

JAN 17 2014

S.B. NO. 2274

---

# 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 our existing mechanisms.

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

17      Similarly, this Act allows and encourages privately or  
18      otherwise funded sustainable projects within a county to



1 research new low-impact ways of living without the limitations  
2 imposed by traditional codes and ordinances. This Act allows  
3 permittees, at designated sites within agricultural and rural  
4 districts in Hawaii, to receive exemptions from certain codes  
5 for experimental purposes. Under this Act, applicants for  
6 permits 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 task force



1 pursuant to Act 8, Special Session Laws of Hawaii 2005, are  
2 integrated philosophies that express the sustainable future of  
3 Hawaii and are aligned with the purposes of this Act. These  
4 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 Therefore, this Act will promote the Hawaii 2050  
19 sustainability plan and ensure the development of innovative,  
20 responsible, and sustainable practices that are vital to  
21 Hawaii's future.



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

**"CHAPTER**

**SUSTAINABLE LIVING RESEARCH ACT**

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

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

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

"Planning commission" means a county planning commission.

"Planning department" means a county planning department.

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

(1) The provision of on-site energy needs via renewable resources;

(2) The provision of water needs while minimizing the withdrawals from ground water and surface water systems in accordance with county and state water law and the rules and policies of the county and state engineers;



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

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

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

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

"Sustainable living research site" means an area that is:

- (1) Greater than one acre but less than fifteen acres;
- (2) Built with thirty foot setbacks from adjacent properties;



(3) Located within a county with a population of at least 100,000 and less than 500,000;

(4) Subject to a sustainable living research site permit issued by the planning department; and

(5) Subject to federal laws and regulations.

§ -3 Application for sustainable living research permit; evaluation. (a) A person desiring a sustainable living research permit shall submit an application to the planning department for the county in which the proposed sustainable living research site is located. The application shall include:

(1) A detailed description of the sustainable living research that will be conducted on the sustainable living research site, including an explanation of the ideas, concepts, and inventions that will be tested;

(2) A site plan of the sustainable living research site;

(3) The number of inhabitants and employees that are expected to occupy the sustainable living research site;

(4) An assessment of the county codes, ordinances, rules, or permits relating to construction or building requirements, occupancy, zoning, or subdivisions that are not practicable for the specific sustainable



1 living research site and that may inhibit the proposed  
2 sustainable living research;

3 (5) An application fee, if any, set by the planning  
4 department;

5 (6) Other information as may be required by conditions  
6 adopted pursuant to section -6, rules adopted by  
7 the planning department or planning commission, or  
8 county ordinance;

9 (7) Copies of all required state permits, including the  
10 approval of the wastewater treatment and disposal  
11 technology on an experimental basis; and

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

14 An application is complete upon submission of all of the above  
15 items to the planning department.

16 (b) Within ten days of receipt of a complete application,  
17 the planning department shall forward a copy of the application  
18 to the department of health. Upon the department of health's  
19 receipt of the application, the department of health shall have  
20 thirty days to submit comments to the planning department  
21 regarding the proposed sustainable living research site and to  
22 make a determination as to whether the sustainable living



1 research proposed to be conducted will have a detrimental  
2 environmental impact on the proposed sustainable living research  
3 site or the surrounding area; provided that any proposed  
4 sustainable living research that is subject to chapter 343 shall  
5 meet the requirements of that chapter. During the review of the  
6 application, the department of health shall also determine  
7 whether it is appropriate to grant the applicant a waiver of its  
8 regulations pertaining to composting toilets and greywater  
9 systems, including its regulations pertaining to individual  
10 wastewater systems on agricultural land, and to approve an  
11 applicant's self designed, innovative, or otherwise not yet  
12 approved systems. The department of health may grant a waiver  
13 if it finds that the proposed system will not have a detrimental  
14 impact upon human health or environment.

15       **§ -4 Application review; decision; permit. (a)**

16 Following the application review, the planning department shall  
17 issue its decision in writing. The planning department shall  
18 issue a sustainable living research permit if:

- 19       (1) The department of health has determined that the  
20               sustainable living research proposed to be conducted  
21               will not have a detrimental environmental impact on





the proposed sustainable living research site or the surrounding area;

(2) No existing county codes, ordinances, rules, or permits relating to construction or building requirements, occupancy, zoning, or subdivisions, other than those identified in the application, will be violated by the proposed sustainable living research at the site;

(3) The applicant has complied with applicable rules and conditions adopted pursuant to section -6 and chapter 91, if any; and

(4) The proposed sustainable living research at the site may be beneficial to the development of sustainable living.

