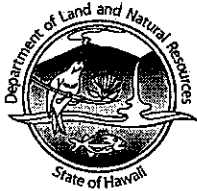


NEIL ABERCROMBIE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

Testimony of
WILLIAM J. AILA, JR
Chairperson

Before the House Committee on
WATER, LAND, & OCEAN RECREATION

Friday, March 30, 2012
11:00 AM
State Capitol, Conference Room 325

In consideration of
SENATE BILL 2646, SENATE DRAFT 1, HOUSE DRAFT 1
RELATING TO BUILDING PERMITS

Senate Bill 2646, Senate Draft 1, House Draft 1 proposes to amend Chapter 46, Hawaii Revised Statutes (HRS), to exempt from county building permit requirements the construction, installation or operation of nonresidential buildings and structures located on commercial farms or ranches and used for general agricultural or aquacultural operations. The bill, however, requires buildings and structures constructed pursuant to this exemption to comply with the state building code electrical standard (if the building/structure is serviced with electricity) and Chapter 342D, HRS, (for any disposal of wastewater). The Department of Land and Natural Resources (Department) takes no position on this bill but offers the following comments.

The bill does not identify the state or county agency or agencies responsible for determining compliance with the state building code electrical standard and Chapter 342D, HRS. If such buildings or structures are constructed on public lands managed by the Department, the Department is acting as the landowner and lessor and not as a regulatory agency. Therefore, the Department would not make any determination as to compliance and will rely on the decision of the applicable state and/or county agency(ies).

The terms and conditions of the Department's standard form leases also requires the lessee maintain fire insurance covering all improvements and notes the possibility that the building permit exemption may impact the ability of a lessee to obtain fire insurance or the cost of such insurance.

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

GUY H. KAULUKUKUI
FIRST DEPUTY

WILLIAM M. TAM
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS



SB2646 SD1 HD1
RELATING TO BUILDING PERMITS
House Committee on Water, Land, & Ocean Resources

March 30, 2012

11:00 a.m.

Room 325

The Office of Hawaiian Affairs (OHA) offers the following **COMMENTS** on SB 2646 SD1 HD1, which would exempt nonresidential agricultural and aquacultural buildings and structures used for agricultural or aquacultural purposes located on commercial farms from building permit requirements.

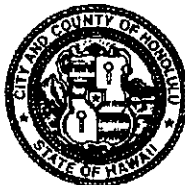
OHA notes that SB2646 SD1 HD1 would limit the building permit exemptions to commercial farms and ranches. Many other farmers are engaged in agricultural and aquacultural operations for purposes other than commercial purposes, including Native Hawaiian practitioners, subsistence farmers, and educational organizations. These non-commercial farmers face the same, if not increased, challenges to establishing, maintaining, and expanding their agricultural or aquacultural operations.

If this committee passes SB2646 SD1 HD1, OHA requests that the committee consider including non-commercial farmers and ranchers. Mahalo for the opportunity to testify on this important 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) 768-8041
DEPT. WEB SITE: www.honolulu.gov • CITY WEB SITE: www.honolulu.gov

PETER B. CARLISLE
MAYOR



DAVID K. TANQUE
DIRECTOR

JIRO A. SUMADA
DEPUTY DIRECTOR

March 30, 2012

The Honorable Jerry L. Chang, Chair
and Members of the Committee on Water,
Land & Ocean Resources
House of Representatives
State Capitol
Honolulu, Hawaii 96813

Dear Chair Chang and Committee Members:

Subject: Senate Bill No. 2646, SD1, HD1
Relating to Building Permits

The Department of Planning and Permitting **opposes** Senate Bill No. 2646, SD1, HD1, which amends Chapter 46, HRS, to mandate that the counties exempt agricultural structures from certain building permit requirements.

The Department supports the agricultural industry, but not at the expense of jeopardizing life and health. The purpose of building codes has been greatly expanded since the early 1900s. While they continue to address fire protection, they also deal with accessibility, structural integrity, energy efficiency, hazardous materials, and safeguards during construction. The building permit review process is also used to help ensure compliance with federal and state regulations, such as flood hazard district requirements and historic resource protection. They are also the final check to assure that necessary infrastructure – water, sewer, roadways—are available for each project.

