

Harry Kim
Mayor



Michael Yee
Director

Daryn Arai
Deputy Director

West Hawai'i Office
74-5044 Ane Keohokalole Hwy
Kailua-Kona, Hawai'i 96740
Phone (808) 323-4770
Fax (808) 327-3563

County of Hawai'i
PLANNING DEPARTMENT

East Hawai'i Office
101 Pauahi Street, Suite 3
Hilo, Hawai'i 96720
Phone (808) 961-8288
Fax (808) 961-8742

October 8, 2018

Steve M. Tomei, LPLS Project Manager
Sam O. Hirota, Inc.
864 South Beretania Street
Honolulu, HI 96813-2502

Dear Mr. Tomei:

TENTATIVE APPROVAL
SUBDIVIDERS: KALOKO HEIGHTS B1A HOLDINGS, LLC
"Kaloko Heights Lot 4 Subdivision"

Proposed Subdivision of Lot 4 of Kaloko Heights Subdivision,
Into Lots 1 through 50, Inclusive & Lots R1 through R9, Inclusive,
Kaloko, North Kona, Island of Hawai'i, Hawai'i
TMK: 7-3-009:059 (SUB-18-001779)

This application is being processed pursuant to Change of Zone Ordinance No. 86 091 (REZ 461, REZ-83-000024). The subdivider is reminded that compliance with the conditions of Ordinance No. 86 091 is required, as outlined in the subdivision submittal documents.

Please be informed that Tentative Approval of the preliminary plat map dated December 6, 2017, 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 Hawai'i, 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 (DWS).
 - b) Submit water system construction plans for approval by affected agencies.
 - c) Pay installation and facilities charges as required by the DWS.

- 2) Drainage.
 - a) Identify any watercourses or 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) Access and Roadway Improvements
 - a) For Lots 1, 25, 26 and 43 through 49, Inclusive, provide a 10 foot wide “no vehicular access” planting screen easement along the Road Lot R1 (Easements C, D & E) frontage of the lots.
 - b) For Lots 15, 35 and 36, provide a 10 foot wide “no vehicular access” planting screen easement along the Road Lot R2 frontage of the lots.
 - c) For Road Lot A (and Easement B), Road Lot R1 (and Easements C, D & E), and Road Lot R2, provide minimum 32-ft. wide dedicable pavement with concrete gutters and sidewalks within a minimum 50-ft. wide right-of-way conforming to Department of Public Works (DPW) Standard Detail (Std. Det.) R-32 & R-34 and as presented in the Kaloko Heights Revised Phase 1 Site Plan dated July 19, 2017, approved by the Planning Department on September 8, 2017.
 - d) For Road Lots R3 through R9, Inclusive, provide minimum 16-ft. wide nondedicable pavement with concrete sidewalks on one side, per Condition N of said Change of Zone Ordinance, within the 20-ft. right-of-way conforming to DPW Std. Det. R-39.
 - e) Pavement shall be designed to support axle and wheel loads permitted under Section 291-35, Hawai'i Revised Statutes (HRS).
 - f) All utilities shall be installed underground conforming to DPW Std. Det. R-35.
 - g) Submit proposed street names conforming to the adopted street naming policy of the County of Hawai'i.
 - h) Install streetlights and traffic control devices as required by the Traffic Division, DPW.
 - i) Submit construction plans and drainage report for review and comment.
- 4) All utilities shall be installed underground per condition (N) of Change of Zone Ordinance 86 091.
- 5) 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.
- 6) Wastewater System.
 - a) Per letter from subdivider dated September 25, 2018, and the Rules and Regulations of the State Department of Health (DOH), a sewer system shall be installed to serve

- all lots within the subdivision. The sewer system shall meet with the Department of Environmental Management's (DEM) specifications.
- b) Individual wastewater systems (IWS) may be temporarily used until the main sewer lines are connected. All IWS shall comply with the Rules and Regulations of the State Department of Health (DOH).
 - c) All lots that use IWS shall connect to the sewer system once the main sewer infrastructure is developed and connected to a wastewater treatment facility.
 - d) A combined total maximum of forty-nine (49) lots in the entire Kaloko Heights development area are allowed to temporarily use IWS until a sewer system is developed. Future increments and/or phases of this and other subdivision actions will not be permitted until all lots using IWS connect to the sewer system linked to a wastewater treatment facility.
- 7) Property Tax Certification. Submit written proof that all taxes and assessments on the property are paid to date.
 - 8) Surveyor's Certification. Place property markers in accordance with the final plat map. Surveyor shall submit certification upon completion.
 - 9) **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 **October 8, 2019**. If not, tentative approval to the preliminary plat map shall be deemed null and void. Only upon written request from the subdivider and for good cause, the director may grant to the subdivider an extension of time within which the subdivider may file the final plat. **As part of final plat map submittal, provide an additional copy of the final plat map as a ".dwg" or ".dxf" diskette file prepared by CAD software. In the alternate, a digital copy of the final plat map may be e-mailed to the Tax Maps and Records Supervisor at planning@hawaiicounty.gov.**
 - 10) 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 **October 8, 2021**. 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.

