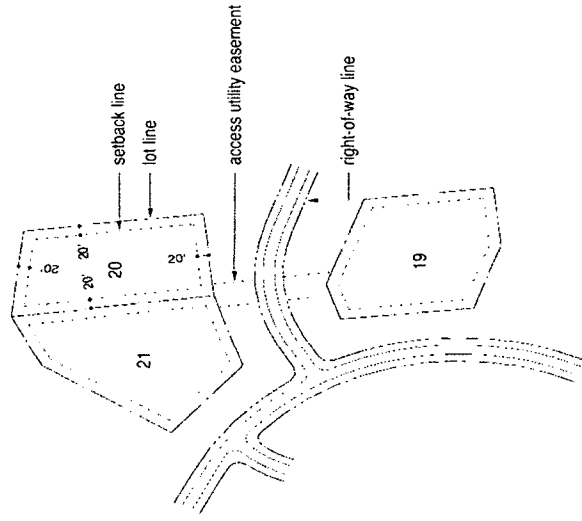


Exhibit 6: Yard Designation
 Variance Request - Zoning Code

Request:
 The Petitioner request the yards be designated as indicated below.



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

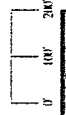


Exhibit 9: Street Lights

Variance Request - Subdivision Control Code

Request:

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

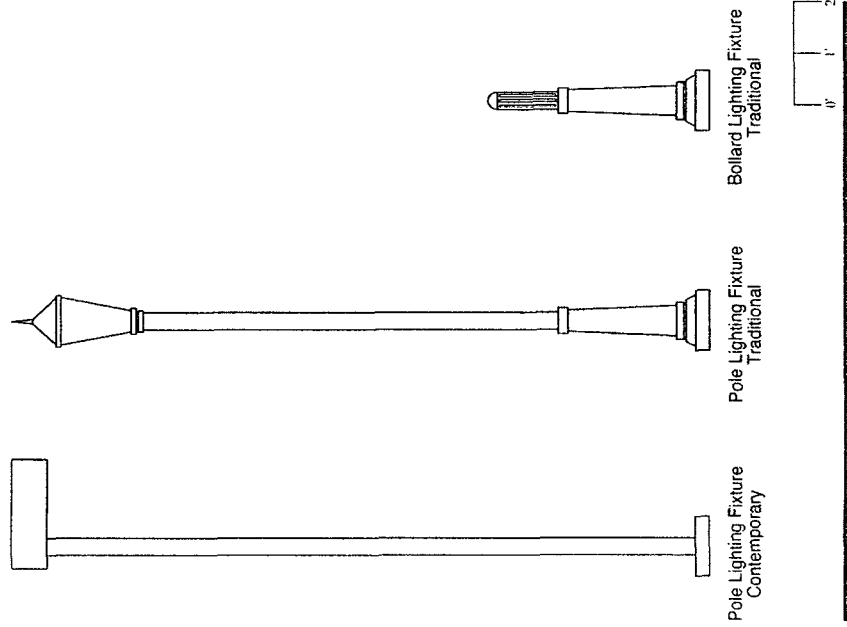


Exhibit 8: Cul-de-Sacs

Variance Request - Subdivision Control Code

Request:

The Petitioner request the cul-de-sac be permitted to have a center planting area as indicated below:

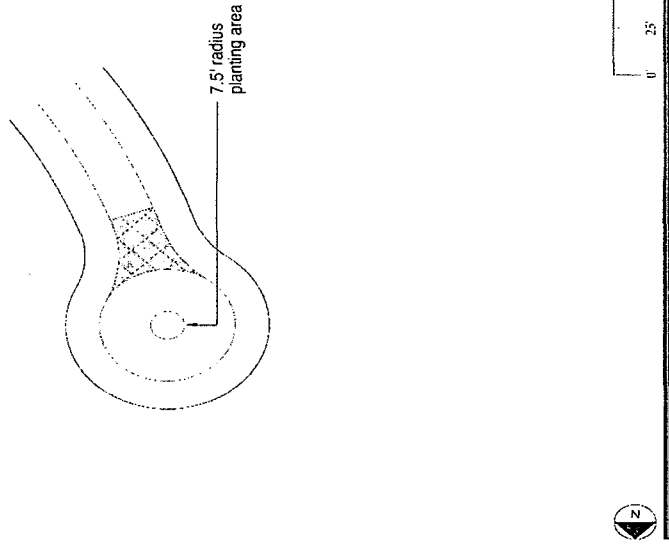
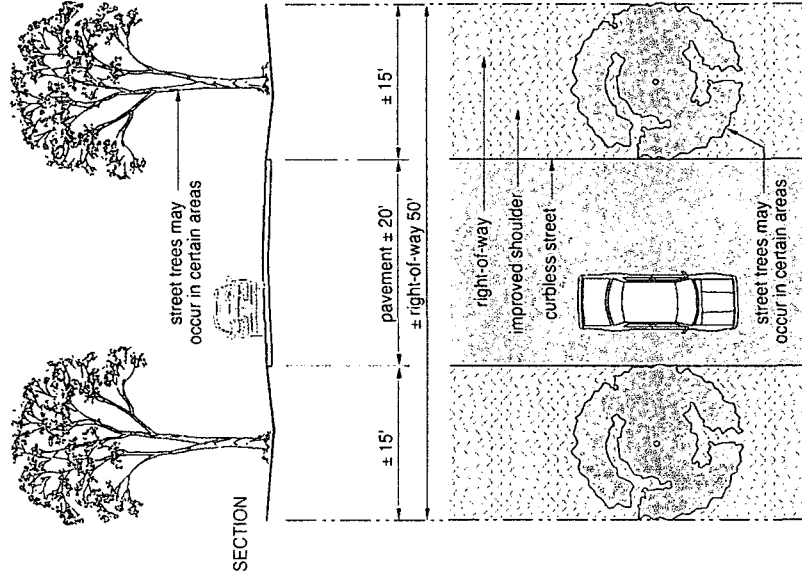


Exhibit 11: Right of Way Improvement

Variance Request - Subdivision Control Code

Request:

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



PLAN

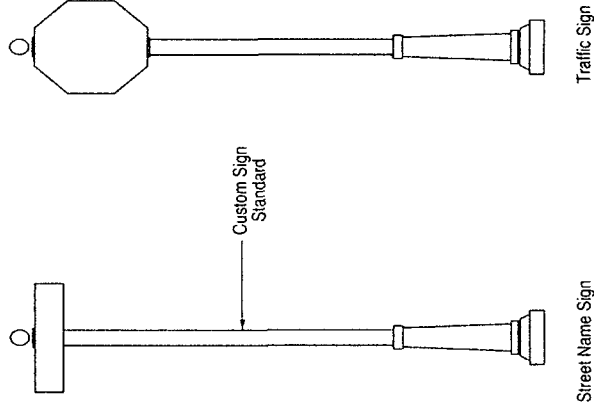


Exhibit 10: Street Signs

Variance Request - Subdivision Control Code

Request:

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



Street Name Sign

Traffic Sign



County of Hawaii
Department of Public Works - Traffic Division

March 11, 2015

Review Comments

To: Duane Kanuha, Director, Planning Department
 From: Aaron Takaba (ATT), Traffic Division, Signs & Markings Section
 Project Name: Planned Unit Development (PUD-15-000033) Kuloano
 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 done by the Traffic Division to ensure any affected County road signs and striping is to County of Hawaii standards.	ATT

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

Memorandum No. 2015 - 588
 To: Duane Kanuha - Planning Director
 From: Traffic Division
 Subdivision/Project: Kuloano - PUD-15-000033
 Subdivision/Project No: TMK: 7-9-005:078 & 087

Date Received: 3/10/2015
 Date Transmitted: 3/18/2015

SIGNS/MARKINGS:
 1. R. Manguang
 No Review
 Other Comments
 Review Date: _____ Initial: _____
 See Attached Comments
 No Comments
 Comments on Plan/Sketch

2. C. Hatake
 No Review
 Other Comments
 Review Date: _____ Initial: _____
 See Attached Comments
 No Comments
 Comments on Plan/Sketch

STREET LIGHTS/TRAFFIC SIGNALS:
 3. K. Tsutsui
 No Review
 Other Comments
 Review Date: 3/17/2015 Initial: _____
 See Attached Comments
 No Comments
 Comments on Plan/Sketch

