
A BILL FOR AN ACT

RELATING TO AGRICULTURAL TOURISM.

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

1 PART I

2 SECTION 1. The legislature finds that, throughout the
3 nation, cattle ranches, agricultural farms, and other farming
4 operations are diversifying their businesses by expanding into
5 agricultural tourism activities. These activities provide
6 critical supplemental revenue streams and are increasingly
7 becoming an essential part of the business models for many
8 ranches and farms.

9 The legislature further finds that the State's four
10 counties each have their own agricultural tourism activity
11 permitting processes, standards, procedures, and definitions.
12 This lack of consistency results in a disjointed regulatory
13 framework, which impedes the growth of the State's agricultural
14 sector, inhibits the development of viable farming and ranching
15 business models, and systemically creates and aggravates
16 impediments in zoning and permitting.



1 The legislature acknowledges that, currently, agricultural
2 tourism activities may be authorized through the special
3 permitting process. However, the use of this process pushes
4 agricultural tourism activities to the periphery of farming
5 operations and exacerbates the State's inconsistent permitting
6 framework, further impeding growth in the agricultural sector
7 and limiting the revenue potential of the agricultural
8 businesses that the State is trying to nurture.

9 Therefore, the legislature finds that there should be a
10 uniform approach to approving agricultural tourism activities
11 across the entire State. With the enactment of targeted,
12 meaningful legislation, agricultural tourism can become an area
13 of growth and expansion for farmers while also creating
14 opportunities for the types of regenerative tourism being
15 encouraged by the Hawaii tourism authority. The creation of a
16 uniform framework will increase investment in agricultural
17 tourism activities, promote unique partnerships between farmers
18 and local businesses interested in agriculture, and increase
19 support for affiliated farming pathway programs in the State.



1 (b) Agricultural tourism activities:

2 (1) Shall be accessory and secondary to the principal
3 agricultural use;

4 (2) Shall coexist with an agricultural activity conducted
5 on a farming operation; and

6 (3) Shall not interfere with surrounding farm operations.

7 (c) Agricultural tourism shall only be allowed on land
8 on which productive agricultural use is occurring. For the
9 purposes of this subsection, "productive agricultural use" means
10 the real property of the working farm, or farming operation as
11 defined in section 165-2, is taxed as agricultural and is
12 current on its real property tax obligations.

13 (d) Agricultural tourism activities may include overnight
14 accommodations of twenty-one days or less.

15 (e) Agricultural tourism activities shall be registered by
16 the owner or lessee with the county planning department;
17 provided that the registration shall include the following
18 information:

19 (1) A description of access to the farm, including road
20 width, road surface, and parking;



1 (2) A description of accessory facilities connected with
2 the farming operation, such as gift shops and
3 restaurants; and

4 (3) Activities for visitors that may be offered by the
5 farming operation.

6 (f) The authorization to conduct agricultural tourism
7 activities at the farming operation shall be automatically
8 terminated upon the cessation of the agricultural activity
9 conducted on the farming operation."

10 SECTION 3. Section 205-2, Hawaii Revised Statutes, is
11 amended by amending subsection (d) to read as follows:

12 "(d) Agricultural districts shall include:

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

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

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



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



- 1 the same premises as the agricultural activities to
2 which they are accessory, including farm dwellings as
3 defined in section 205-4.5(a)(4), employee housing,
4 farm buildings, mills, storage facilities, processing
5 facilities, photovoltaic, biogas, and other
6 small-scale renewable energy systems producing energy
7 solely for use in the agricultural activities of the
8 fee or leasehold owner of the property,
9 agricultural-energy facilities as defined in
10 [~~section 205-4.5(a)(17),~~] section 205-4.5(a)(16),
11 vehicle and equipment storage areas, and plantation
12 community subdivisions as defined in
13 section 205-4.5(a)(12);
- 14 (8) Wind machines and wind farms;
- 15 (9) Small-scale meteorological, air quality, noise, and
16 other scientific and environmental data collection and
17 monitoring facilities occupying less than one-half
18 acre of land; provided that these facilities shall not
19 be used as or equipped for use as living quarters or
20 dwellings;
- 21 (10) Agricultural parks;



