

**OFFICE OF PLANNING
STATE OF HAWAII**

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Statement of
MARY ALICE EVANS
Director, Office of Planning
before the
**SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT
AND
SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND
MILITARY AFFAIRS**

Wednesday, February 10, 2021

1:45 PM

Via Videoconference

in consideration of
SB 489
RELATING TO AGRICULTURAL BUILDINGS.

Chairs Gabbard and Nishihara, Vice Chairs Nishihara and English, and Members of the Senate Committees on Agriculture and Environment, and Public Safety, Intergovernmental, and Military Affairs:

The Office of Planning **supports** SB 489 which would amend Hawaii Revised Statutes (HRS) § 46-88 (a) to increase the maximum area for each agricultural shade cloth structure, cold frame, and greenhouse exemptions from building permit and building code requirements from 20,000 to 60,000 square feet in size.

This measure is needed to promote the expansion and continued growth of various agricultural uses and activities on agricultural lots.

Thank you for the opportunity to testify.



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Testimony Presented Before the
Senate Committee on Agriculture and Environment
And
Senate Committee on Public Safety, Intergovernmental, and Military Affairs
Wednesday, February 10, 2021 at 1:45 p.m.
By
Nicholas Comerford, Dean
College of Tropical Agriculture and Human Resources
University of Hawai'i at Mānoa

SB 489 – RELATING TO AGRICULTURAL BUILDINGS

Chairs Gabbard and Nishihara, Vice Chair English, and members of the Senate Committee on Agriculture and Environment and Senate Committee on Public Safety, Intergovernmental, and Military Affairs:

Thank you for the opportunity to provide testimony in strong support of SB 489. Our testimony relates to Section 1 (a) (3), (4) and (7) that apply to controlled environment agricultural (CEA) structures and other farm structures. This is similar testimony to that provided for HB 96.

CEAs need to be an important component of agriculture in Hawai'i's future. The advantages of CEAs include:

- protection from insects and, hence, plant disease vectors;
- protection from invasive plants as pests;
- more efficient use of water resources (particularly where hydroponics is used within the structures);
- more efficient use, and hence less use, of pesticides required to control insect and plant pests;
- higher production per square foot of ground;
- higher quality of product allowing a better price and more income for the operator; and,
- easier and more efficient manner of meeting food safety requirements.

As an example of the advantage of a shade house CEA based on research from the College of Tropical Agriculture and Human Resources, a CEA resulted in:

- a 50% reduction in insecticide use, and
- up to a 7-fold increase in marketable yields of cucumber, kale and zucchini.

This bill expands the opportunity and ease of increasing the CEA structures in Hawai'i. Given the known advantage of such structures, this bill has the potential to have a significantly large effect on Hawai'i agriculture.

Aquaculture/hydroponics can also be seen as a CEA structure. Approximately 63% of our seafood is imported (<https://hdoa.hawaii.gov/ai/aquaculture-and-livestock-support-services-branch/aquaculture-in-hawaii/>). Aquaculture/aquaponics can be a growth industry in Hawai'i. This bill provides for a greater efficiency and ease of increasing the aquaculture/aquaponics industry.

We strongly support the concept of increasing the permissible size of these structures that are exempt from building permits and building code requirements. We understand that this is an important move to improving Hawai'i agriculture. However, we defer to the proper engineering/permitting authorities as to the details of such a bill.

Testimony of
Alec Sou or Aloun Farms
on
S.B. No. 489
Relating to Agricultural Buildings
Committees on

Agriculture and Environment and Public Safety, Intergovernmental and Military Affairs
Tuesday, February 9, 2021, 1:00 p.m.

Thank you for the opportunity to testify in support of S.B. No. 489, which proposes to increase the size of greenhouse structures that are exempt from building permit and building code requirements from 20,000 square feet to 60,000 square feet.

Viable and growing agricultural operations now have to be able to compete on a large scale. A few years ago, Aloun Farms received a proposal from an agricultural operation called Noroo, proposing an agricultural operation involving the building of three greenhouses, each 1 hectare in size (107,639.4 sq. ft.). The main concern when we approached the City was that the buildings were commercially designed and manufactured, and met the electrical code requirements.

