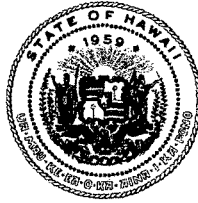
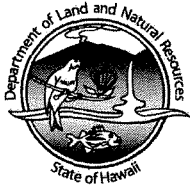


NEIL ABERCROMBIE
GOVERNOR OF HAWAII



**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
AGRICULTURE**

**Wednesday, March 14, 2012
10:00 PM
State Capitol, Conference Room 312**

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

Senate Bill 2646 Senate Draft 1 proposes to amend Chapter 46, Hawaii Revised Statutes, 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. Any buildings or structures constructed pursuant to this exemption, however, must still comply with the applicable electrical code and wastewater regulations if utilizing such services and with applicable setback codes. 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 agency responsible for determining compliance with electrical and setback codes and wastewater regulations. 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 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



SB 2646 SD1
RELATING TO BUILDING PERMITS
House Committee on Agriculture

March 14, 2012

10:00 a.m.

Room 312

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

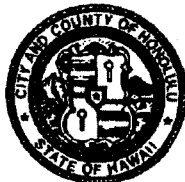
OHA notes that SB 2646 SD1 would limit the building permit exemptions to commercial farms and ranches. Many other farmers are engaged in agricultural and aquacultural operations for purposes other than commercial, including Native Hawaiian practitioners, subsistence farmers, and educational organizations. These non-commercial farmers face the same, if not increased, challenges to establish, maintain, and expand their agricultural or aquacultural operations.

If this committee passes SB 2646 SD1, 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. TANOUE
DIRECTOR

JIRO A. SUMADA
DEPUTY DIRECTOR

March 14, 2012

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

Dear Chair Tsuji and Committee Members:

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

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

While the Department supports the agricultural industry, it cannot come at the expense of jeopardizing life and health. Clearly, this is a homerule issue. 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.

Exemption from building permit also means that the City and County of Honolulu will not inspect buildings during and after construction. Senate Bill 2646, SD1, specifically mentions electrical and wastewater requirements, but as there would be no inspection process, compliance will be based on self-certification. Moreover, the proposed requirement to notify the county fire and building Departments after construction is completed is problematic; what is the expected recourse if the information given is incomplete, inaccurate and/or inconsistent with county codes? What happens if a building is built within a floodway, a direct violation of federal standards? These issues may not only compromise public health and safety, but create financing difficulties, as banks may be hesitant to issue loans and mortgages on improvements which do not have county assurances based on issuance of a building permit. Thus, in the long run, this state-exemption process may hurt farmers.

The Honorable Clift Tsuji, Chair
and Members of the Committee on Agriculture
House of Representatives
Re: Senate Bill No. 2646, SD1
March 14, 2012
Page 2

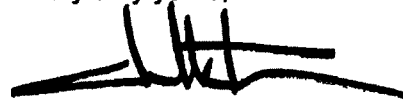
There seems to be a desire to define the size of eligible properties, and that they be located outside the state urban district. From a safety perspective, these are not very relevant criteria, as it is the proximity of buildings and structures to each other that is of concern. Whether improvements are on the same property or nearby properties, codes minimize damage from wind and fire by requiring certain standards of all buildings.

The Department understands the frustration with the entitlement process. To some extent, however, the criticism is based on each individual farmer's needs, whereas the Department must look at cumulative impacts to entire neighborhoods and regions. Moreover, the building permit process is used to address many more issues than just the structural integrity of a building. It is used to monitor capacities of infrastructure systems and compliance with federal and state requirements. It is used to minimize damage in the event of a disaster. Frankly, it plays a role in maintaining property values.

This doesn't mean that we are complacent about the permit review process. We have been making dramatic improvements in recent years, such as allowing on-line application submittals and allowing applicants to track permit progress online, rather than relying on calls to staff. Shortly, we will be embarking on a "paperless" review process, which is expected to significantly reduce review time. We will also be increasing in-house training, as well as offering workshops to improve the quality of applications, which should also speed up the review process. Lastly, we are also working with the Honolulu Fire Department and others to determine what kinds of agricultural structures could be exempt from the building permit process.

