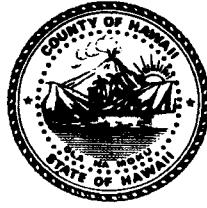


Harry Kim  
Mayor



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  
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April 20, 2018

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

Dear Mr. Fuke:

**SUBJECT: VARIANCE DECISION - VAR-18-000458**  
**Applicants: SIDNEY M. FUKE, PLANNING CONSULTANT**  
**Owner: JYOTI ULRYCH**  
**Request: Variance from Article 3, Division 4, Street Design, Section 23-41, Minimum Right-of-way and Pavement Widths, Article 6, Division 2, Improvements Required, Sections 23-87, Standard for Nondedicable Street & 23-95, Right-of-way Improvement**  
**Tax Map Key: 5-3-007:047 (SUB-08-000748)**

Upon review of your variance application, the Planning Director certifies the **approval** of Variance VAR-18-000458 subject to variance conditions. The variance grants relief for subdivision SUB-08-000748 from constructing minimum County nondedicable roadway improvements for the 5 lots and road 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 3, Division 4, Street Design, Section 23-41, Pavement Widths, Article 6, Division 2, Improvements Required, Sections 23-87, Standard for Nondedicable Street & 23-95, Right-of-way Improvement.

**BACKGROUND**

1. **Location.** The referenced property, being Lot 8, being Land Court Consolidation 216, Map 1, & Exclusion 1, Portion of Grant 2053, containing approximately 117.681 acres, is situated in Kukuiwaluhia, Ā'puakohā'u and Halelua, North Kohala, Island of Hawai'i, Hawai'i.

2. **County Zoning.** Agricultural – twenty acres (A-20a).
3. **State Land Use.** Agricultural (A).
4. **General Plan.** Land Use Pattern Allocation Guide (LUPAG) map designates the property as Important Agricultural Lands (ial).
5. **Subdivision Code Requirements.** Hawai'i County Code, Chapter 23, Subdivisions requires that subdivisions in the A-20a 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 graded shoulders and swales. The Code also allows for nondedicable dead-end streets, however, they are limited to residential lots and agricultural lots zoned for less than 3 acres.
6. **Subdivision Request/PPM.** Subdivision application SUB-08-000748 was submitted to subdivide the subject TMK property into 5 lots and a road lot. Action on the subdivision application has been deferred pursuant to letter of road variance application dated January 9, 2018 in the variance file. The Planning Director was granted a time extension to render a decision of the request from March 12, 2018 until March 26, 2018 and further extended until April 23, 2018 in order for the applicant to respond to area resident's concerns.
7. **Variance Application.** The variance request from roadway improvements was acknowledged by Planning Department letter dated January 19, 2018. This variance application includes background history and circumstances and information regarding the pending subdivision application. Narrative evidence of the existing roadway conditions was presented in support of the request. Further, evidence of a portion of the access being in the public domain has been presented.

Existing conditions within Easement 1 (60 feet wide), which allows access from the Akoni Pule Highway to the subject property over Lots 10, 11 & 2, there is an existing 20-foot wide paved agricultural use road. The first approximately 1,850 feet of Easement 1 is a Granted Public Access Easement ("GOE"), recorded as Document A-62641098, effectuated on January 10, 2017. The GOE grants to the County of Hawai'i, "...a perpetual and nonexclusive right and easement in, upon, through, over, under and across the Grantor's (Surety Kohala Corporation) property (Lot 2) for vehicular public access purposes...." Further, the GOE requires grantee (County of Hawai'i), "...shall be solely responsible for maintaining, controlling, insuring and repairing the Vehicular Public Access." Therefore, the applicant has no responsibility to improve or maintain this portion of the access.

8. **Variance Application (VAR-18-000458) Agency Comments and Requirements.**
  - a. County of Hawai'i Fire Department (HFD): See attached memorandum dated January 23, 2018. **(Exhibit A)**
  - b. Department of Public Works (DPW): See attached memorandum dated February 22, 2018. **(Exhibit B)** We have also attached their memorandum in response to the subdivision application. **(Exhibit C)**
9. **Notice to Surrounding Owners/Posted Sign.** The applicant submitted evidence, dated February 12, 2018, 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 January 26, 2018 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 comments received from Larry Kriwanek, Barry and Ann Ridings and Bruce and Linda Soll, area property owners. The comments concerned a safety issue at a portion of Easement 1 as it traverses Lot 11, proximate to the existing 20-foot wide road and the potential for unsuspecting drivers to veer off and go over an embankment. It was suggested that installing a barrier along the affected portion with appropriate signage should be done. The subdivider agrees with this assessment and as such, has no objections to making this a condition of the variance. Further, the subdivider is willing to consult with the area landowners on the matter of the type and location/placement of the barrier and signage.

There were no further comments received from any other neighbors 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):

There is no practical reason to improve the Road Easement 1 to County standards, as they serve a limited number of agricultural properties. Installing a roadway to

nondedicable County standards for the proposed lots created by subdivision would be out of character of the immediate and surrounding areas for this 5 lot agricultural subdivision.

