
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":
5 (1) Means any of the uses, activities, or operations on
6 land or in or under water within a special management
7 area that are included below:
8 (A) Placement or erection of any solid material or
9 any gaseous, liquid, solid, or thermal waste;
10 (B) Grading, removing, dredging, mining, or
11 extraction of any materials;
12 (C) Change in the density or intensity of use of
13 land, including but not limited to the division
14 or subdivision of land;
15 (D) Change in the intensity of use of water, ecology
16 related thereto, or of access thereto; and



- 1 (E) Construction, reconstruction, or alteration of
- 2 the size of any structure; and
- 3 (2) Does not include the following:
- 4 (A) Construction or reconstruction of a single-family
- 5 residence that is less than seven thousand five
- 6 hundred square feet of floor area; is not
- 7 situated on a shoreline parcel or a parcel that
- 8 is impacted by waves, storm surges, high tide, or
- 9 shoreline erosion; and is not part of a larger
- 10 development;
- 11 (B) Repair or maintenance of roads and highways
- 12 within existing rights-of-way;
- 13 (C) Routine maintenance dredging of existing streams,
- 14 channels, and drainage ways;
- 15 (D) Repair and maintenance of underground utility
- 16 lines, including but not limited to water, sewer,
- 17 power, and telephone and minor appurtenant
- 18 structures such as pad mounted transformers and
- 19 sewer pump stations;
- 20 (E) Zoning variances, except for height, density,
- 21 parking, and shoreline setback;



- 1 (F) Repair, maintenance, or interior alterations to
- 2 existing structures;
- 3 (G) Demolition or removal of structures, except those
- 4 structures located on any historic site as
- 5 designated in national or state registers;
- 6 (H) Use of any land for the purpose of cultivating,
- 7 planting, growing, and harvesting plants, crops,
- 8 trees, and other agricultural, horticultural, or
- 9 forestry products or animal husbandry, or
- 10 aquaculture or mariculture of plants or animals,
- 11 or other agricultural purposes, including all
- 12 traditional fishpond and traditional agricultural
- 13 practices;
- 14 (I) Transfer of title to land;
- 15 (J) Creation or termination of easements, covenants,
- 16 or other rights in structures or land;
- 17 (K) Subdivision of land into lots greater than twenty
- 18 acres in size;
- 19 (L) Subdivision of a parcel of land into four or
- 20 fewer parcels when no associated construction
- 21 activities are proposed; provided that any land



1 that is so subdivided shall not thereafter
2 qualify for this exception with respect to any
3 subsequent subdivision of any of the resulting
4 parcels;

5 (M) Installation of underground utility lines and
6 appurtenant aboveground fixtures less than four
7 feet in height along existing corridors;

8 (N) Structural and nonstructural improvements to
9 existing single-family residences, where
10 otherwise permissible;

11 (O) Nonstructural improvements to existing commercial
12 or noncommercial structures;

13 (P) Construction, installation, maintenance, repair,
14 and replacement of emergency management warning
15 or signal devices and sirens;

16 (Q) Installation, maintenance, repair, and
17 replacement of public pedestrian and bicycle
18 facilities, including sidewalks, paths, bikeways,
19 crosswalks, stairs, ramps, traffic control
20 barriers, signs, signals, and associated
21 improvements;



- 1 (R) Trash removal or invasive vegetation removal or
2 control, including incidental ground disturbance,
3 excluding the use of herbicides;
- 4 (S) Installation of fencing, including associated
5 improvements and incidental structures, for
6 invasive species control or preservation of
7 native habitats on conservation land;
- 8 (T) Installation, maintenance, repair, and
9 replacement of lighting, fixtures, and equipment
10 to establish compliance with current standards at
11 existing public facilities;
- 12 (U) Installation, maintenance, repair, and
13 replacement of security measures, including
14 fencing, to existing public facilities; ~~and~~
- 15 (V) Hawaiian traditional and customary practices,
16 including work conducted by traditional means
17 near, in, or related to loko i`a, traditional
18 Hawaiian fishponds; and
- 19 (W) Reconstruction of any lawfully constructed
20 structure that was damaged or destroyed in a
21 disaster proclaimed by the governor or a mayor to



1 constitute a state of emergency or local state of
2 emergency under section 127A-14; provided that
3 the structure is not situated on a shoreline
4 parcel or a parcel that is impacted by waves,
5 storm surges, high tide, or shoreline erosion and
6 the reconstructed structure is similar to its
7 original footprint or the overall dimensions that
8 were existing or permitted and in compliance with
9 the requirements of the National Flood Insurance
10 Program;

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

17 SECTION 2. 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 3. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.



1 SECTION 4. This Act shall take effect on July 1, 3000.



Report Title:

Coastal Zone Management; Development; Definition

Description:

Excludes from the definition of "development" used for purposes of coastal zone management the reconstruction of certain structures that were damaged or destroyed in a disaster proclaimed to be a state of emergency or local state of emergency, under certain conditions. Effective 7/1/3000. (HD1)

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

