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BEFORE THE LAND USE COMMISSION
 OF THE STATE OF HAWAI'I

In the Matter of)	CITY AND COUNTY OF HONOLULU'S
)	RECOMMENDATION OF IMPORTANT
CITY AND COUNTY OF HONOLULU'S)	AGRICULTURAL LANDS; CERTIFICATE
)	OF SERVICE
Recommendation of Important Agricultural)	
Lands for the City and County of Honolulu,)	
State of Hawai'i.)	
)	
_____)	

**CITY AND COUNTY OF HONOLULU'S
 RECOMMENDATION OF IMPORTANT AGRICULTURAL LANDS**

The Department of Planning and Permitting (“DPP”) of the City and County of Honolulu (“City”), hereby provides the City’s recommendation of Important Agricultural Lands (“IAL”) to the Land Use Commission of the State of Hawai’i (“LUC”/”Commission”), pursuant to Hawai’i Revised Statutes (“HRS”) Chapter 205, Part III, and Hawaii Administrative Rules (“HAR”) §15-15-125.

The City’s recommendation for IAL is the result of a strategic, resource-based mapping process to inventory land with the qualities necessary to support active agricultural use. The recommendation articulates a long-term vision for quality farm land most suited for farming.

The City's recommendation for the designation of IAL attempts to reserve the best lands for agricultural production because not all the land in the State Agricultural District is suitable for farming.

The City's recommendation for IAL designation was transmitted to the LUC under Honolulu City Council Resolution No. 18-233, CD 1, FD 1, and is further described in detail in *Exhibit 1, Report on the O'ahu Important Agricultural Land Mapping Project*, dated August 2018 ("Report")¹.

The City & County of Honolulu comprises approximately 386,000 total acres, of which roughly 128,000 acres, or 32% of the total acreage, is in the State Land Use Agricultural District. Of the 128,000 acres, approximately 56,145 acres were excluded from the study area as ineligible, that included lands currently designated as IAL through the landowner-initiated process, lands owned by the State of Hawai'i, and lands owned or in the process of being acquired by the U.S. Government. Excluding these lands, the total study area was 63,855 acres.

As a result of the City's IAL mapping and public outreach phase of the process, which began in August 2014, an approximate 45,428 acres of the 63,855 acre study area is recommended as IAL to the LUC. Figures 4-2 of the Report maps the approximate 45,428 acres on 1,781 TMK parcels recommended for IAL designation and Figures 4-3 through 4-8 are regional profiles showing the recommendations for IAL at a closer view.

While the majority of the recommended land is in Central O'ahu (Mililani, Kunia, and Wahiawā) and the North Shore (Hale'iwa and Waialua), there are several large tracts found

¹ The Report does not include IAL designated by the Land Use Commission after the date of publication nor does it include additional lands recommended for IAL inclusion by the Honolulu City Council during its deliberations on passing Resolution No. 18-233, CD 1, FD 1.

along the Wai‘anae coast and in Ko‘olau Loa and Ko‘olau Poko. A list of the Tax Map Key (“TMK”) parcels being recommended for IAL is presented in Appendix H of the Report.

For the Commission’s consideration, HAR §15-15-125 sets forth the requirements for the county identification of IAL, including that the form and content of the county IAL recommendations shall conform to the following requirements:

- I. **HRS §205-47:** Meet the requirements of the county process for the identification of IAL;
- II. **HRS §205-44:** Meet the standards and criteria for the identification of IAL;
- III. **HRS §205-42:** Conform to the objective for the identification of, and definition of “Important Agricultural Lands”;
- IV. **HRS §205-43:** Conform to the county policies, plans and ordinances that implement IAL policies;
- V. **HAR §15-15-125(b):** The county provides a complete record of its proceedings in support of its recommendation to the LUC; and
- VI. **HAR §15-15-125(f):** The county serves a copy of the Report to the State Department of Agriculture and State Office of Planning.

Based on the following analysis, the City meets these requirements.

I. HRS §205-47: THE CITY MEETS THE REQUIREMENTS OF THE COUNTY PROCESS FOR THE IDENTIFICATION OF IAL.

HRS §205-47 provides the county process for the identification of IAL that includes the following five requirements.

A. HRS §205-47(a) Standards and Criteria.

HRS §205-47(a) requires:

Each county shall identify and map potential [IAL] within its jurisdiction based on the standards and criteria in section 205-44 and the intent of this part [III of HRS Chapter 205], except lands that have been designated, through the state land use, zoning, or county planning process, for urban use by the State or county.

