

# 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 creates systemic impediments and  
16    exacerbates existing 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, statewide approach to approving agricultural tourism  
11      activities. With the enactment of targeted, meaningful  
12      legislation, agricultural tourism can become an area of growth  
13      and expansion for farmers while also creating opportunities for  
14      the types of regenerative tourism being encouraged by the Hawaii  
15      tourism authority. The creation of a uniform framework will  
16      increase investment in agricultural tourism activities, promote  
17      unique partnerships between farmers and local businesses  
18      interested in agriculture, and increase support for affiliated  
19      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:

- (1) Creating agricultural tourism activity requirements that are applicable to all counties that have adopted an agricultural tourism ordinance;
- (2) Requiring agricultural tourism activities to be registered by the county planning department;
- (3) Requiring agricultural tourism activities to coexist with an agricultural activity on a farming operation and be accessory and secondary to the principal farming operation; and
- (4) Providing a process for the termination of the authorization for agricultural tourism activities upon a determination that agricultural activities have ceased.

## PART II

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



1        "§205- Agricultural tourism activities. (a)

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

5        (b) Agricultural tourism activities shall:

6        (1) Be accessory and secondary to the principal farming  
7        operation;

8        (2) Coexist with an agricultural activity conducted on a  
9        farming operation; and

10        (3) Not interfere with on-farm operations.

11        (c) Agricultural tourism shall only be allowed on land on  
12        which productive agricultural use is occurring.

13        (d) Agricultural tourism activities shall be registered by  
14        the owner or lessee with the county planning department before  
15        commencement of any agricultural tourism activity; provided that  
16        the registration shall include the following information:

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

19        (2) A description of accessory facilities connected with  
20        the principal farming operation, such as gift shops  
21        and restaurants;



1       (3) Activities for visitors that may be offered by the  
2       farming operation;  
3       (4) Documentation that productive agricultural use is  
4       occurring on the farm pursuant to subsection (c);  
5       (5) Federal and state tax returns verifying farm income  
6       from the principal farming operation;  
7       (6) Verification of enrollment in a county agricultural  
8       use dedication program; and  
9       (7) Verification of county agricultural water rates, if  
10      enrolled.  
11      (e) The authorization to conduct agricultural tourism  
12      activities at the farming operation shall be terminated upon the  
13      determination that agricultural activity conducted on the  
14      farming operation has ceased. For the purposes of this section,  
15      the cessation of agricultural activity shall be deemed to have  
16      occurred if the farming operation fails to engage in active  
17      agricultural production for a period of sixty consecutive days,  
18      unless the cessation of the agricultural activity is temporary  
19      and due to a catastrophic event, inclement weather, disease or  
20      pest infestation, market and supply chain disruptions, or change  
21      in crop type.



1                   (f) Upon a determination that agricultural activity has  
2                   ceased, the county agency shall provide written notice to the  
3                   operator of the farming operation of the county's intent to  
4                   terminate the farming operations authorization to conduct  
5                   agricultural tourism activities. The notice shall include:

6                   (1) The factual basis for the determination;  
7                   (2) The effective date of termination of the authorization  
8                   to conduct agricultural tourism activities; and  
9                   (3) The operator's right to demonstrate that the cessation  
10                  is temporary or otherwise exempt under this section.

11                  (g) The operator of a farming operation shall have thirty  
12                  days from receipt of the notice to submit documentation to the  
13                  county agency that demonstrates ongoing agricultural activities  
14                  or that the cessation of the agricultural activities is  
15                  temporary and due to a catastrophic event, inclement weather,  
16                  disease or pest infestation, market and supply chain  
17                  disruptions, or change in crop type.

18                  (h) Termination of the authorization to conduct  
19                  agricultural tourism activities shall be effective only upon  
20                  issuance of a final determination by the county agency after  
21                  expiration of the response period.



1        (i) Authorization to conduct agricultural tourism  
2        activities may be reinstated upon a showing of resumed  
3        agricultural activities on the farming operation consistent with  
4        the requirements of this chapter.

5        (j) For the purposes of this section:

6        "Principal farming operation" means the primary and  
7        predominant use of a parcel of land or agricultural enterprise  
8        for the commercial production of agricultural commodities,  
9        including crops, aquaculture, livestock, livestock products, or  
10       horticultural products, conducted in a manner consistent with  
11       generally accepted agricultural practices and from which  
12       agricultural production constitutes the majority of the  
13       operation's land use, labor, and operational activity.

14       "Productive agricultural use" means the real property of  
15       the working farm, or farming operation as defined in section  
16       165-2, is taxed as agricultural and is current on its real  
17       property tax obligations."

