



STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

830 PUNCHBOWL STREET, ROOM 321
HONOLULU, HAWAII 96813
www.hawaii.gov/labor
Phone: (808) 586-8842 / Fax: (808) 586-9099
Email: dlir.director@hawaii.gov

February 1, 2013

The Honorable Jessica Wooley, Chair
Committee on Agriculture
House of Representatives
State Capitol, Room 327
Honolulu, Hawaii 96813

The Honorable Cindy Evans, Chair
Committee on Water and Land
House of Representatives
State Capitol, Room 425
Honolulu, Hawaii 96813

Dear Chairs Wooley and Evans:

Subject: H.B. 489 Relating to Agricultural Building Permits

I am Robert Westerman, Vice Chair of the State Fire Council (SFC). The SFC has concerns regarding H.B. 489, which seeks to exempt nonresidential buildings on commercial farms and ranches located outside the urban district.

The building permit process involves several agencies that review and ensure that newly constructed buildings meet minimum safety and health standards. Each of these agencies has expertise in the various components of a building, including structural, electrical, plumbing, wastewater, etc. New construction must meet minimum fire and life safety standards, including provision for fire fighting access roads and water supply. Without the regulatory oversight of the permit process, buildings and related infrastructure may not meet minimum standards. This may pose a potential danger to the occupants and personnel who respond to emergency life safety and property protection incidents.

Although the SFC is supportive of agricultural self-sufficiency in the state, the county building permit process functions for the safety, health and protection of all its citizens

The Honorable Jessica Wooley and Cindy Evans, Chairs
Page 2
February 1, 2013

and should not be lightly circumvented. The SFC urges your committee's deferral on the passage of H.B. 489.

Should you have any questions, please contact SFC Administrator Socrates Bratakos at 723-7151 or sbratakos@honolulu.gov.

Sincerely,



SFC Administrator



ROBERT WESTERMAN
Vice Chair

RW/LR:cc

NEIL ABERCROMBIE
Governor



RUSSELL S. KOKUBUN
Chairperson, Board of Agriculture

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

**TESTIMONY OF RUSSELL S. KOKUBUN
CHAIRPERSON, BOARD OF AGRICULTURE**

BEFORE THE HOUSE COMMITTEES ON AGRICULTURE AND WATER AND LAND

**FEBRUARY 4, 2013
8:30 A.M.
Auditorium**

**HOUSE BILL NO. 489
RELATING TO AGRICULTURAL BUILDING PERMITS**

Chairpersons Wooley and Evans, and Members of the Committees:

Thank you for the opportunity to testify on House Bill No. 489. The purpose of this bill is to provide, under certain circumstances, an exemption from the county building code and permit requirements for nonresidential building or structures on commercial farms and ranches located outside the urban district. The department has reservations.

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



TESTIMONY OF RUSSELL S. KOKUBUN
FEBRUARY 4, 2013, 8:30 A.M.
HOUSE BILL NO. 489
PAGE 2

As requirements of the bill will be implemented by the counties, their input is most critical and we would defer to them.

Thank you for the opportunity to present testimony.

ALAN M. ARAKAWA
Mayor

DAVID C. GOODE
Director

ROWENA M. DAGDAG-ANDAYA
Deputy Director

Telephone: (808) 270-7845
Fax: (808) 270-7955



Development Services Administration

CARY YAMASHITA, P.E.
Engineering Division

BRIAN HASHIRO, P.E.
Highways Division

COUNTY OF MAUI
DEPARTMENT OF PUBLIC WORKS
200 SOUTH HIGH STREET, ROOM NO. 434
WAILUKU, MAUI, HAWAII 96793

February 1, 2013

Honorable Jessica Wooley, Chair
and Members of the Committee on Agriculture
Honorable Cindy Evans, Chair
and Members of the Committee on Water and Land
Hawaii State House of Representatives
State Capitol, Room Nos. 441 and 425
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chairs Wooley and Evans and Members:

RE: HB 489 RELATING TO AGRICULTURAL BUILDING PERMITS

Thank you for the opportunity to comment on the subject bill. The County of Maui Department of Public Works (DPW) OPPOSES the bill.

