
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.



4 (1) Creating agricultural tourism activity requirements
5 that are applicable to all counties that have adopted
6 an agricultural tourism ordinance;
7 (2) Requiring agricultural tourism activities to be
8 registered by the county planning department; and
9 (3) Requiring agricultural tourism activities to coexist
0 with an agricultural activity on a farming operation
1 and providing for the termination of agricultural
2 tourism activities upon the cessation of the
3 agricultural activity, except under certain
4 circumstances.

SECTION 2. Chapter 205, Hawaii Revised Statutes, is amended by adding a new section to part I to be appropriately designated and to read as follows:

9 "§205- Agricultural tourism activities. (a)

0 Agricultural tourism activities may be conducted on a farming



1 operation, as defined in section 165-2, for the enjoyment,
2 education, or involvement of visitors.

3 (b) Agricultural tourism activities shall:

4 (1) Be accessory and secondary to the principal
5 agricultural use;

6 (2) Coexist with an agricultural activity conducted on a
7 farming operation; and

8 (3) Not interfere with surrounding farm operations.

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

15 (d) Agricultural tourism activities shall be registered by
16 the owner or lessee with the county planning department before
17 commencement of any agricultural tourism activity; provided that
18 the registration shall include the following 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;
- 4 (3) Activities for visitors that may be offered by the
5 farming operation;
- 6 (4) Documentation that a productive agricultural use is
7 occurring on the farm pursuant to subsection (c);
- 8 (5) Federal and state tax returns verifying farm income of
9 the principal farming operation;
- 10 (6) Verification of enrollment in a county agricultural
11 use dedication program; and
- 12 (7) Verification of county agricultural water rates if
13 enrolled.
- 14 (e) The authorization to conduct agricultural tourism
15 activities at the farming operation shall be automatically
16 terminated upon the cessation of the agricultural activity
17 conducted on the farming operation, unless the cessation of the
18 agricultural activity is temporary and due to inclement weather,
19 disease or pest infestation, market and supply chain
20 disruptions, or change in crop type."



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

"(d) Agricultural districts shall include:

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

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

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

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

(5) Biofuel production, as described in section ~~[205-4.5(a)(16),]~~ 205-4.5(a)(15), for public, private, and commercial use;

(6) Solar energy facilities; provided that:

(A) This paragraph shall apply only to land with soil classified by the land study bureau's detailed land classification as overall (master) productivity rating class B, C, D, or E; and



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

8 (7) Bona fide agricultural services and uses that support
9 the agricultural activities of the fee or leasehold
10 owner of the property and accessory to any of the
11 above activities, regardless of whether conducted on
12 the same premises as the agricultural activities to
13 which they are accessory, including farm dwellings as
14 defined in section 205-4.5(a)(4), employee housing,
15 farm buildings, mills, storage facilities, processing
16 facilities, photovoltaic, biogas, and other
17 small-scale renewable energy systems producing energy
18 solely for use in the agricultural activities of the
19 fee or leasehold owner of the property,
20 agricultural-energy facilities as defined in
21 ~~[section 205-4.5(a)(17),]~~ section 205-4.5(a)(16),



1 vehicle and equipment storage areas, and plantation
2 community subdivisions as defined in
3 section 205-4.5(a)(12);

4 (8) Wind machines and wind farms;

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

11 (10) Agricultural parks;

12 (11) Agricultural tourism [~~conducted on a working farm, or~~
13 ~~a farming operation as defined in section 165-2, for~~
14 ~~the enjoyment, education, or involvement of visitors;~~
15 ~~provided that the agricultural tourism activity is~~
16 ~~accessory and secondary to the principal agricultural~~
17 ~~use and does not interfere with surrounding farm~~
18 ~~operations; and provided further that this paragraph~~
19 ~~shall apply only to a county that has adopted~~
20 ~~ordinances regulating agricultural tourism under~~
21 ~~section 205-5,] activities pursuant to~~



1 section 205- ; provided that this paragraph shall
2 apply only to a county that has adopted ordinances
3 regulating agricultural tourism uses and activities
4 under section 205-5;

