

William P. Kenoi  
Mayor



BJ Leithead Todd  
Director

Margaret K. Masunaga  
Deputy

West Hawai'i Office  
74-5044 Ane Keohokalole Hwy  
Kailua-Kona, Hawai'i 96740  
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**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

**CERTIFIED MAIL**  
**7009 3410 0001 3138 0327**

June 25, 2012

Lori Mikkelson  
All Aina Services  
P.O. Box 291  
Laupāhoehoe, HI 96764

Dear Ms. Mikkelson:

**SUBJECT: VARIANCE DECISION VAR-12-000055**  
**Applicant: ALL AINA SERVICES**  
**Owner: THERESA LEE**  
**Request: Variance from Chapter 23, Subdivisions, Article 6,**  
**Division 2, Improvements Required**  
**TMK: 1-7-020:020 (SUB 12-001160)**

Upon review of the variance application, the Planning Director certifies the **denial** of Variance VAR-12-000046. The variance application seeks approval to permit a two (2) lot subdivision (SUB-12-001160) without providing a water supply system meeting the minimum requirements of the County Department of Water Supply (DWS). The variance request is from Hawai'i County Code, Chapter 23, Subdivisions, Article 6, Division 2, Improvements Required, Section 23-84, Water Supply, (1)(2).

The Planning Director has concluded that the variance from the above-referenced subdivision standards be **denied** based on the following findings:

**BACKGROUND**

1. **Location.** The subject property, comprising approximately 1.48 acres, concerns the subdivision of a Portion of Lot 50, 'Ōla'a Homestead Tract, Being also a Portion of Land Patent Grant 4889, Part B. The property is situated at 'Ōla'a, Puna, Hawai'i.

**SCANNED**

JUN 26 2012

By: \_\_\_\_\_

JUN 26 2012

2. **Land Use Designations.** The subject property is zoned Residential and Agricultural – one-half acre (RA-.5a) by the County and designated Urban ("U") by the State Land Use Commission (LUC).
3. **Subdivision Request/PPM.** The applicant or subdivider submitted a proposed subdivision application (SUB-12-001160) and preliminary plat map (PPM), dated February 13, 2012, to subdivide subject property into two (2) lots.
4. **Variance Application.** The request for a variance from water supply, to permit the proposed subdivision was acknowledged by Planning Department letter dated April 12, 2012. This variance application includes background history, circumstances and information regarding the pending subdivision application.
5. **Agency Comments and Requirements:**
  - a. The State of Hawai'i Department of Health (DOH): See attached memorandum dated April 20, 2012.
  - b. The Hawai'i Fire Department (HFD): See attached memorandum dated May 1, 2012.
  - c. The Department of Water Supply (DWS): See attached memorandum dated June 18, 2012. They also make reference to their memorandum of May 23, 2012 (attached) in response to the subdivision preliminary plat map (SUB-12-001160) indicating that "... the Department's existing water system facilities cannot support the proposed subdivision at this time." They note, however, that a new well and appurtenant facilities should be completed soon and that water may become available in "... six (6) to nine (9) months. ..."

**Public Notice.** The applicant's agent filed a transmittal letter dated April 26, 2012 and attached mailing receipts indicating notice was sent to surrounding property owner(s) within 300 feet of the subject property. Notice of this application was published in the Hawai'i Tribune Herald and West Hawai'i Today on April 20, 2012. The applicant's agent submitted an affidavit, dated March 15, 2012, regarding sign posted on the subject property and photograph of the posted sign.

**Comments from Surrounding Property Owners or Public.** No other agency comments were solicited and none were received. Written objection to the variance application was received from Mr. Nelson M. Kunitake, a neighboring property owner. See attached letter.

## **REVIEW CRITERIA**

Sections 23-14 and 25-2-50 of the County Code provide the Director with the general authority to grant variances. Said sections state the following:

"Variances from the provisions of this chapter may be granted; provided, that a variance shall not allow the introduction of a use not otherwise permitted within the district; and provided further that a variance shall not primarily effectuate relief from applicable density limitations.

Sections 23-15 and 25-2-51 state that no variance will be granted unless it is found that:

- a. There are special or unusual circumstances applying to the subject real property which exist either to a degree which deprives the owner or applicant of substantial property rights that would otherwise be available, or to a degree which obviously interferes with the best use or manner of development of that property; and
- b. There are no other reasonable alternatives that would resolve the difficulty; and
- c. The variance is consistent with the general purpose of the district, the intent and purpose of this chapter, and the general plan, and will not be materially detrimental to the public welfare or cause substantial, adverse impact to an area's character or to adjoining properties.

