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BJ Leithead Todd
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County of Hawai'i
PLANNING DEPARTMENT

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August 13, 2012

Thomas L.H. Yeh, Esq.
Law Office of Yeh & Moore
85 W. Lanikaula Street
Hilo, HI 96720

Dear Mr. Yeh:

SUBJECT: VARIANCE DECISION - VAR-12-000068
Applicant: WILLIAM K. BAUER c/o Mr. Thomas L.H. Yeh, Esq.
Owner: WILLIAM K. BAUER
Request: Variance from Chapter 23, Subdivisions,
Improvements Required
TMK: 1-8-011:074 (SUB12-001176)

Upon review of your variance application, the Planning Director certifies the **approval** of Variance VAR-12-000068 subject to variance conditions. The variance grants relief for SUB-12-001176 from constructing minimum County dedicable water supply system and roadway improvements required by Hawai'i County Code (HCC), Chapter 23 (Subdivisions).

The variance is from the proposed subdivision's minimum requirements pursuant to HCC, Chapter 23 (Subdivisions), Article 6, Division 2, Improvements Required, Section 23-84, Water Supply, (1)(2); Article 3, Division 4, Section 23-41, Minimum right-of-way and pavement widths; and Article 6, Division 2, Improvements Required, Section 23-87, Standard for nondedicable street; escrow maintenance fund and Section 23-95, Right-of-way improvement.

BACKGROUND

1. **Location.** The referenced TMK property, Lot E, being a portion of Lot 103, also being a portion of Grant 4351, containing approximately 26.793 acres, is situated at 'Ōla'a New Tract Lots, 'Ōla'a, Puna, Hawai'i.
2. **Land Use Designations.** The subject property is zoned Agricultural – five (5) acres minimum building site area (A-5a) by the County and designated Agricultural (A) by the State Land Use Commission (LUC).

AUG 16 2012

SCANNED

AUG 16 2012

By: _____

3. **Subdivision Request/PPM.** Subdivision application SUB-12-001176 was submitted to subdivide the subject TMK property into 4 lots. Further action on the subdivision application has been deferred pursuant to letter dated June 6, 2012 in the subdivision file.
4. **Variance Application.** The variance request from water supply and roadway improvements was acknowledged by Planning Department letter dated June 15, 2012. This variance application includes background history and circumstances and information regarding the pending subdivision application.
5. **Variance Application (VAR-12-000068)-Agency Comments and Requirements.**
 - a. The State of Hawai'i-Department of Health (DOH): see attached memorandum dated June 20, 2012.
 - b. The County of Hawai'i Fire Department (HFD): see attached memorandum dated June 29, 2012.
 - c. The Department of Water Supply (DWS): see attached memorandum dated July 18, 2012.
 - d. The Department of Public Works (DPW) did not comment on this application. However, the Subdivision Code requires a minimum of 20-foot wide agricultural pavement in a minimum 50-foot wide right-of-way be provided and that the entire right-of-way be improved. These improvements typically would conform to DPW Standard Detail (Std. Det.) R-39.
6. **Notice to Surrounding Owners/Posted Sign.** The applicant submitted an affidavit regarding notice of variance application mailed to a list of surrounding property owners and posting of a sign. According to the affidavit dated June 29, 2012 and other submittals in the variance application file, notice of variance was mailed on or about June 22, 2012 and a sign was posted upon subject TMK property on or about June 22, 2012. A photograph of the posted sign was also submitted.
7. **Comments from Surrounding Property Owners or Public.** No other agency comments were solicited and none were received. No written objections to the application were received from the surrounding property owners or the public.

INTENT AND PURPOSE OF THE SUBDIVISION CODE

Water Supply. The Subdivision Code requires that all new subdivisions have a dedicable water system meeting with the minimum requirements of the DWS.

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

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Lot Access/Roadways. The Subdivision Code requires a minimum of 20-foot wide agricultural pavement within a minimum 50-foot wide right-of-way in the A-5a zoning district and that the entire right-of-way is improved. These improvements would conform to DPW Standard Detail (Std. Det.) R-39.

