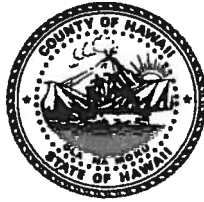


William P. Kenoi
Mayor



BJ Leithead Todd
Director

Margaret K. Masunaga
Deputy

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County of Hawai'i
PLANNING DEPARTMENT

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April 18, 2013

Donald S. Rullo
75-5782 Kuakini Highway, Suite C2C
Kailua-Kona, HI 96740

Dear Mr. Rullo:

SUBDIVIDER: RULLO, Donald S.
"Ho'omau I Mua Planned Unit Development"
Proposed Subdivision of Lot 8,
Being a Portion of Grant 2571,
Into Lots 1 through 33, Inclusive and Lot R-1 (Road Lot)
'Opihihale 1st, South Kona, Island of Hawai'i, Hawai'i
TMK: 8-7-013:006 (PUD-05-000002; SUB-11-001110; VAR-06-075)

This is in response to your letter dated February 6, 2013, in which you provided the status of the project and requested deviation from prior approved entitlements.

This project is being processed as a result of an approved Planned Unit Development Permit (PUD-05-000002) allowing for variances from the Subdivision and Zoning Codes. A water system Variance Permit (VAR-06-075) was also issued for this project. The subdivider is reminded that conditions of approval of VAR-06-075 Permit required the installation of a private water system to service the lots. This was reflected in Condition No. 3 of the letter of Tentative Approval (TA) dated September 21, 2012, for the proposed subdivision SUB-11-001110.

We must point out that the requirement for the alternative water system was advanced by you, not the County. As for Planning Department Rule 22 allowing the original 8-lot subdivision, that rule was not enacted until February 25, 2006. The original 8-lots were permitted via VAR 417, approved on November 14, 1990.

You have requested that in lieu of the private water system required through VAR-06-075 for 33-lot subdivision SUB-11-001110, that you be allowed to subdivide only one lot of the SUB/PUD utilizing rainwater catchment. We note here that Rule 22 requires a minimum average annual rainfall of 60 inches. The information at hand indicates that this area receives 40 to 60 inches of average annual rainfall (Rainfall Atlas of Hawai'i, U of H shows only 38.848 inches).

Donald S. Rullo
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Procedural steps with regard to going forward with a one (1) lot and remainder area subdivision in lieu of the 33-lots presently in process:

1. Amend present SUB-11-001110 with a revised preliminary plat map for the one (1) lot and remainder area lot thereby deeming the TA dated September 21, 2012 null and void; and
2. Submit new VAR application (though it will be subject to limitations per Rule 22).

Bear in mind, that the new lot will need to be in keeping with the minimum lot size of the zoning of the area (A-5-a) as opposed to that as proposed in the PUD.

Should the new VAR application not be approved, the proposed subdivision action would not be able to go forward. Although a denial of the VAR by the Planning Director could be subject to appeal to the Board of Appeals, Rule 22 was adopted to provide criteria for consistent decisions on such matters.

In conclusion, we are not optimistic of a beneficial outcome for this project under your proposal.

Should you have any further questions, please feel free to contact Jonathan Holmes of this department.

Sincerely,



BJ LEITHEAD TODD
Planning Director

JRH:Inm

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xc: Manager, DWS
 Director, DPW
 District Environmental Health Program Chief, DOH
 District Engineer, DOT
 Planning Department-Kona
 DLNR-Historic Preservation Division (Kapolei)
 DLNR-Historic Preservation Division (Hilo)
 Na Ala Hele Trails & Access
 Ala Kahakai National Historic Trail
 Chrystal Thomas Yamasaki, LPLS, Wes Thomas Associates
 PD-Long Range Planning Division
 SUB 7235