Clearly, safe construction methods (as established under building codes), are a county responsibility. It is the counties who should determine what is or isn't low risk, as not only do building codes assure the minimum standards needed to protect life and improvements on private property, but they also protect surrounding properties, particularly against the spread of fire, which in turn, can needlessly endanger City emergency responders. Inadequate infrastructure support and deficient structural specifications can also create harmful impacts to surrounding property, including sanitation issues.

har2-Samantha

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, March 29, 2012 3:45 PM
To: WLOtestimony
Cc: jock.yamaguchi@mauicounty.gov
Subject: Testimony for SB2646 on 3/30/2012 11:00:00 AM

Testimony for WLO 3/30/2012 11:00:00 AM SB2646

Conference room: 325
Testifier position: Comments Only
Testifier will be present: No
Submitted by: Mayor Alan Arakawa
Organization:
E-mail: jock.yamaguchi@mauicounty.gov
Submitted on: 3/29/2012

Comments:

HOUSE OF REPRESENTATIVES
THE TWENTY-SIXTH LEGISLATURE
REGULAR SESSION OF 2012
COMMITTEE ON WATER, LAND AND OCEAN RESOURCES

Rep. Jerry L. Chang, Chair

Rep. Sharon E. Har, Vice Chair

Rep. Rida T.R. Cabanilla	Rep. Derek S.K. Kawakami
Rep. Mele Carroll	Rep. Mark M. Nakashima
Rep. Denny Coffman	Rep. Gil Riviere
Rep. Robert N. Herkes	Rep. Cynthia Thielen
Rep. Ken Ito	

DATE: Friday, March 30, 2012

TIME: 11:00 a.m.

PLACE: Conference Room 325

State Capitol

415 South Beretania Street

Chair Chang, Vice Chair Har, Members of the Committee. My name is John Corbin. I was formerly Manager of the Aquaculture Development Program in the Department of Agriculture and I strongly support S.B. 2646 S.D. 1 H.D. 1 Relating to Building Permits. The bill would exempt specified nonresidential agriculture and aquaculture buildings and structures and their appurtenances that are located on commercial farms from building permit requirements, other than electric and water regulations. Several clarifying and positive refinements have been made in H.D. 1 and in Committee Report HSCR 1185-12 that I support.

My experience in working with start-up and established aquaculture farms is that the existing building permit system has often been a significant obstacle to suitable farm construction; costing excessive time and money to owner-operators for less efficient structures. Passage of this bill will enable aquaculture farmers to utilize readily available ocean shipping containers, modular structures, agricultural cold frames and storage sheds for more affordable hatchery and office space, feed, and equipment storage, and other farm infrastructure needs. Farmers could then construct and operate their farms in a more timely and cost-effective manner, while enhancing farm production and protecting products, personnel and/or farm equipment.

Passage of this practical, solution-oriented bill would be a huge step forward for encouragement of commercial aquaculture and agriculture development that can locally meet Hawaii's food needs and at no cost to the State. As the Committee knows, the importance of local food production goes beyond satisfying our collective hunger, but as a land use, aquaculture and agriculture creates much needed jobs in rural areas, preserves open space and provides active stewardship of our natural resources. Hawaii would join 32 other states that currently have resolved any concerns and have agricultural building exemptions that recognize the special needs and benefits of these activities.

I urge the Committee to pass S.B. 2646 S.D. 1 H.D. 1 for immediate implementation. Thank you for the opportunity to testify.

John S. Corbin MS, CFP, AICP
President
Aquaculture Planning & Advocacy, LLC
Kaneohe, Hawaii



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

THE HOUSE OF REPRESENTATIVES
THE TWENTY-SIXTH LEGISLATURE
REGULAR SESSION OF 2012

COMMITTEE ON WATER, LAND, & OCEAN RESOURCES

Rep. Jerry L. Chang, Chair
Rep. Sharon E. Har, Vice Chair

DATE: Friday, March 30, 2012
TIME: 11:00 a.m.
PLACE: Conference Room 325
State Capitol
415 South Beretania Street

**RE: Testimony in strong support of SB 2646, SD1, HD1 (HSCR1185-12)
RELATING TO AGRICULTURAL BUILDING PERMITS**

Dear Chair Chang, Vice Chair Har, and Committee Members:

Day2 Resources, a small family-owned aquaculture company on the Big Island, strongly supports SB 2646, SD1, HD1 (HSCR1185-12). This bill would exempt nonresidential agricultural buildings and structures on commercial farms and ranches from building permit requirements while still providing necessary safeguards and assignment of risk (i.e., minimum lot sizes are required; building sizes are restricted or only pre-engineered buildings are allowed; and the farmer accepts responsibility).

Unfortunately, County building departments have adopted a one-size fits all approach to buildings standards and are imposing totally unnecessary regulations that impede the construction of essential agricultural buildings. At the present time, my company is reconsidering a large expansion in capacity because new foundation requirements for greenhouses make them economically unviable. If the new standards were actually protecting someone, there might be a reason to impose them but they (the new standards) only add unnecessary cost to structures housing plants and fish.

