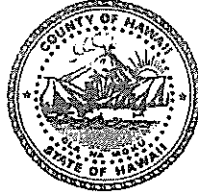


Harry Kim
Mayor



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

April 27, 2007

Mr. Roy A. Vitousek III, Esq.
CADES SCHUTTE, LLP
75-170 Hualalai Road, Suite B-303
Kailua-Kona, HI 96740

Dear Mr. Vitousek:

VARIANCE APPLICATION-VAR 07-029

Applicant: ROY A. VITOUSEK III/CADES SCHUTTE, LLP

Owners: EDWARD J. RAPOZA, ET AL.

**Request: Variance from Chapter 23, Subdivisions,
Improvements Required**

Tax Map Key: 7-1-005:027, 062 (Por.), and 020 (Por.), (SUB 06-000286)

The variance application/variance request was considered by the Planning Director. A variance to obtain water from private water system may be considered provided, that the water system meets the minimum requirements of the County-DWS. However, after reviewing your submittals and exhibits, we are returning your application for the following reasons:

1. Page 2 of the Background Report, states in part:

“A sketch of the Water System Off-Site Improvements shows the location of the water system in relation to the Puuanahulu Homesteads subdivision. **Exhibit 8.**”

Comment: It appears that Napu’u Water Inc. (NWI) provides potable water service to residential and commercial customers in the communities of Puuanahulu, Puuwaawaa, and Puu Lani Ranch (“Served Communities”). Your client’s proposed subdivision is outside the “SUBDIVISION SITE” or Puu Lani Subdivision identified as Exhibit 8. It appears that the water meters denoted on proposed lots, B-1 and B-2 or water meter location(s) identified on the subdivision preliminary plat map (PPM) monitor or measure water purchased from NWI via an agreement.

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It appears that these meters are not permanently assigned to the lots (proposed lots-"B-1" and "B-2") and no other information was provided showing the private (potable) water supplied by these meters meet or exceed water pressure and water volume standards set by County-DWS standards.

2. "The proposed lots, B-1 and B-2 have separate water meters and currently receive water from Napu'u Water, Inc. Copies of the owners' water bill (Island Utility Services, Inc., and Pu'u Wa'a Wa'a Waterworks) are attached as **Exhibit 9**. By letter dated March 15, 2007, from Napu'u Water, Inc., to Edward J. Rapoza, Napu'u Water, Inc., confirms that it currently provides water service to the subject property as part of an existing agreement between the owners and the previous owner of Napu'u Water, Inc., **Exhibit 10**.

However, Exhibit 10, states in part:

"The Board has reviewed your request and at this time is unable to provide a "will serve" letter as described. NWI does currently provide both lots with water via individual 5/8" water meters, as part of an already existing agreement between your clients and previous owner of the water company. However; NWI is in the middle of an Engineering Study for the entire system and at this time is not able to represent that the current system would meet the pressure and volume requirements the County is referring to as part of your clients' subdivision approval process. An option with respect to the adequacy of water pressure and volume under current County standards would need to be made by an engineer retained by your clients."

In view of this exhibit and considering the history and status of the current NWI system, this office or County-DWS should review the Engineering Study to determine the condition of the system verify the maximum number of lots which can be served by the current NWI meeting minimum DWS standards; and, verify that NWI is able to provide proposed Lot B-1 and proposed Lot B-2 with a permanent private water supply system (service) meeting the minimum requirements of the County-DWS before your variance application is submitted.

In addition, please be aware that the subject TMK properties or proposed subdivision and surrounding areas receive less than 60 inches rainfall annually.

The \$100.00 variance filing fee will be refunded to you under separate cover.

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Please attach a copy of this letter to any revised application, including appropriate filing fee; and, contact staff to review your revised application and submittals before filing a variance application at the Hilo office.

The acceptance of a revised variance application and submittals by the Planning Department shall not imply tacit approval of the applicant's request or variance application by the Planning Director.

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

Sincerely,



CHRISTOPHER J. YUEN
Planning Director

WRY:cd
P:\WP60\WRY\FORMLETT\VAR07-029LTR.VITOUSEK-RAPOZA

Enclosures

xc: SUB 06-000286
Account Clerk (Ltr. only)