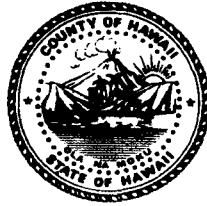


Harry Kim
Mayor



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 5, 2018

Zendo Kern
Planning Consultant
RR2 Box 4105
Pāhoa, HI 96778

Dear Mr. Kern:

SUBJECT: Application: VARIANCE DECISION - VAR-18-000462
Applicant: ZENDO KERN PLANNING CONSULTANT
Owner: COLLEEN A. O'HALLORAN 2010 TRUST
Request: Variance from Chapter 23, Subdivisions, Article 6, Division 2, Improvements Required, Section 23-84, Water Supply; and Article 3, Division 4, Street Design, Section 23-41, Minimum Right-of-Way and Pavement Widths & Article 6, Division 2, Improvements Required, Sections 23-86 & -95, Requirements for Dedicable Streets and Right-of-way Improvement, & -88, Non-Dedicable Street, Private Dead-end Street

Tax Map Key: 8-2-010:037 (SUB-17-001730)

Upon review of your variance application, the Planning Director certifies the **approval** of Variance VAR-18-000462 subject to variance conditions. The variance grants relief for SUB-17-001730 from constructing minimum County dedicable water supply system and roadway improvements required by Hawai'i County Code (HCC), Chapter 23 (Subdivisions).

The variance is from the proposed subdivision's minimum requirements pursuant to HCC, Chapter 23 (Subdivisions), Article 6, Division 2, Improvements Required, Section 23-84, Water Supply, (1)(2); Article 6, Division 2, Improvements Required, Sections 23-87 & -95, Standard for Non-Dedicable Street and Right-of-way Improvement & & -88, Non-Dedicable Street, Private Dead-end Street.

BACKGROUND

1. **Location.** The referenced TMK property, Lot 8-B-2, being a Portion of Land Commission Award 8559, containing approximately 3.909 acres, is situated at Kalamakumu, North Kona, Hawai'i.

2. **County Zoning.** Agricultural – one (1) acres (A-1a).
3. **State Land Use.** Agricultural (A).
4. **General Plan.** Important Agricultural Lands (ial) and Low Density Urban (ldu).
5. **Subdivision Code Requirements.** The subdivision code requires that subdivisions be served by a water system meeting the minimum requirements of the County Department of Water Supply (DWS) and be provided with water mains and fire hydrants installed to and within the subdivision in accordance with the rules and regulations of the DWS.

The subdivision code further allows, in the A-1a zoning districts for a roadway serving two (2) lots, construction of agricultural paving of 12-foot width within a 16-foot wide right-of-way (existing Easement over parcel 8-2-001:109) and Proposed Easement A-1 within Lot B-2-A-1 of the subdivision conforming to Section 23-88 and Department of Public Works (DPW) Standard Detail (Std. Det.) R-39. Where grades are 8% or greater, the roadway section shall be paved per DPW Std. Det. R-34.

And for the existing privately owned Ko'a Road (8-2-001:106), from the Easement over Lot A-1 to the Māmalahoa Highway, the code requires the construction of a minimum 20-foot wide dedicable pavement with paved shoulders and swales within a minimum 50-foot wide right-of-way in conformance with Department of Public Works (DPW) Standard Detail (Std. Det.) R-33. Where grades are 8% or greater, the roadway section shall be paved per DPW Std. Det. R-34.

6. **Subdivision Request/PPM.** Subdivision application SUB-17-001730 was submitted to subdivide the subject TMK property into 2 lots both in excess of one acre, in keeping with the A-1a zoning. Further action on the subdivision application has been deferred pursuant to letter dated September 22, 2017 in the subdivision file.
7. **Variance Application.** The variance request from water supply and roadway improvements was acknowledged by Planning Department letter dated February 7, 2018. This variance application includes background history and circumstances and information regarding the pending subdivision application. The subject property is presently served by one existing water meter, but is located at an elevation beyond peak-flow and fire-flow capabilities, and thus, per Department of Water Supply (DWS) rules, is only allowed the one service. The subdividers will be required to file an Elevation Agreement with DWS and provide a tank and pump system schematic, prepared by a professional engineer licensed in the State of Hawai'i, for review and approval. Please be informed that the schematic is needed to demonstrate how the property will be served with adequate pressure via the tank and pump system.

The owner presently accesses the subject property over an existing 8-foot wide paved travel way within an existing 20-foot wide easement right-of-way. Access to the 20-foot wide easement to the Māmalahoa Highway is via Ko'a Road, a ±40-foot wide right-of-way with approximately 10-foot wide paved travel way.

