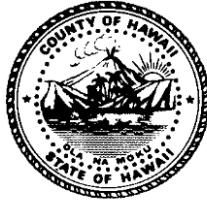


Mitchell D. Roth  
*Mayor*

Lee E. Lord  
*Managing Director*

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## County of Hawai'i

### PLANNING DEPARTMENT

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*Director*

Jeffrey W. Darrow  
*Deputy Director*

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November 27, 2023

Peter Knoblich  
PO Box 6625  
Auburn, CA 95604  
VIA EMAIL: [mykonavacation@gmail.com](mailto:mykonavacation@gmail.com)

Dear Mr. Knoblich:

**SUBJECT: Special Management Area (SMA) Use Permit Assessment Application  
(PL-SAA-2023-000196)**

**Applicant: Peter Knoblich**

**Landowner: Knoblich-Mabery Family Trust**

**Project: Repair and Maintenance of Existing Wall**

**TMK: (3) 7-7-004:039, North Kona District, Island of Hawai'i**

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We have reviewed the subject Special Management Area (SMA) Use Permit Assessment Application (PL-SAA-2023-000196), submitted to this office on October 18, 2023.

The 0.21-acre subject parcel is zoned single-family residential 7,500 square feet (RS-7.5) by the County and designated Urban by the State Land Use Commission (LUC). The subject parcel is designated as Open (ope) by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) map.

The project parcel is located within the Special Management Area (SMA); and is located within the "shoreline area" as defined by section 205A-41, Hawai'i Revised Statutes (HRS). Since the proposed project is the repair and maintenance of the existing wall located outside the shoreline setback area (90-feet from the shoreline) the Director has waived the requirement for a shoreline certification.

**Previous SMA Approvals and Permits:**

*April 15, 1976:* Special Management Area Minor Permit No. 76-40 – for the construction of a wall around the perimeter of the parcel.

*June 24, 1976:* The Planning Commission approved Shoreline Setback Variance No. 471 to allow for the construction of fencing, walls, and a portion of the single-family residence located within the shoreline setback area.

*July 30, 1976:* Special Management Area Minor Permit No. 76-66 – For the placement of approximately 30 yards of rock and fill material to construct a rock wall along the makai property boundary and to backfill for land development.

**Proposed Project:**

The current proposed project is to repair and replace a 32-foot-long section of CRM rock wall located on the eastern property boundary adjacent to the Pahoehoe County Park. Project will involve demolition of the existing wall, minor grading, and the construction of the new wall section to match the rest of the existing wall. The objective is to minimize hazards to Park visitors and the landowner from a failed section of wall. The applicant and their agent have been in contact with the Department of Parks and Recreation to coordinate the work, and to ensure that no access will be impacted, and the existing park structures will not be altered.

No additional development or construction is proposed, and no materials will be staged or stored in the shoreline setback area of the parcel.

**Special Management Area Determination:**

1. Pursuant to Hawai'i Revised Statutes (HRS) §205A-22, as amended, and Planning Commission Rule 9-4(e)(1), relating to the Special Management Area, "*Development means any of the [listed] uses, activities, or operations on land or in or under water within the special management area.*" According to the application, the following definitions of "Development" can be applied to the proposed use:
  - *Construction, reconstruction, demolition, or alteration of the size of any structure.*
2. Pursuant to Planning Commission Rule 9-4(e)(3), "*any proposed use, activity, or operation listed in Section 9-4(e)(2) shall be deemed to be "Development" until the Director has determined it to be exempted from the definition of "development."*" According to 9-4(e)(2), "Development" does not include the following uses, activities, or operations, and therefore is determined to be exempt from the definition of "Development."
  - *Structural and non-structural improvements to existing single family residences, where otherwise permissible, and*
  - *Demolition or removal of structures.*

3. Pursuant to Planning Commission Rule 9-4(e)(4), *“whenever the Director finds that any excluded use, activity, or operation may have a cumulative impact, or a significant adverse environmental or ecological effect on the Special Management Area, that use, activity or operation shall be defined as “development” for the purposes of this rule.”*

Based on the information provided, the Director finds that the proposed repair and maintenance project is exempt from the definition of “development” and will not have a cumulative impact, or significant adverse environmental or ecological effect on the Special Management Area.

However, please note that any substantive changes to the improvements listed in the current application may require further review by this office and possibly the submittal of another SMA Use Permit Assessment Application.

While further review of the proposed activities against the Special Management Area rules and regulations will not be required at this time, all other applicable Zoning and Building Code requirements must be satisfied. Additionally, pursuant to Planning Commission Rule 9-10(g), *“the Director may impose certain conditions with the exemption determination to assure that the proposed use, activity or operation does not have a substantial adverse effect on the Special Management Area.”*

The Director has added the following conditions for the proposed project:

**Director’s Conditions:**

1. The applicant(s), its successor(s), or assign(s) (Applicant) shall be responsible for complying with all stated conditions of approval.
2. The Applicant shall secure building permits for the proposed project within two (2) years from the date of this determination. If building permits have not been secured within that two (2) year period, this determination is automatically null and void, and a new Special Management Area Assessment Application must be submitted for review and approval.
3. The Applicant shall coordinate all proposed work within the Pahoe County Park with the County Department of Parks and Recreation (DPR) prior to conducting any activities and will obtain DPR approval for work within the county park as necessary.
4. Any substantive changes or further development, including but not limited to, the design and size of the improvements not included in this determination shall require further review and approval as provided under Chapter 205A, HRS, and Rule 9, Planning Commission Rules of Practice and Procedure.
5. That in issuing this determination, the Department has relied on the information and data that the Applicant has provided in connection with this determination. If, subsequent to issuance of this determination, such information and data prove to be false, incomplete, or

Peter Knoblich  
November 27, 2023  
Page 4

inaccurate, this determination may be modified, suspended, or revoked, in whole or in part, and/or the Department may, in addition, institute appropriate legal proceedings.

6. The Planning Director shall initiate procedures to revoke this determination should any of the conditions not be met or substantially complied with in a timely fashion.

If you have questions regarding this document, please feel free to contact Alex J. Roy of this office at (808) 961-8140 or via email at [Alex.Roy@hawaiicounty.gov](mailto:Alex.Roy@hawaiicounty.gov).

Sincerely,

  
[Zendo Kern \(Nov 27, 2023 08:49 HST\)](#)

ZENDO KERN  
Planning Director

AJR:lms  
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cc via email: GIS Section  
[parks\\_recreation@hawaiicounty.gov](mailto:parks_recreation@hawaiicounty.gov)


# PL-SAA-2023-000196\_Knoblich\_Wall\_Repair


Final Audit Report


2023-11-27


Created:	2023-11-27
By:	Lindsey Spurling-Wright (lindsey.spurling-wright@hawaiicounty.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAA_EVMJLo3McY3bMO0SKB5Sd7m_qUb5UiD


## "PL-SAA-2023-000196\_Knoblich\_Wall\_Repair" History


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