We support the intent of S.B. No. 489, and ask that you consider removing the size limit and establish compliance with electrical and perhaps plumbing requirements. The size should be determined by what the operator is willing to invest in the operation.

Thank you for the opportunity to testify on S.B. 489.



Email: communications@ulupono.com

SENATE COMMITTEES ON AGRICULTURE & ENVIRONMENT AND PUBLIC SAFETY,
INTERGOVERNMENTAL, & MILITARY AFFAIRS
Wednesday, February 10, 2021 — 1:45 p.m.

Ulupono Initiative supports SB 489, Relating to Agricultural Buildings.

Dear Chair Gabbard, Chair Nishihara, and Members of the Committees:

My name is Micah Munekata, and I am the Director of Government Affairs at Ulupono Initiative. We are a Hawai'i-focused impact investment firm that strives to improve quality of life throughout the islands by helping our communities become more resilient and self-sufficient through locally produced food; renewable energy and clean transportation; and better management of freshwater and waste.

Ulupono supports SB 489, which increases the maximum area of agricultural shade cloth structures, cold frames, and greenhouses that qualify 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, allows local food production operations to bypass an unnecessarily 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,

Micah Munekata
Director of Government Affairs

Investing in a Sustainable Hawai'i

SB-489

Submitted on: 2/8/2021 11:09:04 PM

Testimony for AEN on 2/10/2021 1:45:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
John Seward	Testifying for Hawaii Farming LLC	Support	No

Comments:

Dear Senators of the Senate Agriculture & Environment Committee and Senate Public Safety, Intergovernmental & Military Affairs Committee

We respectfully submit this testimony in support of SB489.

I am a co-owner/managing member of Hawaii Farming LLC, a large scale commercial greenhouse farming operation on the Big Island growing local food safety certified vegetables which are distributed to consumers across the State of Hawaii. We have 60 employees based on 50 acres in the agriculture dedicated zone of Lalamilo in Waimea, and our products include several varieties of cucumbers (the Keiki Cukes and Kamuela Cucumbers brands) and tomatoes.

Hawaii Farming LLC fully supports SB489 for the following reasons:

- this bill is an important step to support sustainable local food safety certified agriculture production in Hawaii by strengthening the ability of farmers to successfully deploy modern farming technology in greenhouses on a larger scale.

- a Hawaii building code/building permit exemption already exists for agricultural shade cloth, cold frame and greenhouse structures. The bill simply increases the maximum area from 20,000SF to 60,000SF for each such agricultural structure that could qualify for this existing exemption. The bill is limited only to agriculture structures for agricultural production, and not for other building types.

- larger square footage commercial greenhouses wrapped in fire resistant polycarbonate panels have become market standard worldwide enabling farmers to best achieve larger scale crop production while conserving natural resources and effectuating best in class pest containment.

- our further expansion and diversification plans in modern greenhouses and associated technologies have been slowed partially due to the current language and processes (including complex 'exemption' processes requiring various approvals under a declaration of compliance form) relating to greenhouses in the State and County legislation/codes. SB489 under State legislation would be an efficient and effective step

to benefit local farmers to progress the above goals. It is an important factor allowing us to expedite additional local farming investment which maximizes the use of our limited ag land while complying with important safety principles.

- this bill will further foster sustainable increased local food production aligned with the Hawaii goal of food self-sufficiency. Equally important is the progress this bill will enable in strengthening consumer protection and trust across Hawaii with a greater supply of local fresh vegetables grown in modern sealed greenhouses with best in class containment mechanisms to protect against pests and diseases. This bill will also benefit the local community with additional high-tech farming jobs.

Thank you for your consideration of SB489 - we are grateful for the opportunity to provide this testimony.

