


January 23, 2024

MEMO TO: WAI-1(14) File

F R O M: Tom Cook, Chair   
Water and Infrastructure Committee

SUBJECT: **EXPEDITED PERMITTING PROCESS FOR WILDFIRE AFFECTED  
AREAS** (WAI-1(14))

The attached informational documents pertain to Item 1(14) on the Committee's agenda.

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Attachments

2024 JAN 23 AM 7: 29  
OFFICE OF THE  
COUNTY COUNCIL

RECEIVED

Council Chair  
Alice L. Lee

Vice-Chair  
Yuki Lei K. Sugimura

Presiding Officer Pro Tempore  
Tasha Kama

Councilmembers  
Tom Cook  
Gabe Johnson  
Tamara Paltin  
Keani N.W. Rawlins-Fernandez  
Shane M. Sinenci  
Nohelani U'u-Hodgins



Director of Council Services  
David M. Raatz, Jr., Esq.

Deputy Director of Council Services  
Richelle K. Kawasaki, Esq.

## COUNTY COUNCIL

COUNTY OF MAUI  
200 S. HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
[www.MauiCounty.us](http://www.MauiCounty.us)

December 27, 2023

Mr. Josiah Nishita, Director  
Office of Recovery  
County of Maui  
Wailuku, Hawaii 96793

Dear Mr. Nishita:

**SUBJECT: EXPEDITED PERMITTING PROCESS** (WAI-1(10))

At its meeting of January 11, 2024, the Water and Infrastructure Committee intends to discuss matters relating to expediting the current permitting process.

Here is some background information of where we are with this matter:

- At its meeting of October 2, 2023, the Water and Infrastructure Committee received a status report from the Administration's Permitting Process Working Group.
- At its meeting of October 30, 2023, the Government Relations, Ethics, and Transparency Committee noted some Lahaina residents would like to submit permit applications to rebuild their homes now, due to concerns of a lengthy approval process. At the meeting, the Administration stated that County departments have been working on solutions to expedite this process.
- On December 4, 2023, the Department of Public Works Development Services Administration Division issued a Request for Proposals on post-fire recovery and rebuilding assistance.
- At its meeting of December 15, 2023, the Council adopted Resolution 23-194, relating to developing a comprehensive recovery and resiliency plan in response to the Island of Maui's tragic

Mr. Josiah Nishita  
December 27, 2023  
Page 2

wildfires of August 2023, and the challenges related to the County's current permitting process.

To understand and address concerns with the current permitting process, please provide an update on any plans and future legislation relating to expediting the permitting process for properties within the wildfire affected areas the administration may propose. Please explain what sections of the Maui County Code you are considering to revise.

May I further request your written response by **January 4, 2024**. To ensure efficient processing, please transmit your response to [wai.committee@mauicounty.us](mailto:wai.committee@mauicounty.us), and include the relevant Committee item number in the subject line of your response.

Should you have any questions, please contact me or the Committee staff (Jarret Pascual at ext. 7141, or Yvette Bouthillier at ext. 7758).

Sincerely,

A handwritten signature in blue ink, appearing to read "Tom Cook".

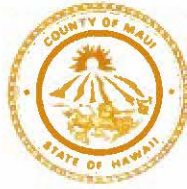
TOM COOK, Chair  
Water and Infrastructure Committee

wai:ltr:001(10)aor01:jpp

cc: Mayor Richard T. Bissen, Jr.

**RICHARD T. BISSEN, JR.**  
Mayor

**JOSIAH K. NISHITA**  
Acting Managing Director



**DEPARTMENT OF MANAGEMENT**  
**COUNTY OF MAUI**  
200 SOUTH HIGH STREET  
WAILUKU, MAUI, Hawaii 96793  
[www.mauicounty.gov](http://www.mauicounty.gov)

January 5, 2024

Honorable Richard T. Bissen, Jr.  
Mayor, County of Maui  
200 South High Street  
Wailuku, HI 96793

**APPROVED FOR TRANSMITTAL**

  
Mayor 1-10-24  
Date

For Transmittal to:

Honorable Tom Cook, Chair  
Water and Infrastructure Committee  
200 South High Street  
Wailuku, HI 96793

Dear Committee Chair Cook:

**SUBJECT: EXPEDITED PERMITTING PROCESS (WAI-1(10))**

In response to your letter dated December 27, 2023, the following outline proposed code revisions related to the subject matter:

**Amendments to 16.25 Post Disaster Building Permit Process:**

- Allow for new construction and expansion (not just the reconstruction of previously permitted 1 and 2 family dwellings)
  - Expedite the first single family dwelling and first accessory dwelling unit with permissible accessory structures on each lot.
  - Consolidate the Building, Plumbing, Electrical, Grading and Driveway permit into a single process run through the MAPPS system that can be administered by consultant services under the supervision of DPW/DSA.