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

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

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

097600

William F. Kenei
Mayor



County of Hawaii

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
345 Koloanalo's Street, Suite 41 • Hilo, Hawaii 96720
(808) 961-8083 • Fax: (808) 961-8086
<http://www.hawaii.gov/dep/>

BJ Leithead Todd
Director
John A. Medeiros
Deputy Director

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

MEMORANDUM

Date : March 26, 2015
To : DUANE KANUIA, Planning Director
From: BJ LEITHEAD TODD, Director *for*
Subject: Application: PLANNED UNIT DEVELOPMENT (PUD-15-000633)
Applicant: FENWAY DEVELOPMENT, INC.
Owner: WILCREST PADS, LTD., FEAGAN SHEPHERD, LTD., MAIN BUFFALO INVESTMENTS, LTD.
Request: PUD: KUALONO
TMK: 7-9-005: 078 & 087

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.
 - A pile 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:

097863

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County of Hawaii
Department of Public Works - Traffic Division

17-Mar-2015

Review Comments

To: Duane Kanuiha-Planning
From: Kent Tsutani (KTT), Traffic Division, Street Lights and Signals Section
Project Name: Proposed PUD: Kualono
Project No: PUD-15-000633
TMK: 7-9-005-078 & 087

Item	Sh/Dwg No	Comment	By
1		All non-dedicable private roadways, at a minimum, shall have the blue light component of any street lighting to be less than 1% and configured as a fully shielded fixture to prevent up-lighting with respect to Dark Sky initiatives. See County Ordinance, Chapter 14, Article 9 for reference.	KTT
2	General	Any custom street lighting maintenance on private roadways shall be the sole responsibility of the development.	
3		For any County dedicable roads, all County Standards for roadway street lighting shall be followed.	
4		Project roads intersecting with County or State Highways shall have street lights installed in accordance with the latest County or State street lighting standards.	



CUST 3-3-1
H-WIG

March 27, 2015

County of Hawai'i
Planning Department
101 Pauahi Street, Suite 3
Hilo, Hawai'i 96720
Attention: Mr. Jonathan Holmes
Gentlemen:

Subject: Planned Unit Development (PUD-15-000033)
Kualono, Fenway Development, Inc.
North Kona, Island of Hawai'i
Tax Map Key: 7-9-005: 078 & 087

Thank you for the opportunity to comment on the subject's Planned Unit Development (PUD). Hawai'i Electric Light will be able to provide electrical service to the proposed development in North Kona. A detailed analysis will be performed after the receipt of the consultant's detailed design drawings and estimated load. The following is a summary of our comments:

1. Generation capacity - As of January 2015, Hawai'i Electric Light's current system peak load is 187,800kW and our total generation system capability is 277,300kW. Our reserve margin is 48% and may have adequate generation to serve the above.
2. Electrical Substation - The area is served by our existing Keaouhou electrical substation and a 7,200 volt overhead distribution. The capacity of our existing substation is not adequate to serve the ultimate anticipated load of 1,425 kVA. A substation transformer upgrade may be required to accommodate the load.
3. Off-Site Electrical Transmission System - The existing 69,000 volt transmission line runs along Mameleho Highway.
4. Off-Site Electrical Distribution System - The existing off-site 7,200 volt distribution system serving the lower portion of St. Paul's Road through private properties is not adequate to serve the proposed development. Off-site 12,470 volt distribution lines and easements from Keaouhou substation to the on-site development are required to serve the anticipated load.
5. On-Site Electrical Distribution System - On-site distribution line extensions and easements may be required on the developer's property to serve the anticipated load.

