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OUR REFERENCE NO.:  
069351-00001

February 19, 2020

## VIA U.S. MAIL

County of Hawai'i  
Police Department  
345 Kapiolani Street  
Hilo, Hawai'i 96720-3998  
Attn: Mr. James B. O'Connor, Assistant Police Chief

Re: Public Comment Period for Draft Environmental Assessment for  
Reclassification of Approximately 0.51 Acres of Land Located at Tax  
Map Key No.: (3) 1-5-059:059, Island, County and State of Hawai'i

Dear Assistant Chief O'Connor:

Thank you for your letter dated November 7, 2019 providing comments on the Draft Environmental Assessment (Draft EA) for the proposed reclassification of Tax Map Key No.: (3) 1-5-059:059 (Barry Property) from the State Land Use (SLU) Conservation District to the SLU Agricultural District. We acknowledge your agency's determination that the proposed reclassification of the Barry Property is not anticipated to result in any significant impacts to traffic or other public safety concerns.

Thank you for your participation in this process. Your letter and this response will be included in the forthcoming Final Environmental Assessment. If you have any questions, please feel free to contact me at dsimon@carlsmith.com or 808-523-2589.

Sincerely,



Derek B. Simon

**Harry Kim**  
Mayor



**Darren J. Rosario**  
Fire Chief

**Lance S. Uchida**  
Deputy Fire Chief

**County of Hawai'i**  
**HAWAI'I FIRE DEPARTMENT**  
25 Aupuni Street • Suite 2501 • Hilo, Hawai'i 96720  
(808) 932-2900 • Fax (808) 932-2928

November 7, 2019

Derek Simon  
Carlsmith Ball LLC  
ASB Tower, Suite 2100  
1001 Bishop Street  
Honolulu, Hawai'i 96813

Dear Mr. Derek Simon:

**SUBJECT:** Draft Environmental Assessment for Reclassification of approximately 0.51  
Acres of Land located at TMK (3) 1-5-059:059

In regards to the above-mentioned Draft Environmental Assessment application, the following shall be in accordance:

**NFPA 1, UNIFORM FIRE CODE, 2006 EDITION**

*Note: Hawai'i State Fire Code, National Fire Protection Association 2006 version, with County of Hawai'i amendments. County amendments are identified with a preceding "C~" of the reference code.*

**Chapter 18 Fire Department Access and Water Supply**

**18.1 General.** Fire department access and water supplies shall comply with this chapter.

For occupancies of an especially hazardous nature, or where special hazards exist in addition to the normal hazard of the occupancy, or where access for fire apparatus is unduly difficult, or areas where there is an inadequate fire flow, or inadequate fire hydrant spacing, and the AHJ may require additional safeguards including, but not limited to, additional fire appliance units, more than one type of appliance, or special systems suitable for the protection of the hazard involved.

**18.1.1 Plans.**

**18.1.1.1 Fire Apparatus Access.** Plans for fire apparatus access roads shall be submitted to the fire department for review and approval prior to construction.

**18.1.1.2 Fire Hydrant Systems.** Plans and specifications for fire hydrant systems shall be submitted to the fire department for review and approval prior to construction.



**C~ 18.1.1.2.1 Fire Hydrant use and Restrictions.** No unauthorized person shall use or operate any Fire hydrant unless such person first secures permission or a permit from the owner or representative of the department, or company that owns or governs that water supply or system. Exception: Fire Department personnel conducting firefighting operations, hydrant testing, and/or maintenance, and the flushing and acceptance of hydrants witnessed by Fire Prevention Bureau personnel.

## **18.2 Fire Department Access.**

**18.2.1** Fire department access and fire department access roads shall be provided and maintained in accordance with Section 18.2.

### **18.2.2\* Access to Structures or Areas.**

**18.2.2.1 Access Box(es).** The AHJ shall have the authority to require an access box(es) to be installed in an accessible location where access to or within a structure or area is difficult because of security.

