COUNTY OF MAUI
DEPARTMENT OF PLANNING
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Application packet for

BED AND BREAKFAST HOME PERMIT

BBHA, BBKM, BBMP, BBPH, BBWK, BBWM, BBLA, BBMO

I. SOURCES OF AUTHORITY

The sources of authority for a **Bed and Breakfast (B&B) Home Permit** are listed below:

- Maui County Code, Title 19, Zoning, as amended.
- Maui County Code, Chapter 19.64, Bed and Breakfast Homes. (Ord. No. 3611, § 4, 12-19-2008)

Copies can be obtained at the Department of Planning (Department) at 2200 Main Street, Suite 315, 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 **Bed and Breakfast (B&B) Home Permit** is to maintain appropriate restrictions and standards for bed and breakfast homes; allow homeowners who live on the property an opportunity to participate and benefit from tourism; to provide an alternative visitor experience and accommodation to the resort and hotel accommodations currently existing in the County; and to retain the character of the neighborhoods in which any bed and breakfast home is located.

The Maui County Code (MCC), Section 19.04.040, defines a bed and breakfast home as "a use in which overnight accommodations are provided to guests for compensation, for periods of less than one hundred eighty days, in no more than two detached single-family dwelling units, one of which is occupied by the owner-proprietor. Each bed and breakfast home shall include bedrooms, one kitchen, and living areas; and shall include no more than six (6) bedrooms for short-term rental, as specified within the zoning district provisions of this Title."

III. APPLICATION CONTENTS

This *Bed and Breakfast (B&B) Home Permit Application Packet* contains the following documents.

- Bed & Breakfast permit: authority, purpose, application contents, and processing procedures (pg 1-3)
- *Abbreviated Standards for Bed and Breakfast Use* (pg 4-5)
- *Bed and Breakfast Project Notice Sign Requirements* (pg 6)
- *Bed & Breakfast Permit Application Checklist* (pg 7-10)
- *Bed & Breakfast Home (B&B) Permit Application* (pg 11)
- *Neighbor Notice of Filing of a Bed and Breakfast Permit Application* (pg 12)
- *Notarized Affidavit of Mailing of Neighbor Notice of Filing* (pg 13)
- *Notice of Public Hearing for a Bed and Breakfast Permit Application* (pg 14)
- *Notarized Affidavit of Mailing of Notice of Public Hearing* (pg 15)
- *Notarized Certification of Owners Primary Residence* (pg 16)

NOTE: A fully processed **Zoning and Flood Confirmation Form** is required to be submitted with this application packet. See the *Bed & Breakfast Permit Application Checklist* (Item 4, pg 7) for instructions.

An additional document useful for completing this permit application is available on the County of Maui website on the **Short Term Rentals** webpage at: http://www.co.maui.hi.us/index.asp?NID=1377.

- *500-Foot Boundary Notification List & Map Instructions*

IV. APPLICATION PREPARATION, SUBMITTAL, AND PROCESSING PROCEDURES

PRE-APPLICATION STEPS AND APPLICATION FORM PREPARATION

Before applying for a B&B Home Permit, property owners must analyze for themselves whether the permit may be appropriate for their individual property. Requirements include being a full-time resident of Maui and being on the property overnight when guests are present: however a temporary manager may be designated for a limited period of time with prior notification to the Department. This application packet and the additional documents cited on Page 1 are designed by the Department to provide information to assist in the pre-application analysis as well as the full permitting process. The Department can be reached at 808-270-8205, and will provide assistance in answering any questions regarding the permit requirements and process. The property owner, upon determining that the B&B Home Permit is appropriate for their property, then prepares the application packet for submittal.

At least five (5) days prior to submitting the B&B Home Permit application, the Applicant shall install a temporary NOTICE OF APPLICATION SIGN along the main access road of the proposed bed and breakfast home. The Department recommends that the sign be installed no earlier than fourteen (14) days prior to submitting the application. See *Bed and Breakfast Project Notice Sign Requirements* on Page 6 for sign specifications. The applicant shall remove the sign no later than five (5) days after a final decision on the application.

NOTICE REGARDING SUBMITTING FALSE OR MISLEADING INFORMATION

In addition to any enforcement action pursuant to Section 19.530.030 MCC, any misrepresentation(s) on this application or during the initial or renewal application process shall result in a denial or a later revocation of a Bed and Breakfast Home Permit, this with no reapplication within two (2) years from the date of denial or revocation.

APPLICATION SUBMITTAL AND INITIAL REVIEW

All items in the *B&B Permit Application Checklist* must be completed prior to acceptance for processing by the Department. The applicant may contact the Department at 270-8205 and request to speak with a B&B planner to schedule an appointment to submit the application. After acceptance for processing of a completed Bed and Breakfast Home Permit application the Department may ask for additional documents or revisions as needed at any point in the review process. The applicant will need to have copies of the complete application packet, including additional submittals.

NEIGHBOR NOTICE OF FILING A BED AND BREAKFAST HOME APPLICATION

When the Department determines that the application is ready for initial processing, instructions are provided to the applicant for the mailing of the *Neighbor Notice of Filing of a Bed And Breakfast Permit Application* form (Page 12) to the neighbors of the bed and breakfast home application. Please note that the Department must review the *location map*, *site plan*, *parking plan*, and 500-Foot property owner's Notice list, and then approve as to form the *Neighbor Notice of Filing* form **prior** to the notice form packet being mailed by the applicant to neighbors. The signed *Neighbor Notice of Filing* form packet must be sent by Certified Mail. The applicant then submits the *Notarized Affidavit of Mailing of Neighbor Notice of Filing* form (Page 13) with the original receipts of Certified Mail or electronic mailing printout from the Post Office to the Department within thirty (30) days of the mailing.

