

---

---

**A BILL FOR AN ACT**

RELATING TO LAND USE.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The purpose of this Act is to establish  
2 agricultural tourism activities, including overnight  
3 accommodations for stays of less than thirty consecutive days as  
4 a permissible use for a bona fide farming operation in the state  
5 agricultural district.

6           The intent of this Act is to ensure that bona fide farming  
7 operations that meet the statutory criteria would not be required  
8 to obtain a special permit pursuant to section 205-6, Hawaii  
9 Revised Statutes, for accessory agricultural tourism activities.  
10 Thus, depending on the particular county ordinance, an applicant  
11 could apply for a ministerial permit for an agricultural tourism  
12 use, provided that the applicant demonstrates that the  
13 agricultural income from the farming operation as defined in  
14 section 165-2, Hawaii Revised Statutes meets or exceeds the  
15 minimum income criteria. Applicants not meeting the bona fide  
16 farming operation criteria would not be able to conduct  
17 agricultural tourism activities, including overnight  
18 accommodations, without obtaining a special permit pursuant to  
19 section 205-6, Hawaii Revised Statutes.

1           The counties would be able to further regulate agricultural  
2 tourism activities, including overnight accommodations, under  
3 existing county codes.

4           SECTION 2. Section 141-9, Hawaii Revised Statutes, is  
5 amended by amending subsection (a) to read as follows:

6           (a) There is established within the department of  
7 agriculture an energy feedstock program that shall:

- 8           (1) Maintain cognizance of actions taken by industry and  
9                 by federal, state, county, and private agencies in  
10                activities relating to the production of energy  
11                feedstock, and promote and support worthwhile energy  
12                feedstock production activities in the State;
- 13           (2) Serve as an information clearinghouse for energy  
14                feedstock production activities;
- 15           (3) Coordinate development projects to investigate and  
16                solve biological and technical problems involved in  
17                raising selected species with commercial energy  
18                generating potential;
- 19           (4) Actively seek federal funding for energy feedstock  
20                production activities;
- 21           (5) Undertake activities required to develop and expand  
22                the energy feedstock production industry; and

1           (6) Perform other functions and activities as may be  
2           assigned by law, including monitoring the compliance  
3           provisions under section [~~205-4.5(a)(16)~~.]  
4           205-4.5(a)(15)."

5           SECTION 3. Section 205-2, Hawaii Revised Statutes, is  
6 amended by amending subsection (d) to read as follows:

7           "(d) Agricultural districts shall include:

- 8           (1) Activities or uses as characterized by the cultivation  
9           of crops, crops for bioenergy, orchards, forage, and  
10          forestry;
- 11          (2) Farming activities or uses related to animal husbandry  
12          and game and fish propagation;
- 13          (3) Aquaculture, which means the production of aquatic  
14          plant and animal life within ponds and other bodies of  
15          water;
- 16          (4) Wind generated energy production for public, private,  
17          and commercial use;
- 18          (5) Biofuel production, as described in section  
19          [~~205-4.5(a)(16)~~], 205-4.5(a)(15), for public, private,  
20          and commercial use;
- 21          (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 acres  
9 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 above  
13 activities, regardless of whether conducted on the same  
14 premises as the agricultural activities to which they  
15 are accessory, including farm dwellings as defined in  
16 section 205-4.5(a)(4), employee housing, farm  
17 buildings, mills, storage facilities, processing  
18 facilities, photovoltaic, biogas, and other small-scale  
19 renewable energy systems producing energy solely for  
20 use in the agricultural activities of the fee or  
21 leasehold owner of the property, agricultural-energy  
22 facilities as defined in section [~~205-4.5(a)(17)~~] 205-

- 1            4.5(a)(16), vehicle and equipment storage areas, and  
2            plantation community subdivisions as defined in section  
3            205-4.5(a)(12);
- 4            (8) Wind machines and wind farms;
- 5            (9) Small-scale meteorological, air quality, noise, and  
6            other scientific and environmental data collection and  
7            monitoring facilities occupying less than one-half acre  
8            of land; provided that these facilities shall not be  
9            used as or equipped for use as living quarters or  
10           dwellings;
- 11           (10) Agricultural parks;
- 12           (11) Agricultural tourism uses or activities, including  
13           overnight accommodations for stays of [twenty one] less  
14           than thirty consecutive days, conducted [en-a-working  
15           farm, or] in conjunction with a bona fide farming  
16           operation [as defined in section 165-2, for the  
17           enjoyment, education, or involvement of visitors];  
18           provided that the agricultural tourism use or activity  
19           is accessory and secondary to the principal  
20           agricultural use and does not interfere with  
21           surrounding farm operations; and provided further that  
22           [~~this paragraph shall apply only to a county that has~~