## **ALTERNATIVES/SPECIAL AND UNUSUAL CIRCUMSTANCES**

The RA- 5a zoned property is located in an urbanized area with public infrastructure, including water, available within close proximity. Alternatives available to provide water to the site include the following:

Alternative 1. The applicant/owners would wait for the DWS to construct improvements in accordance with their standards. The DWS' response to the subdivision application indicates that the water system which presently serves the subject parcel is being upgraded and that water may be available to the proposed additional lot. The construction of the improvements is expected to be completed within the next six (6) to nine (9) months. Therefore, there is no major expense burden on the applicant/owners to extend/expand the DWS water system.

Alternative 2. The applicant/owners could design, drill and develop private wells and/or install the necessary water system improvements in accordance with DWS standards, which would be functionally equivalent to a public water system. This alternative would have significant costs associated with meeting necessary requirements.

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Alternative 3. The applicant/owners could be granted the ability to use a private individual rainwater catchment system for potable and emergency requirements. The area in question receives between 160 inches and 200 inches of annual rainfall which is sufficient to support a rainwater catchment system.

As with other subdivisions, general standards would require infrastructure improvements being made available to all lots. Such infrastructure system/capacity is either available from a utility provider (or has a plan or program for delivering said infrastructure) or the developer is required to provide said improvements. If the costs are considered too significant by the developer in order to make such utilities available themselves, the property is often deemed not "prime" or not yet "ripe" for subdividing.

We note that the subdivider has already committed to supplying water from the existing DWS water system as is evidenced by the notification to the DWS that the additional lot will connect to the upgraded water system at such time additional water is made available in the near future.

In review of the application materials and other information available, the *Department finds no special or unusual circumstances justifying the variance. There are also other reasonable alternatives that would resolve the difficulty.*

### **INTENT AND PURPOSE**

**Water Variance.** The intent and purpose of requiring a water system for and within the proposed subdivision is to assure that adequate water is available for human consumption and fire protection.

Section 23-84 of the Subdivision Code requires that all new subdivisions have a water system meeting with the minimum requirements of the DWS.

An alternative to a public system, or a private system that is functionally equivalent of a public system, would be to approve a "water variance," to allow and utilize privately-owned individual rainwater catchment systems for the proposed 2-lot subdivision. This alternative could meet the intent and purpose of the Subdivision Code and may be allowed pursuant to Planning Department Rule 22-Water Variance, effective February 25, 2006. However, Rule 22-3, Eligibility states, in pertinent part "No property shall be granted a variance ... if the Department of Water Supply has definite plans to ... increase the capacity in a way that will allow subdivision of the property with county water, ..."

Based on the information within this variance analysis, the variance for relief from the minimum requirements of the County DWS would not be consistent with the general purpose of the zoning district and the intents and purposes of the Zoning Code, Subdivision Code and the County General Plan.

### VARIANCE DECISION

The variance application, VAR-12-000055, concerning the applicant's request to allow the proposed two-lot subdivision of the subject property without providing a water supply system meeting the minimum requirements of the DWS, is hereby **denied**.

In accordance with Ordinance No. 99-112, you may appeal the director's decision as follows:

- (a) Any person aggrieved by the decision of the director in the administration or application of this chapter, may, within thirty days after the date of the director's written decision, appeal the decision to the board of appeals.
- (b) A person is aggrieved by a decision of the director if:
  - (1) The person has an interest in the subject matter of the decision that is so directly and immediately affected, that the person's interest is clearly distinguishable from that of the general public: and
  - (2) The person is or will be adversely affected by the decision.
- (c) An appeal shall be in writing, in the form prescribed by the board of appeals and shall specify the person's interest in the subject matter of the appeal and the grounds of the appeal. A filing fee of \$250 shall accompany any such appeal. The person appealing a decision of the director shall provide a copy of the appeal to the director and to the owners of the affected property and shall provide the board of appeals with the proof of service.
- (d) The appellant, the owners of the affected property, and the director shall be parties to an appeal. Other persons may be admitted as parties to an appeal. Other persons may be admitted as parties to an appeal, as permitted by the board of appeals.

