

**CHARMAINE TAVARES**  
Mayor

**MILTON M. ARAKAWA, A.I.C.P.**  
Director

**MICHAEL M. MIYAMOTO**  
Deputy Director



**COUNTY OF MAUI  
DEPARTMENT OF PUBLIC WORKS  
AND ENVIRONMENTAL MANAGEMENT  
DEVELOPMENT SERVICES ADMINISTRATION  
250 SOUTH HIGH STREET  
WAILUKU, MAUI, HAWAII 96793**

**RALPH M. NAGAMINE, L.S., P.E.**  
Development Services Administration

**DAVID TAYLOR, P.E.**  
Wastewater Reclamation Division

**CARY YAMASHITA, P.E.**  
Engineering Division

**BRIAN HASHIRO, P.E.**  
Highways Division

**TRACY TAKAMINE, P.E.**  
Solid Waste Division

January 16, 2007

Mr. Warren S. Unemori, President  
**WARREN S. UNEMORI ENGINEERING, INC.**  
2145 Wells Street, Suite 403  
Wailuku, Hawaii 96793

**SUBJECT: KAONOULU RANCH-WATER TANK SUBDIVISION  
TMK: (2) 2-2-002:015  
SUBDIVISION FILE NO. 2.2995**

Dear Mr. Unemori:

Preliminary approval was granted to the subject subdivision on January 16, 2007. Final approval shall be contingent upon compliance with the following conditions:

1. Requirements/comments from Maui Electric Company:
  - a. Electricity is available from nearby existing facilities (overhead and/or underground).
  - b. Requires line extension (overhead and/or underground) within private road or property.
  - c. Requires easement(s) from owner/subdivider/developer within subdivision for new or existing MECO facilities.

Comments: Easements and line extensions are required. To process easements, the applicant must submit a service request to Maui Electric Company. Please contact our Engineering Clerk at 871-2390.

If you have any questions, please contact Ms. Bernadette Johnson at 871-2369.

2. Comply with requirements/comments from the State of Hawaii, Department of Land and Natural Resources, Historic Preservation Division (SHPD). We are currently waiting for preliminary subdivision review comments from SHPD. For further information, please contact SHPD at 243-4641.

Mr. Warren S. Unemori, President

**SUBJECT: KAONOULU RANCH-WATER TANK SUBDIVISION  
SUBDIVISION FILE NO. 2.2995**

January 16, 2007

Page 2 of 6

3. Requirements/comments from the State of Hawaii, Department of Health:

No comments.

If you have any questions, please call Mr. Herbert S. Matsubayashi at 984-8230.

4. Requirements/comments from the Department of Public Works and Environmental Management, Wastewater Reclamation Division:

- a. Although wastewater system capacity is currently available as of December 13, 2006, the developer should be informed that wastewater system capacity cannot be ensured until the issuance of the building permit.
- b. Wastewater contribution calculations are required before building permit is issued.
- c. Developer shall pay assessment fees for treatment plant expansion costs in accordance with ordinance setting forth such fees. (Kihei Assessment Ares #3)
- d. Developer is required to fund any necessary off-site improvements to collection system and wastewater pump stations.
- e. Plans should show the installation of a single service lateral and an advance riser for each lot. A deferral of this requirement may be requested in writing.
- f. Non-contact cooling water, condensate, etc. should not drain to the wastewater system.
- g. Indicate on the plans the ownership of each easement (in favor of which party). **NOTE: County will not accept sewer easements that traverse private property.**

If you have any questions, please contact Ms. Dyan Ariyoshi at 270-7417.

5. Comply with requirements/comments from the Department of Planning. We are currently waiting for preliminary subdivision review comments from the Department of Planning. For further information, please contact Mr. Francis Cerizo at 270-7253.

Mr. Warren S. Unemori, President

SUBJECT: **KAONOULU RANCH-WATER TANK SUBDIVISION  
SUBDIVISION FILE NO. 2.2995**

January 16, 2007

Page 3 of 6

6. Comply with requirements/comments from the State of Hawaii, Department of Transportation, Highways Division (SDOT). We are currently waiting for preliminary subdivision review comments from SDOT, Highways Division. For further information, please contact Paul Chung at 873-3535.
7. Comply with requirements/comments from the Department of Water Supply (DWS). We are currently waiting for preliminary subdivision review comments from DWS. For further information, please contact DWS at 270-7835.
8. Requirements/comments from the Department of Fire and Public Safety:

At this time, the Fire Prevention Bureau approves this subdivision. For future reference, the requirements for Ag subdivisions are:

- a. Provide water supply for fire protection with a minimum flow of 500 gallons per minute for a two hour duration.
- b. Provide Fire Department access roads with hydrant spacing a maximum of 500 feet between hydrants. Service roads to proposed properties shall have a clear width of 20 feet. All turns and required turnarounds shall have an outside turning radius of 35 feet.

