

JAN 20 2012

---

---

# A BILL FOR AN ACT

RELATING TO SPECIAL MANAGEMENT AREAS.

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

1           SECTION 1. The purpose of this Act is to clarify an  
2 amendment to section 205A-22, Hawaii Revised Statutes, made by  
3 Act 153, Session Laws of Hawaii 2011, to allow the counties to  
4 concurrently process subdivision and special management area  
5 permits which would expedite the processing of county permit  
6 applications, which was the original intent of Act 153.

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

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

- 13           (1) Placement or erection of any solid material or any  
14           gaseous, liquid, solid, or thermal waste;
- 15           (2) Grading, removing, dredging, mining, or extraction of  
16           any materials;



1 (3) Change in the density or intensity of use of land,  
2 including but not limited to the division or  
3 subdivision of land;

4 (4) Change in the intensity of use of water, ecology  
5 related thereto, or of access thereto; and

6 (5) Construction, reconstruction, demolition, or  
7 alteration of the size of any structure.

8 "Development" does not include the following:

9 (1) Construction or reconstruction of a single-family  
10 residence that is less than seven thousand five  
11 hundred square feet of floor area and is not part of a  
12 larger development;

13 (2) Repair or maintenance of roads and highways within  
14 existing rights-of-way;

15 (3) Routine maintenance dredging of existing streams,  
16 channels, and drainage ways;

17 (4) Repair and maintenance of underground utility lines,  
18 including but not limited to water, sewer, power, and  
19 telephone and minor appurtenant structures such as pad  
20 mounted transformers and sewer pump stations;

21 (5) Zoning variances, except for height, density, parking,  
22 and shoreline setback;



# S.B. NO. 2335

- 1           (6) Repair, maintenance, or interior alterations to
- 2               existing structures;
- 3           (7) Demolition or removal of structures, except those
- 4               structures located on any historic site as designated
- 5               in national or state registers;
- 6           (8) Use of any land for the purpose of cultivating,
- 7               planting, growing, and harvesting plants, crops,
- 8               trees, and other agricultural, horticultural, or
- 9               forestry products or animal husbandry, or aquaculture
- 10              or mariculture of plants or animals, or other
- 11              agricultural purposes;
- 12           (9) Transfer of title to land;
- 13           (10) Creation or termination of easements, covenants, or
- 14              other rights in structures or land;
- 15           (11) [~~Final~~] Tentative or preliminary subdivision approval;
- 16           (12) Subdivision of land into lots greater than twenty
- 17              acres in size;
- 18           (13) Subdivision of a parcel of land into four or fewer
- 19              parcels when no associated construction activities are
- 20              proposed; provided that any land which is so
- 21              subdivided shall not thereafter qualify for this



1           exception with respect to any subsequent subdivision  
2           of any of the resulting parcels;  
3       (14)   Installation of underground utility lines and  
4           appurtenant aboveground fixtures less than four feet  
5           in height along existing corridors;  
6       (15)   Structural and nonstructural improvements to existing  
7           single-family residences, where otherwise permissible;  
8       (16)   Nonstructural improvements to existing commercial  
9           structures; and  
10      (17)   Construction, installation, maintenance, repair, and  
11           replacement of civil defense warning or signal devices  
12           and sirens;  
13   provided that whenever the authority finds that any excluded  
14   use, activity, or operation may have a cumulative impact, or a  
15   significant environmental or ecological effect on a special  
16   management area, that use, activity, or operation shall be  
17   defined as "development" for the purpose of this part."

18           SECTION 3.   Statutory material to be repealed is bracketed  
19   and stricken.   New statutory material is underscored.

20



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

2

INTRODUCED BY: F. Kalam Ghosh

Will Egan

Cleaver W. Richman

J

Melanie P.

Mike Gattard

Richard W. Lee

Thomas C. C. C. C.

M. N. M.

Michelle L. L.

David Y. Y.



# S.B. NO. 2335

**Report Title:**

Special Management Areas; Permitting; Development; Counties

**Description:**

Clarifies definition of "development" for purposes of special management area permitting by counties.

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

