



State of Hawaii
DEPARTMENT OF AGRICULTURE
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**TESTIMONY OF SCOTT E. ENRIGHT
CHAIRPERSON, BOARD OF AGRICULTURE**

**BEFORE THE HOUSE COMMITTEES ON AGRICULTURE AND TOURISM
MONDAY, JANUARY 27, 2014
9:10 A.M.
Room 312
HOUSE BILL NO. 772
RELATING TO LAND USE**

Chairpersons Wooley and Brower and Members of the Committees:

Thank you for the opportunity to testify on House Bill No. 772 that establishes agricultural tourism activities, including overnight accommodations as a permissible use for bona fide farming operations. This measure also defines bona fide farming operations. The Department of Agriculture supports this measure with one amendment.

The Department agrees that farmers should be able to generate additional income through activities that are clearly accessory and secondary to their bona fide farming operations. Last year, concern was expressed the existing language allowing agricultural tourism and overnight accommodations was too broad and poorly defined and could allow the unintended and excessive development of agricultural lands with little agricultural production to show for it.

WHAT ARE THE CRITERIA THAT DEFINE A BONA FIDE FARMING OPERATION?

To address this concern, this bill establishes criteria that define a bona fide farming operation.

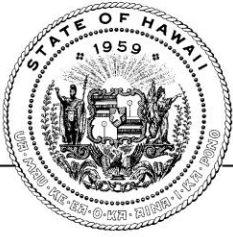
- a) The farm has been in operation for at least two years;



- b) More than 50 percent of the farm's annual gross income comes from sales of agricultural products grown on the property for which an agricultural tourism use is proposed; and
- c) The farm, for at least two of the preceding five years, must have annual gross sales of agricultural products of no less than:
 - i. **\$35,000** for agricultural tourism uses or activities requiring permanent structures or include overnight accommodations, or
 - ii. **\$10,000** for agricultural tourism uses or activities not requiring permanent structures and do not include overnight accommodations.

The \$35,000 income threshold figure came from Maui County's zoning ordinance requirements for farm labor dwellings and bed and breakfast homes. The \$10,000 income threshold came from Hawaii County's original agricultural tourism zoning ordinance.

Thank you, again, for the opportunity to testify on this measure.



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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 TOURISM**
Monday, January 27, 2014
9:10 AM
State Capitol, Conference Room 312

in consideration of
HB 772
RELATING TO LAND USE.

Chairs Wooley and Brower, Vice Chairs Onishi and Cachola, and Members of the House Committees on Agriculture and Tourism.

The Office of Planning (OP) strongly supports HB 772, an Administration bill. HB 772 would amend Hawaii Revised Statutes (HRS) Chapter 205 to (1) clarify the provisions for agricultural tourism activities, including overnight accommodations, as a permissible use for a bona fide farming operation in the State Agricultural District; and (2) set uniform standards for defining a bona fide farming operation for the purposes of regulating agricultural tourism statewide.

County planning departments were consulted in development of the final bill, and the bill reflects the feedback and concerns raised by individual county representatives. Under HB 772, the counties would be able to apply a uniform standard for eligible farmer applicants and process these permits using their existing codes, as amended to conform to the bill's standards. The

proposed income standards in SB 994 are based on the threshold adopted for an additional farm labor dwelling under Maui County code and the threshold adopted for agricultural tourism activities under Hawaii County code. The permissible length of stay conforms to that contained in county codes.

The bill strives to find a balance between ease of administration—through the requirement for documentation of agricultural income—and setting appropriate standards for defining and regulating agricultural tourism and overnight accommodations in the State Agricultural District.

A major objective of HRS Chapter 205 is to protect agricultural lands and ensure their continued availability for agricultural use. This is a priority for this Administration; so is increasing farm viability for legitimate farmers. This bill would help bona fide farmers statewide to incorporate this kind of value-added revenue generating activity within their farming operations, and ensure that no bona fide farmer is unduly barred from doing so simply because of geography.

Thank you for the opportunity to testify on this measure.



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Neil Abercrombie
Governor

Mike McCartney
President and Chief Executive Officer

Testimony of
Mike McCartney
President and Chief Executive Officer
Hawai'i Tourism Authority
on
H.B. No. 772
Relating to Land Use
Committee on Agriculture
Committee on Tourism
Monday, January 27, 2012
9:10 a.m.
Conference Room 312

The Hawaii Tourism Authority (HTA) supports H.B. No. 772, which proposes to amend the Land Use Law to expand agricultural tourism as a permissible use in the agricultural land use district to include overnight accommodations, as part of a bona fide farming operation.

