
A BILL FOR AN ACT

RELATING TO LAND USE.

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

1 SECTION 1. The purpose of this Act is to provide that
2 agricultural tourism activities, including overnight
3 accommodations for stays of less than thirty consecutive days,
4 are a permissible use for a bona fide farming operation in the
5 state agricultural district.

6 The intent of this Act is to ensure that bona fide farming
7 operations that meet the statutory criteria would not be required
8 to obtain a special permit pursuant to section 205-6, Hawaii
9 Revised Statutes, for accessory agricultural tourism activities.
10 Thus, depending on the particular county ordinance, an applicant
11 could apply for a ministerial permit for an agricultural tourism
12 use, provided that the applicant demonstrates that the
13 agricultural income from the farming operation as defined in
14 section 165-2, Hawaii Revised Statutes, meets or exceeds the
15 minimum income criteria. Applicants not meeting the bona fide
16 farming operation criteria would not be able to conduct
17 agricultural tourism activities, including overnight
18 accommodations, without obtaining a special permit pursuant to
19 section 205-6, Hawaii Revised Statutes.

1 The counties would be able to further regulate agricultural
2 tourism activities, including overnight accommodations, under
3 existing county codes.

4 SECTION 2. Section 141-9, Hawaii Revised Statutes, is
5 amended by amending subsection (a) to read as follows:

6 "(a) There is established within the department of
7 agriculture an energy feedstock program that shall:

- 8 (1) Maintain cognizance of actions taken by industry and
9 by federal, state, county, and private agencies in
10 activities relating to the production of energy
11 feedstock, and promote and support worthwhile energy
12 feedstock production activities in the State;
- 13 (2) Serve as an information clearinghouse for energy
14 feedstock production activities;
- 15 (3) Coordinate development projects to investigate and
16 solve biological and technical problems involved in
17 raising selected species with commercial energy
18 generating potential;
- 19 (4) Actively seek federal funding for energy feedstock
20 production activities;
- 21 (5) Undertake activities required to develop and expand
22 the energy feedstock production industry; and

(6) Perform other functions and activities as may be
assigned by law, including monitoring the compliance
provisions under section [~~205-4.5(a)(16).~~]
205-4.5(a)(15)."

SECTION 3. 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)(16).~~], 205-4.5(a)(15), for public, private,
and commercial use;
- (6) Solar energy facilities; provided that:

(A) 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 B, C, D, or E; and

(B) Solar energy facilities placed within land with soil classified as overall productivity rating class B or C shall not occupy more than ten per cent of the acreage of the parcel, or twenty acres of land, whichever is lesser, unless a special use permit is granted pursuant to section 205-6;

(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 conducted on the same premises as the agricultural activities to which they are accessory, including farm dwellings as defined in section 205-4.5(a)(4), employee housing, farm buildings, mills, storage facilities, processing facilities, photovoltaic, biogas, and other small-scale renewable energy systems producing energy solely for use in the agricultural activities of the fee or leasehold owner of the property, agricultural-energy

1 facilities as defined in section [~~205-4.5(a)-(17)~~], 205-
2 4.5(a)(16), vehicle and equipment storage areas, and
3 plantation community subdivisions as defined in section
4 205-4.5(a)(12);

5 (8) Wind machines and wind farms;

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

12 (10) Agricultural parks;

13 (11) Agricultural tourism uses or activities, including
14 overnight accommodations for stays of less than thirty
15 consecutive days, conducted [~~on a working farm, or a~~]
16 in conjunction with a bona fide farming operation [~~as~~
17 ~~defined in section 165-2, for the enjoyment, education,~~
18 ~~or involvement of visitors~~]; provided that the
19 agricultural tourism use or activity is accessory and
20 secondary to the principal agricultural use and does
21 not interfere with surrounding farm operations; and
22 provided further that [~~this paragraph shall apply only~~

1 ~~to a county that has adopted ordinances regulating~~
2 ~~agricultural tourism under section 205-5;~~

