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# A BILL FOR AN ACT

RELATING TO RENEWABLE ENERGY.

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

1           SECTION 1. The legislature finds that the use of renewable  
2 energy resources increases Hawaii's energy self-sufficiency,  
3 achieving broad societal benefits, including increased energy  
4 security, resistance to fluctuating oil prices, environmental  
5 sustainability, economic development, and job creation. Over  
6 the years, the legislature has encouraged the use of renewable  
7 energy resources by establishing, among other things, renewable  
8 energy tax credits, and an enforceable renewable energy  
9 portfolio standard.

10           Small renewable energy projects can have a significant  
11 impact on the State's energy self-sufficiency. For instance,  
12 small wind turbines reduce dependence on petroleum-based forms  
13 of electric generation. According to the United States  
14 Department of Energy, wind energy is one of the lowest-priced  
15 renewable energy technologies available today. Solar and  
16 hydroelectric energy-generating facilities are among the other  
17 renewable energy projects that can serve residential and small  
18 commercial needs. Given current oil prices and developing



1 technology, there is increased interest in the promotion and  
2 application of small scale renewable energy projects.

3 Counties need guidance in planning for renewable energy  
4 projects within their jurisdictions. Residential and small  
5 business owners interested in owning and operating renewable  
6 energy systems, would benefit from uniform, model standards for  
7 the placement, design, construction, monitoring, modification,  
8 and removal of renewable energy systems.

9 The purpose of this Act is to develop a model ordinance for  
10 renewable energy systems to help the counties plan for renewable  
11 energy projects within their jurisdictions.

12 SECTION 2. (a) The department of business, economic  
13 development, and tourism shall develop a model ordinance for  
14 renewable energy projects to help the counties plan for  
15 renewable energy project development within their jurisdictions.

16 (b) In developing the model ordinance for renewable energy  
17 projects, the department of business, economic development, and  
18 tourism shall:

19 (1) Identify the types and sizes of renewable energy  
20 projects that are suitable for residential use or  
21 small scale application in the urban district or other  
22 areas under the exclusive jurisdiction of a county;



- 1           (2) Evaluate all county zoning laws that affect renewable
- 2           energy projects;
- 3           (3) Review:
- 4           (A) Relevant state and federal laws; and
- 5           (B) Model energy ordinances in other states such as,
- 6           Massachusetts, Pennsylvania, and Oregon;
- 7           (4) Consider:
- 8           (A) Public health and safety;
- 9           (B) Local general plans;
- 10          (C) Local circumstances; and
- 11          (D) Local energy resources; and
- 12          (5) Collaborate with interested stakeholders and necessary
- 13          agency representatives, including but not limited to:
- 14          (A) The city and county of Honolulu planning and
- 15          permitting department;
- 16          (B) The Hawaii county department of planning;
- 17          (C) The Kauai county department of planning;
- 18          (D) The Maui county department of planning;
- 19          (E) The Hawaii county energy engineer or designee;
- 20          (F) The Maui county energy coordinator or designee;
- 21          (G) The Kauai county energy coordinator or designee;
- 22          (H) The Hawaii Renewable Energy Alliance; and



- 1 (I) The Hawaii Solar Energy Association.
- 2 (c) The model ordinance for renewable energy project
- 3 zoning shall:
- 4 (1) Be consistent with statewide energy planning goals;
- 5 (2) Accommodate renewable energy project permitting;
- 6 (3) To the greatest extent possible:
- 7 (A) Provide a uniform permitting process for
- 8 renewable energy projects; and
- 9 (B) Standardize procedures for the review and
- 10 approval of renewable energy projects;
- 11 (4) Given the size and complexity of a renewable energy
- 12 project:
- 13 (A) Suggest the level of detail a proposed renewable
- 14 energy project should be required to provide to
- 15 the county planning authority;
- 16 (B) Discuss the information a county will need to
- 17 review an application, such as required maps,
- 18 documentation of other necessary permits and
- 19 licenses, and development plans;
- 20 (C) Recommend standards for the placement, design,
- 21 construction, monitoring, modification, and



- 1 removal of a given type of renewable energy  
2 facility;
- 3 (D) Recommend public notice requirements; and  
4 (E) Recommend deadlines for construction to begin;
- 5 (5) Include provisions to preserve protected lands,  
6 wildlife, and habitats by recommending appropriate  
7 monitoring and mitigation actions;
- 8 (6) Include provisions to protect historical and cultural  
9 resources by requiring a plan to preserve any  
10 previously undiscovered archeological, historical, or  
11 cultural artifacts discovered during construction or  
12 operation;
- 13 (7) Weigh property rights and a renewable energy project's  
14 contribution to the electricity supply against  
15 aesthetic concerns; and
- 16 (8) Include other recommendations and conditions as  
17 determined by the department of business, economic  
18 development, and tourism.
- 19 (d) The model ordinance for renewable energy projects may  
20 include:
- 21 (1) The outright use or prohibition of certain renewable  
22 energy projects in certain zones;



1 (2) The exemption of certain renewable energy projects  
2 from detailed standards or additional review steps;  
3 and

4 (3) A special fee rate for certain renewable energy  
5 projects.

6 (e) For purposes of this section, "renewable energy" means  
7 energy produced by wind, solar, wave, biomass, geothermal,  
8 hydro, or ocean.

9 (f) The department of business, economic development, and  
10 tourism shall submit a report, including any proposed  
11 legislation, to the legislature no later than twenty days prior  
12 to the convening of the regular session of 2009.

13 SECTION 3. There is appropriated out of the general  
14 revenues of the State of Hawaii the sum of \$ or so  
15 much thereof as may be necessary for fiscal year 2008-2009 for  
16 the department of business, economic development, and tourism to  
17 develop a model ordinance for renewable energy projects.

18 The sum appropriated shall be expended by the department of  
19 business, economic development, and tourism for the purposes of  
20 this Act.

21 SECTION 4. This Act shall take effect on July 1, 2008.



**Report Title:**

Zoning; Model Ordinance for Renewable Energy Projects

**Description:**

Requires the department of business, economic development, and tourism to develop a model ordinance for renewable energy projects for adoption by the counties. Appropriates funds to develop the model ordinance. (HB2552 HD1)

