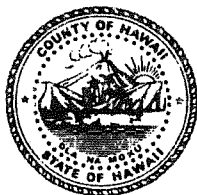


Harry Kim  
Mayor



Christopher J. Yuen  
Director

Brad Kurokawa, ASLA  
LEED® AP  
Deputy Director

**County of Hawaii**  
**PLANNING DEPARTMENT**

101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720-3043  
(808) 961-8288 • FAX (808) 961-8742

January 24, 2007

Mr. Robert Patey  
68 Keokea Loop  
Hilo, HI 96720

Dear Mr. Patey:

**SUBJECT: VARIANCE APPLICATION**

**Applicant: ROBERT PATEY**  
**Owners: ROBERT PATEY, ET AL.**  
**Request: Variance from Chapter 23, Subdivision**  
**Tax Map Key: 2-8-007:093, (SUB 05-000196)**

Your variance application, submittals, and filing fee submitted on January 23, 2007 are being returned for the following reasons:

1. The enclosed variance form should be completed and signed by the owner(s)- Robert Patey, Steven G. Gatchell and Ian E. Hollingsworth, and the applicant- Robert Patey. The "REQUEST" on this original form dated October 23, 2006 states "Variance for 13 lot's" must be clarified. Your note dated October 23, 2006 attached to the application states "This is a request for a water variance for 14 parcels at a density of 15,000 sq. ft. of land per lot". It appears that the subject TMK property is assigned or is eligible to receive 1-DWS water meter? The status of any DWS service to the property should be disclosed in the variance application's background report.

In addition, to the above, the enclosed copy of your original subdivision application form in SUB 05-000198 must be signed by owners-Steven G. Gatchell and Ian E. Hollingsworth; and returned to this office for our records and file-SUB 05-000198.

Mr. Robert Patey

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January 24, 2007

2. The background report dated October 23, 2006 must be expanded to include a discussion regarding the current status or availability of DWS water to your proposed subdivision and must include a summary of any discussions with the DWS regarding a "water source development plan" mentioned during an earlier March 15, 2005 meeting with staff. (Refer to summary/comments below).
3. Five (5) copies of a "full sized" of required variance site plan map, drawn to scale, **were not included** with the enclosed variance application.
4. A study of surrounding TMK properties within 300 feet of the subject tax map key parcel and list of owner(s) associated with the TMK was forwarded to you in a previous letter dated November 1, 2006. A list of surrounding property owners, including **addresses**, and tax map key parcel numbers, etc. within 300 feet of the subject TMK property must be attached to a application for variance from Chapter 23, Subdivisions.
5. Your \$100 filing fee will be returned to you under separated cover.

In addition to the above, the following comments and minimum requirements must also be addressed by the owners or listed-applicant:

- A. The current owners are proposing to subdivide the subject TMK property zoned RS-10 created by SUB 7854 on September 2, 2004. The proposed 14-lot subdivision may be considered because the proposed lot size is consistent with the property's Single-Family Residential (RS-10) zoning and is consistent with surrounding land patterns, etc. However, the DWS memorandum (SUB 05-000196) dated December 2, 2005 states in part:

"Please be informed that the Department's existing water system facilities cannot support the proposed subdivision at this time. Extensive improvements and additions, including source, storage, transmission, booster pumps, and distribution facilities, must be constructed. Currently, sufficient funding is not available and no time table is set."

The attached background report dated October 23, 2006 states in part:

"This request for a water variance for 14 parcels at a density of 15,000 sq. ft. of land per lot. The subject property is within the service limit of the County Water department (sic). But no water is available at this time and their (sic) are no plans for making any upgrades to their facilities for future development in this area. The lots will be serviced by a 10,000 gallon water catchment tanks. The annual rain fall is over 160 inches per year."

Mr. Robert Patey

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January 24, 2007

- B. Prior to you purchasing the subject TMK property, you met with Planning Department staff in March 2005 to discuss the "water availability" issues or limitation of the nearest DWS water system or ability of the DWS to provide water to a subdivision of lots created by SUB 7854. Prior to this meeting, it appears the DWS indicated that a new DWS well, etc. to support "further subdivision" or development in this area would be required. During this March 2005 meeting with Planning Department, it was suggested that you:

"Ask surrounding landowners to meet with DWS officials or coordinate contributions to drill or build a new well for DWS, etc. to "plan" the expansion or extension of current DWS system by 2010 to service the subject TMK property and other similarly adjoining properties zoned Residential."

- C. In addition, it appears that the subject property was rezoned from A-20 to RS-10 in the mid 1970s and subject to Ordinance No. 256 which became effective on March 30, 1977. ORDINANCE NO. 256, "SECTION 3.", states in part:

"(C) the petitioner or its related subsidiary shall be responsible in providing a water system in accordance with the County of Hawaii Department of Water Supply standards;"

As such, the proposed 14-lot subdivision of this property requires the owners or subdividers to provide a water supply system for the subdivision meeting DWS requirements.

