CITY COUNCIL
CITY AND COUNTY OF HONOLULU
530 SOUTH KING STREET, ROOM 202
HONOLULU, HAWAII 96813-3065
TELEPHONE: (808) 768-5010 • FAX: (808) 768-5011

IKAIKA ANDERSON
Chair and Presiding Officer
Honolulu City Council
Councilmember, District 3 (Windward O'ahu)
Email: *ianderson@honolulu.gov*
Phone: *808-768-5003*
Fax: *808-768-1235*

HAWAII DEPT OF AGR
2020 SEP 28 AM 9:

September 22, 2020

HAND DELIVERED

Phyllis Shimabukuro-Geiser, Chairperson
State of Hawaii Department of Agriculture
1428 South King Street
Honolulu, Hawaii 96814-2512

Subject: **Important Agricultural Lands on Oahu**
Resolution 18-233, CD1, FD1

'20DEC18 PM 2:50 CITY CLERK

Aloha Ms. Shimabukuro-Geiser:

Section 205-47 of the Hawaii Revised Statutes ("HRS") requires each county to identify and map potential lands to be considered for designation as important agricultural land ("IAL") within its jurisdiction based on the standards and criteria set forth in HRS Section 205-44.

On June 5, 2019, the City Council ("Council") of the City and County of Honolulu ("City") adopted Resolution 18-233, CD1, FD1, which contains maps and a corresponding list of tax map key numbers identifying parcels of real property or portions thereof in the City that are recommended for designation as IAL.

Section 15-15-125(b) of the Hawaii Administrative Rules ("HAR") requires that a county making IAL designation recommendations provide the State of Hawaii Land Use Commission (the "Commission") with a complete record of the county's proceedings in support of its recommendation.

HAR Section 15-15-125(f) requires a county to serve on the State of Hawaii Department of Agriculture and the State of Hawaii Office of Planning a file-stamped copy of the county report and maps submitted to the Commission. The file-stamped copies must be served within one business day of filing with the Commission.

COUNCIL COM. 390

ZH

In accordance with HAR Section 15-15-125(f), submitted with this letter is a copy of the City's record of proceedings in support of the City's IAL designation recommendations (the "Record"), which has been file-stamped as received by the Commission. The Record includes the following:

1. Resolution 18-233, CD1, FD1;
2. Report entitled "Oahu Important Agricultural Land Mapping Project" ("Report") from the City Department of Planning and Permitting ("DPP");
3. Public notice published in the Honolulu Star Advertiser relating to the proposed designation of IAL;
4. Resolution 18-201, requesting that the City's Agricultural Task Force review the Report and make recommendations on the IAL designations recommended in the Report
5. Letter from the Agricultural Task Force in response to Resolution 18-201;
6. Committee report for the April 25, 2019, meeting of the Council Committee on Zoning and Housing ("ZH Committee");
7. Minutes of the February 7, 2019, and April 25, 2019, ZH Committee meetings;
8. Minutes of the May 8, 2019, and June 5, 2019, Council meetings;
9. Written testimony received by the Council relating to Resolution 18-233, CD1, FD1, including the original and committee draft versions thereof; and
10. Miscellaneous correspondence relating to Resolution 18-233, CD1, FD1, including the original and committee draft versions thereof.

Malama Pono,

Ikaika Anderson
Council Chair and Presiding Officer
District 3 (Windward O'ahu)
Honolulu City Council

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
530 SOUTH KING STREET, ROOM 202
HONOLULU, HAWAII 96813-3065
TELEPHONE: (808) 768-5010 • FAX: (808) 768-5011

IKAIKA ANDERSON
Chair and Presiding Officer
Honolulu City Council
Councilmember, District 3 (Windward O'ahu)
Email: ***ianderson@honolulu.gov***
Phone: ***808-768-5003***
Fax: ***808-768-1235***

RECEIVED
SEP 28 2020
OFFICE OF PLANNING

September 22, 2020

HAND DELIVERED

Mary Alice Evans, Director
State of Hawaii Office of Planning
Leiopapa A. Kamehameha Building (State Office Tower)
Honolulu, Hawaii 96813

Subject: **Important Agricultural Lands on Oahu**
Resolution 18-233, CD1, FD1

Aloha Ms. Evans! Aloha Mary Alice!

Section 205-47 of the Hawaii Revised Statutes ("HRS") requires each county to identify and map potential lands to be considered for designation as important agricultural land ("IAL") within its jurisdiction based on the standards and criteria set forth in HRS Section 205-44.

On June 5, 2019, the City Council ("Council") of the City and County of Honolulu ("City") adopted Resolution 18-233, CD1, FD1, which contains maps and a corresponding list of tax map key numbers identifying parcels of real property or portions thereof in the City that are recommended for designation as IAL.

Section 15-15-125(b) of the Hawaii Administrative Rules ("HAR") requires that a county making IAL designation recommendations provide the State of Hawaii Land Use Commission (the "Commission") with a complete record of the county's proceedings in support of its recommendation.

HAR Section 15-15-125(f) requires a county to serve on the State of Hawaii Department of Agriculture and the State of Hawaii Office of Planning a file-stamped copy of the county report and maps submitted to the Commission. The file-stamped copies must be served within one business day of filing with the Commission.

In accordance with HAR Section 15-15-125(f), submitted with this letter is a copy of the City's record of proceedings in support of the City's IAL designation recommendations (the "Record"), which has been file-stamped as received by the Commission. The Record includes the following:

1. Resolution 18-233, CD1, FD1;
2. Report entitled "Oahu Important Agricultural Land Mapping Project" ("Report") from the City Department of Planning and Permitting ("DPP");
3. Public notice published in the Honolulu Star Advertiser relating to the proposed designation of IAL;
4. Resolution 18-201, requesting that the City's Agricultural Task Force review the Report and make recommendations on the IAL designations recommended in the Report
5. Letter from the Agricultural Task Force in response to Resolution 18-201;
6. Committee report for the April 25, 2019, meeting of the Council Committee on Zoning and Housing ("ZH Committee");
7. Minutes of the February 7, 2019, and April 25, 2019, ZH Committee meetings;
8. Minutes of the May 8, 2019, and June 5, 2019, Council meetings;
9. Written testimony received by the Council relating to Resolution 18-233, CD1, FD1, including the original and committee draft versions thereof; and
10. Miscellaneous correspondence relating to Resolution 18-233, CD1, FD1, including the original and committee draft versions thereof.

Malama Pono,

Ikaika Anderson
Council Chair and Presiding Officer
District 3 (Windward O'ahu)
Honolulu City Council

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
530 SOUTH KING STREET, ROOM 202
HONOLULU, HAWAII 96813-3065
TELEPHONE: (808) 768-5010 • FAX: (808) 768-5011

IKAIKA ANDERSON
Chair and Presiding Officer
Honolulu City Council
Councilmember, District 3 (Windward O'ahu)
Email: ***ianderson@honolulu.gov***
Phone: ***808-768-5003***
Fax: ***808-768-1235***

September 22, 2020

2020 SEP 28 A 8:23

LAND USE COMMISSION
STATE OF HAWAII

HAND DELIVERED

Daniel E. Orodenker, Executive Officer
State of Hawaii Land Use Commission
State Office Tower
Leiopapa A Kamehameha
235 South Beretania Street, Room 406
Honolulu, Hawaii 96813

Subject: **Important Agricultural Lands on Oahu**
Resolution 18-233, CD1, FD1

Aloha Mr. Orodenker Dan!

Section 205-47 of the Hawaii Revised Statutes ("HRS") requires each county to identify and map potential lands to be considered for designation as important agricultural land ("IAL") within its jurisdiction based on the standards and criteria set forth in HRS Section 205-44.

On June 5, 2019, the City Council ("Council") of the City and County of Honolulu ("City") adopted Resolution 18-233, CD1, FD1, which contains maps and a corresponding list of tax map key numbers identifying parcels of real property or portions thereof in the City that are recommended for designation as IAL. A copy of Resolution 18-233, CD1, FD1, has been transmitted to the State of Hawaii Land Use Commission ("Commission") by the Office of the City Clerk.

Section 15-15-125(b) of the Hawaii Administrative Rules ("HAR") requires that a county making IAL designation recommendations provide the Commission with a complete record of the county's proceedings in support of its recommendation.

HAR Section 15-15-125(f) requires a county to serve on the State of Hawaii Department of Agriculture and the State of Hawaii Office of Planning a file-stamped copy of the county report and maps submitted to the Commission. The file-stamped copies must be served within one business day of filing with the Commission

Submitted with this letter are five hardcopy sets of the City's record of proceedings in support of the City's IAL designation recommendations (the "Record"), together with a compact disc containing electronic files of the Record broken down into files no larger than 10 megabytes of data. The Record includes the following:

1. Resolution 18-233, CD1, FD1;
2. Report entitled "Oahu Important Agricultural Land Mapping Project" ("Report") from the City Department of Planning and Permitting ("DPP");
3. Public notice published in the Honolulu Star Advertiser relating to the proposed designation of IAL;
4. Resolution 18-201, requesting that the City's Agricultural Task Force review the Report and make recommendations on the IAL designations recommended in the Report
5. Letter from the Agricultural Task Force in response to Resolution 18-201;
6. Committee report for the April 25, 2019, meeting of the Council Committee on Zoning and Housing ("ZH Committee");
7. Minutes of the February 7, 2019, and April 25, 2019, ZH Committee meetings;
8. Minutes of the May 8, 2019, and June 5, 2019, Council meetings;
9. Written testimony received by the Council relating to Resolution 18-233, CD1, FD1, including the original and committee draft versions thereof; and
10. Miscellaneous correspondence relating to Resolution 18-233, CD1, FD1, including the original and committee draft versions thereof.

Please file stamp all five copies of the Record. One is for Commission in accordance with HAR Section 15-15-125(b). We will provide file-stamped copies to the State of Hawaii Department of Agriculture and the State of Hawaii Office of Planning within one business day after filing with the Commission, in accordance with Section 15-15-125(f) . We will retain the remaining two file-stamped copies for our records.

Please notify me and the DPP Acting Director (Kathy Sokugawa at ksokugawa@honolulu.gov) upon the Commission's acceptance of this Record.

Malama Pono,

Ikaika Anderson
Council Chair and Presiding Officer
District 3 (Windward O'ahu)
Honolulu City Council

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. **18-233, CD1, FD1**

RESOLUTION

RELATING TO THE IDENTIFICATION OF IMPORTANT AGRICULTURAL LANDS.

WHEREAS, Article XI, Section 3 of the Constitution of the State of Hawaii requires the State to conserve and protect agricultural lands, promote diversified agriculture, increase agricultural self-sufficiency, and assure the availability of agriculturally suitable lands; and provides that lands needed to fulfill the foregoing purposes will be identified as important agricultural lands; and

WHEREAS, Section 205-41 of the Hawaii Revised Statutes ("HRS") provides that the people of Hawaii have a substantial interest in the health and sustainability of agriculture as an industry, and there is a compelling interest in conserving agricultural land and assuring the long-term availability of agricultural lands for agricultural use; and

WHEREAS, HRS Section 205-42 identifies important agricultural lands ("IALs") as those lands that are capable of producing sustained high agricultural yields when treated and managed according to accepted farming methods and technology; contribute to the State's economic base and produce agricultural commodities for export or local consumption; or are needed to promote the expansion of agricultural activities and income for the future, even if currently not in production; and

WHEREAS, HRS Section 205-44 sets forth the following standards and criteria to identify IALs:

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;

4. Land types associated with traditional Hawaiian agricultural uses or unique agricultural crops and uses;

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

6. Land whose designation as IAL is consistent with the City's general, development, and community plans;

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

8. Land with or in close proximity to support infrastructure conducive to agricultural productivity; and

WHEREAS, HRS Section 205-47 requires each county to identify and map potential lands to be considered for designation as IALs within its jurisdiction based on the standards and criteria set forth in HRS Section 205-44; and

WHEREAS, the Department of Planning and Permitting ("DPP") prepared the identification and mapping of IALs in the City with guidance from a technical advisory committee consisting of representatives of major stakeholders, and the results are based on input from many public meetings as well as an interactive and informing website; and

WHEREAS, on August 21, 2018, the DPP, by Departmental Communication 578 (2018), transmitted to the Council a report entitled "Oahu Important Agricultural Land Mapping Project" (the "Report"), which contains maps identifying lands in the City that are recommended for designation as IAL, and documentation of the process undertaken to identify such lands pursuant to HRS Section 205-47; and

WHEREAS, the DPP notified each real property owner of land identified as IAL in the Report to inform them of the potential designation of their lands as IAL; and

WHEREAS, on November 14, 2018, the Council adopted Resolution 18-201, which requested that the Agricultural Development Task Force established pursuant to Resolution 04-288, CD1, review the DPP's Report, and make recommendations on the IAL designations recommended in the Report; and

WHEREAS, on February 5, 2019, the Agricultural Development Task Force, by Council Communication 35 (2019), transmitted to the Council its recommendation that the IAL designation be removed for three parcels, identified as Tax Map Key Nos. 9-2-005: 004, 9-2-005: 022, and 9-4-004: 005, noting that Island Palm Communities LLC, the fee owner of those parcels, is trying to determine what portion of those parcels should be designated and dedicated as IAL; and

RESOLUTION

WHEREAS, HRS Section 205-47 requires that the DPP submit to the City Council the maps identifying lands in the City that are recommended for designation as IAL; that the Council adopt the maps, with or without changes, by resolution; and that the Council transmit the adopted resolution to the State Land Use Commission for the Commission's further action pursuant to HRS Section 205-48; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that the maps identifying lands on Oahu that are recommended for designation as important agricultural lands are attached hereto as Exhibit A and incorporated herein by this reference; and that the parcels of real property or portions thereof identified in the maps meet the statutory requirements for consideration as important agricultural land designation in accordance with the county designation process set forth in HRS Section 205-47; and

BE IT FURTHER RESOLVED that for reference purposes, the parcels of real property or portions thereof identified in the Exhibit A maps are identified by tax map key number in the list attached hereto as Exhibit B and incorporated herein by this reference; provided that the list of tax map key numbers is current as of the date the maps were prepared, and do not reflect State Land Use Commission declaratory rulings for voluntary designation of important agricultural land issued after August 31, 2018; and

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. **18-233, CD1, FD1**

RESOLUTION

BE IT FINALLY RESOLVED that copies of this resolution be transmitted to the State of Hawaii Land Use Commission, P.O. Box 2359, Honolulu, Hawaii 96804-2359, and the Department of Planning and Permitting, Fasi Municipal Building, 7th Floor, 650 South King Street, Honolulu, Hawaii, 96813.

INTRODUCED BY:

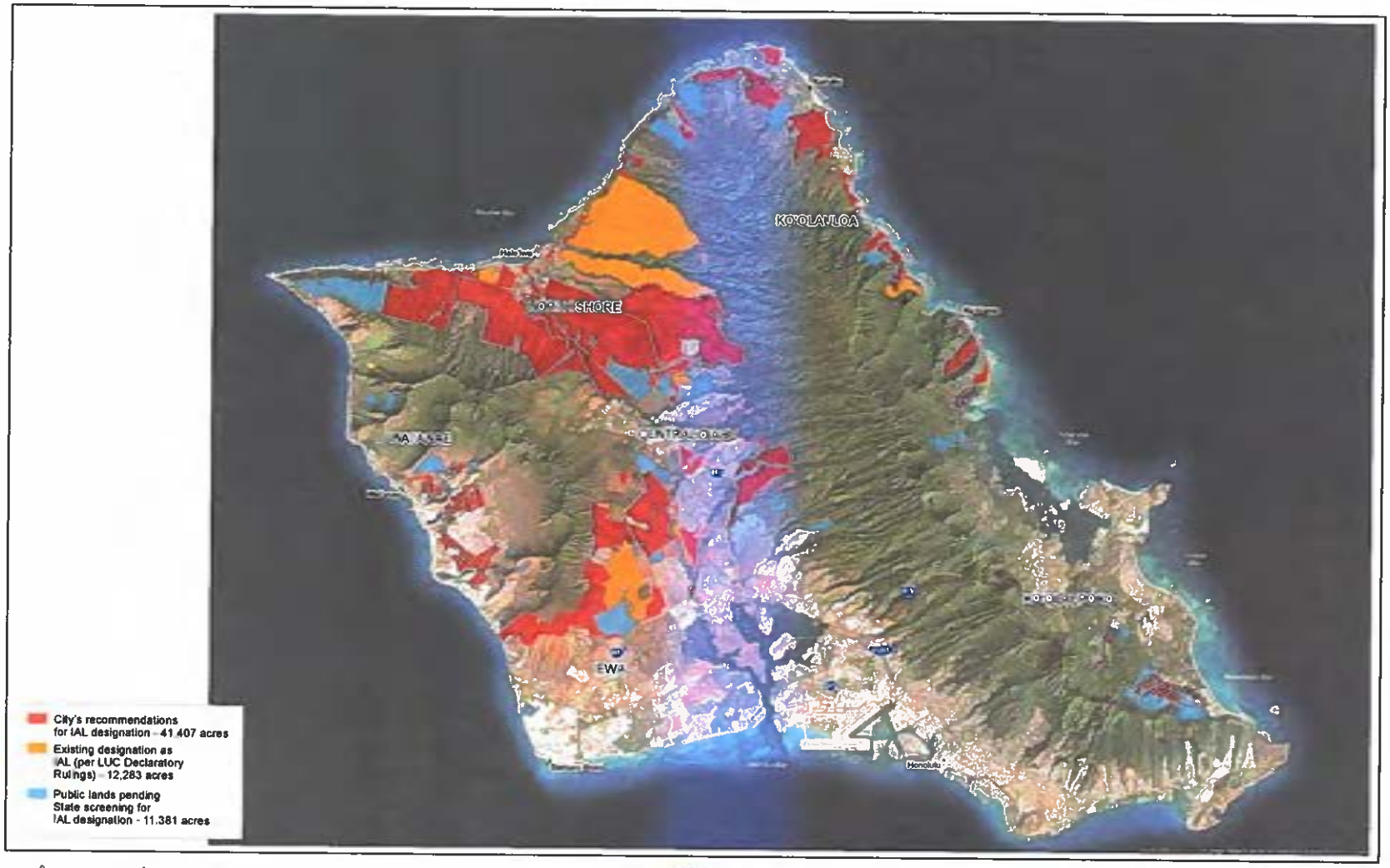
Ernest Martin (br)

DATE OF INTRODUCTION:

October 18, 2018
Honolulu, Hawaii

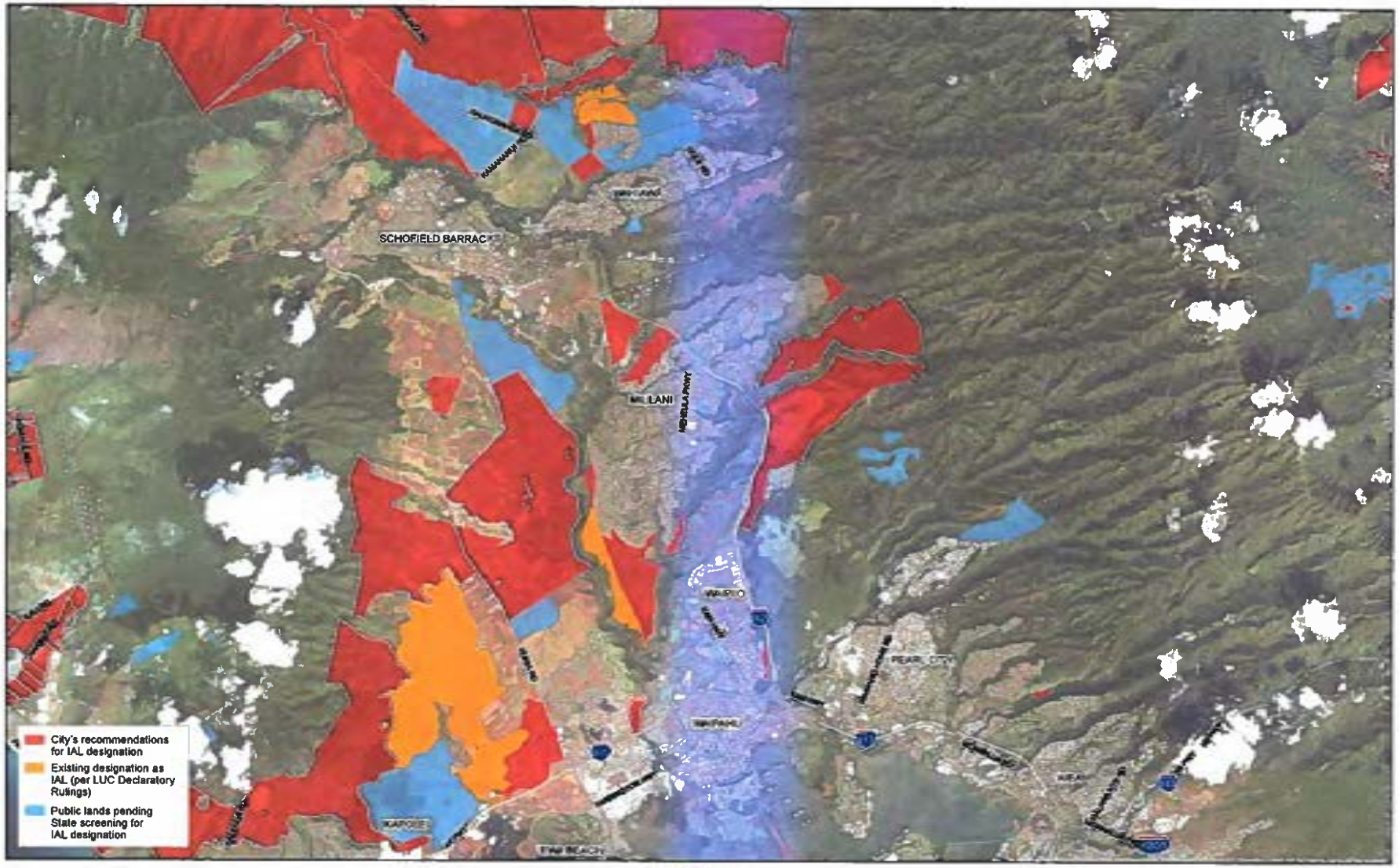
Councilmembers

EXHIBIT A



City and County of Honolulu

Figure 1
O'ahu Lands Recommended for IAL Designation: Island of O'ahu
O'ahu Important Agricultural Lands 2019 | Revised May 2019



City and County of Honolulu

Figure 2
O'ahu Lands Recommended for IAL Designation: Central O'ahu
O'ahu Important Agricultural Lands 2019 | Revised May 2019

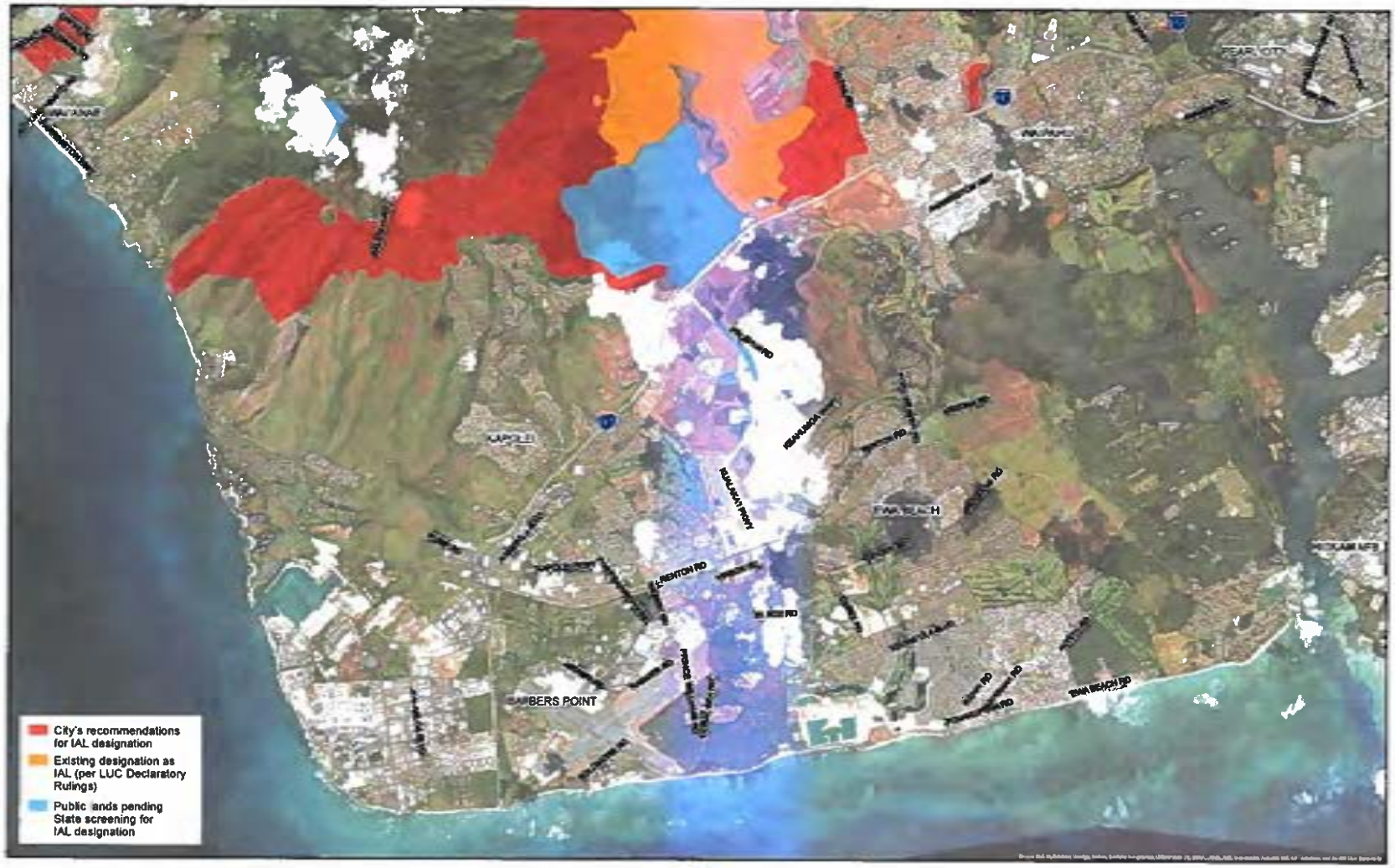
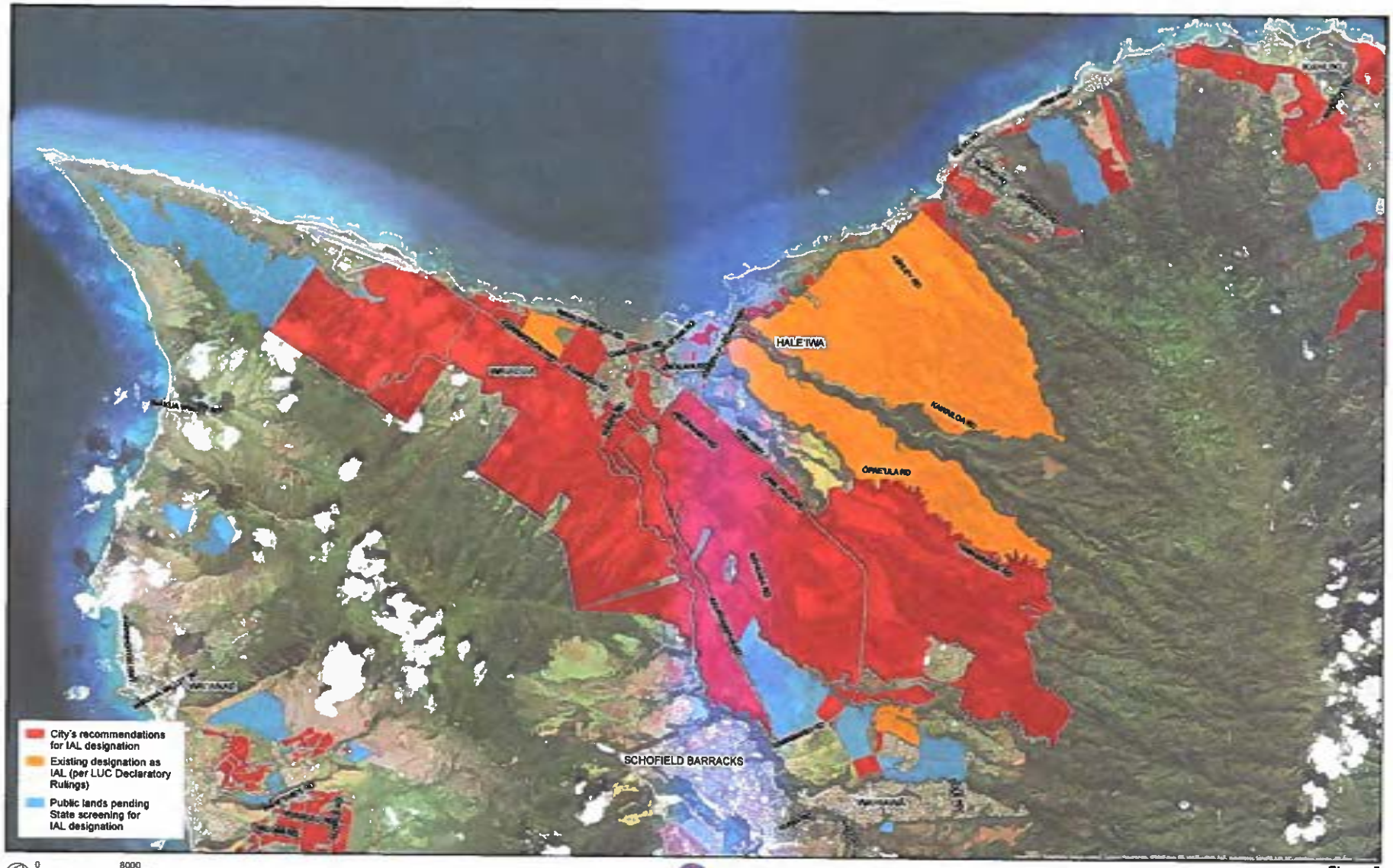


Figure 3
O'ahu Lands Recommended for IAL Designation: 'Ewa
O'ahu Important Agricultural Lands 2019 | Revised May 2019



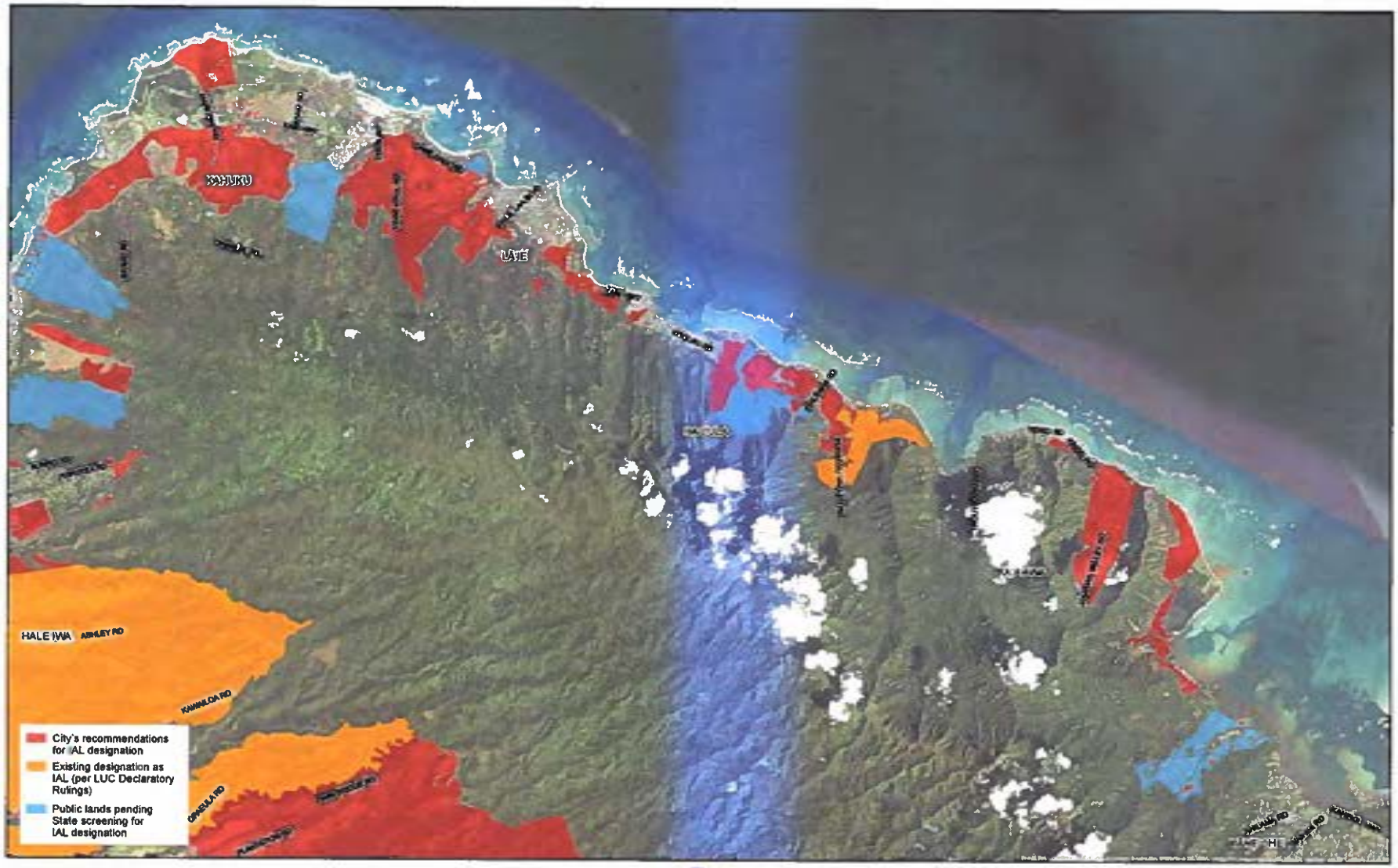
City and County of Honolulu

Figure 4
O'ahu Lands Recommended for IAL Designation: Wai'anae
O'ahu Important Agricultural Lands 2019 | Revised May 2019



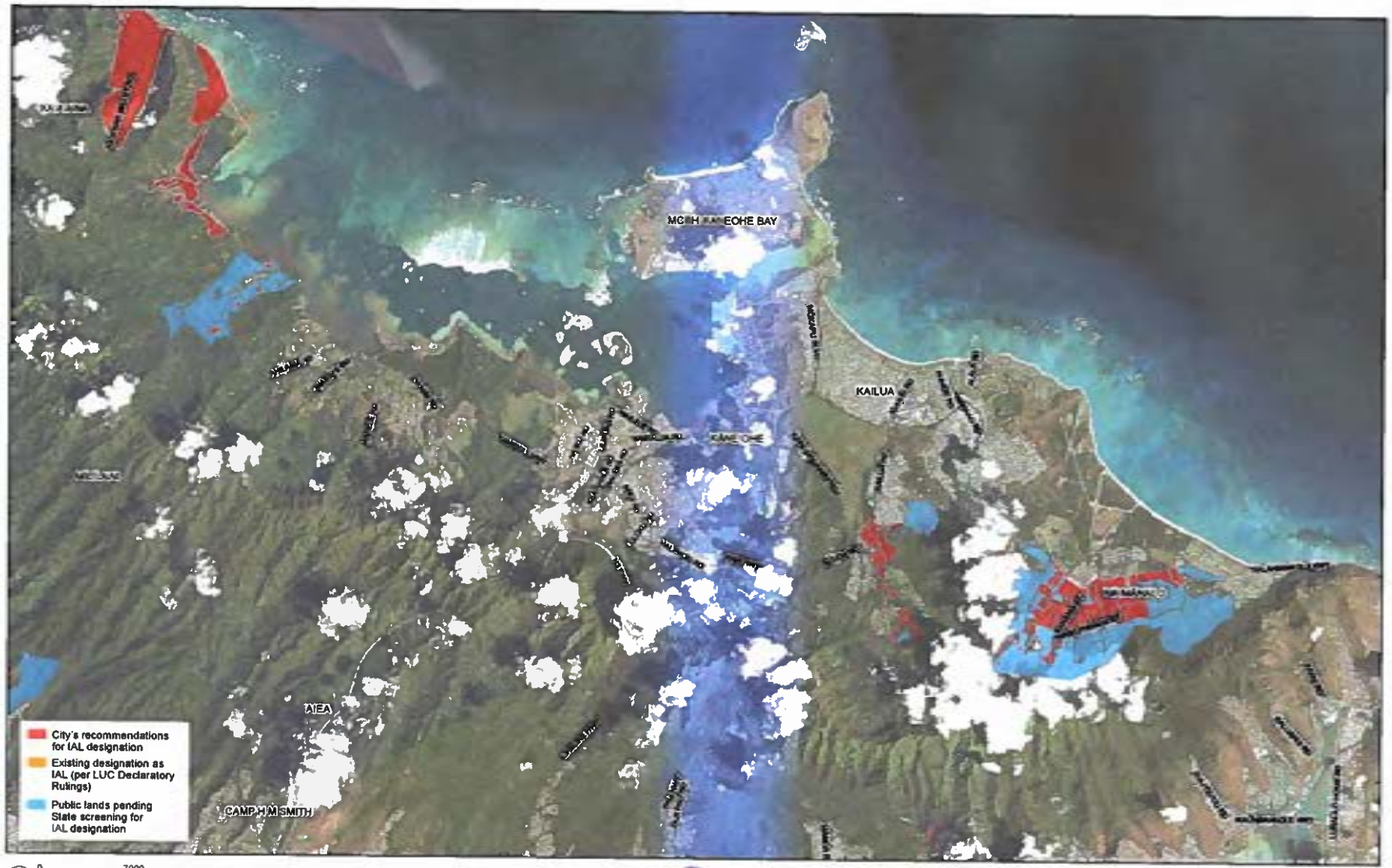
City and County of Honolulu

Figure 5
O'ahu Lands Recommended for IAL Designation: North Shore
O'ahu Important Agricultural Lands 2019 | Revised May 2019



City and County of Honolulu

Figure 6
O'ahu Lands Recommended for IAL Designation: Ko'olau Loa
O'ahu Important Agricultural Lands 2019 | Revised May 2019



City and County of Honolulu

Figure 7
O'ahu Lands Recommended for IAL Designation: Ko'olau Poko
O'ahu Important Agricultural Lands 2019 | Revised May 2019

EXHIBIT B

The following tax map key (TMK) parcels comprise the City and County of Honolulu's map of recommendations for county-designated important agricultural land (IAL). A total of 1,781 TMK parcels are listed. In addition to the TMK parcel number, the inventory presents the size of the parcel (in acres) and the acreage being recommended for IAL designation.

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
1.	34021010	4.67	2.38
2.	34021013	4.18	2.70
3.	34021014	3.27	2.21
4.	34021017	1.98	0.25
5.	34021023	2.23	1.35
6.	34021024	6.70	2.79
7.	34021034	1.56	0.88
8.	41008016	1.13	0.64
9.	41008017	0.90	0.62
10.	41008018	0.13	0.11
11.	41008019	0.97	0.15
12.	41010009	0.91	0.91
13.	41010010	1.04	1.04
14.	41010011	1.49	1.49
15.	41010012	1.25	1.25
16.	41010013	1.22	1.22
17.	41010014	1.17	1.17
18.	41010015	1.04	1.04
19.	41010017	0.53	0.53
20.	41010018	0.71	0.71
21.	41010019	1.48	1.48
22.	41010021	1.04	1.04
23.	41010022	1.11	1.11
24.	41010023	1.13	1.19
25.	41010024	1.79	1.79
26.	41010025	5.31	5.30
27.	41010050	1.56	1.56
28.	41010052	1.14	1.14
29.	41010053	1.00	1.00
30.	41010054	#N/A	0.77
31.	41010055	1.12	1.12
32.	41010056	1.01	1.01
33.	41010057	1.09	1.09
34.	41010059	1.50	1.50
35.	41010060	3.71	3.71
36.	41010061	2.21	2.21

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
37.	41010063	1.32	0.74
38.	41010064	8.94	8.75
39.	41010066	1.47	1.08
40.	41010067	1.23	1.23
41.	41010068	1.78	1.30
42.	41010070	0.59	0.57
43.	41010071	2.40	2.40
44.	41010072	0.85	0.85
45.	41010073	1.16	1.16
46.	41010083	3.55	3.21
47.	41010089	0.32	0.32
48.	41010090	0.40	0.40
49.	41018004	1.00	0.42
50.	41018005	1.06	1.06
51.	41018006	1.01	1.01
52.	41018007	1.04	1.04
53.	41018008	1.11	1.11
54.	41018009	1.13	1.13
55.	41018010	0.98	0.98
56.	41018011	1.04	1.04
57.	41018012	1.09	1.09
58.	41018013	1.07	1.07
59.	41018014	1.03	1.03
60.	41018015	1.03	1.03
61.	41018016	0.97	0.97
62.	41018017	1.05	1.05
63.	41018018	0.91	0.65
64.	41018022	5.44	5.44
65.	41018024	1.28	1.28
66.	41018025	0.74	0.74
67.	41018026	1.20	1.20
68.	41018027	0.69	0.69
69.	41018029	1.05	1.05
70.	41018030	0.93	0.93
71.	41018031	1.03	1.03
72.	41018032	1.04	1.04

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
73.	41018033	0.96	0.96
74.	41018034	1.09	1.09
75.	41018036	1.01	1.01
76.	41018037	0.71	0.71
77.	41018039	0.01	0.01
78.	41018043	0.68	0.68
79.	41018044	1.02	1.02
80.	41024001	0.16	0.15
81.	41024002	1.02	1.02
82.	41024003	1.04	0.99
83.	41024004	0.63	0.65
84.	41024006	0.36	0.35
85.	41024007	0.16	0.16
86.	41024010	0.38	0.38
87.	41024011	6.51	6.49
88.	41024012	0.61	0.61
89.	41024013	4.57	4.57
90.	41024014	4.60	4.60
91.	41024015	3.15	3.15
92.	41024016	6.34	6.34
93.	41024017	1.04	1.04
94.	41024018	3.69	3.74
95.	41024019	2.28	2.26
96.	41024020	2.94	2.94
97.	41024021	8.74	8.76
98.	41024022	2.18	2.09
99.	41024024	6.02	6.28
100.	41024025	2.10	2.10
101.	41024026	8.31	8.31
102.	41024028	2.00	2.00
103.	41024029	5.33	5.33
104.	41024030	5.00	4.96
105.	41024031	2.58	2.57
106.	41024032	2.24	2.24
107.	41024033	7.88	7.88
108.	41024034	0.42	0.43
109.	41024035	7.88	6.52
110.	41024036	7.72	7.74
111.	41024037	2.88	2.90
112.	41024038	2.89	2.89
113.	41024039	1.69	1.69
114.	41024040	6.24	6.24
115.	41024041	8.20	8.20
116.	41024042	2.10	2.09
117.	41024043	2.03	2.07
118.	41024044	2.80	2.85
119.	41024045	2.62	2.62
120.	41024046	9.62	9.62
121.	41024047	9.55	9.51
122.	41024048	8.17	8.10
123.	41024049	3.09	3.10
124.	41024050	8.13	8.13
125.	41024051	8.90	8.90
126.	41024052	4.70	4.70
127.	41024053	3.20	3.19
128.	41024055	2.00	2.00
129.	41024056	2.00	2.00
130.	41024057	3.85	3.85
131.	41024058	0.51	0.50
132.	41024059	4.02	4.02
133.	41024060	5.12	5.12
134.	41024061	5.24	5.24
135.	41024064	10.19	10.19
136.	41024065	7.89	7.90
137.	41024071	#N/A	0.00
138.	41024076	2.11	2.11
139.	41024077	2.20	2.20
140.	41024078	2.05	2.04
141.	41024079	2.17	2.03
142.	41024080	2.99	2.91
143.	41024081	2.49	2.50
144.	41024082	1.97	1.97
145.	41024083	2.23	2.20
146.	41024084	6.93	6.92
147.	41024085	1.98	1.98
148.	41024086	2.05	2.05
149.	41024087	2.01	2.01
150.	41024088	3.06	3.05
151.	41024089	2.11	2.12
152.	41024090	2.09	2.09

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
153.	41024091	2.13	2.09
154.	41024092	2.48	2.44
155.	41024093	2.99	3.06
156.	41024094	2.37	2.34
157.	41024095	2.98	2.98
158.	41024096	3.07	3.07
159.	41024097	2.48	2.46
160.	41024098	6.99	6.99
161.	41024099	2.03	2.03
162.	41024100	1.99	1.99
163.	41024101	2.17	2.16
164.	41024102	1.99	1.98
165.	41024103	1.96	1.96
166.	41024104	1.98	2.00
167.	41024105	1.98	1.98
168.	41024106	2.66	2.66
169.	41024107	2.33	2.33
170.	41024108	3.46	3.48
171.	41024110	2.00	2.00
172.	41024111	2.01	2.01
173.	41024112	#N/A	2.02
174.	41024113	#N/A	4.24
175.	41025004	8.89	8.89
176.	41025006	6.64	6.64
177.	41025007	2.21	2.21
178.	41025008	7.13	7.13
179.	41025009	1.71	1.71
180.	41025010	7.44	7.44
181.	41025011	1.29	1.29
182.	41025012	3.25	3.25
183.	41025013	5.54	5.54
184.	41025014	2.87	2.87
185.	41025015	0.85	0.85
186.	41025016	0.18	0.18
187.	41025017	3.13	3.13
188.	41025018	4.54	4.54
189.	41025019	9.13	9.13
190.	41025021	9.00	9.00
191.	41025024	4.84	4.84
192.	41025025	2.28	2.28

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
193.	41025026	2.08	2.08
194.	41025027	2.14	2.14
195.	41025028	2.67	2.67
196.	41025029	2.23	2.23
197.	41025030	2.25	2.25
198.	41025031	2.54	2.54
199.	41025032	7.50	7.50
200.	41025033	1.38	1.38
201.	41025034	5.28	5.28
202.	41025035	2.66	2.66
203.	41025042	1.16	1.16
204.	41025043	0.89	0.89
205.	41025044	1.09	1.09
206.	41025046	1.79	1.79
207.	41025049	1.01	1.01
208.	41025050	0.39	0.39
209.	41025051	1.04	1.04
210.	41025053	0.78	0.78
211.	41025054	0.35	0.35
212.	41025057	0.80	0.80
213.	41025058	2.30	2.30
214.	41025059	2.19	2.19
215.	41025060	2.02	2.02
216.	41025061	1.09	1.09
217.	41025064	8.65	8.65
218.	41026005	6.14	6.14
219.	41026006	3.46	3.46
220.	41026007	2.09	2.09
221.	41026009	2.00	2.00
222.	41026010	9.48	9.48
223.	41026011	8.11	8.11
224.	41026024	5.02	5.02
225.	41026025	2.05	2.05
226.	41026026	2.01	2.01
227.	41026027	1.94	1.94
228.	41026028	3.49	3.49
229.	41026030	2.35	2.35
230.	41026031	2.01	2.01
231.	41026032	4.85	4.85
232.	41035018	2.68	2.68

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
233.	41035019	2.68	2.68
234.	41035020	0.38	0.38
235.	41999999	0.12	0.12
236.	42006001	45.76	10.62
237.	42006008	54.77	54.76
238.	42007001	50.67	44.32
239.	42008001	51.78	17.72
240.	42009001	298.68	28.09
241.	42013021	2.57	1.79
242.	47005001	2.23	1.40
243.	47005073	2.33	2.15
244.	47005074	2.31	2.01
245.	48004003	2.57	2.22
246.	48004005	2.80	2.80
247.	48005001	4.25	4.25
248.	48005002	1.52	1.52
249.	48005003	2.16	2.16
250.	48005006	2.04	2.04
251.	48005007	2.14	2.14
252.	48005008	1.22	1.22
253.	48005009	1.24	1.24
254.	48005010	2.07	2.07
255.	48005011	2.09	2.09
256.	48005012	2.78	2.78
257.	48005013	2.30	1.62
258.	48005014	2.32	2.32
259.	48005015	2.42	2.36
260.	48005016	2.05	2.05
261.	48008003	0.71	0.29
262.	48008004	0.21	0.19
263.	48008005	0.83	0.83
264.	48008006	0.70	0.67
265.	48009006	2.78	2.78
266.	48011008	2.63	2.02
267.	48012002	3.79	3.70
268.	48012003	1.34	1.34
269.	49001001	100.37	28.89
270.	49001002	2.17	2.00
271.	49001005	1.71	1.07
272.	49001006	3.38	1.06
273.	49001007	4.15	1.84
274.	49001008	0.10	0.10
275.	49001010	0.74	0.61
276.	49001011	2.66	2.66
277.	49001013	1.03	0.38
278.	49001014	31.84	31.48
279.	49001018	4.96	4.96
280.	49001020	0.41	0.41
281.	49001029	0.15	0.15
282.	49002008	0.16	0.16
283.	49002009	0.09	0.09
284.	49003001	47.73	46.89
285.	49003002	3.36	2.53
286.	49003003	#N/A	0.61
287.	49003004	0.92	0.92
288.	49003005	0.72	0.72
289.	49003006	0.45	0.45
290.	49003007	1.09	1.09
291.	49003008	0.25	0.25
292.	49003010	0.26	0.26
293.	49003011	0.23	0.23
294.	49003012	0.19	0.19
295.	49003013	0.29	0.29
296.	49003015	0.20	0.20
297.	49003016	0.42	0.42
298.	49003018	0.45	0.45
299.	49003019	0.78	0.78
300.	49003020	0.10	0.10
301.	49003024	0.43	0.43
302.	49003027	0.44	0.44
303.	49003030	1.25	1.25
304.	49003032	1.95	1.95
305.	49003037	0.22	0.22
306.	49003038	0.40	0.40
307.	49003039	0.37	0.37
308.	49003040	0.02	0.02
309.	49003041	0.02	0.02
310.	49003042	0.02	0.02
311.	49003045	0.47	0.47
312.	49004002	118.76	116.99

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
313.	49005001	153.22	69.13
314.	51001001	154.44	151.28
315.	51001002	0.36	0.03
316.	51001003	0.15	0.03
317.	51001004	0.40	0.05
318.	51001015	0.54	0.37
319.	51001016	0.45	0.45
320.	51001023	0.34	0.34
321.	51001024	0.25	0.25
322.	51001025	0.49	0.49
323.	51004001	546.33	469.23
324.	51008002	22.19	20.96
325.	51008004	3.80	1.09
326.	51008005	0.49	0.12
327.	51008007	25.22	5.91
328.	51009001	1.86	0.69
329.	51009002	1.01	1.01
330.	51009004	0.63	0.57
331.	51009005	0.06	0.03
332.	51009006	0.25	0.13
333.	51009046	0.34	0.05
334.	53002001	2.75	1.24
335.	53002002	0.60	0.08
336.	53002062	1.69	1.44
337.	53002063	1.85	1.03
338.	53003005	3.38	3.38
339.	53003009	4.29	4.29
340.	53004002	9.89	7.99
341.	53004006	1.37	1.37
342.	53004008	0.89	0.89
343.	53004009	1.00	1.00
344.	53004016	2.08	2.08
345.	53004017	6.82	6.82
346.	53004028	2.00	2.00
347.	53004029	1.59	1.59
348.	53004032	0.02	0.02
349.	53004034	0.56	0.56
350.	53004035	0.22	0.22
351.	53004036	0.62	0.62
352.	53004038	5.95	4.83

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
353.	53004039	2.00	2.00
354.	53005003	0.78	0.78
355.	53005004	0.43	0.43
356.	53005005	2.87	2.87
357.	53005006	2.85	2.85
358.	53005007	49.91	48.46
359.	53005008	0.49	0.44
360.	53005009	0.60	0.24
361.	53005010	1.24	0.47
362.	53005012	0.10	0.10
363.	53005014	0.88	0.04
364.	53005016	0.89	0.08
365.	53005020	0.42	0.42
366.	53005022	0.65	0.65
367.	53005023	0.30	0.30
368.	53005024	0.15	0.15
369.	53005025	0.78	0.78
370.	53005026	0.15	0.15
371.	53005030	4.52	2.46
372.	53005051	0.93	0.19
373.	53005054	1.15	1.15
374.	53005055	1.38	1.38
375.	53005056	0.33	0.33
376.	53005058	1.15	1.15
377.	53005059	0.23	0.23
378.	53005062	0.05	0.05
379.	53005069	0.42	0.42
380.	53006004	4.63	4.52
381.	53006005	7.79	4.87
382.	53006014	8.60	7.84
383.	53006015	2.44	2.44
384.	53006016	6.90	1.86
385.	53006031	1.74	1.28
386.	53006034	1.52	1.41
387.	53006064	4.10	3.87
388.	53007007	39.68	33.34
389.	53007013	16.87	14.44
390.	53007015	1.93	1.93
391.	53007016	4.04	4.04
392.	53007018	1.24	1.24

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
393.	53007020	38.92	25.81
394.	53009008	0.28	0.19
395.	53009009	0.35	0.35
396.	53009019	1.99	1.99
397.	53009022	16.71	15.18
398.	53009023	39.42	39.31
399.	53009024	4.54	1.24
400.	53009050	1.35	1.35
401.	53009057	0.12	0.02
402.	53009058	7.98	7.98
403.	53009066	1.94	1.83
404.	53009067	5.68	5.46
405.	53009068	6.04	2.28
406.	53009069	5.83	5.49
407.	53009070	5.93	5.59
408.	53009071	4.74	4.74
409.	53009072	5.42	5.42
410.	53009073	5.41	5.41
411.	53009074	5.42	5.42
412.	53009075	4.53	4.53
413.	53009076	4.67	4.67
414.	53009077	5.29	5.29
415.	53009078	5.21	5.21
416.	53009079	5.25	5.25
417.	53009080	5.77	5.03
418.	53009081	5.67	5.24
419.	53009082	5.70	5.70
420.	53009083	5.69	5.69
421.	53009084	6.14	6.14
422.	53009085	6.36	6.36
423.	53009086	6.54	6.54
424.	53009087	6.39	6.39
425.	53009088	4.37	3.97
426.	53009089	4.57	0.41
427.	53009090	5.37	1.42
428.	53009091	5.35	3.47
429.	53009092	5.33	1.78
430.	53009093	4.89	3.82
431.	53009094	3.57	3.57
432.	53009095	5.45	3.04

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
433.	53009096	4.86	0.91
434.	53009097	5.03	4.58
435.	53009098	5.15	3.09
436.	53009099	6.96	6.58
437.	53009100	7.25	6.95
438.	53009101	5.30	5.30
439.	53012001	83.95	83.91
440.	53012010	84.44	84.44
441.	53012044	90.04	8.74
442.	54004003	77.00	3.75
443.	54004020	7.36	7.35
444.	54018060	3.97	3.62
445.	54018062	5.84	5.60
446.	55001012	0.84	0.17
447.	55001024	3.61	0.56
448.	55001026	1.01	0.16
449.	55001060	1.20	0.34
450.	55004003	15.24	1.01
451.	55004013	0.80	0.06
452.	55005001	66.57	66.57
453.	55005004	0.34	0.25
454.	55005011	0.29	0.28
455.	55005020	9.85	2.86
456.	55005021	33.21	33.21
457.	55005022	17.18	4.08
458.	55005023	84.29	47.87
459.	55005024	13.27	4.12
460.	55005025	10.98	10.16
461.	55005999	0.25	0.03
462.	55006001	270.26	133.51
463.	55006011	49.72	49.28
464.	55008001	19.68	18.66
465.	55008002	0.11	0.11
466.	55008003	0.12	0.12
467.	55008004	0.08	0.08
468.	55008005	0.09	0.09
469.	55008006	0.08	0.08
470.	55008007	0.52	0.52
471.	55008008	0.16	0.16
472.	55008009	0.14	0.14

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
473.	55008010	0.15	0.15
474.	55008011	0.11	0.11
475.	55008012	0.27	0.27
476.	55008013	0.26	0.26
477.	55008014	0.21	0.21
478.	55008016	0.13	0.13
479.	55008017	0.52	0.52
480.	55008019	0.37	0.37
481.	55008020	0.18	0.18
482.	55008023	0.04	0.04
483.	55008024	0.22	0.22
484.	55008025	0.12	0.12
485.	55008026	0.18	0.18
486.	55008027	0.58	0.58
487.	55008028	0.13	0.13
488.	55008029	0.20	0.20
489.	55008030	0.32	0.32
490.	55008032	0.30	0.30
491.	55008034	0.15	0.15
492.	55008035	0.67	0.67
493.	55008036	0.86	0.86
494.	55008037	0.63	0.63
495.	55008038	0.03	0.03
496.	55008039	0.28	0.28
497.	55008040	0.62	0.62
498.	55008042	0.16	0.16
499.	55008043	11.85	11.85
500.	55008044	0.27	0.27
501.	55008045	0.66	0.66
502.	55008046	1.31	1.31
503.	55008047	0.75	0.75
504.	55008048	0.08	0.08
505.	55008049	0.16	0.16
506.	55008050	0.98	0.98
507.	55008051	0.41	0.41
508.	55008053	0.08	0.08
509.	55008054	0.47	0.47
510.	55008055	0.84	0.84
511.	55008056	0.17	0.17
512.	55008057	0.12	0.12
513.	55008058	0.59	0.59
514.	55008059	0.14	0.14
515.	55008060	0.99	0.99
516.	55008061	1.65	0.82
517.	55008062	0.34	0.34
518.	55008063	35.73	35.73
519.	56002002	0.45	0.42
520.	56002005	0.24	0.20
521.	56002006	0.25	0.21
522.	56002007	0.23	0.20
523.	56002042	0.09	0.09
524.	56002043	0.73	0.73
525.	56003002	0.15	0.15
526.	56003003	0.02	0.02
527.	56003006	0.24	0.24
528.	56003007	0.13	0.13
529.	56003025	8.53	8.53
530.	56003026	164.35	154.23
531.	56003027	1.59	1.59
532.	56003028	1.30	1.30
533.	56003030	0.25	0.25
534.	56003031	0.05	0.05
535.	56003036	1.48	1.46
536.	56003050	7.27	3.88
537.	56003053	92.45	83.39
538.	56004001	1.67	1.67
539.	56004002	5.88	5.82
540.	56004008	0.50	0.50
541.	56004009	2.49	2.20
542.	56004021	1.33	0.55
543.	56004023	0.60	0.60
544.	56004024	2.10	2.08
545.	56004027	4.74	4.70
546.	56004037	0.79	0.78
547.	56004039	0.25	0.25
548.	56005002	27.31	27.55
549.	56005007	507.55	508.22
550.	56005012	108.19	38.76
551.	56005013	220.01	219.36
552.	56005014	70.11	69.44

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
553.	56005015	28.72	28.79
554.	56005016	36.03	35.57
555.	56006004	2.82	1.80
556.	56006006	435.55	435.55
557.	56006018	451.77	449.66
558.	56006028	228.28	228.28
559.	56006057	58.37	7.76
560.	56006058	100.33	100.32
561.	56007001	126.05	117.67
562.	57001002	0.20	0.20
563.	57001003	0.21	0.21
564.	57001004	0.16	0.16
565.	57001005	0.24	0.24
566.	57001006	0.05	0.05
567.	57001007	0.15	0.15
568.	57001008	0.20	0.20
569.	57001014	0.25	0.25
570.	57001015	0.05	0.05
571.	57001021	468.60	415.41
572.	57001032	2.25	1.46
573.	57001039	10.01	7.49
574.	57001040	10.00	8.47
575.	57001041	12.00	11.06
576.	57001042	11.00	5.95
577.	58001003	2.86	2.86
578.	58001023	0.82	0.19
579.	58001028	0.12	0.12
580.	58001029	0.92	0.49
581.	58001035	0.78	0.78
582.	58001058	0.09	0.09
583.	58001059	0.03	0.03
584.	58001064	0.26	0.26
585.	58001065	0.26	0.06
586.	58002004	114.61	114.61
587.	59005004	210.50	202.31
588.	59005023	1.02	0.86
589.	59005040	51.80	7.72
590.	59005066	26.68	14.62
591.	59005067	27.70	25.06
592.	59005081	7.55	1.22

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
593.	59005083	17.71	14.04
594.	59006011	133.94	133.94
595.	59006032	5.28	4.05
596.	59006034	21.58	1.15
597.	59023001	14.47	2.83
598.	59030031	7.03	7.03
599.	59031028	16.30	14.04
600.	61002001	74.51	72.08
601.	61002022	55.48	4.81
602.	61002024	35.99	30.63
603.	61005020	11.22	11.22
604.	61005021	4.62	4.62
605.	61005022	2.62	2.62
606.	61008024	1.79	1.79
607.	61009004	1.96	1.96
608.	62002002	10.41	10.41
609.	62002003	13.44	13.00
610.	62002004	14.97	16.90
611.	62002006	2.18	2.18
612.	62002007	2.55	2.55
613.	62002010	0.49	0.50
614.	62002019	0.42	0.42
615.	62002021	0.44	0.44
616.	62002023	1.26	1.26
617.	62002030	1.42	1.22
618.	62002032	0.85	0.93
619.	62002033	1.10	1.10
620.	62002034	0.65	0.60
621.	62002035	0.71	0.70
622.	62002036	0.51	0.50
623.	62002037	2.14	2.14
624.	62002038	1.88	1.49
625.	62002039	3.09	3.09
626.	62002040	1.23	1.23
627.	62002041	1.57	1.22
628.	62002042	0.88	0.86
629.	62002043	7.28	4.39
630.	62002044	1.22	0.97
631.	62002045	0.70	0.70
632.	62002046	0.79	0.79

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
633.	62002047	0.75	0.75
634.	62002048	0.27	0.33
635.	62002049	1.44	1.44
636.	62003001	1.51	1.08
637.	62004001	2.39	2.83
638.	62004003	0.27	0.24
639.	62004006	0.65	0.04
640.	62004026	0.58	0.19
641.	62004028	0.79	0.76
642.	62004029	0.29	0.30
643.	62004030	0.45	0.27
644.	62004032	1.26	0.97
645.	62004035	17.78	16.43
646.	62004049	2.87	2.82
647.	62004050	3.13	2.95
648.	62004051	0.64	0.65
649.	62004052	0.33	0.08
650.	62004053	0.85	0.59
651.	62004054	0.16	0.14
652.	62005035	4.26	4.25
653.	62006005	1.63	1.63
654.	62007008	3.74	3.74
655.	62008006	#N/A	2.46
656.	62008008	0.37	0.09
657.	62008009	0.19	0.19
658.	62008010	0.71	0.25
659.	62008011	#N/A	8.35
660.	62010007	5.51	5.51
661.	62010013	0.32	0.32
662.	62010014	0.32	0.32
663.	64002001	3446.83	3423.12
664.	64002002	105.17	53.62
665.	64003001	1747.35	1675.72
666.	64003003	840.45	837.43
667.	64003009	0.36	0.36
668.	64003015	10.00	9.97
669.	64004001	1407.29	1349.93
670.	64004005	2.65	0.78
671.	64004008	236.85	170.02
672.	65001010	31.37	31.43

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
673.	65001014	48.18	48.18
674.	65001019	3.48	3.48
675.	65001020	43.35	43.35
676.	65001021	17.45	17.45
677.	65001022	3.03	3.03
678.	65001028	0.40	0.40
679.	65001030	1.89	1.89
680.	65001031	7.54	7.54
681.	65001032	2.88	2.81
682.	65001033	51.18	50.77
683.	65001034	12.71	12.71
684.	65001038	3.75	3.75
685.	65001039	107.91	107.90
686.	65001040	157.79	157.79
687.	65001042	58.17	58.17
688.	65001043	195.11	194.56
689.	65001044	120.93	95.67
690.	65001045	99.53	99.53
691.	65001046	40.93	40.93
692.	65002001	74.29	74.29
693.	65002003	105.78	105.78
694.	65002005	317.23	317.23
695.	65002006	43.48	43.48
696.	65002008	45.40	45.38
697.	65002011	1159.28	1159.28
698.	65002018	67.14	54.52
699.	65002019	132.71	99.25
700.	65002022	39.49	39.49
701.	65002024	11.24	11.24
702.	65002026	113.90	113.90
703.	65002027	43.94	43.94
704.	65002028	29.72	29.72
705.	65002029	1.16	1.16
706.	65004001	5.00	5.00
707.	65004002	5.08	5.08
708.	65004003	5.06	5.06
709.	65004004	6.09	6.09
710.	65004005	5.12	5.12
711.	65004006	5.01	5.01
712.	65004007	5.00	5.00

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
713.	65004008	5.07	5.07
714.	65004009	5.07	5.07
715.	65004010	7.07	7.07
716.	65004011	5.00	5.00
717.	65004012	5.01	5.01
718.	65004013	5.00	5.00
719.	65004014	5.15	5.15
720.	65004015	5.05	5.05
721.	65004016	1.17	1.17
722.	65005001	346.09	346.09
723.	65005002	589.16	589.14
724.	65005003	541.19	541.12
725.	65005004	669.20	669.20
726.	65005005	0.30	0.30
727.	66001004	0.40	0.16
728.	66001005	0.18	0.16
729.	66001006	0.20	0.21
730.	66001009	1.42	1.13
731.	66001010	0.16	0.17
732.	66001011	0.31	0.36
733.	66001012	0.33	0.33
734.	66001014	0.31	0.31
735.	66001016	2.82	1.54
736.	66001054	1.10	0.17
737.	66001055	1.09	0.59
738.	66003001	0.59	0.59
739.	66003002	1.30	0.92
740.	66003003	0.54	0.31
741.	66003005	0.83	0.51
742.	66003025	1.53	1.04
743.	66004002	2.86	1.12
744.	66004003	2.03	2.00
745.	66004004	1.38	1.37
746.	66004005	0.45	0.45
747.	66004006	0.79	0.79
748.	66004007	0.21	0.21
749.	66004008	0.34	0.34
750.	66004009	1.46	0.69
751.	66004010	0.19	0.05
752.	66004026	2.36	0.71
753.	66004031	0.06	0.06
754.	66005001	0.36	0.12
755.	66005012	0.72	0.08
756.	66005019	2.88	0.59
757.	66005020	0.51	0.07
758.	66005021	0.90	0.90
759.	66005022	1.89	1.89
760.	66005023	1.37	1.37
761.	66005024	0.06	0.06
762.	66008001	0.23	0.23
763.	66008002	0.71	0.71
764.	66008003	0.33	0.33
765.	66008004	3.76	3.76
766.	66008006	1.43	1.43
767.	66008007	2.17	2.09
768.	66008008	0.56	0.15
769.	66008009	0.88	0.88
770.	66008026	0.87	0.41
771.	66008027	1.89	1.89
772.	66008031	0.55	0.55
773.	66008032	1.66	0.11
774.	66009002	3.17	2.20
775.	66009004	1.40	0.93
776.	66009008	0.40	0.40
777.	66009009	0.67	0.67
778.	66009010	0.77	0.77
779.	66009011	0.44	0.44
780.	66009012	1.53	1.46
781.	66009013	1.20	0.75
782.	66009021	1.60	1.19
783.	66009029	0.46	0.46
784.	66009030	0.26	0.26
785.	66009031	0.25	0.25
786.	66009032	0.24	0.24
787.	66009034	1.16	1.16
788.	66009037	1.99	2.00
789.	66009038	0.73	1.19
790.	66010002	0.61	0.43
791.	66010009	1.58	1.58
792.	66010010	4.23	4.23

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
793.	66012001	1.44	1.44
794.	66015003	0.39	0.39
795.	66015004	15.27	15.27
796.	66015006	11.85	11.85
797.	66016008	1.13	0.27
798.	66016011	0.15	0.14
799.	66016019	0.43	0.20
800.	66020003	3.08	3.08
801.	66020004	10.53	10.40
802.	66020019	1.89	1.68
803.	66020024	1.55	1.55
804.	66020025	0.72	0.72
805.	66020027	0.28	0.28
806.	66022001	42.42	42.35
807.	66023003	23.67	22.21
808.	66023004	5.87	2.65
809.	66024001	58.64	59.21
810.	66025001	43.02	42.88
811.	66025002	3.16	3.12
812.	66025006	1.99	1.98
813.	66027003	0.67	0.67
814.	66027005	0.09	0.09
815.	66027006	2.03	2.02
816.	66027007	6.05	0.68
817.	66027009	0.23	0.23
818.	66027010	141.92	141.15
819.	66027011	6.60	6.60
820.	66028001	1.93	1.57
821.	66028002	5.97	5.97
822.	66028003	1.55	1.55
823.	66028004	0.87	0.87
824.	66028005	2.10	2.10
825.	66028006	1.94	1.94
826.	66028007	6.13	6.13
827.	66028009	2.40	2.40
828.	66028011	0.36	0.36
829.	66028013	2.43	2.43
830.	66028014	2.72	2.72
831.	66028015	5.45	5.45
832.	66028016	2.32	1.80

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
833.	66028017	5.90	4.56
834.	66028019	0.31	0.31
835.	66028021	0.20	0.20
836.	66028022	6.08	6.08
837.	66028023	5.24	4.67
838.	66028024	1.89	1.44
839.	66028027	4.68	4.68
840.	66029011	6.15	6.14
841.	67001008	28.46	20.76
842.	67001009	1.85	1.85
843.	67001014	1.42	1.42
844.	67001018	0.48	0.46
845.	67001026	282.01	281.98
846.	67001030	1.23	1.23
847.	67001032	#N/A	13.83
848.	67001034	8.30	8.30
849.	67001058	2.96	2.96
850.	67001060	1.62	1.62
851.	67001063	96.77	22.46
852.	67002006	6.11	6.11
853.	67002007	24.98	24.98
854.	67002014	25.31	24.71
855.	67002028	8.93	8.93
856.	67002032	10.90	10.82
857.	67002034	50.44	50.44
858.	67002037	21.67	21.67
859.	67002038	103.19	103.19
860.	67002039	66.75	66.75
861.	67002040	128.03	128.03
862.	67002041	63.94	62.67
863.	67002042	427.59	427.40
864.	67002043	671.94	671.94
865.	67002044	155.71	154.88
866.	67002045	5.00	4.95
867.	67002046	36.74	36.74
868.	67002047	3.47	3.47
869.	67003002	219.59	219.58
870.	67003003	111.35	111.35
871.	67003005	249.26	249.26
872.	67003006	108.28	108.28

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
873.	67003007	136.07	136.07
874.	67003008	1.51	1.51
875.	67003009	2.74	2.74
876.	67003010	2.31	2.31
877.	67003011	8.10	8.10
878.	67003017	8.53	8.53
879.	67003019	75.96	75.96
880.	67004001	1573.65	1573.57
881.	67004004	77.02	77.02
882.	67009071	25.69	24.39
883.	68002005	184.39	184.39
884.	68002006	1031.90	1031.90
885.	68003001	7.56	1.08
886.	68003003	4.18	4.18
887.	68003005	436.88	436.88
888.	68003006	934.21	934.21
889.	68003009	186.25	186.25
890.	68003015	73.34	73.34
891.	68003019	36.85	36.85
892.	68003021	40.59	40.59
893.	68003030	17.02	17.02
894.	68003031	57.40	57.40
895.	68003033	9.67	9.67
896.	68003034	15.91	15.91
897.	68003035	2.12	2.12
898.	68003039	7.01	4.31
899.	68003040	140.08	140.08
900.	68003043	37.51	37.51
901.	68003044	39.30	39.30
902.	68003045	7.89	4.79
903.	68003046	8.28	5.28
904.	68003047	8.35	5.81
905.	68003048	4.12	4.12
906.	68003049	4.20	4.20
907.	68003050	4.07	4.07
908.	68007002	913.09	913.09
909.	68007003	1.82	1.82
910.	68013001	2.29	2.29
911.	68013002	2.00	2.00
912.	68013003	2.00	2.00

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
913.	68013004	2.00	2.00
914.	68013005	1.99	1.99
915.	68013006	2.01	2.01
916.	68013007	2.00	2.00
917.	68013008	2.00	1.82
918.	68013009	2.62	2.62
919.	68013010	2.12	2.12
920.	68013011	2.12	2.12
921.	68013012	1.97	1.97
922.	68013013	1.99	1.99
923.	68013014	2.00	0.98
924.	68013015	1.98	0.80
925.	68013016	2.00	0.63
926.	68013017	1.99	0.45
927.	68013018	1.98	1.98
928.	68013023	2.20	2.20
929.	68013024	2.07	2.07
930.	68013025	2.00	2.00
931.	68013027	2.00	1.03
932.	68013028	1.97	1.97
933.	68013029	1.99	1.99
934.	68013030	2.40	2.40
935.	68013031	2.00	2.00
936.	68013032	1.99	1.99
937.	68013033	2.01	2.01
938.	68013034	2.01	0.98
939.	68013035	2.00	2.00
940.	68013036	2.04	1.08
941.	68013037	2.18	1.54
942.	68013038	2.13	2.13
943.	68013039	1.97	1.97
944.	68013040	2.01	2.01
945.	68013041	2.00	2.00
946.	68013042	2.00	2.00
947.	68013043	2.19	2.19
948.	68013044	2.03	2.03
949.	68013045	2.30	2.30
950.	68013046	2.00	2.00
951.	68013047	2.02	2.02
952.	68013048	2.01	2.01

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
953.	68013049	2.02	2.02
954.	68013050	2.00	2.00
955.	68013051	2.02	2.02
956.	68013052	2.03	2.03
957.	68013053	2.05	2.05
958.	68013054	2.28	2.28
959.	68013055	2.22	2.22
960.	68013056	2.01	2.01
961.	68013057	1.98	1.98
962.	68013058	1.99	1.99
963.	68013059	2.09	2.09
964.	68013060	2.23	2.23
965.	68013061	2.00	2.00
966.	68013062	2.26	2.26
967.	68013063	2.40	2.40
968.	68013064	2.04	2.04
969.	68013065	2.31	2.31
970.	71001007	3.15	3.15
971.	71001011	90.14	80.11
972.	71001023	4.98	4.98
973.	71001027	1.01	1.01
974.	71001032	3.64	3.64
975.	71001036	0.67	0.67
976.	71001037	32.17	32.17
977.	71001038	68.79	68.79
978.	71001039	0.20	0.20
979.	71001040	0.17	0.17
980.	71001041	1.77	1.77
981.	71001042	0.03	0.03
982.	71001043	0.00	0.00
983.	71001044	0.04	0.04
984.	71002033	#N/A	22.88
985.	85002022	124.55	13.68
986.	85003008	0.07	0.07
987.	85003009	0.06	0.06
988.	85003012	4.03	4.02
989.	85003013	3.98	3.98
990.	85003015	4.63	4.63
991.	85003016	4.85	4.85
992.	85003017	4.59	4.49

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
993.	85003018	9.61	9.63
994.	85003019	2.90	2.90
995.	85003025	3.72	0.59
996.	85003026	4.79	0.36
997.	85003027	9.05	3.05
998.	85003028	5.78	5.26
999.	85003029	18.91	10.95
1000.	85003030	70.66	9.20
1001.	85003031	58.55	12.89
1002.	85003034	0.01	0.01
1003.	85003035	0.18	0.18
1004.	85003036	3.10	2.14
1005.	85003037	#N/A	6.78
1006.	85003039	2.35	2.39
1007.	85003040	0.59	0.56
1008.	85003042	2.12	2.12
1009.	85003043	61.15	61.25
1010.	85004004	18.55	4.42
1011.	85004005	0.76	0.76
1012.	85004007	0.83	0.48
1013.	85004010	0.94	0.76
1014.	85004018	4.30	3.01
1015.	85004019	14.54	14.54
1016.	85004020	9.30	2.90
1017.	85004021	4.61	4.22
1018.	85004023	7.59	7.59
1019.	85004024	3.07	1.63
1020.	85004025	0.98	0.98
1021.	85004029	14.14	11.87
1022.	85004030	5.72	5.47
1023.	85004032	0.75	0.54
1024.	85004035	4.48	4.48
1025.	85004046	1.00	0.54
1026.	85004047	1.00	0.53
1027.	85004048	1.01	0.43
1028.	85004049	0.97	0.12
1029.	85004054	5.22	5.02
1030.	85004055	6.39	6.39
1031.	85004056	6.17	6.17
1032.	85004065	0.28	0.28

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
1033.	85004066	5.11	4.10
1034.	85004067	4.21	2.67
1035.	85004068	1.95	1.33
1036.	85004069	1.10	0.97
1037.	85004070	2.55	1.24
1038.	85004071	7.51	2.35
1039.	85004072	3.18	3.09
1040.	85004073	3.27	2.75
1041.	85004074	1.52	1.32
1042.	85004075	2.25	1.22
1043.	85004076	1.76	1.73
1044.	85004077	1.73	1.73
1045.	85004078	1.01	1.01
1046.	85004079	2.07	0.39
1047.	85004080	1.03	1.03
1048.	85004081	1.40	1.23
1049.	85004084	1.02	0.55
1050.	85004085	0.97	0.50
1051.	85004086	1.00	0.53
1052.	85004087	0.99	0.89
1053.	85004089	1.01	1.01
1054.	85004091	1.01	0.97
1055.	85004092	1.00	0.63
1056.	85004093	1.00	0.85
1057.	85004095	3.41	3.41
1058.	85004099	7.55	7.55
1059.	85004101	2.04	2.04
1060.	85004102	1.95	1.95
1061.	85004105	6.56	5.91
1062.	85004106	6.37	6.37
1063.	85005005	6.23	6.23
1064.	85005010	2.41	0.38
1065.	85005014	4.13	0.47
1066.	85005015	2.76	1.84
1067.	85005017	0.15	0.15
1068.	85005031	1.39	0.46
1069.	85005033	1.25	1.25
1070.	85005034	0.83	0.71
1071.	85019003	10.45	10.45
1072.	85019004	7.52	6.38

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
1073.	85019005	8.66	2.73
1074.	85019009	3.86	3.86
1075.	85019010	2.63	2.63
1076.	85019014	5.24	5.24
1077.	85019016	6.16	6.16
1078.	85019017	1.65	1.65
1079.	85019018	6.76	6.76
1080.	85019019	3.35	3.35
1081.	85019020	3.75	3.75
1082.	85019021	3.62	0.65
1083.	85019022	5.23	5.23
1084.	85019023	2.06	2.06
1085.	85019028	1.95	1.95
1086.	85019031	1.27	1.27
1087.	85019032	1.20	1.20
1088.	85019033	2.87	0.83
1089.	85019034	2.46	1.28
1090.	85019035	2.51	1.86
1091.	85019036	2.51	1.89
1092.	85019037	2.79	1.58
1093.	85019038	2.66	1.06
1094.	85019039	3.39	3.39
1095.	85019040	2.68	1.29
1096.	85019041	2.60	1.78
1097.	85019042	1.75	1.75
1098.	85019043	2.08	2.08
1099.	85019044	2.05	2.05
1100.	85019045	2.14	2.14
1101.	85019046	2.24	2.24
1102.	85019048	2.13	2.13
1103.	85019049	0.66	0.66
1104.	85019050	2.23	2.23
1105.	85019052	1.63	1.63
1106.	85019053	1.93	1.93
1107.	85019054	0.98	0.98
1108.	85019055	2.10	2.10
1109.	85019056	1.98	1.98
1110.	85019064	1.72	1.72
1111.	85019065	4.11	4.11
1112.	85019070	0.96	0.96

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
1113.	85019077	2.57	2.57
1114.	85019078	1.95	1.95
1115.	85019080	1.61	1.61
1116.	85019081	1.66	1.66
1117.	85021001	2.44	2.44
1118.	85021002	3.71	3.71
1119.	85021003	3.97	3.97
1120.	85022008	1.02	1.02
1121.	85029003	0.97	0.10
1122.	86003004	10.88	10.88
1123.	86003005	10.98	10.98
1124.	86003006	2.34	2.34
1125.	86003007	5.49	5.49
1126.	86003018	1.77	1.77
1127.	86003019	6.93	6.93
1128.	86003020	10.89	10.89
1129.	86003021	2.00	2.00
1130.	86003023	4.33	4.33
1131.	86003029	10.30	10.30
1132.	86003041	1.13	1.13
1133.	86003043	0.15	0.15
1134.	86003044	0.19	0.19
1135.	86003045	0.19	0.19
1136.	86003048	1.98	1.98
1137.	86003049	2.34	2.34
1138.	86003050	3.02	3.02
1139.	86003053	4.94	4.94
1140.	86003054	2.43	2.43
1141.	86003055	2.63	2.63
1142.	86004001	12.06	12.06
1143.	86004002	12.02	7.09
1144.	86004003	11.93	7.00
1145.	86004005	0.88	0.88
1146.	86004006	1.00	0.75
1147.	86004007	1.00	0.33
1148.	86004016	12.10	1.94
1149.	86005001	10.10	10.10
1150.	86005002	6.18	6.18
1151.	86005003	5.01	5.01
1152.	86005004	1.00	1.00
1153.	86005005	5.01	5.01
1154.	86005006	0.98	0.98
1155.	86005007	7.02	7.02
1156.	86005008	11.95	11.95
1157.	86005009	5.02	5.02
1158.	86005010	1.00	1.00
1159.	86005011	0.93	0.93
1160.	86006002	14.63	14.63
1161.	86006003	16.08	16.08
1162.	86006004	7.91	7.91
1163.	86006005	3.65	3.65
1164.	86006006	11.91	11.91
1165.	86006007	11.96	11.96
1166.	86006008	8.35	8.35
1167.	86006009	8.19	8.19
1168.	86007001	5.99	5.99
1169.	86007002	8.17	8.17
1170.	86007003	1.03	1.03
1171.	86007004	1.07	1.07
1172.	86007005	1.89	1.89
1173.	86007006	0.99	0.99
1174.	86007007	6.93	6.93
1175.	86007008	4.21	4.21
1176.	86007009	0.50	0.50
1177.	86007010	1.02	1.02
1178.	86007011	3.82	3.82
1179.	86007014	0.31	0.31
1180.	86007015	0.15	0.15
1181.	86007016	0.15	0.15
1182.	86007017	0.15	0.15
1183.	86007018	0.14	0.14
1184.	86007019	0.15	0.15
1185.	86007020	0.13	0.13
1186.	86007021	0.14	0.14
1187.	86007022	0.14	0.14
1188.	86007023	0.14	0.14
1189.	86007024	0.14	0.14
1190.	86007025	0.14	0.14
1191.	86007026	0.14	0.14
1192.	86007027	0.15	0.15

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
1193.	86007028	0.14	0.14
1194.	86007029	0.14	0.14
1195.	86007030	0.16	0.16
1196.	86007031	3.48	3.48
1197.	86007032	2.36	2.36
1198.	86007033	1.00	1.00
1199.	86007034	0.97	0.97
1200.	86007035	1.05	1.05
1201.	86007036	1.02	1.02
1202.	86007037	0.95	0.95
1203.	86007038	0.96	0.96
1204.	86007039	1.00	1.00
1205.	86007040	1.03	1.03
1206.	86007041	1.00	1.00
1207.	86007042	0.97	0.97
1208.	86007043	0.82	0.82
1209.	86007044	1.64	1.64
1210.	86007045	3.55	3.55
1211.	86007046	1.98	1.98
1212.	86007047	6.75	6.75
1213.	86008001	0.24	0.24
1214.	86008002	10.50	10.50
1215.	86008003	0.93	0.93
1216.	86008004	11.00	11.00
1217.	86008005	2.97	1.50
1218.	86008006	2.96	2.96
1219.	86008007	2.97	2.97
1220.	86008008	7.95	7.95
1221.	86008009	1.93	1.93
1222.	86008010	0.78	0.78
1223.	86008011	3.76	3.76
1224.	86008012	2.98	0.98
1225.	86008013	2.79	0.55
1226.	86008014	1.86	1.86
1227.	86008015	7.55	1.46
1228.	86008016	0.53	0.11
1229.	86008017	1.44	1.44
1230.	86008018	1.98	1.98
1231.	86008019	10.77	7.27
1232.	86008020	2.13	2.13

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
1233.	86008021	1.06	1.06
1234.	86008022	2.90	2.90
1235.	86008023	1.80	1.80
1236.	86008024	1.56	1.56
1237.	86008025	1.21	1.21
1238.	86008026	1.54	1.19
1239.	86008027	1.96	1.96
1240.	86008028	2.99	2.99
1241.	86008029	2.04	2.04
1242.	86009002	1.01	0.82
1243.	86009003	1.50	1.01
1244.	86009004	5.31	2.76
1245.	86009006	11.78	11.78
1246.	86009007	11.70	3.08
1247.	86009008	0.97	0.97
1248.	86009011	2.34	1.45
1249.	86009012	5.58	5.58
1250.	86009014	9.29	9.29
1251.	86009015	2.16	2.16
1252.	86009016	4.66	4.66
1253.	86009017	2.44	2.44
1254.	86010001	1.02	1.02
1255.	86010002	1.01	1.01
1256.	86010003	1.00	1.00
1257.	86010004	0.51	0.51
1258.	86010005	1.24	1.24
1259.	86010006	10.46	10.46
1260.	86010007	1.22	1.22
1261.	86010008	1.00	1.00
1262.	86010009	2.00	2.00
1263.	86010010	0.26	0.26
1264.	86010011	2.50	2.50
1265.	86010012	5.24	5.24
1266.	86010014	0.99	0.99
1267.	86010015	5.19	5.19
1268.	86010016	1.99	1.99
1269.	86010017	3.98	3.98
1270.	86010018	1.19	1.19
1271.	86010019	1.20	1.20
1272.	86010020	1.19	1.19

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
1273.	86010022	0.17	0.17
1274.	86010023	1.10	1.10
1275.	86010024	0.49	0.49
1276.	86010025	1.00	1.00
1277.	86010026	1.19	1.19
1278.	86010027	1.04	1.04
1279.	86010028	1.01	1.01
1280.	86010030	0.18	0.18
1281.	86010031	0.19	0.19
1282.	86010032	0.19	0.19
1283.	86010033	0.18	0.18
1284.	86010034	0.17	0.17
1285.	86010035	0.17	0.17
1286.	86010036	0.18	0.18
1287.	86010037	0.17	0.17
1288.	86010038	0.17	0.17
1289.	86010039	2.04	2.04
1290.	86010040	2.04	2.04
1291.	86010041	2.15	2.16
1292.	86010042	2.18	2.18
1293.	86010043	2.35	2.35
1294.	86010044	2.02	2.03
1295.	86010045	1.97	1.97
1296.	86010046	1.99	2.00
1297.	86010047	1.96	1.96
1298.	86010048	2.74	2.74
1299.	86011001	2.60	2.60
1300.	86011003	1.54	1.37
1301.	86011004	22.79	22.80
1302.	86011005	2.58	2.72
1303.	86011007	1.00	0.98
1304.	86011011	2.50	2.50
1305.	86011013	1.90	1.93
1306.	86011014	1.21	0.52
1307.	86012001	10.97	10.97
1308.	86012002	2.02	2.02
1309.	86012003	0.61	0.61
1310.	86012004	4.64	4.64
1311.	86012005	0.46	0.46
1312.	86012006	0.46	0.46
1313.	86012007	0.46	0.46
1314.	86012008	0.79	0.79
1315.	86012009	0.46	0.46
1316.	86012010	0.37	0.37
1317.	86012011	4.14	4.14
1318.	86012013	1.78	1.78
1319.	86012014	1.96	1.96
1320.	86012015	2.07	2.07
1321.	86012016	2.77	2.77
1322.	86012017	1.98	1.98
1323.	86012018	0.98	0.98
1324.	86012019	1.68	1.68
1325.	86012020	5.99	5.96
1326.	86012022	1.35	1.35
1327.	86013001	6.93	6.93
1328.	86013002	8.91	7.71
1329.	86013003	4.45	4.45
1330.	86013004	9.48	3.91
1331.	86013005	17.91	17.87
1332.	86014002	10.19	10.19
1333.	86014003	4.99	4.99
1334.	86014004	5.00	5.00
1335.	86014005	4.14	4.14
1336.	86014006	1.00	1.00
1337.	86014007	1.02	1.02
1338.	86014008	0.62	0.62
1339.	86014010	1.01	1.01
1340.	86019001	2.01	2.01
1341.	86019002	6.00	6.00
1342.	86019022	1.06	1.06
1343.	86019023	1.03	1.03
1344.	86019040	3.89	3.89
1345.	86024001	6.06	6.06
1346.	86024002	2.69	2.69
1347.	86024003	4.03	4.03
1348.	86024005	2.62	2.62
1349.	86024007	13.52	13.52
1350.	86024008	1.99	1.99
1351.	86024011	2.00	2.00
1352.	86024012	1.98	1.98

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
1353.	86024013	1.95	1.95
1354.	86024014	3.95	3.95
1355.	87003005	4.82	4.82
1356.	87003006	4.93	4.93
1357.	87003007	8.71	8.71
1358.	87003008	8.48	8.48
1359.	87003009	3.02	3.08
1360.	87003022	2.48	2.47
1361.	87003026	2.84	2.82
1362.	87003027	3.11	3.11
1363.	87003028	3.48	3.48
1364.	87003029	2.95	2.95
1365.	87003030	8.01	8.01
1366.	87003031	7.75	7.75
1367.	87003032	2.68	2.65
1368.	87003058	3.06	3.03
1369.	87003066	2.49	2.49
1370.	87003067	2.96	3.02
1371.	87003068	2.46	2.46
1372.	87003069	3.35	3.35
1373.	87003070	2.42	2.42
1374.	87003071	1.96	1.96
1375.	87003072	1.03	1.03
1376.	87003073	1.07	1.07
1377.	87004002	0.14	0.14
1378.	87004003	0.14	0.14
1379.	87004004	0.14	0.14
1380.	87004005	0.14	0.14
1381.	87004006	0.14	0.14
1382.	87004029	0.13	0.13
1383.	87004045	6.96	6.96
1384.	87004046	4.08	4.08
1385.	87004047	14.31	14.31
1386.	87004062	0.83	0.83
1387.	87007006	4.43	2.99
1388.	87007008	2.99	1.10
1389.	87007009	2.26	1.21
1390.	87007010	3.40	1.54
1391.	87007013	0.71	0.71
1392.	87007069	2.49	2.33

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
1393.	87007070	2.00	0.29
1394.	87009003	12.00	10.17
1395.	87010003	207.11	112.33
1396.	87010005	3.22	3.22
1397.	87010008	1.82	1.82
1398.	87010009	1.82	1.82
1399.	87010010	2.74	2.74
1400.	87010015	0.34	0.34
1401.	87010016	23.84	23.84
1402.	87010017	1.82	1.82
1403.	87010018	2.41	2.41
1404.	87010019	1.83	1.83
1405.	87010020	198.35	44.47
1406.	87017039	6.01	5.90
1407.	87018001	3.26	3.26
1408.	87018002	5.02	5.02
1409.	87018003	11.76	11.76
1410.	87018004	12.24	12.24
1411.	87018005	3.82	3.82
1412.	87018006	11.08	11.08
1413.	87018007	2.45	2.45
1414.	87018008	5.04	5.04
1415.	87018009	8.96	8.96
1416.	87018010	1.65	1.65
1417.	87018011	4.46	4.46
1418.	87018012	4.47	4.47
1419.	87018013	4.49	4.49
1420.	87018014	4.72	4.72
1421.	87018015	4.04	4.04
1422.	87018016	4.50	4.50
1423.	87018017	4.51	4.51
1424.	87018018	2.47	2.47
1425.	87018019	2.54	2.54
1426.	87018020	2.54	2.54
1427.	87018021	2.51	2.51
1428.	87018022	4.99	4.99
1429.	87018023	4.97	4.97
1430.	87018024	4.95	4.95
1431.	87018025	4.98	4.98
1432.	87018026	2.49	2.49

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
1433.	87018027	1.47	1.47
1434.	87018028	2.59	2.59
1435.	87018029	4.48	4.48
1436.	87018030	3.94	3.94
1437.	87018031	7.25	6.96
1438.	87018032	5.42	5.42
1439.	87018033	3.86	3.86
1440.	87018034	5.87	5.87
1441.	87018035	4.94	4.94
1442.	87018036	2.85	2.85
1443.	87018037	3.93	3.93
1444.	87018038	3.72	3.72
1445.	87018039	3.94	3.94
1446.	87018041	2.19	2.19
1447.	87018042	1.00	1.00
1448.	87018043	2.45	2.45
1449.	87018044	1.67	1.67
1450.	87018045	1.68	1.68
1451.	87018046	1.67	1.67
1452.	87018047	1.67	1.67
1453.	87018048	2.51	2.51
1454.	87018049	1.68	1.68
1455.	87018050	4.93	4.93
1456.	87018051	4.99	4.99
1457.	87018055	3.35	3.35
1458.	87018056	3.32	3.32
1459.	87018057	0.99	0.99
1460.	87018058	5.02	5.02
1461.	87018059	2.53	2.53
1462.	87018060	4.96	4.96
1463.	87018061	6.51	6.51
1464.	87019001	8.29	8.29
1465.	87019002	8.00	5.62
1466.	87019003	10.08	6.42
1467.	87019004	4.81	3.00
1468.	87019005	5.01	3.23
1469.	87019006	5.02	3.44
1470.	87019007	3.08	2.73
1471.	87019008	10.05	10.05
1472.	87019009	5.66	3.55

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
1473.	87019010	5.18	5.18
1474.	87019011	16.34	16.34
1475.	87019012	1.36	1.36
1476.	87019014	2.02	2.02
1477.	87019015	1.01	1.01
1478.	87019016	1.14	1.14
1479.	87019017	1.49	1.49
1480.	87019018	1.84	1.84
1481.	87019019	5.36	5.36
1482.	87019020	2.48	2.48
1483.	87019021	5.13	5.13
1484.	87019022	5.14	5.14
1485.	87019023	5.00	5.00
1486.	87019024	4.84	4.84
1487.	87019025	4.80	4.80
1488.	87019026	2.89	2.89
1489.	87019027	6.58	6.58
1490.	87019028	5.23	5.23
1491.	87019029	5.21	5.21
1492.	87019030	2.81	2.81
1493.	87019031	2.84	2.84
1494.	87019032	6.85	6.85
1495.	87019033	5.02	5.02
1496.	87019034	5.03	5.03
1497.	87019035	1.41	1.41
1498.	87019036	4.43	4.43
1499.	87019037	3.02	2.83
1500.	87019038	14.06	14.63
1501.	87019039	9.94	9.94
1502.	87019040	2.50	2.50
1503.	87019041	2.51	2.51
1504.	87019042	5.08	5.08
1505.	87019043	5.15	5.15
1506.	87019047	1.01	0.90
1507.	87019048	3.00	2.84
1508.	87019049	2.02	1.92
1509.	87019050	2.00	2.00
1510.	87019051	2.07	2.07
1511.	87019052	2.00	2.00
1512.	87019053	0.99	1.00

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
1513.	87019054	5.28	5.28
1514.	87019055	2.49	2.49
1515.	87019056	4.90	4.90
1516.	87019057	1.93	1.93
1517.	87019058	1.48	1.48
1518.	87019059	4.02	4.01
1519.	87019060	2.04	2.04
1520.	87019061	3.16	2.43
1521.	87019062	1.90	1.40
1522.	87019063	1.98	1.62
1523.	87019064	1.97	1.94
1524.	87019065	1.86	1.86
1525.	87019066	1.76	1.76
1526.	87019067	1.53	1.53
1527.	87019068	1.53	1.53
1528.	87019069	1.64	1.64
1529.	87019070	0.99	0.99
1530.	87019071	1.03	1.03
1531.	87019072	1.00	1.00
1532.	87019073	0.97	0.97
1533.	87019074	3.20	2.99
1534.	87019075	1.17	1.36
1535.	87019076	5.17	3.19
1536.	87019077	1.24	1.24
1537.	87019079	0.91	0.91
1538.	87019080	2.88	2.88
1539.	87021001	5.29	5.25
1540.	87021002	4.77	4.77
1541.	87021003	4.87	4.87
1542.	87021004	4.74	4.71
1543.	87021005	3.10	3.10
1544.	87021006	3.82	3.82
1545.	87021007	9.65	9.65
1546.	87021008	2.58	2.58
1547.	87021009	2.41	2.41
1548.	87021010	2.04	2.03
1549.	87021011	4.77	4.77
1550.	87021012	2.69	1.34
1551.	87021013	2.14	2.14
1552.	87021014	4.93	4.93

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
1553.	87021015	2.48	2.48
1554.	87021016	4.77	4.60
1555.	87021017	5.03	5.03
1556.	87021018	4.98	4.98
1557.	87021019	5.02	5.02
1558.	87021020	5.84	4.97
1559.	87021021	1.49	1.49
1560.	87021022	5.00	5.00
1561.	87021023	4.99	4.99
1562.	87021024	5.00	5.00
1563.	87021025	7.39	7.38
1564.	87021031	0.98	0.98
1565.	87021032	2.35	2.35
1566.	87021033	1.01	1.01
1567.	87021034	0.94	0.94
1568.	87021036	2.49	2.49
1569.	87021037	2.48	2.48
1570.	87021038	4.77	4.77
1571.	87021039	2.58	2.58
1572.	87021040	3.15	3.15
1573.	87021041	3.07	3.07
1574.	87021042	0.00	0.00
1575.	87021043	2.00	2.00
1576.	87021044	3.08	3.08
1577.	87021045	3.17	3.17
1578.	87021046	3.41	3.41
1579.	87021047	2.04	0.59
1580.	87021048	2.40	2.40
1581.	87022001	1.99	1.99
1582.	87022002	2.41	2.41
1583.	87022003	2.38	2.38
1584.	87022004	2.40	2.40
1585.	87022005	2.42	2.42
1586.	87022007	2.86	2.86
1587.	87022008	1.19	1.19
1588.	87022009	1.19	1.19
1589.	87022010	1.19	1.19
1590.	87022011	2.37	2.37
1591.	87022013	2.40	2.40
1592.	87022014	2.39	2.39

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
1593.	87022015	2.40	2.40
1594.	87022016	2.40	2.40
1595.	87022017	1.95	1.95
1596.	87022032	1.21	1.21
1597.	92001002	1.24	1.24
1598.	92001004	0.24	0.24
1599.	92001011	388.97	387.72
1600.	92001016	0.20	0.20
1601.	92001017	0.83	0.83
1602.	92002006	#N/A	54.83
1603.	92004002	1.48	1.48
1604.	92004007	1.52	1.52
1605.	92004008	1272.64	1272.12
1606.	92004010	427.54	427.54
1607.	92005001	3.99	3.99
1608.	92005023	118.05	118.05
1609.	92045002	870.69	836.06
1610.	92045004	0.24	0.24
1611.	92045005	4.41	1.20
1612.	92045006	0.15	0.15
1613.	92049007	792.56	789.48
1614.	92049010	0.86	0.86
1615.	92049011	1.69	1.67
1616.	92052001	#N/A	5.04
1617.	92052002	#N/A	15.51
1618.	92052003	#N/A	16.14
1619.	92052004	#N/A	10.36
1620.	92052005	#N/A	5.62
1621.	92052006	#N/A	6.06
1622.	92052007	#N/A	16.35
1623.	92052008	#N/A	7.00
1624.	92052009	#N/A	5.18
1625.	92052010	#N/A	5.08
1626.	92052011	#N/A	5.07
1627.	92052012	#N/A	5.10
1628.	92052013	#N/A	5.11
1629.	92052014	#N/A	5.11
1630.	92052015	#N/A	5.62
1631.	92052016	#N/A	5.18
1632.	92052017	#N/A	5.43

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
1633.	92052018	#N/A	5.76
1634.	92052019	#N/A	5.29
1635.	92052020	#N/A	5.22
1636.	92052021	#N/A	5.12
1637.	92052022	#N/A	10.82
1638.	92052023	#N/A	11.25
1639.	92052024	#N/A	5.53
1640.	92052025	#N/A	5.22
1641.	92052026	#N/A	10.10
1642.	92052028	#N/A	11.75
1643.	92052029	#N/A	5.38
1644.	92052030	#N/A	5.30
1645.	92052031	#N/A	16.66
1646.	92052032	#N/A	5.42
1647.	92052033	#N/A	12.31
1648.	92052034	#N/A	5.23
1649.	92052035	#N/A	5.19
1650.	92052036	#N/A	5.24
1651.	92052037	#N/A	5.11
1652.	92052038	#N/A	5.12
1653.	92052039	#N/A	5.15
1654.	92052040	#N/A	11.33
1655.	92052041	#N/A	10.00
1656.	92053001	#N/A	10.62
1657.	92053002	#N/A	10.61
1658.	92053003	#N/A	5.26
1659.	92053004	#N/A	5.23
1660.	92053005	#N/A	12.13
1661.	92053006	#N/A	3.58
1662.	92053007	#N/A	2.33
1663.	92053008	#N/A	12.28
1664.	92053009	#N/A	5.27
1665.	92053010	#N/A	10.43
1666.	92053011	#N/A	10.49
1667.	92053012	#N/A	10.41
1668.	92053013	#N/A	5.21
1669.	92053014	#N/A	16.48
1670.	92053015	#N/A	1.65
1671.	92053016	#N/A	5.72
1672.	92053017	#N/A	5.28

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
1673.	92053018	#N/A	5.18
1674.	92053019	#N/A	5.15
1675.	92053020	#N/A	5.21
1676.	92053021	#N/A	10.55
1677.	92053022	#N/A	10.70
1678.	92053023	#N/A	17.91
1679.	92053024	#N/A	10.23
1680.	92053025	#N/A	17.64
1681.	92053026	#N/A	5.24
1682.	92053027	#N/A	5.07
1683.	92053028	#N/A	5.08
1684.	92053029	#N/A	10.23
1685.	92053030	#N/A	5.24
1686.	92053031	#N/A	6.15
1687.	92053032	#N/A	5.56
1688.	92053033	#N/A	6.81
1689.	92053034	#N/A	5.83
1690.	92053035	#N/A	11.24
1691.	92053036	#N/A	21.08
1692.	92053037	#N/A	5.29
1693.	92053038	#N/A	20.67
1694.	92053039	#N/A	15.60
1695.	92053040	#N/A	5.07
1696.	92053041	#N/A	5.04
1697.	92053042	#N/A	10.57
1698.	92053043	#N/A	10.12
1699.	92053044	#N/A	10.17
1700.	92053045	#N/A	10.46
1701.	92053046	#N/A	10.24
1702.	92053047	#N/A	5.16
1703.	92053048	#N/A	10.62
1704.	92053049	#N/A	9.36
1705.	92053050	#N/A	1.38
1706.	92053051	#N/A	5.62
1707.	92053052	#N/A	10.47
1708.	92053053	#N/A	5.20
1709.	92053054	#N/A	5.21
1710.	92053055	#N/A	10.46
1711.	92053056	#N/A	5.11
1712.	92053057	#N/A	10.40

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
1713.	92053058	#N/A	10.21
1714.	92053061	#N/A	2.25
1715.	92053062	#N/A	2.69
1716.	92053063	#N/A	15.06
1717.	92053065	#N/A	20.21
1718.	92053066	#N/A	4.83
1719.	92053067	#N/A	10.01
1720.	92053068	#N/A	0.25
1721.	94002008	49.24	32.95
1722.	94003001	876.50	875.14
1723.	94003003	39.45	38.89
1724.	94004002	13.49	12.11
1725.	94004003	3.63	3.63
1726.	94004004	560.14	560.14
1727.	94004007	14.77	14.77
1728.	94004008	1.63	0.98
1729.	94004009	205.38	205.38
1730.	94004010	109.42	109.42
1731.	94004011	43.72	43.72
1732.	94004012	534.13	534.13
1733.	94004019	59.54	57.09
1734.	94005010	32.12	11.15
1735.	94005050	0.40	0.40
1736.	94005052	50.24	20.25
1737.	94005069	17.66	17.49
1738.	94005090	34.75	34.47
1739.	94005091	34.76	34.64
1740.	94005092	34.39	32.77
1741.	94005095	23.76	9.46
1742.	94005096	39.09	38.57
1743.	94005097	210.85	191.83
1744.	94006003	2.10	0.48
1745.	94006041	0.21	0.21
1746.	94006043	7.00	6.945
1747.	94006045	155.00	155.00
1748.	94007025	0.29	0.29
1749.	94007044	6.90	6.13
1750.	94007045	3.64	3.59
1751.	94056109	1.80	1.80
1752.	95001086	51.22	48.40

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
1753.	95001087	94.32	94.28
1754.	95002003	163.00	162.96
1755.	95002062	47.36	9.16
1756.	95003001	642.00	632.85
1757.	95003002	7.62	7.62
1758.	95003007	91.20	91.20
1759.	95003009	3.41	3.41
1760.	95003010	128.98	31.49
1761.	95003012	5.00	2.65
1762.	95003013	9.08	5.59
1763.	95003017	344.00	342.36
1764.	95003018	402.00	397.48
1765.	95003019	137.00	137.07
1766.	95046041	21.55	0.59
1767.	98011014	29.82	10.97
1768.		#N/A	15.39
1769.		#N/A	0.10
1770.		#N/A	0.11
1771.		#N/A	1.80
1772.		#N/A	0.16
1773.		#N/A	0.02
1774.		#N/A	0.02
1775.		#N/A	0.74
1776.		#N/A	0.59
1777.		#N/A	0.52
1778.		#N/A	0.54
1779.		#N/A	0.50
1780.		#N/A	8.72
1781.		#N/A	1.68

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

CERTIFICATE

RESOLUTION 18-233, CD1, FD1

Introduced: 10/18/18 By: ERNEST MARTIN – BY REQUEST Committee: ZONING, PLANNING AND HOUSING

Title: RESOLUTION RELATING TO THE IDENTIFICATION OF IMPORTANT AGRICULTURAL LANDS.

Voting Legend: * = Aye w/Reservations

		CC-9(19) KOBAYASHI – RE-REFERRAL OF BILLS, RESOLUTIONS AND COMMUNICATIONS.
04/25/19	ZONING AND HOUSING	CR-139(19) – RESOLUTION REPORTED OUT OF COMMITTEE FOR ADOPTION AS AMENDED IN CD1 FORM. 4 AYES: ANDERSON, FORMBY, FUKUNAGA, PINE. 2 EXCUSED: MENOR, TSUNEYOSHI.
05/08/19	COUNCIL	NOTE: PROPOSED FD1 (OCS2019-0458/5/2/2019 9:26 AM) POSTED ON THE AGENDA WAS NOT CONSIDERED. CR-139(19) AND RESOLUTION 18-233, CD1 POSTPONED TO THE JUNE 5, 2019 COUNCIL MEETING. 8 AYES: ANDERSON, ELEFANTE, FUKUNAGA, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS. 1 ABSENT: KOBAYASHI.
		NOTE: THE TEMPORARY APPOINTMENT OF MICHAEL FORMBY TO FILL A VACANCY IN THE OFFICE OF COUNCILMEMBER FOR COUNCIL DISTRICT IV WAS APPROVED ON TUESDAY, FEBRUARY 5, 2019. (refer to RES19-11)
		NOTE: COUNCILMEMBER WATERS TOOK OFFICE ON MONDAY, MAY 6, 2019.
		CC-173(19) ANDERSON - COUNCIL STANDING COMMITTEE ASSIGNMENTS.
		CC-181(19) ANDERSON – RE-REFERRAL OF BILLS, RESOLUTIONS AND COMMUNICATIONS.
06/05/19	COUNCIL	RESOLUTION AMENDED TO FD1. 9 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS. CR-139(19) AND RESOLUTION 18-233, CD1, FD1 WERE ADOPTED. 9 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS.

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this RESOLUTION.

GLEN I. TAKAHASHI, CITY CLERK

IKAIKA ANDERSON, CHAIR AND PRESIDING OFFICER





O‘AHU IMPORTANT AGRICULTURAL LAND MAPPING PROJECT

AUGUST 2018

Prepared For

City and County of Honolulu
Department of Planning and Permitting

O‘AHU IMPORTANT AGRICULTURAL LAND MAPPING PROJECT

AUGUST 2018

Prepared For

City and County of Honolulu
Department of Planning and Permitting

TABLE OF CONTENTS

SECTION PAGE

EXECUTIVE SUMMARY ES-1

INTRODUCTION 1

1. LEGAL FRAMEWORK FOR THE IMPORTANT AGRICULTURAL LANDS INITIATIVE 3
   - 1.1 Article XI Section 3, Constitution of the State of Hawai'i 3
   - 1.2 Part I of Chapter 205, Hawai'i Revised Statutes 4
   - 1.3 Part III of Chapter 205, Hawai'i Revised Statutes 6
     - 1.3.1 Legal Definition of IAL 7
     - 1.3.2 Standards and Criteria for Evaluation 9
     - 1.3.3 Processes to Designate IAL 10
     - 1.3.4 IAL Incentives 15

2. CITY'S APPROACH TO IDENTIFY AND MAP RECOMMENDATIONS FOR IAL DESIGNATION 19
   - 2.1 Overview of the Planning Process 19
   - 2.2 Mapping Methodology 24
     - 2.2.1 Develop Resource Maps 24
     - 2.2.2 Select Priority Criteria 25
     - 2.2.3 Prepare Preliminary Map Recommendations 32
     - 2.2.4 Refine Final Map Recommendations 35

3. AGRICULTURE ON O'AHU 37
   - 3.1 City and County of Honolulu's Long-Range Plans and Policies 35
   - 3.2 Lands Available For Agriculture Production 39
   - 3.3 Recent Trends Influencing O'ahu's Agricultural Industry 41
     - 3.3.1 Diversified Agriculture 41
     - 3.3.2 Increased Food Self-Sufficiency 46
     - 3.3.3 Urbanization of Agricultural Lands 47
   - 3.4 Inventory of Current IAL Designations 51

SECTION PAGE

4. RECOMMENDATIONS FOR IAL DESIGNATION 53
4.1 Map of Recommendations for IAL Designation 53
4.2 Related Issues and Concerns 72
4.2.1 Existing Farms in the State Urban District 73
4.2.2 IAL Designation of Public Lands 74
4.2.3 Food Self-Sufficiency and Food Security 74
4.2.4 County Incentives 76
4.2.5 Future Unanticipated Consequences of IAL 77
4.2.6 Public Participation in the Planning Process 77

REFERENCES 79

APPENDICES

A Chapter 205, HRS (State Land Use Districts and IAL)
B Technical Advisory Committee Meetings and Roster
C Focus Group Meetings
D Community Meetings
E Landowner and Public Comments
F Criteria Maps and Summary Descriptions
G Criteria Weighting Methodology
H Inventory of City Recommendations for IAL Designation by TMK Parcel Number

LIST OF FIGURES

FIGURE NO.		PAGE
1-1	Article XI Section 3, Constitution of the State of Hawai'i	3
1-2	State Land Use Districts	5
1-3	HRS, Chapter 205-43 Important Agricultural Lands; Policies	8
1-4	HRS, Chapter 205-44 Standards and Criteria for the Identification of Important Agricultural Lands	9
1-5	HRS, Chapter 171-2	11
1-6	County Designation Process	12
2-1	City's IAL Process	21
2-2	Sample Criteria Weighting Ballot	31
2-3	Comparison of Criteria Scores	32
3-1	Honolulu's Planning System	37
3-2	City and County Development Plan and Sustainable Communities Plan Regions	38
3-3	O'ahu's Acreage of State Land Use Districts	39
3-4	O'ahu's Major Agricultural Areas, 2011	40
3-5	Resident Population, 1900-2012	49
3-6	Inventory of O'ahu State Land Use Districts	50
4-1	Study Area	55
4-2	O'ahu Lands Recommended for IAL Designation: Island Of O'ahu	57
4-3	O'ahu Lands Recommended for IAL Designation: Central O'ahu	59
4-4	O'ahu Lands Recommended for IAL Designation: 'Ewa	61
4-5	O'ahu Lands Recommended for IAL Designation: Wai'anae	63
4-6	O'ahu Lands Recommended for IAL Designation: North Shore	65
4-7	O'ahu Lands Recommended for IAL Designation: Ko'olau Loa	67
4-8	O'ahu Lands Recommended for IAL Designation: Ko'olau Poko	69

LIST OF TABLES

TABLE NO.		PAGE
2-1	Public Participation Program Compliance with HRS, Chapter 205	23
2-2	Criteria Mapping References	26
2-3	Possible Criteria Combinations	33
3-1:	Farm Revenues, State Totals 2015 and 2011	44
3-2	Top 20 Commodities, State Totals 2016 and 2011	45
3-3	Inventory of Acres Designated as IAL, Statewide (December 2017)	51
4-1	Inventory of Public Comments	54

ACRONYMS AND ABBREVIATIONS

ADC	State of Hawai'i Agribusiness Development Corporation
ALISH	Agricultural Lands of Importance to the State of Hawai'i
ALUM	Island of O'ahu Agricultural Land Use Map
City	City and County of Honolulu
DLNR	State Department of Land and Natural Resources
DP	development plan
DPP	City and County of Honolulu Department of Planning and Permitting
GIS	geographical information system
HAR	Hawai'i Administrative Rules
HDOA	State Department of Agriculture
HRS	Hawai'i Revised Statues
IAL	Important Agricultural Land
LUC	State Land Use Commission
LSB	Land Study Bureau
NASS	National Agricultural Statistical Service
NRCS	National Resources Conservation Service
OHA	Office of Hawaiian Affairs
SCP	sustainable communities plan
SLH	Session Laws of Hawai'i
SSURGO	Soil Survey Geographic Database of the USDA NRCS
TAC	Technical Advisory Committee
TMK	tax map key
USDA	United States Department of Agriculture

This page intentionally left blank.

EXECUTIVE SUMMARY

This report presents the recommendations of the City and County of Honolulu Department of Planning and Permitting (City) for the lands on O'ahu that meet the statutory requirements for consideration as Important Agricultural Land (IAL) designation in accordance with the county designation process set forth in Chapter 205-47, Hawai'i Revised Statutes (HRS) and Hawai'i Administrative Rules (HAR) 15-15-17. The recommendations presented by the City are to be reviewed by the Honolulu City Council and adopted by resolution with or without changes, then submitted to the LUC for final approval and adoption.

In the context of the State land use system, IAL refers to a State land use designation for a select class of farm land intended to be used in the long-term for active agricultural production. Administered by the State Land Use Commission (LUC), the IAL designation is a supplemental state land use classification for an exclusive sub-set of high-quality farm land within the State Land Use Agricultural District. By granting landowners access to incentives and supportive measures that reduce the cost of farming, the IAL designation seeks to promote the economic viability of farming and to make it possible for landowners to keep agricultural lands active, ultimately leading to the long-term preservation and protection of productive agricultural land (Chapter 205-42, HRS).

Long-Term Goals of IAL

- *Help farming be an economically viable activity*
- *Ensure that the best of O'ahu's high-quality farm land is actively used for agricultural purposes*
- *Guide decision-making in the State Agricultural District*

There are three distinct processes to designate land as IAL. The first allows farmers or landowners to voluntarily petition the LUC for a declaratory ruling (i.e., voluntary designation); the second authorizes the designation of state-owned land; and the third is a mandatory requirement for the counties to prepare recommendations for IAL and submit its findings to the LUC for decision-making.

The City's recommendations for IAL are the result of a strategic, resource-based mapping exercise that used available geographic information system (GIS) datasets to inventory land in accordance with the standards and criteria prescribed by the law. The planning process was structured with various forums for public involvement, including consultation with the project technical advisory committee, a series of focus group meetings and community meetings, two 60-

day public comment periods, and a project website. Two separate mail-outs informing affected landowners of the possible IAL designation were also completed to comply with the legal requirements for landowner notification.

The island of Oʻahu comprises an approximate 386,000 total acres, of which roughly 128,000 acres, or 32% of the total acreage, is in the State Land Use Agricultural District. The remaining acreage is designated in the Urban District (102,000 acres, 27%) and the Conservation District (157,000 acres or 41%). Of the 128,000 acres in the State Agricultural District, an approximate 12,300 acres have already been designated as IAL through the landowner-initiated process, accounting for nearly 10% of Oʻahu lands in the State Agricultural District.

Following the prescribed methodology for determining which lands were "eligible" to be evaluated for IAL designation by the county (meaning which land met the conditions of ownership and land use classifications for consideration), the City identified a study area of roughly 63,900 acres. An approximate 45,400 acres are being recommended for IAL designation under the county-designation process, which corresponds to roughly 72% of the study area and 12% of Oʻahu's total land area. The recommendations articulate a long-term vision for the high quality farm land on Oʻahu most suited for farming. While the majority of the recommended land is in Central Oʻahu (Mililani, Kunia and Wahiawā) and the North Shore (Haleʻiwa and Waialua), there are several large tracts found along the Waiʻanae coast and in Koʻolau Loa and Koʻolau Poko. Revisions to the current inventory are possible pending City Council and LUC proceedings.

INTRODUCTION

This report presents the recommendations of the City and County of Honolulu Department of Planning and Permitting (DPP) for the lands on O'ahu that meet the statutory requirements for consideration as Important Agricultural Land (IAL) designation in accordance with the county designation process set forth in Chapter 205-47, Hawai'i Revised Statutes (HRS) and Hawai'i Administrative Rules (HAR) Title 15, Chapter 15, Subchapter 17 Important Agricultural Land Designation and Proceedings.

"IAL" is a legal term that refers to a State land use designation for a select class of farm land intended to be used in the long-term for active agricultural production. In the context of the State land use system, the IAL designation is a supplemental State land use classification for an exclusive sub-set of high-quality farm land within the State Land Use Agricultural District. Administered by the State Land Use Commission, the IAL designation overlays existing State and county land use classifications (i.e., state land use districts, county zoning districts) and does not change existing classifications or affect the range of current permitted land uses. Contrary to popular belief, the IAL designation does not impose a higher level of permanent protection from future development, and it does not simply ensure that agricultural land is preserved in perpetuity. Rather, the premise of the IAL designation is to grant landowners access to incentives and supportive measures that reduce the cost of farming, which in turn promotes the economic viability of farming and makes it possible for landowners to keep agricultural lands active, ultimately leading to the long-term preservation and protection of productive agricultural land (Chapter 205-42, HRS).

Hawai'i State law—Chapter 205, HRS—mandates that each of the four counties in Hawai'i conduct a mapping process to identify lands within their jurisdiction to be recommended to the State Land Use Commission (LUC) for designation as IAL. Upon transmittal of this report to the Honolulu City Council, the City and County of Honolulu (City) will be the first of the four counties to comply with the statutory requirement. Following the prescribed county designation process, the maps and supporting materials presented in this report are to be reviewed by the Honolulu City Council and adopted by resolution with or without changes, then submitted to the LUC for final approval and adoption.

In addition to presenting the City's recommendations for county-designated IAL, this report provides background information about the City's mapping process and the methodology used to develop the recommendations. It also documents the public involvement and input received in response to the DPP's consultation

efforts. This report supersedes the *O'ahu Important Agricultural Lands Phase I Study* (April 2014), and should be referenced in place of the previous version.

The following chapters make up the body of this report:

- Chapter 1 provides a description of the IAL designation and background information about the legal mandates that establish the framework for IAL. Emphasis is placed on the salient points of the law, as it relates to the counties' requirements for IAL mapping.
- Chapter 2 outlines the general structure of the City's approach to prepare the map recommendations and describes the community consultations and the public outreach strategies, the methodology to define and weight (i.e., prioritize) the criteria, and the underlying assumptions that guided the formation of map recommendations.
- Chapter 3 describes the current agricultural industry on O'ahu, including the City's land use planning system and policies for future development, the status of lands available for agriculture production, and recent trends and technological advancements influencing the future of the industry.
- Chapter 4 presents an overview of the lands being recommended by the City for IAL designation. This chapter also documents the issues and concerns raised during the community consultations that are likely to be key topics for future discussions about the viability of Oahu's agricultural industry.

Meeting summaries, background information about the data sources and criteria maps, and legal references are included in the appendices.

1. LEGAL FRAMEWORK FOR THE IMPORTANT AGRICULTURAL LANDS INITIATIVE

The directive to designate agricultural land as IAL is derived from the State Constitution and Chapter 205, HRS (informally referred to as "Hawai'i's Land Use Law"). This chapter introduces the State's land use system and provides an overview of the legal instruments that establish the framework for IAL and the county designation process.

1.1 ARTICLE XI SECTION 3, CONSTITUTION OF THE STATE OF HAWAI'I

As an outcome of Hawai'i's post-statehood shift from a plantation-dominated economy to one of tourism and Federal spending, concerns about the need to promote the viability of agriculture and protect Hawai'i's agricultural lands prompted the 1978 State Constitutional Convention to propose a constitutional amendment to identify and designate IAL. The proposed constitutional amendment was subsequently approved by Hawai'i voters in the same year and enacted as Article XI Section 3 of the Constitution of the State of Hawai`i (State of Hawai'i Department of Agriculture website, 2012).

Article XI, Section 3 of the State Constitution sets out the framework for state policies and all subsequent legislation related to IAL (see Figure 1-1). According to the Constitution, the State has a legal responsibility to conserve and protect

Figure 1-1: Article XI Section 3, Constitution of the State of Hawai'i

> *"The State shall conserve and protect agricultural lands, promote diversified agriculture, increase agricultural self-sufficiency and assure the availability of agriculturally suitable lands. The legislature shall provide standards and criteria to accomplish the foregoing. Lands identified by the State as important agricultural lands needed to fulfill the purposes above shall not be reclassified by the State or rezoned by its political subdivisions without meeting the standards and criteria established by the legislature and approved by a two-thirds vote of the body responsible for the reclassification or rezoning action."*

agricultural lands and promote the agricultural industry. The constitutional language provides for the following:

- establishes the constitutional mandate to support the long-term viability of agriculture in Hawai'i
- mandates the legislature to provide standards and criteria for identifying lands as IAL and for rezoning and reclassifying lands designated as IAL, and
- specifies a two-thirds vote to reclassify or rezone lands designated as IAL.

1.2 PART I OF CHAPTER 205, HAWAI'I REVISED STATUTES

The State Land Use Law—Part I of Chapter 205, HRS—was originally adopted in 1961 to provide a framework for statewide land use management and regulation. Under the State Land Use Law, all lands in the State are classified into one of four land use districts (Urban, Rural, Agricultural, or Conservation), with specific land uses allowable in each district (see Appendix A). Figure 1-2 provides a graphic representation of the four state land use districts.

Part I of Chapter 205, HRS also establishes the authority of the Land Use Commission (LUC), which is the nine-member board that administers the State Land Use Law. Specific responsibilities of the LUC include establishing the land use district boundaries and the boundaries of the IAL designation, deciding on petitions for district boundary amendments, and issuing special use permits within the Agricultural and Rural Districts (State Land Use Commission website http://luc.hawaii.gov/about/).

The following standards are used to determine the boundaries for the State Agricultural District:

"1) It shall include lands with a high capacity for agricultural production

2) It may include lands with significant potential for grazing or for other agricultural uses

3) It may include lands surrounded by or contiguous to agricultural lands or which are not suited to agricultural and ancillary activities by reason of topography, soils, and other related characteristics, and

4) It shall include all lands designated important agricultural lands pursuant to Part III of Chapter 205, HRS." (HAR Section 15-15-19)

Figure 1-2: State Land Use Districts



URBAN
City-like uses, regulated by counties' zoning ordinances



RURAL (Not on O'ahu)
Small farms, low-density residential, uses defined in HRS, Chapter 205



AGRICULTURAL
AG, Federal owned; recreation/open space uses w/out land qualities of other districts



CONSERVATION
Forest reserves, watersheds, other nature resources

Permitted and prohibited activities and uses within the State Agricultural District are specified in Chapter 205-2 and 205-4.5, HRS. Permitted uses include the cultivation of crops, aquaculture, pasture or forestry; renewable energy facilities (on land with lower agricultural productivity rating); agriculture-related activities such as farm dwellings, employee housing, agriculture processing and storage facilities, and agricultural tourism on working farms. Utility systems and facilities, and open area recreational facilities such as day camps and parks are also allowed.

Although the primary function of the Agricultural District is to denote farmland traditionally used for agricultural production and related activities, the Agricultural District also contains a large acreage of lands that border productive agricultural areas and lack the characteristics to be designated for the Urban, Rural or Conservation Districts, so that they are notably used as recreational and open space resources (e.g., parks, picnic areas, riding stables, golf courses approved before 2005). The inclusion of "areas that are not used for, or that are not suited to, agricultural and ancillary activities by reason of topography, soils, and other related characteristics" (Chapter 205-2(d), HRS) in the Agricultural District has diluted the integrity of the Agricultural District, particularly since certain non-agricultural uses are allowed on Agricultural-designated land.

1.3 PART III OF CHAPTER 205, HAWAIʻI REVISED STATUTES

The intent and purpose of Article XI Section 3 of the State Constitution is codified in Part III of Chapter 205, HRS (see Appendix A). As a result of the State Legislature's passage of Act 183, Session Laws of Hawaiʻi (SLH) 2005 ("Act 183") and Act 233, SLH 2008 ("Act 233"), Chapter 205, HRS was amended to define the framework for the identification and designation of IAL. Passed nearly 30 years after Hawaiʻi's voters ratified the 1978 constitutional amendments, Act 183 and Act 233 are hailed as landmark legislation that led to the establishment of additional incentives and regulations to support the agricultural industry and protect Hawaiʻi's agricultural lands for agricultural uses.

Chapter 205, Part III, HRS, provides for the following:

- a formal definition of IAL
- policy guidance to assure the long-term agricultural use of IAL
- standards and criteria to be used in identifying IAL and assigning land to an IAL designation
- separate processes and responsibilities for landowners, the counties, and the State to identify lands with potential for IAL
- the establishment of a State IAL designation process that encourages landowners to volunteer their lands for IAL designation, and
- incentives for landowners to petition for important agricultural land designation.

1.3.1 LEGAL DEFINITION OF IAL

In identifying lands as IAL, State law defines "important agricultural lands" as those lands that:

> *"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"* (Chapter 205-42(a), HRS).

The law also identifies the desired outcome for the identification of IAL and the overarching implementing actions that form the basis of the IAL program:

> "*The objective for the identification of important agricultural lands 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. To achieve this objective, the State shall:*
>
> *1) Promote agricultural development and land use planning that delineates blocks of productive agricultural land and areas of agricultural activity for protection from the encroachment of nonagricultural uses; and*
>
> *2) Establish incentives that promote: a) agricultural viability; b) sustained growth of the agriculture industry; and c) the long-term agricultural use and protection of these productive agricultural lands"* (Chapter 205-42(b), HRS).

Policies to guide State and county decisions involving the management and use of IAL-designated lands are also established (see Figure 1-3).

Figure 1-3: HRS, Chapter 205-43 Important Agricultural Lands; Policies

State and county agricultural policies, tax policies, land use plans, ordinances, and rules shall promote the long-term viability of agricultural use of important agricultural lands and shall be consistent with and implement the following policies:

1) *Promote the retention of important agricultural lands in blocks of contiguous, intact, and functional land units large enough to allow flexibility in agricultural production and management*
2) *Discourage the fragmentation of important agricultural lands and the conversion of these lands to nonagricultural uses*
3) *Direct nonagricultural uses and activities from important agricultural lands to other areas and ensure that uses on important agricultural lands are actually agricultural uses*
4) *Limit physical improvements on important agricultural lands to maintain affordability of these lands for agricultural purposes*
5) *Provide a basic level of infrastructure and services on important agricultural lands limited to the minimum necessary to support agricultural uses and activities*
6) *Facilitate the long-term dedication of important agricultural lands for future agricultural use through the use of incentives*
7) *Facilitate the access of farmers to important agricultural lands for long-term viable agricultural use, and*
8) *Promote the maintenance of essential agricultural infrastructure systems, including irrigation systems.*



SOURCE:https://upload.wikimedia.org/wikipedia/commons/0/04/Collecting_eggs_on_an_organic_farm.jpg



SOURCE: Starr Environmental. www.starrenvironmental.com/images/image/?q=25131962262

1.3.2 STANDARDS AND CRITERIA FOR EVALUATION

As designed, the process to evaluate lands proposed for designation as IAL is based on a set of eight specific standards and criteria. These standards and criteria, which for the most part represent the contributing factors to a viable and productive agricultural industry in Hawai'i, are enumerated in Chapter 205-44, HRS (see Figure 1-4).

FIGURE 1-4: HRS, Chapter 205-44 Standards and Criteria for the Identification of Important Agricultural Lands

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 Hawai'i (ALISH) system adopted by the 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 operating productivity, and*
8) *Land with or near support infrastructure conducive to agricultural productivity, such as transportation to markets, water, or power.*

In using the standards and criteria to evaluate the agricultural qualities of the land, there is no requirement that all the standards and criteria have to be applied and met. The enabling legislation only requires a weighted evaluation process. Per Chapter 205-44, HRS, *"Lands identified as important agricultural lands need not meet every standard and criteria […]. Rather, lands meeting any of the criteria […] shall be given initial consideration; provided that* ***the designation of important***

agricultural lands shall be made by weighing the standards and criteria with each other *[…]."* The enabling legislation does not specify the methodology that should be used to weight the standards and criteria, which allows for flexibility when choosing the applied criteria weighting tool, and when assigning values and ranking the standards and criteria.

1.3.3 PROCESSES TO DESIGNATE IAL

The LUC is the governing body with the authority to approve petitions for IAL designation. There are three distinct processes to designate land within the State Land Use Agricultural District as IAL. The first allows farmers or landowners to voluntarily petition the LUC for a declaratory ruling (i.e., voluntary designation); the second authorizes the designation of state-owned land; and the third is a mandatory requirement for the counties to prepare recommendations for IAL and submit its report, maps and record of the counties' identification of IAL to the LUC for decision-making. The three processes are summarized in this section.

VOLUNTARY DESIGNATION

Private landowners seeking an IAL designation are able to voluntarily petition the LUC for a declaratory ruling. The LUC requires a two-thirds majority vote of Commission members to issue a declaratory order in favor of the landowner. A current inventory of IAL designations is presented in Section 3.4.

The voluntary designation process offers specific incentives to encourage private landowners to voluntarily seek an IAL designation. In addition to having the ability to choose which lands may be considered for IAL, landowners who have a majority of their landholdings designated as IAL are exempt from additional lands being designated via the



IAL at Kawailoa, O'ahu
SOURCE: Land Use Commission DR 14-52 Kamehameha Schools Site Visit Photographs, February 4, 2015.

county's process.[1] There is also an expedited land use reclassification allowance—the "85/15 incentive"—that enables the LUC, with the approval of the State legislature, to reclassify or issue future credits to reclassify as much as 15 percent of the petition area to either the State Urban, Rural, or Conservation District, if the remaining portion of the petition area (i.e., at least 85 percent) is designated as IAL and is in the same county as the land proposed for IAL. Reclassifications to the Urban District under this clause are required to be consistent with the relevant county's general plan and regional plan (HAR Section 15-15-122 and 15-15-124).

DESIGNATION OF PUBLIC LANDS

Chapter 205-44.5, HRS identifies a separate process under which public lands as defined under Section 171-2, Chapter HRS are to be identified for IAL designation (see Figure 1-5). The law states that the State Department of Agriculture

FIGURE 1-5: HRS, Chapter 171-2

"Public lands" means all lands or interest therein in the State classed as government or crown lands previous to August 15, 1895, or acquired or reserved by the government upon or subsequent to that date by purchase, exchange, escheat, or the exercise of the right of eminent domain, or in any other manner; including lands accreted after May 20, 2003, and not otherwise awarded, submerged lands, and lands beneath tidal waters that are suitable for reclamation, together with reclaimed lands that have been given the status of public lands under this chapter, except:

1) *Lands designated in section 203 of the Hawaiian Homes Commission Act, 1920, as amended*
2) *Lands set aside pursuant to law for the use of the United States*
3) *Lands being used for roads and streets*
4) *Lands to which the United States relinquished the absolute fee and ownership under section 91 of the Hawaiian Organic Act prior to the admission of Hawaii as a state of the United States unless subsequently placed under the control of the board of land and natural resources and given the status of public lands in accordance with the state constitution, the Hawaiian Homes Commission Act, 1920, as amended, or other law*
5) *Lands to which the University of Hawai'i holds title*
6) *Lands to which the Hawaii housing finance and development corporation in its corporate capacity holds title*
7) *Lands to which the Hawaii community development authority in its corporate capacity holds title*
8) *Lands to which the department of agriculture holds title by way of foreclosure, voluntary surrender, or otherwise, to recover moneys loaned or to recover debts otherwise owed the department under chapter 167*
9) *Lands that are set aside by the governor to the Aloha Tower development corporation; lands leased to the Aloha Tower development corporation by any department or agency of the State; or lands to which the Aloha Tower development corporation holds title in its corporate capacity*
10) *Lands that are set aside by the governor to the agribusiness development corporation; lands leased to the agribusiness development corporation by any department or agency of the State; or lands to which the agribusiness development corporation in its corporate capacity holds title, and*
11) *Lands to which the Hawai'i technology development corporation in its corporate capacity holds title.*

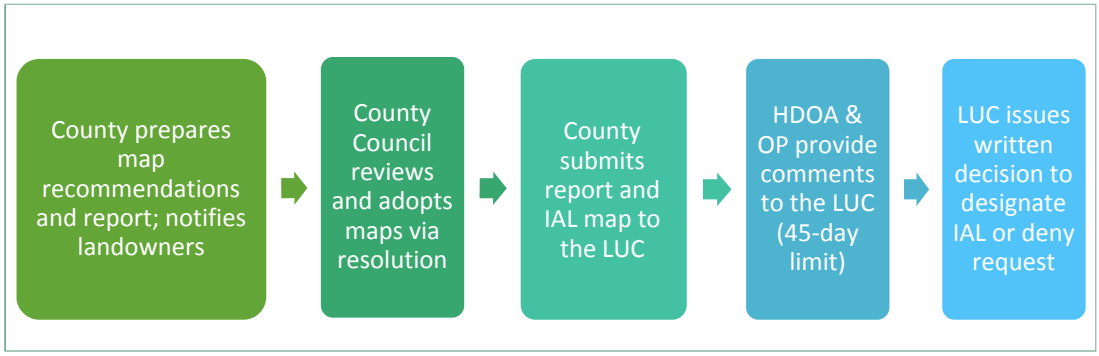
[1] Per Chapter 205-49, HRS, *"if the majority of landowners' landholdings is already designated as important agricultural lands, [. . .] the commission shall not designate any additional lands of that landowner as important agricultural lands, except by a petition pursuant to section 205-45."*

(HDOA) and the State Department of Land and Natural Resources (DLNR) are to conduct a collaborative mapping effort before December 31, 2009. Unlike both the voluntary landowner designation process and the county-mandated process which are subject to LUC's procedures for district boundary amendments and declaratory orders, public lands recommended for IAL designation are not subject to the LUC's determination reviews. Upon receiving the maps identifying the State agencies' recommendations for IAL, the LUC is to adopt the maps that designate IAL on public lands (i.e., without a formal LUC evaluation). Management responsibility for the public lands designated as IAL is to transfer to the HDOA after the maps are adopted (Chapter 141-1(9), HRS). This process has yet to be completed.

DESIGNATION BY THE COUNTIES

Each county is mandated—through its planning department —to identify lands within its jurisdiction that have potential for IAL designation and to prepare draft maps of their recommendations for LUC approval. The general sequence of actions and the agencies/parties involved in the county designation process are outlined in Figure 1-6.

Figure 1-6: County Designation Process



Chapter 205-47, HRS establishes procedural and content guidance for the counties to follow when preparing the draft maps, including directives for land eligibility, landowner notification, and stakeholder participation and public involvement. The first step in the county process involves the planning department conducting a mapping process to develop draft maps in consultation with their respective stakeholders and agencies, and preparing a report that documents the process. After informing landowners (either by mail or posted notice) of the potential designation of their lands as IAL, the planning department submits their draft

recommendations to the county council for adoption as a resolution (The county council can adopt with or without changes, or return to the planning department un-adopted). Upon approval by the county council, the county then submits the adopted IAL recommendations and map to the LUC. The HDOA and State Office of Planning is provided 45 days to review the IAL recommendations and map and provide comments. A two-thirds majority vote of LUC membership is required for designation as IAL.

Conditions for Eligibility. The county authority to consider land for the IAL designation is limited to certain lands that meet the conditions of ownership and land use classifications set forth in the law. Chapter 205-47(a), HRS states:

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

According to the statute, certain categories of land are automatically removed from the county's screening. These include:

- lands outside the county's jurisdictional responsibilities, including land owned by the U.S. Government, land owned by autonomous State agencies (i.e., Department of Hawaiian Home Lands, Office of Hawaiian Affairs, Hawai'i Community Development Authority), and land classified in the State Conservation District
- land within the State Urban District[2], and
- land designated by county land use plans and zoning for urban use.

Included as being eligible for IAL consideration are lands that are classified as State Land Use Agricultural District but inside the City's growth boundary but designated for agriculture.

Additional categories of land are removed from the county's screening process if they fall under the State's designation of public lands or are owned by a landowner who successfully designated more than 50% of their landholdings as IAL under the voluntary designation process. These include:

[2] This limitation prevented land in two large development projects from consideration as IAL: Koa Ridge in Mililani and Ho'opili in 'Ewa.

- public lands as defined by Chapter 171-2, HRS to be mapped by the State HDOA and DLNR (see Figure 1.5 and the sub-section entitled "Designation of Public Lands"), and
- all lands owned by an individual landowner if more than 50 percent of that landowner's property is already designated as IAL. [3] This is consistent with the premise of Section 205-49(a), HRS.

Stakeholder Participation and Public Involvement. The statutory requirements for stakeholder participation and execution of an inclusive public involvement process require consultation and cooperation with specific stakeholders and a series of public meetings. Stakeholders that must be consulted are identified:

> *".....landowners, the Department of Agriculture, agricultural interest groups, including representatives from the Hawai'i 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"* (Chapter 205-47(b), HRS).

Facilitation of "*an inclusive process for public involvement, […] including a series of public meetings throughout the identification and mapping process*" is required, and establishment of "*one or more citizen advisory committees […] to provide further public input"* is suggested, although there is flexibility to use an existing planning process or an existing and adopted plan or map.[4]

---

[3] HRS, 205-49(a) "*In designating important agricultural lands in the State, pursuant to the recommendations of individual counties, the commission shall consider the extent to which: […] (3) The commission has designated lands as important agricultural lands, pursuant to section 205-45; provided that if the majority of landowners' landholdings is already designated as important agricultural lands, excluding lands held in the conservation district, pursuant to section 205-45 or any other provision of this part, the commission shall not designate any additional lands of that landowner as important agricultural lands except by a petition […]"*

[4] HRS, Chapter 205-47(c). *"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 important agricultural lands, 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 important agricultural lands 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."*

Landowner Notification. In the course of transmitting their recommendations to the county council, the county planning department is required to take reasonable action to inform landowners that their land is being recommended for IAL designation:

> "*Upon identification of potential lands to be recommended to the county council as potential important agricultural lands, 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"* (Chapter 205-47(d), HRS).

1.3.4 IAL INCENTIVES

The premise of the IAL program is that a viable agricultural industry will keep agricultural land in agricultural use and will ensure the long-term protection of the land from urban development. [5] To promote the long-term agricultural productivity and use of important agricultural lands, the IAL legislation calls for streamlined, coordinated state and county incentives and protections that address the high cost of farming and the profitability of farmers on IAL. The law also requires the State and the counties to ensure that their agriculture-related policies and permitting procedures enable and promote the economic sustainability of agriculture (Chapter 205-26(a), HRS).

The mandate to establish IAL incentives is derived from Chapter 205-46, HRS:

> *"b) State and county incentive programs shall provide preference to important agricultural lands and agricultural businesses on important agricultural lands.* ***The State and each county shall cooperate in program development to prevent duplication of and to streamline***

[5] HRS, Chapter 205-42. *"The objective for the identification of important agricultural lands 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 State shall:*

(1) Promote agricultural development and land use planning that delineates blocks of productive agricultural land and areas of agricultural activity for protection from the encroachment of nonagricultural uses; and

(2) Establish incentives that promote: (a) agricultural viability; (b) sustained growth of the agriculture industry; and (c) the long-term agricultural use and protection of these productive agricultural lands.

and consolidate access to programs and services for agricultural businesses located on important agricultural lands.

c) Incentive and protection programs shall be designed to provide a mutually supporting framework of programs and measures that enhance agricultural viability on important agricultural lands, including but not limited to:

1) Grant assistance

2) Real property tax systems that support the needs of agriculture, including property tax assessments based on agricultural use valuation

3) Reduced infrastructure requirements and facilitated building permit processes for dedicated agricultural structures

4) Tax incentives to offset operational costs, promote agricultural business viability, and promote the long-term protection of important agricultural lands

5) Agricultural business planning, marketing, and implementation grants

6) Tax incentives and programs for equity investments and financing for agricultural operations, including agricultural irrigation systems

7) Other programs and mechanisms that promote investment in agricultural businesses or agricultural land protection, such as the purchase of development rights

8) State funding mechanisms to fund business viability and land protection programs

9) Water regulations and policies that provide farmers of important agricultural lands access to adequate and cost-effective sources of water

10) Other measures that would ensure that state capital investments, projects, programs, and rules are consistent with this part, and

11) Agricultural education and training for new farmers; upgrading the skills of existing farmers and other agriculture-related employees through the use of mentoring, business incubators, and public or private scholarships; and increasing the returns of farming by adding value to food processing and other tools and methods."

IAL incentives currently offered by the State include the ability to construct on-site farm dwellings and employee housing, income tax credits for agricultural costs, financing opportunities and loan guarantees, and expedited permitting for agricultural processing facilities. On June 29, 2018, Act 87 extended the income tax credit for agricultural costs to December 31, 2021. The City and County of Honolulu currently provides the following reductions in governmental requirements for agricultural land, irrespective of IAL designation: relaxed infrastructure standards for agricultural subdivisions, property tax assessments at a substantially reduced rate for lands dedicated to agricultural use, a reduced water rate for agricultural properties, and an exemption from building codes and permitting approvals for certain farm structures. The feasibility of offering benefits specific for IAL-designated properties is being addressed by the City administration.



Agricultural Lands, Central O'ahu

This page intentionally left blank.

2. CITY'S APPROACH TO IDENTIFY AND MAP RECOMMENDATIONS FOR IAL DESIGNATION

This chapter outlines the City's approach to comply with the statutory requirement for the counties to prepare recommendations identifying lands within their jurisdiction for designation as IAL. The first section presents the overall planning process, including an outline of the various community consultations and public participation forums that were conducted during the course of the project. The second section describes the methodology that was used to define and weight (i.e., prioritize) the criteria and develop the City's recommendations.

2.1 OVERVIEW OF THE PLANNING PROCESS

The City and County of Honolulu is the second of the four counties to initiate a process to identify and map recommendations for county-designated IAL (Kaua'i County being the first). Upon transmittal of this report to the Honolulu City Council, the City will be the first county to seek county council approval for the county-prepared recommendations.

The purpose of the O'ahu IAL Mapping Project is to identify recommendations for IAL designation, in compliance with Section 205-47, HRS.

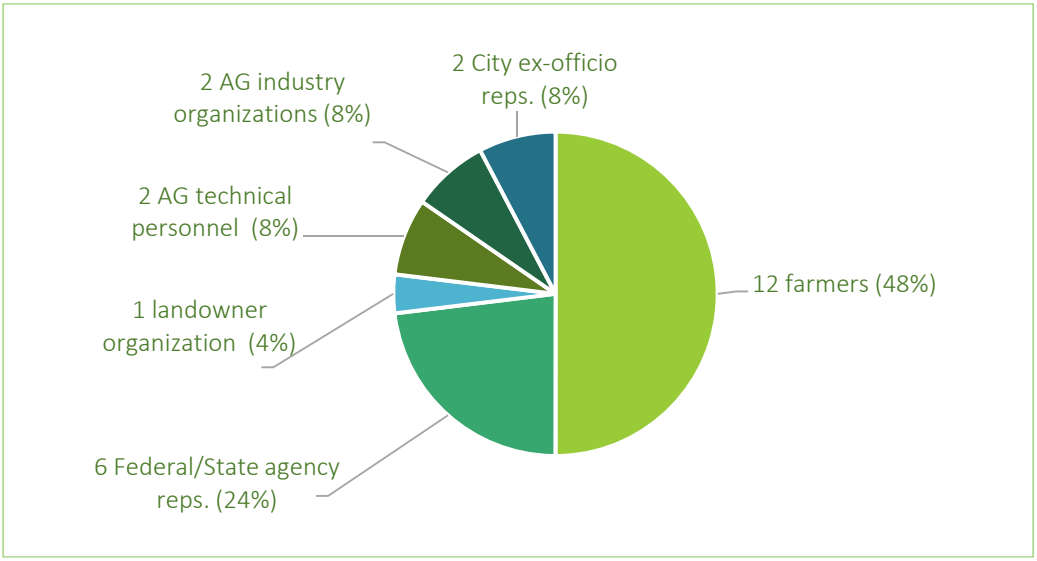
As described in Section 1.3.3, State law prescribes certain procedural and content requirements that need to be followed when petitioning the LUC for an IAL designation. For the county designation process, the law provides specifications for conditions of eligibility, a set of standards and criteria to be used in evaluating eligible lands for IAL, and guidance for stakeholder participation and public involvement. However, there is no prescriptive formula or illustrative methodology that the individual counties must follow when preparing their mapping recommendations, and each county has the flexibility to develop an individualized approach that best suits their particular needs. This allows each county to structure a level of community participation that reflects their constituents' priorities (i.e., project funding, staffing, scheduling, community politics).

The process to develop the City's recommendations consisted of two major phases, Internal Technical Review and Community Engagement, which were each defined by distinct scopes and work products. A third phase, Policy Formation, which has not been completed and is pending future action, will involve City Council and LUC approval. Figure 2-1 presents a graphic illustration of the major tasks and the public participation program as they relate to each phase.

The first phase involved an internal technical review to define the criteria and their use in identifying lands eligible for IAL designation. Specific tasks of the technical review were to:

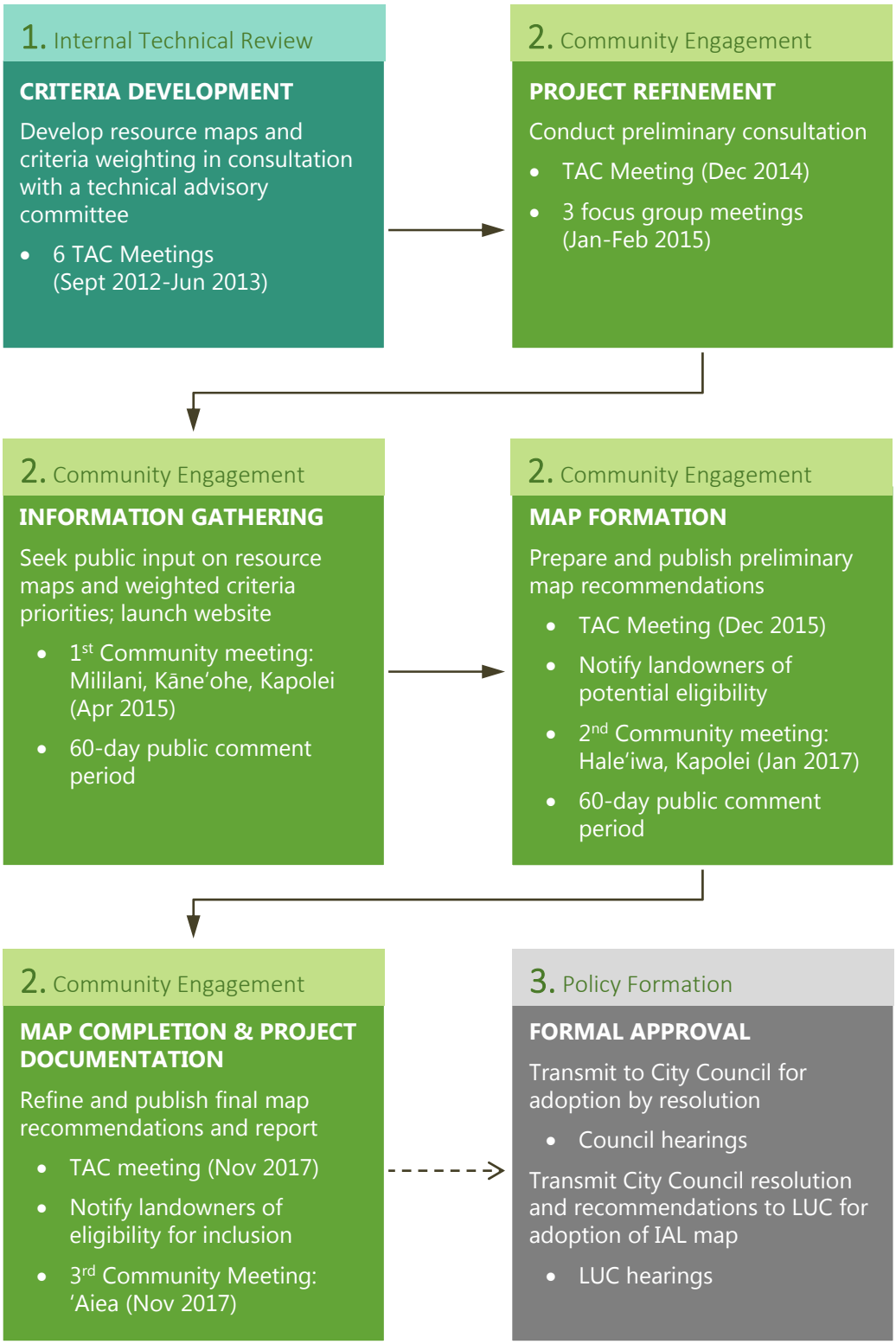
- identify available data sources to be used in defining the criteria
- develop resource maps based on the criteria definitions, and
- determine how to weight (i.e., rank) the criteria.

Consultation with a technical advisory committee (TAC) comprised of agricultural interests, policy makers, agency representatives, agricultural specialists and scientists, and landowner representatives (including the organizations specified in Chapter 205-47(b), HRS) was a major component of this phase. 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 (see Section 2.2 for the mapping methodology). A roster of TAC members is provided in Appendix B.



Original TAC Composition (2012)

Figure 2-1: City's IAL Process



The second phase was characterized by a community engagement process that validated how the weighted criteria would be used to develop the City's recommendations for IAL. Major tasks conducted during this phase included:

- publicizing the resource maps and criteria weighting approach, and gathering public input from the larger community about the work done during the first phase
- developing preliminary map recommendations of land for consideration as IAL , and
- finalizing the City's recommendations in consultation with the general public.

Compliance with the requirements of Chapter 205, HRS was the principal objective of the community engagement process, and the planning process was structured to incorporate the legal requirements for content, stakeholder participation and public involvement, and landowner notification. The public participation program consisted of various forums to foster transparency in the City's decision-making process, including consultation with the project technical advisory committee, a series of focus group meetings with a cross section of individuals who were invited to provide feedback on the public outreach strategy, community meetings, two 60-day public comment periods, and a project website that featured an interactive map viewer of the preliminary map.

Table 2-1 lists the public participation program elements and the legal requirements that each element satisfies. Appendices B to D include the meeting summaries and related meeting materials from the TAC meetings, focus group meetings and community meetings. Appendix E includes a summary of public comments.



Community Meeting at Hale'iwa, January 2017

Table 2-1: Public Participation Program Compliance with HRS, Chapter 205

ELEMENT	PURPOSE	STATUTORY COMPLIANCE
TAC meetings	Provide technical assistance in developing the community participation process and IAL maps	• HRS § 205-47(b). TAC members represented all of the interests specified: "*landowners, department of agriculture, Hawai'i Farm Bureau Federation, US Department of Agriculture Natural Resources Conservation Service, the office of planning, and other agricultural organizations and interest groups.*" • HRS § 205-47(c). *"Planning departments may also establish one or more citizen advisory committees…"*
3 focus group meetings	Validate criteria weighting, receive input on the public outreach strategy, and gauge reactions to the discussion topics proposed for the community meetings. Meetings were designed for 12-15 participants each, with a different group of participants invited to each meeting.	• HRS § 205-47(b). Focus group participants represented a large cross-section of the larger community, including Neighborhood Board members, representatives of community organizations, and *"landowners, …Hawai'i Farm Bureau Federation,…. and other agricultural organizations and interests groups."* • HRS § 205-47(c): "*Planning departments may also establish one or more citizen advisory committees…"*
• 3 rounds of community meetings • 2 60-day public comment periods	Inform and seek input from interested stakeholders	• HRS § 205-47 (c). *"Each county, through its planning department, shall develop an inclusive process for public involvement,…including a series of public meetings…."*
Website	Provide an on-line presence to inform and seek input from interested stakeholders	• HRS § 205-47(c). *"Each county, through its planning department, shall develop an inclusive process for public involvement…"*
Landowner notification	Inform landowners that their land is recommended for IAL designation	• HRS § 205-47(d). *"Upon identification of potential lands to be recommended to the county council as potential important agricultural lands, 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."*

2.2 MAPPING METHODOLOGY

This section describes the technical mapping process to prepare the City's recommendations for county-designated IAL. While the process may appear straightforward, the methodology to map the criteria (i.e., develop the resource maps) and select the priority criteria was demanding and rigorous, involving in-depth discussion of agricultural issues and a comprehensive analysis of the law. The series of steps that make up the mapping methodology are briefly described below:

1. Define the criteria and identify data sources to develop resource maps
2. Assign criteria weighting and select weighted criteria priorities
3. Use the priority criteria to prepare preliminary map recommendations
4. Refine and complete City's map recommendations.

The technical advisory committee, serving an instrumental role in the mapping, provided substantive input into the analysis of the criteria and the data sources applied to the resource maps and the recommendations for weighting and prioritizing the criteria (see Appendix B for TAC meeting materials). Input received from the focus group members and from the larger community was valuable for validating the weighted criteria, identifying issues and concerns, and refining the map recommendations (see Appendix C and D for focus group and community meeting materials; see Appendix E for summary of public comments). The focus groups were helpful for developing a deeper understanding of individuals' opinions and reactions, and provided a comfortable, personalized venue to introduce or "test" public outreach materials, while the community meetings were beneficial for reaching a large number of people at once.

2.2.1 DEVELOP RESOURCE MAPS

This first step involved reviewing the eight standards and criteria ("criteria") that must be considered when evaluating lands for IAL designation (see Section 1.3.2), and crafting definitions that outlined the characteristics desired for each criterion. Understanding the criteria and providing specificity about the physical attributes and defining features of the criteria was critical because the law presents the criteria and standards as broad-based, generalized policy statements.

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 readily 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.

A total of nine criteria were considered, including the eight criteria identified by law and an additional criterion for agricultural easements that was added at the request of the technical advisory committee (see Appendix B: TAC Meeting Materials). Table 2-2 presents a summary of the criteria and their accepted definitions, and the specific GIS datasets that were used to create the resource maps. All but one of the resource maps were prepared using multiple datasets (Criterion #2 was the only one to use just one data source).

A summary of the criteria definitions and the individual resource maps is presented in Appendix F. Maps are included for Criteria 1, 2, 3, 4, 5, 6 and 9; maps for Criteria 7 and Criteria 8 were not prepared due to difficulties with quantifying the criteria into measurable parameters.

2.2.2 SELECT PRIORITY CRITERIA

This step involved a criteria weighting exercise to assign weights to the criteria and to identify the priority criteria that would be used to determine the City's recommendations for IAL designation.

Similar to the provisions that make it possible for each county to develop an individualized community participation program, the counties have the autonomy to devise their own method of weighting the criteria because the law does not prescribe a specific methodology for determining the weighting of the criteria. In addition, strict application of all eight criteria is not a requirement for assessing the agricultural qualities of the land to be designated as IAL since Chapter 205-44, HRS only specifies that a weighted evaluation process be used (see Section 1.3.2).

Criteria weighting methods differ in many aspects, including the complexity of the method, the theoretical application, accuracy, and ease of use and understanding for the decision maker and participants. Selecting a weighting method that is relevant to the situation and results in an effective comparison between the alternatives is critical to ensuring a quality decision outcome. Given the importance of selecting a method that is appropriate for the given situation, the City chose to employ a simple point allocation rating method which scores the criteria and ranks them according to their given score. This method was chosen

Table 2-2: Criteria Mapping References

HRS, CHAPTER 205-44 STANDARDS AND CRITERIA	DEFINING ATTRIBUTES AND FEATURES	GIS DATA SOURCES / REFERENCES	DESCRIPTION OF DATASETS
1. Land currently used for agricultural production	Either currently being used for farming or grazing/ranching activities, or currently fallow but part of a near-term (three year or less) field rotation, or has the potential to be returned to active production which conveys the notion of historic use.	2011 aerial imagery. State Office of Planning and the U.S. Geological Survey.	2011 aerial imagery was compared to the 1980 ALUM and analyzed to identify active and fallow agricultural lands.
		Ko'olau Poko Watershed Management Plan. Prepared by Townscape for the Honolulu Board of Water Supply, September 2012.	Agricultural areas (active and fallow lands) identified as part of the Ko'olau Poko Watershed Management Plan.
		Island of O'ahu Agricultural Land Use Map (ALUM), 1978-1980. State Office of Planning, GIS data. 2011 Real Property Taxation Database. City Department of Budget and Fiscal Services Real Property Assessment Division.	To identify areas used for grazing and ranching, parcels included in the O'ahu ALUM as having current agriculture use were identified; then compared against current county tax records. Parcels receiving AG exemptions were included in this dataset.
2. Land with soil qualities and growing conditions that support agricultural production of food, fiber, or fuel- and energy-producing crops	Soil properties and agricultural productivity Solar radiation Slopes	Soil Survey Geographic (SSURGO) Database. USDA Natural Resources Conservation Service.	Land classifications of Irrigated and Non-Irrigated Capability (Classes I, II, and III)
3. Land identified under agricultural productivity rating systems, such as the agricultural lands of importance to the State of Hawaii (ALISH) system	Land Study Bureau (LSB) ratings range from "A" (Very Good) to "E" (Not Suitable), with land types/ratings based on soil and productive capabilities for certain crop types.	Overall Productivity Rating, Detailed Land Classification – Land Study Bureau, 1965 - 1972. State Office of Planning, GIS data.	Lands that met the LSB Overall Productivity Ratings of A: Very Good and B: Good

HRS, CHAPTER 205-44 STANDARDS AND CRITERIA	DEFINING ATTRIBUTES AND FEATURES	GIS DATA SOURCES / REFERENCES	DESCRIPTION OF DATASETS
adopted by the Board of Agriculture on January 28, 1977	ALISH ratings identify three classes of important agricultural lands based on soil, climate, moisture supply, slope and production factors: • Prime—best suited for production of food, feed, forage and fiber crops • Unique—useful for specific high-value food crops (e.g., coffee, taro, rice, watercress); and • Other—not prime or unique, but is farmland of statewide or local importance	ALISH - State Department of Agriculture, 1977. State Office of Planning, GIS data.	ALISH ratings of Prime and Unique classifications
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	Land currently in wetland and dryland taro production or with physical features to support future taro production	Ko'olau Poko Watershed Management Plan. Prepared by Townscape for the Honolulu Board of Water Supply, September 2012.	Areas currently in wetland taro production were identified as part of the Ko'olau Poko Watershed Management Plan.
	No unique crops and uses, per TAC meeting #3	Ladefoged, Thegn, Patrick V. Kirch, Samuel M. Gon III, et al. "Opportunities and constraints for intensive agriculture in the Hawaiian archipelago prior to European contact." Journal of Archaeological Science, 2009. [This GIS model/report prepared for The Nature Conservancy "compared physical characteristics (i.e. proximity to natural sources of water, elevation, slope, riparian corridors, and soil type) with archaeological studies that	Areas that were likely to have been in wetland and dryland taro cultivation prior to western contact

HRS, CHAPTER 205-44 STANDARDS AND CRITERIA	DEFINING ATTRIBUTES AND FEATURES	GIS DATA SOURCES / REFERENCES	DESCRIPTION OF DATASETS
		"influenced [the authors'] notions about where such agricultural activity was possible.]	
5. Land with sufficient quantities of water to support viable agricultural production	• Irrigation (available infrastructure) • Access to streams • Ability to take water from streams • Quality of water = not brackish • Agricultural water rates • Rainfall (mostly for grazing) *An ideal definition of "sufficient quantities" should address: (1) availability; (2) adequate supply; (3) connection to supply source (meter ready or needs infrastructure improvements?); (4) reliability (not affected by drought); and (5) efficiency (amount of water loss, cost of transferring water to the site)	Water Use Permit Records, State Commission on Water Resources Management.	Water Use Permits by TMK parcel (excludes salt water or brackish water systems used primarily for aquaculture)
		Irrigation System Data, State Department of Agriculture.	• Waiāhole Ditch System service area • Waimānalo Ditch System service area • Wahiawā Ditch System service area • Wahiawā Reservoir Ditch 2 System service area
		Punalu'u Irrigation System Data, Kamehameha Schools Land Assets Division	Punalu'u Irrigation System service area
		Water Rate Inventory, Honolulu Board of Water Supply.	Agricultural water rates by TMK parcel
6. Land whose designation as IAL is consistent with general, development, and community plans of the county	Lands (1) designated for Agricultural Use by approved Development Plans/Sustainable Communities Plans Land Use Maps; and (2) zoned either AG-1 Restricted Agricultural or AG-2 General Agricultural	Development Plans/Sustainable Communities Plans Land Use Maps, various. City Department of Planning and Permitting	Agriculture, Preservation, Rural or Rural Residential Land Use Designations
		Zoning Designations. Department of Planning and Permitting, Honolulu Land Information System	• AG-1 Restricted Agricultural zoning • AG-2 General Agricultural zoning • P-2 General Preservation zoning

HRS, CHAPTER 205-44 STANDARDS AND CRITERIA	DEFINING ATTRIBUTES AND FEATURES	GIS DATA SOURCES / REFERENCES	DESCRIPTION OF DATASETS
7. Land that contributes to maintaining a critical land mass important to agricultural operating productivity	Proximity (i.e., adjacency) to agricultural lands and other lands with important ecological functions	No data or map associated with this criterion. Concept of proximity could not be quantified as a numeric value for mapping purposes.	
8. Land with or near support infrastructure conducive to agricultural productivity, such as transportation to markets, water, or power	Degree of accessibility to roads and the transportation network Status of existing potable water and electrical infrastructure systems	No data or map associated with this criterion. The entire island of O'ahu was determined to have equal status with regard to access to transportation, markets and infrastructure systems. Water availability was addressed under Criterion 5.	
9. Land with agricultural easements	Government programs to protect AG lands in perpetuity that are recorded	Farm and Ranch Lands Protection Program. USDA Natural Resources Conservation Service	Farm and Ranch Lands Protection Program easements
		State of Hawai'i Legacy Lands Conservation Program. Department of Land and Natural Resources	Legacy Land Conservation Program easements
		Hawaiian Islands Land Trust	Easements created by the Land Trust

because of its straightforward and logical approach, and its relative ease to be understood by farmers and the general public which leads to greater transparency. It also allows for the expression of individual judgments and an unlimited number of scoring combinations, as individuals are allowed to allocate points according to their personal preferences.

Using a 100-point scale, TAC members were asked to identify their personal criteria preferences by distributing the total 100 points across the criteria set. Points could be allocated in any manner, as long as all points were accounted for. For example, 100 points could be assigned to a single criterion, split equally between two criteria, or distributed among any combination of criteria. All points assigned to the individual criteria sets were tallied, and the cumulative points were used to form a single score for each criterion that reflected the larger group's combined preference. Criteria with more cumulative points received a higher score and were considered to have a greater degree of importance. Average and median scores for each criterion were calculated, and the median scores were 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.

Figure 2-2 is a sample of the criteria weighting ballot that was used to identify personal preferences. Because the TAC members were directly involved in developing the criteria definitions and the resource maps, their familiarity with the criteria made them the natural prospect for the balloting process. The criteria weighting ballot was circulated to TAC members via e-mail following the third TAC meeting (November 2012). Of the 25 ballots that were distributed, 23 ballots were returned, representing a 92% participation rate. A description of the TAC balloting procedures, including the results of the individual points assigned to each criterion and the cumulative scores, is presented in Appendix G.

Figure 2-3 is a graph of the resulting median and average scores for the criteria. The distribution of the median scores reveals 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.

Based on the obvious grouping of median scores, the three criteria receiving the highest scores were selected as the priority criteria (see Appendix G for details of selection process). The priority criteria—which coincidentally are identical to the top three criteria used in Kaua'i County's IAL mapping project—are as follows:

- Criteria 1: Current agricultural production
- Criteria 2: Soil qualities and growing conditions, and
- Criteria 5: Availability of water.

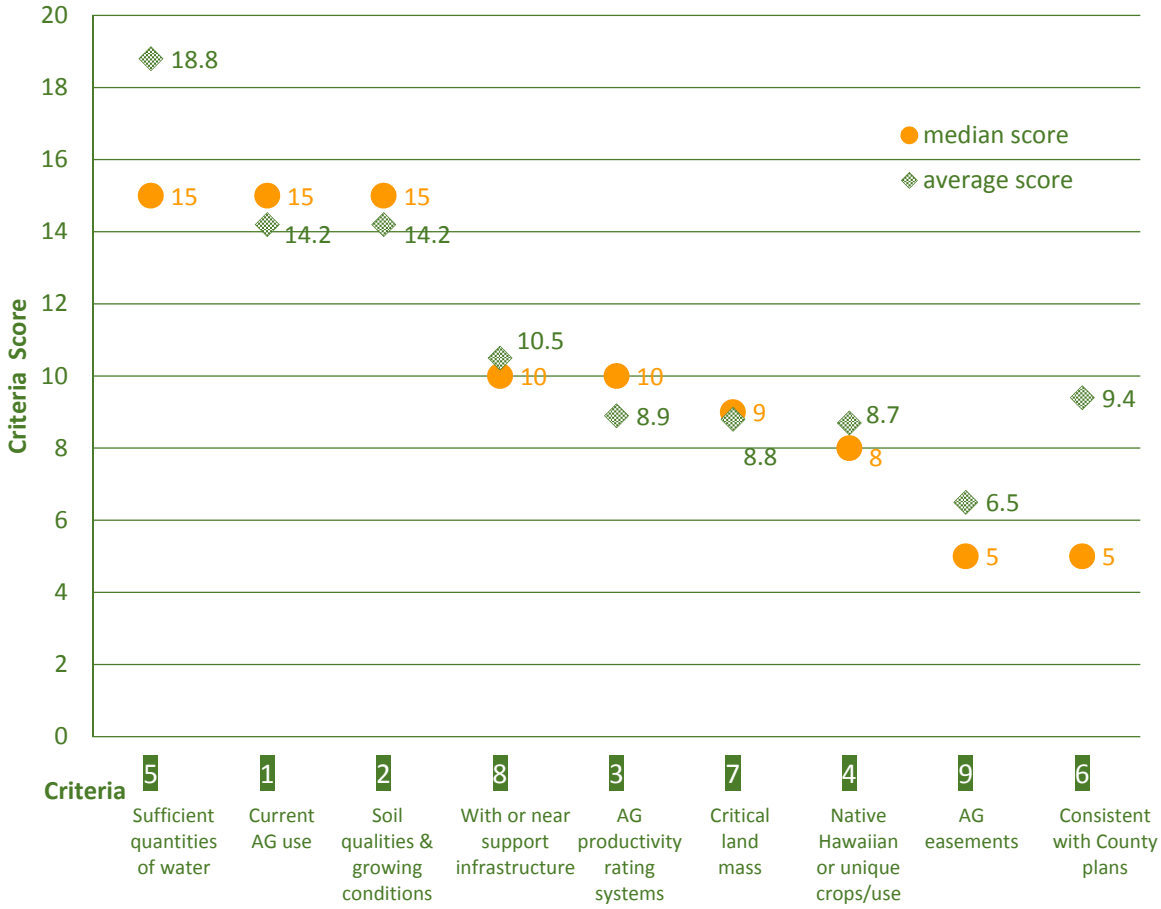
Figure 2-2: Sample Criteria Weighting Ballot

Use this ballot to indicate your preference for ranking the IAL criteria. Start with a total of 100 points, then allocate the 100 points among the criteria in the way that best reflects your opinion about the criteria's importance. The number of points given to a criterion reflects its importance. (The more points given, the more important you consider the criteria to be. Less points means less important; a value of zero points means the criteria should not be considered).

CRITERIA AND STANDARDS	POINTS
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 Hawai'i (ALISH)	
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 IAL is consistent with general, development, and community plans of the county	
7. Land that contributes to maintaining a critical land mass important to agricultural operating productivity	
8. Land with or near support infrastructure conducive to agricultural productivity, such as transportation to markets, water, or power	
9. Government programs to protect AG lands in perpetuity that are recorded*	
TOTAL POINTS	**100**

**Criterion #9 is added as a result of discussion with the technical advisory committee.*

Figure 2-3: Comparison of Criteria Scores



2.2.3 PREPARE PRELIMINARY MAP RECOMMENDATONS

This step involved analyzing the different combinations of priority criteria to determine their preferred application for mapping, followed by preparation of the preliminary map that represented the basis of the City's recommendations for IAL.

To determine how the priority criteria would be used to qualify land for the IAL designation, consideration was given to all possible combinations. The scenarios, which presented different alternatives based on the number and composition of criteria that had to be satisfied, included the following variations:

- Meet any 1 of the 3 priority criteria in any combination
- Meet any 2 of the 3 priority criteria in any combination

- Meet 2 of the 3 priority criteria in a specific combination
- Meet all 3 priority criteria

The scenarios represented a range of possibilities for mapping, ranging from being as inclusive as possible (i.e., land could have any one of the criteria to be eligible for the IAL designation), to selective (i.e., land had to have a defined set of criteria to be eligible), to exclusive (i.e., land had to have all three criteria to be eligible). Table 2-3 lists the range of possible scenario combinations that were considered, and also describes the variations of criteria sets associated with each scenario. The preferred scenario selected to prepare the City's preliminary map involved applying the three priority criteria in an inclusive approach, where land with the attributes of any one of the three criteria—meaning land was either currently in agricultural production, had soil qualities and growing conditions to support agricultural production, or had sufficient quantities of water—was considered eligible for IAL designation.

Table 2-3: Possible Criteria Combinations

	Scenario	Criteria Set Required for IAL Designation
inclusive	Meets any 1 of the 3 priority criteria	AG PROD or SOILS or WATER
	Meets any 2 of the 3 priority criteria in any combination	AG PROD and SOILS + AG PROD and WATER + SOILS and WATER + SOILS and AG PROD
selective	Meets 2 of the 3 priority criteria in a specific combination	If AG PROD is a prerequisite, then: AG PROD and SOILS + AG PROD and WATER
		If SOILS is a prerequisite, then: SOILS and WATER + SOILS and AG PROD
		If WATER is a prerequisite, then: AG PROD and WATER + SOILS and WATER
exclusive	Meets all 3 priority criteria	AG PROD and SOILS and WATER

AG PRODUCTION = Criterion 1 Currently Used for Agricultural Production

SOILS = Criterion 2 Soil Qualities and Growing Conditions that Support Agricultural Production of Food, Fiber, or Fuel- or Energy-Producing Crops

WATER = Criterion 5 Sufficient Quantities of Water to Support Viable Agricultural Production

Tax map key (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% or less of their land area in IAL were eliminated, as were parcels that were less than 1 acre in size. Additional qualitative judgements were made to remove isolated parcels that did not contribute to the larger pattern of agricultural use. Thus, the resulting preliminary IAL map contained both whole parcels and portions of parcels.



Portion of Preliminary Map to illustrate extent of IAL coverage. IAL coverage is specific to the land and does not necessarily follow the same geographic boundaries defined by TMK parcel lines.

Public review of the preliminary map of recommendations included notification via mail to roughly 1,800 landowners, presentation at a community meeting (November 2017; see Appendix D), and a 60-day formal public comment period (see Appendix E for summary of comments). A web-based, interactive map viewer was also attached to the project website, allowing individuals to examine the map and the supporting criteria data at the parcel level. The preliminary map was presented as a working draft that required landowner and public input to verify

the accuracy of the mapping related to individual properties, and thus ensure a quality mapping product.

2.2.4 REFINE FINAL MAP RECOMMENDATIONS

This final step involved refining the preliminary map to prepare the City's final recommendations, then documenting the process in a written report.

Comments received during the public comment period were compiled and analyzed to identify any necessary map refinements and any other issues and concerns. The preliminary map was refined, with some parcels added due to their proximity to other IAL-designated parcels or because they were previously excluded in error, while other parcels were eliminated in response to landowner justifications. Several parcels found to be inconsistent with the conditions for eligibility (i.e., not included in the county's IAL screening process as described in Section 1.3.3. Designation by the Counties, see *Conditions of Eligibility* section) were also removed. Given the TAC's preference for the City's IAL recommendations to be resource-based and not project- or owner-based, revisions to the preliminary map were based on changes to the selection criteria and not because of individual project location.

The City's recommendations for IAL designation, including a summary of the major comments received during the public comment period and the final map for City Council review, are presented in Chapter 4.




Community Meeting at Kapolei, January 2017

This page intentionally left blank.

3. AGRICULTURE ON O'AHU

This chapter presents information about the current agricultural industry on O'ahu, including the City's land use planning system and policies for future development, the status of lands available for agriculture production, and recent trends and technological advancements influencing the future of the industry. An inventory of the lands designated as IAL by the LUC is also provided.

3.1 CITY AND COUNTY OF HONOLULU'S LONG-RANGE PLANS AND POLICIES

Land use and development for the City and County of Honolulu is guided through a three-tier planning system comprised of: (1) an island-wide General Plan; (2) secondary regional plans; and (3) the implementing ordinances and regulations (including the Land Use Ordinance, or zoning code) (see Figure 3-1).

FIGURE 3-1: Honolulu's Planning System



The General Plan and the regional plans express the City's policies for development and growth over a 20-year time frame. The General Plan establishes the long-range objectives and policies for the physical, social, economic, and environmental conditions desired for the future of O'ahu. It consists of objectives and policy statements across eleven subject areas, and a map of O'ahu showing

the rough location of urban, urban-fringe and rural areas. The regional plans—known as development plans and sustainable communities plans (DPs/SCPs)—lay out the defining policies and guidelines for the future development pattern, community characteristics, and infrastructure improvements envisioned for the specific region. Each DP/SCP includes a set of regional maps that conceptually indicate open space features, land use patterns, significant views, and locations of public facilities. The DP/SCP maps also include a community growth boundary that conceptually outlines the areas intended for urban/residential development, while areas outside the boundary are generally intended for agricultural and preservation uses.

The City's directed growth policy set forth in the General Plan and the DPs/SCPs has been guiding land use and infrastructure decisions on O'ahu since the General Plan was adopted in 1977. To provide adequate land area for the future development needs of the island's projected population growth, the City's approach has been to direct growth to 'Ewa, Central O'ahu and the Primary Urban Center, and to support the development of Kapolei in 'Ewa as O'ahu's second city (see Figure 3-2).

FIGURE 3-2: City and County Development Plan and Sustainable Communities Plan Regions



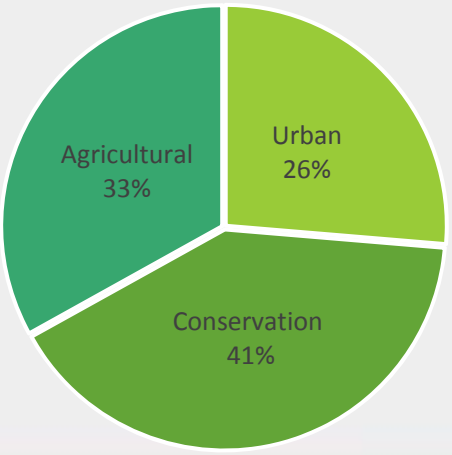
This strategy provides land area for community needs (e.g., housing, commercial and industrial areas, infrastructure) within a concentrated core, maintains O'ahu's suburban and rural areas from more intense development, and preserves high-

quality agricultural land in outlying areas. Within this context, some high-quality agricultural land within the community growth boundary has been and will be developed for urban use in order to preserve large tracts of high-quality agricultural land in Kunia and on the North Shore, and to "keep the country country."

3.2 LANDS AVAILABLE FOR AGRICULTURE PRODUCTION

All lands in the State are classified into one of four state land use districts: Urban, Rural, Agricultural, or Conservation (see Section 1.2). O'ahu is the only island that does not have any lands designated in the Rural District (i.e., only Agricultural, Conservation, and Urban District designations on O'ahu). An inventory of State land use districts on O'ahu includes roughly 128,000 acres designated in the Agricultural District, 157,000 acres in the Conservation District, and 102,000 acres in the Urban District. With roughly 386,000 total acres across the island, an estimated 32% is in the Agricultural District, 41% in in the Conservation District, and 27% in the Urban District (see Figure 3-3).

FIGURE 3-3: O'ahu's Acreage of State Land Use Districts



State Land Use District	Acreage
Agricultural	127,698
Urban	101,661
Conservation	156,829
Rural	--
Total	386,188

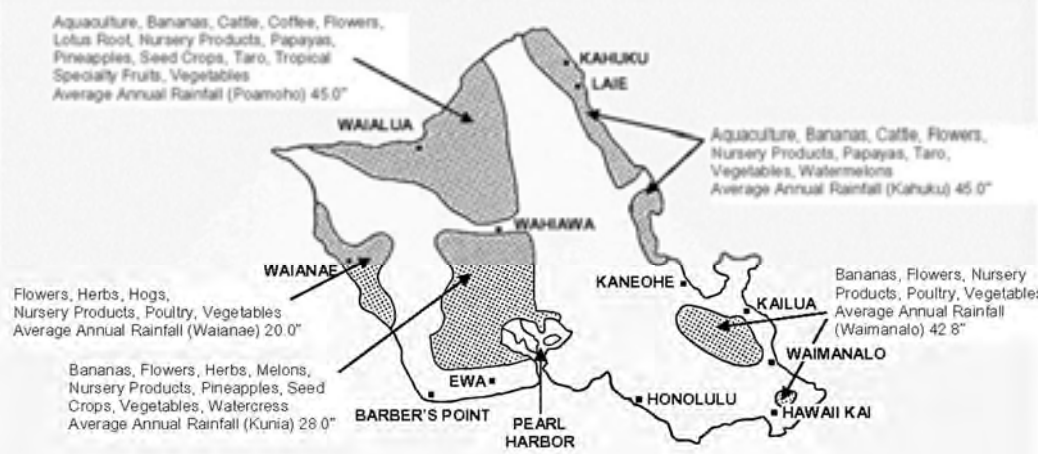
SOURCE: State of Hawai'i Data Book 2016. Table 6.04: Estimated Acreage of Land Use Districts by Island, 2013 to 2016.

Besides farmland suitable for crops, pasture or forestry, the legal description of the State Agricultural District allows for the inclusion of Federally-owned land that is not made available for agricultural use, and land that does not have the qualities necessary to be classified as one of the other land use districts but may be suitable for parks, golf courses and open space relief. Of the roughly 128,000 acres on O'ahu in the Agricultural District, about 13,700 acres in 'Ewa, Makakilo, Central

O'ahu, Hale'iwa and Pūpūkea (11% of the total State Agricultural District acreage) are within the City's community growth boundary as areas for future urbanization. The remaining 109,000 acres outside the community growth boundary (89%) is primarily for agricultural and preservation use, and protected from urban development for the foreseeable future (City and County of Honolulu Department of Planning and Permitting, February 2011). When the inventory of Federally-owned lands is subtracted from the Agricultural District acreage, the acreage of agricultural land consists of roughly 88,000 acres, including both farmland and grazing land. An estimated 56,600 acres are useable farmland, of which roughly 44,400 acres have high soil ratings (i.e., rated A or B by the Land Study Bureau (LSB) ratings, Prime or Unique by the Agricultural Lands of Importance to the State of Hawai'i (ALISH), or I or II by the NRCS).

Figure 3-4 shows the general location of major agricultural areas on O'ahu and the associated agricultural products grown in those areas in 2011. Agricultural areas occupy large segments of West O'ahu (Wai'anae), Central O'ahu ('Ewa, Kunia, Wahiawā) and the North Shore (Waialua, Hale'iwa, Kahuku). Smaller pockets of agricultural areas are found in Kahalu'u/Kāne'ohe, Waimānalo and Hawai'i Kai.[6]

Figure 3-4: O'ahu's Major Agricultural Areas, 2011



SOURCE: Statistics of Hawai'i Agriculture 2011.
www.nass.usda.gov/statistics_by_state/hawaii/publications/annual_statistical_bulletin/__stat11-05.pdf

[6] The Statewide Agricultural Land Use Baseline 2015 (State of Hawai'i Department of Agriculture, 2016) also provides an inventory of agricultural areas on O'ahu.



Galbraith Lands, Wahiawa, O'ahu
SOURCE: Honolulu Advertiser, Dec 19, 2007. the.honoluluadvertiser.com/dailypix/2007/Dec/19/hawaii712190398AR.jpg

In 2012, the State acquired roughly 1,700 acres of agricultural land in Wahiawā previously owned by the Estate of George Galbraith. The acquisition of the Galbraith lands, which was the result of a $25 million public-private partnership brokered by the Trust for Public Lands, transferred 1,207 acres to the State Agribusiness Development Corporation (ADC) and 495 acres to the Office of Hawaiian Affairs (OHA). Since completing this first step to protect high-quality agricultural land in perpetuity, the State has since acquired additional acreage to expand its' agricultural footprint in Central O'ahu. Additional land acquisitions and investments in infrastructure and facility improvements (i.e., irrigation systems, workforce housing, warehouses/storage units, consolidated agricultural processing and packaging facilities) to support an agricultural hub are also being pursued (Whitmore Village Agriculture Revitalization Plan, 2017).

3.3 RECENT TRENDS INFLUENCING O'AHU'S AGRICULTURAL INDUSTRY

Statistical information reported in this section is based on a report prepared for the City and County of Honolulu Department of Planning and Permitting in February 2011 entitled "O'ahu Agriculture: Situation, Outlook and Issues." Efforts were taken to update the information where current figures were readily available. However, data from the 2011 report is used where updated figures could not be found. Data sources at the county level are limited because HDOA and the National Agricultural Statistical Service (NASS) no longer monitor the agricultural industry or conduct in-depth reporting formerly done.

3.3.1 DIVERSIFIED AGRICULTURE

Agriculture has historically been an important activity in Hawai'i for both subsistence and economic purposes, largely due to factors such as the islands' moderate climate, year-round growing conditions, and the availability of water.

Beginning with the traditional farming practices of the first Polynesian settlers to the subsequent arrival of American and European interests and the evolution of modern-day Hawai'i, agriculture—and the agricultural interests seeking to maintain viable agricultural operations—has profoundly influenced the history of Hawai'i. This is evidenced in the various events and political, cultural and physical landscapes that define each phase of Hawai'i's history, the key points which are summarized:

1. Prior to the introduction of Western culture, subsistence agriculture formed the basis of Native Hawaiian society.
2. Private land ownership rights were introduced in the mid-1800s, which enabled foreigners to own land for sugar plantations and other agricultural activities.
3. The Hawaiian Kingdom signed a free trade agreement with the United States in 1875, which allowed duty-free export of sugar and other products grown in Hawai'i in exchange for the U.S. Navy's use of Pearl Harbor.[7]
4. The construction of extensive irrigation systems supported the growth of sugar plantations.
5. The overthrow of Hawai'i's monarchy in 1893 and the resulting annexation to the United States in 1897 was motivated in part by a group of American sugar planters seeking to improve the competitive position of Hawai'i's sugar industry.
6. The demand for plantation laborers during the second half of the 19th century prompted the influx of Asian and European immigrants to Hawai'i.
7. Following Hawai'i's induction into the United States in 1959, the five largest sugar producers emerged as the state's leading corporate entities with subsidiaries in major industries of shipping/importing, and real estate development.
8. A number of towns and urbanized areas throughout the state trace their origins back to the plantation camps (i.e., housing areas) for the immigrant workers.

[7] The Reciprocity Treaty was ratified in 1875.

Beginning in the mid-19th century through the last quarter of the 20th century, O'ahu's agricultural industry (and the state as a whole) was heavily dominated by commercial sugar cane and pineapple plantations. The O'ahu Sugar Company farmed lands in 'Ewa, Kunia and Wahiawā; Waialua Sugar Company grew sugar cane on the North Shore; and Dole (Castle & Cooke) and Del Monte occupied higher elevation fields in Central O'ahu and the North Shore to grow pineapple. Most of the Del Monte fields were located to the west of Kamehameha Highway, and except for mid-elevation fields on the North Shore, most of Dole's fields were east of the highway. With the plantations occupying the major portions of the prime agricultural lands, diversified crops (meaning all crops other than sugarcane and pineapple) were relegated to outlying areas with lesser quality agricultural land.



Sugar plantation at Aiea, O'ahu and Pearl Harbor in the distance, 1915. Photo by J.J. Williams.
SOURCE: Hawai'i State Archives. http:gallery.hawaii.gov/gallery2/main.php?g2_view=core.DownloadItem&g2_itemId=846&g2_serialNumber=3

With stronger mainland and foreign competition diminishing the profitability of Hawai'i's sugar cane and pineapple crops in the last quarter of the 20th century, tracts of prime agricultural land were left vacant, allowing new diversified crops to access former plantation lands. The recent composition of the agricultural industry reflects this shift from sugar and pineapple production to diversified agricultural commodities: a new era of smaller farms is growing a variety of crops, including fruits and vegetables for local consumption, niche crops such as coffee and specialty exotic fruits, traditional Native Hawaiian crops, nursery plants, and flowers. International seed corn producers have also purchased or leased large tracts for research and production.

In 1980, approximately 47,900 acres were in crop production on O'ahu, including about 33,100 acres in sugarcane (69% of total crop acreage), 11,500 acres in pineapple (24%), 1,400 acres in other crops (seed corn, taro, flowers and nursery products, feed crops, etc., amounting to 3%), 1,100 acres in vegetables and

melons (3%), and 800 acres in fruits other than pineapple (2%). In the almost 30 years between 1980 and 2008, the acreage in crop production fell from 47,900 acres in 1980 (16% of the State's total crop acreage) to approximately 11,000 acres in 2008 (about 12% of the State's total crop acreage). The loss in production acreage, which reflects the steady decline and eventual closure of sugarcane and pineapple plantations, comprised roughly 37,000 acres, or 77% of the 1980 inventory. Of the 11,000 acres in crop production on O'ahu in 2008, more than half of the acreage (about 56% or 6,200 acres) was used to grow specialty crops such as seed corn, floriculture and nursery products. Despite the decline in total acreage, the number of acres in vegetable and melon crops increased from 1,100 acres in 1980 to 3,900 acres in 2008, accounting for 35% of O'ahu's total crop acreage, while fruits other than pineapple reported a slight increase of 100 acres from 800 acres in 1980 to 900 acres, or about 8% of O'ahu' total crop acreage, in 2008 (City and County of Honolulu Department of Planning and Permitting, February 2011).[8]

Table 3-1 compares the statewide total of farm revenues for 2011 and 2015. The value of crop, livestock, and aquaculture sales in 2015 totaled $604.1 million, compared to 2011 sales which totaled $719.5 million. This represents a decline of $115.4 million from 2011, due to a $156.0 million revenue decline in crop sales that was slightly offset by increases in livestock revenue ($4.3 million) and aquaculture revenue ($36.3 million).

Table 3-1: Farm Revenues, State Totals 2015 and 2011

Year	All crops, livestock, aquaculture ($1,000)	Crops			Livestock	Aquaculture
		All crops	Sugar cane	Other crops		
2015	604,052	446,850	48,148	398,702	80,968	76,234
2011	719,474	602,881	78,100	524,781	76,623	39,970

SOURCE: State of Hawai'i Data Book 2016. Table 19.10: Value of Crop, Livestock, and Aquaculture Sales: 1989 To 2015

[8] The Statewide Agricultural Land Use Baseline 2015 (State of Hawai'i Department of Agriculture, 2016) provides the most current available data. In 2015, roughly 40,800 acres were in production on O'ahu, representing 4% of the statewide acreage of 913,300 acres. O'ahu's total production included 22,500 acres in crops and 18,400 acres in pasture. Of the 22,500 acres in crop production, diversified agriculture crops accounted for 9,900 acres (44%).

Table 3-2 presents the state's top twenty agricultural commodities for 2011 and 2016, which is the most current year of data compiled by the United States Department of Agriculture National Agricultural Statistics Service (NASS).

Table 3-2: Top 20 Commodities, State Totals 2016 and 2011

	Rank		Value of production ($1,000)	
Commodity	**2016**	**2011**	**2016**	**2011**
Seed crops	1	1	145,300	242,970
Coffee	2	5	48,856	31,540
Sugar cane	3	2	48,148	78,100
Cattle	4	3	45,209	46,369
Macadamia nuts	5	4	42,000	38,220
Other aquaculture	6	--	41,361	--
Algae	7	6	34,349	25,230
Landscape plant material	8	--	23,064	--
Papayas	9	8	9,713	9,722
Milk	10	9	9,318	9,547
Lettuce	11	12	9,270	5,453
Cucumbers	12	--	6,490	--
Palms, potted	13	13	5,737	3,736
Bananas	14	7	5,592	11,310
Honey	15	17	4,176	3,137
Cabbage, head	16	19	3,805	2,790
Dendrobiums, potted	17	14	3,280	3,400
Plant rentals	18	--	3,193	--
Hogs	19	--	2,745	--
Anthuriums, cut	20	18	2,743	3,115
TOTAL			**494,349**	**573,390***

** Four crops ranked in the Top 20 commodities in 2011 were not ranked in 2016. These include: sweet potatoes ranked 10th ($7,348); basil ranked 11th ($6,225); dry onions ranked 15th ($3,267); and potted dracaena ranked 16th ($3,164)*

In both 2011 and 2016, the seed industry was the leading agricultural commodity statewide, accounting for $145.3 million (29.4%) of the combined $494.3 million collected for the top 20 commodities. Revenues from coffee accounted for $48.8

million (9.9%) of the $494.3 million total, making coffee the second highest-ranked commodity statewide. Sugar cane production accounted for $48.1 million (9.7%) and was the third-highest ranked commodity statewide in 2016, falling from the second-highest ranked commodity in 2011. This represents a signficant decline in sugar cane revenues since 1990, when the farm value of sugar cane accounted for $213.8 million, or 36%, of the statewide revenue of $595.9 million (United States Department of Agriculture National Agricultural Statistics Service, 2009).

3.3.2 INCREASED FOOD SELF-SUFFICIENCY

Due to competition across the international marketplace and efficiencies in shipping logistics, Hawai'i residents consume mostly imported food products that can be grown in better conditions and at lower costs than in the islands. Less than 15,000 acres of the 91,500 acres farmed in 2008 (roughly 16%) were used to supply food to Hawai'i markets (City and County of Honolulu Department of Planning and Permitting, 2011). Available estimates indicate that Hawai'i imports between 85-90% of the food consumed locally, while the majority (as much as 85%) of the agricultural crops grown in Hawai'i is exported (City and County of Honolulu Department of Planning and Permitting 2011). Measurements of self-sufficiency and import dependency from a study of Hawai'i's food consumption and supply sources published in *Agriculture and Food Economics* (Loke and Leung, 2013) estimates that only 11.6% of food available for Hawai'i consumption in 2010 came from local production, and that 88.4% of the available food came from imports. Of the estimated 966.6 million kilograms (1,065,494 tons) available in 2010, which corresponds to a per capita consumption of 657.9 kilograms, 81% was imported from the continental United States, with 6% imported from foreign countries. Study findings indicate that local production supplied 30% of the total market requirement for fresh vegetables, 38% for fresh fruits, 12.4% of the total fresh milk available, and 9.3% for beef, poultry and nuts (Loke and Leung, 2013).



SOURCE: realfoodforlife.com/wp-content/uploads/2013/04/Depositphotos_6500963_XL.jpg

Recent campaigns have fostered public consciousness about the ethic of sustainability and positively raised awareness about minimizing society's impact on the environment to ensure that resources are available for future generations.

The increased consciousness is yielding a number of societal changes, such as the use of low-impact and renewable technologies and alternative energy sources, improved land use and transportation patterns, and lifestyle modifications to reduce consumption and practice ethical consumerism (University of Hawai'i at Hilo Geography and Environmental Studies Department, 2012). For Hawai'i—which is 2,500 miles from the continental United States and is recognized as the most geographically isolated land mass in the world—additional emphasis is placed on increasing self-sufficiency and local self-reliance. This includes using local energy resources to reduce dependence on imported fossil fuels and increasing production and demand for locally-grown food to reduce reliance on imported foods. Within this context, the State is leading a sustainability commitment that seeks to double local food production by 2030, with a goal of 20-30% of the food consumed in Hawai'i grown locally.

The State Office of Planning has prepared a strategic/functional plan, *Food Security and Food Self-Sufficiency Strategy* (2012), which outlines objectives, policies and actions to increase the amount of locally grown food consumed by Hawaii's residents. While former plantation lands have become available for diversified agricultural operations and the consumer demand for locally-grown products continues to grow, systemic challenges prevent the agricultural industry from achieving higher rates of local food production. Such challenges range from the high cost of land and infrastructure which make it difficult for farmers to acquire land, the need for a larger pool of qualified, skilled farmers, and the competitive prices of imported crops. Even for crops that can be grown profitably for local consumption, Hawai'i's growers face challenges from a number of factors that limit their market share, including:

(1) local varieties that may not be equal or comparable substitutes for imported products (e.g., inexpensive, imported storage onions vs. premium-priced sweet Maui onions)

(2) low-cost imported fruits and vegetables make it difficult for farmers to produce profitable crops during the summer months, and

(3) depressed pricing and lower profit margins resulting from over-production and fluctuating demand.

3.3.3 URBANIZATION OF AGRICULTURAL LANDS

O'ahu is the most heavily populated and developed island of the eight main Hawaiian islands, reporting a population in 2010 of roughly 953,200 residents and

337,000 housing units which represents roughly 70% of the State's total population and 64% of the State's total housing units (State of Hawai'i Data Book 2016. Table 21.20: Housing Units, by County: 2000 to 2016). In the 50+ years between 1960 and 2012, O'ahu's population nearly doubled from an estimated 500,000 residents in 1960 to roughly 976,000 residents in 2012 (see Figure 3-5 for population trend).

To accommodate population growth, lands that were once used for agricultural purposes have steadily been converted for urban uses. Across the island, stretching outward from Honolulu's urban core, residential subdivisions have historically replaced productive farming operations (e.g., Kaimukī, Hawai'i Kai/Kalama Valley, Kailua, Kāne'ohe, 'Aiea, Mililani, Kapolei, etc).

Figure 3-6 traces the estimated acreage of State Land Use Districts from 1970 through 2016. Since 1970, an estimated 18,000 acres in the State Agricultural District on O'ahu were reclassified to the Urban District, and the acreage in the Conservation District remained relatively constant. In 2016, the share of lands in the Urban District accounted for 26% (101,661 acres) of the island's total land area (386,188 acres), compared to the acreage in the Agricultural and Conservation Districts accounting for 74% of the total land area (more than 284,527 acres).



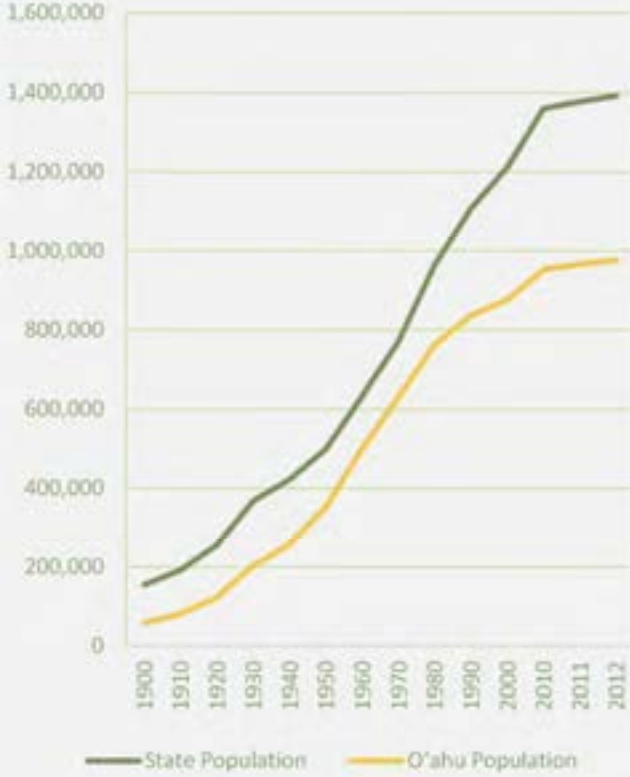
Monsanto Hawai'i Agricultural Park, Kunia
SOURCE: www.monsantohawaii.com/community/agriculture/kunia-ag-park/



Kamehameha Schools Punalu'u Ahupua'a Farms
SOURCE: www.ksbe.edu/windward_oahu/punaluu/

While the rate of urbanization since 2000 has slowed in comparison to the period between 1970 and 2000 (1,975 acres reclassified to the Urban District between 2000-2012, as compared to 16,788 acres between 1970-2000), recent decisions to urbanize large tracts of agricultural lands in Central O'ahu and 'Ewa spurred community concerns about the need to protect remaining agricultural lands. Additional questions about the City's long-standing directed growth policy are also being raised, as the recent urbanization decisions are consistent with City policy to develop within the community growth boundary in order to preserve high-quality farmland in Kunia, the North Shore and the rural communities (see Section 3.1).

Figure 3-5: Resident Population, 1900-2012

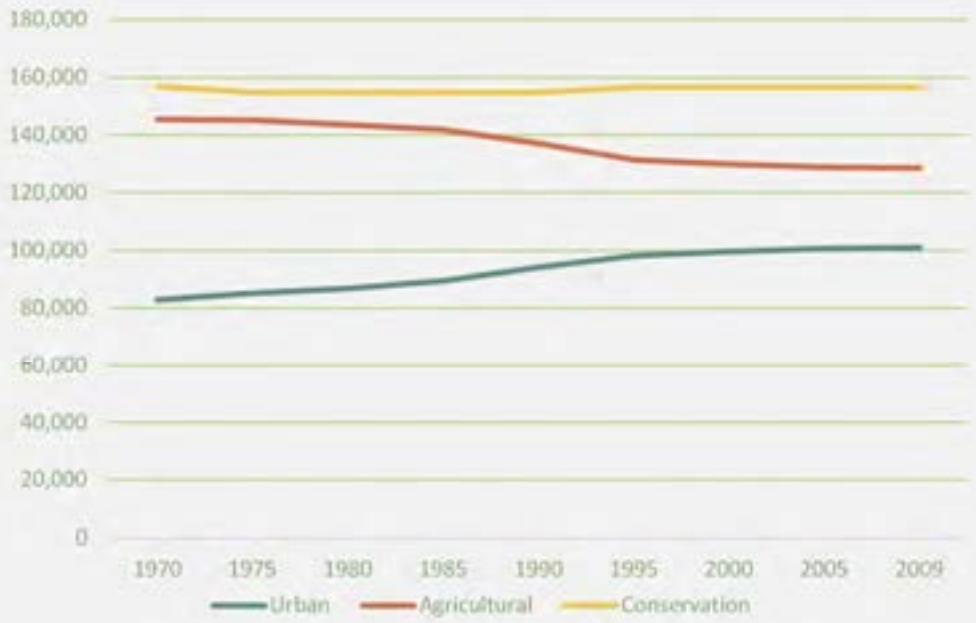


Year	State Population	O'ahu Population
1900	154,001	58,504
1910	191,874	81,993
1920	255,881	123,496
1930	368,300	202,887
1940	422,770	257,696
1950	499,794	353,020
1960	632,772	500,409
1970	769,913	630,528
1980	964,691	762,565
1990	1,108,229	836,231
2000	1,211,537	876,156
2010	1,360,301	953,207
2011	1,378,129	966,363
2012	1,392,313	976,372

Figure 3-6: Inventory of O'ahu State Land Use Districts

Year	Urban District	AG. District	Conservation District
1970	82,898	145,500	156,902
1975	85,186	145,206	154,908
1980	86,851	143,555	154,894
1985	89,497	141,849	154,842
1990	94,200	137,142	154,846
1995	98,214	131,356	156,618
2000	99,686	129,884	156,618
2005	100,730	128,839	156,619
2009	101,051	128,523	156,614
2011	100,894	128,465	156,829
2012 to 2016	101,661	127,698	156,829

Timeframe	Total Acres Urbanized
1970-1980	3,953
1980-1990	7,349
1990-2000	5,486
2000-2016	1,975
TOTAL	**18,763**



3.4 INVENTORY OF CURRENT IAL DESIGNATIONS

Roughly 134,000 acres statewide have been designated as IAL as of December 2017 (HDOA 2018), which accounts for a small percentage (less than 7%) of the total acreage statewide in the State Agricultural District (1,928,034 acres statewide). On O'ahu, roughly 12,280 acres have already been designated as IAL, including land owned by Castle & Cooke Homes Hawai'i, Kamehameha Schools, Monsanto Company and Hartung Brothers Hawai'i. Lands with an IAL designation on O'ahu are identified in Figures 4-1 and 4-2. Table 3-3 lists the landowner-initiated petitions that have been approved by the LUC. None of the approved voluntary petitions to date have exercised the "85/15 incentive" (see Section 1.2.3).

Table 3-3: Inventory of Acres Designated as IAL, Statewide (July 2018)

Island, Region	Landowner /Farm Name	Acres	LUC Approval
Kaua'i, Kōloa	Alexander & Baldwin/Kauai Coffee	3,869	March 2009
Kaua'i, Kōloa	Māhā'ulepū Farm (Grove Farm)	1,533	May 2011
Kaua'i, Hā'upu/Līhu'e	Grove Farm Company	11,206	February 2013
Kaua'i, Lumaha'i/Waipā	Kamehameha Schools	190	January 2014
Kaua'i, Makaweli	Robinson Family Partners	20,888	September 2016
O'ahu, Waialua, Mililani and Whitmore	Castle & Cooke Homes Hawai'i	679	March 2011
O'ahu, Punalu'u and North Shore	Kamehameha Schools	9,591	March 2015
O'ahu, Kunia	Monsanto Company	1,550	October 2017
O'ahu, Kunia	Hartung Brothers Hawai'i	463	June 2018
Maui, Central	Alexander & Baldwin/HC&S Plantation	27,294	June 2009
Hawai'i, South Kohala	Parker Ranch	56,772	September 2011
	TOTAL ACREAGE	**134,035**	

SOURCE: Department of Agriculture https://hdoa.hawaii.gov/wp-content/uploads/2013/02/IAL-voluntary-summary.e14_rev-11-03-17.pdf Website accessed March 2018.

This page intentionally left blank.

