
A BILL FOR AN ACT

RELATING TO AEROSPACE HIGH TECHNOLOGY DISTRICTS.

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

1 SECTION 1. The legislature finds that the aerospace
2 industry offers great potential for sustainable long-term
3 economic growth that will help drive investment to Hawaii and
4 create high paying, sustainable, green jobs both now and in the
5 future. Development of an aerospace high technology park on the
6 island of Hawaii will create an environment that will attract
7 major aerospace and lunar transportation companies that will
8 have access to an analog research site providing these companies
9 the ability to test equipment and technologies in environments
10 identical to those in outer space, such as on the moon and near
11 earth objects, as well as access to the University of Hawaii and
12 to each other.

13 The legislature also finds that such a park will offer
14 educational and career opportunities to students of the
15 University of Hawaii at Hilo, which will make the university
16 more attractive to future students and will provide
17 opportunities for the commercialization of intellectual property



1 developed at the University of Hawaii at Hilo through research
2 dollars invested in the university.

3 Additionally, the legislature finds that an aerospace high
4 technology park will create an additional influx of research
5 dollars through the nexus that such a park and its participants
6 will have with the university. Such a park will allow tenants
7 to engage in activities with each other, potentially leading to
8 the development and commercialization of unforeseen technologies
9 in a number of diverse areas beyond the aerospace industry
10 alone.

11 However, to ensure the smooth development of an aerospace
12 high technology park, the State must make it clear that the
13 activities in the park are considered a permitted use of the
14 agricultural zoning district that includes the location of the
15 proposed park, precluding the need to obtain variances or other
16 exceptions from the appropriate government entities.

17 Accordingly, the purpose of this Act is to allow for
18 aerospace high technology to be considered a permitted land use
19 in an agricultural land use district.

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



1 (a) Within the agricultural district, all lands with soil
2 classified by the land study bureau's detailed land
3 classification as overall (master) productivity rating class A
4 or B shall be restricted to the following permitted uses:

- 5 (1) Cultivation of crops, including crops for bioenergy,
6 flowers, vegetables, foliage, fruits, forage, and
7 timber;
- 8 (2) Game and fish propagation;
- 9 (3) Raising of livestock, including poultry, bees, fish,
10 or other animal or aquatic life that are propagated
11 for economic or personal use;
- 12 (4) Farm dwellings, employee housing, farm buildings, or
13 activities or uses related to farming and animal
14 husbandry. "Farm dwelling", as used in this
15 paragraph, means a single-family dwelling located on
16 and used in connection with a farm, including clusters
17 of single-family farm dwellings permitted within
18 agricultural parks developed by the State, or where
19 agricultural activity provides income to the family
20 occupying the dwelling;
- 21 (5) Public institutions and buildings that are necessary
22 for agricultural practices;



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



1 considered directly accessory to the above-mentioned
2 uses and are permitted under section 205-2(d);

3 (11) Agricultural parks;

4 (12) Plantation community subdivisions, which as used in
5 this chapter means an established subdivision or
6 cluster of employee housing, community buildings, and
7 agricultural support buildings on land currently or
8 formerly owned, leased, or operated by a sugar or
9 pineapple plantation; provided that the existing
10 structures may be used or rehabilitated for use, and
11 new employee housing and agricultural support
12 buildings may be allowed on land within the
13 subdivision as follows:

14 (A) The employee housing is occupied by employees or
15 former employees of the plantation who have a
16 property interest in the land;

17 (B) The employee housing units not owned by their
18 occupants shall be rented or leased at affordable
19 rates for agricultural workers; or

20 (C) The agricultural support buildings shall be
21 rented or leased to agricultural business
22 operators or agricultural support services;



1 (13) 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;

11 (14) Wind energy facilities, including the appurtenances
12 associated with the production and transmission of
13 wind generated energy; provided that the wind energy
14 facilities and appurtenances are compatible with
15 agriculture uses and cause minimal adverse impact on
16 agricultural land;

17 (15) Biofuel processing facilities, including the
18 appurtenances associated with the production and
19 refining of biofuels that is normally considered
20 directly accessory and secondary to the growing of the
21 energy feedstock; provided that biofuels processing
22 facilities and appurtenances do not adversely impact



1 agricultural land and other agricultural uses in the
2 vicinity.

