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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 permits and special management area use permits.

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

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

18           ""Development" [~~means~~]:



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

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

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

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

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

13       ~~[(5)]~~ (E)    Construction, reconstruction, demolition, or  
14                   alteration of the size of any structure~~[-]~~; and

15       ~~["Development" does]~~

16       (2)    Does not include the following:

17       ~~[(1)]~~ (A)    Construction of a single-family residence that is  
18                   not part of a larger development;

19       ~~[(2)]~~ (B)    Repair or maintenance of roads and highways  
20                   within existing rights-of-way;

21       ~~[(3)]~~ (C)    Routine maintenance dredging of existing streams,  
22                   channels, and drainage ways;



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



- 1        ~~(11)~~ (K)    Subdivision of land into lots greater than twenty
- 2                                  acres in size;
- 3        ~~(12)~~ (L)    Subdivision of a parcel of land into four or
- 4                                  fewer parcels when no associated construction
- 5                                  activities are proposed; provided that any land
- 6                                  which is so subdivided shall not thereafter
- 7                                  qualify for this exception with respect to any
- 8                                  subsequent subdivision of any of the resulting
- 9                                  parcels;
- 10        (M)    Consolidation and re-subdivision of a parcel of
- 11                                  land; provided that no additional lots are
- 12                                  created; provided further that roadway and
- 13                                  utility lots shall not be counted as additional
- 14                                  lots;
- 15        ~~(13)~~ (N)    Installation of underground utility lines and
- 16                                  appurtenant aboveground fixtures less than four
- 17                                  feet in height along existing corridors;
- 18        ~~(14)~~ (O)    Structural and nonstructural improvements to
- 19                                  existing single-family residences, where
- 20                                  otherwise permissible;
- 21        ~~(15)~~ (P)    Nonstructural improvements to existing commercial
- 22                                  structures; and





1 SECTION 3. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

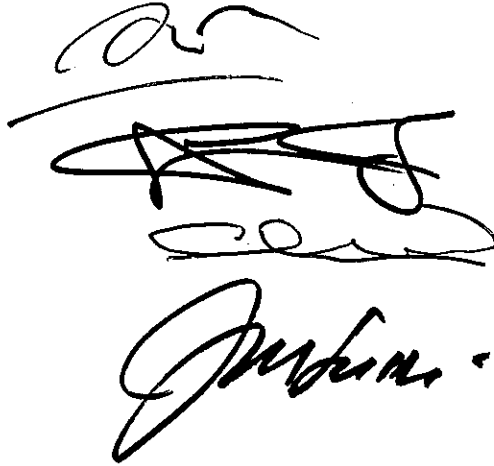
3 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:

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JAN 21 2011



**Report Title:**

Coastal Zone Management; Development; 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 re-subdivision 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.*

