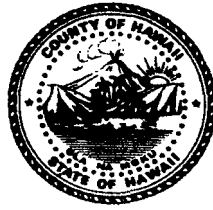


William P. Kenoi  
Mayor



Duane Kanuha  
Director

Bobby Command  
Deputy Director

West Hawai'i Office  
74-5044 Ane Keohokalole Hwy  
Kailua-Kona, Hawai'i 96740  
Phone (808) 323-4770  
Fax (808) 327-3563

**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

August 25, 2014

Steven Shropshire  
Aloha Green, LLC  
P.O. Box 1146  
Hilo, HI 96721

Dear Mr. Shropshire:

**SUBJECT: VARIANCE DECISION - VAR-14-000227**  
**Applicant: STEVEN SHROPSHIRE, MAU LUA INVESTMENTS, LLC**  
**Owner: MAU LUA INVESTMENTS, LLC**  
**Request: Variance from Chapter 23, Subdivisions, Article 6, Division 2, Improvements Required, Section 23-84, Water Supply**  
**Tax Map Key: 3-4-002:004 (SUB-12-001198)**

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Upon review of your variance application, the Planning Director certifies the **approval** of Variance VAR-14-000227 subject to variance conditions. The variance grants relief for SUB-12-001198 from constructing minimum County dedicable water supply system 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).

**BACKGROUND**

1. **Location.** The referenced property, being Land Commission Award 11,216, Apana 45, containing approximately 1,236.784 acres, is situated in Mau Lua Nui, South Hilo, Hawai'i.
2. **County Zoning.** Agricultural – twenty acres (A-20a).
3. **State Land Use.** Agricultural (A) and Conservation (C).
4. **General Plan.** Land Use Pattern Allocation Guide (LUPAG) map designates the property as Important Agricultural Lands (ial) and Conservation (con).

5. **Subdivision Code Requirements.** The subdivision code requires that subdivisions be served by a water system meeting the minimum requirements of the County Department of Water Supply (DWS) and be provided with water mains and fire hydrants installed to and within the subdivision in accordance with the rules and regulations of the DWS.
6. **Subdivision Request/PPM.** Subdivision application SUB-12-001198 was submitted to subdivide the subject TMK property into 6 lots. Further action on the subdivision application has been deferred pursuant to letter dated July 3, 2014 in the variance file.
7. **Variance Application.** The variance request from water supply improvements was acknowledged by Planning Department letter dated July 3, 2014. This variance application includes background history and circumstances and information regarding the pending subdivision application.
8. **Variance Application (VAR-14-000227) Agency Comments and Requirements.**
  - a. State of Hawai'i-Department of Health (DOH): See attached memorandum dated July 9, 2014.
  - b. County of Hawai'i Fire Department (HFD): The HFD did not comment on this application as of this date, however we have attached a copy of their typical memorandum in response to similar applications for water system improvements variances.
  - c. Department of Water Supply (DWS): See attached memoranda dated July 24, 2014
  - d. Department of Public Works (DPW): The DPW did not comment on this application as of this date.
  - e. No other agency comments were solicited and none were received.
9. **Notice to Surrounding Owners/Posted Sign.** The applicant submitted evidence regarding the posting of a public notification sign on the subject property pursuant to Section 23-17(c) of the Hawai'i County Code (HCC). A picture of the posted sign was also submitted. Evidence, received July 14, 2014 and mailing verification forms indicate that a notice of the application was sent to the surrounding property owners as required by Section 23-17(a).
10. **Comments from Surrounding Property Owners or Public.** Written comments on this application were received from Ki MiChele in support of the application and from Jobie M.K. Masagatani, Chairman of the Hawaiian Homes Commission indicating that the Department of Hawaiian Home Lands (DHHL) would like assurances that the DHHL and its native Hawaiian beneficiaries be granted in-kind relief should it be necessary in the future for subdivision of DHHL lands.

#### **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 reasons(s):

The subdivision request is for six (6) lots in keeping with the existing A-20a zoning. Although a dedicable water system is a requirement of the code, the subject property is not able to be supported by the present service facilities of the existing DWS system and it would be unreasonable to expect the owners to wait for the required service upgrades. Therefore, it is reasonable that in lieu of constructing water system improvements, to either extend/upgrade the DWS facilities or provide a private water system to DWS standards for the pending 6-lot subdivision, a more reasonable alternative can be allowed pursuant to Planning Department Rule No. 22, Water Variance.

The above special and unusual circumstances would deprive the applicant from developing this property and interferes with the best use of this property.

Therefore, for this agricultural subdivision, the best use and manner of the development allows for individual rain water catchment systems in keeping with the rural agricultural character of the surrounding area.