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

Steve M. Tomei, LPLS Project Manager
Sam O. Hirota, Inc.
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October 8, 2018

issued a preliminary order of registration by the Department of Commerce and Consumer Affairs (DCCA) in accordance with the requirements of Chapter 484, Hawai'i Revised Statutes (HRS).

Should you have any questions, please feel free to contact Hans Santiago or Jonathan Holmes of this department.

Sincerely,



MICHAEL YEE
Planning Director

JRH/HS:tb

\\coh33\planning\public\Admin Permits Division\Subdivision\2018\2018-4\SUB-18-001779KolokoHeightsB1AHoldingsTA 10-08-18.docx

Enc.: PPM (12-06-17)

xc: Manager, DWS
Director, DPW
District Environmental Health Program Chief, DOH
Planning-Kona
DPW-Kona
Kaloko Heights B1A Holdings, LLC
Dan H. Hirota, LPLS, Sam O. Hirota, Inc.
Thomas L.H. Yeh, Esq., Law Offices of Yeh & Moore
William L Moore, William L. Moore Planning, Inc.
REZ 461 (Ord. 86 091, REZ-83-000024); FSA-SUB-05-000031; VAR-06-000097

KALOKO HEIGHTS LOT 7 SUBDIVISION (PHASE 1A)

SUB-17-001748

DPW FOLDER NO. 73126-J

KALOKO, NORTH KONA, ISLAND OF HAWAII, HAWAII

TMK: (3) 7-3-009:062, (3) 7-3-009:061 (PORTION)

AREA = 14.559 ACRES

PREPARED BY
SAM O. HIROTA, INC.
ENGINEERS & SURVEYORS
864 So. Beretania Street
Honolulu, Hawaii 96813

OWNER
RCFC KALOKO HEIGHTS, LLC
555 California Street, Suite 3450
San Francisco, CA 94104

