

JAN 18 2019

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:



S.B. NO. 480

- 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



S.B. NO. 480

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).



S.B. NO. 480

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."

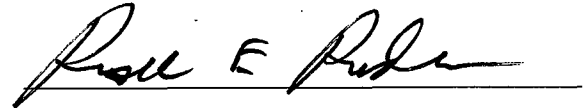
4 SECTION 2. This Act does not affect rights and duties that
5 matured, penalties that were incurred, and proceedings that were
6 begun before its effective date.

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.

10

INTRODUCED BY:





S.B. NO. 480

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.

