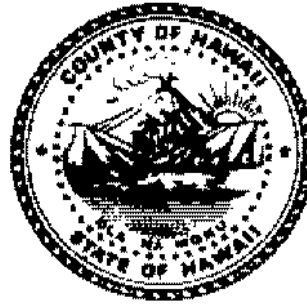


Harry Kim  
Mayor

Roy Takemoto  
Managing Director

West Hawai'i Office  
74-5044 Ane Keohokālole Hwy  
Kailua-Kona, Hawai'i 96740  
Phone (808) 323-4770  
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**County of Hawai'i**  
**PLANNING DEPARTMENT**

Michael Yee  
Director

April Surprenant  
Acting Deputy Director

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101 Pauahi Street, Suite 3  
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Fax (808) 961-8742

June 19, 2020

Chrystal Thomas Yamasaki, LPLS  
Wes Thomas Associates  
75-5749 Kalawa Street  
Kailua-Kona, HI 96740-1818

Dear Ms. Yamasaki:

**SUBDIVISION WITHDRAWN**

**SUBDIVIDERS: BERNARD, Lily N. & Helen N.**

**(Alvin K. Bernard; Heirs of Alan Naipo; & Heirs of Michael K. Naipo)**

Proposed Subdivision of a portion of Land Commission Award 8859-B, Apana 3,  
Into Lots 1 and 2,

Makapala, North Kohala, Island of Hawai'i, Hawai'i

TMK: 5-2-008:005 & 027 (SUB-88-000071)

Our last correspondence on the subject application, dated August 9, 2011, was to advise of the requirements for final subdivision approval. Since that time, in 2018, Ord No. 18-012 was enacted which allowed the created lots without the need to finalize this application.

Therefore, this application is being **withdrawn** from our active files. We will also deem water variance VAR 355 (VAR-88-000027) **null & void**.

Should you have any questions, please feel free to contact Hans Santiago at [hans.santiago@hawaiicounty.gov](mailto:hans.santiago@hawaiicounty.gov) or Jonathan Holmes at [jonathan.holmes@hawaiicounty.gov](mailto:jonathan.holmes@hawaiicounty.gov) of this department.

Sincerely,

  
MICHAEL YEE  
Planning Director

JRH:tb

\\coh33\planning\public\Admin Permits Division\Subdivision\2020\2020-2\SUB-88-000071Bernard WD 06-19-20.docx

[www.planning.hawaiicounty.gov](http://www.planning.hawaiicounty.gov)

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Chrystal Thomas Yamasaki, LPLS

Wes Thomas Associates

June 19, 2020

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xc:     Manager, DWS  
          Director, DPW  
          District Environmental Health Program Chief, DOH  
          G. Bailado, GIS Section via e-mail  
          VAR 355 (VAR-88-000027) (N/V); TMK File 5-2-008:005 & 027

355

CERTIFIED MAIL

May 4, 1989

Ms. Chrystal T. Yamasaki  
Wes Thomas & Associates, Inc.  
75-5722 Kalawa Street  
Kailua-Kona, HI 96740

Dear Ms. Yamasaki:

Variance Application (V88-27)  
Lily & Helen Bernard  
Tax Map Key 5-2-08:5 & 27

After reviewing the above application and the information submitted in behalf of it, the Planning Director by this letter hereby certifies the approval of the above 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 which consists of 53,175 square feet and identified by TMK: 5-2-8:5 and 27, is located adjacent to and west of the Makapala Christian Camp at Makapala, North Kohala, Hawaii.

The approval is based on the following:

SPECIAL AND UNUSUAL CIRCUMSTANCES

There are special and unusual circumstances that exist which would warrant or necessitate a waiver from the minimum water requirements to service the proposed 2-lot subdivision. The Makapala-Keokea water system is situated near the south end of the private roadway easement, approximately 1.5 miles from the subject property. An 8-inch water line has been installed along the easement. However, the Department of Water Supply commented that the existing water system facilities cannot support the proposed subdivision. Sufficient funding is not available and there are no immediate plans to improve the water system.

MAY 5 - 1989

The proposed subdivision is the result of a court action to quiet title to and partition of the subject property.

From the data contained in DOWALD's Circular C88, Median Rainfall, and Report R76, the subject property receives an annual median rainfall of approximately 67 inches of rainfall per year. Based on the above median rainfall per year with a minimum roof area catchment of 2,000 square feet, approximately 83,538 gallons of water is available for the year. Water consumption per day 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. The amount of water available through a catchment system exceeds the amount consumed.

Therefore, considering all of these 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 applicant 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 applicant. The applicant could extend the existing water system approximately 2,500 linear feet to the subject property at a cost of \$60 per linear foot. This cost would be approximately \$150,000. However, this cost does not include any cost of improvements for storage facilities, booster pumps facilities and other requirements.

The other alternative would be to drill a well. The cost of drilling one well would be approximately \$160,000 plus the cost of the necessary storage reservoir, transmission lines, booster pumps and related improvements. There is no assurance that water would be found under the subject property.

As such, the imposition of providing a public or private water system in this area for the proposed 2-lot subdivision would be putting excessive demands upon the applicant 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. The property is within the Single Family Residential-15,000 square feet (RS-15) district and fire protection facilities (fire hydrants) have not been installed along the roadway easement.

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

Based on the foregoing findings, this 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 areas character and to adjoining properties.

The Planning Director has concluded that this request be 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. 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 that 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 2,000 square feet roof catchment surface with a minimum 15,000 gallon water storage facility.

Ms. Chrystal T. Yamasaki

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May 4, 1989

- d. That no ohana dwellings will be permitted on the lots that are not served by the County water system.
  - 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 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 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 null and void this Variance Permit.

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

Sincerely,



DUANE KANUHA  
Planning Director

MO:lv

cc: Department of Water Supply  
Subd. 88-71