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| S101 | SITE PLAN |
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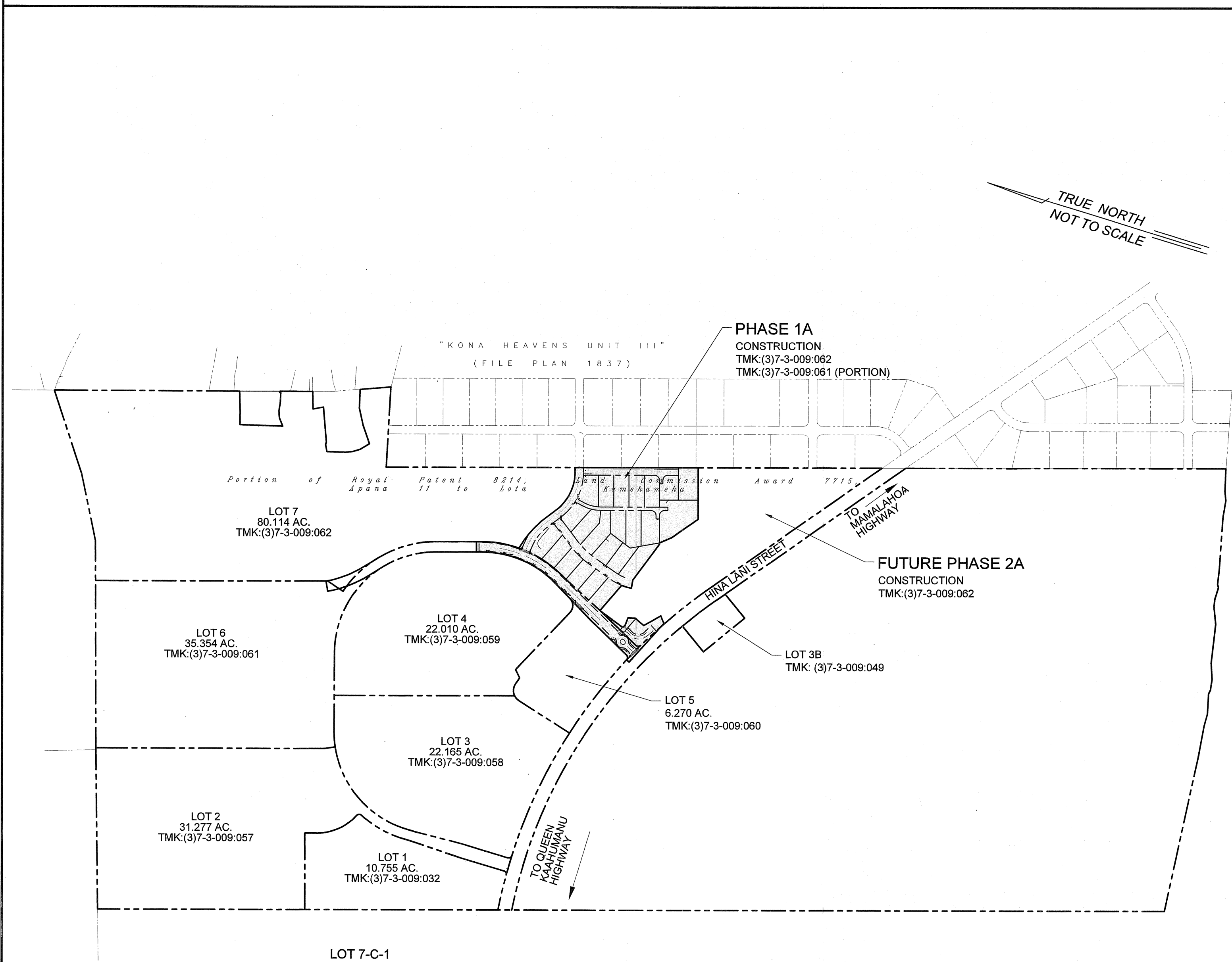
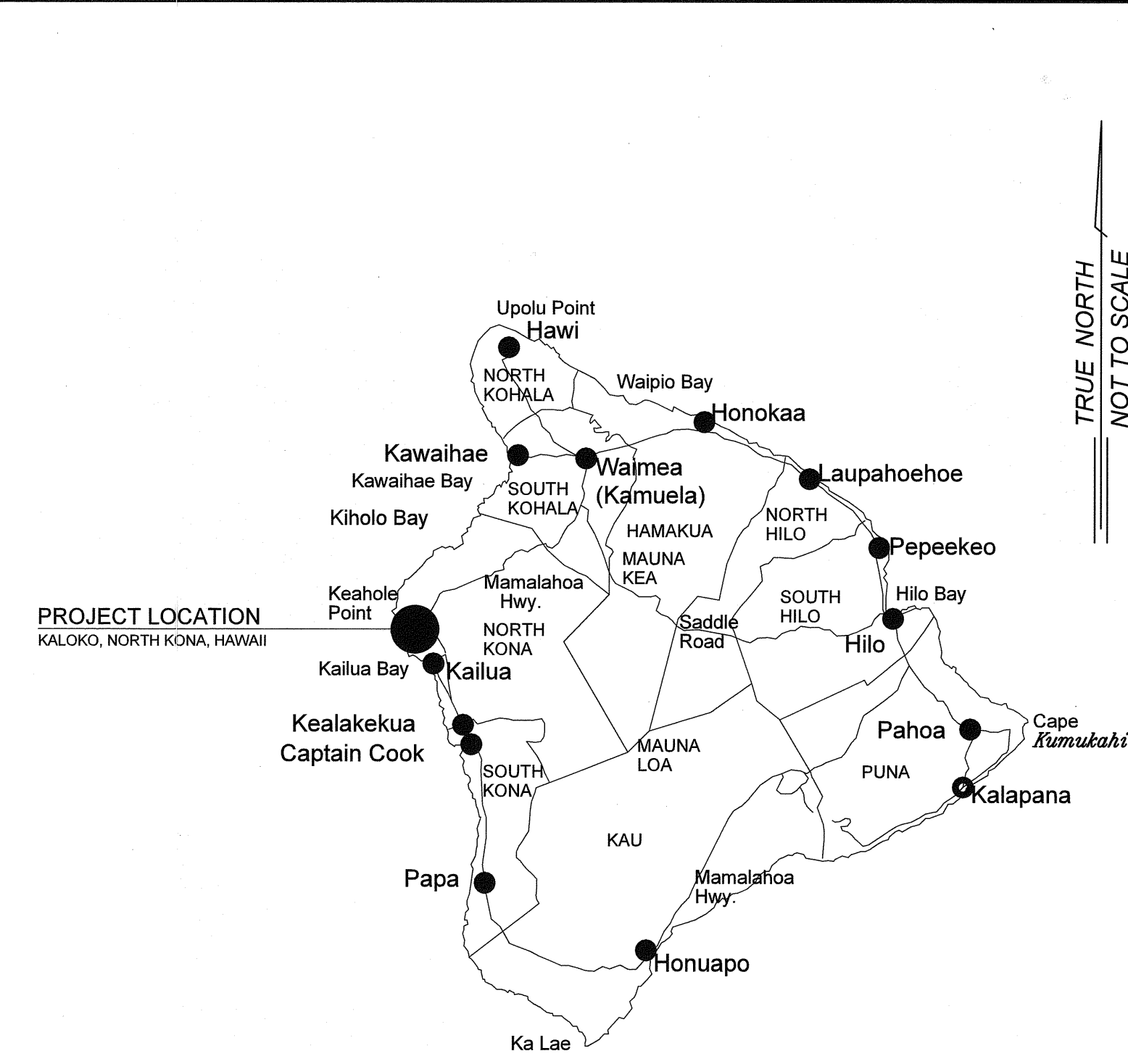


Exhibit 12.B.1.e

VICINITY MAP
NOT TO SCALE



LOCATION MAP
NOT TO SCALE

APPROVED:

[Signature] 4/10/20
 PLANNING DIRECTOR, PLANNING DEPARTMENT, COUNTY OF HAWAII

Natalie Welter 11/5/19
 DIRECTOR, DEPARTMENT OF PUBLIC WORKS (NON-DEDICABLE STREETS, PER APPROVED ORD 86-91 AND ITS CLARIFICATIONS)

[Signature] 10/18/19
 MANAGER-CHIEF ENGINEER, DEPARTMENT OF WATER SUPPLY, COUNTY OF HAWAII

[Signature] 3/17/2020
 CHIEF, ENVIRONMENTAL MANAGEMENT DIVISION, STATE DEPARTMENT OF HEALTH

SAM O. HIROTA, INC.
 ENGINEERS & SURVEYORS
 864 So. Beretania Street
 Honolulu, Hawaii 96813
 Tele (808) 537-9971
 Fax (808) 524-6313

DENNIS I. HIROTA
 LICENSED PROFESSIONAL ENGINEER
 No. 3377-C
 HAWAII, U.S.A.
 EXP. 4/30/2020

THIS WORK WAS PREPARED BY ME OR UNDER MY SUPERVISION AND CONSTRUCTION OF THIS PROJECT WILL BE UNDER MY OBSERVATION.