H.B. NO. 772

1 ~~adopted ordinances regulating agricultural tourism~~  
2 ~~under section 205-5,] an agricultural tourism use or~~  
3 ~~activity shall not be permissible in the absence of~~  
4 ~~farming operations and the agricultural tourism use or~~  
5 ~~activity shall terminate upon cessation of the farming~~  
6 ~~operation's agricultural activity. For the purposes of~~  
7 ~~this chapter, "bona fide farming operation" means a~~  
8 ~~farming operation as defined in section 165-2 that~~  
9 ~~meets the minimum criteria and standards set forth~~  
10 ~~below and any additional criteria and standards adopted~~  
11 ~~by county ordinance pursuant to section 205-5(b):~~  
12 (A) Has been in operation for not less than two  
13 years;  
14 (B) The majority of annual gross income is from the  
15 sale of agricultural products grown by the  
16 farming operation on the subject property for  
17 which an agricultural tourism use is proposed;  
18 and  
19 (C) Has annual gross sales of agricultural products  
20 grown on the subject property for a minimum of  
21 two of the preceding five years of no less than:

- 1                    (i) \$35,000 if the agricultural tourism uses or
- 2                                    activities require permanent structures or
- 3                                    include overnight accommodations; or
- 4                    (ii) \$10,000 if the agricultural tourism uses or
- 5                                    activities do not require permanent enclosed
- 6                                    structures and do not include overnight
- 7                                    accommodations.

8        ~~[(12) Agricultural tourism activities, including overnight~~  
9                    ~~accommodations of twenty one days or less, for any one~~  
10                    ~~stay within a county; provided that this paragraph~~  
11                    ~~shall apply only to a county that includes at least~~  
12                    ~~three islands and has adopted ordinances regulating~~  
13                    ~~agricultural tourism activities pursuant to section~~  
14                    ~~205-5; provided further that the agricultural tourism~~  
15                    ~~activities coexist with a bona fide agricultural~~  
16                    ~~activity. For the purposes of this paragraph, "bona~~  
17                    ~~fide agricultural activity" means a farming operation~~  
18                    ~~as defined in section 165-2;~~

19        ~~(13)]~~ (12) Open area recreational facilities;

20        ~~[(14)]~~ (13) Geothermal resources exploration and  
21                    geothermal resources development, as defined under  
22                    section 182-1; and

1           ~~[(15)]~~ (14) Agricultural-based commercial operations,  
2           including:

3                   (A) A roadside stand that is not an enclosed  
4                   structure, owned and operated by a producer  
5                   for the display and sale of agricultural  
6                   products grown in Hawaii and value-added  
7                   products that were produced using  
8                   agricultural products grown in Hawaii;

9                   (B) Retail activities in an enclosed structure  
10                  owned and operated by a producer for the  
11                  display and sale of agricultural products  
12                  grown in Hawaii, value-added products that  
13                  were produced using agricultural products  
14                  grown in Hawaii, logo items related to the  
15                  producer's agricultural operations, and  
16                  other food items; and

17                  (C) A retail food establishment owned and  
18                  operated by a producer and permitted under  
19                  ~~[(15)]~~ title 11, ~~[(15)]~~ chapter 12 of the rules of  
20                  the department of health that prepares and  
21                  serves food at retail using products grown  
22                  in Hawaii and value-added products that were



1                   produced using agricultural products grown  
2                   in Hawaii.

3                   The owner of an agricultural-based commercial  
4                   operation shall certify, upon request of an officer or  
5                   agent charged with enforcement of this chapter under  
6                   section 205-12, that the agricultural products  
7                   displayed or sold by the operation meet the  
8                   requirements of this paragraph.

