



COUNTY OF MAUI
DEPARTMENT OF PLANNING
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Application packet for
LAND USE COMMISSION
SPECIAL PERMIT
(SUP2)

I. SOURCES OF AUTHORITY

Sources of authority for a **Land Use Commission Special Permit (SUP2)** are listed below:

- Chapter 205, Hawaii Revised State Land Use Commission Rules of Practice and Procedure and District Regulation, as amended
- For Molokai applications, Molokai Planning Commission Rules for Special Uses in State Agricultural and Rural District.
- For Lanai applications, Lanai Planning Commission Rules for Special Uses in State Agricultural and Rural District.

Copies can be obtained at the Department of Planning at 2200 Main Street, Suite 619 in Wailuku. A PDF fillable version of this application may also be downloaded from the [Planning Department Permit and Development Applications](#), portion of the County's website at, www.mauicounty.gov.

II. PURPOSE

The purpose of the Land Use Commission Special Permit is to allow for "unusual and reasonable" uses that are other than those which are classified as permitted within the Agricultural and Rural State Land Use Districts, provided that certain criteria are met.

III. APPLICATION CONTENTS

This application packet contains the following documents:

1. Required Submittals Checklist (pg 2)
2. Land Use Commission Special Permit Application (pg 3)
3. Notice of Public Hearing (pg 4)
4. Notarized Affidavit of Mailing of Notice of Public Hearing (pg 5)
5. Zoning and Flood Confirmation Form completed and signed by Planning Dept. (pg 6)
6. Subchapter 12, Special Permits Ordinance (pg 7-8)

IV. PROCESSING PROCEDURES

Upon submittal of a Land Use Commission Special Permit Application, the Department of Planning (Department) will review it for completeness. Provided that the application is adequate and no additional information is required, the application will be transmitted to other agencies for comment. Once the comment period has ended, a public hearing will be scheduled with the appropriate Planning Commission to review and act upon the request. At least 30 days prior to the public hearing date, the applicant must mail the Notice of Public Hearing and a location map to surrounding owners and lessees via certified mail. The Department will draft a report on the application and transmit to the Planning Commission. On the date of public hearing, the Planning Commission will review and act upon the application.

REQUIRED SUBMITTALS CHECKLIST

1. Completed application form.
2. Completed Notice of Public Hearing.
3. Notarized Affidavit of Mailing of Notice of Public Hearing.
4. Zoning and Flood Confirmation Form, completed and signed by Planning Department.
5. Evidence that the applicant is the owner or lessee of record of the real property.
6. A notarized letter of authorization from the legal owner if the applicant is not the owner.
7. Location map identifying the site, adjacent roadways and identifying landmarks (8 1/2" x 11" format)
8. 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 Assessment Division](#). This list should include the Tax Map Key number and the names and addresses of all owners and lessees to be notified, including a map drawn to scale, clearly defining the adjacent parcels affected.
9. Photographs of the project site.
10. Plot plan of the property, drawn to scale, to include but not be limited to, existing and proposed structures (architectural plans to include elevation, sections, floor plans, etc.), driveway access, parking area, etc.
11. Reason(s) justifying the proposed use.
12. A report identifying reasons proposal is a "reasonable and unusual use" pursuant to [Chapter 15 Land Use Commission Rules, Subchapter 12, Special Permits](#).
13. Two hard copies of entire application packet, including one original.
14. An electronic copy in PDF format of the completed application packet on a compact disk or flash drive.
15. Non-refundable filing fee (see [Fee Schedule, Table A](#)), payable to 'County of Maui, Director of Finance.'

After the Planning Department has reviewed the application packet for suitability of transmittal to agencies, the Planning Department will contact the applicant to produce the additional sets of the application packet for agency transmittal.

LAND USE COMMISSION SPECIAL PERMIT APPLICATION (SUP2)

County Use Only
Permit Number: SUP2 -

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			
Name(s):		Email:	
Mailing Address:			
Phone Number(s):	(bus)	(hm)	(cell) (fax)
Signature(s):		Date:	
CONSULTANT INFORMATION			
Name(s):		Email:	
Mailing Address:			
Phone Number(s):	(bus)	(hm)	(cell) (fax)
Signature(s):		Date:	
OWNER INFORMATION			
Name(s):		Email:	
Mailing Address:			
Phone Number(s):	(bus)	(hm)	(cell) (fax)
Signature(s):		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 Land Use Commission Special Permit:

- a. Tax Map Key No: (2) _____ Area of Parcel: _____
- b. Location: In the vicinity of: _____
- c. State Land Use Designation: _____
- d. 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 **Land Use Commission Special Permit**.

The hearing is held under the authority of Chapter 92, Hawaii Revised Statutes, Title 15 of the Hawaii Administrative Rules, 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 Land Use Commission Special 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 Public 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 _____,
_____ .

Notary Public, State of Hawaii

My commission expires: _____

Notary Public Certification

Document Date: _____ # Pages: _____
Notary Name: _____ Judicial Circuit: _____
Document Description: _____

Notary Signature: _____
Date: _____

(stamp or seal)



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

STATE DISTRICT: Urban Rural Agriculture Conservation (SMA) Special Management Area

MAUI ISLAND PLAN: Growth Boundary: ² Urban Small Town Rural Planned Growth Area Outside Growth Boundaries

Protected Area: ² Preservation Park Greenbelt Greenway Sensitive Land Outside Protected Areas

COMMUNITY PLAN: ² (PD) Planned Development

COUNTY ZONING: (PH) Project District

OTHER/COMMENTS: 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.

FLOOD HAZARD AREA ZONES ³ & BASE FLOOD ELEVATIONS:

FEMA DESIGNATED FLOODWAY For Flood Zone AO, FLOOD DEPTH: See Attached LUD Map

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

(Signature) 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

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 of the county within which the land is located for a special permit to use the land in the manner desired; provided that if the person is not the owner or sole owner in fee simple of the land, the record shall include evidence that the person requesting the special permit has written authorization of all fee simple owners to file the petition, which authorization shall also include in acknowledgement that the owners and their successors shall be bound by the special permit and its conditions.
- b) 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 county shall assure that prior to the county hearing on the petition for special permit, copies of the special permit petition are forwarded to the land use commission, the state office of planning, and the department of agriculture for their review and comment. The decision of the county planning commission recommending approval, together with the complete record, including maps, charts, other exhibits and other evidence, and the complete transcript 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, one paper copy of the complete record, together with an electronic copy of the complete record. The number and format of copies required under this section may be modified by order of the commission.
- c) 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 Chapters 205 and 205A, HRS, and the rules of the commission;
 2. 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.
- d) Petitions for issuance of a special permit shall specify the proposed use desired and state concisely the nature of the petitioner's interest in the subject matter and the reasons for seeking the special permit, and shall include any facts, views, arguments, maps, plans, and relevant data in support of the petition.

- e) The petitioner shall comply with all of the rules of practice and procedure of the county planning commission in which the subject property is located.

- f) The county planning commission may impose such protective conditions as it deems necessary in the issuance of a special permit. The county planning commission shall establish, among other conditions, a reasonable time limit suited to establishing the particular use proposed, and if appropriate, a time limit for the duration of the proposed use, which shall be a condition of the special permit; provided, however, that the commission for good cause shown, may specify or change the time period 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 8/16/97; comp 5/8/00; am and comp 11/2/13] (Auth: HRS §§205-1, 205-7)(Imp: HRS §205-6)