

JAN 26 2011

A BILL FOR AN ACT

RELATING TO LAND DEVELOPMENT.

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

1 SECTION 1. Chapter 46, Hawaii Revised Statutes, is amended
2 by adding a new section to be appropriately designated and to
3 read as follows:

4 "§46- Development in hazardous areas. (a)

5 Notwithstanding any law to the contrary, beginning on July 1,
6 2012, no county subdivision, development plan, or building
7 permit shall be issued to an applicant who is a subdivider,
8 developer; or builder of a new residential or commercial
9 structure that is within one hundred feet downhill of any state-
10 owned property containing hillsides or cliffs with slopes of
11 thirty degrees or more.

12 (b) The director of the appropriate state agency may grant
13 a written waiver of the requirements under subsection (a) to an
14 appropriate county agency and applicant; provided that the
15 applicant:

16 (1) Performs or causes to be performed, at the applicant's
17 cost, a risk assessment to determine the risks of
18 rockfalls or landslides that pose or may pose a hazard



1 to any person or structure on or adjacent to the
2 subdivision or development project site; or

3 (2) Creates hazard buffer zones or implements other
4 appropriate mitigation measures in the areas of the
5 subdivision or development site where a rockfall or
6 landslide hazard is determined or is suspected to
7 exist, that are sufficient to protect the health and
8 safety of future homeowners and persons in the
9 vicinity of the property, and provides a written
10 disclosure of those risks to all potential homeowners
11 that will run with the land.

12 For purposes of this section, any determination of the
13 existence of a hazard or risk of harm from hillsides or cliffs
14 with a slope grade of thirty degrees or greater shall be
15 performed by a licensed geotechnical professional.

16 (c) For the purposes of this section, "subdivision" means
17 any land that is divided or is proposed to be divided for the
18 purpose of disposition into two or more lots, parcels, units, or
19 interests and includes any land, whether contiguous or not, if
20 two or more lots are offered as part of a common promotional
21 plan of advertising and sale."



1 SECTION 2. By December 31, 2011, the department of
 2 defense, the department of Hawaiian home lands, the department
 3 of land and natural resources, and the department of
 4 transportation shall determine the locations of state lands
 5 controlled by their respective jurisdictions that:

- 6 (1) Contain hillsides or cliffs with a slope grade of
 7 thirty degrees or greater; and
- 8 (2) Are located within one hundred feet of the boundaries
 9 of the state land and submit that information to the
 10 appropriate zoning agencies of the counties no later
 11 than March 31, 2012.

12 SECTION 3. New statutory material is underscored.

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

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INTRODUCED BY:

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Report Title:

Land Development; Permits

Description:

Prohibits counties from issuing building permits for commercial or residential structures that are within one hundred feet downhill of any state-owned property with hillsides or cliffs with slopes of thirty degrees or more; allows for written waivers in certain situations; requires certain state agencies to report relevant information to the counties.

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