
A BILL FOR AN ACT

RELATING TO RENEWABLE ENERGY FACILITIES.

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

1 SECTION 1. Section 201N-14, Hawaii Revised Statutes, is
2 amended by amending subsection (d) to read as follows:

3 "(d) The exemption from subdivision requirements
4 authorized by this section shall only apply to leases and
5 easements that meet the following requirements and shall be
6 subject to the following limitations:

7 (1) The lease or easement shall restrict the use of the
8 leased land or easement area to the development and
9 operation of a renewable energy project; provided
10 that, to comply with section 205-4.6, agricultural
11 uses and activities shall not be restricted on
12 agricultural land;

13 (2) The lease shall have an initial term of at least
14 twenty years;

15 (3) With respect to leases and easements on lands within
16 an agricultural state land use district, the exemption
17 from subdivision requirements provided by this section
18 shall be for:



1 (A) ~~[solar]~~ Solar energy facilities permitted under
2 section 205-2(d)(6), on land with soil classified
3 by the land study bureau's detailed land
4 classification as overall (master) productivity
5 rating class D or E; and

6 (B) Any renewable energy facilities approved by the
7 land use commission or county planning commission
8 under chapter 205;

9 (4) With respect to leases and easements on lands within a
10 conservation state land use district, the exemption
11 from subdivision requirements provided by this section
12 shall be for:

13 (A) ~~[wind]~~ Wind energy facilities, including the
14 appurtenances associated with the production and
15 transmission of wind-generated energy; and

16 (B) Any renewable energy facilities permitted or
17 approved by the board of land and natural
18 resources under chapter 183C;

19 and

20 (5) The county agency charged with administering
21 subdivisions in the county in which the renewable
22 energy project is to be situated or, if the land is in

1 a conservation state land use district, the department
2 of land and natural resources, shall approve the
3 exemption from subdivision requirements within ninety
4 days after the project's developer and the owner of
5 the land on which the renewable energy project is to
6 be situated have submitted the conceptual schematics
7 or preliminary plans and specifications for the
8 renewable energy project to the county agency or the
9 department of land and natural resources, and have
10 provided to such county agency or the department of
11 land and natural resources, as applicable, a
12 certification and agreement that all applicable and
13 appropriate environmental reviews and permitting shall
14 be completed prior to commencement of development of
15 the renewable energy project. If, on the ninety-first
16 day, an exemption has not been approved, it shall be
17 deemed disapproved by the county agency or the
18 department of land and natural resources, whichever is
19 applicable."



1 SECTION 2. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 3. This Act shall take effect upon its approval,
4 and shall be repealed on the same date as section 2 of Act 173,
5 Session Laws of Hawaii 2009.

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JAN 22 2010



Report Title:

Renewable Energy Facilities; Subdivision Requirement; Exemptions

Description:

Clarifies that the exemption from subdivision requirements for leases and easements for renewable energy facilities applies to renewable energy facilities on agricultural land approved by the Land Use Commission and renewable energy facilities on conservation land permitted by the Board of Land and Natural Resources.

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