We need this bill to remove onerous, and some would say, ridiculous, regulations that stand in the way of economic viability.

Sincerely,

Kevin Hopkins
Manager

Innovative aquaculture and agriculture systems and products



EAST OAHU COUNTY FARM BUREAU

45-260 WAIKALUA ROAD S 101 KANEHOE, HI 96744

March 28, 2012

Representative Jerry L. Chang, Chair
Representative Sharon E. Har, Vice Chair
House Committee on Water, Land, and Ocean Resources
State Capitol, 415 S. Beretania St.
Honolulu, Hawaii 96813

Dear Chair Chang, Vice Chair Har, and Members of the Committee:

I am sending this testimony to express the East Oahu County Farm Bureau's **strong support for SB 2646 SD1 HD1, "Relating to Building Permits."** The East Oahu County Farm Bureau, with approximately 300 members, represents the area of northeast Oahu from Waimanalo to Kahuku.

The time, cost, and nuisance of obtaining building permits for even minor farm structures is a significant impediment to agriculture in Hawaii. If the law is not changed, permits will become an even greater problem in the future, as new food safety standards will require upgrades to farm buildings and infrastructure. A recent report by Honolulu's new agricultural liaison identified "Urban building standards and permits not suited for agricultural structures" as a major barrier to expanding agriculture on Oahu for all farmers, and especially for food farmers.

SB 2646 SD1 HD1, if passed, would exempt low-risk, nonresidential farm structures from building permit requirements. It would remove a major impediment to the expansion of agriculture, and would contribute to the State's goal of greater food self-sufficiency. SB 2646 SD1 HD1 is consistent with the laws of more than 30 other states that exempt farm buildings and structures from county building permit regulations. We therefore urge you to help Hawaii's farmers and ranchers by passing SB 2646 SD1 HD1.

Thank you for the opportunity to testify.

Sincerely,

Grant Hamachi
President, East Oahu County Farm Bureau

har2-Samantha

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 27, 2012 3:32 PM
To: WLOtestimony
Cc: gottlieb@hawaii.rr.com
Subject: Testimony for SB2646 on 3/30/2012 11:00:00 AM

Testimony for WLO 3/30/2012 11:00:00 AM SB2646

Conference room: 325
Testifier position: Support
Testifier will be present: No
Submitted by: Alan Gottlieb
Organization: Hawaii Cattlemen's Council
E-mail: gottlieb@hawaii.rr.com
Submitted on: 3/27/2012

Comments:



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

MARCH 30, 2012

HEARING BEFORE THE
HOUSE COMMITTEE ON WATER, LAND, AND OCEAN RESOURCES

**TESTIMONY ON SB 2646 SD1 HD1
RELATING TO BUILDING PERMITS**

Room 325
11:00 AM

Chair Chang, Vice Chair Har, 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.

Senate bill 2646 SD1 HD1 is the most important bill this session for farmers and ranchers throughout the islands. It would remove an unnecessary impediment to the construction of much-needed agricultural infrastructure. For the last several years, we've worked with the county building departments, fire departments, state agencies, and legislators to address concerns. This bill creates a balance between health and safety concerns and the needs of farmers to build much needed farming structures, including shelters to protect crops, livestock, and equipment from thieves, vandals, wind, and weather. These structures on agricultural lands present little risk.

Current county building permit requirements are extremely stringent and designed for commercial and residential buildings, especially 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.

A BILL FOR AN ACT

RELATING TO BUILDING PERMITS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. The legislature finds that existing building codes and permitting processes are overly burdensome to the State's commercial agriculture and aquaculture industries and add substantial time and costs to establishing or expanding farming and ranching enterprises in the State. The building codes and permitting processes are also contrary to the State's goals of expanding local food and bioenergy production, increasing the State's self-sufficiency, and improving the economic well-being of the State's rural farming communities.

