

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 existing law allows
2 agricultural tourism activities to be conducted through the
3 special permitting process. However, the use of this process
4 pushes agricultural tourism activities to the periphery of
5 farming operations and exacerbates the State's inconsistent
6 permitting framework, further impeding growth in the
7 agricultural sector and limiting the revenue potential of the
8 agricultural 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 Accordingly, the purpose of this Act is to establish
2 statewide, uniform standards to promote agricultural tourism
3 activities in the State by:

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
10 with an agricultural activity on a farming operation
11 and providing for the termination of agricultural
12 tourism activities upon the cessation of the
13 agricultural activity, except under certain
14 circumstances.

15 PART II

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

19 "§205- Agricultural tourism activities. (a)

20 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 productive agricultural use is
7 occurring on the farm pursuant to subsection (c);

8 (5) Federal and state tax returns verifying farm income
9 from 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."



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

3 "(d) Agricultural districts shall include:

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

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

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

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

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

17 (6) Solar energy facilities; provided that:

18 (A) This paragraph shall apply only to land with soil
19 classified by the land study bureau's detailed
20 land classification as overall (master)
21 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 section
7 205-6;

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 small-
17 scale renewable energy systems producing energy solely
18 for use in the agricultural activities of the fee or
19 leasehold owner of the property, agricultural-energy
20 facilities as defined in section [205-4.5(a)(17)],
21 205-4.5(a)(16), vehicle and equipment storage areas,



1 and plantation community subdivisions as defined in
2 section 205-4.5(a)(12);
3 (8) Wind machines and wind farms;
4 (9) Small-scale meteorological, air quality, noise, and
5 other scientific and environmental data collection and
6 monitoring facilities occupying less than one-half
7 acre of land; provided that these facilities shall not
8 be used as or equipped for use as living quarters or
9 dwellings;
10 (10) Agricultural parks;
11 (11) Agricultural tourism ~~conducted on a working farm, or~~
12 ~~a farming operation as defined in section 165-2, for~~
13 ~~the enjoyment, education, or involvement of visitors;~~
14 ~~provided that the agricultural tourism activity is~~
15 ~~accessory and secondary to the principal agricultural~~
16 ~~use and does not interfere with surrounding farm~~
17 ~~operations; provided further that this paragraph shall~~
18 ~~apply only to a county that has adopted ordinances~~
19 ~~regulating agricultural tourism under section 205-5;~~
20 activities pursuant to section 205- ; provided that
21 this paragraph shall apply only to a county that has



1 adopted ordinances regulating agricultural tourism

2 uses and activities under section 205-5;

3 (12) Agricultural tourism activities, including overnight

4 accommodations of twenty-one days or less, for any one

5 stay within a county; provided that this paragraph

6 shall apply only to a county that includes at least

7 three islands and has adopted ordinances regulating

8 agricultural tourism activities pursuant to section

9 205-5; provided further that the agricultural tourism

10 activities coexist with a bona fide agricultural

11 activity. For the purposes of this paragraph, "bona

12 fide agricultural activity" means a farming operation

13 as defined in section 165-2;

14 (12) Open area recreational facilities;

15 (14) Geothermal resources exploration and geothermal

16 resources development, as defined under section 182-1;

17 (14) Agricultural-based commercial operations

18 registered in Hawaii, including:

19 (A) A roadside stand [~~that is not an enclosed~~

20 ~~structure, or retail activity,~~ owned and

21 operated by a producer for the display and sale



1 of agricultural products grown in Hawaii and
2 value-added products that were produced using
3 agricultural products grown in Hawaii[+], that is
4 either:

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

19 (C) A retail food establishment owned and operated by
20 a producer and permitted under chapter 11-50,
21 Hawaii administrative rules, that prepares and



1 serves food at retail using products grown in
2 Hawaii and value-added products that were
3 produced using agricultural products grown in
4 Hawaii:

5 (D) A farmers' market, which is an outdoor market
6 limited to producers selling agricultural
7 products grown in Hawaii and value-added products
8 that were produced using agricultural products
9 grown in Hawaii; and
10 (E) A food hub, which is a facility that may contain
11 a commercial kitchen and provides for the
12 storage, processing, distribution, and sale of
13 agricultural products grown in Hawaii and value-
14 added products that were produced using
15 agricultural products grown in Hawaii.

