

**Harry Kim**  
Mayor



**Christopher J. Yuen**  
Director

**Brad Kurokawa, ASLA**  
**LEED® AP**  
Deputy Director

**County of Hawaii**  
**PLANNING DEPARTMENT**

101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720-4224  
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January 29, 2008

Robert W. Cunningham, LPLS  
Belt Collins Hawaii, Ltd.  
2153 North King Street, Suite 200  
Honolulu, HI 96819-4554

Dear Mr. Cunningham:

**TENTATIVE APPROVAL**

**SUBDIVIDER: 1250 Oceanside Partners, et. al.**  
**"Hokulia Phase 2 Amendment 6"**

Proposed Consolidation of Lot 12 of Hokuli'a (Amended) (File Plan 2290) and  
Lots 56, 77 to 88, Inclusive, R-5, R-7, R-8 and R-9 of Hokuli'a Phase 2 (Amended) (File Plan 2307),  
And Lot A of Hokuli'a Phase 2 Amendment 5,  
And Subdivision of said Consolidation,  
Into Lots A-1, B, 77 to 88, Inclusive, Lots 98, 99, 100 & Road Lots 12-A, R-5-A, R-7-A & R-9-A,  
At Hokukano 1<sup>st</sup> and 2<sup>nd</sup>, North Kona, Island of Hawai'i, Hawai'i  
TMK: 8-1-004:071 and Por. 070; 8-1-032:036 & Por. 054; & 8-1-034:004 to 015, Incl.  
(SUB-07-000589)

Please be informed that Tentative Approval of the preliminary plat map dated June 1, 2007, is hereby granted with modifications and conditions.

The subdivider is now authorized to prepare detailed drawings of the subdivision plan in accordance with Chapter 23, Subdivision Control Code, County of Hawaii, as modified. Before final approval can be granted, the following conditions must be met:

- 1) Water System
  - a) Provide a water system meeting with the approval of the Department of Water Supply.
  - b) Final Plat Map shall show the existing waterlines and meter boxes in relation to the reconfigured lots.
  - c) As may be deemed necessary by the Department of Water Supply, submit revised water system construction plans for approval by affected agencies.
  - d) Pay installation and facilities charges as required by the Department of Water Supply.

- 2) Drainage
  - a) Identify all watercourses and drainage ways and encumber with drainage easements.
  - b) Additional storm runoff due to development shall be disposed within the subdivision and shall not be discharged onto adjacent properties or roadways. For planned drywells, satisfy Department of Health (DOH) drywell requirements, including issuance of an underground injection control (UIC) permit to the subdivider.
- 3) Wastewater System
  - a) Wastewater shall be disposed of within the private wastewater sewerage system.
  - b) Submit construction drawings of the wastewater disposal system for the review and approval by the State Department of Health and/or the Department of Environmental Management.
- 4) Access and Roadway Improvements
  - a) Turnaround at the end of the road lots shall conform with Section 23-48 of the Hawaii County Code.
  - b) For subdivision roads serving six lots or less, construct minimum 16-foot wide non-dedicable pavement within a minimum 20-foot wide right-of-way conforming to DPW Standard Detail R-39.
  - c) For subdivision roads serving more than six lots, construct minimum 20-foot wide dedicable pavement with paved shoulders and swales within a minimum 50-foot wide right-of-way conforming with DPW Standard Detail R-33 and R-34.
  - d) Install street lights/signs/pavement markings as required by the Traffic Division, Department of Public Works.
  - e) Submit construction plans and drainage report for review and comment of the Department of Public Works.
  - f) Install streetlights/signs/pavement markings as required by the Traffic Division.
  - g) Submit proposed street names conforming to the adopted street naming policy of the County of Hawaii.
- 5) Comply with the requirements of Special Management Area Use Permit No. 356, including,
  - a) Ensure that final plat map clearly indicates the location and boundaries of all archaeological preservation areas as identified in the Archaeological Preservation Plan approved by the DLNR in 1999. Implement the approved preservation and interpretation plans as appropriate for sites identified on the final plat map.
  - b) Identify known lava tubes and cave systems that may be situated within the project site. If identified, provided detailed mitigation measures to ensure that these tubes/cave systems will not be impacted by the proposed subdivision development. If no know lava tube/cave systems are identified within the project site, a statement on the final plat map shall state as much.
  - c) All electrical and communication utilities and systems shall be placed underground.