Once construction of buildings are planned, there shall be at least one hydrant within 500 feet of any building to be constructed.

If you have any questions, please contact Lt. Paul Haake at 270-7932.

9. Comply with requirements/comments from the Department of Housing and Human Concerns (DHHC). We are currently waiting for preliminary subdivision review comments from DHHC. For further information, please contact DHHC at 270-7805.
10. Requirements from the Department of Finance, Real Property Tax Division:

In accordance with Section 3.48.325 of the Maui County Code (MCC), lands located in the agricultural district and assessed by the Real Property Tax Division, according to their agricultural use value, may be subject to deferred taxes and penalties if the land is subdivided. This matter shall be discussed with the tax assessor at the Real Property Tax Division. Return the completed and signed original of the enclosed tax information notice to the Development Services Administration.

Lo/16/16  
3/13/07  
see

Mr. Warren S. Unemori, President

**SUBJECT: KAONOULU RANCH-WATER TANK SUBDIVISION  
SUBDIVISION FILE NO. 2.2995**

January 16, 2007

Page 4 of 6

11. In accordance with Section 18.12.030(E)(13.a.) of the Maui County Code (MCC), submit a letter from all governmental agencies with an easement, lease or license affecting the land subdivided consenting to the preparation and recording of the final plat.
12. In accordance with Section 18.12.040(C) MCC, submit a tax clearance certificate (issued by Department of Finance, Real Property Tax Division) to show written proof that all taxes and assessments on the tract are paid to date. An "Application for Tax Clearance" form is enclosed for your use. **NOTE:** The tax clearance certificate shall be valid at the time of final subdivision approval.
13. In accordance with Section 18.20.030 (Pavement of streets), improve the proposed subdivision access easement to the provisions of the subdivision ordinance for roadways within the agricultural district.
14. In accordance with Chapter 19.30A (Agricultural District) MCC, the maximum number of permitted lots for Lot 1 with a gross area of 5,921.012 acres based upon Document No. 2000-182505 recorded with Subdivision File No. 3.1872 is 208 (14 lots of a minimum 2 acres size, 99 lots of a minimum 15 acres size, 59 lots of a minimum 25 acres size and 36 lots of a minimum 40 acres size).  
  
In accordance with Section 19.30A.040 MCC, the subdivider shall allocate the maximum number of lots that can be created between the original lot and any new lot created as a result of the subdivision. This allocation of lots shall be recorded with the Bureau of Conveyance. Submit this document for our review and approval prior to the recordation with the Bureau of Conveyances. Since a maximum of 208 lots are permitted from Lot 1 and 1 lot is being created with this subdivision, 207 additional lots may be created in the future.
15. Submit ten sets of the construction plans and three sets of a drainage and soil erosion control report or drainage verification, whichever is applicable, for review and approval by the applicable agencies. In accordance with Section 18.24.010(D) MCC, a construction plan review fee (\$50/lot) shall be paid upon submission of the construction plans.

When the construction plans are approved, post construction requirements will be noted on the construction plan approval letter. The post construction requirements will need to be completed prior to final subdivision approval.

Mr. Warren S. Unemori, President

SUBJECT: **KAONOULU RANCH-WATER TANK SUBDIVISION  
SUBDIVISION FILE NO. 2.2995**

January 16, 2007

Page 5 of 6

16. Submit fifteen prints of the final plat in accordance with Chapter 18.12 (Final Plat) MCC. The final plat shall include all revisions addressing the comments noted on the enclosed preliminary plat. The final plats shall be folded into 8 ½" x 11" sized sheets.
17. Submit a digital copy (either on 3¼" floppy disk or compact disc) of the final plat. The digital map shall either be in Arcview GIS file format or be an AutoCAD drawing with NAD83 State Plane Meters, Zone 2 coordinates, and shall include only the lot line drawing.


Please review the enclosed sheet titled "Planning for Mail Delivery, A Guide for Hawaii Developers" from the United States Postal Service. For further information, please contact the local Growth Coordinator at (808) 423-3908.

