
A BILL FOR AN ACT

RELATING TO SUSTAINABLE LIVING.

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

1 SECTION 1. The legislature finds that populations are
2 increasing while resources are decreasing. The result is a need
3 for more sustainable and environmentally appropriate living.
4 Sustainable and environmentally appropriate living is presently
5 inhibited due to zoning regulations that control and regulate
6 conventional development. Some innovations for more sustainable
7 development can only be researched and tested from outside the
8 confines of the State's existing mechanisms.

9 In 2007, New Mexico's governor signed into the law the
10 Sustainable Development Test Site Act that allows counties
11 throughout the state to define a new category of rules that
12 apply to approved sustainable development sites. Taos county,
13 for example, is issuing permits for sites to conduct sustainable
14 development research that would otherwise be restricted due to
15 ordinances that apply to conventional development.

16 Similarly, this Act allows and encourages privately or
17 otherwise funded sustainable projects within a county to
18 research new low-impact ways of living without the limitations



1 imposed by traditional codes and ordinances. This Act allows
2 permittees at designated sites greater than one and less than
3 fifteen acres in size within agricultural and rural districts in
4 certain counties to receive exemptions from certain codes for
5 experimental purposes. Under this Act, applicants for permits
6 must provide detailed descriptions of the research to be
7 conducted at the sites as well as annual status reports of
8 research activities. This Act enables the construction of
9 ecovillages, an innovation that is rapidly developing nationwide
10 and internationally, which are not permitted uses under Hawaii's
11 current laws.

12 The short-range goal of sustainable research sites is to
13 develop sustainable resources and practices such as community
14 resource sharing, natural or recycled building materials,
15 thermal and solar heating or cooling systems, renewable power
16 generation, water harvesting, contained sewage treatment
17 systems, and food production. The long-term goal of these sites
18 is to develop research that will contribute to emergency
19 preparedness development in Hawaii and to further the intentions
20 of the Hawaii 2050 sustainability plan.

21 The five principles outlined by the Hawaii 2050
22 sustainability plan created by the Hawaii 2050 sustainability



1 task force pursuant to Act 8, Special Session Laws of Hawaii
2 2005, are integrated philosophies that express the sustainable
3 future of Hawaii and are aligned with the purposes of this Act.
4 These five principles are as follows:

- 5 (1) Living sustainably is part of daily practice in
6 Hawaii;
- 7 (2) Hawaii's diversified and globally competitive economy
8 enables its residents to meaningfully live, work, and
9 play in Hawaii;
- 10 (3) Hawaii's natural resources are responsibly and
11 respectfully used, replenished, and preserved for
12 future generations;
- 13 (4) Hawaii's community is strong, healthy, vibrant, and
14 nurturing and provides safety nets for those in need;
15 and
- 16 (5) Hawaii's kanaka maoli and island cultures and values
17 are thriving and perpetuated.

18 This Act will promote the Hawaii 2050 sustainability plan
19 and ensure the development of innovative, responsible, and
20 sustainable practices that are vital to Hawaii's future.



1 SECTION 2. The Hawaii Revised Statutes is amended by
2 adding a new chapter to be appropriately designated and to read
3 as follows:

4 "CHAPTER

5 SUSTAINABLE LIVING RESEARCH ACT

6 § -1 Short title. This chapter shall be known and may
7 be cited as the Sustainable Living Research Act.

8 § -2 Definitions. As used in this chapter:

9 "Permittee" means a person who holds a sustainable living
10 research permit.

11 "Planning commission" means a county planning commission.

12 "Planning department" means a county planning department.

13 "Sustainable living" means a live-in environment composed
14 of structures and systems that inherently produce utilities and
15 life-support systems that conserve resources and may include:

- 16 (1) The provision of on-site energy needs by way of
- 17 renewable resources;
- 18 (2) The provision of water needs while minimizing the
- 19 withdrawals from ground water and surface water
- 20 systems in accordance with county and state water law
- 21 and the rules and policies of the county and state
- 22 engineers;



- 1 (3) The provision of sewage treatment needs with minimal
- 2 discharge;
- 3 (4) The reuse of materials discarded by modern society;
- 4 (5) The development of organic foods;
- 5 (6) The development of renewable fuel; and
- 6 (7) The development and testing of shared living
- 7 situations.

8 "Sustainable living research" means activities conducted at
9 a sustainable living research site that test ideas, concepts, or
10 inventions designed to promote sustainable living.

