



BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

LAND USE COMMISSION
STATE OF HAWAII
2013 APR 19 P 12:16

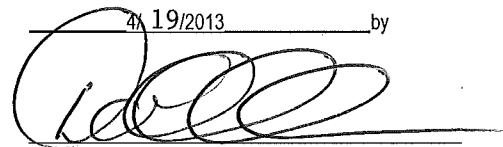
In The Matter Of The Petition Of)	DOCKET NO. DR12-49
)	
KUNIA LOA RIDGE FARMLANDS)	ORDER SETTING PETITION
)	FOR DECLARATORY ORDER
For A Declaratory Order To Designate)	TO DESIGNATE IMPORTANT
Important Agricultural Lands)	AGRICULTURAL LANDS FOR
For Approximately 854.23 Acres Of Land)	HEARING; AND CERTIFICATE OF
At Kunia, O'ahu, Hawai'i, Tax Map Key:)	SERVICE
9-2-04: 13)	
_____)	

ORDER SETTING PETITION FOR DECLARATORY ORDER TO DESIGNATE
IMPORTANT AGRICULTURAL LANDS FOR HEARING

AND

CERTIFICATE OF SERVICE

This is to certify that this is a true and correct
copy of the document on file in the office of the
State Land Use Commission, Honolulu, Hawai'i

_____ 4/19/2013 _____ by

Executive Officer



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ORDER SETTING PETITION FOR DECLARATORY ORDER TO DESIGNATE
IMPORTANT AGRICULTURAL LANDS FOR HEARING

On December 31, 2012, Kunia Loa Ridge Farmlands ("Petitioner") filed a Petition for Declaratory Order to Designate Important Agricultural Lands ("Petition"), pursuant to sections 205-44 and 205-45, Hawai`i Revised Statutes, and chapter 15-15, Hawai`i Administrative Rules ("HAR"), to designate approximately 854.23 acres of land at Kunia, O`ahu, Hawai`i, identified as Tax Map Key: 9-2-04: 13 ("Petition Area"), as Important Agricultural Lands.

On January 2, 2013, the State Land Use Commission ("Commission") transmitted letters to the State Department of Agriculture ("DOA"), the State Office of Planning ("OP"), and the City and County of Honolulu Department of Planning and

Permitting ("DPP") requesting their written comments regarding the suitability of the Petition.

On February 15, 2013, the DPP filed comments on the Petition.

On February 25, 2013, OP filed comments on the Petition.¹

On February 26, 2013, the DOA filed comments on the Petition.

On March 8, 2013, Petitioner filed a written response to the comments of OP, the DOA, the DPP, the CWRM, and the USDA, NRCS.²

On April 5, 2013, the DOA filed additional written comments in reply to Petitioner's response.

On April 5, 2013, the Commission conducted a site visit to the Petition Area and immediately thereafter considered the Petition at its meeting in Honolulu, Hawai'i.³ Raymond S. Iwamoto, Esq., and Debbie Lui-Anderson appeared on behalf of Petitioner. Also present were Dawn Takeuchi-Apuna, Esq., and Tim Hata, staff planner, on behalf of the DPP and Bryan C. Yee, Esq., and Rodney Funakoshi, Planning Program Administrator, on behalf of OP.

¹ OP's submittal included comments from the State Commission on Water Resource Management ("CWRM") and the U.S. Department of Agriculture, Natural Resource Conservation Service ("USDA, NRCS").

² By this letter, Petitioner clarified, corrected, and updated the information in the Petition.

³ By letter dated February 27, 2013, Petitioner's counsel had requested a continuance of the meeting to consider the Petition from March 21, 2013, to April 2013 due to his travel out of the country on that date. The first available Commission meeting date during that month was April 4 and 5, 2013.

At the meeting, Petitioner provided a background of the Petition and a summary of its request.

The DPP stated that it had no objections to the Petition but requested that Petitioner address various concerns that were raised in its written comments on the Petition.

OP stated that it recommended denial of the Petition based on the lack of sufficient quantities of irrigation water to support the acreage proposed for diversified agriculture, the poor soil qualities of the Petition Area, and the lack of sufficient protection to prevent the development of dwellings on the Petition Area, and presented two witnesses, Earl Yamamoto, DOA staff planner, and Rodney Funakoshi, in support of its position.

Following discussion, a motion was made and seconded to deny the Petition. There being a vote tally of 3 ayes, 3 nays, and 3 excused, the motion failed to pass. Thereafter, a second motion was made and seconded to set the matter for hearing. There being a vote tally of 6 ayes and 3 excused, this second motion carried.⁴

ORDER

This Commission, having duly considered the Petition, the oral and written comments of Petitioner, the DPP, OP (including those of the CWRM and the USDA, NRCS), and the DOA, and a motion having been made at a meeting conducted

⁴ At this time, the Commission also approved the designation of both OP and the DPP as parties in the hearing on the Petition.

on April 5, 2013, in Honolulu, Hawai`i, and the motion having received the affirmative votes required by section 15-15-13, HAR, and there being good cause for the motion, hereby ORDERS as follows:

A hearing shall be set on the Petition, pursuant to section 15-15-103, HAR, and that both OP and the DPP shall appear as parties in the proceeding, in addition to Petitioner.

ADOPTION OF ORDER

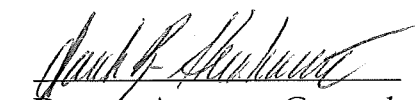
This ORDER shall take effect upon the date this ORDER is certified by this Commission.

Done at Honolulu, Hawai'i, this 19th day of April, 2013, per motion on April 5, 2013.

LAND USE COMMISSION

APPROVED AS TO FORM

STATE OF HAWAII


Deputy Attorney General

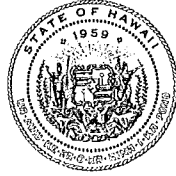
By 
KYLE CHOCK
Chairperson and Commissioner

Filed and effective on:

4/19/13

Certified by:


DANIEL ORODENKER
Executive Officer



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In The Matter Of The Petition Of) DOCKET NO. DR12-49
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_____)

CERTIFICATE OF SERVICE

I hereby certify that a copy of the ORDER SETTING PETITION FOR DECLARATORY ORDER TO DESIGNATE IMPORTANT AGRICULTURAL LANDS FOR HEARING was served upon the following by either hand delivery or depositing the same in the U.S. Postal Service by regular or certified mail as noted:

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Honolulu, Hawai'i, April 19, 2013


DANIEL ORODENKER

Executive Officer