



EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

July 10, 2017

GOV. MSG. NO. 1230

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Twenty-Ninth State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,
Speaker and Members of the
House of Representatives
Twenty-Ninth State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on July 10, 2017, the following bill was signed into law:

HB1475 HD2 SD2 CD1

RELATING TO AGRICULTURAL LANDS
ACT 129 (17)

Sincerely,

A handwritten signature in black ink that reads "David Y. Ige".

DAVID Y. IGE
Governor, State of Hawai'i

A BILL FOR AN ACT

RELATING TO AGRICULTURAL LANDS.

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

1 SECTION 1. The legislature finds that it is difficult for
 2 farmers in Hawaii to be economically sustainable for a number of
 3 reasons, including the limited availability of reliable markets
 4 and food hubs, which are facilities used to secure food and
 5 process value-added products. Allowing farmers' markets and
 6 food hubs to be operated on agricultural lands will help ensure
 7 public access to locally grown food and value-added products.

8 Farmers require convenient processing facilities to bottle
 9 and jar fresh jellies, curries, pickled products, and other
 10 prepared foods. Having a facility on a farm close to where food
 11 is grown increases productivity and provides an abundance of
 12 food for local and export markets. Allowing farmers' markets
 13 and food hubs on agricultural land also offers customers
 14 community-supported agriculture pickup locations, outlets for
 15 produce from school gardens, and venues with access to
 16 restrooms. Residents and tourists will also be able to enjoy



1 the agrarian lands, attend farm classes, visit demonstration
2 gardens, and see where and how their food is grown.

3 The legislature further finds that allowing farmers'
4 markets and food hubs on agricultural land will lower costs for
5 and increase revenue to farmers in the State and help farmers
6 become or remain economically sustainable.

7 The purpose of this Act is to permit farmers' markets and
8 food hubs on agricultural lands.

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

11 "(d) Agricultural districts shall include:

12 (1) Activities or uses as characterized by the cultivation
13 of crops, crops for bioenergy, orchards, forage, and
14 forestry;

15 (2) Farming activities or uses related to animal husbandry
16 and game and fish propagation;

17 (3) Aquaculture, which means the production of aquatic
18 plant and animal life within ponds and other bodies of
19 water;

20 (4) [~~Wind-generated~~] Wind-generated energy production for
21 public, private, and commercial use;



- 1 (5) Biofuel production, as described in section
- 2 205-4.5(a)(16), for public, private, and commercial
- 3 use;
- 4 (6) Solar energy facilities; provided that:
- 5 (A) This paragraph shall apply only to land with soil
- 6 classified by the land study bureau's detailed
- 7 land classification as overall (master)
- 8 productivity rating class B, C, D, or E; and
- 9 (B) Solar energy facilities placed within land with
- 10 soil classified as overall productivity rating
- 11 class B or C shall not occupy more than ten per
- 12 cent of the acreage of the parcel, or twenty
- 13 acres of land, whichever is lesser, unless a
- 14 special use permit is granted pursuant to section
- 15 205-6;
- 16 (7) Bona fide agricultural services and uses that support
- 17 the agricultural activities of the fee or leasehold
- 18 owner of the property and accessory to any of the
- 19 above activities, regardless of whether conducted on
- 20 the same premises as the agricultural activities to
- 21 which they are accessory, including farm dwellings as



1 defined in section 205-4.5(a)(4), employee housing,
2 farm buildings, mills, storage facilities, processing
3 facilities, photovoltaic, biogas, and other small-
4 scale renewable energy systems producing energy solely
5 for use in the agricultural activities of the fee or
6 leasehold owner of the property, agricultural-energy
7 facilities as defined in section 205-4.5(a)(17),
8 vehicle and equipment storage areas, and plantation
9 community subdivisions as defined in section
10 205-4.5(a)(12);
11 (8) Wind machines and wind farms;
12 (9) Small-scale meteorological, air quality, noise, and
13 other scientific and environmental data collection and
14 monitoring facilities occupying less than one-half
15 acre of land; provided that these facilities shall not
16 be used as or equipped for use as living quarters or
17 dwellings;
18 (10) Agricultural parks;
19 (11) Agricultural tourism conducted on a working farm, or a
20 farming operation as defined in section 165-2, for the
21 enjoyment, education, or involvement of visitors;



1 provided that the agricultural tourism activity is
2 accessory and secondary to the principal agricultural
3 use and does not interfere with surrounding farm
4 operations; and provided further that this paragraph
5 shall apply only to a county that has adopted
6 ordinances regulating agricultural tourism under
7 section 205-5;

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) Open area recreational facilities;

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



1 (15) Agricultural-based commercial operations [7] registered
2 in Hawaii, including:

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

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

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



1 were produced using agricultural products grown
2 in Hawaii[-]i;

3 (D) A farmers' market, which is an outdoor market
4 limited to producers selling agricultural
5 products grown in Hawaii and value-added products
6 that were produced using agricultural products
7 grown in Hawaii; and

8 (E) A food hub, which is a facility that may contain
9 a commercial kitchen and provides for the
10 storage, processing, distribution, and sale of
11 agricultural products grown in Hawaii and value-
12 added products that were produced using
13 agricultural products grown in Hawaii.

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

20 (16) Hydroelectric facilities as described in section
21 205-4.5(a)(23).

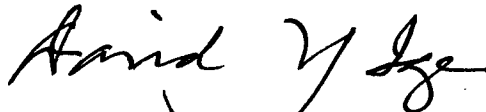


1 Agricultural districts shall not include golf courses and golf
2 driving ranges, except as provided in section 205-4.5(d).
3 Agricultural districts include areas that are not used for, or
4 that are not suited to, agricultural and ancillary activities by
5 reason of topography, soils, and other related characteristics."

6 SECTION 3. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 4. This Act shall take effect upon its approval.

APPROVED this 10 day of JUL , 2017



GOVERNOR OF THE STATE OF HAWAII



HB No. 1475, HD 2, SD 2, CD 1

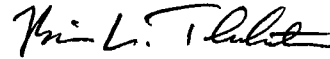
THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 2, 2017
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Twenty-Ninth Legislature of the State of Hawaii, Regular Session of 2017.



Joseph M. Souki
Speaker
House of Representatives





Brian L. Takeshita
Chief Clerk
House of Representatives

THE SENATE OF THE STATE OF HAWAII

Date: May 2, 2017
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the
Senate of the Twenty-ninth Legislature of the State of Hawaii, Regular Session of 2017.


President of the Senate


Clerk of the Senate