

LAND USE COMMISSION
STATE OF HAWAII

2019 NOV 19 P 3:43

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BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of
POMAIIKA'I PARTNERS, LLC

For Declaratory Order to Designate
Important Agricultural Lands for ap-
proximately 689.69 acres at O'ahu,
Hawaii identified by TMK Nos. (1) 6-4-
001-001 (por.), 6-4-001-005 and 6-4-001-
012

DOCKET NO. DR19-66

**SECOND ERRATA TO PETITIONER'S
AMENDED PETITION FOR
DECLARATORY ORDER TO
DESIGNATE IMPORTANT
AGRICULTURAL LANDS, RECEIVED
NOVEMBER 13, 2019**

EXHIBIT D

CERTIFICATE OF SERVICE

**SECOND ERRATA TO PETITIONER'S AMENDED PETITION
FOR DECLARATORY ORDER TO DESIGNATE
IMPORTANT AGRICULTURAL LANDS**

On November 13, 2019 Petitioner Pomaika'i Partners, LLC ("**Pomaika'i**") filed its Amended Petition for Declaratory Order to Designate Important Agricultural Lands ("**Petition**") with the Land Use Commission of the State of Hawaii. It was brought to our attention that Exhibit D, the November 2019 Agricultural Land Assessment ("**Agricultural Land Assessment**"), contained typographical errors. Pomaika'i hereby submits the corrected Agricultural Land Assessment as Exhibit D to the Petition.

DATED: Honolulu, Hawai'i, November 19, 2019.

CADES SCHUTTE
A Limited Liability Law Partnership



CALVERT G. CHIPCHASE
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POMAIKA'I PARTNERS, LLC

EXHIBIT D

AGRICULTURAL LAND ASSESSMENT

FOR

POMAIKA'I PARTNERS, LLC
PROPOSED IMPORTANT AGRICULTURAL LAND

ISLAND OF O'AHU

November 2019

Prepared for:
Pomaika'i Partners, LLC

Prepared by:
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Agricultural Land Assessment

**Pōmaika'i Partners, LLC
Proposed Important Agricultural Land**

TMK (1) 6-4-001: 001 (por.), 005 and 012

**Pa'ala'a Uka, Haleiwa, Island of O'ahu, HI
Moku of Waialua (District)**

Prepared for:

Pōmaika'i Partners, LLC

Prepared by:



November 2019

**Agricultural Land Assessment for Pōmaika'i Partners, LLC
Proposed Important Agricultural Land**

TABLE OF CONTENTS

1. Introduction/Purpose.....	1
2. Agricultural Use History	4
3. Current and Future Agricultural Operations	5
4. Agricultural Soils Productivity Ratings.....	10
5. Agricultural Lands of Importance to the State of Hawai'i (ALISH)	10
6. Solar Radiation	14
7. Water Resources and Agricultural Infrastructure	16
8. State Land Use District Boundaries	19
9. General Plan for the City and County of Honolulu	21
10. City and County of Honolulu: North Shore Sustainable Communities Plan	21
11. City and County of Honolulu Zoning	22
12. City and County of Honolulu Important Agricultural Lands Study	25
13. References	28

**Agricultural Land Assessment for Pōmaika‘i Partners, LLC
Proposed Important Agricultural Land**

LIST OF FIGURES

Figure 1:	TMK Parcels and Proposed IAL.....	2
Figure 2:	Agricultural Areas	7
Figure 3:	Topography and Streams	8
Figure 4:	Slope Analysis Map	9
Figure 5:	Detailed Land Classification System (LSB).....	12
Figure 6:	Agricultural Lands of Importance to the State of Hawai‘i (ALISH).....	13
Figure 7:	Solar Radiation	15
Figure 8:	Rainfall.....	17
Figure 9:	State Land Use Districts	20
Figure 10:	North Shore Sustainable Communities Plan (2011)	23
Figure 11:	City and County of Honolulu Zoning	24
Figure 12:	Initial City & County of Honolulu Important Agricultural Lands Overlay ...	26
Figure 12:	Current City & County of Honolulu Important Agricultural Lands Overlay	27

LIST OF TABLES

Table 1:	TMKs and Proposed IAL Areas	3
Table 2:	Agricultural Use Areas	5
Table 3:	Slope Analysis	7
Table 4:	LSB Productivity Rating	10
Table 5:	ALISH Rating	11
Table 6:	AWIS Components	18

Agricultural Land Assessment for Pōmaika'i Partners, LLC Proposed Important Agricultural Land

1. Introduction/Purpose

This Agricultural Lands Assessment (Assessment) has been prepared in support of the Petition for Declaratory Order to Designate Important Agricultural Lands (IAL) for land on O'ahu owned by Pōmaika'i Partners, LLC (hereafter referenced as Pōmaika'i). This Assessment provides an overview of the subject lands and their agricultural characteristics that Pōmaika'i proposes to designate as IAL.

Pōmaika'i Land and Proposed IAL Designation

Pōmaika'i owns approximately 1,352.33 acres of land on O'ahu. Specifically, Pōmaika'i's land is located in the North Shore region of O'ahu, approximately one-half mile south of Haleiwa town and 10 miles north of Wahiawa. The land is within the ahupua'a of Pa'ala'a. All 1,352.33 acres are located within the State Agricultural District (Agricultural District).

Throughout this Assessment:

- "Pōmaika'i Partners, LLC" or "Pōmaika'i" refers to the entity that owns the Land
- "Pōmaika'i's Land(s)" or "Land(s)" refers to the total 1,352.33 acres of land that Pōmaika'i owns
- "Property" refers to the 689.69-acre portion of Land that Pōmaika'i proposes to designate as IAL
- "Remainder Land" refers to the portion of Land that Pōmaika'i is not proposing to designate as IAL

Pōmaika'i proposes to designate a majority (approximately 51.00 percent or 689.69 acres) of its Land as IAL.¹ The Land proposed to be designated as IAL is within the Agricultural District. The Remainder Land (approximately 49.00 percent or 662.64 acres) is not proposed to be designated as IAL.

The Land that Pōmaika'i is proposing as IAL, the Property, is consistent with the objective and policies for IAL set forth in HRS Sections 205-42 and -43; and the majority of the standards and criteria for the identification of IAL set forth in HRS Section 205-44 (see Section 12 and Figure 12 of this report for more information).

Figure 1 shows the Tax Map Key (TMK) parcels that constitute the Land and indicates the area of each parcel proposed to be designated IAL with shading.

¹ Consistent with Section 205-49, Hawai'i Revised Statutes, the calculation of the percentage of land that Pōmaika'i is proposing to designate IAL, compared to the percentage it is not proposing to designate IAL, is based on Pōmaika'i's total Land in the Agricultural District. Pōmaika'i has no land in the Urban District or Rural District.

Agricultural Land Assessment for Pōmaika'i Partners, LLC Proposed Important Agricultural Land

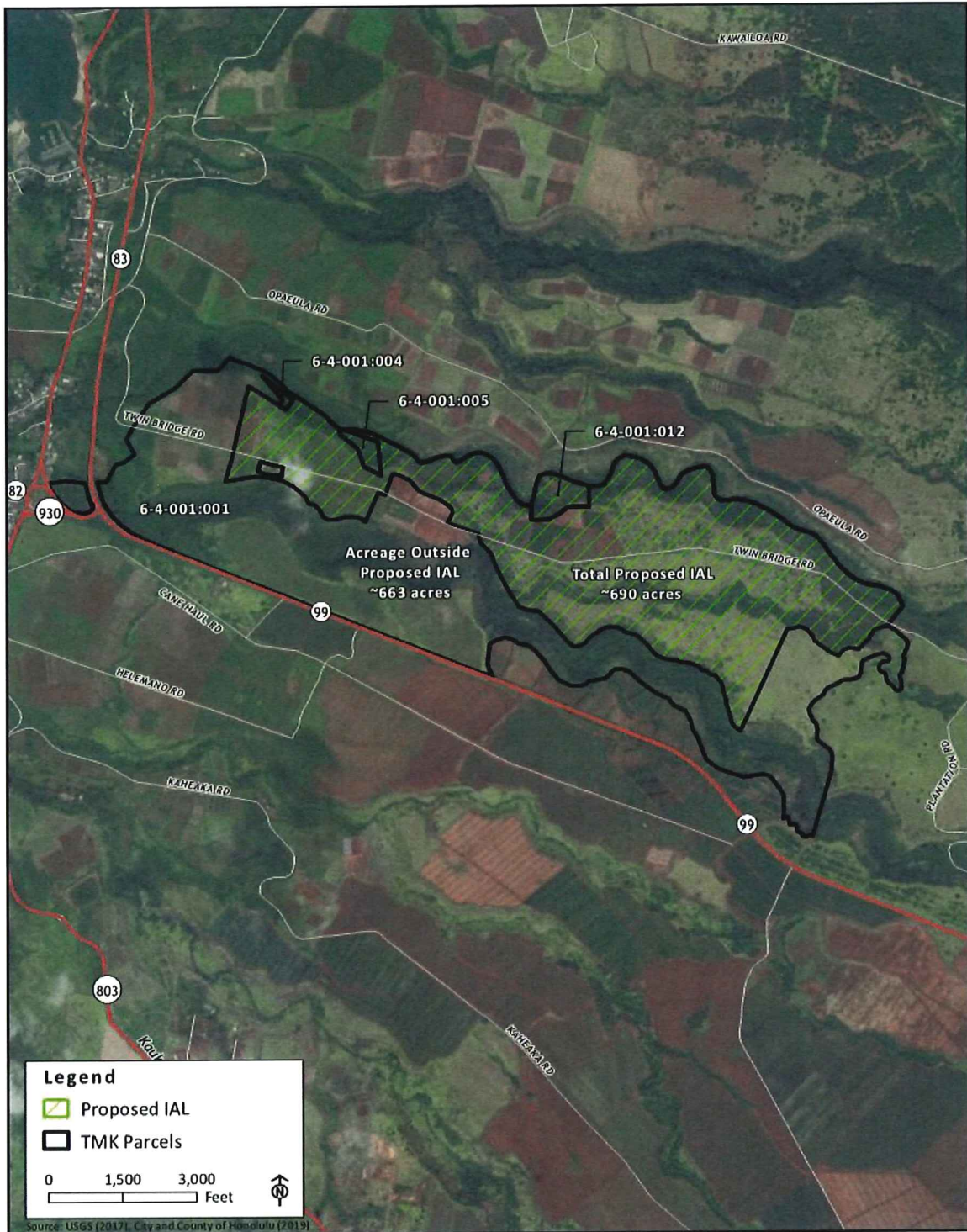


Figure 1

TMK Parcels

**Agricultural Land Assessment for Pōmaika'i Partners, LLC
Proposed Important Agricultural Land**

Table 1 shows the TMK number of each parcel comprising the Land, the area of each parcel in the Agricultural District, the area of each parcel proposed to be designated IAL and the area of each parcel that is not proposed to be designated as IAL.

