Hawai'i County Clerk 11/10/2026 02:17:57 PM

ASHLEY L. KIERKIEWICZ
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COUNTY COUNCIL

County of Hawai'i
Hawai'i County Building
25 Aupuni Street
Hilo, Hawai'i 96720

POLICY COMMITTEE ON PLANNING, LAND USE, AND ECONOMIC DEVELOPMENT

35th Session

West Hawai'i Civic Center
74-5044 Ane Keohokālole Highway, Building A
Kailua-Kona, Hawai'i

November 17, 2026
11:30 a.m.

The Hilo Council Chambers at the Hawai'i County Building, 25 Aupuni Street, will be closed.

Public attendance via Courtesy Site is available at the following locations:

- **Ocean View Community Association, 92-8924 Leilani Circle;**
- **Pāhoa Council Office, 15-2879 Pāhoa Village Road; and**
- **Waimea Council Office, Parker Square, 65-1279 Kawaihae Road, Suite 109.**

If a Courtesy Site is unavailable and/or participation is disrupted, the scheduled meeting will continue.

Oral Public Testimony via Zoom: To provide oral testimony via Zoom, email *councilremotetestimony@hawaiicounty.gov* or call (808) 961-8255 to complete the registration process and obtain meeting login information. Please contact our office to register by 12:00 noon, **Monday, November 16, 2026**.

Submitting Written Testimony: To ensure timely delivery to Council Members prior to the meeting, written testimony must be submitted no later than 12:00 noon on **Monday, November 16, 2026**, by: (1) email to *counciltestimony@hawaiicounty.gov*; (2) facsimile to (808) 961-8912; or (3) mail to the County Clerk's Office in Hilo at 25 Aupuni Street, Hilo, Hawai'i, 96720. All written testimony, regardless of time of receipt, will be made part of the permanent record. Please submit separate testimony for each item.

ORDER OF BUSINESS

CALL TO ORDER

ROLL CALL

STATEMENTS FROM THE PUBLIC ON AGENDA ITEMS

Pursuant to HRS § 92-3, oral testimony may be provided entirely at the beginning of the meeting, or immediately preceding the agenda item being opened for deliberation by the committee.

BILLS FOR ORDINANCES

Bill 170: AMENDS CHAPTER 25, ARTICLE 1, OF THE HAWAI'I COUNTY CODE 1983 (2016 EDITION, AS AMENDED), RELATING TO ZONING
Distinguishes data centers from data processing facilities for zoning and land use purposes; defines "data center."

Reference:	Comm. 940
Intr. by:	Council Member Kimball
Referred to Planning Commissions:	July 7, 2026

; *and*

Comm. 940.2: From Mayor C. Kimo Alameda, dated October 27, 2026, transmitting for Council's consideration and action, letters from the Windward and Leeward Planning Commissions.

; *and*

Comm. 940.3: From Planning Director Jeffrey W. Darrow, dated October 30, 2026, transmitting a PowerPoint presentation for Bill 170.

ADJOURNMENT

Note: B/R, when listed next to the name of an Introducer, signifies that the Council Member has agreed to introduce legislation "By Request" on behalf of the requesting party. It does not necessarily signify support of or opposition to the proposal.

Live Stream of County Council Committee Meetings: To view the live stream of this meeting, at the scheduled meeting start time, type the following into the address bar of the browser: https://www.youtube.com/channel/UCJNalwg4OoK7a_7nGnEtGPA.

If you need an auxiliary aid/service or other accommodation due to a disability, call (808) 961-8255 as soon as possible, preferably by ***November 13, 2026***. If a response is received after this date, every effort will be made to obtain the auxiliary aid/service or accommodation, but there is no guarantee the request can be filled. Upon request, this notice is available in alternate formats such as large print, Braille, or electronic copy.

Agenda items are available on the County website at www.hawaiicounty.gov. Click on Council Records to navigate to current agendas. For any questions, please contact Council Services at (808) 961-8255.

