

JAN 23 2020

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# A BILL FOR AN ACT

RELATING TO STATEWIDE COMPOSTING.

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

1           SECTION 1. The legislature finds that according to the  
2 United States Environmental Protection Agency and United States  
3 Department of Agriculture, food waste is the second largest  
4 component that enters a waste stream and accounts for  
5 twenty-five per cent of all materials sent to landfills. Nearly  
6 fifty per cent of organic materials disposed of in incinerators  
7 and landfills can be diverted for bioconversion, including  
8 composting. Landfills across Hawaii are rapidly reaching  
9 capacity and facing the burden of closure and re-siting, a  
10 process that will cost each county hundreds of millions of  
11 dollars and create community resentment. Recycling organics,  
12 including food waste, into compost has environmental benefits,  
13 such as improving soil health, increasing drought resistance,  
14 and reducing the need for supplemental water, fertilizers, and  
15 pesticides, while also increasing crop yields. Furthermore,  
16 applying compost and organic matter to soil sequesters carbon  
17 from the atmosphere, forming the largest land-based carbon sink,



1 and mitigates climate change by effectively reducing greenhouse  
2 gas emissions. The legislature believes that food waste  
3 diversion and the creation of multi-scale composting operations  
4 across the State will greatly reduce the burdens on landfills,  
5 lower county waste management costs, and move the State closer  
6 to achieving its sustainability and resiliency goals, which  
7 include:

- 8 (1) The Aloha+ Challenge, which is a statewide commitment  
9 to realize the United Nations' Sustainable Development  
10 Goals that sets a goal of seventy per cent waste  
11 reduction before disposal and doubling of local food  
12 production by 2030;
- 13 (2) The Hawaii 2050 sustainability plan, which also sets a  
14 mandate for the State to achieve full sustainability  
15 and resilience through increased food production and  
16 dramatic waste reduction via recycling and  
17 bioconversion strategies; and
- 18 (3) Increasing the generation of local compost to  
19 sequester more carbon and mitigate climate change  
20 pursuant to the strategy identified by the greenhouse



1 gas sequestration task force permanently established  
2 by Act 15, Session Laws of Hawaii 2018.

3 The legislature also finds that the regulation of co-  
4 composting in the State is under the purview of the department  
5 of health solid and hazardous waste branch. Existing  
6 regulations have not been updated in over twenty years, and  
7 currently a single application applies to all co-composting  
8 operations regardless of size or scope. The current permitting  
9 process is an onerous and unreasonable barrier to lawful  
10 participation for small to midsize composting operations whose  
11 operations present a much lower risk potential. Reform and  
12 updating of the co-composting regulations and permitting process  
13 will greatly increase the number of operators diverting organics  
14 from landfills and incinerators, thereby aiding the State and  
15 counties in reaching their sustainability, resilience, and  
16 fiscal goals.

17 Accordingly, the purpose of this Act is to encourage the  
18 production of compost by:

- 19 (1) Requiring the department of health to update its  
20 co-composting rules by January 1, 2021, and every five  
21 years thereafter;



1           (2) Requiring the department of health to establish a  
2           multi-tiered registration and permitting system for  
3           composting facilities; and

4           (3) Allowing composting and co-composting in agricultural  
5           districts.

6           SECTION 2. Chapter 342G, Hawaii Revised Statutes, is  
7           amended by adding a new section to be appropriately designated  
8           and to read as follows:

9           "§342G-        Co-composting; rules. By January 1, 2021, and  
10          every five years thereafter, the department shall update its  
11          rules regarding co-composting."

12          SECTION 3. Chapter 342H, Hawaii Revised Statutes, is  
13          amended by adding a new part to be appropriately designated and  
14          to read as follows:

15                 "PART       .    SOLID WASTE COMPOSTING FACILITIES

16                 §342H-        Definitions. For the purposes of this part:

17                 "Class I solid waste composting facility" means a facility  
18                 where the owner or operator may accept yard waste, agricultural  
19                 plant materials, dead animals, raw rendering material, animal  
20                 waste, food scraps, mixed solid waste, bulking agents,  
21                 additives, and authorized alternative materials.



1 "Class II solid waste composting facility" means a facility  
2 where the owner or operator may accept yard waste, agricultural  
3 plant materials, dead animals, raw rendering material, animal  
4 waste, food scraps, bulking agents, additives, and authorized  
5 alternative materials.