Historically, building codes are the result of national efforts in the early 1900s to prevent large urban fires and

SECTION 2. Chapter 46, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§46- Agricultural and aquacultural buildings and structures; no building permit required. (a) Notwithstanding any law to the contrary, no county shall require a building permit for the construction, installation, or operation of a nonresidential building or structure, or appurtenances thereto, as specified in subsection (b), that is located on a commercial farm or ranch and is used for general agricultural or aquacultural operations, or for purposes incidental to such operations; provided that:

(1) The building or structure is constructed or installed on a property that is used primarily for agricultural or aquacultural operations, and is two or more contiguous acres in area, or one or more contiguous acres in area if located in a nonresidential agricultural or aquacultural park;

(2) Upon completion of construction or installation, or if significant modifications are made to an agricultural or aquacultural building or structure, the owner or occupier provides:

(a) written notice to the appropriate county fire department and county building permitting agency of

(b) For purposes of subsection (a), the following buildings and structures shall be exempt from county building code and permit requirements:

- (1) Manufactured or pre-engineered buildings or structures, and appurtenances thereto;
- (2) Recycled ocean shipping or cargo containers;
- (3) Agricultural shade cloth structures, cold frames, or greenhouses;
- (4) Aquacultural or aquaponics structures, including water storage or production tanks and raceways;
- (5) Livestock watering tanks;
- (6) Fences;
- (7) One-story masonry or wood-framed buildings or structures with a structural span of less than twenty-five feet, including farm buildings used as:
 - (A) Barns;
 - (B) Greenhouses;
 - (C) Farm production buildings;
 - (D) Storage buildings for farm equipment or plant or animal supplies or feed; or
 - (E) Storage or processing buildings for crops; and
- (8) Masonry or wood-framed buildings or structures with structural spans of twenty-five feet or more and

includes aquaponics or any growing of plants or animals in or with aquaculture effluents.

"Nonresidential" means a building or structure that is used only for agricultural or aquacultural operations, including an agricultural building or aquacultural building, and is not intended for use as, or used as, a dwelling.

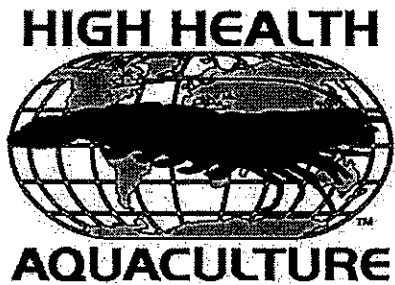
(d) This section shall not apply to buildings or structures otherwise exempted from building permitting or building code requirements by applicable county ordinance.

(e) This section shall not be construed to supersede public or private lease conditions.

(f) This section shall not apply to the construction or installation of any building or structure on land in an urban district."

SECTION 3. New statutory material is underscored.

SECTION 4. This Act shall take effect on June 2, 2012.



73-4460 Queen Kaahumanu Hwy
#117 Kailua-Kona, Hawaii 96740
phone/fax: 808-329-6018
jim.wyban@gmail.com
www.SPFGenetics.com

March 28, 2012

House Committee on Water, Land, and Ocean Resources
Friday, March 30 at 11:00 AM in Conference Room 325, State Capitol.

RE: **SB 2646 SD1 HD1**

Dear Committee Members:

I am writing to express my **strong support for SB 2646**. This bill will remove a major impediment to the growth of Hawaii's diversified agriculture. Hawaii's individual county building codes treat agricultural buildings and structures as if they were residences or commercial buildings in congested urban areas. This is a significant deterrent to agricultural development and investment.

HHA is a commercial shrimp breeding company based at NELHA in Kona. We have been a commercial company since 1994.

Passage of **SB2646** will reduce regulatory burden on agriculture ventures and improve the investment climate for food producers.

I strongly urge your support of **SB 2646**.

Best regards,

Jim Wyban, PhD
President
High Health Aquaculture Inc.

