

COUNCIL OF THE COUNTY OF MAUI
PLANNING COMMITTEE

July 22, 2011

Committee
Report No. _____

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

Chair and Members:

Your Planning Committee, having met on June 27, 2011, makes reference to the following:

1. County Communication No. 06-276, from Councilmember Charmaine Tavares, transmitting four draft bills relating to traffic impact fees for traffic and roadway improvements.

The purpose of the four draft bills is to set forth a regulatory scheme for the assessment and collection of traffic impact fees in Hana, Paia-Haiku, Makawao-Pukalani-Kula, and Wailuku-Kahului.

2. County Communications transmitting bills that would authorize setting traffic impact fees administratively, as follows:
 - a. County Communication No. 07-116, from the Director of Finance, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 14.62, MAUI COUNTY CODE, RELATING TO IMPACT FEES FOR TRAFFIC AND ROADWAY IMPROVEMENTS IN WEST MAUI, HAWAII".
 - b. County Communication No. 07-117, from the Director of Finance, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 14.68, MAUI COUNTY CODE, RELATING TO IMPACT FEES FOR TRAFFIC AND ROADWAY IMPROVEMENTS IN KIHEI AND MAKENA, MAUI, HAWAII".
 - c. County Communication No. 07-185, from the Director of Finance, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 14.70, MAUI COUNTY

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CODE, RELATING TO IMPACT FEES FOR TRAFFIC AND ROADWAY IMPROVEMENTS IN HANA, MAUI, HAWAII”.

- d. County Communication No. 07-186, from the Director of Finance, transmitting a proposed bill entitled “A BILL FOR AN ORDINANCE AMENDING CHAPTER 14.74, MAUI COUNTY CODE, RELATING TO IMPACT FEES FOR TRAFFIC AND ROADWAY IMPROVEMENTS IN MAKAWAO-PUKALANI-KULA, MAUI, HAWAII”.
- e. County Communication No. 07-187, from the Director of Finance, transmitting a proposed bill entitled “A BILL FOR AN ORDINANCE AMENDING CHAPTER 14.76, MAUI COUNTY CODE, RELATING TO IMPACT FEES FOR TRAFFIC AND ROADWAY IMPROVEMENTS IN WAILUKU-KAHULUI, MAUI, HAWAII”.
- f. County Communication No. 07-188, from the Director of Finance, transmitting a proposed bill entitled “A BILL FOR AN ORDINANCE AMENDING CHAPTER 14.78, MAUI COUNTY CODE, RELATING TO IMPACT FEES FOR TRAFFIC AND ROADWAY IMPROVEMENTS IN PAIA-HAIKU, MAUI, HAWAII”.

The purposes of the proposed bills are to grant the Planning Director and the Director of Public Works administrative authority to assess traffic impact fees in six community plan areas on the island of Maui.

- 3. Bills for ordinances to establish fee schedules for traffic impact fees, as follows:
 - a. Bill No. 66 (2006) entitled “A BILL FOR AN ORDINANCE TO ESTABLISH A FEE SCHEDULE FOR KIHEI-MAKENA TRAFFIC IMPACT FEES”.
 - b. Bill No. 67 (2006) entitled “A BILL FOR AN ORDINANCE TO ESTABLISH A FEE SCHEDULE FOR WEST MAUI TRAFFIC IMPACT FEES”.

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The purposes of the bills are to establish fee schedules for the Kihei-Makena and West Maui Community Plan areas.

4. Bill No. 77 (2006), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2007 BUDGET FOR THE COUNTY OF MAUI, AS IT PERTAINS TO REVENUES – RATES, FEES AND ASSESSMENTS FOR TRAFFIC IMPACT FEES".

The purpose of the bill is to amend the Fiscal Year ("FY") 2007 Budget, Revenues - Rates, Fees and Assessments ("Appendix B") to establish traffic impact fees in Kihei-Makena and West Maui.

