

JAN 26 2011

S.B. NO. 1389

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 contribute greatly to Hawaii's capacity to generate
3 electricity for its residents. Continued technological
4 improvements in renewable energy infrastructure indicate that
5 physical requirements of the infrastructure are becoming smaller
6 while producing an increased amount of renewable energy. These
7 technological improvements can benefit production on
8 agricultural lands, in part, by providing renewable energy to
9 the agricultural operations. Productive agricultural lands
10 would benefit particularly from solar energy produced on such
11 lands.

12 The purpose of this Act is to amend section 205-2, Hawaii
13 Revised Statutes, which allows solar energy facilities in
14 class D or E agricultural districts, pursuant to Act 31, Session
15 Laws of Hawaii 2008, to include solar energy facilities on lands
16 with soil classified by the land study bureau's detailed land
17 classification as overall (master) productivity rating class B
18 and C.



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; provided further that for lands with an overall
21 (master) productivity rating class B or C, the solar
22 energy facility on the land, at a minimum, shall



1 generate sufficient energy via a renewable energy
2 source to meet the needs of the agricultural
3 operations on the land on which the solar energy
4 facility is established;

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

19 (8) Wind machines and wind farms;

20 (9) Small-scale meteorological, air quality, noise, and
21 other scientific and environmental data collection and
22 monitoring facilities occupying less than one-half



1 acre of land; provided that these facilities shall not
2 be used as or equipped for use as living quarters or
3 dwellings;

4 (10) Agricultural parks;

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

15 (12) Open area recreational facilities.

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

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


21 SECTION 3. New statutory material is underscored.



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

2

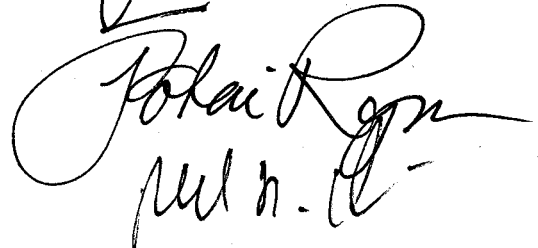
INTRODUCED BY:



Michelle Kukini


Matt


Jim


John Ryan
M.D.


Malena
Clemente


David



Report Title:

Solar Energy; Agricultural Lands

Description:

Authorizes the use of 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.

