

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

Purpose: This permit covers any development, structure, or activity within the Special Management Area (SMA) as defined Section 1.4 of the County of Kauai, SMA Rules and Regulations, which is in excess of \$500,000 or has substantial adverse environmental or ecological effect, taking into account potential cumulative effects.

Regulations / Authority: Hawaii Revised Statutes (HRS) 205A and SMA Rules and Regulations of the County of Kauai

Potential Approval Prerequisites:

- Kauai PD encourages scheduling a pre-application meeting.
- The applicant will need to comply with HRS Chapter 343, the Environmental Impact Statements law. If applicable, the preparation and acceptance of an Environmental Assessment (EA) or Environmental Impact Statement (EIS) will be required prior to submittal of the application.

Fees: Application Fee is required – Refer to permit link below.

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

For Permit Application, Guidelines and Fees:

<http://www.kauai.gov/Government/Departments/PlanningDepartment/ZoningandLandUsePermits/ResourceDocuments/tabid/627/Default.aspx> for Special Management Area (SMA) Permit and General Submittal Requirements

Master Application Form: Forms are only available at the Planning Department.

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 SMA Permits guidelines and General Submittal Requirements.	Generally, 6 months to 1 year including completing technical studies and project plans
3. PD reviews the application for completeness. PD is open to applicants submitting a preliminary application to determine if the application would be deemed complete.	
4. PD transmits the application to relevant government agencies for comments and recommendations.	Generally, 30 days
5. PD provides a written notice to the Applicant of the public hearing date and publishes a Notice of Public Hearing to a newspaper.	Not less than 20 calendar days prior to the public hearing
6. Mail the Notice of Public Hearing to owners/lessees within 300 feet of the parcel boundaries. The Notice of Public Hearing to the owners/lessees must be approved by the Planning Director. Submit the certified or registered mailing receipts and the Notarized Affidavit of Mailing of Notice of Public Hearing to PD not less than 7 calendar days prior to the public hearing.	Not less than 20 calendar days prior to the public hearing
7. PD transmits their staff report and recommendations to the Kauai Planning Commission. Kauai Planning Commission holds a public hearing.	60 days from Step 3

8. The Kauai Planning Commission shall approve, approve with conditions, or deny the application.	The Commission has 60 day to take action from Step 7
Estimated Time from Completed Application Acceptance	2 to 4 months

Other Application Considerations:

1. Generally, only the portion of the development, structure, or activity that falls within the SMA would need to be included in the SMA application. For example, if transmission lines are located within the SMA while the major components of the project (i.e. solar array) are located outside of the SMA, an SMA permit will be required only for the portion of the development, structure, or activity within the SMA.
2. Analysis of potential impacts to endangered / protected species and habitats must be included in the SMA application, in addition to all other impacts analyses required.
3. For projects near residential areas or other inhabited structures, be sure to analyze and consider the potential impacts from fires, explosions, and hazardous materials releases, in addition to all other impacts analyses required.
4. Kauai County may not issue a Building Permit for a project until all zoning permits for that project are approved.
5. Consult the Kauai PD regarding the permitting requirements for the accessory utility infrastructure. Certain infrastructure (e.g., transmission lines) may not be included in the Kauai County permitting processes.