
A BILL FOR AN ACT

RELATING TO TELECOMMUNICATIONS.

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

1 SECTION 1. Section 205-4.5, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

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

7 (1) Cultivation of crops, including but not limited to
8 flowers, vegetables, foliage, fruits, forage, and
9 timber;

10 (2) Game and fish propagation;

11 (3) Raising of livestock, including but not limited to
12 poultry, bees, fish, or other animal or aquatic life
13 that are propagated for economic or personal use;

14 (4) Farm dwellings, employee housing, farm buildings, or
15 activities or uses related to farming and animal

16 husbandry. "Farm dwelling", as used in this

17 paragraph, means a single-family dwelling located on

18 and used in connection with a farm, including clusters



1 of single-family farm dwellings permitted within
2 agricultural parks developed by the State, or where
3 agricultural activity provides income to the family
4 occupying the dwelling;

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

7 (6) Public and private open area types of recreational
8 uses, including day camps, picnic grounds, parks, and
9 riding stables, but not including dragstrips,

10 airports, drive-in theaters, golf courses, golf
11 driving ranges, country clubs, and overnight camps;

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

21 (8) Retention, restoration, rehabilitation, or improvement
22 of buildings or sites of historic or scenic interest;



(9) Roadside stands for the sale of agricultural products grown on the premises;

(10) Buildings and uses, including but not limited to mills, storage, and processing facilities, maintenance facilities, and vehicle and equipment storage areas that are normally considered directly accessory to the above mentioned uses and are permitted under section 205-2(d);

(11) Agricultural parks;

(12) Plantation community subdivisions, which as used in this paragraph means a subdivision or cluster of employee housing, community buildings, and acreage established on land currently or formerly owned, leased, or operated by a sugar or pineapple plantation and in residential use by employees or former employees of the plantation; provided that the employees or former employees shall have a property interest in the land;

[+](13)[+] Agricultural tourism conducted on a working farm, or a farming operation as defined in section 165-2, for the enjoyment, education, or involvement of visitors; provided that the agricultural tourism activity is



1 accessory and secondary to the principal agricultural
2 use and does not interfere with surrounding farm
3 operations; and provided further that this paragraph
4 shall apply only to a county that has adopted
5 ordinances regulating agricultural tourism under
6 section 205-5; [~~or~~]

7 [+] (14) [+] Wind energy facilities, including the appurtenances
8 associated with the production and transmission of
9 wind generated energy; provided that such facilities
10 and appurtenances are compatible with agriculture uses
11 and cause minimal adverse impact on agricultural
12 land[-]; or

13 (15) Construction and operation of wireless communication
14 antennas; provided that, for the purposes of this
15 paragraph, "wireless communication antenna" means
16 communications equipment that is either freestanding
17 or placed upon or attached to an already existing
18 structure and that transmits and receives
19 electromagnetic radio signals used in the provision of
20 all types of wireless communications services;
21 provided further that nothing in this paragraph shall
22 be construed to permit the construction of any new



1 structure that is not deemed a permitted use under
2 this subsection."

3 SECTION 2. If any provision of this Act or the application
4 thereof to any person or circumstance is held invalid, the
5 invalidity does not affect other provisions or applications of
6 the Act that can be given effect without the invalid provision
7 or application, and to this end the provisions of this Act are
8 severable.

9 SECTION 3. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 4. This Act shall take effect on July 1, 2007.



H.B. NO. 116
H.D. 2
S.D. 1
C.D. 1

Report Title:

Telecommunications; Wireless Communications Antenna Placement

Description:

Establishes the construction and operation of wireless communications antennas as a permitted use in the state agricultural district. (HB116 CD1)

