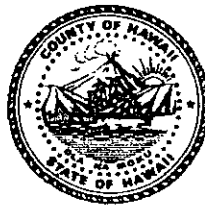


William P. Kenoi
Mayor



Duane Kanuha
Director

Bobby Command
Deputy Director

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

June 20, 2013

Steven S. C. Lim
Carlsmith Ball LLP
P.O. Box 686
Hilo, HI 96721-0686

Dear Mr. Lim:

SUBJECT: **Application:** **VARIANCE DECISION VAR-13-000134**
 Agent: **CARLSMITH BALL LLP**
 Applicants: **EWM ENTERPRISES, LP**
 Owners: **EWM ENTERPRISES, LP**
 Request: **Variance from Chapter 23, Subdivisions, Article 6, Division 2,**
 Improvements Required, Section 23-86, Standards for dedicable
 street; and Section 23-95, Right-of-Way-Improvement
Tax Map Key: **5-4-008:001 and 5-4-010:029 (SUB-11-001045)**

Upon review of your variance application, the Planning Director certifies the **approval** of Variance VAR-13-000134 subject to variance conditions. The variance grants relief for SUB-11-001045 from constructing 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 23-86, Standards for dedicable street; and Section 23-95, Right-of-way improvement.

BACKGROUND

1. **Location.** The referenced TMK property, Lot b, being portions of Grant 1544 and Grant 1956 and Royal Patent 7653, Land Commission Award 8741, containing approximately 24.186 acres, is situated in Kapua and Puehuehu, North Kohala, Hawai'i.
2. **County Zoning.** Family Agricultural Two Acre minimum (FA-2a).
3. **State Land Use.** Agricultural (A).

4. **County General Plan.** Land Use Pattern Allocation Guide (LUPAG) map designates the property as Low Density Urban (Idu).
5. **Subdivision Request/PPM.** Subdivision application SUB-11-001045 was submitted to subdivide the subject property into 10 lots and a Road Lot. Further action on the subdivision application was deferred pursuant to variance application acknowledgement letter dated April 23, 2013 in the variance file.
6. **Subdivision Code Minimum Roadway Requirements.** Construct minimum 20-foot wide dedicable pavement within a minimum 50-foot wide right-of-way with paved shoulders and swales conforming to Department of Public Works (DPW) Standard Detail (Std. Det.) R-33.
7. **Variance Application.** The variance request from minimum subdivision code roadway improvements was acknowledged by Planning Department letter dated April 23, 2013. This variance application includes background history and circumstances and information regarding the pending subdivision application. The applicant's agent granted a two week time extension, until June 24, for the Planning Director's decision on the request. The applicant proposes full improvement to the proposed 50-foot wide access Road Lot including 20 feet of paved travel way with 15-foot wide grassed shoulders and swales on each side in lieu of paved shoulders and swales.
8. **Variance Application (VAR-13-000124) Agency Comments and Requirements.**
 - a. State of Hawai'i Department of Health (DOH): the DOH did not comment on this application as of this date.
 - b. County of Hawai'i Fire Department (HFD): see attached memorandum dated May 29, 2013.
 - c. Department of Public Works (DPW): the DPW did not comment on this variance application as of this date. Reference is made, however, to their February 8, 2011 memorandum in response to Subdivision Application SUB-11-001045 (attached).
 - d. No other agency comments were solicited and none were received.
9. **Notice to Surrounding Owners/Posted Sign.** The applicant submitted an affidavit regarding notice of variance application mailed to a list of surrounding property owners. According to the affidavit dated May 1, 2013 and other submittals in the variance application file, notice of variance was mailed on or about April 29, 2013. An affidavit dated April 22, 2013 states that a sign was posted upon subject TMK property. Photographs of the posted sign were also submitted.
10. **Comments from Surrounding Property Owners or Public.** There were no written comments from the public or surrounding property owners.

ANALYSIS OF GROUNDS FOR VARIANCE

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.*

The Variance Application meets criterion (a) for the following reason(s):

With the exception of the paved shoulders and swales, the proposed roadway design complies with the road design requirements of both the September 15, 2011 Tentative Subdivision Approval and of the Subdivision Code. Additionally, the proposed grass shoulders and swales roadway treatment is typical in this area, and appropriate for this agricultural subdivision. The Project roadway will serve only 10 lots and as a cul-de-sac, will not be a major thoroughfare, secondary arterial or serve as a through road for future development in the area. In the event that the subdivider contemplates dedication to the County, the roadway shall be improved to the prevailing dedicable County standards. The lot owners and/or community association for the Project will own and maintain the roadway, and ensure that existing drainage patterns are maintained and that soil runoff is minimized. Therefore, the proposed private roadway should be considered adequate to service this agricultural subdivision.

