

**From:** [DBEDT LUC](#)  
**To:** [Quinones, Natasha A](#); [Orodenker, Daniel E](#); [Derrickson, Scott A](#)  
**Subject:** FW: [EXTERNAL] IAL  
**Date:** Thursday, May 20, 2021 6:22:10 AM  
**Attachments:** [3-9-17 WAA Meeting Recap.pdf](#)

---

**From:** Linda Baptiste <baptiste.linda@gmail.com>  
**Sent:** Wednesday, May 19, 2021 12:42 PM  
**To:** DBEDT LUC <dbedt.luc.web@hawaii.gov>; Rblangiardi@honolulu.gov; Andrew Malahoff Andrew Malahoff - Chief Of Staff/ Administrative <amalahoff@honolulu.gov>; mformby@honolulu.gov  
**Subject:** [EXTERNAL] IAL

Linda R. Baptiste  
41-849 Kakaina Street  
Waimanalo, Hawaii 96795

May 17, 2021

Mr. Daniel E. Orodenker  
Executive Officer  
Land Use Commission  
P. O. Box 2359  
Honolulu, Hawaii 97804-2359

Email: [dbedt.luc.web@hawaii.gov](mailto:dbedt.luc.web@hawaii.gov)

Subject: C&C of Honolulu - Important Agricultural Lands (IAL) Designation

RE: 4-1-025-006 & 4-1-025- 007 (My Property)

Dear Mr. Orodenker:

I am opposed to the planned IAL program which will adversely affect my property, and respectfully request that my property be excused and excluded. I am "opting out" from any IAL designation. This option was denied me because the City and County (C&C) lacked transparency and proper property owner notification. Certified Return Receipt letters at the onset to all owners should have been the very minimum.

This is a followup to my letter dated April 25, 2021.

It has become even more apparent since your zoom hearings in April 2021, that the notification to owners was incomplete, insufficient, confusing and poorly executed.

Not only was I never informed or notified about the IAL, but in checking with many of my neighbors, most of them had no knowledge of this IAL designation or that their properties were affected. The number of uninformed, misled or misinformed property owners is disturbing and shameful in light of the fact the City and County is representing that they complied with procedures.

Overwhelming evidence exposes that proper notification to owners was not complied with. If the City and County is representing that they complied with procedures, the procedures were flawed, incomplete and insufficient to keep the property owners informed. The lack of transparency and non-disclosure from the City and County opens many legal questions at the very minimum. City and County owes an explanation of when this IAL morphed from optional to mandatory!

Additionally, my neighbors that had "some Idea" about the IAL did not believe that it affected them. Neighbors who were members Waimanalo Agricultural Association (WAA) were led to believe that this was an optional designation and that there was a choice as to whether one wanted to participate. I am attaching documentation from the WAA dated 3/9/17, indicating that this was an optional program. Please refer to attachment stating that the option to OPT out was available.

I was not a member of WAA in March 2017, so I was not privy to this information. As I stated in my last letter:  
"I was NEVER informed of this IAL Designation affecting my property. Had I been informed, my husband and I would have immediately formally objected to this change and taken all legal measures to protect our property from this."

I did attend a WAA meeting on Thursday, May 13, 2021, where the IAL was discussed. I was appalled that most of my neighbors and friends had no idea that their properties were involved with the IAL designation. The lack of transparency and full disclosure, the fact that the C&C has not completed the "incentives" and other obligations is all the more compelling that this is flawed on multiple levels.

Full disclosure to the affected owners in this matter is non-existent. I believe that full disclosure isn't possible because all incentives from the county have not been met or completed.

Again, I will state, because I have not been informed properly and in a timely manner from any governmental entity, I firmly believe that my due process under the law has been denied.

I am officially requesting that my property indicated above be excluded and exempt from the IAL and I be allowed to OPT out.

In my opinion, this IAL designation is poorly planned, incomplete and regarding owner notification poorly executed. It appears to encompass a broad sweep, poorly thought out, and adversely affecting many law-abiding landowners. There is a serious problem in that there are so many landowners indicating that they also were not or have not been informed of this.

Thank you in advance for your time and consideration of these issues.

Sincerely,

Linda Baptiste

Linda R. Baptiste  
Phone 808 259-9648

Key issue for Minoru Kaneshiro regarding Honolulu County's designation of his property as Important Agricultural Land (IAL) under State's land use law to protect and maintain agricultural lands:

**As a retired farmer whose children choose not to farm, his property is not under agriculture production. Therefore, he is not in compliance with the law.**

Many others share the same situation or have inherited land from their great grand parents who find that farming is not economically feasible or find impractical as in the case of a single mother with several young children in Waianae IAL land. Others have bought agricultural land without knowing about this IAL requirement.

Although the County's Dept of Planning and Permitting (DPP) stated that they do not intend to enforce the law and remove owners from their property, legally, future DPP directors may have to enforce the law, kicking non-complying owners out.

My opinion:

Coercing and intimidating people to farm that many in Hawaii know is exceedingly difficult to make a living by because of farming's inherent high costs is wrong.

If our political leaders would instead focus on removing the causes of the high cost of farming, farmers would become prosperous, and agriculture would expand tremendously without using police state tactics.

If our leaders would act to remove the Jones Act that prevents Asian ships from directly landing in Hawaii, our farmers and all business will have access to low priced Asian supply, materials, especially fertilizer and feed, and agriculture and ranching would boom, competing against mainland products with lower prices.

Also, removing our G.E.T. tax, the highest form of taxation in the country, would also lower farming and all other business costs.

In fact, removing these two cost items would help lower Hawaii's high cost of living.