4. RECOMMENDATIONS FOR IAL DESIGNATION

This chapter presents maps of the study area and the City's recommendations for lands to be considered for IAL designation, including a summary of the public comments received during preparation of the City's recommendations. The City Council will review the City's recommendations and following the Council's proceedings and adoption via resolution, will submit its recommendations to the LUC for final approval. In anticipation of the public dialogue that will ensue at the City Council and LUC hearings, this chapter also documents the issues and concerns that dominated the community consultations and are likely to continue as topics of discussion during future public venues.

4.1 MAP OF RECOMMENDATIONS FOR IAL DESIGNATION

The City's recommendations for IAL are the result of a strategic, resource-based mapping exercise to inventory land with the qualities necessary to support active agricultural use. The recommendations articulate a long-term vision for the high-quality farm land most suited for farming. Secondly, the recommendations provide policy guidance to reconcile the varied quality of land classified in the State Agricultural District (since not all the land in the State Agricultural District is suitable for farming).

- *Help farming be an economically viable activity*
- *Ensure that the best of O'ahu's high-quality farm land is actively used for agricultural purposes*
- *Guide decision-making in the State Agricultural District*

Long-Term Goals of IAL

Figure 4-1 is a map of the study area showing the land "eligible" to be considered for IAL designation by the county; meaning the land that meets the conditions of ownership and land use classifications specified in Chapter 205, HRS (see Section 1.3.3 "Conditions of Eligibility" for study area exclusions). The study area consists of approximately 63,800 acres that passed the initial screening process, which represents approximately 17% of O'ahu's total land area. An approximate 12,300 acres currently designated as IAL through the landowner-initiated process are shown (3% of O'ahu's total land area), alongside an additional 11,400 acres in the State Land Use Agricultural District owned by the State of Hawai'i (3% of O'ahu's total land area). Ineligible land, or land excluded from the county designation process, represent some 298,700 acres, or 77% of the island-wide total.

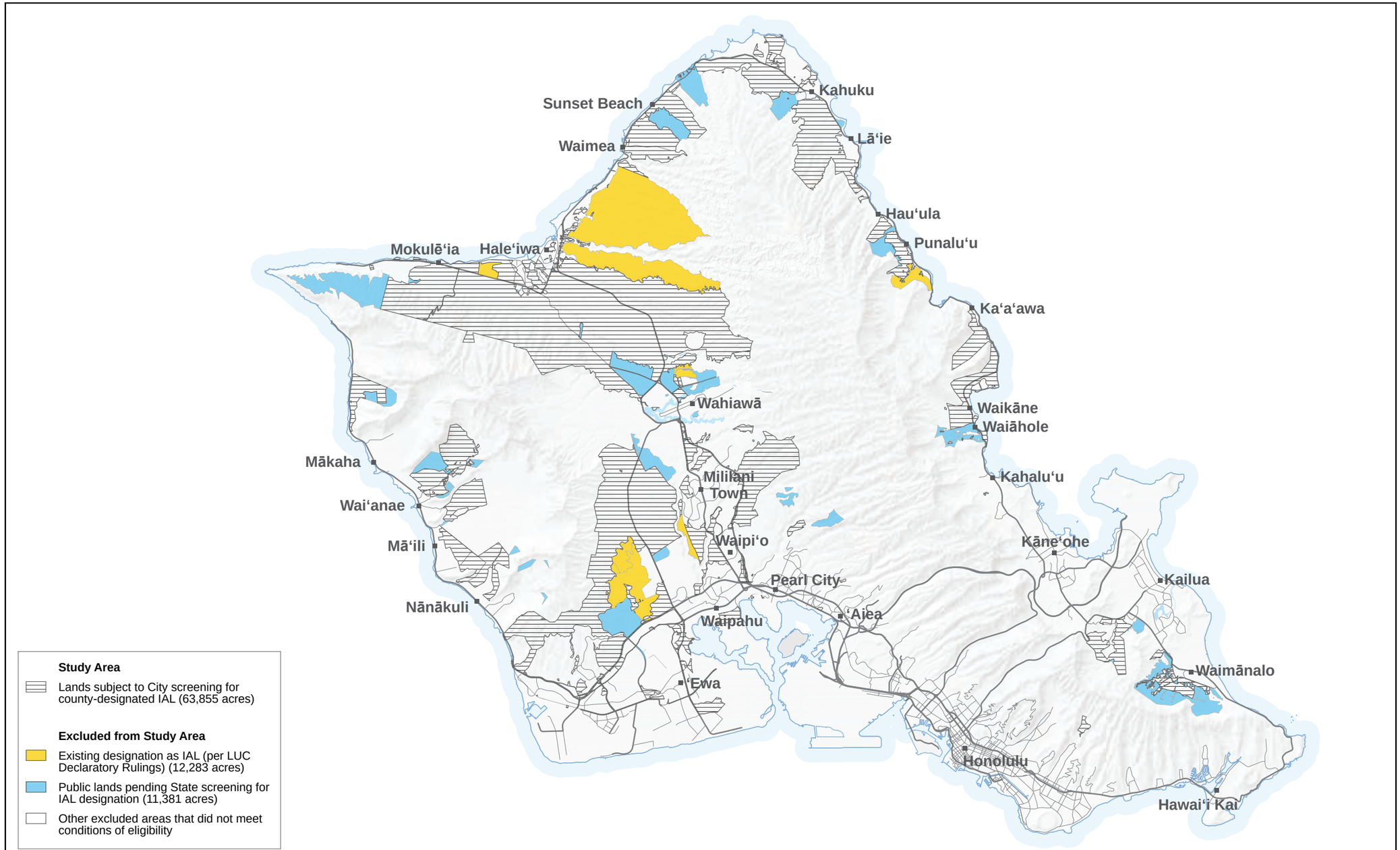
Figure 4-2 is an island-wide map showing the City's recommendations for IAL through the county-designation process. Figures 4-3 through 4-8 are regional profiles showing the recommendations for IAL at a closer view. The current map includes roughly 45,400 acres recommended for IAL designation, which corresponds to roughly 72% of the study area and 12% of O'ahu's total land area. 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 along the Wai'anae coast and in Ko'olau Loa and Ko'olau Poko. A list of the TMK parcels being recommended for IAL is presented in Appendix H; future revisions are possible pending City Council proceedings.

Public input into the preparation of the City's recommendations for IAL involved presentation of the preliminary (draft) recommendations at two community meetings (January 2017, Hale'iwa and Kapolei), a mail-out to inform affected landowners, and a 60-day public comment period. Written comments received during the public comment period were compiled and analyzed, and recommendations were refined accordingly. A total of 93 written comments were received from various government agencies, community organizations and landowners (see Table 4-1). Of the 93 comments, nearly 80% (74) were from landowners, 12% (11) from government agencies, and the remaining 8% (8) represented concerned individuals or community organizations. A summary of the written comments and the City's response/action is provided in Appendix E.

Table 4-1: Inventory of Public Comments

CATEGORY	COUNT
State agencies	4
County agencies	7
Individuals	7
Community organizations	1
Landowners (individuals + corporations)	74
TOTAL	**93**

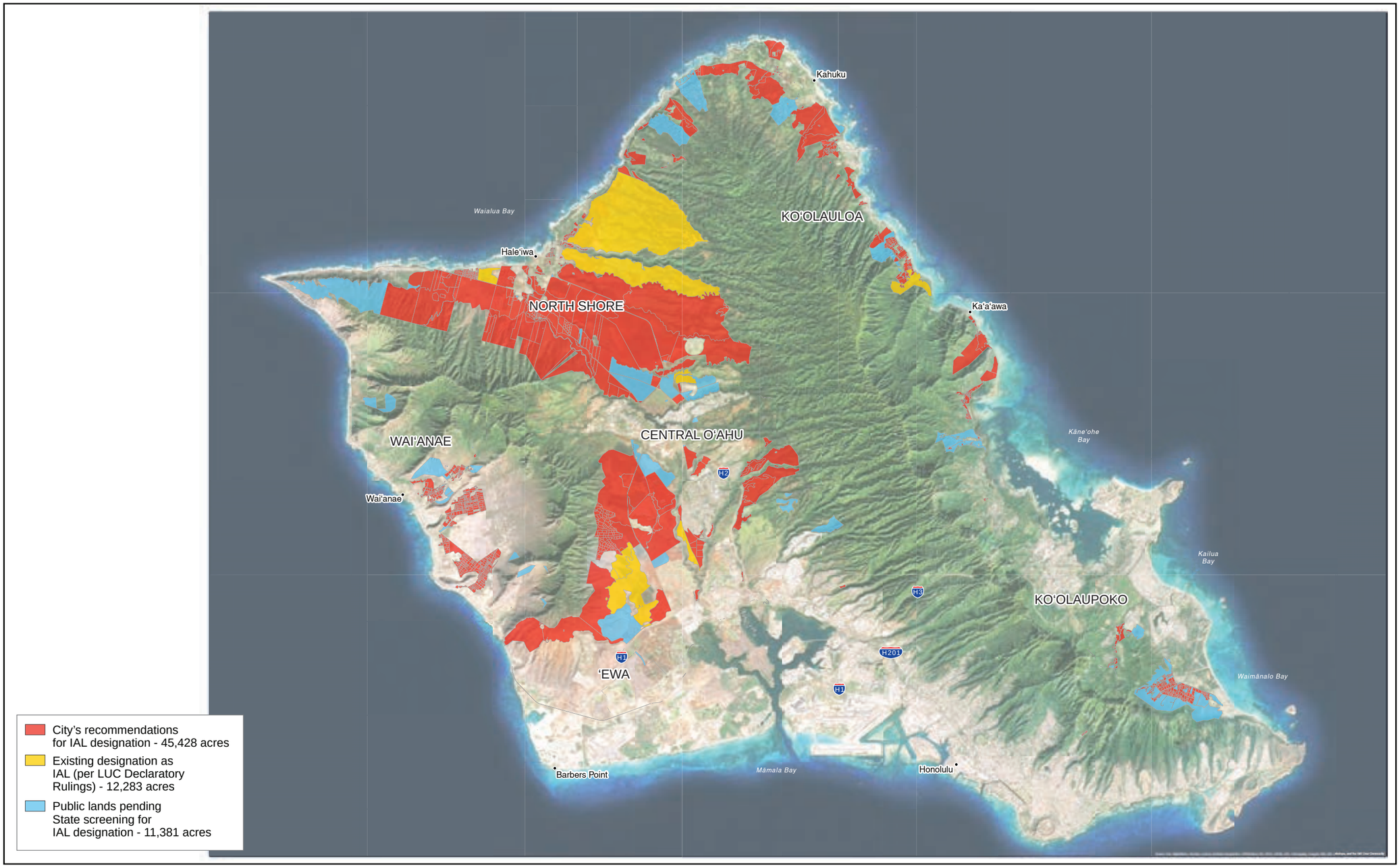
Of the 74 landowners that responded with written comments, 90% (67) expressed dissatisfaction with the preliminary IAL designation and requested exclusion from the City's IAL process. Landowners seeking to be excluded from the City's IAL process offered specific rationale to support their request, although 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%, 38 of 74) for exclusion.



City and County of Honolulu
Department of Planning and Permitting

Figure 4-1
Study Area
Report on the O'ahu Important Agricultural Land Mapping Project | August 2018

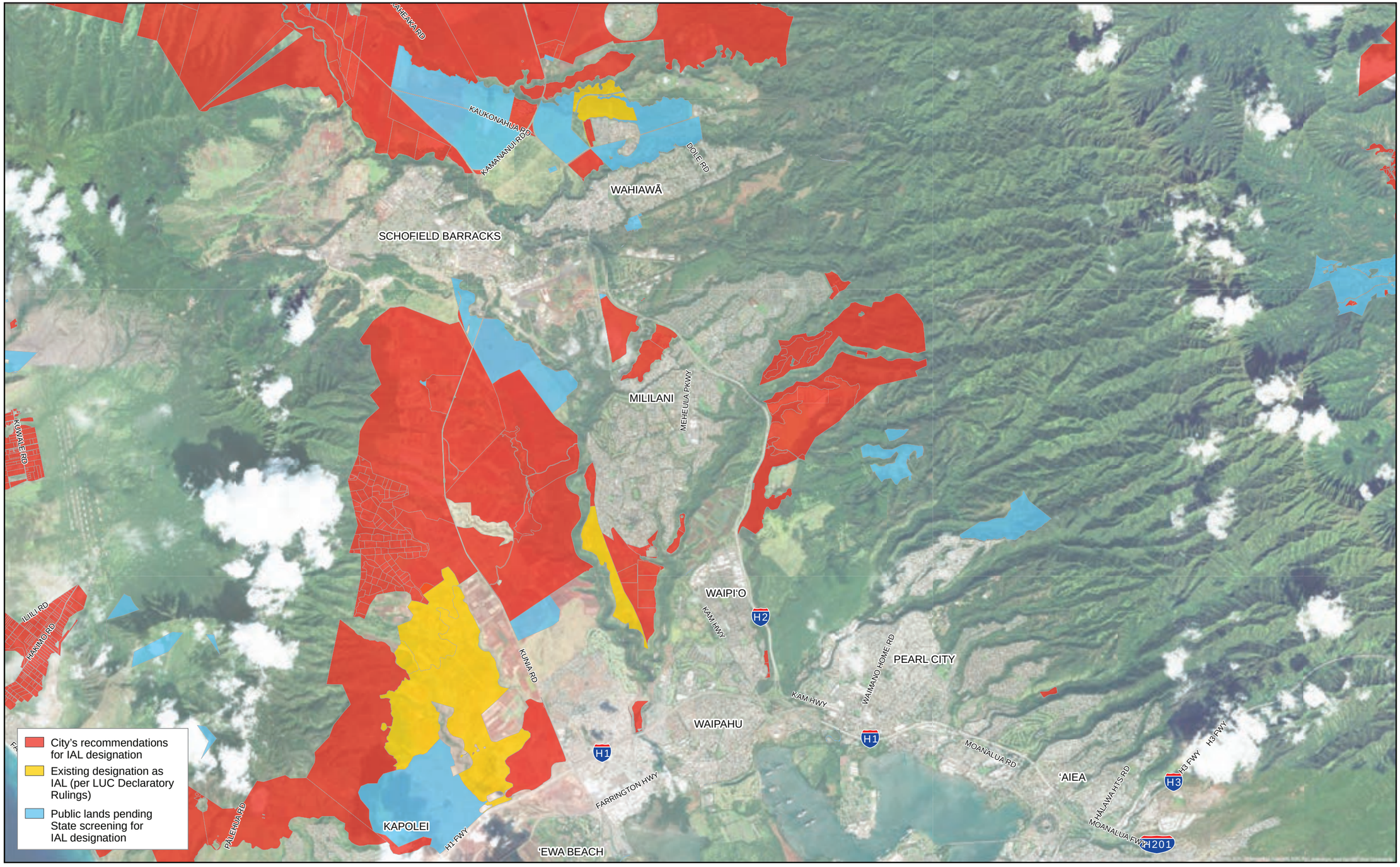
This page intentionally left blank.



City and County of Honolulu
Department of Planning and Permitting

Figure 4-2
O'ahu Lands Recommended for IAL Designation: Island of O'ahu
Report on the O'ahu Important Agricultural Land Mapping Project | August 2018

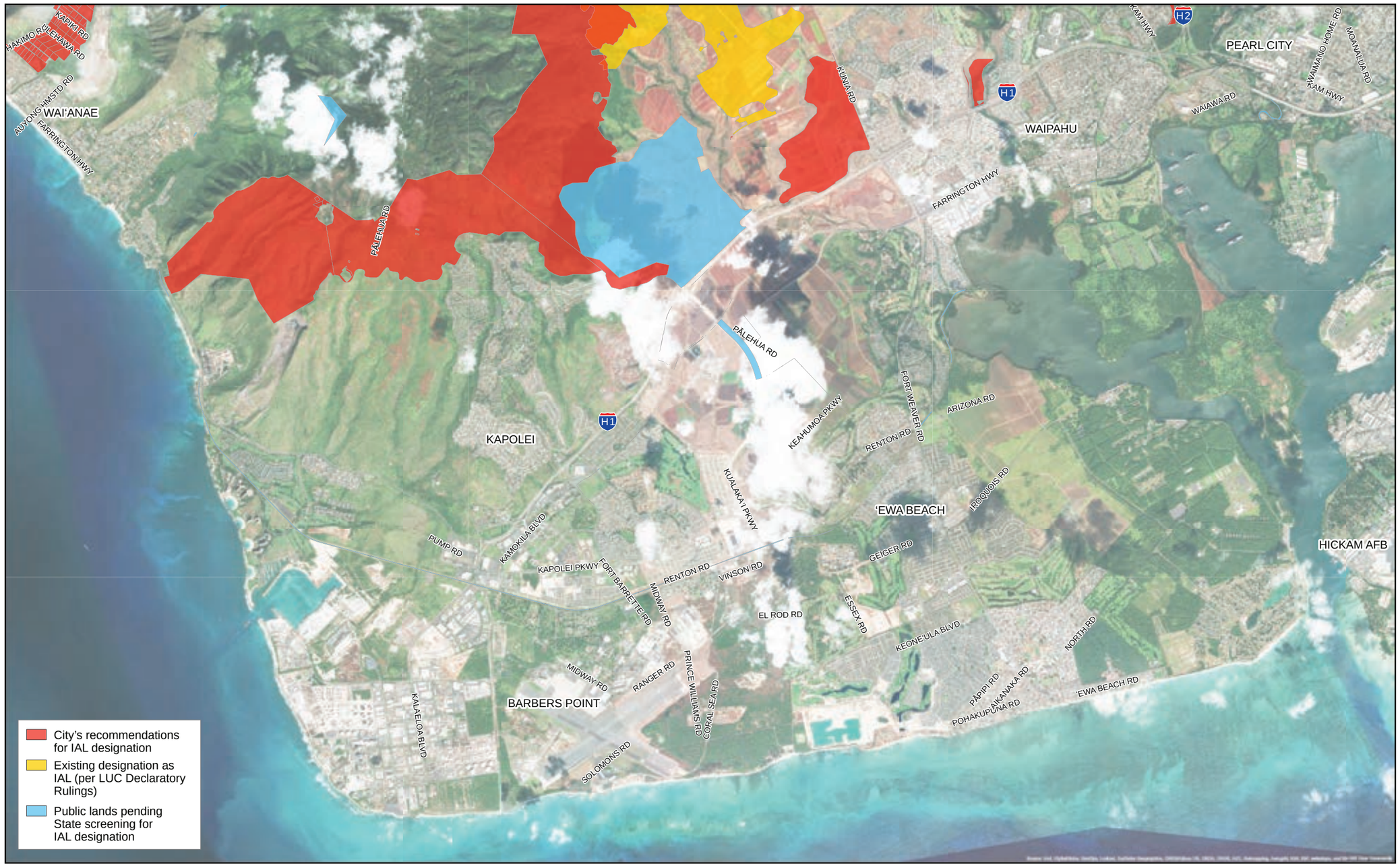
This page intentionally left blank.



City and County of Honolulu
Department of Planning and Permitting

Figure 4-3
O'ahu Lands Recommended for IAL Designation: Central O'ahu
Report on the O'ahu Important Agricultural Land Mapping Project | August 2018

This page intentionally left blank.



0 5000 Feet
0 1500 Meters

City and County of Honolulu
Department of Planning and Permitting

Figure 4-4
Oʻahu Lands Recommended for IAL Designation: ʻEwa
Report on the Oʻahu Important Agricultural Land Mapping Project | August 2018

This page intentionally left blank.



City and County of Honolulu
Department of Planning and Permitting

Figure 4-5
O'ahu Lands Recommended for IAL Designation: Wai'anae
Report on the O'ahu Important Agricultural Land Mapping Project | August 2018

This page intentionally left blank.

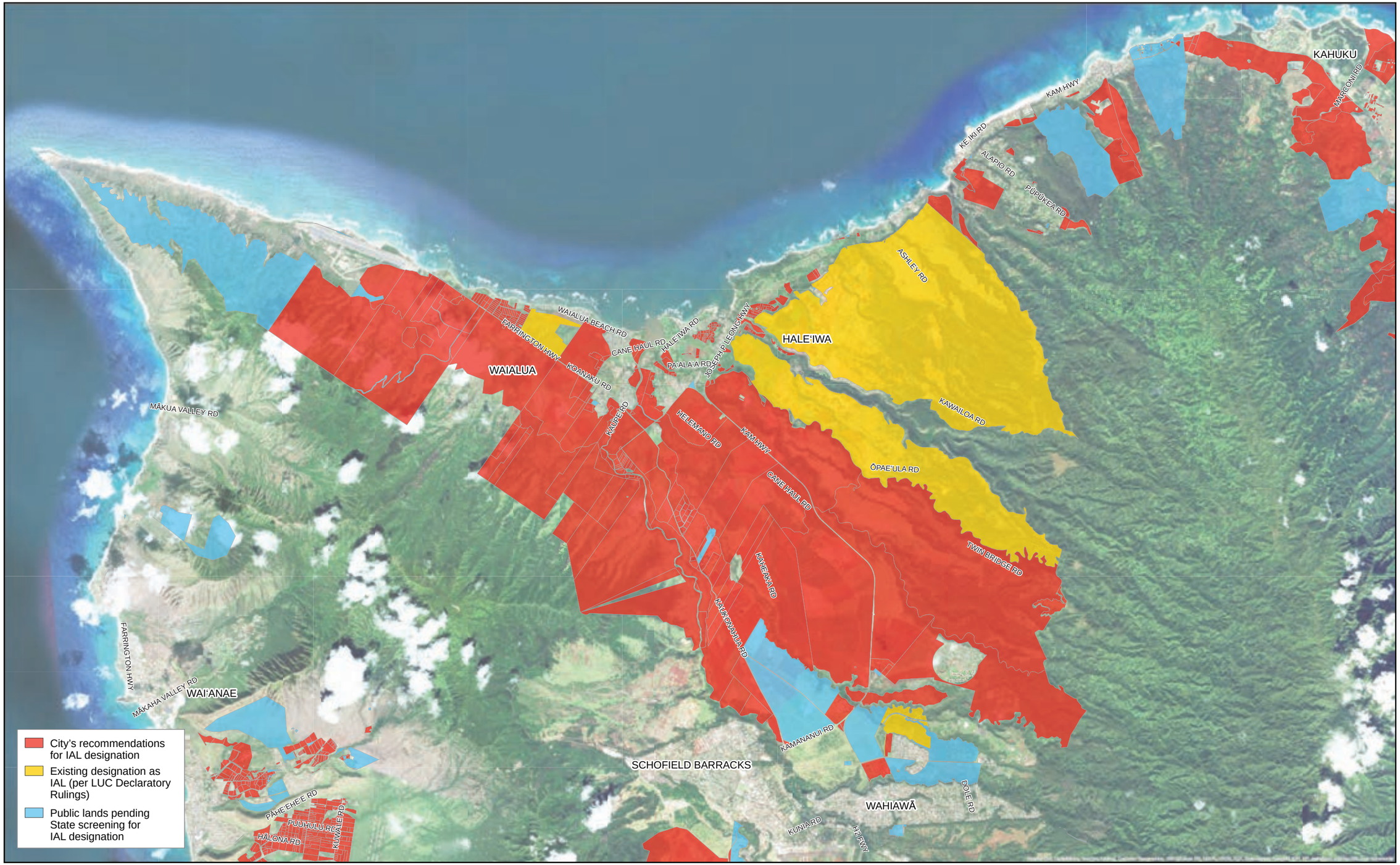
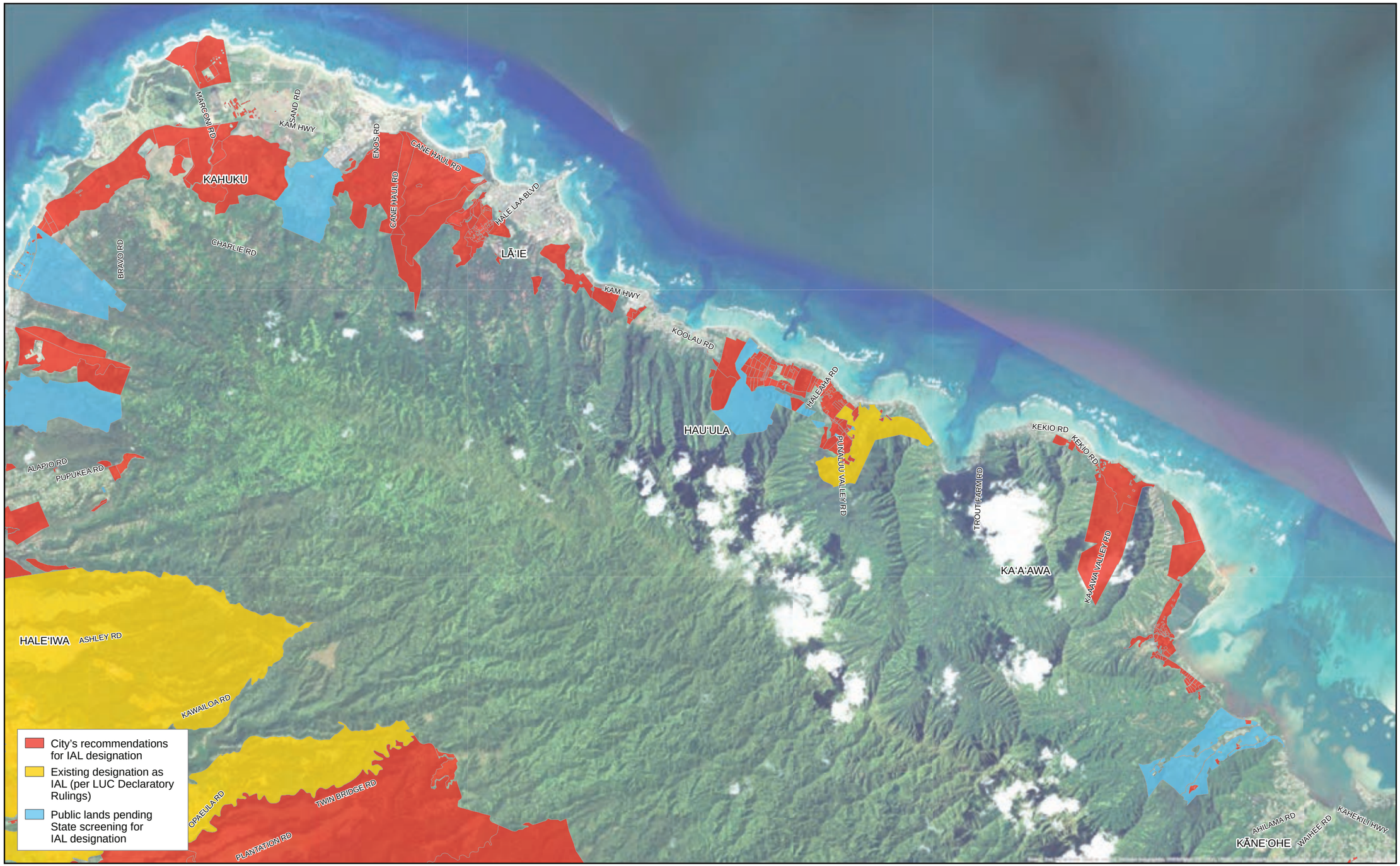


Figure 4-6
Oʻahu Lands Recommended for IAL Designation: North Shore
Report on the Oʻahu Important Agricultural Land Mapping Project | August 2018

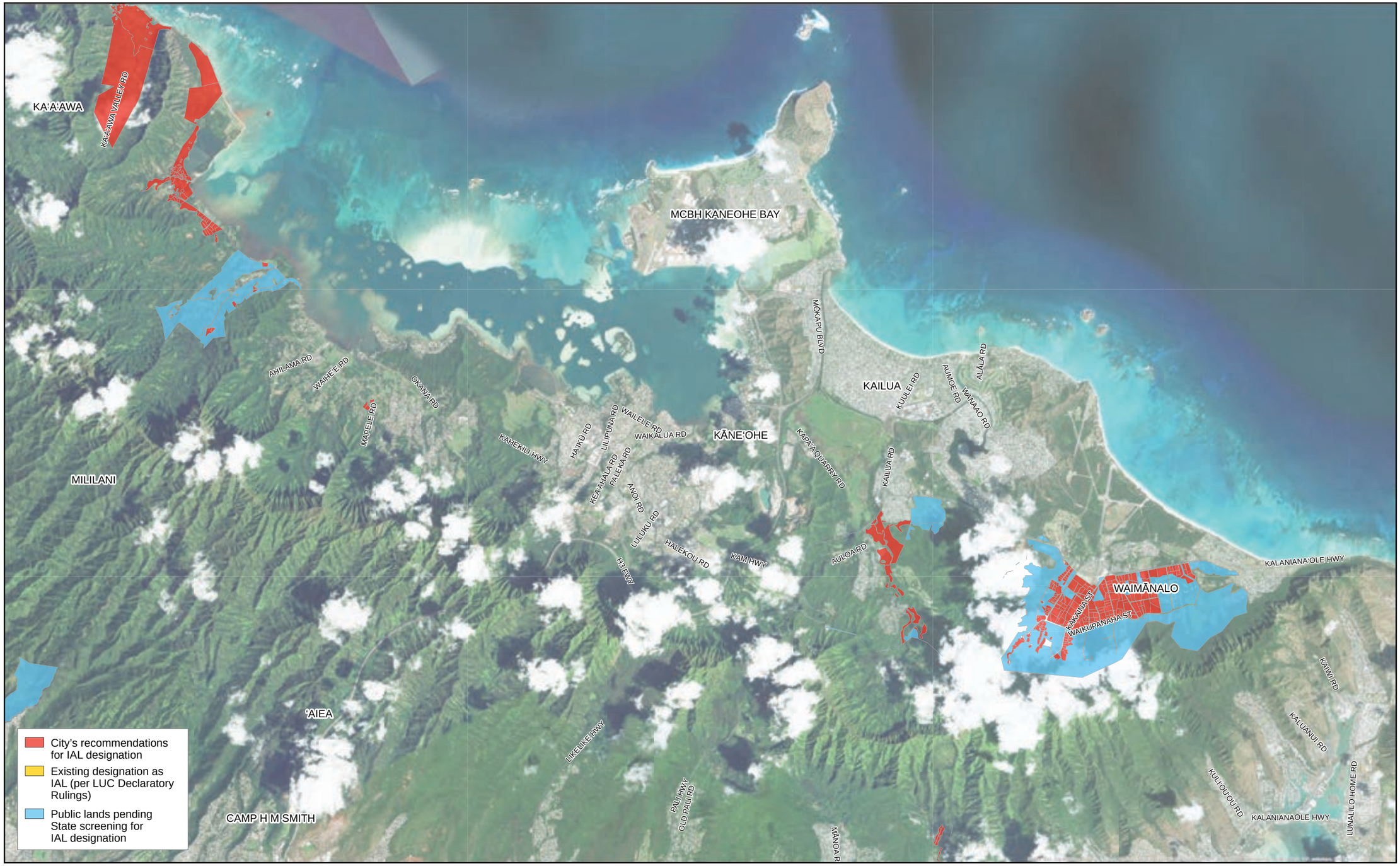
This page intentionally left blank.



City and County of Honolulu
Department of Planning and Permitting

Figure 4-7
O'ahu Lands Recommended for IAL Designation: Ko'olau Loa
Report on the O'ahu Important Agricultural Land Mapping Project | August 2018

This page intentionally left blank.



City and County of Honolulu
Department of Planning and Permitting

Figure 4-8
O'ahu Lands Recommended for IAL Designation: Ko'olau Poko
Report on the O'ahu Important Agricultural Land Mapping Project | August 2018

This page intentionally left blank.

A handful of landowners who submitted comments (8%, 6 of 74) concurred with the preliminary IAL designation and expressed a desire to have their land designated as IAL. After reviewing the requests on a case-by-case basis, the City complied with five of the six landowner requests to be included in the City's IAL process. The only landowner request for IAL designation that was not met involved a parcel in the country zoning district, in which case the subject parcel and the entire subdivision surrounding the parcel was removed from the City's IAL recommendations because the country zoning was deemed inconsistent with the intent of the IAL designation.

The remaining comments (20%, 19 of 93) were from stakeholders who did not own land being recommended for IAL, including government agencies, community organizations, and concerned individuals. These comments were generalized and not specific to any of the individual parcels listed in the preliminary recommendations for IAL. Comments were mostly related to the City's land use and development policies, and the planning process being used to complete the mapping (see Appendix E for summary). Common themes reflected in the comments are listed as follows:

- Important to protect and preserve all land currently classified and/or zoned for agricultural use, particularly those which are not included in the City's recommendations for IAL designation
- Expand the inventory of land recommended for IAL designation to include land formerly used for agriculture that is currently in the State Urban District and planned for future development (Ho'opili and Koa Ridge project areas)
- Allow for more community outreach and opportunities for public discourse, and greater transparency, in the planning process
- Use IAL as a mechanism to promote food security and self-sufficiency
- Welcomes the City's effort to comply with the legal mandate for county-designated IAL.

Taking into consideration the input received through the public comments, the City conducted a thorough review of the preliminary recommendations and identified a number of refinements to prepare the final iteration for City Council approval. In addition to verifying the accuracy of the recommendations for consistency with the priority weighted criteria, the City's review sought to ensure that the recommendations demonstrated a critical mass—or concentration—of

agricultural land. Revisions made to the preliminary recommendations are listed as part of the summary of comments and actions presented in Appendix E. Parcels were either added or removed from the inventory of IAL recommendations based on comments from landowners or the City's identification of an inconsistency or oversight. While a handful of the revisions were parcels that were added because of contextual attributes or proximity to other IAL-designated parcels (i.e., critical mass), most of the revisions were parcels that were removed because the City agreed with the landowner's justification; the parcel was found to be currently designated/zoned or planned for uses other than agriculture; or the land did not demonstrate the priority weighted criteria or proximity to other agricultural lands to be considered IAL.

4.2 RELATED ISSUES AND CONCERNS

The section outlines the issues and concerns identified during the community consultations that are important considerations for the future of O'ahu's agricultural industry, and are likely to continue as topics of discussion for community members participating in the upcoming City Council and LUC proceedings related to the county designation process. These issues and concerns, while relevant to the ongoing public debate and conflicting perspectives concerning the future use of O'ahu's agricultural lands, were beyond the scope of the IAL mapping project and were not addressed as part of the City's focused effort to develop recommendations for county-designated IAL. Familiarity with these issues and concerns will be helpful in preparation for the next phase of the designation process and the public dialogue that may unfold at the City Council.



Dendrobium sp. (Orchid)
SOURCE: Starr Environmental.
www.starrenvironmental.com/images/image/?q=24706346049



Dendrobium sp. (Orchid) SOURCE: Starr Environmental.
http://www.starrenvironmental.com/images/image/?q=24778353990

4.2.1 EXISTING FARMS IN THE STATE URBAN DISTRICT

Per Chapter 205, HRS, land must be classified in the State Agricultural District to be designated as IAL. This requirement automatically precludes existing farms situated on land in the State Urban District from being eligible for the IAL designation and the incentives that accompany the designation.

While some of the existing farms in the State Urban District are on land identified for future urbanization according to the City's current land use policies (such as lands in Central O'ahu and 'Ewa), a number of small farms are on land no longer planned for urban uses by the State or the City, on land intended for long-term agricultural and open space use (largely because previous development proposals for these areas have been dropped and the Urban classification has been retained). These pockets of agricultural areas in Kahalu'u, Hawai'i Kai, Pālolo Valley and Wai'anae are typically characterized by small, family-owned operations run by farmers who live on their land and rely on their farms as part of their livelihood. For these small farms, conformance with the state land use classification system has not been a major deterrent, since the City's land use policies and the community's sentiments generally support farming in these areas. However, considering that the purpose of IAL is to promote viable agriculture, proponents suggested that farms in the State Urban District be granted access to the IAL incentives as a means of additional financial assistance and to support the continuation of these farms.[9] Under the existing structure of the State land use system, farms in the Urban District that want to access the IAL incentives are required to exercise one of three actions:

- Relocate operations from land in the State Urban District to the State Agricultural District
- Petition the LUC to reclassify the land to the State Agricultural District, followed by voluntary landowner petition for IAL designation, or
- Dedicate lands for perpetual agricultural use via an agricultural or conservation easement. Although such easements provide tax relief, they do not affect a landowners' ability to qualify for IAL-related incentives.

[9] The IAL incentives are not available to farms in the State Urban District because public funding mechanisms have resource limitations, and it is necessary to focus public investment (i.e., incentives that support infrastructure improvements) on "important" lands.

Proponents also suggested a need to inventory the existing farms in the State Urban District and the acreage currently used for agriculture, and conduct a survey of landowners/farmers in the State Urban District to identify how many would be interested in pursuing an IAL designation. Such a project would be a rigorous, labor-intensive effort involving extensive public outreach.

4.2.2 IAL DESIGNATION OF PUBLIC LANDS

Chapter 205-44.5, HRS assigns HDOA and DLNR joint responsibility to identify State-owned lands that should be designated IAL and to prepare maps delineating those lands (see Section 1.3.3. Designation of Public Lands). Although the law specifies a December 31, 2009 date for completion of this process, the State has been unable to comply with this requirement due to funding deficiencies and delays associated with land transfers between HDOA and DLNR.

Although there is no statutory requirement for the county's mapping process to consider or await the completion of the State's identification and designation of state-owned IAL, identification of the public lands with potential to be designated as IAL can be useful for decision-making when identifying county-designated IAL . Of the estimated 80,000 acres of public lands on O'ahu, approximately 14 percent, or 11,400 acres, is agricultural land eligible to be considered for IAL. A complete inventory of all lands on O'ahu with IAL potential (both privately-owned and public lands) would help to ensure contiguous blocks of agricultural land units that contribute to the critical mass, and also to discourage the fragmentation of IAL which is consistent with the State's policies for IAL (per Chapter 205-43, HRS).

4.2.3 FOOD SELF-SUFFICIENCY AND FOOD SECURITY

Perspectives about food self-sufficiency vary, from those who want to promote agriculture as a means to achieve island-wide (100 percent) food self-sufficiency and reduce Hawai'i's dependence on imported food, to those who argue that food self-sufficiency would be unprofitable and impractical for many crops as well as risky for food security. (If a hurricane or severe storm were to wipe out much of the supply of local products, logistics would not be in place for off-island suppliers to quickly meet the demand for imported products.)

In support of increased food self-sufficiency and food security, proponents have expressed concerns about overdevelopment and the potential impacts resulting from the conversion of agricultural land in 'Ewa and Central O'ahu for planned master-planned residential developments (i.e., Ho'opili and Koa Ridge). In general,

proponents of food self-sufficiency and food security also want to promote agricultural production that prioritizes growing food for local consumption (as opposed to export crops, ornamentals, or non-agricultural uses). Ensuring the long-term protection and availability of all lands in agricultural use—including those identified by long-range plans for urban uses and those not designated as IAL—is also viewed as a valuable strategy to improving both food self-sufficiency and food security.

In contrast, some policy analysts caution against the potential consequences of achieving significant food self-sufficiency and food security, as the economic costs may outweigh the benefits. An assessment of the benefits and risks associated with self-sufficiency and security included in a report on the situation and outlook for agricultural land on O'ahu (City and County of Honolulu Department of Planning and Permitting, February 2011) indicates that the agricultural industry would require substantial government subsidies to attain high levels of self-sufficiency and food security, which may prove to be unaffordable in the long term.

Since Kaua'i's IAL Study was structured to emphasize food self-sufficiency as a condition for decision-making, there were a number of questions about the City's willingness to follow Kaua'i's model or to shift the focus of the study to food crops. The City favored an inclusive approach that was impartial to the different types of agricultural producers and did not differentiate between food crops and other crops, largely under the assumption that land currently used for other crops may be converted to support food crops in the future. The preference for impartiality, without an emphasis on food self-sufficiency, is consistent with the objective of the IAL program *"to identify and plan for the maintenance of a strategic agricultural land resource base that can support a diversity of agricultural activities and opportunities"* (Chapter 205-42(b), HRS). Accordingly, the crop type is secondary to the physical characteristics of the land when determining IAL.

Conducting an island-wide food self-sufficiency study is a complicated, research-driven task that is made difficult by the lack of available data. (Federal non-disclosure requirements limit access to the data needed for a comprehensive analysis, and some major farmers do not disclose their production data). While an island-wide study may be desirable, examining food self-sufficiency as a statewide issue may be more appropriate. Unlike an independent study, a comprehensive assessment allows for a coordinated effort that balances the needs of all the islands. More importantly, a statewide comprehensive analysis recognizes the

state's long-standing economic strategy to use O'ahu as a primary or secondary market for agricultural exports from the neighbor islands, where major changes in island food production can seriously affect farming activity, production levels, employment and the supporting industries on other islands.

4.2.4 COUNTY INCENTIVES

Chapter 205-46, HRS provides broad guidelines for incentives at both the State and county level, and a framework for state-administered incentive programs (see Section 1.3.4). To date, although the City has focused its' efforts on preparing recommendations for IAL identification, efforts are underway to explore suggestions and appropriate additional county incentives that can be applied to IAL-designated properties. The City is pragmatic about the practicality of the incentives, as much of the suggested additional City incentives could result in a loss of revenues needed for infrastructure maintenance and improvements, potentially leading to increases in fees and/or taxes affecting all taxpayers to replenish the loss revenues. The City currently has a number of programs available that benefit properties in agricultural use (e.g., lower property tax rate for agricultural land, property tax exemptions for certain infrastructure improvements, special water rate for agricultural properties). The City is currently collaborating among its agencies to devise additional benefits. Preference is being given to incentives that do not require significant financial outlays by the City.

IAL incentives are generally intended to benefit properties that have received an IAL designation. However, agricultural businesses that own or lease 50% of their land as IAL land, may also benefit from the IAL incentives (see State Tax Instructions, Form N-344). Certain classes of agricultural lands, including active agricultural lands in the State Urban District and lands being used for agricultural support functions (i.e., agricultural processing facilities and agricultural worker housing), are not able to qualify for an IAL designation because they do not meet the IAL eligibility requirements. Without the IAL designation, landowners and farmers who use these lands would not receive the benefits of the incentives unless they own or lease IAL lands in the amount which is greater than 50% of the area of their operations Proponents suggested that the county incentives program be expanded to incorporate these unique types of scenarios, particularly because there is a need to promote the economic viability of such agricultural operations as well as to ensure that such areas are available for long-term agricultural use.

4.2.5 FUTURE UNANTICIPATED CONSEQUENCES OF IAL

Comments and questions received during the various meetings and written comment periods suggested a general sense of distrust and unfamiliarity with the IAL initiative. Despite the City's community outreach efforts to inform and educate the public about the intricacies of the designation, participants that took part in the community consultations were not certain that the IAL designation would be an effective tool to promote the agricultural industry. Concerns raised regarding the possibility for future unanticipated consequences as a result of the IAL program, including the potential for undesirable, negative impacts to land use, are summarized:

- Landowners need assurances that additional use restrictions will not be imposed on the IAL classification. Landowners are concerned that the IAL classification adds another layer of stringent regulation to Hawai'i's land use system.
- Is it possible that the IAL designation will encourage development of land not classified as IAL? What are the safeguards to ensure that developers do not find it easier to urbanize and rezone "unimportant" agricultural land?
- How will the IAL designation affect the cost of owning land (including property taxes), land values, and the future development potential of the land? Additional information about the availability of state and county agricultural initiatives that support the economic viability of IAL-designated properties is needed.

Besides the City and County of Honolulu, Kaua'i is the only other county to prepare recommendations for IAL designation. However, based on the City's understanding, Kaua'i County determined that it has fulfilled its IAL obligations, and Honolulu will be the first county to advance to the next step of the county designation process.

4.2.6 PUBLIC PARTICIPATION IN THE PLANNING PROCESS

Controversy and difficulty finding consensus are typical of public planning processes in today's modern world. Likewise, because the general public has grown to expect a high level of involvement in both planning and decision-making processes, outspoken criticism can be expected when processes do not provide for public outreach and participation at levels that satisfy the expectations of the

general public. Within this context, proponents in favor of greater participation expressed a desire for more outreach, additional opportunities for public input, and increased transparency in the decision-making process. Specifically, critics of the planning process wanted more community meetings spread out across the island, more outreach targeting small farmers, and more collaboration and consultation with landowners during the initial stages of the process before the public meetings. The dissatisfaction with the City's planning process was coupled with a fundamental distrust of government initiatives and a perception that public sentiments were not being considered.

The composition of the technical advisory committee was also a concern. Community members questioned the membership selection process, the interests represented by the TAC members, and the qualifications of the members. Concerns reflected biases against corporate farming interests, preferences to include more small farmers and organic farmers, and dissatisfaction about how individual landowners were represented. Recognizing the instrumental role that the TAC played in formulating the resource maps and the TAC's influence on the selection of the priority criteria, the City convened the TAC to include a broad cross-section of agricultural industry interests with balanced representation between small farmers, family farms and corporate farming operations. The composition of the TAC was also based on the statutory requirements established in HRS § 205-47(b), which specified representation from certain interest groups, including "landowners, department of agriculture, Hawai'i Farm Bureau Federation, US Department of Agriculture Natural Resources Conservation Service, the office of planning, and other agricultural organizations and interest groups."

REFERENCES

City and County of Honolulu Department of Planning and Permitting. *O'ahu Agriculture: Situation, Outlook and Issues.* Prepared by Plasch Econ Pacific LLC. February 2011.

Cocke, Sophie. "Ige Postpones Local Food Goal: The Governor Sets a New Target Date of 2030 for Doubling Production." *Honolulu Star Advertiser,* September 11, 2016.

County of Hawai'i Department of Research and Development. *Hawai'i County Food Self-Sufficiency Baseline 2012 Report*. Prepared by Jeff Melrose and Donna Delpate, University of Hawai'i at Hilo Geography and Environmental Studies Department. 2012.

County of Kaua'i Planning Department. *County of Kaua'i Important Agricultural Lands Study.* Prepared by the University of Hawai'i Department of Urban and Regional Planning and the University of Hawai'i Economic Research Organization. July 2014.

Hawai'i State Legislature. "SB 1313, SD 1, HD 1: Relating to Hawai'i Food Resiliency." Accessed March 30, 2018. *www.capitol.hawaii.gov/Archives/measure_indiv_Archives.aspx?billtype=SB&billnumber=1313&year=2017*

Loke, Matthew K, and Ping Sun Leung. "Hawai'i's Food Consumption and Supply Sources: Benchmark Estimates and Measurement Issues." *Agricultural and Food Economics* 1, 10: 2013. *https://doi.org/10.1186/2193-7532-1-10*

Starr, Forest and Kim Starr. "Starr Environmental." Accessed March 30, 2018. *www.starrenvironmnetal.com*

State of Hawai'i Agribusiness Development Corporation. "The Whitmore Project." November 2017. Accessed March 30, 2018. *www.capitol.hawaii.gov/memberfiles/Senate/delacruz/Documents/The%20Whitmore%20Project_REV_2017-11-30.pdf*

State of Hawai'i Department of Agriculture. *Report to the Twenty-Fourth Legislature State Of Hawai'i: Final Report on the Incentives for Important Agricultural Lands, Act 183, SLH 2005.* 2007.

_____*Report To The Twenty-Ninth Legislature 2018 Regular Session State of Hawai'i Report on the State's Progress Toward Meeting the Milestones and Objectives of the Important Agricultural Land Tax Credit Program in Response to Act 233, Session Laws of Hawai'i 2008*. December 2017.

_____ "Important AG Lands (IAL) website, June 2012." Accessed March 30, 2018. *hdoa.hawaii.gov/chair/new-agriculture-initiatives/important-ag-lands-ial/*

_____ "Approved Petitions for Declaratory Order to Designate Important Agricultural Lands - by Island." Accessed March 30, 2018. *hdoa.hawaii.gov/wp-content/uploads/2013/02/IAL-voluntary-summary-1-14.pdf* Website accessed January 24, 2014.

_____*Statewide Agricultural Land Use Baseline 2015.* Prepared by Jeff Melrose, Ryan Perroy and Sylvana Cares, University of Hawai'i at Hilo Spatial Data Analysis and Visualization Research Lab. 2016.

_____*Food Metrics: A White Paper with Recommendations on Building a System of Measures to Track Food Self Reliance.* Prepared by Peter S. Adler and Jeffrey Melrose. June 2014.

_____and Department of Taxation. *Report on the Impact of the Important Agricultural Land Qualified Agricultural Cost Tax Credit and a Quantitative and Qualitative Assessment of the Impact of the Loan Guaranty Program, Report to the Twenty-Fifth Legislature 2010 Regular Session, In Response to Act 233, Session Laws of Hawai'i 2008.* December 2009.

State of Hawai'i Department of Business, Economic Development and Tourism, Office of Planning. *Food Security and Food Self-Sufficiency Strategy: A State Strategic/Functional Plan Prepared in Accordance with HRS Chapter 226 Hawai'i State Plan and the Hawai'i Comprehensive Economic Development Strategy.* 2012.

_____ "Program Flyer - Land Use Division." Accessed March 30, 2018. *planning.hawaii.gov/wp-content/uploads/2013/05/LUD-Program-Flyer_20121213.pdf.*

State of Hawai'i Department of Business, Economic Development and Tourism, Research and Economic Analysis Division. *State of Hawai'i Data Book 2016: A Statistical Abstract.* November 2017.

United States Department of Agriculture National Agricultural Statistics Service in partnership with the State of Hawai'i Department of Agriculture Agricultural Development Division. *Statistics of Hawai'i Agriculture 2009*. 2011.

_____ *Statistics of Hawai'i Agriculture 2011*. Accessed January 24, 2014. *www.nass.usda.gov/Statistics_by_State/Hawaii/Publications/Annual_Statistical_Bulletin/*

APPENDICES

A
Chapter 205, HRS
(State Land Use Districts and IAL)

B
Technical Advisory Committee
Meetings and Roster

C
Focus Group Meetings

D
Community Meetings

E
Landowner and Public Comments

F
Criteria Maps and
Summary Descriptions

G
Criteria Weighting Methodology

H
Inventory of City Recommendations for IAL
Designation by TMK Parcel Number

A

CHAPTER 205, HRS
(STATE LAND USE DISTRICTS AND IAL)

HAWAII REVISED STATUTES
CHAPTER 205
LAND USE COMMISSION

Updated to include 2007 Amendments

(UNOFFICIAL)

Part I. Generally

Section

205-1 Establishment of the commission
205-2 Districting and classification of lands
205-3 Retention of district boundaries
205-3.1 Amendments to district boundaries
205-4 Amendments to district boundaries involving land areas greater than fifteen acres
205-4.1 Fees
205-4.5 Permissible uses within the agricultural districts
205-4.6 Private restrictions on agricultural uses and activities; not allowed
205-5 Zoning
205-5.1 Geothermal resource subzones
205-5.2 Designation of areas as geothermal resource subzones
205-5.3 Exploratory wells
205-6 Special permit
205-7 Adoption, amendment or repeal of rules
205-8 Nonconforming uses
205-9 to 11 Repealed
205-12 Enforcement
205-13 Penalty for violation
205-14 Adjustments of assessing practices
205-15 Conflict
205-16 Compliance with the Hawaii state plan
205-16.1, 16.2 Repealed
205-17 Land use commission decision-making criteria
205-18 Periodic review of districts

Part II. Shoreline Setbacks

205-31 to 37 Repealed

Part III. Important Agricultural Lands

205-41 Declaration of policy
205-42 Important agricultural lands; definition and objectives
205-43 Important agricultural lands; policies
205-44 Standards and criteria for the identification of important agricultural lands
205-45 Petition by farmer or landowner
205-46 Incentives for important agricultural lands
205-47 Identification of important agricultural lands; county process
205-48 Receipt of maps of eligible important agricultural lands; land use commission
205-49 Designation of important agricultural lands; adoption of important agricultural lands maps
205-50 Standards and criteria for the reclassification or rezoning of important agricultural lands
205-51 Important agricultural lands; county ordinances
205-52 Periodic review and amendment of important agricultural lands maps

Note

Prior law: L 1961, c 187.

Law Journals and Reviews

Maha'ulepu v. Land Use Commission: A Symbol of Change; Hawaii's Land Use Law Allows Golf Course Development on Prime Agricultural Land by Special Use Permit. 13 UH L. Rev. 205.

Honolulu's Ohana Zoning Law: To Ohana or Not to Ohana. 13 UH L. Rev. 505.

The Lum Court, Land Use, and the Environment: A Survey of Hawai'i Case Law 1983 to 1991. 14 UH L. Rev. 119.

Residential Use of Hawai'i's Conservation District. 14 UH L. Rev. 633.

Dolan v. City of Tigard: Individual Property Rights v. Land Management Systems. 17 UH L. Rev. 193.

Is Agricultural Land in Hawai'i "Ripe" for a Takings Analysis? 24 UH L. Rev. 121.

"Urban Type Residential Communities in the Guise of Agricultural Subdivisions:" Addressing an Impermissible Use of Hawai'i's Agricultural District. 25 UH L. Rev. 199.

Avoiding the Next Hokuli'a: The Debate over Hawai'i's Agricultural Subdivisions. 27 UH L. Rev. 441.

Case Notes

Religious Land Use and Institutionalized Persons Act of 2000, assuming it was constitutional, did not facially invalidate Hawaii's land use law. 229 F. Supp. 2d 1056.

Provisions of chapter provide authority to issue special use permits for golf courses on prime agricultural lands. 71 H. 332, 790 P.2d 906.

[PART I. GENERALLY]

Law Journals and Reviews

Avoiding the Next Hokuli'a: The Debate over Hawai'i's Agricultural Subdivisions. 27 UH L. Rev. 441.

§205-1 Establishment of the commission. There shall be a state land use commission, hereinafter called the commission. The commission shall consist of nine members who shall hold no other public office and shall be appointed in the manner and serve for the term set forth in section 26-34. One member shall be appointed from each of the counties and the remainder shall be appointed at large; provided that one member shall have substantial experience or expertise in traditional Hawaiian land usage and knowledge of cultural land practices. The commission shall elect its chairperson from one of its members. The members shall receive no compensation for their services on the commission, but shall be reimbursed for actual expenses incurred in the performance of their duties. Six affirmative votes shall be necessary for any boundary amendment.

The commission shall be a part of the department of business, economic development, and tourism for administration purposes, as provided for in section 26-35.

The commission may engage employees necessary to perform its duties, including administrative personnel and an executive officer. The executive officer shall be appointed by the commission and the executive officer's position shall be exempt from civil service. Departments of the state government shall make available to the commission such data, facilities, and personnel as are necessary for it to perform its duties. The commission may receive and utilize gifts and any funds from the federal or other governmental agencies. It shall adopt rules guiding its conduct, maintain a record of its activities and accomplishments, and make recommendations to the governor and to the legislature through the governor. [L 1963, c 205, pt of §2; Supp, §98H-1; HRS §205-1; am L 1975, c 193, §2; am L 1976, c 43, §1; gen ch 1985; am L 1987, c 336, §7; am L 1990, c 293, §8; gen ch 1993; am L 2006, c 296, §1]

Note

The 2006 amendment effective on July 10, 2006, applies to next vacancy on commission. L 2006, c 296, §3.

Cross References

Commission placed in department of business, economic development, and tourism, see §26-18.

Commissions, generally, see §26-34.

§205-2 Districting and classification of lands. (a) There shall be four major land use districts in which all lands in the State shall be placed: urban, rural, agricultural, and conservation. The land use commission shall group contiguous land areas suitable for inclusion in one of these four major districts. The commission shall set standards for determining the boundaries of each district, provided that:

(1) In the establishment of boundaries of urban districts those lands that are now in urban use and a sufficient reserve area for foreseeable urban growth shall be included;

(2) In the establishment of boundaries for rural districts, areas of land composed primarily of small farms mixed with very low density residential lots, which may be shown by a minimum density of not more than one house per one-half acre and a minimum lot size of not less than one-half acre shall be included, except as herein provided;

(3) In the establishment of the boundaries of agricultural districts the greatest possible protection shall be given to those lands with a high capacity for intensive cultivation; and

(4) In the establishment of the boundaries of conservation districts, the "forest and water reserve zones" provided in Act 234, section 2, Session Laws of Hawaii 1957, are renamed "conservation districts" and, effective as of July 11, 1961, the boundaries of the forest and water reserve zones theretofore established pursuant to Act 234, section 2, Session Laws of Hawaii 1957, shall constitute the boundaries of the conservation districts; provided that thereafter the power to determine the boundaries of the conservation districts shall be in the commission.

In establishing the boundaries of the districts in each county, the commission shall give consideration to the master plan or general plan of the county.

(b) Urban districts shall include activities or uses as provided by ordinances or regulations of the county within which the urban district is situated.

(c) Rural districts shall include activities or uses as characterized by low density residential lots of not more than one dwelling house per one-half acre, except as provided by county ordinance pursuant to section 46-4(c), in areas where "city-like" concentration of people, structures, streets, and urban level of services are absent, and where small farms are intermixed with low density residential lots except that within a subdivision, as defined in section 484-1, the commission for good cause may allow one lot of less than one-half acre**,** but not less than 18**,**500 square feet, or an equivalent residential density, within a rural subdivision and permit the construction of one dwelling on such lot, provided that all other dwellings in the subdivision shall have a minimum lot size of one-half acre or 21,780 square feet. Such petition for variance may be processed under the special permit procedure. These districts may include contiguous areas which are not suited to low density residential lots or small farms by reason of topography, soils, and other related characteristics. Rural districts shall also include golf courses, golf driving ranges, and golf-related facilities.

(d) Agricultural districts shall include:

(1) Activities or uses as characterized by the cultivation of crops, crops for bioenergy, orchards, forage, and forestry;

(2) Farming activities or uses related to animal husbandry, and game and fish propagation;

(3) Aquaculture, which means the production of aquatic plant and animal life within ponds and other bodies of water;

(4) Wind generated energy production for public, private, and commercial use;

(5) Biofuel production as described in section 205-4.5(a)(15) for public, private, and commercial use;

(6) Bona fide agricultural services and uses that support the agricultural activities of the fee or leasehold owner of the property and accessory to any of the above activities, whether or not conducted on the same premises as the agricultural activities to which they are accessory, including but not limited to farm dwellings as defined in section 205-4.5(a)(4), employee housing, farm buildings, mills, storage facilities, processing facilities, vehicle and equipment storage areas, roadside stands for the sale of products grown on the premises, and plantation community subdivisions as defined in section 205-4.5(a)(12);

(7) Wind machines and wind farms;

(8) Small-scale meteorological, air quality, noise, and other scientific and environmental data collection and monitoring facilities occupying less than one-half acre of land; provided that these facilities shall not be used as or equipped for use as living quarters or dwellings;

(9) Agricultural parks;

(10) Agricultural tourism conducted on a working farm, or a farming operation as defined in section 165-2, for the enjoyment, education, or involvement of visitors; provided that the agricultural tourism activity is accessory and secondary to the principal agricultural use and does not interfere with surrounding farm operations; and provided further that this paragraph shall apply only to a county that has adopted ordinances regulating agricultural tourism under section 205-5; and

(11) Open area recreational facilities.

Agricultural districts shall not include golf courses and golf driving ranges, except as provided in section 205-4.5(d). Agricultural districts include areas that are not used for, or that are not suited to, agricultural and ancillary activities by reason of topography, soils, and other related characteristics.

(e) Conservation districts shall include areas necessary for protecting watersheds and water sources; preserving scenic and historic areas; providing park lands, wilderness, and beach reserves; conserving indigenous or endemic plants, fish, and wildlife, including those which are threatened or endangered; preventing floods and soil erosion; forestry; open space areas whose existing openness, natural condition, or present state of use, if retained, would enhance the present or potential value of abutting or surrounding communities, or would maintain or enhance the conservation of natural or scenic resources; areas of value for recreational purposes; other

related activities; and other permitted uses not detrimental to a multiple use conservation concept. [L 1963, c 205, pt of §2; Supp, §98H-2; HRS §205-2; am L 1969, c 182, §5; am L 1975, c 193, §3; am L 1977, c 140, §1 and c 163, §1; am L 1980, c 24, §2; am L 1985, c 298, §2; am L 1987, c 82, §3; am L 1989, c 5, §2; am L 1991, c 191, §1 and c 281, §2; am L 1995, c 69, §8; am L 2005, c 205, §2; am L 2006, c 237, §3 and c 250, §1; am L 2007, c 159, §2]

Cross References

Districts, generally, see chapter 4.

Attorney General Opinions

Uses within agricultural districts. Att. Gen. Op. 62-33, 62-38.

Dwellings permissible under this section are further defined by regulations established under §205-7. Att. Gen. Op. 75-8.

Law Journals and Reviews

Avoiding the Next Hokuli'a: The Debate over Hawai'i's Agricultural Subdivisions. 27 UH L. Rev. 441.

§205-3 Retention of district boundaries. Land use district boundaries existing as of June 2, 1975, shall continue in full force and effect subject to amendment as provided in this chapter or order of a court of competent jurisdiction based upon any litigation filed prior to July 1, 1975, or filed within thirty days after service of a certified copy of any final decision and order made as part of the commission's 1974 periodic boundary review, whichever occurs later. [L 1963, c 205, pt of §2; Supp, §98H-3; am L 1975, c 193, §4; HRS §205-3]

Revision Note

"June 2, 1975" substituted for "the effective date of this Act".

Attorney General Opinions

Statute contemplates and authorizes changes in classification as originally proposed and as finally adopted, and to require new notice and hearing whenever there is any change is too burdensome. Att. Gen. Op. 71-2.

§205-3.1 Amendments to district boundaries. (a) District boundary amendments involving lands in the conservation district, land areas greater than fifteen acres, or lands delineated as important agricultural lands shall be processed by the land use commission pursuant to section 205-4.

(b) Any department or agency of the State, and department or agency of the county in which the land is situated, or any person with a property interest in the land sought to be reclassified may petition the appropriate county land use decision-making authority of the county

in which the land is situated for a change in the boundary of a district involving lands less than fifteen acres presently in the rural and urban districts and lands less than fifteen acres in the agricultural district that are not designated as important agricultural lands.

(c) District boundary amendments involving land areas of fifteen acres or less, except as provided in subsection (b), shall be determined by the appropriate county land use decision-making authority for the district and shall not require consideration by the land use commission pursuant to section 205-4; provided that such boundary amendments and approved uses are consistent with this chapter. The appropriate county land use decision-making authority may consolidate proceedings to amend state land use district boundaries pursuant to this subsection, with county proceedings to amend the general plan, development plan, zoning of the affected land, or such other proceedings. Appropriate ordinances and rules to allow consolidation of such proceedings may be developed by the county land use decision-making authority.

(d) The county land use decision-making authority shall serve a copy of the application for a district boundary amendment to the land use commission and the department of business, economic development, and tourism and shall notify the commission and the department of the time and place of the hearing and the proposed amendments scheduled to be heard at the hearing. A change in the state land use district boundaries pursuant to this subsection shall become effective on the day designated by the county land use decision-making authority in its decision. Within sixty days of the effective date of any decision to amend state land use district boundaries by the county land use decision-making authority, the decision and the description and map of the affected property shall be transmitted to the land use commission and the department of business, economic development, and tourism by the county planning director. [L 1985, c 230, §3; am L 1987, c 336, §7; am L 1990, c 293, §8; am L 2005, c 183, §3]

Law Journals and Reviews

"Urban Type Residential Communities in the Guise of Agricultural Subdivisions:" Addressing an Impermissible Use of Hawai'i's Agricultural District. 25 UH L. Rev. 199.

Case Notes

As section required county review of developer's 14.5 acre change of zone request, trial court did not err in concluding that county council properly approved developer's boundary amendment. 91 H. 94, 979 P.2d 1120.

§205-4 Amendments to district boundaries involving land areas greater than fifteen acres. (a) Any department or agency of the State, any department or agency of the county in which the land is situated, or any person with a property interest in the land sought to be reclassified, may petition the land use commission for a change in the boundary of a district. This section applies to all petitions for changes in district boundaries of lands within conservation districts, lands designated or sought to be designated as important agricultural lands, and lands greater than fifteen acres in the agricultural, rural, and urban districts, except as provided in section 201H-38. The land use commission shall adopt rules pursuant to chapter 91 to implement section 201H-38.

(b) Upon proper filing of a petition pursuant to subsection (a) the commission shall, within not less than sixty and not more than one hundred and eighty days, conduct a hearing on the appropriate island in accordance with the provisions of sections 91-9, 91-10, 91-11, 91-12, and 91-13, as applicable.

(c) Any other provision of law to the contrary notwithstanding, notice of the hearing together with a copy of the petition shall be served on the county planning commission and the county planning department of the county in which the land is located and all persons with a property interest in the land as recorded in the county's real property tax records. In addition, notice of the hearing shall be mailed to all persons who have made a timely written request for advance notice of boundary amendment proceedings, and public notice shall be given at least once in the county in which the land sought to be redistricted is situated as well as once statewide at least thirty days in advance of the hearing. The notice shall comply with section 91-9, shall indicate the time and place that maps showing the proposed district boundary may be inspected, and further shall inform all interested persons of their rights under subsection (e).

(d) Any other provisions of law to the contrary notwithstanding, prior to hearing of a petition the commission and its staff may view and inspect any land which is the subject of the petition.

(e) Any other provisions of law to the contrary notwithstanding, agencies and persons may intervene in the proceedings in accordance with this subsection.

(1) The petitioner, the office of planning, and the county planning department shall in every case appear as parties and make recommendations relative to the proposed boundary change.

(2) All departments and agencies of the State and of the county in which the land is situated shall be admitted as parties upon timely application for intervention.

(3) All persons who have some property interest in the land, who lawfully reside on the land, or who otherwise can demonstrate that they will be so directly and immediately affected by the proposed change that their interest in the proceeding is clearly distinguishable from that of the general public shall be admitted as parties upon timely application for intervention.

(4) All other persons may apply to the commission for leave to intervene as parties. Leave to intervene shall be freely granted, provided that the commission or its hearing officer if one is appointed may deny an application to intervene when in the commission's or hearing officer's sound discretion it appears that: (A) the position of the applicant for intervention concerning the proposed change is substantially the same as the position of a party already admitted to the proceeding; and (B) the admission of additional parties will render the proceedings inefficient and unmanageable. A person whose application to intervene is denied may appeal such denial to the circuit court pursuant to section 91-14.

(5) The commission shall pursuant to chapter 91 adopt rules governing the intervention of agencies and persons under this subsection. Such rules shall without limitation establish: (A) the information to be set forth in any application

for intervention; (B) time limits within which such applications shall be filed; and (C) reasonable filing fees to accompany such applications.

(f) Together with other witnesses that the commission may desire to hear at the hearing, it shall allow a representative of a citizen or a community group to testify who indicates a desire to express the view of such citizen or community group concerning the proposed boundary change.

(g) Within a period of not more than three hundred sixty- five days after the proper filing of a petition, unless otherwise ordered by a court, or unless a time extension, which shall not exceed ninety days, is established by a two-thirds vote of the members of the commission, the commission, by filing findings of fact and conclusions of law, shall act to approve the petition, deny the petition, or to modify the petition by imposing conditions necessary to uphold the intent and spirit of this chapter or the policies and criteria established pursuant to section 205-17 or to assure substantial compliance with representations made by the petitioner in seeking a boundary change. The commission may provide by condition that absent substantial commencement of use of the land in accordance with such representations, the commission shall issue and serve upon the party bound by the condition an order to show cause why the property should not revert to its former land use classification or be changed to a more appropriate classification. Such conditions, if any, shall run with the land and be recorded in the bureau of conveyances.

(h) No amendment of a land use district boundary shall be approved unless the commission finds upon the clear preponderance of the evidence that the proposed boundary is reasonable, not violative of section 205-2 and part III of this chapter, and consistent with the policies and criteria established pursuant to sections 205-16 and 205-17. Six affirmative votes of the commission shall be necessary for any boundary amendment under this section.

(i) Parties to proceedings to amend land use district boundaries may obtain judicial review thereof in the manner set forth in section 91-14, provided that the court may also reverse or modify a finding of the commission if such finding appears to be contrary to the clear preponderance of the evidence.

(j) At the hearing, all parties may enter into appropriate stipulations as to findings of fact, conclusions of law, and conditions of reclassification concerning the proposed boundary change. The commission may but shall not be required to approve such stipulations based on the evidence adduced. [L 1963, c 205, pt of §2; am L 1965, c 32, §2; Supp, §98H-4; HRS §205-4; am L 1972, c 187, §2; am L 1975, c 193, §5; am L 1976, c 4, §1; am L 1985, c 230, §4; am L 1986, c 93, §1; am L 1987, c 336, §7; am L 1988, c 352, §2; am L 1989, c 261, §10; am L 1990, c 261, §1; am L 1995, c 235, §1; am L 1996, c 299, §3; am L 1997, c 350, §15; am L 1998, c 2, §60; am L 2005, c 183, §4; am L 2007, c 249, §15]

Attorney General Opinions

The commission may be empowered to impose conditions on reclassifications and to impose sanctions for violation of the conditions, and the conditions may be made to run with the land. Att. Gen. Op. 72-8.

Proposal to subdivide agricultural land into agriculturally unfeasible small lots would violate intent of chapter. Att. Gen. Op. 75-8.

Law Journals and Reviews

"Urban Type Residential Communities in the Guise of Agricultural Subdivisions:" Addressing an Impermissible Use of Hawai'i's Agricultural District. 25 UH L. Rev. 199.

Case Notes

Proceeding for amendment to boundaries challenged by adjoining landowner is a contested case within meaning of §91-1(5). 55 H. 538, 524 P.2d 84.

Provision that commission shall render decision within forty-five and ninety days after the public hearing is mandatory and decision rendered after the time period is void. 55 H. 538, 524 P.2d 84.

The adoption or amendment of boundaries is not a rule-making process within meaning of §91-1(4). 55 H. 538, 524 P.2d 84.

Person entitled under prior law to petition for change in boundary. 57 H. 84, 549 P.2d 737.

Where landlord seeks to evict tenants who exercise their rights to appear and testify at a public hearing, defense of retaliatory eviction is available. 59 H. 104, 577 P.2d 326.

Commission rules re intervention and "final order" for purposes of appeal, construed. 63 H. 529, 631 P.2d 588.

Proposal for recreational theme park on agricultural land was more properly the subject of a boundary amendment under this section, rather than a special permit. 64 H. 265, 639 P.2d 1079.

§205-4.1 Fees. The commission may establish reasonable fees for the filing of boundary amendment petitions and petitions for intervention to cover the cost of processing thereof and for the reproduction of maps and documents. The commission also may assess a reasonable fee or require reimbursements to be made for court reporter expenses, the inexcusable absence of a party from a boundary amendment proceeding, and any other reimbursements for hearing expenses as determined by the commission. Any fees collected shall be deposited to the credit of the general fund. [L 1983, c 49, §2; am L 1999, c 260, §1]

§205-4.5 Permissible uses within the agricultural districts. (a) Within the agricultural district, all lands with soil classified by the land study bureau's detailed land classification as overall (master) productivity rating class A or B shall be restricted to the following permitted uses:

(1) Cultivation of crops, including but not limited to crops for bioenergy, flowers, vegetables, foliage, fruits, forage, and timber;

(2) Game and fish propagation;

(3) Raising of livestock, including but not limited to poultry, bees, fish, or other animal or aquatic life that are propagated for economic or personal use;

(4) Farm dwellings, employee housing, farm buildings, or activities or uses related to farming and animal husbandry. "Farm dwelling", as used in this paragraph, means a single-family dwelling located on and used in connection with a farm, including clusters of single-family farm dwellings permitted within agricultural parks developed by the State, or where agricultural activity provides income to the family occupying the dwelling;

(5) Public institutions and buildings that are necessary for agricultural practices;

(6) Public and private open area types of recreational uses, including day camps, picnic grounds, parks, and riding stables, but not including dragstrips, airports, drive-in theaters, golf courses, golf driving ranges, country clubs, and overnight camps;

(7) Public, private, and quasi-public utility lines and roadways, transformer stations, communications equipment buildings, solid waste transfer stations, major water storage tanks, and appurtenant small buildings such as booster pumping stations, but not including offices or yards for equipment, material, vehicle storage, repair or maintenance, treatment plants, corporation yards, or other similar structures;

(8) Retention, restoration, rehabilitation, or improvement of buildings or sites of historic or scenic interest;

(9) Roadside stands for the sale of agricultural products grown on the premises;

(10) Buildings and uses, including but not limited to mills, storage, and processing facilities, maintenance facilities, and vehicle and equipment storage areas that are normally considered directly accessory to the above mentioned uses and are permitted under section 205-2(d);

(11) Agricultural parks;

(12) Plantation community subdivisions, which as used in this paragraph means a subdivision or cluster of employee housing, community buildings, and acreage established on land currently or formerly owned, leased, or operated by a sugar or pineapple plantation and in residential use by employees or former employees of the plantation; provided that the employees or former employees shall have a property interest in the land;

(13) Agricultural tourism conducted on a working farm, or a farming operation as defined in section 165-2, for the enjoyment, education, or involvement of visitors; provided that the agricultural tourism activity is accessory and secondary to the principal agricultural use and does not interfere with surrounding farm operations; and provided further that this paragraph shall apply only to a county that has adopted ordinances regulating agricultural tourism under section 205-5;

(14) Wind energy facilities, including the appurtenances associated with the production and transmission of wind generated energy; provided that the wind energy facilities and appurtenances are compatible with agriculture uses and cause minimal adverse impact on agricultural land;

(15) Biofuel processing facilities, including the appurtenances associated with the production and refining of biofuels that is normally considered directly accessory

and secondary to the growing of the energy feedstock; provided that biofuels processing facilities and appurtenances do not adversely impact agricultural land and other agricultural uses in the vicinity.

For the purposes of this paragraph:

"Appurtenances" means operational infrastructure of the appropriate type and scale for economic commercial storage and distribution, and other similar handling of feedstock, fuels, and other products of biofuels processing facilities.

"Biofuel processing facility" means a facility that produces liquid or gaseous fuels from organic sources such as biomass crops, agricultural residues, and oil crops, including palm, canola, soybean, and waste cooking oils; grease; food wastes; and animal residues and wastes that can be used to generate energy[; or]

(16) Construction and operation of wireless communication antennas; provided that, for the purposes of this paragraph, "wireless communication antenna" means communications equipment that is either freestanding or placed upon or attached to an already existing structure and that transmits and receives electromagnetic radio signals used in the provision of all types of wireless communications services; provided further that nothing in this paragraph shall be construed to permit the construction of any new structure that is not deemed a permitted use under this subsection.

(b) Uses not expressly permitted in subsection (a) shall be prohibited, except the uses permitted as provided in sections 205-6 and 205-8, and construction of single-family dwellings on lots existing before June 4, 1976. Any other law to the contrary notwithstanding, no subdivision of land within the agricultural district with soil classified by the land study bureau's detailed land classification as overall (master) productivity rating class A or B shall be approved by a county unless those A and B lands within the subdivision are made subject to the restriction on uses as prescribed in this section and to the condition that the uses shall be primarily in pursuit of an agricultural activity.

Any deed, lease, agreement of sale, mortgage, or other instrument of conveyance covering any land within the agricultural subdivision shall expressly contain the restriction on uses and the condition, as prescribed in this section that these restrictions and conditions shall be encumbrances running with the land until such time that the land is reclassified to a land use district other than agricultural district.

If the foregoing requirement of encumbrances running with the land jeopardizes the owner or lessee in obtaining mortgage financing from any of the mortgage lending agencies set forth in the following paragraph, and the requirement is the sole reason for failure to obtain mortgage financing, then the requirement of encumbrances shall, insofar as such mortgage financing is jeopardized, be conditionally waived by the appropriate county enforcement officer; provided that the conditional waiver shall become effective only in the event that the property is subjected to foreclosure proceedings by the mortgage lender.

The mortgage lending agencies referred to in the preceding paragraph are the Federal Housing Administration, Federal National Mortgage Association, Veterans Administration,

Small Business Administration, United States Department of Agriculture, Federal Land Bank of Berkeley, Federal Intermediate Credit Bank of Berkeley, Berkeley Bank for Cooperatives, and any other federal, state, or private mortgage lending agency qualified to do business in Hawaii, and their respective successors and assigns.

(c) Within the agricultural district, all lands with soil classified by the land study bureau's detailed land classification as overall (master) productivity rating class C, D, E, or U shall be restricted to the uses permitted for agricultural districts as set forth in section 205-5(b).

(d) Notwithstanding any other provision of this chapter to the contrary, golf courses and golf driving ranges approved by a county before July 1, 2005, for development within the agricultural district shall be permitted uses within the agricultural district.

(e) Notwithstanding any other provision of this chapter to the contrary, plantation community subdivisions as defined in this section shall be permitted uses within the agricultural district, and section 205-8 shall not apply.

(f) Notwithstanding any other law to the contrary, agricultural lands may be subdivided and leased for the agricultural uses or activities permitted in subsection (a); provided that:

(1) The principal use of the leased land is agriculture;

(2) No permanent or temporary dwellings or farm dwellings, including trailers and campers, are constructed on the leased area. This restriction shall not prohibit the construction of storage sheds, equipment sheds, or other structures appropriate to the agricultural activity carried on within the lot; and

(3) The lease term for a subdivided lot shall be for at least as long as the greater of:

(A) The minimum real property tax agricultural dedication period of the county in which the subdivided lot is located; or

(B) Five years.

Lots created and leased pursuant to this section shall be legal lots of record for mortgage lending purposes and shall be exempt from county subdivision standards. [L 1976, c 199, §1; am L 1977, c 136, §1; am L 1980, c 24, §3; am L 1982, c 217, §1; am L 1991, c 281, §3; am L 1997, c 258, §11; am L 2005, c 205, §3; am L 2006, c 237, §4, c 250, §2, and c 271, §1; am L 2007, c 159, §3 and c 171, §1]

Law Journals and Reviews

Avoiding the Next Hokuli'a: The Debate over Hawai'i's Agricultural Subdivisions. 27 UH L. Rev. 441.

Case Notes

Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA), assuming it was constitutional, did not facially invalidate Hawaii's land use law, where plaintiffs challenged this section and §205-6 to the extent the sections required a religious organization to obtain a special use permit, as violations of the "equal terms" and "nondiscrimination" provisions of the RLUIPA. 229 F. Supp. 2d 1056.

"Communications equipment buildings" and "utility lines" in subsection (a)(7) do not encompass "telecommunications antennas" or "transmission antennas" such as a cellular telephone tower; public utility thus had to apply for a special permit under §205-6 to place the tower in a state agricultural district. 90 H. 384, 978 P.2d 822.

Under subsection (a)(4) and (10), a chimney and garage are permitted as accessories to a farm dwelling; however, utilizing the chimney to conceal an antenna and the garage to house communication equipment were not permitted uses under either paragraph (4) or (10). 106 H. 343, 104 P.3d 930.

Under the circumstances of the case, the residence and the chimney with the concealed antenna constituted a "communications equipment building" and, thus, were permitted uses under subsection (a)(7); also, as the garage was not abnormally large and was designed specifically to store the communications equipment for the concealed antenna, utilizing the permitted garage structure to house the communications equipment for the antenna was a permitted use under subsection (a)(7). 106 H. 343, 104 P.3d 930.

§205-4.6 Private restrictions on agricultural uses and activities; not allowed. Agricultural uses and activities as defined in sections 205-2(d) and 205-4.5(a) on lands classified as agricultural shall not be restricted by any private agreement contained in any deed, agreement of sale, or other conveyance of land recorded in the bureau of conveyances after July 8, 2003, that subject such agricultural lands to any servitude, including but not limited to covenants, easements, or equitable and reciprocal negative servitudes. Any such private restriction limiting or prohibiting agricultural use or activity shall be voidable, subject to special restrictions enacted by the county ordinance pursuant to section 46-4; except that restrictions taken to protect environmental or cultural resources, agricultural leases, utility easements, and access easements shall not be subject to this section.

For purposes of this section, "agricultural leases" means leases where the leased land is primarily utilized for purposes set forth in section 205-4.5(a). [L Sp 2003, c 5, §2; am L 2004, c 170, §1]

Law Journals and Reviews

"Urban Type Residential Communities in the Guise of Agricultural Subdivisions:" Addressing an Impermissible Use of Hawai'i's Agricultural District. 25 UH L. Rev. 199.

§205-5 Zoning. (a) Except as herein provided, the powers granted to counties under section 46-4 shall govern the zoning within the districts, other than in conservation districts. Conservation districts shall be governed by the department of land and natural resources pursuant to chapter 183C.

(b) Within agricultural districts, uses compatible to the activities described in section 205-2 as determined by the commission shall be permitted; provided that accessory agricultural uses and services described in sections 205-2 and 205-4.5 may be further defined by each county by zoning ordinance. Each county shall adopt ordinances setting forth procedures and requirements, including provisions for enforcement, penalties, and administrative oversight, for the review and permitting of agricultural tourism uses and activities as an accessory use on a

working farm, or farming operation as defined in section 165-2; provided that agricultural tourism activities shall not be permissible in the absence of a bona fide farming operation. Ordinances shall include but not be limited to:

(1) Requirements for access to a farm, including road width, road surface, and parking;

(2) Requirements and restrictions for accessory facilities connected with the farming operation, including gift shops and restaurants; provided that overnight accommodations shall not be permitted;

(3) Activities that may be offered by the farming operation for visitors;

(4) Days and hours of operation; and

(5) Automatic termination of the accessory use upon the cessation of the farming operation.

Each county may require an environmental assessment under chapter 343 as a condition to any agricultural tourism use and activity. Other uses may be allowed by special permits issued pursuant to this chapter. The minimum lot size in agricultural districts shall be determined by each county by zoning ordinance, subdivision ordinance, or other lawful means; provided that the minimum lot size for any agricultural use shall not be less than one acre, except as provided herein. If the county finds that unreasonable economic hardship to the owner or lessee of land cannot otherwise be prevented or where land utilization is improved, the county may allow lot sizes of less than the minimum lot size as specified by law for lots created by a consolidation of existing lots within an agricultural district and the resubdivision thereof; provided that the consolidation and resubdivision do not result in an increase in the number of lots over the number existing prior to consolidation; and provided further that in no event shall a lot which is equal to or exceeds the minimum lot size of one acre be less than that minimum after the consolidation and resubdivision action. The county may also allow lot sizes of less than the minimum lot size as specified by law for lots created or used for plantation community subdivisions as defined in section 205-4.5(a)(12), for public, private, and quasi-public utility purposes, and for lots resulting from the subdivision of abandoned roadways and railroad easements.

(c) Unless authorized by special permit issued pursuant to this chapter, only the following uses shall be permitted within rural districts:

(1) Low density residential uses;

(2) Agricultural uses;

(3) Golf courses, golf driving ranges, and golf-related facilities; and

(4) Public, quasi-public, and public utility facilities.

In addition, the minimum lot size for any low density residential use shall be one-half acre and there shall be but one dwelling house per one-half acre, except as provided for in section 205-2. [L 1963, c 205, pt of §2; Supp, §98H-5; HRS §205-5; am L 1969, c 232, §1; am L 1977, c 140, §2; am L 1978, c 165, §1; am L 1991, c 281, §4; am L 1994, c 270, §2; am L 2005, c 205, §4; am L 2006, c 237, §5 and c 250, §3]

Attorney General Opinions

Minimum lot size in agricultural districts. Att. Gen. Op. 62-33.

Cited in opinion that enforcement of land uses in conservation districts lies with department of land and natural resources, and not with counties. Att. Gen. Op. 70-22.

Law Journals and Reviews

"Urban Type Residential Communities in the Guise of Agricultural Subdivisions:" Addressing an Impermissible Use of Hawai'i's Agricultural District. 25 UH L. Rev. 199.

§205-5.1 Geothermal resource subzones. (a) Geothermal resource subzones may be designated within the urban, rural, agricultural, and conservation land use districts established under section 205-2. Only those areas designated as geothermal resource subzones may be utilized for geothermal development activities in addition to those uses permitted in each land use district under this chapter. Geothermal development activities may be permitted within urban, rural, agricultural, and conservation land use districts in accordance with this chapter. "Geothermal development activities" means the exploration, development, or production of electrical energy from geothermal resources and direct use applications of geothermal resources; provided that within the urban, rural, and agricultural land use districts, direct use applications of geothermal resources are permitted both within and outside of areas designated as geothermal resource subzones pursuant to section 205-5.2 if such direct use applications are in conformance with all other applicable state and county land use regulations and are in conformance with this chapter.

(b) The board of land and natural resources shall have the responsibility for designating areas as geothermal resource subzones as provided under section 205-5.2; except that the total area within an agricultural district which is the subject of a geothermal mining lease approved by the board of land and natural resources, any part or all of which area is the subject of a special use permit issued by the county for geothermal development activities, on or before May 25, 1984, is designated as a geothermal resource subzone for the duration of the lease. The designation of geothermal resource subzones shall be governed exclusively by this section and section 205-5.2, except as provided therein. The board shall adopt, amend, or repeal rules related to its authority to designate and regulate the use of geothermal resource subzones in the manner provided under chapter 91.

The authority of the board to designate geothermal resource subzones shall be an exception to those provisions of this chapter and of section 46-4 authorizing the land use commission and the counties to establish and modify land use districts and to regulate uses therein. The provisions of this section shall not abrogate nor supersede the provisions of chapters 182, 183, and 183C.

(c) The use of an area for geothermal development activities within a geothermal resource subzone shall be governed by the board within the conservation district and, except as herein provided, by state and county statutes, ordinances, and rules not inconsistent herewith within agricultural, rural, and urban districts, except that no land use commission approval or special use permit procedures under section 205-6 shall be required for the use of such subzones.

In the absence of provisions in the county general plan and zoning ordinances specifically relating to the use and location of geothermal development activities in an agricultural, rural, or urban district, the appropriate county authority may issue a geothermal resource permit to allow geothermal development activities. "Appropriate county authority" means the county planning commission unless some other agency or body is designated by ordinance of the county council. Such uses as are permitted by county general plan and zoning ordinances, by the appropriate county authority, shall be deemed to be reasonable and to promote the effectiveness and objectives of this chapter. Chapters 177, 178, 182, 183, 183C, 205A, 226, 342, and 343 shall apply as appropriate. If provisions in the county general plan and zoning ordinances specifically relate to the use and location of geothermal development activities in an agricultural, rural, or urban district, the provisions shall require the appropriate county authority to conduct a public hearing on any application for a geothermal resource permit to determine whether the use is in conformity with the criteria specified in subsection (e) for granting geothermal resource permits; provided that within the urban, rural, and agricultural land use districts, direct use applications of geothermal resources are permitted without any application for a geothermal resource permit both within and outside of areas designated as geothermal resource subzones pursuant to section 205-5.2 if such direct use applications are in conformance with all other applicable state and county land use regulations and are in conformance with this chapter.

(d) If geothermal development activities are proposed within a conservation district, with an application with all required data, the board of land and natural resources shall conduct a public hearing and, upon appropriate request for mediation from any party who submitted comment at the public hearing, the board shall appoint a mediator within five days. The board shall require the parties to participate in mediation. The mediator shall not be a member of the board or its staff. The mediation period shall not extend beyond thirty days after the date mediation started, except by order of the board. Mediation shall be confined to the issues raised at the public hearing by the party requesting mediation. The mediator will submit a written recommendation to the board, based upon any mediation agreement reached between the parties for consideration by the board in its final decision. If there is no mediation agreement, the board may have a second public hearing to receive additional comment related to the mediation issues. Within ten days after the second public hearing, the board may receive additional written comment on the issues raised at the second public hearing from any party.

The board shall consider the comments raised at the second hearing before rendering its final decision. The board shall then determine whether, pursuant to board rules, a conservation district use permit shall be granted to authorize the geothermal development activities described in the application. The board shall grant a conservation district use permit if it finds that the applicant has demonstrated that:

(1) The desired uses would not have unreasonable adverse health, environmental, or socio-economic effects on residents or surrounding property; and

(2) The desired uses would not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, and police and fire protection; or

(3) There are reasonable measures available to mitigate the unreasonable adverse effects or burdens referred to above.

A decision shall be made by the board within six months of the date a complete application was filed; provided that the time limit may be extended by agreement between the applicant and the board.

(e) If geothermal development activities are proposed within agricultural, rural, or urban districts and such proposed activities are not permitted uses pursuant to county general plan and zoning ordinances, then after receipt of a properly filed and completed application, including all required supporting data, the appropriate county authority shall conduct a public hearing. Upon appropriate request for mediation from any party who submitted comment at the public hearing, the county authority shall appoint a mediator within five days. The county authority shall require the parties to participate in mediation. The mediator shall not be an employee of any county agency or its staff. The mediation period shall not extend beyond thirty days after mediation started, except by order of the county authority. Mediation shall be confined to the issues raised at the public hearing by the party requesting mediation. The mediator will submit a written recommendation to the county authority, based upon any mediation agreement reached between the parties for consideration by the county authority in its final decision. If there is no mediation agreement, the county authority may have a second public hearing to receive additional comment related to the mediation issues. Within ten days after the second public hearing, the county authority may receive additional written comment on the issues raised at the second public hearing from any party.

The county authority shall consider the comments raised at the second hearing before rendering its final decision. The county authority shall then determine whether a geothermal resource permit shall be granted to authorize the geothermal development activities described in the application. The appropriate county authority shall grant a geothermal resource permit if it finds that applicant has demonstrated that:

(1) The desired uses would not have unreasonable adverse health, environmental, or socio-economic effects on residents or surrounding property;

(2) The desired uses would not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, and police and fire protection; and

(3) That there are reasonable measures available to mitigate the unreasonable adverse effects or burdens referred to above.

Unless there is a mutual agreement to extend, a decision shall be made on the application by the appropriate county authority within six months of the date a complete application was filed; provided that the time limit may be extended by agreement between the applicant and the appropriate county authority.

(f) Requests for mediation shall be received by the board or county authority within five days after the close of the initial public hearing. Within five days thereafter, the board or county authority shall appoint a mediator. Any person submitting an appropriate request for mediation shall be notified by the board or county authority of the date, time, and place of the mediation conference by depositing such notice in the mail to the return address stated on the request for mediation. The notice shall be mailed no later than ten days before the start of the mediation conference. The conference shall be held on the island where the public hearing is held.

(g) Any decision made by an appropriate county authority or the board pursuant to a public hearing or hearings under this section may be appealed directly on the record to the intermediate appellate court for final decision and shall not be subject to a contested case hearing. Sections 91-14(b) and (g) shall govern the appeal, notwithstanding the lack of a contested case hearing on the matter. The appropriate county authority or the board shall provide a court reporter to produce a transcript of the proceedings at all public hearings under this section for purposes of an appeal.

(h) For the purposes of an appeal from a decision from a public hearing, the record shall include:

(1) The application for the permit and all accompanying supporting documents, including but not limited to: reports, studies, affidavits, statements, and exhibits.

(2) Staff recommendations submitted to the members of the agency in consideration of the application.

(3) Oral and written public testimony received at the public hearings.

(4) Written transcripts of the proceedings at the public hearings.

(5) The written recommendation received by the agency from the mediator with any mediation agreement.

(6) A statement of relevant matters noticed by the agency members at the public hearings.

(7) The written decision of the agency issued in connection with the application and public hearings.

(8) Other documents required by the board or county authority. [L 1983, c 296, pt of §3; am L 1984, c 151, §2; am L 1985, c 226, §1; am L 1986, c 167, §1, c 187, §1, and c 290, §1; am L 1987, c 372, §§2, 3 and c 378, §1; am L 1995, c 69, §9; am L 2006, c 91, §1]

Note

Chapters 177, 178, and 342 referred to in text are repealed.

Case Notes

Constitutional even though not subject to a contested case hearing; purpose is to assist in the location of geothermal resources development in areas of the lowest potential environmental impact. 8 H. App. 183, 797 P.2d 59.

Satisfies the United States Constitution. 8 H. App. 203, 797 P.2d 69.

Aggrieved party was not barred by exhaustion of remedies doctrine from applying to court for relief where section's appeal provisions were inapplicable and no other administrative recourse was afforded. 9 H. App. 143, 827 P.2d 1149.

§205-5.2 Designation of areas as geothermal resource subzones. (a) Beginning in 1983, the board of land and natural resources shall conduct a county-by-county assessment of areas with geothermal potential for the purpose of designating geothermal resource subzones. This assessment shall be revised or updated at the discretion of the board, but at least once each five years beginning in 1988. Any property owner or person with an interest in real property wishing to have an area designated as a geothermal resource subzone may submit a petition for a geothermal resource subzone designation in the form and manner established by rules and regulations adopted by the board. An environmental impact statement as defined under chapter 343 shall not be required for the assessment of areas under this section.

(b) The board's assessment of each potential geothermal resource subzone area shall examine factors to include, but not be limited to:

(1) The area's potential for the production of geothermal energy;

(2) The prospects for the utilization of geothermal energy in the area;

(3) The geologic hazards that potential geothermal projects would encounter;

(4) Social and environmental impacts;

(5) The compatibility of geothermal development and potential related industries with present uses of surrounding land and those uses permitted under the general plan or land use policies of the county in which the area is located;

(6) The potential economic benefits to be derived from geothermal development and potential related industries; and

(7) The compatibility of geothermal development and potential related industries with the uses permitted under chapter 183C and section 205-2, where the area falls within a conservation district.

In addition, the board shall consider, if applicable, objectives, policies, and guidelines set forth in part I of chapter 205A, and chapter 226.

(c) Methods for assessing the factors in subsection (b) shall be left to the discretion of the board and may be based on currently available public information.

(d) After the board has completed a county-by-county assessment of all areas with geothermal potential or after any subsequent update or review, the board shall compare all areas showing geothermal potential within each county, and shall propose areas for potential designation as geothermal resource subzones based upon a preliminary finding that the areas are those sites which best demonstrate an acceptable balance between the factors set forth in subsection (b). Once a proposal is made, the board shall conduct public hearings pursuant to this subsection, notwithstanding any contrary provision related to public hearing procedures. Contested case procedures are not applicable to these hearings.

(1) Hearings shall be held at locations which are in close proximity to those areas proposed for designation. A public notice of hearing, including a description of the proposed areas, an invitation for public comment, and a statement of the date, time, and place where persons may be heard shall be given and mailed no less than twenty days before the hearing. The notice shall be given on three separate days statewide and in the county in which the hearing is to be held. Copies of the

notice shall be mailed to the department of business, economic development, and tourism, to the planning commission and planning department of the county in which the proposed areas are located, and to all owners of record of real estate within, and within one thousand feet of, the area being proposed for designation as a geothermal resource subzone. The notification shall be mailed to the owners and addresses as shown on the current real property tax rolls at the county real property tax office. Upon that action, the requirement for notification of owners of land is completed. For the purposes of this subsection, notice to one co-owner shall be sufficient notice to all co-owners;

(2) The hearing shall be held before the board, and the authority to conduct hearings shall not be delegated to any agent or representative of the board. All persons and agencies shall be afforded the opportunity to submit data, views, and arguments either orally or in writing. The department of business, economic development, and tourism and the county planning department shall be permitted to appear at every hearing and make recommendations concerning each proposal by the board; and

(3) At the close of the hearing, the board may designate areas as geothermal resource subzones or announce the date on which it will render its decision. The board may designate areas as geothermal resource subzones only upon finding that the areas are those sites which best demonstrate an acceptable balance between the factors set forth in subsection (b). Upon request, the board shall issue a concise statement of its findings and the principal reasons for its decision to designate a particular area.

(e) The designation of any geothermal resource subzone may be withdrawn by the board of land and natural resources after proceedings conducted pursuant to chapter 91. The board shall withdraw a designation only upon finding by a preponderance of the evidence that the area is no longer suited for designation; provided that the designation shall not be withdrawn for areas in which active exploration, development, production or distribution of electrical energy from geothermal sources or direct use applications of geothermal resources are taking place.

(f) This Act shall not apply to any active exploration, development or production of electrical energy from geothermal sources or direct use applications of geothermal resources taking place on June 14, 1983, provided that any expansion of such activities shall be carried out in compliance with its provisions. [L 1983, c 296, pt of §3; am L 1986, c 124, §1, c 187, §2, and c 290, §2; am L 1987, c 336, §7 and c 378, §2; am L 1990, c 293, §8; am L 1995, c 11, §10 and c 69, §10; am L 1998, c 2, §61]

Note

In subsection (f) "This Act" refers to L 1983, c 296.

Case Notes

Statute sufficiently clear to comport with due process. 69 H. 255, 740 P.2d 28.

[§205-5.3] Exploratory wells. Notwithstanding section 205-5.1(a), (d), and (e), or any other provision of law, any exploratory well drilled for scientific purposes or to determine the economic viability of a geothermal resource, may be permitted outside of a designated geothermal resource subzone, regardless of land use classification, provided that the activity is limited to exploration only. All applicable state and county permits shall be required to drill such exploratory wells which shall not be exempt from the requirements of the environmental impact statement law, chapter 343. [L 1990, c 207, §2]

§205-6 Special permit. (a) Subject to this section, the county planning commission may permit certain unusual and reasonable uses within agricultural and rural districts other than those for which the district is classified. Any person who desires to use the person's land within an agricultural or rural district other than for an agricultural or rural use, as the case may be, may petition the planning commission of the county within which the person's land is located for permission to use the person's land in the manner desired. Each county may establish the appropriate fee for processing the special permit petition. Copies of the special permit petition shall be forwarded to the land use commission, the office of planning, and the department of agriculture for their review and comment.

(b) The planning commission, upon consultation with the central coordinating agency, except in counties where the planning commission is advisory only in which case the central coordinating agency, shall establish by rule or regulation, the time within which the hearing and action on petition for special permit shall occur. The county planning commission shall notify the land use commission and such persons and agencies that may have an interest in the subject matter of the time and place of the hearing.

(c) The county planning commission may, under such protective restrictions as may be deemed necessary, permit the desired use, but only when the use would promote the effectiveness and objectives of this chapter; provided that a use proposed for designated important agricultural lands shall not conflict with any part of this chapter. A decision in favor of the applicant shall require a majority vote of the total membership of the county planning commission.

(d) Special permits for land the area of which is greater than fifteen acres or for lands designated as important agricultural lands shall be subject to approval by the land use commission. The land use commission may impose additional restrictions as may be necessary or appropriate in granting the approval, including the adherence to representations made by the applicant.

(e) A copy of the decision, together with the complete record of the proceeding before the county planning commission on all special permit requests involving a land area greater than fifteen acres or for lands designated as important agricultural lands, shall be transmitted to the land use commission within sixty days after the decision is rendered.

Within forty-five days after receipt of the complete record from the county planning commission, the land use commission shall act to approve, approve with modification, or deny the petition. A denial either by the county planning commission or by the land use commission, or a modification by the land use commission, as the case may be, of the desired use shall be

appealable to the circuit court of the circuit in which the land is situated and shall be made pursuant to the Hawaii rules of civil procedure.

(f) Land uses substantially involving or supporting educational ecotourism, related to the preservation of native Hawaiian endangered, threatened, proposed, and candidate species, that are allowed in an approved habitat conservation plan under section 195D-21 or safe harbor agreement under section 195D-22, which are not identified as permissible uses within the agricultural district under sections 205-2 and 205-4.5, may be permitted in the agricultural district by special permit under this section, on lands with soils classified by the land study bureau's detailed land classification as overall (master) productivity rating class C, D, E, or U. [L 1963, c 205, pt of §2; Supp, §98H-6; HRS §205-6; am L 1970, c 136, §1; am L 1976, c 4, §2; am L 1978, c 166, §1; am L 1979, c 221, §1; gen ch 1985; am L 1998, c 237, §6; am L 2005, c 183, §5]

Rules of Court

Appeal to circuit court, see HRCP rule 72.

Attorney General Opinions

Special permits cannot be granted to authorize uses which have effect of making boundary change or creating new district. Att. Gen. Op. 63-37.

Authority of land use commission to modify permit approved by county commission discussed. Att. Gen. Op. 68-30.

Land use commission is not authorized to review county planning commission's denial of request for modification of special permit. Att. Gen. Op. 77-4.

Law Journals and Reviews

"Urban Type Residential Communities in the Guise of Agricultural Subdivisions:" Addressing an Impermissible Use of Hawai'i's Agricultural District. 25 UH L. Rev. 199.

Case Notes

Where plaintiffs alleged violations of Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA) and made other claims based on county planning commission's denial of a special use permit sought under this section: among other things, no Eleventh Amendment immunity for the county; RLUIPA, assuming it was constitutional, did not facially invalidate Hawaii's land use law; strict scrutiny test would apply in assessing county's past actions in further proceedings in the case. 229 F. Supp. 2d 1056.

Former provision requiring that a public hearing on an application for a special permit be held within one hundred twenty days was directory not mandatory. 62 H. 666, 619 P.2d 95.

Validity of attaching conditions for approval of special permit. 62 H. 666, 619 P.2d 95.

Recreational theme park on agricultural land was not "unusual and reasonable use" which would qualify for special permit. 64 H. 265, 639 P.2d 1079.

"Communications equipment buildings" and "utility lines" in §205-4.5(a)(7) do not encompass "telecommunications antennas" or "transmission antennas" such as a cellular telephone tower; public utility thus had to apply for a special permit under this section to place the tower in a state agricultural district. 90 H. 384, 978 P.2d 822.

§205-7 Adoption, amendment or repeal of rules. The land use commission shall adopt, amend or repeal rules relating to matters within its jurisdiction in the manner prescribed in chapter 91. [L 1963, c 205, pt of §2; Supp, §98H-7; HRS §205-7; am L 1975, c 193, §6]

Cross References

Administrative procedure, see chapter 91.

§205-8 Nonconforming uses. The lawful use of land or buildings existing on the date of establishment of any interim agricultural district and rural district in final form may be continued although the use, including lot size, does not conform to this chapter; provided that no nonconforming building shall be replaced, reconstructed, or enlarged or changed to another nonconforming use and no nonconforming use of land shall be expanded or changed to another nonconforming use. In addition, if any nonconforming use of land or building is discontinued or held in abeyance for a period of one year, the further continuation of such use shall be prohibited. [L 1963, c 205, pt of §2; Supp, §98H-8; HRS §205-8]

§§205-9 to 11 REPEALED. L 1975, c 193, §§7 to 9.

§205-12 Enforcement. The appropriate officer or agency charged with the administration of county zoning laws shall enforce within each county the use classification districts adopted by the land use commission and the restriction on use and the condition relating to agricultural districts under section 205-4.5 and shall report to the commission all violations. [L 1963, c 205, pt of §2; Supp, §98H-12; HRS §205-12; am L 1976, c 199, §2]

Attorney General Opinions

Counties' responsibility for enforcement includes taking necessary actions against violators; such enforcement covers all land use district classifications and land use district regulations, except those relating to conservation districts. Att. Gen. Op. 70-22.

Law Journals and Reviews

"Urban Type Residential Communities in the Guise of Agricultural Subdivisions:" Addressing an Impermissible Use of Hawai'i's Agricultural District. 25 UH L. Rev. 199.

§205-13 Penalty for violation. Any person who violates any provision under section 205-4.5, or any regulation established relating thereto, shall be fined not more than $5,000, and

any person who violates any other provision of this chapter, or any regulation established relating thereto, shall be fined not more than $1,000.

If any person cited for a violation under this chapter fails to remove such violation within six months of such citation and the violation continues to exist, such person shall be subject to a citation for a new and separate violation. There shall be a fine of not more than $5,000 for any additional violation.

Prior to the issuance of any citation for a violation, the appropriate enforcement officer or agency shall notify the violator and the mortgagee, if any, of such violation, and the violator or the mortgagee, if any, shall have not more than sixty days to cure the violation before citation for a violation is issued. [L 1963, c 205, pt of §2; Supp, §98H-13; HRS §205-13; am L 1976, c 199, §3]

§205-14 Adjustments of assessing practices. Upon the adoption of district boundaries, certified copies of the classification maps showing the district boundaries shall be filed with the department of taxation. Thereafter, the department of taxation shall, when making assessments of property within a district, give consideration to the use or uses that may be made thereof as well as the uses to which it is then devoted. [L 1963, c 205, pt of §2; Supp, §98H-14; HRS §205-14]

§205-15 Conflict. Except as specifically provided by this chapter and the rules adopted thereto, neither the authority for the administration of chapter 183C nor the authority vested in the counties under section 46-4 shall be affected. [L 1963, c 205, pt of §2; Supp, §98H-15; HRS §205-15; am L 1995, c 11, §11 and c 69, §11]

§205-16 Compliance with the Hawaii state plan. No amendment to any land use district boundary nor any other action by the land use commission shall be adopted unless such amendment or other action conforms to the Hawaii state plan. [L 1975, c 193, §12; am L 1985, c 230, §5]

§§205-16.1, 16.2 REPEALED. L 1985, c 230, §§6, 7.

§205-17 Land use commission decision-making criteria. In its review of any petition for reclassification of district boundaries pursuant to this chapter, the commission shall specifically consider the following:

(1) The extent to which the proposed reclassification conforms to the applicable goals, objectives, and policies of the Hawaii state plan and relates to the applicable priority guidelines of the Hawaii state plan and the adopted functional plans;

(2) The extent to which the proposed reclassification conforms to the applicable district standards;

(3) The impact of the proposed reclassification on the following areas of state concern:

(A) Preservation or maintenance of important natural systems or habitats;

(B) Maintenance of valued cultural, historical, or natural resources;

(C) Maintenance of other natural resources relevant to Hawaii's economy, including agricultural resources;

(D) Commitment of state funds and resources;

(E) Provision for employment opportunities and economic development; and

(F) Provision for housing opportunities for all income groups, particularly the low, low-moderate, and gap groups;

(4) The standards and criteria for the reclassification or rezoning of important agricultural lands in section 205-50; and

(5) The representations and commitments made by the petitioner in securing a boundary change. [L 1985, c 230, §1; am L 1990, c 261, §2; am L 2005, c 183, §6]

Case Notes

In order to fulfill its duty to preserve and protect customary and traditional native Hawaiian rights to the extent feasible, the land use commission, in its review of a petition for reclassification of district boundaries, must, at a minimum, make specific findings and conclusions as to the identity and scope of the valued cultural, historical, or natural resources, the extent those resources will be affected or impaired by the proposed action, and any feasible action the commission may take to reasonably protect such native Hawaiian rights if they are found to exist. 94 H. 31, 7 P.3d 1068.

Where land use commission allowed petitioner to direct the manner in which customary and traditional native Hawaiian practices would be preserved and protected by the proposed development, prior to any specific findings and conclusions by the commission as to the effect of the proposed reclassification on such practices, the commission failed to satisfy its statutory and constitutional obligations; in delegating its duty to protect native Hawaiian rights, the commission delegated a non-delegable duty and thereby acted in excess of its authority. 94 H. 31, 7 P.3d 1068.

Where land use commission failed to enter any definitive findings or conclusions as to the extent of the native Hawaiian practitioners' exercise of customary and traditional practices in the subject area nor made any specific findings or conclusions regarding the effects on or the impairment of any Hawaii constitution, article XII, §7 uses, or the feasibility of the protection of those uses, the commission, as a matter of law, failed to satisfy its statutory and constitutional obligations. 94 H. 31, 7 P.3d 1068.

§205-18 Periodic review of districts. The office of planning shall undertake a review of the classification and districting of all lands in the State, within five years from December 31, 1985, and every fifth year thereafter. The office, in its five-year boundary review, shall focus its efforts on reviewing the Hawaii state plan, county general plans, and county development and community plans. Upon completion of the five- year boundary review, the office shall submit a report of the findings to the commission. The office may initiate state land use boundary amendments which it deems appropriate to conform to these plans. The office may seek

assistance of appropriate state and county agencies and may employ consultants and undertake studies in making this review. [L 1985, c 230, §2; am L 1987, c 336, §7; am L 1988, c 352, §3; am L 1996, c 299, §3]

PART II. SHORELINE SETBACKS

§§205-31 to 37 REPEALED. L 1986, c 258, §3.

Cross References

For present provisions, see §§205A-41 to 49.

[PART III.] IMPORTANT AGRICULTURAL LANDS

Cross References

Acquisition of resource value lands, see chapter 173A.

Legacy land conservation commission, see §§173A-2.4 to 2.6.

Law Journals and Reviews

Avoiding the Next Hokuli'a: The Debate over Hawai'i's Agricultural Subdivisions. 27 UH L. Rev. 441.

[§205-41] Declaration of policy. It is declared that the people of Hawaii have a substantial interest in the health and sustainability of agriculture as an industry in the State. There is a compelling state interest in conserving the State's agricultural land resource base and assuring the long-term availability of agricultural lands for agricultural use to achieve the purposes of:

(1) Conserving and protecting agricultural lands;

(2) Promoting diversified agriculture;

(3) Increasing agricultural self-sufficiency; and

(4) Assuring the availability of agriculturally suitable lands,

pursuant to article XI, section 3, of the Hawaii state constitution. [L 2005, c 183, pt of §2]

Note

L 2005, c 183, §§9 and 10 provide:

"SECTION 9. (a) It is the intent of this Act [enacting sections 205-41 to 52 and amending sections 205-3.1, 4, 6, and 17, Hawaii Revised Statutes]:

(1) That agricultural incentive programs to promote agricultural viability, sustained growth of the agricultural industry, and the long-term use and protection of important agricultural lands for agricultural use shall be developed concurrently with the process of identifying important agricultural lands as required under section 2 of this Act [sections 205-41 to 52]; and

(2) That the designation of important agricultural lands and adoption of maps by the land use commission pursuant to section 2 of this Act [sections 205-41 to 52] shall take effect only upon the enactment of legislation establishing incentives and protections for important agricultural lands contemplated by section [205-46] and shall be satisfied by:

(A) Providing a declaration of satisfaction within the Act that establishes incentives for important agricultural lands; or

(B) Having the legislature adopt a concurrent resolution declaring the satisfaction of implementing incentives for important agricultural lands by identifying the specific measures or Acts that establish incentives for important agricultural lands.

(b) Pursuant to section [205-46], Hawaii Revised Statutes, the department of agriculture, with the assistance of the department of taxation, shall contract appropriate meeting facilitation and cost-benefit analysis services to develop and recommend a package of proposals for agricultural incentives and other measures that promote agricultural viability, sustained growth of the agricultural industry, and the long-term use and protection of important agricultural lands.

The department of agriculture, in consultation with the department of taxation, shall use consultants to promote a facilitated meeting process and deliberation and seek the assistance and input from the Hawaii Farm Bureau Federation, landowners, affected state and county agencies, other stakeholders, and persons with relevant expertise that are necessary to develop and implement a comprehensive and integrated framework of incentives and programs that will promote agricultural viability, sustained growth of the agricultural industry, and the long-term use and protection of important agricultural lands for agricultural use in Hawaii, including tax policy, agricultural business development and financing, marketing, and agricultural land use techniques. The meeting facilitators shall ensure that stakeholder discussions are inclusive and use a consistent voting procedure.

The department of agriculture shall report stakeholder findings and recommendations, including proposed legislation and a recommended minimum criteria for determining when the "enactment of legislation establishing incentives and protection" has occurred for the purposes of this Act, to the legislature no later than twenty days before the convening of the regular session of 2007. The report shall include an analysis of the impacts and benefits of its recommendations, a record of the stakeholder group's

process and deliberations, and shall provide the supporting rationale for the incentives being proposed.

(c) Incentives and other programs to promote agricultural viability, sustained growth of the agricultural industry, and the long-term use and protection of important agricultural lands for agricultural use in Hawaii by farmers and landowners to be considered by the department of agriculture shall include but not be limited to the following:

(1) Assistance in identifying federal, state, and private grant and loan resources for agricultural business planning and operations, assistance with grant and loan application processes, and the processing of grants and loans;

(2) Real property tax systems that support the needs of agriculture, including property tax assessment of land and improvements used or held only for use in agriculture based on agricultural use value rather than fair market value;

(3) Reduced infrastructure requirements and facilitated building permit processes for the construction of dedicated agricultural structures;

(4) Tax incentives that include but are not limited to:

(A) Tax credits for the sale or donation of agricultural easements on important agricultural lands; and

(B) General excise tax exemption for retail sales of farm produce;

(5) Incentives that promote investment in agricultural businesses or value-added agricultural development, and other agricultural financing mechanisms;

(6) Incentives and programs that promote long-term or permanent agricultural land protection, and the establishment of a dedicated funding source for these programs;

(7) Establishment of a permanent state revolving fund, escalating tax credits based on the tax revenues generated by increased investment or agricultural activities conducted on important agricultural lands, and dedicated funding sources to provide moneys for incentives and other programs;

(8) Establishment of a means to analyze the conformity of state-funded projects with the intent and purposes of part I of this Act [sections 205-41 to 52], and a mechanism for mitigation measures when projects are not in conformance;

(9) Institution of a requirement for the preparation of an agricultural impact statement that would include mitigation measures for adverse impacts for proposed state or county

rulemaking that may affect agricultural activities, operations, and agricultural businesses on important agricultural lands; and

(10) Other programs to carry out the intent of part I of this Act [sections 205-41 to 52].

SECTION 10. Within one year of the adoption of maps of important agricultural lands by the land use commission for the lands within the jurisdiction of each county, all state agencies shall report to the department of agriculture on the impact of projects and programs on the designated important agricultural lands and sustained agricultural use of these lands. State agencies shall develop implementation programs, as needed, to ensure that their programs are supportive of agriculture and consistent with the intent and purposes of this Act."

[§205-42] Important agricultural lands; definition and objectives. (a) As used in this part, unless the context otherwise requires, "important agricultural lands" means those lands, identified pursuant to this part, that:

(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.

(b) The objective for the identification of important agricultural lands 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. To achieve this objective, the State shall:

(1) Promote agricultural development and land use planning that delineates blocks of productive agricultural land and areas of agricultural activity for protection from the encroachment of nonagricultural uses; and

(2) Establish incentives that promote:

(A) Agricultural viability;

(B) Sustained growth of the agriculture industry; and

(C) The long-term agricultural use and protection of these productive agricultural lands. [L 2005, c 183, pt of §2]

[§205-43] Important agricultural lands; policies. State and county agricultural policies, tax policies, land use plans, ordinances, and rules shall promote the long-term viability of agricultural use of important agricultural lands and shall be consistent with and implement the following policies:

(1) Promote the retention of important agricultural lands in blocks of contiguous, intact, and functional land units large enough to allow flexibility in agricultural production and management;

(2) Discourage the fragmentation of important agricultural lands and the conversion of these lands to nonagricultural uses;

(3) Direct nonagricultural uses and activities from important agricultural lands to other areas and ensure that uses on important agricultural lands are actually agricultural uses;

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

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

(6) Facilitate the long-term dedication of important agricultural lands for future agricultural use through the use of incentives;

(7) Facilitate the access of farmers to important agricultural lands for long-term viable agricultural use; and

(8) Promote the maintenance of essential agricultural infrastructure systems, including irrigation systems. [L 2005, c 183, pt of §2]

[§205-44] Standards and criteria for the identification of important agricultural lands. The standards and criteria in this section shall be used to identify important agricultural lands. Lands identified as important agricultural lands need not meet every standard and criteria listed below. Rather, lands meeting any of the criteria below shall be given initial consideration; provided that the designation of important agricultural lands 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 state constitution and the objectives and policies for important agricultural lands in sections 205-42 and 205-43. The standards and criteria shall be as follows:

(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 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 operating productivity; and

(8) Land with or near support infrastructure conducive to agricultural productivity, such as transportation to markets, water, or power. [L 2005, c 183, pt of §2]

[§205-45] Petition by farmer or landowner. (a) A farmer or landowner with lands qualifying under section 205-44 may file a petition for declaratory ruling with the commission at any time in the designation process.

(b) The petition for declaratory ruling shall be submitted in accordance with subchapter 14 of the commission's rules and shall include:

(1) Tax map keys of the land to be designated along with verification and authorization from the applicable landowners;

(2) Proof of qualification for designation under section 205-44, respecting a regional perspective; and

(3) The current or planned agricultural use of the area to be designated.

(c) The commission shall review the petition and the accompanying submissions to evaluate the qualifications of the land for designation as important agricultural lands in accordance with section 205-44. If the commission, after its review and evaluation, finds that the lands qualify for designation as important agricultural lands under this part, the commission shall vote, by a two-thirds majority of the members of the commission, to issue a declaratory order designating the lands as important agricultural lands.

(d) Designating important agricultural lands by the commission shall not be considered as an amendment to district boundaries under sections 205-3.1 and 205-4 or become effective prior to legislative enactment of protection and incentive measures for important agricultural land and agricultural viability, as provided in section 9 of Act 183, Session Laws of Hawaii 2005.

(e) Farmers or landowners with lands qualifying under section 205-44 may file petitions for a declaratory ruling to designate lands as important agricultural lands following the legislative enactment of protection and incentive measures for important agricultural lands and agricultural viability, as provided in section 9 of Act 183, Session Laws of Hawaii 2005. [L 2005, c 183, pt of §2]

Note

Section 9 of Act 183, Session Laws of Hawaii 2005, is printed after section 205-41.

Designations made pursuant to this section take effect at any time after incentives and protections for important agricultural lands and agricultural viability are enacted. L 2005, c 183, §14(1).

Land use commission rules, see chapter 15-15, Hawaii Administrative Rules.

[§205-46] Incentives for important agricultural lands. (a) To achieve the long-term agricultural viability and use of important agricultural lands, the State and each county shall ensure that their:

(1) Agricultural development, land use, water use, regulatory, tax, and land protection policies; and

(2) Permitting and approval procedures,

enable and promote the economic sustainability of agriculture.

Agricultural operations occurring on important agricultural lands shall be eligible for incentives and protections provided by the State and counties pursuant to this section to promote the viability of agricultural enterprise on important agricultural lands and to assure the availability of important agricultural lands for long-term agricultural use.

(b) State and county incentive programs shall provide preference to important agricultural lands and agricultural businesses on important agricultural lands. The State and each county shall cooperate in program development to prevent duplication of and to streamline and consolidate access to programs and services for agricultural businesses located on important agricultural lands.

(c) Incentive and protection programs shall be designed to provide a mutually supporting framework of programs and measures that enhance agricultural viability on important agricultural lands, including but not limited to:

(1) Grant assistance;

(2) Real property tax systems that support the needs of agriculture, including property tax assessments based on agricultural use valuation;

(3) Reduced infrastructure requirements and facilitated building permit processes for dedicated agricultural structures;

(4) Tax incentives to offset operational costs, promote agricultural business viability, and promote the long-term protection of important agricultural lands;

(5) Agricultural business planning, marketing, and implementation grants;

(6) Tax incentives and programs for equity investments and financing for agricultural operations, including agricultural irrigation systems;

(7) Other programs and mechanisms that promote investment in agricultural businesses or agricultural land protection, such as the purchase of development rights;

(8) State funding mechanisms to fund business viability and land protection programs;

(9) Water regulations and policies that provide farmers of important agricultural lands access to adequate and cost-effective sources of water;

(10) Other measures that would ensure that state capital investments, projects, programs, and rules are consistent with this part; and

(11) Agricultural education and training for new farmers; upgrading the skills of existing farmers and other agriculture-related employees through the use of mentoring, business incubators, and public or private scholarships; and increasing the returns of farming by adding value to food processing and other tools and methods.

(d) State and county agencies shall review the protection and incentive measures enacted for important agricultural lands and agricultural viability pursuant to this chapter at least every five years to:

(1) Determine their effectiveness in sustaining agriculture in Hawaii, assuring agricultural diversification, and increasing agricultural self-sufficiency;

(2) Determine whether the effectiveness of tax credits or incentive programs will be enhanced by creating revolving funds or increasing rates based upon the tax revenues generated by enhanced investment and agricultural activities on important agricultural lands; and

(3) Modify measures and programs as needed.

(e) This section shall apply only to those lands designated as important agricultural lands pursuant to sections 205-45 and 205-49. [L 2005, c 183, pt of §2]

[§205-47] Identification of important agricultural lands; county process. *[See note below.]* (a) Each county shall identify and map potential important agricultural lands within its jurisdiction based on the standards and criteria in section 205-44 and the intent of this part, except lands that have been designated, through the state land use, zoning, or county planning process, for urban use by the State or county.

(b) Each county shall develop maps of potential lands to be considered for designation as important agricultural lands 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.

(c) 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 important agricultural lands, 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 important agricultural lands 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.

(d) The counties shall take notice of those lands that have already been designated as important agricultural lands by the commission.

Upon identification of potential lands to be recommended to the county council as potential important agricultural lands, 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.

In formulating its final recommendations to the respective county councils, the planning departments shall report on the manner in which the important agricultural lands mapping relates to, supports, and is consistent with the:

(1) Standards and criteria set forth in section 205-44;

(2) County's adopted land use plans, as applied to both the identification and exclusion of important agricultural lands from such designation;

(3) Comments received from government agencies and others identified in subsection (b);

(4) Viability of existing agribusinesses; and

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

(e) The important agricultural lands 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. [L 2005, c 183, pt of §2]

Note

L 2005, c 183, §7 provides:

"SECTION 7. Each county shall submit its report and maps with recommendations for lands eligible for designation as important agricultural lands to the land use commission no later than sixty months from the date of county receipt of state funds appropriated for the identification process. Upon receipt of the county maps, the land use commission shall review and adopt maps designating important agricultural lands to the State in accordance with section [205-49]."

Designations made pursuant to this section take effect three years after incentives and protections for important agricultural lands and agricultural viability are enacted. L 2005, c 183, §14(2).

[§205-48] Receipt of maps of eligible important agricultural lands; land use commission. (a) The land use commission shall receive the county recommendations and maps delineating those lands eligible to be designated important agricultural lands no sooner than the effective date of the legislative enactment of protection and incentive measures for important agricultural lands and agricultural viability, as provided in section 9 of Act 183, Session Laws of Hawaii 2005.

(b) The department of agriculture and the office of planning shall review the county report and recommendations and provide comments to the land use 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 with 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 the:

(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; and

(2) County has met the minimum standards and criteria for the identification and mapping process in sections 205-44 and 205-47. [L 2005, c 183, pt of §2]

Note

Section 9 of Act 183, Session Laws of Hawaii 2005, is printed after section 205-41.

L 2005, c 183, §8 provides:

"SECTION 8. ...The land use commission shall submit annual reports on the progress of the counties in identifying and mapping important agricultural lands to the legislature no later than twenty days before the convening of the regular sessions of 2006 through 2009."

[§205-49] Designation of important agricultural lands; adoption of important agricultural lands maps. (a) After receipt of the maps of eligible important agricultural lands from the counties and the recommendations of the department of agriculture and the office of planning, the commission shall then proceed to identify and designate important agricultural lands, subject to section 205-45. The decision shall consider the county maps of eligible important agricultural lands; declaratory orders issued by the commission designating important agricultural lands during the three year period following the enactment of legislation establishing incentives and protections contemplated under section 205-46, as provided in section 9 of Act 183, Session Laws of Hawaii 2005; landowner position statements and representations; and any other relevant information.

In designating important agricultural lands in the State, pursuant to the recommendations of individual counties, the commission shall consider the extent to which:

(1) The proposed lands meet the standards and criteria under section 205-44;

(2) The proposed designation is necessary to meet the objectives and policies for important agricultural lands in sections 205-42 and 205-43; and

(3) The commission has designated lands as important agricultural lands, pursuant to section 205-45; provided that if the majority of landowners' landholdings is already designated as important agricultural lands, excluding lands held in the conservation district, pursuant to section 205-45 or any other provision of this part, the commission shall not designate any additional lands of that landowner as important agricultural lands except by a petition pursuant to section 205-45.

Any decision regarding the designation of lands as important agricultural lands and the adoption of maps of those lands pursuant to this section shall be based upon written findings of fact and conclusions of law, presented in at least one public hearing conducted in the county where the land is located in accordance with chapter 91, that the subject lands meet the standards

and criteria set forth in section 205-44 and shall be approved by two-thirds of the membership to which the commission is entitled.

(b) Copies of the maps of important agricultural lands adopted under this section shall be transmitted to each county planning department and county council, the department of agriculture, the agribusiness development corporation, the office of planning, and other state agencies involved in land use matters. The maps of important agricultural lands shall guide all decision-making on the proposed reclassification or rezoning of important agricultural lands, state agricultural development programs, and other state and county land use planning and decision-making.

(c) The land use commission shall have the sole authority to interpret the adopted map boundaries delineating the important agricultural lands.

(d) The land use commission may designate lands as important agricultural lands and adopt maps for a designation pursuant to:

(1) A farmer or landowner petition for declaratory ruling under section 205-45 at any time; or

(2) The county process for identifying and recommending lands for important agricultural lands under section 205-47 no sooner than three years,

after the enactment of legislation establishing incentives and protections contemplated under section 205-46, as provided in section 9 of Act 183, Session Laws of Hawaii 2005. [L 2005, c 183, pt of §2]

Note

Section 9 of Act 183, Session Laws of Hawaii 2005, is printed after section 205-41.

[§205-50] Standards and criteria for the reclassification or rezoning of important agricultural lands. (a) Any land use district boundary amendment or change in zoning involving important agricultural lands identified pursuant to this chapter shall be subject to this section.

(b) Upon acceptance by the county for processing, any application for a special permit involving important agricultural lands shall be referred to the department of agriculture and the office of planning for review and comment.

(c) Any decision by the land use commission or county pursuant to this section shall specifically consider the following standards and criteria:

(1) The relative importance of the land for agriculture based on the stock of similarly suited lands in the area and the State as a whole;

(2) The proposed district boundary amendment or zone change will not harm the productivity or viability of existing agricultural activity in the area, or adversely affect the viability of other agricultural activities or operations that share infrastructure, processing, marketing, or other production-related costs or facilities with the agricultural activities on the land in question;

(3) The district boundary amendment or zone change will not cause the fragmentation of or intrusion of nonagricultural uses into largely intact areas of lands identified by the State as important agricultural lands that create residual parcels of a size that would preclude viable agricultural use;

(4) The public benefit to be derived from the proposed action is justified by a need for additional lands for nonagricultural purposes; and

(5) The impact of the proposed district boundary amendment or zone change on the necessity and capacity of state and county agencies to provide and support additional agricultural infrastructure or services in the area.

(d) Any decision pursuant to this section shall be based upon a determination that:

(1) On balance, the public benefit from the proposed district boundary amendment or zone change outweighs the benefits of retaining the land for agricultural purposes; and

(2) The proposed action will have no significant impact upon the viability of agricultural operations on adjacent agricultural lands.

(e) The standards and criteria of this section shall be in addition to:

(1) The decision-making criteria of section 205-17 governing decisions of the land use commission under this chapter; and

(2) The decision-making criteria adopted by each county to govern decisions of county decision-making authorities under this chapter.

(f) Any decision of the land use commission and any decision of any county on a land use district boundary amendment or change in zoning involving important agricultural lands shall be approved by the body responsible for the decision by a two-thirds vote of the membership to which the body is entitled.

(g) A farmer or landowner with qualifying lands may also petition the land use commission to remove the “important agricultural lands” designation from lands if a sufficient supply of water is no longer available to allow profitable farming of the land due to governmental actions, acts of God, or other causes beyond the farmer’s or landowner’s reasonable control. [L 2005, c 183, pt of §2]

[§205-51] Important agricultural lands; county ordinances. (a) Each county shall adopt ordinances that reduce infrastructure standards for important agricultural lands no later than the effective date of the legislative enactment of protection and incentive measures for important agricultural lands and agricultural viability, as provided in section 9 of Act 183, Session Laws of Hawaii 2005.

(b) For counties without ordinances adopted pursuant to subsection (a), important agricultural lands designated pursuant to this part may be subdivided without county processing or standards; provided that:

(1) None of the resulting lots shall be used solely for residential occupancy; and

(2) The leasehold lots shall return to the original lot of record upon expiration or termination of the lease. [L 2005, c 183, pt of §2]

Note

Section 9 of Act 183, Session Laws of Hawaii 2005, is printed after section 205-41.

[§205-52] Periodic review and amendment of important agricultural lands maps. The maps delineating important agricultural lands shall be reviewed in conjunction with the county general plan and community and development plan revision process, or at least once every ten years following the adoption of the maps by the land use commission; provided that the maps shall not be reviewed more than once every five years. Any review and amendment of the maps of important agricultural lands shall be conducted in accordance with this part. In these periodic reviews or petitions by the farmers or landowners for declaratory rulings, the "important agricultural lands" designation shall be removed from those important agricultural lands where the commission has issued a declaratory order that a sufficient supply of water is no longer available to allow profitable farming of these lands due to governmental actions, acts of God, or other causes beyond the farmer's or landowner's reasonable control. [L 2005, c 183, pt of §2]

DEPARTMENT OF BUSINESS,
ECONOMIC DEVELOPMENT, AND TOURISM

Amendment and Compilation of Chapter 15-15
Hawai`i Administrative Rules
October 11, 2013

SUMMARY

1. §15-15-02 is repealed
2. §15-15-03 is amended.
3. §15-15-05 is amended.
4. §15-15-06 is amended.
5. §15-15-06.1 is amended.
6. §15-15-07 is amended.
7. §15-15-08 is amended.
8. §15-15-09 is amended.
9. §15-15-10 is amended.
10. §15-15-12 is repealed.
11. §15-15-13 is amended.
12. §15-15-14 is amended.
13. §15-15-15 is amended.
14. §15-15-16 is amended.
15. §15-15-18 is amended.
16. §15-15-19 is amended.
17. §15-15-20 is amended.
18. §15-15-21 is amended.
19. §15-15-22 is amended.
20. §15-15-25 is amended.
21. §15-15-27 is amended.
22. §15-15-29 is amended.
23. §15-15-34 is amended.
24. §15-15-34.1 is added.
25. §15-15-35 is amended.
26. §15-15-36 is amended.
27. §15-15-37 is amended.
28. §15-15-38 is amended.
29. §15-15-39 is amended.
30. §15-15-40 is amended.
31. §15-15-41 is amended.
32. §15-15-42 is amended.
33. §15-15-44 is amended.
34. §15-15-45 is amended.
35. §15-15-45.1 is added.
36. §15-15-45.2 is added.
37. §15-15-47 is amended.
38. §15-15-48 is amended.

3081

39. §15-15-49 is repealed.
40. §15-15-50 is amended.
41. §15-15-50.5 is added.
42. §15-15-50.6 is added.
43. §15-15-51 is amended.
44. §15-15-52 is amended.
45. §15-15-53 is amended.
46. §15-15-54 is amended.
47. §15-15-55 is amended.
48. §15-15-55.1 is amended.
49. §15-15-56 is amended.
50. §15-15-57 is amended.
51. §15-15-58 is amended.
52. §15-15-59 is amended.
53. §15-15-60 is amended.
54. §15-15-61 is amended.
55. §15-15-62 is amended.
56. §15-15-63 is amended.
57. §15-15-64 is repealed.
58. §15-15-66 is amended.
59. §15-15-67 is amended.
60. §15-15-68 is repealed.
61. §15-15-69 is amended.
62. §15-15-70 is amended.
63. §15-15-70.1 is added.
64. §15-15-74 is amended.
65. §15-15-76 is amended.
66. §15-15-77 is amended.
67. §15-15-78 is amended.
68. §15-15-79 is amended.
69. §15-15-80 is amended.
70. §15-15-82 is amended.
71. §15-15-82.1 is added.
72. §15-15-83 is amended.
73. §15-15-84 is amended.
74. §15-15-85 is amended.
75. §15-15-85.1 is added.
76. §15-15-86 is amended.
77. §15-15-87 is amended.
78. §15-15-88 is amended.
79. §15-15-89 is amended.
80. §15-15-90 is amended.
81. §15-15-92 is amended.
82. §15-15-93 is amended.
83. §15-15-94 is amended.
84. §15-15-95 is amended.
85. §15-15-95.1 is added.
86. §15-15-96 is amended.
87. §15-15-96.1 is added.
88. §15-15-97 is amended.
89. §15-15-97.2 is added.

3081

90. §15-15-98 is amended.
91. §15-15-99 is amended.
92. §15-15-100 is amended.
93. §15-15-101 is amended.
94. §15-15-102 is repealed.
95. §15-15-103 is amended.
96. §15-15-104 is amended.
97. §15-15-105 is amended.
98. §15-15-106 is amended.
99. §15-15-107 is amended.
100. §15-15-107.1 is added.
101. §15-15-109 is amended.
102. §15-15-110 is amended.
103. §15-15-120 is added.
104. §15-15-121 is added.
105. §15-15-122 is added.
106. §15-15-123 is added.
107. §15-15-124 is added.
108. §15-15-125 is added.
109. §15-15-126 is added.
110. §15-15-127 is added.
111. §15-15-128 is added.
112. Subchapter 18 is repealed.
113. Chapter 15 is compiled

"HAWAI`I ADMINISTRATIVE RULES

TITLE 15

DEPARTMENT OF BUSINESS,
ECONOMIC DEVELOPMENT, AND TOURISM

CHAPTER 15

LAND USE COMMISSION RULES

Subchapter 1 General Provisions

§15-15-01 Purpose
§15-15-02 Repealed
§15-15-03 Definitions
§15-15-04 Grammatical usage
§15-15-05 Office and office hours
§15-15-06 Chairperson and vice-chairperson
§15-15-06.1 Hearings officer
§15-15-07 Executive officer
§15-15-08 Chief clerk
§15-15-09 Public records
§15-15-10 Meetings; generally
§15-15-11 Executive meetings
§15-15-12 Repealed
§15-15-13 Quorum and number of votes necessary for a decision
§15-15-14 Removal of persons from meetings
§15-15-15 Minutes of meetings
§15-15-16 Computation of time

Subchapter 2 Establishment of State Land Use Districts

§15-15-17 Districts; district maps
§15-15-18 Standards for determining "U" urban district boundaries
§15-15-19 Standards for determining "A" agricultural district boundaries
§15-15-20 Standards for determining "C" conservation district boundaries
§15-15-21 Standards for determining "R" rural district boundaries
§15-15-22 Interpretation of district boundaries

Subchapter 3 Permissible Land Uses

§15-15-23 Permissible uses; generally
§15-15-24 Permissible uses within the "U" urban district
§15-15-25 Permissible uses within the "A" agricultural district
§15-15-26 Permissible uses within the "C" conservation district
§15-15-27 Permissible uses within the "R" rural district

Subchapter 4 Non-conformance

§15-15-28 Statement of intent
§15-15-29 Non-conforming uses of structures and lands
§15-15-30 Non-conforming areas and parcels
§15-15-31 Casual or illegal use of land
§15-15-32 Existence of non-conforming use is a question of fact
§15-15-33 Illegal uses

Subchapter 5 Proceedings Before the Commission

§15-15-34 Quasi-judicial proceedings; waiver or suspension of rules
§15-15-34.1 Verbatim transcripts
§15-15-35 Appearance before the commission
§15-15-36 Decisions and orders
§15-15-37 Filing documents; place and time
§15-15-38 Format
§15-15-39 Verification
§15-15-40 Copies
§15-15-41 Defective filings
§15-15-42 Extensions of time
§15-15-43 Amended pleadings

3081

§15-15-44 Retention of documents
§15-15-45 Service of process
§15-15-45.1 Fees
§15-15-45.2 Fees Not Refundable

Subchapter 6 Application Requirements for Boundary Amendment Petitions

§15-15-46 Standing to initiate boundary amendments
§15-15-47 Filing
§15-15-48 Service of petition
§15-15-49 Repealed
§15-15-50 Form and contents of petition
§15-15-50.5 Dismissal of petition for failure to provide additional information or correct defects
§15-15-50.6 Withdrawal or amendment of petition

Subchapter 7 Agency Hearing and Post Hearing Procedures

§15-15-51 Notice of hearing for boundary amendment petitions
§15-15-52 Intervention in proceeding for district boundary amendments
§15-15-53 Intervention in other than district boundary amendment proceedings or important agricultural lands designation proceedings
§15-15-54 Consolidation
§15-15-55 Statement of position
§15-15-55.1 Filing of exhibits
§15-15-56 Stipulation as to findings of fact, conclusions of law, and conditions of reclassification
§15-15-57 Prehearing conference; exchange of exhibits; prehearing conference order
§15-15-58 Procedure for witnesses
§15-15-59 Conduct of hearing
§15-15-60 Presiding officer
§15-15-61 Disqualification
§15-15-62 Ex parte communications
§15-15-63 Evidence
§15-15-64 Repealed
§15-15-65 Limiting testimony

3081

§15-15-66 Removal from proceeding
§15-15-67 Co-counsel
§15-15-68 Repealed
§15-15-69 Subpoenas
§15-15-70 Motions
§15-15-70.1 Protective Orders
§15-15-71 Substitution of parties
§15-15-72 Correction of transcript
§15-15-73 Post hearing procedures
§15-15-74 Decision
§15-15-75 Appeals
§15-15-76 Re-application by the petitioner for boundary amendment

Subchapter 8 Decision-Making Criteria for Boundary Amendments

§15-15-77 Decision-making criteria for boundary amendments
§15-15-78 Incremental districting
§15-15-79 Performance time

Subchapter 9 Post Hearing Procedures for Hearings Before the Commission

§15-15-80 Briefs
§15-15-81 Oral argument
§15-15-82 Issuance of decision and orders
§15-15-82.1 Stipulation as to findings of fact, conclusions of law, conditions of reclassification and decision and order
§15-15-83 Service of decisions and orders
§15-15-84 Reconsideration of decision

Subchapter 10 Post Hearing Procedures for Hearing Conducted by Hearings Officer

§15-15-85 Recommendation of hearings officer
§15-15-85.1 Proposed decision
§15-15-86 Exception to hearings officer's report and recommendations
§15-15-87 Support of hearings officer's report and recommendations
§15-15-88 Oral argument before the commission
§15-15-89 Repealed
§15-15-89.1 Final decision

3081

Subchapter 11 Conditions: Filing, Enforcement, Modification, Deletion

§15-15-90 Imposition of conditions; generally
§15-15-91 Applicability
§15-15-92 Filing procedure for conditions imposed by the commission
§15-15-93 Enforcement of conditions, representations, or commitments
§15-15-94 Modification or deletion of conditions or orders

Subchapter 12 Special Permits

§15-15-95 Petition before county planning commission
§15-15-95.1 Applicability of subchapter 5
§15-15-96 Decision and order by the land use commission
§15-15-96.1 Modification of special permit

Subchapter 13 Government Sponsored Housing Projects

§15-15-97 Procedure for processing petitions for housing projects under section 201H-38, HRS
§15-15-97.1 Repealed

Subchapter 14 Declaratory Orders

§15-15-98 Who may petition
§15-15-99 Petition for declaratory order; form and contents
§15-15-100 Declaratory orders; commission action
§15-15-101 Declaratory orders; dismissal of petition
§15-15-102 Repealed
§15-15-103 Declaratory orders; request for hearing
§15-15-104 Applicability of declaratory order

Subchapter 15 Rulemaking Proceedings

§15-15-105 Initiation of rulemaking proceedings
§15-15-106 Rulemaking; form and contents of

3081

petition
§15-15-107 Rulemaking; action on petition
§15-15-107.1 Commission action
§15-15-108 Rulemaking; notice of public hearing
§15-15-109 Rulemaking; conduct of public hearing
§15-15-110 Emergency rulemaking

Subchapter 16 Land Use District Boundaries

§15-15-111 Land use district boundaries

§15-15-112 to 15-15-119 reserved

Subchapter 17 Important Agricultural Lands

15-15-120 Criteria and procedures for the identification of important agricultural lands
15-15-121 Petition by farmer or landowner
15-15-122 Petition by farmer or landowner for designation of important agricultural land and urban, rural or conservation reclassification
15-15-123 Adherence to chapter 343, HRS
15-15-124 Private landowner credits in important agricultural land proceeding
15-15-125 County identification of important agricultural lands
15-15-126 Criteria for designation of lands as important agricultural lands pursuant to county recommendation
15-15-127 Standards and criteria for the reclassification or rezoning of important agricultural lands
15-15-128 Periodic review and amendment of important agricultural lands maps

Subchapter 18 (Repealed)

Historical Note: This chapter is based substantially upon Rules of Practice and Procedure, Part I of the land use commission [Eff. 4/21/62; am and ren. 8/4/69; am and ren. 1/5/75; am and ren. 12/21/75; am 3/27/77; R 10/27/86] and State Land Use District Regulations, Part II of the land use commission [Eff. 8/23/64; am and ren. 8/4/69; am and ren. 1/5/75; am and

3081

ren. 12/21/75; R 10/27/86] and land use commission rules, chapter 15-15. [Eff 10/27/86; am 3/20/87; am 7/12/93; am 3/24/94; am 7/18/94; am and comp 8/16/97; am and comp 5/08/00; am and comp] NOV 0 2 2013

SUBCHAPTER 1

GENERAL PROVISIONS

§15-15-01 Purpose. This chapter governs the practice and procedure before the land use commission, and shall be construed to secure the just and efficient determination of every proceeding. This chapter shall be liberally construed to preserve, protect, and encourage the development and preservation of lands in the State for those uses to which they are best suited in the interest of public health and welfare of the people of the State of Hawai`i. The rules under this chapter are promulgated pursuant to authority provided by sections 205-1 and 205-7, HRS. [Eff 10/27/86; am and comp 8/16/97; comp 5/8/00; comp] NOV 0 2 2013
(Auth: HRS §§205-1, 205-7) (Imp: HRS §205-7)

§15-15-02 REPEALED. [R 8/16/97]

§15-15-03 Definitions. As used in this chapter:
"Accessory building or use" means a subordinate building or use which is incidental to and customary with a permitted use of the land.
"Agency" means each state or county board, commission, department, or office authorized by law to make rules or to adjudicate contested cases, except those in legislative or judicial branches.
"Agency hearing" refers only to a hearing held by an agency immediately prior to a judicial review of a contested case as provided in section 91-14, HRS.
"Agricultural park" means the same as in section 166-2, HRS.
"Building" means any structure having a roof, including, but not limited to, attached carports and similar structures.
"Chairperson" means the chairperson of the commission.
"Chief clerk" means the person who is responsible for receiving, recording, and preserving the records of

3081

all matters brought before the commission.

"Commission" means the land use commission of the State of Hawai`i.

"Commissioner" means a member of the commission.

"Contested case" means a proceeding in which legal rights, duties, or privileges of specific parties are required by law to be determined after an opportunity for agency hearing.

"District" means an area of land, including lands underwater, established as an urban, agricultural, conservation, or rural district.

"Dwelling" means a building designed or used exclusively for single family residential occupancy, but not including house trailer, multi-family unit, mobile home, hotel, or motel.

"Economic feasibility" means the degree to which the market demand for the proposed project, development, or use by the petitioner is accurately estimated and appears to be substantial enough to indicate the probability of a viable endeavor to justify the boundary amendment.

"Executive officer" means the individual appointed by the commission to be the administrative officer of the commission.

"Facsimile" means a document produced by a receiver of signals transmitted over telecommunication lines, after translating the signals, to produce a duplicate of an original document.

"Farm dwelling" means a single-family dwelling located on and used in connection with a farm or where agricultural activity provides income to the family occupying the dwelling.

"Filing" means the submittal of documents with the chief clerk. A document will be considered filed at the time it is received in the chief clerk's office, as evidenced by the date and time endorsed on the document by or at the direction of the chief clerk. Unless otherwise specifically provided in these rules, electronic or facsimile transmission of documents to the chief clerk or executive officer of the commission does not constitute filing. This definition is to be distinguished from the definition for "proper filing" for petitions to amend a district boundary.

"Hearings officer" means a person or persons duly designated and authorized by the commission to conduct proceedings on matters within the jurisdiction of the commission for purposes of taking testimony and to report the person's findings and recommendations to the commission.

"HRS" means the Hawai`i Revised Statutes.

"Intervenor" means a person who properly seeks by application to intervene and is entitled to be admitted as a party in any contested case proceeding before the commission.

"Land" means all real property in the State including areas under water within the boundaries of the State.

"Landowner" means a person or party with a fee simple interest in the land.

"Lot" means a single parcel of land of record in the real property tax records of the county in which the land is located.

"Map" means the land use district boundaries maps of the commission.

"Meeting" means the convening of the commission for which a quorum is required in order to make a decision or deliberate toward a decision upon a matter over which the commission has supervision, control, jurisdiction, or advisory power.

"Party" means a person named or admitted as a party or entitled as of right to be admitted as a party in any contested case proceeding before the commission.

"Person" means any individual, corporation, firm, association, partnership, society, or other legal entity, and any federal, state, and county department or agency.

"Petitioner" means a person who seeks permission or authorization from the commission in any matter for which the commission is authorized to grant relief.

"Planning commission" means the planning commissions of the various counties, including the city and county of Honolulu.

"Presiding officer" means any commissioner or a hearings officer duly designated as such. Unless otherwise designated, the chairperson shall be the presiding officer.

"Proceeding" means any matter brought before the commission over which the commission has jurisdiction and shall include, but not be limited to:

(1) Petitions for district boundary amendment;
(2) Petitions for special permit;
(3) Proceedings for the adoption, amendment, or repeal of rules under sections 91-3 and 205-7, HRS;
(4) Petitions for declaratory orders under section 91-8, HRS;
(5) An investigation or review instituted or requested to be initiated by the commission; and
(6) All other matters in the administration of

chapter 205, HRS.

"Proper filing," as applied in section 205-4, HRS, means after a petition for district boundary amendment has been filed with the chief clerk, and the executive officer has made a determination that the petition conforms to the requirements of section 15-15-50 and accepts the petition for processing.

"Public records" means the same as "government records" as defined in chapter 92F, HRS.

"Public institution or building" means any institution or building being used by a federal, state, or county agency for a public purpose.

"Respondent" means a person subject to any statute, rule, or order administered by the commission and upon whom an order or notice is issued by the commission instituting an agency hearing to show cause.

"Shoreline" means the same as in section 205A-1, HRS.

"Single-family dwelling" means a dwelling occupied exclusively by one family.

"State" means the State of Hawai'i.

"Structure" means a constructed or erected material or combination of materials, which requires location on the ground, including, but not limited to, buildings, radio towers, sheds, storage bins, fences, and signs.

"Unauthorized ex parte communication" means private communications or arguments with members of the commission, or its hearings officer as to the merits of a proceeding with a view towards influencing the outcome of the petition or proceeding. [Eff 10/27/86; am and comp 8/16/97; comp 5/8/00; am and comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-7) (Imp: HRS §§91-2, 205-1, 205-7)

§15-15-04 Grammatical usage. (a) Words used in the present tense include the future tense.

(b) The singular number includes the plural; and the plural, the singular.

(c) The word "shall" is always mandatory.

(d) The word "may" is always permissive.

(e) Terms not defined in this chapter shall have the meaning customarily assigned to them. [Eff 10/27/86; comp 8/16/97; comp 5/8/00; comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-7) (Imp: HRS §§91-2, 205-7)

§15-15-05 Office and office hours. (a) The office of the commission is in Honolulu, Hawai'i. All

communications to the commission, including requests for information and submittals, shall be in writing and, shall be addressed to the commission's office, unless otherwise directed by the commission.

(b) The office of the commission shall be open from 7:45 a.m. to 4:30 p.m., Monday through Friday, excepting legal holidays as designated pursuant to section 8-1, HRS, and any day or any part of a day on or for which the governor has granted administrative leave in the State, unless otherwise provided by statute or executive order. [Eff 10/27/86; am and comp 8/16/97; comp 5/8/00; am and comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-7) (Imp: HRS §§80-1, 91-2, 205-7)

§15-15-06 Chairperson and vice-chairperson. (a) The commissioners shall annually elect a chairperson and one or more vice-chairpersons from its members.

(b) The chairperson shall have the responsibilities and duties prescribed in this chapter.

(c) In the absence of the chairperson, the vice-chairperson or vice-chairpersons shall have the responsibilities and duties of the chairperson prescribed in this chapter. In case of resignation or incapacity of the chairperson, a vice-chairperson shall perform such duties as are imposed on the chairperson until such time as the commission shall elect a new chairperson. In the event the chairperson or a vice-chairperson resigns, the commission shall elect a new chairperson or vice-chairperson, as the case may be, as soon as practicable after such resignation. [Eff 10/27/86; am and comp 8/16/97; comp 5/8/00; am and comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-7) (Imp.: HRS §§91-2, 205-7)

§15-15-06.1 Hearings officer. (a) The commission may appoint a hearings officer pursuant to section 92-16, HRS.

(b) If for any reason the hearings officer designated is unable to complete a hearing, the commission, without abatement of the proceedings, may assign the matter to another hearings officer. [Eff and comp 8/16/97; comp 5/8/00; am and comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-7) (Imp: HRS §§92-16, 205-1)

§15-15-07 Executive officer. (a) The executive

officer shall be appointed by the commission to serve as the administrative head of the commission staff and have responsibilities and duties as prescribed by the commission. The executive officer shall be directly responsible to the commission, and shall have control of and responsibility for the execution of the commission's policies, the administration of its affairs, and the employment and supervision of its personnel, subject to the commission's oversight. From time to time, or as requested, the executive officer shall furnish the commission members with such information and make such recommendations as shall be necessary to effect the purposes of the commission and for the proper administration of its affairs. The executive officer shall develop annual budgets, authorize and certify payrolls, requisitions, invoices, and other such documents essential to the proper administration of the commission.

(b) The executive officer shall prepare a hearings calendar and the agenda for all meetings and hearings, under the direction of the chairperson.

(c) The executive officer or such other person as may be authorized by the commission shall certify all decisions and orders and other actions of the commission.

(d) The executive officer may be appointed by the commission to serve as hearings officer.

(e) The executive officer may interpret land use district boundaries at the request of the public. Interpretation of district boundaries shall be done in compliance with section 15-15-22.

(f) The executive officer may conduct the prehearing conference provided under section 15-15-57. [Eff 10/27/86; am and comp 8/16/97; comp 5/8/00; am and comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-7) (Imp: HRS §205-1)

§15-15-08 Chief clerk. (a) Under the supervision of the executive officer, the chief clerk shall have custody of the commission's official records and shall be responsible for the maintenance and custody of the docket files, including the transcripts and exhibits, the minutes of all of the commission's meetings and hearings, and all of the commission's decisions, orders, opinions, rules, and approved forms.

(b) In addition to other duties, the chief clerk shall maintain a docket file of all proceedings filed with the commission, including all petitions for district boundary amendments, all applications for

special permits, and all petitions for rule-making or declaratory ruling filed with the commission, and each docket shall be assigned a number. [Eff 10/27/86; am and comp 8/16/97; comp 5/8/00; am and comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-7) (Imp: §§91-2, 205-1)

§15-15-09 Public records. All public records shall be available for inspection at the office of the commission during regular business hours. Public information on matters within the jurisdiction of the commission, but which excludes confidential information, may be obtained by inquiring in person during regular business hours, or by submitting a written request to the commission. Requests made via facsimile or electronic mail to the commission are acceptable. Commission staff may respond to any inquiry or request by making the records available at the commission office. [Eff 10/27/86; am and comp 8/16/97; comp 5/8/00; am and comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-7) (Imp: HRS §§92F-1, et seq.)

§15-15-10 Meetings; generally. (a) The commission may meet and exercise its power in the State of Hawai`i. Except as provided in sections 92-4 and 92-5, HRS, all of the commission meetings and hearings are open to the public. Unless waived by the chairperson, the parliamentary procedure to be utilized by the commission in the conduct of its meetings and hearings shall be based on the current edition of Robert's Rules of Order Newly Revised, but only if it does not conflict with chapters 91 and 92, HRS, or these rules.

(b) The commission shall allow all interested persons an opportunity to submit data, views, arguments or present oral testimony on any agenda item in an open meeting. The commission may provide for the recordation of all presented oral testimony. The commission may impose limitations on the submission of data, views, arguments, or oral testimony in the interest of preserving due process concerns of the contested case proceeding.

[Eff 10/27/86; am and comp 8/16/97; am and comp 5/8/00; am and comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-7) (Imp: HRS §§91-2, 92-3, 92-7)

§15-15-11 Executive meetings. (a) The

commission may hold an executive meeting from which the public may be excluded, for those purposes permitted by section 92-4, HRS, but only if there is an affirmative vote of two-thirds of the members present at the meeting; provided the affirmative vote constitutes a majority of the members to which the commission is entitled. The reason for holding the executive meeting shall be publicly announced and the vote of the members shall be recorded and entered into the minutes of the meeting.

(b) The commission shall not make a decision or deliberate toward a decision in an executive meeting on matters not directly related to the purposes specified in section 92-5(a), HRS. [Eff 10/27/86; am and comp 8/16/97; comp 5/8/00; comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-7) (Imp: HRS §§92-4, 92-5)

§15-15-12 REPEALED [NOV 0 2 2013]

§15-15-13 Quorum and number of votes necessary for a decision. (a) Unless otherwise provided by law, a majority of all the members to which the commission is entitled shall constitute a quorum to do business, and the concurrence of a majority of all the members to which the commission is entitled shall be necessary to make a commission decision valid; provided all approvals of petitions for boundary amendments under section 205-4, HRS, shall require six affirmative votes and approvals for special permits under section 205-6, HRS, shall require five affirmative votes. If a petition receives six affirmative votes, any subsequent vote reflecting the commission's approval of the form of the order shall require five affirmative votes.

(b) If the commission's action to approve a petition for boundary amendment under section 205-4, HRS, fails to obtain six affirmative votes, findings of fact, conclusions of law, and decision and order denying the petition shall be filed by the commission. If a petition fails to receive six affirmative votes, any subsequent vote reflecting the commission's approval of the form of the order shall require five affirmative votes.

(c) If the commission's action to approve a petition for a special permit under section 205-6, HRS, fails to obtain five affirmative votes, findings of fact, conclusions of law, and a decision and order denying the petition shall be filed by the commission. If a petition fails to receive five affirmative votes, any subsequent vote reflecting the commission's

approval of the form of the order shall require five affirmative votes.

(d) In contested cases, commission members who have not heard and examined all of the evidence may vote only after the procedures set forth in section 91-11, HRS, have been complied with. [Eff 10/27/86; am and comp 8/16/97; am and comp 5/8/00; am and comp NOV 0 2 2013] (Auth: HRS §§91-13.5, 205-1, 205-7) (Imp: HRS §§91-13.5, 92-15, 205-4, 205-6)

§15-15-14 Removal of persons from meetings. The presiding officer or executive officer may remove any person who willfully disrupts a meeting or hearing or other proceeding before the commission. [Eff 10/27/86; comp 8/16/97; am and comp 5/8/00; am and comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-7) (Imp: HRS §92-3)

§15-15-15 Minutes of meetings. (a) The commission shall keep written minutes of all meetings. Unless otherwise required by law, neither a full transcript nor a recording of the meeting is required, but the written minutes shall give a true reflection of the matters discussed at the meeting and the views of the participants. The minutes shall include, but need not be limited to:

(1) The date, time, and place of the meeting;
(2) The members of the commission recorded as either present or absent;
(3) The substance of all matters proposed, discussed, or decided, and a record, by individual member, of any votes taken; and
(4) Any other information that any member of the commission requests be included or reflected in the minutes.

(b) The minutes shall be public and shall be available within thirty days after the meeting except where the disclosure would be inconsistent with section 92-5, HRS. The commission may withhold publication of the minutes of executive meetings so long as their publication would defeat the lawful purpose of the executive meeting. [Eff 10/27/86; am and comp 8/16/97; comp 5/8/00; am and comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-7) (Imp: HRS §92-9)

§15-15-16 Computation of time. In computing any period of time prescribed by this chapter, by notice, or by any order, or rule of the commission, or any

applicable statute, the time begins with the day following the act, event, or default and includes the last day of the period unless it is a Saturday, Sunday, or legal holiday, or a day or a part of a day on or for which the governor has granted administrative leave in the State, in which event the period runs until the end of the next day which is not a Saturday, Sunday, or legal holiday. Unless otherwise specified in these rules, when the prescribed period of time is less than seven days, Saturdays, Sundays, or legal holidays within the designated period shall not be included in the computation. [Eff 10/27/86; am and comp 8/16/97; comp 5/8/00; am and comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-7) (Imp: HRS §91-2)

SUBCHAPTER 2

ESTABLISHMENT OF STATE LAND USE DISTRICTS

§15-15-17 Districts; district maps. (a) In order to effectuate the purposes of chapter 205, HRS, all the lands in the State shall be divided and placed into one of the four land use districts:

(1) "U" urban district;
(2) "A" agricultural district;
(3) "C" conservation district; or
(4) "R" rural district.

(b) The boundaries of land use districts are shown on the maps entitled "Land Use District Boundaries, dated December 20, 1974," as amended, maintained and under the custody of the commission. Not all ocean areas and offshore and outlying islands of the State in the conservation district are shown when deemed unnecessary to do so. [Eff 10/27/86; am and comp 8/16/97; am and comp 5/8/00; and comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-7) (Imp: HRS §§91-2, 205-2)

§15-15-18 Standards for determining "U" urban district boundaries. Except as otherwise provided in this chapter, in determining the boundaries for the "U" urban district, the following standards shall be used:

(1) It shall include lands characterized by "city-like" concentrations of people, structures, streets, urban level of services and other related land uses;
(2) It shall take into consideration the

3081

following specific factors:

(A) Proximity to centers of trading and employment except where the development would generate new centers of trading and employment;
(B) Availability of basic services such as schools, parks, wastewater systems, solid waste disposal, drainage, water, transportation systems, public utilities, and police and fire protection; and
(C) Sufficient reserve areas for foreseeable urban growth;

(3) It shall include lands with satisfactory topography, drainage, and reasonably free from the danger of any flood, tsunami, unstable soil condition, and other adverse environmental effects;
(4) Land contiguous with existing urban areas shall be given more consideration than non-contiguous land, particularly when indicated for future urban use on state or county general plans or county community plans or development plans;
(5) It shall include lands in appropriate locations for new urban concentrations and shall give consideration to areas of urban growth as shown on the state and county general plans or county community plans or development plans;
(6) It may include lands which do not conform to the standards in paragraphs (1) to (5):
(A) When surrounded by or adjacent to existing urban development; and
(B) Only when those lands represent a minor portion of this district;
(7) It shall not include lands, the urbanization of which will contribute toward scattered spot urban development, necessitating unreasonable investment in public infrastructure or support services; and
(8) It may include lands with a general slope of twenty per cent or more if the commission finds that those lands are desirable and suitable for urban purposes and that the design and construction controls, as adopted by any federal, state, or county agency, are adequate to protect the public health, welfare and safety, and the public's interests in the aesthetic quality of the

3081

landscape. [Eff 10/27/86; am and comp 8/16/97; comp 5/8/00; am and comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-2, 205-7) (Imp: HRS §205-2)

§15-15-19 Standards for determining "A" agricultural district boundaries. Except as otherwise provided in this chapter, in determining the boundaries for the "A" agricultural district, the following standards shall apply:

(1) It shall include lands with a high capacity for agricultural production;
(2) It may include lands with significant potential for grazing or for other agricultural uses;
(3) It may include lands surrounded by or contiguous to agricultural lands or which are not suited to agricultural and ancillary activities by reason of topography, soils, and other related characteristics; and
(4) It shall include all lands designated important agricultural lands pursuant to part III of chapter 205, HRS. [Eff 10/27/86; am and comp 8/16/97; comp 5/8/00; am and comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-2, 205-7) (Imp: HRS §205-2)

§15-15-20 Standards for determining "C" conservation district boundaries. Except as otherwise provided in this chapter, in determining the boundaries for the "C" conservation district, the following standards shall apply:

(1) It shall include lands necessary for protecting watersheds, water resources, and water supplies;
(2) It may include lands susceptible to floods and soil erosion, lands undergoing major erosion damage and requiring corrective attention by the state and federal government, and lands necessary for the protection of the health and welfare of the public by reason of the land's susceptibility to inundation by tsunami and flooding, to volcanic activity, and landslides;
(3) It may include lands used for national or state parks;
(4) It shall include lands necessary for the conservation, preservation, and enhancement

3081

of scenic, cultural, historic, or archaeologic sites and sites of unique physiographic or ecologic significance;
(5) It shall include lands necessary for providing and preserving parklands, wilderness and beach reserves, for conserving natural ecosystems of indigenous or endemic plants, fish, and wildlife, including those which are threatened or endangered, and for forestry and other related activities to these uses;
(6) It shall include lands having an elevation below the shoreline as stated by section 205A-1, HRS, marine waters, fish ponds, and tidepools of the State, and accreted portions of lands pursuant to sections 501-33 and 669-1, HRS, unless otherwise designated on the land use district maps. All offshore and outlying islands of the State are classified conservation unless otherwise designated on the land use district maps;
(7) It shall include lands with topography, soils, climate, or other related environmental factors that may not be normally adaptable or presently needed for urban, rural, or agricultural use, except when those lands constitute areas not contiguous to the conservation district;
(8) It may include lands with a general slope of twenty per cent or more which provide for open space amenities or scenic values; and
(9) It may include lands suitable for farming, flower gardening, operation of nurseries or orchards, growing of commercial timber, grazing, hunting, and recreational uses including facilities accessory to those uses when the facilities are compatible with the natural physical environment. [Eff 10/27/86; am and comp 8/16/97; comp 5/8/00; am and comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-2, 205-7) (Imp: HRS §205-2)

§15-15-21 Standards for determining "R" rural district boundaries. Except as otherwise provided in this chapter, in determining the boundaries for the "R" rural district, the following standards shall apply:

(1) Areas consisting of small farms; provided that the areas need not be included in this district if their inclusion will alter the

3081

general characteristics of the areas;

(2) Activities or uses as characterized by low-density residential lots of not less than one-half acre and a density of not more than one single family dwelling per one-half acre in areas where "city-like" concentrations of people, structures, streets, and urban levels of services are absent, and where small farms are intermixed with the low-density residential lots; and

(3) It may also include parcels of land which are surrounded by, or contiguous to this district, and are not suited to low-density residential uses for small farm or agricultural uses. [Eff 10/27/86; am and comp 8/16/97; comp 5/8/00; am and comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-2, 205-7) (Imp: HRS §205-2)

§15-15-22 Interpretation of district boundaries.

(a) Except as otherwise provided in this chapter:

(1) A district name or letter appearing on the land use district map applies throughout the whole area bounded by the district boundary lines;

(2) Land having an elevation below the shoreline as stated by section 205A-1, HRS, marine waters, fish ponds, and tidepools of the State, and accreted portions of lands pursuant to sections 501-33 and 669-1, HRS, unless otherwise designated on the land use district maps, shall be included in the conservation district;

(3) All offshore and outlying islands of the State are classified conservation unless otherwise designated on the land use district maps; and

(4) All water areas within the State are considered to be within a district and controlled by the applicable district rules.

(b) All requests for boundary interpretations shall be in writing and include the tax map key identification of the property and a print of a map of the property. All requests for boundary interpretations involving shoreline properties shall be accompanied by a survey map showing the locations of the shoreline as provided for in section 205A-42, HRS. Any erosion or accretion through natural processes shall be reflected on the map. Further, any shoreline

3081 | [illegible]

structure, piers, and areas of man-made fill which were constructed or completed since the date of adoption of the state land use district boundaries existing as of the date of the request for boundary interpretation shall be reflected on the map.

(c) The executive officer may request the following information:

(1) Additional copies of the print, including a reproducible master map of the print or an electronic copy in a recognized format of the executive officer's designation; and

(2) Additional information such as, but not limited to, tax map key maps, topographic maps, aerial photographs, certified shoreline surveys, and subdivision maps relating to the boundary interpretation.

The executive officer may employ, or require that the party requesting the boundary interpretation employ, at its sole expense, a registered professional land surveyor to prepare a map for interpretation.

(d) The executive officer may use all applicable commission records in determining district boundaries.

(e) The following shall apply whenever uncertainty exists with respect to the boundaries of the various districts:

(1) Whenever a district line falls within or abuts a street, alley, canal, navigable or non-navigable stream or river, it may be deemed to be in the midpoint of the foregoing. If the actual location of the street, alley, canal, navigable or non-navigable stream or river varies slightly from the location as shown on the district map, then the actual location shall be controlling;

(2) Whenever a district line is shown as being located within a specific distance from a street line or other fixed physical feature, or from an ownership line, this distance shall be controlling; and

(3) Unless otherwise indicated, the district lines shall be determined by the use of the scale contained on the map.

(f) Whenever subsections (a), (b), (c), (d), or (e) cannot resolve an uncertainty concerning the location of any district line, the commission, upon written application or upon its own motion, shall determine the location of those district lines. [Eff 10/27/86; am and comp 8/16/97; comp 5/8/00; am and comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-7) (Imp:

3081 | [illegible]

HRS §205-1)

SUBCHAPTER 3

PERMISSIBLE LAND USES

§15-15-23 Permissible uses; generally. Except as otherwise provided in this chapter, the following land and building uses are compatible and permitted within the following land use districts, except when applicable county ordinances or regulations are more restrictive. Except as otherwise provided in this chapter, uses not expressly permitted are prohibited. [Eff 10/27/86; comp 8/16/97; comp 5/8/00; and comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-7) (Imp: HRS §205-2)

§15-15-24 Permissible uses within the "U" urban district. Any and all uses permitted by the counties, either by ordinances or rules may be allowed within this district, subject to any conditions imposed by the commission pursuant to section 205-4(g), HRS. [Eff 10/27/86; am and comp 8/16/97; comp 5/8/00; comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-7) (Imp: HRS §205-2)

§15-15-25 Permissible uses within the "A" agricultural district. (a) Permissible uses within the agricultural district on land with soil classified by the land study bureau's detailed land classification as overall (master) productivity rating class A or B shall be those uses set forth in section 205-4.5, HRS.

(b) Permissible uses within the agricultural district on land with soil classified by the land study bureau's detailed land classification as overall (master) productivity rating class of C, D, E, and U shall be those uses as set forth in sections 205-2, 205-4.5, and 205-5, HRS, and also uses compatible to the activities described in 205-2(d), HRS. [Eff 10/27/86; am and comp 8/16/97; comp 5/8/00; am and comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-7) (Imp: HRS §§205-2, 205-4.5)

§15-15-26 Permissible uses within the "C" conservation district. Uses of land within a conservation district shall be governed by the rules of

3081

the state department of land and natural resources, title 13, and chapter 183C, HRS. [Eff 10/27/86; am and comp 8/16/97; comp 5/8/00; comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-7) (Imp: HRS §205-2)

§15-15-27 Permissible uses within the "R" rural district. (a) Permissible uses within the rural district shall include the following activities:

(1) All agricultural related activities and uses permitted under section 15-15-25;
(2) Low-density residential lots of not more than one dwelling house per one-half acre, except as provided by county ordinance pursuant to section 46-4(c), HRS;
(3) Golf courses and golf driving ranges and golf-related facilities;
(4) Public, quasi-public and public utility facilities; and
(5) The commission for good cause may allow one lot of less than one-half acre, but not less than 18,500 square feet, or an equivalent residential density, provided all other lots in the subdivision have the minimum lot size of one-half acre. A petition for variance may be processed under the special permit procedure pursuant to subchapter 12. This exception shall apply to lots of record existing prior to January 1, 1977, and of not more than two acres. There shall be no more than one single-family dwelling per one-half acre, except as may be provided for in this section. [Eff 10/27/86; am and comp 8/16/97; am and comp 5/8/00; am and comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-7) (Imp: HRS §205-2)

SUBCHAPTER 4

NONCONFORMANCE

§15-15-28 Statement of intent. This subchapter is intended to expedite the eventual elimination of existing uses or structures that are not in conformity with the provisions of subchapter 3 because their continued existence violates basic concepts of health, safety, and welfare as well as principles of good land use. However, in applying subchapter 3, no elimination of nonconforming uses or structures shall be effected

3081

so as to cause unreasonable interference with established property rights. [Eff 10/27/86; comp 8/16/97; am and comp 5/8/00; comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-7) (Imp: HRS §205-8)

§15-15-29 Nonconforming uses. (a) Any lawful use of lands or buildings existing prior to the establishment of a land use district, may be continued even though those uses do not conform to the provisions thereof.

(b) Except as otherwise provided, the following provisions shall apply to nonconforming uses or structures within any district:

(1) It shall not be changed to another nonconforming use or structure;

(2) It shall not be expanded or increased in intensity of use; and

(3) It shall not be reestablished after discontinuance and abandonment for a continuous period of one year. [Eff 10/27/86; am and comp 8/16/97; am and comp 5/8/00; am and comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-7) (Imp: HRS §205-8)

§15-15-30 Nonconforming areas and parcels. A lot of record or any proposed subdivision of land which is not in conformity with this subchapter, but which has received approval by the county having jurisdiction prior to the establishment of the land use district, shall be permitted as a nonconforming area subject to the ordinances and rules of the county. All lots within the nonconforming area shall be considered nonconforming parcels. [Eff 10/27/86; am and comp 8/16/97; am and comp 5/8/00; comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-7) (Imp: HRS §205-8)

§15-15-31 Casual or illegal use of land. A casual, intermittent, temporary, or illegal use of lands or buildings shall not be sufficient to establish the existence of a nonconforming use. [Eff 10/27/86; comp 8/16/97; am and comp 5/8/00; comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-7) (Imp: HRS §205-8)

§15-15-32 Existence of nonconforming use is a question of fact. Whether a nonconforming use exists shall be a question of fact and shall be decided by the

3081

board, commission, or agency having jurisdiction over uses within the district. [Eff 10/27/86; am and comp 8/16/97; am and comp 5/8/00; comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-7) (Imp: HRS §205-8)

§15-15-33 Illegal uses. An illegal use of lands or buildings shall not be validated by the adoption of this chapter. [Eff 10/27/86; am and comp 8/16/97; comp 5/8/00; comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-7) (Imp: HRS §205-8)

SUBCHAPTER 5

PROCEEDINGS BEFORE THE COMMISSION

§15-15-34 Quasi-judicial proceedings; waiver or suspension of rules. (a) The intent and purpose of chapter 205, HRS, is to establish quasi-judicial procedures which would ensure the effective application of established state land use policies through an adversarial process in a hearing in which diverse interests will have an opportunity to present their views in an open and orderly manner. Accordingly, the commission expects all persons and parties to comply with this subchapter and chapter 91, HRS, so that the commission will have a full and complete record upon which it can render its decision.

(b) Unless contrary to statute, the commission may waive or suspend any rule when the commission determines that: (1) good cause exists for such waiver; and (2) strict enforcement of such procedural rule would impose a manifest injustice upon a party or person who has substantially complied with the commission's rules in good faith. No rule relating to jurisdictional matters shall be waived or suspended by the commission. [Eff 10/27/86; am and comp 8/16/97; am and comp 5/8/00; am and comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-7) (Imp: HRS §91-3)

§15-15-34.1 Verbatim transcripts. Verbatim transcripts of hearings and other proceedings before the commission pursuant to chapter 91, HRS, shall be made and kept by the commission. [Eff and comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-7) (Imp: HRS §91-9)

3081

§15-15-35 Appearance before the commission. (a) Any party to a proceeding before the commission may appear on the party's own behalf. A partnership, corporation, trust, or association, or other legal entity, may be represented by a duly authorized agent. An officer or employee of a department or agency of the State or a political subdivision may represent that department or agency in any proceeding before the commission.

(b) A party may be represented by an attorney. The attorney who appears before the commission shall be a member in good standing of the Hawai`i state bar. A member of the bar of another jurisdiction may appear by motion or by association with a member in good standing of the Hawai`i state bar. All pleadings and documents shall be served on the member of the Hawai`i state bar.

(c) The United States or any of its agencies may be represented by an employee of the agency or any attorney who is a member in good standing of the bar of any state and who is employed as an attorney by the United States or one of its agencies.

(d) Any person who signs a pleading or brief, enters an appearance at a hearing, or transacts business with the commission, by such an act represents that the person is legally authorized to do so and shall comply with the laws of this State and the several counties, and the rules of the commission. Further, the person shall maintain the respect due to the commission, and shall never deceive or knowingly present any false statements of fact or law to the commission. The commission at any time may require any person appearing before the commission in a representative capacity to prove the person's authority and qualification to act in that capacity.

(e) All former employees of the State, as that term is defined in section 84-3, HRS, shall comply with the provisions of chapter 84, HRS, standards of conduct, prior to making an appearance in a representative capacity before the commission. [Eff 10/27/86; am and comp 8/16/97; am and comp 5/8/00; am and comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-7) (Imp: HRS §91-2)

§15-15-36 Decisions and orders. (a) All decisions and orders for boundary amendment and special permit applications shall be signed by the chairperson or presiding officer (b) Unless otherwise indicated in the order, the effective date of a decision and order shall be the date it is filed by the chief clerk.

3081

(c) Official copies of decisions and orders and other commission actions shall be effectuated under the signature of the chairperson, executive officer, or by the chief clerk. [Eff 10/27/86; am and comp 8/16/97; comp 5/8/00; am and comp NOV 0 2 2013](Auth: HRS §205-1, 205-7) (Imp: HRS §91-12)

§15-15-37 Filing documents; place and time. All pleadings, briefs, submittals, petitions, reports, maps, exceptions, memoranda, and other legal papers required or permitted to be filed with the commission in any proceeding shall be filed at the office of the commission before or on the date prescribed by statute, rules, or order of the commission. Unless otherwise ordered and except as provided by section 15-15-50, the date on which the original papers are filed by or at the direction of the chief clerk shall be regarded as the date of filing. The commission will not accept a facsimile or electronic copy of any document for filing purposes unless otherwise permitted by the executive officer. [Eff 10/27/86; am 3/24/94; am and comp 8/16/97; comp 5/8/00; am and comp NOV 0 2 2013) (Auth: HRS §§205-1, 205-7)(Imp: HRS §§91-2, 205-4; SLH 1992, Act 227, §1)

§15-15-38 Format. (a) All documents exceeding seventy five pages shall be placed in three-ring binders or equivalent (prongs and rubber bands are not acceptable) and be printed upon white paper 8-1/2 x 11 inches in size. Twelve point font or larger shall be used. Tables, maps, charts, exhibits, or appendices may be larger and shall be folded to that size where practical and tabbed. All pleadings shall be printed and shall be one and a half spaced or greater, except that footnotes and quotations in excess of a few lines may be single-spaced. Reproduction may be by any process, provided all copies are clear and permanently legible. Electronic copies shall be similarly formatted and bookmarked.

(b) All pleadings shall show the title of the proceeding before the commission and the case docket number assigned by the chief clerk and shall show the name, address, and telephone number of the person or attorney.

(c) The original of each pleading shall be signed by each party or the party's attorney. If the party is a corporation, association, partnership, or other legal

3081

entity, the pleading may be signed by an officer or partner thereof or other authorized person. The title and name of the person signing shall be typed below the signature.

(d) In addition to the paper originals and one paper copy, the parties shall also submit documents and pleadings in electronic format, as directed by the executive officer. However, the filing date shall be the date the paper original is filed in the office of the commission. [Eff 10/27/86; am and comp 8/16/97; comp 5/8/00; am and comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-7) (Imp: HRS §91-2)

§15-15-39 Verification. (a) Petitions, amendments thereto, and other pleadings which initiate a proceeding, and amendments thereto shall be verified by at least one of the persons or officers or other authorized signatory of the party filing the same.

(b) If the party filing the pleading is a corporation, association, partnership, or other legal entity, the pleading may be verified by an officer or partner thereof or other authorized person. Evidence of such authorization shall be provided.

(c) The attorney for a party may sign and verify a pleading if the party is absent, or for some cause unable to sign and verify the pleading. [Eff 10/27/86; comp 8/16/97; comp 5/8/00; am and comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-7) (Imp: HRS §91-2)

§15-15-40 Copies. Unless otherwise required by this subchapter or the commission, all parties shall file with the commission a paper original, one paper copy and one electronic copy of each pleading or amendment thereof. Additional copies shall be promptly provided if the chairperson or the executive officer so requests. The commission, by order, may modify the number or format of copies required under this section. [Eff 10/27/86; comp 8/16/97; comp 5/8/00; am and comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-7) (Imp: HRS §91-2)

§15-15-41 Defective or nonconforming documents. (a) The mere fact that a document has been filed or been deemed a proper filing by the executive officer pursuant to section 15-15-50 (d)and (e) shall not be deemed a waiver of any failure to comply with this subchapter. Except as provided in subsection (b), if a

document filed in a proceeding governed by this chapter is defective, not in substantial conformity with the applicable rules of the commission, or is otherwise insufficient, the commission may on its own motion or on the motion of any party, strike or dismiss such document or require its amendment. If amended, the document shall be effective as of the date the amended or corrected document is deemed a proper filing by the executive officer.

(b) Notwithstanding the provisions of sections 15-15-50(e), 15-15-50(f), and 15-15-50.5, the commission may, on its own motion, or on motion by any of the parties addressing alleged deficiencies of the petition, dismiss defective or nonconforming petitions with or without prejudice. If the petition is determined by the commission to be defective or nonconforming, the date of proper filing shall be the date the commission determines that the defects are cured. If the defects are jurisdictional, including, without limitation, failure to satisfy the requirements of section 15-15-50(c)(5), the commission shall dismiss the petition without prejudice. [Eff 10/27/86; am and comp 8/16/97; comp 5/8/00; am and comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-7) (Imp: HRS §91-2)

§15-15-42 Extensions of time. (a) Whenever a party is required to file a pleading within a period prescribed or allowed by these rules by notice given thereunder, or by an order, the chairperson, presiding officer, or the executive officer may:

(1) For good cause shown, with or without notice or hearing, extend such period if written request therefor is made before the expiration of the period originally prescribed or as extended by a previous order;

(2) Pursuant to a stipulation between all of the parties, without notice or hearing, extend the period; or

(3) Upon motion after the expiration of the specified period, permit the act to be done where the failure to act is clearly shown to be the result of excusable neglect; but may not extend the time for taking any action on jurisdictional matters.

(b) Extensions of time to file any pleading or other document required by a decision and order of the commission must be requested more than fourteen days prior to the next scheduled hearing date on the matter.

This section shall not apply to extensions of time affecting jurisdictional matters [Eff 10/27/86; am and comp 8/16/97; comp 5/8/00; am and comp NOV 0 2 2013](Auth: HRS §§205-1, 205-7) (Imp: HRS §§91-2, 205-4)

§15-15-43 Amended pleadings. All pleadings may be amended at any time until forty-five days prior to the hearing date set pursuant to section 15-15-51. Amendments offered prior to the hearing date shall be served on all parties and filed with the commission. All parties shall have the opportunity to provide any further response to address the amended pleading up to thirty days prior to the hearing date set pursuant to section 15-15-51. No amended pleadings shall be filed after forty-five days prior to the date of the hearing and no responses shall be filed after thirty days prior to the hearing date, unless a stipulation is reached by all parties, or good cause is shown and approval of the chairperson, presiding officer, or the chairperson's designee is obtained. [Eff 10/27/86; am and comp 8/16/97; am and comp 5/8/00; and comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-7, SLH 1995, Act 235, §2) (Imp: HRS §§91-2, 205-1, 205-7)

§15-15-44 Retention of documents. The commission shall retain all documents filed with or presented to the commission in the files of the commission. However, the chairperson or presiding officer may permit a party to withdraw original documents submitted by a party upon submission of properly authenticated copies to replace the original documents. The party shall not withdraw the original documents until it has submitted the authenticated copies and it has given to the chief clerk a receipt, specifying the date and identifying the original documents withdrawn. [Eff 10/27/86; am and comp 8/16/97; comp 5/8/00; am and comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-7) (Imp: HRS §91-2)

§15-15-45 Service of process. (a) The commission shall cause to be served all orders, notices, and other papers issued by it, together with any other papers that it is required by law to serve. All other papers shall be served by the parties filing them.

(b) All papers served by either the commission or

3081

any party shall be filed and served upon all parties or their attorney and shall contain a certificate of service. Any attorney entering an appearance subsequent to the proceeding shall notify all other attorneys then of record and all parties not represented by an attorney of that fact.

(c) The final decision and order, and any other paper required to be served by the commission upon a party, shall be served upon the party's attorney of record or in the absence of an attorney, upon the party.

(d) Service of papers other than the notice of hearing and the final decision and order, shall be made personally or, unless otherwise provided by law, by first class mail. Notice of hearing shall be served as provided in section 15-15-51, and the final decision and order shall be served by certified mail.

(e) Service upon parties, other than the commission, shall be regarded as complete upon the occurrence of at least one of the following: (1) the party or its attorney is personally served; (2) the document is delivered to the party's office or its attorney's office and left with some responsible person; or (3) the document is properly stamped, addressed and mailed by first class mail to the last known address of the party on file with the commission or to the party's attorney.

(f) Whenever a party has the right to do some act or take some proceedings within a prescribed period after the service of a notice or other paper upon the person, and the notice or paper is served by mail, two days shall be added to the prescribed period. [Eff 10/27/86; am and comp 8/16/97; am and comp 5/8/00; am and comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-7) (Imp: HRS §§91-2, 205-4)

§15-15-45.1 Fees. (a) Unless otherwise provided herein, a motion for incremental districting approval, motion for amendment to a decision and order, requested rule making, a motion to release conditions, a motion for declaratory order, a motion for special permit, a motion for order to show cause, or motion for important agricultural land designation, by any person other than a state or county department or agency shall be accompanied by a filing fee by cashier's check, for $1,000, made payable to the State of Hawai'i. State or county departments or agencies that submit such petitions, motions, or applications shall not be subject to the filing fee. Such petition, motion, or

3081

application filed jointly by a state or county department or agency and a person who is not a state or county department or agency shall be subject to the filing fee.

(b) A petition for an amendment to a district boundary filed by any person other than a state or county department or agency shall be accompanied by a filing fee by cashier's check for $5,000, made payable to the State of Hawai`i. State or county departments or agencies that submit a petition for amendment to a district boundary shall not be subject to the filing fee. A petition for an amendment to a district boundary filed jointly by a state or county department or agency and a person who is not a state or county department or agency shall be subject to the filing fee.

(c) A petition for intervention in any proceeding filed by any person other than a state or county department or agency shall be accompanied by a filing fee by cashier's check in the amount of $50, made payable to the State of Hawai`i. State or county departments or agencies that submit such petitions for intervention shall not be subject to the filing fee.

(d) Except as otherwise provided by law, a copy of any public document or government record, including any map, plan diagram, photograph, or photostat, which is open to inspection by the public shall be furnished to any person requesting the same by the executive officer having charge or control thereof upon the payment of the reasonable cost of reproducing such copy, which amount shall not be less than 12 cents per page, sheet, or fraction thereof. In addition, the requestor shall be responsible to pay for labor costs for searching, reviewing, and segregating, and actual time for reproducing, and material costs, including electricity cost, equipment cost including rental cost, cost for certification, and other related costs of providing the requested public document or government record.

(e) The petitioner, movant, or applicant for any petition, motion, or application shall, unless otherwise ordered by the commission, reimburse the commission for or pay at the direction of the commission any expenses related to the publication of any required hearing notice, expenses of court reporter services, expenses of the hearing room, expenses for audio/visual services and equipment, and any other hearing-related expenses.

(f) After notice and opportunity to be heard, the commission may also assess any party to any proceeding

3081

before the commission a reasonable fee or require reimbursements for hearing expenses as determined by the commission, including without limitation, expenses of court reporter, hearing room, and expenses for audio/visual services and equipment.

(g) The commission may assess a reasonable fee or require reimbursements to be made for inexcusable absence of a party from a contested case proceeding. The assessment may include, but not be limited to, such costs for airfare, room rental fees, and publication fees. [Eff and comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-4.1, 205-7) (Imp: HRS §§91-2, 92-21, 205-4.1)

§15-15-45.2 Fees nonrefundable. The fees set forth in this chapter shall be nonrefundable. [Eff and comp] (Auth: HRS §§205-1, 205-4.1, 205-7) (Imp: HRS §§91-2, 92-21, 205-4.1)

SUBCHAPTER 6

APPLICATION REQUIREMENTS FOR BOUNDARY AMENDMENT PETITIONS

§15-15-46 Standing to initiate boundary amendments. The following persons may initiate a petition to the commission for district boundary amendment:

(1) State departments or agencies;
(2) County departments or agencies of the county in which the property is situated; or
(3) Any person with a property interest in the property sought to be reclassified. [Eff 10/27/86; am and comp 8/16/97; comp 5/8/00; comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-7) (Imp: HRS §§205-3.1, 205-4)

§15-15-47 Filing. The petitioner shall file one original, and one paper copy and one electronic copy of a petition for boundary amendment and all supporting documents and exhibits, with the commission. Additional copies shall be promptly provided if the chairperson or the executive officer so requests. The number and format of copies required under this section may be modified by order of the commission. [Eff 10/27/86; am

3081

and comp 8/16/97; comp 5/8/00; am and comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-7) (Imp: HRS §§91-2, 205-4)

§15-15-48 Service of petition. (a) At the time the petition is filed with the commission, the petitioner shall serve copies of the petition and all supporting documents upon:

(1) the county planning department and planning commission of the county within which the subject land is situated,
(2) the appropriate island planning commission,
(3) the state office of planning, and
(4) all persons with a property interest in the subject property as recorded in the county's real property tax records at the time the petition is filed.

(b) The petitioner shall serve copies of the petition upon any potential intervenor upon receipt of a notice of intent to intervene pursuant to section 15-15-52(b).

(c) Copies of all documents filed by petitioner after filing of the petition shall be served upon the county planning department and the state office of planning at the same time the document is filed with the commission. [Eff 10/27/86; am and comp 8/16/97; comp 5/8/00; am and comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-4, 205-7) (Imp: HRS §§91-2, 205-4)

§15-15-49 REPEALED [R /2013]

§15-15-50 Form and contents of petition. (a) The form of the petition for boundary amendment shall conform to the requirements of subchapters 5 and 6. All petitions shall:

(1) State clearly and concisely the authorization or relief sought; and
(2) Cite by appropriate reference the statutory provision or other authority under which commission authorization or relief is sought.

(b) For petitions to reclassify properties from the conservation district to any other district, the petition shall not be deemed a proper filing unless an approved environmental impact statement or finding of no significant impact is approved or accepted by the commission for the proposed boundary amendment request. Such approved or accepted environmental impact statement or finding of no significant impact shall be

filed with and be part of the petition for boundary amendment. Notwithstanding any rule to the contrary, the processes provided by subsections (e) and (f) shall not commence until this subsection is satisfied.

(c) The following information shall also be provided in each petition for boundary amendment:

(1) The exact legal name of each petitioner and the location of the principal place of business and if an applicant is a corporation, trust, or association, or other legal entity, the state in which the petitioner was organized or incorporated;
(2) The name, title, and address of the person to whom correspondence or communications in regard to the petition are to be addressed;
(3) Description of the subject property, acreage, and tax map key number, with maps, including the tax map, that identify the area stated in the petition. If the subject property is a portion of one or more tax map key parcels, or the petition proposes incremental development of the subject property on both increments of development, the petitioner shall include a map and description of the subject property and each increment in metes and bounds prepared by a registered professional land surveyor;
(4) The boundary amendment sought and present use of the property, including an assessment of conformity of the boundary amendment to the standards for determining the requested district boundary amendment;
(5) The petitioner's property interest in the subject property. The petitioner shall attach as exhibits to the petition the following:
    (A) A true copy of the deed, lease, option agreement, development agreement, or other document conveying to the petitioner a property interest in the subject property or a certified copy of a nonappealable final judgment of a court of competent jurisdiction quieting title in the petitioner;
    (B) If the petitioner is not the owner in fee simple of the subject property, or any part thereof, written authorization of all fee owners to file the petition and a true copy of the deed to the subject property; and

(C) An affidavit of the petitioner or its agent attesting to its compliance with section 15-15-48;

(6) A description of any easements on the subject property, together with identification of the owners of the easements; a description of any other ownership interests shown on the tax maps.

(7) Type of use or development being proposed, including without limitation, a description of any planned development, residential, golf course, open space, resort, commercial, or industrial use;

(8) A statement of projected number of lots, lot size, number of units, densities, selling price, intended market, and development timetables;

(9) A statement describing the financial condition together with a current certified balance sheet and income statement as of the end of the last calendar year, or if the petitioner is on a fiscal year basis, as of the end of the petitioner's last fiscal year, and a clear description of the manner in which the petitioner proposes to finance the proposed use or development. If such information is protected from disclosure under chapter 92F, HRS, the petitioner may request a protective order to protect the confidentiality of the information pursuant to section 15-15-70.1. A petitioner which is a state or county department or agency, shall be exempt from this requirement;

(10) Description of the subject property and surrounding areas including the use of the property over the past two years, the present use, the soil classification, the agricultural lands of importance to the State of Hawai`i classification (ALISH), the Land Study Bureau productivity rating, the flood and drainage conditions, and the topography of the subject property;

(11) An assessment of the impacts of the proposed use or development upon the environment, agriculture, recreational, cultural, historic, scenic, flora and fauna, groundwater, or other resources of the area. If required by chapter 343, HRS, either a finding of no significant impact after review of an environmental assessment or an

environmental impact statement conforming to the requirements of chapter 343, HRS, must be filed;

(12) Availability or adequacy of public services and facilities such as schools, parks, wastewater systems, solid waste disposal, drainage, water, transportation systems, public utilities, police and fire protection, civil defense, emergency medical service and medical facilities, and to what extent any public agency would be impacted by the proposed development or boundary amendment;

(13) Location of the proposed use or development in relation to adjacent land use districts and any centers of trading and employment;

(14) Economic impacts of the proposed boundary amendment, use, or development including, without limitation, the provision of any impact on employment opportunities, and the potential impact to agricultural production in the vicinity of the subject property, and in the county and State;

(15) A description of the manner in which the petitioner addresses the housing needs of low income, low-moderate income, and gap groups;

(16) An assessment of need for the boundary amendment based upon the relationship between the use or development proposed and other projects existing or proposed for the area and consideration of other similarly designated land in the area;

(17) An assessment of conformity of the boundary amendment to applicable goals, objectives, and policies of the Hawai`i state plan, chapter 226, HRS, and applicable priority guidelines and functional plan policies;

(18) An assessment of the conformity of the boundary amendment to objectives and policies of the coastal zone management program, chapter 205A, HRS;

(19) An assessment of conformity of the boundary amendment to the applicable county general plans, development or community plans, zoning designations and policies, and proposed amendments required;

(20) Petitioners submitting petitions for boundary amendment to the urban district shall also represent that development of the subject property in accordance with the demonstrated

need therefor will be accomplished before ten years after the date of commission approval. In the event full urban development cannot substantially be completed within such period, the petitioner shall also submit a schedule for development of the total of such project in increments together with a map identifying the location of each increment, each such increment to be completed within no more than a ten-year period;

(21) A statement addressing Hawaiian customary and traditional rights under Article XII, section 7 of the Hawai'i State Constitution;

(22) Any written comments received by the petitioner from governmental and non-governmental agencies, organizations, or individuals in regards to the proposed boundary amendment; and

(23) A copy of the notification of petition filing pursuant to subsection (d).

(d) The petitioner shall send a notification of petition filing to persons included on a mailing list provided by the chief clerk. The notification of petition filing shall be in a form as prescribed by the executive officer, and shall include, but not be limited to, the following information:

(1) Petitioner's name and mailing address;
(2) Landowner's name;
(3) Tax map key identification of the property requested for boundary amendment;
(4) Location of the property;
(5) Requested boundary amendment and approximate acreage;
(6) Proposed use of the property;
(7) A statement that detailed information on the petition may be obtained by reviewing the petition and maps on file at the office of the commission or the respective county planning department or at the commission's website;
(8) A statement that informs potential intervenors on the mailing list provided by the commission that they may file a notice of intent to intervene with the commission within thirty days of the date of the notification of petition filing pursuant to section 15-15-52(b);
(9) A statement that informs the general public to contact the office of the commission for information on participating in the hearing;

3081

and

(10) A location map depicting the petition area.

The notification of petition filing shall be sent to all persons on the mailing list on the same day that the petition is filed with the commission. The petitioner shall submit to the commission an affidavit that the petitioner has sent the notification of petition filing pursuant to this subsection.

(e) The executive officer shall receive and complete a review of the petition for completeness within thirty days of the filing of the petition. The provisions herein, however, are subject to the requirements of subsection (b) on petitions for reclassification of conservation district lands.

(f) Upon completion of the review pursuant to subsection (e), the executive officer shall determine whether the petition is a proper filing and is accepted for processing. The petition shall be deemed a proper filing if the items required in subsections (a), (b), (c), and (d) have been submitted. The petition may be deemed defective by the executive officer if any of the items required in subsections (a), (b), (c), or (d) have not been submitted. If the petition is deemed defective, the executive officer shall notify the petitioner of the determination and the reasons for the determination. The petition may be deemed as a proper filing upon review of the additional information submitted and upon determination by the executive officer, and the date the petition will be deemed a proper filing will be the date the executive officer determines the defects have been cured. The executive officer will file a notice of proper filing and mail the notice to the petitioner, the State office of planning, the county planning agency, and to persons who have filed a notice of intent to intervene. The executive officer's determination is subject to review in accordance with section 15-15-41. The provisions herein, however, are subject to the requirements of section 15-15-50(b) on petitions for boundary amendment of conservation district lands.

(g) The petitioner has a continuing obligation to update the information submitted in the petition prior to and during the pendency of the hearing on the petition. [Eff 10/27/86; am 3/24/94; am and comp 8/16/97; am and comp 5/8/00; am and comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-4, 205-7) (Imp: HRS §§91-2, 205-4)

§15-15-50.5 Dismissal of petition for failure

3081

to provide additional information or correct defects. Where the executive officer, pursuant to section 15-15-50(f), has determined that a petition is defective or nonconforming and the petitioner has not provided additional information or cured any defects within nine (9) months after the date of issuance of the notice that the petition is defective, the executive officer shall notify the petitioner in writing that the petition is dismissed for want of prosecution unless objections thereto, showing good cause with specific reasons, are filed within ten days after the date of such notification. If objections are not filed within said ten-day period, the executive officer shall file an order of dismissal with or without prejudice. If objections are filed within said ten-day period, the commission shall hear the objections upon notice and determine whether the petition should be dismissed. [Eff and comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-4, 205-7)

§15-15-50.6 Withdrawal or amendment of petition. (a) The petitioner may withdraw or amend the petition without prejudice: (1) at any time before a petition for district boundary amendment is deemed a proper filing or, (2) any time after a petition for district boundary amendment has been deemed a proper filing but before it has been set for hearing; provided that if substantive amendments are made, the filing date for the petition shall be the date the amended petition is deemed a proper filing, and petitioner must send a notification of filing of the amended petition in conformance with the requirements of section 15-15-50(d).

(b) If a petition for district boundary amendment has been set for hearing, the petition may be withdrawn only upon the commission's granting of a motion for withdrawal filed by the petitioner. In the event the commission grants a motion to withdraw, the petitioner may not refile the petition within one year after the granting of the motion for withdrawal.

(c) If a petition for district boundary amendment has been set for hearing, the petition may be amended only in compliance with the requirements of section 15-15-43. [Eff and comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-4, 205-7)

SUBCHAPTER 7

AGENCY HEARING AND POST HEARING PROCEDURES

3081 | ⊠⊠

§15-15-51 Notice of hearing for boundary amendment petitions. (a) Not less than sixty days and not more than one hundred eighty days after the proper filing of a petition for boundary amendment, a hearing shall be conducted by the commission or a hearings officer on the island in which the subject property is situated.

(b) The notice of hearing shall be served on the office of planning, the planning commission and the planning department of the county in which the subject property is situated, the appropriate planning commission of the island on which the subject property is situated, all persons with a property interest in the subject property that is recorded in the county's real property tax records at the time the petition is submitted, all persons with an easement over, on, upon or through the subject property, and all persons who appear on the county tax map to have an interest in the subject property. In addition, notice of the hearing shall be mailed to all persons who have made a timely written request for advance notice of boundary amendment proceedings.

(c) The notice of hearing for a boundary amendment shall be published at least once in the county in which the land sought to be redistricted is situated as well as once statewide at least thirty days in advance of the hearing. The notice of hearing shall also be filed with the lieutenant governor's office at least six calendar days before the hearing.

(d) The notice of hearing of a boundary amendment shall include:

(1) The date, time, place, and nature of the hearing;
(2) The legal authority under which the hearing is to be held;
(3) The particular sections of the statutes and rules involved;
(4) An explicit statement in plain language of the issues involved;
(5) The fact that parties may retain an attorney if they so desire and the fact that an individual may appear on the individual's own behalf, or a member of a partnership may represent the partnership, or an officer or authorized employee of a corporation, trust, or other legal entity may represent the corporation, trust, or other legal entity;
(6) Where the map of the subject property or petition may be inspected; and

3081 | ⊠⊠

(7) The rights of interested persons under section 205-4(e), HRS.

(e) The hearing may be continued or reopened by the commission when necessary, provided that notice is given pursuant to section 92-7, HRS, and the continued or re-opened hearing shall not extend beyond three hundred sixty-five days from the date the petition is deemed properly filed, unless an extension of time is requested by motion by any party, by stipulation, or by the commission on its own motion, so long as the commission votes affirmatively on the motion or stipulation by a two-thirds vote of the membership of the commission. The extension of time shall not exceed ninety days beyond three hundred sixty-five days from the date the petition is deemed properly filed. [Eff10/27/86; am and comp 8/16/97; am and comp 5/8/00; am and comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-4, 205-7) (Imp: HRS §§1-28.5, 91-9, 92-7, 92-41, 205-4)

§15-15-52 Intervention in proceeding for district boundary amendments, except proceedings pursuant to chapter 201H, HRS. (a) The petitioner, the state office of planning, and the planning department of the county within which the subject land is situated shall appear in every case as parties, and make recommendations relative to the proposed boundary amendment.

(b) Within thirty days of the date of the notification of petition filing pursuant to section 15-15-50(d), persons who intend to intervene may file a notice of intent to intervene with the commission. The notice of intent to intervene shall provide, but not be limited to, the following information:

(1) The person's name and mailing address; and

(2) The nature and extent of the person's interest in the petition.

The notice of intent to intervene shall be served upon the petitioner, the state office of planning, and the respective county planning department. Upon receipt of a notice of intent to intervene, the petitioner shall serve a copy of the petition filed with the chief clerk upon the potential intervenor. All persons who wish to formally intervene shall comply with subsections (e), (f), (g), and (h).

(c) Persons who may intervene upon timely application include:

(1) All departments and agencies of the State and of the county in which the land is situated;

and

(2) All persons who have a property interest in the land, or who otherwise can demonstrate that they will be so directly and immediately affected by the proposed change that their interest in the proceeding is clearly distinguishable from that of the general public.

(d) All other persons may apply for leave to intervene, which shall be freely granted, provided the commission or its hearings officer may deny an application to intervene when, in the commission's, or hearings officer's discretion it appears that:

(1) The position of the applicant for intervention is substantially the same as the position of a party already admitted to the proceeding; and

(2) The admission of additional parties will render the proceedings inefficient and unmanageable.

(e) In a boundary amendment proceeding, petitions to intervene and become a party shall be in conformity with subchapter 5 and filed with the commission. An original and one paper copy, plus one electronic copy, of the petition for intervention with proof of service on all parties shall be filed with the commission within fifteen calendar days after the notice of hearing is published pursuant to section 15-15-51(c). Except for good cause shown, late filing shall not be permitted. The number and format of copies required under this section may be modified by order of the commission.

(f) Petitions for intervention shall make reference to the following:

(1) Nature of the petitioner's statutory or other right;

(2) Nature and extent of the petitioner's interest in the matter, and if an abutting property owner, the tax map key description of the property; and

(3) Effect of any decision in the proceeding on the petitioner's interest.

(g) Petitions for intervention pursuant to subsection (d) shall also make reference to the following:

(1) Other means available whereby the petitioner's interest may be protected;

(2) Extent the petitioner's interest will not be represented by or differs from that of existing parties;

(3) Extent the petitioner's participation can assist in development of a complete record;
(4) Extent the petitioner's participation will broaden the issues; and
(5) How the petitioner's intervention would serve the public interest.

(h) Petitions for intervention shall be accompanied by a filing fee as provided for in section 15-15-45.1. The fee shall not apply to state and county agencies.

(i) If any party opposes the petition for intervention, the party shall file a pleading in opposition within seven days after being served.

(j) All petitions to intervene shall be heard prior to the scheduled hearing.

(k) A person whose petition to intervene has been denied may appeal the denial to the circuit court pursuant to section 91-14, HRS. [Eff 10/27/86; am and comp 8/16/97; am and comp 5/8/00; am and comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-4, 205-7, SLH 1995, Act 235, §2) (Imp: HRS §205-4, SLH 1995, Act 235, §1)

§15-15-53 Intervention in other than district boundary amendment proceeding or important agricultural lands designation proceeding. (a) In any proceeding other than a district boundary amendment proceeding or important agricultural lands designation proceeding before the commission, petitions to intervene and become a party shall conform to subchapter 5 and be filed no later than fifteen days after the date of the publication of the hearing notice.

(b) Contents of the petition shall conform to sections 15-15-52(e) and 15-15-52(f).

(c) Petitions to intervene in special permit proceedings will not be considered since the record is made by and before the county planning commission. [Eff 10/27/86; am and comp 8/16/97; comp 5/8/00; am and comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-4, 205-7) (Imp: HRS §§205-1, 205-4)

§15-15-54 Consolidation. The commission, upon its own initiative or upon motion by any party, may consolidate for hearing or other purposes, or may contemporaneously consider, two or more proceedings which involve substantially the same parties or issues which are the same or closely related if the commission finds that consolidation or contemporaneous

consideration will be conducive to the proper dispatch of its business and to the ends of justice and will not unduly delay the proceedings. [Eff 10/27/86; comp 8/16/97; comp 5/8/00; am and comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-7) (Imp: HRS §§91-2, 205-4)

§15-15-55 Statements of position. No later than thirty days after the postmarked date of notice that the petition has been deemed a proper filing, the state office of planning and appropriate county planning department, and any intervenor, or person or legal entity who filed a timely notice of intent to intervene and whose intervention petition is still pending, shall file with the commission a statement of position with a summary of reasons in support or opposition, including without limitation, a statement describing the respective positions of any department within the State and county that may be impacted by the boundary amendment. [Eff 10/27/86; am and comp 8/16/97; comp 5/8/00; am and comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-7, SLH 1995, Act 235, §2) (Imp: HRS §§91-2, 205-4, SLH 1995, Act 235, §1)

§15-15-55.1 Filing of exhibits. (a) No later than twenty-five days prior to the date set for hearing pursuant to section 15-15-51, or as specified in a prehearing order issued in accordance with section 15-15-57, all parties shall submit all exhibits to substantiate their position on the boundary amendment.

(b) No later than twenty-five days prior to the scheduled hearing pursuant to section 15-15-51, or as specified in a prehearing order issued in accordance with section 15-15-57, all intervenors granted intervention shall submit all exhibits to substantiate their position on the boundary amendment petition.

