



LAND USE COMMISSION
STATE OF HAWAII

2019 JAN 31 A 7:45

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In The Matter Of The Petition Of

ROBINSON KUNIA LAND LLC,
a Hawai'i limited liability company

For A Declaratory Order To Designate
Important Agricultural Lands For
Approximately 1,239.20 Acres Of Land At
Kunia, O'ahu, Hawai'i, Tax Map Keys: (1) 9-4-
003: 001 (por.) And 004 And (1) 9-4-004: 002
(por.), 003, 004 (por.), 007, 008, 010, 011, 012,
018, and 019 (por.)

DOCKET NO. DR18-64

FINDINGS OF FACT, CONCLUSIONS
OF LAW, AND DECISION AND
ORDER; AND CERTIFICATE OF
SERVICE

FINDINGS OF FACT, CONCLUSIONS OF LAW,
AND DECISION AND ORDER

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

1/31/19

by

Executive Officer



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ROBINSON KUNIA LAND LLC, a Hawai'i limited liability company

("Petitioner"), filed a Petition For Declaratory Order To Designate Important
Agricultural Lands ("Petition") on November 28, 2018, pursuant to §§205-44 and -45 of
the Hawai'i Revised Statutes ("HRS") and §§15-15-98, -99, -120 and -121 of the Hawai'i
Administrative Rules ("HAR"), to designate as Important Agricultural Lands ("IAL")
approximately 1,239.20 acres of land situated at Kunia, O'ahu, Hawai'i, consisting of
Tax Map Keys ("TMKs"): (1) 9-4-003: 001 (por.) and 004 and (1) 9-4-004: 002 (por.), 003,

004 (por.), 007, 008, 010, 011, 012, 018, and 019 (por.) ("Petition Area").

The Land Use Commission of the State of Hawai'i ("Commission"), having heard and examined the testimony, evidence, and argument of counsel presented during the hearing, along with the pleadings filed herein, hereby makes the following findings of fact, conclusions of law, and decision and order.

FINDINGS OF FACT

PROCEDURAL MATTERS

1. On November 28, 2018, Petitioner filed the Petition, Verification, and Exhibits "A" through "E," and Certificate of Service with the Commission, and submitted the \$1,000 application fee and electronic copy of the Petition, Verification, and Exhibits to the Commission.
2. On November 28, 2018, Petitioner mailed requests for comments on the Petition to the State of Hawai'i Office of Planning ("OP"), the State of Hawai'i Department of Agriculture ("DOA"), and to the City and County of Honolulu Department of Planning and Permitting ("DPP").
3. On December 24, 2018, the DOA filed its comments in support of the Petition.
4. On December 26, 2018, OP filed its comments in support of the Petition.
5. On December 31, 2018, the Commission mailed its Notice of Land

Use Commission Site Visit to the parties and to all persons on the Commission's statewide and O'ahu mailing lists.

6. On January 8, 2019, the DPP filed its comments, recommending that the Commission withhold its decision until the Honolulu City Council transmits its recommendations on proposed IAL designations to the Commission.

7. On January 9, 2019, the Commission conducted a site visit to view the Petition Area.

8. On January 16, 2019, Petitioner filed a response to the written comments of OP, the DOA, and the DPP.

9. On January 24, 2019, the Commission held a meeting on the Petition in Honolulu, Hawai'i.

10. Stephen K. C. Mau, Esq., appeared on behalf of Petitioner.

11. Eugene Takahashi and Dina Wong appeared on behalf of the DPP.

12. Dawn T. Apuna, Esq., Rodney Funakoshi, and Lorene Maki appeared on behalf of OP.

13. Earl Yamamoto appeared on behalf of the DOA.

14. At the meeting, the Commission admitted into evidence Petitioner's Petition, including Exhibits "A" through "E," the written comments on the Petition from OP, the DOA, and the DPP; the written response of Petitioner to the written comments from OP, the DOA, and the DPP, and the hardcopy of Petitioner's

PowerPoint slide presentation.¹

15. As part of its case-in-chief, Petitioner called Tom Fee of Helber, Hastert and Fee and Kehau Wall of Robinson Kunia Land LLC as witnesses. Mr. Fee was qualified as an expert in land planning.