**Please attach a copy of this letter with a revised background report/revised application and call staff to schedule a time to review a revised variance application before resubmitting the revised application.**

Please note the submittal of a variance application and processing of a variance application by the Planning Department does not imply tacit approval of the variance request by the Planning Director.

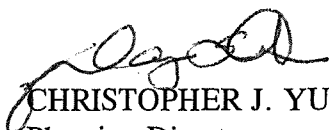
Mr. Robert Patey

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January 24, 2007

Any questions regarding the enclosed variance from Chapter 23, Subdivisions, may be directed to William Yamanoha or Daryn Arai in our Hilo office at telephone (808) 961-8288.

Sincerely,



CHRISTOPHER J. YUEN  
Planning Director

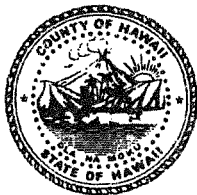
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Enclosures (Application)

xc: SUB 05-000196-File (Ltr. only)  
Account Clerk (Ltr. only)

Harry Kim  
Mayor



Christopher J. Yuen  
Director

Brad Kurokawa, ASLA  
LEED® AP  
Deputy Director

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July 17, 2007

Mr. Robert Patey  
68 Keokea Loop  
Hilo, HI 96720

Dear Mr. Patey:

**SUBJECT: INQUIRY-April 25, 2007**

**Owners: ROBERT PATEY, ET AL.**

**Tax Map Key: 2-8-007:093, (SUB 05-000196)**

Your letters dated February 22, 2007 and April 25, 2007 were reviewed by this office.

In view of a previous letter dated January 24, 2007 and recent letters, we note the following:

- A. The current owners are proposing to subdivide the subject TMK property created by SUB 7854 on September 2, 2004. According to your letter dated April 25, 2007, the owners are proposing a 7-lot subdivision in lieu of proposed 14-lots. As you are aware the earlier DWS memorandum (SUB 05-000196) dated December 2, 2005 states in part:
- “Please be informed that the Department’s existing water system facilities cannot support the proposed subdivision at this time. Extensive improvements and additions, including source, storage, transmission, booster pumps, and distribution facilities, must be constructed. Currently, sufficient funding is not available and no time table is set.”
- B. Prior to purchasing the subject TMK property, our records show you met with staff during March 2005 to discuss “water availability” issues or limitation of the nearest DWS water system or ability of the DWS to provide water to “one of the lots” created by SUB 7854. Prior to this meeting, it appears the DWS indicated that a new DWS well, etc. to support “further subdivision” or development in this area would be required. During the March 2005 meeting with Planning Department staff, it was suggested that you:

Mr. Robert Patey  
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July 17, 2007

"Ask surrounding landowners to meet with DWS officials or coordinate contributions to drill or build a new well for DWS, etc. to "plan" the expansion or extension of current DWS system by 2010 to service the subject TMK property and other similarly adjoining properties zoned Residential."

- C. In addition, it appears that the subject property was rezoned from A-20 to RS-10 in the mid 1970s and subject to Ordinance No. 256 which became effective on March 30, 1977. ORDINANCE NO. 256, "SECTION 3.", states in part:

"(C) the petitioner or its related subsidiary shall be responsible in providing a water system in accordance with the County of Hawaii Department of Water Supply standards;"

As such, a proposed 14-lot subdivision or proposed 7-lot subdivision of this TMK property still require the owners or subdividers to provide a water supply system for the subdivision meeting DWS requirements. The original rezoning ordinance-Ordinance No. 256 required a water system for the affected rezoned properties to be constructed "in accordance with the County of Hawaii Department of Water Supply standards.

Rule 22-Water Variance, 22-3., Eligibility, states:

"No property shall be granted a variance from sec. 23-84 to allow subdivision using catchment if there is a public water system in the vicinity of the property, with availability capacity, or if the Department of Water Supply has definite plans to extend the public water system or increase the capacity in a way that will allow subdivision of the property with county water, or if it was the subject of a rezoning ordinance that requires a water system."

For your information, we understand the DWS is reviewing the County DWS system nearest your property; and, may be contemplating making upgrades or improvements to this system within the next 2 years or before 2010. In the interim, we suggest you organize with landowners to discuss these future water system improvements and DWS timetable directly with the DWS.

**In view of the above, you can apply for a variance from the water supply requirements for the pending subdivision. However, since the subject TMK property was zoned RS-10 pursuant to Ordinance No. 256 and subject to rezoning conditions, the Planning Director will deny the variance application based on Ordinance No. 256 and Rule 22-Water Variance.**

Mr. Robert Patey

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July 17, 2007

Any further questions regarding the above should be directed to our Hilo office at telephone (808) 961-8288.

Sincerely,



CHRISTOPHER J. YUEN  
Planning Director

WRY/DSA/CJY:cd

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Enclosures

xc: SUB 05-000196-File (Ltr. only)