

The background is a light blue gradient with several realistic water droplets of various sizes scattered across it. The droplets have highlights and shadows, giving them a three-dimensional appearance.

MAUI COUNTY'S ROLE IN SHORELINE MANAGEMENT

MA'ALAEA VILLAGE ASSOCIATION

FEBRUARY 27, 2020

SPECIAL MANAGEMENT AREA AND SHORELINE RULES

- THE FEDERAL COASTAL ZONE MANAGEMENT ACT WAS PASSED IN 1972. THE HAWAII CZM PROGRAM WAS CODIFIED BY HRS CHAPTER 205A IN 1977.
- HRS 205A CALLS FOR “SPECIAL MANAGEMENT AREA” BOUNDARIES AND PERMITTING REQUIREMENTS. IT ALSO PROVIDES SPECIAL PROTECTIONS SPECIFICALLY FOR THE SHORELINE AREA.
- PLANNING COMMISSIONS HAVE EXCLUSIVE AUTHORITY OVER COASTAL-ZONE REGULATION (MAUI COUNTY CHARTER SECTION 8-8.4: EACH PLANNING COMMISSION SHALL ...“ACT AS THE AUTHORITY IN ALL MATTERS RELATING TO THE COASTAL ZONE MANAGEMENT LAW”).
- EACH OF OUR PLANNING COMMISSIONS HAS ITS OWN SMA AND SHORELINE RULES.

SHORELINE RULES

- PURPOSES ARE: TO PRESERVE AND PROTECT THE SHORELINE AREA AND OPEN SPACE RESOURCES; TO ENSURE THE PUBLIC CAN ACCESS, USE, AND ENJOY THE SHORELINE AREA; AND FOR CONSTRUCTED FEATURES TO BE COMPATIBLE WITH THE SHORELINE AREA.
- THIS IS PRIMARILY ACCOMPLISHED BY SHORELINE SETBACKS (PART OF A MANAGED RETREAT STRATEGY). NEW DEFINITIONS ARE NEEDED TO IMPLEMENT A NEW METHODOLOGY TO USE THE NEW EROSION HAZARD LINE.
- HOW ARE SETBACKS DETERMINED?
 - CURRENT RULES CREATE THE SETBACK BY A FORMULA USING THE ANNUAL EROSION HAZARD RATE OR BY USING THE AVERAGE LOT DEPTH; **BOTH OF THESE REQUIRE A CERTIFIED SHORELINE SURVEY.**
 - PROPOSED RULES USE THE EROSION HAZARD LINE ADOPTED BY THE STATE CLIMATE COMMISSION AS THE METHOD TO ESTABLISH THE SETBACK, AND DO NOT REQUIRE A CERTIFIED SHORELINE SURVEY. THIS IS MUCH LARGER IN MANY AREAS, AND SMALLER IN SOME AREAS.

SHORELINE RULES: HOW SETBACKS ARE DETERMINED

THE CURRENT SETBACK IS THE **GREATER** OF:

EROSION-BASED FORMULA: 25 FEET + (50 YEARS X THE ANNUAL EROSION HAZARD RATE)

25 FEET (*MINIMUM SETBACK*) + (50 YEARS (*LIFE EXPECTANCY OF THE STRUCTURE*) X AEHR (*HISTORICAL EROSION*))

EXAMPLE: IF AEHR IS 1.4 FEET PER YEAR, THE SETBACK IS $25 + (50 \times 1.4) = 95$ FEET

-- OR --

LOT-DEPTH FORMULA: IF LOT DEPTH IS..... THEN SETBACK IS:

100 FEET OR LESS.....25 FEET

100-160 FEET.....40 FEET

160+ FEET OR IRREGULARLY SHAPED LOT.....25% OF LOT DEPTH

NOTE: MINIMUM IS 25 FEET, MAXIMUM IS 150 FEET; CERTIFIED SHORELINE SURVEY IS REQUIRED

SHORELINE RULES: HOW SETBACKS ARE DETERMINED, CONT.

THE PROPOSED REVISED PROCESS ALSO HAS OPTIONS, MOST OF WHICH DO NOT REQUIRE A CERTIFIED SHORELINE SURVEY:

- IF THERE IS AN EROSION HAZARD LINE, THE SETBACK IS THE EROSION HAZARD LINE PLUS 40 FEET
- IF THERE IS NOT AN EROSION HAZARD LINE, THE SETBACK IS THE APPLICANT'S CHOICE OF EITHER:
 - 200 FEET FROM THE SHORELINE AS MAPPED BY THE DEPARTMENT OR
 - FOLLOW THE CURRENT FORMULA USING A CERTIFIED SHORELINE SURVEY
 - FOR IRREGULARLY SHAPED LOTS, THE SETBACK IS 25% OF THE LOT DEPTH (UP TO 150 FEET) (NO CHANGE)
- **THE PROCESS TO REQUEST A CHANGE FROM THE SETBACK IS AN ADMINISTRATIVE APPROVAL**

SHORELINE RULES: HOW SETBACKS ARE DETERMINED, CONT.

- **THERE IS STILL A MINIMUM BUILDABLE AREA**, PROPOSED TO INCREASE FROM 35 TO 40 FEET DEEP FROM THE PROPERTY'S FRONT YARD SETBACK (40 FEET X WIDTH ALLOWED BY SIDE YARD SETBACKS) – THIS ADDRESSES THE CONCERN THAT THE SETBACKS CREATE LOTS THAT ARE UNBUILDABLE
- **THERE ARE MORE LENIENT PROVISIONS FOR REPAIRS AND RECONSTRUCTION** OF LAWFUL NONCONFORMING (“GRANDFATHERED”) STRUCTURES; SOME MAY REQUIRE A RECORDED AGREEMENT TO NOT SEEK FUTURE SHORELINE ARMORING

SHORELINE RULES, OTHER PROVISIONS

- CLARIFIES AND EXPANDS STRUCTURES AND ACTIVITIES THAT ARE ALLOWED IN THE SHORELINE SETBACK, WITH A PERMIT:
 - REPAIR TO PERMITTED SEAWALLS
 - ACTIONS THAT RECEIVED A SMA EMERGENCY PERMIT
 - ENCLOSING AN EXISTING RESIDENTIAL LANAI
 - TEMPORARY EVENTS
- ALSO INCLUDES SOME “NO NEEDS” (THE SMA RULES DO, TOO)

SHORELINE RULES, OTHER ISSUES

- SHORT-TERM AND LONG-TERM RESPONSES ARE SITE-SPECIFIC; EITHER WAY, WE NEED TO RECOGNIZE THE LONG-TERM REALITY.
 - OPTIONS FOR SITE, CAPACITY AND RESOURCES OF OWNER (MANAGED RETREAT, ADAPTATION, BEACH NOURISHMENT, DUNE RESTORATION, VEGETATIVE BUFFERS, SAND PUSHING, ETC.)
 - EPISODIC (STORMS, SEASONAL WAVES) VS. CHRONIC (SEA LEVEL RISE)
 - TEMPORARY MEASURES REQUIRE A LONG-TERM PLAN..... NOT PERMANENT ARMORING OR BACKSTOPS (REPAIRS TO EXISTING HARDENING CAN BE APPROVED)

QUESTIONS? MAHALO!

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GO TO “HOT TOPICS” AND SCROLL TO
“PROPOSED AMENDMENTS TO MAUI SMA RULES” AND
“PROPOSED AMENDMENTS TO MAUI SHORELINE RULES”