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February 10, 2021

TO: Daniel Orodener, Executive Officer
State Land Use Commission

FROM: Mary Alice Evans, Director *Mary Alice Evans*
Office of Planning

SUBJECT: Petitioner: City and County of Honolulu
City Council Resolution No. 18-233, CD1, FD1
Important Agricultural Lands on Oahu
Action: Designate Important Agricultural Lands for the
City and County of Honolulu

The Office of Planning (OP) has reviewed the City and County of Honolulu's (City) transmittal to our office regarding Important Agricultural Lands (IAL) on Oahu, Resolution 18-233, CD1, FD1 dated September 22, 2020. At the outset, we wish to commend the City Department of Planning and Permitting and the Honolulu City Council and recognize the City's accomplishment of a major milestone in the protection of State Agricultural District lands. The City completed a two-year study and submitted maps delineating eligible lands of approximately 45,000 acres to be designated Important Agricultural Lands ("IAL"), thereby becoming the first county to designate IAL as provided for in Hawaii Revised Statutes (HRS) § 205-44, 47 and 48.

OP provides herewith our comments regarding City's IAL submittal relative to the requirements of HRS § 205-48 and Hawaii Administrative Rules (HAR) §§ 15-15-125 and 15-15-126.

HRS § 205-48 provides that:

- (b) The department of agriculture and the office of planning shall review the county report and recommendations and provide comments to the commission within forty-five days of the receipt of the report and maps by the land use commission. The land use commission may also consult the department of agriculture and the office of planning as needed.
- (c) State agency review shall be based on an evaluation of the degree that:
 - (1) County recommendations result in an identified resource base that meets the definition of important agricultural land and the objectives and policies for important agricultural lands in sections 205-42 and 205-43.
 - (2) County has met the minimum standards and criteria for the identification and mapping process in sections 205-44 and 205-47.

We understand that the LUC may start the hearing and review process on the City's IAL proposal in February 2021. Pursuant to HAR § 15-15-125 (d) and (e):

- (d) Any hearing under this section shall adhere to the procedures set forth in this subchapter and subchapters 1 and 5, and shall be conducted as a rulemaking proceeding in accordance with section 15-15-109 and be held in the relevant county.
- (e) The commission may, under this section:
 - (1) Remand the matter back to the county for further review or clarification;
 - (2) Adopt the recommendations of the county in its entirety after receipt of the complete record from the county pursuant to section 15-15-126, and designate lands in such county as important agricultural lands; or
 - (3) Based on evidence presented, amend or revise the county recommendation and proposal to exclude, or include certain lands from designation as important agricultural lands.,

Based on our review of the City's submittal, OP provides the following comments for the Commission's consideration:

1. The City's Petition for the IAL designation is provided for under Hawaii Revised Statutes ("HRS") §205-44, 47 and 48, and appears to meet the minimum standards and criteria requirements that are listed in the Statute.
 - a. HRS §205-47 (a) through (d), provides the counties with the process for designating IAL in their respective counties. The report submitted by the City, titled, *Oahu Important Agricultural Land Mapping Project* of August 2018 (IAL Report), prepared for the City and County of Honolulu, Department of Planning and Permitting appears to fulfill these requirements.
 - b. The supporting documents include maps, a description of involvement by government agencies, public testimony and owners' notifications and testimony.
 - c. The document and supporting information also indicate the criteria that was employed for delineating the City's recommendations for Important Agricultural Lands in detail.
 - d. The final report and supporting information were transmitted to the Honolulu City Council which also held public hearings, and was subsequently approved by resolution.
2. Chapter 2 of the IAL Report describes the process the City developed for designating IAL. OP was involved and participated as a member of DPP's Technical Advisory Group (TAC). The community engagement process included focus group meetings, community meetings which included two 60-day public comment periods, a website and landowner notification.

3. The standards and criteria found in HRS §205-44, were the basis for the document's weighted criteria for the IAL mapping. The document indicates that the weighted criteria that was the justification for the recommendations was developed mostly in the TAC group. The weighted criteria used for the recommendations is:
 - a. Current agricultural production.
 - b. Soil qualities and growing conditions
 - c. Availability of water.

