



# County of Hawai'i Planning Department

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## SPECIAL MANAGEMENT AREA USE PERMIT ASSESSMENT APPLICATION

**APPLICANT INFORMATION** (*Applicant is the person or entity actually responsible for the proposed use, activity or operation—typically the landowner or lessee.*)

APPLICANT'S NAME(S): \_\_\_\_\_

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

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

EMAIL: \_\_\_\_\_

PHONE NUMBER(S): \_\_\_\_\_ bus: \_\_\_\_\_ hm /cell: \_\_\_\_\_

SIGNATURE(S): \_\_\_\_\_ DATE: \_\_\_\_\_

**LANDOWNER INFORMATION**  SAME AS APPLICANT (*may leave this section blank*)

LANDOWNER'S NAME(S): \_\_\_\_\_

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

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

EMAIL: \_\_\_\_\_

PHONE NUMBER(S): \_\_\_\_\_ bus: \_\_\_\_\_ hm /cell: \_\_\_\_\_

SIGNATURE(S): \_\_\_\_\_ DATE: \_\_\_\_\_

*Landowner agrees to grant representatives of the County of Hawai'i the right to enter the property at reasonable business hours for the purpose of site inspection.*

### AUTHORIZED AGENT/ CONTACT PERSON

CONTACT NAME(S): \_\_\_\_\_

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

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

EMAIL: \_\_\_\_\_

PHONE NUMBER(S): \_\_\_\_\_ bus: \_\_\_\_\_ hm /cell: \_\_\_\_\_

SIGNATURE(S): \_\_\_\_\_ DATE: \_\_\_\_\_

TAX MAP KEY(S): \_\_\_\_\_

FLOOD ZONE (*Can be obtained from the Department of Public Works- Engineering Division*): \_\_\_\_\_

NATURE OF DEVELOPMENT / ACTIVITY:

TOTAL COST / FAIR MARKET VALUE OF DEVELOPMENT: \$ \_\_\_\_\_

DATE OF APPLICATION \_\_\_\_\_

PLEASE PROVIDE THE FOLLOWING ADDITIONAL INFORMATION:

1. A description of the proposed development in sufficient detail to convey the full extent of the improvement proposed to and upon the land. For example, in the construction of a structure, specify the amount of land area to be graded and leveled to accommodate the proposed structure, parking area and other related facilities.
2. A statement of objectives of the proposed project.
3. A description of the anticipated impacts of the proposed project on the Special Management Area (SMA), including:
  - a. Description of the area involved, including existing uses, structures, vegetation, and other features.
  - b. Description of surrounding area and land uses.
  - c. The relationship of the proposed action to land use plans, policies, and control of the affected area;
  - d. Description of how the proposed project will affect the area involved and surrounding areas.
  - e. Description of impacts which cannot be avoided and mitigating measures proposed to minimize that impact.
  - f. Alternatives to the proposed project.
  - g. Any irreversible and irretrievable commitment of resources.
4. A written description of the anticipated impacts of the proposed development on valued cultural, historical or natural resources on or in the vicinity of the property, to include:
  - a. The identity and scope of valued cultural, historical, or natural resources in the area, including the extent to which traditional and customary native Hawaiian rights are exercised in the area;
  - b. The extent to which those resources, including traditional and customary native Hawaiian rights, will be affected or impaired by the proposed action; and
  - c. The feasible action, if any, to be taken to reasonably protect any valued cultural, historical or natural resources, including any existing traditional and customary native Hawaiian rights.

5. A written statement discussing the proposed development and anticipated impacts of the proposed development on the following in relationship to the objectives and policies as contained in Chapter 205A, HRS, and the SMA Guidelines:
  - a. Recreational resources;
  - b. Historic resources;
  - c. Scenic and Open Space resources;
  - d. Coastal Ecosystems;
  - e. Economic Uses; and
  - f. Coastal Hazards.

**THIS APPLICATION SHALL BE ACCOMPANIED BY THE FOLLOWING:**

If available, please provide a compact disc containing an electronic *.tif* file of all plans larger than 8.5"x11" that are submitted with this application.