(b) A sustainable living research permit shall include:

(1) The specific sustainable living research that may be conducted at the sustainable living research site;

(2) The maximum number of structures that may be constructed;

(3) The maximum number of individuals that may inhabit the sustainable living research site;



(4) The specific county codes, ordinances, rules, and permits relating to construction or building requirements, occupancy, zoning, or subdivisions otherwise applicable to the permittee and the permittee's sustainable living research on the site, but that do not apply to the permittee and sustainable living research conducted pursuant to the permit;

(5) Other restrictions on the sustainable living research site and the permittee's activities as required by rules adopted pursuant to section -6 and chapter 91, if any; and

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

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

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



1 (e) If the planning department denies an application for a  
2 sustainable living research permit or fails to rule on an  
3 application within ninety days after the complete application is  
4 submitted, the applicant may appeal the planning department's  
5 decision or failure to rule to the appropriate planning  
6 commission within thirty days.

7 § -5 Sustainable living research permitted; enforcement.

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

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

20 (c) Nothing in this chapter or the sustainable living  
21 research permit shall be deemed to allow the permittee to avoid  
22 preparing an environmental assessment or environmental impact



1 statement where such statement or assessment is otherwise  
2 required by law.

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

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

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



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

§ -6 Adoption of conditions. The planning department may include, as part of the permit issued pursuant to this chapter, special rules and conditions that are consistent with the purpose and provisions of this chapter and other applicable laws and policies. If the applicant is not in agreement with any special rules and conditions imposed by the planning department, the applicant may appeal to the appropriate planning commission.

§ -7 Rules. No later than June 30, 2015, the planning department of each county shall adopt rules pursuant to chapter 91 to implement the requirements of this chapter."

SECTION 3. Section 205-2, Hawaii Revised Statutes, is 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) Geothermal resources exploration and geothermal  
resources development, as defined under section  
182-1 [~~as permissible uses.~~]; and

(2) Sustainable living research sites pursuant to chapter  
\_\_\_\_\_.

(d) Agricultural districts shall include:

(1) Activities or uses as characterized by the cultivation  
of crops, crops for bioenergy, orchards, forage, and  
forestry;

(2) Farming activities or uses related to animal husbandry  
and game and fish propagation;

(3) Aquaculture, which means the production of aquatic  
plant and animal life within ponds and other bodies of  
water;

(4) Wind generated energy production for public, private,  
and commercial use;

(5) Biofuel production, as described in section  
205-4.5(a)(16), for public, private, and commercial  
use;

(6) Solar energy facilities; provided that:

(A) This paragraph shall apply only to land with soil  
classified by the land study bureau's detailed



1 land classification as overall (master)

2 productivity rating class B, C, D, or E; and

3 (B) Solar energy facilities placed within land with  
4 soil classified as overall productivity rating  
5 class B or C shall not occupy more than ten per  
6 cent of the acreage of the parcel, or twenty  
7 acres of land, whichever is lesser;

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





1 community subdivisions as defined in section

2 205-4.5(a)(12);

3 (8) Wind machines and wind farms;

4 (9) Small-scale meteorological, air quality, noise, and

5 other scientific and environmental data collection and

6 monitoring facilities occupying less than one-half

7 acre of land; provided that these facilities shall not

8 be used as or equipped for use as living quarters or

9 dwellings;

10 (10) Agricultural parks;

11 (11) Agricultural tourism conducted on a working farm, or a

12 farming operation as defined in section 165-2, for the

13 enjoyment, education, or involvement of visitors;

14 provided that the agricultural tourism activity is

15 accessory and secondary to the principal agricultural

16 use and does not interfere with surrounding farm

17 operations; and provided further that this paragraph

18 shall apply only to a county that has adopted

19 ordinances regulating agricultural tourism under

20 section 205-5;

21 (12) Agricultural tourism activities, including overnight

22 accommodations of twenty-one days or less, for any one



1 stay within a county; provided that this paragraph  
2 shall apply only to a county that includes at least  
3 three islands and has adopted ordinances regulating  
4 agricultural tourism activities pursuant to section  
5 205-5; provided further that the agricultural tourism  
6 activities coexist with a bona fide agricultural  
7 activity. For the purposes of this paragraph, "bona  
8 fide agricultural activity" means a farming operation  
9 as defined in section 165-2;

10 (13) Open area recreational facilities;

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

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

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

21 (B) Retail activities in an enclosed structure owned  
22 and operated by a producer for the display and



1 sale of agricultural products grown in Hawaii,  
2 value-added products that were produced using  
3 agricultural products grown in Hawaii, logo items  
4 related to the producer's agricultural  
5 operations, and other food items; and

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

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

19 (16) Sustainable living research sites pursuant to chapter

20 \_\_\_\_\_.

21 Agricultural districts shall not include golf courses and golf  
22 driving ranges, except as provided in section 205-4.5(d).



1 Agricultural districts include areas that are not used for, or  
2 that are not suited to, agricultural and ancillary activities by  
3 reason of topography, soils, and other related characteristics."

