
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 farm operations; and
21 provided further that this paragraph shall apply only



1 to a county that has adopted ordinances regulating
2 agricultural tourism under section 205-5;

3 (10) Open area recreational facilities.

4 ~~[For the purposes of this chapter,~~ Agricultural districts do
5 not include golf courses and golf driving ranges ~~[are prohibited~~
6 ~~in agricultural districts,~~], except as provided in section
7 205-4.5(d). ~~[These]~~ Agricultural districts ~~[may]~~ include areas
8 which are not used for, or which are not suited to, agricultural
9 and ancillary activities by reason of topography, soils, and
10 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 as used in this
7 paragraph means a single-family dwelling located on
8 and used in connection with a farm, including clusters
9 of single-family farm dwellings permitted within
10 agricultural parks developed by the State, or where
11 agricultural activity provides income to the family
12 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; [~~o~~]

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 farm operations;
2 provided that this paragraph shall apply only to a
3 county that has adopted ordinances regulating
4 agricultural tourism under section 205-5; or
5 [~~(12)~~] (13) Wind energy facilities, including the
6 appurtenances associated with the production and
7 transmission of wind generated energy; provided that
8 such facilities and appurtenances are compatible with
9 agriculture uses and cause minimal adverse impact on
10 agricultural land."

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

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

1 operation as defined in section 165-2; provided that
2 agricultural tourism activities shall not be permissible in the
3 absence of a bona fide farming operation. Ordinances shall
4 include, but not be limited to:

- 5 (1) Requirements for access to a farm, including road
6 width, road surface, and parking;
- 7 (2) Requirements and restrictions for accessory facilities
8 connected with the farming operation, including gift
9 shops and restaurants; provided that overnight
10 accommodations shall not be permitted;
- 11 (3) Activities that may be offered by the farming
12 operation for visitors;
- 13 (4) Days and hours of operation; and
- 14 (5) Automatic termination of the accessory use upon the
15 cessation of the farming operation."

16 Other uses may be allowed by special permits issued pursuant to
17 this chapter. The minimum lot size in agricultural districts
18 shall be determined by each county by zoning ordinance,
19 subdivision ordinance, or other lawful means; provided that the
20 minimum lot size for any agricultural use shall not be less than
21 one acre, except as provided herein. If the county finds that
22 unreasonable economic hardship to the owner or lessee of land



1 cannot otherwise be prevented or where land utilization is
2 improved, the county may allow lot sizes of less than the
3 minimum lot size as specified by law for lots created by a
4 consolidation of existing lots within an agricultural district
5 and the resubdivision thereof; provided that the consolidation
6 and resubdivision do not result in an increase in the number of
7 lots over the number existing prior to consolidation; and
8 provided further that in no event shall a lot, which is equal to
9 or exceeds the minimum lot size of one acre be less than that
10 minimum after the consolidation and resubdivision action. The
11 county may also allow lot sizes of less than the minimum lot
12 size as specified by law for lots created or used for public,
13 private, and quasi-public utility purposes, and for lots
14 resulting from the subdivision of abandoned roadways and
15 railroad easements."

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

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

20 (1) Propose the use of state or county lands, including
21 permissible uses under section 205-4.5(a)(12), or the
22 use of state or county funds, other than funds to be



- 1 used for feasibility or planning studies for possible
2 future programs or projects that the agency has not
3 approved, adopted, or funded, or funds to be used for
4 the acquisition of unimproved real property; provided
5 that the agency shall consider environmental factors
6 and available alternatives in its feasibility or
7 planning studies;
- 8 (2) Propose any use within any land classified as a
9 conservation district by the state land use commission
10 under chapter 205;
- 11 (3) Propose any use within a shoreline area as defined in
12 section 205A-41;
- 13 (4) Propose any use within any historic site as designated
14 in the National Register or Hawaii Register, as
15 provided for in the Historic Preservation Act of 1966,
16 Public Law 89-665, or chapter 6E;
- 17 (5) Propose any use within the Waikiki area of Oahu, the
18 boundaries of which are delineated in the land use
19 ordinance as amended, establishing the "Waikiki
20 Special District";
- 21 (6) Propose any amendments to existing county general
22 plans where the amendment would result in designations



1 other than agriculture, conservation, or preservation,
2 except actions proposing any new county general plan
3 or amendments to any existing county general plan
4 initiated by a county;

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

8 (8) Propose the construction of new or the expansion or
9 modification of existing helicopter facilities within
10 the State, that by way of their activities, may
11 affect:

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

14 (B) A shoreline area as defined in section 205A-41;
15 or

16 (C) Any historic site as designated in the National
17 Register or Hawaii Register, as provided for in
18 the Historic Preservation Act of 1966, Public Law
19 89-665, or chapter 6E; or until the statewide
20 historic places inventory is completed, any
21 historic site that is found by a field
22 reconnaissance of the area affected by the



1 helicopter facility and is under consideration
2 for placement on the National Register or the
3 Hawaii Register of Historic Places; and

4 (9) Propose any:

5 (A) Wastewater treatment unit, except an individual
6 wastewater system or a wastewater treatment unit
7 serving fewer than fifty single-family dwellings
8 or the equivalent;

9 (B) Waste-to-energy facility;

10 (C) Landfill;

11 (D) Oil refinery; or

12 (E) Power-generating facility."

13 SECTION 5. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

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



HB2145, SD1

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. Effective 7/1/2050. (SD1)

