

HB 1230, HD2

NEIL ABERCROMBIE
Governor



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

RUSSELL S. KOKUBUN
Chairperson, Board of Agriculture

JAMES J. NAKATANI
Deputy to the Chairperson

LATE

TESTIMONY OF RUSSELL S. KOKUBUN
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE SENATE COMMITTEES
ON AGRICULTURE, WATER, LAND, AND HOUSING, AND PUBLIC SAFETY,
GOVERNMENT OPERATIONS AND MILITARY AFFAIRS

TUESDAY, APRIL 5, 2011
2:45 P.M.
CONFERENCE ROOM 224

HOUSE BILL NO. 1230, H.D. 2
RELATING TO BUILDING PERMITS.

Chairpersons Nishihara, Dela Cruz, Espero, and Members of the Committee:

Thank you for the opportunity to testify on House Bill No. 1230, H.D. 2. The purpose of this bill is to exempt the county building permit requirement for construction of nonresidential agricultural and aquacultural structures on state lands and large privately-owned land parcels leased for agricultural or aquacultural operations. The Department has concerns that expeditious handling of permitting procedures will compromise the health and safety of the public.

The Department recognizes that structures are an integral part of conducting agricultural business. We acknowledge that the county permit process needs to be streamlined; however, this process creates a minimum standard that potential structures must meet for safety as well as public health reasons. It also ensures that the structure is being built according to the plans by conducting regular, unscheduled inspections. In addition to checking that the construction matches the plans, they also check that the



contractor is abiding by all Occupational Safety and Health Administration and Hawaii Occupational Safety and Health standards.

Other than structural considerations, applicants must show that they are properly going to dispose of sewage, obtain potable water, meet electrical and plumbing codes, comply with the American Disabilities Act, etc. In many places, there is limited infrastructure available. The location may be below the "no pass" line for leaching fields and in most areas, cesspools are no longer allowed. Unmitigated grading of the land can lead to flooding issues on neighboring properties or heavy sediment runoff from large rains that result in significant soil loss and possible reef damage. There may be a significant increase for the potential of fire and substandard building materials. This directly impacts the health and safety of the people working in the building, as well as visitors to the site. The building permit process ensures that structures as a whole meet a minimum standard and protect the welfare and safety of users and visitors.

If the intent is to address the timelines of decision-making regarding building permits for specific types of structures, perhaps a prescribed time period should be instituted for review and action for such administrative decisions to be rendered.

Thank you for the opportunity to testify on this measure.

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813
PHONE: (808) 768-8000 • FAX: (808) 768-6041
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PETER B. CARLISLE
MAYOR



DAVID K. TANOUE
DIRECTOR

JIRO A. SUMADA
DEPUTY DIRECTOR

April 5, 2011

The Honorable Clarence K. Nishihara, Chair
and Members of the Committee on Agriculture
The Honorable Donovan M. Dela Cruz, Chair
and Members of the Committee on Water,
Land, and Housing
The Honorable Will Espero, Chair
and Members of the Committee on Public Safety,
Government Operations, and Military Affairs
State Senate
State Capitol
Honolulu, Hawaii 96813

LATE

Dear Chairs Nishihara, Dela Cruz, Espero, and Members:

**Subject: House Bill No. 1230, HD2
Building Permits**

The Department of Planning and Permitting (DPP), **opposes** House Bill No. 1230, HD2, which amends Hawaii Revised Statutes (HRS) Section 46 to mandate that the counties exempt construction of low-risk nonresidential temporary or permanent structures for agricultural or aquacultural operations.

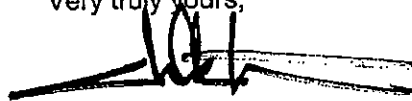
While the department supports streamlining the permitting process for construction of agricultural structures, streamlining efforts cannot compromise life- and fire-safety. It is not enough that the owner or occupier of the structure indemnify and hold harmless the State, its agencies against liabilities that result from a lack of building permits, nor is it sufficient that structures under construction indicate they will comply with the International Building Code. These are county mandates, which are upheld by the building permit process.

Further, it is the counties who should determine what is or isn't low risk since exempting construction of low risk nonresidential and aquacultural structures from county building permits can have a serious negative impact upon the general public. For example, because the City and County of Honolulu has agricultural lots that are relatively small, i.e., two acres, to exempt any structures from building permits on these small lots could have a significant impact upon neighboring properties. A much better approach is to empower the county generically to have the authority to grant a variance rather than to mandate building permit exemptions.

The Honorable Clarence K. Nishihara, Chair
and Members of the Committee on Agriculture
The Honorable Donovan M. Dela Cruz, Chair
and Members of the Committee on Water,
Land, and Housing
The Honorable Will Espero, Chair
and Members of the Committee on Public Safety,
Government Operations, and Military Affairs
State Senate
Re: House Bill 1230 HD2
April 5, 2011
Page 2

In short, please hold House Bill No. 1230, HD2. Thank you for the opportunity to testify.

Very truly yours,

A handwritten signature in black ink, appearing to read 'D. Tanoue', with a horizontal line drawn through it.

