Conditional Use Permit (CP) – Molokai
County of Maui
Department of Planning
Current Planning Division

Permit Packet Includes:
1. Process Overview
2. Molokai Planning Commission Conditional Permit Application Packet & instructions

Resources:
• Maui County Code, Chapter 19.40

Approval or Permit Required: To regulate proposed land uses not specifically permitted, but similar, related, or compatible to those uses permitted within a given use zone and for a limited period of time.

Contact Information: Department of Planning
Current Planning Division
2200 Main Street, Suite 619
Wailuku, HI 96793
Phone: 808-270-8205

Website: http://www.co.maui.hi.us/index.aspx?NID=1250
### Conditional Use Permit (CP) – Molokai

**County of Maui**  
**Department of Planning**  
**Current Planning Division**

<table>
<thead>
<tr>
<th>Steps</th>
<th>Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Obtain a Molokai Planning Commission “Conditional Permit Application Packet” from the Maui Department of Planning or from the website listed above. Review the “Informational Sheet” (page 1 of the packet) and “Flow Chart” provided in the application packet. Be aware that there may be protests to a Conditional Permit application.</td>
<td></td>
</tr>
<tr>
<td>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” 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.</td>
<td></td>
</tr>
<tr>
<td>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”.</td>
<td></td>
</tr>
<tr>
<td>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.</td>
<td></td>
</tr>
<tr>
<td>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.</td>
<td>30 days prior to hearing</td>
</tr>
<tr>
<td>6. Upon notification of the hearing date, the applicant must complete the notice of hearing form (not titled) 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 30 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 of Notice of Public” in the Application Packet. A Location Map must be sent with this notice.</td>
<td></td>
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**Updated December 2009**
### Conditional Use Permit (CP) – Molokai

**County of Maui**

**Department of Planning**

**Current Planning Division**

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<td>7.</td>
<td>Submit the certified mail receipts and each of the return receipts to the Director of Planning no less than 10 days prior to the date of the public hearing.</td>
</tr>
<tr>
<td>8.</td>
<td>Publish a notice of hearing (in a form prescribed by the Director of Planning) once a week for 3 consecutive weeks prior to the date of the public hearing in a newspaper printed and issued at least twice weekly in the County and which is generally circulated throughout the County. A certified copy of the published notice must be submitted to the Director of Planning at least 6 days prior to the date of the public hearing. The Director shall distribute a report on the application at least 6 business days prior to the hearing.</td>
</tr>
<tr>
<td>9.</td>
<td>Public hearing with the Molokai Planning Commission. Upon appropriate action by the Commission, the Director of Planning shall transmit the report of the Commission and recommendations to the County Council.</td>
</tr>
<tr>
<td>10.</td>
<td>Decision by the City Council to approve or deny permit. The Commission may set a reasonable time limit to establish the particular use, and may set a time limit for the duration of the particular use, which shall be a condition of the special permit. The County Council may impose other terms and conditions on the permit (i.e., expiration date), and may require a bond, in a form acceptable to it, or a cash deposit from the property owner or contract purchaser in such amount as will assure compliance with the conditions imposed pursuant to this section. The Department of Public Works may also impose conditions upon the permit if impacted by the permitted use. Conditional Permits are adopted through ordinance by the Maui County Council and Mayor.</td>
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**Total Time Period:** TBD

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<tr>
<th>Fees</th>
<th>$550 (minimum)</th>
<th>No maximum</th>
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<td>Fees dependent on cost of project. Please refer to Fee Schedule, Table A for complete listing.</td>
<td>$550</td>
<td></td>
</tr>
<tr>
<td>Public Hearing is required. *Applicant is responsible for all fees for notice requirements, including all publication and mail fees.</td>
<td>~</td>
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MOLOKAI PLANNING COMMISSION
CONDITIONAL PERMIT


INFORMATIONAL SHEET

A Conditional Permit Application may be filed for proposed uses that are similar or related to those uses permitted within the given use zone and is for a limited period of time.

Upon submittal of the Conditional Permit Application, it will be reviewed for completeness.

Upon certification of completeness, a hearing will be scheduled with the Molokai 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 owners and lessees within 500 feet of the subject parcel(s) are to be mailed after 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 30 days prior to the public hearing. The applicant shall submit an affidavit to the Director on a form provided by the Department certifying that notice, as required herein has been provided.