KALOKO HEIGHTS
 LOT 7 SUBDIVISION (PHASE 1A)
 TMK: (3) 7-3-009:062, (3) 7-3-009:061 (PORTION)
 KALOKO, NORTH KONA, ISLAND OF HAWAII, HAWAII

TITLE, INDEX SHEET,
VICINITY MAP, LOCATION MAP

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| APPROVED BY | |
| REVISIONS | |
| DATE | |
| NO. | |

DATE: OCTOBER, 2019
 SCALE: AS NOTED
 JOB NO: 160500
 DESIGNED BY: JI
 DWG: JI CHK: ST
 SHEET
T-001

KALOKO HEIGHTS LOT 4 SUBDIVISION (PHASE 1B)

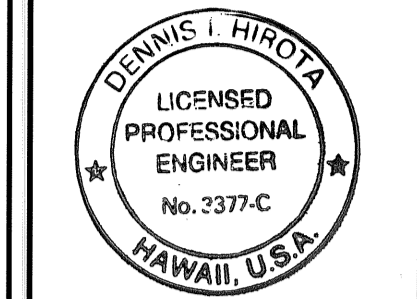
SUB-18-001779

DPW FOLDER NO. 73111-C
 KALOKO, NORTH KONA, ISLAND OF HAWAII, HAWAII
 TMK: (3) 7-3-009:059, (3) 7-3-009:060 (PORTION)
 AREA = 7.926 ACRES

PREPARED BY
SAM O. HIROTA, INC.
 ENGINEERS & SURVEYORS
 864 So. Beretania Street
 Honolulu, Hawaii 96813

OWNER
RCFC KALOKO HEIGHTS, LLC
 555 California Street, Suite 3450
 San Francisco, CA 94104