The board of appeals may affirm the decision of the director, or it may reverse or modify the decision, or it may remand the decision with appropriate instructions if based upon the preponderance of evidence the board finds that:

- (1) The director erred in its decision; or
- (2) The decision violated this chapter or other applicable law; or

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All Aina Services  
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- (3) The decision was arbitrary or capricious or characterized by an abuse of discretion or clearly unwarranted exercise of discretion.

In view of the above and for your reference, we have enclosed the GENERAL PETITION FOR APPEAL OF DECISIONS BY PLANNING DIRECTOR form.

Sincerely,



BJ LEITHEAD TODD  
Planning Director

JRH:mad

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Encl.: Agency Comments  
GENERAL PETITION FOR APPEAL OF DECISIONS BY PLANNING DIRECTOR form

xc: Manager, DWS  
SUB-12-001160

Roy Hollowell, LPLS, Island Boundary  
RR 3 Box 81571  
Pāhoa, HI 96778

Nelson M. Kunitake  
P.O. Box 1059  
Mountain View, HI 96771

xc w/encls. Theresa L. Lee (Backyard Monkey, LLC)  
P.O. Box 1143  
Kurtistown, HI 96760

PLANNING DEPARTMENT  
2012 MAY 15 AM 6:28



**County of Hawai'i**  
**HAWAII FIRE DEPARTMENT**  
25 Aupani Street • Room 2501 • Hilo, Hawaii 96720  
(808) 932-2900 • Fax (808) 932-2928

**Darren J. Rosario**  
Fire Chief  
**Renwick J. Victorino**  
Deputy Fire Chief

NEIL ABERCROMBIE  
GOVERNOR  
PLANNING DEPARTMENT  
2012 MAY 25 AM 9:48



**STATE OF HAWAII**  
**DEPARTMENT OF HEALTH**  
P.O. BOX 918  
HILO, HAWAII 96721-0918

**LORETTA J. FUDDY, A.C.S.W., M.P.H.**  
Director of Health

May 1, 2012

**TO:** BJ LEITHEAD TODD, PLANNING DIRECTOR  
**FROM:** DARREN J. ROSARIO, FIRE CHIEF  
**SUBJECT:** VARIANCE APPLICATION (VAR 12-000052)  
APPLICANT: ALL AINA SERVICES  
OWNER: THERESA LEE  
REQUEST: VARIANCE FROM CHAPTER 23, SUBDIVISIONS, ARTICLE 6,  
DIVISION 2, IMPROVEMENTS REQUIRED  
TAX MAP KEY: 1-4-020-020 (SUB 11-001160)  
1-7-20-20

In regards to the above-mentioned Variance application, the following shall be in accordance:

**NFPA 1, UNIFORM FIRE CODE, 2006 EDITION**

*Note: NFPA 1, Hawaii State Fire Code with County amendments. County amendments are identified with a preceding "C-" of the reference code.*

**Chapter 18 Fire Department Access and Water Supply**

**18.1 General.** Fire department access and water supplies shall comply with this chapter.

For occupancies of an especially hazardous nature, or where special hazards exist in addition to the normal hazard of the occupancy, or where access for fire apparatus is unduly difficult, or areas where there is an inadequate fire flow, or inadequate fire hydrant spacing, and the AHJ may require additional safeguards including, but not limited to, additional fire appliance units, more than one type of appliance, or special systems suitable for the protection of the hazard involved.

**18.1.1 Plans.**

**18.1.1.1 Fire Apparatus Access.** Plans for fire apparatus access roads shall be submitted to the fire department for review and approval prior to construction.

**18.1.1.2 Fire Hydrant Systems.** Plans and specifications for fire hydrant systems shall be submitted to the fire department for review and approval prior to construction.



*Hawaii's County is an Equal Opportunity Provider and Employer.*

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**MEMORANDUM**

**DATE:** April 20, 2012  
**TO:** Bobby Jean Leithead Todd  
Planning Director, County of Hawaii  
**FROM:** Newton Inouye  
District Environmental Health Program Chief  
**SUBJECT:** Variance Application-VAR 12-000055  
Applicant: All Aina Services  
Owner: Theresa Lee  
Request: Variance from Chapter 23, Subdivisions,  
Article 6, Division 2, Improvements Required  
TMK: 1-7-020-020 (SUB 11-001160)

The Department of Health's Safe Drinking Water Branch authority on drinking water quality is based on the definition of a "public water system." A "public water system" means a system which provides water for human consumption through pipe or other constructed conveyance if such system has fifteen (15) service connections or regularly serves an average of at least twenty-five (25) individuals daily at least sixty (60) days out of the year. All public water systems are regulated by the Department of Health and shall be in compliance with the Hawaii Administrative Rules, Title 11, Chapter 20. Recommend the subdivision lots be connected to an existing public water system.

