

240 North Judd Street - Honolulu, HI 96817
Home Phone: 531-7995 Office Phone: 531-2533
Fax Number: 1-531-3124

February 21, 1991

Mr. Norman Hayashi, Director
Hawaii County Planning Department
25 Aupuni Street
Hilo, Hawaii 96720

RE: Consolidation/Resubdivision Application No. 90-20,
TMK 3:8-1-009-03 and Consolidation/Resubdivision
Application No. 90-39, TMK 3:8-1-009-027 &
TMK 3:8-1-010-02

Dear Sir,

My family has a Consolidation/Resubdivision Application, No. 90-20, before your department. A decision on our application is presently being deferred while we negotiate with the County Public Works Department regarding the necessity of road improvements.

As of September 7, 1990, the Public Works Dept. has indicated that in order to obtain its approval for our application, we must "improve" the Kaawaloa Road which abuts our property. The Dept. has asked that we either "provide future road widening setbacks along Kaawaloa Road and Napoopoo Road as necessary to provide 1/2 the difference between 50' and the existing right-of-way width", or "provide minimum 20' wide Agricultural pavement within minimum 50' wide right-of-way along Kaawaloa Road to Parcel #7..."

My family takes an interest in all County Planning Department and Public Works Department decisions regarding the status and criteria of public access on Kaawaloa Road, as these decisions may have a direct effect on the outcome of our application. As such we are interested in the public right-of-way criteria approved by the Planning Dept. in its approval of Consolidation/Resubdivision Application No. 90-39 in May/June 1990.

It is apparent from the Public Works Department comments on our application (No. 90-20) and on application No. 90-39 that the County desires to "improve" the Kaawaloa Road right-of-way to a 50 foot standard. The Public Works Dept.'s initial comments on application No. 90-39, dated April 9, 1990, state:

"The existing dirt road, known as Kaawaloa Road, that bisects proposed Lot 1 appears to be an old government road or existing public thoroughfare. The public right of passage should be guaranteed by a 50' easement or road right-of-way."

Mr. Norman Hayashi, Director
Hawaii County Planning Department
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The Public Works Dept. was later asked to re-examine its initial comments and on May 4, 1990 the Dept. issued a revised set of comments. Comments No. 1 & No. 3 were changed. However, Comment No. 2 regarding the requirement for granting a full 50' easement or road right-of way where Kaawaloa Road abutted or passed through the subject properties remained in effect. It states:

"Comment #2 - Remains the same. Applicant shall include a 50' wide public access right-of-way delineated by the outside edge of the stone walls which bound Kaawaloa Road. Where the section of stone wall has been interrupted by a lava flow the applicant shall designate the continuation of the right of way measuring 50' wide using the remaining wall and the centerline of the existing roadway as guidelines as to establish the 50' width."

In the Planning Department's letter of "tentative approval" of application No. 90-39 sent to Ms. Chrystal Yamasaki on May 22, 1990, the language of the Public Works Dept.'s Comment #2 is incorporated into the final conditions of approval. The Planning Department in its final condition #2 stated:

"Applicant shall include a 50' wide public access right-of-way delineated by the outside edge of the stone walls which bound Kaawaloa Road. Where the section of stone wall has been interrupted by a lava flow, the applicant shall designate the continuation of the right of way measuring 50' wide using the remaining wall and the centerline of the existing roadway as guidelines as to establish the 50' width."

My family is interested in the public right-of-way created in the approval of application No. 90-39, because its existence may reduce the extent of the road widening set back or right-of-way that we must provide the County for Consolidation/Resubdivision No 90-20. The 50 foot wide public right-of-way created along that section of Kaawaloa Road that abuts Lot 2 of application No. 90-39 overlaps a section of Kaawaloa Road along my family's property boundary. Where the approval of application No. 90-39 has already provided an adequate right-of-way, my family should not be required to pledge to provide what is now a redundant setback.