**18.2.2.2 Access to Gated Subdivisions or Developments.** The AHJ shall have the authority to require fire department access be provided to gated subdivisions or developments through the use of an approved device or system.

**18.2.2.3 Access Maintenance.** The owner or occupant of a structure or area, with required fire department access as specified in 18.2.2.1 or 18.2.2.2, shall notify the AHJ when the access is modified in a manner that could prevent fire department access.

### **18.2.3 Fire Department Access Roads. (\*may be referred as FDAR)**

#### **18.2.3.1 Required Access.**

**18.2.3.1.1** Approved fire department access roads shall be provided for every facility, building, or portion of a building hereafter constructed or relocated.

**18.2.3.1.2** Fire Department access roads shall consist of roadways, fire lanes, parking lots lanes, or a combination thereof.

**18.2.3.1.3\*** When not more than two one- and two-family dwellings or private garages, carports, sheds, agricultural buildings, and detached buildings or structures 400ft<sup>2</sup> (37 m<sup>2</sup>) or less are present, the requirements of 18.2.3.1 through 18.2.3.2.1 shall be permitted to be modified by the AHJ.

**18.2.3.1.4** When fire department access roads cannot be installed due to location on property, topography, waterways, nonnegotiable grades, or other similar conditions, the AHJ shall be authorized to require additional fire protection features.

#### **18.2.3.2 Access to Building.**

**18.2.3.2.1** A fire department access road shall extend to within in 50 ft (15 m) of at least one exterior door that can be opened from the outside that provides access to the interior of the building. Exception: 1 and 2 single-family dwellings.

**18.2.3.2.1.1** When buildings are protected throughout with an approved automatic sprinkler system that is installed in accordance with NFPA 13, NFPA 13D, or NFPA 13R, the distance in 18.2.3.2.1 shall be permitted to be increased to 300 feet.

**18.2.3.2.2** Fire department access roads shall be provided such that any portion of the facility or any portion of an exterior wall of the first story of the building is located not more than 150 ft (46 m) from fire department access roads as measured by an approved route around the exterior of the building or facility.

**18.2.3.2.2.1** When buildings are protected throughout with an approved automatic sprinkler system that is installed in accordance with NFPA 13, NFPA 13D, or NFPA 13R, the distance in 18.2.3.2.2 shall be permitted to be increased to 450 ft (137 m).

**18.2.3.3 Multiple Access Roads.** More than one fire department access road shall be provided when it is determined by the AHJ that access by a single road could be impaired by vehicle congestion, condition of terrain, climatic conditions, or other factors that could limit access.

#### **18.2.3.4 Specifications.**

##### **18.2.3.4.1 Dimensions.**

**C~ 18.2.3.4.1.1** FDAR shall have an unobstructed width of not less than 20ft with an approved turn around area if the FDAR exceeds 150 feet. **Exception:** FDAR for one and two family dwellings shall have an unobstructed width of not less than 15 feet, with an area of not less than 20 feet wide within 150 feet of the structure being protected. An approved turn around area shall be provided if the FDAR exceeds 250 feet.

**C~ 18.2.3.4.1.2** FDAR shall have an unobstructed vertical clearance of not less then 13ft 6 in.

**C~ 18.2.3.4.1.2.1** Vertical clearances may be increased or reduced by the AHJ, provided such increase or reduction does not impair access by the fire apparatus, and approved signs are installed and maintained indicating such approved changes.



**18.2.3.4.1.2.2** Vertical clearances shall be increased when vertical clearances or widths are not adequate to accommodate fire apparatus.

**C~ 18.2.3.4.2 Surface.** Fire department access roads and bridges shall be designed and maintained to support the imposed loads (25 Tons) of the fire apparatus. Such FDAR and shall be comprised of an all-weather driving surface.

**18.2.3.4.3 Turning Radius.**

**C~ 18.2.3.4.3.1** Fire department access roads shall have a minimum inside turning radius of 30 feet, and a minimum outside turning radius of 60 feet.