Concerns on water quality for lead, copper, algae and microbiological and chemical contaminations in private water systems have identified the need for self monitoring. The Department of Health does not support the use of these private rain catchment systems for drinking purposes since the quality may not meet potable water standards.

WORD-VAR-12-000052.m

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18.2.3.1.4 When fire department access roads cannot be installed due to location on property, topography, waterways, nonnegotiable grades, or other similar conditions, the AHJ shall be authorized to require additional fire protection features.

**18.2.3.2 Access to Building.**

18.2.3.2.1 A fire department access road shall extend to within in 50 ft (15 m) of at least one exterior door that can be opened from the outside and that provided access to the interior of the building.

18.2.3.2.1.1 When buildings are protected throughout with an approved automatic sprinkler system that is installed in accordance with NFPA 13, NFPA 13D, or NFPA 13R, the distance in 18.2.3.2.2 shall be permitted to be increased to 300 feet.

18.2.3.2.2 Fire department access roads shall be provided such that any portion of the facility or any portion of an exterior wall of the first story of the building is located not more than 150 ft (46 m) from fire department access roads as measured by an approved route around the exterior of the building or facility.

18.2.3.2.2.1 When buildings are protected throughout with an approved automatic sprinkler system that is installed in accordance with NFPA 13, NFPA 13D, or NFPA 13R, the distance in 18.2.3.2.2 shall be permitted to be increased to 450 ft (137 m).

18.2.3.3 Multiple Access Roads. More than one fire department access road shall be provided when it is determined by the AHJ that access by a single road could be impaired by vehicle congestion, condition of terrain, climatic conditions, or other factors that could limit access.

**18.2.3.4 Specifications.**

**18.2.3.4.1 Dimensions.**

C- 18.2.3.4.1.1 FDAR shall have an unobstructed width of not less than 20ft with an approved turn around area if the FDAR exceeds 150 feet. Exception: FDAR for one and two family dwellings shall have an unobstructed width of not less than 15 feet, with an area of not less than 20 feet wide within 150 feet of the structure being protected. An approved turn around area shall be provided if the FDAR exceeds 250 feet.

C- 18.2.3.4.1.2 FDAR shall have an unobstructed vertical clearance of not less than 13ft 6 in.

C- 18.2.3.4.1.2.1 Vertical clearances may be increased or reduced by the AHJ, provided such increase or reduction does not impair access by the fire apparatus, and approved signs are installed and maintained indicating such approved changes.

C- 18.1.1.2.1 Fire Hydrant use and Restrictions. No unauthorized person shall use or operate any Fire hydrant unless such person first secures permission or a permit from the owner or representative of the department, or company that owns or governs that water supply or system. Exception: Fire Department personnel conducting firefighting operations, hydrant testing, and/or maintenance, and the flushing and acceptance of hydrants witnessed by Fire Prevention Bureau personnel.

**18.2 Fire Department Access.**

18.2.1 Fire department access and fire department access roads shall be provided and maintained in accordance with Section 18.2.

**18.2.2\* Access to Structures or Areas.**

18.2.2.1 Access Box(es). The AHJ shall have the authority to require an access box(es) to be installed in an accessible location where access to or within a structure or area is difficult because of security.

18.2.2.2 Access to Gated Subdivisions or Developments. The AHJ shall have the authority to require fire department access be provided to gated subdivisions or developments through the use of an approved device or system.

18.2.2.3 Access Maintenance. The owner or occupant of a structure or area, with required fire department access as specified in 18.2.2.1 or 18.2.2.2, shall notify the AHJ when the access is modified in a manner that could prevent fire department access.

**18.2.3 Fire Department Access Roads.**

**18.2.3.1 Required Access.**

18.2.3.1.1 Approved fire department access roads shall be provided for every facility, building, or portion of a building hereafter constructed or relocated.

