



**STATE OF HAWAII
OFFICE OF PLANNING
& SUSTAINABLE DEVELOPMENT**

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Statement of
MARY ALICE EVANS, Interim Director

before the
SENATE COMMITTEE ON WATER AND LAND

Wednesday, February 7, 2024

1:00 PM

State Capitol, Conference Room 229

in consideration of
**SENATE BILL 2756
RELATING TO CAMPS.**

Chair Inouye, Vice Chair Elefante, and Members of the Senate Committee on Water and Land:

The Office of Planning and Sustainable Development (OPSD) offers **comments with concerns** on SB2756, which would amend § 205-4.5 (a) (6), Hawaii Revised Statutes (HRS) to remove “overnight camps” as an excluded use in the State Agricultural District.

The term “overnight camps” is a broad concept that can encompass an open, tent-filled field operated by not-for-profit entities such as the Boy/Girl Scouts of America as well as a commercial enterprise with cabins, dining rooms, meeting rooms, and other permanent structures that could replace agricultural activities.

Removal of the prohibition against overnight camps will add to the list of non-agricultural activities already allowed in the Agricultural District, if such special permits are granted.

Furthermore, removal of the prohibition could allow the counties to classify overnight camps as “open area types of recreational uses” which are permitted outright in the Agricultural District under § 205-4.5 (a) (6), HRS.

Thank you for the opportunity to testify on this measure.

JOSH GREEN, M.D.
Governor

SYLVIA LUKE
Lt. Governor



SHARON HURD
Chairperson, Board of Agriculture

DEXTER KISHIDA
Deputy to the Chairperson

State of Hawai'i
DEPARTMENT OF AGRICULTURE
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**TESTIMONY OF SHARON HURD
CHAIRPERSON, BOARD OF AGRICULTURE**

BEFORE THE SENATE COMMITTEE ON WATER AND LAND

**WEDNESDAY, FEBRUARY 7, 2024
1:00 PM
CONFERENCE ROOM 229**

**SENATE BILL NO. 2756
RELATING TO CAMPS**

Chair Inouye, Vice Chair Elefante and Members of the Committee:

Thank you for the opportunity to testify on Senate Bill 2175 that seeks to repeal the prohibition on overnight camps in the Agricultural Districts by removing the term "overnight camps" on page 3, lines 20-21. The Department of Agriculture (Department) offers comments.

The argument made in Section 1 of the bill that cobbles together two decisions by the Hawaii Supreme Court, existing and presumably grandfathered campgrounds on Maui and Oahu whose Special Permits are nearing expiration, and interpretations of applicable sections in Chapter 205 seem reasonable. Otherwise, the Department defers to other agencies more familiar with interpreting State land use law and court decisions.

Thank you for the opportunity to present our testimony.



SB-2756

Submitted on: 2/5/2024 11:39:20 AM

Testimony for WTL on 2/7/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Cara Griffin	Testifying for Breath & Barefeet Yoga & Maui Surfer Girls	Support	In Person

Comments:

Aloha e Chair Inouye, Vice Chair Elefante and members of the Water and Land Committee,

Thank you for the opportunity to provide testimony in strong support of Senate Bill 2756.

I work with Maui Surfer Girls and providing women's, and teen surf &, yoga camps out of Olowalu. The camps help perpetuate and respect Hawaiian culture and language Through immersive experiences that contribute to Aloha Aina. Now he said girls has been running their camps for over 20 years, contributing to transformational empowering experiences for visitors and locals that extend out into our communities.

There are over 880,000 acres across Hawai'i designated as agricultural lands, some of the camps in question and other overnight camps across the state take up the following acreage:

Camp Maluhia: 18 acres

Camp Olowalu: 7 acres

Camp Pālehua: 16 acres

Camp Erdman: 20 acres

Camp Mokulē'ia: 40 acres

We are not asking for an exclusion or exemption, we are asking to remain operable by special use permits, it is a guaranteed way for local control to ensure that we are operating as set forth by our use permit.

Hawai'i Senate Committee on Water and Land
Senator Lorraine R. Inouye, Chair
Senator Brandon J.C. Elefante, Vice Chair

DATE: Wednesday, February 7, 2024
TIME: 1:00 PM
PLACE: Conference Room 229
State Capitol
415 South Beretania Street

TESTIMONY IN STRONG SUPPORT OF SB 2756
Testimony of **Rory Frampton, Land Use Planning Consultant**

Aloha e Chair Inouye, Vice Chair Elefante and members of the Water and Land Committee,

Thank you for the opportunity to provide testimony in strong support of Senate Bill 2756.

As noted in the Section 1 of this bill, in March 2023, the Hawai'i Supreme Court ruled that Special Permits (SPs) cannot be issued to overnight campgrounds in the State Agricultural Land Use District. This ruling reverses the previous Supreme Court opinion which allowed for uses such as campgrounds to be approved via SPs if they were deemed to be an "unusual but reasonable" use in the State Ag District.