SAM O. HIROTA, INC.
 ENGINEERS & SURVEYORS
 864 So. Beretania Street
 Honolulu, Hawaii 96813
 Tele (808) 537-9971
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DTH EXP. 4/30/2020
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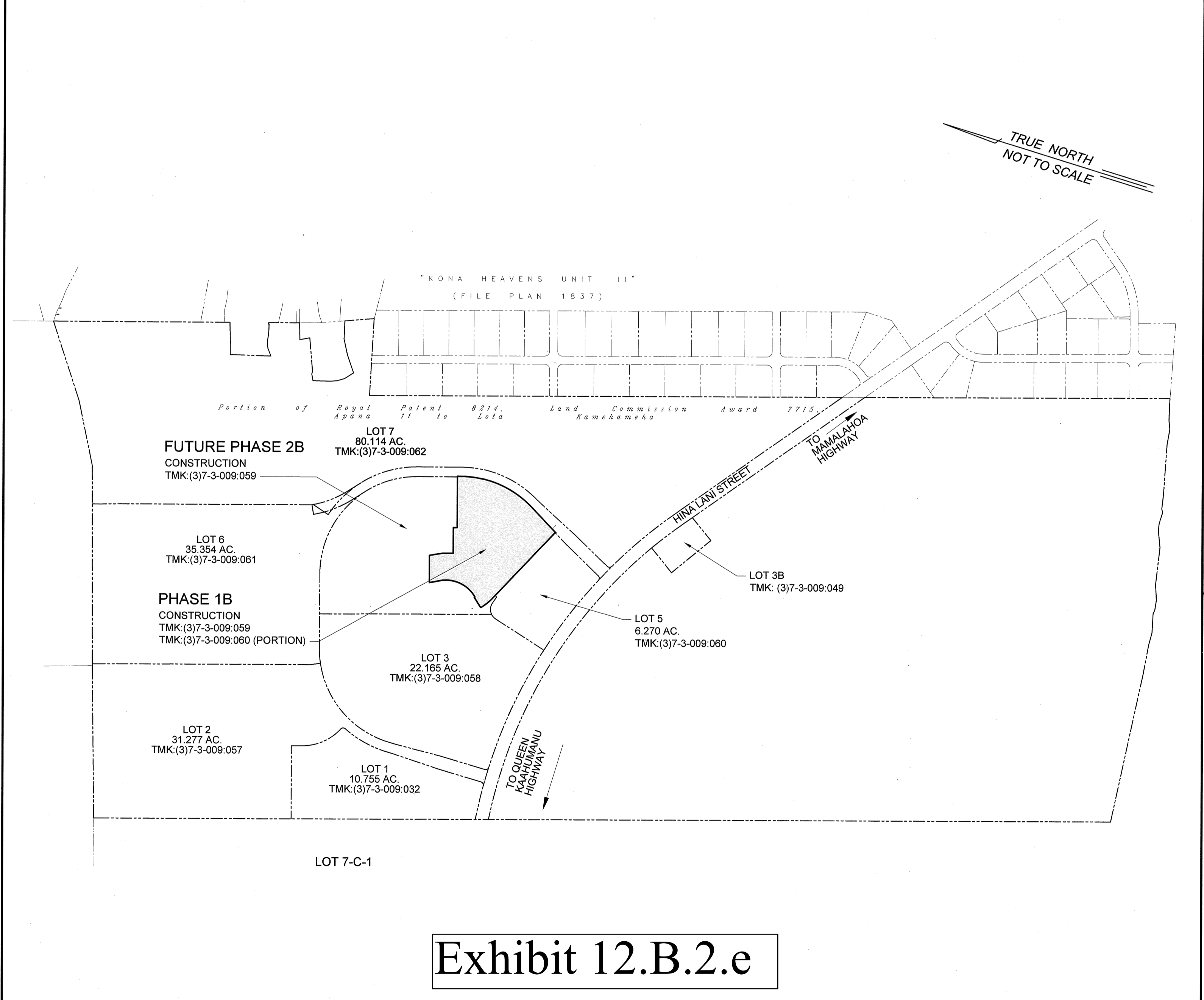
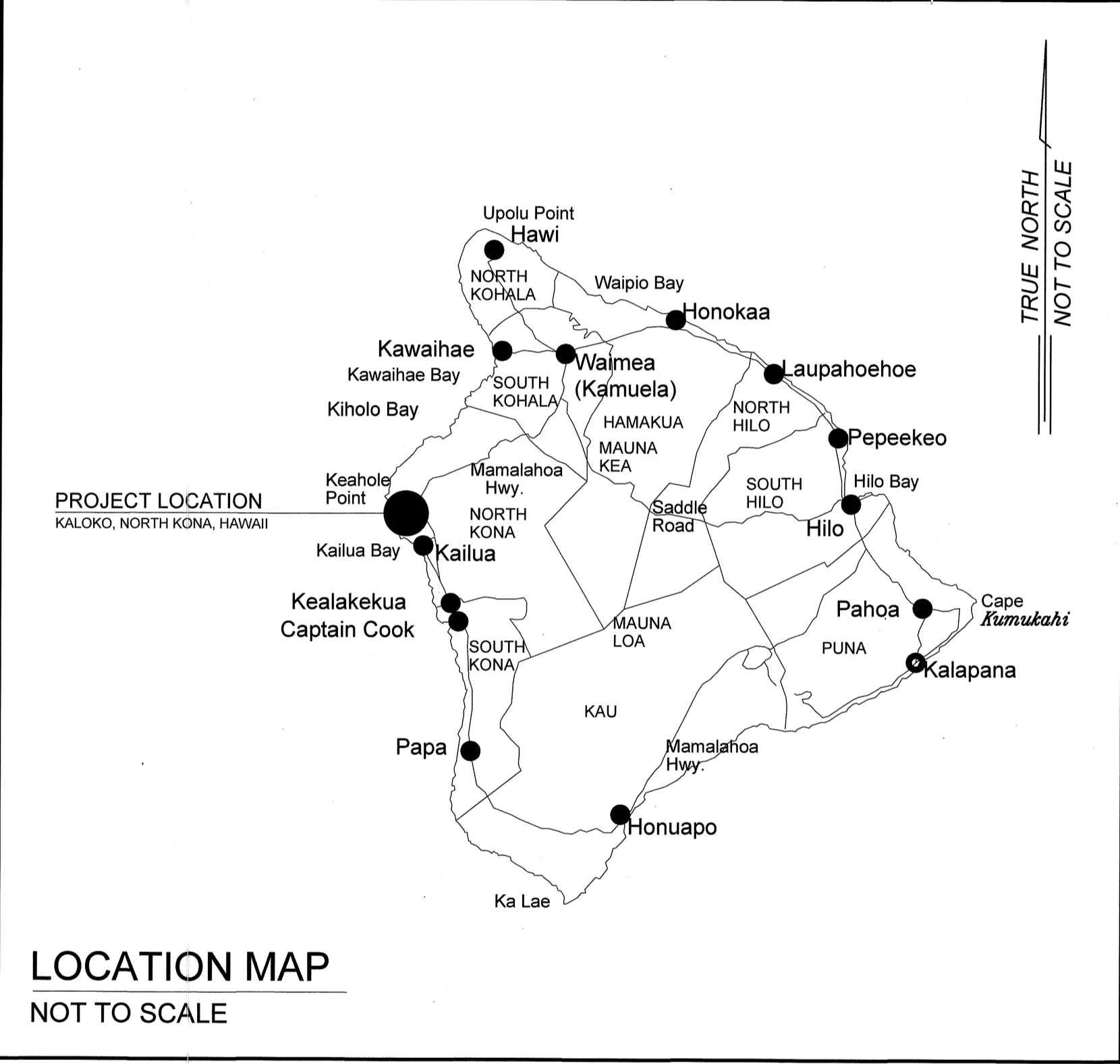


Exhibit 12.B.2.e



APPROVED:

[Signature] 4/10/20
 PLANNING DIRECTOR, PLANNING DEPARTMENT,
 COUNTY OF HAWAII

Natalie Wilts 11/5/19
 DIRECTOR, DEPARTMENT OF PUBLIC WORKS
 (NON-DEDICABLE STREETS, PER APPROVED ORD 86-91 AND ITS CLARIFICATIONS)