Considering the existing Property conditions and the foregoing issues, there are special and unusual circumstances applying to the Property which exist to a degree that interferes with the best and proposed uses or manner of development within the Property.

- (b) *There are no other reasonable alternatives that would resolve the difficulty.*

The Variance Application meets criterion (b) for the following reason(s):

The construction of the roadway with 10-foot wide paved shoulders and 5-foot wide paved swales in strict compliance with Standard Detail R-33 under Condition No. 4a of the Tentative Subdivision Approval letter would generate more runoff and may create additional drainage issues. It would be unreasonable to require strict compliance with the 15-foot paved shoulders and swales, when the more reasonable and aesthetic alternative of grassed shoulder and swales is available. The cul-de-sac will only serve the 10 lot subdivision and as such, is not considered to be a major thoroughfare, secondary arterial or a road servicing future development in the area.

Another unreasonable alternative would be to create all lots in the Project as flag lots to connect to Union Mill Road. This subdivision configuration would create multiple long driveways into each lot, likely increasing the impermeable surfaces in the Project.

- (c) *The variance will be consistent with the general purpose of the district, the intent and purpose of this chapter, and the County 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.*

The Variance Application meets criterion (c) for the following reason(s):

The proposed lots within the Property are located within the County's Family Agricultural (FA -2a) zoned district. The Applicant is proposing a 10-lot subdivision, with each lot being two or more acres each, and is thus consistent with the Zoning and Subdivision Codes.

The intent and purpose of requiring subdivision roadway improvements is to assure that an adequate access system is available to the residents of the proposed subdivision, and to provide adequate emergency access in the event of a fire or emergency. The fact that the shoulders and swales will not be paved will not diminish the ability of the roadway to provide access to the residents of this subdivision and emergency access for first responders. The proposed Project is consistent with the public health, safety and welfare.

The Applicant also owns Parcel 29, which is not part of the Subdivision action, and will serve as a roadway lot connecting the Project lots to Union Mill Road. As required under Rezoning Ordinance No. 10-099, the Applicant will resurface Union Mill Road to a 20-ft. wide pavement width from Akoni Pule Highway, including the subdivision access road at Parcel 29. Therefore, the proposed Project is consistent with the Zoning Ordinance for the Property.

The Land Use Pattern Allocation Guide (LUPAG) Map designates the area as Low Density Urban, which allows for residential with ancillary community and public uses, and neighborhood and convenience-type commercial uses and an overall residential density of up to 6 units per acre. The proposed Project and its grassed shoulders and swales are consistent with these General Plan principles and uses.

Therefore, the granting of this variance request will be: (1) consistent with the general purpose of the zoning district, the intent and purpose of the Zoning and Subdivision Control Codes, and the County General Plan, (2) will not cause substantial adverse impact to the area's character and to adjoining properties, and (3) will not otherwise be detrimental to the public's welfare.

DETERMINATION-VARIANCE CONDITIONS

The variance to allow the proposed 10-lot subdivision of the subject property utilizing the proposed, alternative roadway improvements of a 20-foot wide paved travel way with 15-foot grassed shoulder and swales on each side, is hereby **approved** subject to the following variance conditions:

1. Within a 50-foot right-of way, in lieu of the required 15-foot wide paved shoulders and swales, 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 serviced by a privately-owned alternative roadway.

The lot owners, grantees, successors, and assigns agree to form a road maintenance association and/or pay their fair share to maintain the roadway within the private right-of-ways.

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. The recorded agreement 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.

5. 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 longer 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.
6. The subdivider, owners, their assigns, or successors understand that they will use and maintain the roadway on their own without any expectation of governmental assistance to maintain the improvements.
7. 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 the private right-of-ways.
8. 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-11-001045. 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

Steven S. C. Lim
Carlsmith Ball LLP
Page 6
June 20, 2013

the fair share contribution of the respective lot owner(s).

9. The pending subdivision application's (SUB-11-001045) final plat map shall meet all the requirements of the Hawai'i County Zoning Code and the Subdivision Code not covered by this variance.
10. 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.

