

## APPENDIX MAUI-4

### Special Management Area Use Permit (SM1) - Maui County of Maui Department of Planning Current Planning Division

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**Permit Packet Includes:**

1. Process Overview
2. Special Management Area Permit Application Packet (Maui) & instructions

**Resources:**

- Hawaii Revised Statutes, Chap. 205A (Coastal Zone Management)
- Special Management Area Rules, MC §12-02-202

**Approval or Permit Required:** To regulate any use, activity, or operation that qualifies as "development", and has a total cost fair market value of \$125,000 or more; or has significant adverse environmental or ecological effect within the Special Management Area.

**Contact Information:**

Department of Planning  
Current Planning Division  
2550 South Main Street  
Wailuku, HI 96793  
Phone: 808-270-7735

**Website:**

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

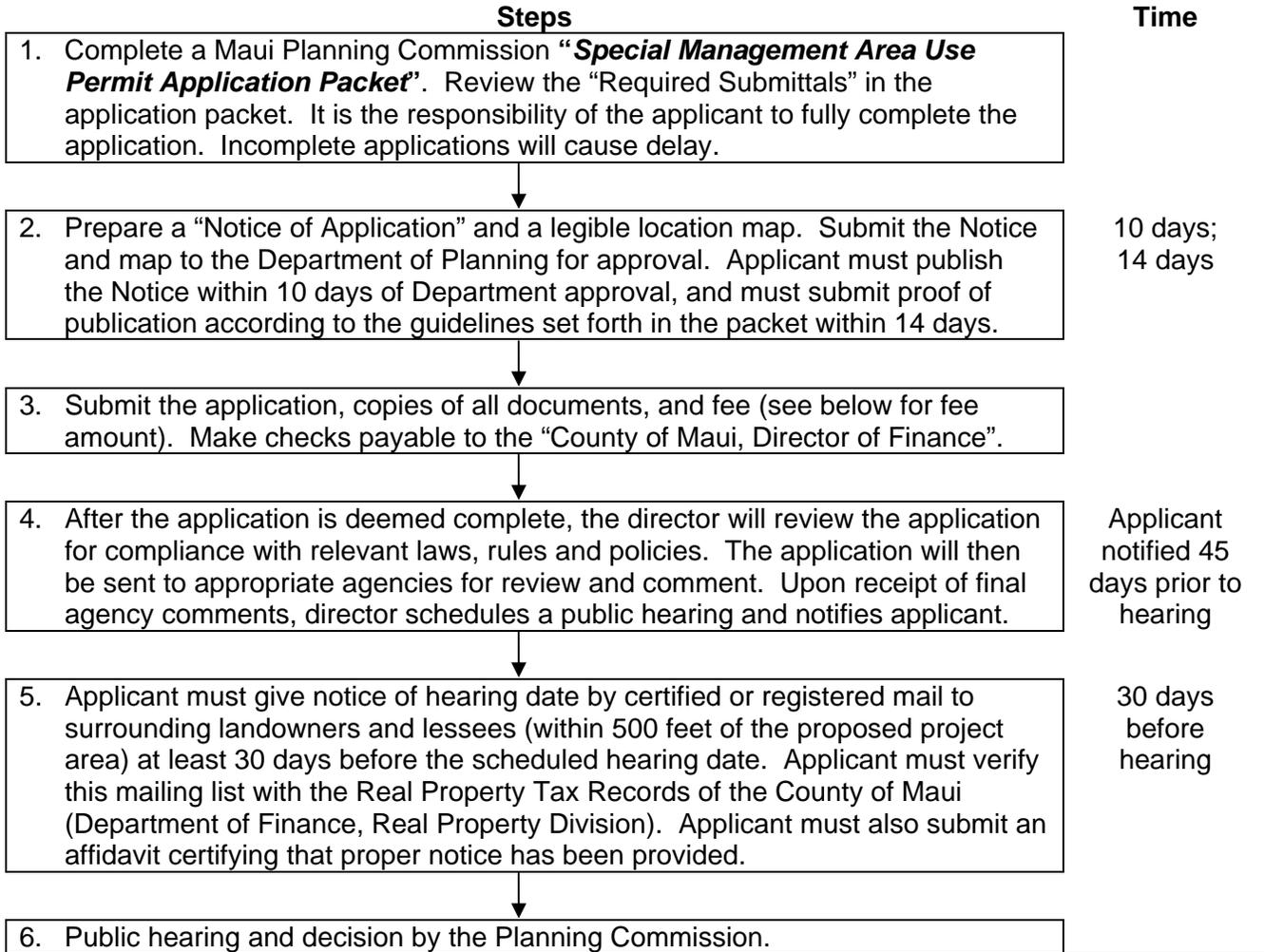
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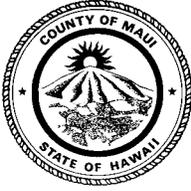
**NOTE:**