I am writing to ask you to officially confirm the existence and extent of this 50' foot wide public right-of-way. I am compelled to make this request, because while the Planning Department's final language requiring the right-of-way in question is clear, the Consolidation/Resubdivision final plat map certified by the Planning Dept. is ambiguous and confusing.

Mr. Norman Hayashi, Director
Hawaii County Planning Department
February 21, 1991
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To correspond with the written description of the right-of-way, the map should show a 50 foot wide corridor beginning just below the access pole of "Lot 13-A" and ending at the bottom of Lot 1. However, the only place a true 50 foot corridor is delineated on the map is the lower 600 feet of the section of Kaawaloa Road. Above this on the map in Lot 1 is a section of the right-of-way that appears to be less than 50 feet in width, and above that the map gives no indication of the width of the road abutting Lot 2. The official record of Consolidation/Resubdivision No. 90-39 should delineate the precise surveyed positions of the entire length of both walls bounding the Kaawaloa Road. How else can the County or the public determine the positions from which to measure the full 50 foot width of the right-of-way granted to the public. As you may be aware the new owners of Lot 1, Kealakekua Bay Partners, will be engaging in extensive bulldozing and earth and rock moving over the full extent of the lot in the near future. The walls bounding Kaaawloa road may be moved or destroyed. Without a precise record of its location and features, this right-of-way may be moved, diminished or otherwise compromised during this process.

As the Planning Department certified final plat does not fully delineate the 50 foot public right-of-way required of the applicant for Consolidation/Resubdivision No. 90-39, will you please now confirm:

- 1] The applicant for Consolidation/Resubdivision #90-39 in agreeing to Planning Department's condition #2 (specified in the department's letter to Ms. Chrystal Yamasaki dated May 22, 1990) created a 50 foot wide public right-of-way on Kaawaloa Road.
- 2] This public right-of-way extends from where the Kaawaloa Road first abuts Lot 2 of the subject parcels (near the access pole of Lot 13-A) down to the bottom of Lot 1.
- 3] The applicant has granted the public a right-of-way that is 50 feet wide everywhere along its length without qualification.

I await your reply as it will clarify this confusing situation.

Sincerely,



Dexter A. Smith

Menezes Tsukazaki Yeh & Moore

ATTORNEYS AT LAW

100 Pauahi Street, Suite 204 Hilo, Hawaii 96720
Telephone: (808) 961-0055 FAX (808) 969-1531

STEPHEN J. MENEZES
R. BEN TSUKAZAKI
THOMAS L. H. YEH
MICHAEL W. MOORE

To DPW & Planning
(M) (HD) CJ ? (ENCL) (XC)
DATE OCT 19 1990 BY CH

October 18, 1990

Robert K. Yanabu, Division Chief
Engineering Division
Dept. of Public Works
County of Hawaii
25 Aupuni Street
Hilo, Hawaii 96720

Re: Consolidation/Subdivision Application No. 90-20;
TMK No. 8-1-09:03

Dear Mr. Yanabu:

After my discussions with you about Kaawaloa Road being a County road, I had a brief discussion with Fred Giannini, who asked that I first submit the enclosed to you for your review and forwarding to him if you feel you need an opinion on the question.

As we understand, your Department is taking the position that Kaawaloa Road, which abuts our clients' property, is not maintained by the County and is under the jurisdiction of DLNR. We are unaware of the basis for this position. In support of our contention that Kaawaloa Road is indeed a County road, we have enclosed the following:

1. Letter dated May 16, 1990 from T. Harano, Chief of Highways Division, Department of Transportation, indicating Kaawaloa Road is not included in the State highway system.

2. Letter dated June 12, 1990 from Land Management Administrator W. Mason Young, indicating that aside from roads within State Parcels and Forest Reserves, DLNR has no jurisdiction over roadways.

3. Documents establishing the existence of Kaawaloa Road as a cart or wagon road well prior to 1892 and its maintenance by the government at that time:

a) Letter dated October 2, 1861 to Prince Lot Kamehameha, Minister of the Interior, requesting improvement of the road laid from Rev. J. Paris's property (predecessor in interest to our clients, the Smiths), at what is now Napoopoo Road to Captain Cook's point on Kaawaloa.