**Amendments to Chapter 19.08 – RESIDENTIAL DISTRICTS:**

- MCC Title 19 Audit was completed, and a contract for the rewrite of the title is underway.
  - Draft recommendations include adding multifamily uses to the residential zoning district.
  - Will address in part the need for multigenerational and extended family housing.

Amendments to 19.04.040 – Definitions.

- Revise the existing definition of “wet bar” which contains the equivalent features of a kitchenette into a legal option for a kitchenette in order to allow additional autonomous living spaces within a single dwelling.
  - Limited to Residential Zoning Districts.
  - To require one additional off-street parking stall per kitchenette.

Amendments to 19.500.110 – Nonconformities.

- For areas affected by disasters resulting in large scale property damage subject to an emergency declared by the Governor of the State of Hawaii
- 19.500.110.B. Nonconforming structures.
  - Increase total maximum damage to 100%.
  - Extend duration for completion of reconstruction to 4 years, compliant with existing building and fire codes.
- 19.500.110.C. Nonconforming uses.
  - If the location where the use occurred was damaged or destroyed, the nonconforming use may be reoccupied within 6 months of completion of the repair reconstruction of the subject building with issuance of a Certificate of Occupancy.

Amendments to 10.48.040 – Parking prohibited on certain streets and highways.

- Minimum pavement or passable right of way width required to be available by MFD anticipated to be 20’, otherwise an automatic sprinkler system will be required.
  - For any fire access of not less than 20’ and not more than 28’ lengths of road will be prohibited from parking on both sides for 20’ and one side for 28’.

Should you have any questions, please do not hesitate to contact me at ext. 7205.

Sincerely,



Josiah K. Nishita  
Acting Managing Director

Council Chair  
Alicé L. Lee

Vice-Chair  
Yuki Lei K. Sugimura

Presiding Officer Pro Tempore  
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December 27, 2023

Director of Council Services  
David M. Raatz, Jr., Esq.

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Mr. Josiah Nishita, Director  
Office of Recovery  
County of Maui  
Wailuku, Hawaii 96793

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## WAI Committee

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**From:** Michelle Santos <Michelle.Santos@co.maui.hi.us>  
**Sent:** Thursday, January 11, 2024 2:58 PM  
**To:** WAI Committee  
**Cc:** Cynthia Sasada; Josiah Nishita; Keanu LauHee; Leo Caires; Louise Batoon; Pili Nahooikaika  
**Subject:** MT#10458 Expedited Permitting Process  
**Attachments:** MT#10458-WAI Committee.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**NOTE: PLEASE DO NOT FORWARD MY EMAIL TO ANYONE OUTSIDE OF THE COUNTY OF MAUI. YOU MAY CLICK ON THE ATTACHMENT ITSELF AND CREATE YOUR OWN EMAIL TO FORWARD THE DOCUMENT TO ANOTHER PERSON OUTSIDE OF THE COUNTY.**

*Michelle L. Santos*

## Office Operations Assistant

Office of the Mayor  
County of Maui  
200 S. High Street 9th Floor  
Wailuku, HI 96793  
phone: (808) 270-7855  
fax: (808) 270-7870



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

BILL NO. 21 (2024)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 16.25,  
MAUI COUNTY CODE, RELATING TO SECTION 105 PERMITS  
OF THE BUILDING CODE ADMINISTRATIVE  
AND SUPPLEMENTAL PROVISIONS

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

SECTION 1. Section 105 Permits, is amended by amending subsection  
105.2.2 to read as follows:

**“105.2.2 Emergency [alteration and repairs of one-and-two family dwellings and accessory structures.] alterations, repairs, reconstruction, and new construction of structures in disaster affected areas.** A. Applicability. Any existing [dwelling and its accessory structures that were legally erected and that have been damaged in] parcel affected by a disaster or civil defense emergency, recognized by the governor pursuant to chapters 127 or 128, Hawaii Revised Statutes, [can be repaired pursuant to this section.] may construct, alter, repair, or reconstruct new and existing structures pursuant to this section. The provisions of this section shall remain in effect for a [two-year period] four-year period, or as may be modified or extended by the mayor, beginning from the day the governor proclaims the state of disaster or emergency, and shall apply to those areas of the county covered by the governor's proclamation[.] and as declared by the mayor. For the purposes of this section:

1. “Residential structures” means single-family dwelling units or attached or detached accessory dwelling units (Group R-3 Occupancy) and their accessory structures (Group U Occupancy).

2. “Commercial structures” means all other structures that do not meet the definition of Residential structures as defined in this section.

3. “Recently built” means any existing dwelling or commercial structure constructed under a permit issued no

more than five years prior to the date of a disaster or civil defense emergency, except that permits for alterations or modification are excluded.

4. “Reviewing department” mean the state and county departments referenced in Section 16.25.105.3.1 that the building official may request review a permit application.