(Emphases added).

The City has identified and mapped potential IAL throughout the City and County of Honolulu as provided in the maps of Figures 4-2 through 4-8 of the Report, based on the standards and criteria of HRS §205-44(c), as demonstrated in Part II below.

The intent of Part III of HRS Chapter 205 is found at HRS §205-42(b), which states:

The objective for the identification of [IAL] is to identify and plan for 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...

The City's identification of IAL is aligned with this intent/objective. It has completed the IAL identification mapping project pursuant to the requirements of Part III of HRS Chapter 205, to identify an inventory of lands with the qualities necessary to support active agricultural use for now and into the future.

The City has excluded from its IAL recommendation lands outside of the City's jurisdiction, including lands owned by the U.S. Government, lands owned by semi-autonomous State agencies, and lands classified in the State Conservation District. Additionally, the City has excluded those lands that have been designated Urban through the state land use designation and reclassification processes of HRS Chapter 205, and those lands designated for urban use through the City's land use plans and zoning. Of the total 386,000 acres in the City and County of Honolulu, approximately 128,000 acres (32%) are in the State Agricultural District, approximately 102,000 acres (27%) are in the State Urban District, and approximately 157,000 acres (41%) are in the State Conservation District. The Report indicates that from 2011 to 2016, approximately 767 acres were reclassified from the Agricultural District to the Urban District in the City and County of Honolulu.

B. HRS §205-47(b) Consultation.

HRS §205-47(b) requires:

Each county shall develop maps of potential lands to be considered for designation as [IAL] in consultation and cooperation with landowners, the department of agriculture, agricultural interest groups, including representatives from the Hawaii Farm Bureau Federation and other agricultural organizations, the United States Department of Agriculture – Natural Resources Conservation Service, the office of planning, and other groups as necessary.

(Emphases added).

During the first of two phases of the City’s IAL designation process, the City convened a technical advisory committee (“TAC”) comprised of 13 farmers, six agricultural agency representatives, two agricultural interests, two other agricultural representatives, one landowner, and two ex-officio members, which together, includes all of the agencies and organizations listed in HRS §205-47(b). *See Appendix B* of the Report. The TAC members were chosen based on their technical expertise, knowledge of aspects of the agricultural industry, and experience and ability to effectively participate in a group planning process. The TAC meetings were held on September 18, 2012, October 12, 2012, November 13, 2012, April 8, 2013, May 9, 2013, and June 19, 2013.

Prior to the TAC’s involvement, the DPP performed an internal technical review to: identify available data sources to be used in defining the criteria, develop resource maps based on the criteria definitions, and determine how to weight/rank the criteria.

Helber, Hastert & Fee Planners, Inc. (“HHF”), as consultant to the City, assisted the TAC in developing the set of criteria for IAL designation, including, arranging for TAC meetings, facilitating discussions among TAC members, encouraging the broadest possible agreement, and

preparing maps of select combinations of criteria to facilitate understanding of options for consideration. The resource maps were the basis for the first iteration of the draft IAL maps.

The TAC reviewed the resource maps representing seven of the nine criteria² for which reliable spatial data could be rendered in a graphical form. Given the specialized aspects of farming and the complex, theoretical nature of the subject matter, the ability to hold focused, technical discussions with such a small, dedicated group of agricultural experts allowed for in-depth, thorough examination of the criteria and weighting methodology.

The second phase of the City's IAL designation process was characterized by a community engagement process that validated how the weighted criteria would be used to develop the City's recommendations for IAL. Focus groups and input from the larger community assisted in weighting, identifying issues and concerns, and refining the resource maps.

C. HRS §205-47(c) Inclusive Process for Public Involvement.

HRS §205-47(c) requires:

*Each county, through its planning department, shall develop an **inclusive process for public involvement** in the identification of potential lands and the development of maps of lands to be recommended as [IAL], including **a series of public meetings** throughout the identification and mapping process. The planning departments may also establish one or more citizen advisory committees on [IAL] to provide further public input, utilize an existing process (such as general plan, development plan, community plan), or employ appropriate existing and adopted general plan, development plan, or community plan maps.*

(Emphases added).

² The two criteria that could not be rendered in a graphical form were: land that contributes to maintaining a critical land mass important to agricultural operating productivity, and land with or near support infrastructure conducive to agricultural productivity, such as transportation to markets, water, or power.