The bill proposes to expand the allowable buildings to be built on non-urban lands without a building permit or building code compliance. The recently enacted Act 114, which became effective just one month ago, is still in its infancy, and as such, the positive and negative effects of this new law have yet to be quantified.

The proposed bill continues to expand the erosion of the health and safety aspects of the building code in non-urban areas.

We, therefore, ask that the bill be deferred or defeated until such time as Act 114 is fully implemented and analyzed.

Mahalo for the opportunity to comment.

Sincerely,


DAVID C. GOODE
Director of Public Works

DCG:jso
s:\david2\testimony hb 489 agricultural building permits

2029 Nuuanu Ave. #1510
Honolulu, Hawaii 96817
February 1, 2013

Rep. Jessica Wooley, Chair and Rep. Richard H. K. Onishi, Vice Chair
House Committee on Agriculture
Rep. Cindy Evans, Chair and Rep. Nicole E. Lowen, Vice Chair
House Committee on Water and Land
415 S. Beretania St.
Honolulu, Hawaii 96813

Dear Chairs Wooley and Evans, Vice Chairs Onishi and Lowen, and Members of the Committees:

I am sending this testimony to express my **strong support for HB 489**. 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. It would be very difficult to comply with codes in such a situation. 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.

Last year the Legislature attempted to offer relief from building permit requirements in

the form of Act 114. Because of concern by the Attorney General's office, Act 114 exempted certain structures from building permit requirements, but not from codes as was originally intended. Act 114 is a start, but it does not provide relief from the substantial costs involved in code compliance. Further, now that the counties have started to implement Act 114, it is becoming clear that there are conflicts between Act 114 and existing State laws regarding building codes and permits. I hope, therefore, that language can be added to HB 489 to clarify that its provisions supersede existing laws and regulations.

I do not believe that HB 489 should be considered a "home rule" issue. The difficulty of expanding agricultural operations due to county building code requirements is a statewide matter, and farmers and ranchers across the State have noted these requirements as one of their most important concerns. Further, 32 states now have statewide exemptions in law or code for agricultural structures. Presumably these states see an overriding interest in preserving economically viable agriculture that trumps their counties' authority to establish building codes. If anything, given its geographic isolation, Hawaii has an even greater need than Mainland states to maintain and promote viable agricultural activities. I urge you to pass HB 489.

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

Sincerely,

A handwritten signature in cursive script that reads "Frederick M. Mencher". The signature is written in dark ink and is positioned above the printed name.

Frederick M. Mencher

HISTORIC HAWAII FOUNDATION

To: Rep. Jessica Wooley, Chair
Rep. Richard H.K. Onishi, Vice Chair
Committee on Agriculture

Rep. Cindy Evans, Chair
Rep. Nicole E. Lowen, Vice Chair
Committee on Water & Land

From: Kiersten Faulkner
Executive Director, Historic Hawai'i Foundation

Committee Date: Friday, February 4, 2013
8:30 a.m.
Auditorium

Subject: **HB 489, Relating to Agricultural Building Permits**

On behalf of Historic Hawai'i Foundation (HHF), I am writing in opposition to HB489, Relating to Agricultural Building Permits, which provides an exemption from building code and permit requirements for nonresidential buildings or structures on commercial farms and ranches located outside the urban district.

Since 1974, Historic Hawai'i Foundation has been a statewide leader for historic preservation. HHF's 850 members and numerous additional supporters work to preserve Hawaii's unique architectural and cultural heritage and believe that historic preservation is an important element in the present and future quality of life, economic viability and environmental sustainability of the state.

