

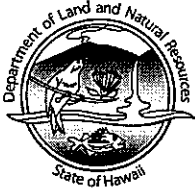
SB 2646

RELATING TO BUILDING PERMITS

Description:

Exempts specified nonresidential agricultural and aquacultural buildings and structures, and their appurtenances, located on commercial farms from building permit requirements other than applicable electric and wastewater regulations. Effective

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

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

Testimony of
WILLIAM J. AILA, JR
Chairperson

Before the Senate Committee on
PUBLIC SAFETY, GOVERNMENT OPERATIONS, AND MILITARY AFFAIRS

Tuesday, February 7, 2012
2:45 PM
State Capitol, Conference Room 224

In consideration of
SENATE BILL 2646
RELATING TO BUILDING PERMITS

Senate Bill 2646 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.



SB 2646
RELATING TO BUILDING PERMITS
Committee on Public Safety, Government Operations, and Military Affairs

February 21, 2012 2:45 p.m. Room 224

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

OHA notes that SB 2646 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 establish, maintain, and expand their agricultural or aquacultural operations.

If this committee passes SB 2646, OHA requests that the committee consider including non-commercial farmers and ranchers within the scope of SB 2646. Mahalo for the opportunity to testify on this important measure.



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 21, 2012

HEARING BEFORE THE
SENATE COMMITTEE ON PUBLIC SAFETY, GOVERNMENT OPERATIONS, AND
MILITARY AFFAIRS

TESTIMONY ON SB 2646
RELATING TO BUILDING PERMITS

Room 224
2:45 PM

Chair Espero, Vice Chair Kidani, 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, 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 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 propose several amendments to address the concerns of the Department of Agriculture and others. We want to clarify that this measure would not supersede any lease agreement conditions. We'd also like to add clarifying language regarding the 2-acre size of the farm or ranch that is eligible for this exemption and we would like to include certain nonresidential agricultural or aquacultural park tenants in the exemption, if their lease conditions allow.

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.



Testimony Reference : SB2646

Committee : PGM

Date of Hearing: Feb 21

From: Hawaii Farmers Union United

SUPPORT with Amendments

Testimony:

The need for this bill is oblivious. Most folks in our community are aware of the cost and difficulties of applying for and obtaining permits, with each county having different standards. Most folks are also aware the non-residential farm structure pose little threat to the community.

With the fact that over 85% of the farms in Hawaii are UNDER TWO acres....this bill is excluding the vast majority of farms. This line should be removed. A farm that is on Agriculture zoned land and in production, should be afforded the same privileges as larger acreage farms.

Please amend Section two:

(1) The low-risk nonresidential building or structure is constructed or installed on a lot that is ~~two~~ ONE more contiguous acres in area and primarily used for agricultural or aquacultural operations;

Thank you for the opportunity to speak for the family farmer in Hawaii.

Glenn Martinez
HFUU President

FYI:

Hawaii Farmer Union United is the largest agriculture organization in the State of Hawaii that represents the small family farmers at the exclusion of GMO and Mega Corporation mono- crop industrial farms. With small family farmers on every island Hawaii Farmers Union is the only Grassroots farm organization where the members have direct voice.

Any testimony given to the Legislature is vetted to the membership. Often the testimony is a blend of opinions voiced directly from membership. We also encourage all individual

members to submit testimony directly, particularly where there voice is different then the majority, thus all farmer voices are heard, not just the loudest.



Oceanic Institute

An Affiliate of Hawai'i Pacific University

THE SENATE
THE TWENTY-SIXTH LEGISLATURE
REGULAR SESSION OF 2012

COMMITTEE ON PUBLIC SAFETY, GOVERNMENT OPERATIONS, AND MILITARY AFFAIRS

Senator Will Espero, Chair
Senator Michelle N. Kidani, Vice Chair

DATE: Tuesday, February 21, 2012
TIME: 2:45 p.m.
PLACE: Conference Room 224
State Capitol
415 South Beretania Street

RE: Testimony in strong support of SB 2646 RELATING TO BUILDING PERMITS

Dear Chair Espero, Vice Chair Kidani, 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 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.