16. OP called Rodney Funakoshi as a witness.

17. Earl Yamamoto testified on behalf of the DOA.

18. Eugene Takahashi and Dina Wong provided comments and responded to questions on behalf of the DPP.

19. OP supported the designation of the Petition Area as IAL.

20. DOA supported the designation of the Petition Area as IAL.

21. The DPP requested the deferral of decision-making on the Petition.

22. Following the receipt of testimony and Petitioner's case-in-chief, and upon due deliberation, Commissioner Aczon made a motion to approve the Petition in its entirety subject to two conditions, which motion was seconded by Commissioner Mahi. There being a vote tally of seven ayes and one excused, the motion carried.²

¹ At the start of the meeting, Commissioner Okuda disclosed that he and Kehau Wall, Petitioner's representative in this docket, had been co-counsel representing a party in a matter unrelated to anything pending before the Commission, but that this relationship would not affect his ability to render a decision in this case. Commissioner Okuda further disclosed that he knew about Tom Fee, Petitioner's planning consultant in this docket, through his late father, but that he has not personally socialized with Mr. Fee. There were no objections to Commissioner Okuda's continued participation in the docket.

² There are currently eight sitting members on the Commission. The Kaua'i seat is vacant.

DESCRIPTION OF THE PETITION AREA

23. Petitioner is the fee simple owner of 14 contiguous parcels of land located in Kunia, O`ahu, Hawai`i, identified by TMKs: (1) 9-2-001: 002, (1) 9-4-002: 052, (1) 9-4-003: 001 and 004, (1) 9-4-004: 002, 003, 004, 007, 008, 010, 011, 012, 018, and 019, and three parcels of land in Mililani, O`ahu, identified by TMKs: (1) 9-4-003: 003 and (1) 9-4-110: 057 and 058, consisting of approximately 2,440.35 acres (collectively "Petitioner's Land").

24. The table below shows the approximate area of each parcel of Petitioner's Land, the area of each parcel designated IAL as part of the Petition Area, and the area of each parcel that is not proposed to be designated IAL at this time:

TMK Parcel No.	Total Acres (Petitioner's Land)	IAL Acres (Petition Area)	Non-IAL Acres ("Remainder Land")
9-2-001: 002	1.27	0	1.27
9-4-002: 052*	161.02	0	161.02
9-4-003: 001	881.68	448.12	433.56
9-4-003: 003	39.59	0	39.59
9-4-003: 004	7.98	7.98	0
9-4-004: 002	14.83	6.49	8.34
9-4-004: 003	4.00	4.00	0
9-4-004: 004	564.68	54.66	510.02
9-4-004: 007	14.45	14.45	0
9-4-004: 008	1.15	1.15	0
9-4-004: 010	106.00	106.00	0
9-4-004: 011	46.00	46.00	0
9-4-004: 012	535.00	535.00	0
9-4-004: 018	2.22	2.22	0
9-4-004: 019	60.02	13.13	46.89
9-4-110: 057	0.42	0	0.42

TMK Parcel No.	Total Acres (Petitioner's Land)	IAL Acres (Petition Area)	Non-IAL Acres ("Remainder Land")
9-4-110: 058	0.04	0	0.04
Total	2,440.35	1,239.20	1,201.15
Percentage of Total	100%	50.8%	49.2%

* TMK: 9-4-002:052 is in the State Land Use Urban District. The remaining land is in the State Land Use Agricultural District.

25. The Petition Area, owned by Petitioner, consists of approximately 1,239.20 acres, which is approximately 50.8 percent of Petitioner's Land.

26. All of the Petition Area is currently in agricultural use or uses accessory or supportive of agriculture.

27. Approximately 686.11 acres, or 55.4 percent of the Petition Area, is in active crop production. Crops planted on the Petition Area include but are not limited to bananas, corn, tomatoes, bell peppers, won bok, and watermelon. Approximately 209.84 acres (16.9 percent) of the Petition Area are utilized for pasture use with approximately 50 head of cattle.

