

**COUNCIL OF THE COUNTY OF MAUI**  
**BUDGET AND FINANCE COMMITTEE**

December 15, 2017

**Committee  
Report No.** \_\_\_\_\_

Honorable Chair and Members  
of the County Council  
County of Maui  
Wailuku, Maui, Hawaii

Chair and Members:

Your Budget and Finance Committee, having met on November 28, 2017, makes reference to County Communication 17-432, from the Budget Director, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2018 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX B, REVENUES – FEES, RATES, ASSESSMENTS AND TAXES, DEPARTMENT OF PLANNING, GENERAL FUND, CHARGES FOR CURRENT SERVICES, FEES – DEPARTMENT OF PLANNING."

The purpose of the proposed bill is to amend Appendix B, Fiscal Year 2018 Budget, as it pertains to the Department of Planning, General Fund, Charges for Current Services, Fees – Department of Planning, by 1) establishing Building Permit Review Fees under "Other Permits and Approvals," and 2) revising after-the-fact permit and assessment fees to clarify a \$1,000 minimum fee will be assessed in addition to other application fees.

A representative from the Office of the Mayor said the Department of Planning proposed building permit review fees be included in Appendix B of the Fiscal Year 2018 Budget. Lacking the appropriate authority to collect the fees, the Department rescinded the proposal during the Fiscal Year 2018 Budget deliberations.

Your Committee notes Ordinance 4464 (2017) includes the addition of a new Section 19.04.050, Maui County Code, authorizing the Department to collect fees to review and process ministerial and discretionary permit applications, including applications reviewed by the Department but administered by another agency, such as building permit or subdivision applications.

**COUNCIL OF THE COUNTY OF MAUI**

# **BUDGET AND FINANCE COMMITTEE**

Page 2

**Committee  
Report No. \_\_\_\_\_**

The Deputy Planning Director said applications are often incomplete when they are initially submitted to the Department for review. She said approximately 70 percent of applications require three or more reviews before being approved by the Department.

She said the proposed fee structure allows for the initial review at no charge, and an incremental charge for additional reviews. She said the Department's personnel makes every effort to assist applicants with their submittal to avoid multiple reviews.

The Deputy Director said the majority of incomplete applications are submitted by professionals such as architects and contractors. She added that the Department proposed fees for additional reviews to discourage incomplete applications from being submitted and encourage more thorough work be done by professionals.

She said the Department has a planner available on a daily basis to offer free consultation to anyone needing assistance with completing their application. The consultation is not considered the initial review of the application.

The Deputy Director said the proposed bill also amends after-the-fact permit and assessment fees. She said the proposed amendment clarifies the fee of \$1,000 is in addition to other applicable fees.

Your Committee voted 7-0 to recommend passage of the proposed bill on first reading and filing of the communication. Committee Chair Hokama and members Atay, Carroll, Cochran, Crivello, King, and Sugimura voted "aye." Committee Vice-Chair White and member Guzman were excused.

Your Budget and Finance Committee **RECOMMENDS** the following:

1. That Bill \_\_\_\_\_ (2017), attached hereto, entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2018 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO

COUNCIL OF THE COUNTY OF MAUI  
**BUDGET AND FINANCE COMMITTEE**

Page 3

**Committee  
Report No.** \_\_\_\_\_

APPENDIX B, REVENUES – FEES, RATES, ASSESSMENTS  
AND TAXES, DEPARTMENT OF PLANNING, GENERAL FUND,  
CHARGES FOR CURRENT SERVICES, FEES – DEPARTMENT  
OF PLANNING,” be PASSED ON FIRST READING and be  
ORDERED TO PRINT; and

2. That County Communication 17-432 be FILED.

This report is submitted in accordance with Rule 8 of the Rules of  
the Council.



