

APPENDIX MAUI-28

**Land Use Commission Special Use Permit (SUP1, SUP2) – Maui
County of Maui
Department of Planning
Maui Planning Commission**

Permit Packet Includes:

1. Process Overview
2. Land Use Commission Special Use Permit Application Packet & instructions

Resources:

- Hawaii Revised Statutes, Chapter 205
- Maui County Code, Chapter 19.29 Rural Districts
- Maui County Code, Chapter 19.30A Agricultural District

Approval or Permit Required: To regulate certain "unusual and reasonable" land use within the Agricultural and Rural Districts of Wailuku, Makawao, Lahaina, and Hana, other than permissible agricultural or rural uses within those districts. Refer to the State Land Use Commission process for lands greater than 15 acres and/or presently classified in the Conservation District.

Contact Information:

Department of Planning
250 South High Street
Kalana Pakui Building, Suite 200
Wailuku, HI 96793
Phone: 808-270-7735

Website:

<http://www.co.maui.hi.us/index.aspx?NID=1283>

APPENDIX MAUI-28

Land Use Commission Special Use Permit (SUP1, SUP2) – Maui County of Maui Department of Planning Maui Planning Commission Steps

Time

1. Obtain a "**Land Use Commission Special Use Permit**" application packet from the Maui Department of Planning or from the website listed above. Please read the criteria portion on the "Informational Sheet" (page 1 of the packet) thoroughly. Review the "Flow Chart" provided in the application packet. Be aware that there may be protests to a Land Use Commission Special Use Permit application.

2. Complete the application packet. Please review and complete the "Required Submittals" provided in the application packet. Also review and complete the "Zoning and Flood Confirmation Request Form" provided in the application packet, which may prompt applicant to obtain a Flood Development Permit or submit additional information. It is the responsibility of the applicant to fully complete the application. The accepting agency may or may not inform the applicant of whether the application is complete. Incomplete applications will cause delay.

3. Submit completed application, one copy of the documents required in the "Required Submittals", and all required forms and related documents to the Department of Planning. Submit fee with the application (see below for fee amount). Make checks payable to the "County of Maui, Director of Finance".

4. After acceptance of the application by the Department of Planning, it will be transmitted to the Central Coordinating Agency (CCA) to be reviewed for completeness. Upon certification by the CCA, the application will be sent to reviewing agencies at which point the agencies may require additional information from the applicant. The Department of Planning will contact the applicant for additional sets of the application for agency transmittal.