6 "Class III solid waste composting facility" means a  
7 facility where the owner or operator may accept yard waste,  
8 agricultural plant materials, dead animals, raw rendering  
9 material, animal waste, bulking agents, additives, and  
10 authorized alternative materials.

11 "Class IV solid waste composting facility" means a facility  
12 where the owner or operator may accept only yard waste,  
13 agricultural plant materials, bulking agents, additives limited  
14 to source-separated spent coffee and tea grounds, urea, and  
15 bacterial or fungal inoculum, and authorized alternative  
16 materials.

17 **§342H- Class I and II solid waste composting**  
18 **facilities.** Every owner or operator of a class I solid waste  
19 composting facility or class II solid waste composting facility  
20 in the State shall:



- 1 (1) Register with the department as required under  
2 department rules; and  
3 (2) Obtain a permit pursuant section 342H-4 and rules  
4 adopted by the department.

5 **§342H- Class III solid waste composting facilities.**

6 (a) Every owner or operator of a class III solid waste  
7 composting facility in the State shall:

- 8 (1) Register with the department as required under  
9 department rules; and  
10 (2) Be exempt from the permit requirements under section  
11 342H-4 and rules adopted by the department.

12 (b) The materials placement area of a class III solid  
13 waste composting facility shall not exceed 135,000 square feet  
14 of total area on any one premises.

15 **§342H- Class IV solid waste composting facilities.**

16 Every owner or operator of a class IV solid waste composting  
17 facility in the State shall:

- 18 (1) Register with the department as required under  
19 department rules; and  
20 (2) Be exempt from the permit requirements under section  
21 342H-4 and rules adopted by the department.



1           §342H-       **Rules.** The department shall adopt rules under  
2 chapter 91 as necessary to carry out the purposes of this part;  
3 provided that the department shall establish a tiered  
4 registration and permitting system for all classes of solid  
5 waste composting facilities; provided further that the permit  
6 standards for class II solid waste composting facilities shall  
7 be less stringent than the permit standards for class I solid  
8 waste composting facilities."

9           SECTION 4. Section 205-2, Hawaii Revised Statutes, is  
10 amended by amending subsection (d) to read as follows:

11           "(d) Agricultural districts shall include:

12           (1) Activities or uses as characterized by the cultivation  
13           of crops, crops for bioenergy, orchards, forage, and  
14           forestry;

15           (2) Farming activities or uses related to animal husbandry  
16           and game and fish propagation;

17           (3) Aquaculture, which means the production of aquatic  
18           plant and animal life within ponds and other bodies of  
19           water;

20           (4) Wind-generated energy production for public, private,  
21           and commercial use;



- 1           (5) Biofuel production, as described in section  
2                   205-4.5(a)(16), for public, private, and commercial  
3                   use;
- 4           (6) Solar energy facilities; provided that:
- 5                   (A) This paragraph shall apply only to land with soil  
6                           classified by the land study bureau's detailed  
7                           land classification as overall (master)  
8                           productivity rating class B, C, D, or E; and
- 9                   (B) Solar energy facilities placed within land with  
10                           soil classified as overall productivity rating  
11                           class B or C shall not occupy more than ten per  
12                           cent of the acreage of the parcel, or twenty  
13                           acres of land, whichever is lesser, unless a  
14                           special use permit is granted pursuant to section  
15                           205-6;
- 16           (7) Bona fide agricultural services and uses that support  
17                   the agricultural activities of the fee or leasehold  
18                   owner of the property and accessory to any of the  
19                   above activities, regardless of whether conducted on  
20                   the same premises as the agricultural activities to  
21                   which they are accessory, including farm dwellings as





1 defined in section 205-4.5(a)(4), employee housing,  
2 farm buildings, mills, storage facilities, processing  
3 facilities, photovoltaic, biogas, and other  
4 small-scale renewable energy systems producing energy  
5 solely for use in the agricultural activities of the  
6 fee or leasehold owner of the property,  
7 agricultural-energy facilities as defined in section  
8 205-4.5(a)(17), vehicle and equipment storage areas,  
9 and plantation community subdivisions as defined in  
10 section 205-4.5(a)(12);

11 (8) Wind machines and wind farms;

