A BILL FOR AN ACT

RELATING TO SOLAR ENERGY FACILITIES.

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

1	SECT	ION 1. Section 205-2, Hawaii Revised Statutes, is
2	amended by	y 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		clas	sified by the land study bureau's detailed
3		land	classification as overall (master)
4		prod	uctivity rating class B, C, D, or E; and
5	(B)	Sola	r energy facilities placed within land with
6		soil	classified as overall productivity rating
7		clas	s B or C shall not occupy more than ten per
8		cent	of the acreage of the parcel, or twenty
9		acre	s of land, whichever is lesser, unless a
10		spec	ial use permit is granted pursuant to section
11		205-	6; <u>and</u>
12	<u>(C)</u>	For	solar energy facilities placed on single or
13		mult	iple lots that:
14		<u>(i)</u>	Was or were part of a larger parcel that was
15			subdivided prior to January 1, 1980, for the
16			purpose of disposition into two or more
17			lots, parcels, units, or interests; and
18		<u>(ii)</u>	Also includes or include any land, whether
19			contiguous or non-contiguous, if two or more
20			lots, parcels, units, or interests were
21			offered as part of a common promotional plan



1		of advertising and sale, for permissible
2		agricultural uses, including the
3		construction of farm dwellings pursuant to
4		this section, whether now considered to be a
5		conforming or non-conforming residential
6		subdivision,
7		a special permit approval pursuant to section
8		205-6 shall be required when the capacity of a
9		solar energy facility totals more than fifteen
10		kilowatts;
11	(7)	Bona fide agricultural services and uses that support
12		the agricultural activities of the fee or leasehold
13		owner of the property and accessory to any of the
14		above activities, regardless of whether conducted on
15		the same premises as the agricultural activities to
16		which they are accessory, including farm dwellings as
17		defined in section 205-4.5(a)(4), employee housing,
18		farm buildings, mills, storage facilities, processing
19		facilities, photovoltaic, biogas, and other small-
20		scale renewable energy systems producing energy solely
21		for use in the agricultural activities of the fee or



1		leasehold owner of the property, agricultural-energy
2		facilities as defined in section 205-4.5(a)(17),
3		vehicle and equipment storage areas, 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; 3 Agricultural tourism activities, including overnight (12)accommodations of twenty-one days or less, for any one 4 5 stay within a county; provided that this paragraph 6 shall apply only to a county that includes at least 7 three islands and has adopted ordinances regulating 8 agricultural tourism activities pursuant to section 9 205-5; provided further that the agricultural tourism 10 activities coexist with a bona fide agricultural 11 activity. For the purposes of this paragraph, "bona 12 fide agricultural activity" means a farming operation 13 as defined in section 165-2; 14 Open area recreational facilities; (13)15 (14)Geothermal resources exploration and geothermal resources development, as defined under section 182-1; 16 17 (15)Agricultural-based commercial operations, including: A roadside stand that is not an enclosed 18 (A) 19 structure, owned and operated by a producer for 20 the display and sale of agricultural products 21 grown in Hawaii and value-added products that





1		were produced using agricultural products grown
2		in Hawaii;
3	(B)	Retail activities in an enclosed structure owned
4		and operated by a producer for the display and
5		sale of agricultural products grown in Hawaii,
6		value-added products that were produced using
7		agricultural products grown in Hawaii, logo items
8		related to the producer's agricultural
9		operations, and other food items; and
10	(C)	A retail food establishment owned and operated by
11		a producer and permitted under title 11, chapter
12		12 of the rules of the department of health that
13		prepares and serves food at retail using products
14		grown in Hawaii and value-added products that
15		were produced using agricultural products grown
16		in Hawaii.
17	The	owner of an agricultural-based commercial
18	oper	ation shall certify, upon request of an officer or
19	agen	t charged with enforcement of this chapter under
20	sect	ion 205-12, that the agricultural products

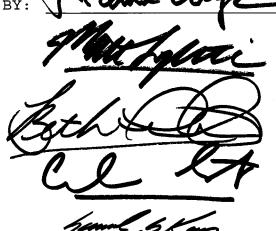


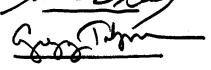
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1 displayed or sold by the operation meet the requirements of this paragraph; and 2 3 Hydroelectric facilities as described in section (16)4 205-4.5(a)(23). 5 Agricultural districts shall not include golf courses and golf driving ranges, except as provided in section 205-4.5(d). 6 7 Agricultural districts include areas that are not used for, or 8 that are not suited to, agricultural and ancillary activities by 9 reason of topography, soils, and other related characteristics." 10 SECTION 2. Statutory material to be repealed is bracketed 11 and stricken. New statutory material is underscored. 12 This Act shall take effect on January 1, 2018. SECTION 3. 13

INTRODUCED BY:





JAN 2 0 2017





Report Title: Solar Energy Facilities; Agricultural Districts

Description:

Requires that solar energy facilities in residential housing areas in agricultural districts must meet certain conditions.

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