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

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

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

13 (2) Game and fish propagation;

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

17 (4) Farm dwellings, employee housing, farm buildings, or  
18 activities or uses related to farming and animal  
19 husbandry. "Farm dwelling", as used in this  
20 paragraph, means a single-family dwelling located on  
21 and used in connection with a farm, including clusters  
22 of single-family farm dwellings permitted within



1 agricultural parks developed by the State, or where  
2 agricultural activity provides income to the family  
3 occupying the dwelling;

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

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

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

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



(9) Agricultural-based commercial operations as described in section [†]205-2(d)(15) [†];

(10) Buildings and uses, including mills, storage, and processing facilities, maintenance facilities, photovoltaic, biogas, and other small-scale renewable energy systems producing energy solely for use in the agricultural activities of the fee or leasehold owner of the property, 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 chapter means an established subdivision or cluster of employee housing, community buildings, and agricultural support buildings on land currently or formerly owned, leased, or operated by a sugar or pineapple plantation; provided that the existing structures may be used or rehabilitated for use, and new employee housing and agricultural support buildings may be allowed on land within the subdivision as follows:



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

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

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

(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 accessory and secondary to the principal agricultural use and does not interfere with surrounding farm operations; and provided further that this paragraph shall apply only to a county that has adopted ordinances regulating agricultural tourism under section 205-5;

(14) Agricultural tourism activities, including overnight accommodations of twenty-one days or less, for any one stay within a county; provided that this paragraph



1 shall apply only to a county that includes at least  
2 three islands and has adopted ordinances regulating  
3 agricultural tourism activities pursuant to section  
4 205-5; provided further that the agricultural tourism  
5 activities coexist with a bona fide agricultural  
6 activity. For the purposes of this paragraph, "bona  
7 fide agricultural activity" means a farming operation  
8 as defined in section 165-2;

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

15 (16) Biofuel processing facilities, including the  
16 appurtenances associated with the production and  
17 refining of biofuels that is normally considered  
18 directly accessory and secondary to the growing of the  
19 energy feedstock; provided that biofuels processing  
20 facilities and appurtenances do not adversely impact  
21 agricultural land and other agricultural uses in the  
22 vicinity.





1           For the purposes of this paragraph:

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

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

14          (17) Agricultural-energy facilities, including  
15          appurtenances necessary for an agricultural-energy  
16          enterprise; provided that the primary activity of the  
17          agricultural-energy enterprise is agricultural  
18          activity. To be considered the primary activity of an  
19          agricultural-energy enterprise, the total acreage  
20          devoted to agricultural activity shall be not less  
21          than ninety per cent of the total acreage of the  
22          agricultural-energy enterprise. The agricultural-



1 energy facility shall be limited to lands owned,  
2 leased, licensed, or operated by the entity conducting  
3 the agricultural activity.

4 As used in this paragraph:

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

7 "Agricultural-energy enterprise" means an  
8 enterprise that integrally incorporates an  
9 agricultural activity with an agricultural-energy  
10 facility.

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

17 "Appurtenances" means operational infrastructure  
18 of the appropriate type and scale for the economic  
19 commercial generation, storage, distribution, and  
20 other similar handling of energy, including equipment,  
21 feedstock, fuels, and other products of agricultural-  
22 energy facilities;



1       (18) Construction and operation of wireless communication  
2       antennas; provided that, for the purposes of this  
3       paragraph, "wireless communication antenna" means  
4       communications equipment that is either freestanding  
5       or placed upon or attached to an already existing  
6       structure and that transmits and receives  
7       electromagnetic radio signals used in the provision of  
8       all types of wireless communications services;  
9       provided further that nothing in this paragraph shall  
10      be construed to permit the construction of any new  
11      structure that is not deemed a permitted use under  
12      this subsection;

13      (19) Agricultural education programs conducted on a farming  
14      operation as defined in section 165-2, for the  
15      education and participation of the general public;  
16      provided that the agricultural education programs are  
17      accessory and secondary to the principal agricultural  
18      use of the parcels or lots on which the agricultural  
19      education programs are to occur and do not interfere  
20      with surrounding farm operations. For the purposes of  
21      this section, "agricultural education programs" means  
22      activities or events designed to promote knowledge and



1 understanding of agricultural activities and practices  
2 conducted on a farming operation as defined in section  
3 165-2;

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

11 [~~+~~] (21) [~~+~~] Geothermal resources exploration and geothermal  
12 resources development, as defined under section  
13 182-1 [~~-~~]; or

14 (22) Sustainable living research sites pursuant to chapter  
15 \_\_\_\_\_."

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

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

21 (1) Low density residential uses;

22 (2) Agricultural uses;



- (3) Golf courses, golf driving ranges, and golf-related facilities;
- (4) Public, quasi-public, and public utility facilities; [and]
- (5) Geothermal resources exploration and geothermal resources development, as defined under section 182-1[-]; and
- (6) Sustainable living research sites pursuant to chapter

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

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

SECTION 7. This Act shall take effect on July 1, 2014.

INTRODUCED BY:

*[Signatures]*  
*[Signature]*  
*[Signature]*  
*[Signature]*  
*[Signature]*  
*[Signature]*  
*[Signature]*



# S.B. NO. 2274

**Report Title:**

Sustainable Living Research; Permit

**Description:**

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

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

