

Honolulu, Hawaii

March 21, 2014

RE: S.B. No. 2658
S.D. 3
H.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawaii

Sir:

Your Committee on Agriculture, to which was referred S.B. No. 2658, S.D. 3, entitled:

"A BILL FOR AN ACT RELATING TO SOLAR ENERGY,"

begs leave to report as follows:

The purpose of this measure is to facilitate the complementary uses of utility-scale solar energy generation and local food production on agricultural land with an overall productivity rating of class B or C.

Specifically, the measure increases the maximum acreage that solar energy facilities may occupy on agricultural lands with soil classified as overall productivity rating class B or C from ten per cent to thirty per cent of one parcel, or two or more adjacent parcels that meet county requirements for joint development; provided that:

- (1) A special use permit has been granted for the solar energy facilities;
- (2) The area occupied by the solar energy facilities is also made available for compatible agricultural activities at a lease rate that is at least fifty per cent below the fair market rent for comparable properties; and



- (3) The solar energy facilities shall be decommissioned and removed within twelve months of the conclusion of the operation.

The Department of Business, Economic Development, and Tourism, Hawaii Renewable Energy Alliance, First Wind Solar Group, Blue Planet Foundation, and Tin Roof Ranch provided testimony in support of this measure. The Department of Agriculture, Office of Planning, and Land Use Commission provided comments.

Your Committee finds that competition for the use of Hawaii's valuable land for sustainable purposes necessitates the most efficient and productive uses of land. Your Committee believes that, in limited circumstances and with specific conditions, the promotion of agricultural activities and clean energy, two vital requirements of sustainable living, will provide for more locally grown agricultural products and allow the State to meet its clean energy goals. Your Committee further finds that this measure will help to revitalize the agricultural industry and ultimately provide for a cleaner and healthier environment.

Your Committee has amended this measure by:

- (1) Deleting the increase to the maximum amount of the acreage of the parcel of land that solar energy facilities placed within agricultural lands with soil classified as overall productivity rating class B or C may occupy;
- (2) Deleting provisions relating to the placement of solar energy facilities on two adjacent parcels that meet county requirements for joint use;
- (3) Specifying that solar energy facilities on agricultural lands with soil classified as overall productivity rating class B or C may occupy more than ten per cent of the acreage of the parcel or twenty acres of land, whichever is lesser, if a special use permit is granted, the area is made available for compatible agricultural activities at a reduced lease rate, and facilities are decommissioned and removed within twelve months of the conclusion of operation;
- (4) Deleting the sunset date; and



- (5) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Agriculture that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2658, S.D. 3, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2658, S.D. 3, H.D. 1, and be referred to the Committees on Energy & Environmental Protection and Water & Land.

Respectfully submitted on
behalf of the members of the
Committee on Agriculture,


JESSICA WOOLEY, Chair



