

From: [Heather Korotie](#)
To: [Planning LPC Testimony](#)
Subject: Written Testimony- Concerns about Bill 147
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Chair, Vice Chair, and Members of the Commission,

My name is Heather Korotie. My husband and I have lived in South Kona for sixteen years, where we run a small farm. Thank you again for the opportunity to provide written testimony and for considering it carefully, because this is a very complicated topic and bill. I am providing additional testimony because both the bill and the underlying situation are difficult to understand. As written, I am very concerned that Bill 147 will cause unintentional yet devastating harm to hosted farm stays in the State Agricultural District.

At the last Commission meeting, it was suggested that the County is essentially powerless in the area of agritourism. I am not sure that is accurate. State law in HRS 205-5 makes clear that counties are not powerless when it comes to agricultural tourism. It expressly authorizes each county to define accessory agricultural uses and services by zoning ordinance within the Agricultural District, including agricultural tourism conducted on a working farm or farming operation, so long as those local definitions remain consistent with HRS 205-2 and 205-4.5. In other words, the Legislature has already invited counties like Hawai'i County to write careful, agriculture-first rules for ag-tourism and related accessory uses.

Under related provisions in HRS 205-4.5, the Legislature also authorized agricultural tourism activities that include overnight accommodations of twenty-one days or less for any one stay within a county, but only in counties that include at least three islands and have adopted ordinances regulating agricultural-tourism activities pursuant to HRS 205-5. In practice, a farmer in a multi-island county may lawfully offer short farm-stays to help support a bona fide working farm, while a farmer in a single-island county like Hawai'i County is barred from the same kind of overnight agritourism even if the use is genuinely agriculture-based. That distinction hinges on a county's island count rather than the quality of the agricultural operation, the legitimacy of the farm plan, or how accessory the overnight use truly is to production.

It seems to me that the Hawai'i Supreme Court's Rosehill decision fits within that framework, but it also shows the limits of current law. Rosehill affirmed that short-term vacation rentals in farm dwellings that are primarily transient tourist accommodations and untethered from agricultural purposes are incompatible with the Agricultural District and not allowed under Hawai'i law. The Court agreed that farm dwellings in the Agricultural District must be used in conjunction with, or as an accessory to, agricultural use, and that generic short-term vacation rentals do not satisfy that requirement.

At the same time, Rosehill did not squarely address a narrowly defined, hosted, owner-occupied farm-stay that is clearly accessory to and supportive of bona fide agriculture and regulated under HRS 205-5. That distinction matters. A carefully drawn ordinance can separate an agriculture-first hosted farm-stay from an unhosted short-term vacation rental by requiring that any overnight use remain subordinate to actual production, education, and ongoing farm operations.

This is where Hawai'i County should lead. Instead of stretching the transient-accommodations

code to normalize generic visitor use in the Agricultural District through a Special Permit, the County should use its HRS 205-5 authority to adopt a dedicated agricultural-tourism and hosted farm-stay ordinance in Chapter 25. That ordinance should define farm-stays as a narrow, hosted, accessory agricultural-tourism use on working farms, clearly distinct from unhosted short-term vacation rentals. It should require clear evidence of primary agricultural activity and income so lodging cannot become the main business, and it should require an approved farm plan demonstrating the agricultural character and operational goals.

It should also require that the majority of the land be dedicated to agriculture—such as eighty-five percent of the parcel committed to active agricultural use—so the visitor component cannot overtake the land’s principal purpose. It should require documentation of harvests and/or Schedule F income or similar proof of bona fide production so eligibility is based on actual agricultural performance rather than aspirational claims alone. There should be agricultural inspections to ensure on-going farming. It should limit rooms, nights, and overall intensity so overnight use remains subordinate to production and cannot displace or preclude farming. It should also tie any overnight use to enforceable farm-education or ag-experience components, with automatic termination of the accessory use if the farming operation ceases, as HRS 205-5 already contemplates for agricultural-tourism accessory uses.

Properly structured in this way, a hosted farm-stay framework would remain within the statutory lane for accessory agricultural-tourism uses, respect Rosehill’s prohibition on untethered short-term vacation rentals in farm dwellings, and give real farmers a lawful tool to keep agriculture viable on Hawai‘i Island. At the same time, the experience of Hawai‘i County underscores why the Legislature should revisit and modernize the three-islands limitation on overnight agritourism, so that responsible, agriculture-first farm-stays are not locked behind an arbitrary geographic line but can be carefully regulated wherever they genuinely support working farms.

Thank you again for considering this testimony and all of the testimony submitted. This is so important for resident farmers who require agritourism farm stays to stay afloat.

~Heather Korotie (The Mango Farm)