



COUNTY OF MAUI
DEPARTMENT OF PLANNING
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Application packet for
SPECIAL MANAGEMENT AREA
USE PERMIT
(SM1)

I. SOURCES OF AUTHORITY

The sources of authority for a **Special Management Area Use 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 "[Development Permits, Applications & Reviews](#)". www.mauicounty.gov.

II. PURPOSE

The purpose of the Special Management Area Use Permit (SM1) is to regulate any use, activity, or operation that qualifies as a "development", and has a valuation in excess of \$500,000, or may have a significant or cumulative adverse environmental or ecological effect within the Special Management Area (SMA).

The permit provides a means to ensure that development is consistent with the Hawaii Coastal Zone Management Program objectives and policies, and complies with the Hawaii Special Management Area guidelines. The guidelines include a key requirement that development have no substantial adverse environmental or ecological effect, except as such adverse effect is minimized to the extent practicable and is clearly outweighed by public health, safety, or compelling public interests. Permits are required in order to preserve, protect, and restore the natural resources of the coastal zone of Hawaii by establishing special controls on development within the areas along the shoreline so as to avoid the permanent loss of valuable resources and the foreclosure of land use and management options, and ensure that adequate public access is provided to beaches, recreational areas, and natural reserves.

Through the SMA Use Permit process, the Applicant works with various government agencies and the Department of Planning (Department) to explore, design, and approve the best possible project that employs "best management practices" in order to minimize the potential impacts on the near-shore environment and coastal resources. Ecological, cultural, historic, and aesthetic values will be considered, as well as needs for economic development.

III. APPLICATION CONTENTS

This application contains the following documents.

1. SM1 Permit Application Checklist (pgs 3-6)
2. Special Management Area Use Permit (SM1) application (pg 7)
3. Zoning and Flood Confirmation Request Form (pg 8)
4. Chapter 343, HRS Compliance Checklist (pg 9)
5. Notice of Application (pg 10)
6. Notice of Public Hearing (pg 11)
7. Notarized Affidavit of Mailing of Notice of Public Hearing (pg 12)
NOTE: Keep this form for later use. After the Notice of Public Hearing is mailed, this affidavit shall be signed, notarized, returned, and received by the Department not less than ten (10) business days prior to the public hearing.
8. Maui County UDRB Checklist of Standard Concerns (pg 13)
9. Long Range Division Project Database form (pgs 14-15)
10. HRS 205A-2 Coastal Zone Management Program; Objectives and Policies (Pgs 16-17)
11. HRS 205A-26 Special Management Area Guidelines (Pg 18)

IV. PROCESSING PROCEDURES

For detailed rules and processing procedures, refer to the specific Special Management Area (SMA) Rules for each respective Planning Commission on Maui, Molokai, or Lanai. This application packet is derived from the SMA Rules, which are referenced above under *I. Sources of Authority*. In summary, the processing procedures are as follows:

1. Applicant submits application to the County of Maui, Department of Planning (Department).
2. The Department reviews the application based upon the policies, objectives, and guidelines as provided in the SMA Rules of the respective Planning Commission. If necessary, additional data and information may be requested. The application shall not be deemed complete for agency transmittal until the Director is satisfied that the application has completely addressed all Special Management Area policies, objectives and guidelines.
3. When the application is deemed complete for agency transmittal, the Department transmits the document to relevant government agencies for comments and recommendations. The applicant shall then satisfactorily address each agency's comments and recommendations.
4. If applicable, the Applicant shall present the proposed project to the Urban Design Review Board (UDRB), Cultural Resources Commission (CRC), or the Hana Advisory Committee (HAC) for comment and recommendation to the Planning Commission. Please ensure that your presentation to the UDRB includes all applicable UDRB standard concerns (see UDRB Checklist of Standard Concerns, page 13)
5. Once the Applicant has satisfactorily addressed agency comments, the application is deemed complete for public hearing by the Director and is scheduled for a public hearing before the Planning Commission.
6. The Planning Commission reviews and acts upon the application.

V. NOTICE AND PUBLIC HEARING REQUIREMENTS BEFORE THE PLANNING COMMISSION

The **Applicant** is responsible for the following notice requirements:

1. Submit the Notice of Application (pg 10) with a legible location map for publication to a newspaper within 10 calendar days of its approval by the Department and provide proof of publication to the Department within 14 calendar days after the date of publication. The applicant shall publish the notice of application once in a newspaper printed and issued at least twice weekly in the County of Maui and which is generally circulated throughout the County. [For projects on Molokai only: the applicant shall publish the notice of application once in a newspaper which is printed and issued at least monthly and generally circulated on the island of Molokai.]
2. Mail the Notice of Public Hearing (pg 11) with the location map by certified or registered mail, to owners/lessees of record within 500 feet of the Parcel boundaries, not less than 30 calendar days prior to the public hearing.
3. Submit both the certified or registered mailing receipts and the Notarized Affidavit of Mailing of Notice of Public Hearing (pg 12) to the Department not less than 10 business days prior to the public hearing.

