



COUNTY OF MAUI
DEPARTMENT OF PLANNING
2200 MAIN STREET, SUITE 619
WAILUKU, HI 96793
(Office) 270-8205 (Fax) 270-7634
email: planning@co.maui.hi.us

Application for the
COUNTY SPECIAL USE
PERMIT
(CUP)

I. SOURCES OF AUTHORITY

The sources of authority for a **County Special Use Permit (CUP)** are listed below:

- [Title 19, Maui County Code \(MCC\)](#), 1980, as amended
- [Chapter 19.510.010, MCC](#), Application and Procedures
- [Chapter 19.510.020 MCC](#) Applications Which Require a Public Hearing
- [Chapter 19.510.070](#), Special Use Permits

Copies can be obtained in the Planning Department or downloaded from the County's website at www.mauicounty.gov.

II. PURPOSE

Within various County zoning districts, certain "special uses" may be permitted upon review and approval of the Planning Commissions, provided that the proposed request meets each of the following criteria (see §19.510.070, MCC):

- Intent of the General Plan;
- Policies and objectives of the community plan of the County;
- Meets the intent and purpose of the applicable district;
- 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;
- Will not adversely impact the social, cultural, economic, environmental, and ecological character and quality of the surrounding area;
- The public shall be protected from the deleterious effects of the proposed use;
- The need for public service demands created by the proposed use shall be fulfilled; and
- If the use is located in the state agricultural and rural districts, the 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.

III. APPLICATION CONTENTS

This application contains the following documents, which shall be completed by submittal:

- Required Submittals Checklist (see Page 3)
- County Special Use Permit Application (see Page 4)
- Section 19.510(D) Assessment Requirements Checklist (see Page 5-6)
- Notice of Application (see Page 7)
- Notarized Affidavit of Mailing of Notice of Application (see Page 8)
- Notice of Public Hearing (see Page 9)
- Notarized Affidavit of Mailing of Notice of Public Hearing (see Page 10)
- Long Range Division Project Database Proposed Project Data Summary Sheet (see Pages 11-12)
- Zoning and Flood Confirmation Request Form, completed and signed by Planning Department (see Page 13)

IV. PROCESSING PROCEDURES

Refer to Chapter 19.510, MCC. In summary the processing procedures are as follows:

1. Applicant mails out a **Notice of Application** with a location map to all owners and recorded lessees within 500 feet of subject property boundaries.
2. Applicant submits a copy of the **Notice of Application**, Location Map and **Notarized Affidavit of Mailing of Notice of Application** to the Department of Planning.
3. Applicant submits application to the Planning Director.
4. Provided that the application is adequate and no additional information is required, the application will be transmitted to reviewing agencies.
5. Upon receipt of agency comments, a public hearing is scheduled for Planning Commission for review and action.
6. The Planning Commission reviews and acts upon the application.

V. PUBLIC HEARING REQUIREMENTS BEFORE THE PLANNING COMMISSION

The **Applicant** is responsible for the following public hearing requirements:

1. Mail **Notice of Public Hearing** by certified or registered mail, return receipt requested, to owners/lessees of record within 500 feet of the Parcel boundaries not less than 30 calendar days prior to the public hearing (see Page 9).
2. Submit certified mail return receipts and **Notarized Affidavit of Mailing of Notice of Public Hearing** to the Department at least 10 business days prior to the public hearing (see Page 10).
3. Publish the **Notice of Public Hearing** 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 (see Page 7).
4. Submit certified copy of published notice to the Director of Planning at least six (6) days prior to the date of public hearing (see Page 8).

The **Planning Department** is responsible for the following public hearing requirements:

1. Notify the applicant and appropriate state and county agencies of the date of the public hearing not less than 45 days prior to the public hearing.
2. Publish the notice of the date, time, place and subject matter of the public hearing once in a newspaper printed and issued at least twice weekly in the county and which is generally circulated throughout the county at least thirty calendar days prior to the date of the public hearing.
3. Transmit a report on the application to the Planning Commission, applicant and appropriate State and County agencies not less than six days prior to the date of the public hearing.

REQUIRED SUBMITTALS CHECKLIST

1. Two (2) hard copies of entire application packet, including one original.
2. Evidence that the applicant is the owner or lessee or record of the real property to be reclassified; OR a notarized letter of authorization from the legal owner if the applicant is not the owner.
3. Location Map identifying the site, adjacent roadways and identifying landmarks (8 ½" x 11" format)
4. List of owners and lessees of real property within a 500 feet radius of the subject parcel boundaries shall be obtained from the most current available list at the Maui County Department of Finance, [Real Property Tax Assessment 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.
5. **Zoning and Flood Confirmation Form**, completed and signed by Planning Dept.
6. Completed **Notice of Application**.
7. **Notarized Affidavit of Mailing of Notice of Application**.
8. Photographs of the subject site, existing structures and surrounding area which are dated.
9. Schematic Site Development Plans (rendered copy and 1 blueprint set), if applicable, drawn to scale, which identify the following:
 - 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
 - g. Shoreline, shoreline setback lines, stream and other setback lines
10. Signed **Notice of Public Hearing**.
11. Completed **Proposed Project Data Summary Sheet**.
12. An electronic copy in PDF format of the completed application packet on a compact disk.
13. Any other information as may be required by the Director of Planning or the appropriate Planning Commission of the County.
14. A **nonrefundable** filing fee (see [Fee Schedule, Table A](#)); payable to 'County of Maui, Director of Finance.'