3 ~~(12) Agricultural tourism activities, including overnight~~
4 ~~accommodations of twenty-one days or less, for any one~~
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 an agricultural tourism use or activity shall not be
15 permissible in the absence of farming operations and
16 the agricultural tourism use or activity shall
17 terminate upon cessation of the farming operation's
18 agricultural activity. For the purposes of this
19 chapter, "bona fide farming operation" means a farming
20 operation as defined in section 165-2 that meets the
21 minimum criteria and standards set forth below and any

1 additional criteria and standards adopted by county
2 ordinance pursuant to section 205-5(b):

3 (A) Has been in operation for not less than two
4 years;

5 (B) The majority of annual gross income is from the
6 sale of agricultural products grown by the
7 farming operation on the subject property for
8 which an agricultural tourism use is proposed;
9 and

10 (C) Has annual gross sales of agricultural products
11 grown on the subject property for a minimum of
12 two of the preceding five years of no less than:

13 (i) \$35,000 if the agricultural tourism uses or
14 activities require permanent enclosed
15 structures or include overnight
16 accommodations; or

17 (ii) \$10,000 if the agricultural tourism uses or
18 activities do not require permanent enclosed
19 structures and do not include overnight
20 accommodations;

21 ~~[(13)]~~ (12) Open area recreational facilities;

1 [~~(14)~~] (13) Geothermal resources exploration and
2 geothermal resources development, as defined under
3 section 182-1; and

4 [~~(15)~~] (14) Agricultural-based commercial operations,
5 including:

6 (A) A roadside stand that is not an enclosed
7 structure, owned and operated by a producer for
8 the display and sale of agricultural products
9 grown in Hawaii and value-added products that
10 were produced using agricultural products grown
11 in Hawaii;

12 (B) Retail activities in an enclosed structure owned
13 and operated by a producer for the display and
14 sale of agricultural products grown in Hawaii,
15 value-added products that were produced using
16 agricultural products grown in Hawaii, logo items
17 related to the producer's agricultural
18 operations, and other food items; and

19 (C) A retail food establishment owned and operated by
20 a producer and permitted under title 11, chapter
21 12 of the rules of the department of health that
22 prepares and serves food at retail using products

1 grown in Hawaii and value-added products that
2 were produced using agricultural products grown
3 in Hawaii.

4 The owner of an agricultural-based commercial
5 operation shall certify, upon request of an officer or
6 agent charged with enforcement of this chapter under
7 section 205-12, that the agricultural products
8 displayed or sold by the operation meet the
9 requirements of this paragraph.

10 Agricultural districts shall not include golf courses and golf
11 driving ranges, except as provided in section 205-4.5(d).

12 Agricultural districts include areas that are not used for, or
13 that are not suited to, agricultural and ancillary activities by
14 reason of topography, soils, and other related characteristics."

15 SECTION 4. Section 205-4.5, Hawaii Revised Statutes, is
16 amended by amending subsection (a) to read as follows:

17 "(a) Within the agricultural district, all lands with soil
18 classified by the land study bureau's detailed land
19 classification as overall (master) productivity rating class A or
20 B and for solar energy facilities, class B or C, shall be
21 restricted to the following permitted uses:

- 1 (1) Cultivation of crops, including crops for bioenergy,
2 flowers, vegetables, foliage, fruits, forage, and
3 timber;
- 4 (2) Game and fish propagation;
- 5 (3) Raising of livestock, including poultry, bees, fish, or
6 other animal or aquatic life that are propagated for
7 economic or personal use;
- 8 (4) Farm dwellings, employee housing, farm buildings, or
9 activities or uses related to farming and animal
10 husbandry. "Farm dwelling", as used in this paragraph,
11 means a single-family dwelling located on and used in
12 connection with a farm, including clusters of single-
13 family farm dwellings permitted within agricultural
14 parks developed by the State, or where agricultural
15 activity provides income to the family occupying the
16 dwelling;
- 17 (5) Public institutions and buildings that are necessary
18 for agricultural practices;
- 19 (6) Public and private open area types of recreational
20 uses, including day camps, picnic grounds, parks, and
21 riding stables, but not including dragstrips, airports,

