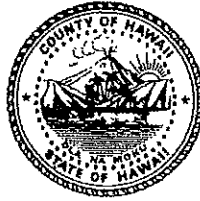


William P. Kenoi  
Mayor



BJ Leithead Todd  
Director

Margaret K. Masunaga  
Deputy

West Hawai'i Office  
74-5044 Ane Keohokalole Hwy  
Kailua-Kona, Hawai'i 96740  
Phone (808) 323-4770  
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**County of Hawai'i**  
PLANNING DEPARTMENT

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

March 7, 2012

Mr. Joe Vierra  
Belt Collins Hawaii Ltd.  
2153 North King Street, Suite 200  
Honolulu, HI 96819-4554

Dear Mr. Vierra:

**Applicant: The Newton Family Limited Partnership**  
**Docket No. A99-729 (SLU 1128)**  
**Change of Zone Ordinance No. 06 27 (REZ 05-017)**  
**Subject: 2011 Annual Progress Report**  
**Tax Map Key: 2-4-008: por. 033**

2012 MAR -8 A 7:13  
LAND USE COMMISSION  
STATE OF HAWAII

This is to acknowledge receipt of your letters dated November 21, 2011, containing annual progress reports in compliance with Condition No. 20 of Docket No. A99-729 and with Condition N of Change of Zone Ordinance No. 06 27 (REZ 05-017). Thank you for complying with these requirements.

It is our understanding that the water commitment payment required by Condition D of Ordinance No. 06 27 was paid in 2006 but then returned to the applicant. Thus, the applicant has not complied with Condition D. Please immediately remit the water commitment payment to the Department of Water Supply.

Once the applicant has complied with Condition D, an administrative time extension to secure final subdivision approval, as required by Condition E, can be granted.

The next annual reports will be due on or before **February 24, 2013**. If you have any questions, please feel free to contact Maija Cottle at 961-8288.

Sincerely,

BJ LEITHEAD TODD

Planning Director

MJC:snn

P:\wpwin60\Maija\Letters\Annual Reports\LVierra-2011AR-REZ05-17.doc

cc w/ltr: Mr. Orlando Davidson, Executive Officer, State Land Use Commission



SEARCHED & INDEXED  
SERIALIZED & FILED

NOV 23 PM 2:19

November 21, 2011  
633-3701

Ms. Bobby Jean Leithead-Todd  
Planning Director  
County of Hawaii  
Aupuni Center  
101 Pauahi Street, Suite 3  
Hilo, Hawaii 96720-4252

Dear Ms. Leithead-Todd:

**Annual Report for Ordinance Number 06-27  
Effective Date February 24, 2006  
TMK 2-4-008:033 Portion  
The Newton Family Limited Partnership**

This letter constitutes the 2011 Annual Report of the Newton Family Limited Partnership (Newton) as required in Ordinance 06-27. The effective date of the Ordinance is February 24, 2006. Under Ordinance 06-27, 885.40 acres of Newton land were rezoned from Unzoned to Agricultural (A-80a). Newton is currently providing information to Planning for an extension of zoning. The conditions of 06-27 are listed below with the Newton responses below in bold italics.

- A. The applicants, its successors or assigns shall be responsible for complying with all of the stated conditions of approval.

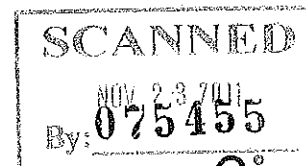
***Newton acknowledges the requirement to comply with the conditions of Ordinance 06-27.***

- B. The applicants, successors or assigns shall be responsible for complying with all conditions of approval under Docket No. A99-729.

***Newton acknowledges the requirement to comply with conditions of the State Land Use Commission approval of Docket No. A99-729.***

- C. The applicants, successors or assigns shall be responsible for complying with all requirements of Chapter 205, Hawai'i Revised Statutes, relating to permissible uses within the State Land Use Agricultural District.

***Newton acknowledges the requirement to comply with the requirements of HRS 205 regarding permitted uses in a State Agricultural District.***



*le2 2005-17*



- D. The required water commitment payment for seven (7) water commitments shall be submitted to the Department of Water Supply in accordance with its "Water Commitment Guidelines Policy" within ninety (90) days from the effective date of this ordinance. The applicant shall construct improvements and additions, including storage, transmission waterlines, booster pumps, and distribution facilities as required by the Department of Water Supply for any additional water commitments.

