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SCOTT E. ENRIGHT
Chairperson, Board of Agriculture

PHYLLIS SHIMABUKURO-GEISER
Deputy to the Chairperson

**TESTIMONY OF SCOTT E. ENRIGHT
CHAIRPERSON, BOARD OF AGRICULTURE**

**BEFORE THE HOUSE COMMITTEES ON ENERGY & ENVIRONMENTAL
PROTECTION & AGRICULTURE**

**FEBRUARY 7, 2017
9:00 A.M.
CONFERENCE ROOM 325**

**HOUSE BILL NO. 788
RELATING TO SOLAR ENERGY FACILITIES**

Chairpersons Lee and Creagan and Members of the Committees:

Thank you for the opportunity to testify on House Bill No. 788 that amends Section 205-2 to require special permit approval for solar energy facilities within the Agricultural District that are placed on single or multiple lots that were part of a larger parcel subdivided prior to January 1, 1980, possessing specific characteristics or situations, for permissible agricultural uses including farm dwellings, that may be considered a conforming or non-conforming residential subdivisions. The Department has concerns about describing a specific situation where solar energy facilities (totaling over 15 kilowatts) which is an otherwise permitted use of agricultural land, has to undergo the special permit process to determine whether it is an "unusual and reasonable use."

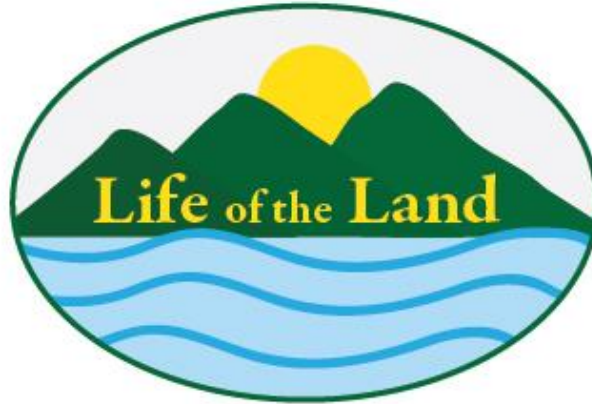
As written, HB 788 may have an unintended adverse effect on the special permit process and the Agricultural District. We understand that residential dwellings are not allowed in the Agricultural District unless they are "...located on and used in connection with a farm ... or where agricultural activity provides income to the family occupying the dwelling." (Section 205-4.5(a)(4)). This bill describes agricultural lands that are occupied by agricultural uses and farm dwellings, but it goes on to describe lands that



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are now considered “conforming or non-conforming residential subdivision,” (Bill, page 3 lines 5-6). We understand special permits are considered for “certain unusual and reasonable uses within the agricultural district... other than those for which the district is classified.” (Section 205-6(a)).” Solar energy facilities are a permitted use on agricultural land with Land Study Bureau Ratings of “D” and “E” and do not need special permit approval.

Thank you for the opportunity to comment on this measure.



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COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

Rep. Chris Lee, Chair

Rep. Nicole E. Lowen, Vice Chair

COMMITTEE ON AGRICULTURE

Rep. Richard P. Creagan, Chair

Rep. Lynn DeCoite, Vice Chair

DATE: Tuesday, February 7, 2017

TIME: 9:00am

PLACE: Room 325

RE: HB 788 RELATING TO SOLAR ENERGY FACILITIES

Aloha Chairs Lee and Creagan, Vice Chairs Lowen and DeCoite and Members of the Committees

Life of the Land is Hawai`i's own energy, environmental and community action group advocating for the people and `aina for 47 years. Our mission is to preserve and protect the life of the land through sound energy and land use policies and to promote open government through research, education, advocacy and, when necessary, litigation.

We support the intent of the bill, but find the language confusing. We propose the following alternative language

“Multiplex Solar” means multiple ground-based solar systems installed in one residential community by one developer or owner. Multiplex Solar with a combined output of greater than 25kW shall require special permit approval pursuant to section HRS § 205-6

Mahalo,
Henry Curtis, Executive Director

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 4, 2017 1:40 PM
To: EEPtestimony
Cc: mendezj@hawaii.edu
Subject: *Submitted testimony for HB788 on Feb 7, 2017 09:00AM*

HB788

Submitted on: 2/4/2017

Testimony for EEP/AGR on Feb 7, 2017 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Javier Mendez-Alvarez	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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Feb. 6, 2017

TESTIMONY IN OPPOSITION TO HB788

Please reject HB788, which would hurt Hawai'i's efforts toward energy self-sufficiency. The State and its Legislature have made many noble pronouncements and set noble goals about switching to solar and other forms of renewable energy, such as the goal of "100%" of our electricity coming from renewable sources by 2045. So why pass an anti-solar energy bill?

Global warming is the world's most serious environmental problem, and we have to do our part to cut down our use of fossil fuels. All renewable energy sources can have some negative effects, but solar PV is probably the most benign. A PV array doesn't make noise, cause smells, or emit pollutants. Its visual impact is much less, and confined to a smaller radius, than wind turbines. It just sits there pumping out electricity.

HB788 would require a special permit for solar PV installations greater than 15 KW in many areas in the agricultural district (which is close to 50% of the land area of the state.)

A special permit can be a major hurdle for a project. It can trigger a contested case hearing, which can take years to resolve in the courts. In the meantime, even if the special permit gets approved by the County Planning Commission, the solar developer takes a risk if it starts construction while an appeal is pending. The permit could be reversed on procedural grounds that have nothing to do with the merits.

I'm writing as an individual and not in any official capacity, but I was planning director of Hawai'i County for eight years and I'm very familiar with the special permit process and the problems that can arise.

I'm sure every member of the Legislature would say that he or she supports renewable energy. Supporting renewable energy in deeds, not just words, means supporting actual renewable energy projects, not passing legislation that puts obstacles in their way.

HB788 is an anti-environment bill. Today, environmental protection means replacing fossil fuels with renewable energy, such as solar, and requires us to help this transition, not hinder it.

Yours truly,

Chris Yuen