

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

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PETER B. CARLISLE
MAYOR



DAVID K. TANQUE
DIRECTOR

JIRO A. SUMADA
DEPUTY DIRECTOR

February 21, 2012

LATE TESTIMONY

The Honorable Will Espero, Chair
and Members of the Committee on Public
Safety, Government Operations, and
Military Affairs
State Senate
State Capitol
Honolulu, Hawaii 96813

Dear Chair Espero and Committee Members:

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

The Department of Planning and Permitting **opposes** Senate Bill No. 2646, 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.

Exemptions from building permit also means that the City and County of Honolulu will not inspect buildings during and after construction. This 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.

Currently, our Department is working with the Honolulu Fire Department and others to determine what kinds of structures could be exempt from the building permit process. To supersede the counties' basic health and safety responsibilities is of deep concern to us. Should Senate Bill No. 2646 be adopted, we must assume that liability for the exempted structures will then rest with the State.

The Honorable Will Espero, Chair
and Members of the Committee on Public
Safety, Government Operations, and
Military Affairs

State Senate

Re: Senate Bill No. 2646

February 21, 2012

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Please hold Senate Bill No. 2646. Thank you for the opportunity to testify.

Very truly yours,

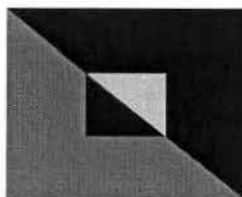
A handwritten signature in black ink, appearing to read 'D. Tanoue', written over a horizontal line.

David K. Tanoue, Director
Department of Planning and Permitting

DKT:js

sb2646-k

LATE



Peter J. Boucher, P.E.
Civil, Environmental and Aquacultural Engineering

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February 21, 2012

TO: COMMITTEE ON PUBLIC SAFETY, GOVERNMENT OPERATIONS, AND
MILITARY AFFAIRS
Senator Will Espero, Chair
Senator Michelle N. Kidani, Vice Chair

RE: SB 2646 RELATING TO BUILDING PERMITS
Tuesday, February 21, 2012: 2:45PM
Conference Room 224

This testimony is provided in strong support of the referenced bill as written. The 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.

I am writing both as a private engineering consultant and as the operator of a small aquaponics farm in Hilo. It has taken me almost three years to complete construction of a small agricultural structure associated with my aquaponics operation. The process has been severely delayed by the building permit process. This has made me question whether it is worth the effort to build greenhouse structures to cover a portion of the operation. I am sure that this situation has been faced by many if not most of the struggling farmers in Hawaii.

Passage of this bill will encourage current and prospective aquaculturists and other farmers to expand their operations. This in turn will reduce Hawaii's dependence on imported food and increase the sustainability of our agricultural industry.

Thank you for the opportunity to testify in support of this important bill.

Sincerely,

Peter J. Boucher, P.E.

LATE

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)

Aloha Chair Will Espero, Vice Michelle N. Kidani, and Committee Members:

I strongly support SB 2646 as written at the present, stating that the purpose of this Act is to promote and support diversified agriculture and agricultural self-sufficiency in the State by exempting certain nonresidential agricultural buildings that are on commercial farms and ranches located outside of urban districts and used for agricultural or aquacultural operations from county building permit requirements which exempts nonresidential agricultural buildings and structures on commercial farms and ranches from building permit requirements. This will improve the economic viability of Hawaii's aquaculture sector without additional cost to the State of Hawai'i. Over 30 states¹ across the United States of America already incorporate agricultural building exemptions under their "right to farm" declarations. Numerous states also provide agricultural exclusions or agricultural building exemptions under their building codes. Although the particulars of agricultural building exemptions differ among the states over all the meaning of such codes has been to sustain and benefit the local production of food and thus the livelihood of farmers and their families, while bringing about a ripple effect onto the agricultural jobs and community building associated with the farming activities across the United State of America. In addition, this bill will encourage future investments and commitment by farmers and the young generation to continue with the family values and devotion to the so needed production of local healthy food and by that to help bring about future food security and food safety to the State of Hawai'i.

Mahalo,

Dr. Tetsuzan Benny Ron

Scientist and Educator
Honolulu, Hawai'i

¹ 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.

LATE

THE SENATE
THE TWENTY-SIXTH LEGISLATURE
REGULAR SESSION OF 2012

Senate Committee on Public Safety, Government Operations, and Military Affairs

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

DATE: Wednesday, 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

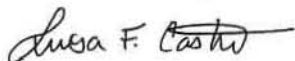
Dear Chair Espero, Vice Chair Kidani, and Committee Members:

I am writing as an individual who works with agricultural professionals throughout the state to offer my strong support to 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.

I work with many farmers who are trying to start-up or keep their families agricultural operations alive and have incurred huge costs to build or retrofit farm buildings. If zoning ordinance and building code regulations were mandated requiring building permits, fees, minimum design standards and specifications, and occupancy permits, it would add an extraordinary burden to these family farms. I fear many would not be able to continue farming, as the cost would become too burdensome. Therefore, Hawaii should look to the many examples of time-tested agricultural building exemptions that currently exist in other states to approve the common intent of such long-standing statutes and codes to support bona fide agriculture, agricultural families and workers, and rural agricultural communities.

SB 2646 addresses both the fire and life safety needs of Hawaii's urban centers and residential communities and the construction and agricultural needs of the Hawaii agricultural community. 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". I, therefore, respectfully request the Senate Committee on Public Safety, Government Operations, and Military Affairs to pass SB 2646 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.



Luisa F. Castro

LATE

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 21, 2012 9:36 AM
To: PGM Testimony
Cc: aquaticdave@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: David L. Cohen
Organization: Individual
E-mail: aquaticdave@gmail.com
Submitted on: 2/21/2012

Comments: