

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 Pauahu Street, Suite 3  
Hilo, Hawai'i 96720  
Phone (808) 961-8288  
Fax (808) 961-8742

March 11, 2021

Mr. Raymond Doblick  
Ms. Katherine Muhs  
15-1495 Beach Road  
Keaau, HI 96749

Dear Mr. Doblick and Ms. Muhs.

**SUBJECT: Special Management Area (SMA) Use Permit Assessment Application**  
(SAA-20-001791)  
**Special Management Area (SMA) Minor Use Permit (SMM-21-000438)**  
**Applicant(s): Raymond Doblick and Katherine Muhs**  
**Landowner(s): Raymond Doblick and Katherine Muhs**  
**Project: Installation of a Water Well**  
**Tax Map Key: (3) 1-5-059:008**  
**Location: Kea'au, Puna, Hawai'i**

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The Planning Department has completed our review of the subject Special Management Area (SMA) Use Permit Assessment Application (SAA-20-001791) submitted on October 30, 2020.

The subject 21,780 square foot parcel is zoned Agricultural (A-1a) by the County of Hawai'i and designated within the State Land Use (SLU) Agricultural District by the State Land Use Commission. The parcel is designated as Rural by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map. The subject parcel is located in the SMA; however, it is not located within the "shoreline area" as defined by Section 205A-41, Hawai'i Revised Statutes (HRS).

#### **Proposed Use:**

The applicant is proposing to install a water well for domestic use on the subject parcel. The installation of the well first will allow for easier construction of the dwelling and septic system.

#### **Shoreline Area:**

Pursuant to Hawai'i Revised Statutes (HRS) 205A-22 and County of Hawai'i Planning Department (PD) Rules of Practice and Procedure Section 11-5(a) Establishment of Shoreline Setback Lines, "Except as otherwise provided in this section, all lots which abut the shoreline shall have a minimum

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*shoreline setback line of forty feet.”* Although this parcel is located entirely within the SMA, the project site is on Lemiwai Road which is approximately 500 feet mauka (inland) of the nearest shoreline.

Based on the preceding, the Planning Director considers this project will have minimal to no cumulative impact, or any substantial adverse environmental or ecological effect on the SMA. Additionally, the Planning Director has waived the requirement for a certified shoreline survey as the proposed development will be sited well inland from the shoreline

**Special Management Area Determination:**

Pursuant to Hawai‘i Revised Statutes (HRS) §205A-22, as amended, and Planning Commission Rule 9-4(e)(2) 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 definition of “Development” can be applied to the proposed use.

- *Placement or erection of any solid material or any gaseous, liquid, solid or thermal waste*

**Please note that any modification to the proposed project as stated in the application may necessitate an additional SMA Use Permit Assessment Application be submitted to this office for review.**

We find that the proposed action as described above will not have a cumulative impact or a significant adverse environmental or ecological effect on the SMA. Therefore, pursuant to Planning Commission Rule Section 9-10(e), Special Management Area, Minor Permit No. **SMM-21-000438** is hereby issued for the project as described above. It is the applicant’s responsibility to read and comply with the conditions listed in the enclosed permit.

If you have any questions, please contact Esther Imamura of this office at (808) 961-8139

Sincerely,

  
KENDO ZERN  
Planning Director

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Enclosure: SMM-21-000438

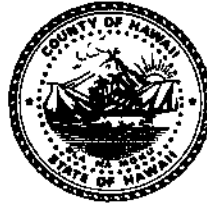
cc ltr only: DLNR, Commission on Water Resource Management

Mrs. Mary Alice Evans, Director  
Office of Planning, DBEDT

Mitchell D. Roth  
Mayor

Lee E. Lord  
Managing Director

West Hawai'i Office  
74-5044 Aiea Keohokalole Hwy  
Kailua-Kona, Hawai'i 96740  
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### **Special Management Area Minor Permit No. 21-000438**

**Project:** Construction of Water Well  
**Applicant(s):** Raymond Doblick and Katherine Muhs  
**Landowner(s):** Raymond Doblick and Katherine Muhs  
**TMK(s):** (3) 1-5-059:008  
**Location:** Kea'au, Puna, Hawai'i  
**Land Area:** 21,780 square feet

#### **Applicant's Request**

- 1. Project Description:**  
The applicant proposes to construct a water well for domestic use on the subject parcel.
- 2. Purpose of Project:** The installation of the water well first will facilitate the subsequent construction of the dwelling and the septic system.
- 3. Project Valuation:** \$7,000
- 4. Determination:** According to Chapter 205A-22, Hawai'i Revised Statutes (HRS), and Planning Commission (PC) Rule No. 9-4 relating to Special Management Area (SMA): *Placement or erection of any solid material or any gaseous, liquid, solid or thermal waste; and Construction, reconstruction, demolition, or alteration of the size of any structure* is defined as "development" and necessitates a review against the Special Management Area (SMA) rules and regulations. Based on that review the proposed construction project, on the subject parcel is considered "development" and therefore will require an SMA Minor Permit.

#### **State and County Plans**

- 1. State Land Use District:** The parcel is designated Agricultural by the State Land Use Commission.

