

JAN 15 2025

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 and
6 secondary agricultural uses and services described in sections
7 205-2 and 205-4.5 may be further defined by each county by
8 zoning ordinance. Each county shall adopt ordinances setting
9 forth 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 and secondary use on a working farm,
13 or farming operation as defined in section 165-2. Ordinances
14 shall include 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 and
2 secondary facilities connected with the farming
3 operation, including gift 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 and secondary
8 use upon the cessation of the farming operation[~~-~~];
- 9 (6) Requirements that the principal agricultural use on a
10 working farm, or farming operation as defined in
11 section 165-2, shall have been in existence prior to
12 the issuance of any land use permit or building permit
13 for any accessory and secondary use;
- 14 (7) Requirements that agricultural tourism shall include
15 only those activities that are allowed under existing
16 zoning and land use regulations; and
- 17 (8) Requirements that agricultural tourism shall only be
18 allowed on land on which productive agricultural use
19 is occurring. As used in this paragraph, "productive
20 agricultural use" means:



- 1 (A) At least _____ of the land is under active
2 agricultural cultivation;
- 3 (B) The working farm, or farming operation as defined
4 in section 165-2, generates at least
5 \$ _____ in annual revenue from active
6 agricultural cultivation; or
- 7 (C) The real property of the working farm, or farming
8 operation as defined in section 165-2, is taxed
9 as agricultural and is current on its real
10 property tax obligations.

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



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

15 SECTION 2. This Act does not affect rights and duties that
16 matured, penalties that were incurred, and proceedings that were
17 begun before its effective date.

18 SECTION 3. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

20 SECTION 4. This Act shall take effect upon its approval.

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S.B. NO. 231

INTRODUCED BY: Mike Hubbard



S.B. NO. 231

Report Title:

Agricultural Tourism; Accessory and Secondary Use; Restrictions;
Productive Agricultural Use

Description:

Requires the counties to adopt ordinances setting forth procedures and requirements for the review and permitting of agricultural tourism uses and activities as secondary uses, in addition to accessory uses, on a working farm or farming operation. Requires the counties' ordinances to include requirements that: the principal agricultural use on a working farm or farming operation preexists the issuance of any land use permit or building permit for any accessory and secondary use; agricultural tourism includes only those activities that are allowed under existing zoning and land use regulations; and agricultural tourism be allowed only on land on which productive agricultural use is occurring.

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

