

APPENDIX MAUI-37

**County Special Use Permit (CUP) - Maui & Lanai
County of Maui
Department of Planning
Maui or Lanai Planning Commission**

Permit Packet Includes:

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

Resources:

- Maui County Code, Title 19
- Maui County Code, Chapter 19.510
- Maui County Code, Chapter 19.510.070

Approval or Permit Required: To regulate certain special uses within the various zoning districts.

Contact Information: Department of Planning
Current Planning Division
2200 Main Street
One Main Plaza Bldg, Suite 610
Wailuku, HI 96793
Phone: 808-270-7735

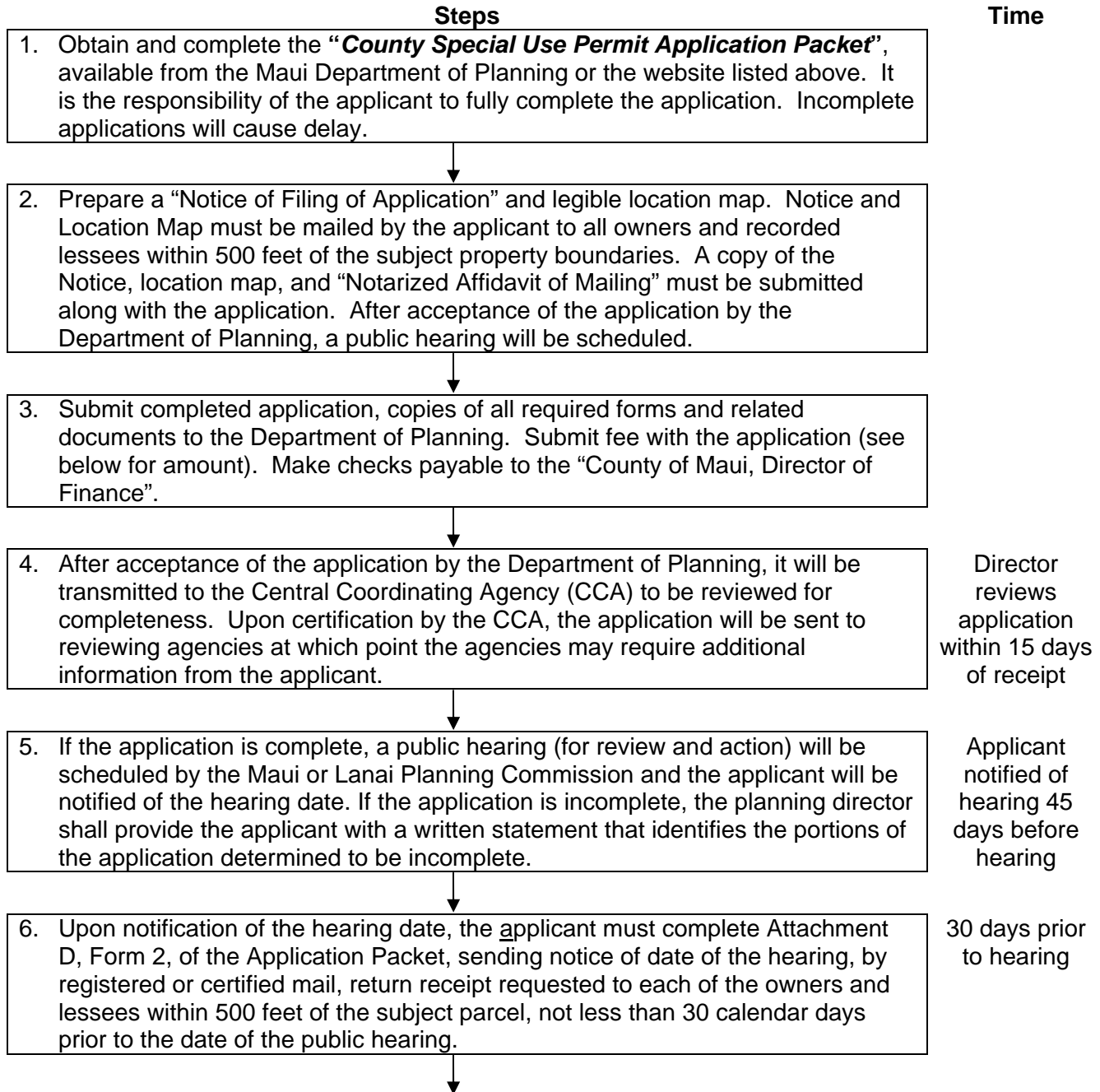
Website: <http://www.co.maui.hi.us/index.aspx?NID=1313>

