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March 11, 2013

TESTIMONY OF GARY L. HOOSER
COUNCILMEMBER, KAUAI COUNTY COUNCIL

ON

S.B. NO. 586, SD1, RELATING TO AGRICULTURAL BUILDING PERMITS

House Committee on Agriculture/House Committee on Water & Land

March 11, 2013

8:40 a.m.

Conference Room 312

Dear Chairpersons Wooley and Evans, and Members of the House Committee on Agriculture and House Committee on Water & Land:

Aloha. My name is Gary Hooser. I am an elected member of the Kaua'i County Council and Chair of the Council Committee on Agriculture and Sustainability. Unfortunately, due to the unavailability of flights I am unable to testify on this important issue in person.

My testimony today is in opposition unless S.B. No. 586, SD1, is amended.

S.B. No. 586, SD1, proposes to exempt certain construction improvements on agricultural land from compliance with building code and permit requirements.

While well intended, S.B. No. 586, SD1, is far too broad and thus there are serious potential unintended consequences. While most will agree that small sheds and greenhouses built to support local food production should perhaps be exempted, S.B. No. 586, SD1, allows those same exemptions to be utilized by large scale industrial farming operations and treats a small shed built over a compost pile the same as toxic pesticide mixing facilities.

Similarly, a 20,000 sq. ft. greenhouse being used for experimental genetically modified crops not approved for human consumption would be treated the same as a 5,000 sq. ft. greenhouse hosting orchids or tomatoes.

This measure is applicable only to agricultural land; however, would impact residential areas that might be adjacent to that agriculture land. During a hurricane or other major weather event, homes downwind from the unpermitted and unregulated agricultural buildings may pay a price for improperly constructed facilities.

Chairpersons Wooley and Evans, and Members of the House Committee
Re: S.B. NO. 586, SD1, Relating to Agricultural Building Permits
March 11, 2013
Page 2

S.B. No. 586, SD1, and the underlying law that was passed into place in 2012 is far too broad and far too prescriptive, and prohibits the County, who is the entity responsible for implementing the building codes and zoning requirements, from amending the suggested list and making the practical decisions as to what should be exempt and not.

Therefore, the following suggested amendments are proposed:

Page 2 line 15: Change the date to January 1, 2014. It is my understanding that no County has yet complied with the existing 2013 date.

Page 5 line 15: "and appurtenances thereto may be..."

Page 5 line 17: "and may be exempt from County..."

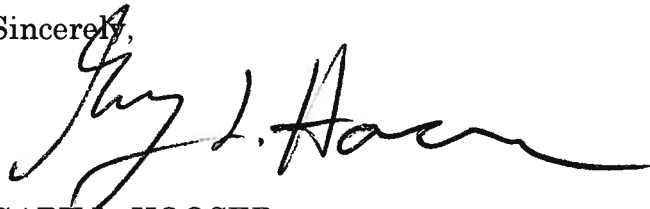
Page 8 line 16: "exemption list. Until such time as the County shall establish said exemption list specific to that particular County."

Page 8 line 20: "may be exempt..."

The above amendments are intended to allow each County to shape exemption amendments suitable for their particular County since they are the entity responsible for building codes and zoning requirements. Attempting to legislate the detail at the State level results in an overly prescriptive "one size fits all" law that fails to take into consideration a myriad of extenuating factors.

Thank you for giving these suggestions your positive consideration.

Sincerely,



GARY L. HOOSER
Councilmember, Kaua'i County Council

AO:lc

onishi1-Jerry

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 11, 2013 7:56 AM
To: AGRtestimony
Cc: aquasmithusa@yahoo.com
Subject: Submitted testimony for SB586 on Mar 11, 2013 08:40AM

SB586

Submitted on: 3/11/2013

Testimony for AGR/WAL on Mar 11, 2013 08:40AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Mitchell Smith	AquaSmith Inc.	Support	No

Comments: We highly support this bill to exempt certain unoccupied structures for Ag & Aquaculture use from needing building permits. Thank you, Mitchell Smith

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.

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