

---

# 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 farming operation,  
16 as defined in section 165-2, for the enjoyment,  
17 education, or involvement of visitors; provided that  
18 the agricultural tourism activity is accessory and  
19 secondary to the principal agricultural use and does  
20 not interfere with farm operations; and

21 (10) Open area recreational facilities.

1 ~~[For the purposes of this chapter,]~~ Agricultural districts do  
2 not include golf courses and golf driving ranges ~~[are prohibited~~  
3 ~~in agricultural districts,]~~, except as provided in section  
4 205-4.5(d). ~~[These]~~ Agricultural districts ~~[may]~~ include areas  
5 which are not used for, or which are not suited to, agricultural  
6 and ancillary activities by reason of topography, soils, and  
7 other 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 abovementioned uses and are permitted under section  
12 205-2(d);
- 13 (11) Agricultural parks; [~~o~~]
- 14 (12) Agricultural tourism conducted on a farming operation,  
15 as defined in section 165-2, for the enjoyment,  
16 education, or involvement of visitors; provided that  
17 the agricultural tourism activity is accessory and  
18 secondary to the principal agricultural use and does  
19 not interfere with farm operations; or
- 20 [~~(12)~~] (13) Wind energy facilities, including the  
21 appurtenances associated with the production and  
22 transmission of wind generated energy; provided that



1 such facilities and appurtenances are compatible with  
2 agriculture uses and cause minimal adverse impact on  
3 agricultural land."

4 SECTION 3. 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 the  
7 activities described in section 205-2 as determined by the  
8 commission shall be permitted; provided that accessory  
9 agricultural uses and services described in sections 205-2 and  
10 205-4.5 may be further defined by each county by zoning  
11 ordinance. Each county shall further regulate agricultural  
12 tourism by ordinance specifying:

- 13 (1) Requirements for access to a farm, including road  
14 width, road surface, and parking;
- 15 (2) Requirements and restrictions for accessory  
16 facilities, including gift shops and restaurants;  
17 provided that overnight accommodations shall not be  
18 permitted;
- 19 (3) Activities that may be offered as part of an  
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, 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, including  
6 permissible uses under section 205-4.5(a)(12), or the  
7 use of state or county funds, other than funds to be  
8 used for feasibility or planning studies for possible  
9 future programs or projects that the agency has not  
10 approved, adopted, or funded, or funds to be used for  
11 the acquisition of unimproved real property; provided  
12 that the agency shall consider environmental factors  
13 and available alternatives in its feasibility or  
14 planning studies;

15 (2) Propose any use within any land classified as a  
16 conservation district by the state land use commission  
17 under chapter 205;

18 (3) Propose any use within a shoreline area as defined in  
19 section 205A-41;

20 (4) Propose any use within any historic site as designated  
21 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, 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."

22 SECTION 5. Statutory material to be repealed is bracketed



1 and stricken. New statutory material is underscored.

2 SECTION 6. This Act shall take effect on July 1, 2050.



SB2973, 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. (SD1)

