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# 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



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 on July 1, 2112;  
17 provided that on June 30, 2117, this Act shall be repealed and  
18 section 205-5(b), Hawaii Revised Statutes, shall be reenacted in  
19 the form in which it read on the day prior to the effective date  
20 of this Act.



**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. Effective July 1, 2112. (HB2317 HD1)

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

