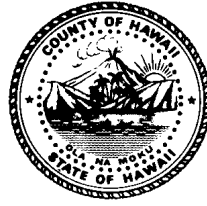


Mitch D. Roth
Mayor

Lee E. Lord
Managing 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

Zendo Kern
Director

Jeffrey W. Darrow
Deputy Director

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

August 29, 2022

Ms. Rose Zhou
Fairview Avenue Hawai'i LLC
26921 Fairview Avenue
Hayward, CA 94542-1431

Dear Ms. Zhou:

SUBJECT: Application: VARIANCE | PL-SVAR-2022-000013
Applicant: FAIRVIEW AVENUE HAWAII, LLC
Owners: FAIRVIEW AVENUE HAWAII, LLC
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; Section 23-87, Requirements for non-dedicable Street; escrow maintenance fund: Section 23-95, Right-of-Way Improvement.

Tax Map Key: (3) 7-9-001:002 | (PL-SUB-2021-000003)

Upon review of your Variance Application, the Planning Director certifies the **approval** of Variance PL-SVAR-2022-000013 subject to variance conditions. The variance grants relief for PL-SUB-2021-000003 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, Section 23-41, Minimum Right-Of-Way and Pavement Widths; Section 23-87, Requirements for Dedicable Streets; escrow maintenance fund: Section 23-95, Right-of-Way Improvement.

BACKGROUND

1. **Location.** The referenced property, being Lot 5, also being a portion of Grant 3155, containing approximately 264.462 acres, is situated at Hōkūkano Tract, North Kona, Hawai'i.

2. **County Zoning.** Agricultural- 20 acres (A-20a)
3. **State Land Use.** Agricultural (A).
4. **General Plan.** Important Agricultural Lands (ial).
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 requires, in the A-20a zoning district, roadways with nondedicable paving of 20-foot width with 15-foot-wide paved shoulders and swales on each side within a 50-foot-wide right-of-way conforming to Section 23-41 and Department of Public Works (DPW) Standard Detail (Std. Det.) R-25 (2017 Edition).

6. **Subdivision Request/PPM.** Subdivision application PL-SUB-2021-000003 was submitted to subdivide the subject TMK property into 3 lots in keeping with the A-20a zoning. Further action on the subdivision application has been deferred pursuant to letter dated October 25, 2021, in the subdivision file.
7. **Variance Application.** The variance request from water supply and roadway improvements was acknowledged by Planning Department letter dated April 20, 2022. This variance application includes background history and circumstances and information regarding the pending subdivision application. The subject property is not within the service limits of the DWS's existing water system facilities. The applicant proposes to access the subject properties over an existing roadway which is 14-foot-wide asphalt paved, with 20-foot compacted gravel shoulders within a 100-foot-wide roadway corridor. These roads have been adequately servicing this area for many years.
8. **Variance Application (PL-SVAR-2022-000013) Agency Comments and Requirements.**
 - a. The State of Hawai'i Department of Health (DOH): See attached memorandum dated April 25, 2022. **(Exhibit A)**
 - b. The Department of Water Supply (DWS): See attached memorandum dated May 4, 2022. **(Exhibit B)**. We have also attached their comments in response to the Subdivision application **(Exhibit C)**.
 - c. The County of Hawai'i Fire Department (HFD): See attached Memorandum dated April 26, 2022. **(Exhibit D)**
 - d. The Department of Public Works (DPW): DPW generally does not generate road improvement requirements for private non-dedicable roads as evidenced by their response to the Subdivision application. **(Exhibit E)**

- e. No other agency comments were solicited, and none were received.
9. **Notice to Surrounding Owners/Posted Sign.** A copy of first notice was sent by the applicant via USPS to surrounding property owners. According to the affidavit submitted to the Planning Department, the first notice was mailed on May 13, 2022. In accordance with Ordinance No. 05-135, the applicants submitted a notarized affidavit, dated August 3, 2021, and photographs to confirm posting of required sign. Notice of this application was published in the Hawaii Tribune Herald and West Hawaii Today on May 10, 2022.
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. **Time Extension.** The applicant's Variance Application was received on April 14, 2022; and additional time to review the application was required. The applicant granted the Planning Director an extension of time to issue a decision on the Variance Application until September 9, 2022.
12. **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.

