

**DAVID Y. IGE**  
Governor

**JOSH GREEN**  
Lt. Governor



**PHYLLIS SHIMABUKURO-GEISER**  
Chairperson, Board of Agriculture

**MORRIS M. ATTA**  
Deputy to the Chairperson

State of Hawaii  
**DEPARTMENT OF AGRICULTURE**  
1428 South King Street  
Honolulu, Hawaii 96814-2512  
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**TESTIMONY OF PHYLLIS SHIMABUKURO-GEISER  
CHAIRPERSON, BOARD OF AGRICULTURE**

**BEFORE THE HOUSE COMMITTEE ON WATER, LAND, AND HAWAIIAN AFFAIRS**

February 12, 2020  
10:30 A.M.  
CONFERENCE ROOM 325

**HOUSE BILL NO. 2192 HD1  
RELATING TO AGRICULTURAL BUILDINGS**

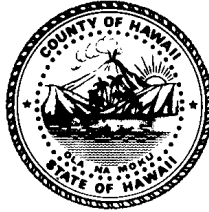
Chairperson Yamane and Members of the Committee:

Thank you for the opportunity to testify on House Bill 2192 HD1. This measure amends Section 46-88, HRS by increasing the maximum area from 20,000 square feet to 60,000 square feet for each agricultural shade cloth structure, cold frame, and greenhouse that could qualify the structure for exemption from building permits and building code requirements. The Department of Agriculture supports this measure as it appears to be clearly limited to agricultural structures meant for agricultural production and not to other buildings that may be used for purposes not related to agricultural activities. The Department notes that the effective date was amended from "upon approval" to "7/31/2150" in the HD1 in order to facilitate further discussion.

Thank you for the opportunity to testify on this measure.



County of Hawai'i  
Council District 9 -  
North and South Kohala



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**Chair:** Committee on Agriculture,  
Water, Energy, & Environmental  
Management

**Vice Chair:** Committee on Finance

**HERBERT M. "TIM" RICHARDS, III**  
HAWAII COUNTY COUNCIL  
District 9

25 Aupuni Street, Ste. 1402, Hilo, Hawai'i 96720

February 11, 2020

House Committee on Water, Land, and Hawaiian Affairs  
Honorable Representative Ryan Yamane, Chair  
Honorable Representative Chris Todd, Vice Chair  
**Submission via online testimony**

RE: Support of HB 2192, HD1  
Hearing Date/Time: February 12, 2020 at 10:30 a.m.

Dear Representatives:

Thank you for the opportunity to testify. My name is Herbert M. "Tim" Richards, III, DVM. I am a rancher and livestock veterinarian with over 35 years' experience here in Hawai'i. I am currently a sitting County Councilman for the County of Hawai'i, chairing the Committee on Agriculture, Water, Energy and Environmental Management and Vice Chair of the Committee on Finance. I support all forms of agriculture and firsthand understand agricultural needs.

Expanding the area for each agricultural shade cloth structure, cold frame, and greenhouse is critical to increase agricultural production in Hawai'i statewide. With the need to reduce the import of agricultural products, it is imperative that we work together to allow growth in agriculture for Hawai'i. Being able to be exempt from building permits and building code requirements as noted in HB 2192, HD1 through the expansion of agriculture structure size, is a step in the right direction. That said, I fully support HB 2192, HD1.

Please feel free to contact me should you need to discuss my position and knowledge of this matter further.

Sincerely,

HERBERT M. "TIM" RICHARDS, III  
Hawai'i County Council, District 9

xc: Aaron S. Y. Chung, Chair – Hawai'i County Council  
Diane Ley, Director – Department of Research and Development, County of Hawai'i

**HB-2192-HD-1**

Submitted on: 2/7/2020 5:53:00 PM

Testimony for WLH on 2/12/2020 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
John Seward	Hawaii Farming LLC	Support	No

Comments:

We fully support HB2192 as an important step to support sustainable local food safety certified agriculture production by strengthening the ability of farmers to successfully deploy modern farming technology.

We are a large scale local greenhouse farming operation with over 60 employees based on 50 acres in the agriculture dedicated Lalamilo area in Waimea. Our main operating entity Hawaii Farming LLC was recently formed via a merger of several existing farming entities - we commercially grow several varieties of food safety certified cucumbers (including the Keiki Cukes and Kamuela Cucumbers brands) and tomatoes distributed to customers across the State of Hawaii. Our further expansion and diversification plans in modern greenhouses and associated technologies have been slowed partially due to the current language/processes relating to greenhouses in the State and County legislation/codes. Larger square footage commercial greenhouses wrapped in polycarbonate panels have become market standard worldwide enabling farmers to best achieve large scale crop production while conserving natural resources and effectuating best in class pest containment. Changing the current 20,000SF maximum greenhouse size exemption to 60,000SF under the State legislation relating to Agricultural Buildings would be an efficient and effective solution to benefit local farmers progress the above.

HB2192 would be an important factor allowing us to expedite additional farming investment which maximizes the use of our limited ag land and complies with important fire and safety principles. It will also benefit the local community with additional high-tech farming jobs and consumers across Hawaii with a greater supply of local fresh vegetables grown in best in class modern greenhouses.

Thank you for the opportunity to provide this testimony in support of HB2192.

