

**LATE**



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

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March 1, 2012

HEARING BEFORE THE  
SENATE COMMITTEE ON TOURISM

TESTIMONY ON SB 2341, SD1  
RELATING TO LAND USE

Room 224  
1:20 PM

Chair Kim, Vice Chair Kouchi, 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 the intent of SB 2341, SD1 and provides the following comments.

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, HFBF 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 agricultural lands. We felt it was appropriate to be consistent as in other land uses to use the zoning chapter to delegate this authority to the Counties. To accomplish this objective, HFBF supported language that recognized agritourism but required the Counties to develop an agritourism ordinance.

During the hearings, there were many discussions regarding overnight accommodations. In the end, prohibition 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.

There are examples of bed and breakfast operations on working farms across the country. Many years have passed since 2006 and the Counties have had discussions about this issue. The Counties should decide the conditions under which such practices would be allowed. 205-2(d)11 does not prohibit overnight accommodations. Therefore, addition of (13) specifically allowing short-term rentals should not be required.

Similarly, 205-4.5(a)(13) does not prohibit overnight dwellings so the proposed section (20) is not required.

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.

We do not agree with the deletion of the requirement of bona fide farming operations for conducting agritourism activities in 205-5. These types of activities are called agritainment in other areas of the country and are not considered agriculture. Allowing such activities on agricultural lands has the potential to result in conflicts and negative impacts on farming operations.

HFBF respectfully suggests that the rural district be considered for overnight accommodations without agriculture. In the rural district agriculture is a choice. We strongly believe that agriculture must be the priority in the agricultural district that is provided benefits such as reduced property taxes, water rates and other tax breaks in exchange for the production of agricultural products. This priority must not be lost.

The County Farm Bureaus are ready and willing to work with the various Counties to enact Agritourism Ordinances that are appropriate for their conditions.

Thank you for this opportunity to address this important issue. We believe the primary purpose within the Agricultural District is production agriculture. The option of a rural district is available in which agriculture is a choice and appropriate for bed and breakfast and other agritourism activities that focus on tourism as the primary enterprise.

We respectfully request passage of this measure to address the County's need to address overnight accommodations associated with agritourism, by

1. amending section 205-5 (b)(2) as proposed
2. continuing to require County ordinances as specified in 205-5(b)
3. removing proposed deletion of requiring bona fide agricultural operations associated with agritourism.
4. encouraging use of the rural designation for overnight accommodations not associated with agricultural activity.

Thank you for this opportunity to provide our opinion on this matter. All of the Counties have faced challenges of non-agricultural uses entering the agricultural district. As we move to allow overnight accommodations on agricultural lands, it is important that we do not create unintended consequences that impact expanded commercial production of agricultural products that is the intent of agricultural lands.

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 29, 2012 8:41 PM  
**To:** TSM Testimony  
**Cc:** Tcroly@Maui.net  
**Subject:** Testimony for SB2341 on 3/1/2012 1:20:00 PM

Testimony for TSM 3/1/2012 1:20:00 PM SB2341

**LATE**

Conference room: 224  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Thomas Croly  
Organization: Individual  
E-mail: [Tcroly@Maui.net](mailto:Tcroly@Maui.net)  
Submitted on: 2/29/2012

Comments:

Please support this measure to allow short term rentals to supplement the incomes of family farms

Allowing overnight accommodations on Ag land is a natural fit with agricultural efforts and Eco Tourism is one of the fast growing segments of the travel industry.

Maui county has been permitting such accommodations by way of it's Bed and Breakfast ordinance MCC19.64, but each applicant must also obtain a state special use permit. However, the requirements of this State permit are already met because of the county's policy to require an implemented farm plan before constructing a second farm dwelling. So the State special use permit showing compliance with HRS 205 is essentially redundant. Responsible governance will streamline and get rid of redundant laws.

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 29, 2012 9:03 PM  
**To:** TSM Testimony  
**Cc:** windsurf@maui.net  
**Subject:** Testimony for SB2341 on 3/1/2012 1:20:00 PM

Testimony for TSM 3/1/2012 1:20:00 PM SB2341

**LATE**

Conference room: 224  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Catherine Clark  
Organization: Individual  
E-mail: [windsurf@maui.net](mailto:windsurf@maui.net)  
Submitted on: 2/29/2012

Comments:

With the condition of our economy, we must give each individual the right to make a living any way possible. For our farmers that are having a very tough time right now, this would give them an avenue of supplemental income. For properties that would operate short term rentals, they would be providing employment for other service providers. I encourage you to support this bill.