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RIKI HOKAMA, Chair

bf:cr:17103aa:mmy/jgk

ORDINANCE NO. \_\_\_\_\_

BILL NO. \_\_\_\_\_ (2017)

A BILL FOR AN ORDINANCE AMENDING  
 THE FISCAL YEAR 2018 BUDGET FOR THE COUNTY OF MAUI  
 AS IT PERTAINS TO APPENDIX B, REVENUES – FEES, RATES, ASSESSMENTS AND TAXES,  
 DEPARTMENT OF PLANNING, GENERAL FUND,  
 CHARGES FOR CURRENT SERVICES, FEES – DEPARTMENT OF PLANNING

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Ordinance No. 4456, Bill No. 65 (2017), Draft 1, as amended, "Fiscal Year 2018 Budget", Appendix B, "Revenues – Fees, Rates, Assessments and Taxes" is hereby amended as it pertains to the Department of Planning, General Fund, Charges for Current Services, Fees – Department of Planning, by adding Building Permit Review Fees, and revising the language relating to After-the-fact permit and assessment fees, to read as follows:

"COUNTY OF MAUI  
 REVENUES – FEES, RATES, ASSESSMENTS AND TAXES

ACCOUNT	REVENUE SOURCE	FEE, RATE, ASSESSMENT OR TAX	HRS	COUNTY CODE	ORDINANCE
<b>DEPARTMENT OF PLANNING GENERAL FUND</b>					
<b>CHARGES FOR CURRENT SERVICES:</b>					
Fees – Department of Planning	<b>Table A - Fee Schedule (Public Hearing Required)</b>				
	Geothermal Development Permit				
	Maui Planning Commission Rules of Practice and Procedures 12-201-102 (a)				
	Change of Zoning			19.510.010	
	Conditional Permit			19.40.030	
	Community Plan Amendment			2.80B.110	
	State Land Use District Boundary Amendment			19.68.020	
	Project District Zoning			19.45.040	
	BVA Variance and Appeals				
	Variances - BVA Rules 12-801-69				
	Appeals - BVA Rules 12-801-82				
	County Special Use Permit			19.510.010	
	Special Permit within State Land Use Agricultural and Rural Districts		205-6(a)		
	Project Master Plan Review			19.510.010	
	Shoreline Setback Variances				
	Maui Shoreline Setback Rules 12-203-14(a)(1)				
	Molokai Shoreline Setback Rules 12-304-12(a)(1)				
	Lanai Shoreline Setback Rules 12-403-18(a)(1)				
	Environmental Assessments (non-exempt)				
	Special Management Area (SMA) Permits (non-exempt)				
	Maui SMA Rules 12-202-15(a)(3)				

Molokai SMA Rules 12-302-15(a)(3)  
 Lanai SMA Rules 12-403-15(a)(3)

Nondecennial General Plan Amendment

2.80B.060

<b>Total Valuation</b>	<b>Fee Per Application (unless otherwise stated and subject to exceptions below)</b>
\$0 to \$125,000 .....	\$550
\$125,001 to \$500,000 .....	\$550 for the first \$125,001, plus \$11 for each additional \$5,000 or fraction thereof, to and including \$500,000
Additional review required by changes, additions, revisions, time extensions or renewals: .....	\$165
\$500,001 to \$1,000,000 .....	\$1,370 for the first \$500,001, plus \$11 for each additional \$5,000 or fraction thereof, to and including \$1,000,000
Additional review required by changes, additions, revisions, time extensions or renewal: .....	\$275
\$1,000,001 and up .....	\$2,475 for the first \$1,000,001, plus \$11 for each additional \$5,000 or fraction thereof, to a maximum of \$4,950
Additional review required by changes, additions, revisions, time extensions or renewals: .....	\$550
Additional public hearing notice: .....	\$550

**Table B - Fee Schedule (No Public Hearing Required)**

All other permits or reviews for which no public hearing is required, unless otherwise specified herein (such as Special Management Area Assessments for Exemptions, Minor Permits, Emergency Permits*, Flood Development, Farm Plans, Landscaping Approval, and Comprehensive Signage Plans).....	46-4	\$165
Business – Country Town Design Appeal .....		\$165
		19.510.130
Additional review required by changes, additions, or revisions .....		\$165
*Maui SMA Rules 12-202-12(c)(2)(m), Molokai SMA Rules 12-302-12(c)(2)(L), Maui County Code 19.36A.070, 16.13.160(B)(1)(g)		

**Bed and Breakfast Permits**

19.64.040.(A)

