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## A BILL FOR AN ACT

RELATING TO COASTAL ZONE MANAGEMENT.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that the proper oversight  
2 of development plays an important role in balancing the  
3 preservation of coastal areas with commercial or residential  
4 development. However, due to the rise of inflation, the cost of  
5 construction disqualifies most projects from special management  
6 area minor permits. Increasing the valuation for minor permits,  
7 while requiring no adverse impacts to the environment, is vital  
8 to maintaining a balance between the two competing interests.

9           The purpose of this Act is to:

10           (1) Exclude from the definition of "development" the  
11           consolidation and re-subdivision of a parcel of land  
12           under certain conditions; and

13           (2) Increase the threshold for special management area  
14           minor permit and special management area use permit.

15           SECTION 2. Section 205A-22, Hawaii Revised Statutes, is  
16 amended as follows:

17           1. By amending the definition of "development" to read:



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

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

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

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

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

13           (5) Construction, reconstruction, demolition, or  
14               alteration of the size of any structure.

15           "Development" does not include the following:

16           (1) Construction of a single-family residence that is not  
17               part of a larger development;

18           (2) Repair or maintenance of roads and highways within  
19               existing rights-of-way;

20           (3) Routine maintenance dredging of existing streams,  
21               channels, and drainage ways;



- 1           (4) Repair and maintenance of underground utility lines,  
2           including but not limited to water, sewer, power, and  
3           telephone and minor appurtenant structures such as pad  
4           mounted transformers and sewer pump stations;
- 5           (5) Zoning variances, except for height, density, parking,  
6           and shoreline setback;
- 7           (6) Repair, maintenance, or interior alterations to  
8           existing structures;
- 9           (7) Demolition or removal of structures, except those  
10          structures located on any historic site as designated  
11          in national or state registers;
- 12          (8) Use of any land for the purpose of cultivating,  
13          planting, growing, and harvesting plants, crops,  
14          trees, and other agricultural, horticultural, or  
15          forestry products or animal husbandry, or aquaculture  
16          or mariculture of plants or animals, or other  
17          agricultural purposes;
- 18          (9) Transfer of title to land;
- 19          (10) Creation or termination of easements, covenants, or  
20          other rights in structures or land;
- 21          (11) Subdivision of land into lots greater than twenty  
22          acres in size;



- 1       (12)   Subdivision of a parcel of land into four or fewer  
2            parcels when no associated construction activities are  
3            proposed; provided that any land which is so  
4            subdivided shall not thereafter qualify for this  
5            exception with respect to any subsequent subdivision  
6            of any of the resulting parcels;
- 7        (13)   Consolidation and resubdivision of a parcel of land;  
8            provided that no additional lots are created; provided  
9            further that roadway and utility lots shall not be  
10           counted as additional lots;
- 11       ~~[(13)]~~ (14)   Installation of underground utility lines and  
12            appurtenant aboveground fixtures less than four feet  
13            in height along existing corridors;
- 14       ~~[(14)]~~ (15)   Structural and nonstructural improvements to  
15            existing single-family residences, where otherwise  
16            permissible;
- 17       ~~[(15)]~~ (16)   Nonstructural improvements to existing  
18            commercial structures; and
- 19       ~~[(16)]~~ (17)   Construction, installation, maintenance, repair,  
20            and replacement of civil defense warning or signal  
21            devices and sirens;



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

6 2. By amending the definition of "special management area  
7 minor permit" to read:

8 "Special management area minor permit" means an action by  
9 the authority authorizing development the valuation of which is  
10 not in excess of [~~\$125,000~~] \$250,000 and which has no  
11 substantial adverse environmental or ecological effect, taking  
12 into account potential cumulative effects."

13 3. By amending the definition of "special management area  
14 use permit" to read:

15 "Special management area use permit" means an action by  
16 the authority authorizing development the valuation of which  
17 exceeds [~~\$125,000~~] \$250,000 or which may have a substantial  
18 adverse environmental or ecological effect, taking into account  
19 potential cumulative effects."

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

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# H.B. NO. 2925

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

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INTRODUCED BY: ~~SEN~~ D.C. Keith-Adams

JAN 27 2010



**Report Title:**

Coastal Zone Management; Permits

**Description:**

Increases the threshold amount for special management area minor permits and special management area use permits. Amends the definition of "development" to exclude the consolidation and resubdivision of a parcel of land under certain circumstances.

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