***Newton submitted the required water payment to the Department of Water Supply. Newton submitted a sketch plan for the proposed water system to serve the proposed subdivision to Water Supply.***

- E. Final Subdivision Approval of the proposed agricultural subdivision shall be secured from the Planning Director in accordance with Section 25-2-70, Chapter 25 (Zoning Code), Hawai'i County Code, within five (5) years from the effective date of this ordinance.

***Newton acknowledges that final subdivision approval of the proposed subdivision is required by February 23, 2011, which is within 5 years of February 24, 2006.***

- F. Access to the property shall be provided, meeting with the approval of the Department of Public Works.

***Newton acknowledges the requirement for access. Said access, meeting the requirements of the Department of Public Works, will be submitted at the time of subdivision application.***

- G. Install street lights and traffic control devices as required by the Traffic Division, Department of Public Works. The applicant shall be responsible for the design, purchase, and installation of such devices.

***Newton acknowledges the street light and traffic control as may be required by Public Works. Said required devices, meeting the requirements of the Department of Public Works, will be submitted at the time of subdivision application.***

- H. Restrictive covenants in the deeds of all the proposed lots within the project area shall give notice that the terms of the zoning ordinance prohibit the construction of a second dwelling unit and condominium property regimes on each lot. This restriction may be removed by amendment of this ordinance by the County Council. The owners of the property may also impose private covenants restricting the number of dwellings. A copy of the proposed covenant(s) to be recorded with the State of Hawai'i Bureau of Conveyances shall be submitted to the Planning Director for review and approval prior to the

issuance of Final Subdivision Approval. A copy of the recorded document shall be filed with the Planning Department upon its receipt from the Bureau of Conveyances.

***Newton acknowledges the requirement for restrictive covenants prohibiting second dwellings and condominium property regimes.***

- I. A drainage study of the project area, if required, shall be prepared for review and approval by the Department of Public Works. Drainage improvements, if required, shall be constructed in a manner meeting with the approval of the Department of Public Works prior to the issuance of Final Subdivision Approval.

***Newton acknowledges the potential requirement for a drainage study and drainage improvements. Required studies will be provided in accordance with Department of Public Works requirements and will be submitted at the time of subdivision application.***

- J. All development generated runoff shall be disposed of on-site and not be directed toward any adjacent properties.

***Newton acknowledges the requirement to dispose on-site of any additional runoff generated by the subdivision.***

- K. To protect the kipuka in the area, the applicant shall leave intact large stands of native forest trees and clusters of native vegetation.

***Newton acknowledges the requirement to protect the kipuka on the site.***

- L. Should any remains of historic sites, such as rock walls, terraces, platforms, marine shell concentrations or human burials, be encountered, work in the immediate area shall cease and the Department of Land and Natural Resources-Historic Preservation Division (DLNR-HPD) shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the DLNR-HPD when it finds that sufficient mitigative measures have been taken.

***Newton acknowledges the requirement to stop work and report any historic sites or human burials that may be encountered during construction of subdivision improvements.***

Ms. Bobby Jean Leithead-Todd  
November 21, 2011  
Page 4

- M. Should the Council adopt a Unified Impact Fees Ordinance setting forth criteria for imposition of exactions or the assessment of impact fees, conditions included herein shall be credited toward the requirements of the Unified Impact Fees Ordinance.

***Newton acknowledges that Impact Fees may, in the future, be substituted for some of the conditions in 06-27.***

- N. An annual progress report shall be submitted to the Planning Director prior to the anniversary date of enactment of the ordinance. The report shall include, but not be limited to, the status of the development and the extent to which the conditions of approval are being satisfied. This condition shall remain in effect until all of the conditions of approval have been satisfied and the Planning Director acknowledges that further reports are not required.

***Newton acknowledges that annual progress reports are required and this letter constitutes the report for 2011.***

- O. Comply with all applicable County, State and Federal laws, rules, requirements and regulations.

***Newton acknowledges the requirement to comply with County, State and Federal rules, requirements and regulations.***

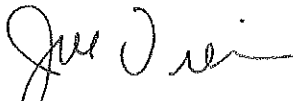
- P. An initial extension of time for the performance of conditions within the ordinance may be granted by the Planning Director.

***Newton acknowledges that, in some circumstances, time extensions may be granted for performance of the conditions of Ordinance 06-27.***

If you have any questions or require additional information on the responses, please contact me at (808) 521-5361 in Honolulu.