David K. Tanoue, Director
Department of Planning and Permitting

DKT: jmf
hb1230hd2-BuildingPermits-th.doc

NEIL ABERCROMBIE
GOVERNOR



DWIGHT TAKAMINE
DIRECTOR

AUDREY HIDANO
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

830 PUNCHBOWL STREET, ROOM 321
HONOLULU, HAWAII 96813
www.hawaii.gov/labor
Phone: (808) 586-8842 / Fax: (808) 586-9099
Email: dllr.director@hawaii.gov

April 4, 2011

The Honorable Donovan Dela Cruz, Chair
Committee on Water, Land, and Housing
The State Senate
State Capitol, Room 202
Honolulu, Hawaii 96813

The Honorable Will Espero, Chair
Committee on Public Safety, Government
Operations, and Military Affairs
The State Senate
State Capitol, Room 231
Honolulu, Hawaii 96813

The Honorable Clarence Nishihara, Chair
Committee on Agriculture
The State Senate
State Capitol, Room 204
Honolulu, Hawaii 96813

Dear Chairs Dela Cruz, Espero, and Nishihara:

Subject: H.B. 1230, H.D. 2 Relating to Building Permits

I am Kenneth G. Silva, Chair of the State Fire Council (SFC) and Fire Chief of the Honolulu Fire Department (HFD). The SFC and the HFD oppose H.B. 1230, H.D. 2, which proposes to exempt the construction of low-risk, nonresidential aqua cultural structures under certain conditions from county building permit requirements.

The county fire departments understand the position of agriculture or aqua cultural businesses to streamline or eliminate the building permit process; however, new construction and renovation plans for compliance with the fire code are reviewed by the county fire departments. The fire code prescribes minimum requirements necessary to establish a reasonable level of fire and life safety and property protection from the

The Honorable Donovan Dela Cruz, Chair
The Honorable Will Espero, Chair
The Honorable Clarence Nishihara, Chair
Page 2
April 4, 2011

hazards created by fire, explosion, and dangerous conditions. These requirements involve fire apparatus access roads and fire hydrant systems to ensure that fire or life-threatening situations are adequately addressed. This review may also involve the installation of flammable or combustible storage tanks.

The building plan review process involves periodic inspections to ensure that plans are followed and construction materials meet minimum standards. When there is no regulatory oversight, substandard practices or materials may be used, which not only places occupants in danger, but first responders as well.

Additionally, since the counties approve and regulate the building permit process and are the first responders to emergencies, we oppose the exclusion of the counties in the indemnification clause.

We also oppose the reference to the International Building Code (IBC), which has been adopted by the respective county, for any permanent structure to be designed and engineered. Not all building code requirements for structures are covered under the IBC. For example, the currently adopted county plumbing, electrical, and fire code requirements derive from codes other than the IBC.

The SFC and the HFD urge your committees' deferral on the passage of H.B. 1230, H.D. 2.

Should you have any questions, please call SFC Administrator Socrates Bratakos at 723-7151.

Sincerely,



KENNETH G. SILVA
Chair

KGS/LR:cn

Bernard P. Carvalho, Jr.
Mayor



Robert F. Westerman
Fire Chief

Gary K. Heu
Managing Director

John T. Blalock
Deputy Fire Chief

KAUA'I FIRE DEPARTMENT
County of Kaua'i, State of Hawai'i
3083 Akahi Street, Suite 101, Lihu'e, Hawai'i 96766
TEL (808) 241-4980 FAX (808) 241-6508

April 1, 2011

The Honorable Clarence Nishihara, Chair
Committee on Agriculture
The State Senate
State Capitol, Room 204
Honolulu, Hawaii 96813

The Honorable Donovan Dela Cruz, Chair
The State Senate
House of Representatives
State Capitol, Room 202
Honolulu, Hawaii 96813

The Honorable Will Espero, Chair
Committee on Public Safety, Government Operations, and Military Affairs
The State Senate
State Capitol, Room 231
Honolulu, Hawaii 96813

Dear Chairs Nishihara, Dela Cruz, and Espero:

Subject: H.B. 1230, H.D. 2 Relating to Building Permits

I am Robert F. Westerman, Fire Chief of the Kauai Fire Department (KFD) and a member of the State Fire Council (SFC). The SFC and the KFD oppose H.B. 1230, H.D. 2, which proposes to exempt the construction of low-risk, nonresidential, and aqua cultural structures under certain conditions from county building permit requirements. The county fire departments understand the position of agriculture or aqua cultural businesses to streamline or eliminate the building permit process; however, new construction and renovation plans for compliance with the fire code are reviewed by the county fire departments. The fire code prescribes minimum requirements necessary to establish a reasonable level of fire and life safety and property protection from the hazards created by fire, explosion, and dangerous conditions. These requirements involve fire apparatus access roads and fire hydrant systems to ensure that fire or life-threatening situations are adequately addressed. This review may also involve the installation of flammable or combustible storage tanks. In addition, the building plan review process involves periodic inspections to ensure that plans are followed and construction materials meet minimum standards. When there is no regulatory oversight,

The Honorable Clarence Nishihara, Chair
The Honorable Donovan Dela Cruz, Chair
The Honorable Will Espero, Chair
April 1, 2011
Page 2

substandard practices or materials may be used, which not only places occupants in danger, but first responders as well.