AGENCY TRANSMITTAL AND GENERAL REVIEW

Review by the Maui County Police Department and Real Property Tax Division of the Department of Finance is part of the process. For properties located on lands in the agricultural district, an additional permit is required (See Checklist Items 31 and 32 for related information.). Other agencies may be transmitted to for comment when warranted. If necessary, the project planner will request additional copies of sections of the application for agency review. The format of the additional copies may be hardcopy, digital, or a combination of media. The project planner will discuss the number and format with the applicant.

A site visit is conducted by the project planner, and all rooms used for proposed B&B home shall be available for viewing. The application site, parking, and floor plans shall be accurate; any discrepancies between the submitted plans and what is observed during the site visit may require additional documentation and agency transmittals.

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V. APPLICATION PREPARATION, SUBMITTAL, AND PROCESSING PROCEDURES

TWO AVENUES TO APPROVAL FOR A BED AND BREAKFAST HOME PERMIT

When the Department has verified all of the application contents, and all agency comments or concerns have been satisfied, the Bed and Breakfast Home Permit approval will be determined:

1. **By the Director administratively**, **or**

2. **By a Planning Commission at a public hearing**.

The triggers requiring a public hearing are contained in MCC Section 19.64.050(A)(3) - Permit Processing as follows:

- **a.** If written protests pursuant to section 19.64.040(B)(4) comprise thirty percent (30%) or more of the owners and lessees of record within a five-hundred-foot distance from the lot on which the bed and breakfast home is proposed;
- **b.** If a variance was obtained to meet the requirements for a bed and breakfast home permit;
- **c.** If an existing Bed And Breakfast home is operating on a lot within a five-hundred-foot distance from the lot on which the Bed And Breakfast home is proposed;
- **d.** For Bed And Breakfast homes located within the Hana community plan area, the number of bedrooms used for the Bed And Breakfast operation shall be greater than three (3); or
- **e.** For Bed And Breakfast homes located on Moloka'i and Lana'i, the application is for an initial Bed And Breakfast Home Permit.

If a public hearing is required, the Department will schedule a public hearing date with Maui, Molokai, or Lanai Planning Commission, as appropriate. The approval of the bed and breakfast home operation will then be determined under the rules of these commissions.

When a public hearing is required, the **applicant** is responsible for the following four (4) public hearing requirements (MCC: 19.64.040(B)(5), 19.510.020):

- **a.** Pay the **B&B public hearing fee**, in the amount set by the in the County of Maui current-fiscal-year fee schedule. Checks shall be made payable to the County of Maui, Director of Finance;
- **b.** Mail *Notice of Public Hearing for a Bed and Breakfast Home Permit Application*, including enclosures (Page 14), by Certified Mail, return receipt requested, to all owners and lessees of record within 500 feet of the parcel boundaries not less than thirty (30) calendar days prior to the public hearing;
- **c.** Submit the *Notarized Affidavit of Mailing of Notice of Public Hearing* (Page 15) and each of the original return receipts for the Certified Mail not less than ten (10) business days prior to the public hearing; and
- **d.** Publish a *Notice of Public Hearing*, in a form prescribed by the Department, once a week for three (3) consecutive weeks prior to the date of the public hearing, this in a newspaper which is printed and issued at least twice weekly in the County and which is generally circulated throughout the County.

ABBREVIATED STANDARDS FOR BED AND BREAKFAST USES

A. No more than two (2) single-family dwelling units per lot may have a bed and breakfast operation use.

B. The owner-proprietor shall have a current transient accommodations tax (TAT) license and general excise tax (GET) license for the bed and breakfast home.

C. The owner-proprietor shall be a resident of the County of Maui and shall reside, on a full-time basis, in one of the homes on the bed and breakfast property.

D. The owner-proprietor shall have legal title to the property on which the bed and breakfast home is located.

E. The bed and breakfast home permit shall be in the name of the owner-proprietor, who shall be a natural person. No bed and breakfast home permit shall be held by a corporation, partnership, limited liability company, or similar entity. The permit shall not be transferable. No more than one permit shall be approved for any lot.

F. The number of bedrooms used for the bed and breakfast operation shall be no more than six (6) on Lanai and Maui, (limited to three (3) on Molokai). The number of guests shall be limited to two (2) adult guests and two (2) minor guests per bedroom.

G. A bed and breakfast home shall make breakfast available to on-site guests. Only foods that are not "potentially hazardous" shall be provided to guest. Potentially hazardous foods are defined by the Department of Health as any food that supports the rapid growth of pathogenic organisms. A bed and breakfast home shall not operate as a food service establishment, unless a food service establishment is a permitted use in the zoning district and approval has been obtained from the Department of Health.

H. The bed and breakfast home must be in compliance with all other applicable federal, state and local laws.

I. In permitting bed and breakfast homes, the planning director, the planning commissions, and the council shall not consider, nor be bound by, any private conditions, covenants, or restrictions upon the subject parcel. Any such limitations may be enforced against the property owner through appropriate civil action.

J. All advertising for any bed and breakfast home shall include the number of the permit granted to the owner-proprietor.

K. Single-station smoke detectors shall be provided in all guests rooms.

L. Single-family dwellings used as bed and breakfast homes shall not qualify for real property tax exemptions. Please contact the Real Property Tax Division at 70 East Kaahumanu Ave. with questions on taxes.

M. No bed and breakfast home shall create any impact greater than those theretofore existing in that district, and shall conform to the character of the neighborhood.

N. Bed and breakfast homes shall be limited to single-family structures existing and constructed prior to the date of the application for a bed and breakfast permit.