In summary, the protection of public health and safety, as addressed by our building codes, is a core government responsibility, and of deep concern to us. Should Senate Bill No. 2646, SD1, be adopted, we must assume that for the exempted structures, this responsibility is being transferred to the state. Our preference is that Senate Bill No. 2646, SD1, be held. Thank you for the opportunity to testify.

Very truly yours,



David K. Tanoue, Director
Department of Planning and Permitting

DKT:jmf
sb2646sd1-BuildPermitAg-ks.doc



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 14, 2012

House Committee on Agriculture

SB 2646 SD1

Relating to Building Permits

Room 312

10:00 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 SB 2646 SD1, 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 methods such as hydroponics, aquaculture, and aquaponics. Although these farming 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 adds to the difficulty Hawaii's farmers have in competing with food importers. The measure will support Hawaii's goal of greater food self-sufficiency.

This bill is extremely important to farmers and ranchers on every island. We've worked with county building departments, fire departments, state agencies, and legislators to address their concerns. 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.

We respectfully request three amendments (**in bold and underlined**) to address inadvertent errors and omissions in SB 2646 SD1:

- In Section 2, we request that the omitted wording be restored:

"§46- Agricultural buildings and structures; no building permit required. (a) Notwithstanding any law to the contrary, no county shall require a building permit for the construction...

- In Section 2, "§46- (a)(3) should be corrected to read:

"A building or structure constructed or installed pursuant to this section that will be serviced with electricity shall comply with the state building code electrical standard." The existing wording implies that all buildings or structures must have electrical service, which need not be the case.

- In Section 2, "§46- (e) should be corrected to **"This section shall not be construed to supersede public or private lease conditions."**

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.



Oceanic Institute
An Affiliate of Hawai'i Pacific University

THE HOUSE
THE TWENTY-SIXTH LEGISLATURE
REGULAR SESSION OF 2012

COMMITTEE ON AGRICULTURE
Representative Clift Tsuji, Chair
Representative Mark J. Hashem, Vice Chair

DATE: Wednesday, March 14, 2012
TIME: 10:00 a.m.
PLACE: Conference Room 312
State Capitol
415 South Beretania Street

RE: Testimony in strong support of SB 2646 (SSCR 2494) RELATING TO BUILDING PERMITS

Dear Chair Tsuji, Vice Chair Hashem, and Committee Members:

The Oceanic Institute (OI) is a private, 501 (c) (3) non-profit research and development organization dedicated to applied aquaculture and marine science research and education. OI is affiliated with Hawaii Pacific University.

OI strongly supports SB 2646 (SSCR 2494) as written.

This bill exempts nonresidential agricultural buildings and structures on commercial farms and ranches from building permit requirements, thereby eliminating an unnecessary obstacle to the construction of essential agricultural infrastructure and helping to improve the economic viability of Hawaii's agricultural sector, without any cost to the State.

Background: Historically, building codes are the result of national efforts to quell large urban fires in the early 1900s to help mitigate large-scale fire loss. Since the largest of these devastating fires were primarily in large urban areas, the move to adopt uniform building codes generally did not include rural structures, particularly since the loss of an agricultural building seldom leads to the loss of human life.

Current status: While the complexity and reach of building codes have expanded dramatically over the past century, the agricultural building exemptions present in statute or code in most agricultural states remain in place, exempting agricultural buildings and, in a number of states, agricultural dwellings, from the zoning and building codes and building permit process. An extensive search of State statutes and codes has determined that at least 32 states currently have agricultural building exemptions.*

Right to farm: A number of states include agricultural building exemptions under their "right to farm" declarations. The State of Iowa declared in the **Code of Iowa**, Section 335.2 that "no ordinance adopted under this chapter applies to land, farm houses, farm barns, farm outbuildings or other buildings or structures which are primarily adapted, by reason of nature and area, for use for agricultural purposes, while so used." The **Illinois Compiled Statutes** Chapter 55 Section 5/5-12001 state "agricultural structures/buildings shall be exempt from zoning ordinance and building code regulations requiring building permits, fees, minimum design standards and specifications, and occupancy permits..." **Arizona**

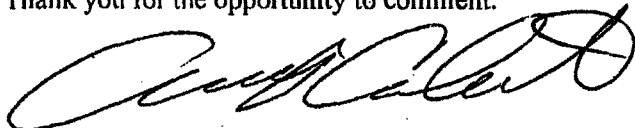
Revised Statute (ASR) 11-830 states "nothing in any ordinance authorized in this ARS shall prevent, restrict, or otherwise regulate use or improvements on land tracts ... used for general agricultural purposes."