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

16 ~~(13)~~] (12) Open area recreational facilities;

17 [~~(14)~~] (13) Geothermal resources exploration and geothermal
18 resources development, as defined under section 182-1;

19 [~~(15)~~] (14) Agricultural-based commercial operations
20 registered in Hawaii, including:



1 (A) A roadside stand that is not an enclosed
2 structure, owned and operated by a producer for
3 the display and sale of agricultural products
4 grown in Hawaii and value-added products that
5 were produced using agricultural products grown
6 in Hawaii;

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

14 (C) A retail food establishment owned and operated by
15 a producer and permitted under chapter 11-50,
16 Hawaii administrative rules, that prepares and
17 serves food at retail using products grown in
18 Hawaii and value-added products that were
19 produced using agricultural products grown in
20 Hawaii;



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

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

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

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

~~[(17)]~~ (16) Composting and co-composting operations; provided that operations that process their own green



1 waste and do not require permits from the department
2 of health shall use the finished composting product
3 only on the operation's own premises to minimize the
4 potential spread of invasive species.

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

7 Agricultural districts may include areas that are not used for,
8 or that are not suited to, agricultural and ancillary activities
9 by reason of topography, soils, and other related
10 characteristics."

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

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

18 (1) Cultivation of crops, including crops for bioenergy,
19 flowers, vegetables, foliage, fruits, forage, and
20 timber;

21 (2) Game and fish propagation;



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

4 (4) Farm dwellings, employee housing, farm buildings, or
5 activities or uses related to farming and animal
6 husbandry. For the purposes of this paragraph, "farm
7 dwelling" means a single-family dwelling located on
8 and accessory to a farm, including clusters of
9 single-family farm dwellings permitted within
10 agricultural parks developed by the State, or where
11 agricultural activity provides income to the family
12 occupying the dwelling;

13 (5) Public institutions and buildings that are necessary
14 for agricultural practices;

15 (6) Public and private open area types of recreational
16 uses, including day camps, picnic grounds, parks, and
17 riding stables, but not including dragstrips,
18 airports, drive-in theaters, golf courses, golf
19 driving ranges, country clubs, and overnight camps;
20 provided that overnight camps in operation before
21 January 1, 1961, may be approved by special permit;



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



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

3 (11) Agricultural parks;

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

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

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



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



~~agricultural tourism activities pursuant to section 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;~~

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

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

For the purposes of this paragraph:



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

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

13 [~~(17)~~] (16) Agricultural-energy facilities, including
14 appurtenances necessary for an agricultural-energy
15 enterprise; provided that the primary activity of the
16 agricultural-energy enterprise is agricultural
17 activity. To be considered the primary activity of an
18 agricultural-energy enterprise, the total acreage
19 devoted to agricultural activity shall be no less than
20 ninety per cent of the total acreage of the
21 agricultural-energy enterprise. The



1 agricultural-energy facility shall be limited to lands
2 owned, leased, licensed, or operated by the entity
3 conducting the agricultural activity.

4 As used in this paragraph:

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

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

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

17 "Appurtenances" means operational infrastructure
18 of the appropriate type and scale for the economic
19 commercial generation, storage, distribution, and
20 other similar handling of energy, including equipment,



1 feedstock, fuels, and other products of

2 agricultural-energy facilities;

3 ~~[(18)]~~ (17) Construction and operation of wireless

4 communication antennas, including small wireless

5 facilities; provided that, for the purposes of this

6 paragraph, "wireless communication antenna" means

7 communications equipment that is either freestanding

8 or placed upon or attached to an already existing

9 structure and that transmits and receives

10 electromagnetic radio signals used in the provision of

11 all types of wireless communications services;

12 provided further that "small wireless facilities"

13 shall have the same meaning as in section 206N-2;

14 provided further that nothing in this paragraph shall

15 be construed to permit the construction of any new

16 structure that is not deemed a permitted use under

17 this subsection;

18 ~~[(19)]~~ (18) Agricultural education programs conducted on a

19 farming operation as defined in section 165-2, for the

20 education and participation of the general public;