3 For the purposes of this paragraph:

4 "Appurtenances" means operational infrastructure
5 of the appropriate type and scale for economic
6 commercial storage and distribution, and other similar
7 handling of feedstock, fuels, and other products of
8 biofuels processing facilities.

9 "Biofuel processing facility" means a facility
10 that produces liquid or gaseous fuels from organic
11 sources such as biomass crops, agricultural residues,
12 and oil crops, including palm, canola, soybean, and
13 waste cooking oils; grease; food wastes; and animal
14 residues and wastes that can be used to generate
15 energy;

16 (16) Agricultural-energy facilities, including
17 appurtenances necessary for an agricultural-energy
18 enterprise; provided that the primary activity of the
19 agricultural-energy enterprise is agricultural
20 activity. To be considered the primary activity of an
21 agricultural-energy enterprise, the total acreage
22 devoted to agricultural activity shall be not less



1 than ninety per cent of the total acreage of the
2 agricultural-energy enterprise. The agricultural-
3 energy facility shall be limited to lands owned,
4 leased, licensed, or operated by the entity conducting
5 the agricultural activity.

6 As used in this paragraph:

7 "Agricultural activity" means any activity
8 described in paragraphs (1) to (3) of this subsection.

9 "Agricultural-energy enterprise" means an
10 enterprise that integrally incorporates an
11 agricultural activity with an agricultural-energy
12 facility.

13 "Agricultural-energy facility" means a facility
14 that generates, stores, or distributes renewable
15 energy as defined in section 269-91 or renewable fuel
16 including electrical or thermal energy or liquid or
17 gaseous fuels from products of agricultural activities
18 from agricultural lands located in the State.

19 "Appurtenances" means operational infrastructure
20 of the appropriate type and scale for the economic
21 commercial generation, storage, distribution, and
22 other similar handling of energy, including equipment,



1 feedstock, fuels, and other products of agricultural-
2 energy facilities;

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

15 (18) Agricultural education programs conducted on a farming
16 operation as defined in section 165-2, for the
17 education and participation of the general public;
18 provided that the agricultural education programs are
19 accessory and secondary to the principal agricultural
20 use of the parcels or lots on which the agricultural
21 education programs are to occur and do not interfere
22 with surrounding farm operations. For the purposes of



1 this section, "agricultural education programs" means
2 activities or events designed to promote knowledge and
3 understanding of agricultural activities and practices
4 conducted on a farming operation as defined in section
5 165-2; [~~or~~]

6 (19) Solar energy facilities that do not occupy more than
7 ten per cent of the acreage of the parcel, or twenty
8 acres of land, whichever is lesser; provided that this
9 use shall not be permitted on lands with soil
10 classified by the land study bureau's detailed land
11 classification as overall (master) productivity rating
12 class A[-]; or

13 (20) Aerospace high technology parks; provided that this
14 paragraph shall apply only to land with soil
15 classified by the land study bureau's detailed land
16 classification as overall (master) productivity rating
17 class C, D, or E; and provided further that the
18 aerospace high technology park has obtained a special
19 permit under section 205-6.

20 As used in this paragraph:

21 "Aerospace high technology park" include
22 aerospace, processing, manufacturing, research, or



1 instructional enterprises for aerospace high
2 technology, commercial or experimental rocketry,
3 satellite, lunar, nextgen avionics, solid waste
4 resource recovery systems, enterprises for the
5 development, processing, or transmission of
6 alternative energy, industrial parks as defined in
7 section 206M-1, retail, including food serving
8 establishments, and wholesale, industry, processing,
9 transportation, or manufacturing enterprises the
10 primary purpose of which is to serve or provide
11 products to the aerospace high technology enterprises
12 or their employees.

13 "Alternative energy" means energy derived other
14 than from the processing of petroleum.

15 "High technology" includes computer software and
16 hardware, microprocessors, telecommunication devices,
17 and robotics."

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

20 SECTION 4. This Act shall take effect on July 1, 2012.



Report Title:

Aerospace High Technology Parks; Land Use

Description:

Authorizes aerospace high technology parks as a permitted use within an agricultural district on land with soil classified as overall (master) productivity rating class C, D, or E. Requires the parks to obtain a special permit. Effective July 1, 2012.
(HB2872 HD3)

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