



LATE TESTIMONY

State of Hawaii
DEPARTMENT OF AGRICULTURE
1428 South King Street
Honolulu, Hawaii 96814-2512
Phone: (808) 973-9600 FAX: (808) 973-9613

TESTIMONY OF RUSSELL S. KOKUBUN CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE HOUSE COMMITTEE ON AGRICULTURE

FEBRUARY 8, 2012
9:00 A.M.
ROOM 312

HOUSE BILL NO. 1949
RELATING TO BUILDING PERMITS

Chairperson Tsuji and Members of the Committee:

Thank you for the opportunity to testify on House Bill No. 1949. The purpose of this bill is to exempt specified non-residential agricultural and aquacultural buildings and structures, and their appurtenances, located on commercial farms from building permit requirements other than applicable electric and wastewater regulations. The department respectfully opposes this bill.

The Department recognizes that structures are an integral part of conducting agricultural business. We acknowledge that the county permit process is facing a backlog due to a lack of resources; however, this process creates a minimum standard that potential structures must meet for safety as well as public health reasons. Unregulated grading of building pads, roads, etc. can create significant environmental impacts when heavy rainfall occurs. A structure not built according to plan creates unsafe working conditions, not just for the worker, but for visitors. Unannounced inspections ensure that minimum construction standards are being met and that worker safety is being adhered to. Maintaining these standards ensures that future employees and visitors can expect a safe environment when performing their duties.



Furthermore, should these structures be allowed on leased land, what kind of liability would the landowner face? Will the landowner be forced to allow these structures on their land? How is the landowner going to know whether or not their tenant has adhered to the requirements identified in this bill? Will the tenant be able to sue the landlord in the event of a structure failure? If a tenant creates a flooding situation, or allows significant sediment runoff, is the landowner protected from a lawsuit? Land owners must retain the right to control activities on their land.

Thank you for the opportunity to submit testimony.



LATE TESTIMONY

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

2343 Rose Street • Honolulu, Hawaii 96819
Phone: (808) 848-2074 • Neighbor-Islands: (800) 482-1272
Fax: (808) 848-1921 • Email: info@hfbf.org
www.hfbf.org

FEBRUARY 8, 2012

HEARING BEFORE THE
HOUSE COMMITTEE ON AGRICULTURE

TESTIMONY ON HB 1949
RELATING TO BUILDING PERMITS

Room 312
9:00 AM

Chair Tsuji, Vice Chair Hashem, and Members of the Committee:

I am Janet Ashman, testifying on behalf of the Hawaii Farm Bureau Federation (HFBF). Organized since 1948, the HFBF is comprised of 1,800 farm family members statewide, and serves as Hawaii's voice of agriculture to protect, advocate and advance the social, economic and educational interests of our diverse agricultural community.

HFBF strongly supports HB 1949, which would remove an unnecessary impediment to the construction of much-needed agricultural infrastructure. Current county building permit requirements are designed for commercial and residential buildings in urban areas, and are **not appropriate** for farm structures such as greenhouses, storage sheds, and fish tanks. Compliance with these requirements adds greatly to the time and cost needed to build even the simplest of structures. This burden falls especially heavily upon small farmers, family farmers, and beginning farmers, who often do not have the money or spare time to deal with the building permit process.

Building permit requirements have become increasingly burdensome in recent years as smaller, diversified farms and ranches have started up. These farms and ranches tend to have greater infrastructure needs per acre than the sugar and pineapple plantations they have replaced, but they usually have fewer financial resources and less ability to qualify for large construction loans. This is especially true for newer, more intensive farming such as hydroponics, aquaculture, and aquaponics. Although these techniques are particularly appropriate for Hawaii, where land and water are limited and expensive, they do require structures such as shade houses, prefabricated greenhouses, tanks, raceways, storage buildings, and the like.

Even traditional farming requires shelters to protect crops, livestock, and equipment from thieves, vandals, wind, and weather. These structures on agricultural lands present little risk.

Passage of this bill will align Hawaii with the majority of states across the nation that provide exemptions from county building standards for farm buildings located outside the urban core of cities and towns. Hawaii's strict building codes put our farmers and ranchers at a disadvantage compared to farmers in states that have exemptions. This disadvantage is another reason why Hawaii's farmers have difficulty competing with food importers.

