
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."

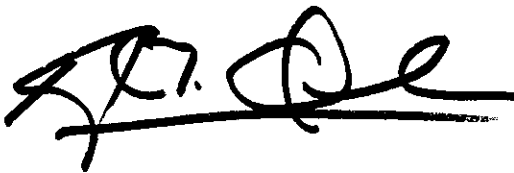


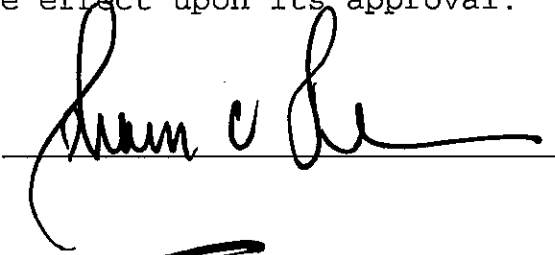
1 SECTION 2. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

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

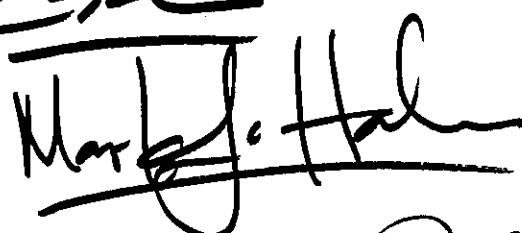
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INTRODUCED BY:



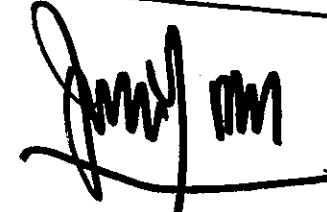




















H.B. NO. 1415

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.