13. **Lot Access/Roadways.** The Subdivision Code requires a minimum of 20-foot wide nondedicable pavement within a minimum 50-foot-wide right-of-way in the A-20a zoning district. These improvements would conform to Department of Public Works (DPW) Standard Detail (Std. Det.) R-25 (2017 Edition).

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 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 three (3) lots well within the existing A-20a zoning. Although a dedicable water system is a requirement of the code, the subject property is not within the service limits of the present service facilities of the existing DWS system, and it would be unreasonable to expect the owners to construct the required water system service improvements and additions, which may include, but not be limited to, source, storage, booster pumps, transmission, and distribution facilities, that would be required. Therefore, it is reasonable that, in lieu of constructing water system improvements to either extend/upgrade the DWS facilities or provide a private water system to DWS standards for the 3-lots in the pending subdivision, a more reasonable alternative can be allowed pursuant to Planning Department Rule No. 22, Water Variance.

The above special and unusual circumstances would deprive the applicant from developing these properties and interferes with the best use of these properties. Therefore, for this rural residential subdivision, the best use and manner of the development allows for individual rainwater catchment system in keeping with the rural, sparsely populated 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 Department of Water Supply has indicated that the property is not within the service limits of its existing water system facilities. Constructing water system improvements to extend/upgrade the DWS facilities or provide a private water system to Department of Water Supply standards for the 3 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 3,500 feet above sea level, the drilling of wells and construction of other water system improvements (pumps, storage and distribution facilities) to Department of Water Supply standards would also be unreasonable for a three (3) 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):

Although the proposed subdivision does not meet with the requirement of Planning Department Rule 22 requiring a minimum of 60 inches of annual rainfall. There is an exception to this rule. Rule 22-6 states: "*Exception to the minimum rainfall requirement and the maximum number of lots (up to absolute maximum twenty lots) may be granted if the subdivision results in lots averaging at least twenty acres in size and averaging at least four times the minimum lot size allowed by zoning.*"

The applicant is proposing a three (3) lot subdivision averaging 80 acres in size meeting the requirement of at least four (4) times the minimum lot size of twenty acres. Therefore, the proposed three (3) lot subdivision satisfies the requirement of Rule 22-6 (Exceptions for Large Lot Subdivisions).

The applicant has state in its background report it will establish restrictive CC&Rs setting forth the specific minimum tank size, catchment surface area requirements, and provisions requiring installation of individual rainwater catchment systems. The applicant has also stated that the subject property is currently served by an 80,000-gallon catchment system will be maintained and plumbed for use in firefighting.

Given that the proposed subdivision meets with the requirement for Large Lot Subdivision (Rule 22-6), 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):

The subdividers are requesting a variance to allow the development of the proposed 3-lot subdivision without providing roadway improvements meeting the minimum requirements of Chapter 23, Subdivisions, more specifically **Section 23-41 – Minimum right-of-way and pavement widths; Section 23-87 – Standard for nondedicable street; escrow maintenance fund; and Section 23-95 – Right-of-way improvement.**

The subject property currently has access to a public roadway (Hawai'i Belt Road) via a privately-owned roadway (Pu'u Lehua Drive). Pu'u Lehua Drive is over 7.5 miles long and is partially improved consisting of an asphalt surface treatment for approximately 4.5 miles, after which the roadway is comprised of a compacted gravel surface treatment, usable by two-wheel vehicles, for the next 2.0 miles. The paved portion of Pu'u Lehua Drive comprises of approximately 14-foot-wide asphalt, with 20 foot wide compacted, gravel shoulders, contained within the 100-foot-wide roadway corridor.

In lieu of improving and constructing roadways required by Chapter 23, Subdivisions, the applicant or subdividers contend that the existing roadway (Pu'u Lehua Drive) is sufficient access to subject properties.

It is reasonable to grant this variance for an A-20a zoning subdivision of three (3) lots to have an existing paved/graveled travel way within existing 50-foot wide and 12-foot-wide right-of-ways with various width paved/graveled travel way and shoulders/swales on both sides. The evidence cited in the variance application indicates that the roadway has been adequate, and long in use for this rural, agricultural area. Upkeep of the roads has historically been done by the applicant and adjoining property owner(s).

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

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

As the applicant has stated in its background report, the only alternative would be to improve Pu'u Lehua Drive to County standards. This would not only be cost prohibitive but also unreasonable. Especially when the Planning Department has granted similar type variances for agricultural subdivisions created along Pu'u Lehua Drive.

