



## COUNTY OF KAUAI DEPARTMENT OF PLANNING

### SPECIAL MANAGEMENT AREA (SMA) PERMITS

#### ○ **What is a SMA Permit?**

This permit covers any development, structure, or activity within the Special Management Area (SMA) as defined by Section 1.4 of the County of Kaua'i (COK), Special Management Area Rules and Regulations. An **SMA Minor Permit** involves development with a valuation that does not exceed \$500,000; and which has no substantial adverse environmental or ecological effect, taking into account potential cumulative effects. All other developments are considered through an **SMA Use Permit**, and are processed accordingly.

#### ○ **What are the requirements for submitting a SMA Use Permit Application?**

SMA Use Permit is subject to review & approval by the Planning Commission and a public hearing will be required. If an SMA Use Permit is being sought, the following criteria are required to initiate the processing of the application:

- a. A filing & processing fee along with a completed SMA Assessment Form;
- b. Letter of Authorization, if applicable;
- c. Twelve (12) copies (drawn to scale) of:
  - Plot/Site Plan: showing all existing and proposed structures, including fences and walls. In addition, the site plan should also show existing structures to be removed and/or modified; on-site traffic circulation patterns & access; details of parking areas including dimensions of parking stalls and maneuvering; and details for each existing & proposed structure including building heights, setbacks from property lines, street setbacks, floor area, and building area;
  - Location Map: identifies the project site relative to the surrounding neighborhood; and
  - Building Plans: Detailed plans for all new structures, including building elevations and section drawings which show finish and existing grades, and setback from property lines; and floor plans which include the dimensions of rooms/habitable areas and activity areas.
- d. Original plus eleven (11) copies of the Project Description.
- e. Photos: The Applicant should include as part of their transmittal, photos of the project site showing the following:

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- Street access (ingress & egress) to the project site;
  - Uses on adjoining properties; and
  - Building setbacks from property lines, distances to neighboring buildings, parking areas, and other uses on the site.
- f. An EIS, if required under Chapter 343, HRS, or when required by the Director, Planning Department, or Planning Commission.
- g. A statement addressing any affected Native Hawaiian customary and traditional rights protected under Article XII, Section 7 of the Hawai‘i State Constitution.
- h. A shoreline survey when the parcel abuts the shoreline and when required by the Planning Department.
- i. Any other relevant plans or information required by the Planning Department.
- **What is a “Project Description”?**

The project description is generally the heart of the permit application. It must thoroughly describe the proposed and intended use of the property. Some of the basic information required in a project description will vary and be dependent on the type of use or activity proposed. In addition to describing the proposed use, activity, or development, certain information is helpful in evaluating an SMA Permit. For example, the following should be described for a commercial use in a residential district: character of location and immediate surroundings, existing uses, number of employees, hours/days of operation, provisions for off street parking, nature and conduct of operation, use or activity, provisions or adequacy of necessary utilities, roads, etc.

At the very minimum, the following criteria should be incorporated into the project description:

- Written description of the project and its affects to the surrounding environment. The written statement should include, but is not limited to:
  - 1) Relationship of the proposed development to land use plans of the affect area;
  - 2) An analysis of the probable impact of the proposed development on the environment;
  - 3) A listing of probable adverse environmental effects that cannot be avoided;
  - 4) An evaluation of alternatives to the proposed development;

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- 5) A discussion of mitigating measures proposed to minimize impacts; and
  - 6) A listing of any irreversible and irretrievable commitment of resources.
- Evaluation of the proposed development in relation to the objectives and policies of the State’s Coastal Zone Management Act (Chapter 205A, HRS).
  - Environmental Assessment (EA): The written description should incorporate elements contained in an EA, which includes all necessary exhibits, drawings, and a description of the technical, economic, social and environmental characteristics of the project. The EA must be prepared in accordance with the Rules and guidelines published by the Office of Environmental Quality Control (OEQC). Refer to the attached Content Guide.

It is important to note that the Applicant is bound by the representations made in the Project Description. Any other subsequent use, change, or activity that is contrary to the representations made in the project description may be subject to additional review by the Planning Department and/or Planning Commission through a public hearing procedure.

○ **ELECTRONIC DOCUMENT SUBMITTALS:**

The submittal of electronic documents, either in whole or in part of this application IS **REQUIRED**. Electronic document submittals shall adhere to the following formats: PDF (Adobe Reader), JPEG, or Word. However, .PDF files are highly encouraged. Electronic documents **must** be submitted on either CD or DVD. No individual electronic document shall exceed 15 megabytes in size; any electronic document involving a larger size **must** be broken down into smaller size files. ALL maps, drawings and/or plan **must** be drawn to an appropriate scale (architectural or engineering), and must be indicated on the document.

