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**County of Hawai'i**  
PLANNING DEPARTMENT

East Hawai'i Office  
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May 16, 2016

Sidney M. Fuke  
Planning Consultant  
100 Pauahi Street, Suite 212  
Hilo, HI 96720

Dear Mr. Fuke:

**SUBJECT: VARIANCE DECISION - VAR-15-000359**  
**Applicant: SIDNEY M. FUKU, PLANNING CONSULTANT**  
**Owner: 327 KONA, LLC**  
**Request: Variance from Article 6, Division 2, Improvements Required, Sections 23-86, Requirements for Dedicable Streets & 23-95, Right-of-way Improvement AND Section 23-88, Nondedicable Street; Private Dead-end Street**  
**Tax Map Key: 7-4-008:047 (SPH-14-000024)**

Upon review of your variance application, the Planning Director certifies the **approval** of Variance VAR-16-000359 subject to variance conditions. The variance grants relief for subdivision SPH-14-000024 from constructing minimum County dedicable roadway improvements for the 7 lots and remnant lot as 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, Sections 23-86, Requirements for Dedicable Street & 23-95, Right-of-way Improvement AND Section 23-88. Nondedicable street; private dead-end street.

**BACKGROUND**

1. **Location.** The referenced property, being a portion of Lot 2-A-1, also being a portion of Royal Patent 7587, Land Commission Award 11216, Apana 36, containing approximately 265.12 acres, is situated in Honokōhau 1<sup>st</sup>, North Kona, Hawai'i.
2. **County Zoning.** Agricultural – five acres (A-5a).
3. **State Land Use.** Agricultural (A).

4. **General Plan.** Land Use Pattern Allocation Guide (LUPAG) map designates the property as Urban Expansion (ue).
5. **Subdivision Code Requirements.** Hawai'i County Code, Chapter 23, Subdivisions requires that subdivisions in the A-5a zoning district be served by minimum right-of-way and paving widths of 50-feet and 20-feet, respectively, and full right-of-way improvement to include paved shoulders and swales. The Code also allows for nondedicable dead-end streets, however, they are limited to residential lots agricultural lots zoned for less than 3 acres.
6. **Subdivision Request/PPM.** Subdivision application SPH-14-000024 was submitted to subdivide the subject TMK property into 8 lots, a road lot and a remainder lot. It was subsequently revised to 7 lots, two road lots and a remainder lot. Action on the subdivision application has been deferred pursuant to letter of road variance application dated March 11, 2016 in the variance file. Section 23-88 was added to the variance request on May 4, 2016 and the Planning Director was granted a time extension to render a decision of the request from May 10, 2016 until May 17, 2016.
7. **Variance Application.** The variance request from roadway improvements was acknowledged by Planning Department letter dated March 21, 2016. This variance application includes background history and circumstances and information regarding the pending subdivision application.
8. **Variance Application (VAR-16-000359) Agency Comments and Requirements.**
  - a. Kona Community Development Plan Action Committee (KCDPAC): See attached e-mail dated April 11, 2016. **(Exhibit A)**
  - b. County of Hawai'i Fire Department (HFD): See attached memorandum dated March 31, 2016. **(Exhibit B)**
  - c. Department of Water Supply (DWS): See attached memorandum dated April 8, 2016. **(Exhibit C)**
  - d. Department of Public Works (DPW): See attached memorandum dated April 14, 2016. **(Exhibit D)** Additionally, see attached memorandum dated February 1, 2016 in response to the subdivision application. **(Exhibit E)**
9. **Notice to Surrounding Owners/Posted Sign.** The applicant submitted evidence, dated April 14, 2016, 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 submitted on March 29, 2016 also indicates 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.** See attached letter from Daniel and

Kathleen Peters with written comments in support of the application (**Exhibit F**). No other comments were received 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 reasons(s):

There is no practical reason to improve the Road Lots A & B to County standards, as they serve a limited number of agricultural properties. Installing a roadway to County standards for the proposed lots created by subdivision would be out of character of the immediate and surrounding areas for this 7 lot and remainder lot agricultural subdivision.