21 provided that the agricultural education programs are



1 accessory and secondary to the principal agricultural
2 use of the parcels or lots on which the agricultural
3 education programs are to occur and do not interfere
4 with surrounding farm operations. For the purposes of
5 this paragraph, "agricultural education programs"
6 means activities or events designed to promote
7 knowledge and understanding of agricultural activities
8 and practices conducted on a farming operation as
9 defined in section 165-2;

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

18 ~~[(+21)]~~ (20) Solar energy facilities on lands with soil
19 classified by the land study bureau's detailed land
20 classification as overall (master) productivity rating



1 B or C for which a special use permit is granted
2 pursuant to section 205-6; provided that:

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

8 (B) Proof of financial security to decommission the
9 facility is provided to the satisfaction of the
10 appropriate county planning commission before the
11 date of commencement of commercial generation;
12 and

13 (C) Solar energy facilities shall be decommissioned
14 at the owner's expense according to the following
15 requirements:

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

20 (ii) Restoration of the disturbed earth to
21 substantially the same physical condition as



1 existed before the development of the solar
2 energy facility.

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

6 ~~[(+22)]~~ (21) Geothermal resources exploration and geothermal
7 resources development, as defined under section 182-1;

8 ~~[(+23)]~~ (22) Hydroelectric facilities, including the
9 appurtenances associated with the production and
10 transmission of hydroelectric energy, subject to
11 section 205-2; provided that the hydroelectric
12 facilities and their appurtenances:

13 (A) Shall consist of a small hydropower facility as
14 defined by the United States Department of
15 Energy, including:

16 (i) Impoundment facilities using a dam to store
17 water in a reservoir;

18 (ii) A diversion or run-of-river facility that
19 channels a portion of a river through a
20 canal or channel; and



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

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

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

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

~~[(24)]~~ (23) Notwithstanding any other law to the contrary, composting and co-composting operations; provided that operations that process their own green waste and do not require permits from the department of health



1 shall use the finished composting product only on the
2 operation's own premises to minimize the potential
3 spread of invasive species."

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

6 "(b) ~~[Within agricultural districts, uses compatible to~~
7 ~~the activities described in section 205-2 as determined by the~~
8 ~~commission shall be permitted; provided that accessory]~~

9 Accessory agricultural uses and services described in sections
10 205-2 and 205-4.5 may be further defined by each county by
11 zoning ordinance. ~~[Each county shall adopt ordinances setting~~
12 ~~forth procedures and requirements, including provisions for~~
13 ~~enforcement, penalties, and administrative oversight, for the~~
14 ~~review and permitting of agricultural tourism uses and~~
15 ~~activities as an accessory use on a working farm, or farming~~
16 ~~operation as defined in section 165-2. Ordinances shall include~~
17 ~~but not be limited to:~~

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



- 1 ~~(2) Requirements and restrictions for accessory facilities~~
2 ~~connected with the farming operation, including gift~~
3 ~~shops and restaurants;~~
4 ~~(3) Activities that may be offered by the farming~~
5 ~~operation for visitors;~~
6 ~~(4) Days and hours of operation; and~~
7 ~~(5) Automatic termination of the accessory use upon the~~
8 ~~cessation of the farming operation.~~

9 ~~Each county may require an environmental assessment under~~
10 ~~chapter 343 as a condition to any agricultural tourism use and~~
11 ~~activity.] Other uses may be allowed by special permits issued~~
12 ~~pursuant to this chapter. The minimum lot size in agricultural~~
13 ~~districts shall be determined by each county by zoning~~
14 ~~ordinance, subdivision ordinance, or other lawful means;~~
15 ~~provided that the minimum lot size for any agricultural use~~
16 ~~shall not be less than one acre, except as provided herein. If~~
17 ~~the county finds that unreasonable economic hardship to the~~
18 ~~owner or lessee of land cannot otherwise be prevented or where~~
19 ~~land utilization is improved, the county may allow lot sizes of~~
20 ~~less than the minimum lot size as specified by law for lots~~
21 ~~created by a consolidation of existing lots within an~~