(c) Each party shall have the opportunity to provide further response to address the exhibits submitted or amended pleadings up to twenty days prior to the hearing date set pursuant to section 15-15-51 or as specified in a prehearing order issued in accordance with section 15-15-57.

(d) Any amendments to pleadings shall be submitted pursuant to section 15-15-43. [Eff and comp 8/16/97; am and comp 5/8/00; am and comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-7, SLH 1995, Act 235, §2) (Imp: HRS §§91-2, 205-4, SLH 1995, Act 235, §1)

§15-15-56 Stipulations. All parties may enter

into appropriate stipulations as to testimony, exhibits, findings of fact, conclusions of law, and conditions of reclassification concerning the proposed boundary amendment as follows:

(1) A petitioner who desires to enter into a stipulation shall prepare a proposed stipulation as to any or all testimony, exhibits, proposed findings of fact, conclusions of law, and conditions of reclassification concerning the proposed boundary amendment;

(2) All parties shall sign the proposed stipulation as to any or all testimony, exhibits, proposed findings of fact, conclusions of law, conditions of reclassification, and a proposed decision and order, if at all, and shall submit such stipulation to the commission at least fourteen business days prior to the hearing date;

(3) At the hearing, the commission may approve or deny the proposed stipulation and proposed decision and order in whole or in part, or the commission may require the parties to submit additional evidence concerning the proposed stipulation and proposed decision and order;

(4) The commission may approve the proposed decision and order by amending or adopting the proposed decision and order. The commission shall issue a decision and order pursuant to provisions of sections 15-15-36 and 15-15-74 and section 205-4(g), HRS. [Eff 10/27/86; am and comp 8/16/97; comp 5/8/00; am and comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-7) (Imp: HRS §205-4)

§15-15-57 Prehearing conference; exchange of exhibits; prehearing conference order. (a) The chairperson, presiding officer, or the executive officer shall be authorized to hold one or more prehearing conferences with the parties for the purpose of identifying the issues, identifying the positions of the parties, arranging for the exchange of proposed exhibits or proposed written testimony, setting of schedules, exchanging names of witnesses, limitation of number of witnesses, determining the extent of agreement as to proposed findings, and such other matters as may expedite orderly conduct and disposition

3081

of the hearing. No motions and decisions on substantive matters shall occur at the prehearing conference.

(b) The chairperson, presiding officer, or the executive officer may issue a prehearing conference order that shall establish a schedule for the mutual exchange of exhibits and identification of witnesses. The prehearing conference order shall insure that all parties will be provided an opportunity to actively participate in the hearing. No party shall be allowed to present additional exhibits or witnesses that are material or substantial and not identified within the schedule provided by the prehearing conference order, unless the presenting party provides good cause or the exhibit or witness is being presented for rebuttal purposes, or by stipulation of the parties with the permission of the commission. [Eff 10/27/86; am and comp 8/16/97; comp 5/8/00; am and comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-7) (Imp: HRS §§91-2, 205-4)

§15-15-58 Procedure for witnesses. (a) The commission may subpoena witnesses as set forth in section 15-15-69.

(b) Together with other witnesses that the commission may desire to hear at the hearing, the commission shall also allow a representative of a citizen or community group to testify, who indicates a desire to express the views of those citizen or community group concerning the proposed boundary amendment. Anyone who desires to testify shall make written application to be a witness prior to the hearing and, if the person desires to express the views of a citizen or community group, shall submit written evidence to show that the person is a duly authorized representative of the citizen or community group.

(c) The presiding officer shall place witnesses under oath or affirmation prior to testifying. [Eff 10/27/86; am and comp 8/16/97; comp 5/8/00; am and comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-7) (Imp: HRS §§91-2, 205-4)

§15-15-59 Conduct of hearing. (a) The hearing shall be conducted in accordance with this subchapter. Unless otherwise provided by law, the party initiating the proceeding shall have the burden of proof, including the burden of producing evidence and the burden of persuasion.

(b) The presiding officer shall convene the

3081

hearing and summarize the proceeding.

(c) Before presenting the case, the parties shall have the opportunity to make opening statements in the order in which they present witnesses. Opening statements may be waived.

(d) Unless otherwise directed by the presiding officer, witnesses shall be called in the following order in a district boundary amendment proceeding:

(1) Witnesses for the petitioner;
(2) Witnesses for the county planning department;
(3) Witnesses for the state office of planning;
(4) Witnesses for each intervenor, in the order in which intervention was granted;
(5) Rebuttal witnesses for the petitioner;
(6) Additional witnesses as the presiding officer may determine.

(e) Witnesses shall be examined in the following order:

(1) Direct examination by the party calling the witness;
(2) Cross-examination by the other parties;
(3) Examination by the presiding officer or any member of the commission;
(4) Redirect examination by the party calling the witness;
(5) Recross examination by the other parties;
(6) Reexamination by the presiding officer or any member of the commission.

(f) After all parties have presented their cases through testimony and exhibits, all parties may provide closing statements in the order in which they presented witnesses; provided that petitioner may make a rebuttal closing statement. Closing statements may be waived. [Eff 10/27/86; comp 8/16/97; comp 5/8/00; am and comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-7) (Imp: HRS §§91-2, 205-4)

§15-15-60 Presiding officer. (a) Notwithstanding section 15-15-06, in all hearings before the commission, the chairperson, a vice-chairperson, one of the other commissioners, or a hearings officer appointed by the commission shall preside at the hearing.

(b) The presiding officer shall convene the hearing and briefly state the nature of the case, control the schedule and course of the hearings, administer oaths and affirmations, receive evidence, hold appropriate conferences before and during hearings, rule upon all objections or motions which do

3081

not involve a final determination of the proceedings, receive offers of proof, and fix the time for the filing of briefs or proposed findings of fact, conclusions of law and decisions and orders and responses or objections thereto, dispose of any other matter that normally and properly arises in the course of a hearing, and take all other actions authorized by law that are deemed necessary to the orderly and just conduct of a hearing.

(c) The presiding officer may postpone or continue any hearing upon a motion of any party without a hearing. [Eff 10/27/86; am and comp 8/16/97; comp 5/8/00; am and comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-7)(Imp: HRS §§91-2, 205-4)

§15-15-61 Disqualification. No commissioner or hearings officer shall sit in any proceeding in which the commissioner or hearings officer has a personal pecuniary or business interest, or one in which the commissioner or hearings officer is related within the first degree by blood or marriage to any party to the proceeding. However, if, after declaring the nature of the circumstances of the pecuniary interest or consanguinity to the parties, and the parties do not oppose the commissioner or hearings officer sitting in the proceeding, the commissioner or hearings officer may participate in the proceeding. The record shall note clearly the waiver by the parties. [Eff 10/27/86; am and comp 8/16/97; am and comp 5/8/00; am and comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-7) (Imp: HRS §§91-2, 205-4)

§15-15-62 Ex parte communications. (a) No person whether or not a party to a proceeding before the commission shall make an unauthorized ex parte communication either oral or written about the proceeding to any member of the commission or hearings officer who will be a participant in the decision-making process or the executive officer.

(b) The following classes of ex parte communications are permitted:

(1) Communications which relate solely to matters which a commission member or hearings officer is authorized by the commission to dispose of on an ex parte basis, including communications regarding scheduling or other procedural matters regarding the course of the proceeding;

3081

(2) Requests for information with respect to the status of a proceeding;
(3) Communications which all parties to the proceeding agree or which the commission has formally ruled may be made on an ex parte basis; and
(4) Communications with representatives of any news media on matters intended to inform the general public. [Eff 10/27/86; am and comp 8/16/97; comp 5/8/00; am and comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-7) (Imp: HRS §§91-2, 91-13, 205-4)

§15-15-63 Evidence. (a) In contested cases, evidentiary requirements shall be controlled by this section.

(b) Any oral or documentary evidence may be received, but the commission shall as a matter of policy provide for the exclusion of irrelevant, immaterial, or unduly repetitious evidence and no sanction shall be imposed or rule or order be issued except upon consideration of the whole record or such portions thereof as may be cited by any party and as supported by and in accordance with the reliable, probative, and substantial evidence. The commission shall give effect to the rules of privilege recognized by law. Neither the commission nor a hearings officer is bound by the common law rules relating to the admission or rejection of evidence.

(c) The presiding officer shall rule on the admissibility of all evidence. The rulings may be reviewed by the commission in determining the matter on its merits. In extraordinary circumstances, where prompt decision by the commission is necessary to promote justice, the presiding officer may refer the matter to the commission for determination.

(d) When objections are made to the admission or exclusion of evidence, the objecting party shall briefly state the grounds relied upon. Formal exceptions to rulings are unnecessary and need not be taken.

(e) An offer of proof for the record shall consist of a statement of the substance of the evidence to which objection has been sustained.

(f) With the approval of the presiding officer, a witness may read into the record the testimony of a witness on direct examination. Before any written testimony is read, unless excused by the presiding officer, the witness shall provide an original and one

3081

paper copy and one electronic copy of the written testimony to the chief clerk, with a copy to each party to the proceeding. Admissibility shall be subject to the rules governing oral testimony. If the presiding officer deems that substantial saving in time will result, a copy of the written testimony may be received into evidence without reading, provided that the witness shall be subject to proper cross-examination on matters contained in the written testimony. Any amendments to written direct and rebuttal testimony, or the introduction of totally new matters by revisions or supplements shall be accompanied by a sworn affidavit or declaration explaining why these matters were not submitted with the original written testimony.

(g) Documentary evidence may be received in the form of copies or excerpts if the original is not readily available; provided that upon request parties shall be given an opportunity to compare the copy with the original.

(h) Exhibits shall be legible and may be prepared on paper not exceeding 8-1/2 x 11 inches in size or bound or folded to the respective approximate size, where practical. Where practicable, sheets of each exhibit shall be numbered and data and other figures shall be set forth in tabular form. When exhibits are offered in evidence, the party shall furnish the original, one paper copy and one electronic copy of the exhibits to the chief clerk with a copy to each party to the proceeding, unless copies have been previously furnished or the presiding officer directs otherwise. The number and format of copies required under this section may be modified by order of the commission.

(i) A party may use maps or other demonstrative exhibits as evidence provided the parties submit the number of legible copies as may be required by the presiding officer. The commission shall not permit the introduction of or testimony from any visual aid not introduced as evidence.

(j) If any matter contained in the petition or in a document filed as a public record with the commission is offered in evidence, unless directed otherwise by the presiding officer, the document need not be produced as an exhibit, but may be received in evidence by reference, provided that the particular portions of the document are specifically identified and are otherwise competent, relevant, and material. If testimony in proceedings other than the one being heard is offered in evidence, a copy shall be presented as an exhibit, unless otherwise ordered by the presiding

3081

officer.

(k) The commission may take official notice of matters as may be judicially noticed by the courts of the State of Hawai`i. Official notice may also be taken of generally recognized technical or scientific facts
within the commission's specialized knowledge when parties are given notice either before or during the hearing of the material so noticed and afforded the opportunity to contest the facts so noticed.

(l) At the hearing, the presiding officer may require the production of further evidence through testimony or exhibits upon any issue. The presiding officer may authorize the filing of specific documentary evidence as a part of the record after the close of the hearing, subject to the rights of the parties to request reopening of the hearing within a specified time after the receipt of such evidence, or may keep the hearing open until such time as evidence is received by the commission. Upon agreement of the parties, the presiding officer may authorize the filing of specific documentary evidence as a part of the record within a fixed time after submission, reserving an exhibit number therefor, but the hearing shall remain open. The presiding officer is authorized to close the hearing when the exhibit is received, provided that there is no objection from any party, and no request to cross-examine by any party or a request to answer questions by a commissioner. [Eff 10/27/86; am and comp 8/16/97; am and comp 5/8/00; am and comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-7) (Imp: HRS §§91-2, 91-10, 205-4)

§15-15-64 REPEALED [NOV 0 2 2013]

§15-15-65 Limiting testimony. To avoid unnecessary cumulative evidence, the presiding officer may limit the number of witnesses or the time for testimony upon a particular issue. [Eff 10/27/86; comp 8/16/97; comp 5/8/00; comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-7) (Imp: HRS §§91-2, 205-4)

§15-15-66 Removal from proceeding. Any person who wilfully disrupts a hearing or other proceeding may be removed from the hearing room. [Eff 10/27/86; am and comp 8/16/97; comp 5/8/00; am and compNOV 0 2 2013]

3081

(Auth: HRS §§205-1, 205-7) (Imp: HRS §§91-2, 92-3, 205-4)

§15-15-67 Co-counsel. Where a party is represented by more than one attorney or representative, only one of the attorneys or representatives shall be permitted to make an opening statement, or to examine or cross-examine a particular witness or to state any objections or to make closing statements, unless otherwise authorized by the presiding officer. [Eff 10/27/86; am and comp 8/16/97; comp 5/8/00; am and comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-7) (Imp: HRS §§91-2, 205-4)

§15-15-68 REPEALED [R NOV 0 2 2013]

§15-15-69 Subpoenas. (a) Any party may file a written motion for the issuance of a subpoena requiring the attendance of a witness for the purpose of taking oral testimony before the commission, which motion shall not require a hearing.

(b) Motions for the issuance of subpoenas duces tecum shall:

(1) Be in writing;

(2) Specify the particular document or record, or part thereof, desired to be produced;

(3) State the reasons why the production thereof is believed to be material and relevant to the issues involved; and

(4) Include a statement of the reasons why the testimony of the witness is believed to be material and relevant to the issues involved.

(c) Three original copies of the subpoenas duces tecum shall be submitted together with the motion filed pursuant to subsection (b).

(d) The presiding officer, chairperson, or in the chairperson's absence, any commissioner, may issue subpoenas. Subpoenas shall not be issued unless the party requesting the subpoena has complied with this section. Signed and sealed blank subpoenas shall not be issued to any person. The name and address of the witness shall be inserted in the original subpoena, a copy of which shall be filed in the proceeding. Subpoenas shall show at whose instance the subpoena is issued.

3081

(e) A party requesting the subpoenas shall be responsible for service of the issued subpoenas, and pay the witnesses summoned the same fees and mileage as are paid witnesses in circuit courts of the State of Hawai`i, and the fees and mileage shall be paid by the party at whose instance the witness appears.

(f) Notwithstanding any rule to the contrary, the chairperson, a commissioner, or a duly-appointed hearings officer may make an oral motion to request the issuance of a subpoena. [Eff 10/27/86; am and comp 8/16/97; comp 5/8/00; comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-7) (Imp: HRS §§91-2, 92-16, 205-4)

§15-15-70 Motions. (a) Any party may make motions before, during, or after the close of a hearing.

(b) All motions, other than those made during a hearing, shall:

(1) Be in writing;
(2) State the grounds for the motion;
(3) Set forth the relief or order sought;
(4) Be accompanied by a memorandum in support of the motion, if the motion involves a question of law; and
(5) Be filed with the commission at least ten business days before the next regularly scheduled meeting of the commission.

(c) Every motion, except one entitled to be heard ex parte, shall indicate whether a hearing is requested on the motion. If a motion requires the consideration of facts not appearing of record, it shall be supported by affidavits or declarations.

(d) The moving party shall serve a copy of all motion papers on all other parties and shall file the original plus one paper copy and one electronic copy with the commission and proof of service. The number and format of copies required under this section may be modified by order of the commission.

(e) The opposing party or parties shall serve on all other parties and file counter affidavits and memorandums in opposition to the motion and of the authorities relied upon not later than seven days after being served with any written motion, or, if the hearing on the motion will occur less than seven days after the motion is served, at least forty-eight hours before the time set for hearing, unless otherwise ordered by the chairperson, chairperson's designee, or hearings officer. The chairperson, chairperson's designee, or hearings officer may order the opposing

party or parties to file its memorandum in opposition earlier than the seven day period. The opposing party shall file the original plus one paper copy and one electronic copy with the commission and proof of service. The number and format of copies required under this section may be modified by order of the commission.

(f) Any party who does not oppose a motion or who intends to support a motion or who desires a continuance shall notify the commission, through the executive officer, and the opposing counsel within seven days after being served or, if the hearing on the motion will occur less than seven days after the motion is served, within forty-eight hours before the time set for hearing.

(g) Failure to serve or file memoranda in opposition to a motion or failure to appear at the hearing may be deemed a waiver of objection to the granting or denial of the motion.

(h) Motions that do not involve the final determination of a proceeding may be heard and determined by the chairperson, commissioner, or hearings officer.

(i) If a hearing is requested, the executive officer shall set a date and time for hearing on the motion.

(j) If a hearing on the motion is not requested, the commission may decide the matter upon the pleadings, memoranda, and other documents filed with the commission.

(k) Any motion, except a motion for relief from or release of conditions submitted by the same party or parties and based upon substantially the same grounds as a previous motion that has been considered by the commission or denied by the commission shall not be again considered.

(l) After the hearing on the evidence is closed, but before the commission votes on a decision, a party for good cause shown may move to re-open the hearing to take newly discovered evidence. The motion shall specify the facts claimed to constitute good cause, including material changes of fact or of law alleged to have occurred since the closing of the hearing and shall provide a description of the proposed additional evidence and an explanation of why the newly discovered evidence was not previously adduced. The party filing the motion shall be responsible for fees and costs pursuant to section 15-15-45.1.

(m) Orders granting, denying or otherwise disposing of motions, except motions to amend decisions

and orders relating to district boundary amendments and to special permits, may be signed by the chairperson or any vice chairperson, or the presiding officer, or the hearings officer, as the case may be. Orders granting, denying, or otherwise disposing of motions relating to amendments of decisions and orders in district boundary amendment proceedings and to special permits shall be signed by the commissioners who have heard or examined the evidence relating to the motion and who have voted affirmatively on the decision. [Eff 10/27/86; am and comp 8/16/97; comp 5/8/00; am and comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-7) (Imp: HRS §§91-2, 205-4)

§15-15-70.1 Protective orders. Any party or any person may move for a protective order to protect the confidentiality of information that is protected from disclosure under chapter 92F, HRS, or by other law. A motion for protective order shall specifically identify the document or information to be protected. The movant shall bear the burden of establishing that the information should be protected. Stipulations for protective order, subject to the commission's approval, may be filed in lieu of motions for protective orders. [Eff and comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-7)

§15-15-71 Substitution of parties. Upon motion and for good cause shown, the commission may order substitution of parties, except that in the case of death of a party, substitution may be ordered without the filing of a motion. [Eff 10/27/86; comp 8/16/97; comp 5/8/00; comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-7) (Imp: HRS §91-2, 205-4)

§15-15-72 Correction of transcript. The chairperson, presiding officer, or hearings officer shall determine any motion at the hearing to correct the transcript. Any motions after the hearing to correct the transcript shall be filed with the commission within seven days after receipt of the transcript unless otherwise directed, and shall be served on all parties. Such motions shall certify the date when the transcript was received. If no objections are received before seven days after the date of service, the transcript, upon approval of the commission, shall be changed to reflect the corrections. [Eff 10/27/86; am and comp 8/16/97;

3081

comp 5/8/00; comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-7) (Imp: HRS §91-2)

§15-15-73 Post hearing procedures. Post hearing procedures shall conform to subchapters 9 and 10. [Eff 10/27/86; comp 8/16/97; comp 5/8/00; comp NOV 0 2 2013](Auth: HRS §§205-1, 205-7) (Imp: HRS §91-2)

§15-15-74 Decision. (a) For district boundary amendment petitions filed before December 31, 1995, within a period of not more than one hundred twenty days after the close of the hearing, unless otherwise ordered by the court, the commission, by filing findings of fact and conclusions of law, shall act to approve the petition, deny the petition, or to modify the petition by imposing conditions in accordance with subchapter 11.

(b) For district boundary amendment petitions filed on or after July 14, 1998, prior to a period of not more than three hundred sixty-five days after the petition has been deemed a proper filing by the commission or the executive officer, unless otherwise ordered by a court, or unless a time extension, not to exceed ninety days, is established by a two-thirds vote of the members of the commission, the commission, by filing findings of fact and conclusions of law, shall act to approve the petition, deny the petition, or to modify the petition by imposing conditions in accordance with subchapter 11. If the commission fails to act on the petition pursuant to section 205-4(g), HRS, the petition shall be deemed approved, subject to the provisions of section 15-15-90(e).

(c) Notwithstanding subsections (a), and (b), decisions for petitions submitted pursuant to section 201H-38, HRS, shall be made in the timeframe as provided in section 15-15-97. [Eff 10/27/86; am 3/24/94; am and comp 8/16/97; am and comp 5/8/00; am and comp NOV 0 2 2013] (Auth: HRS §§91-13.5, 205-1, 205-4, 205-75) (Imp: HRS §§ 91-13.5, 201G-118, 205-4, SLH 1992, Act 227, §1, SLH 1994, Act 261, §1)

§15-15-75 Appeals. Parties to proceedings to amend land use district boundaries may obtain judicial reviews thereof in the manner set forth in section 91-14, HRS. [Eff 10/27/86; comp 8/16/97; comp 5/8/00; comp NOV 0 2 2013] (Auth: HRS §§205-1,

3081

205-7) (Imp: HRS §§91-14, 205-4)

§15-15-76 Re-application by the petitioner for boundary amendment. (a) The commission shall not accept any petition for boundary amendment covering substantially the same request for substantially the same land as had previously been denied by the commission within one year of the date of filing findings of fact and conclusions of law denying the petition unless the petitioner submits significant new data or additional reasons which substantially strengthen the petitioner's position, provided that in no event shall any new petition be accepted within six months of the date of filing of the findings of fact and conclusions of law.

(b) Additionally, the commission shall not accept any petition for boundary amendment for the same request involving the same land that was before the commission and withdrawn voluntarily by the petitioner within one year of the date of the withdrawal. [Eff 10/27/86; am and comp 8/16/97; comp 5/8/00; am and comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-7) (Imp: HRS §91-2)

SUBCHAPTER 8

DECISION-MAKING CRITERIA FOR BOUNDARY AMENDMENTS

§15-15-77 Decision-making criteria for boundary amendments. (a) The commission shall not approve an amendment of a land use district boundary unless the commission finds upon the clear preponderance of the evidence that the proposed boundary amendment is reasonable, is not violative of section 205-2, HRS, and is consistent with the policies and criteria established pursuant to sections 205-16, 205-17, and 205A-2, HRS.

(b) In its review of any petition for amendment of district boundaries pursuant to this chapter, the commission shall specifically consider the following:

(1) The extent to which the proposed boundary amendment conforms to the applicable goals, objectives, and policies of the Hawai`i state plan and relates to the applicable priority guidelines of the Hawai`i state plan and the adopted functional plans;

(2) The extent to which the proposed boundary amendment conforms to the applicable

3081

district standards;

(3) The impact of the proposed boundary amendment on the following areas of state concern:
  (A) Preservation or maintenance of important natural systems or habitats;
  (B) Maintenance of valued cultural, historical, or natural resources;
  (C) Maintenance of other natural resources relevant to Hawai`i's economy including, but not limited to agricultural resources;
  (D) Commitment of state funds and resources;
  (E) Provision for employment opportunities and economic development; and
  (F) Provision for housing opportunities for all income groups, particularly the low, low-moderate, and gap groups;

(4) In establishing the boundaries of the districts in each county, the commission shall give consideration to the general plan, and community, development, or community development plans of the county in which the land is located;

(5) The representations and commitments made by the petitioner in securing a boundary amendment, including a finding that the petitioner has the necessary economic ability to carry out the representations and commitments relating to the proposed use or development;

(6) Lands in intensive agricultural use for two years prior to date of filing of a petition or lands with a high capacity for intensive agricultural use shall not be taken out of the agricultural district unless the commission finds either that the action:
  (A) Will not substantially impair actual or potential agricultural production in the vicinity of the subject property or in the county or State; or
  (B) Is reasonably necessary for urban growth; and

(7) In considering boundary amendments for lands designated important agricultural lands pursuant to part III, chapter 205, HRS, the commission shall specifically consider the standards and criteria set forth in section 205-50, HRS.

(c) Amendments of a land use district boundary in conservation districts involving land areas fifteen

3081

acres or less shall be determined by the commission pursuant to this subsection and section 205-3.1, HRS.

(d) Amendments of a land use district boundary in other than conservation districts involving land areas fifteen acres or less shall be determined by the appropriate county land use decision-making authority for the district.

(e) Amendments of a land use district boundary involving land areas greater than fifteen acres shall be determined by the commission, pursuant to this subsection and section 205-3.1, HRS. [Eff 10/27/86; am and comp 8/16/97; comp 5/8/00; am and comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-7) (Imp: HRS §§205-3.1, 205-4, 205-16, 205-17)

§15-15-78 Incremental districting. (a) If it appears to the commission that full development of the subject property cannot substantially be completed within ten years after the date of the commission's approval and that the incremental development plan submitted by the petitioner can be substantially completed, and if the commission is satisfied that all other pertinent criteria for amending the land use boundary for the subject property or part thereof are present, then the commission may:

(1) Grant the petitioner's request to amend the land use boundary for the entire subject property; or

(2) Amend the land use boundary for only that portion of the subject property which the petitioner plans to develop first and upon which it appears that substantial development can be completed within ten years after the date of the commission's approval. At the same time, the commission shall indicate its approval of the future land use boundary amendment of the total subject property requested by the petitioner, or so much thereof as shall be justified as appropriate therefor by the petitioner, such approval to indicate a schedule of incremental land use boundary amendments over successive periods not to exceed ten years each. The commission may amend the land use boundary of the subject property, if it finds such an amendment is justified.

(b) In amending a land use district boundary on an incremental basis, in addition to standards in this subchapter, the commission may consider projected population growth for the area, other lands that have

received boundary amendments in the area, the availability of and impacts on resources, and the desirability of directing growth and development to the area over a long term basis.

(c) Upon receipt of an application for boundary amendment for the second and subsequent increments of property for which previous approval for incremental development has been granted by the commission, substantial completion of any offsite and onsite improvements of the development, in accordance with the approved incremental plan, of the preceding increment that received boundary amendment will be prima facie proof that the approved incremental plan complies with the requirements for boundary amendment.

(d) The following are procedures for processing incremental boundary amendment applications:

(1) The petitioner shall file an original, one paper copy and one electronic copy of an application to approve the second or subsequent increments utilizing the same docket number as the original petition. The number and format of copies required under this section may be modified by order of the commission;

(2) The petitioner shall serve copies of the application on all parties of record in the original proceeding;

(3) The application shall include facts, affidavits or declarations, and other documentation, including a metes and bounds description and map, in support of the fact that the petitioner has substantially completed offsite and onsite improvements, complied with chapter 343, HRS, where applicable, and complied with conditions of the commission approval in accordance with the approved incremental plan of the preceding increment receiving a boundary amendment;

(4) A prehearing conference may be conducted pursuant to section 15-15-57;

(5) A notice of hearing shall be published notifying the public of the time and place the application will be considered by the commission and will provide for the admission of public witnesses;

(6) The procedures for hearing the application will be subject to the timeframes presently existing for district boundary amendments, and the provisions of section 15-15-13; and

(7) The petitioner shall provide notice of the application to all persons having a property interest in the increment for which a land use district boundary amendment is sought. [Eff 10/27/86; am and comp 8/16/97; am and comp 5/8/00; am and comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-7) (Imp: §205-4)

§15-15-79 Performance time. (a) Petitioners granted district boundary amendments shall make substantial progress within a reasonable period, as specified by the commission, from the date of approval of the boundary amendment, in developing the property receiving the boundary amendment. The commission may act to amend, nullify, change, or reverse its decision and order if the petitioner fails to perform as represented to the commission within the specified period.

(b) The commission may provide by condition that absent substantial commencement of use of the subject property or substantial progress in developing the land receiving the boundary amendment in accordance with representations and commitments made by the petitioner to the commission, the commission shall issue and serve upon the party bound by the condition an order to show cause why the property should not revert to its former land use district classification or be changed to a more appropriate land use district classification. Such conditions, if any, shall run with the land and be recorded in the bureau of conveyances pursuant to section 15-15-92. [Eff 10/27/86; am and comp 8/16/97; comp 5/8/00; am and comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-4, 205-7) (Imp: HRS §205-4)

SUBCHAPTER 9

POST HEARING PROCEDURES FOR HEARINGS BEFORE THE COMMISSION

§15-15-80 Briefs. The presiding officer may fix the time for the filing of briefs. Exhibits may be reproduced in an appendix to a brief. A brief of more than twenty pages shall contain a subject index and table of authorities. Requests for extension of time to file briefs must be made to the commission in writing with one original, one paper copy, and one electronic copy filed with the commission, and a copy

3081

served upon or mailed to the parties to the proceeding. Ordinarily, when a matter is to be submitted on concurrent briefs, extensions shall not be granted unless a stipulation is filed with the commission. [Eff 10/27/86; comp 8/16/97; comp 5/8/00; am and comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-7) (Imp: HRS §§91-2, 205-4)

§15-15-81 Oral argument. The commission or the presiding officer may direct or permit the presentation of oral argument with the petitioner opening and concluding the argument. Not more than fifteen minutes on each side of the proceeding shall be allowed for argument without special leave of the commission. [Eff 10/27/86; am and comp 8/16/97; comp 5/8/00; comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-7) (Imp: HRS §§91-2, 91-9, 205-4)

§15-15-82 Issuance of decisions and orders. (a) A proceeding shall stand submitted for decision by the commission after the taking of evidence, and the filing of briefs or the presentation of oral argument as may have been prescribed by the presiding officer or hearings officer. Each party to the proceeding shall submit a proposed decision and order which shall include proposed findings of fact. If a party enters into a partial stipulation as authorized in section 15-15-82.1, the party shall nevertheless file a proposed decision and order indicating the findings of fact, conclusions of law and proposed conditions that are stipulated to and also set forth proposed findings of fact, conclusions of law and proposed conditions that it proposes that are different than the stipulation. A proposed decision and order shall be filed with the commission consisting of one original, one paper copy, and one electronic copy, and a copy served upon each party to the proceeding and an opportunity given to each party to comment thereon.

(b) A commission member may prepare a proposed findings of fact and conclusions of law, and serve the document upon each party not less than ten business days prior to the meeting at which the proposed findings of fact and conclusions of law shall be presented.

(c) Notwithstanding any provision of this chapter to the contrary, each party may provide its position on the commission members' proposed findings of fact and conclusions of law within five business days from the

3081

date of service. Any party providing its position shall provide a summary of its reasons for support or objection.

(d) Every decision and order adverse to a party to the proceeding, rendered by the commission in a contested case, shall be accompanied by separate findings of fact and conclusions of law.

(e) Findings of fact, conclusions of law, and decision and order shall be issued by the commission for district boundary amendments and special permits deemed approved pursuant to section 91-13.5, HRS. The decision and order shall include mandatory conditions pursuant to section 15-15-90(e). [Eff 10/27/86; am and comp 8/16/97; am and comp 5/8/00; am and comp NOV 0 2 2013] (Auth: HRS §§91-13.5, 205-1, 205-7) (Imp: HRS §§91-2, 91-12, 205-4)

§15-15-82.1 Stipulation as to findings of fact, conclusions of law, conditions of boundary amendment, and decision and order. After the close of the evidentiary portion of the hearing, some or all parties may enter into stipulations as to findings of fact, conclusions of law, conditions of boundary amendment, and decision and order concerning the proposed boundary amendment as follows:

(1) A petitioner who desires to enter into a stipulation shall prepare a proposed stipulation as to any or all findings of fact, conclusions of law, conditions of boundary amendment, and decision and order concerning the proposed boundary amendment;

(2) Parties in agreement with a stipulation shall sign the proposed stipulation as to any or all proposed findings of fact, conclusions of law, conditions of boundary amendment, and a proposed decision and order, and shall submit such stipulation to the commission within the time frame specified by the commission;

(3) After the hearing, the commission may adopt the proposed stipulation, and if it adopts the stipulated decision and order the commission may amend, accept, modify or reject in part or in whole any of the findings of fact, conclusions of law, conditions of boundary amendment, and anything else contained in the stipulation;

(4) The commission shall issue a decision and order pursuant to provisions of sections 15-15-36 and 15-15-74 and section 205-4(g), HRS.

[Eff and comp NOV 0 2 2013] ((Auth: HRS §§205-1, 205-7)

§15-15-83 Service of decisions and orders. The commission shall serve the decisions and orders by personal delivery or mailing certified copies to the parties of record. The effective date of the decision and order is the date certified by the executive officer. When a party to a proceeding has appeared by a representative, service upon the representative or attorney shall be deemed to be service upon the party. [Eff 10/27/86; am and comp 8/16/97; comp 5/8/00; am and comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-7) (Imp: HRS §§91-2, 91-12, 205-4)

§15-15-84 Reconsideration of decision. (a) A motion for reconsideration shall be filed with the commission within seven calendar days after issuance of the commission's written decision and order. The motion for reconsideration shall clearly specify that the motion is for reconsideration.

(b) The motion for reconsideration shall state specifically the grounds on which the movant considers the decision or order unreasonable, unlawful, or erroneous.

(c) In no event will the commission consider any motion for reconsideration on any petition after the period within which the commission is required to act on the petition. [Eff 10/27/86; am and comp 8/16/97; comp 5/8/00; am and comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-7) (Imp: HRS §§91-2, 205-4)

SUBCHAPTER 10

POST HEARING PROCEDURES FOR HEARING CONDUCTED BY HEARINGS OFFICER

§15-15-85 Recommended decision. (a) Upon completion of taking of the evidence, the hearings officer may request the parties to submit a proposed findings of fact, conclusions of law, and decision and order, consisting of one original, one paper copy, and one electronic copy. Proposed decision and orders submitted shall be served upon each party to the proceeding and an opportunity given to each party to comment thereon. Upon receipt of the proposed decision and orders and any comments from the parties, the hearings officer shall prepare and submit to the

commission a recommended decision which shall include recommended findings of fact, conclusions of law and a recommended decision and order.

(b) The record shall include the petition and other pleadings, notice of hearing, motions, rulings, orders, transcript of the hearing, stipulations, documentary evidence, offers of proof, proposed findings, or other documents submitted by the parties, all matters placed in evidence, objections to the conduct of the hearing, the recommended decision of the hearings officer, and all other matters placed in evidence.

[Eff 10/27/86; am and comp 8/16/97; comp 5/8/00; am and comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-7)

§15-15-85.1 Proposed decision. Upon receipt of the hearings officer's recommended decision, the commission may adopt it as its proposed decision, or may remand it to the hearings officer for any clarification or correction, or may modify or reject it and issue its own proposed decision.

A copy of any proposed decision of the commission shall be served upon each party. [Eff and comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-7)

§15-15-86 Exceptions; extension of time; finality of proposed decision. (a) Within fourteen calendar days after the date of mailing or personal service of a copy of the commission's proposed decision, a party may file with the commission exceptions to any part thereof and request review by the commission. Such party shall serve copies of exceptions and briefs upon each party to the proceeding.

(b) The exceptions shall:

(1) Set forth specifically the questions of procedure, fact, law, or policy, to which exceptions are taken;

(2) Identify that part of the proposed decision to which objections are made;

(3) Designate by page citation the portions of the record relied upon and specify authorities relied upon to sustain each point; and

(4) State all the grounds for exceptions to a ruling, finding, or conclusion. Grounds not cited or specifically urged are waived.

(c) Any party may apply for an extension of time

3081

within which to file exceptions to the proposed decision by filing a written application setting forth the reason for the request. The application shall be filed before the expiration of the period prescribed for the filing of exceptions. Upon good cause shown, the executive officer may extend the time for filing exceptions for an additional period not to exceed ten (10) calendar days.

(d) If no exceptions and request for review are filed within the time specified, the proposed decision shall become final, unless the commission, on its own motion, orders further proceedings to be held. [Eff 10/27/86; am and comp 8/16/97; comp 5/8/00; am and comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-7) (Imp: HRS §§91-2, 91-11, 205-4)

§15-15-87 Support of hearings officer's recommended decision. (a) Within seven days after service of the exceptions taken to the proposed decision, any party may file with the commission a brief opposing the exceptions. Such party shall serve copies of the brief in support upon each party to the proceeding

(b) The brief opposing exceptions shall:

(1) Answer specifically the points of procedure, fact, law, or policy to which exceptions were taken;

(2) State the facts and reasons why the proposed decision must be affirmed; and

(3) Designate by page citation the portions of the record relied upon. [Eff 10/27/86; am and comp 8/16/97; comp 5/8/00; am and comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-7) (Imp: HRS §§91-2, 91-11, 205-4)

§15-15-88 Argument on exceptions. Upon the filing of exceptions by a party adversely affected by the proposed decision, the commission shall grant such party an opportunity to present arguments to the commission. The executive officer, with direction from the chairperson, shall set the time and place of hearing of argument on exceptions and give written notice to the parties. [Eff 10/27/86; am and comp 8/16/97; comp 5/8/00; am and comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-7) (Imp: HRS §§91-10, 91-11, 205-4)

3081

§15-15-89 Final decision. (a) When exceptions have been filed to the commission's proposed decision, the commission, within forty-five days after the hearing on exceptions, shall render its final decision. In rendering its final decision, the commission shall consider the whole record or such portions thereof as may be cited by the parties and shall resolve all questions of fact by what it deems to be the greater weight of the evidence thereon. The final decision shall contain findings of fact and conclusions of law upon which the decision is based.

(b) After the commission has heard and examined all of the evidence, the commission, shall issue its decision within forty-five days after receiving the evidence, or filing of any memoranda or proposed findings of fact and conclusions of law upon which the decision is based. [Eff 10/27/86; am and comp 8/16/97; comp 5/8/00; am and comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-7) (Imp: HRS §§91-2, 92-16)

SUBCHAPTER 11

CONDITIONS: FILING, ENFORCEMENT, MODIFICATION, DELETION

§15-15-90 Imposition of conditions; generally. (a) In approving a petition for boundary amendment, the commission may impose conditions necessary to uphold the general intent and spirit of chapters 205, 205A, and 226, HRS, and to assure substantial compliance with representations made by the petitioner in seeking the boundary amendment.

(b) The commission may request the appropriate state or county agency to report periodically to the commission on the petitioner's compliance with the applicable conditions imposed by the commission.

(c) The commission may require the petitioner to submit periodic reports indicating what progress has been made in complying with any conditions that may have been imposed by the commission.

(d) The commission may require the petitioner to notify the commission of any intent to sell, lease, assign, place in trust, or otherwise voluntarily alter the ownership interests in the property covered by the approved petition.

(e) If a boundary amendment petition filed pursuant to section 205-4, HRS, is approved pursuant to

section 91-13.5, HRS, or a petition filed pursuant to section 201H-38, HRS, is deemed approved on the forty-sixth day, the following mandatory conditions shall apply:

(1) Petitioner shall develop the land to which the boundary amendment applies in substantial compliance with the representations made to the commission. Failure to so develop the subject property may result in reversion of the subject property to its former land use district classification, or change it to a more appropriate land use district classification;

(2) Petitioner shall provide notice to the commission of any intent to sell, lease, assign, place in trust, or otherwise voluntarily alter the ownership interests in the subject property prior to or during development of the subject property, excluding, however, individual lot sales or lease in a residential or industrial development;

(3) Petitioner shall timely provide without any prior notice, annual reports to the commission, state office of planning, and the respective county planning department in connection with the status of the project proposed for the land to which the boundary amendment applies, and petitioner's progress in complying with the conditions imposed. The annual report shall be submitted in a form prescribed by the executive officer of the commission. The annual report shall consist of one original, one paper copy, and one electronic copy, and shall be due prior to or on the anniversary date of the approval of the petition;

(4) The commission may fully or partially release the conditions provided herein as to all or any portion of the land to which the boundary amendment applies upon timely motion and upon the provision of adequate assurance by the petitioner of satisfaction of the conditions imposed;

(5) Within seven days of the approval date of the petition, the petitioner shall:

(A) Record with the bureau of conveyances a statement that the land to which the boundary amendment applies is subject to conditions imposed herein by the

commission; and

(B) File a certified copy of such recorded statement with the commission;

(6) Petitioner shall record the conditions imposed herein by the commission with the bureau of conveyances pursuant to section 15-15-92;

(7) Petitioner shall provide affordable housing opportunities for low, low-moderate, and moderate income residents of the State of Hawai`i to the satisfaction of the respective county in which the land to which the boundary amendment applies is located. The respective county shall consult with the Hawai`i housing finance and development corporation prior to its approval of the petitioner's affordable housing plan. The location and distribution of the affordable housing or other provisions for affordable housing shall be under such terms as may be mutually agreeable between the petitioner and the respective county;

(8) Provided that the proposed land uses include residential units, petitioner shall contribute to the development, funding, and construction of public school facilities as determined by and to the satisfaction of the state department of education;

(9) Petitioner shall participate in the funding and construction of adequate wastewater transmission and disposal facilities, on a fair-share basis, as determined by the respective county in which the land to which the boundary amendment applies is located, and the state department of health;

(10) Petitioner shall prepare a traffic impact analysis report. The traffic impact analysis report shall identify the traffic impacts attributable to the proposed development and recommended proposed mitigation measures. The report should also reflect the latest planning efforts for transportation. The report shall be reviewed and approved by the state department of transportation, and the respective county transportation agency in which the land to which the boundary amendment applies is located. Based upon the report, the petitioner may be required to participate on a fair-share basis, in the funding and construction of local and

regional transportation improvements and programs, including dedication of rights-of-way as determined by the state department of transportation and the respective county transportation agency in which the land to which the boundary amendment applies is located;

(11) Petitioner shall, on a fair-share basis, fund and construct adequate civil defense measures as determined by the state civil defense agency;

(12) Petitioner shall have an archaeological inventory survey conducted by a professional archaeologist. The findings shall be submitted to the state department of land and natural resources, state historic preservation division in report format for adequacy review and a copy shall be provided to the commission. The state historic preservation division shall verify in writing with a copy provided to the commission that the survey report is acceptable, that significance evaluations are acceptable, and that mitigation commitments are acceptable;

(13) If significant historic sites are present, the petitioner shall submit a detailed historic preservation mitigation plan for review by the state historic preservation division and a copy shall be provided to the commission. This plan may include preservation and archaeological data recovery subplans (detailed scopes of work). The state historic preservation division shall verify in writing with a copy provided to the commission that the plan has been successfully executed;

(14) Petitioner shall stop work in the immediate vicinity should any previously unidentified burials, archaeological or historic sites such as artifacts, marine shell concentrations, charcoal deposits, or stone platforms, pavings or walls be found. Subsequent work shall proceed upon an archaeological clearance from the state historic preservation division when it determines that mitigative measures have been implemented to its satisfaction;

(15) Petitioner shall participate in an air quality monitoring program as specified by the state department of health;

(16) Petitioner shall be responsible for implementing sound attenuation measures to bring noise levels from vehicular traffic in the affected properties down to a level of fifty-five decibels;
(17) If the petition for a boundary amendment involves prime agricultural lands, petitioner shall be responsible for contributing to the protection of an equivalent amount of prime agricultural lands and related infrastructure via long-term agricultural conservation easements or other agriculturally-related assets as determined by and to the satisfaction of the state department of agriculture;
(18) Petitioner shall notify all prospective buyers of property of the potential odor, noise, and dust pollution if there are any agricultural district lands surrounding the land to which the boundary amendment applies;
(19) To the extent that the petition area is contiguous or adjacent to lands in the State land use agricultural district, any action that would interfere with or restrain farming operations on those lands is prohibited, provided the farming operations are conducted in a manner consistent with generally accepted agricultural and management practices. Petitioner shall notify all prospective developers or purchasers of all or any portion of the petition area or any interest in the petition area, and shall require its purchasers to provide subsequent notification to lessees or tenants that farming operations and practices on adjacent or contiguous land in the State land use agricultural district are protected under chapter 165, HRS, the Hawai`i Right to Farm Act. This notice shall be included in any disclosure required for the sale or transfer of all or any portion of the petition area or any interest in the petition area;
(20) Petitioner shall fund the design and construction of drainage improvements required as a result of the development of the land to which the boundary amendment applies to the satisfaction of the appropriate state and county agencies;
(21) Petitioner shall cooperate with the state department of health and the respective

county to conform to the program goals and objectives of chapter 342G, HRS, and the respective county's approved integrated solid waste management plans in accordance with a schedule and timeframe satisfactory to the state department of health;
(22) To the extent required by the state department of health, petitioner shall ensure that nearshore, offshore, and deep ocean waters remain in pristine condition;
(23) Petitioner shall participate in the funding and construction of adequate water source, storage, and transmission facilities and improvements to accommodate the proposed uses. Water transmission facilities shall be coordinated and approved by appropriate state and county agencies. The county's water use and development plan shall be amended to reflect changes in water demand forecasts and in water development plans to supply the proposed uses; and
(24) Petitioner shall preserve and protect any established gathering and access rights of native Hawaiians who have customarily and traditionally exercised subsistence, cultural, and religious practices on the land to which the boundary amendment applies.

(f) If a special permit filed pursuant to section 205-6, HRS, is approved pursuant to section91-13.5, HRS, the following mandatoryconditions shall apply:
(1) All conditions listed under subsection (e);
(2) The proposed use shall be established within one year from the date that the special permit was approved pursuant to section 91-13.5, HRS; and
(3) The special permit shall be valid for a period of five years from the approval date pursuant to section 91-13.5, HRS.

[Eff 10/27/86; am and comp 8/16/97; am and comp 5/8/00; am and comp NOV 0 2 2013] (Auth: HRS §§91-13.5, 205-1, 205-7) (Imp: HRS §§91-13.5, 205-4)

§15-15-91 Applicability. Conditions imposed by the commission shall run with the land and shall be binding upon the petitioner and each and every subsequent owner, lessee, sub-lessee, transferee, grantee, assignee, or developer. [Eff 10/27/86; comp 8/16/97; am and comp 5/8/00; comp NOV 0 2 2013]

(Auth: HRS §§205-1, 205-7) (Imp: HRS §205-4)

§15-15-92 Filing procedure for conditions imposed by the commission. (a) Within seven days of issuance of the decision and order pursuant to section 15-15-83, the petitioner shall file a notice of imposition of conditions, in a form prescribed by the executive officer, with the bureau of conveyances.

(b) All conditions imposed by the commission in its decision and order and conditions pursuant to section 15-15-90(e), shall be recorded at the bureau of conveyances and shall comply with the following procedures:

(1) The document listing the conditions shall be submitted to the commission for review and approval by the executive officer prior to filing with the bureau of conveyances;
(2) The petitioner shall record the conditions at the bureau of conveyances within sixty days after the receipt of the decision and order requiring the same. The timeframe for recordation of the condition may be extended pursuant to section 15-15-42;
(3) Evidence of recordation shall be by certified copy under the signature of the registrar of conveyances. The petitioner shall forward a certified copy to the commission; and
(4) Description of the land shall be sufficiently accurate to identify the land intended to be affected. [Eff 10/27/86; am and comp 8/16/97; am and comp 5/8/00; am and comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-7) (Imp: HRS §§91-2, 205-4)

§15-15-93 Enforcement of conditions, representations, or commitments. (a) Any party or interested person may file a motion with the commission requesting an issuance of an order to show cause upon a showing that there has been a failure to perform a condition, representation, or commitment on the part of the petitioner. The party or person shall also serve a copy of the motion for an order to show cause upon any person bound by the condition, representation, or commitment. The motion for order to show cause shall state:

(1) The interest of the movant;
(2) The reasons for filing the motion;
(3) A description and a map of the property

affected by the condition;
(4) The condition ordered by the commission which has not been performed or satisfied;
(5) Concisely and with particularity the facts, supported by an affidavit or declaration, giving rise to a belief that a condition ordered by the commission has not been performed or satisfied; and
(6) The specific relief requested.

(b) Whenever the commission shall have reason to believe that there has been a failure to perform according to the conditions imposed, or the representations or commitments made by the petitioner, the commission shall issue and serve upon the party or person bound by the conditions, representations, or commitments, an order to show cause why the property should not revert to its former land use classification or be changed to a more appropriate classification. The commission shall serve the order to show cause in writing by registered or certified mail with return receipt requested at least thirty days before the hearing. A copy shall be also sent to all parties in the boundary amendment proceedings. The order to show cause shall include:

(1) A statement of the date, time, place, and nature of the hearing;
(2) A description and a map of the property to be affected;
(3) A statement of the legal authority under which the hearing is to be held;
(4) The specific sections of the statutes, or rules, or both, involved; and
(5) A statement that any party may retain counsel if the party so desires.

(c) The commission shall conduct a hearing on an order to show cause in accordance with the requirements of subchapter 7, where applicable. Any procedure in an order to show cause hearing may be modified or waived by stipulation of the parties and informal disposition may be made in any case by stipulation, agreed settlement, consent order, or default.

(d) Post hearing procedures shall conform to subchapter 7 or subchapter 9. Decisions and orders shall be issued in accordance with subchapter 7 or subchapter 9.

(e) The commission shall amend its decision and order to incorporate the order to show cause by including the reversion of the property to its former land use classification or to a more appropriate classification.

3081

(f) Fees for a motion for order to show cause will be borne by the movant pursuant to section 15-15-45.1 herein. However, should the motion for order to show cause be granted, any further fees for proceedings arising from the motion shall be borne by the party upon which the order to show cause has been issued. [Eff 10/27/86; am and comp 8/16/97; comp 5/8/00; am and comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-7) (Imp: HRS §§91-2, 205-4, 205-12, 205-17)

§15-15-94 Modification or deletion of conditions or orders. (a) If a petitioner, pursuant to this subsection, desires to have a modification or deletion of a condition that was imposed by the commission, or imposed pursuant to section 15-15-90(e) or (f), or modification of the commission's order, the petitioner shall file a motion in accordance with section 15-15-70 and serve a copy on all parties to the boundary amendment proceeding in which the condition was imposed or in which the order was issued, and to any person that may have a property interest in the subject property as recorded in the county's real property tax records at the time that the motion is filed.

(b) For good cause shown, the commission may act to modify or delete any of the conditions imposed or modify the commission's order.

(c) Any modification or deletion of conditions or modifications to the commission's order shall follow the procedures set forth in subchapter 11. [Eff 10/27/86; am and comp 8/16/97; am and comp 5/8/00; am and comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-7) (Imp: HRS §205-4)

SUBCHAPTER 12

SPECIAL PERMITS

§15-15-95 Petition before county planning commission. (a) Any person who desires to use land within an agricultural or rural district for other than a permissible agricultural or rural use may petition the county planning commission of the county within which the land is located for a special permit to use the land in the manner desired; provided that if the person is not the owner or sole owner in fee simple of the land, the record shall include evidence that the

person requesting the special permit has written authorization of all fee simple owners to file the petition, which authorization shall also include an acknowledgement that the owners and their successors shall be bound by the special permit and its conditions.

(b) Special permits for areas greater than fifteen acres require approval of both the county planning commission and the commission. Special permits approved by the county planning commission and which require commission approval must be forwarded to the commission within sixty days following the county planning commission's decision. The county shall assure that prior to the county hearing on the petition for special permit, copies of the special permit petition are forwarded to the land use commission, the state office of planning, and the department of agriculture for their review and comment. The decision of the county planning commission recommending approval of the special permit, together with the complete record, including maps, charts, other exhibits and other evidence, and the complete transcript of the proceeding before the county planning commission must be transmitted to the commission. Unless otherwise required by the commission, the planning commission shall file with the commission an original, one paper copy of the complete record, together with an electronic copy of the complete record. The number and format of copies required under this section may be modified by order of the commission.

(c) Certain "unusual and reasonable" uses within agricultural and rural districts other than those for which the district is classified may be permitted. The following guidelines are established in determining an "unusual and reasonable use":

(1) The use shall not be contrary to the objectives sought to be accomplished by chapters 205 and 205A, HRS, and the rules of the commission;
(2) The proposed use would not adversely affect surrounding property;
(3) The proposed use would not unreasonably burden public agencies to provide roads and streets, sewers, water drainage and school improvements, and police and fire protection;
(4) Unusual conditions, trends, and needs have arisen since the district boundaries and rules were established; and
(5) The land upon which the proposed use is sought is unsuited for the uses permitted

within the district.

(d) Petitions for issuance of a special permit shall specify the proposed use and state concisely the nature of the petitioner's interest in the subject matter and the reasons for seeking the special permit, and shall include any facts, views, arguments, maps, plans, and relevant data in support of the petition.

(e) The petitioner shall comply with all of the rules of practice and procedure of the county planning commission in which the subject property is located.

(f) The county planning commission may impose such protective conditions as it deems necessary in the issuance of a special permit. The county planning commission shall establish, among other conditions, a reasonable time limit suited to establishing the particular use proposed, and if appropriate, a time limit for the duration of the proposed use, which shall be a condition of the special permit; provided, however, that the commission for good cause shown, may specify or change the time period of the special permit. If the permitted use is not substantially established to the satisfaction of the county planning commission within the specified time, it may revoke the permit. The county planning commission, with the concurrence of the commission, may extend the time limit if it deems that circumstances warrant the granting of the extension. [Eff 10/27/86; am and comp 8/16/97; comp 5/8/00; am and comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-7) (Imp: HRS §205-6)

§15-15-95.1 Applicability of subchapter 5. Except as otherwise provided in this subchapter, the procedural provisions of subchapter 5 shall apply to petitions for special permits. [Eff and comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-7)

§15-15-96 Decision and order by the land use commission. (a) Within forty-five days after receipt of the county planning commission's decision and the complete record of the proceeding before the county planning commission, as determined by the executive officer, the commission shall act to approve, approve with modification, or deny the petition. The commission may impose additional restrictions as may be necessary or appropriate in granting the approval, including the adherence to representations made by the petitioner. Upon determination by the commission, the petition may be remanded to the county planning

3081

commission for further proceedings.

(b) The commission shall not consider any petition for special permit covering substantially the same request for substantially the same land as had previously been denied by the commission within one year of the date of the filing of the findings of fact, conclusions of law, and decision and order denying the petition for special permit unless the petitioner submits significant new data or additional reasons which substantially strengthen the petitioner's position, provided that in no event shall any new petition be accepted within six months of the date of the filing of the findings of fact, conclusions of law, and decision and order. Additionally, the commission shall not consider any petition for special permit for the same request involving the same land that was before the commission and withdrawn voluntarily by the petitioner within one year of the date of the withdrawal.

(c) A denial or modification of the special permit, as the case may be, of the proposed use shall be appealable to the circuit court of the circuit in which the land is situated and shall be made pursuant to the Hawai'i rules of civil procedure.

(d) If a special permit is approved pursuant to section 91-13.5, HRS, the provisions of section 15-15-82(e) and section 15-15-90(f) shall apply. [Eff 10/27/86; am and comp 8/16/97; am and comp 5/8/00; am and comp NOV 0 2 2013] (Auth: HRS §§91-13.5, 205-1, 205-7) (Imp: HRS §§91-13.5, 205-6)

§15-15-96.1 Modification of special permit. Any request for modification of a special permit or modification, release, or deletion of a condition imposed on a special permit, whether imposed by the county planning commission or the commission, shall first be submitted to the appropriate county planning commission and, for special permits for land greater than fifteen acres in size, the commission, for consideration and decision.

The decision of the county planning commission with respect to modification of a special permit, or modification, release or deletion of a condition to a special permit shall comply with the requirements of section 15-15-95 and 15-15-96. [Eff and comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-7)

3081

§15-15-97 Procedure for processing petitions for housing projects under section 201H-38, HRS. (a) Petitions for housing projects under section 201H-38, HRS, shall be processed according to the procedures provided in this section.

(b) Not less than sixty days prior to the filing of a petition, the petitioner shall:

(1) File an original, one paper copy, and one electronic copy of a notice of intent to file a petition with the commission according to a format provided by the commission; the number and format of copies required under this section may be modified by order of the commission;

(2) Publish the notice of intent at least once in a newspaper of general circulation in the State as well as in a county newspaper in which the subject property is situated. The notice of intent shall include:

(A) The name and address of the petitioner and the petitioner's property interest in the subject property;

(B) Proposed boundary amendment;

(C) Tax map key;

(D) Acreage;

(E) Existing land use;

(F) Brief description of the proposed development or use;

(G) The date that the petitioner shall file its petition with the commission; and

(H) Inform the public of the rights of interested persons under section 205-4(e), HRS;

(3) Serve copies of the notice of intent to file a petition upon the director of the state office of planning, the planning department of the county in which the subject property is situated, and persons with a property interest in the subject property that is recorded in the county's real property tax records. The notice of intent to file a petition shall also be sent to persons on a mailing list provided by the chief clerk. In proceedings related to 201H petitions, the petitoner's notice of intent shall also serve as the notice of hearing for the purposes of

intervention;

(4) File an original and one paper copy of an affidavit of mailing the notices of intent to the persons specified in paragraph (3); and

(5) File an affidavit of publication of the notice of intent to file a petition in compliance with paragraph (2).

(c) Persons who may intervene upon timely application include:

(1) All departments and agencies of the State and of the county in which the land is situated; and

(2) All persons who have a property interest in the land, or who otherwise can demonstrate that they will be so directly and immediately affected by the proposed change that their interest in the proceeding is clearly distinguishable from that of the general public.

(d) All other persons may apply for leave to intervene, which shall be freely granted, provided the commission or its hearings officer may deny an application to intervene when, in the commission's or hearing officer's discretion, it appears that:

(1) The position of the applicant for intervention is substantially the same as the position of a party already admitted to the proceeding; and

(2) The admission of additional parties will render the proceedings inefficient and unmanageable.

(e) Petitions to intervene and become a party shall be in conformity with subchapter 5 and filed with the commission. An original and one paper copy, together with one electronic copy of the petition for intervention with proof of service on all parties shall be filed with the commission within fifteen days after the notice of intent to file a petition is published pursuant to section 15-15-97(b)(2). Except for good cause shown, late filing shall not be permitted.

(f) The petition for intervention shall make reference to the following:

(1) Nature of the proposed intervenor's statutory or other right;

(2) Nature and extent of the proposed intervenor's interest, and if an abutting property owner, the tax map key description of the property; and

(3) Effect of any decision in the proceeding on the proposed intervenor's interest.

(g) If applicable, the petition shall also make reference to the following:

(1) Other means available whereby the proposed intervenor's interest may be protected;

(2) Extent the proposed intervenor's interest may be represented by existing parties;

(3) Extent the proposed intervenor's interest in the proceeding differs from that of the other parties;

(4) Extent the proposed intervenor's participation can assist in development of a complete record;

(5) Extent the proposed intervenor's participation will broaden the issues; and

(6) Extent the proposed intervenor's intervention would serve the public interest.

(h) Petitions for intervention shall be accompanied by a filing fee of $50. The fee shall not apply to state and county agencies.

(i) The commission may conduct a pre-application meeting with the petitioner and proposed parties to the proceeding for the purpose of determining information requirements, possible issues, proposed stipulations, and other matters which may assist in contributing to a more orderly hearing process.

(j) If the petitioner fails to file the petition on the date stated in its notice of intent, the petitioner shall refile a notice of intent in the manner set forth in this section.

(k) The petitioner shall file a petition in conformance with subchapters 5 and 6 except that at the time of filing, the petition shall include:

(1) A finding of no significant impact or approved environmental impact statement if conservation district lands are involved;

(2) A proposed decision and order;

(3) An affidavit that the petitioner has met with interested community groups to discuss the proposed project;

(4) A clear description of the manner in which petitioner proposes to finance the proposed development, including a budget, a marketing plan, and a feasibility study; and

(5) A certification from the Hawai'i housing finance and development corporation or county housing agency that the petition involves a section] 201H-38, HRS, housing project.

(l) Petitions that fail to comply with the requirements set forth in subsections (b) and (k) shall

3081

be deemed defective and the date of filing of the petition shall be as of the date the defect is cured.

(m) The hearing on the application shall be conducted in accordance with subchapter 7, except that the time requirements for holding a hearing, statement of position, and decision making shall not apply.

(n) Notice of the hearing shall be published to the extent provided by law.

(o) The commission shall approve or disapprove a boundary amendment within forty-five days after the petition has been deemed a proper filing by the executive officer. If on the forty-sixth day the petition is not disapproved, it shall be deemed approved by the commission, and the provisions of section 15-15-90(e) shall apply. [Eff 3/20/87; am 7/18/94; am and comp 8/16/97; am and comp 5/8/00; am and comp NOV 0 2 2013] (Auth: HRS §§201G-118, 205-1, 205-4, 205-7) (Imp: HRS §§205-4, 201G-118)

§15-15-97.1 REPEALED. [R 5/8/00]

§15-15-97.2 Fees. The petitioner will be responsible for fees pursuant to section 15-15-45.1. [Eff and comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-4.1, 205-7) (Imp: HRS §§91-2, 92-21, 205-4.1)

SUBCHAPTER 14

DECLARATORY ORDERS

§15-15-98 Who may petition. (a) On petition of any interested person, the commission may issue a declaratory order as to the applicability of any statutory provision or of any rule or order of the commission to a specific factual situation.

(b) A farmer or landowner with lands qualifying under section 205-45, HRS, may file a petition for declaratory order to designate the lands as important agricultural lands and shall file a petition that conforms to the requirements of this section and section 205-44 and 205-45, HRS.

(c) Notwithstanding the other provisions of this subchapter, the commission, on its own motion or upon request but without notice of hearing, may issue a declaratory order to terminate a controversy or to remove uncertainty. [Eff 10/27/86; comp 8/16/97; comp 5/8/00; am and comp NOV 0 2 2013] (Auth: HRS §§91-8, 205-1, 205-7) (Imp: HRS §§91-2, 91-8)

3081

§15-15-99 Petition for declaratory order; form and contents. The petition shall be submitted consisting of one original, one paper copy, and one electronic copy, and shall conform to the format requirements of sections 15-15-38, 15-15-39, and 15-15-40, and shall contain:

(1) The name, address including zip code, and telephone number of each petitioner;
(2) A statement of the petitioner's interest in the subject matter, including the reasons for submission of the petition;
(3) A designation of the specific statutory provision, rule, or order in question, together with a complete statement of the relevant facts and a statement of the issues raised or controversy or uncertainty involved;
(4) A statement of the petitioner's interpretation of the statute, rule or order or the petitioner's position or contention with respect thereto;
(5) A memorandum of authorities, containing a full discussion of reasons and legal authorities in support of such position or contention. The commission may require the petitioner to file additional data or memoranda;
(6) The names of any other potential parties;
(7) The signature of each petitioner; and
(8) A statement whether the petition for declaratory ruling relates to any commission docket for district boundary amendment or special permit, and if so, the docket number and identification of all parties to the docket. [Eff 10/27/86; comp 8/16/97; comp 5/8/00; am and comp NOV 0 2 2013] (Auth: HRS §§91-8, 205-1, 205-7) (Imp: HRS §§91-2, 91-8)

§15-15-100 Consideration of petition for declaratory order. (a) The commission, within ninety days after submission of a petition for declaratory order, shall:

(1) Deny the petition where:
(A) The question is speculative or purely hypothetical and does not involve an existing situation or one which may

3081

reasonably be expected to occur in the near future; or
(B) The petitioner's interest is not of the type which confers sufficient standing to maintain an action in a court of law; or
(C) The issuance of the declaratory order may adversely affect the interest of the State, the commission, or any of the officers or employees in any litigation which is pending or may be reasonably be expected to arise; or
(D) The petitioner requests a ruling on a statutory provision not administered by the commission or the matter is not otherwise within the jurisdiction of the commission; or

(2) Issue a declaratory order on the matters contained in the petition; or
(3) Set the petition for hearing before the commission or a hearings officer in accordance with this subchapter. The procedures set forth in subchapter 7 shall be applicable.

(b) If the matter is set for hearing, the commission shall render its findings and decision within one hundred and twenty days after the close of the hearing or, if post hearing briefs are filed, forty-five days after the last brief is filed, unless a different time period is stated at the hearing. [Eff 10/27/86; am and comp 8/16/97; comp 5/8/00; am and comp NOV 0 2 2013] (Auth: HRS §§91-8, 205-1, 205-7) (Imp: HRS §§91-2, 91-8)

§15-15-101 Declaratory orders; dismissal of petition. The commission, without notice or hearing, may dismiss a petition for declaratory order that fails in material respect to comply with the requirements of this subchapter. The dismissal shall be in writing and state the reasons therefor. [Eff 10/27/86; am and comp 8/16/97; comp 5/8/00; am and comp NOV 0 2 2013] (Auth: HRS §§91-8, 205-1, 205-7) (Imp: HRS §§91-2, 91-8)

§15-15-102 REPEALED [R NOV 0 2 2013]

3081

§15-15-103 Declaratory orders; request for hearing. The commission may, but shall not be required to, conduct a hearing on a petition for declaratory order. Any petitioner or party in interest who desires a hearing on a petition for a declaratory order shall set forth in detail in the request the reasons why the matters alleged in the petition, together with supporting affidavits or other written briefs or memoranda of legal authorities, will not permit the fair and expeditious disposition of the petition, and to the extent that the request for a hearing is dependent upon factual assertion, shall accompany the request by affidavit establishing those facts. [Eff 10/27/86; am and comp 8/16/97; comp 5/8/00; am and comp NOV 0 2 2013] (Auth: HRS §§91-8, 205-1, 205-7) (Imp: HRS §§91-2, 91-8)

§15-15-104 Applicability of declaratory order. An order disposing of a petition shall apply only to the factual situation described in the petition or set forth in the order. It shall not be applicable to different fact situations or where additional facts not considered in the order exist. The order shall have the same force and effect as other orders issued by the commission. [Eff 10/27/86; am and comp 8/16/97; comp 5/8/00; am and comp NOV 0 2 2013] (Auth: HRS §§91-8, 205-1, 205-7) (Imp: HRS §§91-2, 91-8)

15-15-104.1 Fees. The Petitioner shall be responsible for fees pursuant to section 15-15-45.1 herein. [Eff and comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-4.1, 205-7) (Imp: HRS §§91-2, 92-21, 205-4.1)

SUBCHAPTER 15

RULEMAKING PROCEDURES

§15-15-105 Initiation of rulemaking proceedings. (a) The commission, at any time on its own motion, may initiate proceedings for the adoption, amendment, or repeal of any rule of the commission.

(b) Any interested person may petition the commission for the adoption, amendment, or repeal of any rule of the commission. The petitioner shall file and deliver one original, one paper copy and one electronic copy of the petition to the office of the

3081

commission. The number and format of copies required under this section may be modified by order of the commission. Petitions for rulemaking filed with the commission shall become matters of public record. [Eff 10/27/86; comp 8/16/97; comp 5/8/00; am and comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-7) (Imp: HRS §§91-2, 91-6, 205-7)

§15-15-106 Rulemaking; form and contents of petition. Petitions for rulemaking need not be in any special form but shall conform to the requirements of this subchapter and shall contain:

(1) The name, address (including zip code), and telephone number of each petitioner;
(2) A statement of the petitioner's interest in the subject matter;
(3) A statement of the reasons in support of the proposed rule, amendment, or repeal;
(4) The authorization or relief sought;
(5) The citation of the statutory provision or other authority under which commission authorization or relief is sought;
(6) A draft or the substance of the proposed rule or amendment or a designation of the provisions the repeal of which is desired; and
(7) The signature of each petitioner.

Any petition which does not conform to the foregoing requirements may be rejected by the commission. The rejection shall be in writing and shall state the reasons therefor. [Eff 10/27/86; comp 8/16/97; am and comp 5/8/00; am and comp NOV 0 2 2013] (Auth: HRS §§91-13.5, 205-1, 205-7) (Imp: HRS §91-13.5, 91-6, 205-7)

§15-15-107 Rulemaking; action on petition. (a) Within sixty days after the filing of a petition for rulemaking, the commission shall either deny the petition in writing, stating its reasons for its denial or initiate proceedings for the adoption, amendment, or repeal of the rule, in accordance with section 91-3, HRS.

(b) Any petition that fails in material respect to comply with the requirements of this subchapter, or that fails to disclose sufficient reasons to justify the institution of public rulemaking proceedings shall not be considered by the commission. The commission shall notify the petitioner in writing of the denial,

3081

stating the reasons therefor. Denial of a petition shall not prevent the commission from acting on its own motion on any matter contained in the petition.

(c) If the commission determines that the petition is in order and that it discloses sufficient reasons in support of the proposed rulemaking to justify the institution of rulemaking proceedings, the procedures to be followed shall be as set forth in sections 15-15-108, 15-15-109, 15-15-110, and chapter 92, HRS. [Eff 10/27/86; am and comp 8/16/97; comp 5/8/00; am and comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-7) (Imp: HRS §§91-3, 91-6, 92-1, et seq.)

§15-15-107.1 Commission action. The commission shall consider all statements, views, comments, and documents of record before taking final action in a rulemaking proceeding. Unless otherwise provided by law, any decision rendered pursuant to this subchapter shall not be subject to a motion for reconsideration or judicial review. The adoption, amendment or repeal of a rule is subject to approval of the governor and filing with the lieutenant governor. [Eff and comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-7) (Imp: HRS §91-3)

§15-15-108 Rulemaking; notice of public hearing. (a) When, pursuant to a petition therefor or upon its own motion, the commission proposes to adopt, amend, or repeal any rule, the notice of hearing shall be published pursuant to the requirements of sections 1-28.5 and 91-3, HRS. The notice of hearing shall also be mailed to all persons or agencies who have made timely written requests for advance notice of the commission's rulemaking proceedings at their last recorded address. The notice of hearing shall be published at least thirty days prior to the date set for public hearing. The notice of hearing shall also be filed with the lieutenant governor's office.

(b) A notice of the proposed adoption, amendment, or repeal of a rule shall include:

(1) A statement of the date, time, and place where the public hearing will be held;

(2) Reference to the authority under which the adoption, amendment, or repeal of a rule is proposed; and

(3) A statement of the substance of the proposed rules. [Eff 10/27/86; am and comp 8/16/97; am and comp 5/8/00; comp NOV 0 2 2013]

3081

(Auth: HRS §§205-1, 205-7) (Imp: HRS §§1-28.5, 91-3, 92-41)

§15-15-109 Rulemaking; conduct of public hearing. (a) The chairperson of the commission or, in the chairperson's absence, another member designated by the commission, or a duly appointed hearings officer shall conduct the public hearing for the adoption, amendment, or repeal of the rules. The commission shall afford interested persons a reasonable opportunity to offer testimony with respect to the matter specified in the notice of hearing, in order to obtain a clear and orderly record. The presiding officer shall have authority to administer oaths or affirmations and to take all other actions necessary to the orderly conduct of the hearing.

(b) Each such public hearing shall be held at the time and place set in the notice of hearing but may at that time and place be continued by the presiding officer from day to day or adjourned to a later date or to a different place without notice other than the announcement thereof at the hearing.

(c) At the commencement of the hearing, the presiding officer shall read the notice of hearing and shall outline briefly the procedure to be followed. Testimony shall then be received with respect to the matters specified in the notice of hearing in such order as the presiding officer shall prescribe.

(d) Each witness, before proceeding to testify, shall state the witness' name, address, and whom the witness represents at the hearing, and shall give any information respecting the witness' appearance as the presiding officer may request. The presiding officer shall confine the testimony to the matters for which the hearing has been called. In order to allow persons to have an equal amount of time to testify, or to prevent cumulative unnecessary testimony, the presiding officer may limit the amount of time for testimony per individual or per issue. Every witness may be subject to questioning by the members of the commission or by any other representative of the commission. Questions by other than commission members or staff shall be permitted only at the discretion of the presiding officer.

(e) All interested persons or agencies shall be afforded an opportunity to submit data, views, or arguments orally or in writing that are relevant to the matters specified in the notice of hearing. A person may submit written comments, data, views, or arguments ten days after the close of the scheduled public

3081

hearing date. An original and one paper copy and one electronic copy of written comments, recommendations, replies, or exhibits shall be submitted.

(f) Unless otherwise specifically ordered by the commission, testimony given at the public hearing shall not be reported verbatim. [Eff 10/27/86; am and comp 8/16/97; comp 5/8/00; am and comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-7) (Imp: HRS §§91-2, 91-3)

§15-15-110 Emergency rulemaking. If the commission finds that an imminent peril to public health or safety requires adoption, amendment, or repeal of a rule upon less than thirty days notice of hearing, and states in writing its reasons for that finding, it may adopt emergency rules pursuant to section 91-3(b) and 91-4, HRS. [Eff 10/27/86; am and comp 8/16/97; comp 5/8/00; am and comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-7) (Imp: HRS §§91-3, 91-4)

SUBCHAPTER 16

LAND USE DISTRICT BOUNDARIES

§15-15-111 Land use district boundaries. (a) The boundaries of land use districts are shown on the land use district maps, entitled "Land Use District Boundaries, dated December 20, 1974," as amended, maintained and under the custody of the commission.

(b) The official maps entitled "Land Use District Boundaries, dated December 20, 1974," as amended, are located in the commission office. [Eff 10/27/86; am and comp 8/16/97; comp 5/8/00; comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-7) (Imp: HRS §205-1)

SUBCHAPTER 17

IMPORTANT AGRICULTURAL LAND DESIGNATION AND PROCEEDINGS

§15-15-120 Criteria and procedure for the identification of important agricultural lands. (a) The commission shall not approve a petition to have land designated as important agricultural land, either in whole or in part, unless the commission finds upon a clear preponderance of the evidence, that the designation is reasonable and consistent with the

3081

policies of chapter 205 HRS and the provisions of this subchapter 17.

(b) Any petition seeking to designate lands as important agricultural lands shall adhere to the requirements of subchapter 14 of this chapter. A petition seeking to designate lands as important agricultural lands and a reclassification of lands to urban, rural or conservation under section 205-45, HRS, or a credit for reclassification of lands to urban, rural or conservation, shall be set for hearing in accordance with section 15-15-100. Any hearing set for determination of a petition for designation of important agricultural lands under this section shall be held pursuant to the procedures and requirements set forth in section 205-4, HRS, and subchapters 7 and 14 of this chapter. Petitions to intervene shall follow the procedures and requirements contained in section 15-15-52.

(c) In review of any petition seeking, in part or in whole, to have lands classified as important agricultural lands, the commission shall specifically consider the following:

(1) Whether the land is currently used for agricultural production;

(2) The land's soil qualities and whether the growing conditions support agricultural production of food, fiber, or fuel- and energy-producing crops;

(3) The land's classification or identification under agricultural productivity rating systems, such as the agricultural lands of importance to the State of Hawai`i (ALISH) system adopted by the board of agriculture on January 28, 1977;

(4) If the land has been or is a type that has been 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) The land shall have sufficient quantities of water to support viable agricultural production;

(6) If the land's designation as important agricultural lands will be consistent with general, development, and community plans of

3081

the county;

(7) Land that contributes to maintaining a critical land mass important to agricultural operating productivity; and

(8) Whether the land has, or is near, support infrastructure conducive to agricultural productivity, such as transportation to markets, water, or power.

(d) If a petition is limited solely to designation by a landowner of important agricultural lands, the commission shall weigh the criteria set forth in section 15-15-120(c) against each other to meet the objectives of section 205-42 HRS.

(e) The commission shall not accept any petition to designate lands as important agricultural lands covering substantially the same request for substantially the same land as had previously been denied by the commission within one year of the date of filing of findings of fact and conclusions of law denying the petition. [Eff and comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-7, 205-45) (Imp: HRS §205-44)

§15-15-121 Petition by farmer or landowner.

(a) A farmer or landowner seeking to have lands designated important agricultural lands may file a petition for declaratory ruling with the commission seeking to have its lands designated important agricultural lands.

(b) The petition for declaratory ruling shall be submitted in accordance with subchapter 14 and shall include:

(1) Tax map keys of the land to be designated along with verification and authorization from the applicable landowners;

(2) Proof of qualification for designation under section 15-15-120; and

(3) The current or planned agricultural use of the area to be designated.

(c) The commission shall review the petition and the accompanying submissions to evaluate the qualifications of the land for designation as important agricultural lands in accordance with section 15-15-

121.

(d) A petition for declaratory order seeking designation of lands as important agricultural lands shall only be granted if a two-thirds majority of the commission finds, after its review and evaluation and based upon a preponderance of the evidence, that the subject lands qualify for designation as important agricultural lands under this subchapter and sections 205-44 and 205-45, HRS. If a petition fails to receive the affirmative votes of two-thirds of the commissioners, findings of fact, conclusions of law and a decision and order denying the petition shall be filed by the commission. [Eff and comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-7, 205-45) (Imp: HRS §205-45)

§15-15-122 Petition by farmer or landowner for designation of important agricultural land and urban, rural or conservation re-classification. (a) A landowner may, within the same petition for declaratory order as described in subsection 15-15-121, request the reclassification of a portion of the land which is the subject of the petition in the agricultural district to the rural, urban, or conservation district, or a combination thereof. The land sought to be reclassified as urban, rural or conservation shall:

(1) Be within the same county as the land sought to be designated as important agricultural lands;

(2) If the reclassification of the land is proposed to the urban district, that reclassification to urban is consistent with the relevant county general and community, development, or community development plans; and

(3) Be no more than fifteen percent of the total acreage which is the subject of the petition such that at least eighty-five per cent of the total acreage which is the subject of the petition is sought to be designated as important agricultural land; and

(4) Meet all of the requirements of subchapter 8 herein.

(b) In a petition for declaratory order under this section seeking to designate lands important agricultural lands in the agricultural district to the rural, conservation or urban district, the lands to be designated important agricultural lands shall be deemed

qualified for such designation only if the commission reasonably finds that the lands meet the criteria of sections 15-115-120(c)(5) and (c)(7).

(c) A petition for declaratory order under this section shall be submitted in accordance with subchapter 14 and be set for hearing in conformance with the procedures set forth in subchapter 7, and shall include:

(1) Tax map key numbers of the land to be designated as important agricultural lands and, if applicable, the land to be reclassified from the agricultural district to the rural, urban, or conservation district;

(2) Verification of ownership and/or authorization from the applicable landowners;

(3) Proof of qualification for designation as important agricultural lands under this subchapter;

(4) The current or planned agricultural use of the area sought to be designated as important agricultural lands; and

(5) The current or planned use of the area sought to be reclassified to the rural, urban, or conservation district.

(d) An application for a declaratory order to designate important agricultural land in combination with the reclassification of agricultural land to the rural, urban, or conservation district shall not be deemed a proper filing until the petitioner has submitted a certification, issued by the state department of agriculture as to the quality of the land which is the subject of the petition.

(e) In review of any petition seeking to have lands classified as important agricultural lands in combination with a request to reclassify a portion of the agricultural land to the urban, rural or conservation designation, the commission shall review the petition and the accompanying submissions in accordance with this subchapter and section 205-44, HRS. The commission shall also specifically determine, by a preponderance of the evidence whether:

(1) The land is suitable for the reclassification in accordance with subchapters 2 and 8; and

(2) If the reclassification of a portion the land is proposed to the urban district, that reclassification to urban is consistent with the relevant county general and community, development, or community development plan.

(f) Approval of a petition for designation of

important agricultural lands in conjunction with a petition for urban, rural or conservation reclassification under this section shall require approval by a vote of a two-thirds majority of the commissioners. The commission shall include reasonable conditions in its order.

(g) Should the commission find that either the designation of lands in the petition sought to be identified as important agricultural lands or the lands identified in the petition for reclassification to urban, rural, or conservation is not supported by a preponderance of the evidence and should not be approved, the commission shall deny the petition in its entirety. [Eff and comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-7, 205-45) (Imp: HRS §205-45)

§15-15-123 Adherence to chapter 343 HRS. A petition filed under this subsection, if applicable, shall adhere to the requirements of chapter 343, HRS. No petition under this subchapter will be deemed complete unless it has met the requirements of chapter 343, HRS. [Eff and comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-7, 205-45)

§15-15-124 Private landowner credits in important agricultural land proceeding. (a) The commission shall allow a petitioner for an important agricultural land designation to reserve the right to designate lands for reclassification to urban, rural, or conservation at a future proceeding. The commission shall not grant a landowner the right to reserve lands for future reclassification greater than fifteen percent of the total acreage of land which is the subject of the petition, total acreage being the land sought to be designated important agricultural land plus the land sought to be reclassified urban, rural or conservation.

(b) Where a petitioner submits a petition for designation of lands as important agricultural lands in combination with a request to reclassify lands urban, rural or conservation and the commission grants the petition under this subchapter, the petitioner may, if specifically requested in the petition, obtain credits for the difference between fifteen percent of the total amount of land requested to be reclassified as urban, rural and conservation and the amount of land set forth in the petition to be so reclassified, if the amount of land for reclassification to urban, rural or conservation set forth in the petition is less than

fifteen percent of the total land subject to the petition.

(c) In order to preserve the right to reclassify lands under this section at a future proceeding a request for future credits must be specified in any petition for designation of important agricultural lands or petition for designation of important agricultural lands in conjunction with a request to reclassify lands to the urban, rural or conservation district.

(d) If a petition fails to include a request for future credits under subsection (b) or (c), the petitioner's right to such credits shall be waived and the petitioner shall be barred from claiming the credits at a future date.

(e) Credits held by a petitioner under this section may only be applied to lands owned or held by the petitioner in the same county as the lands designated important agricultural lands in the original petition giving rise to the credits are located.

(f) In order to utilize such credits to have lands reclassified under this section the petitioner must, prior to utilization of such credits and before the credits are applied to any land to be reclassified, file a petition for declaratory order pursuant to subchapters 5 and 14 and section 15-15-123.

(g) A petition for use of credit for reclassification of land granted under this section must be filed within ten years of the effective date of the original order by which the credits were granted by the commission. Unused credits shall expire and become unusable if not used within ten years from the effective date the original order by which the credits were granted by the commission.

(h) Credits issued under this section may only be used by the petitioner awarded the credits under the original declaratory order granting the credits. Unused or unexhausted credits awarded under this section may not be transferred to another person.

(i) If a petitioner files a request for declaratory order to utilize credits held pursuant to this section the commission shall not grant such petition unless:

(1) By a preponderance of the evidence presented, the land is suitable for reclassification in accordance with sections 205-2 and 205-3.1,

HRS;

(2) The reclassification is consistent with the relevant county general and, development, or community development plans;

(3) By a preponderance of the evidence presented, the land sought to be reclassified is suitable for reclassification in accordance with subchapters 2 and 8; and

(4) The petitioner has met all of the requirements of chapter 343 HRS with regard to the subject petition. [Eff and comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-7, 205-45) (Imp: HRS §205-45)

§15-15-125 County identification of important agricultural lands. (a) Receipt of recommendations and maps from the planning department of a county under section 205-48, HRS, shall not be considered a petition for a declaratory order designating land within its jurisdiction as important agricultural lands. The commission shall however, designate lands within the relevant county and adopt maps designating important agricultural lands in such county within 365 days of the submission being deemed complete pursuant to subsection (b). Such time period for determination may be extended for a period of up to one hundred and eighty days by order of the chairperson of the commission. The form and content of the county recommendations shall conform to the requirements of sections 205-42, 205-43, 205-44, and 205-47, HRS.

(b) The county making such recommendations to designate land important agricultural lands 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, including records evidencing that:

(1) Maps of potential lands to be considered for designation as important agricultural lands have been developed in consultation and cooperation with landowners, the state department of agriculture, agricultural interest groups, including representatives from the Hawai`i farm bureau federation and other agricultural organizations, the United

States department of agriculture - natural resources conservation service, the state office of planning, and other groups as necessary.

(2) Each county, through its planning department, has utilized an inclusive process for public involvement in the identification of potential lands and the development of maps of lands to be recommended as important agricultural lands, including a series of public meetings throughout the identification and mapping process.

(3) The county has taken notice of those lands already designated important agricultural lands by the commission.

(4) Upon identification of potential lands to be recommended to the county council as potential important agricultural lands, each county has taken 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.

(5) Evidence that the important agricultural lands mapping relates to, supports, and is consistent with the:

(A) Standards and criteria set forth in section 205-44, HRS, and this subchapter have been met;

(B) County's adopted land use plans, as applied to both the identification and exclusion of important agricultural lands from such designation;

(C) Comments received from government agencies and others identified in section 205-47(b), HRS;

(D) Viability of existing agribusinesses;

(E) Representations or position statements of the owners whose lands are subject to the potential designation; and

(F) Any other relevant information.

(6) The important agricultural lands maps have been adopted by the county council, by resolution.

(c) A submission by a county under this section

shall not be deemed complete unless all of the evidence set forth in section 15-15-125(b) has been transmitted and accepted by the commission.

(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 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.

(f) 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. The state office of planning and state department of agriculture shall review the county submittal pursuant to section 205-48, HRS, and provide comments to the commission within forty-five days of the county filing being deemed complete.

(g) Approval of maps and a designation of important agricultural lands under this section shall require the affirmative vote of two-thirds of the commission. [Eff and comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-7) (Imp: HRS §§205-47, 205-48, 205-49)

§15-15-126 Criteria for designation of lands as important agricultural lands pursuant to county recommendation. (a) In designating important agricultural lands in the state, pursuant to the recommendations of individual counties, the commission shall consider the extent to which:

(1) The proposed lands meet the standards and criteria under section 205-44, HRS, and section 15-15-120;

(2) The proposed designation is necessary to meet the objectives and policies for important agricultural lands in sections 205-42 and 205-43, HRS; and

(3) The commission has designated lands within the county as important agricultural lands, pursuant to this subchapter.

(b) Should the commission determine that more than fifty percent of a landowners' landholdings, excluding lands held in the conservation district, are already designated as important agricultural lands, pursuant to this subchapter, the commission shall not designate any additional lands of that landowner as important agricultural lands except by a petition from the landowner pursuant to this subchapter.

(c) The designation of lands as important agricultural lands and the adoption of maps of those lands pursuant to this section shall be based upon written findings of fact and conclusions of law, and a showing by a preponderance of the evidence that the subject lands meet the standards and criteria set forth in section 15-15-120.

(d) Designation of agricultural lands as important agricultural lands under this section shall be by an affirmative vote of two-thirds of the membership to which the commission is entitled. If the petition is not approved by a vote of two-thirds majority of the commission it shall be deemed denied.

[Eff and comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-7) (Imp: HRS §§205-47, 205-49)

§15-15-127 Standards and criteria for the reclassification or rezoning of important agricultural lands. (a) Any land use district boundary amendment or change in zoning involving important agricultural lands identified pursuant to this subchapter shall be considered as, and meet the submittal requirements for, a district boundary amendment under this chapter.

(b) An application for a special permit involving important agricultural lands shall include evidence that the request has been referred to the state department of agriculture and the state office of planning for review and comment and contain as part of the petition any comments or recommendations made by both the state department of agriculture and the state office of planning.

(c) In addition to the criteria set forth in subchapter 8, any decision by the commission or county pursuant to this section shall specifically consider, and find by a preponderance of the evidence, that:

(1) The land to be reclassified is not critical for agriculture based on the amount of similarly suited lands in the area and the State as a whole;

(2) The proposed district boundary amendment or zone change will not harm the productivity or viability of existing agricultural activity in the area, or adversely affect the viability of other agricultural activities or operations that share infrastructure, processing, marketing, or other production-related costs or facilities with the agricultural activities on the land in question;

(3) The district boundary amendment or zone change will not cause the fragmentation of or intrusion of nonagricultural uses into largely intact areas of lands identified by the State as important agricultural lands that create residual parcels of a size that would preclude viable agricultural use;

(4) The public benefit to be derived from the proposed action is justified by a need for additional lands for nonagricultural purposes;

(5) The proposed district boundary amendment or zone change will not negatively impact the ability or capacity of state and county agencies to provide and support additional agricultural infrastructure or services in the area;

(6) The public benefit from the proposed district boundary amendment or zone change outweighs the benefits of retaining the land for agricultural purposes;

(7) The proposed action will have no significant impact upon the viability of agricultural operations on adjacent agricultural lands;

(8) The decision-making criteria of subchapter 8 governing decisions of the land use commission on district boundary amendments have been met; and

(9) The decision-making criteria adopted by each county to govern decisions of county decision-making authorities under this chapter have been met.

(d) The reclassification of lands designated as important agricultural shall be based upon written findings of fact and conclusions of law pursuant to subchapters 7 and 11.

(e) A reclassification of lands designated as important agricultural lands shall be by an affirmative vote of two-thirds of the membership to which the commission is entitled.

(1) If the petition is not approved by a vote of two-thirds of the membership of the commission, it shall be deemed denied.

(2) The commission shall not accept any petition to designate lands as important agricultural lands covering substantially the same request for substantially the same land as had previously been denied by the commission within one year of the date of filing of findings of fact and conclusions of law denying the petition.

(f) The commission may, upon petition by the farmer or landowner of lands designated as important agricultural lands, remove all or a portion of those important agricultural lands from the "important agricultural lands" designation if, after a hearing held pursuant to subchapter 14, the commission finds upon a preponderance of the evidence that a sufficient supply of water is no longer available to allow profitable farming of the land due to governmental actions, acts of God, or other causes beyond the farmer's or landowner's reasonable control.

(g) The commission may only remove an important agricultural land designation on lands originally designated as important agricultural lands pursuant to a declaratory order that both designated land as important agricultural lands and reclassified land as urban, rural or conservation, or a combination thereof, with the prior authorization of the legislature as expressed by a two-thirds vote of each house of the legislature voting separately. [Eff and comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-7, 205-45) (Imp: HRS §205-50)

3081

important agricultural lands maps. (a) Amendment of the maps of important agricultural lands initiated by the county shall be conducted in accordance with section 15-15-109.

(b) In a county-initiated proceeding for an amendment of important agricultural land maps and designation under section 15-15-128(a), the "important agricultural lands" designation shall be removed from lands previously designated as important agricultural lands where the commission finds, by a preponderance of the evidence, that a sufficient supply of water is no longer available to allow profitable farming of the lands due to governmental actions, acts of God, or other causes beyond the farmer or landowner's reasonable control.

(c) The commission shall not remove the important agricultural lands designation if the lands were designated important agricultural lands by declaratory order in combination with the reclassification of land in the agricultural district to the rural, conservation or urban district pursuant to section 205-45, HRS, unless the legislature provides prior authorization by adoption of a concurrent resolution in accordance with section 205-45, HRS. [Eff and comp NOV 0 2 2013] (Auth: HRS §§205-1, 205-7)(Imp: HRS §205-52)

SUBCHAPTER 18

PETITIONS FOR HAWAI`I HOUSING AUTHORITY RENTAL HOUSING PROJECTS

Repealed

§15-15-122 REPEALED. [R 8/16/97]

3081

Amendments to and compilation of chapter 15, title 15, Hawaii Administrative Rules on the summary page dated October 4, 2013 were adopted on October 4, 2013, following public hearings held on September 5, 10, 11, 18, 24 and 25 2013 after public notice was given in the Honolulu Star Advertiser, the Maui News, West Hawaii Today, the Hawaii Tribune Herald and The Garden Isle on August 5, 2013.

They shall take effect ten days after filing with the Office of the Lieutenant Governor

RONALD I. HELLER
Chairperson

FOR RICHARD LIM
Director, Department of Business, Economic Development and Tourism

10.23.13

NEIL ABERCROMBIE
Governor
State of Hawaii

APPROVED AS TO FORM:

DIANE ERICKSON
Deputy Attorney General

104

LIEUTENANT GOVERNOR'S OFFICE
'13 OCT 23 P4:12

3081

B

TECHNICAL ADVISORY COMMITTEE
MEETINGS AND ROSTER

IMPORTANT AGRICULTURAL LANDS TECHNICAL ADVISORY COMMITTEE

CHARTER OF COMMITMENTS AND RESPONSIBILITIES

Purpose of the Charter

This document identifies the purposes and procedures of the O'ahu Important Agricultural Lands Identification Project – Phase I (IAL) Technical Advisory Committee (TAC). This group charter is intended to clarify group processes and individual responsibilities and commitments to insure that meetings are efficient, fair to all participants and productive.

Goal of the IAL Technical Advisory Committee Review Process

The goal of the O'ahu IAL TAC review process is to identify, analyze and set priorities among criteria to be used to identify Important Agricultural Lands for the island of O'ahu. A successful outcome of the Committee will be a set of recommended criteria that the TAC regards as technically sound, can be mapped in a relative unambiguous way and will lead to wise use of agricultural lands.

Membership

The members of the TAC are:

- David Arakawa
- Mike Bajinting
- Bob Cherry
- Bill Durston
- Carl Evensen, PhD
- Alan Gottlieb
- Andy Hashimoto
- Shin Ho
- Larry Jefts
- Ken Kamiya
- Melvin Matsuda
- Dan Nellis
- Brian Nishida
- Dean Okimoto
- Mark Phillipson
- Charlie Reppun
- Leon Sollenberger
- Alan Takemoto
- William Tam
- Stephanie Whalen
- Larry Yamamoto

The ex-officio, non-voting members of the TAC are:

- Alenka Remec
- Jesse Souki
- Barry Usagawa
- Earl Yamamoto

Process Coordinators

The firm of Helber, Hastert & Fee, Planners (HHF) is responsible for assisting the TAC in developing a set of criteria for IAL designation. HHF's responsibilities include:

1. Arranging for TAC meetings including preparation of materials that may be required for the groups review;
2. Facilitating discussions among TAC members in ways that insure that all members have an opportunity to be heard---and that no individual or perspective dominates the discussion;
3. Encouraging the broadest possible agreement among participants;
4. Preparing maps of select combinations of criteria to facilitate understanding of the options the TAC is considering;
5. Remaining impartial with regard to the substance of discussions.

TAC Meeting Schedule

The TAC will meet six times between September 18, 2012 and _____.

Roles of TAC Members

Members of the TAC have been chosen based on their technical expertise, knowledge of aspects of the agricultural industry, experience and ability to effectively participate in a group planning process. To insure an effective and productive process, we anticipate that each TAC member will:

1. Participate in at least five TAC meetings;
2. Review materials and prepare for each meeting;
3. Share technical information that is not proprietary;
4. Strive to insure the most productive process; and
5. Listen with care to each participant and refrain from personal attacks.

Decision Making in the TAC

While we strive for the broadest possible agreement in the TAC, there may be instances in which the group needs to test the degree of agreement either about substantive questions, such as the possible addition of new designation criteria, or process questions, such as whether to extend the time of a meeting. Group decision-making may occur in two ways: informal, non-binding expressions of the degree of consensus and more formal voting.

Informal expressions of the degree of consensus

We may ask how participants regard a particular substantive or procedural suggestion. To find out we will ask for the "degree of consensus" by asking participants the strength of their views by holding up the number of fingers that corresponds to their position where:

5 = I really like this idea and can support it enthusiastically.

4 = I like this idea. It suffices. It's good enough.

3 = Not necessarily my preference but it doesn't defeat my interests. I will support it.

2 = I have mixed feelings, but wouldn't stand in the way of this going forward.

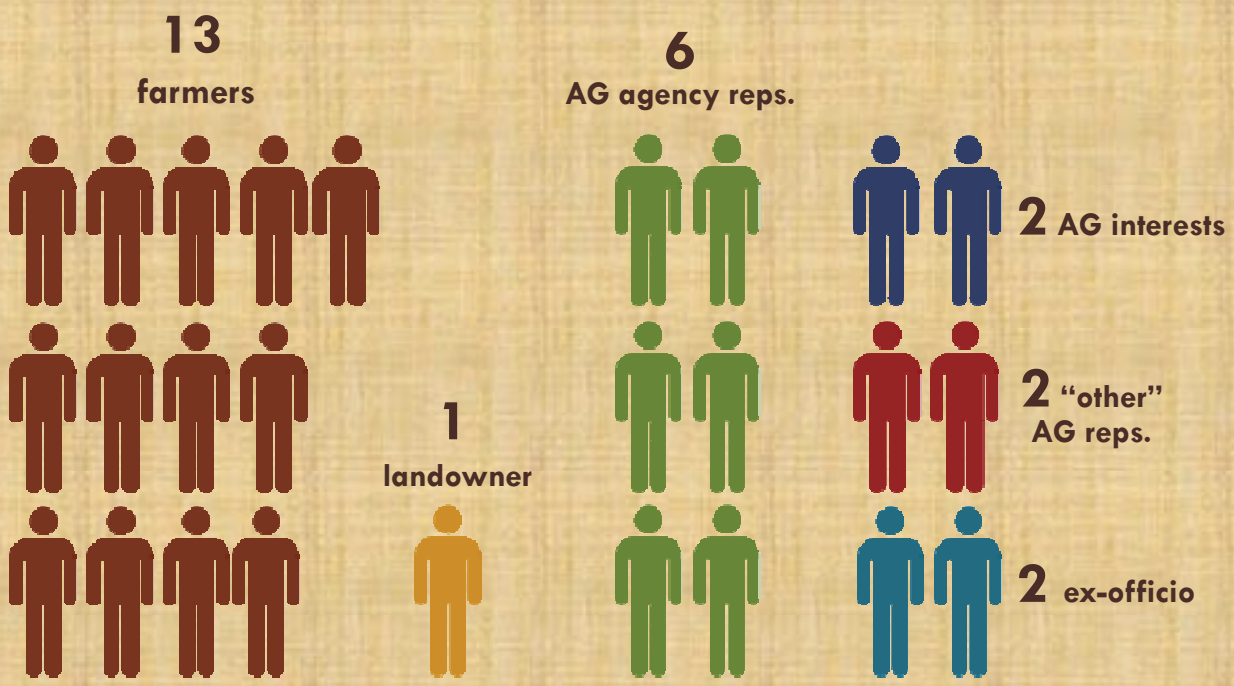
1 = I cannot support this idea. I prefer something different.

Formal decision-making

We will need to make decisions about what recommendations to make regarding IAL criteria. While we strive for the broadest possible consensus we want to insure that no individual or small group can veto a group decision. Hence, when necessary we will seek to make decisions by super-majority of those attending the meeting at which decisions are made. Super-majority means two-thirds of those attending a meeting and voting by written ballot. [In general, alternates for TAC members may attend meetings, but not vote].

Technical Advisory Committee

11



Technical Advisory Committee

12

Farmers

- Bob Cherry, Flying R Livestock
- Bill Durston, Leilani Nursery
- Alan Gottlieb, HI Livestock Farmers Coalition
- Shin Ho, Ho Farms
- Larry Jefts, Sugarland
- Ken Kamiya, Kamiya Gold
- Melvin Matsuda, Kahuku Farms
- Dan Nellis, Dole Foods
- Brian Nishida, former Del Monte Fresh Produce
- Mark Phillipson, Syngenta Seeds
- Charlie Reppun, Waiahole
- Ernest Tottori, HPC Foods

AG Agency Representatives

- Mike Bajinting, USDA NRCS
- Andy Hashimoto, UH-CTAHR
- Carl Evensen, UH-CTAHR
- Earl Yamamoto, DOA
- William Tam, CWRM
- Jesse Souki, OP

"Other" AG Organizations

- Leon Sollenberger, consultant
- Alan Takemoto, Monsanto (MOVE TO FARMER, 9/13)
- Larry Yamamoto, retired

AG Interest Groups

- Dean Okimoto, HFBF
- Stephanie Whalen, HARC

Landowners

- David Arakawa, LURF

Ex-Officio

- Alenka Remec, City Office of Economic Dvlpmt.
- Barry Usagawa, BWS

Helber Hastert & Fee
Planners, Inc.

MEETING SUMMARY

Reviewed by DPP, 9/18/12
Reviewed/Approved by TAC, 10/16/12

Important Agricultural Lands Identification Project
Technical Advisory Committee Meeting #1
September 18, 2012, 4:00 to 5:45 pm
Mayor's Conference Room, Honolulu Hale Room 301

Recorded by: Corlyn Orr

Attendance: see attached

The first Technical Advisory Committee (TAC) meeting for the Important Agricultural Lands (IAL) Identification Project was held on Tuesday, September 18, 2012 at the Mayor's Conference Room, Honolulu Hale. The meeting was scheduled from 4:00 to 6:30 pm. The purpose of the meeting was to familiarize TAC members with the project and the City's process for mapping the IAL criteria, introduce the draft group charter, and begin the discussion about data sources. Handouts included: (1) copy of the PowerPoint presentation; (2) draft group charter; (3) list of available GIS data sources for mapping; and (4) graphic showing the process to identify and map the IAL criteria.

INTRODUCTIONS

Kem Lowry (Accord 3.0 Consultants) opened the meeting at 4:05 pm. He introduced Kathy Sokugawa, DPP Planning Division Chief, who welcomed and thanked attendees for participating. Duane Okamoto, the Mayor's Agricultural Liaison, also expressed his appreciation to the group and remarked on the number of talented individuals at the table. Members of the DPP-HHF project team introduced themselves. TAC attendees were then asked to introduce themselves, and share their affiliation and what they feel is the most important aspect for the group to remember in the process of designating IAL. A summary of attendees' comments follow below.

- Office of Planning represents the State at the Land Use Commission. TAC should not lose sight of the fact that the City's effort to identify IAL is a statutory requirement.
- Has a long history of involvement with State AG mapping, including the statewide LESA (Land Evaluation and Site Assessment) System to identify IAL in the 1980s. Is interested in seeing how O'ahu's IAL mapping effort will differ from Kaua'i's IAL project. The small farmer is not a criteria of Act 183. What role do small farms in rural areas have in IAL?
- HFBF helped push for the IAL legislation. Law is not perfect. Expects that there will be issues that the TAC will need to talk about and work through.
- UH-CTAHR Agricultural Working Group was involved in discussions to frame elements of the legislation. While the overall objective of the legislation is good, implementation will be key. End product needs to be rational and reasonable, and have group buy-in.

- The charge of this committee is important, given that AG lands are being threatened by development pressures. UH-CTAHR should be seen as a resource for information.
- Experience includes long career with USDA NRCS; also was involved with LESA mapping.
- Group will be successful if we honor our state's motto.
- Represents interests between the large and small farmers. Need to remember that IAL is an incentive-driven program.
- Long-time farmer of Kahuku and Haleiwa lands.
- 40+ years experience farming North Shore lands. Farmers want support for agriculture.
- Used to be farmer, but recently shut down farm because no longer physically able to farm. Currently running a business (200+ employees) that processes vegetables. 85% of vegetables processed are imported from CA. Need to ensure constant supply to maintain steady work for employees.
- Intent of IAL legislation is to encourage farming.
- Represents the small farmer. Family runs a small farm on the North Shore.
- 30+ years experience as a flower grower. Represents small farmer and nursery groups.
- Waialua/Mililani rancher. Can ranch on any type of land.
- Dole Food Company leases to both large and small farmers. Primary crops are pineapple, coffee and cacao.
- Purpose of IAL legislation is to make farming profitable. Took 30+ years for final legislation to pass. More than 80,000 acres have already been designated statewide. Three landowners have already designated more than 50% of their lands as IAL. Was involved with Kaua'i IAL process by providing information and attending meetings. Hawai'i Island will follow a different process.
- Provides tillage and irrigation services for farmers. Development pressures to urbanize AG lands on O'ahu are a major threat to the AG industry and the land area available for AG. Immediate action is needed for AG to survive.

PROJECT OVERVIEW

Following TAC introductions, Scott Ezer (HHF) provided an overview of the project (refer to Powerpoint presentation), including "ground rules" for the TAC; a summary of the key points of Act 183 and Act 233 that establish the IAL mapping process; the City's phased approach for mapping; the scope and methodology for Phase I; and the role of the TAC to help identify data sources and define the criteria and weighting system. Questions and comments are summarized below.

- Diversified farmers historically farmed lesser quality lands not used by the sugar and pineapple plantations. They were discriminated against and pushed to inferior lands

because the sugar and pineapple industries took the prime lands. Opposition to Hoʻopili and Koa Ridge is evidence that those lands should be IAL. The process to identify IAL as set forth in the legislation is too complex. TAC needs to follow a simpler process - only need to use the tax maps to show ownership, and then IAL will be all the areas that are currently used for agriculture or that are classified for agricultural use.

- Agree with the previous comment that the tax maps, current use and current classification is a good starting point, but, the law says that lands that are classified by the State and County as "Urban" cannot be considered for IAL designation. This effectively eliminates Hoʻopili and Koa Ridge (City policy has designated both areas for urban use for more than 20+ years). Also, other lands that cannot be considered for IAL include lands that belong to a landowner who has already designated more than 50% of their landholdings as IAL.
- Is there a data source for landowners that have designated their lands IAL?
  RESPONSE: Yes, this is available.
- Of all lands designated as "AG" by the the State classification system (about 1.4 million acres), only 4% have been designated as IAL. IAL will be a sub-designation, or an overlay, of the AG designation.
- Identifying data sources, helping to find data, and defining criteria are the TAC's primary purpose. What other role does this group have? Can't the work be done in 2 meetings?
  RESPONSE: Agree that it seems simple in theory. Kauaʻi's IAL advisory committee met 14 times to discuss weighting system.
- The maps are also important. Maps showing productive AG areas would be helpful when discussing how to define the criteria. However, using the maps to define the criteria could bias the criteria and prejudice the outcomes. Process should be as fair as possible. A better approach would be to focus on defining the criteria first, then create maps of the criteria to test if the criteria are being used in the right way. The landfill selection committee used a similar blind process, which resulted in unbiased sites.
- Will be difficult to develop standard criteria because the criteria will differ according to the AG use. For example, kalo and ranching have very different requirements, and different types of crops grow at different elevations/climates. Hydroponics differ from truck farming needs. Important that the criteria address the various forms of AG and consider the different qualities of the land.
- Monsanto should be re-categorized as a "farmer." Monsanto is an agricultural company that grows seed for corn and soy bean, similar to Syngenta which is listed in the "farmer" category.

TAC PROCESS AND POSSIBLE GROUP CHARTER

Kem reviewed the draft group charter. The purpose of the group charter is to clarify group processes and individual responsibilities and commitments to ensure that meetings are efficient, productive and fair to all participants. Requirements for TAC membership as proposed in the draft group charter include:

- Participation in at least 5 TAC meetings
- Review materials and come prepared for each meeting
- Share technical information (if non-proprietary)
- Strive to ensure the most productive process
- Listen carefully to each participant and refrain from personal attacks.

Two group decision-making processes – one for an informal "degree of consensus" procedure and one for formal voting by written ballot – were also presented.

Comments about the proposed group charter follow below.

- Suggest switching the order of values for the "degree of consensus" procedure. (A show of 5 fingers should indicate support, and one finger should indicate no support.)
- Should there be a quorum for voting?
- Caution that setting the super-majority too high allows the minority group (and not the majority) to be the controlling, decision-making body.

DISCUSSION OF IAL CRITERIA

Rob James (HHF) presented the list of available data sources compiled from the State and City websites, and reviewed the mapping process in more detail. A summary of the group discussion follows.

- If the TAC is only providing recommendations on the criteria, who is responsible for the mapping?
  RESPONSE: TAC will be reviewing maps of the individual criteria. Once the criteria and weighting system are defined, a small, select area will be mapped for the TAC to test/validate the assumptions before final recommendations are identified. Draft IAL maps will be developed during Phase 2.
- Understand that the mapping will evaluate the characteristics of the land and is not TMK parcel-specific. However, it would be interesting to observe how the criteria relates to TMK parcels. Will the City be using TMK parcels when identifying land for IAL designation? How will land be identified? An individual parcel can have a wide range of characteristics (e.g., topography, land use, soil quality, water source, etc.) This is expected to be a future source of contention.
  RESPONSE: The TMK parcel boundaries will not be the basic unit for mapping. The TAC may want to address this subject when developing recommendations.
- The "unique crop" criteria in Act 183 was established to address the unique conditions needed for crops such as coffee and kalo.
- Possible to be successful ranching on any type of land, but kalo farmer cannot grow kalo on ridgelands. May be that certain uses are given a higher weight, or certain crops are given higher weights to account for this (e.g., the watercress farm next to Pearlridge).
- Value of the commodity being grown should also be considered. A non-soil-based nursery on Hawaiʻi Island may earn more per acre than ranching activity.

- Is there a certain percentage of AG land that will be designated IAL? What determines how much of the land will be designated IAL (i.e., what score will be used)?
  RESPONSE: This largely depends on the TAC's recommendations for criteria. Lands that meet the conditions for IAL will be identified as part of Phase 2. The City administration will ultimately be responsible for the draft maps and final report that will be submitted to the City Council.

- Differentiation in the type of land use is not one of the criteria in Act 183. Some, if not most, communities will miss out on having AG land around their communities designated as IAL.

NEXT STEPS

Kem presented two possible dates -- either October 15 or 16 -- for the next meeting. (October 16, 2012 was subsequently announced as the meeting date for the 2nd TAC Meeting).

TAC members were asked to complete two assignments before the next meeting: (1) review the draft group charter and be prepared to discuss any proposed additions/edits; and (2) familiarize themselves with the IAL criteria and review the data sources.

Meeting was adjourned at 5:45.

TAC Meeting #1 Attendance

TAC Members: David Arakawa, LURF
Bob Cherry, Flying R Livestock Company
Bill Durston, Leilani Nursery
Carl Evensen, UH-CTAHR
Alan Gottlieb, Hawai'i Livestock Farmers Coalition
Andy Hashimoto, UH-CTAHR
Shin Ho, Ho Farms
Ken Kamiya, Kamiya Gold
Melvin Matsuda, Kahuku Farms
Dan Nellis, Dole Foods Company Hawai'i
Dean Okimoto, Hawai'i Farm Bureau Federation / Nalo Farms
Mark Phillipson, Syngenta Seeds
Alenka Remec, City Office of Economic Development (ex-officio)
Leon Sollenberger, Agricultural Enterprises
Jesse Souki, State Office of Planning
Alan Takemoto, Monsanto
William Tam, Commission on Water Resource Management
Ernest Tottori, HPC Foods
Barry Usagawa, Board of Water Supply (ex-officio)
Earl Yamamoto, State Department of Agriculture
Larry Yamamoto, USDA-NRCS Pacific Islands Area, retired

Others: Mark Takemoto, Pioneer Hi-Bred
Duane Okamoto, Mayor's Agricultural Liaison
Randy Hara, DPP
Tim Hata, DPP
Kathy Sokugawa, DPP
Tara DePonte, HHF
Scott Ezer, HHF
Rob James, HHF
Corlyn Orr, HHF
Bruce Plasch, Plasch Econ Pacific
Kem Lowry, Accord 3.0 Consultants
Peter Adler, Accord 3.0 Consultants

Helber Hastert & Fee
Planners, Inc.

MEETING SUMMARY

Reviewed by DPP, 11/8/12
Reviewed/approved by TAC, 11/13/12

Important Agricultural Lands Identification Project
Technical Advisory Committee Meeting #2
October 16, 2012, 4:00 to 6:30 pm
Mayor's Conference Room, Honolulu Hale Room 301

Recorded by: Corlyn Orr

Attendance: see attached

The second Technical Advisory Committee (TAC) meeting for the Important Agricultural Lands (IAL) Identification Project was held on Tuesday, October 16, 2012 at the Mayor's Conference Room, Honolulu Hale. The meeting was scheduled from 4:00 to 6:30 pm. The purpose of the meeting was to define the IAL criteria and the specific characteristics associated with each criterion, and identify possible data sources. The draft group charter that was presented at the first meeting, and the draft written summary from the first TAC meeting were also finalized. Handouts included: (1) TAC Meeting #1 draft summary; (2) draft group charter; and (3) IAL criteria worksheet.

WELCOME / INTRODUCTIONS

Kem Lowry (Accord 3.0 Consultants) opened the meeting at 4:10 pm, and asked meeting attendees to introduce themselves.

REVIEW AND APPROVAL OF TAC MEETING #1 DRAFT SUMMARY

One correction was requested. On page 2, 13th bullet from the top, 2nd to the last sentence, add in "*by providing info and attending meetings.*" after *"was involved with the Kaua'i IAL process."* Correction is to clarify individual's involvement was limited to attending meetings and providing a presentation about the background of IAL, and not as a member of the Kaua'i IAL Task Force.

With no other comments or revisions, and no other objections, the summary from TAC Meeting #1 was approved as corrected. (The group decided against formal adoption of meeting summaries).

REVIEW AND APPROVAL OF DRAFT GROUP CHARTER

Kem emphasized that the group charter is intended to guide the group, and should be flexible enough to deal with new situations as they arise. Discussion about the group charter and accepted revisions are summarized as follows.

- Meeting schedule will be left blank; to be filled in as the project progresses to allow for scheduling flexibility.
- Reverse the order of voting for the formal decision-making/voting process. One finger will mean "I don't like it," and 5 fingers will mean "I like it."

- The TAC includes 21 voting members. The four non-voting, ex-officio members are BWS, City Office of Economic Development, State OP and State DOA. OP and DOA requested to be non-voting members because their agencies take part in the formal IAL approval process (e.g., reviewing LUC applications).
- Super-majority will be based on the number of TAC members in attendance at the meeting, not the total TAC membership of 25. There was group consensus that the super-majority would be two-thirds of the members present at the meeting. In the absence of a super majority, the group would probably have to continue discussions until a super majority is reached, which may mean changing recommendations. The two-thirds requirement mirrors the language in HRS Chapter 205, which specifies a two-thirds majority approval by the LUC to designate lands as IAL or to re-classify lands that are already designated IAL.
- Quorum set at 11 TAC members, based on 21 voting members. Important to have a quorum present when making major decisions, so meetings without a quorum would be rescheduled
- Minority reports would be allowed for the record.
- Draft charter language that TAC members attend "5 of 6 meetings" is an aspiration desired for the TAC. The intent of the policy was to encourage participation and attendance, as greater participation would support the group's credibility and the legitimacy of decision-making. The charter language does not mean that individuals who do not meet that requirement would be automatically disqualified from the TAC.
- The group would be asked to decide how to proceed should a TAC member only attend meetings that involved critical decision-making.

DISCUSSION OF IAL DESIGNATION CRITERIA

TAC members were instructed that the next activity would be to review the IAL criteria worksheet and provide their suggestions for additional operational definitions and data sources. After the first round of discussion, the information would be summarized into a revised worksheet and the group would be asked to rank/weight the criteria. Assuming that the ranking would result in groupings of criteria, the weighted criteria would then be mapped as a test case to see if the screening expresses the TAC's desired outcome (not mapping all the AG lands in this project). Additional iterations would show how modifying the criteria could influence outcomes.

A TAC member reminded the group that HRS Chapter 205, Sections 42 and 43 sets forth the objectives and policies for IAL. It is important for the TAC to consider this guidance when evaluating the criteria.

Criteria #1: Land currently used for agricultural production
Operational Definition: either in cultivation, used for grazing, or temporarily fallow (to be returned to active production)

- The operational definition assumes a "snapshot in time" approach based on a particular date that may eliminate some potentially very suitable lands from consideration. Suggest that this definition be expanded to include "historically used" or "suitable but not currently used."

The historical use of the land is important. Lands currently not being farmed may be farmed in the future, and should be preserved. While land may not be currently used because of the costs of farming, future advancements – i.e., government incentives/support, technological advances – may allow farming of these lands to be profitable.

- Caution against expanding the operational definition to recognize historic agricultural use since: (1) the language of the criteria is specific that the land is "currently used for agricultural production" and (2) practices used for sugar cane production allowed them to farm lands that cannot be farmed for other (modern-day) crops. Recommendation was made to incorporate the historical use into Criteria #2.
- The TAC agreed to make a decision about the "historical use" definition during the second round, following discussion of the other criteria.
- Suggestion was made to give a time period to the term "temporarily fallow."
- Since cultivation narrowly means lands that are tilled, expanding the definition or using a broader term such as "in agricultural production" is preferred. Several options were suggested:
    1. Define "AG production" based on LUO Section 21-3 Master Use Table (see recognized AG uses).
    2. Use language in CH 205-42-1 for the operational definition, "are capable of producing sustained high agricultural yields when treated and managed according to accepted farming methods and technology." Also recognize that the cultivation goes beyond that language, as it includes hydroponic farms on lava lands, ranching, etc.
- The following language was suggested and accepted by the group: *"….has the potential to be returned to active production which conveys the notion of historic use".* This language acknowledges that land can be fallow for a longer period of time.
- Criteria is intentionally broad to be inclusive. Individuals that were involved with drafting the legislation agreed that cultivation was intended to mean AG production, including production on unique lands (e.g., coffee, flower farms on HI Island).
- ADDITIONAL DATA SOURCE: NRCS inventory of lands in current production (parcel-by-parcel inventory of land use created from aerial imagery).

Criteria #2: Land with soil qualities and growing conditions that support agricultural production of food, fiber, or fuel- and energy-producing crops.
Operational Definition:

1. **Includes land currently used for agricultural production (see above) and past agricultural uses.**
2. **Agricultural Land Use Maps (ALUM) are detailed land use maps of crop types. Commodities mapped include animal husbandry, field crops and orchards.**
3. **Solar radiation**
4. **Slopes**

- Like criteria #1, this criteria is intentionally a broad category, since it was specifically crafted to address lands that did not meet ALISH ratings.

- Suggestion was made to add *"feed and seed"* to the operational definition.
- Verbiage of criteria is confusing. May be better to separate soil qualities and growing conditions into two criteria.
- ADDITIONAL DATA SOURCES:
    - OP's Energy Division web-based TMK parcel locator map application – identifies land use, renewable energy use and LSB features
    - Historic Soil Survey air photos (1963 and forward) from NRCS and Farm Service Agency
    - NRCS Land Capability Classification (from soil survey maps)

Criteria #3: Land identified under agricultural productivity rating systems, such as the agricultural lands of importance to the State of Hawai'i (ALISH)
Operational Definition:

1. **Land Study Bureau (LSB) ratings range from "A" (Very Good) to "E" (Not Suitable). Soils were grouped into land types based on soil and productive capabilities for certain crop types.**
2. **ALISH rating system is based on soil, climate, moisture supply, input use, slope and generalized production factors. 3 classes of agricultural lands are identified: (1) Prime is best suited for production of food, feed, forage and fiber crops; (2) "Unique" has characteristics that make it useful for production of specific high-value food crops such as coffee, taro, rice and watercress; and (3) "Other," which does not fall into the category of prime or unique, but is farmland of statewide or local importance.**
3. **National Resources Conservation Service**

- Correct operational definition to "*Natural*" Resources Conservation Service, not "National"
- Note similarities between Criteria #2 and #3. If group agrees that ALISH (1977) is not an accurate or current scientific measurement, the preferred approach may be to use a low weighting for this criteria.

Criteria #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.
Operational Definition:

1. **Land currently in taro production or with physical features to support future taro production**
2. **Land currently in production or with physical features to support unique crops**

- The term "unique" in this criteria does not refer to the ALISH "Unique" category. Unique refers to the niche-market crop being grown on the land. Growing coffee is not unique, except when its growing where it may not be traditionally grown.
- Suggestion was made to expand the operational definition with an additional sentence that describes the physical features of the land: "Land currently in production or with physical features that support unique crops. *Physical features can include but not be limited to soil, rainfall, water, elevation, etc.…"*

- Discussion followed about limiting the operational definition to wetland taro based on the identification of the areas where it's currently and historically grown, and where it can be grown. Such a definition would recognize the difficulty of identifying areas where dryland taro or other traditional native Hawaiian crops were grown. The TAC agreed to use "currently in wetland and dryland taro production."

- Recognizing the need for the definition to be inclusive, it was suggested that "other traditional crops" be added to the operational definition. It remains unclear at this time how the other traditional crops will be identified.

- Cultural practitioners should be consulted before their lands are designated IAL.

- ADDITIONAL DATA SOURCES:
    - UH-CTAHR studies that identify various crops with economic potential and the areas where such crops may be grown on Oahu
    - OP's Agricultural Resource Lands mapping effort (2010)
    - Sam Gon, Nature Conservancy conducted GIS assessment of lands capable of growing wetland taro

- Taro is the only food crop specified in the criteria, and food-self sufficiency is not addressed by any of the criteria. Should food self-sufficiency or crops grown for food consumption be added as a criteria? Should this operational definition support food self-sufficiency by identifying places where food crops can be grown, or by identifying specific crops? This would address the concern that only about 1/3 of the fruits and vegetables consumed on Oahu are grown on-island.

  After some discussion, the group agreed that the operational definition should not name specific crops. Reasons discussed are listed as follows.
    1. HI's agricultural history is evidence that crops evolve with time (lands used for sugar are now being used for different crops).
    2. Do not want to limit what is grown. Farmers will grow crops that are profitable.
    3. Purpose of IAL is to support farmers, not to increase sustainability.
    4. Such an approach would place greater value on land that is being farmed for food and divide the industry between food vs. non-food crops.
    5. The IAL criteria were intended to be as inclusive as possible, to protect the resource for future agriculture.
    6. State/County could provide incentives that encourage farmers to grow food crops. This could be one of the TAC's recommendation.

- For clarification, there are two ways to designate lands as IAL: (1) the landowner can independently petition the LUC (voluntary designation); and (2) the counties are required to identify candidate IAL lands (this process). The purpose of this effort is to define and weight the criteria that will be used by the City to screen for the priority AG lands. The weighting will only be used for the county designation process on Oahu; it is not used for voluntary designations.

  Landowners whose lands are designated as IAL would be <u>eligible</u> for incentives. Having land designated IAL is not an automatic benefit, as landowners would have to choose to acquire the incentives. The TAC will not be identifying incentives.

- Even if a landowner does not want to designate their land as IAL, the county has the authority to do so. What is open to designation under the county process? Is it possible that the City could designate all of a landowner's property as IAL if he has not already gone through voluntary designation? HRS Section 205-49(a)(3) states that the county cannot ask the LUC to designate additional acreage as IAL if a landowner has already designated the majority (51%) of their land as IAL. However, it is unclear whether the City would apply this 51% rule in cases where landowners have not yet designated IAL (i.e., limit the IAL identification to 51% of a landowner's property), as the rule was intended to encourage landowners' voluntary designation.

- One of the incentives in Act 233 allows landowners to petition the LUC to reclassify up to 15% of the IAL area into a rural, urban, or conservation district, as long as the other 85% is designated IAL and the State Land Use District is consistent with the county's existing land use map designations. The 15% incentive was intended to encourage landowners to designate more than 51% of their lands as IAL. No landowner has requested redesignation/urbanization to date because the 15% threshold doesn't provide enough incentive (20% was identified as the ideal percentage for landowner).

- To date, Kauai is the only county that has gone through the designation process. Hawaii County is getting started and bringing together landowners in informal discussions. Maui County has not begun yet. TAC members who were involved in the Kauai IAL process shared their thoughts about what could be learned from the Kauai experience.
    - Decisions made by the TAC need to be reasonable to ensure the credibility of the group's recommendations. Follow the law so that the City Council cannot reject the TAC recommendations because of a flawed process.
    - Verify the accuracy and validity of the data being used. Kauai used stream data that reviewers' had disputed.
    - Kauai's decision-making process used "clickers" to indicate preference. Reaching consensus was difficult since the Kauai advisory group was comprised of diverse interests with different goals (conflict between open space/productive AG).
    - The intent of IAL is to identify the viable, productive best lands. Not all lands will meet the criteria.

<u>Criteria #5:</u> Land with sufficient quantities of water to support viable agricultural production
<u>Operational Definition:</u>

1. **Rainfall (mostly for grazing lands, but may apply for fields having expensive water)**
2. **Irrigation: currently irrigated with R-1 water or better, currently irrigated with R-2 water, planned for irrigation, formerly irrigated, or potential for irrigation, etc.**
3. **Water rates, by area**

- To be considered as part of the operational definition:
    - Irrigation (infrastructure and permitting)
    - Access to streams
    - Ability to take water out of the streams
    - Level/quantity of rainfall that makes grazing possible (about 50-60 inches annual rainfall, which is the evapo-transportation rate)
    - Quality of water source: not brackish, although there are salt-tolerant crops
    - Water rates
    - Operational definition needs to define the term "sufficient." The term incorporates: (1) availability; (2) adequate supply; (3) connection to supply

source (is it meter ready or requires infrastructure improvements?); (4) reliability (not affected by drought), (5) efficiency (amount of water loss, cost of getting water to the site).

- POSSIBLE DATA SOURCES:
  - Per Act 233 (see page 19, line 19), State AG Water Use Development Plan is being prepared
  - County Water Use Development Plan
  - DLNR Water Resources Management Plan
  - Hawaii Water Plan is made up of 8 components (, Water (see CWRM website) including stream flow, aquifer sustainable yields, etc.)
  - CWRM also has Drought Plan, mostly mitigation measures.

PROPOSED CONSTITUTIONAL AMENDMENT

The November election ballot includes a constitutional amendment about special purpose revenue bonds in support of landowners' financing of reservoirs repairs. This is necessary because the rules and regulations following the Kaloko Dam incident are making it too expensive for landowners to maintain their reservoirs (i.e., irrigation sources). A "YES" vote would be a way to repair/preserve existing reservoirs.

NEXT STEPS

The next TAC meeting would be scheduled for November, pending availability of the conference room. The purpose of the next meeting will be to complete discussion of the operational definitions and data sources. (November 13, 2012 was subsequently announced as the meeting date for the 2nd TAC Meeting).

Meeting was adjourned promptly at 6:30.

TAC Meeting #2 Attendance Record

TAC Members: David Arakawa, LURF
Bill Durston, Leilani Nursery
Carl Evensen, UH-CTAHR
Alan Gottlieb, Hawai'i Livestock Farmers Coalition
Andy Hashimoto, UH-CTAHR
Shin Ho, Ho Farms
Ken Kamiya, Kamiya Gold
Brian Nishida, Stepstone Business Development
Dan Nellis, Dole Foods Company Hawai'i
Dean Okimoto, Hawai'i Farm Bureau Federation / Nalo Farms
Charlie Reppun, Waiahole Poi Factory
Leon Sollenberger, Agricultural Enterprises
Jesse Souki, State Office of Planning
Alan Takemoto, Monsanto
Barry Usagawa, Board of Water Supply
Stephanie Whalen, Hawai'i Agriculture Research Center
Earl Yamamoto, State Department of Agriculture
Larry Yamamoto, USDA-NRCS Pacific Islands Area, retired

Others: Mark Takemoto, Pioneer Hi-Bred
Duane Okamoto, Mayor's Agricultural Liaison
Tim Hata, DPP
Steve Young, DPP
Tara DePonte, HHF
Scott Ezer, HHF
Rob James, HHF
Corlyn Orr, HHF
Bruce Plasch, Plasch Econ Pacific
Kem Lowry, Accord 3.0 Consultants

Lands under review for designation as Important Agricultural Lands are examined based upon their ability to support and encourage viable agricultural ventures. The specific criteria, per HRS Chapter 205-44, are listed in the following table.

Discussion during TAC Meeting #2 will focus on defining the criteria and the specific characteristics associated with each criterion. In preparation for the meeting, use the space below to organize your ideas about what each criterion means to you. Feel free to suggest additions or limitations to these criteria. In addition, please add other criteria that you think are especially relevant to the designation of Important Agricultural Lands. If you add a criterion, please try to suggest a data source that will help to identify land units that meet each criterion.

CRITERIA	OPERATIONAL DEFINITION	DATA SOURCES
1. Land currently used for agricultural production	Either in cultivation, used for grazing, or temporarily fallow (to be returned to active production)	Aerial imagery (2011) Consultations
2. Land with soil qualities and growing conditions that support agricultural production of food, fiber, or fuel- and energy-producing crops	Includes land currently used for agricultural production (see above) and past agricultural uses. Agricultural Land Use Maps (ALUM) are detailed land use maps of crop types. Commodities mapped include animal husbandry, field crops and orchards. Solar radiation Slopes	 ALUM map, Office of Planning (1980) State GIS layer State GIS layer
3. Land identified under agricultural productivity rating systems, such as the agricultural lands of importance to the State of Hawai'i (ALISH)	Land Study Bureau (LSB) ratings range from "A" (Very Good) to "E" (Not Suitable). Soils were grouped into land types based on soil and productive capabilities for certain crop types. ALISH rating system is based on soil, climate, moisture supply, input use, slope and generalized production factors. 3 classes of agricultural lands are identified: (1) Prime is best suited for production of food, feed, forage and fiber crops; (2) "Unique" has characteristics that make it useful for production of specific high-value food crops such as coffee, taro, rice and watercress; and (3) "Other," which does not fall into the category of prime or unique, but is farmland of statewide or local importance. National Resources Conservation Service	LSB map, Office of Planning (1972) ALISH map, Office of Planning (1977)

CRITERIA	OPERATIONAL DEFINITION	DATA SOURCES
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	Land currently in taro production or with physical features to support future taro production Land currently in production or with physical features to support unique crops	
5. Land with sufficient quantities of water to support viable agricultural production	Rainfall (mostly for grazing lands, but may apply for fields having expensive water) Irrigation: currently irrigated with R-1 water or better, currently irrigated with R-2 water, planned for irrigation, formerly irrigated, or potential for irrigation, etc. Water rates, by area	UH Rainfall Atlas USGS Hydrographic Data Consultations
6. Land whose designation as IAL is consistent with general, development, and community plans of the county	Lands designated for Agricultural Use by the Development Plans/Sustainable Communities Plans Land Use Maps Lands zoned either AG-1 Restricted Agricultural or AG-2 General Agricultural	To be confirmed City and County Zoning designations. DPP (2012)
7. Land that contributes to maintaining a critical land mass important to agricultural operating productivity	Combined acreage of abutting and nearby fields	
8. Land with or near support infrastructure conducive to agricultural productivity, such as transportation to markets, water, or power.		
9. SUGGESTION FOR NEW CRITERIA and DATA SOURCE	Nuisance and theft problems: distance to urban areas, upwind from urban areas, open or controlled access, visibility, natural or man-made buffers	
10. SUGGESTION FOR NEW CRITERIA and DATA SOURCE	Livestock operations: below the no-pass line, far removed from homes, all utilities	
11. SUGGESTION FOR NEW CRITERIA and DATA SOURCE		
12. SUGGESTION FOR NEW CRITERIA and DATA SOURCE		

Helber Hastert & Fee
Planners, Inc.

MEETING SUMMARY

Reviewed by DPP 11/20/2012
Reviewed/approved by TAC 4/8/13

Important Agricultural Lands Identification Project
Technical Advisory Committee Meeting #3
November 13, 2012, 4:00 to 6:30 pm
Mayor's Conference Room, Honolulu Hale Room 301

Recorded by: Corlyn Orr

Attendance: see attached

The third Technical Advisory Committee (TAC) meeting for the Important Agricultural Lands (IAL) Identification Project was held on Tuesday, November 13, 2012 at the Mayor's Conference Room, Honolulu Hale. The meeting was scheduled from 4:00 to 6:30 pm. The purpose of the meeting was to complete the discussion from TAC Meeting #2 about defining the IAL criteria and identifying possible data sources. The TAC meeting process for remaining meetings was also presented for discussion. Handouts included a one-page outline of draft agendas for Meetings #3-5, and a draft sample voting ballot.

WELCOME / INTRODUCTIONS

Kem Lowry (Accord 3.0 Consultants) opened the meeting at 4:15 pm. He welcomed a new TAC member (Tony Rolfes of the USDA NRCS), and asked all attendees to introduce themselves.

REVIEW AND APPROVAL OF TAC MEETING #2 DRAFT SUMMARY

With no comments or revisions, and no other objections, the summary from TAC Meeting #2 was approved as drafted.

DISCUSSION OF IAL DESIGNATION CRITERIA (continued from TAC Meeting #2)

Discussion about the operational definitions and possible data sources for Criteria #6-#8 followed, based on the IAL criteria worksheet that was circulated at TAC Meeting #2.

Criteria #6: Land whose designation as IAL is consistent with general, development, and community plans of the county
Operational Definition:

1. **Lands designated for Agricultural Use by the Development Plans/Sustainable Communities Plans Land Use Maps**
2. **Lands zoned either AG-1 Restricted Agricultural or AG-2 General Agricultural**

- Should this effort screen for IAL within areas that the City has designated for future urban use? (This is not an issue about Ho'opili and Koa Ridge lands which are already designated State Urban. Concern is about lands specified for urban use on the DPs/SCPs which are designated State AG and would require State LUC approval for designation as State Urban). Identifying IAL could result in changes to City's future policies.
    - *DPP's Response:* Act 183 gives deference to the counties' adopted policies and plans, such that lands specified for urban use in the DPs/SCPs cannot be eligible for IAL designation. As long as land is not in an adopted plan or policy for urban use, it may be screened for IAL designation. Lands that are being proposed for future urban use as part of the City's DP/SCP 5-Year Review Program – such as Envision Laie – are eligible for IAL screening. (Under the City's current plans/policies, the Envision Laie project area is identified for Agricultural use).
- Intent of this criterion was to recognize the State's past planning efforts. There is enough acreage of good quality farm land within the State Agricultural District, without having to consider the areas planned for urban use.
- There was group consensus that the operational definition for Criteria #6 should be specific and indicate the need for consistency with adopted plans (such as DPs/SCPs approved/adopted by the City Council).

Criteria #7: Land that contributes to maintaining a critical land mass important to agricultural operating productivity
Operational Definition: Combined acreage of abutting and nearby fields

- The goal for this criterion is to preserve blocks of agricultural land as related to economic viability. It is not intended to identify the amount of land required to grow certain crops.
- There was consensus among group members that they did not want to use a specific acreage to define this criterion at this time. The "we'll know it when we see it" approach is preferred. It may be possible to specify a number as the mapping process continues (after data sources are mapped and the weighted criteria are being refined).
- Proximity and functionality are considered to be more important factors than acreage when defining critical land mass, for the following reasons.
    - Soil and water conservation are important ecological functions resulting from maintaining a critical mass. It was suggested that this operational definition include general guidelines for functionality by using a watershed approach (or *ahupua•a* designation) to identify critical land mass where there were no conflicting uses interspersing agricultural lands.
    - There are two different levels of critical land mass for consideration: (1) critical mass formed by having a number of farms located in close proximity to each other; and (2) overall mass of agricultural land that has inherent, intrinsic value as farm land. The advantage of farms operating in close proximity to each other creates a market for farm services to be viable (e.g., composting operation, farm suppliers).
    - An isolated 5-acre parcel is not as significant as a 5-acre parcel located in proximity to other small lots. Association with other parcels creates a compounding effect and increases its value/importance.
    - Using a specific acreage to define critical land mass does not protect agricultural areas from urban encroachment, or address the need to minimize conflicts between adjacent urban and agricultural activities (e.g., odor/noise/nuisance complaints typically result as urban uses encroach into agricultural areas).

- Lack of contiguous agricultural lands and related road network results in increased costs and additional effort to move equipment (e.g., tractors, trailers). Recent example was given where equipment had to be transported using the State highway, because cane haul roads were no longer available.
- Acreage should be sufficient size to allow for crop rotation, which is a necessary function of farming.
- Statistics indicate that the median farm size is 5 acres, while the average farm size is 100 acres. There is uncertainty about how to define the criteria in a way that does not exclude the smaller farms, and a concern that smaller farms in Waimanalo, North Shore, Kahalu'u, West O'ahu may not meet the IAL criteria.

  It was noted that: (1) small farmers typically sell their land as their retirement investment, and may not want to designate their land as IAL; (2) most small farms on the North Shore are leased; and (3) some small farms may be recreational/hobby farms, which may not be interested in IAL.

- The Kauai IAL Study was based on the acreage of land needed for food self-sufficiency. Food self-sufficiency is not one of the eight criteria, although it is an objective of Act 233 ("…to contribute to the viability of agriculture through the expansion of agricultural income and job opportunities and increase in food security for current and future generations…"(HRS 205-B)(3)(b).

  There was group consensus that this approach was not appropriate for O'ahu's IAL effort. TAC members recognized the difficulty of such a task, and agreed that such a task would be better addressed at the state-level, not on an individual county basis. Incentives that encourage food production could help to increase self-sufficiency, since food security is an objective of Act 233.

- Profitability is key for the future of the industry. For a small farmer, access to affordable water, the availability of infrastructure such as roads and electricity, and proximity to farm services/supplies are major factors affecting profitability.

- The ADC project in Wahiawā is helping to develop the infrastructure for farmers to be successful. By providing all the necessary systems for farming, the ADC project has the potential to attract new farmers to the area and create a critical mass. In the long-term, it is possible that small farms in other areas would consolidate/re-locate to Wahiawā, leaving those areas for higher-value crops (e.g., landscaping).

Criteria #8: Land with or near support infrastructure conducive to agricultural productivity, such as transportation to markets, water or power
Operational Definition: None provided in the worksheet

- Operational definition should include access to roads and the transportation network. Distance and difficulty of accessing an area are other factors for consideration (e.g., Kamilo Nui lands are more isolated and distant from the highway system than Kunia).

- Idea was presented that rail could be used to transport farm products during off-peak hours.

- After discussing the possible redundancy of addressing water in both Criteria #5 and #8, the group agreed that water should be addressed under both criteria. The availability of water (non-potable/irrigation water) would be addressed under Criteria #5, and access to potable water as part of an infrastructure system would be addressed under Criteria #8.

ADDITIONAL CRITERIA FOR CONSIDERATION

- TAC members agreed to add a 9th criterion that recognized properties with Agricultural easements, as a way for landowners to access the IAL incentives. AG easements are growing in popularity (e.g., HSPA has 100 acres, Turtle Bay Resort mauka lands, Sunset Ranch). The group agreed that this criterion would be limited to easements (other tools such as restrictive covenants or unilateral agreements would not be included).

  An operational definition was proposed, "Government programs to protect AG lands in perpetuity that are recorded." Specific programs that were identified include: (1) City Natural Land and Water Reserve Fund; (2) State Legacy Lands Program; and (3) Federal Farmland Protection Program. Possible data sources include easements recorded with the Bureau of Conveyances, and the annual reports from the various programs.

- Other criteria proposed on the IAL criteria worksheet were dismissed. Specifically, there were concerns about the adding a criteria for the "no pass line for livestock operations."

- Do not understand the logic of IAL. If landowner incentives are the purpose of IAL, incentives should be made available to all farmers without having to go through the IAL designation process.

- Should the criteria include a distinction for lands that have flooding problems, since crop loss and productivity are affected by flooding? Several reasons were given for not adding this as a criteria:
  - Periodic flooding is considered a function of agricultural land. It serves a purpose of protecting urban areas from flooding.
  - Flooding is beneficial for soil conditions. Some of the most productive lands are flooded at times (e.g., Hanalei taro fields, Otake camp).
  - Flooding is built into some of the soil classification rating systems.

PROCESS FOR REMAINING MEETINGS / DRAFT BALLOT / NEXT STEPS

- A draft agenda for future meetings and a sample voting ballot were presented. The ballot would be emailed to TAC members following TAC Meeting #3. Each TAC member would be asked to allocate 100 points among the 9 criteria (e.g., 8 criteria defined by Act 183 and 1 added by the TAC for agricultural easements), allocated based on the criteria's degree of importance according to an individual's preference. (It is possible to allocate zero points to a criterion).

  Following the voting exercise, the criteria receiving the highest number of points would be mapped, with a test case (mapping of a sample site) presented at TAC Meeting #4 to see if the screening expresses the TAC's desired outcome. If necessary, additional iterations would show how modifying the criteria could influence outcomes.

Members of the project team will be contacting various TAC members to assist with obtaining data sources.

- Consistency with county plans is a requirement of the law. It is also identified as one of the eight criteria (Criteria #6).
- *DPP Response:* The immediate purpose of the IAL process is to strengthen the State Agricultural District for agricultural uses. It now includes both AG lands and "remnant" lands. The IAL process will distinguish between the lands that have value for agriculture and the lands that are not suitable for agriculture, which could be used for other purposes, including urbanization.
- How to define a landowner is an important question that needs to be answered. Is it 50% of a landowner's property islandwide? Or is it 50% of each parcel? This affects which lands can be identified for IAL.
- It was clarified that the IAL designation is limited to lands in the State Agricultural District. Lands in the State Conservation District cannot be designated IAL.
- Proposal was made to add a 10th criterion, "Agricultural land that contributes to exceptional ecological functions". This would address TAC members' concerns that none of the criteria address the ecological value that the land provides (e.g., ecological services provided by grazing on marginal lands, flood and erosion control, wetland/taro loi serves as habitat for endangered birds).

  The group decided against adding this as a formal criterion at this time because of difficulty with identifying indicators and developing the operational definition/mapping sources. Possible indicators would be considered during the interim.

Meeting was adjourned at 6:35.

TAC Meeting #3 Attendance Record

TAC Members: Mike Bajinting, USDA-NRCS Pacific Islands Area
Carl Evensen, UH-CTAHR
Alan Gottlieb, Hawai'i Livestock Farmers Coalition
Shin Ho, Ho Farms
Brian Nishida, Stepstone Business Development
Dean Okimoto, Hawai'i Farm Bureau Federation / Nalo Farms
Mark Phillipson, Syngenta Seeds
Alenka Remec, City Office of Economic Development
Charlie Reppun, Waiahole Poi Factory
Tony Rolfes, USDA-NRCS-Pacific Islands Area
Leon Sollenberger, Agricultural Enterprises
Jesse Souki, State Office of Planning
Stephanie Whalen, Hawai'i Agriculture Research Center
Earl Yamamoto, State Department of Agriculture
Larry Yamamoto, USDA-NRCS Pacific Islands Area, retired

Others: Mark Takemoto, Pioneer Hi-Bred
Duane Okamoto, Mayor's Agricultural Liaison
Randy Hara, DPP
Tim Hata, DPP
Kathy Sokugawa, DPP
Tara DePonte, HHF
Scott Ezer, HHF
Rob James, HHF
Corlyn Orr, HHF
Bruce Plasch, Plasch Econ Pacific
Kem Lowry, Accord 3.0 Consultants

IAL TECHNICAL ADVISORY COMMITTEE PROCESS (MEETINGS #3 - #6)

MEETING #3 DRAFT AGENDA [November 13, 2012]

- Review criteria remaining from Meeting 2
- Opportunity for TAC-nominated criteria
- Explain procedures for establishing priorities among criteria
- Explain proposed process for reviewing priority criteria in Meeting 4
- Introduce "ballots" for weighting criteria (100-point allocation basis)

Interim process [2-3 month period between Meeting #3 and #4]

- HHF develops operational measures for specific criteria such as "adequate water"
- HHF meets with individual experts to identify optimal data sources in order to develop draft map layers for specific criteria
- HHF develop maps for specific criteria at candidate sites to illustrate implications of specific criteria
- TAC members fill out ballots to weight criteria (could possibly include more than one round of filling out ballot)

MEETING #4 DRAFT AGENDA [Date TBD]

- Present TAC nominations for priority criteria
- Present HHF technical process for mapping each criterion
- HHF presents preliminary maps of priority criteria for IAL test sites
- TAC analyze strengths/weaknesses of each mapped criterion

Interim Process [1-2 month period between Meeting #4 and #5]

- HHF sends out notes summarizing TAC assessments of mapped criteria
- TAC members again allocate 100 points among criteria and return ballot to HHF (if necessary)

MEETING #5 DRAFT AGENDA

- TAC members review results of second round of voting
- TAC members decide whether additional map analysis is required in order to make decisions on criteria
- If no additional analysis is required, TAC members make final decisions on criteria
- DPP leadership describe Phase II of IAL criteria process and solicit TAC members participation

[If TAC members determine more mapped analysis is required, a sixth meeting will be necessary.]

November 13, 2012

Important Agricultural Lands Project
TAC CRITERIA SCORING BALLOT

Use this ballot to indicate your preference for ranking the IAL criteria. Start with a total of 100 points, then allocate the 100 points among the criteria in the way that best reflects your opinion about the criteria's importance. The number of points given to a criteria reflects its importance. (The more points given, the more important you consider the criteria to be. Less points means less important; a value of zero points means the criteria should not be considered).

Please email your completed form to colsonorr@hhf.com by November 30, 2012.

CRITERIA	POINTS
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 Hawai'i (ALISH)	
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 IAL is consistent with general, development, and community plans of the county	
7. Land that contributes to maintaining a critical land mass important to agricultural operating productivity	
8. Land with or near support infrastructure conducive to agricultural productivity, such as transportation to markets, water, or power	
9. Government programs to protect AG lands in perpetuity that are recorded	
TOTAL = 100 points	**0**

November 20, 2012

Helber Hastert & Fee
Planners, Inc.

MEETING SUMMARY

Reviewed by DPP 5/6/13
Reviewed/approved by TAC 5/9/13

Important Agricultural Lands Identification Project
Technical Advisory Committee Meeting #4
April 8, 2013, 4:30 to 7:00 pm
Pacific Guardian Center, Makai Tower Conference Room

Recorded by: Corlyn Orr

Attendance: see attached

The fourth Technical Advisory Committee (TAC) meeting for the Important Agricultural Lands (IAL) Identification Project was held on Monday, April 8, 2013 at the Pacific Guardian Center, Makai Tower Conference Room (733 Bishop Street, Honolulu). The meeting was scheduled from 4:30 to 7:00 pm. The purpose of the meeting was to receive comments on the preliminary criteria maps and discuss the proposed weighting methodology. The Powerpoint presentation of the preliminary criteria maps was the only handout distributed at the meeting.

Kem Lowry (Accord 3.0 Consultants) opened the meeting at 4:40 pm.

REVIEW AND APPROVAL OF TAC MEETING #3 DRAFT SUMMARY

With no comments or revisions, and no other objections, the written summary from TAC Meeting #3 was approved as drafted.

REVIEW OF TAC CRITERIA VOTING PROCESS AND RESULTS

Kem reviewed the voting process that was used to rank the criteria, and presented the results of the voting process. Each TAC member was asked to vote on the 9 criteria (8 criteria established by Act 183 and a 9th one added by the TAC). Voting entailed distributing 100 points across the 9 criteria. 23 out of 25 ballots were returned, representing 92% TAC participation.

Kem presented the criteria scores resulting from the TAC voting. Using median scores, the criteria that received the most points (15 points) were:

- *#5 (Sufficient Quantities of Water),*
- *#1 (Current Use for AG)* and
- *#2 (Soil Qualities and Growing Conditions)*.

Criteria #8 (With or Near Support Infrastructure) and *#3 (AG Productivity Rating Systems)* were both ranked in the second tier (10 points each), followed by *Criterion #7 (Critical Land Mass)*, which received a median score of 9 points.

DISCUSSION OF PRELIMINARY CRITEIRA MAPS AND PROPOSED WEIGHTING METHODOLOGY

Kem reminded the group that the TAC's role is to make recommendations to the county for IAL, and that the discussion should stay focused on the criteria. The purpose of the TAC is not to identify AG lands, but to identify what should be the priority criteria for the City to use as they designate IAL.

Rob then presented the preliminary criteria maps and provided a summary of the data used to prepare the maps. He noted that two criteria - #7 (Critical Land Mass) and #8 (With or Near Support Infrastructure) – have not been mapped yet because more guidance from the TAC is needed to clarify the operational definition. TAC members were encouraged to look critically at the maps and provide corrections, as needed.

Several TAC members – including Earl Yamamoto (DOA), Bill Tam and his staff (CWRM), Tony Rolfes (NRCS), Stephanie Whalen (HARC), Barry Usagawa (BWS) and Dan Nellis (Dole)– were recognized and thanked for supporting the data gathering effort and for sharing their information and time.

Questions and concerns are summarized as follows:

- State lands were excluded from the "qualified lands" map (i.e., Slide #7 showing 81,150 acres within the City's study area) because the State (as a collaboration of DOA and DLNR) is required to identify their own IAL for their lands.

- Suggest that a map be prepared to show Federal and State/DHHL-owned lands in the State Agricultural District and already-designated IAL. Important for the TAC to understand the island-wide AG situation. Knowing where the AG lands are located is important when addressing contiguousness.

- In response to a question, Rob clarified that the white space on the Criterion #1 map between where the H-1 Freeway and Kunia Road intersects is the highway cloverleaf.

- Map of current AG production (Criterion #1 map) includes both pasture lands and crop-field farming. Ravines identified in the Criterion #1 map are related to the pasture/ranching activity. Ravines are not mapped as part of Criterion #2 because they were not identified in the NRCS land capability classifications.

- There is a possible discrepancy between the maps for Criterion #1 and #2. Need to clarify the extent of current farming activity along the upper slopes of Kunia, and the NRCS land capability classifications for Kunia. Does not appear that the maps accurately reflect topography/slope ranges.

- Would like to see a map of existing farms in the State Urban District as part of the background information on O'ahu's existing AG situation. This information could be useful to identify potential long-term AG land requirements, should farms currently operating in the Urban District need to be relocated to accommodate future urbanization.

- Hawai'i Kai's AG areas are in the State Urban District and are excluded from this study. Need to clarify the land use classifications for the Sumida watercress farm and Kamehameha Schools (KS) lands in Pearl City/Waipi'o Peninsula.

- Observation was made that AG lands in Aiea/Pearl City area identified in Criterion #2 do not show up in the Criterion #3 map.

- In response to a question, Rob clarified that the map of Criterion #3 includes land that meets at least one of the four classes (does not require land classes to overlap).

- Map of Criterion #4 (Native Hawaiian Use) shows lands that have the capability to support wetland taro production. Lands in Kahalu'u are not included in this map because they are in the State Urban District.

- Sustainable yield is not addressed in the definition for Criterion #5.

- Map of Criterion #5 identifies lands that have access to water for AG use (e.g., lands that have CWRM Water Use Permits, draw AG water from BWS, or have access to surface ditches). Mapping does not take into account the amount of water available for use. Current map does not include recycled water as an irrigation source.

- Lands in Kunia that are irrigated by CWRM Kunia Water Association wells and the Waiāhole Ditch System are not mapped correctly in Criterion #5 Map (refers to area on 'ewa side of Kunia Road, down to H-1 freeway). Sumida Watercress farm is irrigated by an on-site spring, and is not showing up on the map. KS lands at Waipi'o Peninsula and Pearl City Peninsula are also missing from this map.

- Suggestion was made to separate surface-water, gravity flow sources and groundwater sources because transmission can affect cost. Having access to water is meaningless if the water is too expensive to transport. There was general agreement among TAC members to include a statement in the report that the study did not look into the relative costs of providing water. This is an important point because the purpose of IAL is to make AG viable for the farmer. Even with sufficient water, if the cost of providing the water is too high, farming will not be viable.

- Important for the report to also explain that the scope of the study was limited to certain lands, and that this study does not identify all IAL on O'ahu. Lands belonging to the Federal government were excluded from this study because they are outside the county's jurisdiction. State-owned lands were excluded because State law mandates DOA and DLNR to go through their own identification process for State lands. The counties cannot designate IAL for the State.

- Per Chapter 205, the State was required to complete their IAL designation process by January 1, 2010, before the counties went through their IAL process. The State has not designated their lands yet. Knowing which lands were State-designated IAL would have been helpful in defining contiguousness (Criteria #7, Critical Land Mass). DOA started a state-wide mapping project under the previous administration, using available State GIS information to prepare an "AG Resource Lands" map in conjunction with the Office of Planning. DOA will need additional staffing and funding to complete their effort.

- Map of Criterion #6 (Consistent with County Plans) identifies lands that are consistent with both State and County plans. The lands shown on the Criterion #6 map meet all 3 conditions (e.g., in the State AG District, designated AG by the County DP/SCP, and county-zoned AG.) Comment was made that the Sumida Watercress Farm is not included in this map, while the other Pearl City AG lots are shown.

- Map of Criterion #9 (AG Easements) identifies lands that have existing AG easements, which means that they will be in AG for perpetuity. These lands are not eligible for tax incentives without the IAL designation.

- Acreages reported on the Top 3 Criteria and the Top 4 Criteria Maps (Slides 16 and 17) reflect the actual amount of land in each category. They should be considered additive, as shown on the following tables.

Map of Top 3 Criteria (Slide 16)

	Acreage Per Slide 16	Actual Acreage
Lands with All 3 Criteria	20,105 ac	20,105 ac
Lands with 2 of Top 3 Criteria	20,060 ac	40,165 ac
Lands with 1 of Top 3 Criteria	27,650 ac	67,815 ac

Map of Top 4 Criteria (Slide 17)

	Acreage Per Slide 17	Actual Acreage
Lands with All 4 Criteria	18,905 ac	18,905 ac
Lands with 3 of Top 4 Criteria	14,520 ac	33,425 ac
Lands with 2 of Top 4 Criteria	13,365 ac	46,785 ac
Lands with 1 of Top 4 Criteria	21,970 ac	68,755 ac

- Criteria #7 (Critical Land Mass) and #8 (Near or With Support Infrastructure) have not been mapped, as there was no consensus or measurable definitions given during previous TAC discussions and further TAC guidance is needed to define the two criteria.

    - The usefulness of mapping Criterion #7 was questioned. It was felt that it was more important to map State-owned AG lands in relation to the study area, as the State-owned AG lands would help identify contiguous AG acres. The lack of information about other existing AG entities distorts the City's mapping efforts.

    - Criterion #8 was deemed to be less important for O'ahu than for the neighbor islands, since transportation is not as critical for O'ahu as other islands (i.e., AG areas on Oahu are closer to major markets, whereas places like Molokai or Hawai'i Island involve barge/air shipping). Additional TAC guidance is needed to define the specific characteristics associated with infrastructure requirements for utilities such as water and electricity. It was generally agreed that developing this map would not materially change the current picture of the study area.

DISCUSSION ABOUT PRELIMINARY DECISION-MAKING PROCESS

The meeting was recessed at about 6:15 pm for a 20-minute break during which time meeting attendees were encouraged to review the criteria maps posted around the room and ask questions. The meeting was reconvened at about 6:35 pm, with the discussion about the need to map Criteria #7 and #8 continuing.

- Concern was raised that this study would not be in compliance with the law if the criteria maps were not prepared/ available. In response, it was clarified that the criteria were for both (1) weighting the criteria for purposes of the City's IAL designation process and (2)

applying the criteria to an individual landowner's parcel-specific IAL application. TAC members agreed that criteria which were not mapped or were not given priority weighting for this study were still important for IAL decision-making, and that IAL applicants should be required to provide written summary describing the criteria as part of their application.

- It was suggested to use the distance from paved roads as part of the definition for Criterion #8. After some discussion, the TAC agreed that this feature (i.e., transportation) could not be mapped with specificity. There was also agreement that access to roads was not truly significant because there is no place on O'ahu that is really that remote from a market. KS lands above Hale'iwa and Kahuku were identified as areas with good farmland that are associated with the greatest travel distances on O'ahu. KS lands are accessible via a good plantation road system that minimizes travel time. Kahuku is the farthest AG area from Honolulu and is known for its successful farming operations. These areas challenge the notion that areas with good farmland could not qualify for IAL because of accessibility.

Kem asked the group to consider the criteria selection process. *"Based on the maps being presented, did the group prioritize the right criteria? Is there a need to go through the criteria selection process (voting) again?"* The focus of the TAC is to identify criteria that the county will use to recommend candidate lands for IAL and to map the criteria. The second phase of the county's IAL process will focus on identifying lands for IAL.

- Although the voting process was fair, the TAC may want to reconsider and identify Criterion #4 (Native Hawaiian Use) as a key criteria. Taro lo'i are unique because the land characteristics cannot be reproduced (e.g., soils, hydrology, place in the landscape), and because they are relatively few in number. Top 3 Criteria Map appears to include most of the lo'i areas, but there is still value in prioritizing Criterion #4. Lo'i are productive as AG lands and should not be used for other kinds of purposes. Lo'i are typically wetland areas that are periodically flooded, and these lands are unsuitable for other uses/development.

- Agricultural self-sufficiency is important but the TAC agreed not to address this issue as part of this study. In the pre-contact Native Hawaiian era, taro was a valuable food source because it was an efficient crop to grow and it grew year-round (unlike *ulu* or *u'ala* which had growing seasons and required dedicated irrigation systems). Starch production is important for self-sufficiency. Taro is a starch that can be produced with minimal effort and it does not involve pumping irrigation water. Wetland taro, which requires as much as 100,000 gallons/acre/day, also represents a type of ecosystem, as water is directed from the stream through *lo'i*, returned to the stream, and then to the ocean where it supports *muliwai* (nearshore brackish ecosystems).

- Concern was expressed about identifying the sustainable yield for groundwater and streamflows. How much water will be needed to irrigate the lands designated IAL? A related concern was raised about the definition of "sufficient" water, as Criterion #5 identifies lands that HAVE water, but the amount of water needed to be sufficient depends on the crop being grown.

- There was consensus that a map showing both State-owned lands in the State AG District and lands eligible for IAL as part of this study ("Qualified Lands") would be helpful to understand the context of Oahu's AG situation, for informational purposes only. Map would helpful for the general public to see that this study is only looking at a portion of the AG lands.

- GIS data on the State land use districts is available from the State GIS website. An inventory of Oahu includes 122,790 acres in the State AG District, 158,669 acres in Conservation and 104,232 acres in Urban.

- The TAC may want to consider the value of prioritizing the criteria. The 81,000 acres eligible for consideration as IAL is not a significant amount to begin with. Another option could be to use all 9 criteria, instead of prioritizing only the top 3 or 4 criteria.

- Ownership has not been part of this analysis because it does not affect criteria prioritization. However, ownership will affect the amount of land identified as IAL because the counties cannot identify more than 50% of a landowner's inventory.

- It was clarified that the 85%-15% rule allows a landowner to urbanize lands that are already designated for Urban use by the counties (i.e., within the county's urban growth boundaries), on the condition that the other 85% of their land will be designated for IAL. Only lands that are designated for future urbanization can be fast-tracked; lands that are eligible for IAL designation cannot be fast-tracked. Dole does not own any land within the Urban Growth Boundary.

- Suggestion was made for a comprehensive map of all the criteria. It would be useful to see if the areas identified on the Criterion #4 Map are included in the Top 3 Criteria Map. Would also be interesting to see how much of the other, lower-priority criteria were included.

Kem asked the group to identify information that was most pertinent to their decision-making process. *What would the TAC <u>have to know</u> and what would the TAC <u>like to know</u> to make recommendations?*

Necessary information (need-to-knows) includes:

- Map of State AG District in relation to the Qualified Lands
- Identifying county Urban Growth Boundaries on Criterion #6 map (supports 15% rule)
- Including gulches as part of the criteria maps. The group agreed that the gulches served an essential drainage function, and should be included in the criteria maps. Although flat areas are used for cultivation, the flat would not be usable without proper drainage. All recently-approved IAL petitions included gulches because they are recognized as part of ecosystem. The gulches are also included in the urbanization process and landowners pay property taxes on them. Excluding the gulch areas from the IAL process would devalue the land.

Desirable information (nice-to-knows) included land ownership.

The gulches are also important to contiguousness (Criterion #7). Kem suggested more time to think about measuring a critical land mass and contiguousness. The discussion about how to operational Criterion #7 was deferred until the next meeting.

Meeting was adjourned at approximately 6:50 pm.

TAC Meeting #4 Attendance Record

TAC Members: David Arakawa, Land Use Research Foundation
Dan Nellis, Dole Food Company Hawai'i
Katie Ersbek, Commission on Water Resource Management
Carl Evensen, UH-CTAHR
Alan Gottlieb, Hawai'i Livestock Farmers Coalition
Andy Hashimoto, UH-CTAHR
Ken Kamiya, Kamiya Gold
Brian Nishida, Stepstone Business Development
Dean Okimoto, Hawai'i Farm Bureau Federation / Nalo Farms
Mark Phillipson, Syngenta Seeds
Alenka Remec, City Office of Economic Development
Charlie Reppun, Waiāhole farmer
Jesse Souki, State Office of Planning
Alan Takemoto, Monsanto
Barry Usagawa, Board of Water Supply
Stephanie Whalen, Hawai'i Agriculture Research Center
Earl Yamamoto, State Department of Agriculture
Larry Yamamoto, USDA-NRCS Pacific Islands Area, retired

Others: Mark Takemoto, Pioneer Hi-Bred
Duane Okamoto
Randy Hara, DPP
Tim Hata, DPP
Kathy Sokugawa, DPP
Scott Ezer, HHF
Rob James, HHF
Corlyn Orr, HHF
Bruce Plasch, Plasch Econ Pacific
Kem Lowry, Accord 3.0 Consultants

Helber Hastert & Fee
Planners, Inc.

MEETING SUMMARY ***6/20/13***

Reviewed by DPP 5/31/13
Reviewed by TAC 6/19/13

Important Agricultural Lands Identification Project
Technical Advisory Committee Meeting #5
May 9, 2013, 4:30 to 7:00 pm
Pacific Guardian Center, Makai Tower Conference Room

Recorded by: Corlyn Orr

Attendance: see attached

The fifth Technical Advisory Committee (TAC) meeting for the Important Agricultural Lands (IAL) Identification Project was held on Thursday, May 9, 2013 at the Pacific Guardian Center, Makai Tower Conference Room (733 Bishop Street, Honolulu). The meeting was scheduled from 4:30 to 7:00 pm. The purpose of the meeting was to respond to questions and information requests from the previous TAC meeting, and determine which/how many criteria would be recommended as the priority criteria.

Kem Lowry (Accord 3.0 Consultants) opened the meeting at about 4:40 pm.

REVIEW AND APPROVAL OF TAC MEETING #4 DRAFT SUMMARY

With no comments, additions, or corrections, the written summary from TAC Meeting #4 was approved as drafted.

PRESENT FOLLOW-UP MATERIALS IN RESPONSE TO QUESTIONS AND INFORMATION REQUESTS FROM TAC MEETING #4

Scott Ezer provided responses to questions and information requests that were raised during the previous TAC meeting. Discussion items are summarized as follows (see the meeting PowerPoint for a summary list).

- All of the criteria maps have been updated to include State-owned land in the State AG district (encompasses about 11,000 acres).
- All of the criteria maps have been updated to include the county's Urban Growth Boundaries.
- There was discussion at the last TAC meeting about mapping the gulches and ravines as part of criteria maps. This topic remains unresolved at this time, as there are still outstanding questions about the value of mapping these areas and the ramifications for the identification of IAL.
- The Office of Planning provided a map of private landowners (map was posted during the meeting). The TAC's decision-making is not meant to be influenced by land ownership, and this information will not be included in the report. It is important that the TAC's decision-making process is based strictly on the merits of the criteria and the value of the land relative to the criteria. There are possible legal ramifications associated with using land ownership as a criterion.

- Several TAC members (Stephanie Whalen, Earl Yamamoto and Dan Nellis) were recognized for attending and participating in HHF's informal lunchtime working session. The map of Criterion #1 was modified to correctly show current farming activity along the upper slopes of Kunia, based on the discussion at the working session.
- No mapping changes have been made regarding the use of NRSC land capability classifications (first 3 categories are still being used).

  Questions about the land use classifications for Sumida Watercress Farm were brought up several times during TAC Meeting #4. The watercress farm is in the State AG District, outside the county's Urban Growth Boundary, and zoned AG. However, it is designated Preservation on the county's SCP Map, and is therefore not eligible for IAL consideration under the county's process. Concerns were raised about the soundness of the law, when Sumida Watercress Farms could not be eligible for the IAL incentives. It was noted that Sumida could petition the LUC for IAL status as a private landowner.
- Several criteria maps have been modified to include Kamehameha Schools' lands in Pearl City and Waipi'o Peninsula, in response to comments raised during the last TAC meeting.
- Lands that were shown as irrigated did not adequately address lands served by the Kunia Water Association Wells. Criterion #5 map was adjusted accordingly. No mapping changes have been made for Central O'ahu lands irrigated by the Waiāhole Ditch System (data was verified).
- Acreages as reported on the maps showing the Top 3 Criteria and the Top 4 Criteria were changed to be additive.
- Existing farms in the State Urban District will not be a consideration for determining the land's qualifications for IAL. Based on the current law, lands in the State Urban District cannot be considered for IAL under the county process, and are therefore not able to qualify for incentives. However, it would be useful to include a map identifying such farms as part of the report (for informational purposes only).

  Developing this map would be a rigorous, labor-intensive exercise of looking at aerial satellite photos to identify the numerous small farms scattered throughout the Urban District (i.e., landscaping nurseries, food crops and flower farms, as well as taro farms which are difficult to identify). This will most likely include small farms in Kahalu'u and Wai'anae, and larger sections in 'Ewa and Central O'ahu. Although preparing this map is outside the scope of this study, it may be included in the report, if the information can be culled from existing data sources (e.g., may be possible to use county's real property tax AG dedication database or the BWS data for AG water rates). One possible strategy to collect this information could be to ask for public input to help create a registry of existing farms in the Urban District during the second phase of the project.

  If the purpose of IAL is to support agriculture and provide incentives that make it easier for farmers to farm, it doesn't seem logical that farms in the Urban District are not eligible for the incentives. Most of these farms are small operations with farmers living on their farms (e.g., Kahalu'u, Hawai'i Kai, Palolo Valley), and moving into AG areas outside the Urban District is simply not possible. The logic of the law which requires that land be designated as IAL to receive incentives was already questioned at a

previous TAC meeting. It was noted that these farmers could dedicate their lands with an AG easement for tax incentives. The IAL incentives are restricted to resource lands because public funding mechanisms have resource limitations, and it is necessary to focus public investment (i.e., incentives that support infrastructure improvements) on "important" lands.

- Criterion #8 (With or near Support Infrastructure) has not been mapped yet, and will not be mapped. This criterion addresses the relationship between a farm, the market and infrastructure. Discussion at the last TAC meeting indicated that O'ahu could be considered to be one market, as all areas have reasonable accessible to roadways, harbors, and airports. No additional comments followed, and there was general agreement from the TAC that Criterion #8 would not be mapped.

- A definition for Criterion #7 (Critical Land Mass) has not been developed yet, despite previous TAC discussion (see TAC Meeting #3 written summary, "proximity and functionality are more important factors than acreage when defining critical mass", as a concentration of farms creates a market for farm services such as shared processing facilities and farm suppliers).

  TAC members who were involved in drafting Act 183 noted that the intent of this criterion was to prevent large tracts of AG lands from being broken up by urban development, as has been the case in other states where residential subdivisions have been developed in the middle of AG areas. The concept of preserving critical land mass was to minimize nuisance issues between AG and residential uses, and to limit potential urban encroachment on AG lands.

  It was agreed that the language in Chapter 205, HRS does not require the definition to address "contiguousness," and that the difficulty with developing a definition is determining a metric for measurement (e.g., # of contiguous farms or acres). Several options were suggested: (1) providing a reference to O'ahu's critical land mass, in terms of the island's gross number of acres as it relates to maintaining O'ahu' s agricultural industry; (2) clarifying that even though land may be separated from other AG lands, it still contributes to critical land mass because of its island-wide benefit to AG; (3) using the priority criteria map to identify AG lands aggregated together that could be considered to be O'ahu's critical land mass.

  The notion that this criterion may not be quantified and may be better served as a guideline for the county mapping process than operationalized as a map was discussed. Determining critical land mass seems to involve subjective review of surrounding urban uses, which is more appropriate for evaluating private/individual landowner petitions that propose to add/remove AG lands than for the counties' IAL effort. The TAC agreed that Criteria #7 was inconsequential because the county's Urban Growth Boundaries identify where urbanization is allowed.

- Chapter 205, HRS assigns responsibility for the identification of IAL on State-owned lands to DOA and DLNR. In response to questions raised during the last TAC meeting about the extent of DOA's and DLNR's jurisdiction over "public lands", the public lands definition (Chapter 171, HRS) was distributed for reference (i.e., included in the presentation and also distributed as a separate one-page handout). A copy of Chapter 205-44.5, HRS, which is the section of the law that specifically mentions Chapter 171, HRS was also distributed as a separate handout.

REVIEW THE TAC'S ROLE IN THE CITY'S PROCESS TO IDENTIFY IAL

Phase II. Scott presented a general overview of Phase II and explained how the criteria and associated maps developed during Phase I would be used in Phase II. The scope and funding for Phase II has not been determined yet. Funding is pending City Council approval of the FY-2014 budget. The City has not selected a consultant yet, and will negotiate the scope of work with the selected consultant. In general, Phase II will consist of a series of community meetings and landowner meetings to educate the community and landowners on the materials produced during Phase I, including presentation of the criteria maps and the process that was used to develop the maps and discussion about determining the threshold for IAL.

Tim Hata, DPP project manager, summarized the overall decision-making process to be used by DPP and the TAC's role in developing recommendations. The products resulting from Phase I - including the report, conceptual maps and TAC recommendations - provide an important foundation for Phase II. During Phase II, the work products from Phase I would be refined before the draft maps will be submitted to the City Council for review/approval, then to the LUC for final consideration.

Kathy Sokugawa clarified that the phasing will depend on how much money is given for funding. Although DPP anticipates two separate phases, additional phases may be needed to complete the work, if the necessary funding is not available. The total amount allocated in the current City budget is $300,000, consisting of $150,000 requested by the City Administration and an additional $150,000 added by the City Council.

Map of Private Ownership. It was suggested that the draft report should include a map of private landownership. Scott re-emphasized that the purpose of Phase I is to establish the manner in which the criteria are operationalized and rated, and the way that the data sets are used to create the maps. Land ownership is immaterial to the recommendations of Phase I. The second phase will consider land ownership, and the size and location of the parcels. A TAC member commented that private landownership would be of interest to the general public, since the counties can only propose 50 % of a landowner's land as IAL. Due to confusion among meeting attendees about the 50% rule, the discussion was deferred for legal review.

Farms in the Urban District. A section in the report will present "lessons learned," or recommendations for minor changes to improve the existing law. This includes describing the concern that farms in the Urban District cannot qualify for incentives. Incentives that support these farms are important, if the long-term goal is to continue farming in these areas. A provision that allows farms with a dedicated AG easement to qualify for the incentives was suggested.

TAC'S CRITERIA RECOMMENDATIONS (NON-BINDING VOTE)

Kem explained the next agenda item, which involved TAC members voting on the criteria ranking. Developing the TAC's criteria recommendations will consist of a two-step decision-making process: (1) the first decision involves determining the TAC's satisfaction with the current priority criteria (Criteria #5, #1 and #2, per the original TAC vote) and the desire for a re-vote on the criteria ranking; and (2) the second decision involves identifying how the priority criteria should be combined to define the IAL threshold.

The voting process was summarized before the ballot was passed out. Kem also noted that per the group charter, two-thirds of those attending a meeting and voting by written ballot

constitutes a super-majority. Only TAC members in attendance would vote. The vote would be anonymous, and the results would be announced after a 20-minute break. The question on the ballot read: "Given the TAC discussions and review of criteria data, do you want to re-rank the 9 criteria?" If the majority voted YES in favor of a re-vote, then the meeting would be adjourned and ballots would be emailed to TAC members for additional voting on ranking. If the majority voted NO in favor of the current criteria ranking, then the meeting would continue, and a second vote would be conducted to determine which criteria would be used (e.g., Top 3, Top 4 or Top 6 priority criteria).

There was some discussion that the entire TAC process could be compromised if the criteria were changed after the preliminary criteria maps were reviewed.

The vote was taken, followed by a 20-minute break. The meeting was reconvened, and the voting results was announced (10 NO votes, 1 YES vote). Given that the majority of TAC members present indicated satisfaction with the current criteria ranking, the meeting continued and the second ballot was passed out. The second ballot presented three choices: (1) My preference is to continue with the top 3 priority criteria (Criteria #5, #1 and #2); (2) My preference is to continue with the top 4 priority criteria (Criteria #5, #1, #2 and #3). I agree that Criterion #8 is not critical for O'ahu; and (3) My preference is to continue with the top 6 priority criteria (Criteria #5, #1, #2, #3, #7 and #4).

Prior to voting, Scott reviewed the maps/acreages associated with the Top 3 and Top 4 criteria (see PowerPoint slides #21 and #22), and then opened up the meeting for questions and comments. Discussion is summarized as follows.

- One TAC member commented that even though his personal bias supports the notion of including as much land as possible to protect AG, the TAC would lose credibility if they recommended all of the AG lands for IAL, without considering the quality of the land. In reviewing the Top 3/Top 4 Criteria Maps, it appears that the areas with only 1 or 2 criteria shown are not good farmland (i.e., high elevation, along ridges, in gulches or located too high for gravity-fed irrigation). Using either 2 of the top 3 criteria or all 3 criteria would be preferred.

- A second TAC member expressed his preference for using the top 3 criteria. A recommendation that supports designating all AG lands as IAL would defeat the intent of the law, which is to preserve and protect the best AG lands. Not all AG lands are meant to be IAL. It could set precedence for future landowner petitions, if the TAC broadened the definition to include lesser-quality lands.

- A third TAC member commented that he would have difficulty adding a fourth criteria because the top 3 criteria (water, current AG use, and soil qualities) reflect the key factors that contribute to successful AG operations. In addition, the median scores show a clear separation among the top 3 criteria.

- A fourth TAC member agreed that using the top 3 criteria would be consistent with the voting results. It is unclear how to justify adding additional criteria, when only the top 3 are grouped closely together.

- It was clarified that the data used to map Criteria #5 (sufficient quantities of water) was based on existing irrigation systems, and that the criterion did not account for <u>sustainable yield</u>. The operational definition was based on the current availability of

water, not the potential to irrigate in the future. It was noted that lands that do not meet this criterion at this point in time may still be designated as IAL in the future. For properties without irrigated water, landowners would have to provide their own improvements before petitioning the LUC for IAL designation.

- It has not been possible to predict the LUC's decision-making process when reviewing IAL petitions. In recent cases, it seems that each petition is being evaluated on its own merits, on a case-by-case basis, and that the LUC is not being consistent in their review of the petitions. Observers of the process sense that the decision-making process is still evolving, as individual petitions which were previously denied may now have a chance of being approved (e.g., case of reservoirs or gulch areas). The LUC has not articulated what criteria they will be using to evaluate the counties' recommendations for IAL.

- <u>Food security and food self-sufficiency.</u> While food self-sufficiency is recognized as an important AG consideration that is referenced in both the State Constitution and the state law, the issue is outside the scope of this project. One TAC member suggested that food self-sufficiency should be addressed in the report as background information for decision-making, and that the total acres needed to achieve island-wide self-sufficiency should be identified. The approach used in Kaua'i s IAL effort - which involved preparing food self-sufficiency scenarios that identified acreages needed to support different population projections - was cited as a possible strategy.

  Discussion in response to this suggestion is summarized below.

  – Food self-sufficiency requires favoring one type of AG use over another, which is counter to the law. The intent of IAL is to protect AG land, and the law is structured to recognize all different AG producers without specifically focusing on food crops. This is evidenced by the description of Criteria #2, "land with soil qualities and growing condition that support agricultural production of *food, fiber, fuel, and energy producing crops*." The IAL evaluation process is not crop-based. It is based on the characteristics of the land, as land currently used for other crops may be converted to support food crops in the future.

  – Shifting the focus of IAL to food crops could increase competition among AG producers for land. Lands designated as IAL qualify for incentives which could make the land more affordable than non-IAL designated properties, which may encourage farmers to grow food crops. There are already competing interests for AG land (e.g., different types of farmers/AG producers need land priced at different points to be viable). The IAL designation is not meant to resolve differences among competing interests.

  – With respect to statewide issues of food self-sufficiency/sustainability, DOA assisted the Office of Planning in their development of the "Food Security and Food Self-Sufficiency Strategy" that focuses on programs that can guide and support increasing food self-sufficiency in Hawai'i. Additionally, DOA is directing a food metrics project, funded by The Ulupono Initiative to establish food reliance metrics which is fundamental to tracking progress toward food self-sufficiency, and expanding its "Buy Local, It Matters" statewide program that encourages residents to support Hawai'i farmers by making conscious decisions to purchase locally grown produce.

- It may be more appropriate to examine food self-sufficiency as a statewide issue. Under previous administrations, the State Plan prepared by the Office of Planning identified O'ahu as the primary business-gathering place and the neighbor islands were the "bread basket." This was part of the state's economic strategy to support agricultural industries on the neighbor islands. There could negative impacts to AG employment on the neighbor islands if O'ahu wanted to become 100% self-sufficient without imported neighbor islands produce.

- It can be argued that 100% self-sufficiency is impractical and risky. In the event of a natural disaster that wipes out the supply of local products, it would be highly unlikely that off-island suppliers would be willing to respond to the need for imports.

- Scott indicated that conducting a food self-sufficiency study was outside of the scope for this project, and that food self-sufficiency was more appropriate for discussion during Phase II. The law does not require the county to consider food self-sufficiency. Kaua'i chose to address self-sufficiency because of the local community's attitudes and opinions.

- The scenarios prepared for Kaua'i's study identified a range of about 25,000-65,000 acres of land needed to meet various levels of food self sufficiency, based on 65,000 residents and the de facto visitor population. A TAC member who attended the final meeting of the Kaua'i County IAL advisory committee commented that individual members of Kaua'i's advisory committee were clearly biased about selecting criteria that would result in the greatest amount of IAL acreage. In contrast, landowner interests acknowledged that designating 60,000 acres for IAL was not attainable, and recommended criteria that would result in attainable IAL acreages. (Kaua'i currently has about 4,500 acres of land that have been designated IAL. This acreage reflects more than 50% of the land owned by the island's large landowners, Grove Farm and A&B.) The various interests on Kaua'i's advisory committee have been unable to agree on a recommendation.

- 50% Rule. Scott presented the language of Chapter 205-49 (3), HRS which states, "If the majority of landowners' landholdings is already designated as IAL, excluding lands held in the conservation district, pursuant to section 205-45 or any other provision of this part, the commission shall not designate any additional lands of that landowner as IAL except by a petition…." This citation provides clarification that the counties are able to propose 100% of a landowner's land as IAL, if the landowner has not already voluntarily designated at least 50% of their land as IAL. The intent of the "50% Rule" was to create an incentive for voluntary designations, before the counties designated IAL.

The second vote was taken, and ballots were collected. Voting results would be announced via email. Scott thanked the TAC for attending the meeting, and expressed his appreciation for everyone's patience and willingness to consider different viewpoints.

For the record, the majority of TAC members chose to continue with the top 3 priority criteria. The record of votes is as follows:

- 10 votes in favor of continuing with the top 3 priority criteria (Criteria #5, #1 and #2)
- 0 votes for continuing with the top 4 priority criteria (Criteria #5, #1, #2 and #3)
- 1 vote for continuing with the top 6 priority criteria (Criteria #5, #1, #2, #3, #7 & #4)

7. WRAP-UP

TAC Meeting #6 will be the last TAC meeting, and is targeted for the first week of June. (Meeting has subsequently been scheduled for June 19, 2013). Proposed agenda items for the next meeting include the TAC's recommendation for which combination of criteria to use, and the content of the draft report.

Meeting was adjourned at 7:01 pm.

TAC Meeting #5 Attendance Record

TAC Members: Alan Gottlieb, Hawai'i Livestock Farmers Coalition
Andy Hashimoto, UH-CTAHR
Brian Nishida, Stepstone Business Development
Charlie Reppun, Waiāhole taro farmer
Dan Nellis, Dole Food Company Hawai'i
David Arakawa, Land Use Research Foundation
Dean Okimoto, Hawai'i Farm Bureau Federation / Nalo Farms
Earl Yamamoto, State Department of Agriculture
Leon Sollenberger,
Mark Phillipson, Syngenta Seeds
Stephanie Whalen, Hawai'i Agriculture Research Center

Others: Randy Hara, DPP
Tim Hata, DPP
Kathy Sokugawa, DPP
Scott Ezer, HHF
Rob James, HHF
Corlyn Orr, HHF
Bruce Plasch, Plasch Econ Pacific
Kem Lowry, Accord 3.0 Consultants



Helber Hastert & Fee
Planners, Inc.

MEETING SUMMARY ***7/31/13***

Reviewed by DPP 7/3/13
Reviewed by TAC 7/17/13

Important Agricultural Lands Identification Project
Technical Advisory Committee Meeting #6
June 19, 2013, 4:30 to 7:00 pm
Pacific Guardian Center, Makai Tower Conference Room

Recorded by: Corlyn Orr

Attendance: see attached

The sixth and final Technical Advisory Committee (TAC) meeting for the Important Agricultural Lands (IAL) Identification Project was held on Wednesday, June 19, 2013 at the Pacific Guardian Center, Makai Tower Conference Room (733 Bishop Street, Honolulu). The meeting was scheduled from 4:30 to 7:00 pm. The purpose of the meeting was to finalize the TAC recommendations for the priority criteria, discuss expectations for Phase II of the City's IAL mapping initiative, and discuss the content to be included in the draft report. Meeting handouts included the PowerPoint presentation and the draft report table of contents.

Kem Lowry (Accord 3.0 Consultants) opened the meeting at about 4:40 pm. Thirteen TAC members were in attendance.

INTRODUCTIONS

Kem recognized and introduced the City's new AG liaison, Dr. Po-Yung Lai, and then asked TAC members to introduce themselves.

REVIEW AND APPROVAL OF TAC MEETING #5 DRAFT SUMMARY

Earl Yamamoto requested a correction to the draft meeting summary. On page 6 of the draft, the second to the last bulleted item under "food security and food self-sufficiency" reads, "In response to a question, it was confirmed that DOA is not currently looking at statewide issues of food self-sufficiency/sustainability"). The statement is to be replaced with the following:

> "With respect to statewide issues of food self-sufficiency/sustainability, DOA assisted the Office of Planning in their development of the 'Food Security and Food Self-Sufficiency Strategy' that focuses on programs that can guide and support increasing food self-sufficiency in Hawai'i. Additionally, DOA is directing a food metrics project, funded by The Ulupono Initiative to establish food reliance metrics which is fundamental to tracking progress toward food self-sufficiency, and expanding its "Buy Local, It Matters" statewide program that encourages residents to support Hawai'i farmers by making conscious decisions to purchase locally grown produce.

With no other comments, additions, or corrections, the written summary from TAC Meeting #5 was approved as drafted.

REVIEW TAC CRITERIA RECOMMENDATIONS

Kem summarized the results of the vote taken during the last meeting, which indicated that the majority of TAC members present preferred to use the top 3 priority criteria. Kem also presented the map showing the top 3 priority criteria (Criteria #1: current AG production; Criteria #2: soil and growing conditions; and Criteria #5: sufficient quantities of water), and opened the floor for discussion. There were no comments or objections to the top 3 criteria being recommended to DPP.

Kem then asked for comments about the application of the criteria, and the TAC's position on the inference that lands recommended for IAL designation would need to meet all 3 of the criteria. Questions and comments are summarized as follows.

- Question was raised about the mapping of TMK parcels. How were TMK parcels with more than one type of land use mapped? This concern was raised during a previous meeting, as it is possible for a TMK parcel to have a mixture of uses (e.g., can have a working farm, gulch/stream and office complex within a single TMK parcel).

  Scott Ezer responded that the TMK parcel boundaries are not reflected in this mapping effort. Scott also acknowledged that the integration of TMK parcel boundaries would be worked out during Phase II, since it will be necessary to identify which parcels are being recommended for IAL designation.

- There was confusion about what was meant by the bulleted item on Slide #5, "inference to require that all 3 criteria are present to qualify for IAL." Following discussion, the group agreed that the wording should be changed, and that that it was NOT the intent to require all 3 criteria be present to qualify for IAL designation. Lands that have all 3 criteria present should be given the highest priority for IAL. A combination of the 3 criteria was preferred, since a requirement to meet all 3 criteria would exclude some farms.

  It was agreed that the report would include a statement about the criteria being specific to the City's IAL designation process, and that the City's use of the 3 criteria should not influence the LUC review of individual-landowner applications (i.e., a petition for voluntary designation should not be required to have all 3 criteria).

- A TAC member expressed concern that the criteria selected for the City's IAL designation process could set precedence for LUC decisions regarding future voluntary landowner designations on O'ahu (i.e., LUC may judge all future voluntary landowner designations against the top 3 criteria used in the City's designation process).

  In response, Scott commented that none of the counties have completed/submitted their IAL packages to the LUC for review as of yet, and the LUC's decision-making process and assumptions about LUC deliberations are unknown. In light of this, it is important for the City to establish sound policies that can withstand both public and LUC scrutiny. He also stated that landowners who did not qualify for an IAL designation through the City's process could voluntarily apply for IAL designation on their own.

- Question was raised about the operational definition of Criteria #1. The current definition is limited to land currently used for agricultural production, which is of

concern because it automatically eliminates from consideration lands that are not currently in AG production, regardless of soil qualities or water availability.

It was noted that the current definition includes "lands in cultivation, used for grazing or temporarily fallow." It was also noted that the map of Criteria #1 includes most of the lands that were previously used for sugar cane production, and the land that Dole currently has in fallow. A suggestion was made to change the operational definition to "land used in the last 10 years."

Following group discussion, the TAC agreed to continue with the current definition ("currently in AG production"), since that is how the criteria is defined in the State law and veering from the language of the law could increase the risk of legal challenge from a party who objects to the City's IAL project. In the section of the report that defines the operational definition for each criterion, a definition of "currently" should be included to minimize confusion about the timeframe being used for fallow lands.

- In response to a question about the difference in acreages reported on the maps for Criteria #1 ("currently used for agricultural production," 49,485 acres) and Criteria #2 ("soil qualities and growing conditions," 42,920 acres), Rob James clarified that Criteria #1 includes grazing lands, which are not by nature high quality agricultural lands. Ranching activities typically use marginal lands (i.e., poor soils, steep slopes, unirrigated), which would not be accounted for in Criteria #2.

DISCUSSION OF EXPECTATIONS FOR PHASE II

Kem presented a general overview of the approach used for Phase I and the approach being proposed for Phase II, which was also discussed during TAC meeting #5 (refer to Slide #5). Scott commented that the timing of Phase II is uncertain at this time, given that the City still needs to conduct the RFQ/consultant selection process and develop a scope of work. Comments and questions about Phase II are summarized as follows.

- The identification of IAL incentives is an integral part of Phase II, and needs to be included early in the process, preferably at the beginning of the public process before public hearings are scheduled and landowners are notified about potential IAL designations. According to the law, the county is required to have their incentives in place before lands can be proposed for IAL designation. The incentives are necessary to ensure compliance with the law and to minimize the risk of litigation. At its core, the law establishes an incentive-based program designed to make agriculture viable. In addition, the incentives are intended to motivate landowners to initiate voluntarily IAL designation before the county's IAL process. Landowners are expecting that the City will proceed with the incentives before the draft IAL maps are revealed.

  Kathy Sokugawa commented that DPP's primary role in the IAL designation process is to develop a coherent set of boundaries for the State LUC, to the extent that the LUC can define important lands within the State AG District. DPP's primary mission is to manage land use, and providing economic incentives to farmers is secondary to land use. It remains undecided how the incentives will be addressed during Phase II.

- Meeting attendees agreed to a continuing role for an advisory committee in Phase II, which could be a recommendation in the report. This TAC has had an important role in

the work to date. If incentives are included in Phase II, an advisory committee made up of industry professionals would be invaluable in framing and developing incentives.

- Kaua'i County has been working on their incentive package. DPP should consult with Kaua'i for information.

- The law (HRS 205) provides broad guidelines for incentives at both the State and county level, with an incentive framework for state-administered programs. While it may be possible to interpret the county's efforts to implement the state-mandated incentives as a starting point for the county's incentives package, the City should be introducing additional incentives. Landowners would benefit from county property tax incentives.

- Voluntary designation – where landowners petition the LUC on their own –is very costly (due to the need for consultants and attorney representation). For the most part, small landowners will not be able to afford voluntary designation. Although it would be more affordable for a landowner to designate their lands through the county's IAL effort, a landowner gives up their ability to choose which lands will be designated and the selection becomes subject to the City Council's political process.

- An incentives structure that ties the number of incentives to the number of criteria present (i.e., more criteria = more/better incentives) was suggested. Meeting attendees did not support this because it discriminated against farmers working with lower-quality soils or limited water availability.

- Land being used for agricultural support functions, such as processing facilities and AG worker housing, cannot be designated as IAL because the lands are not actively farmed and thus, do not fit the definition of IAL. Without an IAL designation, these landowners – whose operations provide an invaluable and fundamental function for the agricultural industry – cannot qualify for IAL incentives. Two specific examples were discussed:

  - The non-profit Hawai'i Agriculture Research Center (HARC) owns about 100 acres of AG-1 zoned land used for AG worker housing and processing infrastructure that supports small farmers (formerly Del Monte land that was auxiliary to AG). HARC has an agricultural easement that binds them to the current AG use, and the property deed restricts them to be auxiliary to AG. Despite this, HARC cannot qualify for IAL because the land is not used for active farming.

  - Castle and Cooke owns an AG processing/industrial area in Whitmore which would similarly not qualify for IAL under the current definition.

  Kem commented that these particular examples suggest the difficulty of anticipating all the unique situations that can result from applying general criteria to specific land units. The report can acknowledge that there are unusual situations which need to be considered when the incentives are drafted.

- Farms in the State Urban District would not qualify for any incentives either. Many of these farmers have been farming for 30-40 years, and would benefit from the incentives. It was noted that Kahalu'u has a good number of farms in the State Urban District. Two options to the IAL incentives were discussed: (1) downzoning to the State

AG District followed by voluntarily applying for IAL; and (2) dedicating lands for AG use (It was noted that while an AG easement provides property tax relief, a landowner would not be able to qualify for other incentives associated with IAL).

Kem suggested that the report could include a discussion about the AG lands located in Urban District, particularly because of the significance that the Urban District has on O'ahu. Although this would be outside the scope of HRS Ch. 205, it implies that the county assumes a responsibility in recognizing that some Urban areas are intended to continue in farming. A TAC member commented that the topic was beyond the purview of this project, and suggested that the law was crafted to acknowledge areas identified for future urbanization (e.g., Central O'ahu and 'Ewa).

There was general agreement about the group's desire to add an addendum to the report – for information purposes only – that described the following:

- number of acres within the State Urban District currently being used for agriculture (this corresponds to Criteria #1 – current AG production)
- incentives available to farms in the State Urban District (e.g., downzoning to State AG District and AG easements)
- suggestion to create an inventory of landowners with land in the State Urban District that would be interested in pursuing an IAL designation.

Discussion about Proposed Draft Report Outline

Kem asked the group to review the proposed draft report outline, and provide their observations, questions, and comments about the proposed content. Scott indicated that the draft report would be circulated via email for TAC review/comment. Comments and questions are summarized as follows.

- Suggestion was made to clarify and strengthen the discussion under Item 10.3 about the lack of information available on State-owned IAL, since this affected the TAC's understanding of contiguousness. Although the law required the DOA and DLNR to designate State-owned IAL in 2009, the State still has not completed the IAL process. The report should indicate that the TAC's ability to apply the criteria was affected by the State's lack of compliance. This could provide a safeguard against a landowner wanting to challenge the City's IAL designation (e.g., this anticipates that a dissenting landowner will challenge the process and accuse the City and TAC of flawed recommendations, on the grounds that the State has not identified their lands for IAL designation).

  Meeting attendees agreed that the lack of State-generated information did not affect the outcomes of the TAC recommendations because Criteria #7 addressing contiguousness was not identified as a priority criteria. There was overall agreement that the topic is important to framing the public's perception about IAL, especially given that there are 11,000 acres of State-owned AG land under consideration. The additional acreage of State-owned AG land provides a comprehensive view of O'ahu's agricultural future, which is more accurate than considering the City's IAL process in isolation.

- Recommend changing the heading of Item 10 from "Recommendations to Improve the Existing Law," to "Concerns/Issues Identified through TAC Discussions." The current law took many years to pass, and involved input from many stakeholders. The heading implies that the TAC wants to amend the current law, which is not the case.
- Use correct references to HRS sections (not Act 183, SLH 2005 and Act 233, SLH 2008).
- Suggestion was made to include historical rates of urbanization of agricultural lands as part of the background. This would help describe the context for IAL, since the rate of urbanization has occurred is an important consideration that has affected land use on O'ahu. In response, Scott clarified that the content of Sections 3.1 and 3.2 would be based on information compiled from the February 2011 trend report prepared for DPP's General Plan Update Project. Some historical information about urbanization and land use on Oahu would be woven into the report, along with statistical information that describes the AG situation and a general discussion about the purpose and value of IAL. Other information that is anticipated in the report includes background/history about the law, and discussion about self-sufficiency, per the HRS language.
- Important for the report to clarify expectations about what the IAL designation provides. Assuming that the City's effort will result in about 20,000 acres of IAL-designated land, it should be pointed out that IAL will not address food self-sufficiency.
- For many small, independent farmers, their retirement income comes from selling their land. While IAL is the best method available to create a land bank of contiguous farm land and minimize the conversion of agricultural land, the IAL designation will hurt some of the independent farmers who need to sell their land upon retirement.
- Suggestion was made to add a section about diversified agriculture between Item 3.2.1: Food Self-Sufficiency and Food Security and Item 3.2.2: Urbanization of AG Lands. Diversified agriculture, like food self-sufficiency, is recognized in the State statute. Item 3.2.1 would report the percentage of food that imported, followed by the diversified agriculture section which would report the percentage of Oahu-grown products that are exported. Presented in this manner, the data would demonstrate that farmers will choose what crops to grow (and cannot be forced to grow certain crops).
- Clarification was given that the report will include the criteria maps, and that the state-owned lands in the State AG District were added to the criteria maps (shown in yellow).

Next Steps / Follow-on Actions

Scott presented a general overview of the next steps (see Slide #9). The next steps involved in completing Phase I consist of: (1) preparing a draft report with DPP input; (2) TAC review/comment of draft report, followed by; (3) completion of the final report anticipated by the end of the year (2013). Phase II would involve preparation of the draft IAL maps, public meetings and landowner consultations, followed by City Council review and LUC approval. Comments and questions are as follows.

- In response to a question, Kathy indicated that the timeline for Phase II is undetermined. Although the effort for Phase II will depend on funding and staffing, the

City Council has already appropriated $300,000. It is DPP's responsibility to initiate the scope identification and consultant selection process.

- Concern was raised that the availability of State-owned IAL could influence the outcome of the City's IAL process and result in an IAL inventory that differs greatly from the recommendations of Phase I. Scott responded that the State-owned IAL would be added to the criteria maps, if/when the information became available. It is possible that the information could influence outcomes, although it would not be expected to have much effect since the focus of Phase I has been to establish the policy that will be used to determine IAL. Knowing that the State owns 11,000 acres in the State AG District and the State's contribution to the total acreage of IAL will be helpful for the public to understand that that the City's IAL acreage is not the only source of IAL for O'ahu.

  DOA has been working on the State's IAL designation package, but lacks dedicated staff to focus on the work. DOA will complete the analysis necessary to identify potential IAL once the transfer of lands from DLNR to DOA is approved. It was noted that the process established by HRS 205 only requires LUC approval (i.e., no public review process).

Kathy asked the group for their suggestions for community input during Phase II. DPP is seeking participation techniques to engage/involve AG stakeholders. Two specific suggestions were offered: (1) hold meetings with organizations; and (2) consult with BWS for facilitation techniques and organizational strategies used in the watershed management plan meetings.

One TAC member has been involved with the other counties IAL efforts, including attending almost all of Kauai's IAL meetings and working with both Maui and Hawai'i counties. He commended DPP and the consultant team for the diligence and speed in completing Phase I, and commented that the City's effort could serve as a model for Maui and Hawaii counties (i.e., TAC formation, how to run meetings).

Meeting attendees were asked to take 5 minutes to complete a project evaluation form that was passed out. Kem thanked all attendees for their energy, commitment and expertise, and stated that the process worked well because of the way that everyone participated.

Meeting was adjourned at about 6:20 pm.

TAC Meeting #6 Attendance Record

TAC Members: Alan Gottlieb, Hawai'i Livestock Farmers Coalition
Barry Usagawa, Board of Water Supply
Brian Nishida, Stepstone Business Development
Carl Evensen, UH-CTAHR
Charlie Reppun, Waiāhole taro farmer
Dan Nellis, Dole Food Company Hawai'i
David Arakawa, Land Use Research Foundation
Dean Okimoto, Hawai'i Farm Bureau Federation / Nalo Farms
Earl Yamamoto, State Department of Agriculture
Larry Yamamoto, USDA-NRCS Pacific Islands Area, retired
Leon Sollenberger, Agricultural Enterprises
Stephanie Whalen, Hawai'i Agriculture Research Center
Tony Rolfes, USDA-NRCS-Pacific Islands Area

Others: Dr. Po-Yung Lai, City Agricultural Liasion
Mark Takemoto, Pioneer Hi-Bred
Randy Hara, DPP
Tim Hata, DPP
Kathy Sokugawa, DPP
Scott Ezer, HHF
Rob James, HHF
Corlyn Orr, HHF
Bruce Plasch, Plasch Econ Pacific
Kem Lowry, Accord 3.0 Consultants

Phase II TAC Roster

* Indicates new member

Farmers
- Bob Cherry, Flying R Livestock
- Alan Gottlieb, HI Livestock Farmers
- Shin Ho, Ho Farms
- Ken Kamiya, Kamiya Gold
- Dan Nellis, Dole Foods
- Dean Okimoto, Nalo Farms
- Mark Phillipson, Syngenta Seeds
- Charlie Reppun, Waianu Farm
- Alan Takemoto, Monsanto
- *Mark Takemoto, Pioneer Hi-Bred

AG Agency Representatives
- Anthony Rolfes, USDA NRCS
- *Ashley Stokes, UH-CTAHR
- Earl Yamamoto, DOA
- William Tam, CWRM
- *Ruby Edwards, OP
- *James Nakatani, ADC

"Other" AG Organizations
- Leon Sollenberger, consultant
- Larry Yamamoto, retired

AG Interest Groups
- Stephanie Whalen, HARC

Landowners
- David Arakawa, LURF

Ex Officio
- Barry Usugawa, BWS

Phase II TAC

HHF PLANNERS
places for people

MEETING SUMMARY

Date: December 8, 2014

HHF Project No. 2014120

Time: 4:30-6:15 pm

Project Name: O'ahu IAL Phase 2

Location: Pacific Guardian Center
Makai Tower Conference Room

Recorded by: Corlyn Orr
Reviewed by DPP:
Reviewed by TAC:

Attendees: see attached

Subject: Technical Advisory Committee Meeting #1

The first Technical Advisory Committee (TAC) meeting for Phase 2 of the City's Important Agricultural Lands (IAL) Mapping Project was held on Monday, December 8, 2014 at the Pacific Guardian Center, Makai Tower Conference Room (733 Bishop Street, Honolulu). The meeting was scheduled from 4:30 to 6:30 pm. The purposes of the meeting were to: (1) review the overall purpose/objective of the City's IAL project and the outcomes of Phase 1; (2) discuss the TAC's role in Phase 2; and (3) gather feedback on the public participation program proposed for Phase 2. Meeting materials were emailed to TAC members in advance of the meeting: (1) copy of the PowerPoint presentation; (2) meeting agenda; (3) Phase 1 group charter; (4) unofficial copy of HRS Chapter 205; and (5) Phase 1 Final Report.

INTRODUCTIONS, PHASE 1 CRITERIA MAPPING SUMMARY, AND PHASE 2 OVERVIEW

Kem Lowry (Accord 3.0 Consultants) opened the meeting at roughly 4:35 pm. Thirteen TAC members were in attendance. Following introductions, Kem provided an overview of the project purpose and the City's IAL mapping process, reviewed the criteria weighting system and outcomes from Phase 1 and presented the public participation strategies planned for Phase 2 (refer to PowerPoint slides 3-18). The general intent of Phase 2 is to present the draft criteria maps to the general public, asking for input on missing/additional information that needs to be considered when putting together the draft IAL maps to be presented to the City Council.

Kem also provided an overview of the TAC's role in Phase 2, the expectations for TAC members and the operational norms governing the group. TAC members were selected because of their expertise and experience. The TAC is viewed as an advisory group to help shape and facilitate the community outreach efforts. It is hoped TAC members will help to identify individuals who should be involved in the focus groups and the larger community meetings, and use their networking capabilities to inform and engage individuals who should be involved in the designation process. The following is a summary of the group discussion.

- One TAC member asked if the map of the top 3 priority criteria includes the 5,440 acres identified in the map of Criterion #4: Traditional Native Hawaiian Uses and Unique Crops. (How much of the 5,440 acres of Criterion #4 are in the top 3 criteria?) Since Criterion #4 is the only criteria that specifies crop types, these lands should be recognized as having a special/unique value for IAL.

The question was tabled until the next TAC meeting. HHF will find out which Criterion #4 lands are mapped/omitted from the Top 3 Criteria map and bring the information to the next TAC meeting for consideration.

Other observations related to this question ensued:

- If lands are not currently in production, they would have been omitted from the map of Criterion #1: Currently Used for AG.
- The ALISH "Unique" category was intended to capture wetland taro areas. Technically, lands used for traditional cultural agriculture would be mapped if the "Unique" category was used as a mapping dataset. However, the ALISH maps were prepared in 1977 and it is unclear what methodology was used to prepare those maps (i.e., not known if historical maps and windshield surveys were used to identify upland taro areas). Also, the ALISH "Prime" and "Unique" classifications were used to map Criterion #3: Productivity Ratings Systems (Criterion #3 was not one of the top 3 priority criteria).
- What was recognized as "unique" by the ALISH maps in the 1970s differs from what may be considered unique today. Besides wetland taro, the ALISH "Unique" category also included coffee. When the ALISH maps were prepared in the 1970s, coffee was a unique crop specific to Kona (this was the only place in Hawai'i where coffee was being grown). The ALISH maps also identify the pineapple lands in Central Oahu as "Unique" based on growing conditions suited to a particular crop.
- The Nature Conservancy's GIS model of pre-contact traditional agricultural areas (Ladefoged, Thegn, Kirch and Gon, 2009) was the primary dataset that HHF used to map Criterion #4: Traditional Native Hawaiian Uses and Unique Crops.
- The TAC's recommendations for the Top 3 Criteria were the outcome of in-depth dialogue and deliberation during Phase 1. The process to prepare the criteria maps and prioritize the criteria was designed to be methodical and transparent. Private property that is not identified for IAL designation by DPP's mapping process is still eligible for IAL designation. A landowner/farmer could either (1) request that the City Council add their property to the City's Draft IAL maps being transmitted to the Land Use Commission, or (2) petition the Land Use Commission for IAL designation on their own.

- The second question sought revision to the last sentence on page 2-1 of the Final Phase 1 report, "To *accommodate* projected population growth and provide for future development needs…" *Accommodate* suggests that the rate of development cannot be modified or slowed, when in actuality, the State and City's policies for economic development *promote* population growth. The Final Phase 1 report should also include an expanded discussion about the differing economic development ideologies at play so people understand the underlying premise of the IAL designation. While both the State Constitution and the City's general plan call for stabilizing population growth, the State's policies promote continued growth in the construction industry. It is a fact that construction workers earn twice as much as agricultural workers.

  In response, it was clarified that the Phase 1 Report has been published, and cannot be revised. If appropriate, this may be incorporated into the report to be transmitted to the City Council.

George Atta, DPP Director, and Kathy Sokugawa, DPP Planning Division Head, joined the meeting at about 5:05 pm. Following introductions by Kem, George thanked everyone for their participation and

shared his concerns that the IAL designation would compromise the long-term agricultural use of AG lands that do not qualify for the IAL designation.

TAC members asserted that IAL is not a land use regulatory (zoning) initiative. The purpose of the IAL law is to protect qualified agricultural lands by offering incentives to help farmers be successful. Twenty years after plantation agriculture, the diversified farming industry is still evolving. Independent farmers who once farmed 5-10 acres are finding it increasingly difficult to be profitable with the same size farm. New farmers will need larger farms to be profitable, and land will need to be available to accommodate them.