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- 6) Since this proposed subdivision will result in an increase in the number of lots, there will be a need to recalculate the subdivider's fair share contribution as require by Condition O of Ordinance No. 96-7. This may, or may not, be offset against the number of lots adjusted by previous amendments to both Phases I and II. The subdivider, prior to the issuance of final subdivision approval, shall work with this office to ensure that the properly calculated amount of the fair share contribution for both Phase I and II have been determined and payment made, if necessary.
- 7) All easements affecting proposed lots shall be identified for its purpose and to which proposed lot(s) and/or grantee(s) the easement is in favor of. This shall be shown on the final plat map.
- 8) Property Tax Certification. Submit written proof that all taxes and assessments on the property are paid to date.
- 9) Surveyor's Certification. Place property markers in accordance with the final plat map. Surveyor shall submit certification upon completion.
- 10) Final Plat Map. Submit **ten (10)** copies of the final plat map prepared in conformity with Chapter 23, Subdivisions, within one year from the date of tentative approval, on or before **January 29, 2009**. If not, tentative approval to the preliminary plat map shall be deemed null and void. Only upon written request from the subdivider and for a good cause can a time extension be granted, provided it is submitted forty-five (45) days before the expiration of said period of one year. As part of final plat map submittal, the Planning Director requests an additional copy of the final plat map be submitted as a ".dwg" or ".dxf" diskette file prepared by CAD software.
- 11) Time Limit. Subdivider shall complete all requirements specified as conditions for tentative approval of the preliminary plat map within three (3) years of said tentative approval, on or before **January 29, 2011**. An extension of not more than two (2) years may be granted by the director upon timely request of the subdivider.

Please be aware that if at any time during the fulfillment of the foregoing conditions, should concerns emerge such as environmental problems or other problems which were earlier overlooked or not anticipated/accounted for in data/reports available to date, this could be sufficient cause to immediately cease and desist from further activities on the proposed subdivision, pending resolution of the problems. The Planning Director shall confer with the listed officers to resolve the problems and notify you accordingly.

No final approval for recordation shall be granted until all the above conditions have been met.

Land shall not be offered for sale, lease or rent until final approval for recordation of the subdivision is granted by the Planning Director or the proposed subdivision has been issued a preliminary order of registration by the Department of Commerce and Consumer Affairs (DCCA) in accordance with the requirements of Chapter 484, Hawaii Revised Statutes.

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There has been considerable legal controversy over subdivisions in the agricultural district, including the recent Kelly, et.al. v. 1250 Oceanside Partners, et.al., Civil No. 00-1-0192K. Because of the state of the law at this time, we recommend that subdividers in the State Land Use Agricultural district consult with, and rely on, independent legal counsel in deciding whether their subdivisions comply with the requirements of Chapter 205, Hawaii Revised Statutes. We also recommend that you advise lot purchasers to consult with, and to rely on, independent legal counsel regarding permissible uses and the effect of Land Use Commission Rule 15-15-25(b), Hawaii Revised Statutes Section 205-4.5, and Hawaii County Planning Department Rule No. 13, on the requirements to build and occupy dwellings on lots within the subdivision.

Should you have any questions, please feel free to contact Ed Cheplic of this department.

Sincerely,



CHRISTOPHER J. YUEN  
Planning Director

DSA:lnm

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Enc. - PPM (06-01-07)

xc: Manager, DWS  
Director, DPW  
District Environmental Health Program Chief, DOH  
District Engineer, DOT  
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