
A BILL FOR AN ACT

RELATING TO BIOFUELS PRODUCTION.

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

1 SECTION 1. The legislature recognizes that the development
2 of viable renewable energy sources is crucial to the
3 sustainability of the State. In a time of rising fossil fuel
4 prices and the looming possibility of supply interruptions from
5 global events and external market forces, it is important that
6 the State devote all available resources to the development of
7 alternative fuel sources. Only with maximized use of these
8 resources can Hawaii be in the optimal position to resist
9 drastic fluctuations in the energy markets and preserve the
10 continued growth of the State's economy. One available option
11 to encourage the growth and development of alternative fuel
12 sources is to allow the development of biofuels production
13 facilities on lands designated for agricultural land use.

14 The purpose of this Act is to make biofuels production a
15 permissible use in the agricultural land use districts.

16 SECTION 2. Section 205-2, Hawaii Revised Statutes, is
17 amended by amending subsection (d) to read as follows:

18 "(d) Agricultural districts shall include:



- 1 (1) Activities or uses as characterized by the cultivation
2 of crops, orchards, forage, and forestry;
- 3 (2) Farming activities or uses related to animal
4 husbandry[7] and game and fish propagation;
- 5 (3) Aquaculture, which means the production of aquatic
6 plant and animal life within ponds and other bodies of
7 water;
- 8 (4) Wind generated energy production for public, private,
9 and commercial use;
- 10 (5) 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, whether or not conducted on the same
14 premises as the agricultural activities to which they
15 are accessory, including but not limited to farm
16 dwellings as defined in section 205-4.5(a)(4),
17 employee housing, farm buildings, mills, storage
18 facilities, processing facilities, vehicle and
19 equipment storage areas, roadside stands for the sale
20 of products grown on the premises, and plantation
21 community subdivisions as defined in section
22 205-4.5(a)(12);



1 (6) Wind machines and wind farms;

2 (7) Biofuels production facilities. For the purposes of
3 this paragraph, "biofuels" has the same meaning as in
4 section 269-91;

5 [~~7~~] (8) Small-scale meteorological, air quality, noise,
6 and other scientific and environmental data collection
7 and 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 [~~8~~] (9) Agricultural parks;

12 [~~9~~] (10) Agricultural tourism conducted on a working
13 farm, or a farming operation as defined in section
14 165-2, for the enjoyment, education, or involvement of
15 visitors; provided that the agricultural tourism
16 activity is accessory and secondary to the principal
17 agricultural use and does not interfere with
18 surrounding farm operations; and provided further that
19 this paragraph shall apply only to a county that has
20 adopted ordinances regulating agricultural tourism
21 under section 205-5; and

22 [~~10~~] (11) Open area recreational facilities.



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 3. 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 but not limited to
13 flowers, vegetables, foliage, fruits, forage, and
14 timber;

15 (2) Game and fish propagation;

16 (3) Raising of livestock, including but not limited to
17 poultry, bees, fish, or other animal or aquatic life
18 that are propagated 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) Roadside stands for the sale of agricultural products
- 4 grown on the premises;
- 5 (10) Buildings and uses, including but not limited to
- 6 mills, storage, and processing facilities, maintenance
- 7 facilities, and vehicle and equipment storage areas
- 8 that are normally considered directly accessory to the
- 9 above mentioned uses and are permitted under section
- 10 205-2(d);
- 11 (11) Agricultural parks;
- 12 (12) Plantation community subdivisions, which as used in
- 13 this paragraph means a subdivision or cluster of
- 14 employee housing, community buildings, and acreage
- 15 established on land currently or formerly owned,
- 16 leased, or operated by a sugar or pineapple plantation
- 17 and in residential use by employees or former
- 18 employees of the plantation; provided that the
- 19 employees or former employees shall have a property
- 20 interest in the land;
- 21 [+] (13) [+] Agricultural tourism conducted on a working farm, or a
- 22 farming operation as defined in section 165-2, for the



1 enjoyment, education, or involvement of visitors;
2 provided that the agricultural tourism activity is
3 accessory and secondary to the principal agricultural
4 use and does not interfere with surrounding farm
5 operations; and provided further that this paragraph
6 shall apply only to a county that has adopted
7 ordinances regulating agricultural tourism under
8 section 205-5; or

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

15 (15) Biofuels production facilities, including the
16 appurtenances associated with the cultivation,
17 production, refinement, and development of biofuel
18 crops and biofuels. For the purposes of this
19 paragraph, "biofuels" has the same meaning as in
20 section 269-91."

21 SECTION 4. Statutory material to be repealed is bracketed
22 and stricken. New statutory material is underscored.



1 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY:

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Report Title:

Biofuels Production

Description:

Includes biofuels production among permissible uses of lands in agricultural districts.

