
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 sustainable
2 community educational programs and environmental and
3 agricultural related activities are vital to enhancing Hawaii's
4 communities and economies. For example, eco-tourism and
5 agricultural tourism positively impact the State both fiscally
6 and socially by expanding environmental awareness and
7 productivity. Existing educational retreats within Hawaii have
8 demonstrated the ability to provide cultural, wellness, and
9 sustainable living experiences in the spirit of aloha and ohana,
10 and retreat programs can provide for an area's needs for
11 agricultural food production, education, employment, energy,
12 recreation, services, and safety in a manner that has minimal
13 impact on the local environment and surrounding neighborhoods.

14 The legislature also finds that educational retreats and
15 agricultural tourism opportunities may be appropriate in rural
16 areas on lands with limited agricultural potential, which could
17 help to vitalize and augment sustainable living practices,



1 assist agricultural production, and provide economic as well as
2 educational benefits to local residents.

3 The legislature further finds that educational retreat
4 operations can supplement the need for essential services in
5 remote areas where the services may be lacking and also serve as
6 a stimulus for economic stability and reducing unemployment.
7 Educational retreats and agricultural tourism provide jobs and
8 income for the community and serve as an important learning
9 experience for many people who do not have a connection to
10 agriculture. Educational retreats and agricultural tourism also
11 support the Hawaii 2050 sustainability goals established
12 pursuant to Act 8, Special Session Laws of Hawaii 2005.

13 The legislature finds that there are educational retreat
14 and agricultural tourism opportunities in areas such as the Puna
15 district on the island of Hawaii, upcountry Maui, and north and
16 west Kauai. Increased economic activity in those areas will
17 also benefit neighboring communities. Although educational
18 retreat activities and agricultural tourism can be a profitable
19 marketing tool for the agricultural and tourism industries, the
20 legislature recognizes that each county may have differing
21 priorities regarding land use, particularly regarding
22 permissible uses on agricultural lands.



1 The purpose of this Act is to allow agricultural tourism,
2 including accommodations, and educational retreats in
3 agricultural districts within any county in this State. It is
4 the legislature's intent to encourage the counties to support
5 educational retreats that conduct certain environmental,
6 agricultural, and cultural activities on, or uses of, land in
7 agricultural districts, and to establish a process by which the
8 respective county planning commissions may grant special permits
9 for educational retreat activities on lands within the
10 agricultural district.

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

13 "(d) Agricultural districts shall include:

- 14 (1) Activities or uses as characterized by the cultivation
15 of crops, crops for bioenergy, orchards, forage, and
16 forestry;
- 17 (2) Farming activities or uses related to animal husbandry
18 and game and fish propagation;
- 19 (3) Aquaculture, which means the production of aquatic
20 plant and animal life within ponds and other bodies of
21 water;



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



1 farm buildings, mills, storage facilities, processing
2 facilities, photovoltaic, biogas, and other small-
3 scale renewable energy systems producing energy solely
4 for use in the agricultural activities of the fee or
5 leasehold owner of the property, agricultural-energy
6 facilities as defined in section [~~205-4.5(a)(17)~~],
7 205-4.5(a)(18), vehicle and equipment storage areas,
8 and plantation community subdivisions as defined in
9 section 205-4.5(a)(12);

10 (8) Wind machines and wind farms;

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

17 (10) Agricultural parks;

18 (11) Agricultural tourism conducted on a working farm, or a
19 farming operation as defined in section 165-2, for the
20 enjoyment, education, or involvement of visitors;
21 provided that the agricultural tourism activity is
22 accessory and secondary to the principal agricultural



1 use and does not interfere with surrounding farm
 2 operations; and provided further that this paragraph
 3 shall apply only to a county that has adopted
 4 ordinances regulating agricultural tourism under
 5 section 205-5;