- Applicant may be required to present proposed development to the Urban Design Review Board, Cultural Resources Commission and Napili Bay Civic Improvement District Advisory Committee or the Hana Advisory Committee for recommendations to the Commission.
- Applicant must provide documentation of full compliance with HRS 343 (HEPA) and Dept. of Health Environmental Impact Statement (EIS) Rules.



**Total Time Period: 180-365 days**

Fees	Amount	Maximum
Fees dependent upon project cost (Fee Schedule, Table A).	\$550	
Public hearing required. *Applicant pays all notice, publication, and mail fees.	~	
Total Fees:	\$550 (minimum)	No maximum



COUNTY OF MAUI  
DEPARTMENT OF PLANNING  
250 SOUTH HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
TELEPHONE: (808) 270-7735 FAX: (808) 270-7634

MAUI PLANNING COMMISSION  
SPECIAL MANAGEMENT AREA PERMIT APPLICATION

SOURCE OF LEGAL AUTHORITY: Chapter 205A, Hawaii Revised Statutes, as amended.

INFORMATIONAL SHEET

The purpose of the Special Management Area Permit is to regulate any use, activity or operation that qualifies as a "development," and has a total cost of fair market value of \$125,000 or more; or has significant adverse environmental or ecological effect within the Special Management Area. This application provides a means to preserve, protect, and where possible, 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 insure that adequate public access is provided to beaches, recreational area, and natural reserves.

Upon submittal of a Special Management Area Permit Application, it will be reviewed by the Central Coordinating agency (Department of Public Works and Environmental Management, Development Services Administration) for completeness. For purposes of Central Coordinating Agency review, completeness means all required documents have been filed.

Upon receipt of the application from the Central Coordinating Agency, the Director will review the application based upon the policies, objectives, and guidelines as provided in Sections 12-202-10 and 12-202-11 of the Special Management Area Rules and, if necessary, request additional data or information.

Upon receipt of all information necessary for processing, the Director shall transmit the application to appropriate agencies for review and comment. Upon receipt of final agency comments, the application shall be deemed complete by the Director and shall be scheduled for public hearing.

If applicable, the applicant shall present the proposed development to the Urban Design Review Board, Cultural Resources Commission and Napili Bay Civic Improvement District Advisory Committee or the Hana Advisory Committee for comment and recommendation to the Commission.

Prior to the Planning Commission hearing, the following must be completed:

### APPLICANT

Preparation of a Notice of Application and legible map for submittal to the Planning Department for review of completeness. Within ten (10) days of departmental approval the applicant shall publish the Notice of Application and map once in a newspaper printed and issued at least twice weekly in the County and which is generally circulated through the County. Proof of publication shall be submitted to the Planning Department within fourteen (14) days after the date of publication.

Notification of hearing date by certified or registered mail to surrounding owners and lessees. (Notification letter to owners and lessees within 500 feet of the subject parcel(s) are to be mailed after application accepted, and public hearing scheduled. A location map of the proposed project shall be sent with the notice (form attached). Said notification shall be made thirty (30) days prior to the public hearing. The applicant shall also send notice to all persons who have requested the Commission in writing to be notified of special management area proceedings. The applicant shall submit an affidavit to the Director on a form provided by the Department certifying that notice, as required, herein has been provided.

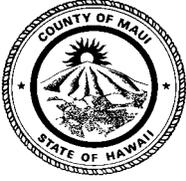
Please note, that prior to mailing said notice, the applicant shall reverify the listing with the Real Property Tax Records of the County of Maui.

### PLANNING DEPARTMENT

The Department shall notify the applicant the date of the scheduled hearing at least forty-five (45) days prior to the hearing.

The Director shall publish a notice of public hearing once in a newspaper that is printed and issued at least twice weekly in the County and which is generally circulated throughout the County pursuant to the Planning Commission's SMA Rules.

