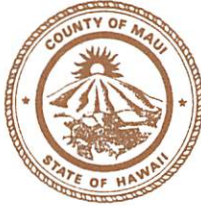


ALAN M. ARAKAWA
MAYOR

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KEITH A. REGAN
MANAGING DIRECTOR

OFFICE OF THE
COUNTY CLERK

OFFICE OF THE MAYOR

Ke'ena O Ka Meia
COUNTY OF MAUI – Kalana O Maui

REFERENCE NO. BD-BA 18-34

October 25, 2017

Honorable Alan Arakawa
Mayor, County of Maui
200 South High Street
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL


Acting Mayor 10/26/17
Date

For Transmittal to:

Honorable Michael White, Chair
and Members of the Maui County Council
200 South High Street
Wailuku, Hawaii 96793

Dear Chair White:

SUBJECT: AMENDMENTS TO THE FISCAL YEAR 2018 BUDGET

On behalf of the Department of Planning, I am transmitting the attached proposed bill for the purpose of amending the Fiscal Year 2018 Budget as it relates to Appendix B, Revenues – Fees, Rates, Assessments and Taxes.

The department is proposing a revision to the language regarding after-the-fact permit and assessment fees to clarify that a \$1,000 minimum fee will be assessed, in addition to other application fees. Currently written, it is unclear whether \$1,000 is the total fee or in addition to the regular application fee.

As a result of the approval of Ordinance No. 4464, effective August 1, 2017, the department is also proposing to establish fees to review and process permit applications, including those that may be administered by another agency. Ordinance No. 4464 also authorized the department to collect fees for multiple reviews when the original application fails to meet submittal requirements.

Thank you for your attention in this matter. Should you have any questions, please feel free to contact me at Ext. 7212.

Sincerely,

LYNN A.S. ARAKI-REGAN
Budget Director

Attachments (2)

cc: Keith Regan, Managing Director
Mark Walker, Interim Director of Finance
William Spence, Director of Planning

COUNTY COMMUNICATION NO. 17-A32

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
DEPARTMENT OF PLANNING GENERAL FUND					
CHARGES FOR CURRENT SERVICES:					
Fees – Department of Planning	Table A - Fee Schedule (Public Hearing Required)				
	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)				

Total Valuation	Fee Per Application (unless otherwise stated and subject to exceptions below)
\$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).....	\$165	46-4
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 19.65.080
 Application Fee \$1,850 (E)(1)(d)

Other Permits and Approvals:

<u>Building Permit Review Fees</u>	<u>19.04.050</u>
Initial Review.....	No Charge
Review of First Resubmittal.....	\$250
Review of Second Resubmittal.....	\$500
Review of Additional Resubmittal.....	\$1,000 each

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:



JEFFREY UEOKA
Deputy Corporation Counsel

ALAN M. ARAKAWA
Mayor

WILLIAM R. SPENCE
Director

MICHELE CHOUTEAU McLEAN
Deputy Director



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OFFICE OF THE MAYOR

COUNTY OF MAUI
DEPARTMENT OF PLANNING

October 19, 2017

Ms. Lynn Araki-Regan, Budget Director
County of Maui
200 South High Street
Wailuku, Hawaii 96793

Dear Ms. Araki-Regan,

We would like to request your assistance in preparing a proposed budget amendment for the Fiscal Year 2018 Annual Budget.

On August 1, 2017, Ordinance No. 4464 took effect and authorized the Department of Planning (Department) to collect fees to review and process permits applications, including those that may be administered by another agency, such as building permits and subdivisions. Ordinance No. 4464 also authorized the Department to collect fees for additional reviews when the original application fails to meet submittal requirements.

Therefore, we would like to amend the FY18 Annual Budget, Appendix B, page 27, under "Other Permits and Approvals" to add the following:

<u>Building Permit and Subdivision Review Fees</u>	
<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>

The County Code reference for this is Sec. 19.04.050.

We would also request a clarifying amendment to the last item on page 27, "After-the-fact permit and assessment fees." We would ask that the following clarification be made:

"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."

It is currently not clear if the \$1,000 is the total fee or in addition to the regular application fee; this amendment would clarify this situation.

We estimate the first proposed amendment to generate significant additional revenue. Department staff estimates that they approve only 10 percent of building permits on the first review due to missing information; approximately 20 percent are approved after the second review; and 70 percent require three or more reviews. In FY17, the Department reviewed 1,377 building

Ms. Lynn Araki-Regan, Budget Director
October 19, 2017
Page 2

permits. Under the proposed amendment, it is estimated that ten percent (or 137) of these would not incur an additional review fee; twenty percent (or 274) would be charged \$250 and generate \$68,500; and 70 percent (or 964) would be charged \$250 for the second review and \$500 for the third review, and generate \$723,000. If an additional review is required, then an additional \$1,000 would also be charged.

We do not believe that the second proposed amendment would generate significant additional revenue; however, it is an important and needed clarification.

Thank you for your assistance and attention to this request. If you have any questions or need additional information, please contact Deputy Director Michele McLean or Administrative Officer Jacky Takakura at Ext 7735.

Sincerely,



 WILLIAM SPENCE
Planning Director

xc: Michele McLean (pdf)
Jacky Takakura (pdf)

MCM:atw

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