In this bill, we have tried to address potential concerns from county building departments, fire departments, or state agencies. We respect and appreciate the important job these agencies do in protecting the public's health and safety. We respectfully ask you to recognize, as more than 30 other states do, that nonresidential farm buildings and structures in agricultural areas pose little risk to life and property.

Ironically, it is Hawaii's dependence on a fragile 2,500-mile lifeline of ships and planes for 85-90% of our food supply that presents a clear threat to the public's health and safety. We therefore ask that you support Hawaii's goal of greater food self-sufficiency by passing HB 1949.

Thank you for the opportunity to testify in strong support of this measure of great importance to Hawaii's farmers and ranchers. Please contact me at (808) 848-2074, if I can assist in any way.



LATE TESTIMONY

STRUCTURAL ENGINEERS ASSOCIATION OF HAWAII P.O. Box 3348, Honolulu, Hawaii 96801

February 7, 2012

TO: House of Representatives
Committee Agriculture FAX 586-6511
Rep. Clift Tsuji, Chair; Rep. Mark J. Hashem, Vice Chair

SUBJECT: **House Bill 1949 Relating to Building Permits**
Hearing February 8, 2012 9:00 am Conference Room 312

Honorable Members of the Committee:

The Structural Engineers Association of Hawaii (SEAOH) is the local chapter of the National Council of Structural Engineering Associations (NCSEA), and we have over 200 active members in Hawaii. SEAOH has a historic role spanning several decades in assisting Hawaii with the development of the technical portions of the building codes, especially as it relates to hurricane and seismic resistance of buildings.

We oppose House Bill 1949 and recommend that the committee consider the following issues in an amendment:

1. The building code does not only address fire safety as the bill implies. It covers a wide range of design factors including life safety for other natural hazards such as protection from flooding, sanitation, ventilation, material safety standards to prevent hazardous materials, durability against dry rot and termites, waterproofing, area and height limits, means of safe egress exiting, electrical safety, plumbing, and structural design. This bill only requires conformance with the electrical and wastewater regulations. Therefore, even as a low occupancy structure, significant life safety issues would be ignored. Even by themselves, they could constitute fire hazards to the community and present occupational hazards to agricultural workers accessing them.
2. We note that several of the buildings exempted do not have area and height limitations or code conformance requirements except for electrical and wastewater. For example, a manufactured building of any size and material and not conforming to the Hawaii wind and seismic design requirements of the code could be built. Multi-story stacks of shipping containers could be assembled into a structure of any size whatsoever.
3. There are no foundation or foundation anchorage requirements at all if they are given blanket exemption from the building code.

We suggest that this bill be held and refined further to narrow down the exemptions and make it more controlled, and to separate the permitting process from what requirements are necessary by the building code. In our view, low occupancy buildings that might be exempted from the county building permit process should still be required to conform to the building code. Otherwise, a lot of abuses will occur on agricultural lands that will be inherited problems for the counties. It would be better to allow the counties to determine how to address bonafide agricultural building usage and developing expedited permitting for them. Maui is an example of a county that already has some permitting exemptions for agricultural buildings.

Gary Chock, S.E.
Ian Robertson, Ph.D., S.E.
SEAOH Legislative Committee

LATE TESTIMONY

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 08, 2012 9:27 AM
To: AGRtestimony
Cc: darakawa@lurf.org
Subject: Testimony for HB1949 on 2/8/2012 9:00:00 AM

Testimony for AGR 2/8/2012 9:00:00 AM HB1949

Conference room: 312
Testifier position: Support
Testifier will be present: No
Submitted by: David Arakawa
Organization: Land Use Research Foundation of Hawaii
E-mail: darakawa@lurf.org
Submitted on: 2/8/2012

Comments:

hashem1 - Julie

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 08, 2012 8:20 AM
To: AGRtestimony
Cc: farmfreshhawaii@gmail.com
Subject: Testimony for HB1949 on 2/8/2012 9:00:00 AM

Testimony for AGR 2/8/2012 9:00:00 AM HB1949

Conference room: 312
Testifier position: Support
Testifier will be present: Yes
Submitted by: Juanita Kawamoto Brown
Organization: Environmental Caucus of the Democratic Party of Hi
E-mail: farmfreshhawaii@gmail.com
Submitted on: 2/8/2012

Comments:
we strongly support this legislation.

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