Robert K. Yanabu, Division Chief
Engineering Division
Dept. of Public Works
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October 18, 1990
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b) Letter dated May 22, 1865 to F. W. Hutchinson, Minister of the Interior, again requesting improvement of the road leading to Kaawaloa.

c) Letter dated September 27, 1869 from Alexander Smith, Road Supervisor, to the Minister of the Interior, confirming the government maintenance and the need for improvement repair to Kaawaloa Road.

d) Letter dated February 7, 1983 from Henry Cooper, Road Supervisor, to the Minister of the Interior, indicating plans to repair the Cart Road to Kaawaloa wharf.

e) Deed from John D. Paris and wife to John D. Paris, Jr., dated December 9, 1882, of approximately 175 acres, and referencing Kaawaloa Road as the boundary.

f) Deed from J. D. Paris and wife to M. A. Green, et al., dated May 21, 1891, which includes the 120 acres of land which is the subject of the present application and which again references the road leading from the Kaawaloa landing as the eastern boundary of the parcel.

g) Miscellaneous research material obtained from the Bishop Museum and the State of Hawaii.

In the Application of Kelly, 50 Haw. 567 (1988), the court held that highways built by private parties prior to 1892 did not require a formal act of surrender, dedication, or acceptance to become a public highway. It was only after the Highways Act of 1892 that acceptance by the government became necessary.

In Santos v. Perreira, 2 Haw. App. 387 (1981), the court restated the proposition that all public highways which are not State highways are County highways and that for roadways which became public highways before 1892, then acceptance by the government was not required. The evidence which we are submitting establishes the use of the road by the public well prior to 1892 as a cart road or vehicular road and the exercise of jurisdiction and control over the road by the territorial government.

Robert K. Yanabu, Division Chief
Engineering Division
Dept. of Public Works
County of Hawaii
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While the Department of Public Works has maintained that Kaawaloa Road is under the jurisdiction of DLNR, it is established that Kaawaloa Road was a vehicular (cart) road prior to 1892 and is still a vehicular (jeep) road. As such, the road is not under the jurisdiction of DLNR pursuant to HRS §264-1(b), but is a County highway pursuant to HRS §264-1(a)(2) and the holding in Santos v. Perreira, supra.


If you have any questions as to the validity of our position that Kaawaloa Road is a County highway, I respectfully request that you forward the issue to the Office of the Corporation Counsel for an opinion as soon as possible in order that we may obtain a resolution of this issue.

Thank you in advance for your attention to this matter.

Very truly yours,

MENEZES TSUKAZAKI YEH & MOORE

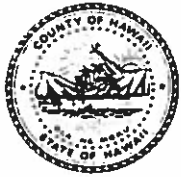
By



THOMAS L. H. YEH

Encls.

cc: Dexter Smith, et al.
Planning Department
TLHY:db



Department of Public Works

25 Aupuni Street, Rm. 202 • Hilo, Hawaii 96720 • (808) 961-8321 • Fax (808) 969-7138

Larry S. Tanimoto
Mayor

Bruce C. McClure
Chief Engineer

Richard H. Nishimura
Deputy Chief Engineer

September 28, 1990

MR THOMAS YEH ESQ
100 PAUHI STREET SUITE 204
HILO HI 96720

SUBJECT: SUBDIVISION APPLICATION #90-20 (81127)
TMK: 8-1-9: 03

Your September 20, 1990 letter cites three instances of favorable treatment of others as compared to your clients applications.

Subdivision #86-42 (#81110)

This application was reviewed/approved prior to the current criteria. It would not be approved today.

Subdivision #90-39 (#81128)

Lot 1 encompassing 70.0 acres will be consolidated with adjoining Lot 8-A to form a golf course at which time it will have direct access to Napoopoo Road.

Subdivision #90-48 (#75229)

All three lots directly access to a County Road, which can be improved by the County if need be.