8. Variance Application (VAR-18-000462)-Agency Comments and Requirements.

- a. The State of Hawai'i-Department of Health (DOH): See attached memorandum dated February 13, 2018. **(Exhibit A)**
- b. The County of Hawai'i Fire Department (HFD): See attached memorandum dated February 20, 2018. **(Exhibit B)**
- c. The DWS: See attached memorandum dated March 2, 2018. **(Exhibit C)** We have also attached their comments in response to the subdivision application. **(Exhibit D)**
- d. The DPW did not comment on this application as of this date as is standard practice for nondedicable roadways.
- e. No other agency comments were solicited and none were received.

9. Notice to Surrounding Owners/Posted Sign. The applicant submitted evidence, dated April 6, 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). Pictures of the posted sign were also submitted. Evidence received February 15, 2018 and mailing verification forms indicate that a notice of the application was sent to the surrounding property owners as required by Section 23-17(a). The Planning Department is appreciative that we have been granted extensions of time to review the documentation in support of this application and to render our decision from April 3, 2018 until June 6, 2018.

10. Comments from Surrounding Property Owners or Public. There were no written comments on this application received from the surrounding property owners or the public.

11. Water Supply. The Subdivision Code requires that all new subdivisions have a dedicable water system meeting with the minimum requirements of the DWS.

The intent and purpose of requiring a dedicable water system for and within the proposed subdivision is to assure that adequate water is available for human consumption and fire protection.

12. **Lot Access/Roadways.** The Subdivision Code requires a minimum of 20-foot wide agricultural pavement within a minimum 50-foot wide right-of-way in the A-1a zoning district and that the entire right-of-way be improved. These improvements would conform to Department of Public Works (DPW) Standard Detail (Std. Det.) R-33.

The intent and purpose of access improvement requirements to a proposed subdivision is to ensure legal and physical access to the proposed lots that is clearly defined and accessible from a public road by domestic and farm vehicles, police, fire, and other service vehicles under various weather conditions without constant maintenance.

ANALYSIS OF GROUNDS FOR WATER VARIANCE

No water 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 Water Variance application meets criterion (a) for the following reasons(s):

The subdivision request is for one (1) of the two (2) lots in keeping with the existing A-1a zoning.

Although a dedicable water system is a requirement of the code, the subject property is not able to be further supported by the present service facilities of the existing DWS system and it would be unreasonable to expect the owners to construct the required service upgrades. Therefore, it is reasonable that, in lieu of constructing water system improvements to either extend/upgrade the DWS facilities or provide a private water system to DWS standards for 1-lot of the pending 2-lot subdivision, a more reasonable alternative can be allowed pursuant to Planning Department Rule No. 22, Water Variance an providing pump and tank system as required for peak-flow and fire-flow to the one (1) existing service.

The above special and unusual circumstances would deprive the applicant from developing this property and interferes with the best use of this property. Therefore, for this agricultural subdivision, the best use and manner of the development allows for an individual rain water catchment system for one of the two lots in keeping with the rural agricultural character of the area.

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

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

The DWS has indicated that the property is served by one water service and cannot be further served by its existing water system facilities. Constructing water system improvements to either extend/upgrade the DWS facilities or provide a private water system to DWS standards for 1 of the 2 lots of the pending subdivision would be placing excessive demands upon the applicant because of the extensive improvements and additions required to the existing DWS water system facilities. At an elevation of approximately 1,800 feet above sea level, the drilling of wells and construction of other water system improvements to DWS standards would also be unreasonable for a two (2) lot subdivision.

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

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

Given that there is adequate rainfall (approximately 60 inches to 80 inches of rainfall annually) to support individual water catchment and this is an agricultural subdivision, the granting of this variance would be consistent with the general purpose of the agricultural district. Water catchment is consistent with the intent of the policies of the general plan in that it will further agricultural activity. Water catchment will not be materially detrimental to the public welfare as it serves only private parties.

Subject to conditions, granting of the variance will not cause substantial, adverse impact to the area's character or to adjoining properties. The collection of rainwater could help to reduce runoff and may be a benefit to the surrounding area.

Given that the subject area receives sufficient annual rainfall, a water variance would be consistent with the general purpose of the zoning district and the intents and purposes of the Zoning Code, Subdivision Code, Rule 22 and the Hawai'i County General Plan.

