



COUNTY OF MAUI
DEPARTMENT OF PLANNING
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Application packet for
**SPECIAL MANAGEMENT AREA
EMERGENCY PERMIT**
(SM3)

I. SOURCES OF AUTHORITY

The sources of authority for a **Special Management Area (SMA) Emergency Permit** are listed below:

- [Chapter 205A](#), Hawaii Revised Statutes (HRS), Coastal Zone Management, as amended.
- [Chapter 202](#), Special Management Area Rules for the Maui Planning Commission;
- [Chapter 302](#), Special Management Area Rules for the Molokai Planning Commission;
- [Chapter 402](#), Special Management Area Rules for the Lanai Planning Commission.

A fillable and savable PDF version of this application may be downloaded from the Department of Planning section of the County of Maui website, under "SMA Emergency Permit" at www.mauicounty.gov.

II. PURPOSE

The purpose of the **SMA Emergency Permit** is to provide a means to authorize development in cases of emergency that requires immediate action to prevent substantial physical harm to persons or property, or allow the reconstruction of structures damaged by natural hazards to their original form.

III. APPLICATION CONTENTS

This application contains the following documents.

1. Permit authority, purpose, application contents, and general processing procedures (pg 1)
2. *SMA Emergency Permit Required Submittals Checklist* (pg 2)
3. *Application for SMA Emergency Permit Application* (pg 3)
4. Zoning and Flood Confirmation Form (pg 4)

IV. PROCESSING PROCEDURES

Upon submittal of a completed SMA Emergency Permit Application, the Department of Planning (Department) will review and the Director may issue a SMA Emergency Permit where HRS 205A-22 and 205A-30 were met; where the Mayor waives the requirements of the SMA Assessment (section 12-202-12, 12-302-12, 12-402-12), SMA Minor Permit (section 12-202-14, 12-302-14, 12-402-14) and SMA Use Permit (section 12-202-15), 12-302-15, 12-402-15) in the event of impending or presently occurring disaster; or where the Governor, after conferral with the Mayor waives the SMA Assessment, SMA Minor Permit and SMA Use Permit requirements in the event of a state-declared emergency. The Department shall file notice of special management area minor permits in the next available issue of the the periodic bulletin of the office of environmental quality control.

In some cases, the Director may waive the filing of the written application, where the Applicant verbally demonstrates that imminent danger and substantial harm to a habitable structure would result from the delay in filing a written application. Not more than ten calendar days after the verbal request, the Applicant must submit the required written emergency permit application; otherwise, the Director may require the removal of the temporary structure.

SMA EMERGENCY PERMIT REQUIRED SUBMITTALS CHECKLIST

Instructions:

- Any misrepresentation regarding this application may result in a permit denial, permit revocation, and other possible violations and/or fines.
- The following checklist items shall be completed and submitted at the time of application submittal. Incomplete applications will delay their processing and may be returned.
- Please number all documents and arrange them in the order they are listed below.

1. A **non-refundable** filing fee, payable to County of Maui, Director of Finance.
See [Fee Schedule, Table B](#) Emergency Permit (No Public Hearing Required). The current fee schedule is available at the Department of Planning or at the Department of Planning section of the County of Maui website under "Development Permits, Applications & Reviews". www.mauicounty.gov.
2. YES NO Has any work already been started or completed for this project?
 - If yes, please describe on a separate sheet of paper and be advised that additional fees may apply.
See [Fee Schedule, Table B](#) and Section [12-202-14](#)
3. Completed [SMA Emergency Permit Checklist of Required Submittals](#) (THIS CHECKLIST) (pg 2).
4. Completed [SMA Emergency Permit Application](#) (pg 3).
5. Evidence that the applicant is the owner or lessee of record of the real property. – OR – If the applicant is not the owner or lessee of record, a notarized letter from the owner authorizing the applicant to act on the owners behalf, AND evidence that the authorization is from the legal owner.
6. A written description of the proposed action, including but not limited to, the length, width, height, depth, and type of materials for any proposed action.
7. A written statement of the emergency or imminent and substantial harm to the public health, safety, or welfare.
8. Video and/or photographs identifying the emergency at the affected area and shoreline property boundaries.
9. Most current shoreline survey, if available.
10. [Zoning & Flood Confirmation Form](#) completed and signed by Planning Department (pg 4).
11. Any other relevant information requested by the director.
12. An electronic copy of the completed application and plans of the proposed emergency work.

SMA EMERGENCY PERMIT APPLICATION

County Use Only
Permit Number: SM3

Please print legibly or type in the information below.

PROPERTY ADDRESS / PROJECT INFORMATION	
Name of Project: <i>(If project name is not provided, applicants name will be used)</i> _____	
Tax Map Key No: _____	Total Lot Area: _____
Physical Address / Location of Project: _____	
Additional Location Information: _____	

DESCRIPTION OF PROPOSED ACTIVITY OR DEVELOPMENT	
<i>Written description of the proposed action shall include, but not be limited to: use, length, width, height, depth, building material(s), and statement of objectives of the proposed action. Attach additional sheets, if needed:</i>	
Describe the Existing Use:	_____
_____	_____
Describe the Proposed Work/Activity:	_____
<i>Include a description of all proposed ground altering activities (e.g., area of disturbance, quantity of fill, depth of excavation, etc.).</i>	_____
_____	_____
Valuation*: _____	Building Permit Application No: <i>(if applicable)</i> _____
<small>*Total cost or fair market value as estimated by an architect, engineer, or contractor licensed by the Department of Commerce and Consumer Affairs, State of Hawaii; or, by the administrator of Department of Public Works, Development Services Administration.</small>	