Prepare a report and recommendation to the Commission.



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DEPARTMENT OF PLANNING  
250 SOUTH HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
TELEPHONE: (808) 270-7735 FAX: (808) 270-7634

**APPLICATION TYPE: MAUI PLANNING COMMISSION  
SPECIAL MANAGEMENT AREA PERMIT APPLICATION**

DATE: \_\_\_\_\_

PROJECT NAME: \_\_\_\_\_

PROPOSED DEVELOPMENT: \_\_\_\_\_

TAX MAP KEY NO.: \_\_\_\_\_ CPR/HPR NO.: \_\_\_\_\_ LOT SIZE: \_\_\_\_\_

PROPERTY ADDRESS: \_\_\_\_\_

OWNER: \_\_\_\_\_ PHONE:(B) \_\_\_\_\_ (H) \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_

OWNER SIGNATURE: \_\_\_\_\_

APPLICANT(PRINT) \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_

PHONE (B): \_\_\_\_\_ (H): \_\_\_\_\_ FAX: \_\_\_\_\_

APPLICANT SIGNATURE: \_\_\_\_\_

CONTACT NAME:(PRINT) \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_

PHONE (B): \_\_\_\_\_ (H): \_\_\_\_\_ FAX: \_\_\_\_\_

EXISTING USE OF PROPERTY: \_\_\_\_\_

CURRENT STATE LAND USE DISTRICT BOUNDARY DESIGNATION: \_\_\_\_\_

COMMUNITY PLAN DESIGNATION: \_\_\_\_\_ ZONING DESIGNATION: \_\_\_\_\_

OTHER SPECIAL DESIGNATIONS: \_\_\_\_\_

BUILDING APPLICATION NO. \_\_\_\_\_ PROJECT VALUATION \$ \_\_\_\_\_

SPECIAL MANAGEMENT AREA USE PERMIT APPLICATION  
REQUIRED SUBMITTALS

- \_\_\_\_\_ 1. Evidence that the applicant is the owner or lessee of record of the real property.
- \_\_\_\_\_ 2. A notarized letter of authorization from the legal owner if the applicant is not the owner and evidence that the authorization is from the legal owner.
- \_\_\_\_\_ 3. Provide documentation that full compliance with Chapter 343, Hawaii Revised Statutes (HRS), and the Environmental Impact Statement (EIS) Rules of the State Department of Health have been met. If required pursuant to Chapter 343, HRS or by the Planning Director, an original set plus one copy will be submitted.
- \_\_\_\_\_ 4. Notice of Application and legible map (see attached form).
- \_\_\_\_\_ 5. A written description of the proposed action, including, but not limited to the use, length, width, height, depth, building material and statement of objectives of the proposed action.
- \_\_\_\_\_ 6. An Assessment Report identifying the anticipated impacts of the proposed action on the special management area that addresses or describes:
  - a) The environmental setting of the property that is the subject of the proposed action;
  - b) The relationship of the proposed action to land use plans, policies, and control of the affected area;
  - c) The probable impact, including cumulative impacts, of the proposed action on the environment;
  - d) Any probable adverse environmental effects that can be avoided;
  - e) Alternatives to the proposed action;
  - f) Mitigating measures proposed to minimize impact; and
  - g) Any irreversible and irretrievable commitment of resources.

Said Assessment Report should also address the objectives, policies and guidelines set forth in Sections 12-202-10 and 12-202-11 of the Special Management Area Rules of the Maui Planning Commission.

- \_\_\_\_\_ 7. Three (3) sets of a certified shoreline survey (one original). Survey shall be the actual field location of the shoreline as prepared by a land surveyor registered in the State of Hawaii. The survey maps developed by the registered land surveyor shall bear the surveyor's signature and date of field survey and the certifying signature and date of the chairman of the Board of Land and Natural Resources (for properties abutting the shoreline).

