



State of Hawaii  
DEPARTMENT OF AGRICULTURE  
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TESTIMONY OF RUSSELL S. KOKUBUN  
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE HOUSE COMMITTEE ON WATER, LAND, AND OCEAN RESOURCES  
Friday, March 30, 2012  
Room 325  
11:00 a.m.

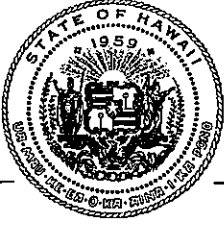
SENATE BILL NO. 2341, SENATE DRAFT 2, HOUSE DRAFT 1  
RELATING TO LAND USE

Chairperson Chang and Members of the Committee:

Thank you for the opportunity to provide testimony on Senate Bill No. 2341, Senate Draft 2, House Draft 1. The Department of Agriculture supports agricultural tourism as defined in Chapter 205 as a means for bona fide farmers to supplement the income derived from agricultural activities. However, with the understanding this measure would not apply to any Hawaii county, the Department of Agriculture respectfully opposes this measure as written.

Chapter 205 requires agricultural tourism activities to be "...accessory and secondary to the principal agricultural use and does not interfere with surrounding farm operations..." (Section 205-2(d)(11) and Section 205-4.5(a)(13)). The Legislature, in passing agricultural tourism legislation in 2006, specified in detail the content of the county ordinances and in addition to that, enabled the counties to require, as necessary, an environmental assessment as a condition to any proposed agricultural tourism use and activity (Section 205-5(b)). We believe the addition of overnight accommodations dramatically alters the concept of agricultural tourism as originally intended, and if not carefully regulated, may cause the agricultural tourism activity to be the primary, rather than secondary, use of the agricultural land. This would lead to an undesirable increase





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

NEIL ABERCROMBIE  
GOVERNOR  
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DIRECTOR  
MARY ALICE EVANS  
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JESSE K. SOUKI  
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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 WATER, LAND AND OCEAN RESOURCES**  
Friday, March 30, 2012  
11:00 AM  
State Capitol, Conference Room 325

in consideration of  
**SB 2341, SD2, HD1**  
**RELATING TO LAND USE.**

Chair Chang, Vice Chair Har, and Members of the House Committee on Water, Land, and Ocean Resources.

The Office of Planning (OP) has concerns regarding SB 2341 SD 2, HD 1. We support the concept of allowing farmers to provide overnight accommodations and agricultural tourism activities on their working farms. However, the proposed legislation weakens the existing requirement for agricultural tourism activities and short-term rentals to be conducted in conjunction with a working farm in order to be permitted as a use in the State Agricultural District.

**Short-term rentals.** We are concerned with the proposed amendments related to agricultural tourism activities, including short-term rentals, as a permissible use in the Agricultural District. Allowing short-term rentals that are not conducted on a working farm conflicts with State agricultural policy pursuant to Article XI, Section 3 of the Hawai'i Constitution, Hawai'i Revised Statutes (HRS) Chapter 205, the State Land Use Law, and HRS

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. Any legislation on this matter should provide certainty or a level playing field for farmers statewide as to their ability to conduct agricultural tourism activities or have overnight accommodations on their farms.

**Recommendation.** OP recommends the bill be amended or replaced with language to address the concerns raised in our testimony. In particular, we recommend:

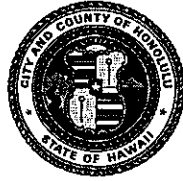
1. Adoption of new language in HRS Chapter 205 defining bona fide agriculture or a bona fide farming operation, which must be actually occurring before agricultural tourism and overnight accommodations are allowed in the Agricultural District;
2. Amendment of the existing provisions in HRS Chapter 205 related to agricultural tourism and overnight accommodations to allow them as permissible uses outright in the Agricultural District, provided they coexist with a bona fide farming operation. The objective is to provide a minimum threshold from which the counties may then adopt ordinances governing development standards, additional threshold criteria, and operational restrictions as desired; and
3. Other housekeeping amendments to conform to the proposed bona fide farming operation definition.

We are preparing specific language to accomplish the above in consultation with the Department of Agriculture. We believe the language we are recommending will result in legitimate farmers being able to tap agricultural tourism markets to supplement their farming incomes, and ensure that transient vacation rentals are adequately regulated.

Thank you for the opportunity to provide these comments.

OFFICE OF THE MAYOR  
CITY AND COUNTY OF HONOLULU

530 SOUTH KING STREET, ROOM 300 \* HONOLULU, HAWAII 96813  
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PETER B. CARLISLE  
MAYOR

DOUGLAS S. CHIN  
MANAGING DIRECTOR

CHRYSTN K. A. EADS  
DEPUTY MANAGING DIRECTOR

March 29, 2012

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

The City and County of Honolulu opposes SB 2341 SD2, HD1 and SB 2350 SD1, HD1. Our Department of Planning and Permitting has submitted testimony in opposition to both bills earlier this session.

