

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, January 29, 2011 3:04 PM
To: WLOtestimony
Cc: jfriedel@honolulu.gov
Subject: Testimony for HB107 on 1/31/2011 9:00:00 AM
Attachments: hb107-RoadsideSaleAg-ks.pdf

Testimony for WLO 1/31/2011 9:00:00 AM HB107

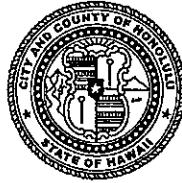
Conference room: 325
Testifier position: oppose
Testifier will be present: No
Submitted by: John M. Friedel
Organization: Department of Planning & Permitting
Address: 650 s. King Street Honolulu, Hawaii
Phone: (808)768-8110
E-mail: jfriedel@honolulu.gov
Submitted on: 1/29/2011

Comments:

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 7TH FLOOR - HONOLULU, HAWAII 96813
TELEPHONE: (808) 768-8000 • FAX: (808) 768-6041
DEPT. WEB SITE: www.honoluludpp.org • CITY WEB SITE: www.honolulu.gov

PETER B. CARLISLE
MAYOR



DAVID K. TANOUE
DIRECTOR
ROBERT M. SUMITOMO
DEPUTY DIRECTOR

January 31, 2011

The Honorable Jerry L. Chang, Chair
and Members of the Committee on Water
Land & Ocean Resources
House of Representatives
State Capitol
Honolulu, Hawaii 96813

Dear Chair Chang and Members:

**Subject: House Bill 107
Relating to Roadside Sale of Agricultural Products**

The Department of Planning and Permitting (DPP) **opposes** House Bill 107 which would broaden the concept of roadside stands as a permitted use the State Agricultural District. We are aware of the value of marketing agricultural commodities within an agricultural setting. However, we cannot support the approach reflected in House Bill 107 for the following reasons:

1. **Excessiveness.** The proposed revision provides no limit on the size of the "roadside stand". While a layman's perception of a "roadside stand" is a modest lean-to shed, limited to daytime operation, this bill puts no limit on the size of the stand. It could be a small shopping center, open 24-hours a day and still qualify. This is not the kind of uses which should be encouraged in a district trying to protect agricultural land from urbanization. As a permitted use, there would be no discretionary project review, and no public review.
2. **Enforceability.** The caveat that ten percent of the products must be grown on the premises will be extremely difficult, if not impossible to enforce. How is it expected to be enforced? Is an inspector to examine records to determine where each product was grown, and compare it with what is visible in the fields? If the city is expected to enforce this provision, then state funding is necessary; the city has no resources to enforce this proposal.
3. **Unnecessary.** We are not opposed to the concept of farmer's markets -- which is really what is being proposed -- to help the agricultural industry. However, Chapter 205-6, HRS, already provides for this under the special permit process. Under this discretionary review, the community has an opportunity to comment on each proposal. Agencies can review each proposal for traffic impacts, design, infrastructure concerns, and impacts to adjacent agricultural uses, and recommend refinements. This review process helps assure the use is appropriate and reasonable for the area in which it is sited.

The Honorable Jerry L. Chang, Chair
and Members of the Committee on Water
Land & Ocean Resources
House of Representatives
January 31, 2011
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In short, please defer House Bill 107. Thank you for the opportunity to testify.

Very truly yours,


for David K. Tanoue, Director
Department of Planning and Permitting

DKT
Hb107-RoadsideSaleAg-ks.doc

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, January 30, 2011 3:06 PM
To: WLOtestimony
Cc: warrenmcfb@hotmail.com
Subject: Testimony for HB107 on 1/31/2011 9:00:00 AM
Attachments: HB107 farmstand wlo mcfb.doc

Testimony for WLO 1/31/2011 9:00:00 AM HB107

Conference room: 325
Testifier position: support
Testifier will be present: No
Submitted by: Hawaii Farm Bureau Federation
Organization: Hawaii Farm Bureau Federation
Address:
Phone: 8082819718
E-mail: warrenmcfb@hotmail.com
Submitted on: 1/30/2011

Comments:
Support with amendments, thank you.