COUNTY SPECIAL USE PERMIT APPLICATION (CUP)

County Use Only
Permit Number: CUP _____ - _____

Please print legibly or type the following.

PROPERTY ADDRESS & INFORMATION				
Project Name:		Valuation*		
Tax Map Key No.:	CPR/HPR No.:	Lot Size:		
Physical Address/Location of Project:				
Additional Location Information:				
* Total cost or fair market value, as estimated by an architect, engineer, or contractor licensed by the State of Hawaii Dept. of Commerce and Consumer Affairs; or, by the administrator of Dept. of Public Works, Development Services Administration.				
DESCRIPTION OF PROPOSED ACTIVITY OR DEVELOPMENT				
<i>Written description of the proposed action shall include, but not be limited to: use, length, width, height, depth, building material(s), and statement of objectives of the proposed action. Attach additional sheets, if needed.</i>				
Describe the existing use:				
Describe the proposed use:				
LAND USE DESIGNATIONS				
State Land Use District Boundary:				
Maui Island Plan:				
Community Plan:				
Zoning:				
Other (i.e. SMA):				
CONTACT INFORMATION				
APPLICANT INFORMATION				
Applicant's Name(s):		Email:		
Mailing Address:				
Phone Number(s):	(bus)	(hm)	(cell)	(fax)
Signature(s):		Date:		
CONSULTANT INFORMATION				
Consultant's Name(s):		Email:		
Mailing Address:				
Phone Number(s):	(bus)	(hm)	(cell)	(fax)
Signature(s):		Date:		
OWNER INFORMATION				
Owner's Name(s):		Email:		
Mailing Address:				
Phone Number(s):	(bus)	(hm)	(cell)	(fax)
Signature(s):		Date:		

SECTION 19.510(D) ASSESSMENT REQUIREMENTS CHECKLIST

Please identify the page number in the document under "Location."

General Application Procedures Content of Application		Location
D1	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.	
D2	Detailed land use history of parcel(s) to include former and existing state and county land use designations, violations and uses.	
D3	Preliminary archaeological and historical data and comments from the Department of Land and Natural Resources (DLNR) and the Office of Hawaiian Affairs of the State of Hawaii. If applicable, a preservation /mitigation plan approved by DLNR and OHA.	
D4	Analysis of 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.	
D5	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 of the County.	
D6	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.	
D7	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 DLNR, the Departments of Public Works (DPW), Environmental Management (DEM) and Water Supply (DWS) of the County.	
D8	Sewage disposal analysis, a description of a proposed method of sewage disposal and comments, if applicable, from the Departments of Health (DOH), DLNR, DPW, DEM and DWS.	
D9	Solid waste disposal analysis, a description of a proposed method of solid waste disposal and comments, if applicable, from DOH, DLNR, DPW, DEM and DWS.	
continued on next page...		

D10	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 from DLNR, U.S. Fish and Wildlife Service (USFWS), and the U.S. Army Corps of Engineers.	
D11	Identification of the existing topographical and drainage patterns existing on the subject parcel and any proposed alternations to these patterns.	
D12	Development schedule.	
D13	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.	
D14	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 DLNR and OHA.	
D15	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 DOH, DLNR, USFWS, and U.S. Environmental Protection Agency.	
D16	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.	

NOTICE OF APPLICATION

Date: _____

TO: _____
(owner/lessee of record)

Please be informed that the undersigned has applied for a County Special Use Permit with the County of Maui, Department of Planning for the following parcel(s):

1. Tax Map Key Number: (2) (see attached location map)
2. Location (street address): _____
3. Land Use Designations:
State Land Use District: _____
Community Plan: _____
County Zoning: _____
Other: _____
4. Description of the existing use on the Property: _____

5. Description of the proposed use on the Property: _____

(Owner/Applicant)

(Agent)

(Signature)

(Signature)

(Address)

(Address)

(Telephone)

(Telephone)

NOTARIZED AFFIDAVIT OF MAILING OF NOTICE OF APPLICATION

_____, being first duly sworn on oath, deposes

and says that:

1. Affiant is the applicant for a County Special Use Permit for land situated at _____, TMK (2): _____
2. Affiant did on _____, _____, deposit in the United States mail, postage prepaid, a copy of a Notice of Filing of Application with a 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 _____, 20 _____.

[Stamp or Seal]

Notary Public, State of Hawaii

Print Name: _____

My commission expires: _____

NOTARY PUBLIC CERTIFICATION

Doc. Date: _____	# Pages: _____
Notary Name: _____	Judicial Circuit: _____
Doc. Description: _____ _____ _____	[Stamp or Seal]
Notary Signature: _____	
Date: _____	

NOTICE OF PUBLIC HEARING

DATE: _____

TO: _____
(Owner/lessee of record)

Please be informed that the undersigned has applied to the _____ Planning Commission for a County Special Use Permit:

a. Tax Map Key No: _____ Area of Parcel: _____

b. Location: In the vicinity of: _____

c. Proposed Use: _____

TO BE COMPLETED BY THE DEPARTMENT OF PLANNING:

Public Hearing Date: _____

Time: _____

Place: _____

Attached please find a map identifying the location of the specific parcel(s) being considered in the request for a **County Special Use Permit**.

