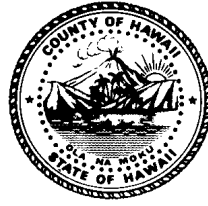


Mitchell D. Roth
Mayor

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 11, 2022

Ms. Lucretia Lindsey
46-1559 Punono Road
Honoka'a, HI 96727-7001

Dear Ms. Lindsey:

SUBJECT:	Application:	VARIANCE PL-SVAR-2022-000015
	Applicant:	LUCRETIA LINDSEY
	Owners:	STATE OF HAWAII – DHHL
	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) 4-6-012:002	(PL-SUB-2021-000009)

Upon review of your variance application, the Planning Director certifies the **approval** of Variance PL-SVAR-2022-000015 subject to variance conditions. The variance grants relief for PL-SUB-2021-000009 from constructing minimum County dedicable water supply system and roadway improvements for the three (3) lots as required by Hawai'i County Code (HCC), Chapter 23 (Subdivisions).

The variance is from the proposed subdivision's minimum requirements pursuant to HCC, Chapter 23 (Subdivisions), Article 6, Division 2, Improvements Required, Section 23-84, Water Supply, (1)(2) and Article 3, Division 4, Street Design, Section 23-41, Minimum Right-of way; and Article 6, Division 2, Improvements Required, Sections 23-87, -88, -89, -91, -93 & -95, Standard for Non-dedicable Street, Non-dedicable Street, Sidewalks, Curbs and Gutters, Street Lights and Right-of way Improvement.

BACKGROUND

- 1. Location.** The referenced property, being Lot 2, also being a portion of the Government Land of Nienie, containing 301.423 acres, is located on the easterly side of Punono Road in the Ahupua'a of Nienie, Hāmākua, Hawai'i.

2. **County Zoning.** Agricultural – Forty Acres (A-40a).
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 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 code also requires minimum right-of-way and paving widths of 50 feet and 20 feet, respectively, and full right-of-way improvement to include paved shoulders and swales. The code does not require, instead allowing the Planning Director discretion for the installation of curbs, gutters and sidewalks and in this instance the Director concurs that they would be inappropriate for this large-lot agricultural subdivision.

6. **Subdivision Request/PPM.** Subdivision application PL-SUB-2021-000009 was submitted to subdivide the subject property into 3 lots ranging in size from 51.423 acres to 150.00 acres. Further action on the subdivision application has been deferred pursuant to letter dated October 25, 2021.
7. **Variance Application.** The variance request from water supply and roadway improvements was acknowledged by Planning Department letter dated May 23, 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 40-foot roadway, known as Punono Road. This access is approximately a 10-foot wide paved travel way within a 40-foot wide road right-of-way. This roadway has been adequately servicing this area for many years.
8. **Variance Application (PL-SVAR-2022-000015) Agency Comments and Requirements.**
 - a. The State of Hawai‘i-Department of Health (DOH): See attached memorandum dated May 26, 2022. **(Exhibit A)**
 - b. County of Hawai‘i Fire Department (HFD): See attached memorandum dated July 26, 2022. **(Exhibit B)**
 - c. The Department of Water Supply (DWS): See attached memorandum dated July 11, 2022. **(Exhibit C)** We have also attached their comments, dated October 11, 2021, in response to the subdivision application. **(Exhibit D)**
 - b. Department of Public Works (DPW): The Department of Public Works did not comment on this

variance application as of this date. We have attached their comments, dated September 29, 2021, in response to the subdivision application. **(Exhibit E)**

- c. The State of Hawai‘i-Department of Hawaiian Home Lands (DHHL): See attached memorandum dated February 20, 2020. **(Exhibit F)**
 - f. No other agency comments were solicited, and none were received.
9. **Notice to Surrounding Owners/Posted Sign.** The applicant submitted evidence, dated August 19, 2021, 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 dated May 27, 2022, indicates that a notice of the application was sent to the surrounding property owners as required by Section 23-17(a).
10. **Comments from Surrounding Property Owners or Public.** There were no written comments received from the surrounding property owners or the public.
11. **Water Supply.** The Subdivision Code requires that all new subdivisions provide water system meeting the minimum requirements of the County of Hawaii – Department of Water Supply (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 nondedicable pavement within a minimum 50-foot wide right-of-way in the A-40a 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.

13. **Time Extension:** The applicant’s variance application was acknowledged by letter May 23, 2022, and additional time to review the application was required. The Applicant granted the Planning Department an extension of time for decision on the variance until August 31, 2022.