Table 1: TMKs and Proposed IAL Areas

Tax Map Key Parcel No.	Total Area Acres (Land)	Agricultural District Acres	Proposed IAL Acres (Property)	Non-IAL Acres (Remainder Land)
(1) 6-2-006:001	1.71	1.71	0.0	1.71
(1) 6-2-006:002	5.08	5.08	0.0	5.08
(1) 6-2-006:004	1.22	1.22	0.0	1.22
(1) 6-2-007:002	6.52	6.52	0.0	6.52
(1) 6-2-007:004	1.96	1.96	0.0	1.96
(1) 6-4-001:001	1,312.78	1,312.78	668.25	644.53
(1) 6-4-001:004	1.62	1.62	0.00	1.62
(1) 6-4-001:005	6.86	6.86	6.86	0.00
(1) 6-4-001:012	14.58	14.58	14.58	0.00
Total	1,352.33	1,352.33	689.69	662.64
Percentage of Total	100%	100%	51.00%	49.00%

Note: TMK (1) 6-4-001:001 includes LC Award 2735.2 (6.36 acres) and LC Award 4318.1 (3.08 acres). These LCA are excluded from the Proposed IAL Acres (Property).

Standards and Criteria to Identify IAL

Hawai'i Revised Statutes (HRS) Section 205-44(c) sets forth the standards and criteria for identifying IAL. HRS Section 205-44(a) explains that lands identified as IAL need not meet every standard and criteria, but rather, lands meeting any of the criteria shall be given initial consideration, provided that the designation of IAL shall be made by weighing the standards and criteria with each other to meet: 1) the constitutionally mandated purposes in Article XI, Section 3, of the Hawai'i Constitution; and 2) the objective and policies for IAL set forth in HRS §205-42 and HRS §205-43.

The standards and criteria to identify IAL set forth in HRS §205-44(c) are:

1. *Land currently used for agricultural production;*
2. *Land with soil qualities and growing conditions that support agricultural production of food, fiber, or fuel-and energy-producing crops;*
3. *Land identified under agricultural productivity rating systems, such as the agricultural lands of importance to the State of Hawaii (ALISH) system adopted by the*

**Agricultural Land Assessment for Pōmaika'i Partners, LLC
Proposed Important Agricultural Land**

board of agriculture on January 28, 1977;

4. 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;

5. Land with sufficient quantities of water to support viable agricultural production;

6. Land whose designation as important agricultural lands is consistent with general, development and community plans of the county;

7. Land that contributes to maintaining a critical land mass important to agricultural operation productivity; and

8. Land with or near support infrastructure conducive to agricultural productivity, such as transportation to markets, water or power.

The information in this assessment is provided to demonstrate that the Property is consistent with the standards and criteria to identify IAL as set forth in HRS §205-44(c).

2. Agricultural Use History

Pōmaika'i's Land has a long history of agricultural use. For over 150 years, agricultural operations have been conducted on the Property. The Land was previously part of the sugarcane plantation known as the Waialua Sugar Company, which represented a significant period of the North Shore's rich agricultural history. A summary of this history is recounted below.

In 1865, Levi and Warren Chamberlain started a sugarcane plantation on the Land. Robert Halstead bought the Chamberlain plantation in 1874 under the partnership of Halstead & Gordon. In 1898, one of Hawai'i's Big Five trading and sugar industry management companies, Castle & Cooke, formed the Waialua Agricultural Company and purchased the plantation from the Halstead Brothers. The Waialua Sugar Company operated the sugar plantation on thousands of acres extending across the North Shore from Mokuleia to Waimea Valley, with the processing center located at the Waialua Sugar Mill. The Waialua Sugar Company, a subsidiary of the Dole Food Company, closed in October 1996 due to the unprofitability of its large-scale crop agriculture operation model and was the last sugarcane plantation on the island of O'ahu.

While sugarcane has not been cultivated on the Property for over two decades, Twin Bridge Farms used the Pōmaika'i Land in its diversified agriculture following the demise of the Waialua Sugar Company. Twin Bridge Farms also commenced parent seed corn cultivation operations on the Property. A portion of the Property is currently leased to Pioneer/DuPont for parent seed corn cultivation.

**Agricultural Land Assessment for Pōmaika'i Partners, LLC
Proposed Important Agricultural Land**

3. Current and Future Agricultural Operations

The Pōmaika'i Land comprises lands that are currently in agricultural use. Current agricultural operations by Pōmaika'i continue the heritage of agriculture with a mission to preserve the rural setting and promote land stewardship. Figure 2 shows the existing agricultural uses of the Land.

The Property consists of a combination of existing agricultural land uses, fallow lands, and steep lands. As shown in Table 2, roughly 57.2 percent of the Property is fallow. These fallow lands have good potential for the introduction of new agricultural uses. Approximately 19.6 percent of the Property is used for the cultivation of seed crops and sunflowers. Approximately 23.2 percent of the Property is characterized as steep areas/watershed.

Table 2: Existing Agricultural Use Areas

Current Agricultural Uses	Acres	Percent of Total
Fallow	394.7	57.2%
Seed Crops and Sunflowers	135	19.6%
Steep Area/Watershed	160	23.2%
Total Acres	689.7	100%

Excluding the Property, the Remainder Land is approximately 662.6 acres (representing about 49.0 percent of Pōmaika'i's Land within the Agricultural District). The Remainder Land contains areas planned for complementary agricultural uses and other uses consistent with HRS Chapter 205. Pōmaika'i is not seeking to include the Remainder Land in its Petition for IAL designation.

A vibrant agricultural future is planned for the Property. This includes the currently fallow areas, which are intended for a native Hawaiian plant nursery as well as an industrial hemp farm under State of Hawai'i Department of Agriculture Pilot Program License (10 acres). Agricultural research and development on this portion will be coordinated with the State of Hawai'i Department of Agriculture and the University of Hawaii CTAHR. There are several promising agricultural uses recommended by CTAHR for future agricultural lot buyers and tenant farmers, including Cacao (chocolate), Ulu (breadfruit), Uala (sweet potatoes), Kalo (dryland and taro loi) and plants such as lavender (oils).

In support of the future agricultural enterprises, Pōmaika'i will install a new agricultural water system including a new distribution system, water storage tank, and rehabilitated reservoir. A centralized agricultural processing facility is being considered to provide support for processing, packing and packaging, chilling, temporary storage, and distribution.

Agricultural Land Assessment for Pōmaika'i Partners, LLC Proposed Important Agricultural Land

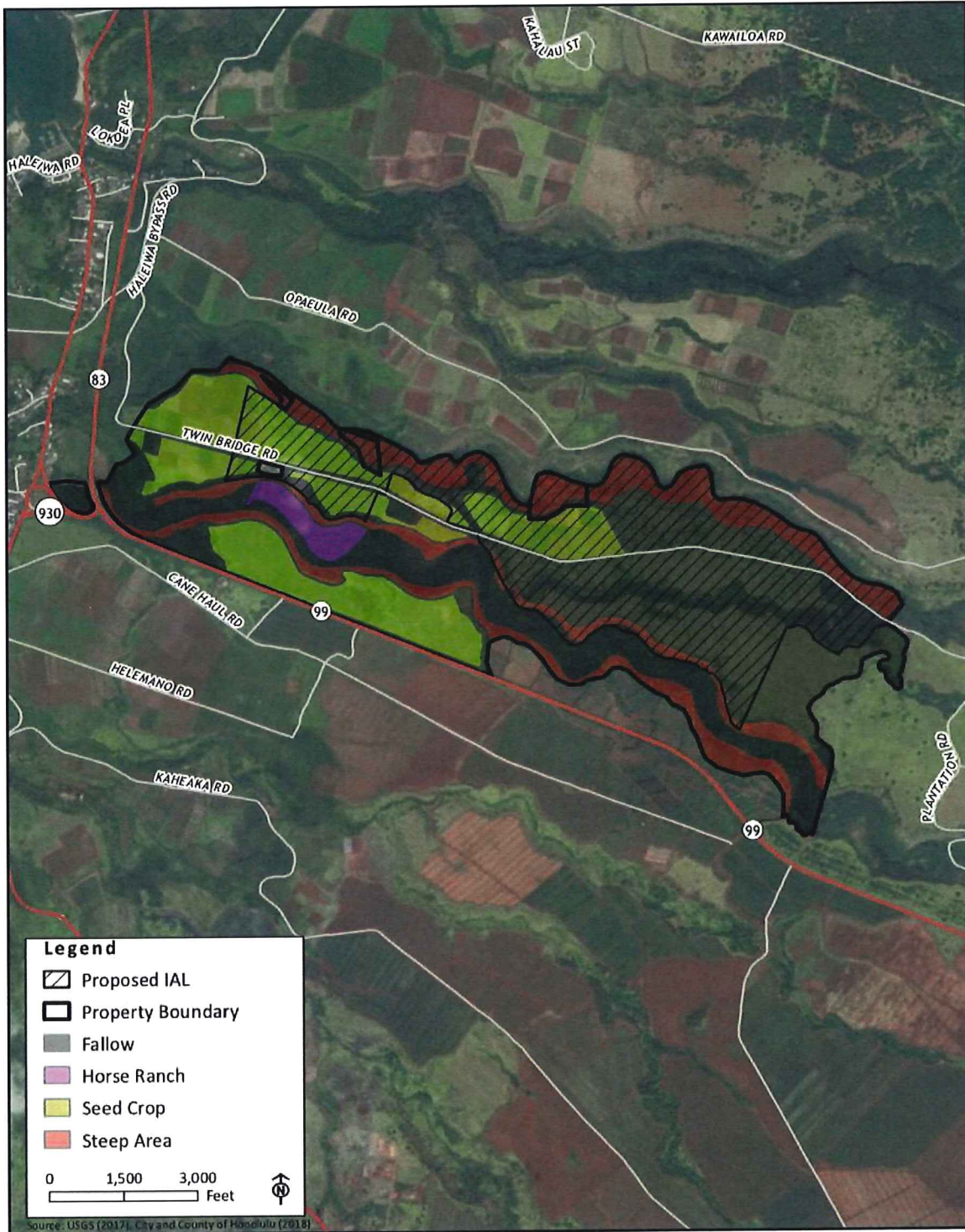


Figure 2

Agricultural Areas

**Agricultural Land Assessment for Pōmaika'i Partners, LLC
Proposed Important Agricultural Land**

Figure 3 shows the Property's topography; areas with relatively gentle grades are used for agricultural production. Areas with relatively steeper grades are within the gulches dividing the agricultural plateau areas. These agricultural areas remain important parts of the overall Property for a couple reasons. First, these portions of the Property promote land stewardship and soil conservation as well as a cohesion and continuity of agricultural uses. Second, these portions of the Property help maintain a critical land mass important to overall agricultural operation productivity. Figure 3 also shows streams through or adjacent to the Property and in the area.