11 "Sustainable living research permit" means a permit issued
12 by the planning department that designates an area as a
13 sustainable living research site and specifies:

- 14 (1) The sustainable living research that can be conducted
- 15 within the site by the permittee; and
- 16 (2) The county codes, ordinances, rules, or permits that
- 17 are not applicable to the permittee and the research.

18 "Sustainable living research site" means an area that is
19 subject to a sustainable living research site permit issued by
20 the planning department.

21 **§ -3 Application for sustainable living research permit;**
22 **evaluation.** (a) A person desiring a sustainable living



1 research permit shall submit an application to the planning
2 department for the county in which the proposed sustainable
3 living research site is located. The application shall include:

- 4 (1) A detailed description of the sustainable living
5 research that will be conducted on the sustainable
6 living research site, including an explanation of the
7 ideas, concepts, and inventions that will be tested;
- 8 (2) A site plan of the sustainable living research site;
- 9 (3) The number of inhabitants and employees whom are
10 expected to occupy the sustainable living research
11 site;
- 12 (4) An assessment of the county codes, ordinances, rules,
13 or permits relating to construction or building
14 requirements, occupancy, zoning, or subdivisions that
15 are not practicable for the specific sustainable
16 living research site and that may inhibit the proposed
17 sustainable living research;
- 18 (5) An application fee, if any, set by the planning
19 department;
- 20 (6) Other information as may be required by conditions
21 adopted pursuant to section -7, rules adopted by



1 the planning department or planning commission, or
2 county ordinance;

3 (7) Copies of all required state permits, including the
4 approval of the wastewater treatment and disposal
5 technology on an experimental basis; and

6 (8) An affidavit indemnifying the county and State from
7 liabilities relating to the building exemptions.

8 An application shall be complete upon submission of all of the
9 above items to the planning department.

10 (b) Within ten days of receipt of a complete application,
11 the planning department shall forward a copy of the application
12 to the department of health. Upon the department of health's
13 receipt of the application, the department of health shall have
14 thirty days to submit comments to the planning department
15 regarding the proposed sustainable living research site and to
16 make a determination as to whether the sustainable living
17 research proposed to be conducted will have a detrimental
18 environmental impact on the proposed sustainable living research
19 site or the surrounding area; provided that any proposed
20 sustainable living research that is subject to chapter 343 shall
21 meet the requirements of that chapter. During the review of the
22 application, the department of health shall also determine



1 whether it is appropriate to grant the applicant a waiver of its
2 regulations pertaining to composting toilets and greywater
3 systems, including its regulations pertaining to individual
4 wastewater systems on agricultural land, and to approve an
5 applicant's self designed, innovative, or otherwise not yet
6 approved systems. The department of health may grant a waiver
7 if it finds that the proposed system will not have a detrimental
8 impact upon human health or environment.

9 **§ -4 Application review; decision; permit. (a)**

10 Following the application review, the planning department shall
11 issue its decision in writing. The planning department shall
12 issue a sustainable living research permit if:

13 (1) The department of health has determined that the
14 sustainable living research proposed to be conducted
15 will not have a detrimental environmental impact on
16 the proposed sustainable living research site or the
17 surrounding area;

18 (2) No existing county codes, ordinances, rules, or
19 permits relating to construction or building
20 requirements, occupancy, zoning, or subdivisions,
21 other than those identified in the application, will



- 1 be violated by the proposed sustainable living
2 research at the site;
- 3 (3) The applicant has complied with applicable rules and
4 conditions adopted pursuant to section -7 and
5 chapter 91, if any; and
- 6 (4) The proposed sustainable living research at the site
7 may be beneficial to the development of sustainable
8 living.
- 9 (b) A sustainable living research permit shall include:
- 10 (1) The specific sustainable living research that may be
11 conducted at the sustainable living research site;
- 12 (2) The maximum number of structures that may be
13 constructed;
- 14 (3) The maximum number of individuals that may inhabit the
15 sustainable living research site;
- 16 (4) The specific county codes, ordinances, rules, and
17 permits relating to construction or building
18 requirements, occupancy, zoning, or subdivisions that
19 the permittee and sustainable living research
20 conducted are excepted from pursuant to the permit;
- 21 (5) Other restrictions on the sustainable living research
22 site and the permittee's activities as required by



1 rules adopted pursuant to section -7 and chapter
2 91, if any; and

3 (6) Reasonable modifications and conditions imposed by the
4 planning department, if any.

