

CERTIFIED MAIL

February 19, 1988

Mrs. Edna Christensen
1235 Kumukoa Street
Hilo, HI 96720

Dear Mrs. Christensen:

Variance Application (V87-58)
Variance from Minimum Water Requirements
Tax Map Key 7-4-03:24

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 1 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 8.878 acres in area, identified by tax map key 7-4-03:24 and is located on the east side (mauka) of Mamalahoa Highway approximately 4,300 feet south of the Mamalahoa Highway/Palani Road junction, Kealahoe, North Kona, Hawaii.

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 applicant of substantial property rights that would otherwise be available, or which interfere with the best use or manner of development of the property.

The existing 8+ acre lot is adjacent to the highway which contains an 8 inch county water line to which the owner would like to connect. However, the Department of Water Supply will

FEB 22 1988

not allow any more connections because they state the system will not bear additional consumers. One water meter is permitted for the existing lot only; a second to service the second lot will not be permitted until the Department of Water Supply increases the capacity of the system. Further, the lot is zoned Agriculture 1-acre, theoretically allowing 7 or 8 lots at full development, but, in this case, the owner is applying for a 2-lot subdivision.

ALTERNATIVES

The only alternative available to supply standard water to the proposed subdivision is for the owner to improve and add "source, storage, transmission and booster pump facilities." This would cost in the millions of dollars, which is considered unreasonable.

But the alternative to connecting to the County system is to allow roof catchment, provided sufficient rainfall is evidenced and catchment area and storage are adequate in size.

Roof catchments for water are not uncommon to the area or to the island. The entire Volcano Community (hundreds of homes) subsist on catchment water, as do hundreds of dwellings in the mauka area of Kona and the thousands in the vast rural subdivisions of Puna.

While it is not the intent of the County to perpetuate roof catchment systems in large subdivisions, the County system cannot be improved immediately because of the costs involved, and individual catchment systems for individuals and small subdivisions are considered an acceptable, temporary alternative during the interim. For multi-lot subdivisions for sale on the open market, roof catchment systems are discouraged as they would otherwise soon be considered the acceptable County standard.

INTENT AND PURPOSE

The intent and purpose of the water standard requirement is to ensure that a sufficient quantity of potable water is supplied to each subdivided lot. A roof catchment system for this area would, according to DLNR/DOWALD rainfall data, suffice for the potable water needs of a typical single family dwelling. However, the quality would be in the sole control of the applicant once the rainfall were captured. It has been calculated that a catchment area of 1,500 square feet would be needed with a minimum storage capacity of 10,000 gallons.

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 Code and the County General Plan; will not be materially detrimental to the public's welfare; and will not cause substantially adverse impact to the area's character and adjoining properties.

Therefore, the Planning Director has concluded that this variance request be approved subject to the following conditions:

1. The petitioner, her assigns or successors, shall be responsible for complying with all stated conditions of approval.
2. The petitioner, her 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 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. The subdivider agrees and accepts the fact the County will not at any time bear the responsibility of supplying public water to the subdivision.
 - c. Any future dwellings constructed on the property shall have a minimum of 1,500 square foot roof catchment surface with a minimum 10,000 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, the written agreement shall be considered as a condition and covenant running with the land and shall be binding

Mrs. Edna Christensen
Page 4
February 19, 1988

upon the subdivider or owner, his heirs, executors, administrators or assigns and its successors and assigns and shall be incorporated 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 water service (individual meter) from the Department of Water Supply or an approved private water system, the above covenants for the specific property will no longer be in effect.

Should any of the foregoing conditions not be complied with, the Planning Director may act to render this Variance Permit null and void.

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

Sincerely,



ALBERT LONO LYMAN
Planning Director

DT:lv

cc: Island Survey, Inc.
Subd. 87-90