6 (12) Agricultural tourism activities, including overnight
 7 accommodations of twenty-one days or less, for any one
 8 stay within a county; provided that this paragraph
 9 shall apply only to a county that [~~includes at least~~
 10 ~~three islands and~~] has adopted ordinances regulating
 11 agricultural tourism activities pursuant to section
 12 205-5; provided further that the agricultural tourism
 13 activities coexist with a bona fide agricultural
 14 activity. For the purposes of this paragraph, "bona
 15 fide agricultural activity" means a farming operation
 16 as defined in section 165-2;

17 (13) Educational retreat activities that:

18 (A) Provide learning and educational curricula or
 19 programs relating to agricultural, cultural,
 20 wellness, or sustainable environmental practices;
 21 and



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1 (B) Are conducted in conjunction with bona fide
2 agricultural activities, including overnight
3 accommodations for students, staff, and faculty
4 of a durational period as needed to complete
5 courses or terms of service;

6 provided that a special permit for the operation of
7 the educational retreat activity is obtained pursuant
8 to section 205-6.

9 For the purposes of this paragraph:

10 "Bona fide agricultural activity" means a farming
11 operation as defined in section 165-2.

12 "Educational retreat" means a remote rural farm
13 campus that provides instructional programs such as
14 nature, culture, wellness, and sustainable living
15 experiences in the spirit of ohana and aloha to
16 resident students, staff, faculty, and local
17 communities; and provides curricula and facilities
18 supportive of agricultural food production,
19 sustainable living practices, and sustainable human
20 ecology;

21 ~~(13)~~ (14) Open area recreational facilities;



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1 ~~[(14)]~~ (15) Geothermal resources exploration and geothermal
2 resources development, as defined under section 182-1;
3 and

4 ~~[(15)]~~ (16) Agricultural-based commercial operations,
5 including:

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

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

19 (C) A retail food establishment owned and operated by
20 a producer and permitted under ~~[(15)]~~ title 11, ~~[(15)]~~
21 chapter 12 of the rules of the department of
22 health that prepares and serves food at retail



1 using products grown in Hawaii and value-added
2 products that were produced using agricultural
3 products grown in Hawaii.

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

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

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

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

17 "(a) Within the agricultural district, all lands with soil
18 classified by the land study bureau's detailed land
19 classification as overall (master) productivity rating class A
20 or B shall be restricted to the following permitted uses:



- 1 (1) Cultivation of crops, including crops for bioenergy,
2 flowers, vegetables, foliage, fruits, forage, and
3 timber;
- 4 (2) Game and fish propagation;
- 5 (3) Raising of livestock, including poultry, bees, fish,
6 or other animal or aquatic life that are propagated
7 for economic or personal use;
- 8 (4) Farm dwellings, employee housing, farm buildings, or
9 activities or uses related to farming and animal
10 husbandry. "Farm dwelling", as used in this
11 paragraph, means a single-family dwelling located on
12 and used in connection with a farm, including clusters
13 of single-family farm dwellings permitted within
14 agricultural parks developed by the State, or where
15 agricultural activity provides income to the family
16 occupying the dwelling;
- 17 (5) Public institutions and buildings that are necessary
18 for agricultural practices;
- 19 (6) Public and private open area types of recreational
20 uses, including day camps, picnic grounds, parks, and
21 riding stables, but not including dragstrips,



- 1 airports, drive-in theaters, golf courses, golf
2 driving ranges, country clubs, and overnight camps;
- 3 (7) Public, private, and quasi-public utility lines and
4 roadways, transformer stations, communications
5 equipment buildings, solid waste transfer stations,
6 major water storage tanks, and appurtenant small
7 buildings such as booster pumping stations, but not
8 including offices or yards for equipment, material,
9 vehicle storage, repair or maintenance, treatment
10 plants, corporation yards, or other similar
11 structures;
- 12 (8) Retention, restoration, rehabilitation, or improvement
13 of buildings or sites of historic or scenic interest;
- 14 (9) Agricultural-based commercial operations as described
15 in section [‡]205-2(d)(15) [‡];
- 16 (10) Buildings and uses, including mills, storage, and
17 processing facilities, maintenance facilities,
18 photovoltaic, biogas, and other small-scale renewable
19 energy systems producing energy solely for use in the
20 agricultural activities of the fee or leasehold owner
21 of the property, and vehicle and equipment storage
22 areas that are normally considered directly accessory