12 (9) Small-scale meteorological, air quality, noise, and  
13 other scientific and environmental data collection and  
14 monitoring facilities occupying less than one-half  
15 acre of land; provided that these facilities shall not  
16 be used as or equipped for use as living quarters or  
17 dwellings;

18 (10) Agricultural parks;

19 (11) Agricultural tourism conducted on a working farm, or a  
20 farming operation as defined in section 165-2, for the  
21 enjoyment, education, or involvement of visitors;



1 provided that the agricultural tourism activity is  
2 accessory and secondary to the principal agricultural  
3 use and does not interfere with surrounding farm  
4 operations; and provided further that this paragraph  
5 shall apply only to a county that has adopted  
6 ordinances regulating agricultural tourism under  
7 section 205-5;

8 (12) Agricultural tourism activities, including overnight  
9 accommodations of twenty-one days or less, for any one  
10 stay within a county; provided that this paragraph  
11 shall apply only to a county that includes at least  
12 three islands and has adopted ordinances regulating  
13 agricultural tourism activities pursuant to section  
14 205-5; provided further that the agricultural tourism  
15 activities coexist with a bona fide agricultural  
16 activity. For the purposes of this paragraph, "bona  
17 fide agricultural activity" means a farming operation  
18 as defined in section 165-2;

19 (13) Open area recreational facilities;

20 (14) Geothermal resources exploration and geothermal  
21 resources development, as defined under section 182-1;



- 1       (15)   Agricultural-based commercial operations registered in  
2           Hawaii, including:
- 3           (A)   A roadside stand that is not an enclosed  
4                structure, owned and operated by a producer for  
5                the display and sale of agricultural products  
6                grown in Hawaii and value-added products that  
7                were produced using agricultural products grown  
8                in Hawaii;
- 9           (B)   Retail activities in an enclosed structure owned  
10               and operated by a producer for the display and  
11               sale of agricultural products grown in Hawaii,  
12               value-added products that were produced using  
13               agricultural products grown in Hawaii, logo items  
14               related to the producer's agricultural  
15               operations, and other food items;
- 16           (C)   A retail food establishment owned and operated by  
17               a producer and permitted under chapter 11-50,  
18               Hawaii administrative rules, that prepares and  
19               serves food at retail using products grown in  
20               Hawaii and value-added products that were



1 produced using agricultural products grown in  
2 Hawaii;

3 (D) A farmers' market, which is an outdoor market  
4 limited to producers selling agricultural  
5 products grown in Hawaii and value-added products  
6 that were produced using agricultural products  
7 grown in Hawaii; and

8 (E) A food hub, which is a facility that may contain  
9 a commercial kitchen and provides for the  
10 storage, processing, distribution, and sale of  
11 agricultural products grown in Hawaii and  
12 value-added products that were produced using  
13 agricultural products grown in Hawaii.

14 The owner of an agricultural-based commercial  
15 operation shall certify, upon request of an officer or  
16 agent charged with enforcement of this chapter under  
17 section 205-12, that the agricultural products  
18 displayed or sold by the operation meet the  
19 requirements of this paragraph; [and]

20 (16) Hydroelectric facilities as described in section  
21 205-4.5 (a) (23) [-]; and



1        (17) Composting and co-composting operations.

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

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

7        SECTION 5. Section 205-4.5, Hawaii Revised Statutes, is  
8        amended to read as follows:

9        **"§205-4.5 Permissible uses within the agricultural**  
10       **districts.** (a) Within the agricultural district, all lands  
11       with soil classified by the land study bureau's detailed land  
12       classification as overall (master) productivity rating class A  
13       or B and for solar energy facilities, class B or C, shall be  
14       restricted to the following permitted uses:

15       (1) Cultivation of crops, including crops for bioenergy,  
16       flowers, vegetables, foliage, fruits, forage, and  
17       timber;

18       (2) Game and fish propagation;

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



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- 1           (4) Farm dwellings, employee housing, farm buildings, or  
2           activities or uses related to farming and animal  
3           husbandry. "Farm dwelling", as used in this  
4           paragraph, means a single-family dwelling located on  
5           and used in connection with a farm, including clusters  
6           of single-family farm dwellings permitted within  
7           agricultural parks developed by the State, or where  
8           agricultural activity provides income to the family  
9           occupying the dwelling;
- 10          (5) Public institutions and buildings that are necessary  
11          for agricultural practices;
- 12          (6) Public and private open area types of recreational  
13          uses, including day camps, picnic grounds, parks, and  
14          riding stables, but not including dragstrips,  
15          airports, drive-in theaters, golf courses, golf  
16          driving ranges, country clubs, and overnight camps;
- 17          (7) Public, private, and quasi-public utility lines and  
18          roadways, transformer stations, communications  
19          equipment buildings, solid waste transfer stations,  
20          major water storage tanks, and appurtenant small  
21          buildings such as booster pumping stations, but not



