

JAN 24 2018

A BILL FOR AN ACT

RELATING TO SPECIAL MANAGEMENT AREAS.

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

1 SECTION 1. The legislature finds that coastal erosion, due
2 to a general sea level rise, has created the need for a
3 streamlined review and processing of minor projects within the
4 special management areas of the counties.

5 The purpose of this Act is to closely manage the size of
6 developments within special management areas, given the
7 potential for climate change impact upon the public.

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

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

- 14 (1) Placement or erection of any solid material or any
15 gaseous, liquid, solid, or thermal waste;
- 16 (2) Grading, removing, dredging, mining, or extraction of
17 any materials;



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

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

6 (5) Construction, reconstruction, demolition, or
7 alteration of the size of any structure.

8 "Development" does not include the following:

9 (1) Construction or reconstruction of a single-family
10 residence that is less than [~~seven thousand five~~
11 ~~hundred~~] 2,750 square feet of floor area and 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;



- 1 (5) Zoning variances, except for height, density, parking,
2 and shoreline setback;
- 3 (6) Repair, maintenance, or interior alterations to
4 existing structures;
- 5 (7) Demolition or removal of structures, except those
6 structures located on any historic site as designated
7 in national or state registers;
- 8 (8) Use of any land for the purpose of cultivating,
9 planting, growing, and harvesting plants, crops,
10 trees, and other agricultural, horticultural, or
11 forestry products or animal husbandry, or aquaculture
12 or mariculture of plants or animals, or other
13 agricultural purposes;
- 14 (9) Transfer of title to land;
- 15 (10) Creation or termination of easements, covenants, or
16 other rights in structures or land;
- 17 (11) Final subdivision approval; provided that in counties
18 that may automatically approve tentative subdivision
19 applications as a ministerial act within a fixed time
20 of the submission of a preliminary plat map, unless
21 the director takes specific action, a special



1 management area use permit if required, shall be
2 processed concurrently with an application for
3 tentative subdivision approval or after tentative
4 subdivision approval and before final subdivision
5 approval;

6 (12) Subdivision of land into lots greater than twenty
7 acres in size;

8 (13) Subdivision of a parcel of land into four or fewer
9 parcels when no associated construction activities are
10 proposed; provided that any land that is so subdivided
11 shall not thereafter qualify for this exception with
12 respect to any subsequent subdivision of any of the
13 resulting parcels;

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

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

19 (16) Nonstructural improvements to existing commercial
20 structures; and



1 (17) Construction, installation, maintenance, repair, and
 2 replacement of emergency management warning or signal
 3 devices and sirens;

4 provided that whenever the authority finds that any excluded
 5 use, activity, or operation may have a cumulative impact, or a
 6 significant environmental or ecological effect on a special
 7 management area, that use, activity, or operation shall be
 8 defined as "development" for the purpose of this part."

9 SECTION 3. Statutory material to be repealed is bracketed
 10 and stricken. New statutory material is underscored.

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

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INTRODUCED BY:

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S.B. NO. 2969

Report Title:

Special Management Areas; Development; Single-family Residences

Description:

Reduces the size threshold for a single-family residence that is not part of a larger development to be deemed a "development" for purposes of the Special Management Areas Law.

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