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

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

14                  SECTION 4. Section 205-4.5, Hawaii Revised Statutes, is  
15                  amended by amending subsection (a) to read as follows:

16                  "(a) Within the agricultural district, all lands with soil  
17                  classified by the land study bureau's detailed land  
18                  classification as overall (master) productivity rating class A or  
19                  B shall be restricted to the following permitted uses:

20                  (1) Cultivation of crops, including crops for bioenergy,  
21                  flowers, vegetables, foliage, fruits, forage, and  
22                  timber;

H.B. NO. 772

- 1           (2) Game and fish propagation;
- 2           (3) Raising of livestock, including poultry, bees, fish, or  
3           other animal or aquatic life that are propagated for  
4           economic or personal use;
- 5           (4) Farm dwellings, employee housing, farm buildings, or  
6           activities or uses related to farming and animal  
7           husbandry. "Farm dwelling", as used in this paragraph,  
8           means a single-family dwelling located on and used in  
9           connection with a farm, including clusters of single-  
10          family farm dwellings permitted within agricultural  
11          parks developed by the State, or where agricultural  
12          activity provides income to the family occupying the  
13          dwelling;
- 14          (5) Public institutions and buildings that are necessary  
15          for agricultural practices;
- 16          (6) Public and private open area types of recreational  
17          uses, including day camps, picnic grounds, parks, and  
18          riding stables, but not including dragstrips, airports,  
19          drive-in theaters, golf courses, golf driving ranges,  
20          country clubs, and overnight camps;
- 21          (7) Public, private, and quasi-public utility lines and  
22          roadways, transformer stations, communications

- 1 equipment buildings, solid waste transfer stations,  
2 major water storage tanks, and appurtenant small  
3 buildings such as booster pumping stations, but not  
4 including offices or yards for equipment, material,  
5 vehicle storage, repair or maintenance, treatment  
6 plants, corporation yards, or other similar structures;
- 7 (8) Retention, restoration, rehabilitation, or improvement  
8 of buildings or sites of historic or scenic interest;
- 9 (9) Agricultural-based commercial operations as described  
10 in section [~~205-2(d)(15)~~]; 205-2(d)(14);
- 11 (10) Buildings and uses, including mills, storage, and  
12 processing facilities, maintenance facilities,  
13 photovoltaic, biogas, and other small-scale renewable  
14 energy systems producing energy solely for use in the  
15 agricultural activities of the fee or leasehold owner  
16 of the property, and vehicle and equipment storage  
17 areas that are normally considered directly accessory  
18 to the above-mentioned uses and are permitted under  
19 section 205-2(d);
- 20 (11) Agricultural parks;
- 21 (12) Plantation community subdivisions, which as used in  
22 this chapter means an established subdivision or

1 cluster of employee housing, community buildings, and  
2 agricultural support buildings on land currently or  
3 formerly owned, leased, or operated by a sugar or  
4 pineapple plantation; provided that the existing  
5 structures may be used or rehabilitated for use, and  
6 new employee housing and agricultural support buildings  
7 may be allowed on land within the subdivision as  
8 follows:

9 (A) The employee housing is occupied by employees or  
10 former employees of the plantation who have a  
11 property interest in the land;

12 (B) The employee housing units not owned by their  
13 occupants shall be rented or leased at affordable  
14 rates for agricultural workers; or

15 (C) The agricultural support buildings shall be rented  
16 or leased to agricultural business operators or  
17 agricultural support services;

18 (13) Agricultural tourism uses or activities, including  
19 overnight accommodations for stays of less than thirty  
20 consecutive days conducted [~~on a working farm, or~~] in  
21 conjunction with a bona fide farming operation [~~as~~  
22 ~~defined in section 165-2, for the enjoyment, education,~~

H.B. NO. 772

1 ~~er involvement of visitors~~]; provided that the  
2 agricultural tourism use or activity is accessory and  
3 secondary to the principal agricultural use and does  
4 not interfere with surrounding farm operations; and  
5 provided further that [~~this paragraph shall apply only~~  
6 ~~to a county that has adopted ordinances regulating~~  
7 ~~agricultural tourism under section 205-5;~~] an  
8 agricultural tourism use or activity shall not be  
9 permissible in the absence of farming operations and  
10 the agricultural tourism use or activity shall  
11 terminate upon cessation of the farming operation's  
12 agricultural activity. For the purposes of this  
13 chapter, "bona fide farming operation" means a farming  
14 operation as defined in section 165-2 that meets the  
15 minimum criteria and standards set forth below and any  
16 additional criteria and standards adopted by county  
17 ordinance pursuant to section 205-5(b):  
18 (A) Has been in operation for not less than two years;  
19 (B) The majority of annual gross income is from the  
20 sale of agricultural products grown by the farming  
21 operation on the subject property for which an  
22 agricultural tourism use is proposed; and