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-40a 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 DWS 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 DWS 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 2,000 feet above sea level, the drilling of wells and construction of other water system improvements (pumps, storage and distribution facilities) to DWS 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):

Considering that there is adequate rainfall (minimum 80 inches to 120 inches) of rainfall

annually) to support individual water catchment and this is a rural, sparsely populated agricultural subdivision, the granting of this variance would be consistent with the general purpose of the district. Water catchment is consistent with the intent of the policies of the general plan in that it will further agricultural/residential opportunities. 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):

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 applicant is proposing to subdivide the subject property into three (3) lots ranging from 50 acres to 150 acres specifically for agricultural use.

The subject property currently has access to a public roadway (Old Mamalahoa Highway) via a privately-owned roadway (Punono Road). Punono Road is partially improved consisting of an asphalt surface treatment for approximately 2 miles long. The paved portion of Punono Road comprises of approximately 10-foot-wide asphalt, contained within the 40-foot-wide road right-of-way. 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). Therefore, to require the owner/applicant to improve the Punono Road to county standards would make the subdivision extremely unfeasible and cost prohibitive.

(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 only alternative would be to improve approximately two (2) miles of roadway to county standards, this alone would make this three (3) lot subdivision unfeasible. Especially when the additional 2 lots created by this subdivision will have minimal impact on vehicular traffic.

It is unreasonable for the applicant alone to improve to full county standards the approximately of roadway for this lightly used access. There is no reason to improve Punono Road to county standards as it only serves a limited number of agricultural lots and is not a through street. The County Standard requirements would unduly burden the applicant as it would require acquisition of much additional right-of-way from other landowners.

(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 Punono Road. 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 the roadway. The maintenance cost to utilize and maintain the privately-owned paved roadway will be continued to be privately addressed and shared among the current owners and users. Punono Road is a 10 feet wide asphalt paved roadway within a 40-foot-wide right-of-way which is sufficient to allow for emergency vehicles and additional vehicular traffic caused by the additional two lots.

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.

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 with this 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.

DETERMINATION-VARIANCE CONDITIONS

The variance to permit the proposed 3-lot subdivision of the subject TMK property without providing dedicable water system improvements meeting DWS standards and without providing a County dedicable roadway, are hereby **approved** subject to the following variance conditions:

1. The applicant, owners, their assigns, or successors shall be responsible for complying with all stated conditions of approval.
2. Should the Council adopt a Unified Impact Fees Ordinance setting forth criteria for the imposition of exactions or the assessment of impact fees, conditions included herein shall be credited towards the requirements of the Unified Impact Fees Ordinance.
3. The owners, their assigns, or successors shall file a written agreement document with the Planning Department within one (1) year from the issuance of tentative subdivision approval. This written agreement shall contain deed language, being covenants, conditions, and restrictions affecting the 3 lots created by the proposed subdivision which are not serviced by a County dedicable public water system and which are serviced by a privately owned alternative roadway. The agreement shall be duly recorded at the Bureau of Conveyances of the State of Hawai'i by and at the cost and expense of the owners. A copy of the recorded document shall be supplied to the Planning Department for our files.

In the event that there are any amendments or changes to the subdivision after the agreement is signed, the applicant shall be responsible for informing the County Planning Department of such amendments or changes so that the agreement can be amended concomitantly. Further, the recorded agreement shall be binding upon the owner(s), their successors or assigns and shall be incorporated as an exhibit and made part of each agreement of sale, deed, lease, or similar documents affecting the title of the existing property or approved subdivided lots.

4. The subdivider and all grantees, successors, and assigns acknowledge that the parcels were created by a variance from the normal subdivision requirements of Hawai'i County, and that there are no longer any special or unusual circumstances applying to the property, and hence, no grounds exist or will exist for another variance from the Subdivision Code to permit further subdivision of the properties.

5. The owners, grantees, successors, and assigns agree and accept the fact that a County dedicable public water system will not be extended to serve the proposed 3 lots subdivision (PL-SUB-2021-000009). 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 all liability arising out of vehicular access to and from the subject properties utilizing the private rights-of-way.
6. 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 4 proposed lots. No further subdivision of the lots created will be permitted unless County dedicable public water system requirements and other requirements of HCC Chapter 23, Subdivisions, are met.
7. No condominium property regime will be allowed on any lot created, nor will an Ohana Dwelling Unit be permitted or allowed.
8. Any dwelling constructed on any created lot not served by the 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.
9. Each permitted dwelling on a lot not served by the DWS shall also be provided with a **minimum** 3,000 gallon water storage capacity dedicated for firefighting and emergency purposes. The location and capacity of the emergency water supply system, including the necessary compatible fire apparatus connector system, shall be as specified by the HFD in the memorandum attached to this permit for reference. The HFD also advises, as a precautionary measure for other uninhabited structures, that consideration be given to the provision of a similar water storage system for firefighting and emergency purposes.
10. In the event that the County notifies the owner(s) of the lot(s) created that the County water system has been upgraded or an improvement district initiated to enable service to these lots, the owner(s) of lot(s) shall participate in such improvement district or shall pay their pro-rata share of the upgrade and installation of laterals, as determined by the DWS.