In addition to the TAC, the City's inclusive process for public involvement included: three rounds of community meetings, two, sixty-day public comment periods, and a website to inform and seek input from interested stakeholders. Appendix E of the Report includes a summary of public comments. A web-based viewer was created to allow closer examination of affected parcels. Community-wide meetings were held in the early evenings to optimize public participation. DPP published a half-page advertisement and map in the Honolulu Star-Advertiser on October 7, 2018, regarding the possible inclusion of their lands for IAL designation.

Three focus group meetings were held in the community with interested individuals and organizations. The meetings took place on January 22 and 28, 2015, and February 4, 2015. Farmers/producers, agriculture support and related industry, wholesaler/consumers, environmental interests, community organizations/neighborhood boards, landowners, native Hawaiian interests, and government agencies were invited to these focus group meetings. Meeting summaries and participant information are included in Appendix C of the Report.

Public involvement in the preparation of the City's recommendations for IAL included presentation of the draft IAL map recommendations and the online IAL Map Viewer at two community meetings in January 2017, in Hale'iwa and Kapolei, a mail-out to inform affected landowners, and two public comment periods. The first public comment period was for 60 days from January 10, 2017 to March 31, 2017. Comments received during this public comment period were compiled and analyzed to identify any necessary map refinements and any other issues and concerns. Written comments received during the public comment period were compiled and analyzed, and recommendations were refined accordingly. Subsequently, public presentation of the City's refined draft IAL map occurred on November 20, 2017. Comments

during this second comment period were accepted up until the time the draft IAL maps was submitted to the City Council on August 31, 2018.

A total of 93 written comments were received from various government agencies, community organizations, and landowners (see Table 4-1 of the Report). Of the 93 comments, nearly 80 percent (74) were from landowners, 12 percent (11) from government agencies, and the remaining 8 percent (8) represented concerned individuals or community organizations. A summary of the written comments and the City's response/action is provided in Appendix E of the Report.

Of the 74 landowners that responded with written comments, 90% (67) expressed dissatisfaction with the preliminary IAL designation and requested exclusion from the City's IAL process. Landowners seeking to be excluded from the City's IAL process offered specific rationale to support their request, although a recurring theme among landowners was that their land was not in current agricultural use or not intended for future agricultural use, or did not have the qualities to support productive agricultural use. After reviewing the requests on a case-by-case basis, the City complied with more than half of the landowner requests (57 percent, 38 of 74) for exclusion.

Additionally, the City Council held three public hearings in their deliberation of DPP's recommended IAL that included public notice. The City Council public hearings occurred on April 25, 2019; May 8, 2019; and June 5, 2019.

D. HRS §205-47(d) Landowner Notification and Report on IAL Consistency with HRS Subsections 205-47(d)(1) - (5).

1. Landowner Notification.

HRS §205-47(d) requires that:

*The counties shall **take notice of those lands that have already been designated as [IAL]** by the commission.*

*Upon identification of potential lands to be recommended to the county council as potential [IAL], the counties shall take **reasonable action to notify each owner** of those lands by mail or posted notice on the affected lands to inform them of the potential designation of their lands...*

(Emphases added).

Throughout DPP's mapping process, the LUC heard and determined voluntary landowner petitions for IAL designation through the declaratory order process. The DPP's mapping process excluded those lands that were designated IAL by the LUC up to August 31, 2018. The DPP's mapping process also excluded those lands voluntarily requested by landowners for IAL designation that were being heard by the LUC but not decided at the time of the Report's publication.

Once the DPP identified the potential lands to be recommended to the City Council, the approximately 1,800 landowners of those potential lands were sent notices by United States Postal Service regular mail system that their lands were being considered for IAL designation, or that their lands were previously considered, but were no longer being considered for IAL designation. On December 29, 2016, notice was sent to all landowners affected by the draft IAL map, that provided the date and place of the two community meetings on January 10 and 17, 2017, for the DPP's presentation of the draft map. The notice included instructions on how a landowner could respond to the potential IAL designation.

On November 8, 2017, notice was sent informing landowners that their parcels would be affected by the draft IAL map, and provided the date and place of the November 20, 2017 community meeting. A final mail out was sent to those who submitted comments, thanking them for their participation and the next steps before the LUC.

