

STAND. COM. REP. NO.

1555

Honolulu, Hawaii

April 5, 2013

RE: S.B. No. 586  
S.D. 1  
H.D. 2

Honorable Joseph M. Souki  
Speaker, House of Representatives  
Twenty-Seventh State Legislature  
Regular Session of 2013  
State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred S.B. No. 586, S.D. 1, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO AGRICULTURAL BUILDING PERMITS,"

begs leave to report as follows:

The purpose of this measure is to encourage and support diversified agriculture and agricultural self-sufficiency in the State by authorizing, under certain circumstances, an exemption from building code requirements and expansion of existing building permit exemptions for nonresidential buildings or structures on farms and ranches located outside the urban district.

Two individual council members of the Kauai County Council; the Land Use Research Foundation of Hawaii; Primavera Aquaponics, LLC; and a few individuals provided testimony in support of this measure. The State Fire Council, Kauai Fire Department, City and County of Honolulu Department of Planning and Permitting, County of Maui Department of Fire and Public Safety, County of Kauai Department of Public Works, and Plumbers and Fitters Local 675 provided testimony in opposition to this measure. East Oahu County Farm Bureau; Ulupalakua Ranch; McCandless Ranch; Maui Cattlemen's Association; Ulupono Initiative; Hawaii Cattlemen's Council, Inc.; Hawaii Aquaculture and Aquaponics Association; and a few individuals provided comments on this measure.

SB586 HD2 HSCR CPC HMS 2013-3267



Your Committee has amended this measure by:

- (1) Requiring, rather than authorizing, each county to establish an agricultural buildings and structures exemption list of buildings and structures exempt from existing building permit requirements;
- (2) Specifying that with respect to exempted agricultural buildings, the aggregate floor area of the exempted agricultural building for lots greater than five acres shall not exceed eight thousand square feet plus two percent of the acreage per zoning lot, instead of ten percent of the acreage per zoning lot;
- (3) Requiring, rather than authorizing, that certain specified buildings, structures, and appurtenances be included in each county's agricultural buildings and structures exemption list and be exempt from county building permit and code requirements;
- (4) Providing that if a county fails to establish an agricultural buildings and structures exemption list before July 1, 2014, the statutorily-established list of buildings, structures, and appurtenances referenced in (3) shall constitute the county's list;
- (5) Requiring, rather than authorizing, the exemption of certain buildings, structures, and appurtenances from building permit requirements when compliant with relevant building codes or prescriptive construction standards;
- (6) Changing its effective date to July 1, 2012, for the purpose of further discussion; and
- (7) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 586, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 586, S.D. 1, H.D. 2.



Respectfully submitted on  
behalf of the members of the  
Committee on Consumer  
Protection & Commerce,



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ANGUS L.K. MCKELVEY, Chair