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

The Variance application meets criterion (b) for the following reasons(s):

The DWS has indicated that their nearest point of connection is within Pāpa'aloa town, some 1.5 miles distant. Constructing water system improvements to either extend/upgrade the DWS facilities or provide a private water system to DWS standards for the pending 6-lot subdivision would be placing excessive demands upon the applicant because of the extensive improvements, additions and distance required to the existing DWS water system facilities. At an elevation of approximately 1,200 to 1,900 feet above sea level, the drilling of wells and construction of other water system improvements would also be unreasonable for a six (6) lot subdivision.

- (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 reasons(s):

Given that there is adequate rainfall (approximately 120 inches to 200 inches of rainfall annually) to support individual water catchment and this is an agricultural subdivision, the granting of this variance

would be consistent with the general purpose of the agricultural district. Water catchment is consistent with the intent of the policies of the general plan in that it will further agricultural activity. Water catchment will not be materially detrimental to the public welfare as it serves only private parties. Subject to conditions, granting of the variance will not cause substantial, adverse impact to the area's character or to adjoining properties. The collection of rainwater could help to reduce runoff and may be a benefit to the surrounding area.

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, Rule 22 and the Hawai'i County General Plan.

#### **DETERMINATION-VARIANCE CONDITIONS**

The variance to permit the proposed 6-lot subdivision of the subject TMK property without providing dedicable water system improvements meeting DWS standards 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 is not serviced by a County dedicable public water system. The agreement shall be duly recorded at the Bureau of Conveyances of the State of Hawai'i by and at the cost and expense of the owners. A copy of the recorded document shall be supplied to the Planning Department for our files.

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 longer any special or unusual circumstances applying to the property, and hence, no grounds exist or will exist for another variance from the Subdivision Code to permit further subdivision of the properties.

5. The owners, grantees, successors, and assigns agree and accept the fact that a County dedicable public water system will not be extended to serve the lots within proposed subdivision SUB-12-001198.
6. 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.
7. No condominium property regime will be allowed on any lot created, nor will an Ohana Dwelling Unit be permitted or allowed.
8. 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.
9. Each permitted dwelling shall also be provided with a **minimum** 3,000 gallon water storage capacity dedicated for fire fighting and emergency purposes. The location and capacity of the emergency water supply system, including the necessary compatible fire apparatus connector system, shall be as specified by the HFD in the memorandum attached to this permit for reference. The HFD also advises, as a precautionary measure for other uninhabited structures, that consideration be given to the provision of a similar water storage system for fire fighting and emergency purposes.
10. 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.
11. The pending subdivision application's (SUB-12-001198) final plat map shall meet all the requirements of the Hawai'i County Zoning Code and the Subdivision Code that are not covered by this variance.
12. 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.

Steven Shropshire  
Aloha Green, LLC  
Page 6  
August 25, 2014

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

Sincerely,



DUANE KANUHA  
Planning Director

JRH:nci

\\Coh33\planning\public\Admin Permits Division\Variance\2014\VAR-14-000227Mau lua Inv Water\APVL.doc

Encls: Agency Comments

xc: DWS-Engineering Branch  
HFD  
C. Kay, CDP Planner (via email)  
SUB-12-001198

Ki MiChele  
P.O. Box 32  
Nīnole, HI 96773

Jobie M.K. Masagatani, Chairman of the Hawaiian Homes Commission  
Department of Hawaiian Home Lands  
P.O. Box 1879  
Honolulu, HI. 96805

xc w/encls: G. Bailado, GIS Section (via email)

2013 SEP -5 AM 7:49



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

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

August 29, 2013

**TO:** DUANE KANUHA, PLANNING DIRECTOR  
**FROM:** DARREN J. ROSARIO, FIRE CHIEF  
**SUBJECT:** VARIANCE APPLICATION (VAR 13-000 [REDACTED])  
APPLICANT: DANIEL L. BERG, DLB & ASSOCIATES  
OWNERS: [REDACTED]  
REQUEST: VARIANCE FROM CHAPTER 23, SUBDIVISIONS,  
ARTICLE 6, DIVISION 2, IMPROVEMENTS REQUIRED, SECTION 23-  
84, WATER SUPPLY  
TAX MAP KEY: [REDACTED]

In regards to the above-mentioned Variance application, the Hawaii Fire Department recommends that 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.



087308



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

**MEMORANDUM**

**DATE:** July 9, 2014  
**TO:** Duane Kanuha  
Planning Director, County of Hawaii  
**FROM:** Newton Inouye *EIA*  
District Environmental Health Program Chief  
**SUBJECT:** Application: VARIANCE AND DEFER ACTION -VAR-14-00027  
Applicant: STEVEN SHROPSHIRE, MAU LUA INVESTMENTS, LLC  
Owner: MAU LUA INVESTMENTS, LLC  
Request: Variance from Chapter 23, Subdivisions, Article 6, Division 2,  
Improvements Required, Section 23-84, Water Supply  
TMK: 3-4-002:004 (SUB-12-001198)

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 water purposes since the quality may not meet National Primary Drinking Water Standards for potable drinking water for human consumption. The U.S. Environmental Protection Agency (EPA) defines human consumption to include drinking, bathing, showering, cooking, dishwashing, maintaining oral hygiene and includes hand washing.

