

Harry Kim
Mayor



Christopher J. Yuen
Director

Roy R. Takemoto
Deputy Director

County of Hawaii
PLANNING DEPARTMENT

101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720-3043
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March 22, 2005

Sidney M. Fuke
Planning Consultant
100 Pauahi Street, Suite 212
Hilo, Hawaii 96720

Dear Mr. Fuke:

TENTATIVE APPROVAL
SUBDIVIDER: PARKER LAND TRUST/Kaomalo. LLC
"Luala 'i at Parker Ranch-Phase 3"

Proposed Consolidation/Resubdivision of Lots C, D and R-4;
Into Lots 141 to 227, Inclusive, Access Lot E1 & Roadway Lots r-15 to R-20, Inclusive
Waikoloa and Pu 'ukapu, Waimea, South Kohala, Island of Hawaii, Hawaii
TMK: 6-7-002:057, 059 & 060 (SUB 2004-0221)

Please be informed that Tentative Approval of the preliminary plat map dated September 7, 2004, 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 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.
 - b) Submit construction plans for review and approval by the Department of Water Supply.
 - c) Pay installation and facilities charges as required by the Department of Water Supply.
- 2) Access and Roadways
 - a) The proposed roadway cross sections for the Parker Ranch/Schuler Homes Community Area, including grassed swales in lieu of curbs, gutters and sidewalks are allowed, provided that the following conditions are complied with:
 - (i) Parker Ranch, its successors or assigns shall be required to provide written assurance meeting with the approval of the Planning Director, in consultation with the Department of
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MAR 24 2005

Public Works that there will be a maintenance program for the grassed swales. This program may include the requirements for a maintenance bond or other security to assure the work is done in a timely manner.

- (ii) If access concerns are raised in relation to the Americans with Disabilities Act (ADA) or other County, State or Federal regulations that require the provision of sidewalks or other access improvements that Parker Ranch, its successors or assigns shall be responsible for the upgrading of the road improvements to conform to such requirements. Parker Ranch shall provide appropriate assurances for this upgrade, meeting with the approval of the Planning Director, in consultation with the Department of Public Works.
 - (iii) That Parker Ranch, its successors or assigns shall include in its covenants for the residential zoned lands where grassed swales are proposed, notification that the buyers of residential units in the area be clearly informed of the improvements that are being provided and that the County shall not be responsible for providing sidewalks within this area in the future and shall further provide that if sidewalks or other improvements are desired, the residents of the area shall be responsible for the cost of improvements. Said covenants shall be approved by the Planning Director, in consultation with the Department of Public Works.
- b) For the 50-ft. wide roads, construct a 20-ft. wide dedicable pavement with grass shoulders and swales meeting with the approval of the Department of Public Works.
 - c) For the 60-ft. wide roads, construct a 42-ft. wide dedicable pavement with grass shoulders and swales meeting with the approval of the Department of Public Works.
 - d) Provide a 10-ft. wide "no access planting screen easement" on lots abutting the connector road and Road Lot 17.
 - e) Provide a 10-ft. wide "no access planting screen easement" along the Road Lot R-8 frontage of Lots 140, 143, 150, 160 161 and 203.
 - f) Provide common access easement encumbering the side-by-side poles of flag lots. Identify easement by azimuths/distances on the final plat.
 - g) The access poles of the flag lots must intersect the subdivision road at a right angle or radially to the circular turnarounds.
 - h) The centerline of proposed Road Lot 19 shall intersect Road Lot 13 at a right angle and align with the road on the opposite side.
 - i) Subdivision roads shall be designed to include the provision of future sidewalks that meets the requirements of the American with Disabilities Act. (ADA).
 - j) Roadway design and layout, including allowable street grades and minimum sight distance shall conform to Section 23-50 of the Subdivision Code.
 - k) Turnarounds shall comply with Section 23-48 of the Subdivision Code.
 - l) Submit proposed street name(s) conforming to the adopted street naming policy of the County of Hawaii.

- m) Submit construction plans and drainage report for review and comment.
 - (i) 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.
 - (ii) Install streetlights/signs/pavement markings as required by the Traffic Division, Department of Public Works.
- 3) Drainage
 - a) Portions of the subdivision are located within Flood Zones AE Floodway, AE and X (Shaded) according to the current Flood Insurance Rate Maps (FIRM).
 - b) The Flood Zones AE Floodway, AE and X (Shaded) affecting the subject subdivision coincides with Lanimaumau Stream traversing the subject subdivision. A diversion channel that was constructed intercepted the Kamuela Stream and Lanimaumau Stream flows and diverted the flood zone area affecting the subdivision.
 - c) Review of Department of Public Works' records indicates that a Letter of Map Revision (LOMR) application was submitted to the Federal Emergency Management Agency (FEMA) to amend the effective FIRM as a result of the diversion channel construction (ref. FEMA Case No. 05-09-0238P). DPW recommends that the LOMR from FEMA should be obtained prior to final subdivision approval.
 - d) Identify any other watercourses and drainage ways that are not designated as special flood hazard area on the FIRM and encumber with drainage easements.
 - e) As required by Condition M of Change of Zone Ordinance No. 02-25, conduct a comprehensive drainage study for the review and approval of the Department of Public Works.
- 4) Wastewater Improvements. All wastewater generated shall be disposed into the Parker Ranch wastewater system.
- 5) Comply with all applicable conditions of Change of Zone Ordinance No. 02-25, which includes, but are not limited to, the following:
 - a) Condition C – implement appropriate mitigation measures as detailed within the approved "A Presevation Plan for Waimea Town Center" (May 2001);
 - b) Condition E – satisfy the requirements of the approved affordable housing plan commensurate with the number of lots proposed by this subdivision application;
 - c) Condition H – submit fair share contribution to mitigate potential impacts of the proposed subdivision with respect to parks and recreation, fire, police, solid waste disposal facilities and roads;
 - d) Condition M(1)(b) – construct that portion of the connector road abutting the proposed subdivision in a manner meeting with the approval of the Department of Public Works;
- 6) Property Tax Certification. Submit written proof that all taxes and assessments on the property are paid to date.
- 7) Surveyor's Certification. Place property markers in accordance with the final plat map. Surveyor shall submit certification upon completion.

Sidney M. Fuke
Planning Consultant
Page 4
March 22, 2005

- 8) 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 **March 22, 2006**. 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.
- 9) 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 **March 22, 2008**. 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.

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

Sincerely,


CHRISTOPHER J. YUEN
Planning Director

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Enc. - PPM (09-07-04)

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

Sidney M. Fuke
Planning Consultant
Page 5
March 22, 2005

Parker Land Trust
Kaomalo, LLC
Kendall N.H. Hee, LPLS, ESH,-Inc.
SUB 7457, 7614, 7910