Hawai'i Electric Light 74-5518 KAIWI STREET / KAILUA-KONA, HI 96740



William P. Kenai
Mayor
Walter K.M. Lau
Managing Director

B.J. Leithhead Todd
Director
John A. Medeiros
Deputy Director

County of Hawai'i

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

345 Kalaheo Ave., Suite 41 • Hilo, Hawai'i 96720
(808) 961-6033 • Fax (808) 961-6036
<http://hawaii.co.gov/environmentalmanagement/>

MEMORANDUM

Date : March 20, 2015

To : DUANE KANUHA, Planning Director

From : BJ LEITTHEAD TODD, Director *[Signature]*

Subject: Application: PLANNED UNIT DEVELOPMENT (PUD-15-000033)
Applicant: FENWAY DEVELOPMENT, INC.
Owner: WILCREST PADS, LTD., FEAGAN SHEPHERD, LTD., MAIN BUFFALO INVESTMENTS, LTD.
Request: PUD: KUALONO
TMK: 7-9-005: 078 & 087

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.)

- 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 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.
- 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 in 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:

William P. Kono
Mayor



PLANNING DEPARTMENT
COUNTY OF HAWAII

Harry S. Kubojiri
Police Chief

Paul K. Ferracin
Deputy Police Chief

285 HHS 3G PH 3-360

County of Hawai'i

POLICE DEPARTMENT
349 Kapiolani Dr. • Hilo, Hawaii 96720-3998
(808) 933-3311 • Fax: (808) 961-5389

March 23, 2015

TO : DUANE KANUHA, PLANNING DIRECTOR
FROM : PAUL H. KEALOHA, JR., ASSISTANT CHIEF, AREA II OPERATIONS
SUBJECT : APPLICATION: PLANNED UNIT DEVELOPMENT (PUD-15-000033)
APPLICANT: FENWAY DEVELOPMENT, INC.
OWNERS: WILCREST PADS, LTD., FEAGAN SHEPARD, LTD.,
MAIN BUFFALO INVESTMENTS, LTD.
REQUEST: PUD: KUALONO
TAX MAP KEY: 7-9-005:078 & 087

This is in response to your memorandum dated March 6, 2015, requesting for 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.

RMJ/fej
RS 150173

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097908

COH Planning Dept
Page 2
March 27, 2015

After the development's detailed loading and civil plans are submitted, Hawai'i Electric Light will prepare a firm cost to provide electrical power to this development.

Hawai'i Electric Light recommends energy efficient and conservation measures to reduce the maximum electrical demand and energy consumption. The developer may call Hawai'i Electric Light's Energy Services department at (808) 935-1171 for questions or details on available programs.

It is encouraged that the developer's electrical consultant open a service request with Hawai'i Electric Light Engineering department as soon as practicable to ensure timely electrical facility installation. If you have any questions, please contact me at (808) 327-0504 or email shelley.doctor@hawaiielectrictight.com.

Sincerely,

Shelley Doctor
Electrical Engineer, Planning Division
Engineering Department

email: K. Kubojiri
M. Mather

Hawai'i Electric Light
74-5519 KAIWI STREET / KAILUA-KONA, HI 96740

5. All roads within the proposed subdivision are proposed to be private. However, we note KCDP Figure 4-2a shows no mauka-makai connecting streets in addition to Halekii Street between Keaouhou and Captain Cook. Nevertheless the Planning Department should be considering, classifying and requiring appropriate alignments and grades for potential street connections as the area develops rather than defaulting to the KCDP. The proposed approach to the Bypass appears to be at an ideal location for an intersection with regard to approach grade, available sight distance and Bypass grade. Dedicate vertical and horizontal alignments should be considered for the proposed mauka-makai road should an upgrade to County dedicable standards be considered in the future.
6. 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.
7. Roadway connections to adjoining parcels should be provided and should be open to public traffic.
8. No vehicular security gate should be allowed on any street that connects a County road to adjoining properties (see comment 8). For the proposed cul-de-sacs, security gates should be set 60 feet minimum from a through road and have a turnaround on the through road side of the gate.
9. Any mail kiosk or cluster mail boxes shall not be located within the County right-of-way and shall be designed to avoid interference with through traffic.
10. Any landscaping within the county right-of-way shall be maintained by the developer or developer's assigns under a landscape maintenance agreement with the County.

VARIANCES

1. Variance request No. 15 from HCC Section 23-41. A specific minimum 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 the request and as shown on exhibit 11. The mauka-makai through road should be classified as a collector and have a 60-foot minimum right-of-way (See General Comment 5).
2. Variance request No. 16 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.