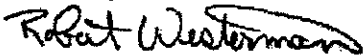
Since the counties approve and regulate the building permit process and the counties are the first responders to emergencies, we oppose the exclusion of the counties that the owner or occupier agrees to defend, indemnify, and hold harmless the counties and any of its agencies officers, and employees from and against all liability, loss, damage, cost and expense, including attorney's fees and costs, all claims, suits, and demands arising out of or resulting from the lack of building permits for any low-risk nonresidential structure, and waive any statutory or other immunity from liability that may be asserted by the owner or occupier to limit the owner or occupier's obligation to so defend, indemnify, and hold harmless the counties and any of its agencies, officers, and employees.

We also oppose the reference to the International Building Code (IBC) that has been adopted by the respective county for any permanent structure to be designed and engineered. Not all building code requirements for structures are covered under the IBC. For example, the currently adopted county plumbing, electrical and fire code requirements derive from codes other than the IBC.

The SFC and the KFD urge your committee's deferral on the passage of H.B. 1230, H.D. 2.

Please call me at (808) 241-4980 should you have any questions regarding this matter.

Sincerely,



Robert Westerman
Fire Chief, County of Kaua'i

RFW/eld

ALAN M. ARAKAWA
MAYOR



JEFFREY A. MURRAY
CHIEF

ROBERT M. SHIMADA
DEPUTY CHIEF

COUNTY OF MAUI
DEPARTMENT OF FIRE AND PUBLIC SAFETY

200 DAIRY ROAD
KAHULUI, MAUI, HAWAII 96732
(808) 270-7561
FAX (808) 270-7919
EMAIL: fire.dept@mauicounty.gov

April 4, 2011

The Honorable Clarence Nishihara, Chair
Committee on Agriculture
The State Senate
State Capitol, Room 204
Honolulu, Hawaii 96813

The Honorable Donovan Dela Cruz, Chair
The State Senate
House of Representatives
State Capitol, Room 202
Honolulu, Hawaii 96813

The Honorable Will Espero, Chair
Committee on Public Safety, Government Operations, and Military Affairs
The State Senate
State Capitol, Room 231
Honolulu, Hawaii 96813

Dear Chairs Nishihara, Dela Cruz, and Espero:

Subject: H.B. 1230, H.D. 2 Relating to Building Permits

I am Jeffrey A. Murray, Fire Chief of the County of Maui, Department of Fire & Public Safety (MFD) and a member of the State Fire Council (SFC). The MFD and the SFC oppose H.B. 1230, H.D. 2, which proposes to exempt the construction of low-risk, nonresidential, and aqua cultural structures under certain conditions from county building permit requirements. The county fire departments understand the position of agriculture or aqua cultural businesses to streamline or eliminate the building permit process; however, new construction and renovation plans for compliance with the fire code are reviewed by the county fire departments. The fire code prescribes minimum requirements necessary to establish a reasonable level of fire and life safety and property protection from the hazards created by fire, explosion, and dangerous

The Honorable Clarence Nishihara, Donovan Dela Cruz and Espero, Chairs

Page 2

April 4, 2011

conditions. These requirements involve fire apparatus access roads and fire hydrant systems to ensure that fire or life-threatening situations are adequately addressed. This review may also involve the installation of flammable or combustible storage tanks. In addition, the building plan review process involves periodic inspections to ensure that plans are followed and construction materials meet minimum standards. When there is no regulatory oversight, substandard practices or materials may be used, which not only places occupants in danger, but first responders as well.


Since the counties approve and regulate the building permit process and the counties are the first responders to emergencies, we oppose the exclusion of the counties that the owner or occupier agrees to defend, indemnify, and hold harmless the counties and any of its agencies officers, and employees from and against all liability, loss, damage, cost and expense, including attorney's fees and costs, all claims, suits, and demands arising out of or resulting from the lack of building permits for any low-risk nonresidential structure, and waive any statutory or other immunity from liability that may be asserted by the owner or occupier to limit the owner or occupier's obligation to so defend, indemnify, and hold harmless the counties and any of its agencies, officers, and employees.

We also oppose the reference to the International Building Code (IBC) that has been adopted by the respective county for any permanent structure to be designed and engineered. Not all building code requirements for structures are covered under the IBC. For example, the currently adopted county plumbing, electrical and fire code requirements derive from codes other than the IBC.

The MFD and the SFC urge your committee's deferral on the passage of H.B. 1230, H.D. 2.

Should you have any questions, please call SFC Administrator Socrates Bratakos at 723-7151.

