

LATE

# **SB 586**

## Testimony



## **Hawaii Cattlemen's Council, Inc.**

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SENATE COMMITTEE ON AGRICULTURE  
SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL & MILITARY AFFAIRS  
Thursday February 7, 2013 2:45 p.m. Room 229

### **SB 586 Relating to Agricultural Building Permits**

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

My name is Alex Franco; I'm a beef processor on Maui and President of the Hawaii Cattlemen's Council. The Hawaii Cattlemen's Council, Inc. (HCC) is a statewide organization comprised of five county level Cattlemen's Associations with more than 130 members that occupies approximately 25% of the State's total land mass.

The Hawaii Cattlemen's Council **Strongly Supports** SB 586.

Hawaii's farmers and ranchers have always been resourceful in using available resources and making it work for the betterment of agriculture, in many cases it is regulations that prevent the full utilization of resource that increase costs and reduces productivity. The key to the local food movement is to keep farmers and rancher productive and not waste countless hours acquiring building permits for structures that are very basic, but critical to farm and ranch operations.

In many cases recycled ocean shipping containers, modular structures, agricultural cold frames used for green houses, and storage sheds to store equipment are vital to farmers and ranchers. This allows farmers and ranchers to set up their operations in a timely manner making it more cost effective.

If we were to identify the key agricultural resource Hawaii needs to expand local food production, it would have to be the encouragement of more young farmers and ranchers getting into agriculture. Bills such as SB 586 that reduces start up cost, creates sound agriculture policy, and limits cost to tax payers will act as a catalyst to encourage this vital resource.

Thank you for allowing me your time to give testimony on this very important issue.

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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** SB 586.

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. Act 114 (2012) may help by reducing the cost and time involved in applying for building permits, but does not offer relief from the code requirements themselves.

Historically, agricultural enterprises have utilized things like 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 already exempts itself from Building permits and code, and a Walmart and shopping center recently built on the Big Island on Hawaiian Home Lands was exempt from building permits.

Please consider exempting the local risk structures mentioned in this bill from the building code and all of the bureaucracy that goes with that.

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

LOVE



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SENATE COMMITTEES ON AGRICULTURE/PUBLIC SAFETY, INTERGOVERNMENTAL & MILITARY AFFAIRS  
Thursday, February 7, 2013 — 2:45 p.m. — Room 229

**Ulupono Initiative Supports SB 586, Relating to Agricultural Building Permits**

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

My name is Kyle Datta and I am General Partner of the Ulupono Initiative, a Hawai'i-based impact investment firm that strives to improve the quality of life for the people of Hawai'i by working toward solutions that create more locally grown food, increase renewable energy, and reduce/recycle waste. Ulupono invests in projects that have the potential to create large-scale, innovative change.

**Ulupono supports SB 586**, which exempts specified non-residential buildings and structures from building code requirements when they are used for agriculture and aquaculture on commercial farms and ranches.

Farmers and ranchers have found that forced compliance with building codes geared toward health and safety issues for residential and commercial buildings can greatly increase installation costs without providing any clear benefit. This proposal would cover such buildings as greenhouses, shade houses, storage, which are low-risk agricultural structures. Requiring code requirements for these types of agricultural structures also can significantly delay work, adding to cost and creating a burden on local food operations struggling to succeed. Last year, the Legislature worked to reduce the cost and time involved in applying for building permits (Act 114 of 2012) but did not offer relief from the code requirements. This bill would.

Ulupono has joined with a diverse group of organizations who have come together for the first time as the Local Food Coalition to support proposals designed to help grow more local food. The coalition brings together farmers, ranchers, livestock producers, investors and other organizations. The idea is that 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. We believe that working together we can help produce more local food, support an economically strong homegrown agriculture industry, which strengthens our community with fresh, healthy food. Thank you for this opportunity to testify.

Respectfully,  
Kyle Datta  
General Partner

Ulupono Initiative  
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# Hawaii Crop Improvement Association

*Growing the Future of Worldwide Agriculture in Hawaii*

Testimony by Alicia Maluafiti

SB 586 – Relating to Agricultural Building Permits  
The Senate Committees on Agriculture and  
Public Safety, Intergovernmental and Military Affairs

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

LATH

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## Position: Support

Aloha Chairs Nishihara and Espero, Vice Chairs Kouchi and Baker, and members of the Committee:

My name is Alicia Maluafiti, Executive Director of the Hawaii Crop Improvement Association, a nonprofit trade association representing Hawaii seed farmers. We are in strong support of SB 586 to provide an exemption from building code and permit requirements for nonresidential buildings or structures on commercial farms and ranches.

Farmers and ranchers face a number of unique challenges which require creative solutions. SB 586 would allow the use of more affordable and low risk building options that are not traditionally used in residentially zoned areas. From theft and vandalism to protection from weather, farmers and ranchers need choices to ensure their agricultural viability.

We ask for your support of SB 586. Mahalo.