Within one year from the date of preliminary approval of the subdivision, the final plat must be filed and the construction plans must be submitted, unless an extension of time is granted.

**Be forewarned that requests for time extensions must be made in writing and received by our department in accordance with the following requirements. A time extension request for the filing of the final plat must be made at least fifteen days prior to the filing deadline. A time extension request for the submittal of the construction plans must be made prior to the submittal deadline. Therefore, a time extension request for the filing of the final plat must be made no later than January 1, 2008, and a time extension request for the submittal of the construction plans must be made no later than January 16, 2008. If no construction plans will be required for the subdivision, our department must be notified in writing prior to the submittal deadline. A "good cause" reason for any time extension shall be stated in the request. Time extension requests which are not in compliance with all of these requirements, will result in the subdivision being deemed null and void.**

If you have any questions regarding this letter, please call Ms. Lesli Otani of our Development Services Administration at 270-7252.

Sincerely,

  
MILTON M. ARAKAWA  
Director of Public Works  
and Environmental Management

Mr. Warren S. Unemori, President

**SUBJECT: KAONOULU RANCH-WATER TANK SUBDIVISION  
SUBDIVISION FILE NO. 2.2995**

January 16, 2007

Page 6 of 6

Enclosures: Preliminary Plat  
Application For Tax Clearance  
Deferred Tax Information Notice  
Agreement For Allocation Of Future Subdivision Potential  
Planning for Mail Delivery, A Guide for Hawaii Developers

\\o\erl S:\DSA\Subd\Reg2\2995-1.prn

c: Dept. of Finance, Real Property Tax Div. (unmarked preliminary plat only)  
Dept. of Finance, Tax Map Div. (unmarked preliminary plat only)  
Engineering Division w/preliminary plat  
Wastewater Reclamation Division  
Dept. of Water Supply  
Dept. of Planning  
Dept. of Housing and Human Concerns  
DOT, Highways Division  
State Dept. of Health  
Maui Electric Company

LAND COURT SYSTEM

REGULAR SYSTEM

AFTER RECORDATION, RETURN BY: MAIL (X) PICK-UP (X)

Development Services Administration

County of Maui

250 South High Street

Wailuku, Hawai'i 96793

S:\CLERICAL\KAO\FW\Master Templates\Agmt Allocat Future Subd (rev 011905).wpd

TMK NO. (2) \_\_\_\_\_ Total Number of Pages: \_\_\_\_\_

Subdivision File No.: \_\_\_\_\_

AGREEMENT FOR ALLOCATION OF FUTURE SUBDIVISION POTENTIAL

THIS AGREEMENT is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between \_\_\_\_\_, whose residence address is \_\_\_\_\_, and whose mailing address is \_\_\_\_\_, (hereinafter "Subdivider"), and COUNTY OF MAUI, through its Department of Public Works and Environmental Management, a political subdivision of the State of Hawaii, whose principal place of business and mailing address is 200 South High Street, Wailuku, Hawaii 96793 (hereinafter "County").

The Subdivider is the owner of a certain parcel of real property situate at \_\_\_\_\_, County of Maui, State of Hawaii, Tax Map Key No. (2) \_\_\_\_\_, containing an area of approximately \_\_\_\_\_ acres, which is the subject of the \_\_\_\_\_, Subdivision File No. \_\_\_\_\_ (hereinafter "Subject Subdivision").

Section 19.30A.040 of the Maui County Code, requires the Subdivider of land in the agricultural district to allocate the maximum number of lots that may be created when subdividing lands within the agricultural district.

The Director of Public Works and Environmental Management, in accordance with Subsection 19.30A.040.A.1 of the Maui County Code, has determined the maximum number of lots that may be created from the subject parcel is \_\_\_\_\_, based upon the subject parcel's gross area of \_\_\_\_\_ acres within the County agricultural district.

Pursuant to Subsection 19.30A.040.A.2 of the Maui County Code, the Subdivider hereby declares that the maximum number of future lots that may be created from each new lot created by the Subject Subdivision, is as set forth in Exhibit "A", which is attached hereto and made a part hereof.

The restriction on the number of lots shall not apply to subdivisions identified in Subsections 19.30A.040.B, 19.30A.040.C and Section 19.30A.070 of the Maui County Code.



The maximum number of future lots for each lot as set forth in Exhibit "A" may be reallocated or transferred among the newly created lots within the Subject Subdivision after review by the Director of Public Works and Environmental Management for compliance with Section 19.30.040 of the Maui County Code, by executing and recording an Amended Agreement for Allocation of Future Subdivision Potential.