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



1 [+16] (15) Hydroelectric facilities as described in section
2 [205-4.5(a)(23)] 205-4.5(a)(22); and
3 [+17] (16) Composting and co-composting operations;
4 provided that operations that process their own green
5 waste and do not require permits from the department
6 of health shall use the finished composting product
7 only on the operation's own premises to minimize the
8 potential spread of invasive species.
9 Agricultural districts shall not include golf courses and golf
10 driving ranges, except as provided in section 205-4.5(d). No
11 landfill unit, as defined in section 342H-52, shall be located
12 on land within the agricultural district that has soil
13 classified by the land study bureau's detailed land
14 classification as overall (master) productivity rating class A
15 in a county with a population greater than five hundred
16 thousand. Agricultural districts may include areas that are not
17 used for, or that are not suited to, agricultural and ancillary
18 activities by reason of topography, soils, and other related
19 characteristics."
20 SECTION 4. Section 205-4.5, Hawaii Revised Statutes, is
21 amended by amending subsection (a) to read as follows:



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

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

9 (2) Game and fish propagation;

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

13 (4) Farm dwellings, employee housing, farm buildings, or
14 activities or uses related to farming and animal
15 husbandry. For the purposes of this paragraph, "farm
16 dwelling" means a single-family dwelling located on
17 and accessory to a farm, including clusters of single-
18 family farm dwellings permitted within agricultural
19 parks developed by the State, or where agricultural
20 activity provides income to the family occupying the
21 dwelling;



- 1 (5) Public institutions and buildings that are necessary
- 2 for agricultural practices;
- 3 (6) Public and private open area types of recreational
- 4 uses, including day camps, picnic grounds, parks, and
- 5 riding stables, but not including dragstrips,
- 6 airports, drive-in theaters, golf courses, golf
- 7 driving ranges, country clubs, and overnight camps;
- 8 provided that overnight camps in operation before
- 9 January 1, 1961, may be approved by special permit;
- 10 (7) Public, private, and quasi-public utility lines and
- 11 roadways, transformer stations, communications
- 12 equipment buildings, solid waste transfer stations,
- 13 major water storage tanks, and appurtenant small
- 14 buildings such as booster pumping stations, but not
- 15 including offices or yards for equipment, material,
- 16 vehicle storage, repair or maintenance, treatment
- 17 plants, corporation yards, or other similar
- 18 structures;
- 19 (8) Retention, restoration, rehabilitation, or improvement
- 20 of buildings or sites of historic or scenic interest;



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



1 buildings may be allowed on land within the
2 subdivision as follows:

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

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

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

12 (13) 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; provided further that this paragraph shall
19 apply only to a county that has adopted ordinances
20 regulating agricultural tourism [~~under section 205-5;~~]
21 activities pursuant to section 205- ; provided that



1 this paragraph shall apply only to a county that has
2 adopted ordinances regulating agricultural tourism
3 uses and activities under section 205-5;
4 [~~(14) Agricultural tourism activities, including overnight~~
5 ~~accommodations of twenty-one days or less, for any one~~
6 ~~stay within a county; provided that this paragraph~~
7 ~~shall apply only to a county that includes at least~~
8 ~~three islands and has adopted ordinances regulating~~
9 ~~agricultural tourism activities pursuant to section~~
10 ~~205-5; provided further that the agricultural tourism~~
11 ~~activities coexist with a bona fide agricultural~~
12 ~~activity. For the purposes of this paragraph, "bona~~
13 ~~fide agricultural activity" means a farming operation~~
14 ~~as defined in section 165-2;~~
15 (~~15~~) [(14) Wind energy facilities, including the
16 appurtenances associated with the production and
17 transmission of wind generated energy; provided that
18 the wind energy facilities and appurtenances are
19 compatible with agriculture uses and cause minimal
20 adverse impact on agricultural land;



1 [~~(16)~~] (15) Biofuel processing facilities, including the
2 appurtenances associated with the production and
3 refining of biofuels that is normally considered
4 directly accessory and secondary to the growing of the
5 energy feedstock; provided that biofuel processing
6 facilities and appurtenances do not adversely impact
7 agricultural land and other agricultural uses in the
8 vicinity.

9 For the purposes of this paragraph:
10 "Appurtenances" means operational infrastructure
11 of the appropriate type and scale for economic
12 commercial storage and distribution, and other similar
13 handling of feedstock, fuels, and other products of
14 biofuel processing facilities.

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



1 [~~(17)~~] (16) Agricultural-energy facilities, including
2 appurtenances necessary for an agricultural-energy
3 enterprise; provided that the primary activity of the
4 agricultural-energy enterprise is agricultural
5 activity. To be considered the primary activity of an
6 agricultural-energy enterprise, the total acreage
7 devoted to agricultural activity shall be no less than
8 ninety per cent of the total acreage of the
9 agricultural-energy enterprise. The agricultural-
10 energy facility shall be limited to lands owned,
11 leased, licensed, or operated by the entity conducting
12 the agricultural activity.

