
A BILL FOR AN ACT

RELATING TO SOLAR ENERGY FACILITIES.

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

- 1 SECTION 1. 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
15 205-4.5(a)(16), for public, private, and commercial
16 use;
- 17 (6) Solar energy facilities; provided that:



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- 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; [and]
- 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 lesser, unless a
10 special use permit is granted pursuant to section
11 205-6; and
- 12 (C) Solar energy production equipment placed on a
13 single or on multiple lots that were divided from
14 a larger parcel for the purpose of disposition
15 into two or more lots, parcels, units, or
16 interests and that also include any land, whether
17 contiguous or non-contiguous, if two or more
18 lots, parcels, units, or interests were offered
19 as a part of a common promotional plan of
20 advertising and sale, for the purpose, in the
21 majority of such lots, of the construction of



1 residential housing, whether now considered to be
2 a conforming or a non-conforming subdivision,
3 shall not have a capacity totaling more than
4 twenty-five kilowatts;

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, photovoltaic, biogas, and other small-
14 scale renewable energy systems producing energy solely
15 for use in the agricultural activities of the fee or
16 leasehold owner of the property, agricultural-energy
17 facilities as defined in section 205-4.5(a)(17),
18 hydroelectric facilities in accordance with section
19 205-4.5(a)(23), vehicle and equipment storage areas,
20 and plantation community subdivisions as defined in
21 section 205-4.5(a)(12);



- 1 (8) Wind machines and wind farms;
- 2 (9) Small-scale meteorological, air quality, noise, and
- 3 other scientific and environmental data collection and
- 4 monitoring facilities occupying less than one-half
- 5 acre of land; provided that these facilities shall not
- 6 be used as or equipped for use as living quarters or
- 7 dwellings;
- 8 (10) Agricultural parks;
- 9 (11) Agricultural tourism conducted on a working farm, or a
- 10 farming operation as defined in section 165-2, for the
- 11 enjoyment, education, or involvement of visitors;
- 12 provided that the agricultural tourism activity is
- 13 accessory and secondary to the principal agricultural
- 14 use and does not interfere with surrounding farm
- 15 operations; and provided further that this paragraph
- 16 shall apply only to a county that has adopted
- 17 ordinances regulating agricultural tourism under
- 18 section 205-5;
- 19 (12) Agricultural tourism activities, including overnight
- 20 accommodations of twenty-one days or less, for any one
- 21 stay within a county; provided that this paragraph



1 shall apply only to a county that includes at least
2 three islands and has adopted ordinances regulating
3 agricultural tourism activities pursuant to section
4 205-5; provided further that the agricultural tourism
5 activities coexist with a bona fide agricultural
6 activity. For the purposes of this paragraph, "bona
7 fide agricultural activity" means a farming operation
8 as defined in section 165-2;

9 (13) Open area recreational facilities;

10 (14) Geothermal resources exploration and geothermal
11 resources development, as defined under section 182-1;
12 and

13 (15) Agricultural-based commercial operations, including:

14 (A) A roadside stand that is not an enclosed
15 structure, owned and operated by a producer for
16 the display and sale of agricultural products
17 grown in Hawaii and value-added products that
18 were produced using agricultural products grown
19 in Hawaii;

20 (B) Retail activities in an enclosed structure owned
21 and operated by a producer for the display and



1 sale of agricultural products grown in Hawaii,
2 value-added products that were produced using
3 agricultural products grown in Hawaii, logo items
4 related to the producer's agricultural
5 operations, and other food items; and
6 (C) A retail food establishment owned and operated by
7 a producer and permitted under title 11, chapter
8 12 of the rules of the department of health that
9 prepares and serves food at retail using products
10 grown in Hawaii and value-added products that
11 were produced using agricultural products grown
12 in Hawaii.

13 The owner of an agricultural-based commercial
14 operation shall certify, upon request of an officer or
15 agent charged with enforcement of this chapter under
16 section 205-12, that the agricultural products
17 displayed or sold by the operation meet the
18 requirements of this paragraph.

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



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

3 SECTION 2. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 3. This Act shall take effect on January 1, 2017.

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INTRODUCED BY: Richard Lopez
JAN 27 2016



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Report Title:

Solar Energy Facilities; Agricultural Districts

Description:

Restricts solar energy facilities in residential housing areas in agricultural districts to no more than twenty-five kilowatts in capacity.

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

