

JAN 20 2023

A BILL FOR AN ACT

RELATING TO COASTAL ZONE MANAGEMENT.

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;

20 (7) Demolition or removal of structures [7] or
21 improvements, except those structures located on any



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



- 1 (13) Installation of underground utility lines and
- 2 appurtenant aboveground fixtures less than four feet
- 3 in height along existing corridors;
- 4 (14) Structural and nonstructural improvements to existing
- 5 single-family residences, where otherwise permissible;
- 6 (15) Nonstructural improvements to existing commercial or
- 7 noncommercial structures; [~~and~~]
- 8 (16) Construction, installation, maintenance, repair, and
- 9 replacement of emergency management warning or signal
- 10 devices and sirens;
- 11 (17) Construction, installation, maintenance, repair, and
- 12 replacement of pedestrian and bicycle facilities,
- 13 including sidewalks, paths, bikeways, crosswalks,
- 14 stairs, ramps, signs, signals, and associated
- 15 improvements, including the placement of barriers for
- 16 the control of vehicle movement;
- 17 (18) Trash removal that will result in incidental ground
- 18 disturbance and vegetation removal;
- 19 (19) Invasive vegetation control with subsurface stump
- 20 removal, excluding the use of pesticides;



1 (20) Installation of fencing for invasive species control
2 or preservation of native habitat, including
3 associated improvements and incidental structures;

4 (21) Removal of fences, walls, or barriers and replacement
5 with gates or other access devices and associated
6 minor improvements for inspection and maintenance of
7 utilities; and

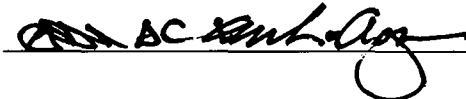
8 (22) Installation, maintenance, repair, and replacement of
9 existing lighting, fixtures, and equipment to
10 establish compliance with current standards at
11 existing public recreation facilities;

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

17 SECTION 2. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

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

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INTRODUCED BY: 



S.B. NO. 1095

Report Title:

Coastal Zone Management; Development

Description:

Amends the definition of "development" to create additional exceptions, including pedestrian or bicycle facilities, trash removal, invasive vegetation control, installation of fencing for invasive species control or native habitat preservation, removal of access devices for inspection and maintenance of utilities, and lighting fixtures at existing public recreation facilities.

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