

CERTIFIED MAIL

September 25, 1986

Mr. John D. Weeks
78-6877 Mamalahoa Highway
Holualoa, HI 96725

Dear Mr. Weeks:

Variance Application (V86-12)
Les Marks
Tax Map Key 8-6-08:5 and 6

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 3-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, Waiea, South Kona, Hawaii.

The approval is based on the following:

SPECIAL AND UNUSUAL CIRCUMSTANCES

There are special and unusual circumstances that exists which would warrant or necessitate a waiver from the minimum water requirements to service the proposed 3-lot subdivision. The petitioner is proposing to consolidate 2 parcels and resubdivide it into 3 lots, which results in the creation of 1 additional lot. The intent of the proposed action is to convey one lot to each of his children. The present County water system terminates at the Mamalahoa Highway/Hookena Beach Access Road Junction. This is the nearest County water system and is located approximately 2,800 feet from the subject parcel. There are no immediate plans to extend the water system to service the subject parcel.

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From the map contained in Circular C88, Median Rainfall, State of Hawaii, the subject property receives a median rainfall of approximately 45 inches of rainfall per year. From the monthly rainfall data of the Pahoehe Ranch gauge station and based on a minimum 2,500 square foot of roof catchment area, approximately 70,125 gallons of water is available for the year. Water consumption per month based on a household of 3.5 persons per family is 50 gallons per person or 175 gallons per day. The total yearly water consumption per family is approximately 63,875 gallons. This would leave a surplus of approximately 6,250 gallons of water per year.

Therefore, considering all of the foregoing issues, we have determined that there are special or unusual circumstances applying to the subject property which exists either to a degree which deprives the owner or petitioner 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 the subject property.

ALTERNATIVES

There are no reasonable alternatives in resolving the difficulty of the petitioner. An alternative would be for the petitioner to extend the existing County water system from Hookena Beach Access Road junction to the subject property which is approximately 2,800 feet in length. The improvements would consist of a transmission line (12" in diameter), water storage facilities (reservoirs), booster stations, etc. The cost of the transmission line alone will cost approximately \$60/linear foot or about \$168,000. This would amount to approximately \$56,000 per lot, which does not include the water storage facilities and the booster stations.

The second alternative would be to drill 2 wells. The elevation of the property is 840 feet. The cost of installing a well in place is approximately \$800 per linear foot. A well 840 feet in depth would cost approximately \$672,000. The cost of development of 2 wells will be approximately \$1,344,000 plus the cost of storage facilities, transmission lines, booster stations, etc. The cost of these improvements per lot will be greater than the cost of the lots.

As such, the imposition 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 accept the fact the County will not at any time bear the responsibility of supplying public water to the subdivision.
 - c. That any future dwellings constructed on the property shall have a minimum of 2,500 roof catchment surface with a minimum 10,000 gallon water storage facility.
 - d. 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.

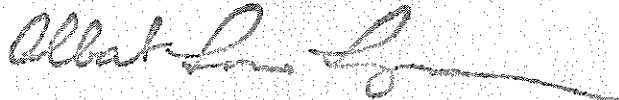
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3. In the event that there are any amendments or changes to the subdivision after the agreement is signed, the subdivider shall be responsible for informing the Department of the amendments or changes; further, the written agreement shall be considered 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 sale, deed, lease or other similar documents affecting the title or ownership of each subdivided lot.

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

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

Sincerely,



ALBERT LONO LYMAN
Planning Director

MO:ds

cc: Dept. of Water Supply

bcc: Kaoru