

COUNTY OF MAUI
DEPARTMENT OF PLANNING
2200 MAIN STREET, SUITE 619
WAILUKU, MAUI, HAWAII 96793
TELEPHONE: (808) 270-8205 FAX: (808) 270-7634

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 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 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.

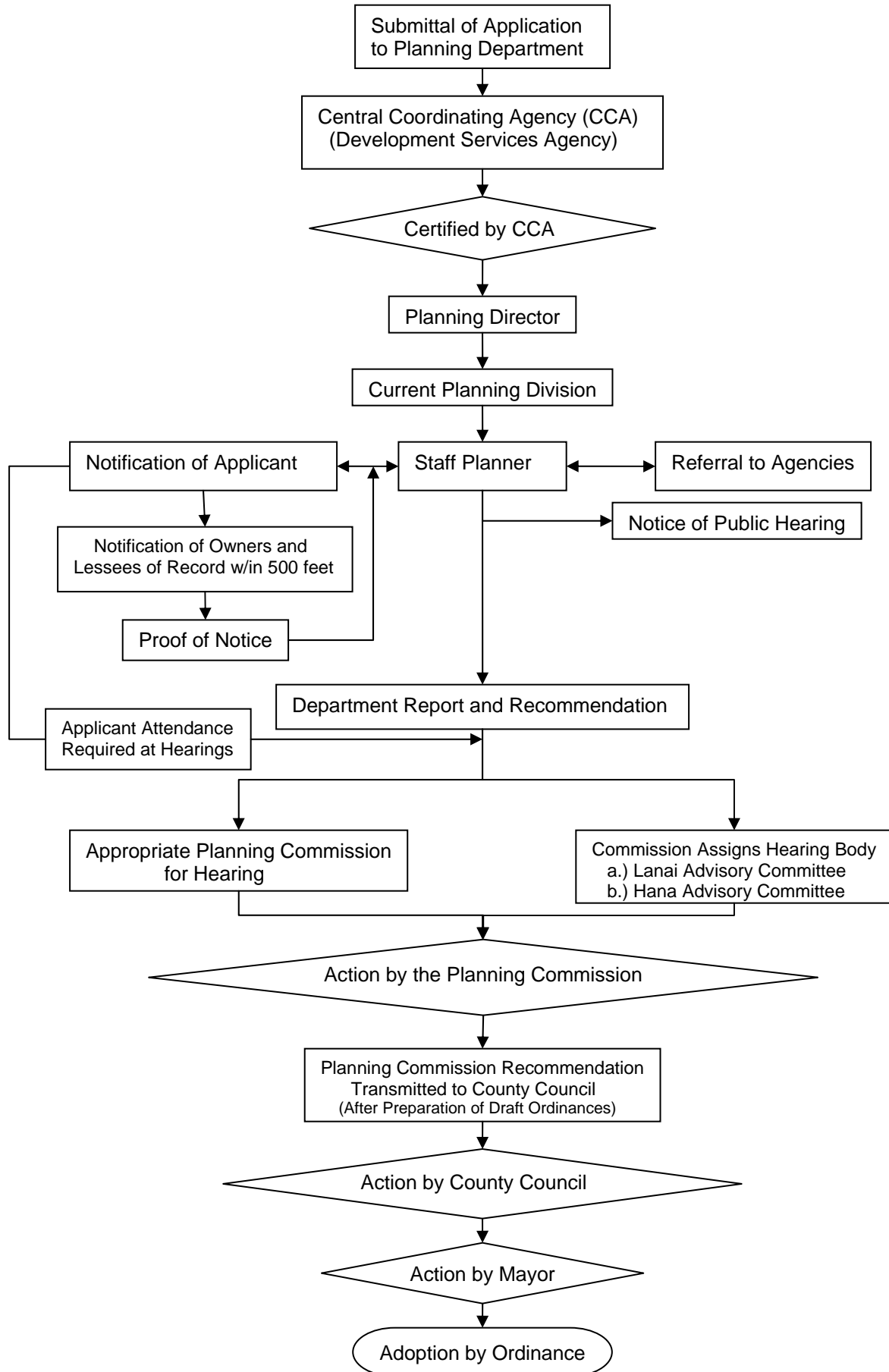
PLANNING DEPARTMENT

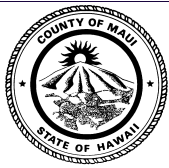
Referral to other agencies for comments.

Preparation of report and recommendation.

CONDITIONAL PERMIT (CP)

PROCESS FLOW CHART





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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 record of the real property to be reclassified.
- _____ 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-foot 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*.
- _____ 9. **Zoning & Flood Confirmation form** (pg 7) completed and signed by Planning Department.

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, 2200 Main 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, 2200 Main Street, Wailuku, Maui, Hawaii; Telephone: (808) 270-8205; toll free from Molokai 1-800-272-0117, Extension 8205; and toll free from Lanai 1-800-272-0125, Extension 8205.