As shown in Table 3, the majority of the Property slopes at 20 percent or less. Approximately one-third of the Property slopes more than 20 percent.

Figure 4 presents a slope analysis of the Land.

Table 3: Slope Analysis

Slope	Total IAL	
	Acres	Percent of IAL
Less than 10%	269.6	39.1%
10%-20%	181.3	26.3%
20%-25%	33.7	4.9%
Greater than 25%	205.1	29.7%
Total	689.7	100%

Agricultural Land Assessment for Pōmaika'i Partners, LLC
Proposed Important Agricultural Land

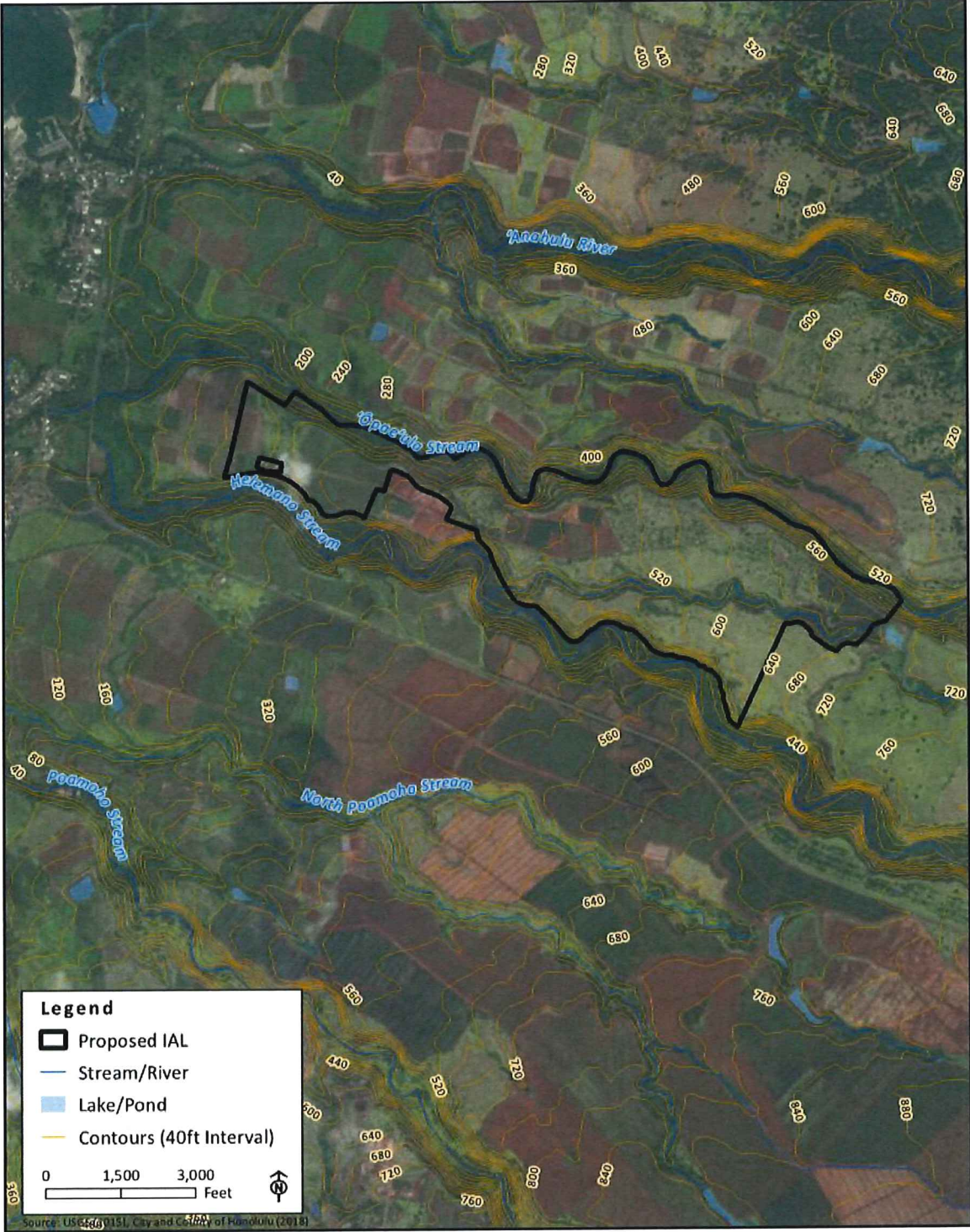


Figure 3

Topography and Streams

Agricultural Land Assessment for Pōmaika'i Partners, LLC Proposed Important Agricultural Land

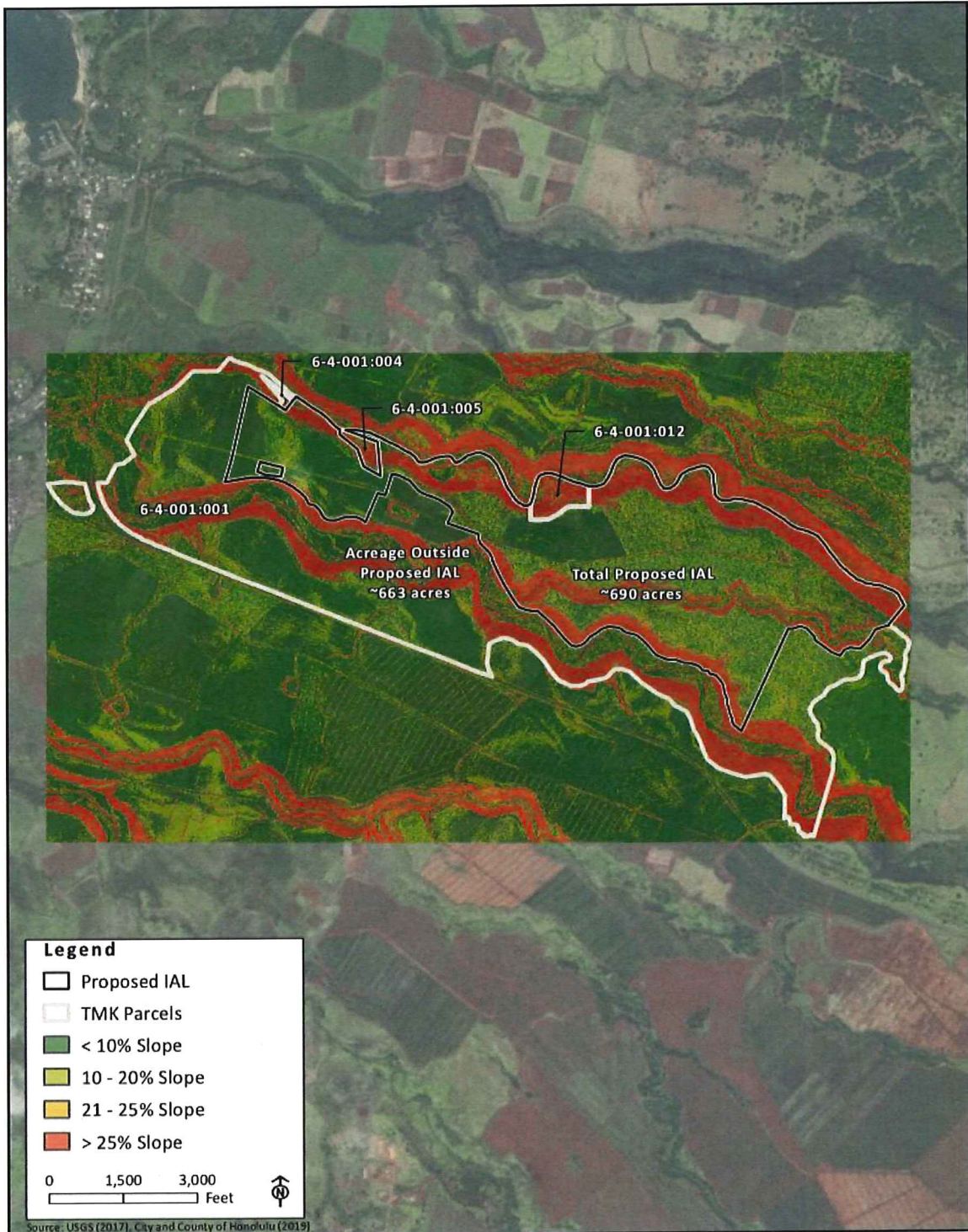


Figure 4

Slope Analysis Map

**Agricultural Land Assessment for Pōmaika'i Partners, LLC
Proposed Important Agricultural Land**

4. Agricultural Soils Productivity Ratings

The Detailed Land Classification System and Agricultural Land Productivity Ratings by the Land Study Bureau (LSB) (1972) are based on a five-class productivity rating system using the letters A, B, C, D, and E. The rating is based upon several environmental and physical qualities of the land such as soil condition, climate, surface relief, and drainage.

As shown in Figure 5 and summarized in Table 4, the LSB soils ratings indicate that approximately 47 percent of the Property is rated A, eleven (11) percent is rated B, one (1) percent is rated C, and 40 percent is rated E (Land Study Bureau, 1972).

Table 4: LSB Productivity Rating

Productivity Rating	Total IAL	
	Acres	% of IAL
A	325.6	47.2%
B	78.0	11.3%
C	8.7	1.3%
D	0	0%
E	277.4	40.2%
Total	689.7	100%

According to the LSB, over 62 percent of the agricultural land on O'ahu is rated E, so this percentage of the Property being rated as E is favorable relative to the overall LSB E rating for O'ahu agricultural land. In addition, the LSB states: "Farmers or ranchers are generally better informed than others regarding the agricultural quality of the lands they operate for the uses to which the lands are presently being put." (Land Study Bureau, 1972). As detailed in Section 2, above, the Property historically has been used for agriculture and is presently productive for a parent seed corn cultivation and horse ranch.

5. Agricultural Lands of Importance to the State of Hawai'i (ALISH)

The ALISH classification system was developed in 1977 by the State Department of Agriculture (Hawai'i State Department of Agriculture, 1977). The system was primarily, but not exclusively, based on the soil characteristics of lands and existing cultivation, which was, at the time, comprised primarily of large crop production of sugarcane and pineapple. There are three classes of land under the ALISH system: Prime, Unique, and Other.

