
A BILL FOR AN ACT

RELATING TO AGRICULTURE.

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

1 SECTION 1. Section 205-4.5, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) Within the agricultural district, all lands with soil
4 classified by the land study bureau's detailed land
5 classification as overall (master) productivity rating class A
6 or B shall be restricted to the following permitted uses:

7 (1) Cultivation of crops, including crops for bioenergy,
8 flowers, vegetables, foliage, fruits, forage, and
9 timber;

10 (2) Game and fish propagation;

11 (3) Raising of livestock, including poultry, bees, fish,
12 or other animal or aquatic life that are propagated
13 for economic or personal use;

14 (4) Farm dwellings, employee housing, farm buildings, or
15 activities or uses related to farming and animal
16 husbandry. "Farm dwelling", as used in this

17 paragraph, means a single-family dwelling located on

18 and used in connection with a farm, including clusters



1 of single-family farm dwellings permitted within
2 agricultural parks developed by the State, or where
3 agricultural activity provides income to the family
4 occupying the dwelling;

- 5 (5) Public institutions, educational facilities, and
6 buildings that are [necessary for agricultural
7 practices,] appurtenances of operations for the
8 cultivation of crops, propagation of game and fish ,
9 and raising of livestock;

10 As used in this paragraph:

11 "Appurtenances" means operational infrastructure
12 of the appropriate type and scale for the commercial
13 storage and distribution, and other similar handling
14 of crops, game, fish, or livestock, including
15 equipment and agricultural products;

- 16 (6) Public and private open area types of recreational
17 uses, including day camps, picnic grounds, parks, and
18 riding stables, but not including dragstrips,
19 airports, drive-in theaters, golf courses, golf
20 driving ranges, country clubs, and overnight camps;

- 21 (7) Public, private, and quasi-public utility lines and
22 roadways, transformer stations, communications



1 equipment buildings, solid waste transfer stations,
2 major water storage tanks, and appurtenant small
3 buildings such as booster pumping stations, but not
4 including offices or yards for equipment, material,
5 vehicle storage, repair or maintenance, treatment
6 plants, corporation yards, or other similar
7 structures;

8 (8) Retention, restoration, rehabilitation, or improvement
9 of buildings or sites of historic or scenic interest;

10 (9) Roadside stands for the sale of agricultural products
11 grown on the premises;

12 (10) Buildings and uses, including mills, storage, and
13 processing facilities, maintenance facilities, and
14 vehicle and equipment storage areas that are normally
15 considered directly accessory to the above-mentioned
16 uses and are permitted under section 205-2(d);

17 (11) Agricultural parks;

18 (12) Plantation community subdivisions, which as used in
19 this chapter means an established subdivision or
20 cluster of employee housing, community buildings, and
21 agricultural support buildings on land currently or
22 formerly owned, leased, or operated by a sugar or



1 pineapple plantation; provided that the existing
2 structures may be used or rehabilitated for use, and
3 new employee housing and agricultural support
4 buildings may be allowed on land within the
5 subdivision as follows:

6 (A) The employee housing is occupied by employees or
7 former employees of the plantation who have a
8 property interest in the land;

9 (B) The employee housing units not owned by their
10 occupants shall be rented or leased at affordable
11 rates for agricultural workers; or

12 (C) The agricultural support buildings shall be
13 rented or leased to agricultural business
14 operators or agricultural support services;

15 (13) Agricultural tourism conducted on a working farm, or a
16 farming operation as defined in section 165-2, for the
17 enjoyment, education, or involvement of visitors;
18 provided that the agricultural tourism activity is
19 accessory and secondary to the principal agricultural
20 use and does not interfere with surrounding farm
21 operations; and provided further that this paragraph
22 shall apply only to a county that has adopted



ordinances regulating agricultural tourism under
section 205-5;

(14) Wind energy facilities, including the appurtenances
associated with the production and transmission of
wind generated energy; provided that the wind energy
facilities and appurtenances are compatible with
agriculture uses and cause minimal adverse impact on
agricultural land;

(15) Biofuel processing facilities, including the
appurtenances associated with the production and
refining of biofuels that is normally considered
directly accessory and secondary to the growing of the
energy feedstock; provided that biofuels processing
facilities and appurtenances do not adversely impact
agricultural land and other agricultural uses in the
vicinity.

For the purposes of this paragraph:

"Appurtenances" means operational infrastructure
of the appropriate type and scale for economic
commercial storage and distribution, and other similar
handling of feedstock, fuels, and other products of
biofuels processing facilities.



1 "Biofuel processing facility" means a facility
2 that produces liquid or gaseous fuels from organic
3 sources such as biomass crops, agricultural residues,
4 and oil crops, including palm, canola, soybean, and
5 waste cooking oils; grease; food wastes; and animal
6 residues and wastes that can be used to generate
7 energy;

8 (16) Agricultural-energy facilities, including
9 appurtenances necessary for an agricultural-energy
10 enterprise; provided that the primary activity of the
11 agricultural-energy enterprise is agricultural
12 activity. To be considered the primary activity of an
13 agricultural-energy enterprise, the total acreage
14 devoted to agricultural activity shall be not less
15 than ninety per cent of the total acreage of the
16 agricultural-energy enterprise. The agricultural-
17 energy facility shall be limited to lands owned,
18 leased, licensed, or operated by the entity conducting
19 the agricultural activity.

20 As used in this paragraph:

21 "Agricultural activity" means any activity
22 described in paragraphs (1) to (3) of this subsection.



1 "Agricultural-energy enterprise" means an
2 enterprise that integrally incorporates an
3 agricultural activity with an agricultural-energy
4 facility.

5 "Agricultural-energy facility" means a facility
6 that generates, stores, or distributes renewable
7 energy as defined in section 269-91 or renewable fuel
8 including electrical or thermal energy or liquid or
9 gaseous fuels from products of agricultural activities
10 from agricultural lands located in the State.

11 "Appurtenances" means operational infrastructure
12 of the appropriate type and scale for the economic
13 commercial generation, storage, distribution, and
14 other similar handling of energy, including equipment,
15 feedstock, fuels, and other products of agricultural-
16 energy facilities; or

17 (17) Construction and operation of wireless communication
18 antennas; provided that, for the purposes of this
19 paragraph, "wireless communication antenna" means
20 communications equipment that is either freestanding
21 or placed upon or attached to an already existing
22 structure and that transmits and receives



1 electromagnetic radio signals used in the provision of
2 all types of wireless communications services;
3 provided further that nothing in this paragraph shall
4 be construed to permit the construction of any new
5 structure that is not deemed a permitted use under
6 this subsection."

7 SECTION 2. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 3. This Act shall take effect upon its approval.



Report Title:

Agricultural District; Permitted Uses

Description:

Amends the permitted uses of land within the agricultural district with soil classifications of A or B to include educational facilities and agricultural appurtenances. (HB1436 HD1)