O. Within the Hana community plan area, on Lanai, and on Molokai, a one-square foot sign identifying the bed and breakfast home permit number shall be placed a the front of the property along the main access road. On Lanai and Molokai, the sign shall be attached to an existing structure, such as a fence. On Molokai, the sign shall state the owner-proprietor's telephone number.

P. All parking must be off-street. One (1) off-street parking space is required for each GUEST bedroom in a bed and breakfast home, in addition to the two (2) required parking spaces for the owner-proprietor. When eight or more parking spaces are required, there shall be adequate space on the property for vehicles to turn around within the property and exit the property in a forward motion.

Q. The owner-proprietor shall post "house policies" within each guest room and shall be responsible for enforcing such policies.

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R. The County shall be restricted in approving permits for bed and breakfast homes as distributed per the following community plan areas and as further restricted by the applicable community plan: Hana 48, Kihei-Makena 100, Makawao-Pukalani-Kula 40, Paia-Haiku 88, Wailuku-Kahului 36, and West Maui 88.

S. The planning director or planning commission may impose conditions on the granting of a request for a bed and breakfast home if the conditions are reasonably conceived to mitigate the impacts emanating from the proposed land use.

T. A project notice sign containing wording prescribed by the Department of Planning, shall be posted in a clearly visible location at the front of the property along the main access road notifying the public about the bed and breakfast application. The sign shall be posted five days prior to remitting an application; it shall remain posted throughout the application process, and be removed no later than five days after a final decision has been rendered by the planning director or the planning commission. On Maui and Lanai the sign shall be sixteen (16) square feet and on Molokai the sign shall be four (4) square feet.

U. At least one site inspection will be conducted by a planner from the Department's Current Division. On inspections, all rooms used for the bed and breakfast operation shall be available and shown. Outbuildings intended for the use of guests shall also be available.

V. For lots in the State Land Use Agricultural District, a Land Use Commission Special Use Permit is required before a bed and breakfast permit will be issued. The Land Use Commission Special Use Permit may be applied for concurrently with the bed and breakfast application.

W. For lots in the County Zoned Agricultural District, at least one of the following three (3) standards shall also be met.
1. The bed and breakfast is operated in conjunction with a bona fide agricultural operation that produced $35,000 of gross sales of agricultural products for each of the preceding two years, as shown by State general excise tax forms and federal form 1040 schedule F filings; or
2. The bed and breakfast is not subject to a condominium property regime. The lot must have been created prior to November 1, 2008, comprised of five acres or less, and have an approved farm plan that has been fully implemented and is consistent with chapter 205, HRS; or
3. The bed and breakfast is located in sites listed on the State of Hawaii Historic Register or the National Register of Historic Places.

X. Should the application meet any of the following abbreviated conditions, additional fees and the approval of the respective Planning Commission will be required.
1. If written protests comprise thirty (30) percent or more of the owners and lessees of record within a five-hundred-foot radius from the lot on which the bed and breakfast home is proposed. Written protests will be accepted (postmarked or in person) up to forty-five (45) days from the date of the mailing of the notice of application.
2. If a variance was obtained to meet the requirements for a bed and breakfast home.
3. If an existing bed and breakfast home is operating on a lot within a five-hundred-foot distance from the lot on which the bed and breakfast home is proposed.
4. Within the Hana Community Plan area, if the number of proposed bedrooms to be used in the bed and breakfast home is more than three (3) bedrooms.
5. All initial bed and breakfast permits on Lanai and Molokai.

Y. The bed and breakfast applicant shall provide sufficient information to determine compliance with building codes for all structures on the property.

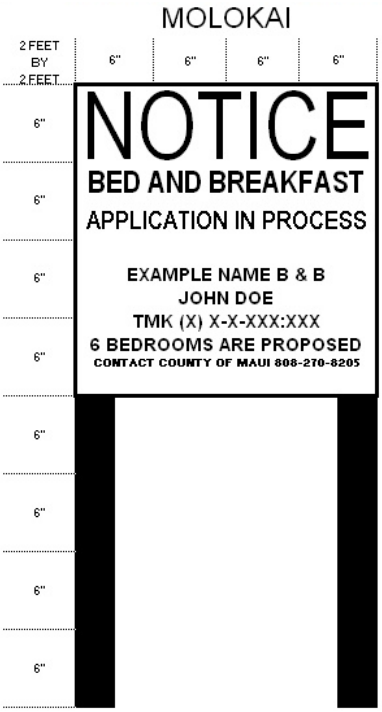
BED & BREAKFAST PROJECT NOTICE SIGN REQUIREMENTS

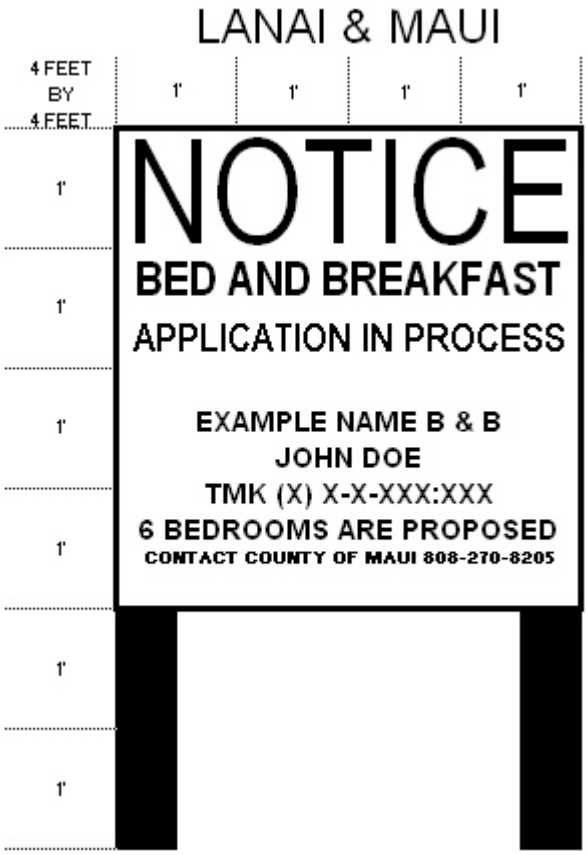
A B&B project notice sign shall be posted in a clearly visible location within five (5) feet of the front of the property boundary along the main access road (but not in the road right of way or other public facility) notifying the public about the bed and breakfast application.

