

**COUNTY OF HAWAII
PLANNING COMMISSION**

USE PERMIT APPLICATION
(Type or legibly print the requested information)

APPLICANT: _____

APPLICANT'S SIGNATURE: _____ DATE: _____

ADDRESS: _____

LIST APPLICANT'S INTEREST IF NOT OWNER: _____

TELEPHONE:(Bus.) _____ (Res.) _____ (Fax) _____

LANDOWNER(S): _____

LANDOWNER SIGNATURE(S): _____ DATE: _____

(May be by letter)

ADDRESS: _____

TAX MAP KEY: _____

STREET ADDRESS OF PROPERTY: _____

REQUESTED USE: _____

ZONING: _____ SIZE OF PROPERTY: _____

AGENT: _____

ADDRESS: _____

TELEPHONE:(Bus.) _____ (Res.) _____ (Fax) _____

Please indicate to whom original correspondence and copies should be sent.

ORIGINAL: _____ COPIES: _____

THIS USE PERMIT APPLICATION MUST BE ACCOMPANIED BY THE FOLLOWING:

1. A filing fee of two hundred fifty dollars (\$250). (Checks payable to the County Director of Finance)
2. The Original (signed) and twenty (20) copies of the completed application.
3. The Original and twenty (20) copies of the following background information on the subject request:
 - A. Detailed written description of the proposed use, a statement of objectives and reasons for the request, including proposed hours of operation and number of employees/clientele.
 - B. Description of the subject property in sufficient detail to precisely locate the property. Describe existing uses, structures and topography. If portion of property to be used, state use of remainder of property.
 - C. State/County Plans affecting the subject request: State Land Use Boundary designation, General Plan designation, Zoning, Special Management Area and Community Development Plans.
 - D. Surrounding zoning and land uses.
 - E. Flood Insurance Rate Map (FIRM) designation (contact Department of Public Works - Engineering Division).
 - F. Archaeological Resources (one of the following):
 1. An archaeological inventory report containing significance assessments, effect determinations, and proposed mitigation commitments. The report should be completed pursuant to State Department of Land and Natural Resources Historic Preservation Division (DLNR-SHPD) rules.
 2. A "no effect" letter from the State DLNR Historic Preservation Division.
 3. A copy of a letter written by the applicant to the State DLNR Historic Preservation Division requesting a "no effect" letter, including supporting documentation, to which SHPD has not responded after 30 days (SHPD's time limit under their rules).
 - G. Floral and Faunal Resources.
 - H. Description of access(es) to the area (e.g. width, type of surface and condition of roadway). If a private roadway, submit evidence of access rights.
 - I. Traffic impacts - assessment of existing traffic conditions, anticipated increase in traffic and traffic impacts from proposed use (a formal study may be requested by Department of Public Works or Department of Transportation during the review process).
 - J. Availability of utilities: Water, telephone, electricity, sewage disposal.
4. The Original and twenty (20) copies of how the request meets with the following standards:
 - A. The granting of the proposed use shall be consistent with the general purpose of the zoned district, the intent and purpose of the Zoning Code and the County General Plan.
 - B. The granting of the proposed use shall not be materially detrimental to the public welfare nor cause substantial adverse impact to the community's character or to surrounding properties.

- C. The granting of the proposed use shall not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, police and fire protection and other related infrastructure.
- 5. The Original and twenty (20) copies of a scale-drawn plot plan of the property showing property lines; all existing and proposed structures, uses and improvements; and reference points such as roadways, shoreline, etc.
- 6. One copy of a full-size (2' x 3') scale-drawn plot plan of Item 5 for presentation purposes.
- 7. A list of the names, addresses and tax map keys of all owners and lessees of record of surrounding properties who are required to receive notice.
- 8. A certificate of clearance from the Director of Finance that the real property taxes and all other fees relating to the subject parcel(s) have been paid; and there are no outstanding delinquencies.

**COUNTY OF HAWAII
PLANNING DEPARTMENT**

**Requirement to Inform Surrounding Property Owners and Lessees
of Contested Case Procedure**

These requirements are prepared in accordance with the Planning Commission's Rules of Practice and Procedure, Rule 4. Contested Case Procedure, effective February 17, 1997. Rule 4. Contested Case Procedure affects "all cases where the action of the Commission is the final action of a County official or agency, prior to the opportunity for appeal to Circuit Court, whenever it is required. It shall therefore be followed in all cases where statutes provide for direct appeal from the Commission to Circuit Court." Applications affected by Rule 4 include Special Permits, Shoreline Setback Variances, Special Management Area (SMA) Use Permits and Use Permits.

First Notice

Within (10) days after filing an application with the Planning Department or Planning Commission, you are required to serve notice of your application on surrounding property owners and lessees of record, in accordance with the Hawaii County Zoning Code, Section 25-2-4.

Second Notice

Special Permit Applications: You are required to serve a second notice to surrounding owners and lessees of record within ten (10) days after receiving notice from the director of the date of the scheduled hearing but not less than ten (10) days prior to the date of the scheduled hearing.

Shoreline Setback Variance Applications: You are required to serve a second notice within ten (10) days after receiving notice from the director of the date of the scheduled hearing but not less than fourteen (14) days prior to the date of the scheduled hearing.

SMA Use Permit Applications: You are required to serve a second notice within ten (10) days after receiving notice from the director of the date of the scheduled hearing but not less than twenty (20) days prior to the date of the scheduled hearing.