ANALYSIS OF GROUNDS FOR ROADWAY VARIANCE

No roadway 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 Roadway Variance application meets criterion (a) for the following reasons(s):

Although Section 23-87, Standard for Non-dedicable street; escrow maintenance fund, of the subdivision code puts forth the standards of road construction for agricultural lots zoned for less than three acres, it is reasonable to grant this variance for an A-1a zoning subdivision of two (2) lots to have an existing, improved approximately 10-foot wide travel way within an existing 40 foot wide right-of-way. The 8-foot wide paved travel way within the 20-foot wide easements is nearly compliant with Section 23-88, Nondedicable Street. This existing access is asphalt paved and has been in use for some time.

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

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

The roadway of existing, improved travel way within the 40-foot and 20-foot wide right-of-ways is more than sufficient for the two (2) agricultural lots. The maintenance costs to utilize and maintain the privately owned paved road and paved access easement will continue to be privately addressed and shared among the current owners and users.

(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 Roadway Variance application meets criterion (c) for the following reasons(s):

A reduced impervious surface roadway to serve the 2 lots would be consistent with the rural agricultural nature of the subdivision, the requested variance would not be detrimental nor have an adverse impact on this rural agricultural area.

DETERMINATION-VARIANCE CONDITIONS

The variance requested is to permit the proposed 2-lot subdivision of the subject TMK property without providing a dedicable water system meeting DWS standards and to allow the existing privately-owned alternative roadway improvements within the 40-foot and 20-foot wide right-of-ways designated on the plat map is hereby **approved** subject to the following variance conditions:

1. The applicant, owners, their assigns, or successors shall be responsible for complying with all stated conditions of approval.
2. Should the Council adopt a Unified Impact Fees Ordinance setting forth criteria for the imposition of exactions or the assessment of impact fees, conditions included herein shall be credited towards the requirements of the Unified Impact Fees Ordinance.

3. The owners, their assigns, or successors shall file a written agreement document with the Planning Department within one (1) year from the issuance of tentative subdivision approval. This written agreement shall contain deed language, being covenants, conditions, and restrictions affecting the lots created by the proposed subdivision which are not serviced by a County dedicable public water system and the lots that are serviced by the privately-owned alternative roadway. The agreement shall be duly recorded at the Bureau of Conveyances of the State of Hawai'i by the owners at their cost and expense. A copy of the recorded document shall be forwarded to the Planning Department for its 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 special or unusual circumstances applying to the property which deprive the owners of substantial property rights or to a degree which obviously interferes with the best use or manner of development of the properties, and hence, no grounds exist or will exist for a variance from the Subdivision Code to permit further subdivision of the properties, and that changes in the owners' personal or financial situation after acquiring the properties also will not constitute grounds for a variance from the Subdivision Code to permit further subdivision of the properties.
5. **WATER VARIANCE.**
 - a. The owners, grantees, successors, and assigns agree and accept the fact that a County dedicable public water system will not be extended to the lots within proposed subdivision SUB-17-001730.
 - b. The owners, grantees, successors, and assigns agree and accept the fact that the County will not bear the responsibility of supplying public water to the proposed lots. No further subdivision of the lots created will be permitted unless County dedicable public water system requirements and other requirements of HCC Chapter 23, Subdivisions, are met.

- c. No condominium property regime will be allowed on any lots created.
- d. Any dwelling constructed on the created lot not served by DWS shall be provided with and maintain a private rainwater catchment system which includes a minimum 6000-gallon water storage capacity for domestic consumption or potable uses. This private water storage system shall adhere to the University of Hawai'i's College of Tropical Agriculture and Human Resources' "Guidelines on Rainwater Catchment Systems for Hawai'i" as well as the DOH requirements related to water testing and water purifying devices.

The owner of the lot to be assigned the one (1) existing water meter shall comply with the requirements of the DWS with respect to the filing of an Elevation Agreement an installation of necessary pump and tank system(s).

- e. Each permitted dwelling not served by DWS shall be provided with an additional **minimum** 3,000 gallon water storage capacity for fire fighting and emergency purposes. The location and capacity of the emergency water supply system, including the necessary compatible connector system, shall be as specified by the HFD. The HFD also advises, as a precautionary measure for other uninhabited agricultural structures, that consideration be given to the provision of a similar water storage system for firefighting and emergency purposes.
 - f. In the event that the County notifies the owner(s) of the lots created that the County water system has been upgraded or an improvement district initiated to enable service to these lots, the owner(s) of lots 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.
6. **ROAD VARIANCE.** The subdivider, owners, their assigns, or successors understand that the roadway within the 40-foot and 20-foot wide privately-owned roadway easements will use and maintain the roadways on their own without any expectation of governmental assistance to maintain the improvements. It is also agreed with the applicant that the cement portions will be expanded as necessary to a minimum ten feet in width and to add a ten foot section of cement on the beginning (Makai or down-slope) of all three cement segments to ensure that vehicles are on the cement before the start of the incline.
- a. The owners, grantees, successors, and assigns shall 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 this private right-of-way.

