A BILL FOR AN ACT

RELATING TO CONSERVATION DISTRICT PERMITS.

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

SECTION 1. Section 183C-6, Hawaii Revised Statutes, is amended to read as follows:

"§183C-6 Permits and site plan approvals. (a) The department shall regulate land use in the conservation district by the issuance of permits.

(b) The department shall render a decision on a completed application for a permit within one hundred eighty days of its acceptance by the department. If within one hundred eighty days after acceptance of a completed application for a permit, the department shall fail to give notice, hold a hearing, and render a decision, the owner may automatically put the owner's land to the use or uses requested in the owner's application. When an environmental impact statement is required pursuant to chapter 343, or when a contested case hearing is requested pursuant to chapter 91, the one hundred eighty days shall be extended an additional ninety days beyond the time necessary to complete the requirements of chapter 343 or chapter 91. Any request for
additional extensions by the applicant shall be subject to the approval of the board.

(c) The department shall hold a public hearing in every case involving the proposed use of land for commercial purposes, at which hearing interested persons shall be afforded a reasonable opportunity to be heard. Public notice of the time and place of the hearing shall be given at least once statewide and in the county in which the property is located. The notice shall be given not less than twenty days prior to the date set for the hearing. The hearing shall be held in the county in which the land is located and may be delegated to an agent or representative of the board as may otherwise be provided by law and in accordance with rules adopted by the board. For the purposes of its public hearing or hearings, the department shall have the power to summon witnesses, administer oaths, and require the giving of testimony. As used in this subsection, the term "commercial purposes" shall not include the use of land for utility purposes.

(d) The department shall regulate the construction, reconstruction, demolition, or alteration of any structure, building, or facility by the issuance of site plan approvals.
(e) Any permit for the reconstruction, restoration, repair, or use of any Hawaiian fishpond exempted from the requirements of chapter 343 under section 183B-2 shall provide for compliance with the conditions of section 183B-2.

(f) For purposes of emergency permits that permit an action to alleviate an emergency caused by coastal erosion, a land use shall be considered to be imminently threatened by active erosion of a shoreline occurring within forty feet or less of the land use or by erosion that will threaten any structure in less than six months."

SECTION 2. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 3. New statutory material is underscored.

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

INTRODUCED BY:  

[Signatures]  

HB HMS 2019-1111
Report Title:
Conservation District; Emergency Permit; Coastal Erosion

Description:
Specifies that, for purposes of emergency permits to alleviate coastal erosion in a conservation district, a land use shall be considered to be immediately threatened by coastal erosion that occurs within forty feet of the land use or that will threaten any structure in less than six months.

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