
A BILL FOR AN ACT

RELATING TO AGRICULTURAL TOURISM.

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

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

3 "(d) Agricultural districts shall include [~~activities or~~]:

4 (1) Activities or uses as characterized by the cultivation
5 of crops, orchards, forage, and forestry; [~~farming~~]

6 (2) Farming activities or uses related to animal
7 husbandry[~~, aquaculture,~~] and game and fish
8 propagation; [~~aquaculture,~~]

9 (3) Aquaculture, which means the production of aquatic
10 plant and animal life for food and fiber within ponds
11 and other bodies of water; [~~wind~~]

12 (4) Wind generated energy production for public, private,
13 and commercial use; [~~bona~~]

14 (5) Bona fide agricultural services and uses that support
15 the agricultural activities of the fee or leasehold
16 owner of the property and accessory to any of the
17 above activities, whether or not conducted on the same
18 premises as the agricultural activities to which they



1 are accessory, including but not limited to farm
2 dwellings as defined in section 205-4.5(a)(4),
3 employee housing, farm buildings, mills, storage
4 facilities, processing facilities, vehicle and
5 equipment storage areas, and roadside stands for the
6 sale of products grown on the premises; [~~wind~~]

7 (6) Wind machines and wind farms; [~~small-scale~~]

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

14 (8) Agricultural parks; [~~and open~~]

15 (9) Agricultural tourism conducted on an existing working
16 farm or an existing farming operation, as defined in
17 section 165-2, for the enjoyment, education, and
18 involvement of visitors; provided that the
19 agricultural tourism activity is accessory and
20 secondary to the principal agricultural use and does
21 not interfere with surrounding farm operations; and

22 (10) Open area recreational facilities.



1 For the purposes of this chapter, golf courses and golf
2 driving ranges are prohibited in agricultural districts, except
3 as provided in section 205-4.5(d).

4 These districts may include areas [~~which~~] that are not used
5 for, or [~~which~~] that are not suited to, agricultural and
6 ancillary activities by reason of topography, soils, and other
7 related characteristics."

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

10 "(a) Within the agricultural district, all lands with soil
11 classified by the land study bureau's detailed land
12 classification as overall (master) productivity rating class A
13 or B shall be restricted to the following permitted uses:

- 14 (1) Cultivation of crops, including but not limited to
15 flowers, vegetables, foliage, fruits, forage, and
16 timber;
- 17 (2) Game and fish propagation;
- 18 (3) Raising of livestock, including but not limited to
19 poultry, bees, fish, or other animal or aquatic life
20 that are propagated for economic or personal use;
- 21 (4) Farm dwellings, employee housing, farm buildings, or
22 [~~activity~~] activities or uses related to farming and



1 animal husbandry. Farm dwelling as used in this
2 paragraph means a single-family dwelling located on
3 and used in connection with a farm, including clusters
4 of single-family farm dwellings permitted within
5 agricultural parks developed by the State, or where
6 agricultural activity provides income to the family
7 occupying the dwelling;

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

10 (6) Public and private open area types of recreational
11 uses including day camps, picnic grounds, parks, and
12 riding stables, but not including dragstrips,
13 airports, drive-in theaters, golf courses, golf
14 driving ranges, country clubs, and overnight camps;

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



- 1 plants, ~~[or]~~ corporation yards, or other like
2 structures;
- 3 (8) Retention, restoration, rehabilitation, or improvement
4 of buildings or sites of historic or scenic interest;
- 5 (9) Roadside stands for the sale of agricultural products
6 grown on the premises;
- 7 (10) Buildings and uses, including but not limited to
8 mills, storage, and processing facilities, maintenance
9 facilities, and vehicle and equipment storage areas
10 that are normally considered directly accessory to the
11 ~~[above-mentioned]~~ uses in this subsection and are
12 permitted under section 205-2(d);
- 13 (11) Agricultural parks; ~~[or]~~
- 14 (12) Agricultural tourism conducted on an existing working
15 farm or an existing farming operation, as defined in
16 section 165-2, for the enjoyment, education, and
17 involvement of visitors; provided that the
18 agricultural tourism activity is accessory and
19 secondary to the principal agricultural use and does
20 not interfere with surrounding farm operations; or
- 21 ~~[-(12)-]~~ (13) Wind energy facilities, including the
22 appurtenances associated with the production and



1 transmission of wind generated energy; provided that
2 such facilities and appurtenances are compatible with
3 agriculture uses and cause minimal adverse impact on
4 agricultural land."