Recent amendments attempt to limit the application of both bills to islands other than Oahu. However, as the Agricultural Liaison for the City and County of Honolulu, I have policy concerns that the impacts of the proposed legislation still have potential long-term and immediate ramifications for Oahu.

I am addressing the two bills in a single testimony because the combined bills increase the potential to transform the most agriculturally productive lands into primarily non-agricultural uses.

SB 2341 allows vacation rentals on agricultural lands, including agricultural lands with the highest productivity rating. Furthermore, the bill "repeal[s] the state prohibition on agricultural tourism activities in the absence of bona fide farming operations," thereby permitting tourism including vacation rentals to be the primary use on agricultural lands.

SB 2350 permits building one ohana dwelling for each farm dwelling on agricultural lands.

By itself, SB 2341 has the potential to transform much of the agricultural district, particularly the scenic regions, into a vacation rental district. The profit margins of agricultural uses simply cannot compete with the profit margins of tourism. Allowing tourism and vacation rentals as a primary use on agricultural lands will affect the valuation of these lands. Agricultural property will be valued for the new "highest and best use," primarily vacation rental and tourism, not the farming potential. This will increase agricultural property values, and subsequently the property taxes, of bona fide farmers and retired farmers, and increase the sale and lease prices for agricultural lands to the point where they may no longer be affordable for farmers to buy or rent.

Permitting tourism including vacation rentals as the primary use on the most productive lands in the agricultural district establishes a precedent for the State. Once that precedent is set, it is only a matter of time before proponents argue to extend it statewide, including to Oahu.

“hot spot” for foreign investment in real estate. <sup>1</sup> According to the data source, the majority of these foreign real estate investments in the United States, if not all, are recognizable tourist destinations. Changing the law to permit tourism activities and vacation rentals as permitted uses in the absence of bona fide farms on agricultural lands in Hawaii, even if limited to a few islands, will have impacts on our real estate market, which may ripple across the islands.

If the impetus behind SB 2350 is to allow family farms to build ohana or worker housing, that permission is already authorized as an incentive for lands designated as Important Agricultural Lands per Act 233, SLH 2008.

The price of Hawaii farmland is already nearly out of reach for food farms today. These bills will make it increasingly difficult for food farms to operate. For this and other reasons, the Department of Agriculture, Office of Planning, and City and County of Honolulu have all testified against these bills and the Farm Bureau has raised serious concerns.

Several years ago this body passed a law to address the State Constitutional mandate to assure the availability of agricultural lands for agriculture. In Act 183, SLH 2005, this body directed the Counties to map Important Agricultural Lands, the State Land Use Commission to designate lands as such, *and for the State to support agriculture on IAL through policies that:*

- “Discourage the ... conversion of [IAL] lands to nonagricultural uses;
- “Direct non-agricultural uses and activities from IAL to other areas and ensure the uses on IAL are actually agricultural uses;
- “Limit physical improvements on IAL to maintain affordability of those lands for agricultural purposes; [and]
- “Facilitate the access of farmers to IAL for long-term agricultural uses.”

That same law mandates that the soil productivity rating of agricultural lands must be considered when mapping IAL.

Passing either SB 2341 or SB 2350 would be adopting policies that contradict these mandates of State law because they permit non agricultural uses and improvements on agricultural lands with the highest soil productivity rating, and lands which may otherwise be eligible for IAL designation.

It would be premature for the Legislature to pass either bill prior to the Counties mapping IAL. Landowners seeking immediate relief for ohana units may obtain that already through voluntarily designating their lands as IAL.

One final item: SB 2341 SD2, HD1 may have erroneous population numbers. The bill states that it applies within a county with a population greater than two hundred and fifty thousand people, but less than five hundred thousand people. In reviewing the Census Web site, it appears that the 2010 population of the five Hawaii Counties are:

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<sup>1</sup> <http://www.bizjournals.com/pacific/news/2012/03/26/honolulu-is-a-hot-spot-for-foreign.html?s=print>

Council Chair  
Danny A. Mateo



Director of Council Services  
Ken Fukuoka

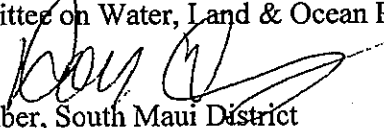
Vice-Chair  
Joseph Pontanilla

## COUNTY COUNCIL

COUNTY OF MAUI  
200 S. HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
[www.mauicounty.gov/council](http://www.mauicounty.gov/council)

Council Members  
Gladys C. Baisa  
Robert Carroll  
Elle Cochran  
Donald G. Couch, Jr.  
G. Riki Hokama  
Michael P. Victorino  
Mike White

TO: The Honorable Jerry L. Chang, Chair  
House Committee on Water, Land & Ocean Resources

FROM: Don Couch   
Council Member, South Maui District

DATE: Thursday, March 29, 2012

SUBJECT: **SUPPORT OF SB 2341, SD2, HD1, RELATING TO LAND USE**

Thank you for the opportunity to testify in support of SB 2341, SD2, HD1. I provide this testimony as an individual member of the Maui County Council.

