

JAN 20 2017

A BILL FOR AN ACT

RELATING TO SOLAR ENERGY.

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:



- 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 lot or multiple lots divided from a larger
14 parcel of land for the purpose of disposition
15 into two or more lots, parcels, units, or
16 interests, whether contiguous or not, where the
17 two or more lots, parcels, units, or interests
18 are offered as a part of a common promotional
19 plan of advertising and sale for the primary
20 purpose of constructing residential housing in
21 the majority of lots, notwithstanding whether



1 such purpose is a conforming or non-conforming
2 use of the land, shall not have a capacity of
3 more than twenty-five kilowatts;

4 (7) Bona fide agricultural services and uses that support
5 the agricultural activities of the fee or leasehold
6 owner of the property and accessory to any of the
7 above activities, regardless of whether conducted on
8 the same premises as the agricultural activities to
9 which they are accessory, including farm dwellings as
10 defined in section 205-4.5(a)(4), employee housing,
11 farm buildings, mills, storage facilities, processing
12 facilities, photovoltaic, biogas, and other small-
13 scale renewable energy systems producing energy solely
14 for use in the agricultural activities of the fee or
15 leasehold owner of the property, agricultural-energy
16 facilities as defined in section 205-4.5(a)(17),
17 vehicle and equipment storage areas, and plantation
18 community subdivisions as defined in section
19 205-4.5(a)(12);

20 (8) Wind machines and wind farms;



1 (9) Small-scale meteorological, air quality, noise, and
2 other scientific and environmental data collection and
3 monitoring facilities occupying less than one-half
4 acre of land; provided that these facilities shall not
5 be used as or equipped for use as living quarters or
6 dwellings;

7 (10) Agricultural parks;

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

18 (12) Agricultural tourism activities, including overnight
19 accommodations of twenty-one days or less, for any one
20 stay within a county; provided that this paragraph
21 shall apply only to a county that includes at least



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

8 (13) Open area recreational facilities;

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

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

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

18 (B) Retail activities in an enclosed structure owned
19 and operated by a producer for the display and
20 sale of agricultural products grown in Hawaii,
21 value-added products that were produced using



1 agricultural products grown in Hawaii, logo items
2 related to the producer's agricultural
3 operations, and other food items; and

4 (C) A retail food establishment owned and operated by
5 a producer and permitted under title 11, chapter
6 12 of the rules of the department of health that
7 prepares and serves food at retail using products
8 grown in Hawaii and value-added products that
9 were produced using agricultural products grown
10 in Hawaii.

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

17 (16) Hydroelectric facilities as described in section 205-
18 4.5(a)(23).

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 upon its approval.

6

INTRODUCED BY: John M



S.B. NO. 750

Report Title:

Agricultural Districts; Solar Energy Facilities; Solar
Production Equipment

Description:

Limits solar energy production equipment placed on specified
lots within the agricultural districts to a capacity of 25
kilowatts.

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