**18.2.3.4.3.2** Turns in fire department access road shall maintain the minimum road width.

**18.2.3.4.4 Dead Ends.** Dead-end fire department access roads in excess of 150 ft (46 m) in length shall be provided with approved provisions for the fire apparatus to turn around.

**18.2.3.4.5 Bridges.**

**18.2.3.4.5.1** When a bridge is required to be used as part of a fire department access road, it shall be constructed and maintained in accordance with county requirements.

**18.2.3.4.5.2** The bridge shall be designed for a live load sufficient to carry the imposed loads of fire apparatus.

**18.2.3.4.5.3** Vehicle load limits shall be posted at both entrances to bridges where required by the AHJ.

**18.2.3.4.6 Grade.**

**C~ 18.2.3.4.6.1** The maximum gradient of a Fire department access road shall not exceed 12 percent for unpaved surfaces and 15 percent for paved surfaces. In areas of the FDAR where a Fire apparatus would connect to a Fire hydrant or Fire Department Connection, the maximum gradient of such area(s) shall not exceed 10 percent.

**18.2.3.4.6.2\*** The angle of approach and departure for any means of fire department access road shall not exceed 1 ft drop in 20 ft (0.3 m drop in 6 m) or the design limitations of the fire apparatus of the fire department, and shall be subject to approval by the AHJ.

**18.2.3.4.6.3** Fire department access roads connecting to roadways shall be provided with curb cuts extending at least 2 ft (0.61 m) beyond each edge of the fire lane.

**18.2.3.4.7 Traffic Calming Devices.** The design and use of traffic calming devices shall be approved the AHJ.

**18.2.3.5 Marking of Fire Apparatus Access Road.**

**18.2.3.5.1** Where required by the AHJ, approved signs or other approved notices shall be provided and maintained to identify fire department access roads or to prohibit the obstruction thereof of both.

**18.2.3.5.2** A marked fire apparatus access road shall also be known as a fire lane.

**18.2.4\* Obstruction and Control of Fire Department Access Road.**

**18.2.4.1 General.**

**18.2.4.1.1** The required width of a fire department access road shall not be obstructed in any manner, including by the parking of vehicles.

**18.2.4.1.2** Minimum required widths and clearances established under 18.2.3.4 shall be maintained at all times.

**18.2.4.1.3\*** Facilities and structures shall be maintained in a manner that does not impair or impede accessibility for fire department operations.

**18.2.4.1.4** Entrances to fire departments access roads that have been closed with gates and barriers in accordance with 18.2.4.2.1 shall not be obstructed by parked vehicles.

**18.2.4.2 Closure of Accessways.**

**18.2.4.2.1** The AHJ shall be authorized to require the installation and maintenance of gates or other approved barricades across roads, trails, or other accessways not including public streets, alleys, or highways.

**18.2.4.2.2** Where required, gates and barricades shall be secured in an approved manner.

**18.2.4.2.3** Roads, trails, and other access ways that have been closed and obstructed in the manner prescribed by 18.2.4.2.1 shall not be trespassed upon or used unless authorized by the owner and the AHJ.

**18.2.4.2.4** Public officers acting within their scope of duty shall be permitted to access restricted property identified in 18.2.4.2.1.

**18.2.4.2.5** Locks, gates, doors, barricades, chains, enclosures, signs, tags, or seals that have been installed by the fire department or by its order or under its control shall not be removed, unlocked, destroyed, tampered with, or otherwise vandalized in any manner.

### **18.3 Water Supplies and Fire Hydrants**

**18.3.1\*** A water supply approved by the county, capable of supplying the required fire flow for fire protection shall be provided to all premises upon which facilities or buildings, or portions thereof, are hereafter constructed, or moved into or within the county. When any portion of the facility or building is in excess of 150 feet (45 720 mm) from a water supply on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains capable of supplying the required fire flow shall be provided when required by the AHJ. For on-site fire hydrant requirements see section 18.3.3.