The purpose of this measure is to repeal the state prohibition on agricultural tourism activities in the absence of bona fide farming operations and to permit short-term rentals in agricultural districts in a county with a population greater than two hundred and fifty thousand people, but less than five hundred thousand people; provided that the county has adopted an ordinance specifically allowing for such activity.

I support the intent of this measure, however, the population parameters cited in Section 3. (12) and Section 4. (14) of the bill would effectively exclude Maui County from allowing agricultural tourism activities, including overnight accommodations of twenty-one days or less, for any one stay.

Please delete the phrase "two hundred and fifty thousand people" from the above-cited sections and replace it with "one hundred and forty thousand people".

I appreciate your consideration and urge you to **support SB 2341, SD2, HD1.**



*Hawaii's Thousand Friends*

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

March 30, 2012

COMMITTEE ON WATER, LAND & OCEAN RESOURCES

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

SB 2341 SD2 HD1  
RELATING TO LAND USE

Committee Chair and Members:

Hawaii's Thousand Friends, a statewide non-profit land and water use organization, opposes SB 2341 SD2 HD1 that allows agricultural tourism activities and vacation rentals as a permitted use on agriculturally designated land.

There are many reasons why not to permit tourist activities and vacation rentals on agricultural land:

- Tourism will transform communities and rural areas into tourist meccas
- The far more lucrative tourist activities and vacation rentals will escalate land costs out of reach of farmers
- Land owners of agricultural land will be wooed by the lucrative tourism market and not lease land to farmers

How can our state live up to the State Constitutional mandate Article XI *The state shall conserve and protect agricultural lands, promote diversified agriculture, increase agricultural self-sufficiency and assure the availability of agriculturally suitable lands...* if non-farming uses are continually permitted on agricultural land? The answer, it can't.

Adding agricultural tourism activities and vacation rentals as a permitted use on agriculturally land will tip the scale in favor for more permitted non-farming related activities 7 compared to 6 farming related activities.

What happens to farming and growing our own food when the scale tips to far? Stand up for farming and Hawaii's farmers and hold this bill in committee.

Jeannine Johnson, Legislative Sub-Committee Chair

## **Kuli'ou'ou / Kalani Iki Neighborhood Board #2**

5648 Pia Street, Honolulu, Hawai'i 96821

Phone: 373-2874 (h) / 691-7261 (w)

March 27, 2012

### COMMITTEE ON WATER, LAND, & OCEAN RESOURCES

Rep. Jerry L. Chang, Chair

Rep. Sharon E. Har, Vice Chair

Re: SB 2341, SD2, HD1 - Relating to Land Use

Hrg: Friday, March 30, 2012 at 11:00 am in Conf. Room 325

Aloha mai kākou,

Under Section 2-14-125 of the Neighborhood Board Plan, I have been appointed as a Delegate with responsibilities to represent the **Kuli'ou'ou / Kalani Iki Neighborhood Board #2** on matters approved by the Board. As Committee Chair of the **Kuli'ou'ou / Kalani Iki Neighborhood Board #2** Legislative Sub-Committee, I must inform you **Neighborhood Board #2** strongly opposes SB 2341, SD2, HD1 which repeals the prohibition on agricultural tourism activities in the absence of a bona fide farming operation; repeals the prohibition on ordinances that allow overnight accommodations in agricultural districts; and authorizes agricultural tourism activities, including overnight accommodations of 21 days or less, for any one stay within a county with a population greater than two hundred and fifty thousand people, but less than five hundred thousand people; provided that the county has adopted ordinances regulating agricultural tourism. **Neighborhood Board #2** represents over 6,000 households, with a population of almost 20,000 people (State of Hawaii Data Book 2002) in East Honolulu.

At its November 6, 2008, meeting, Councilmember Charles Djou told Neighborhood Board #2 that "We have too many illegal bed and breakfasts (B&Bs) and transient vacation units (TVUs) operating in our community" and that "the Department of Planning and Permitting which is responsible for enforcing this is understaffed, overworked and ultimately ineffective." Removing the prohibition on ordinances that allow overnight accommodations in agricultural districts; and authorizing agricultural tourism activities, including overnight accommodations of 21 days or less, for any one stay within any county before enforcement can be proven of illegal B&Bs and TVUs is irresponsible.

Neighborhood Board #2 discussed how the hotel industry in Hawaii is down on O'ahu, that TVUs and B&Bs disintegrate the urban fabric of our well-established neighborhoods, increase homelessness by decreasing available rental market and create a highly speculative housing market that out-prices local buyers in favor of wealthy non-residents. Neighborhood Board #2 also concluded that these non-conforming illegal establishments usurp the value of our cultures (Hawaiian and local-style) without giving anything back unlike our tourist industry and are unregulated, hard to control, and diminish the "branding" value of our tourist industry.