Sincerely yours,

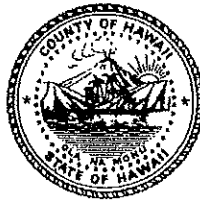
BELT COLLINS HAWAII LTD.



Joe Vierra

cc: George Newton  
John Michael White  
Office of Planning, State of Hawaii

William P. Kenoi  
Mayor



BJ Leithead Todd  
Director

Margaret K. Masunaga  
Deputy

West Hawai'i Office  
74-5044 Ane Keohokalole Hwy  
Kailua-Kona, Hawai'i 96740  
Phone (808) 323-4770  
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**County of Hawai'i**  
PLANNING DEPARTMENT

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

March 7, 2012

Mr. Joe Vierra  
Belt Collins Hawai'i Ltd.  
2153 North King Street, Suite 200  
Honolulu, HI 96819-4554

Dear Mr. Vierra:

**Change of Zone Ordinance No. 06 27**  
**Applicant: Newton Family Limited Partnership**  
**Subject: Request for an Administrative Time Extension**  
**Tax Map Key: 2-4-008: portion 033**

2012 MAR - 8 A 7:16  
LAND USE COMMISSION  
STATE OF HAWAII

This letter is in response to your letter dated January 31, 2011 requesting an administrative time extension to comply with Condition E (secure final subdivision approval) of Change of Zone Ordinance No. 06 27 and discussions with my staff since then regarding potable water for the property.

With the adoption of Ordinance 06 27, the subject property was rezoned from Unzoned to Agricultural-80 acres (A-80a) on February 24, 2006. Shortly after that, in 2007, the County Council adopted concurrency standards for water supply as shown in Section 25-2-46(m) (Concurrency Requirements) of the Zoning Code (enclosed). According to Section 25-2-46(b) (Applicability), these concurrency standards apply to your request for an extension of time to perform a condition of the zoning amendment.

Condition D of Ordinance No. 06 27 states, "The required water commitment payment for seven (7) water commitments shall be submitted to the Department of Water Supply in accordance with its "Water Commitment Guidelines Policy" within ninety (90) days from the effective date of this ordinance. The applicant shall construct improvements and additions, including storage, transmission waterlines, booster pumps, and distribution facilities as required by the Department of Water Supply for any additional water commitments."

According to the Department of Water Supply (DWS), the applicant made a water commitment payment for seven (7) units, which was subsequently refunded to the applicant because they were not able to proceed with constructing the water system improvements that would be needed for the proposed subdivision due to financial reasons. These water system improvements are described in a letter to you from DWS dated August 10, 2006 (enclosed). It is my understanding that the DWS approved a Revised Water System Layout Plan for the proposed subdivision on September 21, 2011, but to date a water commitment payment has not been remitted for seven water units. Thus, the applicant has not complied with Condition D of the ordinance.

Mr. Joe Vierra  
March 7, 2012  
Page 2

Condition P of the ordinance allows the Planning Director to grant an administrative time extension for a period not to exceed the period originally granted. However, before an administrative time extension can be granted for Condition E, the applicant will need to immediately remit a water commitment payment to the Department of Water Supply for seven units of water.

Please also be aware that the applicant may apply for a variance from Section 23-84 (Water Supply) of the Subdivision Code (Chapter 23 of the Hawai'i County Code); however, in light of the new concurrency requirements for water supply, it is not likely that a variance will be granted. Prior to applying for a variance you will also need to request an amendment of Condition D of Change or Zone Ordinance No. 06 27 from the County Council through the Planning Department. Additionally, you should contact the State Land Use Commission to determine if Condition 16 of Docket No. A99-729 will need to be amended.

If you have any questions, please feel free to contact Daryn Arai or Maija Cottle at (808) 961-8288.

Sincerely,



BJ LEITHEAD TODD

Planning Director

MJC:smm

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cc w/letter and enclosures: Department of Water Supply  
✓State Land Use Commission

Enclosures: Zoning Code Section 25-2-46  
DWS letter dated 8/10/06

ZON 550 -2 PM 2:32

January 31, 2011  
11P-024/633.3701

Ms. BJ Leithead Todd, Planning Director  
Department of Planning  
County of Hawaii  
101 Pauahi Street, Suite 3  
Hilo, Hawaii 96720-4252

Dear Ms. Leithead Todd:

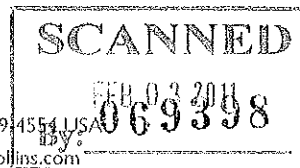
**Time Extension Request**  
**Condition E**  
**Zoning Ordinance No. 06-27 (REZ 05-17)**  
**Newton Family Limited Partnership**

On behalf of the property owner, Newton Family Limited Partnership (Newton Family Partnership), we are requesting a 5-year time extension on Condition E of Zoning Ordinance No. 06-27. This condition states that Final Subdivision Approval of the proposed agricultural subdivision shall be secured from the Planning Director in accordance with Section 25-2-70, Chapter 25 (Zoning Code), Hawaii County Code, within five (5) years from the effective date of this ordinance. The effective date of the ordinance is February 24, 2006.