The sign shall be posted five days prior to remitting an application and shall remain posted throughout the application process. On Maui and Lanai the sign is to be sixteen (16) square feet and on Molokai the sign shall be four (4) square feet. The Department recommends that the sign be installed no earlier than fourteen (14) days prior to submitting the application.

The B&B project notice sign shall be a ground sign that is free standing, stationary, erected and supported securely from the ground and meeting the following specifications:

- The sign for Lanai and Maui shall be four (4) feet by four (4) feet in size.
- The sign for Molokai shall be two (2) feet by two (2) feet in size.
- The bottom edge of the sign shall be a minimum of two (2) feet off the ground, mounted on posts.
- The sign and posts shall be made of sturdy material.(example: plywood and 4x4posts)
- Sign background shall be solid white
- All lettering shall be in **BOLD BLACK** CAPITALIZED letters that are easy to read.
- From the top of the sign down, it shall be organized as follows, (see sign example).
  - The upper one-fourth section shall have the word, "**NOTICE**".
  - The following one-fourth section below the word NOTICE shall have the words "**BED AND BREAKFAST APPLICATION IN PROCESS**".
  - The bottom half of the sign shall have the following information (Each bullet point item shall be on a separate line; see examples below):
    - **NAME OF PROPOSED BED & BREAKFAST ESTABLISHMENT**
    - **NAME OF OWNER**
    - **TMK OF LOT**
    - **NUMBER OF BEDROOMS PROPOSED**
    - **CONTACT COUNTY OF MAUI 808- 270-8205**





BED & BREAKFAST PERMIT APPLICATION CHECKLIST

Welcome to the *B&B Permit Application Checklist.* It is designed to guide you through preparing your submittals in a way that leads to the smoothest and quickest processing of your B&B permit application. It is recommended to read the whole checklist (and application form) through before preparing any submittals. All checklist items must be addressed in the manner indicated. If you have any questions, please call the Department for assistance.

- In developing the application packet, please keep in mind that submittal of a digital copy of the entire application packet in PDF format is required.
- All documents submitted shall be on standard sized paper, 8½" by 11", except the site plan and the floor plan may be on 11"x17" paper, if needed.
- All photos shall be numbered and labeled with photo content identification, and shall be printed on standard sized paper, 8½" by 11".
- The following documents and checklist items shall be complete at the time of application submittal. Incomplete applications will not be accepted, or returned, and result in delayed processing.
- Please number all documents and arrange them in the order they are listed below.

☐ 1. A **non-refundable filing fee**, payable to County of Maui, Director of Finance. Checks shall be made payable to the County of Maui, Director of Finance. (see Fee Schedule, Table A & B at www.mauicounty.gov)

Note: If a public hearing is required (determined during review of the application), an additional public hearing filing fee will be required. Bed and Breakfast Permits that qualify for an approval of more than one year will be required to pay an additional amount per additional year granted. Other additional fees may apply and will be collected at a later date.

☐ 2. Completed ***BED & BREAKFAST PERMIT APPLICATION CHECKLIST*** (Pages 7-10).

☐ 3. Submit completed ***BED & BREAKFAST HOME (B&B) PERMIT APPLICATION*** (Page 11).

☐ 4. A fully processed **Zoning & Flood Confirmation Form** . The Applicant begins the process by filling in the project identification portion of the form and submitting it to the Zoning and Administration and Enforcement Division (ZAED) of the Department of Planning. The zoning and flood zone designations are confirmed by ZAED and returned to the Applicant for inclusion in the packet. The form is available online at: http://www.co.maui.hi.us/DocumentView.asp?DID=1704 Email processing is available, or the form may be picked up from and/or submitted directly to ZAED. This form is fee free.

☐ 5. Fill in the five (5) starred (*) items of the ***Neighbor Notice of Filing of a Bed and Breakfast Permit Application*** (Page 13) and the four (4) starred (*) items of the ***Notarized Affidavit of Mailing of Neighbor Notice of Filing*** (Page 13).

NOTE: The Department reviews and, when ready for processing, returns to the applicant the above two (2) signed forms and the submitted *location map, site plan*, and *parking plan*. The applicant will then mail the *Notice of Filing of a Bed and Breakfast Permit Application* (signed by the Department), the *location map, site plan*, and *parking plan* altogether via Certified Mail to all owners and lessees of record within 500 feet of the subject property's boundaries. The Applicant shall return the *Notarized Affidavit of Mailing of Notice of Filing* and deliver the originals of the Certified Mail receipts to the Department not more than forty-five (45) days from the date of mailing of the Notice of Filing (19.64.050(B)).

☐ 6. Fill in the three (3) starred (*) items of the ***Notice of Public Hearing for a Bed and Breakfast Permit Application*** (Page 14) and the four (4) starred (*) items of the ***Notarized Affidavit of Mailing of Notice of Public Hearing*** (Page 15) (MCC: 19.64.040(B)(5),19.510.020).