For notices that were returned by the USPS, DPP attempted to find current and/or correct addresses and re-sent the returned notices. Efforts by DPP to contact landowners whose notices were returned, included contacting the City's Department of Budget and Fiscal Services, Real Property Division, to inquire/verify returned mail addresses; online research of each owner's name or business name, via internet search engines; online records search of State Department of Commerce and Consumer Affairs Business Registration Division; and researching contact information from those who participated in the DPP's series of community meetings. To increase the thoroughness of the public notification process, the DPP published a half-page advertisement and map in the Honolulu Star-Advertiser on October 7, 2018, regarding the possible inclusion of lands for IAL designation.

2. Report on IAL Consistency with HRS Subsections 205-47(d)(1) through (5).

In addition to landowner notice, HRS §205-47(d) requires that:

In formulating its final recommendations to the respective county councils, the planning departments shall report on the manner in which the [IAL] mapping relates to, supports, and is consistent with... [the following five criteria:]

(1) Standards and criteria set forth in HRS §205-44:

The City's designation of IAL meets the standards and criteria set forth in HRS 205-44, as provided in Part II below.

(2) County's adopted land use plans, as applied to both the identification and exclusion of IAL from such designation:

The City's IAL identification process eliminated candidate parcels if they were designated in the City's Development Plans and Sustainable Communities Plans ("DP"/"SCP") for urban type uses instead of agriculture and open space/preservation uses. Although most parcels identified for IAL designation were outside the DP/SCP's community growth boundaries

("CGB"), a small number of parcels within the CGBs were included for IAL designation as they met the criteria of the various DP/SCPs agriculture and open space/preservation policies. A number of parcels that were zoned Country District, which allows both low-density dwelling and agriculture uses, were also removed from candidate IAL because these parcels allow residential and/or agriculture uses.

(3) Comments received from government agencies and others identified in HRS 205-47(d)(2):

The DPP contacted various State and City agencies for which twelve provided comments on the county's IAL process, including the Department of Accounting and General Services, Department of Agriculture ("DOA"), Department of Hawaiian Homelands ("DHHL"), LUC, the Office of Planning ("OP"), Board of Water Supply ("BWS"), Department of Design and Construction, Department of Environmental Services, Honolulu Fire Department, Department of Parks and Recreation, Honolulu Police Department ("HPD"), and the Department of Transportation Services ("DTS"). Four agencies had no comments or indicated that the IAL identification process will not impact their services. The BWS and the DTS supports or indicated that the IAL identification process will not impact their services. The LUC requested that the IAL's Frequently Asked Questions' responses be clarified, which the DPP complied with. The DHHL commented that some of their lands would be affected by the proposed IAL designation. The DHHL parcels were eliminated from IAL consideration during the initial screening process. The HPD commented that IAL designation may result in increased calls for police services (without further explanation).

The DOA participated in the mapping project as a member of the TAC and submitted comments to the LUC on February 2, 2021. The OP submitted comments to the LUC on February 10, 2021. Notably, both the DOA and the OP commented that the City's IAL mapping

submittal to the LUC met the counties' IAL mapping requirements of HRS §§ 205-44 and 205-47.

Representatives from various agricultural interest groups, including the Hawaii Farm Bureau Federation, the U. S. Department of Agriculture – Natural Resource Conservation Service, Hawaii Livestock Farmers Coalition, Hawaii Agriculture Research Center, and representatives of various farms were members of the TAC that actively participated and provided guidance in the IAL mapping project.

(4) Viability of existing agribusinesses:

The City's IAL mapping process utilized three main criteria to identify lands for IAL designation, including land currently used for agricultural production. This criterion would directly capture existing agribusinesses for IAL designation that could then benefit from the various IAL incentives provided by the State and County.

(5) Representations or position statements of the owners whose lands are subject to the potential designation:

Appendix E of the Report describes the representations and position statements of landowners whose land may be subject to IAL designation and a description of the City's disposition on the representations and position statements. The representations and position statements of landowners were reviewed and incorporated into the City's recommendation of IAL.

E. HRS §205-47(e) Council Adoption and Transmittal to LUC.

HRS §205-44(e) requires:

The [IAL] maps shall be submitted to the county council for decision-making. The county council shall adopt the maps, with or without changes, by resolution. The adopted maps shall be transmitted to the land use commission for further action pursuant to section 205-48.

(Emphases added).