1. A filing fee of fifty dollars (\$50). (Checks shall be made payable to the County Director of Finance).
2. A shoreline survey of the subject property, as certified by the Chairman of the Board of Land and Natural Resources, when the subject property abuts the shoreline. The certified shoreline survey shall be prepared in accordance with the Department of Land and Natural Resources Rules of Practice and Procedure. A request to waive the need to prepare a certified shoreline survey may be submitted in writing to the Planning Director. Circumstances that may warrant the issuance of a certified shoreline survey waiver include cases where the entire shoreline fronting the subject property is "fixed" by a man-made structure such as a seawall or revetment or when the proposed development will be situated at a considerable distance from the shoreline.
3. A site plan of the subject property, drawn to scale, showing all existing and proposed structures, uses and activities. Information such as the extent of any land alteration (grading) activities and the location of a cliff or other distinctive land features should be shown on the plans. Photographs of the subject property and the project site showing existing conditions are not required but would greatly facilitate the review process.
4. Identification and detailed information of existing public access to and along the shoreline and whether the access is being used.

5. If the proposed activity is the construction, enlargement, or reconstruction of a single-family residence, the application must be accompanied by a floor plan including the total floor area\* calculation. Please note that pursuant to Hawai'i Revised Statutes, any single-family residence seven thousand five hundred (7,500) square feet of floor area, or greater, will require a Special Management Area (Major) Use Permit.

\* Floor area shall be the total area of all floors of a building(s) associated with the single-family residence, including a basement, measured along the exterior walls of such building(s). The floor area of a building(s), or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above (ie. storage, garages, carports, and lanais under roof are to be included).

6. Any other plans or information that may be required by the Planning Director.

A Final Environmental Assessment or Final Environmental Impact Statement which has been declared adequate under the National Environmental Policy Act (NEPA) or under Chapter 343, HRS, may constitute a valid filing under this section.

**The submittal of an incomplete application will delay official acceptance by the Department. Furthermore, additional information may be requested by the Department during the course of the review process. If you have any questions about your submittal, please contact the Planning Department prior to finalizing your submittal.** Please note that pages 6-10 of the application do not need to accompany your submittal.

**§205A-2 Coastal zone management program; objectives and policies.**

- (a) The objectives and policies in this section shall apply to all parts of this chapter.
- (b) Objectives.
  - (1) Recreational resources;
    - (A) Provide coastal recreational opportunities accessible to the public.
  - (2) Historic resources;
    - (A) 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.
  - (3) Scenic and open space resources;
    - (A) Protect, preserve, and, where desirable, restore or improve the quality of coastal scenic and open space resources.
  - (4) Coastal ecosystems;
    - (A) Protect valuable coastal ecosystems, including reefs, from disruption and minimize adverse impacts on all coastal ecosystems.
  - (5) Economic uses;
    - (A) Provide public or private facilities and improvements important to the State's economy in suitable locations.
  - (6) Coastal hazards;
    - (A) Reduce hazard to life and property from tsunamis, storm waves, stream flooding, erosion, subsidence, and pollution.
  - (7) Managing development;
    - (A) Improve the development review process, communication, and public participation in the management of coastal resources and hazards.
  - (8) Public participation;
    - (A) Stimulate public awareness, education, and participation in coastal management.
  - (9) Beach protection;
    - (A) Protect beaches for public use and recreation.
  - (10) Marine resources;
    - (A) Promote the protection, use, and development of marine and coastal resources to assure their sustainability.
- (c) Policies.
  - (1) Recreational resources;
    - (A) Improve coordination and funding of coastal recreational planning and management; and
    - (B) Provide adequate, accessible, and diverse recreational opportunities in the coastal zone management area by:
      - (i) Protecting coastal resources uniquely suited for recreational activities that cannot be provided in other areas;
      - (ii) 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;
      - (iii) Providing and managing adequate public access, consistent with conservation of natural resources, to and along shorelines with recreational value;
      - (iv) Providing an adequate supply of shoreline parks and other recreational facilities suitable for public recreation;
      - (v) 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;
      - (vi) Adopting water quality standards and regulating point and nonpoint sources of pollution to protect, and where feasible, restore the recreational value of coastal waters;
      - (vii) Developing new shoreline recreational opportunities, where appropriate, such as artificial lagoons, artificial beaches, and artificial reefs for surfing and fishing; and