#### **EXCEPTIONS:**

1. When facilities or buildings, or portions thereof, are completely protected with an approved automatic fire sprinkler system the provisions of section 18.3.1 may be modified by the AHJ.
2. When water supply requirements cannot be installed due to topography or other conditions, the AHJ may require additional fire protection as specified in section 18.3.2 as amended in the code.
3. When there are not more than two dwellings, or two private garage, carports, sheds and agricultural. Occupancies, the requirements of section 18.3.1 may be modified by AHJ.

**18.3.2\*** Where no adequate or reliable water distribution system exists, approved reservoirs, pressure tanks, elevated tanks, fire department tanker shuttles, or other approved systems capable of providing the required fire flow shall be permitted.

**18.3.3\*** The location, number and type of fire hydrants connected to a water supply capable of delivering the required fire flow shall be provided on a fire apparatus access road on the site of the premises or both, in accordance with the appropriate county water requirements.

**18.3.4** Fire Hydrants and connections to other approved water supplies shall be accessible to the fire department.

**18.3.5** Private water supply systems shall be tested and maintained in accordance with NFPA 25 or county requirements as determined by the AHJ.

**18.3.6** Where required by the AHJ, fire hydrants subject to vehicular damage shall be protected unless located within a public right of way.

**18.3.7** The AHJ shall be notified whenever any fire hydrant is placed out of service or returned to service. Owners of private property required to have hydrants shall maintain hydrant records of approval, testing, and maintenance, in accordance with the respective county water requirements. Records shall be made available for review by the AHJ upon request.

**C~ 18.3.8** Minimum water supply for buildings that do not meet the minimum County water standards:

Buildings up to 2000 square feet, shall have a minimum of 3,000 gallons of water available for Firefighting.

Buildings 2001- 3000 square feet, shall have a minimum of 6,000 gallons of water available for Firefighting.

Buildings, 3001- 6000 square feet, shall have a minimum of 12,000 gallons of water available for Firefighting.

Buildings, greater than 6000 square feet, shall meet the minimum County water and fire flow requirements.

Multiple story buildings shall multiply the square feet by the amount of stories when determining the minimum water supply.

Commercial buildings requiring a minimum fire flow of 2000gpm per the Department of Water standards shall double the minimum water supply reserved for firefighting.

Fire Department Connections (FDC) to alternative water supplies shall comply with 18.3.8 (1)-(6) of *this code*.

**NOTE: In that water catchment systems are being used as a means of water supply for firefighting, such systems shall meet the following requirements:**

- 1) In that a single water tank is used for both domestic and firefighting water, the water for domestic use shall not be capable of being drawn from the water reserved for firefighting;
- 2) Minimum pipe diameter sizes from the water supply to the Fire Department Connection (FDC) shall be as follows:
  - a) 4" for C900 PVC pipe;
  - b) 4" for C906 PE pipe;
  - c) 3" for ductile Iron;
  - d) 3' for galvanized steel.



- 3) The Fire Department Connection (FDC) shall:
  - a) be made of galvanized steel;
  - b) have a gated valve with 2-1/2 inch, National Standard Thread male fitting and cap;
  - c) be located between 8 ft and 16 ft from the Fire department access. The location shall be approved by the AHJ;
  - d) not be located less than 24 inches, and no higher than 36 inches from finish grade, as measured from the center of the FDC orifice;
  - e) be secure and capable of withstanding drafting operations. Engineered stamped plans may be required;
  - f) not be located more than 150 feet of the most remote part, but not less than 20 feet, of the structure being protected;
  - g) also comply with section 13.1.3 and 18.2.3.4.6.1 of *this code*.
- 4) Commercial buildings requiring a fire flow of 2000gpm shall be provided with a second FDC. Each FDC shall be independent of each other, with each FDC being capable of flowing 500gpm by engineered design standards. The second FDC shall be located in an area approved by the AHJ with the idea of multiple Fire apparatus' conducting drafting operations at once, in mind.
- 5) Inspection and maintenance shall be in accordance to NFPA 25.
- 6) The owner or lessee of the property shall be responsible for maintaining the water level, quality, and appurtenances of the system.

