
A BILL FOR AN ACT

RELATING TO HIGHWAYS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 205A-22, Hawaii Revised Statutes, is
2 amended by amending the definition of "development" to read as
3 follows:

4 "Development" means any of the uses, activities, or
5 operations on land or in or under water within a special
6 management area that are included below:

- 7 (1) Placement or erection of any solid material or any
8 gaseous, liquid, solid, or thermal waste;
- 9 (2) Grading, removing, dredging, mining, or extraction of
10 any materials;
- 11 (3) Change in the density or intensity of use of land,
12 including but not limited to the division or
13 subdivision of land;
- 14 (4) Change in the intensity of use of water, ecology
15 related thereto, or of access thereto; and
- 16 (5) Construction, reconstruction, demolition, or
17 alteration of the size of any structure.

18 "Development" does not include the following:



- 1 (1) Construction of a single-family residence that is not
2 part of a larger development;
- 3 (2) Repair or maintenance of roads and highways within
4 existing rights-of-way;
- 5 (3) Routine maintenance dredging of existing streams,
6 channels, and drainage ways;
- 7 (4) Repair and maintenance of underground utility lines,
8 including but not limited to water, sewer, power, and
9 telephone and minor appurtenant structures such as pad
10 mounted transformers and sewer pump stations;
- 11 (5) Zoning variances, except for height, density, parking,
12 and shoreline setback;
- 13 (6) Repair, maintenance, or interior alterations to
14 existing structures;
- 15 (7) Demolition or removal of structures, except those
16 structures located on any historic site as designated
17 in national or state registers;
- 18 (8) Use of any land for the purpose of cultivating,
19 planting, growing, and harvesting plants, crops,
20 trees, and other agricultural, horticultural, or
21 forestry products or animal husbandry, or aquaculture



- 1 or mariculture of plants or animals, or other
2 agricultural purposes;
- 3 (9) Transfer of title to land;
- 4 (10) Creation or termination of easements, covenants, or
5 other rights in structures or land;
- 6 (11) Subdivision of land into lots greater than twenty
7 acres in size;
- 8 (12) Subdivision of a parcel of land into four or fewer
9 parcels when no associated construction activities are
10 proposed; provided that any land which is so
11 subdivided shall not thereafter qualify for this
12 exception with respect to any subsequent subdivision
13 of any of the resulting parcels;
- 14 (13) Installation of underground utility lines and
15 appurtenant aboveground fixtures less than four feet
16 in height along existing corridors;
- 17 (14) Structural and nonstructural improvements to existing
18 single-family residences, where otherwise permissible;
- 19 (15) Nonstructural improvements to existing commercial
20 structures; [~~and~~]



1 (16) Construction, installation, maintenance, repair, and
2 replacement of civil defense warning or signal devices
3 and sirens; and

4 (17) Repair or maintenance of existing state roads and
5 highways to the extent the repair or maintenance is
6 necessary to preserve or regain the integrity of the
7 road or highway from damage caused by environmental
8 impacts upon or beneath the road or highway;

9 provided that whenever the authority finds that any excluded
10 use, activity, or operation may have a cumulative impact, or a
11 significant environmental or ecological effect on a special
12 management area, that use, activity, or operation shall be
13 defined as "development" for the purpose of this part."

14 SECTION 2. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

16 SECTION 3. This Act shall take effect on January 1, 2112.

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Report Title:

State highways; repair; special management area permit; waiver

Description:

Excludes repairs or maintenance to existing state highways and roads from county special management area permit requirements to the extent the repair or maintenance is necessary to preserve or regain the integrity of the road or highway. (HB1609 HD1)