HOOLUANA RANCH

P. O. BOX 711510
Mt. View, Hawaii 96771

March 27, 2012

TO: Representative Cliff Tsuji
Chairperson, House Agriculture Committee

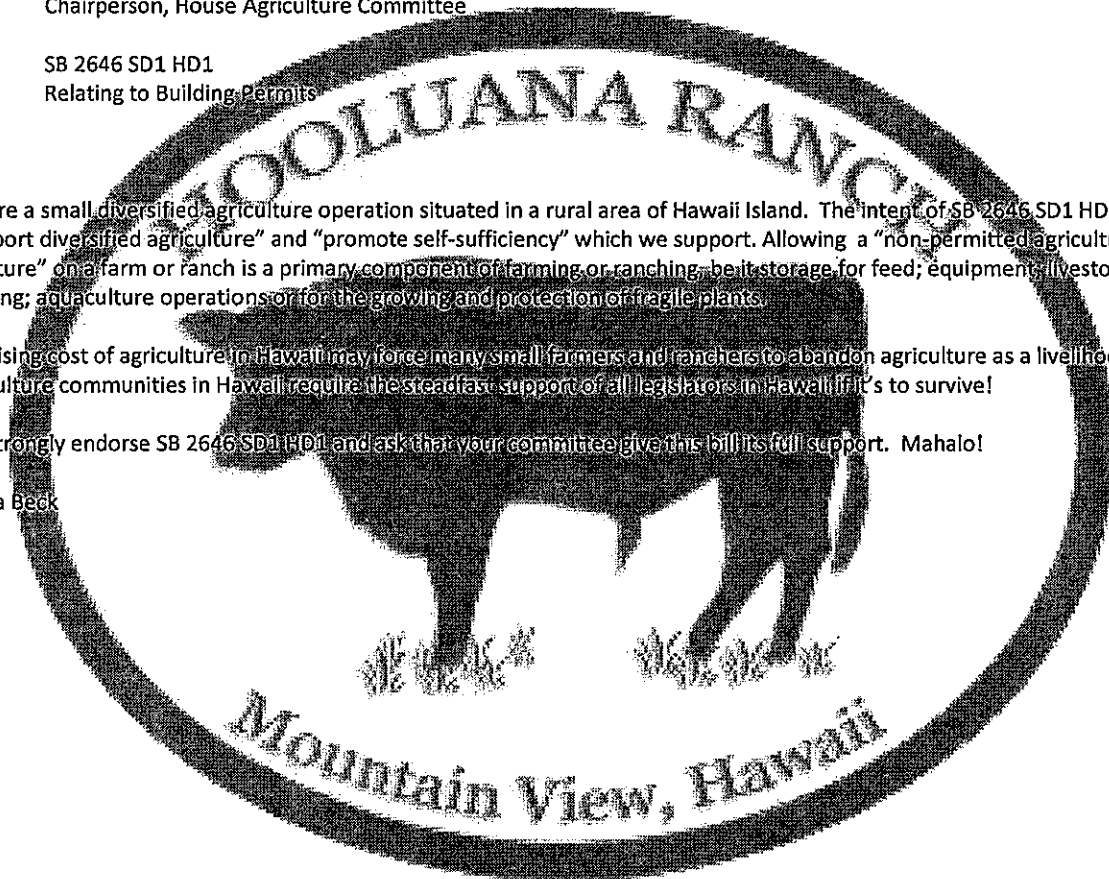
RE: SB 2646 SD1 HD1
Relating to Building Permits

We are a small diversified agriculture operation situated in a rural area of Hawaii Island. The intent of SB 2646 SD1 HD1 is to "support diversified agriculture" and "promote self-sufficiency" which we support. Allowing a "non-permitted agricultural structure" on a farm or ranch is a primary component of farming or ranching, be it storage for feed; equipment; livestock housing; aquaculture operations or for the growing and protection of fragile plants.

The rising cost of agriculture in Hawaii may force many small farmers and ranchers to abandon agriculture as a livelihood. The agriculture communities in Hawaii require the steadfast support of all legislators in Hawaii if it's to survive!

We strongly endorse SB 2646 SD1 HD1 and ask that your committee give this bill its full support. Mahalo!

Luana Beck



har2-Samantha

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 28, 2012 7:05 AM
To: WLOtestimony
Cc: kaimiunger@gmail.com
Subject: Testimony for SB2646 on 3/30/2012 11:00:00 AM

Testimony for WLO 3/30/2012 11:00:00 AM SB2646

Conference room: 325
Testifier position: Support
Testifier will be present: No
Submitted by: Keith Unger
Organization: McCandless Ranch
E-mail: kaimiunger@gmail.com
Submitted on: 3/28/2012

Comments:

Testimony of
Melvin Matsuda
President
Matsuda-Fukuyama Farms, Inc
on
S.B. NO. 2646, SD1, HD1
Relating to Building Permits

House Committee on Water, Land, and Ocean Resources
Friday, March 30, 2012
11:00 a.m.
Conference Room 325

Matsuda-Fukuyama Farms fully supports S.B. 2646. This would allow farmers and ranchers to build much needed storage facilities that house and protect farm equipment and supplies. The current building codes and regulations require us to have an approved building permit to construct storage facilities such as a barn or shed which are necessary and important accessories to our farm operation.

The passage of S.B. 2646 will enable us to construct buildings that will accommodate our needs to protect our valuable farm equipment from the harsh weather environment without the long and tedious building permitting process. Such storage facilities would be used to house: tractors, plows, sprayers, fertilizers, irrigation supplies, generators, water pumps, trailers, wooden pallets etc.

I respectfully ask that you pass S.B. 2646 which will enable us to expand and extend our current structures that store and secure our farm equipment and supplies.

Thank you for allowing me to present my testimony.



