

NEIL ABERCROMBIE  
Governor



RUSSELL S. KOKUBUN  
Chairperson, Board of Agriculture

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# LATE TESTIMONY

## 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. 2375, SENATE DRAFT 3, HOUSE DRAFT 1 RELATING TO AGRICULTURAL-BASED COMMERCIAL OPERATIONS

Chairperson Chang and Members of the Committee:

Thank you for this opportunity to provide testimony on Senate Bill No. 2375 SD3 HD1 which proposes to amend references to roadside stands in Chapter 165, the Hawaii Right-to-Farm Law, and in Sections 205-2 and 4.5, the State Land Use Law with a three-tiered definition of agricultural-based commercial operations. The Department of Agriculture supports the intent of the bill but has some concerns.

The Department is agreeable to roadside stands selling agricultural products grown on the premises where the stands are located as well as other fresh and processed agricultural products from elsewhere in the State. However, we are concerned that this measure will allow retail food establishments throughout the Agricultural District on all classes of agricultural land, from "A" to "E".

For instance, a food establishment according to the administrative rules of the Department of Health (Title 11, Chapter 12) includes operations ranging from a push cart hot dog stand to a full-service, sit-down restaurant. This measure does not specify how many unrelated operations may be located on an agricultural property. An



entrepreneurial agricultural landowner could have several operations located on a single parcel. We believe this kind of outcome would be contrary to the primary use of agricultural lands, particularly "A" and "B", which is crop and livestock production.

Thank you for the opportunity to present testimony.



**Hawaii Farm Bureau**  
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March 30, 2012

HEARING BEFORE THE  
HOUSE COMMITTEE ON WATER, LAND, & OCEAN RESOURCES  
TESTIMONY ON SB 2375, SD3, HD1  
RELATING TO AGRICULTURAL BASED COMMERCIAL OPERATIONS

Room 325  
11:00 AM

Chair Chang, Vice Chair, and Members of the Committees:

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 SB 2375, SD3, HD1 defining the scope of farm stands in the agricultural district.

Farm stands and other retail sales are significant revenue enhancing opportunities for our farmers and ranchers. The existing law has created some challenges for our existing farmers and ranchers who are conducting true farm stands in agricultural areas.

Many of our farmers have multiple lots on different TMKs. The existing law only allows sale of "products grown on the premise". This limits the opportunity of the farm stand as if followed literally, they would not be able to sell all of the products they grow. At the same time, we have many "farm stands" selling product not grown in the County or Hawaii. We do not believe this is the intent of this amendment. Broadening the scope of the language to "raw Hawaii agricultural products" may be too broad, encouraging farm stands that are unrelated to actual agricultural activity.

HFBF respectfully requests passage of this measure. We strongly believe farm stands and other on farm retail opportunities will increase the viability of our farmers and ranchers but also realize there is great opportunity of abuse. We feel, however, with adequate self-certification requirements that do not overly burden the County of enforcement responsibilities, the intended goal of this measure can be accomplished without significant unintended consequences.