Once the Newton Family Partnership received zoning approval for its property, it began preparations on the subdivision process. For the past few years, however, there have been conditions that have slowed the progress of the project. Newton Family Partnership is still working with the Department of Water (DOW) to resolve the needed provision of water to all eight parcels in its planned subdivision. The DOW indicated that the subdivision has an allocation for seven lots. The owner, however, is currently seeking resolution to furnish the final lot.

Secondly, the present economic environment in the islands is having a toll on large as well as small project owners, such as Newton Family Partnership, and their ability to obtain financing for their projects. In Hawaii, the local banks are not making loans as freely as before.

The Newton Family Partnership has invested considerable time and money in its Hilo property and is serious about completing its planned subdivision. We would be very appreciative if you gave this time extension a favorable consideration.



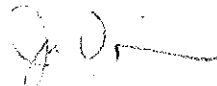


Ms. BJ Leithead Todd  
January 31, 2011 ~ 11P-024  
Page 2

Should there be any questions regarding this request, please do not hesitate to contact us.

Very truly yours,

BELT COLLINS HAWAII LTD.



Joe Vierra

GTK:gok

cc: George Newton  
John Michael White

**Section 25-2-46. Concurrency requirements.**

- (a) Purpose. In addition to requirements otherwise imposed, this section creates concurrency standards for roads, water supply, and civil defense sirens.
- (b) Applicability. This section applies to any zoning amendment application, or for an application for extension of time to perform a condition of zoning amendment received by the planning department after the effective date of this ordinance.
- (c) Definitions. As used in this section:

“Acceptable level of service” means that the level of service of a transportation facility at the a.m. and p.m. peak hour is “D” or better.

“Approved development” means development for which zoning has been granted by the County.

“Civil Defense siren” means a noisemaking mechanical or electronic device, generating sound to provide warning of approaching danger. The siren is one type of tsunami warning system and is linked to the Hawai’i State Civil Defense Outdoor Siren Warning System, activated by the County’s civil defense system or by neighboring tsunami warning centers, in case of a potential life-threatening tsunami or other natural disaster.

“Critical road area” means a geographical area where any of the transportation facilities serving the area have been determined by the council to be worse than the acceptable level of service.

“Immediate vicinity of a project” means the area in which transportation facilities will be required to mitigate impacts caused primarily by the project.

“Level of service, or LOS” means a qualitative measure describing operational conditions within a traffic stream, and shall be determined using the procedures in the latest edition of the Highway Capacity Manual, Transportation Research Board.

“Mitigation” means specific actions to reduce traffic congestion. Mitigation is of two types: “local mitigation” which consists of improvements to roads and intersections that are in the immediate vicinity of a project, including channelization of intersections, turn lanes into a project and similar improvements. “Area mitigation” consists of improvements which increase the capacity of an arterial or other major road, such as additional lanes, in the general region containing the project, or construction of a new arterial or collector road in the general area containing the project, or improvements to public transportation such as buses or park and ride facilities, sufficient to offset the traffic demand generated by the project.

“Occupancy” means (1) the issuance of a certificate of occupancy for a commercial, multifamily, industrial building, hotel or other structure requiring a certificate of occupancy; (2) the issuance of a building permit for residential buildings that do not require a certificate of occupancy; or (3) final subdivision approval for subdivisions where dwellings are allowed, but dwellings are not being constructed before sale of any lot.

“Project area” means the area in which the project is expected to have an impact on the level of service of transportation facilities.

“Reasonable assumptions” means the percentage of full build-out that is expected to occur during the twenty-year period after the date of the application, as determined by the planning director.

“Transportation facilities” means State and County highways, roads, and public transportation facilities.

“Worse than the acceptable level of service” means that the level of service at the a.m. or p.m. peak is “E” or “F”.