Building permit exclusions and exemptions: Many states provide agricultural exclusions or agricultural building exemptions under their building codes. **Pennsylvania's Uniform Construction Code**, Section 104 states "This act shall not apply to: ... (4) any agricultural building." The **Tennessee Code 13-7-114** provides: "This part shall not be construed as authorizing the requirement of building permits nor providing any regulation of the erection, construction, or reconstruction of any building or other structure on lands now devoted to agricultural uses or which may hereafter be used for agricultural purposes, ..." The **Kentucky Building Code Section 101.2** exempts "Farm dwellings and other buildings and structures located on farms which are incident to the operation of the farm and located outside the boundary of a municipality." **Oregon State law 455.315** allows exemption from the requirement for a building permit and inspections when the proposed building meets the agricultural-building requirements. **Florida's Statute 604.50** states "Notwithstanding any other law to the contrary, any nonresidential farm building is exempt from the Florida Building Code and any county or municipal building code."

Conclusion: While the details of agricultural building exemptions vary across the country, the common intent of such long-standing statutes and codes has been to support bona fide agriculture, agricultural families and workers, and rural agricultural communities. The benefits of providing such exemptions have become increasingly evident and important in recent years with the ever-changing regulatory environment and increasingly competitive global agricultural marketplace in which today's agricultural operations must compete and survive.

SB2646 addresses the construction and agricultural needs of the Hawaii agricultural community while continuing to address the fire and life safety needs of Hawaii's urban centers and residential communities. The agricultural building exemption will help to decrease agricultural building construction costs in Hawaii while helping to increase farm production and employment, and is consistent with the intent of the Hawaii Constitution, Article XI, Section 3, which reads, the State shall "promote diversified agriculture" and "increase agricultural self-sufficiency". OI therefore respectfully requests the House Committee on Agriculture to pass SB2646 for the benefit of Hawaii's farmers and ranchers, and for those who purchase locally-grown agricultural products.

Thank you for the opportunity to comment.



Anthony C. Ostrowski, Ph.D.
President

**States with Agricultural Building Exemptions in statute and/or code include: Alabama, Arizona, California, Colorado, Florida, Georgia, Idaho, Illinois, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Montana, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, Tennessee, Utah, Vermont, Virginia, Washington, West Virginia, and Wisconsin.*



EAST OAHU COUNTY FARM BUREAU

45-260 WAIKALUA ROAD S 101 KANEHOE, HI 96744

March 13, 2012

Representative Clift Tsuji, Chair
Representative Mark J. Hashem, Vice Chair
House Committee on Agriculture
State Capitol, 415 S. Beretania St.
Honolulu, Hawaii 96813

Dear Chair Tsuji, Vice Chair Hashem, 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, "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, 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 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.

Thank you for the opportunity to testify.

Sincerely,

Grant Hamachi
President, East Oahu County Farm Bureau

HAWAII LIVESTOCK FARMERS COALITION
(a committee of the Hawaii Farm Bureau Federation)
P.O. BOX 700489 KAPOLEI, HAWAII 96709
808-674-9996

HOUSE COMMITTEE ON AGRICULTURE

Wednesday March 14, 2012 10:00 a.m. Room 312

SB 2646 SD1 RELATING TO BUILDING PERMITS

Exempts specified nonresidential agricultural and aquacultural buildings and structures, and their appurtenances, located on commercial farms and ranches located outside of the urban district from certain building permit requirements, under certain conditions. Effective July 1, 2050. (SD1)