Melvin Matsuda
Matsuda-Fukuyama Farms

har2-Samantha

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 28, 2012 9:48 PM
To: WLOtestimony
Cc: diamondbranchhi@aol.com
Subject: Testimony for SB2646 on 3/30/2012 11:00:00 AM

Testimony for WLO 3/30/2012 11:00:00 AM SB2646

Conference room: 325
Testifier position: Support
Testifier will be present: No
Submitted by: Brendan Balthazar
Organization: Maui cattlemens Assn.
E-mail: diamondbranchhi@aol.com
Submitted on: 3/28/2012

Comments:

Everyone always say "oh yes we are strongly supporting agg" Well this is one way to show that you support agg.

har2-Samantha

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 27, 2012 10:53 PM
To: WLOtestimony
Cc: jacinthow001@hawaii.rr.com
Subject: Testimony for SB2646 on 3/30/2012 11:00:00 AM

Testimony for WLO 3/30/2012 11:00:00 AM SB2646

Conference room: 325
Testifier position: Support
Testifier will be present: No
Submitted by: William Jacintho
Organization: Maui Cattlemen's Association
E-mail: jacinthow001@hawaii.rr.com
Submitted on: 3/27/2012

Comments:

har2-Samantha

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 27, 2012 11:06 PM
To: WLOtestimony
Cc: PSGMikilua@aol.com
Subject: Testimony for SB2646 on 3/30/2012 11:00:00 AM

Testimony for WLO 3/30/2012 11:00:00 AM SB2646

Conference room: 325
Testifier position: Support
Testifier will be present: No
Submitted by: Phyllis Shimabukuro-geiser
Organization: Mikilua Farm Bureau Center
E-mail: PSGMikilua@aol.com
Submitted on: 3/27/2012

Comments:

har2-Samantha

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 28, 2012 5:55 AM
To: WLOtestimony
Cc: bcraven@lanihau.net
Subject: Testimony for SB2646 on 3/30/2012 11:00:00 AM

Testimony for WLO 3/30/2012 11:00:00 AM SB2646

Conference room: 325
Testifier position: Support
Testifier will be present: No
Submitted by: britt craven
Organization: palani ranch
E-mail: bcraven@lanihau.net
Submitted on: 3/28/2012

Comments:

har2-Samantha

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 27, 2012 5:09 PM
To: WLOtestimony
Cc: karin@princevilleranch.com
Subject: Testimony for SB2646 on 3/30/2012 11:00:00 AM

Testimony for WLO 3/30/2012 11:00:00 AM SB2646

Conference room: 325
Testifier position: Support
Testifier will be present: No
Submitted by: karin Carswell Guest
Organization: Princeville Ranch
E-mail: karin@princevilleranch.com
Submitted on: 3/27/2012

Comments:

har2-Samantha

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 27, 2012 4:15 PM
To: WLOtestimony
Cc: jimmygomes@hawaii.rr.com
Subject: Testimony for SB2646 on 3/30/2012 11:00:00 AM

Testimony for WLO 3/30/2012 11:00:00 AM SB2646

Conference room: 325
Testifier position: Support
Testifier will be present: No
Submitted by: jimmy gomes
Organization: ulupalakua ranch
E-mail: jimmygomes@hawaii.rr.com
Submitted on: 3/27/2012

Comments:



TESTIMONY BEFORE THE HOUSE COMMITTEE ON
WATER, LAND, & OCEAN RESOURCES

SENATE BILL 2646, SD1, HD1

RELATING TO BUILDING PERMITS

PRESENTED TO THE TWENTY-SIXTH LEGISLATURE

MARCH 2012

CHAIRMAN CHANG and Members of the Committee:

STRONG SUPPORT.

My name is Loren Mochida, Director of Agricultural Operations at W. H. Shipman, Limited in Keaau on the Big Island. We are a local kamaaina-family owned land management company that is engaged in Agriculture and Commercial/Industrial development and leasing. We currently lease lands to over 130 individually growers at W.H. Shipman, Ltd.

W. H. Shipman, Ltd., and their growers provide strong support to SB 2646, SD1, HD1 Relating to Building Permits. This Act will exempt nonresidential agriculture and aquaculture buildings and structures, and their appurtenances, located on commercial farms and ranches from building permit requirements other than electric and wastewater regulations, to support Hawaii's farmers and ranchers.

The existing building codes and permitting processes are not efficiently tailored to meet the needs of commercial agriculture and aquaculture industries and adds substantial costs to establish or expand farming and ranching activities. A search of CONUS statutes and codes has determined that at least 32 states currently have agricultural building exemptions.