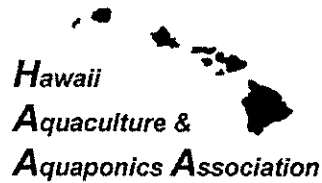
SB2646 addresses the construction and agricultural needs of the Hawaii agricultural community while continuing to address the fire and life safety needs of Hawaii's urban centers and residential communities. The agricultural building exemption will help to decrease agricultural building construction 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 Senate 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.*



THE SENATE
THE TWENTY-SIXTH LEGISLATURE
REGULAR SESSION OF 2012

COMMITTEE ON PUBLIC SAFETY, GOVERNMENT OPERATIONS, AND MILITARY AFFAIRS

Senator Will Espero, Chair
Senator Michelle N. Kidani, Vice Chair

DATE: Tuesday, February 21, 2012
TIME: 2:45 p.m.
PLACE: Conference Room 224
State Capitol
415 South Beretania Street

RE: Testimony in strong support of SB 2646 RELATING TO BUILDING PERMITS

Dear Chair Espero, Vice Chair Kidani, and Committee Members:

The Hawaii Aquaculture and Aquaponics Association (HAAA), representing Hawaii's aquaculture and aquaponics industry statewide, strongly supports SB 2646 but respectfully requests your review and approval of six carefully considered amendments noted at the end of my testimony. 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 their 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 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”.

Requested amendments (requested additions are underlined and requested deletions are in [brackets]):

1. Request that Section 1. from SB2646 be replaced with Section 1. from SB2921 Relating to Agriculture

Justification: SB2646 and SB2921 have the same basic technical content. However the preamble from SB2921 is more detailed and we believe would be more informative if this bill passes the Legislature and undergoes subsequent Administration review.

2. Page 3, item (1), lines 1-4 The building or structure is constructed or installed on a farm or ranch [lot] that is two or more contiguous acres in area, or one or more acres in area if located in a non-residential agricultural or aquacultural park, and is primarily used for agricultural or aquacultural operations;

Justification: These requested amendments would address the situation of a farm or ranch comprised of multiple contiguous lots of record where one or more of the subject lots is less than two acres while the farm or ranch in total is two or more acres; and the situation of the Natural Energy Laboratory of Hawaii (NELH) where the minimum lot size is one acre.

3. Page 3, item (3), lines 10-12 The building or structure shall comply with the state building code [complies with the applicable county] electrical standard[s], if the building or structure is serviced with electricity; and

Justification: The state building code is the more appropriate code for agricultural buildings and structures.

4. Page 3, Request new statement immediately following line 18. Nothing in this section is meant to supersede public or private leases conditions.

Justification: This statement is intended to address the primary concern expressed by the Hawaii Department of Agriculture before the Senate Committee on Agriculture earlier this session.

5. Pages 4, 5, item (8), lines 20-22, 1-3 Masonry or wood-framed buildings or structures with structural spans of twenty-five feet or more and appurtenances thereto designed or engineered according to the state building code [version of the International Building Code that has been adopted to section 107-28 by the county where the building or structure is located].

Justification: The state building code is the more appropriate code for agricultural buildings and structures, and the wording is more straightforward.

6. Page 5, lines 5-12 “Agricultural building or aquacultural building” means a nonresidential building or structure located on a commercial farm or ranch [designed and] constructed or installed to house farm or ranch implements, agricultural or aquacultural feeds or supplies, livestock, poultry, or other agricultural or aquacultural products used in or necessary for the operation of the farm or ranch, or for [and] the processing and selling of farm or ranch products [of the farm or ranch].

Justification: Many small farm structures are constructed according to generally accepted construction practices and not formally designed. Not all products necessary for the operation of a farm or ranch are actually used in the daily operations, eg., repair materials and supplies. As farms move towards value-added sales there will be the opportunity or need to combine products from multiple farms or ranches to produce competitive value-added products.

The HAAA therefore respectfully requests the Senate Committee on Public Safety, Government Operations, and Military Affairs to pass SB2646 with these six requested amendments for the benefit of Hawaii’s farmers and ranchers, and for the benefit of those who purchase locally-grown agricultural products, without any cost to the State.

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.*



**Shrimp
Improvement Systems**
Hawaii LLC

THE SENATE
THE TWENTY-SIXTH LEGISLATURE
REGULAR SESSION OF 2012

COMMITTEE ON PUBLIC SAFETY, GOVERNMENT OPERATIONS AND MILITARY AFFAIRS

Senator Will Espero, Chair
Senator Michelle Kidani, Vice Chair

DATE: Tuesday, February 21, 2012
TIME: 2:45 p.m.
PLACE: Conference Room 224
State Capitol
415 South Beretania Street

RE: Testimony in strong support of SB 2646 RELATING TO BUILDING PERMITS

Dear Chair Espero, Vice Chair Kidani, and Committee Members:

Shrimp Improvement Systems Hawaii LLC is the leading shrimp broodstock production company in Hawaii. We generate more than 6.5 million dollars of revenue annually for Hawaii's economy and we strongly support SB 2646 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

73-4460 Queen Kaahumanu Highway #108, Kailua-Kona, Hawaii 96740

Phone: 808 334 9737

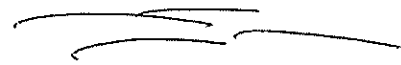
purposes.”