On August 31, 2018, the DPP submitted the proposed maps to City Council for decision-making. In its deliberations, the City Council eliminated three parcels owned by Island Palm Communities, LLC, which involved approximately 2,416 acres of land, one parcel owned by Intelsat Global Service, LLC, which involved approximately 224 acres of land, and lands under petition for IAL designation by Pomaikai Partners, LLC, which was before the Land Use Commission. The resulting IAL map is shown on the City Council's adopted Resolution 18-233, CD 1, FD 1.

The City Council transmitted the resolution and the Report to the LUC on August 28, 2019.

II. HRS §205-44: THE CITY MEETS THE STANDARDS AND CRITERIA FOR THE IDENTIFICATION OF IAL.

HRS §205-44(a) states:

The standards and criteria in this section shall be used to identify [IAL]. Lands identified as [IAL] need not meet every standard and criteria listed in subsection (c). Rather, lands meeting any of the criteria in subsection (c) 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 the constitutionally mandated purposes in article XI, section 3, of the Hawaii constitution and the objectives and policies for important agricultural lands in sections 205-42 and 205-43.

The City's identification of IAL is described in Section 2.2 of the Report. Without statutory or rule provisions requiring that a specific methodology be used to weigh the standards and criteria, each county has the discretion to formulate their approach to establish importance and prioritize the standards and criteria. The weighing of the standards and criteria established the level of importance that each criterion carries in the evaluation process. With input from the

TAC and comments from the focus group meetings, the DPP and its consultant sought to define the eight standards and criteria to be used in locating geographical datasets.

Once the criteria were defined, the definitions were used to locate Geographical Information System (“GIS”) spatial datasets (i.e., data sources) that were available or could be developed. The GIS datasets were organized to create a series of resource maps that illustrated the areas with the characteristics of each criterion. In general, mapping of the criteria relied heavily on existing datasets and did not include extensive original research.

The City employed a simple point allocation rating method which scores the criteria and ranks them according to their given score. Using a 100-point scale, TAC members were asked to identify their personal criteria preferences by distributing the 100 points across the criteria set. Points could be allocated in any manner so long as all points were accounted for.

The median score for each criterion was used to rank the criteria and identify criteria groupings. Criteria with the highest values were identified as priority criteria based on the natural grouping of scores. The distribution of the median scores revealed three distinct groupings: the first grouping comprised of criteria with 15 points each; the second grouping of criteria ranged from 10 to 8 points, and the third grouping received 5 points each.

Discussion with the TAC indicated no rational justification for adding additional criteria to the highest three criteria because: (1) the three highest-ranked criteria were tightly grouped together; and (2) there was a substantial difference between the first and second tiers of criteria groupings (e.g., 15 points for the first tier vs. 10 points for the second tier). By vote, the TAC determined that the three highest-ranked, rather than the four or six highest-ranked criteria would be used.

The priority criteria—which coincidentally are identical to the top three criteria used in Kaua‘i County’s IAL mapping project—were as follows (see Appendix G for details of selection process):

- HRS §205-44(c)(1): Land currently used for agricultural production.
- HRS §205-44(c)(2): Land with soil qualities and growing conditions that support agricultural production of food, fiber, or fuel- and energy-producing crops.
- HRS §205-44(c)(5): Land with sufficient quantities of water to support viable agricultural production.

Once the three highest-ranked criteria were selected as the priority criteria, the next step was to determine how the criteria would be used to identify lands that qualify for IAL designation. This step entailed preparing composite criteria maps that illustrated the various acreages resulting from the different combinations of criteria, and analyzing the maps to select the preferred combination for mapping.

The composite criteria maps were formed by overlaying the individual criterion maps onto a single map. The purpose of the composite maps was to support decision-making about how the criteria should be applied to qualify lands for IAL designation. After considering the implications of the different ways to apply the criteria, the TAC affirmed the use of the three highest-ranked criteria to identify IAL, and recommended an inclusive approach that allowed for a larger acreage of land to qualify for IAL designation. Based on the TAC’s recommendation for inclusivity, the City’s ultimate decision was to proceed with Scenario A, where land that satisfies any one of the three highest-ranked criteria qualifies for designation as IAL.

TMK parcel information to indicate land ownership was added at this point in the mapping process. Prior to this, the analysis and mapping of the criteria focused on the physical

characteristics of the land, and ownership was not identified as part of the resource-based criteria as a factor for consideration. However, given the statutory requirement to inform landowners of the potential to be designated IAL, the TMK parcel information was critical for identification and notification purposes. Because the TMK parcel boundaries resulted in some configurations where the land areas identified for IAL designation within the parcel boundaries were too small to be favorable for IAL (since IAL coverage is specific to the land and does not necessarily encompass the entire TMK parcel), parcels with 5 percent or less of their land area in the proposed IAL were eliminated, as were parcels that were less than one (1) acre in size.