Upon written demand of the County of Hawai'i, the applicant and/or owners, their assigns, or successors shall agree to participate and pay their fair share percentage of any improvement district adopted for the purpose of roadway improvements serving the proposed lots. 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).

11. The pending subdivision application's (SUB-21-000009) 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.

Ms. Lucretia Lindsey

August 11, 2022

Page 9

12. 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,

Zendo Kern
Zendo Kern (Aug 22, 2022 14:04 HST)

ZENDO KERN
Planning Director

LHN:cn

\\COH33\planning\public\Admin Permits Division\Variance\2022\PL-SVAR-2022-000015 DHHL - Lindsey Water&Road\APVL.docx

Enclosures: Agency Comments (Exhibits A-F)

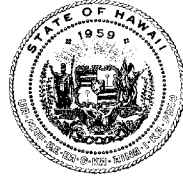
cc: (via email) DPW-Engineering
DWS-Engineering
Hawai'i County Fire Department
Alex Gerken, GIS Section

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

Mori, Ashley

From: Honda, Eric T. <Eric.Honda@doh.hawaii.gov>
Sent: Thursday, May 26, 2022 8:36 AM
To: Planning Internet Mail
Subject: PL-SVAR-2022-000015
Attachments: PL-SVAR-2022-000015 TMK4-6-012--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

DATE: May 26, 2022

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

FROM: Eric Honda
District Environmental Health Program Chief

SUBJECT: Application: VARIANCE- PL-SVAR-2022-000015
Applicant: SUCRETIA LINDSEY
Owners: STATE OF HAWAII- DHHL
Request: Variance from Chapter 23, Subdivisions, Article 6, Division 2,
Section 23-84, Water Supply; and Article 3, Division 4,
Section 23-41, Section 23-87 and Section 23-95
TMK: 4-6-012:002 (PL-SUB-2021-000009)

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.

Sakai, Kimberly

From: Nakayama, Larry
Sent: Tuesday, July 26, 2022 2:48 PM
To: Sakai, Kimberly
Subject: FW: Request for Comments | TMK: 4-6-012:002 | PL-SVAR-2022-000015 (DHHL/Lindsey, PL-SUB-2021-000009)
Attachments: DHHL-Lindsey Subdivision, 7-26-22 PDF.PDF

Kimi: Can you intake this into EPIC and Laserfiche.

Mahalo: Larry

From: Baybayan, Clinton <Clinton.Baybayan@hawaiicounty.gov>
Sent: Tuesday, July 26, 2022 2:39 PM
To: Nakayama, Larry <Larry.Nakayama@hawaiicounty.gov>
Cc: Sugihara, Doriann <Doriann.Sugihara@hawaiicounty.gov>
Subject: Request for Comments | TMK: 4-6-012:002 | PL-SVAR-2022-000015 (DHHL/Lindsey, PL-SUB-2021-000009)

Good Afternoon Larry,
Please see attached response to regarding this project. I apologize for the delayed response, we had an email issue. Please let me know if you have any questions.

Mahalo,

Clinton K. Baybayan
Fire Captain
Hawaii Fire Department
Fire Prevention Branch
(W) 808-323-4761

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

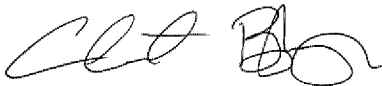
DATE July 26, 2022

Memorandum

TO : LARRY NAKAYAMA, PLANNING DEPARTMENT
FROM : CAPTAIN CLINTON BAYBAYAN, FIRE PREVENTION BUREAU
SUBJECT: **PL-SVAR-2022-000015 EPIC REVIEW SUBMITTALS: DHHL-LINDSEY**

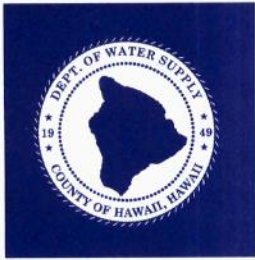
In regards to the above mentioned project, Fire Department Access and Water Supply shall comply with Chapter 18 of the 2018 Hawaii State Fire Code and Chapter 26 of the Hawaii County Code. For any questions please email Clinton.Baybayan@hawaiicounty.gov or call 808-323-4761.

