
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 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, or alteration of the
17 size of any structure.



1 "Development" does not include the following:

- 2 (1) Construction or reconstruction of a single-family
3 residence that is less than seven thousand five
4 hundred square feet of floor area, is not situated on
5 a shoreline parcel or a parcel that is impacted by
6 waves, storm surges, high tide, or shoreline erosion,
7 and is not part of a larger development;
- 8 (2) Repair or maintenance of roads and highways within
9 existing rights-of-way;
- 10 (3) Routine maintenance dredging of existing streams,
11 channels, and drainage ways;
- 12 (4) Repair and maintenance of underground utility lines,
13 including but not limited to water, sewer, power, and
14 telephone and minor appurtenant structures such as pad
15 mounted transformers and sewer pump stations;
- 16 (5) Zoning variances, except for height, density, parking,
17 and shoreline setback;
- 18 (6) Repair, maintenance, or interior alterations to
19 existing structures;



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



- (13) Installation of underground utility lines and appurtenant aboveground fixtures less than four feet in height along existing corridors;
- (14) Structural and nonstructural improvements to existing single-family residences, where otherwise permissible;
- (15) Nonstructural improvements to existing commercial or noncommercial structures; and
- (16) Construction, installation, maintenance, repair, and replacement of public facilities, including but not limited to, emergency management warning or signal devices and sirens;

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

SECTION 2. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

INTRODUCED BY: _____



By Request

JAN 18 2022



H.B. NO. 1431

Report Title:

City and County of Honolulu Mayor's Package; Public Facilities;
Special Management Areas; Development; Definition

Description:

Exempts public facilities from review and permitting
requirements applicable to special management areas by amending
the definition of "development".

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not legislation or evidence of legislative intent.*

