
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 a lack of affordable
2 housing for farm workers has made it difficult for working farms
3 to attract and retain employees and to operate farms in an
4 economical manner. The production of locally grown crops is
5 important to the economy, food security, and health of the State
6 and its population. Authorizing the construction and use of
7 "tiny homes" as affordable housing for farm workers will
8 encourage healthy and productive farming. "Tiny homes" are
9 small dwelling units of less than five hundred square feet,
10 built on the ground or on a mobile trailer base, that can be
11 constructed faster and at a more affordable cost than
12 traditional homes.

13 Accordingly, the purpose of this Act is to authorize the
14 construction of tiny homes within agricultural districts, on
15 farms that are currently engaged in agricultural production, in
16 a county with a population of more than one hundred eighty
17 thousand but less than two hundred fifty thousand.



1 SECTION 2. Section 205-4.5, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) Within the agricultural district, all lands with soil
4 classified by the land study bureau's detailed land
5 classification as overall (master) productivity rating class A
6 or B and for solar energy facilities, class B or C, shall be
7 restricted to the following permitted uses:

- 8 (1) Cultivation of crops, including crops for bioenergy,
9 flowers, vegetables, foliage, fruits, forage, and
10 timber;
- 11 (2) Game and fish propagation;
- 12 (3) Raising of livestock, including poultry, bees, fish,
13 or other animal or aquatic life that are propagated
14 for economic or personal use;
- 15 (4) Farm dwellings, employee housing, farm buildings, or
16 activities or uses related to farming and animal
17 husbandry. "Farm dwelling", as used in this
18 paragraph, means a single-family dwelling located on
19 and used in connection with a farm, including:
- 20 (A) ~~[clusters]~~ Clusters of single-family farm
21 dwellings permitted within agricultural parks



1 developed by the State, or where agricultural
2 activity provides income to the family occupying
3 the dwelling; and

4 (B) Tiny homes, in a county with a population of more
5 than one hundred eighty thousand but less than
6 two hundred fifty thousand; provided that tiny
7 homes shall be occupied only by farm workers or
8 their immediate family members on farms that have
9 obtained a business license and are currently
10 engaged in agricultural production. "Tiny home",
11 as used in this paragraph, means a dwelling that
12 is either stationary or mobile and includes less
13 than five hundred square feet of living space;

14 (5) Public institutions and buildings that are necessary
15 for agricultural practices;

16 (6) Public and private open area types of recreational
17 uses, including day camps, picnic grounds, parks, and
18 riding stables, but not including dragstrips,
19 airports, drive-in theaters, golf courses, golf
20 driving ranges, country clubs, and overnight camps;



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



1 (C) The agricultural support buildings shall be
2 rented or leased to agricultural business
3 operators or agricultural support services;

4 (13) Agricultural tourism conducted on a working farm, or a
5 farming operation as defined in section 165-2, for the
6 enjoyment, education, or involvement of visitors;
7 provided that the agricultural tourism activity is
8 accessory and secondary to the principal agricultural
9 use and does not interfere with surrounding farm
10 operations; and provided further that this paragraph
11 shall apply only to a county that has adopted
12 ordinances regulating agricultural tourism under
13 section 205-5;

14 (14) Agricultural tourism activities, including overnight
15 accommodations of twenty-one days or less, for any one
16 stay within a county; provided that this paragraph
17 shall apply only to a county that includes at least
18 three islands and has adopted ordinances regulating
19 agricultural tourism activities pursuant to section
20 205-5; provided further that the agricultural tourism
21 activities coexist with a bona fide agricultural



1 activity. For the purposes of this paragraph, "bona
2 fide agricultural activity" means a farming operation
3 as defined in section 165-2;

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

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

18 For the purposes of this paragraph:

19 "Appurtenances" means operational infrastructure
20 of the appropriate type and scale for economic
21 commercial storage and distribution, and other similar



1 handling of feedstock, fuels, and other products of
2 biofuel processing facilities.

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

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



1 As used in this paragraph:

2 "Agricultural activity" means any activity
3 described in paragraphs (1) to (3) [~~of this~~
4 subsection].

5 "Agricultural-energy enterprise" means an
6 enterprise that integrally incorporates an
7 agricultural activity with an agricultural-energy
8 facility.