Hienaloli-Kahului Road, which serves as access to Lot 3, is a 40 foot wide right-of-way with a relatively mild grade.

With regard to the road pavement width, the Department is amenable to 12 foot wide pavement, provided its width is approved by the Fire Inspector in writing.

With the exception of the pavement width, we fail to appreciate your contention that the Department has been unfair or unreasonable to your client.


ROBERT K. YANABU, Division Chief
Engineering Division

RKY:jjs

cc: Planning Director
Chief Engineer

RECEIVED

OCT - 2 1990

Menezes, Tsukazaki, Yeh & Moore
ATTORNEYS AT LAW

100 Puuahi Street Suite 204 Hilo, Hawaii 96720
Telephone (808) 961-0055 FAX (808) 969-1331

M HD CJ P ENCL
DATE 9/21 BY HLL

86

STEPHEN MENEZES
ROBERT TSUKAZAKI
THOMAS L. YEH
MICHAEL W. MOORE

September 20, 1990

Robert K. Yanabu, Division Chief
Engineering Division
Dept. of Public Works
County of Hawaii
25 Aupuni Street
Hilo, Hawaii 96720

Re: Consolidation/Subdivision Application No. 90-20;
TMK No. 8-1-09:03

Dear Mr. Yanabu:

This letter serves to confirm our telephone conversation of Tuesday, September 11, 1990, wherein I directed your attention to two recently approved consolidation/resubdivision actions (Subdivision Nos. 90-39 and 90-48). You indicated that you would review those files and get back to me. As indicated, the reason for bringing those applications to your attention was that it appears that Subdivision Nos. 90-39 and 90-48 involve circumstances similar to our client's application (Subdivision No. 90-20) and may provide additional guidance on recommended conditions of approval.

Pending your review and further discussion of this matter, please be informed that our clients, the Smiths, are withdrawing their proposed alternatives to your department's recommended conditions of approval previously outlined in my letters of July 27, 1990 and August 15, 1990.

I believe it is worthwhile to provide a summary and a history of the other files and a comparison of the action taken in Subdivision No. 90-20.

Subdivision 86-42

In 1986, under Subdivision No. 86-42, the applicants proposed the consolidation and resubdivision of 14 lots on the south side of Kaawaloa Road. The property was bounded on the north by Kaawaloa Road and on the east by Napoopoo Road. That property is directly across from the Smiths' property. Citing Section 23-7 of the Hawaii County Code, your department indicated road improvements would not be required. There was no requirement that a right of entry be obtained from DLNR if access to the lots was taken from Kaawaloa Road.

Robert K. Yanabu, Division Chief
Engineering Division
Dept. of Public Works
County of Hawaii
September 20, 1990
Page 2

Subdivision 90-20

On February 26, 1990, your division made a number of initial recommendations regarding the Smiths' application for a consolidation/resubdivision including providing a minimum 20' wide agricultural standard pavement within a minimum 50' wide right-of-way whether on Kaawaloa Road or within a private road. It was also required that the Smiths obtain permission from DLNR should they use Kaawaloa Road for access to their proposed lots.

Subdivision 90-39

On March 14, 1990, this application for consolidation/resubdivision was acknowledged as received. On April 9, 1990, your division recommended that a 16' wide pavement (no standard required) be constructed within the Kaawaloa right-of-way. In lieu of such improvements, your division suggested that the applicant might provide deed covenants disclosing the physical access constraints. There was no requirement that permission from DLNR be obtained. No other requirements similar to those enumerated for our clients were proposed except for the delineation of a 50' wide right-of-way. Section 23-7 was also mentioned as a basis for consideration.

On May 4, 1990, your division then indicated its willingness to accept deed covenants in lieu of road improvements. On May 30, 1990, your division accepted the form of covenants provided. On June 1, 1990, the Office of Corporation Counsel also approved the form of covenant and on June 13, 1990, Subdivision No. 90-39 was given final approval.

Subdivision No. 90-48

This is a consolidation/resubdivision application for three lots. One of the proposed lots took access from Hienaloli Kahului Road, which is unimproved and approximately 10 feet in width.