Given the circumstances cited in the applicant's background report and evaluation of the request to construct significant roadway improvements, the Planning Director has concluded that roadway improvements required for proposed 3-lot subdivision, stipulated in Chapter 23, Subdivisions are not necessary and can be remedied by variance approval with conditions.

(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):

The intent and purpose of access 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.

Access to the subject properties is via a private roadway referred to as Pu'u Lehua Drive. The existing roadway is intended to be private; its maintenance and associated liability will be the responsibility of the homeowner's association, who will eventually end up owning and maintaining all the roads. The maintenance cost to utilize and maintain the privately-owned paved and gravel roadway will be continued to be privately addressed and shared among the current owners and users. Pu'u Lehua Drive is a 14 feet wide asphalt paved roadway with a 20-foot-wide compacted gravel shoulders within a 100-foot-wide right-of-way which is sufficient to allow for emergency vehicles to access the entire project area.

Given the circumstances cited in the applicant's background report and evaluation of the request to construct significant roadway improvements beyond the easement area granted to

the parcel, the Planning Department has concluded that roadway improvements required for proposed 3-lot subdivision, stipulated in Chapter 23, Subdivisions are not necessary and can be remedied by variance approval with conditions.

Based on the foregoing findings, this variance request would be consistent with the general purpose of the zoning district and the intents and purposes of the Zoning Code, Subdivision Code and the County General Plan. Furthermore, it is felt that the applicant's request for variance from water supply and non-dedicable roadway improvements will not be materially detrimental to the public's welfare and does not cause substantial adverse impact to the area's character and to adjoining properties.

A reduced impervious surface roadway to serve the 3 lots would be consistent with the agricultural nature of the subdivision. The requested variance would not be detrimental, nor have an adverse impact on this rural, sparsely populated agricultural area. The reduced paved roadway may be beneficial in that it greatly reduces rainwater runoff. This is not a through street and the narrowed driving surface will likely reduce vehicular speeds and, therefore, promote pedestrian safety.

DETERMINATION-VARIANCE CONDITIONS

The variance requested to permit the proposed 3-lot subdivision of the subject property without providing a dedicable water system meeting DWS standards and to allow the proposed privately-owned roadway 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 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 another 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 three (3) of the lots within proposed subdivision PL-SUB-2021-000003.
- b. The owners, grantees, successors, and assigns agree and accept the fact that the County will not bear the responsibility of supplying additional 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 nor will an 'Ohana dwelling be allowed or permitted.
- d. Any dwelling constructed on the created lots not served by DWS shall be provided with and maintain a private rainwater catchment system which includes a minimum 6,000-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.
- e. Each permitted dwelling not served by DWS shall be provided with an additional **minimum** 3,000-gallon water storage capacity for firefighting 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 accessory structures, that consideration be given to the provision of a similar water storage system for firefighting and emergency

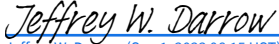
purposes.

- 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 water 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 privately-owned roadway system will use and maintain the roadway on their own without any expectation of governmental assistance to maintain the improvements. Furthermore, dedication to the County may not take place until the road is improved to County dedicable standards.
- 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.
 - 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 PL-SUB-2021-000003. Should the improvement district require acquisition of any privately-owned rights-of-way fronting the lots, such rights-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 any existing homeowners' association or road maintenance agreement and/or pay their fair share to maintain the roadway within the private rights-of-way.
 - d. The owners, grantees, successors, and assigns agree and accept the fact that the County will not bear the responsibility of maintaining the private roadway. No further subdivision of the lots created will be permitted unless minimum roadway requirements of HCC Chapter 23, Subdivisions, are met.
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.
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.

Ms. Rose Zhou
Fairview Avenue Hawai'i LLC
August 29, 2022
Page 10

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,


Jeffrey W. Darrow (Sep 1, 2022 06:15 HST)

JEFFREY DARROW
Deputy Planning Director

LHN:cn

\\COH33\planning\public\Admin Permits Division\Variance\2022\PL-SVAR-2022-000013 Fairway Avenue Hawaii LLC
Water&Road\APVL.docx

Enclosures: Agency Comments (Exhibits A-E)

cc via email: DPW-Engineering
DWS-Engineering
PL-SUB-2021-000003

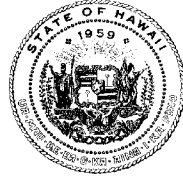
cc via email: Alex Gerken, GIS Section, Planning Dept.