NOTE: A public hearing may be required as part of the processing of a Bed and Breakfast Home Permit. In the event that a public hearing is required, the Applicant is required to take the following four (4) steps: (1.) pay the **B&B public hearing fee** in the amount specified in the current-fiscal-year fee schedule (Checks shall be made payable to the County of Maui, Director of Finance); (2.) the *Notice of Public Hearing for a Bed and Breakfast Permit Application* shall be mailed via Certified Mail, return receipt requested, to all owners and lessees of record within 500 feet of the subject property's boundaries; (3.) return the *Notarized Affidavit of Mailing of Notice of Public Hearing* and each of the return receipts of Certified Mail to the Department not more than ten (10) business days prior to the date of the Public Hearing; and (4.) publish a *Notice of Public Hearing*, in a form prescribed by the Department, once a week for three (3) consecutive weeks prior to the date of the public hearing, this in a newspaper which is printed and issued at least twice weekly in the County, and which is generally circulated throughout the County.

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☐ 7. Submit **property ownership records** that identify all the property owner(s) of the parcel. (Example: Recorded Warranty Deed or Real Property Tax records) If the property is owned by a trust, submit a copy of the trust summary indicating trustees.

☐ 8. Completed, signed, and ***Notarized Certification of Owners Primary Residence*** (Page 16).

☐ 9. Submit a **notarized written consultant authorization** from property owner(s) if a consultant will process the application: include the owner's name, address, telephone numbers, the consultant's name, address telephone numbers, and the Tax Map Key (TMK) of the property and project name.

☐ 10. Submit **proof of residency** showing that the owner who is proposing to operate the bed and breakfast home is a resident of the County of Maui (Examples: Voter Registration, Drivers License, or Income Tax documents.).

☐ 11. Submit a copy of the owner-proprietor's **Transient Accommodations Tax (TAT)** license for the bed and breakfast home.

☐ 12. Submit a copy of the owner-proprietor's **General Excise Tax (GET)** license for the bed and breakfast home.

☐ 13. A ***500-Foot Boundary Notification List***. The 500-Foot List is a list of Tax Map Key (TMK) numbers, names, and addresses of all the owners and lessees of record within 500 feet of the subject property's boundaries. The list shall be compiled from the most current list available at the Real Property Tax Division of the Department of Finance at the time of application. (Located in Kahului at 70 East Kaahumanu Ave, Suite A-16) Refer to *500-Foot Boundary Notification List & Map Instructions* for more information on how to complete this item (19.64.040(B)(1)).

☐ 14. Submit a ***location map*** (19.64.040(B)(2)). This shall be drawn to scale, identifying the location of the subject property within the general area. Refer to *500-Foot Boundary Notification List & Map Instructions* for more information on how to complete this item.

On this *location map*:

a. Clearly identify the subject property;
b. Clearly identify all lots within 500 feet of the subject property's boundaries;
c. Draw a line indicating the 500-foot boundary; and
d. Include all the Tax Map Key (TMK) numbers within that area or have a clear systematic method to match each lot on the map with the list of owners within 500 feet of the subject property.

☐ 15. Submit a ***site plan*** (19.64.040(A)(4)). You may want to consider hiring someone with experience in drawing site plans. This site plan shall include and be:

a. Drawn on 8 ½ x 11 or 11x17 inch paper. In the case of large parcels and plan areas, full-sized hard copies will be accepted, **and** in which case digital plans in PDF format will also be required;
b. Drawn to scale. Identify scale used on each plan page;
c. Show the entire lot and property lines;
d. Identify the location of all dwellings and structures on the property; and
e. Identify all on-site parking areas and driveways, and indicate all B&B stalls specifically.

☐ 16. Submit a ***parking plan*** (19.64.040(B)(2)). You may want to consider hiring someone with experience in drawing plans. This parking plan shall include and be,

a. Drawn on 8 ½ x 11 or 11x17 inch paper. In the case of large parcels and plan areas, full-sized hard copies will be accepted, **and** in which case digital plans in PDF format will also be required;
b. Drawn to a scale that conveys the required detail. Identify the scale used on each plan page; and
c. Provide a detailed plan of all on-site parking locations, the surface material, who will be using each parking space, the dimensions, isle width, and maneuvering areas. Parking spaces shall be a minimum of 8 ½ feet by 18 feet. Tandem parking and grasscrete are permitted. Parking requirements can be found in MCC 19.36A.010, Designated Number of Spaces, B&B Home.

☐ 17. Submit a detailed ***floor plan*** (19.64.040(A)(4)). You may want to consider hiring someone with experience in drawing floor plans. This detailed floor plan shall include and be,

a. Drawn on 8 ½ x 11 or 11x17 inch paper.
b. Drawn to scale. Identify scale used on each plan page;
c. Identify the use of all rooms in all structures on the property (living rooms, dining rooms, bedrooms, bathrooms, kitchens, wet bars, etc); and
d. Identify which rooms will be used for bed and breakfast operation and which will be used by owner-proprietor and family, if applicable.

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☐ 18. Submit **proof that any proposed B&B dwelling was built in compliance with County regulations at the time of construction**. Methods of proof may include: (1.) a Department of Public Works *Miscellaneous Inspection Report (building, plumbing, and electrical)* for the structures to be used for the Bed and Breakfast operation; (2.) the record of completed building permits *(building, plumbing, and electrical)* for the original construction and all additions; and/or (3.) a certification by a licensed architect of compliance with Maui County building, plumbing, and electrical codes in effect at the time of completion of the dwelling and any additions. The use of methods (2.) and (3.) are subject to Department approval. For method (2.) it is necessary to document to which buildings the permits apply, and that the permitted work was appropriately completed. In the Maui County KivaNet database permits marked a decision code of "A" (approved) and a completion date meet the requirement. Permit documents showing the inspection history and approved final inspections may also meet the requirement.

