

SENATE FLOOR AMENDMENT

FLOOR AMENDMENT NO. _____

4

Date _____

APR 12 2011

TO: H.B. No. 117, H.D. 2, S.D. 1

SECTION 1. House Bill No. 117, H.D. 2, S.D. 1, is amended by amending the definition of "Development" under section 205A-22, Hawaii Revised Statutes, as amended by Section 3 of the bill, to exclude preliminary or subdivision approval, and 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; provided that a single-family residence that is situated on a tax map key parcel that is subject to a shoreline setback shall be included in the definition of a "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;
- (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) Preliminary or tentative subdivision approval;
- ~~[(11)]~~ (12) Subdivision of land into lots greater than twenty acres in size;
- ~~[(12)]~~ (13) 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)]~~ (14) Installation of underground utility lines and appurtenant aboveground fixtures less than four feet in height along existing corridors;
- ~~[(14)]~~ (15) Structural and nonstructural improvements to existing single-family residences, where otherwise permissible;
- ~~[(15)]~~ (16) Nonstructural improvements to existing commercial structures; and
- ~~[(16)]~~ (17) 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 2. House Bill No. 117, H.D. 2, S.D. 1, is amended by adding a new section 4 to part I to amend section 205A-29(b), Hawaii Revised Statutes, to clarify that a county agency may authorize a development without first obtaining approval under chapter 205A, Hawaii Revised Statutes, and to read as follows.

"SECTION 4. Section 205A-29, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) ~~[Ne]~~ An agency authorized to issue permits pertaining to any development within the special management area ~~[shall]~~ may authorize any development ~~[unless approval is first received]~~ in accordance with the procedures adopted pursuant to this part. For the purposes of this subsection, county general



plan, state land use district boundary amendments, and zoning changes are not permits.""

SECTION 3. House Bill No. 117, H.D. 2, S.D. 1, is amended by renumbering Sections 4, 5, 6, and 7 to Sections 5, 6, 7, and 8, respectively.

Offered by:

Carried

Failed to Carry

Withdrawn