Please note that prior to mailing said Notice, the applicant shall reverify the listing with the Real Property Tax Records of the County of Maui.

PLANNING DEPARTMENT

Referral to other agencies for comments.

Preparation of report and recommendation.

Publish public hearing notice in a newspaper of general circulation in the County published at least twice weekly at least 30 days prior to hearing.

Rev. 7/14/03
CONDITIONAL PERMIT

FLOW CHART

Submittal of Application to Planning Department

Central Coordinating Agency (Development Services Administration)

Certified by CCA

Planning

Current Planning Division

Notification of Applicant

Staff Planner

Notification of Owners w/in 500 Feet

Proof of Notice

Department Report and Recommendation (Attendance Required)

Appropriate Planning Commission For Hearing

Action by Planning

Planning Commission Recommendation Transmitted to County Council (After Preparation of Draft Ordinances)

Action by County

Action by Mayor

Adopted by Ordinance
MOLOKAI PLANNING COMMISSION
APPLICATION TYPE: CONDITIONAL PERMIT

DATE: ____________________________

PROJECT NAME: ____________________________ VALUATION: $ ________________

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: ________________________________________________
CONDITIONAL PERMIT APPLICATION
REQUIRED SUBMITTALS

1. Evidence that the applicant is the owner or lessee of record of the real property to be reclassified. ("lessee" means a lessee holding under recorded lease, the unexpired term of which is more than five years from the date of filing of any application or from the date that any action is taken by the commission or the council to initiate Conditional Use Permit.)

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 within a 500-feet radius of the subject parcel. 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 numbers and the names and addresses of all owners and lessees to be notified, including a map drawn to scale, clearly defining the 500 feet notification boundary and the parcels affected.

4. Original + 1 copy of the completed Application Form.

5. Reasons justifying the request (original + 1 copy).

6. Original + 1 set of a plot plan of the property, drawn to scale, to include but not be limited to, existing and proposed structure(s), (architectural plans to include elevation, sections, floor plan, etc.), driveway access, parking area, etc.

7. Photographs (preferably slides) of the project site.

8. Non-refundable filing fee (see Fee Schedule, Table A), payable to County of Maui, Director of Finance.

An original + 1 collated copy of Items 4-6 should be submitted for Planning Department's review as to completeness for agency review. When the application is deemed complete for agency review, the Planning Department will contact the applicant to submit the number of copies needed for agency transmittal.
Date: ______________________

TO: Owner/Lessee

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

1. Tax Map Key: ____________________________________________________________

2. Location: In the vicinity of ________________________________________________

3. Zoning Designation: __________________________________________________________________________

4. Proposed Use: __________________________________________________________________________

THIS SECTION TO BE COMPLETED BY THE PLANNING DEPARTMENT:

PLANNING COMMISSION: _____________________________________________

PUBLIC HEARING DATE: ____________________________________________

TIME: _____________________________________________

PLACE:

________________________________________________________________________

Attached please find a map identifying the location of the specific parcel(s) being considered in the above-referenced request.

The hearing is held under the authority of Chapter 92, Hawaii Revised Statutes, Title 19 of the Maui County Code and the appropriate Planning Commission Rules.

Testimony relative to this request may be submitted in writing to the appropriate Planning Commission, c/o the Maui Planning Department, 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- Please print

__________________________________________
Signature

__________________________________________
Address

__________________________________________
(__) __________________________
Telephone
ATTACHMENT E

NOTARIZED AFFIDAVIT OF MAILING OF
NOTICE OF PUBLIC HEARING

______________________________, being first duly sworn, on oath, deposes and
says:

1. Affiant is the applicant for a _____________________________________________
   for land situated at ______________________________________________________,
   TMK: _______________________________,

2. Affiant did on _____________________________,______, deposit in the
   United States mail, postage prepaid, by certified or registered mail, return
   receipt requested, a copy of a Notice of Hearing with location map, a
   copy of which is attached hereto as “Exhibit A” and made a part hereof,
   addressed to each of the persons identified in the list of recorded owners
   and lessees identified as “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 and return receipts which
   are attached hereto as “Exhibit C” and made a part hereof.

   Further, Affiant sayeth naught:

   ________________________________

Subscribed and sworn to before me this
___day of _____________, ______.

______________________________
Notary Public, State of Hawaii
My commission expires: ____________
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

* 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  7/03