The **Planning Department** is responsible for the following notice requirements:

1. Notify the Applicant and appropriate state and county agencies of the date of the public hearing, not less than 45 calendar days prior to the public hearing.
2. Publish the notice of the date, time, place and subject matter of the public hearing once in a newspaper printed and issued at least twice weekly in the County and which is generally circulated throughout the County at least 30 calendar days prior to the date of the public hearing. [For projects on Molokai only: publish in a newspaper which is printed and issued at least monthly and generally circulated on the island of Molokai.]
3. Transmit a report on the application to the Planning Commission, not less than 6 days prior to the date of the public hearing.
4. Conduct a public hearing at a regularly scheduled Planning Commission meeting and provide the Department's Findings of Fact, Determination, and Recommendations to the Planning Commission for deliberation.

SM1 PERMIT APPLICATION CHECKLIST

NOTE: Please number all documents and arrange them in the order they are listed below. Incomplete applications may be returned or delay their processing. Any misrepresentation regarding this application may result in a permit denial, permit revocation, and other possible violations and/or fines.

1. A non-refundable **Filing Fee**, payable to *County of Maui, Director of Finance*. See [Fee Schedule, Table A](#) Special Management Area (SMA) Permits (non-exempt). 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.
3. Completed **SM1 Permit Application Checklist** (*THIS CHECKLIST*) (pg 3).
4. Completed **APPLICATION Special Management Area Use Permit (SM1)** (pg 7).
5. The [Zoning & Flood Confirmation Form](#) (pg 8) will need to be completed in its entirety and included in this application. This form needs to first be reviewed, confirmed, and signed by the Department of Planning, Zoning Administration and Enforcement Division (ZAED) prior to submitting this application. (ZAED is located in Wailuku at 2200 Main Street, Suite 335 in Wailuku)
6. Completed [Chapter 343, HRS Checklist](#) (pg 9). If the proposed action triggers Chapter 343, HRS, related to Environmental Impact Statements, submit a completed Environmental Assessment (EA), Environmental Impact Statement (EIS), or a letter of exemption from Chapter 343, HRS, from the proper authority.
7. Evidence that the applicant is the owner or lessee of record of the real property. – OR – If the applicant is not the owner, 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.
8. Complete the information asked for on the [Notice of Application](#) form (pg 10).

NOTE: After the Department reviews the Notice of Application for completeness, it will be returned to the applicant. The applicant shall then submit the Notice of Application for publication to a newspaper within ten days of Departmental approval and submit proof of publication to the Planning Department within fourteen days after the date of publication. The applicant shall of publish the Notice of Application once in a newspaper printed and issued at least twice weekly in the County and which is generally circulated throughout the County. [For projects on Molokai only, the applicant shall publish the notice of application once in a newspaper which is printed and issued at least monthly and generally circulated on the island of Molokai.]
9. Complete the information asked for on the [Notice of Public Hearing](#) (pg 11), except the section to be completed by the Department of Planning.

NOTE: The Department will notify the applicant of the Public Hearing date at least forty-five days prior to the public hearing. This form shall then be mailed not less than thirty calendar days before the hearing date by certified or registered mail, postage prepaid, to the owners of real property situated within five hundred feet of the boundaries of the parcel that is the subject of the application, as identified in the 500 foot list below. The applicant shall also send notice to all persons who have requested the Commission in writing to be notified of special management area proceedings.
10. A **500 Foot List**. The 500 foot list should be arranged by tax map key (TMK) numbers. This list shall include all the tax map key (TMK) numbers, names, and addresses of all the owners, lessees of record, and members of the Board of Directors or managing agents to be notified, within 500 feet of the subject property's boundaries. This list shall be obtained from the County of Maui's real property tax roll.
11. A **Location Map**. This shall be drawn to scale, identifying the location of the subject property within the general area.

On this location map,

 - a. Clearly identify the subject property.
 - b. Clearly identify all lots within 500 feet of the subject property's boundaries.
 - c. Draw a line indicating the 500 foot boundary.
 - d. Include all the tax map key numbers within that area or have an easy way to match each lot with the 500 foot list from above.

Continued on next page...

SM1 PERMIT APPLICATION CHECKLIST (continued)