H.B. NO. 772

1            (C) Has annual gross sales of agricultural products  
2            grown on the subject property for a minimum of two  
3            of the preceding five years of no less than:  
4            (i) \$35,000 if the agricultural tourism uses or  
5            activities that require permanent structures  
6            or include overnight accommodations; or  
7            (ii) \$10,000 if the agricultural tourism uses or  
8            activities do not require permanent enclosed  
9            structures and do not include overnight  
10           accommodations.

11           ~~[(14) Agricultural tourism activities, including overnight~~  
12           ~~accommodations of twenty one days or less, for any one~~  
13           ~~stay within a county; provided that this paragraph~~  
14           ~~shall apply only to a county that includes at least~~  
15           ~~three islands and has adopted ordinances regulating~~  
16           ~~agricultural tourism activities pursuant to section~~  
17           ~~205-5; provided further that the agricultural tourism~~  
18           ~~activities coexist with a bona fide agricultural~~  
19           ~~activity. For the purposes of this paragraph, "bona~~  
20           ~~fide agricultural activity" means a farming operation~~  
21           ~~as defined in section 165-2;~~

1       ~~(15)~~] (14) Wind energy facilities, including the  
2            appurtenances associated with the production and  
3            transmission of wind generated energy; provided that  
4            the wind energy facilities and appurtenances are  
5            compatible with agriculture uses and cause minimal  
6            adverse impact on agricultural land;

7       ~~[(16)]~~ (15) Biofuel processing facilities, including the  
8            appurtenances associated with the production and  
9            refining of biofuels that is normally considered  
10           directly accessory and secondary to the growing of the  
11           energy feedstock; provided that biofuel processing  
12           facilities and appurtenances do not adversely impact  
13           agricultural land and other agricultural uses in the  
14           vicinity.

15                   For the purposes of this paragraph:

16                   "Appurtenances" means operational infrastructure  
17                   of the appropriate type and scale for economic  
18                   commercial storage and distribution, and other similar  
19                   handling of feedstock, fuels, and other products of  
20                   biofuel processing facilities.

21                   "Biofuel processing facility" means a facility  
22                   that produces liquid or gaseous fuels from organic

1 sources such as biomass crops, agricultural residues,  
2 and oil crops, including palm, canola, soybean, and  
3 waste cooking oils; grease; food wastes; and animal  
4 residues and wastes that can be used to generate  
5 energy;

6 [~~(17)~~] (16) Agricultural-energy facilities, including  
7 appurtenances necessary for an agricultural-energy  
8 enterprise; provided that the primary activity of the  
9 agricultural-energy enterprise is agricultural  
10 activity. To be considered the primary activity of an  
11 agricultural-energy enterprise, the total acreage  
12 devoted to agricultural activity shall be not less than  
13 ninety per cent of the total acreage of the  
14 agricultural-energy enterprise. The agricultural-  
15 energy facility shall be limited to lands owned,  
16 leased, licensed, or operated by the entity conducting  
17 the agricultural activity.

18 As used in this paragraph:

19 "Agricultural activity" means any activity  
20 described in paragraphs (1) to (3) of this subsection.



H.B. NO. 772

1            "Agricultural-energy enterprise" means an  
2            enterprise that integrally incorporates an agricultural  
3            activity with an agricultural-energy facility.

4            "Agricultural-energy facility" means a facility  
5            that generates, stores, or distributes renewable energy  
6            as defined in section 269-91 or renewable fuel  
7            including electrical or thermal energy or liquid or  
8            gaseous fuels from products of agricultural activities  
9            from agricultural lands located in the State.