- \_\_\_\_\_ 8. List of owners and lessees of real property within a 500-foot radius of the subject parcel boundaries obtained from the most current available list at the Maui County Department of Finance, Real Property Division. This list shall be listed by Tax Map Key numbers with names and mailing addresses of all owners and lessees to be notified, and shall include a map drawn to scale, clearly defining the 500-foot notification boundary and the parcels affected.
- \_\_\_\_\_ 9. A preliminary drainage plan
- \_\_\_\_\_ 10. A set of a plot plan of the land on which the proposed action is to occur. The plot plan shall be prepared to scale and be based upon an accurate instrument survey, and shall define and show the design of the proposed action and the existing physical conditions of the land, including, but not limited to property boundaries, topography, natural and man-made features, trees and structures.
- \_\_\_\_\_ 11. A preliminary plan of the development designating in dimensions the location of the proposed action on the land. If structures are included in the action, the plan of the development will also show a dimensioned floor plan, sections, elevations, and other physical features Said plans must be dated.
- \_\_\_\_\_ 12. A preliminary 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.
- \_\_\_\_\_ 13. Photographic Analysis (consisting of photographs or slides) or VHS format video tape identifying the area where the proposed action is to occur. The visual analysis should include the site, surrounding properties, and relationship of the site to the nearest public roadway.
- \_\_\_\_\_ 14. Colored rendering.
- \_\_\_\_\_ 15. **Non-refundable filing fee** (see Fee Schedule, Table A) payable to *County of Maui, Director of Finance.*
- \_\_\_\_\_ 16. Any other information and documentation required by the Director, (i.e., traffic-impact analysis, archaeological reconnaissance, etc.)

\* DOES THE PROJECT FALL UNDER ANY OF THE FOLLOWING:

- \_\_\_\_\_ 1. The use of State or County funds or lands;
- \_\_\_\_\_ 2. The use within any land classified as Conservation District by the

State Land Use Commission under Chapter 205, Hawaii Revised Statutes; and

- \_\_\_\_\_ 3. The use within the shoreline area as defined in Section 205-31, Hawaii Revised Statutes; and
  - \_\_\_\_\_ 4. The use within any Historic site as designated in the National Register or Hawaii Register.
- IN ADDITION TO ITEMS 14 AND 16, THE APPLICANT SHALL SUBMIT AN ORIGINAL PLUS ONE COLLATED COPY OF ITEMS 1 - 13 AND ITEM 16 FOR REVIEW BY PLANNING DEPARTMENT STAFF. UPON DEEMING THE APPLICATION MATERIALS TO BE COMPLETE FOR PUBLIC AGENCY REVIEW, THE PLANNING DEPARTMENT WILL NOTIFY THE APPLICANT AS TO HOW MANY ADDITIONAL SETS OF THE APPLICATION PACKET ARE TO BE PROVIDED FOR AGENCY REVIEW.

NOTICE OF APPLICATION  
SPECIAL MANAGEMENT AREA USE PERMIT

Please be advised that the undersigned has filed an application for a Special Management Area Use Permit with the County of Maui Planning Department for the following parcel(s):

1. Tax Map Key: \_\_\_\_\_  
(See attached location map)

2. Location (street address): \_\_\_\_\_

3. Existing Land Use Designations:

a. State Land Use District: \_\_\_\_\_

b. Community Plan Designation: \_\_\_\_\_

c. County Zoning: \_\_\_\_\_

4. Description of the Existing Uses on Property:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. Description of the Proposed Development on Property:

\_\_\_\_\_  
\_\_\_\_\_

\*\*\*\*\*

BY:

\_\_\_\_\_  
(Owner/Applicant)

\_\_\_\_\_  
(Agent)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(Telephone)

\_\_\_\_\_  
(Telephone)

(Maui Planning Department Certification of Completion: \_\_\_\_\_)  
The Applicant is responsible for ensuring accuracy of the information.

Published by \_\_\_\_\_ (In Newspaper printed and issued at least twice weekly in the County and which is generally circulated through the County with legible location map)

MAUI PLANNING COMMISSION

TO:

DATE: \_\_\_\_\_

Please be informed that the undersigned has applied to the Maui Planning Commission of the County of Maui for a Special Management Area Permit Application pursuant to the Special Management Area Rules of the commission for the following parcel:

- 1. Tax Map Key: \_\_\_\_\_
- 2. Street Address: \_\_\_\_\_  
(Location Map Attached)
- 3. Community Plan: \_\_\_\_\_ Zoning: \_\_\_\_\_
- 4. Proposed Development: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**THIS SECTION TO BE COMPLETED BY THE PLANNING DEPARTMENT:**

Public Hearing Date: \_\_\_\_\_

Time: \_\_\_\_\_

Place: \_\_\_\_\_

\_\_\_\_\_

The hearing is held under the authority of Chapters 205A and 91, Hawaii Revised Statutes (HRS), and the Maui Planning Commission Rules. The particular sections of the Statute and Rules involved are Sections 205A-26,205A-27,205A-28, and 205A-29, HRS and Chapter 201 and 202, Maui Planning Commission Rules.