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.

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PLANNING DEPARTMENT

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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.

18.2.3.1.4 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 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 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.

- (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 STREET, SUITE 20 • HILO, HAWAII 96720  
TELEPHONE (808) 961-8050 • FAX (808) 961-8657

July 24, 2014

TO: Mr. Duane Kanuha, Director  
Planning Department

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

SUBJECT: VARIANCE AND DEFER ACTION (VAR-14-000227)  
APPLICANT - STEVEN SHROPSHIRE, MAU LUA INVESTMENTS, LLC  
REQUEST: VARIANCE FROM CHAPTER 23, SUBDIVISIONS, ARTICLE 6,  
DIVISION 2, IMPROVEMENTS REQUIRED, SECTION 23-84, WATER  
SUPPLY  
TAX MAP KEY 3-4-002:004 (SUB 12-001198)

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

Please be informed that the subject parcel is not within the Department's service limits. The nearest Department of Water Supply service area is located in the town of Pāpa'āloa. We have no objection to the applicant's request as the Department's existing facilities will not be affected.

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

Sincerely yours,

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

TS:dfg

copy - Mau Lua Investments, LLC

Duane Kanuha  
August 29, 2013  
Page 9

greater than 2000square 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

RP/lc

093235

34-cc2.caf

NEIL ABRAHAM ROMBERG  
GOVERNOR  
STATE OF HAWAII



JURIE M. K. MASAGATANI  
TREASURER  
STATE OF HAWAII

DARRELL T. YOUNG  
DEPUTY TO THE GOVERNOR

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS  
P. O. BOX 157  
HONOLULU, HAWAII 96808

July 22, 2014

The Honorable Duane Kanuha  
County of Hawaii Planning Department  
101 Pauahi Street, Suite 3  
Hilo, Hawaii 96721

Dear Mr. Kanuha:

Subject: Variance Application No: VAR 14-000227,  
Maulua Investments LLC Proposed Five-Lot  
Subdivision of TMK: 3-3-4-002:004, North Hilo,  
Island of Hawaii

The Department of Hawaiian Home Lands (DHHL) received the Notice to Owners of Property Interests for the above-subject application from Maulua Investments LLC. The applicant proposes to subdivide TMK: 3-3-4-002:004 into five lots. County Planning Department approval of the variance application would allow subdivision of the parcel to proceed without meeting the minimum water system improvements as required by the County of Hawaii.

The Department of Hawaiian Home Lands has no position on Variance Application 14-000227. However, both DHHL and its individual lessees have sought County subdivision approval of several of its properties on Hawaii Island, but have been denied subdivision approval because of the lack of adequate water infrastructure. DHHL asks that all current and future applications to subdivide property be treated fairly and that County approval or denial of subdivision requests be consistent. Should this variance application be approved and subdivision of this property be allowed without meeting the County's standards for minimum water system improvements, then the County should grant the same type of variance to other applicants seeking subdivision of property that do not meet the County's minimum

SCANNED  
By: [Signature]

PLANNING DEPARTMENT

2014 JUL 23 AM 6:51

July 22, 2014

Ki MiChele  
PO Box 32  
Ninole, Hawaii 96773

Country Planning Department  
101 Pauahi Street  
Suite 3  
Hilo, Hawaii 96720

Attn: Planning Director  
Re: Variance Application VAR 14-000227

Aloha,

I have received the notice of the above mentioned Variance Application and would like to provide the following positive comment to the request for a subdivision of the property

The property in question is across the highway and just south from the property owned by me in a trust. If the subdivision would create a situation for more people to move into this area, it might provide an opportunity for me to receive either Cable or Hawaiian Telcom hook up for the internet. Because I am the only person living in this area since 1986, neither has not been available to me.

Mahalo,

*Ki MiChele*  
Ki MiChele  
imusbay2@aol.com  
808 962-6527

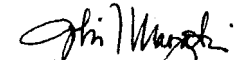
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The Honorable Duane Kanuha  
July 22, 2014  
Page 2 of 2

water system improvement standards, including DHHL and its native  
Hawaiian beneficiaries.

Mahalo for the opportunity to comment. If you have further  
questions, please contact Andrew Choy at (808) 620-9279 or email  
him at [andrew.h.choy@hawaii.gov](mailto:andrew.h.choy@hawaii.gov).

Aloha,



Jobie M. K. Masachani, Chairman  
Hawaiian Homes Commission