[Signature] 10/18/19
 MANAGER-CHIEF ENGINEER, DEPARTMENT OF WATER SUPPLY,
 COUNTY OF HAWAII

[Signature] 3/17/2020
 CHIEF, ENVIRONMENTAL MANAGEMENT DIVISION,
 STATE DEPARTMENT OF HEALTH

VICINITY MAP
 NOT TO SCALE

KALOKO HEIGHTS
 LOT 4 SUBDIVISION (PHASE 1B)
 TMK: (3) 7-3-009:059, (3) 7-3-009:060 (PORTION)
 KALOKO, NORTH KONA, ISLAND OF HAWAII, HAWAII

TITLE, INDEX SHEET,
 VICINITY MAP, LOCATION MAP

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|---------------------|---------|
| APPROVED BY | |
| REVISIONS | |
| DATE | |
| NO. | |
| DATE: OCTOBER, 2019 | |
| SCALE: AS NOTED | |
| JOB NO: 160500 | |
| DESIGNED BY: JI | |
| DWG: JI | CHK: ST |
| SHEET | |
| T-001 | |

RESOLUTION NO. 86 19**A RESOLUTION AUTHORIZING THE EXTENSION OF THE PUBLIC SEWER FROM A PLANNED SUBDIVISION (PARCELS 7-3-009:019, 057, 058, 060, 061 AND 062) TO THE EXISTING SEWER LINE TERMINUS IN ANE KEOHOKALOLE HIGHWAY.**

WHEREAS, applicant RCFC Kaloko Heights, LLC, a Delaware limited liability company ("RCFC Kaloko Heights"), has applied to extend the public sewer system in accordance with Section 21-26, Hawai'i County Code, to service planned subdivision projects located on parcels 7-3-009:057, 058, 059, 060, 061, and 062 ("Kaloko Heights, Phase I"), and on parcel 7-3-009:019 ("Kaloko Heights, Phase II") and to service the Hawai'i Island Community Development Corporation's ("HICDC") low income rental housing project located on parcel 7-3-009:032; and

WHEREAS, the sewer extension will consist of a gravity flow line and related improvements, including laterals provided along the sewer line extension to connect existing lots in the future, beginning at the makai boundary of Kaloko Heights, Phase I, down Hina Lani Street and then along Ane Keohokalole Highway to the existing sewer line terminus in the vicinity of the West Hawai'i Civic Center; and

WHEREAS, RCFC Kaloko Heights will construct the sewer line extension by way of an improvement district pursuant to Chapter 12, Hawai'i County Code, and in the future will be eligible to exercise conditions under section 21-28(a), Hawai'i County Code, pertaining to receipt for 10 years after completion of the sewer line extension one-half of all monies for sewer charges collected by the County from other properties connecting to the sewer line extension, provided the total of such reimbursement shall not exceed the cost incurred by RCFC Kaloko Heights to construct the sewer line extension. Plans to reimburse RCFC Kaloko Heights for construction of the sewer line extension shall require the approval of the County Council by resolution; and

WHEREAS, RCFC Kaloko Heights' Application for Sewer Extension, a map depicting the location of the sewer line extension, and a letter of support for the sewer line extension from HICDC are attached hereto as Exhibits 1, 2 and 3, respectively; and

WHEREAS, the Director of Environmental Management has recommended approval of the sewer line extension in accordance with section 21-26.1(b), Hawai'i County Code; and

WHEREAS, sewer line extensions are beneficial to the community by avoiding less desirable alternative wastewater treatment options, resulting in a cleaner, healthier environment; and

WHEREAS, Section 21-26.1(a), Hawai'i County Code requires that all sewer extensions shall be approved by resolution of the County Council, and Section 21-26.1(b) provides that the

County Council may approve applications for sewer line extensions accompanied by appropriate supporting material; now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE COUNTY OF HAWAI'I that the sewer line extension as set forth hereinabove is hereby approved.

BE IT FURTHER RESOLVED that the County Clerk shall transmit copies of this resolution to the Department of Finance, Department of Public Works, Department of Environmental Management, the applicant RCFC Kaloko Heights, LLC, and the Hawai'i Island Community Development Corporation.

Dated at Kona, Hawai'i, this 28th day of March, 2019.

INTRODUCED BY:


 COUNCIL MEMBER, COUNTY OF HAWAI'I

COUNTY COUNCIL
 County of Hawai'i
 Hilo, Hawai'i

ROLL CALL VOTE

| | AYES | NOES | ABS | EX |
|-----------------------|------|------|-----|----|
| CHUNG | X | | | |
| DAVID | X | | | |
| EOFF | X | | | |
| KANEALI'I-KLEINFELDER | X | | | |
| KIERKIEWICZ | X | | | |
| LEE LOY | X | | | |
| POINDEXTER | | | X | |
| RICHARDS | X | | | |
| VILLEGAS | X | | | |
| | 8 | 0 | 1 | 0 |

I hereby certify that the foregoing RESOLUTION was by the vote indicated to the right hereof adopted by the COUNCIL of the County of Hawai'i on March 28, 2019.