Sincerely,


JEFFREY A. MURRAY
Fire Chief



EAST OAHU COUNTY FARM BUREAU

45-260 WAIKALUA ROAD S 101 KANEONE, HI 96744

April 4, 2011

Senator Clarence K. Nishihara, Chair, Senate Committee on Agriculture
Senator Donovan Dela Cruz, Chair, Senate Committee on Water,
Land, and Housing
Senator Will Espero, Chair, Senate Committee on Public Safety,
Government Operations, and Military Affairs
State Capitol Building, 415 S. Beretania St.
Honolulu, Hawaii 96813

Dear Chairs Nishihara, Dela Cruz, and Espero and Members of the Committees:

I am sending this testimony to express the **strong support** of the East Oahu County Farm Bureau for **HB 1230 HD2**, "Relating to Building Permits." On Oahu, agricultural structures are generally treated as commercial buildings, and are subject to burdensome standards that may be appropriate for large public buildings, but that are excessive for low-risk farm structures such as sheds, greenhouses, and equipment housings. These standards are a major obstacle in terms of both time and money to any farmer who wants to improve or expand his or her operation.

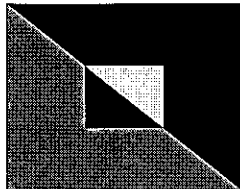
HB 1230 HD2 would remove the County requirement of a building permit for certain temporary or permanent nonresidential structures, and would therefore significantly reduce one major obstacle to profitable farming. We support this bill and applaud its intention to remove unnecessary and expensive restrictions on agricultural and aquacultural businesses.

We would, however, like to suggest one minor change to HB 1230 HD2. We would prefer that the size limit for exempted structures be 2000 square feet instead of 1500, in order to accommodate commercially available greenhouse structures that are needed for insect control and protection from wind and weather.

Thank you for the opportunity to testify.

Sincerely,

Frederick M. Mencher
for Grant Hamachi, President



Peter J. Boucher, P.E.
Civil, Environmental and Aquacultural Engineering

1537 Kalote Place
Hilo, Hawaii 96720
808-981-0827
pboucher@hawaii.rr.com

April 4, 2011

TO: COMMITTEE ON AGRICULTURE
Senator Clarence K. Nishihara, Chair
Senator Gilbert Kahele, Vice Chair

COMMITTEE ON WATER, LAND, AND HOUSING
Senator Donovan M. Dela Cruz, Chair
Senator Malama Solomon, Vice Chair

COMMITTEE ON PUBLIC SAFETY, GOVERNMENT OPERATIONS, AND MILITARY AFFAIRS
Senator Will Espero, Chair
Senator Michelle Kidani, Vice Chair

RE: Testimony In Support of HB 1230, HD2 RELATING TO BUILDING PERMITS
Tuesday, April 5, 2011 at 2:45 pm

This testimony is provided in support of the referenced bill as written. I am writing as a private engineering consultant operating on the Big Island of Hawaii specializing in civil, environmental and aquacultural engineering.

The bill would exempt certain low-risk nonresidential aquacultural structures from County building permit requirements. This would result in significant reduction in start-up and expansion costs to struggling farmers, particularly those engaged in aquaculture and aquaponics operations. These types of operations frequently use greenhouse-type structures and shipping containers for protection of certain portions of their operations.

Thank you for the opportunity to testify in support of this important bill.

Sincerely,

Peter J. Boucher, P.E.

April 4, 2011

COMMITTEE ON AGRICULTURE
Senator Clarence K. Nishihara, Chair
Senator Gilbert Kahele, Vice Chair

Testimony in Support of HB 1230 HD2 Relating to Building Permits, Agricultural and Aquacultural Structures

Tuesday April 5, 2011, 2:45 PM, at Conference Room 224, State Capitol

My name is Clyde Tamaru and I am an aquaculture specialist with the University of Hawaii at Manoa, College of Tropical Agriculture and Human Resources, Department of Molecular Biosciences and Bioengineering. I am providing testimony in support of HB 1230 HD2 as a private citizen and my views do not reflect those of the University of Hawaii. However, as an aquaculture specialist and faculty member of CTAHR I am directly involved in providing technical assistance to farms as well as directly engaged with the college's and state's efforts to decrease our dependence on imports with regard to food and energy. As described in my college's current Plan of Work (POW)¹ and the State of Hawaii's 2050 sustainability plan² these are now the highest priorities that we are in need of addressing. The bill proposes to exempt the construction of low risk nonresidential and aquacultural structures from county building permit requirements, under certain conditions. There are clear needs for establishing such special structures (e.g., greenhouses, storage sheds, equipment houses, etc.) that are clearly are not for the intended use of a residential dwelling. That they currently still require the same standards make the current permit process excessive and actually inappropriate and the proposed bill would go a long way in correcting this discrepancy. For these reasons I fully support the intent of HB 1230 HD2 which would ultimately support ag/aqua related businesses and their stakeholders in their operations allowing them a much better chance of succeeding during these trying economic times.

If there are any other questions please do not hesitate to contact me.

