

March 23, 2020

MEMO TO: EDB-1 File

F R O M: Tamara Paltin, Chair
Planning and Sustainable Land Use Committee



SUBJECT: **OPERATIONAL AND BUDGETARY REVIEW OF THE
DEPARTMENT OF PLANNING (PSLU-53)**

At its meeting of February 19, 2020, the Planning and Sustainable Land Use Committee conducted an operational and budgetary review of the Department of Planning's Fiscal Year 2020 Budget. Attached is a copy of the Department's PowerPoint presentation.

Following is a summary of questions by Committee members and answers by the Planning Director:

1. What positions are vacant within the Zoning Administration and Enforcement Division?

Office Operations Assistant (front desk, Bargaining Unit 3) and Planner (level for recruitment undetermined, Bargaining Unit 13).

2. Does the Department of Planning have enough Zoning Inspectors?

We were given two new Zoning Inspector positions last fiscal year. We now have a total of eight Zoning Inspectors. Although the enforcement landscape is ever-changing, especially in short-term rental advertising, our efforts have been successful with the additional resources so far.

3. Do you need additional input from the short-term rental enforcement vendor?

We have the funds to put out the request for proposals again this year since we have exhausted the contract extensions with the current vendor.

4. Has the increased fine amount of \$10,000 for operation of an illegal short-term rental been collected this year?

No. However, notices of violation have been issued with the \$10,000 initial and daily fine amounts, and we are working toward compliance and collection for those pending cases.

5. Will the Department be issuing a press release when the report on collected short-term rental fine amounts for last fiscal year is published?

Yes.

6. What is the status of the Kaanapali Beach Restoration Project?

I will transmit an update to the Committee. (Note: The Planning Director's update is attached.)

7. How much more personnel would be needed to update two community plans at once?

If our Department is expected to do all the work in-house, we would have to almost double the size of the Long Range Division. If we had a vendor to help us on an update, we would need some additional staff to monitor the contract and work with the vendor and community.

8. Have you filled the new position allocated to the Long Range Division? What level did you recruit at?

We posted recruitment for a Planner III. The recruitment closed recently, so we are expecting the list from the Department of Personnel Services soon.

9. How is the \$125,000 for Important Agricultural Lands (IAL) expended?

We are drafting the request for proposals for a consultant to propose potential additional lands for IAL designation and to recommend incentives the County might offer to landowners. The IAL designation process has an important community component to it. It is more than just a mapping or research exercise. We received \$125,000 from the Council and \$125,000 from the State

Legislature. We have sent a request to Governor Ige for the State to release the \$125,000.

10. It appears the proviso for permit cost recovery came in below the allocated cost. Will you need a budget amendment?

No. We plan on using the remaining \$55,000 on permit development impact fees by potentially adding remaining non-proviso funds to the \$55,000 if more money is needed.

11. Will the cost of the Transient Oriented Development Master Plan cost \$600,000?

Our plan is to have the contract executed this year so the funds can be encumbered. We have not awarded the contract yet.

12. How many vehicles does the Department have?

Total of 11 cars. I believe we need to replace one car on Molokai and potentially one more on Maui.

13. Will the public-private partnership with the Kanaha Condominium Association be transmitted to Council soon?

Yes. We may partner with our own municipal advisor for assistance with the funding and bond. We don't expect to need additional funds to hire a consultant.

14. How much will it cost to create advisory committees to the Maui Planning Commission?

It depends on the scope of work assigned to the advisory committees and how often they meet. For now, a rough estimate would be \$200,000 for the new staff, which would include a supervising planner, staff planner, and board secretary.



DEPARTMENT OF PLANNING

FY20 Budget Overview
February 19, 2020

Departmental Overview

- Four divisions, plus Administration (74 personnel)
 - Zoning Administration & Enforcement (ZAED), Current, Long Range (LRD), Plan Implementation (PID)
- Seven standing boards/commissions, plus CPACs and MRA:
 - Maui, Molokai and Lanai Planning Commissions
 - Hana Advisory Committee
 - Urban Design Review Board
 - Cultural Resources Commission
 - Board of Variances and Appeals
 - West Maui CPAC
 - Maui Redevelopment Agency

ZAED (27 personnel)

