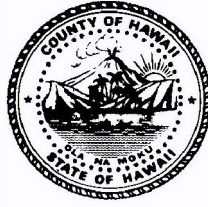


Mitchell D. Roth  
*Mayor*

Deanna S. Sako  
*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

April 16, 2024

Henry J. Correa III  
630 Kilauea Avenue, #101  
Hilo, Hawai'i 96720

E-mail: [henrycorrea82@gmail.com](mailto:henrycorrea82@gmail.com)

Dear Hank,

<b>SUBJECT:</b>	<b>Application:</b>	<b>SUBDIVISION VARIANCE   PL-SVAR-2024-000047</b>
	<b>Applicant:</b>	<b>HENRY J. CORREA III</b>
	<b>Owners:</b>	<b>HJC NV INVESTMENT LLC</b>
	<b>Request:</b>	<b>Variance from Chapter 23, Subdivisions, Article 6, Division 2, Improvements Required, Section 23-84, Water Supply.</b>
	<b>Tax Map Key:</b>	<b>(3) 4-5-004:024; (PL-SUB-2023-000215)</b>

---

Upon review of your Variance Application, the Planning Director certifies the **Approval** of Variance PL-SVAR-2024-000047, subject to variance conditions. The variance grants relief for PL-SUB-2023-000215 from constructing minimum County dedicable water supply system improvements for Two (2) of the five (5) lots as required by the Hawai'i County Code (HCC), Chapter 23 (Subdivisions) 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).

### **BACKGROUND**

- Location.** The referenced property, Lot 7-A, containing a total of approximately 1.18 acres (51,400.8 sq. ft.), is situated in Ka'ao House Lots, Ka'ao House Lots, Ka'ao, Hamakua, Hawai'i.
- County Zoning.** Single-Family Residential – 10,000 square feet (RS-10).

3. **State Land Use.** Urban (U).
4. **General Plan.** Land Use Pattern Allocation Guide (LUPAG) map designates the property as 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 Department of Water Supply (DWS).
6. **Subdivision Request/PPM.** Subdivision application PL-SUB-2023-000215 was submitted to subdivide the subject property into five (5) lots. Further action on the subdivision application has been deferred pursuant to the letter dated December 1, 2023, in the subdivision file.
7. **Variance Application.** The variance request from water supply improvements for five (5) lots was acknowledged by Planning Department letter dated February 22, 2024. This variance application includes background history and circumstances and information regarding the pending subdivision application. The Department of Water Supply (DWS) has indicated that the maximum number that can be made available to the subject parcel, three (3) units of water or an average of 1,200 gallons per day.
8. **Agency Comments and Requirements.**
  - a. State of Hawai'i-Department of Health (DOH): See attached memoranda dated February 28, 2024. **(Exhibit A)**
  - b. County of Hawai'i Fire Department (HFD): See attached memoranda dated February 28, 2024. **(Exhibit B)**
  - Department of Water Supply (DWS): See attached memoranda dated March 20, 2024. We have also attached comments for the associated subdivision (PL-SUB-2023-000215) application. **(Exhibit C and D)**
  - d. No other agency's comments were solicited, and none were received.
9. **Notice to Surrounding Owners/Posted Sign.** The applicant submitted evidence, dated February 27, 2024, 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. The evidence also indicates that on February 27, 2024, a notice of the application was served upon the surrounding property owners as required by Section 23-17(a).

**10. Comments from Surrounding Property Owners or Public.**

Objection letter received on March 18, 2024, from Catherine M. Yasukochi.

Objection letter received on March 12, 2024, from Clifford Chuck III and Teresa Alameda.

Objection letter received on March 11, 2024, from Robert & Jacqueline Tanoue.

