

JAN 24 2018

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# A BILL FOR AN ACT

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RELATING TO SPECIAL MANAGEMENT AREAS.

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

1       SECTION 1. The legislature finds that coastal erosion, due  
2 to a general sea level rise, has created the need for a  
3 streamlined review and processing of minor projects within the  
4 special management areas of the counties.

5       The purpose of this Act is to closely manage the size of  
6 developments within special management areas, given the  
7 potential for climate change impact upon the public.

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

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

- 14       (1) Placement or erection of any solid material or any  
15           gaseous, liquid, solid, or thermal waste;  
16       (2) Grading, removing, dredging, mining, or extraction of  
17           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 or reconstruction of a single-family  
residence that is less than [~~seven thousand five~~  
~~hundred~~] 2,750 square feet of floor area and is not  
part of a larger 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;



- 1           (5)   Zoning variances, except for height, density, parking,  
2                   and shoreline setback;
- 3           (6)   Repair, maintenance, or interior alterations to  
4                   existing structures;
- 5           (7)   Demolition or removal of structures, except those  
6                   structures located on any historic site as designated  
7                   in national or state registers;
- 8           (8)   Use of any land for the purpose of cultivating,  
9                   planting, growing, and harvesting plants, crops,  
10                  trees, and other agricultural, horticultural, or  
11                  forestry products or animal husbandry, or aquaculture  
12                  or mariculture of plants or animals, or other  
13                  agricultural purposes;
- 14          (9)   Transfer of title to land;
- 15          (10)   Creation or termination of easements, covenants, or  
16                  other rights in structures or land;
- 17          (11)   Final subdivision approval; provided that in counties  
18                  that may automatically approve tentative subdivision  
19                  applications as a ministerial act within a fixed time  
20                  of the submission of a preliminary plat map, unless  
21                  the director takes specific action, a special



management area use permit if required, shall be processed concurrently with an application for tentative subdivision approval or after tentative subdivision approval and before final subdivision approval;

(12) Subdivision of land into lots greater than twenty acres in size;

(13) Subdivision of a parcel of land into four or fewer parcels when no associated construction activities are proposed; provided that any land that is so subdivided shall not thereafter qualify for this exception with respect to any subsequent subdivision of any of the resulting parcels;

(14) Installation of underground utility lines and appurtenant aboveground fixtures less than four feet in height along existing corridors;

(15) Structural and nonstructural improvements to existing single-family residences, where otherwise permissible;

(16) Nonstructural improvements to existing commercial structures; and



1 (17) Construction, installation, maintenance, repair, and  
 2 replacement of emergency management warning or signal  
 3 devices and sirens;

4 provided that whenever the authority finds that any excluded  
 5 use, activity, or operation may have a cumulative impact, or a  
 6 significant environmental or ecological effect on a special  
 7 management area, that use, activity, or operation shall be  
 8 defined as "development" for the purpose of this part."

9 SECTION 3. Statutory material to be repealed is bracketed  
 10 and stricken. New statutory material is underscored.

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

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INTRODUCED BY:

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# S.B. NO. 2969

**Report Title:**

Special Management Areas; Development; Single-family Residences

**Description:**

Reduces the size threshold for a single-family residence that is not part of a larger development to be deemed a "development" for purposes of the Special Management Areas Law.

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

