

SPECIAL MANAGEMENT AREA USE PERMIT APPLICATION

**COUNTY OF HAWAII
PLANNING COMMISSION**
(Type or legibly print the requested information)

APPLICANT(S): _____

APPLICANT'S SIGNATURE: _____ DATE: _____

ADDRESS: _____

LIST APPLICANT'S INTEREST (if not owner): _____

PHONE: (Bus.) _____ (Res.) _____ (Email) _____

REQUEST: _____

TAX MAP KEY: _____ ZONING: _____

SIZE OF PROPERTY / AREA OF REQUESTED USE: _____ / _____

LANDOWNER(S): _____

FEE SIMPLE LANDOWNER(S) WRITTEN AUTHORIZATION
(may be provided by letter with the below statement included):

DATE: _____

DATE: _____

AGENT: _____

AGENT ADDRESS: _____

PHONE: (Bus.) _____ (Res.) _____ (Email) _____

Please indicate to whom original correspondence and copies should be sent.

ORIGINAL: _____ COPIES: _____

THIS SPECIAL MANAGEMENT AREA USE PERMIT APPLICATION SHALL BE ACCOMPANIED BY THE FOLLOWING:

1. A filing fee of five hundred dollars (\$500) to be paid via EPIC.
2. An original (signed) copy of the completed application.
3. An A written narrative, including the following background information on the subject request:
 - A. An EIS, if required, under Chapter 343, HRS, or when required by the Director may be submitted in lieu of this section.
 - B. A description of the proposed development in sufficient detail to convey the full extent of the improvements 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.
 - C. Description of the subject property in sufficient detail to precisely locate the property. Describe existing uses, structures, and topography.
 - D. Provide the total cost/fair market value of the proposed use, activity, or operation.
 - E. State/County Plans affecting the subject request: State Land Use District, County Zoning, General Plan designation and Community Development Plans.
 - F. A written statement discussing the proposed development in relationship to the objectives and policies as provided by Chapter 205A, HRS, and the Special Management Area guidelines as contained herein.
 - G. Surrounding zoning and land uses.
 - H. Flood Insurance Rate Map (FIRM) designation (contact Department of Public Works - Engineering Division).
 - I. Archaeological and Historic Resources: Describe and show on the plot plan any known historic and archaeological resources on the property. Examples include human skeletal remains, structural remains, sand deposits, midden deposits, and lava tubes. The application may be provided to the State Department of Land and Natural Resources Historic Preservation Division (SHPD) for a determination of whether the project will affect archaeological/historic resources. Please be aware that a hearing before the Planning Commission may not be held until SHPD and the Planning Department determines resources on the property are adequately identified, recorded, mitigated and/or preserved.
 - J. Valued Cultural Resources: Identify any traditional and customary native Hawaiian rights that are exercised in the area; the extent in which the proposed development will affect these rights; and feasible action to be taken to protect native Hawaiian rights if they exist. Examples include areas of traditional collection of terrestrial resources (kī leaf, aho chord, thatch, medicinal plants, and ferns) or marine or riparian resources (limu, ‘ōpae, ‘o‘opu, hīhīwai) used for subsistence, cultural and religious purposes. Traditional and customary rights may also include rights of access to the archaeological and historical resources of the property.
 - K. Public Access: Existing public access to and along the shoreline or to mountain areas and knowledge of whether public access is being used.

- L. Floral and Faunal Resources.
 - M. Description of access(es) to the area (e.g., width, type of surface and condition of roadway). If a private roadway, submit evidence of legal access rights.
 - N. Traffic impacts - assessment of existing traffic conditions, anticipated increase in traffic and traffic impacts from proposed use (a formal study may be requested by Department of Public Works or Department of Transportation during the review process).
 - O. Availability of Utilities: Water , telephone, electricity, solid waste and sewage disposal.
 - P. In the case of an applicant whose proposed development has been assessed, any information as to the areas of critical concern delineated by the Director.
4. A written narrative describing the anticipated impacts of the proposed development on the Special Management Area, including but not limited to the following:
 - A Description of environmental setting;
 - B. The relationship of the proposed action to land use plans, policies, and control of the affected area;
 - C. The probable impact of the proposed actions on the environment;
 - D. Any probably adverse environmental effect which cannot be avoided;
 - E. Alternatives to the proposed action;
 - F. Mitigating measures proposed to minimize impact; and
 - G. Any irreversible and irretrievable commitment of resources.
 5. A site plan of the subject property, drawn to scale, showing property lines and measurements; all existing and proposed structures with elevations, uses and improvements; proposed subdivision and reference points such as roadways, shoreline, etc. Information such as the extent of any land alteration (grading) activities and the location of a cliff or other distinctive features should be shown on the plans.
 6. 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, which 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 (e.g. storage, garages, carports, and lanais under roof are to be included).
 6. 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.
 7. In the case where a multi-unit residential structure, containing more than ten units is proposed, the Director may require the applicant to develop a scale model or three-dimensional rendering of the proposed development and related improvements.
 8. A list of names, addresses and tax map keys of all owners and lessees of record of surrounding properties who are required to receive notice. See attached instructions for notification

