

**From:** [DBEDT LUC](#)  
**To:** [Quinones, Natasha A](#); [Orodenker, Daniel E](#); [Derrickson, Scott A](#)  
**Subject:** FW: [EXTERNAL] Fwd: Designation of Important Agricultural Lands (My Testimony)  
**Date:** Monday, April 26, 2021 7:34:13 AM

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**From:** Yvonne Watarai <[yywatarai@yahoo.com](mailto:yywatarai@yahoo.com)>  
**Sent:** Saturday, April 24, 2021 1:55 PM  
**To:** DBEDT LUC <[dbedt.luc.web@hawaii.gov](mailto:dbedt.luc.web@hawaii.gov)>  
**Subject:** [EXTERNAL] Fwd: Designation of Important Agricultural Lands (My Testimony)

Begin forwarded message:

**From:** Yvonne Watarai <[yywatarai@yahoo.com](mailto:yywatarai@yahoo.com)>  
**Subject:** Designation of Important Agricultural Lands (My Testimony)  
**Date:** April 24, 2021 at 6:36:50 PM CDT  
**To:** [dbed.luc.web@hawaii.gov](mailto:dbed.luc.web@hawaii.gov)

To Whom It May Concern,

I would like to state my reason against this designation:

First of all, many of us are not educated enough to understand what has been going on even though you have sent out notices. We read them, but don't understand them and don't realize the seriousness of them.

I feel that small land owners have not had proper notification, the knowledge, the wherewithal to know the seriousness of this process nor the resources to navigate this process. The City and County of Honolulu did not contact landowners adequately to conduct an agricultural economic feasibility analysis on EACH property proposed on the map. I would have appreciated if I got a notice to set up a time for an official to actually visit my property and inform me of the proposal for my property. We should have been "educated"!

IAL is trying to limit occupancy in dwellings to "actively" farming" tenants only. This could affect the cost of leases and land and will limit kupuna and other retired farmers from living on their land. In my case, the farmer leasing my land retired and I have not been able to find another farmer. I have two homes that are being rented. The tenants have been there for over 40 years. If my property becomes IAL...then what? I have to kick out my tenants? What will happen to my property? Will you take it away?

Is there a way to exempt my property? Watarai, Yvonne Y Trust

Property Address: 87-969 Paakea Rd.

Waianae, Hi. 96792

Parcel ID/TMK 1-8-7-018-023-

0000-000

I will be in Chicago for a few months. Please call me at (808) 371-2261

Thank you,

Yvonne Y Watarai

April 24, 2021

Dear Land Use Commissioners and Board Members,

My name is Derek Arakaki and I am the owner of 87-1660 Kapiki Road (TMK: 870210440000).

I received a notice from the City and County of Honolulu dated 11/08/17 informing me that my property was included in the Department of Planning and Permitting's proposed IAL map. This was the first time I was informed of the proposed IAL designation.

I attended the "final community meeting to view the final draft IAL Map and the IAL process" at Aiea Intermediate School cafeteria on 11/20/17.

On 11/24/17 I sent a letter to Mr. Ray Young of the City and County of Honolulu Department of Planning and Permitting requesting that my property be excluded from IAL designation.

To date, I have not received any response to my request.

Thank you for the opportunity to share my concerns.

Sincerely,  
Derek Arakaki

Alex and Vanessa Garber  
P.O. Box 911312  
Waialua, HI 96791

April 24, 2021

State Land Use Commission  
P.O. Box 2359  
Honolulu, HI 96804

To the Members of the Land Use Commission,

In regards to the proposal for the designation of IAL lands for the island of Oahu, we would like to submit our testimony and request that you deny the County's proposal. The County has failed to abide by Hawaii Revised Statute 205-47.

In part the Statute states:

*“(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. ”*

Regarding the IAL designation process, the County did have public outreach in the form of public meetings. However, by design or neglect, the administrators at these meetings provided **false and misleading information** regarding the effect of an IAL designation on landowners. The dissemination of false information prevented the effected farmers and landowners of fully understanding the impact of IAL designation. This violated the statute.

