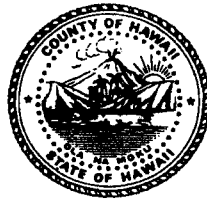


Harry Kim
Mayor



Michael Yee
Director

Daryn Arai
Deputy Director

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County of Hawai'i
PLANNING DEPARTMENT

East Hawai'i Office
101 Pauahi Street, Suite 3
Hilo, Hawai'i 96720
Phone (808) 961-8288
Fax (808) 961-8742

February 8, 2018

Arvid Kekoa Hara
Accent Design Services
P.O. Box 2026
Kea'au, HI 96749

Dear Mr. Hara:

SUBJECT: Application: VARIANCE DECISION VAR-17-000454)
Applicant: ARVID KEKOA HARA, ACCENT DESIGN SERVICES
Owner: LANDURKA, LLC
Request: Variance from Chapter 23, Subdivisions, Article 6, Improvements, Division 2, Improvements Required, Section 23-88, Non-Dedicable Street; Private Dead-End Street (# of Lots Served By)
Tax Map Key: (3) 2-2-045:007; (SUB-17-001707)

Upon review of your variance application, the Planning Director certifies the **approval** of Variance VAR-17-000454 subject to variance conditions. The variance grants relief for SUB-17-001707 from the maximum number of lots served by a private dead-end street as required by Hawai'i County Code (HCC), Chapter 23 (Subdivisions).

The variance is from the proposed subdivision's maximum limits pursuant to HCC, Chapter 23 (Subdivisions), Article 6, Improvements, Division 2, Improvements Required, Section 23-88, Private Dead-End Street (maximum number of lots).

BACKGROUND

1. **Location.** The referenced TMK property, Lot 16-A, Block 701, Waiākea Homesteads House Lots, being also a Portion of Grant 10861, containing an area of approximately 6.00 acres, is situated at Waiākea, South Hilo, Hawai'i.
2. **County Zoning.** Residential Single Family, 10,000 sq. ft. minimum (RS-10).

3. **State Land Use.** Urban (U).
4. **County General Plan.** Land Use Pattern Allocation Guide (LUPAG) map designates the property as Low Density Urban (LDU).
5. **Special Management Area (SMA).** The parcel is not located in the SMA.
6. **Subdivision Request/PPM.** Subdivision application SUB-17-001707 was submitted to subdivide the subject property into 6 lots. Further action on the subdivision application has been deferred pursuant to this variance application's acknowledgement letter dated December 2, 2017, in the variance file.
7. **Subdivision Code: Section 23-88, Non-dedicable street; private dead-end street.** "...The street shall provide access to six lots or less..."
8. **Variance Application.** The variance request from subdivision code allowance for maximum number of lots served by a non-dedicable dead-end street was acknowledged by Planning Department letter dated December 2, 2017. The subdivision proposes to create six (6) additional lots with access over the proposed paved non-dedicable dead-end street.
9. **Variance Application (VAR-14-000269) Agency Comments and Requirements.**
 - a. County of Hawai'i Fire Department (HFD): See attached memorandum dated January 5, 2018. **(Exhibit A)**.
 - b. Department of Public Works (DPW): See attached memorandum dated January 5, 2018. **(Exhibit B)**.
 - c. No other agency comments were solicited and none were received.
10. **Notice to Surrounding Owners/Posted Sign.** The applicant submitted evidence, dated December 5, 2017, regarding the posting of a public notification sign on the subject property pursuant to Section 23-17(c) of the HCC. A picture of the posted sign was also submitted. Further, verification was submitted that a notice of the application was sent on January 12, 2018, to the surrounding property owners as required by Section 23-17(a).
11. **Comments from Surrounding Property Owners or Public.** There were no comments submitted by 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 reason(s):

The goal is to make minimal changes to the topography of the land, in order to have a minimal impact on the natural environment and drainage processes, which is in the best interests of adjacent and downstream landowners.

The 20-foot right-of-way at the existing access location is the only viable placement without major engineering along East Palai Street, since property is significantly lower in elevation than the adjacent grade, and it would require significant amounts of fill in order to construct a road at any other location.

The subdivider will improve and expand the existing 1-lane dirt road, making driving conditions safer and easier with the addition of 16-foot wide pavement, without creating excessive amounts of storm water runoff. This would not only benefit the applicant's property, but also existing Lots 16-A-1 & 16-A-2, the two (2) lots in addition to the six being created by SUB-17-001707, also with rights of ingress and egress over the roadway. In actuality, only existing Lot 16-A-1 uses this access road, as existing Lot 16-A-2 has their access via Awapuhi Street to the north, which in effect has this variance request to be for only seven (7) total lots, not eight (8) lots, accessing via the proposed roadway.

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

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

Since property is significantly lower in elevation than the adjacent grade of the East Palai Street right-of-way, it would require significant amounts of fill in order to construct a road at any other location, in addition to an access drive to each lot. The cost of engineering and building a subdivision standard road would be putting an undue burden on the applicant since they could simply build additional dwellings on the property anyway utilizing the existing access which already serves three dwellings. Further, the applicant intends only three (3) more buildable lots with the larger, bulk Lot 6 to remain in crop production, a permitted use in the RS zoning district.

Therefore, allowing the, in effect, one additional lot in excess of six is the only reasonable alternative.

(c) *The variance will be consistent with the general purpose of the district, the intent and purpose of this chapter, and the County General Plan and will not be materially detrimental to the public welfare or cause substantial, adverse impact to an area's character or to adjoining properties.*

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

The additional lot will not effectively increase the buildable density accessing through the proposed private dead-end street since the property owner could have additional dwellings constructed on it without subdivision by virtue of lot size and zoning.