HRS Chapter 205 requires each county to adopt their own set of incentives to support IAL and promote agriculture. The incentives are not part of this phase, and there is no on-going or planned program to address the incentives. While the General Plan and DPs/SCPs include language to support IAL, the zoning regulations and implementing programs need to be revised accordingly. The County Council's AG Development Task Force (currently on hiatus) is an advisory group that has discussed these issues.

Public Participation Strategies

Corlyn reviewed the public participation strategies and the proposed meeting schedule planned for Phase 2, including the focus group meetings, community meetings and outreach methods to generate public interest and participation (refer to PowerPoint slides 20-24).

Focus Group Meetings

Three focus group meetings are being planned. These meetings will be helpful to prepare for the public participation process and gauge the general public's response to the Phase 1 recommendations, as well as identify issues and concerns that may arise. Focus groups will be structured to represent a cross-section of interests, with a different group of participants at each meeting. TAC members were asked to share their thoughts on possible focus group candidates. A list of individuals organized by interest (farming organizations, environmental interests, Neighborhood Boards, landowners, and others) was presented for discussion. (See Attachment 1 for the initial list and TAC comments, including suggestions for additional candidates/organizations for the focus groups.)

Community Meetings

Three rounds of community meetings are also planned: the first round will consist of 3 regional meetings, the second will consist of 2 regional meetings, and the third will be a single island-wide meeting. A project website will be set up to share project information and announcements, and provide a mechanism to receive public comments. Other outreach methods include e-mail communication, social media networks, press releases and media/news programming announcements. The following is a summary of the group discussion.

- One way to make people aware of the City's IAL initiative and get feedback on the work done to date is to provide copies of the Phase I report to all individuals identified as potential focus group members and ask for their comments.

- Howard Dicus is following the IAL initiative, and would be a resource for morning news programming.

- Proposed locations for the first round of community meetings are intended to target regional populations: Mililani location to serve Central Oahu, Kaena Point to Kawela Bay, Windward Community College location to serve Waimanalo to Koolau Loa, and Kapolei Hale for Ewa and West O'ahu communities. TAC members commented that the proposed locations are not close enough to the majority of farmers (i.e., make it easy for farmers to attend).

- Suggestion was made to add an additional meeting in town—perhaps at UH—to attract students and decision-makers interested in agriculture, sustainability, food security and related environmental issues. Others that might attend include chefs, developers, and anti-Kakaako interests. This could be an educational opportunity for the City to garner support for existing land use policies that promote development within the urban core to preserve AG lands. This could also be an opportunity to generate broader community support from urban Honolulu, which could be helpful when the Draft IAL maps are before the City Council. Social media may be a useful communication tool to reach this audience.

- The meeting schedule and proposed outreach strategies are a reflection of the available budget. Given the budget constraints, the first round of community meetings can only handle three community meetings. The TAC discussed their preferred meeting places: (1) Drop Kapolei Hale and replace with a Downtown meeting; or (2) Drop both Kapolei and Mililani and replace with a Waianae and Wahiawa/Haleiwa location.

- Suggestion was made to record and broadcast community meetings. OLELO TV or high school film production companies could provide services.

- The majority of people do not understand IAL. Education will be the key to mobilizing the community, as most people are not familiar with AG issues and IAL is not a popular, frequently-discussed topic. A fact sheet that provides basic information about IAL and the mapping process would be helpful to educate the public and generate interest in the project. TAC members could help to circulate the fact sheet. An informational video that explains IAL could be posted on the project website or YouTube before the community meeting. Although this is a great idea, DPP does not have the resources to produce a video.

- A short phrase that catches the public's attention and quickly explains the purpose of the project would be helpful. For example, "Farm to Table" is used in the restaurant industry. TAC members may be able to help develop such a slogan/tag line.
  NOTE: As a follow-on to the TAC meeting, DPP and the project team is favoring Great Lands for Great Farms as a possible tag line.

NEXT STEPS

HHF will be circulating the draft meeting summary for review. In addition, TAC members are asked to complete two assignments: (1) submit additional names for the focus group and contact information (email and phone numbers); and (2) submit suggestions for a project slogan/tagline.

Meeting was adjourned at about 6:15.

INITIAL LIST OF FOCUS GROUP CANDIDATES

INDIVIDUAL	AFFILIATION	TAC NOTES
FARMING		
1. Pam Boyer	HI Farmers Union United	
2. Jean Brokish	Oahu Resource Cons. & Dev. Council	Moved from HI; still active RC&D member
3. Mike Buck	CWRM, Waimanalo farmer	
4. Mark Fergusson	HI Organic Farming Assn.	
5. Brian Miyamoto	HI Farm Bureau Federation	
6. Wayne Ogasawara	Mililani Agricultural Park	
7. Pauline Sato	Agricultural Leadership Program	
8. Alex Sou	Aloun Farms	
9. Jari Sugano	UH-CTAHR Extension Agent	
ENVIRONMENTAL INTERESTS		
10. Doug Cole	North Shore Community Land Trust	
11. Kioni Dudley	Friends of Makakilo	
12. Robert Harris	Sierra Club	No longer with Sierra Club
13. Lea Hong	Trust for Public Land	TPL's GreenPrint project mapped O'ahu land resources for possible OHA/TPL acquisition
NEIGHBORHOOD BOARDS		
14.	Waianae Coast N.B. #24	
15.	Nanakuli-Maili N.B. #36	
16.	Wahiawa N.B. #26	
17.	North Shore N.B. #27	
18.	Koolau Loa N.B. #28	
19.	Kahaluu N.B. #29	
20.	Waimanalo N.B. #32	
LANDOWNERS		
21. Neil Hannahs	Kamehameha Schools	
22. John Morgan	Koolau Ranch	
23. James Nakatani	Agribusiness Development Corp.	Good candidate, ADC is State land
24. Mark Suiso	Hawaii Tropical Fruit Growers	
OTHERS		
25. Murray Clay	Ulupono	
26. Kyle Datta	Ulupono	
27. Russell Hata	Y. Hata	
28. Matthew Loke	UH-CTAHR	
29. Claire Sullivan	Whole Foods	
30. Jackie Kozal Thiel	Governor's Sustainability Coordinator	
31. Tish Uyehara	Armstrong Produce	

TAC SUGGESTIONS FOR FOCUS GROUP CANDIDATES

INDIVIDUAL	AFFILIATION
FARMERS	
1. Susan Matsushima	Alluvion, North Shore Econ. Vitality Partnership Co-Chair
2. Mel Matsuda	Kahuku Farms
3. Clifford Nigita	Waimanalo Farmers Association
4. Tim and Alvin Law	Fat Law's Farm HI
5. Sharon Peterson Cheape	Petersons Upland Farm
6. Lee Bryant	May's Wonder Gardens, North Shore N.B. AG Committee
7. Ron Wiedenbach	HI Fish Co., HI Aquaponics Aquaculture Assn.

8. Gary Maunakea Forth	MAO Farms
9. Eric Enos	Kaala Farms
10. Kapua Sproat Fonoimoana	
11. Larry Jefts	Sugarland Farms, West O'ahu Soil & Water Cons. District, Chair
RANCHERS	
12. Bud Gibson	T&C Stables in Waimanalo
13. Greg Smith	Gunstock Ranch
AG SUPPORT AND RELATED INDUSTRIES	
14. Ron Kauhaahaa	Crop Protection Services (pesticides)
15. Gordon Ogi	American Machinery
16.	Farm Credit Services of HI
17. Stan Kodama	Waimanalo Feed Store
18. Jason Shitanishi	USDA Farm Service Agency, Farm Programs
19. Bernadette Luncsford	USDA NRCS Field Office, District Conservationist
20. Susan Kubo	USDA NRCS Field Office, Civil Engineer
21. Ted Radovich	UH-CTAHR Organic Farming, Waimanalo N.B.
22. Dave Ringuette	WCC Agriculture Dept, GOFarm Hawai'i Program
23. Lisa Zemen	South O'ahu Soil & Water Conservation District, Chair
WHOLESALERS/CONSUMERS	
24. Kacey Robello	HI Farm Bureau, Farmers' Market GM
25. Kevin Vacarello	Sustain HI, Sweet Home Waimanalo Restaurant
26. Conrad Nonaka	Culinary Institute of the Pacific
27. Alan Wong	Alan Wong's Restaurants
28. Mark Noguchi	The Pili Group, Mission Restaurant
29. Ed Kenney	TOWN Restaurant
LANDOWNERS	
30. Carlton Ching	Castle and Cooke
31.	Hawaii Reserves Inc.
32.	US Military (Federal lands are excluded from the county mapping process, but they could participate as a landowner and consumer
ENVIRONMENTAL INTERESTS	
33. Deborah Ward	Sierra Club, AG/Conservation Committee Chair
34. Sam Gon	Nature Conservancy
35. Alexandria Avery	Outdoor Circle president
36. Tim Vandeveer	Defend O'ahu Coalition
37. Donna Wong	Hawaii's Thousand Friends, Kailua N.B.
STATE AGENCIES	
38. Brian Kau	DOA AG Resource Management Division
39. Russell Tsuji	DLNR Land Division
NATIVE HAWAIIAN INTERESTS (TAC felt strongly about having representation from Native Hawaiian community)	
40.	UH-Hawaiian Studies
41.	Office of Hawaiian Affairs

TAC Meeting #1 Attendance Record

TAC Members: Ruby Edwards, State DBEDT, Office of Planning
Alan Gottlieb, Hawai'i Livestock Farmers Coalition
Ken Kamiya, Kamiya Gold, Inc.
Dan Nellis, Dole Food Company Hawai'i
Dean Okimoto, Nalo Farms
Mark Phillipson, Syngenta Seeds
Charlie Reppun, Waiāhole taro farmer
Tony Rolfes, USDA-NRCS-Pacific Islands Area
Ashley Stokes, UH-CTAHR
Mark Takemoto, Pioneer Hi-Bred
Stephanie Whalen, Hawai'i Agriculture Research Center
Earl Yamamoto, State Department of Agriculture
Larry Yamamoto, USDA-NRCS Pacific Islands Area, retired

Others: Linda Chu-Takeyama, Mayor's Office
George Atta, DPP Director
Randy Hara, DPP
Tim Hata, DPP
Kathy Sokugawa, DPP Planning Division Head
Scott Ezer, HHF
Rob James, HHF
Corlyn Orr, HHF
Peter Adler, ACCORD3.0 Network
Kem Lowry, ACCORD3.0 Network
Bruce Plasch, Plasch Econ Pacific

MEETING SUMMARY

HHF PLANNERS
places for people

Date: December 8, 2015	**HHF Project No.** 2014120
Time: 4:30-6:30 pm	**Project Name:** O'ahu IAL Phase 2
Location: Pacific Guardian Center Makai Tower Conference Room	**Recorded by:** Corlyn Orr *Reviewed by DPP: January 2015* *Reviewed by TAC: January 2015*
Attendees: see attached	
Subject: Technical Advisory Committee Meeting #2	

The second Technical Advisory Committee (TAC) meeting for the O'ahu Important Agricultural Lands (IAL) Mapping Project was held on Monday, December 8, 2015 at the Pacific Guardian Center, Makai Tower Conference Room (733 Bishop Street, Honolulu). The meeting was scheduled from 4:30 to 6:30 pm. The purposes of the meeting were to: (1) discuss outcomes from the community outreach phase; and (2) receive the TAC's input on the methodology that will be used to prepare the draft IAL maps. Meeting materials were emailed to TAC members in advance of the meeting: (1) written summaries from the 3 focus group meetings; (2) written summary from Community Meeting 1; (3) written comments received during the 60-day public comment period; and (4) meeting agenda.

INTRODUCTIONS, PROJECT UPDATE, AND PHASE 2 OVERVIEW

The first 15 minutes of the meeting were set aside for meeting attendees to view the open house stations that were displayed during the community meeting. At roughly 4:45, Kem Lowry called the meeting to order and opened with introductions. Ten TAC members were in attendance, including two new TAC members (Amy Koch, USDA NRCS and Jeff Pearson, CWRM replacing Tony Rolfes and Bill Tam, respectively). Following the introductions, Kem reviewed the meeting agenda. Scott Ezer then presented an update of O'ahu's current IAL acreage, followed by a review of the comments received during the public outreach campaign, which involved a website, focus group meetings, three community meetings, and a 60-day public comment period. The remainder of the meeting was designated for group discussion to consider the suggested criteria refinements being proposed by DPP.

The following is a summary of the opinions expressed during the group discussion.

- Land Use Research Foundation (LURF), which represents large agricultural landowners, has four specific concerns about the City's designation process.
    1) The IAL law is about agricultural viability, not land use. This was not effectively conveyed during the community outreach process, as evidenced by the community's list of concerns. (See attached testimony from LURF and Hawai'i Farm Bureau submitted during the legislative proceedings.)
    2) County incentives are required, per HRS 205-46.
    3) County incentives are required BEFORE the county proposes to designate land for IAL. Authors of the IAL legislation—including three individuals who are present for this meeting—foresaw state and county incentives as a motivation for landowners to seek voluntary designation of IAL before the counties proceeded to identify lands for IAL. The law provides for a three-year window between the time that the counties pass their incentives and then put forth their recommendations for county-designated IAL. This was meant to encourage voluntary designations, and also discourage takings lawsuits from landowners who did not want to be included in IAL.
    4) The county process outlined in HRS 205-47 lists "consultation and cooperation with landowners" before "public involvement." This is interpreted that landowner consultation should come before public engagement. Consulting landowners first would result in better/fuller information for the general public. Authors of the IAL legislation can attest that working with landowners to voluntary designate land is the most important component of the law. Following the process outlined in the law is important to prevent lawsuits from unwilling landowners. Recent cases like Superferry and TMT were based strictly on following process.
- The intent, purpose and mission of IAL prescribed in the law is important, especially since it took 20+ years for the parties to find a single concept they could agree on and pass. With so many landowners and farmers, agricultural viability (i.e., farmer success and keeping farmers on the land) was the only premise that all parties agreed upon. Initial discussions about land use and preserving land were unsuccessful. Framing the issue in terms of agricultural viability was the key to passing the law. DPP should be following the law precisely as drafted; the authors spent hours debating each section of the law. It will get contentious if landowners are not on board.
- The public does not understand IAL. The project has been presented in a way that provokes certain feedback. Terminology used to define the project purpose/need in the media and community meetings focused on land use and preventing future development, which antagonized landowners and spurred public opposition (e.g., Hoopili was an issue at the Kapolei meeting, even though the law does not allow it to be considered for IAL; Star-Advertiser article on IAL played up the Malaekahana/HRI proposal.) Public outreach efforts would gain traction if agricultural viability was the premise of IAL.

  The irony is that the same parties who fought against the IAL legislation are now using IAL as a tool to oppose development.
- George Atta responded that DPP would be willing to talk to major landowners about the preliminary maps before the information is presented to the general public. Community outreach efforts to date have not generated much landowner interest.
- Scott Ezer confirmed that DPP's intention is to notify landowners before recommendations are transmitted to the City Council. The criteria maps were prepared based on physical characteristics of the land, without consideration of who owned the land; the intent has always been to engage landowners after looking at the land qualities. Scott also acknowledged budgetary constraints that make it desirable for DPP to work with LURF to convene a meeting with landowners. The budget does not allow for numerous individual meetings.
- The need for county IAL incentives was discussed at the last meeting of the City Council's AG Task Force. The City could face potential lawsuits if they proceed without an incentives package.

DISCUSSION QUESTIONS

In addition to the group discussion, a blank questionnaire of these questions was passed out at the meeting and later emailed to meeting attendees. Attendees were encouraged to submit their individual responses to the questions in writing. Comments received during the meeting are summarized below. Written responses are recorded verbatim in Attachment 1.

Question 1: Should the definition and datasets used to map IAL be revised to exclude steep lands? If so, what percentage slope should be used?

This question is being raised because there were several comments that slope should have been included as a separate criterion. As a result, DPP is considering omitting lands in excess of 20% slope from the study area.

TAC members felt that the current definition and maps were satisfactory for the following reasons.

- Slope is already included in the NRCS land capability classes (LCC) which were used to map Criterion 2: Soil Qualities and Growing Conditions. The TAC has discussed this at several meetings and decided to use LCC I, II and III, which includes lands up to 15% slope. The TAC consciously chose to use LCC I, II and III as a measure of high quality farmland.
- Changing the definition at this point essentially dismisses the NRCS data. The methodology should support the NRCS and other soil classification studies.
- Ravines and gullies with steep slopes are recognized components of drainage systems within larger areas. Since the Land Use Commission assumes a contiguous approach and includes these steep areas when urbanizing lands, there should be no distinction when defining IAL.
- Criterion 1: Current AG Production includes steep slopes being used for ranching. Ranching uses provides fire control and stewardship benefits in areas too steep for crops. These areas would be omitted from Criterion 1 if slope were added as a criterion.
- Kona coffee grows on steep lands, which implies that certain crops/farmers can be productive regardless of the slope.

A suggestion was given to better label the maps so that the public can easily see that the NRCS datasets being mapped include certain slopes. If the maps are not communicating the information, then they should be tweaked accordingly. Unfortunately, nobody takes the time to read metadata.

In response to a question, the relationship between the NRCS LCC and ALISH Unique classifications was clarified. The ALISH classifications are based on the USDA's farmland inventory classification schema—that is, the soil types that USDA determines meet the federal prime classification and then locally derived soil types that meet the broad federal criteria for locally defined unique and other important agricultural classifications. The LCCs are soils classified as to categories, but the relationship of LCC to ALISH is through the soil types that meet the three broad federal criteria for agricultural lands.

Question 2: Should additional consideration be given for high solar radiation as a separate, stand-alone criteria?

This question is being raised in response to community concern that solar radiation is not considered in the identification process. Island wide, solar radiation values range from the highest measurement of 500 calories per square centimeter per day (cal/cm^2/day) in Kapolei, Kahuku and Waianae, to 450 cal/cm^2/day along the North Shore, to 350 cal/cm^2/day in Kunia and Central O'ahu.

First, it was confirmed that solar radiation is not explicitly captured in the NRCS LCC or soil survey ratings.

TAC members felt that the current definition were satisfactory for the following reasons.

- Adding solar radiation as a criteria would be a limiting factor. There were concerns that different crops have different capabilities to utilize light, and productive land could be overlooked because of a lower solar radiation factor. It is true that the areas with the most sunlight have the highest production of sugar cane because sugar cane needs strong sunlight to thrive; however, other crops do not require as much sunlight to be productive.
- Climate change is affecting weather and rainfall patterns. For example, the average rainfall in Waimanalo has dropped from 70 inches/year to 30 inches/year this past year.

O'ahu IAL Phase 2
TAC Meeting #2 | December 8, 2015

Question 3: Should the definition and datasets used to map Criterion 1: Current AG Production be revised to recognize aquaculture as a form of agriculture?

This question is being raised because there were several comments that the definition of agriculture should be expanded to include specific production methods such as Native Hawaiian traditional growing practices and aquaculture

TAC members felt that the current definition was satisfactory for the following reasons.

- The TAC has discussed the definition of agriculture at several meetings, and each time decided against specifying certain technologies and methods as the determining factor for IAL. The methodology the City is using to qualify land for IAL is based on land characteristics. Growing practices are irrelevant, given the current methodology.
- Productive aquaculture does not require a certain soil type or soil quality. Aquaculture can be successful in areas without soil (e.g., NELHA set up tanks on lava fields in Kona).
- Aquaculture is not a distinct land use classification. It falls within the City's definition of agriculture, and is an allowable use within the City's Agricultural zoning district.
- The City's IAL designation process is not the only way for a landowner to seek IAL. A landowner omitted from DPP's proposed IAL package could ask the City Council to add their land to the City's package. Petitioning the LUC for voluntary landowner designation is another option.
- Aquaculture is already mapped as part of Criterion 4: Traditional Native Hawaiian and Unique Crops. Criterion 4 is not one of top 3 criteria, but much of the land mapped in Criteria 4 is captured by the top 3 criteria.
- The public comments reflect individuals' reactions to the maps of the priority criteria (i.e., people are responding negatively because they are concerned that the criteria that mean the most to them are being excluded). Adding a footnote to the IAL maps about the excluded criteria would help to communicate the other factors that were considered, but did not rise to the level necessary for this process.

Question 4: Do the top 3 criteria (Criteria 1: Current AG Production, 2: Soil Qualities and Growing Conditions and 5: Sufficient Quantities of Water) represent the characteristics most important for the designation process, or is there a need to add additional criteria? (e.g., Criterion 3: AG Productivity Rating Systems)

A TAC member noted that adding Criterion 3 would address concerns from those who want IAL to recognize traditional Hawaiian agriculture because the ALISH classifications map taro, coffee and other unique crops. It would not make much difference in terms of overall acreage, but it would allow DPP to respond to community concerns about productive wetland taro lands. Neither Criterion 1 which identifies current agricultural production or Criterion 2 which maps the NRCS LCC classifications adequately identifies areas used for wetland taro.

TAC members offered the following comments regarding the use of just the top 3 criteria or the addition of other criteria.

- The top 3 priority criteria were identified by the TAC based on a ranking system. A lot of thought went into the criteria definitions and the selection of the priority criteria.
- Requiring that multiple criteria be met could have the effect of limiting the pool of lands eligible for IAL designation, when the goal is to be inclusive as possible. The community has expressed a strong opinion that "all AG land should be IAL." It would be contradictory for the TAC to require multiple criteria be satisfied if it limits the pool of IAL-eligible lands, given the community's sentiment. Two of the 3 priority criteria (i.e., Criterion 3: Water and Criterion 2: Soil Qualities and Rating Systems address the factors most needed for productive farming: farmers cannot farm without water (Criterion 5) or good soils (Criterion 2). Land currently in AG production (Criterion 1) is evidence that the land can be farmed.
- The datasets used to map Criterion 3—ALISH Prime and Unique categories, and LSB A and B classifications—were clarified.
- Rob James commented that the addition of Criterion 3: AG Productivity Rating Systems would expand the inventory and add about 1,000 acres to the amount of land eligible for IAL because of the extent of overlap with the other criteria. (Much of the land in Criterion 3 is also identified in Criterion 1 and Criterion 2.)
- Bruce Plasch commented in support of using both Criterion 2 (NRCS ratings) and Criterion 3 (ALISH and LSB ratings) to include all lands having high soil ratings, regardless of the rating system. This would increase the supply of land eligible for IAL, and would avoid having to explain why some highly rated lands were omitted. In addition to including all lands that meet Criterion 1 (Current AG Production), Bruce is in support of combining Criteria 2 and 3 with Criterion 5 (water) to include only lands that are viable for agriculture (i.e., lands having both good soils and water).

Question 5: In order to be designated IAL, should a land unit meet all 3 criteria (or all 4 criteria if we add a criteria)? Or should meeting 1 or 2 of the criteria be satisfactory for IAL designation (or 3 if we add a criteria)? Alternatively, should it meet some combination of the criteria—specifically (a) land that is currently in AG production (Criterion 1) OR (b) land having both good soils and sufficient quantities of water (Criteria 2 and 5)? [NOTE: If land has to meet only one criterion to be IAL, some recommended acreage may not be high-quality farmland. For example, land could have good soils (Criterion 2) but lack sufficient quantities of water, or land could have extremely stony soils but have sufficient water (Criterion 5).]

The number of criteria used to identify IAL and how they are applied determines the acreage amount. If 3 criteria are used and land only has to meet 1 of the 3 criteria to be designated IAL, 56,000 acres of land would qualify for IAL. If land has to meet 2 of the 3 criteria, 32,000 acres of land would qualify for IAL. However, in both scenarios, some of the land considered eligible for IAL would not be viable for agricultural use, and could be difficult to justify for IAL. If land has to meet all 3 of the criteria to be IAL, 18,000 acres of land would qualify (but this would exclude some highly rated land having access to water which is not currently farmed). If a fourth criteria is added and land only has to meet 1 of the 4 criteria to be designated IAL, 57,000 acres of land would qualify for IAL (adding an additional 1,000 acres to the 1 of 3 scenario).

TAC members felt that meeting only 1 of the 3 priority criteria was satisfactory for the following reasons.

- 56,000 acres represents about 83% of the land area eligible for county-IAL designation. This number assumes that all of the land in the study area would be eligible for designation. It does not take into consideration the 50% rule, which restricts the county from designating land that

belongs to a landowner who has designated at least 50% of their land for IAL. Also, some of these lands would not be viable for agricultural use, which would be difficult to explain why they are being considered for IAL.

- There is a desire to be as inclusive as possible while at the same time identifying the best candidate lands. As such, landowners should be required to prove that their land cannot be farmed. This approach requires landowners to decide that they do not want to be included in IAL, and ask to be omitted. DPP needs to have a process to allow for open discussion with landowners.
- The process to voluntarily designate IAL typically involves hiring an attorney and is expensive, especially for small landowners. Therefore, the county designation process should include an option for landowners who are excluded from the top 3 criteria screen to add their lands to the City's mapping inventory. The process should be simple to get included (or excluded, if lands are not viable for agriculture, such as not having water available). It could be a two-tier process: the first tier representing the best-candidate lands that qualify based on the top 3 criteria, and the second tier representing the remaining criteria (i.e., not the top 3 criteria). To be eligible for this second tier, a landowner would have to demonstrate that they meet one of the criteria.
- George Atta indicated that his personal preference would be to rely primarily on a set of specific technical criteria, while allowing for flexibility to use other criteria as well. DPP's goal is to develop a baseline inventory for City Council and LUC review.

NEXT STEPS

- Landowner notification will be the next step in the process. The form of notification remains undetermined, pending the possibility that LURF would provide assistance to engage landowners. Following landowner notification, DPP would develop recommendations for IAL and present the recommendations at the next community meeting. There is no date set for the next community meeting. The next TAC meeting would follow Community Meeting 2.

Meeting was adjourned at about 6:35 PM.

ATTENDANCE RECORD

TAC Members: David Arakawa, Land Use Research Foundation
Ruby Edwards, State DBEDT, Office of Planning
Dan Nellis, Dole Food Company Hawai'i
Dean Okimoto, Nalo Farms
Jeff Pearson, Commission on Water Resource Management
Amy Saunders Koch, USDA-NRCS
Alan Takemoto, Monsanto
Mark Takemoto, Pioneer Hi-Bred
Earl Yamamoto, State Department of Agriculture
Larry Yamamoto, USDA-NRCS Pacific Islands Area, retired

Others: Dr. Po-Yung Lai, Mayor's Agricultural Liaison
George Atta, DPP Director
Kathy Sokugawa, DPP Planning Division Head
Tim Hata, DPP
Scott Ezer, HHF Planners

Erin Higa, HHF Planners
Rob James, HHF Planners
Corlyn Orr, HHF Planners
Peter Adler, ACCORD3.0 Network
Kem Lowry, ACCORD3.0 Network
Bruce Plasch, Plasch Econ Pacific

ATTACHMENT 1 | QUESTIONAIRRE WRITTEN REPSONSES

A total of seven completed questionnaires were received. The questions and responses are recorded below. The responses under each question are numbered to correspond to each individual questionnaire.

SHOULD THE DEFINITION AND DATASETS USED TO MAP IAL BE REVISED TO EXCLUDE STEEP LANDS? IF SO, WHAT PERCENTAGE SLOPE SHOULD BE USED?

1. I support leaving the current criterion for slope unchanged.
2. No. We shouldn't revise. Gulch drainage acreage within large TMK's makes the plateau areas usable for farming. Upland steep areas are traditionally used for livestock, cattle and goats, which qualifies for "active agricultural use".
3. Yes, but may already be done sufficiently by NRCS LCC?

   At the last TAC meeting, was 15% slope the agreed-upon limit? Did we also select NRCS land capability classification III as a standard? This value incorporates slope. Do we need both?

   Got potential stumbling blocks if we use both the slope percentage and LCC – I don't know if they are important. For instance, the LCC for some soils (i.e. Lahaina silty clay 3-7%) is IVe if non-irrigated, and IIIe if irrigated. In this case, while slope is OK (3-7%), the LCC of IV is not. Will this become a substantial problem (involve many acres)?
4. As discussed, since the USD LCC classes used accounts for slopes, there is no need to map separately to exclude steep slopes. However, unless captured under the other criteria used, this might exclude some coffee lands that may not be under current production. Recommend using labeling on map to communicate that classes exclude steep slopes whatever the percent is.
5. No. The LCC criteria (Criterion #2) already incorporates slope.
6. No. Already included by existing rating system NRCS.
7. No. IAL can be any lands that are productive (i.e., coffee, trees, etc.)

SHOULD ADDITIONAL CONSIDERATION BE GIVEN FOR HIGH SOLAR RADIATION AS A SEPARATE, STAND-ALONE CRITERION?

1. I do not support adding solar radiation as a stand-alone criterion.
2. No. Solar radiation is sufficient anywhere on this island to support agriculture, either crops or livestock.
3. No.
4. This is a more difficult question to answer. We would defer to CTAHR, DOA, or crop scientists as to appropriate cutoff or If there should even be one. AS a standalone criterion, it could produce unrealistic results by identifying land with high solar insolation, but absolutely no hope of water.
5. No. This is too variable and hard to quantify as a criterion.
6. No. You have enough criteria already.
7. No. Some of the mauka and windward lands are very productive ag land. Cloud cover varies from region to region.

SHOULD THE DEFINITION AND DATASETS USED TO MAP CRITERION 1: CURRENT AG PRODUCTION BE REVISED TO RECOGNIZE AQUACULTURE AS A FORM OF AGRICULTURE?

1. I believe that aquaculture is already included in the current definition of agriculture. I think it is unnecessary to recognize it separately.
2. If aquaculture is not currently recognized under the DoA as a current agricultural operation then it should be included.

3. If we do this for aquaculture, should we do the same for other Chapter 205-listed agricultural activities such as beekeeping, dairies, etc?
4. Aquaculture is defined as an ag use in Ch 205, and is certainly as form of agriculture. Depending on what datasets were used to map current ag production, factors supporting aquaculture should be mapped under the other criteria. Inclusion of aquaculture in the current ag production shouldn't result in a large increase in land mapped. If this is the case, there is no harm in including aquaculture in the mapping of this criteria.
5. No. Aquaculture is recognized in Criterion #4. This is not a practice that is tied to the land – soil, climate, etc.
6. No. Aquaculture minimal and not an issue of enough importance.
7. No. I think it already includes aquaculture as defined "ag use," so it doesn't have to be redefined.

DO THE TOP 3 CRITERIA (CRITERIA 1: CURRENT AG PRODUCTION, 2: SOIL QUALITIES AND 5: SUFFICIENT QUANTITIES OF WATER) REPRESENT THE CHARACTERISTICS MOST IMPORTANT FOR THE DESIGNATION PROCESS, OR IS THERE A NEED TO ADD ADDITIONAL CRITERIA? (E.G., CRITERION 3: AG PRODUCTIVITY RATING SYSTEMS)

1. I support staying with the current 3 critical criteria. I do not think it is necessary to add additional criteria.
2. No need
3. As someone pointed out, adding criterion 3 (especially ALISH) may address some of the public's call for representation of culturally important crops like wetland taro without dramatically changing the mapped area. How do we address the several thousands of acres of currently "Unique" classified unirrigated pineapple to the north and south of Wahiawa that are now irrigated?
4. It would be a mistake to exclude use of the ALISH system at a minimum. ALISH accommodates taro, tree crops, watercress, ranching, unirrigated pine, etc., that might not otherwise be picked up under the other criteria. The ALUM maps might also be another source for understanding what types of crops were viable where when those maps were made. LSB is less useful for resource mapping purposes, except that it is linked to Ch 205 for permitting purposes.
5. There would not be significant additional lands added if Criterion 3 is included. However, Criterion 4 does account for some native and specialty crop areas to be accounted for that are otherwise left out of proposed IAL designation. Otherwise, the top 3 criteria capture most of the main agriculturally significant areas.
6. No need to add criteria. Current AG production likely implies good soil quality and sufficient water. Otherwise would not be "current AG production."
7. I think we should use all of the criteria stated in the State IAL law. Selecting top 3 criteria is good or ok, but unnecessary.

IN ORDER TO BE DESIGNATED IAL, SHOULD A LAND UNIT MEET ALL 3 CRITERIA (OR ALL 4 CRITERIA IF WE ADD A CRITERIA)? OR SHOULD MEETING 1 OR 2 OF THE CRITERIA BE SATISFACTORY FOR IAL CRITERIA (OR 3 IF WE ADD A CRITERIA)? ALTERNATIVELY, SHOULD IT MEET SOME COMBINATION OF THE CRITERIA—SPECIFICALLY (A) LAND THAT IS CURRENTLY IN AG PRODUCTION (CRITERION 1) OR (B) LAND HAVING BOTH GOOD SOILS AND SUFFICIENT QUANTITIES OF WATER (CRITERIA 2 AND 5)? [NOTE: IF LAND HAS TO MEET ONLY ONE CRITERION TO BE IAL, SOME RECOMMENDED ACREAGE MAY NOT BE HIGH-QUALITY FARMLAND. FOR EXAMPLE, LAND COULD HAVE GOOD SOILS (CRITERION 2) BUT LACK SUFFICIENT QUANTITIES OF WATER, OR LAND COULD HAVE EXTREMELY STONY SOILS BUT HAVE SUFFICIENT WATER (CRITERION 5).]

1. I believe that it is in the best interest of everyone to encourage the dedication of productive farmland as IAL. As such, I support the identification of land as IAL when meeting at least one of the three critical criteria. While requiring that all three critical criteria be present for IAL designation would signify the best farmlands, other productive farmlands would be excluded if by doing so. This would limit the benefits of the program.

2. If Criterion 1, current AG production, is met then that should be enough to be included in IAL. For Criteria 2 and 5 the requirement should be that both are met. Not sufficient soil or water should exclude land from IAL. Only one of the combination is not sufficient to be IAL.
3. As someone pointed out, adding criterion 3 (especially ALISH) may address some of the public's call for representation of culturally important crops like wetland taro without dramatically changing the mapped area. How do we address the several thousands of acres of currently "Unique" classified unirrigated pineapple to the north and south of Wahiawa that are now irrigated?
4. As agriculture and the viability of ag is in large part a function of crop suitability and farmer skill and ingenuity, it's hard to exclude lands that meet any <u>one</u> of the key criteria. Stony soils with water would support aquaculture, hydroponics, horticulture, etc. Our preference is to retain lands that meet any one of the criteria; it's important to retain as much land base for future ag scenarios. Perhaps a second screen could be done to then determine if the lands meeting any one of the key criteria should be excluded based on an analysis of any combination of the key criteria.
5. Meeting one criteria should be sufficient for consideration. Otherwise, classification will become very complicated.
6. It should meet some level of the 3 top criteria. These are the basics. If other criteria are needed by a landowner, he can bring it up.
7. Again, we should use the existing criteria as stated in the IAL law. WE should use all of the criteria to give the best opportunity.

ADDITIONAL COMMENTS OR THOUGHTS?

3. IAL, once designated, offers exclusive access to incentives to those inclined to undertake agricultural production. There is no penalty for not using IAL for agricultural production. All uses permitted in Chapter 205 are possible on IAL. Reclassification of the designated IAL has to address additional considerations but is not prohibited. At this stage of the project, being constructive, seeking solutions and moving the effort forward should be the TAC's focus. How will the other counties and the Legislature view a project that stalls and/or fails at the criteria mapping stage? We owe the Agriculture Working Group participants and the State Legislature to take this effort full term.

   Since the 2013 tax year, 4 of the 6 landowners (4 of which are LURF members) of agricultural land who have voluntarily identified and have received IAL designation, have taken advantage of the IAL Qualified Agricultural Cost Tax Credit (Section 235-110.93, HRS) totaling about $1.7 million in DOA-certified tax credits. On Oahu, Castle and Cooke (679 acres, Whitmore and Mokuleia) and Kamehameha Schools (9,592 acres, Kawailoa and Punaluu) have received IAL designation but neither has applied for the tax credits. DOA is not aware that any of the other State incentives have been sought by these landowners (farm dwellings and employee housing, loan guaranty, and priority processing of permits for agricultural processing facilities). All landowners have waived the 85%-15% simultaneous reclassification or credit. DOA has received over 30 informal inquiries from small landowners/farmers or their agents about the IAL identification and designation process, the IAL tax credit, and the farm dwellings and employee housing IAL incentives, but none have applied for IAL designation. According to the 2012 Census of Agriculture, there are 999 farms on Oahu (including the 2 with IAL status), so the "next steps" may take some time.
6. Is David Arakawa opposed to this process?
7. The County IAL process should align with the State IAL process as written. Incentives should be included as well. Need to work closely with landowners and farmers.

12/8/15

Hawaii Farm Bureau
FEDERATION

LAND USE RESEARCH
FOUNDATION OF HAWAII
[illegible] Bishop Street, Ste. 1918
Honolulu, Hawaii 96813
Phone 521-4717
Fax 536-0150

"Encourage the viability of Hawaii's farmers and ranchers"

April 15, 2008

Senate President Colleen Hanabusa
The Honorable Clayton Hee
The Honorable Jill N. Tokuda
The Honorable Russell S. Kokubun
The Honorable Carol Fukunaga
The Honorable Rosalyn H. Baker
The Honorable Paul Whalen
The Honorable Sam Slom
The State Senate
Hawaii State Capitol
Honolulu, Hawaii 96813

Speaker of the House Calvin Say
The Honorable Representative Ken Ito
The Honorable Representative Cliff Tsuji
The Honorable Jon Riki Karamatsu
The Honorable Tom Brower
The Honorable Faye P. Hanohano
The Honorable Colleen Rose Meyer
The State House of Representatives
Hawaii State Capitol
Honolulu, Hawaii 96813

Re: Conferences on SB 2646 HD2, relating to Important Agricultural Lands, and SB 546 SD2 HD1, relating to Land Use.

Dear Senate President Hanabusa, Speaker Say, Conference Committee Chairs and Conference Committee Members:

On behalf of the Hawaii Farm Bureau Federation (HFBF) and the Land Use Research Foundation of Hawaii (LURF), we respectfully request your strong support for the passage of a comprehensive and meaningful incentives package for farmers, agribusiness operators and landowners who make a commitment—and sacrifice—to designate their agricultural lands as Important Agricultural Lands (IAL). These bills are based on a consensus of HFBF, LURF and other agricultural and government stakeholders, and are consistent with the goals and objectives of creating a viable agricultural industry and protecting IAL, as stated in Act 183 and the Hawaii Constitution. Act 183 and the proposed incentive legislation are based on the following principles:

- IAL is not an open space or land use initiative. It is an agricultural viability initiative;
- While land is the basic resource for agriculture, it alone will not save agriculture. The long-term viability of agriculture depends on a number of factors that affect the profitability of agriculture;
- The protection of productive, viable agriculture and IAL are Constitutional and statutory mandates; keys to increasing Hawaii's food and energy self-sufficiency; and a major component in combating invasive species and thus should be of equal or a higher priority and importance to the people of Hawaii as the state tax benefits and funding support for the technology industry and funding of the preservation of open space on the North Shore and Central Oahu;
- State and County incentives and support are key to achieving a viable and sustainable agricultural industry in this state and thus ensuring the long-term use and protection of IAL for agricultural use;
- Opportunities should be made for farmers and landowners with the commitment and resources to advance and promote the long-term viability of agricultural use of lands;
- The more favorable the farmer incentives are, the higher the odds that there will be more farmers, and more successful farmers to maintain and grow viable agricultural operations on good agricultural lands; and
- The more favorable the landowner incentives are, the higher the likelihood that there will be more lands voluntarily identified by landowners—and maintained—for IAL designation.

Background. The genesis for IAL was a result of the 1978 Constitutional Convention, in which voters adopted Article XI, Section 3, to the Hawaii State Constitution "to conserve and protect agricultural lands, promote diversified agriculture, increase agricultural self-sufficiency and assure the availability of agriculturally suitable lands." This Article, which was passed when sugar cane and pineapple were major industries in Hawaii, set out the framework for state policies to promote agriculture and the conservation of productive agricultural lands.

Act 183. In 2005, approximately 27 years later, Act 183 was passed by the Legislature—after many, many years of unsuccessful efforts—to finally implement Article XI, Section 3. Act 183 set forth the policies and procedures to identify and designate IALs. In recognition of the realities of today, Act 183 is premised on protecting the viability of agricultural businesses rather than on protecting land uses. Act 183 recognizes that the only real, long-term way to ensure lands remain in agricultural use is to support viable agricultural operations on these lands. Accordingly, the Act provides for the development of incentives to assist agricultural viability on good agricultural lands in Hawaii – incentives that will help farmers farm profitably and help landowners viably make their lands available for farming activities.

IAL Incentives Consensus Legislation - SB 2646, HD2 relating to Important Agricultural Lands, and SB 546, SD2 HD1 relating to Land Use. Since the enactment of Act 183, HFBF and LURF have been working together and with the Department of Agriculture, Office of Planning and Department of Taxation to develop consensus on a comprehensive IAL incentives package that promotes the retention of IAL for viable agricultural use, by offering benefits to both farmers and landowners. The elements of this comprehensive package include a wide range of incentives which address the critical areas for long-term agricultural viability in Hawaii and were developed over time based on many discussions among the agricultural stakeholders. These incentives include, but are not limited to, various tax credits, farm worker housing, loan guarantees, recognition of water needs, expedited processing of agriculture-related permits, and a streamlined land use approval process which is consistent with the current County land use process.

We believe that a sustainable agricultural industry needs to be nurtured and protected in our state and that the IAL incentive package is the perfect mechanism to both protect agriculture and agricultural lands. "A complete win-win." By passing these bills, this legislature has the opportunity to take the visible lead in promoting IAL and agricultural

viability and sustainability. As such, we urge your Conference Committee to consider retaining these bills as a basis for the comprehensive IAL incentives package you will pass this session.

Conclusion. A comprehensive IAL incentive package is urgently needed, and if not passed this session, we may see a continuation of the recent closures of farms, dairies and poultry operations on a state-wide basis. The State's policy to promote and mandate diversified agriculture is a complex and challenging task in light of the ever-changing economic, environmental, and political landscape. Economic stimuli (incentives) have long been the method to promote, enhance and encourage industry to make commitments. For IAL to succeed, commitments from both agribusinesses/farmers and landowners will be key, and therefore a comprehensive incentive program is needed. Thus, we respectfully urge your strong support to include the above provisions in any final IAL package that the Legislature moves this session. In closing, we would also like to emphasize that the above-referenced bills are a result of input and consensus between the HFBF, LURF and other agricultural stakeholders, and that the purpose of Act 183 and this IAL legislation is to promote agricultural viability on a sustained basis, so as to achieve the long-term protection of important agricultural lands for agricultural use. While we all agree that open space has a place in land planning for our communities, that is not the purpose of these bills. We ask that you maintain the focus on the viability and sustained growth of agriculture as you consider the proposed incentives for both farmers and landowners.

We humbly thank you and look forward to your favorable and timely consideration.

Sincerely,

Dean Okimoto
President
Hawaii Farm Bureau Federation

David Z. Arakawa
Executive Director
Land Use Research Foundation

COUNTY INCENTIVES ARE REQUIRED

- HRS Sections 205-46 (a), (b) and (d) of the IAL law requires the Counties to create and implement incentives and incentive programs to enable and promote the economic sustainability of agriculture and to achieve long-term agricultural viability.
- HRS Section 205-46 (c) and (d) of the IAL law identifies numerous examples of possible county IAL incentives which could enhance agricultural viability; and encourages the counties to create additional incentives and modify current incentives.

[§205-46] Incentives for important agricultural lands. (a) To achieve the long-term agricultural viability and use of important agricultural lands, the State and **each county shall ensure that their:**

(1) Agricultural development, land use, water use, regulatory, tax, and land protection policies; and

(2) Permitting and approval procedures, enable and promote the economic sustainability of agriculture.

Agricultural operations occurring on important agricultural lands shall be eligible for **incentives and protections provided by the** State and **counties** pursuant to this section **to promote the viability of agricultural enterprise on important agricultural lands and to assure the availability of important agricultural lands for long-term agricultural use.**

(b) State and **county incentive programs shall provide preference to important agricultural lands and agricultural businesses on important agricultural lands.** The State and **each county shall cooperate in program development to prevent duplication of and to streamline and consolidate access to programs and services for agricultural businesses located on important agricultural lands.**

(c) **Incentive and protection programs shall** be designed to provide a mutually supporting framework of programs and measures that **enhance agricultural viability** on important agricultural lands, including but not limited to:

(1) **Grant assistance**;

(2) **Real property tax systems** that support the needs of agriculture, including property tax assessments based on agricultural use valuation;

(3) **Reduced infrastructure requirements and facilitated building permit processes for dedicated agricultural structures**;

(4) **Tax incentives to offset operational costs**, promote agricultural business viability, and promote the long-term protection of important agricultural lands;

(5) Agricultural business planning, marketing, and implementation grants;

(6) **Tax incentives and programs for equity investments and financing for agricultural operations, including agricultural irrigation systems**;

(7) Other programs and mechanisms that promote investment in agricultural businesses or agricultural land protection, such as the **purchase of development rights**;

(8) State funding mechanisms to fund business viability and land protection programs;

(9) **Water regulations and policies** that provide farmers of important agricultural lands **access to adequate and cost-effective sources of water**;

(10) Other measures that would ensure that state capital investments, projects, programs, and rules are consistent with this part; and

(11) **Agricultural education and training** for new farmers; upgrading the skills of existing farmers and other agriculture-related employees through the use of mentoring, business incubators, and public or private scholarships; and increasing the returns of farming by adding value to food processing and other tools and methods.

(d) State and **county agencies shall review the protection and incentive measures enacted for important agricultural lands and agricultural viability** pursuant to this chapter at least every five years to:

(1) **Determine their effectiveness in sustaining agriculture in Hawaii, assuring agricultural diversification, and increasing agricultural self-sufficiency;**

(2) Determine whether the effectiveness of **tax credits or incentive programs** will be enhanced by **creating revolving funds or increasing rates** based upon the tax revenues generated by enhanced investment and agricultural activities on important agricultural lands; and

(3) **Modify measures and programs as needed.**

(e) This section shall apply only to those lands designated as important agricultural lands pursuant to sections 205-45 and 205-49. [L 2005, c 183, pt of §2]

COUNTIES ARE REQUIRED TO ESTABLISH COUNTY IAL INCENTIVES FIRST. THE LAND USE COMMISSION MAY ONLY DESIGNATE LANDS AS IAL AND ADOPT THE COUNTY MAPS FOR IAL DESIGNATION THREE YEARS AFTER THE COUNTY INCENTIVES ARE ESTABLISHED.

[§205-49] Designation of important agricultural lands; adoption of important agricultural lands maps. (a) After receipt of the maps of eligible important agricultural lands from the counties and the recommendations of the department of agriculture and the office of planning, the commission shall then proceed to identify and designate important agricultural lands, subject to section 205-45. **The decision shall consider the county maps of eligible important agricultural lands;** declaratory orders issued by the commission **designating important agricultural lands during the three year period following the enactment of legislation establishing incentives and protections contemplated under section 205-46,** as provided in section 9 of Act 183, Session Laws of Hawaii 2005; landowner position statements and representations; and any other relevant information.

In designating important agricultural lands in the State, pursuant to the recommendations of individual counties, the commission shall consider the extent to which:

(1) The proposed lands meet the standards and criteria under section 205-44;

(2) The proposed designation is necessary to meet the objectives and policies for important agricultural lands in sections 205-42 and 205-43; and

(3) The commission has designated lands as important agricultural lands, pursuant to section 205-45; provided that if the majority of landowners' landholdings is already designated as important agricultural lands, excluding lands held in the conservation district, pursuant to section 205-45 or any other provision of this part, the commission shall not designate any additional lands of that landowner as important agricultural lands except by a petition pursuant to section 205-45.

Any decision regarding the designation of lands as important agricultural lands and the adoption of maps of those lands pursuant to this section shall be based upon written findings of fact and conclusions of law, presented in at least one public hearing conducted in the county where the land is located in accordance with chapter 91, that the subject lands meet the standards and criteria set forth in section 205-44 and shall be approved by two-thirds of the membership to which the commission is entitled.

(b) Copies of the maps of important agricultural lands adopted under this section shall be transmitted to each county planning department and county council, the department of agriculture, the agribusiness development corporation, the office of planning, and other state agencies involved in land use matters. The maps of important agricultural lands shall guide all decision-making on the proposed reclassification or rezoning of important agricultural lands, state agricultural development programs, and other state and county land use planning and decision-making.

(c) The land use commission shall have the sole authority to interpret the adopted map boundaries delineating the important agricultural lands.

(d) The land use commission may designate lands as important agricultural lands and adopt maps for a designation pursuant to:

(1) A farmer or landowner petition for declaratory ruling under section 205-45 at any time; or

(2) **The county process for identifying and recommending lands for important agricultural lands under section 205-47 no sooner than three years, after the enactment of legislation establishing incentives and protections contemplated under section 205-46,** as provided in section 9 of Act 183, Session Laws of Hawaii 2005. [L 2005, c 183, pt of §2]

Note

Section 9 of Act 183, Session Laws of Hawaii 2005, is printed after section 205-41.

COUNTY PROCESS FOR IDENTIFICATION OF IMPORTANT AGRICULTURAL LANDS RESPECTS THE RIGHTS OF PRIVATE PROPERTY OWNERS WHO MAY BE AFFECTED AND REQUIRES CONSULTATION AND COOPERATION WITH LANDOWNERS BEFORE PUBLIC MEETINGS AND COUNTY IAL DESIGNATIONS CAN ONLY TAKE EFFECT THREE YEARS AFTER COUNTY IAL INCENTIVES ARE ENACTED

[§205-47] Identification of important agricultural lands; county process. ***[See Note below.]*** (a) Each county shall identify and map potential important agricultural lands within its jurisdiction based on the standards and criteria in section 205-44 **and the intent of this part**, except lands that have been designated, through the state land use, zoning, or county planning process, for urban use by the State or county.

(b) Each county shall develop maps of potential lands to be considered for designation as important agricultural lands **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.

(c) 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 important agricultural lands, 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 important agricultural lands 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.

(d) The counties shall take notice of those lands that have already been designated as important agricultural lands by the commission.

Upon identification of potential lands to be recommended to the county council as potential important agricultural lands, 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.

In formulating its final recommendations to the respective county councils, the planning departments shall report on the manner in which the important agricultural lands mapping relates to, supports, and is consistent with the:

(1) Standards and criteria set forth in section 205-44;

(2) County's adopted land use plans, as applied to both the identification and exclusion of important agricultural lands from such designation;

(3) Comments received from government agencies **and others identified in subsection (b)**;

(4) Viability of existing agribusinesses; and

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

(e) The important agricultural lands 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. [L 2005, c 183, pt of §2]

Note

L 2005, c 183, §7 provides:

"SECTION 7. Each county shall submit its report and maps with recommendations for lands eligible for designation as important agricultural lands to the land use commission no later than sixty months from the date of county receipt of state funds appropriated for the identification process. Upon receipt of the county maps, the land use commission shall review and adopt maps designating important agricultural lands to the State in accordance with section [205-49]."

Designations made pursuant to this section take effect three years after incentives and protections for important agricultural lands and agricultural viability are enacted. L 2005, c 183, §14(2).

MEETING SUMMARY

HHF PLANNERS
places for people

Date: November 14, 2017

Time: 4:30-6:00 pm

Location: Pacific Guardian Center
Makai Tower Conference Room

Attendees: see attached

Subject: Technical Advisory Committee Meeting #3

HHF Project No. 2014120

Project Name: O'ahu IAL Phase 2

Recorded by: Corlyn Orr
Reviewed by DPP: February 23, 2018

The third and final Technical Advisory Committee (TAC) meeting for the O'ahu Important Agricultural Lands (IAL) Mapping Project was held on Tuesday, November 14, 2017 at the Pacific Guardian Center, Makai Tower Conference Room (733 Bishop Street, Honolulu). The meeting was scheduled from 4:30pm to 6:00pm. Meeting objectives were to review the work done in the past two years, present DPP's map of recommendations for IAL designation, and discuss the next steps to share the map with the general public before transmittal to the City Council.

INTRODUCTIONS AND PROJECT UPDATE

At roughly 4:40pm, Scott Ezer called the meeting to order and introduced Kathy Sokugawa, DPP's Acting Director. Following Kathy's opening remarks, Scott introduced the planning team and DPP staff, including Raymond Young, DPP's new project manager, and the 10 TAC members in attendance introduced themselves. Scott then presented an update on the input received during the latest round of community meetings and public comment phase, and provided an overview of the proposed IAL map that will be transmitted to the City Council. DPP's current recommendation includes about 50,000 acres for IAL designation. (Several landowners have voluntarily designated roughly 11,000 acres as IAL.)

GROUP DISCUSSION

The remainder of the meeting was designated for questions and discussion. Key points from the group discussion are summarized below.

STATUS OF IAL MAPPING EFFORTS BY OTHER COUNTIES

Maui and Hawai'i County have not started mapping yet. Kaua'i completed their mapping, but has not transmitted the information for County Council review. Individuals have heard that the County does not intend to pursue LUC approval for county-designated IAL because the acreage of voluntary designations approved by the LUC (is close to the County's quota of 40,000+ acres that were initially specified). Major landowners with IAL landholdings include Gay & Robinson, Alexander & Baldwin, and Grove Farm.

STATE QUALIFIED AG COST TAX CREDIT

The State Qualified AG Cost Tax Credit provides a tax credit of up to $1 million per taxpayer for investments in AG infrastructure, facilities, etc. The credit is refundable which means a taxpayer could receive a tax refund if the credit is larger than the tax owed, unlike a non-refundable tax credit which can only reduce a taxpayer's liability up to the amount of tax owed. Specific questions about the tax credit—such as the credit's applicability to non-profits—should be directed to the Tax Department.

The credit expires at the end of 2017 because last year's legislature did not pass the measure re-authorizing the credit. Department of Agriculture (DOA) is working on a new bill for next legislative

session. DOA is proposing that that the credit be retroactive to cover this year. Testimony in support of the bill is needed to ensure that the measure passes.

COUNTY INCENTIVES

The project purpose has been to address the criteria and mapping, not develop incentives. DPP has an internal working list of incentives currently offered by the county to AG properties. There are a fair number of county incentives currently available (e.g., property tax exemptions, special water rate for AG properties, certain farm structures qualify for a State exemption from building codes and permitting). DPP welcomes suggestions for additional incentives. DPP intends to complete the mapping, and continue the conversation about the incentives during the interim before the maps are sent to Council. Suggestions that were brought up include:

- The BWS Stakeholder Advisory Group has discussed and will be recommending a reduced rate for water meter installation. A ¾-inch meter currently costs $10,000 to install; $40,000 for a 1.5-inch meter.
- Applying for a 10-year AG dedication is an arduous process. Giving a permanent exclusion from re-dedicating land every 10 years, or allowing for an automatic rollover, would be helpful.
- The Mayor's AG Liaison is currently funded as a half-time position. It could be funded full-time, with additional responsibilities to work directly with farmers.
- Allow farm vehicles to be exempt from paying the gasoline tax.
- Create a special AG tax rate for IAL. (Real property tax revenues generated by AG parcels on O'ahu is minimal, accounting for only 0.5% of the total tax generated for the entire island. People need to be reminded about this.)
- Community service grants for skills training or marketing assistance directed towards IAL farmers are part of the incentives listed in HRS, Chapter 205-46.
- Bill 79 currently under review by the City Council provides a property tax exemption for USDA-certified organic farms. Only a handful of farms would benefit from this measure (less than 10 certified USDA-organic farmers). The proposal could be expanded and made available to farms on IAL-designated land, and then be presented as a county incentive.

TAC members agree that the County is supportive of AG. Concern that the County identify incentives before the maps are presented to the City Council stems from the need to be in compliance with the law. If the County does not identify incentives specific to IAL, a legal challenge is possible when the maps are transmitted to the City Council because the law specifically calls for the counties to designate IAL-related incentives.

The authors of the IAL legislation crafted the incentives to give landowners who may oppose designation under the county process a reason to agree to the designation. The incentives are the cornerstone of the legislation. The incentives make IAL fair for both landowners and farmers. Land is the only asset that a farmer has, and becomes a commodity once a farmer retires. If landowners put farmers on the land to farm, they wanted a mechanism to help farmers be successful.

PUBLIC REACTION TO IAL

LURF commends the City and County process. Kaua'i had a different process where they had equal representation among different interests, including farmers, ag owners, business, hotels. They also used clickers, results were questionable because of clickers. Honolulu was more focused on farmer representation.

TAC members appreciate the rigor of DPP's process and commend DPP for a good process that invited a fair amount of representation from AG interests.

The general public does not understand the legislation and its benefits for the future of the AG industry. More effort is needed to educate the public about what IAL is really about, and motivate landowners to come forward and designate their land.

Some of the resistance to IAL comes from landowners who bought AG land as an investment for non-AG purposes, and have no intention to use the land to farm.

The lack of funding from the State has been a major downfall in the process. When the legislation was written, it was assumed that the State would fund the county-level and state-level mapping efforts.

POTENTIAL LITIGATON

The County is risking litigation by not following the process as outlined in the law. Land Use Research Foundation (LURF) distributed a handout that listed 10 specific concerns about the City's designation process (see Attachment I for handout).

Meeting was adjourned at about 6:35 PM.

ATTENDANCE RECORD

TAC Members: David Arakawa, Land Use Research Foundation
Alan Gottlieb, Hawai'i Livestock Farmers Coalition
Ken Kamiya, Kamiya Gold, Inc.
Dan Nellis, Dole Food Company Hawai'i
Dean Okimoto, Nalo Farms
Jeff Pearson, Commission on Water Resource Management
Amy Saunders Koch, USDA-NRCS
Alan Takemoto, Monsanto
Stephanie Whalen, Hawai'i Agriculture Research Center
Earl Yamamoto, State Department of Agriculture

Others: Dr. Po-Yung Lai, Mayor's Agricultural Liaison
Kathy Sokugawa, DPP Acting Director
Eugene Takahashi, DPP
Raymond Young, DPP
Scott Ezer, HHF Planners
Erin Higa, HHF Planners
Corlyn Orr, HHF Planners
Kem Lowry, ACCORD3.0 Network
Bruce Plasch, Plasch Econ Pacific

OBJECTIONS TO CITY'S IAL PROCESS AND PROPOSEED DESIGNATIONS

1. **NEW PARADIGM - IAL IS AN AGRICULTURAL VIABILITY INITIATIVE – IAL IS NOT A LAND USE INITIATIVE.** IAL does not change the LUC classification and county zoning *("not land use change")*, but requires the state and counties to implement IAL incentives to make IAL viable, productive and profitable, thereby encouraging landowners to designate IAL for a long term.

2. **PUBLIC PRESENTATIONS BY CITY AND ITS CONSULTANTS MISREPRESENTED IAL AS *"A WAY TO STOP DEVELOPMENT"***

3. **COUNTY INCENTIVES REQUIRED - NO CITY INCENTIVES YET** – Counties are required to implement IAL Incentives first; then allow a 3-year window for voluntary IAL designations. AFTER implementing county incentives and the 3-year window - - then the county planning departments can propose IAL designations and maps to the county Council **(HRS §205-46)**

4. **CITY HASN'T EVEN STARTED ON INCENTIVES?** No excuse, examples of IAL incentives are provided **(Act 183 (2005) and HRS §205-46)**

5. **NO 3-YEAR VOLUNTARY DESIGNATION WINDOW YET (HRS §205-49)**

6. **CITY'S "ONE CRITERIA" AS BASIS FOR IAL DESIGNATION IS UNREASONABLE**

7. **IAL LAW REQUIRES COUNTY CONSULTATION AND COOPERATION WITH LANDOWNERS BEFORE PUBLIC MEETINGS (HRS §205-47)** City violated the law, by starting public meetings before consultation and cooperation with landowners.

8. **CITY HAS NOT RESPONDED TO 10-PAGE AND 20-PAGE LETTERS FROM PVT LAND COMPANY AND GRACE PACIFIC AND HAS NOT RESPONDED TO REQUESTS FOR MEETINGS**

9. **CITY POSITION ON RECENT IAL PETITION TO LUC: *"ALL PETITIONER'S LANDS SHOULD BE IAL"***

10. **DPP SHOULD POSTPONE ITS PROPOSED IAL DESIGNATIONS AND MAPS ON NOVEMBER 20, 2017**



LAND USE RESEARCH
FOUNDATION OF HAWAII
700 Bishop Street, Ste. 1928
Honolulu, Hawaii 96813
Phone 521-4717
Fax 536-0137

Hawaii Farm Bureau
FEDERATION

"Encourage the viability of Hawaii's farmers and ranchers"

April 15, 2008

Senate President Colleen Hanabusa
The Honorable Clayton Hee
The Honorable Jill N. Tokuda
The Honorable Russell S. Kokubun
The Honorable Carol Fukunaga
The Honorable Rosalyn H. Baker
The Honorable Paul Whalen
The Honorable Sam Slom
The State Senate
Hawaii State Capitol
Honolulu, Hawaii 96813

Speaker of the House Calvin Say
The Honorable Representative Ken Ito
The Honorable Representative Clift Tsuji
The Honorable Jon Riki Karamatsu
The Honorable Tom Brower
The Honorable Faye P. Hanohano
The Honorable Colleen Rose Meyer
The State House of Representatives
Hawaii State Capitol
Honolulu, Hawaii 96813

Re: Conferences on SB 2646 HD2, relating to Important Agricultural Lands, and SB 546 SD2 HD1, relating to Land Use.

Dear Senate President Hanabusa, Speaker Say, Conference Committee Chairs and Conference Committee Members:

On behalf of the Hawaii Farm Bureau Federation (HFBF) and the Land Use Research Foundation of Hawaii (LURF), we respectfully request your strong support for the passage of a comprehensive and meaningful incentives package for farmers, agribusiness operators and landowners who make a commitment—and sacrifice—to designate their agricultural lands as Important Agricultural Lands (IAL). These bills are based on a consensus of HFBF, LURF and other agricultural and government stakeholders, and are consistent with the goals and objectives of creating a viable agricultural industry and protecting IAL, as stated in Act 183 and the Hawaii Constitution. Act 183 and the proposed incentive legislation are based on the following principles:

- IAL is not an open space or land use initiative. It is an agricultural viability initiative;
- While land is the basic resource for agriculture, it alone will not save agriculture. The long-term viability of agriculture depends on a number of factors that affect the profitability of agriculture;
- The promotion of productive, viable agriculture and IAL are Constitutional and statutory mandates; keys to increasing Hawaii's food and energy self-sufficiency; and a major component in combating invasive species and thus should be of equal or a higher priority and importance to the people of Hawaii as the state tax benefits and funding support for the technology industry and funding of the preservation of open space on the North Shore and Central Oahu;
- State and County incentives and support are key to achieving a viable and sustainable agricultural industry in this state and thus ensuring the long-term use and protection of IAL for agricultural use;
- Opportunities should be made for farmers and landowners with the commitment and resources to advance and promote the long-term viability of agricultural use of lands;
- The more favorable the farmer incentives are, the higher the odds that there will be more farmers, and more successful farmers to maintain and grow viable agricultural operations on good agricultural lands; and
- The more favorable the landowner incentives are, the higher the likelihood that there will be more lands voluntarily identified by landowners and maintained—for IAL designation.

Background. The genesis for IAL was a result of the 1978 Constitutional Convention, in which voters adopted Article XI, Section 3, to the Hawaii State Constitution "to conserve and protect agricultural lands, promote diversified agriculture, increase agricultural self-sufficiency and assure the availability of agriculturally suitable lands." This Article, which was passed when sugar cane and pineapple were major industries in Hawaii, set out the framework for state policies to promote agriculture and the conservation of productive agricultural lands.

Act 183. In 2005, approximately 27 years later, Act 183 was passed by the Legislature—after many, many years of unsuccessful efforts—to finally implement Article XI, Section 3. Act 183 set forth the policies and procedures to identify and designate IALs. In recognition of the realities of today, Act 183 is premised on protecting the viability of agricultural businesses rather than on protecting land uses. Act 183 recognizes that the only real, long-term way to ensure lands remain in agricultural use is to support viable agricultural operations on these lands. Accordingly, the Act provides for the development of incentives to assist agricultural viability on good agricultural lands in Hawaii incentives that will help farmers farm profitably and help landowners viably make their lands available for farming activities.

IAL Incentives Consensus Legislation - SB 2646, HD2 relating to Important Agricultural Lands, and SB 546, SD2 HD1 relating to Land Use. Since the enactment of Act 183, HFBF and LURF have been working together and with the Department of Agriculture, Office of Planning and Department of Taxation to develop consensus on a comprehensive IAL incentives package that promotes the retention of IAL for viable agricultural use, by offering benefits to both farmers and landowners. The elements of this comprehensive package include a wide range of incentives which address the critical areas for long-term agricultural viability in Hawaii and were developed over time based on many discussions among the agricultural stakeholders. These incentives include, but are not limited to, various tax credits, farm worker housing, loan guarantees, recognition of water needs, expedited processing of agriculture-related permits, and a streamlined land use approval process which is consistent with the current County land use process.

We believe that a sustainable agricultural industry needs to be nurtured and protected in our state and that the IAL incentive package is the perfect mechanism to both protect agriculture and agricultural lands. "A complete win-win." By passing these bills, this legislature has the opportunity to take the visible lead in promoting IAL and agricultural

viability and sustainability. As such, we urge your Conference Committee to consider retaining these bills as a basis for the comprehensive IAL incentives package you will pass this session.

Conclusion. A comprehensive IAL incentive package is urgently needed, and if not passed this session, we may see a continuation of the recent closures of farms, dairies and poultry operations on a state-wide basis. The State's policy to promote and mandate diversified agriculture is a complex and challenging task in light of the ever-changing economic, environmental, and political landscape. Economic stimuli (incentives) have long been the method to promote, enhance and encourage industry to make commitments. For IAL to succeed, commitments from both agribusinesses/farmers and landowners will be key, and therefore a comprehensive incentive program is needed. Thus, we respectfully urge your strong support to include the above provisions in any final IAL package that the Legislature moves this session. In closing, we would also like to emphasize that the above-referenced bills are a result of input and consensus between the HFBF, LURF and other agricultural stakeholders, and that the purpose of Act 183 and this IAL legislation is to promote agricultural viability on a sustained basis, so as to achieve the long-term protection of important agricultural lands for agricultural use. While we all agree that open space has a place in land planning for our communities, that is not the purpose of these bills. We ask that you maintain the focus on the viability and sustained growth of agriculture as you consider the proposed incentives for both farmers and landowners.

We humbly thank you and look forward to your favorable and timely consideration.

Sincerely,

Dean Okimoto
President
Hawaii Farm Bureau Federation

David Z. Arakawa
Executive Director
Land Use Research Foundation

[§205-46] Incentives for important agricultural lands. (a) To achieve the long-term agricultural viability and use of important agricultural lands, the State and **each county** shall ensure that their:

(1) Agricultural development, land use, water use, regulatory, tax, and land protection policies; and

(2) Permitting and approval procedures,

enable and promote the economic sustainability of agriculture.

Agricultural operations occurring on important agricultural lands shall be eligible for **incentives and protections provided by** the State and **counties** pursuant to this section to promote the viability of agricultural enterprise on important agricultural lands and to assure the availability of important agricultural lands for long-term agricultural use.

(b) State and **county incentive programs** shall provide preference to important agricultural lands and agricultural businesses on important agricultural lands. The State and **each county** shall cooperate in program development to prevent duplication of and to streamline and consolidate access to programs and services for agricultural businesses located on important agricultural lands.

(c) **Incentive and protection programs** shall be designed to provide a mutually supporting framework of programs and measures that enhance agricultural viability on important agricultural lands, including but not limited to:

(1) Grant assistance;
(2) Real property tax systems that support the needs of agriculture, including property tax assessments based on agricultural use valuation;
(3) Reduced infrastructure requirements and facilitated building permit processes for dedicated agricultural structures;
(4) Tax incentives to offset operational costs, promote agricultural business viability, and promote the long-term protection of important agricultural lands;
(5) Agricultural business planning, marketing, and implementation grants;
(6) Tax incentives and programs for equity investments and financing for agricultural operations, including agricultural irrigation systems;
(7) Other programs and mechanisms that promote investment in agricultural businesses or agricultural land protection, such as the purchase of development rights;
(8) State funding mechanisms to fund business viability and land protection programs;
(9) **Water regulations and policies** that provide farmers of important agricultural lands **access to adequate and cost-effective sources of water**;
(10) Other measures that would ensure that state capital investments, projects, programs, and rules are consistent with this part; and
(11) Agricultural education and training for new farmers; upgrading the skills of existing farmers and other agriculture-related employees through the use of mentoring, business incubators, and public or private scholarships; and increasing the returns of farming by adding value to food processing and other tools and methods.

(d) State and **county** agencies shall review the protection and **incentive measures enacted** for important agricultural lands and agricultural viability pursuant to this chapter at least every five years to:

(1) Determine their effectiveness in sustaining agriculture in Hawaii, assuring agricultural diversification, and increasing agricultural self-sufficiency;
(2) Determine whether the effectiveness of tax credits or **incentive programs** will be enhanced by creating revolving funds or increasing rates based upon the tax revenues generated by enhanced investment and agricultural activities on important agricultural lands; and
(3) Modify measures and programs as needed.

(e) This section shall apply only to those lands designated as important agricultural lands pursuant to sections 205-45 and 205-49. [L 2005, c 183, pt of §2]

L 2005, c 183, §§9 and 10 provide:

"**SECTION 9.** **(c)** Incentives and other programs to **promote agricultural viability**, sustained growth of the agricultural industry, and the long-term use and protection of important agricultural lands for agricultural use in Hawaii by farmers and landowners to be considered by the department of agriculture shall include but not be limited to the following:

(1) Assistance in identifying federal, state, and private grant and loan resources for agricultural business planning and operations, assistance with grant and loan application processes, and the processing of grants and loans;

(2) Real property tax systems that support the needs of agriculture, including property tax assessment of land and improvements used or held only for use in agriculture based on agricultural use value rather than fair market value;

(3) Reduced infrastructure requirements and facilitated building permit processes for the construction of dedicated agricultural structures;

(4) Tax incentives that include but are not limited to:

(A) Tax credits for the sale or donation of agricultural easements on important agricultural lands; and

(B) General excise tax exemption for retail sales of farm produce;

(5) Incentives that promote investment in agricultural businesses or value-added agricultural development, and other agricultural financing mechanisms;

(6) Incentives and programs that promote long-term or permanent agricultural land protection, and the establishment of a dedicated funding source for these programs;

(7) Establishment of a permanent state revolving fund, escalating tax credits based on the tax revenues generated by increased investment or agricultural activities conducted on important agricultural lands, and dedicated funding sources to provide moneys for incentives and other programs;

(8) Establishment of a means to analyze the conformity of state-funded projects with the intent and purposes of part I of this Act [sections 205-41 to 205-52], and a mechanism for mitigation measures when projects are not in conformance;

(9) Institution of a requirement for the preparation of an agricultural impact statement that would include mitigation measures for adverse impacts for proposed state or county rulemaking that may affect agricultural activities, operations, and agricultural businesses on important agricultural lands; and

(10) Other programs to carry out the intent of part I of this Act [sections 205-41 to 205-52].

[§205-49] Designation of important agricultural lands; adoption of important agricultural lands maps. (a) After receipt of the maps of eligible important agricultural lands from the **counties** and the recommendations of the department of agriculture and the office of planning, the commission shall then proceed to identify and designate important agricultural lands, subject to section 205-45. The decision shall consider the **county** maps of eligible important agricultural lands; declaratory orders issued by the commission designating important agricultural lands **during the three year period following the enactment of legislation establishing incentives and protections contemplated under section 205-46**, as provided in section 9 of Act 183, Session Laws of Hawaii 2005; landowner position statements and representations; and any other relevant information.

In designating important agricultural lands in the State, pursuant to the **recommendations of individual counties**, the commission shall consider the extent to which:

(1) The proposed lands meet the standards and criteria under section 205-44;

(2) The proposed designation is necessary to meet the objectives and policies for important agricultural lands in sections 205-42 and 205-43; and

(3) The commission has designated lands as important agricultural lands, pursuant to section 205-45; provided that if the majority of **landowners'** landholdings is already designated as important agricultural lands, excluding lands held in the conservation district, pursuant to section 205-45 or any other provision of this part, the commission shall not designate any additional lands of that **landowner** as important agricultural lands except by a petition pursuant to section 205-45.

Any decision regarding the designation of lands as important agricultural lands and the adoption of maps of those lands pursuant to this section shall be based upon written findings of fact and conclusions of law, presented in at least one public hearing conducted in the county where the land is located in accordance with chapter 91, that the subject lands meet the standards and criteria set forth in section 205-44 and shall be approved by two-thirds of the membership to which the commission is entitled.

(b) Copies of the maps of important agricultural lands adopted under this section shall be transmitted to each county planning department and county council, the department of agriculture, the agribusiness development corporation, the office of planning, and other state agencies involved in land use matters. The maps of important agricultural lands shall guide all decision-making on the proposed reclassification or rezoning of important agricultural lands, state agricultural development programs, and other state and county land use planning and decision-making.

(c) The land use commission shall have the sole authority to interpret the adopted map boundaries delineating the important agricultural lands.

(d) The land use commission may designate lands as important agricultural lands and adopt maps for a designation pursuant to:

(1) A **farmer or landowner petition** for declaratory ruling under section 205-45 **at any time**; or

(2) The **county process** for identifying and recommending lands for important agricultural lands under section 205-47 **no sooner than three years after the enactment of legislation establishing incentives and protections contemplated under section 205-46**, as provided in section 9 of Act 183, Session Laws of Hawaii 2005. [L 2005, c 183, pt of §2]

Note

Section 9 of Act 183, Session Laws of Hawaii 2005, is printed after section 205-41.

COUNTY PROCESS FOR IDENTIFICATION OF IMPORTANT AGRICULTURAL LANDS RESPECTS THE RIGHTS OF PRIVATE PROPERTY OWNERS WHO MAY BE AFFECTED AND REQUIRES CONSULTATION AND COOPERATION WITH LANDOWNERS BEFORE PUBLIC MEETINGS AND COUNTY IAL DESIGNATIONS CAN ONLY TAKE EFFECT THREE YEARS AFTER COUNTY IAL INCENTIVES ARE ENACTED

- **It took over 25 years for the final IAL law to be passed, and the HFBF and landowners worked very hard on this legislation, to make sure that it was as fair as it could be – consult landowners BEFORE public meetings.**
- ***Involuntary* county designation (over landowner's objection) and SLUC approval of IAL, places restrictions on the use of private property and severely restricts the ability of a landowner to amend the State land use boundary designation. It is very difficult for a land owner to remove an IAL designation and change the state land use designation to a non-agricultural use. A major concern of HFB and landowners were "takings" claims from landowners whose lands were *involuntarily* designated as IAL by county and LUC action.**
- **To avoid "takings" claims, HFBF and the landowners loaded the IAL law with requirements for State and county incentives to support agricultural viability, so that there could be "added value" in IAL; specifically provided for county consultation with landowners relating to the establishment of incentives, and the preparations of maps, BEFORE publicizing the proposed IAL maps to the public.**
- **Public input is required, AFTER county consultation with landowners**
- The "order" of the paragraphs are very important, **it confirms that consultation and cooperation with landowners comes FIRST (not after public meetings).**
- **The language of the IAL law is also important**, and requires the consultation and cooperation with the landowners, **BEFORE** publicizing the maps at public meetings:
  - **Consultation and cooperation with landowners is required as each county develops maps of potential lands to be considered for designation.**
  - The IAL law also requires the planning department to develop **an inclusive process for public involvement** in the identification of potential lands and the development of maps of lands **to be recommended** as important agricultural lands, including a series of public meetings throughout the identification and mapping process. 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 important agricultural lands, including a series of public meetings throughout the identification and mapping process.
- As of the date of the last City Technical Advisory Committee meeting, the City has not done the consultation and cooperation with all affected landowners, as required by the IAL law.
- The **"3-year Window"** allows landowners and their financial consultants to determine whether the State and county incentives are favorable enough to voluntarily designate IAL.
- **In its presentations to the public, the City has already misrepresented IAL as a land use tool to stop development. The City never explained that IAL was based on agricultural viability (providing incentives for lands that have the greatest likelihood of producing viable and sustainable agricultural operations – and convincing landowners to voluntarily designate their lands as IAL).**
- The City has already made presentations that have resulted in public misunderstanding of the IAL law, and its purpose and intent. If the City attempts to designate IAL without consultation with landowners, without county incentives and without allowing landowners a "3-year window" to consider voluntary designations – we believe that landowners subject to *involuntary* designations will detail the violations of the IAL law; and if the Council approves the map designations, those designations will could be successfully challenged in court.
- **One good note: DPP was working on county incentives (Tim HATA) - - if those could be discussed with, and supported by AG stakeholders and passed by the council, it would be a "big Win" for the City and start the 3-year clock ticking!**

[§205-47] Identification of important agricultural lands; county process. ***[See Note below.]*** (a) Each county shall identify and map potential important agricultural lands within its jurisdiction based on the standards and criteria in section 205-44 **and the intent of this part**, except lands that have been designated, through the state land use, zoning, or county planning process, for urban use by the State or county.

(b) Each county shall develop maps of potential lands **to be considered** for designation as important agricultural lands **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.

(c) 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 important agricultural lands, 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 important agricultural lands 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.

(d) The counties shall take notice of those lands that have already been designated as important agricultural lands by the commission.

Upon identification of potential lands **to be recommended to the county council** as potential important agricultural lands, 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.

In formulating its final recommendations to the respective county councils, the planning departments shall report on the manner in which the important agricultural lands mapping relates to, supports, and is consistent with the:

(1) Standards and criteria set forth in section 205-44;
(2) County's adopted land use plans, as applied to both the identification and exclusion of important agricultural lands from such designation;
(3) Comments received from government agencies **and others identified in subsection (b)**;
(4) Viability of existing agribusinesses; and
(5) Representations or position statements of the owners whose lands are subject to the potential designation.

(e) The important agricultural lands 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. [L 2005, c 183, pt of §2]

Note

L 2005, c 183, §7 provides:

"SECTION 7. Each county shall submit its report and maps with recommendations for lands eligible for designation as important agricultural lands to the land use commission no later than sixty months from the date of county receipt of state funds appropriated for the identification process. Upon receipt of the county maps, the land use commission shall review and adopt maps designating important agricultural lands to the State in accordance with section [205-49]."

Designations made pursuant to this section take effect three years after incentives and protections for important agricultural lands and agricultural viability are enacted. L 2005, c 183, §14(2).

STATE SHALL IDENTIFY AND PREPARE MAPS OF STATE LANDS THAT SHOULD BE DESIGNATED AS IAL BEFORE DECEMBER 31, 2009 AND BEGINNING JANUARY 1, 2010, COMMISSION SHALL DESIGNATE PUBLIC LANDS AS IAL AND ADOPT MAPS OF THOSE LANDS AS IAL

[§205-44.5] Important agricultural lands; public lands. (a) Notwithstanding any law to the contrary, before December 31, 2009, the department of agriculture and the department of land and natural resources shall collaborate to identify public lands as defined under section 171-2 that should be designated important agricultural lands as defined in section 205-42 and shall cause to be prepared maps delineating those lands. In making the designations, the departments shall use the standards and criteria of section 205-44.

(b) The designation of important agricultural lands pursuant to this section shall not be subject to the district boundary amendment procedures of section 205-3.1 or 205-4 or declaratory order procedures of section 205-45.

(c) Notwithstanding any law to the contrary, beginning January 1, 2010, after receipt of the maps of public lands identified as important agricultural lands pursuant to subsection (a), the commission shall designate the public lands as important agricultural lands and adopt the maps of those public lands. Upon designation, the public lands shall be subject to this chapter. [L 2008, c 233, §2]

C

FOCUS GROUP MEETINGS

LIST OF INVITED PARTICIPANTS: FOCUS GROUPS | JANUARY 2015

	Name	Affiliation
Farmers and producers	Brian Miyamoto	Hawaii Farm Bureau Federation
	Mark Suiso	Makaha Mangoes, Hawaii Tropical Fruit Growers
	Wayne Ogasawara	Mililani Agricultural Park
	Mama T. Trisha Gonsalves	Hawaii Organic Farmers Association, Down to Earth
	Clifford Migita	Waimanalo Agricultural Assn.
	Pamela Boyar	Hawai'i Farmers Union United
	Alec Sou	Aloun Farms
	Bud Gibson	Rocker G Livestock Co (Waimanalo)
	Melissa Zemen	Kunia Agricultural Park
Agricultural support and related industries	Pauline Sato	Agricultural Leadership Program
	Jean Brokish	Oahu RC&D Council
	Dave Ringuette	Windward Community College, GOFarm Hawai'i Program
	Jensen Ueda	UH-CTAHR Extension Agent
	Nathan Miranda	Windward Oahu Soil and Water Cons. District
Wholesalers and consumers	Claire Sullivan	Whole Foods , Purchasing/Public Affairs
	Russell Hata	Y. Hata
	Kacey Robello	Hawaii Farm Bureau Federation, Farmers Market Manager
	Kevin Vacarello	Sustain Hawaii, also Sweet Home Waimanalo
	Tish Uyehara	Armstrong Produce, Agribusiness Development Corporation
Environmental Interests	Steve Montgomery	Sierra Club
	Tim Vandeveer	Defend Oahu Coalition
	Sam Gon	Nature Conservancy
	Stephen Rafferty	Trust for Public Land
	Marti Townsend	Outdoor Circle
	Kioni Dudley	Friends of Makakilo
Community Organizations and Neighborhood Boards	Ted Radovich	UH-CTAHR Organic Farming, Waimanalo N.B.
	Jeanne Ishikawa, Chair	Wahiawa N.B.
	Antya Miller	North Shore N.B.
	Cynthia Rezentes	Nanakuli-Maili N.B, Chair
	Johnnie-Mae Perry, Chair	Waianae Coast N.B.
	Kent Fonoimoana	Koolau Loa N.B.
	Amy Leursen	Kahaluu NB
Landowners	John Morgan	Koolau Ranch
	James Nakatani	Agribusiness Development Corporation
	Bev Kaku	Castle and Cooke
	Steve Hoag	Hawaii Reserves Inc.
	Sidney Keliipuleole	Kamehameha Schools
Native Hawaiian Interests	Jeannin Jeremiah	Office of Hawaiian Affairs
	Michele Wilhelm	Kapalai Farms
	Nick Reppun	Kakoo Oiwi
	Rick Barboza	Hui Ku Maoli Ola
	Trevor Atkins	Halau Ku Mana Charter School
	Puni Freitas	Kokua Kalihi Valley
Government Agencies	Sen. Russell Rudermann	Senate AG Committee Chair
	Rep. Clift Tsuji	House AG Committee Chair
	Russell Tsuji	DLNR Land Division

HHF PLANNERS
places for people

MEMORANDUM

Date: December 24, 2014

To: Tim Hata, IAL Project Manager
Department of Planning and Permitting

From: Corlyn Orr / Scott Ezer

RE: Proposed Focus Group Members

This memorandum presents the roster of participants to be invited to the three focus group meetings (Project Scope of Work, Item C.2). This roster reflects input from TAC members, as well as consultations with DPP and the subconsultant team. Using the eight categories of agricultural interests identified during discussions with the TAC, the ideal number of participants allotted for each focus group is sixteen (see table below).

Distribution Of Focus Group Participants By Category

Category	Number allotted per focus group
Farmers/producers	3
Ag support and related industry	2
Wholesalers/consumers	2
Environmental interests	2
Community organizations/NBs	2
Landowners	2
Native Hawaiian Interests	2
Government Agencies	1
PARTICIPANTS PER FOCUS GROUP	16

The process to develop the roster is summarized as follows:

1. Prepare a preliminary list of focus group candidates (31 names were presented at TAC Meeting #1)
2. Seek input from TAC members for suggestions of candidates/organizations (an additional 42 candidates were identified during TAC Meeting #1)
3. Review the candidate list with DPP and the subconsultant team (a total of 80 candidates were discussed on December 19, 2014)
4. Arrange candidates into focus groups, taking into consideration the number of interests allotted to each category and each candidates' affiliation and geographic area represented.

We are in the process of compiling contact information, and plan to call and invite focus group participants in January 2015.

		Focus Group 1	Focus Group 2	Focus Group 3	Alternates
Farmers and producers	1.	Mark Fergusson, Hawaii Organic Farming Assn.	Wayne Ogasawara, Mililani Agricultural Park	Bud Gibson, T&C Stables (Waimanalo)	1. Lee Bryant, May's Wonder Gardens, North Shore N.B. AG Committee 2. Susan Matsushima, Alluvion, North Shore Econ. Vitality Partnership Co- 3. Melissa Zeman, Kunia Agricultural Park 4. Gary Maunakea Forth, MAO Farms 5. Fat Law, Fat Law's Farm HI
	2.	Brian Miyamoto, Hawaii Farm Bureau Federation	Alex Sou, Aloun Farms	Sharon Peterson Cheape, Petersons Upland Farm	
	3.	Mark Suiso, Hawaii Tropical Fruit Growers	Clifford Nigita, Waimanalo Farmers Association	Clifford Wong, Haleiwa luau leaf farmer	
Ag support and related industry	4.	Pauline Sato, Agricultural Leadership Program	Kapua Sproat Fonoimoana, Windward Oʻahu Soil and Water Cons. District	Dave Ringuette, WCC Agriculture Dept, GOFarm Hawaiʻi Program	1. Ted Tokunaga, Farm Credit Services 2. Stan Kodama, Waimanalo Feed Store 3. Jason Shitanishi, USDA Farm Service Agency, Farm Programs 4. Brian Kau, DOA AG Research Management Division
	5.	Jean Brokerish, Oahu RC&D Council	Jary Sugano, UH-CTAHR Extension Agent	Ron Kauhaahaa, Crop Protection Services (pesticides)	
Wholesalers and consumers	6.	Kevin Vacarello, Sustain HI, Sweet Home Waimanalo	Conrad Nonaka, Culinary Institute of the Pacific	Ed Kenney, TOWN Restaurant	1. Mark Noguchi, The Pili Group, Mission Restaurant
	7.	Russell Hata, Y. Hata	Claire Sullivan, Whole Foods	Tish Uyehara, Armstrong Produce	
Environmental interests	8.	Deborah Ward, Sierra Club, AG/Conservation Comm.	Sam Gon, Nature Conservancy	Alexandria Avery, Outdoor Circle president	1. Doug Cole, N.S. Community Land Trust 2. Kyle Datta, Ulupono
	9.	Tim Vandeveer, Defend Oʻahu Coalition	Lea Hong, Trust for Public Land	Kioni Dudley, Friends of Makakilo	
Community organizations and NBs	10.	Ted Radovich, UH-CTAHR Organic Farming, Waimanalo N.B.	Waianae Coast N.B.	Cynthia Rezentes, Nanakuli-Maili N.B.	1. Amy Leursen, Kahaluu N.B.
	11.	Wahiawa N.B.	Antya Miller, North Shore N.B.	Koolau Loa N.B.	
Landowners	12.	John Morgan, Koolau Ranch	Carlton Ching, Castle and Cooke	Sidney Keliipuleole, Kamehameha Schools	
	13.	James Nakatani, Agribusiness Dev. Corp.	Eric Beaver, Hawaii Reserves Inc.	Neighborhood Board Rep.	
Native Hawaiian Interests	14.	Office of Hawaiian Affairs	Kanekoa Kukea-Shultz, Kakoo Oiwi	Trevor Atkins, Halau Ku Mana Charter School	
	15.	Dean Wilhelm, Kapalai Farms	Rick Barboza, Hui Ku Maoli Ola	Makahiapo Cashman, UH Ka Papa Loi o Kanewai	
Government Agencies	16.	Sen. Russell Rudermann, Senate AG Comm. Chair	Rep. Clift Tsuji, House AG Comm. Chair	Russell Tsuji, DLNR Land Division	

OTHER ALTERNATES
FARMERS/PRODUCERS
1. Pam Boyer, Hawaii Farmers Union United
2. Mike Buck, Waimanalo farmer/CWRM Board
3. Mel Matsuda, Kahuku Farms
4. Ron Wiedenbach, HI Fish Co., HI Aquaponics Aquaculture Association
5. Eric Enos, Kaala Farms
6. Greg Smith, Gunstock Ranch
7. Larry Jefts, Sugarland Farms, West O‘ahu Soil & Water Conservation District Chair
AG SUPPORT AND RELATED INDUSTRIES
8. Lisa Zemen, South O‘ahu Soil & Water Conservation District, Chair
9. Matthew Loke, UH-CTAHR Sustainability
10. Gordon Ogi, American Machinery
11. Bernadette Luncsford, USDA NRCS Field Office, District Conservationist
12. Susan Kubo, USDA NRCS Field Office, Civil Engineer
WHOLESALERS/CONSUMERS
13. Kacey Robello, HI Farm Bureau, Farmers' Market GM
14. Alan Wong, Alan Wong's Restaurants
ENVIRONMENTAL INTERESTS
15. Murray Clay, Ulupono
16. Donna Wong, Hawaii's Thousand Friends, Kailua Neighborhood Board
NATIVE HAWAIIAN INTERESTS
17. Kihei Nahale'a, Papahana Kuaola
18. Puni Freitas, Kokua Kalihi Valley
GOVERNMENT AGENCIES
19. Jackie Kozal Thiel, Governor’ Sustainability Coordinator

HHF PLANNERS
places for people

MEETING SUMMARY

Date: January 22, 2015

HHF Project No. 2014120

Time: 4:30-6:20 pm

Project Name: O'ahu IAL Mapping Project

Location: Pacific Guardian Center
Makai Tower Conference Room

Recorded by: Corlyn Orr
Reviewed by DPP: Feb. 12, 2015

Attendees: see attendance record

Subject: Small Group Discussion #1

The first of three small group discussions for the City's Important Agricultural Lands (IAL) Mapping Project was held on Thursday, January 22, 2015 at the Pacific Guardian Center, Makai Tower Conference Room (733 Bishop Street, Honolulu). The meeting was scheduled from 4:30 to 6:30 pm. The purpose of the meeting was to provide an overview of the project and allow for group discussion. Fifteen invited attendees were present (see attached attendance record). Meeting materials emailed to participants in advance of the meeting included a meeting agenda, project sheet, unofficial copy of Chapter 205 Hawai'i Revised Statutes (HRS), and an electronic link to the IAL Phase I Report. Hard copy of the PowerPoint presentation was passed out at the meeting.

WELCOME, INTRODUCTIONS, AND PROJECT BRIEFING

Scott Ezer opened the meeting at roughly 4:35 pm with introductions of the project team. Kathy Sokugawa, DPP Planning Division Chief, followed with opening remarks. On behalf of DPP, Kathy thanked everyone for participating and emphasized the City's desire for a meaningful, efficient and transparent process. Following individual introductions, Peter Adler (meeting facilitator) summarized the goals for the meeting: (1) brief attendees on work done to date (2) gather comments and concerns for DPP consideration, and (3) prepare for the community meetings. Scott then reviewed the legislative history and statutory requirements for the IAL designation, the preliminary criteria maps, and the proposed community outreach process (see attached PowerPoint).

GROUP DISCUSSION

After Scott completed the presentation, Peter asked if there were any questions for information and/or clarification. Questions and responses are summarized as follows.

- Will this project have any influence on developing future AG policies for the City, or is this project limited to discussing the designation of AG lands? What is the link between this project and larger AG policies?
    - Although the project will focus on identifying land for IAL designation, the county is also required to address the IAL incentives. Other policy-related items discussed during the community outreach process will be documented in the final report.

- Are there any landowners on O'ahu that have already designated 50% of their land IAL and will be exempted from this process?
    - No.

- Why are State-owned lands not being considered?
    - According to State law, the State DOA and DLNR are responsible for mapping IAL for State-owned land.

- Why would the State need to designate their lands as IAL? If one purpose for IAL is to qualify for incentives, what is the benefit of the IAL designation for the State?
    - This is a question for the State.

- Areas excluded from the study area were clarified:
    (1) Areas south of Wahiawa and Mililani are federally-owned or in the State Urban District
    (2) Kahalu'u, Kāne'ohe and Kailua are in the State Urban District

Peter then asked a series of questions. A summary of the questions and discussion is provided below.

QUESTION: Imagine the future of O'ahu's agricultural lands. What lands do you "see" 20, 30, 50 years out? Assuming that production methods and the types of crops grown will change, what will the footprint of O'ahu's agricultural land look like? How is the land base going to change?

- Urban agriculture will multiply, with gardens in residences and food crops growing in Honolulu's office towers and high-rise residential buildings. Agriculture will be integrated into urban living, the footprint will be larger, and the boundaries between urban and agriculture will blur together.
- Lands that are currently fallow and still transitioning from sugar and pineapple production, such as the Galbraith lands, will be in use. The large chunks of agricultural land will be retained, and be in active production. Landowners are waiting to see what happens. Hopefully, options will lead to AG as the best use, and lands will not be fallow. For example, Kamehameha Schools is diligent about implementing their agricultural plan, which would leave a large agricultural footprint on the North Shore.
- Larger land parcels will be divided into smaller pieces. This will depend on tax fees and ownership structures.
- Different types of crops will be grown, with different reasons for growing. For example, algae is being grown for energy in Wahiawa on fallow land.
- The agricultural footprint will be concentrated around Central O'ahu. These lands have all the elements needed for growing (e.g., soil, sunlight, water). The next step is to see who's going to use the larger chunks of land and promote agriculture. The land will stay in agriculture as long as the infrastructure needed for residential development is not built. There had been a proposal to build housing on the Galbraith lands, but there is no infrastructure to support development. Aquaponics, home gardens and other strategies will encourage self-sufficiency, but such efforts will supplement production coming from the largest chunks of land. No matter how much is produced on other islands, O'ahu will always have a market/locational advantage over the neighbor islands.

QUESTION: What data and information is missing that needs to be considered in this process? What was not considered by the TAC that needs to be considered?

- The water criteria map (Criterion #5 map) should identify lands that have access to R-2 recycled water because water from the Wahiawa Wastewater Treatment Plant/Wahiawa Reservoir used for irrigation purposes has been upgraded to R-2. Scott clarified that lands irrigated by recycled water are included in the Criterion #5 map, without specifically calling out the type or quality of irrigation water. There was general agreement that this should be highlighted in future conversations.
- How much of the community outreach process will focus on educating the public about the intent of the legislature? It is important that the general public understand the background/history and purpose of the IAL legislation. Considering that it will be difficult to convey all of this information through the community meetings, the website should be used as an information-sharing tool. UH Law School (2nd year seminar project) prepared an analysis of the legislation that may be a useful resource to include on the website.

QUESTION: There will be two general types of questions: (1) from people with agricultural expertise and experience farming; and (2) from members of the general public without agricultural experience. What are the hard questions that will be asked in this process?

- Why is the Hoʻopili project area excluded from this process?
- How was the TAC selected? The TAC recommendations may be questioned because of the committee composition.
- What is IAL? The general public may have basic questions about the basic definition and concept of IAL. Budgetary constraints should not be a limiting factor for education and outreach.
- How can farmers access the lands identified as IAL?
- How does IAL benefit small farmers?
- How will IAL affect the community? What about the social, economic and environmental implications for surrounding communities? Agricultural communities in Wahiawa (e.g., Whitmore, Kunia) have expressed a desire for agricultural jobs and the ability to retain their rural lifestyles.
- What is the status of the incentives? Being able to speak with more certainty about the incentives may help to convey the potential benefits of the IAL designation.
- Possible questions may concern housing:
    - What is the impact to affordable housing? (Some will feel that affordable housing is more important than preserving agricultural land.)
    - Where are agricultural workers going to live? The long-range plan needs to include farm worker housing.
- How will the IAL designation affect land use? What can a landowner no longer do with their land if their property is designated IAL?
- Is it possible to consider lands currently occupied by the military? This would provide a back-up plan for the possibility that the military reduce their footprint and vacate their lands (e.g., Lualualei, Makua Valley, Schofield). Scott indicated that the law requires the counties to conduct periodic reviews of the IAL maps, and that any excess military lands are automatically placed in the P-2 Preservation zoning district.
- What are the implications of the IAL designation for gentleman estates? How will this discourage gentlemen estates?
- How much is this initiative going to cost the taxpayers? What are the costs of IAL? A loss in potential taxes is possible. However, this would result from the cost of paying for any incentives, not from the loss of property tax revenues (assuming that these lands are currently in agricultural

use and the tax structure stays the same). It may be possible that the economic and employment benefits from increasing agricultural production may outweigh the costs.
- Would IAL include flower crops? Scott clarified that IAL is not specific to food crops. The use of the land for agricultural production is important, not the type of crop grown (flowers, landscaping, turf growing are also included).

During the discussion, it was emphasized that the IAL designation is a land use regulatory/zoning mechanism that does not impose any restrictions on the use of the land, does not require that the land be farmed, and will not resolve other agricultural issues. IAL will provide a hierarchy within the State's Agricultural District to ensure that the most valuable agricultural lands are protected. Speculation to urbanize agricultural lands should disappear once lands are designated IAL, since it is more difficult to urbanize land that has an IAL designation. (For clarification, Chapter 205-50(f), HRS requires a 2/3 vote of the Land Use Commission or the county's decision-making body when reclassifying or rezoning lands from IAL. The legislature does not have jurisdiction to reclassify IAL.) Without the prospect of urbanization overshadowing these lands, large landowners may be more willing to make a long-term commitment to agriculture and offer small farmers long-term leases.

QUESTION: What are the difficult trade-offs of the IAL designation? What is at stake to be lost?

- Landowners whose lands are designated involuntarily under the county process may have a sense of lost opportunity costs.
- The ability to reclassify lands that have been designated as IAL will get more difficult. Landbanking (waiting for future development opportunities) should no longer be an issue, as there will be clarity about which lands are to be preserved for agricultural use.
- A possible gain may be an increase in the number of people interested in agriculture. Out-of-state entrepreneurs may be attracted to Oʻahu to invest in new agricultural enterprises. Small and P/T farmers may find new opportunities to farm.

QUESTION: How would you address traditional native Hawaiian agricultural uses and unique crops (Criterion #4)? Are there other considerations that were not addressed?

- The type of crop grown is not as important as the economics. Farmers will grow certain crops if they can make money. If it is not commercially viable for the farmer, farming may still be relevant as a hobby.
- The map of Criterion #4 needs to identify historic/iconic lands used for kalo because the cultural significance of these areas is important. .

QUESTION: What are your thoughts about the proposed community outreach process? Do you have any advice or ideas for how to talk to a wider range of people?

- Ground rules are critical. Control the discussion, do not allow for redundancy, and limit the time given for individual comments. Keep the discussion focused, restate the meeting purpose often.
- Post a visual reminder of the meeting purpose and refer to it often.
- Be prepared to entertain the non-farming public and those with other agendas.
- None of the meeting attendees were involved with Kauai County's IAL project.

QUESTION: Are there any other issues, ideas or concerns to be considered?

- Is there any overlap between the City's IAL project and the Trust for Public Land's GreenPrint project? Are the two projects sharing information? The general public may express some confusion and fatigue, since both projects involve mapping.

- Engage the membership of both the Hawai'i Farm Bureau and the Hawai'i Farmers Union.
- A report from landowners who achieved IAL status would be helpful to understand the positive and negative consequences of IAL (e.g., case studies showing improved conditions such as lands in production, long-term leases, infrastructure investments, etc.)
- The motivation for the IAL designation is different for each landowner. Castle and Cooke sought the IAL designation to access the incentives because making agriculture more economically viable was important to them. Kamehameha Schools is seeking the IAL designation to demonstrate their long-term commitment to agriculture.
- Landowners are interested in knowing what incentives are already available, and when county incentives will be available. Incentives for employee housing, infrastructure improvements, and other types of investments to make farming more affordable are needed now.

Peter thanked everyone for attending, asked them to complete a brief questionnaire, and then closed the meeting. Meeting was adjourned at about 6:20.

ATTENDANCE RECORD

Invited Participants:	Jean Brokish, Oahu Resource Conservation & Development Council (via Facetime) Ian Hirokawa, DLNR Land Division Jeanne Ishikawa, Wahiawā Neighborhood Board #26 Brian Miyamoto, Hawai'i Farm Bureau Federation Steve Montgomery, Sierra Club John Morgan, Kualoa Ranch James Nakatani, Agribusiness Development Corp. Wayne Ogasawara, Mililani Agricultural Park/Agricultural landowner Senator Russell Ruderman, State Senate AG Committee Chair Pauline Sato, Agricultural Leadership Foundation Mark Suiso, Hawai'i Tropical Fruit Growers Claire Sullivan, Whole Foods Russell Tsuji, DLNR Land Division Tim Vandeveer, Defend O'ahu Coalition Michele Wilhelm, Kapalai Farms
Others:	Randy Hara, DPP Kathy Sokugawa, DPP Planning Division Head Dr. Po-Yung Lai, City's AG Liasion Scott Ezer, HHF Planners Erin Higa, HHF Planners Rob James, HHF Planners Corlyn Orr, HHF Planners Peter Adler, ACCORD3.0 Network Bruce Plasch, Plasch Econ Pacific

HHF PLANNERS
places for people

MEETING SUMMARY

Date: January 28, 2015

HHF Project No. 2014120

Time: 4:30-6:30 pm

Project Name: O'ahu IAL Phase 2

Location: Pacific Guardian Center
Makai Tower Conference Room

Recorded by: Corlyn Orr
Reviewed by DPP: February 17, 2015

Attendees: see attendance record

Subject: Small Group Discussion #2

The second of three small group discussions for the City's Important Agricultural Lands (IAL) Mapping Project was held on Wednesday, January 28, 2015 at the Pacific Guardian Center, Makai Tower Conference Room (733 Bishop Street, Honolulu). The meeting was scheduled from 4:30 to 6:30 pm. The purpose of the meeting was to provide an overview of the project and seek feedback from the group. Ten invited attendees were present (see attached attendance record). Meeting materials emailed to participants in advance of the meeting included a meeting agenda, project sheet, unofficial copy of Chapter 205 Hawai'i Revised Statutes (HRS), and an electronic link to the IAL Phase I Report. Hard copy of the PowerPoint presentation was passed out at the meeting.

WELCOME, INTRODUCTIONS, AND PROJECT BRIEFING

Scott Ezer opened the meeting at roughly 4:35 pm with introductions of the project team. Following individual introductions, Peter Adler (meeting facilitator) summarized the goals for the meeting: (1) brief attendees on work done to date; (2) gather comments and concerns for DPP consideration; and (3) prepare for the community meetings. Kathy Sokugawa, DPP Planning Division Chief, followed with opening remarks, which included thanking everyone for participating and highlighting the City's goal of preparing the IAL maps with as much community participation as possible. Scott then reviewed the legislative history and statutory requirements for the IAL designation, the preliminary criteria maps, and the proposed community outreach process (see attached PowerPoint).

After Scott completed the briefing, Peter asked if there were any questions for additional information and/or clarification. Questions and responses are summarized as follows.

- State-owned lands in Central O'ahu (i.e., former Galbraith Estate lands) have not been designated IAL.
    - State-owned lands were excluded from County consideration as provided in Chapter 205, HRS.

- Recycled water is accounted for in the map identifying lands with adequate water (Criterion #5). There should be a distinction between high-quality water and recycled R-2 water. The North Shore does not have an adequate water supply because the use of R-2 recycled water from Wahiawa Reservoir limits the types of crops that can be grown.

    - Response indicated that the process was blind to creating hierarchy for preferred crops. R-2 water is capable of supporting agricultural irrigation, but not directly on leafy food plants.

- How did you choose farmers for the Technical Advisory Committee?
    - Recommendations from different sources—including the City's agricultural liaison, individuals familiar with the AG industry, and DPP—were considered. Chapter 205, HRS also mandates the involvement of certain organizations (e.g., Hawai'i Farmers Bureau, State Office of Planning, Dept. of Agriculture, Commission of Water Resources Management). The goal was to involve a diverse cross-section of farming interests, such as small and large farmers, food producers, ranchers, nursery crops, landscapers, flower growers, etc.

- How easy will it be to modify or change the IAL designation? How firm will the boundaries be? The concern is that the City will not utilize the IAL classification to provide long-range guidance for future land use decisions, and that landowners will be able to modify the IAL classification like the DPs/SCPs and zoning can be changed.
    - The LUC is the authorizing body with jurisdiction to designate land IAL and change the IAL designation. It will be difficult to redesignate IAL, since it requires a two-thirds vote of the LUC (requiring 6-3 votes, as opposed to the standard 5-4 votes). Once the inventory of IAL is identified, DPP is hopeful that the regulatory mechanisms that promote agricultural use of the land will follow. An anticipated benefit of IAL is that it will discourage speculative land banking practices associated with short-term farming leases while landowners wait to develop the land for housing.

- How will the IAL designation affect agricultural land subdivisions? Will it still be possible to subdivide agricultural land into two-acre parcels and create gentlemen estates?
    - The intent of this project is to identify the baseline of important agricultural lands, and distinguish between the important lands and the lesser-quality agricultural lands. This is a discreet project to identify the land base that needs to be preserved and to answer the question about where agriculture should be on O'ahu. This will not resolve all existing agricultural issues, although it should ultimately result in future regulatory mechanisms to better manage the use of lands identified as IAL.

- Is there a mechanism to add additional IAL to the inventory in the future?
    - Yes, the law requires the counties to periodically review the IAL inventory. This is an important process because the face of agriculture is constantly changing. (Consider how much has changed in the past 30 years). Private landowners are also able to petition the LUC on their own. For example, Kamehameha Schools has filed an individual petition with the LUC to designate about 10,000 acres of their North Shore lands.

- Can the criteria maps be revised to remove the Urban Boundary filter? It would be interesting to see the qualities of all the land areas, especially since much of Windward O'ahu lands that are currently in agriculture are excluded from the map.
    - Areas excluded from mapping are in the State Urban District or designated for urban use by the county, as prescribed by state law. Several areas currently in agricultural use were

excluded from the study area because they are in the State Urban District; a large acreage in Kahalu'u was planned for urban/industrial development in the 1960s, and is in the State Urban District. Based on the current law, the State land use classification would have to be changed for land to be eligible for IAL under the county designation process.

- Including military lands in the process will be a concern. Lualualei and Mākua were active and productive agricultural areas before military occupation, and these areas represent large acreages that could be available for future agriculture, should the military decide to vacate.

- What is the timeframe for the next steps in the process?
  - The community meetings are tentatively targeted for April, followed by a written public comment period, and a second round of community meetings tentatively anticipated for Fall 2015. The goal is to complete the project within a year from now.

Peter then asked a series of questions. A summary of the questions and discussion is provided below.

QUESTION: Imagine the future of O'ahu's agricultural lands. Thinking broadly across the agricultural industry, what lands do you "see" two to three generations out? Even if production methods or the form or types of crops grown changes, what is needed for a good agricultural base on this island?

- Hawai'i Organic Farmers Association sees a substantial portion used for organic, sustainable farming to grow food to serve the island community. Even the farmers on the TAC are growing corn seed and crops for export, and not serving the needs of the island. We need a lot of land for farming. It's also profitable to support local agriculture because it creates jobs, and the money circulates in the local economy. Knowing what is being farmed on the lands designated IAL would be interesting.

- If the goal is self-sufficiency and sustainability, then the City should protect as much land as possible. Even if the industry is comprised solely of small organic farms (no large scale agriculture) and all farmers are growing edible crops, we still won't be able to grow enough food to sustain the current population, or the population 20-50 years from now. The county should use as many criteria as possible to designate as much land as possible. The additional 20,000 acres gained by using all the criteria is significant.

- Was ranching mapped in the top 3 criteria? Lands suitable for ranching may not meet the top 3 criteria. Is it necessary to add another criteria to specifically identify potential ranching land? Grazing lands are typically not high-quality agricultural lands used to grow food; they are typically found at higher elevations, without good soils and irrigation, and are not productive farmland.
  - For clarification, ranching was mapped as part of Criterion #1: Current AG Production.

- Was forestry included as current production?
  - No, most forestry activities on Oahu are in the State Conservation District, not the Agricultural District and the review precluded lands in the Conservation District, per Chapter 205, HRS. [Note: On the NIs, commercial forests are located within the Ag District.]

- The fear is that there will be lots of land for farming, but nobody to farm the land. It's not easy to be a farmer, it's even harder to be an organic farmer. We may lose farmers because the costs of production and food safety regulations are overly taxing, and it is hard to make money farming.

- The incentives are aimed at helping both landowners and farmers. Small immigrant farmers are only successful because the entire family works the farm. These farmers would especially benefit from incentives. Farmers would also benefit from longer-term leases, which would then help them qualify for loans.

- The quality of the soil is important for the overall success of agriculture. In this regard, incentives should encourage farmers to improve the health of the soil. This would provide for pest management, ensure that the soil has the proper nutrients to grow food, and also promote sustainable/organic farming. Promoting soil quality ensures that the land qualifies as IAL later.

- Climate change impacts, including sea level rise and changes in the water table, need to be considered for future generations. Taking into account sea level rise and the loss of coastal areas, the goal should be to maximize as much IAL as possible.

QUESTION: What would you do to balance the different factors involved in designating IAL? How would you balance the criteria? Are the top 3 criteria equal, or is there a balancing act to prioritize the criteria?

- The goal should be to designate as much land as possible. Make the boundaries as big as possible in case they shrink later.

- The process should identify future opportunities for lands that don't currently qualify for the IAL designation. People would benefit from a mechanism that identifies the limitations of the criteria and describes what might be necessary to add additional acreage to the inventory.

QUESTION: What are your thoughts about the proposed community outreach process? Do you have any advice or ideas for how to talk to a wider range of people? How would you structure the presentation?

- Make sure people are clear about what can be changed as a result of the community input. Ensure that people understand that their comments were received and considered; that the information and comments received through the community outreach process will be synthesized and presented to DPP for decision-making.

- It is inevitable that some groups will be upset that they were not invited to participate in the preliminary discussions to define and operationalize the criteria. Agriculture is a passion for many individuals, and people will bring their personal agendas and will want to discuss peripheral issues. Use storyboards; the presentation is overly long and technical. Be clear about the process and the constraints of the law. Start with the lands included in the study (i.e., state that military lands are not part of the discussion, identify lands not included in the study, and cite State law), explain what is covered by each criterion, be clear about what can be discussed (i.e., focus on mapping), and what's not open for discussion (i.e., not discussing GMO or pesticides).

People will want to know up front which lands are priority (i.e., start with recommendations and back into the supporting rationale). People appreciate knowing the boundaries for discussion.

- Maintain control of the meeting by keeping the discussion on topic. Listening stations are helpful to focus the discussion and encourage comments. The meeting should also include other venues where people can talk with somebody and ask questions, and leave written comments.

- Important that the message received at the community meetings is not filtered or diluted when passed up to the decision-makers.

QUESTION: How do you get balanced meeting attendance? How do we get farmers to show up?

- Farmers put in long hours during the day, and are too busy to attend night meetings. There will be other interests attending the meetings, not the actual farmers. Instead of trying to get farmers to come to meetings, go out to where the farmers are. Offer sessions that piggyback onto Hawai'i Farmers Union and Hawai'i Farm Bureau regular meetings, set up sessions at the farmers markets, and talk face-to-face with farmers. Relying on the internet/website, email and social media to communicate with farmers will not work. Old-fashioned outreach strategies, such as face-to-face communications and asking well-respected farmers to talk to other farmers about attending the meetings, are necessary. Another strategy is to ask the AG extension agents to help spread the word.

- Focus group participants can use their networks to help with meeting announcements.

- Phyllis Shimabukuro-Geyser is the newly-appointed Deputy Director for the Department of Agriculture. She runs an egg farm in Waianae, and is a good resource that should be consulted.

- The colors used on the draft maps should be adjusted. The color schemes are hard to distinguish (i.e., background colors are too similar to the polygon overlays).

- Engage young people in this process. Young people are the future of farming.

- Also engage the non-English speaking population, and be aware of the language barrier and the need for interpreters when noticing meetings and communicating at the actual meetings. The Thai Farmers Association is one of the farmers group to call upon for assistance.

- Multiple meetings in locations convenient to farm communities will make it easier for farmers to participate (e.g., West Side, North Shore).

Peter thanked everyone for attending, asked them to complete a brief questionnaire, and then closed the meeting. Meeting was adjourned at around 6:20.

Attendance Record

Invited Participants: Trisha "Mama T." Gonsalves, Down to Earth, Hawai'i Organic Farmers Assn.
Steve Hoag, Hawai'i Reserves
Bev Kaku, Castle & Cooke Homes Hawai'i
Clifford Migita, Waimānalo Agricultural Association
Antya Miller, North Shore Neighborhood Board
Stephen Rafferty, Trust for Public Land
Nick Reppun, Kako'o 'Ōiwi
Cynthia Rezentes, Nānākuli-Mā'ili Neighborhood Board, Mohala I Ka Wai
Kacey Robello, Hawai'i Farm Bureau
Kevin Vacarello, Sustain Hawai'i, Sweet Home Waimānalo, Pakala Moon Farm

Others: Randy Hara, DPP
Tim Hata, DPP
Kathy Sokugawa, DPP Planning Division Head
Scott Ezer, HHF Planners
Corlyn Orr, HHF Planners
Peter Adler, ACCORD3.0 Network
Bruce Plasch, Plasch Econ Pacific

HHF PLANNERS
places for people

MEETING SUMMARY

Date: February 4, 2015

Time: 4:30-6:30 pm

Location: Pacific Guardian Center
Makai Tower Conference Room

Attendees: see attendance record

Subject: Small Group Discussion #3

HHF Project No. 2014120

Project Name: O'ahu IAL Mapping Project

Recorded by: Corlyn Orr
Reviewed by DPP: February 20, 2015

The third small group discussion for the City's Important Agricultural Lands (IAL) Mapping Project was held on Wednesday, February 4, 2015 at the Pacific Guardian Center, Makai Tower Conference Room (733 Bishop Street). The meeting was scheduled from 4:30 to 6:30 pm. The meeting purpose was to provide an overview of the project and seek feedback from the group. Fourteen invited attendees were present (see attendance record). Meeting materials were emailed in advance of the meeting, including the meeting agenda, project sheet, unofficial copy of Chapter 205 Hawai'i Revised Statutes (HRS), and a link to the IAL Phase I Report. Hard copy of the PowerPoint presentation was passed out at the meeting.

WELCOME, INTRODUCTIONS, AND PROJECT BRIEFING

Peter Adler (meeting facilitator) opened the meeting at roughly 4:35 pm with introductions of the project team. Following individual introductions of meeting attendees, Kathy Sokugawa, DPP Planning Division Chief, presented opening remarks. On behalf of DPP, Kathy thanked everyone for participating, emphasized the City's optimism about protecting agricultural lands through the IAL process, and asked the group to keep the discussion focused on the mapping exercise. Peter reviewed the meeting protocols, and summarized the goals for the meeting: (1) brief attendees on work done to date; (2) gather comments and concerns for DPP consideration; and (3) prepare for the community meetings. As part of the introductions, Peter referenced an article in the November 2014 edition of Hawai'i Business Magazine entitled "Can Hawai'i Feed Itself?"

Scott Ezer then reviewed the legislative history and statutory requirements for the IAL designation, the preliminary criteria maps, and the proposed community outreach process (see attached PowerPoint). After Scott completed the presentation, Peter asked the group if there were any questions for information and/or clarification. Questions and responses are summarized as follows.

- What does the law say about the 50% rule? Is it 50% of all landholdings (i.e., in both State Agricultural and Urban District), or is it 50% of lands strictly within the State Agricultural District?
  - The law exempts a landowner from the county's designation process if more than 50% of all their landholdings (excluding lands in the State Conservation District) has been designated IAL. Kamehameha Schools' petition that is currently pending LUC approval would meet the 50% incentive requirement.

- What if the proposed rail system goes through an agricultural parcel? Does the designation change?
  - It was clarified that the rail route runs through lands in the State Urban District. Since it does not involve lands in the State Agricultural District, this would not apply.

- Does any of the land deemed eligible for IAL consideration qualify to produce certified organic farming? Why is this not a criteria?
  - The focus of the project is to identify high-quality farmland based on the characteristics of the land to ensure that the best land is available and continues to be available for agricultural use. The project is not interested in the type of products growing on the land (i.e., not discriminating against any type of farming activity or favoring one kind of farming over another).

- If the IAL designation is a planning tool, is it possible for this process to consider military lands that may be released in the future?
  - The law is specific that lands under Federal jurisdiction are not eligible for IAL designation under the county process. The law also states that the counties are required to conduct periodic reviews of the IAL maps, should military lands become available in the future they could be considered during subsequent IAL evaluations. In the interim, the City DP/SCPs would provide guidance for military lands returned to the community. There is also a provision in the zoning ordinance that any excess military lands are automatically placed in the P-2 Preservation zoning district once they leave federal ownership. This puts a check on possible redevelopment on the property without consideration by the City Council.

- How do landfills fit into IAL? The lands under PVT and Tropic Lands used to be productive agricultural lands.
  - The characteristics of the land in relation to the criteria are being considered. The mapping is not taking into account property ownership or the current use of the land.

- Although the law prohibits the counties from considering land in the State Urban District for IAL, lands in Kahalu'u that are in the State Urban District are currently being farmed and are zoned for agricultural use by the county. What process is available to designate these lands IAL?
  - The State's land use designation for Kahalu'u dates back to the 1960s when the City's long-range plans for Kahalu'u called for development of a deep-draft harbor, industrial, resort and residential uses. Considering that the City's DPs/SCPs do not consider Kahalu'u as an area for future development, it might be timely to look at the possibility of redesignating this area to the State Agricultural District. However, this is outside the scope of this project.

- Why is land designated for urban use by the county—such as those lands under Ho'opili—not being considered? The City Council passed a resolution (City Resolution 12-23) requiring the IAL mapping process to consider "agriculturally productive lands within the urban growth boundary that are classified as prime agricultural lands, provided that adequate water supply is available."
  - The parameters for this technical mapping exercise are based on the requirements established by the state law. There will be other opportunities to raise this question, including before the City Council.

(After the meeting, the specific reference in Chapter 205, HRS was identified as Section 205-47, and reads as follows:
"***[§205-47] Identification of important agricultural lands; county process.*** *(a) Each county shall identify and map potential important agricultural lands within its jurisdiction based on the standards and criteria in section 205-44 and the intent of this part, except lands that have been designated, through the state land use, zoning, or county planning process, for urban use by the State or county.)*

Peter then asked a series of questions. A summary of the questions and discussion is provided below.

QUESTION: What data and information is missing that needs to be considered in this process? What other information is needed?

- Piggeries and chicken farms are a part of agriculture that also needs protection. Livestock production needs a place in the future.
  - It was clarified that lands used for livestock production were included in the map of current agricultural production (Criterion #1 map). More specifically, the maps do not preclude piggeries and chicken farms.

- Lands at Mālaekahana are proposed for urbanization (Envision Lā'ie). It would be good to know the timing of the City's plans and policies regarding Envision Lā'ie. Bill 47/Ko'olau Loa SCP is pending City Council hearing, the General Plan Update is pending DPP review, and now the IAL mapping project is running concurrently.
  - It was noted that DPP does not control when bills are processed by the City Council.

- What LSB ratings are used in the map of Criterion #3: Productivity Rating Systems?
  - LSB Overall Productivity Ratings range from "A" Very Good to "E" Very Poor/Not Suitable. The A and B ratings were used to map Criterion #3.

QUESTION: Are there any questions or comments looking at this process from the Native Hawaiian perspective?

- The process seems appropriate at this time. May be possible to use the OHA newsletter *Ka Wai Ola* as a vehicle for community outreach.

- Was kalo the only traditional crop mapped? What about other traditional Native Hawaiian crops, such as sweet potato? In addition to traditional crops, consideration should be given to mapping lands known for traditional ways of farming, such as terraces, wetland crops, and gulches.
  - It was clarified that kalo was the only crop mapped based off the availability of data. Other crops were too difficult to map because data was not available.

- Has dryland kalo farming been mapped?
  - No, although mapping different Native Hawaiian crops was discussed by the TAC. With the exception of water-oriented crops such as wetland taro, traditional Hawaiian crops would be found on land with qualities that could support a number of other crop types.

- The TAC's low ranking of Criterion #4 is a reflection of the TAC's composition. This should be taken into consideration when looking at the priority criteria.

- The practice of gathering salt is both a cultural practice and an agricultural practice. Depending on how one chooses to define agriculture, salt can be viewed as a traditional Hawaiian crop.

QUESTION: Imagine the future of O'ahu's agricultural lands. What lands do you "see" two to three generations out? Even if production methods or the form or types of crops grown changes, what is needed for a good agricultural base on this island?

- Ranching provides benefits of land stewardship and fire control, and can make use of rocky, steep land with no water or value for growing crops or housing. In essence, the definition of a rancher is a grass farmer. Ranching fills a void and uses land that is not good for crop farming. There is room in IAL for ranching.

- Designating the land is vital to create a land base for future farmers. Less than 1% of college graduates currently pursue agricultural degrees. There are more people attending college today who are pursuing degrees in agriculture, but the majority of young people still do not want to be farmers.

- Who is providing funding for this project? It's concerning that there's an effort being made to map IAL now, almost 40 years after the initial concept of IAL was introduced.
  - IAL was added to the State Constitution as a result of the 1978 Constitutional Convention. In the early 1980s, the Department of Agriculture undertook the Land Evaluation and Site Assessment system (LESA) in an attempt to inventory IAL, however the LESA system was extremely complicated and was not accepted by the Legislature. This current mapping effort is funded by the City and County. The Legislature passed new laws in 2005/2008 which mandated the counties map IAL, without allocating any funding to the counties. Each county has to find their own funding.

- One approach is to designate as many acres as possible by applying all the criteria to get the maximum amount of land designated IAL. A second approach is more realistic and recognizes that while it may be desirable to designate as much acreage as possible, there are competing uses for the land. Within this context, it makes sense to honor the TAC's recommendations and take a liberal approach to applying the three priority criteria (i.e., Use any one of the three criteria; this seems to be a defensible way to maximize acreage).

- The phenomenon of using prime agricultural land for non-agricultural uses needs to be addressed. Wai'anae is losing prime agricultural land to solar farms because landowners are looking for ways to generate additional revenues. In response, it was noted that solar farms are currently permitted in the State Agricultural District, according to Chapter 205, HRS.

- Developing the county's incentives package is not part of this process at this time.

- Dr. James Brewbaker conducted a study of growing conditions and production yields that showed crops thrive in hot, lowland areas like 'Ewa/Ho'opili. The inventory of IAL should address environmental factors like rainfall, temperature, sunshine and cloud cover that affect growing

conditions. We need to have enough land within the low-lying coastal plains to balance where good crops grow.

- Address climate change considerations, including sea level rise, coastal inundation, higher salinity in the aquifer, changes in the water table, higher temperatures, changes in rainfall patterns, increased drought conditions, etc. Land will become more valuable as coastal areas are inundated.

QUESTION: In taking this conversation out to the community, what advice do you have for constructing the community meetings?

- Night meetings are easier because most people work during the day (e.g., Waiʻanae Neighborhood Board starts at 7 pm). Fridays are bad days for meetings; afternoon meetings are also not convenient for working people. Have OLELO film the community meetings.
- Ask for assistance to notice meetings and spread the word. Use the project website, email lists and Neighborhood Boards to share information.
- Be sensitive and prepared for attacks. Criticism is inevitable.
- Education is key. Give people the tools to understand the project. Storyboards, definitions, examples and case studies are helpful, otherwise people will fall back on their own agenda. Keep meetings simple and use tangible examples; the presentation is too intellectual for a community meeting. Use a questionnaire to keep people engaged during the meeting.
- The TAC criteria mapping is logical and makes sense. However, the community will want to know how much they can weigh in on the criteria. When structuring the meetings, be up front with people about what the intent of the discussion is, what they can have input on, and what is not open for discussion. Frame the questions, and be clear on expectations for the community. Don't go into the meeting with the attitude that decisions are already made. People don't want to participate if they don't feel that their input is meaningful.
- People may want to talk about use considerations for lands designated IAL. The question could be structured around how the land should be used.
- Consider involving other groups in these conversations: small farming huis, Hawaiʻi Island Land Trust, North Shore Land Trust, Hawaiʻi Farmers Union, USDA NRCS, Oʻahu Resource Conservation and Development Council.
- An in-depth news article published before the community meetings would be beneficial to generate interest in the project and educate the public.
- DPP's final report will be a set of recommendations for the City Council. Ideally, the final report will be a record of discussion and will summarize differing opinions and areas of conflict (e.g., state the recommendation, describe the process used to develop the recommendation, and summarize any opposing viewpoints). This may help the community feel like their opinions have been heard, even if it did not affect the outcome of the recommendations.

- Farmers will want to know how IAL will affect them, so it is important to highlight both the positive and negative impacts of IAL for farmers. Be mindful to structure the public campaign to gain supporters for the City Council and LUC processes.
- Considering the two separate requests to widen the scope of this study (to include lands in the State Urban District and military lands), there should be a place in the meeting to make suggestions about other subjects that need to be studied/addressed.
- The fear is that the IAL designation will promote urbanization on the non-IAL lands. Lands not designated IAL should not be deemed fair game for non-agricultural uses.

Before closing, Kathy asked meeting attendees to help keep the program on track and help manage community expectations. DPP cannot afford to delay or extend the process or have meetings hijacked by unrelated agendas. Everyone's help is needed to maintain focus on the mapping exercise.

Peter thanked everyone for attending, asked them to complete a brief questionnaire, and then closed the meeting. Meeting was adjourned at about 6:20.

Attendance Record

Invited Participants: Trevor Atkins, Hālau Kū Māna Charter School
Rick Barboza, Hui Kū Maoli Ola
Pamela Boyar, Hawaiʻi Farmers Union United
Kioni Dudley, Friends of Makakilo
Kent Fonoimoana, Koʻolau Loa Neighborhood Board
Bud Gibson, Rocker G Livestock Company
Jeannin Jeremiah, Office of Hawaiian Affairs
Sidney Keliipuleole, Kamehameha Schools
Amy Leursen, Kahaluʻu Neighborhood Board
Nathan Miranda, Windward Oʻahu Soil and Water Conservation District
Johnnie-Mae Perry, Waiʻanae Coast Neighborhood Board
Ted Radovich, UH-CTAHR Organic Farming, Waimānalo Neighborhood Board
Marti Townsend, Outdoor Circle
Melissa Zemen, Kunia Agricultural Park

Others: Randy Hara, DPP
Kathy Sokugawa, DPP Planning Division Head
Scott Ezer, HHF Planners
Corlyn Orr, HHF Planners
Peter Adler, ACCORD3.0 Network
Bruce Plasch, Plasch Econ Pacific

D

COMMUNITY MEETINGS

HHF PLANNERS
places for people

MEETING SUMMARY

Date: April 8, 2015

Time: 5:30-8:30 PM

Location: Mililani Mauka Middle School Cafeteria

Project Name: O'ahu IAL Mapping Project

Recorded by: Corlyn Orr

Reviewed by DPP: May 7, 2015

Attendees: see attendance record

Subject: Community Meeting

The first of three community meetings for the City's Important Agricultural Lands (IAL) Mapping Project was held on Wednesday, April 8, 2015 at Mililani Mauka Middle School Cafeteria. This was the first meeting in a series of three (the second would be in Kaneohe at Windward Community College on April 15, 2015 and the third in Kapolei on April 29, 2015). The meeting was scheduled from 5:30—8:30 PM, with an open house from 5:30—6 30 and a formal presentation and discussion session from 6:30—8:30. The meeting purpose was to present an overview of the project, answer questions and gather public input.

WELCOME, INTRODUCTIONS, AND PROJECT BRIEFING

Peter Adler, meeting facilitator, called the meeting to order at roughly 6:35 pm. George Atta, Department of Planning and Permitting (DPP) Director, introduced Mayor Kirk Caldwell. Mayor Caldwell provided opening remarks, which included thanking attendees for taking time to attend the meeting and noting his personal commitment to IAL and his hopes that IAL will lead to more locally-grown food.

Following introductions of DPP staff and the planning team, Peter then reviewed the meeting agenda and the goal of the project to identify high-quality farmland for use by future generations. Scott Ezer, principal with HHF Planners, provided a 30-minute briefing that included an overview of the IAL mapping process and a summary of the criteria weighting methodology and the proposed highest-ranked criteria.

OPEN QUESTIONS

The briefing was completed at about 7:15 PM, and was followed by an open question-and-answer session. The following summarizes the main points of the discussion.

- What will happen on properties that are designated IAL? Will these lands be used for farming? Although the intent of the IAL initiative is to encourage farming and to make farming viable, designation cannot guarantee that the land will be farmed. IAL is a State land use designation; it does not affect the permitted uses allowed by the State land use law or County zoning.
- Small landowners may find pursuing IAL designation through the county process to be simpler and less costly than petitioning the Land Use Commission (LUC) as an independent landowner.
- Does the IAL designation prevent re-zoning or prohibit future development? IAL does not protect land to be held in agriculture for perpetuity. It makes land more difficult to urbanize (because more votes are required for the LUC to re-designate/urbanize).
- Why is the Planning Commission not shown in the process to review and approve the IAL maps? The state-mandated process only requires review by the City Council. Planning Commission review is not specified.

- Will the County's zoning regulations be revised to encourage agricultural use of IAL? Will non-agricultural uses that are currently allowed on AG land such as churches and landfills be prohibited from IAL? DPP will be looking at the Land Use Ordinance (LUO) once the inventory of IAL is established. Because the State Agricultural district has been comprised of both high-quality AG lands and marginal lands that were not suitable for either the Urban or Conservation District, the IAL designation will define which areas will be primarily for agriculture. DPP anticipates changes to the land use rules at the State level, and would follow the direction of the LUC.
- What kind of outreach is being done to include small farmers in these discussions? It is extremely difficult to draw farmers into the process. Farmers are not willing to attend public meetings for a number of reasons, including the long hours worked, the language barrier when English is their second language, and that most small farmers do not own their land. In an ideal situation, outreach would include farm visits to engage farmers in the field. Following preparation of the draft IAL maps, DPP will be sending formal notice to landowners whose land is recommended for IAL. More small farmers may become involved in the process once the draft IAL maps are published.
- Will the property value of land with an IAL designation increase or decrease? IAL is a powerful policy statement about which lands should be considered for future development potential. Because the IAL designation does not affect State land use or County zoning or the permitted uses in those land use categories, land values should not change. However, because IAL-designated land will be more difficult to urbanize, these lands may not be as desired or highly-valued by potential developers. The IAL incentives may contribute to the affordability of owning and actively using AG land.
- Most of the land in Kahalu'u has been in the State Urban District since the 1960s when the City's plans called for major development in Kahalu'u. Although the City's policy for the second city was changed in the 1970s when growth was directed to Kapolei/'Ewa, the land in Kahalu'u has not been taken out of the Urban District. Kahalu'u will remain in the Urban District until an effort is made to change it.
- The Department of Agriculture (DOA) and Department of Land and Natural Resources (DLNR) are responsible for designating IAL on State-owned land in the State AG District. The intent of the legislature was to have the State complete IAL mapping by 2010, then the individual counties would use the methodology provided by the State to complete the county mapping initiatives. Without adequate resources and staffing, the State has been unable to meet the mandate.
- What is the process to keep IAL in agricultural use, so that agricultural subdivisions on these lands do not become gentlemen estates? DPP is looking for a better enforcement model that provides for a higher level of scrutiny on IAL. The first step to developing that model is to know which lands need better regulations and enforcement.
- Community members concerned about protecting AG land want to know what kinds of controls will be in place to keep IAL as IAL, and to keep IAL actively used for agriculture.
- The transition from sugar and pineapple plantations to diversified AG has been slow. The potential for a prosperous AG industry is there, but developing the farmers with the entrepreneurial skills to farm independently is taking time. Programs that provide education and training to develop new farmers are in place and are helping to keep the AG industry alive, even though the process has been slow. Additional AG supports will follow once the industry

starts progressing. There is approximately 30,000 acres of usable AG land on O'ahu that is currently not being farmed. For the City, IAL is a necessary step towards ensuring that land is available for future farmers to farm.

- Is the Kunia Loa project included in the City's IAL designation process? Portions of it could be included, depending on how the criteria are used in the preparation of the draft IAL maps.
- Kamehameha Schools has taken a pro-active approach to position their Haleiwa lands to ensure that their lands are used for agriculture, which has included investing in planning and infrastructure improvements to support active agriculture.
- There are different interests wanting to protect agricultural land for aesthetic reasons: the Outdoor Circle promotes clean, green, beautiful spaces; the City protects scenic views; and the Trust for Public Land values open space. Consideration should be given to adding a new criteria that recognizes the aesthetic/open space value of agricultural land. This would be important for the visitor industry, since some agricultural activities can be industrial in nature (i.e., ugly) and not compatible with the visitor industry.

GROUP DISCUSSION

The original meeting agenda planned for small break out groups of between 10-15 people to encourage deeper conversations. Due to the small attendance and the relaxed atmosphere among meeting attendees, the discussion was conducted as one group. Peter facilitated the group discussion, and asked a series of questions. The following summarizes the main points of the discussion.

1. **What are your highest hopes once IALs have been designated?**
   - Land will be used to produce food for our families.
   - Land will be retained for open space value. It will look "nice," not developed. There will be a balance between greenery and housing/urban sprawl.
   - IAL will be an on-ramp for new farmers to get on the land and establish farms.
   - Agriculture will be sustainable and ecologically balanced. IAL will serve as the basis for a sustainable AG industry.
   - AG interests will have a stronger voice in the community.
   - Farmers will be financially successful.
   - Soils will be healthy, lands will be thriving. Organically-based farming—not poison-based or chemically-dependent practices—will be the norm.
   - Hydroponics will use marginal lands and will have adequate water supply.
   - The younger generation will become more involved in farming. (The average age of the current farmer is roughly 60 years old.)
2. **What challenges are uppermost in your mind?**
   - An economic structure that supports the industry needs to be in place.
   - AG lands are being mis-used (e.g. gentlemen farms, non-agricultural uses like churches being allowed on AG land). Measures are needed to ensure that AG lands are used for AG.
   - Definitions for mutually-supportive or potentially-compatible uses are lacking (e.g., sheep on solar farm)

   - Need to address what will happen to marginal AG lands excluded from IAL.
   - Need to address land use compatibility issues. What will happen on land adjacent to IAL parcels?
   - If a property is not included in the draft IAL maps but is adjacent to a property that has been identified for IAL in the draft IAL maps, can that landowner ask DPP to add their property to the inventory of properties being considered for IAL?
   - Developers have always found loopholes to use AG land for non-AG uses. Important that any loopholes in the law are closed law to ensure that the IAL process is not mis-used
   - Politics involved in the designation process is a risk. Decision-making process needs to be structured to withstand political changes.
3. **Looking ahead 3 generations (75 years), what lands will be needed for different kinds of agriculture?**
   - Hope is that a variety of crops will be planted, and that permaculture will be widely practiced.
   - Take a broad, inclusive approach to IAL and expand the acreage as much as possible to include even the marginal lands. Goal is to preserve as much land as possible so that we do not foreclose on any unknown or unrecognized future opportunities.
   - Buffer zones will be needed to address incompatible adjacent uses (e.g. piggeries and small livestock farms located next to residential areas). Such uses can negatively affect agricultural productivity.
   - The possibility of future droughts and water shortages are concerning. Land should be set aside for additional water reservoirs to accommodate possible water shortages.
   - AG lands should be used for food crops. Other uses (such as wind or solar farms) should only be allowed if they are compatible/secondary to food crops. Solar farms are seen as a convenient revenue-generating source for landowners, but should be considered a temporary (20+year) use that does not preclude active AG.
   - Agriculture will need to be economically feasible for landowners and farmers.
   - Accommodate the popularity of rooftop and backyard farming, even if they are not directly related to IAL.
   - Address the cost of providing water. Water costs can make agriculture economically unfeasible.
   - Fearful that AG land not designated as IAL will be urbanized and no longer available for future agricultural use. Is it possible to add additional criteria to include all of the study area as IAL?
   - The City's challenge is to balance the demand to develop land for housing with the need to preserve agricultural land.

DOT RANKING

Each attendee was given three colored ½-inch "dots" when they signed in. Attendees were asked to place the dots next to the individual criteria they felt were the most important for IAL mapping. According to the results of the dot ranking exercise, the top 3 priority criteria were: Criteria 5-- Sufficient Water (13 dots), Criteria 1—Current AG production (8 dots); and Criteria 2—Soil qualities and growing

conditions (7 dots). These results, which are presented as follows, coincide with the 3 highest ranked criteria as recommended by the Technical Advisory Committee.

Dot Ranking Results

CRITERIA	NUMBER OF DOTS
1. Current AG production	8
2. Soil qualities and growing conditions	7
3. Productivity rating systems	1
4. Traditional or unique crops	3
5. Sufficient water	13
6. Consistency with county policies	0
7. Critical land mass	3
8. Proximity to infrastructure	1
9. Agricultural easements	0

ADJOURNMENT

In closing, Peter thanked everyone for attending, reviewed the different ways to participate in the process (i.e., project website and on-line map viewer, project email address to send comments and questions), and asked attendees to complete a short questionnaire. The meeting was adjourned at about 8:10 PM.

WRITTEN COMMENTS

No written comments were received.

ATTENDANCE RECORD

1. Donald Bunnell, Hale'iwa
2. Nicky Davison, Mililani
3. Rebecca Gonzales, Waialua
4. Elson Gushiken, ITC Water Management
5. Darrell Hamamura, Kamehameha Schools
6. Robert Hiromasa, Mililani
7. Bob Leinau, Hale'iwa
8. Makena Mason, West O'ahu Soil and Water Conservation District
9. Wayne Ogasawara, Mililani AG Park LLC
10. Kathleen Pahinui, North Shore Neighborhood Board No. 27
11. Stephen Rafferty, Trust for Public Land
12. Edith Ramiscal, Waialua Farmers' Co-op
13. Cynthia Rezentes, Nānākuli-Mā'ili No. 36 Neighborhood Board
14. Alice Rogers, Mililani
15. Tim Tybuszewski, North Shore Community Land Trust
16. Jensen Uyeda, UH-CTAHR Agricultural Extension
17. Cruz Vina , Pearl City Neighborhood Board No. 21
18. Steve Wendel, IPC

Mayor Kirk Caldwell
Ray Soon, Chief of Staff
Dr. Po Lai Yung, City's Agricultural Liaison
George Atta, DPP Director
Tim Hata, DPP Planner
Curtis Lum, DPP Public Information Officer
Kathy Sokugawa, DPP Planning Division Head
Tara DePonte, HHF Planners
Scott Ezer, HHF Planners
Erin Higa, HHF Planners
Rob James, HHF Planners
Corlyn Orr, HHF Planners
Joe Tamburello, HHF Planners
Peter Adler, ACCORD3.0 Network
Bruce Plasch, Plasch Econ Pacific

HHF PLANNERS
places for people

MEETING SUMMARY

Date: April 15, 2015

Time: 5:30-8:30 PM

Location: Windward Community College
Hale Akoakoa, Rooms 102-105

Project Name: O'ahu IAL Mapping Project

Recorded by: Corlyn Orr
Reviewed by DPP: May 7, 2015

Attendees: see attendance record

Subject: Community Meeting

The second of three community meetings for the City's Important Agricultural Lands (IAL) Mapping Project was held at Windward Community College on April 15, 2015. This was the second meeting in a series of three (the first was held on April 8, 2015 at Mililani Mauka Middle School Cafeteria and the third is scheduled for April 29, 2015 at Kapolei Hale). The meeting was scheduled from 5:30—8:30 PM, with an open house from 5:30—6 30 and a formal presentation and discussion session from 6:30—8:30. The meeting purpose was to present an overview of the project, answer questions and gather public input.

WELCOME, INTRODUCTIONS, AND PROJECT BRIEFING

Peter Adler, meeting facilitator, called the meeting to order sharply at 6:30 PM. Art Challacombe, Department of Planning and Permitting (DPP) Deputy Director welcomed everyone and offered opening remarks, which included thanking attendees for taking time to attend the meeting, his personal affinity for on-going agricultural restoration efforts in He'eia, and a general statement about the importance of IAL. Following introductions of DPP staff and the planning team, Peter then reviewed the meeting agenda and the project goal to identify high-quality farmland for use by future generations. Scott Ezer, principal with HHF Planners, provided a 30-minute briefing that included an overview of the IAL mapping process and a summary of the criteria weighting methodology and the proposed highest-ranked criteria.

OPEN QUESTIONS

The briefing was completed at about 7:15 PM, and was followed by an open question-and-answer session facilitated by Peter. The scheduled agenda called for the second half of the meeting to be allotted to small group discussions (breakout sessions). Due to the volume of people wanting to ask questions, the majority of attendees indicated their preference to forego the small group discussion and instead use the time to continue the question-and-answer session. The following summarizes the main points of the discussion.

- The "51-49 rule" provides landowners who designate more than 50 percent of their landholdings island-wide (excluding lands in the State Conservation District) an exemption from the county IAL-designation process. The rule was intended to be an incentive for landowners to pursue IAL on their own, in advance of the county-designation process. For clarification, a landowner who voluntarily designates more than 50 percent of their landholdings as IAL could theoretically seek to urbanize the remaining 49 percent not designated IAL. The proposed Mālaekahana development is currently outside the City's Urban Growth Boundary, in which case Hawaii Reserves, Inc. (HRI) would have to get approvals for a number of different land use entitlements before being able to develop their lands. The first step would be move the Urban Growth Boundary so the project area is inside the UGB. If the project area remains outside the UGB, the existing agricultural designations would continue and no further land use permits could be

pursued. If the project area is inside the UGB, the next step would be to petition the State Land Use Commission to change the land use designation from Agricultural to Urban, followed by a zone change at the county level.

- The "85/15 rule" is a process in the State law that allows a landowner to urbanize some land that would be included in the same petition submitted to designate lands for IAL. Following the 85/15 rule, a landowner with 100 acres of land could designate 85 acres (85 percent) for IAL, and the remaining 15 acres (15 percent) could be simultaneously reclassified from the State Agricultural District to Urban, provided the land was consistent with the county general plan and the sustainable communities plan (SCP) or development plan (DP) on O'ahu.
- Only land in the State Agricultural District is eligible for IAL. Most of Kahalu'u is being used for agriculture, but has been in the State Urban District since the 1960s when the City's policy called for developing Kahalu'u as the second city. Although the City's policy has changed and Kapolei/'Ewa is now the second city, Kahalu'u remains designated for urban use. Petitioning the LUC is the only way to change the designation.
- There is no process for an individual or community group to petition the LUC for IAL designation on a parcel of land they do not own. The county-initiated process is how the community provides input about which lands they think should be considered for IAL.
- Since the 1977 General Plan, growth has been directed to Kapolei/'Ewa, Central O'ahu, and the Primary Urban Center. Because the General Plan does not include maps that specify where urbanization should occur, the maps and growth boundaries in the sustainable communities plans (SCPs) and development plans (DPs) are being used to define the extent of O'ahu's urbanized areas. This project is consistent with the General Plan and the subsequent plans; land identified in the SCPs/DPs for urban use (i.e., land inside the Urban Growth Boundary) is not being considered in the IAL mapping. The project scope is limited to considering the criteria and standards established by the legislature; any discussion about the growth boundary relative to Mālaekahana is unrelated to this project.
- HRI will be destroying heiau and taking kuleana lands to access the proposed Mālaekahana development. The traditional practices and rights of Native Hawaiians are being threatened and violated. How is the IAL process protecting konohiki and kuleana lands? What is being done to help ensure the rights of Native Hawaiians, including konohiki and kuleana landowners, are protected? The IAL designation is focused on which lands to be secured for future agriculture, and is an additional layer of protection for AG uses. IAL will not take away land from a landowner, change the use of the land, or change a landowner's right to use their land. The state/county land use system treats kuleana lands like all other lands on the island, and these lands are not exempt from state land use classification or county zoning. Kuleana lands would be included in the IAL study area if they are in the State AG District.
- A landowner that identifies 51 percent of his property as IAL and wants to develop the non-IAL portion would still need to go through the permitting process before being able to develop. The 51-49 rule does not automatically give development rights for the non-IAL portion. Any development on the portion not designated IAL would need to be consistent with State and County land use plans, including: (1) approval from the LUC to change the State land use designation from the Agricultural District to the Urban District; (2) consistency with the General Plan; (3) designated for urban use in the County SCPs/DPs; and (4) zone change approval for urban use.

- There are two ways to change the Urban Growth Boundary in the SCPs/DPs: the first is during the City's five-year review process, and the second is for a landowner to submit an individual application. The City Council has the power to change/adopt the General Plan, the SCPs/DPs and zoning changes. Both the Ko'olau Loa SCP and Ko'olau Poko SCP five-year reviews are currently underway. To clarify, Ko'olau Loa SCP Revised Plan passed out of City Council Zoning and Planning Committee, and is waiting full hearing by the City Council (pending the General Plan Update). There are no growth boundaries in the General Plan, only growth policies. The growth boundaries are established in the SCPs/DPs.
- DPP is in the process of updating the General Plan. There is no growth policy under consideration in the General Plan Update that would create a loop hole for affordable housing. However, there is a standing state law that allows affordable housing projects approved by City Council to bypass the SCPs/DPs and zoning reviews in the name of affordable housing.
- DPP is aware of the landowner in Mālaekahana that is bulldozing wetlands. DPP has met with the U.S. Army Corps of Engineers to address the situation. The landowner was cited and told to remediate and restore the wetland, pending the threat of fines. This is a violation of Federal law.
- The reference to "75 years" in our discussion about the land agriculture will need in the future is for discussion purposes only. Although the standard is to plan and care for the land thinking about seven generations out, the 75-year horizon is being used because it is easier to visualize the future in the context of three generations.
- This is the only meeting scheduled for Windward O'ahu. It was suggested that Ko'olau Loa and Ko'olau Poko have separate meetings; there should be another meeting held just for Ko'olau Loa.
- The selection of TAC members seems to be biased towards individuals who require high soil quality, which may have influenced the outcome of the highest ranked criteria (e.g., soil quality was selected by the TAC as one of the important criteria). Soil quality is immaterial for hydroponics/aquaponics and aquaculture. These industries require a different set of criteria than traditional agriculture. For example, solar radiation is one of the important criteria for hydroponics, but the areas being considered by this process are in the less sunny areas of the island. Likewise, brackish water and sea water, which are useful for aquaculture, are not addressed by the criteria and have not been mapped.
- The TAC members were selected in consultation with DPP and the City's AG liaison. Criteria were not pre-determined, other than involvement in the AG industry, being a farmer or a landowner of AG land. Several of the organizations represented on the TAC were specified in the state law.
- Land designated for urban use by the State or County—such as the Ho'opili project which is within the City's UGB—cannot be considered for IAL. This is clearly stated in the state law. Although the City Council passed Resolution 12-23 to include agriculturally productive lands within urban growth boundaries, considering Ho'opili for IAL would be in violation of state law.
- Conscious effort was made to include representatives of different types of farming activities on both the TAC and focus groups. The TAC included both small and large farmers, taro farmers, nurseries, ranchers and landowners. Organic farmers were included in the focus group meetings.
- The process to incorporate lands designated as IAL and the other, non-designated agricultural lands into the General Plan and SCPs/DPs will follow after the county's IAL identification process is completed. The IAL inventory needs to be approved before DPP can consider revisions to the City's plans (i.e., the General Plan, SCPs/DPs) and policies (i.e., zoning. permit regulations). DPP

originally wanted to include the IAL designation process in the SCP/DP five-year reviews. Funding constraints, the level of detail required to apply the IAL standards and criteria, and a lack of community interest led to IAL being implemented separately from the SCP/DP revisions. DPP is not fast-tracking the IAL process to accommodate the SCP/DP revision schedules.

- There are a number of systemic flaws with the process: (1) the selection of individuals and organizations involved in discussions about the criteria (different organizations would have chosen different information to come with different outcomes); (2) kuleana lands and Native Hawaiian issues are not addressed; and (3) DPP is taking a disjointed approach to revising the General Plan, SCPs/DPs and IAL. There is no integration in the planning, and the community is unsure about how to give input into the different processes and also unsure about how decision-makers are using the community's input.
- During the time that passed between the 1978 Constitutional Convention and this current effort, a lot of the valuable agricultural lands on O'ahu has been developed. In excluding Ho'opili from consideration, DPP is cherry-picking and operating just to move the process along. There is no recognition in the process about what is needed for the community to be sustainable or the importance of agricultural productivity. DPP should be more pro-active in its recommendation to the City Council, and acknowledge the value of Ho'opili (e.g., lands are actively farmed, has good soil and solar conditions).
- The county is mandated with two responsibilities for IAL: mapping and developing incentives for farming. DPP will start on the incentives when resources are made available for such an effort.
- Planning for agriculture in Punalu'u with Kamehamaha Schools was done with a number of different agencies and interests, including USGS, USACE, Board of Water Supply and Native Hawaiian farmers. The health of the underlying aquifer and the effects of chemicals and pesticides on the health of the land were primary objectives for the plan. Recommendations included opening up 'auwai, protecting the aquifer, and protecting submerged lands. Native Hawaiian traditions and practices, water quality and protection for submerged lands should be considered in the process to identify IAL. Cultural practitioners, as well as kuleana and konohiki landowners, should also be consulted and included in the IAL process.
- There are no AG-1 and AG-2 zoning designations that come out of this process. This project will not change zoning or allow for development; all this project will do is specify which lands should be set aside for agriculture and protected from urban development. Not being designated IAL does not mean that the land will be developed.
- Issue is that all AG land is important.
- If IAL does not get identified, the status quo will continue, and there will be no resolution for management of the State AG district. Without IAL, there will be no differentiating between good and poor AG land in the State AG district, and all lands will continue to be treated the same. In addition, there will be no state or county incentives for farming.
- The social expectation is that IALs will be used for food crops, not energy-producing crops (e.g., wind farms, solar farms). However, the law is silent on what kind of crops are grown and the type of agriculture the land is used for. While the intent of IAL is farming, there are no regulatory mechanisms to require that the land is used for food crops. This process is limited to specifying which lands need to be set aside. Changes to the state land use law and county zoning ordinance would be necessary to differentiate between energy-generating crops and non-food consumption AG.

- This process is flawed, and needs better integration with the county's other plans. More time is needed to develop a plan that can be supported by the community.
- The IAL designation provides an additional layer of protection for AG land because a super majority vote of the LUC is required to take IALs out of the State AG Land Use District.
- The effort to restore loʻi in Heʻeia is expanding agriculture from mauka to makai, and is utilizing the estuary. A new criteria should be added to recognize the estuary, if used to support agriculture. (Note: taro production is one of the criteria).
- A private landowner who does not want their property to be designated as IAL by the City's process would have to present their case to DPP and/or the City Council.
- The questions from the breakout sessions will be posted on the project website. Meeting attendees were encouraged to review the website and submit written comments via the project email address.

DOT RANKING

Each attendee was given three colored ½-inch "dots" when they signed in. Attendees were asked to place the dots next to the individual criteria they felt were the most important for IAL mapping. According to the results of the dot ranking exercise, two criteria that were written in by meeting attendees received more than half of all the dots:

- Hawaiian—Kuleana lands. All land important AG land (26 dots)
- All lands are important (13 dots)

Of the nine criteria that were reviewed by the project's technical advisory committee (TAC), the 3 criteria that received the most dots were: Criteria 1—Current AG production (15 dots); Criteria 5-- Sufficient Water (6 dots); and Criteria 2—Soil qualities and growing conditions (5 dots). These results, which are presented as follows, coincide with the 3 highest ranked criteria as recommended by the TAC.

Dot Ranking Results

CRITERIA	DOTS
1. Current AG production	15
2. Soil qualities and growing conditions	5
3. Productivity rating systems	2
4. Traditional or unique crops	1
5. Sufficient water	6
6. Consistency with county policies	1
7. Critical land mass	0
8. Proximity to infrastructure	0
9. Agricultural easements	0
10. Hawaiian—Kuleana lands. All land important AG land	26
11. All AG lands are important	13

ADJOURNMENT

In closing, Peter thanked everyone for attending, reviewed the different ways to participate in the process (i.e., project website and on-line map viewer, project email address to send comments and questions), and asked attendees to complete a short questionnaire. The meeting was adjourned at 8:30 PM.

WRITTEN COMMENTS

Written comments that were submitted during the meeting are documented below.

1. The City process ignores the laws established in 1978, 2005 and 2008. The slow process ignores AG land and production. Address the accuracies of timeline and criteria. IAL must take into account the historic process and uses.
2. The information is too ambiguous and extensive to appeal to the average person. The impact to this process eliminates average individuals to understand the impact social, cultural, political, economic. This process appears to be fair and informative, which it is not.
3. Land that meets any of the top criteria should be included. Access to infrastructure should be mapped/qualified somehow; lands without any could, while important, be far less likely to be brought into production. Some clearer discussion and diagrams of the planning layers across the state and what this discussion is about could help bound the range of discussion and keep things on track and in focus.
4. Hawaiian kuleana lands. All AG land is important. Coast=limu=Hawaiian icebox.
5. All AG lands are important. We all need more food as this island gets more populated, not less. We are boxing ourselves through "semantic interpretation" of "important" AG lands. We have problems with the list of technical group, especially LURF and lots of agriculture groups.
6. What is the real purpose and intent of IAL? Who benefits? State, corporations, US mainland developers—all except the citizens or general population. Why should landowners, farmers, kuleana landowners adopt IAL? How do they benefit long-term? Why this designation and who made up these laws? What and how do they benefit?
7. While I understand the law discludes all lands within the urban use boundary, I HIGHLY recommend that in the reports it be noted that lands within the urban use boundary should be eligible for consideration. For one, promoting agriculture within the urban area is important because it places the products in immediate proximity to consumers; this aids farmers by reducing transportation costs in the face of rising energy costs. Furthermore, AG within the urban area creates a feasibility for part-time farmers to exist, as they can live and work close together. From a farm-labor standpoint, this would hopefully foster an environment where more people can be involved in the production of their food, whether they are full-time, part-time or volunteers.

Attendance Record

1. Andrea Anixt, Ka'a'awa
2. Joseph Blanco, Honolulu
3. Jean Carroll, Kailua
4. Carleton Ching, Castle & Cooke
5. K.C. Connors, Ko'olau Loa
6. Robert Kealoha Domingo, Ka'a'awa Community Association
7. Ruby Edwards, Office of Planning
8. Kent Fonoimoana, Kahuku
9. Ken Furukawa, Hau'ula
10. Burt Greene, Hau'ula Community Association
11. Nama Hara, Kāne'ohe
12. Hunter Heaivilin, APCRD
13. Didi Herron, Kahuku
14. Suzi Horan, Kāne'ohe
15. Choon James, Lā'ie
16. Rocky Kaluhiwa, Ko'olaupoko Hawaiian Civic Club
17. Jerry Kaluhiwa, Kako'o Oiwi, Ko'olaupoko Hawaiian Civic Club
18. Sydney Keliipuleole, Kamehameha Schools
19. Dotty Kelly-Paddock, Hau'ula
20. Donna Kohls, Kāne'ohe
21. Crystal Kua, SunEdison
22. Ron Kubo, Kāne'ohe
23. Russell Lake, Kāne'ohe
24. C.N. Lee, UH-CTAHR
25. Diane Ley, USDA Farm Service Agency
26. Jenn Linton
27. Pauline MacNeil, Kailua
28. Ieti Maushau, Lā'ie
29. Fred Mencher, Mokulē'ia
30. Clifford Migita, Waimānalo
31. John Morgan, Kualoa Ranch
32. David Mulinix, Wai'anae Coast Comprehensive Health Center
33. Joshua Noga, Hau'ula
34. Liz Nelson, Kāne'ohe
35. Yvonne Nelson, Kāne'ohe
36. Flora Obayashi, Kahalu'u
37. Paula Ogami, Kāne'ohe
38. Christian Palmer, Windward Community College
39. Sherry Pollack
40. Bill Quinlan, Hale'iwa
41. Stephen Rafferty, Trust for Public Land
42. Nick Reppun, Kako'o Oiwi
43. Brew Rudd, Hau'ula
44. Dan Taram, Friends of Mālaekahana

45. Siosifa Tiueti, TriFormYard Service
46. Dawn Wassson, Lā'ie
47. Harry Wasson, Lā'ie
48. Joe Wilson, Hale'iwa
49. Donna Wong, Hawai'i's Thousand Friends
50. Jane Yamashiro, Honolulu

Art Challacombe, DPP Deputy Director
Tim Hata, DPP
Kathy Sokugawa, DPP Planning Division Head
Tina Bushnell, HHF Planners
Tara DePonte, HHF Planners
Scott Ezer, HHF Planners
Rob James, HHF Planners
Corlyn Orr, HHF Planners
Joe Tamburello, HHF Planners
Peter Adler, ACCORD3.0 Network
Kem Lowry, ACCORD3.0 Network
Bruce Plasch, Plasch Econ Pacific

HHF PLANNERS
places for people

MEETING SUMMARY

Date: April 29, 2015

Time: 5:30-8:30 PM

Project Name: O'ahu IAL Mapping Project

Location: Kapolei Hale Conference Rooms A-C

Recorded by: Corlyn Orr
Reviewed by DPP: May 29, 2015

Attendees: see attendance record

Subject: Community Meeting

The third community meeting for the City's Important Agricultural Lands (IAL) Mapping Project was held at Kapolei Hale on April 29, 2015. This was the third and final meeting in a series of three (the first meeting was held on April 8th at Mililani Mauka Middle School Cafeteria; the second was held on April 15th at Windward Community College). The meeting purpose was to present an overview of the project, answer questions and gather public input.

Like the other two meetings, the Kapolei meeting was scheduled from 5:30—8:30 PM, with an open house from 5:30—6 30 and a formal presentation and discussion session from 6:30—8:30. Before the start of the meeting, a group organized outside Kapolei Hale on Ulu'ohia Street to demonstrate their opposition to the Ho'opili development proposal and the resulting loss of agricultural land. Since a number of individuals had received inaccurate information that Ho'opili would be on the meeting agenda, members of the planning team began explaining during informal conversations before and during the open house session that Ho'opili was not included in the study area because it was outside the State Agricultural District and that the meeting to discuss Ho'opili would be before the City Council Planning and Zoning Committee the following morning.

WELCOME, INTRODUCTIONS, AND OPEN COMMENTS

Peter Adler, meeting facilitator, called the meeting to order sharply at 6:30 PM. He asked the group to indicate by a show of hands who came to talk only about the Ho'opili proposal and who came to talk about all of O'ahu's agricultural lands. Of the 40 people in attendance at the time the question was asked, the majority of attendees indicated they were there because of Ho'opili.

George Atta, Department of Planning and Permitting (DPP) Director, then welcomed everyone and offered opening remarks, which included thanking attendees for taking time to attend the meeting, stating his personal commitment to completing the IAL mapping, and noting the importance of the IAL designation to the overall structure of land use policy and agriculture on O'ahu.

Following introductions of DPP staff and the planning team, Peter reviewed the house rules and opened the floor for comments about Ho'opili. Roughly 30 minutes were allotted for comments, in place of the formal presentation that was originally scheduled for the first part of the meeting. The following summarizes the main points of the speakers' comments. Although summarized, the record reflects as accurately as possible the comments expressed during the meeting.

- DPP's argument that this process cannot include lands designated for urban use (such as the Ho'opili project area) is incorrect. Ho'opili is the best AG land in the state (e.g., has the most sunshine, good growing conditions) and should be designated IAL. Resolution 12-23, passed by the City Council in 2012, directs DPP to consider lands within the urban growth boundary (UGB) that are classified as prime agricultural lands for IAL designation, provided that water is available. This policy established by the City Council overrides the State law.

- The red ilima, which was once considered to be extinct, came back to life on the land being planned for Ho'opili. Protecting the Ho'opili project area from urban development preserves land for native species and wildlife, which runs far deeper than preserving agricultural land. The draft criteria maps do not take into account providing potential habitat for endangered species.
- Anywhere there is land available to grow food needs to be used to grow food because the island needs to be sustainable. The pre-fab sprawl needs to be stopped because every town looks the same. Development needs to get creative, and include art.
- Kanahili Cultural Hui is organized to research the history and culture of 'Ewa, and has written testimony in opposition to Ho'opili. Based on personal research with attorneys and state employees, the IAL process violates the State Constitution. The county's interest in completing the IAL mapping is to "check the box" so rail construction and the Ho'opili project can be expedited. The county should follow the process in the law: map the Ho'opili project area as IAL, and then have the developer petition the LUC to remove the IAL designation. Laura Thielen, the City's former AG liaison, said mapping would be easy since both ALISH and LSB maps show the Ho'opili project area as prime agricultural lands. The county's actions are unconstitutional, and need to be stopped in court like Sierra Club challenged the Koa Ridge project. IAL is a political process, not a scientific legal process like it is being presented.
- Besides the State Constitution and county's resolution, the process should recognize the right thing to do based on soil conditions, food security, health. There is a nation of people who are still here and have never been conquered. Listen to those people before you decide what to do.
- We talk about land being sacred. The aina feeds us. There was a time when food didn't have to be brought in from somewhere else. The more houses built, the less land there is for food.
- My goal for my life is to feed everyone. How am I supposed to do that when I can't even feed the people on the beaches or my family? We need this land.
- It seems that Ho'opili has been purposefully taken out of the inventory. DPP's job is to map IAL so the City Council has information to make good decisions. DPP needs to tell the City Council that Ho'opili land is good AG land. If the City Council knew that the land was good quality AG land, they may decide against developing Ho'opili.

  RESPONSE: DPP has told the City Council that Ho'opili occupies good AG land. The quality of the land is not in question. There are other reasons for supporting Ho'opili.
- Thank you for taking action. People have come to this meeting because the process has taken too long. Designating IAL was added to the Constitution in the 1970s because development was rampant, and the Hawaiian voice came forward to preserve what was there. Waikīkī was built on AG land; Kapahulu and Waikīkī were lo'i before. IAL was supposed to be designated before anything was zoned for urban use. We wouldn't have this conflict now if urban development was planned around IAL.

  DPP has to take care of this issue and complete the mapping before moving forward with new development like Ho'opili. If DPP acknowledges that Ho'opili should be mapped IAL and follows through with the constitutional mandate, everyone could move forward and support this project.
- The bottom line is to stop development and feed the people. My people have been here a long time; we need what we grow and we have to take care of our people. If we keep building, there won't be land for growing, we won't have food, we will die. Too much planning doesn't make sense. Grow food, not houses. Grow houses in Waikīkī or grow upward. We want to stay here for the rest of our life, my children after me want to be here.

- Everything we say is falling on deaf ears. Decisions have already been made about Ho'opili. Our political leaders are putting profits ahead of the people they represent. Our political system is no longer the will of the people, but the will of the corporation where the bottom line is everything and people don't matter. The land under Ho'opili is sacred because this is the only land that turns four crops a year. Greedy corporations are going to destroy land that took thousands of years to create and give our kids a future that we don't want. We import too much of our food. Tell the powers to stop, back up, rethink, and give us back our land.
- The land they are considering paving over for housing is a gift of nature. We can't get prime agricultural land back once homes are built. A UH professor who specializes in soil quality said that the Ho'opili land is the best in the nation. Corporations will pay top dollar for the land because it has good sunshine, good quality water, and can grow four crops a year, unlike the mainland. Our politicians are going to throw it away for housing that local people cannot afford. O'ahu already has the worst traffic in the county; new houses will just make the traffic worse.
- We're importing food, and importing people and building houses to import those people. The problem is that the people being imported are not supporting local people. Redesignating this land for Ho'opili and paving it over only adds to our existing problems. We're not trying to add to the problem, we're trying to solve the problem. Who is going to listen to our opinions? It's up to us to inform other people and find a representative who is willing to listen and support us.
- By a show of hands, there are about 20 farmers in attendance.
- The majority of society's health problems stems from people's connection with food. My work at an organic farm is to affect change and help people live healthier, longer lives. Everyone needs to get their hands in the dirt and feel the land, which can't happen without land.
- The hypocrisy is that the project purpose is to identify high-quality farm land, yet prime agricultural land in central O'ahu is being left out. DPP will report that the process included community consultations, but the recommendations will not reflect people's opinion. Ho'opili would be included and mapped as IAL if the people's opinion mattered. City Council members need to hear the people's opinion to change Ho'opili.
- This former councilmember would be a direct witness in a lawsuit. The City Council adopted Resolution 12-23 by a unanimous vote based on agreement from DPP's then-director to map the land and agreement from Laura Thielen, the City's AG liaison at the time, that mapping could be done within one year. In 2011, the DPP director also indicated that the O'ahu General Plan would be completed within a year. Video recordings confirm these statements. The difference between the previous and current administrations is problematic.

PROJECT BRIEFING AND OPEN QUESTIONS

Peter summarized the project goals: to develop an island-wide inventory of agricultural resources to be preserved for future agriculture and to develop criteria to be used in the mapping process. Peter also reviewed the meeting agenda for the remainder of the meeting, which included a project briefing followed by a question-and-answer session. Meeting attendees were encouraged to stay and learn about the project and participate in the discussion about the island-wide inventory and the criteria.

At 7:20 PM, Scott Ezer, principal with HHF Planners, conducted the briefing. The presentation included an overview of the IAL mapping process, a summary of the criteria weighting methodology and a review of the highest-ranked criteria. The briefing was completed at about 7:45 PM, and was followed by a question-and-answer session facilitated by Peter. The following summarizes the main points of the discussion, and reflects as accurately as possible the speakers' comments as stated during the meeting.

- Ho'opili is part of Honouliuli, which has historically produced food and was one of the biggest lo'i on this side of the island. Historically, Kualoa and Honouliuli were the two places on O'ahu that were sought after and fought over because they were important areas for food production. If the purpose is to identify high-quality farm land like Ho'opili, it should logically be mapped. From an islandwide perspective, Ho'opili is the only land in danger of development and should be first to be mapped IAL. Other agricultural lands on O'ahu are not endangered. Why avoid it?

  RESPONSE: The process to map IAL is driven by a legal mandate that does not allow for mapping lands already designated for urban use. Unfortunately, decision making about Ho'opili is beyond the scope of this project. The final report can only document the community's sentiments about where the high-quality farm land is located.

- This project has been done well. DPP has been thorough; all the pieces make sense. If everyone agrees that Ho'opili is high-quality farmland, why isn't anyone willing to stand up and map it?

  RESPONSE: This is due to a basic difference in how people are interpreting the law. For DPP, the law says that land designated for urban use cannot be mapped. Legal policies at both the state and county level which already designate the land for urban use (i.e., State Land Use Districts and county Development Plans/Sustainable Communities Plans) need to be changed for this area to be included.

- Who is responsible for the decision to urbanize Ho'opili? Who does this group need to see to stop Ho'opili and have it included in the IAL mapping?

  RESPONSE: The City's policies for how development has occurred on O'ahu date back to 1977 when the City Council adopted the General Plan (GP). In the 1960s, the GP identified Kahalu'u as the area to be urbanized first. In 1977, the City Council approved the policy to direct growth to 'Ewa and Central O'ahu. By the early 1980s, the first development plans were adopted, with Kapolei, 'Ewa and Central O'ahu identified for future urban use. The City Council continues to follow these policies when deciding what areas should be urbanized and granted zone changes. To be able to include Ho'opili in the IAL mapping process, approvals from both the State Land Use Commission and City Council to change the land use classification/zoning would be necessary.

- What is the basis for the urban growth boundary (UGB)?

  RESPONSE: The UGB is established by the 'Ewa Development Plan, which was adopted in 1997. Changing the UGB requires community action to push for City Council approval.

- The Development Plans are supposed to be updated every five years. The 'Ewa Development Plan should have been reviewed every five years, and the UGB should have been moved to adjust for conditions at the time. How does excluding Ho'opili meet the stated project objective to "frame the long-term vision of high quality farmland that will be protected from future development and used for productive agriculture?"

  RESPONSE: The eligibility requirements for IAL do not allow for including Ho'opili in this process. The stated project objective takes a broader, islandwide perspective and applies to areas that meet the eligibility requirements (i.e., within the State Agricultural District).

- All AG land should be looked at as part of the broader picture. Ho'opili is part of the larger broader picture. The City is trying to divert the public's attention away from the big picture by not addressing Ho'opili. We import most of our food, and what is grown is primarily for export (e.g., mac nuts and coffee). We should be tearing down developments to add more AG land.

- People making decisions about whether these lands are worth giving up don't have farming experience. How are the decision makers qualified to make good decisions?
- We implore you—the City's consultant—to recommend that this process include Hoʻopili. This would avoid a future lawsuit and save the City a lot of money, as well as be extremely effective to raise food and help fulfill the stated project objective.

Peter then asked the group to respond to a question: What is the additional data or information that needs to come forward because the City finalizes its plan?

- When Aloun Farms relocated to 'Ewa, they had to experiment with different crops to find out which crops grew well and which didn't. Different plants need different conditions to grow well. Solar radiation (weather) and weather's effect on the types of crops that can be grown should be added as a criteria. As drafted, the current set of criteria maps do not take into account the growing conditions that are currently found among the warm, sunny areas with low-lying farmland along the 'ewa plain. Growing conditions in Waimānalo, North Shore and the central slopes are different from 'Ewa. This is the only hot weather area to grow crops.
- The inference of designating certain land as IAL is that the other lands are not important and are vulnerable to future development.
- One of my childhood memories is of my father taking us to the cane fields and visiting the gardens cared for by the plantation workers. It was the best-tasting fruits and vegetables. Farmers should be farming that land because its good land.
- How can the City Council, the mayor and agricultural liaison be wrong about the legality of mapping IAL within the UGB? Is there a legal opinion that determined mapping IAL inside the UGB is unconstitutional? How can you assert it's against the law without a judicial order?
- There are other items that need to be included: cultural significance, spiritual value, and historical use of land (prior to its 20th century use for AG). The impact of this report on the future also needs to be considered because if this report does not look at Hoʻopili, it does not matter. Make this project worth the time.
- What is the definition of "productive agriculture?" What types of crops are included? Does it include seed crops that are exported and grown using farming methods that pollute the water supply and soil? Does it address self-sufficiency and sustainable agriculture? National chemical corporations sat on the technical advisory committee, and are guiding this process.

  RESPONSE: This process is looking at the physical conditions of the land and the qualifications of the land when the criteria are applied, not the types of crops being grown on the land. The goal for the IAL designation is to ensure that land is available for farming so farmers have land to farm. The law is not meant to control how the land is used or what farmers choose to grow.
- Land currently in production is one of the draft criteria. There are lands that are being held/banked (not currently in agriculture) that should be in production and used for diversified crops; these lands also need to be included in the mapping.

  RESPONSE: We are asking for input on how the criteria should be applied. There are two approaches: apply the criteria strictly (e.g., land has to meet all of the priority criteria to be IAL) or take a broad approach with the criteria to designate as much land as possible.
- Who were the farmers on the technical advisory committee? Where are their farms? What is their relation to the areas being recommended for IAL designation?

  RESPONSE: The "farmer" category included producers who used the land to grow. Small and large farmers were involved, including seed corn producers. It was not possible to have every farmer on the committee. (Note: The advisory committee roster is presented in the April 2014 Phase I Report posted on the project website).
- GMO fields are not agriculture. They are food-like substances that use registered pesticides. Soil contamination (resulting from pesticide use) should be added as a criteria. The goal should be locally-grown food. If farmers who served on the advisory committee use pesticides, their perspective is very narrow and different from what we want. We support a different form of agriculture: a future with healthy people and healthy land, organic food, no spraying. We want agriculture to grow food on live soil using water from healthy watersheds. Information about organic farming and the systemic changes needed to promote organic farming is missing from the study. Korea is a model for organic farming. The current approach is not holistic.
- The meeting coordinators are contracted by the City for a specific job. They have no authority to include Hoʻopili and other urban lands in the mapping. The City Council has decision-making power to move the UGB and map Hoʻopili as IAL. Meeting attendees need to organize and carry the momentum forward to the City Council. An upsurge of people can make a difference.
- By a show of hands, none of the meeting attendees support the mapping process as proposed. About three-fourths would support the process if Hoʻopili were eligible for mapping as IAL.
- All properties zoned AG-1 should be designated IAL so land cannot be rezoned for churches or other non-farm activities. (County zoning is not currently a criteria.)
- All land in the State AG District should be included as IAL. Developers should be required to prove the land is not important instead of designating certain lands as important at the front end. All agricultural land should be included, regardless of the location of the UGB.
- This process is flawed because it clearly excludes some good AG land. Regardless of the flaws, delaying the entire process because of a single parcel is harmful for the future of the remaining AG land across the island. In weighing the consequences, it would be more productive to focus on enriching the process and expanding the inventory to include as much good, productive land as possible (i.e., focus the fight on things that can be controlled; do not throw this process out and end up with nothing protected). The best thing to do is to go to the source—the City Council or the legislature—to change the process. AG land in Waiʻanae is being threatened. There are less farms in Waiʻanae, and what remains needs to be protected from future urbanization.

DOT RANKING

Each attendee was given three colored ½-inch "dots" when they signed in. Attendees were asked to place the dots next to the individual criteria they felt were the most important for IAL mapping. According to the results of the dot ranking exercise, the one criteria that was written in by meeting attendees received almost 95% of the dots: Regenerative agriculture/organic (47 dots). The only other criteria that received dots was: Criteria 1—Current AG production (3 dots). The results of the dot voting are presented in the following table.

Dot Ranking Results

	CRITERIA	DOTS
1.	Current AG production	3
2.	Soil qualities and growing conditions	0
3.	Productivity rating systems	0
4.	Traditional or unique crops	0
5.	Sufficient water	0
6.	Consistency with county policies	0
7.	Critical land mass	0
8.	Proximity to infrastructure	0
9.	Agricultural easements	0
10.	Regenerative agriculture (organic)	47

COMMENT STATION

Meeting attendees were encouraged to write their written comments on post-it notes and place them on a display board. Written comments are documented as follows.

- Buy local
- Less people, more food
- Import less
- Keep AG land AG land
- Keep the AG land in AG. DUH!
- Eat fresh local
- By giving them a chance to bring back the ahupua'a system in this present day!
- Grow food not houses
- Visit yo' farmers
- Befriend a farmer
- Politicians, stop taking bribes!
- Shop at farmer's markets
- Don't shop for can food!
- Be intentional with what you eat. Food = Medicine
- Grow
- Go to Kahumana's Farm Festival May 16th
- Help farmers, especially small farms to gain certification as organic (expensive)
- Help small farms to acquire food insurance in order to sell food to food markets (Foodland, Whole Foods)
- Eat smart. Whole organic food is the best medicine.

ADJOURNMENT

In closing, Peter thanked everyone for attending, reviewed the different ways to participate in the process (i.e., project website and on-line map viewer, project email address to send comments and questions, comment sheet, and meeting questionnaire). The meeting was adjourned at roughly 8:35 PM.

WRITTEN COMMENTS (Questionnaire)

Written comments that were submitted via the questionnaire during the meeting are documented as follows.

1. The island is one of the most densely populated places on the planet. If the government is "for the people" it would be an obvious decision to keep what little agriculture land that is left AGRICULTURAL. This bill is about money and development. This state should be about its people and its aina. Make the right decision.

   IAL has been represented as a turmoil of indecision and lack of knowledge. The overabundant amount of plants that can grow in limitless varieties of climates cannot be deemed important or not. All plants are more important than urban development. High quality farmers can grow something in any situation, climate or location.

2. The State Condition Article II.3 details what are IALs = soils of A and B. This is exactly the soils out at Honouliuli which is in grave danger of being paved over by the project Ho'opili. This is a tragedy.

   All AG land is IAL.

   The particular land at Honouliuli is highest productivity category and should be protected both by the state Land Use Commission and the City and County of Honolulu.

   Include Ho'opili in this map. City and County already told you to include it.

3. Mahalo for this meeting. Thank you for opening up for community mana'o and thank you for explaining this process.

4. I am writing as a citizen, kama'aina, mother, human. I am very saddened to know, that understand that the decision to build on our AG land has already been predetermined, even before we began this meeting. I have 2 children and we have visited Aloun farms, which is where Ho'opili housing is supposed to be built. We have visited this place even before my children were born, years before. Yes, I am saddened because we will no longer be able to visit this farm when Ho'opili is just housing. It seems to me that our county no longer cares about its people. What are businesses going to do when we can no longer support ourselves here on O'ahu when there is no longer agricultural land? How will my children survive? That is my question to you. How will my children survive? My grandchildren, your grandchildren. How will you sleep at night when this happens? The government will not support us. Please give us our AG lands back. I am sick of just sitting and listening. That's why I am here. I am here to make a difference as should everyone. Please reconsider using our precious AG land in 'Ewa. You will be destroying 40% of our agricultural land. Some of the best in the world, and you know it. Please reconsider building on this land and give it back to the farmers, my children, family descendants, and friends. Thank you.

Attendance Record

1. Kalani (Kahumana Farm) Wai'anae
2. Claire Baldry (Kahumana Farm) Wai'anae
3. Pat Beekman, 'Aiea
4. Charles Begeal, Wai'anae
5. Tom Berg, 'Ewa Beach
6. John Bond, Kapolei
7. Donald Bunnell, Hale'iwa
8. Victoria Cannon, Makakilo
9. Miles Dawson (Kahumana Farm) Wai'anae
10. Anthony Deluze, Ho'ola Hou ia Kalauoa
11. Michael Dennison (Kahumana Farm) Wai'anae
12. Dr. Kioni Dudley, Kapolei
13. Ruby Edwards, State Office of Planning
14. Al Frenzel, Makaha
15. Danny Fulford (Kahumana Farm) Wai'anae
16. Kelii Gannet (Kahumana Farm) Wai'anae
17. Matt Gerkin, Hale'iwa
18. Kaipo Gora (Pae 'Āina Landscaping) Hale'iwa
19. Gina Hara, Kāne'ohe
20. Sanoe Iaca, Wai'anae
21. Jeanne Ishikawa, Wahiawā Neighborhood Board No. 26
22. Chanel Kaleikini (Kahumana Farm) Wai'anae
23. Sam Kapoi, Wai'anae
24. Talyor Kellernan, Kunia
25. W. Ken Koike, Wai'anae
26. Kristalena Lamore (Kahumana Farm) Wai'anae
27. Noe Lopes, Wai'anae
28. David Lopes, Wai'anae
29. John Henry Martin, Wai'anae
30. Summer Maunakea, Kunia
31. Catherine Page, 'Ewa Beach
32. Peter McDonald (Kahumana Farm) Wai'anae
33. Joshua Morimoto (Kahumana Farm) Wai'anae
34. David Mulinix, Kāne'ohe
35. Kaina Nakanealoha, Wai'anae
36. Evan Paul (Kahumana Farm) Wai'anae
37. Shari Quartero, Waipahu
38. Jebson Quartero, Waipahu
39. Marci Ramos
40. Travis Renshaw, Kapolei
41. Cynthia Rezentes, Nānākuli-Mā'ili Neighborhood Board No. 36
42. Charleen Salazar, Wai'anae
43. Keanu Sanders (Pae 'Āina Landscaping) Wai'anae
44. Jeanmarie Smith, Wai'anae
45. Kymberly Sparrow
46. Thad Spreg, Makakilo-Kapolei-Honokai Hale Neighborhood Board No. 34
47. Diana Stefano, Wai'anae
48. Mark Torreano, Waikīkī

49. Jennifer Uphoff (Kahumana Farm) Wai'anae
50. Victor Villanueva, Kahuku
51. Joycelee Walther
52. Earl Yamamoto, State Department of Agriculture
53. Christian Zukerman (Kahumana Farm) Wai'anae

George Atta, DPP Director
Dr. Po-Yung Lai, Mayor's Agricultural Liaison
Tim Hata, DPP
Curtis Lum, DPP
Kathy Sokugawa, DPP Planning Division Head
Tara DePonte, HHF Planners
Scott Ezer, HHF Planners
Erin Higa, HHF Planners
Rob James, HHF Planners
Corlyn Orr, HHF Planners
Joe Tamburello, HHF Planners
Peter Adler, ACCORD3.0 Network
Bruce Plasch, Plasch Econ Pacific

HHF PLANNERS
places for people

MEETING SUMMARY

Meeting Date: Tuesday, January 10, 2017

Meeting Time: 6:00-8:30 PM

Project Name: O'ahu IAL Mapping Project

Location: Kapolei Middle School Cafeteria

Recorded by: Corlyn Orr
Reviewed by DPP Feb 16, 2017

Attendees: see attendance record

Subject: Community Meeting 2

This community meetings for the City's Important Agricultural Lands (IAL) Mapping Project was held at Kapolei Middle School on Tuesday, January 10, 2017. This was the first of two meetings to present the Draft IAL maps and explain the project.

WELCOME, INTRODUCTIONS, AND PROJECT BRIEFING

Scott Ezer, meeting facilitator, called the meeting to order sharply at 6:30 PM. Following welcoming remarks and introductions of DPP staff and the planning team, Scott provided a project briefing.

QUESTION AND ANSWER SESSION

Meeting participants were asked to submit their questions in writing. Scott read each of the following questions out loud and provided a response. Both the questions and responses have been documented nearly verbatim to maintain both the accuracy and authenticity of the statement.

1. Is this process about inventorying all AG land on O'ahu or just the prime or best soil AG being lands?

RESPONSE: The process is beyond inventory. It's trying to identify parcels that meet the criteria that have been selected as the most important ones, as I went through in the presentation.

2. What if my farm has already been professionally determined to be of poor quality soil? Will it still be included in this inventory?

RESPONSE: I'll be the first one to tell you that our data is not perfect. There will be some errors and mistakes, and that's part of the purpose of making this a public process. If you feel that your land has been identified for IAL designation in error, we encourage you to let us know and let us know why you think that. Even to the point that if you want to remove your land from IAL designation, you should let the City know that as well.

3. What are the benefits of having our land designated IAL?

RESPONSE: As I mentioned earlier, the biggest advantage to a landowner is being able to take advantage of the incentives that have been already identified and adopted by the State Department of Agriculture (DOA). There is no harm in being designated IAL, other than if at some point in the future, if you want to urbanize your land, the required vote at the State Land Use Commission (LUC) would be 6 to 3 instead of 5 to 4.

4. Is the money given to begin farming come as a loan or a grant?

RESPONSE: I suggest you call the State DOA and ask them. I believe that information is available on our FAQs, and see how you might take advantage of those incentives.

5. What would our taxes be if our land is designated IAL? Will they go up?

RESPONSE: I cannot answer that question specifically because I don't know. I doubt that taxes would go up. If you keep your land in agricultural designation, the County tax office will continue to tax you at an agricultural rate. There's also an opportunity--if you dedicate your land for agricultural purposes independent of any IAL designation--to get a reduction in your taxes.

6. How do we say no to having our land designated IAL, and what happens if we do?

RESPONSE: I think I provided you the opportunity and information necessary to contact the City and provide us comments if you don't want to be designated IAL. Even if you come up here tonight and you speak and you don't want your land IAL, that's wonderful, but because of the process involved, it's really important that you provide us with written request so that there's a record of what you asked for.

7. Define "sufficient quantities of water."

RESPONSE: When we were looking at land, if land was irrigated--there was a ditch, if the land had a well on it, if it there are many agricultural properties that use Board of Water Supply water with an agricultural rate and there's a record of those parcels with the BWS, that's how we determined "sufficient quantities of water."

8. What is the timeline for the entire process? Would it be months or years?

RESPONSE: I would hope that we are able a year from now to have maps before the City Council, if not sooner. I can't predict how long it would take for the City Council to consider everything, and then move it up to the State Land Use Commission (SLUC), or even for the SLUC to complete its' deliberations. This hasn't been done before. No county has come before us to do this. So we don't have a template, we don't have an outline. We're all learning as we go. It's a very complicated process, and I just can't answer that question.

Scott introduced Kathy Sokugawa, the Acting Director of DPP, and asked her to answer a question on accessory dwelling units (ADUs).

K. SOKUGAWA: Good evening everybody. Thank you so much for coming. I know everybody has very busy lives but you took the time to come out, and I'm so happy that you did because all of us in this room care about agriculture. Those of us at the city and at the state level are very anxious to formally, officially, finally adopt what we consider to be IAL on O'ahu. This is a 1978 state constitutional-- as you heard earlier--a 1978 constitutional mandate and here it is, 2016, and we just have draft maps now. We would like to totally get your feedback and listen to your comments. We are implementing the state law. We are not making up the rules by ourselves. We do have to--as Scott mentioned-- comply with the State parameters, and so that's what we are trying to do as part of this process. The question that I'm asked is about ADUs.

9. If designated IAL, what happens if we want to remodel or improve the land specifically for ADUs?

RESPONSE (K. SOKUGAWA): The mayor is very supportive of ADUs. Currently the law only provides that they be allowed in areas zoned residential. By definition, if your zoned agriculture you are not eligible for ADU. If your property is bigger than the minimum, and it's big enough for second dwelling, then of course you can build a second or third dwelling depending on your lot size. For now, the ADU program is only available in residential areas. I think there are a couple questions on this issue.

I have another question here that I hope I can put Department of Agriculture on the spot and ask for Earl Yamamoto to come up and answer this question about tax credits. In the meantime Scott will answer other questions.

10. What actions or data, if any, are the proposed landowners for IAL required to take before and after the designation process?

RESPONSE: IF you're part of this process and your land is being recommended for designation as IAL, you don't have to do anything else. Your land will become part of the IAL process.

11. What was your process to determine what land is and should be IAL?

RESPONSE: I think I covered that in the presentation.

12. Are you saying that IAL protects land from big development?

RESPONSE: That's a very complicated question. There are a lot of different land use policies that come into play that are supposed to protect land from development. Part of that has to do with what's the land designated by County land use policies. County land use policies include the development plans, the sustainable communities plans, the General Plan, and also at the State level, whether the land is in Agricultural or urban. In order to get from AG to Urban, a landowner, a big developer, has to spend years going through the process to get some of those designations changed. In many cases, land has been designated for Urban use of one kind or another--could be residential, commercial, or industrial--on County policy maps for many, many years without that land ever being developed, but the long-range policy is for development. I know a lot of you have questions about that particular process, but the fact that the land is already designated or being proposed for designation for IAL already indicates that all of the land use policies at the county and state level require that that land be for agricultural purposes. Having the IAL designation is like putting a period at the end of that comment.

Scott introduced Earl Yamamoto, land use planner from the State DOA, to answer a couple of questions.

13. Your report to the 24th legislature indicates the tax credits expiring December 31st, 2017. Is there any plan to continue or extend the tax credits?

RESPONSE (E. YAMAMOTO): The IAL qualifying agricultural cost tax credits--otherwise known shorthand as the "tax credits"--does expire in the current tax year, which is 2017. By the year 2018, if the Legislature does not extend the tax credit, the last year for anyone to make claims with their qualified costs that are the expenditures made on their designated IAL, that comes to an end with the current year. There is legislation to extend it, I believe 10 years. It's an Administration proposal. As far as I know, it will be brought forward and be part of the administrative package from the Governor.

14. Will financing be through HDOA which provides 85% guarantee?

RESPONSE (E. YAMAMOTO): I believe this question has to do with the loan guarantee program. Basically the State DOA's agricultural loan program can, although we have <u>not</u> to my knowledge, we <u>can</u> guarantee a loan made by a commercial lending institution like a bank, to basically reduce their risk and encourage commercial lending activity on land designated IAL. I believe that's what the question is.

15. What mechanism was used to reduce the original eight criteria from 8 to 3?

RESPONSE: The language in the State law that identifies the criteria says that the counties must consider the eight criteria, but they don't have to be uniformly applied. In discussions within our Technical Advisory Committee, we went through a lengthy discussion process on which of the criteria were the most important. How do you even go about trying to apply those criteria to land? After many weeks and months of conversation, the advisory committee voted and went through an exercise that identified the three criteria that they thought were the most important. They had an opportunity--after that process--we went back to the advisory committee and asked them if they were sure about their findings, and they were. So that's how we went from eight to three.

16. Does this process go against the 1978 ConCon?

RESPONSE: The answer to this question is no.

17. If the new designation won't change/affect how I do things on my land, then why change the designation? Leave it as it is.

RESPONSE: The legislature felt that first of all they had to do something to comply with the Constitutional Amendment which required the counties to do something, which required the State to take some action. This is the implementation of that policy. The IAL process is really an opportunity for landowners to take advantage of some incentives to make improvements to their land. The position and the policy of the County is that this is a good thing, and it's a good agricultural policy.

18. Once land is designated IAL, can that designation be reversed?

RESPONSE: Yes it can. You have to go back to the LUC and have it taken out of the IAL designation.

19. I'm a landowner and hope to pass my property to my children. They will need to enlarge our existing home and possibly build an ADU to accommodate them. Would they be able to do this in the future?

RESPONSE: Kathy just answered a question on ADUs. ADUs are not allowed in the State Agricultural or the County agricultural districts. A farm dwelling on an agricultural-zoned lot in the City and County of Honolulu is allowed to have a footprint of 5,000 square feet. That means the house, garage, and any accessory uses or buildings to the house need to be limited to a footprint of 5,000 square feet. They can go up to 25 feet, which would be about two stories. There is no limitation on the floor area of the dwelling, it's just limited to a footprint.

20. What is the current and long-term future of the Waipi'o farms across from Costco Waipi'o, Koa Ridge?

RESPONSE: Koa Ridge has received an Urban Designation by the State LUC and has been zoned for residential and other uses by the City and County of Honolulu. The lawsuit in court, I can't predict what the court will make of that.

21. How does a landowner change the designation of the property as AG-2 if it is believed that it does not meet the criteria?

RESPONSE: Again, I recommend that you contact the City. Send us an email or call Tim, but we will ask you to provide some written documentation of why you feel your property should not be in IAL or why you want to pull it out of the process. A phone call or conversation will not be sufficient.

22. If I own one acre of land, can I designate a portion to IAL but not the entire property?

RESPONSE: It's possible. If you went in as an individual landowner, there's nothing in the law that has a limit or minimum size for designation as IAL. Any landowner can go in and petition the State LUC to be in IAL.

23. Can I refuse IAL designation as an individual landowner?

RESPONSE: You can ask to refuse, and I think it will be up the City and County DPP to consider your rationale for not. It's certainly your right to request that.

24. If I refuse, will I find myself subjected to higher taxes?

RESPONSE: That should not affect your tax rate.

25. How does this process protect konohiki, kuleana and DHHL land?

RESPONSE: Our process did not consider DHHL land because it's owned by the State of Hawai'i, and by law, the County is not allowed to consider DHHL land as part of this process. With respect to konohiki and kuleana lands, if the lands meet the requirements of any one of the three criteria, they are included as part of the IAL designation. I went through the maps in some detail, and there are a number of kuleana parcels that are included in the IAL designation.

26. Some properties in the 96792 Mā'ili area are not conducive for agricultural. They are only coral land. How is this to be resolved?

RESPONSE: Please let us know if you feel that lands have been designated in error. Again, I've provided multiple ways to go about doing that.

27. Are there any penalties for opting out of the IAL designation?

RESPONSE: No penalties. If you request to have your land pulled out and it's granted, it's a straight transaction.

28. I already have access to grants and farming classes, which I am taking advantage of. I also do all the good stewardship practices. Therefore, why should I add additional layers of government rules and regulations where I am already have the benefits IAL designation offers?

RESPONSE: Again, if you feel you don't want the IAL designation, please ask to be taken out.

29. You say no changes will be made to allowable uses. Is this a permanent promise that is in writing?

RESPONSE: I can promise you that as long as the land is designated Agriculture, the rules that apply to agricultural land will apply to your land. I can't predict what the City Council or the LUC will do 15 or 20 years from now with respect to land use policies. I can only tell you what I know is the practice today, and there is no intent to change what you're allowed to do.

30. It seems to me if farming was enforced in AG land with houses on it, IAL would not be needed.

RESPONSE: There's certainly an argument in favor of stricter enforcement of agriculture rules on agricultural land.

31. If a landowner submits comments to DPP regarding the draft IAL designations, what can be expected in response to the comments?

RESPONSE: You will receive a written response to your comment. First of all, all of the comments, all of these questions, all of these cards will eventually appear online. This will be a transparent process. Everything--my answers to those questions included--will be recorded online as well, so if you make a choice to contact DPP and submit comments to them about your land, then the Department will respond to your request or to your question.

32. Will this initiate a dialogue between the City and the landowner prior to DPP making its final recommendations to the Planning Commission and City Council?

RESPONSE: First of all, the Planning Commission is not involved. It would go directly to the City Council, and yes, this would initiate a dialogue.

33. For lands that have been identified as potential IAL based only on this soil type, as identified on the USDA Soil maps, if a landowner has information that the soil map is incorrect and unsuitable for agriculture, will the City consider that information in its final recommendation regarding IAL?

RESPONSE: Yes.

34. Why was Ho'opili not designated under HRS Chapter 205-44?

RESPONSE: I already covered that. I will repeat myself, and that is because Ho'opili had been designated for urban and residential uses on the County 'Ewa Development Plan and therefore it is not consistent with the determination of IAL under State law.

35. Why is Monsanto land designated when it's poisoned already?

RESPONSE: I don't have enough information on that one.

36. My property has mixed zoning. Will the portion not AG be affected?

RESPONSE: No. If you think it is, and you think an error has been made, I encourage you to contact DPP.

37. What is the significant difference in IAL vs. agricultural land designated AG-1 or AG-2 now?

RESPONSE: The basic difference is that the designation of IAL opens up opportunities to take advantage of incentives.

38. With IAL designation, will current laws regarding AG land be upheld and enforced?

RESPONSE: I can't promise what the City or DPP will do. I know they take agricultural policies very seriously, and they will do everything they can to ensure that AG land rules are upheld.

39. Who benefits from IAL designation, regarding legislation and the State DOA? Is there an IAL designation quota (in terms of the number of acres, I assume)?

RESPONSE: We tried to again be as inclusive as possible, and we let the chips fall where they may in terms of how the land was identified.

40. How will it be more difficult to get permits and redesignation of State land use?

RESPONSE: I already identified that it would take a 6 to 3 majority in the State LUC, instead of a 5 to 4 vote.

41. Can you give examples of what uses will be more difficult to get permission for?

RESPONSE: The only difficulty really would be to try and urbanize your land. If your land is zoned AG at the county level--again I repeat myself--but you are entitled to take advantage of all the benefits that agricultural zoning allows you. As long as you are pursuing a legal use or a use that's identified in the zoning code, you're good to go.

42. What uses are permitted on lands designated as IAL?

RESPONSE: The same uses that are currently allowed by County zoning or under the State Chapter 205.

43. What was the frequency noted in State law for review of IAL?

RESPONSE: I believe the language in the law says that the incentives are supposed to be reviewed every five years. I don't know if there's a requirement for the law itself to be reviewed.

44. Are you familiar with the letter to the Governor from FEMA to repeal the law on AG dwellings?

RESPONSE: I am not. We will get an answer to that, and it will be posted to the website.

45. The City and State expressed the need for sustainability yet they don't even know the amount of food and produce that is grown in the State of Hawai'i yearly.

RESPONSE: I don't understand the question.

The individual who submitted the written question gave an oral explanation and repeated the question: We talk about sustainability for the entire state of Hawai'i, yet we don't know how much produce and food all these farmers produce every year. How do we get accurate counts? Does the State have data that identifies how much of the food that we consume in Hawai'i is produced locally?

RESPONSE: We don't have the numbers. In past years, the rule of thumb has been that we import 90% of our food. We produce somewhere in the neighborhood of 30-35% of our produce, but a lot of the other food products--beef, milk, chicken, dairy, all of that stuff--is imported, so those are pretty rough numbers.

46. The findings of the advisory committee on what scientific studies are based? UH scientific studies? Are the source of the findings available to the public?

RESPONSE: The people that were on the advisory committee came from a pretty broad group of people. It included soil scientists, it included people from UH, farmers, it included a lot of different people, and the basis of the conversation was based on the collective knowledge of all of the members of the advisory committee. All of the minutes and findings from those conversations are posted on the website. We actually have a report from the Phase I part of this study that documents that question and it's all online. You're invited to go read that.

47. Is there a possibility that parcels zoned preservation that have been CPRed and been sold be designated as IAL?

RESPONSE: Probably not. If it's zoned preservation and/or it's in the State Conservation District, the law says we have to exclude those from consideration for IAL.

48. Is an IAL designation considered a "taking" in terms of limiting the use of one's lands?

RESPONSE: I would say not. I'm not an attorney, but I don't believe so.

49. Could you please list again what are the benefits to the landowner of having the land designated IAL and how these benefits differ from having AG land not designated IAL?

RESPONSE: The benefits are basically access to the incentives that have already been adopted by the State, and you suffer no other consequence.

50. What impact will IAL have on legally, non-conforming improvements on AG land?

RESPONSE: If they're legally non-conforming improvements, the IAL designation will have no effect.

51. I currently own a 5-acre zoned AG-1 lot and have been trying to get a permit for a barn for the past six months. Will voluntarily designating it IAL fast track getting my permit?

RESPONSE (K. SOKUGAWA): There's lots of answers to this one. Hopefully, you should get a permit before you even get the IAL because it's going to take a lot of months before we get to formalization of IAL. Off-line, after this, come and see me because I don't why you're having a difficulty. And actually, you might not even need a building permit. The State in its wisdom, chose to eliminate building permit requirements and building code requirements for certain agricultural structures. So if you qualify under those criteria, you may not even need a building permit. But I don't know the specific circumstances, so come see me after this and we can talk about it.

52. Who is responsible for giving the ok for all four of the major solar farms in Waianae that are on Prime farmlands?

RESPONSE (K. SOKUGAWA): That is partly the Legislature's decision by amending the State land use law on what is permitted on agricultural lands. It was felt that solar farms were a legitimate use for agricultural lands. Again, that was something the Legislature chose to do.

OPEN FORUM

1. Renee Ing: Thank you for allowing me to speak. My name is Renee Ing and I would like to give my comments about the IAL designation for Ho'opili and Koa Ridge. Climate change is causing ice to melt faster than we could imagine. The latest data is that in Antarctica, an iceberg the size of Delaware is poised to drop into the ocean, beginning to trigger the dropping of massive amounts of ice into the ocean, making climate change worse. Climate change is causing floods, water shortages, droughts, climate catastrophes worldwide, and is already making food production more difficult, raising our food prices, and in the future, they're predicting it will cause mass starvation and wars over resources. The military has been planning for these problems and their consequences for decades. In the olden days, Hawai'i fed our million people here from food grown on Hawai'i's lands and now 90% is imported? You know, as food shortages worldwide occur, that will affect us and Ho'opili and Koa Ridge produce 45% of our fresh fruit and vegetables. You are making a decision that affects whether our young people and future generations will be able to survive here with food to sustain them, or also because refugees from Hawai'i who can no longer afford to live here. With all due respect, in my opinion, like the military that has been planning for decades, you must now face the fact that we will have food problems in the future like the rest of the world. We want you to make a decision to keep Ho'opili and Koa Ridge lands that grow 45% of our fresh food in AG and give them IAL designation, making it possible for us to continue to grow our food into the future, instead of making a decision that in effect will drive more of us out of Hawai'i. Thank you.

2. Jim Brewer: Aloha. My name is Jim Brewer, and I have a television program called "Full Democracy" for 23 years on 'Ōlelo. On the show what we do is we look at the big picture and the long view. Tonight, I was hoping that this wasn't deja vu all over again with Rail, because I came to Rail things and they said it wasn't a done deal yet, but we could tell, by the way they had all the pile of stuff, that it was a done deal. And we see something, that from $1.3 billion dollars has turned into $9.5 billion already. We predicted that, but we got no response. I hope we can get a response on saving Ho'opili. Ho'opili, it is just an abomination. I can't understand how the City and County can override the State by just doing an overlay, a planning overlay over it, and just change the law. That you have to her preserve the best of the best. Anyway. I came here first time in the 50s as a teenager in the Navy. I left the Navy in 1969 here in Hawai'i. I was on the USS Kamehameha, a fleet ballistic missile submarine, and I got out because….I really love this place. I have 34 great-grandchildren and I speak here as a great-grandfather of those grandchildren and their future. Thank you.

3. Jeff Cadavona: I own a parcel of 1.3 acres in Pūpūkea, and I came here with no knowledge of your process. Being here, I'm impressed by the presentation and you've given me the knowledge I need to go and present my information to submit to your office so I can get this issue settled, hopefully to my satisfaction. Again, I want to thank you again for making me well aware of what I can do to help myself to be a good citizen of Hawai'i. Aloha.

4. Al Frenzel: Aloha. My name is Al Frenzel. I come here to defend that Ho'opili should be designated as important agricultural land. As many people here state so far, do as well. This has been a long process that you are involved in, in this designation of IAL lands. It started as you know in '78. Unfortunately, nothing substantial occurred until 2014. Between '78 and 2014, all kinds of shenanigans were occurring at the Land Use Commission, politicians, Legislature, unions and developers. And so, the results of that, we end up seeing what is the best agricultural lands on O'ahu wind up being designated as urban use. Now, my opinion is that the State law does not prevent you from considering all lands on O'ahu to be designated IAL. It does not say you cannot assess and re-inventory urban land use back into IAL land. And that's what I ask you to do. I ask you to consider, I

ask you to have a section, instead of showing me time and time again, I want you to listen and have a point in their study that represents the large majority of akamai individuals here, that it is not too late for Ho'opili, the best agricultural land—that fits all those eight criteria and all your new three criteria—than any other land on O'ahu. Because some of you aren't going to have the opportunity to come up and speak, I would like everyone that supports Ho'opili as being designated IAL to please stand up and be recognized. Please stand up. Because you may not get a chance. Stand up and be noticed that you are here to save important agricultural lands on O'ahu. Thank you.

5. Dr. Kioni Dudley: Aloha everybody. My name is Dr. Kioni Dudley. I'd like you to know that some of what you've heard tonight is bullsh**. OK. The problem is that what you've been told is that Ho'opili cannot be considered. You know very good and well, that Resolution 23 given in 2012 by the City Council said, you must study Ho'opili and Koa Ridge in this process. You guys, you gotta get at it. Tonight I'm not here to really talk about that though. I'm here to tell you we still have possibilities to overturn the decision by the City to approve Ho'opili. And that's in the process right now. We have three different initiatives going on. We want you guys to hold off the completion of this study until we can get completely exhausted with all of our possibilities. We do think, we do think that we can overturn the decision which would then put us back into agricultural land rather than urban land, and then you could consider and put Ho'opili into the IAL inventory. We're just going to say, if you're going to be honest, hold off, damn it, until we get done.