28. The balance of the Petition Area (approximately 343.25 acres, or 27.7 percent) consists of agricultural support (such as portions of the Waiāhole Ditch, water reservoir, vegetable processing, and equipment storage), soil conservation measures, and gulch land. All of this area is important and used in relation to the agricultural uses on the Petition Area.

29. The Petition Area has historically been in sugarcane or pineapple cultivation. In 1897, the O'ahu Sugar Company ("OSCO") established the sugar

plantation on the dry, southwestern side of O`ahu. The Waiāhole Ditch System was constructed to transport surface water from the windward side of the Ko`olau Range, and a portion of the Waiāhole Ditch extends through the central portion of the Petition Area. Prior to 1967, the area of the Petition Area north of the Waiāhole Ditch was cultivated in pineapple by Libby, McNeill & Libby. After 1967, the Petition Area was used for sugarcane cultivation. Waikele Farms has been utilizing the Petition Area for fruit and vegetable production since OSCO ceased operations in 1995.

30. There are no traditional cultural properties on Petitioner's Land. The historic Waiāhole Ditch (SIHP 50-80-09-2268) crosses a portion of the Petition Area, but remains in active use, and should not be impacted by the IAL designation. No archaeological sites or ongoing cultural practices were identified on or near the Petition Area.

31. The Remainder Land is also in agricultural uses or uses accessory or supportive of agriculture. Petitioner has a long-term commitment to agriculture for its existing agriculturally designated lands.

DESCRIPTION OF REQUEST

32. Petitioner asks that the Commission designate the Petition Area as IAL pursuant to HRS §§205-44 and -45 and HAR §§15-15-98, -99, -120, and -121.

33. Petitioner is not seeking a reclassification of land pursuant to HRS §205-45(b) in conjunction with its Petition.

34. Petitioner represents that it is voluntarily waiving any and all right to assert, claim, or exercise any credits pursuant to HRS §205-45(h), effective as of the date of its Petition, that may be earned by Petitioner. Petitioner has represented that this waiver is limited to the use of credits for the sole purpose of reclassifying other lands that are not the subject of the Petition pursuant to HRS §205-45(h), effective as of the date of its Petition. The waiver shall not apply to any other right, credit, incentive, entitlement, or privilege that Petitioner may possess now or in the future, whether known or unknown.

CONFORMANCE WITH THE OBJECTIVES FOR THE IDENTIFICATION OF IAL

35. HRS §205-42 sets forth the objectives for identifying IAL, including contribution to the State's economic base and production of agricultural commodities for export or local consumption, and to support a diversity of agricultural activities and opportunities that expand agricultural income and job opportunities.

36. The Petition Area includes uses that constitute "agricultural production" under HRS §205-44. The use of the Petition Area for crops, including but not limited to bananas, corn, tomatoes, bell peppers, won bok, and watermelon, pasture use with approximately 50 head of cattle currently utilizing the pasture lands, agricultural support (such as portions of the Waiāhole Ditch, water reservoir, vegetable processing, and equipment storage), soil conservation measures, and gulch land constitute use for "agricultural production" under HRS §205-44. This use includes use

for “crops” under HRS §§205-2(d)(1) and 205-4.5(a)(1).

CONFORMANCE WITH THE STANDARDS AND CRITERIA FOR THE
IDENTIFICATION OF IAL

37. HRS §205-42 sets forth the objectives for identifying IAL. Lands identified as IAL do not need to meet every criterion listed in HRS §205-44(c). Rather, lands meeting any criterion in HRS §205-44(c) shall be given initial consideration. The IAL designation is to be made “by weighing the standards and criteria with each other” to meet the constitutionally mandated purposes in Article XI, Section 3, of the Constitution of the State of Hawai‘i and the objectives and policies for IAL identified in HRS §§205-42 and -43.

38. Land currently used for agricultural production: HRS §205-44(c)(1) and HAR §15-15-120(c)(1).

The Petition Area is comprised of lands currently in agricultural use or uses accessory to or supportive of agriculture. Approximately 686.11 acres, or 55.4 percent, of the Petition Area is in active crop production with crops planted on the Petition Area including but not limited to bananas, corn, tomatoes, bell peppers, won bok, and watermelon. Approximately 209.84 acres (16.9 percent) of the Petition Area are utilized for pasture use with approximately 50 head of cattle currently utilizing the pasture lands. The balance of the Petition Area (approximately 343.25 acres, or 27.7 percent) consists of agricultural support (such as portions of the Waiāhole Ditch, water reservoir, vegetable processing, and equipment storage), soil conservation measures,

and gulch land. All of this area is important and used in relation to the agricultural uses on the Petition Area.