HHF believes that the exemptions proposed in HB 489 are unnecessary and could put significant historic properties at risk. To help ensure that effects on historic properties are identified and taken into account during development proposals, state law includes a provision (HRS §6E-42) that prior to approval of any project involving a permit that may affect historic property, the State Historic Preservation Division is to be advised by the local jurisdiction of the project and allowed an opportunity for review and comment on the effect of the proposed project on historic properties.

This provision helps to ensure that historic and cultural properties are not inadvertently (or deliberately) destroyed during grubbing, grading, digging, construction or other permitted development activities. Many agricultural properties include historic resources, either from the agricultural uses themselves (including those significant to the histories related to ranching, farming, plantations and aquaculture), or from Native Hawaiian cultural sites and uses that predate the current era.

If agricultural construction activities are exempted from permitting, there would no longer be a nexus that would trigger the review of potential effects on historic sites. HHF recommends that instead of exempting agricultural construction from permitting altogether, it would be appropriate to address the issues of the building code rigidly applying the same standards regardless of use. By addressing the concerns within the code itself, both agricultural activities and cultural resource protection could continue to coexist and provide mutual benefit to Hawaii's communities.

Thank you for the opportunity to comment.

Historic Hawai'i Foundation

680 Iwilei Road, Suite 690 • Honolulu, HI 96817 • Tel: 808-523-2900 • FAX: 808-523-0800 • www.historichawaii.org

Historic Hawai'i Foundation was established in 1974 to encourage the preservation of historic buildings, sites and communities on all the islands of Hawai'i. As the statewide leader for historic preservation, HHF works to preserve Hawai'i's unique architectural and cultural heritage and believes that historic preservation is an important element in the present and future quality of life, environmental sustainability, and economic viability of the state.



EAST OAHU COUNTY FARM BUREAU

45-260 WAIKALUA ROAD S 101 KANEHOE, HI 96744

February 1, 2013

Representative Jessica Wooley, Chair
Representative Richard H.K. Onishi, Vice Chair
House Committee on Agriculture, and
Representative Cindy Evans, Chair
Representative Nicole E. Lowen, Vice Chair
House Committee on Water and Land
State Capitol, 415 S. Beretania St.
Honolulu, Hawaii 96813

Dear Chairs Wooley and Evans, Vice Chairs Onishi and Lowen, and Members of the Committee:

I am sending this testimony to express the East Oahu County Farm Bureau's **strong support for HB 489, "Relating to Agricultural Building Permits."** The East Oahu County Farm Bureau, with approximately 300 members, represents the area of northeast Oahu from Waimanalo to Kahuku.

The cost and time involved in code compliance for even minor farm structures is a significant impediment to agriculture in Hawaii. If the law is not changed, this will become an even greater problem in the future, as new food safety standards will require upgrades to farm buildings and infrastructure. A report last year by Honolulu's 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.

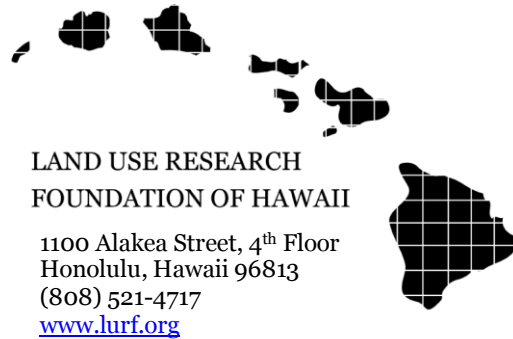
HB 489, if passed, would exempt certain low-risk, nonresidential farm structures from building code requirements. It would remove a major impediment to the expansion of agriculture, and would contribute to the State's goal of greater food self-sufficiency. HB 489 is consistent with the laws of more than 30 other states that exempt farm buildings and structures from county building permit and/or code regulations. Hawaii's farmers must compete with agricultural products imported from these states, whose farmers now have an advantage because of Hawaii's high cost of doing business. HB 489 is also consistent with the recently published proposed revision of Honolulu's General Plan, which includes the objective "Foster a healthy business climate by removing unnecessary regulatory barriers." We therefore urge you to help Hawaii's farmers and ranchers by passing HB 489.