¹ http://www.ctahr.hawaii.edu/downloads/2010_POW.pdf

² http://www.hawaii2050.org/images/uploads/Hawaii2050_Plan_FINAL.pdf

THE SENATE
THE TWENTY-SIXTH LEGISLATURE
REGULAR SESSION OF 2011

COMMITTEE ON AGRICULTURE
Senator Clarence K. Nishihara, Chair
Senator Gilbert Kahele, Vice Chair

COMMITTEE ON WATER, LAND, AND HOUSING
Senator Donovan M. Dela Cruz, Chair
Senator Malama Solomon, Vice Chair

COMMITTEE ON PUBLIC SAFETY, GOVERNMENT OPERATIONS, AND MILITARY AFFAIRS
Senator Will Espero, Chair
Senator Michelle Kidani, Vice Chair

DATE: Tuesday, April 5, 2011
TIME: 2:45 p.m.
PLACE: Conference Room 224
State Capitol
415 South Beretania Street

Chair Nishihara, Chair Dela Cruz, Chair Espero, and Members of the Committees:

HB 1230 HD 2 exempts construction of low risk, nonresidential and aquacultural structures from county building permit requirements, under certain conditions specified in the bill. As the former Manager of the State Aquaculture Development Program, I have personally counseled many aquaculture farm development projects, small and large, on all the major islands. This bill would contribute to creating a more supportive aquabusiness environment for existing and new farmers.

The bill would permit farmers statewide to save money and time by utilizing available low risk, recycled ocean shipping containers, modular structures, agricultural cold frames and storage sheds for such uses as; office spaces, feed and equipment storage and hatchery production of seed stock and live feeds. Discussion with fish farmers I know suggests the bill would be more valuable if "low risk" was defined as 2000 square feet or smaller, rather than "1500 square feet."

Aquaculture and agriculture farming provide jobs and important economic activity in many rural areas around the state in greater need of such activities. I believe this bill would contribute to greater numbers of competitive and successful farms statewide. With the change mentioned above, I urge you to pass this bill. Thank you for the opportunity to testify.

John Corbin MS, CFP, AICP
President
Aquaculture Planning and Advocacy LLC
47-215 Iuiu Street
Kaneohe, Hawaii 96744
Phone: 239-8316
e-mail: [jscorbin@aol.com]



April 4, 2011

Senator Clarence K. Nishihara, Chair, Senate Committee on Agriculture
Senator Donovan M. Dela Cruz, Chair, Senate Committee on Water, Land, and Housing
State Capitol Building, 415 S. Beretania St.
Honolulu, Hawaii 96813

Dear Chairs Nishihara and Dela Cruz and Members of the Committees:

This letter is written in strong support for HB 1230 HD2, "Relating to Building Permits."

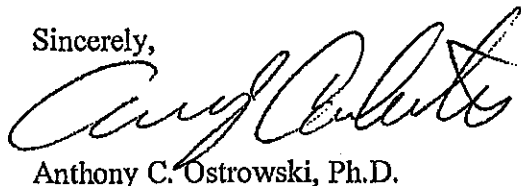
Oceanic Institute (OI) is a private, non-profit organization dedicated to development and transfer of applied aquaculture technologies. We are located on the Windward side of Oahu and employ 75 staff. OI recently celebrated its 50th year anniversary of research and innovation and support of local aquaculture. We are one of the largest aquaculture research and development organizations in the country.

HB 1230 HD2 would exempt certain low-risk nonresidential aquaculture structures from County building permit requirements. It could save money and time for farmers wishing to install small greenhouse structures, shipping containers for storage, and the like provided that the structures meet certain standards. This would streamline and make more efficient the process of erecting small structures that do not require a building permit. This will help farmers and ranchers without costing the state money.

Aquaculture is one of the largest and fastest-growing sectors of Hawaii's diversified agriculture industry, a shining star amongst our challenged agricultural sector. Aquaculture also has deep roots in the Hawaiian culture. OI strongly supports this bill as written to continue the benefits to the economy of our state and the traditions of its people.

Please do not hesitate to contact me if you have any questions or require clarification.

Sincerely,



Anthony C. Ostrowski, Ph.D.

President



THE SENATE
THE TWENTY-SIXTH LEGISLATURE
REGULAR SESSION OF 2011

COMMITTEE ON AGRICULTURE
Senator Clarence K. Nishihara, Chair
Senator Gilbert Kahele, Vice Chair

COMMITTEE ON WATER, LAND, AND AGRICULTURE
Senator Donovan M. Dela Cruz, Chair
Senator Malama Solomon, Vice Chair

COMMITTEE ON PUBLIC SAFETY, GOVERNMENT OPERATIONS,
AND MILITARY AFFAIRS
Senator Will Espero, Chair
Senator Michelle Kidani, Vice Chair

DATE: Tuesday, April 5, 2011

TIME: 2:45 PM

PLACE: Senate Conference Room 224, State Capitol
415 South Beretania Street

RE: Testimony in Strong Support of HB1230 HD2 - Relating to Building Permits, with one requested amendment

Aloha Chairs Nishihara, Dela Cruz, and Espero, Vice Chairs Kahele, Solomon, and Kidani, and Committee Members,

The Hawaii Aquaculture and Aquaponics Association (HAAA), representing aquaculture and aquaponics producers statewide, strongly supports HB1230 HD2 which states that no county shall require a building permit for the construction of low risk nonresidential temporary or permanent structures used for agricultural or aquacultural operations under specific conditions, at no cost to the State.