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

My name is Alan Gottlieb, and I am the Government Affairs Chair for the **The Hawaii Livestock Farmers Coalition (HLFC)**. HLFC consists of Hawaii Cattle Ranchers and Processors, Pork Producers and Processors, Lamb & Goat Producers, Egg Producers, Dairy Producers, and Aquaculture Producers, as well as several local veterinarians who work closely with the livestock industries, the Hawaii Farm Bureau Federation, and other agricultural partners, strongly supports SB 2646 SD1. This bill exempts nonresidential agricultural and aquacultural buildings and structures, and their appurtenances, located on commercial farms and ranches from building permit requirements other than applicable electric and wastewater regulations, to help support Hawaii's farmers and ranchers. This bill provides a critical agriculture building exemption that is already in place in the majority of other states, to support the continued growth of livestock farming and other forms of diversified agriculture in Hawaii

Historically, building codes are the result of national efforts to quell large urban fires in the early 1900s to help mitigate large-scale fire loss. Since the largest of these devastating fires were primarily in large urban areas, the move to adopt uniform building codes generally did not include rural agricultural structures, particularly since the loss of an agricultural building seldom leads to the loss of human life. While the complexity and reach of building codes have expanded dramatically over the past century, the majority of states provide agricultural building exemptions from the zoning and building codes and building permit process so as to support their State's agricultural producers.*

While the details of agricultural building exemptions vary somewhat from State to State, the common intent of such long-standing statutes and codes has been to support bona fide agriculture, agricultural families and workers, and rural agricultural communities. The benefits of providing such exemptions from the burdensome, costly, and time-consuming building permit process that does not recognize the unique needs and reduced risks associated with agricultural buildings have become increasingly evident and important in recent years with the ever-changing regulatory environment and increasingly competitive global agricultural marketplace in which today's agricultural operations must compete and survive. The HLFC therefore respectfully urges the Senate Committee on Agriculture to pass SB2646 as written to support Hawaii's commercial farmers and ranchers.

Thank you for the opportunity to testify in strong support of this measure.

**States with Agricultural Building Exemptions in statute and/or code include: Alabama, Arizona, California, Colorado, Florida, Georgia, Idaho, Illinois, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Montana, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, Tennessee, Utah, Vermont, Virginia, Washington, West Virginia, and Wisconsin.*



P.O. Box 1978 Kaunakakai, Molokai, Hawaii 96748 USA
www.broodstock.com molokaishrimp@mac.com Tel. (808) 658-3276 Fax (760)825-8815

Rep. Clift Tsuji, Chair House District 2
Hawaii State Capitol, Room 312
March 12th, 2012

RE: AGR SB 2646 Room #312 3/14/2012 10:00 AM

I have owned and operated Molokai Sea Farms since 1988. I strongly support SB 2646.

Besides operating my aquaculture farm for the past 24 years I just concluded five years serving on the Molokai Planning Commission. The number one complaint that we received on the commission was how long and time consuming the building permit application process takes. Many people choose not to build at all or build illegal structures.

For Hawaii to become more food self sufficient, agro-businesses need to be able to move forward in an expeditious and efficient manner. I believe if this bill is signed into law you will see a surge in local agricultural production with the associated job growth. I hope that you can assist the State of Hawaii to expedite the process of becoming more food and energy self sufficient.

Respectfully Submitted,

A handwritten signature in black ink that reads "Steve Chaikin". The signature is written in a cursive, somewhat stylized script.

Steve Chaikin

Owner/Operator



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

COMMITTEE ON AGRICULTURE
Representative Clift Tsuji, Chair
Representative Mark J. Hashem, Vice Chair

DATE: Wednesday, March 14, 2012
TIME: 10:00 a.m.
PLACE: Conference Room 312
State Capitol
415 South Beretania Street

RE: Testimony in strong support of SB 2646 SD1 RELATING TO BUILDING PERMITS with requested amendments

Dear Chair Tsuji, Vice Chair Hashem, and Committee Members:

The Hawaii Aquaculture and Aquaponics Association (HAAA), representing Hawaii's aquaculture and aquaponics industry statewide, strongly supports the intent of SB 2646 SD1 but offers three amendments to bring this bill in line with HB2424 HD1 previously passed by AGR. This bill exempts nonresidential agricultural buildings and structures on commercial farms and ranches from building permit requirements, thereby eliminating an unnecessary obstacle to the construction of essential agricultural infrastructure and helping to improve the economic viability of Hawaii's agricultural sector, without any cost to the State.