COUNTY OF HAWAI'I STATE OF HAWAI'I

BILL NO. 170

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 25, ARTICLE 1, OF THE HAWAI'I COUNTY CODE 1983 (2016 EDITION, AS AMENDED), RELATING TO ZONING.

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF HAWAI'I:

SECTION 1. Purpose. The purpose of this ordinance is to distinguish data processing facilities, which are permitted in industrial-commercial mixed use (MCX) zoning districts, from data centers, which are not permitted in the County pursuant to Section 25-4-4 of the Hawai'i County Code. This distinction will prevent data centers from being considered a permitted use due to their similarities with data processing facilities. The added definition does not encourage or allow the permitting of data centers but aims to make clear that they are not a permitted use in the County.

SECTION 2. Chapter 25, article 1, section 25-1-5, of the Hawai'i County Code 1983 (2016 Edition, as amended) is amended by amending the definition of "data processing facility" in subsection (b) to read as follows:

> ""Data processing facility" means an establishment primarily involved in the compiling, storage and maintenance of documents, records, and other types of information in digital form utilizing a mainframe computer. This term does not include data centers, general business offices, computer-related sales establishments, and business or personal services."

SECTION 3. Chapter 25, article 1, section 25-1-5, of the Hawai'i County Code 1983 (2016 Edition, as amended) is amended by adding a definition in subsection (b) to be appropriately inserted and to read as follows:

> ""Data center" means a facility used for the industrial-scale operation of computer systems and associated equipment for the processing, computing, transmission, or dissemination of digital data, and that requires supporting infrastructure beyond that typically accessory or incidental to office, commercial, or public institutional uses."

SECTION 4. New material is underscored. In printing this ordinance, the underscoring need not be included.

SECTION 5. Severability. If any provision of this ordinance, or the application thereof to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION 6. This ordinance shall take effect upon its approval.

INTRODUCED BY:

COUNCIL MEMBER, COUNTY OF HAWAI'I

_____, Hawai'i
Date of Introduction:
Date of 1st Reading:
Date of 2nd Reading:
Effective Date:

REFERENCE Comm. 940

HEATHER L. KIMBALL
COUNCIL DISTRICT 1
Council District 1 (North Hilo, Hāmākua, and portion of Waimea)

Phone: (808) 961-8828
Fax: (808) 961-8912
Email: Heather.Kimball@hawaiicounty.gov

HAWAI'I COUNTY COUNCIL

25 Aupuni Street, Ste. 1402.
Hilo, Hawai'i 96720

COUNTY CLERK
COUNTY OF HAWAII
2026 JUN -2 PM 3:26

DATE: May 26, 2026

TO: Dr. Holeka Goro Inaba, Council Chair
and Members of the Hawai'i County Council

FROM: Heather L. Kimball, District 1 HLK

SUBJECT: AN ORDINANCE AMENDING CHAPTER 25, ARTICLE 1, OF THE HAWAI'I COUNTY CODE 1983 (2016 EDITION, AS AMENDED), RELATING TO ZONING.

Transmitted herewith is the above-entitled measure.

I respectfully request that this matter be referred to the appropriate committee.

HLK:dkb
Att.

< Bill 170 >

Comm. No. 940
Ref. To: PCPLUED
Ref. Date JUN 0 2 2026

Hawai'i County is an Equal Opportunity Provider and Employer.