18.2.3.1.2 Fire Department access roads shall consist of roadways, fire lanes, parking lots lanes, or a combination thereof.

18.2.3.1.3\* When not more than two one- and two-family dwellings or private garages, carports, sheds, agricultural buildings, and detached buildings or structures 400ft<sup>2</sup> (37 m<sup>2</sup>) or less are present, the requirements of 18.2.3.1 through 18.2.3.2.1 shall be permitted to be modified by the AHJ.



18.2.3.4.6.3 Fire department access roads connecting to roadways shall be provided with curb cuts extending at least 2 ft (0.61 m) beyond each edge of the fire lane.

18.2.3.4.7 Traffic Calming Devices. The design and use of traffic calming devices shall be approved the AHJ.

**18.2.3.5 Marking of Fire Apparatus Access Road.**

18.2.3.5.1 Where required by the AHJ, approved signs or other approved notices shall be provided and maintained to identify fire department access roads or to prohibit the obstruction thereof of both.

18.2.3.5.2 A marked fire apparatus access road shall also be known as a fire lane.

**18.2.4\* Obstruction and Control of Fire Department Access Road.**

**18.2.4.1 General.**

18.2.4.1.1 The required width of a fire department access road shall not be obstructed in any manner, including by the parking of vehicles.

18.2.4.1.2 Minimum required widths and clearances established under 18.2.3.4 shall be maintained at all times.

18.2.4.1.3\* Facilities and structures shall be maintained in a manner that does not impair or impede accessibility for fire department operations.

18.2.4.1.4 Entrances to fire departments access roads that have been closed with gates and barriers in accordance with 18.2.4.2.1 shall not be obstructed by parked vehicles.

**18.2.4.2 Closure of Accessways.**

18.2.4.2.1 The AHJ shall be authorized to require the installation and maintenance of gates or other approved barricades across roads, trails, or other accessways not including public streets, alleys, or highways.

18.2.4.2.2 Where required, gates and barricades shall be secured in an approved manner.

18.2.3.4.1.2.2 Vertical clearances shall be increased when vertical clearances or widths are not adequate to accommodate fire apparatus.

C- 18.2.3.4.2 Surface. Fire department access roads and bridges shall be designed and maintained to support the imposed loads (25 Tons) of the fire apparatus. Such FDAR and shall be comprised of an all-weather driving surface.

**18.2.3.4.3 Turning Radius.**

C- 18.2.3.4.3.1 Fire department access roads shall have a minimum inside turning radius of 30 feet, and a minimum outside turning radius of 60 feet.

18.2.3.4.3.2 Turns in fire department access road shall maintain the minimum road width.

18.2.3.4.4 Dead Ends. Dead-end fire department access roads in excess of 150 ft (46 m) in length shall be provided with approved provisions for the fire apparatus to turn around.

**18.2.3.4.5 Bridges.**

18.2.3.4.5.1 When a bridge is required to be used as part of a fire department access road, it shall be constructed and maintained in accordance with county requirements.

18.2.3.4.5.2 The bridge shall be designed for a live load sufficient to carry the imposed loads of fire apparatus.

18.2.3.4.5.3 Vehicle load limits shall be posted at both entrances to bridges where required by the AHJ.

**18.2.3.4.6 Grade.**

C- 18.2.3.4.6.1 The maximum gradient of a Fire department access road shall not exceed 12 percent for unpaved surfaces and 15 percent for paved surfaces. In areas of the FDAR where a Fire apparatus would connect to a Fire hydrant or Fire Department Connection, the maximum gradient of such area(s) shall not exceed 10 percent.

18.2.3.4.6.2\* The angle of approach and departure for any means of fire department access road shall not exceed 1 ft drop in 20 ft (0.3 m drop in 6 m) or the design limitations of the fire apparatus of the fire department, and shall be subject to approval by the AHJ.

18.3.5 Private water supply systems shall be tested and maintained in accordance with NFPA 25 or county requirements as determined by the AHJ.

18.3.6 Where required by the AHJ, fire hydrants subject to vehicular damage shall be protected unless located within a public right of way.

18.3.7 The AHJ shall be notified whenever any fire hydrant is placed out of service or returned to service. Owners of private property required to have hydrants shall maintain hydrant records of approval, testing, and maintenance, in accordance with the respective county water requirements. Records shall be made available for review by the AHJ upon request.

