

CERTIFIED MAIL

December 1, 1987

Mr. George De Cottes
460 W. California Blvd.
Pasadena, CA 91105

Dear Mr. De Cottes:

Variance Application (V87-46)
George De Cottes
Tax Map Key 6-4-17:87

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 2-lot subdivision with one lot not being served by a water system meeting with the minimum water requirements of the County Department of Water Supply as required by Article 6, Division 2, Section 23-84(1) of the Subdivision Code. The subject property is 2.127 acres in area, identified by tax map key 6-4-17:87 and is located on the north side of Hauhoa Street adjoining (east side) the Hoonani Subdivision, Increment "B," McMillian Subdivision (Phase II) Puukapu Homesteads, 2nd Series, South ~~Kona~~, Hawaii.

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The approval is based on the following:

SPECIAL AND UNUSUAL CIRCUMSTANCES

There are special and unusual circumstances applying to the subject property which deprive the petitioner of substantial property rights that would otherwise be available, or which interfere with the best use or manner of development of the property.

Mr. George De Cottes
Page 2
December 1, 1987

The County water system ends at the entrance to the proposed subdivision. The Department of Water Supply states that the existing single parcel, #87 is serviced by them but the 2nd proposed to be partitioned from it, cannot (DWS letter of March 24, 1987 to Brad Miller) subdivision application 87-49). Essentially, the existing system is too small presently, to supply any other additional new lots.

There are no imminent plans by the Department of Water Supply to expand the carrying capacity of the existing County system. On the other hand there is adequate rainfall in this area which can be caught and stored for domestic or agricultural use for this proposed single one acre lot to be partitioned from parcel 87. A roof catchment system of a calculated size and storage capacity could substitute for the County domestic water supply, given this situation.

The Department of Land and Natural Resources rainfall information for Hawaii states that this area received 73.5 inches of median annual rainfall as recorded for the past 23 years. This amount of rainfall has been calculated to be sufficient for an average size single family dwelling for their monthly domestic use provided sufficient catchment area and storage capacity are developed.

ALTERNATIVES

There are not other reasonable alternatives besides the use of a catchment system for this applicant's situation. Enlarging the County system would cost in the hundreds of thousands of dollars. On the other hand, catchment systems have continued to be used in rural areas of Kona and in other districts, as a substitute method for domestic water consumption. Only in areas of lesser rainfall have they been considered inadequate as water supply.

INTENT AND PURPOSE

The intent and purpose of providing a water system to a subdivision is to assure that adequate potable water is supplied the inhabitants or users of the lots being created. Where County water systems are not able to reach or where their capabilities are already strained and where the costs are deemed prohibitive to either connect or upgrade, substitute systems are sought. In this case, although not as dependable as a piped central system, individual catchments are deemed minimally adequate provided the rainfall is adequate and the owner is

Mr. George De Cottes
Page 3
December 1, 1987

willing and able to tend to constructing adequate catchment area, storage capacity, purification methods, etc. which are required for personal, health and safety reasons.

In view of these findings, the approval of this variance would still be consistent with the general purpose of the zoning district, and the intent and purpose of the subdivision Control Code and the General Plan.

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

1. The applicant, its assigns or successors, shall be responsible for complying with all stated conditions of approval.
2. The applicant, 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. 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 additional lot, and that no portion of the subject property may be further subdivided without first having a water system meeting the standards of the Department of Water Supply.
 - b. The subdivider agrees and accepts the fact that the County will not at any time bear the responsibility of supplying public water to the lot.
 - c. Any future dwelling constructed on the property shall have a minimum 2400 square feet of roof catchment surface with a minimum 15,000 gallon water storage facility.
 - d. 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 to the subdivision after the agreement is signed, the subdivider shall be responsible for informing the Department of the amendments or changes so that the agreement can reflect the amendments or changes; further,

Mr. George De Cottes
Page 4
December 1, 1987

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.

4. In the event that any of the lots are provided by a separate water service (individual meters) from the Department of Water Supply, the above covenants will no longer be in effect.

Should the foregoing conditions not be complied with, the Planning Director may nullify this variance permit.

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

Sincerely,



ALBERT LONO LYMAN
Planning Director

DT:dh

cc: Chrystal Thomas Yamasaki
West Hawaii Planning Coordinator