## har2-Samantha

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**From:** Lisa Marten [lisamarten@hawaii.rr.com]  
**Sent:** Wednesday, March 28, 2012 4:30 PM  
**To:** WLOtestimony  
**Subject:** Testimony

Dr. Lisa Marten, Oahu resident  
SB 2341, SD2, HDi (HSCR 1258-12)  
Committee on Water, Land and Ocean Resources  
3/30/12 11am

Aloha esteemed Representatives,

I strongly oppose this bill that would allow ag land to be used for resort purposes. If people intend to run a resort business, they can expect higher returns, and can afford to pay more for ag land than people who will actually grow food or nursery plants there. This will push up prices and true farmers will not be able to compete. I have already seen this phenomenon with my own eyes in residential neighborhoods where true residents cannot compete with the inflated prices paid by investors in illegal vacation rentals. This will decrease local food production and food security in our islands.

Secondly, this Bill allows owners of ag land to charge resort prices of their clients, make resort profits, without paying resort tax rates. Our hotel industry is a pillar of our economy and does not need competition from a group with an unfair financial tax advantage. Nor should we lose this tax revenue from our state coffers.

Please oppose this harmful bill.

Thank you, Lisa Marten

har2-Samantha

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**From:** Lynne Matusow [lynnehi@aol.com]  
**Sent:** Wednesday, March 28, 2012 10:35 PM  
**To:** WLOtestimony  
**Cc:** Lynne Matusow  
**Subject:** SB 2341, SD 2, HD 1, relating to land use opposed

please accept this as testimony opposed to this terrible bill. We need to be sufficient in food, not reduce ag lands.

lynne matusow  
60 N. Beretania, #1804  
honolulu, 96817

## har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 27, 2012 6:50 PM  
**To:** WLOtestimony  
**Cc:** inunyabus@gmail.com  
**Subject:** Testimony for SB2341 on 3/30/2012 11:00:00 AM

Testimony for WLO 3/30/2012 11:00:00 AM SB2341

Conference room: 325  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: E. Dunbar  
Organization: Individual  
E-mail: [inunyabus@gmail.com](mailto:inunyabus@gmail.com)  
Submitted on: 3/27/2012

Comments:  
SB2341

If Ag Tourism activities no longer need to have bona fide farming occurring then the bill has been so poorly mashed and written that you cannot even call this AG TOURISM anymore.

But that is the least of the devastation; the real damage comes from tampering with the law stating accepted Agricultural Land Uses.

Just what's going on here with all these exemptions and yet this legislature has never been able to even follow the laws already on the books with respect to Hawaiians' rights.

It's shocking that so many laws and protections can be completely shredded.

Laws and protections that ARE on the books as mandates through its Revised Statutes to ensure the Hawaii State Constitution is upheld.

Many great minds, through respect and concern for the aina, dedicated decades of work to create these important laws.

It appears none of that matters anymore.

## har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, March 28, 2012 8:36 AM  
**To:** WLOtestimony  
**Cc:** s.fineran@gmail.com  
**Subject:** Testimony for SB2341 on 3/30/2012 11:00:00 AM

Testimony for WLO 3/30/2012 11:00:00 AM SB2341

Conference room: 325  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Stacey Fineran  
Organization: Individual  
E-mail: [s.fineran@gmail.com](mailto:s.fineran@gmail.com)  
Submitted on: 3/28/2012

**Comments:**

Supporting this bill could lead to sprawling development, a loss of productive agricultural lands, and an increase in the cost of farming, exactly what Hawaii needs less of, not more.

Hawaii agricultural lands need to be cultivated to lessen our dependence on shipped-in food products.

Mahalo for your time.

## har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, March 28, 2012 8:49 AM  
**To:** WLOtestimony  
**Cc:** mfsleh@ulukanu.com  
**Subject:** Testimony for SB2341 on 3/30/2012 11:00:00 AM

Testimony for WLO 3/30/2012 11:00:00 AM SB2341

Conference room: 325  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Michal Stover  
Organization: Individual  
E-mail: [mfsleh@ulukanu.com](mailto:mfsleh@ulukanu.com)  
Submitted on: 3/28/2012

**Comments:**

I oppose SB2341. Ag lands should be used for agriculture, not vacation rentals and hotels. We need our ag lands for the production of food. SB2341 would make ag lands less available for agriculture and would increase the cost of food produced in Hawaii. By permitting vacation rentals on ag lands, SB2341 would also destroy neighborhood cohesion in rural areas. We don't want this! Thank you.

