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# A BILL FOR AN ACT

RELATING TO AGRICULTURAL LANDS.

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

1           SECTION 1. The legislature finds that it is difficult for  
2 farmers in Hawaii to be economically sustainable for a number of  
3 reasons, including the limited availability of reliable markets  
4 and food hubs, which are facilities used to secure food and  
5 process value-added products. Allowing farmers' markets and  
6 food hubs to be operated on agricultural lands will help ensure  
7 public access to locally grown food and value-added products.

8           Farmers require convenient processing facilities to bottle  
9 and jar fresh jellies, curries, pickled products, and other  
10 prepared foods. Having a facility on a farm close to where food  
11 is grown increases productivity and provides an abundance of  
12 food for local and export markets. Allowing farmers' markets  
13 and food hubs on agricultural land also offers customers  
14 community-supported agriculture pickup locations, outlets for  
15 produce from school gardens, and venues with access to  
16 restrooms. Residents and tourists will also be able to enjoy



1 the agrarian lands, attend farm classes, visit demonstration  
2 gardens, and see where and how their food is grown.

3 The legislature further finds that allowing farmers'  
4 markets and food hubs on agricultural land will lower costs for  
5 and increase revenue to farmers in the State and help farmers  
6 become or remain economically sustainable.

7 The purpose of this Act is to permit farmers' markets and  
8 food hubs on agricultural lands.

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

11 "(d) Agricultural districts shall include:

12 (1) Activities or uses as characterized by the cultivation  
13 of crops, crops for bioenergy, orchards, forage, and  
14 forestry;

15 (2) Farming activities or uses related to animal husbandry  
16 and game and fish propagation;

17 (3) Aquaculture, which means the production of aquatic  
18 plant and animal life within ponds and other bodies of  
19 water;

20 (4) [~~Wind-generated~~] Wind-generated energy production for  
21 public, private, and commercial use;



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



1 defined in section 205-4.5(a)(4), employee housing,  
2 farm buildings, mills, storage facilities, processing  
3 facilities, photovoltaic, biogas, and other small-  
4 scale renewable energy systems producing energy solely  
5 for use in the agricultural activities of the fee or  
6 leasehold owner of the property, agricultural-energy  
7 facilities as defined in section 205-4.5(a)(17),  
8 vehicle and equipment storage areas, and plantation  
9 community subdivisions as defined in section  
10 205-4.5(a)(12);

11 (8) Wind machines and wind farms;

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

18 (10) Agricultural parks;

19 (11) Agricultural tourism conducted on a working farm, or a  
20 farming operation as defined in section 165-2, for the  
21 enjoyment, education, or involvement of visitors;



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

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

19 (13) Open area recreational facilities;

20 (14) Geothermal resources exploration and geothermal  
21 resources development, as defined under section 182-1;



- 1           (15)   Agricultural-based commercial operations [7] registered  
2                   in Hawaii, including:  
3           (A)   A roadside stand that is not an enclosed  
4                   structure, owned and operated by a producer for  
5                   the display and sale of agricultural products  
6                   grown in Hawaii and value-added products that  
7                   were produced using agricultural products grown  
8                   in Hawaii;  
9           (B)   Retail activities in an enclosed structure owned  
10                   and operated by a producer for the display and  
11                   sale of agricultural products grown in Hawaii,  
12                   value-added products that were produced using  
13                   agricultural products grown in Hawaii, logo items  
14                   related to the producer's agricultural  
15                   operations, and other food items; [and]  
16           (C)   A retail food establishment owned and operated by  
17                   a producer and permitted under title 11, chapter  
18                   12 of the rules of the department of health that  
19                   prepares and serves food at retail using products  
20                   grown in Hawaii and value-added products that



1                    were produced using agricultural products grown  
2                    in Hawaii[-];

3                    (D) A farmers' market, which is an outdoor market  
4                    limited to producers selling agricultural  
5                    products grown in Hawaii and value-added products  
6                    that were produced using agricultural products  
7                    grown in Hawaii; and

8                    (E) A food hub, which is a facility that may contain  
9                    a commercial kitchen and provides for the  
10                    storage, processing, distribution, and sale of  
11                    agricultural products grown in Hawaii and value-  
12                    added products that were produced using  
13                    agricultural products grown in Hawaii.

14                    The owner of an agricultural-based commercial  
15                    operation shall certify, upon request of an officer or  
16                    agent charged with enforcement of this chapter under  
17                    section 205-12, that the agricultural products  
18                    displayed or sold by the operation meet the  
19                    requirements of this paragraph; and

20                    (16) Hydroelectric facilities as described in section  
21                    205-4.5 (a) (23) .



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

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 upon its approval.



**Report Title:**

Agricultural Lands; Farmers' Markets; Food Hubs

**Description:**

Permits farmers' markets and food hubs on lands in agricultural districts. Effective upon its approval. (HB1475 CD1)

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