Committee on Water, Land and Ocean Resources
RE: HB 107 RELATING TO THE ROADSIDE SALE OF AGRICULTURAL PRODUCTS

January 29, 2011
9 am

Chair Chang and Members of the Committee:

Maui County Farm Bureau, on behalf of our commercial farm and ranch families and organizations on the island supports with comment HB 107, amending the requirements associated with farmstands, as defined in HRS 205-4.5.

Farmers and ranchers are finding the need to identify different and innovative means to expand their revenue base. Farmstands provide just such an opportunity. Several years ago, one of our farmers decided to start a farmstand but found that the existing Maui County ordinance did not allow it because the existing ordinance required that the products all be grown on the premise. The farmer had multiple farm parcels separated by miles of road and in separate TMKs. It was a real farmstand as seen below, and it provided the exact rural experience we all want in a farmstand. It was not a hut selling things that happened to be ag. The farmer's wife, mother in law, sister all work at the farmstand. Customers have a true farm experience and they all look forward to the pick-your-own pumpkins at Halloween.

The Maui County Council wanted to address the issue and in 2008 amended the County Ordinance to read (relevant section in bold and italicized):

One agricultural products stand per lot, for the purpose of displaying and selling agricultural products ***grown and processed on the premises or grown in the County***, provided that said stand shall ***not exceed three hundred square feet***, shall be ***set back at least fifteen feet from roadways***, shall have a wall area that is ***at least fifty percent open***, and shall ***meet the off-street parking requirements for roadside stands*** provided by section 19.36.010 of this code, except that ***paved parking shall not be required***;

stands that display or sell agricultural products that are not grown on the premises shall be required to obtain a special permit pursuant to chapter 205, Hawai'i Revised Statutes;

The conditions imposed require that the building remain a stand and not turn into a store. It also requires that if the products are not from the premises then a special permit would be required to ensure that the intent of the chapter did not get abused.

The intent of the bill before you, HB 107, was to align ordinances beneficial to agriculture, such as the one on Maui, with State law. However, the proposed amendment requiring a minimum of 10% product grown on premise may need to be modified to accommodate farms that have multiple locations under one ownership. We do not believe it is the intent of the measure to force such farmers to seek a special permit. We also question the need for a 10% minimum. If the stand is used to sell product grown by the farmer and his neighbor-farmers, it should be allowed. We strongly believe that the intent of a farmstand is not just to sell product, but to provide a direct connection between the farmer and customer and additionally provide a unique farm experience. We already have "farmers markets" selling mainland-imported fruits and vegetables competing with markets that sell true locally grown. Such markets are really stores by another name. This is not the intent of the agricultural district. We suggest the following language:

Roadside stands for the sale of agricultural products grown in the same county; and that the majority of products are grown and produced by the owner/operator of the farm on which the farmstand is located, unless force majeure conditions exist. If the majority of products sold are not grown and produced by the owner/operator of the farm, a special use permit shall be required pursuant to Chapter 205. During a force majeure, a majority of products grown in the County but outside of the premise may be sold without a special permit.

For this chapter, force majeure means:

"Force majeure event" means an event, including damaging weather or natural disasters such as epidemic disease, pest outbreak, high wind, thunderstorm, hailstorm, tornado, fire, flood, earthquake, lava flow or other volcanic activity, drought, tidal wave, hurricane, or without limiting or restricting the foregoing in any way, any event reasonably beyond the control of, and not attributable to neglect by, an agricultural business."

(This definition of force majeure is that found in HRS 209E, identifying conditions under which agriculture can comply with Enterprise Zone requirements.)

Thank you for this opportunity to provide our opinion on this important matter. If there are questions, please contact Warren Watanabe at 2819718.



har3 - Megan

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, January 30, 2011 5:32 PM
To: WLOtestimony
Cc: ashman.janet@gmail.com
Subject: Testimony for HB107 on 1/31/2011 9:00:00 AM
Attachments: HB107 Farmstands wlo HFBF.doc

Testimony for WLO 1/31/2011 9:00:00 AM HB107

Conference room: 325
Testifier position: support
Testifier will be present: No
Submitted by: Hawaii Farm Bureau Federation
Organization: Hawaii Farm Bureau Federation
Address: Hawaii
Phone: 8082265483
E-mail: ashman.janet@gmail.com
Submitted on: 1/30/2011

Comments:
Support with comments.
Thank you.



