

SB 1073

Allows for overnight accommodations for bona fide farming operations. Defines bona fide farming operations.

DAVID Y. IGE
Governor

SHAN S. TSUTSUI
Lt. Governor



State of Hawaii
DEPARTMENT OF AGRICULTURE
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SCOTT E. ENRIGHT
Chairperson, Board of Agriculture

PHYLLIS SHIMABUKURO-GEISER
Deputy to the Chairperson

TESTIMONY OF SCOTT E. ENRIGHT
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE SENATE COMMITTEES ON TOURISM AND INTERNATIONAL
AFFAIRS AND AGRICULTURE

February 12, 2015
2:45 P.M.

HOUSE BILL NO. 1073
RELATING TO LAND USE

Chairpersons Kahele and Ruderman and Members of the Committee:

Thank for the opportunity to testify on Senate Bill No. 1073 which is an Administration measure. The Department of Agriculture strongly supports this measure that allows bona fide farmers the opportunity to generate additional income by offering agricultural tourism activities including overnight accommodations. Under this measure, agricultural tourism and overnight accommodations would be allowed if they are clearly secondary and accessory to "bona fide farming operations" and requires the counties to enact ordinances to regulate it. This measure promotes a concise definition of "bona fide farming operations" based on income from sales of crop or livestock grown on the property for which agricultural tourism is proposed. This ensures that agricultural tourism activities are properly established and abuse is reduced, particularly when overnight accommodations are included.

Thank you for the opportunity to present our testimony on this important measure.





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

DAVID Y. IGE
GOVERNOR

LUIS P. SALAVERIA
DIRECTOR

MARY ALICE EVANS
DEPUTY DIRECTOR

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Statement of
LUIS P. SALAVERIA
Director, Department of Business, Economic Development and Tourism
before the
**SENATE COMMITTEE ON TOURISM AND INTERNATIONAL AFFAIRS
AND
SENATE COMMITTEE ON AGRICULTURE**

Thursday, February 12, 2015
2:45 PM
State Capitol, Conference Room 414

in consideration of
**SB 1073
RELATING TO LAND USE.**

Chairs Kahele and Ruderman, Vice Chairs English and Riviere, and Members of the Senate Committees on Tourism and International Affairs and Agriculture.

The Department of Business, Economic Development and Tourism strongly supports SB 1073, an Administration bill. SB 1073 would amend Hawaii Revised Statutes (HRS) Chapter 205 to allow for agricultural tourism activities, including overnight accommodations, for bona fide farming operations without requiring county ordinance changes.

The bill would make it easier for bona fide farming operations to consider and undertake agricultural tourism activities, thereby increasing the agricultural-related income of those operations and promoting the sustainability and potential expansion of their agricultural operations.

Importantly, there has long been a need for a clear statutory definition of what constitutes a bona fide farming operation. This bill also allows counties to impose more restrictive requirements, but eliminates the requirement for county ordinances. Consequently, agricultural tourism may then occur in all counties, subject to any additional restrictions which the counties may affirmatively choose to create.

Supporting agricultural tourism and the offering of overnight accommodations as part of an agricultural tourism operation is fully consistent with the promotion of economic development advocated by this department and contributes to the goals of increased food security and food self-sufficiency for the State of Hawaii.

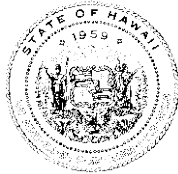
Thank you for the opportunity to testify on this measure.

DAVID Y. IGE
Governor

SHAN S. TSUTSUI
Lieutenant Governor

LUIS P. SALAVERIA
Director

MARY ALICE EVANS
Acting Deputy Director



LAND USE COMMISSION
Department of Business, Economic Development & Tourism
State of Hawai`i

DANIEL ORODENKER
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Statement of
Daniel E. Orodener
Executive Officer
Land Use Commission
Before the
SENATE COMMITTEE ON TOURISM AND INTERNATIONAL AFFAIRS
AND
SENATE COMMITTEE ON AGRICULTURE

February 12, 2015
2:45 PM
State Capitol, Conference Room 414

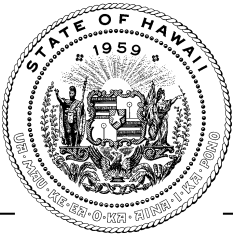
in consideration of
SB1073
RELATING TO LAND USE

Chairs Kahele and Ruderman, Vice Chairs English and Riviere and Members of the Senate Committees on Tourism and International Affairs and Agriculture.

