

JAN 18 2008

A BILL FOR AN ACT

RELATING TO LAND USE.

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

1 SECTION 1. Section 205-2, Hawaii Revised Statutes, is
2 amended by amending subsection (d) to read as follows:

3 "(d) Agricultural districts shall include:

4 (1) Activities or uses as characterized by the cultivation
5 of crops, crops for bioenergy, orchards, forage, and
6 forestry;

7 (2) Farming activities or uses related to animal
8 husbandry, and game and fish propagation;

9 (3) Aquaculture, which means the production of aquatic
10 plant and animal life within ponds and other bodies of
11 water;

12 (4) Wind generated energy production for public, private,
13 and commercial use;

14 (5) Biofuel production as described in section
15 205-4.5(a)(15) for public, private, and commercial
16 use;



- 1 (6) Bona fide agricultural services and uses that support
2 the agricultural activities of the fee or leasehold
3 owner of the property and accessory to any of the
4 above activities, whether or not conducted on the same
5 premises as the agricultural activities to which they
6 are accessory, including but not limited to farm
7 dwellings as defined in section 205-4.5(a)(4),
8 employee housing, farm buildings, mills, storage
9 facilities, processing facilities, vehicle and
10 equipment storage areas, roadside stands for the sale
11 of products grown on the premises, and plantation
12 community subdivisions as defined in section
13 205-4.5(a)(12);
- 14 (7) Wind machines and wind farms;
- 15 (8) Small-scale meteorological, air quality, noise, and
16 other scientific and environmental data collection and
17 monitoring facilities occupying less than one-half
18 acre of land; provided that these facilities shall not
19 be used as or equipped for use as living quarters or
20 dwellings;
- 21 (9) Agricultural parks;



1 (10) Agricultural tourism conducted on a working farm, or a
2 farming operation as defined in section 165-2, for the
3 enjoyment, education, or involvement of visitors;
4 provided that the agricultural tourism activity is
5 accessory and secondary to the principal agricultural
6 use and does not interfere with surrounding farm
7 operations; and provided further that this paragraph
8 shall apply only to a county that has adopted
9 ordinances regulating agricultural tourism under
10 section 205-5; [~~and~~]

11 (11) Open area recreational facilities[~~-~~]; and

12 (12) Renewable energy development, including solar energy
13 production and ocean energy terrestrial facilities.

14 Agricultural districts shall not include golf courses and golf
15 driving ranges, except as provided in section 205-4.5(d).

16 Agricultural districts include areas that are not used for, or
17 that are not suited to, agricultural and ancillary activities by
18 reason of topography, soils, and other related characteristics."

19 SECTION 2. Section 205-4.5, Hawaii Revised Statutes, is
20 amended by amending subsection (a) to read as follows:

21 "(a) Within the agricultural district, all lands with soil
22 classified by the land study bureau's detailed land



1 classification as overall (master) productivity rating class A
2 or B shall be restricted to the following permitted uses:

3 (1) Cultivation of crops, including but not limited to
4 crops for bioenergy, flowers, vegetables, foliage,
5 fruits, forage, and timber;

6 (2) Game and fish propagation;

7 (3) Raising of livestock, including but not limited to
8 poultry, bees, fish, or other animal or aquatic life
9 that are propagated for economic or personal use;

10 (4) Farm dwellings, employee housing, farm buildings, or
11 activities or uses related to farming and animal
12 husbandry. "Farm dwelling", as used in this
13 paragraph, means a single-family dwelling located on
14 and used in connection with a farm, including clusters
15 of single-family farm dwellings permitted within
16 agricultural parks developed by the State, or where
17 agricultural activity provides income to the family
18 occupying the dwelling;

19 (5) Public institutions and buildings that are necessary
20 for agricultural practices;

21 (6) Public and private open area types of recreational
22 uses, including day camps, picnic grounds, parks, and



