

JAN 27 2010

S.B. NO. 2923

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.

8 These technological improvements can benefit production on
9 agricultural lands, in part by providing renewable energy to the
10 agricultural operations. In addition, productive agricultural
11 lands would benefit directly from solar energy produced on such
12 lands.

13 The purpose of this Act is to amend section 205-2, Hawaii
14 Revised Statutes, which allows solar energy facilities in
15 class D or E agricultural districts, pursuant to Act 31, Session
16 Laws of Hawaii 2008, to include solar energy facilities on lands
17 with soil classified by the land study bureau's detailed land



1 classification as overall (master) productivity rating class B
2 and C.

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

5 "(d) Agricultural districts shall include:

- 6 (1) Activities or uses as characterized by the cultivation
7 of crops, crops for bioenergy, orchards, forage, and
8 forestry;
- 9 (2) Farming activities or uses related to animal husbandry
10 and game and fish propagation;
- 11 (3) Aquaculture, which means the production of aquatic
12 plant and animal life within ponds and other bodies of
13 water;
- 14 (4) Wind generated energy production for public, private,
15 and commercial use;
- 16 (5) Biofuel production, as described in section
17 205-4.5(a)(15), for public, private, and commercial
18 use;
- 19 (6) Solar energy facilities; provided that this paragraph
20 shall apply only to land with soil classified by the
21 land study bureau's detailed land classification as
22 overall (master) productivity rating class B, C, D, or



1 E; provided further that for lands with an overall
2 (master) productivity rating class B or C, the solar
3 energy facility on the land shall, at a minimum,
4 provide for the energy requirements via a renewable
5 energy source for the agricultural operations on the
6 land on which the solar energy facility is
7 established;

- 8 (7) Bona fide agricultural services and uses that support
9 the agricultural activities of the fee or leasehold
10 owner of the property and accessory to any of the
11 above activities, regardless of whether conducted on
12 the same premises as the agricultural activities to
13 which they are accessory, including farm dwellings as
14 defined in section 205-4.5(a)(4), employee housing,
15 farm buildings, mills, storage facilities, processing
16 facilities, agricultural-energy facilities as defined
17 in section 205-4.5(a)(16), vehicle and equipment
18 storage areas, roadside stands for the sale of
19 products grown on the premises, and plantation
20 community subdivisions as defined in section
21 205-4.5(a)(12);

- 22 (8) Wind machines and wind farms;



- 1 (9) Small-scale meteorological, air quality, noise, and
2 other scientific and environmental data collection and
3 monitoring facilities occupying less than one-half
4 acre of land; provided that these facilities shall not
5 be used as or equipped for use as living quarters or
6 dwellings;
- 7 (10) Agricultural parks;
- 8 (11) Agricultural tourism conducted on a working farm, or a
9 farming operation as defined in section 165-2, for the
10 enjoyment, education, or involvement of visitors;
11 provided that the agricultural tourism activity is
12 accessory and secondary to the principal agricultural
13 use and does not interfere with surrounding farm
14 operations; and provided further that this paragraph
15 shall apply only to a county that has adopted
16 ordinances regulating agricultural tourism under
17 section 205-5; and
- 18 (12) Open area recreational facilities.
- 19 Agricultural districts shall not include golf courses and golf
20 driving ranges, except as provided in section 205-4.5(d).
- 21 Agricultural districts include areas that are not used for, or



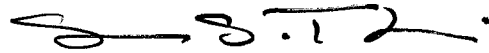
1 that are not suited to, agricultural and ancillary activities by
2 reason of topography, soils, and other related characteristics."

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

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

6

INTRODUCED BY: _____

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Report Title:

Solar Energy; Agricultural Lands

Description:

Authorizes solar energy facilities on class B and C agricultural land; requires the solar energy facility on class B and C land to provide for the energy requirements via a renewable energy source for the agricultural operations on the land on which the solar energy facility is established.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