There are several methods for documenting a structure's **building permit history**. First, for building permits of more recent structures, usually built after 1978, some can be found online at: http://kivanet10g.co.maui.hi.us/kivanet/2/permit/index.cfm. Secondly, the online records of the County's Real Property Tax (RPT) office can be checked by conducting a "Parcel Number Search" in which the "Tax Map Key #" is entered and parcel data tracked by RPT, including building permits, is displayed. Start the search at http://qpublic7.qpublic.net/hi_maui_search.php. Lastly, if an online search does not find building permits for the original buildings and/or all later modifications, you may need to contact the offices of the Department of Public Works (DSA Permit Section, 270-7250), or the RPT office in the County Service Center at Maui Mall in Kahului (270-7297, 70 East Kaahumanu Avenue, Suite A16) to see if they have permit records which are not online. Note that building permits were not required prior to 1952: in these cases submit evidence that the structure was built prior to 1952.

☐ 19. Submit **proof that the proposed B&B inside and outside areas accessible to guests meet the minimum health and safety standards** established by the Department of Planning. Submit either a Department of Planning *Bed and Breakfast Home Inspection Report* or a Department of Public Works *Miscellaneous Inspection Report (building, plumbing, and electrical)*. For information on the *Miscellaneous Inspection Report* contact DSA's Permit Section at 270-7250 (19.64.030(H)).

☐ 20. Submit numbered and labeled **photographs of the B&B home and surrounding site** for which the bed and breakfast use is proposed. At a minimum, the photos should include (1.) two (2) views of the main entrance of the lot from the access road; (2.) the main driveway; (3.) the parking areas for the owner(s), for the residents, and for each proposed bed and breakfast room; (4.) the exterior views of each side of the home, (5.) views from the proposed bed and breakfast home in all directions (North, South, East, and West) showing surrounding lots, (6.) the interior rooms, kitchens, wet bars, and all areas that will be used for bed and breakfast rental, (7.) the single station smoke alarms in each guest sleeping room; (8.) the mounted fire extinguisher(s); and (9.) any other you feel would be helpful in visualizing the site.

☐ 21. Submit numbered and labeled **photographs of Project Notice Sign** showing both its location at the front of the property along the main access road and a close up of the sign face. See *Bed and Breakfast Project Notice Sign Requirements* (Page 6).

☐ 22. Submit a **written description** of the proposed bed and breakfast operations and how it will be compatible with the existing character of your neighborhood.

☐ 23. Submit a **Menu** of the food items that will be provided to guests. Please contact the Department of Health at 54 High Street, Wailuku, for helpful information and regulations regarding this item.

☐ 24. Submit a copy of the ***House Policies*** that will be posted within each guest room. The house policies shall include, at a minimum, the following provisions:

a. Quiet hours from 9:00 p.m. to 8:00 a.m., during which time the noise from the Bed and Breakfast home shall not unreasonably disturb adjacent neighbors. Sound that is audible beyond the property boundaries during non-quiet hours shall not be more excessive than would be otherwise associated with a residential area;
b. Amplified sound that is audible beyond the property boundaries of the bed and breakfast home is prohibited;
c. Vehicles shall be parked in the designated onsite parking area and shall not be parked on the street.

CONTINUED ON NEXT PAGE.

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☐ 25. Submit a copy of the ***Fire Escape Plan*** that will be posted within each guest sleeping room (19.64.030(H)). The exit plan shall include, at a minimum, the following:

a. Complete floor plan of Bed and Breakfast home;
b. "You are here" marked on the exit plan;
c. Arrows indicating the exit path;
d. Meeting place to meet after exiting building; and
e. Location(s) of all fire extinguishers.

Install fire extinguisher(s) with a minimum rating of 2A10B:C, within a seventy-five foot (75') travel distance of **all** interior portions of the facility. The fire extinguisher(s) shall be mounted in a clearly visible and accessible location to potential users.

☐ 26. Indicate the source of potable water:

☐ County Water OR ☐ Private water system
a. Submit a short description of the private water system.

☐ 27. Indicate the type of wastewater system:

☐ County Sewer
☐ Private Wastewater Treatment Plant (PWTP): Name of facility:_____
☐ Individual Wastewater System: Please locate system on site plan
☐ Septic or ☐ Cesspool

☐ 28. Submit a copy of a **road map with directions** from the nearest public airport or harbor to the proposed Bed and Breakfast home. Indicate distances with decimal-mile notation. On Molokai, for the approach to the property, include the nearest mile marker number and the distance from it to the turnoff.

☐ 29. Submit a **digital copy in PDF format** of the completed application packet. Arrange the PDF in the order of the Checklist including all of the submittals required in Checklist Items 1 – 32. In the case of 11 x 17 and other large format plans a separate PDF is suggested.

☐ 30. Are you **currently operating** as a **short-term vacation rental**, or have you within the previous tax year?

☐ No.
☐ Yes. Submit a State of Hawaii tax clearance form (Form A-6) for GET and TAT tax payments for the previous tax year.

An additional permit is required if property is located within the State or County Agricultural District.

☐ 31. A **completed State Land Use Commission Special Use Permit application** and its non-refundable filing fee are required. The fee is discounted fifty percent (50%) as a "second permit fee" for the B&B project. The application form is available online at http://www.co.maui.hi.us/DocumentView.asp?DID=1664 .