- 1 riding stables, but not including dragstrips,
2 airports, drive-in theaters, golf courses, golf
3 driving ranges, country clubs, and overnight camps;
- 4 (7) Public, private, and quasi-public utility lines and
5 roadways, transformer stations, communications
6 equipment buildings, solid waste transfer stations,
7 major water storage tanks, and appurtenant small
8 buildings such as booster pumping stations, but not
9 including offices or yards for equipment, material,
10 vehicle storage, repair or maintenance, treatment
11 plants, corporation yards, or other similar
12 structures;
- 13 (8) Retention, restoration, rehabilitation, or improvement
14 of buildings or sites of historic or scenic interest;
- 15 (9) Roadside stands for the sale of agricultural products
16 grown on the premises;
- 17 (10) Buildings and uses, including but not limited to
18 mills, storage, and processing facilities, maintenance
19 facilities, and vehicle and equipment storage areas
20 that are normally considered directly accessory to the
21 above mentioned uses and are permitted under section
22 205-2(d);



- 1 (11) Agricultural parks;
- 2 (12) Plantation community subdivisions, which as used in
- 3 this paragraph means a subdivision or cluster of
- 4 employee housing, community buildings, and acreage
- 5 established on land currently or formerly owned,
- 6 leased, or operated by a sugar or pineapple plantation
- 7 and in residential use by employees or former
- 8 employees of the plantation; provided that the
- 9 employees or former employees shall have a property
- 10 interest in the land;
- 11 (13) Agricultural tourism conducted on a working farm, or a
- 12 farming operation as defined in section 165-2, for the
- 13 enjoyment, education, or involvement of visitors;
- 14 provided that the agricultural tourism activity is
- 15 accessory and secondary to the principal agricultural
- 16 use and does not interfere with surrounding farm
- 17 operations; and provided further that this paragraph
- 18 shall apply only to a county that has adopted
- 19 ordinances regulating agricultural tourism under
- 20 section 205-5;
- 21 (14) Wind energy facilities, including the appurtenances
- 22 associated with the production and transmission of



1 wind generated energy; provided that the wind energy
2 facilities and appurtenances are compatible with
3 agriculture uses and cause minimal adverse impact on
4 agricultural land;

- 5 (15) Biofuel processing facilities, including the
6 appurtenances associated with the production and
7 refining of biofuels that is normally considered
8 directly accessory and secondary to the growing of the
9 energy feedstock; provided that biofuels processing
10 facilities and appurtenances do not adversely impact
11 agricultural land and other agricultural uses in the
12 vicinity.

13 For the purposes of this paragraph:

14 "Appurtenances" means operational infrastructure
15 of the appropriate type and scale for economic
16 commercial storage and distribution, and other similar
17 handling of feedstock, fuels, and other products of
18 biofuels processing facilities.

19 "Biofuel processing facility" means a facility
20 that produces liquid or gaseous fuels from organic
21 sources such as biomass crops, agricultural residues,
22 and oil crops, including palm, canola, soybean, and



1 waste cooking oils; grease; food wastes; and animal
2 residues and wastes that can be used to generate
3 energy [~~+~~ ~~or~~];

4 [~~+~~] (16) [~~+~~] Construction and operation of wireless communication
5 antennas; provided that, for the purposes of this
6 paragraph, "wireless communication antenna" means
7 communications equipment that is either freestanding
8 or placed upon or attached to an already existing
9 structure and that transmits and receives
10 electromagnetic radio signals used in the provision of
11 all types of wireless communications services;
12 provided further that nothing in this paragraph shall
13 be construed to permit the construction of any new
14 structure that is not deemed a permitted use under
15 this subsection [~~-~~]; or

16 (17) Renewable energy development, including solar energy
17 production and ocean energy terrestrial facilities."

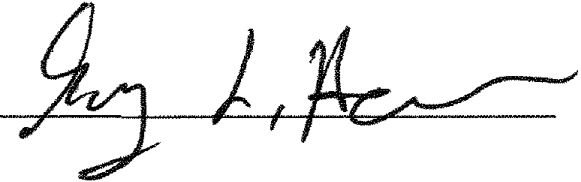
18 SECTION 3. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.



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

2

INTRODUCED BY:

A handwritten signature in black ink, appearing to read "Guy L. Han", is written over a horizontal line.



Report Title:

Agricultural District; Renewable Energy Development

Description:

Makes renewable energy development, including solar energy production and ocean energy terrestrial facilities, a permitted use in agricultural districts.