- Division chief, APO, 6 planners, 5 plans reviewers, 2 permit clerks, 8 inspectors and 4 secretaries/clerical (2 vacancies/1 expansion)
- Reviews for building permits, subdivisions and COs for zoning compliance
- Processes zoning confirmations and responds to zoning inquiries (“can I do this on my property?”)
- Issues flood development permits, sign and banner permits, farm plans, landscaping plans, parking plans
- Staffs BVA (processes variances and appeals)
- Responds to complaints, conducts investigations, issues NOWs and NOVs
- More than 10,000 permits, reviews and responses each year

Current (24 personnel)

- Division chief, 15 planners, 5 secretaries/clerical, 3 board/commission secretaries
- Processes administrative and discretionary permits:
 - Special Management Area exemptions and minor, major and emergency permits; B&Bs/STRHs; state and county special use permits; conditional permits; changes in zoning; community plan amendments; state district boundary amendments; EAs/EISs; shoreline setback variances and approvals; historic district reviews
- Staffs the three planning commissions, HAC, UDRB and MRA.
- Approximately 1,500 permits, reviews and responses each year
- Approximately 65 board/commission meetings each year

Long Range (13 personnel)

- Division chief, 6 planners, 4 GIS, public information specialist, secretary (1 vacancy/expansion)
- Manages community plan updates and other long-range planning projects; staffs the Cultural Resources Commission and the West Maui CPAC; maintains the GIS land use database
- Approximately 10 CRC meetings and 25 CPAC and commission meetings held each year

Plan Implementation (4 personnel)

- Division chief, 2 planners, 1 GIS (1 vacancy/expansion)
- Prepares community plan and MIP implementation reports; manages Title 19 Audit; heads the DSSRT project; processes changes to SMA boundaries

Administration (6 personnel)

- Director, Deputy, Private Secretary, Administrative Officer, Account Clerk, Office Operations Assistant
- Oversees all personnel and programs, manages budget

Budget Overview

<u>General Fund</u>	FY18 adopted	FY19 adopted	FY20 adopted
Salaries	\$4,049,409	\$4,478,782	\$4,574,766
Operations	\$1,675,324	\$1,981,824	\$2,426,824
Equipment	\$32,000	\$78,000	\$96,000
TOTAL	\$5,756,733	\$6,538,606	\$7,097,590

<u>Grant Revenue</u>	FY18 adopted	FY19 adopted	FY20 adopted
Salaries	\$229,104	\$248,238	\$263,491
Operations	\$180,590	\$188,767	\$243,138
Equipment	\$2,000	\$2,000	\$2,000
TOTAL	\$411,694	\$439,005	\$508,629

Budget Overview for FY20

- \$7,097,590 in General Funds approved for FY20
- Salaries and Wages: \$4,574,766 (64% of total budget)
- Operations: \$2,426,824 (34% of total budget)
 - Professional Services: \$910,000 (38% of operations budget)
 - Rent: \$621,000 (26% of operations budget)
 - Important Agricultural Lands: \$125,000
 - Transit Oriented Development: \$100,000
 - Permit Cost Recovery: \$75,000
 - Shoreline Management: \$100,000
 - UH Sea Grant: \$104,000
- Equipment: \$96,000 (1% of total budget)
 - Two new vehicles for additional zoning inspectors

Budget Status

- Professional Services (\$910,000)
 - South Maui Community Plan Update (\$400,000)
 - Maui Island Plan Baseline Monitoring Report (\$125,000)
 - Coastal Viewplane Study (\$100,000)
 - Shoreline Permitting (\$100,000)
 - Historic Preservation Plan (\$60,000)
- IAL (\$125,000) and TOD (\$100,000)
- Permit Cost Recovery (\$75,000)
 - Permit Cost Recovery, Traffic Impact Fees, Development Impact Fees
- Shoreline Management (\$100,000)

Fees and Fines

- Application fees and fines collected in FY19: \$865,599
- Fines collected in FY19: \$509,500
- Application fees and fines collected in FY20 to date: \$413,069
- Fines collected in FY20 to date: \$253,500 (SMA only: \$67,000)
- SMA Special Fund Balance as of today: \$87,812.51

Advisory Committees and Permits

- Advisory Committees: supervising planner, staff planner and board/commission secretary: approximately \$200,000 in salaries
- Permit or Registration Numbers for lawful TVRs in Apartment Districts: estimate \$10,000 for contractor to create unit-by-unit numbers

Performance Measures

- Improve customer service and streamline permit application procedures
 - Number of permits reviewed / timeframes, inspections conducted / compliance achieved; inquiries answered
- Increase public participation and access to information by conducting public meetings of boards, commissions and community plan advisory committees, and by making more documents available through the County's website
 - Number of meetings, website updates
- Improve the administration of our land use ordinances and long-range plans by revising and updating ordinances and departmental rules and by implementing long-range plans
 - Number of annual amendments and implementing actions



MAHALO!