6. Evelyn Souza: Good evening everybody. I'm so glad to see all of you here. My name is Evelyn Souza. I lived in the community for about 43 years, seeing this place as sugar cane and now it's beautiful. But there's a scar, and that's in the likes of Ho'opili. I have never sat in a meeting, and I thought this was kind of funny, and of course I'm Portuguese. My mother's pure Portuguese, my father Hawaiian/Chinese, and I'm proud of that. But she always used to have these kinds of tidbits, that I'll share with you. She told me, you know Evelyn, you have to have an open mind. Ok. But not so open, girl, that your brains fall out. People. Our brains are not falling out, it's those others. And you know, Kathy Sokugawa is a real good friend of mine. She will go according to the letter of the law. The law says urban is what's proper for that piece of property, and I'm talking about Ho'opili. I could be talking about Koa Ridge, but Ho'opili is in our backyard. If the letter of the law says it has to be Urban, fine. But when you come to this meeting and they say you have identify the IAL, it's out of context. My notes say, to help farming be economically….and it's about activity. It's there, and it's to ensure that the best of O'ahu's high-quality farmland is protected and preserved for long-term agriculture. DUH. It's been there for years and years. Ok. Here's another one, this is good. And this comes straight from the presenter. I don't mean to demean you, Mr. Ezer. The criteria. Fast tracking to the three that they've come down to—it's currently being used for agricultural produce, production, and has soil qualities, and then sufficient water. DUH. Again. So you know what, if we eliminated Ho'opili, you've just broken every criteria it is that identifies an IAL, don't you think. And you know what, you cannot tell this Portuguese lady who has not had her brains fall on the ground, that it cannot be reversed. Has anybody ever heard of eminent domain? We take the land back, we pay the people that have bought it in good faith. They wanted to build houses, but the land is more important, and that's where we should go. Eminent domain.

7. Michelle Hawes-Tomas: My name is Michelle Hawes-Tomas, and I have been an outspoken advocate against Ho'opili from almost the beginning, and I speak out for the future of my grandchildren and all the ancestors that come after me because that is the breadbasket of where they will be fed. In this basket is produce that is grown out on Ho'opili. If they had their way, this is what we will have left to gnaw on to feed our families. Bricks. I've been to many of these informational meetings, and that is

exactly what it is. I have also learned when they have the informational meetings, it's to tell you what is going to be done and not what you want done. So you need to understand that. Our City Council made it perfectly clear when they voted on Koa Ridge and also on Ho'opili what their plan is. What we want does not matter. This is already a done deal. Keoni said it, we're not going to say the word 'cause we all heard it loud and proud. It is what he said. This is the time we still have to say no because you know what, Ho'opili and Koa Ridge set the precedent for all the AG lands on this island. OK. They can take it, and they did, or they're going to try, but you know what? They say it ain't over until the fat lady sings, and I'm not singing tonight so it is NOT over. God bless everybody here and pray for the land because we need to be prayed for and we need that land to be prayed for. And I'm sorry, it's not your fault, you're just the messenger, but take a look at what the land represents, like it has been said. It meets all that criteria, every single, solitary thing, and this decision to tear that land up and turn it into that instead of that was made long before any of us was made aware of it. It has been bought and sold to the highest bidder by the greedy. Thank you.

8. Kaukaohu Wahilani: Aloha mai kākou. Pehea 'oukou? Maika'i? A'ole? Nuha? For all you guys don't know where's Pu'e'a, that's Wai'anae Valley. I'm a kalo farmer with all my 'ohana over here. But I stand for all this mapping, O'ahu, important agricultural lands, OK, everybody says Ho'opili but before I go on the record, the next meeting at Hale'iwa, maybe you can have the testimonies come up first because the house was full. The house was full of people, now we gotta talk for two minutes, just like DOI, it's just like DOI rules already. So anyway, mapping O'ahu's important agricultural lands. To me, every agricultural land is important. But now we calling Ho'opili. But the word Ho'opili, it means to come together, to be pili. However, everybody calling that Ho'opili. It's Honouliuli everybody. It's Honouliuli. Like Michelle said, we cannot eat cement. We need to be sustainable, OK. Thank you. We need to be sustainable over here. We get almost 1 million people live on this 'āina already, ya, and we import almost 90% of our mea'ai from the mainland? We have a source that was one of our phrases in our culture, "nānā i ke kumu," to look to the source. Our ancestors, this is one of my kupuna right here, Aunty Dawn Wasson, and she going come up and she going kākou me. Anyway people, we got to stand fearless. We cannot be activists anymore. We gotta think sustainability. Profit, and this was one of my notes. We all learning as we go, since 1978. Come on. Why only now they implementing the laws from ConCon '78? The practice today is profit over people. Profit over people. If the people rise, they cannot stop us. So e ala. Mahalo Nui.

9. Dawn Wasson: Aloha kākou. My name is Dawn Wasson. I'm a kupuna from Ko'olau Loa, from the ahupua'a of Lā'ie. I live on kuleana land, 13.20 acres. My family has been on this land since 1804. 212 years about. It has been a struggle but you struggling since 1978. I support you folks. I think what you should do is, you should go back and look at the original land that was owned under a lonely old title. These people who bought it and sold it, whatever, they never owned the land. So that's one way you can go get it back. So go look. But I'm here tonight because of this thing called mapping by DPP. All of a sudden they say we're following the Constitution. The thing about this land is that this land is all of us. We—all of you and me—have a vested interest in Hawai'i, and to do that we must protect it from outsiders who come to look at one thing and that is money. We have to be self-sufficient and your land that was taken away from you has taken away the breadbasket of our survival and we must all stand together. Honouliuli, Ko'olau Loa. Mālama ka 'āina. Mahalo.

10. John Bond: Aloha. My name is John Bond. I'm a member of Kanehili Cultural Hui, and we're interested in the cultural history of the area. Things come in threes. I just like to quickly summarize what she was talking about, which is originally the land out here, Honouliuli, was highly farmed for kalo, and other properties—Kalo'i Gulch, Honouliuli Gulch—supported the largest population on

O'ahu of the native Hawaiians. It was THE place to live and be, and it was fabulous place in its day. Unfortunately the next phase happened, which was the Western culture came and it became 'Ewa Plantation. That same land was the richest plantation in the Hawaiian Islands, that's how fertile it was. Then the third phase happened, where the land is still farmed today, Aloun Farms and other contractors, still use the same water systems, aqueducts, flumes, the same parcels that were there from the plantation. 1939, I have the maps, It's all in place, everything. It's all turnkey, diversified agriculture today. You could not ask for a better location to have fresh vegetables coming to all the homes that people live in, the restaurants. It's the perfect concept, and they're going to destroy it. Now, the next three is that the soil is rich volcanic soil. Kona coffee, all the things you can think of, macadamia nuts. The Hawaiian island volcanoes spewed out all this super rich soil creating that environment. The next thing was that all the water springs that come out of the Waianae range all pop up there creating an ideal spring water environment. The third thing is the vast amount of sunshine we have out here. It is a perfect growing place. It's insanity to destroy a turnkey, totally set-up, perfect growing place. The markets are right next to the farmlands. It's just insanely stupid. OK. The reason why they picked those three criteria that they're talking about is that the farmers on that committee and people, rejected the idea that a political criteria should be involved in determining what is valuable farmland. So they picked the three, which is what the State Constitution Convention in 1978 was all about, and why they cleared up this idea when the City said we're going to develop the Western area. They wanted to make sure that you do did not split the important agricultural land. That's what the '78 convention did. The people of that committee picked the top three criteria, and it was not political boundaries. It was what is truly the most important land. They're not following the Constitution and what the people on the committee said. To wrap it up, I will say that in 1975 when West Beach was the big development scheme, they never intended all of this to be developed. Tom Coffman, among other people, and Campbell Estate had decided that this was going to be open space and farmland out here. You could develop Kapolei, Kalaeloa going to be developed 8000 homes, Gentry's putting in another 11,000 homes. There's going to be another gigantic development next to Makakilo. Up here, you're going to have another 50 to 60,000 homes, not even counting what Ho'opili's going to do. It's insanity. OK, so this makes sense. It's a fraudulent process, and the resolution that was passed in 2012, and the City Council said you could have development and open farmland. You can have both. So we're not saying people shouldn't build homes out here. You need the farmland. Thank you.

11. Pat Beekman. Hi, I'm Pat Beekman. Just a resident, a life-long resident, born and raised in Hawai'i. My grandparents had a farm in Hilo so I know what farming is like. A University of Hawai'i professor who was a soil analyst specialist told me that the farmland at Ho'opili is the best land in the country. I think he said the world, but at least the country. And we're going to build houses over it? That's insanity. What we're seeing is government corruption in action. A developer comes over, he buys land that's zoned AG land, and he knows that by paying off the politicians, he's going to get it zoned urban and make a lot of money at our expense. We have to remember that Hawai'i is the most isolated land mass in the world for this size population. If we don't have enough farmland, what's going to happen if oil goes sky high like we've seen? Or this country is continually aggravating other foreign countries. We're the most warlike nation in the world. What's going to happen if we get nuclear war or the ships aren't able to come to Hawai'i? We won't have enough land to sustain ourselves with these current politicians that are selling off our rights. We're building housing that appeal to foreigners. We should be looking out for the people here, not somebody that wants to come and live in Hawai'i. The visas have been structured so that if a foreigner buys a condo or a house that's $1 million dollars or more, I think that's the price, then they get a visa to stay here in Hawai'i. That's something else that we need to be aware of. The government should be looking out

for the people that are already here. Not for people that would like to be here. Basically I'd like to say that the land—only God can make the land. It was not made by humans. Once this is built over, we'll never get it back. It's a crying shame what's taking place right now.

12. Elaine Kam: Aloha everyone. I'm Elaine Kam. I brought my friend here who made a sign that I think is very meaningful. I made this sign. Yes, my grandchildren have motivated me to come here, all the way from East O'ahu. It took so much longer than we thought on the handi-van, but I'm really happy to have made it, and I thank my friend for accompanying me and helping me carry these four signs that Keoni Dudley motivated me to continue to do. This one says, "Don't let the foxes defend our hen houses," and you know what that means. How many of you agree? This one I thought was very good. My friend thought of this just within a second, "Can you eat a house? Not so well." Anyway, I just think that this land Ho'opili and Koa Ridge is a blessed, magical land with the sun shining and the terrain being such that we could have for crops a year. My goodness. We are so blessed. Why should we destroy something that was given to us? It's a very special precious gift, and I hope that everyone will come out and keep it as wonderfully sustainable that we need for our O'ahu residents. Thank you for your time. God bless.

13. Michelle Freitas: Good evening residents. I'm a proud citizen of this state, this beautiful state of Hawai'i. So you folks don't take a hold of what's happening to us right now? Remember people, we the ones that make the decisions. We the ones went vote to put all these people into office. They are not doing their job. They designate what they like. They take away what they like. I used to be a proud pig farmer. I had a big farm, but when I try sell my pigs, the State Weights Division had to investigate for us, because every time I take a delivery of pigs out there, it weighs the same weight. No way the truck, the gas, the air in the tires. They been ripping us off all the way to 1980. So when they tell you that they change laws and they have stuff set in stone, they've been screwing everybody over from long time ago. So if you guys all look upon what's happening to you, don't wait because this is going to get a whole lot worse. Because if they take that beautiful Ho'opili land, you guys, you never going to come out of Waianae. Or Kapolei, or Ewa. You best believe. Because they sucked us out for that Rail Project, everybody in this room knows that. So everybody got to take a stand and fight and help Ho'opili. That's all I got to say. Thank you.

14. Dr. Kioni Dudley: (2nd time). You know, one of the most important points about how Ho'opili is the full sun. We have to realize that you go to buy plants at Lowes, or Home Depot, there are plants that grow in the shade, and there are plants that grow in the sun. Plants that grow in the sun don't grow in the shade, and plants that grow in the shade don't grow in the sun. Now our problem here is that Ho'opili is the last piece of full sun land on this island. And its farmland. It's producing one-third of the crops for our local market. One-third of all the crops on O'ahu. When you put it together with Koa Ridge, that's 45% of all the crop land on O'ahu for our local market. That's what we're getting rid of. And that's what we can't afford to. When we get rid of this last piece of full sun land, we will never, ever, on this island be able to feed our million people an entire diet of food because we won't be able to grow the plants that grow in Ho'opili up higher in the rainy cloud covered lands near Wahiawa and on the North Shore. And everybody knows that. And they're lying to us about not knowing that. You know, I asked the head of the Department of Agriculture about a week ago, "am I crazy?" He said, "No Keoni, you are telling the truth." OK. We've got to hold on to Ho'opili. Do you realize climate change is changing the world? It's drying up crops everywhere. They are predicting, the United Nations is predicting, that we are going to have mass starvation in the world. There's going to be wars for food. We import 90% of our food. 90%. When there's no food for anybody, what are we going to do? How are we going to feed our million people? That's a real problem folks.

And these people who are taking away Ho'opili need to stop and realize what the hell they're doing to our people, now and future generations. Thank you.

15. Poka Laenui: I didn't sign up but after hearing this man speak, I'd like to speak. Aloha. My name is Poka Laenui. It was not my intention to come to speak, and I must say that this is the first time that I've come to a meeting where we have some public discussion about Ho'opili and at the same time we have this very important question about these very important areas to be designated. It seems like we have an elephant sitting in the room. On one side, the City folks will not see the elephant because you have already heard Scott say that Ho'opili is out of the question, as they have determined it. And then they have stolen this essentially public discourse by limiting speakers for only two minutes without really getting to the heart and soul of what this audience is looking for. The issue that they bring is very important, and we come here wanting to hear that issue. But they have not come to hear the issue of Ho'opili. This public discourse has essentially been hijacked by the waving of the sign for two minutes. Now, I can be persuaded one way or the other way. That's not what's important. What is important is that this has been a failure in the consultation of the general public and I wish, Scott, that you would take these words back to your office as well as to the City Council. This has not been a public process. We have been hijacked from being able to speak, to hear, to reason, to work through these things. You have already said Ho'opili and Koa Ridge are out of the question. I beg to differ, and I think this whole matter should be reconsidered. I've said essentially what I have to say. I'm sorry for having been interruptive. It's just that I couldn't not say anything and let this take place. Thank you.

16. Deborah Castro: I wasn't going to speak because I knew nothing was going on, but I know you. And I wish that they would have let you speak first, so I would have known what I was sitting through. But I am a little upset because what I think is going on. We are being designated under this plan. We don't want it, but they're making us designate it so they can take away the good stuff. This is wrong. What they are doing is to make it look good. Our land is not even agricultural, we don't have any of these criteria that they need. So why are we even being put in this? So something really needs to be done, and everybody that I heard speak says something has to be done, something has to be done. But nobody said what. What do you want us to do? What do you want us to do to make the change? How are we going to get the City Council out? Just a snap? Rise up? We're just a little bit. So somebody has to organize and say how are you going to do the rise up. We need some direction. Everybody's got good ideas but nobody's got a real plan, and that's why what's going to happen is they're going to win, because we are all talking now but we're all going home to our lives. That's all I want to say. I feel hijacked too.

ADJOURNMENT

The meeting was adjourned at roughly 8:25 PM.

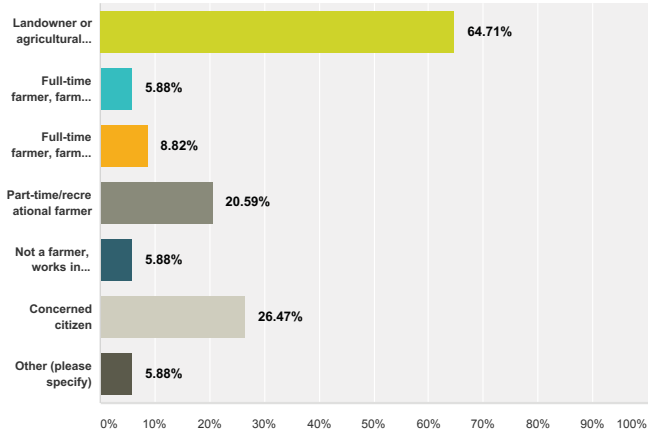
Attendance Record

1. Ernest Adaniya, Wai'anae	2. Tomi Adaniya, Wai'anae
3. Mark Afuso, Mililani	4. Ralph Aona, Wai'anae
5. L. Gary Bautista, 'Ewa Beach	6. Pat Beekman, 'Aiea
7. J. Bennett, Waialua	8. John Bond, Kapolei
9. Pamela Boyar, Kailua	10. Jim Brewer
11. Leo Bright, Kapolei	12. Puanani Burgess, Wai'anae
13. Rex Cabahug, Wai'anae	14. Eugene C. Cabana, Waipahu
15. Jeff Cadanova, Wai'anae	16. Steve Camello, Kapolei
17. Deborah Castro, Wai'anae	18. Monte Castro, 'Aiea
19. Miriam Chang, Hale'iwa	20. Albert S. Chiappetta, Wai'anae
21. Alonza Cobbin, Wai'anae	22. Tameria Cobbin, Wai'anae
23. Raymond Cook, Wai'anae	24. Carla Cottrell, Wai'anae
25. Donna M. Costa, Wai'anae	26. Cathy Cozzens, Wai'anae
27. Deann Dano, Wai'anae	28. Pedro Dano, Wai'anae
29. Mike Dau, Waipahu	30. Laverne DeCoito, Wai'anae
31. Andy Dewees, Mililani	32. John Domen Jr., Wai'anae
33. John Dubiel, Hale'iwa	34. Mary Dubiel, Hale'iwa
35. Dr. Kioni Dudley, Kapolei	36. Bruse Eckmann, Honolulu
37. Ruby Edwards, State Office of Planning	38. Gilbert Egami, Wai'anae
39. Raymar H. Egami, Wai'anae	40. Rayleen Egami, Wai'anae
41. Ralph Ehni, Hale'iwa	42. Renee Ehni, Hale'iwa
43. David Figueira, Kapolei	44. Anne Figueira, Kapolei
45. Sophie Flores, Wai'anae	46. Jesse Foster, Wai'anae
47. Margaret Isaacs, Waianae	48. Mr. Byron Fujieki, Honolulu
49. Mrs. Byron Fujieki, Honolulu	50. Michelle Freitas, Wai'anae
51. Al Frenzel, Makaha	52. Raymond Galderia, Waipahu
53. Tony Gill, Honolulu	54. Andrew Gomes, Honolulu
55. Michelle Gorham, Kailua	56. Colleen Griffith, Wai'anae
57. Dustin Griffith, Wai'anae	58. HC&S Farm, Wai'anae
59. Bruce Hanohano, 'Aiea	60. Piilani Hanohano, 'Aiea
61. Craig Hara, Mililani	62. Michelle Hawes-Tomas, 'Ewa Beach
63. Mitsuko Hayakawa, Pearl City	64. Hattal Henry, Wai'anae
65. Hong Fang Gan, Wai'anae	66. Prasong Hsu, Kailua
67. Sunny Hsu, Kailua	68. Leslie Imaoka, Wai'anae
69. Renee Ing	70. John Ioane, Kapolei
71. James Jones, Wai'anae	72. Steve Joseph, Wai'anae
73. Frances Kama-Silva, Wai'anae	74. John Keawe, Kapolei
75. Amelia Kelly, Waipahu	76. Jonah Keohokapu
77. Bobbi-Lynn Kupihea-Char, Mililani	78. Poka Laenui, Wai'anae
79. G. Lee, 'Ewa Beach	80. Paula Lee, Honolulu
81. David Lopes, Hui Ku Like Kakou	82. Noe Lopes, Hui Ku Like Kakou
83. Catalina Lorenzo, Wai'anae	84. Jimmy Lorenzo, Wai'anae
85. Mary Lorenzo, Wai'anae	86. Stephen Lorenzo, Wai'anae
87. William Lyon, Wai'anae	88. Renato M., Wai'anae
89. Agnes Malate, Honolulu	90. Henry Mandac, Wai'anae
91. Jon Mano, 'Ewa Beach	92. Noe Mano, Wai'anae

93. Alvin S. Masuda, Wai'anae	94. James McCoy, Honolulu
95. Dean Minakami, Honolulu	96. Keevin Minami, 'Aiea
97. W.G. Minami, 'Aiea	98. Luciano Minerbi, Honolulu
99. Lisa Munger, Honolulu	100.Kailana Moa-Eli, Wai'anae
101.Akeo Nakazawa, Kailua	102.Jim Niermann, R.M. Towill
103.Lauro Nilo, Waipahu	104.Pacita Nilo, Waipahu
105.Faye Nishimura, 'Aiea	106.Francis Nitta, Waimanalo
107.Steven M. Nitta, Wai'anae	108.Jay Okada, Wai'anae
109.Owen K. Kaneshiro Farms LLC, Mililani	110.Marjorie L. Perreira, Wai'anae
111.D. Perry, Mililani	112.Doug Philpotts
113.Diana P. Puulei, Wai'anae	114.Joann Rapoza, Wai'anae
115.Julian Rapoza, Wai'anae	116.Jocelyn Rasquero, 'Ewa Beach
117.Dennis Sakuoka, Mililani	118.Pauline Sato, Honolulu
119.Sara Schnabel, Kapolei	120.Joseph Shacat, Honolulu
121.Phyllis Shimabukuro-Geiser, State Dept. of AG	122.Michael Shuman, Waipahu
123.Teresita Shuman, Waipahu	124.Sarah Simmons, Honolulu
125.Henry Silva, Wai'anae	126.J. Soares, Wai'anae
127.Faustino Somera, 'Ewa Beach	128.Patricia Sottile, Kapolei
129.Evelyn Souza, Kapolei	130.Allen Stack Jr., Honolulu
131.Elizabeth Stack	132.Mark Suiso, Makaha
133.David Tamala, Kapolei	134.Bernadette Tebia, Wai'anae
135.Gina U. Teixeira, Wai'anae	136.A. Timbreza, Wai'anae
137.Ronald Timbreza, Kapolei	138.Eustaquio Tubania, Wai'anae
139.Veronica Tubania, Wai'anae	140.Tony Turner, 'Ewa Beach
141.John Tussey, Wahiawā	142.E. Uno, Mililani
143.J. Valderama, 'Ewa Beach	144.Marilyn Valderama, 'Ewa Beach
145.Sheila Valdez, Waipahu	146.Kaukaohu Wahilani, Wai'anae
147.Terry Walden, Wai'anae	148.Carmela Watanabe, Wai'anae
149.Stanley Watanabe, Wai'anae	150.Steve Wendel
151.Ron Wise, Kapolei	152.Andrew Yamaguchi, Kailua
153.Earl Yamamoto, State Dept. of AG	154.Dole Yi, Wai'anae
Dr. Po-Yung Lai, Mayor's Agricultural Liaison	Kathy Sokugawa, DPP Acting Director
Curtis Lum, DPP	Tim Hata, DPP
Scott Ezer, HHF Planners	Eugene Takahashi, DPP
Rob James, HHF Planners	Erin Higa, HHF Planners
Bruce Plasch, Plasch Econ Pacific	Corlyn Orr, HHF Planners

Q1 Which category best describes your affiliation to this project?

Answered: 34 Skipped: 1

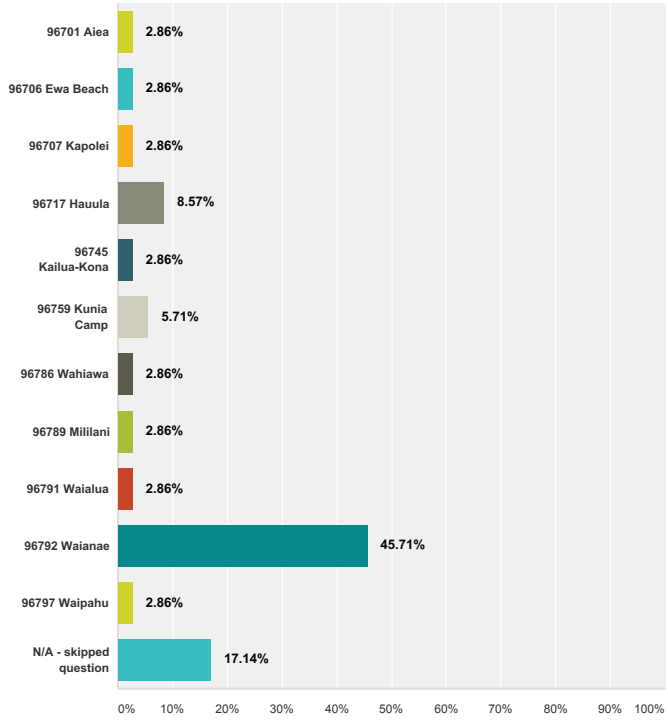


Answer Choices	Responses	
Landowner of agricultural land	64.71%	22
Full-time farmer, farming on the land I own	5.88%	2
Full-time farmer, farming on leased land	8.82%	3
Part-time/recreational farmer	20.59%	7
Not a farmer, works in AG-related industry	5.88%	2
Concerned citizen	26.47%	9
Other (please specify)	5.88%	2
Total Respondents: 34		

#	Other (please specify)	Date
1	landowner	1/26/2017 12:08 PM
2	Developing diversified AG Plan	1/26/2017 11:57 AM

Q2 What is the town and zip code where your agricultural land is located?

Answered: 35 Skipped: 0

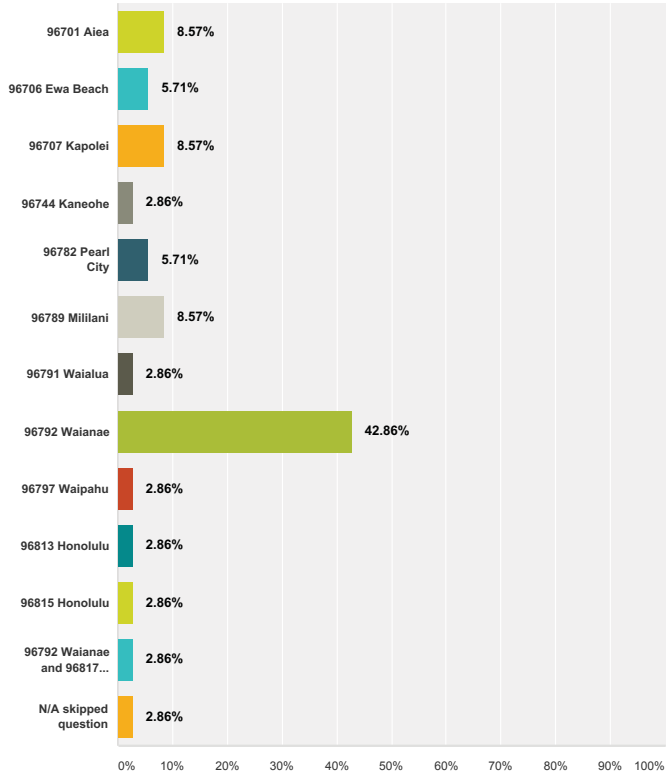


Answer Choices	Responses	
96701 Aiea	2.86%	1
96706 Ewa Beach	2.86%	1
96707 Kapolei	2.86%	1
96717 Hauula	8.57%	3
96745 Kailua-Kona	2.86%	1
96759 Kunia Camp	5.71%	2
96786 Wahiawa	2.86%	1

96789 Mililani	2.86%	1
96791 Waialua	2.86%	1
96792 Waianae	45.71%	16
96797 Waipahu	2.86%	1
N/A - skipped question	17.14%	6
Total		**35**

Q3 What is the town and zip code that you live in?

Answered: 35 Skipped: 0

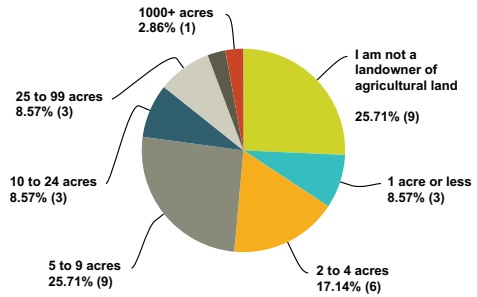


Answer Choices	Responses	
96701 Aiea	8.57%	3
96706 Ewa Beach	5.71%	2
96707 Kapolei	8.57%	3
96744 Kaneohe	2.86%	1
96782 Pearl City	5.71%	2

96789 Mililani	8.57%	3
96791 Waialua	2.86%	1
96792 Waianae	42.86%	15
96797 Waipahu	2.86%	1
96813 Honolulu	2.86%	1
96815 Honolulu	2.86%	1
96792 Waianae and 96817 Honolulu	2.86%	1
N/A skipped question	2.86%	1
Total		**35**

Q4 How much agricultural land do you own?

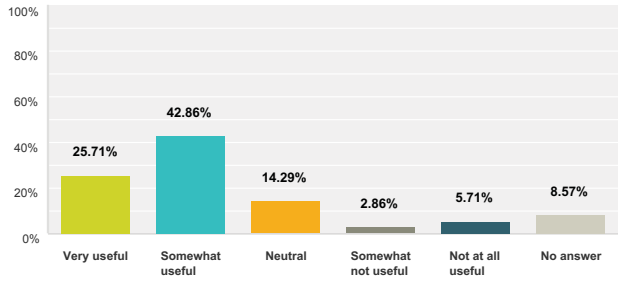
Answered: 35 Skipped: 0



Answer Choices	Responses	
I am not a landowner of agricultural land	25.71%	9
1 acre or less	8.57%	3
2 to 4 acres	17.14%	6
5 to 9 acres	25.71%	9
10 to 24 acres	8.57%	3
25 to 99 acres	8.57%	3
100 to 499 acres	2.86%	1
500 to 999 acres	0.00%	0
1000+ acres	2.86%	1
Total		**35**

Q5 How useful was this presentation to your understanding of the Important Agricultural Land designation?

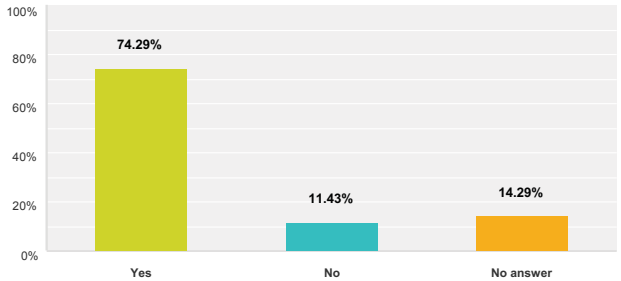
Answered: 35 Skipped: 0



Answer Choices	Responses	
Very useful	25.71%	9
Somewhat useful	42.86%	15
Neutral	14.29%	5
Somewhat not useful	2.86%	1
Not at all useful	5.71%	2
No answer	8.57%	3
Total		35

Q6 Do you feel more educated about the IAL process and city's designation process because of this meeting?

Answered: 35 Skipped: 0



Answer Choices	Responses	
Yes	74.29%	26
No	11.43%	4
No answer	14.29%	5
Total		35

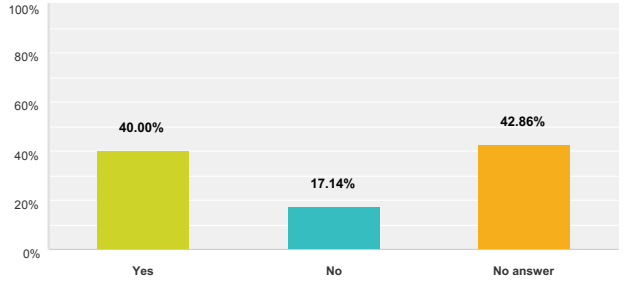
Q7 What remains confusing or unclear?

Answered: 15 Skipped: 20

#	Responses	Date
1	There is no real transparency here. What really is the real reason for the designation? It does not appear this new designation will increase agricultural production in Hawaii for independent sustainability.	1/26/2017 12:12 PM
2	Why did this process take so long (38 years)?	1/26/2017 12:11 PM
3	Will IAL protect AG land from "gentlemen" land use?	1/26/2017 12:10 PM
4	I will go to website for information. Need to speak into microphone.	1/26/2017 12:10 PM
5	Importance of IAL designation from what already exists.	1/26/2017 12:09 PM
6	Why would the State not designate Hoopili and Koa Ridge as IAL? Do they not have the power to pre-empt county decisions?	1/26/2017 12:06 PM
7	What does the State and or City get out of owners becoming or joining IAL? This question keeps being thrown back and forth but never answered.	1/26/2017 12:05 PM
8	I agree with the passionate, local and verbal attendance. Hoopili should have been included as IAL, and Koa Ridge too. I hope the state/powers that act, can enact this.	1/26/2017 12:05 PM
9	1. Use of State and Federal land for agriculture? 2. Impact of agricultural production outside of the designated ag lands. 3. Impact of backyard agriculture and urban agriculture in the future. 4. What about lands without good water supply? 5. Why is so much of this land fallow for so long? Could there be other issues/impediments?	1/26/2017 12:04 PM
10	Government corruption is clear!	1/26/2017 12:02 PM
11	Why IAL designation (as first suggested by the Constitutional amendment) was even an issue that came up. Because if enforcement of existing rules and regulations (like actually farming your AG land if you have a house on it) was done, IAL probably wouldn't be needed. I farm my land, when many other "gentlemen farmers" don't, It seems we are ignoring enforcement and just adding bureaucracy. Large corporations and landowners such as Castle and Cooke etc, are the only ones on the IAL (least at present) that I can tell. I hardly make any money and just farm for myself and friends. So tax incentives are not going to help me. What I need is access to farming machinery on a rental/loan basis, training to run it, etc. I am a woman farmer.	1/26/2017 12:01 PM
12	I would have liked to hear more of what the public's concerns were. I was not interested in all the information presented. Why has it come down to this?	1/26/2017 12:00 PM
13	This process should have been done prior to the Hoopili issue. Shame on the City government.	1/26/2017 11:58 AM
14	Why IAL is so important to the State	1/26/2017 11:57 AM
15	No trust that the official will protect the land.	1/26/2017 11:57 AM

Q8 Were your concerns noted in the meeting discussion?

Answered: 35 Skipped: 0



Answer Choices	Responses	
Yes	40.00%	14
No	17.14%	6
No answer	42.86%	15
Total		35

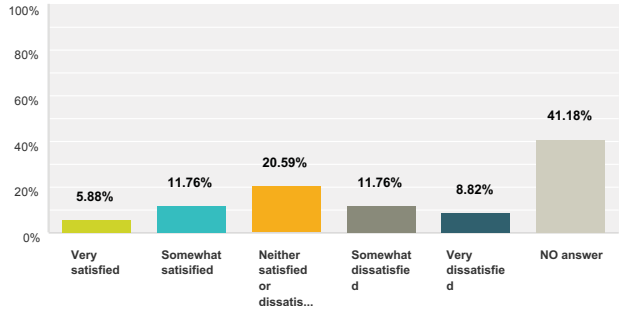
Q9 If not, what are they?

Answered: 8 Skipped: 27

#	Responses	Date
1	The county needs to address individual land owners, not through open forums.	1/26/2017 12:12 PM
2	Ewa Village. What's going to happen to urban land in Ewa Village?	1/26/2017 12:07 PM
3	What if I can no longer farm or can't lease the land for agriculture, what happens to its IAL designation?	1/26/2017 12:07 PM
4	Except for the points above. Why IAL designation (as first suggested by the Constitutional amendment) was even an issue that came up. Because if enforcement of existing rules and regulations (like actually farming your AG land if you have a house on it) was done, IAL probably wouldn't be needed. I farm my land, when many other "gentlemen farmers" don't, It seems we are ignoring enforcement and just adding bureaucracy. Large corporations and landowners such as Castle and Cooke etc, are the only ones on the IAL (least at present) that I can tell. I hardly make any money and just farm for myself and friends. So tax incentives are not going to help me. What I need is access to farming machinery on a rental/loan basis, training to run it, etc. I am a woman farmer. 2. I want to help our island be self-sufficient, one to combat problems such as global warming, etc. Two, because it seems the IAL designation program is more about FEELING we are doing something to protect farmland from urbanization, rather than actually make farmland owners produce/farm the land.	1/26/2017 12:01 PM
5	By the public, not the City and County.	1/26/2017 12:00 PM
6	No explanation as to what happens to AG land that is not part of the IAL.	1/26/2017 11:57 AM
7	My questions were read and answered.	1/26/2017 11:56 AM
8	Danced around the questions.	1/26/2017 11:54 AM

Q10 If you own agricultural land included on the City's proposed IAL map, how satisfied are you with the proposed IAL designation?

Answered: 34 Skipped: 1



Answer Choices	Responses	
Very satisfied	5.88%	2
Somewhat satisified	11.76%	4
Neither satisfied or dissatisfied	20.59%	7
Somewhat dissatisfied	11.76%	4
Very dissatisfied	8.82%	3
NO answer	41.18%	14
Total		34

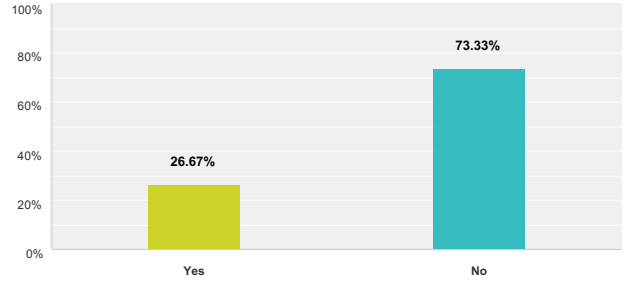
Q11 Please explain your answer in the space below.

Answered: 5 Skipped: 30

#	Responses	Date
1	As an owner we do not want IAL designation. We will be submitting a letter in writing.	1/26/2017 12:12 PM
2	Will need to research this more.	1/26/2017 12:03 PM
3	I'm very satisfied. Thank you for informing me of the process to designate our property as IAL land.	1/26/2017 12:00 PM
4	There is AG land that is not used as AG land, yet the agencies that are supposed to be watching out for the AG land ignore the abuse of the lands.	1/26/2017 11:57 AM
5	We would like to improve on a product, crop on our property. Hopefully, we will be able to produce a selling crop with grants or funding after being proposed on IAL parcel. We would appreciate being able to attend classes in agriculture, crop production in our area.	1/26/2017 11:54 AM

Q12 Have you visited the project website www.mapoahuagland.com?

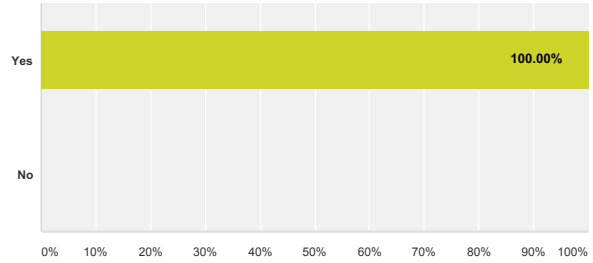
Answered: 30 Skipped: 5



Answer Choices	Responses	
Yes	26.67%	8
No	73.33%	22
Total		30

Q13 Do you plan to visit the website and map viewer after this meeting?

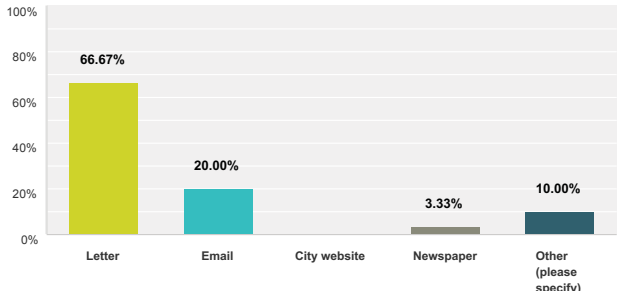
Answered: 29 Skipped: 6



Answer Choices	Responses	
Yes	100.00%	29
No	0.00%	0
Total		29

Q14 How did you hear about this meeting?

Answered: 30 Skipped: 5



Answer Choices	Responses	
Letter	66.67%	20
Email	20.00%	6
City website	0.00%	0
Newspaper	3.33%	1
Other (please specify)	10.00%	3
Total		30

#	Other (please specify)	Date
1	friend	1/26/2017 12:09 PM
2	Email from Kioni Dudley's list	1/26/2017 12:05 PM
3	left blank	1/26/2017 12:00 PM

Q15 Do you have any additional comments or thoughts to share?

Answered: 9 Skipped: 26

#	Responses	Date
1	I would like to know more on the possibility and process on requesting AG zone land to Urban/Res.	1/26/2017 12:12 PM
2	Stop lying to everyone.	1/26/2017 12:05 PM
3	I like Kioni Dudley's long term vision and dedication to what's right, appropriate and pono. Hope he gets some traction/progress. Good pragmatic idea to defer final IAL process. Thank you for hosting!	1/26/2017 12:05 PM
4	Please make it a point to enforce AG land owners with homes to farm. WHAT GOOD ARE THESE LAWS IF NOT ENFORCED? ENFORCE FIRST PLEASE AND ADD MORE DESIGNATION/RULES LATER PLEASE. Thank you for considering these points. Aloha!	1/26/2017 12:01 PM
5	Why not pay for people to move to where it is more sustainable to live? Rather than make everyone here suffer. Let the rich eat each other UP!	1/26/2017 12:00 PM
6	How many community meetings will be held before a final IAL mapping decision if finalized?	1/26/2017 11:58 AM
7	Thank you. Honouliuli = IAL	1/26/2017 11:57 AM
8	1. Meeting was very useful, found out the City officials can change land designation at any time. 2. What is to stop the Legislature from changing AG land anytime in the future? IAL is a set up for the future when they will change all other AG lands not part of IAL. Some day this will look like the mainland, no more Hawaii.	1/26/2017 11:57 AM
9	Please propose HOOPILI as IAL parcels. We have enough traffic leaving the West Coast.	1/26/2017 11:54 AM

HHF PLANNERS
places for people

MEETING SUMMARY

Meeting Date: Tuesday, January 17, 2017

Meeting Time: 6:00-8:30 PM

Project Name: O'ahu IAL Mapping Project

Location: Hale'iwa Elementary School Cafeteria

Recorded by: Corlyn Orr

Reviewed by DPP: February 16, 2017

Attendees: see attendance record

Subject: Community Meeting 2

This community meeting for the City's Important Agricultural Lands (IAL) Mapping Project was held at Hale'iwa Elementary School Cafeteria on Tuesday, January 17, 2017. This was the second of two meetings to present the Draft IAL maps and explain the project.

WELCOME, INTRODUCTIONS, AND PROJECT BRIEFING

Kathy Sokugawa, Acting Director of the Department of Planning and Permitting (DPP) called the meeting to order at 6:30 PM, and offered welcoming remarks. Scott Ezer, meeting facilitator, then proceeded to share background information about himself, and introduce DPP staff and the planning team. Scott explained that lands approved for the Ho'opili and Koa Ridge developments could not be considered for IAL designation, and then proceeded with the project briefing.

Following the presentation, Scott introduced several public officials, including Senator Gil Riveire, Representative Sean Quinlan, and Earl Yamamoto, Planner from the State Department of Agriculture.

QUESTION AND ANSWER SESSION

Meeting participants were asked to submit their questions in writing. Scott read each of the following questions out loud and provided a response. Both the questions and responses have been documented nearly verbatim to maintain both the accuracy and authenticity of the statement. Due to meeting time constraints, not all of the questions were answered (SEE ATTACHMENT A for questions/responses that were not answered during the meeting)

1. **Why is the Pūpūkea community, a primarily residential community, considered as a candidate for Important Agricultural Land designation?**

RESPONSE: All of the land at Pūpūkea is designated—is zoned—Country by the County. Country allows agricultural use and residential use. The land is all in the State Agricultural District, and a decision was made by the City Administration to include the Pūpūkea lands in IAL. I want to emphasize that getting an IAL designation will not change the manner in which you enjoy the use of your property. The main downside to being designated IAL is that if you want to take your agricultural land and zone it for residential use—like you need to go to the State Land Use Commission or you need to get a Sustainable Communities Plan amendment or a zone change—instead of a simple majority on that vote, you need a two-thirds majority. IAL is not zoning. It's an opportunity. It's a category of agricultural land that allows a landowner to take advantage of incentives.

2. **I have land that was purchased by my grandparents over 60 years ago and never used for farming. Why am I being forced to now use it in such a fashion?**

RESPONSE: You don't have to use your land for agricultural purposes if you're designated IAL. You can continue to use your land as you currently use it.

3. **What happens to my rental units on this property?**

RESPONSE: If the rental units were constructed legally, and they're there in a manner that was done properly, there will be no change to the use of your rental units.

4. **When they purchased the property, it was "Rural Protection."**

RESPONSE: That's something that goes back to the 1950s and 1960s. We don't have that category anymore.

5. **What criteria will be used when granting the tax break for farming IAL lands?**

RESPONSE: If you make investment in your property and you feel you can take advantage of the IAL tax credit, you fill out the form prepared by the State Department of Tax. You fill it out and you submit it. The conversation occurs between the State Tax Department and the State Department of Agriculture about whether or not your request should qualify for the tax credit. That's how that occurs.

6. **How would you guard against someone trying to game the system?**

RESPONSE: Interesting question. I think we have to rely upon the folks at the Tax Department and the Department of Agriculture to make sure that it's a legitimate request.

7. **If land becomes IAL, how does it affect the resale of my home?**

RESPONSE: There should be no change to the value of your property. As I said, you will be allowed to continue the use of your property that you currently enjoy.

8. **If it becomes AG land, must it be used for AG?**

RESPONSE: I answered that. The answer is no.

9. **What happens if only half the property is designated IAL, if it's AG/Residential?**

RESPONSE: The area that is identified for IAL does not necessarily include the entire property. There are many instances when the IAL boundary only includes a portion of the property, so in that instance, the incentive would only be usable for that portion of the property in IAL.

10. **How does rezoning affect future building on the land?**

RESPONSE: Again, this is not zoning. You can still develop and build as you would under the existing AG-1 or AG-2 zoning.

11. **Is there an option for private landowners to "opt out" or refuse IAL designation?**

RESPONSE: If you do not want to be part of the process, we encourage you—and I believe there's instructions in your hand-out and there are also instructions on the FAQ on the website on what you need to do—to let DPP know you do not want to be in IAL. You have to give a good reason for not being in IAL, and it may or may not be granted, but you do have a right to ask to opt out. The process is in your handout, I believe, and the process is also in the FAQ that's on the website.

12. **Are there maps that depict State and County AG lands?**

RESPONSE: The maps that we have on the wall show the land that is owned by the State in the AG District. We do not have any printed maps of county-owned lands.

13. **Too large of disparity between private and government lands proposed for IAL.**

RESPONSE: As I said before, this process is not intended to include government lands.

14. How do I know if my land is designated IAL?

RESPONSE: If you received the letter in the mail from DPP that said your land is being considered, that's how you know. We mailed out almost 2,000 notices to landowners throughout O'ahu informing them of their potential designation, and the meetings and the process that we're going through today.

15. How will the IAL designation affect farm dwelling permitting for land already designated for AG?

RESPONSE: It would be the same process. You have to get a building permit for a farm dwelling, and you would be held to the responsibility of the law that says your unit is a farm dwelling. That's for both county and state law.

16. What am I able to construct on my IAL property?

RESPONSE: Anything that's allowed. If you're zoned AG-1, whatever's allowed in AG-1. If you're zoned AG-2, anything that's allowed in AG-2. If you're zoned Country, whatever's allowed in Country. The same rules apply even with the IAL designation.

17. I pay over $1,000 an acre for property tax. Will the County reduce my taxes once my property is rezoned IAL?

RESPONSE: Probably not. There's a process where if you dedicate your land to agriculture, you get a significant tax break from property tax. So, if you're IAL and you're not farming now, and you want to farm, you can do that. You can get your incentives, and you can ask for the tax break from the real property folks.

18. Are the "benefits" on a first-come, first-served basis?

RESPONSE: No.

19. Do smaller, poorer farmers receive benefits before larger landowners?

RESPONSE: Doesn't matter how big or large your land is. Doesn't matter how rich or poor you are. If you've got the designation and qualify for the incentives, you're entitled to it. Castle & Cooke is entitled to the same process as somebody who owns one acre or less, and there are some properties that are less than one acre that are being proposed for IAL.

20. If land has voluntarily been placed in AG Preserve for a number of years, will it still go into IAL if it's on the map for IAL?

RESPONSE: Yes.

21. Can you include more small farmers and family farm landowners in your planning?

RESPONSE: Not sure what that means. Whether you thought they should be included in the process or in IAL? When we first made the map, we were blind, we didn't even look at property lines. We didn't care how big the property was. We didn't care who owned it. We just looked at the physical characteristics of the property and mapped those attributes.

22. From the presentation, small farmers were not represented well. Only one person on the list consulted.

RESPONSE: We had 11 farmers, and many of those farmers were small farmers that did own their property. The landowner that was represented on the advisory committee represented a number of the large landowners. Instead of having five large landowners, we had one representative for that group.

23. I purchased a property located on Hale'iwa Road next to a bridge. There's an existing structure on the property and there's also a ditch that runs in the middle. The land is unproductive at its present state because it gets flooded with brackish water when the river overflows and when it rains hard. In order to make it productive, massive truckloads of soil have to be brought in. The property is also next to a residential zone. Can my property be excluded as an IAL?

RESPONSE: I recommend highly that you get in contact with Tim, and discuss your situation with him.

24. I believe it is important to use our good farmland properly, but as much as I want to help that effort, I have no guarantee that later on the State can use IAL status to somehow encumber my property with more rules to make it harder to farm as a small farmer. Can you reassure me that this will not happen in the future?

RESPONSE: In my heart of hearts, I can't see that happening, but I can't predict what may or may not happen in the future. This legislation is intended to increase productivity, increase farming, increase the use of the land, and not to penalize any landowners, in particular small landowners.

25. What are the reasons besides non-suitable soil quality will be adequate reasons that IAL designation can be opted-out from?

RESPONSE: It's not farmed, it's never been farmed, the soils are bad, you have no water, you don't intend to ever farm, it's a small property, it's isolated. There's a number of different characteristics that you might qualify for. But again, each individual situation is unique, and will need to be discussed.

26. I, and another family, have a 5-acre AG land lot with a "CPR." None of the other lots can be developed as "family" farms, meaning no other dwellings can be built until the land is changed—it has to undergo some permitting at the County. Will the IAL designation make it harder for the other families to build, to get "site development" status?

RESPONSE: IAL designation should not interfere with the lawful use of your property, whether it's as a CPR, or as a subdivision, or anything else. There are rules on how many homes you can have on any single agricultural property, which is three. If you've already reached the maximum number, you can't put in anymore.

27. I believe Hawai'i has a unique farming problem in that the land is incredibly expensive. Why was "affordability" not given any concern in the identifying criteria?

RESPONSE: I didn't draft the legislation, so I can't speak for the folks that did that.

28. If only large landowners and corporations can really afford farmland, should that not be part of the IAL as your list has provided or be part of the sustainability plans or the IAL plans?

RESPONSE: The reason that mostly large landowners have taken advantage of IAL to date is because as large entities they're looking out to the future, they're ahead of the curve. There's also a provision in the IAL law that says, if you're a landowner—it doesn't matter how large or small—if you voluntarily put your land in IAL and more than 50% of your land, of all the land you own on O'ahu, is put into IAL, except any land that you own in the State Conservation District, this process cannot touch the rest of your land. So in fact, that is what Kamehameha Schools did. They took over 50% of the land that they own on O'ahu, and dedicated it—put it into IAL—so the rest of their land is excluded from this process. The Robinson Family Partners did the same thing on Kaua'i. A&B on Maui, Parker Ranch on the Big Island—they put land in IAL and whatever happens with the rest of the counties, they cannot be put in IAL.

29. Since the inducements for voluntarily allowing your land to be IAL are only tax breaks which require farmers to be making a substantial profit, will you consider other types of inducements that will actually benefit small farmers? Only large landowners have voluntarily designated their land as IAL. There are also classes being offered, but these are already farming classes that are currently being offered.

RESPONSE: As I said before, it doesn't matter whether you're making a profit or not. If you make an investment in your property, you're eligible to take that investment as a credit.

30. Once the IAL designation is made, how "iron clad" is the protection?

RESPONSE: You can always petition to come back out, but it's a lot harder to get out once you get in, so it would be considered fairly iron clad.

31. And then they go on to say, can it later be changed—like for Ho'opili?

RESPONSE: I think I made myself clear on how the law treats Ho'opili.

32. Once the IAL mapping is done, what steps would be implemented to prevent a future administration from bulldozing it and rezoning the AG lands for more urban growth?

RESPONSE: As I mentioned, there's a whole hierarchy of law. You have to start at the State Land Use Commission, you actually have to start with the North Shore Sustainable Communities Plan because if you're not consist within North Shore Sustainable Communities Plan, you can't go to the State Land Use Commission and your North Shore Sustainable Communities Plan makes a very strong statement about agriculture and its vitality and your desires as a community to keep the North Shore in agricultural use. I'm very proud to say that my firm—and myself and Cory—were the lead planners for the North Shore Sustainable Communities Plan that was adopted by the City Council in 2010, working with many of your friends and neighbors.

33. Given reasonable assumptions about agricultural productivity, how much land would be required to feed O'ahu's population if imports stopped?

RESPONSE: I'm sure you've all heard the seven-day rule, or many of you have, that the stores that we have, our grocery stores and markets, only have seven days of food. So what happens if there's some kind of a catastrophe and we cannot import? I'll tell you right now, we import about 90% of the food products that we consume on O'ahu. We are able to produce about 30-35% of the fresh produce that we consume on O'ahu. With respect to things like eggs, milk, meat and other specialty items, those are all imported. People always want to know, how much land do we need? Today there are approximately 40,000 acres of land that are zoned for agricultural use on O'ahu that are fairly good AG lands that are vacant and are not being farmed. So the question is, how do we get people on the land to farm those 40,000 acres? And I think that's one of the biggest challenges we face has an island community. To ensure that there are people that come with us and behind us that want to farm, because if nobody wants to farm, we don't get food.

34. Why did you NOT include Ho'opili and Koa Ridge in this?

RESPONSE: I already explained that.

35. Can an IAL parcel that consists of organic farming have a legal right to protect them from pesticide spraying by surrounding neighbors who share common boundaries?

RESPONSE: IAL is silent on pesticides. The State laws and rules governing the use of pesticides would prevail.

36. Why do we need to identify important AG lands? ALL AG lands are important.

RESPONSE: Yes they are.

37. Are you really going to listen to the people, or are you going through the motion?

RESPONSE: A lot of you know me, a lot of you don't. I've been in this business for almost 40 years. I've been a practicing planner in Honolulu since 1978. I worked for government. I've been in private sector for 29 years. I worked on the North Shore Sustainable Communities Plan, the Ko'olau Loa Sustainable Communities Plan, working on the General Plan Update, I'm working on this. I've represented a number of government agencies and private landowners with planning advice. I will let my reputation speak for itself and we are not going through the motion, and we do consider seriously all of the comments that are submitted.

38. Are you going to respect the O'ahu General Plan to keep Ko'olau Loa and the North Shore rural?

RESPONSE: I believe this question is probably geared for the Ko'olau Loa Sustainable Communities Plan (SCP), and like you I read in the paper—perhaps yesterday—that Councilmember Ikaika Anderson has announced that he will be moving the Ko'olau Loa SCP forward without the Envision project included in the SCP.

39. Who's on the IAL advisory panel and how were they picked?

RESPONSE: We spent a number of meetings with the City Department and the agricultural liaison for the City. We went through a list of over a hundred people that were farmers, people in the industry, people that contributed to writing the IAL law. We had two of the original drafters of the IAL bill on our advisory committee, so there was a collective decision-making by a number of people and that was how they were selected.

40. What are the names of the technical committee?

RESPONSE: They are posted on the website. You can see who they are by looking at the minutes.

41. If land is designated IAL, then taxation and utilities should be discounted to the landowner.

RESPONSE: There is already an opportunity for taxation. Utilities—if you are on the City potable water system and you are using potable water for AG use—you get a tremendous discount in the use of water.

42. Pay attention. Don't make government an issue like in Nebraska, Oregon and Nevada laws, like incidents like GOVT vs. PEOPLE violence. Issue of legal rights to property.

RESPONSE: We're not trying to restrict people's use of property.

43. How does this process work with the North Shore Sustainable Communities Plan yet to be implemented?

RESPONSE: The North Shore Sustainable Communities Plan, as I mentioned, was updated in 2009 and 2010 and adopted by the City Council at that time.

44. Does HFDC have the ability to supersede these determinations?

RESPONSE: HFDC is a State agency, and would be under the review of the State Department of Agriculture.

45. Will IAL designation help prevent or make enforcement easier of illegal vacation rentals?

RESPONSE: I don't think it will make it any easier. The City is trying to do what it can. IAL has no relationship to that.

46. For landowner initiated IAL, wouldn't it be a great incentive to lock property taxes permanently at the present rate?

RESPONSE: It's a good suggestion.

47. Do you have maps of areas using R-2 recycled water, especially for Wahiawa to Waialua/Hale'iwa?

RESPONSE: I'm not sure if we do, we might. If anybody does have those maps, I would like to see them.

48. Is the prime AG lands currently designated for Ho'opili development in the IAL designated area?

RESPONSE: No.

49. Why would the State not include the state land that is leased to farmers?

RESPONSE: They should and they need to get on their program to identify State-owned AG land. I have no control over what the Department of Agriculture and the Department of Land and Natural Resources does.

50. What percentage of O'ahu's lands are in each of the following zones: Urban, Agriculture, Conservation, Rural?

RESPONSE: Conservation is 41% of all land, AG is 33%, Urban is 26%. (NOTE: O'ahu has no Rural designated land.)

51. This community has resolved to define local food production for local consumption as the highest priority for agricultural land use. How does the current outline for IAL reflect the community's desire that AG land be protected for local food production?

RESPONSE: The law is silent on how the land is to be used. The purpose of the project is not to tell people how to use land, or how to farm, or what to farm. The purpose of the project is to identify the land that is the best AG land and let people make their own decisions about what to raise and what crops to raise.

52. Pūpūkea is zoned Country and some properties are AG.

RESPONSE: I think I already answered that.

53. Wouldn't it be better by the 3 criteria, not to water down the "Important" part of the IAL by lumping it all together whether 1, 2, or 3 criteria are met? A better solution may be to have separate designations: IAL 1, IAL 2, and IAL 3.

RESPONSE: That's an interesting proposition. Again as I mentioned, the consideration by the City Administration was to be as inclusive as possible and include as much land in the IAL designation as they could.

54. If you do not want to be IAL, must you write to DPP before March 31, 2017?

RESPONSE: I strongly recommend that.

55. AG land farmers have certain production requirements. Are these requirements for production or other requirements tied to IAL?

RESPONSE: No.

56. Will I lose my "Country" zoning status if my land is made IAL?

RESPONSE: No.

57. There is a stream on my property. Isn't the easement sufficient for assisting farming efforts?

RESPONSE: I'm not quite sure what question is. If you come see me after, I'll try to help you.

58. Is there a cap on the tax credit, a percentage limit for IAL tax credits?

RESPONSE: No, it's a dollar value.

59. Is funding for the IAL incentives already set aside or will funds need to be incorporated into future budgets?

RESPONSE: As I mentioned, the tax incentive is scheduled to sunset December 31 of this year. It's important that it be extended and the Department of Agriculture is working to make sure that happens.

60. How will a property being CPRed as County and now designated IAL be affected?

RESPONSE: It should not be affected.

61. What are the restrictions for employee housing under IAL?

RESPONSE: My recollection is you can only use 5% or 50 acres of the land, whichever is less, and then you would be limited to the number that would be allowed under the AG zoning.

62. Can I charge rent to my employees?

RESPONSE: Yes.

63. Can I charge part-time employees rent?

RESPONSE: Yes.

64. How many housing units can I build for employees?

RESPONSE: I just went over that.

65. I currently am required to "dedicate" my AG land for AG use every 10 years. Will this still be required as IAL?

RESPONSE: No, IAL will go on. The tax break for AG dedication will still be on the 10-year cycle.

66. How vulnerable does IAL leave a property to "eminent domain?"

RESPONSE: For those of you that don't know, eminent domain is the power of the government to condemn property for public use. If the government wants your land, and there's a public purpose for wanting your lands, and they want to buy it, they can go through eminent domain. They can't—they don't just get it. They have to pay you the market value for the property. IAL will have nothing to do with eminent domain.

67. The IAL designation allows 15% of the AG land to be rezoned for urban or residential use. Will this 15% rezoning clause be allowed for all this IAL-identified properties?

RESPONSE: You only get the opportunity for that 15% clause if you voluntarily dedicate your land to IAL. And then only the land that gets the special processing has to already be set aside for urban use.

68. Is Castle and Cooke with 679 acres paying only $300 per year property taxes?

RESPONSE: I have no idea.

69. Where does the IAL designation go if accepted/granted? Owner's title report?

RESPONSE: Not sure. It would be identified by City land use records, and I'm not sure whether it would be included on your title report.

70. If the land is farmed and becomes productive, how will the government help in selling the products?

RESPONSE: Well, there's a number of different things going on. I know the State Department of Agriculture funds, supports, and encourages many programs to buy local. We see the benefits of that program on TV all the time. Most of our farmers markets are restricted to locally grown products. There's a rising consciousness of all people who live on O'ahu to buy local products. When we initially—we had some focus groups for this project—we had some members of the retail grocery industry, and we asked them this very question. What kind of percentage of local products do you put on your shelves? These were all the big-name grocers, and they said, "You know, we try we try to have about 30 to 40% of our produce locally grown by local farmers. We could double that. We just can't get our hands on the produce." And people are willing to pay more to buy local. That's been shown. There's been studies and the grocers support that and understand that. The question is getting production out of the land, and getting those products out of the ground and into groceries.

71. Will you have a designation for organic land?

RESPONSE: No, we aren't going to do that.

72. How many of these planners worked for Monsanto?

RESPONSE: Zero.

OPEN FORUM

Meeting participants wishing to speak during the Open Forum were asked to sign up in advance of speaking. Each speaker was given two minutes to speak. Those wishing to speak longer than two minutes were invited to sign up for a second turn, after all others had a chance to speak at least once. Each speaker's comments have been documented nearly verbatim to maintain the accuracy and authenticity of their statement.

1. Herman Ferreira: With all respect to everybody in this room, I come from Waiahole-Waikane. I couldn't understand why I received a map in the mail that this small portion of Waiahole-Waikane is included in this project. I don't understand because some big land developers in the back of Waiahole bought all this property to plant cocoa beans and all of this stuff, and it hasn't gone through. The water tunnels that move all of the water from Punalu'u to the opposite side of the island goes through Waiahole. I don't understand, maybe the Director can say this, why a meeting wasn't held in Waiahole-Waiakane. People keep asking about tax rates. I going tell you something about tax rates. I'm a small landowner. If you do not designate, if you do not use your land totally for farming—like me I'm retired and now I farm on my land, I raise livestock and I raise goats—you don't get a tax break. I'm talking about property tax. Everything, all these other incentives that you get, you do not get the tax break. Maybe the politicians in this room can check up on that and let us know why is that. I used to have my land dedicated to farming. Now he said earlier, we get water, discount on water. Once they take away that break that you do not dedicate your land totally for farming, you do not get those deductions. I was paying $2,000 a year for taxes, now I pay almost 5. With the homeowners insurance and *the property tax, its out of control. But like I said, maybe Mr. Rivera—I voted for you by the way—maybe you guys can check it. Because it's not fair. I don't think it's fair at all. Thank you for your time. Two minutes is not enough. It's sad, really is. Very deceiving.

2. Dawn Wasson: Aloha. I'm Dawn Wasson, kou inoa. I'm a kupuna from Laie wai. I'm here tonight to object to this process because this process is dictated to you and taking away your rights as to the use of your land. And I want to give these people notice now that I will definitely apply at a contested case hearing. I don't know if many of you guys know, but today is the overthrow of the Hawaiian Kingdom, and I would like all of you to stand as we sing Hawai'i Ponoi. Please, Hawai'i Ponoi. (Everyone stands and sings). Mahalo. For all of you, I want to say thank you for your love and respect for the kanaka, the people of this land. I speak as a kuleana and konohiki landowner. My families has been in Laie for 212 years. We have been diligent in protecting our lands, and we have been under attack since then. But to all of you, if your land is kuleana land, you have a tax break of $300. Look it up. Make use of it. But I say to you, look up this chapter of the Land Use Commission, Section 205-43 all the way to 51. Do not give up your rights, do not allow any of these state agencies or city agencies to dictate to you how you are able to protect your land. It is your right. So please, aole makau, do not be afraid. Stand strong together as one, and do not let them tell you what you should grow on your land and how much, because they are going to confine us into this different criteria. You have to have a business plan, you have to have a business license. We're talking about self-sufficiency. Your land, you grow your own food and eat your own food, and if you want to sell it, you don't need their permission. So love to all of you. Mahalo.
3. Thomas Shirai: January 17, 1867….Today, 150 years ago, my great-great-grandfather was born. I feel that when you do something of this magnitude, you need to go to each specific area. There are six moku on this island. You need to go to each moku and address specifics so that you don't waste time. Also, I do have concerns about some designated areas and stuff like that, but what got me was, you know just like they have the Land Use Commission at the state level, I feel they should have a Hawaiian cultural practitioner representing the Hawaiian culture. You need to have that because it is not just maps. I did my genealogy. It cost me $0.15 to find this page. Fifteen cents, not $200 an hour, or so many thousand dollars for getting the same thing. And in that $0.15, I found my ancestors name, I found his occupation, which was farmer or taro farmer or fisherman, and his geographical location. More than a person that is trained as a consultant with no such feelings. They will go away after that contract is done, but this will be passed on for generations and generations and generations. So, I hear the signal, and the most positive thing that I can see tonight is—I'd like to see everybody, regardless if you like IAL or you don't like IAL—please be civil. Especially when to come to somebody's house. Please be civil. It's alright to disagree, but be mindful and respectful. Thank you.
4. Patricia Beekman: I'm here for Ho'opili. Ho'opili has been put to side and is not considered in the IAL. Ho'opili and Koa Ridge are important. Ho'opili is the best agricultural land on the island, and it produces about a third of the produce that we buy at the local markets. I talked to a professor—Dr. Goro Uehara—and his specialty was soil analysis. He said that the Ho'opili farmland is the best in the country, I think he might have said the best in the nation and it's the only quality agricultural land of that stature on the island and this is what's going to be paved over for development. It took thousands of years to have this quality of land available to us, and once it's destroyed, it's not coming back. A lot of us want to keep fighting until the very end to save Ho'opili. It's important to us as a people. Hawai'i is the most isolated, populated area in the entire world. We get things from the mainland, that's 2,500 miles just to California. What's going to happen if there's war, or some kind of disaster happens and we can't get food from the mainland? We're going to be in big trouble and that's because of the shortsightedness of our politicians. Our political system is corrupt. One

example of corruption is the City Council. I attended the last meeting at the City Council where they all voted to rezone the Ho'opili farmland to Urban so that it could be developed, and none of them—even though there were many of us that were talking about the importance of the agricultural land there—none of the City Council members mentioned any objection to the farmland being destroyed forever. And so we were going out of there saying, we can't believe it. All of them voted to rezone this. Well it came out later that all of them are getting campaign contributions from developers. The amount of contributions ranged from about 42% to about 88%. I'm getting waved off, so my time is up.

5. Choon James: Aloha, just a few points. I'm Choon James from Kahuku. I find it really inconsistent that this project here, this process here, will respect home rule when it comes to agriculture, well when it comes to Ho'opili and Koa Ridge, but the lawsuit about the pesticides in Maui and Kaua'i, they did not give any credit to home rule at all. To me that's a very inconsistent application of city and state ordinances and law. May I also say that all AG lands are important? All AG lands are important. Also, he had mentioned that there were 40,000 acres that were not farmed or that are so-called fallow. Well, most of these 40,000 acres are owned by big corporations and these lands are not farmed because they're under lock and key. Right? People cannot get to it because it's lock and key, and most of it is owned by big landowners. I also want to add that I still have questions about them not wanting to respect the O'ahu General Plan. So my question is, if I have 1,000 acres, does that allow me to set aside a certain amount of development in an area that may contradict the O'ahu General Plan. My question also was, are you going to listen to the people or are you going to go through the motion? It happened to us in the Ko'olau Loa Sustainable Communities Plan. There were 25 members working on it, and at the very end, the development on Gunstock Ranch was just put in. Despite our protests, it was just put in. I hope this process would sincerely include the public, instead of just going through the motion. Thank you.

6. Michelle Tomas: It's no secret that my grandsons and I have been to the City Council many a times, testifying before them about Ho'opili. My family roots go deep when it comes to farming in the islands. My mother-in-law was the daughter of one of the first wave of sakadas that was brought to the islands from the Philippines. She died when she was 95. Members of my family currently have farmland here in Waialua so my roots are deep. In the soil. Koa Ridge and Ho'opili actually set the precedent for all of our farmlands to be rezoned. And we have to understand that. It's a challenge to all the landowners out there to speak out loud and proud and preserve your own land, and be vigilant. My grandsons coined the phrase during the time they were testifying before the City Council—we can't eat concrete. At that time they were ages eight and nine. And they already knew what the land meant to them and what it still means. When that vote came down, they were crushed. They said we cannot trust the government now. Look what they did to the best farmland in the state. That's coming from our children. We are led by our children. They are our future. Think about that. We do this to preserve all this land out here from development. The precedence is already there for big landowners to come in and take it from you. You have to be vigilant. If it can happen out in 'Ewa, it can happen anywhere. So please, speak up loud and proud, attend every meeting you possibly can, pack it even bigger than this because your voices have to be heard. Thank you.

7. Dr. Kioni Dudley: Aloha. I'm Dr. Kioni Dudley. I'd like to tell you that I've been very much involved in Ho'opili since the very beginning. I want to correct you about the situation as far as the law is concerned. It is true that the state law says that you should not include areas that are designated by the counties as urban or to be urbanized. However, when we take a look at what happened here, Kathy Sokugawa who's the acting head of DPP right now and I were at that meeting of the City

Council in 2012 December, and we were considering whether or not to put Ho'opili and Koa Ridge into the study. Now everybody at the Council knew that this would be contrary to the law because Kathy was there and told them so, and that's on the record. That was taped by Olelo and it's still available for people to see. The City Council took Kathy's work, ok, the law says this, but we made the designation about what was going to be urbanized. We made that designation. We at the City Council, and we are saying in this resolution, in spite of that—because Kathy brought it up—in spite of that, we want you to study Ho'opili and Koa Ridge and put them in this study. They're not saying they're going to prevent it, all they said is, we want them in the study. I understand I get 2 minutes if I come back at the end. Please stick around. I have a lot more to say. Thank you.

8. Raymond Arancon: Listening to this presentation that was presented got me all frickin' confused. Messed up my mind. So now I think I need more than two minutes because you have to explain to me, you know, you have to explain out the confusion that you instilled in my brain. OK. Now DPP, City Council, Land Use Commission, Legislature, Courts—they're all part of the State government, right? Is that correct? OK, they're part of the State government, yes? (Scott responds, State and County government.) Ok, so that means that they're governed by domestic law, municipal law, domestic law. Because your presentation stated over and over, you have to comply with State law, compliance of State law, State law, ok. So now that means the rule of law. So now I need to have this confusion cleared up. My question is this. Number one. In 1993, Congress passed the Public Law 103-150 called the Apology Bill, and Congress stated, the United States said, we screwed up. We illegally overthrew the Hawaiian Kingdom. Now, because of that, yeah they want to take over all of this land and stuff, but we screwed up. Now, because of that, number two. Congress passed Public Law 104-192 in 1996 after 1993 the Apology Bill. They incorporated that public law with Title 18, US Code Section 2441, Chapter 117. It's about war crimes and it resulted from the Apology Bill and the illegal occupation. Number three. The International Court on February 5th, 2001, in the arbitral award with Larsen vs. Hawai'i case, in the International Court, they acknowledged and confirmed the Hawaiian Kingdom's sovereignty, continuity and its still existence. That's International Court, 2001 February 5th. Now this comes even more stunning. March 5th, 2015 in the court of Judge Joseph Cardoza, in his criminal case 14-1-08-19, 14-1-08-20, he issued a judicial notice confirming the existence of the Hawaiian Kingdom. A judicial notice in a court here in Hawai'i , Judge Joseph Cardoza. Now my question is this, because of all this confusion—we have to follow the law, follow the law—if that's the case, this hearing demonstrates two things. One, a strong ignorance of the rule of law, and two, a high disregard for the rule of law. So now, explain to me. How can this meeting take place because it's violating the rule of law? The State constitution says, preservation of important agricultural lands to be kept in perpetuity. Perpetuity—that means forever but what the hell….These guys……

9. Carol Philips: Good evening everybody. I always got to follow the hard act. It's so wonderful. I haven't seen this many—I like to call you guys freedom fighters—but wonderful people together in a room in a long time, so it's nice to be here. I've been following this important AG land thing for 10-15 years, and I just see it as a way to make it easier to rezone about 50% of the AG land in Hawai'i , or to upzone it. So that's really what I think is going on. And the pilikia with Ho'opili is bringing that up. This is not about protecting AG lands. This is about making it easier to rezone unimportant AG lands, whatever that means, and I guess that's just by default. And Scott, I want to commend you because I know that you're going to give your bosses an earful of what you're hearing, so I'm glad that you're facilitating this meeting. I know you're an honest man so I'm not going after you. It looks nice, the North Shore, it looks like we're getting all these important AG lands but it's really the quote unimportant quote AG lands that I'm afraid for. Listening to the gentleman talk before me, and saying that AG lands are supposed to be perpetuity—so what about the unimportant AG lands?

And lastly, someone brought a question up and they said, what was the number of agricultural acres that we need on O'ahu to be sustainable when those seven days are up and we don't have food coming in? That question wasn't answered. It was no one wants to farm. But what is that number? How many acres do we need to have available for agriculture to be able to feed ourselves when we've got a million people. Thank you.

10. Mary Chun: Good evening. My name is Mary Chun. I agree with Carol. Like she mentioned, we are most of us here to protect our AG lands. The AG lands behind my house where I've lived for the last 40 years are in eminent danger. In fact, tomorrow is the City Planning Commission meeting to decide if those AG lands should be turned into, rezoned residential. I live right across the street from the North Shore Marketplace on Kilioe Place, which is a small cul-de-sac next to Achiu Lane. Mr. Scott Wallace has bought the land behind our homes—15 acres or 20 acres—and he's proposing the Hale'iwa Plantation Village and he's going in front of the Planning Commission tomorrow and asking them to rezone that AG land into residential. I'm just asking if there might be anybody here that would like to join myself and my neighbors of Achiu Lane and Kilioe Place on Kamehameha Highway, you know the people that want to protect our AG lands, to go to that Planning Commission meeting. I've never been myself. It's in Honolulu. 550 South King Street at 1:30 in the Mission Memorial Building. It looks like it's down by Honolulu Hale. And they say if you want to give testimony, you have to bring 15 copies. Or you can go and just support us. We really appreciate that. Thank you.
11. Larry McElheny: Aloha, my name is Larry McElheny. I live in Pūpūkea, and I received the same letter I guess several of you folks received. When I read the letter, it started to bring back some memories and I started to think about what little I know about the land use law and the history of it here in Hawai'i. As I reminisce, there's some important milestones. In the '60s and '70s, Hawai'i established one of the most forward-looking land use laws in their country. It was hailed as being very progressive, and just a great land use law. About the same time, maybe previously, there were maps made—ALISH maps, Land Study Bureau maps—that identified all the important AG lands in the islands, and the quality of those lands. For 20 or 30 years, the land use law served us well. One of the primary functions of that law, people don't realize, was to retain open space and contain urban sprawl. So not just about agriculture, but about the philosophy about land use. As I said, the land use law worked very well for years and years. The ALISH maps were referred to in EIS documents and so on and so forth. There's plenty of good maps that identify AG lands already. And then around plus or minus a few years, around 2005, somebody came up with this great idea, Hawai'i Revised Statutes 205-42. And so I started asking couple of land-use attorneys that I know, what's up with this? What's going on with this IAL land program? I'll just read you some quotes. Now these are people that are attorneys, licensed attorneys, but they don't work for developers, they work for nonprofits. This is what they said about this program. It's an attempt to dismantle Hawai'i's land use law. It offers little or no additional permanent protection. IAL is a joke. It encourages development outside the urban core via the trade-offs. It is very confusing. Is this intentional? How can land that has residential development be considered important AG land? Why is Ho'opili and Koa Ridge not included? And so on and so forth. Thank you.
12. Jay Izaguirre: My name is Jay Izaguirre. I'm from Waiahole on the other side of the island. I wasn't even going to say nothing, but I was born and raised farming. My papa, my mother, my tutu, everybody. To me, it's just so much. It's just everybody talking, and you know, it just comes back to food. Food, and your guys land. I know somebody come to me and telling me something I wouldn't understand, its kind of a lot to take in, but I just do my homework. I still farm. I'm from Waiahole. We have access to water, there's an auwai on property, thankfully. You guys have what, spring

water and our water? But I don't even care. I know all the old-timers care, and I respect that, that's how we was born and raised. I've climbed through those tunnels. I popped out in Waipio. All I can say is to the farmers and to all the people, you know, buy local produce. It helps. It puts boots on my kids, it puts tires on their dirt bikes, you know what I mean? It buys me diesel. I mean, come on. I never heard one thing about diesel. Or you're talking about how we want farmers. I swear I meant at least 10 guys my age who want to farm. That's not one joke. All the old people farm. And they bus'. Seven days a week. And I do construction. I didn't want to talk. I just wanted to say thank you for the people that buy produce and the people that plant produce because that's how you goin' get independent is money. You need more money.

13. Karen Murray: Hi, my name is Karen Murray. I'm terrible at public speaking. I remember my first time I ever spoke in public was at a Waiahole thing. Anyway, I want to show you my sign first off. OK. There's a difference between prime AG land and land that you use R-2 water. That you have to use R-2 water, or land that you have to pump the water up to. There is a major difference between land that doesn't get enough sun so your crops mildew, that are higher up. There's a lot of things that go into farming, and that young man was right because I know a lot of young people who want to get into farming and just can't get on the land. And it's hard once they do get on the land to stay on the land. You know, I was a produce buyer at the co-op, and I had a friend who was up here, and he was farming organic, and all his things got stolen. The final straw was when his tractor got stolen, and the tracks led right to the person that stole it, and the police couldn't help, and said, sorry there's nothing we can do for you. I know there's a lot, a lot of challenges for young farmers. The other thing is this thing, important AG lands vs. unimportant AG land. You know, this whole thing just smells. Trying to get around laws, and divide it and sell it somehow as commodities, somehow. I wrote notes 'cause I'm so terrible at speaking. So I wrote, padding of the acreage? Why would you include R-2 water land with Ho'opili? Ho'opili which has clean water. You cannot even put that R-2 water on crops, that the part that you going to eat, so you cannot grow root crops, you cannot grow anything that might sit on the soil. So why would you lump that in with prime AG land? It looks like they're trying to pad it all together and say, oh look Ho'opili is not that big a place. It's not one third, so we have a lot more than we think. There's a lot of ways to play with numbers and this just looks like one of them.
14. Travis Overley: My name is Travis Overley, and I'm a biotechnic farmer. I followed the IAL for a little bit over the past few years, and one of the things I want to point out is just as an observation, is it seems to me, we have to have all these agencies and government groups come in to solve one question or to basically answer the question, what is the best AG land? It seems redundant. We know what the best AG land is. There's something else going on, and that's why the public is a little disconcerted. Here's the big problem. This community—right here especially—we all resolved to define local food production for local consumption as the highest priority for agricultural land use. That's it. That doesn't mean you can't do all these other kinds of things. It just means that as this community, we said we want food production. The thing about when we hear agriculture, sometimes some of our representatives, they speak of it real generously, like they speak about education. We all want agriculture, but there's two ways to talk about agriculture. One way is food production and that's what we think we're talking about, but the other way is everything but food production, and that's where it's profitable because food production cost the most to get into, you make the least amount of money. It's not a big, big, big money-making business. There's no incentive so what are we doing to show that IAL protects food production? What are we doing? Now that right there is a criteria. If IAL works and is successful, it's only successful because it increases our local food production. That's how we know if it's successful. If it doesn't do that, what are we doing here? We're just padding some development. Let's be truthful. That being said,

the greatest strength we have in the IAL—because this is going forward—is the soil standards. The soil standards is the loophole, it's the weak spot. We can upgrade, we can fight for really, really, really tight soil standards, so it's expensive. So if you want to be on IAL, you gotta take care of the land, you gotta take care of the soils so it is sustainable. That's one of the things that we can do, so I would encourage all of us to key on to that. It's also important because as a biotechnic farmer, I'm into living soil. My dirt needs to be alive, and that's why I have a little bit of a spirit comradery with some of my Hawaiian comrades, because they look at the soil, the aina, as something that's spiritual and living. The IAL lands—if it doesn't take that into consideration—I don't think it's very important for us. So let's support something in that direction. That's all I have to say. Thank you.

15. Earl Dahlin: Good evening everybody. I hope everybody's having a good time. Hey guys, I don't have no notes. What I'm gonna say comes from my heart. I've been hearing a lot about that function on the west side. Before it was all AG land, right? What happened? Our Legislature voted to put this new housing in there, they restructured the land. Now, the law comes from our Legislature. They can change anything. What's going on here now, guess what? Down the road—ding, ding—open open the lights people. They can change it. The law could change, anything that they want. Look what happened in the last 100 years. How many people lost land? Now agriculture used to be our kingpin—pineapples, cane fields, and all that. Now, what we got in there? All about housing. How many houses are they putting up there? 10,000? 20, 30,000? A hell of a lot of housing. Guess what? Our highways cannot even handle what they doing. Our state puts in the houses before they tend to the roads. That's pretty lame. That's why today, on the news this morning, guys who came out of Wai'anae and 'Ewa Beach, one hour and 45 minutes to go to work. And the idiots go down there, and buy houses. Why? Because they have to get some place to live and all that. The only way this is going to happen is if the State turns around and vote—which is our Legislature—vote that the North Shore will stay AG for the next hundred years. If they vote on that, guess what? We're gonna have our country still there. We're not going to have what's happening down in 'Ewa Beach right now. And that's sad, because I do not want to be there. Everybody, thank you very much, think about it.

16. Makani Ortogero: Aloha mai kakou. My name is Makani Ortogero, and I am a descendant of a farmer—seven generations of farmers, as are many of you in this room, especially for those that have been here for generations and those that have chosen to make a life in the country or in agricultural areas. I just want to point out that it's being as far and away from any other land mass, we are reliant upon food. In old Hawai'i, which had the best management of our islands and of our people and of health, prior to the state of Hawai'i taking dominant control and also Federal Government, food was the most important thing, with education balancing of the same points. Because food is the very first thing that we need, and nourished with when we are born. We are immediately up upon our mother's breasts, or now it's a bottle. I was taught by my grandparents that the first thing that you do is you feed a person. If you have nothing else to do, you bring salt. You bring pa'akai. When we go over to families' houses, we bring food. Food is our culture here. It's more than real estate. Yes, we are in a housing deficit, but that's only because the State as well as the City and developers have allowed it to be that way in the name of money. The problem that I tend to see is that with Federal regulations coming down and being more restrictive on agricultural laws, with FSMA (Food Safety Modernization Act) coming down, it doesn't allow for a local community to produce enough food to feed itself. Now if we're going to take a look at a local community being statewide, or even better yet, island-wide, why does there need to be a designation of Important Agricultural Lands vs. all agricultural lands? And I'm going to bring up this point because tomorrow, we have some previously-important agricultural lands that once were taro fields that Auntie has talked about earlier, as being on the City and County's DPP list for rezoning to

Urban, where the State has already designated the Urban line is up mauka of Whitmore. We have problems with local food production. I'm sorry, I'm not getting to what I want. The real problem is what we need to take a look at, because farmers can't get on land—and I'm still a farmer—is infrastructure. Water comes last, soil comes last in their development and their ideas. And that's due to the Real Estate Board, the Real Estate Commission. Land is so expensive for farmers, so when important agricultural land is designated and the rest is forgotten because there's not enough farmers, it's basically taking—you're basically running before you can walk. It's more important that you actually look. Sorry I'm not going to stop. It's more important that the State and the City looked, because the City is trying to align with the State? That's our—on the County level, it basically puts it in the hands of the legislators, and on the legislative level, most legislators don't live in agricultural zones. They hear population boom, they hear the problem with population. They don't hear how the families can't be fed. So they're listening to the people in their zones, and all of our Representatives and our Senators that represent agricultural land will not be heard and will be overrided. So just take a look and understand, you guys, don't be afraid to fight. Don't be afraid to ku'e, and talk as loud as you want, long as you want, and harass them. Harass them as much as you can, and write those petitions. Write as much as you can to your senators, let them know. More importantly, get your hands in the dirt, get your hands in the soil because then you're a statistic for them to be used. Mahalo.

17. Kalani Asam. Tomorrow, I'm looking forward to going to the legislature at the Crap-itol. And if you've ever been to the crap-itol building, you will notice a big hole in the middle of the building? That's called the vagina-rena. It attracts an awful lot of dick heads that have been disrespectful to my people from day one, since the queen did what she did honorably, the most magnanimous individual on the face of the Earth at that time. We prove to all the white folks that we can not only be better than you whites, but we gave you frosting on your cake. So—understand this. Everything that is here, that has been here since 1893, has been illegal. Period, no discussion. Learn our history and you will understand, truly, what being pono is all about. Nobody since the arrival of Captain Cook has been pono. And also, I'm looking forward to taking the big chopsticks I can, forks, anything I can, I'm going to start eating them politicians tomorrow. Mahalo.

ADJOURNMENT

The meeting was adjourned at roughly 8:30 PM.

ATTENDANCE RECORD

1. Marianne Abrigo	91. Michael Lyons
2. Racquel Achiu	92. M.K.
3. Derek Agadar, Twin Bridge Farms	93. Ralph K. Makaiau
4. Renie P. Agsalda	94. Chandler Mallette
5. Ryan Ah Quin	95. Paul Mallette
6. Tim Aki	96. Mallette Family, Waialua
7. Allen Alana, Ka Mauna o Oleveta Church	97. Mark Martinson
8. Justin Alexander	98. Jeanne Martinson
9. Leif Andersen	99. Michele Matsuo
10. Conrad Anguay	100.H. Doug Matsuoka, Hawai'i Guerrila Video Hui
11. Andrea Anixt	101.Larry McElheny
12. Raymond Arancon	102.Al Medrano
13. Kalani Asam	103.Fred Mencher, East O'ahu County Farm Bureau
14. Mark Bartley, Mohala Farm	104.Antya Miller, North Shore N.B. 27/ North Shore Chamber
15. Bert Beaman	105.Belinda Miranda
16. Greg Bellows	106.Yumi Miura
17. J. Bennett	107.David Miyamoto
18. Janna Bills	108.Gaylord Miyata
19. Bill Braden	109.Ken Mohica
20. Jinny Braden	110.David Morgan, Kualoa Ranch
21. Scott Brewer	111.Karen Murray
22. Steven P. Brooks	112.Daniel Nellis
23. Noe Bunnell, Lokoea Farms	113.Michael Nielsen
24. Dave Burlew	114.Jim Niermann
25. David Bybee	115.Mary Nitsche
26. Matthew Cabamongan	116.Shawn Nitsche
27. Deloros Campbell	117.Linda Noey
28. Candace Chase	118.Eugene O'Connell
29. Robert Cherry, Flying R Livestock	119.Kaya Ogdemli
30. Mary Chun	120.Josh Omatea
31. Tom Coulson	121.Representative Marcus Oshiro
32. Ed D'Ascoli	122.Pae'aina Landscaping LLC
33. Roy DeCoito	123.Kathleen Pahinui, North Shore N.B. 27
34. Andre DeRosa, Farming Naturally	124.Ivy Pang
35. Andrew Dewees, KLRF	125.Jarrett Pang
36. Rexann Dubiel	126.Terry Partlon
37. Teofilo Duldulao	127.Steven Pascual
38. Malia Evans	128.Henry Peters
39. Herman S. Ferreira, Jr.	129.James Peterson, Jr.
40. Rawleen Fisher	130.Sharon Peterson Cheape
41. Erik Forgerson	131.Carol Philips, North Shore N.B. 27
42. Frank Foster	132.Robert Pickering
43. Raynel Foster	133.William Posenecker
44. Christophe Frat, AgriMar Farm	134.Margaret Primacio
45. Ruth Fukuchi	135.Bill Quinlan
46. Grant	136.Elizabeth Rage
47. Joy Galapia	137.Ambika Ramamurthy
48. Lenny Galapia	138.Edith Ramiscal
49. Nevin Gatchalian	139.Emilyn Ramones

50. Rebecca Gonzales	140.Brittany Rits, Rep. Matsumoto's Office
51. Gerald Gordon	141.Pamela Rivera
52. Amelia Haak	142.Rocky Rivera
53. Mark Hamamoto, Mohala Farms	143.Rusty Schoolford
54. Dean Hamer	144.Kevin Seid
55. Laura Hankins	145.Phyllis Shipman
56. Gina Hara	146.Thomas T. Shirai, Jr.
57. Andy Healey	147.Edward R. Silva
58. Lora Healey	148.Leslie K. Silva
59. Jeffery J. Heinold	149.Cathy Silva-McCabe
60. Deldrene Herron, Punalu'u Comm. Assn.	150.Joelle Simonpietri
61. Jennifer Homcy	151.S. L. Smith
62. Gary Ilalaole	152.Leon Sollenberger
63. Sue Ilalaole	153.M. Takemoto
64. Andrea Ivey	154.Matt Terte
65. Robert Jay Izaguirre	155.David K. Taogoshi
66. Choon James	156.Rona Totoki
67. Amelia G. Jodar	157.Rustyn Totoki, Mokuleia AG Lands
68. Robert Justice	158.Ryan Totoki, Gosei Investments, LLC
69. Piilani Kaleikini	159.Edward Tseu
70. Sam Kaleikini	160.Fituina Tua
71. Winona Kaniho	161.Mary Tubbs
72. John Kapu	162.Tim Tybuszewski, North Shore Comm. Land Trust
73. Kawika Farm	163.Uila Vendiola
74. Sydnee Arth Kekina	164.Dan Walker
75. Jenny Kelly	165.David C. Wallace
76. Kevin Kelly	166.Norman Wang, Hawai'i Basecamp Farm
77. Meredith Kelly	167.Dawn K. Wasson
78. Ryan Kemp, Lamplighter Energy	168.Steve T. Watanabe
79. Tevita O. Kili	169.Renee Webb
80. Don Kilmer	170.Kathryn White
81. Rawlette Kraut	171.Scott White
82. Jose Lagud	172.Rick Williams, Rainbows End Farm and Nursery
83. Janice Lee	173.Joe Wilson
84. Shannon Lee	174.Ronald Worley
85. Agnes Leinau	175.Bellodgia Yamamoto
86. Bob Leinau	176.Earl Yamamoto, State Department of Agriculture
87. Gladys Awai Lennox	177.Elissa Yellin
88. Barb Luke-Boe	178.Albert Yellin
89. Francis K. Lum, Jr.	179.Arnette Yuen
90. Jim Lyons	
Dr. Po-Yung Lai, Mayor's Agricultural Liaison	Kathy Sokugawa, DPP Acting Director
Curtis Lum, DPP	Tim Hata, DPP
Scott Ezer, HHF Planners	Eugene Takahashi, DPP
Rob James, HHF Planners	Erin Higa, HHF Planners
Bruce Plasch, Plasch Econ Pacific	Corlyn Orr, HHF Planners

ATTACHMENT A | OTHER QUESTIONS

The following questions were not addressed during the Question-and-Answer portion of the meeting due to time constraints.

a. How many on the panel are farmers?

RESPONSE: This was answered during the Q-and-A session. See response to Question #22.

b. Will IAL reduce the value of my property?

RESPONSE: This was answered during the Q-and-A session. See response to Question #7.

c. My neighbor's six acres of AG land has been rezoned so he can build 26 homes. Why should I allow my property to be rezoned IAL when my neighbor will be building 26 homes? Am I able to use wind, solar and hydro power?

RESPONSE: This was answered during the Q-and-A session. See response to Questions #1 and #10.

d. Large landowners like Kamehameha Schools hold so much land and sell lots small enough to afford so infrequently (keeping prices very high). What inducement can be included in your plans to get people small, affordable lots for farming and living on?

RESPONSE: The incentives available to landowners of IAL are just one of the many mechanisms that are necessary to make farming economically-viable for landowners and those wanting to farm.

e. What are the County incentives for IAL?

RESPONSE: The State offers up to 11 different incentives for IAL. The Board of Water Supply offers an agricultural water rate for potable water used for AG. The City is researching possible incentives for IAL.

f. How do you see these small lots becoming farms? 1. Steal them from the owners by paying less than market? Or 2. Steal them from the taxpayers by paying 50 times the value of farmland?

RESPONSE: Being designated IAL does not affect ownership of land.

g. You say you want farmers to apply for more land to farm. What will you do to move the process of leasing land smoother?

RESPONSE: This is beyond the scope of the IAL mapping project.

h. After requesting not to be IAL before March 31, 2017, can that be changed to IAL in one or two years?

RESPONSE: Yes. If your land is not designated IAL through this county-initiated process, you may voluntarily petition the State Land Use Commission for IAL designation as an individual landowner.

i. Q-10 on handout: What does it mean? "Until action is taken, there is no effect on ownership and development rights."

RESPONSE: The response to Question 10 in the FAQ reads, "This is only the recommendation phase. No decisions on IAL are made until action is taken by the State LUC. Until action is taken, there is no effect on ownership and development rights." This means that the State Land Use Commission provides final approval to designate which lands are given IAL status. For clarification, even if the LUC designates land as IAL, an IAL designation does not affect existing ownership or development rights.

j. Are the IAL benefits available to new owners if the property sells?

RESPONSE: The IAL designation should be available to new owners if the property sells. A similar question was asked during the Q-and-A session. See response to Question #69.

k. Will you have a process for creating transition to organic lands categories? According to the Board of Water Supply, the 'Ewa Plain uses 1 million pounds a year of activated charcoal to take out years of pesticide and fertilizer used above the water lens. Are there plans to plant and create/replace-integrate watersheds that were chopped down in order to support the rainfall in different areas?

RESPONSE: A question about organic lands was asked during the Q-and-A session. See response to Question #71. This project is about mapping important agricultural lands. Protecting and improving the health of the island's watersheds is addressed by the Board of Water Supply in their regional watershed management plans.

l. What about ecovillages (small farmers)? How can these types of planning fit in the IAL system?

RESPONSE: This was answered during the Q-and-A session. See response to Question #5.

m. Are the 40,000 acres with pesticides or organic?

RESPONSE: This is not known because farming methods were not considered.

n. Are incentives given or subject to approval?

RESPONSE: This was answered during the Q-and-A session. See response to Question #7.

o. What is tax credit, reimbursement process, criteria?

RESPONSE: This was answered during the Q-and-A session. See response to Question #5.

p. How are IAL incentives different from incentives/grants offered by USDA, Hawai'i Farm Bureau Hawai'i Organic Farming Association, and other agencies, i.e., OHA?

RESPONSE: The IAL incentives are specific and only eligible to land designated as IAL.

q. Who is on advisory committee?

RESPONSE: This was answered during the Q-and-A session. See response to Question #39.

r. What weight is given to/for public input and community comments?

RESPONSE: DPP will take into consideration public input and community comments when preparing the final maps.

s. Will final report be available for review and to public input prior to submittal and decision by LUC?

RESPONSE: Yes, the final report and final IAL maps that are transmitted to the City Council for action will be published. The public will be able to comment during the City Council review process.

t. Is there an allocated yearly budget for incentives? If yes, what is it (how much?)? If no, why not?

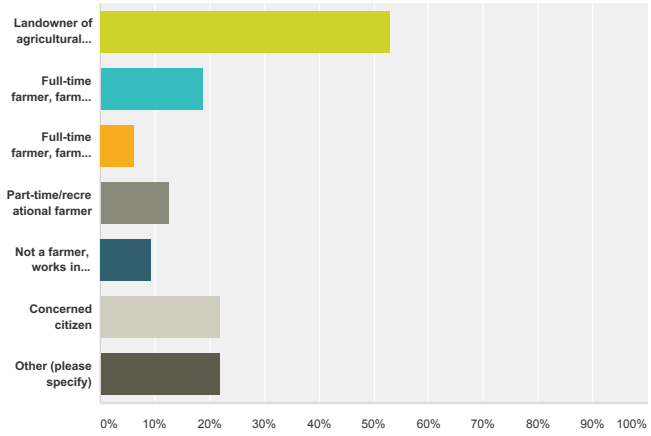
RESPONSE: The State Department Agriculture is authorized to certify refundable qualified agricultural cost tax credits up to $7.5 million annually. As noted in the response to Question #73 during the Q-and-A session), the tax incentive is scheduled to sunset December 31 of this year. It's important that it be extended and the Department of Agriculture is working to make sure that happens.

u. How much did the Phase I Study cost?

RESPONSE: The cost of completing the Phase I Study was $200,000.

Q1 Which category best describes your affiliation to this project?

Answered: 32 Skipped: 0



Answer Choices	Responses	
Landowner of agricultural land	53.13%	17
Full-time farmer, farming on the land I own	18.75%	6
Full-time farmer, farming on leased land	6.25%	2
Part-time/recreational farmer	12.50%	4
Not a farmer, works in AG-related industry	9.38%	3
Concerned citizen	21.88%	7
Other (please specify)	21.88%	7
Total Respondents: 32		

#	Other (please specify)	
1	resident who lives next to AG land	
2	rare plant nursery	
3	Interested in farming, studying natural systems, organic farming, permaculture, korean natural farming	
4	landowner adjacent to AG, borders my property	
5	represents the district as a legislator	
6	property adjacent to farmlands	
7	property proposed for IAL	

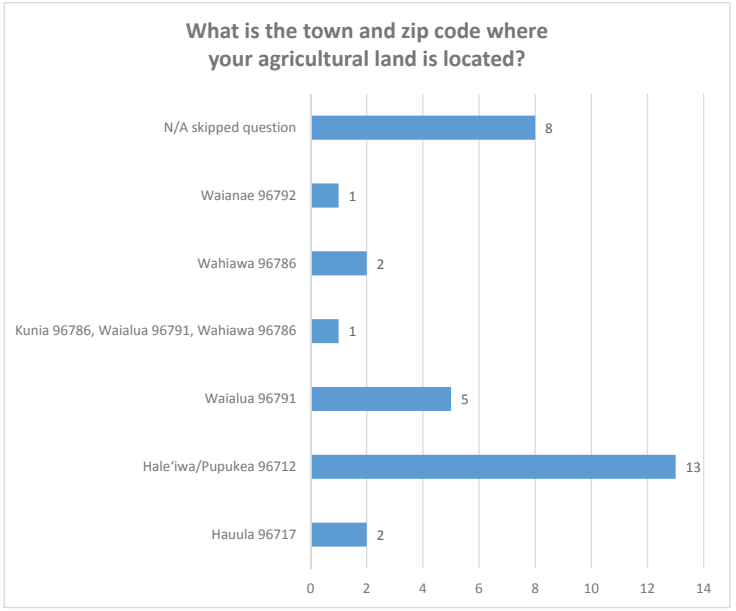
Q2 What is the town and zip code where your agricultural land is located?

Answered: 32 Skipped: 0

Answer Choices	Responses	
Zip code	78.13%	25
N/A	21.88%	7

#	Zip code	
1	Haleiwa 96712	
2	Hauula 96717	
3	Haleiwa 96712	
4	Waianae 96792	
5	Wahiawa 96786	
6	96712	
7	96712	
8	96712	
9	Haleiwa 96712	
10	Pupukea 96712	
11	Wahiawa 96786	
12	96791	
13	Haleiwa 96712	
14	96717	
15	Waialua 96791	
16	96712	
17	96712	
18	Kunia, Waialua, Wahiawa	
19	96791	
20	96791	
21	96712	
22	Haleiwa 96712	
23	96712	
24	96791	
25	N/A	
#	N/A	
1	N/A	
2	N/A	
3	N/A	
4	N/A	
5	N/A	

6	N/a	
7	N/A	


What is the town and zip code where your agricultural land is located?
N/A skipped question
8
Waianae 96792
1
Wahiawa 96786
2
Kunia 96786, Waialua 96791, Wahiawa 96786
1
Waialua 96791
5
Hale'iwa/Pupukea 96712
13
Hauula 96717
2
0
2
4
6
8
10
12
14

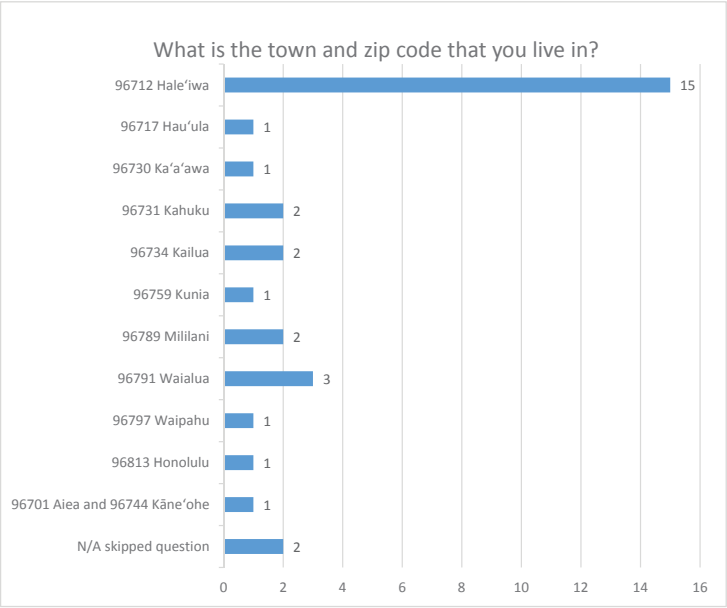
Q3 What is the town and zip code that you live in?

Answered: 32 Skipped: 0

Answer Choices	Responses	
zip code	**93.75%**	30
N/A	**6.25%**	2

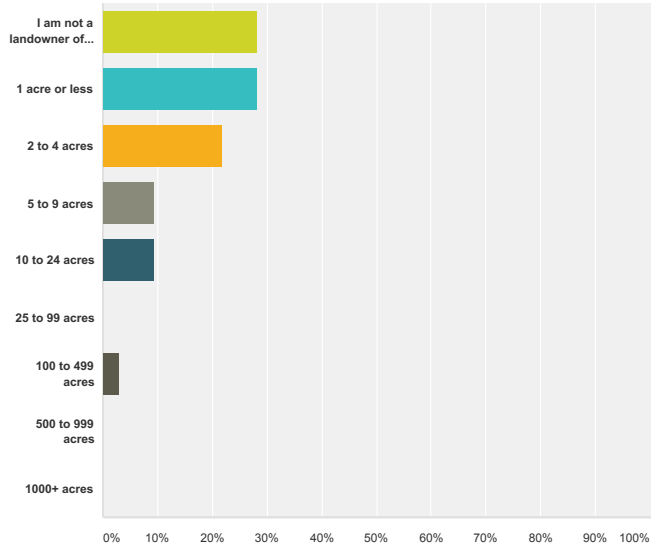
#	zip code	
1	Haleiwa 96712	
2	Kahuku 96731	
3	Haleiwa 96712	
4	96701 and 96744	
5	Waipahu 96797	
6	Waialua 96791	
7	96712	
8	96712	
9	96712	
10	96712	
11	Haleiwa 96712	
12	Kahuku 96731	
13	Mililani 96789	
14	96791	
15	Haleiwa 96712	
16	Kaaawa 96730	
17	96717	
18	96712	
19	Haleiwa 96712	
20	Mililani 96789	
21	96712	
22	96712	
23	96759	
24	96813	
25	96734	
26	Haleiwa 96712	
27	96712	
28	96791	
29	96734	
30	Haleiwa 96712	
#	N/A	

1	N/A	
2	N/A	



Q4 How much agricultural land do you own?

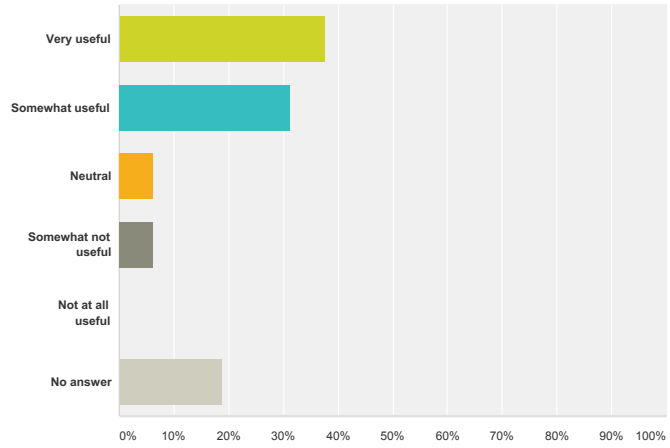
Answered: 32 Skipped: 0



Answer Choices	Responses	
I am not a landowner of agricultural land	28.13%	9
1 acre or less	28.13%	9
2 to 4 acres	21.88%	7
5 to 9 acres	9.38%	3
10 to 24 acres	9.38%	3
25 to 99 acres	0.00%	0
100 to 499 acres	3.13%	1
500 to 999 acres	0.00%	0
1000+ acres	0.00%	0
Total		32

Q5 How useful was this presentation to your understanding of the Important Agricultural Land designation?

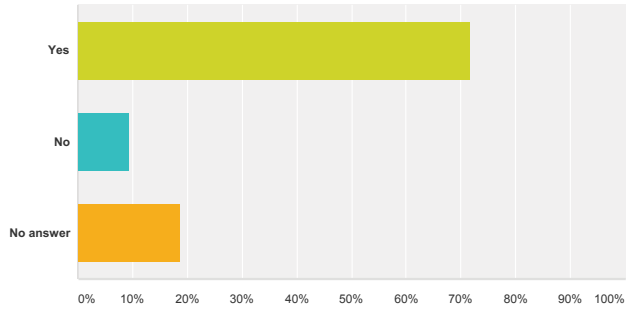
Answered: 32 Skipped: 0



Answer Choices	Responses	
Very useful	**37.50%**	12
Somewhat useful	**31.25%**	10
Neutral	**6.25%**	2
Somewhat not useful	**6.25%**	2
Not at all useful	**0.00%**	0
No answer	**18.75%**	6
Total		**32**

Q6 Do you feel more educated about the IAL process and city's designation process because of this meeting?

Answered: 32 Skipped: 0



Answer Choices	Responses	
Yes	**71.88%**	23
No	**9.38%**	3
No answer	**18.75%**	6
Total		**32**

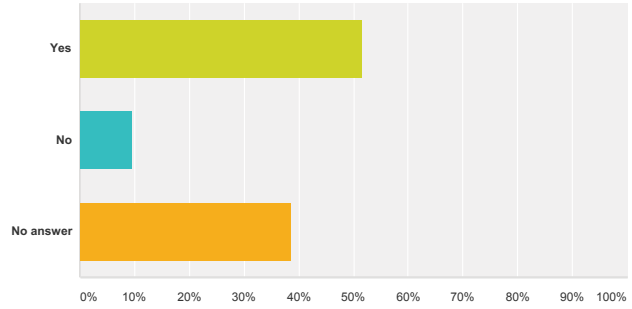
Q7 What remains confusing or unclear?

Answered: 14 Skipped: 18

#	Responses	
1	What happens to the land "NOT" dedicated to IAL? Can that portion be changed to NONE AG; i.e., subdivision, R-5, etc? If 1/2 the land is designated IAL and the other 1/2 "wasteland," what development would be allowed?	
2	blank	
3	A little educated but still confused. In the end, this process is questionable. Not sure why speaker does not specifically talk about current water patterns and how the various areas can be made into watersheds to support all AG lands. Also, many young people want to farm but there is a problem with access to a community like an eco-village where people can farm/live and help each other. Also, I am still unclear why Hoopili and Koa Ridge cannot be talked about in terms of AG land.	
4	How can private land be designated when presenter said it would be voluntary?	
5	My neighbor wanted to know if they can build an ADU on their property if its classified as IAL?	
6	Want to know more about benefits/incentives and how/when small farmers can take advantage of them.	
7	How were these lands selected to be part of the IAL?	
8	Will urban land value increase causing more local residents to be priced out of paradise and create more homelessness?	
9	Why would I want IAL designation on my residential land, labeled "country?"	
10	BEnefits of the initial rollout were for large landowners to re-zone 15? No benefit for small landowner?	
11	Point of law? Goal of IAL? Protection for landowners rights?	
12	The true agenda of this program.	
13	Why only some AG lands are being considered? I don't understand where the State/City Council disregards Koa Ridge and Hoopili.	
14	If we have 40,000 acres of AG land not in use already, how do you foresee designating residential communities to help increase AG use?	

Q8 Were your concerns noted in the meeting discussion?

Answered: 31 Skipped: 1



Answer Choices	Responses	
Yes	51.61%	16
No	9.68%	3
No answer	38.71%	12
Total		31

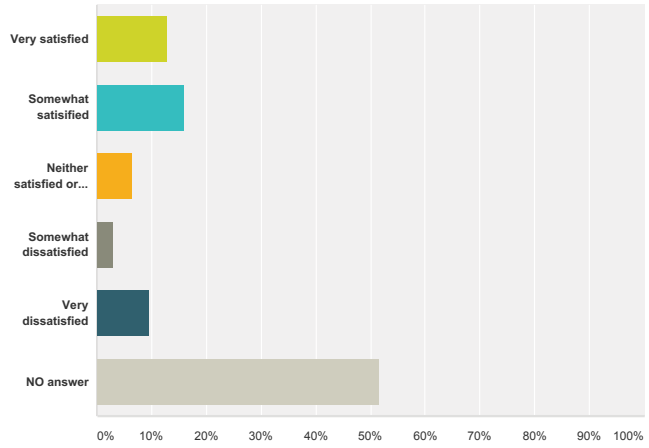
Q9 If not, what are they?

Answered: 3 Skipped: 29

#	Responses	
1	No time. KSBE already dedicated much of their Punaluu land to IAL, however, hundreds of other land without the IAL designation, we heard, could be developed with housing, community center, etc.	
2	blank	
3	My concern is that this IAL system is in favor of the large landowners and protect developers to develop Hoopili and Koa Ridge. The way to make more food is to make communities or eco-villages that make organic food, that people go to buy and eat. Everybody I know prefers organic local food, not heavily sprayed food that has nitrates, etc. and pollute the water and kills the soil (synthetic fertilizers and pesticides). The TAC doesn't even discuss the water and soils saturated with poison/pesticide. Not enough people will have given input. Only the "11 farmers" opinion will count.	

Q10 If you own agricultural land included on the City's proposed IAL map, how satisfied are you with the proposed IAL designation?

Answered: 31 Skipped: 1



Answer Choices	Responses	
Very satisfied	12.90%	4
Somewhat satisified	16.13%	5
Neither satisfied or dissatisfied	6.45%	2
Somewhat dissatisfied	3.23%	1
Very dissatisfied	9.68%	3
NO answer	51.61%	16
Total		31

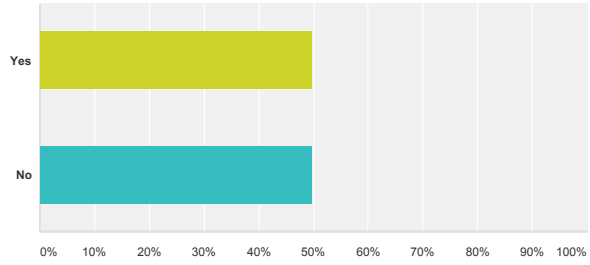
Q11 Please explain your answer in the space below.

Answered: 7 Skipped: 25

#	Responses	
1	blank	
2	blank	
3	I cannot answer this. Even if I had AG land, this process is not clear in how the information. Also, the water issue is too separated in the presentation. This process is hard to understand and my feeling there will not be enough discussion and the farmers will LOSE out.	
4	I'm glad the designation will show how my land/farm is important AG land. I agree! I hope the incentives help my farm financially.	
5	Do not own any AG land. Own 5000 SF with a home on it since 1960. No room for your IAL payout.	
6	Currently live (since 1988) on 2 acre AG land (subdivision off of Crozier Drive and Farrington Highway). We do not farm our land but have horses. 5000 SF of land is zoned residential, approximately 1/3 of AG land is a designated drainage easement for subdivision, which floods when it rains (land is at sea level and does not drain). There is very little land suitable for AG production. I believe my property is not suitable for IAL designation.	
7	Land is already designated as residential and IAL will change it	

Q12 Have you visited the project website www.mapoahuagland.com?

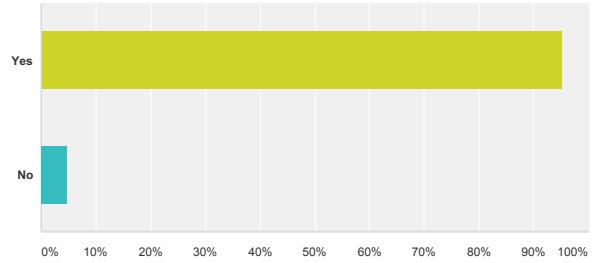
Answered: 22 Skipped: 10



Answer Choices	Responses	
Yes	50.00%	11
No	50.00%	11
Total		22

Q13 Do you plan to visit the website and map viewer after this meeting?

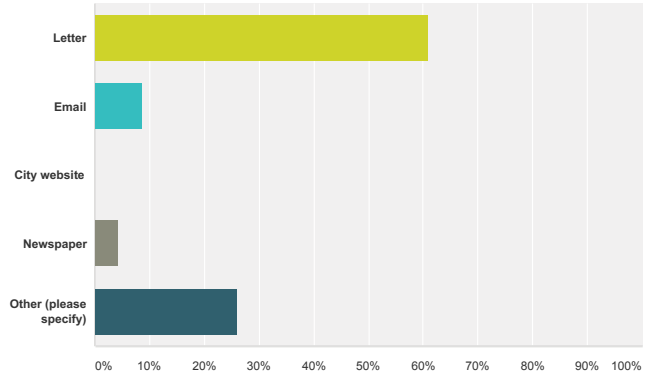
Answered: 21 Skipped: 11



Answer Choices	Responses	
Yes	**95.24%**	20
No	**4.76%**	1
Total		**21**

Q14 How did you hear about this meeting?

Answered: 23 Skipped: 9



Answer Choices	Responses	
Letter	**60.87%**	14
Email	**8.70%**	2
City website	**0.00%**	0
Newspaper	**4.35%**	1
Other (please specify)	**26.09%**	6
Total		**23**

#	Other (please specify)	
1	newspaper and community association two years ago	
2	newsletter from Sierra Club which I got by accident by going to a Red Hill water meeting on a fuel spill	
3	KHON 2 news	
4	HARC	
5	although a landowner of proposed IAL map, I did not receive notice. ALL landowners of record should be notified.	
6	NS community hub on Facebook	

Q15 Do you have any additional comments or thoughts to share?

Answered: 7 Skipped: 25

#	Responses	
1	This presentation should have been presented in all major mokus on all islands. i.e., Koolaupoko, Koolauloa, Kona, Hilo, Waianae, Ewa, Waialua, etc. Save KOA RIDGE and HOOPILI AG LANDS!	
2	blank	
3	I really, really do not trust the advisors that made this system. I went last year to the map meeting in Kapolei and all the advisers were very pro-conventional farming. Hoopili and Koa Ridge really should be part of this process as the most, most important. Also, I feel the spokesperson for the DPP seems nice but is covering up the real issues and if he and the DPP does not address Hoopili and Koa Ridge. How can I understand this process?	
4	Its hard to be a small farmer in Hawaii! I'm glad steps are being taken to help farms become financially viable.	
5	Very informative meeting that highlights the importance of what we can do together to provide food for our families	
6	Limited time for community to talk. After 1.25 hours of presentation to only give 2 minutes is not ok. To answer questions from a card but not ask for clarity is not ok.	
7	Yes--all agricultural lands should be PROTECTED and retained; urban sprawl needs to be controlled. Protect our childrens' future.	

HHF PLANNERS
places for people

MEETING SUMMARY

Meeting Date: Monday, November 20, 2017

Meeting Time: 6:00-8:00 PM

Project Name: O'ahu IAL Mapping Project

Location: Aiea Intermediate School Cafeteria

Recorded by: Corlyn Orr
Reviewed by DPP February 23, 2018

Attendees: see attendance record

Subject: Community Meeting 3

The third and final community meeting for the City's Important Agricultural Lands (IAL) Mapping Project was held at 'Aiea Intermediate School on Monday, November 20, 2017. The purpose of the meeting was to provide an update on the outreach efforts since the last meeting, present DPP's recommendations for county-designated IAL to be transmitted to the City Council, and respond to questions.

WELCOME, INTRODUCTIONS, AND PROJECT BRIEFING

Scott Ezer, meeting facilitator, called the meeting to order at 6:30 PM. Following welcoming remarks, Scott introduced Kathy Sokugawa (Acting Director of the City's Department of Planning and Permitting (DPP)) and DPP staff, as well as other members of the project team involved in supporting DPP's effort.

Scott clarified that DPP's recommendations do not include the Ho'opili or Koa Ridge project areas because both do not meet the requirements established by State law to be considered for IAL. Individuals who disagree with DPP's recommendations for Ho'opili and Koa Ridge should discuss the issue with the City Council, not DPP. Scott then presented an informational briefing that included the history and intent of the IAL legislation; the goals for IAL (to support the economic viability of farming); DPP's outreach efforts and the comments received during the public comment period; and the criteria for DPP's recommendations for county-designated IAL.

DPP's current recommendation for county-designated IAL being presented at the meeting consists of almost 50,000 acres, which is less than the 52,575 acres that were recommended in the previous draft (December 2016) map. DPP is in the process of finalizing the recommended map and accompanying report that will be transmitted to the City Council for review. The City Council will hold hearings to review/revise DPP's recommendations, then forward their own recommendations to the State Land Use Commission (LUC). The LUC is the final decision-maker with approval authority for lands to be designated as IAL. It is unknown how long the approval process will take.

QUESTION AND ANSWER SESSION

Meeting participants were asked to submit their questions in writing. Scott read each of the following questions out loud and provided a response. Both the questions and responses have been documented nearly verbatim to maintain both the accuracy and authenticity of the statement. (Questions and comments that were submitted but not reviewed during the question-and-answer session due to time limitations are included in ATTACHMENT 1).

1. How will IAL help IAL farmers?

RESPONSE: That's the first long-term objective of IAL. The most important way that IAL will help farmers is their ability to take advantage of incentives. Incentives are a very important part of the overall program. The State set up a number of incentives. Again, the most important one that I mentioned was the tax

incentive. Unfortunately, that's going to go away unless people get together and lobby to make sure that continues to be an important part of the IAL process.

2. You guys have to make sure that tax incentive goes further, rather than us do it. What are you doing for the tax credit?

RESPONSE: I don't have any power to make the tax credit go on. That authority rests with the Hawai'i State Legislature. In order for the Legislature to make a determination if they want that to move forward, that has to come from the Department of Agriculture, and I have been assured by the Department of Agriculture that they intend to re-submit that bill, and there has to be some traction with your legislators to make that incentive move forward. Senator Riviere is here in the audience tonight, and he's been at every meeting we've had. He understands these issues very well.

3. What is the effect of Important AG Land on taxes?

RESPONSE: You should not see a difference in your taxes. Currently, the county gives you a tax break already if you self-dedicate your land for agricultural purposes. I think there's a 10-year dedication requirement, and there's a tremendous break you get on taxes. I don't know that you can get any more of a break than you already get.

Scott asked for a show of hands to see how many people were aware that there's a tax break if you dedicate your land for agricultural purposes. He also asked how many actually take advantage of that, and how many are hearing that for the first time. (Very few knew about the tax break.)

4. If you have more than one dwelling, will we be taxed for each dwelling?

RESPONSE: Yes.

5. Can you build a farmstand, food take-out, and labor housing on IAL? What is allowable to build on this land? I'm looking at having value-added products made and sold on the land.

RESPONSE: If you have AG zoning today, you can have as an accessory use, you can have a roadside stand on your property. That isn't going to change. As I said earlier, the zoning you have on your property today will not change. All the uses that you're allowed by AG zoning will not change. Can you have labor housing? You're allowed up to 2 farm dwellings on any land that's zoned for agricultural use, provided that you have a minimum number twice the lot size for that zoning district. For AG-2, you need 4 acres. For AG-1, you need 10 acres. For any more than 2 farm dwellings, you need to get a different kind of permit from DPP. The opportunity to have labor housing only kicks in under IAL if you self-designate. That's an incentive that was provided for landowners who self-designate IAL, rather than go through this process.

6. Can part of land be (IAL) separate from residential side (all one TMK, all under one owner)?

RESPONSE: If you're land is zoned for both AG and residential, yes, you can have separate. If you're asking can you have a residence on your AG land, the answer to that question is yes. And again, as I explained, you're allowed up to 2 provided you have enough land area. Each house, each farm dwelling on AG land, is limited to a 5,000 square foot footprint for the house and any dwelling accessory uses, like a garage. But you can have a dwelling. If it is on AG-zoned land, it has to be a farm dwelling.

7. What is the effect of the Important AG Land on acquiring a conditional use permit for meeting use?

RESPONSE (Kathy Sokugawa): How many people know the ALISH system of rating AG lands: the Prime, Unique, Other categories? IAL is very much like that. All it does is give you some kind of a quality description of the land. There is no regulatory attachment to it, so whatever your zoning allows you today is what you can do. That doesn't mean forever it will be like that, but for now there are no plans to add

any additional regulations to your designation. If they are, then those would be adopted either by City Council or the State Legislature. The answer to your question, can you put a meeting use? You can apply for any conditional use permit as long as you follow the LUO Zoning Code, and State Agricultural District regulations, Chapter 205, if it's in the State Agricultural District.

8. We have submitted our letter to the City with reasons why our land does not meet the requirements for IAL. We haven't heard back from DPP. Why?

RESPONSE (Kathy Sokugawa): Thank you. I'm sorry we were not able to respond to every request, or every letter, so far. As Scott mentioned, we had almost 100 requests to either add or to exclude from IAL. We haven't written personalized responses, but we do have a table which is available on the website. There's a matrix: every letter that we got that had a request to either be included or excluded from IAL is included on the matrix and what our final recommendation is. We're not able to do it tonight, I'm sorry. We would have liked to, but until the very last minute, even up to yesterday, we were making changes. It's on the website, and we'll have it as hard copy as part of our final report.

9. Why do you include P-2 zoned land on the IAL map? Isn't P-2 more restrictive than AG?

RESPONSE: If it is zoned P-2, it probably shouldn't be there, and it's a mapping error. However, P-2 could be in the State AG District. Again, many of you, if you received a notice and you're still in disagreement, I'll put a contact number and name for you to call after this meeting. The next opportunity you will have to take yourselves out of the IAL map will be when this goes to City Council. People should call their councilmember at this point and ask to be excluded from the map. (P-2 is a county preservation district for lands that are in open space, but are in the State Urban District not the State Conservation District. State Conservation lands are zoned P-1. Those are the watersheds and important resources and natural habitat areas.)

10. How many Commissioners on the LUC are not either builders, developers, or former members of DPP?

RESPONSE: I know there are three members on the Land Use Commission that are cultural experts and practitioners, and I do not know of any members of the LUC that are former DPP employees. The Commissioners are appointed by the Governor, and there are members from each island, and there are some members that are on as at-large members. The City has nothing to do with who gets appointed to the Land Use Commission.

11. What should I do if I do not want my land designated as IAL?

RESPONSE: I will go over that before we close the meeting so you are very clear what your options are moving forward if you do not want to be part of the IAL process.

12. Will the tax rate increase on these lands?

RESPONSE: I think I already answered that. Your tax should not change.

13. Please add oxygen and watershed use as a farming product since you allow solar as a farm product. I'd rather see trees and reforestation on unused property rather than industrial solar farm. While I'm at it, I want to express my deep concern that additional layers of bureaucracy have never made life easier but only more complicated to understand and follow all the rules.

RESPONSE: So far, I think forest products are an allowable use on agricultural land as well as PV farms. Those are identified both at the State level in the State land use district and at the county level. There is the opportunity to view reforestation as a use in the AG districts.

14. I attended both previous briefings and at both, the audiences unanimously endorsed Ho'opili be designated IAL.

RESPONSE: I think we covered that.

15. What crop can we grow when land costs $200,000 an acre, meaning how can you expect farmland to stay farmland when the land itself is so expensive?

RESPONSE: I think all of us here tonight appreciate how hard it is to be a farmer. It's a very difficult lifestyle and it is very challenging from a number of different perspectives. As the person who wrote this question suggests, agricultural land is very expensive. What we are doing with this process is we are trying to address one of the underlying issues, with respect to trying to encourage people to continue to use agricultural land for agricultural purposes. There are many other problems with AG and AG use: water availability, infrastructure availability. This process is dealing with land that will be for AG. We can't solve all of the problems associated with land and with agriculture just with IAL.

16. Will IAL change the current zoning of the property?

RESPONSE: I think I answered that. Zoning and all the other regulatory aspects of the property will stay the same.

17. If land is designated IAL, will there be any restrictions on subdividing or farm dwellings?

RESPONSE: There will be no restrictions on subdivision or farm dwellings as long as you meet all the requirements for an agricultural subdivision. So you have to have the right number of acres, you have to follow the agricultural subdivision requirements, you have to provide an AG plan that's acceptable to the State Department of Agriculture. You can have a farm dwelling on any land that's zoned AG, and you can have up to 2 houses on any agricultural land that has a minimum lot twice the size of the land. More than 3, between 3 and 6, you need another permit from DPP, and over 6, you have to either do subdivision or a cluster.

18. What incentives are the City proposing for IAL?

RESPONSE (Kathy Sokugawa): Right now, we are taking suggestions on that issue. What are some of the incentives? Especially those of you who already have AG dedication incentives. We're looking at some incentives. We haven't made up our final list of recommendations yet. Some for AG developers—we know that the water meter connection that Board of Water Supply charges is steep for agricultural lands, so we've asked Board of Water Supply to take a look at reducing that cost. Another one that came from our Technical Advisory Committee would be, again, for those of you who are already in the AG dedication process, you're told every 5 or 10 years you gotta re-up, and that's something you can't really do very easily and to remember that, so they're saying if you're in IAL, you'd automatically be re-committed so you don't have to file that information. You still would have to do your annual return, but that's a small little thing that people might really enjoy. A lot of you do know about that system, but a lot of you also didn't know about it. I would encourage you to find out about how you can get it because an AG dedication, that means if you promise to continue AG use of your property for X number of years, as long as 10 years, you get a dramatic reduction in your property tax, really dramatic. Look into that. Tonight, if you have some other ideas about county incentives—not state—but county incentives, please put it down on a card and we'll take a look at that.

19. Somebody asked if I, meaning me, if I had AG land, would I volunteer for IAL and why?

RESPONSE: That's kind of a loaded question, see as I don't own AG land. When I was in graduate school at UH, I did my masters' thesis on the phasing out, at that time, this was back in 1978 and sugar was on its way out. People knew in 1978, a lot of plantations had already closed. I have a familiarity with AG,

and I think that protecting AG in this state is a very important thing to do. If I had AG land, and I wanted to make sure that AG land was going to be available not just for me, but for those that come after me—you know, people talk about considering what happens over 7 generations, it's a very important part of the Hawaiian culture—and part of what we are trying to do with this process is make sure that not just my children and your children, but your grandchildren and their grandchildren will still have agricultural land on this island in order to help feed themselves. Everybody knows the facts. We import 90 percent of our food, we only have a 5-day supply of food in the markets. If there's a shipping strike or catastrophe, we could be looking at a situation not unlike what has happened in Puerto Rico or the Caribbean. This project is a small piece. It's trying to ensure that the good AG land that we have available today is going to be available for tomorrow, and the tomorrow after that, and the tomorrow after that.

20. Is the Planning Commission involved in the IAL review process?

RESPONSE: They are not.

21. What incentives are the City offering for IAL lands? Would they consider expedited subdivision approvals so that smaller farms could be created to get more farms? What about not requiring an AG feasibility study since you have concluded these lands are IAL?

RESPONSE: There are even today a number of subdivisions that make their way to DPP that are not true agricultural subdivisions. The AG feasibility study is one way that the City can use to try and weed out the real farmers from the not-real farmers.

22. Why can't you promise that at some future date more rules and restrictions that can make life more difficult for the small individual farmer will not be forced upon owners of IAL? It is my experience that more government oversight makes everything more complicated and restrictive. I've tried reading applications and forms as a farmer that are so obtuse that I don't even understand it, and I've got a college degree. I'm presently a good steward of the land. Why should I have more government regulation?

RESPONSE: I tried to explain that IAL does not change the opportunity you have to use the land under your current set of land use regulations.

23. You said tonight that the City Council can change the mapping proposed to them under this process. Isn't it true that the Council can change the urban core boundary so that Ho'opili can be designated and protected as IAL?

RESPONSE: In theory that is possible. Given all of the land use decisions that have occurred, that is extremely unlikely that will happen.

24. Why did the City and County falsify Federal documents claiming that Hawai'i's most valuable and productive AG land was not suitable for farming? All in the name of the fraudulent rail project. If John Carroll is elected governor, he will file a lawsuit against rail.

Why did the Supreme Court deliberately violate Hawai'i Constitution public trust doctrine to approve the destruction of our most valuable, productive AG land in Ho'opili?

RESPONSE: Again, the conversation about Ho'opili has been going on for 30 years. Its been part of the development plan for 'Ewa for that long.

25. Kamehameha Schools are not landowners. The Liliuokalani Trust are also not landowners. The royal families exist and are the true landowners. Legal issues remain. What happens now?

RESPONSE: That has to be fought out in court.

26. How will the City handle requests for majority incentive before the City recommendation adopted by the State?

RESPONSE: Not sure I understand that question.

27. I am one of the konohiki for Victoria Kamamalu whose heir was Mataio Keuanaoa, our ancestor. I am also one of the heirs. Where do your claims begin when we are the paramount/superior title owners? How are you one of the royal families?

RESPONSE: I certainly don't pretend to be that. I leave that question to the court system.

28. Some people received the notice for the first time. Why? The people did not know about these meetings.

RESPONSE (Kathy Sokugawa): All I can say is we tried our best. Some of you may have gotten it because of changes to the map, as we developed a second version of it. I have to tell you, we had a lot of challenges in getting correct addresses. We still get a lot of them that were sent back because we didn't have the correct addresses. If you also feel that you should've been on the mailing list but weren't, please fill out a card and put down that you want to be on the mailing list. Or, if you got a letter sent to the wrong place, please correct us on that issue. We primarily based it on real property tax information, but I can't say that's 100 percent accurate. So again, if you have a better mailing address to share with us, please do so.

29. What constitutes agricultural activities? There's no clear definition in the bill.

RESPONSE: The City's zoning, the Land Use Ordinance, has a list of all the things that are allowed in agricultural districts within the City and County of Honolulu. Chapter 205, the Hawai'i Revised Statutes, also has a very detailed listing of what constitutes agricultural use and agricultural activities.

30. If we asked to be excluded and were denied, what additional recourse do we have?

RESPONSE: I still think that you should have a conversation with DPP, and I will put all that contact info up. You will also have the opportunity to talk to your council member when these maps get to the City Council.

31. Is there a database of all the affected land owners, and do we have access to it?

RESPONSE: The website that I referred to—MapOahuAgLand.com—shows all of the land being included for recommendation as IAL. You can see the parcels underneath the layer that shows the AG land. You should be able to navigate through the map viewer and look at any parcel on O'ahu and see whether it is or is not indicated for IAL.

32. How can parcels all around my parcel not be classified IAL but mine is?

RESPONSE: That's a real good question. Without understanding the exact context of your individual issue, I can't answer that question. I encourage you to follow up by contacting DPP.

33. How do we appeal this classification?

RESPONSE: Again, you can continue to communicate with DPP, and then follow up with your councilmember.

34. How do I remove my land from IAL?

RESPONSE: Same question and answer.

35. Why is IAL designation necessary when there is already an easement for the stream that runs through the border of my country-zoned property? I already cannot block or build there.

RESPONSE: IAL is just another way that the City and State have decided to use to identify better AG land.

36. Which chapter or part of Chapter 205, Hawai'i Revised Statutes is Country zoning a part of? Urban, rural, or AG?

RESPONSE: I believe Country can be either State Urban or State AG.

37. For those families who didn't want to IAL but are forced to be, why can't you respond individually as to why their request is rejected? Are you going to be sending individual letters?

RESPONSE (Kathy Sokugawa): We haven't decided but right now, we only have the matrix. Check the website and if you're not satisfied with the reason on the website in the matrix, you can contact the Department.

38. How many employee farm dwelling units are allowed on one TMK? Where can I get additional information on this?

RESPONSE: If you self-designate, you can use up to 15 percent of the land that you designate for IAL as employee housing, and that is in Chapter 205. if you want to come up and see me after, I'll give you a specific citation where that is in the law.

39. How long should it take for farmers to know when they have IAL land?

RESPONSE: I think I explained that after this, we go to City Council. We have no idea how long that's going to take. Then it goes to Land Use Commission, and we don't know how long that's going to take either. It could be several months, or it could be longer than that.

40. Please give examples of incentives besides the tax incentive (2 more incentives). What's in it for us?

RESPONSE: The loan guarantee that's available through the State Department of Agriculture. And if you self-designate, you get the employee housing opportunity. Those are the 2 biggest ones that we have today.

41. Is there a way to fast-track self-designated IAL before tax incentives expire in December?

RESPONSE: I would say no. If you're not IAL now, in order to get that, even if you were to self-designate, there's a process. You have to go through the Land Use Commission, and it will take several months to make that happen.

42. What is the land size acreage requirement to be included in IAL?

RESPONSE: There is no minimum. I think the lowest is half-acre. The law doesn't say you have to be a certain size.

43. How come we're not notified about the IAL of Malaekahana as an owner of 3,100 acres, as opposed to Hawai'i Reserve Inc. who bought only 600 acres from Campbell Estate?

RESPONSE: I don't know the answer to that question. I think you should talk to DPP after the meeting or tonight. I'll give you contact information after the meeting.

44. Should the tax credit have been lobbied by the IAL committee so that this project is received by the public in a more positive light?

RESPONSE: I think the answer to that is probably yes, that everybody assumed that the legislation was going to go through without any problems. That didn't happen, and its unfortunate.

(Kathy Sokugawa): I just want to add the bill is not dead. It got stuck in conference committee, so next session they can bring it out of conference committee. You don't need another bill, but you might want to massage existing language. Dr. Lai is the City's AG Liaison. If you've already worked with him or feel more comfortable talking to him about this issue, you can also contact Dr. Lai in the Mayor's Office.

(Earl Yamamoto, Planner with the Department of Agriculture): The bill number is House Bill (HB) 1584. The administration bill that we submitted as part of our bill package from the Department of Agriculture includes a 10-year extension. It's maybe a one-page bill—simple—as was the case last year when we first requested an extension to our ability to continue certifying qualified agricultural costs from taxpayers, the farmers that are on designated important agricultural lands. This is versus the one that went all the way through to conference committee this past April that had a number of features that everyone had a problem with one way or another. Many things got added on to the base idea of just extending our department's ability or responsibility to certify taxpayers' submitted qualified agricultural costs. Hopefully we can get your support, through your legislator, we can get this administration bill moving forward in the 2018 legislative session. Otherwise as Scott mentioned, without that extension of our ability to qualify costs, that would put an end to the tax credit. The bill number again is HB 1584. Our new bill won't have a number, but I'll do my best to let everybody know.

A kupuna (elder) from the audience asked to be recognized: First of all, I'd like to thank all of you. All of you who have come to this meeting. For the first time, in all these years I've been involved in politics, I have seen the people of Hawai'i come together. The one time in my life, we know we are all concerned about the development in all of Hawai'i and how and who it affects all of us, the people of Hawai'i. All we can hear is development, development, development from corporations outside of Hawai'i. Who's taking care of us? Who's taking care of our land, our home, our zoning changes—and the taxes going up? Everything that development does is against us. We support all these outside developers that are pressing on our island. We are supporting all of the development, we, our money to pay for them and their investments. I am so proud of us for having the courage to come. One thing I know, we're all in this together. And if we don't come together, we lose. We are the Hawaiians, all of us. It's not about kanaka maoli, its not about races, its about us as a people. We have to stand up together and say enough. Please, put better people in office and take over the council and the senate. Make sure, because if we don't vote, nobody's going to take care of us. The politicians make decisions without you knowing. So you know you have to take care yourself and your neighbor. Find the people that's going to work together because other than that, we're out of here. Bring your kids, bring your grandkids. You have to teach them, you have to them its their responsibility. Mahalo.

ADJOURNMENT

Scott thanked everyone for attending and being patient to listen to all the questions. He also shared contact information for DPP (call Raymond Young at 808-768-8049), and reminded meeting attendees that the information from the meeting is posted on the project website (MapOahuAgLand.com). The meeting was adjourned at roughly 8:00 PM.

Attendance Record

1. Ernest Adaniya, Wai'anae	2. Tomi Adaniya, Wai'anae
3. Mark Afuso, Mililani	4. Ralph Aona, Wai'anae
5. L. Gary Bautista, 'Ewa Beach	6. Pat Beekman, 'Aiea
7. J. Bennett, Waialua	8. John Bond, Kapolei
9. Pamela Boyar, Kailua	10. Jim Brewer
11. Leo Bright, Kapolei	12. Puanani Burgess, Wai'anae
13. Rex Cabahug, Wai'anae	14. Eugene C. Cabana, Waipahu
15. Jeff Cadanova, Wai'anae	16. Steve Camello, Kapolei
17. Deborah Castro, Wai'anae	18. Monte Castro, 'Aiea
19. Miriam Chang, Hale'iwa	20. Albert S. Chiappetta, Wai'anae
21. Alonza Cobbin, Wai'anae	22. Tameria Cobbin, Wai'anae
23. Raymond Cook, Wai'anae	24. Carla Cottrell, Wai'anae
25. Donna M. Costa, Wai'anae	26. Cathy Cozzens, Wai'anae
27. Deann Dano, Wai'anae	28. Pedro Dano, Wai'anae
29. Mike Dau, Waipahu	30. Laverne DeCoito, Wai'anae
31. Andy Dewees, Mililani	32. John Domen Jr., Wai'anae
33. John Dubiel, Hale'iwa	34. Mary Dubiel, Hale'iwa
35. Dr. Kioni Dudley, Kapolei	36. Bruse Eckmann, Honolulu
37. Ruby Edwards, State Office of Planning	38. Gilbert Egami, Wai'anae
39. Raymar H. Egami, Wai'anae	40. Rayleen Egami, Wai'anae
41. Ralph Ehni, Hale'iwa	42. Renee Ehni, Hale'iwa
43. David Figueira, Kapolei	44. Anne Figueira, Kapolei
45. Sophie Flores, Wai'anae	46. Jesse Foster, Wai'anae
47. Margaret Isaacs, Waianae	48. Mr. Byron Fujieki, Honolulu
49. Mrs. Byron Fujieki, Honolulu	50. Michelle Freitas, Wai'anae
51. Al Frenzel, Makaha	52. Raymond Galderia, Waipahu
53. Tony Gill, Honolulu	54. Andrew Gomes, Honolulu
55. Michelle Gorham, Kailua	56. Colleen Griffith, Wai'anae
57. Dustin Griffith, Wai'anae	58. HC&S Farm, Wai'anae
59. Bruce Hanohano, 'Aiea	60. Piilani Hanohano, 'Aiea
61. Craig Hara, Mililani	62. Michelle Hawes-Tomas, 'Ewa Beach
63. Mitsuko Hayakawa, Pearl City	64. Hattal Henry, Wai'anae
65. Hong Fang Gan, Wai'anae	66. Prasong Hsu, Kailua
67. Sunny Hsu, Kailua	68. Leslie Imaoka, Wai'anae
69. Renee Ing	70. John Ioane, Kapolei
71. James Jones, Wai'anae	72. Steve Joseph, Wai'anae
73. Frances Kama-Silva, Wai'anae	74. John Keawe, Kapolei
75. Amelia Kelly, Waipahu	76. Jonah Keohokapu
77. Bobbi-Lynn Kupihea-Char, Mililani	78. Poka Laenui, Wai'anae
79. G. Lee, 'Ewa Beach	80. Paula Lee, Honolulu
81. David Lopes, Hui Ku Like Kakou	82. Noe Lopes, Hui Ku Like Kakou
83. Catalina Lorenzo, Wai'anae	84. Jimmy Lorenzo, Wai'anae
85. Mary Lorenzo, Wai'anae	86. Stephen Lorenzo, Wai'anae
87. William Lyon, Wai'anae	88. Renato M., Wai'anae
89. Agnes Malate, Honolulu	90. Henry Mandac, Wai'anae
91. Jon Mano, 'Ewa Beach	92. Noe Mano, Wai'anae

93. Alvin S. Masuda, Wai'anae	94. James McCoy, Honolulu
95. Dean Minakami, Honolulu	96. Keevin Minami, 'Aiea
97. W.G. Minami, 'Aiea	98. Luciano Minerbi, Honolulu
99. Lisa Munger, Honolulu	100. Kailana Moa-Eli, Wai'anae
101. Akeo Nakazawa, Kailua	102. Jim Niermann, R.M. Towill
103. Lauro Nilo, Waipahu	104. Pacita Nilo, Waipahu
105. Faye Nishimura, 'Aiea	106. Francis Nitta, Waimanalo
107. Steven M. Nitta, Wai'anae	108. Jay Okada, Wai'anae
109. Owen K. Kaneshiro Farms LLC, Mililani	110. Marjorie L. Perreira, Wai'anae
111. D. Perry, Mililani	112. Doug Philpotts
113. Diana P. Puulei, Wai'anae	114. Joann Rapoza, Wai'anae
115. Julian Rapoza, Wai'anae	116. Jocelyn Rasquero, 'Ewa Beach
117. Dennis Sakuoka, Mililani	118. Pauline Sato, Honolulu
119. Sara Schnabel, Kapolei	120. Joseph Shacat, Honolulu
121. Phyllis Shimabukuro-Geiser, State Dept. of AG	122. Michael Shuman, Waipahu
123. Teresita Shuman, Waipahu	124. Sarah Simmons, Honolulu
125. Henry Silva, Wai'anae	126. J. Soares, Wai'anae
127. Faustino Somera, 'Ewa Beach	128. Patricia Sottile, Kapolei
129. Evelyn Souza, Kapolei	130. Allen Stack Jr., Honolulu
131. Elizabeth Stack	132. Mark Suiso, Makaha
133. David Tamala, Kapolei	134. Bernadette Tebia, Wai'anae
135. Gina U. Teixeira, Wai'anae	136. A. Timbreza, Wai'anae
137. Ronald Timbreza, Kapolei	138. Eustaquio Tubania, Wai'anae
139. Veronica Tubania, Wai'anae	140. Tony Turner, 'Ewa Beach
141. John Tussey, Wahiawā	142. E. Uno, Mililani
143. J. Valderama, 'Ewa Beach	144. Marilyn Valderama, 'Ewa Beach
145. Sheila Valdez, Waipahu	146. Kaukaohu Wahilani, Wai'anae
147. Terry Walden, Wai'anae	148. Carmela Watanabe, Wai'anae
149. Stanley Watanabe, Wai'anae	150. Steve Wendel
151. Ron Wise, Kapolei	152. Andrew Yamaguchi, Kailua
153. Earl Yamamoto, State Dept. of AG	154. Dole Yi, Wai'anae
Dr. Po-Yung Lai, Mayor's Agricultural Liaison	Kathy Sokugawa, DPP Acting Director
Curtis Lum, DPP	Raymond Young, DPP
Scott Ezer, HHF Planners	Eugene Takahashi, DPP
Rob James, HHF Planners	Erin Higa, HHF Planners
Bruce Plasch, Plasch Econ Pacific	Corlyn Orr, HHF Planners

ATTACHMENT 1

The following questions and comments were submitted during the meeting, but were not reviewed during the question-and-answer session because of time limitations.

1. What is the purpose of the IAL designation? How does it ensure the protection of agricultural lands? Please use laymen's terms.

RESPONSE: See response to Question 1 and 35.

2. Is the goal to bring food self-sufficiency to Hawai'i?

RESPONSE: The goal is to help farmers by making agriculture viable. See responses to Question 1 and Question 19.

3. Is this a joke? The big boys can manipulate the laws to get the best lands for their agenda and benefit.

RESPONSE: The IAL initiative is intended to help both large and small landowners who are interested in using their agricultural land for farming.

4. What is the difference between "dedicated" land and IAL?

RESPONSE: IAL is a specific land use designation for land in the State Agricultural District. To be IAL requires an approval from the State Land Use Commission. An AG dedication refers to a process where the county provides a tax break in exchange for a landowner's agreement to maintain agricultural use of their property for a set number of years. See responses to Question 3 and Question 18.

5. The incentive offered only benefits the largest landowners. The farming classes are already available without IAL designation. I could never benefit from the million dollar incentive as a small farmer. Why haven't you made more real benefits for the little guy?

RESPONSE: See response to Question 18.

6. Where is the funding source for the various incentives listed for IAL?

RESPONSE: The incentives listed in the presentation are state-level incentives funded by the State.

7. What are benefits and cons of being designated IAL? Why does property value go down after being designated IAL? Are there any restrictions on property after being designated IAL?

RESPONSE: The incentives provide economic benefit to IAL landowners. If a landowner is seeking to urbanize their land (i.e., change the State land use district classification from Agricultural to Urban), IAL-designated land will require six votes at the Land Use Commission to approve the change. Property values should not be affected by an IAL designation, as IAL does not change allowable uses. See responses to Questions 7, 16, 17 and 22.

8. U.S. President Cleveland gave Hawai'i back to Queen Lili'uokalani in 1894 and in 1897. There was no annexation. Where's your title? Our alodio titles are superior/paramount titles.

Kamehameha III gave our people alodio land titles, it's a done deal. The Kingdom of Hawai'i exists and the state claims to be the successor of the Kingdom of Hawai'i and that is identified theft….aren't you legally illegal?

RESPONSE: See response to Question 27.

9. What happens by 2050 when climate change and other factors prevent food shipments to Hawai'i? Will we have enough farmland to feed our people? Look at Dr. Kioni Dudley's research paper on this topic. He is in Makakilo.

RESPONSE: See response to Question 19.

10. Suggestions for incentives:

- **a. encourage AG tourism activities that would support diversified agriculture**
- **b. amend the LUO to allow greater uses within IAL that are accessory and support AG operations**
- **c. eliminate the need for CUP-Minor permit for accessory uses that support the AG use of the subject property**
- **d. additional property tax breaks without AG dedication process being required**

RESPONSE: Thank you for the suggestions. See response to Question 18.

11. Any additional restrictions proposed or envisioned to be imposed on IAL designated lands related to future subdivision? DPP notes that there are no additional restrictions by designating lands IAL, but is that a commitment?

RESPONSE: See responses to Questions 7, 16, 17 and 22.

12. How does the "majority incentive" work? When does that land owner need to voluntarily designate a majority of their lands as IAL in order to not designate the balance of the lands IAL? Based on the City's schedule to submit the proposed IAL lands to the City Council, how much time is available to seek the "majority incentive" before the Land Use Commissions adopts the IAL recommendations of the City?

RESPONSE: The law provides an incentive for a landowner who designates 85 percent of their land as IAL to concurrently urbanize the remaining 15 percent (urbanize means re-classify land from the State Agricultural District to the State Urban District). The law also states that a landowner who has previously designated at least 50 percent of their agricultural land for IAL is exempt from the county designation process. The process for a landowner to self-designate IAL requires Land Use Commission approval, which can take several months. See response to Questions 39 and 41.

13. General Comment/Question: If there are not significant incentives to having lands designated IAL by the City and there are future risks that the State or City may impose more restrictions on the use of IAL lands (limit subdivision to larger lots or other similar restrictions), why would anyone want their land designated IAL?

RESPONSE: The State Department of Agriculture is seeking to re-instate the qualified agricultural cost tax credit. See response to Question 40 and 44. No restrictions are associated with IAL. See responses to Questions 1, 7, 16, 17 and 22.

E

LANDOWNER AND PUBLIC COMMENTS

	TMK PARCEL	STREET ADDRESS	LOCATION	PARCEL SIZE (acres)	COMMENT	DPP RECOMMENDATION AND NOTES	DPP ACTION: ADDED TO, REMOVED FROM, OR RETAINED IN IAL MAP
LAND PROPOSED BY DPP FOR IAL INCLUSION							
1.	4-9-003: 014; 4-9-001: 031-032	Not available	Kualoa	0.025	Surrounded by Kualoa Ranch-owned parcel in IAL	Criterion 7-Critical Mass/Context.	Added
2.	5-5-004: 007	Not available	Laie	3.15	Adjoins large IAL area which seems not correctly mapped	Criterion 7-Critical Mass/Context.	Added
3.	5-6-006: 002	Not available	Malaekahana	1.68	Surrounded by Property Reserve Inc.-owned parcel in IAL	Criterion 7-Critical Mass/Context.	Added
4.	6-8-013: 026	68-252 Olohio St.	Waialua	2	Surrounded by lands proposed for IAL designation.	Criterion 7-Critical Mass/Context.	Added
5.	POID 4694; between 6-6-004:003 and 6-6-004: 005	Not available	Haleiwa	NA	Surrounded by lands proposed for IAL designation.	Criterion 7-Critical Mass/Context.	Added
6.	8-7-010: 006	87-1239 Hakimo Road	Waianae	21.138	Surrounded by lands proposed for IAL designation.	Criterion 7-Critical Mass/Context.	Added
LAND PROPOSED BY DPP FOR IAL EXCLUSION (Previously proposed for inclusion in Preliminary IAL Map)							
1.	4-1-023: 024 to 028, 4-1-023: 030 to 035, and portion 4-1-024: 035	At the end of Mekia Street	Waimanalo	NA	Classified as in Urban District and thus, not qualified for IAL.	Removal.	Removed
2.	6-6-019: 044	66-222 Waialua Beach Road	Waialua	2.411	Does not meet IAL criteria due to context and not part of critical mass.	Removal.	Removed
3.	9-2-044: 007	Roman Catholic Church 92-455 Makakilo Drive	Kapolei	3.616	Does not meet IAL criteria due to context and not part of critical mass.	Removal.	Removed
4.	9-2-044: 008	DR Horton-Schuler Homes 92-2140 Kulihi Street	Kapolei	4.574	Does not meet IAL criteria due to context and not part of critical mass.	Removal.	Removed
5.	POID 490022	Fort Street Investment Makakilo Drive	Kapolei	14,402 sq.ft	Does not meet IAL criteria (2010/SUB-58 show it for utility purpose).	Removal.	Removed
6.	9-3-002: 035	Hawaiian Electric Company Near end of Awaiki Street	Waipahu	1.842	Does not meet IAL criteria (part of a railroad right-of-way).	Removal.	Removed
7.	9-4-006: 028	Thomas H. Gentry Trust H-2 Interstate Hwy. and Ka Uka Boulevard intersection	Waipio	6.287	Does not meet IAL criteria (located within State-owned right-of-way and also portion of Ka Uka Blvd.).	Removal.	Removed
8.	9-1-018: 006	Hawaiian Electric Company 91-1440 Farrington Highway	Kapolei	8.71	Does not meet IAL criteria due to existing HECO substation.	Removal. Urban use per Ewa DP.	Removed
9.	9-1-017: 016	Kahi Mohala 91-2301 Fort Weaver Road	Kapolei	4.483	Does not meet IAL criteria due to existing special needs housing.	Removal. Urban use per Ewa DP.	Removed
10.	9-1-017: 121	Saint Francis Medical Care 91-2127 Fort Weaver Road	Kapolei	4.388	Urban use per Ewa DP.	Removal.	Removed
11.	9-1-017: 062	91-2230 Fort Weaver Road	Kapolei	4.076	Urban use per Ewa DP.	Removal.	Removed
12.	9-1-017: 061	Jesus Christ of Latter Day Saints 91-2206 Old Fort Weaver Road	Kapolei	12 (approx)	Urban use per Ewa DP.	Removal.	Removed
13.	9-2-002: 008 Portion 9-1-001: 002	D R Horton – Schuler Homes LLC Mauka of H-1 Hwy, north of Makakilo Quarry 91-750 Fort Weaver Road	Kapolei	99.841 57.071	Urban use per Ewa DP.	Removal.	Removed
14.	9-6-004: 003	Waiawa Valley, between Wapio and Pearl City at the H-1/H-2 Interchange	Waiawa	2.45	Urban use per Central DP.	Removal.	Removed

	TMK PARCEL	STREET ADDRESS	LOCATION	PARCEL SIZE (acres)	COMMENT	DPP RECOMMENDATION AND NOTES	DPP ACTION: ADDED TO, REMOVED FROM, OR RETAINED IN IAL MAP
15.	6-2-010: 008	62-125 Emerson Road Unit A	Waialua	1.137	Urban use per North Shore SCP.	Removal.	Removed
16.	6-2-006: 006 6-2-007: 011 POID 495885 6-5-001: 044 Portion	Dole Food Company, Inc. Various parcels located between Haleiwa Town and Joseph Leong Highway	Waialua	2.07 5.473 2.076 120.541	Urban use per North Shore SCP.	Removal.	Removed
17.	6-2-007: 007	66-636 Kamehameha Highway	Waialua	7.739	Urban use per North Shore SCP.	Removal.	Removed
18.	6-6-017: 036	66-452 Paalaa Road	Waialua	2.234	Urban use per North Shore SCP.	Removal.	Removed
19.	5-7-001: 035	Turtle Bay Wastewater Treatment LLC 57-82 Kamehameha Highway y	Kahuku	20.505	Urban use per Koolau Loa SCP.	Removal.	Removed
20.	5-6-006: 057 Portion	Oceanview Development LLC South of Kahuku town and Kahuku High School	Kahuku	58.439	Urban use per Koolau Loa SCP.	Removal.	Removed
21.	5-3-016: 002	Church of Jesus Christ of Latter Day Saints 53-26 Makao Road	Hauula	10.599	Urban use per Koolau Loa SCP.	Removal.	Removed
22.	5-5-006: 001 Portion 5-5-005: 020 Portion 5-5-005: 022 Portion 5-5-005: 024 Portion 5-5-006: 010	Property Reserve Inc Various parcels within the BYU Hawaii Campus planning area.	Laie	275 10.693 17.433 14.07 10	Urban use per Koolau Loa SCP.	Removal.	Removed
23.	5-5-006: 005	BYU Hawaii Campus	Laie	204	Urban use per Koolau Loa SCP.	Removal.	Removed
24.	5-5-006: 032 5-5-005: 002	BYU Hawaii Campus	Laie	1.439 0.64	Urban use per Koolau Loa SCP.	Removal.	Removed
25.	5-5-006: 033 Portion	Laie Treatment Works 55-280 Kamehameha Highway	Laie	8.924	Urban use per Koolau Loa SCP.	Removal.	Removed
26.	5-6-006: 013	Kahuku Medical Center 56-117 Pualalea Street	Kahuku	7.246	Urban use per Koolau Loa SCP.	Removal.	Removed
27.	5-6-006: 027	Continental Pacific LLC 56-660 Kamehameha Highway	Kahuku	2.785	Urban use per Koolau Loa SCP.	Removal.	Removed
28.	5-6-006: 054	56-600 Kamehameha Highway	Kahuku	16.942	Urban use per Koolau Loa SCP.	Removal.	Removed
29.	9-5-001: 075	Mililani Town Association Mililani near H-2 Hwy	Mililani	13.236	Urban use per Central Oahu SCP.	Removal.	Removed
30.	9-5-046: 041 Portion	Castle & Cooke Properties Mililani Tech Park gully	Mililani	21.497	Urban use per Central Oahu SCP.	Removal.	Removed
31.	5-9-005: 014	Leinau Holding Company LLC 59-754 Kamehameha Highway	Haleiwa	0.456	Urban use per North Shore SCP.	Removal.	Removed
32.	5-9-005: 069	Church of Jesus Christ of Latter Day Saints 59-406 Kamehameha Highway	Haleiwa	11.091	Urban use per North Shore SCP.	Removal.	Removed
33.	5-9-005: 040	59-680 Pupukea Road	Haleiwa	50.275	Urban use per North Shore SCP.	Removal.	Removed portion
34.	5-9-005: 084	Meleana's Farm LLC 59-410B Kamehameha Highway	Haleiwa	3.213	Urban use per North Shore SCP.	Removal.	Removed

	TMK PARCEL	STREET ADDRESS	LOCATION	PARCEL SIZE (acres)	COMMENT	DPP RECOMMENDATION AND NOTES	DPP ACTION: ADDED TO, REMOVED FROM, OR RETAINED IN IAL MAP
35.	5-9-005: 083	Waihuena LLC 59-410 Kamehameha Highway	Haleiwa	17.656	Urban use per North Shore SCP.	Removal.	Removed portion
36.	5-9-005: 085	59-448 Kamehameha Highway	Haleiwa	2.31	Urban use per North Shore SCP.	Removal.	Removed
37.	5-9-032: 001	59-432 Kamehameha Highway	Haleiwa	2.531	Urban use per North Shore SCP.	Removal.	Removed
38.	5-9-032: 002 & 003	59-153 and 59-183 Kekiliohulani Street	Haleiwa	3.533 2.509	Urban use per North Shore SCP.	Removal.	Removed
39.	5-9-032: 004	59-130 Kekiliohulani Street	Haleiwa	4	Urban use per North Shore SCP.	Removal.	Removed portion
40.	5-9-032: 010	59-190 Kekiliohulani Street	Haleiwa	2	Urban use per North Shore SCP.	Removal.	Removed portion
41.	5-9-032: 011	59-200 Kekiliohulani Street	Haleiwa	2	Urban use per North Shore SCP.	Removal.	Removed portion
42.	5-9-006: 032	59-178 Kamehameha Highway	Haleiwa	5.315	Urban use per North Shore SCP.	Removal.	Removed portion
43.	5-9-006: 034	WWM LLC et al. 59-178-C1 Kamehameha Highway	Haleiwa	21.634	Urban use per North Shore SCP.	Removal.	Removed portion
44.	5-9-031: 028	Pupukea Investment JT Venture 59-705 Pupukea Road	Haleiwa	16.134	Urban use per North Shore SCP.	Removal.	Removed portion
45.	6-7-001: 037 6-7-001: 063	Dole Food Co Inc 67-114 Kealohanui Street	Waialua	24.167 96.788	Urban use per North Shore SCP.	Removal.	Removed Removed portion
LANDOWNERS REQUESTING TO BE INCLUDED AS IAL							
1.	8-6-007: 004	86-641 Puuhulu Road	Waianae	1	Property used for AG (including aquaponics) until storm flooded property; family has historically used land for mixed AG purposes; soil quality and growing conditions support AG use; has sufficient City water serviced with 2 meters. IAL needs more emphasis on aquaponics; it is effective for farming.	Acceptance/already proposed for IAL.	Added
2.	4-1-010: 021	41-874 Waikupanaha Street	Waimanalo	1.035	Requesting confirmation that entire parcel will be designated IAL. Criterion 1 mapping shows ½ the property in production. Per submitted map, property is currently in full production, and has been for the past 30 years. Re. "Native Hawaiian AG use" criterion, property is portion of kuleana award that previously supported 25 lo'i, and has a spring that was the water source for the lo'i.	Acceptance/already proposed for IAL.	Added
3.	8-7-018: 006	87-1050 Papaya Road	Waianae	11	Has been vegetable farmer for 3 years	Acceptance/already proposed for IAL.	Added
4.	9-2-005: 023	Kunia Village and Agri-business Complex Kunia Road	Kunia	110.96	Property has a variance for housing, community support associations, infrastructure, multiple AG businesses, wastewater treatment plant, and admin facilities. Kunia Village Title Holding Corporation is a tax-exempt 501c2 applying for a 201H permit to expand housing. While supporting IAL designations in general, it is unclear how IAL helps this complex; state incentives do not help this type of AG support. It is hoped that the City develop incentives to help tax-exempt AG support operations; tax credits are useless to a tax-exempt operation.	Acceptance/already proposed for IAL.	Added

	TMK PARCEL	STREET ADDRESS	LOCATION	PARCEL SIZE (acres)	COMMENT	DPP RECOMMENDATION AND NOTES	DPP ACTION: ADDED TO, REMOVED FROM, OR RETAINED IN IAL MAP
5.	5-9-023: 011	59-620 Maulukua Place	Pupukea	1.418	No reason given for wanting to be included	No change; lot is within area zoned Country District and lots in this subdivision are proposed by DPP for removal as they are inconsistent with IAL criteria.	Removed
6.	7-1-001: 011	Poamoho Camp 71-45 Kamehameha Hwy	Poamoho	79.202	Appreciates IAL consideration for Poamoho Camp	Accept/already proposed for IAL.	Retained
7.	6-7-004: 001 6-7-004: 004 6-7-003: 002 6-7-003: 006 6-7-003: 007	Kaukonahua Ranch, LLC Kamananui, Waialua	North Shore	1,569.89 79.01 230.0 106.48 136.0	Concur as agricultural development of the lands may benefit from some of the incentives.	Meets one or more criteria Meets one or more criteria Meets one or more criteria Meets one or more criteria Meets one or more criteria	Retained
LANDOWNERS REQUESTING TO BE EXCLUDED AS IAL							
1.	4-1-010: 018	41-950 Kakaina Street	Waimanalo	0.735	Property is steeply sloped, is not currently in or ever been used for AG. Property is too small to sustain profitable farming. Usable acreage has been developed with residential structures.	No change; Meets criteria 2 & 5; also is part of 23-acre privately owned lots proposed for IAL surrounded by State-owned parcels.	Retained
2.	4-2-014:006	ABP Residuary ABL Hahani LLC (A&B Properties) 1015 Auloa Road	Kailua	75.029	App. 25 acres in the State Urban District. Not currently in AG use; never used for commercial crop production. Soils are not conducive for growing crops; per LSB ratings, 75% of property rated "E", 25% rated "C"; USDA Soil Survey Database rates property "NOT PRIME." Water to support AG is not available	Removal; does not meet IAL criteria due to context and not part of critical mass.	Removed
3.	4-8-004: 016 4-8-004: 017	Ka Mauna o Oliveta Church 48-146 Waikane Valley Road 48-148 Waikane Valley Road	Waikane	6.445 1.232	TMK Parcel 4-8-004: 016 is owned by a hui. Property is occupied by a church, not used for AG purposes.	Removal; does not meet IAL criteria due to context and not part of critical mass; surrounded by lands owned by CCHNL for future Waikane Nature Preserve.	Removed
4.	5-1-001: 019	51-196 A Kamehameha Highway	Kaaawa	0.1152	Property is classified for tax purposes as RESIDENTIAL, and does not pass the criteria and conditions of IAL.	Removal; does not meet IAL criteria due to context and not part of critical mass.	Removed
5.	5-4-004:003	Asia Pacific Educational Foundation 54-230 Kamehameha Highway	Hauula	77.6	Property has a CUPm for school use. APEF is a private K-13, accredited day/boarding school. Ten-acre portion in the State and City AG districts proposed for IAL designation only meets 2 of the 8 criteria: soil qualities and classification under AG productivity rating systems. Given DPP's previous characterization of the parcel as a preservation rather than AG parcel, not appropriate for DPP to suggest it should be designated as IAL. Jan 20, 2017	Removal of portion that does not meet IAL criteria due to context and not part of critical mass; portion that is level/formerly in production is proposed for IAL.	Removed Portion
6.	5-3-009: 068-0001 5-3-009: 068-0002	53-772 Kamehameha Highway Unit 1B	Hauula	5.794 0.344	Land is part of Kaluanui AG area and has high water table that is close to the surface; location across from ocean creates high amount of salt spray that kills vegetation. See attached AG Feasibility Study findings for documentation re. poor soil conditions	No change; parcel meets IAL criteria.	Retained
7.	5-3-009: 069-0001 5-3-009: 069-0002 5-3-009: 070-0001 5-3-009: 070-0002	53-772 Kamehameha Highway Unit 1C	Hauula	5.4 0.344 5.534 0.344	Land is part of Kaluanui AG area and has high water table that is close to the surface; location across from ocean creates high amount of salt spray that kills vegetation. See attached Ag. Feasibility Study findings for documentation re. poor soil conditions.	No change; Ag. feasibility study submitted by owner does not conclude that the parcels are not feasible for ag production.	Retained
8.	5-3-015:029	53-2 Halai Place	Hauula	1.00	Property is not productive or fruitful. Trees have not produced fruit in 11 years that he's lived here; only albizia and palms are thriving.	Removal; entire Country Zoned subdivision being removed due to context and is not part of critical mass.	Removed

	TMK PARCEL	STREET ADDRESS	LOCATION	PARCEL SIZE (acres)	COMMENT	DPP RECOMMENDATION AND NOTES	DPP ACTION: ADDED TO, REMOVED FROM, OR RETAINED IN IAL MAP
9.	5-9-011: 023	59-63 Puula Road	Pupukea	1.008	No intention to use land for AG use; land is too small to farm profitably; won't have option to build an ADU; property currently on cesspool; wants to know if property tax will be lowered?	Removal; entire Country Zoned subdivision being removed due to context and is not part of critical mass.	Removed
10.	5-9-026: 029	59-524 Aukauka Place	Pupukea	2.608	House sits on flat spot of property being proposed for IAL.	Removal; entire Country Zoned subdivision being removed due to context and is not part of critical mass.	Removed
11.	5-9-017: 025	59-409 Alapio Road	Pupukea	1.485	Not farmers and do not intend to farm on the residential property; their established residential neighborhood is not conducive to farming or AG use; no viable space for farming or AG use on portion proposed for IAL; slope is very steep; 40,000 acres of O'ahu's vacant, unused AG land should be used before redefining established residential neighborhoods.	Removal; entire Country Zoned subdivision being removed due to context and is not part of critical mass.	Removed
12.	5-9-017: 019	59-306 Pupukea Road	Pupukea		Limited square footage and steep gully area. Attempts to grow crops over the years have been unsuccessful due to mold.	Removal; entire Country Zoned subdivision being removed due to context and is not part of critical mass.	Removed
13.	5-9-021: 015	59-098 Paumalu Place	Sunset Beach	1	Poor clay soil conditions cannot sustain AG (Soils engineering report available upon request). Space limited due to existing buildings on property	Removal; entire Country Zoned subdivision being removed due to context and is not part of critical mass.	Removed
14.	5-9-021: 009	59-134 Paumalu Place	Sunset Beach	1.012	Disagree with Draft IAL that says land meets Criterion 2. Land is too does not have soil qualities/conditions to support AG production. Land is too rocky, need to add soil to farm; designation covers house and pool	Removal; entire Country Zoned subdivision being removed due to context and is not part of critical mass.	Removed
15.	5-9-029: 001	59-411 Wilinau Road	Sunset Beach	1.02	Property is State AG, but county-zoned "Country" and classified "Residential" by City's Real Property Assessment Division. Concerned that IAL would restrict future use of the property. AG subdivision does not fit with purpose of IAL legislation to identify large areas of current AG lands where agri-businesses would be economically viable to operate	Removal; entire Country Zoned subdivision being removed due to context and is not part of critical mass.	Removed
16.	5-9-006: 005 5-9-006: 029 5-9-006: 031	Intelsat Global Service LLC 58-350 Kamehameha Highway	Sunset Beach	224.262 12.461 1.107	Primary use of the property is for communication satellite equipment, pursuant to CUP approvals. Expansion of communication equipment is being contemplated, which may displace existing grazing operations.	Exclude TMKs 5-9-006: 028 and 029 due to existing telecom facilities; retain TMK 5-9-006: 005 in IAL as the open space areas are in cattle production.	Retained portion
17.	5-9-005: 014	59-484 Kamehameha Highway	Sunset Beach	1.384	Property is near the beach, salt spray burns everything. Soil is heavy clay and highly expansion (shrinks/cracks in summer, poor percolation in winter). Land in this area is in urban uses and not used for agriculture.	No change; Criterion 7-part of critical mass.	Retained
18.	5-9-006: 023-0002	59-11 B Kamehameha Highway	Sunset Beach	0.582	Property is less than one acre parcel with a home; would not be able to sustain an AG product useful for production.	Removal; entire Country Zoned subdivision being removed due to context and is not part of critical mass.	Removed
19.	5-9-021:011	59-126 Paumalu Place	Sunset Beach	1.0	Asking for assurance that property is not included in mapping. Property has poor soil quality and is steep. AG would be difficult.	Removal; entire Country Zoned subdivision being removed due to context and is not part of critical mass.	Removed
20.	5-9-021: 013	59-112 Paumalu Place	Sunset Beach	1.0	Opposes a change in zoning. Soil quality is poor; water is pricey; and a house on the property limits the land area available for AG operations.	Removal; entire Country Zoned subdivision being removed due to context and is not part of critical mass.	Removed

	TMK PARCEL	STREET ADDRESS	LOCATION	PARCEL SIZE (acres)	COMMENT	DPP RECOMMENDATION AND NOTES	DPP ACTION: ADDED TO, REMOVED FROM, OR RETAINED IN IAL MAP
21.	5-9-015: 004 5-9-006: 014 5-9-006: 015	59-90 Kamehameha Highway	Sunset Beach	1.102 2.372 2.647	Properties are classified for Real Property tax purposes as Residential. Do not want to impose AG restrictions on these valuable property that are in a desirable location across from Sunset Beach. Properties not suitable for AG because they are covered with trees and boulders, and not supplied with water.	Removal; entire Country Zoned subdivision being removed due to context and is not part of critical mass.	Removed
22.	5-9-007: 003	59-75 Pukea Road	Sunset Beach	1.002	Land not currently used for AG production, nor are surrounding properties. Has poor soil qualities, large rocks and black expansive clay; salt spray inundation stunts vegetation growth; not identified under ALISH; not associated with native Hawaiian AG uses; 18% slope makes terracing and clearing expensive; property is part of a residential neighborhood with no commercial AG production in this area.	Removal; entire Country Zoned subdivision being removed due to context and is not part of critical mass.	Removed
23.	5-9-010: 015	59-055 Kumupali Road	Haleiwa	1.019	Intends to keep property for children and want to maximize the potential of the property by not designating IAL. No incentive because not farmers; tax rate would not change.	Removal; entire Country Zoned subdivision being removed due to context and is not part of critical mass.	Removed
24.	5-9-008: 018	59-077 Kahae Street	Haleiwa	1.138	1. Land is full of partially buried large boulders, too costly to remove boulders to make land useable; 2. South side is shaded for part of the day; 3. Clay soil is rock hard when dry, clay muck when wet; 4. Narrow lot surrounded by neighbors; 5. AG use makes no economic sense	Removal; entire Country Zoned subdivision being removed due to context and is not part of critical mass.	Removed
25.	5-9-012:007	59-290 Kamehameha Highway	Haleiwa	1.132	Property does not meet criteria: currently in residential use, not used for AG production in the past; soil has been washing away, land is rocky; no source of water right now, would have to bring in a new water line	Removal; entire Country Zoned subdivision being removed due to context and is not part of critical mass.	Removed
26.	6-1-005: 015 6-1-005: 016 6-1-005: 017 6-1-005: 023 6-6-012: 003 6-6-012: 004 6-6-015: 007 9-6-004: 023	Kamehameha Schools 61-502 Kamehameha Highway 61-350 Kamehameha Highway No data listed 61-184 Kawailoa Drive 66-480 Haleiwa Road 66-480 Haleiwa Road 66-305 Aukai Lane No data listed	Haleiwa	14.680 128.507 0.920 129.708 11.940 65.212 18.520 15.523	KS lands not eligible for IAL. Approximately 52% of their landholdings were approved for IAL in 2015 via voluntary designation. (2015/SUB-21: TMKs 9-6-4: 27-30) for HART acquisition	Removal; all parcels owned by Kamehameha School (KS); State law prohibits the consideration of any KS owned land for IAL because KS has designated more than 50% of their landholdings on O'ahu as IAL; Parcels 3, 7, 12, not proposed for IAL.	Removed
27.	6-6-001: 016	66-086 Haleiwa Road	Haleiwa	2.758	Property is zoned AG-2, is located on the edge of AG area, surrounded on 3 sides by housing and 1 side by wetland. Most of the property is covered by tall mature trees, some wetland area, and not adaptable to AG production.	No change; parcel meets IAL criteria.	Retained
28.	6-6-003:003 6-6-005:023 6-6-005:024 6-6-005:025 6-6-008:007 6-6-005:019	Haleiwa Rd 66-178 B Kaika Place Walikanahele Road Haleiwa Road 66-179 E Achiu Lane 66-182 Walikanahele Road	Haleiwa	0.54 0.99 0.05 0.16 2.15 3.00	None of these properties are currently used for AG purposes; used for housing low income families. Rapid decline of water that once flowed in the area makes AG unfeasible. Most of properties are in residential area that complicates AG use.	No change; meets context and part of critical mass. Parcel 25 not proposed for IAL.	Retained

	TMK PARCEL	STREET ADDRESS	LOCATION	PARCEL SIZE (acres)	COMMENT	DPP RECOMMENDATION AND NOTES	DPP ACTION: ADDED TO, REMOVED FROM, OR RETAINED IN IAL MAP
29.	6-2-004: 003 6-2-004: 029 6-2-004: 050 6-2-004: 051 6-2-004: 052 6-2-004: 053 6-2-004: 054	62-204 Emerson Road	Haleiwa	0.266 0.332 2.67 0.643 0.332 0.854 0.161	Farming on this property is not practical on a commercial basis. AG activity in close proximity to Haleiwa and Waialua—which is a water sports mecca and continue to experience commercial/residential growth—will lead to conflict like he experienced at Sunset Beach. IAL offers no landowner compensations, no reduced property taxes. Do not want restrictions on use of property.	No change; due to context and part of critical mass.	Retained
30.	6-2-005:002	Basin Project Kamehameha Highway	Haleiwa	7.525	Property not intended to be used for AG. Property is in State Urban District, Designated by NSSCP for in-fill development, in the process of preparing a zone change application	Removal; urban use per North Shore SCP.	Removed
31.	6-6-003:013 6-2-002:019	66-193 Kamehameha Highway 370 Joseph P Leong Highway	Haleiwa	1.11 0.41	Willing to designate parcel 013 as IAL in exchange for rezoning parcel 6-6-009: 015 from AG to R-5. Willing to designate parcel 6-2-004: 027 as IAL in exchange for rezoning of parcel 019 from AG to R-5	No change; due to context and critical mass; Retain Parcel 19 as part of IAL; Parcel 13 not proposed for IAL; proposed zoning in exchange for IAL not supported.	Retained
32.	6-6-020: 019	66-794 Haleiwa Road	Haleiwa	2.07	Soil is unproductive, prone to flooding with brackish water from Paukauila Stream. Request determination: What incentives will the State give to make land productive? Will they pay for truckloads of dirt to make soil fertile? If State and County cannot help, request that property be excluded from IAL and be REZONED to residential like neighbors.	No change; due to context and critical mass.	Retained
33.	6-6-009: 002 6-6-010: 003	HTP LLC Kilioe Place Property LLC 66-149 Naoiwi Lane 66-71 Achiu Lane	Haleiwa	1.26 3.593	Per Dec-22-2016 report to Planning Commission, DPP recommended approving a State Land Use Amendment from AG to Urban, and zone change from AG-2 to R-5 to urbanize these parcels. Independent AG Study concluded jte property "is poorly suited for typical commercial field farming."	Parcel 002 - No change; due to context and critical mass; Parcel 003 – Within the Urban District and IAL does not apply.	Retained
34.	6-5-001: 033 0004	65-660 A Kaukonahua Road	Waialua	5.088	Lot is far from being able to be farmed. Development lacks basic infrastructure for farming: no paved road; no permanent water supply, AG water supply needs pump improvements; cannot live on property; lack of security gate	No change.	Retained
35.	6-6-019: 043	66-222 Waialua Beach Road	Waialua	2.15	Would like ability to possibly change land use designation in the near future; do not want to be locked into IAL.	Removal; due to context and is not part of critical mass.	Removed
36.	6-7-003: 003 6-7-003: 005	Kaala Ranch Kahui Street 67-80 Farrington Highway	Waialua	109.543 244.380	Property currently used for grazing purposes. Not high quality farm land; large portions are too steep and/or inaccessible for diversified AG; land not capable of producing sustained high AG yields and does not meet the definition of IAL.	No change	Retained
37.	6-7-002: 038 6-7-002: 006-0001	67-290 Farrington Highway 67-290 Farrington Highway (Unit A)	Waialua	103.15 4.187	Property is not currently in AG production as depicted in Draft IAL Map, or previously farmed. Some cattle are rotated on Parcel 38; Parcel 6 is in condo ownership, with easements that reduce the usable area.. Does not have favorable soil qualities or growing conditions. Ewa Stony Silty Clay soil type is only suitable for prime AG land if irrigated: there is no irrigation system and adequate amounts of water are not available for crops or orchards. Property is hilly, sloping and not flat like neighboring properties; surrounded by urban uses, including an AG residential subdivision and church.	No change	Retained
38.	6-8-013: 023	68-208 Olohio Street	Waialua	2.17	Landowner currently renting out property for a horse pasture. Do not want IAL because property is surrounded on all sides by residences, parcel is small, and not part of large AG area.	No change	Retained

	TMK PARCEL	STREET ADDRESS	LOCATION	PARCEL SIZE (acres)	COMMENT	DPP RECOMMENDATION AND NOTES	DPP ACTION: ADDED TO, REMOVED FROM, OR RETAINED IN IAL MAP
39.	6-6-028: 022	Mohala Farms 66-1380 Kaukonahua Road	Waialua	6.088	IAL process unfairly benefits large landowners over small farmers. Process jeopardizes large areas of AG land for rezoning/development. Incentives should be provided to any legitimate farmer that provides local food for local consumption, regardless of IAL land or not.	No change	Retained
40.	6-4-003: 008 9-5-046: 010 7-1-002: 033 7-1-002: 033 6-4-004:007	Dole Plantation Castle & Cooke Properties Wikao Street-Leilehua Golf Road Whitmore Avenue Whitmore Avenue 64-1550 Kamehameha Highway	Wahiawa Mililani Tech Whitmore Whitmore Wahiawa	14.443 1.003 31.551 22.473 222.614	Dole Plantation is a popular visitor destination; IAL contradicts and adversely impact uses as approved by State and City permits. Parcel is landscaped, open space amenity for Tech Park Conveyed on 12/30/16 to DHHL Conveyed on 12/30/16 to DHHL	Removal (Parcel 008) Removal (Parcel 10) Removal; Parcel 33 (part) dropped into 71002037 and transferred to DHHL. Removal; Parcel 7 does not meet IAL Criteria; encumbered by restrictive covenant per 2003/SUP-1.	Removed Removed Removed Removed
41.	7-1-001: 007 7-1-001: 029 7-1-001: 032	Greenworld Farms Kamehameha Highway Wilikina Drive 71-101 Kamehameha Highway	Wahiawa	3.147 0.492 3.632	Coffee visitor center and retail coffee shop is profitable component of coffee growing business. Limitations of site due to location surrounded by regional highways and the cost of paying urban water rates. Possible future use to expand agri-business activity do not align with IAL.	No change; covenant per CUP granting the use requires agriculture use on the property.	Retained
42.	8-3-002: 013 8-3-002: 012	Hahn Family Foundation Farrington Highway	Makaha	20.289 18.52	Attorneys have not completed evaluation of property, but submitting general objection to IAL designation.	Removal; does not meet IAL criteria.	Removed
43.	8-3-002: 011 0001 8-3-002: 011 0002	83-500 Farrington Highway	Makaha	10.183 10.126	Land is not used for AG production; soil test determined not suitable for AG purposes; not identified under ALISH; not used for Native Hawaiian AG use; no water; not consistent with county/state plans; not critical to mass; not near support infrastructure	Removal; does not meet IAL criteria.	Removed
44.	8-3-001: 024 8-3-001: 025 8-3-001: 026 8-3-001: 027 8-3-001: 034 8-3-001: 037 8-3-001: 042	McCandless Ranch Farrington Highway	Ohikilolo, Makaha	12.443 14.949 6.39 6.25 17.8 3.13 332.221	Properties do not meet or fall within the criteria of IAL. Any re-designation or re-classification that affects rights, title or value amounts to a wrongful taking. Requests copies of legal opinions supporting DPP's statements that IAL designation does not constitute a taking or invoke the eminent domain clause or process. Property is rated LSB "E", not high-quality farmland for IAL designation. Current cattle ranching operation sends cattle to CA for processing and consumption. Farm does not contribute to feeding HI residents. Requests information about land restrictions that apply to IAL.	Removal of all parcels; do not meet IAL criteria.	Removed
45.	8-3-001: 004	St. Francis Healthcare 83-300 Farrington Highway	Makaha	58.547	Property is home to Our Lady of Keaáu (OLK) Spiritual Retreat Center. Part of land area identified for IAL is located in two FEMA flood zones. While certain areas of the campus are used for AG purposes, the land identified for IAL is across the highway from a homeless encampment and not planned for AG use because of thefts and security concerns.	Removal; does not meet IAL criteria.	Removed
46.	8-3-001: 040 8-3-001: 041	Farrington Highway	Makaha	54.5 237.98	Property does not have water, parcel is arid, portions within 100 yards of coastline are susceptible to salt spray that inhibits crop production.	Removal; does not meet IAL criteria. (Parcel 41 not in IAL)	Removed

	TMK PARCEL	STREET ADDRESS	LOCATION	PARCEL SIZE (acres)	COMMENT	DPP RECOMMENDATION AND NOTES	DPP ACTION: ADDED TO, REMOVED FROM, OR RETAINED IN IAL MAP
47.	8-5-003: 029 8-5-003: 031 8-5-003: 032 8-5-003: 043 8-5-019: 035	Mountain View Dairy 85-580 Waianae Valley Road		18.907 58.565 83.816 61.25 2.544	Property not suitable for farm planting: numerous test crops over the years have been unsuccessful; UH-CTAHR conducted soil analysis that showed extremely acidic soil with high salt levels. Two wells on the property have been identified as the source of salt. Given the lack of remedy for salty soil conditions, poor soil conditions and difficult topography, property does not qualify for IAL.	No change; due to context and critical mass; Parcel 32 not proposed for IAL.	Retained
48.	8-6-011: 004	86-346 Halona Road	Lualualei	22.783	Do not want to participate in IAL. Property has been in family for 96 years and is the family's legacy; currently used for a piggery, flower farm, fruit trees, and aquaponics that support family members.	No change; due to context and critical mass.	Retained
49.	8-6-012: 004	Orchids of Waianae 86-347 Halona Road	Lualualei	4.562	Surrounded by residences, neighbors filed nuisance complaints against them for chemical spraying. Location makes AG operation difficult.	No change; due to context and critical mass.	Retained
50.	8-6-012: 022	86-408 A Lualualei Homestead Road	Waianae	1.391	Property is zoned Country and AG, Residential classification for property tax purposes. Currently vacant with kiawe trees, etc.; bordered by concrete drainage culvert, road and other residences. Do not want to reduce the property's value	No change; due to context and critical mass.	Retained
51.	8-7-009: 007	PVT Land Company Hakimo Road	Maili	179.109	Property not currently in AG production or historically used for AG. MnC and LuB soils are not conducive for cultivation. Moreso, USDA soil classification date not consistent with the specific geotechnical data. Concurs with Draft IAL map that property does not have sufficient water. See letter for detailed analysis of other criteria.	Remove as soils analysis indicates portion of property is unsuitable for agricultural production; sufficient water is not available.	Removed
52.	8-7-009: 026	PVT Land Company 87-2020 Farrington Highway	Maili	12.946	Property not currently in AG production or historically used for AG. MnC soils are not conducive for cultivation. Moreso, USDA soil classification date not consistent with the specific geotechnical data. Concurs with Draft IAL map that property does not have sufficient water. See letter for detailed analysis of other criteria.	Remove as existing uses do not support agricultural production.	Removed
53.	8-7-019: 019	87-1082 Hakimo Road	Maili	5.41	Current water cost too high for AG use; not worth planting unless cheaper AG water rates are provided. N. tax incentive for planting or raising animals. Clay soil floods when it rains; not conducive for growing crops	No change; due to context and critical mass.	Retained
54.	8-7-022: 027	87-376 A Hakimo Road	Waianae	3.063	Does not meet any of the criteria to qualify to IAL by City process: growing conditions not suitable for AG; insufficient quantity of water; slope is full of moss rock. Request clarification of where the AG boundaries will be?	Removal; including all parcels along northern side of Hakimo Road that are zoned AG-2; long and narrow lots not conducive to production.	Removed
55.	8-7-019: 005	Halona Pacific LLC 87-1103 Hakimo Road	Waianae	4.999	Do not want to restrict use and be prevented from the highest and best use of the parcel. Parcel is not suitable for IAL because the soils are rated LSB "E"	No change; due to context and critical mass.	Retained
56.	8-7-019: 014	87-844 Hakimo Road 87-846 Hakimo Road	Waianae	2	Landowner request to be excluded, no reason given	No change; due to context and critical mass.	Retained
57.	8-7-003: 012	87-204 D Kulaaupuni Street	Maili	3.04	No immediate or tangible benefits for being IAL (i.e., no tax breaks). Farm activity would create a nuisance and be a health-and-safety hazard for neighboring residences. Designation hampers flexibility, and is viewed as a restriction.	Removal; due to context e.g., presently developed with 14 dwelling units and no longer in agricultural use.	Removed

	TMK PARCEL	STREET ADDRESS	LOCATION	PARCEL SIZE (acres)	COMMENT	DPP RECOMMENDATION AND NOTES	DPP ACTION: ADDED TO, REMOVED FROM, OR RETAINED IN IAL MAP
58.	8-7-018: 048	87-1117 Paakea Road	Maili	2.5	Supports IAL only if land is treated important (i.e., laws to help AG operations are enforced, and the proliferation of illegal dumping, illegal grading, and illegal use of AG properties is addressed). The community needs help to be good stewards of the land. Requests information about how IAL will be taxed because of the property's mixed use designation (including a variance for commercial use in the front portion and AG-2 designation for the rear) Will there be 2 tax map key numbers and two water meters?	No change; due to context and critical mass.	Retained
59.	9-1-017: 125 9-1-017: 092	Roman Catholic Church 91-2002 Fort Weaver Road	Ewa Beach	20.153 3.389	Property purchased with intent to build a parish to service growing population in Ewa; deed restrictions require use for church and school purposes. Parcel 092 classified as Residential for property tax purposes, Parcel 125 classified as both Residential and AG.	Removal; majority of Parcel 125 and all of Parcel 92 is in Urban District.	Removed
60.	9-1-016: 004	Grace Pacific LLC 91-920 Farrington Highway	Makakilo	54	Condition of the State SUP requires this site be landscaped open space and maintained in its natural state for life of SUP (expires 2032). Site does not meet IAL criteria: not in current AG use, has been quarry for 43 years; while 30 acres are rated LSB "A" or "B", site is former shop for quarry; water to support AG use not available	Removal per SUP requirements.	Removed
61.	9-2-049: 013 Formerly: 9-2-045: 002 9-2-049: 007 Current POID: 497342, 497344	Gill Ewa Lands, LLC Farrington Highway	Waianae	1537.56	Parcel currently in pasturage, but production is marginal; poor soils are susceptible to erosion and wildfires, steep gullies and rocky outcrops make AG inconceivable; no on-site source of ground or surface water, water is purchased from BWS. Intends to keep land in present zoned uses, no plans for residential development. Public would expect IAL lands to be suited for cultivation and production, these lands are not.	No change; due to context and critical mass.	Retained
62.	9-2-005: 004 9-2-005: 022 9-4-004: 005	Island Palm Communities 92-1700 Kunia Road Kunia Road	Kunia	0.028 2395.961 0.274	IAL designation is inconsistent with IPC's and the Army's future plans to house military families. IAL conflicts with the Central O'ahu SCP which states "portions of the lands could be converted to other uses if needed in the future for Schofield Barracks' mission." Property is served by the Kunia Water Association; water sources are inadequate and unreliable to support AG use. Requests City delay IAL Mapping project until its master planning of property is complete.	No change; due to context and critical mass.	Retained
63.	9-2-001: 001 9-2-004: 009	Monsanto Hawaii 94-520 Kunia Road Kunia Road	Kunia	1712.89 437.15	Majority of acreage is suitable for IAL designation; however some portions may not be suitable.	DR17-59 approved by the State Land Use Commission and remaining non-IAL lands removed from consideration.	Removed
64.	9-4-056: 002	94-1067 Lumipolu Street	Waipahu	0.1378	Property is in a residential neighborhood; zoned residential and adjacent to a flood zone, and occupied by an approved ARCH foster care home.	Removal; including all subdivided/cluster residential lots zoned R-5.	Removed
65.	9-5-001: 086 9-5-001: 087	Honbushin International Center 95-30 Waihonu Street	Mililani	51.774 94.524	Opposes IAL designation for Honbushin for fear that the City will impose stricter requirements for AG use on AG properties with an IAL designation.	No change; due to context and critical mass.	Retained
66.	9-5-002: 003	Sandwich Isles Communications 77-808 Kamehameha Highway	Mililani	163	Not interested in pursuing AG incentives and benefits.	No change; meets IAL criteria of water, production, and soils.	Retained

	TMK PARCEL	STREET ADDRESS	LOCATION	PARCEL SIZE (acres)	COMMENT	DPP RECOMMENDATION AND NOTES	DPP ACTION: ADDED TO, REMOVED FROM, OR RETAINED IN IAL MAP
67.	9-4-006: 029 9-6-004: 021 9-5-003: 004 9-5-003: 014 9-5-003: 001 9-5-003: 009 9-4-033:002 9-4-033:003 9-4-033:006	Castle & Cooke Homes Hawaii Castle & Cooke Waiawa Koa Ridge lands Kipapa Gulch Waiawa	Central Oahu	144.935 73.368 38.890 28.875 641.695 3.422	Located in SCP Urban Community Boundary designated for urban use. Urbanized land not appropriate for IAL designation. Part of Kipapa Gulch—steep terrain, unreliable water—planned for drainage for Koa Ridge; not appropriate for IAL designation . 16-acre lot Makai of H-2 freeway is part of Kipapa Gulch Koa Ridge drainage infrastructure. Other parcels conveyed on 12/30/16; Sold to Mililani Group, Inc.	029 – Remove; within CGB and future reclassification to Urban. 021 – See above. 004 – Keep in IAL portion east of H-2; remove from IAL western portion. 014 – Remove from IAL – no water. 001 – Remove from IAL portion west of H-2; retain portion east of H-2. 009 – Keep in IAL. 2, 3, 6 – Remove from IAL	Removed Portions
68.	6-5-001: 043 6-5-001: 038 6-5-001: 034 6-5-001: 022 6-5-001: 019	Kaukonahua Ho'ola, LLC Kemoo, Waialua	North Shore	199.0 4.0 12.0 3.25 3.0	Seeking 15 acres for Special Use Permit to develop a 50-acre agri-business project and would like to avoid Land Use Commission review.	Meets one or more criteria. Meets one or more criteria. Meets one or more criteria. Meets one or more criteria. Meets one or more criteria.	Retain
69.	9-4-004: 020	Hawaii Country Club Hoaeae, Honouliuli	Central Oahu	136.045	Request golf course lands be removed from the proposed IAL Map; has been in golf course use since 1958; zoned P-2 General Preservation District; steep sloped lands subject to flooding and not suitable for intense ag cultivation; constitutes a government taking.	Remove portion in golf course use as Central Oahu SCP designates it as golf course use; retain portion at northwest portion currently vacant.	Removed portion
70.	5-6-006: 004 5-6-006: 018	Malaekahana Hui West, LLC Malaekahana and Keana, Kahuku	Ko'olau Loa	2.90 452.723	Proposes that 226 acres that were dedicated to active agricultural use pursuant to its restrictive covenant be included as proposed IAL while the remainder should be excluded from IAL designation due to steep slopes and lack of arable soil.	Retain as it meets all criteria for designation as IAL.	
71.	9-2-001: 002 9-4-003: 001 9-4-003: 003 9-4-003: 004 9-4-004: 002 9-4-004: 003 9-4-004: 004 9-4-004: 007 9-4-004: 008 9-4-004: 010 9-4-004: 011 9-4-004: 012 9-4-004: 019	Robinson Kunia Land, LLC Hoaeae and Waikele, Honouliuli	Central Oahu	1.267 881.685 39.59 7.981 14.827 4.0 564.683 14.45 1.15 106.0 46.0 535.0 60.02	Opposes IAL designation of their lands because county incentives have not been adopted.	Kunia road widening parcel. Meets one or more criteria. Meets one or more criteria. Ag rd., critical mass/context. Meets one or more criteria. Meets one or more criteria. Meets one or more criteria. Meets one or more criteria. Meets one or more criteria. Meets one or more criteria. Meets one or more criteria. Meets one or more criteria. Meets one or more criteria.	To be removed Retain the balance
72.	5-5-007: 001 5-6-007: 001	Property Reserve, Inc. (Hawaii Reserves. Inc.) Laie	Ko'olau Loa	2,208.64 127.012	Requests portions of the properties be removed from IAL consideration.	Portions have steep slopes Portions have steep slopes	Removed portions
73.	9-4-172: 003 9-4-172: 002 9-4-002: 007 9-4-172: 004 9-4-002: 072	Savio Waikele Canyon Company LLC Waikele, Waipahu	Central O'ahu	49.0	Requests removal from IAL consideration as the properties are not used for agricultural activities and surrounded by residential uses.	Meets on or more criteria. Not considered for IAL. Ineligible (Urban District). Not considered for IAL. Ineligible (Urban District).	Retained

	TMK PARCEL	STREET ADDRESS	LOCATION	PARCEL SIZE (acres)	COMMENT	DPP RECOMMENDATION AND NOTES	DPP ACTION: ADDED TO, REMOVED FROM, OR RETAINED IN IAL MAP
74.	8-7-021: 044	Lualualei	Waianae	3.1	Requests property be excluded from IAL consideration. Not used for agricultural production. Soil quality not suitable for farming. Water insufficient for farming.	Meets one or more criteria.	Retained
75.	8-7-021: 015	Lualualei	Waianae	2.5	Requests property be excluded from IAL consideration. Not in agricultural production, no plans for production. Soil quality not suitable for farming. Water insufficient for farming.	Meets one or more criteria.	Retained

	LANDOWNER OR ORGANIZATION	COMMENT	DPP ACTION: ADDED TO, REMOVED FROM, OR RETAINED IN IAL MAP
STATE AGENCIES			
1.	Department of Accounting and General Services	No comment	Mar 2, 2017
2.	Department of Hawaiian Home Lands	Due to the proximity to DHHL lands, it is anticipated that certain regions will be most impacted: Kapolei, Maili, Nanakuli, Waiahole, Waianae and Waimanalo. Subsistence agriculture homestead development is a priority for Waiahole and Waianae; AG-aquaculture production and food security are priorities for Waianae-Lualualei.	State and City-owned lands have been excluded from City's proposed IAL map.
3.	Land Use Commission	• Suggests that future maps identify the landowner and acreage of the affected lands. • Two LUC IAL dockets shown on the map reference incorrect acreages (Correct acreages for DR10-42 and DR14-52 are 679.432 ac and 0,592.048, respectively) • Item 4 in the IAL FAQ ("What are the criteria for IAL?") only references the ALISH system. All AG productivity ratings systems should be noted to be consistent with HRS 205-44(c)(3). • Response to Item 6 in the IAL FAQ (How will an IAL designation benefit landowners?) is misleading. LUC District Boundary Amendments currently require 6 votes for approval, thus there is no added protection at the State level. IAL allows landowners access to financial assistance, tax benefits, reduced infrastructure requirements and facilitated building permit process, and other incentives to promote AG. • Responses to Item 10 and 11 in the IAL FAQ that reference the number of votes needed at the LUC to reclassify IAL are similarly misleading and should be corrected.	Suggested map changes will be considered and appropriate changes will be implemented. Acreages will be corrected as noted. References to other ratings systems will be noted. FAQ will be revised per comment.
4.	Office of Planning	• Supports and commends DPP for mapping effort • Supports the lands proposed for IAL designation as shown on the Draft IAL map, with one exception: Land with slopes >20% should not be proposed for IAL designation because AG production on such lands contributes to soil erosion/loss, and sediment runoff. • Items 6 and 11 in the IAL FAQ refer to greater protection resulting from IAL designation because 6 of 9 votes would be required for the LUC to reclassify IAL lands from the State AG Land Use District. LUC District Boundary Amendments currently require 6 votes for approval, thus there is no added protection at the State level. The State Constitution also requires a 2/3 vote by the county decision-making body to change the county zoning of IAL lands, which does provide additional protection at the county level.	FAQ will be revised as noted.
COUNTY AGENCIES			
1.	Board of Water Supply	• Numerous BWS properties are recommended for IAL. Any rules, ordinances, regulations applied to IAL should not impair or prevent BWS from using their properties for BWS facilities and services. • Roughly 400 entities use potable water at subsidized AG water rates (see letter for list of farms and list of water systems)	Water systems and accessory uses are permitted in the State Agricultural District. IAL designation does not affect these uses. All other comments will be addressed as appropriate in the final maps and report.

	LANDOWNER OR ORGANIZATION	COMMENT	DPP ACTION: ADDED TO, REMOVED FROM, OR RETAINED IN IAL MAP
		• Some of the proposed IAL appear to be outside of or above BWS’s water system service limits (resulting in substandard water pressure). Requests to see the GIS layer of the Proposed IAL as the plans are further developed, so BWS can assess the service limits of BWS water systems. • Water supply should be diversified to maximize nonpotable water use and conserve potable water for potable uses. This includes developing brackish sources, encouraging innovative new technologies, and using recycled water for irrigation where there are no health or safety risks. • BWS will review individual permit applications to ensure the adequacy of water service. • Preserving AG land is beneficial to preserving the integrity of O‘ahu’s groundwater aquifers. The majority of AG lands are located over prime aquifer recharge areas, and ensuring continued agricultural irrigation over recharge areas helps to maintain sustainable yields of aquifers. • Require all AG activities to employ source water protection BMPs to minimize contamination from pesticide and fertilizers to underlying potable groundwater aquifers, streams and nearshore waters. • Refer to and incorporate the sustainability objectives and strategies in the O‘ahu Water Management Plan and Watershed Management Plans.	
2.	Department of Design and Construction	No comment.	
3.	Department of Environmental Services	No comment.	
4.	Honolulu Fire Department	Provided standard comments that future developments meet fire department access road requirements and provide adequate water supply for fire protection, and that civil drawings are reviewed and approved by HFD.	IAL designation does not affect fire access nor water supply for fire protection.
5.	Department of Parks and Recreation	No comment.	
6.	Honolulu Police Department	• Anticipates receiving an increased volume of calls for service to address theft, noise and traffic complaints. • May be potential complaints relating to pesticides use in Palolo Valley.	IAL designation is not anticipated to affect HPD level of service demands as the lands proposed for IAL designation are already in the State Land Use Agricultural District.
7.	Department of Transportation Services	Makakilo Drive Extension project is currently being planning in two proposed IAL properties (TMK parcel 9-2-002: 008 and 9-2-002: 009). Understanding is that IAL designation will not restrict development for the extension project.	Roads are a permitted use in the State Land Use Agricultural District and any land proposed for roadways and designation as IAL will remain as a permitted use after IAL designation.
OTHER COMMUNITY COMMENTS			
1.	Anixt, Andrea	Remaining AG areas on O‘ahu must be preserved, but the IAL process does NOT provide protection to preserve AG land in perpetuity. Kupuna with konohiki and kuleana lands have objections to IAL as the planning vehicle to preserve AG land, and need to be heard. More outreach and discussion on these issues is needed to preserve the public’s trust.	An additional community meeting to present the proposed IAL maps will be held by DPP. Other comments are beyond the scope of the IAL Mapping Project.
2.	Bunnell, Donald	Owns land in Ukoa recommended for IAL designation. BWS will not install a water meter to supply water to the land. Does not trust that City government can represent him fairly.	Noted.
3.	Dudley, Kioni	Include Hoopili and Koa Ridge in the IAL mapping: • State Constitution requires promotion of diversified agriculture, such as the crops growing at Hoopili. Hoopili is the last piece of low-lying, full-sun farmland on O‘ahu. • Hoopili lands support Hawai‘i’s food self-sufficiency. Global trends indicate that we need to reduce dependency on imported food. • Climate change will change global food production, increasing the need for Hawai‘i to grow our own food. • Hoopili farmland produces 32% of the crops grown on O‘ahu for the local market; Koa Ridge produces 13%. This accounts for 45% (almost ½) of what the island produces for local markets.	Lands proposed for the Hoopili and Koa Ridge communities have been reclassified to the State Land Use Urban Districts. Designation of IAL lands only apply to lands within the State Land Use Agricultural District.

	LANDOWNER OR ORGANIZATION	COMMENT	DPP ACTION: ADDED TO, REMOVED FROM, OR RETAINED IN IAL MAP
		• Hoopili lands satisfy 7 of the 9 IAL criteria. Two UH professors claim this farmland to be the best in the world. • Developing Hoopili will have major traffic impacts. • Only reason to build Hoopili is to benefit the developer. • Case brought before the Honolulu Ethics Commission may overturn City Council vote that approved Hoopili. OHA is involved in a recent effort to save the habitat of the pueo within the Hoopili project area. • City Council Resolution 23 (2012) directs DPP to include AG lands already identified for future urbanization.	
4.	Hawai'i Reserves Inc	• Interests of large private landowners were not properly represented on the TAC. Process was flawed because large landowners were underrepresented (comprising only 4.3% of TAC membership), and should be redesigned and restarted with greater representation and input from private landowners. • Concerned about how the top 3 priority criteria will be incorporated to designate land as IAL. At least 2 of the 3 top criteria—namely access to sufficient quantities of water, and soil quality and growing conditions—are necessary for AG to be sustainable. • Study Area needs to be corrected to accurately reflect 1999 Koolau Loa SCP boundary. All of the land makai of the red-lined urban growth boundary were erroneously included in the IAL study map. • What will be the anticipated response if the state or county urban growth boundary changes after land is recommended for IAL designation, or designated as IAL?	Large landowners were represented in the TAC via LURF. There is no requirement of the State Land Use Law relating to IAL that requires a specific percentage of landowners to be represented on the TAC. Maps are being updated to address comments received to date. Regarding future changes to the growth boundary and their impact to IAL, that is beyond the scope of this project.
5.	Iwasa, Natalie	Add Hoopili and Koa Ridge to IAL. These properties are some of the best AG lands in the state and would reduce our dependency on imported foods.	See response to comment by Kioni Dudley.
6.	James, Choon	• A lot of questions, confusion and contradictory premises in IAL mapping. • Request that all comments be posted online in their original form to maintain transparency and accuracy (not summarized or paraphrased).	The final report will contain all comments received in their original form.
7.	Kanehili Cultural Hui (John Bond)	"Testimony on the illegal and fraudulent destruction of important agricultural land in Ewa, Honouliuli, West O'ahu" Hoopili and rail development are destroying O'ahu's premier agricultural lands.	See response to comment by Kioni Dudley. Roadways, including railway lines and access stations are permitted uses within the State Land Use Agricultural District.
8.	McElheny, Larry	Submitted UH Law School paper authored by Douglass Cole: *Does Designating Hawai'i's Agricultural Lands "Important" Make them More Important than they Already Are? A Stakeholder Analysis of the New IAL Legislation* (2009). IAL is considered another zoning layer that the LUC can remove via a simple vote. IAL will merely zone some AG lands as more "important" than other AG lands, allowing the LUC to vote away the "importance" of IAL. How does identifying some ag lands as "important" impact decisions made regarding lands not identified as "important"?	Comments noted. Importance of non-IAL designated lands is beyond the scope of the IAL Mapping Project.
9.	Minerbi, Luciano	Map should include land that meet Criterion 2 regardless of state and county zoning. Land in the Urban zone should be indicated regardless if its currently built or vacant. Only in this way will we know what we are doing to the ecological capacity of the islands and how we are meeting the constitutional mandate to protect AG land.	Comments noted. Inclusion of lands not designated within the State Land Use Agricultural District as IAL is not supported under the IAL Law of Chapter 205, HRS.

