



Updated at 7:12 a.m., Monday, April 30, 2007

Neighbors' dispute could change Hawai'i ag tourism

By Karin Stanton
Associated Press

KAILUA, KONA, Hawai'i — A dispute between neighbors may be the catalyst for shaping the future of Hawai'i's rapidly growing tourism industry that focuses on the islands' farms.

A civil lawsuit over a shared private road and a conflict between neighbors filed by Gerald and Dorothy Walsh against Kona Joe Coffee owners Joe and Deepa Alban resulted in a ruling earlier this month that has county officials and farmers mulling how best to guide an industry that generates in excess of \$40 million annually.

Third Circuit Judge Elizabeth Strance ruled Kona Joe Coffee is in violation of state and county laws that prohibit sales facilities on land zoned for farming.

Some activity currently is permissible only with a special permit.

While the law does allow for roadside stands, the 20-acre Kona Joe Coffee farm and processing facility in Kainaliu also includes a gift shop that sells such promotional items as logo mugs and T-shirts.

The ruling has the potential to affect the increasing number of agriculture related businesses that rely on selling souvenirs and other merchandise in addition to Hawai'i farming products — coffee, macadamia nuts, fruits, flowers and other specialty crops.

"This is going to be interesting," said Tommy Greenwell, whose family has operated Greenwell Farms for four generations. "It's hard enough to be a farmer in Hawai'i. We need to be able to make money off it."

Greenwell declined to say how many visitors tour his farm and browse through his store each year, but said many remain loyal customers long after they leave the island.

"Farm tours have helped push the industry along. We're teaching people about coffee and they take their mugs and T-shirts home. It keeps our product on their tables and in their minds," Greenwell said. "In

order to fund this kind of activity, we have to sell them stuff."

The Walshes' attorney, Frank Jung, said the bigger issues include traffic impacts, sanitation and safety, if smaller farms offer larger scale, interactive tours and commercial enterprises.

Full-size tour buses rattling over one-lane unpaved farm tracks, for example, could present a danger, as well as impact the quality of life for neighbors, he said.

"They can't run shopping centers on the interior of ag land. The commercial zone is mostly along the roadside, so you can still do it. All you have to do is follow the law," Jung said. "There are things that need to be addressed."

Farmers need clear direction sooner rather than later, said Kent Fleming, professor and extension economist for the University of Hawaii College of Tropical Agriculture and Human Resources.

Fleming said after monitoring the burgeoning industry for a decade he is spearheading the Hawaii Agtourism Association, a fledgling umbrella organization to protect farmers and help the industry grow in a responsible way.

"It's grown more than I thought it ever would," he said.

The Hawaii Agricultural Statistics Service estimated revenue from agriculture-related tourism activities at \$34 million in 2003, the last year figures are available.

In 2003, Big Island farms accounted for more than \$15 million, nearly one-half the state's agriculture tourism revenues.

Of the 5,500 farms statewide, nearly 190 reported agriculture tourism income in 2003, and another 145 reported intentions of starting tourism activities. Sales direct to farm visitors topped \$13.5 million, followed by retail sales of products from other farms or souvenir items. Other revenue-generating activities included recreation, bed-and-breakfasts, meetings and conferences, entertainment and education.

"It's a natural overlap," Fleming said. "It's good for the tourist industry and gives visitors bragging rights when they go home. You know, 'well, I toured the coffee farm. We bought some home.'"

That personal connection is vital, Fleming said.

"The real solution is to have a clear definition of ag-tourism and realize it for the sustainability of farmers here," he said. "The future is direct marketing, especially for the small farmers, to help increase profitability."

As the industry and farm operations have evolved, they simply have outgrown the laws, Fleming said.

"It's a complicated issue. As it grows, there will be some conflicts," Fleming said. "The regulations and planning need to catch up. That's critical."

Hawai'i County Planning Director Chris Yuen said he drafted a bill in 2005, after the state Legislature tasked each county with adopting its own agriculture tourism regulations.

Some criticized that version as too lenient, while others found it too restrictive, Yuen said, and the bill was not acted on by the County Council.

None of the counties has yet to adopt agriculture tourism regulations and the Big Island, with the bulk of the state's agriculture, likely will lead the way.

"We're in favor of farms being able to do a range of activities," Yuen said. "But the tail should not wag the dog. I hope people can realize (a county policy) without conflict."

Yuen said he would expect smaller scale, farm experiences — tours, small shops — will be allowed, while nonfarm-related activities — weddings, thrill rides, bed-and-breakfasts — may need a special permit.

Kau Councilman Bob Jacobson said the 2005 bill languished because it did not address the details, but said he wants to revisit the issue.

"There are some extreme examples. Just because you have cattle, I don't think we need a 300-seat restaurant so you can sell beef there," he said. "And there are some crazy things like people grow coffee but cannot sell espresso."

Jacobson said he expects adopting a county policy will be a lengthy process.

"It's going to take some careful crafting," he said.

In the meantime, Joe Alban of Kona Joe said he will apply for a special permit to continue offering farm tours and souvenirs to his visitors. He has not been cited by the county for any violations.

In addition, the terms of a permanent injunction ordered by the judge have not yet been agreed and mediation is slated next month to try to resolve the remaining counts of the lawsuit, including defamation charges against the Albans.

"We tried to be socially responsible," Alban said. "We tried to abide by every rule and regulation."

This experience, Alban said, has shown him the importance of a county policy that protects farmers and supports agriculture tourism.

"The basic argument is whose rights should supersede whose — the farmer's or the resident's," Alban said.

"We need laws to protect farmers so no one's business is in jeopardy when a new neighbor moves in and decides they don't like it."

[Back](#)

© COPYRIGHT 2007 The Honolulu Advertiser, a division of [Gannett Co.](#) Inc.

All materials contained on this site are protected by United States copyright law and may not be reproduced, distributed, transmitted, displayed, published or broadcast without the prior written permission of The Honolulu Advertiser. You may not alter or remove any trademark, copyright or other notice from copies of the content.