H.B. 772 describes the criteria for permitting the agricultural tourism use, such as requiring being in operation for at least two years, and certain income and gross sales requirements. In 2012, Act 329, authorized overnight accommodations as part of an agricultural tourism operation on a working farm in a county consisting of three islands, because the County of Maui, at the time had adopted an ordinance allowing overnight accommodations on agricultural lands. H.B. 772, deletes the three-island requirement.

Section 201B-3, HRS, directs the HTA in its powers and duties the authority to:

- “(20) Coordinate the development of new products with the counties and other persons in the public sector and private sector, including the development of sports, culture, health and wellness, education, technology, **agriculture**, and nature tourism...”

Supporting agricultural tourism and the offering of overnight accommodations as part of an agricultural tourism operation is consistent with the goals of the HTA, which is to provide a diverse and quality tourism product that is unique to Hawaii. Tourism product

development and the evolution of that product is an essential part of HTA's strategy to improve the visitor experience and offer visitors a unique, diverse, and quality experience.

Chapter 46, HRS, assigns zoning to the counties and authorizes them to establish the districts and guidelines for development in the counties. H.B. 772, recognizes this and provides that the counties may adopt ordinances to regulate agricultural tourism uses and activities.

H.B. 772, establishes the framework for the offering overnight accommodations as part of an agricultural tourism operation. Further, it recognizes the diversity of our islands by giving the counties the authority to regulate those uses and activities by ordinance that may be more restrictive in permitting and regulating the agricultural tourism uses.

Thank you for the opportunity to offer these comments.

onishi2-Micah-Seth

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, January 26, 2014 12:06 PM
To: AGRtestimony
Cc: sustainablesakala@gmail.com
Subject: Submitted testimony for HB772 on Jan 27, 2014 09:10AM

HB772

Submitted on: 1/26/2014

Testimony for AGR/TOU on Jan 27, 2014 09:10AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Steve Sakala	Hawaii Farmers Union United	Support	No

Comments: Aloha Representatives, Thanks for taking the time to read my comments. I am the Vice President of the Kona Chapter of the Hawaii Farmers Union United. I speak for myself and other farmers that face similar issues. HB 772 is a very important bill for our farmers and our economy. Many farmers have to diversify to make ends meet. Allowing for agriculture tourism to be included in farm activities is a straight forward step. Thank you for voting in favor of HB 772. Mahalo, Steve Sakala

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onishi2-Micah-Seth

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Sent: Friday, January 24, 2014 5:38 PM
To: AGRtestimony
Cc: mauibrad@hotmail.com
Subject: *Submitted testimony for HB772 on Jan 27, 2014 09:10AM*

HB772

Submitted on: 1/24/2014

Testimony for AGR/TOU on Jan 27, 2014 09:10AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Brad Parsons	Individual	Support	No

Comments:

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To: AGRtestimony
Cc: mauiwit@hotmail.com
Subject: *Submitted testimony for HB772 on Jan 27, 2014 09:10AM*

HB772

Submitted on: 1/26/2014

Testimony for AGR/TOU on Jan 27, 2014 09:10AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Christine L. Andrews, J.D.	Individual	Support	No

Comments:

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Cc: jdancer@kula.us
Subject: *Submitted testimony for HB772 on Jan 27, 2014 09:10AM*

HB772

Submitted on: 1/26/2014

Testimony for AGR/TOU on Jan 27, 2014 09:10AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
John NAYLOR	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Sunday, January 26, 2014 7:29 AM
To: AGRtestimony
Cc: luann@tinroofranch.org
Subject: *Submitted testimony for HB772 on Jan 27, 2014 09:10AM*

HB772

Submitted on: 1/26/2014

Testimony for AGR/TOU on Jan 27, 2014 09:10AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
luann casey	Individual	Support	No

Comments:

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Cc: robtarver1953@gmail.com
Subject: *Submitted testimony for HB772 on Jan 27, 2014 09:10AM*

HB772

Submitted on: 1/26/2014

Testimony for AGR/TOU on Jan 27, 2014 09:10AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Rob Tarver	Individual	Support	No

Comments:

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