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County Special Use Permit (CUP) - Maui & Lanai County of Maui Department of Planning Maui or Lanai Planning Commission

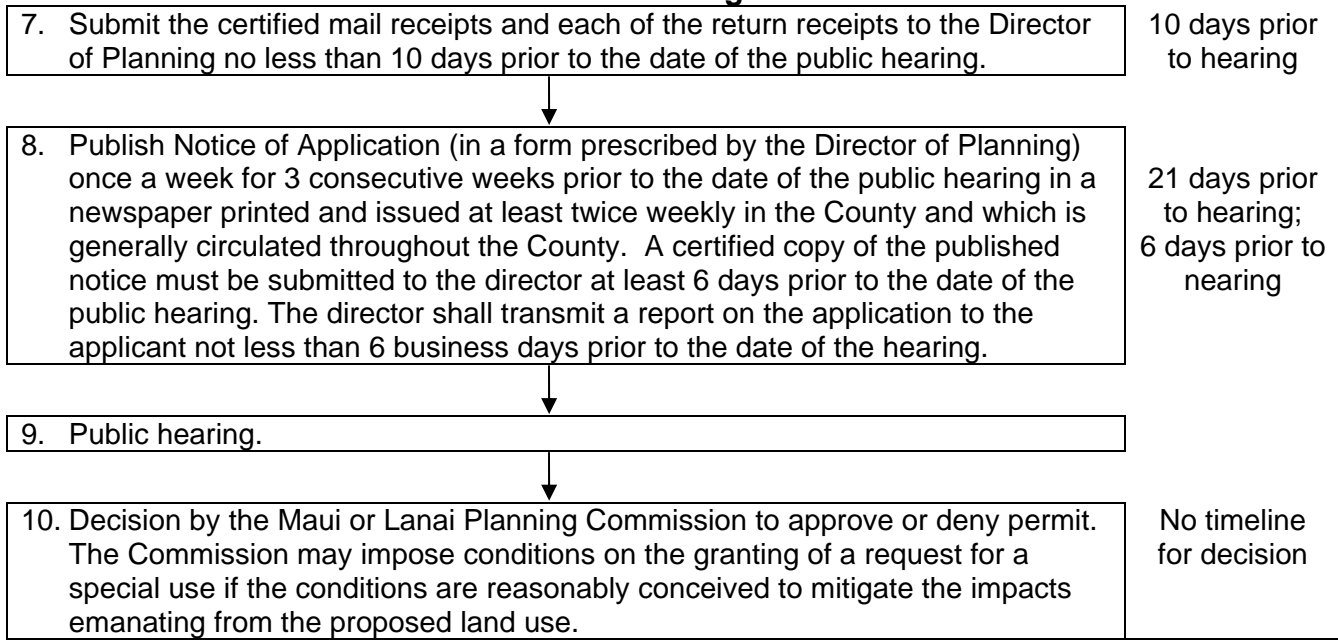
NOTE:

- If applicable to the requirements of the subject district, the applicant must provide a project master plan and development plan.
- Applications requiring final action by the City Council will be transmitted to the Council upon completion of all necessary documents.