## har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, March 28, 2012 9:55 AM  
**To:** WLOtestimony  
**Cc:** palmtree7@earthlink.net  
**Subject:** Testimony for SB2341 on 3/30/2012 11:00:00 AM

Testimony for WLO 3/30/2012 11:00:00 AM SB2341

Conference room: 325  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: janice palma-glenie  
Organization: Individual  
E-mail: [palmtree7@earthlink.net](mailto:palmtree7@earthlink.net)  
Submitted on: 3/28/2012

Comments:  
Aloha,

Years back, neighbors in our ag subdivision starting hosting for-profit "garden tours". Being millionaires several times over, their ag land didn't need to generate income, but their plans steamed ahead. No one saw the first tour coming until our one-lane, rough shared driveway had Roberts Tours buses parked on it -- in the evening! The band (yes, the band) played until 11:00pm -- not exactly a farmer's midweek party time! They claimed there would "only" be these tours (which they swore were to show off their gardens, even though it was dark) twice a week. But then they said up to five times a week. A legal effort was required to stop them, costing residents thousands of dollars to defend their many rights, including the uniqueness of living on and caring for agricultural lands as is currently written in the law. This new law is frying pan to the fire stuff, increasing the gentrification of ag lands by those who only "farm" it for tax breaks.

Please oppose this bill and all others that weaken restrictions on the use of ag lands to the point where farming no longer takes place and the rural qualities of the land are lost.

## har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, March 28, 2012 10:25 AM  
**To:** WLOtestimony  
**Cc:** dward@hawaii.edu  
**Subject:** Testimony for SB2341 on 3/30/2012 11:00:00 AM

Testimony for WLO 3/30/2012 11:00:00 AM SB2341

Conference room: 325  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Deborah Ward  
Organization: Individual  
E-mail: [dward@hawaii.edu](mailto:dward@hawaii.edu)  
Submitted on: 3/28/2012

### Comments:

Aloha,

I am a full time farmer and I strongly oppose the bill in this form. Everything about this bill negatively and directly impacts the viability of farming in this state. The increasing land values drive up the price of production, and this will further increase land values. The urbanization of agricultural land by "dreamfarmers" who do not grow crops, but want a rural estate in paradise, leads to less locally produced food, not more, and the lack of a requirement that bona-fide farming operations be the primary use of the land proposed for overnight accommodations just exacerbates the problem.

Please lend your support to farming for Hawaii's food security--vote no on this bill!

## har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, March 28, 2012 11:56 AM  
**To:** WLOtestimony  
**Cc:** scoleman34@gmail.com  
**Subject:** Testimony for SB2341 on 3/30/2012 11:00:00 AM

Testimony for WLO 3/30/2012 11:00:00 AM SB2341

Conference room: 325  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Stuart COLEMAN  
Organization: Individual  
E-mail: [scoleman34@gmail.com](mailto:scoleman34@gmail.com)  
Submitted on: 3/28/2012

**Comments:**

My name is Stuart Coleman, and I am a writer, teacher and environmentalist, and I am strongly opposed to SB2341.

It's amazing that lawmakers & politicians say that we need more food security and working ag lands in Hawaii, yet they seem to be making laws that allow this same land to be developed and/or commercialized.

We do not need more "agricultural tourism" or to turn our farms into hotels or guest houses. We need more local, homegrown food for our people. Please do not pass this bill. Mahalo.

Aloha, Stuart



**har2-Samantha**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, March 28, 2012 3:50 PM  
**To:** WLOtestimony  
**Cc:** alexress99@yahoo.com  
**Subject:** Testimony for SB2341 on 3/30/2012 11:00:00 AM

Testimony for WLO 3/30/2012 11:00:00 AM SB2341

Conference room: 325  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Alex Ress  
Organization:  
E-mail: [alexress99@yahoo.com](mailto:alexress99@yahoo.com)  
Submitted on: 3/28/2012

**Comments:**

Ag land is for farming. These areas are protected for a reason. Don't manipulate the zoning regulations.

## har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, March 28, 2012 6:33 PM  
**To:** WLOtestimony  
**Cc:** redahi@hawaii.rr.com  
**Subject:** Testimony for SB2341 on 3/30/2012 11:00:00 AM

Testimony for WLO 3/30/2012 11:00:00 AM SB2341

Conference room: 325  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: B.A. McClintock  
Organization: Individual  
E-mail: [redahi@hawaii.rr.com](mailto:redahi@hawaii.rr.com)  
Submitted on: 3/28/2012

**Comments:**

Our Constitution requires the State to assure the availability of agricultural lands for agriculture. The law requires directing non-agricultural uses away from the best farmland. This bill is contrary to our Constitution. Please, please stop it!

