

SB 586
Testimony



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 SENATE COMMITTEES ON AGRICULTURE AND PUBLIC SAFETY AND
MILITARY AFFAIRS

FEBRUARY 7, 2013
2:45 P.M.
ROOM 229

SENATE BILL NO. 586
RELATING TO AGRICULTURAL BUILDING PERMITS

Chairpersons Nishihara and Espero, and Members of the Committees:

Thank you for the opportunity to testify on Senate Bill No. 586. 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.



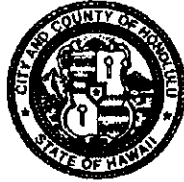
As requirements of the bill will be implemented by the counties, their input is most critical and we would defer to them.

Thank you for the opportunity to present testimony.

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813
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DEPT. WEB SITE: www.honolulu.dpp.org • CITY WEB SITE: www.honolulu.gov

KIRK CALDWELL
MAYOR



JIRO A. SUMADA
ACTING DIRECTOR

February 7, 2013

The Honorable Clarence K. Nishihara, Chair
and Members of the Committee on Agriculture
The Honorable Will Espero, Chair
and Members of the Committee on Public Safety,
Intergovernmental, and Military Affairs
Hawaii State Senate
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chairs Nishihara, Espero and Members:

Subject: Senate Bill No. 586
Relating to Agricultural Building Permits

The Department of Planning and Permitting opposes Senate Bill No. 586, which amends Chapter 46, HRS, to exempt certain agricultural structures from building codes.

While the Department supports the agricultural industry, it cannot support the proposed amendments, which would jeopardize health and safety. Since existing Building Codes already provide the minimum regulatory safety standards, the proposal to exempt these codes from permitting certain agricultural structures would create a safety issue.

The attempt to correlate low risk structures to structures which do not meet the minimum life safety standards is a misnomer and incorrect since structures constructed below the minimum standard would actually be considered a high risk structure. In such a situation, the short term cost savings would be lost if poor construction contributes to personal injuries or unsafe conditions.

Please hold Senate Bill No. 586. Thank you for the opportunity to testify.

Very truly yours,


Jiro A. Sumada, Acting Director
Department of Planning and Permitting

JAS:jmf
sb586AgBuildingPermits-t

NEIL ABERCROMBIE
GOVERNOR



DWIGHT TAKAMINE
DIRECTOR

AUDREY HIDANO
DEPUTY DIRECTOR

**STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS**

830 PUNCHBOWL STREET, ROOM 321
HONOLULU, HAWAII 96813

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Phone: (808) 586-8842 / Fax: (808) 586-9099

Email: dlir.director@hawaii.gov

February 6, 2013

The Honorable Clarence Nishimura, Chair
Committee on Agriculture
The State Senate
State Capitol, Room 204
Honolulu, Hawaii 96813

The Honorable Will Espero, Chair
Committee on Public Safety, Intergovernmental, and Military Affairs
The State Senate
State Capitol, Room 231
Honolulu, Hawaii 96813

Dear Chairs Nishimura and Espero:

Subject: S.B. 586 Relating to Agricultural Building Permits

I am Robert Westerman, Vice Chair of the State Fire Council (SFC). The SFC opposes S.B. 586, which seeks to exempt nonresidential buildings on commercial farms and ranches located outside the urban district and offers the following concerns.

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 provisions 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 are supportive of agricultural self-sufficiency in the state, the county building permit process functions for the safety, health and protection of all its citizens and should not be lightly circumvented. If agricultural structures are exempted from building permits this may affect property access and response by emergency personnel.

The Honorable Clarence Nishimura and Will Espero, Chairs
Page 2
February 6, 2012

If agricultural buildings are exempted from the permit process, we strongly recommend that all structures still meet the minimum requirements of the applicable building codes. The SFC and the KFD urge your committee's deferral on the passage of S.B. 586.

