

**INSTRUCTIONS FOR FILING AN APPLICATION FOR SPECIAL MANAGEMENT AREA USE
IN HAWAII COMMUNITY DEVELOPMENT DISTRICTS**
(Pursuant to Hawaii Administrative Rules Chapter 15-150, as amended)

Filing Requirements

1. A completed Special Management Area (SMA) Use Application form
2. Hawaii Community Development Authority (HCDA) Development Permit or Approval (as applicable)
3. Landowner authorization
4. Compliance with Hawaii Revised Statutes (HRS) Chapter 343 prior to acceptance of application for SMA Use
5. A written description of the proposed development, including:
 - (1) Statement of objectives of the proposed development
 - (2) Construction characteristics (demolition, modification of existing structures, excavation, grubbing, grading, filling, new structure height and design)
 - (3) Access to the construction site
 - (4) Utility requirements (water, electricity, gas, etc.)
 - (5) Liquid and solid waste disposal
 - (6) Identify the impacts of the proposed development relative to **each of the CZM objectives and policies** pursuant to HRS §205A-2, and the SMA review guidelines as detailed in Hawaii Administrative Rules (HAR) §15-150-6. Describe **mitigation measures and best management practices** that will be followed, as appropriate
 - (7) Estimated valuation of the development
 - (8) Time and phasing of construction
6. A written description of the affected environment which addresses the development's technical and environmental characteristics

Describe the affected environment including soils and topography; hydrology and drainage; flood and tsunami hazards; erosion and geological hazards; coastal views; water quality; flora and fauna; historic and cultural resources; open space and recreational resources; and other pertinent information.
7. A shoreline certification if the parcel abuts the shoreline, provided that the Office of Planning and Sustainable Development (OPSD) may waive a shoreline certification pursuant to HAR §15-150-9(6)
8. A plot plan of the proposed development, drawn to scale

Provide maps and drawings which include the SMA boundary in relation to the project site, all existing structures and all proposed structures.
9. Other relevant information or plans pertinent to the analysis of the proposed development, including the copies of correspondence from government agencies,

i.e. State Historic Preservation Division (SHPD), and Hazard Evaluation and Emergency Response (HEER) Office

10. Filing fee

Upon notification of a public hearing, the applicant shall pay the State a nonrefundable application filing fee of \$200. The filing fee shall be by check or money order, payable to the “Director of Finance, State of Hawaii”. Such filing fee is waived for public agencies. In the event of a joint public hearing with a shoreline setback variance, only one filing fee is required. **No filing fee** is required for SMA Minor Approval application.

Assessment and Determination

Upon receipt of a completed application and all supporting documentation, OP has seven (7) working days to notify the applicant, in writing, whether the application of SMA Use Approval has been accepted for processing.

SMA Use Approvals require compliance with HRS Chapter 343. The assessment requirement by OPSD can be waived if the development has been assessed under HRS Chapter 343, and a negative declaration has been filed or a required EIS has been accepted.

If OPSD finds that the valuation of the proposed development is less than \$500,000 and has no substantial adverse environmental, ecological or cumulative effect, an SMA Minor Approval may be granted. Within ten (10) working days from a determination pursuant to HAR §15-150-11, unless an extension is agreed to by the applicant, the lead agency shall grant or deny an SMA Minor Approval. **No public hearing** is required for SMA Minor Approval application.

Public Hearing and Action

If a public hearing is required, OPSD will schedule the hearing no less than twenty one (21) days and no more than sixty (60) calendar days from acceptance of the application. The applicant shall publish a notice statewide, in accordance with HRS §1-28.5, at least twenty (20) calendar days prior to the public hearing date. The applicant shall consult with OPSD before the public notice is published, and submit to OPSD proof that the notice of public hearing was published correctly.

The applicant is required to give notice of the hearing by **certified mail** at least fifteen (15) days prior to the hearing to pertinent neighborhood boards, owners of all property within three hundred (300) feet of the affected property, to all owners of the property described in the application, and to persons who have requested in writing to OPSD to be notified of SMA use hearing or applications. The applicant is required to submit proof of the notices to OPSD at least five (5) days prior to the public hearing.

Within sixty (60) calendar days after the public hearing, unless an extension is agreed to by the applicant, OPSD will issue a decision on the application of SMA Use Approval.