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# A BILL FOR AN ACT

RELATING TO RENEWABLE ENERGY FACILITIES.

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

- 1           SECTION 1. The legislature finds that:
- 2           (1) Large renewable energy facilities under Act 207,  
3           Session Laws of Hawaii 2008, further the health,  
4           safety, and welfare of the residents of Hawaii by  
5           reducing Hawaii's over-dependence on fossil fuels and  
6           helping to meet Hawaii's energy self-sufficiency  
7           goals, mandates, and timely development and  
8           utilization of indigenous renewable energy resources;
- 9           (2) Hawaii's dependence on petroleum for over ninety per  
10          cent of its energy needs is more than any other state  
11          in the nation and makes Hawaii extremely vulnerable to  
12          any oil embargo, supply disruption, international  
13          market dysfunction, and many other factors beyond the  
14          control of the State;
- 15          (3) Continued consumption of conventional petroleum fuel  
16          and price volatility can negatively impact the  
17          viability of agricultural operations; and



1           (4) Increased energy efficiency and use of renewable  
2           energy resources will increase Hawaii's energy self-  
3           sufficiency, achieve broad societal benefits,  
4           including increased energy security, resistance in oil  
5           prices, environmental sustainability, economic  
6           development, and job creation, and achieve the goal of  
7           energy and food self-sufficiency.

8           The legislature further finds that renewable energy  
9           facilities and their reduction of greenhouse gas emissions and  
10          other environmental and societal benefits will further the  
11          conservation, protection, and preservation of important natural  
12          resources of the State and will promote their long-term  
13          sustainability, along with the public's health, safety, and  
14          welfare, consistent with the intent and purposes of the state  
15          conservation district.

16          Renewable energy facilities are likely to be sited on  
17          large, remote tracts of land that could be within the state  
18          conservation or agriculture districts or within the special  
19          management area designated pursuant to chapter 205A, Hawaii  
20          Revised Statutes.

21          Renewable energy facilities, together with their normal and  
22          necessary infrastructure, appurtenances, and accessory



1 facilities and improvements, as a result of their scale and  
2 size, may change the nature and intensity of uses of the lands  
3 used for renewable energy purposes and could have material  
4 impacts on surrounding lands.

5 Existing state and county statutes, ordinances,  
6 administrative rules, and general plans governing uses on lands  
7 within the state conservation and agricultural districts and  
8 special management areas reflect state and county policy with  
9 respect to the purposes, criteria, objectives, policies, and  
10 guidelines for uses within those districts, and these could be  
11 interpreted as inconsistent with renewable energy facilities,  
12 which could defeat the state policy and purposes supporting  
13 large scale renewable energy facilities.

14 The legislature finds that achieving Hawaii's renewable  
15 energy goals of energy independence and self-sufficiency and  
16 avoiding the importing and burning of fossil fuels will  
17 ultimately:

18 (1) Benefit, further, and achieve the conservation,  
19 protection, and preservation of important natural  
20 resources of the State of Hawaii;

21 (2) Promote their long-term sustainability; and



1           (3) Benefit the economy and the health, safety, and  
2           welfare of the residents of Hawaii.

3           Therefore, the legislature determines that allowing  
4 renewable energy facilities within the conservation and  
5 agriculture districts furthers and is consistent with the  
6 purposes, standards, and criteria for uses within state  
7 conservation and agricultural lands and the objectives,  
8 policies, and guidelines for uses within special management  
9 areas.

10           The purpose of this Act is to declare that renewable energy  
11 facilities, including all normal and necessary infrastructure,  
12 appurtenances, and accessory uses, shall be deemed consistent  
13 and compatible with:

14           (1) The purposes, standards, and permissible uses on lands  
15           within the state conservation and agricultural  
16           districts; and

17           (2) The objectives, policies, and guidelines of the  
18           special management area under chapter 205A, Hawaii  
19           Revised Statutes, and applicable county general plans  
20           and zoning.



1 SECTION 2. Chapter 201N, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4 "§201N- Compatibility with the conservation and  
5 agricultural districts and the special management area. (a)

6 Anything to the contrary notwithstanding, the siting,  
7 development, construction, and operation of a renewable energy  
8 facility shall be deemed to be compatible with the:

9 (1) Purposes, standards, and permissible uses of lands  
10 within the conservation and agricultural districts;

11 and

12 (2) Objectives, policies, and guidelines of the special  
13 management area pursuant to chapter 205A and  
14 applicable county general plans and zoning ordinances.

15 (b) This section shall not:

16 (1) Exempt renewable energy facilities from the permit and  
17 approval processes of chapter 205, 205A, and 343; or

18 (2) Allow solar facilities on agricultural lands not  
19 otherwise permissible under section 205-2."

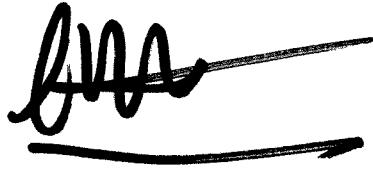
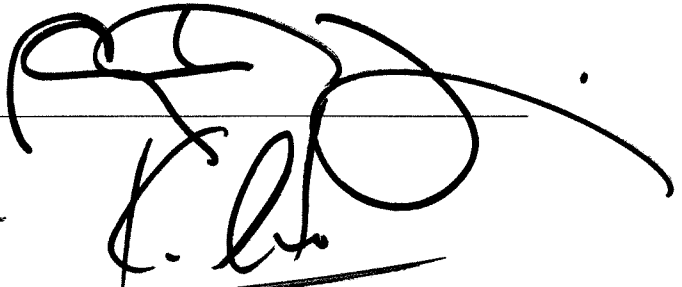
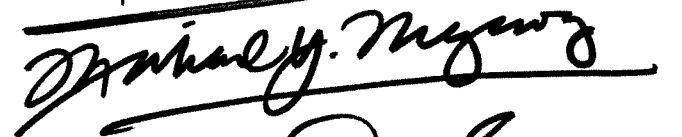
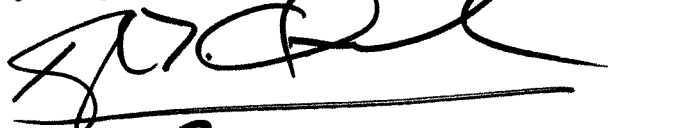







20 SECTION 3. New statutory material is underscored.



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

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INTRODUCED BY:



**Report Title:**

Renewable Energy Facilities; Conservation District; Agricultural District; Special Management Area

**Description:**

Deems renewable energy facilities compatible with the (1) purposes, standards, and permissible uses in the conservation and agricultural districts; and (2) the objectives, policies, and guidelines of the special management area.

