

JAN 20 2012

A BILL FOR AN ACT

RELATING TO LAND USE.

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:



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- 1 (A) Solar energy facilities permitted under section
- 2 205-2(d)(6), on land with soil classified by the
- 3 land study bureau's detailed land classification
- 4 as overall (master) productivity rating class B,
- 5 C, D, or E;
- 6 (B) Wind energy facilities permitted under section
- 7 205-2(d)(4) and (8), including the appurtenances
- 8 associated with the production and transmission
- 9 of wind-generated energy; and
- 10 (C) Any renewable energy facilities approved by the
- 11 land use commission or county planning commission
- 12 under chapter 205;
- 13 (4) With respect to leases and easements on lands within a
- 14 conservation state land use district, the exemption
- 15 from subdivision requirements provided by this section
- 16 shall be for:
 - 17 (A) Wind energy facilities, including the
 - 18 appurtenances associated with the production and
 - 19 transmission of wind-generated energy; and
 - 20 (B) Any renewable energy facilities permitted or
 - 21 approved by the board of land and natural
 - 22 resources under chapter 183C; and



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



1 SECTION 2. New statutory material is underscored.

2 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY:

Chris Gebbard

M. A. ...

[Signature]

*Transmitted by
7/20/12 gsh*



S.B. NO. 2197

Report Title:

Solar Energy Facilities; Agricultural Land Use Districts

Description:

Adds lands with soil classified as productivity rating class B or class C to the agricultural lands exempt from subdivision requirements for purposes of leases or easements for renewable energy facilities.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

