
A BILL FOR AN ACT

RELATING TO AGRICULTURAL TOURISM.

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

1 SECTION 1. Section 205-5, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:
3 "(b) Within agricultural districts, uses compatible to the
4 activities described in section 205-2 as determined by the
5 commission shall be permitted; provided that accessory
6 agricultural uses and services described in sections 205-2 and
7 205-4.5 may be further defined by each county by zoning
8 ordinance. Each county shall adopt ordinances setting forth
9 procedures and requirements, including provisions for
10 enforcement, penalties, and administrative oversight, for the
11 review and permitting of agricultural tourism uses and
12 activities as an accessory use on a working farm, or farming
13 operation as defined in section 165-2; provided that
14 agricultural tourism activities shall not be permissible in the
15 absence of a bona fide farming operation. Ordinances shall
16 include but not be limited to:

17 (1) Requirements for access to a farm, including road
18 width, road surface, and parking;



- 1 (2) Requirements and restrictions for accessory facilities
- 2 connected with the farming operation, including gift
- 3 shops [~~and~~], restaurants [~~provided that overnight~~
- 4 ~~accommodations shall not be permitted;~~], and overnight
- 5 accommodations;
- 6 (3) Activities that may be offered by the farming
- 7 operation for visitors;
- 8 (4) Days and hours of operation; and
- 9 (5) Automatic termination of the accessory use upon the
- 10 cessation of the farming operation.

11 Each county may require an environmental assessment under
12 chapter 343 as a condition to any agricultural tourism use and
13 activity. Other uses may be allowed by special permits issued
14 pursuant to this chapter. The minimum lot size in agricultural
15 districts shall be determined by each county by zoning
16 ordinance, subdivision ordinance, or other lawful means;
17 provided that the minimum lot size for any agricultural use
18 shall not be less than one acre, except as provided herein. If
19 the county finds that unreasonable economic hardship to the
20 owner or lessee of land cannot otherwise be prevented or where
21 land utilization is improved, the county may allow lot sizes of
22 less than the minimum lot size as specified by law for lots



H.B. NO. 2317

1 created by a consolidation of existing lots within an
 2 agricultural district and the resubdivision thereof; provided
 3 that the consolidation and resubdivision do not result in an
 4 increase in the number of lots over the number existing prior to
 5 consolidation; and provided further that in no event shall a lot
 6 which is equal to or exceeds the minimum lot size of one acre be
 7 less than that minimum after the consolidation and resubdivision
 8 action. The county may also allow lot sizes of less than the
 9 minimum lot size as specified by law for lots created or used
 10 for plantation community subdivisions as defined in section 205-
 11 4.5(a)(12), for public, private, and quasi-public utility
 12 purposes, and for lots resulting from the subdivision of
 13 abandoned roadways and railroad easements."

14 SECTION 2. Statutory material to be repealed is bracketed
 15 and stricken. New statutory material is underscored.

16 SECTION 3. This Act shall take effect upon its approval.
 17

INTRODUCED BY:

[Handwritten signature]
[Handwritten signature]
[Handwritten signature]
[Handwritten signature]
[Handwritten signature]
 D.C. *[Handwritten signature]*
[Handwritten signature]

H.B. NO. 2317

Report Title:

County Zoning; Agricultural Tourism; Overnight Accommodations

Description:

Repeals the prohibition against overnight accommodations as part of agricultural tourism activities of a farming operation, and expressly allows counties to authorize these uses by ordinance.

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