The proposed Road Lot A with 20-foot wide paved travel way and graveled/grassed shoulders and swales within the 50-foot wide right-of-way and Road Lot B with 16-foot wide paved travel way and graveled/grassed shoulders and swales within the 20-foot wide right-of-way should be adequate for this agricultural subdivision which will only serve the affected lots and no other adjoining properties.

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

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

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

There is no practical reason to improve the roadways to County dedicable standards as they serve only 7 lots and the remainder lot. The 20-foot wide paved travel way and graveled/grassed shoulders/swales in the 50-foot wide right-of-way (Road Lot A) and 16-foot wide paved travel way and graveled/grassed shoulders/swales in the 20-foot wide right-of-way (Road Lot B) allow for more permeable surfaces to minimize rainwater run-off and should be adequate for the purposes of this agricultural 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):

A comprehensive road maintenance plan will be included in recorded Covenants, Conditions and Restrictions ("CCR's") for the proposed and existing lots served by the right-of-way to assure that the improvements are properly maintained by the benefitted lot owners. The roadway variance authorizing use of privately owned roads, with a paved 20-foot wide driving lane with graveled/grassed shoulders and swales within the 50-foot wide right-of-way (Road Lot A) and 16-foot wide paved travel way and graveled/grassed shoulders/swales in the 20-foot wide right-of-way (Road Lot B) will not be detrimental to public welfare or burden County resources. The subdividers' plans are consistent with the existing land uses and will not have any adverse impact on the area's character or on neighboring properties.

The proposed lots meet the minimum lot size for the A-5a zoning. The project is consistent with the intent and purpose of the Zoning and Subdivision Codes. Although the General Plan designation for the Property is "ue," urban expansion, the project is designed with lots for continued agricultural use in keeping with the agricultural zoning. The Owners' plans are consistent with these designations.

The KCPDAC commented, in part, that "...We have no problems recommending approval of this variance as the project is outside of the urban standards." Further, the project is not within a designated Transit-Oriented Development (TOD) or Traditional Neighborhood Development (TND) area as outlined in the KCDP.

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

The variance to permit the proposed 7-lot and remainder lot subdivision of the subject TMK property without providing a County dedicable roadway, and in lieu utilizing privately owned 20-foot wide paved driving lane and grassed or graveled shoulders within the 50-foot wide right-of-way (Road Lot A) and 16-foot wide paved travel way and graveled/grassed shoulders/swales in the 20-foot wide right-of-way (Road Lot B), non-dedicable roads 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 this variance approval. This written agreement shall contain deed language, being covenants, conditions, and restrictions affecting the buildable lots created by the proposed subdivision which are not serviced by County dedicable roadways and instead utilizing the privately owned alternative roadways. The agreement shall specify that a Homeowners or Maintenance Association be created for purposes of upkeep of, and required repairs to, the roadway improvements. 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 approved subdivided buildable 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 seven (7) buildable properties **(excluding the Remainder Lot)**.

It is also understood that they will use and maintain the privately owned roadway on their own without any expectation of governmental assistance to maintain the improvements. They shall also 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-way.

5. 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 lots. 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).
6. The construction plans for the alternative roadway shall be reviewed by the HFD as well as the other affected agencies.
7. All water system installation within the alternative roadway shall comply with the DWS's Water System Standards.

Sidney M. Fuke  
Planning Consultant  
Page 6  
May 16, 2016

8. The pending subdivision application's (SPH-14-000024) 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.
9. 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 conditions not be complied with, the Planning Director may proceed to declare this Variance Permit null and void.

Sincerely,



DUANE KANUHA  
Planning Director

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Encls.: Agency Comments

xc: DPW  
HFD

xc w/encls.: 327 Kona, LLC  
c/o Thomas M. Smith, Attorney at Law  
4054 McKinley Avenue, Suite 310  
Dallas, TX 75204

Nancy E. Burns, PE  
Nancy E. Burns, PE, LLC  
73-1487 Ha'o Street  
Kailua-Kona, HI 96740