TMK Parcel or Landowner	Comment
LANDOWNERS	
1. 6-2-002: 10 6-2-002: 32 6-2-002: 33 6-2-002: 34 6-2-002: 35 6-2-002: 36	Requests that property in Hale'iwa be designated IAL via the City's process. Also requests that neighboring properties be designated IAL (per map submitted with comment letter).
2. Kualoa Ranch	Majority of property owned in Ka'a'awa valley should reflect only one of the three important criteria (land currently in agricultural production). Draft criteria maps currently show lands: 1) in current agricultural production; and 2) having adequate water. Most of the valley has no water infrastructure, has relatively poor soil, and is only used for grazing livestock. Livestock only drink from the stream, which dries up for over a mile, usually 6-7 months a year. City and County water is available to 20 or 30 acres at the bottom of the valley. Corn used to be grown there about 40 years ago; 3-acre shade house and an aquaculture facility remains on-site.
3. Castle and Cooke	Consultation with landowners and other stakeholders to develop and implement a comprehensive and integrated framework—including incentives and programs that consider tax policy, agricultural business development and financing, marketing, and agricultural land use techniques—is crucial to this process. Castle and Cooke and its entities voluntarily designated roughly 678 acres as IAL: 1. Castle & Cooke, Inc. designated 205+ acres (Whitmore) 2. Castle & Cooke Waialua, LLC designated 242+ acres (Waialua) 3. Castle & Cooke, Inc. designated 231+ acres (Mililani South); *recently sold to an Agri-business operator* 4. Castle & Cooke Properties, Inc. <u>222+ acres denied IAL</u> Following the sale of 231+ acres in Mililani, Castle and Cooke entities now hold 447+ acres of voluntarily-designated IAL. Only lands that were already designated IAL (205 acres at Whitmore Village and 242 acres at Waialua) should be reflected in the City's IAL maps. Both the Koa Ridge Makai and Castle & Cooke Waiawa parcels are in the Central Oahu Sustainable Communities Plan (COSCP) urban growth boundary, and should not be included in the City's current IAL mapping. Both Koa Ridge Makai and Waiawa are specified in the COSCP as planned developments; Koa Ridge Makai received State LUC urban redistricting and County rezoning approval; Waiawa lands received State LUC incremental approval for urbanization.
4. Dole Food Company Hawaii	Dole Food currently holds 17,456+ acres of land in the State Agricultural District, and 5,511+ acres in the State Conservation District. Dole proposes that roughly 10,195 acres (or 58%) of their eligible landholdings are best suited for and meet the primary criteria for designation as IAL (per spreadsheet attached to letter).
FARMING ORGANIZATIONS	
5. East O'ahu County Farm Bureau	With roughly 300 members, organization represents farmers from Waimanalo to Kahuku. Responses to the questions asked at the community meetings are below. *What are your highest hopes once IAL have been designated?* These lands will be put to productive use to grow a wide variety of crops and livestock, and will contribute to O'ahu's economy and food security for many years. *Looking ahead 3 generations (75 years), what lands will be needed for different kinds of agriculture?* In 1940, 75 years ago, O'ahu had a population of 258,000, sugar and pineapple dominated the agricultural economy, and most of O'ahu's food was grown locally.

TMK Parcel or Landowner	Comment
	Who would have predicted that in 2015, nearly all of Honolulu's food would come from abroad, sugar would no longer be grown on O'ahu, and seed corn would be O'ahu's most valuable crop? While it is impossible to predict with certainty what O'ahu will be like in 2090 (75 years from now), some things seem likely to occur: • Agriculture will be more intensive, driven by economic factors, water scarcity, food safety regulations, and new technology. Hydroponics, aquaponics, and aquaculture will be larger components of diversified agriculture, and ornamental plants will remain economically important. These types of agriculture have very different needs for land, water, and electricity than conventional land-based agriculture. • The political and economic situation in Hawai'i and globally will be different. World population is projected to reach 9 billion+, increasing competition in the world market for food and other agricultural commodities. Climate change and sea level rise may disrupt food production in some areas, and Waikiki, O'ahu's main base for tourism, will likely be subject to flooding. Given the financial incentives to convert land to other uses, the only lands available for agriculture in the future will be those that we preserve now. • The only sure thing about the future is that people will need to eat. Designating not only the largest possible area, but also the widest variety of land types and locations, is imperative. *What additional data or information needs to come forward before the City and County finalizes its plan?* 1. Consider a wider variety of areas and land types before limiting IAL designation to the lands currently identified. 2. Designating lands as IAL will be of little benefit if these lands cannot be farmed profitably. As the most populous and urbanized island of Hawaii, O'ahu probably has greater economic and regulatory impediments to agriculture than the Neighbor Islands. The City and County should consider its own incentives to remove these impediments and encourage increased agricultural activity on IAL. *Do the 3 highest-ranked criteria (water, current agricultural production and soil qualities/growing conditions) represent the qualities that are most important for future agricultural activities? Which criteria should be used to identify land recommended for IAL designation?* The three criteria are too narrow to allow agriculture on O'ahu to reach its future potential. A wider diversity of agricultural techniques should be considered when designating IAL. The three criteria are not sufficient for the following reasons: • It ignores sunlight, which is a critical resource that governs the maximum potential productivity of plant crops. Lands currently proposed for IAL are primarily in Central and Windward O'ahu, which tend to be the least sunny areas. Sunlight is already a critical factor governing the location of seed corn facilities in Central O'ahu; high light intensity will become an increasingly important factor in siting farms as agriculture becomes more intensive. • It is not clear whether slope is being considered explicitly as a criterion within "soil qualities/growing conditions." Some locations already designated as IAL contain significant areas where the slope is too steep for the growing of crops to be practical. Slope should be one criterion considered when designating IAL. • Given the difficulty of farming profitably, it is reasonable that areas currently in agricultural production are among the most suitable lands still available for agriculture. It should be noted that economic and political factors (e..g,

TMK Parcel or Landowner	Comment
	availability, cost of land) are at least as important as environmental factors in determining the areas where current production exists. Many sites on O'ahu that could support productive farms are not currently farmed. • Water is critical for agriculture. The definition of "water" should not be limited to current sources of agricultural irrigation water. Hydroponics, aquaponics and some forms of aquaculture can recirculate their water, minimizing water use. (Aquaponics has been shown to require as little as 2-10% of the water required to produce land crops from the same area, with higher per-acre production.) New Food Safety Modernization Act regulations are liable to drive farms to use more municipal water instead of open irrigation systems. Therefore, areas that have current or potential access to municipal water (essentially all of O'ahu) should be considered as IAL. • Aquaculture can be done in brackish water and seawater, and some land crops can be grown using brackish water. These water sources should therefore be considered as potential resources for agricultural production, and lands with access to brackish or salt water (primarily nearshore lands) should be considered seriously for inclusion as IAL. • Soil quality is important for some crops, but not others. Sites with poor soil or no soil should be designated IAL because they are suitable for crops, livestock, or agricultural/aquacultural systems that do not require high soil quality.
OTHER INDIVIDUALS	
6. John Nolan	Agriculture is very important and sometimes generates odors that are objectionable. Developers should be required to include in every deed that existing agricultural operations may occasionally generate odors and or dust and that the owners purchase their property and the existing environmental conditions "as is". Developers and Planners should not request or allow zoning changes to residential / commercial property downwind from Agricultural Zoned Lands.
7. John Bond	This is a Mayor DPP HART excuse to pass Bill 3 and build massive new Rail tax funded Transit Oriented Developments on IAL. They PRETEND to ask public input but pre-define the options to shape the results they want. <u>Bill 3 will turn H-1 into the Highway To Hell and create a massive future environmental disaster for all residents of West Oahu.</u> The public just got a taste of what is to come as the City Council and Legislature will send your taxes FOREVER into the *biggest land development scam in Hawaii history!* My testimony on Bill 3 uses some of the IAL Workshop files to show that this DPP process that *pretends* to ask for the public's opinion and input actually *precludes* any option to select lands- such as Hoopili or Koa Ridge - that are already in an urban growth boundary. They say this would be *"against state law"*- which is a big lie. Lands CAN be ID'ed as IAL even if in an Urban Growth Boundary. In the IAL Workshop the participants, despite DPP precluding lands in an urban growth boundary, voted: *that should NOT be a primary criteria for IAL selection!* In the IAL Workshop participants were *not allowed to use Ag lands as a local food security resource criteria*. Food security is NOT important because it all comes from the mainland by ships *(Matson farmlands- with prices jacked 30-40 percent higher- oh by the way- California is headed for a massive ag killing drought! Guess how much HIGHER food costs will go?)* This DPP Dog and Pony Show is an unconstitutional plan to transfer IAL to Big Developers and an intentionally deceptive scheme to justify the passage of Bill 3, destroy our local food security, build rail tax funded TOD's in West Oahu and turn it into Highway Hell.

TMK Parcel or Landowner	Comment
8. Jane Yamashiro	The State-county land management system is complex and deeply flawed, and needs to be fixed, especially with IAL on the table. County planners need to be open to change. I recognize and understand that IAL is not to fix the system. IAL is about resource identification, and people at the community meetings pointed out that the resources important to them were not considered in the criteria. For example, a speaker from Punalu'u stated that an aquifer with unique recharging qualities would not qualify under the current criteria. Her concern is how to protect this aquifer, if it is not part of IAL. Is IAL just for dirt type land, or is it for resources? Water is certainly an important part of agriculture, and was considered the wealth in Native Hawaiian culture. As California's agriculture is threatened by a lack of water, we need to examine the situation through a different lens. Another speaker stated that there were issues with aquaculture that were not considered under the criteria. What is going to happen to the concerns raised at the community meetings? Will there be a thoughtful look at the input?
9. Mary Barter	Ag lands are important to us.
10. Andrea Anixt	Looking ahead 7 generations (or even just 3), my highest hope is that NO further development is allowed on Malaekahana's Gunstock Ranch or Kualoa Ranch in Ko'olauloa. These two ranches may be put into IAL designation: besides keeping agricultural land in agricultural use, both ranches contribute to the "country" feeling that makes this a world-class tourist destination.

F

CRITERIA MAPS AND SUMMARY DESCRIPTIONS

STANDARDS AND CRITERIA FOR THE IDENTIFICATION OF IAL

The process to evaluate land for IAL designation is based on a set of eight specific standards and criteria that are forth in Chapter 205-44, HRS. The eight standards and criteria are listed:

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 Hawai‘i (ALISH) system adopted by the 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 operating productivity, and
8. Land with or near support infrastructure conducive to agricultural productivity, such as transportation to markets, water, or power.

The City considered a total of nine criteria, including the eight criteria that are statutory requirements and a ninth criterion added by the City to address agricultural easements. Given that the statute presents the standards and criteria as broad-based, generalized policy statements, it was necessary to first establish specificity for the physical attributes and defining features of each criterion. Once the characteristics to define the criteria were specified, available Geographical Information System (GIS) spatial datasets were used to create a series of resource maps (i.e., criteria maps) that identified the geographic extent associated with each criterion. Mapping of the criteria relied heavily on existing datasets, and did not include extensive original research.

Descriptions of the criteria and accompanying maps that follow were originally prepared between July 2012 and September 2013, and initially presented in the *O‘ahu Important Agricultural Lands Phase I Study* (April 2014.) The datasets used to prepare the maps reflect the conditions and information available during that timeframe. Since 2013 when the original resource maps were prepared, several changes have occurred, including the State’s acquisition of roughly 1,700 acres of agricultural land in Central O‘ahu (2012), and the Land Use Commission’s approval of IAL for roughly estimated 11,000 acres owned by Kamehameha Schools (March 2015) and Monsanto Company (October 2017). The resource maps that follow were updated in December 2016 to incorporate the State’s acquisition of land in Central O‘ahu and Kamehameha Schools’ lands designated as IAL. (The maps have not been updated for the approval of Monsanto’s IAL designation in 2017).

Table of Mapping References

HRS, CHAPTER 205-44 STANDARDS AND CRITERIA	DEFINING ATTRIBUTES AND FEATURES	GIS DATA SOURCES / REFERENCE	DESCRIPTION OF DATASETS
1. Land currently used for agricultural production	Either currently being used for farming or grazing/ranching activities, or currently fallow but part of a near-term (three year or less) field rotation, or has the potential to be returned to active production which conveys the notion of historic use.	2011 aerial imagery. State Office of Planning and the U.S. Geological Survey. Personal interviews, various landowners, 2014.	2011 aerial imagery was compared to the 1980 ALUM and analyzed to identify active and fallow agricultural lands (digitized by the City's consultant).
		Ko'olau Poko Watershed Management Plan. Prepared by Townscape for the Honolulu Board of Water Supply, 2012.	Agricultural areas (active and fallow lands) identified as part of the *Ko'olau Poko Watershed Management Plan*.
		Island of O'ahu Agricultural Land Use Map (ALUM), 1978-1980. State Office of Planning, GIS data. *2011 Real Property Taxation Database.* City Department of Budget and Fiscal Services Real Property Assessment Division.	To identify areas used for grazing and ranching, parcels included in the O'ahu ALUM as having current agriculture use were identified; then compared against current county tax records. Parcels receiving AG exemptions were included in this dataset.
2. Land with soil qualities and growing conditions that support agricultural production of food, fiber, or fuel- and energy-producing crops	Highly-rated soil properties Solar radiation Slopes associated with agricultural productivity	*Soil Survey Geographic (SSURGO) Database*. USDA Natural Resources Conservation Service.	Land classifications of Irrigated and Non-Irrigated Capability (Classes I, II, and III)
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 Board of Agriculture on January 28, 1977	Land Study Bureau (LSB) ratings range from "A" (Very Good) to "E" (Not Suitable), with land types/ratings based on soil and productive capabilities for certain crop types.	*Overall Productivity Rating, Detailed Land Classification – Land Study Bureau, 1965 - 1972.* State Office of Planning, GIS data.	Lands that met the LSB Overall Productivity Ratings of A: Very Good and B: Good
	ALISH ratings identify three classes of important agricultural lands based on soil, climate, moisture supply, slope and production factors: • Prime—best suited for production of food, feed, forage and fiber crops • Unique—useful for specific high-value food crops (e.g., coffee, taro, rice, watercress); and • Other—not prime or unique, but is farmland of statewide or local importance	*ALISH - State Department of Agriculture, 1977*. State Office of Planning, GIS data.	ALISH ratings of Prime and Unique classifications

HRS, CHAPTER 205-44 STANDARDS AND CRITERIA	DEFINING ATTRIBUTES AND FEATURES	GIS DATA SOURCES / REFERENCE	DESCRIPTION OF DATASETS
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	Land currently in wetland and dryland taro production or with physical features to support future taro production No unique crops and uses, per TAC Meeting 3	*Ko'olau Poko Watershed Management Plan.* Prepared by Townscape for the Honolulu Board of Water Supply, September 2012.	Areas currently in wetland taro production
		Ladefoged, Thegn, Patrick V. Kirch, Samuel M. Gon III, et al. "Opportunities and constraints for intensive agriculture in the Hawaiian archipelago prior to European contact." *Journal of Archaeological Science*, 2009. [This GIS model/report prepared for The Nature Conservancy "compared physical characteristics (i.e. proximity to natural sources of water, elevation, slope, riparian corridors, and soil type) with archaeological studies that "influenced [the authors'] notions about where such agricultural activity was possible.]	Areas that were likely to have been in wetland and dryland taro cultivation prior to western contact
5. Land with sufficient quantities of water to support viable agricultural production	• Irrigation (available infrastructure) • Access to streams • Ability to take water from streams • Quality of water = not brackish • Agricultural water rates • Rainfall (mostly for grazing) *An ideal definition of "sufficient quantities" should address: (1) availability; (2) adequate supply; (3) connection to supply source (meter ready or needs infrastructure improvements?); (4) reliability (not affected by drought); and (5) efficiency (amount of water loss, cost of transferring water to the site)	Water Use Permit Records, State Commission on Water Resources Management.	Water Use Permits by TMK parcel (excluding salt water or brackish water systems used primarily for aquaculture)
		Irrigation System Data, State Department of Agriculture.	• Waiāhole Ditch System service area • Waimānalo Ditch System service area • Wahiawā Ditch System service area • Wahiawā Reservoir Ditch 2 System service area
		Punalu'u Irrigation System Data, Kamehameha Schools Land Assets Division	Punalu'u Irrigation System service area
		Water Rate Inventory, Honolulu Board of Water Supply.	Agricultural water rates by TMK parcel
6. Land whose designation as IAL is consistent with general, development, and community plans of the county	Lands (1) designated for Agricultural Use by approved Development Plans/Sustainable Communities Plans Land Use Maps; and (2) zoned either AG-1 Restricted Agricultural or AG-2 General Agricultural	Development Plans/Sustainable Communities Plans Land Use Maps, various. City Department of Planning and Permitting	Agricultural Land Use Designation
		Zoning Designations. Department of Planning and Permitting, Honolulu Land Information System	• AG-1 Restricted Agricultural zoning • AG-2 General Agricultural zoning

HRS, CHAPTER 205-44 STANDARDS AND CRITERIA	DEFINING ATTRIBUTES AND FEATURES	GIS DATA SOURCES / REFERENCE	DESCRIPTION OF DATASETS
7. Land that contributes to maintaining a critical land mass important to agricultural operating productivity	Proximity (i.e., adjacency) to agricultural lands and other lands with important ecological functions	No data or map associated with this criterion. Concept of proximity could not be quantified as a numeric value for mapping purposes.	
8. Land with or near support infrastructure conducive to agricultural productivity, such as transportation to markets, water, or power	Degree of accessibility to roads and the transportation network Status of existing potable water and electrical infrastructure systems	No data or map associated with this criterion. The entire island of O'ahu was determined to have equal status with regard to access to transportation, markets and infrastructure systems. Water availability was addressed under Criterion 5.	
9. Land with agricultural easements	Government programs to protect AG lands in perpetuity that are recorded	Farm and Ranch Lands Protection Program. USDA Natural Resources Conservation Service	Farm and Ranch Lands Protection Program projects and easements
		State of Hawai'i Legacy Lands Conservation Program. Department of Land and Natural Resources	Legacy Land Conservation Program easements
		Hawaiian Islands Land Trust	Conservation easements created by the Land Trust

Criterion 1: Currently Used for Agricultural Production

This criterion is described in HRS, Chapter 205-44 as "land currently used for agricultural production." The City's definition of this criterion includes areas that are currently being used for agricultural production, including grazing/ranching activities. Lands that are currently fallow but part of a near-term (three years or less) field rotation are also included, where they could be identified.

A total of 51,700 acres was identified as contributing to agricultural production on Oʻahu (see map of Criterion 1). Although the Oʻahu Agricultural Land Use Map (1978-80) is no longer current, it showed the historic extent of agricultural activity on Oʻahu, which was helpful to focus an intensive aerial photo identification process of current agricultural activities. The identification process used the 2011 World View II aerial imagery dataset of Oʻahu to document active and fallow agricultural areas, with input from technical advisory committee members who had detailed knowledge of agricultural activities on the island. The City and County of Honolulu real property tax records for properties receiving agricultural exemptions in 2011 provided information about ranching and pasture lands. The *Ko ʻolau Poko Watershed Management Plan* (Board of Water Supply 2012) was used to confirm both active and fallow agricultural areas in Koʻolau Poko.

The potential for land to be returned to active production—which notionally implies that the land was historically used for agriculture—was considered as a possible defining feature. Historic Native Hawaiian taro fields (*loʻi*) and former plantation lands are examples of land with potential to returned to active production. However, because the legal requirement for the criterion specified current agricultural production, only the active and fallow agricultural lands were mapped.

Criterion 2: Soil Qualities and Growing Conditions that Support Agricultural Production

HRS, Chapter 205-44 describes this criterion as "land with soil and growing conditions that support agricultural production of food, fiber, or fuel- and energy-producing crops." The City's definition for this criterion includes a number of features that affect soil qualities and growing conditions, such as soil properties, agricultural productivity, solar radiation and slopes. A total of 42,920 acres was identified with the soil qualities and growing conditions to support agriculture (see map of Criterion 2).

This was the only criterion to rely on a single data source: the Land Capability Classes datasets contained in the U. S.D.A. Natural Resource Conservation Service's Soil Survey Geographic (SSURGO) Database. The SSURGO database was selected because it contains information about the types of and distribution of soils, and is considered the most detailed level of soil geographic data available. The Land Capability Class ratings are an attribute of the soil map units in the database, and are based on agronomic qualities for crop and livestock production. It was selected as the preferred dataset because of the broad scope and depth of agronomic factors that are considered, and because the data has been updated to reflect current conditions. Land with an irrigated or non-irrigated capability class of I, II, or III was included.

Criterion 3: Agricultural Productivity Rating Systems

This criterion is described in the State statute as "land identified under agricultural productivity rating systems, such as the agricultural lands of importance to the State of Hawai'i (ALISH) system adopted by the Board of Agriculture on January 28, 1977" (HRS, Chapter 205-44).

Two productivity rating systems were used to define this criterion: the Land Study Bureau (LSB) Detailed Land Classification, 1965-1972 (State Office of Planning) and the Agricultural Lands of Importance to the State of Hawaii (ALISH), 1977 (State Office of Planning). The map contains a total of 39,795 acres associated with this criterion.

Under the LSB rating system, soils are classified into one of five land types based on soil and productive capabilities for certain crop types range, from A: Very Good to E: Not Suitable. Under the ALISH system, agricultural land is grouped into one of three categories: (1) PRIME, which is land best suited for production of food, feed, forage and fiber crops; (2) UNIQUE, which is land useful for specific high-value food crops such as coffee, taro, rice, watercress; and (3) OTHER, which is not in the Prime or Unique category, but is considered farmland of statewide or local importance. Lands that met the LSB overall productivity ratings of A: Very Good and B: Good, and the ALISH categories of PRIME and UNIQUE were included in this coverage dataset. The LSB A class, LSB B class, ALISH PRIME category, and ALISH UNIQUE category were selected for mapping to be consistent with the Land Use Commission's use of these categories when reclassifying lands from the State Agricultural Land Use District.

Criterion 4: Traditional Native Hawaiian Agricultural Uses or Unique Crops

HRS, Chapter 205-44 describes this criterion as "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."

The City's definition of this criterion emphasized land types associated with traditional native Hawaiian agricultural uses, specifically focusing on wetland taro. A total of 5,440 acres was identified based on the datasets used to map this criterion (see map of Criterion 4).

The primary data source that contributed to this map was a GIS model/report prepared for The Nature Conservancy that identifies areas on O'ahu with suitable characteristics (e.g., slope, water sources, soil types, elevation, etc.) to support intensive taro cultivation (both wetland and dryland) prior to European contact (Ladefoged et al. 2009). The *Ko'olau Poko Watershed Management Plan* (Board of Water Supply 2012), which identifies areas of current taro cultivation in Ko'olau Poko, served as a second data source.

According to the statute, this criterion is to address two distinct categories of crop: "traditional native Hawaiian agricultural uses" and "unique agricultural crops and uses." Taro, the staple of the Native Hawaiian diet and the foundation of the native Hawaiian creation story, was chosen as the sole crop to represent traditional native Hawaiian agricultural uses, in recognition of the spiritual and cultural reverence that Native Hawaiians held for the taro plant and the unique environmental qualities/land characteristics associated with taro lo'i (e.g., soils, hydrology, landscape). Including areas in both wetland and dryland taro production, or that had the physical features to support

future taro production, was considered as a possible defining feature. Due to the lack of available data sources, dryland taro areas were not identified, and the criterion was defined to include only land currently in wetland taro production and land historically suitable to support wetland taro production prior to western contact. Furthermore, it was not possible to map any of the other traditional native Hawaiian crops because of the lack of information about the precise locations where such crops were grown. No unique crops were mapped because at the time of the mapping, there were no niche-market crops known to be growing in non-traditional conditions that could be defined as a "unique" crop.

Criterion 5: Water to Support Viable Agricultural Production

HRS, Chapter 205-44 lists Criterion 5 as "land with sufficient quantities of water to support viable agricultural production." The City's definition of this criterion consisted of land provided with current or recent access to water for agricultural production, including Water Resources Management (CWRM) Water Use Permits, agricultural water available through the Board of Water Supply (BWS), or irrigation via surface water ditch systems. Mapping the defining features of this criterion relied on information from private landowners and various state and county agencies. Data sources include:

1. CWRM Water Use Permits (Since water use permits are assigned to tax map key (TMK) parcels, the parcels that were identified as having a permit were included in the dataset.)
2. BWS inventory of TMK parcels receiving an agricultural water rate
3. CWRM irrigation system data for the Wahiawā Reservoir Ditch 2 System service area
4. DOA irrigation system data for the Waiāhole Ditch System service area, Waimānalo Ditch System service area, and the Wahiawā Ditch System service area
5. Kamehameha Schools irrigation system data for Punalu'u
6. Dole Foods' irrigation system data for their North Shore and Wahiawā lands (which included most of Kamehameha Schools' North Shore lands)
7. Irrigation system data for land formerly owned by the Campbell Estate in Kahuku.

A total of 33,465 acres were identified as having access to water for agricultural production (see map of Criterion 5). While the statute specifies that this criterion identify "land with sufficient quantities of water to support viable agricultural production," the City simplified the requirement so that access to water was enough to be considered "sufficient," largely because the amount of water involved in determining sufficiency is specific to the type of crop being grown (i.e., irrigation requirements vary depending on crop type). Determining sufficiency based on a known quantity of available water is more applicable to the voluntary (private landowner) designation process where the criterion is applied to individual parcels with specific crop and irrigation requirements.

The possibility of measuring the form of transmission (i.e., via gravity flow or pumped) and the source of the water (i.e., groundwater, recycled water or surface collection) was considered because access to water is only one factor that contributes to the availability of water. Given that the purpose of IAL is to make farming an economically viable activity, it was reasonable to consider the attributes of the water source and the transmission system—including the quality of water

available for use and the level of effort required to transport water—that affect the overall cost of water and the type of crops that can be grown. For example, water from the Wahiawā Reservoir Ditch is rated R-2, which is secondary treated recycled water that has use restrictions with certain food crops. Similarly, the condition of the irrigation system and the costs involved in maintaining the system contribute to the overall cost of providing water. Emphasizing the need to be as inclusive as possible with the mapping effort, the City decided that access to water was adequate.

Criterion 6: Consistent with County Plans

HRS, Chapter 205-44 lists this criterion as "land whose designation as IAL would be consistent with general, development and community plans of the county." Unlike the other criteria that were open to interpretation, this criterion was pre-determined and clearly defined by the statute. The City's definition of this criterion included land that satisfied both conditions: (1) designated for agricultural use by approved (i.e., adopted by the City Council) Development Plans and Sustainable Communities Plans; and (2) zoned either AG-1: Restricted Agricultural or AG-2: General Agricultural. Relationship to the DP/SCP community growth boundary was not a condition for this criterion. A total of 59,870 acres were considered to be consistent with county plans (see map of Criterion 6).

Criterion 7: Contributes to Maintaining a Critical Land Mass

HRS, Chapter 205-44 describes this criterion as "land that contributes to maintaining a critical land mass important to agricultural operating productivity."

This criterion was not mapped, largely because the physical attributes that illustrate the concept of critical land mass—the proximity to adjacent agricultural lands and other lands with ecological functions important to the value of agriculture—could not be quantified or translated into a measureable factor. Several possible scenarios that could form a basis for measurement were considered, including: (1) a certain number of farms operating in close vicinity to each other; (2) a pre-determined acreage of contiguous land with similar functions (i.e., the critical land mass formed by land that meets certain ecological or physical characteristics); and (3) a pre-determined acreage of contiguous agricultural land (i.e., the critical land mass formed by an undivided acreage of agricultural land).

The City determined that quantifying this criterion as a numeric value was not appropriate for the county's mapping process for several reasons. First, using a specific acreage to define critical land mass does not protect agricultural areas from urban encroachment, or address the need to minimize conflicts between adjacent urban and agricultural activities (e.g., odor, noise, dust and other nuisance complaints that typically occur following urban uses encroaching into agricultural areas). Second, farm acreage should be a sufficient size to allow for crop rotation, which is a necessary function of farming. Given that farms vary in size (from less than an acre to thousands of acres), there is uncertainty about how to define this criterion in a way that does not exclude the smaller farms. Finally, determining critical land mass involves subjective review of surrounding urban uses, which seems more appropriate when evaluating voluntary (private landowner) petitions than the county designation process.

Criterion 8: With or Near Support Infrastructure

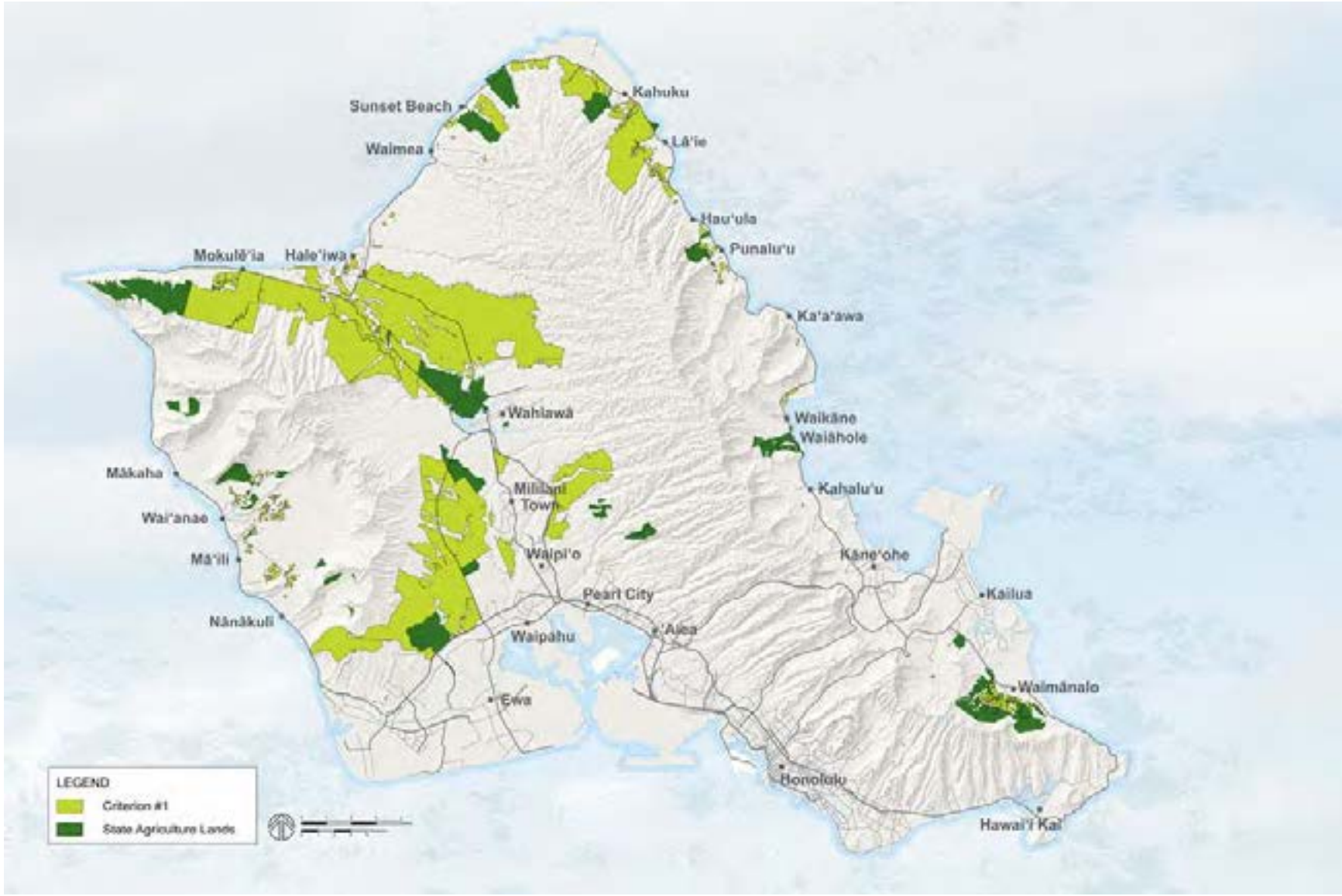
HRS, Chapter 205-44 lists this criterion as "land with or near support infrastructure conducive to agricultural productivity, such as transportation to markets, water, or power." The City's definition of this criterion emphasized the degree of accessibility (i.e., the distance and difficulty of access) between farms and infrastructure systems, including roads, harbors, airports, potable water and electrical infrastructure systems.

This criterion was not mapped because accessing transportation and infrastructure systems are secondary considerations for Oʻahu farmers when compared to conditions on the neighbor islands. The entire island of Oʻahu was determined to have equal status with regard to access to transportation, markets and infrastructure systems, as Oʻahu farms are closest to the State's major markets and have reasonable access to public roadways, harbors and airports unlike farms on the other islands that rely on additional shipping to transport products to market. For example, farms in remote places such as Molokaʻi or Hawaiʻi Island would require additional shipping (via barge or air travel) to transport products to market. Similarly, current utility networks on Oʻahu are more robust and readily available than on the other islands. Accessibility to county water systems and electrical generation sources (including photovoltaic systems) were not considered to be major impediments for Oʻahu, given the extent of current utility networks. While the costs associated with installing potable water and electrical service installations may influence a landowner's ability to develop such facilities, it does not affect the degree of accessibility to such systems.

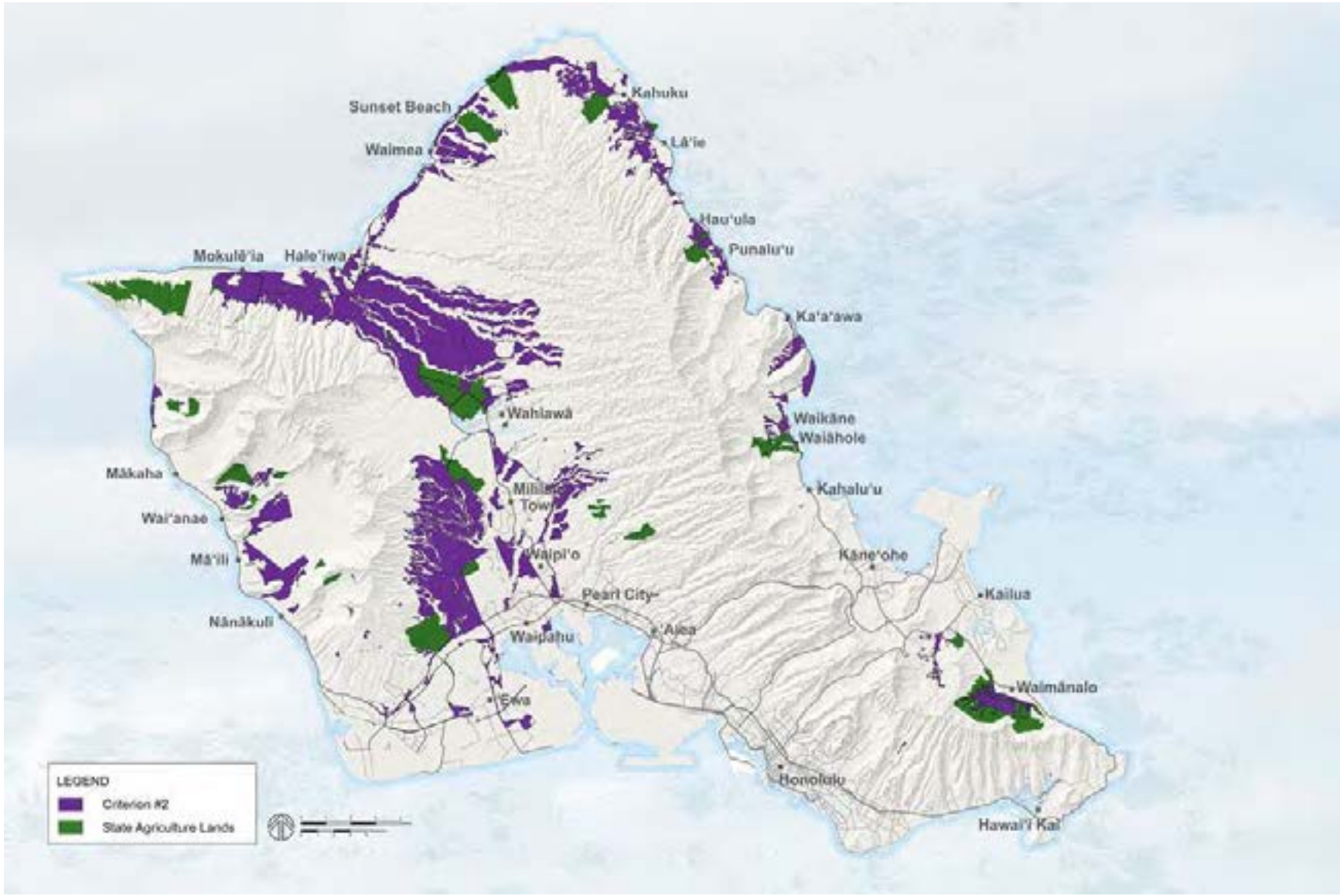
Criterion 9: Agricultural Easements

A ninth criterion that recognized properties with agricultural easements was added at the discretion of the City and its panel of technical advisors in order to provide landowners with agricultural easements access to the IAL incentives. This criterion focused solely on agricultural easements that provide for perpetual agricultural land use; properties with restrictive covenants or unilateral agreements were excluded.

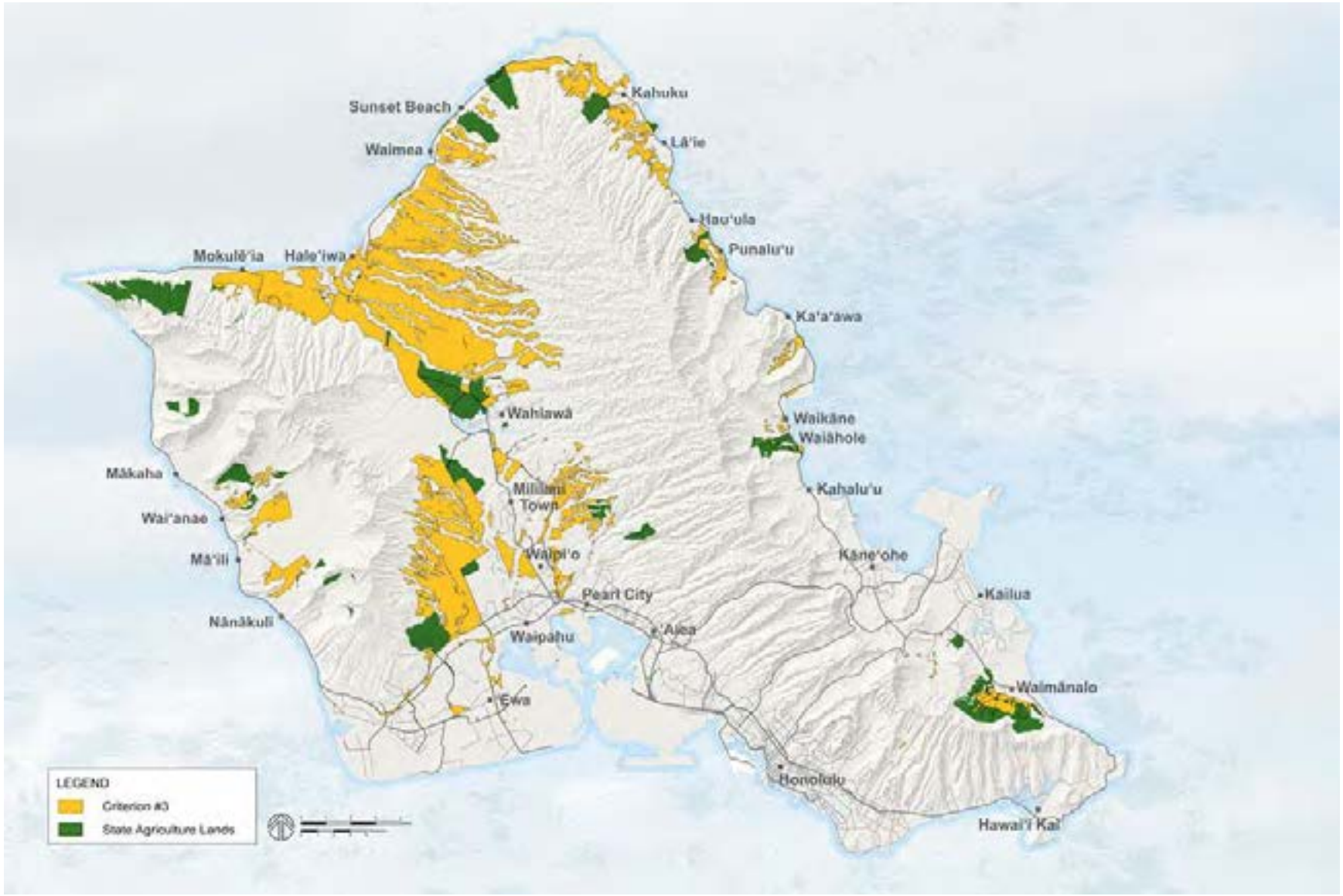
A total of 1,280 acres with protective agricultural easements was identified (see map of Criterion 9). Three specific programs that were included in this inventory include: (1) State of Hawaiʻi Legacy Lands Conservation Program; (2) Hawaiian Islands Land Trust; and (3) the USDA-NRCS Farm and Ranch Lands Protection Program.



Criterion 1: Current Agricultural Production (December 2016)



Criterion 2: Soil Qualities and Growing Conditions (December 2016)



Criterion 3: Productivity Rating Systems (December 2016)



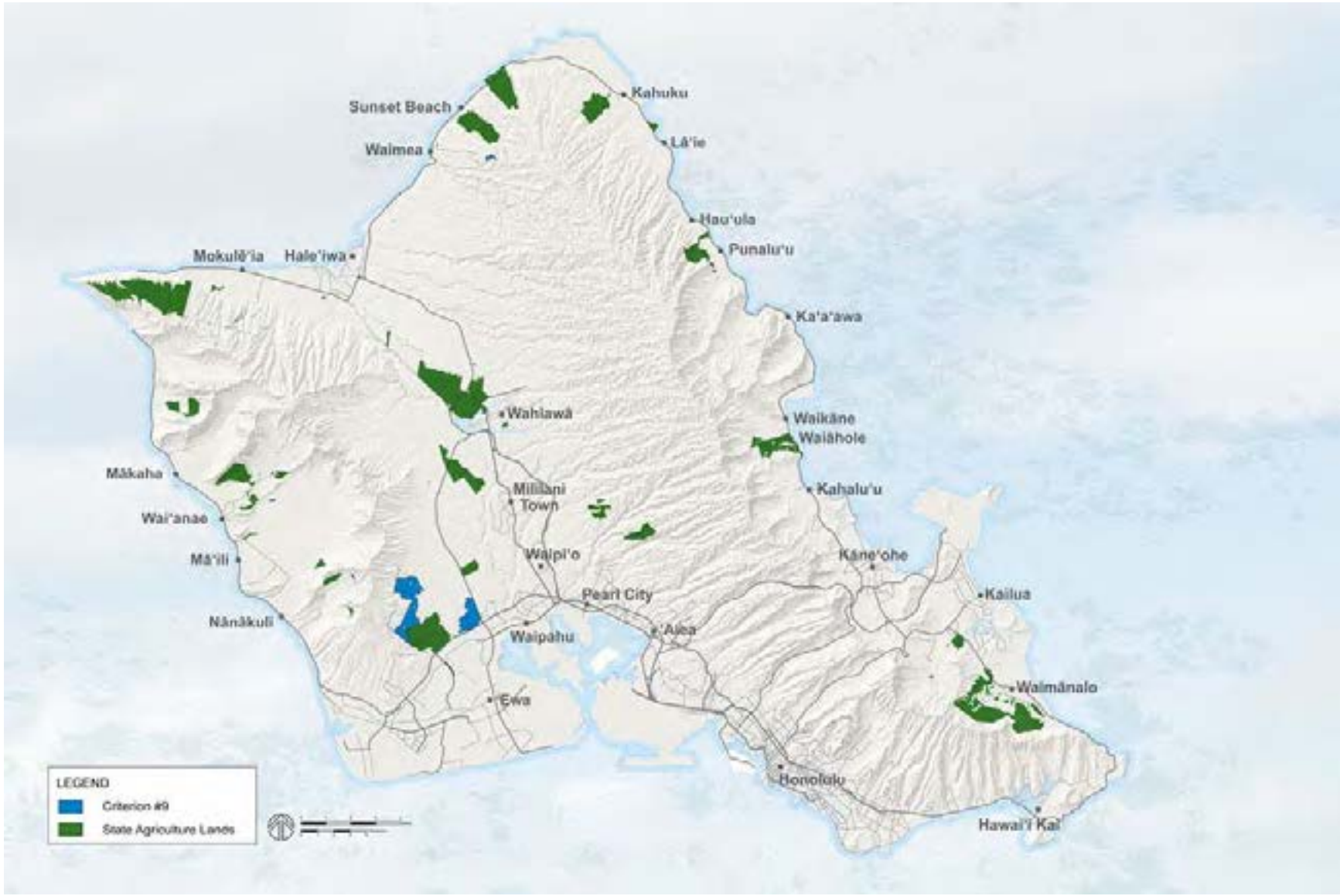
Criterion 4: Traditional Native Hawaiian Agricultural Uses or Unique Crops (December 2016)



Criterion 5: Sufficient Water to Support Viable Agricultural Production (December 2016)



Criterion 6: Consistent with County Plans (December 2016)



Criterion 9: Agricultural Easements (December 2016)

G

CRITERIA WEIGHTING METHODOLOGY

CRITERIA WEIGHTING METHODOLOGY

Chapter 205-44, HRS states that ***"the designation of important agricultural lands shall be made by weighing the standards and criteria with each other*** *[...]."* The purpose of weighting the standards and criteria is to establish the level of importance that each criterion carries in the evaluation process. Without provisions requiring that a specific methodology be used to weight the standards and criteria, each county has flexibility to choose and execute their own preferred approach to establish importance and prioritize the standards and criteria.

A description of the methodology to select the priority criteria used in the City's mapping process is described.

ASSIGN SCORES TO THE STANDARDS AND CRITERIA

The City used a simple point allocation rating method which scores the criteria and ranks them according to their given score.

Following the initial consultation with the Technical Advisory Committee (TAC) to specify the criteria and identify available GIS mapping resources, TAC members were asked to complete a scoring process to weight the criteria. Because the TAC members were directly involved in specifying the criteria definitions and the resource maps, their familiarity with the criteria and their agricultural expertise made them the natural sampling population for the scoring.

A criteria weighting ballot was circulated to all TAC members following the third TAC meeting (November 2012). Ballots were e-mailed to TAC members, allowing individuals sufficient time to study the criteria definitions and decide on their preferences. Of the 25 ballots that were distributed, 23 ballots were returned, representing a 92% participation rate. The results of the individual criteria scoring ballots were reported at the fourth TAC Meeting (April 2013).

A sample of the ballot that was used to identify personal preferences is presented in Figure 1. Using a 100-point scale, individuals were asked to identify their personal preferences by distributing the total 100 points across the criteria set. Points could be allocated in any manner, as long as all points were accounted for. For example, 100 points could be assigned to a single criterion, split equally between two criteria, or distributed among any combination of criteria.

Upon completion of the scoring process, ballots were recorded and all points assigned to the individual criteria sets were tallied, and the cumulative points were used to form a single score for each criterion and to calculate the average and median scores for each criterion. The value of the combined score was used to determine the larger group's combined preference; criteria with more cumulative points received a higher score and were considered to have a greater degree of importance. 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.

Table 1 lists the scoring results (i.e., point distribution) from the individual TAC members and a tally of the cumulative score for each criterion, including the average and median scores. Figure 2 presents a graphic illustration of the resulting median and average scores for the criteria. The distribution of the median scores reveals 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.

Figure 1: Sample Criteria Weighting Ballot

Use this ballot to indicate your preference for ranking the IAL criteria. Start with a total of 100 points, then allocate the 100 points among the criteria in the way that best reflects your opinion about the criteria's importance. The number of points given to a criterion reflects its importance. (The more points given, the more important you consider the criteria to be. Less points means less important; a value of zero points means the criteria should not be considered).

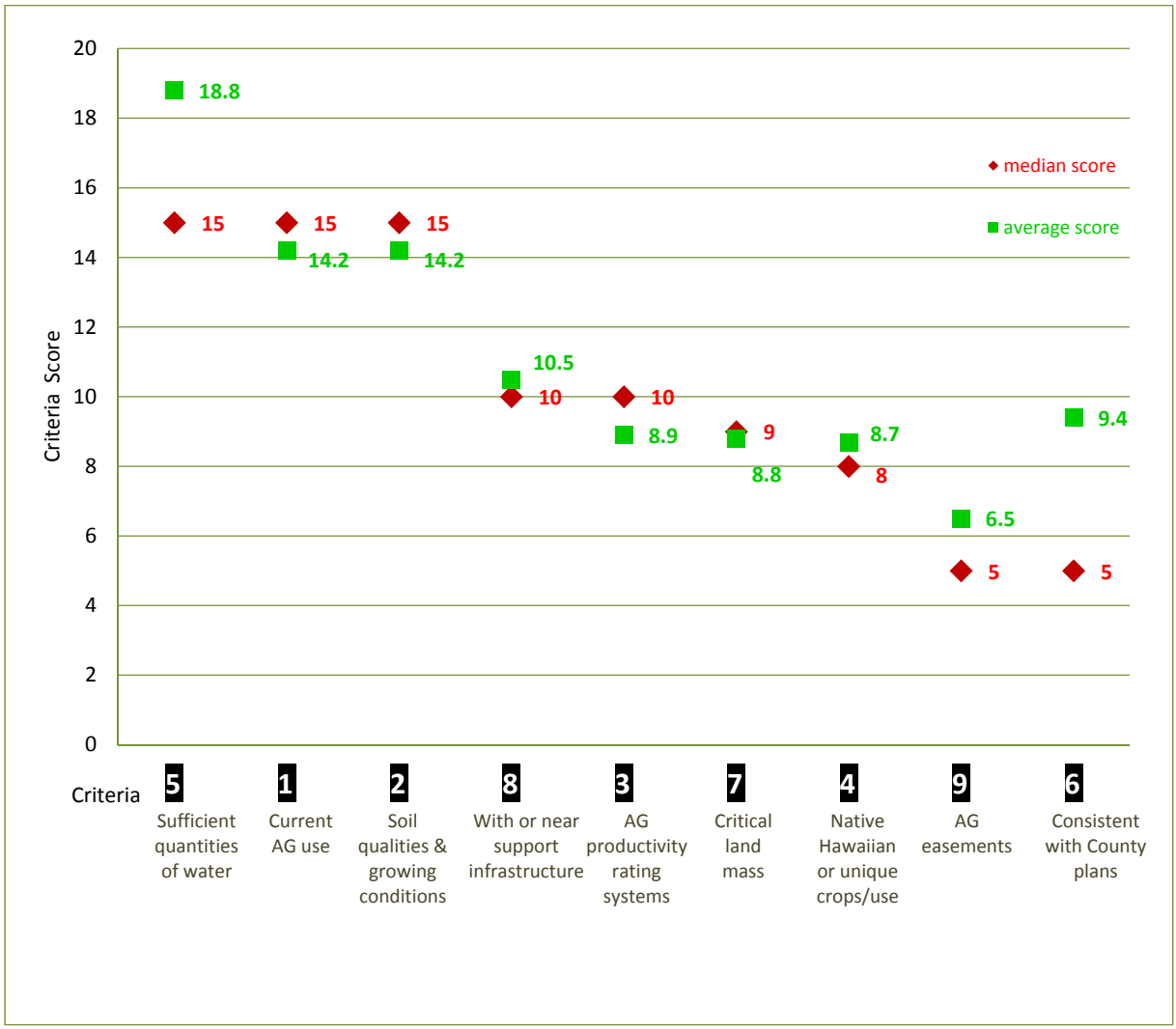
CRITERIA AND STANDARDS	POINTS
1. Land currently used for agricultural production	
2. Land with soil qualities and growing conditions that support agricultural production of food, fiber, or fuel- and energy-producing crops	
3. Land identified under agricultural productivity rating systems, such as the agricultural lands of importance to the State of Hawai'i (ALISH)	
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 IAL is consistent with general, development, and community plans of the county	
7. Land that contributes to maintaining a critical land mass important to agricultural operating productivity	
8. Land with or near support infrastructure conducive to agricultural productivity, such as transportation to markets, water, or power	
9. Government programs to protect AG lands in perpetuity that are recorded*	
TOTAL POINTS	**100**

**Criterion #9 is added as a result of discussion with the technical advisory committee.*

Table 1: Individual TAC Member Voting Results

	Individual TAC Member Ballots																							POINTS		
CRITERIA	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	TOTAL	AVERAGE	MEDIAN
Criteria #1: Currently used for agricultural production	10	25	20	10	15	10	10	15	5	7	15	0	15	20	15	20	0	15	30	0	40	15	15	**327**	**14.2**	**15**
Criteria #2: Soil qualities and growing conditions	5	0	35	15	5	20	5	13	25	9	15	25	25	10	10	20	20	10	0	0	20	20	20	**327**	**14.2**	**15**
Criteria #3: Agricultural productivity rating systems	5	0	10	15	5	15	10	10	10	7	15	0	10	10	10	10	0	10	30	0	8	5	10	**205**	**8.91**	**10**
Criteria #4: Native Hawaiian agricultural uses or unique agricultural crops and uses	5	0	5	8	15	5	5	10	15	15	5	10	15	5	10	4	0	10	10	0	7	20	20	**199**	**8.65**	**8**
Criteria #5: Sufficient quantities of water to support viable agricultural production	50	0	10	15	20	20	40	15	5	25	13	35	10	15	15	10	30	15	0	50	5	15	20	**433**	**18.8**	**15**
Criteria #6: Consistent with county general, development, and community plans	5	25	0	10	10	0	5	9	10	3	10	0	5	10	5	3	0	15	30	50	5	5	2	**217**	**9.43**	**5**
Criteria #7: Critical land mass important to agricultural operating productivity	5	0	10	10	5	10	5	8	15	9	10	5	10	15	15	15	30	5	0	0	5	10	5	**202**	**8.78**	**9**
Criteria #8: With or near support infrastructure	15	25	10	10	20	15	10	10	0	10	12	5	9	10	10	15	20	15	0	0	5	10	5	**241**	**10.5**	**10**
Criteria #9: Government programs to protect AG lands in perpetuity that are recorded	0	25	0	7	5	5	10	10	15	15	5	20	1	5	10	3	0	5	0	0	5	0	3	**149**	**6.48**	**5**
TOTAL = 100 points	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	**2300**	**100**	**100**

Figure 2: Comparison of Criteria Scores



The grouping with the highest scores, which was coincidentally identical to the top three criteria used in Kaua'i County's IAL mapping project, were as follows:

- Criterion 1: Current agricultural production
- Criterion 2: Soil qualities and growing conditions, and
- Criterion 5: Availability of water.

The second grouping consisted of four criteria, which had median scores of between 10 and 8 points each:

- Criterion 8: With or near support infrastructure
- Criterion 3: Agricultural productivity rating systems
- Criterion 7: Critical land mass, and
- Criterion 4: Native Hawaiian or unique crops and uses.

The last tier of criteria represented the lowest median scores of five points each:

- Criterion 9: Agricultural easements, and
- Criterion 6: Consistency with county plans.

The low ranking given to Criterion 9 is an indication that agricultural easements (which are land management tools to ensure the perpetual agricultural use of the land) are not as important to agricultural productivity as the land's physical characteristics and ability to support agricultural activity. While the intent of adding this criterion was to provide access to the IAL incentives, the results of the voting process indicate that this criterion is a low priority when compared to the other eight statutory criteria.

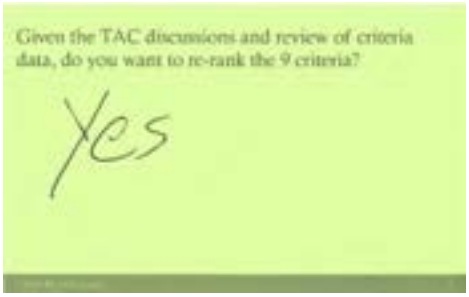
The low ranking for Criterion 6 is similarly an indication that the county's land use designation was not considered an important factor for agricultural productivity. The county's land use plans and policies are man-made, political constraints that have no bearing on the land's physical characteristics or the qualities that affect crop production.

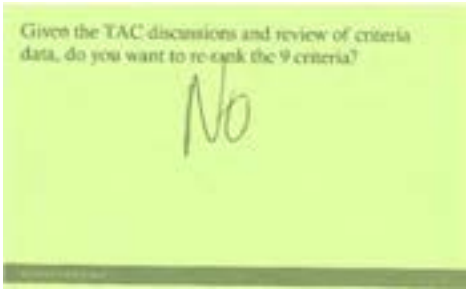
CONFIRM SCORING RESULTS

To confirm the overall satisfaction with the ranking of priority criteria that resulted from the initial scoring process, a second screening to assess the need for a comprehensive re-vote was conducted. Unlike the initial voting process that was conducted via e-mail and was open to all TAC members regardless of attendance at the meeting, the secondary screening was held as part of the TAC meeting, and only members in attendance at the meeting (TAC Meeting 5, May 2013), were allowed to participate.

The question on the written ballot read: "*Given the TAC discussions and review of criteria data, do you want to re-rank the nine criteria?"* If the majority voted NO against a re-vote and in favor of the existing criteria ranking, the

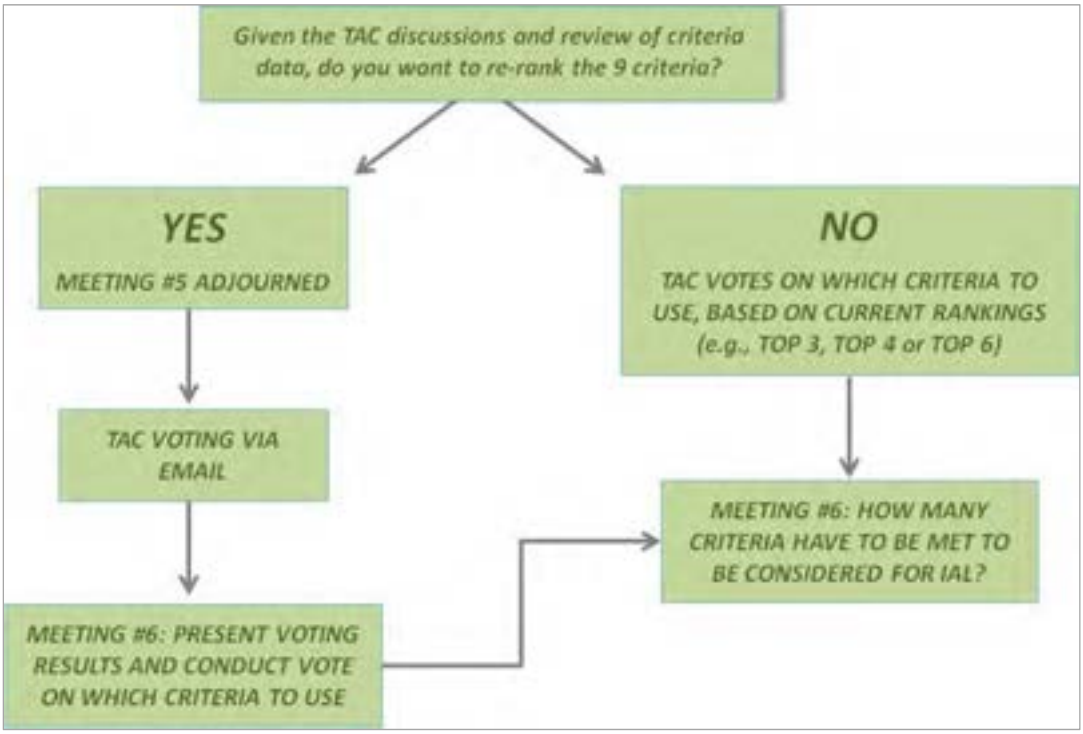
Sample responses





next balloting process to select the priority criteria for mapping evaluation would be conducted. Conversely, if the majority voted YES in favor of a re-vote, the meeting would have been adjourned and a second screening process would have been initiated to assign scores to the criteria again (i.e., new criteria scoring ballots would have been e-mailed to all TAC members to determine criteria scores, then the priority criteria section process would have been conducted). The decision-making process is presented in Figure 3.

Figure 3: Process to Confirm Scoring Results



A tally of the written ballots resulted in 10 NO VOTES indicating a preference for the current scoring and 1 YES VOTE in favor of a re-vote. Given that the majority (90%) of the votes indicated satisfaction with the current criteria scoring, the balloting process to select the priority criteria was then conducted.

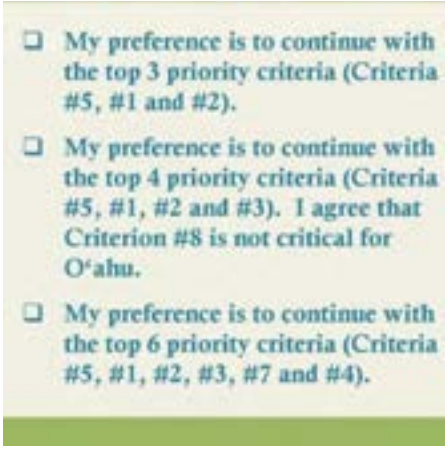
DETERMINE PRIORITY CRITERIA

A sample of the ballot that was used to identify preferences for the priority criteria is presented in Figure 4. The ballot circulated to TAC members during TAC Meeting 5 (May 2013) provided three choices for the priority criteria: use the three highest-ranked criteria; use the four highest-ranked criteria; or use the six highest-ranked criteria.

These combinations of criteria groupings reflected the clusters of median scores (see Figure 2). For example, the first choice—continue with the top three priority criteria—corresponded to the first tier of median scores. The second choice—continue with the top four priority criteria—was comprised of the first grouping of criteria and the criteria with median scores of at least 10 points. (Although Criterion 8 received a median score of 10 points, it was excluded from

consideration as a priority criterion. TAC members agreed to dismiss Criterion 8 from the screening because proximity to support infrastructure was less important for O'ahu markets than for other islands.) The third choice—continue with the top six priority criteria—consisted of the previous criteria and the next tier of criteria scores.

Figure 4: Priority Criteria



A tally of the recorded votes is as follows:

- 10 votes in favor of the three highest-ranked criteria (Criteria 5, 1 and 2) as the priority criteria
- 0 votes for continuing with the four highest-ranked criteria (Criteria 5, 1, 2 and 3) as the priority criteria
- 1 vote in favor of the six highest-ranked criteria (Criteria 5, 1, 2, 3, 7 and 4) as the priority criteria.

The voting results implied broad consensus that the three highest-ranked criteria were considered the most important in determining IAL. The three top-rated criteria consist of:

1) Criterion #5: Sufficient quantities of water
2) Criterion #1: Currently used for agricultural production, and
3) Criterion #2: Soil qualities and growing conditions.

Discussion with the TAC indicated no rational justification for adding additional 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).

The City's use of these criteria are specific to the City's IAL designation and need not influence the LUC's review of voluntary landowner petitions for IAL designations (i.e., the same priority criteria need not be required when evaluating voluntary designation).

DETERMINE THE PREFERRED APPLICATION

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. Figure 5 is the composite map of the three highest-ranked criteria, and Figure 6 is the composite map of the four highest-ranked criteria. These maps were presented at TAC Meeting 4 (April 2013), and discussed during TAC Meeting 5 (May 2013) and TAC Meeting 6 (June 2013). The purpose of the composite maps was to support decision-making about how the criteria should be combined to qualify lands for IAL designation. In particular, because the three highest-ranked criteria were selected as the priority criteria for mapping, does that mean that all

three criteria have to be satisfied to qualify for IAL designation? Decision-making about the application of the criteria involved in-depth examination of the options: How many of the priority criteria should be required? Is there a minimum number of criteria that need to be met? Is there a certain combination of criteria that need to be used? For example, does meeting one of the criterion qualify for IAL? If meeting one criterion is enough, is it a certain criterion or is it any one of the priority criteria? If two (or three) criteria have to be present, which two are they, and in what combination?

Table 2 presents the varying acreages resulting from the different combinations of criteria shown in the composite criteria maps. The map of the three highest-ranked criteria (see Figure 5) identifies a maximum of 67,815 acres with the potential to be IAL (assuming land only has to meet one of the three criteria to be eligible for IAL), and a minimum of 20,105 acres (assuming all three of the criteria have to be present to be eligible for IAL). The map of the four highest-ranked criteria (see Figure 6) identifies a maximum of 68,755 acres with the potential to be IAL (assuming only one of the four criteria has to be met to be eligible for IAL) and a minimum of 18,905 acres (assuming all four of the criteria have to be present to be eligible for IAL).[1]

Table 2: Criteria Application Scenarios

COMPOSITE OF TOP 3 CRITERIA	*ACREAGE*
Lands that meet all 3 Criteria	20,340 ac
Lands that meet 2 of 3 Criteria	40,315 ac
Lands that meet 1 of 3 Criteria	68,450 ac

COMPOSITE OF TOP 4 CRITERIA	
Lands that meet all 4 Criteria	19,325 ac
Lands that meet 3 of 4 Criteria	33,460 ac
Lands that meet 2 of 4 Criteria	46,785 ac
Lands that meet 1 of 4 Criteria	69,307 ac

In developing the approach to identify lands that qualify for IAL designation, the criteria can be combined in a number of different ways to establish the conditions of eligibility, ranging from a minimum number of criteria or a certain combination of criteria that need to be present. Within the context of the preferred priority criteria, three basic scenarios are possible:

- Scenario A—Lands that meet any one of the three highest-ranked criteria
- Scenario B—Lands that meet at least two of the three highest-ranked criteria
- Scenario C—Lands that meet all three highest-ranked criteria

Scenario A consists of land that satisfies ANY ONE of the three highest-ranked criteria, meaning the land is identified as either Criterion 1, 2 or 5 (i.e., meets the condition for water, or currently used for agricultural production, or has soil qualities and growing conditions). Conversely, Scenario C consists of land that satisfies ALL THREE of the highest-ranked criteria, meaning the land is identified as Criterion 1, 2 and 5 (i.e., meets the condition for water, currently used for agricultural production, and has soil qualities and growing conditions).

Scenario B consists of land that satisfies a COMBINATION OF TWO of the three highest-ranked criteria. However, unlike the conditions for Scenario A and Scenario C which are fixed to a single variation, the conditions for Scenario B can be varied depending on which combination of criteria are selected. For example, the scenario definition could contain: (I) two specific criteria

[1] The maps and corresponding acreages were prepared in 2015, and reflect conditions that were current at that time.

in a defined combination; (II) any two criteria in any combination; or (III) one specific criterion combined with any of the other two. The seven different possible combinations for Scenario B are presented in Table 3.

Table 3: Possible Criteria Combinations for Scenario B

COMBINATION		Criterion 1: Currently used for agricultural production	Criterion 2: Soil qualities and growing conditions	Criterion 5: Water
I. Two specific criteria in a defined combination				
There are three different combinations for this scenario, depending on the agronomic conditions that are selected as important.	Combination 1			
	Combination 2			
	Combination 3			
II. Any two criteria in any combination				
This scenario is more fluid and flexible than Scenario 1. This is an additive approach that combines Combinations 1, 2 and 3 above into a single alternative.	Combination 4			
III. One specific criterion combined with any of the other two				
There are three different combinations for this scenario, depending on the particular criterion selected as essential for consideration. For example—as shown in Combination 7—if WATER (Criterion 5) is deemed essential for IAL, WATER (Criterion 5) must be present in combination with either one of the other criteria, SOILS (Criterion 2) OR AG PRODUCTION (Criterion 1).	Combination 5			
	Combination 6			
	Combination 7			

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. (Consistent with the objective to be as inclusive as possible, the TAC did not intend for all three of the highest-rated criteria to be satisfied in the IAL designation process.)

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. This approach was presented at the first community meeting (March-April 2015), and carried through to the final map of recommendations.

O‘ahu Important Agricultural Lands Phase I Study

April 2014

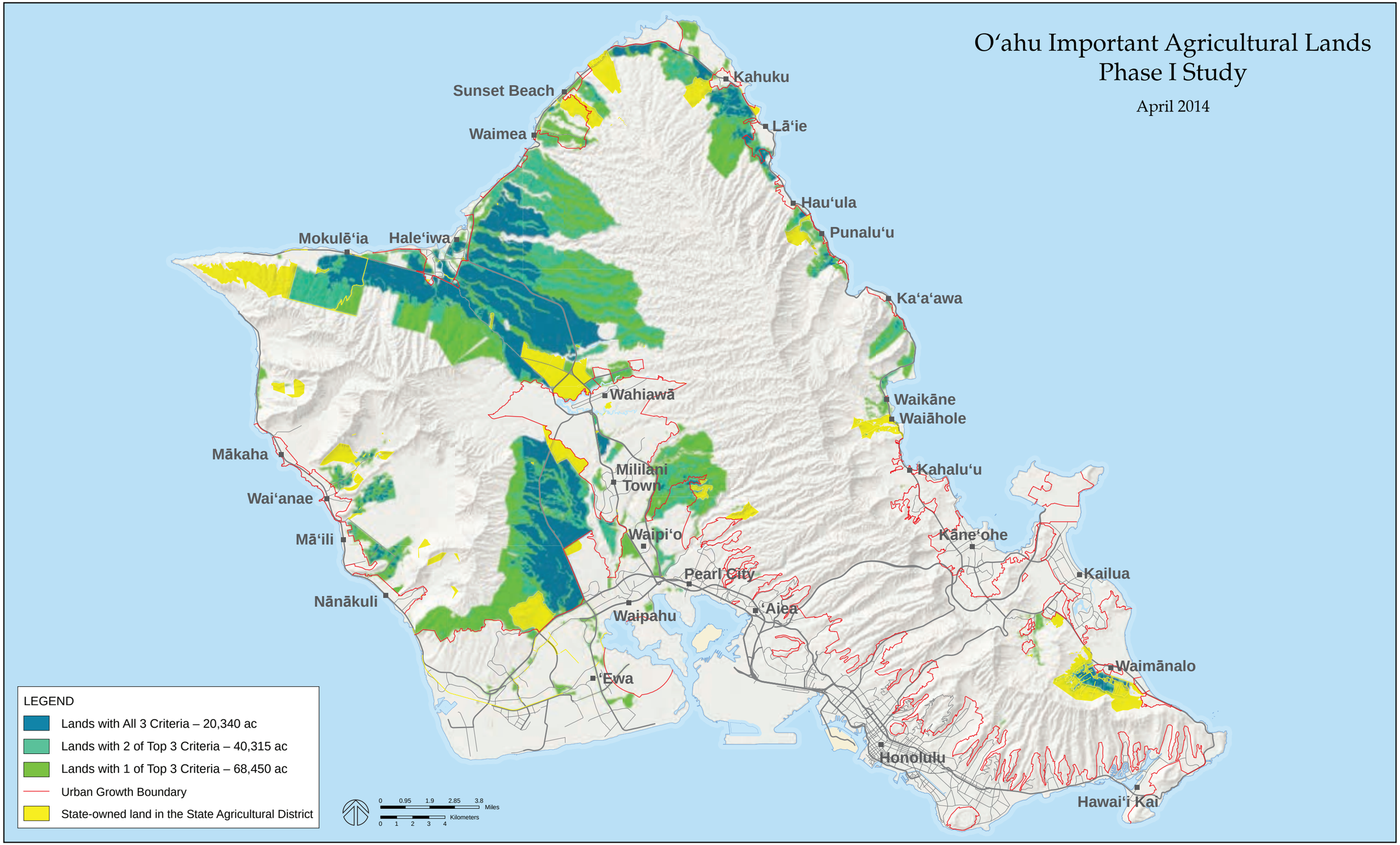


Figure 4-5: Composite Map of the Three Highest-Ranked Criteria

O'ahu Important Agricultural Lands Phase I Study

April 2014

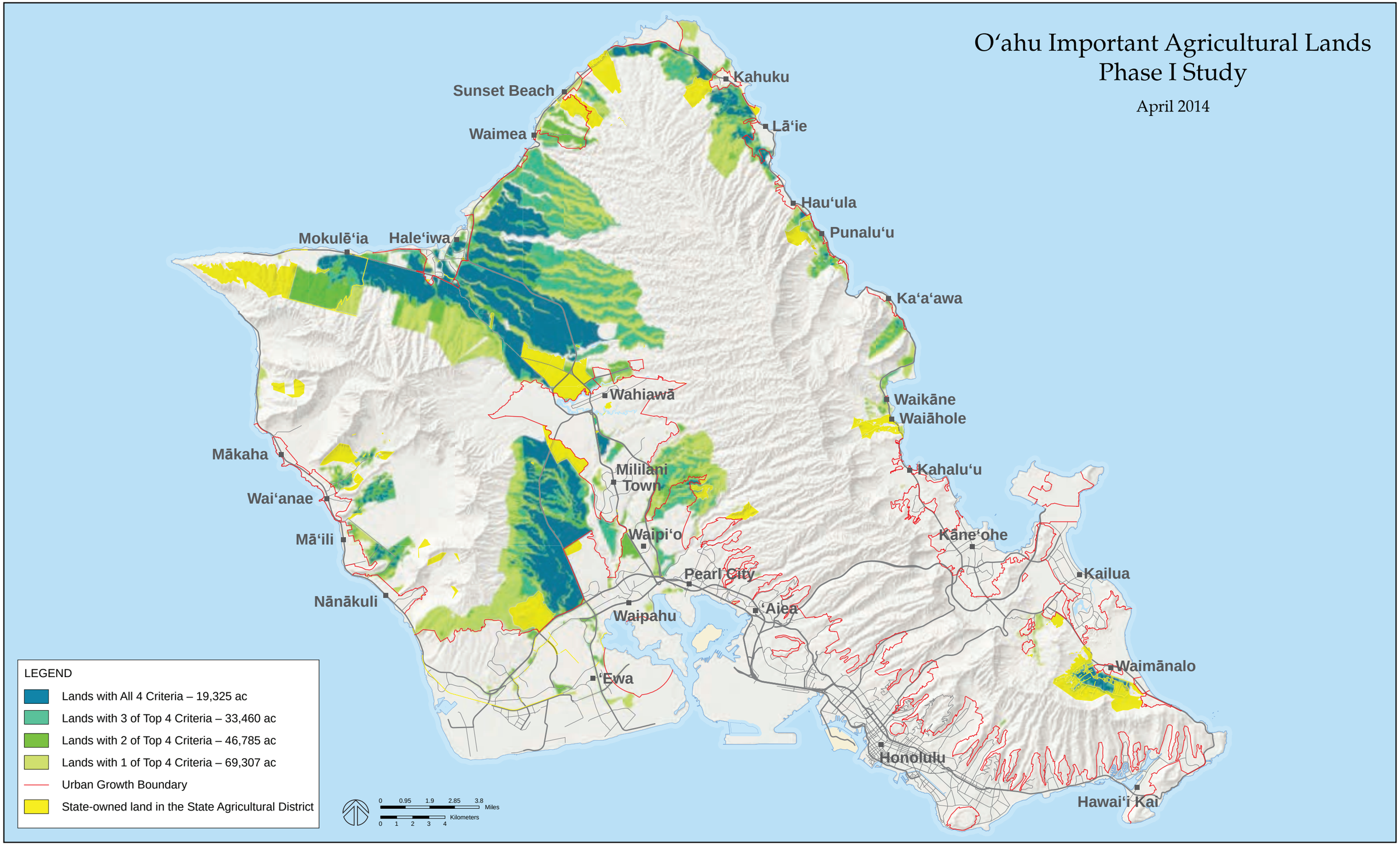


Figure 4-6: Composite Map of the Four Highest-Ranked Criteria

H

INVENTORY OF CITY RECOMMENDATIONS FOR IAL DESIGNATION BY TMK PARCEL NUMBER

The following TMK parcels comprise the City's map of recommendations for county-designated IAL. A total of 1,800 TMK parcels are listed. In addition to the TMK parcel number, the inventory presents the size of the parcel (in acres) and the acreage being recommended for IAL designation. This inventory is subject to change, pending City Council and Land Use Commission review.

	TMK PARCEL	PARCEL SIZE (ACRES)	RECOMMENDED FOR IAL (ACRES)
1.	**34021010**	4.67	2.38
2.	**34021013**	4.18	2.70
3.	**34021014**	3.27	2.21
4.	**34021017**	1.98	0.25
5.	**34021023**	2.23	1.35
6.	**34021024**	6.70	2.79
7.	**34021034**	1.56	0.88
8.	**41008016**	0.64	0.64
9.	**41008017**	0.82	0.62
10.	**41008018**	0.13	0.11
11.	**41008019**	0.98	0.15
12.	**41010009**	0.91	0.91
13.	**41010010**	1.04	1.04
14.	**41010011**	1.49	1.49
15.	**41010012**	1.25	1.25
16.	**41010013**	1.22	1.22
17.	**41010014**	1.17	1.17
18.	**41010015**	1.04	1.04
19.	**41010017**	0.53	0.53
20.	**41010018**	0.71	0.71
21.	**41010019**	1.48	1.48
22.	**41010021**	1.04	1.04
23.	**41010022**	1.11	1.11
24.	**41010023**	1.19	1.19
25.	**41010024**	1.79	1.79
26.	**41010025**	5.37	5.30
27.	**41010035**	0.59	0.59
28.	**41010050**	1.56	1.56
29.	**41010052**	1.14	1.14
30.	**41010053**	1.00	1.00
31.	**41010054**	0.77	0.77
32.	**41010055**	1.12	1.12
33.	**41010056**	1.01	1.01
34.	**41010057**	1.09	1.09
35.	**41010058**	0.52	0.52
36.	**41010059**	1.50	1.50
37.	**41010060**	3.71	3.71
38.	**41010061**	2.21	2.21
39.	**41010062**	0.74	0.74
40.	**41010063**	1.35	0.74
41.	**41010064**	8.94	8.75
42.	**41010066**	1.47	1.08
43.	**41010067**	1.23	1.23
44.	**41010068**	1.78	1.30
45.	**41010070**	0.59	0.57
46.	**41010071**	2.40	2.40
47.	**41010072**	0.85	0.85
48.	**41010073**	1.16	1.16
49.	**41010083**	3.55	3.21
50.	**41010089**	0.32	0.32
51.	**41010090**	0.40	0.40
52.	**41018004**	0.42	0.42
53.	**41018005**	1.06	1.06
54.	**41018006**	1.01	1.01
55.	**41018007**	1.04	1.04
56.	**41018008**	1.11	1.11
57.	**41018009**	1.13	1.13
58.	**41018010**	0.98	0.98
59.	**41018011**	1.04	1.04
60.	**41018012**	1.09	1.09
61.	**41018013**	1.07	1.07
62.	**41018014**	1.03	1.03
63.	**41018015**	1.03	1.03
64.	**41018016**	0.97	0.97
65.	**41018017**	1.05	1.05
66.	**41018018**	0.65	0.65
67.	**41018022**	5.44	5.44
68.	**41018024**	1.28	1.28
69.	**41018025**	0.74	0.74
70.	**41018026**	1.20	1.20

71.	**41018027**	0.69	0.69
72.	**41018029**	1.05	1.05
73.	**41018030**	0.93	0.93
74.	**41018031**	1.03	1.03
75.	**41018032**	1.04	1.04
76.	**41018033**	0.96	0.96
77.	**41018034**	1.09	1.09
78.	**41018036**	1.01	1.01
79.	**41018037**	0.71	0.71
80.	**41018039**	0.01	0.01
81.	**41018043**	0.68	0.68
82.	**41018044**	1.02	1.02
83.	**41024001**	0.15	0.15
84.	**41024002**	1.02	1.02
85.	**41024003**	0.99	0.99
86.	**41024004**	0.65	0.65
87.	**41024006**	0.35	0.35
88.	**41024007**	0.16	0.16
89.	**41024010**	0.38	0.38
90.	**41024011**	6.49	6.49
91.	**41024012**	0.61	0.61
92.	**41024013**	4.57	4.57
93.	**41024014**	4.60	4.60
94.	**41024015**	3.15	3.15
95.	**41024016**	6.34	6.34
96.	**41024017**	1.04	1.04
97.	**41024018**	3.74	3.74
98.	**41024019**	2.26	2.26
99.	**41024020**	2.94	2.94
100.	**41024021**	8.76	8.76
101.	**41024022**	2.09	2.09
102.	**41024024**	6.28	6.28
103.	**41024025**	2.10	2.10
104.	**41024026**	8.31	8.31
105.	**41024028**	2.00	2.00
106.	**41024029**	5.33	5.33
107.	**41024030**	4.96	4.96
108.	**41024031**	2.57	2.57
109.	**41024032**	2.24	2.24
110.	**41024033**	7.88	7.88
111.	**41024034**	0.43	0.43
112.	**41024035**	6.52	6.52
113.	**41024036**	7.74	7.74
114.	**41024037**	2.90	2.90
115.	**41024038**	2.89	2.89
116.	**41024039**	1.69	1.69
117.	**41024040**	6.24	6.24
118.	**41024041**	8.20	8.20
119.	**41024042**	2.09	2.09
120.	**41024043**	2.07	2.07
121.	**41024044**	2.85	2.85
122.	**41024045**	2.62	2.62
123.	**41024046**	9.62	9.62
124.	**41024047**	9.51	9.51
125.	**41024048**	8.10	8.10
126.	**41024049**	3.10	3.10
127.	**41024050**	8.13	8.13
128.	**41024051**	8.90	8.90
129.	**41024052**	4.70	4.70
130.	**41024053**	3.19	3.19
131.	**41024055**	2.00	2.00
132.	**41024056**	2.00	2.00
133.	**41024057**	3.85	3.85
134.	**41024058**	0.50	0.50
135.	**41024059**	4.02	4.02
136.	**41024060**	5.12	5.12
137.	**41024061**	5.24	5.24
138.	**41024064**	10.19	10.19
139.	**41024065**	7.90	7.90
140.	**41024071**	0.60	0.00
141.	**41024076**	2.11	2.11
142.	**41024077**	2.20	2.20
143.	**41024078**	2.04	2.04
144.	**41024079**	2.03	2.03
145.	**41024080**	2.91	2.91
146.	**41024081**	2.50	2.50
147.	**41024082**	1.97	1.97
148.	**41024083**	2.20	2.20
149.	**41024084**	6.92	6.92
150.	**41024085**	1.98	1.98
151.	**41024086**	2.05	2.05
152.	**41024087**	2.01	2.01
153.	**41024088**	3.05	3.05
154.	**41024089**	2.12	2.12

155.	**41024090**	2.09	2.09
156.	**41024091**	2.09	2.09
157.	**41024092**	2.44	2.44
158.	**41024093**	3.06	3.06
159.	**41024094**	2.34	2.34
160.	**41024095**	2.98	2.98
161.	**41024096**	3.07	3.07
162.	**41024097**	2.46	2.46
163.	**41024098**	6.99	6.99
164.	**41024099**	2.03	2.03
165.	**41024100**	1.99	1.99
166.	**41024101**	2.16	2.16
167.	**41024102**	1.98	1.98
168.	**41024103**	1.96	1.96
169.	**41024104**	2.00	2.00
170.	**41024105**	1.98	1.98
171.	**41024106**	2.66	2.66
172.	**41024107**	2.33	2.33
173.	**41024108**	3.48	3.48
174.	**41024110**	2.00	2.00
175.	**41024111**	2.01	2.01
176.	**41024112**	2.02	2.02
177.	**41024113**	4.24	4.24
178.	**41025004**	8.89	8.89
179.	**41025006**	6.64	6.64
180.	**41025007**	2.21	2.21
181.	**41025008**	7.13	7.13
182.	**41025009**	1.71	1.71
183.	**41025010**	7.44	7.44
184.	**41025011**	1.29	1.29
185.	**41025012**	3.25	3.25
186.	**41025013**	5.54	5.54
187.	**41025014**	2.87	2.87
188.	**41025015**	0.85	0.85
189.	**41025016**	0.18	0.18
190.	**41025017**	3.13	3.13
191.	**41025018**	4.54	4.54
192.	**41025019**	9.13	9.13
193.	**41025021**	9.00	9.00
194.	**41025024**	4.84	4.84
195.	**41025025**	2.28	2.28
196.	**41025026**	2.08	2.08
197.	**41025027**	2.14	2.14
198.	**41025028**	2.67	2.67
199.	**41025029**	2.23	2.23
200.	**41025030**	2.25	2.25
201.	**41025031**	2.54	2.54
202.	**41025032**	7.50	7.50
203.	**41025033**	1.38	1.38
204.	**41025034**	5.28	5.28
205.	**41025035**	2.66	2.66
206.	**41025042**	1.16	1.16
207.	**41025043**	0.89	0.89
208.	**41025044**	1.09	1.09
209.	**41025046**	1.79	1.79
210.	**41025049**	1.01	1.01
211.	**41025050**	0.39	0.39
212.	**41025051**	1.04	1.04
213.	**41025053**	0.78	0.78
214.	**41025054**	0.35	0.35
215.	**41025057**	0.80	0.80
216.	**41025058**	2.30	2.30
217.	**41025059**	2.19	2.19
218.	**41025060**	2.02	2.02
219.	**41025061**	1.09	1.09
220.	**41025064**	8.65	8.65
221.	**41026005**	6.14	6.14
222.	**41026006**	3.46	3.46
223.	**41026007**	2.09	2.09
224.	**41026009**	2.00	2.00
225.	**41026010**	9.48	9.48
226.	**41026011**	8.11	8.11
227.	**41026024**	5.02	5.02
228.	**41026025**	2.05	2.05
229.	**41026026**	2.01	2.01
230.	**41026027**	1.94	1.94
231.	**41026028**	3.49	3.49
232.	**41026030**	2.35	2.35
233.	**41026031**	2.01	2.01
234.	**41026032**	4.85	4.85
235.	**41035016**	0.54	0.54
236.	**41035018**	2.68	2.68
237.	**41035019**	2.68	2.68
238.	**41035020**	0.38	0.38

239.	**41999999**	0.12	0.12
240.	**42006001**	45.75	10.62
241.	**42006008**	54.76	54.76
242.	**42007001**	50.27	44.32
243.	**42008001**	36.57	17.72
244.	**42009001**	232.30	28.09
245.	**42013021**	2.57	1.79
246.	**47005001**	2.22	1.40
247.	**47005073**	2.31	2.15
248.	**47005074**	2.31	2.01
249.	**48004003**	2.57	2.22
250.	**48004005**	2.80	2.80
251.	**48005001**	4.25	4.25
252.	**48005002**	1.52	1.52
253.	**48005003**	2.16	2.16
254.	**48005006**	2.04	2.04
255.	**48005007**	2.14	2.14
256.	**48005008**	1.22	1.22
257.	**48005009**	1.24	1.24
258.	**48005010**	2.07	2.07
259.	**48005011**	2.09	2.09
260.	**48005012**	2.78	2.78
261.	**48005013**	2.30	1.62
262.	**48005014**	2.32	2.32
263.	**48005015**	2.42	2.36
264.	**48005016**	2.05	2.05
265.	**48008003**	0.71	0.29
266.	**48008004**	0.21	0.19
267.	**48008005**	0.83	0.83
268.	**48008006**	0.70	0.67
269.	**48009006**	2.78	2.78
270.	**48011008**	2.63	2.02
271.	**48012002**	3.79	3.70
272.	**48012003**	1.34	1.34
273.	**49001001**	100.17	28.89
274.	**49001002**	2.17	2.00
275.	**49001005**	1.71	1.07
276.	**49001006**	3.38	1.06
277.	**49001007**	4.15	1.84
278.	**49001008**	0.10	0.10
279.	**49001010**	0.74	0.61
280.	**49001011**	2.66	2.66
281.	**49001013**	1.03	0.38
282.	**49001014**	31.48	31.48
283.	**49001018**	4.96	4.96
284.	**49001020**	0.41	0.41
285.	**49001029**	0.15	0.15
286.	**49001031**	0.24	0.02
287.	**49001032**	0.76	0.02
288.	**49001034**	1.97	1.36
289.	**49001035**	1.54	1.54
290.	**49002008**	0.16	0.16
291.	**49002009**	0.09	0.09
292.	**49003001**	46.89	46.89
293.	**49003002**	3.14	2.53
294.	**49003003**	0.61	0.61
295.	**49003004**	0.92	0.92
296.	**49003005**	0.72	0.72
297.	**49003006**	0.45	0.45
298.	**49003007**	1.09	1.09
299.	**49003008**	0.25	0.25
300.	**49003010**	0.26	0.26
301.	**49003011**	0.23	0.23
302.	**49003012**	0.19	0.19
303.	**49003013**	0.29	0.29
304.	**49003014**	0.24	0.16
305.	**49003015**	0.20	0.20
306.	**49003016**	0.42	0.42
307.	**49003018**	0.45	0.45
308.	**49003019**	0.78	0.78
309.	**49003020**	0.10	0.10
310.	**49003024**	0.43	0.43
311.	**49003027**	0.44	0.44
312.	**49003030**	1.25	1.25
313.	**49003032**	1.95	1.95
314.	**49003037**	0.22	0.22
315.	**49003038**	0.40	0.40
316.	**49003039**	0.37	0.37
317.	**49003040**	0.02	0.02
318.	**49003041**	0.02	0.02
319.	**49003042**	0.02	0.02
320.	**49003045**	0.47	0.47
321.	**49004002**	116.99	116.99
322.	**49005001**	141.71	69.13

323.	**51001001**	151.28	151.28
324.	**51001002**	0.36	0.03
325.	**51001003**	0.15	0.03
326.	**51001004**	0.40	0.05
327.	**51001015**	0.54	0.37
328.	**51001016**	0.45	0.45
329.	**51001023**	0.34	0.34
330.	**51001024**	0.25	0.25
331.	**51001025**	0.49	0.49
332.	**51004001**	469.23	469.23
333.	**51008002**	20.96	20.96
334.	**51008004**	3.80	1.09
335.	**51008005**	0.49	0.12
336.	**51008007**	24.13	5.91
337.	**51009001**	1.86	0.69
338.	**51009002**	1.01	1.01
339.	**51009004**	0.63	0.57
340.	**51009005**	0.05	0.03
341.	**51009006**	0.13	0.13
342.	**51009046**	0.10	0.05
343.	**53002001**	2.75	1.24
344.	**53002002**	0.60	0.08
345.	**53002062**	1.69	1.44
346.	**53002063**	1.85	1.03
347.	**53003005**	3.38	3.38
348.	**53003009**	4.29	4.29
349.	**53004002**	7.99	7.99
350.	**53004006**	1.37	1.37
351.	**53004008**	0.89	0.89
352.	**53004009**	1.00	1.00
353.	**53004016**	2.08	2.08
354.	**53004017**	6.82	6.82
355.	**53004028**	2.00	2.00
356.	**53004029**	1.59	1.59
357.	**53004032**	0.02	0.02
358.	**53004034**	0.56	0.56
359.	**53004035**	0.22	0.22
360.	**53004036**	0.62	0.62
361.	**53004038**	4.83	4.83
362.	**53004039**	2.00	2.00
363.	**53005003**	0.78	0.78
364.	**53005004**	0.43	0.43
365.	**53005005**	2.87	2.87
366.	**53005006**	2.85	2.85
367.	**53005007**	49.71	48.46
368.	**53005008**	0.49	0.44
369.	**53005009**	0.60	0.24
370.	**53005010**	1.24	0.47
371.	**53005012**	0.10	0.10
372.	**53005014**	0.88	0.04
373.	**53005016**	0.89	0.08
374.	**53005020**	0.42	0.42
375.	**53005022**	0.65	0.65
376.	**53005023**	0.30	0.30
377.	**53005024**	0.15	0.15
378.	**53005025**	0.78	0.78
379.	**53005026**	0.15	0.15
380.	**53005030**	2.46	2.46
381.	**53005051**	0.93	0.19
382.	**53005054**	1.15	1.15
383.	**53005055**	1.38	1.38
384.	**53005056**	0.33	0.33
385.	**53005058**	1.15	1.15
386.	**53005059**	0.23	0.23
387.	**53005062**	0.05	0.05
388.	**53005069**	0.42	0.42
389.	**53006004**	4.59	4.52
390.	**53006005**	4.87	4.87
391.	**53006014**	7.84	7.84
392.	**53006015**	2.44	2.44
393.	**53006016**	6.90	1.86
394.	**53006031**	1.58	1.28
395.	**53006034**	1.41	1.41
396.	**53006064**	3.87	3.87
397.	**53007007**	39.68	33.34
398.	**53007013**	16.86	14.44
399.	**53007015**	1.93	1.93
400.	**53007016**	4.04	4.04
401.	**53007018**	1.24	1.24
402.	**53007020**	38.92	25.81
403.	**53009008**	0.28	0.19
404.	**53009009**	0.35	0.35
405.	**53009019**	1.99	1.99
406.	**53009022**	15.18	15.18

407.	**53009023**	39.31	39.31
408.	**53009024**	1.24	1.24
409.	**53009050**	1.35	1.35
410.	**53009057**	0.09	0.02
411.	**53009058**	7.98	7.98
412.	**53009066**	1.87	1.83
413.	**53009067**	5.68	5.46
414.	**53009068**	5.27	2.28
415.	**53009069**	5.64	5.49
416.	**53009070**	5.68	5.59
417.	**53009071**	4.74	4.74
418.	**53009072**	5.42	5.42
419.	**53009073**	5.41	5.41
420.	**53009074**	5.42	5.42
421.	**53009075**	4.53	4.53
422.	**53009076**	4.67	4.67
423.	**53009077**	5.29	5.29
424.	**53009078**	5.21	5.21
425.	**53009079**	5.25	5.25
426.	**53009080**	5.77	5.03
427.	**53009081**	5.67	5.24
428.	**53009082**	5.70	5.70
429.	**53009083**	5.69	5.69
430.	**53009084**	6.14	6.14
431.	**53009085**	6.36	6.36
432.	**53009086**	6.54	6.54
433.	**53009087**	6.39	6.39
434.	**53009088**	4.37	3.97
435.	**53009089**	4.57	0.41
436.	**53009090**	5.37	1.42
437.	**53009091**	5.35	3.47
438.	**53009092**	5.33	1.78
439.	**53009093**	4.19	3.82
440.	**53009094**	3.57	3.57
441.	**53009095**	5.12	3.04
442.	**53009096**	4.66	0.91
443.	**53009097**	4.58	4.58
444.	**53009098**	4.98	3.09
445.	**53009099**	6.58	6.58
446.	**53009100**	6.95	6.95
447.	**53009101**	5.30	5.30
448.	**53012001**	83.91	83.91
449.	**53012010**	84.44	84.44
450.	**53012044**	65.96	8.74
451.	**54004003**	3.77	3.75
452.	**54004020**	7.36	7.35
453.	**54018060**	3.97	3.62
454.	**54018062**	5.69	5.60
455.	**55001012**	0.84	0.17
456.	**55001024**	0.56	0.56
457.	**55001026**	0.16	0.16
458.	**55001060**	0.34	0.34
459.	**55004003**	13.42	1.01
460.	**55004007**	1.80	1.80
461.	**55004013**	0.15	0.06
462.	**55005001**	66.57	66.57
463.	**55005004**	0.34	0.25
464.	**55005011**	0.29	0.28
465.	**55005020**	9.85	2.86
466.	**55005021**	33.21	33.21
467.	**55005022**	13.19	4.08
468.	**55005023**	84.29	0.00
469.	**55005023**	84.29	0.00
470.	**55005023**	84.29	0.00
471.	**55005023**	84.29	0.03
472.	**55005023**	84.29	0.06
473.	**55005023**	84.29	19.99
474.	**55005023**	84.29	27.89
475.	**55005024**	13.27	0.00
476.	**55005024**	13.27	4.12
477.	**55005025**	10.98	10.16
478.	**55005999**	0.07	0.03
479.	**55006001**	264.48	113.83
480.	**55006001**	264.48	0.15
481.	**55006001**	264.48	4.09
482.	**55006001**	264.48	15.43
483.	**55006011**	49.28	49.28
484.	**55008001**	18.66	18.66
485.	**55008002**	0.11	0.11
486.	**55008003**	0.12	0.12
487.	**55008004**	0.08	0.08
488.	**55008005**	0.09	0.09
489.	**55008006**	0.08	0.08
490.	**55008007**	0.52	0.52

491.	**55008008**	0.16	0.16
492.	**55008009**	0.14	0.14
493.	**55008010**	0.15	0.15
494.	**55008011**	0.11	0.11
495.	**55008012**	0.27	0.27
496.	**55008013**	0.26	0.26
497.	**55008014**	0.21	0.21
498.	**55008016**	0.13	0.13
499.	**55008017**	0.52	0.52
500.	**55008019**	0.37	0.37
501.	**55008020**	0.18	0.18
502.	**55008023**	0.04	0.04
503.	**55008024**	0.22	0.22
504.	**55008025**	0.12	0.12
505.	**55008026**	0.18	0.18
506.	**55008027**	0.58	0.58
507.	**55008028**	0.13	0.13
508.	**55008029**	0.20	0.20
509.	**55008030**	0.32	0.32
510.	**55008032**	0.30	0.30
511.	**55008034**	0.15	0.15
512.	**55008035**	0.67	0.67
513.	**55008036**	0.86	0.86
514.	**55008037**	0.63	0.63
515.	**55008038**	0.03	0.03
516.	**55008039**	0.28	0.28
517.	**55008040**	0.62	0.62
518.	**55008042**	0.16	0.16
519.	**55008043**	11.85	11.85
520.	**55008044**	0.27	0.27
521.	**55008045**	0.66	0.66
522.	**55008046**	1.31	1.31
523.	**55008047**	0.75	0.75
524.	**55008048**	0.08	0.08
525.	**55008049**	0.16	0.16
526.	**55008050**	0.98	0.98
527.	**55008051**	0.41	0.41
528.	**55008053**	0.08	0.08
529.	**55008054**	0.47	0.47
530.	**55008055**	0.84	0.84
531.	**55008056**	0.17	0.17
532.	**55008057**	0.12	0.12
533.	**55008058**	0.59	0.59
534.	**55008059**	0.14	0.14
535.	**55008060**	0.99	0.99
536.	**55008061**	0.82	0.82
537.	**55008062**	0.34	0.34
538.	**55008063**	35.73	35.73
539.	**56002002**	0.45	0.42
540.	**56002005**	0.24	0.20
541.	**56002006**	0.25	0.21
542.	**56002007**	0.23	0.20
543.	**56002042**	0.09	0.09
544.	**56002043**	0.73	0.73
545.	**56003002**	0.15	0.15
546.	**56003003**	0.02	0.02
547.	**56003006**	0.24	0.24
548.	**56003007**	0.13	0.13
549.	**56003025**	8.53	8.53
550.	**56003026**	154.24	154.23
551.	**56003027**	1.59	1.59
552.	**56003028**	1.30	1.30
553.	**56003030**	0.25	0.25
554.	**56003031**	0.05	0.05
555.	**56003036**	1.46	1.46
556.	**56003050**	7.08	3.88
557.	**56003053**	83.60	83.39
558.	**56004001**	1.67	1.67
559.	**56004002**	5.88	5.82
560.	**56004008**	0.50	0.50
561.	**56004009**	2.49	2.20
562.	**56004021**	1.33	0.55
563.	**56004023**	0.60	0.60
564.	**56004024**	2.10	2.08
565.	**56004027**	4.74	4.70
566.	**56004037**	0.79	0.78
567.	**56004039**	0.25	0.25
568.	**56005002**	27.55	27.55
569.	**56005007**	508.22	508.22
570.	**56005012**	108.47	38.76
571.	**56005013**	219.63	219.36
572.	**56005014**	69.44	69.44
573.	**56005015**	28.79	28.79
574.	**56005016**	35.57	35.57

575.	**56006002**	1.68	1.68
576.	**56006004**	2.82	1.80
577.	**56006006**	435.55	435.55
578.	**56006018**	449.68	449.66
579.	**56006028**	228.28	228.28
580.	**56006057**	44.71	0.00
581.	**56006057**	44.71	7.76
582.	**56006058**	100.32	100.32
583.	**56007001**	126.05	117.67
584.	**57001002**	0.20	0.20
585.	**57001003**	0.21	0.21
586.	**57001004**	0.16	0.16
587.	**57001005**	0.24	0.24
588.	**57001006**	0.05	0.05
589.	**57001007**	0.15	0.15
590.	**57001008**	0.20	0.20
591.	**57001014**	0.25	0.25
592.	**57001015**	0.05	0.05
593.	**57001021**	467.38	415.41
594.	**57001032**	2.25	1.46
595.	**57001039**	10.01	7.49
596.	**57001040**	10.00	8.47
597.	**57001041**	12.00	11.06
598.	**57001042**	11.00	5.95
599.	**58001003**	2.86	2.86
600.	**58001023**	0.82	0.19
601.	**58001028**	0.12	0.12
602.	**58001029**	0.92	0.49
603.	**58001035**	0.78	0.78
604.	**58001058**	0.09	0.09
605.	**58001059**	0.03	0.03
606.	**58001064**	0.26	0.26
607.	**58001065**	0.26	0.06
608.	**58002004**	114.61	114.61
609.	**59005004**	202.31	202.31
610.	**59005023**	0.86	0.86
611.	**59005040**	51.74	7.72
612.	**59005066**	26.68	14.62
613.	**59005067**	27.52	25.06
614.	**59005081**	7.55	1.22
615.	**59005083**	17.52	14.04
616.	**59006005**	226.12	226.12
617.	**59006011**	133.94	133.94
618.	**59006032**	5.28	4.05
619.	**59006034**	21.58	1.15
620.	**59023001**	9.83	2.83
621.	**59030031**	7.03	7.03
622.	**59031028**	16.30	14.04
623.	**61002001**	74.23	72.08
624.	**61002022**	5.01	4.81
625.	**61002024**	35.86	30.63
626.	**61005020**	11.22	11.22
627.	**61005021**	4.62	4.62
628.	**61005022**	2.62	2.62
629.	**61008024**	1.79	1.79
630.	**61009004**	1.96	1.96
631.	**62002002**	10.41	10.41
632.	**62002003**	13.44	13.00
633.	**62002004**	16.90	16.90
634.	**62002006**	2.18	2.18
635.	**62002007**	2.55	2.55
636.	**62002010**	0.50	0.50
637.	**62002019**	0.42	0.42
638.	**62002021**	0.44	0.44
639.	**62002023**	1.26	1.26
640.	**62002030**	1.27	1.22
641.	**62002032**	0.93	0.93
642.	**62002033**	1.10	1.10
643.	**62002034**	0.60	0.60
644.	**62002035**	0.70	0.70
645.	**62002036**	0.50	0.50
646.	**62002037**	2.14	2.14
647.	**62002038**	1.88	1.49
648.	**62002039**	3.09	3.09
649.	**62002040**	1.23	1.23
650.	**62002041**	1.57	1.22
651.	**62002042**	0.88	0.86
652.	**62002043**	7.28	4.39
653.	**62002044**	1.22	0.97
654.	**62002045**	0.70	0.70
655.	**62002046**	0.79	0.79
656.	**62002047**	0.75	0.75
657.	**62002048**	0.33	0.33
658.	**62002049**	1.44	1.44

659.	**62003001**	1.51	1.08
660.	**62004001**	2.83	2.83
661.	**62004003**	0.24	0.24
662.	**62004006**	0.15	0.04
663.	**62004026**	0.31	0.19
664.	**62004028**	0.80	0.76
665.	**62004029**	0.30	0.30
666.	**62004030**	0.58	0.27
667.	**62004032**	1.24	0.97
668.	**62004035**	17.69	16.43
669.	**62004049**	2.82	2.82
670.	**62004050**	2.95	2.95
671.	**62004051**	0.65	0.65
672.	**62004052**	0.37	0.08
673.	**62004053**	0.76	0.59
674.	**62004054**	0.14	0.14
675.	**62005035**	4.26	4.25
676.	**62006001**	1.71	1.71
677.	**62006002**	4.84	4.22
678.	**62006004**	1.16	1.14
679.	**62006005**	1.63	1.63
680.	**62007002**	6.38	2.09
681.	**62007004**	2.45	2.45
682.	**62007008**	3.74	3.74
683.	**62008006**	4.06	2.46
684.	**62008008**	0.37	0.09
685.	**62008009**	0.19	0.19
686.	**62008010**	0.70	0.25
687.	**62008011**	11.80	8.35
688.	**62010007**	5.51	5.51
689.	**62010013**	0.32	0.32
690.	**62010014**	0.32	0.32
691.	**64001001**	1325.28	1324.65
692.	**64001005**	6.44	2.00
693.	**64002001**	3431.32	3426.95
694.	**64002002**	59.92	53.62
695.	**64003001**	1747.35	1675.72
696.	**64003003**	838.54	838.54
697.	**64003009**	0.36	0.36
698.	**64003014**	36.33	36.33
699.	**64003015**	10.00	9.97
700.	**64004001**	1351.15	1349.93
701.	**64004005**	2.65	0.78
702.	**64004008**	236.85	170.02
703.	**65001010**	31.43	31.43
704.	**65001014**	48.18	48.18
705.	**65001019**	3.48	3.48
706.	**65001020**	43.35	43.35
707.	**65001021**	17.45	17.45
708.	**65001022**	3.03	3.03
709.	**65001028**	0.40	0.40
710.	**65001030**	1.89	1.89
711.	**65001031**	7.54	7.54
712.	**65001032**	2.88	2.81
713.	**65001033**	51.12	50.77
714.	**65001034**	12.71	12.71
715.	**65001038**	3.75	3.75
716.	**65001039**	107.90	107.90
717.	**65001040**	157.79	157.79
718.	**65001042**	58.17	58.17
719.	**65001043**	195.11	194.56
720.	**65001044**	120.53	95.67
721.	**65001045**	99.53	99.53
722.	**65001046**	40.93	40.93
723.	**65002001**	74.29	74.29
724.	**65002003**	105.78	105.78
725.	**65002005**	317.23	317.23
726.	**65002006**	43.48	43.48
727.	**65002008**	45.40	45.38
728.	**65002011**	1159.28	1159.28
729.	**65002018**	67.14	54.52
730.	**65002019**	132.71	99.25
731.	**65002022**	39.49	39.49
732.	**65002024**	11.24	11.24
733.	**65002026**	113.90	113.90
734.	**65002027**	43.94	43.94
735.	**65002028**	29.72	29.72
736.	**65002029**	1.16	1.16
737.	**65004001**	5.00	5.00
738.	**65004002**	5.08	5.08
739.	**65004003**	5.06	5.06
740.	**65004004**	6.09	6.09
741.	**65004005**	5.12	5.12
742.	**65004006**	5.01	5.01

743.	**65004007**	5.00	5.00
744.	**65004008**	5.07	5.07
745.	**65004009**	5.07	5.07
746.	**65004010**	7.07	7.07
747.	**65004011**	5.00	5.00
748.	**65004012**	5.01	5.01
749.	**65004013**	5.00	5.00
750.	**65004014**	5.15	5.15
751.	**65004015**	5.05	5.05
752.	**65004016**	1.17	1.17
753.	**65005001**	346.09	346.09
754.	**65005002**	589.14	589.14
755.	**65005003**	541.19	541.12
756.	**65005004**	669.20	669.20
757.	**65005005**	0.30	0.30
758.	**66001004**	0.16	0.16
759.	**66001005**	0.16	0.16
760.	**66001006**	0.21	0.21
761.	**66001009**	1.13	1.13
762.	**66001010**	0.17	0.17
763.	**66001011**	0.36	0.36
764.	**66001012**	0.33	0.33
765.	**66001014**	0.31	0.31
766.	**66001016**	1.54	1.54
767.	**66001054**	0.17	0.17
768.	**66001055**	0.59	0.59
769.	**66003001**	0.59	0.59
770.	**66003002**	0.92	0.92
771.	**66003003**	0.31	0.31
772.	**66003005**	0.51	0.51
773.	**66003025**	1.04	1.04
774.	**66004002**	1.12	1.12
775.	**66004003**	2.00	2.00
776.	**66004004**	1.37	1.37
777.	**66004005**	0.45	0.45
778.	**66004006**	0.79	0.79
779.	**66004007**	0.21	0.21
780.	**66004008**	0.34	0.34
781.	**66004009**	0.69	0.69
782.	**66004010**	0.05	0.05
783.	**66004026**	0.71	0.71
784.	**66004031**	0.06	0.06
785.	**66005001**	0.12	0.12
786.	**66005012**	0.08	0.08
787.	**66005019**	0.59	0.59
788.	**66005020**	0.07	0.07
789.	**66005021**	0.90	0.90
790.	**66005022**	1.89	1.89
791.	**66005023**	1.37	1.37
792.	**66005024**	0.06	0.06
793.	**66008001**	0.23	0.23
794.	**66008002**	0.71	0.71
795.	**66008003**	0.33	0.33
796.	**66008004**	3.76	3.76
797.	**66008006**	1.43	1.43
798.	**66008007**	2.09	2.09
799.	**66008008**	0.15	0.15
800.	**66008009**	0.88	0.88
801.	**66008026**	0.41	0.41
802.	**66008027**	1.89	1.89
803.	**66008031**	0.55	0.55
804.	**66008032**	0.11	0.11
805.	**66009002**	2.20	2.20
806.	**66009004**	0.93	0.93
807.	**66009008**	0.40	0.40
808.	**66009009**	0.67	0.67
809.	**66009010**	0.77	0.77
810.	**66009011**	0.44	0.44
811.	**66009012**	1.46	1.46
812.	**66009013**	0.75	0.75
813.	**66009021**	1.19	1.19
814.	**66009029**	0.46	0.46
815.	**66009030**	0.26	0.26
816.	**66009031**	0.25	0.25
817.	**66009032**	0.24	0.24
818.	**66009034**	1.16	1.16
819.	**66009037**	2.00	2.00
820.	**66009038**	1.19	1.19
821.	**66010002**	0.43	0.43
822.	**66010009**	1.58	1.58
823.	**66010010**	4.23	4.23
824.	**66012001**	1.44	1.44
825.	**66015003**	0.39	0.39
826.	**66015004**	15.27	15.27

827.	**66015006**	11.85	11.85
828.	**66016008**	0.27	0.27
829.	**66016011**	0.14	0.14
830.	**66016019**	0.20	0.20
831.	**66020003**	3.08	3.08
832.	**66020004**	10.53	10.40
833.	**66020019**	1.89	1.68
834.	**66020024**	1.55	1.55
835.	**66020025**	0.72	0.72
836.	**66020027**	0.28	0.28
837.	**66022001**	42.35	42.35
838.	**66023003**	22.21	22.21
839.	**66023004**	2.65	2.65
840.	**66024001**	59.21	59.21
841.	**66025001**	42.88	42.88
842.	**66025002**	3.12	3.12
843.	**66025006**	1.98	1.98
844.	**66027003**	0.67	0.67
845.	**66027005**	0.09	0.09
846.	**66027006**	2.02	2.02
847.	**66027007**	0.68	0.68
848.	**66027009**	0.23	0.23
849.	**66027010**	141.15	141.15
850.	**66027011**	6.60	6.60
851.	**66028001**	1.93	1.57
852.	**66028002**	5.97	5.97
853.	**66028003**	1.55	1.55
854.	**66028004**	0.87	0.87
855.	**66028005**	2.10	2.10
856.	**66028006**	1.94	1.94
857.	**66028007**	6.13	6.13
858.	**66028009**	2.40	2.40
859.	**66028011**	0.36	0.36
860.	**66028013**	2.43	2.43
861.	**66028014**	2.72	2.72
862.	**66028015**	5.45	5.45
863.	**66028016**	2.32	1.80
864.	**66028017**	5.90	4.56
865.	**66028019**	0.31	0.31
866.	**66028021**	0.20	0.20
867.	**66028022**	6.08	6.08
868.	**66028023**	5.24	4.67
869.	**66028024**	1.89	1.44
870.	**66028027**	4.68	4.68
871.	**66029011**	6.14	6.14
872.	**67001008**	20.77	20.76
873.	**67001009**	1.85	1.85
874.	**67001014**	1.42	1.42
875.	**67001018**	0.46	0.46
876.	**67001026**	281.98	281.98
877.	**67001030**	1.23	1.23
878.	**67001032**	13.83	13.83
879.	**67001034**	8.30	8.30
880.	**67001058**	2.96	2.96
881.	**67001060**	1.62	1.62
882.	**67001063**	67.60	22.46
883.	**67002006**	6.11	6.11
884.	**67002007**	24.98	24.98
885.	**67002014**	24.71	24.71
886.	**67002028**	8.93	8.93
887.	**67002032**	10.82	10.82
888.	**67002034**	50.44	50.44
889.	**67002037**	21.67	21.67
890.	**67002038**	103.19	103.19
891.	**67002039**	66.75	66.75
892.	**67002040**	128.03	128.03
893.	**67002041**	62.67	62.67
894.	**67002042**	427.40	427.40
895.	**67002043**	671.94	671.94
896.	**67002044**	154.88	154.88
897.	**67002045**	4.95	4.95
898.	**67002046**	36.74	36.74
899.	**67002047**	3.47	3.47
900.	**67003002**	219.58	219.58
901.	**67003003**	111.35	111.35
902.	**67003005**	249.26	249.26
903.	**67003006**	108.28	108.28
904.	**67003007**	136.07	136.07
905.	**67003008**	1.51	1.51
906.	**67003009**	2.74	2.74
907.	**67003010**	2.31	2.31
908.	**67003011**	8.10	8.10
909.	**67003017**	8.53	8.53
910.	**67003019**	75.96	75.96

911.	**67004001**	1573.60	1573.57
912.	**67004004**	77.02	77.02
913.	**67009071**	24.39	24.39
914.	**68002005**	184.39	184.39
915.	**68002006**	1031.90	1031.90
916.	**68003001**	7.56	1.08
917.	**68003003**	4.18	4.18
918.	**68003005**	436.88	436.88
919.	**68003006**	934.21	934.21
920.	**68003009**	186.25	186.25
921.	**68003015**	73.34	73.34
922.	**68003019**	36.85	36.85
923.	**68003021**	40.59	40.59
924.	**68003030**	17.02	17.02
925.	**68003031**	57.40	57.40
926.	**68003033**	9.67	9.67
927.	**68003034**	15.91	15.91
928.	**68003035**	2.12	2.12
929.	**68003039**	7.01	4.31
930.	**68003040**	140.08	140.08
931.	**68003043**	37.51	37.51
932.	**68003044**	39.30	39.30
933.	**68003045**	7.89	4.79
934.	**68003046**	8.28	5.28
935.	**68003047**	8.35	5.81
936.	**68003048**	4.12	4.12
937.	**68003049**	4.20	4.20
938.	**68003050**	4.07	4.07
939.	**68007002**	913.09	913.09
940.	**68007003**	1.82	1.82
941.	**68013001**	2.29	2.29
942.	**68013002**	2.00	2.00
943.	**68013003**	2.00	2.00
944.	**68013004**	2.00	2.00
945.	**68013005**	1.99	1.99
946.	**68013006**	2.01	2.01
947.	**68013007**	2.00	2.00
948.	**68013008**	2.00	1.82
949.	**68013009**	2.62	2.62
950.	**68013010**	2.12	2.12
951.	**68013011**	2.12	2.12
952.	**68013012**	1.97	1.97
953.	**68013013**	1.99	1.99
954.	**68013014**	2.00	0.98
955.	**68013015**	1.98	0.80
956.	**68013016**	2.00	0.63
957.	**68013017**	1.99	0.45
958.	**68013018**	1.98	1.98
959.	**68013023**	2.20	2.20
960.	**68013024**	2.07	2.07
961.	**68013025**	2.00	2.00
962.	**68013026**	2.00	0.11
963.	**68013027**	2.00	1.03
964.	**68013028**	1.97	1.97
965.	**68013029**	1.99	1.99
966.	**68013030**	2.40	2.40
967.	**68013031**	2.00	2.00
968.	**68013032**	1.99	1.99
969.	**68013033**	2.01	2.01
970.	**68013034**	2.01	0.98
971.	**68013035**	2.00	2.00
972.	**68013036**	2.04	1.08
973.	**68013037**	2.18	1.54
974.	**68013038**	2.13	2.13
975.	**68013039**	1.97	1.97
976.	**68013040**	2.01	2.01
977.	**68013041**	2.00	2.00
978.	**68013042**	2.00	2.00
979.	**68013043**	2.19	2.19
980.	**68013044**	2.03	2.03
981.	**68013045**	2.30	2.30
982.	**68013046**	2.00	2.00
983.	**68013047**	2.02	2.02
984.	**68013048**	2.01	2.01
985.	**68013049**	2.02	2.02
986.	**68013050**	2.00	2.00
987.	**68013051**	2.02	2.02
988.	**68013052**	2.03	2.03
989.	**68013053**	2.05	2.05
990.	**68013054**	2.28	2.28
991.	**68013055**	2.22	2.22
992.	**68013056**	2.01	2.01
993.	**68013057**	1.98	1.98
994.	**68013058**	1.99	1.99

995.	**68013059**	2.09	2.09
996.	**68013060**	2.23	2.23
997.	**68013061**	2.00	2.00
998.	**68013062**	2.26	2.26
999.	**68013063**	2.40	2.40
1000.	**68013064**	2.04	2.04
1001.	**68013065**	2.31	2.31
1002.	**71001007**	3.15	3.15
1003.	**71001011**	90.14	80.11
1004.	**71001023**	4.98	4.98
1005.	**71001027**	1.01	1.01
1006.	**71001029**	0.50	0.50
1007.	**71001032**	3.64	3.64
1008.	**71001036**	0.67	0.67
1009.	**71001037**	32.17	32.17
1010.	**71001038**	68.79	68.79
1011.	**71001039**	0.20	0.20
1012.	**71001040**	0.17	0.17
1013.	**71001041**	1.77	1.77
1014.	**71001042**	0.03	0.03
1015.	**71001043**	0.00	0.00
1016.	**71001044**	0.04	0.04
1017.	**71002033**	23.20	22.88
1018.	**85002022**	32.90	13.68
1019.	**85003008**	0.07	0.07
1020.	**85003009**	0.06	0.06
1021.	**85003012**	4.02	4.02
1022.	**85003013**	3.98	3.98
1023.	**85003015**	4.63	4.63
1024.	**85003016**	4.85	4.85
1025.	**85003017**	4.49	4.49
1026.	**85003018**	9.63	9.63
1027.	**85003019**	2.90	2.90
1028.	**85003025**	3.72	0.59
1029.	**85003026**	4.84	0.36
1030.	**85003027**	9.01	3.05
1031.	**85003028**	5.78	5.26
1032.	**85003029**	18.94	10.95
1033.	**85003030**	38.34	9.20
1034.	**85003031**	58.50	12.89
1035.	**85003034**	0.01	0.01
1036.	**85003035**	0.18	0.18
1037.	**85003036**	3.10	2.14
1038.	**85003037**	6.78	6.78
1039.	**85003039**	2.39	2.39
1040.	**85003040**	0.56	0.56
1041.	**85003042**	2.12	2.12
1042.	**85003043**	61.25	61.25
1043.	**85004004**	18.55	4.42
1044.	**85004005**	0.76	0.76
1045.	**85004007**	0.83	0.48
1046.	**85004010**	0.94	0.76
1047.	**85004018**	4.30	3.01
1048.	**85004019**	14.54	14.54
1049.	**85004020**	9.30	2.90
1050.	**85004021**	4.61	4.22
1051.	**85004023**	7.59	7.59
1052.	**85004024**	3.07	1.63
1053.	**85004025**	0.98	0.98
1054.	**85004029**	14.14	11.87
1055.	**85004030**	5.72	5.47
1056.	**85004032**	0.75	0.54
1057.	**85004035**	4.48	4.48
1058.	**85004046**	1.00	0.54
1059.	**85004047**	1.00	0.53
1060.	**85004048**	1.01	0.43
1061.	**85004049**	0.97	0.12
1062.	**85004054**	5.22	5.02
1063.	**85004055**	6.39	6.39
1064.	**85004056**	6.17	6.17
1065.	**85004065**	0.28	0.28
1066.	**85004066**	5.11	4.10
1067.	**85004067**	4.21	2.67
1068.	**85004068**	1.95	1.33
1069.	**85004069**	1.10	0.97
1070.	**85004070**	2.55	1.24
1071.	**85004071**	7.50	2.35
1072.	**85004072**	3.18	3.09
1073.	**85004073**	3.26	2.75
1074.	**85004074**	1.52	1.32
1075.	**85004075**	2.25	1.22
1076.	**85004076**	1.76	1.73
1077.	**85004077**	1.73	1.73
1078.	**85004078**	1.01	1.01

1079.	**85004079**	2.07	0.39
1080.	**85004080**	1.03	1.03
1081.	**85004081**	1.42	1.23
1082.	**85004084**	1.02	0.55
1083.	**85004085**	0.97	0.50
1084.	**85004086**	1.00	0.53
1085.	**85004087**	0.99	0.89
1086.	**85004089**	1.01	1.01
1087.	**85004091**	1.01	0.97
1088.	**85004092**	1.00	0.63
1089.	**85004093**	1.00	0.85
1090.	**85004095**	3.41	3.41
1091.	**85004099**	7.55	7.55
1092.	**85004101**	2.04	2.04
1093.	**85004102**	1.95	1.95
1094.	**85004105**	6.56	5.91
1095.	**85004106**	6.37	6.37
1096.	**85005005**	6.23	6.23
1097.	**85005010**	2.41	0.38
1098.	**85005014**	4.13	0.47
1099.	**85005015**	2.76	1.84
1100.	**85005017**	0.15	0.15
1101.	**85005031**	1.39	0.46
1102.	**85005033**	1.25	1.25
1103.	**85005034**	0.83	0.71
1104.	**85019003**	10.45	10.45
1105.	**85019004**	7.52	6.38
1106.	**85019005**	8.66	2.73
1107.	**85019009**	3.86	3.86
1108.	**85019010**	2.63	2.63
1109.	**85019014**	5.24	5.24
1110.	**85019016**	6.16	6.16
1111.	**85019017**	1.65	1.65
1112.	**85019018**	6.76	6.76
1113.	**85019019**	3.35	3.35
1114.	**85019020**	3.75	3.75
1115.	**85019021**	3.62	0.65
1116.	**85019022**	5.23	5.23
1117.	**85019023**	2.06	2.06
1118.	**85019028**	1.95	1.95
1119.	**85019031**	1.27	1.27
1120.	**85019032**	1.20	1.20
1121.	**85019033**	2.84	0.83
1122.	**85019034**	2.45	1.28
1123.	**85019035**	2.53	1.86
1124.	**85019036**	2.52	1.89
1125.	**85019037**	2.79	1.58
1126.	**85019038**	2.66	1.06
1127.	**85019039**	3.39	3.39
1128.	**85019040**	2.68	1.29
1129.	**85019041**	2.60	1.78
1130.	**85019042**	1.75	1.75
1131.	**85019043**	2.08	2.08
1132.	**85019044**	2.05	2.05
1133.	**85019045**	2.14	2.14
1134.	**85019046**	2.24	2.24
1135.	**85019048**	2.13	2.13
1136.	**85019049**	0.66	0.66
1137.	**85019050**	2.23	2.23
1138.	**85019052**	1.63	1.63
1139.	**85019053**	1.93	1.93
1140.	**85019054**	0.98	0.98
1141.	**85019055**	2.10	2.10
1142.	**85019056**	1.98	1.98
1143.	**85019064**	1.72	1.72
1144.	**85019065**	4.11	4.11
1145.	**85019070**	0.96	0.96
1146.	**85019077**	2.57	2.57
1147.	**85019078**	1.95	1.95
1148.	**85019080**	1.61	1.61
1149.	**85019081**	1.66	1.66
1150.	**85021001**	2.44	2.44
1151.	**85021002**	3.71	3.71
1152.	**85021003**	3.97	3.97
1153.	**85022008**	1.02	1.02
1154.	**85029003**	0.97	0.10
1155.	**86003004**	10.88	10.88
1156.	**86003005**	10.98	10.98
1157.	**86003006**	2.34	2.34
1158.	**86003007**	5.49	5.49
1159.	**86003018**	1.77	1.77
1160.	**86003019**	6.93	6.93
1161.	**86003020**	10.89	10.89
1162.	**86003021**	2.00	2.00

1163.	**86003023**	4.33	4.33
1164.	**86003029**	10.30	10.30
1165.	**86003041**	1.13	1.13
1166.	**86003043**	0.15	0.15
1167.	**86003044**	0.19	0.19
1168.	**86003045**	0.19	0.19
1169.	**86003048**	1.98	1.98
1170.	**86003049**	2.34	2.34
1171.	**86003050**	3.02	3.02
1172.	**86003053**	4.94	4.94
1173.	**86003054**	2.43	2.43
1174.	**86003055**	2.63	2.63
1175.	**86004001**	12.06	12.06
1176.	**86004002**	12.02	7.09
1177.	**86004003**	11.93	7.00
1178.	**86004005**	0.88	0.88
1179.	**86004006**	1.00	0.75
1180.	**86004007**	1.00	0.33
1181.	**86004016**	12.10	1.94
1182.	**86005001**	10.10	10.10
1183.	**86005002**	6.18	6.18
1184.	**86005003**	5.01	5.01
1185.	**86005004**	1.00	1.00
1186.	**86005005**	5.01	5.01
1187.	**86005006**	0.98	0.98
1188.	**86005007**	7.02	7.02
1189.	**86005008**	11.95	11.95
1190.	**86005009**	5.02	5.02
1191.	**86005010**	1.00	1.00
1192.	**86005011**	0.93	0.93
1193.	**86006002**	14.63	14.63
1194.	**86006003**	16.08	16.08
1195.	**86006004**	7.91	7.91
1196.	**86006005**	3.65	3.65
1197.	**86006006**	11.91	11.91
1198.	**86006007**	11.96	11.96
1199.	**86006008**	8.35	8.35
1200.	**86006009**	8.19	8.19
1201.	**86007001**	5.99	5.99
1202.	**86007002**	8.17	8.17
1203.	**86007003**	1.03	1.03
1204.	**86007004**	1.07	1.07
1205.	**86007005**	1.89	1.89
1206.	**86007006**	0.99	0.99
1207.	**86007007**	6.93	6.93
1208.	**86007008**	4.21	4.21
1209.	**86007009**	0.50	0.50
1210.	**86007010**	1.02	1.02
1211.	**86007011**	3.82	3.82
1212.	**86007014**	0.31	0.31
1213.	**86007015**	0.15	0.15
1214.	**86007016**	0.15	0.15
1215.	**86007017**	0.15	0.15
1216.	**86007018**	0.14	0.14
1217.	**86007019**	0.15	0.15
1218.	**86007020**	0.13	0.13
1219.	**86007021**	0.14	0.14
1220.	**86007022**	0.14	0.14
1221.	**86007023**	0.14	0.14
1222.	**86007024**	0.14	0.14
1223.	**86007025**	0.14	0.14
1224.	**86007026**	0.14	0.14
1225.	**86007027**	0.15	0.15
1226.	**86007028**	0.14	0.14
1227.	**86007029**	0.14	0.14
1228.	**86007030**	0.16	0.16
1229.	**86007031**	3.48	3.48
1230.	**86007032**	2.36	2.36
1231.	**86007033**	1.00	1.00
1232.	**86007034**	0.97	0.97
1233.	**86007035**	1.05	1.05
1234.	**86007036**	1.02	1.02
1235.	**86007037**	0.95	0.95
1236.	**86007038**	0.96	0.96
1237.	**86007039**	1.00	1.00
1238.	**86007040**	1.03	1.03
1239.	**86007041**	1.00	1.00
1240.	**86007042**	0.97	0.97
1241.	**86007043**	0.82	0.82
1242.	**86007044**	1.64	1.64
1243.	**86007045**	3.55	3.55
1244.	**86007046**	1.98	1.98
1245.	**86007047**	6.75	6.75
1246.	**86008001**	0.24	0.24

1247.	**86008002**	10.50	10.50
1248.	**86008003**	0.93	0.93
1249.	**86008004**	11.00	11.00
1250.	**86008005**	2.97	1.50
1251.	**86008006**	2.96	2.96
1252.	**86008007**	2.97	2.97
1253.	**86008008**	7.95	7.95
1254.	**86008009**	1.93	1.93
1255.	**86008010**	0.78	0.78
1256.	**86008011**	3.76	3.76
1257.	**86008012**	2.98	0.98
1258.	**86008013**	2.79	0.55
1259.	**86008014**	1.86	1.86
1260.	**86008015**	7.55	1.46
1261.	**86008016**	0.53	0.11
1262.	**86008017**	1.44	1.44
1263.	**86008018**	1.98	1.98
1264.	**86008019**	10.77	7.27
1265.	**86008020**	2.13	2.13
1266.	**86008021**	1.06	1.06
1267.	**86008022**	2.90	2.90
1268.	**86008023**	1.80	1.80
1269.	**86008024**	1.56	1.56
1270.	**86008025**	1.21	1.21
1271.	**86008026**	1.54	1.19
1272.	**86008027**	1.96	1.96
1273.	**86008028**	2.99	2.99
1274.	**86008029**	2.04	2.04
1275.	**86009002**	1.01	0.82
1276.	**86009003**	1.50	1.01
1277.	**86009004**	5.31	2.76
1278.	**86009006**	11.78	11.78
1279.	**86009007**	11.70	3.08
1280.	**86009008**	0.97	0.97
1281.	**86009011**	2.34	1.45
1282.	**86009012**	5.58	5.58
1283.	**86009014**	9.29	9.29
1284.	**86009015**	2.16	2.16
1285.	**86009016**	4.66	4.66
1286.	**86009017**	2.44	2.44
1287.	**86010001**	1.02	1.02
1288.	**86010002**	1.01	1.01
1289.	**86010003**	1.00	1.00
1290.	**86010004**	0.51	0.51
1291.	**86010005**	1.24	1.24
1292.	**86010006**	10.46	10.46
1293.	**86010007**	1.22	1.22
1294.	**86010008**	1.00	1.00
1295.	**86010009**	2.00	2.00
1296.	**86010010**	0.26	0.26
1297.	**86010011**	2.50	2.50
1298.	**86010012**	5.24	5.24
1299.	**86010014**	0.99	0.99
1300.	**86010015**	5.19	5.19
1301.	**86010016**	1.99	1.99
1302.	**86010017**	3.98	3.98
1303.	**86010018**	1.19	1.19
1304.	**86010019**	1.20	1.20
1305.	**86010020**	1.19	1.19
1306.	**86010022**	0.17	0.17
1307.	**86010023**	1.10	1.10
1308.	**86010024**	0.49	0.49
1309.	**86010025**	1.00	1.00
1310.	**86010026**	1.19	1.19
1311.	**86010027**	1.04	1.04
1312.	**86010028**	1.01	1.01
1313.	**86010030**	0.18	0.18
1314.	**86010031**	0.19	0.19
1315.	**86010032**	0.19	0.19
1316.	**86010033**	0.18	0.18
1317.	**86010034**	0.17	0.17
1318.	**86010035**	0.17	0.17
1319.	**86010036**	0.18	0.18
1320.	**86010037**	0.17	0.17
1321.	**86010038**	0.17	0.17
1322.	**86010039**	2.04	2.04
1323.	**86010040**	2.04	2.04
1324.	**86010041**	2.16	2.16
1325.	**86010042**	2.18	2.18
1326.	**86010043**	2.35	2.35
1327.	**86010044**	2.03	2.03
1328.	**86010045**	1.97	1.97
1329.	**86010046**	2.00	2.00
1330.	**86010047**	1.96	1.96

1331.	**86010048**	2.74	2.74
1332.	**86011001**	2.68	2.60
1333.	**86011003**	1.54	1.37
1334.	**86011004**	22.80	22.80
1335.	**86011005**	2.72	2.72
1336.	**86011007**	0.98	0.98
1337.	**86011011**	2.50	2.50
1338.	**86011013**	1.93	1.93
1339.	**86011014**	1.24	0.52
1340.	**86012001**	10.97	10.97
1341.	**86012002**	2.02	2.02
1342.	**86012003**	0.61	0.61
1343.	**86012004**	4.64	4.64
1344.	**86012005**	0.46	0.46
1345.	**86012006**	0.46	0.46
1346.	**86012007**	0.46	0.46
1347.	**86012008**	0.79	0.79
1348.	**86012009**	0.46	0.46
1349.	**86012010**	0.37	0.37
1350.	**86012011**	4.14	4.14
1351.	**86012013**	1.78	1.78
1352.	**86012014**	1.96	1.96
1353.	**86012015**	2.07	2.07
1354.	**86012016**	2.77	2.77
1355.	**86012017**	1.98	1.98
1356.	**86012018**	0.98	0.98
1357.	**86012019**	1.68	1.68
1358.	**86012020**	5.96	5.96
1359.	**86012022**	1.35	1.35
1360.	**86013001**	6.93	6.93
1361.	**86013002**	8.91	7.71
1362.	**86013003**	4.45	4.45
1363.	**86013004**	9.48	3.91
1364.	**86013005**	17.87	17.87
1365.	**86014002**	10.19	10.19
1366.	**86014003**	4.99	4.99
1367.	**86014004**	5.00	5.00
1368.	**86014005**	4.14	4.14
1369.	**86014006**	1.00	1.00
1370.	**86014007**	1.02	1.02
1371.	**86014008**	0.62	0.62
1372.	**86014010**	1.01	1.01
1373.	**86019001**	2.01	2.01
1374.	**86019002**	6.00	6.00
1375.	**86019022**	1.06	1.06
1376.	**86019023**	1.03	1.03
1377.	**86019040**	3.89	3.89
1378.	**86024001**	6.06	6.06
1379.	**86024002**	2.69	2.69
1380.	**86024003**	4.03	4.03
1381.	**86024005**	2.62	2.62
1382.	**86024007**	13.52	13.52
1383.	**86024008**	1.99	1.99
1384.	**86024011**	2.00	2.00
1385.	**86024012**	1.98	1.98
1386.	**86024013**	1.95	1.95
1387.	**86024014**	3.95	3.95
1388.	**87003005**	4.82	4.82
1389.	**87003006**	4.93	4.93
1390.	**87003007**	8.71	8.71
1391.	**87003008**	8.48	8.48
1392.	**87003009**	3.08	3.08
1393.	**87003022**	2.47	2.47
1394.	**87003026**	2.82	2.82
1395.	**87003027**	3.11	3.11
1396.	**87003028**	3.48	3.48
1397.	**87003029**	2.95	2.95
1398.	**87003030**	8.01	8.01
1399.	**87003031**	7.75	7.75
1400.	**87003032**	2.65	2.65
1401.	**87003058**	3.03	3.03
1402.	**87003066**	2.49	2.49
1403.	**87003067**	3.02	3.02
1404.	**87003068**	2.46	2.46
1405.	**87003069**	3.35	3.35
1406.	**87003070**	2.42	2.42
1407.	**87003071**	1.96	1.96
1408.	**87003072**	1.03	1.03
1409.	**87003073**	1.07	1.07
1410.	**87004002**	0.14	0.14
1411.	**87004003**	0.14	0.14
1412.	**87004004**	0.14	0.14
1413.	**87004005**	0.14	0.14
1414.	**87004006**	0.14	0.14

1415.	**87004029**	0.13	0.13
1416.	**87004045**	6.96	6.96
1417.	**87004046**	4.08	4.08
1418.	**87004047**	14.31	14.31
1419.	**87004062**	0.83	0.83
1420.	**87007006**	4.42	2.99
1421.	**87007008**	2.99	1.10
1422.	**87007009**	2.26	1.21
1423.	**87007010**	3.36	1.54
1424.	**87007013**	0.71	0.71
1425.	**87007069**	2.49	2.33
1426.	**87007070**	1.96	0.29
1427.	**87009003**	11.95	10.17
1428.	**87010003**	190.30	112.33
1429.	**87010005**	3.22	3.22
1430.	**87010006**	21.07	15.39
1431.	**87010008**	1.82	1.82
1432.	**87010009**	1.82	1.82
1433.	**87010010**	2.74	2.74
1434.	**87010015**	0.34	0.34
1435.	**87010016**	23.84	23.84
1436.	**87010017**	1.82	1.82
1437.	**87010018**	2.41	2.41
1438.	**87010019**	1.83	1.83
1439.	**87010020**	85.81	44.47
1440.	**87017039**	5.90	5.90
1441.	**87018001**	3.26	3.26
1442.	**87018002**	5.02	5.02
1443.	**87018003**	11.76	11.76
1444.	**87018004**	12.24	12.24
1445.	**87018005**	3.82	3.82
1446.	**87018006**	11.08	11.08
1447.	**87018007**	2.45	2.45
1448.	**87018008**	5.04	5.04
1449.	**87018009**	8.96	8.96
1450.	**87018010**	1.65	1.65
1451.	**87018011**	4.46	4.46
1452.	**87018012**	4.47	4.47
1453.	**87018013**	4.49	4.49
1454.	**87018014**	4.72	4.72
1455.	**87018015**	4.04	4.04
1456.	**87018016**	4.50	4.50
1457.	**87018017**	4.51	4.51
1458.	**87018018**	2.47	2.47
1459.	**87018019**	2.54	2.54
1460.	**87018020**	2.54	2.54
1461.	**87018021**	2.51	2.51
1462.	**87018022**	4.99	4.99
1463.	**87018023**	4.97	4.97
1464.	**87018024**	4.95	4.95
1465.	**87018025**	4.98	4.98
1466.	**87018026**	2.49	2.49
1467.	**87018027**	1.47	1.47
1468.	**87018028**	2.59	2.59
1469.	**87018029**	4.48	4.48
1470.	**87018030**	3.94	3.94
1471.	**87018031**	6.99	6.96
1472.	**87018032**	5.42	5.42
1473.	**87018033**	3.86	3.86
1474.	**87018034**	5.87	5.87
1475.	**87018035**	4.94	4.94
1476.	**87018036**	2.85	2.85
1477.	**87018037**	3.93	3.93
1478.	**87018038**	3.72	3.72
1479.	**87018039**	3.94	3.94
1480.	**87018041**	2.19	2.19
1481.	**87018042**	1.00	1.00
1482.	**87018043**	2.45	2.45
1483.	**87018044**	1.67	1.67
1484.	**87018045**	1.68	1.68
1485.	**87018046**	1.67	1.67
1486.	**87018047**	1.67	1.67
1487.	**87018048**	2.51	2.51
1488.	**87018049**	1.68	1.68
1489.	**87018050**	4.93	4.93
1490.	**87018051**	4.99	4.99
1491.	**87018055**	3.35	3.35
1492.	**87018056**	3.32	3.32
1493.	**87018057**	0.99	0.99
1494.	**87018058**	5.02	5.02
1495.	**87018059**	2.53	2.53
1496.	**87018060**	4.96	4.96
1497.	**87018061**	6.51	6.51
1498.	**87019001**	8.29	8.29

1499.	**87019002**	8.00	5.62
1500.	**87019003**	10.08	6.42
1501.	**87019004**	4.81	3.00
1502.	**87019005**	5.01	3.23
1503.	**87019006**	5.02	3.44
1504.	**87019007**	3.08	2.73
1505.	**87019008**	10.05	10.05
1506.	**87019009**	5.67	3.55
1507.	**87019010**	5.18	5.18
1508.	**87019011**	16.34	16.34
1509.	**87019012**	1.36	1.36
1510.	**87019014**	2.02	2.02
1511.	**87019015**	1.01	1.01
1512.	**87019016**	1.14	1.14
1513.	**87019017**	1.49	1.49
1514.	**87019018**	1.84	1.84
1515.	**87019019**	5.36	5.36
1516.	**87019020**	2.48	2.48
1517.	**87019021**	5.13	5.13
1518.	**87019022**	5.14	5.14
1519.	**87019023**	5.00	5.00
1520.	**87019024**	4.84	4.84
1521.	**87019025**	4.80	4.80
1522.	**87019026**	2.89	2.89
1523.	**87019027**	6.58	6.58
1524.	**87019028**	5.23	5.23
1525.	**87019029**	5.21	5.21
1526.	**87019030**	2.81	2.81
1527.	**87019031**	2.84	2.84
1528.	**87019032**	6.85	6.85
1529.	**87019033**	5.02	5.02
1530.	**87019034**	5.03	5.03
1531.	**87019035**	1.41	1.41
1532.	**87019036**	4.43	4.43
1533.	**87019037**	2.83	2.83
1534.	**87019038**	14.63	14.63
1535.	**87019039**	9.94	9.94
1536.	**87019040**	2.50	2.50
1537.	**87019041**	2.51	2.51
1538.	**87019042**	5.08	5.08
1539.	**87019043**	5.15	5.15
1540.	**87019047**	0.90	0.90
1541.	**87019048**	2.84	2.84
1542.	**87019049**	1.92	1.92
1543.	**87019050**	2.00	2.00
1544.	**87019051**	2.07	2.07
1545.	**87019052**	2.00	2.00
1546.	**87019053**	1.00	1.00
1547.	**87019054**	5.28	5.28
1548.	**87019055**	2.49	2.49
1549.	**87019056**	4.90	4.90
1550.	**87019057**	1.93	1.93
1551.	**87019058**	1.48	1.48
1552.	**87019059**	4.01	4.01
1553.	**87019060**	2.04	2.04
1554.	**87019061**	3.16	2.43
1555.	**87019062**	1.90	1.40
1556.	**87019063**	1.98	1.62
1557.	**87019064**	1.97	1.94
1558.	**87019065**	1.86	1.86
1559.	**87019066**	1.76	1.76
1560.	**87019067**	1.53	1.53
1561.	**87019068**	1.53	1.53
1562.	**87019069**	1.64	1.64
1563.	**87019070**	0.99	0.99
1564.	**87019071**	1.03	1.03
1565.	**87019072**	1.00	1.00
1566.	**87019073**	0.97	0.97
1567.	**87019074**	2.99	2.99
1568.	**87019075**	1.36	1.36
1569.	**87019076**	5.17	3.19
1570.	**87019077**	1.24	1.24
1571.	**87019079**	0.91	0.91
1572.	**87019080**	2.88	2.88
1573.	**87021001**	5.25	5.25
1574.	**87021002**	4.77	4.77
1575.	**87021003**	4.87	4.87
1576.	**87021004**	4.71	4.71
1577.	**87021005**	3.10	3.10
1578.	**87021006**	3.82	3.82
1579.	**87021007**	9.65	9.65
1580.	**87021008**	2.58	2.58
1581.	**87021009**	2.41	2.41
1582.	**87021010**	2.04	2.03

1583.	**87021011**	4.77	4.77
1584.	**87021012**	2.51	1.34
1585.	**87021013**	2.14	2.14
1586.	**87021014**	4.93	4.93
1587.	**87021015**	2.48	2.48
1588.	**87021016**	4.60	4.60
1589.	**87021017**	5.03	5.03
1590.	**87021018**	4.98	4.98
1591.	**87021019**	5.02	5.02
1592.	**87021020**	4.97	4.97
1593.	**87021021**	1.49	1.49
1594.	**87021022**	5.00	5.00
1595.	**87021023**	4.99	4.99
1596.	**87021024**	5.00	5.00
1597.	**87021025**	7.38	7.38
1598.	**87021031**	0.98	0.98
1599.	**87021032**	2.35	2.35
1600.	**87021033**	1.01	1.01
1601.	**87021034**	0.94	0.94
1602.	**87021036**	2.49	2.49
1603.	**87021037**	2.48	2.48
1604.	**87021038**	4.77	4.77
1605.	**87021039**	2.58	2.58
1606.	**87021040**	3.15	3.15
1607.	**87021041**	3.07	3.07
1608.	**87021042**	0.00	0.00
1609.	**87021043**	2.00	2.00
1610.	**87021044**	3.08	3.08
1611.	**87021045**	3.17	3.17
1612.	**87021046**	3.41	3.41
1613.	**87021047**	2.04	0.59
1614.	**87021048**	2.40	2.40
1615.	**87022001**	1.99	1.99
1616.	**87022002**	2.41	2.41
1617.	**87022003**	2.38	2.38
1618.	**87022004**	2.40	2.40
1619.	**87022005**	2.42	2.42
1620.	**87022007**	2.86	2.86
1621.	**87022008**	1.19	1.19
1622.	**87022009**	1.19	1.19
1623.	**87022010**	1.19	1.19
1624.	**87022011**	2.37	2.37
1625.	**87022013**	2.40	2.40
1626.	**87022014**	2.39	2.39
1627.	**87022015**	2.40	2.40
1628.	**87022016**	2.40	2.40
1629.	**87022017**	1.95	1.95
1630.	**87022032**	1.21	1.21
1631.	**92001002**	1.24	1.24
1632.	**92001004**	0.24	0.24
1633.	**92001011**	405.89	387.72
1634.	**92001016**	0.20	0.20
1635.	**92001017**	0.83	0.83
1636.	**92002006**	116.23	54.83
1637.	**92004002**	1.48	1.48
1638.	**92004007**	1.52	1.52
1639.	**92004008**	1272.13	1272.12
1640.	**92004010**	427.54	427.54
1641.	**92005001**	3.99	3.99
1642.	**92005022**	2399.77	2399.63
1643.	**92005023**	118.05	118.05
1644.	**92045002**	837.99	836.06
1645.	**92045004**	0.24	0.24
1646.	**92045005**	4.41	1.20
1647.	**92045006**	0.15	0.15
1648.	**92049007**	791.48	789.48
1649.	**92049010**	0.86	0.86
1650.	**92049011**	1.69	1.67
1651.	**92052001**	5.04	5.04
1652.	**92052002**	15.51	15.51
1653.	**92052003**	16.14	16.14
1654.	**92052004**	10.36	10.36
1655.	**92052005**	5.62	5.62
1656.	**92052006**	6.06	6.06
1657.	**92052007**	16.35	16.35
1658.	**92052008**	7.00	7.00
1659.	**92052009**	5.18	5.18
1660.	**92052010**	5.08	5.08
1661.	**92052011**	5.07	5.07
1662.	**92052012**	5.10	5.10
1663.	**92052013**	5.11	5.11
1664.	**92052014**	5.11	5.11
1665.	**92052015**	5.62	5.62
1666.	**92052016**	5.18	5.18

1667.	**92052017**	5.43	5.43
1668.	**92052018**	5.76	5.76
1669.	**92052019**	5.29	5.29
1670.	**92052020**	5.22	5.22
1671.	**92052021**	5.12	5.12
1672.	**92052022**	10.82	10.82
1673.	**92052023**	11.25	11.25
1674.	**92052024**	5.53	5.53
1675.	**92052025**	5.22	5.22
1676.	**92052026**	10.10	10.10
1677.	**92052028**	11.75	11.75
1678.	**92052029**	5.38	5.38
1679.	**92052030**	5.30	5.30
1680.	**92052031**	16.66	16.66
1681.	**92052032**	5.42	5.42
1682.	**92052033**	12.31	12.31
1683.	**92052034**	5.23	5.23
1684.	**92052035**	5.19	5.19
1685.	**92052036**	5.24	5.24
1686.	**92052037**	5.11	5.11
1687.	**92052038**	5.12	5.12
1688.	**92052039**	5.15	5.15
1689.	**92052040**	11.33	11.33
1690.	**92052041**	10.00	10.00
1691.	**92053001**	10.62	10.62
1692.	**92053002**	10.61	10.61
1693.	**92053003**	5.26	5.26
1694.	**92053004**	5.23	5.23
1695.	**92053005**	12.13	12.13
1696.	**92053006**	3.73	3.58
1697.	**92053007**	2.40	2.33
1698.	**92053008**	12.28	12.28
1699.	**92053009**	5.27	5.27
1700.	**92053010**	10.43	10.43
1701.	**92053011**	10.49	10.49
1702.	**92053012**	10.41	10.41
1703.	**92053013**	5.21	5.21
1704.	**92053014**	16.48	16.48
1705.	**92053015**	1.65	1.65
1706.	**92053016**	5.72	5.72
1707.	**92053017**	5.28	5.28
1708.	**92053018**	5.18	5.18
1709.	**92053019**	5.15	5.15
1710.	**92053020**	5.21	5.21
1711.	**92053021**	10.55	10.55
1712.	**92053022**	10.70	10.70
1713.	**92053023**	17.91	17.91
1714.	**92053024**	10.23	10.23
1715.	**92053025**	17.64	17.64
1716.	**92053026**	5.24	5.24
1717.	**92053027**	5.07	5.07
1718.	**92053028**	5.08	5.08
1719.	**92053029**	10.23	10.23
1720.	**92053030**	5.24	5.24
1721.	**92053031**	6.15	6.15
1722.	**92053032**	5.56	5.56
1723.	**92053033**	6.81	6.81
1724.	**92053034**	5.83	5.83
1725.	**92053035**	11.24	11.24
1726.	**92053036**	21.08	21.08
1727.	**92053037**	5.29	5.29
1728.	**92053038**	20.67	20.67
1729.	**92053039**	15.60	15.60
1730.	**92053040**	5.07	5.07
1731.	**92053041**	5.04	5.04
1732.	**92053042**	10.57	10.57
1733.	**92053043**	10.12	10.12
1734.	**92053044**	10.17	10.17
1735.	**92053045**	10.46	10.46
1736.	**92053046**	10.24	10.24
1737.	**92053047**	5.16	5.16
1738.	**92053048**	10.62	10.62
1739.	**92053049**	9.36	9.36
1740.	**92053050**	1.38	1.38
1741.	**92053051**	5.62	5.62
1742.	**92053052**	10.47	10.47
1743.	**92053053**	5.20	5.20
1744.	**92053054**	5.21	5.21
1745.	**92053055**	10.46	10.46
1746.	**92053056**	5.11	5.11
1747.	**92053057**	10.40	10.40
1748.	**92053058**	10.21	10.21
1749.	**92053061**	2.25	2.25
1750.	**92053062**	2.69	2.69

1751.	**92053063**	15.06	15.06
1752.	**92053065**	20.21	20.21
1753.	**92053066**	4.83	4.83
1754.	**92053067**	10.01	10.01
1755.	**92053068**	0.25	0.25
1756.	**94002008**	49.24	32.95
1757.	**94003001**	875.14	875.14
1758.	**94003003**	38.94	38.89
1759.	**94004002**	13.49	12.11
1760.	**94004003**	3.63	3.63
1761.	**94004004**	560.14	560.14
1762.	**94004005**	0.25	0.25
1763.	**94004007**	14.77	14.77
1764.	**94004008**	1.63	0.98
1765.	**94004009**	205.38	205.38
1766.	**94004010**	109.42	109.42
1767.	**94004011**	43.72	43.72
1768.	**94004012**	534.13	534.13
1769.	**94004019**	59.54	57.09
1770.	**94005010**	32.08	11.15
1771.	**94005050**	0.40	0.40
1772.	**94005052**	50.17	20.25
1773.	**94005069**	17.49	17.49
1774.	**94005090**	34.75	34.47
1775.	**94005091**	34.76	34.64
1776.	**94005092**	34.39	32.77
1777.	**94005095**	23.54	9.46
1778.	**94005096**	39.09	38.57
1779.	**94005097**	210.42	191.83
1780.	**94006003**	2.62	2.23
1781.	**94006029**	212.66	212.65
1782.	**94006041**	0.21	0.21
1783.	**94007025**	0.29	0.29
1784.	**94007044**	6.90	6.13
1785.	**94007045**	3.64	3.59
1786.	**94056109**	1.80	1.80
1787.	**95001086**	51.14	48.40
1788.	**95001087**	94.28	94.28
1789.	**95002003**	162.96	162.96
1790.	**95002062**	39.17	9.16
1791.	**95003001**	1029.50	1029.50
1792.	**95003002**	7.62	7.62
1793.	**95003004**	486.34	486.34
1794.	**95003007**	91.20	91.20
1795.	**95003009**	3.41	3.41
1796.	**95003010**	74.36	31.49
1797.	**95003012**	5.00	2.65
1798.	**95003013**	9.08	5.59
1799.	**95046041**	19.27	0.59
1800.	**98011014**	10.97	10.97

OCTOBER 9(TUE) - 15(MON) 2018

東北フェア

TOHOKU FAIR!

SAMPLING
OCT. 9(Tue)-14(Sun)
9am-3pm

Marukai Made Special Bento!

TOHOKU DELUXE BENTO 9.99
MORE AVAILABLE!
*Food items may not be exactly as shown.
Available OCTOBER 9(Tue) - 14(Sun) after 10:30am

ARPAJON GOURMET CAKES
Moist and light soufflé-type cheesecake

ASA NO HAKKODA CHEESECAKES 5pc.
• Regular KSAJ01
• Chocolate KSAJ06
9.99 EACH
• Matcha KSAJ02... 11.99
• Tsugaru Apple KSAJ07
• Strawberry KSAJ08
• Pumpkin KSAJ09 11.99

SABA BO SUSHI
Roll sushi made with Aomori Shime Saba
3.99 4 Pcs.

SANRIKU COAST SEAFOOD
Special Price!
• SABA FILLET
• IWASHI
BOILED SCALLOPS 13.99

MIYAKIN SWEETS
AGE KOMA MANJU
• Azuki
• Goma
• Matcha
5.99 3 pcs. • 6 pcs. 9.99

FRUIT DAIFUKU Assorted
• 1 pc. 1.99
• 3 pcs. 5.49
• 6 pcs. 9.99

KUDZU ICE POP
Black Currant Flavor 1.94 oz. KOMK40
1.99

IKA RING TATSUTA AGE
7.05 oz. KKWF24
Deep fry frozen Ika Ring for 2-3 min.
5.49

PREMIUM BUTTER ROLL CAKE 15.87 oz. KOMK52
19.99

KANZURI CHILI PEPPER PASTE
KANZURI ZUKE 2.82 oz.
• Yuzu peel KKZR14
• Sansai KKZR08
• Shiso No Mi KKZR12
KKZR05 5.79
8.49 EACH KKZR09
KANZURI SHUTO 2.82 oz. 4.99
KANZURI 2.46 oz. KKZR07 6.49
KANZURI SAKI IKA 1.76 oz. KKZR11 4.99

WAFU GEKIKARA SAUCE 2 oz.
• Red Habanero KKZR03
• Green Habanero KKZR04
3.99 EACH
• Gold Carolina Reaper "The world's hottest chili pepper" KKZR10 4.99
Special Price!

IGARASHI SEIMEN KITAKATA RAMEN
RAMEN 3.7-3.91 oz. a
• Kitakata Shoyu KIGR01
• Hakodate Shio Aji KIGR05
• Tokyo Shoyu KIGR04
• Sapporo Miso KIGR03
1.67 EACH

HIYASHI CHUKA 4.62 oz. KIGR06
1.67

• GOBO • YAMAIMO WHOLE • CUT
AIR FLOWN from AOMORI, JAPAN!

MORE TOHOKU Items In Store!

Enjoy the Marukai Shopping Experience!
JOIN TODAY! ANNUAL MEMBERSHIP Only $10.00 Reg. $15.00

MARUKAI WHOLESALE MART
THE MEMBERSHIP STORE
2310 Kamehameha Hwy. Open Daily 8am-8pm 845-5051

ADVERTISED PRICES are for MEMBERS ONLY!
AD EFFECTIVE: OCTOBER 9-15, 2018
www.marukaihawaii.com
See Marukai Customer Service Counter to sign up and for complete details.



CRAIG T. KOJIMA / CKOJIMA@STARADVERTISER.COM

Be careful out there

The Honolulu Police Department kicked off its pedestrian safety campaign Friday at the intersection of Bishop and King streets. While some police officers briefed pedestrians on crosswalk safety, others held signs on Bishop Street.

DATABASE

Continued from **B1**

bill that became Act 54 in 2011 ultimately appropriated up to $360,000 from a land conservation fund for the work that lawmakers wanted completed by the end of 2013.

DLNR got a slow start on the system in part because its state lands information systems manager resigned, but the agency said its Land Division personnel, in-house information technology staff and contractor Onyx Group finished the system in early 2015 at a cost of $213,000.

After more modifications that cost $97,382, the public portal was finished in June.

All the work required coordinating data from about 40 agencies, including information from permits to use state land. Linking the data with a geographic information system that shows parcels on a map also was needed, and allows searches by pointing on the map or entering an address or tax map key number.

By simply browsing, someone can see that the state Department of Hawaiian Home Lands owns much of the land around Makapuu Beach Park while DLNR owns the shoreline area, and that DLNR earned $2,065 from 101 beach weddings there in fiscal year 2014.

At Keaiwa Heiau State Recreation Area in Aiea, DLNR reported collecting $7,759 for 381 camping permits.

Near Kewalo Basin, the Submarines Hawaii Inc. affiliate of tour firm Roberts Hawaii holds an easement over 4.2 acres of submerged state land for $5,500 a year good through 2039, according to the website.

The website allows searching for lessees of state land by name. For instance, Diamond Head Papaya Co. Ltd. leases state farmland on Hawaii island for $8,508 a year; Diamond Head Aviation LLC leases land and a building at Kalaeloa Airport for $10,500 a year; and the nonprofit Diamond Head Theatre leases its site next to Kapiolani Community College for $480 a year.

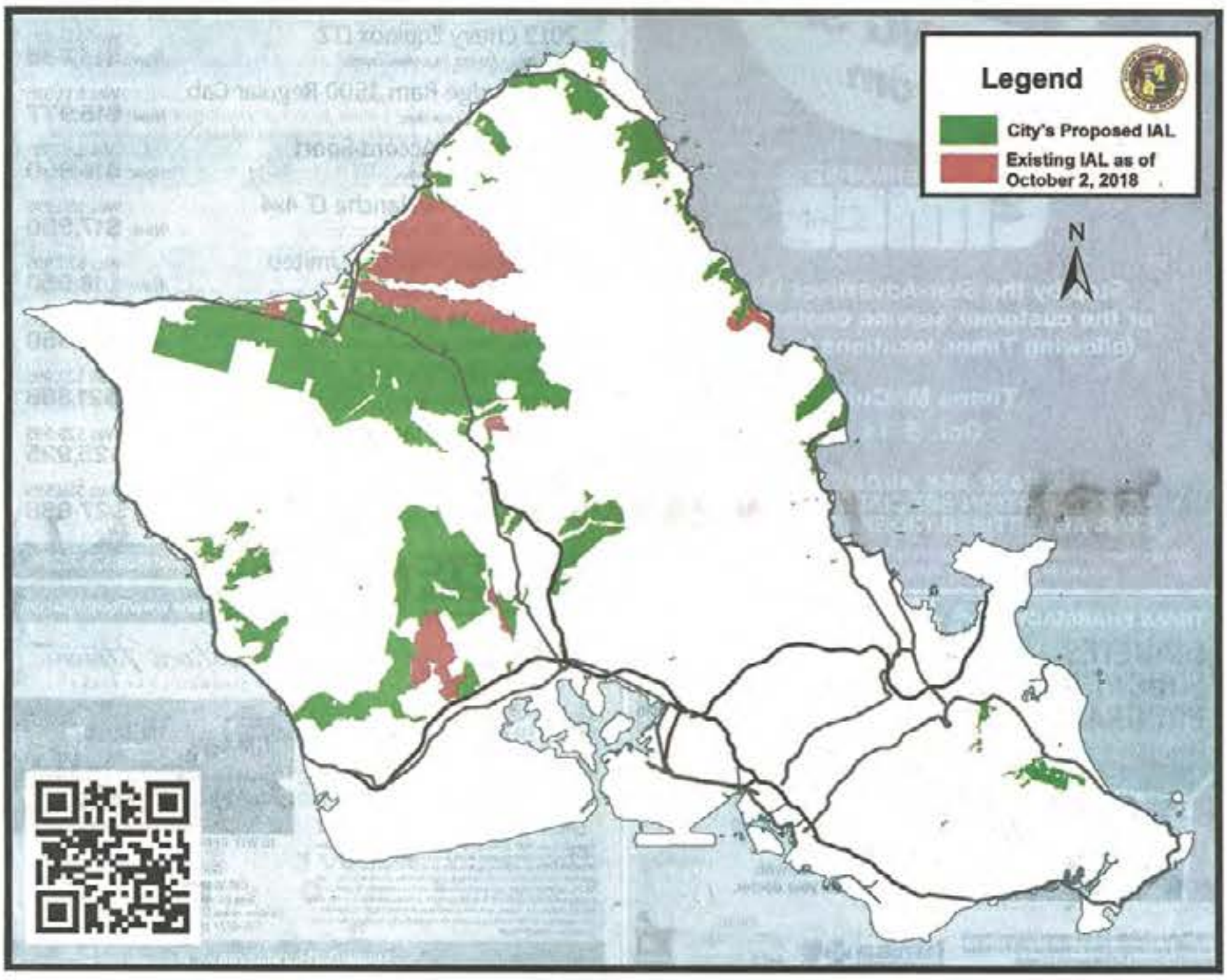
There are some disclaimers about the information, and DLNR has encouraged all state departments and counties to regularly update data in the system.

To access the Public Land Trust Information System, visit pltis.hawaii.gov.

WHERE ARE O'AHU'S IMPORTANT AGRICULTURAL LANDS?

The City and County of Honolulu, Department of Planning and Permitting (DPP), is informing owners and the public that certain agricultural lands are being recommended for Important Agricultural Lands (IAL) designation, pursuant to Section 205-47, Hawaii Revised Statutes. Due to scale limitations, the below map only displays the largest IAL parcels. The complete set of DPP's online IAL Maps and properties proposed for IAL designation are available at https://bit.ly/2N4TjqD.

The DPP's IAL report and recommended maps have been submitted to the Honolulu City Council, which is tasked with recommending the maps by resolution, with or without changes, to the State Land Use Commission for adoption. For more information, please call the DPP at (808) 768-8049.



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. 18-201

RESOLUTION

REQUESTING THE COUNCIL'S AGRICULTURAL DEVELOPMENT TASK FORCE TO REVIEW THE REPORT OF THE DEPARTMENT OF PLANNING AND PERMITTING ON THE OAHU IMPORTANT AGRICULTURAL LAND MAPPING PROJECT, MAKE RECOMMENDATIONS ON THE PROPOSED IMPORTANT AGRICULTURAL LAND DESIGNATIONS, AND SUGGEST POSSIBLE INCENTIVES FOR IMPORTANT AGRICULTURAL LANDS.

WHEREAS, in 1978, concerns regarding Hawaii's shift from a plantation-based economy to one centered on tourism prompted a State Constitutional Convention to propose a constitutional amendment to identify and designate Important Agricultural Lands ("IAL") in order to preserve and promote diversified agriculture, assure the availability of agricultural land, and increase Hawaii's agricultural self-sufficiency; and

WHEREAS, the proposed constitutional amendment was approved by voters in 1978 and enacted as Article XI, Section 3, of the Constitution of the State of Hawaii, and sets out the framework for State of Hawaii ("State") policies and all legislation related to IAL; and

WHEREAS, the State Legislature subsequently passed Act 183, Session Laws of Hawaii 2005 ("Act 183"), and Act 233, Session Laws of Hawaii 2008 ("Act 233"), which amended Chapter 205, Hawaii Revised Statutes ("HRS"), the State's Land Use Law, to define the framework for the identification and designation of IAL in Part III of the Chapter; and

WHEREAS, HRS Chapter 205, Part III, also provides for incentives and regulations to support Hawaii's agricultural industry and to protect Hawaii's agricultural lands for agricultural uses; and

WHEREAS, HRS Chapter 205, Part III, also mandates that each county, through its planning department, identify lands within its jurisdiction that have the potential for IAL designation and to prepare draft maps of their recommendations; and

WHEREAS, the draft maps are to be submitted to the county councils for decision-making, and the councils are to adopt the maps, with or without changes, by resolution; and

WHEREAS, the adopted maps are then to be transmitted to the State Land Use Commission for processing and designation of the IAL; and

RESOLUTION

WHEREAS, HRS Chapter 205, Part III, also mandates the counties to develop incentives to promote the viability of agricultural enterprise on IAL and to assure the availability of IAL for long-term agricultural use; and

WHEREAS, in August of 2018 the City's Department of Planning and Permitting ("DPP") released its report on the "Oahu Important Agricultural Land Mapping Project," in which the DPP presents its recommendations for the lands on Oahu that meet the statutory requirements for consideration of IAL designation in accordance with Act 183; and

WHEREAS, in 2004 the City Council ("Council") established an Agricultural Development Task Force via Resolution 04-288, CD1, in order to support ongoing agricultural activities and enhance the profitability and viability of agricultural businesses on Oahu; and

WHEREAS, the priority focus of the Council's Agricultural Development Task Force includes, but is not limited to:

1. Reviewing the land use ordinance regarding zoning for agricultural areas and the necessary changes in zoning to reflect changes in agricultural practices; and

2. Addressing gentleman farming from a land use perspective by restricting these uses in agricultural areas; and

3. Reevaluating requirements for roads and utilities within agriculturally zoned areas; and

4. Examining the agricultural tax rate; and

5. Developing incentives to benefit and enhance the agricultural industry; and

WHEREAS, the Council finds that the Agricultural Development Task Force is ideally situated, with its membership of experienced and knowledgeable agricultural industry experts and priority focus on City agricultural legislation, to review the DPP's report on the Oahu Important Agricultural Land Mapping Project and report its findings back to the Council; now, therefore,

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. 18-201

RESOLUTION

BE IT RESOLVED by the Council of the City and County of Honolulu that it requests the Agricultural Development Task Force to review the Department of Planning and Permitting's report on the Oahu Important Agricultural Land Mapping Project and to make recommendations on the designation of Important Agricultural Lands; and

BE IT FURTHER RESOLVED that the Agricultural Development Task Force is further requested to suggest possible incentives for enactment by the Council to promote the viability of agricultural enterprise on Important Agricultural Lands and to assure the availability of IAL for long-term agricultural use; and

BE IT FURTHER RESOLVED that the task force report its findings and recommendations in writing to the Council no later than 90 days from the date of adoption of this resolution; and

BE IT FINALLY RESOLVED that copies of this resolution be transmitted to the Mayor, the Managing Director, the Director of the Department of Planning and Permitting, and the Chair of the Agricultural Development Task Force.

INTRODUCED BY:

DATE OF INTRODUCTION:

SEP 18 2018
Honolulu, Hawaii

Councilmembers

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

CERTIFICATE

RESOLUTION 18-201

Introduced: 09/18/18 By: ERNEST MARTIN Committee: COUNCIL

Title: RESOLUTION REQUESTING THE COUNCIL'S AGRICULTURAL DEVELOPMENT TASK FORCE TO REVIEW THE REPORT OF THE DEPARTMENT OF PLANNING AND PERMITTING ON THE OAHU IMPORTANT AGRICULTURAL LAND MAPPING PROJECT, MAKE RECOMMENDATIONS ON THE PROPOSED IMPORTANT AGRICULTURAL LAND DESIGNATIONS, AND SUGGEST POSSIBLE INCENTIVES FOR IMPORTANT AGRICULTURAL LANDS.

Voting Legend: * = Aye w/Reservations

		CC-280 ANDERSON – REFERRAL OF RESOLUTION 18-201 FROM COMMITTEE ON PLANNING DIRECT TO COUNCIL FLOOR.
11/14/18	COUNCIL	RESOLUTION 18-201 WAS ADOPTED. 8 AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MARTIN, MENOR, OZAWA, PINE. 1 ABSENT: ANDERSON.

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this RESOLUTION.

GLEN I. TAKAHASHI, CITY CLERK

ERNEST Y. MARTIN, CHAIR AND PRESIDING OFFICER

'19FEB 5 PM 1:25 CITY CLERK

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

AGRICULTURAL DEVELOPMENT TASK FORCE

The Honorable Ann Kobayashi
Interim Chair and Presiding Officer
and Members
Honolulu City Council
520 South King Street, Room 202
Honolulu, Hawaii 96813

February 5, 2019

Dear Chair Kobayashi and Councilmembers:

SUBJECT: Recommendations of the Agricultural Development Task Force on the Proposed Important Agricultural Land Designation, and Suggested Possible Incentives for Important Agricultural Lands.

Per your request your Agricultural Development Task Force is submitting its recommendations regarding possible incentives for Important Agricultural Land ("IAL"). They are as follows:

1. Agriculture real property tax - automatic renewal of agricultural dedication.
2. Waive building permit fee and other administrative fees.
3. Priority or expedited building permit approval.
4. Reduce or ease requirements for fire hydrants, roads, etc.
5. Waive impact fee and other fees for water hook up (similar to incentives for affordable housing).
6. Waive fees for back flow preventer.
7. Priority list for City services such as grants and programs.
8. Reduce building requirements for greenhouses.
9. Auto registration for farm equipment.

Regarding the Department of Planning and Permitting's proposed IAL designations, your Agricultural Development Task Force is recommending that the following parcels: TMK 9-2-005-004, TMK 9-2-005-022, TMK 9-4-004-005, and TMK 9-2-005-001 have the designation of IAL removed. It was brought to our attention that the land owners (Land Lease and the United States Army) are in discussion regarding the exact location of where the IAL location is to be. Until then the commitment from both land owners is to keep the agriculture designation on all the land.

COUNCIL COM. 35

Finally, your Agricultural Development Task Force, while not opposed it, has some concerns regarding the monitoring of small IAL designated parcels. Specifically, with regard to how those lands will be monitored.

Sincerely,
The Agricultural Development Task Force

REPORT OF THE COMMITTEE ON ZONING AND HOUSING

Voting Members:
Kymberly Marcos Pine, Chair; Carol Fukunaga, Vice-Chair;
Ikaika Anderson, Michael Formby, Ron Menor, Heidi Tsuneyoshi

Committee Meeting Held
April 25, 2019

Honorable Ann H. Kobayashi
Interim Chair, City Council
City and County of Honolulu

Madam Chair:

Your Committee on Zoning and Housing, which considered Resolution 18-233 entitled:

"RESOLUTION RELATING TO THE IDENTIFICATION OF IMPORTANT AGRICULTURAL LANDS,"

transmitted by Departmental Communication 648 (2018), dated October 11, 2018, from the Department of Planning and Permitting ("DPP"), and introduced on October 18, 2018, reports as follows:

The purpose of Resolution 18-233 is to identify and map potential lands to be considered for designation as important agricultural lands ("IAL") on Oahu.

On August 21, 2018, the DPP, by Departmental Communication 578 (2018), transmitted to the Council a report entitled "Oahu Important Agricultural Land Mapping Project" (the "Report"), which contains maps identifying lands in the City that are recommended for designation as IAL.

By Council Communications 134 and 155 (2019), Councilmember Pine and Council Chair Kobayashi, respectively, proposed amendments to the maps identifying lands recommended for IAL designation.

The DPP Deputy Director testified that the DPP had no objections to the proposed map amendments and would assist in revising the maps as requested.

At your Committee's meeting on April 25, 2019, Cades Schutte (on behalf of its clients) offered comments on the Resolution.

Your Committee also received written testimony offering comments on the Resolution from Hawaii's Thousand Friends.

Your Committee prepared a CD1 version of the Resolution, which incorporates the amendments proposed in Council Communications 134 and 155 (2019), and makes the following amendments:

A. Adds a first WHEREAS clause to state the requirements set forth in Article XI, Section 3 of the Constitution of the State of Hawaii relating to agricultural lands, and deletes a duplicative WHEREAS clause.

B. Adds a fourth WHEREAS clause to state the standards and criteria set forth in HRS Section 201-44 for identifying IAL.

C. In the seventh WHEREAS clause, clarifies that the DPP's "Oahu Important Agricultural Land Mapping Project Report" was transmitted to the Council on August 21, 2018 by Departmental Communication 578 (2018), and deletes the Exhibit A Report.

D. Adds an eighth WHEREAS clause, which provides that the DPP notified each real property owner of land identified as IAL in the Report.

E. Adds a ninth WHEREAS clause, which provides that by adoption of Resolution 18-201, the Council requested that the Agricultural Development Task Force review the DPP's Report and make recommendations on the IAL designations recommended in the Report.

F. Adds a tenth WHEREAS clause, which provides that the Task Force transmitted its recommendations to the Council on February 5, 2019 by Council Communication 35 (2019).

G. Revises the BE IT RESOLVED clause to provide that the maps identifying lands on Oahu that are recommended for designation as important agricultural lands are attached to the resolution as Exhibit A; and that the parcels of real property or portions thereof identified in the maps meet the statutory requirements for consideration as important agricultural land designation in accordance with the county designation process set forth in HRS Section 205-47.

H. Adds a BE IT FURTHER RESOLVED clause to provide that for reference purposes, the parcels of real property or portions thereof identified in the Exhibit A maps are identified by tax map key number in the list attached to the resolution as Exhibit B; provided that the list is current as of the date the maps were prepared, and therefore do not reflect subsequent subdivision of land or State Land Use Commission declaratory rulings for voluntary designation of important agricultural land.

I. Makes miscellaneous technical and non-substantive amendments.

REPORT OF THE COMMITTEE ON ZONING AND HOUSING

Voting Members:
Kymberly Marcos Pine, Chair; Carol Fukunaga, Vice-Chair;
Ikaika Anderson, Michael Formby, Ron Menor, Heidi Tsuneyoshi

Your Committee on Zoning and Housing is in accord with the intent and purpose of Resolution 18-233, as amended herein, and recommends its adoption in the form attached hereto as Resolution 18-233, CD1. (Ayes: Pine, Anderson, Formby, Fukunaga – 4; Ayes with reservations: None ; Noes: None; Excused: Menor, Tsuneyoshi – 2.)

Respectfully submitted,

Kymberly Pine
Committee Chair

At the 6/5/19 Council meeting, the Resolution was further amended and subsequently adopted as Resolution 18-233, CD1, FD1.

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ADOPTED ON JUN 5 2019

COMMITTEE REPORT NO. 139

CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. **18-233, CD1**

RESOLUTION

RELATING TO THE IDENTIFICATION OF IMPORTANT AGRICULTURAL LANDS.

WHEREAS, Article XI, Section 3 of the Constitution of the State of Hawaii requires the State to conserve and protect agricultural lands, promote diversified agriculture, increase agricultural self-sufficiency, and assure the availability of agriculturally suitable lands; and provides that lands needed to fulfill the foregoing purposes will be identified as important agricultural lands; and

WHEREAS, Section 205-41 of the Hawaii Revised Statutes ("HRS") provides that the people of Hawaii have a substantial interest in the health and sustainability of agriculture as an industry, and there is a compelling interest in conserving agricultural land and assuring the long-term availability of agricultural lands for agricultural use; and

WHEREAS, HRS Section 205-42 identifies important agricultural lands ("IALs") as those lands that are capable of producing sustained high agricultural yields when treated and managed according to accepted farming methods and technology; contribute to the State's economic base and produce agricultural commodities for export or local consumption; or are needed to promote the expansion of agricultural activities and income for the future, even if currently not in production; and

WHEREAS, HRS Section 205-44 sets forth the following standards and criteria to identify IALs:

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;

4. Land types associated with traditional Hawaiian agricultural uses or unique agricultural crops and uses;

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

6. Land whose designation as IAL is consistent with the City's general, development, and community plans;

CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. **18-233, CD1**

RESOLUTION

RELATING TO THE IDENTIFICATION OF IMPORTANT AGRICULTURAL LANDS.

WHEREAS, Article XI, Section 3 of the Constitution of the State of Hawaii requires the State to conserve and protect agricultural lands, promote diversified agriculture, increase agricultural self-sufficiency, and assure the availability of agriculturally suitable lands; and provides that lands needed to fulfill the foregoing purposes will be identified as important agricultural lands; and

WHEREAS, Section 205-41 of the Hawaii Revised Statutes ("HRS") provides that the people of Hawaii have a substantial interest in the health and sustainability of agriculture as an industry, and there is a compelling interest in conserving agricultural land and assuring the long-term availability of agricultural lands for agricultural use; and

WHEREAS, HRS Section 205-42 identifies important agricultural lands ("IALs") as those lands that are capable of producing sustained high agricultural yields when treated and managed according to accepted farming methods and technology; contribute to the State's economic base and produce agricultural commodities for export or local consumption; or are needed to promote the expansion of agricultural activities and income for the future, even if currently not in production; and

WHEREAS, HRS Section 205-44 sets forth the following standards and criteria to identify IALs:

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;

4. Land types associated with traditional Hawaiian agricultural uses or unique agricultural crops and uses;

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

6. Land whose designation as IAL is consistent with the City's general, development, and community plans;

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

8. Land with or in close proximity to support infrastructure conducive to agricultural productivity; and

WHEREAS, HRS Section 205-47 requires each county to identify and map potential lands to be considered for designation as IALs within its jurisdiction based on the standards and criteria set forth in HRS Section 205-44; and

WHEREAS, the Department of Planning and Permitting ("DPP") prepared the identification and mapping of IALs in the City with guidance from a technical advisory committee consisting of representatives of major stakeholders, and the results are based on input from many public meetings as well as an interactive and informing website; and

WHEREAS, on August 21, 2018, the DPP, by Departmental Communication 578 (2018), transmitted to the Council a report entitled "Oahu Important Agricultural Land Mapping Project" (the "Report"), which contains maps identifying lands in the City that are recommended for designation as IAL, and documentation of the process undertaken to identify such lands pursuant to HRS Section 205-47; and

WHEREAS, the DPP notified each real property owner of land identified as IAL in the Report to inform them of the potential designation of their lands as IAL; and

WHEREAS, on November 14, 2018, the Council adopted Resolution 18-201, which requested that the Agricultural Development Task Force established pursuant to Resolution 04-288, CD1, review the DPP's Report, and make recommendations on the IAL designations recommended in the Report; and

WHEREAS, on February 5, 2019, the Agricultural Development Task Force, by Council Communication 35 (2019), transmitted to the Council its recommendation that the IAL designation be removed for three parcels, identified as Tax Map Key Nos. 9-2-005: 004, 9-2-005: 022, and 9-4-004: 005, noting that Island Palm Communities LLC, the fee owner of those parcels, is trying to determine what portion of those parcels should be designated and dedicated as IAL; and

RESOLUTION

WHEREAS, HRS Section 205-47 requires that the DPP submit to the City Council the maps identifying lands in the City that are recommended for designation as IAL; that the Council adopt the maps, with or without changes, by resolution; and that the Council transmit the adopted resolution to the State Land Use Commission for the Commission's further action pursuant to HRS Section 205-48; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that the maps identifying lands on Oahu that are recommended for designation as important agricultural lands are attached hereto as Exhibit A and incorporated herein by this reference; and that the parcels of real property or portions thereof identified in the maps meet the statutory requirements for consideration as important agricultural land designation in accordance with the county designation process set forth in HRS Section 205-47; and

BE IT FURTHER RESOLVED that for reference purposes, the parcels of real property or portions thereof identified in the Exhibit A maps are identified by tax map key number in the list attached hereto as Exhibit B and incorporated herein by this reference; provided that the list of tax map key numbers is current as of the date the maps were prepared, and therefore do not reflect subsequent subdivision of land or State Land Use Commission declaratory rulings for voluntary designation of important agricultural land; and

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. **18-233, CD1**

RESOLUTION

BE IT FINALLY RESOLVED that copies of this resolution be transmitted to the State of Hawaii Land Use Commission, P.O. Box 2359, Honolulu, Hawaii 96804-2359, and the Department of Planning and Permitting, Fasi Municipal Building, 7th Floor, 650 South King Street, Honolulu, Hawaii, 96813.

INTRODUCED BY:

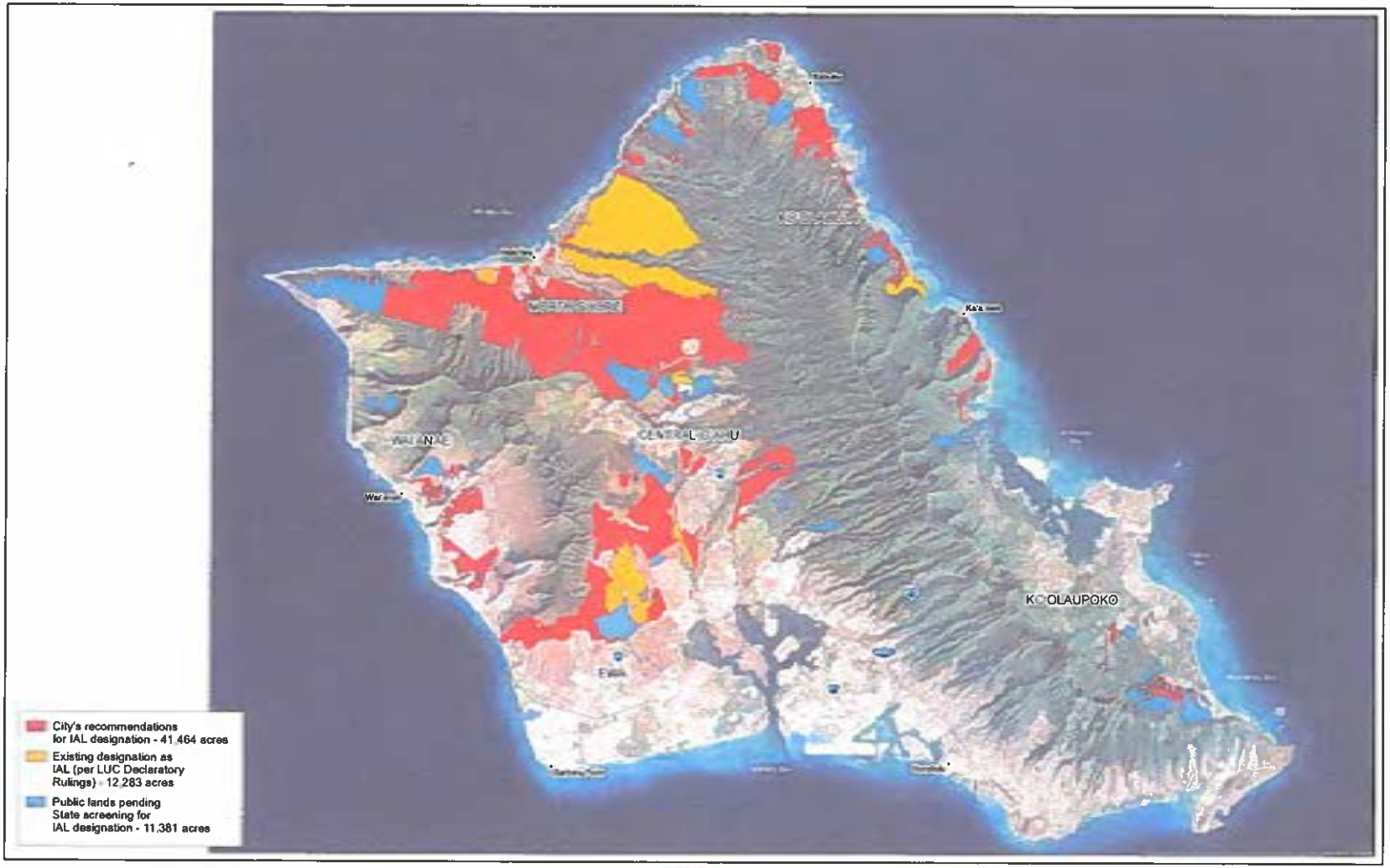
Ernest Martin (br)

DATE OF INTRODUCTION:

October 18, 2018
Honolulu, Hawaii

Councilmembers

EXHIBIT A



City and County of Honolulu

Figure 1
O'ahu Lands Recommended for IAL Designation: Island of O'ahu
O'ahu Important Agricultural Lands 2019 | Revised April 2019

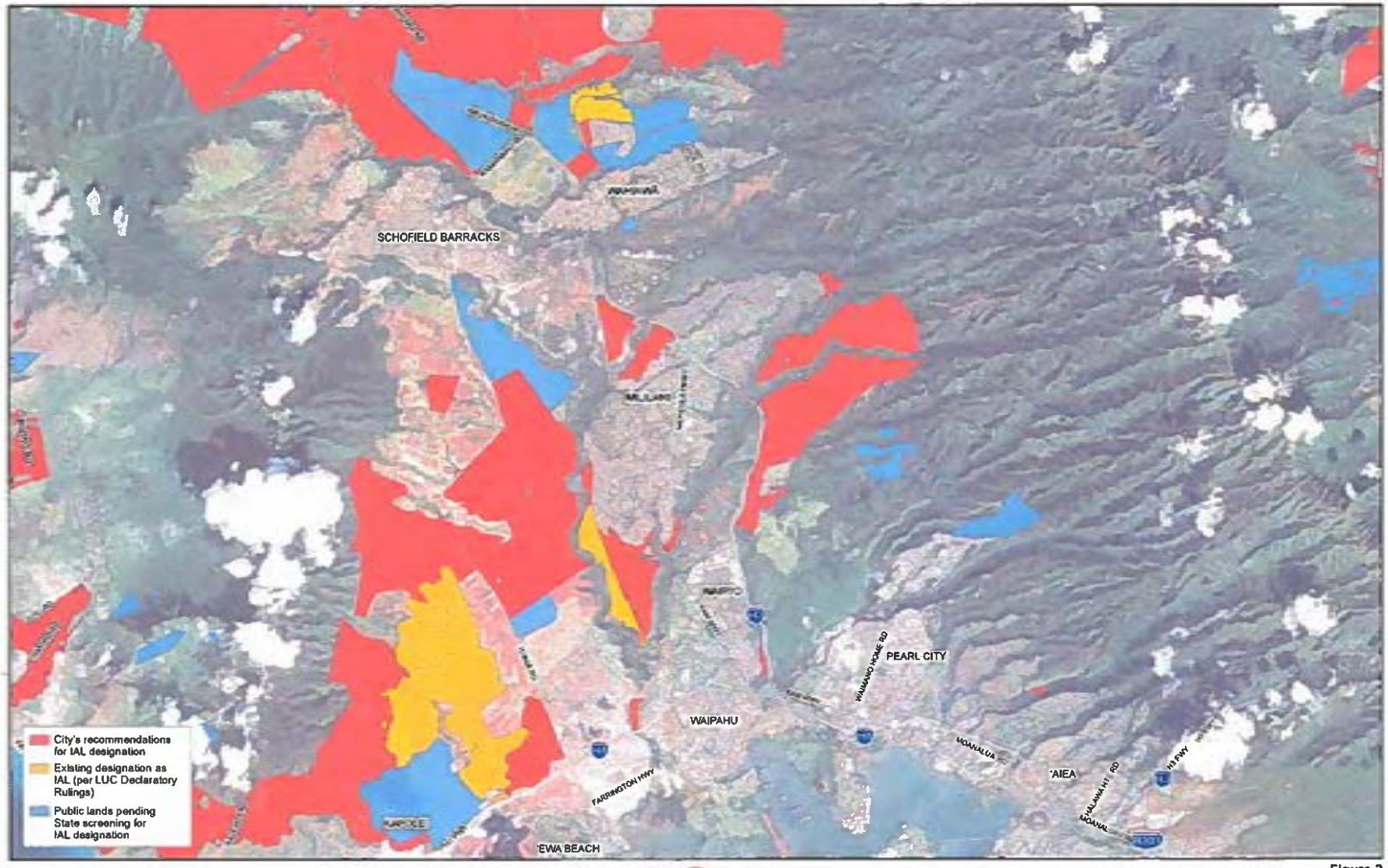
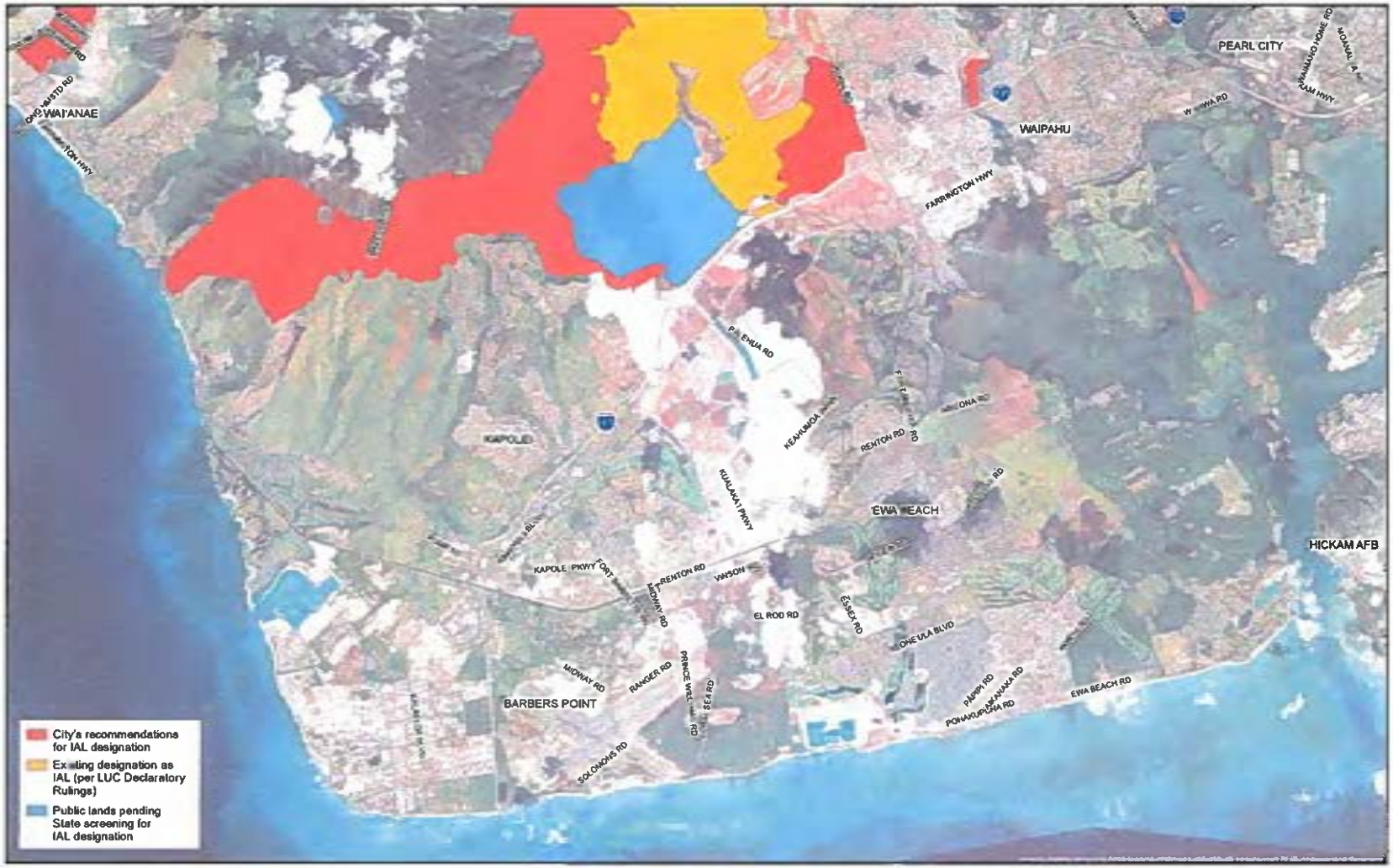


Figure 2
O'ahu Lands Recommended for IAL Designation: Central O'ahu
O'ahu Important Agricultural Lands 2019 | Revised April 2019

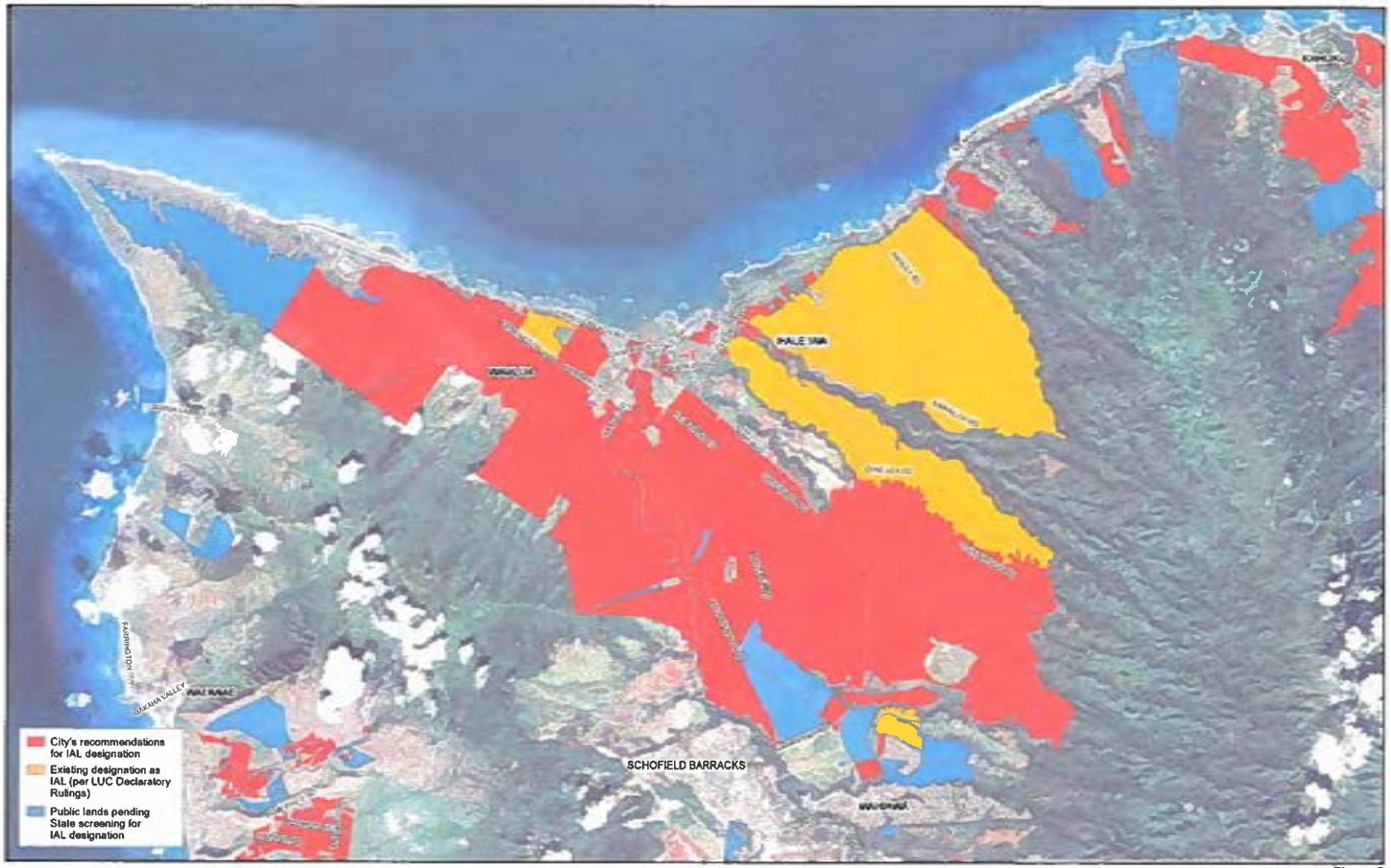


City and County of Honolulu

Figure 3
O'ahu Lands Recommended for IAL Designation: 'Ewa
O'ahu Important Agricultural Lands 2019 | Revised April 2019

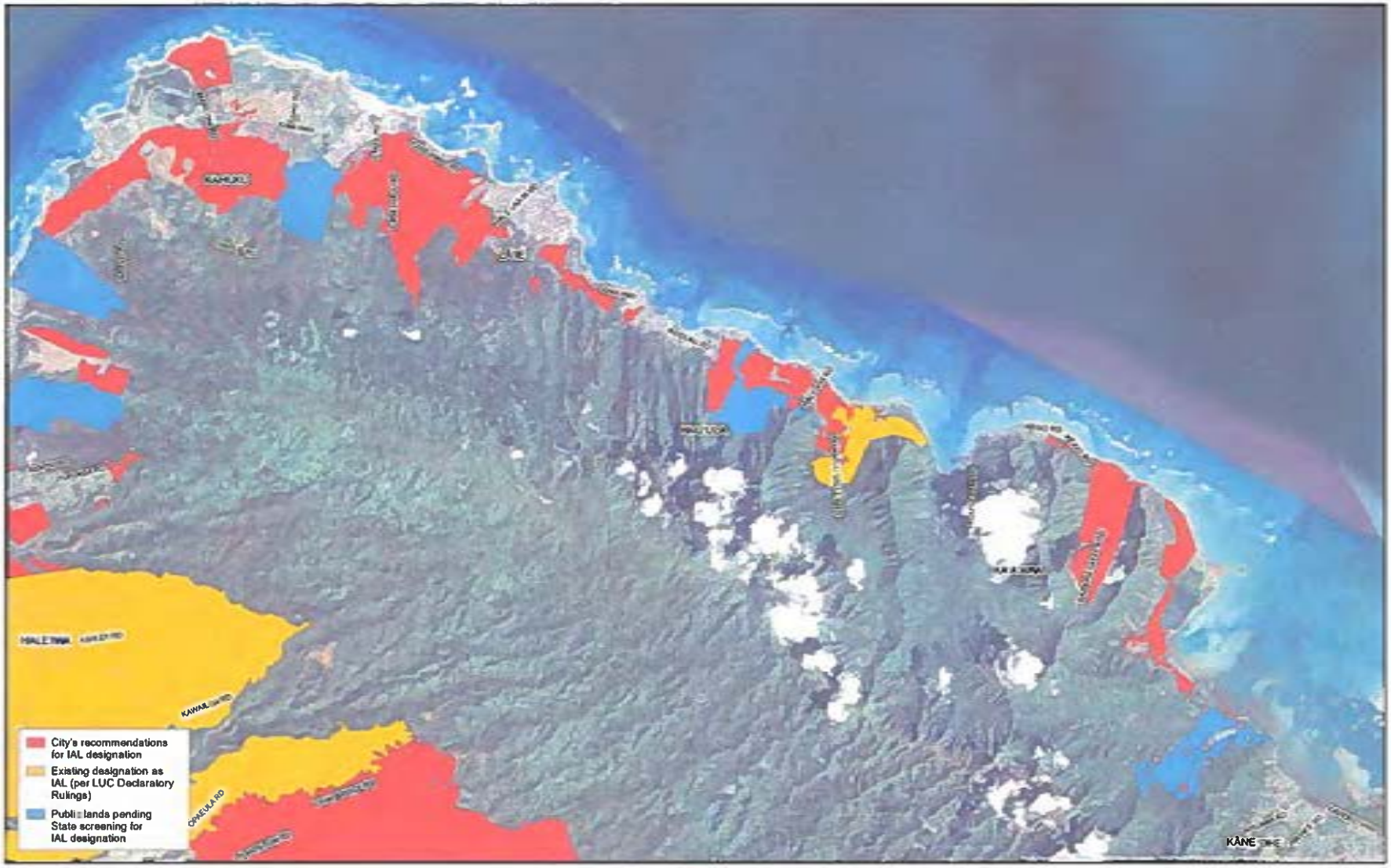


Figure 4
O'ahu Lands Recommended for IAL Designation: Wai'anae
O'ahu Important Agricultural Lands 2019 | Revised April 2019



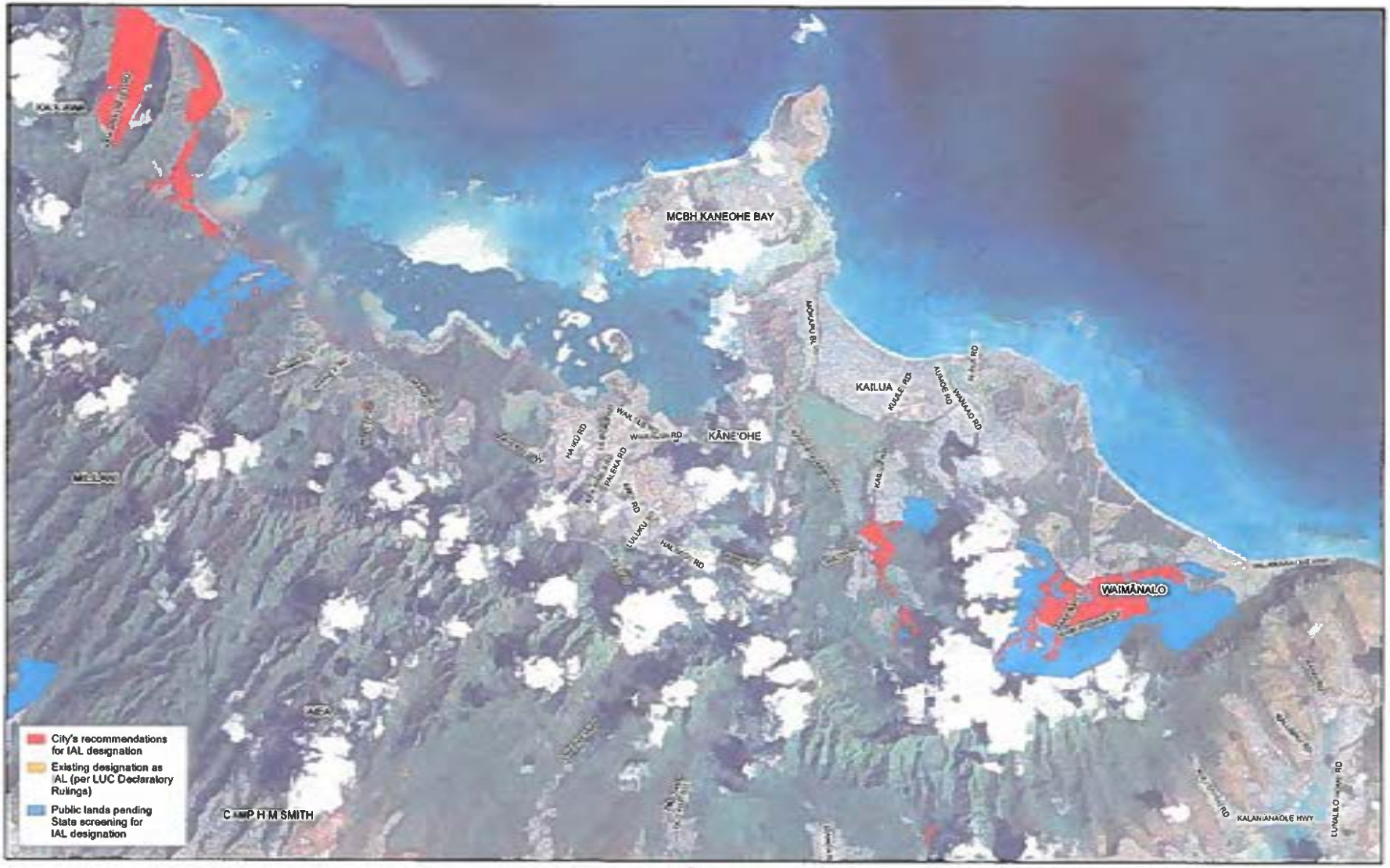
City and County of Honolulu

Figure 5
O'ahu Lands Recommended for IAL Designation: North Shore
O'ahu Important Agricultural Lands 2019 | Revised April 2019



City and County of Honolulu

Figure 6
O'ahu Lands Recommended for IAL Designation: Ko'olau Loa
O'ahu Important Agricultural Lands 2019 | Revised April 2019



City and County of Honolulu

Figure 7
O'ahu Lands Recommended for IAL Designation: Ko'olau Poko
O'ahu Important Agricultural Lands 2019 | Revised April 2019

EXHIBIT B

The following tax map key (TMK) parcels comprise the City and County of Honolulu's map of recommendations for county-designated important agricultural land (IAL). A total of 1,781 TMK parcels are listed. In addition to the TMK parcel number, the inventory presents the size of the parcel (in acres) and the acreage being recommended for IAL designation.