C- 18.3.8 Minimum water supply for buildings that do not meet the minimum County water standards:

Buildings up to 2000 square feet, shall have a minimum of 3,000 gallons of water available for firefighting.

Buildings 2001- 3000 square feet, shall have a minimum of 6,000 gallons of water available for firefighting.

Buildings, 3001- 6000 square feet, shall have a minimum of 12,000 gallons of water available for firefighting.

Buildings, greater than 6000 square feet, shall meet the minimum County water and fire flow requirements.

Multiple story buildings shall multiply the square foot by the amount of stories when determining the minimum water supply.

Commercial buildings requiring a minimum fire flow of 2000gpm per the Department of Water standards shall double the minimum water supply reserved for firefighting.

Fire Department Connections (FDC) to alternative water supplies shall comply with 18.3.8 (1)-(6) of this code.

**NOTE:** In that water catchment systems are being used as a means of water supply for firefighting, such systems shall meet the following requirements:

(1) In that a single water tank is used for both domestic and firefighting water, the water for domestic use shall not be capable of being drawn from the water reserved for firefighting;

18.2.4.2.3 Roads, trails, and other accessways that have been closed and obstructed in the manner prescribed by 18.2.4.2.1 shall not be trespassed upon or used unless authorized by the owner and the AHJ.

18.2.4.2.4 Public officers acting within their scope of duty shall be permitted to access restricted property identified in 18.2.4.2.1.

18.2.4.2.5 Locks, gates, doors, barricades, chains, enclosures, signs, tags, or seals that have been installed by the fire department or by its order or under its control shall not be removed, unlocked, destroyed, tampered with, or otherwise vandalized in any manner.

### 18.3 Water Supplies and Fire Hydrants

18.3.1\* A water supply approved by the county, capable of supplying the required fire flow for fire protection shall be provided to all premises upon which facilities or buildings, or portions thereof, are hereafter constructed, or moved into or within the county. When any portion of the facility or building is in excess of 150 feet (45 720 mm) from a water supply on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains capable of supplying the required fire flow shall be provided when required by the AHJ. For on-site fire hydrant requirements see section 18.3.3.

#### EXCEPTIONS:

1. When facilities or buildings, or portions thereof, are completely protected with an approved automatic fire sprinkler system the provisions of section 18.3.1 may be modified by the AHJ.
2. When water supply requirements cannot be installed due to topography or other conditions, the AHJ may require additional fire protection as specified in section 18.3.2 as amended in the code.
3. When there are not more than two dwellings, or two private garage, carports, sheds and agricultural. Occupancies, the requirements of section 18.3.1 may be modified by AHJ.

18.3.2\* Where no adequate or reliable water distribution system exists, approved reservoirs, pressure tanks, elevated tanks, fire department tanker shuttles, or other approved systems capable of providing the required fire flow shall be permitted.

18.3.3\* The location, number and type of fire hydrants connected to a water supply capable of delivering the required fire flow shall be provided on a fire apparatus access road on the site of the premises or both, in accordance with the appropriate county water requirements.

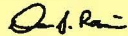
18.3.4 Fire Hydrants and connections to other approved water supplies shall be accessible to the fire department.

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greater than 2000 square feet, but less than 3000 square feet and meets the minimum Fire Department Access Road requirements, the distance to the Fire Department Connection may be increased to 500 feet.

(5) For buildings with an approved automatic sprinkler system, the minimum water supply required may be modified.

If there are any questions regarding these requirements, please contact the Fire Prevention Bureau at (808) 932-2912.



