JAN 2 2 2010

### A BILL FOR AN ACT

RELATING TO RENEWABLE ENERGY FACILITIES.

subject to the following limitations:

#### 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 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
- 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;
  - The lease shall have an initial term of at least 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
2		section 205-2(d)(6), on land with soil classified
3		by the land study bureau's detailed land
4		classification as overall (master) productivity
5		rating class D or E; and
6		(B) Any renewable energy facilities approved by the
7		land use commission or county planning commission
8		under chapter 205;
9	(4)	With respect to leases and easements on lands within a
10		conservation state land use district, the exemption
11		from subdivision requirements provided by this section
12		shall be for:
13		(A) [wind] Wind energy facilities, including the
14		appurtenances associated with the production and
15		transmission of wind-generated energy; and
16		(B) Any renewable energy facilities permitted or
17		approved by the board of land and natural
18		resources under chapter 183C;
19		<u>and</u>
20	(5)	The county agency charged with administering
21		subdivisions in the county in which the renewable
22		energy project is to be situated or, if the land is in

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a conservation state land use district, the department
of land and natural resources, shall approve the
exemption from subdivision requirements within ninety
days after the project's developer and the owner of
the land on which the renewable energy project is to
be situated have submitted the conceptual schematics
or preliminary plans and specifications for the
renewable energy project to the county agency or the
department of land and natural resources, and have
provided to such county agency or the department of
land and natural resources, as applicable, a
certification and agreement that all applicable and
appropriate environmental reviews and permitting shall
be completed prior to commencement of development of
the renewable energy project. If, on the ninety-first
day, an exemption has not been approved, it shall be
deemed disapproved by the county agency or the
department of land and natural resources, whichever is
applicable."

- 1 SECTION 2. Statutory material to be repealed is bracketed
- 2 and stricken. New statutory material is underscored.
- 3 SECTION 3. This Act shall take effect upon its approval,
- 4 and shall be repealed on the same date as section 2 of Act 173,

5 Session Laws of Hawaii 2009.

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INTRODUCED BY: Tay from BR

### Report Title:

Renewable Energy Facilities; Subdivision Requirement; Exemptions

### Description:

Clarifies that the exemption from subdivision requirements for leases and easements for renewable energy facilities applies to renewable energy facilities on agricultural land approved by the Land Use Commission and renewable energy facilities on conservation land permitted by the Board of Land and Natural Resources.

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