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Kailua-Kona, Hawai'i 96740
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County of Hawai'i

PLANNING DEPARTMENT

East Hawai'i Office
101 Pauahi Street, Suite 3
Hilo, Hawai'i 96720
Phone (808) 961-8288
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Planned Unit Development (P.U.D.) Application

PLEASE PRINT CLEARLY OR USE FILLABLE FORM

Name:

Mailing Address:

City:

State:

Zip:

Day Ph.: ()

Email:

Signature:

Date:

LANDOWNER (IF DIFFERENT FROM THE APPLICANT)

Name:

Mailing Address:

City:

State:

Zip:

Day Ph.: ()

Email:

Signature:

Date:

CONSULTANT/REPRESENTATIVE

Name:

Mailing Address:

City:

State:

Zip:

Day Ph.: ()

Email:

Signature:

Date:

Please Note: Signing the application above indicates that to the best of your knowledge, all the information provided for this application is true and complete. It is understood that the Planning Director or Planning Commission may nullify any decision made in reliance upon information given on this application form should there be any willful misrepresentation or willful lack of full disclosure on the part of the signee.

PROJECT INFORMATION

Tax Map Key(s): (3)

Size of Property or Affected Area(s):

Address(es):

City:

State:

Zip:

Project Description:

State Land Use:

Zoning:

LUPAG:

SMA:

PLANNED UNIT DEVELOPMENT (P.U.D) APPLICATION REQUIREMENTS

AN **ORIGINAL** AND **TWENTY COPIES** OF THE P.U.D. APPLICATION SHALL BE ACCOMPANIED BY:

1. A filing fee of \$500, to be paid via EPIC.
2. A written description of the proposed project, including the following information:
 - (a) A description of the property to provide the Planning Department with enough information to determine the location of the land involved in the P.U.D. You can provide an address, Tax Map Key(s), a metes and bounds survey, etc. Please note that the minimum land area for a P.U.D is 2.0 acres.
 - (b) A discussion of the objective, purpose, and reasons for your P.U.D. request and how it meets the criteria for approval of a P.U.D. indicated in section 16-9 of the Planning Commission Rules.
 - (c) A list of all requested deviations from the requirements of the Zoning Code (Chapter 25, Hawai'i County Code) and Subdivision Code (Chapter 23, Hawai'i County Code).
 - (d) A discussion of the construction timetable of the proposed development, including proposed start and completion timelines.
 - (e) A discussion of how the proposed development relates and conforms to the General Plan, and adopted community development plan for the project area, any adopted master plan for the project area, and any adopted design guidelines/standards for the project area.
3. A site plan, drawn to scale and fully dimensioned, comprising a general development plan covering the entire area of the P.U.D. clearly showing the following information:
 - (a) The uses, dimensions, and locations of all existing and proposed structures.
 - (b) Alignments of existing and proposed streets and existing and proposed access and utility easements. Separately provide cross sections and details showing existing and proposed street widths and pedestrian and drainage improvements.
 - (c) Any proposed subdivision of property for individual parcel sale.
 - (d) Parking areas, both on-and off-street.
 - (e) Public areas and uses.
 - (f) Landscaping and open spaces.

PLANNED UNIT DEVELOPMENT (P.U.D) APPLICATION REQUIREMENTS

4. Architectural drawings for all buildings demonstrating the design and character of the proposed buildings and uses. If the project area is within a special design district within Kailua Village or Pāhoia Village, the application will need to include architectural drawings for proposed single-family dwellings. Please contact the Planning Division to determine if this is applicable prior to submittal of the P.U.D. application.
5. A visual depiction of all of the requested deviations from code called for in Section 2 (c) above.
6. Flood Insurance Rate Map (FIRM) designation (contact Department of Public Works - Engineering Division).
7. Archaeological and Historical Resources: Describe and show on the site plan any known historic and archaeological resources on the property. Examples include human skeletal remains, structural remains, sand deposits, midden deposits, and lava tubes. Please be aware that a hearing before the Planning Commission may not be held until the Planning Department determines resources on the property are adequately identified, recorded, mitigated and/or preserved.
8. Valued Cultural Resources: Identify any traditional and customary native Hawaiian rights that are exercised in the area; the extent in which the proposed development will affect these rights; and feasible action to be taken to protect native Hawaiian rights if they exist. Examples include areas of traditional collection of terrestrial resources (kī leaf, aho chord, thatch, medicinal plants, and ferns) or marine or riparian resources (limu, 'ōpae, 'o'opu, hīhīwai) used for subsistence, cultural and religious purposes. Traditional and customary rights may also include rights of access to the archaeological and historical resources of the property.
9. Floral and Faunal Resources: Describe the types of wildlife and vegetation on the property. Explain whether there are native, threatened or endangered species on the property or in the general area.
10. Public Access: Existing public access to and along the shoreline or to mountain areas and knowledge of whether public access is being used.
11. A list of the names, addresses and tax map key numbers of all surrounding owners and lessees of property interests in property within the boundaries established by section 25-2-4 of Chapter 25, Hawai'i County Code as amended.
12. Any other information or plans deemed relevant by the Planning Director to facilitate processing the application request.

PLANNED UNIT DEVELOPMENT Q&A

For additional guidance on P.U.D.s please consult Planning Commission Rule 16

What is the Purpose of a P.U.D.?

The purpose of P.U.D. is to encourage comprehensive, inclusive site planning for a project area. This includes planning for structures (uses, sizes, locations, and architectural character), subdivision of land (including number of lots and lot layout), infrastructure (roads, access and utility easements, and pedestrian and drainage improvements), parking, public areas, and landscaping.