Zendo Kern
Planning Consultant
Page 9
June 5, 2018

- b. 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 arising out of SUB-17-001711. Should the improvement district require acquisition of any privately owned right-of-ways fronting the lots, such right-of-way 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).
 - c. The lot owners, grantees, successors, and assigns agree to participate in a homeowners' association or road maintenance agreement and/or pay their fair share to maintain the roadway within the private right-of-ways.
7. The pending subdivision application's final plat map shall meet all the requirements of the Hawai'i County Zoning Code and Subdivision Code not covered by this variance. No further variances from Chapter 23, Subdivisions, shall be granted to permit subdivision application SUB-17-001730.
8. 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 and the public's health, safety and welfare.

Should any of the foregoing stated 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-18-000462 Kern Water Road\APVL.docx

Enclosures: Agency Comments (Exhibits A-D)

Zendo Kern
Planning Consultant
Page 10
June 5, 2018

xc: DPW-Engineering
DWS-Engineering
SUB-17-001730

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

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

xc w/encls: Colleen A. O'Halloran 2010 Trust
P.O. Box1926
Kamuela, HI 96743

G. Bailado, GIS Section (via e-mail)



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

MEMORANDUM

DATE: February 13, 2018
TO: Mr. Michael Yee
Planning Director, County of Hawaii
FROM: Eric Honda *EH*
District Environmental Health Program Chief

SUBJECT: Application: Variance VAR-18-000462
Applicant: ZENDO KERN PLANNING CONSULTANT
Owner: COLLEEN A. O'HALLORAN 2010 TRUST
Request: Variance form Chapter 23, Subdivision, Article 6,
Division 2, Improvements Required, Section 23-84, Water Supply;
and Article 3, Division 4, Street Design, Section 23-41, Minimum
Right of Way and Pavement Widths & Article 5, Division 2,
Improvements Required, Section 23-86 & 95, Requirements for
Dedicable Streets and Right of Way Improvements & 88, Non-
Dedicable Street, Private Dead end Street
TMK: 8-2-001:037 (SUB-17-001730)

2018 FEB 15 PM 8 21
PLANNING DEPARTMENT
COUNTY OF HAWAII

Public Water Systems: The Department of Health's Safe Drinking Water Branch authority on drinking water quality is based on the definition of a "public water system." Federal and state regulations define a public water system as a system that serves 25 or more individuals at least 60 days per year or has at least 15 service connections. All public water system owners and operators are required to comply with Hawaii Administrative Rules, Chapter 11-20 (HAR 11-20), and titled "Rules Relating to Public Water Systems". All public water systems are regulated by the Department of Health and shall be in compliance with the Hawaii Administrative Rules, Title 11, Chapter 20. Recommend the subdivision lots be connected to an existing public water system.

Concerns on water quality for lead, copper, algae and microbiological and chemical contaminations in private water systems have identified the need for self monitoring. The Department of Health does not support the use of these private rain catchment systems for drinking purposes since the quality may not meet potable water standards.

374

Michael Yee
February 13, 2018
Page 2 of 2

We recommend that you review all of the Standard Comments on our website:
<http://hawaii.gov/health/environmental/env-planning/landuse/landuse.html>. Any comments specifically applicable to this project should be adhered to.

The same website also features a Healthy Community Design Smart Growth Checklist (Checklist) created by Built Environment Working Group (BEWG) of the Hawaii State Department of Health. The BEWG recommends that state and county planning departments, developers, planners, engineers and other interested parties apply the healthy built environment principles in the Checklist whenever they plan or review new developments or redevelopments projects. We also ask you to share this list with others to increase community awareness on healthy community design.