1 (11) ~~Agricultural tourism [conducted on a working farm, or~~
2 ~~a farming operation as defined in section 165-2, for~~
3 ~~the enjoyment, education, or involvement of visitors;~~
4 ~~provided that the agricultural tourism activity is~~
5 ~~accessory and secondary to the principal agricultural~~
6 ~~use and does not interfere with surrounding farm~~
7 ~~operations; and provided further that this paragraph~~
8 ~~shall apply only to a county that has adopted~~
9 ~~ordinances regulating agricultural tourism under~~
10 ~~section 205-5;] activities pursuant to~~
11 ~~section 205- ; provided that this paragraph shall~~
12 ~~apply only to a county that has adopted ordinances~~
13 ~~regulating agricultural tourism uses and activities~~
14 ~~under section 205-5;~~
15 ~~[(12) Agricultural tourism activities, including overnight~~
16 ~~accommodations of twenty-one days or less, for any one~~
17 ~~stay within a county; provided that this paragraph~~
18 ~~shall apply only to a county that includes at least~~
19 ~~three islands and has adopted ordinances regulating~~
20 ~~agricultural tourism activities pursuant to section~~
21 ~~205-5; provided further that the agricultural tourism~~



1 ~~activities coexist with a bona fide agricultural~~
 2 ~~activity. For the purposes of this paragraph, "bona~~
 3 ~~fide agricultural activity" means a farming operation~~
 4 ~~as defined in section 165-2;~~

5 ~~(13)]~~ (12) Open area recreational facilities;

6 ~~[(14)]~~ (13) Geothermal resources exploration and geothermal
 7 resources development, as defined under section 182-1;

8 ~~[(15)]~~ (14) Agricultural-based commercial operations
 9 registered in Hawaii, including:

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

16 (B) Retail activities in an enclosed structure owned
 17 and operated by a producer for the display and
 18 sale of agricultural products grown in Hawaii,
 19 value-added products that were produced using
 20 agricultural products grown in Hawaii, logo items



- 1 related to the producer's agricultural
2 operations, and other food items;
- 3 (C) A retail food establishment owned and operated by
4 a producer and permitted under chapter 11-50,
5 Hawaii administrative rules, that prepares and
6 serves food at retail using products grown in
7 Hawaii and value-added products that were
8 produced using agricultural products grown in
9 Hawaii;
- 10 (D) A farmers' market, which is an outdoor market
11 limited to producers selling agricultural
12 products grown in Hawaii and value-added products
13 that were produced using agricultural products
14 grown in Hawaii; [~~and~~]
- 15 (E) A food hub, which is a facility that may contain
16 a commercial kitchen and provides for the
17 storage, processing, distribution, and sale of
18 agricultural products grown in Hawaii and
19 value-added products that were produced using
20 agricultural products grown in Hawaii[~~;~~];
- 21 (F) Agricultural tourism activities[~~;~~]; and



1 (G) A roadside stand or retail activities in an
2 enclosed structure under three hundred square
3 feet in total floor area that is on a trailer;
4 provided that any stand or structure under this
5 subparagraph shall be exempt from building permit
6 requirements, notwithstanding the need for an
7 electric or plumbing permit, if appropriate.

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

14 ~~[(16)]~~ (15) Hydroelectric facilities as described in
15 section ~~[205-4.5(a)(23);]~~ 205-4.5(a)(22); and

16 ~~[(17)]~~ (16) Composting and co-composting operations;
17 provided that operations that process their own green
18 waste and do not require permits from the department
19 of health shall use the finished composting product
20 only on the operation's own premises to minimize the
21 potential spread of invasive species.