Therefore, the granting of this variance request will be: (1) consistent with the general purpose of the zoning district, the intent and purpose of the Zoning and Subdivision Control Codes, and the County General Plan; (2) will not cause substantial adverse impact to the area's character and to adjoining properties; and (3) will not otherwise be detrimental to the public's welfare. In fact, with the reduced impervious surface within the AE FEMA Flood Zone, it will create less impact on the natural environment and drainage processes.

DETERMINATION-VARIANCE CONDITIONS

The variance to allow eight (8), but essentially seven (7) lots to have access on the non-dedicable dead-end street, exceeding the code maximum of 6 lots, is hereby **approved**.

This approval is 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. The owners, their assigns, or successors shall record with the Bureau of Conveyances written deed language, being covenants, conditions, and restrictions (CCR's) affecting the two (2) existing lots and the six (6) subdivision lots created by the proposed subdivision which prohibit the construction of an 'Ohana Dwelling Unit or a second dwelling on any of the lots.

The CCR's shall also include language that the owners, their assigns, or successors shall participate in the maintenance of the proposed private roadway through a Road Maintenance Agreement or other form of obligatory arrangement.

The recorded agreement shall be incorporated as an exhibit and made part of each agreement of sale, deed, lease, or similar documents affecting the title of the approved subdivided lots. A copy of the recorded document shall be forwarded to the Planning Department.

3. The pending subdivision application's (SUB-17-001707) final plat map shall meet all the requirements of the Hawai'i County Zoning Code and the Subdivision Code not covered by this variance.

4. The subdivider, owner(s), their assigns or successors shall pay any outstanding real property taxes and comply with all other applicable State statutes and County ordinances pertaining to building improvements and land use.

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

Should you have any questions, please contact Jonathan Holmes of this office at (808) 961-8146, or via email at jonathan.holmes@hawaiicounty.gov

Sincerely,



MICHAEL YEE
Planning Director

JRH:ja

\\Coh33\planning\public\Admin Permits Division\Variance\2017\VAR-17-000454 Landurka # Lots Pvt Rd\APVL.doc

Encls: Agency Comments

Cc (ltr only): DPW-Engineering Branch
Hawai'i Fire Department
SUB-17-001707

Niels Christensen, LPLS
The Independent Hawai'i Surveyors, LLC
P.O. Box 577
Hilo, HI 96721

Cc w/encls: Landurka, LLC
6701 37th Avenue Northwest
Seattle, WA 98117-6116

Gilbert Bailado, GIS Section (via email)

Harry Kim
Mayor



Darren J. Rosario
Fire Chief

Renwick J. Victorino
Deputy Fire Chief

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

January 5, 2018

TO: MICHAEL YEE, PLANNING DIRECTOR

FROM: DARREN J. ROSARIO, FIRE CHIEF

SUBJECT: Application: Variance – VAR-17-000454
Applicant: Arvid Kekoa hara, Accent Design Services
Owners: Landuraka, LLC
Request: Variance from Chapter 23, Subdivisions, Article 6, Improvements
Division 2, Improvements Required, Section 23-88, non-dedicable
Street; Private Dead-End Street (# of Lots Served By)
Tax Map Key: 2-2-045:007 SUB 17-001707

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
A

Hawai'i County is an Equal Opportunity Provider and Employer.



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 400ft² (37 m²) or less are present, the requirements of 18.2.3.1 through 18.2.3.2.1 shall be permitted to be modified by the AHJ.

18.2.3.1.4 When fire department access roads cannot be installed due to location on property, topography, waterways, nonnegotiable grades, or other similar conditions, the AHJ shall be authorized to require additional fire protection features.

18.2.3.2 Access to Building.

18.2.3.2.1 A fire department access road shall extend to within 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
January 5, 2018
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) 932-2911.

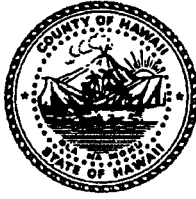


DARREN J. ROSARIO
Fire Chief

KV:ds

Harry Kim
Mayor

Wil Okabe
Managing Director



Allan G. Simeon, P.E.
Acting Director

Merrick H. Nishimoto
Acting Deputy Director

County of Hawai'i
DEPARTMENT OF PUBLIC WORKS

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public_works@hawaiicounty.gov

2018 JAN 9 AM 10 02
PLANNING DEPARTMENT
COUNTY OF HAWAII

MEMORANDUM

Date: January 5, 2018

To: Planning Department

From: for Department of Public Works BH.

Subject: VARIANCE APPLICATION (VAR 17-000454)

Applicant: ARVID KEKOA HARA, ACCENT DESIGN SERVICES
Owners: LANDURKA, LLC
TMK: 2-2-045:007
Reference: SUB 17-001707; DPW Folder No.: 22636

We have reviewed the subject application received on December 11, 2017 and offer the following comment:

We believe the minimum road improvement requirements codified within Chapter 23 of the Hawaii County Code provide public welfare and safety and are a recommendation made by the Department of Public Works on all similar types of subdivision applications.

We do not believe there are special and unusual circumstances with regard to the minimum requirements of Section 23-88 for the proposed street within the proposed subdivision and deviation from our standard recommendation may be considered arbitrary and capricious.

However, should the Planning Director determine that Section 23-15 is applicable, we defer to the director's authority.

Should there be any questions concerning this matter, please contact Bryce Harada of the Engineering Division at 961-8042.

BH

EXHIBIT
B

115882