
A BILL FOR AN ACT

RELATING TO LAND USE.

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. Ordinances shall include
14 but not be limited to:

15 (1) Requirements for access to a farm, including road
16 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;
- 4 (3) Activities that may be offered by the farming
5 operation for visitors;
- 6 (4) Days and hours of operation; [~~and~~]
- 7 (5) Automatic termination of the accessory use upon the
8 cessation of the farming operation[~~-~~]; and
- 9 (6) Automatic approval of applications for permits for
10 overnight accommodations under section 205-2(d)(12) or
11 205-4.5(a)(14) if the application is not acted upon or
12 denied with cause within ninety days of the
13 application; provided that the:
- 14 (A) Accommodations are in a geographically isolated
15 area on agricultural land used for pastoral or
16 ranching purposes; or
- 17 (B) Applicant dedicates not less than per cent
18 of the applicant's cultivated land to the growing
19 of native Hawaiian herbs;
- 20 provided that if a county fails to adopt an ordinance
21 to implement this paragraph by January 1, 2014,
22 written notice to the appropriate county agency by an



1 applicant seeking to provide overnight accommodations
2 pursuant to this paragraph shall constitute sufficient
3 authority to provide overnight accommodations until
4 the county adopts such an ordinance.

5 Each county may require an environmental assessment under
6 chapter 343 as a condition to any agricultural tourism use and
7 activity. Other uses may be allowed by special permits issued
8 pursuant to this chapter. The minimum lot size in agricultural
9 districts shall be determined by each county by zoning
10 ordinance, subdivision ordinance, or other lawful means;
11 provided that the minimum lot size for any agricultural use
12 shall not be less than one acre, except as provided herein. If
13 the county finds that unreasonable economic hardship to the
14 owner or lessee of land cannot otherwise be prevented or where
15 land utilization is improved, the county may allow lot sizes of
16 less than the minimum lot size as specified by law for lots
17 created by a consolidation of existing lots within an
18 agricultural district and the resubdivision thereof; provided
19 that the consolidation and resubdivision do not result in an
20 increase in the number of lots over the number existing prior to
21 consolidation; and provided further that in no event shall a lot
22 which is equal to or exceeds the minimum lot size of one acre be



1 less than that minimum after the consolidation and resubdivision
2 action. The county may also allow lot sizes of less than the
3 minimum lot size as specified by law for lots created or used
4 for plantation community subdivisions as defined in section
5 205-4.5(a)(12), for public, private, and quasi-public utility
6 purposes, and for lots resulting from the subdivision of
7 abandoned roadways and railroad easements."

8 SECTION 2. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 3. This Act shall take effect upon its approval.

11

INTRODUCED BY:

Mele Carrace
(By Request)

JAN 24 2013



H.B. NO. 1333

Report Title:

Agriculture; Tourism; Accommodations; Automatic Approval

Description:

Requires automatic approval of certain applications for overnight accommodations within agricultural districts if the application is not acted upon or denied within ninety days.

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