Based on the City's process of weighing and prioritizing criteria (1), (2), and (5) of HRS §205-44(c) by the TAC, and the application of these criteria in the mapping, the City's recommended IAL is consistent with the standards and criteria for the identification of IAL.

III. HRS §205-44: THE CITY'S IDENTIFICATION OF IAL CONFORMS TO THE DEFINITION OF "IAL".

HRS §205-42(a) defines "IAL" as:

- (1) Are capable of producing sustained high agricultural yields when treated and managed according to accepted farming methods and technology;*
- (2) Contribute to the State's economic base and produce agricultural commodities for export or local consumption; or*
- (3) Are needed to promote the expansion of agricultural activities and income for the future, even if currently not in production.*

(Emphasis added). The use of "or" in the definition of "IAL" indicates that the satisfaction of any of the three prongs of HRS §205-42(a) qualifies as defining "IAL", and does not require satisfaction of all three prongs.

The City's identification of IAL conforms to the definition of "IAL" based on the three selected criteria and standards of HRS §205-44(c) (discussed above in Part II), that the City employed to identify the recommended IAL. The City's recommended IAL that was identified

to meet at least one of the following: (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; or (5) Land with sufficient quantities of water to support viable agricultural production, would qualify as meeting prongs (1) and/or (2) of HRS §205-42 because such lands basically are capable of agricultural production. Agricultural production capability could sustain high agricultural yields if treated and managed according to accepted farming methods and technology, in satisfaction of prong (1) of HRS §205-42, and could contribute to the State's economic base and produce agricultural commodities for export or local consumption in support of prong (2) of HRS §205-42.

IV. HRS §205-43: THE CITY'S IDENTIFICATION OF IAL CONFORMS TO THE POLICIES, PLANS, AND ORDINANCES THAT IMPLEMENT IAL.

HRS §205-43 requires that county agricultural policies, tax policies, land use plans, ordinances, and rules promote the long-term viability of agricultural use of IAL and are consistent with and implement the following eight (8) policies:

- (1) Promote the retention of IAL in blocks of contiguous, intact, and functional land units large enough to allow flexibility in agricultural production and management.**

The City's long-range plans ("DPs/SCPs") and its land use maps and zoning district regulations and boundaries for AG-1 Restricted Agricultural District ("AG-1") and AG-2 General Agricultural District ("AG-2") discourages fragmentation or "spot" zoning by implementing the establishment and retention of large, contiguous blocks of agriculture designated/zoned lands. Urban uses outside of the community growth boundaries of the long-range plans have been discouraged unless they are for affordable housing projects processed under Ch. 201E, HRS, or proposed by the State Department of Hawaiian Homelands, or by the Governor's proclamations that have waived projects' conformance with existing state

and county land use requirements for housing for the homeless. An online review of the City's long-range land use designations and AG-1/AG-2 zoning districts indicate that large blocks of contiguous AG-1/AG-2 districts have been retained throughout Oahu and especially in Kunia, Waialua, Kawaioloa, Kahuku, Waipio, and the mauka portions of Ewa, all of which are outside the communities growth boundaries which protect these lands for agriculture and compatible uses.

(2) Discourage the fragmentation of IAL and the conversion of these lands to non-agricultural uses.

As indicated above, the policies of the DPs/SCPs continue to encourage large blocks of agricultural land be retained for agricultural use. In brief, converting these lands outside of the community growth boundaries requires community support and consistency with these long-range plans before such lands can be reclassified/rezoned for urban type uses. In establishing the community growth boundaries, urban uses such as business, industrial, residential, and other similar uses have been accommodated within the community growth boundaries. Thus, the DPs/SCPs have largely contained urban uses to areas intended for their establishment and expansion.

(3) Direct non-agricultural uses and activities from IAL to other areas and ensure that uses on IAL are actually agricultural uses.

The City's DPs and SCPs lay out the defining policies and guidelines for the future development pattern, community characteristics, and infrastructure improvements envisioned for the specific region. As indicated above, the DPs/SCPs policies and maps include a community growth boundary that conceptually outlines the areas intended for urban/residential development, while areas outside the boundary are intended for agricultural and preservation

uses. Additionally, the City's agricultural zoning limits agricultural uses within AG-1 and AG-2 zones.