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
1.	34021010	4.67	2.38
2.	34021013	4.18	2.70
3.	34021014	3.27	2.21
4.	34021017	1.98	0.25
5.	34021023	2.23	1.35
6.	34021024	6.70	2.79
7.	34021034	1.56	0.88
8.	41008016	1.13	0.64
9.	41008017	0.90	0.62
10.	41008018	0.13	0.11
11.	41008019	0.97	0.15
12.	41010009	0.91	0.91
13.	41010010	1.04	1.04
14.	41010011	1.49	1.49
15.	41010012	1.25	1.25
16.	41010013	1.22	1.22
17.	41010014	1.17	1.17
18.	41010015	1.04	1.04
19.	41010017	0.53	0.53
20.	41010018	0.71	0.71
21.	41010019	1.48	1.48
22.	41010021	1.04	1.04
23.	41010022	1.11	1.11
24.	41010023	1.13	1.19
25.	41010024	1.79	1.79
26.	41010025	5.31	5.30
27.	41010050	1.56	1.56
28.	41010052	1.14	1.14
29.	41010053	1.00	1.00
30.	41010054	#N/A	0.77
31.	41010055	1.12	1.12
32.	41010056	1.01	1.01
33.	41010057	1.09	1.09
34.	41010059	1.50	1.50
35.	41010060	3.71	3.71
36.	41010061	2.21	2.21
37.	41010063	1.32	0.74
38.	41010064	8.94	8.75
39.	41010066	1.47	1.08
40.	41010067	1.23	1.23
41.	41010068	1.78	1.30
42.	41010070	0.59	0.57
43.	41010071	2.40	2.40
44.	41010072	0.85	0.85
45.	41010073	1.16	1.16
46.	41010083	3.55	3.21
47.	41010089	0.32	0.32
48.	41010090	0.40	0.40
49.	41018004	1.00	0.42
50.	41018005	1.06	1.06
51.	41018006	1.01	1.01
52.	41018007	1.04	1.04
53.	41018008	1.11	1.11
54.	41018009	1.13	1.13
55.	41018010	0.98	0.98
56.	41018011	1.04	1.04
57.	41018012	1.09	1.09
58.	41018013	1.07	1.07
59.	41018014	1.03	1.03
60.	41018015	1.03	1.03
61.	41018016	0.97	0.97
62.	41018017	1.05	1.05
63.	41018018	0.91	0.65
64.	41018022	5.44	5.44
65.	41018024	1.28	1.28
66.	41018025	0.74	0.74
67.	41018026	1.20	1.20
68.	41018027	0.69	0.69
69.	41018029	1.05	1.05
70.	41018030	0.93	0.93
71.	41018031	1.03	1.03
72.	41018032	1.04	1.04

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
73.	41018033	0.96	0.96
74.	41018034	1.09	1.09
75.	41018036	1.01	1.01
76.	41018037	0.71	0.71
77.	41018039	0.01	0.01
78.	41018043	0.68	0.68
79.	41018044	1.02	1.02
80.	41024001	0.16	0.15
81.	41024002	1.02	1.02
82.	41024003	1.04	0.99
83.	41024004	0.63	0.65
84.	41024006	0.36	0.35
85.	41024007	0.16	0.16
86.	41024010	0.38	0.38
87.	41024011	6.51	6.49
88.	41024012	0.61	0.61
89.	41024013	4.57	4.57
90.	41024014	4.60	4.60
91.	41024015	3.15	3.15
92.	41024016	6.34	6.34
93.	41024017	1.04	1.04
94.	41024018	3.69	3.74
95.	41024019	2.28	2.26
96.	41024020	2.94	2.94
97.	41024021	8.74	8.76
98.	41024022	2.18	2.09
99.	41024024	6.02	6.28
100.	41024025	2.10	2.10
101.	41024026	8.31	8.31
102.	41024028	2.00	2.00
103.	41024029	5.33	5.33
104.	41024030	5.00	4.96
105.	41024031	2.58	2.57
106.	41024032	2.24	2.24
107.	41024033	7.88	7.88
108.	41024034	0.42	0.43
109.	41024035	7.88	6.52
110.	41024036	7.72	7.74
111.	41024037	2.88	2.90
112.	41024038	2.89	2.89

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
113.	41024039	1.69	1.69
114.	41024040	6.24	6.24
115.	41024041	8.20	8.20
116.	41024042	2.10	2.09
117.	41024043	2.03	2.07
118.	41024044	2.80	2.85
119.	41024045	2.62	2.62
120.	41024046	9.62	9.62
121.	41024047	9.55	9.51
122.	41024048	8.17	8.10
123.	41024049	3.09	3.10
124.	41024050	8.13	8.13
125.	41024051	8.90	8.90
126.	41024052	4.70	4.70
127.	41024053	3.20	3.19
128.	41024055	2.00	2.00
129.	41024056	2.00	2.00
130.	41024057	3.85	3.85
131.	41024058	0.51	0.50
132.	41024059	4.02	4.02
133.	41024060	5.12	5.12
134.	41024061	5.24	5.24
135.	41024064	10.19	10.19
136.	41024065	7.89	7.90
137.	41024071	#N/A	0.00
138.	41024076	2.11	2.11
139.	41024077	2.20	2.20
140.	41024078	2.05	2.04
141.	41024079	2.17	2.03
142.	41024080	2.99	2.91
143.	41024081	2.49	2.50
144.	41024082	1.97	1.97
145.	41024083	2.23	2.20
146.	41024084	6.93	6.92
147.	41024085	1.98	1.98
148.	41024086	2.05	2.05
149.	41024087	2.01	2.01
150.	41024088	3.06	3.05
151.	41024089	2.11	2.12
152.	41024090	2.09	2.09

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
153.	41024091	2.13	2.09
154.	41024092	2.48	2.44
155.	41024093	2.99	3.06
156.	41024094	2.37	2.34
157.	41024095	2.98	2.98
158.	41024096	3.07	3.07
159.	41024097	2.48	2.46
160.	41024098	6.99	6.99
161.	41024099	2.03	2.03
162.	41024100	1.99	1.99
163.	41024101	2.17	2.16
164.	41024102	1.99	1.98
165.	41024103	1.96	1.96
166.	41024104	1.98	2.00
167.	41024105	1.98	1.98
168.	41024106	2.66	2.66
169.	41024107	2.33	2.33
170.	41024108	3.46	3.48
171.	41024110	2.00	2.00
172.	41024111	2.01	2.01
173.	41024112	#N/A	2.02
174.	41024113	#N/A	4.24
175.	41025004	8.89	8.89
176.	41025006	6.64	6.64
177.	41025007	2.21	2.21
178.	41025008	7.13	7.13
179.	41025009	1.71	1.71
180.	41025010	7.44	7.44
181.	41025011	1.29	1.29
182.	41025012	3.25	3.25
183.	41025013	5.54	5.54
184.	41025014	2.87	2.87
185.	41025015	0.85	0.85
186.	41025016	0.18	0.18
187.	41025017	3.13	3.13
188.	41025018	4.54	4.54
189.	41025019	9.13	9.13
190.	41025021	9.00	9.00
191.	41025024	4.84	4.84
192.	41025025	2.28	2.28

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
193.	41025026	2.08	2.08
194.	41025027	2.14	2.14
195.	41025028	2.67	2.67
196.	41025029	2.23	2.23
197.	41025030	2.25	2.25
198.	41025031	2.54	2.54
199.	41025032	7.50	7.50
200.	41025033	1.38	1.38
201.	41025034	5.28	5.28
202.	41025035	2.66	2.66
203.	41025042	1.16	1.16
204.	41025043	0.89	0.89
205.	41025044	1.09	1.09
206.	41025046	1.79	1.79
207.	41025049	1.01	1.01
208.	41025050	0.39	0.39
209.	41025051	1.04	1.04
210.	41025053	0.78	0.78
211.	41025054	0.35	0.35
212.	41025057	0.80	0.80
213.	41025058	2.30	2.30
214.	41025059	2.19	2.19
215.	41025060	2.02	2.02
216.	41025061	1.09	1.09
217.	41025064	8.65	8.65
218.	41026005	6.14	6.14
219.	41026006	3.46	3.46
220.	41026007	2.09	2.09
221.	41026009	2.00	2.00
222.	41026010	9.48	9.48
223.	41026011	8.11	8.11
224.	41026024	5.02	5.02
225.	41026025	2.05	2.05
226.	41026026	2.01	2.01
227.	41026027	1.94	1.94
228.	41026028	3.49	3.49
229.	41026030	2.35	2.35
230.	41026031	2.01	2.01
231.	41026032	4.85	4.85
232.	41035018	2.68	2.68

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
233.	41035019	2.68	2.68
234.	41035020	0.38	0.38
235.	41999999	0.12	0.12
236.	42006001	45.76	10.62
237.	42006008	54.77	54.76
238.	42007001	50.67	44.32
239.	42008001	51.78	17.72
240.	42009001	298.68	28.09
241.	42013021	2.57	1.79
242.	47005001	2.23	1.40
243.	47005073	2.33	2.15
244.	47005074	2.31	2.01
245.	48004003	2.57	2.22
246.	48004005	2.80	2.80
247.	48005001	4.25	4.25
248.	48005002	1.52	1.52
249.	48005003	2.16	2.16
250.	48005006	2.04	2.04
251.	48005007	2.14	2.14
252.	48005008	1.22	1.22
253.	48005009	1.24	1.24
254.	48005010	2.07	2.07
255.	48005011	2.09	2.09
256.	48005012	2.78	2.78
257.	48005013	2.30	1.62
258.	48005014	2.32	2.32
259.	48005015	2.42	2.36
260.	48005016	2.05	2.05
261.	48008003	0.71	0.29
262.	48008004	0.21	0.19
263.	48008005	0.83	0.83
264.	48008006	0.70	0.67
265.	48009006	2.78	2.78
266.	48011008	2.63	2.02
267.	48012002	3.79	3.70
268.	48012003	1.34	1.34
269.	49001001	100.37	28.89
270.	49001002	2.17	2.00
271.	49001005	1.71	1.07
272.	49001006	3.38	1.06
273.	49001007	4.15	1.84
274.	49001008	0.10	0.10
275.	49001010	0.74	0.61
276.	49001011	2.66	2.66
277.	49001013	1.03	0.38
278.	49001014	31.84	31.48
279.	49001018	4.96	4.96
280.	49001020	0.41	0.41
281.	49001029	0.15	0.15
282.	49002008	0.16	0.16
283.	49002009	0.09	0.09
284.	49003001	47.73	46.89
285.	49003002	3.36	2.53
286.	49003003	#N/A	0.61
287.	49003004	0.92	0.92
288.	49003005	0.72	0.72
289.	49003006	0.45	0.45
290.	49003007	1.09	1.09
291.	49003008	0.25	0.25
292.	49003010	0.26	0.26
293.	49003011	0.23	0.23
294.	49003012	0.19	0.19
295.	49003013	0.29	0.29
296.	49003015	0.20	0.20
297.	49003016	0.42	0.42
298.	49003018	0.45	0.45
299.	49003019	0.78	0.78
300.	49003020	0.10	0.10
301.	49003024	0.43	0.43
302.	49003027	0.44	0.44
303.	49003030	1.25	1.25
304.	49003032	1.95	1.95
305.	49003037	0.22	0.22
306.	49003038	0.40	0.40
307.	49003039	0.37	0.37
308.	49003040	0.02	0.02
309.	49003041	0.02	0.02
310.	49003042	0.02	0.02
311.	49003045	0.47	0.47
312.	49004002	118.76	116.99

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
313.	49005001	153.22	69.13
314.	51001001	154.44	151.28
315.	51001002	0.36	0.03
316.	51001003	0.15	0.03
317.	51001004	0.40	0.05
318.	51001015	0.54	0.37
319.	51001016	0.45	0.45
320.	51001023	0.34	0.34
321.	51001024	0.25	0.25
322.	51001025	0.49	0.49
323.	51004001	546.33	469.23
324.	51008002	22.19	20.96
325.	51008004	3.80	1.09
326.	51008005	0.49	0.12
327.	51008007	25.22	5.91
328.	51009001	1.86	0.69
329.	51009002	1.01	1.01
330.	51009004	0.63	0.57
331.	51009005	0.06	0.03
332.	51009006	0.25	0.13
333.	51009046	0.34	0.05
334.	53002001	2.75	1.24
335.	53002002	0.60	0.08
336.	53002062	1.69	1.44
337.	53002063	1.85	1.03
338.	53003005	3.38	3.38
339.	53003009	4.29	4.29
340.	53004002	9.89	7.99
341.	53004006	1.37	1.37
342.	53004008	0.89	0.89
343.	53004009	1.00	1.00
344.	53004016	2.08	2.08
345.	53004017	6.82	6.82
346.	53004028	2.00	2.00
347.	53004029	1.59	1.59
348.	53004032	0.02	0.02
349.	53004034	0.56	0.56
350.	53004035	0.22	0.22
351.	53004036	0.62	0.62
352.	53004038	5.95	4.83

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
353.	53004039	2.00	2.00
354.	53005003	0.78	0.78
355.	53005004	0.43	0.43
356.	53005005	2.87	2.87
357.	53005006	2.85	2.85
358.	53005007	49.91	48.46
359.	53005008	0.49	0.44
360.	53005009	0.60	0.24
361.	53005010	1.24	0.47
362.	53005012	0.10	0.10
363.	53005014	0.88	0.04
364.	53005016	0.89	0.08
365.	53005020	0.42	0.42
366.	53005022	0.65	0.65
367.	53005023	0.30	0.30
368.	53005024	0.15	0.15
369.	53005025	0.78	0.78
370.	53005026	0.15	0.15
371.	53005030	4.52	2.46
372.	53005051	0.93	0.19
373.	53005054	1.15	1.15
374.	53005055	1.38	1.38
375.	53005056	0.33	0.33
376.	53005058	1.15	1.15
377.	53005059	0.23	0.23
378.	53005062	0.05	0.05
379.	53005069	0.42	0.42
380.	53006004	4.63	4.52
381.	53006005	7.79	4.87
382.	53006014	8.60	7.84
383.	53006015	2.44	2.44
384.	53006016	6.90	1.86
385.	53006031	1.74	1.28
386.	53006034	1.52	1.41
387.	53006064	4.10	3.87
388.	53007007	39.68	33.34
389.	53007013	16.87	14.44
390.	53007015	1.93	1.93
391.	53007016	4.04	4.04
392.	53007018	1.24	1.24

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
393.	53007020	38.92	25.81
394.	53009008	0.28	0.19
395.	53009009	0.35	0.35
396.	53009019	1.99	1.99
397.	53009022	16.71	15.18
398.	53009023	39.42	39.31
399.	53009024	4.54	1.24
400.	53009050	1.35	1.35
401.	53009057	0.12	0.02
402.	53009058	7.98	7.98
403.	53009066	1.94	1.83
404.	53009067	5.68	5.46
405.	53009068	6.04	2.28
406.	53009069	5.83	5.49
407.	53009070	5.93	5.59
408.	53009071	4.74	4.74
409.	53009072	5.42	5.42
410.	53009073	5.41	5.41
411.	53009074	5.42	5.42
412.	53009075	4.53	4.53
413.	53009076	4.67	4.67
414.	53009077	5.29	5.29
415.	53009078	5.21	5.21
416.	53009079	5.25	5.25
417.	53009080	5.77	5.03
418.	53009081	5.67	5.24
419.	53009082	5.70	5.70
420.	53009083	5.69	5.69
421.	53009084	6.14	6.14
422.	53009085	6.36	6.36
423.	53009086	6.54	6.54
424.	53009087	6.39	6.39
425.	53009088	4.37	3.97
426.	53009089	4.57	0.41
427.	53009090	5.37	1.42
428.	53009091	5.35	3.47
429.	53009092	5.33	1.78
430.	53009093	4.89	3.82
431.	53009094	3.57	3.57
432.	53009095	5.45	3.04

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
433.	53009096	4.86	0.91
434.	53009097	5.03	4.58
435.	53009098	5.15	3.09
436.	53009099	6.96	6.58
437.	53009100	7.25	6.95
438.	53009101	5.30	5.30
439.	53012001	83.95	83.91
440.	53012010	84.44	84.44
441.	53012044	90.04	8.74
442.	54004003	77.00	3.75
443.	54004020	7.36	7.35
444.	54018060	3.97	3.62
445.	54018062	5.84	5.60
446.	55001012	0.84	0.17
447.	55001024	3.61	0.56
448.	55001026	1.01	0.16
449.	55001060	1.20	0.34
450.	55004003	15.24	1.01
451.	55004013	0.80	0.06
452.	55005001	66.57	66.57
453.	55005004	0.34	0.25
454.	55005011	0.29	0.28
455.	55005020	9.85	2.86
456.	55005021	33.21	33.21
457.	55005022	17.18	4.08
458.	55005023	84.29	47.87
459.	55005024	13.27	4.12
460.	55005025	10.98	10.16
461.	55005999	0.25	0.03
462.	55006001	270.26	133.51
463.	55006011	49.72	49.28
464.	55008001	19.68	18.66
465.	55008002	0.11	0.11
466.	55008003	0.12	0.12
467.	55008004	0.08	0.08
468.	55008005	0.09	0.09
469.	55008006	0.08	0.08
470.	55008007	0.52	0.52
471.	55008008	0.16	0.16
472.	55008009	0.14	0.14

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
473.	55008010	0.15	0.15
474.	55008011	0.11	0.11
475.	55008012	0.27	0.27
476.	55008013	0.26	0.26
477.	55008014	0.21	0.21
478.	55008016	0.13	0.13
479.	55008017	0.52	0.52
480.	55008019	0.37	0.37
481.	55008020	0.18	0.18
482.	55008023	0.04	0.04
483.	55008024	0.22	0.22
484.	55008025	0.12	0.12
485.	55008026	0.18	0.18
486.	55008027	0.58	0.58
487.	55008028	0.13	0.13
488.	55008029	0.20	0.20
489.	55008030	0.32	0.32
490.	55008032	0.30	0.30
491.	55008034	0.15	0.15
492.	55008035	0.67	0.67
493.	55008036	0.86	0.86
494.	55008037	0.63	0.63
495.	55008038	0.03	0.03
496.	55008039	0.28	0.28
497.	55008040	0.62	0.62
498.	55008042	0.16	0.16
499.	55008043	11.85	11.85
500.	55008044	0.27	0.27
501.	55008045	0.66	0.66
502.	55008046	1.31	1.31
503.	55008047	0.75	0.75
504.	55008048	0.08	0.08
505.	55008049	0.16	0.16
506.	55008050	0.98	0.98
507.	55008051	0.41	0.41
508.	55008053	0.08	0.08
509.	55008054	0.47	0.47
510.	55008055	0.84	0.84
511.	55008056	0.17	0.17
512.	55008057	0.12	0.12

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
513.	55008058	0.59	0.59
514.	55008059	0.14	0.14
515.	55008060	0.99	0.99
516.	55008061	1.65	0.82
517.	55008062	0.34	0.34
518.	55008063	35.73	35.73
519.	56002002	0.45	0.42
520.	56002005	0.24	0.20
521.	56002006	0.25	0.21
522.	56002007	0.23	0.20
523.	56002042	0.09	0.09
524.	56002043	0.73	0.73
525.	56003002	0.15	0.15
526.	56003003	0.02	0.02
527.	56003006	0.24	0.24
528.	56003007	0.13	0.13
529.	56003025	8.53	8.53
530.	56003026	164.35	154.23
531.	56003027	1.59	1.59
532.	56003028	1.30	1.30
533.	56003030	0.25	0.25
534.	56003031	0.05	0.05
535.	56003036	1.48	1.46
536.	56003050	7.27	3.88
537.	56003053	92.45	83.39
538.	56004001	1.67	1.67
539.	56004002	5.88	5.82
540.	56004008	0.50	0.50
541.	56004009	2.49	2.20
542.	56004021	1.33	0.55
543.	56004023	0.60	0.60
544.	56004024	2.10	2.08
545.	56004027	4.74	4.70
546.	56004037	0.79	0.78
547.	56004039	0.25	0.25
548.	56005002	27.31	27.55
549.	56005007	507.55	508.22
550.	56005012	108.19	38.76
551.	56005013	220.01	219.36
552.	56005014	70.11	69.44

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
553.	56005015	28.72	28.79
554.	56005016	36.03	35.57
555.	56006004	2.82	1.80
556.	56006006	435.55	435.55
557.	56006018	451.77	449.66
558.	56006028	228.28	228.28
559.	56006057	58.37	7.76
560.	56006058	100.33	100.32
561.	56007001	126.05	117.67
562.	57001002	0.20	0.20
563.	57001003	0.21	0.21
564.	57001004	0.16	0.16
565.	57001005	0.24	0.24
566.	57001006	0.05	0.05
567.	57001007	0.15	0.15
568.	57001008	0.20	0.20
569.	57001014	0.25	0.25
570.	57001015	0.05	0.05
571.	57001021	468.60	415.41
572.	57001032	2.25	1.46
573.	57001039	10.01	7.49
574.	57001040	10.00	8.47
575.	57001041	12.00	11.06
576.	57001042	11.00	5.95
577.	58001003	2.86	2.86
578.	58001023	0.82	0.19
579.	58001028	0.12	0.12
580.	58001029	0.92	0.49
581.	58001035	0.78	0.78
582.	58001058	0.09	0.09
583.	58001059	0.03	0.03
584.	58001064	0.26	0.26
585.	58001065	0.26	0.06
586.	58002004	114.61	114.61
587.	59005004	210.50	202.31
588.	59005023	1.02	0.86
589.	59005040	51.80	7.72
590.	59005066	26.68	14.62
591.	59005067	27.70	25.06
592.	59005081	7.55	1.22

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
593.	59005083	17.71	14.04
594.	59006011	133.94	133.94
595.	59006032	5.28	4.05
596.	59006034	21.58	1.15
597.	59023001	14.47	2.83
598.	59030031	7.03	7.03
599.	59031028	16.30	14.04
600.	61002001	74.51	72.08
601.	61002022	55.48	4.81
602.	61002024	35.99	30.63
603.	61005020	11.22	11.22
604.	61005021	4.62	4.62
605.	61005022	2.62	2.62
606.	61008024	1.79	1.79
607.	61009004	1.96	1.96
608.	62002002	10.41	10.41
609.	62002003	13.44	13.00
610.	62002004	14.97	16.90
611.	62002006	2.18	2.18
612.	62002007	2.55	2.55
613.	62002010	0.49	0.50
614.	62002019	0.42	0.42
615.	62002021	0.44	0.44
616.	62002023	1.26	1.26
617.	62002030	1.42	1.22
618.	62002032	0.85	0.93
619.	62002033	1.10	1.10
620.	62002034	0.65	0.60
621.	62002035	0.71	0.70
622.	62002036	0.51	0.50
623.	62002037	2.14	2.14
624.	62002038	1.88	1.49
625.	62002039	3.09	3.09
626.	62002040	1.23	1.23
627.	62002041	1.57	1.22
628.	62002042	0.88	0.86
629.	62002043	7.28	4.39
630.	62002044	1.22	0.97
631.	62002045	0.70	0.70
632.	62002046	0.79	0.79

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
633.	62002047	0.75	0.75
634.	62002048	0.27	0.33
635.	62002049	1.44	1.44
636.	62003001	1.51	1.08
637.	62004001	2.39	2.83
638.	62004003	0.27	0.24
639.	62004006	0.65	0.04
640.	62004026	0.58	0.19
641.	62004028	0.79	0.76
642.	62004029	0.29	0.30
643.	62004030	0.45	0.27
644.	62004032	1.26	0.97
645.	62004035	17.78	16.43
646.	62004049	2.87	2.82
647.	62004050	3.13	2.95
648.	62004051	0.64	0.65
649.	62004052	0.33	0.08
650.	62004053	0.85	0.59
651.	62004054	0.16	0.14
652.	62005035	4.26	4.25
653.	62006005	1.63	1.63
654.	62007008	3.74	3.74
655.	62008006	#N/A	2.46
656.	62008008	0.37	0.09
657.	62008009	0.19	0.19
658.	62008010	0.71	0.25
659.	62008011	#N/A	8.35
660.	62010007	5.51	5.51
661.	62010013	0.32	0.32
662.	62010014	0.32	0.32
663.	64002001	3446.83	3423.12
664.	64002002	105.17	53.62
665.	64003001	1747.35	1675.72
666.	64003003	840.45	837.43
667.	64003009	0.36	0.36
668.	64003015	10.00	9.97
669.	64004001	1407.29	1349.93
670.	64004005	2.65	0.78
671.	64004008	236.85	170.02
672.	65001010	31.37	31.43

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
673.	65001014	48.18	48.18
674.	65001019	3.48	3.48
675.	65001020	43.35	43.35
676.	65001021	17.45	17.45
677.	65001022	3.03	3.03
678.	65001028	0.40	0.40
679.	65001030	1.89	1.89
680.	65001031	7.54	7.54
681.	65001032	2.88	2.81
682.	65001033	51.18	50.77
683.	65001034	12.71	12.71
684.	65001038	3.75	3.75
685.	65001039	107.91	107.90
686.	65001040	157.79	157.79
687.	65001042	58.17	58.17
688.	65001043	195.11	194.56
689.	65001044	120.93	95.67
690.	65001045	99.53	99.53
691.	65001046	40.93	40.93
692.	65002001	74.29	74.29
693.	65002003	105.78	105.78
694.	65002005	317.23	317.23
695.	65002006	43.48	43.48
696.	65002008	45.40	45.38
697.	65002011	1159.28	1159.28
698.	65002018	67.14	54.52
699.	65002019	132.71	99.25
700.	65002022	39.49	39.49
701.	65002024	11.24	11.24
702.	65002026	113.90	113.90
703.	65002027	43.94	43.94
704.	65002028	29.72	29.72
705.	65002029	1.16	1.16
706.	65004001	5.00	5.00
707.	65004002	5.08	5.08
708.	65004003	5.06	5.06
709.	65004004	6.09	6.09
710.	65004005	5.12	5.12
711.	65004006	5.01	5.01
712.	65004007	5.00	5.00

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
713.	65004008	5.07	5.07
714.	65004009	5.07	5.07
715.	65004010	7.07	7.07
716.	65004011	5.00	5.00
717.	65004012	5.01	5.01
718.	65004013	5.00	5.00
719.	65004014	5.15	5.15
720.	65004015	5.05	5.05
721.	65004016	1.17	1.17
722.	65005001	346.09	346.09
723.	65005002	589.16	589.14
724.	65005003	541.19	541.12
725.	65005004	669.20	669.20
726.	65005005	0.30	0.30
727.	66001004	0.40	0.16
728.	66001005	0.18	0.16
729.	66001006	0.20	0.21
730.	66001009	1.42	1.13
731.	66001010	0.16	0.17
732.	66001011	0.31	0.36
733.	66001012	0.33	0.33
734.	66001014	0.31	0.31
735.	66001016	2.82	1.54
736.	66001054	1.10	0.17
737.	66001055	1.09	0.59
738.	66003001	0.59	0.59
739.	66003002	1.30	0.92
740.	66003003	0.54	0.31
741.	66003005	0.83	0.51
742.	66003025	1.53	1.04
743.	66004002	2.86	1.12
744.	66004003	2.03	2.00
745.	66004004	1.38	1.37
746.	66004005	0.45	0.45
747.	66004006	0.79	0.79
748.	66004007	0.21	0.21
749.	66004008	0.34	0.34
750.	66004009	1.46	0.69
751.	66004010	0.19	0.05
752.	66004026	2.36	0.71

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
753.	66004031	0.06	0.06
754.	66005001	0.36	0.12
755.	66005012	0.72	0.08
756.	66005019	2.88	0.59
757.	66005020	0.51	0.07
758.	66005021	0.90	0.90
759.	66005022	1.89	1.89
760.	66005023	1.37	1.37
761.	66005024	0.06	0.06
762.	66008001	0.23	0.23
763.	66008002	0.71	0.71
764.	66008003	0.33	0.33
765.	66008004	3.76	3.76
766.	66008006	1.43	1.43
767.	66008007	2.17	2.09
768.	66008008	0.56	0.15
769.	66008009	0.88	0.88
770.	66008026	0.87	0.41
771.	66008027	1.89	1.89
772.	66008031	0.55	0.55
773.	66008032	1.66	0.11
774.	66009002	3.17	2.20
775.	66009004	1.40	0.93
776.	66009008	0.40	0.40
777.	66009009	0.67	0.67
778.	66009010	0.77	0.77
779.	66009011	0.44	0.44
780.	66009012	1.53	1.46
781.	66009013	1.20	0.75
782.	66009021	1.60	1.19
783.	66009029	0.46	0.46
784.	66009030	0.26	0.26
785.	66009031	0.25	0.25
786.	66009032	0.24	0.24
787.	66009034	1.16	1.16
788.	66009037	1.99	2.00
789.	66009038	0.73	1.19
790.	66010002	0.61	0.43
791.	66010009	1.58	1.58
792.	66010010	4.23	4.23

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
793.	66012001	1.44	1.44
794.	66015003	0.39	0.39
795.	66015004	15.27	15.27
796.	66015006	11.85	11.85
797.	66016008	1.13	0.27
798.	66016011	0.15	0.14
799.	66016019	0.43	0.20
800.	66020003	3.08	3.08
801.	66020004	10.53	10.40
802.	66020019	1.89	1.68
803.	66020024	1.55	1.55
804.	66020025	0.72	0.72
805.	66020027	0.28	0.28
806.	66022001	42.42	42.35
807.	66023003	23.67	22.21
808.	66023004	5.87	2.65
809.	66024001	58.64	59.21
810.	66025001	43.02	42.88
811.	66025002	3.16	3.12
812.	66025006	1.99	1.98
813.	66027003	0.67	0.67
814.	66027005	0.09	0.09
815.	66027006	2.03	2.02
816.	66027007	6.05	0.68
817.	66027009	0.23	0.23
818.	66027010	141.92	141.15
819.	66027011	6.60	6.60
820.	66028001	1.93	1.57
821.	66028002	5.97	5.97
822.	66028003	1.55	1.55
823.	66028004	0.87	0.87
824.	66028005	2.10	2.10
825.	66028006	1.94	1.94
826.	66028007	6.13	6.13
827.	66028009	2.40	2.40
828.	66028011	0.36	0.36
829.	66028013	2.43	2.43
830.	66028014	2.72	2.72
831.	66028015	5.45	5.45
832.	66028016	2.32	1.80

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
833.	66028017	5.90	4.56
834.	66028019	0.31	0.31
835.	66028021	0.20	0.20
836.	66028022	6.08	6.08
837.	66028023	5.24	4.67
838.	66028024	1.89	1.44
839.	66028027	4.68	4.68
840.	66029011	6.15	6.14
841.	67001008	28.46	20.76
842.	67001009	1.85	1.85
843.	67001014	1.42	1.42
844.	67001018	0.48	0.46
845.	67001026	282.01	281.98
846.	67001030	1.23	1.23
847.	67001032	#N/A	13.83
848.	67001034	8.30	8.30
849.	67001058	2.96	2.96
850.	67001060	1.62	1.62
851.	67001063	96.77	22.46
852.	67002006	6.11	6.11
853.	67002007	24.98	24.98
854.	67002014	25.31	24.71
855.	67002028	8.93	8.93
856.	67002032	10.90	10.82
857.	67002034	50.44	50.44
858.	67002037	21.67	21.67
859.	67002038	103.19	103.19
860.	67002039	66.75	66.75
861.	67002040	128.03	128.03
862.	67002041	63.94	62.67
863.	67002042	427.59	427.40
864.	67002043	671.94	671.94
865.	67002044	155.71	154.88
866.	67002045	5.00	4.95
867.	67002046	36.74	36.74
868.	67002047	3.47	3.47
869.	67003002	219.59	219.58
870.	67003003	111.35	111.35
871.	67003005	249.26	249.26
872.	67003006	108.28	108.28

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
873.	67003007	136.07	136.07
874.	67003008	1.51	1.51
875.	67003009	2.74	2.74
876.	67003010	2.31	2.31
877.	67003011	8.10	8.10
878.	67003017	8.53	8.53
879.	67003019	75.96	75.96
880.	67004001	1573.65	1573.57
881.	67004004	77.02	77.02
882.	67009071	25.69	24.39
883.	68002005	184.39	184.39
884.	68002006	1031.90	1031.90
885.	68003001	7.56	1.08
886.	68003003	4.18	4.18
887.	68003005	436.88	436.88
888.	68003006	934.21	934.21
889.	68003009	186.25	186.25
890.	68003015	73.34	73.34
891.	68003019	36.85	36.85
892.	68003021	40.59	40.59
893.	68003030	17.02	17.02
894.	68003031	57.40	57.40
895.	68003033	9.67	9.67
896.	68003034	15.91	15.91
897.	68003035	2.12	2.12
898.	68003039	7.01	4.31
899.	68003040	140.08	140.08
900.	68003043	37.51	37.51
901.	68003044	39.30	39.30
902.	68003045	7.89	4.79
903.	68003046	8.28	5.28
904.	68003047	8.35	5.81
905.	68003048	4.12	4.12
906.	68003049	4.20	4.20
907.	68003050	4.07	4.07
908.	68007002	913.09	913.09
909.	68007003	1.82	1.82
910.	68013001	2.29	2.29
911.	68013002	2.00	2.00
912.	68013003	2.00	2.00

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
913.	68013004	2.00	2.00
914.	68013005	1.99	1.99
915.	68013006	2.01	2.01
916.	68013007	2.00	2.00
917.	68013008	2.00	1.82
918.	68013009	2.62	2.62
919.	68013010	2.12	2.12
920.	68013011	2.12	2.12
921.	68013012	1.97	1.97
922.	68013013	1.99	1.99
923.	68013014	2.00	0.98
924.	68013015	1.98	0.80
925.	68013016	2.00	0.63
926.	68013017	1.99	0.45
927.	68013018	1.98	1.98
928.	68013023	2.20	2.20
929.	68013024	2.07	2.07
930.	68013025	2.00	2.00
931.	68013027	2.00	1.03
932.	68013028	1.97	1.97
933.	68013029	1.99	1.99
934.	68013030	2.40	2.40
935.	68013031	2.00	2.00
936.	68013032	1.99	1.99
937.	68013033	2.01	2.01
938.	68013034	2.01	0.98
939.	68013035	2.00	2.00
940.	68013036	2.04	1.08
941.	68013037	2.18	1.54
942.	68013038	2.13	2.13
943.	68013039	1.97	1.97
944.	68013040	2.01	2.01
945.	68013041	2.00	2.00
946.	68013042	2.00	2.00
947.	68013043	2.19	2.19
948.	68013044	2.03	2.03
949.	68013045	2.30	2.30
950.	68013046	2.00	2.00
951.	68013047	2.02	2.02
952.	68013048	2.01	2.01

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
953.	68013049	2.02	2.02
954.	68013050	2.00	2.00
955.	68013051	2.02	2.02
956.	68013052	2.03	2.03
957.	68013053	2.05	2.05
958.	68013054	2.28	2.28
959.	68013055	2.22	2.22
960.	68013056	2.01	2.01
961.	68013057	1.98	1.98
962.	68013058	1.99	1.99
963.	68013059	2.09	2.09
964.	68013060	2.23	2.23
965.	68013061	2.00	2.00
966.	68013062	2.26	2.26
967.	68013063	2.40	2.40
968.	68013064	2.04	2.04
969.	68013065	2.31	2.31
970.	71001007	3.15	3.15
971.	71001011	90.14	80.11
972.	71001023	4.98	4.98
973.	71001027	1.01	1.01
974.	71001032	3.64	3.64
975.	71001036	0.67	0.67
976.	71001037	32.17	32.17
977.	71001038	68.79	68.79
978.	71001039	0.20	0.20
979.	71001040	0.17	0.17
980.	71001041	1.77	1.77
981.	71001042	0.03	0.03
982.	71001043	0.00	0.00
983.	71001044	0.04	0.04
984.	71002033	#N/A	22.88
985.	85002022	124.55	13.68
986.	85003008	0.07	0.07
987.	85003009	0.06	0.06
988.	85003012	4.03	4.02
989.	85003013	3.98	3.98
990.	85003015	4.63	4.63
991.	85003016	4.85	4.85
992.	85003017	4.59	4.49

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
993.	85003018	9.61	9.63
994.	85003019	2.90	2.90
995.	85003025	3.72	0.59
996.	85003026	4.79	0.36
997.	85003027	9.05	3.05
998.	85003028	5.78	5.26
999.	85003029	18.91	10.95
1000.	85003030	70.66	9.20
1001.	85003031	58.55	12.89
1002.	85003034	0.01	0.01
1003.	85003035	0.18	0.18
1004.	85003036	3.10	2.14
1005.	85003037	#N/A	6.78
1006.	85003039	2.35	2.39
1007.	85003040	0.59	0.56
1008.	85003042	2.12	2.12
1009.	85003043	61.15	61.25
1010.	85004004	18.55	4.42
1011.	85004005	0.76	0.76
1012.	85004007	0.83	0.48
1013.	85004010	0.94	0.76
1014.	85004018	4.30	3.01
1015.	85004019	14.54	14.54
1016.	85004020	9.30	2.90
1017.	85004021	4.61	4.22
1018.	85004023	7.59	7.59
1019.	85004024	3.07	1.63
1020.	85004025	0.98	0.98
1021.	85004029	14.14	11.87
1022.	85004030	5.72	5.47
1023.	85004032	0.75	0.54
1024.	85004035	4.48	4.48
1025.	85004046	1.00	0.54
1026.	85004047	1.00	0.53
1027.	85004048	1.01	0.43
1028.	85004049	0.97	0.12
1029.	85004054	5.22	5.02
1030.	85004055	6.39	6.39
1031.	85004056	6.17	6.17
1032.	85004065	0.28	0.28

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
1033.	85004066	5.11	4.10
1034.	85004067	4.21	2.67
1035.	85004068	1.95	1.33
1036.	85004069	1.10	0.97
1037.	85004070	2.55	1.24
1038.	85004071	7.51	2.35
1039.	85004072	3.18	3.09
1040.	85004073	3.27	2.75
1041.	85004074	1.52	1.32
1042.	85004075	2.25	1.22
1043.	85004076	1.76	1.73
1044.	85004077	1.73	1.73
1045.	85004078	1.01	1.01
1046.	85004079	2.07	0.39
1047.	85004080	1.03	1.03
1048.	85004081	1.40	1.23
1049.	85004084	1.02	0.55
1050.	85004085	0.97	0.50
1051.	85004086	1.00	0.53
1052.	85004087	0.99	0.89
1053.	85004089	1.01	1.01
1054.	85004091	1.01	0.97
1055.	85004092	1.00	0.63
1056.	85004093	1.00	0.85
1057.	85004095	3.41	3.41
1058.	85004099	7.55	7.55
1059.	85004101	2.04	2.04
1060.	85004102	1.95	1.95
1061.	85004105	6.56	5.91
1062.	85004106	6.37	6.37
1063.	85005005	6.23	6.23
1064.	85005010	2.41	0.38
1065.	85005014	4.13	0.47
1066.	85005015	2.76	1.84
1067.	85005017	0.15	0.15
1068.	85005031	1.39	0.46
1069.	85005033	1.25	1.25
1070.	85005034	0.83	0.71
1071.	85019003	10.45	10.45
1072.	85019004	7.52	6.38
1073.	85019005	8.66	2.73
1074.	85019009	3.86	3.86
1075.	85019010	2.63	2.63
1076.	85019014	5.24	5.24
1077.	85019016	6.16	6.16
1078.	85019017	1.65	1.65
1079.	85019018	6.76	6.76
1080.	85019019	3.35	3.35
1081.	85019020	3.75	3.75
1082.	85019021	3.62	0.65
1083.	85019022	5.23	5.23
1084.	85019023	2.06	2.06
1085.	85019028	1.95	1.95
1086.	85019031	1.27	1.27
1087.	85019032	1.20	1.20
1088.	85019033	2.87	0.83
1089.	85019034	2.46	1.28
1090.	85019035	2.51	1.86
1091.	85019036	2.51	1.89
1092.	85019037	2.79	1.58
1093.	85019038	2.66	1.06
1094.	85019039	3.39	3.39
1095.	85019040	2.68	1.29
1096.	85019041	2.60	1.78
1097.	85019042	1.75	1.75
1098.	85019043	2.08	2.08
1099.	85019044	2.05	2.05
1100.	85019045	2.14	2.14
1101.	85019046	2.24	2.24
1102.	85019048	2.13	2.13
1103.	85019049	0.66	0.66
1104.	85019050	2.23	2.23
1105.	85019052	1.63	1.63
1106.	85019053	1.93	1.93
1107.	85019054	0.98	0.98
1108.	85019055	2.10	2.10
1109.	85019056	1.98	1.98
1110.	85019064	1.72	1.72
1111.	85019065	4.11	4.11
1112.	85019070	0.96	0.96

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
1113.	85019077	2.57	2.57
1114.	85019078	1.95	1.95
1115.	85019080	1.61	1.61
1116.	85019081	1.66	1.66
1117.	85021001	2.44	2.44
1118.	85021002	3.71	3.71
1119.	85021003	3.97	3.97
1120.	85022008	1.02	1.02
1121.	85029003	0.97	0.10
1122.	86003004	10.88	10.88
1123.	86003005	10.98	10.98
1124.	86003006	2.34	2.34
1125.	86003007	5.49	5.49
1126.	86003018	1.77	1.77
1127.	86003019	6.93	6.93
1128.	86003020	10.89	10.89
1129.	86003021	2.00	2.00
1130.	86003023	4.33	4.33
1131.	86003029	10.30	10.30
1132.	86003041	1.13	1.13
1133.	86003043	0.15	0.15
1134.	86003044	0.19	0.19
1135.	86003045	0.19	0.19
1136.	86003048	1.98	1.98
1137.	86003049	2.34	2.34
1138.	86003050	3.02	3.02
1139.	86003053	4.94	4.94
1140.	86003054	2.43	2.43
1141.	86003055	2.63	2.63
1142.	86004001	12.06	12.06
1143.	86004002	12.02	7.09
1144.	86004003	11.93	7.00
1145.	86004005	0.88	0.88
1146.	86004006	1.00	0.75
1147.	86004007	1.00	0.33
1148.	86004016	12.10	1.94
1149.	86005001	10.10	10.10
1150.	86005002	6.18	6.18
1151.	86005003	5.01	5.01
1152.	86005004	1.00	1.00

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
1153.	86005005	5.01	5.01
1154.	86005006	0.98	0.98
1155.	86005007	7.02	7.02
1156.	86005008	11.95	11.95
1157.	86005009	5.02	5.02
1158.	86005010	1.00	1.00
1159.	86005011	0.93	0.93
1160.	86006002	14.63	14.63
1161.	86006003	16.08	16.08
1162.	86006004	7.91	7.91
1163.	86006005	3.65	3.65
1164.	86006006	11.91	11.91
1165.	86006007	11.96	11.96
1166.	86006008	8.35	8.35
1167.	86006009	8.19	8.19
1168.	86007001	5.99	5.99
1169.	86007002	8.17	8.17
1170.	86007003	1.03	1.03
1171.	86007004	1.07	1.07
1172.	86007005	1.89	1.89
1173.	86007006	0.99	0.99
1174.	86007007	6.93	6.93
1175.	86007008	4.21	4.21
1176.	86007009	0.50	0.50
1177.	86007010	1.02	1.02
1178.	86007011	3.82	3.82
1179.	86007014	0.31	0.31
1180.	86007015	0.15	0.15
1181.	86007016	0.15	0.15
1182.	86007017	0.15	0.15
1183.	86007018	0.14	0.14
1184.	86007019	0.15	0.15
1185.	86007020	0.13	0.13
1186.	86007021	0.14	0.14
1187.	86007022	0.14	0.14
1188.	86007023	0.14	0.14
1189.	86007024	0.14	0.14
1190.	86007025	0.14	0.14
1191.	86007026	0.14	0.14
1192.	86007027	0.15	0.15

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
1193.	86007028	0.14	0.14
1194.	86007029	0.14	0.14
1195.	86007030	0.16	0.16
1196.	86007031	3.48	3.48
1197.	86007032	2.36	2.36
1198.	86007033	1.00	1.00
1199.	86007034	0.97	0.97
1200.	86007035	1.05	1.05
1201.	86007036	1.02	1.02
1202.	86007037	0.95	0.95
1203.	86007038	0.96	0.96
1204.	86007039	1.00	1.00
1205.	86007040	1.03	1.03
1206.	86007041	1.00	1.00
1207.	86007042	0.97	0.97
1208.	86007043	0.82	0.82
1209.	86007044	1.64	1.64
1210.	86007045	3.55	3.55
1211.	86007046	1.98	1.98
1212.	86007047	6.75	6.75
1213.	86008001	0.24	0.24
1214.	86008002	10.50	10.50
1215.	86008003	0.93	0.93
1216.	86008004	11.00	11.00
1217.	86008005	2.97	1.50
1218.	86008006	2.96	2.96
1219.	86008007	2.97	2.97
1220.	86008008	7.95	7.95
1221.	86008009	1.93	1.93
1222.	86008010	0.78	0.78
1223.	86008011	3.76	3.76
1224.	86008012	2.98	0.98
1225.	86008013	2.79	0.55
1226.	86008014	1.86	1.86
1227.	86008015	7.55	1.46
1228.	86008016	0.53	0.11
1229.	86008017	1.44	1.44
1230.	86008018	1.98	1.98
1231.	86008019	10.77	7.27
1232.	86008020	2.13	2.13

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
1233.	86008021	1.06	1.06
1234.	86008022	2.90	2.90
1235.	86008023	1.80	1.80
1236.	86008024	1.56	1.56
1237.	86008025	1.21	1.21
1238.	86008026	1.54	1.19
1239.	86008027	1.96	1.96
1240.	86008028	2.99	2.99
1241.	86008029	2.04	2.04
1242.	86009002	1.01	0.82
1243.	86009003	1.50	1.01
1244.	86009004	5.31	2.76
1245.	86009006	11.78	11.78
1246.	86009007	11.70	3.08
1247.	86009008	0.97	0.97
1248.	86009011	2.34	1.45
1249.	86009012	5.58	5.58
1250.	86009014	9.29	9.29
1251.	86009015	2.16	2.16
1252.	86009016	4.66	4.66
1253.	86009017	2.44	2.44
1254.	86010001	1.02	1.02
1255.	86010002	1.01	1.01
1256.	86010003	1.00	1.00
1257.	86010004	0.51	0.51
1258.	86010005	1.24	1.24
1259.	86010006	10.46	10.46
1260.	86010007	1.22	1.22
1261.	86010008	1.00	1.00
1262.	86010009	2.00	2.00
1263.	86010010	0.26	0.26
1264.	86010011	2.50	2.50
1265.	86010012	5.24	5.24
1266.	86010014	0.99	0.99
1267.	86010015	5.19	5.19
1268.	86010016	1.99	1.99
1269.	86010017	3.98	3.98
1270.	86010018	1.19	1.19
1271.	86010019	1.20	1.20
1272.	86010020	1.19	1.19

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
1273.	86010022	0.17	0.17
1274.	86010023	1.10	1.10
1275.	86010024	0.49	0.49
1276.	86010025	1.00	1.00
1277.	86010026	1.19	1.19
1278.	86010027	1.04	1.04
1279.	86010028	1.01	1.01
1280.	86010030	0.18	0.18
1281.	86010031	0.19	0.19
1282.	86010032	0.19	0.19
1283.	86010033	0.18	0.18
1284.	86010034	0.17	0.17
1285.	86010035	0.17	0.17
1286.	86010036	0.18	0.18
1287.	86010037	0.17	0.17
1288.	86010038	0.17	0.17
1289.	86010039	2.04	2.04
1290.	86010040	2.04	2.04
1291.	86010041	2.15	2.16
1292.	86010042	2.18	2.18
1293.	86010043	2.35	2.35
1294.	86010044	2.02	2.03
1295.	86010045	1.97	1.97
1296.	86010046	1.99	2.00
1297.	86010047	1.96	1.96
1298.	86010048	2.74	2.74
1299.	86011001	2.60	2.60
1300.	86011003	1.54	1.37
1301.	86011004	22.79	22.80
1302.	86011005	2.58	2.72
1303.	86011007	1.00	0.98
1304.	86011011	2.50	2.50
1305.	86011013	1.90	1.93
1306.	86011014	1.21	0.52
1307.	86012001	10.97	10.97
1308.	86012002	2.02	2.02
1309.	86012003	0.61	0.61
1310.	86012004	4.64	4.64
1311.	86012005	0.46	0.46
1312.	86012006	0.46	0.46

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
1313.	86012007	0.46	0.46
1314.	86012008	0.79	0.79
1315.	86012009	0.46	0.46
1316.	86012010	0.37	0.37
1317.	86012011	4.14	4.14
1318.	86012013	1.78	1.78
1319.	86012014	1.96	1.96
1320.	86012015	2.07	2.07
1321.	86012016	2.77	2.77
1322.	86012017	1.98	1.98
1323.	86012018	0.98	0.98
1324.	86012019	1.68	1.68
1325.	86012020	5.99	5.96
1326.	86012022	1.35	1.35
1327.	86013001	6.93	6.93
1328.	86013002	8.91	7.71
1329.	86013003	4.45	4.45
1330.	86013004	9.48	3.91
1331.	86013005	17.91	17.87
1332.	86014002	10.19	10.19
1333.	86014003	4.99	4.99
1334.	86014004	5.00	5.00
1335.	86014005	4.14	4.14
1336.	86014006	1.00	1.00
1337.	86014007	1.02	1.02
1338.	86014008	0.62	0.62
1339.	86014010	1.01	1.01
1340.	86019001	2.01	2.01
1341.	86019002	6.00	6.00
1342.	86019022	1.06	1.06
1343.	86019023	1.03	1.03
1344.	86019040	3.89	3.89
1345.	86024001	6.06	6.06
1346.	86024002	2.69	2.69
1347.	86024003	4.03	4.03
1348.	86024005	2.62	2.62
1349.	86024007	13.52	13.52
1350.	86024008	1.99	1.99
1351.	86024011	2.00	2.00
1352.	86024012	1.98	1.98

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
1353.	86024013	1.95	1.95
1354.	86024014	3.95	3.95
1355.	87003005	4.82	4.82
1356.	87003006	4.93	4.93
1357.	87003007	8.71	8.71
1358.	87003008	8.48	8.48
1359.	87003009	3.02	3.08
1360.	87003022	2.48	2.47
1361.	87003026	2.84	2.82
1362.	87003027	3.11	3.11
1363.	87003028	3.48	3.48
1364.	87003029	2.95	2.95
1365.	87003030	8.01	8.01
1366.	87003031	7.75	7.75
1367.	87003032	2.68	2.65
1368.	87003058	3.06	3.03
1369.	87003066	2.49	2.49
1370.	87003067	2.96	3.02
1371.	87003068	2.46	2.46
1372.	87003069	3.35	3.35
1373.	87003070	2.42	2.42
1374.	87003071	1.96	1.96
1375.	87003072	1.03	1.03
1376.	87003073	1.07	1.07
1377.	87004002	0.14	0.14
1378.	87004003	0.14	0.14
1379.	87004004	0.14	0.14
1380.	87004005	0.14	0.14
1381.	87004006	0.14	0.14
1382.	87004029	0.13	0.13
1383.	87004045	6.96	6.96
1384.	87004046	4.08	4.08
1385.	87004047	14.31	14.31
1386.	87004062	0.83	0.83
1387.	87007006	4.43	2.99
1388.	87007008	2.99	1.10
1389.	87007009	2.26	1.21
1390.	87007010	3.40	1.54
1391.	87007013	0.71	0.71
1392.	87007069	2.49	2.33

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
1393.	87007070	2.00	0.29
1394.	87009003	12.00	10.17
1395.	87010003	207.11	112.33
1396.	87010005	3.22	3.22
1397.	87010008	1.82	1.82
1398.	87010009	1.82	1.82
1399.	87010010	2.74	2.74
1400.	87010015	0.34	0.34
1401.	87010016	23.84	23.84
1402.	87010017	1.82	1.82
1403.	87010018	2.41	2.41
1404.	87010019	1.83	1.83
1405.	87010020	198.35	44.47
1406.	87017039	6.01	5.90
1407.	87018001	3.26	3.26
1408.	87018002	5.02	5.02
1409.	87018003	11.76	11.76
1410.	87018004	12.24	12.24
1411.	87018005	3.82	3.82
1412.	87018006	11.08	11.08
1413.	87018007	2.45	2.45
1414.	87018008	5.04	5.04
1415.	87018009	8.96	8.96
1416.	87018010	1.65	1.65
1417.	87018011	4.46	4.46
1418.	87018012	4.47	4.47
1419.	87018013	4.49	4.49
1420.	87018014	4.72	4.72
1421.	87018015	4.04	4.04
1422.	87018016	4.50	4.50
1423.	87018017	4.51	4.51
1424.	87018018	2.47	2.47
1425.	87018019	2.54	2.54
1426.	87018020	2.54	2.54
1427.	87018021	2.51	2.51
1428.	87018022	4.99	4.99
1429.	87018023	4.97	4.97
1430.	87018024	4.95	4.95
1431.	87018025	4.98	4.98
1432.	87018026	2.49	2.49

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
1433.	87018027	1.47	1.47
1434.	87018028	2.59	2.59
1435.	87018029	4.48	4.48
1436.	87018030	3.94	3.94
1437.	87018031	7.25	6.96
1438.	87018032	5.42	5.42
1439.	87018033	3.86	3.86
1440.	87018034	5.87	5.87
1441.	87018035	4.94	4.94
1442.	87018036	2.85	2.85
1443.	87018037	3.93	3.93
1444.	87018038	3.72	3.72
1445.	87018039	3.94	3.94
1446.	87018041	2.19	2.19
1447.	87018042	1.00	1.00
1448.	87018043	2.45	2.45
1449.	87018044	1.67	1.67
1450.	87018045	1.68	1.68
1451.	87018046	1.67	1.67
1452.	87018047	1.67	1.67
1453.	87018048	2.51	2.51
1454.	87018049	1.68	1.68
1455.	87018050	4.93	4.93
1456.	87018051	4.99	4.99
1457.	87018055	3.35	3.35
1458.	87018056	3.32	3.32
1459.	87018057	0.99	0.99
1460.	87018058	5.02	5.02
1461.	87018059	2.53	2.53
1462.	87018060	4.96	4.96
1463.	87018061	6.51	6.51
1464.	87019001	8.29	8.29
1465.	87019002	8.00	5.62
1466.	87019003	10.08	6.42
1467.	87019004	4.81	3.00
1468.	87019005	5.01	3.23
1469.	87019006	5.02	3.44
1470.	87019007	3.08	2.73
1471.	87019008	10.05	10.05
1472.	87019009	5.66	3.55
1473.	87019010	5.18	5.18
1474.	87019011	16.34	16.34
1475.	87019012	1.36	1.36
1476.	87019014	2.02	2.02
1477.	87019015	1.01	1.01
1478.	87019016	1.14	1.14
1479.	87019017	1.49	1.49
1480.	87019018	1.84	1.84
1481.	87019019	5.36	5.36
1482.	87019020	2.48	2.48
1483.	87019021	5.13	5.13
1484.	87019022	5.14	5.14
1485.	87019023	5.00	5.00
1486.	87019024	4.84	4.84
1487.	87019025	4.80	4.80
1488.	87019026	2.89	2.89
1489.	87019027	6.58	6.58
1490.	87019028	5.23	5.23
1491.	87019029	5.21	5.21
1492.	87019030	2.81	2.81
1493.	87019031	2.84	2.84
1494.	87019032	6.85	6.85
1495.	87019033	5.02	5.02
1496.	87019034	5.03	5.03
1497.	87019035	1.41	1.41
1498.	87019036	4.43	4.43
1499.	87019037	3.02	2.83
1500.	87019038	14.06	14.63
1501.	87019039	9.94	9.94
1502.	87019040	2.50	2.50
1503.	87019041	2.51	2.51
1504.	87019042	5.08	5.08
1505.	87019043	5.15	5.15
1506.	87019047	1.01	0.90
1507.	87019048	3.00	2.84
1508.	87019049	2.02	1.92
1509.	87019050	2.00	2.00
1510.	87019051	2.07	2.07
1511.	87019052	2.00	2.00
1512.	87019053	0.99	1.00

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
1513.	87019054	5.28	5.28
1514.	87019055	2.49	2.49
1515.	87019056	4.90	4.90
1516.	87019057	1.93	1.93
1517.	87019058	1.48	1.48
1518.	87019059	4.02	4.01
1519.	87019060	2.04	2.04
1520.	87019061	3.16	2.43
1521.	87019062	1.90	1.40
1522.	87019063	1.98	1.62
1523.	87019064	1.97	1.94
1524.	87019065	1.86	1.86
1525.	87019066	1.76	1.76
1526.	87019067	1.53	1.53
1527.	87019068	1.53	1.53
1528.	87019069	1.64	1.64
1529.	87019070	0.99	0.99
1530.	87019071	1.03	1.03
1531.	87019072	1.00	1.00
1532.	87019073	0.97	0.97
1533.	87019074	3.20	2.99
1534.	87019075	1.17	1.36
1535.	87019076	5.17	3.19
1536.	87019077	1.24	1.24
1537.	87019079	0.91	0.91
1538.	87019080	2.88	2.88
1539.	87021001	5.29	5.25
1540.	87021002	4.77	4.77
1541.	87021003	4.87	4.87
1542.	87021004	4.74	4.71
1543.	87021005	3.10	3.10
1544.	87021006	3.82	3.82
1545.	87021007	9.65	9.65
1546.	87021008	2.58	2.58
1547.	87021009	2.41	2.41
1548.	87021010	2.04	2.03
1549.	87021011	4.77	4.77
1550.	87021012	2.69	1.34
1551.	87021013	2.14	2.14
1552.	87021014	4.93	4.93

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
1553.	87021015	2.48	2.48
1554.	87021016	4.77	4.60
1555.	87021017	5.03	5.03
1556.	87021018	4.98	4.98
1557.	87021019	5.02	5.02
1558.	87021020	5.84	4.97
1559.	87021021	1.49	1.49
1560.	87021022	5.00	5.00
1561.	87021023	4.99	4.99
1562.	87021024	5.00	5.00
1563.	87021025	7.39	7.38
1564.	87021031	0.98	0.98
1565.	87021032	2.35	2.35
1566.	87021033	1.01	1.01
1567.	87021034	0.94	0.94
1568.	87021036	2.49	2.49
1569.	87021037	2.48	2.48
1570.	87021038	4.77	4.77
1571.	87021039	2.58	2.58
1572.	87021040	3.15	3.15
1573.	87021041	3.07	3.07
1574.	87021042	0.00	0.00
1575.	87021043	2.00	2.00
1576.	87021044	3.08	3.08
1577.	87021045	3.17	3.17
1578.	87021046	3.41	3.41
1579.	87021047	2.04	0.59
1580.	87021048	2.40	2.40
1581.	87022001	1.99	1.99
1582.	87022002	2.41	2.41
1583.	87022003	2.38	2.38
1584.	87022004	2.40	2.40
1585.	87022005	2.42	2.42
1586.	87022007	2.86	2.86
1587.	87022008	1.19	1.19
1588.	87022009	1.19	1.19
1589.	87022010	1.19	1.19
1590.	87022011	2.37	2.37
1591.	87022013	2.40	2.40
1592.	87022014	2.39	2.39

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
1593.	87022015	2.40	2.40
1594.	87022016	2.40	2.40
1595.	87022017	1.95	1.95
1596.	87022032	1.21	1.21
1597.	92001002	1.24	1.24
1598.	92001004	0.24	0.24
1599.	92001011	388.97	387.72
1600.	92001016	0.20	0.20
1601.	92001017	0.83	0.83
1602.	92002006	#N/A	54.83
1603.	92004002	1.48	1.48
1604.	92004007	1.52	1.52
1605.	92004008	1272.64	1272.12
1606.	92004010	427.54	427.54
1607.	92005001	3.99	3.99
1608.	92005023	118.05	118.05
1609.	92045002	870.69	836.06
1610.	92045004	0.24	0.24
1611.	92045005	4.41	1.20
1612.	92045006	0.15	0.15
1613.	92049007	792.56	789.48
1614.	92049010	0.86	0.86
1615.	92049011	1.69	1.67
1616.	92052001	#N/A	5.04
1617.	92052002	#N/A	15.51
1618.	92052003	#N/A	16.14
1619.	92052004	#N/A	10.36
1620.	92052005	#N/A	5.62
1621.	92052006	#N/A	6.06
1622.	92052007	#N/A	16.35
1623.	92052008	#N/A	7.00
1624.	92052009	#N/A	5.18
1625.	92052010	#N/A	5.08
1626.	92052011	#N/A	5.07
1627.	92052012	#N/A	5.10
1628.	92052013	#N/A	5.11
1629.	92052014	#N/A	5.11
1630.	92052015	#N/A	5.62
1631.	92052016	#N/A	5.18
1632.	92052017	#N/A	5.43

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
1633.	92052018	#N/A	5.76
1634.	92052019	#N/A	5.29
1635.	92052020	#N/A	5.22
1636.	92052021	#N/A	5.12
1637.	92052022	#N/A	10.82
1638.	92052023	#N/A	11.25
1639.	92052024	#N/A	5.53
1640.	92052025	#N/A	5.22
1641.	92052026	#N/A	10.10
1642.	92052028	#N/A	11.75
1643.	92052029	#N/A	5.38
1644.	92052030	#N/A	5.30
1645.	92052031	#N/A	16.66
1646.	92052032	#N/A	5.42
1647.	92052033	#N/A	12.31
1648.	92052034	#N/A	5.23
1649.	92052035	#N/A	5.19
1650.	92052036	#N/A	5.24
1651.	92052037	#N/A	5.11
1652.	92052038	#N/A	5.12
1653.	92052039	#N/A	5.15
1654.	92052040	#N/A	11.33
1655.	92052041	#N/A	10.00
1656.	92053001	#N/A	10.62
1657.	92053002	#N/A	10.61
1658.	92053003	#N/A	5.26
1659.	92053004	#N/A	5.23
1660.	92053005	#N/A	12.13
1661.	92053006	#N/A	3.58
1662.	92053007	#N/A	2.33
1663.	92053008	#N/A	12.28
1664.	92053009	#N/A	5.27
1665.	92053010	#N/A	10.43
1666.	92053011	#N/A	10.49
1667.	92053012	#N/A	10.41
1668.	92053013	#N/A	5.21
1669.	92053014	#N/A	16.48
1670.	92053015	#N/A	1.65
1671.	92053016	#N/A	5.72
1672.	92053017	#N/A	5.28

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
1673.	92053018	#N/A	5.18
1674.	92053019	#N/A	5.15
1675.	92053020	#N/A	5.21
1676.	92053021	#N/A	10.55
1677.	92053022	#N/A	10.70
1678.	92053023	#N/A	17.91
1679.	92053024	#N/A	10.23
1680.	92053025	#N/A	17.64
1681.	92053026	#N/A	5.24
1682.	92053027	#N/A	5.07
1683.	92053028	#N/A	5.08
1684.	92053029	#N/A	10.23
1685.	92053030	#N/A	5.24
1686.	92053031	#N/A	6.15
1687.	92053032	#N/A	5.56
1688.	92053033	#N/A	6.81
1689.	92053034	#N/A	5.83
1690.	92053035	#N/A	11.24
1691.	92053036	#N/A	21.08
1692.	92053037	#N/A	5.29
1693.	92053038	#N/A	20.67
1694.	92053039	#N/A	15.60
1695.	92053040	#N/A	5.07
1696.	92053041	#N/A	5.04
1697.	92053042	#N/A	10.57
1698.	92053043	#N/A	10.12
1699.	92053044	#N/A	10.17
1700.	92053045	#N/A	10.46
1701.	92053046	#N/A	10.24
1702.	92053047	#N/A	5.16
1703.	92053048	#N/A	10.62
1704.	92053049	#N/A	9.36
1705.	92053050	#N/A	1.38
1706.	92053051	#N/A	5.62
1707.	92053052	#N/A	10.47
1708.	92053053	#N/A	5.20
1709.	92053054	#N/A	5.21
1710.	92053055	#N/A	10.46
1711.	92053056	#N/A	5.11
1712.	92053057	#N/A	10.40

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
1713.	92053058	#N/A	10.21
1714.	92053061	#N/A	2.25
1715.	92053062	#N/A	2.69
1716.	92053063	#N/A	15.06
1717.	92053065	#N/A	20.21
1718.	92053066	#N/A	4.83
1719.	92053067	#N/A	10.01
1720.	92053068	#N/A	0.25
1721.	94002008	49.24	32.95
1722.	94003001	876.50	875.14
1723.	94003003	39.45	38.89
1724.	94004002	13.49	12.11
1725.	94004003	3.63	3.63
1726.	94004004	560.14	560.14
1727.	94004007	14.77	14.77
1728.	94004008	1.63	0.98
1729.	94004009	205.38	205.38
1730.	94004010	109.42	109.42
1731.	94004011	43.72	43.72
1732.	94004012	534.13	534.13
1733.	94004019	59.54	57.09
1734.	94005010	32.12	11.15
1735.	94005050	0.40	0.40
1736.	94005052	50.24	20.25
1737.	94005069	17.66	17.49
1738.	94005090	34.75	34.47
1739.	94005091	34.76	34.64
1740.	94005092	34.39	32.77
1741.	94005095	23.76	9.46
1742.	94005096	39.09	38.57
1743.	94005097	210.85	191.83
1744.	94006003	1.68	2.23
1745.	94006029	145.16	212.65
1746.	94006041	0.21	0.21
1747.	94006043	7.00	6.945
1748.	94007025	0.29	0.29
1749.	94007044	6.90	6.13
1750.	94007045	3.64	3.59
1751.	94056109	1.80	1.80
1752.	95001086	51.22	48.40

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
1753.	95001087	94.32	94.28
1754.	95002003	163.00	162.96
1755.	95002062	47.36	9.16
1756.	95003001	642.00	632.85
1757.	95003002	7.62	7.62
1758.	95003007	91.20	91.20
1759.	95003009	3.41	3.41
1760.	95003010	128.98	31.49
1761.	95003012	5.00	2.65
1762.	95003013	9.08	5.59
1763.	95003017	344.00	342.36
1764.	95003018	402.00	397.48
1765.	95003019	137.00	137.07
1766.	95046041	21.55	0.59
1767.	98011014	29.82	10.97
1768.		#N/A	15.39
1769.		#N/A	0.10
1770.		#N/A	0.11
1771.		#N/A	1.80
1772.		#N/A	0.16
1773.		#N/A	0.02
1774.		#N/A	0.02
1775.		#N/A	0.74
1776.		#N/A	0.59
1777.		#N/A	0.52
1778.		#N/A	0.54
1779.		#N/A	0.50
1780.		#N/A	8.72
1781.		#N/A	1.68

CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII 96813-3077

COMMITTEE ON ZONING AND HOUSING

Voting Members:
Kymberly Marcos Pine, Chair
Carol Fukunaga, Vice Chair
Ikaika Anderson
Michael Formby
Ron Menor
Heidi Tsuneyoshi

MINUTES

REGULAR MEETING
THURSDAY, FEBRUARY 7, 2019

COUNCIL COMMITTEE MEETING ROOM
2ND FLOOR, HONOLULU HALE
HONOLULU, HAWAII 96813

Note: *A copy of the video of the full proceedings of this meeting may be requested by calling the City Clerk's Office at 768-5822.*

(Note: The membership of the Committee on Zoning and Housing was changed pursuant to Communication CC-37, effective February 5, 2019)

CALL TO ORDER

The regular meeting of the Committee on Zoning and Housing was called to order by Committee Chair Kymberly Marcos Pine at 9:14 a.m. Voting Members Anderson, Formby, Menor, and Tsuneyoshi were present at the meeting. Voting Member Fukunaga was excused from the meeting.

STAFF PRESENT

Matthew Caires, Chief of Staff to Committee Chair Pine
Lori Hiraoka, Attorney, Office of Council Services
Molly Stebbins, Deputy, Department of the Corporation Counsel, assigned to the Committee
Pearlene Otto, Council Committee Aide, Office of the City Clerk

ORDER OF BUSINESS

FOR ACTION

1. BILL 95 (2018) – COMMITTEE REPORT 41

MOANALUA ZONE CHANGE (2018/Z1). Rezoning land situated at 511 Main Street, Honolulu, Oahu, Hawaii, from the F-1 Military and Federal Preservation District to the R-5 Residential District, identified as Tax Map Key: 1-1-002: 051. (Current deadline for Council action: 3/14/19)

PROPOSED UNILATERAL AGREEMENT – The proposed U/A (draft dated 1/31/19) to be attached as "Exhibit B" to the Bill after execution and recordation.

Administration/Others

Kathy Sokugawa, Acting Director, Department of Planning and Permitting (DPP)
Jeff Merz, AECOM, Agent

There was no public testimony.

Acting Director Sokugawa provided a brief overview of the measure, noting that the land was purchased primarily by churches after it was released from the military. The Acting Director testified that the Administration recommends approval of Bill 95 (2018), indicating that this is the last in a series of zone change requests over the last few years. The Acting Director explained that the standard conditions of approval would apply and that the State Department of Transportation requested a disclosure regarding its proximity to the airport be included.

The Agent testified that the Applicant is not proposing any additional changes other than what is listed in the Bill and concurs with the testimony of the DPP.

Bill 95 (2018) reported out for passage on second reading and scheduling of a public hearing.

AYES: ANDERSON, FORMBY, MENOR, TSUNEYOSHI, PINE – 5.
NOES: None.
EXCUSED: FUKUNAGA – 1.

Related communication:

M-64 AECOM, Agent for Holy Family Catholic Parish (comments)

FOR DISCUSSION

2. RESOLUTION 18-233

Identification of Important Agricultural Lands.

Administration/Others

Kathy Sokugawa, Acting Director, Department of Planning and Permitting (DPP)
Dina Wong, Acting Planning Division Chief, DPP
Dr. Po-Yung Lai, Agricultural Liaison, Mayor's Office of Economic Development
Kathy Mitchell, Board of Water Supply (BWS)

Acting Director Sokugawa testified that the Administration asked the Council's Agricultural Development Task Force to opine and provide incentives on the Oahu Important Agricultural Land (IAL) Mapping Project. Their recommendations and incentives were submitted to the Council, as detailed in Communication CC-35. The Acting Director indicated that the Administration was unable to provide a complete list of reactions to the recommendations because of time constraints between meetings.

Acting Division Chief Wong provided a PowerPoint presentation on the City's proposed IAL designations, as detailed in Communication D-75.

Dr. Lai testified that the Mayor strongly supports agriculture and assured the Committee that input and concerns gathered from various sectors were done very responsibly. Dr. Lai asked for the Committee's favorable consideration of the Task Force's report and the IAL mapping.

The DPP provided the following information in response to queries by Committee Member Menor:

- After adoption of Resolution 18-233, it will be submitted to the Land Use Commission (LUC) for approval. The LUC can either approve the Resolution in its original form or make changes as they see fit.

- On February 6, 2019, the LUC heard a petition from Malaekahana, one of the landowners, and approved the petition. There may be one other case pending before the LUC that the Committee may hear about today.

- There is no statutory deadline currently in place for recommendations to be submitted to the LUC. The State Legislature proposed a state-wide legislation on the issue but it was rejected.

- Landowners are taking advantage of the voluntary designation option rather than wait for the county initiative currently before the City Council. The City has already lost more than 5,000 acres due to voluntary designations through the LUC. Once a landowner takes action with the LUC, the City has no jurisdiction over the remainder of the owner's land.

- There may still be landowners who feel that their land should not be included in the IAL designation. In one particular case, it was discovered that a fairly significant piece of property included in the IAL designation is partially owned by the Federal Government. However, one criteria of the IAL designation is that the property must be State Agricultural and not federally owned.

The following individuals testified:

1. Jeff Overton, G70 (comments)
2. Cal Chipchase, Cades Schutte (comments)

Committee Chair Pine requested and both Mr. Overton and Mr. Chipchase agreed to meet with Councilmember Tsuneyoshi to discuss their situations.

In response to queries by Councilmember Menor, Mr. Chipchase stated that his client purchased two small parcels, included in the IAL designation map, as a retirement investment. Each parcel contain a single-family residential dwelling and would be used solely for that purpose. Mr. Chipchase spoke with the DPP to have the parcels removed from the map but was told that at this point, the map could not be changed and that he would have to take up the issue with the City Council.

Ms. Mitchell testified that the comments submitted by the BWS does not specifically address the language in the measure but focuses more on what the BWS is doing to support the farmers and agricultural issues.

Related communications:

CC-35	Agricultural Development Task Force, submitting recommendations and suggested possible incentives for Important Agricultural Lands
D-75	Department of Planning and Permitting, submitting the PowerPoint presentation entitled "Where are the City's Proposed Important Agricultural Lands?"
D-76	Ernest Y.W. Lau, Board of Water Supply (comments)
M-65	Jeffrey H. Overton, G70 (comments)
M-66	Calvert G. Chipchase, Cades Schutte (comments)

3. UPDATE FROM THE PERMITTED INTERACTION GROUP ESTABLISHED BY RESOLUTION 18-208, FD1 ON ITS INVESTIGATION OF DELAYS IN THE PERMITTING PROCESS AT THE DEPARTMENT OF PLANNING AND PERMITTING.

Administration/Others

Kathy Sokugawa, Acting Director, Department of Planning and Permitting (DPP)

Committee Chair Pine provided a brief overview of the Permitted Interaction Group's (PIG) visit to DPP, noting that some changes have already been implemented.

Acting Director Sokugawa testified that a workshop held by the DPP with the Committee Chair and staff members of the Council went well. The DPP is committed to ongoing improvements to their processing program. The Acting Director advised that additional monies were requested in the upcoming budget which will be used toward improvements of the Department.

Responding to queries by the Committee members, the Acting Director furnished the following information:

- "Malama Mondays" were implemented and additional staff were hired.

- For the past several years, the DPP has utilized student interns from Honolulu Community College, which has worked out very well. Some of those interns graduated and applied for permanent positions within the Department, providing a hiring advantage of skilled workers.

- Checklists to help applicants with the processing of major permits are now available online.

- Per Ordinance 18-41 (Bill 64 [2018]), the "One Time Review for Residential Permits" form known as OTR-60, as detailed in Communication D-74, has been implemented and is engaged to be used.

- In order to provide mentorship to the "younger" staff on the planning review processes, short-term reassignments were made amongst the senior staff so that they could spend 100% of their time on mentoring.

- In order to accommodate the high employee turnover of the Department, reorganization amongst the staff was conducted, more supervisors were added, and a variety of other things were implemented.

- The DPP is moving towards the scanning of decades old documents into a digital storage system. However, a price quote of $10 to scan one sheet of construction drawings was received, which could become very expensive because of the vast amount of rolls of drawings to be scanned.

- The DPP will require that all construction drawings be transmitted electronically going forward.

- The DPP has entertained emergency hires but much of the work requires skilled individuals like the ones who retired but unfortunately, most retirees do not want to return to work for various reasons.

- Private companies or "third party reviewers" are utilized by the DPP in that an applicant contracts out their building permit review to a third party company, hiring them on their own accord. The DPP then certifies the third party reviewer.

- The DPP will consider and look into hiring temporary or contract workers to assist with only the backlogged areas of the Department.

- The DPP does not plan to revise the language in the OTR-60 form but will consider it in order to provide more clarity to some portions of the form.

Acting Director Sokugawa asked for the Committee's support on the Department's technology and IT recommendations in the upcoming budget. The Committee Chair acknowledged.

The following individuals testified:

1. Marshall Hickox (comments)

   Committee Chair Pine stated that the language in the OTR-60 was not intended to be a scare tactic for builders. It was created to bring more unity between the homeowner and their contractor so that there is only one designated contact with DPP. In their visit to the DPP office, the PIG discovered that homeowners were bypassing their contractors and contacting the DPP directly, causing a lot of confusion. The Committee Chair would continue working with the DPP to better refine the OTR-60.

2. Rodney Kim (comments)

   In response to queries by the Committee Chair, Mr. Kim stated that storm water quality rules require that "ground covering", otherwise known as basic landscaping, be completed before a notice of completion can be issued. Most homeowners do not want to ground cover their property at the time of construction because they prefer to either concrete the entire ground or landscape it on their own.

   Committee Chair Pine stated that the storm water quality requirements may be a Federal issue but would look into the matter and try to find a solution.

Committee Chair Pine stated that everyone did a great job of providing suggestions to the PIG and thanked the BIA-Hawaii for bringing in their expert from Pierce County.

Related communication:

D-74 Department of Planning and Permitting, submitting handout entitled "One Time Review (OTR-60) for Residential Permits"

ADJOURNMENT

There being no further business, the meeting was adjourned at 10:17 a.m.

Respectfully submitted,

GLEN I. TAKAHASHI
City Clerk

pno

DATE APPROVED

February 28, 2019

CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII 96813-3077

COMMITTEE ON ZONING AND HOUSING

Voting Members:
Kymberly Marcos Pine, Chair
Carol Fukunaga, Vice Chair
Ikaika Anderson
Michael Formby
Ron Menor
Heidi Tsuneyoshi

WRITTEN SUMMARY FOR VIDEO RECORD

REGULAR MEETING
THURSDAY, APRIL 25, 2019

COUNCIL COMMITTEE MEETING ROOM
2ND FLOOR, HONOLULU HALE
HONOLULU, HAWAII 96813

Note: *A copy of a DVD of the full proceedings of this meeting may be requested by calling the City Clerk's Office at 768-5822 or the video may be viewed at* http://honolulu.granicus.com/player/clip/1027?view_id=3.

The time references below indicate the point in the video recording when the stated actions began.

CALL TO ORDER

The regular meeting of the Committee on Zoning and Housing was called to order by Committee Chair Kymberly Marcos Pine at 9:08 a.m. Voting Members Anderson, Formby, and Fukunaga were present at the meeting.

ORDER OF BUSINESS

[9:08 a.m.]

APPROVAL OF MINUTES

The minutes of the March 28, 2019 regular meeting of the Committee on Zoning and Housing were approved as circulated.

AYES: ANDERSON, FORMBY, FUKUNAGA, PINE – 4.
NOES: None.
EXCUSED: MENOR, TSUNEYOSHI – 2.

Committee on Zoning and Housing Minutes
Written Summary for Video Record
Thursday, April 25, 2019

FOR ACTION

[9:08 a.m.]

1. BILL 20 (2019) – COMMITTEE REPORT 138

RELATING TO THE ADOPTION OF THE STATE ELECTRICAL CODE. Updating the City and County of Honolulu Electrical Code through the adoption of the State Electrical Code (2018) (SEC), subject to the local amendments herein.

[9:11 a.m.]

Bill 20 (2019) amended to CD1 (OCS2019-0390/4/18/2019 9:45 AM) and reported out for passage on second reading and scheduling of a public hearing.

AYES: ANDERSON, FORMBY, FUKUNAGA, PINE – 4.
NOES: None.
EXCUSED: MENOR, TSUNEYOSHI – 2.

[9:11 a.m.]

2. RESOLUTION 18-233 – COMMITTEE REPORT 139

RELATING TO THE IDENTIFICATION OF IMPORTANT AGRICULTURAL LANDS. Identifying that the Important Agricultural Lands (IAL) in the "Oahu Important Agricultural Land Mapping Project" are lands eligible to be designated IAL.

[9:18 a.m.]

Resolution 18-233 amended to CD1 (OCS2019-0473/5/2/2019 10:27 AM) and reported out for adoption.

AYES: ANDERSON, FORMBY, FUKUNAGA, PINE – 4.
NOES: None.
EXCUSED: MENOR, TSUNEYOSHI – 2.

[9:19 a.m.]

3. BILL 7 (2019), CD1

RELATING TO AFFORDABLE RENTAL HOUSING. Creating a temporary program to accelerate the construction of affordable rental housing on apartment and business mixed use-zoned properties by relaxing zoning and building code standards, and offering financial incentives.

[9:51 a.m.]

Action on Bill 7 (2019), CD1 postponed to a special meeting to be held tentatively on May 2, 2019.

AYES: ANDERSON, FORMBY FUKUNAGA, PINE – 4.
NOES: None.
EXCUSED: MENOR, TSUNEYOSHI – 2.

FOR DISCUSSION

[9:51 a.m.]

COMPREHENSIVE HOMELESS STRATEGY

ADJOURNMENT

There being no further business, the meeting was adjourned at 10:46 a.m.

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII 96813-3077

IKAIKA ANDERSON
CHAIR & PRESIDING OFFICER
ANN H. KOBAYASHI
VICE CHAIR
CAROL FUKUNAGA
FLOOR LEADER
BRANDON J. C. ELEFANTE
JOEY MANAHAN
RON MENOR
KYMBERLY MARCOS PINE
HEIDI TSUNEYOSHI
TOMMY WATERS

JOURNAL

REGULAR MEETING
9TH SESSION
WEDNESDAY, MAY 8, 2019

CITY COUNCIL CHAMBER
3RD FLOOR, HONOLULU HALE
HONOLULU, HAWAII 96813

Note: A copy of the video of the full proceedings of this meeting may be requested by calling the City Clerk's Office at 768-5822.

CALL TO ORDER

Pursuant to adjournment, the regular meeting of the City Council was called to order by the Interim Chair and Presiding Officer, Ann H. Kobayashi, at 10:26 a.m.

ROLL CALL

Roll call showed the following Councilmembers present:

Councilmembers Anderson, Elefante, Fukunaga, Manahan, Menor, Pine, Tsuneyoshi, Waters, Kobayashi – 9.

CEREMONIAL OATH OF OFFICE

The Chair recognized the Honorable Kevin Souza, to administer the Oath of Office. Judge Souza asked Councilmember Waters to rise for the Oath of Office. Judge Souza and the Chair congratulated Councilmember Waters.

Councilmember Waters thanked his family and friends for being there for him. He also thanked Interim Councilmember Formby and Councilmember Trevor Ozawa for their hard work and dedication. He stated he will continue their hard work and dedication. Councilmember Waters noted that he looks forward to working with his colleagues and expressed his excitement to begin and achieve great things in the Council.

APPROVAL OF MINUTES

Councilmember Menor moved that the Minutes of the 8th Session be approved, subject to corrections by Councilmembers within 30 days. Seconded by Councilmember Fukunaga.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS, KOBAYASHI – 9.
NOES: None.

ORDER OF THE DAY

ADOPTION
RESOLUTION 19-105

RESOLUTION RELATING TO THE OFFICERS OF THE COUNCIL OF THE CITY AND COUNTY OF HONOLULU.

Councilmember Menor moved that Resolution 19-105 be adopted. Seconded by Councilmember Fukunaga.

The following individuals testified:

1. Kukana Kama-Toth, Nā Kuaʻaina o Waimānalo (M-241) (General comment)
2. Kauilani Kalama-Ohelo (M-241) (Oppose)
3. Demont Conner, Hoʻomana Pono, LLC (Support)
4. Kalani Kalima, Na Kuaʻaina o Waimanalo (M-241) (Oppose)
5. Rachel Kailianu Hoʻomana Pono, LLC (Support)
6. Karin OMahony (M-241) (Oppose)
7. Malia Espinda (Support)
8. Barbra Armentrout (Support)
9. Barbara Mayer (Oppose)
10. Renate Kawakami (Support)
11. Raynette Bowman (Oppose)
12. Kapoho O Lahaina Moniz Pa (General comment)
13. Bob Vieira (Support)

14. Shannon Alivado (Support)
15. Gary Nakata (Support)
16. Nihi Napoleon(Oppose)
17. Laura Satranski (Oppose)
18. Bridget Murphy (Oppose)

Councilmember Waters expressed his strong support of the Resolution. He noted that there are two separate issues, one is the election of a Hawaiian from Waimanalo to be the Chair of the Council and the other is the issue on the destruction of a portion of Sherwood Forrest. Councilmember Waters stated he is in support of Councilmember Anderson to be the Chair and against Sherwood Forrest.

Chair Kobayashi stated her support of Councilmember Ikaika Anderson as Chair of the Council. She noted that he is a wonderful person and his family raised him well and he will be fair and show respect to all.

Resolution 19-105 was adopted.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS, KOBAYASHI – 9.
NOES: None.

Related communication:

M-241 Additional testimony on Resolution 19-105

RECESS/RECONVENE

At 10:56 a.m., the Chair called for a short recess and reconvened the meeting at 11:07 a.m.

Chair Anderson thanked everyone for placing their trust in him to lead the Council. He thanked his family for being there for him. Chair Anderson stated he will continue to work with the people of Windward Oahu and that the Council will be a unified Council working together.

ADOPTION
RESOLUTION 19-57 – COMMITTEE REPORT 129

RESOLUTION CONFIRMING THE REAPPOINTMENT OF MS. RIKI MAY AMANO TO SERVE ON THE ETHICS COMMISSION OF THE CITY AND COUNTY OF HONOLULU.

Councilmember Menor moved that Committee Report 129 and Resolution 19-57 be adopted. Seconded by Councilmember Elefante.

The following individual testified:

Riki May Amano (General comment)

Committee Report 129 and Resolution 19-57 were adopted.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS, ANDERSON – 9.
NOES: None.

Chair Anderson recognized and congratulated Ms. Amano.

Related communication:

M-242 Additional testimony on Resolution 19-57

ADOPTION
RESOLUTION 19-58 – COMMITTEE REPORT 143

RESOLUTION CONFIRMING THE REAPPOINTMENT OF MR. GERARD C. GIBSON TO SERVE ON THE POLICE COMMISSION OF THE CITY AND COUNTY OF HONOLULU.

Councilmember Elefante moved that Committee Report 143 and Resolution 19-58 be adopted. Seconded by Councilmember Manahan.

The following individual testified:

Shannon Alivado (Support)

Councilmember Elefante noted for the record that he filed a Disclosure of Interest with the City Clerk's Office (CC-128).

Committee Report 143 and Resolution 19-58 were adopted.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS, ANDERSON – 9.
NOES: None.

ADOPTION
RESOLUTION 19-77 – COMMITTEE REPORT 144

RESOLUTION CONFIRMING THE APPOINTMENT OF MR. RICHARD M. PARRY TO SERVE ON THE POLICE COMMISSION OF THE CITY AND COUNTY OF HONOLULU.

Councilmember Elefante moved that Committee Report 144 and Resolution 19-77 be adopted. Seconded by Councilmember Manahan.

The following individuals testified:

1. Shannon Alivado (Support)
2. Richard Parry (General comment)

Committee Report 144 and Resolution 19-77 were adopted.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS, KOBAYASHI – 9.
NOES: None.

Chair Anderson recognized and congratulated Mr. Parry.

PUBLIC HEARING/SECOND READING
RESOLUTION 19-56 – COMMITTEE REPORT 128

RESOLUTION INITIATING AMENDMENTS TO THE REVISED CHARTER OF THE CITY AND COUNTY OF HONOLULU 1973 (2017 EDITION) RELATING TO THE CREATION OF A PEDESTRIAN SAFETY COMMISSION.

Councilmember Menor moved that Committee Report 128 be adopted and Resolution 19-56 pass second reading. Seconded by Councilmember Elefante.

The following individuals testified:

1. Bryan Mick, Disability and Communication Access Board (Support)
2. Natalie Iwasa (General comment)
3. Barbra Armentrout (Support)
4. Captain Mikel Kunishima, Honolulu Police Department (Support)

Councilmember Menor stated his support for the measure. He noted that he and Councilmember Elefante introduced the Resolution because the City needs to be more proactive in addressing the growing problem of pedestrian accidents and fatalities on the island. Councilmember Menor explained that the measure is patterned after a Seattle Ordinance which established a Pedestrian Safety Commission. He noted that he is hopeful that when this is placed on the ballot the voters will approve it.

Committee Report 128 was adopted and Resolution 19-56 passed second reading.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS, ANDERSON – 9.
NOES: None.

Related communication:

M-243 Additional testimony on Resolution 19-56

PUBLIC HEARING/SECOND READING
BILL 21 – COMMITTEE REPORT 127

A BILL ESTABLISHING A CITY DOMESTIC VIOLENCE PROGRAM.

Councilmember Menor moved that Committee Report 127 be adopted and Bill 21 pass second reading. Seconded by Councilmember Elefante.

There was no public testimony.

Councilmember Kobayashi explained that two years ago an audit was done on the domestic violence program and the measure will follow up on the results and recommendations made by the audit. She asked for councilmembers' support on the measure.

Committee Report 127 was adopted and Bill 21 passed second reading.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS, ANDERSON – 9.
NOES: None.

PUBLIC HEARING/SECOND READING
BILL 13, CD1 – COMMITTEE REPORT 133

A BILL RELATING TO COLLECTION AND DISPOSAL OF REFUSE.

Councilmember Manahan moved that Committee Report 133 be adopted and Bill 13 pass second reading, as amended to CD1. Seconded by Councilmember Elefante.

The following individuals testified:

1. Audrey Barsoum (Oppose)
2. Charlene Silva (General comment)
3. Al Lardizabal, United Public Workers (Support)
4. Natalie Iwasa (General comment)

Councilmember Manahan explained that the Bill was moved out of Committee to catch up with the other revenue enhancement measures being considered with the budget. He noted that the Bill currently does not include amounts for disposal of bulky items or trash collection fees but contains an effective date to continue discussion in Committee. Councilmember Manahan stated that there will be an amendment to the Bill that may offset some of the trash fees with property taxes. He asked councilmembers to move the measure forward and to consider the Bill further in Committee.

Councilmember Fukunaga expressed her appreciation to Director Kahikina and her staff for attending neighborhood board meetings and explaining the bulky item pilot project to affected neighborhoods. She stated that it would be premature to impose a fee for bulky item pick up before the pilot program is completed. Councilmember Fukunaga stated she will vote with reservations because the Bill does have an effective date and while she appreciates the continued discussion, she does not support a trash collection fee or a fee for bulky item pick up.

Councilmember Tsuneyoshi echoed Councilmember Fukunaga's concerns. She noted that there was a lengthy discussion in Committee and based on the discussions, she will continue to be in opposition to the residential refuse fee pick up. Councilmember Tsuneyoshi looks forward to more discussion on the bulky item pick up fee after the pilot project is completed.

Councilmember Waters also echoed Councilmember Fukunaga's concerns. He stated he does not support any fee for garbage pick up and will vote with reservations.

Chair Anderson stated he will vote with reservations to move the measure back to Committee for further discussion. He noted his opposition to residential refuse pick up fees.

Councilmember Pine stated her support because the trash fee is temporarily removed at this point. She noted that she is open to support an arrangement for bulky item pick up. Councilmember Pine stated that the City does not pick up the bulky items when they are supposed to and the items are left out for a whole month in some districts. She supports the Budget Chair and his efforts to address the situation.

Chair Anderson stated he supports the consideration of a fee for scheduled bulky item pick up.

Councilmember Elefante noted for the record that he filed a Disclosure of Interest with the City Clerk's Office (CC-143).

Committee Report 133 was adopted and Bill 13, CD1 passed second reading, as amended.

AYES: ELEFANTE, FUKUNAGA*, KOBAYASHI*, MANAHAN, MENOR*, PINE, TSUNEYOSHI*, WATERS*, ANDERSON* – 9.
NOES: None.

*Councilmembers Fukunaga, Kobayashi, Menor, Tsuneyoshi, Waters, and Anderson voted aye with reservations.

Related communications:

M-232 Early testimony on Bill 13, CD1
M-244 Additional testimony on Bill 13, CD1

PUBLIC HEARING/SECOND READING
BILL 20, CD1 – COMMITTEE REPORT 138

A BILL RELATING TO THE ADOPTION OF THE STATE ELECTRICAL CODE.

Councilmember Pine moved that Committee Report 138 be adopted and Bill 20 pass second reading, as amended to CD1. Seconded by Councilmember Fukunaga.

The following individual testified:

Carina Ohara, Hawaiian Electric Company, Inc. (M-245) (General comment)

Committee Report 138 was adopted and Bill 20, CD1 passed second reading, as amended.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI*, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS, ANDERSON – 9.
NOES: None.

*Councilmember Kobayashi voted aye with reservations.

Related communication:

M-245 Additional testimony on Bill 20, CD1

PUBLIC HEARING/ADOPTION
COMMITTEE REPORT 123

RECOMMENDATIONS ON THE REVIEW AND EVALUATION OF THE CHILD CARE ADVISORY BOARD PURSUANT TO ORDINANCE 17-44.

Councilmember Tsuneyoshi moved that Committee Report 123 be adopted. Seconded by Councilmember Manahan.

There was no public testimony.

Committee Report 123 was adopted.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS, ANDERSON – 9.
NOES: None.

PUBLIC HEARING/ADOPTION
COMMITTEE REPORT 124

RECOMMENDATIONS ON THE REVIEW AND EVALUATION OF THE OAHU COMMITTEE ON CHILDREN AND YOUTH PURSUANT TO ORDINANCE 17-44.

Councilmember Tsuneyoshi moved that Committee Report 124 be adopted. Seconded by Councilmember Manahan.

There was no public testimony.

Committee Report 124 was adopted.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS, ANDERSON – 9.
NOES: None.

PUBLIC HEARING/ADOPTION
COMMITTEE REPORT 125

RECOMMENDATIONS ON THE REVIEW AND EVALUATION OF THE COMMITTEE ON CULTURE AND THE ARTS PURSUANT TO ORDINANCE 17-44.

Councilmember Tsuneyoshi moved that Committee Report 125 be adopted. Seconded by Councilmember Manahan.

The following individuals testified:

1. Anthony Silva (General comment)
2. Misty Kelaʻi, Executive Director, Mayor's Office of Culture and the Arts (General comment)

Committee Report 125 was adopted.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS, ANDERSON – 9.
NOES: None.

THIRD READING
BILL 8, CD2 – COMMITTEE REPORT 140

A BILL FOR AN ORDINANCE RELATING TO PARADES AND ACTIVITIES ON STREETS.

Councilmember Elefante moved that Committee Report 140 be adopted and Bill 8, CD1 pass third reading, as amended to CD2. Seconded by Councilmember Menor.

The following individuals testified:

1. Robert Finley, Waikiki Neighborhood Board No. 9 (D-306) (Support)
2. Rick Egged, Waikiki Improvement Association (M-233) (Support)
3. Dorothy Muti (Oppose)
4. Johnny Kai, Johnny Kai Productions (General comment)
5. Alan Okuma (General comment)
6. David Millwood, Millwood Ohana Productions (M-246) (Oppose)
7. Barbara Armentrout (Support)

Committee Report 140 was adopted and Bill 8, CD2 passed third reading, as amended.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS, ANDERSON – 9.
NOES: None.

Related communications:

D-307 Diamond Head/Kapahulu/St. Louis Heights Neighborhood Board No. 5 (Support)
M-233 Early testimony on Bill 8, CD2
M-246 Additional testimony on Bill 8, CD2

RECESS/RECONVENE

At 11:56 a.m., the Chair called for a short recess and reconvened the meeting at 11:59 a.m.

At this juncture, there being no objections from the 9 members present, the Chair moved to Bill 7, CD2 on page 9 of the agenda.

THIRD READING
BILL 7, CD2, FD1 – COMMITTEE REPORT 148

A BILL FOR AN ORDINANCE RELATING TO AFFORDABLE RENTAL HOUSING.

The following amendments were handcarried to the meeting:

Bill 7, CD2, Proposed FD1 (OCS2019-0495/5/7/2019 11:39 AM) (Not considered)

Bill 7, CD2, Proposed FD1 (OCS2019-0498/5/8/2019 8:45 AM)

Councilmember Pine moved that Committee Report 148 be adopted and Bill 7, CD1 pass third reading, as amended to CD2. Seconded by Councilmember Fukunaga.

Councilmember Pine moved that the Bill be amended to the handcarried FD1. Seconded by Councilmember Elefante. The FD1 makes the following amendments:

A. In Section -1.1 ("Definitions"), revises the definition of"affordable rental housing project" by revising criterion (1) to provide that at least 80 percent of the total units must be rented to households earning 100 percent and below of the AMI, and rented at or below the rental rate limits established by the United States Department of Housing and Urban Development for households earning 100 percent of the AMI for the applicable household size or less. Makes conforming amendments to the definitions of "affordable rental housing unit" and "declaration of restrictive covenants."

B. Deletes Section _-2.10 relating to nonconforming uses. Renumbers the subsequent section accordingly.

C. Amends Section 14-1 0._(a)(4) in SECTION 3 (waiver of wastewater facility charges); Section 18-6.50) in SECTION 4 (waiver of plan review and building permit fees); Section 22-7.3(j)(4) in SECTION 5 (waiver of park dedication requirements); and Section 8-10.Y(b)(4) and Section 8-10.Y(c) in SECTION 7 (real property tax holiday during construction and marketing phase) to add requirements that the rent amount must be at or below the rental rate limits established by the United States Department of Housing and Urban Development for households earning 100 percent of the AMI for the applicable household size or less.

D. In SECTION 6 (real property tax exemption), amends Section 8-1 0.X(g)(2) to add a requirement that the rent amount must be at or below the rental rate limits established by the United States Department of Housing and Urban Development for households earning 80 percent of the AMI for the applicable household size or less.

E. Makes miscellaneous technical and nonsubstantive amendments.

The following individual testified:

Mel Kaneshige (Support)

Councilmember Elefante thanked Zoning and Housing Chair Pine for introducing the proposed floor draft. He noted that he did offer an amendment but would support Councilmember Pine's amendment. Councilmember Elefante stated that the intent of the Bill is to build more affordable housing units and to guarantee affordable rates.

Councilmember Pine asked councilmembers to support the amendment. She explained that after two years of trying to establish affordable housing, she realized that the government cannot do it alone, so the measure targets small land owners, especially apartment zone owners. She thanked community groups and especially Christine Otta Zaa, Marshall Hun, Mel Kaneshige, Derek Lock, the Mayor and the leaders of the Department of Planning and Permitting who helped support the measure and bring everyone together. Councilmember Pine urged councilmembers to support the measure.

Bill 7, CD2 was amended to the handcarried FD1 (OCS2019-0498/5/6/2019 8:45 AM).

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, PINE, TSUNEYOSHI, WATERS, ANDERSON – 8.
NOES: None.
ABSENT: MENOR – 1.

Council Rule 19.E relating to 48-hour notice was waived.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, PINE, TSUNEYOSHI, WATERS, ANDERSON – 8.
NOES: None.
ABSENT: MENOR – 1.

Committee Report 148 was adopted and Bill 7, CD2, FD1 passed third reading.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS, ANDERSON – 9.
NOES: None.

Related communications:

CC-172 Councilmember Kymberly Marcos Pine
M-249 Additional testimony on Bill 7, CD2

The Chair returned to the agenda order and announced Bill 85 (2018), CD2 and Bill 89 (2018), CD2 would be taken up together.

REFERRED TO THE COMMITTEE ON ZONING, PLANNING AND HOUSING
BILL 85 (2018), CD2 – COMMITTEE REPORT 146

A BILL FOR AN ORDINANCE RELATING TO VACATION RENTALS.

The following amendment was posted on the agenda but not considered:

Bill 85 (2018), CD2, Proposed FD1

The following amendments were handcarried to the meeting but were not considered:

Bill 85 (2018), CD2, Proposed FD1 (OCS2019-0486/5/6/2019 2:46 PM)

Bill 85 (2018), CD2, Proposed FD1 (Version A)

Councilmember Tsuneyoshi moved that Committee Report 68 be adopted and Bill 85 (2018), CD1 pass second reading, as amended to CD2. Seconded by Councilmember Manahan.

REFERRED TO THE COMMITTEE ON ZONING, PLANNING AND HOUSING
BILL 89 (2018), CD2 – COMMITTEE REPORT 147

A BILL FOR AN ORDINANCE RELATING TO SHORT-TERM RENTALS.

Councilmember Tsuneyoshi moved that Committee Report 147 be adopted and Bill 89 (2018), CD1 pass second reading, as amended to CD2. Seconded by Councilmember Manahan.

The following amendment was posted on the agenda but not considered:

Bill 89 (2018), CD2, Proposed FD1

The following amendments were handcarried to the meeting but were not considered:

Bill 89 (2018), CD2, Proposed FD1 (OCS2019-0487/5/6/2019 3:18 PM)

Bill 89 (2018), CD2, Proposed FD1 (OCS2019-0480/5/3/2019 3:27 PM)

Bill 89 (2018), CD2, Proposed FD1 (Version A)

RECESS/RECONVENE

At 12:16 p.m., the Chair called for a short recess and reconvened the meeting at 12:19 p.m.

Councilmembers Menor, Pine and Elefante explained their proposed amendments.

RECESS/RECONVENE

At 12:29 p.m., the Chair called for a short recess and reconvened the meeting at 12:30 p.m.

The following individuals testified on Bill 85 (2018), CD2 and Bill 89 (2018), CD2:

1. Stuart Simmons (M-247, M-248) (Support Bill 85, CD2; Oppose Bill 89)
2. Governor Neil Abercrombie (M-247, M-248) (General comment on Bills 85 and 89)

3. Senator Laura Thielen (General comment on Bills 85 and 89)
4. Carolyn Hiatt (M-238) (Oppose Bills 85 and 89)

RECESS/RECONVENE

At 12:44 p.m., the Chair called for a short recess and reconvened the meeting at 12:45 p.m.

Councilmember Menor requested that the break be shortened to 1:15 p.m.

RECESS/RECONVENE

At 12:46 p.m., the Chair called for a recess as noted on the agenda. With 7 members present (Excused: Pine, Waters – 2), the Chair reconvened the meeting at 1:24 p.m.

5. Scott Brazwell (Oppose Bills 85 and 89)
6. Angela Tseng (M-238, M-239) (Oppose Bills 85 and 89)
7. Lucinda Pyles (M-239) (Support Bill 85, CD2)
8. Keonaona Salis (Oppose Bills 85 and 89)
9. Jenny Kono (M-238, M-239) (Oppose Bills 85 and 89)
10. Kaohinani Galdeira, Elite Pacific Properties (Oppose Bills 85 and 89)
11. Kristin Counter (M-238, M-239) (Oppose 85 and 89)
12. William Page (Oppose Bills 85 and 89)
13. Nicole Nestel (M-238) (Oppose Bill 89)
14. Karin OMahony (M-238, M-239) (Oppose Bills 85 and 89)
15. Senator Kurt Fevella (Support Bill 89)
16. Helena von Sydow (M-238, M-239) (Oppose Bills 85 and 89)
17. Ken Middleton (M-238, M-239) (Oppose Bills 85 and 89)
18. Will Caron, Hawaii Appleseed Center for Law and Economic Justice (M-238, M-239) (Support Bills 85 and 89)
19. Kathryn White (M-238, M-239) (Oppose Bills 85 and 89)
20. Terry Lodge, IRC Hawaii (M-238, M-239) (Oppose Bills 85 and 89)
21. James Bersson, Lanikai Association (M-238, M-239) (Support Bill 85; Oppose Bill 89)
22. Lisa Marten (M-239) (Support Bills 85 and 89)
23. Robert Retherford (M-239) (Support Bills 85 and 89)
24. Joli Tokusato, Unite Here Local 5 (Support Bill 85)

25. Cleo McKeague (Support Bills 85 and 89)
26. Imaculata Afituk (Support Bill 85)
27. Victor Gonzales (Support Bills 85 and 89)
28. Sarah Ramos (Support Bills 85 and 89)
29. Chester Corpuz (Support Bill 85)
30. Imelda Madelo (Support Bills 85 and 89)
31. Virginia Domingo (Support Bills 85 and 89)
32. Evelyn Peralta (Support Bills 85 and 89)
33. Tina Tolentino (Support Bills 85 and 89)
34. Senator Sharon Moriwaki (M-247) (Support Bills 85 and 89)
35. Divina Sabado (Support Bills 85 and 89)
36. Denise Boisvert (M-247, M-248) (Support Bills 85 and 89)
37. Affron Herring (Support Bills 85 and 89)
38. Leana Berwick, Elite Pacific Properties (Oppose Bills 85 and 89)
39. Celine Logan (Oppose Bills 85 and 89)
40. Naoko Miura (Oppose Bill 89)
41. Megan Arita (M-247, M-248) (Oppose Bills 85 and 89)
42. Rick Egged, Waikiki Improvement Association (M-248) (Support Bill 89)
43. Jose Jube (M-247, M-248) (Oppose Bills 85 and 89)
44. Mary Lavoie-Olson (M-247, M-248) (Oppose Bills 85 and 89)
45. James Kohara (General Comment on Bill 89)
46. Andreea Grigore (M-247, M-248) (Oppose Bills 85 and 89)
47. Klaus Radtke (M-247) (Support Bill 85, C2, Proposed FD1)
48. Lena Siemiesz (M-247, M-248) (Oppose Bills 85 and 89)
49. Mufi Hannemann, Hawaii Lodging & Tourism Association (M-248) (Support Bill 89, CD2)
50. Maivan Lam (Support Bills 85 and 89)
51. Geoffrey Chang (Support Bills 85 and 89)

At this juncture, Chair Anderson left the chambers and Vice-Chair Kobayashi assumed the role of Presiding Officer.

52. Barbara Krasniewski (M-247) (Support Bills 85 and 89)
53. Brandon Heikell (Oppose Bills 85 and 89)
54. Corina Kahookaulana (General comment Bills 85 and 89)
55. Candace Thomas (Oppose Bills 85 and 89)
56. Erin Sitt (Oppose Bills 85 and 89)
57. Connie Warren (Oppose Bills 85 and 89)

At this juncture, Chair Anderson returned and assumed his duties as Presiding Officer and Vice-Chair Kobayashi returned to her seat.

58. Alan Sitt (Oppose Bills 85 and 89)
59. Ursula Retherford (Support Bill 85) (M-248) (Reservations Bill 89)
60. Mike Garvey (Oppose Bills 85 and 89)
61. Ezra Sitt (Oppose Bills 85 and 89)
62. Martine Aceves-Foster (M-247, M-248) (Oppose Bills 85 and 89)
63. Harald von Sydow (M-247, M-248) (Oppose Bills 85 and 89)
64. Ann Otterman (M-247, M-248) (Oppose Bills 85 and 89)
65. Paula Ress (M-247) (Support Bill 85)
66. Sandy Cabbab (M-247, M-248) (Oppose Bills 85 and 89)
67. Sana Okmyanskaya (M-248) (Oppose Bill 89)
68. Ainslie Ports (M-248) (General comment Bills 85 and 89)
69. Valery Swint (M-247) (Oppose Bill 85)
70. Richard Pachon (Oppose Bills 85 and 89)
71. Micah Aiu, Elite Pacific Properties, LLC (M-247, M-248) (Oppose Bills 85 and 89)
72. Julia Calhoun (M-247, M-248) (Oppose Bills 85 and 89)
73. Terrie Kamo (M-248) (Oppose Bills 85 and 89)
74. Kekoa McClellan, American Hotel and Lodging Association (M-247, M-248) (General comment Bills 85 and 89)
75. Chelsey Larson (M-247, M-248) (Oppose Bills 85 and 89)
76. Randle Eastwood (M-247, M-248) (Oppose Bills 85 and 89)
77. Allison Pettersson (Oppose Bills 85 and 89)
78. Charlene Silva (Support Bills 85 and 89)
79. Terry Carvalho (General comment Bills 85 and 89)
80. Neil Frazer (Support Bill 85)
81. Theresa Harden (General comment Bills 85 and 89)
82. Christine Otto Zaa (Support Bill 85, Oppose Bill 89)
83. Margaret Aurand (Oppose Bills 85 and 89)
84. Huong Hoang (M-238, M-239) (Oppose Bills 85 and 89)
85. Scott Ingallinella (Oppose Bills 85 and 89)
86. Georgietta Chock (Oppose Bills 85 and 89)
87. John An (General comment Bills 85 and 89)
88. Michael Daly (Oppose Bills 85 and 89)
89. Chuck Prentiss (Support Bills 85 and 89)
90. Eric Salkewicz (Oppose Bills 85 and 89)
91. Karen Luke (Oppose Bills 85 and 89)
92. Mark Viqueira (Oppose Bills 85 and 89)
93. Jackie Graessle (Support Bills 85 and 89)
94. John Foti (Support Bills 85 and 89)
95. Orion Bares (Oppose Bills 85 and 89)
96. Loretta Dubin (General comment Bills 85 and 89)
97. Jonathan Paz (Oppose Bills 85 and 89)

98. Jill Lawrence (Oppose Bills 85 and 89)
99. Eva Geueka (Oppose Bills 85 and 89)
100. Annastacia Michaels (Oppose Bills 85 and 89)
101. Jenny Brady, Honolulu Board of Realtors (Support Bill 89)
102. Yang Yao (General comment Bills 85 and 89)
103. Roy Nakamura (General comment Bills 85 and 89)
104. Pat Ferraris (General comment Bills 85 and 89)
105. Sarah Chinen (Support Bill 85)
106. Cynthia Rubinstein (Oppose Bill 85) (General comment Bill 89)
107. Tonic Bille (Oppose Bills 85 and 89)

In response to Councilmember Pine, Ms. Bille stated that she does not know what the amendments are because the Council submitted floor draft amendments at the last minute. She noted her confusion trying to read and understand what changes were made and asked the Council to consider deferring its vote on the two measures.

EXECUTIVE SESSION

At 5:57 p.m., with no objections from the 8 members present (Ayes: Elefante, Fukunaga, Manahan, Menor, Pine, Tsuneyoshi, Waters, Anderson – 8; Absent: Kobayashi – 1), the Committee resolved into a closed meeting pursuant to Hawaii Revised Statutes Sections 92-4 and 92-5(a)(4), to consult with the attorneys for the Council's Committee of the Whole on questions and issues pertaining to claims and other matters on the Council's powers, duties, privileges, immunities and/or liabilities.

RECONVENE COUNCIL MEETING

At 7:31 p.m., with 8 members present (Elefante, Fukunaga, Manahan, Menor, Pine, Tsuneyoshi, Waters, Anderson – 8; Absent: Kobayashi – 1), Chair Anderson reconvened the Council meeting.

Councilmember Pine moved that Bill 85 (2018) and Bill 89 (2018) be referred to the Committee on Zoning, Planning and Housing. Seconded by Councilmember Manahan.

Councilmember Elefante noted for the record that he filed Disclosures of Interest relating to Bill 85 (2018), CD2 with the City Clerk's Office [CC-337(18), CC-130].

Committee Report 146 and Bill 85 (2018), proposed CD2 referred to the Committee on Zoning, Planning and Housing.

AYES: ELEFANTE, FUKUNAGA, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS, ANDERSON – 8.
NOES: None.
ABSENT: KOBAYASHI – 1.

Councilmember Elefante noted for the record that he filed Disclosures of Interest relating to Bill 89 (2018), CD2 with the City Clerk's Office (CC-129, CC-175, CC-176).

Committee Report 147 and Bill 89 (2018), proposed CD2 referred to the Committee on Zoning, Planning and Housing.

AYES: ELEFANTE, FUKUNAGA, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS, ANDERSON – 8.
NOES: None.
ABSENT: KOBAYASHI – 1.

Related communications:

D-312 Kailua Neighborhood Board No. 31 [Bill 85 (2018), CD2]
D-313 Kailua Neighborhood Board No. 31 [Bill 89 (2018), CD2]
M-238 Early testimony on Bill 89 (2018), CD2
M-239 Early testimony on Bill 85 (2018), CD2
M-247 Additional testimony on Bill 85 (2018), CD2
M-248 Additional testimony on Bill 89 (2018), CD2

(Note: Earlier in the meeting, Committee Report 148 was adopted and Bill 7, CD2, FD1 passed third reading. See page 12.)

FIRST READING

BILL 22 (Public Infrastructure, Technology and Sustainability)

A BILL FOR AN ORDINANCE RELATING TO FLOOD OR HAZARD PREVENTION.

Councilmember Menor moved that Bill 22 pass first reading. Seconded by Councilmember Fukunaga.

There was no public testimony.

Bill 22 passed first reading.

AYES: ELEFANTE, FUKUNAGA, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS, ANDERSON – 8.
NOES: None.
ABSENT: KOBAYASHI – 1.

FIRST READING
BILL 23 (Budget)

A BILL FOR AN ORDINANCE RELATING TO REAL PROPERTY TAX EXEMPTIONS.

Councilmember Menor moved that Bill 23 pass first reading. Seconded by Councilmember Fukunaga.

There was no public testimony.

Bill 23 passed first reading.

AYES: ELEFANTE, FUKUNAGA, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS, ANDERSON – 8.
NOES: None.
ABSENT: KOBAYASHI – 1.

FIRST READING
BILL 24 (Zoning and Housing)

A BILL FOR AN ORDINANCE RELATING TO CONSTRUCTION INSPECTIONS.

Councilmember Menor moved that Bill 24 pass first reading. Seconded by Councilmember Fukunaga.

There was no public testimony.

Bill 24 passed first reading.

AYES: ELEFANTE, FUKUNAGA, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS, ANDERSON – 8.
NOES: None.
ABSENT: KOBAYASHI – 1.

ADOPTION
RESOLUTION 19-78 – COMMITTEE REPORT 119

RESOLUTION ACCEPTING A GIFT TO THE CITY FROM THE FRIENDS OF HONOLULU BOTANICAL GARDENS.

Councilmember Tsuneyoshi moved that Committee Report 119 and Resolution 19-78 be adopted. Seconded by Councilmember Manahan.

There was no public testimony.

Committee Report 119 and Resolution 19-78 were adopted.

AYES: ELEFANTE, FUKUNAGA, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS, ANDERSON – 8.
NOES: None.
ABSENT: KOBAYASHI – 1.

ADOPTION
RESOLUTION 19-93 – COMMITTEE REPORT 122

RESOLUTION ACCEPTING A GIFT TO THE CITY FROM THE HAWAIIAN HUMANE SOCIETY.

Councilmember Tsuneyoshi moved that Committee Report 122 and Resolution 19-93 be adopted. Seconded by Councilmember Manahan.

There was no public testimony.

Committee Report 122 and Resolution 19-93 were adopted.

AYES: ELEFANTE, FUKUNAGA, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS, ANDERSON – 8.
NOES: None.
ABSENT: KOBAYASHI – 1.

Related communication:

D-308 McCully Moʻiliʻili Neighborhood Board No. 8

ADOPTION
RESOLUTION 19-66 – COMMITTEE REPORT 117

RESOLUTION URGING THE CITY DEPARTMENT OF PARKS AND RECREATION TO BEGIN THE PLANNING AND DESIGN OF PICKLEBALL COURTS AT THE PATSY T. MINK CENTRAL OAHU REGIONAL PARK BEFORE APPROPRIATIONS LAPSE ON JUNE 30, 2019.

Councilmember Tsuneyoshi moved that Committee Report 117 and Resolution 19-66 be adopted. Seconded by Councilmember Manahan.

There was no public testimony.

Committee Report 117 and Resolution 19-66 were adopted.

AYES: ELEFANTE, FUKUNAGA, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS, ANDERSON – 8.
NOES: None.
ABSENT: KOBAYASHI – 1.

ADOPTION
RESOLUTION 19-75 – COMMITTEE REPORT 118

RESOLUTION URGING THE CITY ADMINISTRATION TO DIRECT THE HONOLULU POLICE DEPARTMENT AND THE DEPARTMENT OF CUSTOMER SERVICES TO INCREASE EFFORTS TO EQUALLY PRIORITIZE, EXPEDITE, AND ENFORCE THE TIMELY REMOVAL OF DERELICT AND ABANDONED VEHICLES ON OAHU.

Councilmember Tsuneyoshi moved that Committee Report 118 and Resolution 19-75 be adopted. Seconded by Councilmember Manahan.

There was no public testimony.

Committee Report 118 and Resolution 19-75 were adopted.

AYES: ELEFANTE, FUKUNAGA, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS, ANDERSON – 8.
NOES: None.
ABSENT: KOBAYASHI – 1.

ADOPTION
RESOLUTION 19-89 – COMMITTEE REPORT 120

RESOLUTION GRANTING APPROVAL OF A PRIVATE AGREEMENT BETWEEN THE CITY AND COUNTY OF HONOLULU DEPARTMENT OF PARKS AND RECREATION, DEPARTMENT OF BUDGET AND FISCAL SERVICES, AND THE ROTARY CLUB OF HONOLULU.

Councilmember Tsuneyoshi moved that Committee Report 120 and Resolution 19-89 be adopted. Seconded by Councilmember Manahan.

The following individuals testified:

1. Rob Hale, Rotary Club of Honolulu (Support)
2. Terrance George, Rotary Club of Honolulu (Support)

Councilmember Waters expressed his strong support for the Resolution.

Councilmember Pine congratulated the Rotary Club and thanked them for being so giving to the people of our island.

Committee Report 120 and Resolution 19-89 were adopted.

AYES: ELEFANTE, FUKUNAGA, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS, ANDERSON – 8.
NOES: None.
ABSENT: KOBAYASHI – 1.

Related communications:

D-305 Waikiki Neighborhood Board No. 9
M-234 Early testimony on Resolution 19-89

ADOPTION
RESOLUTION 19-69 – COMMITTEE REPORT 75

RESOLUTION ACCEPTING A GIFT TO THE CITY FROM THE ROTARY CLUB OF HONOLULU.

Councilmember Tsuneyoshi moved that Committee Report 75 and Resolution 19-69 be adopted. Seconded by Councilmember Manahan.

There was no public testimony.

Committee Report 75 and Resolution 19-69 were adopted.

AYES: ELEFANTE, FUKUNAGA, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS, ANDERSON – 8.
NOES: None.
ABSENT: KOBAYASHI – 1.

ADOPTION
RESOLUTION 19-92, FD1 – COMMITTEE REPORT 121

RESOLUTION EXPRESSING THE COUNCIL'S JOINING WITH LOCAL RESIDENTS' OPPOSITION TO CERTAIN MASTER PLANNED IMPROVEMENTS FOR THE ALA MOANA REGIONAL PARK.

The following amendments were posted on the agenda:

Resolution 19-92, Proposed FD1 (OCS2019-0437/4/26/19 9:01 AM) (Not considered)

Resolution 19-92, Proposed FD1 (OCS2019-0478/5/2/2019 4:52 PM)

Councilmember Tsuneyoshi moved that Committee Report 121 and Resolution 19-92 be adopted. Seconded by Councilmember Manahan.

Councilmember Menor moved that the Resolution be amended to FD1 (OCS2019-0478/5/2/2019 4:52 PM). Seconded by Councilmember Pine. The FD1 makes the following amendments:

A. Amends 7th WHEREAS clause.

B. Adds a new 8th WHEREAS clause.

C. Amends the BE IT RESOLVED clause to reflect the amendments to the WHEREAS clauses.

D. Makes technical, nonsubstantive amendments

The following individuals testified:

1. Bruce Lum (M-237) (Oppose)
2. Sam King (M-237) (Oppose)
3. Diane Choy Fujimura, Save Ala Moana Beach Park Hui (M-250) (Support) (Oppose FD1)

In response to councilmembers, Ms. Choy Fujimura stated that:

- They would like to be involved in future plans for Ala Moana Beach Park.
- They are not opposed to the playground; they are concerned with the location and scale of the playground.
- They suggested locating the playground next to the Hawaii Children's Discovery Center.

- They do not have the expertise to determine what is happening with the sand replenishment.

- They are planning to seek more information on what is represented in the Draft Environmental Impact Statement as they received recent information that makes them feel that the study is inadequate.

- They will be meeting with Sea Engineering.

- They are in support of the original Resolution and opposed to the two amendments.

4. Sharlene Chun-Lum, Save Ala Moana Beach Park Hui (M-250) (Support) (Oppose FD1)
5. Audrey Lee, Malama Moana (M-250) (Support)
6. Michelle Matson, Oahu Island Parks Conservancy (M-250) (Support) (Oppose FD1)
7. Stan Sato (Oppose) (Support FD1)

In response to councilmembers, Michele Nekota, Director, Department of Parks and Recreation stated that:

- The playground is a conceptual design right now so there is no gift resolution because there is no cost estimate.

- Given her years of experience of planning, designing, building, and overseeing the construction of recreational areas, the playground is a safe environment.

- The restroom is included in the planning and design stage.

- She would appreciate going through the Environmental Impact Statement (EIS) process first.

- If the sand is not replenished, part of the beach may be lost.

In response to councilmembers, Robert Kroning, Director, Department of Design and Construction stated that:

- All of the projects must go through additional public processes.

- The master plan EIS is to determine the environmental, economical, and cultural impacts of the proposed plans.

- Once the EIS is complete it will go to the Mayor to approve or disapprove the project.

- There are permitting processes that also need to be approved.

- The EIS covers where the City will mine the sand from.

- Sea Engineering has done an analysis on the impacts at several different locations for sand mining and included potential effects on the waves in the proposed areas.

- It would be good to keep all the projects in the EIS and once it has been determined that there will be no negative impacts to make a decision whether or not to move forward with the projects.

Councilmember Waters stated his support for the community and that he would vote in support of the original version and in opposition to the two amendments. He noted that as a new councilmember he wants to be the bridge between the Administration and the community.

Councilmember Elefante stated that he did offer a proposed draft but his intent was to support Councilmember Kobayashi's amendment. He noted his concern with the sand replenishment and the playground. Councilmember Elefante also noted that we need to look at what is envisioned in the future. He did see a presentation from Sea Engineering on the sand replenishment. Councilmember Elefante stated his support for Councilmember Kobayashi's proposed amendment with reservations. He noted he supports the sand restoration efforts to save the beach at Ala Moana and the playground. Councilmember Elefante expressed his understanding and appreciation to the community

Councilmember Tsuneyoshi noted her reservations for the measure. She noted that she wished Councilmember Kobayashi was able to hear from the community that they still have strong concerns about the playground.

Councilmember Menor stated that Councilmember Kobayashi noted that they have been trying to find another location for the playground in the Kakaako area but recent incidents are making it difficult to find another location because the playground is privately funded and many donors expressed safety concerns and would not support funding for the playground.

Councilmember Manahan stated that he will support the measure with reservations regarding the language of the sand replenishment. He noted that the sand replenishment was supported in this year's budget.

Councilmember Anderson noted for the record that he filed a Disclosure of Interest with the City Clerk's Office (CC-150).

Resolution 19-92 was amended to FD1 (OCS2019-0478/5/2/2019 4:52 PM).

AYES: ELEFANTE, FUKUNAGA*, MANAHAN, MENOR, PINE, TSUNEYOSHI*, WATERS*, ANDERSON – 8.
NOES: None.
ABSENT: KOBAYASHI – 1.

*Councilmembers Fukunaga, Tsuneyoshi, and Waters voted aye with reservations.

Committee Report 121 and Resolution 19-92, FD1 were adopted.

AYES: ELEFANTE*, FUKUNAGA*, MANAHAN*, MENOR*, PINE, TSUNEYOSHI*, WATERS*, ANDERSON – 8.
NOES: None.
ABSENT: KOBAYASHI – 1.

*Councilmembers Elefante, Fukunaga, Manahan, Menor, Tsuneyoshi, and Waters voted aye with reservations.

Related communications:

M-237 Early testimony on Resolution 19-92
M-250 Additional testimony on Resolution 19-92

ADOPTION
RESOLUTION 19-25 – COMMITTEE REPORT 126

RESOLUTION ESTABLISHING A SISTER CITY RELATIONSHIP WITH HAVANA, CUBA.

Councilmember Tsuneyoshi moved that Committee Report 126 and Resolution 19-25 be adopted. Seconded by Councilmember Manahan.

There was no public testimony.

Committee Report 126 and Resolution 19-25 were adopted.

AYES: ELEFANTE, FUKUNAGA, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS, ANDERSON – 8.
NOES: None.
ABSENT: KOBAYASHI – 1.

ADOPTION
RESOLUTION 19-94 – COMMITTEE REPORT 136

RESOLUTION ACCEPTING A GIFT FROM THE ASSOCIATION OF GOVERNMENT ACCOUNTANTS.

Councilmember Manahan moved that Committee Report 136 and Resolution 19-94 be adopted. Seconded by Councilmember Pine.

There was no public testimony.

Committee Report 136 and Resolution 19-94 were adopted.

AYES: ELEFANTE, FUKUNAGA, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS, ANDERSON – 8.
NOES: None.
ABSENT: KOBAYASHI – 1.

ADOPTION
RESOLUTION 19-84 – COMMITTEE REPORT 134

RESOLUTION RELATING TO THE TRANSFER OF FUNDS.

Councilmember Manahan moved that Committee Report 134 and Resolution 19-84 be adopted. Seconded by Councilmember Pine.

There was no public testimony.

Committee Report 134 and Resolution 19-84 were adopted.

AYES: ELEFANTE, FUKUNAGA, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS, ANDERSON – 8.
NOES: None.
ABSENT: KOBAYASHI – 1.

ADOPTION
RESOLUTION 19-88 – COMMITTEE REPORT 135

RESOLUTION RELATING TO THE TRANSFER OF FUNDS.

Councilmember Manahan moved that Committee Report 135 and Resolution 19-88 be adopted. Seconded by Councilmember Pine.

There was no public testimony.

Committee Report 135 and Resolution 19-88 were adopted.

AYES: ELEFANTE, FUKUNAGA, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS, ANDERSON – 8.
NOES: None.
ABSENT: KOBAYASHI – 1.

ADOPTION
RESOLUTION 19-96 – COMMITTEE REPORT 137

RESOLUTION APPROVING COLLECTIVE BARGAINING COST ITEMS FOR THE HAWAII FIRE FIGHTERS ASSOCIATION BARGAINING UNIT 11 INCLUDED AND EXCLUDED MANAGERIAL EMPLOYEES OF THE CITY AND COUNTY OF HONOLULU.

Councilmember Manahan moved that Committee Report 137 and Resolution 19-96 be adopted. Seconded by Councilmember Pine.

There was no public testimony.

Councilmember Elefante noted for the record that he filed a Disclosure of Interest with the City Clerk's Office (CC-171).

Committee Report 137 and Resolution 19-96 were adopted.

AYES: ELEFANTE, FUKUNAGA, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS, ANDERSON – 8.
NOES: None.
ABSENT: KOBAYASHI – 1.

Related communication:

M-235 Early testimony on Resolution 19-96

POSTPONED TO THE JUNE 5, 2019 COUNCIL MEETING
RESOLUTION 18-233, CD1 – COMMITTEE REPORT 139

RESOLUTION RELATING TO THE IDENTIFICATION OF IMPORTANT AGRICULTURAL LANDS.

Councilmember Pine moved that Committee Report 139 and Resolution 18-233, CD1 be postponed to the June 5, 2019 Council meeting. Seconded by Councilmember Fukunaga.

There was no public testimony.

Committee Report 139 and Resolution 18-233, CD1 were postponed to the June 5, 2019 Council meeting.

AYES: ELEFANTE, FUKUNAGA, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS, ANDERSON – 8.
NOES: None.
ABSENT: KOBAYASHI – 1.

ADOPTION
RESOLUTION 19-74, CD1 – COMMITTEE REPORT 141

RESOLUTION ESTABLISHING MINIMUM QUALIFICATIONS FOR THE CITY COUNCIL'S APPOINTEES TO THE BOARD OF THE HONOLULU AUTHORITY FOR RAPID TRANSPORTATION AND URGING THE CITY ADMINISTRATION TO ADOPT SIMILAR QUALIFICATIONS FOR THE MAYOR'S APPOINTEES TO THE BOARD.

Councilmember Elefante moved that Committee Report 141 and Resolution 19-74 be adopted, as amended to CD1. Seconded by Councilmember Menor.

There was no public testimony.

Committee Report 141 and Resolution 19-74, CD1, as amended were adopted.

AYES: ELEFANTE, FUKUNAGA, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS, ANDERSON – 8.
NOES: None.
ABSENT: KOBAYASHI – 1.

ADOPTION
RESOLUTION 19-90 – COMMITTEE REPORT 142

RESOLUTION APPROVING THE DEPARTMENT OF TRANSPORTATION SERVICES 2019 PUBLIC TRANSIT TITLE VI PROGRAM PURSUANT TO THE FEDERAL TRANSIT ADMINISTRATION TITLE VI CIRCULAR 4702.1.B REQUIREMENTS AND GUIDELINES.

Councilmember Elefante moved that Committee Report 142 and Resolution 19-90 be adopted. Seconded by Councilmember Menor.

There was no public testimony.

Committee Report 142 and Resolution 19-90 were adopted.

AYES: ELEFANTE, FUKUNAGA, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS, ANDERSON – 8.
NOES: None.
ABSENT: KOBAYASHI – 1.

ADOPTION
RESOLUTION 18-298, CD1 – COMMITTEE REPORT 149

RESOLUTION URGING THE FIRE COMMISSION OF THE CITY AND COUNTY OF HONOLULU TO IMMEDIATELY REVIEW THE HONOLULU FIRE DEPARTMENT'S EXISTING OPERATIONS RELATED TO ITS FIRE FIGHTER RECRUIT TRAINING AND TESTING PROGRAMS, AND THEREAFTER MAKE RECOMMENDATIONS TO THE FIRE CHIEF, AS APPROPRIATE.

Councilmember Elefante moved that Committee Report 149 and Resolution 18-298, as amended to CD1, be adopted. Seconded by Councilmember Manahan.

There was no public testimony.

Councilmember Elefante noted for the record that he filed a Disclosure of Interest with the City Clerk's Office (CC-64).

Committee Report 149 and Resolution 18-298, CD1, as amended were adopted.

AYES: ELEFANTE*, FUKUNAGA, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS, ANDERSON – 8.
NOES: None.
ABSENT: KOBAYASHI – 1.

*Councilmember Elefante voted aye with reservations.

Related communication:

M-236 Early Resolution on 18-298, CD1

ADOPTION
RESOLUTION 19-95, CD1 – COMMITTEE REPORT 145

RESOLUTION URGING THE CITY ADMINISTRATION TO SUPPORT STATE MEDICATION-ASSISTED TREATMENT PROGRAMS AS PART OF ITS ACTIONS TO ADDRESS HOMELESSNESS.

Councilmember Elefante moved that Committee Report 145 and Resolution 19-95, as amended to CD1, be adopted. Seconded by Councilmember Manahan.

There was no public testimony.

Committee Report 145 and Resolution 19-95, CD1, as amended were adopted.

AYES: ELEFANTE, FUKUNAGA, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS, ANDERSON – 8.
NOES: None.
ABSENT: KOBAYASHI – 1.

BALANCE OF COMMITTEE REPORTS

EMLACR-130	Request for authorization to settle a case against the City and County of Honolulu entitled Clifford McArthur Rigsbee as Personal Representative of the Estate of Clifford Meredith Rigsbee, deceased v. City and County of Honolulu, Civil No. CV17-00532 HG/RT (USDC).
EMLACR-131	Request for authorization to settle a case against the City and County of Honolulu entitled Crum & Forster v. City and County of Honolulu, Civil No. 1RC17-1-4526 (Hon. Dist. Ct.).
EMLACR-132	Request for authorization to settle a case against the City and County of Honolulu entitled Paulette R. Jones v. City and County of Honolulu; City and County of Honolulu v. Costco Wholesale, Inc., Civil No. 18-1-0692-05 DEO (Cir. Ct.).
	FOR ADOPTION

Councilmember Menor moved that the Balance of Committee Reports, as listed above, be adopted. Seconded by Councilmember Fukunaga.

There was no public testimony.

Councilmember Elefante noted for the record that he filed a Disclosure of Interest with the City Clerk's Office for EMLACR-132 (CC-151).

The Balance of Committee Reports was adopted.

AYES:	ELEFANTE, FUKUNAGA, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS, ANDERSON – 8.
NOES:	None.
ABSENT:	KOBAYASHI – 1.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

ADOPTION
RESOLUTION 19-98

RESOLUTION ACCEPTING A GIFT TO THE CITY FROM THE HONOLULU ZOOLOGICAL SOCIETY.

Councilmember Menor moved that Resolution 19-98 be adopted. Seconded by Councilmember Fukunaga.

There was no public testimony.

Resolution 19-98 was adopted.

AYES: ELEFANTE, FUKUNAGA, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS, ANDERSON – 8.
NOES: None.
ABSENT: KOBAYASHI – 1.

ADOPTION
RESOLUTION 19-104

RESOLUTION ACCEPTING A GIFT TO THE CITY FROM THE FRIENDS OF HAWAII CHARITIES.

Councilmember Menor moved that Resolution 19-104 be adopted. Seconded by Councilmember Fukunaga.

There was no public testimony.

Resolution 19-104 was adopted.

AYES: ELEFANTE, FUKUNAGA, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS, ANDERSON – 8.
NOES: None.
ABSENT: KOBAYASHI – 1.

SUNSHINE/ADOPTION
RESOLUTION 19-108

AMENDING THE MEMBERSHIP OF THE PERMITTED INTERACTION GROUP ESTABLISHED AND AUTHORIZED TO INVESTIGATE MATTERS RELATED TO THE ALA WAI CANAL FLOOD RISK MANAGEMENT PROJECT.

Pursuant to HRS Section 92-7, the Sunshine Law, Councilmember Menor moved that Resolution 19-108 be added to the agenda. Seconded by Councilmember Fukunaga.

Resolution 19-108 was added to the agenda.

AYES: ELEFANTE, FUKUNAGA, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS, ANDERSON – 8.
NOES: None.
ABSENT: KOBAYASHI – 1.

Councilmember Menor moved that Resolution 19-108 be adopted. Seconded by Councilmember Fukunaga.

There was no public testimony.

Resolution 19-108 was adopted.

AYES: ELEFANTE, FUKUNAGA, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS, ANDERSON – 8.
NOES: None.
ABSENT: KOBAYASHI – 1.

SUNSHINE/ADOPTION
RESOLUTION 19-109

URGING THE FEDERAL AVIATION ADMINISTRATION TO TEMPORARILY GROUND ROBINSON R44 HELICOPTERS AND TO RESTRICT COMMERCIAL TOUR HELICOPTER OPERATIONS OVER RESIDENTIAL AREAS ON OAHU.

Pursuant to HRS Section 92-7, the Sunshine Law, Councilmember Menor moved that Resolution 19-109 be added to the agenda. Seconded by Councilmember Fukunaga.

Resolution 19-109 was added to the agenda.

AYES: ELEFANTE, FUKUNAGA, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS, ANDERSON – 8.
NOES: None.
ABSENT: KOBAYASHI – 1.

Councilmember Menor moved that Resolution 19-109 be adopted. Seconded by Councilmember Fukunaga.

There was no public testimony.

Chair Anderson stated that he introduced the Resolution because of the recent helicopter tragedy over Windward Oahu. He asked members for support on the measure.

Resolution 19-109 was adopted.

AYES: ELEFANTE, FUKUNAGA, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS, ANDERSON – 8.
NOES: None.
ABSENT: KOBAYASHI – 1.

COMMITTEE OF THE WHOLE/EXECUTIVE SESSION

There was no Executive Session.

ANNOUNCEMENTS

Councilmember Pine congratulated Council Chair Anderson and Councilmember Waters on their first meeting and new positions and noted they did well.

ADJOURNMENT

At 8:59 p.m., Councilmember Menor moved that the Council stand adjourned until Wednesday, June 5, 2019, at 10 a.m. Seconded by Councilmember Fukunaga and there being no objections from the 8 members present (Excused: Kobayashi – 1), it was so ordered by the Chair.

Respectfully submitted,

GLEN I. TAKAHASHI
City Clerk

jy

DATE APPROVED:

June 5, 2019

CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII 96813-3077

IKAIKA ANDERSON
CHAIR & PRESIDING OFFICER
ANN H. KOBAYASHI
VICE CHAIR
CAROL FUKUNAGA
FLOOR LEADER
BRANDON J. C. ELEFANTE
JOEY MANAHAN
RON MENOR
KYMBERLY MARCOS PINE
HEIDI TSUNEYOSHI
TOMMY WATERS

JOURNAL

REGULAR MEETING
11TH SESSION
WEDNESDAY, JUNE 5, 2019

CITY COUNCIL CHAMBER
3RD FLOOR, HONOLULU HALE
HONOLULU, HAWAII 96813

Note: A copy of the video of the full proceedings of this meeting may be requested by calling the City Clerk's Office at 768-5822.

CALL TO ORDER

Pursuant to adjournment, the regular meeting of the City Council was called to order by the Chair and Presiding Officer, Ikaika Anderson, at 10:19 a.m.

ROLL CALL

Roll call showed the following Councilmembers present:

Councilmembers Elefante, Fukunaga, Kobayashi, Manahan, Menor, Pine, Tsuneyoshi, Waters, Anderson – 9.

APPROVAL OF MINUTES

Councilmember Kobayashi moved that the Minutes of the 9th and 10th Sessions be approved, subject to corrections by Councilmembers within 30 days. Seconded by Councilmember Fukunaga.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS, ANDERSON – 9.
NOES: None.

ORDER OF THE DAY

PUBLIC HEARING/RESOLUTION
RESOLUTION 19-116

RESOLUTION CONFIRMING THE APPOINTMENT OF MR. KEITH "KIKA" G. BUKOSKI TO SERVE ON THE BUILDING BOARD OF APPEALS OF THE CITY AND COUNTY OF HONOLULU.

There was no public testimony.

Chair Anderson referred Resolution 19-116 to the Committee on Zoning, Planning and Housing for further consideration.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS, ANDERSON – 9.
NOES: None.

Related communication:

M-289 Additional testimony on Resolution 19-116

PUBLIC HEARING/RESOLUTION
RESOLUTION 19-120

RESOLUTION CONFIRMING THE APPOINTMENT OF MS. GAIL N. HARADA TO SERVE ON THE COMMISSION ON CULTURE AND THE ARTS OF THE CITY AND COUNTY OF HONOLULU.

There was no public testimony.

Chair Anderson referred Resolution 19-120 to the Committee on Parks, Community Services and Intergovernmental Affairs for further consideration.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS, ANDERSON – 9.
NOES: None.

Related communications:

M-280 Early testimony on Resolution 19-120
M-290 Additional testimony on Resolution 19-120

PUBLIC HEARING/RESOLUTION
RESOLUTION 19-87 AND RESOLUTION 19-87, PROPOSED CD1 – COMMITTEE REPORT 180

RESOLUTION APPROVING AN APPLICATION FOR A PLAN REVIEW USE PERMIT FOR THE BRINGHAM YOUNG UNIVERSITY HAWAII CAMPUS EXPANSION.

Councilmember Menor moved that Committee Report 180 be adopted and Resolution 19-87 and Resolution 19-87, Proposed CD1 be referred to the Committee on Zoning, Planning and Housing. Seconded by Councilmember Waters.

The following individuals testified:

1. Andrea Anixt (General comment)
2. Jim Niermann, R.M. Towill Corporation (General comment)

Committee Report 180 was adopted and Resolution 19-87 and Resolution 19-87, Proposed CD1 referred to the Committee on Zoning, Planning and Housing.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS, ANDERSON – 9.
NOES: None.

Related communications:

M-276 R.M. Towill Corporation
M-291 Additional testimony on Resolution 19-87 and Resolution 19-87, Proposed CD1

PUBLIC HEARING/SECOND READING
BILL 19, CD1 – COMMITTEE REPORT 158

A BILL RELATING TO CAR-SHARING.

Councilmember Manahan moved that Committee Report 158 be adopted and Bill 19 pass second reading, as amended to CD1. Seconded by Councilmember Elefante.

The following individual testified:

Sharlene Chun-Lum (M-292) (Oppose)

Councilmember Kobayashi stated that she has asked how much the City gets in revenue from Biki for renting parking spaces. She also noted that Biki is allowed to advertise on their bicycles and wants to know if the City gets a portion of that. Councilmember Kobayashi asked for the request for proposal and stated that she hopes to get answers before the Council considers car sharing.

Committee Report 158 was adopted and Bill 19, CD1 passed second reading, as amended.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI*, MANAHAN, MENOR, PINE, TSUNEYOSHI*, WATERS, ANDERSON – 9.
NOES: None.

*Councilmembers Kobayashi and Tsuneyoshi voted aye with reservations.

Related communication:

M-292 Additional testimony on Bill 19, CD1

PUBLIC HEARING/SECOND READING
BILL 25 (2018) – COMMITTEE REPORT 176

A BILL RELATING TO CITY FACILITIES.

Councilmember Elefante moved that Committee Report 176 be adopted and Bill 25 (2018) pass second reading. Seconded by Councilmember Manahan.

There was no public testimony.

Councilmember Elefante noted that if the measure is referred to Committee, he will work on filling in the number of parking spaces being provided for off street parking spaces; this would also allow for electric vehicle readiness at City facilities for new and renovated buildings. Councilmember Elefante stated that he looks forward to working with councilmembers on the measure.

Committee Report 176 was adopted and Bill 25 (2018) passed second reading.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS, ANDERSON – 9.
NOES: None.

Related communication:

M-293 Additional testimony on Bill 25 (2018)

THIRD READING
BILL 21 – COMMITTEE REPORT 171

A BILL FOR AN ORDINANCE ESTABLISHING A CITY DOMESTIC VIOLENCE PROGRAM.

Councilmember Menor moved that Committee Report 171 be adopted and Bill 21 pass third reading. Seconded by Councilmember Fukunaga.

There was no public testimony.

Councilmember Kobayashi thanked Councilmember Menor for moving the measure forward. She noted that this important Bill is a result of an audit that was done on domestic violence programs and will help set up the programs.

Committee Report 171 was adopted and Bill 21 passed third reading.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS, ANDERSON – 9.
NOES: None.

Related communication:

M-294 Additional testimony on Bill 21

THIRD READING
BILL 9, CD2, FD1 – COMMITTEE REPORT 150

A BILL FOR AN ORDINANCE RELATING TO THE LEGISLATIVE BUDGET FOR THE FISCAL YEAR JULY 1, 2019 TO JUNE 30, 2020.

The following amendment was posted on the agenda:

Bill 9, CD2, Proposed FD1

Councilmember Manahan moved that Committee Report 150 be adopted and Bill 9, CD1 pass third reading, as amended to CD2. Seconded by Councilmember Elefante.

Councilmember Manahan moved that the Bill be amended to FD1. Seconded by Councilmember Elefante. The FD1 makes the following amendments:

A. Appropriates $23,918,241 for the Legislative Budget for Fiscal Year 2020.

B. Adds a new Section 5 that requires the forensic audit of HART to not impede the federal investigation.

C. Makes various technical and nonsubstantive amendments.

The following individual testified:

Natalie Iwasa (General comment)

Bill 9, CD2 was amended to FD1.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS, ANDERSON – 9.
NOES: None.

Committee Report 150 was adopted and Bill 9, CD2, FD1 passed third reading.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS, ANDERSON – 9.
NOES: None.

Related communication:

M-295 Additional testimony on Bill 9, CD2

THIRD READING
BILL 10, CD2, FD1 – COMMITTEE REPORT 151

A BILL FOR AN ORDINANCE RELATING TO THE EXECUTIVE OPERATING BUDGET AND PROGRAM FOR THE FISCAL YEAR JULY 1, 2019 TO JUNE 30, 2020.

The following amendment posted on the agenda was not considered:

Bill 10, CD2, Proposed FD1

The following amendment was handcarried to the meeting:

Bill 10, CD2, Proposed FD1 (OCS2019-0621/6/4/2019 3:37 PM)

Councilmember Manahan moved that Committee Report 151 be adopted and Bill 10, CD1 pass third reading, as amended to CD2. Seconded by Councilmember Elefante.

Councilmember Manahan moved that the Bill be amended to the handcarried FD1 (OCS2019-0621/6/4/2019 3:37 PM). Seconded by Councilmember Elefante. The FD1 makes the following amendments:

A. Appropriates $2,834,866,665 for the Executive Operating Budget and Program for Fiscal Year 2020.

B. Makes various substantive changes, which are noted in **bold text** in the Amendment List contained within the bill (see Amendment List 8, Amendment List 16, Amendment List 20, Amendment List 21, Amendment List 32, Amendment List 33, Amendment List 34, Amendment List 36, Amendment List 37, Amendment List 38, Amendment List 39, Amendment List 40, Amendment List 41, Amendment List 42, Amendment List 45, Amendment List 46, Amendment List 47, Amendment List 49, and Amendment List 50).

C. Makes various technical and nonsubstantive amendments.

The following individuals testified:

1. Alicia Maluafiti, Poi Dogs & Popoki (M-296) (Comment)
2. Michael Hodge (M-296) (Support)
3. Sarah Worth (M-296) (Oppose)
4. James Pakele (Support)

   In response to Councilmember Kobayashi, Mr. Pakele stated that he has not received any monies or grants from the City.

5. Natalie Iwasa (General comment)
6. Dwight Nadamoto, Office of the Prosecuting Attorney (General comment)

Councilmember Elefante thanked Budget Chair Manahan for his work on the proposed FD1 because of corrections that needed to be made, including some technical changes. He thanked Budget Chair Manahan's staff and the Office of Council Services (OCS) for working on the amendments.

Councilmember Manahan thanked the councilmembers and their staff, the OCS staff and the two Chairs of the City Council that were all involved in the budget process. He noted that Councilmember Mike Formby provided valuable input for District 4 and Councilmember Tommy Waters was able to put the final touches on the budget for his district. Councilmember Manahan stated that the budget process was open and collaborative due to the changes occurring in the Council. He noted that even with the changes, the Budget Committee worked with all councilmembers and the Administration to craft a budget which included revenue enhancements. Councilmember Manahan stated that since Bill 3 was passed, every year $10 million needs to be added to the budget. He noted that there are also rising costs of employee fringe benefits, retiree health care contributions, additional Department of Transportation Services' staff for rail, and the rail recovery plan. Councilmember Manahan stated that revenue enhancements are going to be part of the next few budgets. He noted that there is a proviso included in the budget to deal with bus and rail fares and he is working with the Rate Commission. Councilmember Manahan asked for councilmembers to support the budget.

Councilmember Waters noted for the record that he filed a Disclosure of Interest with the City Clerk's Office (CC-206).

Bill 10, CD2 was amended to FD1 (OCS2019-0621/6/4/2019 3:37 PM).

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS, ANDERSON – 9.
NOES: None.

Council Rule 19.E relating to 48-hour notice was waived.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS, ANDERSON – 9.
NOES: None.

Committee Report 151 was adopted and Bill 10, CD2, FD1 passed third reading.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS, ANDERSON – 9.
NOES: None.

Related communications:

M-281 Early testimony on Bill 10, CD2
M-296 Additional testimony on Bill 10, CD2

THIRD READING
BILL 11, CD2, FD1 – COMMITTEE REPORT 152

A BILL FOR AN ORDINANCE RELATING TO THE EXECUTIVE CAPITAL BUDGET AND PROGRAM FOR THE FISCAL YEAR JULY 1, 2019 TO JUNE 30, 2020.

The following amendment posted on the agenda was not considered:

Bill 11, CD2, Proposed FD1

The following amendment was handcarried to the meeting:

Bill 11, CD2, Proposed FD1 (OCS2019-0630/6/4/2019 4:42 PM)

Councilmember Manahan moved that Committee Report 152 be adopted and Bill 11, CD1 pass third reading, as amended to CD2. Seconded by Councilmember Elefante.

Councilmember Manahan moved that the Bill be amended to the handcarried FD1 (OCS2019-0630/6/4/2019 4:42 PM). Seconded by Councilmember Elefante. The FD1 makes the following amendments:

A. Appropriates $1,167,318,336 for the Executive Capital Budget and Program for Fiscal Year 2020.

B. Makes various substantive changes, which are noted in **bold text** in the Amendment List contained within the bill (see Amendment List 1, 5, 8, 9, 10, 12, 14, 15, and 16).

C. Makes various technical and nonsubstantive amendments.

The following individuals testified:

1. Barbara Mayer, Save Our Sherwoods (Oppose)
2. Nathaniel Kinney, Hawaii Construction Alliance (M-282) (Support)
3. David Carona (M-297) (Support)
4. Katherine Kamada, Stop HMOM Coalition (Support)
5. Sharlene Chun-Lum, Save Ala Moana Beach Park Hui (M-297) (Support)
6. Audrey Lee, Malama Moana (M-297) (Support)
7. Sander Kapohuolahaina Moniz Pa (M-297) (General comment)
8. Linda Sakai, Stop HMOM Coalition (Oppose)
9. James K. Manaku, Sr. (Oppose)
10. Bette Uyeda (Support)
11. Lily Cabination (General comment)
12. Keith Ichikawa (Support)
13. Naomi Braine (Support)
14. Kapua Medeiros (Support)
15. Natalie Iwasa (Support)
16. Karin OMahony (M-297) (Oppose)

Councilmember Tsuneyoshi noted her concerns with Section 17 of Bill 11 which appropriates $25 million of City revenues for the Honolulu Authority for Rapid Transportation (HART) project contingency that may be transferred into the general improvement bond fund and transit improvement bond fund. She expressed that there needs to be better correlation and transparency for the rail project and if putting in the $25 million in the capital budget was so imperative it should have been reflected in the recovery plan. Councilmember Tsuneyoshi stated she will support the measure because of other community projects.

Councilmember Pine stated that she is in support of the measure because 90% of the items in the budget is supportive of her district. She asked for better communication so that her community will be better informed on projects in her area. Councilmember Pine thanked Budget Chair Manahan for his support and compassion for the houseless and for the additional $2 million for the Waianae Coast. She thanked James Pakele for all the work he has done for the homeless, and Michael Hodge the architect who designed the Kauhale Village.

In response to Councilmember Kobayashi, Manuel Valbuena, Deputy Director, Department of Budget and Fiscal Services stated that:

- About two years ago, the Council had approved that the Administration focus on Community Development Block Grant (CDBG) funds on City projects because there were some timeliness spending issues with the Department of Housing and Urban Development (HUD). For the Fiscal Year 2020, almost all of the CDBG funds will be used for rehabilitation of various parks that service those of low to moderate income.

- For FY 2020, no monies will be going to non-profits. Other costs are for program administration and work readiness program for WorkHawaii.

- There is money for the rehabilitation loan program.

Councilmember Kobayashi stated that CDBG and HOME funds were set up by the Federal government to help non-profits perform services that the government does not perform. She voiced her hesitation to allow the Administration to reprogram monies without Council approval. She noted that loan programs do not help non-profits. Councilmember Kobayashi expressed her disappointment with how the Administration has been handling the budgeting.

In response to Councilmember Tsuneyoshi, Nelson Koyanagi, Director, Department of Budget and Fiscal Services stated that:

- The Federal Transit Administration (FTA) is demanding that we pay $25 million but before that can happen, the ordinance that allows the City to use City funds to pay for rail construction needs to be modified.

- The memorandum of understanding (MOU) that was signed by the City and HART that talked about using City subsidies monies for the rail project needs to be revised. Once it is revised the Administration will present a Resolution with the MOU attached to the Council for approval.

- When the Bill is passed and the MOU is approved, then the bond resolution would be submitted to the City Council for adoption. Once that is passed, the City would be able to issue a bond for the rail project.

Councilmember Tsuneyoshi thanked Director Koyanagi for the clarification and highlighted the fact that the FTA is requesting $25 million when $44 million was already appropriated. She stated that in November 2018, it was said that $44 million needed to be appropriated before moving on. Councilmember Tsuneyoshi noted that she is glad that there is a process that still needs to be done so that taxpayers can see how the process is moving forward.

Councilmember Waters echoed the concerns of Councilmember Tsuneyoshi. He stated that he and Chair Anderson will be meeting with the FTA to discuss those concerns.

Councilmember Pine noted for the record that she filed a Disclosure of Interest with the City Clerk's Office (CC-198).

Bill 11, CD2 was amended to FD1 (OCS2019-0630/6/4/2019 4:42 PM).

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS, ANDERSON – 9.
NOES: None.

Council Rule 19.E relating to 48-hour notice was waived.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS, ANDERSON – 9.
NOES: None.

Committee Report 152 was adopted and Bill 11, CD2, FD1 passed third reading.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS, ANDERSON – 9.
NOES: None.

Related communications:

M-282 Early testimony on Bill 11, CD2
M-297 Additional testimony on Bill 11, CD1

THIRD READING
BILL 12 – COMMITTEE REPORT 153

A BILL FOR AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF GENERAL OBLIGATION BONDS AND BOND ANTICIPATION NOTES OF THE CITY AND COUNTY OF HONOLULU IN A MAXIMUM PRINCIPAL AMOUNT EQUAL TO THE AGGREGATE OF THE AMOUNTS APPROPRIATED IN THE CAPITAL BUDGET ORDINANCE OF SAID CITY AND COUNTY FOR THE FISCAL YEAR ENDING JUNE 30, 2020, AND SPECIFIED IN SAID ORDINANCE TO BE FINANCED FROM THE PROCEEDS OF THE SALE OF SUCH BONDS AND TO BE EXPENDED FROM THE GENERAL IMPROVEMENT BOND FUND, THE HIGHWAY IMPROVEMENT BOND FUND, SOLID WASTE IMPROVEMENT BOND FUND, OR THE HOUSING DEVELOPMENT SPECIAL FUND.

Councilmember Manahan moved that Committee Report 153 be adopted and Bill 12 pass third reading. Seconded by Councilmember Elefante

There was no public testimony.

Councilmember Tsuneyoshi stated that she has reservations with having bonds potentially going towards Honolulu Authority for Rapid Transportation construction. She looks forward to working with the Department of Budget and Fiscal Services on the process to expend the bonds and monies.

Committee Report 153 was adopted and Bill 12 passed third reading.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS, ANDERSON – 9.
NOES: None.

Related communication:

M-298 Additional testimony on Bill 12

ADOPTION
RESOLUTION 19-55 – COMMITTEE REPORT 157

RESOLUTION DETERMINING THE REAL PROPERTY TAX RATES FOR THE CITY AND COUNTY OF HONOLULU FOR THE FISCAL YEAR JULY 1, 2019 TO JUNE 30, 2020.

Councilmember Manahan moved that Committee Report 157 and Resolution 19-55 be adopted. Seconded by Councilmember Elefante.

The following individuals testified:

1. Peggy Taylor (Oppose)
2. Mufi Hannemann, Hawaii Lodging & Tourism Association (M-283) (Oppose)

   In response to Councilmember Pine, Mr. Hannemann stated that:

   In 2014 the hotel property tax was raised by 50 cents and today it is going to be raised to $1.50.

   During the past five years, valuations have doubled from $8.5 billion to $15 billion.

   During the last 9 years, property taxes have increased 141%, approximately $80 million to $195 million.

   Labor agreements are being negotiated which is driving the costs of business up by 23%.

   The Star Advertiser editorial said that the City needs to continue to cut spending and look to see if they need it rather than nice to have.

   Every hotel has said the cost has increased double digits and the growth in revenues has been single digit, less than 4%. Costs have increased 10 to 20 percent and revenues decreased 4%, which means cuts need to be made.

   The Association has been providing security cameras in Waikiki, helping with the homeless, and funding for the U.S. Conference on Mayors and would like to continue to help, but request a lower rate in the spirit of compromise.

3. Erna Baquiel, Waikiki Resort Hotel (M-283) (Oppose)
4. Rick Egged, Waikiki Improvement Association (M-299) (Oppose)
5. John Carroll (General comment)
6. Roy Nakamura (Oppose)
7. Natalie Iwasa (Oppose)
8. Calvin Hulihee (General comment)
9. Glenn Vergara, Waikiki Resort Hotel (Oppose)

Councilmember Manahan spoke in support of Resolution 19-55. He noted that there are very little opportunities to raise revenues and unfortunately it needs to come from somewhere. Councilmember Manahan stated that he is trying not to tax our homeowners and residents but in order to continue the level of services that the City is providing, revenue enhancements are necessary. He asked councilmembers to support the measure.

Councilmember Tsuneyoshi stated that she was privileged to be on the Budget Committee when it discussed the compromise of 50 cents. She felt that this was a reasonable compromise for this classification. Councilmember Tsuneyoshi stated that in regards to budgeting, if we do not look to cut where we can then at the end of the day no money is going to be enough if we are not willing to look at making cuts instead of looking for monies.

Councilmember Pine stated that she has the highest respect for the Budget Chair and that he did his best to work with the Administration on the budget. She noted her concern that the budget has gone up over $1 billion in less than 7 years and that monies are mismanaged and some are continuously being rolled over and unspent. Councilmember Pine stated that her constituents asked her to find a way to have more fiscal stability and accountability in the budget process and for the Administration to budget how everyone else does – if you cannot get more revenue, you find a way to save. She stated for the reasons noted, she will vote no on the measure.

Councilmember Waters expressed his concerns about Residential A, Tier 2 as articulated by Natalie Iwasa. He noted that she made a very good point and that there needs to be consideration to raising the threshold. Councilmember Waters stated that all the testifiers made very good points about the hotel tax and he thanked the visitor industry and hotels for all the help they have given the City. He apologized to the visitor industry for having to lean on them again but stated that he will always side with local residents.

At 12:44 p.m. Chair Anderson called for a short recess to switch places with Vice Chair Kobayashi, who assumed the duties of the Chair.

Chair Anderson stated that he has a lot of aloha and respect and great thanks to the visitor industry for what they provide. He noted that he was one of the councilmembers who last session went to the State Legislature to ask that the transient accommodation tax (TAT) not be used to pay for rail but unfortunately it was ignored. Chair Anderson stated that we are experiencing record visitor arrivals, hotel occupancies are up, and an increase in number of

airlines seats but this impacts our residents. He noted that resort fees should be shared with the City and County of Honolulu directly and not have to be requested from the Legislature and the City should not have to seek other means to help offset visitor impacts on the residents and City services. Chair Anderson stated he supports the measure.

At 12:47 p.m. Vice-Chair Kobayashi called for a short recess and returned to her seat. Chair Anderson assumed his role of Presiding Officer and reconvened the meeting at 12:48 p.m.

Councilmember Elefante noted for the record that he filed a Disclosure of Interest with the City Clerk's Office (CC-191).

Committee Report 157 and Resolution 19-55 were adopted.

AYES: ELEFANTE, MANAHAN, MENOR, WATERS, ANDERSON – 5.
NOES: FUKUNAGA, KOBAYASHI, PINE, TSUNEYOSHI – 4.

Related communications:

M-283 Early testimony on Resolution 19-55
M-299 Additional testimony on Resolution 19-55

RECESS/RECONVENE

At 12:49 p.m., the Chair called for a recess as noted on the agenda. With 7 members present (Excused: Pine, Tsuneyoshi – 2), the Chair reconvened the meeting at 1:35 p.m.

THIRD READING
BILL 15, CD2, FD1 – COMMITTEE REPORT 154

A BILL FOR AN ORDINANCE RELATING TO THE HONOLULU AUTHORITY FOR RAPID TRANSPORTATION OPERATING BUDGET FOR THE FISCAL YEAR JULY 1, 2019 TO JUNE 30, 2020.

The following amendment was posted on the agenda:

Bill 15, CD2, Proposed FD1

Councilmember Manahan moved that Committee Report 154 be adopted and Bill 15, CD1 pass third reading, as amended to CD2. Seconded by Councilmember Elefante.

Councilmember Manahan moved that the Bill be amended to FD1. Seconded by Councilmember Elefante. The FD1 makes the following amendments:

A. Appropriates $6,709,600 for the Honolulu Authority for Rapid Transportation Operating Budget for Fiscal Year 2020.

B. Makes various substantive changes, which are noted in **bold text** in the Amendment List contained within the bill.

C. Makes various technical and nonsubstantive amendments.

The following individuals testified:

1. Natalie Iwasa (General comment)
2. Audrey Barsoum (General comment)

Councilmember Pine noted her support with reservations of the measure. She expressed concerns with the lack of internal audits and checks and balances on how the Honolulu Authority for Rapid Transportation (HART) spends their money. Councilmember Pine also noted concerns that consultants may be making decisions to benefit themselves with no one to check their estimates. She stated that she introduced a Resolution to require HART to have an internal auditor or ombudsman. Councilmember Pine noted that in the coming years, it is going to be difficult for the Council to justify their budget if HART cannot prove to the public that they have better internal audits. She stated that recent State and City audits revealed a lot of mismanagement.

Bill 15, CD2 was amended to FD1.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS, ANDERSON – 9.
NOES: None.

Committee Report 154 was adopted and Bill 15, CD2, FD1 passed third reading.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE*, WATERS, ANDERSON – 8.
NOES: TSUNEYOSHI – 1.

*Councilmember Pine voted aye with reservations.

Related communication:

M-300 Additional testimony on Bill 15, CD2

DEFERRED TO LATER IN THE MEETING
BILL 16, CD2 – COMMITTEE REPORT 155

A BILL FOR AN ORDINANCE RELATING TO THE HONOLULU AUTHORITY FOR RAPID TRANSPORTATION CAPITAL BUDGET FOR THE FISCAL YEAR JULY 1, 2019 TO JUNE 30, 2020.

The following amendment was posted on the agenda:

Bill 16, CD2, Proposed FD1

Councilmember Manahan moved that Committee Report 155 be adopted and Bill 16, CD1 pass third reading, as amended to CD2. Seconded by Councilmember Elefante.

Councilmember Tsuneyoshi moved that the Bill be amended to FD1. Seconded by Councilmember Kobayashi. The FD1 makes the following amendments:

A. Appropriates $2,437,352,987 for the Honolulu Authority for Rapid Transportation Capital Budget for Fiscal Year 2020.

B. Makes various substantive changes, which are noted in bold text in the Amendment List contained within the bill.

C. Makes various technical and nonsubstantive amendments.

The following individuals testified:

1. Natalie Iwasa (General comment)
2. Audrey Barsoum (General comment)

Councilmember Pine stated that she would like to make a friendly amendment to Councilmember Tsuneyoshi's amendment. She noted that in Section 7, to add the words, unless first approved by the Honolulu City Council. Councilmember Pine stated that some question if the Public Private Partnership (P3) initiative will work and she does not know if it is good or bad but if it does show that it will save money over time, the Council will have an opportunity to represent that and vote on it.

Councilmember Tsuneyoshi agreed to Councilmember Pine's amendment and stated that it would give an opportunity for discussion.

Councilmember Manahan spoke in opposition to the amendment. He noted that in Committee, discussion with Interim Councilmember Formby recommended against it and that it would send the wrong signal to potential bidders of P3 and would also send a mixed message to the FTA who is aware the City is considering a P3.

Councilmember Menor stated his concerns with Councilmember Pine's proposed amendment in regards to possible legal issues to the provisions of the City Charter.

In response to councilmembers, Andrew Robbins, Executive Director, Honolulu Authority for Rapid Transportation (HART) stated that:

- One of the conditions of the approval of the recovery plan by the FTA is to have a definitive plan to move forward with the last remaining piece of the project which is the City Center and Pearl Highlands.

- The FTA has stated that based on the P3 moving forward that they are ready to approve the recovery plan. If HART does not move forward with the P3 procurement, it would concern the FTA.

- If the procurement for the City Center is stopped, the recovery plan would be on hold and a new procurement process would need to be determined, which would delay the Federal funding.

- HART has been working on the procurement process for four months and has a priority list of offers preparing proposals. If the amendment is approved, the request for proposal would need to be redone and a different project delivery method found.

- The FTA has written to HART expressing that their patience is running out. The FTA was looking for three conditions and they were met between HART and the City. Earlier this year they requested two more things and those were also met. The FTA has written to HART saying they are ready to approve the recovery plan. The three conditions were the $44 million, identification of the procurement method to be used for the City Center and Pearl Highlands, and updating the recovery plan.

- If the City Council approves the recovery plan resolution, HART will submit the plan to the FTA for approval, but if there is a reverse in course, HART would be concerned that the FTA will once again start to run out of patience and there would be major set-backs.

- HART has informed the Council that the private sector has provided HART with offers for the project.

- When HART was originally established, its scope was to plan, design, build, operate and maintain but a 2016 Charter Amendment transferred the operations and maintenance portion to the City and County, Department of Transportation Services (DTS). Now, HART is pursuing a joint procurement between themselves and the City for the City Center Pearl Highlands. Three major contracts include the operations and maintenance components so if the amendment were to pass, HART would need to descope, amend, or terminate for convenience the contracts which would disrupt the progress of the project.

- Under the State Procurement Code, he has the authority to proceed without consulting the City Council and the Mayor but he chose to get a consensus by gaining the support of the City Council which had a positive influence on the HART Board and the Mayor to look more favorably at moving forward. It was an important statement by the City Council, the HART Board and the Mayor to show the FTA that there is a strong broad base of support for the approach being taken.

- Traditionally under a P3, it would include 25, 30, 35 years of operations and maintenance and he is a proponent for a long term operation and maintenance component but his duty was to look after the design and construction of the project and get it ready for operations and then DTS would take over the operations and maintenance of the project.

- The project lacked a long-term sustainable solution and there were concerns about getting the project up and running and being successful in operating and maintaining over a long period of time with a high performance level.

- The cost estimate of $1.4 billion is for the design build portion of the City Center Pearl Highlands. The City is responsible for the cost estimate of the operations and maintenance.

- There was a competitive process as HART did receive submittals for the City Center. A conflict with one of the bidding entities made procurement impractical and HART decided to terminate the City Center design build bidding process and start over. He noted that Hitachi was the highest of three bidders in 2010 and won the operations and maintenance component. He believes that they can come into the project based on the P3 approach.

- The floor draft prohibits HART from entering into a contract that would include a finance and operation and maintenance component. He would need to consult with legal counsel to see if the Council can approve the contract under the Hawaii Procurement Code.

- The P3 process is going well with his team doing an excellent job preparing the documents to optimize and make it as cost effective as possible. HART is looking for more certainty in terms of cost and schedule.

- He does not see any problem with sharing the cost calculations because they are cost projections. The bidders will decide the actual cost. There will be an affordability limit on the construction and operations and maintenance to help protect the City and the taxpayers.

In response to councilmembers, Wes Frysztacki, Director, Department of Transportation Services (DTS) stated that:

- DTS is trying to bring clarity to the process and not confusion or uncertainty.

- DTS has not modified the operations and maintenance cost projection from the recovery plan, but have been checking numbers, and believe the safety and security category estimate is low. It was about $2 million the first full year of operation but should be $6 million.

- DTS wants to make sure that the scope of the current contract is the same as the terms of the Hitachi Rail Honolulu Joint Venture (HRHJV) contract. HRHJV needs to be able to operate it reliably to be able to get paid on a monthly basis if not there are penalties.

- Additional scope and term will be added to the operation and maintenance so the costs will be higher because there will be additional services given back. Landscaping will be added to some contracts. The detailed cost is 95% complete. Cost estimates for the design build and operation and maintenance are available. DTS is hesitant to show the revised cost because it is on the high side and the Department wants to see the bids that come in.

- There are three components to the additional personnel. (1) HART staff responsible for operations and maintenance readiness, to make sure that the capital assets are ready to be handed over for operation purposes. Staff will decrease over time. (2) The Jacobs contract which brings on board seasoned, experienced personnel that will assist in getting documentation to develop and review. Training manuals, certification procedures and other responsibilities of the contractor still needs to be reviewed and approved in a timely fashion. This number will go down to zero by 2025. (3) Some HART staff will be retained but reduced to three as the City staff increases, but not beyond 2025.

- The recovery plan includes the total cost. The Mayor sent a letter saying that the first year of full service the cap would be $127 million for the total cost of operating rail which includes P3, utility costs, safety and security costs, and administrative costs. The second condition was a cap of $214 million for the capital cost.

- The City has hired an expert to review invoices, update the contract terms and conditions, and deal with issues that arise.

Councilmember Manahan expressed his appreciation to Councilmembers Tsuneyoshi and Pine for the intent of their amendments. He stated that he would not be able to support the amendment because it sends a red flag to the FTA and potential bidders who are considering the P3 request for proposals. Councilmember Manahan noted that Chair Anderson and Councilmember Waters will be meeting with the FTA and if this amendment is adopted then they would have a hard time justifying to them what was approved. He noted that the FTA is stating that they want to release the $750 million they are withholding. Councilmember Manahan stated that there is more opportunity for the Council to review any P3 contracts prior to next year's budget and he recommended against any amendments.

Councilmember Menor stated his support for Councilmember Manahan's remarks and echoed his comments regarding the proposed amendments. Councilmember Menor voiced his concern that if the amendment is approved, it would jeopardize the Federal funding for the project. The FTA has stated that they will not release additional Federal funds until the actual contract for the City Center is awarded in January 2020.

Councilmember Menor expressed his concern that if there is a delay, the FTA will continue to withhold Federal funds which would further increase the cost of construction for the rail project and the Oahu taxpayers would have to pay for the increase to allow for construction to proceed. He also noted that the wording of the amendment is so broad that it could negatively impact the existing operations and maintenance contracts. Councilmember Menor stated that the Council did adopt the previous Resolution and if we reverse course it would have a negative working relationship with the FTA. He asked councilmembers not to approve the amendment.

Councilmember Pine stated that her amendment would be for Section 7 where it says no money shall be expended for any new contracts so that would eliminate the concern of other contracts being included. It also adds unless first approved by the City Council. She noted that her amendment states that the Council wants a final look and it does not mean that a P3 cannot be done.

Councilmember Elefante thanked Councilmember Tsuneyoshi and Councilmember Pine for their remarks on their amendments. He noted his concerns with both proposals and echoed Councilmember Menor and Councilmember Manahan's remarks regarding the FTA. Councilmember Elefante expressed his concern on the overall impact of the project, the delay and the cost of the project. He stated that he will not be supporting either amendment.

Executive Director Robbins stated that he had a consultation with legal counsel on the amendment and they had legal concerns with inserting the City Council in the process. According to the Hawaii Procurement Code he and the Department of Budget and Fiscal Services Director have jurisdiction over the procurement.

Councilmember Tsuneyoshi stated that the Council has moved forward on a lot of different issues with this project and her amendment is asking for answers and accountability for the taxpayers.

RECESS/RECONVENE

At 2:47 p.m., the Chair called for a short recess and reconvened the meeting at 2:56 p.m.

At this juncture, there being no objections from the 8 members present (Excused: Pine), the Chair moved to Bill 26 on page 11 of the agenda.

FIRST READING
BILL 26 (Budget)

A BILL FOR AN ORDINANCE RELATING TO A CLIMATE CHANGE, SUSTAINABILITY, AND RESILIENCY FUND.

Councilmember Kobayashi moved that Bill 26 pass first reading. Seconded by Councilmember Fukunaga.

The following individual testified:

Katherine Kupukaa (Oppose)

Bill 26 passed first reading.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS, ANDERSON – 9.
NOES: None.

Related communications:

M-284 Early testimony on Bill 26
M-303 Additional testimony on Bill 26

FIRST READING
BILL 27 (Zoning, Planning and Housing)

A BILL FOR AN ORDINANCE TO REZONE LAND SITUATED AT KANEOHE, OAHU, HAWAII.

Councilmember Kobayashi moved that Bill 27 pass first reading. Seconded by Councilmember Fukunaga.

The following individuals testified:

1. Kaui Pratt-Aquino, Puohala Residents & Friends Against the Development of Puohala Preservation Land (M-285) (Oppose)
2. Bronson Azama, Hoʻoulu ʻOpio Natural Resources Academy (M-304) (Oppose)
3. Piʻikea Everett, (M-304) (Oppose)
4. James K. Manaku, Sr. (General comment)

5. Bruce Lum (Oppose)
6. Lori Siri (Oppose)

In response to Councilmember Waters, Ms. Siri stated that the lot is on the Kapunahala side where there is an embankment that collects water that flows by the Kaneohe Police Department. There is a bridge and the water ends up in a stream that runs down into Kaneohe Bay. Whoever buys land in the area would be in harms way.

7. Mike Nishizawa (Oppose)
8. Jackie Viloria (Oppose)
9. Roy Nakamura (General comment)
10. Calvin Hulihee (Oppose)
11. Charise Joneidi (Oppose)
12. Keith Kurahashi (General comment)

Councilmember Elefante voiced his reservations on Bill 27. He noted his concerns with the flooding and infrastructure and that he will raise questions in Committee.

Councilmember Waters stated his reservations on Bill 27. He noted that he looks forward to a question and answer period in Committee. Councilmember Waters stated that he is listening to both sides and will be asking a lot of questions during the committee hearing.

Councilmember Pine stated she will vote no on Bill 27. She noted that she is not on the Committee but hopes that whatever happens the Committee will listen to the community and find a way to work with the applicant to ensure some type of community consensus.

Chair Anderson noted his reservation for Bill 27.

Councilmember Elefante noted for the record that he filed Disclosures of Interest with the City Clerk's Office (CC-203, CC-204).

Bill 27 passed first reading.

AYES: ELEFANTE*, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, TSUNEYOSHI, WATERS*, ANDERSON* – 8.
NOES: PINE – 1.

*Councilmembers Elefante, Waters and Chair Anderson voted aye with reservations.

Related communications:

M-285 Early testimony on Bill 27
M-304 Additional testimony on Bill 27

FIRST READING
BILL 28 (Zoning, Planning and Housing)

A BILL FOR AN ORDINANCE RELATING TO AFFORDABLE HOUSING INCENTIVES.

Councilmember Kobayashi moved that Bill 28 pass first reading. Seconded by Councilmember Fukunaga.

There was no public testimony.

Bill 28 passed first reading.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS, ANDERSON – 9.
NOES: None.

Related communication:

M-305 Additional testimony on Bill 28

FIRST READING
BILL 29 (Zoning, Planning and Housing)

A BILL FOR AN ORDINANCE RELATING TO AFFORDABLE HOUSING INCENTIVES.

Councilmember Kobayashi moved that Bill 29 pass first reading. Seconded by Councilmember Fukunaga.

There was no public testimony.

Bill 29 passed first reading.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS, ANDERSON – 9.
NOES: None.

FIRST READING
BILL 30 (Budget)

A BILL FOR AN ORDINANCE RELATING TO REAL PROPERTY TAXATION.

Councilmember Kobayashi moved that Bill 30 pass first reading. Seconded by Councilmember Fukunaga.

The following individuals testified:

1. Eric Masutomi, Honolulu Seawater Air Conditioning, LLC (M-306) (Support)
2. Reb Bellinger (General comment)
3. Natalie Iwasa (General comment)
4. Roy Nakamura (General comment)

Bill 30 passed first reading.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS, ANDERSON – 9.
NOES: None.

Related communication:

M-306 Additional testimony on Bill 30

FIRST READING
BILL 31 (Public Safety and Welfare)

A BILL FOR AN ORDINANCE RELATING TO LAW ENFORCEMENT.

Councilmember Kobayashi moved that Bill 31 pass first reading. Seconded by Councilmember Fukunaga.

There was no public testimony.

Bill 31 passed first reading.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS, ANDERSON – 9.
NOES: None.

Related communications:

M-286 Early testimony on Bill 31
M-307 Additional testimony on Bill 31

FIRST READING

BILL 32 (Transportation)

A BILL FOR AN ORDINANCE RELATING TO RESTRICTED PARKING ZONES.

Councilmember Kobayashi moved that Bill 32 pass first reading. Seconded by Councilmember Fukunaga.

The following individual testified:

Audrey Barsoum (General comment)

Chair Anderson noted his reservations for Bill 32. He noted his concerns with the policy for restricted parking zones and looks forward to discussion in Committee.

Councilmember Elefante noted for the record that he filed a Disclosure of Interest with the City Clerk's Office (CC-209).

Bill 32 passed first reading.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS, ANDERSON* – 9.
NOES: None.

*Chair Anderson voted aye with reservations.

Related communication:

M-308 Additional testimony on Bill 32

ADOPTION
RESOLUTION 19-44, CD1 – COMMITTEE REPORT 159

RESOLUTION APPROVING A ONE-DAY SUSPENSION OF FARES TO PROMOTE PUBLIC RIDERSHIP OF THE CITY BUS SYSTEM.

Councilmember Manahan moved that Committee Report 159 and Resolution 19-44 be adopted, as amended to CD1. Seconded by Councilmember Elefante.

The following individual testified:

Sharlene Chun-Lum (M-309) (Oppose)

Councilmember Elefante spoke in support of the measure and thanked Chair Anderson for co-introducing the measure with him. He also thanked Budget Chair Manahan for hearing the measure. Councilmember Elefante stated that the measure is a useful tool for future transit riders because there are going to be different service changes and potential new routes to encourage more people to utilize the bus system.

Councilmember Elefante noted for the record that he filed a Disclosure of Interest with the City Clerk's Office (CC-156).

Committee Report 159 and Resolution 19-44, CD1, as amended were adopted.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS, ANDERSON – 9.
NOES: None.

Related communication:

M-309 Additional testimony on Resolution 19-44, CD1

ADOPTION
RESOLUTION 19-91, CD1 – COMMITTEE REPORT 160

RESOLUTION REQUESTING THAT THE CITY AUDITOR CONDUCT A PERFORMANCE AUDIT OF THE DEPARTMENT OF PARKS AND RECREATION.

Councilmember Manahan moved that Committee Report 160 and Resolution 19-91 be adopted, as amended to CD1. Seconded by Councilmember Elefante.

The following individuals testified:

1. Sharlene Chun-Lum (M-310) (Support)
2. Bruce G. S. Lum (M-310) (Support)
3. Kiana Cummings (Support)

Councilmember Pine thanked Budget Chair Manahan for hearing the Resolution and passing it out of Committee. She stated that the suggestion of an audit came out of the Parks Committee and questions from the Park's Director. Councilmember Pine stated that she hopes a policy to ensure all parks and communities are treated equal will result from the audit.

Committee Report 160 and Resolution 19-91, CD1, as amended were adopted.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS, ANDERSON – 9.
NOES: None.

Related communication:

M-310 Additional testimony on Resolution 19-91, CD1

ADOPTION
RESOLUTION 19-97 – COMMITTEE REPORT 161

RESOLUTION APPROVING COLLECTIVE BARGAINING COST ITEMS FOR THE STATE OF HAWAII ORGANIZATION OF POLICE OFFICERS BARGAINING UNIT 12 INCLUDED, EXCLUDED AND EXCLUDED MANAGERIAL EMPLOYEES OF THE CITY AND COUNTY OF HONOLULU.

Councilmember Manahan moved that Committee Report 161 and Resolution 19-97 be adopted. Seconded by Councilmember Elefante.

There was no public testimony.

Committee Report 161 and Resolution 19-97 were adopted.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS, ANDERSON – 9.
NOES: None.

ADOPTION
RESOLUTION 19-99 – COMMITTEE REPORT 162

RESOLUTION RELATING TO THE TRANSFER OF FUNDS.

Councilmember Manahan moved that Committee Report 162 and Resolution 19-99 be adopted. Seconded by Councilmember Elefante.

There was no public testimony.

Committee Report 162 and Resolution 19-99 were adopted.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS, ANDERSON – 9.
NOES: None.

ADOPTION
RESOLUTION 19-106 – COMMITTEE REPORT 163

RESOLUTION APPROVING COLLECTIVE BARGAINING COST ITEMS FOR THE UNITED PUBLIC WORKERS BARGAINING UNIT 1 INCLUDED AND EXCLUDED EMPLOYEES OF THE CITY AND COUNTY OF HONOLULU.

Councilmember Manahan moved that Committee Report 163 and Resolution 19-106 be adopted. Seconded by Councilmember Elefante.

There was no public testimony.

Councilmember Elefante noted for the record that he filed a Disclosure of Interest with the City Clerk's Office (CC-190).

Committee Report 163 and Resolution 19-106 were adopted.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS, ANDERSON – 9.
NOES: None.

Related communication:

M-287 Early testimony on Resolution 19-106

ADOPTION
RESOLUTION 19-107 – COMMITTEE REPORT 164

RESOLUTION APPROVING COLLECTIVE BARGAINING COST ITEMS FOR THE UNITED PUBLIC WORKERS BARGAINING UNIT 10 INCLUDED EMPLOYEES OF THE CITY AND COUNTY OF HONOLULU.

Councilmember Manahan moved that Committee Report 164 and Resolution 19-107 be adopted. Seconded by Councilmember Elefante.

There was no public testimony.

Councilmember Elefante noted for the record that he filed a Disclosure of Interest with the City Clerk's Office (CC-189).

Committee Report 164 and Resolution 19-107 were adopted.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS, ANDERSON – 9.
NOES: None.

Related communication:

M-288 Early testimony on Resolution 19-107

ADOPTION
RESOLUTION 19-110 – COMMITTEE REPORT 165

RESOLUTION RELATING TO THE TRANSFER OF FUNDS.

Councilmember Manahan moved that Committee Report 165 and Resolution 19-110 be adopted. Seconded by Councilmember Elefante.

There was no public testimony.

Committee Report 165 and Resolution 19-110 were adopted.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS, ANDERSON – 9.
NOES: None.

ADOPTION
RESOLUTION 19-112 – COMMITTEE REPORT 166

RESOLUTION RELATING TO THE TRANSFER OF FUNDS.

Councilmember Manahan moved that Committee Report 166 and Resolution 19-112 be adopted. Seconded by Councilmember Elefante.

There was no public testimony.

Committee Report 166 and Resolution 19-112 were adopted.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS, ANDERSON – 9.
NOES: None.

ADOPTION
RESOLUTION 19-115, CD1 – COMMITTEE REPORT 167

RESOLUTION APPROVING THE REVISED RECOVERY PLAN OF 2018, DATED NOVEMBER 19, 2018 AND UPDATED ON MAY 10, 2019, FOR THE HONOLULU RAIL TRANSIT PROJECT, TO BE SUBMITTED TO THE FEDERAL TRANSIT ADMINISTRATION.

Councilmember Manahan moved that Committee Report 167 and Resolution 19-115, as amended to CD1, be adopted. Seconded by Councilmember Elefante.

The following individual testified:

Natalie Iwasa (Oppose)

Councilmember Tsuneyoshi noted her opposition to the measure based on the questions that are still unanswered.

Councilmember Pine voiced her support with reservations to the measure based on the fact that there are no answers regarding the P3.

Councilmember Fukunaga noted her reservations to the measure with respect to some of the additional City obligations.

Councilmember Waters stated his reservations to the measure.

Councilmember Manahan expressed his support for the Resolution. He stated that one of two conditions set forth by the FTA is that the Council must provide action in order for the release of Federal funds for the rail project.

Committee Report 167 and Resolution 19-115, CD1, as amended were adopted.

AYES: ELEFANTE, FUKUNAGA*, KOBAYASHI*, MANAHAN, MENOR, PINE*, WATERS*, ANDERSON – 8.
NOES: TSUNEYOSHI – 1.

*Councilmembers Fukunaga, Kobayashi, Pine, and Waters voted aye with reservations.

Related communication:

M-311 Additional testimony on Resolution 19-115, CD1

ADOPTION
RESOLUTION 19-113 – COMMITTEE REPORT 168

RESOLUTION ACCEPTING A GIFT TO THE CITY FROM PULSE FOR GOOD, L3C.

Councilmember Tsuneyoshi moved that Committee Report 168 and Resolution 19-113 be adopted. Seconded by Councilmember Kobayashi.

There was no public testimony.

Committee Report 168 and Resolution 19-113 were adopted.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS, ANDERSON – 9.
NOES: None.

ADOPTION
RESOLUTION 19-114 – COMMITTEE REPORT 169

RESOLUTION ACCEPTING A GIFT TO THE CITY FROM AMERICAN SAVINGS BANK.

Councilmember Tsuneyoshi moved that Committee Report 169 and Resolution 19-114 be adopted. Seconded by Councilmember Kobayashi.

There was no public testimony.

Committee Report 169 and Resolution 19-114 were adopted.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS, ANDERSON – 9.
NOES: None.

At this juncture, there being no objections from the 9 members present, the Chair retuned to Bill 16, CD2 on page 9 of the agenda.

THIRD READING
BILL 16, CD2 – COMMITTEE REPORT 155

A BILL FOR AN ORDINANCE RELATING TO THE HONOLULU AUTHORITY FOR RAPID TRANSPORTATION CAPITAL BUDGET FOR THE FISCAL YEAR JULY 1, 2019 TO JUNE 30, 2020.

The following amendment was handcarried to the meeting:

Bill 16, CD2, Proposed FD1 (OCS2019-0634/6/5/2019 3:44 PM)

Councilmember Pine explained that her handcarried FD1 (OCS2019-0634/6/5/2019 3:44 PM) makes the following amendments:

A. Appropriates $2,437,352,987 for the Honolulu Authority for Rapid Transportation Capital Budget for Fiscal Year 2020.

B. Makes various substantive changes, which are noted in **bold text** in the Amendment List contained within the bill.

C. Makes various technical and nonsubstantive amendments.

Councilmember Menor expressed concerns that the way the provision is worded would violate the procurement process or law, specifically the section requiring the City Council to approve the contract in order for monies to be expended.

In response to councilmembers, Duane Pang, Deputy Corporation Counsel, Department of the Corporation Counsel (COR) stated that:

- The State Procurement Code gives the Chief Procurement Officer the responsibility of approving contracts that go through the procurement process. The City Council is not involved in the procurement of contracts.

- COR has concerns with respect to the requirements of the State Procurement Code 103D and if it would interfere with the duties and responsibilities of the Chief Procurement Officer.

- The wording of the proposed amendment raises legal concerns regarding procurement and COR still has concerns that the City Council does not have authority over HART's budget.

- The amendment would require City Council approval for any new contract with private entity to design, finance, construct, operate or maintain the project.

Councilmember Manahan stated he cannot support the amendments and that if the FTA saw this language, it would raise a red flag that the City is reversing its position regarding P3 and it would jeopardize Federal funding and potential bidders who are considering the P3. He stated he is in opposition to the amendment.

Councilmember Fukunaga stated that the previous legislation was that no City funds would be utilized for the construction of the transit project. She noted that the budget would be one piece of a set measure that would otherwise obligate the City to use City funds for construction of the project. She stated that Councilmembers Tsuneyoshi and Pine are trying to address this in their amendment but this Bill may not be the way to achieve it.

Councilmember Elefante stated his previous remarks remain the same and he will not be able to support the proposed handcarried FD1.

Bill 16, CD2 failed to be amended to the handcarried FD1 (OCS2019-0634/6/5/2019 3:44 PM) due to lack of a majority vote.

AYES: FUKUNAGA, KOBAYASHI, PINE, TSUNEYOSHI – 4.
NOES: ELEFANTE, MANAHAN, MENOR, WATERS, ANDERSON – 5.

The Chair stated that the motion now on the floor is to amend to the posted FD1 (OCS2019-0608/5/30/2019 3:53 PM).

Bill 16, CD2 failed to be amended to the posted FD1 (OCS2019-0608/5/30/2019 3:53 PM) due to lack of a majority vote.

AYES: FUKUNAGA, KOBAYASHI, TSUNEYOSHI – 3.
NOES: ELEFANTE, MANAHAN, MENOR, PINE, WATERS, ANDERSON – 6.

The Chair stated that the motion now on the floor is to adopt Committee Report 155 and pass Bill 16, CD1, as amended to CD2 on third reading.

Councilmember Manahan asked for councilmembers to support the measure.

Committee Report 155 was adopted and Bill 16, CD2 passed third reading.

AYES: ELEFANTE, FUKUNAGA*, KOBAYASHI*, MANAHAN, MENOR, PINE*, WATERS, ANDERSON – 8.
NOES: TSUNEYOSHI – 1.

*Councilmembers Fukunaga, Kobayashi and Pine voted aye with reservations.

Related communications:

D-348 Honolulu Authority for Rapid Transportation
M-301 Additional testimony on Bill 16, CD2

THIRD READING
BILL 17 – COMMITTEE REPORT 156

A BILL FOR AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF GENERAL OBLIGATION BONDS AND BOND ANTICIPATION NOTES OF THE CITY AND COUNTY OF HONOLULU IN A MAXIMUM PRINCIPAL AMOUNT EQUAL TO THE AGGREGATE OF THE AMOUNTS APPROPRIATED FOR THE HONOLULU AUTHORITY FOR RAPID TRANSPORTATION CAPITAL BUDGET PROJECTS IN THE HONOLULU AUTHORITY FOR RAPID TRANSPORTATION CAPITAL BUDGET AND PROGRAM ORDINANCE FOR THE FISCAL YEAR ENDING JUNE 30, 2020, AND SPECIFIED IN SAID ORDINANCE TO BE FINANCED FROM THE PROCEEDS OF THE SALE OF SUCH BONDS AND TO BE EXPENDED FROM THE TRANSIT IMPROVEMENT BOND FUND.

Councilmember Manahan moved that Committee Report 156 be adopted and Bill 17 pass third reading. Seconded by Councilmember Elefante.

The following individual testified:

Natalie Iwasa (General comment)

Councilmember Waters stated that he and Chair Anderson will be meeting with the Federal Transit Administration to discuss some very important issues. He noted that he has a lot of questions but is in support of the measure.

Committee Report 156 was adopted and Bill 17 passed third reading.

AYES: ELEFANTE, MANAHAN, MENOR, PINE, WATERS, ANDERSON – 6.
NOES: FUKUNAGA, KOBAYASHI, TSUNEYOSHI – 3.

Related communication:

M-302 Additional testimony on Bill 17

The Chair returned to the agenda order.

ADOPTION
RESOLUTION 19-118 – COMMITTEE REPORT 170

RESOLUTION ACCEPTING A GIFT TO THE CITY FROM NAGAOKA FIREWORKS FOUNDATION.

Councilmember Pine moved that Committee Report 170 and Resolution 19-118 be adopted. Seconded by Councilmember Fukunaga.

There was no public testimony.

Committee Report 170 and Resolution 19-118 were adopted.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS, ANDERSON – 9.
NOES: None.

Related communication:

M-312 Additional testimony on Resolution 19-118

ADOPTION
RESOLUTION 19-100, CD1 – COMMITTEE REPORT 177

RESOLUTION URGING THE HONOLULU AUTHORITY FOR RAPID TRANSPORTATION TO CONSISTENTLY ENFORCE PUBLIC NOTIFICATION REQUIREMENTS AS DOCUMENTED IN ITS GENERAL CONDITIONS OF CONSTRUCTION OF CONTRACTS.

Councilmember Elefante moved that Committee Report 177 and Resolution 19-100, as amended to CD1, be adopted. Seconded by Councilmember Manahan.

There was no public testimony.

Councilmember Pine thanked Transportation Chair Elefante for hearing and passing the Resolution out of Committee. She noted that improvements need to be made on the public notification process. Councilmember Pine expressed her concern that there needs to be earlier notification when roads will be closed down especially as the project moves towards the busy downtown sections. She urged councilmembers to support the measure.

Committee Report 177 and Resolution 19-100, CD1, as amended were adopted.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS, ANDERSON – 9.
NOES: None.

ADOPTION
RESOLUTION 19-102 – COMMITTEE REPORT 181

RESOLUTION ACCEPTING A GIFT TO THE CITY FROM THE AMERICAN ASSOCIATION OF RETIRED PERSONS.

Councilmember Menor moved that Committee Report 181 and Resolution 19-102 be adopted. Seconded by Councilmember Waters.

There was no public testimony.

Committee Report 181 and Resolution 19-102 were adopted.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS, ANDERSON – 9.
NOES: None.

Related communication:

M-313 Additional testimony on Resolution 19-102

ADOPTION
RESOLUTION 19-103 – COMMITTEE REPORT 182

RESOLUTION ACCEPTING A GIFT TO THE CITY FROM THE FEDERAL TRANSIT ADMINISTRATION.

Councilmember Menor moved that Committee Report 182 and Resolution 19-103 be adopted. Seconded by Councilmember Waters.

There was no public testimony.

Committee Report 182 and Resolution 19-103 were adopted.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS, ANDERSON – 9.
NOES: None.

Related communication:

M-314 Additional testimony on Resolution 19-103

ADOPTION
RESOLUTION 18-233, CD1, FD1 – COMMITTEE REPORT 139

RESOLUTION RELATING TO THE IDENTIFICATION OF IMPORTANT AGRICULTURAL LANDS.

The following amendment was posted on the agenda:

Resolution 18-233, CD1, Proposed FD1

Councilmember Menor moved that Committee Report 139 and Resolution 18-233, as amended to CD1, be adopted. Seconded by Councilmember Waters.

Councilmember Pine moved that the Bill be amended to FD1. Seconded by Councilmember Fukunaga. The FD1 makes the following amendments:

A. Revises the BE IT FURTHER RESOLVED clause to clarify that the tax map key numbers listed in Exhibit B do not reflect State Land Use Commission declaratory rulings for voluntary designation of important agricultural land issued after August 31, 2018.

B. Attaches revised Exhibits A and B to the resolution.

C. Makes miscellaneous technical and nonsubstantive amendments.

There was no public testimony.

Resolution 18-233, CD1 was amended to FD1.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS, ANDERSON – 9.
NOES: None.

Committee Report 139 and Resolution 18-233, CD1, FD1 were adopted.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS, ANDERSON – 9.
NOES: None.

Related communication:

M-315 Additional testimony on Resolution 19-233, CD1

ADOPTION
RESOLUTION 19-42, CD1 – COMMITTEE REPORT 179

RESOLUTION PROPOSING AN AMENDMENT TO CHAPTER 21 REVISED ORDINANCES OF HONOLULU 1990 (THE LAND USE ORDINANCE), RELATING TO GROUP LIVING FACILITIES.

Councilmember Menor moved that Committee Report 179 and Resolution 19-42, as amended to CD1, be adopted. Seconded by Councilmember Waters.

There was no public testimony.

Committee Report 179 and Resolution 19-42, CD1, as amended were adopted.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS, ANDERSON – 9.
NOES: None.

ADOPTION
RESOLUTION 19-125 – COMMITTEE REPORT 183

RESOLUTION RECOMMENDING THE DEPARTMENT OF THE CORPORATION COUNSEL TO APPEAL THE FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION AND ORDER OF THE HONOLULU POLICE COMMISSION DATED MAY 10, 2019, IN THE CONTESTED CASE HEARING ENTITLED IN THE MATTER OF THE REQUEST OF LOUIS M. KEALOHA.

Councilmember Menor moved that Committee Report 183 and Resolution 19-125 be adopted. Seconded by Councilmember Fukunaga.

There was no public testimony.

Committee Report 183 and Resolution 19-125 were adopted.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS, ANDERSON – 9.
NOES: None.

BALANCE OF COMMITTEE REPORTS

EMLACR-172	Request for authorization to accept settlement from the Insurance Company of the State of Pennsylvania ("ICSOP"), in a case entitled City and County of Honolulu v. ICSOP, et al., Civil No. 16-1-1058-06 JHA (Cir. Court), and the related arbitration DPR17-0570A.
EMLACR-173	Request for authorization to settle a pre-litigation claim against the City and County of Honolulu entitled Victoria Sakai v. City and County of Honolulu; Claim No. 17-07506.
EMLACR-174	Request for authorization to settle a case against the City and County of Honolulu entitled Michael R. Hadmack v. City and County of Honolulu, et al., Civil No. 18-1-0522-04 DEO (Cir. Ct.).
EMLACR-175	Request for authorization to settle a case against the City and County of Honolulu entitled Anna Li, et al. v. City and County of Honolulu, Civil No. 18-1-1204-08 JPC (Cir. Ct.).
ZHCR-178	Bill 89 (2018), CD1 – Relating to short-term rentals. Granting a 90-day extension of time. (Deadline: 6/6/19 + 90 days)

Councilmember Kobayashi moved that the Balance of Committee Reports, as listed above, be adopted. Seconded by Councilmember Fukunaga.

There was no public testimony.

Councilmember Elefante noted for the record that he filed Disclosures of Interest with the City Clerk's Office for ZHCR-178 (CC-129, CC-175, CC-176).

The Balance of Committee Reports was adopted.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS, ANDERSON – 9.
NOES: None.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

ADOPTION
RESOLUTION 19-126

RESOLUTION RELATING TO APPOINTMENTS TO THE HAWAII STATE ASSOCIATION OF COUNTIES EXECUTIVE COMMITTEE.

Councilmember Kobayashi moved that Resolution 19-126 be adopted. Seconded by Councilmember Fukunaga.

There was no public testimony.

Resolution 19-126 was adopted.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS, ANDERSON – 9.
NOES: None.

ADOPTION
RESOLUTION 19-127

RESOLUTION RELATING TO APPOINTMENTS AND NOMINATIONS FOR THE HAWAII STATE ASSOCIATION OF COUNTIES.

Councilmember Kobayashi moved that Resolution 19-127 be adopted. Seconded by Councilmember Fukunaga.

There was no public testimony.

Resolution 19-127 was adopted.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS, ANDERSON – 9.
NOES: None.

ADOPTION
RESOLUTION 19-131

RESOLUTION APPROVING THE PROPOSED BUDGET FOR THE HAWAII STATE ASSOCIATION OF COUNTIES FOR THE FISCAL YEAR 2020.

Councilmember Kobayashi moved that Resolution 19-131 be adopted. Seconded by Councilmember Fukunaga.

There was no public testimony.

Chair Anderson thanked Councilmember Manahan for his willingness to serve on the Hawaii State Association of Counties (HSAC) Executive Committee and for representing the City Council. He also thanked Councilmember Elefante for his willingness to serve as the alternate. Chair Anderson congratulated Councilmember Manahan who will be the incoming HSAC President as it has been a while since a Honolulu councilmember held that position. He wished him well at the annual conference that will be held on Maui.

Resolution 19-131 was adopted.

AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS, ANDERSON – 9.
NOES: None.

Related communication:

M-316 Additional testimony on Resolution 19-131

COMMITTEE OF THE WHOLE/EXECUTIVE SESSION

There was no Executive Session.

ANNOUNCEMENTS

Chair Anderson stated on behalf of the Honolulu City Council, we send our condolences to the family of the late Councilmember Rod Tam. He noted that Councilmember Tam was a very had working public servant who dedicated more than 30 years to the people of the City and County of Honolulu and the people of the State of Hawaii. Chair Anderson expressed how Councilmember Tam was an exceptional public servant who worked tirelessly on behalf of the people that he represented and that he missed many family events due to his public service.

ADJOURNMENT

At 4:41 p.m., Councilmember Kobayashi moved that the Council stand adjourned until Wednesday, July 3, 2019, at 10 a.m. Seconded by Councilmember Fukunaga and there being no objections from the 9 members present, it was so ordered by the Chair.

Respectfully submitted,

GLEN I. TAKAHASHI
City Clerk

jy

DATE APPROVED:

July 3, 2019

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
530 SOUTH KING STREET, ROOM 202
HONOLULU, HAWAII 96813-3065
TELEPHONE: (808) 768-5010 • FAX: (808) 768-5011

ANN H. KOBAYASHI
INTERIM CHAIR and PRESIDING OFFICER
DISTRICT 5
TELEPHONE: (808) 768-5005
FAX: (808) 768-1227
EMAIL: akobayashi@honolulu.gov

'19APR24 AM10:36 CITY CLERK

TO: PEARLENE OTTO
OFFICE OF THE CITY CLERK

FROM: INTERIM COUNCIL CHAIR ANN H. KOBAYASHI

RE: RESOLUTION 18-233 — IDENTIFICATION OF IMPORTANT AGRICULTURAL LANDS.

In accordance with Council Communication 134, I respectfully request that Resolution 18-233 Identification of Important Agricultural Lands, be amended to exclude a parcel identified by Tax Map Key No.: (1) 5-9-006:005 for consideration by the Committee on Zoning and Housing at its meeting on April 25, 2019.

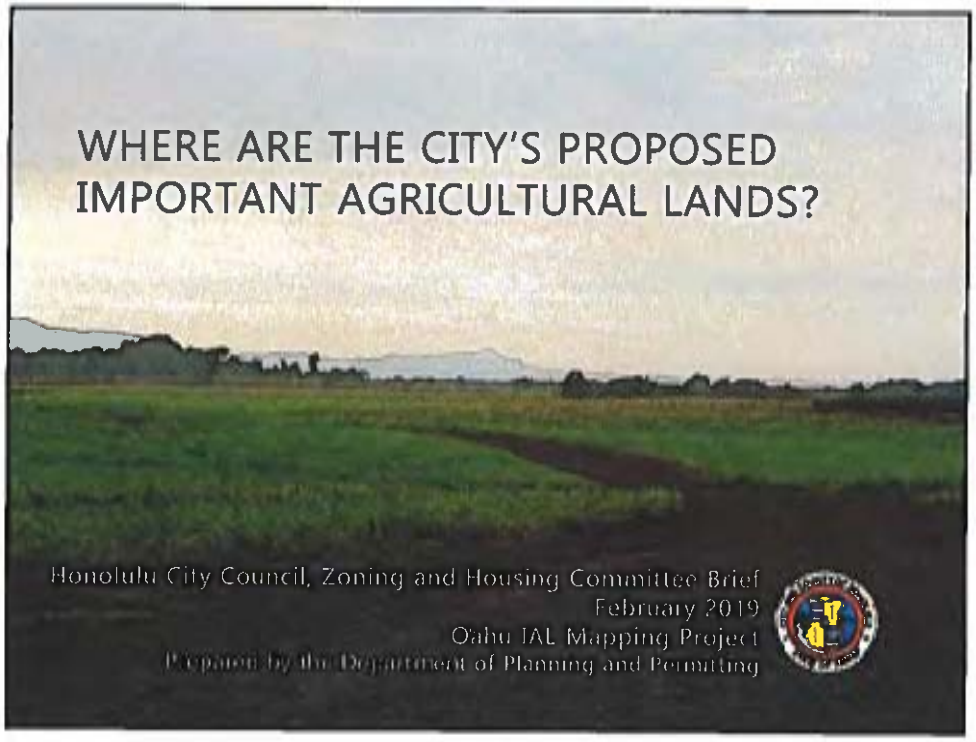
Intelsat Global Services, LLC, the owner of the property, operates a communication satellite earth station and related facilities, in accordance with its conditional use permit covering a property composed of a number of parcels that include 5-9-006:005. At the same time, the owners support agricultural production on the parcel, by using a portion of the property for grazing livestock, which produces agricultural commodities for consumption and contributes to the State's economic base. The owner annually dedicates the property for agricultural use as part of this activity.

