

SENATE FLOOR AMENDMENT

FLOOR AMENDMENT NO. 13 Date 4/9/2013

TO: House Bill No. 252, H.D. 2, S.D. 1

SECTION 1. House Bill No. 252, H.D. 2, S.D. 1, is amended by amending Section 5 to read as follows:

"SECTION 5. Chapter 205, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§205- Geothermal resource permits. (a) The use of an area or site for geothermal resources development within the conservation district shall be governed by the board; provided that the appropriate county authority may issue a geothermal resource permit pursuant to subsection (c) to allow geothermal resources development in an agricultural, rural, or urban district if the geothermal resources development is not considered a permissible use under the applicable county zoning ordinances or general plan.

(b) If geothermal resources development is proposed within a conservation district in an application containing all required data, the board shall conduct a public hearing. Within ten days after the public hearing, the board may receive additional written comments on the issues raised at the public hearing from any party.

The board shall consider the comments at the hearing before rendering its final decision. The board shall then determine whether a conservation district use permit shall be granted to authorize the geothermal resources development described in the application. The board shall grant a conservation district use permit if it finds that:

- (1) The desired uses would not have unreasonable adverse health, environmental, or socio-economic effects on residents or surrounding property;
- (2) The desired uses would not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, and police and fire protection; and
- (3) There are reasonable measures available to mitigate the unreasonable adverse effects or burdens referred to above, which the board shall have the authority to prescribe as conditions for the proposed geothermal resources development.

A decision shall be made by the board within six months of the date a complete application is filed; provided that the time limit may be extended by agreement between the applicant and the



board. The board shall have the exclusive authority to impose reasonable conditions and restrictions upon the proposed use in support of its findings, except to the extent that the department of health and other state and federal agencies have jurisdiction to regulate such activities.

(c) If geothermal resources development is proposed within agricultural, rural, or urban districts and the proposed activities are not expressly permitted uses pursuant to the applicable county general plan and zoning ordinances, then, after receipt of a properly filed and completed application including all required supporting data, the appropriate county authority shall conduct a public hearing. Within ten days after the public hearing, the county authority may receive additional written comments on the issues raised at the public hearing from any party.

The county authority shall consider the comments raised at the hearing before rendering its final decision. The county authority shall then determine whether a geothermal resource permit shall be granted to authorize the geothermal resources development described in the application. The appropriate county authority shall grant a geothermal resource permit if it finds that the applicant has demonstrated that:

- (1) The desired uses would not have unreasonable adverse health, environmental, or socio-economic effects on residents or surrounding property;
- (2) The desired uses would not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, and police and fire protection; and
- (3) There are reasonable measures available to mitigate the unreasonable adverse effects or burdens referred to above, which the county authority may prescribe as conditions for the proposed geothermal resources development.

Unless there is a mutual agreement to extend the proceeding, a decision shall be made on the application by the appropriate county authority within six months of the date a complete application was filed; provided that the time limit may be extended by agreement between the applicant and the appropriate county authority. The county authority shall have exclusive authority to impose reasonable restrictions and conditions for the geothermal development in support of its findings, except to the extent that the department of health and other federal and state agencies have jurisdiction to regulate such activities.

(d) For purposes of this section:

"Appropriate county authority" means the county planning commission unless the respective county's agency or body is



designated by applicable provisions of the charter or by ordinance of the county council to issue development permits.
"Board" means the board of land and natural resources."

Offered by:

A handwritten signature in black ink, appearing to be 'D. R.', written over a horizontal line.

- Carried
- Failed to Carry
- Withdrawn