39. Land with soil qualities and growing conditions that support agricultural production for food, fiber, or fuel- and energy-producing crops: HRS §205-44(c)(2) and HAR §15-15-120(c)(2).

The Detailed Land Classification System and Agricultural Land

Productivity Ratings by the Land Study Bureau ("LSB"), University of Hawai'i, are based on a five-class productivity rating system using the letters A, B, C, D, and E, with A representing the class of highest productivity and E the lowest. Approximately 56.2 percent of the Petition Area is rated A or B; approximately 50.0 percent is rated A, and approximately 6.2 percent is rated B. The remaining approximately 43.8 percent of the Petition Area is rated C, D, E, or Unclassified.

40. The soil productivity ratings on the Petition Area are high, and the area has been and continues to be used for active agriculture.

41. The following table summarizes the LSB productivity rating of the Petition Area:

LSB Productivity Rating	Acres	Percent
A	619.12	50.0%
B	76.85	6.2%
C	35.99	2.9%
D	83.69	6.7%
E	418.72	33.8%
Unclassified	4.83	0.4%
Total	1,239.20	100%

42. Land identified under agricultural productivity rating systems, such as the agricultural lands of importance to the State of

Hawai`i (ALISH) system adopted by the board of agriculture on January 28, 1977: HRS §205-44(c)(3) and HAR §15-15-120(c)(3).

The Agricultural Lands of Importance to the State of Hawai`i ("ALISH") classification system was developed in 1977 by the DOA. The system was primarily, but not exclusively, based on the soil characteristics of lands and existing cultivation. There are three classes of land under the ALISH system: Prime, Unique, and Other. Approximately 63.3 percent of the Petition Area is classified under the ALISH system: 61.7 percent is classified as Prime, 0.3 percent is classified as Unique, and 1.3 percent is classified as Other.

43. The following table summarizes the ALISH classifications for the Petition Area:

ALISH Classification	Acres	Percent
Prime	764.06	61.7%
Unique	4.09	0.3%
Other	15.86	1.3%
Unclassified	455.19	36.7%
Total	1,239.20	100%

44. The balance of the Petition Area is not classified under the ALISH system but includes essential elements for active agricultural operations, such as gulches, streams and drainageways, water system infrastructure, roadways, and areas for soil conservation.

45. Land types associated with traditional native Hawaiian agricultural uses, such as taro cultivation, or unique agricultural

crops and uses, such as coffee, vineyards, aquaculture, and energy production: HRS §205-44(c)(4) and HAR §15-15-120(c)(4).

The Petition Area is not associated with traditional Native Hawaiian agricultural uses or unique agricultural crops and uses. The Petition Area has historically been in sugarcane or pineapple cultivation. Since OSCO ceased in 1995, the Petition Area has been utilized for fruit and vegetable production, including but not limited to bananas, corn, tomatoes, bell peppers, won bok, and watermelon.

46. Land with sufficient quantities of water to support viable agricultural production: HRS §205-44(c)(5) and HAR §15-15-120(c)(5).

The Petition Area has sufficient quantities of water, water-related infrastructure, and other agricultural-related infrastructure to support viable production. Petitioner is permitted to withdraw Waiāhole Ditch water pursuant to Ground Water Use Permit No. 804, issued by the State of Hawai'i Commission on Water Resources Management ("CWRM") on February 22, 2007. The permit allows the withdrawal of 2.39 million gallons per day of water on a 12-month moving average for the land. The Robinson No. 1 well (Well No. 2602-03) is located just north of the Waiāhole Ditch to the east of Poliwai Gulch. The permit, dated June 21, 2007, allows the withdrawal of 100,000 gallons per day of water for agricultural use. The well was completed in April 2011. Waikele Well No. 2 was approved by the CWRM on January 5, 2017, for TMK: 9-4-012: 002, which is adjacent to the Petition Area. A withdrawal of 609,000 gallons per day of water on a 12-month moving average is approved. A water

reservoir is located near the northern portion of the Petition Area (TMK: 9-4-004: 007).

