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# 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) Creating agricultural tourism activity requirements that are applicable to all counties that have adopted an agricultural tourism ordinance;

(3) Requiring agricultural tourism activities to coexist with an agricultural activity on a farming operation and providing for the termination of agricultural tourism activities upon the cessation of the agricultural activity.

SECTION 2. Chapter 205, Hawaii Revised Statutes, is

"§205- Agricultural tourism activities. (a)

Agricultural tourism activities may be conducted on a farming operation, as defined in section 165-2, for the enjoyment, education, or involvement of visitors.



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~~





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

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

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

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

- (A) A roadside stand that is not an enclosed structure, owned and operated by a producer for the display and sale of agricultural products grown in Hawaii and value-added products that were produced using agricultural products grown in Hawaii;
- (B) Retail activities in an enclosed structure owned and operated by a producer for the display and sale of agricultural products grown in Hawaii, value-added products that were produced using 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 ~~fide 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       ~~[(22)]~~ (21)   Geothermal resources exploration and geothermal  
2                   resources development, as defined under section 182-1;

3       ~~[(23)]~~ (22)   Hydroelectric facilities, including the  
4                   appurtenances associated with the production and  
5                   transmission of hydroelectric energy, subject to  
6                   section 205-2; provided that the hydroelectric  
7                   facilities and their appurtenances:

8               (A)   Shall consist of a small hydropower facility as  
9                   defined by the United States Department of  
10                  Energy, including:

11               (i)   Impoundment facilities using a dam to store  
12                   water in a reservoir;

13               (ii)  A diversion or run-of-river facility that  
14                   channels a portion of a river through a  
15                   canal or channel; and

16               (iii) Pumped storage facilities that store energy  
17                   by pumping water uphill to a reservoir at  
18                   higher elevation from a reservoir at a lower  
19                   elevation to be released to turn a turbine  
20                   to generate electricity;

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



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."

8 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.*

