
A BILL FOR AN ACT

RELATING TO AGRICULTURAL TOURISM.

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

1 SECTION 1. The legislature finds that small scale farming
2 is a historic and vital piece of Hawaii's identity. However,
3 small farming operations in Hawaii struggle to make ends meet
4 due to rising costs of operation, burdensome regulations, and
5 external factors outside of the operation's control. One
6 struggle that many small farms in Hawaii face is the development
7 of agricultural-based commerce operations, the approval of which
8 is associated with various cumbersome county ordinances.

9 The legislature also finds that bona fide small farming
10 operations should be able to generate additional revenue from
11 commercial activities that are secondary to agricultural
12 production without burdensome regulation. Allowing small
13 farming operations to conduct agricultural tourism without
14 concern of cumbersome ordinances will provide these operations a
15 stronger chance to flourish in the demanding farming industry.

16 The purpose of this Act is to allow agricultural tourism on
17 agricultural land without undue county restrictions.



1 SECTION 2. 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:

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



- 1 (B) Solar energy facilities placed within land with
2 soil classified as overall productivity rating
3 class B or C shall not occupy more than ten per
4 cent of the acreage of the parcel, or twenty
5 acres of land, whichever is lesser, unless a
6 special use permit is granted pursuant to section
7 205-6;
- 8 (7) Bona fide agricultural services and uses that support
9 the agricultural activities of the fee or leasehold
10 owner of the property and accessory to any of the
11 above activities, regardless of whether conducted on
12 the same premises as the agricultural activities to
13 which they are accessory, including farm dwellings as
14 defined in section 205-4.5(a)(4), employee housing,
15 farm buildings, mills, storage facilities, processing
16 facilities, photovoltaic, biogas, and other small-
17 scale renewable energy systems producing energy solely
18 for use in the agricultural activities of the fee or
19 leasehold owner of the property, agricultural-energy
20 facilities as defined in section 205-4.5(a)(17),
21 hydroelectric facilities in accordance with section



- 1 205-4.5(a)(23), vehicle and equipment storage areas,
2 and plantation community subdivisions as defined in
3 section 205-4.5(a)(12);
- 4 (8) Wind machines and wind farms;
- 5 (9) Small-scale meteorological, air quality, noise, and
6 other scientific and environmental data collection and
7 monitoring facilities occupying less than one-half
8 acre of land; provided that these facilities shall not
9 be used as or equipped for use as living quarters or
10 dwellings;
- 11 (10) Agricultural parks;
- 12 (11) Agricultural tourism conducted on a working farm, or a
13 farming operation as defined in section 165-2, for the
14 enjoyment, education, or involvement of visitors;
15 provided that the agricultural tourism activity is
16 accessory and secondary to the principal agricultural
17 use and does not interfere with surrounding farm
18 operations; ~~[and provided further that this paragraph~~
19 ~~shall apply only to a county that has adopted~~
20 ~~ordinances regulating agricultural tourism under~~
21 ~~section 205-5;]~~



- 1 (12) Agricultural tourism activities, including overnight
2 accommodations of twenty-one days or less, for any one
3 stay within a county; provided that this paragraph
4 shall apply only to a county that includes at least
5 three islands and has adopted ordinances regulating
6 agricultural tourism activities pursuant to section
7 205-5; provided further that the agricultural tourism
8 activities coexist with a bona fide agricultural
9 activity. For the purposes of this paragraph, "bona
10 fide agricultural activity" means a farming operation
11 as defined in section 165-2;
- 12 (13) Open area recreational facilities;
- 13 (14) Geothermal resources exploration and geothermal
14 resources development, as defined under section 182-1;
15 and
- 16 (15) Agricultural-based commercial operations, including:
17 (A) A roadside stand that is not an enclosed
18 structure, owned and operated by a producer for
19 the display and sale of agricultural products
20 grown in Hawaii and value-added products that



1 were produced using agricultural products grown
2 in Hawaii;

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

10 (C) A retail food establishment owned and operated by
11 a producer and permitted under title 11, chapter
12 12 of the rules of the department of health that
13 prepares and serves food at retail using products
14 grown in Hawaii and value-added products that
15 were produced using agricultural products grown
16 in Hawaii.

17 The owner of an agricultural-based commercial
18 operation shall certify, upon request of an officer or
19 agent charged with enforcement of this chapter under
20 section 205-12, that the agricultural products



1 displayed or sold by the operation meet the
 2 requirements of this paragraph.
 3 Agricultural districts shall not include golf courses and golf
 4 driving ranges, except as provided in section 205-4.5(d).
 5 Agricultural districts include areas that are not used for, or
 6 that are not suited to, agricultural and ancillary activities by
 7 reason of topography, soils, and other related characteristics."

8 SECTION 3. Statutory material to be repealed is bracketed
 9 and stricken.

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

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INTRODUCED BY:

J. M. M...

Stan J. ...

[Signature]

[Signature]

John M. ...

Tom Brown

Beth ...



H.B. NO. 2601

Report Title:

Agricultural Districts; Tourism; County Regulation

Description:

Repeals provision requiring counties to adopt ordinances regulating agricultural tourism as a precondition for allowing agricultural tourism activities in an agricultural district.

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