

**LINDA LINGLE**  
Governor



State of Hawaii  
**DEPARTMENT OF AGRICULTURE**  
1428 South King Street  
Honolulu, Hawaii 96814-2512

**SANDRA LEE KUNIMOTO**  
Chairperson, Board of Agriculture

**DUANE K. OKAMOTO**  
Deputy to the Chairperson

**TESTIMONY OF SANDRA LEE KUNIMOTO  
CHAIRPERSON, BOARD OF AGRICULTURE**

**BEFORE THE HOUSE COMMITTEE ON AGRICULTURE  
WEDNESDAY, FEBRUARY 4, 2009  
9:00 a.m.  
Room 312**

**HOUSE BILL NO. 918  
RELATING TO AGRICULTURAL LAND USE**

Chairperson Tsuji and Members of the Committee:

Thank you for the opportunity to testify on House Bill No. 918 that seeks to amend Chapter 46, HRS to allow farming operations, as defined in Section 165-2, HRS to construct "nonsignificant structures" without county building permits. "Nonsignificant structures" include greenhouses and sheds that are permitted on the land, and are limited in area and construction cost. The Department of Agriculture supports the intent of this measure, however we defer to the counties who are responsible for issuing and monitoring building permits as there may be health and safety issues that need to be considered.

Section 165-2, HRS defines farming operations as a commercial endeavor. By this reference, the building of "nonsignificant structures" would be limited to parcels of agricultural land where there is agricultural activity. We believe this measure needs to include a definition of "commercial" agriculture to provide the counties with quantifiable attributes describing acceptable agricultural activity expected to merit building "nonsignificant structures."

DEPARTMENT OF PLANNING AND PERMITTING  
**CITY AND COUNTY OF HONOLULU**

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MUFI HANNEMANN  
MAYOR



DAVID K. TANOUE  
ACTING DIRECTOR  
ROBERT M. SUMITOMO  
DEPUTY DIRECTOR

February 4, 2009

The Honorable Clift Tsuji, Chair  
and Members of the Committee on Agriculture  
State House of Representatives  
State Capitol  
Honolulu, Hawaii 96813

Dear Chair Tsuji and Members:

**Subject: House Bill No. 918  
Related to Agricultural Land Use**

The Department of Planning and Permitting **opposes** this bill, which requires certain farming structures to be constructed without a county building permit.

While we support the economic health and preservation of our agricultural industry, we oppose this bill on the basis of homerule.

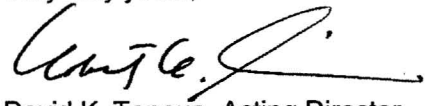
Counties are clearly responsible for regulating construction and issuing building permits. This bill would jeopardize public safety by arbitrarily defining what is a "non-significant structure", and therefore exempt from building permit. We have had some experience in exempting minor structures from the building permit process. It has resulted in zoning code violations, encroachments into adjacent properties, and a cumulative change in neighborhood character.

If minor agricultural structures can be exempted from building permit review without sacrificing public safety and other public concerns, this determination should be made by administrators of building codes. Coincidentally, we are currently reviewing our building code, and may be recommending changes on exempt structures.

In the meantime, please file this bill.

Thank you for the opportunity to testify.

Very truly yours,

  
for David K. Tanoue, Acting Director  
Department of Planning and Permitting

DKT: jmf  
hb918-skt.doc

## MAUI CATTLEMEN'S ASSOCIATION

**Maui Cattlemen's  
Association**

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**(808) 878-2660**

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and Officers**

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Nobriga**

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**Alex Franco**

**Greg Freil**

**Jimmy Gomes**

**William G. Jacintho**

**John Kim**

**Mike Murakami**

**John Powley**

**Robert "Lindy"  
Sutherland**

**Amber Starr**

**Sustaining  
ranching  
communities in  
Hawaii**

### TESTIMONY

February 3, 2009

Submitted via email: [AGRtestimony@capitol.hawaii.gov](mailto:AGRtestimony@capitol.hawaii.gov)

FROM: Maui Cattlemen's Association

TO: House Committee on Agriculture

HEARING DATE: Wednesday, February 04, 2009

HEARING TIME: 9:00am

MEASURE #: HB 918 Relating to Agriculture

The Maui Cattlemen's Association is a non-profit organization representing small and large beef cattle producers in Maui County.

We support HB 918, allowing construction of certain non-significant farming structures without a building permit. It would be helpful if the bill would also include 20 foot, and 40 foot storage containers as well.

You may reach Maui Cattlemen's Association President, William Jacintho, at [jacinthow001@hawaii.rr.com](mailto:jacinthow001@hawaii.rr.com). Vice-President, Amber Starr, may be reached at [amber1starr@yahoo.com](mailto:amber1starr@yahoo.com).

Thank you.

William Jacintho, President

Amber Starr, Vice President