Your Committee notes that in 2006, the Council's Planning Committee (2005-2007 Council term) recommended that bills to establish traffic impact fee schedules for Kihei-Makena and West Maui be passed on first reading and be ordered to print (Committee Report No. 06-148). At its meeting of November 17, 2006, the Council passed Bill No. 66 (2006) and Bill No. 67 (2006) on first reading. At its meeting of December 19, 2006, the Council referred the bills to the Council Chair (2007-2009 Council term) for further review.

Your Committee further notes that at its meeting of December 5, 2006, the Council referred Bill No. No. 77 amending the Fiscal Year 2007 Budget to establish traffic impact fees in Kihei-Makena and West Maui, to the Council Chair (2007-2009 Council term) for further review.

Your Committee further notes that in 2006, the Council's Planning Committee (2005-2007 Council term) recommended that proposed bills relating to traffic impact fees for Hana, Paia-Haiku, Makawao-Pukalani-Kula, and Wailuku-Kahului be passed on first reading and be ordered to print (Planning Committee Report No. 06-168). At its meeting of December 19, 2006, the Council passed Bill Nos. 80 (2006), 81 (2006), 82 (2006), and 83 (2006) on first reading. At its meeting of January 19, 2007, the Council passed the bills on second and final reading (Ordinance Nos. 3431, 3432, 3433, and 3434).

Your Committee further notes that in 2007 and 2008, the Council's Planning Committee (2007-2009 Council term) met on February 27, 2007, July 31, 2007, January 22, 2008, and December 2, 2008, to further discuss traffic impact fees.

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Your Committee further notes that in 2010, the Council's Planning Committee (2009-2011 Council term) met on November 29, 2010 to further discuss traffic impact fees.

For many years, the County has been struggling with establishing a fair and equitable fee structure for traffic impact fees in the various community plan districts. Although Chapters 14.62, 14.68, 14.70, 14.74, 14.76, and 14.78, Maui County Code, set forth a regulatory scheme for the assessment and collection of traffic impact fees, the actual fee structure is yet to be established.

A Planner from the Department of Planning reported that the Department has contracted with a consultant, Wilbur Smith Associates, in association with Belt Collins, to prepare a needs assessment study pursuant to Chapter 264, Part VIII, Hawaii Revised Statutes. This law provides that counties may assess and collect traffic impact fees from a development to incrementally fund a fair share of the capital costs of public highway improvements. It further provides that prior to the assessment and collection of traffic impact fees, a needs assessment study must be approved by the Director of Transportation. The Planner stated that the Department projects that the study will be completed in the fall of 2011.

A Deputy Corporation Counsel informed your Committee that the Department of the Corporation Counsel is working closely with the Department of Planning to draft the appropriate legislation to provide for the assessment and collection of traffic impact fees on the island of Maui. The proposed legislation may be submitted together with the needs assessment study.

Your Committee voted 5-0 to recommend the filing of Bill No. 77 (2006) and County Communication Nos. 07-116, 07-117, 07-185, 07-186, 07-187, and 07-188. Committee Chair Couch, and members Cochran, Mateo, Victorino, and White voted "aye". Committee Vice-Chair Baisa and member Pontanilla were excused.

Your Planning Committee RECOMMENDS the following:

1. That County Communication No. 07-116 be FILED;
2. That County Communication No. 07-117 be FILED;
3. That County Communication No. 07-185 be FILED;

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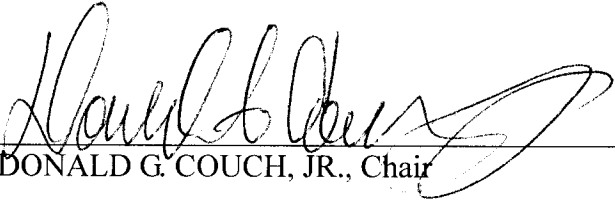
4. That County Communication No. 07-186 be FILED;
5. That County Communication No. 07-187 be FILED;
6. That County Communication No. 07-188 be FILED; and
7. That Bill No. 77 (2006) be FILED.

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



DONALD G. COUCH, JR., Chair

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