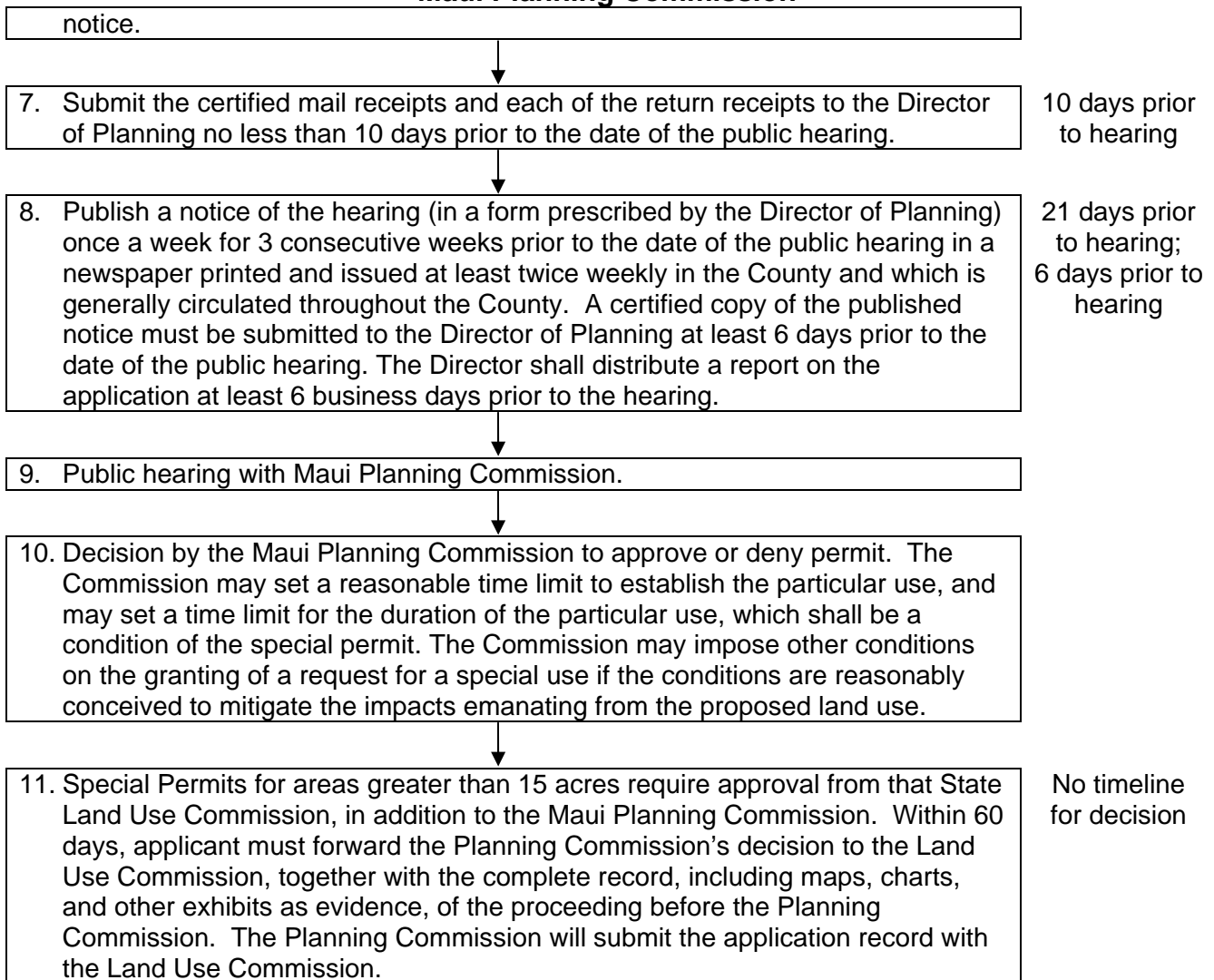
5. If the application is complete, a public hearing (for review and action) will be scheduled by the Department of Planning and the applicant will be notified of the hearing date. If the application is incomplete, the Director of Planning may provide the applicant with a written statement that identifies the portions of the application determined to be incomplete.

6. Upon notification of the hearing date, the applicant must complete the notice of hearing form, titled "Lanai Planning Commission", provided in the Application Packet, sending notice of date of the hearing, by registered or certified mail, return receipt requested to each of the owners and lessees within 500 feet of the subject parcel, not less than 25 calendar days prior to the date of the public hearing. Prior to mailing the notice, applicant must verify the listing with the Real Property Tax Records of the County of Maui (Department of Finance, Real Property Division). Also complete and distribute the "Notarized Affidavit of Mailing" in the Application Packet. A Location Map must be sent with this

25 days prior
to hearing

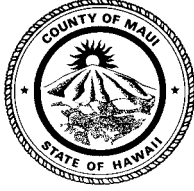
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County of Maui
Department of Planning
Maui Planning Commission**



Total Time Period: TBD

Fees dependent on cost of project. Please refer to Fee Schedule, Table A for complete listing.	\$550	
Public Hearing is required. *Applicant is responsible for all fees for notice requirements, including all publication and mail fees.	~	
Total Fees:	\$550 (minimum)	No maximum



COUNTY OF MAUI
DEPARTMENT OF PLANNING
250 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793
TELEPHONE: (808) 270-7735 FAX: (808) 270-7634

LAND USE COMMISSION SPECIAL USE PERMIT

SOURCE OF LEGAL AUTHORITY: Chapter 205, Hawaii Revised State Land Use Commission Rules of Practice and Procedure and District Regulation, as amended.

INFORMATIONAL SHEET

A Land Use Commission Special Use permit may be obtained when a certain "unusual and reasonable" uses within the Agricultural and Rural Districts other than for which the district is classified maybe permitted provided certain criteria are met.

Upon submittal of the Land Use Commission Special Use Permit Application, it will be reviewed for completeness.

Upon certification of completeness, a hearing will be scheduled with the Maui Planning Commission to review and act upon the request.

Between the date of certification of completeness and Planning Commission hearing, the following must be completed:

APPLICANT

Notification of hearing date by certified mail. (Notification letter to surrounding owners and lessees are to be mailed after listing and map are checked and verified, application accepted, and public hearing scheduled. A location map of the proposed project shall be sent with the notice (form attached.) Said notification shall be done at least 30 days prior to the public hearing).