It should be noted that the subject property is zoned Single-Family Residential – 10,000 square feet (RS-10), what this effectually means is that the owner is entitled to construct five (5) single-family dwelling on the subject property without subdividing the property. **Section 25-5-27, Other regulations.**

*There may be more than one-single-family dwelling on each building site in an RS district provided there is not less than the required minimum building site area for each dwelling.*

**ANALYSIS OF GROUNDS FOR VARIANCE**

No variance will be granted unless it is found that:

- (a) *There are special or unusual circumstances applying to the subject real property which exist either to a degree which deprives the owner or applicant of substantial property rights that would otherwise be available or to a degree which obviously interferes with the best use or manner of development of that property.***

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

The subdivision request is for five (5) lots in keeping with the existing Single-Family Residential – 10,000 square feet (RS-10) zoning. Although a dedicable water system is a requirement of the code, the Department of Water Supply (DWS) has indicated that water can be made available to three (3) lots of the proposed five (5) lot subdivision. The Department of Water Supply (DWS) has stated in part: *“We have no objection to the applicant’s proposed use of private rainwater catchment system to provide water to each of the proposed additional lots, However, we cannot approve or comment as to the adequacy of those systems as they do not meet with requirements of the Department’s Water System Standards.”* Therefore, in lieu of constructing water system improvements to either extend/upgrade the Department of Water Supply facilities or provide a

private water system to Department of Water Supply standards for the pending five (5) lot subdivision, a more reasonable alternative can be allowed through Rule 22, Water Variance.

The above special and unusual circumstances would deprive the applicant of developing this property and interfere with the best use of this property. Therefore, for this five (5) lot subdivision, the best use and manner of the development allows for an individual rainwater catchment system in keeping with the rural, agricultural character of the area.

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

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

The DWS has indicated that the existing water system is unavailable to serve the additional lot; and the existing water system facilities cannot any further support water service to the subdivision. Constructing water system improvements to extend the Department of Water Supply (DWS) facilities or provide a private water system to Department of Water Supply (DWS) standards for two (2) of the five (5) lot subdivision would be placing excessive demands upon the applicant because of the extensive improvements and additions required to upgrade the existing Department of Water Supply (DWS) water system facilities.

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

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

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

Section 23-84 of the Subdivision Code requires that all new subdivisions have a water system meeting with the minimum requirements of the Department of Water Supply. The State Department of Health has no specific rules or regulations relating to the utilization, construction, or inspection of rain catchment water systems for potable or emergency uses.

An alternative to a water system meeting Department of Water Supply standards would be to allow and utilize privately-owned individual rainwater catchment systems, which can meet the intent and purpose of the Subdivision Code and is allowed pursuant to Planning Department Rule

22-Water Variance, effective February 25, 2006. Generally, Rule 22 is both a rule and statement of criteria to be used so that consistent decisions can be made on water variance requests. Section 23-84 of the Subdivision Code requires a water system, and Rule 22 limits subdivisions requesting a variance from water supply to six (6) lots and requires a minimum 60 inches of annual rainfall for each lot served by catchment.

The analysis of existing rainfall within the subject property, provided by the applicant, indicates that there is adequate rainfall to support individual, or separate, private rainwater catchment systems for potable and emergency uses for the proposed subdivision. The analysis of the applicant's submittals and GIS rainfall data maintained by the Planning Department indicates the proposed subdivision will receive approximately 80 to 100 inches of rainfall annually. The proposed subdivision meets Rule No. 22-Water Variance.

Given the circumstances cited by the applicant, the request for variance from water supply, at this time, 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 this variance will not be materially detrimental to the public's welfare and will not cause substantial adverse impact to the area's character and to adjoining properties.

Given that there is adequate rainfall (approximately 80 - 100 inches annually) to support individual water catchment for the lots, 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 housing and agricultural production opportunities in this agricultural area. 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.

Since 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 and the Hawai'i County General Plan.

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

The variance allows for two (2) of the proposed five (5)-lot subdivision of the subject property without providing dedicable water system improvements meeting Department of Water Supply

standards, 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 is not serviced by a County dedicable public water system.

The agreement shall be duly recorded at the State of Hawai'i, Bureau of Conveyances 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.

If 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, unless County dedicable public water system requirements and other requirements of HCC Chapter 23, Subdivisions, are met.
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 lots within proposed subdivision PL-SUB-2023-000215.
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 subdivided lots. No further subdivision

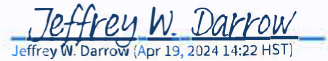
of the lots will be permitted unless County dedicable public water system requirements and other requirements of HCC Chapter 23, Subdivisions, are met.

