
A BILL FOR AN ACT

RELATING TO SOLAR ENERGY.

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

1 SECTION 1. The legislature finds that renewable energy
2 resources can greatly benefit Hawaii's economy, environment,
3 energy security, and sustainability. The increased use of
4 Hawaii's abundant renewable energy resources, such as wind,
5 solar, ocean thermal, wave, and biomass resources, is key to
6 reducing Hawaii's green house gas emissions and contribution to
7 global warming and creating new job opportunities and economic
8 diversification.

9 The legislature also finds that Hawaii's trade deficit is
10 also a significant impediment to Hawaii's goal of economic and
11 energy security and sustainability. Specifically, in 2006,
12 Hawaii exported only \$16,300,000,000 in goods and services,
13 including visitor spending, while importing approximately
14 \$24,000,000,000. The legislature further finds that Hawaii's
15 oil imports totaled \$3,400,000,000 for the year, accounting for
16 approximately fifteen per cent of the total imports. Over
17 ninety-three per cent of Hawaii's energy is supplied by fossil
18 fuel. The legislature further finds that allowing a solar



1 energy facility on marginal agricultural lands may have more
2 beneficial effects for Hawaii's economy, environment, and energy
3 security than having such lands unused.

4 The purpose of this Act is to include a solar energy
5 facility as a permitted use within the agricultural district on
6 land with soil classified D or E.

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

9 "(d) Agricultural districts shall include:

- 10 (1) Activities or uses as characterized by the cultivation
11 of crops, crops for bioenergy, orchards, forage, and
12 forestry;
- 13 (2) Farming activities or uses related to animal
14 husbandry[7] and game and fish propagation;
- 15 (3) Aquaculture, which means the production of aquatic
16 plant and animal life within ponds and other bodies of
17 water;
- 18 (4) Wind generated energy production for public, private,
19 and commercial use;
- 20 (5) Biofuel production, as described in section
21 205-4.5(a)(15), for public, private, and commercial
22 use;



1 (6) Solar energy facilities; provided that this paragraph
2 shall apply only to land:

3 (A) With soil classified by the land study bureau's
4 detailed land classification as overall (master)
5 productivity rating class D or E;

6 (B) Where the total acreage to be used by the solar
7 energy facility is ten acres or one per cent of
8 the parcel, whichever is less;

9 (C) That is located in the vicinity of an existing
10 electrical transmission and distribution system;
11 and

12 (D) That can generate between:

13 (i) Eight and fourteen kWh/m²/day (hours per day
14 when array is providing peak output) based
15 on solar insolation maps on a two-axis
16 tracking flat plate; or

17 (ii) Five and fourteen kWh/m²/day (hours per day
18 when concentrator is providing peak output)
19 based on solar insolation maps on a two-axis
20 tracking concentrator system.

21 ~~(6)~~ (7) Bona fide agricultural services and uses that
22 support the agricultural activities of the fee or



1 leasehold owner of the property and accessory to any
2 of the above activities, regardless of whether [~~or~~
3 ~~not~~] conducted on the same premises as the
4 agricultural activities to which they are accessory,
5 including but not limited to farm dwellings as defined
6 in section 205-4.5(a)(4), employee housing, farm
7 buildings, mills, storage facilities, processing
8 facilities, vehicle and equipment storage areas,
9 roadside stands for the sale of products grown on the
10 premises, and plantation community subdivisions as
11 defined in section 205-4.5(a)(12);

12 [~~(7)~~] (8) Wind machines and wind farms;

13 [~~(8)~~] (9) Small-scale meteorological, air quality, noise,
14 and other scientific and environmental data collection
15 and monitoring facilities occupying less than one-half
16 acre of land; provided that these facilities shall not
17 be used as or equipped for use as living quarters or
18 dwellings;

19 [~~(9)~~] (10) Agricultural parks;

20 [~~(10)~~] (11) Agricultural tourism conducted on a working
21 farm, or a farming operation as defined in section
22 165-2, for the enjoyment, education, or involvement of



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

8 [~~11~~] (12) Open area recreational facilities.

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

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

14 SECTION 3. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

16 SECTION 4. This Act shall take effect upon its approval.



Report Title:

Solar Energy Facility in Agricultural District

Description:

Makes solar energy facilities a permitted use in the agricultural district on class D or E land. (HB2502 HD1)

