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# A BILL FOR AN ACT

RELATING TO AGRICULTURAL LAND.

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

1           SECTION 1. The legislature finds that there is no better  
2 place in the world to camp than Hawaii. Camping is available on  
3 state land on every island in some of the most scenic locations.  
4 However, public campsites apply many restrictions, including  
5 prohibitions on dogs in campsites. Additionally, the demand for  
6 prime campsite locations often outweighs the supply. Providing  
7 for private campgrounds on private lands will increase the  
8 available supply and the available options for campers.

9           Some of the most challenging and memorable hikes in the  
10 State take several hours to complete and many hikers would like  
11 the option of camping near trailheads. State lands for  
12 campsites may not be available in these locations and the  
13 development of national parks by the federal government is not a  
14 reliable option. Campgrounds on private lands could fill this  
15 need.

16           The legislature finds that allowing camping on private  
17 agricultural lands with appropriate soil classification will



1 benefit the State by providing more opportunities for recreation  
2 and making it possible for campground managers to allow hikers  
3 and campers the option to bring their pets with them. Further,  
4 campgrounds can serve as an important revenue stream for owners  
5 of undeveloped agricultural land.

6 The purpose of this Act is to permit private campgrounds on  
7 certain agricultural lands.

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

10 "(d) Agricultural districts shall include:

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

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

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

19 (4) Wind generated energy production for public, private,  
20 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[+] including, on  
20 private property only, overnight campgrounds;



- 1       (14)    Geothermal resources exploration and geothermal
- 2               resources development, as defined under section 182-1;
- 3       (15)    Agricultural-based commercial operations, including:
- 4               (A)    A roadside stand that is not an enclosed
- 5                       structure, owned and operated by a producer for
- 6                       the display and sale of agricultural products
- 7                       grown in Hawaii and value-added products that
- 8                       were produced using agricultural products grown
- 9                       in Hawaii;
- 10              (B)    Retail activities in an enclosed structure owned
- 11                     and operated by a producer for the display and
- 12                     sale of agricultural products grown in Hawaii,
- 13                     value-added products that were produced using
- 14                     agricultural products grown in Hawaii, logo items
- 15                     related to the producer's agricultural
- 16                     operations, and other food items; and
- 17              (C)    A retail food establishment owned and operated by
- 18                     a producer and permitted under title 11, chapter
- 19                     12 of the rules of the department of health that
- 20                     prepares and serves food at retail using products
- 21                     grown in Hawaii and value-added products that



1                   were 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; and

9                   (16) Hydroelectric facilities as described in section  
10                   205-4.5(a)(23).

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

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

16                   SECTION 2. Each county may adopt interim rules or  
17                   ordinances to regulate overnight camping, to remain in effect  
18                   until the county has adopted or amended applicable county codes  
19                   to conform to this Act.

20                   SECTION 3. Statutory material to be repealed is bracketed  
21                   and stricken. New statutory material is underscored.



1 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY: Richard Cray

*Richard Cray*

JAN 25 2017





# H.B. NO. 1477

**Report Title:**

Overnight Campgrounds; Agricultural Districts

**Description:**

Permits private overnight campgrounds on land with an overall soil productivity rating of C, D, E, or U within agricultural districts.

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