☐ 32. For lots in the County Zoned Agricultural District, any one (1) of the following three (3) sets of documentation shall be provided per Section 19.30A.050(B)(12) of the Maui County Code.

☐ a. Preceding two (2) years of State General Excise Tax Forms and Federal Form 1040 Schedule F filings showing gross agricultural sales of $35,000.00 or more during the preceding two (2) years; **or**

☐ b. Proof that the lot was;

- Created prior to November 1, 2008. (Examples: Real Property Tax bill issued by the County of Maui, Real Property Tax records provided by a private company, Title Report indicating when lot was created, or final subdivision plat plan), and
- A map showing the project area is 5 acres or less, or documentation of $35,000 gross agricultural sales for each of the preceding two (2) years.
- An approved Farm Plan and documentation showing that it has been fully implemented. This may be applied for concurrently with the bed and breakfast application. If needed, the Farm Plan Application is available online at http://www.mauicounty.gov. Submit a copy of the approved farm plan letter from the Department, the Farm Plan, and written description of agricultural activities.
- Submit a signed statement, stating that the property is NOT subject to a condominium property regime and will NOT be subject to one for the duration of a bed and breakfast permit; **or**

☐ c. Documentation that the site is listed on the State of Hawaii Historic Register or the National Register of Historic Places.

IMPORTANT NOTE: Keep extra copies of all submitted items for your records and use.

BED & BREAKFAST HOME (B&B) PERMIT APPLICATION

County Use Only
Application Number: BB___-T

Please print legibly or type in the information below.

B&B PROJECT NAME / PROPERTY ADDRESS & INFORMATION

Name of Bed & Breakfast Home: (***If project name is not provided here or on the plans, the first applicant's name will be used.***) _____

Tax Map Key No: _____ **Total Lot Area:** _____

Physical Address: _____

Additional Location Information: _____

PROJECT CONTACT INFORMATION

APPLICANT INFORMATION

Applicant's Name: _____ **Email:** _____

Mailing Address: _____

Phone Number(s): bus _____ hm _____ cell _____ fax _____

Signature: _____ **Date:** _____

APPLICANT INFORMATION (If additional applicants exist, submit additional copies of this page with all content completed.)

Applicant's Name: _____ **Email:** _____

Mailing Address: _____

Phone Number(s): bus _____ hm _____ cell _____ fax _____

Signature: _____ **Date:** _____

CONSULTANT INFORMATION

Contact Name: _____ **Email:** _____

Mailing Address: _____

Phone Number(s): bus _____ hm _____ cell _____ fax _____

Signature: _____ **Date:** _____

DETAILS OF PROPOSED BED AND BREAKFAST HOME USE

Do all property owners live on site? ☐ Yes. ☐ No.

If no, which owners live on site?

_____

Is parcel adjacent to a park or school? ☐ Yes. ☐ No.

If yes, list park/school name(s)

_____

Required Licenses:

General Excise Tax #: _____

Transient Accommodations Tax #: _____

Required Date and Quantities:

Date of NOTICE Sign Posting: _____

Dwellings on Property: _____

B&B Dwellings on Property: _____

Bedrooms on Site: _____

B&B Bedrooms: _____

B&B Parking Spaces on-Site: _____

County Use Only Initial Application Review by:	

NEIGHBOR NOTICE OF FILING OF A BED AND BREAKFAST PERMIT APPLICATION

DATE: _____

TO: _____

Please be informed that the undersigned has applied to the County of Maui Department of Planning for a Bed and Breakfast Home Permit for the following parcel:

1. *TAX MAP KEY NO: _____
2. *LOCATION (Street Address): (*location map* attached) _____
3. *NO. OF BEDROOMS IN PROPOSED BED & BREAKFAST: (*site plan* attached) _____
4. _____

Information relative to the application is available for review at the Department of Planning, 2200 Main Street, Suite 619, Wailuku, Maui, Hawaii, or telephone: 270-8205; Toll-Free from Molokai 1-800-272-0117, extension 7735; and Toll-Free from Lanai 1-800-272-0125, extension 7735.

Enclosed with this notice are three (3) items. The first item is a *location map* identifying the specific parcel being considered for the bed and breakfast home showing the location of all parcels within 500 feet of the subject property's boundaries. The second item is a property *site plan* showing the dwelling(s) and structures on the property with those to be used for the bed and breakfast operation clearly labeled and the locations and dimensions of the on-site parking areas. The third is a *parking plan* showing the details of the parking stalls and access and turnaround areas for the bed and breakfast operation

Testimony relative to this request may be submitted in writing to the Department of Planning, 2200 Main Street, Suite 315, Wailuku, Maui, Hawaii 96793. The noticed owners and lessees of record may file a written protest against the proposed bed and breakfast home with the Planning Director. The protest must include (1.) name and mailing address of the noticed owner or lessee of record (the protestor), and (2.) the parcel number (TMK) of the property held by the protestor that is within 500 feet of the proposed bed and breakfast home. To be valid all protests must be postmarked or received within forty-five (45) days of the mailing of this notice of application. Further, if you wish to receive the Department's action or information of the public hearing, if required, remit a written request to the Department of Planning within forty-five (45) days of the mailing of this notice of application.

_____

*Signature of Applicant

_____

*Applicant's Printed Name

Approved as to form by the Department of Planning: _____

Dated: _____

NOTARIZED AFFIDAVIT OF MAILING OF NEIGHBOR NOTICE OF FILING

* _____, being first duly sworn on oath, deposes and says that:
(Name of Applicant or Consultant)

1. Affiant is the applicant for a Bed and Breakfast Home Permit for property located at
* _____ , in the
* _____ Community Plan District on
* Tax Map Key No.: _____

2. Affiant did on _____ , _____ , deposit in the United States Mail, post paid, by Certified Mail and delivered to addressee, a copy of a *Notice of Filing of a Bed and Breakfast Home Permit Application*, a *location map*, a *site plan*, and a detailed *parking plan*, copies of which are attached hereto and made a part hereof, addressed to each of the persons identified on a list of owners and lessees of record within 500 feet of the subject property's boundaries, a copy of is attached hereto and made a part hereof.