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DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII

Memorandum

DATE: April 8, 2015

TO : Duane Kanuha, Planning Director
Planning Department

FROM : Ben Ishii, Division Chief
Engineering Division

SUBJECT : Planned Unit Development Application (PUD 15-000033)
Applicant: Fenway Development, Inc.
Owner: Wilcrest Pads, Ltd.; Feagan Shepherd, Ltd.; Main Buffalo Investments, Ltd.
Proposed: Agricultural PUD - Kualono
Location: N. Kona, HI
TMK: 3/7-9-005: 078 and 087

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 profile of the subdivision approach to the Mamelahoa Highway Bypass (Bypass) shall be designed and reconstructed to match the future widening of the Bypass to the 120 foot wide, 4 lane configuration in County Standard Detail R33. The intersection with the Bypass shall include installation of a southbound left turn lane and a northbound deceleration lane on the Bypass.

098613

William P. Keano
Mayor



PLANNING DEPARTMENT
COUNTY OF HAWAII

Darren J. Rosario
Fire Chief

Renwick J. Victorino
Deputy Fire Chief

2025 APR 30 PM 3:43

County of Hawaii

HAWAII FIRE DEPARTMENT

25 Ashland Street • Room 1501 • Hilo, Hawaii 96720
(808) 932-2900 • Fax (808) 932-2923

April 30, 2015

TO: DIJANE KANUHA, PLANNING DIRECTOR

FROM: DARREN J. ROSARIO, FIRE CHIEF

SUBJECT: APPLICATION: PLANNED UNIT DEVELOPMENT (PUD-15-000033)
APPLICANT: FENWAY DEVELOPMENT, INC.
OWNERS: WILCREST PADS, LTD., FEAGAN SHEPARD, LTD., MAIN
BUFFALO INVESTMENTS, LTD.
REQUEST: PUD: KUALONO
TAX MAP KEY: 7-9-005:078 & 087

In regards to the above-mentioned Planned Unit Development application, the Hawaii Fire Department does not support approval of the above referenced project due to non-compliance with fire code access requirements. We are also requesting detail on water supply for fire department use in the case of a fire. Code language for water and access requirements have been included below.

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 A111 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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Memorandum to PD-PUD-15-000033
April 8, 2015
Page 3 of 3

3. 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.
4. Variance No. 18 from HCC Section 23-50 (See General Comments 5 and 6) The roads should be designed 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. The proposed mauka-makai through road should be classified as a collector and have a 16% maximum grade. The proposed alignment will call for super-elevation of the traveled way in order to meet a minimum 30 mph design speed.
5. Variance Nos. 19 and 20 from HCC Sections 23-83 and 23-94. DPW Traffic Division will not review or comment on striping and street lights for private roads. However, the engineer of record should be required to design in accordance with Manual on Uniform Traffic Control Devices.
6. Variance Request No. 21 from Section 23-95. Exhibits G and H 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 23-46 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. Trees should be located outside the AASHTO recommended clear zone. We also recommend consideration of paved shoulders at least in the mauka direction of the mauka-makai road to facilitate pulling over for breakdowns, emergency vehicles and bicycle traffic. (Note KCDP Figure 4-2b shows an improved path in the area of the "old railroad bed").

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

KE

Copy: ENG-HILOKONA
TRF

Hawaii County is an Equal Opportunity Provider and Employer

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 NPPA 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.

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 the Fire Prevention Bureau at (808) 323-4760.



DARREN J. ROSARIO
Fire Chief

KT/ie

(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 130 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



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

April 2, 2015

TO: Mr. Duane Kanuha, Director
Planning Department

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

SUBJECT: PLANNED UNIT DEVELOPMENT APPLICATION (PUD-15-000033)
APPLICANT – FENWAY DEVELOPMENT, INC.
TAX MAP KEY 7-9-005:078 AND 087

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

Please be informed that there is an existing 1-inch service lateral installed to Parcel 87 capable of accommodating a 1/2-inch meter, which is limited to an average daily usage of 400 gallons. Parcel 87 was created by a previous subdivision that used up the available water units to the pre-existing lot of record. Parcel 78 was created by a previous subdivision that was approved under a water waiver as water was not available.