1 Agricultural districts shall not include golf courses and golf
2 driving ranges, except as provided in section 205-4.5(d).
3 Agricultural districts shall include areas that are not used
4 for, or that are not suited to, agricultural and ancillary
5 activities by reason of topography, soils, and other related
6 characteristics."

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

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

- 14 (1) Cultivation of crops, including crops for bioenergy,
15 flowers, vegetables, foliage, fruits, forage, and
16 timber;
- 17 (2) Game and fish propagation;
- 18 (3) Raising of livestock, including poultry, bees, fish,
19 or other animal or aquatic life that are propagated
20 for economic or personal use;



- 1 (4) Farm dwellings, employee housing, farm buildings, or
2 activities or uses related to farming and animal
3 husbandry. For the purposes of this paragraph, "farm
4 dwelling" means a single-family dwelling located on
5 and accessory to a farm, including clusters of
6 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 provided that overnight camps in operation before
18 January 1, 1961, may be approved by special permit;
- 19 (7) Public, private, and quasi-public utility lines and
20 roadways, transformer stations, communications
21 equipment buildings, solid waste transfer stations,



- 1 major water storage tanks, and appurtenant small
2 buildings such as booster pumping stations, but not
3 including offices or yards for equipment, material,
4 vehicle storage, repair or maintenance, treatment
5 plants, corporation yards, or other similar
6 structures;
- 7 (8) Retention, restoration, rehabilitation, or improvement
8 of buildings or sites of historic or scenic interest;
- 9 (9) Agricultural-based commercial operations as described
10 in section [~~205-2(d)(15);~~] 205-2(d)(14);
- 11 (10) Buildings and uses, including mills, storage, and
12 processing facilities, maintenance facilities,
13 photovoltaic, biogas, and other small-scale renewable
14 energy systems producing energy solely for use in the
15 agricultural activities of the fee or leasehold owner
16 of the property, and vehicle and equipment storage
17 areas that are normally considered directly accessory
18 to the above-mentioned uses and are permitted under
19 section 205-2(d);
- 20 (11) Agricultural parks;



- 1 (12) Plantation community subdivisions, [~~which as used in~~
2 ~~this chapter means~~] including an established
3 subdivision or cluster of employee housing, community
4 buildings, and agricultural support buildings on land
5 currently or formerly owned, leased, or operated by a
6 sugar or pineapple plantation; provided that the
7 existing structures may be used or rehabilitated for
8 use, and new employee housing and agricultural support
9 buildings may be allowed on land within the
10 subdivision as follows:
- 11 (A) The employee housing is occupied by employees or
12 former employees of the plantation who have a
13 property interest in the land;
- 14 (B) The employee housing units not owned by their
15 occupants shall be rented or leased at affordable
16 rates for agricultural workers; or
- 17 (C) The agricultural support buildings shall be
18 rented or leased to agricultural business
19 operators or agricultural support services;
- 20 (13) Agricultural tourism [~~conducted on a working farm, or~~
21 ~~a farming operation as defined in section 165-2, for~~



1 ~~the enjoyment, education, or involvement of visitors;~~
2 ~~provided that the agricultural tourism activity is~~
3 ~~accessory and secondary to the principal agricultural~~
4 ~~use and does not interfere with surrounding farm~~
5 ~~operations; provided further that this paragraph shall~~
6 ~~apply only to a county that has adopted ordinances~~
7 ~~regulating agricultural tourism under section 205-5;]~~
8 ~~activities pursuant to section 205- ; provided that~~
9 ~~this paragraph shall apply only to a county that has~~
10 ~~adopted ordinances regulating agricultural tourism~~
11 ~~uses and activities under section 205-5;~~

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



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

3 ~~(15)]~~ (14) Wind energy facilities, including the
4 appurtenances associated with the production and
5 transmission of wind generated energy; provided that
6 the wind energy facilities and appurtenances are
7 compatible with agriculture uses and cause minimal
8 adverse impact on agricultural land;

9 ~~[(16)]~~ (15) Biofuel processing facilities, including the
10 appurtenances associated with the production and
11 refining of biofuels that is normally considered
12 directly accessory and secondary to the growing of the
13 energy feedstock; provided that biofuel processing
14 facilities and appurtenances do not adversely impact
15 agricultural land and other agricultural uses in the
16 vicinity.

