

**Special Management Area (SMA) Use Permit Major
County of Hawaii, Planning Department (PD)**

Purpose: This permit covers any development, structure, or activity within the Special Management Area (SMA) as defined in SMA Rules of County of Hawaii, which is in excess of \$500,000 in value, or may have a cumulative impact, or substantial adverse environmental or ecological effect on the SMA. Impacts to be studied include, but are not limited to, impacts to access or recreational activities, visual impacts, impacts to cultural resources and practices.

Regulations / Authority: Hawaii Revised Statutes (HRS) 205A and SMA Rules of County of Hawaii (Rule 9 of 2009 County of Hawaii Planning Commission Rules)

Potential Approval Prerequisites: Hawaii County Planning Department (PD) encourages scheduling a pre-application meeting.

Fees: Application Fee is required – Contact the PD for fees.

References (not all inclusive): HRS 205A; SMA Rules of the County of Hawaii; HRS 343

For Permit Application, Guidelines and Fees:

<http://records.co.hawaii.hi.us/Weblink8/Browse.aspx?dbid=1&startid=56244> for SMA Rules of County of Hawaii

Master Application Form: <http://records.co.hawaii.hi.us/Weblink8/Browse.aspx?startid=55628&dbid=1>

Contact Information: Planning Department (808) 961-8288 for East Hawaii and (808) 323-4770 for West Hawaii

Checklist / Process	Chronology
1. Preparation and acceptance of an EA or EIS, if applicable.	Generally, 1 to 3 years
2. Complete and submit an application to PD which includes all content requirements listed in the application.	Generally, 6 months to 1 year including completing technical studies and project plans
3. PD reviews the application for completeness.	
4. Post a sign on the property notifying the public of the SMA application, proposed project, property information, and contact information for the PD.	Within 10 days after step 3
5. File an affidavit with PD after posting the sign.	Not more than 5 days after sign has been posted
6. PD transmits the application to relevant government agencies for comments and recommendations.	
7. Mail the Notice of Public Hearing to owners/lessees within 300 feet of the parcel boundaries. Submit proof of mailing to the PD prior to the public hearing.	Promptly after the Public Hearing Date has been set
8. PD provides a Notice of Public Hearing to the public to a statewide and county newspaper.	At least 20 calendar days prior to the public hearing

9. PD transmits their staff report and recommendations to the Planning Commission. The Planning Commission holds a public hearing.	90 days from Step 3
10. The Planning Commission shall approve, approve with conditions, or deny the application.	The Comm. has 30 calendar days to take action from Step 9
Estimated Time from Completed Application Acceptance	3 to 6 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. Consult the Hawaii Planning Department regarding the portions of the development, structure, or activity which occur outside of the SMA, but need to be included in the SMA application (e.g., transmission lines, substations, and other utility infrastructure, etc.).
3. The applicant will need to comply with HRS Chapter 343, the Hawaii Environmental Impact Statement Law. If applicable, the Planning Commission will be the accepting authority of the preparation and acceptance of an Environmental Assessment (EA) or Environmental Impact Statement (EIS). The EA/EIS is submitted with the application.
4. For projects located within 5 miles of an airport, the SMA Permit may be routed to the Federal Aviation Administration (FAA) for review. An approval letter from FAA may be required before the SMA-Major will be approved.
5. Review the relevant community development plan(s) to help identify sensitive areas requiring detailed consideration and assessment.
6. Consultation with the Planning Department is recommended *before* project investments or commitments are obtained.
7. Project decommissioning, including the setting aside of funds to do so, is an important aspect of the permit review process.