Thank you very much for the opportunity to provide testimony on SB 2646, SD1, HD1

har2-Samantha

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 28, 2012 8:12 AM
To: WLOtestimony
Cc: lanipetrie@aol.com
Subject: Testimony for SB2646 on 3/30/2012 11:00:00 AM

Testimony for WLO 3/30/2012 11:00:00 AM SB2646

Conference room: 325
Testifier position: Support
Testifier will be present: No
Submitted by: Lani C. Petrie
Organization: Individual
E-mail: lanipetrie@aol.com
Submitted on: 3/28/2012

Comments:

har2-Samantha

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 28, 2012 8:54 AM
To: WLOtestimony
Cc: marcusspallek@yahoo.com
Subject: Testimony for SB2646 on 3/30/2012 11:00:00 AM

Testimony for WLO 3/30/2012 11:00:00 AM SB2646

Conference room: 325
Testifier position: Support
Testifier will be present: No
Submitted by: Marcus Spallek
Organization: Individual
E-mail: marcusspallek@yahoo.com
Submitted on: 3/28/2012

Comments:

As a young farmer developing aquaponics and ranching on the Hamakua coast of the Big Island, I strongly support this bill. I have had building permit applications for greenhouses at the building department for over one year now, and still cannot legally build on my families land zoned Ag 20! Please do what you can to let Hawaiian farmers and ranchers grow food without the onerous regulatory and financial burdens that currently make it so difficult to get started legally. Aloha mai kako.

har2-Samantha

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 28, 2012 9:01 AM
To: WLOtestimony
Cc: afrancokaupo@gmail.com
Subject: Testimony for SB2646 on 3/30/2012 11:00:00 AM

Testimony for WLO 3/30/2012 11:00:00 AM SB2646

Conference room: 325
Testifier position: Support
Testifier will be present: No
Submitted by: Alex Franco
Organization: Individual
E-mail: afrancokaupo@gmail.com
Submitted on: 3/28/2012

Comments:

Agriculture needs improved policy that can help it transition toward producing more products for the local food movement. The approval of SB2646 will set needed policy that will prove beneficial to local agriculture.

Thank You,

Alex Franco
Maui Cattle Company

har2-Samantha

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 28, 2012 10:49 AM
To: WLOtestimony
Cc: dward@hawaii.edu
Subject: Testimony for SB2646 on 3/30/2012 11:00:00 AM

Testimony for WLO 3/30/2012 11:00:00 AM SB2646

Conference room: 325
Testifier position: Support
Testifier will be present: No
Submitted by: Deborah Ward
Organization: Individual
E-mail: dward@hawaii.edu
Submitted on: 3/28/2012

Comments:

Aloha, I am a full time farmer, and I support this legislation. Sheds, greenhouses and livestock shelters do not pose a risk to the community, and are temporary in nature. By allowing the construction and adaptation of temporary facilities to allow improved agricultural management, you would be supporting innovation, sustainability, and self-reliance. You would also be promoting food security for Hawaii's people. I urge you to support this measure.

Mahalo!

har2-Samantha

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 28, 2012 11:13 AM
To: WLOtestimony
Cc: OccupyHiloMedia@yahoo.com
Subject: Testimony for SB2646 on 3/30/2012 11:00:00 AM

Testimony for WLO 3/30/2012 11:00:00 AM SB2646

Conference room: 325
Testifier position: Support
Testifier will be present: No
Submitted by: Kerri Marks
Organization: Individual
E-mail: OccupyHiloMedia@yahoo.com
Submitted on: 3/28/2012

Comments:
strongly support helping farmers grow food

har2-Samantha

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 28, 2012 3:39 PM
To: WLOtestimony
Cc: jim.wyban@gmail.com
Subject: Testimony for SB2646 on 3/30/2012 11:00:00 AM

Testimony for WLO 3/30/2012 11:00:00 AM SB2646

Conference room: 325
Testifier position: Support
Testifier will be present: No
Submitted by: Jim Wyban
Organization: Individual
E-mail: jim.wyban@gmail.com
Submitted on: 3/28/2012

Comments:
I support SB 2646

har2-Samantha

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 28, 2012 4:04 PM
To: WLOtestimony
Cc: linda@hpcfoods.com
Subject: Testimony for SB2646 on 3/30/2012 11:00:00 AM

Testimony for WLO 3/30/2012 11:00:00 AM SB2646

Conference room: 325
Testifier position: Support
Testifier will be present: No
Submitted by: linda kato
Organization: Individual
E-mail: linda@hpcfoods.com
Submitted on: 3/28/2012

Comments:

Am testifying in support of this bill. Farmers often need to construct nursery greenhouses on their properties and building permit requirements are onerous for such relatively simple structures that generally follow pre-set specifications that have been time tested.