The owner has continually supported the agricultural use of this property, however, the designation of the property as an Important Agricultural Land would limit the owner's ability to expand its operation of the earth station and other activities authorized under its existing permits.

Therefore, I respectfully request the Committee on Zoning and Housing's favorable consideration in amending Resolution 18-233 to exclude the parcel identified by Tax Map Key No.: (1) 5-9-006:005 from lands eligible to be designated as Important Agricultural Lands.

Thank you.

COUNCIL COM. 155





'19 FEB 7 AM 10:30 CITY CLERK

Submitted by the Department of Planning and Permitting at the 2/7/19 Committee on Zoning and Housing Meeting for Agenda Item 2, Discussion on Resolution 18-233, Identification of Important Agricultural Lands.

DEPT. COM. 75

HISTORY OF IAL

1978 State Constitutional Convention

- ARTICLE XI, SECTION 3, STATE CONSTITUTION
  "The State shall conserve and protect agricultural lands, promote diversified agriculture, increase agricultural self-sufficiency and assure the availability of agriculturally suitable lands. The legislature shall provide standards and criteria to accomplish the foregoing…."

2005 2008 State Legislation

- CHAPTER 205, PART III, HAWAII REVISED STATUTES
  - Definition of IAL
  - Policies for the long term agricultural use of IAL
  - 8 standards and criteria to be used in mapping
  - Landowners, counties and State processes for identifying lands with potential for IAL
  - Roles/duties of select state/county agencies
  - Incentives for agricultural operations on IAL

2011

- City and County of Honolulu begins mapping

DEFINITION OF IAL (HRS, 205-42)

"IAL means those lands…that:

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

IAL is a special land use designation overlaying the State AG District

IAL <u>does not</u> change allowable uses or affect zoning

Its main regulatory effect is a more stringent approval process to URBANIZE land

LONG-TERM GOALS OF IAL

Help farming to be an economically viable activity

Ensure that the best of O'ahu's high-quality farm land is protected and preserved for long-term agricultural use

Guide decision-making in the State Agricultural District

3 PROCESSES TO DESIGNATE LANDS AS IAL

State Land Use Commission is the approving authority for all 3 processes

County Initiated

City and County of Honolulu DPP is first to complete IAL mapping of Oahu's ag lands

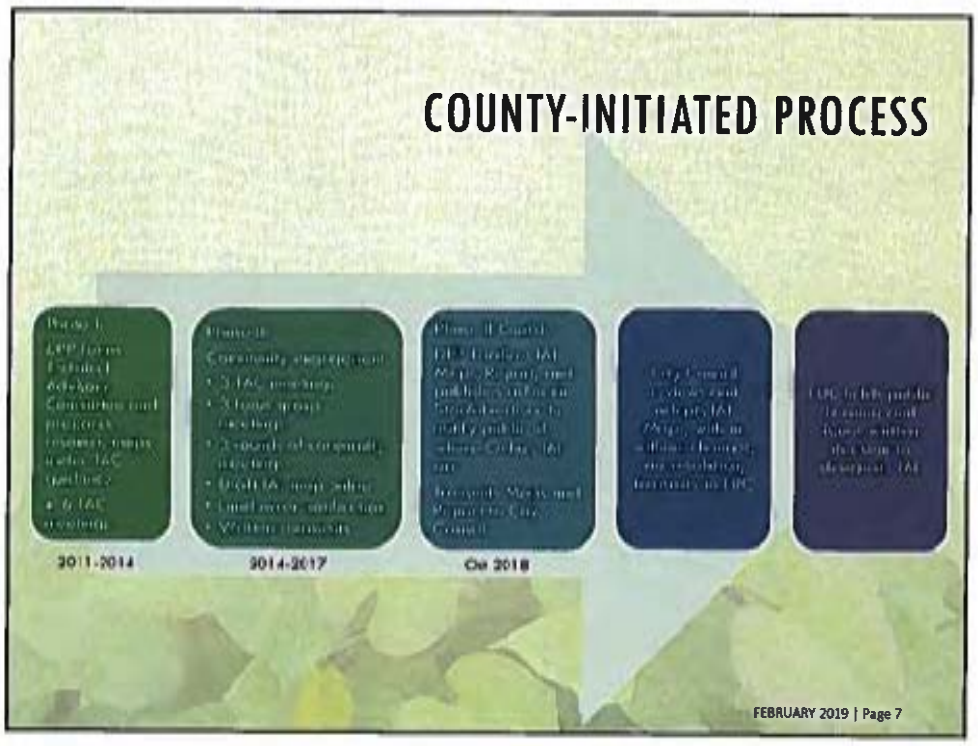
Landowner Initiated

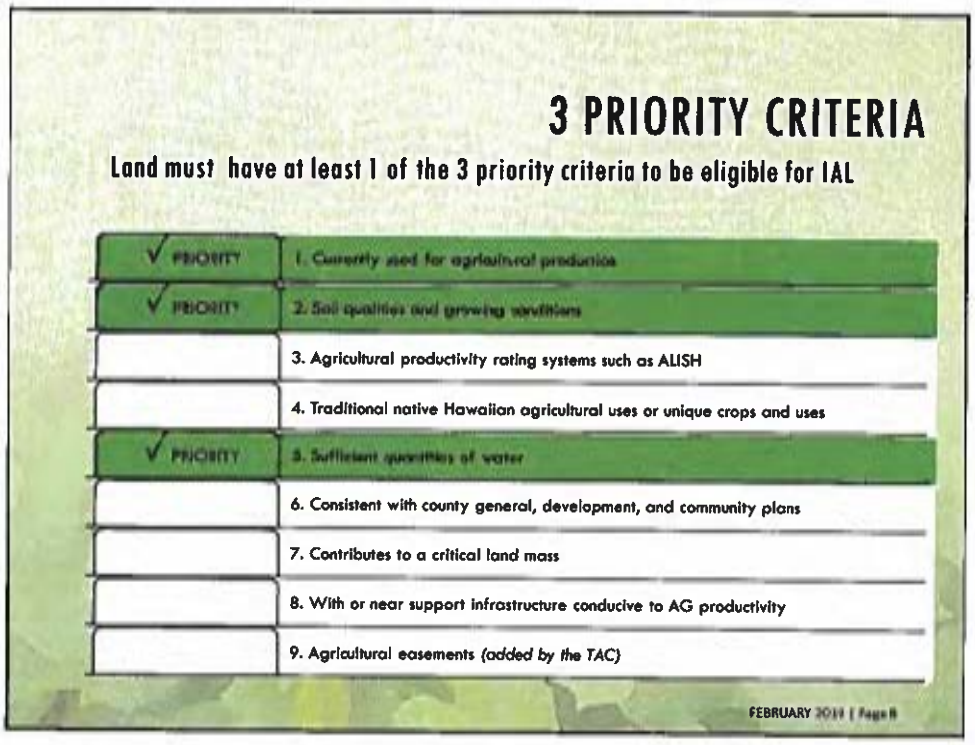
Voluntary and processed through the LUC. 14,094 acres on Oahu designated IAL as of February 2019 as follows:

679 acres - Castle and Cooke
9,171 acres - Kam Schools
1,550 acres - Monsanto
463 acres - Hartung Brothers
762 acres - Kualoa Ranch
1,239 acres - Robinson Kunia
230 acres - Malekahana (pending before LUC)

State Initiated

State DOA and DLNR identify candidate IAL on State-owned, public lands


COUNTY-INITIATED PROCESS
2011-2014
2014-2017
Oct 2018
FEBRUARY 2019 | Page 7


3 PRIORITY CRITERIA
Land must have at least 1 of the 3 priority criteria to be eligible for IAL
✓ PRIORITY
1. Currently used for agricultural production
✓ PRIORITY
2. Soil qualities and growing conditions
3. Agricultural productivity rating systems such as ALISH
4. Traditional native Hawaiian agricultural uses or unique crops and uses
✓ PRIORITY
5. Sufficient quantities of water
6. Consistent with county general, development, and community plans
7. Contributes to a critical land mass
8. With or near support infrastructure conducive to AG productivity
9. Agricultural easements (added by the TAC)
FEBRUARY 2019 | Page 8

SUMMARY OF PUBLIC COMMENTS RECEIVED ON DRAFT MAP

- Majority of landowners requested removal from IAL because property:
  - Is not in AG use
  - Is not desired for future AG use
  - Does not have qualities to support productive AG use
  - Was incorrectly included (Kamehameha Schools, Castle & Cooke)
- Comments from non-landowners focused on:
  - Including Ho'opili and Koa Ridge as IAL
  - Preserving all AG lands, regardless of IAL designation
  - More community outreach and opportunities for public discourse
  - Greater transparency in the planning process
- Comments from government agencies were generalized, not specific to the draft map
  - State: DAGS, DHHL, LUC, OP
  - City: BWS, DDC, DES, HFD, DPR, HPD, DTS

PRIORITY CONCERNS FROM COMMUNITY MEETINGS

- Include Ho'opili and Koa Ridge as IAL
- Increase food self-sufficiency; use AG land to grow food
- IAL designation makes it easier for developers to rezone unimportant AG land
- How will IAL affect my land value and future development potential?
- Fear of adding another layer of regulation; unsure about future use restrictions on IAL
- How do landowners opt out of IAL designation
- Mistrust/objections to government initiatives; feeling that the public is not being heard
- Consideration of small farmers and family farms vs. corporate farming interests
- Want to ensure consistency with General Plan and Development Plans/Sustainable Communities Plans
- Balanced representation on the TAC
- What City incentives are being offered

DPP'S REVISIONS TO DRAFT IAL MAPS

- Most parcels **added** were due to context and critical mass (i.e., surrounded by IAL parcels of same owner; Criteria 7). A few were added to correct mapping errors.
- Most parcels **removed** were due to their urban designated use (i.e., Country zoning which allows residential use, those proposed for future urbanization) or to correct mapping errors (i.e., zoned for urban use and already built with dwellings).
- Some parcels added or excluded had a combination of the above.

FINAL PROPOSED IAL LANDS (45,400 acres)

https://bit.ly/2N4TjqD

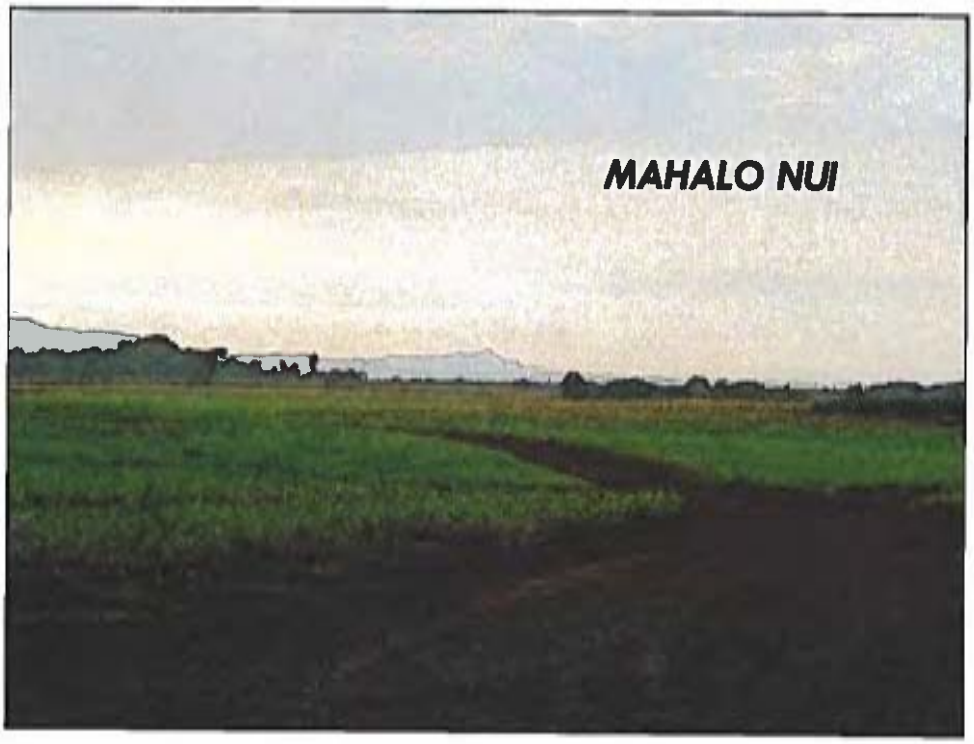


STATE IAL INCENTIVES

- Refundable tax credits for various agricultural improvements, equipment, permit processing expenses, training, and legal and other consultant services related to obtaining/retaining sufficient water for agricultural activities and retaining the right to farm on IAL
- Allows farm dwellings and employee housing for farmers and their immediate family members on IAL
- Priority permit processing and permit renewals for ag processing facilities
- Loan guarantees by the Chairperson of the Board of Agriculture to commercial lenders for agricultural borrowers on IAL
- Preparation of a State Agricultural Water Use and Development Plan to include public and private systems, sources of water and current and future need for water on IAL

[redacted]

[redacted]



BOARD OF WATER SUPPLY

CITY AND COUNTY OF HONOLULU
630 SOUTH BERETANIA STREET
HONOLULU, HI 96843
www.boardofwatersupply.com

KIRK CALDWELL, MAYOR

BRYAN P. ANDAYA, Chair
KAPUA SPROAT, Vice Chair
KAY C. MATSUI
RAY C. SOON
MAX J. SWORD

ROSS S. SASAMURA, Ex-Officio
JADE T. BUTAY, Ex-Officio

ERNEST Y. W. LAU, P.E.
Manager and Chief Engineer

ELLEN E. KITAMURA, P.E.
Deputy Manager and Chief Engineer

February 7, 2019

The Honorable Kymberly Marcos Pine, Chair
and Members
Committee on Zoning and Housing
Honolulu City Council
530 South King Street, Room 202
Honolulu, Hawaii 96813

Dear Chair Pine and Members:

SUBJECT: City Council Resolution 18-233, Relating to the Identification of Important Agricultural Lands

The Board of Water Supply (BWS) has reviewed City Council Resolution 18-233 and provides the following comments.

The BWS Board of Directors (Board) supports local agriculture. In August 2018, the Board recently amended its Rules and Regulations and adopted new water rates for residential, non-residential, agricultural and non-potable water customer rates. The new water rates included a forty percent (40%) water rate subsidy for agriculture that applies after the first 6,000 gallons of water used per month.

Currently, the BWS strongly supports legislation introduced in this 2019 Legislative Session to help farmers offset the cost of impact fees. House Bill 594 seeks state funding to offset the design and construction costs for one of four exploratory water wells for the proposed Kunia wells IV pump station, which will provide additional water supply for growth, including diversified agriculture. If funds are used for the design and/or construction of one of four exploratory wells, the BWS is prepared to pass the benefits of this well to offset the impact fees for new farmers to support agriculture.

The BWS is also working on a requirement for an Agriculture Water Use Plan for new water meter connections to ensure efficient water use and to right size the water meter. The BWS intends to extend our water conservation incentives program to farmers in the form of submeters, weather based irrigation controllers, etc. The BWS incentives program will also be extended to Oahu water and soil conservation districts, the Department of Agriculture and University of Hawaii College of Tropical Agriculture and Human Resources.

'19FEB7 AM 8:07 CITY CLERK

Pursuant to Chapter 54-26, Hawaii Revised Statutes, and Article VII, Section 7-109 of the City Charter, the Board is authorized to fix and adjust reasonable rates and charges for the furnishing of water and for water services so that the revenues derived therefrom shall be sufficient to make the BWS self-supporting. BWS is a semi-autonomous agency that does not receive funds from property taxes and the cost of any subsidy or waiver will have to be recovered through water rate payers.

Thank you for your consideration and for the opportunity to provide testimony on this matter.

Very truly yours,

ERNEST Y. W. LAU, P.E.
Manager and Chief Engineer

Resolution 18-233

Additional Testimony

MISC. COM. 219

ZH

Hawaii's Thousand Friends

300 Kuulei Rd. Unit A #281 * Kailua, HI 96734 * Phone/Fax (808) 262-0682 E-Mail: htff3000@gmail.com

April 25, 2019

Committee on Zoning and Housing

Resolution 18-233 – RELATING TO THE IDENTIFICATION OF IMPORTANT AGRICULTURAL LANDS

Aloha Chair Kymberly Marcos Pine and Committee Members,

Hawaii's Thousand Friends (HTF), a non-profit statewide organization dedicated to ensuring that land use planning and decisions protect the environment, human health and natural and cultural resources, recommends that the resolution be held until some of the inconsistencies and recommendations can be acted upon.

The Resolution is unclear as to whether both the Report and maps are being adopted or just the maps.

It is unclear how the City reached the conclusion that only 43,428 acres of what was identified as prime agricultural land were selected for IAL as opposed to the 63,855 acres of land subjected to the City IAL screening process.

It is impossible to dispute the unknown so the process and reasons for eliminating 20,000+ plus acres from consideration as IAL should be included in the report.

This resolution should not be adopted until the issue of existing farms that are on State designated Urban land but where urban uses are no longer planned is resolved. The Report identifies Kahaluu, Hawaii Kai, Palolo Valley and Waianae as a few of the mismatched use and land designation.

The existing land designation and use inconsistency means that small farmers in these and perhaps other areas are not eligible for IAL incentives such as additional financial assistance. In the name of fairness and to keep farming viable farmers in Urban designated land should have the same opportunities to incentives as other farmers on IAL.

The Report suggests that "A complete inventory of all lands on Oahu with IAL potential (both privately-owned and public lands) would help to ensure contiguous blocks of agricultural units that contribute to the critical mass, and also discourage the segmentation of IAL, which is consistent with the State's policies for IAL 9Chapter 205-43, HRS)"

The Report notes that approximately 14% or 11,400 acres of an estimated 80,000 acres of public land is "agricultural land eligible to be considered for IAL."

It is premature to adopt this resolution before *all* agricultural land, public and private, is inventoried and evaluated to ensure compliance with HRS §205-43 policy (1) *Promote the retention of important agricultural lands in blocks of contiguous, intact, and functional land units large enough to allow flexibility in agricultural production and management*

HRS §205-42 states *The objective for the identification of important agricultural lands 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*

Kauai's IAL Study recognizes that we live on islands, isolated by thousands of miles of ocean, and emphasized food self-sufficiency as a condition for IAL decision making.

For the health and safety of Oahu's residents all lands on Oahu, private and public, should be evaluated for the ability to produce food for local consumption to sustain island residents in case of an emergency.

It is shocking to see that out of the approximate 386,000 acres that make up the island roughly 128,000 acres or 32% is in the agricultural district and out of that only 43,428 acres are considered important agricultural land.

The Report is silent on what safeguards are in place to prevent developers from finding it easier to urbanize or rezone the approximately 84,574 acres of *unimportant* agricultural land.

It is a major concern that once a meager 43,428 acres have been identified as IAL then all other agricultural land is vulnerable to the permissible uses in HRS §205-4.5 such as utility lines, treatment plants, corporation yards, renewable energy, plantation community subdivisions to name a few of the *permissible uses within the agricultural district*

With only 43,428 acres identified as Important Ag Lands the most threatening to the survival of intact contagious acres and farming viability is the ability of a landowner or farmer under HRS §205-45 to Petition the land Use Commission to reclassify IAL to the rural, urban or conservation district.

The requirement that reclassification of IAL to the urban district has to be "consistent with the relevant county general and community, development, or community development plans" is an easy get around. Changing the county General Plan and Development Plans is often a political decision and not a decision based on facts describing way land should remain IAL and an urban community boundary not be moved to include prime agricultural land as was done with prime agricultural land in Kapolei, now called Ho`opili.

HRS §205-45.5 IAL farm dwellings and employee housing is another giant loophole not meant to protect IAL. There are dozens of fake farms and illegal dwellings on agricultural land now such as in Kunia. Unless and until there are foolproof laws that the City can rely on to prevent and shut

down fake farms and illegal dwellings on IAL this loophole will make Oahu's most valuable agricultural land vulnerable to abuse.

While HRS §205-43 IAL Policies sound nice but there is nothing to **prevent** fragmentation and conversion of IAL to nonagricultural uses. Such vague wording as *Discourage the fragmentation of IAL and the conversion of these lands to nonagricultural* use and *Limit physical improvements on IAL to maintain affordability of these lands for agricultural purposes* without implementation is useless.

Before this Resolution is adopted Hawaii's Thousand Friends recommends that the Reports recommendations *to articulate a long-term vision for the high-quality farmland most suited for farming* and *provide policy guidance to reconcile the varied quality of land classified in the State Agricultural District* be articulated and included as an addendum to the Report.

cades • schutte

A LIMITED LIABILITY LAW PARTNERSHIP

Calvert G. Chipchase
Cades Schutte Building
1000 Bishop Street, Suite 1200
Honolulu, Hawai'i 96813-4212
Direct Line: (808) 521-9220
Direct Fax: (808) 540-5021
Email: cchipchase@cades.com

April 24, 2019

Kymberly Marcos Pine, Chair
Committee on Zoning and Housing
City Council, City and County of Honolulu
Honolulu Hale
530 South King Street, Room 202
Honolulu, HI 96813

Re: Resolution 18-233 and Request for Exclusion of TMK Nos. (1) 6-4-001-001, 6-4-001-004, 6-4-001-005 and 6-4-001-012 as Shown on the Enclosed Maps from the Proposed Important Agricultural Lands Map

Dear Chair Pine and Committee Members:

I write regarding Resolution 18-233, which will come before the Committee on Zoning and Housing for discussion on Thursday, April 25, 2019. This firm represents Pomai'kai Partners, LLC ("**Pomai'kai**"), who owns the parcels identified by TMK Nos. (1) 6-4-001-001, 6-4-001-004, 6-4-001-005 and 6-4-001-012 (together, the "**Property**"). *See* Att. 1 (TMK Map).

Pomai'kai is petitioning the Land Use Commission of the State of Hawai'i to issue a declaratory order designating approximately 810 acres of the Property (representing 55.7% of Pomai'kai's 1,455 total acres of Agricultural land) as Important Agricultural Lands ("**IAL**") pursuant to sections 205-44 and -45 of the Hawai'i Revised Statutes and sections 15-15-98, -99, -120 and -121 of the Hawai'i Administrative Rules. We anticipate that the petition will be heard in July 2019. We respectfully ask that the petition determine the appropriate designation of IAL.

If there is anything further that we can provide to assist you in considering this request, please let us know. Thank you for your time and attention to this matter. We appreciate it.

Very truly yours,

Calvert G. Chipchase
for
CADES SCHUTTE
A Limited Liability Law Partnership

Attachments 1 - 2

Agricultural Land Assessment for Poma'ikai Partners, LLC
Proposed Important Agricultural Land

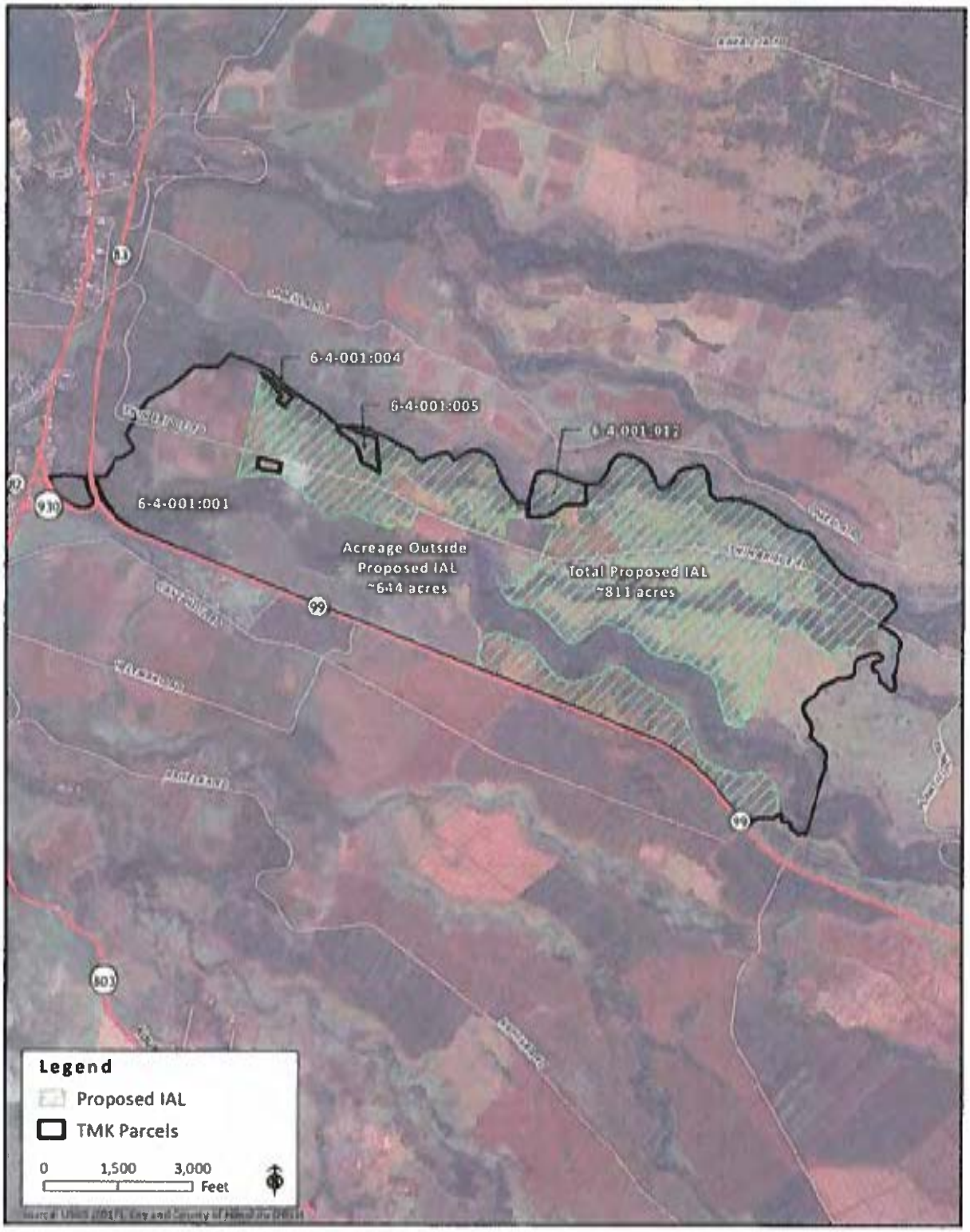


Figure 1 **TMK Parcels**

ATTACHMENT 1

Agricultural Land Assessment for Poma'ikai Partners, LLC
Proposed Important Agricultural Land

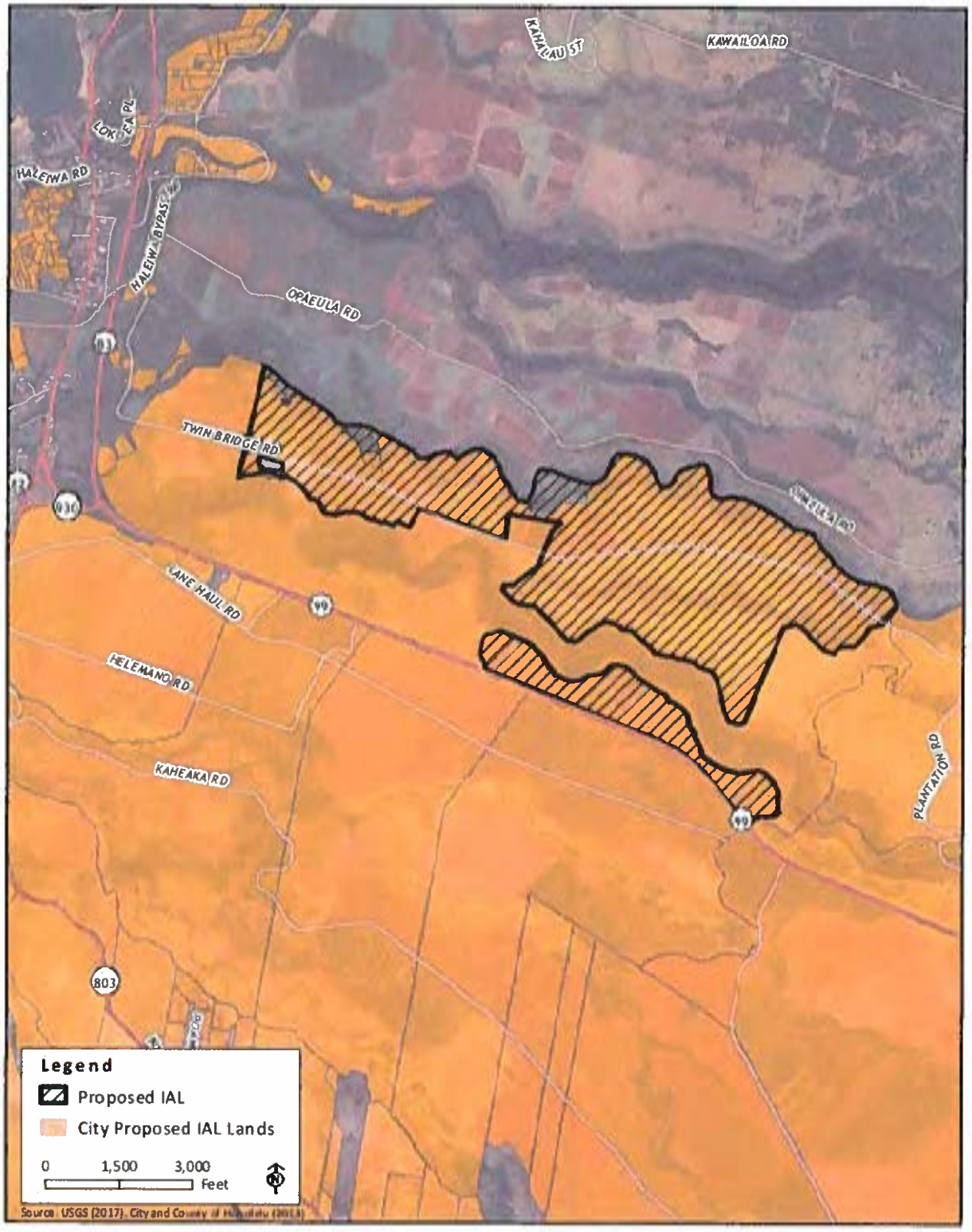


Figure 11 **City and County of Honolulu Important Agricultural Lands Overlay**

ATTACHMENT 2

'19MAY 8 PM 4:33 CITY CLERK

Castle & Cooke
Homes Hawaii, Inc.

May 3, 2019

Ann Kobayashi, City Council Chair
City Council, City and County of Honolulu
Honolulu Hale
530 South King Street, Room 202
Honolulu, HI 96813

Ron Menor, City Council Vice Chair
City Council, City and County of Honolulu
Honolulu Hale
530 South King Street, Room 202
Honolulu, HI 96813

Kymberly Marcos Pine, Chair
Committee on Zoning and Housing
City Council, City and County of Honolulu
Honolulu Hale
530 South King Street, Room 202
Honolulu, HI 96813

Carol Fukunaga, Vice Chair
Committee on Zoning and Housing
City Council, City and County of Honolulu
Honolulu Hale
530 South King Street, Room 202
Honolulu, HI 96813

Re: Resolution 18-233 and Request for Exclusion of TMK (1) 9-4-006: 029

Dear City Council Chair Kobayashi, City Council Vice Chair Menor, Zoning and Housing Committee Chair Pine, Zoning and Housing Committee Vice Chair Fukunaga and City Council Members:

We respectful request that the City Council favorably consider Castle & Cooke Homes Hawaii's request to delete TMK (1) 9-4-006: 029 from the IAL map contained in the O`ahu Important Agricultural Land Mapping Project dated August 2018, which the City's Department of Planning and Permitting (DPP) does not object to (see Attachment 1 - DPP letter dated February 28, 2019).

This letter is to request that the City Council delete portions of Castle & Cooke Waiawa from the IAL map. The inclusion of portions of Castle & Cooke Waiawa land in the mapping of IAL appears to have been in error. The portions are situated along the Waiawa Cemetery Road and the northern edge of CCHH Waiawa. We have confirmed this map amendment with DPP, and we respectfully request that the maps entitled O`ahu Lands Recommended for IAL Designation: Island of O`ahu and O`ahu Lands Recommended for IAL Designation: Central O`ahu be amended to exclude all of Castle & Cooke Waiawa from the IAL boundary for consistency with the O`ahu Important Agricultural Land Mapping Project report (DPP IAL Report). We also request that TMK 9-4-006: 029 be excluded from Resolution 18-233, CD1, FD1, Exhibit B (see Attachment 2 – Resolution 18-233, CD1, FD1 Exhibit B).

Background

Castle & Cooke Homes Hawaii, Inc. is the owner of Castle & Cooke Waiawa. The 191-acre Castle & Cooke Waiawa was approved for incremental districting from the State Land Use Agricultural District to the Urban District by the State Land Use Commission under Docket No. A11-793 (see Attachment 3 – LUC Docket No. A11-793 Declaration of Conditions). In a letter dated February 28, 2019, Department of Planning and Permitting issued a boundary interpretation, confirming that Castle & Cooke Waiawa is entirely within the Community Growth Boundary of the Central O`ahu Sustainable Communities Plan (see Attachment 1).

MISC. COM. 240

680 Iwilei Road, Suite 510, Honolulu, Hawai'i 96817 Telephone: (808) 548-4811

The O`ahu Important Agricultural Land Mapping Project, Conditions for Eligibility, page 13, states "*Each county shall identify and map potential important agricultural lands within its jurisdiction based on the standards and criteria in section 205-44 and the intent of this part,* ***except lands that have been designated, through the state land use, zoning, or county planning process, for urban use by the State or county.***" It goes further to say "*According to the statute, certain categories of land are automatically removed from the county's screening. These include:" "- land designated by county land use plans and zoning for urban use.*"

The IAL mapping project, Appendix E, page 11 of 14, states that TMK 9-4-006:029 is "*located in SCP Urban Community Boundary designated for urban use. Urbanized land not appropriate for IAL designation."* DPP Recommendation and Notes states "*Remove, within CGB and future reclassification to Urban."* Appendix E, page 1 of 4, item 3 states *"Both the Koa Ridge Makai and Castle & Cooke Waiawa parcels are in the Central Oahu Sustainable Communities Plan (COSCP) urban growth boundary, and should not be included in the City's current IAL mapping."* (see Attachments 4 and 5).

We would be happy to discuss this to provide any details or answer any questions.

Sincerely,

CASTLE & COOKE HOMES HAWAII, INC.

Laura M. Kodama
Director, Planning & Development

Attachments 1-5

cc: Councilmember Ikaika Anderson
Councilmember Brandon Elefante
Councilmember Michael Formby
Councilmember Joey Manahan
Councilmember Heidi Tsuneyoshi

File
x1686381

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU
650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813
PHONE: (808) 768-8000 • FAX: (808) 768-6041
DEPT. WEB SITE: www.honoluludpp.org • CITY WEB SITE: www.honolulu.gov

KIRK CALDWELL
MAYOR

KATHY K. SOKUGAWA
ACTING DIRECTOR

TIMOTHY F. T. HIU
DEPUTY DIRECTOR

EUGENE H. TAKAHASHI
DEPUTY DIRECTOR

February 28, 2019

2018/ELOG-39(lw)
1686381

Ms. Laura Kodama
Director, Planning and Development
Castle and Cooke Homes Hawaii, Inc.
680 Iwilei Road, Suite 510
Honolulu, Hawaii 96817

Dear Ms. Kodama:

This is in response to your letter dated January 4, 2019, requesting a boundary interpretation to clarify that the 191-acre Castle and Cooke (CC) Waiawa Project (Tax Map Keys: 9-6-004: 021 and portion of 029) is within the Community Growth Boundary (CGB) of the Central Oahu Sustainable Communities Plan (CO SCP) in its entirety. We confirm that the CC Waiawa Project site, as shown in the attached Location Map provided by you, is entirely within the CGB of the proposed revised CO SCP. The proposed revised CO SCP is pending review and approval at the City Council, via Bill 75 (2017).

Our records show that the CC Waiawa Project was approved in June 2012, for incremental redistricting from the State Land Use Agricultural District to the Urban District, upon compliance with the conditions stipulated in the Land Use Commission's Decision and Order, Docket No. A11-793. The CGB is conceptual and intended to supplement the textual description in the CO SCP. As described in Appendix A of the proposed revised CO SCP, the CGB includes 191 acres of CC Waiawa lands, which were approved for future incremental redistricting to the State Urban District.

You indicated that a strip of land within the CC Waiawa Project site along Mililani Cemetery Road has been inadvertently included within lands proposed for Important Agricultural Lands (IAL) designation; and you hope to speak with the City Councilmembers to correct this inconsistency in the proposed IAL map. In considering properties for IAL designation, the City excluded lands within the State Urban District. As such, and provided the strip of land along Mililani Cemetery Road is within the CC Waiawa Project approved for incremental redistricting to the State Urban District, we have no objections to its removal from the proposed IAL map.

Should you have any questions, please contact Lin Wong, of our staff, at 768-8018.

Very truly yours,

Eugene H. Takahashi
Deputy Director

EHT:bkg

Attachment 1

EXHIBIT B

The following tax map key (TMK) parcels comprise the City and County of Honolulu's map of recommendations for county-designated important agricultural land (IAL). A total of 1,781 TMK parcels are listed. In addition to the TMK parcel number, the inventory presents the size of the parcel (in acres) and the acreage being recommended for IAL designation.

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
1.	34021010	4.67	2.38
2.	34021013	4.18	2.70
3.	34021014	3.27	2.21
4.	34021017	1.98	0.25
5.	34021023	2.23	1.35
6.	34021024	6.70	2.79
7.	34021034	1.56	0.88
8.	41008016	1.13	0.64
9.	41008017	0.90	0.62
10.	41008018	0.13	0.11
11.	41008019	0.97	0.15
12.	41010009	0.91	0.91
13.	41010010	1.04	1.04
14.	41010011	1.49	1.49
15.	41010012	1.25	1.25
16.	41010013	1.22	1.22
17.	41010014	1.17	1.17
18.	41010015	1.04	1.04
19.	41010017	0.53	0.53
20.	41010018	0.71	0.71
21.	41010019	1.48	1.48
22.	41010021	1.04	1.04
23.	41010022	1.11	1.11
24.	41010023	1.13	1.19
25.	41010024	1.79	1.79
26.	41010025	5.31	5.30
27.	41010050	1.56	1.56
28.	41010052	1.14	1.14
29.	41010053	1.00	1.00
30.	41010054	#N/A	0.77
31.	41010055	1.12	1.12
32.	41010056	1.01	1.01
33.	41010057	1.09	1.09
34.	41010059	1.50	1.50
35.	41010060	3.71	3.71
36.	41010061	2.21	2.21
37.	41010063	1.32	0.74
38.	41010064	8.94	8.75
39.	41010066	1.47	1.08
40.	41010067	1.23	1.23
41.	41010068	1.78	1.30
42.	41010070	0.59	0.57
43.	41010071	2.40	2.40
44.	41010072	0.85	0.85
45.	41010073	1.16	1.16
46.	41010083	3.55	3.21
47.	41010089	0.32	0.32
48.	41010090	0.40	0.40
49.	41018004	1.00	0.42
50.	41018005	1.06	1.06
51.	41018006	1.01	1.01
52.	41018007	1.04	1.04
53.	41018008	1.11	1.11
54.	41018009	1.13	1.13
55.	41018010	0.98	0.98
56.	41018011	1.04	1.04
57.	41018012	1.09	1.09
58.	41018013	1.07	1.07
59.	41018014	1.03	1.03
60.	41018015	1.03	1.03
61.	41018016	0.97	0.97
62.	41018017	1.05	1.05
63.	41018018	0.91	0.65
64.	41018022	5.44	5.44
65.	41018024	1.28	1.28
66.	41018025	0.74	0.74
67.	41018026	1.20	1.20
68.	41018027	0.69	0.69
69.	41018029	1.05	1.05
70.	41018030	0.93	0.93
71.	41018031	1.03	1.03
72.	41018032	1.04	1.04

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
73.	41018033	0.96	0.96
74.	41018034	1.09	1.09
75.	41018036	1.01	1.01
76.	41018037	0.71	0.71
77.	41018039	0.01	0.01
78.	41018043	0.68	0.68
79.	41018044	1.02	1.02
80.	41024001	0.16	0.15
81.	41024002	1.02	1.02
82.	41024003	1.04	0.99
83.	41024004	0.63	0.65
84.	41024006	0.36	0.35
85.	41024007	0.16	0.16
86.	41024010	0.38	0.38
87.	41024011	6.51	6.49
88.	41024012	0.61	0.61
89.	41024013	4.57	4.57
90.	41024014	4.60	4.60
91.	41024015	3.15	3.15
92.	41024016	6.34	6.34
93.	41024017	1.04	1.04
94.	41024018	3.69	3.74
95.	41024019	2.28	2.26
96.	41024020	2.94	2.94
97.	41024021	8.74	8.76
98.	41024022	2.18	2.09
99.	41024024	6.02	6.28
100.	41024025	2.10	2.10
101.	41024026	8.31	8.31
102.	41024028	2.00	2.00
103.	41024029	5.33	5.33
104.	41024030	5.00	4.96
105.	41024031	2.58	2.57
106.	41024032	2.24	2.24
107.	41024033	7.88	7.88
108.	41024034	0.42	0.43
109.	41024035	7.88	6.52
110.	41024036	7.72	7.74
111.	41024037	2.88	2.90
112.	41024038	2.89	2.89

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
113.	41024039	1.69	1.69
114.	41024040	6.24	6.24
115.	41024041	8.20	8.20
116.	41024042	2.10	2.09
117.	41024043	2.03	2.07
118.	41024044	2.80	2.85
119.	41024045	2.62	2.62
120.	41024046	9.62	9.62
121.	41024047	9.55	9.51
122.	41024048	8.17	8.10
123.	41024049	3.09	3.10
124.	41024050	8.13	8.13
125.	41024051	8.90	8.90
126.	41024052	4.70	4.70
127.	41024053	3.20	3.19
128.	41024055	2.00	2.00
129.	41024056	2.00	2.00
130.	41024057	3.85	3.85
131.	41024058	0.51	0.50
132.	41024059	4.02	4.02
133.	41024060	5.12	5.12
134.	41024061	5.24	5.24
135.	41024064	10.19	10.19
136.	41024065	7.89	7.90
137.	41024071	#N/A	0.00
138.	41024076	2.11	2.11
139.	41024077	2.20	2.20
140.	41024078	2.05	2.04
141.	41024079	2.17	2.03
142.	41024080	2.99	2.91
143.	41024081	2.49	2.50
144.	41024082	1.97	1.97
145.	41024083	2.23	2.20
146.	41024084	6.93	6.92
147.	41024085	1.98	1.98
148.	41024086	2.05	2.05
149.	41024087	2.01	2.01
150.	41024088	3.06	3.05
151.	41024089	2.11	2.12
152.	41024090	2.09	2.09

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
153.	41024091	2.13	2.09
154.	41024092	2.48	2.44
155.	41024093	2.99	3.06
156.	41024094	2.37	2.34
157.	41024095	2.98	2.98
158.	41024096	3.07	3.07
159.	41024097	2.48	2.46
160.	41024098	6.99	6.99
161.	41024099	2.03	2.03
162.	41024100	1.99	1.99
163.	41024101	2.17	2.16
164.	41024102	1.99	1.98
165.	41024103	1.96	1.96
166.	41024104	1.98	2.00
167.	41024105	1.98	1.98
168.	41024106	2.66	2.66
169.	41024107	2.33	2.33
170.	41024108	3.46	3.48
171.	41024110	2.00	2.00
172.	41024111	2.01	2.01
173.	41024112	#N/A	2.02
174.	41024113	#N/A	4.24
175.	41025004	8.89	8.89
176.	41025006	6.64	6.64
177.	41025007	2.21	2.21
178.	41025008	7.13	7.13
179.	41025009	1.71	1.71
180.	41025010	7.44	7.44
181.	41025011	1.29	1.29
182.	41025012	3.25	3.25
183.	41025013	5.54	5.54
184.	41025014	2.87	2.87
185.	41025015	0.85	0.85
186.	41025016	0.18	0.18
187.	41025017	3.13	3.13
188.	41025018	4.54	4.54
189.	41025019	9.13	9.13
190.	41025021	9.00	9.00
191.	41025024	4.84	4.84
192.	41025025	2.28	2.28

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
193.	41025026	2.08	2.08
194.	41025027	2.14	2.14
195.	41025028	2.67	2.67
196.	41025029	2.23	2.23
197.	41025030	2.25	2.25
198.	41025031	2.54	2.54
199.	41025032	7.50	7.50
200.	41025033	1.38	1.38
201.	41025034	5.28	5.28
202.	41025035	2.66	2.66
203.	41025042	1.16	1.16
204.	41025043	0.89	0.89
205.	41025044	1.09	1.09
206.	41025046	1.79	1.79
207.	41025049	1.01	1.01
208.	41025050	0.39	0.39
209.	41025051	1.04	1.04
210.	41025053	0.78	0.78
211.	41025054	0.35	0.35
212.	41025057	0.80	0.80
213.	41025058	2.30	2.30
214.	41025059	2.19	2.19
215.	41025060	2.02	2.02
216.	41025061	1.09	1.09
217.	41025064	8.65	8.65
218.	41026005	6.14	6.14
219.	41026006	3.46	3.46
220.	41026007	2.09	2.09
221.	41026009	2.00	2.00
222.	41026010	9.48	9.48
223.	41026011	8.11	8.11
224.	41026024	5.02	5.02
225.	41026025	2.05	2.05
226.	41026026	2.01	2.01
227.	41026027	1.94	1.94
228.	41026028	3.49	3.49
229.	41026030	2.35	2.35
230.	41026031	2.01	2.01
231.	41026032	4.85	4.85
232.	41035018	2.68	2.68

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
233.	41035019	2.68	2.68
234.	41035020	0.38	0.38
235.	41999999	0.12	0.12
236.	42006001	45.76	10.62
237.	42006008	54.77	54.76
238.	42007001	50.67	44.32
239.	42008001	51.78	17.72
240.	42009001	298.68	28.09
241.	42013021	2.57	1.79
242.	47005001	2.23	1.40
243.	47005073	2.33	2.15
244.	47005074	2.31	2.01
245.	48004003	2.57	2.22
246.	48004005	2.80	2.80
247.	48005001	4.25	4.25
248.	48005002	1.52	1.52
249.	48005003	2.16	2.16
250.	48005006	2.04	2.04
251.	48005007	2.14	2.14
252.	48005008	1.22	1.22
253.	48005009	1.24	1.24
254.	48005010	2.07	2.07
255.	48005011	2.09	2.09
256.	48005012	2.78	2.78
257.	48005013	2.30	1.62
258.	48005014	2.32	2.32
259.	48005015	2.42	2.36
260.	48005016	2.05	2.05
261.	48008003	0.71	0.29
262.	48008004	0.21	0.19
263.	48008005	0.83	0.83
264.	48008006	0.70	0.67
265.	48009006	2.78	2.78
266.	48011008	2.63	2.02
267.	48012002	3.79	3.70
268.	48012003	1.34	1.34
269.	49001001	100.37	28.89
270.	49001002	2.17	2.00
271.	49001005	1.71	1.07
272.	49001006	3.38	1.06

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
273.	49001007	4.15	1.84
274.	49001008	0.10	0.10
275.	49001010	0.74	0.61
276.	49001011	2.66	2.66
277.	49001013	1.03	0.38
278.	49001014	31.84	31.48
279.	49001018	4.96	4.96
280.	49001020	0.41	0.41
281.	49001029	0.15	0.15
282.	49002008	0.16	0.16
283.	49002009	0.09	0.09
284.	49003001	47.73	46.89
285.	49003002	3.36	2.53
286.	49003003	#N/A	0.61
287.	49003004	0.92	0.92
288.	49003005	0.72	0.72
289.	49003006	0.45	0.45
290.	49003007	1.09	1.09
291.	49003008	0.25	0.25
292.	49003010	0.26	0.26
293.	49003011	0.23	0.23
294.	49003012	0.19	0.19
295.	49003013	0.29	0.29
296.	49003015	0.20	0.20
297.	49003016	0.42	0.42
298.	49003018	0.45	0.45
299.	49003019	0.78	0.78
300.	49003020	0.10	0.10
301.	49003024	0.43	0.43
302.	49003027	0.44	0.44
303.	49003030	1.25	1.25
304.	49003032	1.95	1.95
305.	49003037	0.22	0.22
306.	49003038	0.40	0.40
307.	49003039	0.37	0.37
308.	49003040	0.02	0.02
309.	49003041	0.02	0.02
310.	49003042	0.02	0.02
311.	49003045	0.47	0.47
312.	49004002	118.76	116.99

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
313.	49005001	153.22	69.13
314.	51001001	154.44	151.28
315.	51001002	0.36	0.03
316.	51001003	0.15	0.03
317.	51001004	0.40	0.05
318.	51001015	0.54	0.37
319.	51001016	0.45	0.45
320.	51001023	0.34	0.34
321.	51001024	0.25	0.25
322.	51001025	0.49	0.49
323.	51004001	546.33	469.23
324.	51008002	22.19	20.96
325.	51008004	3.80	1.09
326.	51008005	0.49	0.12
327.	51008007	25.22	5.91
328.	51009001	1.86	0.69
329.	51009002	1.01	1.01
330.	51009004	0.63	0.57
331.	51009005	0.06	0.03
332.	51009006	0.25	0.13
333.	51009046	0.34	0.05
334.	53002001	2.75	1.24
335.	53002002	0.60	0.08
336.	53002062	1.69	1.44
337.	53002063	1.85	1.03
338.	53003005	3.38	3.38
339.	53003009	4.29	4.29
340.	53004002	9.89	7.99
341.	53004006	1.37	1.37
342.	53004008	0.89	0.89
343.	53004009	1.00	1.00
344.	53004016	2.08	2.08
345.	53004017	6.82	6.82
346.	53004028	2.00	2.00
347.	53004029	1.59	1.59
348.	53004032	0.02	0.02
349.	53004034	0.56	0.56
350.	53004035	0.22	0.22
351.	53004036	0.62	0.62
352.	53004038	5.95	4.83

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
353.	53004039	2.00	2.00
354.	53005003	0.78	0.78
355.	53005004	0.43	0.43
356.	53005005	2.87	2.87
357.	53005006	2.85	2.85
358.	53005007	49.91	48.46
359.	53005008	0.49	0.44
360.	53005009	0.60	0.24
361.	53005010	1.24	0.47
362.	53005012	0.10	0.10
363.	53005014	0.88	0.04
364.	53005016	0.89	0.08
365.	53005020	0.42	0.42
366.	53005022	0.65	0.65
367.	53005023	0.30	0.30
368.	53005024	0.15	0.15
369.	53005025	0.78	0.78
370.	53005026	0.15	0.15
371.	53005030	4.52	2.46
372.	53005051	0.93	0.19
373.	53005054	1.15	1.15
374.	53005055	1.38	1.38
375.	53005056	0.33	0.33
376.	53005058	1.15	1.15
377.	53005059	0.23	0.23
378.	53005062	0.05	0.05
379.	53005069	0.42	0.42
380.	53006004	4.63	4.52
381.	53006005	7.79	4.87
382.	53006014	8.60	7.84
383.	53006015	2.44	2.44
384.	53006016	6.90	1.86
385.	53006031	1.74	1.28
386.	53006034	1.52	1.41
387.	53006064	4.10	3.87
388.	53007007	39.68	33.34
389.	53007013	16.87	14.44
390.	53007015	1.93	1.93
391.	53007016	4.04	4.04
392.	53007018	1.24	1.24

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
393.	53007020	38.92	25.81
394.	53009008	0.28	0.19
395.	53009009	0.35	0.35
396.	53009019	1.99	1.99
397.	53009022	16.71	15.18
398.	53009023	39.42	39.31
399.	53009024	4.54	1.24
400.	53009050	1.35	1.35
401.	53009057	0.12	0.02
402.	53009058	7.98	7.98
403.	53009066	1.94	1.83
404.	53009067	5.68	5.46
405.	53009068	6.04	2.28
406.	53009069	5.83	5.49
407.	53009070	5.93	5.59
408.	53009071	4.74	4.74
409.	53009072	5.42	5.42
410.	53009073	5.41	5.41
411.	53009074	5.42	5.42
412.	53009075	4.53	4.53
413.	53009076	4.67	4.67
414.	53009077	5.29	5.29
415.	53009078	5.21	5.21
416.	53009079	5.25	5.25
417.	53009080	5.77	5.03
418.	53009081	5.67	5.24
419.	53009082	5.70	5.70
420.	53009083	5.69	5.69
421.	53009084	6.14	6.14
422.	53009085	6.36	6.36
423.	53009086	6.54	6.54
424.	53009087	6.39	6.39
425.	53009088	4.37	3.97
426.	53009089	4.57	0.41
427.	53009090	5.37	1.42
428.	53009091	5.35	3.47
429.	53009092	5.33	1.78
430.	53009093	4.89	3.82
431.	53009094	3.57	3.57
432.	53009095	5.45	3.04

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
433.	53009096	4.86	0.91
434.	53009097	5.03	4.58
435.	53009098	5.15	3.09
436.	53009099	6.96	6.58
437.	53009100	7.25	6.95
438.	53009101	5.30	5.30
439.	53012001	83.95	83.91
440.	53012010	84.44	84.44
441.	53012044	90.04	8.74
442.	54004003	77.00	3.75
443.	54004020	7.36	7.35
444.	54018060	3.97	3.62
445.	54018062	5.84	5.60
446.	55001012	0.84	0.17
447.	55001024	3.61	0.56
448.	55001026	1.01	0.16
449.	55001060	1.20	0.34
450.	55004003	15.24	1.01
451.	55004013	0.80	0.06
452.	55005001	66.57	66.57
453.	55005004	0.34	0.25
454.	55005011	0.29	0.28
455.	55005020	9.85	2.86
456.	55005021	33.21	33.21
457.	55005022	17.18	4.08
458.	55005023	84.29	47.87
459.	55005024	13.27	4.12
460.	55005025	10.98	10.16
461.	55005999	0.25	0.03
462.	55006001	270.26	133.51
463.	55006011	49.72	49.28
464.	55008001	19.68	18.66
465.	55008002	0.11	0.11
466.	55008003	0.12	0.12
467.	55008004	0.08	0.08
468.	55008005	0.09	0.09
469.	55008006	0.08	0.08
470.	55008007	0.52	0.52
471.	55008008	0.16	0.16
472.	55008009	0.14	0.14

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
473.	55008010	0.15	0.15
474.	55008011	0.11	0.11
475.	55008012	0.27	0.27
476.	55008013	0.26	0.26
477.	55008014	0.21	0.21
478.	55008016	0.13	0.13
479.	55008017	0.52	0.52
480.	55008019	0.37	0.37
481.	55008020	0.18	0.18
482.	55008023	0.04	0.04
483.	55008024	0.22	0.22
484.	55008025	0.12	0.12
485.	55008026	0.18	0.18
486.	55008027	0.58	0.58
487.	55008028	0.13	0.13
488.	55008029	0.20	0.20
489.	55008030	0.32	0.32
490.	55008032	0.30	0.30
491.	55008034	0.15	0.15
492.	55008035	0.67	0.67
493.	55008036	0.86	0.86
494.	55008037	0.63	0.63
495.	55008038	0.03	0.03
496.	55008039	0.28	0.28
497.	55008040	0.62	0.62
498.	55008042	0.16	0.16
499.	55008043	11.85	11.85
500.	55008044	0.27	0.27
501.	55008045	0.66	0.66
502.	55008046	1.31	1.31
503.	55008047	0.75	0.75
504.	55008048	0.08	0.08
505.	55008049	0.16	0.16
506.	55008050	0.98	0.98
507.	55008051	0.41	0.41
508.	55008053	0.08	0.08
509.	55008054	0.47	0.47
510.	55008055	0.84	0.84
511.	55008056	0.17	0.17
512.	55008057	0.12	0.12

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
513.	55008058	0.59	0.59
514.	55008059	0.14	0.14
515.	55008060	0.99	0.99
516.	55008061	1.65	0.82
517.	55008062	0.34	0.34
518.	55008063	35.73	35.73
519.	56002002	0.45	0.42
520.	56002005	0.24	0.20
521.	56002006	0.25	0.21
522.	56002007	0.23	0.20
523.	56002042	0.09	0.09
524.	56002043	0.73	0.73
525.	56003002	0.15	0.15
526.	56003003	0.02	0.02
527.	56003006	0.24	0.24
528.	56003007	0.13	0.13
529.	56003025	8.53	8.53
530.	56003026	164.35	154.23
531.	56003027	1.59	1.59
532.	56003028	1.30	1.30
533.	56003030	0.25	0.25
534.	56003031	0.05	0.05
535.	56003036	1.48	1.46
536.	56003050	7.27	3.88
537.	56003053	92.45	83.39
538.	56004001	1.67	1.67
539.	56004002	5.88	5.82
540.	56004008	0.50	0.50
541.	56004009	2.49	2.20
542.	56004021	1.33	0.55
543.	56004023	0.60	0.60
544.	56004024	2.10	2.08
545.	56004027	4.74	4.70
546.	56004037	0.79	0.78
547.	56004039	0.25	0.25
548.	56005002	27.31	27.55
549.	56005007	507.55	508.22
550.	56005012	108.19	38.76
551.	56005013	220.01	219.36
552.	56005014	70.11	69.44

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
553.	56005015	28.72	28.79
554.	56005016	36.03	35.57
555.	56006004	2.82	1.80
556.	56006006	435.55	435.55
557.	56006018	451.77	449.66
558.	56006028	228.28	228.28
559.	56006057	58.37	7.76
560.	56006058	100.33	100.32
561.	56007001	126.05	117.67
562.	57001002	0.20	0.20
563.	57001003	0.21	0.21
564.	57001004	0.16	0.16
565.	57001005	0.24	0.24
566.	57001006	0.05	0.05
567.	57001007	0.15	0.15
568.	57001008	0.20	0.20
569.	57001014	0.25	0.25
570.	57001015	0.05	0.05
571.	57001021	468.60	415.41
572.	57001032	2.25	1.46
573.	57001039	10.01	7.49
574.	57001040	10.00	8.47
575.	57001041	12.00	11.06
576.	57001042	11.00	5.95
577.	58001003	2.86	2.86
578.	58001023	0.82	0.19
579.	58001028	0.12	0.12
580.	58001029	0.92	0.49
581.	58001035	0.78	0.78
582.	58001058	0.09	0.09
583.	58001059	0.03	0.03
584.	58001064	0.26	0.26
585.	58001065	0.26	0.06
586.	58002004	114.61	114.61
587.	59005004	210.50	202.31
588.	59005023	1.02	0.86
589.	59005040	51.80	7.72
590.	59005066	26.68	14.62
591.	59005067	27.70	25.06
592.	59005081	7.55	1.22

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
593.	59005083	17.71	14.04
594.	59006011	133.94	133.94
595.	59006032	5.28	4.05
596.	59006034	21.58	1.15
597.	59023001	14.47	2.83
598.	59030031	7.03	7.03
599.	59031028	16.30	14.04
600.	61002001	74.51	72.08
601.	61002022	55.48	4.81
602.	61002024	35.99	30.63
603.	61005020	11.22	11.22
604.	61005021	4.62	4.62
605.	61005022	2.62	2.62
606.	61008024	1.79	1.79
607.	61009004	1.96	1.96
608.	62002002	10.41	10.41
609.	62002003	13.44	13.00
610.	62002004	14.97	16.90
611.	62002006	2.18	2.18
612.	62002007	2.55	2.55
613.	62002010	0.49	0.50
614.	62002019	0.42	0.42
615.	62002021	0.44	0.44
616.	62002023	1.26	1.26
617.	62002030	1.42	1.22
618.	62002032	0.85	0.93
619.	62002033	1.10	1.10
620.	62002034	0.65	0.60
621.	62002035	0.71	0.70
622.	62002036	0.51	0.50
623.	62002037	2.14	2.14
624.	62002038	1.88	1.49
625.	62002039	3.09	3.09
626.	62002040	1.23	1.23
627.	62002041	1.57	1.22
628.	62002042	0.88	0.86
629.	62002043	7.28	4.39
630.	62002044	1.22	0.97
631.	62002045	0.70	0.70
632.	62002046	0.79	0.79

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
633.	62002047	0.75	0.75
634.	62002048	0.27	0.33
635.	62002049	1.44	1.44
636.	62003001	1.51	1.08
637.	62004001	2.39	2.83
638.	62004003	0.27	0.24
639.	62004006	0.65	0.04
640.	62004026	0.58	0.19
641.	62004028	0.79	0.76
642.	62004029	0.29	0.30
643.	62004030	0.45	0.27
644.	62004032	1.26	0.97
645.	62004035	17.78	16.43
646.	62004049	2.87	2.82
647.	62004050	3.13	2.95
648.	62004051	0.64	0.65
649.	62004052	0.33	0.08
650.	62004053	0.85	0.59
651.	62004054	0.16	0.14
652.	62005035	4.26	4.25
653.	62006005	1.63	1.63
654.	62007008	3.74	3.74
655.	62008006	#N/A	2.46
656.	62008008	0.37	0.09
657.	62008009	0.19	0.19
658.	62008010	0.71	0.25
659.	62008011	#N/A	8.35
660.	62010007	5.51	5.51
661.	62010013	0.32	0.32
662.	62010014	0.32	0.32
663.	64002001	3446.83	3423.12
664.	64002002	105.17	53.62
665.	64003001	1747.35	1675.72
666.	64003003	840.45	837.43
667.	64003009	0.36	0.36
668.	64003015	10.00	9.97
669.	64004001	1407.29	1349.93
670.	64004005	2.65	0.78
671.	64004008	236.85	170.02
672.	65001010	31.37	31.43

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
673.	65001014	48.18	48.18
674.	65001019	3.48	3.48
675.	65001020	43.35	43.35
676.	65001021	17.45	17.45
677.	65001022	3.03	3.03
678.	65001028	0.40	0.40
679.	65001030	1.89	1.89
680.	65001031	7.54	7.54
681.	65001032	2.88	2.81
682.	65001033	51.18	50.77
683.	65001034	12.71	12.71
684.	65001038	3.75	3.75
685.	65001039	107.91	107.90
686.	65001040	157.79	157.79
687.	65001042	58.17	58.17
688.	65001043	195.11	194.56
689.	65001044	120.93	95.67
690.	65001045	99.53	99.53
691.	65001046	40.93	40.93
692.	65002001	74.29	74.29
693.	65002003	105.78	105.78
694.	65002005	317.23	317.23
695.	65002006	43.48	43.48
696.	65002008	45.40	45.38
697.	65002011	1159.28	1159.28
698.	65002018	67.14	54.52
699.	65002019	132.71	99.25
700.	65002022	39.49	39.49
701.	65002024	11.24	11.24
702.	65002026	113.90	113.90
703.	65002027	43.94	43.94
704.	65002028	29.72	29.72
705.	65002029	1.16	1.16
706.	65004001	5.00	5.00
707.	65004002	5.08	5.08
708.	65004003	5.06	5.06
709.	65004004	6.09	6.09
710.	65004005	5.12	5.12
711.	65004006	5.01	5.01
712.	65004007	5.00	5.00

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
713.	65004008	5.07	5.07
714.	65004009	5.07	5.07
715.	65004010	7.07	7.07
716.	65004011	5.00	5.00
717.	65004012	5.01	5.01
718.	65004013	5.00	5.00
719.	65004014	5.15	5.15
720.	65004015	5.05	5.05
721.	65004016	1.17	1.17
722.	65005001	346.09	346.09
723.	65005002	589.16	589.14
724.	65005003	541.19	541.12
725.	65005004	669.20	669.20
726.	65005005	0.30	0.30
727.	66001004	0.40	0.16
728.	66001005	0.18	0.16
729.	66001006	0.20	0.21
730.	66001009	1.42	1.13
731.	66001010	0.16	0.17
732.	66001011	0.31	0.36
733.	66001012	0.33	0.33
734.	66001014	0.31	0.31
735.	66001016	2.82	1.54
736.	66001054	1.10	0.17
737.	66001055	1.09	0.59
738.	66003001	0.59	0.59
739.	66003002	1.30	0.92
740.	66003003	0.54	0.31
741.	66003005	0.83	0.51
742.	66003025	1.53	1.04
743.	66004002	2.86	1.12
744.	66004003	2.03	2.00
745.	66004004	1.38	1.37
746.	66004005	0.45	0.45
747.	66004006	0.79	0.79
748.	66004007	0.21	0.21
749.	66004008	0.34	0.34
750.	66004009	1.46	0.69
751.	66004010	0.19	0.05
752.	66004026	2.36	0.71

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
753.	66004031	0.06	0.06
754.	66005001	0.36	0.12
755.	66005012	0.72	0.08
756.	66005019	2.88	0.59
757.	66005020	0.51	0.07
758.	66005021	0.90	0.90
759.	66005022	1.89	1.89
760.	66005023	1.37	1.37
761.	66005024	0.06	0.06
762.	66008001	0.23	0.23
763.	66008002	0.71	0.71
764.	66008003	0.33	0.33
765.	66008004	3.76	3.76
766.	66008006	1.43	1.43
767.	66008007	2.17	2.09
768.	66008008	0.56	0.15
769.	66008009	0.88	0.88
770.	66008026	0.87	0.41
771.	66008027	1.89	1.89
772.	66008031	0.55	0.55
773.	66008032	1.66	0.11
774.	66009002	3.17	2.20
775.	66009004	1.40	0.93
776.	66009008	0.40	0.40
777.	66009009	0.67	0.67
778.	66009010	0.77	0.77
779.	66009011	0.44	0.44
780.	66009012	1.53	1.46
781.	66009013	1.20	0.75
782.	66009021	1.60	1.19
783.	66009029	0.46	0.46
784.	66009030	0.26	0.26
785.	66009031	0.25	0.25
786.	66009032	0.24	0.24
787.	66009034	1.16	1.16
788.	66009037	1.99	2.00
789.	66009038	0.73	1.19
790.	66010002	0.61	0.43
791.	66010009	1.58	1.58
792.	66010010	4.23	4.23

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
793.	66012001	1.44	1.44
794.	66015003	0.39	0.39
795.	66015004	15.27	15.27
796.	66015006	11.85	11.85
797.	66016008	1.13	0.27
798.	66016011	0.15	0.14
799.	66016019	0.43	0.20
800.	66020003	3.08	3.08
801.	66020004	10.53	10.40
802.	66020019	1.89	1.68
803.	66020024	1.55	1.55
804.	66020025	0.72	0.72
805.	66020027	0.28	0.28
806.	66022001	42.42	42.35
807.	66023003	23.67	22.21
808.	66023004	5.87	2.65
809.	66024001	58.64	59.21
810.	66025001	43.02	42.88
811.	66025002	3.16	3.12
812.	66025006	1.99	1.98
813.	66027003	0.67	0.67
814.	66027005	0.09	0.09
815.	66027006	2.03	2.02
816.	66027007	6.05	0.68
817.	66027009	0.23	0.23
818.	66027010	141.92	141.15
819.	66027011	6.60	6.60
820.	66028001	1.93	1.57
821.	66028002	5.97	5.97
822.	66028003	1.55	1.55
823.	66028004	0.87	0.87
824.	66028005	2.10	2.10
825.	66028006	1.94	1.94
826.	66028007	6.13	6.13
827.	66028009	2.40	2.40
828.	66028011	0.36	0.36
829.	66028013	2.43	2.43
830.	66028014	2.72	2.72
831.	66028015	5.45	5.45
832.	66028016	2.32	1.80

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
833.	66028017	5.90	4.56
834.	66028019	0.31	0.31
835.	66028021	0.20	0.20
836.	66028022	6.08	6.08
837.	66028023	5.24	4.67
838.	66028024	1.89	1.44
839.	66028027	4.68	4.68
840.	66029011	6.15	6.14
841.	67001008	28.46	20.76
842.	67001009	1.85	1.85
843.	67001014	1.42	1.42
844.	67001018	0.48	0.46
845.	67001026	282.01	281.98
846.	67001030	1.23	1.23
847.	67001032	#N/A	13.83
848.	67001034	8.30	8.30
849.	67001058	2.96	2.96
850.	67001060	1.62	1.62
851.	67001063	96.77	22.46
852.	67002006	6.11	6.11
853.	67002007	24.98	24.98
854.	67002014	25.31	24.71
855.	67002028	8.93	8.93
856.	67002032	10.90	10.82
857.	67002034	50.44	50.44
858.	67002037	21.67	21.67
859.	67002038	103.19	103.19
860.	67002039	66.75	66.75
861.	67002040	128.03	128.03
862.	67002041	63.94	62.67
863.	67002042	427.59	427.40
864.	67002043	671.94	671.94
865.	67002044	155.71	154.88
866.	67002045	5.00	4.95
867.	67002046	36.74	36.74
868.	67002047	3.47	3.47
869.	67003002	219.59	219.58
870.	67003003	111.35	111.35
871.	67003005	249.26	249.26
872.	67003006	108.28	108.28

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
873.	67003007	136.07	136.07
874.	67003008	1.51	1.51
875.	67003009	2.74	2.74
876.	67003010	2.31	2.31
877.	67003011	8.10	8.10
878.	67003017	8.53	8.53
879.	67003019	75.96	75.96
880.	67004001	1573.65	1573.57
881.	67004004	77.02	77.02
882.	67009071	25.69	24.39
883.	68002005	184.39	184.39
884.	68002006	1031.90	1031.90
885.	68003001	7.56	1.08
886.	68003003	4.18	4.18
887.	68003005	436.88	436.88
888.	68003006	934.21	934.21
889.	68003009	186.25	186.25
890.	68003015	73.34	73.34
891.	68003019	36.85	36.85
892.	68003021	40.59	40.59
893.	68003030	17.02	17.02
894.	68003031	57.40	57.40
895.	68003033	9.67	9.67
896.	68003034	15.91	15.91
897.	68003035	2.12	2.12
898.	68003039	7.01	4.31
899.	68003040	140.08	140.08
900.	68003043	37.51	37.51
901.	68003044	39.30	39.30
902.	68003045	7.89	4.79
903.	68003046	8.28	5.28
904.	68003047	8.35	5.81
905.	68003048	4.12	4.12
906.	68003049	4.20	4.20
907.	68003050	4.07	4.07
908.	68007002	913.09	913.09
909.	68007003	1.82	1.82
910.	68013001	2.29	2.29
911.	68013002	2.00	2.00
912.	68013003	2.00	2.00

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
913.	68013004	2.00	2.00
914.	68013005	1.99	1.99
915.	68013006	2.01	2.01
916.	68013007	2.00	2.00
917.	68013008	2.00	1.82
918.	68013009	2.62	2.62
919.	68013010	2.12	2.12
920.	68013011	2.12	2.12
921.	68013012	1.97	1.97
922.	68013013	1.99	1.99
923.	68013014	2.00	0.98
924.	68013015	1.98	0.80
925.	68013016	2.00	0.63
926.	68013017	1.99	0.45
927.	68013018	1.98	1.98
928.	68013023	2.20	2.20
929.	68013024	2.07	2.07
930.	68013025	2.00	2.00
931.	68013027	2.00	1.03
932.	68013028	1.97	1.97
933.	68013029	1.99	1.99
934.	68013030	2.40	2.40
935.	68013031	2.00	2.00
936.	68013032	1.99	1.99
937.	68013033	2.01	2.01
938.	68013034	2.01	0.98
939.	68013035	2.00	2.00
940.	68013036	2.04	1.08
941.	68013037	2.18	1.54
942.	68013038	2.13	2.13
943.	68013039	1.97	1.97
944.	68013040	2.01	2.01
945.	68013041	2.00	2.00
946.	68013042	2.00	2.00
947.	68013043	2.19	2.19
948.	68013044	2.03	2.03
949.	68013045	2.30	2.30
950.	68013046	2.00	2.00
951.	68013047	2.02	2.02
952.	68013048	2.01	2.01

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
953.	68013049	2.02	2.02
954.	68013050	2.00	2.00
955.	68013051	2.02	2.02
956.	68013052	2.03	2.03
957.	68013053	2.05	2.05
958.	68013054	2.28	2.28
959.	68013055	2.22	2.22
960.	68013056	2.01	2.01
961.	68013057	1.98	1.98
962.	68013058	1.99	1.99
963.	68013059	2.09	2.09
964.	68013060	2.23	2.23
965.	68013061	2.00	2.00
966.	68013062	2.26	2.26
967.	68013063	2.40	2.40
968.	68013064	2.04	2.04
969.	68013065	2.31	2.31
970.	71001007	3.15	3.15
971.	71001011	90.14	80.11
972.	71001023	4.98	4.98
973.	71001027	1.01	1.01
974.	71001032	3.64	3.64
975.	71001036	0.67	0.67
976.	71001037	32.17	32.17
977.	71001038	68.79	68.79
978.	71001039	0.20	0.20
979.	71001040	0.17	0.17
980.	71001041	1.77	1.77
981.	71001042	0.03	0.03
982.	71001043	0.00	0.00
983.	71001044	0.04	0.04
984.	71002033	#N/A	22.88
985.	85002022	124.55	13.68
986.	85003008	0.07	0.07
987.	85003009	0.06	0.06
988.	85003012	4.03	4.02
989.	85003013	3.98	3.98
990.	85003015	4.63	4.63
991.	85003016	4.85	4.85
992.	85003017	4.59	4.49

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
993.	85003018	9.61	9.63
994.	85003019	2.90	2.90
995.	85003025	3.72	0.59
996.	85003026	4.79	0.36
997.	85003027	9.05	3.05
998.	85003028	5.78	5.26
999.	85003029	18.91	10.95
1000.	85003030	70.66	9.20
1001.	85003031	58.55	12.89
1002.	85003034	0.01	0.01
1003.	85003035	0.18	0.18
1004.	85003036	3.10	2.14
1005.	85003037	#N/A	6.78
1006.	85003039	2.35	2.39
1007.	85003040	0.59	0.56
1008.	85003042	2.12	2.12
1009.	85003043	61.15	61.25
1010.	85004004	18.55	4.42
1011.	85004005	0.76	0.76
1012.	85004007	0.83	0.48
1013.	85004010	0.94	0.76
1014.	85004018	4.30	3.01
1015.	85004019	14.54	14.54
1016.	85004020	9.30	2.90
1017.	85004021	4.61	4.22
1018.	85004023	7.59	7.59
1019.	85004024	3.07	1.63
1020.	85004025	0.98	0.98
1021.	85004029	14.14	11.87
1022.	85004030	5.72	5.47
1023.	85004032	0.75	0.54
1024.	85004035	4.48	4.48
1025.	85004046	1.00	0.54
1026.	85004047	1.00	0.53
1027.	85004048	1.01	0.43
1028.	85004049	0.97	0.12
1029.	85004054	5.22	5.02
1030.	85004055	6.39	6.39
1031.	85004056	6.17	6.17
1032.	85004065	0.28	0.28

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
1033.	85004066	5.11	4.10
1034.	85004067	4.21	2.67
1035.	85004068	1.95	1.33
1036.	85004069	1.10	0.97
1037.	85004070	2.55	1.24
1038.	85004071	7.51	2.35
1039.	85004072	3.18	3.09
1040.	85004073	3.27	2.75
1041.	85004074	1.52	1.32
1042.	85004075	2.25	1.22
1043.	85004076	1.76	1.73
1044.	85004077	1.73	1.73
1045.	85004078	1.01	1.01
1046.	85004079	2.07	0.39
1047.	85004080	1.03	1.03
1048.	85004081	1.40	1.23
1049.	85004084	1.02	0.55
1050.	85004085	0.97	0.50
1051.	85004086	1.00	0.53
1052.	85004087	0.99	0.89
1053.	85004089	1.01	1.01
1054.	85004091	1.01	0.97
1055.	85004092	1.00	0.63
1056.	85004093	1.00	0.85
1057.	85004095	3.41	3.41
1058.	85004099	7.55	7.55
1059.	85004101	2.04	2.04
1060.	85004102	1.95	1.95
1061.	85004105	6.56	5.91
1062.	85004106	6.37	6.37
1063.	85005005	6.23	6.23
1064.	85005010	2.41	0.38
1065.	85005014	4.13	0.47
1066.	85005015	2.76	1.84
1067.	85005017	0.15	0.15
1068.	85005031	1.39	0.46
1069.	85005033	1.25	1.25
1070.	85005034	0.83	0.71
1071.	85019003	10.45	10.45
1072.	85019004	7.52	6.38

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
1073.	85019005	8.66	2.73
1074.	85019009	3.86	3.86
1075.	85019010	2.63	2.63
1076.	85019014	5.24	5.24
1077.	85019016	6.16	6.16
1078.	85019017	1.65	1.65
1079.	85019018	6.76	6.76
1080.	85019019	3.35	3.35
1081.	85019020	3.75	3.75
1082.	85019021	3.62	0.65
1083.	85019022	5.23	5.23
1084.	85019023	2.06	2.06
1085.	85019028	1.95	1.95
1086.	85019031	1.27	1.27
1087.	85019032	1.20	1.20
1088.	85019033	2.87	0.83
1089.	85019034	2.46	1.28
1090.	85019035	2.51	1.86
1091.	85019036	2.51	1.89
1092.	85019037	2.79	1.58
1093.	85019038	2.66	1.06
1094.	85019039	3.39	3.39
1095.	85019040	2.68	1.29
1096.	85019041	2.60	1.78
1097.	85019042	1.75	1.75
1098.	85019043	2.08	2.08
1099.	85019044	2.05	2.05
1100.	85019045	2.14	2.14
1101.	85019046	2.24	2.24
1102.	85019048	2.13	2.13
1103.	85019049	0.66	0.66
1104.	85019050	2.23	2.23
1105.	85019052	1.63	1.63
1106.	85019053	1.93	1.93
1107.	85019054	0.98	0.98
1108.	85019055	2.10	2.10
1109.	85019056	1.98	1.98
1110.	85019064	1.72	1.72
1111.	85019065	4.11	4.11
1112.	85019070	0.96	0.96

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
1113.	85019077	2.57	2.57
1114.	85019078	1.95	1.95
1115.	85019080	1.61	1.61
1116.	85019081	1.66	1.66
1117.	85021001	2.44	2.44
1118.	85021002	3.71	3.71
1119.	85021003	3.97	3.97
1120.	85022008	1.02	1.02
1121.	85029003	0.97	0.10
1122.	86003004	10.88	10.88
1123.	86003005	10.98	10.98
1124.	86003006	2.34	2.34
1125.	86003007	5.49	5.49
1126.	86003018	1.77	1.77
1127.	86003019	6.93	6.93
1128.	86003020	10.89	10.89
1129.	86003021	2.00	2.00
1130.	86003023	4.33	4.33
1131.	86003029	10.30	10.30
1132.	86003041	1.13	1.13
1133.	86003043	0.15	0.15
1134.	86003044	0.19	0.19
1135.	86003045	0.19	0.19
1136.	86003048	1.98	1.98
1137.	86003049	2.34	2.34
1138.	86003050	3.02	3.02
1139.	86003053	4.94	4.94
1140.	86003054	2.43	2.43
1141.	86003055	2.63	2.63
1142.	86004001	12.06	12.06
1143.	86004002	12.02	7.09
1144.	86004003	11.93	7.00
1145.	86004005	0.88	0.88
1146.	86004006	1.00	0.75
1147.	86004007	1.00	0.33
1148.	86004016	12.10	1.94
1149.	86005001	10.10	10.10
1150.	86005002	6.18	6.18
1151.	86005003	5.01	5.01
1152.	86005004	1.00	1.00
1153.	86005005	5.01	5.01
1154.	86005006	0.98	0.98
1155.	86005007	7.02	7.02
1156.	86005008	11.95	11.95
1157.	86005009	5.02	5.02
1158.	86005010	1.00	1.00
1159.	86005011	0.93	0.93
1160.	86006002	14.63	14.63
1161.	86006003	16.08	16.08
1162.	86006004	7.91	7.91
1163.	86006005	3.65	3.65
1164.	86006006	11.91	11.91
1165.	86006007	11.96	11.96
1166.	86006008	8.35	8.35
1167.	86006009	8.19	8.19
1168.	86007001	5.99	5.99
1169.	86007002	8.17	8.17
1170.	86007003	1.03	1.03
1171.	86007004	1.07	1.07
1172.	86007005	1.89	1.89
1173.	86007006	0.99	0.99
1174.	86007007	6.93	6.93
1175.	86007008	4.21	4.21
1176.	86007009	0.50	0.50
1177.	86007010	1.02	1.02
1178.	86007011	3.82	3.82
1179.	86007014	0.31	0.31
1180.	86007015	0.15	0.15
1181.	86007016	0.15	0.15
1182.	86007017	0.15	0.15
1183.	86007018	0.14	0.14
1184.	86007019	0.15	0.15
1185.	86007020	0.13	0.13
1186.	86007021	0.14	0.14
1187.	86007022	0.14	0.14
1188.	86007023	0.14	0.14
1189.	86007024	0.14	0.14
1190.	86007025	0.14	0.14
1191.	86007026	0.14	0.14
1192.	86007027	0.15	0.15

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
1193.	86007028	0.14	0.14
1194.	86007029	0.14	0.14
1195.	86007030	0.16	0.16
1196.	86007031	3.48	3.48
1197.	86007032	2.36	2.36
1198.	86007033	1.00	1.00
1199.	86007034	0.97	0.97
1200.	86007035	1.05	1.05
1201.	86007036	1.02	1.02
1202.	86007037	0.95	0.95
1203.	86007038	0.96	0.96
1204.	86007039	1.00	1.00
1205.	86007040	1.03	1.03
1206.	86007041	1.00	1.00
1207.	86007042	0.97	0.97
1208.	86007043	0.82	0.82
1209.	86007044	1.64	1.64
1210.	86007045	3.55	3.55
1211.	86007046	1.98	1.98
1212.	86007047	6.75	6.75
1213.	86008001	0.24	0.24
1214.	86008002	10.50	10.50
1215.	86008003	0.93	0.93
1216.	86008004	11.00	11.00
1217.	86008005	2.97	1.50
1218.	86008006	2.96	2.96
1219.	86008007	2.97	2.97
1220.	86008008	7.95	7.95
1221.	86008009	1.93	1.93
1222.	86008010	0.78	0.78
1223.	86008011	3.76	3.76
1224.	86008012	2.98	0.98
1225.	86008013	2.79	0.55
1226.	86008014	1.86	1.86
1227.	86008015	7.55	1.46
1228.	86008016	0.53	0.11
1229.	86008017	1.44	1.44
1230.	86008018	1.98	1.98
1231.	86008019	10.77	7.27
1232.	86008020	2.13	2.13

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
1233.	86008021	1.06	1.06
1234.	86008022	2.90	2.90
1235.	86008023	1.80	1.80
1236.	86008024	1.56	1.56
1237.	86008025	1.21	1.21
1238.	86008026	1.54	1.19
1239.	86008027	1.96	1.96
1240.	86008028	2.99	2.99
1241.	86008029	2.04	2.04
1242.	86009002	1.01	0.82
1243.	86009003	1.50	1.01
1244.	86009004	5.31	2.76
1245.	86009006	11.78	11.78
1246.	86009007	11.70	3.08
1247.	86009008	0.97	0.97
1248.	86009011	2.34	1.45
1249.	86009012	5.58	5.58
1250.	86009014	9.29	9.29
1251.	86009015	2.16	2.16
1252.	86009016	4.66	4.66
1253.	86009017	2.44	2.44
1254.	86010001	1.02	1.02
1255.	86010002	1.01	1.01
1256.	86010003	1.00	1.00
1257.	86010004	0.51	0.51
1258.	86010005	1.24	1.24
1259.	86010006	10.46	10.46
1260.	86010007	1.22	1.22
1261.	86010008	1.00	1.00
1262.	86010009	2.00	2.00
1263.	86010010	0.26	0.26
1264.	86010011	2.50	2.50
1265.	86010012	5.24	5.24
1266.	86010014	0.99	0.99
1267.	86010015	5.19	5.19
1268.	86010016	1.99	1.99
1269.	86010017	3.98	3.98
1270.	86010018	1.19	1.19
1271.	86010019	1.20	1.20
1272.	86010020	1.19	1.19

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
1273.	86010022	0.17	0.17
1274.	86010023	1.10	1.10
1275.	86010024	0.49	0.49
1276.	86010025	1.00	1.00
1277.	86010026	1.19	1.19
1278.	86010027	1.04	1.04
1279.	86010028	1.01	1.01
1280.	86010030	0.18	0.18
1281.	86010031	0.19	0.19
1282.	86010032	0.19	0.19
1283.	86010033	0.18	0.18
1284.	86010034	0.17	0.17
1285.	86010035	0.17	0.17
1286.	86010036	0.18	0.18
1287.	86010037	0.17	0.17
1288.	86010038	0.17	0.17
1289.	86010039	2.04	2.04
1290.	86010040	2.04	2.04
1291.	86010041	2.15	2.16
1292.	86010042	2.18	2.18
1293.	86010043	2.35	2.35
1294.	86010044	2.02	2.03
1295.	86010045	1.97	1.97
1296.	86010046	1.99	2.00
1297.	86010047	1.96	1.96
1298.	86010048	2.74	2.74
1299.	86011001	2.60	2.60
1300.	86011003	1.54	1.37
1301.	86011004	22.79	22.80
1302.	86011005	2.58	2.72
1303.	86011007	1.00	0.98
1304.	86011011	2.50	2.50
1305.	86011013	1.90	1.93
1306.	86011014	1.21	0.52
1307.	86012001	10.97	10.97
1308.	86012002	2.02	2.02
1309.	86012003	0.61	0.61
1310.	86012004	4.64	4.64
1311.	86012005	0.46	0.46
1312.	86012006	0.46	0.46

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
1313.	86012007	0.46	0.46
1314.	86012008	0.79	0.79
1315.	86012009	0.46	0.46
1316.	86012010	0.37	0.37
1317.	86012011	4.14	4.14
1318.	86012013	1.78	1.78
1319.	86012014	1.96	1.96
1320.	86012015	2.07	2.07
1321.	86012016	2.77	2.77
1322.	86012017	1.98	1.98
1323.	86012018	0.98	0.98
1324.	86012019	1.68	1.68
1325.	86012020	5.99	5.96
1326.	86012022	1.35	1.35
1327.	86013001	6.93	6.93
1328.	86013002	8.91	7.71
1329.	86013003	4.45	4.45
1330.	86013004	9.48	3.91
1331.	86013005	17.91	17.87
1332.	86014002	10.19	10.19
1333.	86014003	4.99	4.99
1334.	86014004	5.00	5.00
1335.	86014005	4.14	4.14
1336.	86014006	1.00	1.00
1337.	86014007	1.02	1.02
1338.	86014008	0.62	0.62
1339.	86014010	1.01	1.01
1340.	86019001	2.01	2.01
1341.	86019002	6.00	6.00
1342.	86019022	1.06	1.06
1343.	86019023	1.03	1.03
1344.	86019040	3.89	3.89
1345.	86024001	6.06	6.06
1346.	86024002	2.69	2.69
1347.	86024003	4.03	4.03
1348.	86024005	2.62	2.62
1349.	86024007	13.52	13.52
1350.	86024008	1.99	1.99
1351.	86024011	2.00	2.00
1352.	86024012	1.98	1.98

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
1353.	86024013	1.95	1.95
1354.	86024014	3.95	3.95
1355.	87003005	4.82	4.82
1356.	87003006	4.93	4.93
1357.	87003007	8.71	8.71
1358.	87003008	8.48	8.48
1359.	87003009	3.02	3.08
1360.	87003022	2.48	2.47
1361.	87003026	2.84	2.82
1362.	87003027	3.11	3.11
1363.	87003028	3.48	3.48
1364.	87003029	2.95	2.95
1365.	87003030	8.01	8.01
1366.	87003031	7.75	7.75
1367.	87003032	2.68	2.65
1368.	87003058	3.06	3.03
1369.	87003066	2.49	2.49
1370.	87003067	2.96	3.02
1371.	87003068	2.46	2.46
1372.	87003069	3.35	3.35
1373.	87003070	2.42	2.42
1374.	87003071	1.96	1.96
1375.	87003072	1.03	1.03
1376.	87003073	1.07	1.07
1377.	87004002	0.14	0.14
1378.	87004003	0.14	0.14
1379.	87004004	0.14	0.14
1380.	87004005	0.14	0.14
1381.	87004006	0.14	0.14
1382.	87004029	0.13	0.13
1383.	87004045	6.96	6.96
1384.	87004046	4.08	4.08
1385.	87004047	14.31	14.31
1386.	87004062	0.83	0.83
1387.	87007006	4.43	2.99
1388.	87007008	2.99	1.10
1389.	87007009	2.26	1.21
1390.	87007010	3.40	1.54
1391.	87007013	0.71	0.71
1392.	87007069	2.49	2.33

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
1393.	87007070	2.00	0.29
1394.	87009003	12.00	10.17
1395.	87010003	207.11	112.33
1396.	87010005	3.22	3.22
1397.	87010008	1.82	1.82
1398.	87010009	1.82	1.82
1399.	87010010	2.74	2.74
1400.	87010015	0.34	0.34
1401.	87010016	23.84	23.84
1402.	87010017	1.82	1.82
1403.	87010018	2.41	2.41
1404.	87010019	1.83	1.83
1405.	87010020	198.35	44.47
1406.	87017039	6.01	5.90
1407.	87018001	3.26	3.26
1408.	87018002	5.02	5.02
1409.	87018003	11.76	11.76
1410.	87018004	12.24	12.24
1411.	87018005	3.82	3.82
1412.	87018006	11.08	11.08
1413.	87018007	2.45	2.45
1414.	87018008	5.04	5.04
1415.	87018009	8.96	8.96
1416.	87018010	1.65	1.65
1417.	87018011	4.46	4.46
1418.	87018012	4.47	4.47
1419.	87018013	4.49	4.49
1420.	87018014	4.72	4.72
1421.	87018015	4.04	4.04
1422.	87018016	4.50	4.50
1423.	87018017	4.51	4.51
1424.	87018018	2.47	2.47
1425.	87018019	2.54	2.54
1426.	87018020	2.54	2.54
1427.	87018021	2.51	2.51
1428.	87018022	4.99	4.99
1429.	87018023	4.97	4.97
1430.	87018024	4.95	4.95
1431.	87018025	4.98	4.98
1432.	87018026	2.49	2.49

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
1433.	87018027	1.47	1.47
1434.	87018028	2.59	2.59
1435.	87018029	4.48	4.48
1436.	87018030	3.94	3.94
1437.	87018031	7.25	6.96
1438.	87018032	5.42	5.42
1439.	87018033	3.86	3.86
1440.	87018034	5.87	5.87
1441.	87018035	4.94	4.94
1442.	87018036	2.85	2.85
1443.	87018037	3.93	3.93
1444.	87018038	3.72	3.72
1445.	87018039	3.94	3.94
1446.	87018041	2.19	2.19
1447.	87018042	1.00	1.00
1448.	87018043	2.45	2.45
1449.	87018044	1.67	1.67
1450.	87018045	1.68	1.68
1451.	87018046	1.67	1.67
1452.	87018047	1.67	1.67
1453.	87018048	2.51	2.51
1454.	87018049	1.68	1.68
1455.	87018050	4.93	4.93
1456.	87018051	4.99	4.99
1457.	87018055	3.35	3.35
1458.	87018056	3.32	3.32
1459.	87018057	0.99	0.99
1460.	87018058	5.02	5.02
1461.	87018059	2.53	2.53
1462.	87018060	4.96	4.96
1463.	87018061	6.51	6.51
1464.	87019001	8.29	8.29
1465.	87019002	8.00	5.62
1466.	87019003	10.08	6.42
1467.	87019004	4.81	3.00
1468.	87019005	5.01	3.23
1469.	87019006	5.02	3.44
1470.	87019007	3.08	2.73
1471.	87019008	10.05	10.05
1472.	87019009	5.66	3.55

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
1473.	87019010	5.18	5.18
1474.	87019011	16.34	16.34
1475.	87019012	1.36	1.36
1476.	87019014	2.02	2.02
1477.	87019015	1.01	1.01
1478.	87019016	1.14	1.14
1479.	87019017	1.49	1.49
1480.	87019018	1.84	1.84
1481.	87019019	5.36	5.36
1482.	87019020	2.48	2.48
1483.	87019021	5.13	5.13
1484.	87019022	5.14	5.14
1485.	87019023	5.00	5.00
1486.	87019024	4.84	4.84
1487.	87019025	4.80	4.80
1488.	87019026	2.89	2.89
1489.	87019027	6.58	6.58
1490.	87019028	5.23	5.23
1491.	87019029	5.21	5.21
1492.	87019030	2.81	2.81
1493.	87019031	2.84	2.84
1494.	87019032	6.85	6.85
1495.	87019033	5.02	5.02
1496.	87019034	5.03	5.03
1497.	87019035	1.41	1.41
1498.	87019036	4.43	4.43
1499.	87019037	3.02	2.83
1500.	87019038	14.06	14.63
1501.	87019039	9.94	9.94
1502.	87019040	2.50	2.50
1503.	87019041	2.51	2.51
1504.	87019042	5.08	5.08
1505.	87019043	5.15	5.15
1506.	87019047	1.01	0.90
1507.	87019048	3.00	2.84
1508.	87019049	2.02	1.92
1509.	87019050	2.00	2.00
1510.	87019051	2.07	2.07
1511.	87019052	2.00	2.00
1512.	87019053	0.99	1.00

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
1513.	87019054	5.28	5.28
1514.	87019055	2.49	2.49
1515.	87019056	4.90	4.90
1516.	87019057	1.93	1.93
1517.	87019058	1.48	1.48
1518.	87019059	4.02	4.01
1519.	87019060	2.04	2.04
1520.	87019061	3.16	2.43
1521.	87019062	1.90	1.40
1522.	87019063	1.98	1.62
1523.	87019064	1.97	1.94
1524.	87019065	1.86	1.86
1525.	87019066	1.76	1.76
1526.	87019067	1.53	1.53
1527.	87019068	1.53	1.53
1528.	87019069	1.64	1.64
1529.	87019070	0.99	0.99
1530.	87019071	1.03	1.03
1531.	87019072	1.00	1.00
1532.	87019073	0.97	0.97
1533.	87019074	3.20	2.99
1534.	87019075	1.17	1.36
1535.	87019076	5.17	3.19
1536.	87019077	1.24	1.24
1537.	87019079	0.91	0.91
1538.	87019080	2.88	2.88
1539.	87021001	5.29	5.25
1540.	87021002	4.77	4.77
1541.	87021003	4.87	4.87
1542.	87021004	4.74	4.71
1543.	87021005	3.10	3.10
1544.	87021006	3.82	3.82
1545.	87021007	9.65	9.65
1546.	87021008	2.58	2.58
1547.	87021009	2.41	2.41
1548.	87021010	2.04	2.03
1549.	87021011	4.77	4.77
1550.	87021012	2.69	1.34
1551.	87021013	2.14	2.14
1552.	87021014	4.93	4.93

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
1553.	87021015	2.48	2.48
1554.	87021016	4.77	4.60
1555.	87021017	5.03	5.03
1556.	87021018	4.98	4.98
1557.	87021019	5.02	5.02
1558.	87021020	5.84	4.97
1559.	87021021	1.49	1.49
1560.	87021022	5.00	5.00
1561.	87021023	4.99	4.99
1562.	87021024	5.00	5.00
1563.	87021025	7.39	7.38
1564.	87021031	0.98	0.98
1565.	87021032	2.35	2.35
1566.	87021033	1.01	1.01
1567.	87021034	0.94	0.94
1568.	87021036	2.49	2.49
1569.	87021037	2.48	2.48
1570.	87021038	4.77	4.77
1571.	87021039	2.58	2.58
1572.	87021040	3.15	3.15
1573.	87021041	3.07	3.07
1574.	87021042	0.00	0.00
1575.	87021043	2.00	2.00
1576.	87021044	3.08	3.08
1577.	87021045	3.17	3.17
1578.	87021046	3.41	3.41
1579.	87021047	2.04	0.59
1580.	87021048	2.40	2.40
1581.	87022001	1.99	1.99
1582.	87022002	2.41	2.41
1583.	87022003	2.38	2.38
1584.	87022004	2.40	2.40
1585.	87022005	2.42	2.42
1586.	87022007	2.86	2.86
1587.	87022008	1.19	1.19
1588.	87022009	1.19	1.19
1589.	87022010	1.19	1.19
1590.	87022011	2.37	2.37
1591.	87022013	2.40	2.40
1592.	87022014	2.39	2.39

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
1593.	87022015	2.40	2.40
1594.	87022016	2.40	2.40
1595.	87022017	1.95	1.95
1596.	87022032	1.21	1.21
1597.	92001002	1.24	1.24
1598.	92001004	0.24	0.24
1599.	92001011	388.97	387.72
1600.	92001016	0.20	0.20
1601.	92001017	0.83	0.83
1602.	92002006	#N/A	54.83
1603.	92004002	1.48	1.48
1604.	92004007	1.52	1.52
1605.	92004008	1272.64	1272.12
1606.	92004010	427.54	427.54
1607.	92005001	3.99	3.99
1608.	92005023	118.05	118.05
1609.	92045002	870.69	836.06
1610.	92045004	0.24	0.24
1611.	92045005	4.41	1.20
1612.	92045006	0.15	0.15
1613.	92049007	792.56	789.48
1614.	92049010	0.86	0.86
1615.	92049011	1.69	1.67
1616.	92052001	#N/A	5.04
1617.	92052002	#N/A	15.51
1618.	92052003	#N/A	16.14
1619.	92052004	#N/A	10.36
1620.	92052005	#N/A	5.62
1621.	92052006	#N/A	6.06
1622.	92052007	#N/A	16.35
1623.	92052008	#N/A	7.00
1624.	92052009	#N/A	5.18
1625.	92052010	#N/A	5.08
1626.	92052011	#N/A	5.07
1627.	92052012	#N/A	5.10
1628.	92052013	#N/A	5.11
1629.	92052014	#N/A	5.11
1630.	92052015	#N/A	5.62
1631.	92052016	#N/A	5.18
1632.	92052017	#N/A	5.43

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
1633.	92052018	#N/A	5.76
1634.	92052019	#N/A	5.29
1635.	92052020	#N/A	5.22
1636.	92052021	#N/A	5.12
1637.	92052022	#N/A	10.82
1638.	92052023	#N/A	11.25
1639.	92052024	#N/A	5.53
1640.	92052025	#N/A	5.22
1641.	92052026	#N/A	10.10
1642.	92052028	#N/A	11.75
1643.	92052029	#N/A	5.38
1644.	92052030	#N/A	5.30
1645.	92052031	#N/A	16.66
1646.	92052032	#N/A	5.42
1647.	92052033	#N/A	12.31
1648.	92052034	#N/A	5.23
1649.	92052035	#N/A	5.19
1650.	92052036	#N/A	5.24
1651.	92052037	#N/A	5.11
1652.	92052038	#N/A	5.12
1653.	92052039	#N/A	5.15
1654.	92052040	#N/A	11.33
1655.	92052041	#N/A	10.00
1656.	92053001	#N/A	10.62
1657.	92053002	#N/A	10.61
1658.	92053003	#N/A	5.26
1659.	92053004	#N/A	5.23
1660.	92053005	#N/A	12.13
1661.	92053006	#N/A	3.58
1662.	92053007	#N/A	2.33
1663.	92053008	#N/A	12.28
1664.	92053009	#N/A	5.27
1665.	92053010	#N/A	10.43
1666.	92053011	#N/A	10.49
1667.	92053012	#N/A	10.41
1668.	92053013	#N/A	5.21
1669.	92053014	#N/A	16.48
1670.	92053015	#N/A	1.65
1671.	92053016	#N/A	5.72
1672.	92053017	#N/A	5.28

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
1673.	92053018	#N/A	5.18
1674.	92053019	#N/A	5.15
1675.	92053020	#N/A	5.21
1676.	92053021	#N/A	10.55
1677.	92053022	#N/A	10.70
1678.	92053023	#N/A	17.91
1679.	92053024	#N/A	10.23
1680.	92053025	#N/A	17.64
1681.	92053026	#N/A	5.24
1682.	92053027	#N/A	5.07
1683.	92053028	#N/A	5.08
1684.	92053029	#N/A	10.23
1685.	92053030	#N/A	5.24
1686.	92053031	#N/A	6.15
1687.	92053032	#N/A	5.56
1688.	92053033	#N/A	6.81
1689.	92053034	#N/A	5.83
1690.	92053035	#N/A	11.24
1691.	92053036	#N/A	21.08
1692.	92053037	#N/A	5.29
1693.	92053038	#N/A	20.67
1694.	92053039	#N/A	15.60
1695.	92053040	#N/A	5.07
1696.	92053041	#N/A	5.04
1697.	92053042	#N/A	10.57
1698.	92053043	#N/A	10.12
1699.	92053044	#N/A	10.17
1700.	92053045	#N/A	10.46
1701.	92053046	#N/A	10.24
1702.	92053047	#N/A	5.16
1703.	92053048	#N/A	10.62
1704.	92053049	#N/A	9.36
1705.	92053050	#N/A	1.38
1706.	92053051	#N/A	5.62
1707.	92053052	#N/A	10.47
1708.	92053053	#N/A	5.20
1709.	92053054	#N/A	5.21
1710.	92053055	#N/A	10.46
1711.	92053056	#N/A	5.11
1712.	92053057	#N/A	10.40

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
1713.	92053058	#N/A	10.21
1714.	92053061	#N/A	2.25
1715.	92053062	#N/A	2.69
1716.	92053063	#N/A	15.06
1717.	92053065	#N/A	20.21
1718	92053066	#N/A	4.83
1719	92053067	#N/A	10.01
1720	92053068	#N/A	0.25
1721.	94002008	49.24	32.95
1722.	94003001	876.50	875.14
1723.	94003003	39.45	38.89
1724.	94004002	13.49	12.11
1725.	94004003	3.63	3.63
1726	94004004	560.14	560.14
1727.	94004007	14.77	14.77
1728.	94004008	1.63	0.98
1729.	94004009	205.38	205.38
1730.	94004010	109.42	109.42
1731.	94004011	43.72	43.72
1732.	94004012	534.13	534.13
1733.	94004019	59.54	57.09
1734.	94005010	32.12	11.15
1735.	94005050	0.40	0.40
1736.	94005052	50.24	20.25
1737.	94005069	17.66	17.49
1738.	94005090	34.75	34.47
1739.	94005091	34.76	34.64
1740.	94005092	34.39	32.77
1741.	94005095	23.76	9.46
1742.	94005096	39.09	38.57
1743.	94005097	210.85	191.83
1744.	94006003	1.68	2.23
1745.	~~94006029~~	~~145.16~~	~~212.65~~
1746.	94006041	0.21	0.21
1747.	94006043	7.00	6.945
1748.	94007025	0.29	0.29
1749.	94007044	6.90	6.13
1750.	94007045	3.64	3.59
1751.	94056109	1.80	1.80
1752.	95001086	51.22	48.40

	TMK PARCEL	PARCEL SIZE (ACRES)	IAL ACREAGE (ACRES)
1753.	95001087	94.32	94.28
1754.	95002003	163.00	162.96
1755.	95002062	47.36	9.16
1756.	95003001	642.00	632.85
1757.	95003002	7.62	7.62
1758.	95003007	91.20	91.20
1759.	95003009	3.41	3.41
1760.	95003010	128.98	31.49
1761.	95003012	5.00	2.65
1762.	95003013	9.08	5.59
1763.	95003017	344.00	342.36
1764.	95003018	402.00	397.48
1765.	95003019	137.00	137.07
1766.	95046041	21.55	0.59
1767.	98011014	29.82	10.97
1768.		#N/A	15.39
1769.		#N/A	0.10
1770.		#N/A	0.11
1771.		#N/A	1.80
1772.		#N/A	0.16
1773.		#N/A	0.02
1774.		#N/A	0.02
1775.		#N/A	0.74
1776.		#N/A	0.59
1777.		#N/A	0.52
1778.		#N/A	0.54
1779.		#N/A	0.50
1780.		#N/A	8.72
1781.		#N/A	1.68

THE ORIGINAL OF THIS DOCUMENT
RECORDED AS FOLLOWS:
STATE OF HAWAII
BUREAU OF CONVEYANCES
DATE Doc A-46100932
DOCUMENT N August 15, 2012 9:00 AM

LAND COURT SYSTEM | REGULAR SYSTEM

AFTER RECORDATION: RETURN BY MAIL ( ) PICK UP (✓)

Matsubara – Kotake
Attorneys at Law, A Law Corporation
888 Mililani Street, Eighth Floor
Honolulu, Hawai`i 96813
Telephone: (808) 526-9566
Attention: Benjamin M. Matsubara

LAND USE COMMISSION
STATE OF HAWAII
2012 AUG 15 A 10:20

TITLE OF DOCUMENT: DECLARATION OF CONDITIONS

Total Pages: 53

DECLARATION OF CONDITIONS

CASTLE & COOKE HOMES HAWAI'I, INC., a Hawai'i corporation, the business address of which is 680 Iwilei Road, Suite 510, Honolulu, Hawai'i 96817, as Petitioner of that certain Petition For District Boundary Amendment in Docket No. A11-793 of the Land Use Commission of the State of Hawai'i, affecting those certain lands, approximately 767.649 acres of land situated in Waipio and Waiawa, Island of O`ahu,

State of Hawai`i, more particularly identified as Tax Map Key Nos. 9-4-06:portion of 1, portion of 2, portion of 3, portion of 5, portion of 29, portion of 31, 38, portion of 39; 9-5-03:portion of 1 and portion of 4; and 9-6-04:21, as shown on map marked Exhibit "A" and more particularly described in Exhibit "B", both of which are attached hereto and incorporated herein by reference (hereinafter referred to as "Property"), does hereby certify pursuant to Section 15-15-92, Hawai'i Administrative Rules, as follows:

THAT by Findings of Fact, Conclusions of Law, and Decision and Order, entered June 21, 2012, in Docket No. A11-793, the Land Use Commission reclassified approximately 576.435 acres of land, situated at Waipi'o, island of O`ahu, State of Hawai`i, identified as Tax Map Keys: 9-4-06: portion of 1, portion of 2, portion of 3, portion of 5, 38, and portion of 39 and 9-5-03: portion of 1 and portion of 4, and known as "Koa Ridge Makai, Increment 1" from the State Land Use Agricultural District to the State Land Use Urban District, and approved approximately 191.214 acres of land at Waiawa, island of O`ahu, State of Hawai`i, identified as Tax Map Keys: 9-4-06: portion of 29 and portion of 31 and 9-6-04:21, and known as "Castle & Cooke Waiawa, Increment 2" for incremental redistricting from the State Land Use Agricultural District to the State Land Use Urban District pursuant to HAR section 15-15-78., as shown on Exhibit "A".

AND THAT by Findings of Fact, Conclusions of Law, and Decision and Order, entered June 21, 2012 ("Decision and Order"), it was further ordered that the

reclassification from Agricultural District to the Urban District shall be subject to the following conditions. Capitalized terms used herein and not otherwise defined herein shall have the respective meaning assigned thereto in the Decision and Order.

1. **Affordable Housing**. Petitioner shall provide affordable housing opportunities for residents of the State of Hawai`i in accordance with the applicable affordable housing requirements of the City. The location and distribution of the affordable housing or other provisions for affordable housing shall be under such terms as may be mutually agreeable between Petitioner and the City.

2. **Compliance with section HRS 205-3.5, Relating to Agricultural Uses on Adjacent Agricultural Land.** For all land in the Petition Area or any portion thereof that is adjacent to land in the State Land Use Agricultural District, Petitioner shall comply with the following:

A. Petitioner and its successors and assigns shall not take any action that would interfere with or restrain farming operations conducted in a manner consistent with generally accepted agricultural and management practices on adjacent or contiguous lands in the State Land Use Agricultural District. For the purpose of these conditions, "farming operations" shall have the same meaning as provided in HRS section 165-2; and

B. Petitioner shall notify all prospective developers or purchasers of land or interest in land in the Petition Area, and provide or require subsequent notice to

lessees or tenants of the land, that farming operations and practices on adjacent or contiguous land in the State Land Use Agricultural District are protected under HRS chapter 165, the Hawai`i Right to Farm Act. The notice shall disclose to all prospective buyers, tenants, or lessees of the Petition Area that potential nuisances from noise, odors, dust, fumes, spray, smoke, or vibration may result from agricultural uses on adjacent lands. The notice shall be included in any disclosure required for the sale or transfer of real property or any interest in real property.

3. **Integrated Solid Waste Management Plan**. Petitioner shall cooperate with the DOH and the City to conform to the program goals and objectives of HRS chapter 342G and the City's approved integrated solid waste management plan in accordance with a schedule and timeframe satisfactory to the DOH. Petitioner shall, in coordination with appropriate State and City government agencies, plan and establish solid waste recycling facilities within the Petition Area.

4. **Water Resources Allocation**. Petitioner shall provide drinking water source, storage, and transmission facilities and improvements, and to the extent feasible, non-drinking water system improvements, to accommodate development of the Petition Area, to the satisfaction of the BWS and other appropriate State and City agencies.

5. **Water Conservation Measures**. Petitioner shall implement water conservation measures and BMPs, such as use of endemic, indigenous and drought-

tolerant plants and turf, and incorporate such measures into the Petition Area's site design and landscaping.

6. **Wastewater.** Petitioner shall develop a wastewater collection and transmission system and other sewer improvements in the Petition Area and offsite, as required by the DOH and the City.

7. **Environmental Site Investigation and Remediation**. Petitioner, in consultation with the DOH, Office of Hazard Evaluation and Emergency Response, shall undertake an environmental site investigation for each Increment of the Petition Area, and undertake reasonable measures or cause to have reasonable measures undertaken to remediate any environmental contamination hazards identified.

8. **Civil Defense**. Petitioner shall fund and construct adequate solar-powered civil defense measures serving the Petition Area prior to the delivery of the first residential unit, as determined by the DOD, OCD, and the City Civil Defense Agency.

9. **Air Quality Monitoring**. Petitioner shall participate in an air quality monitoring program if required by the DOH.

10. **Stormwater Management and Drainage**. Petitioner shall fund, design, construct, and maintain stormwater and drainage system improvements, including offsite detention basins, to prevent runoff from adversely affecting State highway facilities, downstream properties, and receiving gulches, streams, estuaries, and coastal

waters consistent with all federal, State, and City laws. Petitioner shall design, construct, and maintain "green infrastructure" to the extent practical and feasible and to the extent allowed by the City, and incorporate such measures into the Petition Area's site design and landscaping.

11. **Highways.** Petitioner shall fund, construct, and implement all transportation improvements and measures required to mitigate impacts to state roadway facilities caused by the Project as set forth in an MOA agreed to and executed between the DOT and Petitioner. Petitioner shall submit an updated TIAR to the DOT prior to application for a zone change. Petitioner shall obtain acceptance of the Project's TIAR from DOT and shall execute the MOA prior to final subdivision approval of the initial phase of onsite development by Petitioner. The executed MOA shall contain language that ensures that identified transportation improvements will be built concurrently with the commercial and residential improvements.

Petitioner shall fund and implement transportation improvements and mitigation measures that will alleviate the impacts generated by the Project as recommended or required by the revised TIAR and any required updates accepted by the DOT, consistent with the MOA, all at no cost to the State.

Recommendations for mitigation shall also include Petitioner's pro rata contribution to the cost of regional improvements to state highways and/or traffic

mitigation measures that will help to alleviate the transportation impacts generated by the Project, as determined by Petitioner and DOT and consistent with the MOA.

Petitioner shall complete design and construction of the Pineapple Road Interchange including all associated on and offramps and necessary freeway improvements in accordance with a development threshold or schedule acceptable to DOT, but no later than a development threshold for Koa Ridge Makai of 1,800 residential units with up to 328,000 square feet of commercial floor area. After the 1,800th residential unit is completed or after the 328,000 square feet of commercial floor area is completed, whichever comes first, the Pineapple Interchange and all on and offramps and freeway improvements shall be completed and operational before any further residential units or commercial space is occupied.

Petitioner shall close and remove, at its cost, the temporary RIRO only access to Kamehameha Highway upon completion of the proposed Pineapple Road Interchange, unless otherwise allowed by DOT and subject to any federal and State requirements.

12. **Public School Facilities**. Petitioner shall contribute to the development, funding, and/or construction of school facilities in compliance with the Educational Contribution Agreement for Castle & Cooke Waiawa and Koa Ridge Makai dated June 13, 2008, between Petitioner and the DOE.

13. **Archaeological and Historic Preservation**. Petitioner shall comply with the conditions recommended and approved by the SHPD, prior to issuance of any

permit for grubbing and grading. Petitioner shall confirm in writing to the Commission that the SHPD has found Petitioner's preservation mitigation commitments to be acceptable and has determined that any required historic preservation measures have been successfully implemented.

14. **Previously Unidentified Burials and Archaeological/Historic Sites**. In the event that historic resources, including human skeletal remains, are identified during construction activities, all work shall cease in the immediate vicinity of the find, the find shall be protected from additional disturbance, and the SHPD, O`ahu Island Section, shall be contacted immediately. Without any limitation to any other condition found herein, if any burials or archaeological or historic sites, such as artifacts, marine shell concentrations, charcoal deposits, stone platforms, paving, and walls not previously identified in studies referred to herein, are discovered during the course of construction of the Project, all construction activity in the vicinity of the discovery shall stop until the issuance of an archaeological clearance from the SHPD that mitigative measures have been implemented to its satisfaction.

15. **Established Access Rights Protected**. Petitioner shall preserve any established access rights of Native Hawaiians who have customarily and traditionally used the Petition Area to exercise subsistence, cultural, and religious practices, or for access to other areas.

16. **Sustainability.** Petitioner shall comply with the implementation of the Sustainability Plan, Petitioner's Exhibit 14.

17. **Energy Conservation Measures.** Petitioner shall implement to the extent feasible and practicable measures to promote energy conservation, sustainable design, and environmental stewardship, such as use of solar energy and solar heating, consistent with the standards and guidelines promulgated by the Building Industry Association of Hawai`i, the USGBC, the Hawai`i Commercial Building Guidelines for Energy Star, and Green Communities into the design and construction of the Project and the structures within the Petition Area. Petitioner shall also provide information to home purchasers regarding energy conservation measures that may be undertaken by the individual homeowners.

18. **Recreational Facilities.** Petitioner shall comply with the Park Dedication requirements of the City as approved by the Director of Parks and Recreation.

19. **BMPs.** Petitioner shall implement all appropriate BMPs applicable to each proposed land use to minimize infiltration and runoff from construction and vehicle operations, reduce or eliminate soil erosion and ground water pollution, and formulate dust control measures to be implemented during and after the development process in accordance with DOH guidelines and City ordinances and rules.

20. **Maintenance of Access to the WCF.** Petitioner shall ensure that the WCF is accessible to road traffic at all times during the construction and full buildout of Castle & Cooke Waiawa.

21. **Notification of Proximity to the WCF.** Petitioner shall notify and disclose to all prospective buyers and/or lessees of Castle & Cooke Waiawa, as part of any conveyance document (deeds, leases, etc.) of the proximity of Castle & Cooke Waiawa to the WCF, and that there are inherent operational consequences of a correctional facility, including additional traffic on visiting days and shift changes, potential escapes, and the presence of work release or furloughed inmates.

22. **Waiāhole Ditch.** Petitioner shall enter into a memorandum of agreement with the ADC that includes the following terms and conditions: (1) the Waiāhole Ditch shall be covered or placed underground; (2) the surface and aboveground areas of the easement of the Waiāhole Ditch where it traverses the Petition Area shall be maintained by Petitioner and its successors and not the ADC; (3) delivery of Waiāhole Ditch water shall not be interrupted or impaired during construction and operation of the Project; and (4) ADC and/or DOA shall have reasonable access when necessary to repair, maintain, or improve the Waiāhole Ditch.

23. **Compliance with Representations to the Commission.** Petitioner shall develop the Petition Area of each Increment in substantial compliance with the representations made to the Commission. Failure to so develop the Petition Area of

either Increment may result in reversion of the Petition Area of the subject Increment to its former classification, or change to a more appropriate classification.

24. **Infrastructure Deadline**. Petitioner shall complete construction of the proposed backbone infrastructure required for each Increment, which consists of the primary roadways and access points, internal roadways, and water supply, sewer, stormwater and drainage and electrical infrastructure within ten years from the date of the Decision and Order approving the reclassification of the subject Increment.

25. **Order to Show Cause**. If Petitioner fails to complete the proposed backbone infrastructure within ten years from the date of the Decision and Order approving reclassification of the subject Increment, the Commission may issue and serve upon Petitioner an Order to Show Cause and Petitioner shall appear before the Commission to explain why the Petition Area of the subject Increment should not revert to its previous State Land Use Agricultural District classification, or be changed to a more appropriate classification.

26. **Notice of Change of Ownership**. Petitioner shall give notice to the Commission of any intent to sell, lease, assign, place in trust, or otherwise voluntarily alter the ownership interests in the Petition Area, at any time prior to completion of development of the Petition Area.

27. **Annual Reports**. Petitioner shall timely provide without any prior notice, annual reports to the Commission, OP, and the City, and their respective successors, in

connection with the status of the development of the Petition Area and Petitioner's progress in complying with the conditions imposed herein. The annual report shall be submitted in a form prescribed by the Executive Officer of the Commission. The annual report shall be due on or before the anniversary date of the Decision and Order for the reclassification of the Petition Area.

28. **Release of Conditions**. The Commission may fully or partially release the conditions provided herein as to all or any portion of the Petition Area upon timely motion and upon the provision of adequate assurance of satisfaction of these conditions by Petitioner or its successors and assigns.

29. **Notice of Imposition of Conditions**. Within seven days of issuance of the Commission's Decision and Order for the subject reclassification, Petitioner shall: (a) record with the Bureau of Conveyances of the State of Hawai`i a statement that the Petition Area is subject to the conditions imposed herein by the Commission in the reclassification of the Petition Area; and (b) file a copy of such recorded statement with the Commission.

30. **Recordation of Conditions**. Petitioner shall record the conditions imposed herein by the Commission with the Bureau of Conveyances pursuant to HAR section 15-15-92.

This Declaration of Conditions shall supersede the Notice of Imposition of Conditions by the Commission dated June 26, 2012, a copy of which was recorded in the

Bureau of Conveyances of the State of Hawai'i as Document No. A-45610754, upon the recordation at the Bureau of Conveyances of this Declaration of Conditions.

Dated: Honolulu, Hawai`i, August 10, 2012.

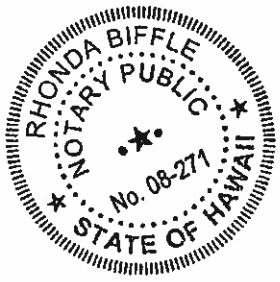
Castle & Cooke Homes Hawaii, Inc.

By _____
W. BRUCE BARRETT
Its Executive Vice President

By _____
RICHARD K. MIRIKITANI
Its Senior Vice President and Secretary

STATE OF HAWAI`I)
)
CITY & COUNTY OF HONOLULU) ss:

On this 10th day of August, 2012, before me personally appeared W. BRUCE BARRETT, to me known, who, being by me duly sworn, did say that he is an Executive Vice President of CASTLE & COOKE HOMES HAWAII, INC., and that said instrument was signed on behalf of said corporation by authority of its Board of Directors, and said officer acknowledged said instrument to be the free act and deed of said corporation.



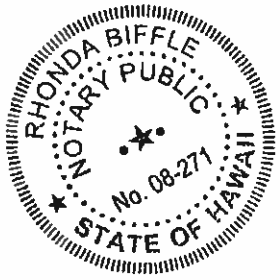
Rhonda Biffle

Name: Rhonda Biffle
Notary Public, State of Hawai`i

My Commission Expires: 8/3/2016

STATE OF HAWAII NOTARY CERTIFICATION

Doc. Description: Declaration of Conditions
Date of Document: Aug. 10, 2012 # Pages: 53
Date of Notarization: Aug. 10, 2012



Rhonda Biffle
Notary Public Signature
Print Name: Rhonda Biffle
Notary Public, State of Hawai`i, First Judicial Circuit
Notary Commission No. 08-271 (Stamp or Seal)

STATE OF HAWAI`I)
) ss:
CITY & COUNTY OF HONOLULU)

On this 10th day of August, 2012, before me personally appeared RICHARD K. MIRIKITANI, to me known, who, being by me duly sworn, did say that he is the Senior Vice President and Secretary of CASTLE & COOKE HOMES HAWAII, INC., and that said instrument was signed on behalf of said corporation by authority of its Board of Directors, and said officer acknowledged said instrument to be the free act and deed of said corporation.

Rhonda Biffle

RHONDA BIFFLE NOTARY PUBLIC No. 08-271 STATE OF HAWAII

Name: Rhonda Biffle
Notary Public, State of Hawai`i

My Commission Expires: 8/3/2016

STATE OF HAWAII NOTARY CERTIFICATION

Doc. Description: Declaration of Conditions
Date of Document: Aug. 10, 2012 # Pages: 53
Date of Notarization: Aug. 10th, 2012

Rhonda Biffle
Notary Public Signature
Print Name: Rhonda Biffle
Notary Public, State of Hawai`i, First Judicial Circuit
Notary Commission No. 08-271

RHONDA BIFFLE NOTARY PUBLIC No. 08-271 STATE OF HAWAII

(Stamp or Seal)

EXHIBIT "A"

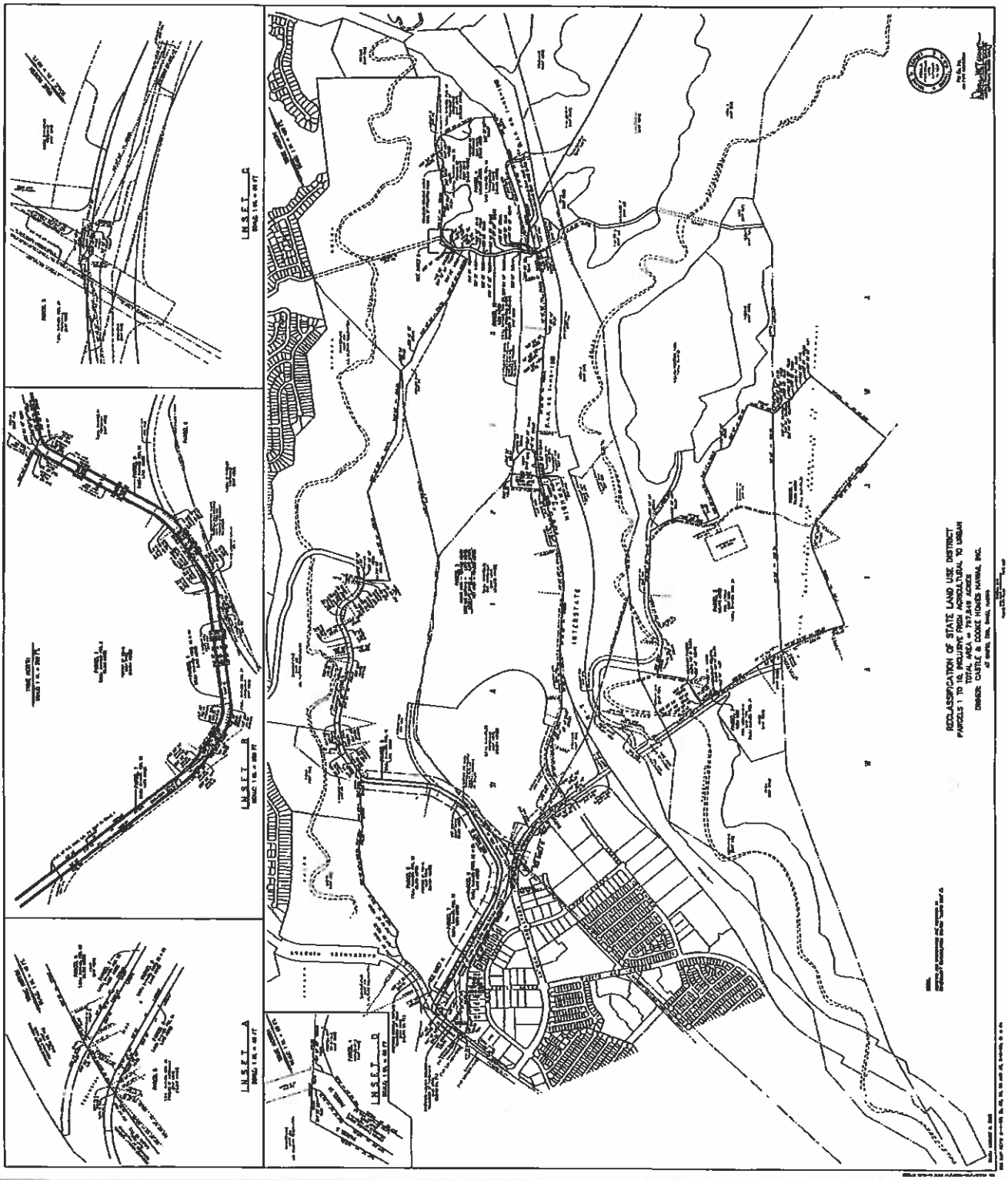

RECLASSIFICATION OF STATE LAND USE DISTRICT
PARCELS 1 TO 10, INCLUSIVE FROM AGRICULTURAL TO URBAN
TOTAL AREA = 757.848 ACRES
DINNER: CASTLE & COOKE HOMES HAWAII, INC.
INSET A
INSET B
INSET C
INSET D
INTERSTATE

EXHIBIT "B"

DESCRIPTION
Parcel 1
Reclassification of State Land Use District
Agricultural to Urban

Real property situate at Waiawa, Ewa, Oahu, Hawaii

Being a portion of Royal Patent 4475, Land Commission Award 7713, Apana 46 to V. Kamamalu, (Certificate of Boundaries 73), and more particularly described as follows:

Beginning at the most southwesterly corner of this parcel of land, being the most southeasterly corner of Lot 4205-A (Map 652) of Land Court Application 1000, the coordinates of said point of beginning referred to Government Survey Triangulation Station "WAIPIO UKA" being 6,398.85 feet South and 7,183.63 feet East, thence running by azimuths measured clockwise from True South:

1.	201°	09'		2,421.33 feet	along said Lot 4205-A;
2.	203°	19'		929.82 feet	along said Lot 4205-A;
3.	276°	22'		27.39 feet	along the remainder of Royal Patent 4475, Land Commission Award 7713, Apana 46 to V. Kamamalu, (Certificate of Boundaries 73);
4.	262°	46'	30"	25.03 feet	along the remainder of Royal Patent 4475, Land Commission Award 7713, Apana 46 to V. Kamamalu, (Certificate of Boundaries 73);
5.	251°	08'	30"	92.52 feet	along the remainder of Royal Patent 4475, Land Commission Award 7713, Apana 46 to V. Kamamalu, (Certificate of Boundaries 73);
6.	242°	46'		71.44 feet	along the remainder of Royal Patent 4475, Land Commission Award 7713, Apana 46 to V. Kamamalu, (Certificate of Boundaries 73);

7.	265°	51'		55.89 feet	along the remainder of Royal Patent 4475, Land Commission Award 7713, Apana 46 to V. Kamamalu, (Certificate of Boundaries 73);
8.	261°	40'	30"	55.87 feet	along the remainder of Royal Patent 4475, Land Commission Award 7713, Apana 46 to V. Kamamalu, (Certificate of Boundaries 73);
9.	256°	38'		12.37 feet	along the remainder of Royal Patent 4475, Land Commission Award 7713, Apana 46 to V. Kamamalu, (Certificate of Boundaries 73);
10.	221°	09'	30"	15.38 feet	along the remainder of Royal Patent 4475, Land Commission Award 7713, Apana 46 to V. Kamamalu, (Certificate of Boundaries 73);
11.	240°	35'		99.89 feet	along the remainder of Royal Patent 4475, Land Commission Award 7713, Apana 46 to V. Kamamalu, (Certificate of Boundaries 73);
12.	245°	44'		76.57 feet	along the remainder of Royal Patent 4475, Land Commission Award 7713, Apana 46 to V. Kamamalu, (Certificate of Boundaries 73);
13.	238°	53'		67.42 feet	along the remainder of Royal Patent 4475, Land Commission Award 7713, Apana 46 to V. Kamamalu, (Certificate of Boundaries 73);
14.	250°	07'		163.60 feet	along the remainder of Royal Patent 4475, Land Commission Award 7713, Apana 46 to V. Kamamalu, (Certificate of Boundaries 73);
15.	251°	36'	30"	6.64 feet	along the remainder of Royal Patent 4475, Land Commission Award 7713, Apana 46 to V. Kamamalu, (Certificate of Boundaries 73);

16. 333° 26' 30" 1,371.14 feet along the remainder of Royal Patent 4475, Land Commission Award 7713, Apana 46 to V. Kamamalu, (Certificate of Boundaries 73);

17. 63° 26' 30" 1,508.61 feet along the remainder of Royal Patent 4475, Land Commission Award 7713, Apana 46 to V. Kamamalu, (Certificate of Boundaries 73);

18. Thence along a curve to the left having a radius of 400.00 feet, along the remainder of Royal Patent 4475, Land Commission Award 7713, Apana 46 to V. Kamamalu, (Certificate of Boundaries 73), the chord azimuth and distance being: 32° 15' 15" 414.27 feet;

19. 1° 04' 1,141.01 feet along the remainder of Royal Patent 4475, Land Commission Award 7713, Apana 46 to V. Kamamalu, (Certificate of Boundaries 73);

20. 95° 22' 191.99 feet along the remainder of Royal Patent 4475, Land Commission Award 7713, Apana 46 to V. Kamamalu, (Certificate of Boundaries 73);

21. Thence along a curve to the left having a radius of 4,166.37 feet, along the remainder of Royal Patent 4475, Land Commission Award 7713, Apana 46 to V. Kamamalu, (Certificate of Boundaries 73), the chord azimuth and distance being: 89° 58' 33.75" 782.82 feet, to the point of beginning and containing an area of 73.368 acres.

DESCRIPTION
Parcel 2
Reclassification of State Land Use District
Agricultural to Urban

Real property situate at Waipio, Ewa, Oahu, Hawaii

Being a portion of Lot 4205-A as shown on Map 652 of Land Court Application 1000, and more particularly described as follows:

Beginning at the most southeasterly corner of this parcel of land, being the most southeasterly corner of said Lot 4205-A, the coordinates of said point of beginning referred to Government Survey Triangulation Station "WAIPIO UKA" being 6,398.85 feet South and 7,183.63 feet East, thence running by azimuths measured clockwise from True South:

1.	Thence along Lot 16461 (Map 1057) of Land Court Application 1000, along a curve to the left having a radius of 4,166.37 feet, the chord azimuth and distance being: 81° 44' 54.75" 412.41 feet;				
2.	78°	54'	42"	638.08 feet	along said Lot 16461, along Lot 16462 (Map 1057) of Land Court Application 1000;
3.	113°	15'		11.27 feet	along Lot 4206-A-3-A as shown on Map 731 of land Court Application 1000;
4.	Thence along the top of gulch, along Lot 4206-A-3-A as shown on Map 731 of Land Court Application 1000, the direct azimuth and distance being: 134° 43' 520.82 feet;				
5.	122°	35'		381.00 feet	along said Lot 4206-A-3-A;
6.	212°	35'		408.00 feet	along the remainder of said Lot 4205-A;

7.	Thence along Lot 4204-A (Map 513) of Land Court Application 1000, along a curve to the left having a radius of 308.00 feet, the chord azimuth and distance being: 190° 17' 30" 233.66 feet;				
8.	Thence along said Lot 4204-A, along a curve to the right having a radius of 772.00 feet, the chord azimuth and distance being: 187° 00' 502.68 feet;				
9.	206°	00'		900.49 feet	along said Lot 4204-A, along Lot 1300-A (Map 270) of Land Court Application 1000;
10.	261°	35'	40"	268.44 feet	along the remainder of said Lot 4205-A;
11.	275°	55'	40"	165.84 feet	along the remainder of said Lot 4205-A;
12.	306°	22'	40"	375.87 feet	along the remainder of said Lot 4205-A;
13.	270°	00'		241.01 feet	along the remainder of said Lot 4205-A;
14.	180°	00'		568.88 feet	along the remainder of said Lot 4205-A;
15.	228°	43'		443.31 feet	along the remainder of said Lot 4205-A;
16.	273°	22'	50"	184.31 feet	along the remainder of said Lot 4205-A;
17.	228°	01'		661.46 feet	along the remainder of said Lot 4205-A;
18.	312°	45'	30"	377.33 feet	along the remainder of said Lot 4205-A;
19.	23°	19'		929.82 feet	along Royal Patent 4475, Land Commission Award 7713, Apana 46 to V. Kamamalu, (Certificate of Boundaries 73);

20.	21°	09'	2421.33 feet	along Royal Patent 4475, Land Commission Award 7713, Apana 46 to V. Kamamalu, (Certificate of Boundaries 73), to the point of beginning and containing an area of 117.488 acres.

DESCRIPTION
Parcel 3
Reclassification of State Land Use District
Agricultural to Urban

Real property situate at Waipio, Ewa, Oahu, Hawaii

Being a portion of Lot 4206-A-3-A as shown on Map 731 of Land Court Application 1000, and more particularly described as follows:

Beginning at the most easterly corner of this parcel of land, being the most easterly corner of said Lot 4206-A-3-A, the coordinates of said point of beginning referred to Government Survey Triangulation Station "WAIPIO UKA" being 6,398.85 feet South and 7,183.63 feet East, thence running by azimuths measured clockwise from True South:

1.	78°	54'	42"	339.37 feet	along Lot 16462 (Map 1057) of Land Court Application 1000;
2.	Thence along the remainder of said Lot 4206-A-3-A (Map 731), along a curve to the left having a radius of 30.00 feet, the chord azimuth and distance being: 213° 54' 42" 42.43 feet;				
3.	168°	54'	42"	97.13 feet	along the remainder of said Lot 4206-A-3-A;
4.	Thence along the remainder of said Lot 4206-A-3-A, along a curve to the right having a radius of 1,057.00 feet, the chord azimuth and distance being: 173° 59' 50" 187.39 feet;				
5.	Thence along the top of gulch, along Lot 4205-A as shown on Map 652 of Land Court Application 1000, the direct azimuth and distance being: 306° 14' 418.16 feet;				
6.	293°	15'		11.27 feet	along said Lot 4205-A, to the point of beginning and containing an area of 0.358 acre.

DESCRIPTION

Parcel 4
Reclassification of State Land Use District
Agricultural to Urban

Real property situated at Waipio, Ewa, Oahu, Hawaii

Being portions of Lots 97-B-4-C and 1-A-22-C-2 and all of Lots 1-A-22-D-2 and 1-A-22-E-3 all lots shown on Map 1047 of Land Court Application 1000, and more particularly described as follows:

Beginning at the most southeasterly corner of this parcel of land, on the westerly side of Interstate Highway H-2 (F.A.P. No. 1-H2-1(4)), being also the most southeasterly corner of said Lot 1-A-22-E-3, the coordinates of said point of beginning referred to Government Survey Triangulation Station "WAIPIO UKA" being 144.09 feet North and 6,268.17 feet East, thence running by azimuths measured clockwise from True South:

1.	107°	09'	30"	60.70 feet	along Lot 14676-A-1 (Map 1092) of Land Court Application 1000;
2.	122°	02'		52.52 feet	along Lot 14676-A-1 (Map 1092) of Land Court Application 1000;
3.	122°	03'		177.92 feet	along Lot 14676-A-1 (Map 1092) of Land Court Application 1000;
4.	99°	04'	30"	292.95 feet	along Lot 14676 -A-1 (Map 1092) of Land Court Application 1000;
5.	113°	19'	30"	124.17 feet	along Lot 14676-A-1 (Map 1092) of Land Court Application 1000;
6.	125°	23'		69.22 feet	along Lot 14676-A-1 (Map 1092) of Land Court Application 1000;
7.	141°	27'		143.61 feet	along Lot 14676-A-1 (Map 1092) of Land Court Application 1000;
8.	123°	05'		74.75 feet	along Lot 14676-A-1 (Map 1092) of Land Court Application 1000;

9.	106°	36'		127.84 feet	along Lot 14676-A-1 (Map 1092) of Land Court Application 1000;
10.	129°	24'	30"	64.16 feet	along Lot 14676-A-1 (Map 1092) of Land Court Application 1000;
11.	147°	28'		114.55 feet	along Lot 14676-A-1 (Map 1092) of Land Court Application 1000;
12.	166°	12'	30"	88.35 feet	along Lot 14676-A-1 (Map 1092) of Land Court Application 1000;
13.	134°	29'	30"	43.33 feet	along Lot 14676-A-1 (Map 1092) of Land Court Application 1000;
14.	206°	21'		670.23 feet	along Lot 1-A-22-J-2 (Map 30) of Land Court Application 1000;
15.	337°	36'		37.26 feet	along the remainder of Lot 97-B-4-C (Map 1047) of Land Court Application 1000;

Thence along Lot 97-B-4-C (Map 1047) of Land Court Application 1000, along the edge of pineapple field fields for the next three (3) courses, the direct azimuths and distances between points of said edge of pineapple being:

16.	200° 47'	402.18 feet;
17.	185° 22' 30"	303.75 feet;
18.	243° 40'	129.80 feet;

19.	266°	10'		511.65 feet	along the remainder of Lot 97-B-4-C (Map 1047) of Land Court Application 1000;
20.	Thence along Lot 97-B-4-C (Map 1047) of Land Court Application 1000, along the edge of pineapple field fields, the direct azimuth and distance being: 289° 38' 30" 263.27 feet;				
21.	358°	33'	32"	289.70 feet	along the westerly side of Interstate Highway H-2 (F.A.P. No. 1-H2-1(4));
22.	5°	16'	42"	993.24 feet	along the westerly side of Interstate Highway H-2 (F.A.P. No. 1-H2-1(4));

23.	10°	06'	42"	698.82 feet	along the westerly side of Interstate Highway H-2 (F.A.P. No. 1-H2-1(4)), to the point of beginning and containing an area of 43.487 acres, more or less.

DESCRIPTION
Parcel 5
Reclassification of State Land Use District
Agricultural to Urban

Real property situated at Waipio, Ewa, Oahu, Hawaii

Being portions of Lots 14676-A-1 and 14676-A-3 and all of Lot 14676-A-2 as shown on Map 1092 of Land Court Application 1000, and more particularly described as follows:

Beginning at the most southerly corner of this parcel of land, being the most northerly corner of Lot 7871-A (Map 982) and the most westerly corner of Lot 7833 (Map 510) of Land Court Application 1000, the coordinates of said point of beginning referred to Government Survey Triangulation Station "WAIPIO UKA" being 9,581.33 feet South and 902.60 feet East, thence running by azimuths measured clockwise from True South:

1.	151° 55'	223.91 feet	along the remainder of said Lot 14676-A-3;
2.	Thence along the remainder of said Lot 14676-A-3, on a curve to the right with a radius of 1000.00 feet, the chord azimuth and distance being: 161° 18' 15" 326.22 feet, to a non-tangent curve to the right having a radius of 150.00 feet, its curve center bears 308° 36' 04";		
3.	Thence along said non-tangent curve to the right with a radius of 150.00 feet, along Exclusion 18 (Map 1) of Land Court Application 1000, the chord azimuth and distance being: 225° 55' 32" 38.25 feet;		
4.	233° 15'	1603.67 feet	along Exclusion 18 (Map 1) of Land Court Application 1000;
5.	Thence along Exclusion 18 (Map 1) of Land Court Application 1000, on a curve to the left with a radius of 785.00 feet, the chord azimuth and distance being: 223° 32' 30" 264.75 feet;		
6.	213° 50'	210.00 feet	along Exclusion 18 (Map 1) of Land Court Application 1000;

7. Thence along Exclusion 18 (Map 1) of Land Court Application 1000, on a curve to the left with a radius of 305.00 feet, the chord azimuth and distance being: 193° 30' 211.96 feet;

8. 173° 10' 790.00 feet along Exclusion 18 (Map 1) of Land Court Application 1000;

9. Thence along Exclusion 18 (Map 1) of Land Court Application 1000, on a curve to the left with a radius of 535.00 feet, the chord azimuth and distance being: 158° 35' 269.41 feet;

10. 144° 00' 270.00 feet along Exclusion 18 (Map 1) of Land Court Application 1000;

11. Thence along Exclusion 18 (Map 1) of Land Court Application 1000, on a curve to the left with a radius of 475.00 feet, the chord azimuth and distance being: 131° 15' 209.66 feet;

12. 118° 30' 860.00 feet along Exclusion 18 (Map 1) of Land Court Application 1000;

13. Thence along Exclusion 18 (Map 1) of Land Court Application 1000, on a curve to the right with a radius of 115.00 feet, the chord azimuth and distance being: 143° 35' 97.51 feet;

14. 168° 40' 320.00 feet along Exclusion 18 (Map 1) of Land Court Application 1000;

15. Thence along Exclusion 18 (Map 1) of Land Court Application 1000, on a curve to the right with a radius of 365.00 feet, the chord azimuth and distance being: 180° 05' 144.50 feet;

16. 191° 30' 225.00 feet along Exclusion 18 (Map 1) of Land Court Application 1000;

17. Thence along Exclusion 18 (Map 1) of Land Court Application 1000, on a curve to the right with a radius of 495.00 feet, the chord azimuth and distance being: 204° 10' 217.09 feet;

18. 216° 50' 750.00 feet along Exclusion 18 (Map 1) of Land Court Application 1000;

19. Thence along Exclusion 18 (Map 1) of Land Court Application 1000, on a curve to the left with a radius of 375.00 feet, the chord azimuth and distance being:
205° 00' 153.80 feet;

20. 193° 10' 150.00 feet along Exclusion 18 (Map 1) of Land Court Application 1000;

21. Thence along Exclusion 18 (Map 1) of Land Court Application 1000, on a curve to the left with a radius of 725.00 feet, the chord azimuth and distance being:
184° 10' 226.83 feet;

22. 175° 10' 80.00 feet along Exclusion 18 (Map 1) of Land Court Application 1000;

23. Thence along Exclusion 18 (Map 1) of Land Court Application 1000, on a curve to the right with a radius of 195.00 feet, the chord azimuth and distance being:
217° 25' 262.22 feet;

24. 259° 40' 122.80 feet along Exclusion 18 (Map 1) of Land Court Application 1000;

25. Thence along Exclusion 18 (Map 1) of Land Court Application 1000, on a curve to the left with a radius of 295.00 feet, the chord azimuth and distance being:
236° 20' 233.69 feet;

26. 213° 00' 71.40 feet along Exclusion 18 (Map 1) of Land Court Application 1000;

27. Thence along Exclusion 18 (Map 1) of Land Court Application 1000, on a curve to the left with a radius of 275.00 feet, the chord azimuth and distance being:
212° 50' 10" 1.57 feet;

28. 294° 02' 356.28 feet along Lot 1-A-22-J-2 (Map 30) of Land Court Application 1000;

29. 189° 26' 1286.20 feet along Lot 1-A-22-J-2 (Map 30) of Land Court Application 1000;

30.	229°	35'	30"	913.15 feet	along Lot 1-A-22-J-2 (Map 30) of Land Court Application 1000;
31.	207°	58'		883.30 feet	along Lot 1-A-22-J-2 (Map 30) of Land Court Application 1000;
32.	250°	39'		199.25 feet	along Lot 1-A-22-J-2 (Map 30) of Land Court Application 1000;
33.	225°	15'	30"	300.85 feet	along Lot 1-A-22-J-2 (Map 30) of Land Court Application 1000;
34.	238°	44'	30"	773.30 feet	along Lot 1-A-22-J-2 (Map 30) of Land Court Application 1000;
35.	229°	50'	30"	593.00 feet	along Lot 1-A-22-J-2 (Map 30) of Land Court Application 1000;
36.	142°	32'		442.80 feet	along Lot 1-A-22-J-2 (Map 30) of Land Court Application 1000;
37.	206°	21'		69.55 feet	along Lot 1-A-22-J-2 (Map 30) of Land Court Application 1000;
38.	314°	29'	30"	18.84 feet	along the remainder of Lot 14676-A-1 (Map 1092) of Land Court Application 1000;
39.	346°	12'	30"	83.59 feet	along the remainder of Lot 14676-A-1 (Map 1092) of Land Court Application 1000;
40.	327°	28'		127.51 feet	along the remainder of Lot 14676-A-1 (Map 1092) of Land Court Application 1000;
41.	309°	24'	30"	78.58 feet	along the remainder of Lot 14676-A-1 (Map 1092) of Land Court Application 1000;
42.	286°	36'		130.11 feet	along the remainder of Lot 14676-A-1 (Map 1092) of Land Court Application 1000;

43.	303°	05'		62.49 feet	along the remainder of Lot 14676-A-1 (Map 1092) of Land Court Application 1000;
44.	321°	27'		142.79 feet	along the remainder of Lot 14676-A-1 (Map 1092) of Land Court Application 1000;
45.	305°	23'		79.09 feet	along the remainder of Lot 14676-A-1 (Map 1092) of Land Court Application 1000;
46.	293°	19'	30"	133.39 feet	along the remainder of Lot 14676-A-1 (Map 1092) of Land Court Application 1000;
47.	279°	04'	30"	289.82 feet	along the remainder of Lot 14676-A-1 (Map 1092) of Land Court Application 1000;
48.	302°	03'		227.48 feet	along the remainder of Lot 14676-A-1 (Map 1092) of Land Court Application 1000;
49.	287°	09'	30"	70.96 feet	along the remainder of Lot 14676-A-1 (Map 1092) of Land Court Application 1000;
50.	10°	06'	42"	315.55 feet	along the westerly side of Interstate Highway (F.A.P. No. 1-H2-1(3));
51.	Thence along the westerly side of Interstate Highway (F.A.P. No. 1-H2-1(3)), on a curve to the right with a radius of 2399.98 feet, the chord azimuth and distance being: 19° 15' 12" 762.60 feet;				
52.	28°	23'	42"	151.71 feet	along the westerly side of Interstate Highway (F.A.P. No. 1-H2-1(3));
53.	118°	23'	42"	10.00 feet	along the westerly side of Interstate Highway (F.A.P. No. 1-H2-1(3));
54.	28°	23'	42"	200.00 feet	along the westerly side of Interstate Highway (F.A.P. No. 1-H2-1(3));

55. 298° 23' 42" 10.00 feet along the westerly side of Interstate Highway (F.A.P. No. 1-H2-1(3));

56. 28° 23' 42" 1088.01 feet along the westerly side of Interstate Highway (F.A.P. No. 1-H2-1(3));

57. Thence along the westerly side of Interstate Highway (F.A.P. No. 1-H2-1(3)), on a curve to the left with a radius of 2199.97 feet, the chord azimuth and distance being:
18° 43' 42" 738.82 feet;

58. 9° 03' 42" 951.06 feet along the westerly side of Interstate Highway (F.A.P. 1-H2-1(3));

59. Thence along the westerly side of Interstate Highway (F.A.P. No. 1-H2-1(3)), on a curve to the right with a radius of 2039.97 feet, the chord azimuth and distance being:
18° 09' 12" 644.69 feet;

60. 27° 14' 42" 830.36 feet along the westerly side of Interstate Highway (F.A.P. No. 1-H2-1(3));

61. 20° 02' 59" 609.30 feet along the westerly side of Interstate Highway (F.A.P. No. 1-H2-1(3));

62. Thence along the westerly side of Interstate Highway (F.A.P. No. 1-H2-1(3)), on a curve to the right with a radius of 749.98 feet, the chord azimuth and distance being:
32° 46' 20.5" 330.34 feet;

63. 45° 29' 42" 357.31 feet along the westerly side of Interstate Highway (F.A.P. No. 1-H2-1(3));

64. Thence along the westerly side of Interstate Highway (F.A.P. No. 1-H2-1(3)), on a curve to the left with a radius of 549.99 feet, the chord azimuth and distance being:
17° 12' 12" 521.35 feet;

65. 348° 54' 42" 262.37 feet along the westerly side of Interstate Highway (F.A.P. No. 1-H2-1(3));

66. Thence along the westerly side of Interstate Highway (F.A.P. No. 1-H2-1(3)), on a curve to the right with a radius of 50.00 feet, the chord azimuth and distance being:
33° 54' 42" 70.71 feet;

67. 78° 54' 42" 249.40 feet along the northerly side of Ka Uka Boulevard;

68. Thence along the northerly side of Ka Uka Boulevard, on a curve to the left with a radius of 1,240.00 feet, the chord azimuth and distance being:
62° 44' 12" 690.86 feet, to a non-tangent curve to the right with a radius of 20.00 feet, its curve center bears: 145° 09' 12";

69. Thence along said non-tangent curve to the right with a radius of 20.00, along the northerly side of Ka Uka Boulevard, the chord azimuth and distance being:
94° 52' 57" 25.57 feet;

70. 44° 36' 42" 56.00 feet along the northerly side of Ka Uka Boulevard, to a non-tangent curve to the right having a radius of 20.00 feet, its curve center bears: 44° 36' 42";

71. Thence along said non-tangent curve to the right with a radius of 20.00 feet, along the northerly side of Ka Uka Boulevard, the chord azimuth and distance being:
356° 19' 27" 26.62 feet, to a non-tangent curve to the left with a radius of 1,240.00 feet, its curve center bears: 312° 24';

72. Thence along said non-tangent curve to the left with a radius of 1,240.00 feet, along the northerly side of Ka Uka Boulevard, the chord azimuth and distance being:
29° 40' 17" 546.43 feet;

73. 53° 15' 1145.57 feet along Lots 7849, 7848, 7847, 7846, 7845, 7844, 7843, 7842 and 7841 (Map 510) of Land Court Application 1000;

74. Thence along Lots 7841 and 7840 (Map 510) of Land Court Application 1000, on a curve to the left with a radius of 470.96 feet, the chord azimuth and distance being:
39° 36' 30" 222.15 feet;

75. 25° 58' 180.38 feet along Lots 7840, 7839 and 7838 (Map 510) of Land Court Application 1000;

76. Thence along Lots 7838 and 7837 (Map 510) of Land Court Application 1000, on a curve to the left with a radius of 900.00 feet, the chord azimuth and distance being:
23° 19' 30" 82.96 feet;

77. 20° 41' 361.82 feet along Lots 7837, 7836, 7835 and 7834 (Map 510) of Land Court Application 1000;

78. Thence along Lot 7833 (Map 510) of Land Court Application 1000, on a curve to the right with a radius of 295.00 feet, the chord azimuth and distance being:
39° 34' 190.95 feet, to the point of beginning and containing a Gross Area of 438.432 Acres and Net Area of 434.552 Acres after subtracting 1.573 Acres and 2.307 Acres for Lots 14676-B (Map 1052) and 14677 (Map 904), respectively.

DESCRIPTION
Parcel 6
Reclassification of State Land Use District
Agricultural to Urban

Real property situated at Waipio, Ewa, Oahu, Hawaii

Being all of Lot 110-A and a portion of Lot 110-B as shown on Map 1096 of Land Court Application 1000, and more particularly described as follows:

Beginning at the most southerly corner of this parcel of land, on the southeasterly side of said Lot 110-B, having an azimuth and distance of 53° 15' 1,603.67 feet as shown on said Map 1096, and being 5.19 feet from the southwesterly terminus of said southeasterly side, the coordinates of said point of beginning referred to Government Survey Triangulation Station "WAIPIO UKA" being 8,989.00 feet South and 628.35 feet East, thence running by azimuths measured clockwise from True South:

1.	Thence along the remainder of said Lot 110-B, on a curve to the right with a radius of 1000.00 feet, the chord azimuth and distance being: 176° 55' 17" 44.63 feet;				
2.	178°	12'		200.66 feet	along the remainder of said Lot 110-B;
3.	Thence along the remainder of said Lot 110-B, on a curve to the left with a radius of 988.59 feet, the chord azimuth and distance being: 163° 14' 51" 510.15 feet;				
4.	174°	09'		116.63 feet	along Lot 942-B (Map 451) of Land Court Application 1000;
5.	184°	30'		153.35 feet	along Lot 942-B (Map 451) of Land Court Application 1000;
6.	218°	39'	30"	137.90 feet	along Lot 942-B (Map 451) of Land Court Application 1000;
7.	167°	38'		799.30 feet	along Lot 942-B (Map 451) of Land Court Application 1000;
8.	195°	10'	30"	550.75 feet	along Lot 942-B (Map 451) of Land Court Application 1000;

9.	214°	04'	273.30 feet	along Lot 942-B (Map 451) of Land Court Application 1000;
10.	199°	34'	380.30 feet	along Lots 942-B and 942-A (Map 451) of Land Court Application 1000;
11.	204°	04'	296.60 feet	along Lot 942-A (Map 451) of Land Court Application 1000, to a non-tangent curve to the left having a radius of 185.00 feet, its curve center bears: 238° 00' 40";
12.	Thence along said non-tangent curve to the left having a radius of 185.00 feet, along the westerly side of Exclusion 18 of Land Court Application 1000, the chord azimuth and distance being: 313° 15' 20" 94.24 feet;			
13.	298°	30'	860.00 feet	along the westerly side of Exclusion 18 of Land Court Application 1000;
14.	Thence along the westerly side of Exclusion 18 of Land Court Application 1000, on a curve to the right with a radius of 405.00 feet, the chord azimuth and distance being: 311° 15' 178.76 feet;			
15.	324°	00'	270.00 feet	along the westerly side of Exclusion 18 of Land Court Application 1000;
16.	Thence along the westerly side of Exclusion 18 of Land Court Application 1000, on a curve to the right with a radius of 465.00 feet, the chord azimuth and distance being: 338° 35' 234.16 feet			
17.	353°	10'	790.00 feet	along the westerly side of Exclusion 18 of Land Court Application 1000;
18.	Thence along the westerly side of Exclusion 18 of Land Court Application 1000, on a curve to the right with a radius of 235.00 feet, the chord azimuth and distance being: 13° 30' 163.32 feet;			
19.	33°	50'	210.00 feet	along the westerly side of Exclusion 18 of Land Court Application 1000;

20.	Thence along the westerly side of Exclusion 18 of Land Court Application 1000, on a curve to the right with a radius of 715.00 feet, the chord azimuth and distance being: 43° 32' 30" 241.14 feet;			
21.	53°	15'	1598.48 feet	along the westerly side of Exclusion 18 of Land Court Application 1000, to the point of beginning and containing an area of 88.760 acres.

DESCRIPTION
Parcel 7
Reclassification of State Land Use District
Agricultural to Urban

Real property situated at Waipio, Ewa, Oahu, Hawaii

Being a portion of Royal Patent 5732, Land Commission Award 8241 to Ioane II, being also a portion of Exclusion 18 of Land Court Application 1000, and more particularly described as follows:

Beginning at the most southwesterly corner of this parcel of land, on the southeasterly side of Lot 110-B as shown on Map 1096 of Land Court Application 1000, having an azimuth and distance of 53° 15' 1,603.67 feet, and being 5.19 feet from the southwesterly terminus of said southeasterly side, the coordinates of said point of beginning referred to Government Survey Triangulation Station "WAIPIO UKA" being 8,989.00 feet South and 682.35 feet East, thence running by azimuths measured clockwise from True South:

1. 233° 15' 1598.48 feet along Lot 110-B (Map 1096) of Land Court Application 1000;

2. Thence along Lot 110-B (Map 1096) of Land Court Application 1000, on a curve to the left with a radius of 715.00 feet, the chord azimuth and distance being:
223° 32' 30" 241.14 feet;

3. 213° 50' 210.00 feet along Lot 110 (Map 37) of Land Court Application 1000;

4. Thence along Lot 110-B (Map 1096) of Land Court Application 1000, on a curve to the left with a radius of 235.00 feet, the chord azimuth and distance being:
193° 30' 163.32 feet;

5. 173° 10' 790.00 feet along Lot 110-B (Map 1096) of Land Court Application 1000;

6. Thence along Lots 110-B and Lot 110-A (Map 1096) of Land Court Application 1000, on a curve to the left with a radius of 465.00 feet, the chord azimuth and distance being:
158° 35' 234.16 feet;

7.	144° 00'	270.00 feet	along Lots 110-A and 110-B (Map 1096) of Land Court Application 1000;
8.	Thence along Lot 110-B (Map 1096) of Land Court Application 1000, on a curve to the left with a radius of 405.00 feet, the chord azimuth and distance being: 131° 15' 178.76 feet;		
9.	118° 30'	860.00 feet	along Lot 110-B (Map 1096) of Land Court Application 1000;
10.	Thence along Lot 110-B (Map 1096) of Land Court Application 1000, on a curve to the right with a radius of 185.00 feet, the chord azimuth and distance being: 133° 15' 20" 94.24 feet;		
11.	238° 00' 40"	10.00 feet	along the remainder of Exclusion 18 of Land Court Application 1000, to a non-tangent curve to the left with a radius of 175.00 feet, its curve center bears: 238° 00' 40";
12.	Thence along said non-tangent curve to the left with a radius of 150.00 feet, along the remainder of Exclusion 18 of Land Court Application 1000, the chord azimuth and distance being: 313° 15' 20" 89.14 feet;		
13.	298° 30'	860.00 feet	along the remainder of Exclusion 18 of Land Court Application 1000;
14.	Thence along the remainder of Exclusion 18 of Land Court Application 1000, on a curve to the right with a radius of 415.00 feet, the chord azimuth and distance being: 311° 15' 183.18 feet;		
15.	324° 00'	270.00 feet	along the remainder of Exclusion 18 of Land Court Application 1000;
16.	Thence along the remainder of Exclusion 18 of Land Court Application 1000, on a curve to the right with a radius of 475.00 feet the chord azimuth and distance being: 338° 35' 239.20 feet;		

17. 353° 10' 790.00 feet along the remainder of Exclusion 18 of Land Court Application 1000;

18. Thence along the remainder of Exclusion 18 of Land Court Application 1000, on a curve to the right with a radius of 245.00 feet, the chord azimuth and distance being:
13° 30' 170.27 feet;

19. 33° 50' 210.00 feet along the remainder of Exclusion 18 of Land Court Application 1000;

20. Thence along the remainder of Exclusion 18 of Land Court Application 1000, on a curve to the right with a radius of 725.00 feet, the chord azimuth and distance being:
43° 32' 30" 244.52 feet;

21. 53° 15' 1603.67 feet along the remainder Exclusion 18 of Land Court Application 1000;

22. Thence along the remainder of Exclusion 18 of Land Court Application 1000, on a curve to the left with a radius of 210.00 feet, the chord azimuth and distance being:
53° 05' 54" 1.11 feet, to a non-tangent curve to the right with a radius of 1000.00 feet, its curve center bears: 264° 58';

23. Thence along said non-tangent curve to the right with a radius of 1000.00 feet, along the remainder of Exclusion 18 of Land Court Application 1000, the chord azimuth and distance being:
175° 18' 17" 11.80 feet, to the point of beginning and containing an area of 1.070 acres.

DESCRIPTION
Parcel 8
Reclassification of State Land Use District
Agricultural to Urban

Real property situated at Waipio, Ewa, Oahu, Hawaii

Being a portion of Royal Patent 5732, Land Commission Award 8241 to Ioane II, being also a portion of Exclusion 18 of Land Court Application 1000, and more particularly described as follows:

Beginning at the most southeasterly corner of this parcel of land, on a curve concave to the southeast having a radius of 150.00 feet, its curve center bears: 308° 36' 04", said curve being the northwesterly side of Lot 14676-A-3 as shown on Map 1092 of Land Court Application 1000, the coordinates of said point of beginning referred to Government Survey Triangulation Station "WAIPIO UKA" being 9,074.78 feet South and 692.63 feet East, thence running by azimuths measured clockwise from True South:

1. Thence along the remainder of Exclusion 18 of Land Court Application 1000, on a curve to the right with a radius of 1000.00 feet, its curve center bears: 260° 41' 30", the chord azimuth and distance being:
   171° 04' 13.5" 13.22 feet, to a non-tangent curve to the right with a radius of 160.00 feet, its curve center bears: 311° 47' 56";

2. Thence along said non-tangent curve to the right with a radius of 160.00 feet, along the remainder of Exclusion 18 of Land Court Application 1000, the chord azimuth and distance being:
   227° 31' 28" 31.92 feet;

3. 233° 15' 1,603.67 feet along the remainder of Exclusion 18 of Land Court Application 1000;

4. Thence along the remainder of Exclusion 18 of Land Court Application 1000, on a curve to the left with a radius of 775.00 feet, the chord azimuth and distance being:
   223° 32' 30" 261.38 feet;

5. 213° 50' 210.00 feet along the remainder of Exclusion 18 of Land Court Application 1000;

6. Thence along the remainder of Exclusion 18 of Land Court Application 1000, on a curve to the left with a radius of 295.00 feet, the chord azimuth and distance being:
193° 30' 205.01 feet;

7. 173° 10' 790.00 feet along the remainder of Exclusion 18 of Land Court Application 1000;

8. Thence along the remainder of Exclusion 18 of Land Court Application 1000, on a curve to the left with a radius of 525.00 feet, the chord azimuth and distance being:
158° 35' 264.38 feet;

9. 144° 00' 270.00 feet along the remainder of Exclusion 18 of Land Court Application 1000;

10. Thence along the remainder of Exclusion 18 of Land Court Application 1000, on a curve to the left with a radius of 465.00 feet, the chord azimuth and distance being:
131° 15' 205.25 feet;

11. 118° 30' 860.00 feet along the remainder of Exclusion 18 of Land Court Application 1000;

12. Thence along the remainder of Exclusion 18 of Land Court Application 1000, on a curve to the right with a radius of 125.00 feet, the chord azimuth and distance being:
143° 35' 105.98 feet;

13. 168° 40' 320.00 feet along the remainder of Exclusion 18 of Land Court Application 1000;

14. Thence along the remainder of Exclusion 18 of Land Court Application 1000, on a curve to the right with a radius of 375.00 feet, the chord azimuth and distance being:
180° 05' 148.46 feet;

15. 191° 30' 225.00 feet along the remainder of Exclusion 18 of Land Court Application 1000;

16. Thence along the remainder of Exclusion 18 of Land Court Application 1000, on a curve to the right with a radius of 505.00 feet, the chord azimuth and distance being:
204° 10' 221.47 feet;

17. 216° 50' 750.00 feet along the remainder of Exclusion 18 of Land Court Application 1000;

18. Thence along the remainder of Exclusion 18 of Land Court Application 1000, on a curve to the left with a radius of 365.00 feet, the chord azimuth and distance being:
205° 00' 149.70 feet;

19. 193° 10' 150.00 feet along the remainder of Exclusion 18 of Land Court Application 1000;

20. Thence along the remainder of Exclusion 18 of Land Court Application 1000, on a curve to the left with a radius of 715.00 feet, the chord azimuth and distance being:
184° 10' 223.70 feet;

21. 175° 10' 80.00 feet along the remainder of Exclusion 18 of Land Court Application 1000;

22. Thence along the remainder of Exclusion 18 of Land Court Application 1000, on a curve to the right with a radius of 205.00 feet, the chord azimuth and distance being:
217° 25' 275.67 feet;

23. 259° 40' 122.80 feet along the remainder of Exclusion 18 of Land Court Application 1000;

24. Thence along the remainder of Exclusion 18 of Land Court Application 1000, on a curve to the left with a radius of 285.00 feet, the chord azimuth and distance being:
236° 20' 225.77 feet;

25. 213° 00' 71.40 feet along the remainder of Exclusion 18 of Land Court Application 1000;

26. Thence along the remainder of Exclusion 18 of Land Court Application 1000, on a curve to the left with a radius of 265.00 feet, the chord azimuth and distance being:
212° 50' 10" 1.52 feet;

27. 302° 40' 20" 10.00 feet along the remainder of Exclusion 18 of Land Court Application 1000;

28. Thence along Lot 14676-A-1 (Map 1092) of Land Court Application 1000, on a curve to the right with a radius of 275.00 feet, the chord azimuth and distance being:
32° 50' 10" 1.57 feet;

29. 33° 00' 71.40 feet along Lot 14676-A-1 (Map 1092) of Land Court Application 1000;

30. Thence along Lot 14676-A-1 (Map 1092) of Land Court Application 1000, on a curve to the right with a radius of 295.00 feet, the chord azimuth and distance being:
56° 20' 233.69 feet;

31. 79° 40' 122.80 feet along Lot 14676-A-1 (Map 1092) of Land Court Application 1000;

32. Thence along Lot 14676-A-1 (Map 1092) of Land Court Application 1000, on a curve to the left with a radius of 195.00 feet, the chord azimuth and distance being:
37° 25' 262.22 feet;

33. 355° 10' 80.00 feet along Lot 14676-A-1 (Map 1092) of Land Court Application 1000;

34. Thence along Lot 14676-A-1 (Map 1092) of Land Court Application 1000, on a curve to the right with a radius of 725.00 feet, the chord azimuth and distance being:
4° 10' 226.83 feet;

35. 13° 10' 150.00 feet along Lot 14676-A-1 (Map 1092) of Land Court Application 1000;

36. Thence along Lot 14676-A-1 (Map 1092) of Land Court Application 1000, on a curve to the right with a radius of 375.00 feet, the chord azimuth and distance being:
25° 00' 153.80 feet;

37. 36° 50' 750.00 feet along Lot 14676-A-1 (Map 1092) of Land Court Application 1000;

38. Thence along Lot 14676-A-1 (Map 1092) of Land Court Application 1000, on a curve to the left with a radius of 495.00 feet, the chord azimuth and distance being:
24° 10' 217.09 feet;

39. 11° 30' 225.00 feet along Lot 14676-A-1 (Map 1092) of Land Court Application 1000;

40. Thence along Lot 14676-A-1 (Map 1092) of Land Court Application 1000, on a curve to the left with a radius of 365.00 feet, the chord azimuth and distance being:
00° 05' 144.50 feet;

41. 348° 40' 320.00 feet along Lot 14676-A-1 (Map 1092) of Land Court Application 1000;

42. Thence along Lot 14676-A-1 (Map 1092) of Land Court Application 1000, on a curve to the left with a radius of 115.00 feet, the chord azimuth and distance being:
323° 35' 97.51 feet;

43. 298° 30' 860.00 feet along Lot 14676-A-1 (Map 1092) of Land Court Application 1000;

44. Thence along Lots 14676-A-1 and 14676-A-2 (Map 1092) of Land Court Application 1000, on a curve to the right with a radius of 475.00 feet, the chord azimuth and distance being:
311° 15' 209.66 feet;

45. 324° 00' 270.00 feet along Lot 14676-A-2 (Map 1092) of Land Court Application 1000;

46. Thence along Lot 14676-A-2 (Map 1092) of Land Court Application 1000, on a curve to the right with a radius of 535.00 feet, the chord azimuth and distance being:
338° 35' 269.41 feet;

47. 353° 10' 790.00 feet along Lots 14676-A-2 and 14676-A-3 (Map 1092) of Land Court Application 1000;

48. Thence along Lot 14676-A-3 (Map 1092) of Land Court Application 1000, on a curve to the right with a radius of 305.00 feet, the chord azimuth and distance being:
13° 30' 211.96 feet;

49. 33° 50' 210.00 feet along Lot 14676-A-3 (Map 1092) of Land Court Application 1000;

50. Thence along Lot 14676-A-3 (Map 1092) of Land Court Application 1000, on a curve to the right with a radius of 785.00 feet, the chord azimuth and distance being:
43° 32' 30" 264.75 feet;

51. 53° 15' 1,603.67 feet along Lot 14676-A-3 (Map 1092) of Land Court Application 1000;

52. Thence along Lot 14676-A-3 (Map 1092) of Land Court Application 1000, on a curve to the left with a radius of 150.00 feet, the chord azimuth and distance being:
45° 55' 32" 38.25 feet, to the point of beginning and containing an area of 1.798 acres.

DESCRIPTION
Parcel 9
Reclassification of State Land Use District
Agricultural to Urban

Real property situated at Waipio, Ewa, Oahu, Hawaii

Being a portion of Royal Patent 5732, Land Commission Award 8241 to Ioane II, being also a portion of Exclusion 18 of Land Court Application 1000, and more particularly described as follows:

Beginning at the most southerly corner of this parcel of land, the curve center for the northwesterly side of Lot 14676-A-3 having a radius of 150.00 feet as shown on Map 1092 of Land Court Application 1000 bears: 311° 47' 56" 160.00 feet, the coordinates of said point of beginning referred to Government Survey Triangulation Station "WAIPIO UKA" being 9,061.72 feet South and 690.57 feet East, thence running by azimuths measured clockwise from True South:

1. Thence along the remainder of Exclusion 18 of Land Court Application 1000, on a curve to the right with a radius of 1000.00 feet, its curve center bears: 261° 26' 57" the chord azimuth and distance being:
173° 12' 28.5" 61.38 feet, to a non-tangent curve to the right with a radius of 210.00 feet, its curve center bears: 322° 56' 48";

2. Thence along said non-tangent curve to the right with a radius of 210.00 feet, along the remainder of Exclusion 18 of Land Court Application 1000, the chord azimuth and distance being:
233° 05' 54" 1.11 feet;

3. 233° 15' 1,603.67 feet along the remainder of Exclusion 18 of Land Court Application 1000;

4. Thence along the remainder of Exclusion 18 of Land Court Application 1000, on a curve to the left with a radius of 725.00 feet, the chord azimuth and distance being:
223° 32' 30" 244.52 feet;

5.	213° 50'	210.00 feet	along the remainder of Exclusion 18 of Land Court Application 1000;
6.	Thence along the remainder of Exclusion 18 of Land Court Application 1000, on a curve to the left with a radius of 245.00 feet, the chord azimuth and distance being: 193° 30' 170.27 feet;		
7.	173° 10'	790.00 feet	along the remainder of Exclusion 18 of Land Court Application 1000;
8.	Thence along the remainder of Exclusion 18 of Land Court Application 1000, on a curve to the left with a radius of 475.00 feet, the chord azimuth and distance being: 158° 35' 239.20 feet;		
9.	144° 00'	270.00 feet	along the remainder of Exclusion 18 of Land Court Application 1000;
10.	Thence along the remainder of Exclusion 18 of Land Court Application 1000, on a curve to the left with a radius of 415.00 feet, the chord azimuth and distance being: 131° 15' 183.18 feet;		
11.	118° 30'	860.00 feet	along the remainder of Exclusion 18 of Land Court Application 1000;
12.	Thence along the remainder of Exclusion 18 of Land Court Application 1000, on a curve to the right with a radius of 175.00 feet, the chord azimuth and distance being: 133° 15' 20" 89.14 feet;		
13.	200° 47' 04"	72.89 feet	along the remainder of Exclusion 18 of Land Court Application 1000, to a non-tangent curve to the left with a radius of 125.00 feet, its curve center bears: 258° 40';

14. Thence along said non-tangent curve to the left with a radius of 125.00 feet, along the remainder of Exclusion 18 of Land Court Application 1000, the chord azimuth and distance being:
323° 35' 105.98 feet;

15. 298° 30' 860.00 feet along the remainder of Exclusion 18 of Land Court Application 1000;

16. Thence along the remainder of Exclusion 18 of Land Court Application 1000, on a curve to the right with a radius of 465.00 feet, the chord azimuth and distance being:
311° 15' 205.25 feet;

17. 324° 00' 270.00 feet along the remainder of Exclusion 18 of Land Court Application 1000;

18. Thence along the remainder of Exclusion 18 of Land Court Application 1000, on a curve to the right with a radius of 525.00 feet, the chord azimuth and distance being:
338° 35' 264.38 feet;

19. 353° 10' 790.00 feet along the remainder of Exclusion 18 of Land Court Application 1000;

20. Thence along the remainder of Exclusion 18 of Land Court Application 1000, on a curve to the right with a radius of 295.00 feet, the chord azimuth and distance being:
13° 30' 205.01 feet;

21. 33° 50' 210.00 feet along the remainder of Exclusion 18 of Land Court Application 1000;

22. Thence along the remainder of Exclusion 18 of Land Court Application 1000, on a curve to the right with a radius of 775.00 feet, the chord azimuth and distance being:
43° 32' 30" 261.38 feet;

23. 53° 15' 1,603.67 feet along the remainder of Exclusion 18 of Land Court Application 1000;

24. Thence along the remainder of Exclusion 18 of Land Court Application 1000, on a curve to the left with a radius of 160.00 feet, the chord azimuth and distance being:
47° 31' 28" 31.92 feet, to the point of beginning and containing an area of 5.446 acres.

DESCRIPTION
Parcel 10
Reclassification of State Land Use District
Agricultural to Urban

Real property situated at Waipio, Ewa, Oahu, Hawaii

Being portion of Lot 14676-A-1 as shown on Map 1092 of Land Court Application 1000, and more particularly described as follows:

Beginning at the most northeasterly corner of this parcel of land, being the most southeasterly corner of Lot 1-A-22-E-3 (Map 1047) of Land Court Application 1000, the coordinates of said point of beginning referred to Government Survey Triangulation Station "WAIPIO UKA" being 144.09 feet North and 6,268.17 feet East, thence running by azimuths measured clockwise from True South:

1.	10°	06'	42"	40.30 feet	along the westerly side of Interstate Highway (F.A.P. No. 1-H2-1(3));
2.	107°	09'	30"	70.96 feet	along the remainder of Lot 14676-A-1 (Map 1092) of Land Court Application 1000;
3.	122°	03'		227.48 feet	along the remainder of Lot 14676-A-1 (Map 1092) of Land Court Application 1000;
4.	99°	04'	30"	289.82 feet	along the remainder of Lot 14676-A-1 (Map 1092) of Land Court Application 1000;
5.	113°	19'	30"	133.39 feet	along the remainder of Lot 14676-A-1 (Map 1092) of Land Court Application 1000;
6.	125°	23'		79.09 feet	along the remainder of Lot 14676-A-1 (Map 1092) of Land Court Application 1000;
7.	141°	27'		142.79 feet	along the remainder of Lot 14676-A-1 (Map 1092) of Land Court Application 1000;

8.	123°	05'		62.49 feet	along the remainder of Lot 14676-A-1 (Map 1092) of Land Court Application 1000;
9.	106°	36'		130.11 feet	along the remainder of Lot 14676-A-1 (Map 1092) of Land Court Application 1000;
10.	129°	24'	30"	78.58 feet	along the remainder of Lot 14676-A-1 (Map 1092) of Land Court Application 1000;
11.	147°	28'		127.51 feet	along the remainder of Lot 14676-A-1 (Map 1092) of Land Court Application 1000;
12.	166°	12'	30"	83.59 feet	along the remainder of Lot 14676-A-1 (Map 1092) of Land Court Application 1000;
13.	134°	29'	30"	18.84 feet	along the remainder of Lot 14676-A-1 (Map 1092) of Land Court Application 1000;
14.	206°	21'		42.12 feet	along Lot 1-A-22-J-2 (Map 30) of Land Court Application 1000;
15.	314°	29'	30"	43.33 feet	along Lot 97-B-4-C (Map 1047) of Land Court Application 1000;
16.	346°	12'	30"	88.35 feet	along Lot 1-A-22-C-2 (Map 1047) of Land Court Application 1000;
17.	327°	28'		114.55 feet	along Lot 1-A-22-C-2 (Map 1047) of Land Court Application 1000;
18.	309°	24'	30"	64.16 feet	along Lot 1-A-22-C-2 (Map 1047) of Land Court Application 1000;
19.	286°	36'		127.84 feet	along Lot 1-A-22-C-2 (Map 1047) of Land Court Application 1000;
20.	303°	05'		74.75 feet	along Lot 1-A-22-C-2 (Map 1047) of Land Court Application 1000;

21.	321°	27'		143.61 feet	along Lot 1-A-22-C-2 (Map 1047) of Land Court Application 1000;
22.	305°	23'		69.22 feet	along Lot 1-A-22-C-2 (Map 1047) of Land Court Application 1000;
23.	293°	19'	30"	124.17 feet	along Lot 1-A-22-C-2 (Map 1047) of Land Court Application 1000;
24.	279°	04'	30"	292.95 feet	along Lot 1-A-22-C-2 (Map 1047) of Land Court Application 1000;
25.	302°	03'		177.92 feet	along Lots 1-A-22-C-2 and 1-A-22-D-2 (Map 1047) of Land Court Application 1000;
26.	302°	02'		52.52 feet	along Lot 1-A-22-E-3 (Map 1047) of Land Court Application 1000;
27.	287°	09'	30"	60.70 feet	along Lot 1-A-22-E-3 (Map 1047) of Land Court Application 1000, to the point of beginning and containing an area of 1.322 acres.

END OF EXHIBIT "B"

O'ahu Important Agricultural Lands Mapping Project
SUMMARY OF WRITTEN COMMENTS RECEIVED ON PRELIMINARY RECOMMENDATIONS FOR IAL (2017 VERSION), WITH DPP'S RESPONSES AND ACTIONS FOR THE DRAFT IAL MAP

	TMK PARCEL	STREET ADDRESS	LOCATION	PARCEL SIZE (acres)	COMMENT	DPP RECOMMENDATION AND NOTES	DPP ACTION: ADDED TO, REMOVED FROM, OR RETAINED IN IAL MAP
67.	9-4-006: 029 9-6-004: 021 9-5-003: 004 9-5-003: 014 9-5-003: 001 9-5-003: 009 9-4-033:002 9-4-033:003 9-4-033:006	Castle & Cooke Homes Hawaii Castle & Cooke Waiawa Koa Ridge lands Kipapa Gulch Waiawa	Central Oahu	144.935 73 368 38 890 28 875 641 695 3.422	Located in SCP Urban Community Boundary designated for urban use. Urbanized land not appropriate for IAL designation. Part of Kipapa Gulch—steep terrain, unreliable water—planned for drainage for Koa Ridge; not appropriate for IAL designation . 16-acre lot Makai of H-2 freeway is part of Kipapa Gulch Koa Ridge drainage infrastructure. Other parcels conveyed on 12/30/16; Sold to Mililani Group, Inc.	029 – Remove; within CGB and future reclassification to Urban. 021 – See above. 004 – Keep in IAL portion east of H-2; remove from IAL western portion. 014 – Remove from IAL – no water. 001 – Remove from IAL portion west of H-2; retain portion east of H-2. 009 – Keep in IAL. 2, 3, 6 – Remove from IAL	Removed Portions
68	6-5-001: 043 6-5-001: 038 6-5-001: 034 6-5-001: 022 6-5-001: 019	Kaukonahua Ho'ola, LLC Kemoo, Waialua	North Shore	199.0 4.0 12.0 3.25 3.0	Seeking 15 acres for Special Use Permit to develop a 50-acre agri-business project and would like to avoid Land Use Commission review.	Meets one or more criteria. Meets one or more criteria. Meets one or more criteria. Meets one or more criteria. Meets one or more criteria.	Retain
69	9-4-004: 020	Hawaii Country Club Hoaeae, Honouliuli	Central Oahu	136.045	Request golf course lands be removed from the proposed IAL Map, has been in golf course use since 1958; zoned P-2 General Preservation District, steep sloped lands subject to flooding and not suitable for intense ag cultivation, constitutes a government taking.	Remove portion in golf course use as Central Oahu SCP designates it as golf course use; retain portion at northwest portion currently vacant.	Removed portion
70.	5-6-006: 004 5-6-006: 018	Malaekahana Hui West, LLC Malaekahana and Keana, Kahuku	Ko'olau Loa	2.90 452.723	Proposes that 226 acres that were dedicated to active agricultural use pursuant to its restrictive covenant be included as proposed IAL while the remainder should be excluded from IAL designation due to steep slopes and lack of arable soil.	Retain as it meets all criteria for designation as IAL.	
71.	9-2-001: 002 9-4-003: 001 9-4-003: 003 9-4-003: 004 9-4-004: 002 9-4-004: 003 9-4-004: 004 9-4-004: 007 9-4-004: 008 9-4-004: 010 9-4-004: 011 9-4-004: 012 9-4-004: 019	Robinson Kunia Land, LLC Hoaeae and Waikele, Honouliuli	Central Oahu	1.267 881 685 39.59 7.981 14.827 4.0 564.683 14.45 1.15 106.0 46.0 535.0 60.02	Opposes IAL designation of their lands because county incentives have not been adopted	Kunia road widening parcel. Meets one or more criteria. Meets one or more criteria. Ag rd., critical mass/context. Meets one or more criteria. Meets one or more criteria. Meets one or more criteria. Meets one or more criteria. Meets one or more criteria. Meets one or more criteria. Meets one or more criteria. Meets one or more criteria. Meets one or more criteria.	To be removed Retain the balance
72.	5-5-007: 001 5-6-007: 001	Property Reserve, Inc. (Hawaii Reserves, Inc.) Laie	Ko'olau Loa	2,208.64 127.012	Requests portions of the properties be removed from IAL consideration	Portions have steep slopes Portions have steep slopes	Removed portions
73.	9-4-172: 003 9-4-172: 002 9-4-002: 007 9-4-172: 004 9-4-002: 072	Savio Waikele Canyon Company LLC Waikele, Waipahu	Central O'ahu	49.0	Requests removal from IAL consideration as the properties are not used for agricultural activities and surrounded by residential uses.	Meets on or more criteria. Not considered for IAL. Ineligible (Urban District). Not considered for IAL. Ineligible (Urban District).	Retained

Attachment 5 - O`ahu Important Agricultural Lands Mapping Project Exhibit B

O'ahu Important Agricultural Lands Mapping Project
Written Comments Received through June 2015

TMK Parcel or Landowner	Comment
LANDOWNERS	
1. 6-2-002: 10 6-2-002: 32 6-2-002: 33 6-2-002: 34 6-2-002: 35 6-2-002: 36	Requests that property in Hale'iwa be designated IAL via the City's process. Also requests that neighboring properties be designated IAL (per map submitted with comment letter).
2. Kualoa Ranch	Majority of property owned in Ka'a'awa valley should reflect only one of the three important criteria (land currently in agricultural production). Draft criteria maps currently show lands: 1) in current agricultural production; and 2) having adequate water. Most of the valley has no water infrastructure, has relatively poor soil, and is only used for grazing livestock. Livestock only drink from the stream, which dries up for over a mile, usually 6-7 months a year. City and County water is available to 20 or 30 acres at the bottom of the valley. Corn used to be grown there about 40 years ago; 3-acre shade house and an aquaculture facility remains on-site.
3. Castle and Cooke	Consultation with landowners and other stakeholders to develop and implement a comprehensive and integrated framework—including incentives and programs that consider tax policy, agricultural business development and financing, marketing, and agricultural land use techniques—is crucial to this process. Castle and Cooke and its entities voluntarily designated roughly 678 acres as IAL: 1. Castle & Cooke, Inc. designated 205+ acres (Whitmore) 2. Castle & Cooke Waialua, LLC designated 242+ acres (Waialua) 3. Castle & Cooke, Inc. designated 231+ acres (Mililani South); *recently sold to an Agri-business operator* 4. Castle & Cooke Properties, Inc. 222+ acres denied IAL Following the sale of 231+ acres in Mililani, Castle and Cooke entities now hold 447+ acres of voluntarily-designated IAL. Only lands that were already designated IAL (205 acres at Whitmore Village and 242 acres at Waialua) should be reflected in the City's IAL maps. Both the Koa Ridge Makai and Castle & Cooke Waiawa parcels are in the Central Oahu Sustainable Communities Plan (COSCP) urban growth boundary, and should not be included in the City's current IAL mapping. Both Koa Ridge Makai and Waiawa are specified in the COSCP as planned developments; Koa Ridge Makai received State LUC urban redistricting and County rezoning approval; Waiawa lands received State LUC incremental approval for urbanization.
4. Dole Food Company Hawaii	Dole Food currently holds 17,456+ acres of land in the State Agricultural District, and 5,511+ acres in the State Conservation District. Dole proposes that roughly 10,195 acres (or 58%) of their eligible landholdings are best suited for and meet the primary criteria for designation as IAL (per spreadsheet attached to letter).
FARMING ORGANIZATIONS	
5. East O'ahu County Farm Bureau	With roughly 300 members, organization represents farmers from Waimanalo to Kahuku. Responses to the questions asked at the community meetings are below. *What are your highest hopes once IAL have been designated?* These lands will be put to productive use to grow a wide variety of crops and livestock, and will contribute to O'ahu's economy and food security for many years. *Looking ahead 3 generations (75 years), what lands will be needed for different kinds of agriculture?* In 1940, 75 years ago, O'ahu had a population of 258,000, sugar and pineapple dominated the agricultural economy, and most of O'ahu's food was grown locally.

Resolution 18-233, CD1
Additional Testimony

From: CLK Council Info
Sent: Wednesday, June 05, 2019 9:15 AM
Subject: Council/Public Hearing Speaker Registration/Testimony

Speaker Registration/Testimony

Name	Arvid T Youngquist
Phone	8088452495
Email	arvidtadaokitty@gmail.com
Meeting Date	06-05-2019
Council/PH Committee	Council
Agenda Item	Res. 18-233, CD1, FD1
Your position on the matter	Support
Representing	Self
Organization	
Do you wish to speak at the hearing?	No
Written Testimony	I support Resolution 18-233, CD1, Proposed FD1, submitted by Councilmember Pine. Item is relating to the identification of important agricultural lands. Having a marker for each of these historically and culturally important lands, and insuring a rezoning does not take place haphazardly in the interest of more development to the detriment of the host culture and the long time residents, is warranted if not found in this resolution. Mahalo, Arvid Youngquist
Testimony Attachment	
Accept Terms and Agreement	1

'19FEB 7 AM10:30 CITY CLERK

111 S. King Street
Suite 170
Honolulu, HI 96813
808.523.5866
www.g70.design

February 6, 2019

Kymberly Marcos Pine, Chair
City Council
City and County of Honolulu
Committee on Zoning and Housing

Re: Pomaikai Partners, LLC
TMK: 6-4-001:001, and associated parcels
Resolution 18-233 Identification of Important Agricultural Lands

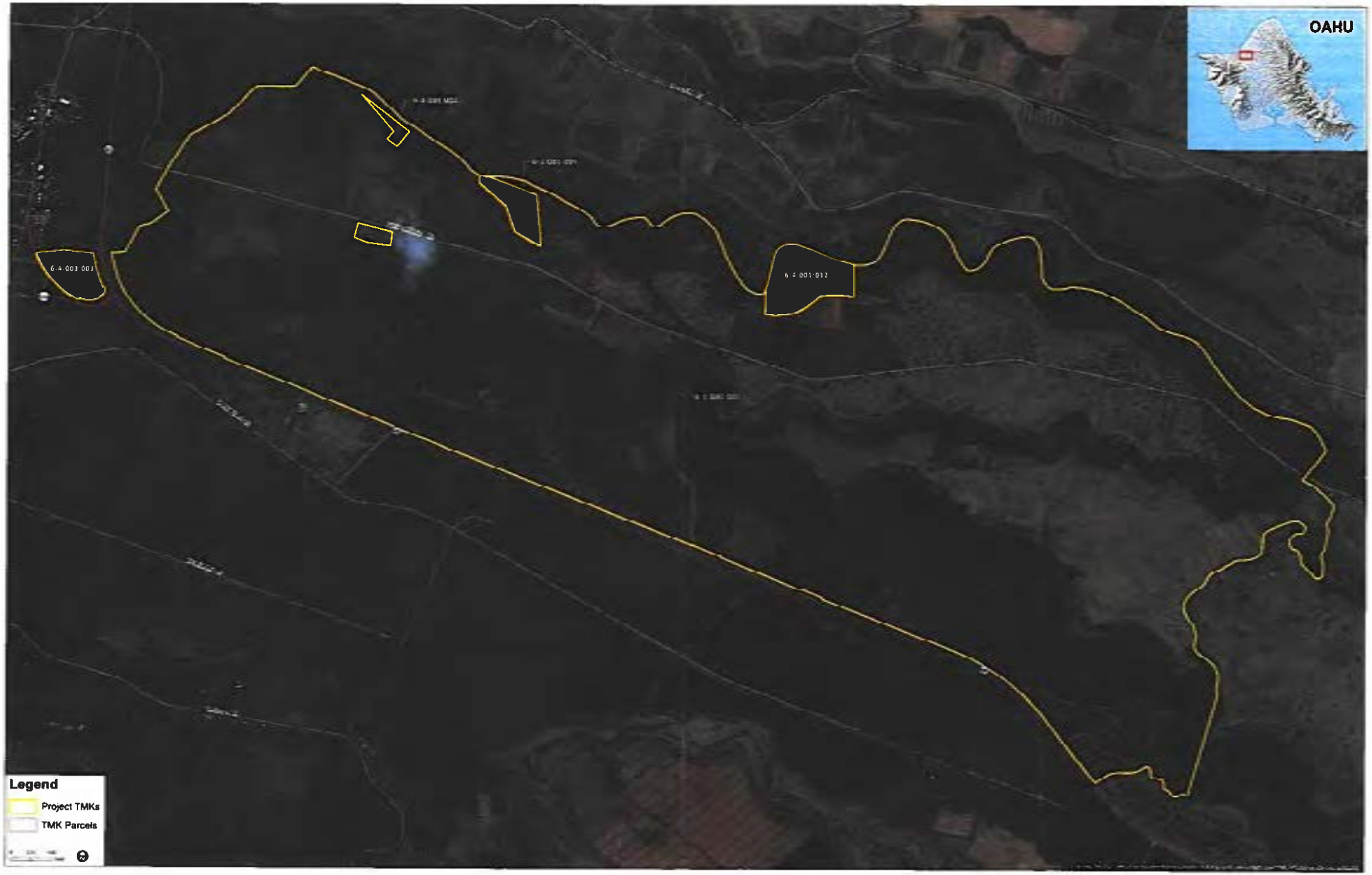
Aloha Council Member Pine:

Thank you for speaking with me this afternoon. We represent new owners of a 1,400 ac parcel of former Dole lands. This land is designated 100% Important Agricultural Land (IAL) on the City proposed maps being discussed at tomorrow's Zoning & Housing Committee meeting. The 100% IAL coverage is really onerous limitation for the future. We are actively seeking IAL voluntary designation of 51% of these lands, but it will require several months of processing by the State LUC. Several other landowners are also going through the IAL dedication process and may not be ready for these maps to advance through Council at this time. We will attend and testify at the Committee meeting on Thursday, February 7, 2019 and we want to set up a briefing of Council Member at her convenience to meet local partner Justin Alexander and discuss the future plans for agricultural uses on these lands. We would like the Council to address the needs of this landowner and others in accommodating their voluntary designation. It is also unclear what the county will allow as incentives for voluntary dedication. This subject requires further consideration.

Sincerely,

Jeffrey H. Overton AICP, LEED AP
Principal

MISC. COM. 65


OAHU
6-4-001:001
6-4-001:012
Legend
Project TMKs
TMK Parcels

'19FEB 7 AM10:30 CITY CLERK

cades · schutte

A LIMITED LIABILITY LAW PARTNERSHIP

Calvert G. Chipchase
Cades Schutte Building
1000 Bishop Street, Suite 1200
Honolulu, Hawai'i 96813-4212
Direct Line: (808) 521-9220
Direct Fax: (808) 540-5021
Email: cchipchase@cades.com

February 6, 2019

VIA HAND DELIVERY

Kymberly Marcos Pine, Chair
Committee on Zoning and Housing
City Council, City and County of Honolulu
Honolulu Hale
530 South King Street, Room 202
Honolulu, HI 96813

Re: Resolution 18-233 and Request for Exclusion of TMK Nos. (1) 4-9-001-034 and -035 from the Proposed Important Agricultural Lands Map

Dear Chair Pine and Committee Members:

I am writing regarding Resolution 18-233 that is on the Committee on Zoning and Housing agenda for discussion this Thursday, February 7, 2019. This firm represents Richard and Susan Girton, who as husband and wife own two small parcels located at 49-74 and -74b Kamehameha Highway and identified by TMK Nos. (1) 4-9-001-034 and -035 (together, the "**Property**"). *See* Att. 1 (Plat Map). Although the Property is zoned Country and used solely for two single-family dwellings, it was included in the Important Agricultural Lands Map ("**IAL Map**") proposed by the Department of Planning and Permitting ("**DPP**"). *See* Atts. 2 (Zoning Map) and 3 (IAL Map). We are respectfully requesting that the Property be excluded from the IAL Map for the reasons discussed below.

Hawai'i Revised Statutes ("**HRS**") chapter 205 defines "important agricultural lands" as those lands that:

> (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.

HRS § 205-42(a). The purpose of important agricultural lands 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." *Id.* § 205-42(b).

MISC. COM. 66

The Property does not match the definition of important agricultural lands or the purpose of the designation. The Property is zoned Country and is used residentially for two single-family dwellings. It has never been used for agricultural production. The Property is not situated to provide sustained high yields. The Property does not contribute to the state's economic base or produce agricultural commodities. Given the other agricultural land in the area, the Property is not necessary to promote the overall expansion of agricultural activities. Applying the eight criteria in HRS § 205-44 that must be weighed in considering whether to designate land as important agricultural lands makes these points clear.

(1) Land currently used for agricultural production. The Property is not currently used for agricultural production. It is used for two single-family dwellings as permitted as a matter of right in the Country zoning district. *See* LUO Master Use Table. The Property is not suitable for agricultural production. The portion of Property that does not host the two dwellings is forested, overgrown with vegetation and steeply sloped. *See* Att. 4 (Property Photographs). Substantial alteration of the Property would be required before agricultural production could even be attempted. This alteration would include the removal of existing trees, the clearing of other vegetation and the leveling of steep grades.

(2) Land with soil qualities and growing conditions that support agricultural production. The Property has Land Study Bureau ("**LSB**") master productivity ratings of C, D and E. *See* Att. 5 (LSB Map). The C-rated portion of the Property has "only fair suitability" for agricultural purposes. The D-rated portion of the Property has "poor suitability." The E-rated portion of the Property has "very poor suitability for agricultural use." In other words, the Property's suitability for agricultural use ranges from "only fair" to "very poor" under the LSB ratings.

According to the Natural Resources Conservation Service ("**NRCS**") Soil Map, the Property contains both "Hanalei stony silty clay [with] 2 to 6 percent slopes" and "Wakaine silty clay [with] 25 to 40 percent slopes." *See* Att. 6 (NRCS Map). Based on conversations with DPP staff, it seems the Property was included in the IAL Map solely based on the presence of "Hanalei stony silty clay [with] 2 to 6 percent slopes" as the proposed boundary roughly tracks this soil type. It does not appear that these soils are actually present on the Property, however.

(3) Sufficient quantities of water. Water is not available.

*(4) Land identified under the agricultural lands of importance to the State of Hawaii ("**ALISH**") system.* Although near ALISH lands, the Property itself is not identified as ALISH. *See* Att. 7 (ALISH Map).

(5) Land types associated with traditional native Hawaiian agricultural uses. There is no indication that the Property was ever associated with traditional native Hawaiian agricultural uses.

(6) Consistency with general, development and community plans of the County. The Property appears to be designated Rural under the General Plan and Agricultural under the Koʻolau Poko Sustainable Communities Plan. The Property is zoned Country.

(7) Land that is near infrastructure conducive to agricultural productivity. The Property is located immediately off of Kamehameha Highway and enjoys the infrastructure necessary for its present residential use.

(8) Land that contributes to a critical land mass important to agricultural productivity. Neither the Property nor the abutting Country-zoned parcels disrupt the continuity of the surrounding AG-2 zoned land. From our discussions with DPP staff and review of the IAL Map, we also understand that the mauka Parcel 30 has already been excluded from the IAL. Accordingly, excluding the Property from the IAL will not fractionate the critical mass. *See* Att. 8 (Contiguous Ag Land Map).

In weighing the eight criteria, the Property falls considerably short of the standards for important agricultural lands. As noted above, in reviewing the three primary criteria that DPP considered in drawing its proposed IAL Map, the only reason for including the Property that we can identify is the asserted presence of a certain type of soil ("Hanalei stony silty clay") on a portion of the Property. It appears that such soil is not actually present. In any event, the presence of this soil type is not one of the criteria recognized in statute and, standing alone, cannot be used to designate the Property to important agricultural land.

The DPP also considered whether the land was used for agricultural production and whether there was adequate water for agricultural production. The Property does not meet either of those standards.

Because the Property does not meet the criteria for inclusion as important agricultural land, the Property should be excluded from the proposed IAL Map. Excluding the Property would be consistent with the Country zoning district, which is reserved for those properties with limited value as agricultural lands. Indeed, the LUO explains that the purpose of the Country zoning district is

> to recognize and provide for areas ***with limited potential for agricultural activities*** but for which the open space or rural quality of agricultural lands is desired. The district is intended to provide for some agricultural uses, low density residential development and some supporting services and uses.

LUO § 21-3.60(a)(emphasis added). This purpose is confirmed by the fact that very few agricultural uses are allowed in the Country zoning district while residential uses that are prohibited in the AG-1 and AG-2 zoning districts are permitted as a matter of right. *See id.* Master Use Table. In other words, the Property's zoning is consistent with its use and not with agriculture.

Excluding the Property from the proposed IAL Map is further supported by basic considerations of fairness. The proposed designation is for 100 percent of two small parcels owned by an elderly husband and wife and used for their residence. They do not want their Property designated important agricultural land. The designation will not help them. Designating their Property important agricultural land will not benefit the State or the City or serve any purpose identified under the statute.

For all of reasons provided above, we respectfully request that the Property be excluded from the IAL Map. If there is anything further that we can provide to assist you in considering this request, please let us know.

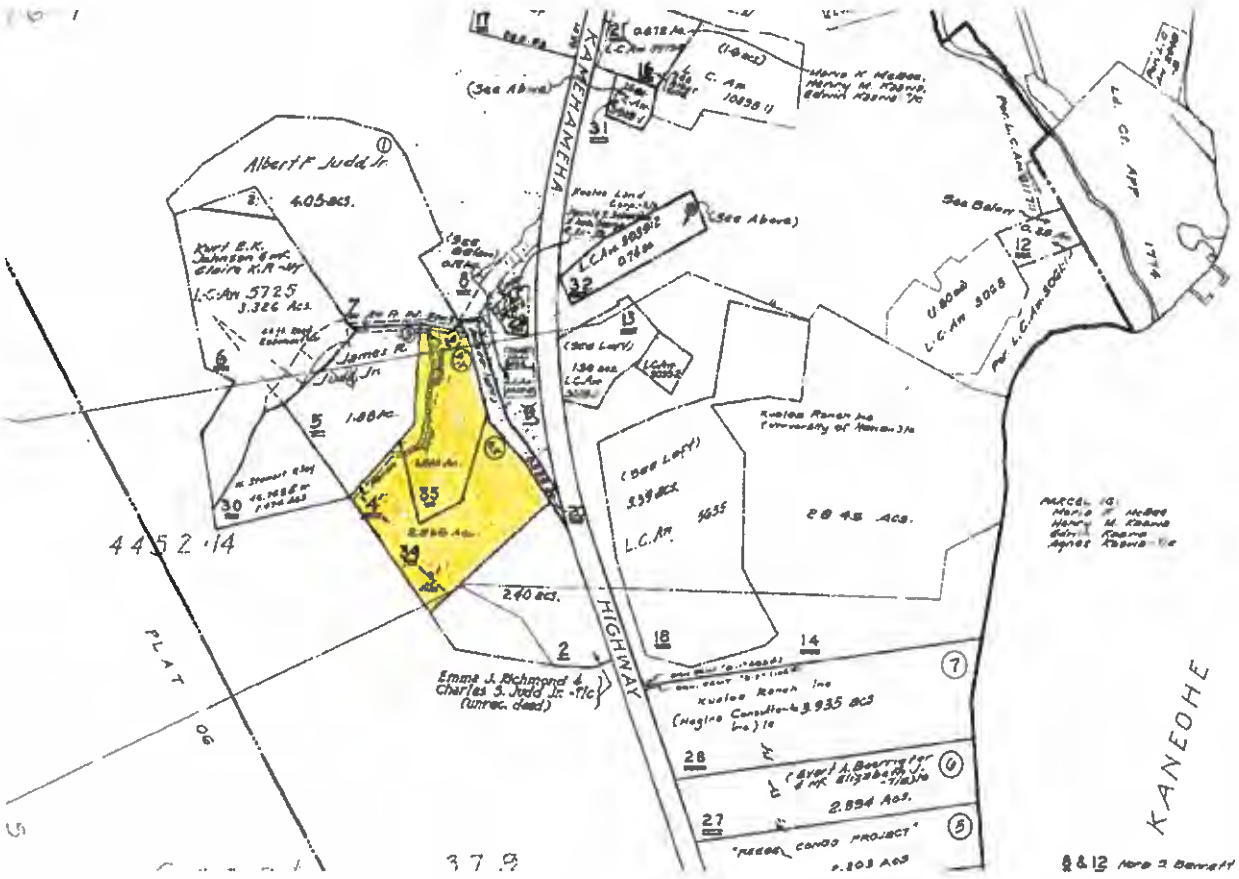
Thank you for your time and attention to this matter. We appreciate it.

Very truly yours,

Calvert G. Chipchase
for
CADES SCHUTTE
A Limited Liability Law Partnership

Attachments 1 – 8

Attachment 1 (Plat Map)



Attachment 2 (Zoning Map)



Attachment 3 (IAL Map)

State-Owned land in the State AG District

City Proposed for IAL Designation

Existing IAL



Attachment 4 (Property Photographs)













Attachment 5 (LSB Map)



Attachment 6 (NRCS Map)

Map Unit Symbol	Map Unit Name
HoB	Hanalei stony silty clay, 2 to 6 percent slopes
rRK	Rock land
WpE	Waikane silty clay, 25 to 40 percent slopes
WpF	Waikane silty clay, 40 to 70 percent slopes
WpF2	Waikane silty clay, 40 to 70 percent slopes, eroded



Attachment 7 (ALISH Map)



Attachment 8 (Contiguous Ag Land Map)

