

JAN 28 2015

---

# A BILL FOR AN ACT

RELATING TO SPECIAL MANAGEMENT AREAS.

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

1           SECTION 1. Section 205A-22, Hawaii Revised Statutes, is  
2 amended by amending the definition of "development" to read as  
3 follows:

4           "Development" means any of the uses, activities, or  
5 operations on land or in or under water within a special  
6 management area that are included below:

- 7           (1) Placement or erection of any solid material or any  
8           gaseous, liquid, solid, or thermal waste;
- 9           (2) Grading, removing, dredging, mining, or extraction of  
10           any materials;
- 11           (3) Change in the density or intensity of use of land,  
12           including but not limited to the division or  
13           subdivision of land;
- 14           (4) Change in the intensity of use of water, ecology  
15           related thereto, or of access thereto; and
- 16           (5) Construction, reconstruction, demolition, or  
17           alteration of the size of any structure.



1 "Development" does not include the following:

- 2 (1) Construction or reconstruction of a single-family  
3 residence that is less than [~~seven~~] two thousand five  
4 hundred square feet of floor area and is not part of a  
5 larger development;
- 6 (2) Repair or maintenance of roads and highways within  
7 existing rights-of-way;
- 8 (3) Routine maintenance dredging of existing streams,  
9 channels, and drainage ways;
- 10 (4) Repair and maintenance of underground utility lines,  
11 including but not limited to water, sewer, power, and  
12 telephone and minor appurtenant structures such as pad  
13 mounted transformers and sewer pump stations;
- 14 (5) Zoning variances, except for height, density, parking,  
15 and shoreline setback;
- 16 (6) Repair, maintenance, or interior alterations to  
17 existing structures;
- 18 (7) Demolition or removal of structures, except those  
19 structures located on any historic site as designated  
20 in national or state registers;



- 1           (8) Use of any land for the purpose of cultivating,  
2           planting, growing, and harvesting plants, crops,  
3           trees, and other agricultural, horticultural, or  
4           forestry products or animal husbandry, or aquaculture  
5           or mariculture of plants or animals, or other  
6           agricultural purposes;
- 7           (9) Transfer of title to land;
- 8           (10) Creation or termination of easements, covenants, or  
9           other rights in structures or land;
- 10          (11) Final subdivision approval; provided that in counties  
11          that may automatically approve tentative subdivision  
12          applications as a ministerial act within a fixed time  
13          of the submission of a preliminary plat map, unless  
14          the director takes specific action, a special  
15          management area use permit if required, shall be  
16          processed concurrently with an application for  
17          tentative subdivision approval or after tentative  
18          subdivision approval and before final subdivision  
19          approval;
- 20          (12) Subdivision of land into lots greater than twenty  
21          acres in size;



- 1       (13) Subdivision of a parcel of land into four or fewer
- 2             parcels when no associated construction activities are
- 3             proposed; provided that any land that is so subdivided
- 4             shall not thereafter qualify for this exception with
- 5             respect to any subsequent subdivision of any of the
- 6             resulting parcels;
- 7       (14) Installation of underground utility lines and
- 8             appurtenant aboveground fixtures less than four feet
- 9             in height along existing corridors;
- 10       (15) Structural and nonstructural improvements to existing
- 11             single-family residences, where otherwise permissible;
- 12       (16) Nonstructural improvements to existing commercial
- 13             structures; and
- 14       (17) Construction, installation, maintenance, repair, and
- 15             replacement of emergency management warning or signal
- 16             devices 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."



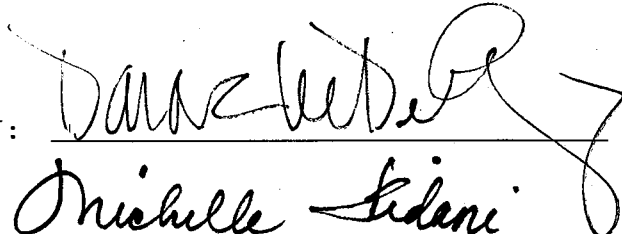

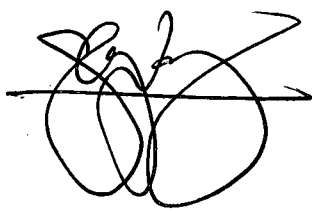
# S.B. NO. 1038

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

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

4

INTRODUCED BY:



# S.B. NO. 1038

**Report Title:**

Special Management Areas; Development Exception

**Description:**

Amends the maximum size of a residence, the construction or reconstruction of which is excluded from the definition of development for special management area purposes from 7,500 square feet to 2,500 square feet.

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