Regarding soil qualities and growing conditions, we note that neither Agricultural Lands of Importance to the State of Hawaii (ALISH) nor the designations in the Land Study Bureau (LSB) rating systems was used. Instead the Soil Survey Geographic Database from USDA Natural Resources Conservation Service was employed for the analysis. Based on our understanding of the NRCS rating system, it is generally consistent with the ALISH and LSB systems.

4. Summary of Oahu (City & County of Honolulu) lands in State Land Use Districts
Total Acreage on Oahu = 386,000 Acres

Agricultural	Urban	Conservation
128,000 Acres	102,000 Acres	157,000
32 % of total lands on Oahu	27%	41%
Currently in IAL 14,964.884 Acres by private land owners voluntary IAL Petitions approved by the LUC 11.7% of Agricultural District lands		
City study identified 63,900 Acres as eligible per IAL criteria 49.9% of Agricultural District lands		
City recommending 45,400 Acres for IAL designation 35% of Agricultural District lands		

5. OP has some concerns regarding lands with slopes greater than 20% because agricultural production on such lands contributes to soil erosion/loss, and sediment runoff. IAL designation of land that does not have high resource value or whose productivity is severely constrained misrepresents its productive value and should be avoided, unless it can be explicitly shown that these lands support the function and/or protection of other

agricultural lands. Lands with physical constraints limiting agricultural productivity have sharply reduced agricultural resource value. OP has prepared a GIS map showing the extent of areas proposed for IAL designation which exceeds 20% slope -- see OP Figure 1.

6. Chapter 2, City's Approach to Identify and Map Recommendations for IAL Designation. 2.2.3. Prepare Preliminary Map Recommendations. On Page 34, the IAL Report indicates that the study chose to exclude lots for several reasons, as follows:
 - a. If the Tax Map Key parcel boundaries resulted in land areas too small for IAL, with parcels five (5) percent or less of their land area within IAL, these were eliminated.
 - b. Parcels less than one (1) acre in size were also eliminated.
 - c. The study also may have eliminated parcels that were isolated.

OP is concerned that these lots as described above were not excluded, as the final City IAL recommendations list includes many small parcels. There does not appear to be any explanation of why these small parcels have been included. Under HRS Section 205-5(b), the minimum lot size for any agricultural use shall be one acre, with certain exceptions.

7. City's Resolution No. 18-233, CD 1, FD1, Relating to Identification of Important Agricultural Lands. Exhibit B. Tax Map Key list. No. 984 on the list is for TMK 7-1-002: 033. This parcel may be owned by the State of Hawaii, and thus may not be eligible for inclusion. This could be due to purchase of Castle & Cooke lands in the Wahiawa area after the mapping was completed. The two parcels are: TMK 7-1-002: 044, currently owned by the Department of Hawaiian Home Lands, and 6-5-002: 001, formerly portions of Castle & Cooke 7-1-002: 033.
8. Appendix F, Criteria Maps and Summary Descriptions. Standards and Criteria for the Identification of IAL. Page 1. Last Paragraph. Executive Summary, page ES-2. The document indicates that the study's resource maps were up-to-date as of December 2016. Since that time, several large IAL Petitions under the voluntary landowner designation process were approved by the LUC. Approximately 12,300 acres were already designated as IAL by individual landowner-initiated process. We note that since 2016, this has increased via this process to a total of 14,964.884 acres. Accordingly, the City should verify the acreage being recommended for IAL designation. See OP Figure 2.

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Conclusion

In conclusion, OP concurs with most of the City's recommendations for the land areas identified within the Petition as Important Agricultural Lands, and recommends that these lands be approved by the LUC for IAL designation. However, OP does not concur at this time with the following:

1. the designation of IAL for large areas predominantly having slopes exceeding 20% and whose productivity is severely constrained,
2. the designation of small parcels of land less than one acre in size, and
3. the designation of any State-owned lands, which should be removed.

OP would request that the City provide appropriate explanations or clarification of the above in the course of the IAL hearings.

OP otherwise finds that the City's submittal meets the minimum standards and criteria provided in HRS §§ 205-44, 47 and 48, for the designation of Important Agricultural Lands and recommends that the LUC approve the IAL designation of these lands. However, OP reserves the right to provide additional comments during the Commission proceedings on this matter.

c: City and County of Honolulu Council Services
City and County of Honolulu Department of Planning and Permitting
Department of Agriculture

Enclosures