Please be informed that the Department's existing water system facilities cannot support the proposed development at this time. Extensive improvements and additions, which may include, but not limited to, source storage, booster pumps, transmission, and distribution facilities, would be required. Currently, sufficient funding is not available from the Department for such improvements and no time schedule is set.

The applicant should confirm the intent to development of a private water system. Also, pursuant to Section 23-84 of the Hawaii County Code regarding subdivisions, the following minimum requirements 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 the necessary distribution pipeline, fire hydrants, and service laterals.
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.

Lastly, please note that the Department of Water Supply has not approved the use of steel and glass epoxy fused tanks in any new development.

Mr. Duane Kanuha, Director
Page 2
April 2, 2015

Should there be any questions, please contact Ryan Quitoriano of our Water Resources and Planning Branch at 961-8070, extension 236.

Sincerely yours,


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

RQ:alg

copy – Fenway Development, Inc.
Richard Owensby, Planners Architects
Carlsmith Ball LLP

098003

... Water, Our Most Precious Resource ... *Ōi Wai ʻA ʻŌiāne* ...
The Department of Water Supply is an Equal Opportunity provider and employer.

PLANNING DEPARTMENT
COUNTY OF HAWAII

P.O. Box 536
Kealahou, Hawaii 96750

2015 MAR 25 PM 2:37

March 25, 2015

Mr. Duane Kanuha, Planning Director
County of Hawaii, Planning Department
West Hawaii Office
74-5044 Ane Keohokalole Highway
Kailua-Kona 96740

Dear Mr. Kanuha:

Subject: Comments to Planned Unit Development (PUD-15-000033)
Kualono, T/MK: 79-005:078 & 087

My husband and I live in the six lot subdivision above the proposed development. We are local born and raised in Hawaii, surrounded by property owners from Boston, Alaska, Canada and Oregon. Very few local people can afford Kona real estate these days, and it is sad. Friends and family move further south and to the Ocean View area and commute.

I would whole heartedly support this development if these homes were affordable for the local people of Kona. It seems clear that it will not be used as an Ag5, but as a development for the wealthy. As a resident I am not interested in seeing my property value and taxes rise. I am not a transplant or a speculator. Can you assure me that my property taxes will not increase with the type of homes proposed to be built in this agricultural development? Kona is subject already to an increasing disparity in property taxes as opposed to Hilo because of this. It will not be a "clustered farm dwelling community consistent with agricultural uses found in the area".

Following are my concerns for PUD-15-000033:

The area next to my home is a hoary bat habitat. It appears that they mate and pup in the area in the summer and fall. 3-5 individuals are seen almost nightly by my home during these times. Could some habitat be spared? Could a maulo-makai greenway be provided?

A well will be drilled mauka of my residence. Will this affect my cesspool? Will I have to pay the expense to convert to a septic system with a well nearby?

If these residences are considered "farm dwellings" could the size of the homes be limited by square footage consistent with the agricultural dwellings found in the area?

Photovoltaic farms are not normally constructed near residences. Is electromagnetic interference from photovoltaic regulated and what are the impacts? Can you assure me that EMI it will not interfere with my wireless, hearing aid, pacemaker, etc? In the future, I may consider a photovoltaic system to my residence. Will HELCO allow me on the grid with this large system next door?

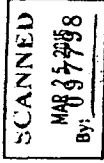
What will the buffer zone be on the photovoltaic site? My setback is 30' for my residence. It should be greater. It seems that it is an industrial usage in an agricultural area. The buffer should be adequate enough that the decibel level that I have presently will be maintained. I do not want to hear a buzzing of a controller, inverter, transmission line, etc.

Ideally, I would like to see that the 16-Ag1 lots be made into affordable homes and the 161 acres of Ag5 remain at Ag5. No variances or exceptions. This master plan will be the precedent for the remaining agricultural lands that Fenway plans to develop in the area. I urge the County to make an effort to utilize these agricultural lands to the benefit of Hawaii County residents.

Truly yours,



Kathleen Puou
Rodney Puou



Ley, Rachelle

PLANNING DEPARTMENT
COUNTY OF HAWAII

From: Lalo, Claudia
Sent: Tuesday, March 31, 2015 9:31 AM
To: Ley, Rachelle
Subject: FW: PUD 15-000033/KUALONO

2015 MAR 31 AM 9:33
10 334

Claudia Lalo
County of Hawai'i Planning Department

From: Holmes, Jonathan
Sent: Tuesday, March 31, 2015 7:59 AM
To: Lalo, Claudia
Subject: FW: PUD 15-000033/KUALONO

C,

For intake, etc.

