
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 the costs of
2 purchasing and importing construction materials, along with the
3 costs of labor, have risen at a rate that has increased overall
4 costs of projects that in the past may have been viewed as
5 unsubstantial or minor. Further, the increase in the number of
6 these minor projects, and the shortage of personnel that the
7 various county planning departments are experiencing, have
8 significantly slowed down the review and processing of minor
9 projects within the special management areas of the counties.

10 The purpose of this Act is to establish a new threshold of
11 ten thousand square feet of structural area for the review of
12 minor projects within the special management areas of the
13 counties to allow the expeditious processing and approval of
14 these minor projects that have been stalled.

15 SECTION 2. Section 205A-22, Hawaii Revised Statutes, is
16 amended by amending the definitions of "development", "special
17 management area minor permit", and "special management area use
18 permit" to read as follows:

HB117 HD2 HMS 2011-2762-A1



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 or which does not exceed
18 ten thousand square feet of floor area;
- 19 (2) Repair or maintenance of roads and highways within
20 existing rights-of-way;
- 21 (3) Routine maintenance dredging of existing streams,
22 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) Installation of underground utility lines and
8 appurtenant aboveground fixtures less than four feet
9 in height along existing corridors;
- 10 (14) Structural and nonstructural improvements to existing
11 single-family residences, where otherwise permissible;
- 12 (15) Nonstructural improvements to existing commercial
13 structures; and
- 14 (16) Construction, installation, maintenance, repair, and
15 replacement of civil defense warning or signal devices
16 and sirens;
- 17 provided that whenever the authority finds that any excluded
18 use, activity, or operation may have a cumulative impact, or a
19 significant environmental or ecological effect on a special
20 management area, that use, activity, or operation shall be
21 defined as "development" for the purpose of this part.



1 "Special management area minor permit" means an action by
2 the authority authorizing development [~~the valuation of which is~~
3 ~~not in excess of \$125,000 and which~~] that has no substantial
4 adverse environmental or ecological effect, taking into account
5 potential cumulative effects.

6 "Special management area use permit" means an action by the
7 authority authorizing development [~~the valuation of which~~
8 ~~exceeds \$125,000 or which~~] that may have a substantial adverse
9 environmental or ecological effect, taking into account
10 potential cumulative effects."

11 SECTION 3. This Act does not affect rights and duties that
12 matured, penalties that were incurred, and proceedings that were
13 begun, before its effective date.

14 SECTION 4. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

16 SECTION 5. This Act shall take effect on July 1, 3000.



Report Title:

Special Management Areas; Use Permit

Description:

Replaces the value of a development to determine whether a minor permit or use permit is required in a coastal special management area with a criteria based on the size of development.

Effective July 1, 3000. (HB117 HD2)

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

