

---

---

# A BILL FOR AN ACT

RELATING TO AGRICULTURE.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The purpose of Act 203, Session Laws of Hawaii  
2 2013, is to encourage and support the Governor's "New Day"  
3 initiative for diversified agriculture and agricultural self-  
4 sufficiency in the State by providing certain exemptions from  
5 building code requirements and expanding certain building permit  
6 exemptions for nonresidential buildings and structures on farms  
7 and ranches located outside the urban district. However, the  
8 exemptions afforded by Act 203 apply only to lands that are "two  
9 or more contiguous acres in area", unless the land is located in  
10 a nonresidential agricultural or aquacultural park where the  
11 acreage restriction is then lowered to one or more contiguous  
12 acres in area. These acreage restrictions may be acceptable and  
13 appropriate for small counties, but in a large county with a  
14 land area of three thousand square miles or more, a one acre  
15 limit for all non-urban agricultural lands would be more  
16 reasonable and appropriate. In large counties, there are areas  
17 where there are thousands of contiguous one-acre lots, many of  
18 which are used for commercial agriculture, including lettuce



1 farms, plant nurseries, flower farms, tea plantations, and  
2 aquaculture. The legislature finds that small farms provide a  
3 significant source of income for the farm owners and contribute  
4 to the State's economy, and that small farms in large counties  
5 should not be deprived of the benefits of Act 203.

6 Accordingly, the purpose of this Act is to lower the  
7 acreage requirements for certain agricultural building code and  
8 permit exemptions to one-acre for large counties.

9 SECTION 2. Section 46-88, Hawaii Revised Statutes, is  
10 amended as follows:

11 1. By amending its title to read:

12 "§46-88 Agricultural buildings and structures; exemptions  
13 from building permit and building code requirements [~~-~~]; large  
14 counties."

15 2. By amending subsections (c) to (d) to read:

16 "(c) The exemptions in subsections (a) and (b) shall  
17 apply; provided that:

18 (1) The aggregate floor area of the exempted agricultural  
19 buildings shall not exceed:

20 (A) Five thousand square feet per zoning lot for lots  
21 of two acres or less;



- 1 (B) Eight thousand square feet per zoning lot for  
2 lots greater than two acres but not more than  
3 five acres; and
- 4 (C) Eight thousand square feet plus two per cent of  
5 the acreage per zoning lot for lots greater than  
6 five acres; provided that each exempted  
7 agricultural building is compliant with the  
8 square foot area restrictions in subsection (a)  
9 or subsection (b);
- 10 provided that in a large county, for each zoning lot  
11 of one acre or greater but not more than two acres,  
12 the aggregate floor area of one-story wood-framed or  
13 similar agricultural buildings shall not exceed three  
14 thousand square feet, plus, if one of the buildings is  
15 a greenhouse, an additional area of up to twenty  
16 thousand square feet comprising the greenhouse;
- 17 (2) The minimum horizontal separation between each  
18 agricultural building, structure, or appurtenance  
19 thereto is fifteen feet;
- 20 (3) The agricultural buildings, structures, or  
21 appurtenances thereto are located on a commercial farm  
22 or ranch and are used for general agricultural or



1           aquacultural operations, or for purposes incidental to  
2           such operations;

3           (4) The agricultural buildings, structures, or  
4           appurtenances thereto are constructed or installed on  
5           property that is used primarily for agricultural or  
6           aquacultural operations, and is two or more contiguous  
7           acres in area or one or more contiguous acres in area  
8           if located in a nonresidential agricultural or  
9           aquacultural park; provided that in a large county,  
10          the required acreage shall be one acre or less;

11          (5) Upon completion of construction or installation, the  
12          owner or occupier shall provide written notice to the  
13          appropriate county fire department and county building  
14          permitting agency of the size, type, and locations of  
15          the building, structure, or appurtenance thereto.

16          Such written notification shall be provided to the  
17          county agencies within thirty days of the completion  
18          of the building, structure, or appurtenance thereto.  
19          Failure to provide such written notice may void the  
20          building permit or building code exemption, or both,  
21          which voidance for such failure is subject to the sole

- 1           discretion of the appropriate county building  
2           permitting agency;
- 3           (6) No electrical power and no plumbing systems shall be  
4           connected to the building or structure without first  
5           obtaining the appropriate county electrical or  
6           plumbing permit, and all such installations shall be  
7           installed under the supervision of a licensed  
8           electrician or plumber, as appropriate, and inspected  
9           and approved by an appropriate county or licensed  
10          inspector or, if a county building agency is unable to  
11          issue an electrical permit because the building or  
12          structure is permit-exempt, an electrical permit shall  
13          be issued for an electrical connection to a meter on a  
14          pole beyond the permit-exempt structure in accordance  
15          with the installation, inspection, and approval  
16          requirements in this paragraph;
- 17          (7) Disposal of wastewater from any building or structure  
18          constructed or installed pursuant to this section  
19          shall comply with chapter 342D; and
- 20          (8) Permit-exempt structures shall be exempt from any  
21          certificate of occupancy requirements.
- 22          (d) As used in this section:



1 "Agricultural building" means a nonresidential building or  
2 structure, built for agricultural or aquacultural purposes,  
3 located on a commercial farm or ranch constructed or installed  
4 to house farm or ranch implements, agricultural or aquacultural  
5 feeds or supplies, livestock, poultry, or other agricultural or  
6 aquacultural products, used in or necessary for the operation of  
7 the farm or ranch, or for the processing and selling of farm or  
8 ranch products.

9 "Agricultural operation" means the planting, cultivating,  
10 harvesting, processing, or storage of crops, including those  
11 planted, cultivated, harvested, and processed for food,  
12 ornamental, grazing, feed, or forestry purposes, as well as the  
13 feeding, breeding, management, and sale of animals including  
14 livestock, poultry, honeybees, and their products.

15 "Appurtenance" means an object or device in, on, or  
16 accessory to a building or structure, and which enhances or is  
17 essential to the usefulness of the building or structure,  
18 including but not limited to work benches, horticultural and  
19 floricultural growing benches, aquacultural, aquaponic, and  
20 hydroponic tanks, raceways, troughs, growbeds, and filterbeds,  
21 when situated within a structure.



1 "Aquacultural operation" means the propagation,  
2 cultivation, farming, harvesting, processing, and storage of  
3 aquatic plants and animals in controlled or selected  
4 environments for research, commercial, or stocking purposes and  
5 includes aquaponics or any growing of plants or animals in or  
6 with aquaculture effluents.

7 "Large county" means a county with a land area of three  
8 thousand square miles or more.

9 "Manufactured pre-engineered commercial building or  
10 structure" means a building or structure whose specifications  
11 comply with appropriate county codes, and have been pre-approved  
12 by a county or building official.

13 "Nonresidential building or structure" means a building or  
14 structure, including an agricultural building, that is used only  
15 for agricultural or aquacultural operations and is not intended  
16 for use as, or used as, a dwelling."

17 SECTION 3. Statutory material to be repealed is bracketed  
18 and stricken. New statutory material is underscored.

19 SECTION 4. This Act shall take effect upon its approval.

20

INTRODUCED BY: Richard Gray

JAN 23 2014



# H.B. NO. 2602

**Report Title:**

Agricultural Building Code and Permit Exemption; Large County

**Description:**

Reduces the applicable acreage requirements for building code and permit exemptions for agricultural buildings in large counties.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