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

20       "(d) Agricultural districts shall include:



- 1        (1) Activities or uses as characterized by the cultivation
- 2                of crops, crops for bioenergy, orchards, forage, and
- 3                forestry;
- 4        (2) Farming activities or uses related to animal husbandry
- 5                and game and fish propagation;
- 6        (3) Aquaculture, which means the production of aquatic
- 7                plant and animal life within ponds and other bodies of
- 8                water;
- 9        (4) Wind-generated energy production for public, private,
- 10                and commercial use;
- 11        (5) Biofuel production, as described in section [205-
- 12                ~~4.5(a)(16)~~ 205-4.5(a)(15), for public, private, and
- 13                commercial use;
- 14        (6) Solar energy facilities; provided that:
  - 15                (A) This paragraph shall apply only to land with soil
  - 16                classified by the land study bureau's detailed
  - 17                land classification as overall (master)
  - 18                productivity rating class B, C, D, or E; and
  - 19                (B) Solar energy facilities placed within land with
  - 20                soil classified as overall productivity rating
  - 21                class B or C shall not occupy more than ten per



1                   cent of the acreage of the parcel, or twenty  
2                   acres of land, whichever is lesser, unless a  
3                   special use permit is granted pursuant to section  
4                   205-6;

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



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

7 (10) Agricultural parks;

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



1        [ (12) 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        (13)] (12) Open area recreational facilities;

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

15        [ (15)] (14) Agricultural-based commercial operations  
16        registered in Hawaii, including:  
17                (A) A roadside stand that is not an enclosed  
18                structure, owned and operated by a producer for  
19                the display and sale of agricultural products  
20                grown in Hawaii and value-added products that



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

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

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



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



1 Agricultural districts shall not include golf courses and golf  
2 driving ranges, except as provided in section 205-4.5(d). No  
3 landfill unit, as defined in section 342H-52, shall be located  
4 on land within the agricultural district that has soil  
5 classified by the land study bureau's detailed land  
6 classification as overall (master) productivity rating class A  
7 in a county with a population greater than five hundred  
8 thousand. Agricultural districts may include areas that are not  
9 used for, or that are not suited to, agricultural and ancillary  
10 activities by reason of topography, soils, and other related  
11 characteristics."

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

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

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



- 1       (2) Game and fish propagation;
- 2       (3) Raising of livestock, including poultry, bees, fish,  
3                   or other animal or aquatic life that are propagated  
4                   for economic or personal use;
- 5       (4) Farm dwellings, employee housing, farm buildings, or  
6                   activities or uses related to farming and animal  
7                   husbandry. For the purposes of this paragraph, "farm  
8                   dwelling" means a single-family dwelling located on  
9                   and accessory to a farm, including clusters of single-  
10                  family farm dwellings permitted within agricultural  
11                  parks developed by the State, or where agricultural  
12                  activity provides income to the family occupying the  
13                  dwelling;
- 14       (5) Public institutions and buildings that are necessary  
15                  for agricultural practices;
- 16       (6) Public and private open area types of recreational  
17                  uses, including day camps, picnic grounds, parks, and  
18                  riding stables, but not including dragstrips,  
19                  airports, drive-in theaters, golf courses, golf  
20                  driving ranges, country clubs, and overnight camps;



1 provided that overnight camps in operation before

2 January 1, 1961, may be approved by special permit;

3 (7) Public, private, and quasi-public utility lines and

4 roadways, transformer stations, communications

5 equipment buildings, solid waste transfer stations,

6 major water storage tanks, and appurtenant small

7 buildings such as booster pumping stations, but not

8 including offices or yards for equipment, material,

9 vehicle storage, repair or maintenance, treatment

10 plants, corporation yards, or other similar

11 structures;

12 (8) Retention, restoration, rehabilitation, or improvement

13 of buildings or sites of historic or scenic interest;

14 (9) Agricultural-based commercial operations as described

15 in section ~~[205-2(d)(15);]~~ 205-2(d)(14);

16 (10) Buildings and uses, including mills, storage, and

17 processing facilities, maintenance facilities,

18 photovoltaic, biogas, and other small-scale renewable

19 energy systems producing energy solely for use in the

20 agricultural activities of the fee or leasehold owner

21 of the property, and vehicle and equipment storage.



1 areas that are normally considered directly accessory  
2 to the above-mentioned uses and are permitted under  
3 section 205-2(d);

4 (11) Agricultural parks;

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

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

18 (B) The employee housing units not owned by their  
19 occupants shall be rented or leased at affordable  
20 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



1 agricultural tourism activities pursuant to section  
2 205-5; provided further that the agricultural tourism  
3 activities coexist with a bona fide agricultural  
4 activity. For the purposes of this paragraph, "bona  
5 fide agricultural activity" means a farming operation  
6 as defined in section 165-2;

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

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

21 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 agricultural-



1                   energy facility shall be limited to lands owned,  
2                   leased, licensed, or operated by the entity conducting  
3                   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 agricultural-  
2 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 section  
14 205-6; provided that this use shall not be permitted  
15 on lands with soil classified by the land study  
16 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