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

February 20, 2018

TO: MICHAEL YEE, PLANNING DIRECTOR

FROM: DARREN J. ROSARIO, FIRE CHIEF

SUBJECT: Application: Variance – VAR-18-000462
Applicant: Zendo Kern Planning Consultant
Owners: Colleen A. O'Halloran 2010 Trust
Request: Variance from Chapter 23, Subdivisions, Article 6, division 2, Improvements required, Section 23-84, Water Supply; and Article 3, Division 4, Street Design, Section 23-41, Minimum Right-of-way and pavement Widths & Article 6, Division 2, Improvements required, Sections 23-86 & 95, Requirements for decidable street and right-of-way improvement, & 88 non decidable Street Private Dead-end Street
Tax Map Key: 8-2-001:037 (SUB 17-001730)

2018 FEB 20 PM 3 09
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.

EXHIBIT
B

116838



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.

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
February 20, 2018
Page 9

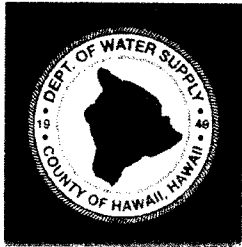
- 5) For buildings with an approved automatic sprinkler system, the minimum water supply required may be modified.

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



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

March 2, 2018

TO: Mr. Michael Yee, Director
 Planning Department

FROM: Keith K. Okamoto, Manager-Chief Engineer

SUBJECT: **Variance (VAR 18-000462)**
Subdivision Application No. 17-001730
Subdivider – O'Halloran 2010 Trust, Colleen A.
Tax Map Key 8-2-010:037

2018 MAR 5 PM 2 23
 PLANNING DEPARTMENT
 COUNTY OF HAWAII


We have reviewed the variance application and have the following comments. Our comments from our memorandum to your department and copied to Wes Thomas Associates, dated July 19, 2017, regarding the subject subdivision still stand.

The applicant has indicated that they may utilize private rainwater catchment systems for each additional lot. We have no objection to the use of a rainwater catchment system; however, we cannot approve or comment as to the adequacy of those systems as they do not meet the requirements of the Department's Water System Standards.

We recommend that the owner(s) consult with the County of Hawai'i, Planning Department, the County of Hawai'i, Department of Public Works, and/or the State of Hawai'i, Department of Health, to determine any other guidelines, recommendations, or regulations regarding the use of rainwater catchment systems.

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

Sincerely yours,


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

TS:dfg

copy - Wes Thomas Associates
 Ms. Colleen A. O'Halloran

EXHIBIT
C

117107

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

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



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

July 19, 2017

TO: Mr. Michael Yee, Director
Planning Department

FROM: Keith K. Okamoto, Manager-Chief Engineer

SUBJECT: **Preliminary Plat Map and Defer Action**
Subdivider – O'Halloran 2010 Trust, Colleen A.
Tax Map Key 8-2-010:037 (SUB 17-001730)

2017 JUL 20 PM 2 24
PLANNING DEPARTMENT
COUNTY OF HAWAII

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

Please be informed that the subject parcel is currently served by an existing 5/8-inch meter (Account No. 900-47417), which is adequate for only one (1) dwelling at an average daily usage of 400 gallons.

However, a portion of the subject parcel is located at an elevation where the Department cannot provide adequate volume and pressure under peak-flow and fire-flow conditions from the Department's existing water system facilities. Parcels that are not within the Department's pressure zone are limited to one (1) unit of water, served through a 5/8-inch meter. One (1) unit of water allows for an average daily usage of 400 gallons served through a 5/8-inch meter and is suitable for one (1) single-family dwelling.

Therefore, the Department's existing water system facilities cannot support the proposed subdivision at this time. Extensive improvements and additions, which may include, but not be limited to, source, storage, booster pumps, transmission, and distribution facilities, would be required.

Based on the information provided, the applicant would be required to comply with the following requirements prior to allowing water service to the subject parcel:

1. The Department requests that the applicant designate, in writing, which lot within the proposed subdivision will be assigned the existing meter. The applicant shall be informed that the existing meter shall not be shared with other dwellings, and the water systems piping for separate dwellings shall not be interconnected in any way.
2. Execute an Elevation Agreement with the Department due to the property being located at an elevation where the Department cannot provide adequate pressure. The property owner would need to send a copy of their deed to the Department, which is used to draft the written Elevation Agreement.

A tank and pump system schematic, prepared by a professional engineer licensed in the State of Hawai'i, will be required for review and approval. Please be informed that the schematic is needed to demonstrate how the property will be served with adequate pressure via the tank and pump system.

EXHIBIT
D

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

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

112897

Mr. Michael Yee, Director
Page 2
July 19, 2017

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

Sincerely yours,

A handwritten signature in black ink, appearing to read "k. okamoto". The signature is stylized and cursive.

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

TS:dfg

copy – Wes Thomas Associates
Colleen A. O'Halloran