10           "Appurtenances" means operational infrastructure  
11           of the appropriate type and scale for the economic  
12           commercial generation, storage, distribution, and other  
13           similar handling of energy, including equipment,  
14           feedstock, fuels, and other products of agricultural-  
15           energy facilities;

16        [~~(18)~~] (17) Construction and operation of wireless  
17           communication antennas; provided that, for the purposes  
18           of this paragraph, "wireless communication antenna"  
19           means communications equipment that is either  
20           freestanding or placed upon or attached to an already  
21           existing structure and that transmits and receives  
22           electromagnetic radio signals used in the provision of

H.B. NO. 772

1 all types of wireless communications services; provided  
2 further that nothing in this paragraph shall be  
3 construed to permit the construction of any new  
4 structure that is not deemed a permitted use under this  
5 subsection;

6 ~~[-19-]~~ (18) Agricultural education programs conducted on a  
7 farming operation as defined in section 165-2, for the  
8 education and participation of the general public;  
9 provided that the agricultural education programs are  
10 accessory and secondary to the principal agricultural  
11 use of the parcels or lots on which the agricultural  
12 education programs are to occur and do not interfere  
13 with surrounding farm operations. For the purposes of  
14 this section, "agricultural education programs" means  
15 activities or events designed to promote knowledge and  
16 understanding of agricultural activities and practices  
17 conducted on a farming operation as defined in section  
18 165-2;

19 ~~[-20-]~~ (19) Solar energy facilities that do not occupy more  
20 than ten per cent of the acreage of the parcel, or  
21 twenty acres of land, whichever is lesser; provided  
22 that this use shall not be permitted on lands with

1 soil classified by the land study bureau's detailed  
2 land classification as overall (master) productivity  
3 rating class A; ~~[or]~~ and  
4 ~~[(21)]~~ (20) Geothermal resources exploration and  
5 geothermal resources development, as defined under  
6 section 182-1."

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

9 "(b) Within agricultural districts, uses compatible to the  
10 activities described in section 205-2 as determined by the  
11 commission shall be permitted; provided that accessory  
12 agricultural uses and services described in sections 205-2 and  
13 205-4.5 may be further defined by each county by zoning  
14 ordinance. ~~[Each county shall adopt ordinances setting forth  
15 procedures and requirements, including provisions for  
16 enforcement, penalties, and administrative oversight, for the  
17 review and permitting of agricultural tourism uses and  
18 activities as an accessory use on a working farm, or farming  
19 operation as defined in section 165-2. Ordinances shall include  
20 but not be limited to:~~

21 ~~(1) Requirements for access to a farm, including road  
22 width, road surface, and parking,~~

H.B. NO. 772

- 1       ~~(2) Requirements and restrictions for accessory facilities~~
- 2           ~~connected with the farming operation, including gift~~
- 3           ~~shops and restaurants;~~
- 4       ~~(3) Activities that may be offered by the farming~~
- 5           ~~operation for visitors;~~
- 6       ~~(4) Days and hours of operation; and~~
- 7       ~~(5) Automatic termination of the accessory use upon the~~
- 8           ~~cessation of the farming operation.]~~

9   Each county may adopt ordinances setting forth procedures,  
 10 standards, and requirements for the purposes of regulating  
 11 agricultural tourism uses and activities as an accessory use on  
 12 a bona fide farming operation pursuant to sections 205-2(d)(11)  
 13 and 205-4.5(a)(13); provided that:

14       (1) Proof of bona fide farming operation income should be  
 15           evidenced by, at a minimum:

16           (A) Federal tax forms that show profit or loss from  
 17           farming and state general excise tax forms for  
 18           each year of agricultural income as required by  
 19           sections 205-2(d)(11) and 205-4.5(a)(13), or

20           (B) A notarized affidavit attesting that the income  
 21           from the sale of agricultural products grown on  
 22           the subject property meets or exceeds the minimum

1                   income requirements in sections 205-2(d)(11) and  
2                   205-4.5(a)(13), or county ordinance, whichever is  
3                   more.

4           (2) A county may adopt more restrictive standards and  
5                   requirements for permitting and regulating  
6                   agricultural tourism uses, including more restrictive  
7                   income criteria and proof of bona fide farming  
8                   operations.