5 (c) The sustainable living research permit shall be filed
6 and recorded in the office of the county clerk. Pursuant to
7 this chapter, all the benefits and burdens of the permit shall
8 run with the land.

9 (d) The planning department shall approve or deny an
10 application for a sustainable living research permit within
11 ninety days of its receipt of a complete application. This
12 deadline may be extended upon mutual agreement of the applicant
13 and the planning department.

14 (e) If the planning department denies an application for a
15 sustainable living research permit or fails to rule on an
16 application within ninety days after the complete application is
17 submitted, the applicant may appeal the planning department's
18 decision or failure to rule to the appropriate planning
19 commission within thirty days.

20 **§ -5 Sustainable living research site; requirements.** A
21 sustainable living research site shall be:

22 (1) Greater than one acre but less than fifteen acres;



1 (2) Built with thirty foot setbacks from adjacent
2 properties;

3 (3) Located within a county with a population of at least
4 one hundred thousand and less than five hundred
5 thousand; and

6 (4) Subject to state and federal laws, rules, and
7 regulations.

8 **§ -6 Sustainable living research permitted; enforcement.**

9 (a) The permittee, when conducting sustainable living research
10 that is specified in the sustainable living research permit,
11 shall comply with all applicable laws and rules except those
12 county codes, ordinances, rules, or permits specified in the
13 permit as inapplicable to the permittee and the research.

14 (b) Nothing in this chapter or the sustainable living
15 research permit shall be deemed to allow the permittee to
16 appropriate or otherwise use underground or surface water
17 without first obtaining a water rights permit or approval if
18 otherwise required pursuant to chapter 174C. New appropriations
19 of water and water rights transfers shall in no event be
20 exempted from state water law and rules.

21 (c) Nothing in this chapter or the sustainable living
22 research permit shall be deemed to exempt the permittee from



1 preparing an environmental assessment or environmental impact
2 statement where such statement or assessment is otherwise
3 required by law.

4 (d) Relevant employees and agents of the State or the
5 county, at all reasonable times and with reasonable notice, may
6 enter the sustainable living research site for the purpose of
7 inspecting the site and activities conducted on the site to
8 ensure that conditions specified in the sustainable living
9 research permit are being met.

10 (e) The permittee shall annually submit a report to the
11 planning department describing the sustainable living research
12 and activities conducted during the preceding twelve months and
13 summarizing the research findings. All information contained in
14 the report and all other information learned from activities
15 pursuant to the sustainable living research permit shall be made
16 available to the public.

17 (f) The planning commission may revoke the sustainable
18 living research permit if it finds, after a public hearing, that
19 the permittee has substantially violated a sustainable living
20 research permit provision, this chapter, or an applicable rule
21 adopted pursuant to this chapter or chapter 91, and has failed



1 to correct the violation within thirty days of notification of
2 the violation.

3 (g) A permittee may apply to have a sustainable living
4 research permit amended by submitting a new application pursuant
5 to section -3. If the planning department determines that
6 the proposed amendment will substantially alter the sustainable
7 living research or other activities conducted at the sustainable
8 living research site and does not approve those changes, the
9 permittee may appeal that decision to the appropriate planning
10 commission within thirty days.

11 § -7 Adoption of conditions. The planning department
12 may include, as part of the permit issued pursuant to this
13 chapter, special rules and conditions that are consistent with
14 the purpose of this chapter and other applicable laws and
15 policies. If the applicant is not in agreement with any special
16 rules and conditions imposed by the planning department, the
17 applicant may appeal to the appropriate planning commission.

18 § -8 Rules. No later than June 30, 2015, the planning
19 department of each county shall adopt rules pursuant to chapter
20 91 to implement the requirements of this chapter."