Background: Historically, building codes are the result of national efforts to quell large urban fires in the early 1900s to help mitigate large-scale fire loss. Since the largest of these devastating fires were primarily in large urban areas, the move to adopt uniform building codes generally did not include rural structures, particularly since the loss of an agricultural building seldom leads to the loss of human life.

Current status: While the complexity and reach of building codes have expanded dramatically over the past century, the agricultural building exemptions present in statute or code in most agricultural states remain in place, exempting agricultural buildings and, in a number of states, agricultural dwellings, from the zoning and building codes and building permit process. An extensive search of State statutes and codes has determined that at least 32 states currently have agricultural building exemptions.*

Conclusion: While the details of agricultural building exemptions vary across the country, the common intent of such long-standing statutes and codes has been to support bona fide agriculture, agricultural families and workers, and rural agricultural communities. The benefits of providing such exemptions have become increasingly evident and important in recent years with the ever-changing regulatory environment and increasingly competitive global agricultural marketplace in which today's agricultural operations must compete and survive.

SB2646 SD1 addresses the construction and agricultural building needs of the Hawaii agricultural community while continuing to address the fire and life safety needs of Hawaii's urban centers and residential communities. The agricultural building exemption will help to decrease agricultural building construction costs in Hawaii while helping to increase farm production and employment, and is consistent with the wording and intent of the Hawaii Constitution, Article XI, Section 3, which reads, the State shall "promote diversified agriculture" and "increase agricultural self-sufficiency".

To meet the original intent of this bill which was inadvertently altered in the drafting of SD1, we recommend the following changes, as offered by the Hawaii Farm Bureau Federation:

- In Section 2, subsection (a), we request that the wording in HB2424 HD1 and omitted by SB 2646 SD1 be restored:

"(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), and located on commercial farms or ranches used for general agricultural or aquacultural operations, or for purposes incidental to such operations ..."

- Section 2, subsection (a), item (3) should be changed to: "A building or structure constructed or installed pursuant to this section that will be serviced with electricity shall comply with the state building code electrical standard." The existing wording implies that all buildings or structures shall have electrical service, which need not be the case.

- Section 2, subsection (e) should be changed to "Nothing in this section shall supersede public or private lease conditions." The unnecessary word "is" in the existing sentence should be removed.

The HAAA respectfully requests the House Committee on Agriculture to pass SB2646 SD1 with the amendments above for the benefit of Hawaii's farmers and ranchers, and for the benefit of those who purchase locally-grown agricultural products, with the following amendments.

Thank you for the opportunity to comment.

Ronald P. Weidenbach
HAAA President

**States with Agricultural Building Exemptions in statute and/or code include: Alabama, Arizona, California, Colorado, Florida, Georgia, Idaho, Illinois, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Montana, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, Tennessee, Utah, Vermont, Virginia, Washington, West Virginia, and Wisconsin.*



TESTIMONY BEFORE THE HOUSE COMMITTEE ON
AGRICULTURE

SENATE BILL 2646, SD1

RELATING TO BUILDING PERMITS

PRESENTED TO THE TWENTY-SIXTH LEGISLATURE

MARCH 2012

CHAIRMAN TSUJI and Members of the Committees:

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, 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.

March 12, 2012

Representative Clift Tusji
House Agricultural Committee

reptsuji@capitol.hawaii.gov

RE: SB 2350
and SB 2646

Aloha,

We ask that you strongly support passage of SB2350, ohana dwellings, in the interest of strengthening community and agricultural growth in "the outer islands". 2350, if adopted by Hawaii County would be great for the health and well being of our society, such as it is today.

We ask that you un-hobble SB 2646, ag structure permit waivers, and amend it to take effect in the near future. We know the insurance and safety industries fear this concept, but it is our reality on the ground, and will help fuel economic prosperity in a multitude of ways.

Mahalo,

Bradley Westervelt
Treasurer/Legislative Aide

The Hawaii Sustainable Community Alliance was formed in late 2010 to promote, support and advocate for land-based sustainable community living in Hawai'i. Our membership has grown steadily and numbers more than 400 today.