12. **Site Plan* of the Subject Property** prepared to scale and based upon an accurate instrument survey. The plan shall define and show the design of the proposed activity or development and the existing physical conditions of the land, including but not limited to, property boundaries, topography, all structures, natural and man-made features, trees, shoreline, and shoreline setback line. Said plans shall be signed, dated, drawn to scale, and measured in feet.
**Submit two (2) sets, including one (1) original*
13. **Plans* of the Proposed Activity or Development** designating the location and dimensions of the proposed activity or development on the land. If structures are included, the plan of the activity or development should include a dimensioned floor plan, sections, elevations, and other physical features. Provide existing and proposed finished (interior) square footage and existing and proposed covered lanai square footage. Said plans shall be signed, dated, drawn to scale, and measured in feet.
**Submit two (2) sets, including one (1) original*
14. **A Landscape Planting and Irrigation Plan** defining tree and shrub locations, type of plant materials, sizes, irrigation lines, as well as landscape lighting and graphics. Said plans must be dated.
Note: For [Landscape Planting and Irrigation Plans](#) that involve [subdivisions](#) or [parking lots](#), please review the respective Landscape Planting Plan Application for more information on what may be required. These applications and guidelines are available at the Department of Planning, or at the Department of Planning section of the County of Maui website under "Development Permits, Applications & Reviews", then under the "Review" section. www.mauicounty.gov
15. **A Colored Drawing** of proposed buildings.
16. **Photographs** identifying the area where the proposed activity or development is to occur. The photographs should include the (1) site, (2) surrounding properties, and (3) the relationship of the site to the nearest public roadway.
For shoreline properties, also include photographs (1) to, (2) from, and (3) along the shoreline.
(All photographs should be printed on standard sized paper, 8½ by 11.)
17. Any **Oral or Written Comments** received from governmental or nongovernmental agencies, community organizations or individuals with regard to the proposed action, and a summary of the dates and attendance of public meetings held on the proposed action.
18. A Preliminary **Drainage Plan**.
19. YES NO Are there any known taro patches, burial sites, cemeteries, fish ponds, or other historical features (over 50 years old) on this lot or in the immediate vicinity of the proposed project?
• **If YES**, include a scaled map identifying those sites, a description of what you may know about them, and supporting documentation.
20. YES NO Will there be any ground alteration, excavation, or digging associated with the proposed project?
• **If YES**, include a scaled map identifying the area of land affected, as well as the width, length, and the depth of the activity. If there is a state approved archeological monitoring plan for the site, submit a copy.
21. YES NO Are there any rare, threatened, or endangered species of animal or plant, or its habitat within the lot of the proposed project or nearby properties?
• **If YES**, include a brief description of the species, animal, and/or the affected habitat, as well as a description of what is being done or proposed to be done to minimize the affect.
22. YES NO Are any of the following areas located on this lot or on the properties immediately adjoining the proposed project? These areas include a flood plain, shoreline, tsunami zone, erosion-prone area, geologically hazardous land, estuary, fresh waters, or coastal waters?
• **If YES**, include a scaled map identifying the area(s), in relation to the proposed project.

Continued on next page...

SM1 PERMIT APPLICATION CHECKLIST (continued)

23. YES NO Is the subject property abutting the shoreline?
- **If YES,** answer question **23(A)** and submit the required information.
 - **If NO,** answer questions **23(B) & 23(C)** and submit any required information.
- 23(A).** Is the shoreline fixed by either (a) a natural stabilized geographic features such as cliffs and rock formations, or (b) by a manmade structure which has been approved by appropriate government agencies and for which engineering drawings exist to locate the interface between the shoreline and the structure?
- YES Submit evidence of these conditions and your most recent State Certified Shoreline Survey, or if one does not exist for the subject property, submit the most recent shoreline survey prepared by a land surveyor who is licensed in the State of Hawaii. The survey shall include the date of the field survey and the surveyor's signature. (Then go to on to 24.)
- NO Submit two (2) sets (one original) of a State Certified Shoreline Survey. The survey shall be the actual field location of the shoreline as prepared by a land surveyor licensed in the State of Hawaii. The survey maps shall bear the surveyor's signature, date of field survey, and the certifying signature and date of the Chairman of the Board of Land and Natural Resources (BLNR). The certification date of State Certified Shoreline Survey shall not be older than one year. (Then go to on to 24.)
- 23(B).** YES NO For any lot not abutting the shoreline, is any part of the proposed action to occur WITHIN 150 feet of the shoreline?
- **If YES,** Submit two (2) sets (one original) of a State Certified Shoreline Survey. The survey shall be the actual field location of the shoreline as prepared by a land surveyor licensed in the State of Hawaii. The survey maps shall bear the surveyor's signature, date of field survey, and the certifying signature and date of the Chairman of the Board of Land and Natural Resources (BLNR). The certification date of State Certified Shoreline Survey shall not be older than one year. (Then go to on to 23(C))
- 23(C).** YES NO Is any part of the subject property lot line located WITHIN 150 feet of the shoreline?
- **If YES,** be advised that your SMA Assessment Application will be reviewed to determine if a State Certified Shoreline Survey is required.
24. Submit **two (2) copies** of a completed **Assessment Report**. The Assessment Report shall thoroughly address each of the items below in the order listed, including all subsections of the HRS, Chapter 205A-26, SMA Guidelines. Subjects which have been addressed earlier in the report but which also need to be addressed in later sections can have more limited treatment in the later sections, including reference to the earlier sections. You may request further guidance from the Department.
- (1) **Written description of the proposed action.** Provide a written description of:
- A) The environmental setting of the property that is the subject of the proposed action, to include existing site and surrounding land uses, land use designations, soils, climate, and topography, as well as site ownership.
- B) The scope of the proposed action, to include the proposed use, length, width, height, depth, building materials, and a statement of objectives of the proposed action.
- (2) **Consistency.** Address and demonstrate how the proposed action is consistent with and/or allowed by the Countywide Policy Plan, any applicable Island Plan and Community Plan, any other applicable State and County plans including functional plans, and applicable land use and development regulations such as zoning, subdivision, special management area rules, and shoreline rules.

Continued on next page...

