

Honolulu, Hawaii

Feb 29, 2008

RE: H.B. No. 2450
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 2450 entitled:

"A BILL FOR AN ACT RELATING TO LAND USE,"

begs leave to report as follows:

The purpose of this bill is to protect farming operations from urban encroachment by requiring the reclassification, into the urban or rural district, of any land that is contiguous to the agricultural district, to contain a condition that no nonagricultural development shall be permitted within 300 feet of the property line bordering any parcel in the agricultural district on which farming operations are being conducted.

The Hawaii Agricultural Research Center, Hawaii Crop Improvement Association, Hawaii Farm Bureau Federation, and Hawaii's Thousand Friends supported this bill. The Department of Business, Economic Development, and Tourism supported the intent of this measure. The Department of Planning and Permitting of the City and County of Honolulu, Hawaii Reserves, Inc., and a concerned individual opposed this bill. The Department of Agriculture and a concerned individual submitted comments.

Your Committee notes that a similar measure, House Bill No. 408 HD2, SD1, is currently under consideration by the Senate Committee on Intergovernmental and Military Affairs.



Your Committee further notes that, in certain areas in our state, reclassification of a district adjacent to an agricultural district might reasonably contain an infrastructure development that would not impinge on farming activities. Additionally, your Committee is concerned that a standardized required width of at least 300 feet for a "buffer zone" adjacent to land in agricultural use may not reasonably take into account topographical features of the lands that might, as a practical matter, accomplish the same purpose within a lesser distance. Your Committee also notes that Chapter 165, Hawaii Revised Statutes, also known as the Hawaii Right to Farm Act, already protects owners and operators of farming operations from lawsuits grounded in nuisance relating to such activities.

With prior concurrence from your Committee on Agriculture, your Committee has amended this measure by deleting the distance from the property line within which nonagricultural development may occur. Your Committee has also amended this bill by:

- (1) Changing its effective date to January 1, 2112, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2450, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2450, H.D. 1.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



TOMMY WATERS Chair