T. Dunlap, KCDP Planner (via e-mail)

G. Bailado, GIS Section

FSA-SUB-08-000788, FSA-SUB-11-001106, SPH-14-000024

William F. Kenoi  
Mayor



16 MAR 31 AM 10:14  
DARREN J. ROSARIO  
Fire Chief  
RANWICK J. VICTORINO  
Deputy Fire Chief

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

March 31, 2016

**TO:** DUANE KANUHA, PLANNING DIRECTOR

**FROM:** DARREN J. ROSARIO, FIRE CHIEF

**SUBJECT:** Variance - VAR-16-000359  
Applicant: Sidney M. Fuke, Planning Consultant  
Owners: 327 Kona, LLC  
Request: Variance from Article 6, Division 2, Improvements Required, Section 23-86, Requirements for Dedicable Streets & Section 23-95 Right-of-way Improvement  
Tax Map Key: 7-4-008-047 (SPH-14-000024)

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

**NFPA 1, UNIFORM FIRE CODE, 2006 EDITION**  
Note: *Hawaii State Fire Code, National Fire Protection Association 2006 version, with County of Hawaii 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.

EXHIBIT  
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*Hawaii County is an Equal Opportunity Provider and Employer.*



**Carnero, Tracie-Lee**

**From:** Holmes, Jonathan  
Tuesday, April 12, 2016 6:03 AM  
**To:** Carnero, Tracie-Lee  
**Subject:** FW: Response for Variance - Var-16-000359

Tracie,

For intake, etc.

Mahalo

**From:** Dunlap, Terry  
**Sent:** Monday, April 11, 2016 3:59 PM  
**To:** Holmes, Jonathan <Jonathan.Holmes@hawaiicounty.gov>  
**Cc:** Mark, Bennett <Bennett.Mark@hawaiicounty.gov>  
**Subject:** Response for Variance - Var-16-000359

Director, I offer the following comments on the above referenced Variance request to offer relief from making full improvements (grading and paving of the shoulders) of the right-of-way or that that area between the edge of the roadway pavement and the balance of the road right-of-way.

1. The project area is located outside of the Kona Community Development Plan (KCDP) areas designated as Transit-Oriented Development (TOD) and Traditional Neighborhood Development (TND) where Smart Growth and Master Planning utilizes these techniques to develop walkable, compact, urban and mixed use communities.
2. Road cross sections in the Village Design Guidelines of the KCDP are designed to be urban standards that would be utilized in the master planned TOD and TND areas.
3. Projects that are not within the master planned TOD and TND areas need not be subjected to the roadway cross sections included within the Village Design Guidelines of the KCDP.
4. We have no problems recommending approval of this variance as the project is outside of the urban standards.

Terry Dunlap

Terry K. Dunlap, Planner  
County of Hawaii Planning Department  
West Hawaii Civic Center  
Building E, 2<sup>nd</sup> Floor  
74-5044 Aiea Kechokalele highway  
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EXHIBIT  
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18.2.3.1.4 When fire department access roads cannot be installed due to location on property, topography, waterways, nonnegotiable grades, or other similar conditions, the AHJ shall be authorized to require additional fire protection features.

**18.2.3.2 Access to Building.**

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

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. (\*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.

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

18.2.3.4.7 **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.

18.2.4.2.3 Roads, trails, and other access ways 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.

18.2.3.4.1.2.2 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.

18.2.3.4.6.3 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.

18.3.7 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;
- 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.

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.

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.

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) 323-4760.



DAREN J. ROSARIO  
Fire Chief

CB:ds

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 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.



DEPARTMENT OF PUBLIC WORKS  
COUNTY OF HAWAII  
HILO, HAWAII

DATE: April 14, 2016

DEPARTMENT OF WATER SUPPLY OF HAWAII  
345 KEKONAO'A STREET, SUITE 20 • HILO, HAWAII 96720  
TELEPHONE (808) 961-8050 • FAX (808) 961-9957  
COUNTY OF HAWAII

April 8, 2016

**Memorandum**

TO : Duane Kanuha, Planning Director  
Planning Department

FROM : Ben Ishii, Division Chief  
Engineering Division

SUBJECT : Variance Application (VAR-16-000359)  
Applicant: Sidney M. Fuke  
Location: Honokohau 1<sup>st</sup>, N. Kona, HI  
TMK: 3/7-4-008:047 (SPH-14-000024)

TO: Mr. Duane Kanuha, Director  
Attention: Mr. Jonathan Holmes  
Planning Department