Prime ALISH is land best suited for the production of food, feed, forage, and fiber crops. The land has the soil quality, growing season, and moisture supply that are needed to

**Agricultural Land Assessment for Pōmaika'i Partners, LLC
Proposed Important Agricultural Land**

produce high yields of crops economically when the land, including water resources, is treated and managed according to modern farming methods.

Unique ALISH is land other than Prime ALISH that is used for the production of specific high- value food crops. The land has the special combination of soil quality, growing season, temperature, humidity, sunlight, air drainage, elevation, aspect, moisture supply, or other conditions, such as nearness to market, that favor the production of a specific crop of high quality and/or high yield when the land is treated and managed according to modern farming methods. In Hawai'i, some examples of such crops are coffee, taro, rice, watercress, and non-irrigated pineapple (Hawai'i State Department of Agriculture, 1977).

Other ALISH is land other than Prime or Unique that is of state-wide or local importance for the production of food, feed, fiber, and forage crops. The land is important to agriculture in Hawai'i and yet it exhibits properties, such as seasonal wetness, erodibility, limited rooting zone, slope, flooding or drought, that exclude the land from Prime or Unique agricultural land use classifications. Two examples are: 1) lands which do not have an adequate moisture supply to be qualified as Prime; and 2) lands which have similar characteristics and properties as Unique, except that the land is not currently in use for the production of a "unique" crop. These Other lands can be farmed sufficiently by applying greater amounts of fertilizer and other soil amendments, drainage improvement, erosion control practices, and flood protection. Other ALISH land can produce fair to good crop yields when managed properly.

As shown on Figure 6 and summarized in Table 5, approximately 61.7 percent of the Property is classified under the ALISH system: All 61.7 percent is classified as Prime and none of the land is classified as Other.

Table 5: ALISH Rating

ALISH Classifications	Total IAL	
	Acres	% of IAL
Prime Lands	425.8	61.7%
Other Lands	0	0%
Unclassified	263.9	38.3%
Total	689.7	100%

The balance of the Property is not classified under the ALISH system but is integral to overall agricultural uses of the Property operations and Pōmaika'i's land stewardship, and also provides for a unified and defined IAL area.

Agricultural Land Assessment for Pōmaika'i Partners, LLC Proposed Important Agricultural Land

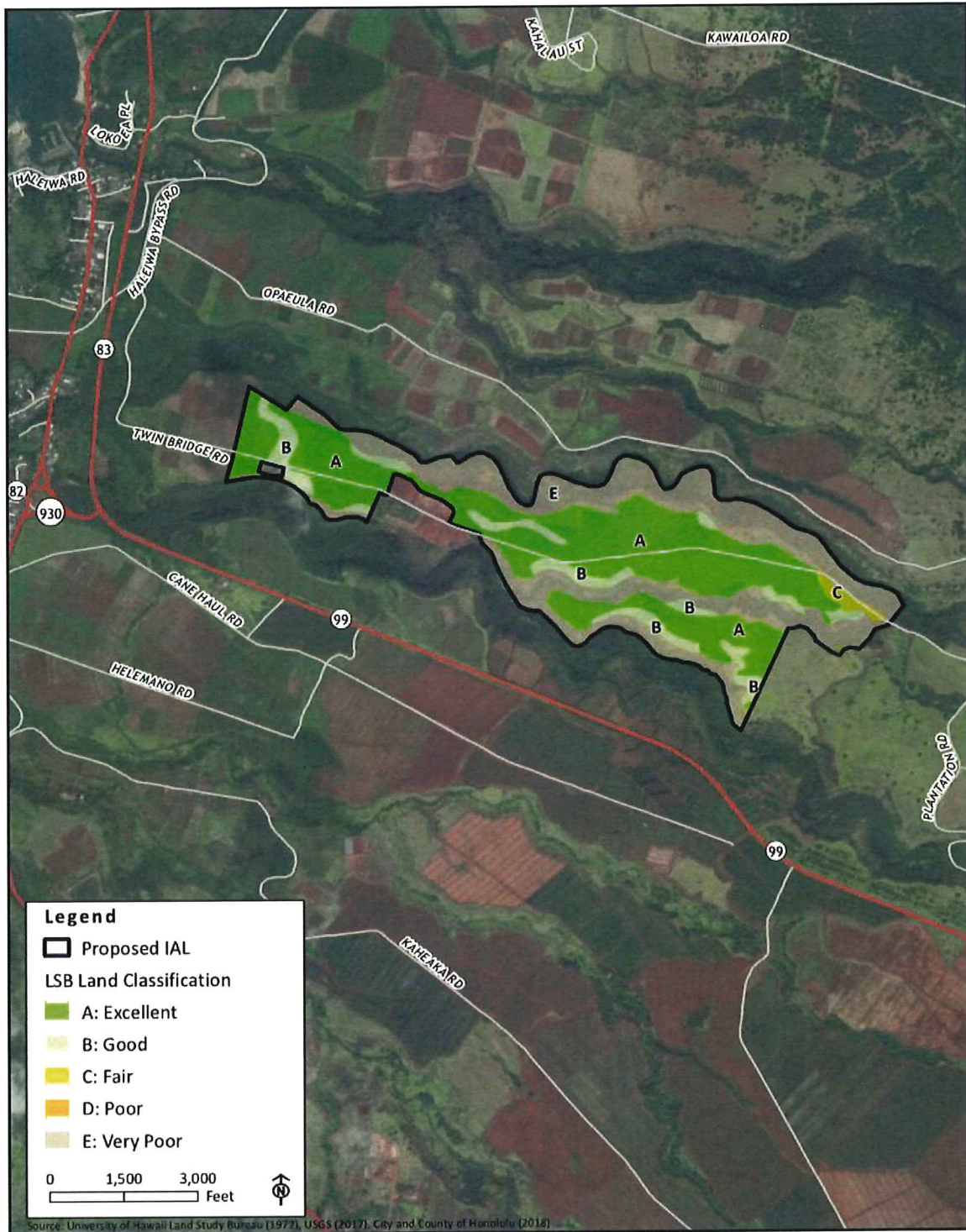


Figure 5

LSB Soil Ratings Areas

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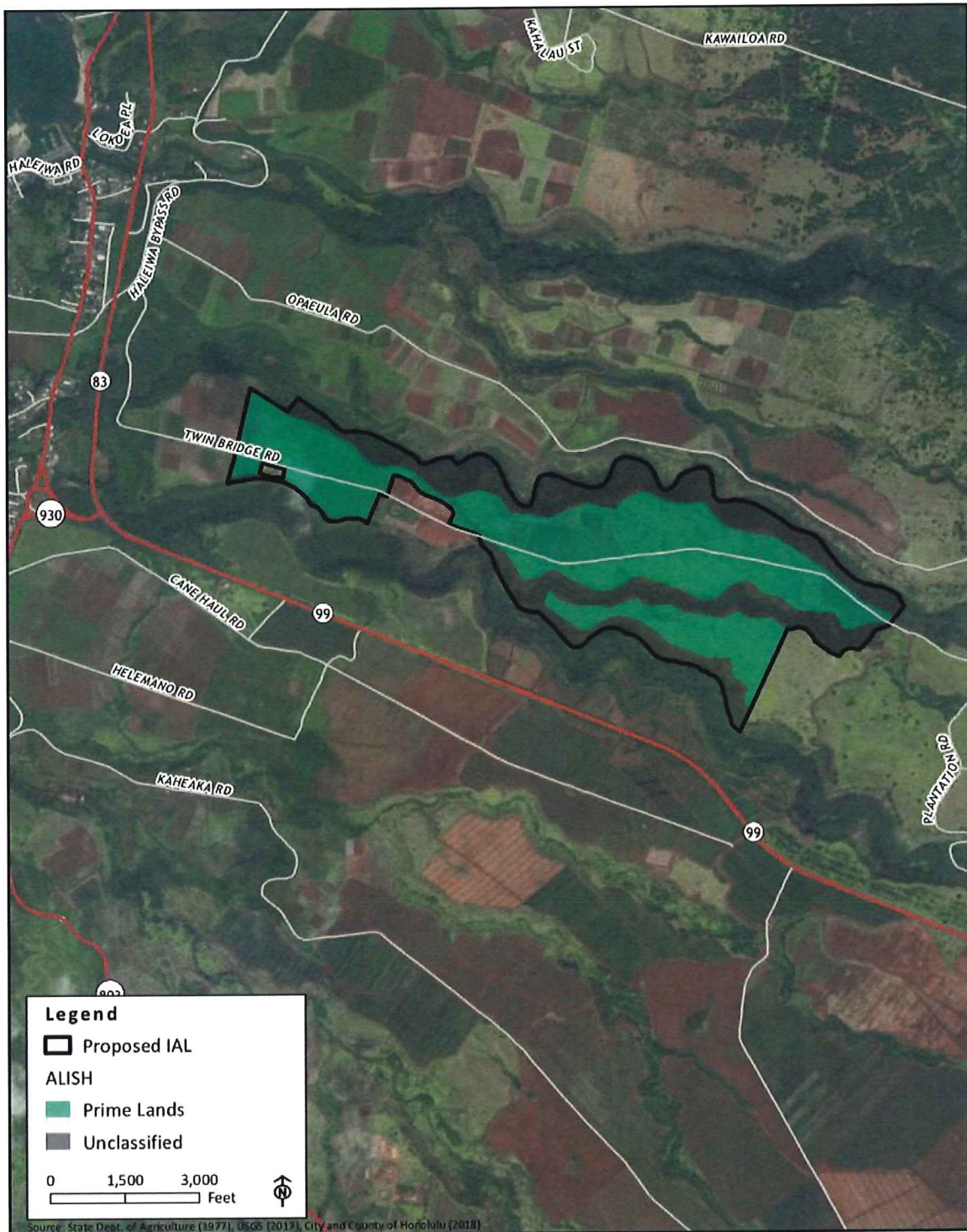


Figure 6

ALISH Soil Ratings Areas

**Agricultural Land Assessment for Pōmaika'i Partners, LLC
Proposed Important Agricultural Land**

6. Solar Radiation

The Property receives sufficient solar radiation to support agricultural production. Mean annual solar radiation on the Property ranges from 205 to 220 watts per square meter per hour, based on information from the *Evapotranspiration of Hawai'i Final Report* prepared in February 2014 by Department of Geography, University of Hawai'i at Mānoa for U.S. Army Corps of Engineers Honolulu District and State of Hawai'i Commission on Water Resource Management (Giambelluca, et al., 2014). Figure 7 shows the solar radiation levels received on the Property in graphic form.