Passage of this bill will enable our aquaculture farmers to utilize readily available, low risk, recycled ocean shipping containers, modular structures, agricultural cold frames, and storage sheds for more affordable hatchery and office space, feed and equipment storage, and other aquafarm infrastructure needs. This in turn will allow farmers to set-up and operate their farms in a more timely and cost-effective manner while enhancing farm production and protecting personnel and/or farm equipment from inclement weather, coastal salt spray, avian predators, and theft and vandalism.

However, we urge your consideration of the following amendment. Page 2, Lines 19 and 20, please amend current wording to read: "Low risk" means any structure [one] three thousand five hundred square feet or smaller.

Justification: Commercially available agricultural cold frame structures (temporary hoop green houses covered with poly film, shade cloth, or fine-mesh netting) are widely used for temperature, sunlight, and pest control in Hawaii. These relatively low cost, steel-framed, movable structures have traditionally been sold in sizes of 100ft in length and 16 ft to 24ft in width, and now are available in a more cost-effective 30ft and 35ft widths <http://www.greenhousespecialists.com/greenhouses.html> (click on Coldframes Series 1000, Series 1100, and Series 1200). However, current wording would effectively require that one-fourth to more than one half of the length of these cold frame structures be removed in order to be compliant with an arbitrary one thousand five hundred square foot limitation. This is an inappropriate and unnecessary limitation.

At present, in the City and County of Honolulu, all agricultural and aquacultural structures 100 square feet or larger are deemed commercial structures and must go through the same commercial review and can be held to the same commercial standards as a public shopping center or hotel, thereby greatly increasing design, permitting, and construction time and costs for such agricultural structures. Also, all metal structures 18 inches or higher must be locally engineered and constructed, although recycled ocean shipping containers, modular structures, storage sheds and cold frames widely used in the agriculture and aquaculture industries. Other Counties may recognize such agricultural structures as distinct from other commercial structures. However, compliance to stringent building permit requirements is still a major time and financial obstacle to competitive farming efforts in Hawaii in this increasingly global economy.

Issues of sewage disposal, potable water, "no pass" lines, grading, and flooding are addressed by other existing regulations. The proposed building permit exemption would not lessen such controls. Furthermore, many leased and privately owned farms are cooperators of the USDA Natural Resource Conservation Service (NCRS) which assists farms in developing conservation plans incorporating appropriate land use measures, and such cooperative agreements would continue.

The present County building permit system has been tried for decades and has proven to be a major impediment to economically viable and globally competitive commercial agriculture and aquaculture in Hawaii. It is time to amend current laws to be more favorable and supportive of agriculture and aquaculture ventures in Hawaii.

Thank you for the opportunity to testify and offer an amendment on this important bill.

Sincerely,

A handwritten signature in black ink, appearing to read "Ronald P. Weidenbach". The signature is written in a cursive style with a large, prominent initial 'R'.

Ronald P Weidenbach, HAAA President



Hawaii Agriculture Research Center

Administration: P.O. Box 100, Kunia, HI 96759

Ph: 808-621-1350/Fax: 808-621-1359

a member of the
Kunia Water Cooperative

TESTIMONY BEFORE THE SENATE COMMITTEES ON

AGRICULTURE

and

WATER, LAND, AND HOUSING

and

PUBLIC SAFETY, GOVERNMENT OPERATION AND MILITARY AFFAIRS

HOUSE BILL 1230 HD2

Relating to Building Permits

April 5, 2011

Chairmen Nishihara, Dela Cruz, Espero and Members of your Committees:

My name is Stephanie Whalen. I am Executive Director of the Hawaii Agriculture Research Center (HARC). I am testifying today on behalf of the center and our research and support staff. I also am the President of the Kunia Water Cooperative and I am testifying on its behalf.

HARC strongly supports House Bill 1230 HD2 which enables farmers and ranchers to avoid the costly and time consuming building permit process for low risk agriculturally associated structures.

This proposed measure does not cost the state any money and greatly facilitates the business of farming.

As the industry struggles to transition from a few large scale farming operations to many smaller and less capitalized, less institutionalized with less resources, passing this measure will have an immediate positive effect on facilitating that process.

PLEASE CONCUR WITH HB 1230 HD2 and move it forward now for the Governor's signature.

Thank you for this opportunity to support agriculture.

nishihara5 - Randy

From: mailinglist@capitol.hawaii.gov
Sent: Monday, April 04, 2011 11:02 AM
To: AGL Testimony
Cc: dalesarver@hawaii.rr.com
Subject: Testimony for HB1230 on 4/5/2011 2:45:00 PM

Follow Up Flag: Follow up
Flag Status: Flagged

Testimony for AGL/WLH/PGM 4/5/2011 2:45:00 PM HB1230

Conference room: 224
Testifier position: support
Testifier will be present: No
Submitted by: Dale Sarver
Organization: Deeo Blue Research
Address:
Phone:
E-mail: dalesarver@hawaii.rr.com
Submitted on: 4/4/2011

Comments:

The diversified agriculture industry needs all the support we can afford to give it. We desperately need to promote local food production. Small farmers especially need our help. Farmers need small inexpensive structures to store materials, equipment, packing supplies, and areas to repair machinery. There is no need for these excessive codes in such small insignificant structures that are not designed for people to live in. It is easy to make rules so people don't take advantage and use them as rentals or other abuses.

