APPENDIX MAUI-42

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

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Steps

Time

- 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.
- 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.
- 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 (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.

30 days prior to hearing

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- 7. 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.
- 10 days prior to hearing
- 8. 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.
- 21 days prior to hearing; 6 days prior to hearing
- 9. 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.

Must be transmitted within 90 days

10. 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.

No timeline for decision

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

MOLOKAI PLANNING COMMISSION CONDITIONAL PERMIT

SOURCE OF LEGAL AUTHORITY: Chapter 19.40, as amended, Maui County

Code, 1980.

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

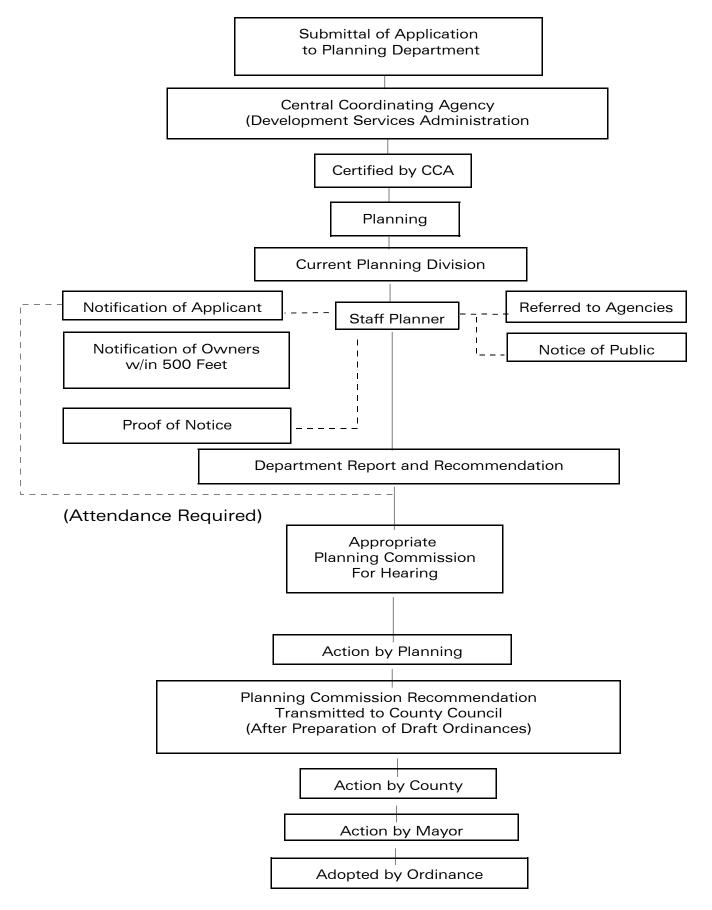
Referral to other agencies for comments.

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.

CONDITIONAL 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

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:				
ADDRESS:				
CITY:	STATE:	ZIP CODE:		
PHONE (B):	(H):	FAX:		
APPLICANT SIGNATURE:				
AGENT NAME:				
CITY:	STATE:	ZIP CODE:		
		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.	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 <u>notarized</u> 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 <i>County of Maui, Director of Finance</i> .

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 nning Commission of the County of Maui for a Ccel(s):	
1.	Тах Мар Кеу:	
2.	Location: In the vicinity of	
3.	Zoning Designation:	
4.	Proposed Use:	
TUIC		UINC DEDARTMENT.
<u> 1 HIS</u>	S SECTION TO BE COMPLETED BY THE PLANI PLANNING COMMISSION:	NING DEPARTMENT:
	PUBLIC HEARING DATE:	
	TIME:	
	PLACE:	
Count Comm preser Depar	Attached please find a map identifying the location of the ve-referenced request. The hearing is held under the authority of Chapter 92, Hanty Code and the appropriate Planning Commission Rules. Testimony relative to this request may be submitted amission, c/o the Maui Planning Department, 250 South High tented in person at the time of the public hearing. Information relative to the application is availanted and the submitted art and the submitted in the public hearing. Information relative to the application is availanted at the submitted in the submitted	waii Revised Statutes, Title 19 of the Maui in writing to the appropriate Planning Street, Wailuku, Maui, Hawaii, 96793, or ilable for review at the Planning Felephone: (808) 270-7735; toll free from
		Name of Applicant- Please print
		Signature
		Address
	,	1
	(_/ 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	
3.	Thereafter, there was returned to the office of Affiant the United State Post Office certified or registered mail receipts and return receipts whic are attached hereto as "Exhibit C" and made a part hereof.	
	Further, Affiant sayeth naught:	
	and sworn to before me this,	
•	olic, State of Hawaii ssion expires:	

COUNTY OF MAUI DEPARTMENT OF PLANNING

ZONING AND FLOOD CONFIRMATION REQUEST FORM

APPLICANT:	PHONE NO.:
ADDRESS:PROJECT NAME:	
TMK NUMBER(S):	
ZONING INFORMATION	
STATE LAND USE	COMMUNITY PLAN
COUNTY ZONING	SPECIAL DISTRICT
OTHER	
FLOOD INFORMATION	
FLOOD HAZARD AREA* ZONE	
BASE FLOOD ELEVATION Geodetic Vertical Datum or for Flood 2	mean sea level, 1929 National Zone A0, FLOOD DEPTHfeet.
FLOODWAY [] Yes or [] No	0
if any work is done in any drainage capacity of the drainage facility, rive property.	EQUIRED [] Yes or [] No a flood development permit would be required facility or stream area that would reduce the er, or stream, or adversely affect downstream ************************************
FOR CO	DUNTY USE ONLY
REMARKS/COMMENTS:	rect.
Reviewed and Confirmed by:	
Signature	Date