

September 20, 2021

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OFFICE OF THE
COUNTY COUNCIL

MEMO TO: GREAT-3(1) File

Tamara M. Paltin

F R O M: Tamara Paltin, Councilmember

SUBJECT: **TRANSMITTAL OF LEGISLATIVE PROPOSAL RELATING TO
2022 HAWAII STATE ASSOCIATION OF COUNTIES
LEGISLATIVE PACKAGE** (PAF 21-276)

The attached legislative proposal pertains to Item 3(1) on the Committee's agenda.

paf:lma:21-276a

Attachment

Resolution

No. _____

APPROVING FOR INCLUSION IN THE 2022
HAWAII STATE ASSOCIATION OF COUNTIES
LEGISLATIVE PACKAGE A STATE BILL TO
LOWER THE SIZE THRESHOLD FOR HOMES
THAT ARE CONSIDERED A “DEVELOPMENT”
UNDER THE COASTAL ZONE MANAGEMENT
ACT

WHEREAS, under the Coastal Zone Management Act, a single-family home of less than 7,500 square feet of floor is not considered a “development” and, therefore, does not require a Special Management Area Major Use Permit; and

WHEREAS, revising the CZMA to lower the size threshold to 5,000 square feet would appropriately make more residential development subject to review by the Planning Commissions for SMA Major Use Permits; and; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That the proposed State bill, attached as Exhibit “A,” to lower the size threshold for homes that are considered a “development” under the Coastal Zone Management Act, is approved for inclusion in the 2022 Hawai‘i State Association of Counties Legislative Package; and
2. That certified copies of this Resolution be transmitted to the Hawaii State Association of Counties Executive Committee.

____.B. NO. _____

A BILL FOR AN ACT

RELATING TO THE COASTAL ZONE MANAGEMENT ACT.

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" as follows:

3 "~~§205A-22-~~ **Definitions.** As used in this part:

4 "Development" means any of the uses, activities, or
5 operations on land or in or under water within a special management
6 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 any
10 materials;

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

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

15 (5) Construction, reconstruction, or alteration of the size
16 of any structure.

17 "Development" does not include the following:

____.B. NO. _____

1 (1) Construction or reconstruction of a single-family
2 residence that is less than [~~seven thousand five hundred~~] five
3 thousand square feet of floor area, is not situated on a shoreline
4 parcel or a parcel that is impacted by waves, storm surges, high
5 tide, or shoreline erosion, and is not part of a larger
6 development;

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

9 (3) Routine maintenance dredging of existing streams,
10 channels, and drainage ways;

11 (4) Repair and maintenance of underground utility lines,
12 including but not limited to water, sewer, power, and telephone
13 and minor appurtenant structures such as pad mounted transformers
14 and sewer pump stations;

15 (5) Zoning variances, except for height, density, parking,
16 and shoreline setback;

17 (6) Repair, maintenance, or interior alterations to existing
18 structures;

19 (7) Demolition or removal of structures, except those
20 structures located on any historic site as designated in national
21 or state registers;

22 (8) Use of any land for the purpose of cultivating, planting,
23 growing, and harvesting plants, crops, trees, and other

____.B. NO. _____

1 agricultural, horticultural, or forestry products or animal
2 husbandry, or aquaculture or mariculture of plants or animals, or
3 other agricultural purposes;

4 (9) Transfer of title to land;

5 (10) Creation or termination of easements, covenants, or
6 other rights in structures or land;

7 (11) Subdivision of land into lots greater than twenty acres
8 in size;

9 (12) Subdivision of a parcel of land into four or fewer
10 parcels when no associated construction activities are proposed;
11 provided that any land that is so subdivided shall not thereafter
12 qualify for this exception with respect to any subsequent
13 subdivision of any of the resulting parcels;

14 (13) Installation of underground utility lines and
15 appurtenant aboveground fixtures less than four feet in height
16 along existing corridors;

17 (14) Structural and nonstructural improvements to existing
18 single-family residences, where otherwise permissible;

19 (15) Nonstructural improvements to existing commercial or
20 noncommercial structures; and

21 (16) Construction, installation, maintenance, repair, and
22 replacement of emergency management warning or signal devices and
23 sirens;

____.B. NO. _____

1 provided that whenever the authority finds that any excluded
2 use, activity, or operation may have a cumulative impact, or a
3 significant environmental or ecological effect on a special
4 management area, that use, activity, or operation shall be defined
5 as "development" for the purpose of this part."

6 SECTION 2. Statutory material to be repealed is bracketed
7 and in strikethrough. New statutory material is underscored.

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

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

12

13 INTRODUCED BY: _____

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15 paf:lma:21-276e