Committee on Water Land and Ocean Resources
Jerry Chang Chair
Sharon Har Vice Chair

Date: March 30, 2012
Time 11:0 am
Conference Room 325
State Capitol 415 South Beretania Street, Honolulu HI 96813

Support for SB No. 2646, SD 1, HD 1

Chairmen Chang and Har, and members of the Committee on Water Land and Ocean Resources. My name is Clyde Tamaru and I am an aquaculture specialist with the College of Tropical Agriculture and Human Resources (CTAHR) and am providing personal testimony in support of this bill and am not representing the Univeristy of Hawaii.

I am in total agreement with the findings of the legislature that existing building codes and permitting processes are overly burdensome to the State's commercial agriculture and aquaculture industries. Compliance with current codes add substantial time and costs to establishing or expanding farming and ranching enterprises in the State. That the codes were developed for very different scenarios that are not experienced on farm site it does not make sense to place such constraints on people who want to create and operate successful farming enterprises. They are already challenged with a myriad of other obstacles that relief in the form of legislation being proposed is much needed to improve the probablility of success for a farmer. At a time when there is a strong desire to promote an increased self reliance in the State's ability to produce its own food and energy legislation such as being proposed is much needed for our island farmers and aquafarmers to be economically viable.

For the reasons provided I strongly support the passage of SB No. 2646, SD 1, HD 1

Waikalua Loko Fishpond Preservation Society

Kaneohe, HI 96744

Aloha Chairperson Tsuji and Members of the Committee

As a volunteer fishpond docent and fishpond worker, I fully support the easing of regulations to allow for the building of non-residential structures on ag and aquaculture lands.

These structures are essential in storing equipments and farm implements and pose not threat to the safety of anyone. If this measure is passed into law, it will further support small farmers with limited financial resources to meet the State's goal of sustainability and diversification of our economy.

Aloha and Mahalo for your consideration,

Willis Motooka

Fishpond Docent and Worker

2029 Nuuanu Ave. #1510
Honolulu, Hawaii 96817
March 28, 2012

Representative Jerry L. Chang, Chair
Representative Sharon E. Har, Vice Chair
House Committee on Water, Land, and Ocean Resources
415 S. Beretania St.
Honolulu, Hawaii 96813

Dear Chair Chang, Vice Chair Har, and Members of the Committee:

I am sending this testimony to express my **strong support for SB 2646 SD1 HD1**. This bill, if passed, would remove a major impediment to the growth of Hawaii's diversified agriculture. Hawaii's county building codes, in contrast to those in many Mainland states, unnecessarily treat agricultural buildings and structures as if they were residences or commercial buildings in congested urban areas.

I hope my personal experience will serve as an example. Almost 30 years ago, my business partner and I leased 17 acres in Kahuku and established an aquaculture farm producing edible seaweed (*ogo*), primarily for the local market on Oahu. We invested the little money we had, farmed for 27 years, and eventually became successful enough to support ourselves and several workers. Early in the history of the farm, we needed to put up a shed to protect our tools and equipment from the damp, salty environment. It was a 10-by-20-foot shed made of recycled lumber, built with our own labor, anchored securely to a concrete pad, far from any other buildings in a remote agricultural area. The total cost was probably about \$500, which barely fit within our budget. We applied for a building permit, but were told that plans for the shed must be approved by an architect and an engineer. The cost of hiring these experts would have been many times the construction cost of the shed itself, and far beyond our limited resources, so we were forced to withdraw our permit application. It seemed excessive then – and still seems so to me now – to require such expertise for the construction of a simple tool shed.

In 2009 our farm's lease expired, and we had to leave. I seriously considered starting another farm, this time using the new and highly efficient technique of aquaponics, in some other location. I had to concede that I could not start over again. The time and costs involved in complying with building code requirements for the necessary structures – even though those structures would have posed little risk to anyone's safety – were major factors in my decision. Further, since aquaponics is relatively new and the best techniques have not been defined for all sites and crops, I would have had to start small and build incrementally as I learned what worked best for me. Such gradual development of farm structures is not feasible when a permit is needed for each change. I believe the existing codes make it very difficult for small farmers and startup agribusinesses – in other words, the farmers of the future – to invest in much-needed infrastructure.

I do not believe that SB 2646 SD1 HD1 should be considered a "home rule" issue. The difficulty of expanding agricultural operations due to county building permit requirements is a