SM1 PERMIT APPLICATION CHECKLIST (continued)

- (3) **Potential Environment and Ecology Impacts.** In addressing potential environmental and ecological effects of the proposed action, fully consider every phase of the action, its expected primary and secondary consequences, and its cumulative and short or long-term effects.
- A) Separately address whether and how the proposed action might lead to potential environmental and ecological effects under each of the following twelve (12) criteria:
1. Involves an irrevocable commitment to loss or destruction of any natural or cultural resources.
 2. Significantly curtails the range of beneficial uses of the environment.
 3. Conflicts with the county's or the state's long-term environmental policies or goals.
 4. Substantially affects the economic or social welfare and activities of the community, county, or state.
 5. Involves substantial secondary impacts, such as population changes and increased effects on public facilities, streets, drainage, sewage, and water systems and pedestrian walkways.
 6. In itself has no significant adverse effects but cumulatively has considerable effect upon the environment or involves a commitment for larger actions.
 7. Substantially affects a rare, threatened, or endangered species of animal or plant, or its habitat.
 8. Is contrary to the state plan, county's general plan, appropriate community plans, zoning and subdivision ordinances.
 9. Detrimentially affects air or water quality or ambient noise levels.
 10. Affects an environmentally sensitive area, such as flood plain, shoreline, tsunami zone, erosion-prone area, geologically hazardous land, estuary, fresh waters, or coastal waters.
 11. Substantially alters natural land forms and existing public views to and along the shoreline.
 12. Is contrary to the objectives and policies of chapter 205A, HRS.
- B) Address any probable adverse environmental effects that can be avoided;
- C) Address any irreversible and irretrievable commitment of resources;
- D) Provide a statement and address the sum of effects that adversely affect the quality of the environment and the ecology; and
- E) Address alternatives considered to the proposed action.
- (4) **Hawaii Revised Statutes (HRS), Chapter 205A**
- A) HRS, Chapter 205A-2, Coastal Zone Management Program: Objectives and Policies. Separately address if and, if so, how the project facilitates the implementation of each of the Coastal Zone Management Program Objectives & Policies in all of the following ten (10) categories. See pages 16 and 17 for more information on the following ten (10) categories.
- | | |
|-------------------------------------|--------------------------|
| 1. Recreational Resources. | 6. Coastal Hazards. |
| 2. Historic Resources. | 7. Managing Development. |
| 3. Scenic and Open Space Resources. | 8. Public Participation. |
| 4. Coastal Ecosystems. | 9. Beach Protection. |
| 5. Economic Uses. | 10. Marine Resources. |
- B) HRS, Chapter 205A-26, Special Management Area Guidelines. Address each of the individual review criteria listed on page 18. In doing so, please explain how the project will enable the Planning Commission to:
1. Ensure that the provisions of Section 1 are met;
 2. Make the findings of Section 2; and
 3. Minimize, where reasonable, the conditions in Section 3.

25. Any additional information and documentation as may be required by the Planning Department or the appropriate Planning Commission of the County to properly process the application, and/or items you feel will aid the Department in its review of your project, (for example, traffic impact analysis, archaeological study, public transportation analysis, cultural impact assessment, view plane analysis, Urban Design and Review Board review, etc). List all other submitted documents below.

A) _____ C) _____
B) _____ D) _____

26. Complete the applicable questions in the Long Range Division Project Database form (pgs. 14 & 15).

NOTE: After the Department reviews the application submittals for suitability for transmittal to agencies, the Department will notify the Applicant of the need to provide additional copies of the above.

APPLICATION Special Management Area Use Permit (SM1)

Please print legibly or type in the information below.

County Use Only
Permit Number: SM 1

PROPERTY ADDRESS / PROJECT INFORMATION

Name of Project: *(If project name is not provided, applicants name will be used)* _____

Tax Map Key No: _____ **Total Lot Area:** _____

Physical Address / Location of Project: _____

Additional Location Information: _____

DESCRIPTION OF PROPOSED ACTIVITY OR DEVELOPMENT

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:

Describe the Existing Use: _____

Describe the Proposed Use: _____
Include a description of all proposed ground altering activities (e.g., area of disturbance, quantity of fill, depth of excavation, etc.).

Valuation*: _____ **Building Permit Application No:** *(if applicable)* _____

*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.

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:** _____

County Use Only Initial Application Review by:	
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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

STATE DISTRICT: Urban Rural Agriculture Conservation (SMA) Special Management Area

MAUI ISLAND PLAN Growth Boundary: ² Urban Small Town Rural Planned Growth Area Outside Growth Boundaries

Protected Area: ² Preservation Park Greenbelt Greenway Sensitive Land Outside Protected Areas

COMMUNITY PLAN: ² (PD) Planned Development

COUNTY ZONING: (PH) Project District

OTHER/COMMENTS: 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.

FLOOD HAZARD AREA ZONES ³ & BASE FLOOD ELEVATIONS:

FEMA DESIGNATED FLOODWAY For Flood Zone AO, FLOOD DEPTH: See Attached LUD Map

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

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

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:

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

(Date)

CHAPTER 343, HRS, COMPLIANCE CHECKLIST

Complete the following worksheet to determine whether the proposed action triggers Chapter 343, Hawaii Revised Statutes (HRS), relating to Environmental Impact Statements (EIS) within the County of Maui.