ATTEST:

 COUNTY CLERK
 CHAIRPERSON & PRESIDING OFFICER

Reference: C-148/AWEEMC -4

RESOLUTION NO. **86 19**

Department of Environmental Management
Wastewater Division, County of Hawai'i
Application For Sewer Extension

Part A. (must be completed)

Project Address: KALOKO & KOHANAIKI, NORTH KONA, HAWAII Date: August 29, 2018

TMK No.: (3) 7-3-009:057, 058, 059, 060, 061 & 062; (3) 7-3-009:019; (3) 7-3-009:032

Applicant Information:

Contractor Information:

Name: RCFC KALOKO HEIGHTS, LLC

Name: TO BE DETERMINED

Address: 555 CALIFORNIA ST, #3450
SAN FRANCISCO, CA 94101

Address: _____

Company: _____

Company: _____

Phone No.: _____

Phone No.: _____

Check applicable box: Sewer Main Installation (Indicate reason for work and complete Parts B & C.)
 Sewer Lateral Installation (Indicate reason for work and complete Part C)

Reason For Work: TO CONNECT ABOVE PROPERTIES TO COUNTY OF HAWAII SEWER SYSTEM

Part B.

Sewer extensions are subject to Hawai'i County Code, Chapter 21, Division 4, Extensions. The APPLICANT shall be responsible for drafting the resolution and submitting it and supporting materials with the Application for Sewer Extension. Final documents will be submitted to County Council by the Department of Environmental Management. Select one of the following methods of payment for cost and construction:

(Note: reimbursement refers to payments collected by the County from properties connecting to the extension)

- Section 21-28(a): Applicant constructs and pays.
- Section 21-28(b)(1): County constructs, applicant pays.
- Section 21-28(b)(2): County constructs, applicant and County share cost.

Estimated Start Date MARCH 2020

Estimated Completion Date FEBRUARY 2021

Part C.

I hereby certify that all work requested above will conform to appropriate sections of the Hawai'i County Code.

Owner Signature: 

Date: 8/29/18

Department of Environmental Management, Wastewater Division

Approved by: 
Wastewater Division Chief

Date: 9/14/18

Approved by: 
Director of Environmental Management

Date: 9/19/18

- Note: 1) Approval of the Application for Sewer Extension does **NOT** constitute approval for construction. Approval for construction is provided by an approved Permit to Perform Work on the Public Sewer System pending final approval by the Hawai'i County Council in accordance with Section 21-26.1 of the Hawai'i County Code.
- 2) Filing of Sewer Extension Resolution is not required for sewer lateral installations.

