APPENDIX MAUI-45

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

Permit Packet Includes:

- 1. Process Overview
- 2. Molokai Planning Commission 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 Molokai, 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-45

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

Time

- 1. Obtain a "Molokai Planning Commission 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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10 days prior to hearing 21 days prior to hearing; 6 days prior to hearing			
to hearing 21 days prior to hearing; 6 days prior to			
21 days prior to hearing; 6 days prior to			
to hearing; 6 days prior to			
to hearing; 6 days prior to			
6 days prior to			
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condition of the special permit. The Commission may impose other conditions on the granting of a request for a special use if the conditions are reasonably			
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No timeline			
tor doggoog			
for decision			
TBD			

Total Fees:

\$550 (minimum)

No maximum



LAND USE COMMISSION SPECIAL USE PERMIT MOLOKAI PLANNING COMMISSION

SOURCE OF LEGAL AUTHORITY:

Chapter 205, Hawaii Revised State Land Use Commission Rules of Practice and Procedure and District Regulation, as amended, and Special Permit Rules of the Molokai Planning Commission.

INFORMATIONAL SHEET

A Land Use Commission Special Use Permit may be obtained when certain "unusual and reasonable" uses within the Agricultural and Rural Districts other than for which the district is classified may be 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 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 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 30 days prior to the public hearing.)

PLANNING DEPARTMENT:

Referral to other agencies for comments.

Preparation of report.

LAND USE COMMISSION SPECIAL USE PERMIT MOLOKAI PLANNING COMMISSION

FLOW CHART

SUBMITTAL OF APPLICATION

CERTIFICATION OF COMPLETENESS

Referral to Agencies (Planning Department)

Notification of adjacent land owners (Applicant)

Staff Report (Planning Department)

Application to return stubs to the Planning Department

PLANNING COMMISSION ACTION

Action by Commission (15 Acres or less)

Recommendation to Land Use Commission for Action (15 Acres or more)



APPLICATION TYPE: LAND USE COMMISSION SPECIAL USE PERMIT MOLOKAI PLANNING COMMISSION

DATE:	E: VALUATION:			
ROJECT NAME:				
PROPOSED DEVELOPMENT:				
TAX MAP KEY NO.: _	CPR/HPR NO.:	LOT SIZE:		
PROPERTY ADDRESS:				
		(H)		
ADDRESS:				
CITY:	STATE:	ZIP CODE:		
OWNER SIGNATURE:				
CITY:	STATE:	ZIP CODE:		
PHONE (B):	(H):	FAX:		
APPLICANT SIGNATURE:				
AGENT NAME:				
ADDRESS:				
		ZIP CODE:		
PHONE (B):	(H):	FAX:		
EXISTING USE OF PROPERTY:				
CURRENT STATE LAND USE DISTRICT BOUNDARY DESIGNATION:				
COMMUNITY PLAN DESIGNATION: ZONING DESIGNATION:				
OTHER SPECIAL DESIG	OTHER SPECIAL DESIGNATIONS:			

$\frac{\text{LAND USE COMMISSION SPECIAL USE PERMIT APPLICATION}}{\text{REQUIRED SUBMITTALS}}$

	1.	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 name and addresses of all owners and lessees to be notified including a map drawn to scale, clearly defining the adjacent parcels affected.
	4.	Reason(s) justifying the request. (Original + One (1) Set)
	5.	Original + One (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 elevations, sections, floor plan, etc.), driveway access, parking area, etc.
	6.	Photographs (preferably slides) of the project site.
	7.	A Non-refundable filing fee (See Fee Schedule, Table A); checks payable to <i>County of Maui, Director of Finance</i> .
NOTE	: :	After reviewing Items 4 and 5, the Planning Department will notify the applicant as to how many additional copies of the application packet are needed for agency transmittal.

MOLOKAI PLANNING COMMISSION

TO:	DATE:
	Please be informed that the undersigned has applied to the Molokai Planning nission of the County of Maui for a Land Use Commission Special Use Permit at ellowing 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:
Hawaii of Practice served to the of 96793. last daruntil the of time exclude 250 Schearing Depart	The computation of time begins with the day following the act, event, or default, and includes the y of the period unless it is a Saturday, Sunday or legal state holiday in which event the period runs e end of the next day which is not a Saturday, Sunday, or state holiday. When the prescribed period is 10 days or less, Saturdays, Sundays, or state holidays within the designated period shall be ed in the computation. Testimony relative to this request may be submitted in writing to the Molokai Planning Commission, buth High Street, Wailuku, Maui, Hawaii 96793, or presented in person at the time of the public
	Name of Applicant
	Signature
	Address

Telephone

NOTARIZED AFFIDAVIT OF MAILING

	, being first duly sworn on oath, deposes and
says that:	<u> </u>
(a)	Affiant is the applicant for a, for land situated at, TMK:
(b)	Affiant did on
(c)	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:

Petitions to intervene shall be in conformity with 12-1-16 of the Rules of Practice and Procedure for the Molokai 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.

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 holiday in which event the period runs until the end of the next day which is not a Saturday, Sunday, or holiday. When the prescribed period of time is 10 days or less, Saturdays, Sundays, or holiday within the designated period shall be excluded in the computation.

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 Z	mean sea level, 1929 National Zone A0, FLOOD DEPTHfeet.
FLOODWAY [] Yes or [] No	
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 ***********************************
REMARKS/COMMENTS:	rect.
Reviewed and Confirmed by:	
Signature	Date

Zoning Administration and Enforcement Division

SUBCHAPTER 12

SPECIAL PERMITS

\$15-15-95 Petition before county planning commission. (a) 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.

- (b) 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 shall not be contrary to the objectives sought to be accomplished by chapter 205 and 205A, HRS, and the rules of the commission;
 - 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 mater 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 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 AUG 16, 1997] (Auth: HRS §§205-1, 205-7) (Imp: HRS §205-6)

§15-15-96 Decision and order by the land use commission. (a) Within forty-five days after receipt of the county planning commission's decision, together with the complete record of the proceeding before the county planning commission,

the commission shall act to approve, approve with modification, or deny the petition. The commission may impose additional restrictions as may be necessary or appropriate in granting the approval, including the adherence to representations made by the petitioner. Upon determination by the commission, the petition may be