C. Kimo Alameda, Ph.D.
Mayor

William V. Brilhante, Jr.
Managing Director

Merrick Nishimoto
Deputy Managing Director

County of Hawai'i ~ Office of the Mayor

25 Aupuni Street, Suite 2603 • Hilo, Hawai'i 96720 • Phone (808) 961-8211 • Fax (808) 961-6553
KONA: 74-5044 Ane Keohokālole Hwy., Bldg C • Kailua-Kona, Hawai'i 96740
Phone (808) 323-4444 • Fax (808) 323-4440

COUNTY CLERK
COUNTY OF HAWAII
2026 OCT 28 AM 10: 27

October 27, 2026

The Honorable Dr. Holeka Goro Inaba
and Members of the County Council
County of Hawai'i
25 Aupuni Street
Hilo, Hawai'i 96720

Dear Chair Dr. Holeka Goro Inaba and Council Members:

SUBJECT: County Council Initiated Bill No. 170 (PL-CCI-2026-000018)
Amendment to Chapter 25 (Zoning), Article 1, of the Hawai'i County Code 1983 (2016 Edition, As Amended) Relating to Zoning for Data Processing Facilities and Data Centers

As required by Chapter 7, Sec. 6-7.5 (a)(3), Hawai'i County Charter, transmitted herewith for the County Council's consideration and action is the Windward and Leeward Planning Commissions' letters regarding the above-referenced request.

Sincerely,

C. KIMO ALAMEDA, PH.D.
Mayor

TCouncilBill1170PL-CCI-2026-000018
Enclosures

cc: Planning Department

Comm. No. 940.2
Ref. To: PCPLUED
Ref. Date NOV 01 2026

County of Hawai'i is an Equal Opportunity Provider and Employer.

C. Kimo Alameda, Ph.D.
Mayor

William V. Brilhante, Jr.
Managing Director

Louis Daniele III, Chair
Chantel Perrin, Vice Chair
Lauren Balog
Thomas E. Fratinardo
JoNelle Fukushima
Paul Montz
Kanoe Wilson

Ke Komikina Hoʻolālā Hikina, Kalana ʻo Hawaiʻi
County of Hawai'i
WINDWARD PLANNING COMMISSION
Aupuni Center • 101 Pauahi Street, Suite 3 • Hilo, Hawai'i 96720
Phone (808) 961-8288 • Fax (808) 961-8742

October 27, 2026

The Honorable Dr. Holeka Goro Inaba
and Members of the County Council
County of Hawai'i
25 Aupuni Street
Hilo, Hawai'i 96720

Dear Chairman Inaba and Members of the County Council:

SUBJECT: County Council Initiated Bill No. 170 (PL-CCI-2026-000018) Amendment to Chapter 25 (Zoning), Article 1, of the Hawai'i County Code 1983 (2016 Edition, As Amended) Relating to Zoning for Data Processing Facilities and Data Centers

The Windward Planning Commission (Commission), at its duly public hearing held on October 1, 2026, reviewed and considered County Council Initiated Bill No. 170 which proposes amendments to Chapter 25 (Zoning), Article 1 of the Hawai'i County Code 1983 (2016 Edition, as amended) relating to zoning for data processing facilities and data centers.

The Commission voted to forward an unfavorable recommendation on Bill No. 170 to the County Council due to confusion surrounding the proposed bill. It was suggested that the County Council should rework the proposed legislation to incorporate information reflecting the commissioner's discussion and testimony presented at the hearing.

The Planning Department's background report, recommendation report, public testimony, and PowerPoint presentation, are available for review at the following Laserfiche Weblink address: https://records.hawaiicounty.gov/weblink/Browse.aspx?dbid=1&startid=158370

The Commission hearing minutes of September 3, 2026, meeting can be found at the following link:
https://records.hawaiicounty.gov/weblink/Browse.aspx?dbid=1&startid=158205

The Commission hearing minutes of October 1, 2026, meeting can be found at the following link once it is available:
https://records.hawaiicounty.gov/weblink/Browse.aspx?dbid=1&startid=158011

Should there be any questions, please feel free to contact Planning Program Manager, Maija Jackson at (808) 961-8159.