- 1 including offices or yards for equipment, material,  
2 vehicle storage, repair or maintenance, treatment  
3 plants, corporation yards, or other similar  
4 structures;
- 5 (8) Retention, restoration, rehabilitation, or improvement  
6 of buildings or sites of historic or scenic interest;
- 7 (9) Agricultural-based commercial operations as described  
8 in section 205-2(d)(15);
- 9 (10) Buildings and uses, including mills, storage, and  
10 processing facilities, maintenance facilities,  
11 photovoltaic, biogas, and other small-scale renewable  
12 energy systems producing energy solely for use in the  
13 agricultural activities of the fee or leasehold owner  
14 of the property, and vehicle and equipment storage  
15 areas that are normally considered directly accessory  
16 to the above-mentioned uses and are permitted under  
17 section 205-2(d);
- 18 (11) Agricultural parks;
- 19 (12) Plantation community subdivisions, which as used in  
20 this chapter means an established subdivision or  
21 cluster of employee housing, community buildings, and



1 agricultural support buildings on land currently or  
2 formerly owned, leased, or operated by a sugar or  
3 pineapple plantation; provided that the existing  
4 structures may be used or rehabilitated for use, and  
5 new employee housing and agricultural support  
6 buildings may be allowed on land within the  
7 subdivision as follows:

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

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

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

17 (13) Agricultural tourism conducted on a working farm, or a  
18 farming operation as defined in section 165-2, for the  
19 enjoyment, education, or involvement of visitors;  
20 provided that the agricultural tourism activity is  
21 accessory and secondary to the principal agricultural





1 use and does not interfere with surrounding farm  
2 operations; [~~and~~] provided further that this paragraph  
3 shall apply only to a county that has adopted  
4 ordinances regulating agricultural tourism under  
5 section 205-5;

6 (14) Agricultural tourism activities, including overnight  
7 accommodations of twenty-one days or less, for any one  
8 stay within a county; provided that this paragraph  
9 shall apply only to a county that includes at least  
10 three islands and has adopted ordinances regulating  
11 agricultural tourism activities pursuant to section  
12 205-5; provided further that the agricultural tourism  
13 activities coexist with a bona fide agricultural  
14 activity. For the purposes of this paragraph, "bona  
15 fide agricultural activity" means a farming operation  
16 as defined in section 165-2;

17 (15) Wind energy facilities, including the appurtenances  
18 associated with the production and transmission of  
19 wind generated energy; provided that the wind energy  
20 facilities and appurtenances are compatible with



1           agriculture uses and cause minimal adverse impact on  
2           agricultural land;  
3       (16) Biofuel processing facilities, including the  
4           appurtenances associated with the production and  
5           refining of biofuels that is normally considered  
6           directly accessory and secondary to the growing of the  
7           energy feedstock; provided that biofuel processing  
8           facilities and appurtenances do not adversely impact  
9           agricultural land and other agricultural uses in the  
10          vicinity.

11                   For the purposes of this paragraph:

12                   "Appurtenances" means operational infrastructure  
13                   of the appropriate type and scale for economic  
14                   commercial storage and distribution, and other similar  
15                   handling of feedstock, fuels, and other products of  
16                   biofuel processing facilities.

17                   "Biofuel processing facility" means a facility  
18                   that produces liquid or gaseous fuels from organic  
19                   sources such as biomass crops, agricultural residues,  
20                   and oil crops, including palm, canola, soybean, and  
21                   waste cooking oils; grease; food wastes; and animal



1 residues and wastes that can be used to generate  
2 energy;  
3 (17) Agricultural-energy facilities, including  
4 appurtenances necessary for an agricultural-energy  
5 enterprise; provided that the primary activity of the  
6 agricultural-energy enterprise is agricultural  
7 activity. To be considered the primary activity of an  
8 agricultural-energy enterprise, the total acreage  
9 devoted to agricultural activity shall be not less  
10 than ninety per cent of the total acreage of the  
11 agricultural-energy enterprise. The agricultural-  
12 energy facility shall be limited to lands owned,  
13 leased, licensed, or operated by the entity conducting  
14 the agricultural activity.