1 to the above-mentioned uses and are permitted under
2 section 205-2(d);

3 (11) Agricultural parks;

4 (12) Plantation community subdivisions, which as used in
5 this chapter means an established subdivision or
6 cluster of employee housing, community buildings, and
7 agricultural support buildings on land currently or
8 formerly owned, leased, or operated by a sugar or
9 pineapple plantation; provided that the existing
10 structures may be used or rehabilitated for use, and
11 new employee housing and agricultural support
12 buildings may be allowed on land within the
13 subdivision as follows:

14 (A) The employee housing is occupied by employees or
15 former employees of the plantation who have a
16 property interest in the land;

17 (B) The employee housing units not owned by their
18 occupants shall be rented or leased at affordable
19 rates for agricultural workers; or

20 (C) The agricultural support buildings shall be
21 rented or leased to agricultural business
22 operators or agricultural support services;



- 1 (13) Agricultural tourism conducted on a working farm, or a
2 farming operation as defined in section 165-2, for the
3 enjoyment, education, or involvement of visitors;
4 provided that the agricultural tourism activity is
5 accessory and secondary to the principal agricultural
6 use and does not interfere with surrounding farm
7 operations; and provided further that this paragraph
8 shall apply only to a county that has adopted
9 ordinances regulating agricultural tourism under
10 section 205-5;
- 11 (14) Agricultural tourism activities, including overnight
12 accommodations of twenty-one days or less, for any one
13 stay within a county; provided that this paragraph
14 shall apply only to a county that [~~includes at least~~
15 ~~three islands and~~] has adopted ordinances regulating
16 agricultural tourism activities pursuant to section
17 205-5; provided further that the agricultural tourism
18 activities coexist with a bona fide agricultural
19 activity. For the purposes of this paragraph, "bona
20 fide agricultural activity" means a farming operation
21 as defined in section 165-2;
- 22 (15) Educational retreat activities that:



1 (A) Provide learning and educational curricula or
2 programs relating to agricultural, cultural,
3 wellness, or sustainable environmental practices;
4 and

5 (B) Are conducted in conjunction with bona fide
6 agricultural activities, including overnight
7 accommodations for students, staff, and faculty
8 of a durational period as needed to complete
9 courses or terms of service;

10 provided that a special permit for the operation of
11 the educational retreat activity is obtained pursuant
12 to section 205-6.

13 For the purposes of this paragraph:

14 "Bona fide agricultural activity" means a farming
15 operation as defined in section 165-2.

16 "Educational retreat" means a remote rural farm
17 campus that provides instructional programs such as
18 nature, culture, wellness, and sustainable living
19 experiences in the spirit of ohana and aloha to
20 resident students, staff, faculty, and local
21 communities; and provides curricula and facilities
22 supportive of agricultural food production,



1 sustainable living practices, and sustainable human
2 ecology;

3 [~~15~~] (16) Wind energy facilities, including the
4 appurtenances associated with the production and
5 transmission of wind generated energy; provided that
6 the wind energy facilities and appurtenances are
7 compatible with agriculture uses and cause minimal
8 adverse impact on agricultural land;

9 [~~16~~] (17) Biofuel processing facilities, including the
10 appurtenances associated with the production and
11 refining of biofuels that is normally considered
12 directly accessory and secondary to the growing of the
13 energy feedstock; provided that biofuel processing
14 facilities and appurtenances do not adversely impact
15 agricultural land and other agricultural uses in the
16 vicinity.

17 For the purposes of this paragraph:

18 "Appurtenances" means operational infrastructure
19 of the appropriate type and scale for economic
20 commercial storage and distribution, and other similar
21 handling of feedstock, fuels, and other products of
22 biofuel processing facilities.