**EXCEPTIONS TO SECTION 18.3.8:**

- 1) Agricultural buildings, storage sheds, and shade houses with no combustible or equipment storage.
- 2) Buildings less than 800 square feet in size that meets the minimum Fire Department Access Road requirements.
- 3) For one and two family dwellings, agricultural buildings, storage sheds, and detached garages 800 to 2000 square feet in size, and meets the minimum Fire Department Access Road requirements, the distance to the Fire Department Connection may be increased to 1000 feet.
- 4) For one and two family dwellings, agricultural buildings, and storage sheds greater than 2000square feet, but less than 3000 square feet and meets the minimum Fire Department Access Road requirements, the distance to the Fire Department Connection may be increased to 500 feet.

Derek Simon  
November 7, 2019  
Page 9

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

If there are any questions regarding these requirements, please contact the Fire Prevention Bureau at (808) 932-2911.

A handwritten signature in black ink, appearing to read "Darren J. Rosario".

DARREN J. ROSARIO  
Fire Chief

CB:ds

# CARLSMITH BALL LLP

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OUR REFERENCE NO.:  
069351-00001

February 19, 2020

## VIA U.S. MAIL

County of Hawai'i  
Hawaii Fire Department  
25 Aupuni Street, Suite 2501  
Hilo, Hawai'i 96730  
Attn: Mr. Darren J. Rosario, Fire Chief

Re: Public Comment Period for Draft Environmental Assessment for  
Reclassification of Approximately 0.51 Acres of Land Located at Tax  
Map Key No.: (3) 1-5-059:059, Island, County and State of Hawai'i

Dear Chief Rosario:

Thank you for your letter dated November 7, 2019, providing comments on the Draft Environmental Assessment (Draft EA) for the proposed reclassification of Tax Map Key No.: (3) 1-5-059:059 (Barry Property) from the State Land Use (SLU) Conservation District to the SLU Agricultural District.

Your letter sets forth the *Hawaii State Fire Code, National Fire Protection Association Version, with County of Hawai'i Amendments* (Fire Code). As explained in the Draft EA, the Barrys are seeking the reclassification of the Barry Property to allow for the development of a dwelling, associated agricultural uses, and other related improvements and uses (Barry Project). The Barry Project will fully comply with all applicable provisions of the Fire Code, including any applicable provisions related to the use of on-site water for firefighting purposes.

Thank you for your participation in this process. Your letter and this response will be included in the forthcoming Final Environmental Assessment. If you have any questions, please feel free to contact me at [dsimon@carlsmith.com](mailto:dsimon@carlsmith.com) or 808-523-2589.

Sincerely,

A handwritten signature in black ink, appearing to read 'Derek B. Simon', with a stylized flourish at the end.

Derek B. Simon






STATE OF HAWAII  
DEPARTMENT OF EDUCATION  
P.O. BOX 2360  
HONOLULU, HAWAII 96804

OFFICE OF FACILITIES AND OPERATIONS

November 12, 2019

TO: Scott Derrickson  
Land Use Commission  
Department of Business, Economic Development and Tourism

FROM: Kenneth G. Masden II  
Public Works Manager, Planning Section  
Facilities Development Branch 

SUBJECT: Draft Environmental Assessment for Barry Family Project  
Keaau, Hawaii TMK: 1-5-059:059

The Hawaii State Department of Education (HIDOE) has the following comments for the Barry Family Project (Project). According to the Draft Environmental Assessment the Barry Family has filed a petition with the State Land Use Commission to reclassify approximately .51 acres of land from the State Conservation District to the State Agricultural District to construct a single-family dwelling and associated improvements located at Keaau, Island of Hawaii, TMK: 1-5-059:059.

