

STAND. COM. REP. NO.

263

Honolulu, Hawaii

FEB 14 2023

RE: S.B. No. 74  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-Second State Legislature  
Regular Session of 2023  
State of Hawaii

Sir:

Your Committee on Water and Land, to which was referred S.B. No. 74 entitled:

"A BILL FOR AN ACT RELATING TO SPECIAL MANAGEMENT AREAS,"

begs leave to report as follows:

The purpose and intent of this measure is to establish additional 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.

Your Committee received testimony in support of this measure from the Office of Planning and Sustainable Development, Department of Land and Natural Resources, Hawai'i State Association of Counties, Maui Chamber of Commerce, and one member of the Maui County Council.

Your Committee finds that targeted amendments to the definition of "development" as it relates to special management areas will promote, not undercut, the environmental controls and quality that special management area regulations are intended to protect. Currently, the broad definition of "development" can result in a special management area use permit review being required for improvements, facilities, and incidental structures that may not warrant such intense scrutiny nor the economic burdens of the rising costs of labor, building materials, and delays that go along with it. Therefore, this measure establishes



additional exclusions from the definition of "development" as it applies to special management areas.

Your Committee has heard the testimony of the Hawai'i State Association of Counties, stating that when the definition of "development" under the special management area was amended by Act 153, Session Laws of Hawaii 2011, single-family residences less than seven thousand five hundred square feet of floor area were arbitrarily excluded.

Therefore, your Committee has amended this measure by:

- (1) Deleting the square foot threshold for single-family residences excluded from the definition of "development" and authorizing each county to further define "single-family residence" by zoning ordinance;
- (2) Clarifying that Hawaiian traditional and customary practices are excluded from the definition of "development";
- (3) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 74, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 74, S.D. 1, and be referred to your Committee on Judiciary.

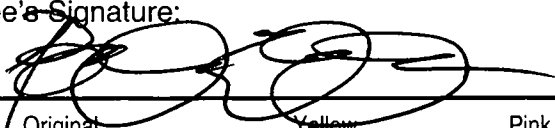
Respectfully submitted on  
behalf of the members of the  
Committee on Water and Land,

  
LORRAINE R. INOUE, Chair



The Senate  
Thirty-Second Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Water and Land**  
**WTL**

Bill / Resolution No.:* <b>SB 74</b>	Committee Referral: <b>WTL, JDC</b>	Date: <b>02 / 10 / 23</b>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
INOUYE, Lorraine R. (C)	✓			
ELEFANTE, Brandon J.C. (VC)	✓			
CHANG, Stanley				✓
MCKELVEY, Angus L.K.	✓			
FEVELLA, Kurt	✓			
<b>TOTAL</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>1</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original    Yellow    Pink    Goldenrod File with Committee Report    Clerk's Office    Drafting Agency    Committee File Copy				

\*Only one measure per Record of Votes