FROM: Keith K. Okamoto, Manager-Chief Engineer

SUBJECT: Variance Application - (VAR 16-000359)  
Applicant - Sidney M. Fuke, Planning Consultant  
Tax Map Key 7-4-008:047 (Sub-14-000024)

We reviewed the subject application and our comments are as follows:

- Road Lot A on Figure 3 in the application does not have the same alignment as the current preliminary subdivision map, dated October 13, 2015.
- Any development plans should consider the extension of Kealahou Parkway. HDOT Planning should be consulted on the alignment and access locations along future Kealahou Parkway so the streets within developments such as this are properly planned.
- Road A has potential to be a public connecting street in the future and, as such, should be constructed to County dedicable standards with paved swales. Erosion is not well controlled in unpaved swales any place where flow can concentrate on steep grades. Portions of Road A are 18%, the maximum acceptable grade for a minor street per DPW policy (12% per Subdivision Code).
- All roadways within the proposed development shall follow the guidelines incorporated in the Geometric Design of Highways and Streets and meet the requirements of DPW.

Should there be any questions concerning this matter, please feel free to contact Kiran Emler of our Kona Engineering Division office at 323-4851.

KE  
copy: ENG-HILO  
PLNG-KONA

EXHIBIT  
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SCANNED  
APR 21 2016  
By: 104982

Hawaii County is an Equal Opportunity Provider and Employer

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

The Department has no objection to the Variance application, provided that water improvements for the proposed subdivision (Subdivision No. 14-000024) comply with the Department's Water System Standards.

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

Sincerely yours,

*Keith K. Okamoto*

Keith K. Okamoto, P.E.  
Manager-Chief Engineer

TS:djg

copy - Mr. Sidney M. Fuke, Planning Consultant

EXHIBIT

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104800

... Water, Our Most Precious Resource ... Ka Wai A Kane ...

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

Daniel & Kathleen Peters  
75-5608 Hienaloli Road #48  
Kailua-Kona, Hawaii 96740  
808-331-1199

2016 FEB 2 PM 2 05  
DEPARTMENT OF PUBLIC WORKS  
PLANNING DEPARTMENT  
COUNTY OF HAWAII  
HILO, HAWAII

March 29, 2016

DATE: February 1, 2016

Hawaii County Planning Dept.  
101 Pauahi Street  
Hilo, Hawaii 96720

Re: Road Variance Application - Applicant 327 Kona LLC  
TMK (317-4-008-007 (SPH 14-000024

To Whom it May Concern:

I am writing in support of the above-referenced application.

My wife and I own Lot 1 in Phase 1 of this development known as Kona View Country Estates. The adjoining mauka development, called Kona View Estates, consists of 1-acre lots, where the roads' shoulders and swales are paved in asphalt. These roads have too big of a footprint and look out of place in a low density agriculturally zoned development. Because Phase 1 and Phase 2 of Kona View Country Estates are 5-acre lots, 50-foot wide paved roads, shoulders and swales will look even more out of place. Therefore, I agree with the developer's application.

Very truly yours,

  
Daniel S. Peters

Memorandum

TO: Planning Department  
FROM:  Department of Public Works  
SUBJECT: SUBDIVISION: SPH 14-000024  
Subdivider: 327 Kona LLC  
"Kona View Country Estates Phase II"  
Location: Honokohau 1st, North Kona, Hawaii  
TMK: 7-4-008:047  
Folder No.: 74137-C1A

We have reviewed the revised preliminary plat map and have the following comments:

- §23-64. Identify all watercourses and drainageways and designate areas within as "approximate areas of flood inundation."
- §23-86. For Road A, construct minimum 20-ft wide dedicable roadway with paved shoulders and swales within a minimum 50-ft wide right-of-way conforming to Standard Detail R-33. Pavement shall be designed to support axle and wheel loads permitted under Section 281-35, Hawaii Revised Statutes.
- §23-79. Submit construction plans and drainage report for review and comment.
  - §23-92. Additional storm runoff due to development shall be disposed within the subdivision and shall not be discharged onto adjacent properties or streets.
  - §23-93. Install streetlights and traffic control devices as required by the Traffic Division.

Questions may be referred to Robyn Matsumoto at 961-8924.

RM

c: ENG-KON

103386

EXHIBIT

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104592

EXHIBIT

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