
A BILL FOR AN ACT

RELATING TO AGRICULTURAL TOURISM.

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

PART I

SECTION 1. The legislature finds that, throughout the nation, cattle ranches, agricultural farms, and other farming operations are diversifying their businesses by expanding into agricultural tourism activities. These activities provide critical supplemental revenue streams and are increasingly becoming an essential part of the business models for many ranches and farms.

The legislature further finds that the State's four counties each have their own agricultural tourism activity permitting processes, standards, procedures, and definitions. This lack of consistency results in a disjointed regulatory framework, which impedes the growth of the State's agricultural sector, inhibits the development of viable farming and ranching business models, and creates systemic impediments and 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:

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;

9 (3) Requiring agricultural tourism activities to coexist
10 with an agricultural activity on a farming operation
11 and be accessory and secondary to the principal
12 farming operation; and

13 (4) Providing a process for the termination of the
14 authorization for agricultural tourism activities upon
15 a determination that agricultural activities have
16 ceased.

17 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;



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

(10) Agricultural parks;

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



1 were produced using agricultural products grown
2 in Hawaii;

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



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

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;

13 ~~[(16)]~~ (15) Hydroelectric facilities as described in section
14 ~~[205-4.5(a)-(23);]~~ 205-4.5(a)(22); and

15 ~~[(17)]~~ (16) Composting and co-composting operations;
16 provided that operations that process their own green
17 waste and do not require permits from the department
18 of health shall use the finished composting product
19 only on the operation's own premises to minimize the
20 potential spread of invasive species.



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



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

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

~~[(14) Agricultural tourism activities, including overnight
accommodations of twenty-one days or less, for any one
stay within a county; provided that this paragraph
shall apply only to a county that includes at least
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 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



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]~~ 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;~~



~~(2) Requirements and restrictions for accessory facilities
connected with the farming operation, including gift
shops and restaurants;~~

~~(3) Activities that may be offered by the farming
operation for visitors;~~

~~(4) Days and hours of operation; and~~

~~(5) Automatic termination of the accessory use upon the
cessation of the farming operation.~~

~~Each county may require an environmental assessment under
chapter 343 as a condition to any agricultural tourism use and
activity.] Other uses may be allowed by special permits issued
pursuant to this chapter. The minimum lot size in agricultural
districts shall be determined by each county by zoning
ordinance, subdivision ordinance, or other lawful means;
provided that the minimum lot size for any agricultural use
shall not be less than one acre, except as provided herein. If
the county finds that unreasonable economic hardship to the
owner or lessee of land cannot otherwise be prevented or where
land utilization is improved, the county may allow lot sizes of
less than the minimum lot size as specified by law for lots
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) [~~7~~];
11 for public, private, and quasi-public utility purposes [~~7~~]; and
12 for lots resulting from the subdivision of abandoned roadways
13 and railroad easements."

14 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



activities relating to the production of energy
feedstock, and promote and support worthwhile energy
feedstock production activities in the State;

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

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

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

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

(6) Perform other functions and activities as may be
assigned by law, including monitoring the compliance
provisions under section [~~205-4.5(a)(16).~~] 205-
4.5(a)(15)."

SECTION 7. Section 141-13, Hawaii Revised Statutes, is
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;



1 (4) Ground and aerial seeding and spraying;

2 (5) The application of chemical fertilizers, conditioners,
3 insecticides, pesticides, and herbicides; and

4 (6) The employment and use of labor.

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

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.