DARREN J. ROSARIO  
Fire Chief

RP/c

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- (2) Minimum pipe diameter sizes from the water supply to the Fire Department Connection (FDC) shall be as follows:
- (a) 4" for C900 PVC pipe;
  - (b) 4" for C906 PE pipe;
  - (c) 3" for ductile Iron;
  - (d) 3' for galvanized steel.
- (3) The Fire Department Connection (FDC) shall:
- (a) be made of galvanized steel;
  - (b) have a gated valve with 2-1/2 inch, National Standard Thread male fitting and cap;
  - (c) be located between 8 ft and 16 ft from the Fire department access. The location shall be approved by the AHJ;
  - (d) not be located less than 24 inches, and no higher than 36 inches from finish grade, as measured from the center of the FDC orifice;
  - (e) be secure and capable of withstanding drafting operations. Engineered stamped plans may be required;
  - (f) not be located more than 150 feet of the most remote part, but not less than 20 feet, of the structure being protected;
  - (g) also comply with section 13.1.3 and 18.2.3.4.6.1 of *this code*;
- (4) Commercial buildings requiring a fire flow of 2000gpm shall be provided with a second FDC. Each FDC shall be independent of each other, with each FDC being capable of flowing 500gpm by engineered design standards. The second FDC shall be located in an area approved by the AHJ with the idea of multiple Fire apparatus' conducting drafting operations at once, in mind.
- (5) Inspection and maintenance shall be in accordance to NFPA 25.
- (6) The owner or lessee of the property shall be responsible for maintaining the water level, quality, and appurtenances of the system.

**EXCEPTIONS TO SECTION 18.3.8:**

- (1) Agricultural buildings, storage sheds, and shade houses with no combustible or equipment storage.
- (2) Buildings less than 800 square feet in size that meets the minimum Fire Department Access Road requirements.
- (3) For one and two family dwellings, agricultural buildings, storage sheds, and detached garages 800 to 2000 square feet in size, and meets the minimum Fire Department Access Road requirements, the distance to the Fire Department Connection may be increased to 1000 feet.
- (4) For one and two family dwellings, agricultural buildings, and storage sheds



DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII  
 345 KEKUAŌA'A STREET, SUITE 20 • HILO, HAWAII 96720  
 TELEPHONE (808) 961-8050 • FAX (808) 961-8657

May 23, 2012

TO: Ms. BJ Leithhead Todd, Director  
 Planning Department

FROM: Quirino Antonio, Jr., Manager-Chief Engineer

SUBJECT: PRELIMINARY PLAT MAP  
 SUBDIVISION APPLICATION NO. 12-001160  
 APPLICANT - THERESA L. LEE  
 TAX MAP KEY 1-7-020:020

We have reviewed the preliminary plat map for the subject application and have the following comments:

There is an existing 6-inch waterline within the private access road fronting the subject parcel. The subject parcel is served by an existing 5/8-inch meter, Account No. 060-90000.

Please be informed that the Department's existing water system facilities cannot support the proposed subdivision at this time. However, the Department's "Ōla'a No. 6 Production Well and 1.0 MG Reservoir", Job No. 2006-899 project is nearing completion and once the project is completed and the new well and other system improvements are in service, water may become available for the proposed additional lot in the subject subdivision. We do not have a set date for completion of the project, but it is expected to be completed within the next six (6) to nine (9) months.

Prior to granting final subdivision approval the applicant must designate, in writing, which lot within the proposed subdivision will be assigned the existing service to the subject parcel. Further, the applicant shall be informed that the existing meter shall not be shared with the other proposed lot.

Should there be any questions, please contact Mr. Finn McCall of our Water Resources and Planning Branch at 961-8070, extension 255.

Sincerely yours,

Quirino Antonio, Jr., P.E.  
 Manager-Chief Engineer

FM:dfg

copy - Ms. Theresa L. Lee  
 Island Boundary  
 All Aina Services

078777

... Water, Our Most Precious Resource... Ka Wai A Kane...  
 The Department of Water Supply is an Equal Opportunity provider and employer.



DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII  
 345 KEKUAŌA'A STREET, SUITE 20 • HILO, HAWAII 96720  
 TELEPHONE (808) 961-8050 • FAX (808) 961-8657

June 18, 2012

TO: Ms. BJ Leithhead Todd, Director  
 Planning Department

FROM: Quirino Antonio, Jr., Manager-Chief Engineer

SUBJECT: VARIANCE APPLICATION (VAR 12-000055)  
 SUBDIVISION APPLICATION NO. 11-001160  
 APPLICANT - ALL AINA SERVICES  
 TAX MAP KEY 1-7-020:020

We have reviewed the subject application. Please refer to our May 23, 2012 letter to your department regarding the subject subdivision application for our comments. For your information, we have no objection to the applicant's proposed use of a private rainwater catchment system to serve the proposed additional lot. However, the existing service to the parcel shall not be shared between the two lots.

Should there be any questions, please contact Mr. Finn McCall of our Water Resources and Planning Branch at 961-8070, extension 255.