CONTACT INFORMATION	
APPLICANT INFORMATION	
Applicant's Name(s): _____	Email: _____
Mailing Address: _____	
Phone Number(s): bus _____ hm _____ cel _____ fax _____	
Signature(s): _____	Date: _____
CONSULTANT INFORMATION	
Contact Name(s): _____	Email: _____
Mailing Address: _____	
Phone Number(s): bus _____ hm _____ cel _____ fax _____	
Signature(s): _____	Date: _____
OWNER INFORMATION	
Owner's Name(s): _____	Email: _____
Mailing Address: _____	
Phone Number(s): bus _____ hm _____ cel _____ fax _____	
Signature(s): _____	Date: _____



ZONING AND FLOOD CONFIRMATION FORM

(This section to be completed by the Applicant)

APPLICANT NAME _____ TELEPHONE _____
PROJECT NAME _____ E-MAIL _____
PROPERTY ADDRESS _____ TAX MAP KEY _____

Yes No Will this Zoning & Flood Confirmation Form be used with a Subdivision Application?
IF YES, answer questions A and B below and comply with instructions 2 & 3 below:

A) Yes No Will it be processed under a consistency exemption from [Section 18.04.030\(B\), MCC?](#)
IF YES, which exemption? (No. 1, 2, 3, 4 or 5) _____

B) State the purpose of subdivision and the proposed land uses (*ie 1-lot into 2-lots for all land uses allowed by law*):

- INSTRUCTIONS:**
- 1) Please use a separate Zoning & Flood Confirmation Form for each Tax Map Key (TMK) number.
 - 2) If this will be used with a subdivision application AND the subject property contains multiple districts/designations of (1) State Land Use Districts, (2) Maui Island Plan Growth Boundaries, (3) Community Plan Designations, or (4) County Zoning Districts; submit a signed and dated Land Use Designations Map, prepared by a licensed surveyor, showing the metes & bounds of the subject parcel and of each district/designation including any subdistricts.
 - 3) If this will be used with a subdivision application AND the subject property contains multiple State Land Use Districts; submit an approved District Boundary Interpretation from the State Land Use Commission.

(This section to be completed by ZAED)

LAND USE DISTRICTS/DESIGNATIONS (LUD) AND OTHER INFORMATION: ¹	<input type="checkbox"/> (SMA) Special Management Area
STATE DISTRICT: <input type="checkbox"/> Urban <input type="checkbox"/> Rural <input type="checkbox"/> Agriculture <input type="checkbox"/> Conservation	
MAUI ISLAND PLAN Growth Boundary: ² <input type="checkbox"/> Urban <input type="checkbox"/> Small Town <input type="checkbox"/> Rural <input type="checkbox"/> Planned Growth Area <input type="checkbox"/> Outside Growth Boundaries	
Protected Area: ² <input type="checkbox"/> Preservation <input type="checkbox"/> Park <input type="checkbox"/> Greenbelt <input type="checkbox"/> Greenway <input type="checkbox"/> Sensitive Land <input type="checkbox"/> Outside Protected Areas	
COMMUNITY PLAN: ²	<input type="checkbox"/> (PD) Planned Development
COUNTY ZONING:	<input type="checkbox"/> (PH) Project District
OTHER/COMMENTS:	<input type="checkbox"/> See Additional Comments (Pg.2)
FEMA FLOOD INFORMATION: A Flood Development Permit is required if any portion of a parcel is designated V, VE, A, AO, AE, AH, D, or Floodway, and the project is on that portion.	<input type="checkbox"/> See Attached LUD Map
FLOOD HAZARD AREA ZONES ³ & BASE FLOOD ELEVATIONS:	
<input type="checkbox"/> FEMA DESIGNATED FLOODWAY For Flood Zone AO, FLOOD DEPTH:	

SUBDIVISION LAND USE CONSISTENCY: Not Consistent, (LUDs appear to have NO permitted uses in common).

_____ Not Applicable, (Due to processing under consistency exemption No. 1, 2, 3, 4, 5).
(Signature)

Interim Zoning, (The parcel or portion of the parcel that is zoned interim shall not be subdivided).

⁴ Consistent, (LUDs appear to have ALL permitted uses in common).

⁴ Consistent, upon obtaining an SMA, PD, or PH subdivision approval from Planning.

⁴ Consistent, upon recording a permissible uses unilateral agreement processed by Public Works (See Pg.2).

NOTES:

- 1 The conditions and/or representations made in the approval of a State District Boundary Amendment, Community Plan Amendment, County Change In Zoning, SMA Permit, Planned Development, Project District and/or a previous subdivision, may affect building permits, subdivisions, and uses on the land.
- 2 Please review the Maui Island Plan and the Community Plan document for any goals, objectives, policies or actions that may affect this parcel.
- 3 Flood development permits might be required in zones X and XS for any work done in streams, gulches, low-lying areas, or any type of drainageway; Flood development permits are required for work in all other zones. Subdivisions that include/adjoin streams, gulches, low-lying areas, or any type of drainageway might require the following designations to be shown on the subdivision map: 100-year flood inundation limits; base flood elevations; drainage reserves.
- 4 Subdivisions will be further reviewed during the subdivision application process to verify consistency, unilateral agreement requirements, and the conditions associated with a unilateral agreement [Section 18.04.030.D, Maui County Code].

REVIEWED & CONFIRMED BY:

For: _____ (Signature) _____ (Date)
John S Rapacz, Planning Program Administrator, Zoning Administration and Enforcement Division