7. No condominium property regime will be allowed, nor will an ‘Ohana Dwelling Unit be permitted or allowed.
8. Any dwelling constructed on any created lot not served by the Department of Water Supply, 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.
9. In addition to the 6,000-gallon water storage capacity, for domestic consumption or potable uses, each permitted dwelling on a lot, not served by the Department of Water Supply. 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 and access routes, shall meet with the approval of the Hawai‘i Fire Department. The Hawai‘i Fire Department 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. If 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 the lots, the owner(s) of the 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.
11. The pending subdivision application’s (PL-SUB-2023-000215) 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.
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, land use and the public’s health, safety, and welfare.

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

Henry J. Correa III  
Approval Letter  
PL-SVAR-2024-000047  
April 16, 2024  
Page 8

Sincerely,

  
Jeffrey W. Darrow (Apr 19, 2024 14:22 HST)

for ZENDO KERN  
Planning Director

LHN:ta

\\COH01\planning\public\Admin Permits Division\Variance\2024\PL-SVAR-2024-000044 Cole - Water\APVL.docx

Enclosures: Exhibit A- Department of Health Comments  
Exhibit B- Department of Fire (HFD) Comments  
Exhibit C- Department of Water Supply (DWS) comments.  
Exhibit D- Department of Water Supply (DWS) associated Subdivision.  
(PL-SUB-2023-000215)

cc via email: DPW-Engineering  
DWS-Engineering  
HFD  
PL-SUB-2023-000215  
Alan Gunn, GIS Section, Planning Dept.

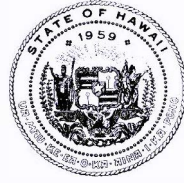


**DeVera, Ashley**

---

**From:** Honda, Eric T. <Eric.Honda@doh.hawaii.gov>  
**Sent:** Friday, March 1, 2024 8:19 AM  
**To:** Planning Internet Mail  
**Subject:** PL-SVAR-2024-000047  
**Attachments:** PL-SVAR-2024-000047 TMK4-5-004--024.pdf

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

**EXHIBIT A**

**MEMORANDUM**

DATE: February 28, 2024

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

FROM: Eric Honda  
District Environmental Health Program Chief

SUBJECT: Application: SUBDIVISION VARIANCE | PL-SVAR-2024-000047  
Applicant: HENRY J. CORREA III  
Owners: HFC NV INVESTMENT LLC  
Request: Variance from Chapter 23, Subdivisions, Article 6,  
Division 2, Improvements Required, Section 23-84,  
Water Supply.  
TMK: 4-5-004:024 (PL-SUB-2023-000215)

In most cases, the District Health Office will no longer provide individual comments to agencies or project owners to expedite the land use review and process.

Agencies, project owners, and their agents should apply Department of Health "Standard Comments" regarding land use to their standard project comments in their submittal. Standard comments can be found on the Land Use Planning Review section of the Department of Health website: <https://health.hawaii.gov/epo/landuse/>. Contact information for each Branch/Office is available on that website.

**Note: Agencies and project owners are responsible for adhering to all applicable standard comments and obtaining proper and necessary permits before the commencement of any work.**

General summary comments have been included for your convenience. However, these comments are not all-inclusive and do not substitute for review of and compliance with all applicable standard comments for the various DOH individual programs.

**Clean Air Branch**

1. All project activities shall comply with the Hawaii Administrative Rules (HAR), Chapters 11-59 and 11-60.1.
2. Control of Fugitive Dust: You must reasonably control the generation of all airborne, visible fugitive dust and comply with the fugitive dust provisions of HAR §11-60.1-33. Note that activities that occur near existing residences, businesses, public areas, and major thoroughfares exacerbate potential dust concerns. It is recommended that a dust control management plan be developed which identifies and mitigates all activities that may generate airborne and visible fugitive dust and that buffer zones be established wherever possible.
3. Standard comments for the Clean Air Branch are at: <https://health.hawaii.gov/epo/landuse/>

### **Clean Water Branch**

1. All project activities shall comply with the HAR, Chapters 11-53, 11-54, and 11-55.
  1. The following Clean Water Branch website contains information for agencies and/or project owners who are seeking comments regarding environmental compliance for their projects with HAR, Chapters 11-53, 11-54, and 11-55: <https://health.hawaii.gov/cwb/clean-water-branch-home-page/cwb-standard-comments/>.

### **Hazard Evaluation & Emergency Response Office**

1. A Phase I Environmental Site Assessment (ESA) and Phase II Site Investigation should be conducted for projects wherever current or former activities on site may have resulted in releases of hazardous substances, including oil or chemicals. Areas of concern include current and former industrial areas, harbors, airports, and formerly and currently zoned agricultural lands used for growing sugar, pineapple or other agricultural products.
2. Standard comments for the Hazard Evaluation & Emergency Response Office are at: <https://health.hawaii.gov/epo/landuse/>.

### **Indoor and Radiological Health Branch**

1. Project activities shall comply with HAR Chapters 11-39, 11-45, 11-46, 11-501, 11-502, 11-503, and 11-504.
2. Noise may be generated during demolition and/or construction. The applicable maximum permissible sound levels, as stated in Title 11, HAR, Chapter 11-46, "Community Noise Control," shall not be exceeded unless a noise permit is obtained from the Department of Health.
3. Construction/Demolition Involving Asbestos: If the proposed project includes renovation/demolition activities that may involve asbestos, the applicant should contact the Asbestos and Lead Section of the Branch at <https://health.hawaii.gov/irhb/asbestos/>.

### **Safe Drinking Water Branch**

1. Agencies and/or project owners are responsible for ensuring environmental compliance for their projects in the areas of 1) Public Water Systems; 2) Underground Injection Control; and 3) Groundwater and Source Water Protection in accordance with HAR Chapters 11-19, 11-20, 11-21, 11-23, 11-23A, and 11-25. They may be responsible for fulfilling additional requirements related to the Safe Drinking Water program: <https://health.hawaii.gov/sdwb/>.
2. Standard comments for the Safe Drinking Water Branch can be found at: <https://health.hawaii.gov/epo/landuse/>.

### **Solid & Hazardous Waste Branch**

1. Hazardous Waste Program - The state regulations for hazardous waste and used oil are in HAR Chapters 11-260.1 to 11-279.1. These rules apply to the identification, handling, transportation, storage, and disposal of regulated hazardous waste and used oil.
2. Solid Waste Programs - The laws and regulations are contained in HRS Chapters 339D, 342G, 342H, and 342I, and HAR Chapters 11-58.1 and 11-282. Generators and handlers of solid waste shall ensure proper recycling or disposal at DOH-permitted solid waste management facilities. If possible, waste prevention, reuse, and recycling are preferred options over disposal. The Office of Solid Waste Management also oversees the electronic device recycling and recovery law, the glass advanced disposal fee program, and the deposit beverage container program.
3. Underground Storage Tank Program – The state regulations for underground storage tanks are in HAR Chapter 11-280.1. These rules apply to the design, operation, closure, and release response requirements for underground storage tank systems, including unknown underground tanks identified during construction.
4. Standard comments for the Solid & Hazardous Waste Branch can be found at: <https://health.hawaii.gov/epo/landuse/>.

### **Wastewater Branch**

For comments, please email the Wastewater Branch at [doh.wwb@doh.hawaii.gov](mailto:doh.wwb@doh.hawaii.gov).

### **Other**

1. [CDC - Healthy Places - Healthy Community Design Checklist Toolkit](#) recommends that state and county planning departments, developers, planners, engineers, and other interested parties apply these principles when planning or reviewing new developments or redevelopment projects.
2. If new information is found or changes are made to your submittal, DOH reserves the right to implement appropriate environmental health restrictions as required.

Zendo Kern  
March 1, 2024  
Page 4 of 4

Should there be any questions on this matter, please contact the Department of Health, Hawaii District Health Office, at (808) 933-0917.

