
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 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; and open~~]

14 (8) Agricultural parks;

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~~] As used in this
2 paragraph, "farm dwelling" means a single-family
3 dwelling located on and used in connection with a
4 farm, including clusters of single-family farm
5 dwellings permitted within agricultural parks
6 developed by the State, or where agricultural activity
7 provides income to the family 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~~] the facilities and appurtenances are compatible
3 with agriculture uses and cause minimal adverse impact
4 on 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 shall 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 and restaurants;
18 (3) Activities that may be offered as part of the
19 agricultural tourism operation; and
20 (4) Days and hours of operation.

21 Other uses may be allowed by special permits issued pursuant to
22 this chapter. The minimum lot size in agricultural districts



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

21 SECTION 4. Statutory material to be repealed is bracketed
22 and stricken. New statutory material is underscored.



1 SECTION 5. This Act shall take effect on July 1, 2096.



H.B. NO. 2145

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. Requires counties to regulate agricultural tourism by ordinance. (HB2145 HD2)