There is another water reservoir adjacent to Kunia Road (TMK: 9-4-004: 004) that is outside of the Petition Area. The Petition Area also has access to R-1 water from the Schofield Barracks wastewater treatment plant. In addition to water from the Waiāhole Ditch system and the wells, the Petition Area receives a mean annual rainfall of approximately 30 to 35 inches annually.

47. Land whose designation as important agricultural lands is consistent with general, development, and community plans of the county: HRS §205-44(c)(6) and HAR §15-15-120(c)(6).

Designation of the Petition Area as IAL is consistent with County plans and classifications.

48. The designation of the Petition Area as IAL is consistent with the objectives and policies of the City General Plan (2002). Under the “Economic Activity” section is an objective and several policies to maintain the viability of agriculture on O`ahu. The designation of the Petition Area as IAL is consistent with this objective and these policies, in that the designation of the Petition Area as IAL will: (1) contribute toward the continuation of agriculture as an important source of income and employment; (2) help to ensure sufficient agricultural land in `Ewa and Central O`ahu to encourage the continuation of agriculture in these areas; and (3) encourage more intensive use of productive agricultural land.

49. As of September 2018, the City was in the process of updating the

General Plan. The designation of the Petition Area as IAL is consistent with the objective and policies in the DPP's Second Public Review Draft of the General Plan as it includes an objective and several policies to ensure the long-term viability and continued productivity of agriculture on O'ahu. The designation of the Petition Area as IAL is consistent with this objective and these policies in that the designation of the Petition Area as IAL will: (1) help to ensure the continuation of agriculture as an important component of O'ahu's economy; (2) encourage active use of high quality agricultural land for agricultural purposes; (3) preserve agricultural land with high productivity potential for agricultural production; (4) contribute toward lessening the urbanization of high-value agricultural land located outside the City's growth boundaries; and (5) encourage investment to improve and expand agricultural infrastructure, such as irrigation systems, agricultural processing centers, and distribution networks.

50. The City's Development Plans and Sustainable Communities Plan are policy documents intended to guide the City's land use approvals, infrastructure improvements, and private sector investment decisions for the enhancement and improvement of life on O'ahu. The island of O'ahu is organized into eight regions. The Petition Area is located within the Central O'ahu Sustainable Communities Plan ("Central O'ahu SCP") region, with the 'Ewa Development Plan ("Ewa DP") region located to the southwest. The designation of the Petition Area as IAL is consistent with

the `Ewa DP and the Central O`ahu SCP.

51. The City is currently in the process of updating the 2002 Central O`ahu SCP. In the Central O`ahu SCP Proposed Revised Plan (2016), the maps continue to designate the area of the Petition Area that is within the Central O`ahu SCP area as "Agricultural Areas" and "Preservation Areas." The designation of the Petition Area as IAL will support both the 2002 Central O`ahu SCP and the 2016 Central O`ahu SCP Proposed Revised Plan's policy of preservation of "prime and unique agricultural lands for use in diversified agriculture..." It will also support the current and proposed plan policies of: (1) retaining natural gulches and drainageways; and (2) protecting greenways and open space.

52. The Petition Area is zoned AG-1 Restricted Agricultural District (AG-1). Revised Ordinances of Honolulu §21-3.50(b) provides that the intent of the AG-1 District is to "conserve and protect important agricultural lands for the performance of agricultural functions by permitting only those uses which perpetuate the retention of these lands in the production of food, feed, forage, fiber crops, and horticultural plants." Current and future uses of the Petition Area are consistent with this intent.

53. In July 2012, the DPP initiated the City's IAL Study ("Study") to identify the City's candidate lands for IAL designation. The Study consists of two phases.

54. The DPP completed Phase I in April 2014 and began Phase II of the

Study after that with public meetings held in November 2017. In Phase II, the DPP produced draft maps of proposed IAL lands on O`ahu based on the City's top three priority criteria: (1) land currently used for agricultural production, (2) land with soil qualities and growing conditions suitable for agricultural production, and (3) land with sufficient quantities of water to support viable agricultural production. Designation of the Petition Area as IAL is consistent with the City's proposed IAL lands.