## har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, March 28, 2012 8:00 PM  
**To:** WLOtestimony  
**Cc:** annettesadventures@juno.com  
**Subject:** Testimony for SB2341 on 3/30/2012 11:00:00 AM

Testimony for WLO 3/30/2012 11:00:00 AM SB2341

Conference room: 325  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Annette Kaohelaulii  
Organization: Individual  
E-mail: [annettesadventures@juno.com](mailto:annettesadventures@juno.com)  
Submitted on: 3/28/2012

**Comments:**

This is a very dangerous bill. We need to be protecting our good agricultural lands available for future generations to do agriculture on. We do not want to open the door for development on agricultural lands. Once it is gone, there is no getting it back.

Small bed and breakfast operations can be done on agriculture lands now through the special permit process. We need to keep this procedure in place not throw it open to any and all development.

I would like the legislature to explain to me how it can say it supports agriculture because Hawaii imports so much of its food at the same time it is acting to pass laws that will transform agricultural districts into vacation rental districts? This bill cuts off our collective nose to spite our collective face because it would permit vacation rentals as a primary use, thus destroying any ability to assure these lands remain available for agricultural production.

With the price of Oahu farmland nearly out of reach for food farms today, why would the legislature pass a bill that would make it impossible for food farms to operate? The vast majority of Oahu's food is grown on rented land. Will landlords force farms to close when neighboring vacation rentals complain about noise, or when they realize they can increase their rental income by transforming all or some of the property to vacation rentals?

The Department of Agriculture, Office of Planning, and City and County of Honolulu have all testified against these bills and the Farm Bureau has raised serious concerns.

Our Constitution requires the State to assure the availability of agricultural lands for agriculture. The law requires directing non-agricultural uses away from the best farmland. Several bills before the Legislature this session support increasing local food production.

So, in the words of an old protest song from the Sixties, "Which side are you on? Which side are you on?"

Thank you for the opportunity to submit testimony.

Nancy Davlantes  
Kaneohe

*Glenn I. Teves  
P.O. Box 261  
Kualapuu, Molokai, HI 96757*

March 25, 2012

TESTIMONY  
IN  
OPPOSITION TO  
SB 2341 & 2350

Aloha Legislators. It seems like we're constantly changing the definition of words to suit our lifestyle changes and our response to money. Once upon a time, agriculture meant the production of food, fiber, and timber. All of a sudden, this definition is being turned on its head with the recent proposals to allow transient vacation rentals on agricultural lands. Has the Legislature gone over the edge or do they know something that we don't?

Just like the song of the late 60's by Cat Stevens, "Where do the children play", my question now is "where do the farmers farm if they farm at all". With some farm land in state exceeding \$500,000 an acre, the highest in the nation, who in their right mind will want to farm when they'll be spending the rest of their life paying for the land. The State Legislature is really saying to us, "We don't want you to farm, and you can buy your food at the store down the road!"

Creating competition for farm land by allowing the lands to be used for vacation rentals is like stabbing farmers in the back, and to allow vacation rentals without community input is like stabbing the community in the back. Farm land has shifted from a resource, as envisioned in our state constitution, to a commodity, sold to the highest bidder and the State Legislature is taking the lead in making this happen. If these bills are passed, fake and funny farms will dot the island from east to west, along with a new generation of pseudo-farmers all trying to find a way to get out of farming, yet still benefit from the zoning and tax breaks. Now, there's a new crutch to lean on and make big bucks with transient vacation rentals.

About three years ago, I attended a Sustainable Agriculture Conference in Kona and the first question asked of everyone was, "What will be needed to create stronger local and regional food systems that are less reliant on imports from elsewhere?" Expecting responses such as farmers market and community-supported agriculture, my response was 'a catastrophe'. The only way we will change in Hawaii is when a disaster forces us to change. By that time, we'll all be eating each other.

Still, the question begs to be answered, "Who will grow our food when the farms are surrounded by houses with residents screaming about the tractor noise, dust, and funny smells, and the farmers finally call it quits. Some farmers cannot handle this kind of stress and this is already happening. There are still a few resilient ones out there who

haven't sold out like Dean Okimoto. I still remember a farmer in Colorado I visited who used to spread manure on his fields from nearby feedlots each spring, and would receive a barrage of calls from irate neighbors. When asked, "What is that smell? He replied, "It's the smell of money!"

Well, not anymore. Now with the New Wave Hawaiian-Style farming, you don't even have to add manure or fertilizer to your fields. You can create a farm without even farming. All you have to do is construct transient vacation rentals on your farm land, and paste farm pictures on all the windows so your visitors think they're staying on a farm. You can change the pictures by the seasons, such as classic Tuscany in the spring, or Napa Valley in the late summer.

You can create the ultimate in local cuisine by heading down to Safeway or Costco, buying all kinds of fruits, vegetables, fish and shrimp from Chile, Mexico, China, and who knows where, head back home, and whip up a luscious brunch for your unknowing visitors. No one would be the wiser, and visitors would have a once in a lifetime experience as a result. If you want to get fancy, you can spice things up and add a little more ambiance you can buy a plastic Holstein cow and erect it near the entrance to your rental units.