Sincerely yours,

Quirino Antonio, Jr., P.E.  
 Manager-Chief Engineer

FM:dfg

copy - Theresa L. Lee  
 All Aina Services

079279

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NELSON M. KUNITAKE  
P.O. Box 1059  
MT VIEW, HI 96771  
Ph (808) 895-3358

NO. 1000 1000  
NO. 1000 1000

1. CONCERN WATER VARIANCE TMK 1-7-20-20 SUB 12-001160
  - a. THERE IS A 6 INCH WATER MAIN (HIGH PRESSURE) THAT RUNS ALONG THE WEST BOUNDARY AND TERMINATES WITHIN A SHORT DISTANCE PART THE WATER METER ON THE NORTH. THE FIRE HYDRANT INSTALLED IS ON THE ROADWAY LOT BY SEVERAL FEET FROM THE S.W. LOT EDGE
  - b. HYDRANT NEEDS TO BE DE LATERED CLOSER TO BOUNDARY IF THE ROADWAY IS TO BE USED.
2. CONCERN IN USE OF THE ROAD.
  - a. AT PRESENT THE APPLICANTS ARE USING PART OF LOT 1-7-13-000 WHICH I AM THE OWNER.
  - b. THE ROADWAY LOT IS OWNED BY HAILING COMMUNITY ASSOCIATION
  - c. THE USE OF THE ROAD HAS BEEN WITHOUT MAINTENANCE FOR THE LAST YEAR. THE APPLICANTS DID NOT CONTRIBUTE TO REPAIRING THE COST WHEN A RESIDENT TOOK IT UPON HIMSELF TO REPAIR THE GRAVEL ROAD.
  - d. I AM NOT OPPOSED TO THE SUBDIVISION IF THE APPLICANTS AGREE TO ASSIST IN THE ROAD MAINTENANCE.
  - e. BACKWARD MOVIEY LLC IS A LANDSLIPPING ORGANIZATION AND USES TRUCKS ON A REGULAR BASIS WHICH HAS ACCELERATED EROSION ON THE GRAVEL ROAD

THANK YOU

*Nelson M. Kunitake*

078012

COUNTY OF HAWAII  
BOARD OF APPEALS

GENERAL PETITION FOR APPEAL OF DECISIONS BY PLANNING DIRECTOR

(Type or legibly print the requested information)

APPELLANT: \_\_\_\_\_

APPELLANT'S SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

TELEPHONE: (Bus.) \_\_\_\_\_ (Home) \_\_\_\_\_

APPELLANT'S INTEREST IN THE PROPERTY: \_\_\_\_\_

APPELLANT'S NATURE OF APPEAL AND REQUEST: \_\_\_\_\_

LAND OWNER: \_\_\_\_\_

TAX MAP KEY: (land in question) \_\_\_\_\_ AREA OF PROPERTY: \_\_\_\_\_

STATE LAND USE DESIGNATION: \_\_\_\_\_ COUNTY ZONING: \_\_\_\_\_

STREET ADDRESS OF PROPERTY: \_\_\_\_\_

APPELLANT'S REPRESENTATIVE: \_\_\_\_\_

REPRESENTATIVE'S SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

REPRESENTATIVE'S ADDRESS: \_\_\_\_\_

TITLE: \_\_\_\_\_ TELEPHONE: (Bus.) \_\_\_\_\_

THIS PETITION MUST BE ACCOMPANIED BY A FILING FEE OF TWO HUNDRED FIFTY DOLLARS (\$250) PAYABLE TO THE COUNTY DIRECTOR OF FINANCE AND:

1. The Original and ten (10) copies of this completed petition with the following:
  - a. A description of the property involved in the appeal in sufficient detail for the public to precisely locate the property.
  - b. A statement explaining the nature of the appeal and the relief requested.
  - c. A statement explaining:
    - (i) How the decision appealed from violates the law; or
    - (ii) How the decision appealed from is clearly erroneous; or
    - (iii) How the decision appealed from was arbitrary or capricious, or characterized by an abuse of discretion or clearly unwarranted exercise of discretion.
  - d. A clear and concise statement of any other relevant facts.
2. Proof of Service by the Appellant on the Planning Director for an appeal from the Planning Director's decision relating to the Zoning Code.
3. A list of the names, address and tax map keys of all owners of property within boundaries established by Section 8-11(d) of the Board of Appeals Rules of Practice and Procedure.