A YES NO Do any of the proposed actions listed below apply to your project? The proposed actions listed below trigger Chapter 343, HRS.

If YES, check any that apply and continue with question B below.

If NO, stop here, an Environmental Impact Statement may not be required.

- | | |
|---|---|
| 1. <input type="checkbox"/> Use of state or county lands or funds | 6. <input type="checkbox"/> Reclassification of conservation lands |
| 2. <input type="checkbox"/> Use of conservation district lands | 7. <input type="checkbox"/> Construction/modification of helicopter facilities |
| 3. <input type="checkbox"/> Use of shoreline area | 8. <input type="checkbox"/> Propose any: (a) wastewater facility, except an individual wastewater system or a wastewater facility serving fewer than fifty (50) single-family dwellings or the equivalent; (b) Waste-to-energy facility; (c) Landfill; (d) Oil refinery; or (e) Power-generating facilities |
| 4. <input type="checkbox"/> Use of historic site or district | |
| 5. <input type="checkbox"/> Amendment to county general plan | |

B Does the proposed action qualify for one or more of the following exemption classes?

1. Operations, repairs, or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change of use beyond that previously existing;
2. Replacement or reconstruction of existing structures and facilities where the new structure will be located generally on the same site and will have substantially the same purpose, capacity, density, height, and dimensions as the structure replaced;
3. Construction and location of single, new, small facilities or structures and the alteration and modification of the same and installation of new, small, equipment and facilities and the alteration and modification of same, including, but not limited to:
 - a. Single-family residences less than 3,500 square feet not in conjunction with the building of two or more such units;
 - b. Multi-unit structures designed for not more than four dwelling units if not in conjunction with the building of two or more such structures;
 - c. Stores, offices, and restaurants designed for total occupant load of twenty persons or less per structure, if not in conjunction with the building of two or more such structures; and
 - d. Water, sewage, electrical, gas, telephone, and other essential public utility services extensions to serve such structures or facilities; accessory or appurtenant structures including garages, carports, patios, swimming pools, and fences; and, acquisition of utility easements;
4. Minor alterations in the conditions of land, water, or vegetation;
5. Basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource;
6. Construction or placement of minor structures accessory to existing facilities;
7. Interior alterations involving things such as partitions, plumbing, and electrical conveyances;
8. Demolition of structures, except those structures located on any historic site as designated in the national register or Hawaii register as provided for in the National Historic Preservation Act of 1966, Public Law 89-665, 16 U.S.C. §§470, as amended, or chapter 6E, HRS;
9. Zoning variances except shoreline set-back variances; and
10. Continuing administrative activities including, but not limited to purchase of supplies and personnel-related actions.

If any boxes are checked, submit any letter of exemption you may have received from the proper authority.

If no boxes are checked, then an Environmental Assessment (EA) or Environmental Impact Statement (EIS) is required. Submit the completed EA or EIS document with the application.

NOTICE OF APPLICATION

Date: _____

TO: OWNERS/LESSEES

Please be advised that the undersigned has filed an application for a _____
with the County of Maui, Department of Planning for the following parcel(s):

1. Tax Map Key Number: (2) (see attached map)
2. Street address: _____
3. Land Use Designations:
State Land Use District: _____
Community Plan: _____
County Zoning: _____
Other: _____
4. Description of the existing uses on the Property: _____

5. Description of the proposed development and uses on the Property: _____

<i>The Applicant is responsible for ensuring accuracy of the information.</i>	
Owner/Applicant Name: _____	Owner/Applicant Name: _____
Owner/Applicant Signature _____	Owner/Applicant Signature _____
Phone Number: _____	Phone Number: _____
Mailing Address: _____ _____	Mailing Address: _____ _____

NOTICE OF PUBLIC HEARING

DATE: _____

TO: **OWNERS / LESSEES**

Please be informed that the undersigned has applied to the _____ Planning Commission for a **Special Management Area Use Permit** at the following parcel(s):

- a. Tax Map Key No: _____ Sq.Ft./Acreage: _____
- b. Street Address: _____
- c. Land Use Designations:
 - State Land Use District: _____
 - County Zoning: _____
 - Community Plan: _____
 - Other: _____
- d. Proposed Action/Development: _____

TO BE COMPLETED BY THE DEPARTMENT OF PLANNING:

Public Hearing Date: _____ **Time:** _____

Place: _____

Attached please find a map identifying the location of the specific parcel(s) being considered in the request for a **Special Management Area Use Permit**.

The public hearing is held under the authority of Chapter 205A, 91 and 92 of the Hawaii Revised Statutes and the appropriate Planning Commission rules.

Petitioners to intervene shall be in conformity with §12-201 of the Rules of Practice and Procedure for the Maui Planning Commission; §12-401 of the Rules of Practice and Procedure for the Molokai Planning Commission; or §12-401 of the Rules of Practice and Procedure for the Lanai Planning Commission. The Petition to Intervene shall be filed with the respective planning commission and served upon the applicant no less than ten (10) business days before the first public hearing date, no later than 4:30 p.m. on the day of _____. Filing of all documents with the Planning Commission shall be in c/o the County of Maui, Department of Planning, 2200 Main Street, Suite 315, Wailuku, Maui, Hawaii 96793.

