

State of Hawaii
DEPARTMENT OF AGRICULTURE
1428 South King Street
Honolulu, Hawaii 96814-2512
Phone: (808) 973-9600 FAX: (808) 973-9613

TESTIMONY OF RUSSELL S. KOKUBUN
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE HOUSE COMMITTEE ON WATER, LAND, AND OCEAN RESOURCES
TUESDAY, FEBRUARY 21, 2012
11:00 a.m.
Room 325

HOUSE BILL NO. 2317, HOUSE DRAFT 1
RELATING TO AGRICULTURAL TOURISM

Chairperson Change and Members of the Committee:

Thank you for the opportunity to testify on House Bill No. 2317, House Draft 1 that seeks to amend Section 205-5(b)(2), HRS to allow "overnight accommodations" as part of agricultural tourism for a period of five years then the provision is repealed. The Department supports the intent of this measure and offers an amendment.

Section 205-5(b)(2) provides direction to the counties in developing their respective zoning ordinances to allow agricultural tourism, including accessory facilities such as gift shops, restaurants, as accessory uses on a working, bona fide farming operation. We support the concept of agricultural tourism as a means for bona fide farm operators to increase their on-farm income, thereby providing a degree of buffering from the inevitable ups and downs in income from sales of agricultural products alone.

According to a report produced in 2008 by the Department of Agriculture in cooperation with the Hawaii Office of the USDA National Agricultural Statistics Service, agricultural tourism-type activities (not the same as the statutory definition) were offered by 112 farms (two percent of the 5,500 farms statewide) in 2006, resulting in total statewide revenues of \$38.8 million.



While we support the concept of agricultural tourism, we do not want to see proliferation of agricultural tourism operations with overnight accommodations that become the primary rather than accessory or secondary use of the property.

Should overnight accommodations be approved, we recommend the following amendment that would strengthen the existing requirement that agricultural tourism operations not be permitted in the absence of a working, bona fide farming operation, and that agricultural tourism will be an accessory and secondary use to the farming operation.

Page 1, lines 13-15

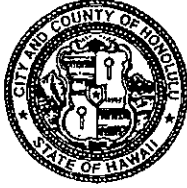
“...provided that agricultural tourism activities shall not be permissible in the absence of a bona fide farming operation, **and the gross revenues from all agricultural tourism activities shall not exceed the gross revenues from the agricultural activities and uses of the working farm.**”

Thank you for the opportunity to testify on this measure.

LATE TESTIMONY

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU
650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813
PHONE: (808) 768-8000 • FAX: (808) 768-6041
DEPT. WEB SITE: www.honolulu.gov • CITY WEB SITE: www.honolulu.gov

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:

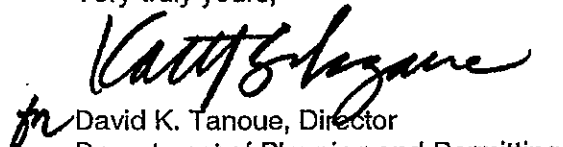
Subject: House Bill No. 2317, H.D. 1
Relating to Agricultural Tourism

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,


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

DKT:js

hb2317 hd1-k

LATE TESTIMONY



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

2343 Rose Street • Honolulu, Hawaii 96819
Phone: (808) 848-2074 • Neighbor-Islands: (800) 482-1272
Fax: (808) 848-1921 • Email: info@hfbf.org
www.hfbf.org

FEBRUARY 21, 2012

HEARING BEFORE THE
HOUSE COMMITTEE ON WATER, LAND AND OCEAN RESOURCES

TESTIMONY ON HB 2317 HD1
RELATING TO AGRICULTURAL TOURISM

Room 325
11:00 AM

Chair Chang, Vice Chair Har, and Members of the Committee:

I am Brian Miyamoto, Chief Operating Officer and Government Affairs Liaison for the Hawaii Farm Bureau Federation (HFBF). Organized since 1948, the HFBF is comprised of 1,800 farm family members statewide, and serves as Hawaii's voice of agriculture to protect, advocate and advance the social, economic and educational interest of our diverse agricultural community.

Hawaii Farm Bureau Federation supports HB 2317 HD1 AS WRITTEN, allowing overnight accommodations as part of agritourism operations conducted in accordance with a County agritourism ordinance.

HFBF was an active participant in drafting of the language currently in place in HRS 205-2(d)11 recognizing agritourism as a permissible use in the agricultural district in 2006. Agritourism was just gaining a foothold in the islands and we recognized its' potential as a means to expand the revenue base of our farmers and ranchers. Across the country there were many examples of agritourism incorporated within productive farms and ranches. It was a means not only to provide additional income to farms and ranches but provided a learning experience for many who no longer had a connection to agriculture.

