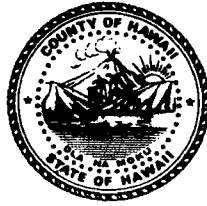


Harry Kim  
Mayor



Michael Yee  
Director

Daryn Arai  
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

June 6, 2017

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

Dear Mr. Fuke:

**SUBJECT: VARIANCE DECISION, AMENDED - VAR-17-000415**  
**Applicant: SIDNEY M. FUKE, PLANNING CONSULTANT**  
**Owners: THOMAS P. AND LUCINDA H. WHITTEMORE TRUSTS**  
**Request: Variance from Chapter 23, Subdivisions, Article 6,  
Division 2, Improvements Required, Section 23-84,  
Water Supply**  
**Tax Map Key: 7-3-004:012 (SUB-17-001696)**

Upon review of your request to amend Condition No. 7 of approved Variance VAR-17-000415, the Planning Director hereby amends said condition to read thus:

**DETERMINATION-VARIANCE CONDITIONS (AMENDED)**

7. No condominium property regime will be allowed on any lot created, ~~nor will a second dwelling unit be permitted or allowed.~~

All other conditions of approval remain in full force and effect.

This amendment is approved with the understanding that potential Additional Farm Dwelling(s) would be based on merit and not code entitlement, which code already prohibits Ohana Dwellings where a variance from Chapters 23 or 25 have been issued.

Sidney M. Fuke  
Planning Consultant  
Page 2  
June 6, 2017

Should you have any questions, please feel free to contact Jonathan Holmes of this department.

Sincerely,



MICHAEL YEE  
Planning Director

JRH:nci

\\COH33\planning\public\Admin Permits Division\Variance\2017\VAR-17-000415 Whittemore Water\APVLAmend.docx

cc: DWS-Engineering Branch  
DPW  
HFD  
T. Dunlap, KCDP Planner w/Application (via e-mail)  
SUB-17-001696; REZ-15-000192

Chrystal Thomas Yamasaki, LPLS  
Wes Thomas Associates  
75-5749 Kalawa Street  
Kailua-Kona, HI 96740-1818

Thomas P. & Lucinda H. Whittemore  
P.O. Box 1929  
Kailua-Kona, HI 96745-1929

G. Bailado, GIS Section (via email)

Harry Kim  
Mayor



Michael Yee  
Director

Daryn Arai  
Deputy Director

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PLANNING DEPARTMENT

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Fax (808) 961-8742

May 8, 2017

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

Dear Mr. Fuke:

**SUBJECT: VARIANCE DECISION - VAR-17-000415**  
**Applicant: SIDNEY M. FUKU, PLANNING CONSULTANT**  
**Owners: THOMAS P. AND LUCINDA H. WHITTEMORE TRUSTS**  
**Request: Variance from Chapter 23, Subdivisions, Article 6,**  
**Division 2, Improvements Required, Section 23-84,**  
**Water Supply**  
**Tax Map Key: 7-3-004:012 (SUB-17-001696)**

Upon review of your variance application, the Planning Director certifies the **approval** of Variance VAR-17-000415 subject to variance conditions. The variance grants relief for SUB-17-001696 from constructing minimum County dedicable water supply system improvements for the 3 lots 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, Section 23-84, Water Supply, (1)(2).

**BACKGROUND**

1. **Location.** The referenced property, being Lot 3, Ka laoa 5<sup>th</sup>, also being a portion of Grant 1,609, containing approximately 5.9325 acres, is situated in Ka laoa 5<sup>th</sup>, North Kona, Hawai'i.
2. **County Zoning.** Family Agricultural – one acre (FA-1a).
3. **State Land Use.** Agricultural (A).

4. **General Plan.** Land Use Pattern Allocation Guide (LUPAG) map designates the property as Important Agricultural Lands (ial) and Low Density Urban (ldu).
5. **Subdivision Code Requirements.** Hawai'i County Code, Chapter 23, Subdivisions 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-17-001696 was submitted to subdivide the subject TMK property into 3 lots. Further action on the subdivision application has been deferred pursuant to this application dated March 1, 2017.
7. **Variance Application.** The variance request from water supply improvements was acknowledged by Planning Department letter dated March 10, 2017. This variance application includes background history and circumstances and information regarding the pending subdivision application.
8. **Variance Application (VAR-17-000415) Agency Comments and Requirements.**
  - a. State of Hawai'i Department of Health (DOH): The DOH did not comment on this variance application as of this date. However, see attached memorandum dated July 27, 2015 in response to the Change of Zone application (**Exhibit A**).
  - b. County of Hawai'i Fire Department (HFD): See attached memorandum dated March 13, 2017 (**Exhibit B**).
  - c. Department of Water Supply (DWS): See attached memorandum dated April 11, 2017 (**Exhibit C**). We have also attached the DWS memorandum in response to the Change of Zone application (**Exhibit D**).
  - d. Department of Public Works (DPW): The DPW did not comment on this variance application as of this date.
9. **Notice to Surrounding Owners/Posted Sign.** The applicant submitted evidence, dated April 17, 2017, 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 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.** There were no written comments regarding this application received from the surrounding property owners or the public.

