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## A BILL FOR AN ACT

RELATING TO OVERNIGHT ACCOMMODATIONS ON 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)(16), 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, photovoltaic, biogas, and other small-  
19 scale renewable energy systems producing energy solely  
20 for 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),



1 vehicle and equipment storage areas, and plantation  
2 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  
8 acre of land; provided that these facilities shall not  
9 be used as or equipped for use as living quarters or  
10 dwellings;  
11 (10) Agricultural parks;  
12 (11) Agricultural tourism conducted on a working farm, or a  
13 farming operation as defined in section 165-2, for the  
14 enjoyment, education, or involvement of visitors;  
15 provided that the agricultural tourism activity is  
16 accessory and secondary to the principal agricultural  
17 use and does not interfere with surrounding farm  
18 operations; and provided further that this paragraph  
19 shall apply only to a county that has adopted  
20 ordinances regulating agricultural tourism under  
21 section 205-5;



1           (12) Agricultural tourism activities, including overnight  
2 accommodations of twenty-one days or less, for any one  
3 stay within a county; provided that this paragraph  
4 shall apply only to a county that includes at least  
5 three islands and has adopted ordinances regulating  
6 agricultural tourism activities pursuant to section  
7 205-5; provided further that the agricultural tourism  
8 activities [~~coexist with~~] occur in the presence of a  
9 bona fide agricultural activity. For the purposes of  
10 this paragraph, "bona fide agricultural activity"  
11 means a farming operation as defined in section 165-2;

12           (13) Open area recreational facilities;

13       [+] (14) [+] Geothermal resources exploration and geothermal  
14 resources development, as defined under section 182-1;  
15 and

16       [+] (15) [+] Agricultural-based commercial operations, including:

17           (A) A roadside stand that is not an enclosed  
18 structure, owned and operated by a producer for  
19 the display and sale of agricultural products  
20 grown in Hawaii and value-added products that  
21 were produced using agricultural products grown  
22 in Hawaii;



1 (B) Retail activities in an enclosed structure owned  
2 and operated by a producer for the display and  
3 sale of agricultural products grown in Hawaii,  
4 value-added products that were produced using  
5 agricultural products grown in Hawaii, logo items  
6 related to the producer's agricultural  
7 operations, and other food items; and

8 (C) A retail food establishment owned and operated by  
9 a producer and permitted under [+]title 11, [+]  
10 chapter 12 of the rules of the department of  
11 health that prepares and serves food at retail  
12 using products grown in Hawaii and value-added  
13 products that were produced using agricultural  
14 products grown in Hawaii.

15 The owner of an agricultural-based commercial  
16 operation shall certify, upon request of an officer or  
17 agent charged with enforcement of this chapter under  
18 section 205-12, that the agricultural products  
19 displayed or sold by the operation meet the  
20 requirements of this paragraph.

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



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

4 SECTION 2. Statutory material to be repealed is bracketed  
5 and stricken. New statutory material is underscored.

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

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INTRODUCED BY: *Janice W. [Signature]*  
JAN 24 2013



**Report Title:**

Agricultural Lands; Overnight Accommodations

**Description:**

Clarifies that agricultural tourism activities must occur in the presence of a bona fide agricultural activity.

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