55. Land that contributes to maintaining a critical land mass important to agricultural operating productivity: HRS §205-44(c)(7) and HAR §15-15-120(c)(7).

Petitioner seeks to designate as IAL approximately 1,239.20 acres of contiguous land, which in and of itself contributes to maintaining a critical land mass important for agricultural productivity.

56. Land with or near support infrastructure conducive to agricultural productivity, such as transportation to markets, water, or power: HRS §205-44(c)(8) and HAR §15-15-120(c)(8).

In addition to the water resources infrastructure, the Petition Area contains agricultural roads between and within fields, and has access to Kunia Road which is capable of supporting farming equipment and direct road transportation to/from the markets. The Petition Area also has fences, gates, berms, and windbreaks to improve agricultural productivity and protect the environment.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the Petition pursuant to HRS

§§91-8, 205-44 and 205-45, and HAR §15-15-98.

2. Pursuant to HRS §205-44(a), the Commission has the authority to designate lands as IAL as long as any of the standards and criteria in HRS §205-44(c) are met.

3. The Petition Area is currently used for agricultural production in accordance with HRS §205-44(c)(1) and HAR §15-15-120(c)(1).

4. The Petition Area has soil qualities and growing conditions that support agricultural production in accordance with HRS §205-44(c)(2) and HAR §15-15-120(c)(2).

5. A majority (61.7 percent) of the Petition Area consists of prime agricultural lands identified under agricultural productivity rating systems, such as the ALISH system, in accordance with HRS §205-44(c)(3) and HAR §15-15-120(c)(3).

6. The Petition Area is not associated with traditional Native Hawaiian agricultural uses or unique agricultural crops and uses, and therefore does not satisfy HRS §205-44(c)(4) and HAR §15-15-120(c)(4).

7. The Petition Area has sufficient quantities of water to support viable agricultural production in accordance with HRS §205-44(c)(5) and HAR §15-15-120(c)(5).

8. Designation of the Petition Area as IAL is consistent with the City's General Plan, the Central O'ahu SCP, and the 'Ewa DP in accordance with HRS §205-

44(c)(6) and HAR §15-15-120(c)(6).

9. The Petition Area contributes to maintaining a critical land mass that is important to agricultural operating productivity in accordance with HRS §205-44(c)(7) and HAR §15-15-120(c)(7).

10. The Petition Area is near support infrastructure conducive to agricultural productivity, such as transportation to markets, water, or power in accordance with HRS §205-44(c)(8) and HAR §15-15-120(c)(8).

11. The designation of the Petition Area as IAL generally meets the purposes of Article XI, Section 3, of the Constitution of the State of Hawai`i by conserving and protecting agricultural lands, promoting diversified agriculture, increasing agricultural self-sufficiency, and assuring the availability of agriculturally suitable lands.

12. The designation of the Petition Area as IAL meets the objectives of HRS §205-42(a)(1) because the Petition Area is capable of producing sustained high agricultural yields when treated and managed according to accepted farming methods and technology.

13. The designation of the Petition Area as IAL meets the objectives of HRS §205-42(a)(2) because the Petition Area contributes to the State's economic base and produces agricultural commodities for export or local consumption.

14. The designation of the Petition Area as IAL meets the objectives of

HRS §205-42(b) by contributing to the maintenance of a strategic agricultural land resource base that can support a diversity of agricultural activities and opportunities that expand agricultural income and job opportunities and increase agricultural self-sufficiency for current and future generations.

15. The designation of the Petition Area as IAL furthers the policies of HRS §205-43(1) by promoting the retention of IAL in blocks of contiguous, intact, and functional land units large enough to allow flexibility in agricultural production and management.

16. The designation of the Petition Area as IAL furthers the policies of HRS §205-43(2) by discouraging the fragmentation of IAL and the conversion of these land to nonagricultural uses.

17. The designation of the Petition Area as IAL furthers the policies of HRS §205-43(8) by promoting the maintenance of essential agricultural infrastructure systems, including irrigation systems.