Sincerely,

Louis Daniele III
Louis Daniele III (Oct 27, 2026 06:58:20 HST)

Louis Daniele III, Chairman
Windward Planning Commission

P\wp60\PC\PCC2026-4\LCouncilInitiatedBill170PL-CCI-2026-000018wpc

cc via email: Windward Planning Commission
Deputy Corporation Counsel for Windward Planning Commission
Jeffrey W. Darrow, Planning Director
Deputy Corporation Counsel for Planning Department

C. Kimo Alameda, Ph.D.
Mayor

William V. Brilhante, Jr.
Managing Director

Dean Au, Chair
Donna "Kinuko" Noborikawa, Vice Chair
Jacob Andrews
Alexandria "Lexie" Ayers
Rebecca "Kawehi" Inaba
Kele Makaiau
Armando Rodriguez

Ke Komikina Ho'olālā Komohana, Kalana 'o Hawai'i
County of Hawai'i
LEEWARD PLANNING COMMISSION
Aupuni Center • 101 Pauahi Street, Suite 3 • Hilo, Hawai'i 96720
Phone (808) 961-8288 • Fax (808) 961-8742

October 23, 2026

The Honorable Dr. Holeka Goro Inaba
and Members of the County Council
County of Hawai'i
25 Aupuni Street
Hilo, Hawai'i 96720

Dear Chairman Inaba and Members of the Council Members:

SUBJECT: County Council Initiated Bill No. 170 (PL-CCI-2026-000018) Amendment to Chapter 25 (Zoning), Article 1, of the Hawai'i County Code 1983 (2016 Edition, As Amended) Relating to Zoning for Data Processing Facilities and Data Centers

The Leeward Planning Commission (Commission), at its duly held public hearing on October 15, 2026, reviewed and considered County Council Initiated Bill No. 170 which proposes amendments to Chapter 25 (Zoning), Articles 1 of the Hawai'i County Code 1983 (2016 Edition, as amended) relating to zoning for data processing facilities and data centers.

The Commission voted to forward a favorable recommendation on Bill No. 170 to the County Council with the following suggested amendments:

- Recommend a moratorium on data centers.
- Incorporate the enclosed testimony provided by Samantha Haney into the definition of a data center.

The Planning Department's background report, recommendation report, public testimony, and PowerPoint presentation are available for review at the following Laserfiche Weblink address: https://records.hawaiicounty.gov/weblink/Browse.aspx?dbid=1&startid=159059

The Commission hearing minutes of October 15, 2026, meeting can be found at the following link once it is available:
https://records.hawaiicounty.gov/weblink/Browse.aspx?dbid=1&startid=159834

Should you have any questions, please contact Maija Jackson of this department at (808) 961-8159.

Sincerely,

Dean Au (Oct 23, 2026 11:10:10 HST)

Dean Au, Chairperson
Leeward Planning Commission

P\wp60\PC\PCC2026-4\CouncilInitiatedPL-CCI-2026-000018lpc

Enclosure: Samantha Haney October 14, 2026 Testimony

cc via email w/enclosure: Leeward Planning Commission
Jeffrey W. Darrow, Planning Director
Deputy Corporation Counsel for Planning Commission
Deputy Corporation Counsel for Planning Department

From: Samantha Haney
To: Planning LPC Testimony
Subject: S Haney, Bill 170 testimony
Date: Wednesday, October 14, 2026 4:44:22 AM
Attachments: Haney testimony Bill 170.pdf

Aloha,

Please find attached my testimony on Bill 170 for your consideration.

Mahalo,
Samantha

WINDWARD PLANNING COMMISSION
County of Hawai'i Aupuni Center
101 Pauahi Street,
Hilo, Hawaii 96720

RE: Bill 170 testimony

Aloha Chair and Commissioners,

My name is Samantha Haney, and I live in Kailua-Kona in Hawai'i County. I have worked in information technology for 30 years, and I am speaking as a resident.

My support for Bill 170's purpose stems from a desire to ensure clarity and fairness, which I believe will help the Commission feel confident in the policy's effectiveness. I ask the Commission to forward a favorable recommendation, with amendments that make the definition measurable.

The current language, with terms like 'industrial-scale' and 'typically accessory or incidental,' risks ambiguity. Clarifying these terms will help the Commission feel responsible for creating a fair, transparent process and reduce disputes over definitions.