15 As used in this paragraph:

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

18 "Agricultural-energy enterprise" means an  
19 enterprise that integrally incorporates an  
20 agricultural activity with an agricultural-energy  
21 facility.



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

7 "Appurtenances" means operational infrastructure  
8 of the appropriate type and scale for the economic  
9 commercial generation, storage, distribution, and  
10 other similar handling of energy, including equipment,  
11 feedstock, fuels, and other products of agricultural-  
12 energy facilities;

13 (18) Construction and operation of wireless communication  
14 antennas, including small wireless facilities;  
15 provided that, for the purposes of this paragraph,  
16 "wireless communication antenna" means communications  
17 equipment that is either freestanding or placed upon  
18 or attached to an already existing structure and that  
19 transmits and receives electromagnetic radio signals  
20 used in the provision of all types of wireless  
21 communications services; provided further that "small



1 wireless facilities" shall have the same meaning as in  
2 section 206N-2; provided further that nothing in this  
3 paragraph shall be construed to permit the  
4 construction of any new structure that is not deemed a  
5 permitted use under this subsection;

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

19 (20) Solar energy facilities that do not occupy more than  
20 ten per cent of the acreage of the parcel, or twenty  
21 acres of land, whichever is lesser or for which a



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1 special use permit is granted pursuant to section 205-  
2 6; provided that this use shall not be permitted on  
3 lands with soil classified by the land study bureau's  
4 detailed land classification as overall (master)  
5 productivity rating class A;

6 (21) Solar energy facilities on lands with soil classified  
7 by the land study bureau's detailed land  
8 classification as overall (master) productivity rating  
9 B or C for which a special use permit is granted  
10 pursuant to section 205-6; provided that:

11 (A) The area occupied by the solar energy facilities  
12 is also made available for compatible  
13 agricultural activities at a lease rate that is  
14 at least fifty per cent below the fair market  
15 rent for comparable properties;

16 (B) Proof of financial security to decommission the  
17 facility is provided to the satisfaction of the  
18 appropriate county planning commission prior to  
19 date of commencement of commercial generation;  
20 and



1 (C) Solar energy facilities shall be decommissioned  
2 at the owner's expense according to the following  
3 requirements:

4 (i) Removal of all equipment related to the  
5 solar energy facility within twelve months  
6 of the conclusion of operation or useful  
7 life; and

8 (ii) Restoration of the disturbed earth to  
9 substantially the same physical condition as  
10 existed prior to the development of the  
11 solar energy facility.

12 For the purposes of this paragraph, "agricultural  
13 activities" means the activities described in  
14 paragraphs (1) to (3);

15 (22) Geothermal resources exploration and geothermal  
16 resources development, as defined under section 182-1;  
17 or

18 (23) Hydroelectric facilities, including the appurtenances  
19 associated with the production and transmission of  
20 hydroelectric energy, subject to section 205-2;



1 provided that the hydroelectric facilities and their  
2 appurtenances:

3 (A) Shall consist of a small hydropower facility as  
4 defined by the United States Department of  
5 Energy, including:

6 (i) Impoundment facilities using a dam to store  
7 water in a reservoir;

8 (ii) A diversion or run-of-river facility that  
9 channels a portion of a river through a  
10 canal or channel; and

11 (iii) Pumped storage facilities that store energy  
12 by pumping water uphill to a reservoir at  
13 higher elevation from a reservoir at a lower  
14 elevation to be released to turn a turbine  
15 to generate electricity;

16 (B) Comply with the state water code, chapter 174C;

17 (C) Shall, if over five hundred kilowatts in  
18 hydroelectric generating capacity, have the  
19 approval of the commission on water resource  
20 management, including a new instream flow





1 standard established for any new hydroelectric  
2 facility; and

3 (D) Do not impact or impede the use of agricultural  
4 land or the availability of surface or ground  
5 water for all uses on all parcels that are served  
6 by the ground water sources or streams for which  
7 hydroelectric facilities are considered.

