

JAN 26 2011

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 land 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

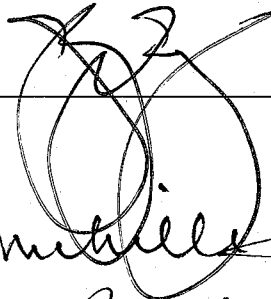


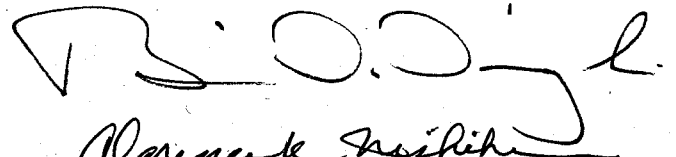
1 SECTION 3. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

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

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INTRODUCED BY: _____


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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.

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