

State Special Use Permit (SUP)
City and County of Honolulu (CCH), Department of Planning and Permitting (DPP), Planning Division
State of Hawaii, Land Use Commission

Purpose: This permit allows for certain “unusual and reasonable” uses that are not permitted uses within the State Agricultural or Rural Land Use Districts, provided certain criteria are met as identified in Hawaii Administrative Rules (HAR) Chapter 15-15-95.

Regulations / Authority: Hawaii Revised Statutes (HRS) Chapter 205; HAR Chapter 15-15-95; and Rules of the Planning Commission of Honolulu

Potential Approval Prerequisites: If the proposed project triggers HRS Chapter 343, the Environmental Impact Statement Law, submit an Environmental Assessment (EA), Environmental Impact Statement (EIS), or a letter of exemption from HRS Chapter 343 from the proper authority.

Fees: Application Fee is required – Review permit link below.

For Permit Application, Guidelines and Fees:

http://www.honoluluodpp.org/Portals/0/pdfs/planning/PDF%20Application%20Instructions/Application_Instructions_SUP_10-14.pdf

<http://www.honoluluodpp.org/ApplicationsForms/ZoningandLandUsePermits.aspx>

Contact Information: DPP Planning Division (808) 768-8049

Checklist / Process	Chronology
1. Review the application instructions and schedule a pre-application meeting with DPP to discuss the application and processing requirements.	
2. Present the project to the neighborhood board in the district the project is to be located.	1 month to schedule a meeting
3. Complete and submit an application to DPP which includes all content requirements listed in the SUP Permit application checklist. If an EA or EIS is required, the Final EA or Final EIS must be submitted as part of the SUP application.	Generally, 3 months to 6 months including completing technical studies and project plans Generally, 1 to 2 years
4. DPP reviews the application for completeness.	10 working days
5. DPP notifies the Planning Commission, interested persons, and community organizations for comments on the application. DPP will prepare the Director’s Report and Recommendation for transmittal to the Planning Commission.	30 to 45 calendar days
6. DPP will publish the date of the public hearing.	Within 60 days after Step 4
7. Any party seeking to intervene must file a petition.	Within 14 days after Step 6

8. Any party opposing the intervention must file written objections to the intervention.	Within 21 days after Step 6
9. Planning Commission holds a public hearing. If the project also requires other permits or approvals that require a public hearing before the Planning Commission, the Planning Commission may consolidate the public hearings into one hearing. At the public hearing, the Planning Commission shall recommend to approve, approve with conditions, or deny the application.	Within 90 days after Step 4
10. If the project area is 15 acres or less, DPP will issue a written Decision and Order.	Within 60 days after Step 9
11. If the project area is 15 acres or greater, DPP will transmit the application, the DPP staff report, and the Planning Commission's recommendations to the State Land Use Commission (LUC).	Within 60 days after Step 9
12. The State LUC conducts meeting(s) to approve, approve with conditions, or deny the application. If significant new issues arise, LUC can send back the application to the Planning Commission.	Within 45 days after receipt of complete record (Step 11)
Estimated Time from Completed Application Acceptance	5 to 7 months

Other Application Considerations:

1. If the project area involves a portion of a tax map key parcel, a metes and bounds map and description of the SUP area should be provided.
2. All project infrastructure should be clearly identified and described in the SUP application, including driveways, substations, and transmission lines.
3. If the SUP area abuts the State Land Use Urban District Boundary, the applicant should submit a boundary interpretation from the State Land Use Commission that the area of the SUP does not involve lands within the Urban District.
4. Solar facilities located within the State Agricultural District on soils classified as productivity rating class B or C that occupy more than 10% of the parcel or 20 acres, whichever is less, will need a SUP. Such facilities must also meet the criteria set forth in Act 55 (Session Laws of Hawaii, 2014), pertaining to making the project site available for compatible agricultural uses at discounted rates, project decommissioning, and site restoration. The reviewing agencies will likely press applicants to provide evidence of ability to meet the Act 55 criteria (e.g., a letter of intent or lease for on-site agricultural activities), and may request similar conditions be attached to issuance of an SUP for solar projects on B and C lands.
5. Solar facilities are not permitted within the State Agricultural District on soils classified as productivity rating class A, unless the project meets the specific criteria under Act 55.
6. Hydropower facilities w/ $\leq 500\text{kW}$ capacity a permitted use in state Agricultural zoning districts, provided certain waterflow conditions are met (compliance w/ State Water Code), the hydropower is accessory to on-site agricultural uses, and other waterway users are not adversely impacted (see Act 228, Session Laws of Hawaii, 2015).