

ACT 31

H.B. NO. 2502

A Bill for an Act Relating to Solar Energy.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that renewable energy resources can greatly benefit Hawaii's economy, environment, energy security, and sustainability. The increased use of Hawaii's abundant renewable energy resources, such as wind, solar, ocean thermal, wave, and biomass resources, is key to reducing Hawaii's green house gas emissions and contribution to global warming and creating new job opportunities and economic diversification.

The legislature also finds that Hawaii’s trade deficit is a significant impediment to Hawaii’s goal of economic and energy security and sustainability. Specifically, in 2006, Hawaii goods and services exports were only \$16,300,000,000, including visitor spending, while imports were approximately \$24,000,000,000. The legislature further finds that Hawaii’s oil imports totaled \$3,400,000,000 for the year, accounting for approximately 15 per cent of the total imports. Over 93 per cent of Hawaii’s energy is supplied by fossil fuel. The legislature further finds that allowing solar energy facilities to be built on marginal agricultural lands may have more beneficial effects for Hawaii’s economy, environment, and energy security than leaving such lands unused.

The purpose of this Act is to include a solar energy facility as a permitted use within the agricultural district on land with soil classified D or E.

SECTION 2. Section 205-2, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

“(d) Agricultural districts shall include:

- (1) Activities or uses as characterized by the cultivation of crops, crops for bioenergy, orchards, forage, and forestry;
- (2) Farming activities or uses related to animal husbandry[;] and game and fish propagation;
- (3) Aquaculture, which means the production of aquatic plant and animal life within ponds and other bodies of water;
- (4) Wind generated energy production for public, private, and commercial use;
- (5) Biofuel production, as described in section 205-4.5(a)(15), for public, private, and commercial use;
- (6) Solar energy facilities; provided that this paragraph shall apply only to land with soil classified by the land study bureau’s detailed land classification as overall (master) productivity rating class D or E;
- ~~[(6)]~~ (7) Bona fide agricultural services and uses that support the agricultural activities of the fee or leasehold owner of the property and accessory to any of the above activities, regardless of whether ~~[or not]~~ conducted on the same premises as the agricultural activities to which they are accessory, including but not limited to farm dwellings as defined in section 205-4.5(a)(4), employee housing, farm buildings, mills, storage facilities, processing facilities, vehicle and equipment storage areas, roadside stands for the sale of products grown on the premises, and plantation community subdivisions as defined in section 205-4.5(a)(12);
- ~~[(7)]~~ (8) Wind machines and wind farms;
- ~~[(8)]~~ (9) Small-scale meteorological, air quality, noise, and other scientific and environmental data collection and monitoring facilities occupying less than one-half acre of land; provided that these facilities shall not be used as or equipped for use as living quarters or dwellings;
- ~~[(9)]~~ (10) Agricultural parks;
- ~~[(10)]~~ (11) Agricultural tourism conducted on a working farm, or a farming operation as defined in section 165-2, for the enjoyment, education, or involvement of visitors; provided that the agricultural tourism activity is accessory and secondary to the principal agricultural use and does not interfere with surrounding farm operations; and provided further that this paragraph shall apply only to a county that has adopted ordinances regulating agricultural tourism under section 205-5; and
- ~~[(11)]~~ (12) Open area recreational facilities.

Agricultural districts shall not include golf courses and golf driving ranges, except as provided in section 205-4.5(d). Agricultural districts include areas that are not used

for, or that are not suited to, agricultural and ancillary activities by reason of topography, soils, and other related characteristics.”

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

SECTION 4. This Act shall take effect upon its approval.

(Approved April 23, 2008.)