RR 2 Box 4524 Pahoehoe, HI 96778-9756 hawaiisustainablecommunity.org



HOUSE OF REPRESENTATIVES
THE TWENTY-SIXTH LEGISLATURE
REGULAR SESSION OF 2012
COMMITTEE ON AGRICULTURE

Rep. Clift Tsuji, Chair

Rep. Mark J. Hashem, Vice Chair

Rep. Karen L. Awana

Rep. Scott Y. Nishimoto

Rep. Tom Brower

Rep. James Kunane Tokioka

Rep. Isaac W. Choy

Rep. Barbara C. Marumoto

Rep. Cindy Evans

Rep. Gil Riviere

Rep. Angus L.K. McKelvey

DATE: Wednesday, March 14, 2012

TIME: 10:00am

PLACE: Conference Room 312

State Capitol

415 South Beretania Street

Chair Tsuji, Vice Chair Hashem, 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 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 positive refinements have been made in S.D. 1.

My experience over my 30 years in working with start-up and existing 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, 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 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 personnel and/or farm equipment from inclement weather, coastal salt spray, birds and theft and vandalism.

Passage of this bill would be a major step forward for encouragement of commercial aquaculture and agriculture development that can locally meet Hawaii's food needs and enhance food security. 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 stewardship of our natural resources. Hawaii would join 32 other states that currently have agricultural building exemptions that recognize the special needs of these activities.

I urge the Committee to pass S.B. 2646 S.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
808-239-8316
jscorbin@aol.com

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 12, 2012 2:54 PM
To: AGRtestimony
Cc: kaimiunger@gmail.com
Subject: Testimony for SB2646 on 3/14/2012 10:00:00 AM

Testimony for AGR 3/14/2012 10:00:00 AM SB2646

Conference room: 312
Testifier position: Support
Testifier will be present: No
Submitted by: Keith Unger
Organization: McCandless Ranch
E-mail: kaimiunger@gmail.com
Submitted on: 3/12/2012

Comments:
McCandless Ranch strongly supports this type of legislation that helps farmers and ranchers to stay in business.

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 13, 2012 12:16 PM
To: AGRtestimony
Cc: DAMAGICJUICE@GMAIL.COM
Subject: Testimony for SB2646 on 3/14/2012 10:00:00 AM

Testimony for AGR 3/14/2012 10:00:00 AM SB2646

Conference room: 312
Testifier position: Support
Testifier will be present: No
Submitted by: STANLEY RUIDAS
Organization: TROPICAL BIOFUELS
E-mail: DAMAGICJUICE@GMAIL.COM
Submitted on: 3/13/2012

Comments:

2029 Nuuanu Ave. #1510
Honolulu, Hawaii 96817
March 12, 2012

Representative Clift Tsuji, Chair
Representative Mark J. Hashem, Vice Chair
House Committee on Agriculture
415 S. Beretania St.
Honolulu, Hawaii 96813

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

I am sending this testimony to express my **strong support for SB 2646 SD1**. 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. Therefore, I hope you will pass SB 2646 SD1.

I concur with the Hawaii Farm Bureau Federation in requesting three amendments (**in bold and underlined**) to address inadvertent errors and omissions in SB 2646 SD1:

- In Section 2, I request that the omitted wording be restored:

"§46- Agricultural buildings and structures; no building permit required. (a) Notwithstanding any law to the contrary, no county shall require a building permit for the construction..."

- In Section 2, "§46- (a)(3) should be corrected to read:

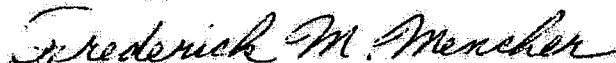
"A building or structure constructed or installed pursuant to this section that will be serviced with electricity shall comply with the state building code electrical standard." The existing wording implies that all buildings or structures must have electrical service, which need not be the case.

- In Section 2, "§46- (e) should be corrected to read:

"This section shall not be construed to supersede public or private lease conditions."

Thank you for the opportunity to state my opinion on this important matter.

Sincerely,



Frederick M. Mencher