The intent and purpose of access improvement requirements to a proposed subdivision is to ensure legal and physical access to the proposed lots that is clearly defined and accessible from a public road by domestic and farm vehicles, police, fire, and other service vehicles under various weather conditions without constant maintenance.

ALTERNATIVES/SPECIAL AND UNUSUAL CIRCUMSTANCES

Water Variance. The first alternative would be to design, drill and develop private wells and install the necessary dedicable water system improvements in accordance with DWS standards.

The cost to construct additional dedicable water supply improvements in accordance with DWS standards, or an alternative private water system meeting DWS standards for the lots of the pending 4-lot subdivision, would be putting excessive demands upon the applicant when a more reasonable alternative can be allowed pursuant to Planning Department Rule No. 22, Water Variance.

An alternative from meeting the minimum requirements of the DWS is to allow privately-owned individual rainwater catchment systems for up to six-lots within subdivisions. Rule No. 22 identifies, in part, that the variance "...applies to requests for subdivisions that propose to rely on rain catchment for their water supply, on agriculturally zoned properties..." Also, "Rule 22-4 Minimum rainfall. ... all lots to be served by catchment shall have an average annual rainfall of not less than 60" ..."

The proposed subdivision is located in an area that receives approximately 160 inches to 200 inches of rainfall annually.

Given that the subject area receives sufficient annual rainfall, a water variance would be consistent with the general purpose of the zoning district and the intents and purposes of the Zoning Code, Subdivision Code and the Hawai'i County General Plan.

Roadway Variance. In lieu of constructing roadways required by the Subdivision Code and DPW Std. Det., the applicant is requesting this variance to utilize an existing alternative roadway. The applicant proposes to utilize an existing privately-owned and maintained 12-foot wide graveled roadway with grassed or graveled shoulders on both sides within the 50-foot wide roadway lot.

Given the recitations of the applicant and evaluation of the request to utilize the privately-owned alternative roadway, within the 50-foot wide roadway lot, the Planning Director has concluded that the roadway improvements stipulated in the Subdivision Code can be modified to permit a graveled roadway treatment

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conforming to the base course standard of DPW Std. Det. R-39 (less the oil treatment) within the privately-owned roadway lot.

Therefore, given the circumstances cited by the applicant, the request for a variance from the water supply and roadway requirements of the Subdivision Code, at this time, would 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. Furthermore, it is felt that this variance will not be materially detrimental to the public's welfare and will not cause substantial adverse impact to the area's character and to adjoining properties.

DETERMINATION-VARIANCE CONDITIONS

The variance requested is to permit the proposed 4-lot subdivision of the subject TMK property without providing a dedicable water system meeting DWS standards and to allow the proposed privately-owned alternative roadway improvements within right-of-ways designated on the plat map, is hereby **approved** subject to the following variance conditions:

1. The applicant, owners, their assigns, or successors shall be responsible for complying with all stated conditions of approval.
2. Should the Council adopt a Unified Impact Fees Ordinance setting forth criteria for the imposition of exactions or the assessment of impact fees, conditions included herein shall be credited towards the requirements of the Unified Impact Fees Ordinance.
3. The owners, their assigns, or successors shall file a written agreement document with the Planning Department within one (1) year from the issuance of tentative subdivision approval. This written agreement shall contain deed language, being covenants, conditions, and restrictions affecting the lots created by the proposed subdivision which are not serviced by a County dedicable public water system and are serviced by the privately-owned alternative roadway. The agreement shall be duly recorded at the Bureau of Conveyances of the State of Hawai'i by the Planning Department at the cost and expense of the owners.

In the event that there are any amendments or changes to the subdivision after the agreement is signed, the applicant shall be responsible for informing the County Planning Department of such amendments or changes so that the agreement can be amended concomitantly. Further, the recorded agreement shall be binding upon the owner(s), their successors or assigns and shall be incorporated as an exhibit and made part of each agreement of sale, deed, lease, or similar documents affecting the title of the existing property or approved subdivided lots.

