



BUILDING DIVISION • DEPARTMENT OF PUBLIC WORKS

101 Pauahi Street, Suite 7, Hilo, Hawai'i 96720

(808) 961-8331, Fax (808) 961-8410

74-5044 Ane Keohokalole Highway, Building E, Kailua-Kona, Hawaii 96740

(808) 327-3520, Fax (808) 327-3509

DECLARATION OF COMPLIANCE ACT 203

HRS SECTION 46-88 (AS AMENDED, 2013) RELATING TO AGRICULTURE STRUCTURES

PROJECT/PROPERTY DESCRIPTION

Project Name: _____

Address: _____

Tax Map Key: _____

Property Area (Acres): _____

State Land Use Designation: _____ Department of Planning (808) 961-8288
(Confirmed by the Planning Department) * **REQUIRED FOR EXEMPTION TO BE APPLICABLE***

STRUCTURE INFORMATION

Description of Structure: _____

Dimensions of Structure: Length (ft.) _____ Width (ft.) _____

Floor Area of Structure (sq. ft.): _____

Aggregate Floor Area of Exempted Structures (sq. ft.): _____

Distance to Nearest Structure (ft.): _____

Structure Construction Type (wood, steel, etc.): _____

Exemption No.: _____ If Exemption 7 or 12, structural span (ft.): _____
(See Exemption List of Following Sheets)

Structure is: (Circle One) Proposed Existing: Date of Completion or Use: _____

Fire Improvements to be installed: YES NO (If yes, please attach a copy of approval from fire or please provide the number of the fire approval or report: Fire Approval or Report No. _____)

Grading to be done: YES NO (If yes, please attach a copy of the grading permit or please provide the number of the grading permit: Grading Permit No. _____)

Work in the County/State rights of way: YES NO (If yes, please attach a copy of the construction rights of way permit or please provide the number of the electrical permit: _____)

Wastewater improvements to be installed: YES NO (If yes, please attach a copy of the approval for the wastewater system or please provide the number of the electrical permit:

Department of Health reviewed: YES NO (If yes, please attach a copy of the Department of Health’s decision, comments and/or opinions of this application)

If no, please state the reason(s) that this application was not reviewed by the Department of Health below:

Electrical Improvements to be Installed: _____

Plumbing Improvements to be Installed: _____

Provide minimum 8-1/2"x11" exhibit showing approximate location of structure, property lines, other structures, setbacks to other structures, dimensions of structure, and other pertinent information. Attach additional sheets, if necessary.

Comments (for department use only):

Attach evidence of compliance with zoning & planning approval SMA (if any), Flood Hazard mitigation, electrical, plumbing, grading, driveway, work in County/State right of ways, fire, wastewater, and Department of Health requirements.

Provide copies of document(s) verifying agricultural activity, such as, general excise license, real property agriculture dedication, and/or farm dwelling agreement.

OWNERS CERTIFICATION / DECLARATION

- I declare this project to be exempt from applicable building permit/code requirements under the provisions of Act 203, HRS 47-88 (as amended). I have read, fully understand, and certify that the project is in compliance with Act 203.
- I understand that this exemption only applies to certain building permit/code requirements. I have obtained all other required permits and approvals and shall comply with applicable codes and laws associated with this development, which may include, and may not be limited to, Special Management Areas, Flood Hazards, electrical, plumbing, grading, driveway, Fire Department access and regulations, work within the County/State right of ways, County/State wastewater or other State of Hawaii Department of Health requirements.
- I understand that the issuance of a declaration number by the County should not be taken to mean that compliance with Act 203 has been confirmed, and it is my sole responsibility to confirm compliance. The State or County shall not be liable for any claims arising from construction of buildings, structures, or appurtenances thereto exempt from the building code and permitting process as described by Act 203.

Property Owner: _____

Signature: _____ Printed Name: _____

Address: _____

Phone No.: _____ Email: _____

HOW TO FILE A DECLARATION OF COMPLIANCE WITH ACT 203 RELATED TO AGRICULTURAL BUILDING PERMITS

- **SUBMIT THE FOLLOWING**
 - 1 – completed *DECLARATION OF COMPLIANCE WITH ACT 203* form
 - 1 – 8 ½” x 11” (*min size*) exhibit showing approximate location of the structure, property lines, other structures, setbacks to property lines and other structures, dimension of the structure, and any other pertinent information. Attach extra sheets as necessary.

(SUBMIT HARD COPIES ONLY; NO EMAIL OR FAX SUBMITTALS)
- **SUBMIT DECLARATION TO:**

County of Hawaii Department of Public Works
Building Division
101 Aupuni Street, Suite No. 7
Hilo, Hawaii 96720
Tel: (808) 961-8331

74-5044 Ane Keohokalole Highway
Building E
Kailua-Kona, Hawaii 96740
Tel: (808) 327-3520
- **PLUMBING AND ELECTRICAL PERMITS:**
 - Act 203 does NOT provide exemptions from Plumbing and Electrical Permits. In Order to apply for a Plumbing or Electrical Permit for an exempted structure, an applicant must first submit the Act 203 Form and have it accepted by the Building Division. An exemption declaration number will be issued upon acceptance. This declaration number must be referenced on any Plumbing or Electrical Permit application.
 - Contact the Plumbing and Electrical Sections of the Building Division directly for detailed permit information.
- **PLANNING, ENGINEERING, FIRE, AND WASTEWATER REVIEW**
 - Compliance and approval with other agency codes and rules must be obtained prior to application for an exemption.

PLANNING DEPARTMENT

East Hawai'i: Aupuni Center, 101 Pauahi Street, Suite 3, Hilo, HI 96720
(808) 961-8288 | Fax: (808) 961-8742

West Hawai'i: 74-5044 Ane Keohokalole Highway, Bldg E, Kailua-Kona, 96740
(808) 323-4770 | Fax: (808) 327-3563

ENGINEERING DIVISION (PUBLIC WORKS)

East Hawai'i: Aupuni Center, 101 Pauahi Street, Suite 7, Hilo, HI 96720
PHONE NUMBER: (808) 961-8327 |
FAX NUMBER: (808) 961-8933

West Hawai'i: 74-5044 Ane Keohokalole Highway, Bldg D, Kailua-Kona, HI 96740
PHONE NUMBER: (808) 323-4850 | FAX NUMBER: (808) 327-3533

HAWAI'I FIRE DEPARTMENT

East Hawai'i: 25 Aupuni Street, Suite 2501, Hilo, HI 96720
PHONE NUMBER: (808) 932-2912 | Fax: (808) 932-2927

West Hawai'i: 74-5044 Ane Keohokalole Highway, Bldg. E, Kailua-Kona, HI 96740
PHONE NUMBER: (808) 323-4760 | Fax: (808) 323-4768

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT - WASTEWATER DIVISION

East Hawai'i: 345 Kekūanāo'a St., Suite 41, Hilo, HI 96720
PHONE NUMBER: (808) 961-8338 | Fax: (808) (808) 961-8644

West Hawai'i: 74-5044 Ane Keohokalole Highway, Bldg D, Kailua-Kona, HI 96740
PHONE NUMBER: (808) 323-4411

AGRICULTURE BUILDING AND STRUCTURE EXEMPTION LIST (ACT 203):

STRUCTURES 1,000 SQUARE FEET AND UNDER (The following agricultural buildings, structures, and appurtenances thereto that are not used as dwellings or lodging units are exempt from building permit and building code requirements, provided that they comply with all applicable state and county zoning codes.)

1. Non-residential manufacture pre-engineered commercial buildings and structures. **(An exemption under this item number cannot be claimed unless the property owner provides written verification that the manufactured pre-engineered commercial building or structure has been pre-approve by the County of Hawaii.)**
2. Single stand-alone recycled ocean or cargo containers that is used as non-residential commercial buildings and are properly anchored.
3. Notwithstanding the 1,000 square foot floor area restriction, agricultural shade cloth structures, cold frames, or greenhouses not exceeding 20,000 square feet in area per structure; provided that where multiple structures are erected, the minimum horizontal separation between each shade cloth structure, code frame, or greenhouse is fifteen feet.
4. Aquaculture or aquaponics structures, including above-ground water storage of production tanks, troughs, and raceways with a maximum height of six feet above grad, and in-ground ponds and raceways, and piping systems for aeration, carbon dioxide, or fertilizer or crop protection chemical supplies within agricultural or aquaculture production facilities.
5. Livestock water tanks, water piping and plumbing not connected to a source of potable water or separated by an air gap from such a source.
6. Non-masonry fences not exceeding ten feet in height and masonry fences not exceeding six feet in height.
7. One-story masonry or wood-framed buildings or structures with a structural span of less than twenty-five feet and a total square footage of no more than 1,000 square feet, including farm buildings use as:
 - a. Barns;
 - b. Greenhouses;
 - c. Farm production buildings including aquaculture hatcheries and plant nurseries;
 - d. Storage buildings for farm equipment or plant or animal supplies or feed;
 - e. Storage or processing buildings for crops; provided that the height of any stored items shall not collectively exceed twelve feet in height and the storage of any hazardous materials shall comply with any and all applicable statutes, regulations, and codes.
8. Raised beds containing soil, gravel, cinders, or other growing media or substrates with wood, metal, or masonry walls or supports with a maximum of four feet.

9. Horticultural tables or benches no more than four feet in height supporting potted plants or other crops.
10. Non-residential indigenous Hawaiian hale that do not exceed 500 square feet in size and have no kitchen or bathrooms, and are used for traditional agricultural activities or education.
11. Non-residential manufactured pre-engineered and county pre-approved commercial buildings and structures consisting of a total square footage greater than 1,000 square feet but not more than 8,000 square feet. **(An exemption under this item cannot be claimed unless the property owner provides written verification that the manufactured pre-engineered commercial building or structure has been pre-approved by the County of Hawaii.)**
12. One-story wood framed or masonry buildings or structures with a structural span of less than twenty-five feet and a total square footage greater than 1,000 square feet but no more than 8,000 square feet constructed in accordance with the county, national, or international prescriptive construction standards, including buildings used as:
 - a. Barns;
 - b. Greenhouses;
 - c. Farm production buildings, including aquaculture hatcheries and plant nurseries;
 - d. Storage buildings for farm equipment, plant or animal supplies, or feed;
 - e. Storage or processing buildings for crops; provided that the height of any stored items shall not collectively exceed twelve feet in height.