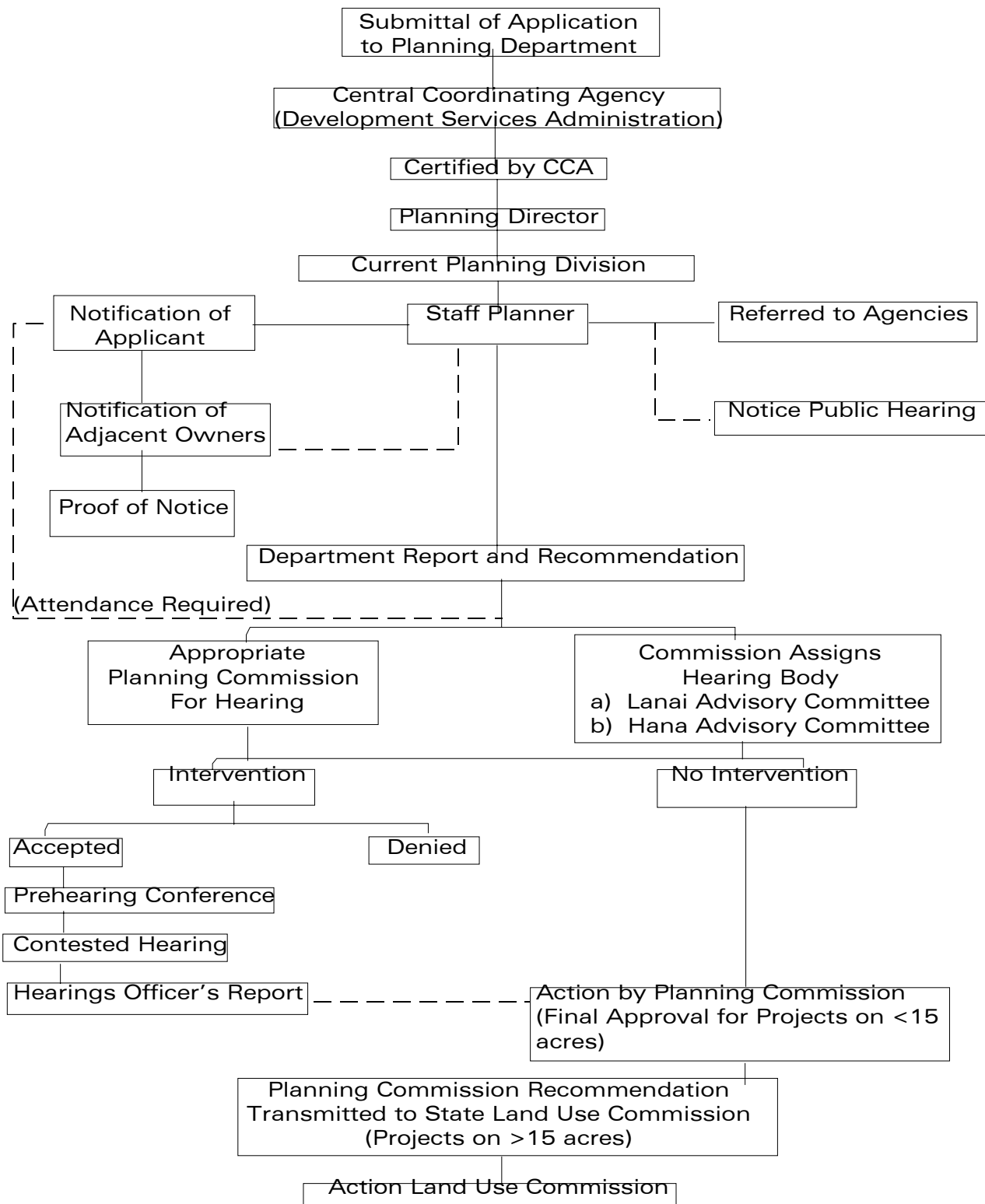
PLANNING DEPARTMENT

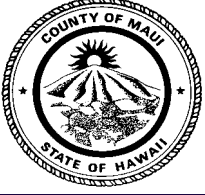
Referral to other agencies for comments

Preparation of the report

LAND USE COMMISSION SPECIAL USE PERMIT

FLOW CHART





COUNTY OF MAUI
DEPARTMENT OF PLANNING
250 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793
TELEPHONE: (808) 270-7735 FAX: (808) 270-7634

