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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. 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) Demolition or removal of improvements, as well as  
15           structures, except on historic sites, to allow for  
16           activities such as the removal of shoreline hardening  
17           materials which may not qualify as structures;



1           (2) Certain types of repairs and improvements of  
2           pedestrian and bicycle facilities to reduce reliance  
3           on vehicles;

4           (3) Trash removal, invasive vegetation control, and  
5           fencing for invasive species control or preservation  
6           of native habitats to improve the quality of the  
7           environment;

8           (4) Improvements for inspection and maintenance of  
9           utilities to decrease the likelihood of system failure  
10          and environmental harm; and

11          (5) Improvements to lighting, fixtures, and equipment to  
12          comply with standards at public facilities, including  
13          health and safety standards, to protect native seabird  
14          populations and reduce light pollution.

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

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

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

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

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

13       (5)    Construction, reconstruction, or alteration of the  
14               size of any structure.

15       "Development" does not include the following:

16       (1)    Construction or reconstruction of a single-family  
17               residence that is less than seven thousand five  
18               hundred square feet of floor area, is not situated on  
19               a shoreline parcel or a parcel that is impacted by  
20               waves, storm surges, high tide, or shoreline erosion,  
21               and is not part of a larger development;



- 1           (2)   Repair or maintenance of roads and highways within  
2               existing rights-of-way;
- 3           (3)   Routine maintenance dredging of existing streams,  
4               channels, and drainage ways;
- 5           (4)   Repair and maintenance of underground utility lines,  
6               including but not limited to water, sewer, power, and  
7               telephone and minor appurtenant structures such as pad  
8               mounted transformers and sewer pump stations;
- 9           (5)   Zoning variances, except for height, density, parking,  
10              and shoreline setback;
- 11          (6)   Repair, maintenance, or interior alterations to  
12               existing structures;
- 13          (7)   Demolition or removal of structures, except those  
14               structures located on any historic site as designated  
15               in national or state registers;
- 16          (8)   Use of any land for the purpose of cultivating,  
17               planting, growing, and harvesting plants, crops,  
18               trees, and other agricultural, horticultural, or  
19               forestry products or animal husbandry, or aquaculture  
20               or mariculture of plants or animals, or other  
21               agricultural purposes;



- 1           (9)    Transfer of title to land;
- 2           (10)   Creation or termination of easements, covenants, or
- 3                other rights in structures or land;
- 4           (11)   Subdivision of land into lots greater than twenty
- 5                acres in size;
- 6           (12)   Subdivision of a parcel of land into four or fewer
- 7                parcels when no associated construction activities are
- 8                proposed; provided that any land that is so subdivided
- 9                shall not thereafter qualify for this exception with
- 10              respect to any subsequent subdivision of any of the
- 11              resulting parcels;
- 12           (13)   Installation of underground utility lines and
- 13                appurtenant aboveground fixtures less than four feet
- 14                in height along existing corridors;
- 15           (14)   Structural and nonstructural improvements to existing
- 16                single-family residences, where otherwise permissible;
- 17           (15)   Nonstructural improvements to existing commercial or
- 18                noncommercial structures; ~~[and]~~
- 19           (16)   Construction, installation, maintenance, repair, and
- 20                replacement of emergency management warning or signal
- 21                devices and sirens;



1       (17) Installation, maintenance, repair, and replacement of  
2       public pedestrian and bicycle facilities, including  
3       sidewalks, paths, bikeways, crosswalks, stairs, ramps,  
4       traffic control barriers, signs, signals, and  
5       associated improvements;

6       (18) Trash removal or invasive vegetation removal or  
7       control, excluding the use of herbicides;

8       (19) Installation of fencing, including associated  
9       improvements and incidental structures, for invasive  
10       species control or preservation of native habitats on  
11       conservation land;

12       (20) Installation, maintenance, repair, and replacement of  
13       lighting, fixtures, and equipment to establish  
14       compliance with current standards at existing public  
15       facilities; and

16       (21) Installation, maintenance, repair, and replacement of  
17       security measures, including fencing, to existing  
18       public facilities;

19 provided that whenever the authority finds that any excluded  
20 use, activity, or operation may have a cumulative impact, or a  
21 significant environmental or ecological effect on a special



1 management area, that use, activity, or operation shall be  
2 defined as "development" for the purpose of this part."

3 SECTION 3. This Act does not affect rights and duties that  
4 matured, penalties that were incurred, and proceedings that were  
5 begun before its effective date.

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

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



**Report Title:**

Special Management Areas; Development; Definition; Exclusions;  
Office of Planning and Sustainable Development

**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. Takes effect 7/1/2050. (SD2)

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