#### **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 three (3) lots in keeping with the newly granted FA-1a zoning. Although a dedicable water system is a requirement of the code, the subject property is only able to be supported for 3 water units by the present service facilities of the existing DWS system through the three existing water meters and it would be unreasonable to expect the owners to construct the required service upgrades for this three (3) lot subdivision. 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 3-lot subdivision, a more reasonable alternative can be allowed by the private water system proposed with non-dedicable storage and distribution system and water storage system for firefighting purposes in lieu of fire hydrants. Also a reasonable alternative can be allowed pursuant to the filing of "out of bounds" and "elevation" agreements with the DWS.

To better address personal and fire protection measure, the landowner intends to install an engineer-certified and designed pump system that would increase the overall water pressure serving all three (3) lots. The pump system would be situated at the makai end of the property where water would then be pumped into a tank storage system located at the mauka-most boundary of the subject property. Water would then be gravity-fed to all of the lots.

Therefore, for this rural agricultural subdivision, the best use and manner of the development allows for a non-dedicable potable water and storage tank system utilizing DWS water through the existing water meters and water storage system for emergency (firefighting) purposes in keeping with the rural character of the surrounding area.

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):

The DWS has indicated that the property has three (3) units of water for the 3 lots, available to the property through their existing water system facilities and 5/8-inch meters. Constructing water system improvements to upgrade the DWS facilities for the pending 3-lot subdivision would be placing excessive demands upon the applicant because of the extensive improvements and additions required to the existing DWS water system facilities.

***(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):

The subdivision private water distribution system will rely on county water through three 5/8-inch meters. A waterline will then be extended within the subject property to a fill/booster tank at the mauka-most edge of the property. From the storage tank, water laterals will distribute the water to all of the subdivision lots. This is as shown in the water system schematic drawings attached to the variance permit.

Subject to conditions, granting of the variance will not cause substantial, adverse impact to the area's character or to adjoining properties.

A water variance would be consistent with the general purpose of the zoning district and the intents and purposes of the Zoning Code, Subdivision Code and the Hawai'i County General Plan as the subdivided lots will continue in agricultural uses and are to be conveyed to family members.

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 project is consistent with the intent and purpose of the Zoning and Subdivision Codes. The General Plan designation for the Property is "ial," important agricultural lands and "ldu," low density urban. The project is designed with lots

for continued agricultural use. The Owners' plans are consistent with these designations.

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

The variance to permit the proposed 3-lot subdivision of the subject TMK property without providing dedicable water system improvements meeting DWS standards and utilizing County water in conjunction with a privately-owned, non-dedicable water pump and storage tank system to improve the water pressure for domestic and emergency purposes 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 3 lots created by the proposed subdivision which are serviced by a County dedicable public water system in conjunction with a privately owned pump and storage system to provide adequate water pressure for domestic and emergency purposes. 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 the existing County dedicable public water system will not be upgraded to serve the 3 lots within proposed subdivision SUB-17-001696.

It is also understood that they will use and maintain the privately-owned alternate domestic and emergency water system on their own without any expectation of governmental assistance to maintain the improvements.

6. The owners, grantees, successors, and assigns agree and accept the fact that the County will not bear the responsibility of supplying an adequate public water system directly to the 3 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 a second dwelling unit be permitted or allowed.
8. The private pump and storage system shall have the capacity to increase the County-supplied water pressure from the existing three 5/8" meters to a **minimum** pressure of 40 p.s.i. to all three lots for domestic and emergency purposes. The water storage system for firefighting and emergency purposes shall also incorporate the necessary compatible fire apparatus connector system.
9. 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.

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 water system 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).



Sidney M. Fuke  
Planning Consultant  
Page 7  
May 8, 2017

10. The pending subdivision application's (SUB-17-001696) 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.
11. 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,



MICHAEL YEE  
Planning Director

JRH:rl

\\COH33\planning\public\Admin Permits Division\Variance\2017\VAR-17-000415 Whittemore Water\APVL.docx

Encls: Agency Comments

cc: DWS-Engineering Branch  
DPW  
HFD  
T. Dunlap, KCDP Planner w/Application (via e-mail)  
SUB-17-001696; REZ-15-000192

Chrystal Thomas Yamasaki, LPLS  
Wes Thomas Associates  
75-5749 Kalawa Street  
Kailua-Kona, HI 96740-1818

cc w/encls: Thomas P. & Lucinda H. Whittemore  
P.O. Box 1929  
Kailua-Kona, HI 96745-1929