The existing Road Easement 1 within Lot 2, with approximately 20-foot wide agricultural paved travel way and 15-foot graveled/grassed shoulders and swales within the 60-foot wide right-of-way should be adequate for this agricultural subdivision which will only serve the limited number of lots. The portion of Easement 1 within Lots 11 & 10 has been improved by landowner Ulyrch to a 20-foot-wide, 2,500-foot long private, gravel road which was recently permitted and constructed over an existing "cane haul" road. This road was designed and engineered to conform to the County's R-39 Standard, but onsite conditions made this unadvisable. In an attempt to protect old growth trees, maintain existing drainage patterns, and avoid tremendous alterations to the landscape, natural slopes were retained to protect the integrity of the land and the road.

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 4 additional lots. The approximately 20-foot wide agriculturally paved travel way and graveled/grassed shoulders/swales within Lot 2 in the 60-foot wide right-of-way (Easement 1) allow for more permeable surfaces to minimize rainwater run-off and should be adequate for the purposes of this agricultural subdivision. Likewise, the 20 foot wide graveled travel way and minimal graded shoulders and swales allow for more permeable surfaces to minimize rainwater run-off.

For Road Lot R-1, serving only the 5 subdivision lots, a 12 foot wide agricultural pavement with pullouts and 2-foot wide graded/graveled shoulders on each side of the road. Notwithstanding the cost to comply with the code requirement, the graded rather than paved shoulders within the right-of-way, because of their permeability, could also act as natural storm drains and/or retard the velocity of any potential storm water runoff. Furthermore, allowing a 12-foot instead of a 20-foot wide pavement would result in less land disturbance and less visual impact from cut and fill slopes. From a cost perspective, it would allow the Applicant to afford a longer road to accommodate a more beneficial lot layout, void of awkward flag lots.

Then, too, the reduced pavement should not compromise traffic safety. Given the projected low volume of traffic resulting from this 5 lot subdivision, there should be minimal 2-way traffic. As such, the proposed 12-foot wide paved road within the subdivision, which is more than the standard minimum 10-foot wide lane should be sufficient.

Additionally, the pullouts and cumulative 4-foot wide graveled shoulders should be more than sufficient to accommodate the infrequent passing of opposing vehicles.

- (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 roadway variance authorizing use of privately owned roads, 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.

A Memorandum of Understanding ("MOU") has been executed, and recorded with the Land Court, between the subdivider and the adjacent landowners. As part of the MOU, it is noted that in conjunction with constructing the road over Lot 11, the subdivider agreed that it would be done "in such a way to preserve where possible the wild natural beauty of the gulch and minimize tree removal and prevent long-term drainage and erosion issues."

The MOU further requires road users shall be responsible for the general cost and expenses to clean, maintain, operate, repair and/or improve Easement 1.

The proposed lots meet the minimum lot size for the A-20a zoning. The project is consistent with the intent and purpose of the Zoning and Subdivision Codes. The project is designed with lots for continued agricultural use in keeping with the agricultural zoning. The Owners' plans are consistent with these designations.

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

The variance to permit the proposed 5-lot subdivision of the subject TMK property without providing a County dedicable roadway, and in lieu utilizing privately owned 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 with the Registrar of the Land Court, 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 recorded, 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 subdivided properties.

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.

It is further understood that the subdividers will erect safety measures and appropriate warning signage as necessary for the protection of the roadway users regarding potential steep drop offs and/or sight distance issues.

Sidney M. Fuke  
Planning Consultant  
Page 7  
April 20, 2018

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 pending subdivision application's (SUB-08-000748) 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.
7. 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:nci

\\COH33\planning\public\Admin Permits Division\Variance\2018\VAR-18-000458 Fuke Road\APVL.docx

Encls.: Agency Comments

xc: DPW  
HFD

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

Sidney M. Fuke  
Planning Consultant  
Page 8  
April 20, 2018

xc: Gregory R. Mooers, President  
Mooers Enterprises, LLC  
P.O. Box 1101  
Kamuela, HI 96743

A. Surprenant, CDP PPM (via e-mail)

SUB-08-000748; VAR-08-000056

xc w/encls. Jyoti Ulrych  
P.O. Box 142  
Kapa'au, HI 96755

G. Bailado, GIS Section (via email)



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

January 23, 2018

**TO:** MICHAEL YEE, PLANNING DIRECTOR

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

**SUBJECT:** Application: Variance – VAR-18-000458  
Applicant: Sidney M. Fuke, Planning Consultant  
Owners: Jyoti Ulrych  
Request: Variance from Article 3, Division 4, Street Design, Section 23-41  
Minimum Right of way and Pavement widths, Article 6, Division  
2, Improvements Required, Sections 23-87, Standard for  
Nondedicable Street & 23-95, Right of way Improvement  
Tax Map Key: 5-3-007:047 (SUB-08-000748)

2018 JAN 23 PM 2 37  
PLANNING DEPARTMENT  
COUNTY OF HAWAII

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**

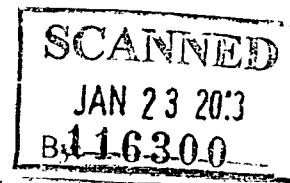
**18.1 General.** Fire department access and water supplies shall comply with this chapter.