Respectfully

John Seward

Co-Owner/Managing Member

HAWAII FARMING LLC

Phone: [\(808\) 260-0789](tel:8082600789)

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[66-1247 Lalamilo Farm Rd.](#)
[Kamuela, HI 96743](#)



SB-489

Submitted on: 2/9/2021 4:16:16 AM

Testimony for AEN on 2/10/2021 1:45:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
vincent george batha	Testifying for big island produce asset holdings llc	Support	No

Comments:

I am in strong support of HB96, 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 outdated information on the flammability of poly vs polycarbonate. Modern polycarbonate used on greenhouses is less flammable and 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 96 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

66-1475 Puu Huluhulu rd

Kamuela, Hi 96743



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February 10, 2021

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

TESTIMONY ON SB 489
RELATING TO AGRICULTURAL BUILDINGS
Via Videoconference
1:45 PM

Aloha Chairs Gabbard and Nishihara, Vice Chair English, and Members of the Committees:

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.

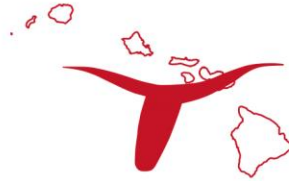
The Hawaii Farm Bureau supports SB 489, that would allow certain larger agricultural shade cloth structures, cold frames, or greenhouses to qualify for an exemption from building permit and building code requirements.

The agricultural building permit exemption statute was developed over years of intense discussion between legislators and stakeholder groups including diversified crop farmers, ranchers, aquaculturists, firefighters, county planning departments, and many others. The purpose of this effort was to help Hawaii's agricultural producers become more efficient and grow, in order to further the State's goal of doubling food production and becoming more self-sufficient.

The foremost consideration when considering exemptions is to ensure the safety of building occupants, neighbors, and the general public. Importantly, the proposed amendment is strictly limited to only certain low-risk agricultural structures. Allowing these larger structures is appropriate and necessary, as modern agriculture evolves towards using bigger and more cost-effective protective structures to shelter crops from pest infestation, from extreme temperatures, excessive rains, or long droughts, and hungry feral animals.

Although the entire chapter is not copied within the bill, please note that these larger structures must still comply with all applicable state and county zoning codes. In addition, no electrical power or plumbing systems can be connected to the structure without first obtaining the appropriate county permits, and any wastewater disposal must comply with State department of health regulations.

Thank you for your continued support for Hawaii farmers and ranchers.



Hawaii Cattlemen's Council, Inc.

COMMITTEE ON AGRICULTURE AND ENVIRONMENT

Senator Mike Gabbard, Chair
Senator Clarence K. Nishihara, Vice Chair

COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS

Senator Clarence K. Nishihara, Chair
Senator J. Kalani English, Vice Chair

SB489

Relating to Agricultural Buildings

Wednesday, February 10, 2021 1:45 pm
Via Video Conference

Chairs Gabbard and Nishihara, Vice Chair English, and Members of the Committees,

The Hawaii Cattlemen's Council **supports SB489**, which would that would allow certain larger agricultural shade cloth structures, cold frames, or greenhouses to qualify for an exemption from building permit and building code requirements.

The agricultural building permit exemption statute helps Hawaii's agricultural producers become more efficient and grow, in order to further the State's goal of doubling food production and becoming more self-sufficient. The foremost consideration when considering exemptions is to ensure the safety of building occupants, neighbors, and the general public. Importantly, the proposed amendment is strictly limited to only certain low-risk agricultural structures. Allowing these larger structures is appropriate and necessary, as modern agriculture evolves towards using bigger and more cost-effective protective structures to shelter crops from pest infestation, from extreme temperatures, excessive rains, or long droughts, and hungry feral animals.

Nicole Galase
Hawaii Cattlemen's Council
Managing Director



SB-489

Submitted on: 2/7/2021 1:22:15 PM

Testimony for AEN on 2/10/2021 1:45:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Dr. Kioni Dudley	Individual	Support	No

Comments:

I see this bill as moving in the right direction if we are to become food self-sufficient. Please vote for it.

SB-489

Submitted on: 2/8/2021 9:42:38 AM

Testimony for AEN on 2/10/2021 1:45:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Stephanie Mock	Individual	Support	No

Comments:

I support SB489. With changing weather & climate conditions, the use of shade cloths, greenhouses, high wind tunnel systems ("cold frames") are paramount to protecting crops from extreme temperatures, increased pest pressure, and controlling wind damage. By supporting this bill, you are supporting farmers to be able to better adapt to changing climactic conditions that can potentially hurt crop cultivation and be able to create favorable conditions on their farm so that they can continue to grow local food.