The Land Use Commission (LUC) supports SB 1073, an Administration bill. SB 1073 would amend Chapter 205, Hawai`i Revised Statutes (HRS) to: clarify the provisions for agricultural tourism activities for bona fide farming operations in the State Agricultural District; and set uniform standards for defining bona fide farming operations for the purposes of regulating agricultural tourism statewide.

This bill provides a uniform standard and process for eligible farmer applicants and counties. The bill balances ease of administration—through the requirement for documentation of agricultural income—with setting appropriate standards for defining and regulating agricultural tourism and overnight accommodations in the State Agricultural District.

Thank you for the opportunity to testify on this matter.



OFFICE OF PLANNING STATE OF HAWAII

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Statement of
LEO R. ASUNCION
Acting Director, Office of Planning
before the
**SENATE COMMITTEE ON TOURISM AND INTERNATIONAL AFFAIRS
AND
SENATE COMMITTEE ON AGRICULTURE**

Thursday, February 12, 2015
2:45 PM
State Capitol, Conference Room 414

in consideration of
SB 1073
RELATING TO LAND USE.

Chairs Kahele and Ruderman, Vice Chairs English and Riviere and Members of the Senate Committees on Tourism and International Affairs and Agriculture.

The Office of Planning (OP) strongly supports SB 1073, an Administration bill. SB 1073 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.

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.

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 SB 1073, 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 1073 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.

Thank you for the opportunity to testify on this measure.



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February 12, 2015

HEARING BEFORE THE
SENATE COMMITTEE ON TOURISM AND INTERNATIONAL AFFAIRS
SENATE COMMITTEE ON AGRICULTURE

TESTIMONY ON SB 1073
RELATING TO LAND USE

Room 414
2:45 PM

Aloha Chair Kahele, Chair Ruderman, Vice Chair English, Vice Riviere, and Members of the Committees:

I am Christopher Manfredi, President of the Hawaii Farm Bureau Federation (HFB). Organized since 1948, the HFB is comprised of 1,932 farm family members statewide, and serves as Hawaii's voice of agriculture to protect, advocate and advance the social, economic and educational interests of our diverse agricultural community.

HFB supports the intent SB 1073, which allows for overnight accommodations for bona fide farming operations and defines bona fide farming operations.

We support the strong position of ensuring that agricultural tourism operations are subordinate to bona fide agricultural operations. We continue to believe that other loosely-related activities that merely use agriculture as a justification belong in the rural district. Moreover, Counties should be encouraged to move in this direction, thereby protecting agricultural lands. This measure also seeks to define "bona fide farming operations" to insure that agricultural tourism operations are subordinate to legitimate agricultural production.

We believe that the details of agritourism is a Home Rule issue and we request that the requirement that a County adopt ordinances regulating agricultural tourism operations remain in statute. Counties may differ in their opinions of what they allow. This should be duly respected and falls within the purview of County zoning code.

Thank you for this opportunity to provide comments on this measure.

From: mailinglist@capitol.hawaii.gov
To: [TSI Testimony](#)
Cc: nredfeather@kohalacenter.org
Subject: Submitted testimony for SB1073 on Feb 12, 2015 14:45PM
Date: Saturday, February 07, 2015 6:32:33 AM

SB1073

Submitted on: 2/7/2015

Testimony for TSI/AGL on Feb 12, 2015 14:45PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Nancy Redfeather	Individual	Comments Only	No

Comments: There are many "educational farms" on Hawai'i Island that do not meet the \$35,000 sale minimum. These farms are better suited to give our visitors a farm experience while in the Islands. Large commercial farms are not the best ones for these types of operations, they need to be more focused on production than hospitality. Small diverse farms will yield better experiences for our visitors.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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From: mailinglist@capitol.hawaii.gov
To: [TSI Testimony](#)
Cc: yamaguchd009@hawaii.rr.com
Subject: *Submitted testimony for SB1073 on Feb 12, 2015 14:45PM*
Date: Wednesday, February 11, 2015 10:06:54 PM

SB1073

Submitted on: 2/11/2015

Testimony for TSI/AGL on Feb 12, 2015 14:45PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Dennis Yamaguchi	Individual	Oppose	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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