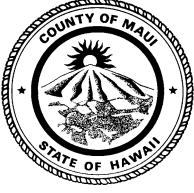
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Total Time Period: TBD

Fees	Amount	Maximum
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

COUNTY SPECIAL USE PERMIT APPLICATION

SOURCE OF LEGAL AUTHORITY: Title 19, Maui County Code, 1980, as amended.

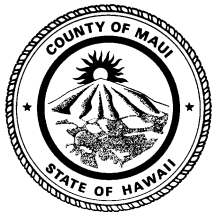
COUNTY SPECIAL USE PERMITS: Maui County Code, Chapter 19.510 Application and Procedures, Section 19.510.040 Special Use Permits

INFORMATIONAL SHEET

Within the various zoning districts, certain special uses are permitted upon review and approval of the Maui Planning Commission, provided that each of the following criteria have been met:

1. The proposed request meets the intent of the General Plan and the objectives and policies of the community plan of the County;
2. The proposed request is consistent with the applicable community plan land use map of the County;
3. The proposed request meets the intent and purpose of the applicable district;
4. The proposed development will not adversely affect or interfere with public or private schools, parks, playgrounds, water systems, sewage and solid waste disposal, drainage, roadway and transportation systems, or other public requirements, conveniences and improvements;
5. The proposed development will not adversely impact the social, cultural, economic, environmental and ecological character and quality of the surrounding area;
6. That the public shall be protected from the deleterious effects of the proposed use;
7. That the need for public service demands created by the proposed use shall be fulfilled; and
8. If the use is located in the State Agricultural and Rural Districts, the Maui Planning Commission shall review whether the use complies with the guidelines established in Section 15-15-95 of the Rules of the Land Use Commission of the State of Hawaii.

NOTE: If applicable to the requirements of the district, the applicant shall provide a project master plan and development plan.



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

APPLICATION TYPE: COUNTY 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: _____

GENERAL SUBMITTAL REQUIREMENTS

- ___ 1. Application Form (original + 1 copy).
- ___ 2. Documents which identify the owner of the subject parcel of land.
- ___ 3. If the applicant is not the owner of the subject parcel, than a notarized written authorization for the application by the owner shall be included. Said authorization shall include the owner's name, address and telephone numbers.
- ___ 4. Agent's name, address, and telephone numbers, if applicable.
- ___ 5. Location Map identifying the site, adjacent roadways and identifying landmarks (8 1/2" x 11" format).
- ___ 6. List of owners and lessees of record of real property located within a 500-foot radius of the subject parcel. The list shall be compiled from the most current list available at the Real Property Tax Division of the Department of Finance at the time of filing of the application with the Director of Planning.

This list shall include the names and addresses of each owner and recorded lessees by tax map key. A map drawn to scale which clearly identifies the 500-foot boundary surrounding the subject parcel and the parcels within the boundary shall be included.

- ___ 7. A report addressing the following (original + 1 copy):
 - a. Policies and objectives of the General Plan; the provisions of the community plan applicable to the application; the provisions of the applicable district; and an analysis of the extent to which the application, if granted, conforms to these provisions of the applicable district; and an analysis of the extent to which the application, if granted, conforms to these policies, objectives and provisions.
 - b. Detailed land use history of the parcel which includes, but is not limited to former and existing State and County land use designations, violations and uses.
 - c. Preliminary archaeological and historical data and comments from the Department of Land and Natural Resources and the Office of Hawaiian Affairs of the State of Hawaii. If applicable, a preservation/mitigation plan which has been reviewed and approved by the Department of Land and Natural Resources and the Office of Hawaiian Affairs.
 - d. Analysis of the secondary impacts of the proposed use on surrounding uses which includes, but is not limited to increases in property value, population, housing, community services and facility needs, secondary jobs and employment generated and compatibility with surrounding uses. If applicable, affordable housing program and comments from the Department of Housing and Human Concerns of the County and other mitigation plans and comments from the respective governmental and community services agencies.