On April 16, 1990, your division, citing Section 23-7, had no comments to offer. On July 10, 1990, final approval was granted.

Robert K. Yanabu, Division Chief
Engineering Division
Dept. of Public Works
County of Hawaii
September 20, 1990
Page 3

On July 20, 1990, Dexter Smith and I met with you and Lawrence Capellas to discuss the comments contained in your April 9, 1990 letter. During that meeting your position was as follows:

1. The right of entry from DLNR was required unless we could provide more substantiation of our position that Kaawaloa Road was a County road. Improvements to Kaawaloa Road or an internal access was necessary in order to allow ongoing vehicle access.

2. A 20' wide pavement improvement might not be necessary, given your department's concern that the pavement width be only enough to allow emergency vehicles access to each lot. It was indicated that your division would consider a narrower pavement if justified.

3. You did not believe covenants against claims would provide an acceptable alternative to road improvement requirements, or that covenants to improve access as the same became necessary and further, the Corporation Counsel's office did not believe such covenants were appropriate or enforceable.

4. Section 23-7 of the County Code gave you authority to impose conditions upon consolidation/resubdivision actions which would protect safety; hence your department's recent stance on the road improvement requirement. Your position was that analysis of such actions had changed during the past few years.

Subsequent to our meeting, I investigated the recommended minimum pavement with the Fire Inspector, who recommended a 12' pavement width and informed your division of the same by letter dated August 15, 1990.

Despite the above, on September 7, 1990, your division revised its comments and added a number of comments not previously indicated, most all of which were not required in the consolidation/resubdivision actions we have summarized above. Moreover, a 20' wide pavement is still being required.

I am providing this chronology and summary so that you may give us some rationale why your division has recommended a number of conditions to the Smiths' consolidation/resubdivision

Robert K. Yanabu, Division Chief
Engineering Division
Dept. of Public Works
County of Hawaii
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application when such conditions were not recommended in the applications described above. The Smiths ask that they be given the same consideration given to similar applications or your division's reasons for the different standards.

Please let me know if you have any questions about the above. As indicated previously, we would appreciate the opportunity to meet with you again on this matter to discuss a possible resolution. Otherwise, we await your reply.

Very truly yours,

MENEZES TSUKAZAKI YEH & MOORE

By 

THOMAS L. H. YEH

cc: Dexter Smith, et al.
Planning Department
TLHY:db

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII

DATE September 7, 1990

Memorandum

TO : Planning Department

FROM : Robert K. Yanabu, Division Chief
Engineering Division



SUBJECT: Subdivision No.: 90-20
Subdivider: Dexter A. Smith
Location: Kaawaloa, S. Kona, HI
TMK: 8-01-09: 03
Folder No.: 81127

We have reviewed the subject subdivision revised preliminary application and our comments are as follows:

1. Indicate:
 - a. Name and address of subdivider/owner.
 - b. Location and direction of any watercourses or any areas that may be subject to inundation by a 100-year storm. Encumber all inundation areas with a drainage easement conforming substantially to the width of flow, plus freeboard.
 - c. Zoning within and adjacent to subdivision.
 - d. Names of all adjacent property owners.
2. Indicate alignment data for the 50' wide access easement.
3. Provide future road widening setbacks along Kaawaloa Road and Napoopoo Road as necessary to provide 1/2 the difference between 50' and the existing right-of-way width.
4. Remove encroaching structures from Napoopoo Road right-of-way.
5. Applicant has the option of providing required physical access to each parcel as follows:
 - a. Provide minimum 20' wide Agricultural pavement within minimum 50' wide right-of-way along Kaawaloa Road from Napoopoo Road to Parcel #7, or,
 - b. Provide the same type of roadway within the proposed access easement from Napoopoo Road to Parcels #7 and #8. In either case where grades are 8% or greater, roadways shall be constructed to paved standards of the code as shown in Standard Detail R-34.