The Windward Planning Commission heard the same concern on Oct. 1 and voted 5-1 for an unfavorable recommendation, citing confusion and loopholes in the definition. I share the concern, but I think a favorable recommendation that tells the Council exactly what to fix is the stronger path. Without the new definition, a data center can be argued to fit "data processing facility," a use the code already permits in industrial-commercial mixed-use districts.

I ask you to recommend that the definition:

Use measurable triggers, where any one is enough. Compare a facility's electrical demand with the capacity of the grid that serves it, and its water demand with the capacity the Department of Water Supply confirms for the serving system. Ratios work better than fixed numbers because capacity differs across our island and technology keeps changing. For scale, Hawaiian Electric reports 280.5 megawatts (MW) of firm capacity on Hawai'i Island as of February 2026, and its January 2023 adequacy report shows yearly peak demand of roughly 183 to 194 MW against a 30% planning reserve target. A single 20 MW facility would be about a tenth of that peak. [Adequacy-of-Supply-HECO-2023.pdf.]

Count the whole project. Combine buildings, phases and sites under common ownership, control or a unified plan, so a large facility cannot be built in pieces. Modular designs make this especially important.

Add a technology-neutral density measure, such as power per square foot, so the definition does not depend on one kind of chip. Chip designs also change quickly: CPUs, GPUs and TPUs differ widely in power and heat, and each generation shifts the numbers, so any fixed figure ages fast. That is why the definition should not name a chip type, and why a density-figure should be reviewed on a schedule rather than set permanently.

Keep exclusions narrow. Exempt only equipment that supports an onsite principal use and is not leased or operated for outside customers.

Review on a schedule, because technology will change faster than the code.

Water deserves equal weight with power. A data center's cooling demand depends on its design and on our warm, humid climate, and operators' published figures vary widely, so I would not rely on any single claim. Locally, nearly all of the county's drinking water comes from groundwater, and in May 2025 the Department of Water Supply asked customers in North Kona and South Kohala to cut use by 10%. [North Kona residents asked to conserve water.] I ask that the definition count projected water demand, including cooling and makeup water, whether it comes from the county system, a private well, or another source, so that a facility cannot avoid the test by drilling its own supply.

Measurable terms also fit the county's roles by enabling planning staff to rely on written confirmations from Hawaiian Electric and the Department of Water Supply, simplifying monitoring and ensuring practical implementation of the criteria.

Mahalo for the opportunity to testify,

Samantha G Haney

Sailing_malolo@outlook.com
808-557-4631Commission

C. Kimo Alameda, Ph.D.
Mayor

William V. Brilhante, Jr.
Managing Director

West Hawai'i Office
74-5044 Ane Keohokālole Hwy
Kailua-Kona, Hawai'i 96740
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Fax (808) 327-3563

County of Hawai'i
PLANNING DEPARTMENT

Jeffrey W. Darrow
Director

Michelle S. Ahn
Deputy Director

East Hawai'i Office
101 Pauahi Street, Suite 3
Hilo, Hawai'i 96720
Phone (808) 961-8288
Fax (808) 961-8742

COUNTY CLERK
COUNTY OF HAWAII
2026 OCT 30 PM 1:18

October 30, 2026

MEMORANDUM

TO: Ashley L. Kierkiewicz, Chairperson of
The Policy Committee on Planning, Land Use, and Economic Development and Members of the Hawai'i County Council

Maija Jackson for
Maija Jackson for (Oct 30, 2026 12:38:03 HST)

FROM: Jeffrey W. Darrow, Planning Director

SUBJECT: Planning Director Presentation Material

Attached please find the presentation material from the Planning Department in relation to the following measure to be heard by the Policy Committee on Planning, Land Use, and Economic Development:

- County Council Initiated (PL-CCI-2026-000018)
  Request: Bill No. 170, a Bill to Amend Chapter 25 (Zoning), Article 1, of the Hawai'i County Code 1983 (2016 Edition, As Amended) Relating to Zoning for Data Processing Facilities and Data Centers

Should you have any questions, please contact Maija Jackson of this department at (808) 961-8159 or by email at Maija.Jackson@hawaiicounty.gov.