- 1 drive-in theaters, golf courses, golf driving ranges,
2 country clubs, and overnight camps;
- 3 (7) Public, private, and quasi-public utility lines and
4 roadways, transformer stations, communications
5 equipment buildings, solid waste transfer stations,
6 major water storage tanks, and appurtenant small
7 buildings such as booster pumping stations, but not
8 including offices or yards for equipment, material,
9 vehicle storage, repair or maintenance, treatment
10 plants, corporation yards, or other similar structures;
- 11 (8) Retention, restoration, rehabilitation, or improvement
12 of buildings or sites of historic or scenic interest;
- 13 (9) Agricultural-based commercial operations as described
14 in section [~~205-2(d)-(15);~~] 205-2(d)(14);
- 15 (10) Buildings and uses, including mills, storage, and
16 processing facilities, maintenance facilities,
17 photovoltaic, biogas, and other small-scale renewable
18 energy systems producing energy solely for use in the
19 agricultural activities of the fee or leasehold owner
20 of the property, and vehicle and equipment storage
21 areas that are normally considered directly accessory

1 to the above-mentioned uses and are permitted under
2 section 205-2(d);

3 (11) Agricultural parks;

4 (12) Plantation community subdivisions, which as used in
5 this chapter means an established subdivision or
6 cluster of employee housing, community buildings, and
7 agricultural support buildings on land currently or
8 formerly owned, leased, or operated by a sugar or
9 pineapple plantation; provided that the existing
10 structures may be used or rehabilitated for use, and
11 new employee housing and agricultural support buildings
12 may be allowed on land within the subdivision as
13 follows:

14 (A) The employee housing is occupied by employees or
15 former employees of the plantation who have a
16 property interest in the land;

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

20 (C) The agricultural support buildings shall be rented
21 or leased to agricultural business operators or
22 agricultural support services;

1 (13) Agricultural tourism uses or activities, including
2 overnight accommodations for stays of less than thirty
3 consecutive days conducted ~~[on a working farm, or a]~~ in
4 conjunction with a bona fide farming operation ~~[as~~
5 ~~defined in section 165-2, for the enjoyment, education,~~
6 ~~or involvement of visitors]~~; provided that the
7 agricultural tourism use or activity is accessory and
8 secondary to the principal agricultural use and does
9 not interfere with surrounding farm operations; and
10 provided further that ~~[this paragraph shall apply only~~
11 ~~to a county that has adopted ordinances regulating~~
12 ~~agricultural tourism under section 205-5;~~

13 ~~(14) Agricultural tourism activities, including overnight~~
14 ~~accommodations of twenty-one days or less, for any one~~
15 ~~stay within a county; provided that this paragraph~~
16 ~~shall apply only to a county that includes at least~~
17 ~~three islands and has adopted ordinances regulating~~
18 ~~agricultural tourism activities pursuant to section~~
19 ~~205-5; provided further that the agricultural tourism~~
20 ~~activities coexist with a bona fide agricultural~~
21 ~~activity. For the purposes of this paragraph, "bona~~

1 ~~bona fide agricultural activity" means a farming operation~~
2 ~~as defined in section 165-2;~~

3 an agricultural tourism use or activity shall not be
4 permissible in the absence of farming operations and
5 the agricultural tourism use or activity shall

6 terminate upon cessation of the farming operation's

7 agricultural activity. For the purposes of this

8 chapter, "bona fide farming operation" means a farming

9 operation as defined in section 165-2 that meets the

10 minimum criteria and standards set forth below and any

11 additional criteria and standards adopted by county

12 ordinance pursuant to section 205-5(b):

13 (A) Has been in operation for not less than two years;

14 (B) The majority of annual gross income is from the

15 sale of agricultural products grown by the farming

16 operation on the subject property for which an

17 agricultural tourism use is proposed; and

18 (C) Has annual gross sales of agricultural products

19 grown on the subject property for a minimum of two

20 of the preceding five years of no less than:

21 (i) \$35,000 if the agricultural tourism uses or

22 activities that require permanent enclosed

1 structures or include overnight

2 accommodations; or

3 (ii) \$10,000 if the agricultural tourism uses or

4 activities do not require permanent enclosed

5 structures and do not include overnight

6 accommodations;

7 ~~[(15)]~~ (14) Wind energy facilities, including the

8 appurtenances associated with the production and

9 transmission of wind generated energy; provided that

10 the wind energy facilities and appurtenances are

11 compatible with agriculture uses and cause minimal

12 adverse impact on agricultural land;

13 ~~[(16)]~~ (15) Biofuel processing facilities, including the

14 appurtenances associated with the production and

15 refining of biofuels that is normally considered

16 directly accessory and secondary to the growing of the

17 energy feedstock; provided that biofuel processing

18 facilities and appurtenances do not adversely impact

19 agricultural land and other agricultural uses in the

20 vicinity.

21 For the purposes of this paragraph:

1 "Appurtenances" means operational infrastructure
2 of the appropriate type and scale for economic
3 commercial storage and distribution, and other similar
4 handling of feedstock, fuels, and other products of
5 biofuel processing facilities.

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

13 ~~[(17)]~~ (16) Agricultural-energy facilities, including
14 appurtenances necessary for an agricultural-energy
15 enterprise; provided that the primary activity of the
16 agricultural-energy enterprise is agricultural
17 activity. To be considered the primary activity of an
18 agricultural-energy enterprise, the total acreage
19 devoted to agricultural activity shall be not less than
20 ninety per cent of the total acreage of the
21 agricultural-energy enterprise. The agricultural-
22 energy facility shall be limited to lands owned,

1 leased, licensed, or operated by the entity conducting
2 the agricultural activity.

3 As used in this paragraph:

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

6 "Agricultural-energy enterprise" means an
7 enterprise that integrally incorporates an agricultural
8 activity with an agricultural-energy facility.

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

15 "Appurtenances" means operational infrastructure
16 of the appropriate type and scale for the economic
17 commercial generation, storage, distribution, and other
18 similar handling of energy, including equipment,
19 feedstock, fuels, and other products of agricultural-
20 energy facilities;

21 [~~(18)~~] (17) Construction and operation of wireless
22 communication antennas; provided that, for the purposes

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1 of this paragraph, "wireless communication antenna"
2 means communications equipment that is either
3 freestanding or placed upon or attached to an already
4 existing structure and that transmits and receives
5 electromagnetic radio signals used in the provision of
6 all types of wireless communications services; provided
7 further that nothing in this paragraph shall be
8 construed to permit the construction of any new
9 structure that is not deemed a permitted use under this
10 subsection;

11 ~~[(19)]~~ (18) Agricultural education programs conducted on a
12 farming operation as defined in section 165-2, for the
13 education and participation of the general public;
14 provided that the agricultural education programs are
15 accessory and secondary to the principal agricultural
16 use of the parcels or lots on which the agricultural
17 education programs are to occur and do not interfere
18 with surrounding farm operations. For the purposes of
19 this section, "agricultural education programs" means
20 activities or events designed to promote knowledge and
21 understanding of agricultural activities and practices

1 conducted on a farming operation as defined in section
2 165-2;

3 ~~[(20)]~~ (19) Solar energy facilities that do not occupy more
4 than ten per cent of the acreage of the parcel, or
5 twenty acres of land, whichever is lesser or for which
6 a special use permit is granted pursuant to section
7 205-6; provided that this use shall not be permitted
8 on lands with soil classified by the land study
9 bureau's detailed land classification as overall
10 (master) productivity rating class A unless the solar
11 energy facilities are:

12 (A) Located on a paved or unpaved road in existence
13 as of December 31, 2013, and the parcel of land
14 upon which the paved or unpaved road is located
15 has a valid county agriculture tax dedication
16 status or a valid agricultural conservation
17 easement;

18 (B) Placed in a manner that still allows vehicular
19 traffic to use the road; and

20 (C) Granted a special use permit by the commission
21 pursuant to section 205-6;

