

JAN 24 2007

A BILL FOR AN ACT

RELATING TO AGRICULTURAL DISTRICTS.

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, orchards, forage, and forestry;
- 6 (2) Farming activities or uses related to animal
7 husbandry, and game and fish propagation;
- 8 (3) Aquaculture, which means the production of aquatic
9 plant and animal life within ponds and other bodies of
10 water;
- 11 (4) Wind generated energy production for public, private,
12 and commercial use;
- 13 (5) Biofuel production as defined in section
14 205-4.5(a)(15) for public, private, and commercial
15 use;
- 16 ~~(5)~~ (6) Bona fide agricultural services and uses that
17 support the agricultural activities of the fee or



1 leasehold owner of the property and accessory to any
2 of the above activities, whether or not conducted on
3 the same premises as the agricultural activities to
4 which they are accessory, including but not limited to
5 farm dwellings as defined in section 205-4.5(a)(4),
6 employee housing, farm buildings, mills, storage
7 facilities, processing facilities, vehicle and
8 equipment storage areas, roadside stands for the sale
9 of products grown on the premises, and plantation
10 community subdivisions as defined in section
11 205-4.5(a)(12);

12 [~~6~~] (7) Wind machines and wind farms;

13 [~~7~~] (8) Small-scale meteorological, air quality, noise,
14 and other scientific and environmental data collection
15 and monitoring facilities occupying less than one-half
16 acre of land; provided that these facilities shall not
17 be used as or equipped for use as living quarters or
18 dwellings;

19 [~~8~~] (9) Agricultural parks;

20 [~~9~~] (10) Agricultural tourism conducted on a working farm,
21 or a farming operation as defined in section 165-2,
22 for the enjoyment, education, or involvement of



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

8 [~~(10)~~] (11) Open area recreational facilities.

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

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

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

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

- 20 (1) Cultivation of crops, including but not limited to
21 flowers, vegetables, foliage, fruits, forage, and
22 timber;



- 1 (2) Game and fish propagation;
- 2 (3) Raising of livestock, including but not limited to
- 3 poultry, bees, fish, or other animal or aquatic life
- 4 that are propagated for economic or personal use;
- 5 (4) Farm dwellings, employee housing, farm buildings, or
- 6 activities or uses related to farming and animal
- 7 husbandry. "Farm dwelling", as used in this
- 8 paragraph, means a single-family dwelling located on
- 9 and used in connection with a farm, including clusters
- 10 of single-family farm dwellings permitted within
- 11 agricultural parks developed by the State, or where
- 12 agricultural activity provides income to the family
- 13 occupying the dwelling;
- 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;
- 21 (7) Public, private, and quasi-public utility lines and
- 22 roadways, transformer stations, communications



1 equipment buildings, solid waste transfer stations,
2 major water storage tanks, and appurtenant small
3 buildings such as booster pumping stations, but not
4 including offices or yards for equipment, material,
5 vehicle storage, repair or maintenance, treatment
6 plants, corporation yards, or other similar
7 structures;

8 (8) Retention, restoration, rehabilitation, or improvement
9 of buildings or sites of historic or scenic interest;

10 (9) Roadside stands for the sale of agricultural products
11 grown on the premises;

12 (10) Buildings and uses, including but not limited to
13 mills, storage, and processing facilities, maintenance
14 facilities, and vehicle and equipment storage areas
15 that are normally considered directly accessory to the
16 above mentioned uses and are permitted under section
17 205-2(d);

18 (11) Agricultural parks;

19 (12) Plantation community subdivisions, which as used in
20 this paragraph means a subdivision or cluster of
21 employee housing, community buildings, and acreage
22 established on land currently or formerly owned,



1 leased, or operated by a sugar or pineapple plantation
2 and in residential use by employees or former
3 employees of the plantation; provided that the
4 employees or former employees shall have a property
5 interest in the land;

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

16 [†] (14) [†] Wind energy facilities, including the appurtenances
17 associated with the production and transmission of
18 wind generated energy; provided that [~~such~~] the wind
19 energy facilities and appurtenances are compatible
20 with agriculture uses and cause minimal adverse impact
21 on agricultural land[-]; or



Report Title:

Agricultural Districts; Permissible Uses; Biofuel Facilities

Description:

Makes biofuel processing facilities a permissible use in a designated agricultural district.