Hawai'i County is an Equal Opportunity Provider and Employer

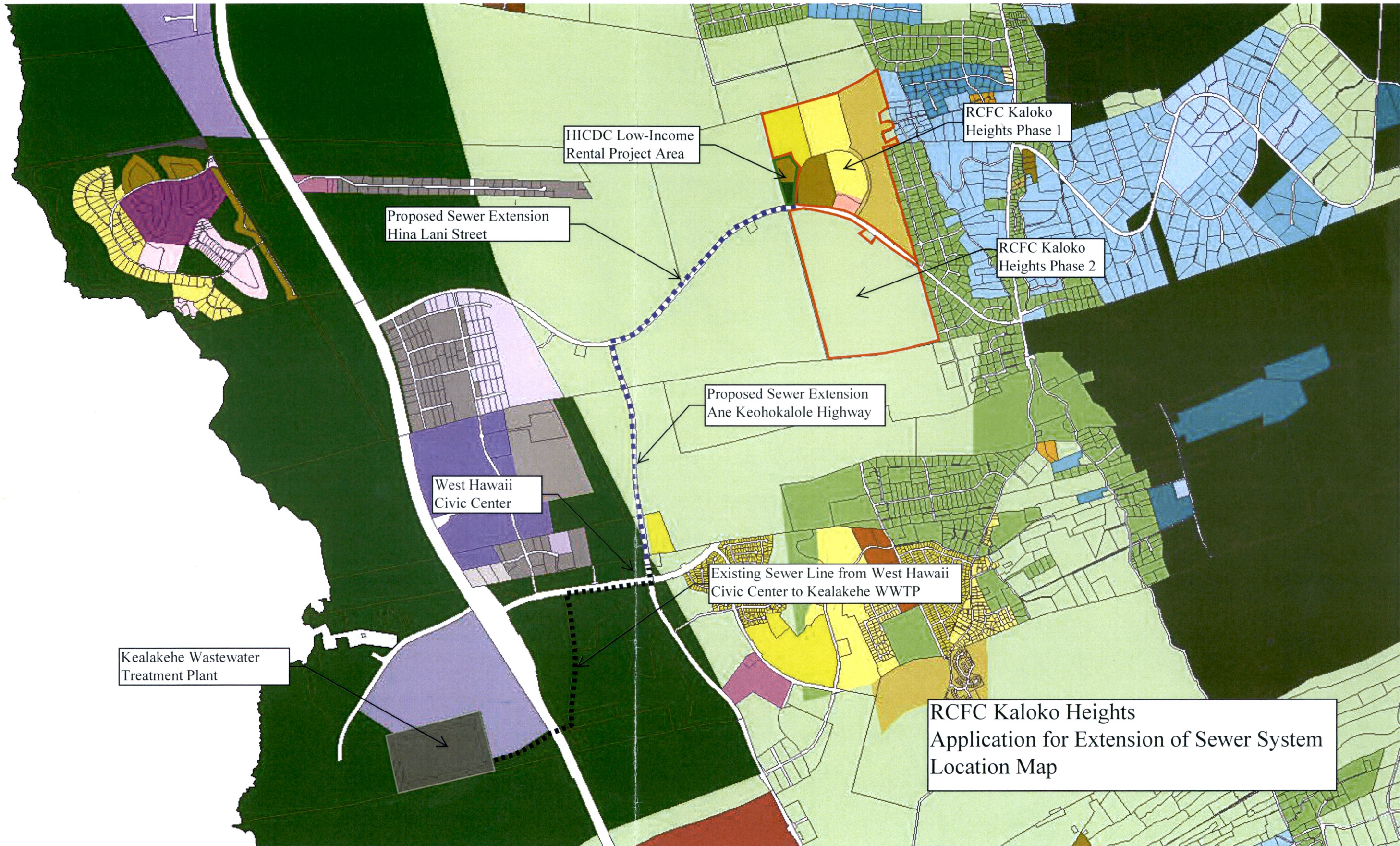


EXHIBIT 2

Stephen J. Menezes
Attorney at Law

441 Kipuni Street Hilo, Hawaii 96720
Tel (808)934-8916 Fax (808)934-8916
e-mail: stephenmenezes0@gmail.com

August 31, 2018

Curtis Bailey
Department of Environmental Management
Wastewater Division
345 Kekuaanoa Street, Suite 41
Hilo, Hawaii 96720

Re: Application for Sewer Extension : RCFC Kaloko Heights, LLC

Dear Mr. Bailey:

Your email to Keith Kato dated August 22, 2018 regarding the referenced application for sewer extension was forwarded to me. As Mr. Kato noted in his response to you, Hawaii Island Community Development Corporation ("HICDC") is not the applicant. The applicant is RCFC Kaloko Heights, LLC ("RCFC"). RCFC submitted its initial Application for Extension of Sewer System to the Department of Environmental Management by letter dated August 16, 2018. Please consider this letter as providing information supplementing RCFC's initial letter Application of August 16, 2018.

On behalf of RCFC, I have enclosed DEM's form Application for Sewer Extension, signed by RCFC on August 29, 2018, and a proposed County Council resolution authorizing the sewer extension. The application requests an extension of the public sewer system from lands owned by RCFC described below.

RCFC's project is located on both the north and south sides of Hina Lani Street and encompasses properties identified as TMKs:(3)7-3-009:057, 058, 059, 060, 061 and 062 ("Kaloko Heights, Phase I") and TMK:(3)7-3-009:019 ("Kaloko Heights, Phase II"). RCFC owns the above identified properties, with the exception of parcel TMK:(3)7-3-009-059 which is owned by Kaloko Heights BIA Holdings, LLC ("BIA") and parcel TMK:(3)7-3-009-019 which is owned by Kaloko Heights Investors, LLC ("KHI"). Both BIA and KHI have authorized and support the application for sewer extension.

The project will include single-family, multiple family and commercial uses. It will need to be connected to the County of Hawaii's sewer system by way of a sewer line from the makai boundary of the Phase I lands down Hina Lani Street and then along Ane Keohokalole Highway to the existing sewer line terminus in the vicinity of the West Hawaii Civic Center.

Adjacent to RCFC's project is a 110 unit low income rental housing project being developed by the Hawaii Island Community Development Corporation ("HICDC") on TMK:(3)7-3-009-032. HICDC supports RCFC's application for the extension of the sewer system as evidenced by its enclosed letter of support. The HICDC project lands were conveyed to HICDC by RCFC. The HICDC project received support from the Hawaii County Council in conjunction with the adoption of Resolution No. 31-17 on January 25, 2017. The HICDC project is targeted to be completed and

EXHIBIT 3

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ready for occupancy no later than July 31, 2021. Funding considerations require that wastewater from HICDC's project be treated at the County's Kealakehe wastewater treatment plant by that date.

A map is enclosed depicting the location of the proposed sewer line extension to connect both RCFC's and HICDC's project to the County of Hawaii's existing sewer line. The proposed sewer line will consist of a gravity flow line and related improvements, including laterals provided along the sewer line extension to connect existing lots in the future.

RCFC is proposing to finance and construct the sewer line extension by way of an improvement district under Chapter 12, HCC. By choosing to construct the extension and bearing the total cost of construction, we believe that RCFC qualifies, under section 21-28(a), HCC, to receive for ten years after completion of the sewer extension one-half of all moneys for sewer charges collected by the County from other properties connecting to the extension. We understand that plans to reimburse RCFC for the construction will require the approval of the County Council by resolution. Our proposed County Council resolution approving the sewer extension contains language to this effect.

We would appreciate your expeditious review of this application and your recommendation for its approval to the County Council, pursuant to section 26-21(b), HCC.

Thank you for your consideration in this matter

Very truly yours,



STEPHEN J. MENEZES

Encls.

xc: Office of the Mayor
Planning Department
Department of Public Works
Mark Meyer, RCFC
Kaloko Heights BIA Holdings, LLC
Kaloko Heights Investors, LLC
Thomas Yeh
William Moore
Keith Kato, HICDC