There are four (4) campgrounds on Maui in the State Ag District:
Camp Maluhia (Boy Scouts)
Camp Pi'iholo (Girl Scouts)
Ke'anae Uka (formerly Camp Ke'anae)
Camp Olowalu (formerly Camp Pecusa founded by Episcopop Church)

Each campground was established before the adoption of the State Land Use Law and are considered "grandfathered" uses. Two of the existing campgrounds have SPs with time extensions coming up in the next year and a half: Camp Maluhia and Camp Olowalu. Based on this ruling, the two campgrounds would be unable to obtain time extensions for their respective SPs, and instead would be required to change their State Land Use classification from "Agricultural" to "Urban." The campgrounds on Maui are in rural-country type settings with no urban uses in the nearby vicinity. Changing the land use to Urban would be a type of spot zoning.

There are also at least (2) overnight camps in the Ag District on Oahu: Camp Palehua (Camp Timberline) and Camp Homelani (Salvation Army) who are also impacted.

The proposed amendment to HRS 205-4.5 contained in SB 2756 would eliminate “overnight camps” from the list of prohibited activities in the State Ag District. Striking “overnight camps” from the language in HRS 205-4.5 would allow for SPs to be used as a permitting vehicle for these overnight camps, and would still require approval from the Planning Commissions (or Land Use Commission for uses over 15 acres) via the Special Permit process, thereby continuing to include notification of neighbors as well as a public hearing.

If approved this bill would re-establish the regulatory process for overnight camps that existed for over 30 years prior to the recent Supreme Court ruling. History has shown that this process has not led to a proliferation of overnight campgrounds in the Agricultural District or a significant loss of productive agricultural lands.

Striking the prohibition would also be establish consistency with Section 205-4.5(14) which allows for eco-tourism activities with overnight accommodations in the Agricultural District.

Thank you for the opportunity to provide testimony.

Rory Frampton

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February 7, 2024

HEARING BEFORE THE
SENATE COMMITTEE ON WATER AND LAND

TESTIMONY ON SB 2756
RELATING TO CAMPS

Conference Room 229 & Videoconference
1:00 PM

Aloha Chair Inouye, Vice-Chair Elefante, and Members of the Committee:

I am Brian Miyamoto, Executive Director of the Hawai'i Farm Bureau (HFB). Organized since 1948, the HFB is comprised of 1,800 farm family members statewide and serves as Hawai'i's voice of agriculture to protect, advocate, and advance the social, economic, and educational interests of our diverse agricultural community.

The Hawai'i Farm Bureau respectfully opposes SB 2756, which repeals the prohibition on overnight camps in agricultural district.

HFB believes that the primary use of agriculturally zoned lands is production agriculture. Our policy states that we support:

"Directing nonagricultural uses and activities from agricultural lands to other areas and ensure that uses on agricultural lands are actual agricultural uses"

There is a wide array of permissible uses in the Agricultural District. Counties find enforcement difficult. Camping is clearly not an agricultural activity. We believe it should occur only under special conditions and require special use permits. Regardless of how restrictive the intent of the measure is, creative people will find loopholes and there will be unintended consequences.

Abuse and enforcement of these laws is usually the challenge and HFB is especially concerned about the unintended consequences of allowing other types of activities on agricultural land. We believe the primary purpose of the Agricultural District is production agriculture.

Rather than increasing non-agricultural uses on agricultural lands, we suggest creating mechanisms to increase farm and ranch viability so farms and ranches will not need non-agricultural activities to supplement their incomes.

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

SB-2756

Submitted on: 2/4/2024 4:36:12 PM

Testimony for WTL on 2/7/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kathleen M. Pahinui	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Inouye -

I oppose SB 2756 repealing the prohibition on overnight camping on ag lands. This will open up our ad lands to development abuse. Too many in my community buy ag land and only want to develop it and not grow food. We are already in danger with our food security - which I understand is a state goal - however, we are doing nothing to save our ag land and support farmers. All I see are bills to take the land and allow non-ag uses. We need to grow food not buildings or tents on our ag land.

Mahalo for your time and consideration,

Kathleen M. Pahinui

Waialua Resident, North Shore, Oahu

SB-2756

Submitted on: 2/4/2024 8:23:19 PM

Testimony for WTL on 2/7/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Tamara Paltin	Individual	Oppose	Written Testimony Only

Comments:

If anything SB2756 should also require a conditional permit in addition to a state special use permit and there should at least be 75% of the usable ag land in ag production.



LATE

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Aloha Chair Inouye, Vice Chair Elefante, and Members of the Senate Water and Land Committee,

The Hawaii Farmers Union is a 501(c)(5) agricultural advocacy nonprofit representing a network of over 2,500 family farmers and their supporters across the Hawaiian Islands. **HFUU opposes SB2756.**

Allowing overnight camps in agricultural districts would undermine the primary objective of these areas: agricultural production. These districts are designated specifically for farming activities, and introducing recreational overnight camps could disrupt the farming operations, compromise the safety of agricultural activities, and potentially jeopardize crop yields.

The introduction of recreational camps could lead to increased waste, pollution, and erosion, compromising the long-term health and sustainability of our agricultural lands. It is crucial to prioritize the protection and preservation of these valuable resources rather than introducing activities that may harm the delicate balance required for successful farming.

We believe that enabling overnight camps in these areas would pose unnecessary risks and undermine the very essence of our agricultural districts.

Mahalo for the opportunity to testify.

Kaipo Kekona, President HFUU/HFUF