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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" can result in a special management area use permit  
7 review being required for improvements, facilities, and  
8 incidental structures that may not warrant such intense scrutiny  
9 nor the economic burdens of the rising costs of labor, building  
10 materials, 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 invasive species control or  
 3           preservation of native habitats to improve the quality  
 4           of the environment;

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

10          (4) Installation, maintenance, repair, and replacement of  
 11          security measures for existing public facilities.

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

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

19          "Development" [~~means~~]:



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

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

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

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

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

13       [~~5~~] (E) Construction, reconstruction, or alteration of  
14                   the size of any structure~~[-]~~; and

15       [~~"Development" does~~] (2) Does not include the following:

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



- 1                   not part of a larger development; provided that
- 2                   "single-family residence" may be further defined
- 3                   by each county by zoning ordinance;
- 4       ~~[(2)]~~ (B)    Repair or maintenance of roads and highways
- 5                   within existing rights-of-way;
- 6       ~~[(3)]~~ (C)    Routine maintenance dredging of existing
- 7                   streams, channels, and drainage ways;
- 8       ~~[(4)]~~ (D)    Repair and maintenance of underground utility
- 9                   lines, including but not limited to water,
- 10                  sewer, power, and telephone and minor
- 11                  appurtenant structures such as pad mounted
- 12                  transformers and sewer pump stations;
- 13       ~~[(5)]~~ (E)    Zoning variances, except for height, density,
- 14                  parking, and shoreline setback;
- 15       ~~[(6)]~~ (F)    Repair, maintenance, or interior alterations to
- 16                  existing structures;
- 17       ~~[(7)]~~ (G)    Demolition or removal of structures, except
- 18                  those structures located on any historic site as
- 19                  designated in national or state registers;
- 20       ~~[(8)]~~ (H)    Use of any land for the purpose of cultivating,
- 21                  planting, growing, and harvesting plants, crops,



1 trees, and other agricultural, horticultural, or  
 2 forestry products or animal husbandry, or  
 3 aquaculture or mariculture of plants or animals,  
 4 or other agricultural purposes~~[7]~~, including all  
 5 traditional fishpond and traditional  
 6 agricultural practices;

7 ~~[(9)]~~ (I) Transfer of title to land;

8 ~~[(10)]~~ (J) Creation or termination of easements, covenants,  
 9 or other rights in structures or land;

10 ~~[(11)]~~ (K) Subdivision of land into lots greater than  
 11 twenty acres in size;

12 ~~[(12)]~~ (L) Subdivision of a parcel of land into four or  
 13 fewer parcels when no associated construction  
 14 activities are proposed; provided that any land  
 15 that is so subdivided shall not thereafter  
 16 qualify for this exception with respect to any  
 17 subsequent subdivision of any of the resulting  
 18 parcels;

19 ~~[(13)]~~ (M) Installation of underground utility lines and  
 20 appurtenant aboveground fixtures less than four  
 21 feet in height along existing corridors;





- 1           (T) Installation, maintenance, repair, and
- 2           replacement of lighting, fixtures, and equipment
- 3           to establish compliance with current standards
- 4           at existing public facilities;
- 5           (U) Installation, maintenance, repair, and
- 6           replacement of security measures, including
- 7           fencing, to existing public facilities; and
- 8           (V) Hawaiian traditional and customary practices,
- 9           including work conducted by traditional means
- 10           near, in, or related to loko ia, traditional
- 11           Hawaiian fishponds;

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

20           SECTION 4. Statutory material to be repealed is bracketed  
21 and stricken. New statutory material is underscored.



1 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:**

Establishes 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. Repeals the 7,500 square foot threshold for single-family residence and authorizes the counties to further define single-family residence by ordinance for purposes of "development". Effective 7/1/2050. (SD1)

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