Please this is only common sense.

nishihara5 - Randy

From: mailinglist@capitol.hawaii.gov
Sent: Monday, April 04, 2011 11:40 AM
To: AGL Testimony
Cc: haws@aol.com
Subject: Testimony for HB1230 on 4/5/2011 2:45:00 PM

Follow Up Flag: Follow up
Flag Status: Flagged

Testimony for AGL/WLH/PGM 4/5/2011 2:45:00 PM HB1230

Conference room: 224
Testifier position: support
Testifier will be present: No
Submitted by: Maria Haws
Organization: Individual
Address:
Phone:
E-mail: haws@aol.com
Submitted on: 4/4/2011

Comments:

This is an extremely important bill to support in order to increase food production the state by easing unnecessary permitting for small aquaculture farmers and give them equal footing with agriculture farmers. The structures in question are common and ordinary structures commonly used in agriculture and present no risks to the public or the environment. Moreover, easing the permitting requirements will save State agency personnel time and funding, something that is very much needed in this time of economic crisis.

nishihara5 - Randy

From: mailinglist@capitol.hawaii.gov
Sent: Monday, April 04, 2011 11:51 AM
To: AGL Testimony
Cc: gottlieb@hawaii.rr.com
Subject: Testimony for HB1230 on 4/5/2011 2:45:00 PM

Follow Up Flag: Follow up
Flag Status: Flagged

Testimony for AGL/WLH/PGM 4/5/2011 2:45:00 PM HB1230

Conference room: 224
Testifier position: support
Testifier will be present: No
Submitted by: Alan Gottlieb
Organization: Hawaii Cattlemen's Council
Address:
Phone:
E-mail: gottlieb@hawaii.rr.com
Submitted on: 4/4/2011

Comments:

nishihara5 - Randy

From: mailinglist@capitol.hawaii.gov
Sent: Monday, April 04, 2011 12:48 PM
To: AGL Testimony
Cc: nalofarms@hawaii.rr.com
Subject: Testimony for HB1230 on 4/5/2011 2:45:00 PM

Follow Up Flag: Follow up
Flag Status: Flagged

Testimony for AGL/WLH/PGM 4/5/2011 2:45:00 PM HB1230

Conference room: 224
Testifier position: support
Testifier will be present: No
Submitted by: Dean J. Okimoto
Organization: Individual
Address:
Phone:
E-mail: nalofarms@hawaii.rr.com
Submitted on: 4/4/2011

Comments:

I have long said, that if you want to have sustained growth of ag., we need these types of exemptions. To have to build a greenhouse to house dimensions are unreasonable. To obtain building permits for stroage containers, inhibits farmers from gowing their farms.



Hawaii Solar Energy Association
Serving Hawaii Since 1977

April 5, 2011
2:55PM

SENATE
COMMITTEE ON AGRICULTURE
HB122 HD1 SD1

Mark Duda
President

TESTIMONY IN SUPPORT

LATE

Aloha Chair Nishina, Vice Chair Kahele, and Members of the Committee:

HSEA supports this measure as it extends the repeal date of Act 173 of the 2009 legislative session.

The purpose of Act 173 was to “facilitate the financing and development of renewable energy projects by allowing leases and easements pertaining to renewable energy projects, together with mortgages and other conveyances as security for finance, to be created, enforced, and recorded, without requiring the landowner to obtain formal subdivision approval, and instead requiring approval for exemption from subdivision requirements, from the applicable county or other approving agency.”

HB 122 is a common sense measure, as was Act 173, that makes it easier for renewable energy developers and investors to participate in the advancement of the State of Hawaii’s ambitious energy goals, as embodied in the Renewable Portfolio Standard and various other statutory and regulatory requirements. As such it should be extended as envisioned in this measure.

Thank you for the opportunity to testify on this measure

Mark Duda
President, Hawaii Solar Energy Association

About Hawaii Solar Energy Association

Hawaii Solar Energy Association (HSEA) is comprised of installers, distributors, manufacturers and financiers of solar energy systems, both hot water and PV, most of which are Hawaii based, owned and operated. Our primary goals are: (1) to further solar energy and related arts, sciences and technologies with concern for the ecologic, social and economic fabric of the area; (2) to encourage the widespread utilization of solar equipment as a means of lowering the cost of energy to the American public, to help stabilize our economy, to develop independence from fossil fuel and thereby reduce carbon emissions that contribute to climate change; (3) to establish, foster and advance the usefulness of the members, and their various products and services related to the economic applications of the conversion of solar energy for various useful purposes; and (4) to cooperate in, and contribute toward, the enhancement of widespread understanding of the various applications of solar energy conversion in order to increase their usefulness to society.

