

ACT 76

H.B. NO. 2439

A Bill for an Act Relating to Civil Defense Sirens.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature recognizes that civil defense warning or signal devices and sirens are critical to alerting the public to potentially dangerous events and that all efforts should be made to expedite the construction, installation, maintenance, repair, and replacement of civil defense warning or signal devices and sirens. The legislature recognizes that the construction, installation, and replacement of civil defense warning or signal devices and sirens is frequently delayed due to permit requirements that on balance are not justified given the vital role these devices or sirens play in providing for the safety of the public. The purpose of this Act is to expedite the construction, installation, maintenance, repair, and replacement of civil defense warning or signal devices and sirens by exempting them from the definition of “development” for purposes of coastal zone management.

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

““Development” means any of the uses, activities, or operations on land or in or under water within a special management area that are included below:

- (1) Placement or erection of any solid material or any gaseous, liquid, solid, or thermal waste;
- (2) Grading, removing, dredging, mining, or extraction of any materials;
- (3) Change in the density or intensity of use of land, including but not limited to the division or subdivision of land;
- (4) Change in the intensity of use of water, ecology related thereto, or of access thereto; and
- (5) Construction, reconstruction, demolition, or alteration of the size of any structure.

“Development” does not include the following:

- (1) Construction of a single-family residence that is not part of a larger development;
- (2) Repair or maintenance of roads and highways within existing rights-of-way;
- (3) Routine maintenance dredging of existing streams, channels, and drainage ways;

ACT 76

- (4) Repair and maintenance of underground utility lines, including but not limited to water, sewer, power, and telephone and minor appurtenant structures such as pad mounted transformers and sewer pump stations;
- (5) Zoning variances, except for height, density, parking, and shoreline setback;
- (6) Repair, maintenance, or interior alterations to existing structures;
- (7) Demolition or removal of structures, except those structures located on any historic site as designated in national or state registers;
- (8) Use of any land for the purpose of cultivating, planting, growing, and harvesting plants, crops, trees, and other agricultural, horticultural, or forestry products or animal husbandry, or aquaculture or mariculture of plants or animals, or other agricultural purposes;
- (9) Transfer of title to land;
- (10) Creation or termination of easements, covenants, or other rights in structures or land;
- (11) Subdivision of land into lots greater than twenty acres in size;
- (12) Subdivision of a parcel of land into four or fewer parcels when no associated construction activities are proposed; provided that any land which is so subdivided shall not thereafter qualify for this exception with respect to any subsequent subdivision of any of the resulting parcels;
- (13) Installation of underground utility lines and appurtenant aboveground fixtures less than four feet in height along existing corridors;
- (14) Structural and nonstructural improvements to existing single-family residences, where otherwise permissible; [and]
- (15) Nonstructural improvements to existing commercial structures; and
- (16) Construction, installation, maintenance, repair, and replacement of civil defense warning or signal devices and sirens;

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

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

SECTION 4. This Act shall take effect upon its approval.

(Approved May 17, 2004.)