
A BILL FOR AN ACT

RELATING TO AGRICULTURAL LANDS.

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

1 SECTION 1. Section 205-4.5, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

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

8 (1) Cultivation of crops, including crops for bioenergy,
9 flowers, vegetables, foliage, fruits, forage, and
10 timber;

11 (2) Game and fish propagation;

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

15 (4) Farm dwellings, employee housing, farm buildings, or
16 activities or uses related to farming and animal
17 husbandry. For the purposes of this paragraph, "farm



1 dwelling" means a single-family dwelling located on
2 and accessory to a farm, including clusters of
3 single-family farm dwellings permitted within
4 agricultural parks developed by the State, where the
5 agricultural activity meets the definition of a
6 farming operation under section 165-2 and is conducted
7 on more than fifty per cent of the entire lot, or
8 where agricultural activity provides [~~income~~] to the
9 family occupying the dwelling[+]:

10 (A) Not less than \$30,000 in income per year as
11 determined by the:

12 (i) Family's state general excise tax return; or

13 (ii) Agricultural dedication for the parcel or
14 lot approved by the county in which the
15 dwelling and agricultural activity are
16 located; or

17 (B) Not less than twenty per cent of the family's
18 total gross household income as determined by the
19 family's state income tax return filing;
20 provided that the tax filer for the family consents to
21 disclosure requirements under section 237-34(b);



1 provided further that the department of taxation may
2 prescribe the manner in which the consent for
3 disclosure is made;

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

6 (6) Public and private open area types of recreational
7 uses, including day camps, picnic grounds, parks, and
8 riding stables, but not including dragstrips,
9 airports, drive-in theaters, golf courses, golf
10 driving ranges, country clubs, and overnight camps;
11 provided that overnight camps in operation before
12 January 1, 1961, may be approved by special permit;

13 (7) Public, private, and quasi-public utility lines and
14 roadways, transformer stations, communications
15 equipment buildings, solid waste transfer stations,
16 major water storage tanks, and appurtenant small
17 buildings such as booster pumping stations, but not
18 including offices or yards for equipment, material,
19 vehicle storage, repair or maintenance, treatment
20 plants, corporation yards, or other similar
21 structures;



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



1 new employee housing and agricultural support
2 buildings may be allowed on land within the
3 subdivision as follows:

4 (A) The employee housing is occupied by employees or
5 former employees of the plantation who have a
6 property interest in the land;

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

10 (C) The agricultural support buildings shall be
11 rented or leased to agricultural business
12 operators or agricultural support services;

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



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

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

18 (16) Biofuel processing facilities, including the
19 appurtenances associated with the production and
20 refining of biofuels that is normally considered
21 directly accessory and secondary to the growing of the



1 energy feedstock; provided that biofuel processing
2 facilities and appurtenances do not adversely impact
3 agricultural land and other agricultural uses in the
4 vicinity.

5 For the purposes of this paragraph:

6 "Appurtenances" means operational infrastructure
7 of the appropriate type and scale for economic
8 commercial storage and distribution, and other similar
9 handling of feedstock, fuels, and other products of
10 biofuel processing facilities.

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

18 (17) Agricultural-energy facilities, including
19 appurtenances necessary for an agricultural-energy
20 enterprise; provided that the primary activity of the
21 agricultural-energy enterprise is agricultural



1 activity. To be considered the primary activity of an
2 agricultural-energy enterprise, the total acreage
3 devoted to agricultural activity shall be no less than
4 ninety per cent of the total acreage of the
5 agricultural-energy enterprise. The agricultural-
6 energy facility shall be limited to lands owned,
7 leased, licensed, or operated by the entity conducting
8 the agricultural activity.

9 As used in this paragraph:

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

12 "Agricultural-energy enterprise" means an
13 enterprise that integrally incorporates an
14 agricultural activity with an agricultural-energy
15 facility.

16 "Agricultural-energy facility" means a facility
17 that generates, stores, or distributes renewable
18 energy as defined in section 269-91 or renewable fuel
19 including electrical or thermal energy or liquid or
20 gaseous fuels from products of agricultural activities
21 from agricultural lands located in the State.



1 "Appurtenances" means operational infrastructure
2 of the appropriate type and scale for the economic
3 commercial generation, storage, distribution, and
4 other similar handling of energy, including equipment,
5 feedstock, fuels, and other products of
6 agricultural-energy facilities;

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



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

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



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

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

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

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

19 (i) Removal of all equipment related to the
20 solar energy facility within twelve months



1 of the conclusion of operation or useful
2 life; and

3 (ii) Restoration of the disturbed earth to
4 substantially the same physical condition as
5 existed before the development of the solar
6 energy facility.

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

10 (22) Geothermal resources exploration and geothermal
11 resources development, as defined under section 182-1;

12 (23) Hydroelectric facilities, including the appurtenances
13 associated with the production and transmission of
14 hydroelectric energy, subject to section 205-2;
15 provided that the hydroelectric facilities and their
16 appurtenances:

17 (A) Shall consist of a small hydropower facility as
18 defined by the United States Department of
19 Energy, including:

20 (i) Impoundment facilities using a dam to store
21 water in a reservoir;



- 1 (ii) A diversion or run-of-river facility that
- 2 channels a portion of a river through a
- 3 canal or channel; and
- 4 (iii) Pumped storage facilities that store energy
- 5 by pumping water uphill to a reservoir at
- 6 higher elevation from a reservoir at a lower
- 7 elevation to be released to turn a turbine
- 8 to generate electricity;
- 9 (B) Comply with the state water code, chapter 174C;
- 10 (C) Shall, if over five hundred kilowatts in
- 11 hydroelectric generating capacity, have the
- 12 approval of the commission on water resource
- 13 management, including a new instream flow
- 14 standard established for any new hydroelectric
- 15 facility; and
- 16 (D) Do not impact or impede the use of agricultural
- 17 land or the availability of surface or ground
- 18 water for all uses on all parcels that are served
- 19 by the ground water sources or streams for which
- 20 hydroelectric facilities are considered; or

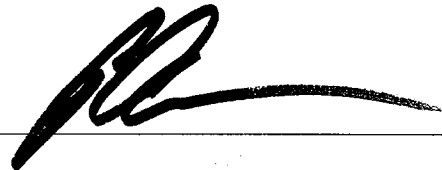


1 (24) Notwithstanding any other law to the contrary,
2 composting and co-composting operations; provided that
3 operations that process their own green waste and do
4 not require permits from the department of health
5 shall use the finished composting product only on the
6 operation's own premises to minimize the potential
7 spread of invasive species."

8 SECTION 2. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 3. This Act shall take effect upon its approval.
11

INTRODUCED BY: _____



JAN 22 2026



H.B. NO. 1828

Report Title:

DOTAX; Agricultural Housing; Farm Dwelling; Agricultural Lands; Permissible Uses; Agricultural Activity; Income Qualifications

Description:

For purposes of permissible uses in agricultural districts, establishes minimum requirements for income received from agricultural activity for a family occupying a farm dwelling. Provides that the definition of a "farm dwelling" includes agricultural activity that is considered a farming operation under section 165-2, HRS, and is conducted on more than 50 per cent of the entire lot.

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