Memo to Planning Department
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6. Provide minimum 20' radius at the access easement/Napoopoo Road intersection. Roadway shall intersect Napoopoo Road at right angles.
7. Provide a 10' wide no vehicular access easement along the frontage of Napoopoo Road excluding the 50' wide easement access.
8. Provide minimum 10' curve radii at the entrance to all flag lots.
9. Provide street lights and a sewage disposal system as required.
10. No additional storm run-off to roadways or adjacent properties due to subdivision development will be allowed. All generated storm flow shall be disposed of within the subdivision. Indicate how this will be accomplished.
11. Submit construction plans for review and comment. Indicate on the construction plans the required and available sight distance at the entrance along Napoopoo Road based on the posted speed limit plus 5 MPH. The required sight distance shall be provided.
12. Kaawaloa Road is not maintained by the County and is under the jurisdiction of DLNR. Subdivider shall obtain permission from DLNR for use and provisions of all necessary or required road improvements, should the subdivider select Kaawaloa Road for access to this subdivision.

LEC:sah

cc: Wes Thomas & Associates, Inc.

Menezes, Tsukazaki & Yeh
ATTORNEYS AT LAW

100 Pauahi Street Suite 204 Hilo, Hawaii 96720
Telephone: (808) 961-0055 FAX (808) 969-1531

M HD CJ P F ENCL XC
DATE 8/15/90 BY 103
STEPHEN TSUKAZAKI
THOMAS L. YEH
MICHAEL W. MOORE

August 15, 1990

Robert K. Yanabu, Division Chief
Engineering Division
Dept. of Public Works
County of Hawaii
25 Aupuni Street
Hilo, Hawaii 96720

Re: Consolidation/Subdivision Application No. 90-20;
TMK No. 8-1-09:03

Dear Mr. Yanabu:

This serves as a follow-up to our meeting of July 20, 1990 and my letter of July 27, 1990. In our investigation of the issue of the minimum pavement and right-of-way width for access to each lot, I met with Inspector Ward Taira of the Fire Department, who also conferred with the Kona Fire Department Inspector on the subject property.

Inspector Taira indicated that under Section 10.207(e) of the Uniform Fire Code (1985 ed.), the minimum unobstructed width of a fire apparatus access road is twenty (20) feet. While the Uniform Fire Code does not specify the surface required, Section 10.207(d) requires a design to support the imposed loads of fire apparatus and to provide all-weather driving capabilities. Given the attributes of the property, Inspector Taira indicated that a pavement width of twelve (12) feet would be sufficient.

In light of the above, we propose that the Smiths be allowed to provide access to each parcel resulting from the proposed consolidation/resubdivision over a minimum twelve (12) foot wide agricultural standard pavement with four (4) foot gravel shoulders within a fifty (50) foot wide right-of-way.

If our proposal on the right-of-way improvement is acceptable to your Department, please let us and the Planning Department know. We would also appreciate your confirmation with the Planning Director of the other matters we discussed and which we outlined in our July 27, 1990 letter so that we may continue to proceed forward with the application.

Robert K. Yanabu, Division Chief
Engineering Division
Dept. of Public Works
County of Hawaii
August 15, 1990
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Should you have any questions or have comments about the above, please let me know.

Very truly yours,

MENEZES, TSUKAZAKI & YEH

By



THOMAS E. H. YEH

cc: Mr. Dexter Smith
Planning Department
TLHY:db



Planning Department

25 Aupuni Street, Rm. 109 • Hilo, Hawaii 96720 • (808) 961-8288

Bernard K. Akana
Mayor

Duane Kanuha
Director

William L. Moore
Deputy Director

March 13, 1990

Mr. Dexter A. Smith
240 N. Judd Street
Honolulu, HI 96817

Dear Mr. Smith:

Proposed subdivision portion of
R. P. 7532 and 4386
L. C. Aw. 8452, Ap. 10
Kaawaloa, South Kona, Hawaii
TMK: 8-1-09:03 (90-20)

Please be advised that we are deferring action on the referenced application for the following reasons.