Thank you very much.

MADS
MPresentationMaterialforCouncilInitiatedPL-CCI-2026-018

Enclosure

cc (via email): Windward and Leeward Planning Commission Secretary
Kuuhiapo Jeong, Council Legislative Assistant
Maija Jackson, Program Planning Manager
Rachelle Ley, Secretary to Planning Director

Comm. No. 940.3
Ref. To: PCPLUED
Ref. Date NOV 0 1 2026

COUNTY COUNCIL INITIATED BILL NO. 170

RELATING TO ZONING FOR DATA PROCESSING FACILITIES AND DATA CENTERS

Amendment to Chapter 25 (Zoning), Article 1 of the Hawai'i County Code

Purpose of Bill No. 170

1. Distinguish data processing facilities from modern data centers
2. Revise the existing definition and expressly exclude data centers
3. Create a new definition for industrial-scale data centers
4. Keep data processing facilities permitted in MCX; data centers are not permitted in any zoning district

COUNCIL RATIONALE

"According to the County Council, the existing definition is broad and could allow a data center to be interpreted as a permitted use in MCX districts as a data processing facility."

Proposed Definitions in Bill 170

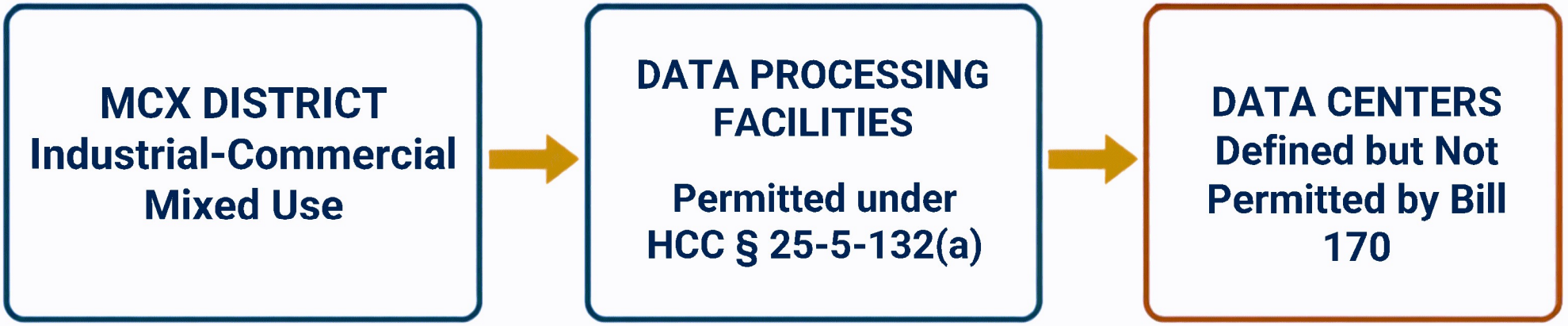
REVISED DEFINITION

"Data processing facility" means an establishment primarily involved in the compiling, storage and maintenance of documents, records, and other types of information in digital form utilizing a mainframe computer. This term does not include data centers, general business offices, computer-related sales establishments, and business or personal services.

NEW DEFINITION

"Data center" means a facility used for the industrial-scale operation of computer systems and associated equipment for the processing, computing, transmission, or dissemination of digital data, and that requires supporting infrastructure beyond that typically accessory or incidental to office, commercial, or public institutional uses."

Zoning Context — Data Processing Facilities



Ordinance 96-160 created the MCX zoning district to accommodate emerging technology and compatible industrial-commercial uses. Bill 170 preserves the original permitted use of data processing facilities while drawing a new boundary around modern data centers.