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

Sincerely,



ROBERT WESTERMAN
Chair

RW/LR

ALAN M. ARAKAWA
Mayor

DAVID C. GOODE
Director

ROWENA M. DAGDAG-ANDAYA
Deputy Director

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



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

Development Services Administration

CARY YAMASHITA, P.E.
Engineering Division

BRIAN HASHIRO, P.E.
Highways Division

February 4, 2013

Honorable Clarence K. Nishihara, Chair
and Members of the Committee on Agriculture
Honorable Will Espero, Chair
and Members of the Committee on Public Safety,
Intergovernmental and Military Affairs
Hawaii State Senate
State Capitol, Room Nos. 204 and 231
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chairs Nishihara and Espero and Members:

RE: SB 586 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,

A handwritten signature in black ink, appearing to read "David C. Goode".

DAVID C. GOODE
Director of Public Works

DCG:jso
s:\david2\testimony sb 586 agricultural building permits



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 7, 2013

HEARING BEFORE THE
SENATE COMMITTEE ON AGRICULTURE
SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL AND
MILITARY AFFAIRS

TESTIMONY ON SB 586
RELATING TO AGRICULTURAL BUILDING PERMITS

Room 229
2:45 PM

Chairs Nishihara and Espero, Vice Chairs Kouchi and Baker, 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 SB 586, 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.

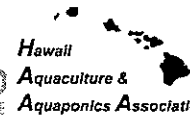
Instead, Act 114 created a task force with the objectives of identifying conflicts between the Act 114 exemptions and existing State laws, and of suggesting additional exemptions that could be provided to Hawaii's farmers and ranchers. Unfortunately, the task force was unable to agree on code exemptions 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 SB 586. Further, we hope you will amend SB 586 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.



Local Food Coalition

SENATE COMMITTEE ON AGRICULTURE
SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL AND
MILITARY AFFAIRS

Thursday, February 7, 2013, 2:45 pm, Room 229

SB586 RELATING TO 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.

Chair Nishihara, Chair Espero, Vice Chair Kouchi, Vice Chair Baker and Members of the Committees:

My name is Dean Okimoto, and I represent the Local Food Coalition on this matter.

The Local Food Coalition (LFC) brings together farmers, ranchers, livestock producers, investors and other leading organizations, who collectively manage more than 1 million acres of land, and produce the majority of food in our state. Solving our challenge of increasing the local food supply — putting more local food on local plates — can best be accomplished by bringing people and organizations together who can work on the entire food value chain in a systematic way.

The Local Food Coalition strongly supports SB 586.

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 SB 586. Further, we hope you will amend SB 586 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.



EAST OAHU COUNTY FARM BUREAU

45-260 WAIKALUA ROAD S 101 KANEHOE, HI 96744

February 5, 2013

Senator Clarence K. Nishihara, Chair
Senator Ronald D. Kouchi, Vice Chair
Senate Committee on Agriculture, and
Senator Will Espero, Chair
Senator Rosalyn H. Baker, Vice Chair
Senate Committee on Public Safety, Intergovernmental and Military Affairs
State Capitol, 415 S. Beretania St.
Honolulu, Hawaii 96813

Dear Chairs Nishihara and Espero, Vice Chairs Kouchi and Baker, and Members of the Committee:

I am sending this testimony to express the East Oahu County Farm Bureau's **strong support for SB 586, "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.

SB 586, 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. SB 586 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. SB 586 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 SB 586.

Thank you for the opportunity to testify.

Sincerely,

A handwritten signature in cursive script that reads "Grant Hamachi". The signature is written in black ink and is positioned above the printed name and title.