8 (b) Uses not expressly permitted in subsection (a) shall  
9 be prohibited, except the uses permitted as provided in sections  
10 205-6 and 205-8, and construction of single-family dwellings on  
11 lots existing before June 4, 1976. Any other law to the  
12 contrary notwithstanding, no subdivision of land within the  
13 agricultural district with soil classified by the land study  
14 bureau's detailed land classification as overall (master)  
15 productivity rating class A or B shall be approved by a county  
16 unless those A and B lands within the subdivision are made  
17 subject to the restriction on uses as prescribed in this section  
18 and to the condition that the uses shall be primarily in pursuit  
19 of an agricultural activity.

20 Any deed, lease, agreement of sale, mortgage, or other  
21 instrument of conveyance covering any land within the



1 agricultural subdivision shall expressly contain the restriction  
2 on uses and the condition, as prescribed in this section that  
3 these restrictions and conditions shall be encumbrances running  
4 with the land until such time that the land is reclassified to a  
5 land use district other than agricultural district.

6 If the foregoing requirement of encumbrances running with  
7 the land jeopardizes the owner or lessee in obtaining mortgage  
8 financing from any of the mortgage lending agencies set forth in  
9 the following paragraph, and the requirement is the sole reason  
10 for failure to obtain mortgage financing, then the requirement  
11 of encumbrances shall, insofar as such mortgage financing is  
12 jeopardized, be conditionally waived by the appropriate county  
13 enforcement officer; provided that the conditional waiver shall  
14 become effective only in the event that the property is  
15 subjected to foreclosure proceedings by the mortgage lender.

16 The mortgage lending agencies referred to in the preceding  
17 paragraph are the Federal Housing Administration, Federal  
18 National Mortgage Association, Department of Veterans Affairs,  
19 Small Business Administration, United States Department of  
20 Agriculture, Federal Land Bank of Berkeley, Federal Intermediate  
21 Credit Bank of Berkeley, Berkeley Bank for Cooperatives, and any



1 other federal, state, or private mortgage lending agency  
2 qualified to do business in Hawaii, and their respective  
3 successors and assigns.

4 (c) Within the agricultural district, all lands with soil  
5 classified by the land study bureau's detailed land  
6 classification as overall (master) productivity rating class C,  
7 D, E, or U shall be restricted to the uses permitted for  
8 agricultural districts as set forth in section 205-5(b).

9 (d) Notwithstanding any other provision of this chapter to  
10 the contrary, golf courses and golf driving ranges approved by a  
11 county before July 1, 2005, for development within the  
12 agricultural district shall be permitted uses within the  
13 agricultural district.

14 (e) Notwithstanding any other provision of this chapter to  
15 the contrary, plantation community subdivisions as defined in  
16 this section shall be permitted uses within the agricultural  
17 district, and section 205-8 shall not apply.

18 [f] (f) [f] Notwithstanding any other law to the contrary,  
19 agricultural lands may be subdivided and leased for the  
20 agricultural uses or activities permitted in subsection (a);  
21 provided that:



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- 1           (1) The principal use of the leased land is agriculture;
- 2           (2) No permanent or temporary dwellings or farm dwellings,  
3           including trailers and campers, are constructed on the  
4           leased area. This restriction shall not prohibit the  
5           construction of storage sheds, equipment sheds, or  
6           other structures appropriate to the agricultural  
7           activity carried on within the lot; and
- 8           (3) The lease term for a subdivided lot shall be for at  
9           least as long as the greater of:
- 10           (A) The minimum real property tax agricultural  
11           dedication period of the county in which the  
12           subdivided lot is located; or
- 13           (B) Five years.

14 Lots created and leased pursuant to this section shall be legal  
15 lots of record for mortgage lending purposes and shall be exempt  
16 from county subdivision standards.

17           (g) Notwithstanding any other law to the contrary,  
18 composting and co-composting operations shall be permitted uses  
19 within the agricultural district."

20           SECTION 6. Statutory material to be repealed is bracketed  
21 and stricken. New statutory material is underscored.



# S.B. NO. 3121

1 SECTION 7. This Act shall take effect upon its approval.

2

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# S.B. NO. 3121

**Report Title:**

Composting; Co-Composting; DOH; Rules; Agricultural Districts

**Description:**

Requires DOH to periodically update its co-composting rules. Requires DOH to establish a multi-tiered registration and permitting system for composting facilities. Allows composting and co-composting in agricultural districts.

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