HAWAII FARMING LLC

I am in **strong support** of HB2192, as it will make farming on the big island more productive and profitable for farmers and help get Hawaii to its self-sustaining food production goals. In modern greenhouse production, scale is everything. Small greenhouses (less than 1 acre) are important but more suitable for growing at a farmers market level. For production to reach the purchasing needs of the Hawaiian Island market, large economical greenhouses are needed. Growing crops in greenhouses for wholesale purchase in the islands requires facilities that are large enough to grow thousands of pounds of produce **daily**. Cucumber production for example needs to have 6 crops at different stages of life constantly growing in order to have a steady supply of cucumbers every day. If the greenhouses were only 20,000 sq ft, it would take 12 greenhouses each with extra setbacks around the house and would not be an economical use of land. Added to that, the extra costs associated with building small individual greenhouses compared to large greenhouses is substantial. Raising the size of exempted greenhouses to at least 60,000 sq ft would drastically cut construction costs and conserve land that would be needed for open areas between many smaller greenhouses.

#### **FYI**

Why not just go through the building permit process for these larger footprint buildings?

The current interpretation being used by the county planners requires buildings larger than the 20,000 sq ft code exempted greenhouses to have huge setbacks from property lines and adjacent buildings of any type if they are constructed with anything more than a polyethylene covering. **Polyethylene** or “poly” for short is a clear lightweight plastic like saran wrap and it will not hold up in Hawaii with our strong winds and direct sunshine. The alternative, **Polycarbonate**, (the clear stuff over your lanai) will hold up for 15 years and does not have to be changed every windstorm at tremendous cost to the farmer and burdens to our landfills for the ruined poly. Unfortunately the county building department forces a greenhouse with this polycarbonate covering to have 60’ setbacks all around the perimeter of the greenhouse.

This code interpretation by the county building department is based on the flammability of poly vs polycarbonate. This is an outdated concept as modern **polycarbonate** used on greenhouses will not self sustain burning but **polyethylene** will not only burn, but burn hot and fast and does not need a fire source to keep it burning.

Rather than go through a lengthy code revision, this simple change to allow up to 60,000 sq ft greenhouses to be built without permits would solve this problem. These greenhouses are built on agricultural land with very little around them but other ag land. The restrictive setbacks that are currently being enforced are removing valuable producing farmland from our farmers. Remember, greenhouses need to be put on level land and Hawaii does not have an abundance of this in agricultural zoning especially on the Big Island.

I am in strong support of HB 2192 as it will make farming on the big island more productive and profitable for farmers and help to get Hawaii to it's self sustaining food production goals.

Vince Batha

Big Island Produce asset holdings llc



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February 12, 2020

HEARING BEFORE THE  
HOUSE COMMITTEE ON WATER, LAND, & HAWAIIAN AFFAIRS

**TESTIMONY ON HB 2192, HD1**  
RELATING TO AGRICULTURAL BUILDINGS

Room 325  
10:30 AM

Aloha Chair Yamane, Vice Chair Todd, and Members of the Committee:

I am Brian Miyamoto, Executive Director of the Hawaii Farm Bureau (HFB). Organized since 1948, the HFB is comprised of 1,800 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.

**The Hawaii Farm Bureau supports HB 2192, HD1**, which increases the maximum area for each agricultural shade cloth structure, cold frame, and greenhouse that could qualify the structure for an exemption from building permit and building code requirements.

**The Hawaii Farm Bureau is supportive of all reasonable efforts to help grow agriculture in Hawaii.**

Thank you for your continued support of our local farmers and ranchers.



Email: [communications@ulupono.com](mailto:communications@ulupono.com)

HOUSE COMMITTEE ON WATER, LAND, AND HAWAIIAN AFFAIRS  
Wednesday, February 12, 2020 — 10:30 a.m. — Room 325

**Ulupono Initiative supports HB 2192 HD 1, Relating to Agricultural Buildings.**

Dear Chair Yamane and Members of the Committee:

My name is Amy Hennessey, and I am the Senior Vice President of Communications & External Affairs at Ulupono Initiative. We are a Hawai'i-based impact investment firm that strives to improve our community's quality of life by creating more locally produced food; increasing affordable clean renewable energy and transportation options; and better managing waste and fresh water resources.

**Ulupono supports HB 2192 HD 1**, which increases the maximum area for each agricultural shade cloth structure, cold frame, and greenhouse that could qualify the structure for an exemption from building permit and building code requirements.

As Hawai'i's local food issues become increasingly complex and challenging, local producers will need additional resources and support to address and overcome them. Ulupono supports efforts to increase local food production here in the state, while also decreasing and eliminating the hurdles that exist for those looking to invest in new opportunities for Hawai'i agricultural production. Section 46-88, Hawai'i Revised Statutes, provides a much-needed incentive for local food production operations to bypass a lengthy and costly permitting process.

We believe that opening the door to new investments in agricultural infrastructure will directly support more local food production and an economically robust homegrown agriculture industry, which strengthens our community with fresh, healthy food.

Thank you for this opportunity to testify.

Respectfully,

Amy Hennessey, APR  
Senior Vice President, Communications & External Affairs

*Investing in a Sustainable Hawai'i*

**HB-2192-HD-1**

Submitted on: 2/11/2020 5:43:27 PM

Testimony for WLH on 2/12/2020 10:30:00 AM

**LATE**

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
J Ashman	Individual	Support	No

Comments:



**HB-2192-HD-1**

Submitted on: 2/11/2020 9:48:07 PM

Testimony for WLH on 2/12/2020 10:30:00 AM

**LATE**

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ronald Weidenbach	Hawaii Aquaculture & Aquaponics Association	Support	No

Comments:

The design and constuction of shade houses, hoop houses, and greenhouses is well established across the state and nation. The requested increase in size is consistent with the goal of increasing local food production and food security