Respectfully Submitted,



Clinton Baybayan
Fire Prevention Captain
Fire Prevention Branch
Hawaii Fire Department

EXHIBIT B



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 11, 2022

COH PLANNING DEPT
JUL 12 2022 PM2:35

REC'D HAND DELIVERED

TO: Mr. Zendo Kern, Director
Planning Department

FROM: Keith K. Okamoto, Manager-Chief Engineer

SUBJECT: **Variance Application No. PL-SVAR-2022-000015**
Applicant – State of Hawai'i, Department of Hawaiian Home Lands/
Lucretia L. Lindsey (Lessee)
Tax Map Key 4-6-012:002 (SUB No. 2021-000009)

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

The requirements from our memorandum dated October 11, 2011, to your department and copied to the Department of Hawaiian Homelands (DHHL), West Hawai'i District Office, regarding the proposed application, 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
State of Hawai'i, DHHL, West Hawai'i District Office
Ms. Lucretia L. Lindsey

EXHIBIT C

... *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 HAWAII

345 KEKŪANAŌ'A STREET, SUITE 20 • HILO, HAWAII 96720

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

October 11, 2021

COH PLANNING DEPT
OCT 12 2021 PM 2:42

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
Applicant – State of Hawai'i, Department of Hawaiian Home Lands/
Lucretia L. Lindsey (Lessee)
Tax Map Key 4-6-012:002 (SUB No. 2021-000009)**

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

The subject parcel is served by an existing 5/8-inch meter (Account No. 770-37870).

Please be informed that water availability in this area is limited to one (1) unit of water, or one (1) 5/8-inch meter, per existing lot of record, which is limited to an average daily usage of 400 gallons. Each unit of water is equal to an average of 400 gallons per day, which is suitable for only 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.

Furthermore, the Department requests that the plat map be revised to show the location of the existing meter with the meter number, so that we can verify this service is assigned to the subject parcel. The applicant will be required to designate, in writing, which lot within the proposed subdivision will be assigned the existing meter. Should the existing meter or service lateral not front the parcel that it will serve, the existing meter or service lateral would need to be relocated to comply with the Department's Rules and Regulations.

Furthermore, the applicant shall be informed that the existing meter shall not be shared with the other proposed lots; and the water system piping between the lots shall not be interconnected in any way.

EXHIBIT D


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

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

Mr. Zendo Kern, Director
Page 2
October 11, 2021

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
State of Hawai'i, Department of Hawaiian Home Lands, West Hawai'i District Office
Ms. Lucretia L. Lindsey

EXHIBIT D

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

DATE: September 29, 2021

Memorandum

TO: Planning Department

FROM: Department of Public Works *MD*

SUBJECT: SUBDIVISION: PL-SUB-2021-000009
Subdivider: STATE-DHHL / Lucretia L. Lindsey (Lessee)
Location: Nienie, Hamakua, Hawai'i
TMK: 4-6-012:002
Folder No.: 4697

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

1. §23-64. Identify "top-of-bank" of streams and/or gulches and designate areas within as "approximate areas of flood inundation."

Questions may be referred to Melanie DeMello at 961-8927.

MD

EXHIBIT E

DAVID Y. IGE
GOVERNOR
STATE OF HAWAII



WILLIAM J. AILA, JR.
CHAIRMAN
HAWAIIAN HOMES COMMISSION

JOSH GREEN
LT. GOVERNOR
STATE OF HAWAII

TYLER I. GOMES
DEPUTY TO THE CHAIRMAN

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

P. O. BOX 125
KAMUELA, HAWAII 96743

February 20, 2020

Lucretia L. Lindsey
46-1559 Punono Rd.
Honokaa, Hawaii 96727

Dear Ms. Lindsey:


Subject: HHC Conditional Approval of Subdivision
Lease No. 2686, Lot No. 2, Nienie, Hawaii
TMK: (3) 4-6-012:002

This is to confirm that on February 19, 2020, the Hawaiian Homes Commission approved a conditional approval of your request to proceed with the subdivision of your pastoral lot.

Please be advised that you are responsible for all the cost associated with the subdivision of the lot and that you are required to comply with all State and County laws, regulations, and ordinances.

Upon County's final approval, please submit to the DHHL confirmation of County approval, along with the map and lot description, and the corresponding tax map keys.

Sincerely,


James W. Du Pont, Supervisor
West Hawaii District Office

cc: Lessee File (WHDO/ODO)

EXHIBIT F