4. The subdivider and all grantees, successors, and assigns acknowledge that the parcels were created by a variance from the normal subdivision requirements of Hawai'i County, and that there are no special or

unusual circumstances applying to the property which deprive the owners of substantial property rights or to a degree which obviously interferes with the best use or manner of development of the properties, and hence, no grounds exist or will exist for a variance from the Subdivision Code to permit further subdivision of the properties, and that changes in the owners' personal or financial situation after acquiring the properties also will not constitute grounds for a variance from the Subdivision Code to permit further subdivision of the properties.

5. WATER VARIANCE.

- a. The owners, grantees, successors, and assigns agree and accept the fact that a County dedicable public water system will not be extended to the lots within proposed subdivision SUB-11-001107.
- b. The owners, grantees, successors, and assigns agree and accept the fact that the County will not bear the responsibility of supplying public water to the proposed lots. No further subdivision of the lots created will be permitted unless County dedicable public water system requirements and other requirements of HCC Chapter 23, Subdivisions, are met.
- c. No condominium property regime will be allowed on any lot created.
- d. Any dwelling constructed on any created lot shall be provided with and maintain a private rainwater catchment system which includes a minimum 6000-gallon water storage capacity for domestic consumption or potable uses. This private water storage system shall adhere to the University of Hawai'i's College of Tropical Agriculture and Human Resources' "Guidelines on Rainwater Catchment Systems for Hawai'i" as well as the DOH requirements related to water testing and water purifying devices.
- e. Each permitted dwelling shall be provided with an additional **minimum** 3,000 gallon water storage capacity for fire fighting and emergency purposes. The location and capacity of the emergency water supply system, including the necessary compatible connector system, shall be as specified by the HFD in the memorandum dated June 29, 2012 (attached for reference at the end of this permit).
The HFD also advises, as a precautionary measure for other uninhabited agricultural structures, that consideration be given to the provision of a similar water storage system for fire fighting and emergency purposes.
- f. In the event that the County notifies the owner(s) of the lot(s) created that the County water system has been upgraded or an improvement district initiated to enable service to these lots, the owner(s) of lot(s) shall participate in such improvement district or shall pay their pro-rata share of the upgrade and installation of laterals, as determined by the DWS.

6. ROAD VARIANCE. The subdivider, owners, their assigns, or successors understand that the alternative

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roadway within the proposed 50-foot wide privately-owned roadway lot will use and maintain the roadway on their own without any expectation of governmental assistance to maintain the improvements.

- a. The owners, grantees, successors, and assigns shall indemnify and defend the State of Hawai'i or County of Hawai'i from any and all liability arising out of vehicular access to and from the subject properties utilizing these private right-of-ways.
 - b. Upon written demand of the County of Hawai'i, the applicant and/or owners, their assigns, or successors shall agree to participate and pay their fair share percentage of any improvement district adopted for the purpose of roadway improvements serving the proposed lot(s) arising out of SUB-12-001176. Should the improvement district require acquisition of any privately owned right-of-ways fronting the lots, such right-of-ways shall be dedicated to the County without cost and the value of the dedication credited to the fair share contribution of the respective lot owner(s).
 - c. The lot owners, grantees, successors, and assigns agree to participate in a homeowners' association or road maintenance agreement and/or pay their fair share to maintain the roadway within the private right-of-ways including the fire apparatus access road.
7. The pending subdivision application's (SUB-12-001176) final plat map shall meet all the requirements of the Hawai'i County Zoning Code and the Subdivision Code not covered by this variance. No other variances from Chapter 23, Subdivisions, shall be granted to permit subdivision application SUB-12-001176.
 8. The subdivider, owner(s), their assigns or successors shall pay any outstanding real property taxes and comply with all other applicable State statutes and County ordinances pertaining to building improvements and land use.

Should any of the foregoing stated conditions not be complied with, the Planning Director may proceed to declare this Variance Permit null and void.