Thank you for the opportunity to testify.

Sincerely,

A handwritten signature in black ink that reads "Grant Hamachi". The signature is written in a cursive style with a large, sweeping initial "G".

Grant Hamachi
President, East Oahu County Farm Bureau



LAND USE RESEARCH
FOUNDATION OF HAWAII

1100 Alakea Street, 4th Floor
Honolulu, Hawaii 96813
(808) 521-4717
www.lurf.org

February 1, 2013

Representative Jessica Wooley, Chair
Representative Richard H.K. Onishi, Vice Chair
House Committee on Agriculture

Representative Cindy Evans, Chair
Representative Nicole Lowen, Vice Chair
House Committee on Water and Land

Testimony in Strong Opposition to HB 482 Relating to Agriculture (Tax Credit; Qualified Agricultural Costs).

Monday, February 4, 2013, 8:30 a.m., in CR Auditorium

The Land Use Research Foundation of Hawaii (LURF) is a private, non-profit research and trade association whose members include major Hawaii landowners, developers and a utility company. LURF's mission is to advocate for reasonable, rational and equitable land use planning, legislation and regulations that encourage well-planned economic growth and development, while safeguarding Hawaii's significant natural and cultural resources, and public health and safety.

LURF appreciates this opportunity to express **strong opposition to HB 482** on behalf of its members and the various agricultural stakeholder groups who defend the goals of viable agricultural operations, and the conservation and protection of agriculture, including important agricultural lands (IAL) in Hawaii. The bill emphasizes the need for collaboration amongst diverse sectors of the community - business, government, and agricultural stakeholders - and the importance for them to work together cooperatively to implement IAL incentives in order to attain results which may prove beneficial and significant to all parties.

In strong support of the use of agricultural lands for purposes allowed under state and county laws and ordinances, LURF has partnered with the Hawaii Farm Bureau Federation (HFBF) and other agricultural stakeholders to pass the IAL legislation, which provides for the voluntary and government designation of IAL, loans for qualified agricultural expenses and other incentives to support productive and sustainable farming operations on agricultural lands. LURF and HFBF have also supported legislation to provide irrigation water and other incentives to agricultural lands and farmers.

HB 482. This bill proposes to repeal the ability to claim expenditures for regulatory processing, studies, and legal and other consultant services under the IAL qualified agricultural cost tax credit.

LURF's Position. This bill is clearly contrary to the underlying intent and objectives of the IAL laws (Hawaii Revised Statutes [HRS], Sections 205-41 to 52), which were enacted to fulfill the mandate in Article XI, Section 3, of the Hawaii State Constitution, "to conserve and protect agricultural lands, promote diversified agriculture, increase agricultural self-sufficiency and assure the availability of agriculturally suitable lands." The IAL laws established a new paradigm which avoids requirements and mandates, and instead focuses on promoting agricultural viability by providing incentives for farmers and landowners to designate lands as IAL, and to build necessary infrastructure.

This proposed measure is an attempt to repeal the ability of agricultural stakeholders to claim expenditures under the IAL qualified tax credit for regulatory processing, studies, and legal and other consultant services which are critical to the stakeholders' efforts to obtain sufficient water for agricultural activities and to retain the right to farm on lands identified as IAL. Without any explanation or justification, the drafters of this bill disregard the very purpose and essence of the IAL laws and attempt to fatally weaken the existing IAL program by eliminating incentives to preserve and maintain IAL.