Mahalo

-----Original Message-----

From: Balzarini [mailto:hercules@hawaiiplanning.net]
Sent: Monday, March 30, 2015 9:58 PM
To: Holmes, Jonathan
Subject: PUD 15-000033/KUALONO

Aloha Mr. Holmes,

We are the owners of Lot 6 in Lae Maia Place Subdivision (TMK 79005060000); located just above the proposed Kualono subdivision. We have a couple of questions/concerns regarding this PUD:

- 1.) Lot 7 (approximately 16 acres) of Lae Maia Place Subdivision is part of the proposed Kualono subd. Will the CC & R's attached to lot 7 remain the same once the new development is approved? We are specifically concerned that the height & noise restrictions remain in place.
- 2.) Lot 8 of Lae Maia Place is shown in the drawing of Kualono subdivision as part of "proposed properties." Lot 8 is a small sliver of property that is attached to Lot 7 for access to the 16 acres. Should lot 7 be subdivided, lot 8 will transfer to lot 6 & the 16 acres of lot 7 must be accessed by a different route. We understand that the Kualono subdivision will be accessed by the Bypass road, but would like it to be clear that no one will be able to access via lot 8 as that will be transferred to us.

Thank you for your time,
Chuck & Patti Balzarini
79-955 Lae Maia Place
or PO Box 1911
Kealahou, HI 96750

238-5810

097933

Ley, Rachelle

PLANNING DEPARTMENT
COUNTY OF HAWAII

From: Denise Russell [denisekussell@gmail.com]
Sent: Monday, March 30, 2015 4:41 PM
To: Planning Internet Mail
Cc: Bronco Bobby
Subject: PUD-15-000033 Application

2015 MAR 31 PM 3:16
10 334

Attn: Mr. J. Holmes

Aloha Mr. Holmes,

I and my husband, Robert J Boenig, are in receipt of a letter from Carlsmith Ball LLP dated March 6, 2015 and a second letter dated March 13, 2015 informing us of the subject PUD Application. We are "surrounding property owners" who will be directly impacted by this proposed development and I am writing today to voice our concerns and to ask that our concerns be taken into consideration and documented during the Planning Department's deliberation.

Following a visit today to the Kona Planning Department, I understand that the decision about this PUD will be made by the Director of the Planning Department and not the Planning Commission.

When we bought our 1-acre parcel of land in 2008 as part of the Lae Ma'a subdivision, it was with the understanding that the lower, 16-acre parcel, a parcel contained within our subdivision, would not be developed by the then developers/owners and would instead be used to cultivate a coffee farm. We further understood that if the 16-acre parcel were to be sold, it was zoned as Ag5 and would likely remain Ag5.

Subsequent to our purchase, the 16-acre parcel, Lot 7 of our CCR's, was sold and is now part of this PUD. Our particular lot stands to be effected on two sides - to the west and to the south. Our concerns are listed below:

- 1.) Why isn't this application being brought before the Planning Commission and subject to public comment?
- 2.) We oppose lots sized smaller than 5 acres, only within the 16-acre parcel.
- 3.) We request assurances, in writing, that height restrictions on all buildings, structures and landscaping be stipulated and enforced and not obstruct our or our neighbors' views in any way.
- 4.) We request to see and approve a landscaping plan for the boundary between our lot and the adjacent proposed photovoltaic area.
- 5.) We have requested a copy of the complete 1000 page PUD application. The Kona Planning office indicated it would be Wednesday or Thursday of this week before they receive it; your offices are closed on Friday. We request an extension of time to make comments following review of the actual application.

Thank you for your time and consideration. I will call you later in the week to confirm your receipt of this email and to ask what the next steps are/will be in this process.

Mahalo ~

Denise Russell
denisekussell@gmail.com
808-230-4463
79-951 Lae Ma'a Pl.
Honalo, HI
TMK (317)-9-005-084-0000

097922