
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 legislature finds that targeted amendments
2 to the definition of "development" as it relates to special
3 management areas will promote, not undercut, the environmental
4 controls and quality that special management area regulations
5 are intended to protect. Currently, the broad definition of
6 "development" coupled with rising labor and materials costs can
7 result in a special management area use permit review being
8 required for improvements, facilities, and incidental structures
9 that may not warrant such intense scrutiny and the associated
10 costs and delays that go along with it.

11 The legislature further finds that exclusions from the
12 special management area definition of "development" are
13 desirable for the following activities:

14 (1) Certain types of repairs and improvements of
15 pedestrian and bicycle facilities to reduce reliance
16 on vehicles;



- 1 (2) Trash removal, invasive vegetation control, and
2 fencing for invasive species control or preservation
3 of native habitats to improve the quality of the
4 environment;
- 5 (3) Improvements to lighting, fixtures, and equipment to
6 comply with standards at public facilities, including
7 health and safety standards, to protect native seabird
8 populations and reduce light pollution; and
- 9 (4) Improvements to security measures for existing public
10 facilities.

11 The purpose of this Act is to expand exclusions to the
12 definition of "development" in chapter 205A, Hawaii Revised
13 Statutes, to reduce the need for special management area permits
14 for certain activities.

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

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



- 1 (1) Placement or erection of any solid material or any
- 2 gaseous, liquid, solid, or thermal waste;
- 3 (2) Grading, removing, dredging, mining, or extraction of
- 4 any materials;
- 5 (3) Change in the density or intensity of use of land,
- 6 including but not limited to the division or
- 7 subdivision of land;
- 8 (4) Change in the intensity of use of water, ecology
- 9 related thereto, or of access thereto; and
- 10 (5) Construction, reconstruction, or alteration of the
- 11 size of any structure.

12 "Development" does not include the following:

- 13 (1) Construction or reconstruction of a single-family
- 14 residence that is less than seven thousand five
- 15 hundred square feet of floor area, is not situated on
- 16 a shoreline parcel or a parcel that is impacted by
- 17 waves, storm surges, high tide, or shoreline erosion,
- 18 and is not part of a larger development;
- 19 (2) Repair or maintenance of roads and highways within
- 20 existing rights-of-way;



- 1 (3) Routine maintenance dredging of existing streams,
2 channels, and drainage ways;
- 3 (4) Repair and maintenance of underground utility lines,
4 including but not limited to water, sewer, power, and
5 telephone and minor appurtenant structures such as pad
6 mounted transformers and sewer pump stations;
- 7 (5) Zoning variances, except for height, density, parking,
8 and shoreline setback;
- 9 (6) Repair, maintenance, or interior alterations to
10 existing structures;
- 11 (7) Demolition or removal of structures, except those
12 structures located on any historic site as designated
13 in national or state registers;
- 14 (8) Use of any land for the purpose of cultivating,
15 planting, growing, and harvesting plants, crops,
16 trees, and other agricultural, horticultural, or
17 forestry products or animal husbandry, or aquaculture
18 or mariculture of plants or animals, or other
19 agricultural purposes;
- 20 (9) Transfer of title to land;



- 1 (10) Creation or termination of easements, covenants, or
2 other rights in structures or land;
- 3 (11) Subdivision of land into lots greater than twenty
4 acres in size;
- 5 (12) Subdivision of a parcel of land into four or fewer
6 parcels when no associated construction activities are
7 proposed; provided that any land that is so subdivided
8 shall not thereafter qualify for this exception with
9 respect to any subsequent subdivision of any of the
10 resulting parcels;
- 11 (13) Installation of underground utility lines and
12 appurtenant aboveground fixtures less than four feet
13 in height along existing corridors;
- 14 (14) Structural and nonstructural improvements to existing
15 single-family residences, where otherwise permissible;
- 16 (15) Nonstructural improvements to existing commercial or
17 noncommercial structures; [~~and~~]
- 18 (16) Construction, installation, maintenance, repair, and
19 replacement of emergency management warning or signal
20 devices and sirens;



- 1 (17) Installation, maintenance, repair, and replacement of
2 public pedestrian and bicycle facilities, including
3 sidewalks, paths, bikeways, crosswalks, stairs, ramps,
4 traffic control barriers, signs, signals, and
5 associated improvements;
- 6 (18) Trash removal or invasive vegetation removal or
7 control, excluding the use of herbicides;
- 8 (19) Installation of fencing, including associated
9 improvements and incidental structures, for invasive
10 species control or preservation of native habitats on
11 conservation land;
- 12 (20) Installation, maintenance, repair, and replacement of
13 lighting, fixtures, and equipment to establish
14 compliance with current standards at existing public
15 facilities; and
- 16 (21) Installation, maintenance, repair, and replacement of
17 security measures, including fencing, to existing
18 public facilities;
- 19 provided that whenever the authority finds that any excluded
20 use, activity, or operation may have a cumulative impact, or a
21 significant environmental or ecological effect on a special



1 management area, that use, activity, or operation shall be
2 defined as "development" for the purpose of this part."

3 SECTION 3. This Act does not affect rights and duties that
4 matured, penalties that were incurred, and proceedings that were
5 begun before its effective date.

6 SECTION 4. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 5. This Act shall take effect on July 1, 2050.



S.B. NO. 2764
S.D. 2
H.D. 1

Report Title:

Special Management Areas; Development; Definition; Exclusions;
Office of Planning and Sustainable Development

Description:

Expands exclusions from the definition of "development" as it applies to special management areas to reduce the need for special management area permits for certain activities. Takes effect 7/1/2050. (HD1)

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