

---

---

# HOUSE CONCURRENT RESOLUTION

REQUESTING THE DEPARTMENT OF AGRICULTURE TO CONVENE A WORKING  
GROUP TO REVIEW THE EFFECTIVENESS OF THE RELEVANT STATE  
LAWS GOVERNING AGRICULTURAL-BASED COMMERCIAL OPERATIONS.

1           WHEREAS, Act 113, Session Laws of Hawaii 2012 (Act 113),  
2 expanded the list of authorized activities in agricultural  
3 districts to include agricultural-based commercial operations,  
4 which allows for the display and sale of agricultural products  
5 grown in the State, value-added products that were produced  
6 using agricultural products grown in the State, food using  
7 products grown in the State or value-added products produced  
8 using agricultural products grown in the State, and logo items  
9 related to the producer's agricultural operations; and

10  
11           WHEREAS, the intent of Act 113 was to enable bona fide  
12 agricultural producers to remain profitable and continue to farm  
13 in the State by allowing producers to have additional income  
14 streams; and

15  
16           WHEREAS, pursuant to section 205-2(d)(15), Hawaii Revised  
17 Statutes, agricultural-based commercial operations include  
18 roadside stands, limited retail activities in an enclosed  
19 structure owned and operated by an agricultural producer,  
20 certain retail food establishments, farmers' markets, and food  
21 hubs; and

22  
23           WHEREAS, there is currently no requirement that an  
24 agricultural-based commercial operation display or sell a  
25 product produced on the subject property, only that they display  
26 or sell products grown somewhere in the State; and

27  
28           WHEREAS, this lack of nexus between the product sold by the  
29 agricultural-based commercial operation and the subject land  
30 allows for the abuse of the intent of Act 113, and may impede



1 enforcement of state laws regulating agricultural-based  
2 commercial operations; and

3  
4 WHEREAS, as an example of this type of abuse of existing  
5 laws, a conditional use permit, which is now involved in a  
6 contested case, was granted to a landowner of fallow  
7 agricultural land to open three businesses, one to sell coffee  
8 and tea, one to sell sandwiches and pizza, and one to sell  
9 distilled products; and

10  
11 WHEREAS, as an additional example of this type of abuse of  
12 existing laws, a conditional use permit, which is now involved  
13 in a contested case, to operate a zipline business was granted  
14 to a landowner in exchange for locating a few dozen sheep on a  
15 small portion of a large agricultural parcel; and

16  
17 WHEREAS, at the February 7, 2024, hearing by the House  
18 Standing Committee on Agriculture on House Bill No. 2737, the  
19 Department of Agriculture acknowledged that there is potential  
20 for abuse of the intent of the laws regulating agricultural-  
21 based commercial operations; and

22  
23 WHEREAS, representatives from the Department of Agriculture  
24 and relevant stakeholders have expressed an openness to  
25 participate in a review of the effectiveness and deficiencies of  
26 the laws regulating agricultural-based commercial operations;  
27 now, therefore,

28  
29 BE IT RESOLVED by the House of Representatives of the  
30 Thirty-second Legislature of the State of Hawaii, Regular  
31 Session of 2024, the Senate concurring, that the Department of  
32 Agriculture is requested to convene a working group to review  
33 the effectiveness of the relevant State laws governing  
34 agricultural-based commercial operations; and

35  
36 BE IT FURTHER RESOLVED that in convening the working group,  
37 the Department of Agriculture is requested to invite relevant  
38 stakeholders and agencies to participate in the working group,  
39 including but not limited to:

- 40  
41 (1) County planning and agricultural departments;  
42



# H.C.R. NO. 161

- 1           (2) The Land Use Commission;
- 2
- 3           (3) The Hawaii Farm Bureau;
- 4
- 5           (4) Hawaii Farmers United;
- 6
- 7           (5) Producers who operate agricultural-based commercial
- 8                   operations; and
- 9
- 10          (6) Representatives from relevant community advocates and
- 11                   organizations; and
- 12

13           BE IT FURTHER RESOLVED that the Department of Agriculture  
 14 is requested to submit a report of the working group's findings  
 15 and recommendations, including any proposed legislation, to the  
 16 Legislature no later than twenty days prior to the convening of  
 17 the Regular Session of 2025; and

18  
 19           BE IT FURTHER RESOLVED that certified copies of this  
 20 Concurrent Resolution be transmitted to the Governor;  
 21 Chairperson of the Board of Agriculture; Mayors of the Counties  
 22 of Maui, Kauai, and Hawaii; Mayor of the City and County of  
 23 Honolulu; and Chairpersons of the Hawaii County Council,  
 24 Honolulu City Council, Kauai County Council, and Maui County  
 25 Council.

26  
 27  
 28

OFFERED BY: \_\_\_\_\_



**MAR 08 2024**