Further Affiant sayeth naught:

_____
(Signature of Applicant or Consultant)

STATE OF HAWAII)
) SS.
COUNTY OF)

On this _____ day of _____, 20 ____, before me personally appeared _____, to me personally known, who, being by me duly sworn or affirmed, did say that such person(s) executed the foregoing instrument as the free act and deed of such person(s), and if applicable in the capacities shown, having been duly authorized to execute such instrument in such capacities.

_____
NOTARY PUBLIC, State of Hawaii.
Print Name _____
My commission expires: _____

NOTARY PUBLIC CERTIFICATION

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

NOTICE OF PUBLIC HEARING FOR A BED AND BREAKFAST PERMIT APPLICATION

DATE: _____

TO: _____

Please be informed that the undersigned has applied to the County of Maui Department of Planning for a Bed and Breakfast Home Permit for the following parcel:

1. *TAX MAP KEY NO: _____
2. *LOCATION (Street Address): (*location map* attached) _____

   *NO. OF BEDROOMS IN PROPOSED BED & BREAKFAST: (*site plan* attached) _____
3. _____

~ THIS SECTION TO BE COMPLETED BY THE DEPARTMENT OF PLANNING ~

The application has been scheduled for a hearing before the _____ Planning Commission.

Public Hearing Date: _____

Time: _____

Place: _____

_____

Information relative to the application is available for review at the Department of Planning, 2200 Main Street, Suite 619, Wailuku, Maui, Hawaii, or telephone: 270-8205; Toll-Free from Molokai 1-800-272-0117, extension 7735; and Toll-Free from Lanai 1-800-272-0125, extension 7735.

Enclosed with this notice are three (3) items. The first item is a *location map* identifying the specific parcel being considered for the bed and breakfast home showing the location of all parcels within 500 feet of the subject property's boundaries. The second item is a property *site plan* showing the dwelling(s) to be used in the bed and breakfast home and the locations and dimensions of the on-site parking areas, and the third is a parking plan showing the details of the parking stalls and access and turnaround areas for the bed and breakfast home

The hearing is held under the authority of the Maui County Code and the Rules of the Maui Planning Commissions. Petitions to intervene shall be filed with the appropriate commission and served upon the Applicant no less than ten (10) days before the public hearing date, no later than 4:30 p.m. on the day of _____. Filing of all documents for the Planning Commissions is c/o the Department of Planning, 2200 Main Street, Suite 315, Wailuku, Hawaii, 96793. The computation of time 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.

Testimony relative to this request may be submitted in writing prior to the hearing to the Planning Commission c/o the Department of Planning, 2200 Main Street, Suite 315, Wailuku, Maui, Hawaii 96793; or presented in person at the time of the public hearing.

Approved as to form by the Department of Planning : _____

Dated: _____

NOTARIZED AFFIDAVIT OF MAILING OF NOTICE OF PUBLIC HEARING

* _____, being first duly sworn on oath, deposes and says that:
(Name of Applicant or Consultant)

1. Affiant is the applicant for a Bed and Breakfast Permit for property located at
* _____ , in the
* _____ Community Plan District on
* Tax Map Key No.: _____

2. Affiant did on _____ , _____ , deposit in the United States Mail, post paid, by certified mail with return receipts, and delivered to addressee, a copy of a *Notarized Affidavit of Mailing of Notice of Public Hearing*, a *location map*, and a site plan, copies of which are attached hereto and made a part hereof, addressed to each of the persons identified on a list of owners and lessees of record within 500 feet of the subject property's boundaries, a copy of which is attached hereto and made a part hereof.

Further Affiant sayeth naught:

_____
(Signature of Applicant or Consultant)

STATE OF HAWAII)
) SS.
COUNTY OF)

On this _____ day of _____, 20 ____, before me personally appeared _____, to me personally known, who, being by me duly sworn or affirmed, did say that such person(s) executed the foregoing instrument as the free act and deed of such person(s), and if applicable in the capacities shown, having been duly authorized to execute such instrument in such capacities.

_____
NOTARY PUBLIC, State of Hawaii.
Print Name _____
My commission expires: _____

NOTARY PUBLIC CERTIFICATION

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

NOTARIZED CERTIFICATION OF OWNERS PRIMARY RESIDENCE

I/WE _____ as the owner(s) of the property located at
(Name of applicants(s))

_____, Tax Map Key No: _____,
(Address of property)

certify that my/our primary residence within the County of Maui is at the above-referenced location and that I/we will be operating the bed and breakfast home and live on the same property as the single-family dwelling unit(s) to be used as the bed and breakfast home for as long as the bed and breakfast is in operation.

_____
(Signature of Applicant(s))

_____
(Printed Name of Applicant(s))

STATE OF HAWAII)
) SS.
COUNTY OF)

On this _____ day of _____, 20 ____, before me personally appeared _____, to me personally known, who, being by me duly sworn or affirmed, did say that such person(s) executed the foregoing instrument as the free act and deed of such person(s), and if applicable in the capacities shown, having been duly authorized to execute such instrument in such capacities.

_____
NOTARY PUBLIC, State of Hawaii.
Print Name _____
My commission expires: _____

NOTARY PUBLIC CERTIFICATION

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