

**DEPARTMENT OF BUSINESS,  
ECONOMIC DEVELOPMENT & TOURISM**

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Statement of  
**JESSE K. SOUKI**  
Director, Office of Planning  
Department of Business, Economic Development, and Tourism  
before the  
**HOUSE COMMITTEE ON AGRICULTURE  
AND  
HOUSE COMMITTEE ON ECONOMIC REVITALIZATION AND BUSINESS**  
Friday, February 3, 2012  
8:00 AM  
State Capitol, Conference Room 312  
  
in consideration of  
**HB 2317**  
**RELATING TO AGRICULTURAL TOURISM.**

Chairs Tsuji and McKelvey, Vice Chairs Hashem and Choy, and Members of the House Committees on Agriculture and Economic Revitalization and Business.

The Office of Planning (OP) supports the intent of HB 2317, which would amend Hawai'i Revised Statutes (HRS) Chapter 205, to allow overnight accommodations in association with agricultural tourism conducted on a bona fide farming operation in the State Agricultural District.

While OP supports the intent of the bill, we have concerns that if enacted it could create further problems in regulating transient vacation rentals in the Agricultural District. Under the bill, a bona fide farming operation would be able to supplement their farm revenues and/or labor needs by providing accommodations for farm tour participants or working farm stays. This is good for the farmer, and is consistent with State policies and efforts to promote agriculture,

increase agricultural viability and markets for farmers, and maintain agricultural use of agricultural lands as set forth in Article XI, Section 3 of the Hawai'i Constitution, HRS Chapter 205, the State Land Use Law, and HRS Chapter 226, the Hawai'i State Plan. In addition, it is a priority of the Administration's New Day Plan to stimulate an agricultural renaissance in Hawai'i that would increase production and consumption of locally produced foods and increase food and energy security for the islands.

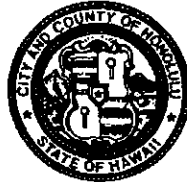
The prohibition of overnight accommodations in association with a working farm and the other provisions pertaining to agricultural tourism uses as set forth in HRS § 205-5(b), were originally intended to safeguard against widespread permitting of non-agricultural transient vacation rentals in the Agricultural District. However, non-farm applicants are able to establish transient vacation rentals in the Agricultural District by obtaining a special permit pursuant to HRS § 205-6.

Although OP believes this measure would promote the long-term viability of farmers who integrate agricultural tourism into their farming operations, we are hesitant to fully support this measure without additional safeguards to curb the permitting of non-agricultural vacation rentals in the Agricultural District. This includes a mechanism to ensure that applicants for overnight accommodations under HRS § 205-5(b) are indeed bona fide farming operations and that overnight accommodations are incidental and secondary to a working farm, which use shall cease when farming operations cease.

Thank you for the opportunity to testify.

DEPARTMENT OF PLANNING AND PERMITTING  
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February 3, 2012

The Honorable Clift Tsuji, Chair  
and Members of the Committee on Agriculture  
The Honorable Angus L. K. McKelvey, Chair  
and Members of the Committee on Economic  
Revitalization & Business  
House of Representatives  
State Capitol  
Honolulu, Hawaii 96813

Dear Chairs Tsuji and McKelvey, Committee Members:

**Subject: House Bill No. 2317  
Relating to Agricultural Tourism**

The Department of Planning and Permitting **opposes** House Bill No. 2317. 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. Thank you for the opportunity to testify.

Sincerely yours,

A handwritten signature in black ink, appearing to read "D. Tanoue", is written over a horizontal line.

David K. Tanoue, Director  
Department of Planning and Permitting

DKT:jmf  
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TO: The Honorable Clift Tsuji, Chair  
House Committee on Agriculture

The Honorable Angus L.K. McKelvey, Chair  
House Committee on Economic Revitalization & Business

FROM: Don Couch  
Council Member, South Maui District 

DATE: Wednesday, February 1, 2012

SUBJECT: **SUPPORT OF HB 2317, RELATING TO AGRICULTURAL TOURISM**

Thank you for the opportunity to testify in **support of HB 2317**. I provide this testimony as an individual member of the Maui County Council.

Agricultural tourism is a growing industry worldwide. An increasing number of travelers prefer to stay overnight and experience their destination outside of a hotel or resort setting. Providing this type of accommodation attracts guests who might not otherwise visit the Valley Isle.