1 ~~[+21+]~~ (20) Solar energy facilities on lands with soil
2 classified by the land study bureau's detailed land
3 classification as overall (master) productivity rating
4 B or C for which a special use permit is granted
5 pursuant to section 205-6; provided that:

6 (A) The area occupied by the solar energy facilities
7 is also made available for compatible
8 agricultural activities at a lease rate that is
9 at least fifty per cent below the fair market
10 rent for comparable properties;

11 (B) Proof of financial security to decommission the
12 facility is provided to the satisfaction of the
13 appropriate county planning commission prior to
14 date of commencement of commercial generation;
15 and

16 (C) Solar energy facilities shall be decommissioned
17 at the owner's expense according to the following
18 requirements:

19 (i) Removal of all equipment related to the
20 solar energy facility within twelve months
21 of the conclusion of operation or useful
22 life; and

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1 (ii) Restoration of the disturbed earth to
2 substantially the same physical condition as
3 existed prior to the development of the
4 solar energy facility~~[-]~~;

5 For the purposes of this paragraph, "agricultural
6 activities" means the activities described in
7 paragraphs (1) to (3); ~~[or]~~ and

8 ~~[-22-]~~ (21) Geothermal resources exploration and geothermal
9 resources development, as defined under section
10 182-1."

11 SECTION 5. Section 205-5, Hawaii Revised Statutes, is
12 amended by amending subsection (b) to read as follows:

13 "(b) Within agricultural districts, uses compatible to the
14 activities described in section 205-2 as determined by the
15 commission shall be permitted; provided that accessory
16 agricultural uses and services described in sections 205-2 and
17 205-4.5 may be further defined by each county by zoning
18 ordinance. ~~[Each county shall adopt ordinances setting forth~~
19 ~~procedures and requirements, including provisions for~~
20 ~~enforcement, penalties, and administrative oversight, for the~~
21 ~~review and permitting of agricultural tourism uses and~~
22 ~~activities as an accessory use on a working farm, or farming~~

1 ~~operation as defined in section 165-2. Ordinances shall include~~
2 ~~but not be limited to:~~

3 ~~(1) Requirements for access to a farm, including road~~
4 ~~width, road surface, and parking;~~

5 ~~(2) Requirements and restrictions for accessory facilities~~
6 ~~connected with the farming operation, including gift~~
7 ~~shops and restaurants;~~

8 ~~(3) Activities that may be offered by the farming~~
9 ~~operation for visitors;~~

10 ~~(4) Days and hours of operation; and~~

11 ~~(5) Automatic termination of the accessory use upon the~~
12 ~~cessation of the farming operation.]~~

13 Each county may adopt ordinances setting forth procedures,
14 standards, and requirements for the purposes of regulating
15 agricultural tourism uses and activities as an accessory use on
16 a bona fide farming operation pursuant to sections 205-2(d)(11)
17 and 205-4.5(a)(13); provided that:

18 (1) Proof of bona fide farming operation income shall be
19 evidenced by, at a minimum:

20 (A) Federal tax forms that show profit or loss from
21 farming and state general excise tax forms for

1 each year of agricultural income as required by
2 sections 205-2(d)(11) and 205-4.5(a)(13); or
3 (B) A notarized affidavit attesting that the income
4 from the sale of agricultural products grown on
5 the subject property meets or exceeds the minimum
6 income requirements in sections 205-2(d)(11) and
7 205-4.5(a)(13), or county ordinance, whichever is
8 more; and

9 (2) A county may adopt more restrictive standards and
10 requirements for permitting and regulating
11 agricultural tourism uses and activities, including
12 more restrictive income criteria and proof of bona
13 fide farming operations.

