

244

CERTIFIED MAIL

August 11, 1986

Mr. R. Ben Tsukazaki
Carlsmith, Wichman, Case,
Mukai and Ichiki
Attorneys at Law
121 Waianuenu Avenue
Hilo, HI 96720

Mr. Tsukazaki:

Variance Application (V86-10)
291156 Alberta, Inc.
Tax Map Key 8-8-03:06 and 8-8-18:21

After reviewing your application and the information submitted in behalf of it, the Planning Director by this letter hereby certifies the approval of your variance request to allow the creation of a six lot subdivision without a water system meeting with the minimum requirements of the County Department of Water Supply as required by Article 6, Division 2, Section 23-84(1) of the Subdivision Code, Papa 1st, South Kona, Hawaii.

The approval is based on the following. Please note, however, that since Ms. Schobel filed an objection to the above request, she has ten (10) working days in which to file a request to have the Planning Commission review this application.

SPECIAL AND UNUSUAL CIRCUMSTANCES

There are special and unusual circumstances applying to the property which exist to a degree which obviously interferes with the best use or manner of development of the property. The subject property which consists of 54.7 acres is located within the County's "Unplanned" zoned district. Under this zoning designation, the minimum building site area is five (5) acres. The applicant is proposing a 6-lot subdivision each with an area of 5 acres or more which conforms to the minimum lot size requirement of the Zoning Code. The nearest County water system is located approximately 11 miles to the north. In lieu of providing water from the County

AUG 12 1986

Mr. R. Ben Tsukazaki
August 11, 1986
Page 2

water system, the applicant is proposing to incorporate in the subdivision covenants the following:

- A. Each dwelling must be serviced by:
 - 1. A water-catchment system containing a minimum surface area of 3,500 square feet.
 - 2. A minimum 15,000 gallon storage capacity with at least 5,000 gallons of water available in storage at all times.
- B. Applicant and its successors (lot owners) acknowledge that the County is not obligated to provide water to the subdivision under any circumstances.
- C. Each lot owner is required to participate in any improvement district which may be created for public water system improvements which would service the subdivision.
- D. The subdivision lots may not be subdivided further without a public water system or a private system that is acceptable to the County.

ALTERNATIVES

There are no other reasonable alternatives to resolve the difficulty. An alternative would be for the applicant to extend the existing County water system from Hookena to the subject property which is approximately 11 miles in length. At a cost of approximately \$60 per linear foot, the total cost would be approximately 3.48 million dollars. This does not include the cost for booster pumps, storage reservoirs, etc. The other alternative would be for the applicant to provide his own private water system which would require a minimum 2 wells. The estimated cost for drilling and casing of the wells is approximately \$540,000 per well. For 2 wells, the cost would be 1.08 million dollars. In addition to this cost, storage reservoirs (approx. \$500,000) must be constructed along with the pumping facilities and transmission lines. Should the applicant decide to provide his own water system, the minimum cost (drilling and storage facilities) of the improvements would be approximately 1.62 million dollars. For the proposed 6-lot subdivision, the cost per lot will be approximately \$270,000. This cost does not include the pumping facilities, transmission lines, and other facilities required to make the system operational. This cost alone will be greater than the cost of the 5 acre lot.

Mr. R. Ben Tsukazaki
August 11, 1986
Page 3

As such, the impositions of providing a public or private water system in this area for the proposed subdivision would be putting excessive demands upon the petitioner when a more reasonable alternative is available.

INTENT AND PURPOSE

The intent and purpose of requiring a water system within a subdivision is to assure that adequate water is available for human consumption and fire protection. Since the property is within the Unplanned district, fire protection facilities (fire hydrants) is not a mandatory requirement of the water standards.

The analysis of the annual median rainfall for the area shows that there is adequate rainfall to support a water roof catchment system.

Based on the foregoing findings, the variance request would be consistent with the general purpose of the zoning district, the intent and purpose of the Zoning and Subdivision Codes and the County General Plan; 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.

The variance request is approved, subject to the following conditions:

1. The petitioner, its assigns or successors, shall be responsible for complying with all stated conditions of approval.
2. The petitioner, its assigns or successors, shall file a written agreement with the Planning Department prior to receipt of final subdivision approval containing the following stipulations and covenants:
 - a. That the subdivider agrees and accepts the fact that a County dedicable public water system is not now or in the foreseeable future available to service the subdivision, and that no portion of the subject property may be further subdivided without first having a water system meeting with the standards of the Department of Water Supply.
 - b. That the subdivider agrees and accepts the fact, the County will not at any time bear the responsibility of supplying public water to the subdivision.


Mr. R. Ben Tsukazaki
August 11, 1986
Page 4

- c. That any future dwellings and other buildings constructed on the property shall have a minimum total roof catchment area of 3,500 square foot with a minimum 15,000 gallon water storage facility. A minimum 5,000 gallons of water in storage shall be available at all times.
 - d. That each lot owner is required to participate in any improvement district which may be created for public water system improvements which would service the proposed subdivision.
 - e. That the written agreement shall be duly recorded at the Bureau of Conveyances of the State of Hawaii by the Department at the cost and expense of the subdivider.
3. In the event that there are any amendments or changes of the subdivision after the agreement is signed, the subdivider shall be responsible for informing the Department of the amendments or changes; further, the written agreement shall be considered as a condition and covenant running with the land and shall be binding upon the subdivider or owner, his heirs, executors, administrators or assigns or its successors and assigns and shall be incorporated by reference as an exhibit and made part of each agreement of ownership of each subdivided lot.

Should any of the foregoing conditions not be complied with, this variance shall automatically be void.

If you have any questions on this matter, please feel free to contact us.

Sincerely,


for ALBERT LONO LYMAN
Planning Director

MO:lkt

cc: Frances J. Schobel
Dept. of Water Supply

bcc: Kaoru (Subd. file)