The maximum number of future lots, as established in Exhibit "A", shall be set forth as a covenant in the deed, agreement of sale or other conveyance document to each lot created by the Subject Subdivision.

The provisions of this Agreement shall be a covenant running with the land and shall be binding on all present and future owners, lessees and occupants and anyone claiming under said owners, their heirs, personal representatives, successors and assigns; provided that any of the foregoing may petition for the termination of this Agreement as it applies to a lot that is no longer zoned agricultural district.

This Agreement shall be recorded by the Subdivider with the State of Hawaii Bureau of Conveyances or the Land Court of the State of Hawaii, as the case may be, prior to the granting of any permit or approval sought by the Subdivider, with all fees to be paid by the Subdivider.

This Agreement shall become effective upon the date of final approval of the Subject Subdivision.

SUBDIVIDER:

By \_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Print name)  
Its \_\_\_\_\_  
(Title)

By \_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Print name)  
Its \_\_\_\_\_  
(Title)

By \_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Print name)  
Its \_\_\_\_\_  
(Title)

COUNTY OF MAUI:

DEPARTMENT OF PUBLIC WORKS AND  
ENVIRONMENTAL MANAGEMENT

By \_\_\_\_\_  
MILTON M. ARAKAWA  
Its Director

APPROVED AS TO FORM  
AND LEGALITY:

\_\_\_\_\_

Deputy Corporation Counsel  
County of Maui

STATE OF HAWAII                    )  
  ) SS.  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared \_\_\_\_\_, to me personally known, who, being by me duly sworn or affirmed, did say that such person(s) executed the foregoing instrument as the free act and deed of such person(s), and if applicable in the capacities shown, having been duly authorized to execute such instrument in such capacities.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

\_\_\_\_\_  
NOTARY PUBLIC, State of Hawaii.  
Print Name \_\_\_\_\_  
My commission expires: \_\_\_\_\_

STATE OF HAWAII                    )  
  ) SS.  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared \_\_\_\_\_, to me personally known, who, being by me duly sworn or affirmed, did say that such person(s) executed the foregoing instrument as the free act and deed of such person(s), and if applicable in the capacities shown, having been duly authorized to execute such instrument in such capacities.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

\_\_\_\_\_  
NOTARY PUBLIC, State of Hawaii.  
Print Name \_\_\_\_\_  
My commission expires: \_\_\_\_\_

STATE OF HAWAII )  
 ) SS.  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared \_\_\_\_\_, to me personally known, who, being by me duly sworn or affirmed, did say that such person(s) executed the foregoing instrument as the free act and deed of such person(s), and if applicable in the capacities shown, having been duly authorized to execute such instrument in such capacities.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

\_\_\_\_\_  
NOTARY PUBLIC, State of Hawaii.  
Print Name \_\_\_\_\_  
My commission expires: \_\_\_\_\_

STATE OF HAWAII )  
 ) SS.  
COUNTY OF MAUI )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared MILTON M. ARAKAWA, to me personally known, who being by me duly sworn, did say that he is the Director of Public Works and Environmental Management of the County of Maui, a political subdivision of the State of Hawaii, and that the seal affixed to the foregoing instrument is the lawful seal of the said County of Maui, and that the said instrument was signed and sealed on behalf of said County of Maui pursuant to Title 18 of the Maui County Code, the Subdivision Ordinance, and the said MILTON M. ARAKAWA acknowledged the said instrument to be the free act and deed of the said County of Maui.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

\_\_\_\_\_  
NOTARY PUBLIC, State of Hawaii.  
Print Name \_\_\_\_\_  
My commission expires: \_\_\_\_\_

**EXHIBIT "A"**

TMK PARCEL'S AGRICULTURAL AREA = \_\_\_\_\_ ACRES

MINIMUM LOT SIZE	NUMBER OF LOTS ALLOWED PURSUANT TO MCC §19.30A.030(G)
2 ACRES	
15 ACRES	
25 ACRES	
40 ACRES	

**ALLOCATION OF LOTS**

MINIMUM LOT SIZE	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT
2 ACRES														
15 ACRES														
25 ACRES														
40 ACRES														
*TOTAL LOT ALLOCATION														

\*A TOTAL LOT ALLOCATION OF ONE (1) INDICATES NO FURTHER SUBDIVISION POTENTIAL.