
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 continue to greatly benefit Hawaii's goal towards
3 generating electricity to serve its consumers. Continued
4 technological improvements in renewable energy infrastructure
5 indicate that physical requirements of the infrastructure are
6 becoming smaller while producing an increased amount of
7 renewable energy. These technological improvements can benefit
8 production on agricultural lands, in part, by providing
9 renewable energy to the agricultural operations. Productive
10 agricultural lands should directly benefit from solar energy
11 produced on those lands.

12 The purpose of this Act is to authorize the establishment
13 of solar energy facilities in agricultural districts with
14 overall productivity rating classes of B or C. Furthermore,
15 this Act requires that the solar energy facilities on lands with
16 overall productivity rating classes of B or C must use renewable
17 energy sources to support the agricultural operations on those
18 lands.



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

3 "(d) Agricultural districts shall include:

4 (1) Activities or uses as characterized by the cultivation
5 of crops, crops for bioenergy, orchards, forage, and
6 forestry;

7 (2) Farming activities or uses related to animal husbandry
8 and game and fish propagation;

9 (3) Aquaculture, which means the production of aquatic
10 plant and animal life within ponds and other bodies of
11 water;

12 (4) Wind generated energy production for public, private,
13 and commercial use;

14 (5) Biofuel production, as described in section 205-
15 4.5(a)(15), for public, private, and commercial use;

16 (6) Solar energy facilities; provided that this paragraph
17 shall apply only to land with soil classified by the
18 land study bureau's detailed land classification as
19 overall (master) productivity rating class B, C, D, or
20 E[+]. For lands with an overall productivity rating
21 of class B or C, the solar energy facility shall



1 utilize a renewable energy source to support the
2 agricultural operations;

- 3 (7) Bona fide agricultural services and uses that support
4 the agricultural activities of the fee or leasehold
5 owner of the property and accessory to any of the
6 above activities, regardless of whether conducted on
7 the same premises as the agricultural activities to
8 which they are accessory, including farm dwellings as
9 defined in section 205-4.5(a)(4), employee housing,
10 farm buildings, mills, storage facilities, processing
11 facilities, agricultural-energy facilities as defined
12 in section 205-4.5(a)(16), vehicle and equipment
13 storage areas, roadside stands for the sale of
14 products grown on the premises, and plantation
15 community subdivisions as defined in section 205-
16 4.5(a)(12);
- 17 (8) Wind machines and wind farms;
- 18 (9) Small-scale meteorological, air quality, noise, and
19 other scientific and environmental data collection and
20 monitoring facilities occupying less than one-half
21 acre of land; provided that these facilities shall not



- 1 be used as or equipped for use as living quarters or
2 dwellings;
- 3 (10) Agricultural parks;
- 4 (11) Agricultural tourism conducted on a working farm, or a
5 farming operation as defined in section 165-2, for the
6 enjoyment, education, or involvement of visitors;
7 provided that the agricultural tourism activity is
8 accessory and secondary to the principal agricultural
9 use and does not interfere with surrounding farm
10 operations; and provided further that this paragraph
11 shall apply only to a county that has adopted
12 ordinances regulating agricultural tourism under
13 section 205-5; and
- 14 (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:

Land Use Commission; Agricultural Districts; Solar Energy

Description:

Authorizes solar energy facilities in agricultural districts with productivity rating classes of B or C, in addition to previously authorized lands with productivity rating classes of D or E. For lands with productivity rating classes of B or C, requires that the solar energy facilities use renewable energy sources to support the agricultural operations.

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