We also recognized that there are many different activities that comprise agritourism. Farm stands, tours, demonstrations, you-picks, and bed and breakfast operations are

among the diversity of activities comprising agritourism. At the same time, Farm Bureau had as a priority the need to keep bona fide agricultural operations as the primary activity on farmland. Crossing the line to tourist related activities without significant agricultural production was not the intent of this measure. All of the Counties have different priorities of what they are willing to accept as permissible uses on their ag lands. We felt it was appropriate to be consistent as in other land uses to use the zoning chapter to delegate this authority to Counties. To accomplish this objective, Farm Bureau supported language that recognized agritourism but required counties to develop an agritourism ordinance.

During the hearings, there were many discussions regarding overnight accommodations. In the end, prohibitions of overnight accommodations was included due to the lack of a clear process for allowing of overnight accommodations on bona fide farms and ranches without abuse.

We do not object to the deletion of the prohibition of overnight accommodations in 205-5 (b)(2), provided that the County will enact ordinances that define the conditions as specified within this statute. The Attorney General's opinion rendered in 2009 clearly states that this section is the reason why overnight accommodations associated with agritourism is not allowed. Allowing overnight accommodations in this section will address the intent of this measure.

There are examples of bed and breakfast operations on working farms across the country. Many years have passed since 2006 and Counties have had discussions about this issue. **Counties should decide the conditions under which such practices would be allowed. The agritourism provision in permissible uses within the agricultural district, 205-2(d)11 does not prohibit overnight accommodations.**

HFBB respectfully requests that further detail of what is allowed, such as length of stay, be left to the Counties. HFBB recognizes that by allowing this use, abuse can occur. We are supporting this amendment providing an option to farmers and ranchers who may choose to expand their income by providing a visitor experience for tourists as part of a bona fide agricultural operation. The overnight accommodation should not be the major income source for the farm or ranch.

HFBB respectfully requests your support of this measure as amended in HD1. We do not support any overnight accommodation that is not associated with and or accessory to a bona fide farm.

I can be reached at (808) 848-2074 if you have any questions. Thank you for the opportunity to testify.

From: Windward Ahupua`a Alliance [info@waa-hawaii.org]
Sent: Tuesday, February 21, 2012 8:01 AM
To: WLOtestimony
Subject: HB 2317 HD1 - RELATING TO AGRICULTURAL TOURISM

COMMITTEE ON WATER, LAND & OCEAN RESOURCES

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

11 am
Tuesday, February 21, 2012
Conference Room 325

HB 2317 HD1 - RELATING TO AGRICULTURAL TOURISM
Support with comments

My name is Shannon Wood, the president & co-founder of the *Windward Ahupua`a Alliance*, a 501c3 Hawai`i non-profit corporation, which was established in July, 2002, to create the **Ko`olau Greenbelt & Heritage Trail System**. Its mandate, however, has expanded over the years well beyond these important regional issues.

WAA now works to educate & inform residents, visitors, businesses, policymakers at all levels of government, and the media about using **SMART GROWTH** principles which promote economic and environmental sustainability.

In 2007, I took part in the legislative discussions about agricultural tourism because I know first-hand how important it can be to help stabilize family incomes when **Stuff Happens** like then forty-two consecutive days of rain happened in the winter of 2006.

I remember hearing people talk about losing their crops and being forced to take jobs in town that would help pay their mortgages until the next planting season rolled around.

At that time, the issue of farmhouse bed & breakfast operations created a lot of controversy because the broader alternative accommodations issues were being discussed before the *Honolulu City Council*.

There was a lot of strong support for allowing **B&Bs** and small country inns or even a dude ranch in Windward O`ahu; however, there was also a lot of opposition from people who felt that it was extremely important to restrict or even bar people from staying in visitor accommodations other than ones located Waikiki, downtown, around the airport, or in fenced-in country resort areas such as *Turtle Bay* or *Ko Olina*.

Because the issue might have a major negative impact on the overall concept of ag tourism, I was willing to let the **B&B** language go at the time, but now it's back again. Now I am much more willing to take on the opponents even though the people who oppose alternative visitor accommodations have not gone away. They feel that allowing people to stay outside of resort areas will eventually wind up having huge visitor complexes being built in their back yards

NOTE : The last legal application for alternative accommodations on the island of O`ahu was issued on December 28, 1989. Over the past decade, three attempts to open up the process have failed. Because no new operator can become legal, they are forced to become illegal which is considered a reason to make sure that the

violators are shut down and that opening the process must not happen because all the applicants have broken the law..

However, rural or ag tourism needs to allow overnight accommodations - and we're not talking about building forty-story high-rise hotels but allowing visitors to stay on the property with the owners who will not only provide them with a place to sleep but will also educate & inform them about a wide range of issues - growing coffee or organic vegetables or biofuels or food security matters or protecting watersheds - in a family-friendly environment. The idea of having to travel from a hotel in Waikiki or at the airport out to the country to learn about Hawai'i's agricultural economy has a profound negative impact on both the environment and the economy.

There are thousands of rural towns across the United States which allow people to stay in alternative accommodations such as privately-owned campgrounds, bed & breakfasts, and small-footprint inns out in the country.

Hawai'i needs to do the same. It will increase the amount of the *TAT* and the *GET*, bring in additional revenues to the county for permits and licenses, raise awareness of the importance of Hawai'i's agricultural economy, help stabilize farming family income, and support locally-owned nearby businesses.

Mahalo for the opportunity to present this testimony.

LATE TESTIMONY

har2-Samantha

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 21, 2012 9:20 AM
To: WLOtestimony
Cc: inunyabus@gmail.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: Oppose
Testifier will be present: No
Submitted by: elaine dunbar
Organization: Individual
E-mail: inunyabus@gmail.com
Submitted on: 2/21/2012

Comments:

Vacation rentals on Ag land are illegal and need to remain that way. People on Oahu do not appreciate the fact that some day their food may be coming from outer islands. It is very short sighted not to acknowledge this fact.

Regardless of any prohibitions in place against this practice on Kauai, the State law will eventually supersede the county laws because that is how it works. Anyone who says, " Even if the Senate bill passes, current county law would prohibit vacation rentals on Kaua'i's ag lands,.. " is wrong and misinformed.

This definitely stands to thwart the constitution.

har2-Samantha

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 21, 2012 7:47 AM
To: WLOtestimony
Cc: mh@interpac.net
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: Oppose
Testifier will be present: No
Submitted by: Cory Harden
Organization: Individual
E-mail: mh@interpac.net
Submitted on: 2/21/2012

Comments:

We need more local food, not more sprawl and stressed infrastructure.

LATE TESTIMONY

har2-Samantha

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 21, 2012 7:36 AM
To: WLOtestimony
Cc: clk5356@gmail.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: Oppose
Testifier will be present: No
Submitted by: Carolyn Knoll
Organization: Individual
E-mail: clk5356@gmail.com
Submitted on: 2/21/2012

Comments:

The changes to the law suggested in HB 2317 are a slippery slope. The proposed amendments allowing "overnight accommodations" on agricultural land tip the agritourism balance away from the "agri" and towards the "tourism." This will put pressure on farmers to pursue these higher-revenue activities, and could raise the price or lease rents of agricultural land, discouraging future investment in bona fide agricultural activities.

Moreover, encouraging the development of tourist lodgings on farms and in the agricultural district is just poor planning. Despite all the talk we hear of smart growth, transit-oriented development, brownfield redevelopment, and higher density in the urban core, what the legislature is proposing here is a measure that encourages sprawl, stresses infrastructure, and takes farmland out of food production.

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 21, 2012 8:31 AM
To: WLOtestimony
Cc: kaiawemakanani@aol.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: Kaiawe Makanani
Organization: Individual
E-mail: kaiawemakanani@aol.com
Submitted on: 2/21/2012

Comments:

From: Janice Marsters [janicem@lava.net]
Sent: Tuesday, February 21, 2012 7:20 AM
To: WLOtestimony; Rep. Jerry Chang
Subject: Testimony in Opposition for HB 2317 HD1, Hearing at 11 a.m. February 21, Rm 325

Dear Representative Chang and Committee Members:

While I empathize with farmers trying to supplement their income, I am concerned that this bill goes too far. Allowing tourism accommodations on agricultural land will put pressure on farmers to turn away from less lucrative agricultural operations. It could increase the price or lease rents of ag land, and discourage investment in bona fide agricultural activities. We already have too little land in food production. Please hold this bill.

Regards,
Janice Marsters

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 21, 2012 10:37 AM
To: WLOtestimony
Cc: lbc@hawaii.rr.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: Oppose
Testifier will be present: No
Submitted by: Lois Crozer
Organization: Individual
E-mail: lbc@hawaii.rr.com
Submitted on: 2/21/2012

Comments:

I strongly oppose this bill because although it seems like a good idea, it encourages accommodations on farmland and having short term rentals will drive up prices!!! It's just not smart. Who benefits from this?