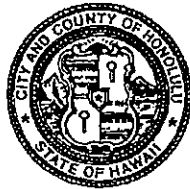


DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU
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PETER B. CARLISLE
MAYOR



DAVID K. TANOUE
DIRECTOR

JIRO A. SUMADA
DEPUTY DIRECTOR

February 21, 2012

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

Dear Chairs Chang, Coffman, and Committee Members:

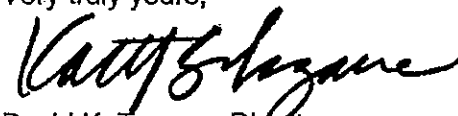
Subject: House Bill No. 2317, H.D. 1
Relating to Agricultural Tourism

The Department of Planning and Permitting **opposes** House Bill No. 2317, H.D. 1. This Bill would allow overnight accommodations as an accessory facility to an agricultural tourism activity that itself, is accessory and secondary to the principal agricultural use (a working farm or farming operation) in State Agricultural Districts. The language does not indicate a duration period or a maximum number of "accommodations", and could be interpreted to refer to hotels. The allowance of such overnight accommodations would be contrary to the purpose and intent of retaining agricultural lands to support agricultural activities and services.

The Department will not support any proposals to change the zoning ordinance to establish provisions for overnight accommodations or short-term rentals on agricultural lands. We have had some experience with accessory agricultural tourism activities, and find that they are very difficult to monitor, and raise expectations about "highest and best use" of agricultural lands.

Please file House Bill No. 2317, H.D. 1. Thank you for the opportunity to testify.

Very truly yours,


David K. Tanoue, Director
Department of Planning and Permitting

DKT:js

hb2317 hd1-k



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 HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

February 21, 2012, 11:00 A.M.

(Testimony is 2 pages long)

TESTIMONY IN OPPOSITION TO HB 2317

Aloha Chair Chang, Chair Coffman, and Committee Members -

The Sierra Club, Hawai'i Chapter, with over 10,000 members and supporters, *opposes* HB 2317. This bill would allow vacation rentals, bed & breakfasts, and other similar activity in the agricultural district.

The Hawai'i State Constitution Article 11, Section 3 mandates:

The State shall conserve and protect agricultural lands, promote diversified agriculture, increase agricultural self-sufficiency and assure the availability of agriculturally suitable lands.

Haw. Rev. Stat. Chapter 205, serves to protect agricultural lands. In passing this law, the Senate noted:

The purpose of this bill is to preserve and protect land best suited for cultivation, forestry and other agricultural purposes and to facilitate sound and economical urban development in order to promote the economy and general welfare of the state, and to insure the efficient expenditure of public funds. . . .

The state's highly productive agricultural lands are jeopardized by normal economic laws which encourage land owners to place their own particular pieces of land to the most profitable current use for which they can find a market. Long term agricultural leases are expiring annually. Because of the pressure for urbanization the land owners are reluctant to continue long term renewals of such leases, and the lessee is therefore discouraged to develop the land to its maximum agricultural production. If exclusive agricultural zones are not established to preserve and protect prime agricultural lands from infringement by non-agricultural uses, the possibility of land speculation through inflated or artificial land prices may jeopardize the existence of major agricultural companies or activities. The most effective protection

of prime agricultural lands, preservation of open space and direction of for urban growth, is through state zoning.

S. Stand. Comm. Rep. No. 937, 1961 Senate Journal 883 (emphases added).

HB 2317 flouts this reasoning. It would encourage high-revenue producing vacation rentals as an authorized use, which in turn would raise the price of agricultural land for true agricultural activities. Lessees, for example, may have to pay more as new and more expensive "highest and best uses" (the normal phrase used to determine lease rents) are established on agricultural land. Farmers may have to stop producing food and switch to vacation rentals simply to stay in business.

Competing uses also takes valuable and finite farmland out of food production. Longterm leasing may also become more difficult to obtain as more agricultural land is taken out of existing inventory. This puts Hawai'i further down the hole in establishing a reasonable level of food self-sufficiency.

Finally, this bill further erodes orderly planning. Tourism activities would be shifted from planned urban centers (like Waikiki) to open agricultural areas. This would have corresponding impacts on the ability for other agricultural activity to continue, as well as associated infrastructure impacts.

In short, this bill would substantially and detrimentally impact agriculture in Hawai'i. Please hold this bill.

Mahalo for the opportunity to testify.



Testimony Reference : HB2317 HD1

Committee : AGR/ ERB/ WLO

Date of Hearing: Feb 21

From: Hawaii Farmers Union United

SUPPORT with Amendments

Testimony:

This is a great bill that needs one change:

Strike out :

~~Each county may require an environmental assessment under chapter 343 as a condition to any agricultural tourism use and activity.~~

Allowing the counties to require an AE is a killer. It stops projects before they get started. One of the rules is that the EVERYTHING on the property, every structure and every activity MUST be included in the Environmental Assessment !

This requirement is the reason for the scarcity of folks getting conditional use permits.

When you give the counties permission to call for an AE, they use it as an out to deny small farmers the privileges that larger operations can afford.

The whole point of this measure is to give economic relief to small farmers, with some alternative income that is in harmony with agriculture operations.

Thank you for the opportunity to speak for the family farmer in Hawaii.

Glenn Martinez
HFUU President
FYI:

Hawaii Farmer Union United is the largest agriculture organization in the State of Hawaii that represents the small family farmers at the exclusion of GMO and Mega Corporation

mono- crop industrial farms. With small family farmers on every island Hawaii Farmers Union is the only Grassroots farm organization where the members have direct voice.