Questions?

MICHAEL P. VICTORINO
Mayor

MICHELE CHOUTEAU MCLEAN, AICP
Director

JORDAN E. HART
Deputy Director



DEPARTMENT OF PLANNING
COUNTY OF MAUI
ONE MAIN PLAZA
2200 MAIN STREET, SUITE 315
WAILUKU, MAUI, HAWAII 96793

February 24, 2020

RECEIVED
2020 FEB 24 PM 2:55
OFFICE OF THE MAYOR

2020 FEB 25 AM 9:39
OFFICE OF THE
COUNTY COUNCIL

RECEIVED

Honorable Michael P. Victorino, Mayor
County of Maui
200 South High Street
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL

Michael P. Victorino 2/25/20
Mayor Date

For Transmittal to:

Honorable Tamara Paltin, Chair
Planning and Sustainable Land Use Committee
Maui County Council
200 South High Street
Wailuku, Hawaii 96793

Dear Councilmember Paltin:

**SUBJECT: OPERATIONAL AND BUDGETARY REVIEW OF THE
DEPARTMENT OF PLANNING (PSLU-53)**

At your February 19, 2020 meeting where the annual budget for the Department of Planning (Department) was discussed, members of the Committee had questions about the status of the beach restoration project at Kaanapali Beach. This letter provides the requested information.

The State Legislature originally approved funding for the project in 2016; the funding has been renewed. The original authorization was for approximately \$4.7 million. The most recent request is for approximately \$6.5 million. This funding is expected to cover half of the cost of the project.

The project's Environmental Impact Statement Preparation Notice is finished, and the Draft Environmental Impact Statement is being reviewed by the applicant and its preparers, and will soon be published. The project is anticipated to begin in the fall of 2021. The sand is being sourced from

Honorable Michael P. Victorino, Mayor
For Transmittal to:
Honorable Tamara Paltin
February 24, 2020
Page 2

offshore, where there is approximately an 8.5-acre sand field that may be excavated to a depth of approximately six feet.

Please feel free to contact me should you require additional information or have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'MICHELE MCLEAN', with a stylized, wavy line for a surname.

MICHELE MCLEAN, AICP
Planning Director

xc: Chris Conger, Coastal Geologist, Sea Engineering (pdf)
Tara Owens, UH-Sea Grant Extension Agent (pdf)
James Buika, Shoreline Planner (pdf)

MCM:atw

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MICHAEL P. VICTORINO
Mayor
MICHELE CHOUTEAU MCLEAN, AICP
Director
JORDAN E. HART
Deputy Director



RECEIVED

2020 MAR 17 PM 2:54

OFFICE OF THE MAYOR

DEPARTMENT OF PLANNING
COUNTY OF MAUI
ONE MAIN PLAZA
2200 MAIN STREET, SUITE 315
WAILUKU, MAUI, HAWAII 96793

March 16, 2020

2020 MAR 19 AM 10:20
OFFICE OF THE
COUNTY COUNCIL

RECEIVED

Honorable Michael P. Victorino
Mayor, County of Maui
200 South High Street
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL

for  3/18/20
Mayor Date

For Transmittal to:

Tamara Paltin, Chair
Planning and Sustainable Land Use Committee
200 South High Street
Wailuku, Hawaii 96793

Dear Chair Paltin and Committee Members:

**SUBJECT: OPERATIONAL AND BUDGETARY REVIEW OF THE
DEPARTMENT OF PLANNING (PSLU-53)**

Thank you for your February 24, 2020 letter asking for information about the costs for the Department of Planning (Department) to staff the proposed new Paia-Haiku and South Maui advisory committees to the Maui Planning Commission (MPC).