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

PART III

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

17 "(a) There [~~is~~] shall be established within the department
18 of agriculture an energy feedstock program that shall:

- 19 (1) Maintain cognizance of actions taken by industry and
20 by federal, state, county, and private agencies in
21 activities relating to the production of energy



- 1 feedstock, and promote and support worthwhile energy
2 feedstock production activities in the State;
- 3 (2) Serve as an information clearinghouse for energy
4 feedstock production activities;
- 5 (3) Coordinate development projects to investigate and
6 solve biological and technical problems involved in
7 raising selected species with commercial energy
8 generating potential;
- 9 (4) Actively seek federal funding for energy feedstock
10 production activities;
- 11 (5) Undertake activities required to develop and expand
12 the energy feedstock production industry; and
- 13 (6) Perform other functions and activities as may be
14 assigned by law, including monitoring the compliance
15 provisions under section [~~205-4.5(a)(16).~~]
16 205-4.5(a)(15)."

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

19 "(d) For the purposes of this section, "farmers' market"
20 shall have the same meaning as in section [~~205-2(d)(15)(D).~~]
21 205-2(d)(14)(D)."



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

4 ""Farming operation" means a commercial agricultural,
5 silvicultural, or aquacultural facility or pursuit conducted, in
6 whole or in part, including the care and production of livestock
7 and livestock products, poultry and poultry products, apiary
8 products, and plant and animal production for nonfood uses; the
9 planting, cultivating, harvesting, and processing of crops; and
10 the farming or ranching of any plant or animal species in a
11 controlled salt, brackish, or freshwater environment. "Farming
12 operation" includes but shall not be limited to:

13 (1) Agricultural-based commercial operations as described
14 in section [~~205-2(d)(15)]~~ 205-2(d)(14);

15 (2) Noises, odors, dust, and fumes emanating from a
16 commercial agricultural or an aquacultural facility or
17 pursuit;

18 (3) Operation of machinery and irrigation pumps;

19 (4) Ground and aerial seeding and spraying;

20 (5) The application of chemical fertilizers, conditioners,
21 insecticides, pesticides, and herbicides; and



1 (6) The employment and use of labor.
2 A farming operation that conducts processing operations or salt,
3 brackish, or freshwater aquaculture operations on land that is
4 zoned for industrial, commercial, or other nonagricultural use
5 shall not, by reason of that zoning, fall beyond the scope of
6 this definition; provided that those processing operations form
7 an integral part of operations that otherwise meet the
8 requirements of this definition."

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

11 "(c) Rural districts shall include activities or uses as
12 characterized by low density residential lots of [~~not~~] no more
13 than one dwelling house per one-half acre, except as provided by
14 county ordinance pursuant to section 46-4(c), in areas where
15 "city-like" concentration of people, structures, streets, and
16 urban level of services are absent, and where small farms are
17 intermixed with low density residential lots except that within
18 a subdivision, as defined in section 484-1, the commission for
19 good cause may allow one lot of less than one-half acre, but
20 [~~not~~] no less than eighteen thousand five hundred square feet,
21 or an equivalent residential density, within a rural subdivision



1 and permit the construction of one dwelling on such lot;
2 provided that all other dwellings in the subdivision shall have
3 a minimum lot size of one-half acre or 21,780 square feet. Such
4 petition for variance may be processed under the special permit
5 procedure. These districts may include contiguous areas ~~[which]~~
6 that are not suited to low density residential lots or small
7 farms by reason of topography, soils, and other related
8 characteristics. Rural districts shall also include golf
9 courses, golf driving ranges, and golf-related facilities.

10 In addition to the uses listed in this subsection, rural
11 districts shall include geothermal resources exploration and
12 geothermal resources development, as defined under
13 section 182-1, and construction and operation of wireless
14 communication antenna, as defined under section ~~[205-~~
15 ~~4.5(a)-(18)-,~~ 205-4.5(a)(17), as permissible uses."

16 PART IV

17 SECTION 10. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19 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 for 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, except under certain circumstances. Makes conforming amendments. Effective 7/1/3000. (HD2)

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