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

Mori, Ashley

From: Honda, Eric T. <Eric.Honda@doh.hawaii.gov>
Sent: Monday, April 25, 2022 1:39 PM
To: Planning Internet Mail
Subject: PL-SVAR-2022-000013
Attachments: PL-SVAR-2022-000013 TMK7-9-001--002.doc

Eric Honda
District Environmental Health Program Chief
Hawaii District Health Office
(808) 933-0917
Eric.honda@doh.hawaii.gov



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

MEMORANDUM

EXHIBIT A

DATE: April 25, 2022

TO: Mr. Zendo Kern
Planning Director, County of Hawaii

FROM: Eric Honda
District Environmental Health Program Chief

SUBJECT: Application: VARIANCE PL-SVAR-2022-000013
Applicant: FAIRVIEW AVENUE HAWAII LLC
Owners: FAIRVIEW AVENUE HAWAII LLC
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, Section 23-87, Standard For nondedicable street, escrow maintenance fund, Section 23-95 Right of Way Improvement
TMK: 7-9-001:002 (PL-SUB-2021-000003)

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.

All new public water systems are required to demonstrate and meet minimum capacity requirements prior to their establishment, per HAR 11-20-29.5, titled "Capacity Demonstration and Evaluation." This requirement involves demonstration that the system will have satisfactory

technical, managerial and financial capacity to enable the system to comply with safe drinking water standards and requirements.

Projects that propose development of new sources of potable water serving or proposed to serve a public water system must comply with the terms of HAR 11-20-29. This section requires that all new public water system sources be approved by the Director of Health (Director) prior to its use. Such approval is based primarily upon the submission of a satisfactory engineering report which addresses the requirements specified in HAR 11-20-29.

The engineering report must identify all potential sources of contamination and evaluate alternative control measures which could be implemented to reduce or eliminate the potential for contamination, including treatment of the water source. In addition, water quality analyses for all regulated contaminants, performed by a laboratory certified by the State Laboratories Division of the State of Hawaii, must be submitted as part of the report to demonstrate compliance with all drinking water standards. Additional parameters may be required by the Director for this submittal or additional tests required upon his or her review of the information submitted.

All sources of public water system sources must undergo a source water assessment which will delineate a source water protection area. This process is preliminary to the creation of a source water protection plan for that source and activities which will take place to protect the source of drinking water.

Projects proposing to develop new public water systems or proposing substantial modifications to existing public water systems must receive construction plans approval by the Director prior to construction of the proposed system or modification in accordance with HAR 11-20-30, titled "New and Modified Public Water Systems". These projects include treatment, storage and distribution systems of public water systems. The approval authority for projects owned and operated by a County Board or Department of Water or Water Supply has been delegated to them.

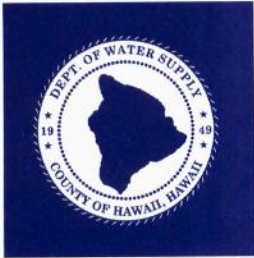
All public water systems must be operated by certified distribution system and water treatment plant operators as defined by HAR 11-25 titled, "Rules Pertaining to Certification of Public Water System Operators".

All projects which propose the use of dual water systems or the use of a non-potable water system in proximity to an existing potable water system to meet irrigation or other needs must be carefully design and operate these systems to prevent the cross-connection of these systems and prevent the possibility of backflow of water from the non-potable system to the potable system. The two (2) systems must be clearly labeled and physically separated by air gaps or reduced pressure principle backflow prevention devices to avoid contaminating the potable water supply. In addition backflow devices must be tested periodically to assure their proper operation. Further, all non-potable spigots and irrigated areas should be clearly labeled with warning signs to prevent the inadvertent consumption on non-potable water. Compliance with HAR Chapter 11-21, titled Cross-Connection and Backflow Control is also required.

All projects which propose the establishment of a potentially contaminating activity (as identified in the Hawai'i Source Water Assessment Plan) within the source water protection area

of an existing source of water for a public water supply should address this potential and activities that will be implemented to prevent or reduce the potential for contamination of the drinking water source.

For further information concerning the application of capacity, new source approval, operator certification, source water assessment, backflow/cross-connection prevention or other public water system programs, please contact the SDWB at 586-4258.



DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAI'I

345 KEKŪANAŌ'A STREET, SUITE 20 • HILO, HAWAI'I 96720

TELEPHONE (808) 961-8050 • FAX (808) 961-8657

May 4, 2022

COH PLANNING DEPT
MAY 5 2022 PM 2:16
REC'D HAND DELIVERED

TO: Mr. Zendo Kern, Director
Planning Department

FROM: Keith K. Okamoto, Manager-Chief Engineer

SUBJECT: **Variance Application PL-SVAR-2022-000013**
Subdivider – Fairview Avenue Hawai'i LLC
Tax Map Key 7-9-001:002 (PL-SUB 2021-000003)

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

The requirements from our memorandum dated October 5, 2022, to your department and copied to Fairview Avenue Hawai'i LLC, regarding the subject subdivision, still stand.

Should there be any questions, please contact Mr. Troy Samura of our Water Resources and Planning Branch at (808) 961-8070, extension 255.

Sincerely yours,

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

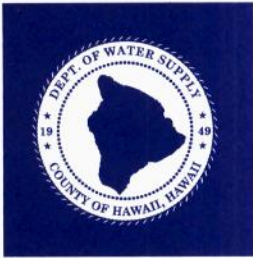
TS:dfg

copy – Wes Thomas Associates
Fairview Avenue Hawai'i LLC

EXHIBIT B

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

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



DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAI'I

345 KEKŪANAŌ'A STREET, SUITE 20 • HILO, HAWAI'I 96720

TELEPHONE (808) 961-8050 • FAX (808) 961-8657

October 5, 2021

COH PLANNING DEPT
OCT 6 2021 PM 2:14
REC'D HAND DELIVERED

TO: Mr. Zendo Kern, Director
Planning Department

FROM: Keith K. Okamoto, Manager-Chief Engineer

SUBJECT: Preliminary Plat Map and Defer Action
Subdivider: Fairview Avenue Hawai'i, LLC
Tax Map Key 7-9-001:002 (PL-SUB-2021-000003)

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

Please be informed that the subject property is not within the service limits of the Department's existing water system facilities.

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.

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

Sincerely yours,

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

RQ:dfg

copy – Fairview Avenue Hawai'i, LLC
Wes Thomas Associates

EXHIBIT C

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

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

Mori, Ashley

From: Kawasaki, Edward
Sent: Tuesday, April 26, 2022 2:30 PM
To: Planning Internet Mail
Subject: Variance request
Attachments: PL-SVAR-2022-000013.pdf

To whom it may concern,
Please find attached Fire Department comments.

Aloha,

Ed Kawasaki
Fire Inspector II
West Hawaii Fire Prevention Branch
(808)323-4763

**HAWAII FIRE DEPARTMENT . COUNTY OF HAWAII .
HILO, HAWAII 96720**

DATE April 26, 2022

EXHIBIT D

Memorandum

TO : Planning Department, County of Hawaii

FROM : Fire Inspector Edward Kawasaki, Fire Prevention Branch, County of Hawaii

SUBJECT : Application: VARIANCE | PL-SVAR-2022-000013 Applicant: FAIRVIEW AVENUE HAWAII'
LLC Owners: FAIRVIEW AVENUE HAWAII' LLC 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; Section 23-87, Standard for nondedicable street; escrow maintenance
fund: Section 23-95, Right-of-Way Improvement Tax Map Key: (3) 7-9-001:002 (PL-SUB-2021-
000003)

In regards to the above mentioned request, the new proposed subdivision shall have the proper infrastructure for Fire Department access and water supply for firefighting that meets the requirements of the Hawaii State Fire Code and the Hawaii County Code.

Email questions or concerns to: edward.kawasaki@hawaiicounty.gov.

Mahalo,



Edward Kawasaki

Fire Inspector II

Fire Prevention Branch

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAI'I
HILO, HAWAI'I

DATE: October 13, 2021

Memorandum

TO: Planning Department

FROM: *gpc* Department of Public Works

SUBJECT: SUBDIVISION: PL-SUB-2021-000003
Subdivider: Fairway Avenue Hawaii, LLC
Location: Hokukano Tract, North Kona, Island of Hawai'i, Hawai'i
TMK: (3) 7-9-001:002
Folder No.: 81134-C

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

1. §23-64. Identify all watercourses and drainageways and designate areas within as "approximate areas of flood inundation."

Questions may be referred to Sterling Chow at 961-8926.

SC

c: ENG-KON

EXHIBIT E