

Mitchell D. Roth  
Mayor

Lee E. Lord  
Managing Director

West Hawai'i Office  
74-5044 Ane Keohokālole Hwy  
Kailua-Kona, Hawai'i 96740  
Phone (808) 323-4770  
Fax (808) 327-3563



**County of Hawai'i**  
PLANNING DEPARTMENT

Zendo Kern  
Director

Jeffrey W. Darrow  
Deputy Director

East Hawai'i Office  
101 Pauahi Street, Suite 3  
Hilo, Hawai'i 96720  
Phone (808) 961-8288  
Fax (808) 961-8742

January 7, 2021

Alan Z. Inaba, LPLS  
Inaba Engineering, Inc.  
273 Waianuenue Avenue  
Hilo, HI 96720

Dear Mr. Inaba:

**SUBDIVISION WITHDRAWN**

**SUBDIVIDERS: WONG, Theodore N.F., et al.**

Proposed Subdivision of Lot 1407, Waiākea Homesteads, Second Series,  
Being a Portion of Grant 10875  
Into Lots 1407-A, 1407-B And 1407-C,  
Waiākea, South Hilo, Island of Hawai'i, Hawai'i  
TMK: 2-4-007:022 (SUB-91-000087)

There has been no response to our letter of January 10, 2020 regarding the subject application.

Therefore, we are deeming the subdivision file **withdrawn** and removing it from process. With this action, VAR 503 (VAR-91-000026) is also deemed **null & void**.

Pursuant to Article 4, Section 23-60(c), Chapter 23, Subdivision Control Code, a portion of the filing fee equivalent of ten percent (10%) of the fee or five dollars (\$5.00), whichever is greater, shall be retained for applications which have been withdrawn or denied before granted Tentative Approval (TA). However, Tentative Approval was issued, and therefore, no refund is due.

Should the landowners elect to pursue the subdivision at a later date a new application complete with filing fee must be resubmitted to this department.

Alan Z. Inaba, LPLS  
Inaba Engineering, Inc.  
January 7, 2021  
Page 2

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).

Sincerely,



*ZK*  
ZENDO KERN  
Planning Director

JRH:tb

\\coh33\planning\public\Admin Permits Division\Subdivision\2021\2021-1\SUB-91-000087WongEtal WD 1-17-21.docx

xc:     Manager, DWS  
          Director, DPW  
          District Environmental Health Program Chief, DOH  
          Roberta Bernice Fithian Trust, et al.  
          G. Bailado, GIS Section via e-mail (VAR N/V)  
          VAR 503 (VAR-91-000026) N/V

V 503  
approve

CERTIFIED MAIL

April 30, 1993

Mr. Theodore Wong  
1841 Kilauea Avenue  
Hilo, HI 96720

Dear Mr. Wong:

Applicant: Theodore Wong  
Variance Application (V91-26)  
Variance From Minimum Water Requirements  
TMK: 2-4-07:22

After reviewing your application and the information submitted in its behalf, the Planning Director by this letter hereby certifies the approval of your variance request to allow the creation of a 3-lot subdivision of which two lots would be without a water system meeting 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 Control Code. The property is a 40-acre lot on the mauka (east) side of Waikehe Street, 2500 ft. south from its intersection with Ainaola Drive in Waiakea Homesteads, South Hilo.

The approval of the variance request to allow the proposed subdivision without the minimum water requirements 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 requirements to service the proposed 3-lot subdivision. The Department of Water Supply stated, "The Department's existing water system facilities cannot support the proposed subdivision at this time. Extensive improvements and additions, including source, storage, transmission, booster pump, and distribution facilities, must be constructed. Currently, sufficient funding is not available and no time schedule is set."

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Mr. Theodore Wong  
April 30, 1993  
Page 2

Therefore, considering these foregoing issues, we have determined that there are special and unusual circumstances applying to the subject property which exist either to a degree which deprives the 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 issue. The cost of the required water system is entirely out of reach to the applicant.

The other alternative would be to drill two wells. The cost of drilling even one well would be exorbitant. And there is no assurance that water would be found beneath the subject property.

Requiring a standard water system in this area for the proposed 3-lot subdivision would be an excessive demand upon the applicant when a more reasonable alternative is available.

#### INTENT AND PURPOSE

The subject property, consisting of 40 acres, is located within the County's Agricultural-3 acres (A-3a) zoned district. The applicant is proposing a 3-lot subdivision each with an area of 13.33 acres, conforming to the minimum lot size requirement of the Zoning Code.

The intent and purpose of requiring a water system in this case is to assure that adequate water is available for human consumption.

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 area's character and to adjoining properties.

Mr. Theodore Wong  
April 30, 1993  
Page 3

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

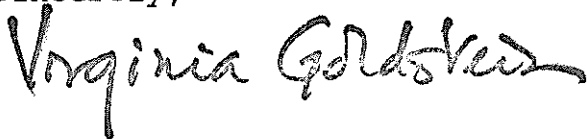
1. The applicant, his assigns or successors, shall be responsible for complying with all stated conditions of approval.
2. The applicant, his assigns or successors, shall file a written agreement with the Planning Department prior to receipt of final subdivision approval containing the following stipulations and covenants:
  - a. The applicant/subdivider agrees and accepts the fact that a County dedicable public water system is not now or in the foreseeable future able 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 applicant/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. Any existing and/or future dwellings not serviced by County water system constructed on the property shall have a minimum 6,000 gallon water storage facility for domestic consumption. This catchment system shall adhere to the Department of Public Works, Building Division's "Guidelines for Owners of Rain Catchment Water Systems" as well as the State Department of Health requirements related to water testing and water purifying devices.
  - d. Provide a dedicable water supply system sufficient for fire fighting consisting of a minimum 3,000 gallons of water per existing and/or proposed future dwelling on the property meeting with the approval of the Hawaii County Fire Department. If dwellings are spaced closer than 50 feet apart, 4,000 gallons of water per dwelling will be required.

Mr. Theodore Wong  
April 30, 1993  
Page 4

3. In the event that there are any amendments or changes to the subdivision after the agreement is signed, the applicant/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 applicant/subdivider or owner, his 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.
5. All other applicable State and County rules and regulations shall be complied with.

Should any of the foregoing conditions not be complied with, the Planning Director may proceed to declare this variance null and void.

Sincerely,



VIRGINIA GOLDSTEIN  
Planning Director

DT:mjs  
8864D

xc: Sub. 91-89  
Inaba Engineering  
Department of Water Supply  
Department of Public Works-Building Div.  
State Department of Health  
Hawaii County Fire Department  
OD Section