17 For the purposes of this paragraph:

18 "Appurtenances" means operational infrastructure
19 of the appropriate type and scale for economic
20 commercial storage and distribution, and other similar



1 handling of feedstock, fuels, and other products of
2 biofuel processing facilities.

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

10 [~~(17)~~] (16) Agricultural-energy facilities, including
11 appurtenances necessary for an agricultural-energy
12 enterprise; provided that the primary activity of the
13 agricultural-energy enterprise is agricultural
14 activity. To be considered the primary activity of an
15 agricultural-energy enterprise, the total acreage
16 devoted to agricultural activity shall be no less than
17 ninety per cent of the total acreage of the
18 agricultural-energy enterprise. The
19 agricultural-energy facility shall be limited to lands
20 owned, leased, licensed, or operated by the entity
21 conducting the agricultural activity.



1 As used in this paragraph:

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

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

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

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

20 [~~18~~] (17) Construction and operation of wireless
21 communication antennas, including small wireless



1 facilities; provided that, for the purposes of this
 2 paragraph, "wireless communication antenna" means
 3 communications equipment that is either freestanding
 4 or placed upon or attached to an already existing
 5 structure and that transmits and receives
 6 electromagnetic radio signals used in the provision of
 7 all types of wireless communications services;
 8 provided further that "small wireless facilities"
 9 shall have the same meaning as in section 206N-2;
 10 provided further that nothing in this paragraph shall
 11 be construed to permit the construction of any new
 12 structure that is not deemed a permitted use under
 13 this subsection;

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



1 this paragraph, "agricultural education programs"
2 means activities or events designed to promote
3 knowledge and understanding of agricultural activities
4 and practices conducted on a farming operation as
5 defined in section 165-2;

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

14 [~~+21~~] (20) Solar energy facilities on lands with soil
15 classified by the land study bureau's detailed land
16 classification as overall (master) productivity rating
17 B or C for which a special use permit is granted
18 pursuant to section 205-6; provided that:

19 (A) The area occupied by the solar energy facilities
20 is also made available for compatible
21 agricultural activities at a lease rate that is



1 at least fifty per cent below the fair market
2 rent for comparable properties;

3 (B) Proof of financial security to decommission the
4 facility is provided to the satisfaction of the
5 appropriate county planning commission before the
6 date of commencement of commercial generation;
7 and

8 (C) Solar energy facilities shall be decommissioned
9 at the owner's expense according to the following
10 requirements:

11 (i) Removal of all equipment related to the
12 solar energy facility within twelve months
13 of the conclusion of operation or useful
14 life; and

15 (ii) Restoration of the disturbed earth to
16 substantially the same physical condition as
17 existed before the development of the solar
18 energy facility.

19 For the purposes of this paragraph, "agricultural
20 activities" means the activities described in
21 paragraphs (1) to (3);



1 (C) Shall, if over five hundred kilowatts in
 2 hydroelectric generating capacity, have the
 3 approval of the commission on water resource
 4 management, including a new instream flow
 5 standard established for any new hydroelectric
 6 facility; and

7 (D) Do not impact or impede the use of agricultural
 8 land or the availability of surface or ground
 9 water for all uses on all parcels that are served
 10 by the ground water sources or streams for which
 11 hydroelectric facilities are considered; or

12 [~~(24)~~] (23) Notwithstanding any other law to the contrary,
 13 composting and co-composting operations; provided that
 14 operations that process their own green waste and do
 15 not require permits from the department of health
 16 shall use the finished composting product only on the
 17 operation's own premises to minimize the potential
 18 spread of invasive species."