- e. Traffic impact analysis and, if applicable, a traffic master plan which includes, but is not limited to, comments from the Department of Transportation of the State of Hawaii and the Department of Public Works and Environmental Management of the County.
- f. If applicable, an assessment of the impact which the proposed use may have on agricultural use of the parcel which includes, but is not limited to, a feasibility analysis of potential agricultural uses suited to the site and written comments from the Department of Agriculture of the State of Hawaii and the U.S. Soil Conservation Service.
- g. Water source, supply and distribution system analysis which includes, but is not limited to, methods of irrigation existing on the parcel and proposed for the application, location and use of groundwater and nonpotable water sources. If applicable, a water master plan which includes, but is not limited to, comments from the Department of Land and Natural Resources of the State of Hawaii and the Departments of Public Works and Environmental Management and Water Supply of the County.
- h. Sewage disposal analysis, a description of a proposed method of sewage disposal and comments, if applicable, from the Departments of Health and Land and Natural Resources of the State of Hawaii and the Departments of Public Works and Environmental Management and Water Supply of the County.
- i. Solid waste disposal analysis, a description of a proposed method of solid waste disposal and comments, if applicable, from the Departments of Health and Land and Natural Resources of the State of Hawaii and the Departments of Public Works and Environmental Management and Water Supply of the County.
- j. Identification of environmentally sensitive areas, habitat and botanical features which include, but are not limited to, wetlands, streams, rock outcroppings, endangered plants and animals and exceptional trees. If applicable, baseline study and preservation/mitigation plan and comments, if applicable, from the Department of Land and Natural Resources of the State of Hawaii, the U.S. Fish and Wildlife Service and the U.S. Army Corps of Engineers.
- k. Identification of the topographical and drainage patterns existing on the subject parcel and any proposed alterations to these patterns.
- l. Identification of all meetings held between the applicant and any community or residential group which may be impacted by the applicant's request, the issues raised by these meetings and any measures proposed by the applicant to deal with or to mitigate these issues.
- m. Development Schedule.

- n. Operations and management of the proposed use which includes, but is not limited to, number of employees, proposed employee housing plan, hours of operation, fees charged to residents and visitors and provisions for off-site parking.
- o. Identification of traditional beach and mountain access trails and additional trails which may be required for public access to the beaches and mountains and, if applicable, preservation/mitigation plan and comments from the Department of Land and Natural Resources and the Office of Hawaiian Affairs.
- p. Identification and assessment of chemicals and fertilizers used including, but not limited to, detailing effects upon surface, underground and marine water resources and neighboring properties and surrounding flora and fauna. If applicable, a mitigation plan and maintenance program and schedule and comments from the Departments of Health and Land and Natural Resources of the State of Hawaii, the U.S. Fish and Wildlife Service and the U.S. Environmental Protection Agency.

_____ 8. Photographs of the subject site, existing structures and surrounding area which are dated.

_____ 9. Schematic Site Development Plans, if applicable, drawn to scale, which identify the following (rendered copy and 1 blueprint set):

- a. Property lines and easements with its dimensions and area calculations;
- b. Location, size, spacing, setbacks and dimensions of all existing and proposed buildings, structures, improvements and uses;
- c. Existing and proposed building elevations, sections, floor plans, and site sections which clearly define the character of the development;
- d. Topographic information showing existing features and conditions and proposed grading;
- e. Existing and proposed landscaping which depicts open spaces, plantings and trees;
- f. Existing and proposed roadways and accesses to the project and parking layout with dimensions; and
- g. Shoreline, shoreline setback lines, stream and other setback lines.

NOTE: For Project Master Plan Review, the development plans shall also comply with Maui County Code, Section 19.510.080.C.

- _____ 10. Any other information as may be required by the Director of Planning or the appropriate planning commissions of the County.