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 here of, 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: _____



ZONING AND FLOOD CONFIRMATION FORM

(This section to be completed by the Applicant)

APPLICANT NAME _____ TELEPHONE _____
PROJECT NAME _____ E-MAIL _____
PROPERTY ADDRESS _____ TAX MAP KEY _____

Yes No Will this Zoning & Flood Confirmation Form be used with a Subdivision Application?
IF YES, answer questions A and B below and comply with instructions 2 & 3 below:

A) Yes No Will it be processed under a consistency exemption from [Section 18.04.030\(B\), MCC?](#)
IF YES, which exemption? (No. 1, 2, 3, 4 or 5) _____

B) State the purpose of subdivision and the proposed land uses (ie 1-lot into 2-lots for all land uses allowed by law):

- INSTRUCTIONS:**
- 1) Please use a separate Zoning & Flood Confirmation Form for each Tax Map Key (TMK) number.
 - 2) If this will be used with a subdivision application AND the subject property contains multiple districts/designations of (1) State Land Use Districts, (2) Maui Island Plan Growth Boundaries, (3) Community Plan Designations, or (4) County Zoning Districts; submit a signed and dated Land Use Designations Map, prepared by a licensed surveyor, showing the metes & bounds of the subject parcel and of each district/designation including any subdistricts.
 - 3) If this will be used with a subdivision application AND the subject property contains multiple State Land Use Districts; submit an approved District Boundary Interpretation from the State Land Use Commission.

(This section to be completed by ZAED)

LAND USE DISTRICTS/DESIGNATIONS (LUD) AND OTHER INFORMATION: ¹	<input type="checkbox"/> (SMA) Special Management Area
STATE DISTRICT: <input type="checkbox"/> Urban <input type="checkbox"/> Rural <input type="checkbox"/> Agriculture <input type="checkbox"/> Conservation	
MAUI ISLAND PLAN Growth Boundary: ² <input type="checkbox"/> Urban <input type="checkbox"/> Small Town <input type="checkbox"/> Rural <input type="checkbox"/> Planned Growth Area <input type="checkbox"/> Outside Growth Boundaries	
Protected Area: ² <input type="checkbox"/> Preservation <input type="checkbox"/> Park <input type="checkbox"/> Greenbelt <input type="checkbox"/> Greenway <input type="checkbox"/> Sensitive Land <input type="checkbox"/> Outside Protected Areas	
COMMUNITY PLAN: ²	<input type="checkbox"/> (PD) Planned Development
COUNTY ZONING:	<input type="checkbox"/> (PH) Project District
OTHER/COMMENTS:	<input type="checkbox"/> See Additional Comments (Pg.2)
FEMA FLOOD INFORMATION: A Flood Development Permit is required if any portion of a parcel is designated V, VE, A, AO, AE, AH, D, or Floodway, and the project is on that portion.	<input type="checkbox"/> See Attached LUD Map
FLOOD HAZARD AREA ZONES ³ & BASE FLOOD ELEVATIONS:	
<input type="checkbox"/> FEMA DESIGNATED FLOODWAY	For Flood Zone AO, FLOOD DEPTH:

SUBDIVISION LAND USE CONSISTENCY: Not Consistent, (LUDs appear to have NO permitted uses in common).

_____ Not Applicable, (Due to processing under consistency exemption No. 1, 2, 3, 4, 5).
(Signature)

Interim Zoning, (The parcel or portion of the parcel that is zoned interim shall not be subdivided).

⁴ Consistent, (LUDs appear to have ALL permitted uses in common).

⁴ Consistent, upon obtaining an SMA, PD, or PH subdivision approval from Planning.

⁴ Consistent, upon recording a permissible uses unilateral agreement processed by Public Works (See Pg.2).

NOTES:

- 1 The conditions and/or representations made in the approval of a State District Boundary Amendment, Community Plan Amendment, County Change In Zoning, SMA Permit, Planned Development, Project District and/or a previous subdivision, may affect building permits, subdivisions, and uses on the land.
- 2 Please review the Maui Island Plan and the Community Plan document for any goals, objectives, policies or actions that may affect this parcel.
- 3 Flood development permits might be required in zones X and XS for any work done in streams, gulches, low-lying areas, or any type of drainageway; Flood development permits are required for work in all other zones. Subdivisions that include/adjoin streams, gulches, low-lying areas, or any type of drainageway might require the following designations to be shown on the subdivision map: 100-year flood inundation limits; base flood elevations; drainage reserves.
- 4 Subdivisions will be further reviewed during the subdivision application process to verify consistency, unilateral agreement requirements, and the conditions associated with a unilateral agreement [Section 18.04.030.D, Maui County Code].

REVIEWED & CONFIRMED BY:

For: _____ (Signature) _____ (Date)
John S Rapacz, Planning Program Administrator, Zoning Administration and Enforcement Division