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**Subject:** Submitted testimony for SB586 on Feb 7, 2013 14:45PM  
**Date:** Wednesday, February 06, 2013 10:59:29 PM

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**SB586**

Submitted on: 2/6/2013

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Steve Chaikin	Individual	Support	No

Comments: I have owned and operated Molokai Sea Farms since 1988. I strongly support SB 586. Besides operating my aquaculture farm for the past 24 years I just concluded five years serving on the Molokai Planning Commission. The number one complaint that we received on the commission was how long and time consuming the building permit application process takes. Many people choose not to build at all or build illegal structures. For Hawaii to become more food self sufficient, agro-businesses need to be able to move forward in an expeditious and efficient manner. I believe if this bill is signed into law you will see a surge in local agricultural facilities and production with the associated job growth. I hope that you can assist the State of Hawaii to expedite the process of becoming more food and energy self sufficient. Respectfully Submitted, Steve Chaikin

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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**Subject:** Submitted testimony for SB586 on Feb 7, 2013 14:45PM  
**Date:** Thursday, February 07, 2013 2:17:49 PM

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**SB586**

Submitted on: 2/7/2013

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Shinhouy Ho	Individual	Support	No

Comments: As an individual who grew up on the farm and still works on the farm today, I support this bill. The cost of doing business is high in Hawaii. The truth is farmers in Hawaii we compete against imported food. We do not produce the economies of scale that industrial farms are producing in the mainland. Many of us are limited to selling our product just locally because the USDA does not allow us to export many farm products into the US mainland. Like all business we are challenged by the high cost of land (lease rent), water, supplies and labor. We deal with a perishable product and we sell our product at the price the market will accept and with our reliance on imports that price only allows the farmers to make a very low margin. Along with that the cost of construction is very high, farmers don't want to spend thousands of dollars building permitted structures on farmland that most of us only have a year lease on. There is essentially no return on investment. Why do we have to regulate everything? Why do we need a permit to tell us that a structure is safe? Why do we have to be afraid of liability? There is something wrong with our system. I've had my own experience with obtaining a building permit. In 2005 our farm received a grant \$25,000 to purchase a greenhouse. I was told to obtain a building permit, by the grant administrator. The greenhouse was purchased from China and we did not have a blueprint in English. So we had to hire a local architect to redraw the blueprint plans and submit it for the permit. The process cost us an additional \$10,000. Two years later a state building inspector came to inspect the greenhouse structure. The inspector asked if there was plumbing and electrical. There is no plumbing (sewage) or electrical need for our greenhouses. The inspector therefore asked why we obtained a building permit. There are so many rules, so much confusion; apparently we didn't need the permit. We did some research before we paid \$10,000 for the permit. We call the permit office, the Department of Agriculture and tried to speak to other farmers who had greenhouses. No one had a direct answer. The consensus answer and push especially by the grant administrator was that the safest way, because it was USDA funds was to obtain the building permit. I support this bill and hope that as law makers you can help simplify life for business owners.

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**Date:** Thursday, February 07, 2013 6:08:51 PM

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**SB586**

Submitted on: 2/7/2013

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lyn Howe	Individual	Support	No

Comments:

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**SB586**

Submitted on: 2/7/2013

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
GUYE LEE	Individual	Support	No

Comments: We strongly support this bill because it will: • enable farmers to use readily available, low risk, recycled ocean shipping containers, modular structures, agricultural cold frames (small greenhouses), and storage sheds for more affordable hatchery and office space, feed and equipment storage, and other farm/ranch infrastructure needs. • allow farmers to set-up and operate their farms in a more timely and cost-effective manner while enhancing farm production and protecting personnel and/or farm equipment. • allow farmers to protect crops from harmful weather conditions, pests and predators. • provide for enclosures to prevent theft and vandalism.

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To Whom It May Concern,

I am in favor of SB 586, the Building Permit Exemption Bill because I feel it will enable farmers to use readily available, low risk, recycled ocean shipping containers, modular structures, agricultural cold frames (small greenhouses), and storage sheds for more affordable hatchery and office space, feed and equipment storage, and other farm/ranch infrastructure needs.

It will also allow farmers to set-up and operate their farms in a more timely and cost-effective manner while enhancing farm production and protecting personnel and/or farm equipment.

Further more it will allow farmers to protect crops from harmful weather conditions, pests and predators.

And finally, help to provide for enclosures to prevent theft and vandalism.

Please pass this bill.

Thank you,

David Walfish

**From:** [John Dobovan](#)  
**To:** [AGI Testimony](#)  
**Subject:** RE: SB 586  
**Date:** Thursday, February 07, 2013 12:28:21 PM

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Gentlepeople:

As an active farmer I want to tell you that it is already difficult enough to survive in this business without unnecessary and time consuming red tape. We are continually confronted with new challenges such as pests and diseases that require us to build protective environments for our crops and supplies, often on very short notice. This bill will make our lives much easier and improve our chances for success. I urge you to please support our farming community so that we can better support you and all our people with high quality locally grown food.

Sincerely,  
John Dobovan

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John Dobovan  
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