I would never have come up with this great idea on my own, and have to thank the legislature for thinking 'outside the box' and being on the cusp of regional land use planning. I hope they keep their thinking caps on, because I know this is only the beginning of some great ideas. And if you run out of more ideas, I have some smart pills on hand that I can donate to you, but you have to move fast before my rabbit gets the runs. Thank you.

har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, March 28, 2012 11:20 PM  
**To:** WLOtestimony  
**Cc:** merway@hawaii.rr.com  
**Subject:** Testimony for SB2341 on 3/30/2012 11:00:00 AM

Testimony for WLO 3/30/2012 11:00:00 AM SB2341

Conference room: 325  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Marjorie Erway  
Organization: Individual  
E-mail: [merway@hawaii.rr.com](mailto:merway@hawaii.rr.com)  
Submitted on: 3/28/2012

Comments:

This bill allows high-quality farmland to be lost to tourism. How can farmers growing the food we eat compete with vacation rentals at alot of money? The State needs farms which help us eat and be sustainable. Tourism does not provide local food, which is necessary in cases of disaster.

OPPOSE this bill -- we need farms!! Please!

har2-Samantha

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**From:** randy ching [oahurandy@yahoo.com]  
**Sent:** Thursday, March 29, 2012 7:08 AM  
**To:** WLOtestimony  
**Subject:** in opposition to SB2341 - relating to land use

SB2341 SD2 HD1 (opposed)  
House Water, Land, and Ocean Resources Committee  
Hearing on Friday, March 30 at 11 a.m. in room 325

Chair Chang, Vice Chair Har, and members of the committee,

I am opposed to SB2341 SD2 HD1. Please do not pass this ball. Mahalo.

Sincerely,

Randy Ching  
Honolulu  
[oahurandy@yahoo.com](mailto:oahurandy@yahoo.com)



## har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 29, 2012 10:30 AM  
**To:** WLOtestimony  
**Cc:** Tcolderoly@maui.net  
**Subject:** Testimony for SB2341 on 3/30/2012 11:00:00 AM

Testimony for WLO 3/30/2012 11:00:00 AM SB2341

Conference room: 325  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Thomas Croly  
Organization: Individual  
E-mail: [Tcolderoly@maui.net](mailto:Tcolderoly@maui.net)  
Submitted on: 3/29/2012

**Comments:**

Please support allowing short term rentals in The Ag district for Maui. Here in Maui County we have already regulated this use through the Bed and Breakfast ordinance and soon through the short term rental ordinance. However under current State law a second, redundant, State special use permit must also be obtained. This extra permit slows down the permit process and adds a great amount of expense and unnecessary complication to the process.

A farm plan showing the property is already in compliance with HRS205 is required as part of the Bed and Breakfast permit process. The existence and implementation of this farm plan should be all that is needed. But the State Special use permit essentially just has the applicant show the farm plan and its implementation to the Planning commission and this means an additional public meeting in order to grant the permit. Causing additional expense to the county and the applicant and slows down an already cumbersome process.

har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 29, 2012 12:40 PM  
**To:** WLOtestimony  
**Cc:** mh@interpac.net  
**Subject:** Testimony for SB2341 on 3/30/2012 11:00:00 AM

Testimony for WLO 3/30/2012 11:00:00 AM SB2341

Conference room: 325  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Cory Harden  
Organization: Individual  
E-mail: [mh@interpac.net](mailto:mh@interpac.net)  
Submitted on: 3/29/2012

Comments:

Dear Legislators, Grow food, not houses! Please oppose SB 2341. It would give us everything we DON'T need--sprawling development, a loss of productive agricultural lands, and an increase in the cost of farming. Mahalo!

## har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 29, 2012 1:19 PM  
**To:** WLOtestimony  
**Cc:** dreamers@maui.net  
**Subject:** Testimony for SB2341 on 3/30/2012 11:00:00 AM

Testimony for WLO 3/30/2012 11:00:00 AM SB2341

Conference room: 325  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Sharyn & Jeff Stone  
Organization: Individual  
E-mail: [dreamers@maui.net](mailto:dreamers@maui.net)  
Submitted on: 3/29/2012

**Comments:**

We strongly support SB2341. To allow vacation rental use as a permitted use on ag land would save time and money both for us as individuals and the county government who at this point is strangled by its own red tape. Ag land is the BEST place for these activities as there is little, if any, neighbor impact and the added income supports agricultural activity. Please vote YES on this bill and make it open to home rule. I can't begin to tell you how much time has been wasted doing my own Special Use Permits for my now legal Bed and Breakfast on Maui. And now I have to do it all over again for my renewal - as do all the staff members involved at county level, AND the volunteers of the Planning Commission. PLEASE STREAMLINE OUR PROCESSES AND PASS THIS LONG OVERDUE BILL.