**Agricultural Land Assessment for Pōmaika'i Partners, LLC
Proposed Important Agricultural Land**

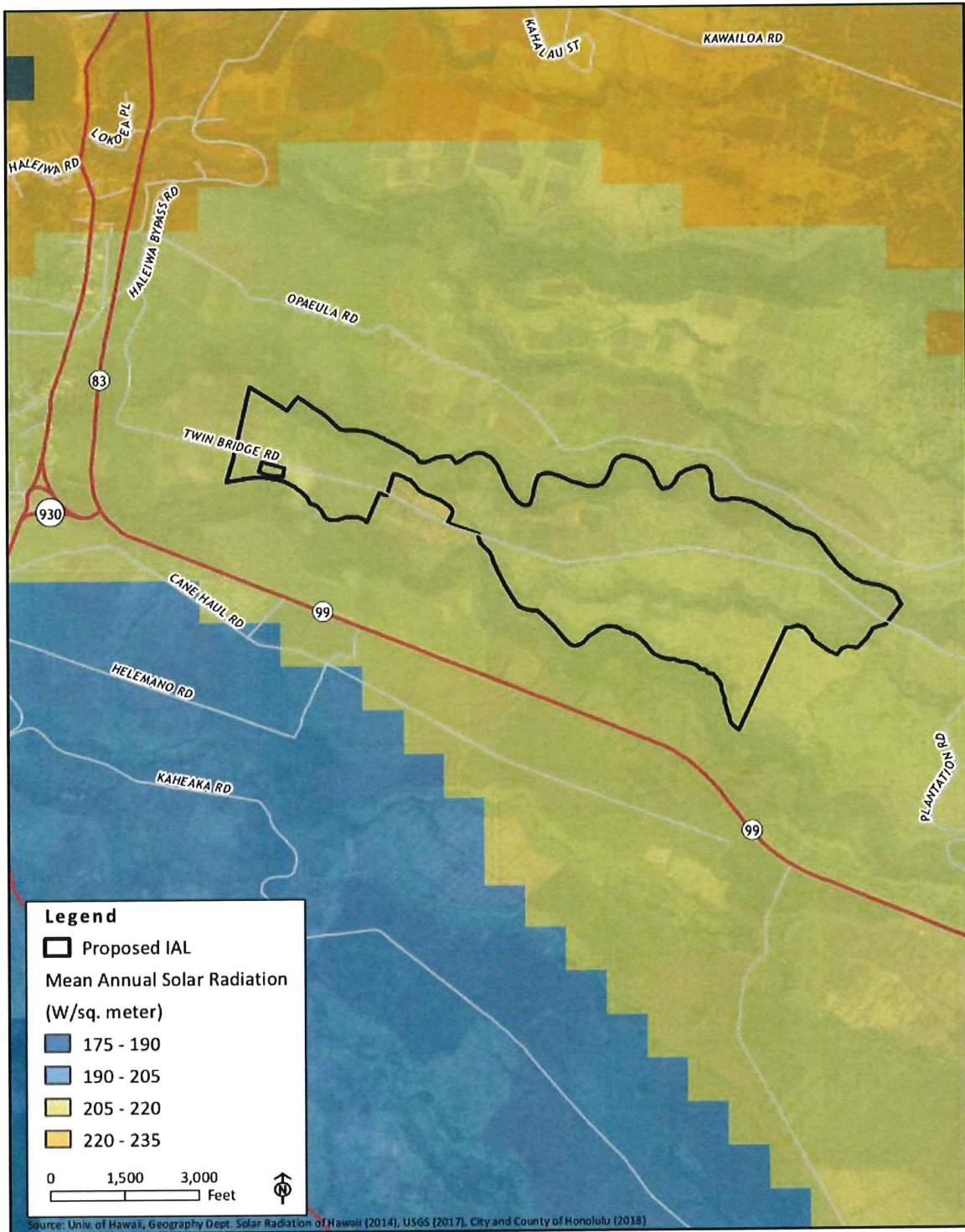


Figure 7

Solar Radiation

**Agricultural Land Assessment for Pōmaika'i Partners, LLC
Proposed Important Agricultural Land**

7. Water Resources and Agricultural Infrastructure

Average rainfall varies significantly across Pōmaika'i's Lands, with greater rainfall occurring on the mauka end. The makai portion of the Land receives a mean annual rainfall of less than 30 inches, while the mauka portion ranges from 35 to 45 inches annually (Figure 8).

In addition to rainfall, the Board of Water Supply (BWS) has two (2) properties located within TMKs: 6-4-001: 009 & 011, which include a reservoir "Haleiwa 225" well and Granular Activated Carbon (GAC) plant. The elevation of the reservoir is 225 feet with a service zone elevation of 125 feet. There is an existing 16-inch water main that runs along Twin Bridge Road that services the lower properties in Waialua and Haleiwa Town.

The source for irrigation water is the existing Wahiawa Irrigation System (WIS), which runs through the Property and includes an irrigation reservoir located along Twin Bridge Road. The existing WIS is available to supply irrigation water to farmers using ditch water. Farm tenants determine their irrigation demand and requirements and construct a system that suits their needs.

The existing agricultural irrigation water supply system is sourced from Lake Wilson in Wahiawa via the "Wahiawa Ditch", controlled by Dole Food Company. The irrigation water is classified as R-2 water which is suitable for non-contact drip irrigation of the existing crops, however, not suitable for spray application contact or use on leafy vegetable crops. Existing crops such as seed corn and sunflower are irrigated by the ditch water routed through an agricultural water system on the Property, currently irrigating about 500 acres. Variable water flows are released to the ditch, as needed, and flows are unmonitored.

Existing crops for seed corn are being irrigated using water derived from the agricultural ditch system. Although the area was formerly part of the sugar plantation, a large portion of these lands have remained fallow since the 1996 plantation closure.

In addition to its annual rainfall and water-related infrastructure, the Property includes other agricultural-related infrastructure to support viable agricultural production. The Property contains agricultural roads and Kamehameha Highway is capable of supporting farming equipment and direct road transportation to and from markets.

**Agricultural Land Assessment for Pōmaika'i Partners, LLC
Proposed Important Agricultural Land**

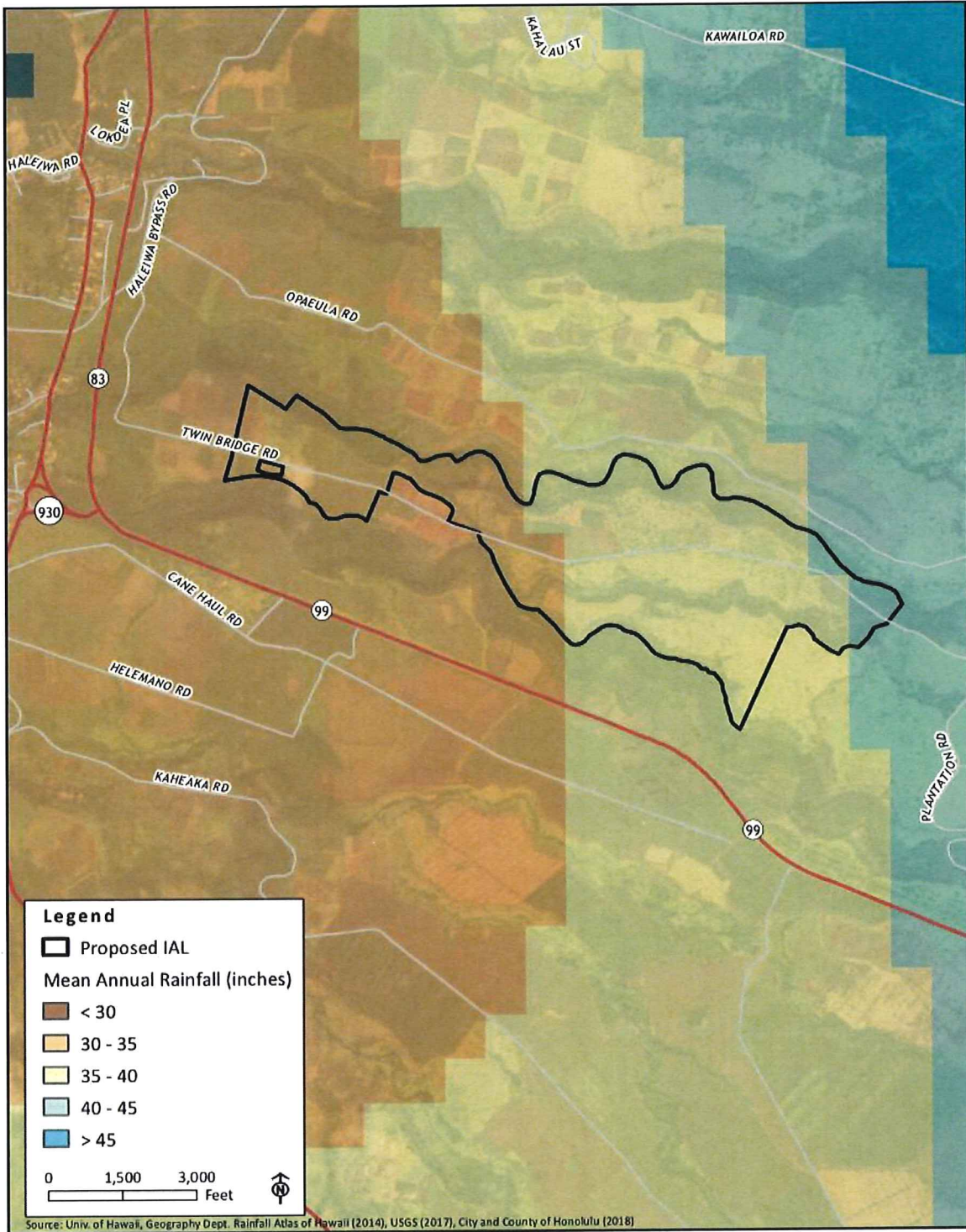


Figure 8

Rainfall

**Agricultural Land Assessment for Pōmaika'i Partners, LLC
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An Assessment of the Wahiawa Irrigation System (AWIS) was done on September 2007 to observe and analyze the irrigation fixtures, condition of the facilities, and a probable cost for repairs. Of the water system components within the subject properties, several of the agricultural water system components are identified for future repair (Table 6).