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”. Shrimp Improvement Systems Hawaii LLC therefore respectfully requests the Senate Committee on Public Safety, Government Operations, and Military Affairs 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.



Joseph Tabrah
President/Manager

**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.*



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www.SPFGenetics.com

February 20, 2012

Senator Clarence K. Nishihara, Chair
Senator Gilbert Kahele, Vice Chair
Senate Committee on Public Safety, Government Operations, and Military Affairs
Feb. 21 at 2:45 PM in Conference Room 224.

Dear Members of the Committee:

I am writing to express my **strong support for SB 2646**. This bill would 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 would reduce regulatory burden on agriculture ventures and improve the investment climate for food producers.

I strongly urge you to support SB 2646.

Best regards,

Jim Wyban, PhD
President
High Health Aquaculture Inc.



EAST OAHU COUNTY FARM BUREAU

45-280 WAIKALUA ROAD S 101 KANEIHE, HI 96744

February 18, 2012

Senator Will Espero, Chair
Senator Michelle N. Kidani, Vice Chair
Senate Committee on Public Safety, Government Operations,
and Military Affairs
State Capitol, 415 S. Beretania St.
Honolulu, Hawaii 96813

Dear Chair Espero, Vice Chair Kidani, and Members of the Committee:

I am sending this testimony to express the East Oahu County Farm Bureau's **strong support for SB 2646, "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, 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 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 as written.

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

COMMITTEE ON PUBLIC SAFETY, GOVERNMENT OPERATIONS, AND MILITARY AFFAIRS

DATE: Tuesday, February 21, 2012
TIME: 2:45 p.m.
PLACE: Conference Room 224

RE: Testimony in strong support of SB 2646 RELATING TO BUILDING PERMITS

Dear Chair Espero, Vice Chair Kidani, and Committee Members:

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 as written. 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 comment.

**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 of
Melvin Matsuda
 President
 Matsuda-Fukuyama Farms, Inc
 on
S.B. 2646
Relating to Building Permits

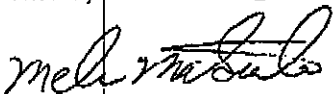
Senate Committee on Public Safety, Government Operations and Military Affairs
 Tuesday, February 21, 2012
 2:45 p.m.
 Conference Room 224

Matsuda-Fukuyama Farms fully supports SB 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 SB 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, disc-harrows, fertilizers, irrigation supplies, generators, water pumps, trailers, fuel cells, wooden pallets etc.

I respectfully ask that you pass SB 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

THE SENATE
THE TWENTY-SIXTH LEGISLATURE
REGULAR SESSION OF 2012

COMMITTEE on PUBLIC SAFETY, GOVERNMENTAL AFFAIRS, MILITARY AFFAIRS
Senator Will Espero, Chair
Senator Michelle N. Kidani, Vice Chair

DATE: Tuesday, February 21, 2012
TIME: 2:45 p.m.
PLACE: Conference Room 224
State Capitol
415 South Beretania Street

Chair Espero, Vice Chair Kidani, 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 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.

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 building 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 valuable 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. Thank you for the opportunity to testify.

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2029 Nuuanu Ave. #1510
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February 19, 2012

Senator Will Espero, Chair
Senator Michelle N. Kidani, Vice Chair
Senate Committee on Public Safety, Government Operations,
and Military Affairs
415 S. Beretania St.
Honolulu, Hawaii 96813


Dear Chair Espero, Vice Chair Kidani, and Members of the Committee:

I am sending this testimony to express my **strong support for SB 2646**. This bill, if passed as written, 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.