**DeVera, Ashley**

---

**From:** Henderson, Royd  
**Sent:** Wednesday, February 28, 2024 8:46 AM  
**To:** Planning Internet Mail  
**Subject:** RE: TMK: 4-5-004:024 | PL-SVAR-2024-000047 | AGENCY MEMO & EPIC SUBMITTAL

**EXHIBIT B**

Stephanie,

I have no comments for the proposed subdivision.

Thank you,

Royd

Royd Henderson  
Fire Prevention Captain  
Fire Prevention Branch  
Hawai'i Fire Department  
Mobile: 808-937-7867



**From:** Kurashige, Palani <Palani.Kurashige@hawaiicounty.gov>  
**Sent:** Tuesday, February 27, 2024 9:03 PM  
**To:** Henderson, Royd <Royd.Henderson@hawaiicounty.gov>  
**Subject:** Fwd: TMK: 4-5-004:024 | PL-SVAR-2024-000047 | AGENCY MEMO & EPIC SUBMITTAL

For your review

Begin forwarded message:

**From:** "Ota, Stephanie" <[Stephanie.Ota@hawaiicounty.gov](mailto:Stephanie.Ota@hawaiicounty.gov)>  
**Date:** February 26, 2024 at 12:57:36 PM HST  
**To:** DWSEngineeringReview <[dwsengineeringreview@hawaiidws.org](mailto:dwsengineeringreview@hawaiidws.org)>, "Kurashige, Palani" <[Palani.Kurashige@hawaiicounty.gov](mailto:Palani.Kurashige@hawaiicounty.gov)>, "Honda, Eric" <[Eric.Honda@doh.hawaii.gov](mailto:Eric.Honda@doh.hawaii.gov)>, [michael.une@doh.hawaii.gov](mailto:michael.une@doh.hawaii.gov), [chintan.poudel@doh.hawaii.gov](mailto:chintan.poudel@doh.hawaii.gov)  
**Cc:** "Nakayama, Larry" <[Larry.Nakayama@hawaiicounty.gov](mailto:Larry.Nakayama@hawaiicounty.gov)>  
**Subject:** TMK: 4-5-004:024 | PL-SVAR-2024-000047 | AGENCY MEMO & EPIC SUBMITTAL

Aloha,

Please see the links below to the Planning Department Acknowledgement Letter and EPIC Submittal requesting your review and comments on the above-referenced application/file number.

**\*\*We kindly ask that you forward your comments electronically (PDF) to: [planning@hawaiicounty.gov](mailto:planning@hawaiicounty.gov) by March 18, 2024\*\***

Should you have any questions, please feel free to contact Larry Nakayama at [Larry.Nakayama@hawaiicounty.gov](mailto:Larry.Nakayama@hawaiicounty.gov) or (808)961-8149.

Link to [Agency Memo PL-SVAR-2024-000047](#)

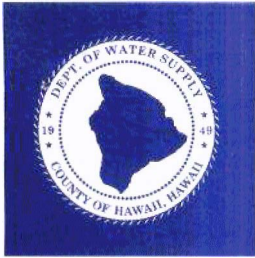
Link to [EPIC Submittal PL-SVAR-2024-000047](#)

**No Hard Copy to Follow**

Thank you,

*Stephanie Ota*

Administrative Permits Division  
**County of Hawai'i | Planning Department**  
101 Pauahi Street, Suite 3 | Hilo, HI 96720  
[Stephanie.Ota@hawaiicounty.gov](mailto:Stephanie.Ota@hawaiicounty.gov)



**DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAI'I**

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

**EXHIBIT C**

March 20, 2024

CDH PLANNING DEPT  
MAR 22 2024 PM 12:54

REC'D HAND DELIVERED

TO: Mr. Zendo Kern, Director  
Planning Department

FROM: Keith K. Okamoto, Manager-Chief Engineer

**SUBJECT: Subdivision Variance PL-SVAR-2024-000047**  
**Applicant - Henry J. Correa III**  
**Owner - HJC NV Investment LLC**  
**Tax Map Key 4-5-004:024 (PL-SUB-2023-000215)**

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

Our comments and conditions stated in our December 19, 2023, letter regarding the subject subdivision application, still stands.