Grant Hamachi
President, East Oahu County Farm Bureau

From: mailinglist@capitol.hawaii.gov
To: [AGL Testimony](#)
Cc: jacinthow001@hawaii.rr.com
Subject: *Submitted testimony for SB586 on Feb 7, 2013 14:45PM*
Date: Sunday, February 03, 2013 10:54:40 PM

SB586

Submitted on: 2/3/2013

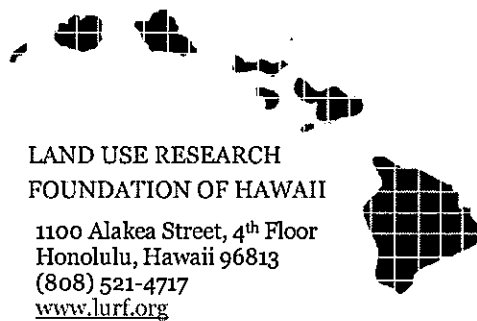
Testimony for AGL/PSM on Feb 7, 2013 14:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
William G. Jacintho	Maui Cattlemen's Association	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.

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LAND USE RESEARCH
FOUNDATION OF HAWAII

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Honolulu, Hawaii 96813
(808) 521-4717
www.lurf.org

February 4, 2013

Senator Clarence K. Nishihara, Chair
Senator Ronald D. Kouchi, Vice Chair
Senate Committee on Agriculture

Senator Will Espero, Chair
Senator Rosalyn H. Baker, Vice Chair
Senate Committee on Public Safety and Military Affairs

Testimony in Support of SB 586, 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).

Thursday, February 7, 2013, 2:45 p.m., in CR 229

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.

SB 586. 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 SB 586, 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.

Senate Committee on Agriculture
Senate Committee on Public Safety and Military Affairs
February 4, 2013

By recognizing the use of farm and ranch structures as agriculture-related, SB 586 would remove a significant impediment to economically viable agriculture, aquaculture and ranching in Hawaii.

Based on the above, LURF **supports SB 586**, and respectfully urges your favorable consideration of this bill.

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

HISTORIC HAWAII FOUNDATION

To: Sen. Clarence K. Nishihara, Chair
Sen. Ronald D. Kouchi, Vice Chair
Committee on Agriculture

Sen. Will Espero, Chair
Sen. Rosalyn H. Baker, Vice Chair
Committee on Public Safety, Intergovernmental and Military Affairs

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

Committee Date: Thursday, February 7, 2013
2:45 p.m.
Conference Room 229

Subject: SB 586, Relating to Agricultural Building Permits

On behalf of Historic Hawai'i Foundation (HHF), I am writing in opposition to SB 586, 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 Hawai'i'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 SB 586 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 Hawai'i'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.

From: mailinglist@capitol.hawaii.gov
To: [AGL Testimony](#)
Cc: orchidplantation@gmail.com
Subject: Submitted testimony for SB586 on Feb 7, 2013 14:45PM
Date: Monday, February 04, 2013 3:57:46 PM

SB586

Submitted on: 2/4/2013

Testimony for AGL/PSM on Feb 7, 2013 14:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Elton Mow	Orchid Growers of Hawaii	Support	No

Comments: I would like acknowledge that the Orchid Growers of Hawaii is in support of this Bill to exempt non residential agriculture structures from permit requirements.

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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TESTIMONY BEFORE THE SENATE COMMITTEE ON
AGRICULTURE AND PUBLIC SAFETY,
INTERGOVERNMENTAL AND MILITARY AFFAIRS

SENATE BILL 586

RELATING TO AGRICULTURE BUILDING PERMITS

PRESENTED TO THE TWENTY-SEVENTH LEGISLATURE

FEBRUARY 2013

CHAIRMEN NISHIHARA and ESPERO and Members of the Committees:

STRONG SUPPORT.

My name is Loren Mochida, Director of Agricultural Operations at W. H. Shipman, Limited in Keaau on the Big Island. We are a local kamaaina-family owned land management company that is engaged in Agriculture and Commercial/Industrial development and leasing. We currently lease lands to over 130 individually growers at W.H. Shipman, Ltd.

