

JAN 21 2022

A BILL FOR AN ACT

RELATING TO COASTAL ZONE MANAGEMENT.

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, or alteration of the
17 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 square feet of floor area, is not situated on a shoreline parcel or a parcel that is impacted by waves, storm surges, high tide, or shoreline erosion, 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;
- (5) Zoning variances, except for height, density, parking, and shoreline setback;
- (6) Repair, maintenance, or interior alterations to existing structures;
- (7) Demolition or removal of structures^[7] or improvements, except those structures located on any



historic site as designated in national or state registers;

(8) Use of any land for the purpose of cultivating, planting, growing, and harvesting plants, crops, trees, and other agricultural, horticultural, or forestry products or animal husbandry, or aquaculture or mariculture of plants or animals, or other agricultural purposes;

(9) Transfer of title to land;

(10) Creation or termination of easements, covenants, or other rights in structures or land;

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

(12) 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;



- 1 (13) Installation of underground utility lines and
2 appurtenant aboveground fixtures less than four feet
3 in height along existing corridors;
- 4 (14) Structural and nonstructural improvements to existing
5 single-family residences, where otherwise permissible;
- 6 (15) Nonstructural improvements to existing commercial or
7 noncommercial structures; [and]
- 8 (16) Construction, installation, maintenance, repair, and
9 replacement of emergency management warning or signal
10 devices and sirens;
- 11 (17) Construction, installation, maintenance, repair, and
12 replacement of pedestrian and bicycle facilities
13 including sidewalks, paths, bikeways, crosswalks,
14 stairs, ramps, signs, signals, and associated
15 improvements, including the placement of barriers for
16 the control of vehicle movement;
- 17 (18) Trash removal which will result in incidental ground
18 disturbance and vegetation removal;
- 19 (19) Invasive vegetation control with subsurface stump
20 removal, excluding the use of pesticides;



1 (20) Installation of fencing for invasive species control
2 or preservation of native habitat, including
3 associated improvements and incidental structures;

4 (21) Removal of fences, walls, or barriers and replacement
5 with gates or other access devices and associated
6 minor improvements for inspection and maintenance of
7 utilities; and

8 (22) Installation, maintenance, repair, and replacement of
9 existing lighting, fixtures, and equipment to
10 establish compliance with current standards at
11 existing public recreation facilities;

12 provided that whenever the authority finds that any excluded
13 use, activity, or operation may have a cumulative impact, or a
14 significant environmental or ecological effect on a special
15 management area, that use, activity, or operation shall be
16 defined as "development" for the purpose of this part."

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

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

20
INTRODUCED BY:





S.B. NO. 2421

Report Title:

Coastal Zone Management; Definitions

Description:

Amends the definition of "development" to create additional exceptions, including pedestrian or bicycle facilities, trash removal, invasive vegetation control, installation of fencing for invasive species control or native habitat preservation, removal of access devices for inspection and maintenance of utilities, and lighting fixtures at existing public recreation facilities.

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