As noted in HRS Section 205-41, the intent of Act 183 (2005) was to develop agricultural incentive programs to **promote** (not inhibit, thwart, or terminate), agricultural viability, sustained growth of the agricultural industry, and the long-term use and protection of IAL for agricultural use in Hawaii concurrently with the process of identifying IAL as required under the Act. Such incentives and programs are identified in HRS 205-41, and expressly include tax credits and/or exemptions that promote investment in agricultural businesses or value-added agricultural development, specifically escalating tax credits based on the tax revenues generated by increased investment or agricultural activities conducted on IAL.

LURF believes, however, that the apparent intent of HB 482 is to suppress agriculture and agriculture-related businesses, and that the proposed bill is contrary to the purpose and intent of the IAL laws. Passage of the long-awaited IAL legislation would be meaningless without implementation of incentives which require the cooperation and support of the business and economic community. The establishment of tax incentives for those engaged, or desirous of engaging, in agricultural activities are critically needed to support viable agricultural activity in this State. It is therefore hoped and anticipated that efforts will be made and all appropriate legislative measures be taken to fully effectuate, rather than undermine the intent and objectives of the IAL laws.

Thank you for the opportunity to present testimony regarding this matter, in strong opposition to this bill.



LAND USE RESEARCH
FOUNDATION OF HAWAII

1100 Alakea Street, 4th Floor
Honolulu, Hawaii 96813
(808) 521-4717
www.lurf.org

February 1, 2013

Representative Jessica Wooley, Chair
Representative Richard H.K. Onishi, Vice Chair
House Committee on Agriculture

Representative Cindy Evans, Chair
Representative Nicole Lowen, Vice Chair
House Committee on Water and Land

Testimony in Support of HB 489, Relating to Agricultural Building Permits (Provides, under certain circumstances, an exemption from building code and permit requirements for nonresidential buildings or structures on commercial farms and ranches located outside the urban district).

Monday, February 4, 2013, 8:30 a.m., in CR Auditorium

The Land Use Research Foundation of Hawaii (LURF) is a private, non-profit research and trade association whose members include major Hawaii landowners, developers and a utility company. LURF's mission is to advocate for reasonable, rational and equitable land use planning, legislation and regulations that encourage well-planned economic growth and development, while safeguarding Hawaii's significant natural and cultural resources, and public health and safety.

HB 489. This bill proposes to provide, under certain circumstances, exemptions from building code and permit requirements for nonresidential buildings and structures on commercial farms and ranches located outside the urban district.

LURF's Position. LURF supports the underlying intent of HB 489, which is to support agriculture and aid agriculture-related businesses, and also believes that the bill is consistent with the purpose and intent of the Important Agricultural Lands (IAL) laws which focuses on promoting agricultural viability by providing incentives for farmers and landowners to designate lands as IAL, **and to build necessary infrastructure.**

Despite the need for agricultural structures on farms and ranches (storage sheds, equipment houses, greenhouses, etc.), farmers, ranchers and other agricultural stakeholders have encountered difficulties obtaining building permits since standards applied to such structures are the same as those applied to commercial and residential buildings. Such standards are thus inappropriate, excessive and burdensome for agricultural structures and have posed financial and practical obstacles for farmers and ranchers wanting to improve or expand operations.

House Committee on Agriculture
House Committee on Water and Land
February 1, 2013

By recognizing the use of farm and ranch structures as agriculture-related, HB 489 would remove a significant impediment to economically viable agriculture, aquaculture and ranching in Hawaii.

Based on the above, LURF **supports HB 489**, and respectfully urges your favorable consideration of this bill.