Table 6: AWIS Components

ID No.	Component	Size	Likely Potential Repair Needed
54	Helemano Siphon	New liner 20" x 1,600'	Repair bleed valve – HIGH PRIORITY REPAIR
54	Helemano Siphon	New liner 20" x 1,600'	Reline steel siphon (new 20" HDPE lining installed in 2005, but may need to be replaced with larger lining to increase flow)
62	Helemano 11 Reservoir – Pipe across Reservoir- Weir to Reservoir	Weir 45" wide – res: 11,340,000 gallons	Repair leaking weir – Inspect reservoir if put in use and repair if needed
73	Lateral Ditch-Flow Split Helemano 9 Reservoir	6,160,000 gallons	Inspect reservoir if put in use and repair if needed
75	Opaepala Siphon	54" x 1,500'	Reline steel siphon (siphon in fair condition, recommend monitoring now but will have the eventually reline)
61, 68, 70, 74	Filter Stations		Replace filters

The existing agricultural water system requires improvements to service the fallow areas on the Property. In support of the future agricultural enterprise to maximize the use of Non-Cultivated areas, Pōmaika'i will install a new agricultural water system including a new well, pump, reservoir tank, treatment system, and distribution system. This water system will provide for domestic water supply, fire protection and agricultural irrigation requiring potable water quality.

For the proposed new water system, Pōmaika'i is planning to obtain a permit from the Commission on Water Resources Management (CWRM) to drill a new potable water well and construct a reservoir at the upper elevation of the Property, at approximately 700 ft. above sea level. The Property has been granted a water allocation of 3.5 MGD from CWRM.

**Agricultural Land Assessment for Pōmaika'i Partners, LLC
Proposed Important Agricultural Land**

8. State Land Use District Boundaries

HRS Chapter 205 establishes the State Land Use Commission and authorizes the body to designate all lands in the State into one of four districts: Urban, Rural, Agricultural, and Conservation.

The proposed IAL is located entirely within the State Agricultural District (Figure 9). HRS Section 205-2(d) specifies that lands within the State Agricultural District shall include (among other things):

1. *activities or uses as characterized by the cultivation of crops;*
2. *farming activities or uses related to animal husbandry.*

The current uses on the Property fit comfortably within these descriptions. Other uses being considered for future agriculture operations on the Property include agricultural tourism conducted on a working farm or a farming operation and open area recreational facilities.

Agricultural Land Assessment for Pōmaika'i Partners, LLC Proposed Important Agricultural Land

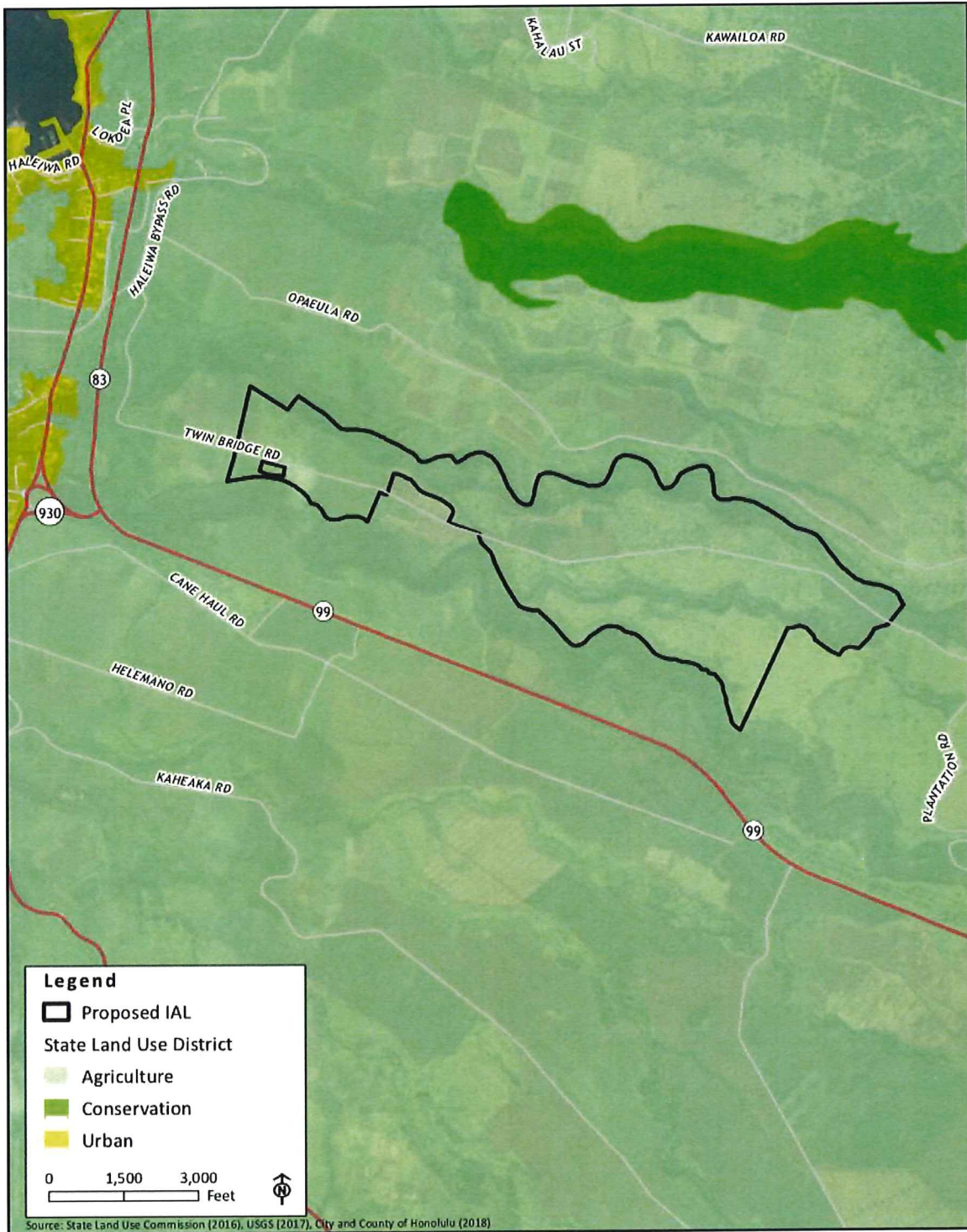


Figure 9

State Land Use Districts

**Agricultural Land Assessment for Pōmaika'i Partners, LLC
Proposed Important Agricultural Land**

9. General Plan for the City and County of Honolulu

The General Plan for the City and County of Honolulu (2002) (General Plan) is a comprehensive statement of objectives and policies which sets forth the long-range aspirations of O'ahu's residents and the strategies of actions to achieve them. The General Plan includes 11 subject areas that provide the framework for the City's expression of public policy concerning the needs of the people and the functions of government.

In its "Economic Activity" section, the General Plan sets forth the City's objective and several policies to maintain the viability of agriculture on O'ahu. The designation of Property as IAL is consistent with this objective and these policies because the designation of the Property as IAL will: 1) contribute to the continuation of agriculture as an important source of income and employment; 2) help to ensure sufficient agricultural land in North Shore to encourage the continuation of agriculture in these areas; and 3) encourage more intensive use of productive agricultural land.

The City is in the process of updating the General Plan. In 2017, the City presented the updated draft General Plan (Proposed Revised General Plan) with future transmittal to the Planning Commission and public hearing. The Proposed Revised General Plan includes an objective and policies to ensure the long-term viability and continued productivity of agriculture on O'ahu.

The designation of the Property as IAL is consistent with this objective and these policies because the designation 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) permanently 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.

10. City and County of Honolulu: North Shore Sustainable Communities Plan

The City and County of Honolulu's Sustainable Communities Plans are policy documents that are 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, each associated with a Sustainable Communities or Development Plan.

Pōmaika'i's Land is situated entirely within the North Shore Sustainable Communities Plan (North Shore SCP) region (Figure 10). The 2010 North Shore SCP was adopted by the City Council via Ordinance 11-3 in May 2011. According to the 2010 North Shore SCP, the role of the North Shore in O'ahu's development pattern is to maintain the rural

Agricultural Land Assessment for Pōmaika'i Partners, LLC Proposed Important Agricultural Land

character, agricultural lands, open space, natural environment, recreation resources and scenic beauty of O'ahu's northern coast.

The North Shore's Vision Statement focuses on retaining unique qualities, such as scenic open spaces, coastal resources, the historic and "country town" character of Hale'iwa and Waialua, and the community's cultural and plantation heritage, that have defined the region's attractiveness to residents and visitors alike. It recognizes that a stable and diverse agriculture industry, which includes crop production, agricultural processing, and other support facilities, will play a key role in the region's economy and in protecting the region's agricultural lands and open space setting.

One of the key elements of the North Shore SCP is to protect agricultural, open space, and natural resources. Preservation of agricultural areas is essential to promoting agriculture and maintaining the scenic open space features and rural character of the region. A healthy agricultural industry continues to generate economic opportunities that are appropriate to the region's open space and rural qualities.

The North Shore SCP includes objectives and policies to preserve the rural character of the regions by retaining agricultural lands identified as "prime," "unique," "arable," or "high-value for future agricultural use." Approximately 60 percent, or 45,000 acres, of the total acres of land within the North Shore SCP region are located within the State Agricultural District. Of the 45,000 acres, around 20,000 acres are considered high-quality agricultural lands suitable for commercial cultivation of crops, with the balance providing agricultural land for smaller-scale, less-intensive forms of agriculture.

The designation of the Property as IAL is consistent with the vision, objectives, and policies outlined in the North Shore SCP because the designation will: 1) encourage active use of high-quality agricultural land for agricultural purposes; 2) preserve open space and agricultural land in the region; and 3) help to ensure the continuation of agriculture as an important component of the region's economy.

11. City and County of Honolulu Zoning

The City and County of Honolulu zoning of the Property is AG-1, Restricted Agricultural District (AG-1) (Figure 11). According to the Revised Ordinances of Honolulu (ROH) §21-3.50(b), the intent of the AG-1 District is to "conserve and protect agricultural activities on smaller parcels of land." Current uses on the Property are consistent with this intent.