Pre-Application Meeting: The department encourages Applicant(s) to schedule a pre-application meeting with staff to discuss the application and processing requirements.

**APPLICATION CHECK LIST**

a.	Pre-Application meeting with Department of Planning	
b.	Completed Zoning Permit Application	
c.	Completed SMA Assessment Form	
d.	Project Description	

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e.	Scaled Drawings: <ul style="list-style-type: none"><li>○ Site/Plot Plan</li><li>○ Location Map</li><li>○ Building/Floor Plans &amp; Elevations</li><li>○ SMA Boundary Line</li><li>○ Flood Hazard Boundaries (if applicable)</li></ul>	
f.	Fees	
g.	Certified Shoreline Survey (if applicable)	
h.	Photos (labeled and keyed to a general site map)	

NOTE: The above provides a general summary and overview of the requirements for a Use Permit application. Other requirements will apply during the process and instructions will be made available. Please verify with the Department of Planning at (808) 241-4050 for any additional details, requirements, and questions before preparing/submitting a Use Permit application.

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CONTENT GUIDE for Preparing an ENVIRONMENTAL ASSESSMENT  
(Required With an Application for a Special Management Area Use Permit)

\* This document is provided only as a guide for the preparation of an Environmental Assessment. For procedural requirements, see Hawai'i Administrative Rules Chapter 200, Title 11, entitled "Environmental Impact Statement Rules."

I. GENERAL INFORMATION

- A. Applicant: Name; Mailing Address; Phone Number.
- B. Recorded Fee Owner: Name; Mailing Address; Phone Number.
- C. Agent (if any): Name; Mailing Address; Phone Number.
- D. Tax Map Key: Zone, Section, Plat, and Parcel(s).
- E. Lot Area: Acreage or square footage.
- F. Agencies Consulted in Making Assessment: Indicate Federal, State, and/or County agencies consulted. Attach a copy of correspondence(s).

II. DESCRIPTION OF THE PROPOSED ACTION

- A. General Description:
  - 1. Brief narrative description of proposed project;
  - 2. Relation of parcel to Special Management Area (i.e., entirely within, partially);
  - 3. Location map (1" = 1000' scale preferred); and
  - 4. Land use approvals granted and/or approvals required.
- B. Technical Characteristics:
  - 1. Use characteristics;
  - 2. Physical characteristics - layout drawing showing property lines, lot size, elevations, existing structures;
  - 3. Construction characteristics including demolition, removal, or modification of existing structures, clearing, grubbing, grading, filling, new structure height and design;
  - 4. Utility requirements (water, electricity, gas, etc.);
  - 5. Liquid waste disposal (municipal sewer system, septic tanks, or injection wells);
  - 6. Solid waste disposal (includes refuse);
  - 7. Access to site, and
  - 8. Other pertinent information.

- C. Economic and Social Characteristics:

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1. Estimated cost and time phasing of construction; and
2. Other pertinent information.

D. Environmental Characteristics:

1. Soils;
2. Topography (indicate relationship to major topographic features such as mountains, headlands, valleys, streams, channels, springs, marshes, etc.);
3. Surface runoff, drainage, and erosion hazard;
4. Federal FIRM Zone, County Constraint District, other geological hazards; and
5. Other information pertinent to the Special Management Area.

III. AFFECTED ENVIRONMENT

- A. A brief description of subject site in relation to surrounding area and the description of surrounding area. (Include considerations and information on existing land uses; General Plan and Development Plan land use designations; zoning; and unique features.)
- B. Project site in relation to publicly owned or used beaches, parks and recreation areas; rare, threatened, or endangered species and their habitats; wildlife and wildlife preserves; wetlands, lagoons, tidal lands and submerged lands; fisheries and fishing grounds; other coastal/natural resources.
- C. Relation to historic, cultural, and archaeological resources.
- D. Coastal views from surrounding public viewpoints and from the nearest coastal highway across the site to the ocean or to coastal landform.
- E. Quality of receiving waters and ground water (including potable water) resources. Describe effects on the groundwater recharge cycle within the groundwater control area, show existing and proposed well locations with pumping estimates. Describe effects on receiving waters--streams and ocean waters.
- F. Include suitable and adequate location and site maps. For document imaging purposes, a maximum size of 11" x 17" is preferred, but in no case should plans exceed 24" x 36". (Dated aerial, low-oblique, or ground-level photographs should be used whenever location and site maps are not sufficient to adequately describe the project).

IV. PROJECT IMPACTS

Identify impacts of the project relative to the Coastal Zone Management objectives and policies (Section 205A-2, HRS) and the Special Management Area guidelines (Section 4.0, COK SMA Rules and Regulations).

V. MITIGATION MEASURES

Indicate proposed mitigation measures, if any.