

JAN 27 2010

S.B. NO. 2924

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.

22



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

2

INTRODUCED BY: 



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.

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

