

JAN 22 2008

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# 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[~~r~~] 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 with soil classified by the  
3        land study bureau's detailed land classification as  
4        overall (master) productivity rating class D or E;  
5        [~~6~~] (7) Bona fide agricultural services and uses that  
6        support the agricultural activities of the fee or  
7        leasehold owner of the property and accessory to any  
8        of the above activities, regardless of whether [~~e~~  
9        ~~ne~~] conducted on the same premises as the  
10       agricultural activities to which they are accessory,  
11       including but not limited to farm dwellings as defined  
12       in section 205-4.5(a)(4), employee housing, farm  
13       buildings, mills, storage facilities, processing  
14       facilities, vehicle and equipment storage areas,  
15       roadside stands for the sale of products grown on the  
16       premises, and plantation community subdivisions as  
17       defined in section 205-4.5(a)(12);  
18       [~~7~~] (8) Wind machines and wind farms;  
19       [~~8~~] (9) Small-scale meteorological, air quality, noise,  
20       and other scientific and environmental data collection  
21       and monitoring facilities occupying less than one-half  
22       acre of land; provided that these facilities shall not



1 be used as or equipped for use as living quarters or  
2 dwellings;

3 ~~(9)~~ (10) Agricultural parks;

4 ~~(10)~~ (11) Agricultural tourism conducted on a working  
5 farm, or a farming operation as defined in section  
6 165-2, for the enjoyment, education, or involvement of  
7 visitors; provided that the agricultural tourism  
8 activity is accessory and secondary to the principal  
9 agricultural use and does not interfere with  
10 surrounding farm operations; and provided further that  
11 this paragraph shall apply only to a county that has  
12 adopted ordinances regulating agricultural tourism  
13 under section 205-5; and

14 ~~(11)~~ (12) Open area recreational facilities.

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

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

20 SECTION 3. Statutory material to be repealed is bracketed  
21 and stricken. New statutory material is underscored.



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

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**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.