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





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] activities described  
10 in ~~[sections 205-2 and 205-4.5]~~ section 205- may be further  
11 defined by each county by zoning ordinance. ~~[Each county shall~~  
12 ~~adopt ordinances setting forth procedures and requirements,~~  
13 ~~including provisions for enforcement, penalties, and~~  
14 ~~administrative oversight, for the review and permitting of~~  
15 ~~agricultural tourism uses and activities as an accessory use on~~  
16 ~~a working farm, or farming operation as defined in section~~  
17 ~~165-2. Ordinances shall include 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] before consolidation; [and] provided further that in no  
5 event shall a lot [which] that is equal to or exceeds the  
6 minimum lot size of one acre be less than [that] the minimum  
7 established after the consolidation and resubdivision action.

8 The county may also allow lot sizes of less than the minimum lot  
9 size as specified by law for lots created or used for plantation  
10 community subdivisions as defined in section 205-4.5(a)(12) [r];  
11 for public, private, and quasi-public utility purposes [r]; and  
12 for lots resulting from the subdivision of abandoned roadways  
13 and 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 and biosecurity an energy feedstock program that  
19 shall:

20 (1) Maintain cognizance of actions taken by industry and  
21 by federal, state, county, and private agencies in



1 activities relating to the production of energy  
2 feedstock, and promote and support worthwhile energy  
3 feedstock production activities in the State;  
4 (2) Serve as an information clearinghouse for energy  
5 feedstock production activities;  
6 (3) Coordinate development projects to investigate and  
7 solve biological and technical problems involved in  
8 raising selected species with commercial energy  
9 generating potential;  
10 (4) Actively seek federal funding for energy feedstock  
11 production activities;  
12 (5) Undertake activities required to develop and expand  
13 the energy feedstock production industry; and  
14 (6) Perform other functions and activities as may be  
15 assigned by law, including monitoring the compliance  
16 provisions under section ~~205-4.5(a)(16).~~ 205-  
17 4.5(a)(15)."

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



1       "(d) For the purposes of this section, "farmers' market"  
2 shall have the same meaning as in section ~~205-2(d)(15)(D)~~.  
3 205-2(d)(14)(D)."

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

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

- 16       (1) Agricultural-based commercial operations as described  
17            in section ~~[+205-2(d)(15)]~~ 205-2(d)(14);
- 18       (2) Noises, odors, dust, and fumes emanating from a  
19            commercial agricultural or an aquacultural facility or  
20            pursuit;
- 21       (3) Operation of machinery and irrigation pumps;



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

14        "(c) Rural districts shall include activities or uses as  
15        characterized by low density residential lots of [not] no more  
16        than one dwelling house per one-half acre, except as provided by  
17        county ordinance pursuant to section 46-4(c), in areas where  
18        "city-like" concentration of people, structures, streets, and  
19        urban level of services are absent, and where small farms are  
20        intermixed with low density residential lots except that within  
21        a subdivision, as defined in section 484-1, the commission for

1 good cause may allow one lot of less than one-half acre, but  
2 [not] no less than eighteen thousand five hundred square feet,  
3 or an equivalent residential density, within a rural subdivision  
4 and permit the construction of one dwelling on such lot;  
5 provided that all other dwellings in the subdivision shall have  
6 a minimum lot size of one-half acre or 21,780 square feet. Such  
7 petition for variance may be processed under the special permit  
8 procedure. These districts may include contiguous areas [which]  
9 that are not suited to low density residential lots or small  
10 farms by reason of topography, soils, and other related  
11 characteristics. Rural districts shall also include golf  
12 courses, golf driving ranges, and golf-related facilities.

13 In addition to the uses listed in this subsection, rural  
14 districts shall include geothermal resources exploration and  
15 geothermal resources development, as defined under section 182-  
16 1, and construction and operation of wireless communication  
17 antenna, as defined under section ~~205-4.5(a)(18),~~ 205-  
18 4.5(a)(17), as permissible uses."

19 PART IV

20 SECTION 10. The department of agriculture and biosecurity  
21 shall submit a report of its findings and recommendations,



1 including any proposed legislation, on the implementation of  
2 part II of this Act to the legislature no later than twenty days  
3 prior to the convening of the regular session of 2027.

4 SECTION 11. Statutory material to be repealed is bracketed  
5 and stricken. New statutory material is underscored.

6 SECTION 12. This Act shall take effect upon July 1, 3000.



**Report Title:**

Agricultural Tourism Activities; Counties; DAB; Uniform Statewide Standards; Report; Principal Farming Operation

**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 to be accessory and secondary to the principal farming operation. Establishes a process for the termination of an authorization for agricultural tourism activities upon a determination that the agricultural activity has ceased. Requires report to the Legislature. 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.*