Division 2. Permits.

Section 5-19. Permit required.

- (a) No person, firm, or corporation shall erect, construct, enlarge, alter, repair, move, convert, or demolish any building or structure in the County, or cause the same to be done, without first obtaining a separate building permit for each building or structure from the building official; provided that one permit may be obtained for a dwelling and its accessories, such as fence, retaining wall, pool, storage and garage structures.
- (b) Permits will be further required for, but not limited to, the following:
 - (1) All Television/Radio Communication Towers, etc., not regulated by the Public Utility Commission.
 - (2) Complete new installations of all solar water heating systems, or the complete replacement of existing system with all new components, or relocating of panels from roof to ground or vice versa, along with plumbing and electrical permits.
 - (3) Construction or renovation of Handicap Accessible routes from parking lot to building or from building to building on a lot.
 - (4) Water tanks or catchments intended for potable/household use, regardless of height or size. For additional requirements where water tank or catchment systems are used as means of fire protection, see Chapter 26 of the Hawai'i County Code.
 - (5) Retaining walls four feet and higher. Stepped or terraced retaining walls 8'-0" of each other are considered to be one wall when determining wall height.

EXCEPTIONS: A permit is not required for:

- (1) Work located primarily in a public way, public utility towers, bridges, and poles, mechanical equipment not specifically regulated in this code, and hydraulic flood control structures.
- (2) Temporary structures used during the construction of a permitted structure, temporary buildings, platforms, and fences used during construction or for props for films, television or live plays and performances.
- (3) Re-roofing work with like material and installation of siding to existing exterior walls which will not affect the structural components of the walls for Groups R-3 and U Occupancies.
- (4) Temporary tents or other coverings used for private family parties or for camping on approved campgrounds.
- (5) Television and radio equipment (i.e. antennas, dishes) accessory to R-1 and R-3 Occupancies. Supports or towers for television and radio equipment 6'-0" or less in height.
- (6) Awnings projecting up to 4 feet and attached to the exterior walls of buildings of Group R-3 or U Occupancy; provided that the awnings do not violate the provisions for "yards" in Chapter 25 (Zoning) of the Hawai'i County Code.
- (7) Standard electroliers not over 35 feet in height above finish grade.

- (8) Installation of wallpaper or wall covering which are exempted under the provisions of Section 801.1, Interior Finishes, Chapter 8, IBC.
- (9) Repairs which involve only the replacement of component parts of existing work with similar materials for the purpose of maintenance, and which do not aggregate over \$4,000 in valuation in any twelve-month period, and do not affect any electrical or mechanical installations.
- (10) Painting and decorating.
- (11) Installation of floor covering.
- (12) Cabinet work for R-3 Occupancy and individual units of R-1 and U Occupancies which are not regulated (under Section 310.3.12 Cooking Unit Clearances of this code). Wall mounted shelving not affecting fire resistance or structural members of wall. This is dealing with clearances to cabinets and range clearance to combustible.
- (13) Work performed under the jurisdiction of Federal Government and/or located in Federal property.
- (14) Swimming pools for one and two-family dwelling units less than 24" in depth
- (15) Department of Transportation, Harbors, - section 266-2, Hawai'i Revised Statutes.
- (16) Fences 6'-0" or less in height.
- (17) Detached structures for animal shelters, storage sheds, towers, and similar uses not more than 6'-0" in height.
- (18) One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed a) 120 square feet (11 m²); b) does not exceed 600 square feet for agricultural zoned lands. (Building cannot be located within building setback as required by the Zoning, Chapter 25 of Hawai'i County Code. Verify setback requirements with the Planning Department).
- (19) Detached decks or platforms less than 30" in height above grade. (Building cannot be located within building setback as required by the Zoning, Chapter 25 of Hawai'i County Code. Verify setback requirements with the Planning Department).
- (20) Playground equipment, excluding assembly or similar waiting areas.
- (21) Replacement of solar water heating components (i.e. panels, tanks) in the same location and of the same type, however; plumbing and/or electrical permits required.
- (22) Wells and Reservoirs – Hawai'i Revised Statutes, chapter 178. Check requirements of other governmental agencies.
- (23) Work performed under the jurisdiction or control of the State Department of Accounting and General Services (DAGS).
- (24) Water tanks or catchment systems 5,000 gallons or less in size with a height to width ratio of not more than 2:1, to be used strictly for non-potable/household purposes such as agriculture, irrigation or stock, and that are independent of the potable/household system.