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

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



1 (18) Construction and operation of wireless communication
2 antennas; provided that, for the purposes of this
3 paragraph, "wireless communication antenna" means
4 communications equipment that is either freestanding
5 or placed upon or attached to an already existing
6 structure and that transmits and receives
7 electromagnetic radio signals used in the provision of
8 all types of wireless communications services;
9 provided further that nothing in this paragraph shall
10 be construed to permit the construction of any new
11 structure that is not deemed a permitted use under
12 this subsection;

13 (19) Agricultural education programs conducted on a farming
14 operation as defined in section 165-2, for the
15 education and participation of the general public;
16 provided that the agricultural education programs are
17 accessory and secondary to the principal agricultural
18 use of the parcels or lots on which the agricultural
19 education programs are to occur and do not interfere
20 with surrounding farm operations. For the purposes of
21 this paragraph, "agricultural education programs"



1 means activities or events designed to promote
2 knowledge and understanding of agricultural activities
3 and practices conducted on a farming operation as
4 defined in section 165-2;

5 (20) Solar energy facilities that do not occupy more than
6 ten per cent of the acreage of the parcel, or twenty
7 acres of land, whichever is lesser or for which a
8 special use permit is granted pursuant to section 205-
9 6; provided that this use shall not be permitted on
10 lands with soil classified by the land study bureau's
11 detailed land classification as overall (master)
12 productivity rating class A unless the solar energy
13 facilities are:

14 (A) Located on a paved or unpaved road in existence
15 as of December 31, 2013, and the parcel of land
16 upon which the paved or unpaved road is located
17 has a valid county agriculture tax dedication
18 status or a valid agricultural conservation
19 easement;

20 (B) Placed in a manner that still allows vehicular
21 traffic to use the road; and



1 (C) Granted a special use permit by the commission
2 pursuant to section 205-6;
3 (21) Solar energy facilities on lands with soil classified
4 by the land study bureau's detailed land
5 classification as overall (master) productivity rating
6 B or C for which a special use permit is granted
7 pursuant to section 205-6; provided that:
8 (A) The area occupied by the solar energy facilities
9 is also made available for compatible
10 agricultural activities at a lease rate that is
11 at least fifty per cent below the fair market
12 rent for comparable properties;
13 (B) Proof of financial security to decommission the
14 facility is provided to the satisfaction of the
15 appropriate county planning commission prior to
16 date of commencement of commercial generation;
17 and
18 (C) Solar energy facilities shall be decommissioned
19 at the owner's expense according to the following
20 requirements:



1 (i) Removal of all equipment related to the
2 solar energy facility within twelve months
3 of the conclusion of operation or useful
4 life; and

5 (ii) Restoration of the disturbed earth to
6 substantially the same physical condition as
7 existed prior to the development of the
8 solar energy facility.

9 For the purposes of this paragraph, "agricultural
10 activities" means the activities described in
11 paragraphs (1) to (3);

12 (22) Geothermal resources exploration and geothermal
13 resources development, as defined under section 182-1;
14 or

15 (23) Hydroelectric facilities, including the appurtenances
16 associated with the production and transmission of
17 hydroelectric energy, subject to section 205-2;
18 provided that the hydroelectric facilities and their
19 appurtenances:



- 1 (A) Shall consist of a small hydropower facility as
2 defined by the United States Department of
3 Energy, including:
- 4 (i) Impoundment facilities using a dam to store
5 water in a reservoir;
 - 6 (ii) A diversion or run-of-river facility that
7 channels a portion of a river through a
8 canal or channel; and
 - 9 (iii) Pumped storage facilities that store energy
10 by pumping water uphill to a reservoir at
11 higher elevation from a reservoir at a lower
12 elevation to be released to turn a turbine
13 to generate electricity;
- 14 (B) Comply with the state water code, chapter 174C;
- 15 (C) Shall, if over five hundred kilowatts in
16 hydroelectric generating capacity, have the
17 approval of the commission on water resource
18 management, including a new instream flow
19 standard established for any new hydroelectric
20 facility; and



1 (D) Do not impact or impede the use of agricultural
2 land or the availability of surface or ground
3 water for all uses on all parcels that are served
4 by the ground water sources or streams for which
5 hydroelectric facilities are considered."

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

8 SECTION 4. This Act shall take effect on May 22, 2050;
9 provided that the amendments made to section 205-4.5(a), Hawaii
10 Revised Statutes, by section 2 of this Act shall not be repealed
11 when that section is reenacted on June 30, 2019, pursuant to
12 section 3(1) of Act 52, Session Laws of Hawaii 2014.



Report Title:

Agriculture; Housing; Farm Workers; Tiny Homes; Agricultural Districts

Description:

Authorizes tiny homes of less than 500 square feet for farm workers in agricultural districts in a county with a population of more than 180,000 but less than 250,000. Takes effect on 5/22/2050. (SD1)

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