Use Permit Applications: You are required to serve a second notice within ten (10) days after receiving notice from the director of the date of the scheduled hearing but not less than ten (10) days prior to the date of the scheduled hearing.

Both notices shall include the following information:

1. Name of the applicant;
2. Precise location of the property involved, including tax map key identification, location map and site plan;
3. Nature of the application and the proposed use of the property;

4. Date on which the application was filed with the director or the commission;
5. Inform the landowner and lessee that they have a right to submit a written request for a contested case procedure. Should they seek to intervene as a party, they shall file a written request on the attached form, "Petition for Standing in Contested Case Hearing." You should include this form in both notices to the landowners and lessees. The request shall be filed with the Planning Commission at Aupuni Center, 101 Pauahi Street, Suite 3, Hilo, Hawaii 96720; and accompanied by a filing fee of \$100 payable to the Director of Finance. The required information shall be submitted no later than seven (7) calendar days, prior to the Commission's first scheduled public hearing to consider the application;
6. Inform the landowner and lessee that should they choose not to submit a written request for a contested case procedure, they may express their support/opposition in writing or by oral testimony at the Planning Commission public hearing to be scheduled; and
7. Contact name and phone number should there be any questions.

In addition, the second notice shall include the date, time and place that the scheduled public hearing will be held to consider the application.

Who Should Be Notified?

When the building site is located within the State Land Use Urban or Rural District, notice shall be served to owners and lessees of record within three hundred feet (300') of the perimeter boundary of the building site.

When the building site is located within the State Land Use Agricultural District, notice shall be served to owners and lessees of record within five hundred feet (500') of the perimeter boundary of the building site. Except that if the surrounding properties are located within either the State Land Use Urban or Rural District, notice shall be served to owners and lessees of record within three hundred feet (300') of the perimeter boundary of the building site.

Data available from the real property tax office shall be utilized in determining the names and addresses of the affected owners and lessees of record. The applicant shall also provide notice to such other owners and lessees of record when the applicant has actual knowledge of such names or as informed by the Planning Director or Planning Commission.

Proof of service for the first notice on owners and lessees of record may be submitted concurrently with or shortly after filing the subject application. Proof of service for the second notice shall be submitted to the Planning Commission prior to the date of public hearing. Proof may consist of certified mail receipts, affidavits, declarations or the like. The list of names, addresses and tax map keys of those individuals notified shall also be submitted.

Should you have any questions, please contact the Planning Department at 961-8288.

Attachment - Appendix A

PETITION FOR STANDING IN A CONTESTED CASE HEARING

(Page 1 of 2)

NAME: _____

ADDRESS: _____

PHONE NO.: _____

APPLICANT/

DOCKET NO.: _____

A. Is your interest in this matter clearly distinguishable from that of the general public?

Yes _____ No _____

If the answer is "yes", please explain:

If the answer is "no", please explain how the proposed action will nevertheless cause you actual or threatened injury:

B. Are you a government agency whose jurisdiction includes the land involved in the subject request?

Yes _____ No _____

If the answer is "yes", please explain the nature of the agency's jurisdiction:

C. Do you lawfully reside on or have some property interest in the land involved in the subject request?

Yes _____ No _____

If the answer is "yes", please explain:

PETITION FOR STANDING IN A CONTESTED CASE HEARING

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D. Are you a person or persons descended from native Hawaiians who inhabited the Hawaiian Islands prior to 1778, who practiced those rights which were customarily and traditionally exercised for subsistence, cultural, or religious purposes?

Yes _____ No _____

If the answer is "yes", please submit any genealogical evidence and historical evidence showing the exercise of those rights to support your statement:

Petitioner's Signature

STATE OF HAWAII)
) SS.
COUNTY OF HAWAII)

On this _____ day of _____, 20____, before me personally appeared _____, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same as his free act and deed.

Notary Public, State of Hawaii

My commission expires: _____

POSTING OF SIGNS FOR PUBLIC NOTIFICATION

In accordance with Chapter 25 (Zoning Code), Article 2, Division 1, Section 25-2-12, Hawaii County Code 1983 (2005 Edition) and/or Planning Commission Rules of Practice and Procedure, within ten (10) days of being notified of the acceptance of an application, the applicant shall post a sign on the subject property notifying the public of the following:

1. The nature of the application;
2. The proposed use of the property;
3. The size of the property;
4. The tax map key(s) of the property;
5. That the public may contact the Planning Department for additional information; and
6. The address and telephone number of the Planning Department.

The sign shall be not less than nine square feet and not more than twelve square feet in area, with letters not less than one inch high. No pictures, drawings, or promotional materials shall be permitted on the sign.

The sign shall be posted at or near the property boundary adjacent to a public road bordering the property and shall be readable from said public road. If more than one public road borders the property, the applicant shall post the sign to be visible from the more heavily traveled public road.

The sign shall, in all other respects, be in compliance with Chapter 3 (Signs), Hawaii County Code 1983 (2005 edition).

The applicant shall file an affidavit with the Planning Department not more than five (5) days after posting the sign stating that a sign has been posted, and that the applicant will not remove the sign until the application has been granted, denied, or withdrawn. A photograph of the sign in place shall accompany the affidavit.

The sign shall remain posted until the application has been granted, denied, or withdrawn. The applicant shall remove the sign promptly after such action.