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.

EXHIBIT  
A



**18.1.1.2 Fire Hydrant Systems.** Plans and specifications for fire hydrant systems shall be submitted to the fire department for review and approval prior to construction.

**C~ 18.1.1.2.1 Fire Hydrant use and Restrictions.** No unauthorized person shall use or operate any Fire hydrant unless such person first secures permission or a permit from the owner or representative of the department, or company that owns or governs that water supply or system. Exception: Fire Department personnel conducting firefighting operations, hydrant testing, and/or maintenance, and the flushing and acceptance of hydrants witnessed by Fire Prevention Bureau personnel.

## **18.2 Fire Department Access.**

**18.2.1** Fire department access and fire department access roads shall be provided and maintained in accordance with Section 18.2.

### **18.2.2\* Access to Structures or Areas.**

**18.2.2.1 Access Box(es).** The AHJ shall have the authority to require an access box(es) to be installed in an accessible location where access to or within a structure or area is difficult because of security.

**18.2.2.2 Access to Gated Subdivisions or Developments.** The AHJ shall have the authority to require fire department access be provided to gated subdivisions or developments through the use of an approved device or system.

**18.2.2.3 Access Maintenance.** The owner or occupant of a structure or area, with required fire department access as specified in 18.2.2.1 or 18.2.2.2, shall notify the AHJ when the access is modified in a manner that could prevent fire department access.

### **18.2.3 Fire Department Access Roads. (\*may be referred as FDAR)**

#### **18.2.3.1 Required Access.**

**18.2.3.1.1** Approved fire department access roads shall be provided for every facility, building, or portion of a building hereafter constructed or relocated.

**18.2.3.1.2** Fire Department access roads shall consist of roadways, fire lanes, parking lots lanes, or a combination thereof.

**18.2.3.1.3\*** 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  
January 23, 2018  
Page 9

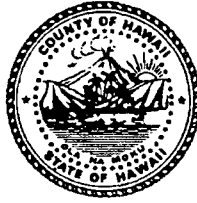
- 5) For buildings with an approved automatic sprinkler system, the minimum water supply required may be modified.

If there are any questions regarding these requirements, please contact the Fire Prevention Bureau at (808) 323-4760.



DARREN J. ROSARIO  
Fire Chief

CB: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  
Aupuni Center  
101 Pauahi Street, Suite 7 · Hilo, Hawai'i 96720-4224  
(808) 961-8321 · Fax (808) 961-8630  
public\_works@hawaiicounty.gov

2018 FEB 23 PM 3 13  
PLANNING  
COUNTY OF HAWAII  
DEPARTMENT

MEMORANDUM

Date: February 22, 2018  
To: Michael Yee, Planning Director  
From: Department of Public Works, Engineering Division *mu*  
Subject: Application: Variance – VAR-18-000458  
Applicants: Sidney M. Fuke, Planning Consultant  
Owners: Jyoti Ulrych  
Request: Variance from Article 3, Division 4, Street Design,  
Section 23-41, Minimum Right-of-way and Pavement  
Widths, Article 6, Division 2, Improvements Required,  
Sections 23-87, Standard for Nondedicable Street &  
23-95, Right-of-way Improvement  
Tax Map Key: 5-3-007:047 (SUB-08-000748)

We have reviewed the subject application 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 Sections 23-41, 23-87, and 23-95 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 you have any questions concerning this matter, please contact Natalie Whitworth of our Kona office at 323-4853.

NW

Copy: Engineering- Hilo/Kona

EXHIBIT  
B

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PLANNING DEPARTMENT  
COUNTY OF HAWAII

2008 NOV 21 AM 8:33

**DEPARTMENT OF PUBLIC WORKS**  
COUNTY OF HAWAII  
HILO, HAWAII

**MEMORANDUM**

Date: November 19, 2008

TO: PLANNING DEPARTMENT

FROM: <sup>CLR</sup> DEPARTMENT OF PUBLIC WORKS

SUBJECT: SUBDIVISION: SUB-08-000748  
Subdivider: Ulrych, Andre & Jyoti  
Location: N. Kohala, Hawaii  
TMK: 5-3-007:047  
Folder No.: 5324-A1

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

1. §23-64. Identify all watercourses and drainageways. Identify "top-of-bank" of unnamed gulch and designate area within as "approximate area of flood inundation" on final plat.
2. Access from the Akone Pule Hwy to the subdivision is through private access Easement 1.
  - a. For Easement 1 and Road Lot R-1, construct a 20-ft wide private agricultural pavement within a 50-ft right-of-way conforming to Std. Det. R-39.
3. §23-79. Submit construction plans and drainage report for review and comment.

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

CLR

cc: ENG-KON

**047664**

EXHIBIT

C