

1st Draft

**Volcano Cymbidium Acres Road Maintenance Corporation  
P. O. Box 574  
Volcano, HI 96785-0574**

March 7, 2011

Ms. Bobby Jean Leithead Todd, Planning Director  
County of Hawaii Planning Department  
101 Pauahi Street, Suite 3  
Hilo, HI 96785

Attn: Mr. Garrett Smith

Re: Marie P. Kaleiwahea, Applicant  
Variance Application (VAR 11-001)  
Subdivision Application (SUB 10-001008)  
TMK: 1-9-001:003

Several lot owners within the Cymbidium Acres Subdivision in Volcano Village have received notice from Paul H. Murray & Associates, LLC that Marie P. Kaleiwahea has applied for a variance from the Subdivision Code in order to subdivide TMK: 1-9-001:003 into six (6) - 20 acre lots. The variance is required in order to subdivide the parcel without meeting the minimum water system (county water system) improvements as required by Chapter 23, Subdivisions.

This letter is to inform you of our concerns regarding the pending variance and subdivision as the property abuts the Cymbidium Acres Subdivision lots which are bordered by and accessed by Road A (Olomea Road) - which is a private road. Road A is a roadway lot identified as TMK: 1-9-19:142 (Lot 180). Road A, as well as roadway lots within Cymbidium Acres, were created for use and access by lot owners within the Cymbidium Acres Subdivision. Further, all lot owners within Cymbidium Acres are required to pay an annual road maintenance fee to cover costs for maintenance and improvements. There is no provision for collecting fees from non-Cymbidium Acres lots.

A review of building permit records indicate that an existing dwelling on TMK: 1-9-001:003 was approved in 2007 with a driveway access onto Road A in the approximate vicinity of its intersection with Road B. Further down Road A in the vicinity of its intersection with Road C & D, there is a padlock and gate that leads to a pasture. We are not aware of any approval for the gate access. We believe that these two access points onto Road A were constructed and approved erroneously. We want to avoid repetition of this kind of oversight in the future where future driveways are approved.

Our concern is that the proposed lots in the pending subdivision with frontage along Road A will also attempt to gain driveway access from Road A - despite the fact that

Ms. Bobby Jean Leithead-Todd  
March 7, 2011  
Page 2

the Preliminary Plat Map shows access from Wright Road over long pole driveways that lead to flag lots. It does not seem that an accurate review is being conducted to prevent access onto a private road before signing off on any future building permits.

Therefore, to avoid this problem, we recommend that the following revisions be made to the Plat Map before granting Final Subdivision Approval to ensure that future subdivided lots created from TMK: 1-9-001:003 are not permitted to construct a driveway with access onto Road A:

1. "Road Lot A" should be revised on the Final Plat Map to read "Road A - Private Roadway Lot 180".
2. A "No Vehicular Access Planting Screen Easement (10' Ft-Wide)" should be indicated on the Final Plat map along the entire frontage of Road A to prevent construction of any future driveway access.
3. Hinano Road should be identified on the Final Plat Map as a "Paper Road" since it does not exist.

These notations on the Final Plat Map should assist and alert future landowners, the Planning Department, the Department of Public Works, and any draft person or architect preparing or reviewing the building permit.

We appreciate your timely consideration of this request to avoid future conflict and legal issues with the County and potential buyers incorrectly constructing a driveway with access onto a private road without legal access rights.

Sincerely,

Mike McKenny, Acting President  
Cymbidium Acres Road Maintenance Corporation

cc: Mr. Warren Lee, Director - DPW  
Mr. Kelly Gomes - Engineering Division, DPW