(d) Traffic impact analysis report required.

- (1) A traffic impact analysis report (TIAR), prepared or updated within six months before the submission of the application, shall be included with the application for any zoning amendment that can generate fifty or more peak hour trips. The determination of peak hour trips shall be based on the Institute of Transportation Engineers, “Trip Generation Handbook”, or any other nationally recognized source. When the number of trips depends upon the exact future uses of the site, and those are unknown at the time of zoning amendment (for example, the types of commercial uses), the determination shall be based upon a typical mix of uses found in that zoning type in the community. The TIAR shall be certified as having been conducted in accordance with best practices by a professional engineer licensed in the State of Hawai‘i.
- (2) The TIAR shall assess impacts to transportation facilities in the immediate vicinity and general area of the project, and to the transportation facilities serving the project area.
- (3) The TIAR shall include projections for future growth in traffic, for a minimum of five, ten, and twenty years, and shall include other approved or proposed development that is expected to impact the project area, with reasonable assumptions about the build-out of such development.
- (4) The TIAR shall present an assessment of the impacts of the project on LOS and an evaluation of alternative plans for mitigating those impacts. The evaluation shall include budgetary cost estimates for the capital and operating costs of promising alternative plans.

(e) Mitigation required.

- (1) If the LOS for any transportation facility in the project area is (A) currently worse than the acceptable level of service, or (B) projected to become worse than the acceptable level of service during the five year period of the TIAR, any rezoning of the property, if approved, shall contain conditions that require mitigation of adverse traffic effects before occupancy of the project is permitted, or that occupancy be delayed until the level of service has reached the acceptable level and is no longer projected to be worse than the acceptable level.
- (2) Where the LOS deficiency is due to roadway or intersection deficiencies in the immediate vicinity of the project, the conditions of zoning shall require local mitigation. Where the deficiency in LOS is due to insufficient capacity in the transportation facilities serving the project area, the conditions of zoning shall require area mitigation.
- (3) If there is more than one way to mitigate an adverse effect, the director shall present to the council the pros and cons of the alternatives.

(f) Mitigation requirements will be deemed satisfied when:

- (1) A public agency has committed funds for area mitigation that will remove the LOS deficiency. In the case of the State, commitment of funds means that the governor has released funds to complete the improvement. In the case of the County, commitment of funds means that the council has appropriated funds to complete the improvement; or
- (2) The private developer’s commitment to implement mitigation has been secured by bond or equivalent security, or mandatory participation in an improvement district, community facilities district, or other equivalent means of guaranteeing performance.

- (g) A developer's area mitigation expenses shall be credited against any fair share or similar fee requirement for roads. A developer's local mitigation expenses shall be credited against any fair share or similar fee requirement for roads if the council determines that the mitigation substantially benefits the general public and was not necessary primarily for the benefit of the project. In general, roads that are necessary for access to or within a development or turn lanes for a private project shall not qualify for fair share credit.
- (h) The following types of zoning amendment applications shall be required to submit a TIAR when required by this section, but shall not be required to perform area mitigation:
- (1) Residential or other zoning amendment where the applicant commits, and the conditions of zoning require, that the project earn at least two times the number of affordable housing credits otherwise required under chapter 11, County affordable housing policy, provided further that the applicant shall be entitled to the full amount of "excess credits" under section 11-15, County affordable housing policy, based on the number of affordable housing credits normally required.
  - (2) Zoning amendment to CV, CN, MCX, PD, or ML where the council determines that the project will reduce regional traffic congestion by providing necessary commercial or light industrial opportunities to serve an area where there is a shortage of available space zoned for such uses, and substantial residential development has already been approved, provided that conditions of zoning shall ensure that any commercial development be of a scale consistent with the standards of a "neighborhood center" as described in the general plan.
- (i) The restrictions on occupancy shall not apply to the construction of infrastructure such as water tanks, roads, sewage treatment plants, or other project elements that do not generate substantial traffic.
- (j) The council may designate critical road areas by ordinance.
- (k) In a critical road area, all rezonings shall be subject to local and area mitigation, except as stated in subsection (h).
- (l) In order to determine whether a zoning amendment application meets the TIAR threshold of fifty or more peak hour trips, and to prevent applicants from going below the TIAR threshold by dividing a project into segments, the director shall review all development proposed on the same or adjacent properties, and shall include traffic that may be generated by any development application approved after the effective date of this ordinance, or by any other pending development application, if it is on a portion of the same lot or tax map key parcel, or an adjoining lot or tax map key parcel, or in the immediate vicinity of the development.
- (m) A zoning amendment application shall not be granted unless: (1) the department of water supply has determined that it can meet the water requirements of the project and issue water commitments using its existing system; or (2) specific improvements to the existing public water system, or a private water system equivalent to the requirements of the department of water supply will be provided to meet the water needs of the project and conditions of zoning delay occupancy until the necessary improvements are actually constructed.
- (n) To facilitate the development of village centers in rural areas that are not currently served by a public water system, the council may waive the water supply requirements for zoning amendments for commercial or light industrial uses in areas that do not currently have a public water system, and where the department of water supply has no plans to build a public water system, and which are (1) designated as an "urban and rural center" or "industrial area" on table 14-5 of the general plan and (2) designated for urban use on the land use pattern allocation guide map of the general plan; provided that conditions of zoning shall require water supply consistent with public health and safety needs such as sanitation and fire-fighting.
- (o) A zoning amendment application or an application for an extension of time to perform a condition of zoning amendment shall not be granted for projects proposing:
- (1) Twenty-five or more residential units; or