G. Bailado, GIS Section (via email)



STATE OF HAWAII  
DEPARTMENT OF HEALTH  
P.O. BOX 916  
HILO, HAWAII 96721-0916

MEMORANDUM

DATE: July 27, 2015

TO: Mr. Duane Kanuha  
Planning Director, County of Hawaii

FROM: Eric Honda *EH*  
District Environmental Health Program Chief

SUBJECT: Change of Zone Application (REZ 15-000192)  
Applicant: Brett W. Ritchie  
Request: A-20a to FA-1a  
TMK: 7-3-004:012

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The proposed project is located within 1000 feet of a public drinking water source. One individual wastewater system will be allowed to be used for the project and must either contain an aerobic unit with disinfection or a non-discharge disposal system.

WORD: REZ 15-000192.eh

EXHIBIT  
A

100043

Harry Kim  
Mayor



Darren J. Rosario  
Fire Chief

Renwick J. Victorino  
Deputy Fire Chief

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

2017 MAR 14 PM 10 04  
FIRE DEPARTMENT  
COMMUNICATIONS UNIT

March 13, 2017

**TO:** MICHAEL YEE, PLANNING DIRECTOR  
**FROM:** DARREN J. ROSARIO, FIRE CHIEF  
**SUBJECT:** Application: Variance – VAR-17-000415  
Applicant: Sidney M. Fuke, Planning Consultant  
Owners: Thomas P. and Lucinda H. Whittemore Trusts  
Request: Variance from Chapter 23, Subdivisions, Article 6, Division 2,  
Improvements Required, Section 23-84, Water Supply  
Tax Map Key: 7-3-004:012 (SUB 17-001696)

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

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

*Note: Hawai'i State Fire Code, National Fire Protection Association 2006 version, with County of Hawai'i 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  
B

110375



**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.

**18.2.3.1.4** 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 then 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.

**18.2.3.4.6.2\*** 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.

**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.

**18.2.4.2.5** 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.



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.

- 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.

Michael Yee  
March 13, 2017  
Page 9

- 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.



DARREN J. ROSARIO  
Fire Chief

CB:ds



**DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII**

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

April 11, 2017

2017 APR 12 PM 2 21

TO: Mr. Michael Yee, Director  
Planning Department

FROM: Keith K. Okamoto, Manager-Chief Engineer

SUBJECT: **Variance No. VAR-17-000415**  
**Applicant – Sidney M. Fuke**  
**Subdivision Application No. SUB-17-001696**  
**Change of Zone Application (REZ 15-000192)**  
**Tax Map Key 7-3-004:012**

We have reviewed the subject application and our comments submitted to you for the Change of Zone application, dated August 5, 2015, still stand.

Should there be any questions, please contact Mr. Ryan Quitoriano of our Water Resources and Planning Branch at 961-8070, extension 256.

Sincerely yours,

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

RQ:dfg

copy - Mr. Sidney M. Fuke  
Mr. Thomas and Ms. Lucinda Whittemore

010950

EXHIBIT  
C

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**DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAI'I**

345 KEKŪANAŌ'A STREET, SUITE 20 • HILO, HAWAI'I 96720  
TELEPHONE (808) 961-8050 • FAX (808) 961-8657

August 5, 2015

TO: Mr. Duane Kanuha, Director  
Planning Department

FROM: Keith K. Okamoto, Manager-Chief Engineer

SUBJECT: **CHANGE OF ZONE APPLICATION (REZ 15-000192)**  
**APPLICANT - BRETT W. RITCHIE**  
**REQUEST: A-20A TO FA-1A**  
**TAX MAP KEY 7-3-004:012**

RECEIVED  
PLANNING DEPARTMENT  
AUG 11 2015 11 23 37

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

The subject property is currently served with three (3) 5/8-inch meters with substandard water pressure conditions, i.e., less than the minimum pressure of 40 pounds per square inch (psi) required for subdivisions. In other words, the existing private water system servicing the property does not meet water system standards for subdivisions in accordance with the Hawai'i County Code and the Rules and Regulations of the Department of Water Supply.

Upgrading the system will require extensive water system improvements, including, but not limited to, storage reservoirs, booster pumps, and distribution pipelines. The Department does not foresee any upgrades to its existing water system facilities that would possibly provide the property with adequate pressure and volume meeting subdivision water system standards.

In view of the above, the Department is not in a position to support the proposed rezoning and subsequent subdivision.

Should there be any questions, please contact Mr. Ryan Quitarano of our Water Resources and Planning Branch at 961-8070, extension 256.

Sincerely yours,

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

RQ:dfg

copy - Mr. Brett W. Ritchie  
Mr. Sidney Fuke, Planning Consultant

EXHIBIT  
D

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