Sincerely,



BJ LETIHEAD TODD
Planning Director

JRH:nci

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Law Office of Yeh & Moore
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Enclosures: Agency Comments

xc: DPW-Engineering Branch
DWS-Engineering Branch
SUB-12-001176

xc w/encls: William K. Bauer c/o Thomas L.H. Yeh, Esq., Law Office of Yeh & Moore

WILLIAM P. KAHALO
Mayor

712 JUL 25 AM 11:54



County of Hawai'i
HAWAII FIRE DEPARTMENT
25 Anapala Street • Room 2501 • Hilo, Hawaii 96720
(808) 932-2900 • Fax (808) 932-9728

Darren J. Rosario
Fire Chief

Renwick J. Victorino
Deputy Fire Chief

NEIL ABERCROMBIE
GOVERNOR



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

712 JUL 25 AM 9:51

June 29, 2012

TO: BJ LEITHEAD TODD, PLANNING DIRECTOR

FROM: DARREN J. ROSARIO, FIRE CHIEF

SUBJECT: VARIANCE APPLICATION (VAR 12-000068)
APPLICANT/OWNER: WILLIAM K. BAUER
REQUEST: VARIANCE FROM CHAPTER 23-84 (WATER SUPPLY), 23-87
(NON-DEDICABLE STREET; ESCROW MAINTENANCE FUND),
SUBDIVISIONS, IMPROVEMENTS REQUIRED
TAX MAP KEY: 1-8-011:074 (SUB 12-001176)

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: June 20, 2012

TO: Bobby Jean Leithead Todd
Planning Director, County of Hawaii

FROM: Newton Inouye
District Environmental Health Program Chief

SUBJECT: VARIANCE APPLICATION VAR 12-000068
Applicant: WILLIAM K. BAUER
Owner: WILLIAM K. BAUER
Request: Variance from Chapter 23-84, (Water Supply) and 23-87
(Non-Dedicable Street; Escrow Maintenance Fund)
Subdivisions, Improvements Required
Tax Map Key: 1-8-011:074 (SUB 12-001176)

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.

We recommend that you review all of the Standard Comments on our website: <http://hawaii.gov/health/environmental/env-planning/landuse/landuse.html>. Any comments specifically applicable to this project should be adhered to.

The same website also features a Healthy Community Design Smart Growth Checklist (Checklist) created by Built Environment Working Group (BEWG) of the Hawaii State Department of Health. The BEWG recommends that state and county planning departments, developers, planners, engineers and other interested parties apply the healthy built environment principles in the Checklist whenever they plan or review new developments or redevelopments projects. We also ask you to share this list with others to increase community awareness on healthy community design.

WORD:VAR 12-000068.mw

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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 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 400ft² (37 m²) 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 feet 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.

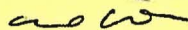
18.3.4 Fire Hydrants and connections to other approved water supplies shall be accessible to the fire department.

BJ Leithead Todd
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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

KI/lc

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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 KEKUAOAO STREET, SUITE 20 • HILO, HAWAII 96720
TELEPHONE (808) 961-8050 • FAX (808) 961-8667

July 18, 2012

TO: Ms. BJ Leithhead Todd, Director
Planning Department

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

SUBJECT: VARIANCE APPLICATION (VAR 12-000068)
SUBDIVISION APPLICATION NO. 12-001176
APPLICANT - WILLIAM K. BAUER
TAX MAP KEY 1-8-011:074

2012 JUL 18 3:31 PM
PLANNING DEPARTMENT

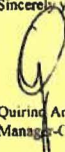
We have reviewed the subject application and have the following comments.

Please be informed that the subject parcel is not within the Department's service limits. The nearest adequate point of connection is from an existing 4-inch waterline within Volcano Road, approximately 5.4 miles from the property.

We have no objection to the applicant's proposed use of private rainwater catchment systems to serve each proposed lot.

Should there be any questions, you may contact 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:dfig

copy - William K. Bauer

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The Department of Water Supply is an Equal Opportunity provider and employer.