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

Petitions to intervene shall be in conformity with §12-201-20, §12-201-40 and §12-201-43 of the Rules of Practice and Procedure for the Maui Planning Commission; §12-301-16, 12-301-25 and 12-301-28 of the Rules of Practice and Procedure for the Molokai Planning Commission; or §12-401-20, 12-401-40 and 12-401-43 of the Rules of Practice and Procedure for the Lanai Planning Commission. The Petition to Intervene shall be filed with the respective planning commission and served upon the applicant no less than ten (10) business days before the first public hearing date, no later than 4:30 p.m. on the day of _____. Filing of all documents with the Planning Commission shall be in c/o the Maui Planning Department, 2200 Main 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 prior to the hearing 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) 270-7735; toll free from Molokai 1-800-272-0117 extension 7735; toll free from Lanai 1-800-272-0125, extension 7735.

Name of Applicant

Signature

Address

() _____
Telephone

NOTARIZED AFFIDAVIT OF MAILING OF PUBLIC HEARING

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

1. Affiant is the applicant for a County Special Use Permit for land situated at _____, TMK: (2) _____.
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 me before me
this _____ day of _____,
_____.

[Stamp or Seal]

Notary Public, State of Hawaii

Print Name: _____
My commission expires: _____

NOTARY PUBLIC CERTIFICATION	
Doc. Date: _____	# Pages: _____
Notary Name: _____	Judicial Circuit: _____
Doc. Description: _____ _____ _____ _____	[Stamp or Seal]
Notary Signature: _____	
Date: _____	

LONG RANGE DIVISION – PROJECT DATABASE

PROPOSED PROJECT DATA SUMMARY SHEET

Applicant: Please complete this two (2) sided form. Complete only those items that are appropriate to your application(s). If you have any questions, please contact the *Long Range Planning Division* at 270-7214.

Date:	Project Name (if applicable):
Applicant's Name:	What permits are you applying for?
Property Tax Map Key (TMK) number:	Please give us a brief summary of your project, including the existing and proposed uses:
Contact Phone Number:	
E-mail Address:	Developer Name: Property Owner Name:

Residential Projects: Single-Family and Multi-Family

1. How many single family units (i.e., individual detached homes) are you building? _____
 a. Will accessory dwellings (i.e., ohanas) be permitted? If yes, how many? _____
2. How many multi-family unites (i.e., condo, apartment, or townhouse) are you building? _____
3. Are you subdividing your property? Yes No
 a. If yes, how many buildable lots are you requesting to create? _____
4. How many acres, or square feet, are at the project site? _____
5. If only a portion of the property is going to be used for this project, how many acres or square feet will be used just for the project area? _____
6. Will this project require land use amendments? Please check all that apply and indicate the proposed change:
 - a. Change in Zoning (CIZ) from: Yes No Not Sure _____ to: _____
 - b. Community Plan Amendment from: Yes No Not Sure _____ to: _____
 - c. State Land Use District Boundary Amendment (DBA) from: Yes No Not Sure _____ to: _____
7. Will you be selling any of the units as "affordable" as defined under the Housing and Urban Development guidelines? Yes No Not Sure
 a. If yes, how many of the units, or percentage of units, will fall under this category? _____

 0 - 5 years
 6 - 10 years
 11 - 15 years
 16 - 20 years
 21+ years
8. From the date of filing the application with the Planning Department, how long do you estimate the project to reach complete build-out? Please check one (1) box.

Industrial/Commercial Projects

1. Will this project be used for (please list all that apply by indicating the amount of square footage proposed):
 - a. Retail purposes: _____
 - b. Office space/lease: _____
 - c. Industrial purposes: _____

continued on next page...

PROPOSED PROJECT DATA SUMMARY SHEET

Visitor Accommodations

Hotels and Timeshares

1. Will this project have hotel units? Yes No
a. If yes, how many hotel units/rooms are proposed? _____
2. Will this project have timeshare units? Yes No
a. If yes, how many timeshare units/rooms are proposed? _____
3. Will there be "lock-off" units (i.e., a unit which can be partitioned to create two separate units)? Yes No
a. If yes, how many units will have "lock-off units"? _____

Bed and Breakfast (B&B) and Transient Vacation Rentals (TVRs)

1. Will (any of) the unit(s) be owner occupied? Yes No
2. How many bedrooms are proposed for rental? Yes No
 one (1) bedroom two (2) bedrooms three (3) bedrooms
 four (4) bedrooms 5+ bedrooms entire unit (i.e., condo/house/accessory dwelling)
3. Will this project be newly constructed? Yes No



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).
 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:

(Signature) _____ (Date)

For: John S Rapacz, Planning Program Administrator, Zoning Administration and Enforcement Division