

COUNTY COUNCIL

Arryl Kaneshiro, Chair
Mason K. Chock, Vice Chair
Bernard P. Carvalho, Jr.
Felicia Cowden
Bill DeCosta
Luke A. Evslin
KipuKai Kualii



OFFICE OF THE COUNTY CLERK

Jade K. Fountain-Tanigawa, County Clerk
Scott K. Sato, Deputy County Clerk

Telephone: (808) 241-4188
Facsimile: (808) 241-6349
E-mail: cokcouncil@kauai.gov

Council Services Division
4396 Rice Street, Suite 209
Lihu'e, Kaua'i, Hawaii 96766

February 4, 2022

TESTIMONY OF MASON K. CHOCK
COUNCIL VICE CHAIR, KAUAI COUNTY COUNCIL
ON
SB 2049, RELATING TO THE COASTAL ZONE MANAGEMENT ACT
Senate Committee on Water and Land
Monday, February 7, 2022
1:00 p.m.
Via Videoconference
Conference Room 229

Dear Chair Inouye and Members of the Committee:

Thank you for this opportunity to provide testimony in SUPPORT of SB 2049, relating to the Coastal Zone Management Act. My testimony is submitted in my individual capacity as Council Vice Chair of the Kaua'i County Council.

SB 2049 intends to amend the definition of "development" in the Coastal Zone Management Act, in which it will exclude construction or reconstruction of a single-family residence that is less than 5,000 square feet of floor area that 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. Further, it will define "floor area" for purposes of the Act.

Thank you again for this opportunity to provide testimony in support of SB 2049. Should you have any questions, please feel free to contact me or Council Services Staff at (808) 241-4188 or via E-mail to cokcouncil@kauai.gov.

Sincerely,

MASON K. CHOCK
Council Vice Chair, Kaua'i County Council

AAO:ss

Council Chair
Alice L. Lee

Vice-Chair
Keani N.W. Rawlins-Fernandez

Presiding Officer Pro Tempore
Tasha Kama

Councilmembers
Gabe Johnson
Kelly Takaya King
Michael J. Molina
Tamara Paltin
Shane M. Sinenci
Yuki Lei K. Sugimura



Director of Council Services
Traci N. T. Fujita, Esq.

Deputy Director of Council Services
David M. Raatz, Jr., Esq.

COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

February 6, 2022

TO: Honorable Lorraine R. Inouye, Chair
Senate Committee on Water and Land

FROM: Alice L. Lee
Council Chair

DATE: February 6, 2022

SUBJECT: **SUPPORT FOR SB 2049, RELATING TO THE COASTAL ZONE
MANAGEMENT ACT**

Thank you for the opportunity to testify in **SUPPORT** of this important measure. The purpose of this measure is to amend the definition of “development” in the Coastal Zone Management Act to exclude construction or reconstruction of certain residence designations, and clarifies related definitions important to the policy.

This measure is part of the Hawaii State Association of Counties’ Legislative Package. Therefore, I offer this testimony on the Maui County Council’s behalf.

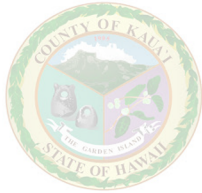
I **SUPPORT** this measure for the following reasons:

1. The Coastal Zone Management Act provides the basis for protecting, restoring, and responsibly developing our diverse coastal communities and resources.
2. It is important that the guidance it provides to stay updated by evolving with new incoming information and updated science that reflects the varying and developing impacts of climate change.
3. This bill would amend the definition of “development” in the Coastal Zone Management to exclude certain construction or reconstruction and update definitions inherently important to clarifying policy guidance.

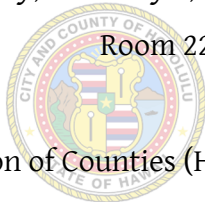
For the foregoing reasons, I **SUPPORT** this measure.



Testimony of the
Hawai'i State Association of Counties
on
S.B. No. 2049
Relating to Coastal Zone Management.