**Agricultural Land Assessment for Pōmaika'i Partners, LLC
Proposed Important Agricultural Land**

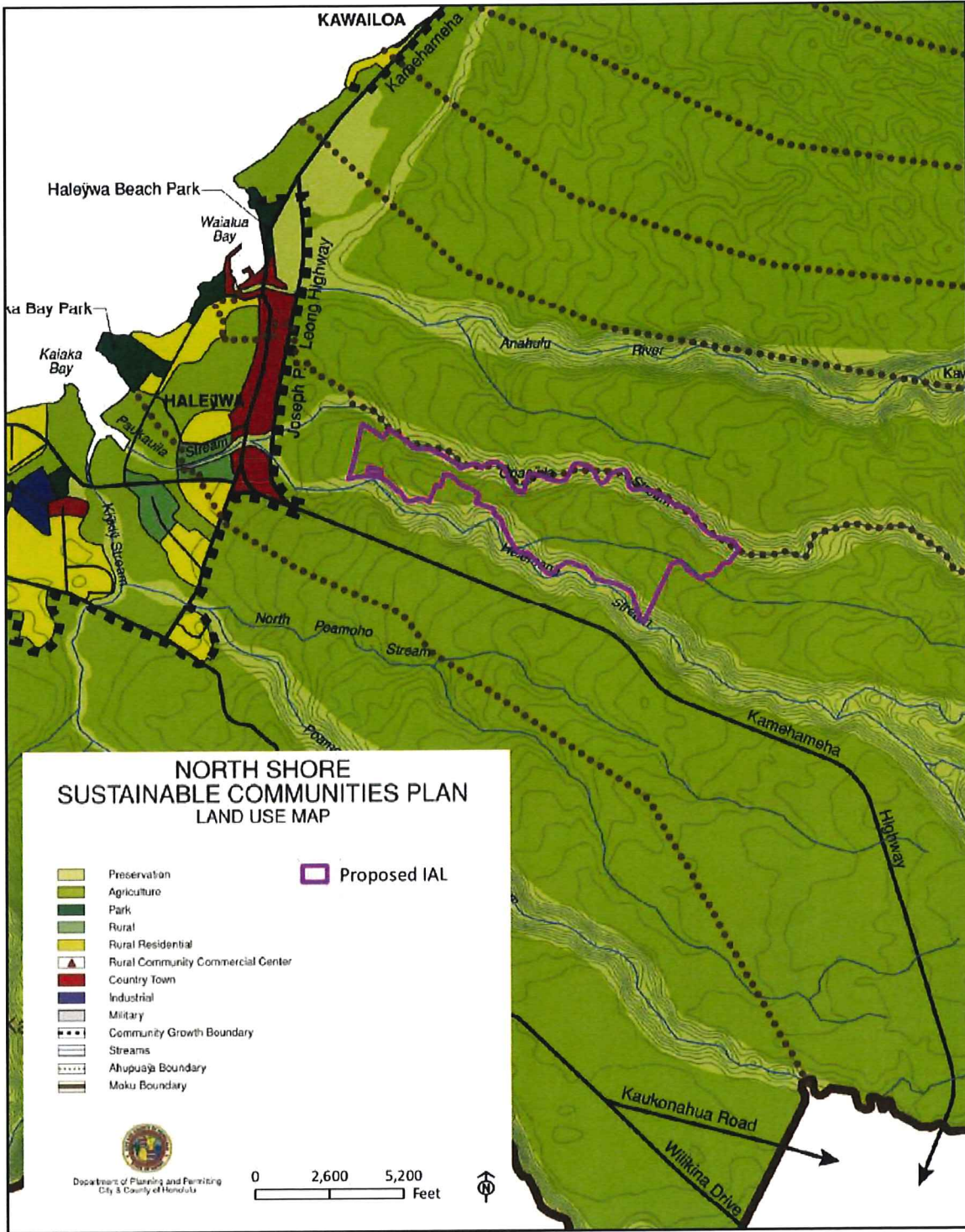


Figure 10 North Shore Sustainable Communities Plan (2011) - Land Use Map

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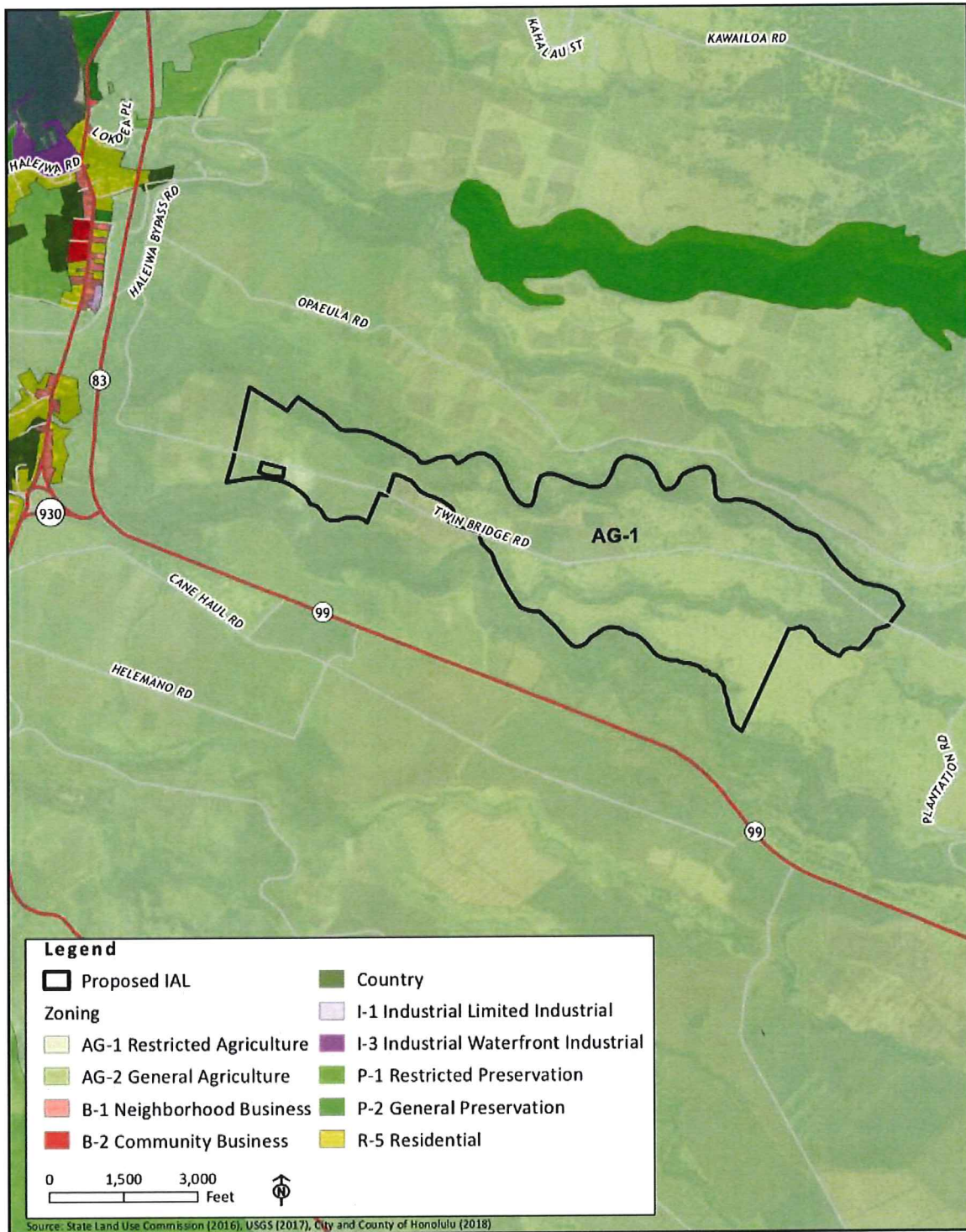


Figure 11

City and County of Honolulu Zoning Districts Map

**Agricultural Land Assessment for Pōmaika'i Partners, LLC
Proposed Important Agricultural Land**

12. City and County of Honolulu Important Agricultural Lands Study

In July 2012, DPP initiated the City's Important Agricultural Land Study (Study) to identify the City's candidate lands for IAL designation. The Study consists of two phases. Phase I tasks included: 1) defining the IAL site selection criteria; 2) identifying available data sets to assist in mapping the defined criteria; and 3) developing methodology for weighing or ranking the criteria. DPP completed Phase I in April 2014. Formal public review, a comment period, and notification to affected land owners were not a part of the Phase I tasks. Although the City's proposed IAL were not defined in the Phase I study, DPP prepared a series of criteria maps and came up with two composite maps of the City's top three and four priority criteria using geographic information system (GIS) data (City and County of Honolulu Department of Planning and Permitting, 2014).

DPP began Phase II of the Study after the completion of Phase I in 2014, with public meetings held starting in November 2017. In Phase II, DPP is devising incentives for landowners to designate their lands as IAL and has produced draft maps of proposed IAL lands on O'ahu based on the City's top three 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. Land possessing at least one of these three priority criteria was included in the City's initially proposed IAL designation map. Figure 12 shows the Property in relation to the City's initially proposed IAL designation. Figure 13 shows the Property in relation to the City's currently proposed IAL designation in which the Property was removed at Pōmaika'i's request so that it could pursue voluntary designation. Consistent with the intent of HRS Chapter 205, Part III, Important Agricultural Lands, and the "majority incentive" in HRS Section 205-49(a)(3), Pōmaika'i proposes designating a majority (53 percent or 723 acres) of its Land as IAL.²

The Land that Pōmaika'i is proposing to designate as IAL, the Property, is consistent with: 1) the objective and policies for IAL set forth in HRS Sections 205-42 and -43; and 2) the majority of the standards and criteria for the identification of IAL set forth in HRS Section 205-44. Since the publication of the City's draft maps of proposed IAL lands, DPP has presented the draft maps at public meetings, received comments from the public and affected landowners, and notified affected property owners. DPP subsequently refined the proposed IAL maps and presented their final recommendations to the City and County of Honolulu Council (Council) in early 2019. The Council reviewed the proposed IAL recommendations and maps, and adopted Resolution 18-233, CD, FD1 on June 5, 2019. The City will present their final recommendations and maps to the State Land Use Commission for review and adoption.

² HRS Section 205-49 provides that a majority of a landowner's landholdings excludes lands held in the State Conservation District; therefore, the calculation of the percentage of land that Pōmaika'i is proposing to designate as IAL, compared to the percentage it is not proposing to designate IAL, is based on Pōmaika'i's total Land in the Agricultural District. Pōmaika'i has no land in the Rural and Urban Districts.