Any questions may be directed to Jonathan Holmes at (808) 961-8146, or jholmes@hawaiicounty.gov

Sincerely,



DUANE KANUHA
Planning Director

JRH:nci

P:\Admin Permits Division\Variance\2013\VAR-13-000134EWMEnterprisesLP Road\APVL.doc

Enclosures: Agency Comments

xc: DPW-Engineering Branch
HFD
SUB-11-001045

xc w/enclosures: EWM Enterprises, LP
175 E Reno Avenue Suite C-6
Las Vegas, Nevada 89119

Gilbert Bailado, GIS Section (via email)

William P. Kenoi
Mayor



Darren J. Rosario
Fire Chief

Renwick J. Victorino
Deputy Fire Chief

700 JUN 13 PM 2:22

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

May 29, 2012

TO: BJ LEITHEAD TODD, PLANNING DIRECTOR

FROM: DARREN J. ROSARIO, FIRE CHIEF

SUBJECT: VARIANCE APPLICATION (VAR 13-000134)
AGENT: CARLSMITH BALL LLP
APPLICANT/OWNER: EWM ENTERPRISES, LP
REQUEST: VARIANCE FROM CHAPTER 23, SUBDIVISIONS, ARTICLE 6,
DIVISION 2, IMPROVEMENTS REQUIRED, SECTION 23-95, RIGHT-OF-
WAY-IMPROVEMENT
TAX MAP KEY: 5-4-008:001 AND 5-4-010:029 (SUB 11-0001045)

In regards to the above-mentioned Variance application, as the road exceeds 150', the cul-de-sac shall meet the Fire department turn around radius requirements and the following shall be in accordance:

NFPA 1, UNIFORM FIRE CODE, 2006 EDITION

Note: NFPA 1, Hawaii's 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.



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

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CARLSMITH BALL LLP

A LIMITED LIABILITY LAW PARTNERSHIP

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SLIM@CARLSMITH.COM

June 13, 2013

Duane Kanuha
Planning Department
101 Pauahi Street, Room 3
Hilo, HI 96720
Attention: Jonathan Holmes

Re: Application: Variance (VAR-13-000134)
Applicant: EWM Enterprises, LP
Request: Variance from Chapter 23, Subdivisions, Article 6, Division 2,
Improvements Required, Section 23-95, Right-of-Way
Improvement
TMKs: (3) 5-4-008:001 and 5-4-010:029 (SUB-11-001045)

Dear Mr. Kanuha:

This letter will confirm that Carlsmith Ball LLP, authorized representative of the fee owner agrees to extend the time within which the Planning Director will be rendering a decision on the subject variance application from June 10, 2013 to June 24, 2013. Please feel free to contact me or my paralegal Katherine Luga at 935-6644 should you have any questions concerning this submittal. Thank you for your consideration in this matter.

Very truly yours,

STEVEN S. LIM

SSL:KYL
cc: Client
4328-5086-0708 | 0164934-0001

085785

HONOLULU KAPOLEI HILO KONA MAUI OAHU SALT LAKE LOS ANGELES

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.

18.2.3.1.4 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 that provides access to the interior of the building. Exception: 1 and 2 single-family dwellings.

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 18.2.3.2.1 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.

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.

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. (*may be referred as FDAR)

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.

18.2.3.4.6.2* 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.

18.2.3.4.6.3 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 by 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.

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.

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.

18.3.5 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.

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) 932-2911.



DARREN J. ROSARIO
Fire Chief

KT/c

- (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 18.3.9:

- (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

PLANNING DEPT
2011 FEB 11 10:58 AM

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII

DATE: February 8, 2011

MEMORANDUM

TO: PLANNING DEPARTMENT

FROM: CLR
for DEPARTMENT OF PUBLIC WORKS

SUBJECT: SUBDIVISION: SUB 11-001045
Subdivider: EWM Enterprises, L.P.
Location: Kapua & Pūehuehu, North Kohala, Hawai'i
TMK: 5-4-008:001 & 5-4-010:029
Folder No.: 5457-A

We have reviewed the subject's preliminary plat map and have the following comments:

1. §23-30/§23-64. Identify "top-of-bank" of streams and/or gulches and designate areas within as "approximate areas of flood inundation" on the final plat.
2. §23-86. For Roadway Lot 11, construct minimum 20-ft wide dedicable pavement with paved shoulders and swales within a minimum 50-ft wide right-of-way conforming to Standard Detail R-33. Streets shall be designed to support axle and wheel loads permitted under Section 291-35, Hawai'i Revised Statutes.
3. §23-48. Construct dedicable turnaround conforming to Standard Detail R-33.
4. §23-79. Submit construction plans and drainage report for review and comment.
 - a. §23-92. Additional storm runoff due to development shall be disposed within the subdivision and shall not be discharged onto adjacent properties or streets. For planned dry wells, satisfy DOH dry well requirements, including issuance of an underground injection control (UIC) permit to the subdivider.
 - b. §23-93. Install streetlights / signs / pavement markings as required by the Traffic Division.
 - c. Identify all private roadways on the construction plans.

Questions may be referred to Carter Romero at 961-8327.

CLR

cc: ENG-KON

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