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

Sincerely,

Frederick M. Mencher

From: mailinglist@capitol.hawaii.gov [mailto:mailinglist@capitol.hawaii.gov]
Sent: Sunday, February 19, 2012 8:39 AM
To: PGM Testimony
Cc: haws@aol.com
Subject: Testimony for SB2646 on 2/21/2012 2:45:00 PM

Testimony for PGM 2/21/2012 2:45:00 PM SB2646

Conference room: 224
Testifier position: Support
Testifier will be present: No
Submitted by: Maria Haws
Organization: Individual
E-mail: haws@aol.com
Submitted on: 2/19/2012

As a supporter of Hawaii's aquaculture industry, I strongly support SB 2646, which would remove an unnecessary impediment to the construction of 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 farming and ranching operations have multiplied. These diverse farms and ranches tend to have greater infrastructure needs per acre than the sugar and pineapple plantations they have replaced, and usually have fewer financial resources and less ability to qualify for large construction loans than a plantation would. This is especially true for newer, more intensive culture methods such as hydroponics, aquaculture, and aquaponics. These techniques are particularly appropriate for Hawaii, where land and water are limited and expensive, but they require structures such as shade houses, prefabricated greenhouses, tanks, raceways, storage buildings, and the like. Even less intensive operations may require shelters to protect their crops, livestock, and equipment from thieves, vandals, wind, and weather. These structures on agricultural lands present little risk to the public.

A majority of U.S. states provide exemptions from county building standards for agricultural buildings and structures located outside the urban core of cities and towns. Hawaii's strict building codes put our farmers and ranchers at a disadvantage compared to those in states that have exemptions. This disadvantage is one reason why Hawaii's farmers have difficulty competing with imported food.

There may be opposition to SB 2646 by county building departments, fire departments, and other county and state agencies. With respect to the important job these agencies do in protecting the public's health and safety it is important to recognize, as more than 30 other

states do, that the threat to life and property from fire and other disasters is minimal for nonresidential farm buildings and structures in agricultural areas compared to that for residential and commercial buildings in urban areas. In contrast, Hawaii's dependence on a fragile 2500-mile lifeline of ships and planes for 85-90% of our food supply 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 SB 2646 as written.

Thank you for the opportunity to testify on this matter of great importance to Hawaii's farmers and ranchers.

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 19, 2012 4:57 PM
To: PGM Testimony
Cc: DAMAGICJUICE@GMAIL.COM
Subject: Testimony for SB2646 on 2/21/2012 2:45:00 PM

Testimony for PGM 2/21/2012 2:45:00 PM SB2646

Conference room: 224
Testifier position: Support
Testifier will be present: No
Submitted by: STANLEY RUIDAS
Organization: Individual
E-mail: DAMAGICJUICE@GMAIL.COM
Submitted on: 2/19/2012

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 20, 2012 1:35 PM
To: PGM Testimony
Cc: hollyalgood@sbcglobal.net
Subject: Testimony for SB2646 on 2/21/2012 2:45:00 PM

Testimony for PGM 2/21/2012 2:45:00 PM SB2646

Conference room: 224
Testifier position: Support
Testifier will be present: No
Submitted by: HOLLY ALGOOD
Organization: Individual
E-mail: hollyalgood@sbcglobal.net
Submitted on: 2/20/2012

Comments:

Dear Members of the Committee:

We are sending this testimony to express our strong support for SB2646. Hawaii's county building codes put unnecessary burdens on new farmers and ranchers like ourselves. We live in rural Hawi on 34 acres.

When we bought our old sugar cane land in 2008, it was virtually barren with almost no trees. It is very windy and sunny in Hawi at our 200 foot elevation and we were anxious to put up windbreaks and bring life back to the land. Our goal is to grow a food and hardwood forest to bring wildlife back and bring organic local food to market. We purchased a John Deere tractor two years ago to help us till and plant the land. The tractor with several implements was a major expense of over \$50,000. We started to get a permit for a simple tractor and implement cover between two containers but the process became so cumbersome and expensive we stopped. We've planted hundreds of native and other hardwood and fruit trees with our tractor and backhoe. Our location has harsh winds, strong sun and much salt spray, yet the trees are surviving and our bananas are bearing fruit. However our tractor and implements are rusting due to uncovered storage. Our investment is decomposing before our eyes. The tractor would have a much longer life if covered. By passing this bill you enable us and other new farmers and ranchers to protect their investments in equipment much more easily.

We also have been experimenting with aquaponics with which we grow ample greens to supplement the diet of our organic chickens. We know many others here who are doing wonderful things with their aquaponic gardens which promise much opportunity for locally grown food. Again it would alleviate a great burden to not have to worry about permits for the small structures beneficial to have for aquaponics growing.

Farming is much harder than many know. It is many hours of work without great financial payback. Going through the permitting process for farm buildings adds unnecessary stress and work. Thank you for listening and I hope you will pass SB 2646 without amendment.