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



1 " (b) ~~[Within agricultural districts, uses compatible to~~
2 ~~the activities described in section 205-2 as determined by the~~
3 ~~commission shall be permitted; provided that accessory]~~
4 Accessory agricultural uses and services described in sections
5 205-2 and 205-4.5 may be further defined by each county by
6 zoning ordinance. ~~[Each county shall adopt ordinances setting~~
7 ~~forth procedures and requirements, including provisions for~~
8 ~~enforcement, penalties, and administrative oversight, for the~~
9 ~~review and permitting of agricultural tourism uses and~~
10 ~~activities as an accessory use on a working farm, or farming~~
11 ~~operation as defined in section 165-2. Ordinances shall include~~
12 ~~but not be limited to:~~

- 13 ~~(1) Requirements for access to a farm, including road~~
14 ~~width, road surface, and parking;~~
- 15 ~~(2) Requirements and restrictions for accessory facilities~~
16 ~~connected with the farming operation, including gift~~
17 ~~shops and restaurants;~~
- 18 ~~(3) Activities that may be offered by the farming~~
19 ~~operation for visitors;~~
- 20 ~~(4) Days and hours of operation; and~~



1 ~~(5) Automatic termination of the accessory use upon the~~
2 ~~cessation of the farming operation.~~

3 ~~Each county may require an environmental assessment under~~
4 ~~chapter 343 as a condition to any agricultural tourism use and~~
5 ~~activity.] Other uses may be allowed by special permits issued~~
6 ~~pursuant to this chapter. [The minimum lot size in agricultural~~
7 ~~districts shall be determined by each county by zoning~~
8 ~~ordinance, subdivision ordinance, or other lawful means;~~
9 ~~provided that the minimum lot size for any agricultural use~~
10 ~~shall not be less than one acre, except as provided herein.] If~~
11 the county finds that unreasonable economic hardship to the
12 owner or lessee of land cannot otherwise be prevented or where
13 land utilization is improved, the county may allow lot sizes of
14 less than the minimum lot size as specified by law for lots
15 created by a consolidation of existing lots within an
16 agricultural district and the resubdivision thereof; provided
17 that the consolidation and resubdivision do not result in an
18 increase in the number of lots over the number existing prior to
19 consolidation; ~~and~~ provided further that in no event shall a
20 lot ~~which~~ the is equal to or exceeds the minimum lot size of
21 one acre be less than ~~that~~ the minimum established after the



1 consolidation and resubdivision action. The county may also
 2 allow lot sizes of less than the minimum lot size as specified
 3 by law for lots created or used for plantation community
 4 subdivisions as defined in section 205-4.5(a)(12) [7]; for
 5 public, private, and quasi-public utility purposes [7]; and for
 6 lots resulting from the subdivision of abandoned roadways and
 7 railroad easements."

PART III

9 SECTION 6. Section 141-9, Hawaii Revised Statutes, is
 10 amended by amending subsection (a) to read as follows:

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

- 13 (1) Maintain cognizance of actions taken by industry and
 14 by federal, state, county, and private agencies in
 15 activities relating to the production of energy
 16 feedstock, and promote and support worthwhile energy
 17 feedstock production activities in the State;
- 18 (2) Serve as an information clearinghouse for energy
 19 feedstock production activities;
- 20 (3) Coordinate development projects to investigate and
 21 solve biological and technical problems involved in



- 1 raising selected species with commercial energy
- 2 generating potential;
- 3 (4) Actively seek federal funding for energy feedstock
- 4 production activities;
- 5 (5) Undertake activities required to develop and expand
- 6 the energy feedstock production industry; and
- 7 (6) Perform other functions and activities as may be
- 8 assigned by law, including monitoring the compliance
- 9 provisions under section [~~205-4.5(a)(16).~~]
- 10 205-4.5(a)(15)."