Any testimony given to the Legislature is vetted to the membership. Often the testimony is a blend of opinions voiced directly from membership. We also encourage all individual members to submit testimony directly, particularly where there voice is different then the majority, thus all farmer voices are heard, not just the loudest.

har2-Samantha

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 17, 2012 1:07 PM
To: WLOtestimony
Cc: page@princessradhafarm.com
Subject: Testimony for HB2317 on 2/21/2012 11:00:00 AM

Testimony for WLO 2/21/2012 11:00:00 AM HB2317

Conference room: 325
Testifier position: Support
Testifier will be present: No
Submitted by: Page Trygstad
Organization: Princess Radha Farm
E-mail: page@princessradhafarm.com
Submitted on: 2/17/2012

Comments:
It seems to be a good bill and is appreciated.



THE HOUSE OF REPRESENTATIVES
THE TWENTY-SIXTH LEGISLATURE
REGULAR SESSION OF 2012

COMMITTEE ON WATER, LAND, & OCEAN RESOURCES

Representative Jerry L. Chang, Chair
Representative Sharon E. Har, Vice Chair

DATE: Tuesday, February 21, 2012
TIME: 11:00 a.m.
PLACE: Conference Room 325
State Capitol
415 South Beretania Street

RE: Testimony in strong support of HB 2317 HD1 RELATING TO AGRICULTURAL TOURISM

Dear Chair Chang, Vice Chair Har, and Committee Members:

The Hawaii Aquaculture and Aquaponics Association (HAAA), representing Hawaii's aquaculture and aquaponics industry statewide, strongly supports HB2317 HD1 which repeals the prohibition against overnight accommodations as part of agricultural tourism activities of a farming operation.

My own personal decision to commit to a career in agriculture stemmed from a week I spent at a New Hampshire dairy farm during my summer vacation following eighth grade. The positive experiences and memories of that summer, despite the long hours and hard work I observed and participated in, motivated me to commit to this eventual career in which I am now in my 42nd year. I and others in the agricultural and aquacultural field would like to provide such experiences and motivation to the next generation of potential farmers and ranchers. Passage of HB2317 HD1 will encourage this opportunity.

Agriculture and aquaculture are very difficult and challenging occupations, but are absolutely essential to Hawaii's often-stated goals of increased food security and increased self-sufficiency in local food production. Despite the often strenuous work and daily challenges, farmers and ranchers typically love their work and will continue to produce local food and other agricultural products when such efforts are sufficiently profitable to support the owners, employees, and families of those involved in these operations. To support Hawaii's farmers and ranchers, every effort should be made to facilitate the increased economic sustainability of Hawaii's agricultural and aquacultural enterprises.

HB2317 HD1 is an important step in this direction. In today's global economy with the widespread import of low-cost mainland and third-world agricultural goods and products, Hawaii's farmers and ranchers find themselves at a clear competitive and economic disadvantage, and need to explore creative marketing options and have the freedom and support to pursue these innovative opportunities in order to survive, expand, and prosper. Among the most promising of these opportunities are the pursuit of agricultural-based tourism, including the ability to offer overnight accommodations. Not only does this opportunity improve the immediate cash flow to the farmer or rancher, it helps to reconnect the farmer

and rancher to their community and to visitors, and thereby helps to educate the general public as to where their food comes from and how it is produced. This connection has been largely lost in recent decades as most of our population has moved to urban centers, and its re-establishment is critical to the continued support of sustainable agriculture in Hawaii. It is also needed to inspire the next generation of farmers and ranchers to ensure our State's future food supply. For these multiple compelling reasons, the HAAA urges your support of HB2317 HD1 as written.

Thank you for the opportunity to comment.

Ronald P. Weidenbach
HAAA President



Hawaii's Thousand Friends

25 Maluniu Ave., Suite 102., PMB 282 • Kailua, HI 96734 • Phone/Fax: (808) 262-0682 E-mail: htf@lava.net

February 21, 2012

COMMITTEE ON WATER, LAND & OCEAN RESOURCES

Rep. Jerry Chang, Chair
Rep. Sharon Har, Vice Chair

COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

Rep. Denny Coffman, Chair
Rep. Derek S.K. Kawakami, Vice Chair

HB 2317, HD1
RELATING TO AGRICULTURAL TOURISM

Committee Chairs and Committee Members;

Hawaii's Thousand Friends, a statewide non-profit water and land use planning organization, opposes HB 2317 that allows overnight accommodations as part of agricultural tourism activities.

In 1961, the Hawai'i first State Legislature determined that a lack of adequate controls had caused the development of Hawaii's limited and valuable land for short-term gain for the few while resulting in long-term loss to the income and growth potential of our State's economy. The conversion of prime agricultural land to residential use, were key reasons for establishing the state-wind zoning system, the first in the nation.

To administer Chapter 205 the Legislature established the Land Use Commission, which is responsible for preserving and protecting Hawaii's lands and encouraging those uses to which lands are best suited.

If an overnight short-term vacation rental is a good use of agricultural land then owners should file petitions with the Land Use Commission and go through the process.

Make no mistake about it short-term rentals on agricultural land are nothing more than a way to slowly convert Hawaii's agricultural land to residential use.

Hawaii's Thousand Friends urges you to hold this end run around Chapter 205. If HB 2317 HD1 passes, welcome to 1960.