21 SECTION 3. Section 205-2, Hawaii Revised Statutes, is
22 amended by amending subsections (c) and (d) to read as follows:



1 "(c) Rural districts shall include activities or uses as
2 characterized by low density residential lots of not more than
3 one dwelling house per one-half acre, except as provided by
4 county ordinance pursuant to section 46-4(c), in areas where
5 "city-like" concentration of people, structures, streets, and
6 urban level of services are absent, and where small farms are
7 intermixed with low density residential lots except that within
8 a subdivision, as defined in section 484-1, the commission for
9 good cause may allow one lot of less than one-half acre, but not
10 less than eighteen thousand five hundred square feet, or an
11 equivalent residential density, within a rural subdivision and
12 permit the construction of one dwelling on such lot; provided
13 that all other dwellings in the subdivision shall have a minimum
14 lot size of one-half acre or 21,780 square feet. Such petition
15 for variance may be processed under the special permit
16 procedure. These districts may include contiguous areas which
17 are not suited to low density residential lots or small farms by
18 reason of topography, soils, and other related characteristics.
19 Rural districts shall also include golf courses, golf driving
20 ranges, and golf-related facilities.

21 In addition to the uses listed in this subsection, rural
22 districts shall include [~~geothermal~~] as permissible uses:



- 1 (1) Geothermal resources exploration and geothermal
2 resources development, as defined under section
3 182-1[~~, as permissible uses.~~]; and
- 4 (2) Sustainable living research sites pursuant to chapter
5 _____.
- 6 (d) Agricultural districts shall include[+] as permissible
7 uses:
- 8 (1) Activities or uses as characterized by the cultivation
9 of crops, crops for bioenergy, orchards, forage, and
10 forestry;
- 11 (2) Farming activities or uses related to animal husbandry
12 and game and fish propagation;
- 13 (3) Aquaculture, which means the production of aquatic
14 plant and animal life within ponds and other bodies of
15 water;
- 16 (4) Wind generated energy production for public, private,
17 and commercial use;
- 18 (5) Biofuel production, as described in section
19 205-4.5(a)(16), for public, private, and commercial
20 use;
- 21 (6) Solar energy facilities; provided that:



1 (A) This paragraph shall apply only to land with soil
2 classified by the land study bureau's detailed
3 land classification as overall (master)
4 productivity rating class B, C, D, or E; and
5 (B) Solar energy facilities placed within land with
6 soil classified as overall productivity rating
7 class B or C shall not occupy more than ten per
8 cent of the acreage of the parcel, or twenty
9 acres of land, whichever is lesser;

10 (7) Bona fide agricultural services and uses that support
11 the agricultural activities of the fee or leasehold
12 owner of the property and accessory to any of the
13 above activities, regardless of whether conducted on
14 the same premises as the agricultural activities to
15 which they are accessory, including farm dwellings as
16 defined in section 205-4.5(a)(4), employee housing,
17 farm buildings, mills, storage facilities, processing
18 facilities, photovoltaic, biogas, and other small-
19 scale renewable energy systems producing energy solely
20 for use in the agricultural activities of the fee or
21 leasehold owner of the property, agricultural-energy
22 facilities as defined in section 205-4.5(a)(17),



1 vehicle and equipment storage areas, and plantation
2 community subdivisions as defined in section
3 205-4.5(a)(12);

4 (8) Wind machines and wind farms;

5 (9) Small-scale meteorological, air quality, noise, and
6 other scientific and environmental data collection and
7 monitoring facilities occupying less than one-half
8 acre of land; provided that these facilities shall not
9 be used as or equipped for use as living quarters or
10 dwellings;

11 (10) Agricultural parks;

12 (11) Agricultural tourism conducted on a working farm, or a
13 farming operation as defined in section 165-2, for the
14 enjoyment, education, or involvement of visitors;
15 provided that the agricultural tourism activity is
16 accessory and secondary to the principal agricultural
17 use and does not interfere with surrounding farm
18 operations; and provided further that this paragraph
19 shall apply only to a county that has adopted
20 ordinances regulating agricultural tourism under
21 section 205-5;



1 (12) Agricultural tourism activities, including overnight
 2 accommodations of twenty-one days or less, for any one
 3 stay within a county; provided that this paragraph
 4 shall apply only to a county that includes at least
 5 three islands and has adopted ordinances regulating
 6 agricultural tourism activities pursuant to section
 7 205-5; provided further that the agricultural tourism
 8 activities coexist with a bona fide agricultural
 9 activity. For the purposes of this paragraph, "bona
 10 fide agricultural activity" means a farming operation
 11 as defined in section 165-2;

12 (13) Open area recreational facilities;

13 [+](14)[+] Geothermal resources exploration and geothermal
 14 resources development, as defined under section 182-1;

15 [~~and~~]

16 [+](15)[+] Agricultural-based commercial operations, including:

17 (A) A roadside stand that is not an enclosed
 18 structure, owned and operated by a producer for
 19 the display and sale of agricultural products
 20 grown in Hawaii and value-added products that
 21 were produced using agricultural products grown
 22 in Hawaii;



1 (B) Retail activities in an enclosed structure owned
 2 and operated by a producer for the display and
 3 sale of agricultural products grown in Hawaii,
 4 value-added products that were produced using
 5 agricultural products grown in Hawaii, logo items
 6 related to the producer's agricultural
 7 operations, and other food items; and

8 (C) A retail food establishment owned and operated by
 9 a producer and permitted under [+]title 11, [+]
 10 chapter 12 of the rules of the department of
 11 health that prepares and serves food at retail
 12 using products grown in Hawaii and value-added
 13 products that were produced using agricultural
 14 products grown in Hawaii.

15 The owner of an agricultural-based commercial
 16 operation shall certify, upon request of an officer or
 17 agent charged with enforcement of this chapter under
 18 section 205-12, that the agricultural products
 19 displayed or sold by the operation meet the
 20 requirements of this paragraph[-]; and

21 (16) Sustainable living research sites pursuant to chapter

22 _____



1 Agricultural districts shall not include golf courses and golf
2 driving ranges, except as provided in section 205-4.5(d).
3 Agricultural districts include areas that are not used for, or
4 that are not suited to, agricultural and ancillary activities by
5 reason of topography, soils, and other related characteristics."

6 SECTION 4. Section 205-4.5, Hawaii Revised Statutes, is
7 amended by amending subsection (a) to read as follows:

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

12 (1) Cultivation of crops, including crops for bioenergy,
13 flowers, vegetables, foliage, fruits, forage, and
14 timber;

15 (2) Game and fish propagation;

16 (3) Raising of livestock, including poultry, bees, fish,
17 or other animal or aquatic life that are propagated
18 for economic or personal use;

19 (4) Farm dwellings, employee housing, farm buildings, or
20 activities or uses related to farming and animal
21 husbandry. "Farm dwelling", as used in this

22 paragraph, means a single-family dwelling located on



1 and used in connection with a farm, including clusters
2 of single-family farm dwellings permitted within
3 agricultural parks developed by the State, or where
4 agricultural activity provides income to the family
5 occupying the dwelling;

6 (5) Public institutions and buildings that are necessary
7 for agricultural practices;

8 (6) Public and private open area types of recreational
9 uses, including day camps, picnic grounds, parks, and
10 riding stables, but not including dragstrips,
11 airports, drive-in theaters, golf courses, golf
12 driving ranges, country clubs, and overnight camps;

13 (7) Public, private, and quasi-public utility lines and
14 roadways, transformer stations, communications
15 equipment buildings, solid waste transfer stations,
16 major water storage tanks, and appurtenant small
17 buildings such as booster pumping stations, but not
18 including offices or yards for equipment, material,
19 vehicle storage, repair or maintenance, treatment
20 plants, corporation yards, or other similar
21 structures;



- 1 (8) Retention, restoration, rehabilitation, or improvement
- 2 of buildings or sites of historic or scenic interest;
- 3 (9) Agricultural-based commercial operations as described
- 4 in section [†]205-2(d)(15)[†];
- 5 (10) Buildings and uses, including mills, storage, and
- 6 processing facilities, maintenance facilities,
- 7 photovoltaic, biogas, and other small-scale renewable
- 8 energy systems producing energy solely for use in the
- 9 agricultural activities of the fee or leasehold owner
- 10 of the property, and vehicle and equipment storage
- 11 areas that are normally considered directly accessory
- 12 to the above-mentioned uses and are permitted under
- 13 section 205-2(d);
- 14 (11) Agricultural parks;
- 15 (12) Plantation community subdivisions, which as used in
- 16 this chapter means an established subdivision or
- 17 cluster of employee housing, community buildings, and
- 18 agricultural support buildings on land currently or
- 19 formerly owned, leased, or operated by a sugar or
- 20 pineapple plantation; provided that the existing
- 21 structures may be used or rehabilitated for use, and
- 22 new employee housing and agricultural support



1 buildings may be allowed on land within the
2 subdivision as follows:

3 (A) The employee housing is occupied by employees or
4 former employees of the plantation who have a
5 property interest in the land;