1 "Biofuel processing facility" means a facility
2 that produces liquid or gaseous fuels from organic
3 sources such as biomass crops, agricultural residues,
4 and oil crops, including palm, canola, soybean, and
5 waste cooking oils; grease; food wastes; and animal
6 residues and wastes that can be used to generate
7 energy;

8 [~~(17)~~] (18) Agricultural-energy facilities, including
9 appurtenances necessary for an agricultural-energy
10 enterprise; provided that the primary activity of the
11 agricultural-energy enterprise is agricultural
12 activity. To be considered the primary activity of an
13 agricultural-energy enterprise, the total acreage
14 devoted to agricultural activity shall be not less
15 than ninety per cent of the total acreage of the
16 agricultural-energy enterprise. The agricultural-
17 energy facility shall be limited to lands owned,
18 leased, licensed, or operated by the entity conducting
19 the agricultural activity.

20 As used in this paragraph:

21 "Agricultural activity" means any activity
22 described in paragraphs (1) to (3) of this subsection.



1 "Agricultural-energy enterprise" means an
2 enterprise that integrally incorporates an
3 agricultural activity with an agricultural-energy
4 facility.

5 "Agricultural-energy facility" means a facility
6 that generates, stores, or distributes renewable
7 energy as defined in section 269-91 or renewable fuel
8 including electrical or thermal energy or liquid or
9 gaseous fuels from products of agricultural activities
10 from agricultural lands located in the State.

11 "Appurtenances" means operational infrastructure
12 of the appropriate type and scale for the economic
13 commercial generation, storage, distribution, and
14 other similar handling of energy, including equipment,
15 feedstock, fuels, and other products of agricultural-
16 energy facilities;

17 [~~18~~] (19) Construction and operation of wireless
18 communication antennas; provided that, for the
19 purposes of this paragraph, "wireless communication
20 antenna" means communications equipment that is either
21 freestanding or placed upon or attached to an already
22 existing structure and that transmits and receives



1 electromagnetic radio signals used in the provision of
2 all types of wireless communications services;
3 provided further that nothing in this paragraph shall
4 be construed to permit the construction of any new
5 structure that is not deemed a permitted use under
6 this subsection;

7 [~~19~~] (20) Agricultural education programs conducted on a
8 farming operation as defined in section 165-2, for the
9 education and participation of the general public;
10 provided that the agricultural education programs are
11 accessory and secondary to the principal agricultural
12 use of the parcels or lots on which the agricultural
13 education programs are to occur and do not interfere
14 with surrounding farm operations. For the purposes of
15 this section, "agricultural education programs" means
16 activities or events designed to promote knowledge and
17 understanding of agricultural activities and practices
18 conducted on a farming operation as defined in section
19 165-2;

20 [~~20~~] (21) Solar energy facilities that do not occupy more
21 than ten per cent of the acreage of the parcel, or
22 twenty acres of land, whichever is lesser; provided



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1 that this use shall not be permitted on lands with
2 soil classified by the land study bureau's detailed
3 land classification as overall (master) productivity
4 rating class A; or

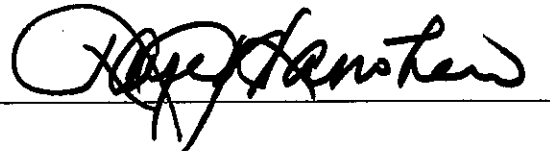
5 ~~[(21)]~~ (22) Geothermal resources exploration and geothermal
6 resources development, as defined under section
7 182-1."

8 SECTION 4. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

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

11

INTRODUCED BY:



JAN 17 2014



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Report Title:

Agricultural Land Use; Agricultural Tourism; Educational Retreat

Description:

Deletes the limitation of agricultural tourism as a permissible use of agricultural land to only counties with not less than 3 islands. Establishes educational retreats as a permissible use 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.