18. The Petition Area meets the requirements of HRS §§205-44 and -45 for designation as IAL.

19. Any conclusion of law herein improperly designated as a finding of fact should be deemed or construed as a conclusion of law; any finding of fact herein improperly designated as a conclusion of law should be deemed or construed as a finding of fact.

DECISION AND ORDER

This Commission, having duly considered the Petition, the oral and/or written testimony of Petitioner, the DOA, OP, and the DPP, and a motion having been made at a meeting on January 24, 2019, in Honolulu, Hawai'i, and the motion having received the affirmative votes required by HRS §§205-44 and -45 and HAR §§15-15-98 and 99, and there being good cause for the motion,

HEREBY ORDERS that the Petition Area, consisting of approximately 1,239.20 acres of land situated at Kunia, O'ahu, Hawai'i, consisting of TMKs: (1) 9-4-003: 001 (por.) and 004 and (1) 9-4-004: 002 (por.), 003, 004 (por.), 007, 008, 010, 011, 012, 018, and 019 (por.), as shown on Exhibit "A" attached hereto and incorporated by reference herein, shall be and is hereby designated as IAL as governed by HRS chapter 205.

IT IS FURTHER ORDERED that the designation of the Petition Area as IAL shall be subject to the following conditions:

1. Petitioner shall comply with the representations made to the Commission with respect to not claiming any credits described in HRS §205-45(h) with respect to the Petition Area.
2. Within seven days of the issuance of the Commission's Decision and Order, Petitioner shall record it with the Bureau of Conveyances of the State of Hawai'i.

ADOPTION OF ORDER

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


Done at Honolulu, Hawai'i, this 31st day of January, 2019, per motion on January 24, 2019.

LAND USE COMMISSION

APPROVED AS TO FORM

STATE OF HAWAII


Deputy Attorney General

By 
JONATHAN SCHEUER
Chairperson and Commissioner

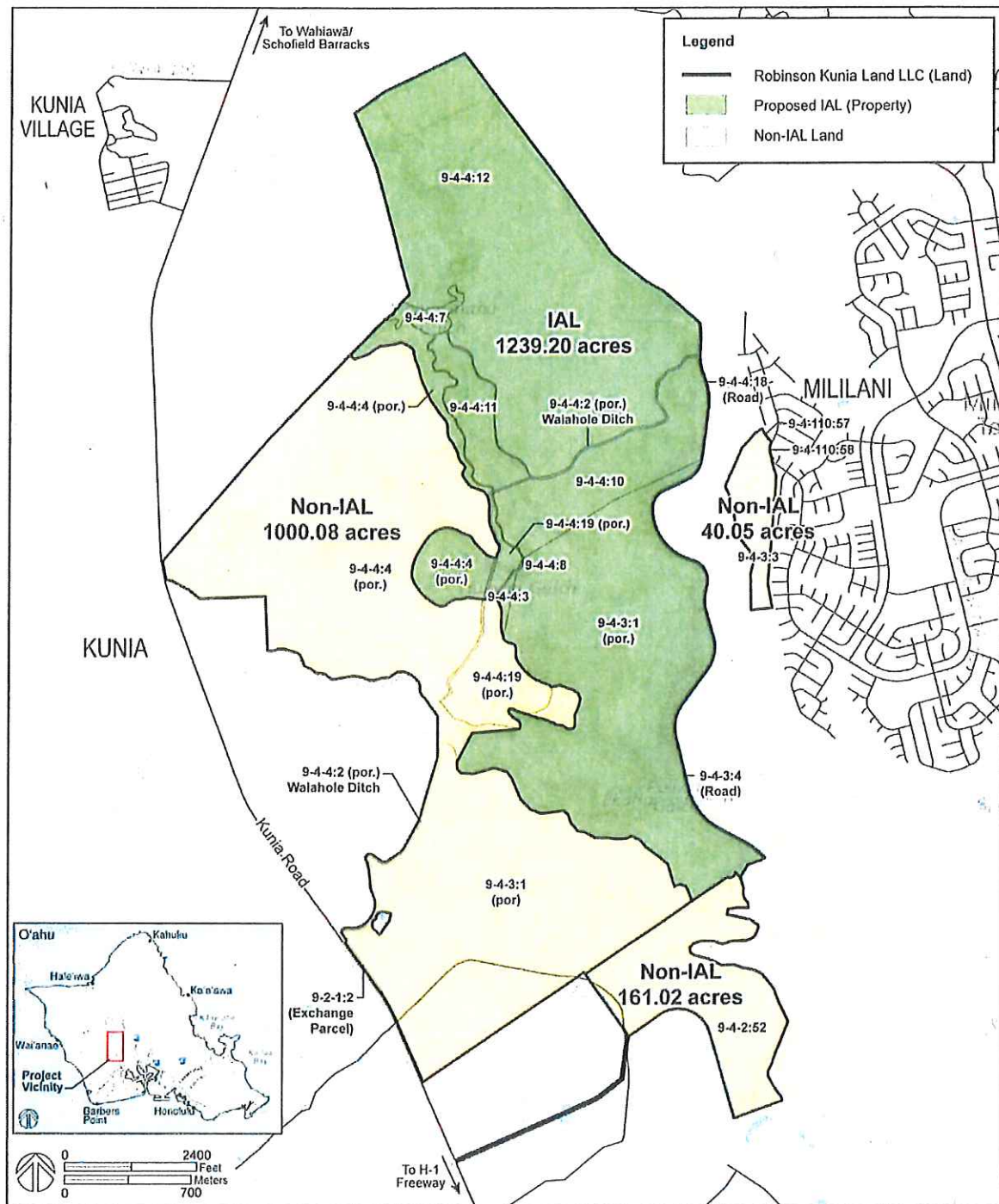
Filed and effective on:

01/31/2019

Certified by:


DANIEL ORODENKER
Executive Officer

Agricultural Land Assessment for Robinson Kunia Land LLC's Proposed Important Agricultural Land



Source: City and County of Honolulu, May 2018

Figure 1: TMK Parcels and IAL Lands
Robinson Kunia Land LLC | Kunia, O'ahu



LAND USE COMMISSION
STATE OF HAWAII

2019 JAN 31 A 7:45

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In The Matter Of The Petition Of

ROBINSON KUNIA LAND LLC,
a Hawai'i limited liability company

For A Declaratory Order To Designate Important
Agricultural Lands For Approximately 1,239.20
Acres Of Land At Kunia, O'ahu, Hawai'i, Tax Map
Keys: (1) 9-4-003: 001 (por.) And 004 And (1) 9-4-004
002 (por.), 003, 004 (por.), 007, 008, 010, 011, 012,
018, and 019 (por.)

DOCKET NO. DR18-64
CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

I hereby certify that a copy of the **FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION AND ORDER** 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:

Regular CITY& COUNTY OF HONOLULU DEPARTMENT OF
PLANNING & PERMITTING
650 South King Street
Honolulu, Hawaii 96813
Attention: Acting Director Kathy Sokugawa

Regular STATE OF HAWAII
DEPARTMENT OF AGRICULTURE
1428 South King Street
Honolulu, Hawaii 96814
Attention: Chairperson Scott E. Enright

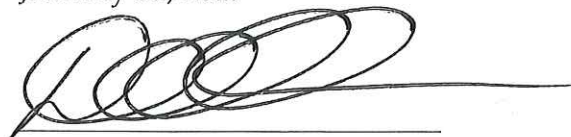
Regular STATE OF HAWAII
OFFICE OF PLANNING
P.O. Box 2359
Honolulu, Hawaii 96804-2359
Attention: Director Leo R. Asuncion, Jr.

Certified Stephen K.C. Mau
Rush Moore LLP
Pacific Guardian Center, Mauka Tower
737 Bishop Street, Suite 2400
Honolulu, HI 96813

Regular Deputy Corporation Counsel
City & County of Honolulu
530 South King Street
Honolulu, Hawaii 96813

Regular Deputy Attorney General- Dawn Takeuchi-Apuna
Hale Auhau
425 Queen Street
Honolulu, Hawaii 96813

DATED: Honolulu, Hawai'i,
January 31, 2019

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

DANIEL RODENKER

Executive Officer