The HIDOE schools servicing the Project are Keaau Elementary, Keaau Middle, and Keaau High. The proposed Project is not anticipated to impact HIDOE schools or facilities.

Thank you for the opportunity to comment. Should you have questions, please contact Robyn Loudermilk, School Lands and Facilities Specialist, Facilities Development Branch, Planning Section at 784-5093 or via email at [robyn.loudermilk@k12.hi.us](mailto:robyn.loudermilk@k12.hi.us).

KGM:rl

c: Derek Simon, Esq., Carlsmith Ball LLP  
Kevin and Monica Barry, Applicant

# CARLSMITH BALL LLP

A LIMITED LIABILITY LAW PARTNERSHIP

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OUR REFERENCE NO.:  
069351-00001

February 19, 2020

## VIA U.S. MAIL

State of Hawaii  
Department of Education  
P.O. Box 2380  
Honolulu, Hawaii 96804  
Attn: Mr. Kenneth G. Masden II

Re: Public Comment Period for Draft Environmental Assessment for  
Reclassification of Approximately 0.51 Acres of Land Located at Tax  
Map Key No.: (3) 1-5-059:059, Island, County and State of Hawai'i

Dear Mr. Masden:

Thank you for your letter dated November 12, 2019, providing comments on the Draft Environmental Assessment (Draft EA) for the proposed reclassification of Tax Map Key No.: (3) 1-5-059:059 (Barry Property) from the State Land Use (SLU) Conservation District to the SLU Agricultural District.

Thank you for confirming that the State of Hawai'i Department of Education (DOE) schools servicing the Barry Property are Keaau Elementary School, Keaau Middle School, and Keaau High School. We acknowledge the DOE's determination that the proposed reclassification of the Barry Property is not anticipated to impact DOE schools or facilities.

Thank you for your participation in this process. Your letter and this response will be included in the forthcoming Final Environmental Assessment. If you have any questions, please feel free to contact me at dsimon@carlsmith.com or 808-523-2589.

Sincerely,



Derek B. Simon

HONOLULU

HILO

KONA

MAUI

LOS ANGELES

4814-3114-1810.1.069351-00001

DAVID Y. IGE  
GOVERNOR OF HAWAII



BRUCE S. ANDERSON, Ph.D.  
DIRECTOR OF HEALTH

STATE OF HAWAII  
DEPARTMENT OF HEALTH  
P. O. BOX 3378  
HONOLULU, HI 96801-3378

In reply, please refer to:  
File:

LUD - 3 1 5 059 059 DEA  
Reclssf of Land - ID4903

November 20, 2019

Mr. Derek B. Simon  
Carlsmith Ball LLP  
ASB Tower, Suite 2100  
1001 Bishop Street  
Honolulu, Hawaii 96813  
Via email: dsimon@carlsmith.com

Dear Mr. Simon:

Subject: Public Comment Period for Draft Environmental Assessment (DEA) for  
Reclassification of Approximately 0.51 Acres of Land Located at  
TMK (3) 1-5-059: 059,  
From State Land Use, Conservation District to Agricultural District, Island  
of Hawaii  
(Paradise Ala Kai, Hawaiian Paradise Park, Keaau 96749)

Thank you for allowing us the opportunity to provide comments on the above subject project in which we have the following comments to offer.

The DEA indicated that a three (3) bedroom single-story family dwelling, two (2)-car garage, lanai, swimming pool, a private water well or private catchment system, and a photovoltaic solar system is planned be constructed as part of the proposed project. Further, the DEA describes that wastewater generated by the project will be processed through a modern individual wastewater system (septic) designed by a licensed engineer and approved by the State of Hawaii, Department of Health.

As this property may be within 1,000 feet of a potable well the individual wastewater system (IWS) to accommodate the wastewater generated from the project may be required to be an NSF/ANSI 40 or 245 certified aerobic treatment unit (ATU) system, rather than a conventional IWS septic system. It should be noted that the filter backwash associated with the operation of the swimming pool is required to be appropriately treated and disposed by an IWS.