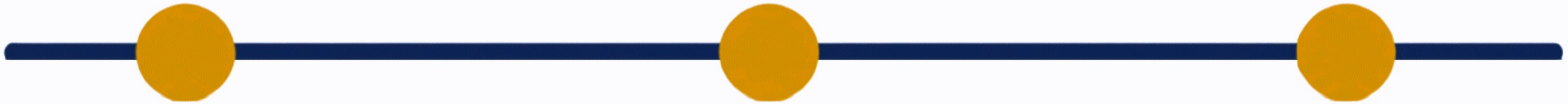
What Changes and What Remains the Same?

Current Code	Under Bill 170
Data processing facility is defined	Definition is revised
Data processing facility is permitted in MCX	Still permitted in MCX
No separate data center definition	New data center definition
Potential overlap in interpretation	Uses clearly distinguished
Data centers are not separately identified	Data centers remain prohibited in all zoning districts unless later authorized

COUNTY COUNCIL INITIATED BILL NO. 170

PLANNING DIRECTOR ANALYSIS

Why Distinguishing Matters



1990s

Data processing facilities were added to reflect emerging technology.

2000s–2010s

Emerging digital infrastructure including artificial intelligence, digital storage, etc...

TODAY

Modern standalone data centers may have infrastructure and operational characteristics that differ from data processing facilities.

The land-use category has evolved from an office-like activity into a distinct, infrastructure-intensive use.

Comparative Regulatory Approaches

INDUSTRIAL DISTRICTS

Counties such as Loudoun, Fairfax, Albemarle, Tippecanoe direct data centers to specific industrial or commercial districts, often with size limits or discretionary review.

OVERLAY DISTRICTS

Counties such as Prince William and Hancock use mapped or site specific overlay approaches tied to industrial areas and infrastructure.

TEMPORARY MORATORIUMS

Boone County has adopted a temporary moratorium while regulations are developed.

These examples are comparative approaches, not binding national standards. Larger or more intensive facilities are often subject to discretionary review.

Planning Director's Recommendation Overview

Supports Bill 170's distinction between modern data centers and traditional data processing facilities

1. Complete exclusion of data centers may unnecessarily preclude appropriately scaled facilities
2. Standalone data centers are more appropriately accommodated in the General Industrial (MG) District
3. Subject to a size limitation and discretionary review.

COUNTY COUNCIL INITIATED BILL NO. 170

PLANNING DIRECTOR RECOMMENDATION

The Planning Director recommends that the Planning Commissions send a favorable recommendation of Bill 147 to the County Council with suggested revisions in the recommendation report. The recommendations are as follow.

Recommendations 1 & 2 — Permitting Paths

≤ 10,000 SQ. FT. DATA CENTER PERMITTED USE

General Industrial (MG) district subject to § 25-4-19

10,000 SQ. FT.

➢ 10,000 SQ. FT. DATA CENTER USE PERMIT REQUIRED

Site-specific review amend HCC section §§ 25-2-61 and 25-5-152(b)

The threshold changes the review path and not the need to meet applicable development standards.

Why a 10,000-Square-Foot Threshold?

SMALLER FACILITIES

- At or below 10,000 sq. ft.
- Permitted use in MG

LARGER FACILITIES

- Above 10,000 sq. ft.
- Use permit and site-specific review

BALANCE

The threshold supports access for smaller facilities while adding oversight for developments with greater potential impacts.

Recommendation 3 — Amended Definition of "Data Center"

AMEND THE DEFINITION OF DATA CENTERS AS SHOWN

""Data center" means a building, portion of a building, or group of buildings used principally for an industrial-scale operation that houses computer systems, servers, networking equipment, or similar equipment for the processing, computing, storage, transmission, hosting, or dissemination of digital data, together with supporting electrical, cooling, ventilation, security, fire-suppression, backup-power, and telecommunications equipment or facilities. The term does not include computer servers, server rooms, telecommunications equipment, or similar data-processing equipment that:

1) *is located on the same building site as an otherwise permitted principal use;*
2) *is accessory and subordinate in area, function, and operation to that principal use;*
3) *primarily supports the operation of that onsite principal use; and*
4) *is not separately leased, licensed, or operated as a data center or as a data-processing, hosting, storage, or transmission service for unrelated offsite users."*

Recommendation 3 — Amended Definition of "Data Center"

SUMMARY

An industrial-scale data center facility that houses computer equipment and supporting infrastructure.