W. H. Shipman, Ltd., and their growers provide strong support to SB 586, Relating to Agriculture Building Permits. This Act will exempt nonresidential agriculture and aquaculture buildings and structures, and their appurtenances, located on commercial farms and ranches from building permit requirements other than electric and wastewater regulations, to support Hawaii's farmers and ranchers.

The existing building codes and permitting processes are not efficiently tailored to meet the needs of commercial agriculture and aquaculture industries and adds substantial costs to establish or expand farming and ranching activities. A search of CONUS statutes and codes has determined that at least 32 states currently have agricultural building exemptions.



Thank you very much for the opportunity to provide testimony on SB 586.

Simon Russell
Hui 'O Mālama 'Āina
910-A E. Kuiaha Rd
Haiku, HI 96078

Aloha Honorable Senators,

I am writing to support SB. 586. Anything the Legislature can do to make us farmers able to make ends meet easier is a good thing. Mahalo for what you are doing in this bill, by lowering the cost of Ag related buildings. Please make periodic inspections to prevent abuse of this law if it passes. I would not like our farms to turn into ghettos, as renting buildings can be more lucrative than using them for ag purposes, and farmers are known to do that.

Respectfully Submitted,
Simon Russell
Owner and Farmer
Hui 'O Mālama 'Āina



THE SENATE
THE TWENTY-SEVENTH LEGISLATURE
REGULAR SESSION OF 2013

COMMITTEE ON AGRICULTURE

COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL AND
MILITARY AFFAIRS

DATE: Thursday, February 7, 2013
TIME: 2:45 p.m.
PLACE: Conference Room 229
State Capitol
415 South Beretania Street

**RE: Testimony in strong support of SB 586 RELATING TO AGRICULTURAL
BUILDING PERMITS**

Chairs Nishihara and Espero, Vice Chairs Kochi and Baker, Committee Members:

The Hawaii Aquaculture and Aquaponics Association representing aquaculture and aquaponic producers, researchers, and supporters statewide strongly supports SB 586.

This 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, the Hawaii Department of Agriculture, and the County Building Departments, 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 be added. The months of meeting with the Deputy Attorney General and Counties revealed numerous minor conflicts with other sections of law that could most easily be 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



PRIMAVERA AQUAPONICS

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

February 5, 2013

Sen. Clarence Nishihara, Chair, and Sen. Ronald Kouchi, Vice Chair
Senate Committee on Agriculture
Sen. Will Espero, Chair, and Sen. Rosalyn Baker, Vice Chair
Senate Committee on Public Safety, Intergovernmental and Military Affairs
State Capitol, 415 S. Beretania St.
Honolulu, Hawaii 96813

Dear Chairs Nishihara and Espero, Vice Chairs Kouchi and Baker, and Members of the Committees:

Please allow me to express my **strong support for SB 586**, "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 SB 586, which would exempt most agricultural structures from county building permit 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

2029 Nuuanu Ave. #1510
Honolulu, Hawaii 96817
February 5, 2013

Sen. Clarence K. Nishihara, Chair and Sen. Ronald D. Kouchi, Vice Chair
Senate Committee on Agriculture
Sen. Will Espero, Chair and Sen. Rosalyn H. Baker, Vice Chair
Senate Committee on Public Safety, Intergovernmental and Military Affairs
415 S. Beretania St.
Honolulu, Hawaii 96813

Dear Chairs Nishihara and Espero, Vice Chairs Kouchi and Baker, and Members of the Committees:

I am sending this testimony to express my **strong support for SB 586**. 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.

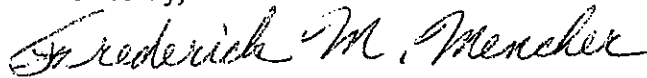
Last year the Legislature attempted to offer relief from building permit requirements in

the form of Act 114. 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 SB 586 to clarify that its provisions supersede existing laws and regulations.

I do not believe that HB 586 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 586.

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".