procedures.

9. Any other plans or additional information relevant to this application may be requested by the Planning Director to facilitate processing of this request.

HAWAII REVISIED STATUTES

§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, beaches and coastal dunes, 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 coastal hazards.
 - (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 and coastal dune protection;
 - (A) Protect beaches and coastal dunes for:
 - (i) Public use and recreation;
 - (ii) The benefit of coastal ecosystems; and
 - (iii) Use as natural buffers against coastal hazards; and
 - (B) Coordinate and fund beach management and protection.
 - (10) Marine and coastal 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 restoration of coastal resources that have significant recreational and ecosystem value, including but not limited to coral reefs, surfing sites, fishponds, sand beaches, and coastal dunes, when these resources will be unavoidably damaged by development; or requiring monetary compensation to the State for recreation when restoration 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 that 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 those 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, of significant biological or economic importance, including reefs, beaches and dunes;
 - (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 and coastal related development are located, designed, and constructed to minimize exposure to coastal hazards and adverse social, visual, and environmental impacts in the coastal zone management area; and
 - (C) Direct the location and expansion of coastal development to areas designated and used for that development and permit reasonable long-term growth at those areas, and permit coastal development outside of designated areas when:
 - (i) Use of designated locations is not feasible;
 - (ii) Adverse environmental effects and risks from coastal hazards are minimized; and
 - (iii) The development is important to the State's economy.

- (6) Coastal hazards;
 - (A) Develop and communicate adequate information about coastal hazards;
 - (B) Control development, including planning and zoning control, in areas subject to coastal hazards;
 - (C) Ensure that developments comply with requirements of the National 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 shoreline hardening structures including seawalls and revetments, at sites having sand beaches and at sites where shoreline hardening structures interfere with existing recreational and waterline activities; and
 - (C) Minimize the construction of public shoreline hardening structures including seawalls and revetments, at sites having sand beaches and at sites where shoreline hardening structures interfere with existing recreational and waterline activities;
 - (D) Minimize grading of and damage to coastal dunes;
 - (E) Prohibit private property owners from creating a public nuisance by inducing or cultivating the private property owner's vegetation in a beach transit corridor; and
 - (F) Prohibit private property owners from creating a public nuisance by allowing the private property owner's unmaintained vegetation to interfere or encroach upon a beach transit corridor; and
- (10) Marine and coastal 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 and coastal processes, impacts of climate change and sea level rise, marine life, and other ocean resources in order to acquire and inventory information necessary to understand how coastal development activities relate to and impact 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 that 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, beaches, coastal dunes, and scenic and recreational amenities and minimize impacts from floods, wind damage, storm surge, landslides, erosion, sea level rise, 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 significant adverse environmental or ecological effect, except as any adverse effect is minimized to the extent practicable and clearly outweighed by public health, safety, or compelling public interests. Those adverse effects shall include but not be limited to the potential cumulative impact of individual developments, each of which taken by itself might not have a significant 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, community plan, and zoning; provided that finding of consistency shall not preclude concurrent processing where a general plan, community 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 that would reduce the size of any beach or other area usable for public recreation;
 - (C) Any development that 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 that 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 that 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.

Note: A copy of the entire Planning Commission RULE 9, SPECIAL MANAGEMENT AREA can be found within the Planning Commission Rules on the Planning Department Website (<https://www.planning.hawaiiicounty.gov/resources/resources-references>).