VS.

Onsite data center facilities (*ie IT equipment*) that remains accessory when it supports a permitted principal use.

LEGAL TEXT

LEGAL EXCLUSIONS — ALL FOUR MUST APPLY

1. Located on the same site as a permitted principal use
2. Accessory and subordinate in area, function, and operation
3. Primarily supports the onsite principal use
4. Not separately leased or operated for offsite users

REASON: Distinguish incidental onsite IT infrastructure from standalone or tenant-operated data center.

Recommendation 4 — Standards for Data Centers (§ 25-4-19)

Create a new section in HCC for data centers as follows:

"Section 25-4-19. Data centers

1. For purposes of this section, "gross floor area devoted to data center use" includes floor area containing computer systems, servers, networking equipment, or supporting electrical, cooling, ventilation, security, fire-suppression, backup-power, and telecommunications equipment principally serving the data center use.
2. The gross floor area of all data center buildings and portions of buildings shall be aggregated when located on the same building site, on contiguous building sites under common ownership or control, or as part of a unified or phased plan of development.
3. A data center development shall not be divided among separate buildings, building sites, ownership entities, tenants, applications, or phases for the purpose of avoiding the Use Permit threshold.
4. Any change or expansion that causes the aggregate gross floor area devoted to data center use to exceed 10,000 square feet shall require approval of a Use Permit prior to construction or establishment of such change or expansion.

Recommendation 4 — Standards for Data Centers (§ 25-4-19)

Create a new section in HCC for data centers as follows: (cont.)

5. For a data center requiring a Use Permit, the following matters may be considered, as applicable, through the Use Permit review process and conditions of approval:

   A. Electrical demand and capacity, generation source, necessary transmission or distribution improvements, and cumulative effects on the electrical system;

   B. Water source and demand, cooling technology, wastewater generation, and water-conservation measures;

   C. Operational and emergency-generator noise, including preconstruction modeling and post-occupancy verification, as appropriate;

   D. Emergency access and response, fire suppression, hazardous materials, battery energy storage systems, and emergency-response planning;

   E. Building mass and setbacks, landscaping, equipment screening, exterior lighting, and compatibility with surrounding land uses; and

   F. Construction and operational traffic, solid and electronic waste, heat rejection, air emissions, and greenhouse-gas considerations."

Recommendation 4 – Why Standards and Aggregation Matter

One Consistent Threshold

These standards provide a consistent method for applying the 10,000-square-foot threshold and ensure that the overall scale of a data center development is considered, including related buildings, sites, and phases.

No Project Segmentation

The aggregation provisions prevent larger projects from being divided to avoid discretionary review and clarify when an expansion requires a Use Permit.

Site-Specific Evaluation

Because data centers can vary substantially in their energy and water demands, cooling systems, noise, emergency systems, and other operational impacts, the identified considerations allow these matters to be evaluated on a site-specific basis

Targeted Conditions of Approval

Addressed through appropriate conditions of approval.

Planning Commission Actions

At its October 1, 2026, meeting, the Windward Planning Commission voted to forward an unfavorable recommendation to the County Council due to confusion surrounding the proposed bill and suggested the County Council rework the proposed legislation to incorporate information discussed by the commission and public at its meeting.

The Leeward Planning Commission voted to forward a favorable recommendation at its October 15, 2026, meeting, with the following amendments:

- Recommend a moratorium on data centers.
- Incorporate testimony provided by Samantha Haney into the definition of a data center.