
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~~]:

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
11 ponds 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; and open~~]

14 (8) Agricultural parks;

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



1 ordinances regulating agricultural tourism under
2 section 205-5; and
3 (10) Open area recreational facilities.
4 [~~For the purposes of this chapter,~~] Agricultural districts
5 shall not include golf courses and golf driving ranges [~~are~~
6 ~~prohibited in agricultural districts,~~], except as provided in
7 section 205-4.5(d). [~~These~~] Agricultural districts [~~may~~
8 include areas [~~which~~] that are not used for, or [~~which~~] that are
9 not suited to, agricultural and ancillary activities by reason
10 of topography, soils, and other related characteristics."

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

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

17 (1) Cultivation of crops, including but not limited to
18 flowers, vegetables, foliage, fruits, forage, and
19 timber;

20 (2) Game and fish propagation;



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



1 major water storage tanks, and appurtenant small
2 buildings such as booster pumping stations, but not
3 including offices or yards for equipment, material,
4 vehicle storage, repair or maintenance, or treatment
5 plants, or corporation yards, or other like
6 structures;

7 (8) Retention, restoration, rehabilitation, or improvement
8 of buildings or sites of historic or scenic interest;

9 (9) Roadside stands for the sale of agricultural products
10 grown on the premises;

11 (10) Buildings and uses, including but not limited to
12 mills, storage, and processing facilities, maintenance
13 facilities, and vehicle and equipment storage areas
14 that are normally considered directly accessory to the
15 abovementioned uses and are permitted under section
16 205-2(d);

17 (11) Agricultural parks; [~~or~~]

18 (12) Agricultural tourism conducted on a working farm, or a
19 farming operation as defined in section 165-2, for the
20 enjoyment, education, or involvement of visitors;
21 provided that the agricultural tourism activity is
22 accessory and secondary to the principal agricultural



1 use and does not interfere with surrounding farm
2 operations; and provided further that this paragraph
3 shall apply only to a county that has adopted
4 ordinances regulating agricultural tourism under
5 section 205-5; or

6 ~~[(12)]~~ (13) Wind energy facilities, including the
7 appurtenances associated with the production and
8 transmission of wind generated energy; provided that
9 such facilities and appurtenances are compatible with
10 agriculture uses and cause minimal adverse impact on
11 agricultural land."

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

14 "(b) Within agricultural districts, uses compatible to the
15 activities described in section 205-2 as determined by the
16 commission shall be permitted; provided that accessory
17 agricultural uses and services described in sections 205-2 and
18 205-4.5 may be further defined by each county by zoning
19 ordinance. Each county shall adopt ordinances setting forth
20 procedures and requirements, including provisions for
21 enforcement, penalties, and administrative oversight, for the
22 review and permitting of agricultural tourism uses and



1 activities as an accessory use on a working farm, or farming
2 operation as defined in section 165-2; provided that
3 agricultural tourism activities shall not be permissible in the
4 absence of a bona fide farming operation. Ordinances shall
5 include 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; provided that overnight
11 accommodations shall not be permitted;
- 12 (3) Activities that may be offered by the farming
13 operation for visitors;
- 14 (4) Days and hours of operation; and
- 15 (5) Automatic termination of the accessory use upon the
16 cessation of the farming operation.

17 Each county may require an environmental assessment under
18 chapter 343 as a condition to any agricultural tourism use and
19 activity. Other uses may be allowed by special permits issued
20 pursuant to this chapter. The minimum lot size in agricultural
21 districts shall be determined by each county by zoning
22 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 to
11 consolidation; and provided further that in no event shall a
12 lot, which is equal to or exceeds the minimum lot size of one
13 acre be less than that minimum after the consolidation and
14 resubdivision action. The county may also allow lot sizes of
15 less than the minimum lot size as specified by law for lots
16 created or used for public, private, and quasi-public utility
17 purposes, and for lots resulting from the subdivision of
18 abandoned roadways and railroad easements."

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

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



- 1 (1) Propose the use of state or county lands or the use of
2 state or county funds, other than funds to be used for
3 feasibility or planning studies for possible future
4 programs or projects that the agency has not approved,
5 adopted, or funded, or funds to be used for the
6 acquisition of unimproved real property; provided that
7 the agency shall consider environmental factors and
8 available alternatives in its feasibility or planning
9 studies; provided further that an environmental
10 assessment for proposed uses under section 205-2(d)(9)
11 or 205-4.5(a)(12) shall only be required pursuant to
12 section 205-5(b);
- 13 (2) Propose any use within any land classified as a
14 conservation district by the state land use commission
15 under chapter 205;
- 16 (3) Propose any use within a shoreline area as defined in
17 section 205A-41;
- 18 (4) Propose any use within any historic site as designated
19 in the National Register or Hawaii Register, as
20 provided for in the Historic Preservation Act of 1966,
21 Public Law 89-665, or chapter 6E;



- 1 (5) Propose any use within the Waikiki area of Oahu, the
2 boundaries of which are delineated in the land use
3 ordinance as amended, establishing the "Waikiki
4 Special District";
- 5 (6) Propose any amendments to existing county general
6 plans where the amendment would result in designations
7 other than agriculture, conservation, or preservation,
8 except actions proposing any new county general plan
9 or amendments to any existing county general plan
10 initiated by a county;
- 11 (7) Propose any reclassification of any land classified as
12 a conservation district by the state land use
13 commission under chapter 205;
- 14 (8) Propose the construction of new or the expansion or
15 modification of existing helicopter facilities within
16 the State, that by way of their activities, may
17 affect:
- 18 (A) Any land classified as a conservation district by
19 the state land use commission under chapter 205;
- 20 (B) A shoreline area as defined in section 205A-41;
- 21 or



1 (C) Any historic site as designated in the National
2 Register or Hawaii Register, as provided for in
3 the Historic Preservation Act of 1966, Public Law
4 89-665, or chapter 6E; or until the statewide
5 historic places inventory is completed, any
6 historic site that is found by a field
7 reconnaissance of the area affected by the
8 helicopter facility and is under consideration
9 for placement on the National Register or the
10 Hawaii Register of Historic Places; and

11 (9) Propose any:

12 (A) Wastewater treatment unit, except an individual
13 wastewater system or a wastewater treatment unit
14 serving fewer than fifty single-family dwellings
15 or the equivalent;

16 (B) Waste-to-energy facility;

17 (C) Landfill;

18 (D) Oil refinery; or

19 (E) Power-generating facility."

20 SECTION 5. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.

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



H.B. NO. 2145

Report Title:

Agriculture; Tourism

Description:

Adds agricultural tourism to agricultural districts. Specifies requirements to qualify for agricultural tourism. Requires counties to regulate agricultural tourism in specified matters.
(HB2145 CD1)

HB2145 CD1 HMS 2006-3700