APPLICATION TYPE: LAND USE COMMISSION SPECIAL USE PERMIT

DATE: _____

PROJECT NAME: _____

PROPOSED DEVELOPMENT: _____

TAX MAP KEY NO.: _____ **CPR/HPR NO.:** _____ **LOT SIZE:** _____

PROPERTY ADDRESS: _____

OWNER: _____ **PHONE: (B)** _____ **(H)** _____

ADDRESS: _____

CITY: _____ **STATE:** _____ **ZIP CODE:** _____

OWNER SIGNATURE: _____

APPLICANT: _____

ADDRESS: _____

CITY: _____ **STATE:** _____ **ZIP CODE:** _____

PHONE (B): _____ **(H):** _____ **FAX:** _____

APPLICANT SIGNATURE: _____

AGENT NAME: _____

ADDRESS: _____

CITY: _____ **STATE:** _____ **ZIP CODE:** _____

PHONE (B): _____ **(H):** _____ **FAX:** _____

EXISTING USE OF PROPERTY: _____

CURRENT STATE LAND USE DISTRICT BOUNDARY DESIGNATION: _____

COMMUNITY PLAN DESIGNATION: _____ **ZONING DESIGNATION:** _____

OTHER SPECIAL DESIGNATIONS: _____

LAND USE COMMISSION SPECIAL USE PERMIT APPLICATION
REQUIRED SUBMITTALS

- ___ 1. Evidence that the applicant is the owner or lessee of record of the real property.
- ___ 2. A notarized letter of authorization from the legal owner if the applicant is not the owner.
- ___ 3. List of landowners and recorded lessees of real property abutting the subject parcel and across the street. This list should be obtained from the most current available list at the Maui County Department of Finance, Real Property Division. This list should include the Tax Map Key number and the names and addresses of all owners and lessees to be notified, including a map drawn to scale, clearly defining the adjacent parcels affected.
- ___ 4. Photographs (preferably slides) of the project site.
- ___ 5. **Non-refundable filing fee** (see Fee Schedule, Table A), payable to *County of Maui, Director of Finance*.

Original + 1 Copy

- ___ 1. Description of the proposed use.
- ___ 2. Reason(s) justifying the request.
- ___ 3. Plot plan of the property, drawn to scale, to include but not be limited to, existing and proposed structures (architectural plans to include elevation, sections, floor plans, etc.), driveway access, parking area, etc.
- ___ 4. A report identifying reasons proposal is a "reasonable and unusual use" pursuant to Chapter 15 Land Use Commission Rules, Subchapter 12, Special Use Permits.

After the Planning Department has reviewed the application packet for suitability of transmittal to agencies, the Planning Department will contact the applicant to produce the additional sets of the application packet for agency transmittal.

MAUI PLANNING COMMISSION

TO:

DATE:

Please be informed that the undersigned has applied to the Maui Planning Commission of the County of Maui for a Land Use Commission Special Use Permit at the following parcel(s):

- 1. Tax Map Key: _____
- 2. Location: In the vicinity of _____
- 3. State Land Use Designation: _____
- 4. Proposed use _____

THIS SECTION TO BE COMPLETED BY THE PLANNING DEPARTMENT:

Public Hearing Date: _____

Time: _____

Place: _____

Attached please find a map identifying the location of the specific parcel being considered in the request for Land Use Commission Special Use Permit Application.

The hearing is held under the authority of Chapter 92, Hawaii Revised Statutes, Title 15 of the Hawaii Administrative rules, and the Maui Planning Commission rules.

Petitioners to intervene will be in conformity with Section 12-201-20 of the Rules of Practice and Procedure for the Maui Planning Commission and shall be filed with the commission and served upon the applicant no less than ten days before the first public hearing date. Filing of all documents to the commission is c/o the Maui Planning Department, 250 South High Street, Wailuku, Maui, Hawaii 96793.

The computation of time begins with the day following the act, event, or default, and includes the last day of the period unless it is a Saturday, Sunday or legal state holiday in which event the period runs until the end of the next day which is not a Saturday, Sunday, or state holiday. When the prescribed period of time is 10 days or less, Saturdays, Sundays, or state holidays within the designated period shall be excluded in the computation.

Testimony relative to this request may be submitted in writing to the Maui Planning Commission, 250 South High Street, Wailuku, Maui, Hawaii 96793, or presented in person at the time of the public hearing.

Information relative to the application is available for review at the Planning Department, 250 South High Street, Wailuku, Maui, Hawaii, Telephone (808) 270-7735; toll free from Molokai 1-800-272-0117, Extension 7735; and toll free from Lanai 1-800-272-0125, Extension 7735.