Thank you for the opportunity to present testimony in support of this measure.

onishi1-Jerry

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 02, 2013 8:10 AM
To: AGRtestimony
Cc: warrenmcfb@hotmail.com
Subject: Submitted testimony for HB489 on Feb 4, 2013 08:30AM

HB489

Submitted on: 2/2/2013

Testimony for AGR/WAL on Feb 4, 2013 08:30AM in Conference Room Auditorium

Submitted By	Organization	Testifier Position	Present at Hearing
Warren Watanabe	MCFB	Support	No

Comments: Supporting HFBF position

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

onishi1-Jerry

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 02, 2013 9:50 PM
To: AGRtestimony
Cc: training@friendlyaquaponics.com
Subject: Submitted testimony for HB489 on Feb 4, 2013 08:30AM

HB489

Submitted on: 2/2/2013

Testimony for AGR/WAL on Feb 4, 2013 08:30AM in Conference Room Auditorium

Submitted By	Organization	Testifier Position	Present at Hearing
Tim Mann	Individual	Support	No

Comments: Please support this bill and anything else that is proposed that makes it easier for Hawaii's farmers to stay in business! This will not remove any important safety provisions from the current Building Code, simply make it possible for farmers to operate economically. That's GOOD for Hawaii!

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

onishi1-Jerry

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 02, 2013 10:09 PM
To: AGRtestimony
Cc: friend@hawaiiantel.net
Subject: Submitted testimony for HB489 on Feb 4, 2013 08:30AM

HB489

Submitted on: 2/2/2013

Testimony for AGR/WAL on Feb 4, 2013 08:30AM in Conference Room Auditorium

Submitted By	Organization	Testifier Position	Present at Hearing
Susanne Friend	Friendly Aquaponics, Inc.	Support	No

Comments: Please support this bill. This would help Hawaii farmers tremendously. And we need all the help we can get.... Mahalo nui loa, Susanne Friend, owner Friendly Aquaponics, Inc.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov



THE HOUSE
THE TWENTY-SEVENTH LEGISLATURE
REGULAR SESSION OF 2013

COMMITTEE ON WATER AND LAND

COMMITTEE ON AGRICULTURE

DATE: Monday, February, 2013
TIME: 8:30 a.m.
PLACE: Auditorium
State Capitol
415 South Beretania Street

RE: Testimony in strong support of HB 489 RELATING TO AGRICULTURAL BUILDING PERMITS

Chairs Wooley and Evans, Vice Chairs Onishi and Lowen, Committee Members:

I am Ron Weidenbach, President of the Hawaii Aquaculture and Aquaponics Association representing aquaculture and aquaponic producers, researchers, and supporters statewide.

This important legislation is extremely important to the efforts of Hawaii's farmers and ranchers to increase local food production at affordable prices. As so eloquently presented in the Hawaii Farm Bureau Federation's written testimony and in the preamble of this bill, the costs of code compliance in Hawaii are prohibitive and unnecessary for low risk, non-residential agricultural buildings and structures located on commercial farms outside the urban zone.

Thirty-two (32) other states already have such an agricultural building exemption in place, including hurricane-prone Florida and Massachusetts, in many cases going back 100 years or more, and often being much less restrictive than the proposed legislation, extending this exemption to farm and employee residences and multi-story buildings. In a recent report to the Governor of Minnesota, it was noted that there has never been a loss of human life as a result of such an agricultural building exemption in Minnesota despite the widespread presence of huge agricultural buildings for overwintering large dairy herds under high snow load conditions.

Following last session's passage of SB 2646 and the Governor's signing of Act 114, the Office of the Attorney General held a series of meetings with representatives of the farming community and Counties, resulting in a report to the Governor that recommended that this matter be further discussed in a public forum. The proposed legislation addresses the agricultural communities

need for code exemptions for specific forms of agricultural building and structures under certain conditions, limited according to lot size, in an attempt to address the Counties expressed concerns about structures on small lots posing risks to structures on adjoining lots. With this accommodation, we feel the requested code exemption is reasonable and low risk.

The only amendment we would request is that on page 1, Section 2, line 10, that the words Notwithstanding any law to the contrary as the months of meeting with the Deputy Attorney General and Counties revealed numerous minor conflicts with other sections of law that could be most easily addressed by the insertion of this important legal qualifier.

