



**Hawaii Farm Bureau**  
F E D E R A T I O N

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**LATE**

**COMMITTEES ON AGRICULTURE**  
**WATER, LAND, AND HOUSING**

**PUBLIC SAFETY, GOVERNMENTAL OPERATIONS, AND MILITARY AFFAIRS**

April 5, 2011

2:45 pm

Room 224

**HB 1230 HD2**

**Relating to Building Permits**

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

The Hawaii Farm Bureau, on behalf of our commercial farm and ranch families and organizations across the State, is in **strong support of HB 1230 HD2**.

This bill is a good example of how the State and the Counties can help agriculture without incurring any fiscal impact.

Non-residential, low-risk buildings are needed for farms and ranches, for storage or greenhouses for growing plants. Many of our farmers and ranchers have been unable to obtain building permits or have had to wait for years or expend exorbitant amounts to get a permit because residential-type standards are imposed regardless of the intended use of the structure.

This bill would allow agriculture and aquaculture farmers to use low risk, greenhouses, recycled ocean shipping containers, or storage sheds for more affordable plant growing, hatchery, work areas, and feed, supply, and equipment storage. Farmers will be able to operate their farms more cost-effectively, while protecting employees and farm equipment from poor weather, salt spray, birds, theft, and vandalism.

We would also like to address the concerns raised by the **Department of Agriculture and by the County Fire Departments** in a prior hearing. Those entities acknowledge that the county permit process needs streamlining but they believe that health and safety standards should be met for safety and public health reasons. **We agree.**

- **The bill does not exempt these structures from health, safety, and environmental regulations.** This bill only pertains to the process whereby a building permit is obtained.

- Permanent structures must be designed and engineered pursuant to the International Building Code. The exemption is for the building permit **process, not the building code**. If the structure is not up to Code, it would be in violation.
- Structures covered by the exemption are **not meant for public occupancy or public access**; rather they are utility-type buildings that only the farmer or farm workers will use.
- **HIOSH (OSHA) regulations would not be waived**; they are still applicable whether or not there is a building permit.
- **The Fire Code standards would not be waived by this bill**. To assure that the Fire Department is aware of the location and use of these types of structures and is therefore able to adequately respond to any future incident requiring firefighter presence, language can be added to the bill requiring the owner to notify the appropriate County Fire Chief prior to the construction of any structure (using a reasonable square footage threshold) allowed by this section.
- Sewage regulations are enforced through the State DOH and the counties. State **wastewater rules, Hawaii Administrative Rules (HAR) 11-62, would not be waived**.
- **Potable water regulations are enforced through the State DOH Safe Drinking Water Branch, HAR 11-20, and would not be waived**. The majority of these buildings would not have any water systems, but some may contain irrigation-type systems, just as a farm would have irrigation systems outside of the building that would not fall into the building permit requirement.
- **Electrical and plumbing concerns** for permanent structures would be addressed through the requirement in the bill for compliance with the International Building Code. The majority of these buildings would not have installed plumbing or electricity.
- Soil grading concerns. There is **no exemption in the proposed law from County grading ordinance requirements**. These ordinances are not triggered by the building permit process but rather through the grading and grubbing activity itself.

We respectfully ask that you include ranchers' needs for utility structures by amending the definition of the term "agricultural" (page 2, line 10) as below. This was an inadvertent omission in the original bill.

"Agricultural" means relating to the **raising of animals and the planting, cultivating, harvesting, and processing of crops, including those planted, cultivated, harvested, and processed for food, ornamental, grazing, or forestry purposes.**

The bottom line is that **health, safety, and environmental regulations will not be waived**. The onus of compliance with the applicable regulations has always been on the building owner and it will remain so. The difference is that he will not be additionally burdened or delayed by having to go through the building permit *process*.

Thank you very much for your continued support for agriculture in Hawaii.

nishihara5 - Randy

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**From:** Island Harvest [islandharvestinc@gmail.com]  
**Sent:** Tuesday, April 05, 2011 8:26 AM  
**To:** AGL Testimony  
**Subject:** testimony on bill: HB 1230, HD2

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**LATE**

Aloha,

My name is Chris Trump, I am the assistant manager of Island Harvest Inc.

We are macadamia nut farmers and have been in business for 20 years. We operate on the north coast of Kohala on the Big Island.

We are trying to diversify our product in order to become more viable as a company. This bill would help us in reaching that goal of viability.

It is always a struggle to look at expansion, the costs become prohibitive very quickly. This bill seems to be logical, necessary step to act on the state's desire to help farmers.

This granted liberty would be a very real tool in my hands as i look to expand and become more viable.

Mahalo Nui Loa,

Chris Trump

NOTICE OF HEARING

DATE: Tuesday, April 5, 2011  
TIME: 2:45 p.m.  
PLACE: Conference Room 224

State Capitol

415 South Beretania Street

A G E N D A

HB 1230, HD2

RELATING TO BUILDING PERMITS.

AGL/WLH/PGM

Exempts construction of low-risk nonresidential and aquacultural structures from county building permit requirements, under certain conditions. Effective July 1, 2020. (HB1230 HD2)

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