
A BILL FOR AN ACT

RELATING TO AGRICULTURE.

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

1 SECTION 1. The legislature finds that there is a need for
2 more tourist accommodations, such as agricultural lodges, on
3 lands within the agricultural districts on the island of Hawaii.

4 While agricultural tourism is focused on visitor-related
5 commercial activities or periodic special events designed to
6 promote agricultural activities conducted on working farms,
7 ranches, or produce processing facilities, small scale
8 agricultural lodges will provide an attractive visitor
9 alternative to the existing hotels and resorts particularly on
10 the island of Hawaii, which is the State's agricultural
11 breadbasket. Agricultural lands are far from dense urban areas
12 and allow visitors to enjoy the rural environment with less
13 traffic and light pollution. If food services are provided at
14 an agricultural lodge, the surrounding agricultural lands can be
15 used to grow crops and raise livestock to make locally produced
16 food available to the guests. Further, agricultural lodges will



1 provide employment opportunities for residents in the
2 surrounding areas.

3 The purpose of this Act is to permit agricultural lodges in
4 agricultural districts on lands with soil classified as C, D, E,
5 or U in a county with a population between one hundred and
6 seventy thousand and five hundred thousand.

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

9 "(d) Agricultural districts shall include:

- 10 (1) Activities or uses as characterized by the cultivation
11 of crops, crops for bioenergy, orchards, forage, and
12 forestry;
- 13 (2) Farming activities or uses related to animal husbandry
14 and game and fish propagation;
- 15 (3) Aquaculture, which means the production of aquatic
16 plant and animal life within ponds and other bodies of
17 water;
- 18 (4) Wind-generated energy production for public, private,
19 and commercial use;



(5) Biofuel production, as described in section 205-4.5(a)(16), for public, private, and commercial use;

(6) Solar energy facilities; provided that:

(A) This paragraph shall apply only to land with soil classified by the land study bureau's detailed land classification as overall (master) productivity rating class B, C, D, or E; and

(B) Solar energy facilities placed within land with soil classified as overall productivity rating class B or C shall not occupy more than ten per cent of the acreage of the parcel, or twenty acres of land, whichever is lesser, unless a special use permit is granted pursuant to section 205-6;

(7) Bona fide agricultural services and uses that support the agricultural activities of the fee or leasehold owner of the property and accessory to any of the above activities, regardless of whether conducted on the same premises as the agricultural activities to 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;



(15) Agricultural-based commercial operations registered in Hawaii, including:

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

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

(C) A retail food establishment owned and operated by a producer and permitted under chapter 11-50, Hawaii administrative rules, that prepares and serves food at retail using products grown in Hawaii and value-added products that were



1 produced using agricultural products grown in
2 Hawaii;

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) ~~[-]~~; and



(17) Agricultural lodges, as described in section 205-4.5(c)(2); provided that this paragraph shall apply only to a county with a population between one hundred seventy thousand and five hundred thousand.

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

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

SECTION 3. Section 205-4.5, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

"(c) Within the agricultural district, all lands with soil classified by the land study bureau's detailed land classification as overall (master) productivity rating class C, D, E, or U shall be restricted to ~~the~~:

(1) The uses permitted for agricultural districts as set forth in section 205-5(b) [-]; and

(2) Agricultural lodges consisting of a building or group of buildings under single management with transient lodging accommodations that do not include individual kitchen facilities; provided that:



1 (A) This paragraph shall apply only to counties with
2 a population between one hundred seventy thousand
3 and five hundred thousand;

4 (B) An agricultural lodge shall not require a special
5 permit pursuant to section 205-6;

6 (C) An agricultural lodge may grow produce or raise
7 livestock on the property to be served to guests
8 and employees as part of the lodge
9 accommodations; and

10 (D) An agricultural lodge on a property that is three
11 acres or less shall include no more than five
12 guest rooms and an agricultural lodge on a
13 property that is more than three acres shall
14 include no more than ten guest rooms."

15 SECTION 4. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

17 SECTION 5. This Act shall take effect upon its approval;
18 provided that the amendments made to section 205-4.5, Hawaii
19 Revised Statutes, in section 3 of this Act shall not be repealed
20 when section 205-4.5, Hawaii Revised Statutes, is repealed and



1 reenacted on June 30, 2019, pursuant to Act 52, Session Laws of
2 Hawaii 2014.

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H.B. NO. 2661

Report Title:

Agricultural Lodges; Agricultural Lands; County Population
Restrictions

Description:

Permits agricultural lodges on agricultural land with a soil rating of C, D, E, or U in a county with a population of more than 170,000 and less than 500,000 and limits the number of guest rooms, depending on the acreage of the lodge.

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