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## A BILL FOR AN ACT

RELATING TO LAND USE.

**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, unless a  
10 special use permit is granted pursuant to section  
11 205-6;
- 12 (7) Bona fide agricultural services and uses that support  
13 the agricultural activities of the fee or leasehold  
14 owner of the property and accessory to any of the  
15 above activities, regardless of whether conducted on  
16 the same premises as the agricultural activities to  
17 which they are accessory, including farm dwellings as  
18 defined in section 205-4.5(a)(4), employee housing,  
19 farm buildings, mills, storage facilities, processing  
20 facilities, photovoltaic, biogas, and other small-  
21 scale renewable energy systems producing energy solely



1 for use in the agricultural activities of the fee or  
2 leasehold owner of the property, agricultural-energy  
3 facilities as defined in section 205-4.5(a)(17),  
4 vehicle and equipment storage areas, and plantation  
5 community subdivisions as defined in section  
6 205-4.5(a)(12);

7 (8) Wind machines and wind farms;

8 (9) Small-scale meteorological, air quality, noise, and  
9 other scientific and environmental data collection and  
10 monitoring facilities occupying less than one-half  
11 acre of land; provided that these facilities shall not  
12 be used as or equipped for use as living quarters or  
13 dwellings;

14 (10) Agricultural parks;

15 (11) Agricultural tourism conducted on a working farm, or a  
16 farming operation as defined in section 165-2, for the  
17 enjoyment, education, or involvement of visitors;  
18 provided that the agricultural tourism activity is  
19 accessory and secondary to the principal agricultural  
20 use and does not interfere with surrounding farm  
21 operations; and provided further that this paragraph



- 1 shall apply only to a county that has adopted  
2 ordinances regulating agricultural tourism under  
3 section 205-5;
- 4 (12) Agricultural tourism activities, including overnight  
5 accommodations of twenty-one days or less, for any one  
6 stay within a county; provided that this paragraph  
7 shall apply only to a county [~~that includes at least~~  
8 ~~three islands~~] with a population between one hundred  
9 fifty thousand and five hundred thousand and has  
10 adopted ordinances regulating agricultural tourism  
11 activities pursuant to section 205-5; provided further  
12 that the agricultural tourism activities coexist with  
13 a bona fide agricultural activity. For the purposes  
14 of this paragraph, "bona fide agricultural activity"  
15 means a farming operation as defined in section 165-2;
- 16 (13) Open area recreational facilities;
- 17 (14) Geothermal resources exploration and geothermal  
18 resources development, as defined under section 182-1;
- 19 (15) Agricultural-based commercial operations registered in  
20 Hawaii, including:



- 1           (A) A roadside stand that is not an enclosed  
2           structure, owned and operated by a producer for  
3           the display and sale of agricultural products  
4           grown in Hawaii and value-added products that  
5           were produced using agricultural products grown  
6           in Hawaii;
- 7           (B) Retail activities in an enclosed structure owned  
8           and operated by a producer for the display and  
9           sale of agricultural products grown in Hawaii,  
10          value-added products that were produced using  
11          agricultural products grown in Hawaii, logo items  
12          related to the producer's agricultural  
13          operations, and other food items;
- 14          (C) A retail food establishment owned and operated by  
15          a producer and permitted under chapter 11-50,  
16          Hawaii administrative rules, that prepares and  
17          serves food at retail using products grown in  
18          Hawaii and value-added products that were  
19          produced using agricultural products grown in  
20          Hawaii;



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

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

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

18 (16) Hydroelectric facilities as described in section  
19 205-4.5(a)(23).

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



# H.B. NO. 642

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."

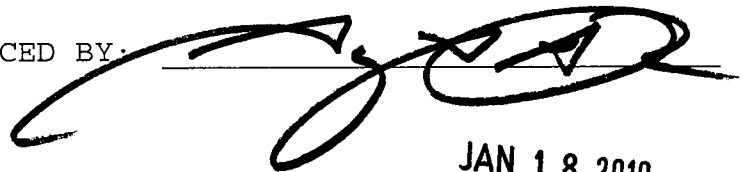
4 SECTION 2. This Act does not affect rights and duties that  
5 matured, penalties that were incurred, and proceedings that were  
6 begun before its effective date.

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

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

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INTRODUCED BY:

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JAN 18 2019



# H.B. NO. 642

**Report Title:**

Districting and Classification of Lands; Land Use; Short-Term  
Vacation Rentals; Counties

**Description:**

Allows agricultural tourism activities including short-term  
vacation rentals in counties with a population between 150,000  
and 500,000.

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