2. **General Plan:** The parcel is designated as Rural by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map.
3. **County Zoning:** Agricultural (A-1a)
4. **Special Management Area:** The subject parcel is located in the SMA; however no portion of the proposed project is located within the "shoreline area" as defined by Section 205A-41, Hawai'i Revised Statutes (HRS).
5. **Flood Zone:** Zone X

<b>Compliance with Objectives and Policies of Chapter 205A, Hawai'i Revised Statutes (HRS), Regarding the Special Management Area</b>
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Check all objectives and policies found to be consistent with proposed development. Issuance of SMA Minor Permit requires that activity be consistent with all objectives & policies.

The proposed development is consistent with the following objectives and policies:

- ☒ Development will not have any significant adverse environmental or ecological effect, except as such adverse effect is minimized to the extent practicable and clearly outweighed by public health, safety, or compelling public interest. Such adverse effect shall include but not be limited to the potential cumulative impact of individual developments, each one of which taken in itself might not have a substantial adverse effect and the elimination of planning options
- ☒ The proposed development is consistent with the Hawai'i County General Plan and the Zoning Code.
- ☒ The proposed development does not conflict with the following objectives of Chapter 205A, HRS, to
  - ☒ Provide coastal recreational opportunities accessible to the public.
  - ☒ Protect, preserve, and where desirable, restore those natural and man-made historic and pre-historic resources in the coastal zone management area that are significant in Hawaiian and American history and culture.
  - ☒ Protect, preserve, and where desirable, restore or improve the quality of coastal scenic and open space resources.
  - ☒ Protect valuable coastal ecosystems from disruption and minimize adverse impacts on all coastal ecosystems.
  - ☒ Provide public or private facilities and improvements important to the State's economy in suitable locations.

- ☒ Reduce hazard to life and property from tsunami, storm waves, stream flooding, erosion, subsidence and pollution.
- ☒ Improve the development review process, communication, and public participation in the management of coastal resources and hazards.
- ☒ Stimulate public awareness, education, and participation in coastal management.
- ☒ Protect beaches for public use and recreation.
- ☒ Promote the protection, use, and development of marine and coastal resources to assure their sustainability.
- ☒ The proposed development is consistent with the following policies of Chapter 205A, HRS, relating to:
  - ☒ Recreational Resources
  - ☒ Historic Resources
  - ☒ Scenic and Open Space Resources
  - ☒ Coastal Ecosystems
  - ☒ Economic Uses
  - ☒ Coastal Hazards
  - ☒ Managing Development
  - ☒ Public Participation
  - ☒ Beach Protection
  - ☒ Marine Resources
- ☒ The proposed development conforms to the requirements of Chapter 343, HRS, regarding Environmental Impact Statements.

<b>Findings</b>
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1. The proposed development will not have any significant adverse environmental or ecological effect, except as such adverse effect is minimized to the extent practicable and clearly outweighed by public health, safety, or compelling public interest.

2. The proposed development is consistent with the objectives, policies, and SMA guidelines of Chapter 205A, HRS.
3. The estimated project cost of \$7,000 for the development described above is not in excess of \$500,000.

<b>Approved Uses, Activities and Operations</b>
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Pursuant to Planning Commission Rule Section 9-10(e), **Special Management Area Minor Permit No. SMM-21-000438** is hereby approved for the construction of a water well, subject to the applicant's compliance with the conditions of approval as specified below.

<b>Conditions of Approval</b>
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The Planning Director has approved **SMA Minor Permit No. SMM-21-000438**, subject to the following conditions:

1. The applicants, its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. The applicants shall secure all necessary approvals and permits from other affected federal, state, and county agencies as necessary to comply with all applicable laws and regulations, including but not limited to, a Well Construction/Pump Installation Permit from the Department of Land and Natural Resources (DLNR), Commission on Water Resource Management
3. Construction of the proposed water well shall be completed within two (2) years from the effective date of this permit
4. That in issuing this permit, the Department has relied on the information and data that the applicant(s) has provided in connection with this permit. If, subsequent to this permit, such information and data prove to be false, incomplete or inaccurate, this permit may be modified, suspended or revoked, in whole or in part, and/or the Department may, in addition, institute appropriate legal proceedings.
5. In the unlikely event that subsurface historic resources, including human skeletal remains, structural remains, cultural deposits, sand deposits, or sink holes are identified during the demolition and/or construction work, cease work in the immediate vicinity of the find, protect the find from additional disturbance, and contact the State Historic Preservation Division (DLNR-SHPD) at (808) 933-7651. The applicant shall also notify the Planning Department immediately after contacting the DLNR-SHPD.

6. An extension of time for the performance of the conditions contained herein may be granted by the Planning Director upon the following circumstances:
- a) The non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors or assigns, and that are not the result of their fault or negligence;
  - b) Granting of the time extension would not be contrary to the original reasons for the granting of the permit; and
  - c) The time extension granted shall be for a period of not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended up to one additional year).
7. Should any of the conditions not be met or substantially complied with in a timely fashion, the Planning Director shall initiate procedures to revoke the permit.

If you have any questions, please feel free to contact Esther Imamura at (808) 961-8139.

APPROVED.

  
ZENDO KERN  
Planning Director

3/11/21  
Date