9   Each county may require an environmental assessment under  
10 chapter 343 as a condition to any agricultural tourism use and  
11 activity. Other uses may be allowed by special permits issued  
12 pursuant to this chapter. The minimum lot size in agricultural  
13 districts shall be determined by each county by zoning  
14 ordinance, subdivision ordinance, or other lawful means;  
15 provided that the minimum lot size for any agricultural use  
16 shall not be less than one acre, except as provided herein. If  
17 the county finds that unreasonable economic hardship to the  
18 owner or lessee of land cannot otherwise be prevented or where  
19 land utilization is improved, the county may allow lot sizes of  
20 less than the minimum lot size as specified by law for lots  
21 created by a consolidation of existing lots within an  
22 agricultural district and the resubdivision thereof; provided

1 that the consolidation and resubdivision do not result in an  
2 increase in the number of lots over the number existing prior to  
3 consolidation; and provided further that in no event shall a lot  
4 which is equal to or exceeds the minimum lot size of one acre be  
5 less than that minimum after the consolidation and resubdivision  
6 action. The county may also allow lot sizes of less than the  
7 minimum lot size as specified by law for lots created or used  
8 for plantation community subdivisions as defined in section 205-  
9 4.5(a)(12), for public, private, and quasi-public utility  
10 purposes, and for lots resulting from the subdivision of  
11 abandoned roadways and railroad easements."

12 SECTION 6. Each county may adopt interim rules or  
13 ordinances to regulate agricultural tourism uses, to remain in  
14 effect until the county has adopted or amended applicable county  
15 codes to conform to this Act.


16 SECTION 7. This Act shall not invalidate a lawful permit  
17 for an agricultural tourism use including overnight  
18 accommodations, on lands in the agricultural district in effect  
19 on or before the effective date of this Act.

20 SECTION 8. Statutory material to be repealed is bracketed  
21 and stricken. New statutory material is underscored.

H.B. NO. 772

1           SECTION 9. This Act, upon its approval, shall take effect  
2 on July 1, 2014.

3  
4  
5

INTRODUCED BY: 

BY REQUEST

JAN 22 2013

# H.B. NO. 772

**Report Title:**

Agricultural Tourism; Overnight Accommodations; Bona Fide Farmer

**Description:**

Allows for overnight accommodations for bona fide farming operations. Defines bona fide farming operations.

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



JUSTIFICATION SHEET

DEPARTMENT: Agriculture

TITLE: A BILL FOR AN ACT RELATING TO LAND USE.

PURPOSE: To allow for overnight accommodations for bona fide farming operations and define bona fide farming operation.

MEANS: Amends section 141-9, section 205-2, section 205-4.5, and section 205-5.

JUSTIFICATION: Agricultural tourism, enacted in 2006, allows farmers the opportunity to generate additional income by offering activities to visitors to their farms. Agricultural tourism is to be secondary and accessory to the principal agricultural use and requires the counties to enact ordinances to regulate it. To date, only Hawaii County has an agricultural tourism ordinance. Farmers in the counties of Kauai, Honolulu, and Maui do not have the same opportunity.

Act 329, Session Laws of Hawaii 2012, amended the agricultural tourism statute by adding overnight accommodations of twenty-one days or less as a permissible agricultural tourism activity, limits these activities to counties with an agricultural tourism ordinance, and requires the coexistence of a bona fide agricultural activity. While the Act added overnight accommodations to agricultural tourism activities, it does not improve the likelihood that more farmers conducting truly bona fide agricultural activities throughout the State will be able to take advantage of this opportunity.

This bill increases the duration of an overnight accommodation stay from twenty-one to less than thirty consecutive days and clearly defines bona fide farming operations

to better ensure that agricultural tourism activities are properly established and abuse is reduced, particularly when overnight accommodations are included.

Impact on the public: Would make it easier for truly bona fide farming operations to consider and undertake agricultural tourism activities, thereby increasing the agricultural-related income of those operations.

Impact on the department and other agencies: No State department or agency responsibilities are required, however AGR and Office of Planning should inquire with the counties on the status of their respective agricultural tourism permitting efforts and any issues they encounter.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM  
DESIGNATION: AGR 192.

OTHER AFFECTED  
AGENCIES: Land Use Commission, Office of Planning,  
counties.

EFFECTIVE DATE: July 1, 2014.