The applicant must submit contours at 5-foot intervals where ground exceeds 10% and along all "poles" of the proposed lots.

In addition, Kaawaloa Road is not maintained by the County and is under the jurisdiction of the Department of Land and Natural Resources. The subdivider shall obtain permission from DLNR for use and provisions of all necessary or required road improvements should the subdivider select Kaawaloa Road for access to this subdivision.

In conclusion, we have attached the State Departments of Health and Transportation, Highways Division and County Departments of Water Supply and Public Works' comments on the proposed subdivision. Please be informed that the requirements contained therein shall be imposed as conditions for tentative subdivision approval in accordance with Chapter 23, Subdivision Control Code.

Should you have any questions, please contact Ed Cheplic or Wally Matsunami of this office.

Sincerely,

William L. Moore
Duane Kanuha
Planning Director

EC:mh

Enclosures

cc - 4 engineers

Wes Thomas and Assoc., Inc. w/attach.

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII

DATE February 26, 1990

Memorandum

TO : Planning Director

FROM : Robert K. Yanabu, Division Chief *RK Yanabu*
Engineering Division

SUBJECT: SUBJECT: Subdivision No.: 90-20
Subdivider: Dexter A. Smith
Location: Kaawaloa, South Kona, HI
TMK: 8-1-09:03

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

1. Indicate:
 - a. Name and address of subdivider/owner.
 - b. All existing structures and cesspools.
 - c. Location and direction of any watercourses or any areas that may be subject to inundation by a 100-year storm.
 - d. Existing culverts crossing Mamalahoa Highway or Napoopoo Road.
 - e. Zoning within and adjacent to subdivision.
2. Submit contours at 5' intervals where ground exceeds 10% and along all "poles" of proposed lots.
3. Indicate alignment and curve radii of proposed 50' wide access easement.
4. Provide future road widening setbacks along Kaawaloa Road and Napoopoo Road as necessary for a minimum 50' wide road right-of-way.
5. Remove any encroaching structures from Napoopoo Road right-of-way.
6. Applicant has the option of providing required physical access to each parcel as follows;
 - a. Provide minimum 20' wide Agricultural pavement within minimum 50' wide right-of-way along Kaawaloa road from Napoopoo Road to parcel #7, or,
 - b. Provide the same type of roadway within the proposed access easement from Napoopoo Road to parcels #7 and #8. In either case where grades are 8% or greater, roadways shall be constructed to paved standards of the code as shown in Standard Detail R-34.
7. Provide minimum 20' radius at the access easement/Napoopoo Road intersection. Roadway shall intersect Napoopoo Road at right angles.

Planning Director
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8. Provide a 10' wide no vehicular access easement along the frontage of Napoopoo Road excluding the 50' wide easement access.
9. Provide minimum 10' curve radii at the entrance to all flag lots.
10. Provide street lights and a sewage disposal system as required.
11. No additional storm run-off to roadways or adjacent properties due to subdivision development will be allowed. All generated storm flow shall be disposed of within the subdivision. Indicate how this will be accomplished.

Subdivider shall be informed that if drywells are included in the subject subdivision improvements, Chapter 23, Underground Injection Control (UIC), Administrative Rules, Department of Health, prohibit any person from operating, constructing or modifying an injection well (drywell) unless authorized by a permit issued by the Director of Health, State of Hawaii. Furthermore, should dedication of roadways including drywells be contemplated, the Department of Public Works will not approve dedication roadways prior to compliance with Chapter 23, UIC, Administrative Rules.

12. Submit construction plans for review and comment. Indicate on the construction plans the required and available sight distance at the entrance along Napoopoo Road based on the posted speed limit plus 5 MPH. The required sight distance shall be provided.
13. Kaawaloa Road is not maintained by the County and is under the jurisdiction of DLNR. Subdivider shall obtain permission from DLNR for use and provisions of all necessary or required road improvements, should the subdivider select Kaawaloa Road for access to this subdivision.

LEC:cds

cc: Wes Thomas and Associates, Inc.