13 As used in this paragraph:

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

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

20 "Agricultural-energy facility" means a facility
21 that generates, stores, or distributes renewable



1 energy as defined in section 269-91 or renewable fuel
2 including electrical or thermal energy or liquid or
3 gaseous fuels from products of agricultural activities
4 from agricultural lands located in the State.

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

11 [+18] (17) Construction and operation of wireless
12 communication antennas, including small wireless
13 facilities; provided that, for the purposes of this
14 paragraph, "wireless communication antenna" means
15 communications equipment that is either freestanding
16 or placed upon or attached to an already existing
17 structure and that transmits and receives
18 electromagnetic radio signals used in the provision of
19 all types of wireless communications services;
20 provided further that "small wireless facilities"
21 shall have the same meaning as in section 206N-2;



1 provided further that nothing in this paragraph shall
2 be construed to permit the construction of any new
3 structure that is not deemed a permitted use under
4 this subsection;

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

18 [+20+] (19) Solar energy facilities that do not occupy more
19 than ten per cent of the acreage of the parcel, or
20 twenty acres of land, whichever is lesser or for which
21 a special use permit is granted pursuant to section



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

5 [~~(21)~~] (20) Solar energy facilities on lands with soil
6 classified by the land study bureau's detailed land
7 classification as overall (master) productivity rating
8 B or C for which a special use permit is granted
9 pursuant to section 205-6; provided that:

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

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

19 and



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

(i) Removal of all equipment related to the solar energy facility within twelve months of the conclusion of operation or useful

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

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

- [+22)] (21) Geothermal resources exploration and geothermal resources development, as defined under section 182-1;
- [+23)] (22) Hydroelectric facilities, including the appurtenances associated with the production and transmission of hydroelectric energy, subject to section 205-2; provided that the hydroelectric facilities and their appurtenances:



1 (A) Shall consist of a small hydropower facility as
2 defined by the United States Department of
3 Energy, including:
4 (i) Impoundment facilities using a dam to store
5 water in a reservoir;
6 (ii) A diversion or run-of-river facility that
7 channels a portion of a river through a
8 canal or channel; and
9 (iii) Pumped storage facilities that store energy
10 by pumping water uphill to a reservoir at
11 higher elevation from a reservoir at a lower
12 elevation to be released to turn a turbine
13 to generate electricity;
14 (B) Comply with the state water code, chapter 174C;
15 (C) Shall, if over five hundred kilowatts in
16 hydroelectric generating capacity, have the
17 approval of the commission on water resource
18 management, including a new instream flow
19 standard established for any new hydroelectric
20 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

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

13 SECTION 5. Section 205-5, Hawaii Revised Statutes, is
14 amended by amending subsection (b) to read as follows:
15 " (b) [Within agricultural districts, uses compatible to
16 the activities described in section 205-2 as determined by the
17 commission shall be permitted; provided that accessory]
18 Accessory agricultural uses and services described in sections
19 205-2 and 205-4.5 may be further defined by each county by
20 zoning ordinance. [Each county shall adopt ordinances setting
21 forth procedures and requirements, including provisions for



1 enforcement, penalties, and administrative oversight, for the
2 review and permitting of agricultural tourism uses and
3 activities as an accessory use on a working farm, or farming
4 operation as defined in section 165-2. Ordinances shall include
5 but not be limited to:

- 6 (1) Requirements for access to a farm, including road
7 width, road surface, and parking;
- 8 (2) Requirements and restrictions for accessory facilities
9 connected with the farming operation, including gift
10 shops and restaurants;
- 11 (3) Activities that may be offered by the farming
12 operation for visitors;
- 13 (4) Days and hours of operation; and
- 14 (5) Automatic termination of the accessory use upon the
15 cessation of the farming operation.

16 Each county may require an environmental assessment under
17 chapter 343 as a condition to any agricultural tourism use and
18 activity.] Other uses may be allowed by special permits issued
19 pursuant to this chapter. The minimum lot size in agricultural
20 districts shall be determined by each county by zoning
21 ordinance, subdivision ordinance, or other lawful means;



1 provided that the minimum lot size for any agricultural use
2 shall not be less than one acre, except as provided herein. If
3 the county finds that unreasonable economic hardship to the
4 owner or lessee of land cannot otherwise be prevented or where
5 land utilization is improved, the county may allow lot sizes of
6 less than the minimum lot size as specified by law for lots
7 created by a consolidation of existing lots within an
8 agricultural district and the resubdivision thereof; provided
9 that the consolidation and resubdivision do not result in an
10 increase in the number of lots over the number existing [prior
11 to] consolidation; [and] provided further that in no event shall
12 a lot [~~which~~] that is equal to or exceeds the minimum lot size
13 of one acre be less than [~~that~~] the minimum established after
14 the consolidation and resubdivision action. The county may also
15 allow lot sizes of less than the minimum lot size as specified
16 by law for lots created or used for plantation community
17 subdivisions as defined in section 205-4.5(a)(12) [~~or~~]; for
18 public, private, and quasi-public utility purposes [~~or~~]; and for
19 lots resulting from the subdivision of abandoned roadways and
20 railroad easements."