Any party may be represented by Counsel or other representative.

Testimony relative to this request may be submitted in writing prior to the hearing to the appropriate Planning Commission c/o the County of Maui, Department of Planning, 2200 Main Street, Suite 315, Wailuku, Maui, Hawaii, 96793, or presented in person at the time of the public hearing.

Information relative to the application is available for review at the Planning Department, 2200 Main Street, Suite 315, Wailuku, Maui, Hawaii; telephone (808) 270-7735; toll free from Molokai 1-800-272-0117 extension 7735; toll free from Lanai 1-800-272-0125, extension 7735.

Name of Applicant: (PRINT)

Signature: _____

Mailing Address: _____

Telephone: _____

MAUI COUNTY URBAN DESIGN REVIEW BOARD (UDRB)

Checklist of Standard Concerns (11/21/99)

SMA permit review (for recommendations to Planning Commission)

What are the visual impacts of the proposed site related improvements noted below:

- Traffic (pedestrian and vehicular) relative to adjacent streets
- Parking layout
- Miscellaneous site structures
 - Trash collection areas
 - Site walls & fencing
 - Parking trellises, carports
- Site lighting
- Drainage concept

Do the proposed landscaping improvements address the items of concerns noted below:

- Planting for parking areas relative to the parking ordinance requirements
- Plant material types, sizes, scale, screening and shading
- Irrigation system, water source
- Significant historical or exceptional trees on site or on adjacent property

Are the following architectural and building design items addressed aesthetically and with minimal impact on the neighboring properties and the public:

- Building scale and setbacks
- Building color, texture, materials
- Roof design, fenestration, ornamentation
- Exterior lighting on buildings
- Within historic area or in close proximity to historic area
- Signage program
- Are measures proposed to preserve the makai views relative to this development?
- Are mitigative measures proposed to reduce noise and privacy impacts on neighboring properties?
- Has subdivision CC&R's design criteria been reviewed and approved?
- Has there been input from the community for or against this development?

(The Rules and Regulations of the Planning Commissions should also be referenced relative to the intent of the board's purpose in reviewing SMA permit applications)

MINIMUM SUBMITTAL FOR UDRB REVIEW

The following items are recommended, as a minimum, to be submitted by the applicant to facilitate the review of the projects with the abovementioned concerns addressed:

- Written narrative description of the proposed improvements including the project parcel as well as the neighboring properties land use designation and existing uses.
- Photographs or a video of the project site and surrounding buildings and properties.
- Colored architectural site plan to include landscaping, identification of plant type, general plant size, existing foliage, irrigation and drainage concepts.
- Colored architectural renderings indicating building elevations and identifying building materials.
- Samples of exterior materials and color concept.
- Proposed lighting and signage concept.
- Letter from subdivision's design review committee indicating approval of design relative to CC&R's.
- Other items to address the concerns noted above.

LONG RANGE DIVISION – PROJECT DATABASE

PROPOSED PROJECT DATA SUMMARY SHEET

Applicant: Please complete this two (2) sided form. Complete only those items that are appropriate to your application(s). If you have any questions, please contact the **Long Range Planning Division** at **270-7214**.

Date:	Project Name (if applicable):
Applicant's Name:	What permits are you applying for?
Property Tax Map Key (TMK) number:	Please give us a brief summary of your project, including the existing and proposed uses:
Contact Phone Number:	
E-mail Address:	Developer Name: Property Owner Name:

Residential Projects: Single-Family and Multi-Family

1. How many single family units (i.e., individual detached homes) are you building? _____
 a. Will accessory dwellings (i.e., ohanas) be permitted? If yes, how many? _____
2. How many multi-family unites (i.e., condo, apartment, or townhouse) are you building? _____
3. Are you subdividing your property? Yes No
 a. If yes, how many buildable lots are your requesting to create? _____
4. How many acres, or square feet, are at the project site? _____
5. If only a portion of the property is going to be used for this project, how many acres or square feet will be used just for the project area? _____
6. Will this project require land use amendments? Please check all that apply and indicate the proposed change:
 a. Change in Zoning (CIZ) from: Yes No Not Sure _____ to: _____
 b. Community Plan Amendment from: Yes No Not Sure _____ to: _____
 c. State Land Use District Boundary Amendment (DBA) from: Yes No Not Sure _____ to: _____
7. Will you be selling any of the units as "affordable" as defined under the Housing and Urban Development guidelines? Yes No Not Sure
 a. If yes, how many of the units, or percentage of units, will fall under this category? _____
8. From the date of filing the application with the Planning Department, how long do you estimate the project to reach complete build-out? Please check one (1) box.
 0 - 5 years 6 - 10 years
 11 - 15 years 16 - 20 years
 21+ years

Industrial/Commercial Projects

1. Will this project be used for (please list all that apply by indicating the amount of square footage proposed):
 a. Retail purposes: _____
 b. Office space/lease: _____
 c. Industrial purposes: _____

Please turn over and complete the other side of this form.