(4) Limit physical improvements on IAL to maintain affordability of these lands for agricultural purposes.

The City's ordinance limits specific uses and structures in the AG-1/AG-2 zoning districts to farm dwellings and accessory agricultural buildings. In addition, dwelling uses in the AG-1/AG-2 zoning districts must comply with area coverage and height limitations. For example, the lot coverage of non-agricultural structures are limited to ten percent of the lot area and a maximum height of 25 feet and the minimum lot width and depth for new lots must be 150 feet. These restrictions encourage maximizing agriculture land for agriculture uses.

(5) Provide a basic level of infrastructure and services on IAL limited to the minimum necessary to support agricultural uses and activities.

The City's Subdivision Ordinance, Revised Ordinances of Honolulu Chapter 22, allows reduced development standards for new agricultural lots. For example, street construction standards for agricultural subdivisions may be waived and the undergrounding of utilities are not required. In addition, standards for fire protection for structures can be met with on-site water reservoirs in place of connections to the Board of Water Supply water transmission system.

(6) Facilitate the long-term dedication of IAL for future agricultural use through the use of incentives.

The City's Ordinance 12-16, Section 8-7.3, requires the dedication of lands for agricultural use, allows reduction in property taxes should the landowner be approved for dedication of land to long-term agricultural use for one, five or ten years. The ordinance reduces property taxes to five percent of fair market value for a one-year agricultural dedication, three percent of fair market value for a three-year dedication, and one percent of fair market

value for a ten-year dedication. In addition, dedication of land as vacant agricultural land for a period of ten years reduces property taxes to 50 percent of fair market value.

(7) Facilitate the access of farmers to IAL for long-term viable agricultural use.

The City is facilitating access to IAL and the State's existing tax benefits through its IAL mapping project. This is the first step to assist farmers who did not or could not afford the process to voluntarily petition the LUC for IAL designation of their lands but desired the benefits of IAL designation. The City also supported the multiple extensions of tax credits offered under recent legislation. During the 2018 Session of the State Legislature, the City supported Senate Bill 2074, Act 87, which extended the date to December 31, 2028, for which DOA is permitted to certify qualifying tax credits for farmers and landowners claiming tax credits pursuant to Section 235-110.93, Hawaii Revised Statutes.

(8) Promote the maintenance of essential agricultural infrastructure systems, including irrigation systems.

Besides existing programs that reduce property taxes, reduce or waived development standards, reduced water usage rates for agricultural water, the City does not have programs that promote the maintenance of essential agricultural infrastructure. The City has researched and met with various city agencies in exploring other programs and incentives that could be considered as additional IAL incentives to existing programs. No new incentives programs appear to be feasible at this time. Nevertheless, the City continues to explore methods to incentivize the productive farming of its agricultural lands.

V. HAR §15-15-125(b): THE CITY PROVIDED A COMPLETE RECORD OF ITS PROCEEDINGS IN SUPPORT OF ITS IAL RECOMMENDATION TO THE LUC.

HAR §15-15-125(b) requires:

The county making such recommendations to designate [IAL] shall provide the commission a complete record of its proceedings in

support of its recommendation, including evidence the county has specifically adhered to the requirements of section 205-47, HRS...

On August 28, 2019, the City Council submitted a complete record of its proceedings in support of its IAL recommendation to the LUC, which includes:

- A. Resolution 18-61, requesting the City Council's Agricultural Development Task Force to review DPP's Report on IAL, make recommendations on the proposed IAL designations, and suggest possible incentives for IAL.
- B. Resolution 18-233, CD1, FD1, the City Council's recommendation that the maps identifying lands on Oahu for IAL meet the statutory requirements for consideration as IAL designation in accordance with the county designation process.
- C. Report entitled "Oahu Important Agricultural Land Mapping Project", dated August 2018, which includes:
 - 1. The Report
 - 2. Figure 4.1 Study Area
 - 3. Figure 4.2 Recommended IAL islandwide
 - 4. Figure 4.3 Recommended IAL Central O`ahu
 - 5. Figure 4.4 Recommended IAL `Ewa
 - 6. Figure 4.5 Recommended IAL Wai`anae
 - 7. Figure 4.6 Recommended IAL North Shore
 - 8. Figure 4.7 Recommended IAL Ko`olau Loa
 - 9. Figure 4.8 Recommended IAL Ko`olau Poko
 - 10. Pages 71-81 and Appendix A (HRS Chapter 205)
 - 11. Appendix B Technical Advisory Committee Meetings and Roster
 - 12. Appendices C-F (Focus Group, Community Meetings, Landowner and Public Comments)
 - 13. Appendix G Criteria Weighting Methodology
 - 14. Figure 4.11 Composite Map of 3 Highest Ranked Criteria
 - 15. Figure 4.13 Composite Map of 4 Highest Ranked Criteria
 - 16. Appendix H – TMKs Recommended for IAL Designation
- D. Public notice published in the Honolulu Star Advertiser relating to the proposed designation of IAL;
- E. Letter from the Agricultural Task Force in response to Resolution No. 18-201;
- F. Committee Report for April 25, 2019, meeting of the Council Committee on Zoning and Housing ("ZH Committee");
- G. Minutes of the February 7, 2019, and April 25, 2019, ZH Committee meetings;
- H. Minutes of the May 8, 2019, and June 5, 2019, Council meetings;

- I. Written testimony received by the Council relating to Resolution No. 18-233; and
- J. Miscellaneous correspondence relating to Resolution No. 18-233, CD1, FD1, including the original and ZH Committee draft versions thereof.

VI. HAR §15-15-125(f): THE CITY SERVED A COPY OF THE REPORT TO THE STATE DEPARTMENT OF AGRICULTURE AND THE STATE OFFICE OF PLANNING.

HAR §15-15-125(f) requires:

The county shall serve a file-stamped copy of the county report and maps submitted pursuant to a petition under this section on the state department of agriculture and the state office of planning within one business day of filing with the commission.

On September 22, 2020, the City served by hand delivery, a complete record of its proceedings in support of its IAL recommendation to the DOA and the OP, as listed in Part V above.

In a letter dated February 9, 2021, the DOA stated its support of the City's recommendation of IAL and found that the City's recommended IAL satisfactorily addressed the evaluation criteria for State agency review pursuant to HRS §205-48. The state's evaluation criteria require satisfaction of HRS §§ 205-42, 205-43, 205-44, and 205-47.

In a letter dated February 19, 2021, the OP concurred with most of the City's recommendations IAL designation, found that the City's submittal meets the minimum standards and criteria provided in HRS §§205-44, 205-47 and 205-48, and recommended that the lands be approved by the LUC for IAL designation. However, the OP did not concur with the City's designation of IAL for large areas predominantly having slopes exceeding 20 percent and whose "productivity is severely strained", for small parcels of land less than one acre in size, and for any state-owned lands.

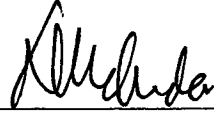
The City's designation of IAL having slopes exceeding 20 percent is reasonable based on the State's objective of providing cohesive, contiguous and intact areas to maintain a critical land mass for agriculture, and that lands of far greater slopes are able to support and sustain agricultural activities. The LUC previously approved voluntary IAL petitions by landowners with slopes as much as 70 percent (DR16-56 Robinson Family Partners) and 25 percent (DR18-62 Kualoa Ranch, Inc.) that had well-established pastures used for cattle ranching and horse grazing.

VII. Conclusion

Based on the foregoing, DPP respectfully requests that the Commission find that the form and content of the City's recommendation of IAL meets the requirements of HRS §§ 205-42, 205-43, 205-44, 205-47, and HAR §15-15-125, and thereby accepts and approves the City's recommended maps and designation of IAL.

DATED: Honolulu, Hawai'i, April 21, 2021.

DEPARTMENT OF PLANNING AND
PERMITTING,

By  _____
DEAN UCHIDA
Director

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAI'I

In the Matter of) CERTIFICATE OF SERVICE
)
CITY AND COUNTY OF HONOLULU'S)
)
Recommendation of Important Agricultural)
Lands for the City and County of Honolulu,)
State of Hawai'i.)
)
_____)

CERTIFICATE OF SERVICE


I hereby certify that on April 21, 2021, a copy of the City and County of Honolulu's Recommendation for Important Agricultural Lands was duly served on the following parties at their last known addresses listed below, by depositing a copy with the U.S. Postal Service, postage prepaid, first class mail:

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

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

DATED: Honolulu, Hawai'i, April 21, 2021.

DEPARTMENT OF PLANNING AND
PERMITTING,

By 

DEAN UCHIDA
Director