Documentation of the false and misleading information provided by the County and Department of Planning and Permitting (DPP) can be found in the LUC website in IAL Final Report Appendix D.

## **Meeting 2 Kapolei**

### **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.*

### **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.*

## Meeting 2 Hale'iwa

### 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.*

### 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.*

Despite the claims made by the DPP, the change in designation from Agricultural District to Important Agricultural lands is substantial. HRS Chapter 205-4.5 pertains to permissible uses within the Agricultural District.

In regard to farm dwellings subsection 4 reads.

*"(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;"*

In contrast, Chapter 205-45.5 pertains to farm dwelling on Important Agricultural Lands. Subsection 1 reads

*"(1) The farm dwellings and employee housing units shall be used **exclusively** by farmers and their immediate family members who **actively** and **currently** farm on important agricultural land upon which the dwelling is situated....." (emphasis mine)*

\*\*\*Although not directly relevant to DPPs process I feel I need to point out that Chapter 205-45.5 is reprehensible in that it would require the elderly, disabled and very young to continue to actively and currently farm, or leave the family home at precisely the time they are most vulnerable to homelessness.

Clearly the change of designation from Agricultural District to Important Agricultural Lands will have a dramatic effect on the permissible use of the farm dwellings many of us currently make our homes in. I have provided documentation of multiple times during the public meetings that DPP officials were asked about how the change in designation would affect permitting and farm dwellings. At no time did the officials disclose to the public the drastic change in applicable

Hawaii Statute. Instead, they repeatedly minimized the importance of the change in land designation.

Statute 205-47 requires “an inclusive process for public involvement.” A public that is repeatedly given false information by its government is not being included. In addition to furthering the public’s distrust of the scandalized DPP, spreading misinformation effectively excluded the people most adversely effected by this change in land designation. Therefore, the Land Use Commission must decline the current proposal until the County has additional public meeting during which it fully and honestly discloses how the change in designation will affect those currently living on their land.

Sincerely,

Alexander and Vanessa Garber, Waialua Orchards

April 24, 2021

State Land Use Commission  
P.O. Box 2359  
Honolulu, HI. 96804

TMK#85019070

To Whom It May Concern,

Aloha, we have been alerted that our parcel of land is slated to be designated as "Important Agricultural Lands" or IAL. After reading through the LUC's provided material on IAL on the provided web page City and County IAL, in its current state, we cannot support the designation of IAL for our land parcel. This is due to the lack of transparency of knowing how it will directly affect our property, current land use, and classification.

In City and County Communication 390 Part 1 page one Introduction, IAL is explained as *"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 subset of high-quality farm land " "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.""* 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)." This does not clearly define how designation will directly affect us as a land owner and does not clearly define the affect of current status of classification or current land use elsewhere in the document. Also in part 6 page 76, the concern of additional land use restrictions, as well as cost of ownership and land values are concerning and have not been clearly addressed or provided to make a clear decision on the value of IAL, or its possible consequences to those who produce for self-consumption and/or do not commercially farm.

Our current land parcel TMK# 85019070 is listed at .96 acres. On page 76 of the Department of Agriculture Apparent Anomalies in Mapping potential IAL the comments state *"38 percent (232) of 621 tax parcels proposed for IAL designation along the leeward coast from Waianae valley through Lualualei are less than two acres"* further, *"These small mapped areas appear inconsistent with the IAL policy of promoting "...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" (Section 205-43(1))."* We concur with the DoA. While our property is filled with 3 large producing 'ulu trees, 5 large producing mango trees, 2 large noni trees, fig, guava, mulberry, starfruit, amongst other fruit trees, a variety of flowering trees, herbs and shrubs, these are all for the personal consumption and enjoyment of neighbors, friends, and family. Our parcel is too small for production farming on any large scale. Less than ¼ acre is open field that could be used for production farming.

**IAL identification** is a step in the right direction, however, for those landowners that want and agree to the stipulations that IAL requires and incentives it provides. **IAL Designation** should only be handled on a case by case basis. To conclude, we oppose the current designation of our land parcel as IAL.

Mahalo for your time and attention,

Lucy Miranda Trust