
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
22 community subdivisions as defined in section



1 205-4.5(a)(12) [7], and ohana dwellings in any county
2 with a population of five hundred thousand or less, as
3 permitted under a special permit issued pursuant to
4 section 205-6; provided that, for the purposes of this
5 paragraph, "ohana dwelling" means a dwelling unit
6 accessory to a farm dwelling on the same site, either
7 attached to or separate from the farm dwelling,
8 located on and used in connection with a farm or where
9 agricultural activity provides income to the occupants
10 of the farm dwelling; and provided further that an
11 ohana dwelling shall be prohibited from being
12 designated under chapter 514B as a limited common
13 element in a condominium separate from one of the
14 lot's primary farm dwelling units or from being rented
15 in any manner as a single unit separate from the
16 primary farm dwelling units;

17 (8) Wind machines and wind farms;

18 (9) Small-scale meteorological, air quality, noise, and
19 other scientific and environmental data collection and
20 monitoring facilities occupying less than one-half
21 acre of land; provided that these facilities shall not



- 1 be used as or equipped for use as living quarters or
2 dwellings;
- 3 (10) Agricultural parks;
- 4 (11) Agricultural tourism conducted on a working farm, or a
5 farming operation as defined in section 165-2, for the
6 enjoyment, education, or involvement of visitors;
7 provided that the agricultural tourism activity is
8 accessory and secondary to the principal agricultural
9 use and does not interfere with surrounding farm
10 operations; and provided further that this paragraph
11 shall apply only to a county that has adopted
12 ordinances regulating agricultural tourism under
13 section 205-5; and
- 14 (12) Open area recreational facilities.

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

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

20 SECTION 2. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.

22 SECTION 3. This Act shall take effect January 20, 2020.



Report Title:

Ohana Dwellings; Housing; Agricultural Lands

Description:

Allows the building of ohana dwellings on lands within an agricultural district in any county with a population of 500,000 or less, under certain conditions. Effective January 20, 2020.
(SB2350 HD1)

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