Petitions to intervene shall be in conformity with Section 12-201-20 of the Rules of Practice and Procedure for the Maui Planning Commission and shall be filed with the commission and served upon the applicant no less than ten days before the first public hearing date. Filing of all documents to the commission is c/o the Maui Planning Department, 250 South High Street, Wailuku, Maui, Hawaii 96793.

The computation of time begins with the day following the act, event, or default, and includes the last day of the period unless it is a Saturday, Sunday or legal state holiday in which event the period runs until the end of the next day which is not a Saturday, Sunday, or state holiday. When the prescribed period of time is 10 days or less, Saturdays, Sundays, or state holidays within the designated period will be excluded in the computation. Any party may be represented by Counsel or other representative.

Testimony relative to this request may be submitted in writing to the Maui Planning Commission, 250 South High Street, 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, 250 South High Street, Wailuku, Maui, Hawaii, Telephone (808) 270-7735; toll-free from Molokai 1-800-272-0117, Extension 7735; and toll-free from Lanai 1-800-272-0125, Extension 7735.

\_\_\_\_\_  
Name of Applicant

\_\_\_\_\_  
Name of Applicant's Agent, if applicable

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

( ) \_\_\_\_\_  
Telephone

( ) \_\_\_\_\_  
Telephone

NOTARIZED AFFIDAVIT OF MAILING

\_\_\_\_\_, being first duly sworn on oath, deposes and says that:

1. Affiant is the applicant for a \_\_\_\_\_  
for land situated at \_\_\_\_\_,  
TMK: \_\_\_\_\_
  
1. Affiant did on \_\_\_\_\_, 20\_\_\_\_, deposit in the  
United States mail, post paid, by certified or registered mail and delivery to addressee, a copy  
of a Notice of Hearing, a copy of which is attached hereto as "Exhibit A" and made a part here  
of, addressed to each of the persons identified on "Exhibit B," attached hereto and made a  
part hereof.
  
2. Thereafter there was returned to the Office of Affiant the United States Post Office Certified  
or Registered Mail Receipts, which are attached hereto as "Exhibit C" and made a part  
hereof.

Further Affiant sayeth naught:

\_\_\_\_\_

**COUNTY OF MAUI  
DEPARTMENT OF PLANNING**

**ZONING AND FLOOD CONFIRMATION REQUEST FORM**

APPLICANT: \_\_\_\_\_ PHONE NO.: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_

PROJECT NAME: \_\_\_\_\_  
ADDRESS AND/OR LOCATION: \_\_\_\_\_

TMK NUMBER(S): \_\_\_\_\_

**ZONING INFORMATION**

STATE LAND USE \_\_\_\_\_ COMMUNITY PLAN \_\_\_\_\_

COUNTY ZONING \_\_\_\_\_ SPECIAL DISTRICT \_\_\_\_\_

OTHER \_\_\_\_\_

**FLOOD INFORMATION**

FLOOD HAZARD AREA\* ZONE \_\_\_\_\_

BASE FLOOD ELEVATION \_\_\_\_\_ mean sea level, 1929 National Geodetic Vertical Datum or  
for Flood Zone A0, FLOOD DEPTH \_\_\_\_\_ feet.

FLOODWAY [ ] Yes or [ ] No

FLOOD DEVELOPMENT PERMIT IS REQUIRED [ ] Yes or [ ] No

\* For flood hazard area zones B or C; a flood development permit would be required if any work is done in any drainage facility or stream area that would reduce the capacity of the drainage facility, river, or stream, or adversely affect downstream property.

\*\*\*\*\*

**FOR COUNTY USE ONLY**

REMARKS/COMMENTS: \_\_\_\_\_

- Additional information required.
- Information submitted is correct.
- Correction has been made and initialed.

Reviewed and Confirmed by:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Zoning Administration and Enforcement Division

**Maui County Urban Design Review Board  
Checklist of Standard Concerns (11/2/99)**

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 U.D.R.B. 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, and irrigation and drainage concepts.
- Colored architectural renderings indicating building elevations 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.
- Other items to address the concerns noted above.