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



1 demonstration gardens, and see where and how their food is
2 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:

8 (1) Permit farmers' markets and food hubs on agricultural
9 lands; and

10 (2) Require that value-added products displayed and sold
11 by agricultural-based commercial operations in
12 agricultural districts contain at least fifty percent
13 Hawaii grown content.

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

16 "(d) Agricultural districts shall include:

17 (1) Activities or uses as characterized by the cultivation
18 of crops, crops for bioenergy, orchards, forage, and
19 forestry;

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



- 1 (3) Aquaculture, which means the production of aquatic
- 2 plant and animal life within ponds and other bodies of
- 3 water;
- 4 (4) [~~Wind-generated~~] Wind-generated energy production for
- 5 public, private, and commercial use;
- 6 (5) Biofuel production, as described in section
- 7 205-4.5(a)(16), for public, private, and commercial
- 8 use;
- 9 (6) Solar energy facilities; provided that:
- 10 (A) This paragraph shall apply only to land with soil
- 11 classified by the land study bureau's detailed
- 12 land classification as overall (master)
- 13 productivity rating class B, C, D, or E; and
- 14 (B) Solar energy facilities placed within land with
- 15 soil classified as overall productivity rating
- 16 class B or C shall not occupy more than ten per
- 17 cent of the acreage of the parcel, or twenty
- 18 acres of land, whichever is lesser, unless a
- 19 special use permit is granted pursuant to section
- 20 205-6;



- 1 (7) Bona fide agricultural services and uses that support
2 the agricultural activities of the fee or leasehold
3 owner of the property and accessory to any of the
4 above activities, regardless of whether conducted on
5 the same premises as the agricultural activities to
6 which they are accessory, including farm dwellings as
7 defined in section 205-4.5(a)(4), employee housing,
8 farm buildings, mills, storage facilities, processing
9 facilities, photovoltaic, biogas, and other small-
10 scale renewable energy systems producing energy solely
11 for use in the agricultural activities of the fee or
12 leasehold owner of the property, agricultural-energy
13 facilities as defined in section 205-4.5(a)(17),
14 vehicle and equipment storage areas, and plantation
15 community subdivisions as defined in section
16 205-4.5(a)(12);
- 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;
14 (12) Agricultural tourism activities, including overnight
15 accommodations of twenty-one days or less, for any one
16 stay within a county; provided that this paragraph
17 shall apply only to a county that includes at least
18 three islands and has adopted ordinances regulating
19 agricultural tourism activities pursuant to section
20 205-5; provided further that the agricultural tourism
21 activities coexist with a bona fide agricultural



1 activity. For the purposes of this paragraph, "bona
2 fide agricultural activity" means a farming operation
3 as defined in section 165-2;

4 (13) Open area recreational facilities;

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

7 (15) Agricultural-based commercial operations [7]
8 headquartered and registered in Hawaii, including:

9 (A) A roadside stand that is not an enclosed
10 structure, owned and operated by a producer for
11 the display and sale of agricultural products
12 grown in Hawaii and value-added products [~~that~~
13 ~~were produced using agricultural products grown~~
14 ~~in Hawaii;~~] containing at least fifty per cent
15 Hawaii grown content;

16 (B) Retail activities in an enclosed structure owned
17 and operated by a producer for the display and
18 sale of agricultural products grown in Hawaii,
19 value-added products [~~that were produced using~~
20 ~~agricultural products grown in Hawaii;~~]
21 containing at least fifty per cent Hawaii grown



1 content, logo items related to the producer's
2 agricultural operations, and other food items;
3 [and]

4 (C) A retail food establishment owned and operated by
5 a producer and permitted under title 11, chapter
6 12 of the rules of the department of health that
7 prepares and serves food at retail using products
8 grown in Hawaii and value-added products [~~that~~
9 ~~were produced using agricultural products grown~~
10 ~~in Hawaii.~~] containing at least fifty per cent
11 Hawaii grown content;

12 (D) A farmers' market, which is an outdoor market
13 limited to farmers selling agricultural products
14 grown in Hawaii and value-added products
15 containing at least fifty per cent Hawaii grown
16 content; and

17 (E) A food hub, which is a facility, which may
18 contain a commercial kitchen, that provides for
19 the storage, processing, distribution, and sale
20 of agricultural products grown in Hawaii.



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

7 (16) Hydroelectric facilities as described in section
8 205-4.5(a)(23).

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 3. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

16 SECTION 4. This Act shall take effect on July 1, 2017.



Report Title:

Agricultural Lands; Commercial Operations; Farmers' Markets;
Food Hubs

Description:

Permits farmers' markets and food hubs on lands in an agricultural district. Requires that value-added products displayed and sold by agricultural-based commercial operations in agricultural districts contain at least fifty percent Hawaii grown content. (SD1)

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