Name of Applicant

Signature

Address

_() _____
Telephone

NOTARIZED AFFIDAVIT OF MAILING

_____, being first duly sworn on oath, deposes and says that:

1. Affiant is the applicant for a _____
for land situated at _____,
TMK: _____

2. Affiant did on _____, 20____, deposit in the United States mail, post paid, by certified or registered mail and delivery to addressee, a copy of a Notice of Hearing, a copy of which is attached hereto as "Exhibit A" and made a part hereof, addressed to each of the persons identified on "Exhibit B," attached hereto and made a part hereof.

3. Thereafter there was returned to the Office of Affiant the United States Post Office Certified or Registered Mail Receipts, which are attached hereto as "Exhibit C" and made a part hereof.

Further Affiant sayeth naught:

COUNTY OF MAUI
DEPARTMENT OF PLANNING

ZONING AND FLOOD CONFIRMATION REQUEST FORM

APPLICANT: _____ PHONE NO.: _____

ADDRESS: _____

PROJECT NAME: _____

ADDRESS AND/OR LOCATION: _____

TMK NUMBER(S): _____

ZONING INFORMATION

STATE LAND USE _____ COMMUNITY PLAN _____

COUNTY ZONING _____ SPECIAL DISTRICT _____

OTHER _____

FLOOD INFORMATION

FLOOD HAZARD AREA* ZONE _____

BASE FLOOD ELEVATION _____ mean sea level, 1929 National Geodetic Vertical Datum or for Flood Zone A0, FLOOD DEPTH _____ feet.

FLOODWAY [] Yes or [] No

FLOOD DEVELOPMENT PERMIT IS REQUIRED [] Yes or [] No

* For flood hazard area zones B or C; a flood development permit would be required if any work is done in any drainage facility or stream area that would reduce the capacity of the drainage facility, river, or stream, or adversely affect downstream property.

FOR COUNTY USE ONLY

REMARKS/COMMENTS: _____

- Additional information required.
- Information submitted is correct.
- Correction has been made and initialed.

Reviewed and Confirmed by:

Signature

Date

Zoning Administration and Enforcement Division

SUBCHAPTER 12

SPECIAL PERMITS

- §15-15-95 Petition before county planning commission.
1. Any person who desires to use land within an agricultural or rural district for other than a permissible agricultural or rural use may petition the county planning commission within which the land is located for a special permit to use the land in the manner desired. Special permits for areas greater than fifteen acres require approval of both the county planning commission and the commission. Special permits approved by the county planning commission and which require commission approval must be forwarded to the commission within sixty days following the county planning commission's decision. The decision, together with the complete record, including maps, charts, and other exhibits as evidence, of the proceeding before the county planning commission must be transmitted to the commission. Unless otherwise required by the commission, the planning commission shall file with the commission an original and fifteen copies of the complete record.
 2. Certain "unusual and reasonable" uses within agricultural and rural districts other than those for which the district is classified may be permitted. The following guidelines are established in determining an "unusual and reasonable use":
 1. The use will not be contrary to the objectives sought to be accomplished by Chapters 205 and 205A, HRS, and the rules of the commission;
 2. The desired use would not adversely affect surrounding property;
 3. The use would not unreasonably burden public agencies to provide roads and streets, sewers, water drainage and school improvements, and police and fire protection;
 4. Unusual conditions, trends, and needs have arisen since the district boundaries and rules were established; and
 5. The land upon which the proposed use is sought is unsuited for the uses permitted within the district
 - c) Petitions for issuance of a special permit shall specify the use desired and state concisely the nature of the petitioner's interest in the subject matter and the reasons for seeking the special permit, and shall include any facts, views, arguments, maps, plans, and relevant data.
 - d) The petitioner shall comply with all of the rules of practice and procedure of the county planning commission in which the subject property is located.
 - e) The county planning commission may impose such protective conditions as it deems necessary in the issuance of a special use permit. The county planning commission shall establish, among other conditions, a reasonable time limit suited to establishing the particular use, and if appropriate, a time limit for the duration of the particular use, which shall be a condition of the special permit. If the permitted use is not substantially established to the satisfaction of the county planning commission within the specified time, it may revoke the permit. The county planning commission, with the concurrence of the commission, may extend the time limit if it deems that circumstances warrant the granting of the extension. [Eff 10/27/86; am and comp August 16, 1997] (Auth: HRS §§205-1, 205-7) (Imp: HRS §205-6)