- (2) Commercial space, industrial space, or a combination of commercial and industrial space equal to or greater than thirty thousand square feet of gross floor area; or
  - (3) Any combination of residential units, commercial space and industrial space equal to or greater than thirty-five thousand square feet of gross floor area; unless existing civil defense sirens, as determined by the State Civil Defense, are available to provide adequate warning coverage across the entire project site or that the provision of civil defense sirens to provide such coverage is integrated as part of the zoning amendment or application for extension of time to perform a condition of zoning amendment.
- (p) Nothing in this section shall limit the ability of the council to impose reasonable roadway, water, or civil defense siren improvement requirements on zoning amendments or to deny zoning amendment applications to the extent otherwise allowed by law.
- (2007, Ord. No. 07-99, sec. 2; Am. 2011, Ord. No. 11-71, sec. 1.)




2006 AUG 22 AM 8 33

PLANNING DEPARTMENT  
COUNTY OF HAWAII  
**DEPARTMENT OF WATER SUPPLY COUNTY OF HAWAII**

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

August 10, 2006

  
Mr. Joe Vierra, P.E.  
Belt Collins Hawaii, Ltd.  
2153 North King Street, Suite 200  
Honolulu, HI 96819-4554

**WATER COMMITMENT AND WATER SYSTEM IMPROVEMENTS  
CHANGE OF ZONE APPLICATION (REZ 05-017)  
ORDINANCE NO. 06-027  
TAX MAP KEY 2-4-008:033**

This is in response to your letter of July 10, 2006.

Prior to issuing a water commitment for the subject application, the Department requests that a preliminary layout be submitted showing the proposed water system improvements. Upon receipt of the preliminary layout, the Department will provide comments as to the system's compliance with our Water System Standards, Rules and Regulations, and other Departmental policies.

Please be informed that the minimum water system improvements would include, but not be limited to, the following:

1. **Storage:** A minimum of two (2) concrete storage tanks each with a minimum capacity of 100,000 gallons; the first located at the required booster pump station and the second located such that the overflow elevation of the tank is at least 100 feet above the highest elevation within the development.
2. **Booster Pump Station:** A minimum of two (2) pumping units.
3. **Water Mains:** Mains capable of providing water at adequate pressure under peak flow conditions, the minimum diameter of which shall be 6 inches.
4. **Service Laterals:** Install one service lateral, at the Department's existing 8-inch water main within Wilder Road, sized appropriately to accommodate a meter to service each of the lots within the proposed subdivision. Service laterals shall also be installed to accommodate a 5/8-inch meter fronting each lot within the subdivision.
5. **Backflow Prevention Assembly:** A reduced principle type backflow prevention assembly must be installed within five (5) feet of the master meter on private property. Maintenance and testing of the backflow prevention assembly shall be the responsibility of the applicant.

018453

*... Water brings progress...*

Mr. Joe Vierra, P.E.

Page 2

August 10, 2006

Please also note that water quality may be an issue of concern given the relatively small number of lots being served (and, therefore, minimal amount of daily water usage) and the total storage volume required per the Department's Water System Standards.

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

Sincerely yours,



Milton D. Pavao, P.E.  
Manager

FM:sco

copy - ✓ Planning Department  
Mr. George Newton  
DWS Water Quality Branch  
DWS Cross Connection Section