

**Special Management Area (SMA) Use Permit Major
County of Maui, Department of Planning (DP), Current Planning Division**

Purpose: This permit covers any development, structure, or activity within the Special Management Area (SMA) as defined by SMA Rules, MC §12-02-202, which is in excess of \$500,000 or has substantial adverse environmental or ecological effect, taking into account potential cumulative effects.

Approval Authority: Hawaii Revised Statutes (HRS) 205A and SMA Rules, MC §12-02-202

Potential Approval Prerequisites:

- The applicant is encouraged to schedule a pre-application meeting with the DP to discuss the application and processing requirements.
- The applicant will need to comply with HRS Chapter 343, the Environmental Impact Statement Law. The preparation and acceptance of an Environmental Assessment (EA) or Environmental Impact Statement (EIS), if applicable, by the Office of Environmental Quality Control (OEQC) will be required prior to action by the Maui Planning Commission on the SMA Use Permit Major.

Fees: Application Fee is required – Review permit link below.

References (not all inclusive): SMA Rules MC §12-02-202; HRS 343

For Permit Application, Guidelines and Fees:

<http://www.co.maui.hi.us/index.aspx?NID=1245>

Master Application Form:

http://www.co.maui.hi.us/documents/17/111/SM1App_Aug2013_WEB_201308262013379630.pdf

Estimated Time for Permit Approval Decision from Application Acceptance: See Checklist / Process below:

Checklist / Process	Chronology
<p>1. Complete and submit an application to DP which includes all content requirements listed in the SMA Use Permit Major application checklist. Note that the returned Zoning and Flood Confirmation Request Form by the DP is required as part of the application that confirms the land use designations for the project tax map key parcel(s).</p> <p>If an EA or EIS is required, the Draft EA or Draft EIS can be submitted as part of the SMA application for concurrent processing of the SMA application.</p>	<p>Generally, 6 months to 1 year including completing technical studies and project plans</p> <p>Generally, 1 to 2 years</p>
<p>2. The DP reviews the application for completeness.</p>	<p>1 month</p>
<p>3. The DP transmits the application to relevant government agencies for comments and recommendations. The applicant will need to satisfactorily address each comment and recommendation.</p>	<p>1 to 2 months</p>
<p>4. Submit the Notice of Application, which is included in the SMA application packet, to a newspaper within 10 calendar days of the DP's approval that the SMA application is complete. Provide proof of publication of the Notice of Application to the DP within 14 calendar days of publication.</p>	<p>Within 10 calendar days</p>
<p>5. Present the proposed project to the Urban Design Review Board, Cultural Resource Commission, and/or the Hana Advisory Committee for comment and recommendation to the Maui Planning Commission, as applicable upon advisement from the DP.</p>	<p>Meetings are generally scheduled within 6 to 8 weeks</p>

6. The DP will notify the applicant of the date of the public hearing.	Not less than 45 calendar days prior to the public hearing
7. Mail the Notice of Public Hearing, which is included in the SMA application packet, to owners/lessees within 500 feet of the parcel boundaries. Submit the certified or registered mailing receipts and the Notarized Affidavit of Mailing of Notice of Public Hearing, included in the SMA application packet, to the DP not less than 10 business days prior to the public hearing.	Not less than 30 calendar days prior to the public hearing
8. The DP publishes the Notice of Public Hearing to a newspaper.	Not less than 30 calendar days prior to the date of the public hearing
9. The DP transmits their staff report and recommendations to the Maui Planning Commission.	Not less than 6 calendar days prior to the date of the public hearing
10. Maui Planning Commission holds a public hearing. The public hearing will only be scheduled after the relevant agencies provided their comments and recommendations as well as the applicant's responses to their comments. And, the Final EA or Final EIS must be published. Depending on the impacts of the proposed project, the DP may opt to hold the public hearing in the region of the proposed project. At the public hearing, the Maui Planning Commission shall approve, approve with conditions, or deny the application.	
11. The DP will issue an SMA Use Major approval letter.	Within 1 month
Estimated Time from Completed Application Acceptance	6 to 9 months

Other Application Considerations:

1. The following actions and may be exempted from the SMA rules. See HRS 205A-22 for a full list of exempt actions.
 - a. Repair and maintenance of underground utility lines;
 - b. Repair, maintenance or interior alterations to existing structures;
 - c. Demolition or removal of structures, except those structures located on any historic site designated on national or state registers;
 - d. Installation of underground utility lines and appurtenant aboveground fixtures less than four feet in height along existing corridors; and
 - e. Nonstructural improvements to existing commercial structures;
2. If a portion of the development, structure, or activity falls within the SMA, the application will need to disclose impacts (within the EA or EIS, or application document) for the entire project even if the majority of the development, structure, or activity falls outside of the SMA. For example, if transmission lines – under or above ground – are located within the SMA while the major components of the project (i.e. turbines or solar array) are located outside of the SMA, an SMA permit will be required for the portion of the development, structure, or activity within the SMA and the entire project will need to be evaluated for potential impacts in the EA or EIS or application document.
3. Be prepared with project specifics before consulting the Maui Planning Department. Specific questions will lead to specific answers.
4. Consult the Maui Planning Department prior to making investments or other significant project commitments.