PROPOSED PROJECT DATA SUMMARY SHEET

Visitor Accommodations

Hotels and Timeshares

1. Will this project have hotel units? Yes No
a. If yes, how many hotel units/rooms are proposed? _____
2. Will this project have timeshare units? Yes No
a. If yes, how many timeshare units/rooms are proposed? _____
3. Will there be "lock-off" units (i.e., a unit which can be partitioned to create two separate units)? Yes No
a. If yes, how many units will have "lock-off units"? _____

Bed and Breakfast (B&B) and Transient Vacation Rentals (TVRs)

1. Will the project have a B&B or TVR component? Yes No
2. Will (any of) the unit(s) be owner occupied? Yes No
3. How many bedrooms are proposed for rental? Yes No
 one (1) bedroom two (2) bedrooms three (3) bedrooms
 four (4) bedrooms 5+ bedrooms entire unit (i.e., condo/house/accessory dwelling)
4. Will this project be newly constructed? Yes No

HRS §205A-2 Coastal Zone Management Program; Objectives & Policies

1. RECREATIONAL RESOURCES;

A. Objectives.

- (1) Provide coastal recreational opportunities accessible to the public.

B. Policies.

- (1) Improve coordination and funding of coastal recreational planning and management; and
- (2) Provide adequate, accessible, and diverse recreational opportunities in the coastal zone management area by:
 - (a) Protecting coastal resources uniquely suited for recreational activities that cannot be provided in other areas;
 - (b) Requiring replacement of coastal resources having significant recreational value including, but not limited to, surfing sites, fishponds, and sand beaches, when such resources will be unavoidably damaged by development; or requiring reasonable monetary compensation to the State for recreation when replacement is not feasible or desirable;
 - (c) Providing and managing adequate public access, consistent with conservation of natural resources, to and along shorelines with recreational value;
 - (d) Providing an adequate supply of shoreline parks and other recreational facilities suitable for public recreation;
 - (e) Ensuring public recreational uses of county, state, and federally owned or controlled shoreline lands and waters having recreational value consistent with public safety standards and conservation of natural resources;
 - (f) Adopting water quality standards and regulating point and nonpoint sources of pollution to protect, and where feasible, restore the recreational value of coastal waters;
 - (g) Developing new shoreline recreational opportunities, where appropriate, such as artificial lagoons, artificial beaches, and artificial reefs for surfing and fishing; and
 - (h) Encouraging reasonable dedication of shoreline areas with recreational value for public use as part of discretionary approvals or permits by the land use commission, board of land and natural resources, and county authorities; and crediting such dedication against the requirements of section 46-6.

2. HISTORIC RESOURCES;

A. Objectives.

- (1) Protect, preserve, and, where desirable, restore those natural and manmade historic and prehistoric resources in the coastal zone management area that are significant in Hawaiian and American history and culture.

B. Policies.

- (1) Identify and analyze significant archaeological resources;
- (2) Maximize information retention through preservation of remains and artifacts or salvage operations; and
- (3) Support state goals for protection, restoration, interpretation, and display of historic resources.

3. SCENIC AND OPEN SPACE RESOURCES;

(1) Objectives.

- (2) Protect, preserve, and, where desirable, restore or improve the quality of coastal scenic and open space resources.

B. Policies.

- (1) Identify valued scenic resources in the coastal zone management area;
- (2) Ensure that new developments are compatible with their visual environment by designing and locating such developments to minimize the alteration of natural landforms and existing public views to and along the shoreline;
- (3) Preserve, maintain, and, where desirable, improve and restore shoreline open space and scenic resources; and
- (4) Encourage those developments that are not coastal dependent to locate in inland areas.

4. COASTAL ECOSYSTEMS;

A. Objectives.

- (1) Protect valuable coastal ecosystems, including reefs, from disruption and minimize adverse impacts on all coastal ecosystems.

B. Policies.

- (1) Exercise an overall conservation ethic, and practice stewardship in the protection, use, and development of marine and coastal resources;
- (2) Improve the technical basis for natural resource management;
- (3) Preserve valuable coastal ecosystems, including reefs, of significant biological or economic importance;
- (4) Minimize disruption or degradation of coastal water ecosystems by effective regulation of stream diversions, channelization, and similar land and water uses, recognizing competing water needs; and
- (5) Promote water quantity and quality planning and management practices that reflect the tolerance of fresh water and marine ecosystems and maintain and enhance water quality through the development and implementation of point and nonpoint source water pollution control measures.

5. ECONOMIC USES;

A. Objectives.

- (1) Provide public or private facilities and improvements important to the State's economy in suitable locations.

B. Policies.

- (1) Concentrate coastal dependent development in appropriate areas;
- (2) Ensure that coastal dependent development such as harbors and ports, and coastal related development such as visitor industry facilities and energy generating facilities, are located, designed, and constructed to minimize adverse social, visual, and environmental impacts in the coastal zone management area; and

- (3) Direct the location and expansion of coastal dependent developments to areas presently designated and used for such developments and permit reasonable long-term growth at such areas, and permit coastal dependent development outside of presently designated areas when:
 - (a) Use of presently designated locations is not feasible;
 - (b) Adverse environmental effects are minimized; and
 - (c) The development is important to the State's economy.