- _____ 11. **Non-refundable filing fee** payable to the *County of Maui, Director of Finance*.
 - a. Change in Zoning (**see Fee Schedule, Table A**)
 - b. County Special Use Permit (**see Fee Schedule, Table A**)
 - c. Project Master Plan Review (**see Fee Schedule, Table A**)

- _____ 12. Notice of Filing of Application (Attachment A)

- _____ 13. Notarized Affidavit of Mailing of Notice of Application (Attachment B)

An original plus one copy of Items 1-10 shall be submitted for review by the Planning Department for suitability for transmittal to public agencies for review and comment. Upon deeming the application suitable for agency review, the Planning Department will contact the applicant to request the additional number of application packets needed for agency review.

ATTACHMENT B

**NOTARIZED AFFIDAVIT OF MAILING OF
NOTICE OF APPLICATION**

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

1. Affiant is the applicant for a _____ for
land situate at _____, TMK No.: _____.

2. Affiant did on _____, _____, deposit in the United States
mail, postage prepaid, a copy of a Notice of Filing of Application 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.

Further, Affiant sayeth naught.

Subscribed and sworn to before me
this _____ day of _____,
_____.

Notary Public, State of Hawaii

My commission expires: _____

GENERAL PROCEDURES

Prior to submittal of an application, a Notice of Filing of Application (form provided by the Department of Planning) with a location map will be mailed to all owners and recorded lessees within 500 feet of the subject property boundaries. A copy of the Notice, Location Map and Affidavit of Mailing shall be submitted with the application.

Upon submittal of an application to the Department of Planning, it will be transmitted to the Central Coordinating Agency (CCA) for review for completeness. The CCA for the County of Maui is the Department of Public Works and Environmental Management, Development Services Administration (DSA).

Upon certification by the CCA that the application is ready for processing, the application will be transmitted to the Department of Planning. The application will be transmitted to the reviewing agencies provided the information submitted in the application is adequate and additional information is not required. The application will be scheduled with the appropriate planning commission for review and action upon receipt of all agency comments.

APPLICATION REQUIRING PUBIC HEARINGS

The following applications are subject to these additional requirements:

- a. Change in Zoning;
- b. County Special Use Permits; and
- c. Project Master Plan.

Upon notification by the Department of Planning of the County of Maui of the scheduled hearing date, the applicant shall:

1. Mail a notice of the date of the public hearing of the application on a form provided by the Department of Planning (Attachment D):
 - a. Maui Planning Commission
 - I. Form 1 (CIZ)
 - II. Form 2 (CUP/PMP)
 - b. Molokai Planning Commission
 - I. Form 3 (CIZ)
 - II. Form 4 (CUP/PMP)

By certified or registered mail, return receipt requested, to each of the owners and lessees within 500 feet of the subject parcel, not less than THIRTY(30) calendar days prior to the date of the public hearing;

2. Submit the certified mail receipts and each of the return receipts to the Director of Planning not less than TEN (10) business days prior to the date of the public hearing. A Notarized Affidavit of Mailing of Notice of Public Hearing (Attachment E) shall also be submitted as proof of mailing; and
3. Publish the subject matter in a form prescribed by the Director of Planning, once a week for three consecutive weeks prior to the date of the public hearing in a newspaper which is 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 shall be submitted to the Director of Planning at least SIX (6) days prior to the date of the public hearing.

Please note that applications requiring final action by the County Council shall be transmitted to the County Council upon completion of all necessary documents (i.e., ordinances, maps, unilateral agreements). The applicant may be required to prepare such documents as amendments to the land use maps and preparation of unilateral agreements. Upon approval of all legal documents by the Department of the Corporation Counsel, the application will be transmitted to the County Council.

ATTACHMENT D
FORM 2 (CUP, PMP) PLANNING COMMISSION

Date: _____

TO:

Please be informed that the undersigned has applied to the _____
Planning Commission for the following:

___County Special Use ___Project Master Plan

1. Tax Map Key: _____
 2. Location: In the vicinity of _____
 3. Area of Parcel: _____
 4. Proposed Development: _____
- _____
- _____

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(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 Maui Planning Commission Rules.

