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



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

6 (8) Wind machines and wind farms;

7 (9) Small-scale meteorological, air quality, noise, and
8 other scientific and environmental data collection and
9 monitoring facilities occupying less than one-half
10 acre of land; provided that these facilities shall not
11 be used as or equipped for use as living quarters or
12 dwellings;

13 (10) Agricultural parks;

14 (11) Agricultural tourism conducted on a working farm, or a
15 farming operation as defined in section 165-2, for the
16 enjoyment, education, or involvement of visitors;
17 provided that the agricultural tourism activity is
18 accessory and secondary to the principal agricultural
19 use and does not interfere with surrounding farm
20 operations; and provided further that this paragraph
21 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 on July 1, 2020.



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. Effective July 1, 2020. (SB631 HD2)

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