11 SECTION 7. Section 141-13, Hawaii Revised Statutes, is
 12 amended by amending subsection (d) to read as follows:

13 "(d) For the purposes of this section, "farmers' market"
 14 shall have the same meaning as in section [~~205-2(d)(15)(D).~~]
 15 205-2(d)(14)(D)."

16 SECTION 8. Section 165-2, Hawaii Revised Statutes, is
 17 amended by amending the definition of "farming operation" to
 18 read as follows:

19 "'Farming operation" means a commercial agricultural,
 20 silvicultural, or aquacultural facility or pursuit conducted, in
 21 whole or in part, including the care and production of livestock



1 and livestock products, poultry and poultry products, apiary
 2 products, and plant and animal production for nonfood uses; the
 3 planting, cultivating, harvesting, and processing of crops; and
 4 the farming or ranching of any plant or animal species in a
 5 controlled salt, brackish, or freshwater environment. "Farming
 6 operation" includes but shall not be limited to:

- 7 (1) Agricultural-based commercial operations as described
 8 in section [~~205-2(d)(15)] 205-2(d)(14);~~
- 9 (2) Noises, odors, dust, and fumes emanating from a
 10 commercial agricultural or an aquacultural facility or
 11 pursuit;
- 12 (3) Operation of machinery and irrigation pumps;
- 13 (4) Ground and aerial seeding and spraying;
- 14 (5) The application of chemical fertilizers, conditioners,
 15 insecticides, pesticides, and herbicides; and
- 16 (6) The employment and use of labor.

17 A farming operation that conducts processing operations or salt,
 18 brackish, or freshwater aquaculture operations on land that is
 19 zoned for industrial, commercial, or other nonagricultural use
 20 shall not, by reason of that zoning, fall beyond the scope of
 21 this definition; provided that those processing operations form



1 an integral part of operations that otherwise meet the
2 requirements of this definition."

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

5 "(c) Rural districts shall include activities or uses as
6 characterized by low density residential lots of not more than
7 one dwelling house per one-half acre, except as provided by
8 county ordinance pursuant to section 46-4(c), in areas where
9 "city-like" concentration of people, structures, streets, and
10 urban level of services are absent, and where small farms are
11 intermixed with low density residential lots except that within
12 a subdivision, as defined in section 484-1, the commission for
13 good cause may allow one lot of less than one-half acre, but not
14 less than eighteen thousand five hundred square feet, or an
15 equivalent residential density, within a rural subdivision and
16 permit the construction of one dwelling on such lot; provided
17 that all other dwellings in the subdivision shall have a minimum
18 lot size of one-half acre or 21,780 square feet. Such petition
19 for variance may be processed under the special permit
20 procedure. These districts may include contiguous areas [~~which~~
21 that are not suited to low density residential lots or small



1 farms by reason of topography, soils, and other related
2 characteristics. Rural districts shall also include golf
3 courses, golf driving ranges, and golf-related facilities.

4 In addition to the uses listed in this subsection, rural
5 districts shall include geothermal resources exploration and
6 geothermal resources development, as defined under
7 section 182-1, and construction and operation of wireless
8 communication antenna, as defined under section [~~205-~~
9 ~~4.5(a)(18),~~] 205-4.5(a)(17), as permissible uses."

10 PART IV

11 SECTION 10. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 SECTION 11. This Act shall take effect on July 1, 3000.



Report Title:

Agricultural Tourism Activities; LUC; Uniform Statewide Standards

Description:

Establishes statewide, uniform standards to promote agricultural tourism activities in the State by establishing state agricultural tourism activity requirements that are applicable to all counties that have adopted an agricultural tourism ordinance. Requires agricultural tourism activities to be registered by the county planning department. Requires agricultural tourism activities to coexist with an agricultural activity on a farming operation and requires termination of the agricultural tourism activities upon cessation of the agricultural activity. Makes conforming amendments. Effective 7/1/3000. (HD1)

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