The Senate, 26th Legislature, Regular Session of 2011

To: Committee on Agriculture
Sen. C. Nishihara, Chair
Sen. G. Kahele, Vice Chair
Committee on Water, Land, and Housing
Sen. D. Dela Cruz, Chair
Sen. M. Solomon, Vice Chair
Committee on Public Safety, Government Operations, and Military Affairs
Sen. W. Espero, Chair
Sen. M. Kidani, Vice Chair

LATE

Fr: Dr. Paul Bienfang, President, Analytical Services Inc.

Subject: Testimony in Strong Support of HB 1230, HD2 Relating to Building Permits. It exempts construction of low-risk nonresidential and aquacultural structures from county building permit requirements, under certain conditions.

This will support the production of local food products for local consumption. Local aquaculture is an undervalued, under-appreciated, under-developed segment of Hawaii's diversified agriculture sector.

The structures in question are to provide low-cost covering that will mitigate theft and vandalism, and allow farmers to protect their crops and farming equipment from the abuses of weather.

It will enhance competitiveness by allowing aqua-farmers to use readily-available low cost recycled ocean shipping containers for storage purposes.

I thank the legislature for the many efforts in support of this resolution. Thank you for the opportunity to submit testimony on this important measure.

nishihara5 - Randy

From: mailinglist@capitol.hawaii.gov
Sent: Monday, April 04, 2011 8:38 PM
To: AGL Testimony
Cc: rosemarybak@gmail.com
Subject: Testimony for HB1230 on 4/5/2011 2:45:00 PM

Follow Up Flag: Follow up
Flag Status: Flagged

Testimony for AGL/WLH/PGM 4/5/2011 2:45:00 PM HB1230

Conference room: 224
Testifier position: support
Testifier will be present: No
Submitted by: Rosemary Bak
Organization: Individual
Address:
Phone:
E-mail: rosemarybak@gmail.com
Submitted on: 4/4/2011

LATE

Comments:

Dear Committee Members,

I live on a small farm and this bill would definitely help. We need small facilities outside for seed propagation and storage outside. This bill would help eliminate the red tape and time it takes to do permits for small structures.

Thank you for your time.

THE SENATE
THE TWENTY-SIXTH LEGISLATURE
REGULAR SESSION OF 2011

COMMITTEE ON AGRICULTURE
Senator Clarence K. Nishihara, Chair
Senator Gilbert Kahele, Vice Chair

LATE

COMMITTEE ON WATER, LAND, AND HOUSING
Senator Donovan M. Dela Cruz, Chair
Senator Malama Solomon, Vice Chair

COMMITTEE ON PUBLIC SAFETY, GOVERNMENT OPERATIONS, AND
MILITARY AFFAIRS
Senator Will Espero, Chair
Senator Michelle Kidani, Vice Chair

DATE: Tuesday, April 5, 2011 TIME: 2:45 p.m.
PLACE: Conference Room 224 State Capitol, 415 South Beretania Street

TESTIMONY - RELATING TO BUILDING PERMITS.
Exempts construction of low-risk nonresidential and aquacultural structures from county building permit requirements, under certain conditions (HB1230 HD2)

Aloha:

Please accept my strong support of HB 1230, HD2 relating to building permits for the following reasons:

1. This bill will encourage future investments and commitment by farmers.
2. This bill will encourage Hawai'i farmers to compete with the low cost of imported produce and by that to help bring about future food security and food safety to the State of Hawai'i.
3. This bill will improve the recycling process in Hawai'i by allowing our farmers to utilize used ocean-shipping containers for storage purposes.
4. This bill will help save storage expenses and will encourage farmer to invest in new areas of aquaculture and go with the latest technology for growing food for the community in Hawai'i and by that to bring future food security and food safety to the State of Hawai'i, which currently imports over 90% of its seafood.

Mahalo,

Dr. Tetsuzan Benny Ron



Day² Resources LLC, 746 Hele Mauna Street, Hilo, Hawaii 96720, USA
Telephone 808-961-0319 Email Sturgeon@hawaii.rr.com

4 April 2011

To: Committee on Agriculture
 Senator Clarence K. Nishihara, Chair
 Senator Gilbert Kahele, Vice Chair

LATE

 Committee on Water, Land, and Housing
 Senator Donovan M. Dela Cruz, Chair
 Senator Malama Solomon, Vice Chair

 Committee on Public Safety, Government Operations, and Military Affairs
 Senator Will Espero, Chair
 Senator Michelle Kidani, Vice Chair

Re: Testimony Supporting HB 1239, HD2 relating to Building Permits

Hearing Time Tuesday, April 5, 2011, 2:45 PM
And Place: Conference Room 224, State Capitol

I am writing as an owner of a private ornamental fish farm. This bill would significantly reduce start-up and expansion costs by exempting certain low-risk nonresidential agriculture and aquaculture structures from County building permit requirements. Aquaculture farms such as mine often use small greenhouses and shipping containers in our operations. Currently, we often have to meet building codes written for human habitation or large-scale buildings even though our small structures are only used to cover fish tanks and store supplies such as nets and feed.

At this very time, we are trying to decide whether or not we can afford to expand our farm including hiring up to 20 permanent employees. Passage of this bill would contribute positively to our decision.

Thank you for this opportunity to provide testimony.

Sincerely,

Kevin Hopkins