Senate Committee on Water and Land
Monday, February 7, 2022, 1:00 p.m.
Room 229

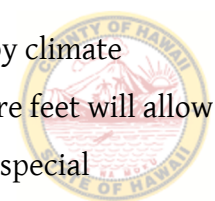
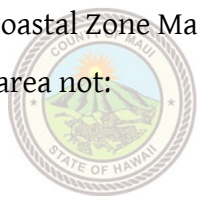


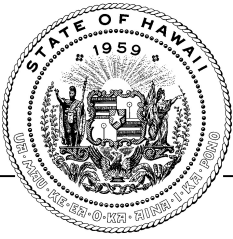
The Hawai'i State Association of Counties (HSAC) strongly supports S.B. 2049, which exempts from the definition of "development" under the Coastal Zone Management Law a single-family residence less than 5,000 square feet of floor area not:

- Situated on a shoreline parcel;
- A parcel impacted by waves, storm surges, high tide, or shoreline erosion; or
- Part of a larger development.

With the anticipated changes to sea levels and coastal erosion caused by climate change, the change proposed by S.B. 2049 to 5,000 square feet from 7,500 square feet will allow the county planning authority to review more residential development in the special management area for conformance with the development guidelines for the area.

The Hawai'i State Association of Counties strongly supports S.B. 2049, and requests your favorable consideration of this measure.





**STATE OF HAWAII
OFFICE OF PLANNING
& SUSTAINABLE DEVELOPMENT**

DAVID Y. IGE
GOVERNOR

MARY ALICE EVANS
DIRECTOR

235 South Beretania Street, 6th Floor, Honolulu, Hawaii 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804

Telephone: (808) 587-2846
Fax: (808) 587-2824
Web: <https://planning.hawaii.gov/>

LATE

Statement of
MARY ALICE EVANS
Director, Office of Planning and Sustainable Development
before the
SENATE COMMITTEE ON WATER AND LAND
Monday, February 7, 2022
1:00 PM
State Capitol, Conference Room 229

in consideration of
SB 2049
RELATING TO THE COASTAL ZONE MANAGEMENT ACT.

Chair Inouye, Vice Chair Keith-Agaran, and Members of the Senate Committee on Water and Land.

The Office of Planning and Sustainable Development (OPSD) serves as the lead agency of the Hawaii Coastal Zone Management (CZM) Program, pursuant to Hawaii CZM Law, Hawaii Revised Statutes (HRS) Chapter 205A. The OPSD respectfully offers the following **comments with concerns** on the proposed amendments to HRS § 205A-22 from SB 2049.

1. Rather than focusing solely on the size of the structure, other crucial criteria such as the floor area ratio, height and use of a single-family residence, which are set up by county zoning, are more suitable for the assessment of potential environmental or ecological effects of a proposed single-family residence on a SMA. As a discretionary permit, special management area (SMA) permitting is based on an SMA use assessment to determine whether a proposed action should be defined as a “development”,
2. The purpose of the proposed amendments in SB 2049 is unclear, however the OPSD reiterates that Act 16, SLH 2020 recently amended CZM law to address concerns related to coastal erosion and sea level rise which, regardless of the size (emphasis added), includes any construction or reconstruction of a single-family residence on a shoreline parcel or a parcel that is impacted by waves, storm surges, high tide or shoreline erosion is defined as “development”, and usually a SMA Major Permit will be required.
3. The change in the threshold of floor area from 7,500 square feet to 5,000 square feet will result in more requirements of SMA Major Permits for single-family residences on non-shoreline parcels, and adversely affect staff and financial

resources to assess and proceed other developments that either have significant environmental effects on the SMAs or are impacted by coastal hazards, including waves, storm surges, shoreline erosion and sea level rise.

4. The SMA permit regulates permissible land uses that are already allowed by land use policies including zoning designations. Part II of HRS Chapter 205A SMAs is not a land use law. "Floor area" has been defined by county land use ordinances, and the definition of "Floor area" should be deferred to the counties.

Thank you for the opportunity to testify on this measure.