21

PART III



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

3 "(a) There [~~is~~] shall be established within the department
4 of agriculture and biosecurity an energy feedstock program that
5 shall:

6 (1) Maintain cognizance of actions taken by industry and
7 by federal, state, county, and private agencies in
8 activities relating to the production of energy
9 feedstock, and promote and support worthwhile energy
10 feedstock production activities in the State;

11 (2) Serve as an information clearinghouse for energy
12 feedstock production activities;

13 (3) Coordinate development projects to investigate and
14 solve biological and technical problems involved in
15 raising selected species with commercial energy
16 generating potential;

17 (4) Actively seek federal funding for energy feedstock
18 production activities;

19 (5) Undertake activities required to develop and expand
20 the energy feedstock production industry; and



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

7 "(d) For the purposes of this section, "farmers' market"
8 shall have the same meaning as in section [205-2(d)(15)(D)].
9 205-2(d)(14)(D)."

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

13 ""Farming operation" means a commercial agricultural,
14 silvicultural, or aquacultural facility or pursuit conducted, in
15 whole or in part, including the care and production of livestock
16 and livestock products, poultry and poultry products, apiary
17 products, and plant and animal production for nonfood uses; the
18 planting, cultivating, harvesting, and processing of crops; and
19 the farming or ranching of any plant or animal species in a
20 controlled salt, brackish, or freshwater environment. ""Farming
21 operation" includes but shall not be limited to:



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

3 (2) Noises, odors, dust, and fumes emanating from a
4 commercial agricultural or an aquacultural facility or
5 pursuit;

6 (3) Operation of machinery and irrigation pumps;

7 (4) Ground and aerial seeding and spraying;

8 (5) The application of chemical fertilizers, conditioners,
9 insecticides, pesticides, and herbicides; and

10 (6) The employment and use of labor.

11 A farming operation that conducts processing operations or salt,
12 brackish, or freshwater aquaculture operations on land that is
13 zoned for industrial, commercial, or other nonagricultural use
14 shall not, by reason of that zoning, fall beyond the scope of
15 this definition; provided that those processing operations form
16 an integral part of operations that otherwise meet the
17 requirements of this definition."

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

20 "(c) Rural districts shall include activities or uses as
21 characterized by low density residential lots of ~~not~~ no more



1 than one dwelling house per one-half acre, except as provided by
2 county ordinance pursuant to section 46-4(c), in areas where
3 "city-like" concentration of people, structures, streets, and
4 urban level of services are absent, and where small farms are
5 intermixed with low density residential lots except that within
6 a subdivision, as defined in section 484-1, the commission for
7 good cause may allow one lot of less than one-half acre, but
8 [not] no less than eighteen thousand five hundred square feet,
9 or an equivalent residential density, within a rural subdivision
10 and permit the construction of one dwelling on such lot;
11 provided that all other dwellings in the subdivision shall have
12 a minimum lot size of one-half acre or 21,780 square feet. Such
13 petition for variance may be processed under the special permit
14 procedure. These districts may include contiguous areas [which]
15 that are not suited to low density residential lots or small
16 farms by reason of topography, soils, and other related
17 characteristics. Rural districts shall also include golf
18 courses, golf driving ranges, and golf-related facilities.

19 In addition to the uses listed in this subsection, rural
20 districts shall include geothermal resources exploration and
21 geothermal resources development, as defined under section 182-



1 1, and construction and operation of wireless communication
2 antenna, as defined under section ~~205-4.5(a)(18)~~ 205-
3 4.5(a)(17), as permissible uses."

4 PART IV

5 SECTION 10. Statutory material to be repealed is bracketed
6 and stricken. New statutory material is underscored.

7 SECTION 11. This Act shall take effect upon its approval.

8

INTRODUCED BY: *Sen. W. Rutherford Jr.*



S.B. NO. 3298

Report Title:

Agricultural Tourism Activities; Land Use Commission; 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.

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