1. New Permit:	
Application Fee .....	\$400
If Public Hearing Required .....	Additional \$550
If B&B Permit approved for:	
1 year .....	No Additional Charge
2 years .....	Additional \$200
3 years .....	Additional \$400
2. Time Extension:	
Application Fee .....	\$300
If B&B Extension approved for:	
1 year .....	No Additional Charge
2 years .....	Additional \$200
3 years .....	Additional \$400
4 years .....	Additional \$600
5 years .....	Additional \$800

**Short-Term Rental Home Permit**

19.65.050(A)

**1. New Permit:**

Application Fee .....	\$650
If Public Hearing Required .....	Additional \$550
If Permit approved for:	
1 year .....	No Additional Charge
2 years .....	Additional \$200
3 years .....	Additional \$400

**2. Time Extension:**

Application Fee .....	\$300
If Extension approved for:	
1 year .....	No Additional Charge
2 years .....	Additional \$200
3 years .....	Additional \$400
4 years .....	Additional \$600
5 years .....	Additional \$800

**3. After-the-Fact Short-Term Rental Home Permit**

Application Fee .....	\$1,850
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19.65.080  
(E)(1)(d)

**Other Permits and Approvals:**

**Building Permit Review Fees**

19.04.050

<u>Initial Review .....</u>	<u>No Charge</u>
<u>Review of First Resubmittal .....</u>	<u>\$250</u>
<u>Review of Second Resubmittal .....</u>	<u>\$500</u>
<u>Review of Additional Resubmittal .....</u>	<u>\$1,000 each</u>

Sign Variances .....	\$550	16.13.170(B)
Other Sign Permits .....	\$55	16.13.160(B)(1)(g)
Other Promotional Signs .....	\$25	16.13.160(A)(3)
Parking Approvals (Non-Administrative) .....	\$110	19.510.010(B)
Parking Approvals (Administrative) .....	\$55	19.510.010(B)
Historic District Commission Applications .....	\$110	19.510.010(B)
Historic District Administrative Applications .....	\$55	19.510.010(B)
Historic District Signs .....	\$55	19.510.010(B)
Historic District Banners .....	\$25	19.510.010(B)
Planned Development .....	\$110	19.510.010(B)
Maui Redevelopment Agency Approval .....	\$110	19.510.010(B)
Existing Permit Review, Time Extension, etc .....	\$110	19.510.010(B)

**EXCEPTIONS TO FEES**

**Concurrent Processing:**

Permit or development applications which are being processed concurrently with other permit or development applications processed by the Department of Planning shall be charged the full fee for the first application and 50% of the normal fee for each additional application to the extent processed at the same time as the first application.

**After-the-fact permit and assessment fees:**

Minimum fee of \$1,000, in addition to other applicable application fees, plus up to 50% of project valuation as determined by the planning director.

**Government Fees:**

Filing fees for development or permit applications filed by or on behalf of any County agency may be waived by the planning director; County agencies shall pay for the direct costs of public notices for applications that require a public hearing.

Affordable Housing:

Projects built and offered for sale or rental in accordance with Chapter 2.96, Maui County Code, shall be exempt from the fees set forth in Table A and Table B by the percentage of fee waived per the percentage of affordable housing units above those required by Chapter 2.96, Maui County Code.

Other Fees (not subject to exceptions above):

- 1. Special Management Area Appeal of Director's Decision ..... \$550  
     Maui SMA Rules 12-202-30  
     Molokai SMA Rules 12-302-26(a)
- 2. Shoreline Setback Appeal ..... \$250  
     Maui Shoreline Setback Rules 12-203-22  
     Lanai Shoreline Setback Rules 12-403-24(2)(a)
- 3. Adoption, Amendment or Repeal of Planning Commission Rules and Regulations ..... \$250  
     Maui Planning Commission Rules of Practice and Procedures 12-201-92(c)(1)(D)  
     Molokai Planning Commission Rules of Practice and Procedures 12-301-63(c)(1)(D)  
     Lanai Planning Commission Rules of Practice and Procedures 12-401-92(c)(1)(D)
- 4. Petition to Intervene ..... \$550  
     Maui Planning Commission Rules of Practice and Procedures 12-201-40(b)

SECTION 2. New material is underscored.

SECTION 3. This Ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:

  
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 JEFFREY UEOKA  
 Deputy Corporation Counsel