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# A BILL FOR AN ACT

RELATING TO RENEWABLE ENERGY.

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

1           SECTION 1. The legislature finds that the development of  
2 renewable energy in Hawaii is crucial to the energy security and  
3 energy independence of the State. Increased energy efficiency  
4 and use of renewable energy resources will achieve broad  
5 societal benefits, including resistance to increases in oil  
6 prices, environmental sustainability, economic development, and  
7 job creation.

8           The legislature also finds that Hawaii's dependence on  
9 petroleum makes the State extremely vulnerable to supply  
10 disruption, international market dysfunction, and many other  
11 factors beyond the control of the State. Continued consumption  
12 of conventional petroleum fuel and price volatility can  
13 negatively impact the viability of agricultural operations.

14           The legislature further finds that allowing renewable  
15 energy facilities within the agricultural district furthers and  
16 is consistent with the purposes, standards, and criteria for  
17 uses within agricultural lands. Renewable energy facilities



1 increase both the State's energy self sufficiency and  
2 agricultural sustainability.

3 The purpose of this Act is to increase, with certain  
4 limitations, the areas within agricultural lands in which solar  
5 energy facilities may be constructed.

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

8 "(d) Agricultural districts shall include:

- 9 (1) Activities or uses as characterized by the cultivation  
10 of crops, crops for bioenergy, orchards, forage, and  
11 forestry;
- 12 (2) Farming activities or uses related to animal husbandry  
13 and game and fish propagation;
- 14 (3) Aquaculture, which means the production of aquatic  
15 plant and animal life within ponds and other bodies of  
16 water;
- 17 (4) Wind generated energy production for public, private,  
18 and commercial use;
- 19 (5) Biofuel production, as described in section  
20 205-4.5(a)(15), for public, private, and commercial  
21 use;
- 22 (6) Solar energy facilities; provided that [~~this~~]:



1           (A) This paragraph shall apply only to land with soil  
2                   classified by the land study bureau's detailed  
3                   land classification as overall (master)  
4                   productivity rating class B, C, D or E;

5           (B) Solar energy facilities placed within land with  
6                   soil classified as overall productivity rating  
7                   class B or C shall not occupy more than ten per  
8                   cent of the acreage of the parcel, or twenty  
9                   acres of land, whichever is the lesser; and

10          (C) Solar energy facilities shall not be placed in  
11                   areas designated as important agricultural lands  
12                   pursuant to chapter 205, part III, unless as an  
13                   appurtenance as defined in section 205-  
14                   4.5(a)(16);

15          (7) Bona fide agricultural services and uses that support  
16                   the agricultural activities of the fee or leasehold  
17                   owner of the property and accessory to any of the  
18                   above activities, regardless of whether conducted on  
19                   the same premises as the agricultural activities to  
20                   which they are accessory, including farm dwellings as  
21                   defined in section 205-4.5(a)(4), employee housing,  
22                   farm buildings, mills, storage facilities, processing



1 facilities, agricultural-energy facilities as defined  
2 in section 205-4.5(a)(16), vehicle and equipment  
3 storage areas, roadside stands for the sale of  
4 products grown on the premises, and plantation  
5 community subdivisions as defined in section  
6 205-4.5(a)(12);

7 (8) Wind machines and wind farms;

8 (9) Small-scale meteorological, air quality, noise, and  
9 other scientific and environmental data collection and  
10 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 (10) Agricultural parks;

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



1           ordinances regulating agricultural tourism under  
2           section 205-5; and

3       (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.



**Report Title:**

Renewable Energy; Agricultural Land; Solar Energy Facilities

**Description:**

Increases, with certain limitations, the areas within agricultural lands in which solar energy facilities may be constructed. (SB631 HD1)

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