Agricultural Land Assessment for Pōmaika'i Partners, LLC
Proposed Important Agricultural Land

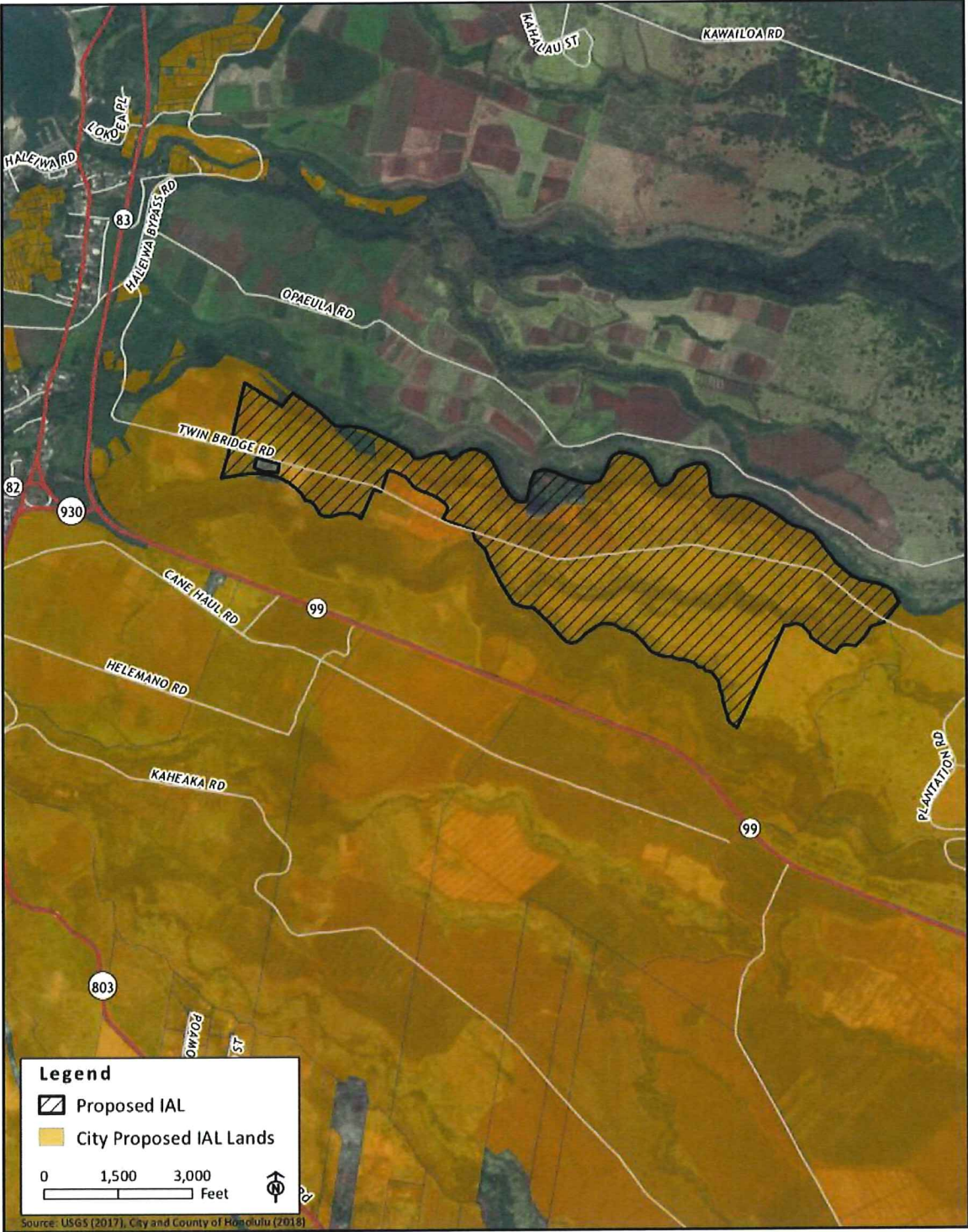


Figure 12 Initial City and County of Honolulu Important Agricultural Lands Overlay

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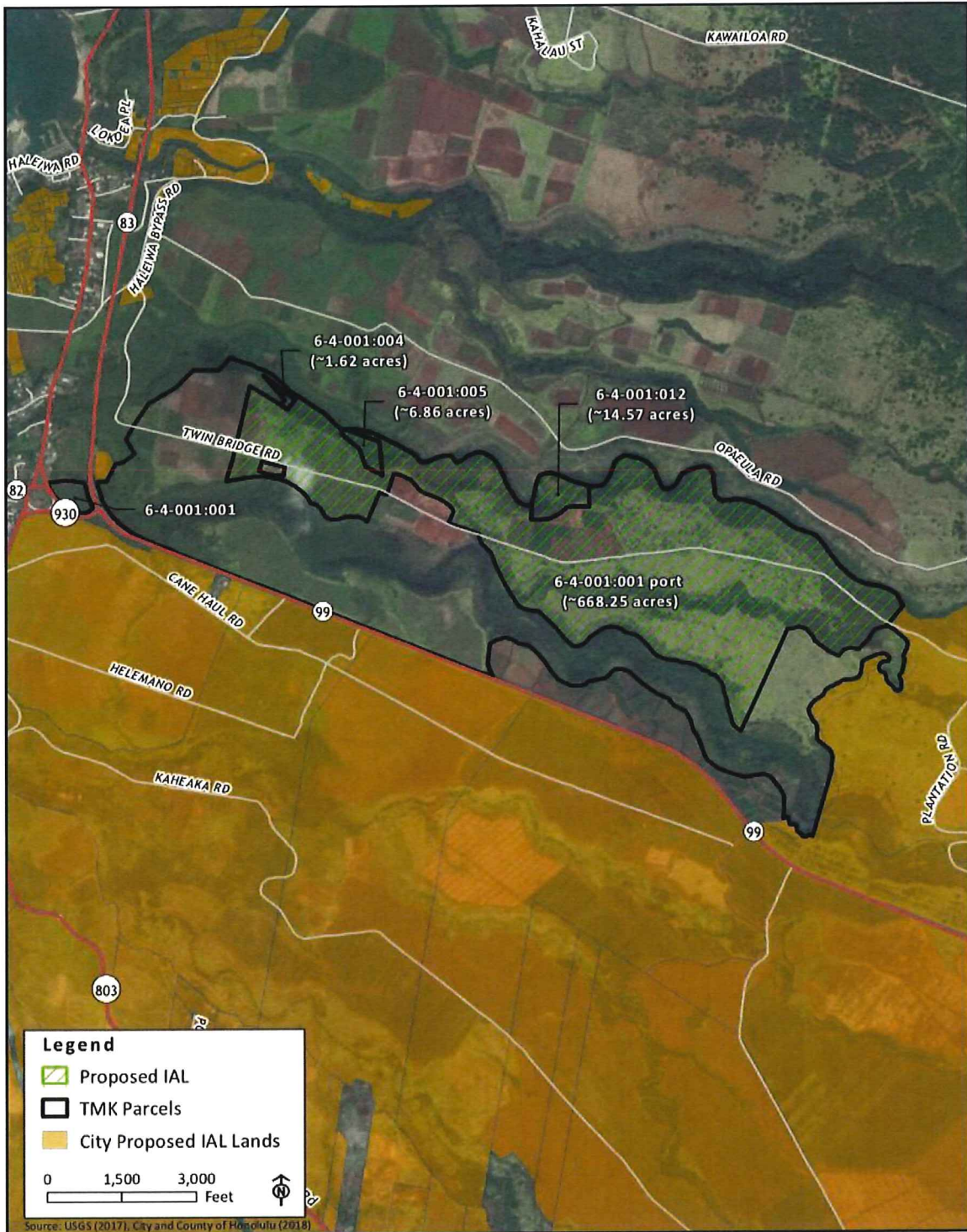


Figure 13 Current City and County of Honolulu Important Agricultural Lands Overlay

**Agricultural Land Assessment for Pōmaika'i Partners, LLC
Proposed Important Agricultural Land**

13. References

- City and County of Honolulu. (1987 Supp. to 1983 Ed.). Zoning Maps. Retrieved August 8, 2017, from Appendix 21-C to the Revised Ordinances:
https://www.honolulu.gov/rep/site/ocs/roh/ROH_Chapter_21_app_C_.pdf
- City and County of Honolulu Department of Planning and Permitting. (2011).
- North Shore Sustainable Communities Plan. Retrieved January 3 2019, from: <http://www.honoluludpp.org/Planning/DevelopmentSustainableCommunitiesPlans/>
- City and County of Honolulu Department of Planning and Permitting. (2002). O'ahu General Plan. Retrieved August 20, 2017, from
<http://www.honoluludpp.org/Planning/GeneralPlan.aspx>
- City and County of Honolulu Department of Planning and Permitting. (2017). O'ahu General Plan (Proposed Revised Plan).
- City and County of Honolulu Department of Planning and Permitting. (2014). O'ahu Important Agricultural Lands Phase I Study. Retrieved August 8, 2017, from
<http://www.honoluludpp.org/Portals/0/pdfs/planning/OAHU%20IAL%20PHASE%201%20FINAL%20REPORT%20April-2014.pdf>
- Giambelluca, T. Q. (2013). Online Rainfall Atlas of Hawai'i. Bulletin of the American Meteorological Society, pp. 94(3), 313-316.
- Giambelluca, T. W., Shuai, X., Barnes, M. L., Alliss, R. J., Longman, R. J., Miura, T., Businger, A.D. (2014). Evapotranspiration of Hawai'i. Retrieved August 8, 2017, from:
<http://evapotranspiration.geography.hawaii.edu/assets/files/PDF/ET%20Project%20Final%20Report.pdf>
- Hawai'i State Department of Agriculture. (1977). Agricultural Lands of Importance to the State of Hawai'i (ALISH). Retrieved from Prepared with the assistance of the Soil Conservation Service, U.S. Department of Agriculture, and the College of Tropical Agriculture, University of Hawai'i.:
<http://files.hawaii.gov/dbedt/op/gis/data/alish.pdf>
- Land Study Bureau. (1972). Detailed Land Classification - Island of O'ahu. Honolulu: University of Hawai'i.
- PBR Hawaii & Associates, Inc. (May 2018). Agricultural Land Assessment for Kualoa Ranch's Proposed Important Agricultural Land - Island of O'ahu.

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of
POMAIKA'I PARTNERS, LLC

For Declaratory Order to Designate
Important Agricultural Lands for ap-
proximately 689.69 acres at O'ahu,
Hawaii identified by TMK Nos. (1) 6-4-
001-001 (por.), 6-4-001-005 and 6-4-001-
012

DOCKET NO. DR19-66

CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this date, a true and correct copy of the foregoing document was served on the following parties at their last known addresses listed below, by U.S. mail, postage prepaid:

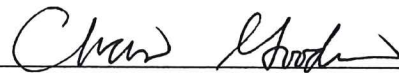
CITY & COUNTY OF HONOLULU
DEPARTMENT OF PLANNING & PERMITTING
650 South King Street
Honolulu, HI 96813
Attention: Director Kathy Sokugawa

STATE OF HAWAII
DEPARTMENT OF AGRICULTURE
1428 South King Street
Honolulu, HI 96814
Attention: Phyllis Shimabukuro-Geiser

STATE OF HAWAII
OFFICE OF PLANNING
P.O. Box 2359
Honolulu, HI 96804-2359
Attention: Mary Alice Evans

DATED: Honolulu, Hawai'i, November 19, 2019.

CADES SCHUTTE
A Limited Liability Law Partnership



CALVERT G. CHIPCHASE
Attorney for Petitioner
POMAIKA'I PARTNERS, LLC