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

Ron Weidenbach
HAAA President

onishi1-Jerry

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 03, 2013 12:47 PM
To: AGRtestimony
Cc: mauimartha@hawaiiantel.net
Subject: Submitted testimony for HB489 on Feb 4, 2013 08:30AM

HB489

Submitted on: 2/3/2013

Testimony for AGR/WAL on Feb 4, 2013 08:30AM in Conference Room Auditorium

Submitted By	Organization	Testifier Position	Present at Hearing
Martha Lind	Individual	Support	No

Comments: My husband and I have a small farm in Upcountry Maui. Allowing us to construct nonresidential farm buildings without having to go through the lengthy construction permit process would be very beneficial to our farm operation. We urge you to support HB489. Martha and Lars Lind Makawao, HI

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov



PRIMAVERA AQUAPONICS

P.O. Box 342052, Kailua, HI 96734 - (808) 489-1204 - www.GetAquaponics.com

February 1, 2013

Rep. Jessica Wooley, Chair, and Rep. Richard Onishi, Vice Chair
House Committee on Agriculture
Rep. Cindy Evans, Chair, and Rep. Nicole Lowen, Vice Chair
House Committee on Water and Land
State Capitol, 415 S. Beretania St.
Honolulu, Hawaii 96813

Dear Chairs Wooley and Evans, Vice Chairs Onishi and Lowen, and Members of the Committees:

Please allow me to express my **strong support for HB 489**, "Relating to Agricultural Building Permits." This bill would help remove a major impediment to the establishment of aquaponic farming in Hawaii.

Aquaponics is a sustainable food production system that combines raising fish in tanks with cultivating plants in water. The effluent of the fish culture system provides nutrients for rapid plant growth, and the plants in turn help to clean the water, which is recycled back to the fish. Aquaponics is highly efficient in its use of water, nutrients, and growing space, making it ideal for producing food in Hawaii, where land and water are limited and expensive. During the last few years, aquaponics has become popular locally with backyard gardeners, and commercial farms in Hawaii are beginning to establish larger-scale facilities. In order to contain the fish, plants, and water, aquaponics requires infrastructure such as tanks, troughs, raceways, net covers, pumps, and pipes. These items do not pose much of a risk to the public, but are treated the same as residential and commercial buildings under existing county building codes. This requirement adds greatly to the time and cost needed to build agricultural and aquaponic facilities legally, and is liable to discourage farmers from installing aquaponic systems on their farms.

I therefore urge you to pass HB 489, which would exempt many necessary agricultural structures from county building code requirements, and would clear the way for this new and efficient food production technology to help meet Hawaii's goal of greater food self-sufficiency.

Sincerely,

Louis Primavera, Ph.D.
President, Primavera Aquaponics LLC



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 4, 2013

HOUSE COMMITTEES ON AGRICULTURE AND WATER AND LAND

TESTIMONY ON SB 489
RELATING TO AGRICULTURAL BUILDING PERMITS

State Capitol Auditorium
8:30 AM

Chairs Wooley and Evans, Vice Chairs Onishi and Lowen, and Members of the Committees:

I am Dean Okimoto, President of the Hawaii Farm Bureau Federation (HFBF). Organized since 1948, the HFBF is composed of 1,950 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 and respectfully requests your strong support of HB 489, which would remove an unnecessary impediment to the construction of agricultural infrastructure. Current county building code 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 to hire architects, engineers, and contractors in order to assure county building departments that codes are being met.

Building code 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.

In 2012, the Legislature passed Act 114, which exempted certain nonresidential agricultural buildings and structures from county building *permit* requirements. Although there was also strong legislative support for *code* exemptions for certain low-risk farm structures, the 2012 session ended before agreement could be reached on how to accomplish these limited exemptions.

Instead, Act 114 created a task force with the objectives of identifying conflicts between the Act 114 exemptions and existing State laws, and of suggesting additional exemptions that could be provided to Hawaii's farmers and ranchers. Unfortunately, the task force was unable to agree on code exemptions that would make farm infrastructure more practical to construct.

