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RL: 2164

HB 2450  
RELATING TO LAND USE

House Committee on Judiciary  
Public Hearing – February 15, 2008  
2:00 p.m., State Capitol, Conference Room 302

By  
Peter Rappa, Environmental Center

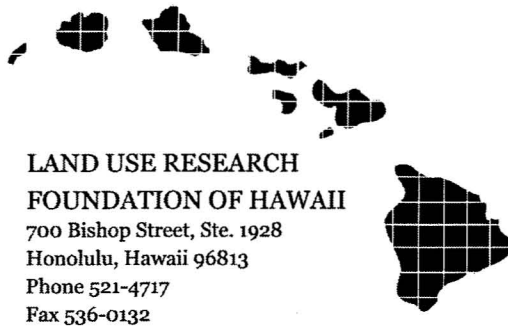
HB 2450 requires any reclassification of land contiguous to the agricultural district to the urban or rural district to contain a condition prohibiting non-agricultural development within 300 feet of the property line bordering any agricultural parcel used for farming operations. We emphasize that our testimony on this measure does not represent an official position of the University of Hawaii.

Protecting land suitable for agriculture from being developed for non-agricultural uses is an important undertaking at both the state and county level. In the long run, we may need to use these lands to grow food for local consumption. One of the ways to protect agriculture lands and those involved in agriculture is to create a buffer zone between lands zoned agriculture and being actively farmed and land set aside for urban uses. Problems like odors, noise and pesticide residue can impact residential areas when urban uses encroach on active farms. These problems can lead to lawsuits which in the long run discourage agricultural uses. Creating buffers between uses can alleviate these problems from impacting adjoining residences.

We suggest that the buffer be stated as a minimum to allow counties to set buffers that are larger than 300 feet in the event the type of agriculture creates impacts that can be felt at a longer distance. Creating a minimum distance gives the counties the flexibility they need to create effective buffers.

Thank you for the opportunity to comment on this bill.

LATE TESTIMONY



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February 15, 2008

The Honorable Tommy Waters, Chair  
The Honorable Blake Oshiro, Vice Chair, and Members  
House Committee on Judiciary  
Hawaii State Capitol, Room 302  
Honolulu, HI 96813

Via E-Mail

**RE: Testimony in Opposition to H.B. No. 2450  
Relating to Agriculture (300 ft prohibition)**

Dear Chair Waters, Vice Chair Oshiro and Judiciary Committee Members,

My name is Dave Arakawa, and I am the Executive Director of the Land Use Research Foundation of Hawaii (LURF), a private, non-profit research and trade association whose members include major Hawaii landowners, developers and a utility company. One of LURF's missions is to advocate for reasonable and rational land use planning, legislation and regulations affecting common problems in Hawaii.

We appreciate the opportunity to provide our testimony **in opposition to H.B. No. 2450**, which would amend Chapter 205, Hawaii Revised Statutes to require any reclassification of land contiguous to the agricultural district to the urban or rural district to contain conditions prohibiting non-agricultural development within 300 feet of the property line bordering any agricultural parcel on which farming operations are being conducted. This bill constitutes a very severe and far-reaching prohibition and "taking" of private property rights, based on allegations of "harassment" and "unwarranted lawsuits."

**"Taking of private property rights."** While LURF supports the intent of protecting the right to farm on agricultural properties, we believe that the provisions of this bill which prohibit lawful activities on the adjacent properties raises major issues of the unconstitutional and unreasonable "taking" of property rights. **The "taking" of 300 feet is equal to the length of a 100-yard football field.**

**Before passing such an extreme law which takes away private property rights, the legislature must examine factual evidence and determine whether the allegations of "harassment" and "unwarranted lawsuits" justifies such a drastic measure.** We are not aware of any hard facts or evidence which has been presented regarding the alleged 'harassment' and "unwarranted lawsuits." Before the Judiciary Committee considers approving such a harsh bill, it