

JAN 20 2012

S.B. NO. 2350

A BILL FOR AN ACT

RELATING TO AGRICULTURAL LANDS.

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:
4 (1) Activities or uses as characterized by the cultivation
5 of crops, crops for bioenergy, orchards, forage, and
6 forestry;
7 (2) Farming activities or uses related to animal husbandry
8 and game and fish propagation;
9 (3) Aquaculture, which means the production of aquatic
10 plant and animal life within ponds and other bodies of
11 water;
12 (4) Wind generated energy production for public, private,
13 and commercial use;
14 (5) Biofuel production, as described in section
15 205-4.5(a)(15), for public, private, and commercial
16 use;
17 (6) Solar energy facilities; provided that:



1 (A) This paragraph shall apply only to land with soil
2 classified by the land study bureau's detailed
3 land classification as overall (master)
4 productivity rating class B, C, D or E; and
5 (B) Solar energy facilities placed within land with
6 soil classified as overall productivity rating
7 class B or C shall not occupy more than ten per
8 cent of the acreage of the parcel, or twenty
9 acres of land, whichever is lesser;

10 (7) Bona fide agricultural services and uses that support
11 the agricultural activities of the fee or leasehold
12 owner of the property and accessory to any of the
13 above activities, regardless of whether conducted on
14 the same premises as the agricultural activities to
15 which they are accessory, including farm dwellings as
16 defined in section 205-4.5(a)(4), employee housing,
17 farm buildings, mills, storage facilities, processing
18 facilities, agricultural-energy facilities as defined
19 in section 205-4.5(a)(16), vehicle and equipment
20 storage areas, roadside stands for the sale of
21 products grown on the premises, and plantation



- 1 community subdivisions as defined in section
2 205-4.5(a)(12);
- 3 (8) Wind machines and wind farms;
- 4 (9) Small-scale meteorological, air quality, noise, and
5 other scientific and environmental data collection and
6 monitoring facilities occupying less than one-half
7 acre of land; provided that these facilities shall not
8 be used as or equipped for use as living quarters or
9 dwellings;
- 10 (10) Agricultural parks;
- 11 (11) Agricultural tourism conducted on a working farm, or a
12 farming operation as defined in section 165-2, for the
13 enjoyment, education, or involvement of visitors;
14 provided that the agricultural tourism activity is
15 accessory and secondary to the principal agricultural
16 use and does not interfere with surrounding farm
17 operations; and provided further that this paragraph
18 shall apply only to a county that has adopted
19 ordinances regulating agricultural tourism under
20 section 205-5; [~~and~~]
- 21 (12) Open area recreational facilities[~~-~~]; and



S.B. NO. 2350

1 (13) Ohana dwellings as permitted under section 205-6;
 2 provided that, for the purposes of this paragraph,
 3 "ohana dwelling" means living quarters attached or
 4 detached to a main dwelling; or within an accessory
 5 building located on the same lot as the main dwelling,
 6 and meant for use as a separate dwelling.

7 Agricultural districts shall not include golf courses and golf
 8 driving ranges, except as provided in section 205-4.5(d).

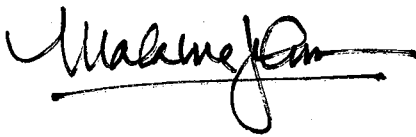
9 Agricultural districts include areas that are not used for, or
 10 that are not suited to, agricultural and ancillary activities by
 11 reason of topography, soils, and other related characteristics."

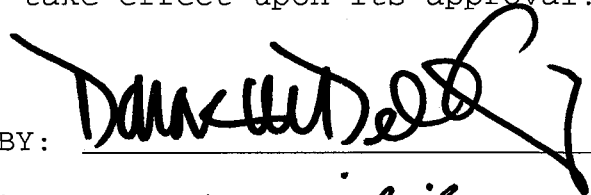

12 SECTION 2. Statutory material to be repealed is bracketed
 13 and stricken. New statutory material is underscored.

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

15

INTRODUCED BY:




 Clarence K. Nishikawa




S.B. NO. 2350

Report Title:

Ohana Dwellings; Housing; Agricultural Lands

Description:

Allows the building of ohana dwellings on lands within the agricultural district.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