14 Each county may require an environmental assessment under
15 chapter 343 as a condition to any agricultural tourism use and
16 activity. Other uses may be allowed by special permits issued
17 pursuant to this chapter. The minimum lot size in agricultural
18 districts shall be determined by each county by zoning
19 ordinance, subdivision ordinance, or other lawful means;
20 provided that the minimum lot size for any agricultural use
21 shall not be less than one acre, except as provided herein. If
22 the county finds that unreasonable economic hardship to the

1 owner or lessee of land cannot otherwise be prevented or where
2 land utilization is improved, the county may allow lot sizes of
3 less than the minimum lot size as specified by law for lots
4 created by a consolidation of existing lots within an
5 agricultural district and the resubdivision thereof; provided
6 that the consolidation and resubdivision do not result in an
7 increase in the number of lots over the number existing prior to
8 consolidation; and provided further that in no event shall a lot
9 which is equal to or exceeds the minimum lot size of one acre be
10 less than that minimum after the consolidation and resubdivision
11 action. The county may also allow lot sizes of less than the
12 minimum lot size as specified by law for lots created or used
13 for plantation community subdivisions as defined in section 205-
14 4.5(a)(12), for public, private, and quasi-public utility
15 purposes, and for lots resulting from the subdivision of
16 abandoned roadways and railroad easements."

17 SECTION 6. Each county may adopt interim rules or
18 ordinances to regulate agricultural tourism uses, to remain in
19 effect until the county has adopted or amended applicable county
20 codes to conform to this Act.

21 SECTION 7. This Act shall not invalidate a lawful permit
22 for an agricultural tourism use and activity including overnight

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1 accommodations, on lands in the agricultural district in effect
2 on or before the effective date of this Act.

3 SECTION 8. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 9. This Act, upon its approval, shall take effect
6 on July 1, 2015.

7
8 INTRODUCED BY:



9 BY REQUEST

JAN 26 2015

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Report Title:

Agricultural Tourism; Overnight Accommodations; Bona Fide Farmer

Description:

Allows for overnight accommodations for bona fide farming operations. Defines bona fide farming operations.

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

JUSTIFICATION SHEET

DEPARTMENT: Business, Economic Development, and Tourism

TITLE: A BILL FOR AN ACT RELATING TO LAND USE.

PURPOSE: To allow for agricultural tourism activities, including overnight accommodations, for bona fide farming operations without requiring county ordinance changes.

MEANS: Amend sections 141-9(a), 205-2(d), 205-4.5(a), and 205-5(b), Hawaii Revised Statutes.

JUSTIFICATION: The legislature passed a law in 2006 to allow farmers the opportunity to generate additional income by offering agricultural tourism activities to visitors to their farms. Agricultural tourism is to be secondary and accessory to the principal agricultural use and requires the counties to enact ordinances to regulate it. To date, only Hawaii County has an agricultural tourism ordinance. Farmers in the counties of Kauai, Honolulu, and Maui do not have the same opportunity.

Act 329, Session Laws of Hawaii 2012, amended the agricultural tourism statute by adding overnight accommodations of twenty-one days or less as a permissible agricultural tourism activity, but again limits these activities to counties with an agricultural tourism ordinance. Consequently, although eight years have passed since the legislature first allowed agricultural tourism, such activity in the counties of Kauai, Honolulu, and Maui is still prohibited.

This bill increases the duration of an overnight accommodation stay from twenty-one to less than thirty consecutive days and clearly defines bona fide farming operations

to better ensure that agricultural tourism activities are properly constrained and abuse is reduced, particularly when overnight accommodations are included. Importantly, there has long been a need for a clear statutory definition of what constitutes a bona fide farming operation. This bill also allows counties to impose more restrictive requirements, but eliminates the requirement for county ordinances. Consequently, agricultural tourism may then occur in all counties, subject to any additional restrictions which the counties may affirmatively choose to create.

Impact on the public: Would make it easier for truly bona fide farming operations to consider and undertake agricultural tourism activities, thereby increasing the agricultural-related income of those operations.

Impact on the department and other agencies: No state department or agency responsibilities are impacted, however, the Office of Planning should inquire with the counties on the status of their respective agricultural tourism permitting efforts and any issues they are encountering.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: BED 144.

OTHER AFFECTED
AGENCIES: Department of Agriculture, Land Use
Commission, counties.

EFFECTIVE DATE: July 1, 2015.