Now, as the counties start to apply the provisions of Act 114, conflicts with other State statutes are beginning to become apparent that could threaten the entire usefulness of the new law. In particular, there is a conflict with HRS 464-13, which requires a licensed engineer or architect to plan and oversee construction over certain cost estimates. This conflict, **which contradicts the intent of Act 114**, was noted in the January 24 issue of *The Garden Island* in its reporting on Kauai County's efforts to implement Act 114. Without clarification that these exemptions should supercede other laws, farmers will not be helped.

We respect and appreciate the important job that county building and fire departments do in protecting the public's health and safety. With this bill, we are seeking only minimal exemptions for those structures that pose little risk. We respectfully ask you 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 HB 489. Further, we hope you will amend HB 489 to include language such as "Notwithstanding any law to the contrary" in order to ensure that conflicts with existing statutes do not undermine the legislative intent of Act 114 and the requested amendments.

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



Hawaii Cattlemen's Council, Inc.

P O Box 437199 Kamuela HI 96743
Phone (808) 885-5599 • Fax (808) 887-1607
e-mail: HCattlemens@hawaii.rr.com

HOUSE COMMITTEE ON AGRICULTURE
HOUSE COMMITTEE ON WATER AND LAND
Monday February 4, 2013 8:30 a.m. Auditorium

HB 174 Relating to Agricultural Building Permits

Chairs Wooley and Evans, Vice Chairs Onishi and Lowen, and Members of the Committees:

My name is Alan Gottlieb, and I am a rancher and the Government Affairs Chairperson of the Hawaii Cattlemen's Council. The Hawaii Cattlemen's Council, Inc. (HCC) is the Statewide umbrella organization comprised of the five county level Cattlemen's Associations. Our 130+ member ranchers represent over 60,000 head of beef cows; more than 75% of all the beef cows in the State. Ranchers are the stewards of approximately 25% of the State's total land mass.

The Hawaii Cattlemen's Council **Strongly Supports** HB 489.

Compliance with building codes can greatly increase the cost of constructing or installing greenhouses, shade houses, storage containers, and many other agriculture buildings and structures which by their nature or location pose little risk to life or property. In contrast to building codes in many other states, county building codes in Hawai'i generally do not distinguish between low-risk agriculture structures, residential, or commercial buildings. Ultimately, this results in excessive costs for code compliance.

Last year's Act 114 (2012) was meant to reduce the cost and time involved in applying for building permits, but it has become clear that the new law is flawed in two ways; it does not make it clear to the counties that it is meant to supersede other conflicting statutes that preclude implementation AND it offers no relief from the stringent and overburdensome *code* requirements.

Historically, agricultural enterprises have utilized things such as used Matson containers for storage. According to the building code, such a container if on the ground, must comply with the building code. The same container, on a chassis would not have to comply with any building code.

The State of Hawaii exempts itself from building permits and code requirements. In fact, a Walmart and shopping center recently built on the Big Island on Hawaiian Home Lands was not required to obtain building permits.

To give real encouragement to promote Hawaii's agricultural New Day so we can start or grow farms and ranches, please seriously consider adding a clause to clarify that the law supersedes all conflicting statutes and exempting the **low risk** structures identified in this bill from the building code and all of the bureaucracy that goes along with it.

Thank you for giving me the opportunity to testify on this very important issue.

onishi1-Jerry

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 03, 2013 2:26 AM
To: AGRtestimony
Cc: DAMAGICJUICE@GMAIL.COM
Subject: *Submitted testimony for HB489 on Feb 4, 2013 08:30AM*

HB489

Submitted on: 2/3/2013

Testimony for AGR/WAL on Feb 4, 2013 08:30AM in Conference Room Auditorium

Submitted By	Organization	Testifier Position	Present at Hearing
STANLEY RUIDAS	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov