
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; and
- 14 (7) Requirements that agricultural tourism shall only be
15 allowed on land on which productive agricultural use
16 is occurring. As used in this paragraph, "productive
17 agricultural use" means the real property of the
18 working farm, or farming operation as defined in
19 section 165-2, is taxed as agricultural and is current
20 on its real property tax obligations.



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



1 by law for lots created or used for plantation community
2 subdivisions as defined in section 205-4.5(a)(12) [~~7~~]; for
3 public, private, and quasi-public utility purposes [~~7~~]; and for
4 lots resulting from the subdivision of abandoned roadways and
5 railroad easements."

6 SECTION 2. This Act does not affect rights and duties that
7 matured, penalties that were incurred, and proceedings that were
8 begun before its effective date.

9 SECTION 3. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 4. This Act shall take effect on July 1, 3000.



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 and agricultural tourism be allowed only on land on which productive agricultural use is occurring. Effective 7/1/3000.
(HD1)

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