

# Hawaii's Thousand Friends

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January 30, 2008,

Testimony via email

COMMITTEE ON AGRICULTURE

Rep. Clift Tsuji, Chair

Rep. Tom Brower, Vice Chair

COMMITTEE ON WATER, LAND, OCEAN RESOURCES & HAWAIIAN AFFAIRS

Rep. Ken Ito, Chair

Rep. Jon Riki Karamatsu, Vice Chair

HB 2450

RELATING TO LAND USE

Committee Chair and members:

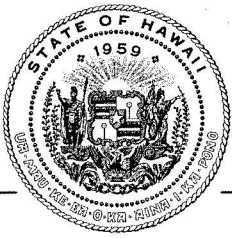
Hawaii's Thousand Friends, a statewide non-profit land use organization, supports prohibiting development within 300 feet of the property line bordering any agricultural parcel used for farming operations with the following amendment.

Putting the 300-foot buffer into statute prevents the counties from adopting larger buffer zones should they wish to do so. We recommend changing the language to read within a minimum of 300 feet from the property line..... Thus, giving the counties greater flexibility.

All too many times buffer zones that have been created to protect both homeowners and farmers have been summarily dismissed, changed or ignored by county elected officials and government agencies. Thus, creating tension and conflict between homeowner and farmer sometimes resulting in lawsuits.

Mandating a **minimum** buffer of 300 feet will help ensure that farmers are protected from nuisance lawsuits from adjacent homeowners and homeowners will not be directly impacted by necessary farming activities.

LATE  
Testimony



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ECONOMIC DEVELOPMENT & TOURISM**

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**LATE**  
Testimony

Statement of  
**MARY LOU KOBAYASHI**  
Planning Program Administrator, Office of Planning  
Department of Business, Economic Development, and Tourism  
before the  
**HOUSE COMMITTEES ON AGRICULTURE  
AND  
HOUSE COMMITTEE ON WATER, LAND, OCEAN RESOURCES  
AND HAWAIIAN AFFAIRS**  
Wednesday, January 30, 2008  
State Capitol, Conference Room 325  
8:30 AM

in consideration of  
**HB 2450**  
**RELATING TO LAND USE.**

Chairs Tsuji and Ito, Vice Chairs Brower and Karamatsu, and Members of the House Committees on Agriculture and Water, Land, Ocean Resources, and Hawaiian Affairs.

HB 2450 amends Chapter 205, Hawaii Revised Statutes (HRS), by adding a new section to require any reclassification of land, contiguous to the State Agricultural District, into the Urban or Rural Districts to contain a condition banning non-agricultural development within 300 feet from the property line of any parcel in the Agricultural District on which farming operations are being conducted.

In effect, this new provision would create a 300 foot set-back, or buffer zone, within the reclassified parcel that could not be used for the permitted uses of the Urban district and the non-agricultural permitted uses in the Rural district. Buffer zones are

occasionally included in reclassifications. Historically these conditions have been intended to protect the health and safety of the residents of the newly reclassified lands, examples include a non-residential buffer for new development next to an old landfill or height and people aggregation restrictions for parcels next to airport runway zones. Other instances include buffer zones with height restrictions to protect a unique view plane from being lost to new development.

The proposed buffer zone would protect new residents from agricultural activities, or the reverse, protect agricultural activities from the complaints of new residents or businesses. Hawaii law already provides remedies which support the State Constitution's protection of agriculture. Chapter 165, HRS, the Hawaii Right-to-Farm Act, limits the circumstances under which new residents or businesses can seek to enjoin existing agricultural activities as a nuisance.

We support the over-all concept of this bill, inasmuch as its intent is supportive of our goal to protect commercial agriculture. However, we believe the State Land Use Commission already has the authority to strengthen the existing protections on a case-by case basis where warranted through the imposition of conditions. Further, farming operations in the State Agricultural District can start or stop without official action, which could result in an uneven imposition of the buffer zone that over time would not necessarily bear a relation to the presence or absence of agricultural activities.

Thank you for the opportunity to testify on the bill.