- (viii) 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) Identify and analyze significant archaeological resources;
  - (B) Maximize information retention through preservation of remains and artifacts or salvage operations; and
  - (C) Support state goals for protection, restoration, interpretation, and display of historic resources.
- (3) Scenic and open space resources;
  - (A) Identify valued scenic resources in the coastal zone management area;
  - (B) 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;
  - (C) Preserve, maintain, and, where desirable, improve and restore shoreline open space and scenic resources; and
  - (D) Encourage those developments that are not coastal dependent to locate in inland areas.
- (4) Coastal ecosystems;
  - (A) Exercise an overall conservation ethic, and practice stewardship in the protection, use, and development of marine and coastal resources;
  - (B) Improve the technical basis for natural resource management;
  - (C) Preserve valuable coastal ecosystems, including reefs, of significant biological or economic importance;
  - (D) 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
  - (E) 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) Concentrate coastal dependent development in appropriate areas;
  - (B) 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
  - (C) 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:
    - (i) Use of presently designated locations is not feasible;
    - (ii) Adverse environmental effects are minimized; and
    - (iii) The development is important to the State's economy.
- (6) Coastal hazards;
  - (A) Develop and communicate adequate information about storm wave, tsunami, flood, erosion, subsidence, and point and nonpoint source pollution hazards;
  - (B) Control development in areas subject to storm wave, tsunami, flood, erosion, hurricane, wind, subsidence, and point and nonpoint source pollution hazards;
  - (C) Ensure that developments comply with requirements of the Federal Flood Insurance Program; and
  - (D) Prevent coastal flooding from inland projects.
- (7) Managing development;
  - (A) Use, implement, and enforce existing law effectively to the maximum extent possible in managing present and future coastal zone development;
  - (B) Facilitate timely processing of applications for development permits and resolve overlapping or conflicting permit requirements; and

- (C) 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) Promote public involvement in coastal zone management processes;
  - (B) 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
  - (C) Organize workshops, policy dialogues, and site-specific mediations to respond to coastal issues and conflicts.
- (9) Beach protection;
  - (A) 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;
  - (B) 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
  - (C) Minimize the construction of public erosion-protection structures seaward of the shoreline.
- (10) Marine resources;
  - (A) Ensure that the use and development of marine and coastal resources are ecologically and environmentally sound and economically beneficial;
  - (B) Coordinate the management of marine and coastal resources and activities to improve effectiveness and efficiency;
  - (C) 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;
  - (D) 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
  - (E) Encourage research and development of new, innovative technologies for exploring, using, or protecting marine and coastal resources.

**§205A-26 Special management area guidelines.** In implementing this part, the authority shall adopt the following guidelines for the review of developments proposed 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.

# County of Hawai‘i

## PLANNING DEPARTMENT

### Special Management Area Guidance

Is a portion of your property in the Special Management Area (SMA)? YES OR NO If you are not sure, please call, email or stop by the Planning Department along with your tax map key number.

If **NO**, an SMA review is **not** required.

If **YES**, does your project conform to one or more of the criteria below?

1. Repair or maintenance of roads and highways within existing rights-of-way.
2. Zoning variances for legally existing uses or structures, except for height, density, parking, and shoreline setback.
3. Amendment of the General Plan.
4. Transfer of title of land; creation or termination of easements, covenants, or other rights in legally existing structures or parcels of land.
5. Temporary events limited to 96 hours including set up and take down, such as community events, sporting events, fund raisers, food events and family celebrations not involving any ground disturbance and installation of permanent structures.
6. Construction or reconstruction of a single-family residence on land that does not abut the shoreline and that does not exceed any existing statutory limitation on floor area square footage, which is seven thousand five hundred (7,500) square feet of floor area, and is not part of a larger development.
7. Demolition or removal of structures on land that does not abut the shoreline, except those structures located on any historic site as designated in national or state registers.
8. Structural and non-structural interior and exterior repairs, maintenance, renovations, and alterations to existing, lawfully established structures that do not increase the gross floor area and do not involve any additional ground disturbance, such as installation of roof mounted photovoltaic and solar panels, solar water heating systems, roof repairs or replacement, window and door repairs or replacement and similar improvements.
9. Structural enclosures of lawfully established structures within the existing roof line and foundation for decks, lanais, carports, garages, and similar accessory purposes.

If **YES**, please contact the Planning Department to have an SMA Short Form be completed by Planning Department Staff or to determine if an SMA Assessment would still be required. Please note that the Planning Department may require additional plans or information deemed necessary to assess the proposed use, activity or operation.

If **NO**, please prepare and submit an SMA Use Permit Assessment Application (attached) or SMA (Major) Use Permit Application as applicable. For more information regarding the SMA rules and regulations, please feel free to visit our website <http://www.hiplanningdept.com/resources-and-references/special-management-area-sma/> or contact the Planning Department in Hilo at (808) 961-8288 or in Kona at 323-4770.