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# A BILL FOR AN ACT

RELATING TO AIRPORTS.

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

1 SECTION 1. Section 261-4, Hawaii Revised Statutes, is  
2 amended by amending subsection (c) to read as follows:

3 "(c) Structures and improvements. [~~All~~] Notwithstanding  
4 any law or provision to the contrary, all structures and  
5 improvements to land, to be used for airport purposes [~~may~~]:

6 (1) May be planned, designed, and constructed by the  
7 department [~~-~~] without the approval of county agencies;  
8 and

9 (2) Shall be exempt from county agencies' special  
10 management area permitting requirements."

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

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

16 (1) Placement or erection of any solid material or any  
17 gaseous, liquid, solid, or thermal waste;



1 (2) Grading, removing, dredging, mining, or extraction of  
2 any materials;

3 (3) Change in the density or intensity of use of land,  
4 including but not limited to the division or  
5 subdivision of land;

6 (4) Change in the intensity of use of water, ecology  
7 related thereto, or of access thereto; and

8 (5) Construction, reconstruction, demolition, or  
9 alteration of the size of any structure.

10 "Development" does not include the following:

11 (1) Construction of a single-family residence that is not  
12 part of a larger development;

13 (2) Repair or maintenance of roads and highways within  
14 existing rights-of-way;

15 (3) Routine maintenance dredging of existing streams,  
16 channels, and drainage ways;

17 (4) Repair and maintenance of underground utility lines,  
18 including but not limited to water, sewer, power, and  
19 telephone and minor appurtenant structures such as pad  
20 mounted transformers and sewer pump stations;

21 (5) Zoning variances, except for height, density, parking,  
22 and shoreline setback;



- 1           (6) Repair, maintenance, or interior alterations to
- 2           existing structures;
- 3           (7) Demolition or removal of structures, except those
- 4           structures located on any historic site as designated
- 5           in national or state registers;
- 6           (8) Use of any land for the purpose of cultivating,
- 7           planting, growing, and harvesting plants, crops,
- 8           trees, and other agricultural, horticultural, or
- 9           forestry products or animal husbandry, or aquaculture
- 10          or mariculture of plants or animals, or other
- 11          agricultural purposes;
- 12          (9) Transfer of title to land;
- 13          (10) Creation or termination of easements, covenants, or
- 14          other rights in structures or land;
- 15          (11) Subdivision of land into lots greater than twenty
- 16          acres in size;
- 17          (12) Subdivision of a parcel of land into four or fewer
- 18          parcels when no associated construction activities are
- 19          proposed; provided that any land which is so
- 20          subdivided shall not thereafter qualify for this
- 21          exception with respect to any subsequent subdivision
- 22          of any of the resulting parcels;



- 1 (13) Installation of underground utility lines and
- 2 appurtenant aboveground fixtures less than four feet
- 3 in height along existing corridors;
- 4 (14) Structural and nonstructural improvements to existing
- 5 single-family residences, where otherwise permissible;
- 6 (15) Nonstructural improvements to existing commercial
- 7 structures; [~~and~~]
- 8 (16) Construction, installation, maintenance, repair, and
- 9 replacement of civil defense warning or signal devices
- 10 and sirens; and
- 11 (17) Construction of airports authorized by the department
- 12 of transportation pursuant to section 261-4;

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

18 SECTION 3. Statutory material to be repealed is bracketed  
 19 and stricken. New statutory material is underscored.

20 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY: *[Signature]*  
*[Signature]* - JAN 19 2007

Report Title:  
Airports; Special management areas

**Description:**

Exempts structures and improvements to land used for airport purposes from special management area permitting requirements and approval of county agencies.

