

## Fwd: Kaleiwahea Subdivision

From: **Stephen Geiger** (smgeiger@hawaiiintel.net)  
Sent: Thu 3/03/11 3:44 PM  
To: Kalea Hinau (hookilio@hotmail.com)

Begin forwarded message:

**From:** Philip Gagorik <[gagorik@hawaiiintel.net](mailto:gagorik@hawaiiintel.net)>  
**Date:** March 2, 2011 10:30:49 PM HST  
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**Subject:** Kaleiwahea Subdivision

Hi Mike,

Have any residents informed you or board members that Marie Kaleiwahea is applying for a subdivision of the lands adjacent to Cymbidium Acres? Phil and I received a notice that was required because they are applying for a water variance. They are required to notify surrounding property owners within 500 feet of their property. The Subdivision Code requires that any new subdivision of land must have a County Water System. Since we are on water catchment, they are asking the Planning Dept. for a water variance from the code in order to subdivide.

The more important issue is the Subdivision - which is on hold until the variance is approved.. Once the variance is approved - the Subdivision approval process will proceed. They are requesting to subdivided into 6 - 20 acre lots. The lots show that all new lots will have access from Wright road via flag lots. However, we know better that during the building permit process, driveway access are often missed and not checked. The only lots legally entitled to use a private road are the lot owners whose deeds mention they have access. We have seen this with the new driveway on Laukapu where the new owner was upset with the clearing in front of his property. Once the bulding permit is signed off - it is difficult to rescind. So good to take precautionary steps.

I think it is important for Cymbidium Acres to inform the Planning Dept. of the potential for abuse when the subdivision is sold. The existing driveway on road A should not have been approved- unless they have legal access. Do we know if they do?

I suggest the Road Maintenance write a letter informing the Planning Director that Road A is a private road that was created in \_\_\_\_\_ for lot owners in Cymbidium Acres. Each of us has in our deed a ? % undivided interest in the roads. The annual road maintenance fees are collected to cover the cost of maintaing the roads. Encourage the Planning Department to check the deed of the Kaleiwhea lot and if no mention of access is stated, the following actions be recommended:

We can recommend two things to prompt reviewers that driveway access be from Wright Road: 1) the subdivision map be revised to identify Road A - private road. (Right now - I think it just says Road.) and 2) that a planting screen easement be established along the property boundary that abuts Road A. If this is included in the subdivision map, it legitimizes

our position and helps minimize errors during the building permit process. At least our letter will be in the file - so when the lots are sold and the new owner applies for a building permit and comes into planning/dpw showing a driveway access from Road A - the zoning clerk/engineering looks that the map, and will see that a planting screen easement is required to avoid access from Road A. There is a planting screen easement along the rear of the property that abuts the Forest Reserve, but not along our road.

I can help with formatting letter, some language. Need someone to input the facts about our road maintenance contribution and why. Need a board members to sign the letter.

Is Sharon Morales still on the board? If yes, please forward to her - I didn't have her email.

Let me know if the board agrees with writing a letter. It should be done soon so that the preliminary plat map can be revised before the final subdivision map is approved.

Thanks, Susan