Hawaii Farm Bureau
F E D E R A T I O N

2343 Rose Street, Honolulu, HI 96819

Phone: (808) 848-2074; Neighbor Islands: 1-800-482-1272

Fax: (808) 848-1921; e-mail: info@hfbf.org

January 31, 2011

Testimony

Committee on Water, Land, and Ocean Resources

HB 107 RELATING TO THE ROADSIDE SALE OF AGRICULTURAL PRODUCTS

Chair Chang and Members of the Committee:

Hawaii Farm Bureau Federation, on behalf of our commercial farm and ranch families and organizations throughout the islands, supports with comment HB107, amending the requirements associated with farmstands.

HFBF is in agreement with the testimony of the Maui County Farm Bureau, which has submitted extensive comments based on the experiences that have arisen on Maui.

Farmstands can be an important source of revenue for farmers and ranchers and a wonderful farm experience for the local community. The purpose of this bill is to modify the current State statute to allow farmers to sell county-grown products from a farmstand on their premises, so long as the majority of the products for sale are from their own farm.

We note at least two important issues for clarification:

1. A farmstand should not be a store that sells products from just anywhere; the intent is not to allow grocery stores to pop up all over agricultural areas. The idea is to give the farmer the opportunity to sell his own products (and to a lesser extent, those of his farmer-neighbors in the same County) directly to the public in a way that benefits both, and helps keep local farms viable.

Requiring a mere 10% of the products offered at the farmstand to be from the farmer's own premises appears to encourage more of a store-like facility than a place where the community can see and appreciate the farm where their food comes from and the farmer that grows the food.

2. The language should accommodate a farmer who may have other fields off-site, within the same county but not necessarily contiguous to the farmstand property.

Thank you for this opportunity to offer our thoughts. We would be pleased to discuss this with you. Please contact Janet Ashman at 808-226-5483.

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, January 30, 2011 11:02 AM
To: WLOtestimony
Cc: robertharris@me.com
Subject: Testimony for HB107 on 1/31/2011 9:00:00 AM
Attachments: HB107 - Roadside Sale of Ag Products.pdf

Testimony for WLO 1/31/2011 9:00:00 AM HB107

Conference room: 325
Testifier position: support
Testifier will be present: Yes
Submitted by: Robert Harris
Organization: Sierra Club
Address: P.O. Box 2577 Honolulu, HI
Phone: 808 538 6616
E-mail: robertharris@me.com
Submitted on: 1/30/2011

Comments:



Sierra Club Hawai'i Chapter

PO Box 2577, Honolulu, HI 96803
808.538.6616 hawaii.chapter@sierraclub.org

HOUSE COMMITTEE ON WATER, LAND, & OCEAN RESOURCES

January 31, 2011, 9:00 A.M.
(*Testimony is 1 page long*)

TESTIMONY IN SUPPORT OF HB 107

Aloha Chair Chang and Members of the Committee:

The Hawai'i Chapter of the Sierra Club supports HB 107, which allows for the roadside sale of agricultural products so long as a small portion of the products are grown on premises.

Hawaii is dangerously dependent on imported food. Despite being the most geographically isolated state in the country, we import approximately 85% of our food. Currently, Hawaii has a fresh supply of produce for no more than ten days. Ninety per cent of the beef, sixty-seven per cent of fresh vegetables, sixty-five per cent of fresh fruits, and seventy per cent of all milk consumed in the state are imported. Our addiction to outside sources of food places residents directly at risk of food shortages because of events outside of our control, such as natural disasters or worldwide economic events

This measure takes a small step towards local economic diversification that could make Hawaii more resilient to worldwide events and help stimulate the local economy. In addition, encouraging the growth and sale of more local food ensures Hawaii will be more resilient to potential climate change impacts such as a rise in sea level, less rainfall, warmer temperatures, and severe storm events as well as reduce its overall carbon dioxide production.

Mahalo for the opportunity to testify.