**kim3 - Nancy**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 29, 2012 10:22 PM  
**To:** TSM Testimony  
**Cc:** dreamers@maui.net  
**Subject:** Testimony for SB2341 on 3/1/2012 1:20:00 PM

Testimony for TSM 3/1/2012 1:20:00 PM SB2341

Conference room: 224  
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: 2/29/2012

**LATE**

**Comments:**

I own a licensed and permitted B&B on ag land in Maui. I'm just coming up for my permit renewal this year. I now have to repeat the whole Special Use Permit process PLUS the B&B process. Surely this is a huge waste of time, both for myself and for all the State and County staff who have to process a permit application that is virtually a carbon copy of the one submitted three years ago. I think it is widely accepted that ag land is the BEST place for a vacation rental/ B&B, as neighbors are impacted the least and parking is no problem. Vacation rental/B&B is a true, small "cottage" industry, benefiting the community as a whole by direct influx of dollars to the small time operator. These dollars in turn help the operator maintain and sustain his/land, often opening up new opportunities in "eco" tourism which are appealing to more and more people. PLEASE! LET THIS SIMPLY BE A "PERMITTED" ACTIVITY ON AG LAND. WE ALREADY HAVE ENOUGH RED TAPE. RED TAPE IS NOT "sustainable"!

**kim3 - Nancy**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 29, 2012 10:31 PM  
**To:** TSM Testimony  
**Cc:** randyleavitt@gmail.com  
**Subject:** Testimony for SB2341 on 3/1/2012 1:20:00 PM

Testimony for TSM 3/1/2012 1:20:00 PM SB2341

Conference room: 224  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Randy Leavitt  
Organization: Individual  
E-mail: [randyleavitt@gmail.com](mailto:randyleavitt@gmail.com)  
Submitted on: 2/29/2012

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**Comments:**

I believe that this Bill will allow for more tourism within the State. Many people wanna stay in rural areas and do not want the hustle and bustle of the tourist areas. This will enhance the economy and bring more jobs, especially local jobs. If the county governments approve the ordinance they will mitigate any potential adverse affects. Please support this Bill.

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 01, 2012 6:10 AM  
**To:** TSM Testimony  
**Cc:** michaelasmith@firevision.com  
**Subject:** Testimony for SB2341 on 3/1/2012 1:20:00 PM

Testimony for TSM 3/1/2012 1:20:00 PM SB2341

Conference room: 224  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Michael A Smith  
Organization: Individual  
E-mail: [michaelasmith@firevision.com](mailto:michaelasmith@firevision.com)  
Submitted on: 3/1/2012

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Comments:

Passage of this Bill is important for jobs and livelihoods in the Ag zones of Maui. The closure of short-term vacation rentals has caused local restaurants and other businesses to close or shrink, particularly in the north shore areas of Maui (Haiku, Paia). Short term rentals not only support restaurant jobs, but provide work for people who provide lawn & gardening care, pool maintenance, carpentry & repairs, baby sitting, house cleaning, vehicle rentals and sports equipment rentals and sales (windsurfing, surfing, stand-up paddling, kite-boarding, kayaking, hiking, bicycling, horseback riding). Many of these active visitors choose not to stay in hotels and prefer vacation rental properties; otherwise they can and do go to alternative destinations. Please pass this Bill 2341 to support local economic opportunity and jobs.



**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 01, 2012 7:01 AM  
**To:** TSM Testimony  
**Cc:** ddantes@compuserve.com  
**Subject:** Testimony for SB2341 on 3/1/2012 1:20:00 PM

Testimony for TSM 3/1/2012 1:20:00 PM SB2341

**LATE**

Conference room: 224  
Testifier position: Support  
Testifier will be present: No  
Submitted by: David Dantes, M.D.  
Organization: Individual  
E-mail: [ddantes@compuserve.com](mailto:ddantes@compuserve.com)  
Submitted on: 3/1/2012

Comments:

Requirements for a State Special permit in order to operate a short-term visitor rental in the Agricultural District are redundant. Each County already regulates these uses rigorously. Let's avoid a costly bureaucratic repetition and leave the process to the Counties.

**kim3 - Nancy**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 01, 2012 7:27 AM  
**To:** TSM Testimony  
**Cc:** ddantes@compuserve.com  
**Subject:** Testimony for SB2341 on 3/1/2012 1:20:00 PM

Testimony for TSM 3/1/2012 1:20:00 PM SB2341

Conference room: 224  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Beverly Livingston, R.N. (ret.)  
Organization: Individual  
E-mail: [ddantes@compuserve.com](mailto:ddantes@compuserve.com)  
Submitted on: 3/1/2012

**LATE**

**Comments:**

Free the Planning Commissions from having to do the duplicate of what the Planning Dep't. and the County Council already have to do in order for people to get their permit for their short term rental.