It is difficult to respond to your questions because the details and roles of the advisory committees has not been made clear. The most recent version of the proposed bill should not be adopted as drafted because it conflicts with the Charter of the County of Maui by stating that certain subsections of Section 13-2 of the Charter would not apply to the proposed advisory committees. Additionally, it broadens the authority of the proposed advisory committees beyond those now delegated to the Hana Advisory Committee (HAC), such as the review of all amendments to Title 19 and all bed and breakfast and short-term rental home permits (even those that do not trigger MPC review). Lastly, the requirement that the proposed advisory committees provide their recommendations within a prescribed time could be problematic and create dissatisfaction among the communities that the proposed advisory committees are intended to represent.

As you know, the Department provided your Committee with a detailed letter, dated January 31, 2020, that raises several issues that we hope will be discussed by the Paia-Haiku and South Maui communities and your Committee before final action is taken on any proposed bill. These issues

include many of those that were raised in public testimony, such as whether the proposed advisory committees should have approval authority over certain permits.

Further, we strongly believe that the MPC should be given the opportunity to comment on a proposed bill before your Committee makes its recommendation to the full Council. Until the proposed advisory committees' roles and responsibilities are clearly defined, it is difficult to determine what the Department's staffing needs will be.

However, the Department can provide these general responses to the questions posed in your February 24 letter; please note that these costs do not include those that may be incurred by other departments, such as the Department of the Corporation Counsel, whose time and resources may also be needed to support the proposed advisory committees:

- **Needed Additional Office Space and Equipment:** We previously estimated that staffing the proposed advisory committees would require three additional personnel who would, ideally, be located in One Main Plaza. The estimated cost for office space to accommodate three personnel is \$1,850 per month or \$22,200 annually. The estimated cost for equipment for these personnel is \$4,000 each or \$12,000 total, and the estimated cost for office furnishings is \$5,500 each or \$16,500 total.
 - Annual Rent: \$22,200
 - Equipment: \$12,000
 - Office Furnishings: \$16,500
- **Cost Difference:** The annual cost difference between our current operations and staffing the two new proposed advisory committees would include the addition of the annual rent as noted above, plus the salaries for the three additional personnel, plus general overhead (office supplies, postage) administrative overhead (senior management), plus training (pursuant to sec. 2.28.080, Maui County Code), for a total of \$261,200.
 - Annual Rent: \$22,200
 - Annual Salaries: \$195,000
 - Annual General Overhead: \$15,000
 - Annual Administrative Overhead: \$22,000
 - Annual training: \$7,000
- **Per-Meeting Cost for the HAC and MPC:** The estimated cost for a HAC meeting is \$1,150 in staff time only; the estimated cost for a MPC meeting is \$1,210 for staff time only. However, the preparation needed for these meetings (e.g., drafting staff reports, publishing public hearing notices, posting agendas) increases the cost substantially.
- **Commission vs. Advisory Committee:** Without having more information on the details of proposed new commissions or advisory committees, the costs of each would be comparable in terms of office space and staffing. The difference would be a cost savings realized if a new

commission would have approval authority over projects because then additional staff time would not be needed to then take the projects to the MPC.

- **Other Concerns:** in addition to the issues raised in our January 31, 2020 letter and the costs noted above, the only other concern that we wish to note is the challenge of maintaining an advisory committee that does not meet regularly, like the HAC. We have had to cancel many HAC meetings due to lack of quorum because they do not have a regular meeting schedule. (Because of the low volume of matters for them to discuss, a regular meeting schedule is not needed.) Additionally, because the HAC meets infrequently, the members are not regularly exposed to the numerous laws and rules that apply to their deliberations, despite annual training, which can make the proceedings challenging for members, staff and applicants.

Depending on the authority given to the proposed advisory committees, this may or may not be an issue for them.

- **MPC Testimony:** at a recent meeting, the MPC was asked if they would allow testimony on any agenda item at the beginning of the meeting for those members of the public who might not be able to stay for the entire meeting. When each agenda item is discussed in turn, the Department planner makes a presentation, then the applicant makes a presentation, then public testimony is taken. The MPC believes that this allows for informed testimony, as testifiers have the benefit of the two presentations before giving their comments; the public also has the opportunity to submit written testimony. The MPC believes that this results in higher quality testimony than if testimony were allowed at the beginning of the meeting, and so decided to continue this practice and not allow testimony at the beginning of the meeting.

Thank you for your consideration of this response and for your careful deliberations on this important matter. If you have any questions or require additional information, please do not hesitate to contact me.

Sincerely,



MICHELE MCLEAN, AICP
Planning Director

xc: Clayton I. Yoshida, Planning Program Administrator

MCM:atw

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