

Use Permit
County of Kauai, Planning Department (PD)

Purpose: This permit assures that the project is compatible with its immediate surroundings. The Comprehensive Zoning Ordinance (CZO) lists within each zoning district permitted uses and uses that may be permitted only after obtaining a Use Permit.

Regulations / Authority: County of Kauai County Code Chapter 8 CZO

Potential Approval Prerequisites: If the proposed project triggers HRS Chapter 343, the Environmental Impact Statements law, 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 – Review guideline link below.

For Guidelines and Fees:

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

Contact Information: Kauai PD (808) 241-4050

Checklist / Process	Chronology
<p>1. Complete and submit an application to the Kauai PD which includes all content requirements listed in the Use Permit guidelines and 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, 1 to 3 months (not including time to prepare EA or EIS)</p>
<p>2. PD reviews the application for completeness. The 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>PD may issue a provisional Use Permit with or without conditions, or deny the permit. The provisional permit will become final in 30 days unless at least 3 members of the Planning Commission request review during the 30 day provisional period. In this case, the Planning Commission shall determine approval of the Use Permit.</p>	<p>45 days from Step 2</p>
<p>4. If a public hearing is required (see Other Application Considerations below), the 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>

7. Planning Commission holds a public hearing.	60 days from Step 3
8. Planning Commission shall approve, approve with conditions, or deny the application.	60 day from Step 7
Estimated Time from Completed Application Acceptance	4 months

Other Application Considerations:

1. All Use Permits in a Residential Zoning District and for a Project Development, a type of zoning district, requires a public hearing.
2. If the Planning Director or Planning Commission fails to take action within the time limits prescribed in the CZO, Chapter 8, unless the applicant agrees to extended time limits, the application shall be deemed approved.
3. 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.
4. Analysis of potential impacts to endangered / protected species and habitats must be included in the Use application.
5. 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.
6. Kauai County may not issue a Building Permit for a project until all zoning permits for that project are approved.
7. 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.
8. 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”).