Additionally, project site planning should be compatible with the character of the surrounding community and that adapts the design of development to the particular characteristic of the land.

Finally, P.U.D.s allow for deviations from the zoning and subdivision codes to diversify the relationships of various uses, buildings, structures, open spaces and yards, building heights, and lot sizes in planned building groups in order to ensure the purpose of a P.U.D. as a comprehensive development that is compatible with the character of the surrounding community.

What is the minimum land area required for a P.U.D.?

The minimum land area required for a P.U.D. is two (2) acres.

What is the Processing Timeline for a P.U.D. permit?

The following is a summary of the common timelines for the P.U.D. permit process:

- 1. After submitting your P.U.D. application, the Planning Director has 15-days to review for completeness. The Director will either determine the application is complete and accept it, or determine it is incomplete and return the application listing the information missing from the application.*
- 2. Within 90-days from the acceptance of completed application, the Planning Commission will conduct a public hearing. During that 90-day period, the Planning Department consults with other federal, state, and county agencies to determine requirements you may need to meet to develop your project. The Planning Director will issue a Background and Recommendation report which may include conditions that need to be met based on consulted agency comments.*
- 3. During the public hearing, Planning Department staff will provide a presentation to the Planning Commission, the applicants will have an opportunity to present and answer questions from the Planning Commission, the public will have an opportunity to provide testimony and the Planning Commission will likely vote.*
- 4. Within 60-days following the close of the public hearing, the Planning Commission will either deny or approve the P.U.D. application with conditions.*

PLANNED UNIT DEVELOPMENT Q&A

What criteria will the Planning Commission use to grant a P.U.D. Permit?

There are several criteria that the Planning Commission will use to grant a P.U.D. permit, these include:

- 1. Whether a P.U.D. development can start and be completed within a reasonable period of time.*
- 2. How well the proposed P.U.D. conforms to the General Plan, applicable Community Development Plans (CDPs), applicable master plans, and applicable design guidelines.*
- 3. How well deviations/exceptions from the Zoning and Subdivision code create a development that is more in keeping with the character of the surrounding community.*
- 4. For residential/agricultural P.U.D.s, the Planning Commission will look for how well the proposed P.U.D. design fits with the character of the surrounding area, while ensuring no increase in density, and maintaining open space standards of the zoning district the P.U.D. is located in.*
- 5. For commercial P.U.D.s, the Planning Commission will look at how well the proposed P.U.D. design will create an attractive development, which does not adversely impact surrounding properties/developments, avoids excessive traffic congestion, and provides for proper access, internal traffic, and parking.*
- 6. For industrial P.U.D.s, the Planning Commission will look for how well the proposed P.U.D. design will provide an efficient/well organized development, provide for adequate freight service and storage, no adverse impact on surrounding properties/developments.*

Please note, the Planning Commission is not required to approve all of the requested uses, plans, code deviation requests, etc.; rather the Planning Commission can approve some and deny others based on how well the proposed deviations meet approval criteria.

What are the requirements for notifying Surrounding Property Owners?

Between the time the application is accepted and the Public Hearing is held, you will need to post a sign on the property and notify surrounding property owners. See attached instruction sheet.

What are the next steps following approval of the P.U.D. Permit?

Once a P.U.D. permit is granted by the Planning Commission, the permittee will be responsible for complying with all conditions of approval which can include timelines to start and complete development, meeting minimum development standards, infrastructure and utility improvements, and compliance with other agency rules and regulations. Lack of compliance could lead the Planning Commission to revoke the P.U.D. permit.

COUNTY OF HAWAI‘I 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 June 5, 2017. 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 Planned Unit Development Permits, Special Permits, Shoreline Setback Variances, Special Management Area (SMA) Use Permits and Use Permits.

First Notice (For a sample of a First Notice Letter, [click here](#))

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

Second Notice (For a sample of a Second Notice Letter, [click here](#))

Planned Unit Development Applications, Special Permit Applications, Shoreline Setback Variance Applications and Use 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.

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.

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, Hawai‘i 96720; and accompanied by a filing fee of \$200 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. Planning Department mailing address 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 subject property is located within the State Land Use Urban or Rural District, notice shall be served to owners and lessees of record of all lots within three hundred feet (300') of the perimeter boundary of the subject property.

When the subject property is located within the State Land Use Agricultural District, notice shall be served to owners and lessees of record of all lots within five hundred feet (500') of the perimeter boundary of the subject property. 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 of all lots within three hundred feet (300') of the perimeter boundary of the subject property.

Data available from the Real Property Tax division of the Department of Finance 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 and second notice shall be submitted to the Planning Director or Planning Commission prior to the date of public hearing. Proof of service may consist of certified mail receipts, proof of mailing (Post Office form can be found [here](#)), affidavits (sample affidavit can be found [here](#)), declarations or the like. The list of names, addresses and tax map keys of those individuals notified and one copy of the first and second notification letter, including all required attachments (e.g. Contested Case Petition, List of Names/Addresses/TMKs of Surrounding Property Owners/Lessees of Record, Vicinity Map, Site Plan, etc.) shall also be submitted.

Should you have any questions, please contact the Planning Department at 961- 8288 or 327-4770.

Updated 12/8/2022

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 HAWAI'I)
) SS.
COUNTY OF HAWAI'I)

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 Hawai'i

My commission expires: _____

POSTING OF SIGNS FOR PUBLIC NOTIFICATION

In accordance with Chapter 25 (Zoning Code), Article 2, Division 1, Section 25-2-12, Hawai‘i County Code 1983 (2016 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), Hawai‘i County Code 1983 (2016 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.