Frederick M. Mencher

THE SENATE
THE TWENTY-SEVENTH LEGISLATURE
REGULAR SESSION OF 2013

COMMITTEE ON AGRICULTURE

Senator Clarence K. Nishihara, Chair
Senator Ronald D. Kouchi, Vice Chair

COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL AND MILITARY AFFAIRS

Senator Will Espero, Chair
Senator Rosalyn H. Baker, Vice Chair

DATE: Thursday, February 07, 2013
TIME: 2:45 p.m.
PLACE: Conference Room 229
State Capitol
415 South Beretania Street

RE: Testimony in strong support of HB 586 RELATING TO AGRICULTURAL BUILDING PERMITS

Chairs Nishihara and Espero, Vice Chairs Kouchi and Baker, Committee Members:

My name is John Corbin. I was formally Manager of the State Aquaculture Development Program from 1979 to 2006. During that time I worked with many small-scale to corporate farms to help establish their businesses. As you know, our regulatory regime is very challenging to agri- and aqua- businesses. I strongly support SB 586 and its desired impact of creating a significantly more supportive business environment for agriculture, aquaculture, and aquaponics (Triple A) industries.

In short, the bill is a follow up to Act 114 from last session, which exempted many "Triple A" farming structures from County building permit requirements. It completes the request from last year by the three industries and would also exempt certain low-risk structures (non-residential buildings or structures on commercial farms and ranches) from building code requirements, when located outside the urban district. This change would make it significantly easier and less expensive to build and cost-effectively operate a farm in Hawaii. Together the previous law and the passage of SB 586 would clearly show that the Legislature and the Administration have confidence in Triple A farmers to be responsible stewards of the land and strongly want to encourage Hawaii to become more food self sufficient and food secure, soon.

Many mainland states have passed similar exemptions to support their primary food production industries. Hawaii needs to do the same. Please pass SB 586. Thank you for the opportunity to testify. Aloha.

John S. Corbin MS, CFP, AICP
47-215 Iuiu Street
Kaneohe, Hawaii 96744
808-239-8316
jscorbin@aol.com

From: mailinglist@capitol.hawaii.gov
To: [AGL Testimony](#)
Cc: aknranch@aol.com
Subject: Submitted testimony for SB586 on Feb 7, 2013 14:45PM
Date: Saturday, February 02, 2013 11:38:18 PM

SB586

Submitted on: 2/2/2013

Testimony for AGL/PSM on Feb 7, 2013 14:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Annette Niles	Individual	Support	No

Comments: We need this bill to pass to help our farms and ranches . Mahalo

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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From: mailinglist@capitol.hawaii.gov
To: [AGL Testimony](#)
Cc: jr.miles@yahoo.com
Subject: Submitted testimony for SB586 on Feb 7, 2013 14:45PM
Date: Monday, February 04, 2013 4:24:56 PM

SB586

Submitted on: 2/4/2013

Testimony for AGL/PSM on Feb 7, 2013 14:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Jesse Miles	Individual	Support	No

Comments: Please pass this bill. It is essential to meeting the demands of the agricultural sector.

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From: mailinglist@capitol.hawaii.gov
To: [AGL Testimony](#)
Cc: mcpelaez82@aol.com
Subject: *Submitted testimony for SB586 on Feb 7, 2013 14:45PM*
Date: Monday, February 04, 2013 10:16:36 AM

SB586

Submitted on: 2/4/2013

Testimony for AGL/PSM on Feb 7, 2013 14:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Melissa C. Pelaez	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [AGL Testimony](#)
Cc: DAMAGICJUICE@GMAIL.COM
Subject: *Submitted testimony for SB586 on Feb 7, 2013 14:45PM*
Date: Sunday, February 03, 2013 2:30:27 AM

SB586

Submitted on: 2/3/2013

Testimony for AGL/PSM on Feb 7, 2013 14:45PM in Conference Room 229

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

Comments:

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