## har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 29, 2012 2:34 PM  
**To:** WLOtestimony  
**Cc:** anthuriumz@hotmail.com  
**Subject:** Testimony for SB2341 on 3/30/2012 11:00:00 AM

Testimony for WLO 3/30/2012 11:00:00 AM SB2341

Conference room: 325  
Testifier position: Oppose  
Testifier will be present: Yes  
Submitted by: Wynnie Hee  
Organization: Individual  
E-mail: [anthuriumz@hotmail.com](mailto:anthuriumz@hotmail.com)  
Submitted on: 3/29/2012

**Comments:**

Wow, what a long confusing bill. Do you really mean that if this passes it will go into effect 100 years from now, in 2112?

OK, I guess if the farm land is not used for growing food (or energy) in another 100 years you might as well let it be used for tourism. But I'm afraid you just made a typo and mean for this to go into effect THIS year, 2012.

In that case, NO. Land used for tourism will be unaffordable for farmers to use for growing our food. Please, please, please don't allow our precious agricultural lands to be used for tourism. Please keep our ag lands for agriculture, at least 100 years longer. Please help present and future farmers have affordable land.

**har2-Samantha**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 29, 2012 3:57 PM  
**To:** WLOtestimony  
**Cc:** maguinger@hawaii.rr.com  
**Subject:** Testimony for SB2341 on 3/30/2012 11:00:00 AM

Testimony for WLO 3/30/2012 11:00:00 AM SB2341

Conference room: 325  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Mary A. Guinger  
Organization: Individual  
E-mail: [maguinger@hawaii.rr.com](mailto:maguinger@hawaii.rr.com)  
Submitted on: 3/29/2012

**Comments:**

To be sustainable, Oahu needs to keep farmland to feed over 900,000 people + tourists.  
We are 10 days from starvation now.  
We need to be self sufficient .  
Fresh produce is healthier too!!

## har2-Samantha

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 29, 2012 4:42 PM  
**To:** WLOtestimony  
**Cc:** 1dansandi1@gmail.com  
**Subject:** Testimony for SB2341 on 3/30/2012 11:00:00 AM

Testimony for WLO 3/30/2012 11:00:00 AM SB2341

Conference room: 325  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Sandra Simoni  
Organization: Individual  
E-mail: [1dansandi1@gmail.com](mailto:1dansandi1@gmail.com)  
Submitted on: 3/29/2012

### Comments:

I live in Hana, Maui and have been a resident for over 12years. I am the only permitted B&B (Permit #BBHA20110001) in Hana due to fact that most of the land in Hana is zoned Ag, and I want to support others to also become a permitted business. Hana is the #1 tourist attraction on Maui and many visitors wish to enjoy the beauty of this area by staying here. Without this bill being passed so many of the people who live on Ag land, who are now struggling to make a living as some of the Ag zoned parcels are not suitable for grazing or farming, will find it very challenging if not impossible to get a short term rental or B&B permit. Getting a special use permit takes so much time and energy and this is prior to then going through the actual permitting process that took me over a year and half to receive. The permitting process itself will ensure that the property is within the guidelines of the County of Maui, and this is a redundant process. The Hana district currently has a cap of how many vacation rentals will be allowed and thus this bill will only help the local economy, not hurt it. Hana can support both vacation rentals and still have Ag usage. Please consider removing the prohibition of vacation rentals on Ag land to support one of the most isolated communities in the islands, Hana, Maui, HI.

ALOHA FROM MAUI!

I am writing to ask for your support for SB2341.

As I understand it, this bill would move the decision for vacation rentals on ag land to the County level. This is appropriate, as it allows each county to determine what is best for their community.

Many of Maui's small farmers are so frustrated by the system that they will not take the time to write. But the feeling from those that I've been able to speak with over the last couple of weeks is that a supplemental income to fall back on would be very welcome. Farming isn't like the office job that I have, or the State job that you have... there is no guaranteed paycheck coming in every month.

And let's be honest, where is the negative in this? Why would we be adverse to letting a visitor sleep on the property? If we use Maui's proposed short term rental ordinance as an example, nobody would build a home just to apply for a short term rental permit, as the ordinance requires the home to be at least five years old. So the house is already there. It isn't taking any land out of agriculture.

SB2341 would only allow vacation rentals on ag land IF THE COUNTY PASSES AN ORDINANCE TO PERMIT IT. This allows each County to determine what is best for their community.

I noticed a recent amendment to the ordinance that specifies a County would need to have a population larger than 250,000 but less than 500,000. Unfortunately NO counties fall into this range. I am curious why this is in the ordinance:

- 1) it would not allow any county to meet the requirement, and
- 2) each County would already have the option of passing an ordinance to allow or not allow these rentals.

I am hoping that you will support this ordinance. But if not, I would appreciate a reply to let me know the basis for opposing it.

Thank you so much.

Catherine Clark  
808-575-9973