B. [Building] Modified permit application. The building official shall make available a modified building permit application specifically prepared for the issuance of permits under this section. [The modified application may be approved without review from other county agencies or any state agency, except that repair of a non-conforming dwelling or structure shall be reviewed by the planning department. All other state and county agencies that regulate the repair of structures shall be responsible for enforcing their regulations independently upon issuance of the building permit.] Modified applications for residential structures may consolidate the electrical, plumbing, and other permits that are associated with work and issued by the Department of Public Works. Permits for commercial structures may not be consolidated into a modified application unless authorized by the building official.

C. [Electrical and plumbing permits. The modified application may also be used for permits for electrical and plumbing work related to the repair work.] Review. The building official may review and approve the modified applications without sending the applications to other reviewing departments, except when review is deemed necessary by the building official. The owner must comply with all applicable laws of the state, county and United States governments and must submit verification of compliance when requested by the building official. Approval of a building permit pursuant to this section does not relieve the applicant of the requirement to comply with all applicable laws of the state, county and United State governments which may include obtaining other required permits prior to construction. Any owner proposing work under this section agrees to defend, indemnify and hold harmless the building official and the county for the owner’s failure to comply with any laws of the state, county or United States governments. The building official must obtain comments and concurrence from appropriate reviewing departments for any modified application that involves a commercial structure or causes a lot to contain more than two dwellings.

D. Construction drawings. An applicant for a modified permit shall submit construction drawings showing the location and scope of repair work, prepared by a registered design professional. The design professional, applicant and landowner are responsible for ensuring compliance with all laws governing the proposed construction. The construction drawings shall be reviewed and

approved by the building official. The building official may use all available records, including records of the real property tax division of the department of finance [shall be] as the basis for establishing the shape and size of structures prior to damage, provided that the structures were legally constructed. For the reconstruction of recently built residential structures or commercial structures, the previously approved construction plans may be submitted provided that the owner and the design professional authorize the use of the previously approved construction plans in writing to the building official.

E. Permit fees. The building official may defer all plan review and [building] permit fees upon written request by the applicant[.], expect that permit fees for commercial structures may not be deferred. The permit fee for the reconstruction of recently built residential structures or commercial structures using previously approved construction plans may be assessed at fifty percent of the permit fee.

F. Permit issuance. The building official shall be authorized to issue building and associated permits that are issued by the Department of Public Works based upon the modified application. [A copy of the approved modified application and construction drawing(s) shall be distributed to appropriate agencies immediately after the permit is issued.]

G. [Building inspections.] Processing. The building official shall be authorized to deputize additional staff and inspectors for the purpose of [conducting the inspections required by permits issued under] implementing the provisions of this section. [Repair] All work shall be performed in conformance with this code.

H. Illegal construction. Permits issued under this section shall not be interpreted to be an approval of any violation of federal, state, or county statutes, ordinances, or rules. The issuance of a permit shall not relieve the applicant and the property owner from complying with any applicable statutes, ordinances, or rules. Structures or portions thereof that were illegally erected or constructed shall not be repaired under this section.

I. Time extensions. Building, electrical and plumbing permits issued under this section may be extended in accordance with the provisions of the applicable code.

J. Approval by default. If the building official does not take action by either approving, approving with conditions, or denying the modified application within [seven] fifteen calendar days after submittal of all information required by the building official, then the application [shall be deemed approved; provided that the time period for the modified application for repair of a nonconforming building or structure that is subject to section 19.500.110, Maui County code, shall be fifteen calendar days.] is deemed approved

and the permit must be issued upon request by the land owner; except that the building official may withhold issuing a permit if removal of debris generated by the disaster is incomplete, essential services are not restored, concurrence from a reviewing department is required by the building official, or state and county land use approvals are not obtained.

K. Compliance. Work authorized under this section must comply with all laws of the state, county and United States government.”

SECTION 2. Section 105 Permits, is amended by amending subsection 105.2.2.1 to read as follows:

**“105.2.2.1 Deferred permit fee collection.** Deferred fees shall be paid prior to final inspection of the structure. If the deferred plan review and [building] permit fees, including any penalties, are not paid [within two years from the date the disaster declaration is made], then the building official shall have recourse to the remedies provided by law to recover unpaid fees.”

SECTION 3. Material to be repealed is bracketed. New material is underscored. In print this bill, the County Clerk need not include the brackets, the bracketed material, or the underscoring.

SECTION 4. This Ordinance takes effect on approval.

APPROVED AS TO FORM AND LEGALITY:

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MICHAEL J. HOPPER  
Department of Corporation Counsel  
County of Maui  
LF2023-2166  
2024-01-16 Ord Amd Ch 16.25

INTRODUCED BY:

A handwritten signature in cursive script, appearing to read "James R. Lee". The signature is written in black ink and is positioned above a horizontal line.

Upon the request of the Mayor.