
A BILL FOR AN ACT

RELATING TO RENEWABLE ENERGY.

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

1 SECTION 1. The purpose of this Act is to expand the
2 permitted activities and uses within agricultural districts to
3 include certain renewable energy facilities. More specifically,
4 this Act includes as a permitted use on land with soil
5 classified D or E the following: a solar energy facility,
6 hydropower facility, ocean thermal conversion facility, and
7 ocean wave movement facility. This Act is intended to
8 complement present law under which a wind energy facility and
9 biofuel production facility are permitted uses within the
10 agricultural district.

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

13 "(d) Agricultural districts shall include:

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

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



- 1 (3) Aquaculture, which means the production of aquatic
2 plant and animal life within ponds and other bodies of
3 water;
- 4 (4) Wind generated energy production for public, private,
5 and commercial use;
- 6 (5) Biofuel production as described in section
7 205-4.5(a)(15) for public, private, and commercial
8 use;
- 9 (6) Solar energy, hydropower, ocean thermal conversion, or
10 ocean wave movement facilities that produce and
11 transmit electrical energy for public, private, or
12 commercial use; provided that the facilities shall be
13 located on land with soil classified by the land study
14 bureau's detailed land classification as overall
15 (master) productivity rating class D or E;
- 16 [~~6~~] (7) Bona fide agricultural services and uses that
17 support the agricultural activities of the fee or
18 leasehold owner of the property and accessory to any
19 of the above activities, whether or not conducted on
20 the same premises as the agricultural activities to
21 which they are accessory, including [~~but not limited~~
22 ~~to~~] farm dwellings as defined in section 205-



1 4.5(a)(4), employee housing, farm buildings, mills,
2 storage facilities, processing facilities, vehicle and
3 equipment storage areas, roadside stands for the sale
4 of products grown on the premises, and plantation
5 community subdivisions as defined in section
6 205-4.5(a)(12);

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

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

14 [~~(9)~~] (10) Agricultural parks;

15 [~~(10)~~] (11) Agricultural tourism conducted on a working farm,
16 or a farming operation as defined in section 165-2,
17 for the enjoyment, education, or involvement of
18 visitors; provided that the agricultural tourism
19 activity is accessory and secondary to the principal
20 agricultural use and does not interfere with
21 surrounding farm operations; and provided further that
22 this paragraph shall apply only to a county that has



1 adopted ordinances regulating agricultural tourism
2 under section 205-5; and
3 ~~(11)~~ (12) Open area recreational facilities.

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

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

9 SECTION 3. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

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

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INTRODUCED BY: Calvin K. Ray
JAN 18 2008



Report Title:

Land Use; Agricultural District; Renewable Energy

Description:

Permits additional renewable energy facilities on certain land within an agricultural district.