5 SECTION 3. Section 205-5, Hawaii Revised Statutes, is
6 amended by amending subsection (b) to read as follows:

7 "(b) Within agricultural districts, uses compatible to the
8 activities described in section 205-2, as determined by the
9 commission, shall be permitted; provided that accessory
10 agricultural uses and services described in sections 205-2 and
11 205-4.5 may be further defined by each county by zoning
12 ordinance. Each county may further regulate agricultural
13 tourism by ordinance defining:

14 (1) Requirements for access to the farm such as road
15 width, road surface, and parking;

16 (2) Requirements and restrictions for accessory facilities
17 such as gift shops, restaurants, and overnight
18 accommodations;

19 (3) The activities that may be offered as part of the
20 agricultural tourism operation; and

21 (4) Days and hours of operation.



1 Other uses may be allowed by special permits issued pursuant to
2 this chapter. The minimum lot size in agricultural districts
3 shall be determined by each county by zoning ordinance,
4 subdivision ordinance, or other lawful means; provided that the
5 minimum lot size for any agricultural use shall not be less than
6 one acre, except as provided herein. If the county finds that
7 unreasonable economic hardship to the owner or lessee of land
8 cannot otherwise be prevented or where land utilization is
9 improved, the county may allow lot sizes of less than the
10 minimum lot size as specified by law for lots created by a
11 consolidation of existing lots within an agricultural district
12 and the resubdivision thereof; provided that the consolidation
13 and resubdivision do not result in an increase in the number of
14 lots over the number existing prior to consolidation; and
15 provided further that in no event shall a lot, which is equal to
16 or exceeds the minimum lot size of one acre, be less than that
17 minimum after the consolidation and resubdivision action. The
18 county may also allow lot sizes of less than the minimum lot
19 size as specified by law for lots created or used for public,
20 private, and quasi-public utility purposes[7] and for lots
21 resulting from the subdivision of abandoned roadways and
22 railroad easements."



1 SECTION 4. Section 343-5, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) Except as otherwise provided, an environmental
4 assessment shall be required for actions that:

- 5 (1) Propose the use of state or county lands, except for
6 permissible uses within agricultural districts as
7 provided in section 205-4.5(a), or the use of state or
8 county funds, other than funds to be used for
9 feasibility or planning studies for possible future
10 programs or projects that the agency has not approved,
11 adopted, or funded[7] or funds to be used for the
12 acquisition of unimproved real property; provided that
13 the agency shall consider environmental factors and
14 available alternatives in its feasibility or planning
15 studies;
- 16 (2) Propose any use within any land classified as a
17 conservation district by the state land use commission
18 under chapter 205;
- 19 (3) Propose any use within a shoreline area as defined in
20 section 205A-41;
- 21 (4) Propose any use within any historic site as designated
22 in the National Register or Hawaii Register, as



1 provided for in the Historic Preservation Act of 1966,
2 Public Law 89-665, or chapter 6E;

3 (5) Propose any use within the Waikiki area of Oahu, the
4 boundaries of which are delineated in the land use
5 ordinance as amended, establishing the "Waikiki
6 Special District";

7 (6) Propose any amendments to existing county general
8 plans where the amendment would result in designations
9 other than agriculture, conservation, or preservation,
10 except actions proposing any new county general plan
11 or amendments to any existing county general plan
12 initiated by a county;

13 (7) Propose any reclassification of any land classified as
14 a conservation district by the state land use
15 commission under chapter 205;

16 (8) Propose the construction of new or the expansion or
17 modification of existing helicopter facilities within
18 the State[7] that, by way of their activities, may
19 affect:

20 (A) Any land classified as a conservation district by
21 the state land use commission under chapter 205;



- 1 (B) A shoreline area as defined in section 205A-41;
2 or
3 (C) Any historic site as designated in the National
4 Register or Hawaii Register, as provided for in
5 the Historic Preservation Act of 1966, Public Law
6 89-665, or chapter 6E; or until the statewide
7 historic places inventory is completed, any
8 historic site that is found by a field
9 reconnaissance of the area affected by the
10 helicopter facility and is under consideration
11 for placement on the National Register or the
12 Hawaii Register of Historic Places; and
13 (9) Propose any:
14 (A) Wastewater treatment unit, except an individual
15 wastewater system or a wastewater treatment unit
16 serving fewer than fifty single-family dwellings
17 or the equivalent;
18 (B) Waste-to-energy facility;
19 (C) Landfill;
20 (D) Oil refinery; or
21 (E) Power-generating facility."



1 SECTION 5. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 6. This Act shall take effect upon its approval.

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INTRODUCED BY:

~~St. De~~
~~[Signature]~~
 Gene James
 Kenneth Franks
 [Signature]
Polype P. Abieson, Jr.
Jim R. Karaman
 [Signature]
 [Signature]
 [Signature]
 [Signature]
Calvin D. Amy
Michael G. Myers

JAN 20 2006

Report Title:

Agricultural Tourism; Land Use

Description:

Allows agricultural tourism conducted on an existing working farm or an existing farming operation; provided that the agricultural tourism activity is accessory and secondary to the principal agricultural use and does not interfere with surrounding farm operations.

