
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 targeted amendments
2 to the definition of "development" as it relates to special
3 management areas will promote, not undercut, the environmental
4 controls and quality that special management area regulations
5 are intended to protect. Currently, the broad definition of
6 "development" coupled with rising labor and materials costs can
7 result in a special management area use permit review being
8 required for improvements, facilities, and incidental structures
9 that may not warrant such intense scrutiny and the associated
10 costs and delays that go along with it.

11 The legislature further finds that exclusions from the
12 special management area definition of "development" are
13 desirable for the following activities:

14 (1) Installation, maintenance, repair, and replacement of
15 public pedestrian and bicycle facilities to reduce
16 reliance on vehicles;



1 (2) Trash removal, invasive vegetation removal or control,
2 and fencing for protection of public utility
3 infrastructure or invasive species control or
4 preservation of native habitats to improve the quality
5 of the environment;

6 (3) Installation, maintenance, repair, and replacement to
7 lighting, fixtures, and equipment to comply with
8 standards at public recreational facilities, including
9 health and safety standards, to protect native seabird
10 populations and reduce light pollution; and

11 (4) Construction, installation, maintenance, repair, and
12 replacement, including the installation of security
13 measures, to existing government facilities in the
14 special management area by government agencies.

15 The purpose of this Act is to expand exclusions to the
16 definition of "development" in chapter 205A, Hawaii Revised
17 Statutes, to reduce the need for special management area permits
18 for certain activities.

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



1 "Development" [~~means~~]:

2 (1) Means any of the uses, activities, or operations on
3 land or in or under water within a special management
4 area that are included below:

5 [~~(1)~~] (A) Placement or erection of any solid material
6 or any gaseous, liquid, solid, or thermal waste;

7 [~~(2)~~] (B) Grading, removing, dredging, mining, or
8 extraction of any materials;

9 [~~(3)~~] (C) Change in the density or intensity of use of
10 land, including but not limited to the division
11 or subdivision of land;

12 [~~(4)~~] (D) Change in the intensity of use of water,
13 ecology related thereto, or of access thereto;
14 and

15 [~~(5)~~] (E) Construction, reconstruction, or alteration
16 of the size of any structure[~~-~~]; and

17 [~~"Development" does~~]

18 (2) Does not include the following:

19 [~~(1)~~] (A) Construction or reconstruction of a single-
20 family residence that is less than seven thousand
21 five hundred square feet of floor area, is not



- 1 situated on a shoreline parcel or a parcel that
- 2 is impacted by waves, storm surges, high tide, or
- 3 shoreline erosion, and is not part of a larger
- 4 development;
- 5 ~~[(2)]~~ (B) Repair or maintenance of roads and highways
- 6 within existing rights-of-way;
- 7 ~~[(3)]~~ (C) Routine maintenance dredging of existing
- 8 streams, channels, and drainage ways;
- 9 ~~[(4)]~~ (D) Repair and maintenance of underground
- 10 utility lines, including but not limited to
- 11 water, sewer, power, and telephone and minor
- 12 appurtenant structures such as pad mounted
- 13 transformers and sewer pump stations;
- 14 ~~[(5)]~~ (E) Zoning variances, except for height,
- 15 density, parking, and shoreline setback;
- 16 ~~[(6)]~~ (F) Repair, maintenance, or interior alterations
- 17 to existing structures;
- 18 ~~[(7)]~~ (G) Demolition or removal of structures, except
- 19 those structures located on any historic site as
- 20 designated in national or state registers;



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



- 1 ~~[(13)]~~ (M) Installation of underground utility lines
- 2 and appurtenant aboveground fixtures less than
- 3 four feet in height along existing corridors;
- 4 ~~[(14)]~~ (N) Structural and nonstructural improvements to
- 5 existing single-family residences, where
- 6 otherwise permissible;
- 7 ~~[(15)]~~ (O) Nonstructural improvements to existing
- 8 commercial or noncommercial structures; ~~[and]~~
- 9 ~~[(16)]~~ (P) Construction, installation, maintenance,
- 10 repair, and replacement of emergency management
- 11 warning or signal devices and sirens;
- 12 (Q) Installation, maintenance, repair, and
- 13 replacement of public pedestrian and bicycle
- 14 facilities, including sidewalks, paths, bikeways,
- 15 crosswalks, stairs, ramps, traffic control
- 16 barriers that will not obstruct shoreline access,
- 17 signs, signals, and associated improvements;
- 18 (R) Trash removal and invasive vegetation removal or
- 19 control, excluding the use of herbicides;
- 20 (S) Installation of fencing for protection of public
- 21 utility infrastructure, or for invasive species



- 1 control or preservation of native habitats on
- 2 conservation land, including associated
- 3 improvements and incidental structures;
- 4 (T) Installation, maintenance, repair, and
- 5 replacement of lighting, fixtures, and equipment
- 6 to establish compliance with current standards at
- 7 existing public recreational facilities; and
- 8 (U) Construction, installation, maintenance, repair,
- 9 and replacement, including the installation of
- 10 security measures, to existing government
- 11 facilities in the special management area by
- 12 government agencies;

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. This Act does not affect rights and duties that
 19 matured, penalties that were incurred, and proceedings that were
 20 begun before its effective date.



1 SECTION 4. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 5. This Act shall take effect on July 1, 2050.

4



H.B. NO. 1655 H.D. 2

Report Title:

Special Management Areas; Development; Definition; Exclusions

Description:

Expands exclusions from the definition of "development" as it applies to special management areas to reduce the need for special management area permits for certain activities.
Effective 7/1/2050. (HD2)

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