

**Class IV Zoning Permit**  
**County of Kauai, Planning Department (PD)**

**Purpose:** This permit covers any development within a zoning district that requires a Class IV Zoning Permit. For most renewable energy projects - pumped hydro, hydro, distributed (small-scale) wind, biomass - a Class IV Zoning Permit is required in all zoning districts, since the project generally exceeds over an acre of area.

**Approval Authority:** County of Kauai County Code Chapter 8 Comprehensive Zoning Ordinance (CZO)

**Potential Approval Prerequisites:** If the proposed project triggers HRS Chapter 343, the Environmental Impact Statements, submit a completed 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 – pick up application requirements at the PD.

**For Permit Application, Guidelines and Fees:**

<http://www.kauai.gov/Government/Departments/PlanningDepartment/ZoningandLandUsePermits/ResourceDocuments/tabid/627/Default.aspx>, see General Submittal Requirements

**Contact Information:** Kauai PD (808) 241-4050

<b>Checklist / Process</b>	<b>Chronology</b>
<p>1. Complete and submit an application to PD which includes all content requirements listed in the General Submittal Requirements.</p> <p>If an EA or EIS is required, the completed EA or EIS must be submitted as part of the application.</p>	<p>Generally, 3 to 6 months (not including time to prepare EA or EIS)</p>
<p>2. PD reviews the application for completeness. PD is open to applicants submitting a preliminary application to determine if the application would be deemed complete.</p>	
<p>3. PD prepares and distributes a staff report recommending approval, approval with conditions, or denial of the application. The report is made public and sent to the applicant, the Planning Commission, and any other persons who have requested the report.</p>	<p>60 days from Step 2</p>
<p>4. PD provides a written notice to the applicant of the public hearing date and publishes a Notice of Public Hearing to a newspaper.</p>	<p>Not less than 20 calendar days prior to the public hearing</p>
<p>5. Mail the Notice of Public Hearing to owners/lessees within 300 feet of the parcel boundaries.</p>	<p>Not less than 12 calendar days prior to the public hearing</p>
<p>6. Submit the certified or registered mailing receipts and the Notarized Affidavit of Mailing of Notice of Public Hearing to the PD.</p>	<p>Not less than 7 calendar days prior to the public hearing</p>
<p>7. Planning Commission holds a public hearing.</p>	<p>60 days from Step 3</p>
<p>8. Planning Commission shall approve, approve with conditions, or deny the application.</p>	<p>60 day from Step 7</p>
<p><b>Estimated Time from Completed Application Acceptance</b></p>	<p><b>4 months</b></p>

**Other Application Considerations:**

1. If the Planning Director or Planning Commission fails to take action within the time limits prescribed in the CZO, Chapter 8, Article 19, unless the applicant agrees to extended time limits, the application shall be deemed approved.
2. If multiple permits are required for one facility (e.g., Class IV, Use Permit, and Variance for a biomass facility), the permits may be consolidated into one hearing and one public comment period.
3. For projects near residential areas or other inhabited structures, be sure the potential impacts from fires, explosions, and hazardous materials releases are analyzed and considered.
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.
6. Renewable energy facilities (primarily solar) where all energy is used by an adjacent facility are generally considered to be an “accessory use” and may be subject to a different level of regulatory review than those facilities that serve only to provide power to the grid (“utility facility”).