

JAN 25 2017

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# A BILL FOR AN ACT

RELATING TO SPECIAL MANAGEMENT AREAS.

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

1           SECTION 1. Section 205A-22, Hawaii Revised Statutes, is  
2 amended by adding a new definition to be appropriately inserted  
3 and to read as follows:

4           "Parked lunch wagon or food truck" means a vehicle  
5 equipped to cook or sell beverages and food, including frozen or  
6 prepackaged food. A parked lunch wagon or food truck includes  
7 but is not limited to a vehicle with an on-board kitchen:

8           (1) Used to prepare or cook food or beverages;

9           (2) From which food and beverages are sold to the general  
10 public;

11           (3) Parked at the same site without being moved off the  
12 site for a period of at least seventy-two hours; and

13           (4) Open for business at any time while parked at a site.

14           For purposes of this paragraph, "parked" means the standing  
15 of a lunch wagon or food truck, whether occupied or not,  
16 otherwise than temporarily for the purpose of and while actually  
17 engaged in activities described in this paragraph."



1 SECTION 2. 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, placement, demolition,  
17 or alteration of the size of any structure.

18 "Development" does not include the following:

- 19 (1) Construction or reconstruction of a single-family  
20 residence that is less than seven thousand five



- 1           hundred square feet of floor area and is not part of a  
2           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) Final subdivision approval; provided that in counties  
7 that may automatically approve tentative subdivision  
8 applications as a ministerial act within a fixed time  
9 of the submission of a preliminary plat map, unless  
10 the director takes specific action, a special  
11 management area use permit if required, shall be  
12 processed concurrently with an application for  
13 tentative subdivision approval or after tentative  
14 subdivision approval and before final subdivision  
15 approval;
- 16 (12) Subdivision of land into lots greater than twenty  
17 acres in size;
- 18 (13) Subdivision of a parcel of land into four or fewer  
19 parcels when no associated construction activities are  
20 proposed; provided that any land that is so subdivided  
21 shall not thereafter qualify for this exception with



1           respect to any subsequent subdivision of any of the  
2           resulting parcels;

3           (14) Installation of underground utility lines and  
4           appurtenant aboveground fixtures less than four feet  
5           in height along existing corridors;

6           (15) Structural and nonstructural improvements to existing  
7           single-family residences, where otherwise permissible;

8           (16) Nonstructural improvements to existing commercial  
9           structures; and

10          (17) Construction, installation, maintenance, repair, and  
11          replacement of emergency management warning or signal  
12          devices and sirens;

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. Section 205A-41, Hawaii Revised Statutes, is  
19 amended by amending the definition of "structure" to read as  
20 follows:



1            ""Structure" includes [7] but is not limited to [7] any  
 2 portion of any building, pavement, road, pipe, flume, utility  
 3 line, fence, groin, wall, or revetment [7], or parked lunch wagon  
 4 or food truck as defined in section 205A-22."

5            SECTION 4. Statutory material to be repealed is bracketed  
 6 and stricken. New statutory material is underscored.

7            SECTION 5. This Act shall take effect on July 1, 2017.

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INTRODUCED BY: *[Signature]*

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*will go*

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*[Signature]*  
*Became that*

*Michelle N. Fedani*

*[Signature]*



# S.B. NO. 1182

**Report Title:**

Food Trucks; Special Management Area; Coastal Zone Management;  
Shoreline Setback

**Description:**

Adds a new definition of parked lunch wagons or food trucks to apply in special management areas. Amends the definition of development in a special management area to include placement of any structure. Amends the definition of structure in relation to shoreline setbacks to include parked lunch wagons or food trucks.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