6. COASTAL HAZARDS;

A. Objectives.

- (1) Reduce hazard to life and property from tsunamis, storm waves, stream flooding, erosion, subsidence, and pollution.

B. Policies.

- (1) Develop and communicate adequate information about storm wave, tsunami, flood, erosion, subsidence, and point and nonpoint source pollution hazards;
- (2) Control development in areas subject to storm wave, tsunami, flood, erosion, hurricane, wind, subsidence, and point and nonpoint source pollution hazards;
- (3) Ensure that developments comply with requirements of the Federal Flood Insurance Program; and
- (4) Prevent coastal flooding from inland projects.

7. MANAGING DEVELOPMENT;

A. Objectives.

- (1) Improve the development review process, communication, and public participation in the management of coastal resources and hazards.

B. Policies.

- (1) Use, implement, and enforce existing law effectively to the maximum extent possible in managing present and future coastal zone development;
- (2) Facilitate timely processing of applications for development permits and resolve overlapping or conflicting permit requirements; and
- (3) Communicate the potential short and long-term impacts of proposed significant coastal developments early in their life cycle and in terms understandable to the public to facilitate public participation in the planning and review process.

8. PUBLIC PARTICIPATION;

A. Objectives.

- (1) Stimulate public awareness, education, and participation in coastal management.

B. Policies.

- (1) Promote public involvement in coastal zone management processes;
- (2) Disseminate information on coastal management issues by means of educational materials, published reports, staff contact, and public workshops for persons and organizations concerned with coastal issues, developments, and government activities; and
- (3) Organize workshops, policy dialogues, and site-specific mediations to respond to coastal issues and conflicts.

9. BEACH PROTECTION;

A. Objectives.

- (1) Protect beaches for public use and recreation.

B. Policies.

- (1) Locate new structures inland from the shoreline setback to conserve open space, minimize interference with natural shoreline processes, and minimize loss of improvements due to erosion;
- (2) Prohibit construction of private erosion-protection structures seaward of the shoreline, except when they result in improved aesthetic and engineering solutions to erosion at the sites and do not interfere with existing recreational and waterline activities; and
- (3) Minimize the construction of public erosion-protection structures seaward of the shoreline.

10. MARINE RESOURCES;

A. Objectives.

- (1) Promote the protection, use, and development of marine and coastal resources to assure their sustainability.

B. Policies.

- (1) Ensure that the use and development of marine and coastal resources are ecologically and environmentally sound and economically beneficial;
- (2) Coordinate the management of marine and coastal resources and activities to improve effectiveness and efficiency;
- (3) Assert and articulate the interests of the State as a partner with federal agencies in the sound management of ocean resources within the United States exclusive economic zone;
- (4) Promote research, study, and understanding of ocean processes, marine life, and other ocean resources in order to acquire and inventory information necessary to understand how ocean development activities relate to and impact upon ocean and coastal resources; and
- (5) Encourage research and development of new, innovative technologies for exploring, using, or protecting marine and coastal resources.

HRS §205A-26 SPECIAL MANAGEMENT AREA GUIDELINES

As required, the Planning Commission (the authority) has adopted the following review guidelines for proposed developments in the special management area:

1. **All development in the special management area shall be subject to reasonable terms and conditions set by the authority in order to ensure:**
 - A. Adequate access, by dedication or other means, to publicly owned or used beaches, recreation areas, and natural reserves is provided to the extent consistent with sound conservation principles;
 - B. Adequate and properly located public recreation areas and wildlife preserves are reserved;
 - C. Provisions are made for solid and liquid waste treatment, disposition, and management which will minimize adverse effects upon special management area resources; and
 - D. Alterations to existing land forms and vegetation, except crops, and construction of structures shall cause minimum adverse effect to water resources and scenic and recreational amenities and minimum danger of floods, wind damage, storm surge, landslides, erosion, siltation, or failure in the event of earthquake.
2. **No development shall be approved unless the authority has first found:**
 - A. That the development will not have any substantial 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 interests. Such adverse effects 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;
 - B. That the development is consistent with the objectives, policies, and special management area guidelines of this chapter and any guidelines enacted by the legislature; and
 - C. That the development is consistent with the county general plan and zoning. Such a finding of consistency does not preclude concurrent processing where a general plan or zoning amendment may also be required.
3. **The authority shall seek to minimize, where reasonable:**
 - A. Dredging, filling or otherwise altering any bay, estuary, salt marsh, river mouth, slough or lagoon;
 - B. Any development which would reduce the size of any beach or other area usable for public recreation;
 - C. Any development which would reduce or impose restrictions upon public access to tidal and submerged lands, beaches, portions of rivers and streams within the special management areas and the mean high tide line where there is no beach;
 - D. Any development which would substantially interfere with or detract from the line of sight toward the sea from the state highway nearest the coast; and
 - E. Any development which would adversely affect water quality, existing areas of open water free of visible structures, existing and potential fisheries and fishing grounds, wildlife habitats, or potential or existing agricultural uses of land.