Petitions to intervene shall be in conformity with Sections 12-201-20, 12-201-40, and 12-201-43 of the Rules of Practice and Procedure for the Maui Planning Commission and shall be filed with the Maui Planning Commission and served upon the applicant no less than ten (10) days before the first public hearing date. Filing of all documents to the Maui Planning 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 ten 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- 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 situate at _____, TMK No.: _____.

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

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

**DEPARTMENT OF PLANNING
 APPLICATION REQUIREMENTS CHECKLIST
 In Accordance with Maui County Code, Chapter 19.510**

Project: _____

Chapter 19.510.010	General Application Procedures Content of Application	√	Location(s) of Document in Application
D1.	Owner identification and signature or written authorization documents.		
D2.	Owner's name, address, and phone number.		
D3.	Agent's name, address, and phone number, if applicable.		
D4.	Tax map key and street address, if available.		
D5.	Locational map identifying the site, adjacent roadways, and landmarks.		
D6.	List of owners and lessees of record within 500 feet.		
D7.	Analysis of ways in which application conforms to policies and objectives of General Plan and applicable Community Plan.		
D8.	Detailed land use history of parcel(s) to include former and existing state and county land use designations, violations and uses.		
D9.	Preliminary archaeological and historical data and comments from DLNR and Office of Hawaiian Affairs (OHA). If applicable, a preservation /mitigation plan approved by DLNR and OHA.		
D10.	Analysis of secondary impacts of the proposed use on surrounding uses.		
D11.	Traffic impact analysis and, if applicable, a traffic master plan with comments from DOT and DPWWM.		
D12.	If applicable, an assessment of the impact the proposed use may have on agricultural use of the property with comments from DOA and USSCS.		
D13.	Water source, supply and distribution analysis, and, if applicable, a water master plan which includes comments from the DLNR, DWS, and DPWWM.		
D14.	Sewage disposal analysis, and comments, if applicable, from DOH, DLNR, DPWWM, and DWS.		
D15.	Solid waste disposal analysis and comments, if applicable, from DOH, DLNR, DPWWM, and DWS.		

Chapter 19.510. 010	General Application Procedures Content of Application	√	Location(s) of Document in Application
D16.	Identification of environmentally sensitive areas, habitat and botanical features, such as wetlands, streams, endangered plants, etc., and comments, if applicable, from DLNR, USFWS, and Corps of Engineers		
D17.	Identification of the existing topographical and drainage patterns and any alterations proposed.		
D18.	Identification and summary of all meetings held between applicant and any community group.		
D19.	Dated photographs of site or structure.		
D20.	Development schedule		
D21.	Schematic site development plans, if applicable, drawn to scale.		
D22.	Operations and management of proposed use which may include: # of employees, housing plan, hours of operation, provisions for offsite parking.		
D23.	Identification of traditional beach and mountain access trails and add'l trails which may be required for public access, and, if applicable, a preservation/mitigation plan and comments from DLNR and OHA.		
D24.	Identification and assessment of chemicals and fertilizers used, and, if applicable, a mitigation plan and maintenance program and schedule, and comments from DOH, DLNR, USFWS, and USEPA.		
D25.	Any other information necessary to assess the application.		
E.	Notice filed by the applicant and an affidavit certifying that the notice of application was mailed to all owners/lessees of record within 500 feet from subject parcel. The notice shall include the following:		
E1.	The name, address, and phone number of the owner and owner's authorized agent, if applicable;		
E2.	A brief description of the existing uses and uses proposed by the application;		
E3.	A location map and description of the location of the proposed development which includes the TMK and street address, if applicable, of the subject parcel.		

Name of Applicant (Print)

Phone Number

Address

Date