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

9 (C) The agricultural support buildings shall be
10 rented or leased to agricultural business
11 operators or agricultural support services;

12 (13) Agricultural tourism conducted on a working farm, or a
13 farming operation as defined in section 165-2, for the
14 enjoyment, education, or involvement of visitors;
15 provided that the agricultural tourism activity is
16 accessory and secondary to the principal agricultural
17 use and does not interfere with surrounding farm
18 operations; and provided further that this paragraph
19 shall apply only to a county that has adopted
20 ordinances regulating agricultural tourism under
21 section 205-5;



1 (14) Agricultural tourism activities, including overnight
2 accommodations of twenty-one days or less, for any one
3 stay within a county; provided that this paragraph
4 shall apply only to a county that includes at least
5 three islands and has adopted ordinances regulating
6 agricultural tourism activities pursuant to section
7 205-5; provided further that the agricultural tourism
8 activities coexist with a bona fide agricultural
9 activity. For the purposes of this paragraph, "bona
10 fide agricultural activity" means a farming operation
11 as defined in section 165-2;

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

18 (16) Biofuel processing facilities, including the
19 appurtenances associated with the production and
20 refining of biofuels that is normally considered
21 directly accessory and secondary to the growing of the
22 energy feedstock; provided that biofuels processing



1 facilities and appurtenances do not adversely impact
2 agricultural land and other agricultural uses in the
3 vicinity.

4 For the purposes of this paragraph:

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

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

17 (17) Agricultural-energy facilities, including
18 appurtenances necessary for an agricultural-energy
19 enterprise; provided that the primary activity of the
20 agricultural-energy enterprise is agricultural
21 activity. To be considered the primary activity of an
22 agricultural-energy enterprise, the total acreage



1 devoted to agricultural activity shall be not less
2 than ninety per cent of the total acreage of the
3 agricultural-energy enterprise. The agricultural-
4 energy facility shall be limited to lands owned,
5 leased, licensed, or operated by the entity conducting
6 the agricultural activity.

7 As used in this paragraph:

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

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

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

20 "Appurtenances" means operational infrastructure
21 of the appropriate type and scale for the economic
22 commercial generation, storage, distribution, and



1 other similar handling of energy, including equipment,
2 feedstock, fuels, and other products of agricultural-
3 energy facilities;

4 (18) 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;

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



1 with surrounding farm operations. For the purposes of
2 this section, "agricultural education programs" means
3 activities or events designed to promote knowledge and
4 understanding of agricultural activities and practices
5 conducted on a farming operation as defined in section
6 165-2;

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

14 [~~+~~] (21) [~~+~~] Geothermal resources exploration and geothermal
15 resources development, as defined under section
16 182-1[~~-~~]; or

17 (22) Sustainable living research sites pursuant to chapter
18 _____."

19 SECTION 5. Section 205-5, Hawaii Revised Statutes, is
20 amended by amending subsection (c) to read as follows:



1 "(c) Unless authorized by special permit issued pursuant
2 to this chapter, only the following uses shall be permitted
3 within rural districts:

- 4 (1) Low density residential uses;
- 5 (2) Agricultural uses;
- 6 (3) Golf courses, golf driving ranges, and golf-related
7 facilities;

- 8 (4) Public, quasi-public, and public utility facilities;
- 9 [and]

- 10 (5) Geothermal resources exploration and geothermal
11 resources development, as defined under section
12 182-1[-]; and

- 13 (6) Sustainable living research sites pursuant to chapter
14 _____.

15 In addition, the minimum lot size for any low density
16 residential use shall be one-half acre and there shall be but
17 one dwelling house per one-half acre, except as provided for in
18 section 205-2."

19 SECTION 6. There is appropriated out of the general
20 revenues of the State of Hawaii the sum of \$ or so
21 much thereof as may be necessary for fiscal year 2014-2015 for
22 the department of health to conduct a study to determine the



1 impact on human health if the drinking water system of a
2 sustainable living research site falls below the threshold for a
3 public water system.

4 The sum appropriated shall be expended by the department of
5 health for the purposes of this Act.

6 SECTION 7. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 8. This Act shall take effect on July 1, 2050.



Report Title:

Sustainable Living Research; Permit; Appropriations

Description:

Establishes a permit that exempts sustainable living research and sites from certain county codes, ordinances, and rules.

Appropriates funds. Effective July 1, 2050. (SB2274 HD1)

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