We have no objection to the applicant's proposed use of private rainwater catchment systems to provide water to each of the proposed additional lots. 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 owners consult with the County of Hawai'i, Planning Department, 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 private rainwater catchment systems.

Should the subject application be approved, a water commitment may be issued for the two (2) additional units of water that is currently available, the required water commitment deposit is \$300.00.

Remittance by the applicant of the deposit is requested as soon as possible so that a water commitment may be formally issued. The commitment will be in writing with specific conditions and effective dates stated. Please keep in mind that this letter shall not be construed as a water commitment. In other words, unless a water commitment is officially effected, water availability is subject to change without notice, depending on the water situation.

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

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



For the applicant's information, final subdivision approval will be subject to compliance with the following requirements:

1. Construct necessary water system improvements, which shall include, but not be limited to:
  - a. service laterals that will accommodate 5/8-inch sized meters to each lot,
  - b. subject to other agencies' requirements to construct improvements within the road right-of-way fronting the property affected by the proposed development, the applicant shall be responsible for the relocation and adjustment of the Department's affected water system facilities, should they be necessary.

Submit installation plans prepared by a professional engineer, architect, or land surveyor, licensed in the State of Hawai'i, for review and approval.

2. Remit the prevailing facilities charge, which is subject to change, as shown below:

FACILITIES CHARGE (FC):	
1 existing service	\$0.00
2 additional units @ \$6,095.00/unit	\$12,190.00
<b>Total FC</b>	<b>\$12,190.00</b>

This is due and payable upon completion of the installation of the required water system improvements and prior to final subdivision approval being granted.

For your information, water commitment deposits are credited towards the final facilities requirement for the development. Note that the amount of water commitment deposit may exceed the prevailing facilities charge amount; for example, when requests for time extensions continue and are approved. Until the development is finally completed, these are separate and unrelated items. In the event that water commitment deposits exceed the facilities charge, no refunds are applicable.

3. Should it be necessary, submit the appropriate documents, properly prepared and executed, to convey the water system improvements and necessary easements to the Water Board of the County of Hawai'i prior to final subdivision approval being granted. A registered land surveyor shall stamp and certify the metes and bounds description within the conveyance documents. However, prior to water meter services being granted to the development, or any lots within, the conveyance documents shall be accepted by the Water Board.


Mr. Zendo Kern, Director

Page 3

March 20, 2024

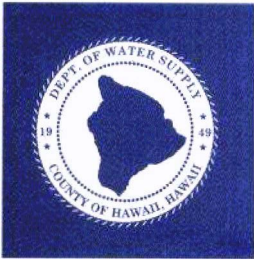
Should there be any questions, please contact Mr. Ryan Quitoriano of our Water Resources and Planning Branch at (808) 961-8070, extension 256.

Sincerely yours,

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

RQ:dfg

copy - Henry J. Correa III  
HJC NV Investment LLC  
Paul H. Murray & Associates, LLC



**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

December 19, 2023

**EXHIBIT D**

TO: Mr. Zendo Kern, Director  
Planning Department

FROM: Keith K. Okamoto, Manager-Chief Engineer

**SUBJECT: Preliminary Plat Map and Defer Action  
Subdivider: HJC NV Investments LLC  
Tax Map Key 4-5-004:024 (PL-SUB-2023-000215)**

COH PLANNING DEPT  
DEC 21 2023 PM 3:10  
REC'D HAND DELIVERED

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

For your information the water availability of the subject parcels is limited to four (4) units of water, or four (4) 5/8-inch meters, per pre-existing lots of record. A pre-existing lot of record is considered a lot that existed prior to the implementation of the Subdivision Code in 1967. Each unit of water is equal to an average daily usage of 400 gallons and suitable for only one (1) single-family dwelling.

Please be informed that the subject parcel was created from a prior 2-lot subdivision that took place in 1973, Subdivision Application No. 3297, which created the subject Parcel and Parcel No. 100 (TMK 4-5-004:100). Through the 1973 subdivision, three (3) units of water can be made available to the subject parcel.

Therefore, the maximum amount of water that can be made available to the subject parcel, are three (3) units of water, or an average of 1,200 gallons per day.

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 - Paul H. Murray & Associates, LLC

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

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