Gene Dumarán  
c/o Minoru Kaneshiro  
87-1059 Papaya Rd.  
Waianae, HI 96792  
TMK# 87018005

SENT VIA E-MAIL: [dbedt.luc.web@hawaii.gov](mailto:dbedt.luc.web@hawaii.gov)

Honorable Jonathon Scheuer  
Chair  
Land Use Commission  
P.O. Box 2359  
Honolulu, Hawaii 96814-2359

SUBJECT: Opposition to Proposed Important Agricultural Lands Designation

Dear Chair Scheuer and Members of the Commission,

My name is Annette Lee. My husband and I are landowners/farmers in Waimanalo and own 2 acres. I recently received a letter from the Land Use Commission informing me that my property has been designated by the City and County of Honolulu as Important Agricultural Lands (IAL). Further, I was informed that the Land Use Commission may be taking action to accept the City and County of Honolulu's Important Agricultural Lands designation which includes my property in Waimanalo.

Originally, Waimanalo landowners were told that we do not fit the criteria to be designated IAL. We were also told that we could "opt out" of this process if we wished. By arbitrarily designating large areas of small farmers seems like an example of changing the rules after the fact. This seems to be a land grab by the City and State. This is a program primarily for large landowners (10 acres +) which would make sense but does NOT benefit smaller landowners who just wish to farm as long as they can and then retire on THEIR property. The new proposed changes would not allow farmers to lease their property or to live on the property if they cannot physically farm. It does not allow older retirees to lease their property if they are complying with agricultural purposes.

I object to the designation of my property as IAL for the following reasons: the process for the IAL designation was flawed and did not fully inform landowners of the designation's impact; the LUC process did not provide adequate information as to how the acceptance of these maps would impact our property; there was not clear guidance on how I could opt out of the IAL designation; and lastly the process was rushed and has left my family and I confused and perplexed.

Please consider my concerns and reject the City and County of Honolulu's representation that it has followed all procedures with respect to state statute. The IAL designation process needs more vetting and landowners must be better informed about their options, how such designation will impact their lands, and whether or not they have the ability to "opt out" of such designation.

Thank you for your consideration.

Sincerely,



Annette Lee  
TMK: 41026025000

# RUSH MOORE LLP

A Limited Liability Law Partnership

Attorneys at Law

Offices in Honolulu and Kona

Honolulu Office: 737 Bishop Street, Suite 2400, Honolulu, Hawaii 96813 / Tel. (808) 521-0400 / Fax (808) 521-0497

---

Direct dial number: (808) 521-0408

Email: [smau@rmhawaii.com](mailto:smau@rmhawaii.com)

May 19, 2021

State of Hawaii Land Use Commission

P. O. Box 2359

Honolulu, Hawaii 96814-2359

Email: [dbedt.luc.web@hawaii.gov](mailto:dbedt.luc.web@hawaii.gov)

Dear Chair Scheuer and Members of the Commission:

Subject: Meeting of May 26, 2021, Agenda Item V. - City and County of Honolulu Important Agricultural Lands (“IAL”) Designation

We are submitting comments on behalf of Robinson Kunia Land LLC (“RKL”) as to whether the City and County of Honolulu (“City”) has complied with legal requirement regarding its Recommendation of Important Agricultural Lands filed on April 21, 2021 (“Recommendation”) for the Island of Oahu.

The Recommendation seems to have been developed on a mass and generalized basis and without specific consideration to the legal rights, duties, or privileges of specific landowners or issues relating to particular properties. RKL has already designated over 50% of its lands as of January 2019 as IAL. Yet the Recommendation seeks to have all RKL agricultural land designated as IAL, as discussed in more detail below. The City should not proceed with its Recommendation until such time as they have updated and excluded lands which cannot and should not be considered for IAL designation. Furthermore, landowners, prior to the LUC’s consideration of involuntarily designation all of that landowner’s property as IAL, should be given the opportunity to designate more than 50% of their land as IAL, without that landowner having to incur the enormous costs that come with seeking a voluntary designation under HRS Section 205-45.

In considering whether the City should be allowed to proceed with its current Recommendation, consideration should be given to the following:

1. It is unclear from the Recommendation whether the maps and Tax Map Key (“TMK”) parcels for which approval is sought utilizes the map and TMKs from the City’s October 2018 Report (2018 Report), or the map and TMKs set forth in the May 2019 City Council resolution (“2019 Resolution”), or the LUC’s updated list of TMKs used for LUC’s mail notifications (“LUC list”).
2. All RKL lands are contained in both the 2018 Report (containing 1,800 TMKs), the 2019 Resolution (containing 1,767 TMKs) and the LUC list (containing 2,388 TMKs).

3. It is unclear from the Recommendation the location of the acres of RKL lands included and excluded in the City's Recommendation for involuntary designation of IAL.
4. With more than 50% of RKL voluntarily designated as IAL in January 2019, any recommendation to designate more RKL land is a mistake, is not made in good faith, and/or cannot legally be considered by the LUC. The fact that the City's Resolution states that its maps and TMK listings "do not reflect State Land Use Commission declaratory rulings for voluntary designation of important agricultural land issued after August 31, 2018" is improper. The City's Resolution was passed on June 5, 2019. The maps and TMK listings approved by the City Council should have been current as of that date, so that accurate information could be provided to the LUC.
5. Even, for the sake of argument, if the attempt to designate additional RKL lands could be legally considered, it is unreasonable and overly burdensome to require a landowner to participate in a proceeding that involves and includes hundreds of other landowners and properties.
6. The City, the Department of Agriculture, and the Office of State Planning all participated in RKL's Land Use Commission proceeding to designate RKL lands as IAL. The City and the Department of Agriculture, nevertheless, recommend support of the current City Recommendation. The Office of State Planning recognizes that certain large landowners have designated IAL lands since 2016, but their Figure 2 (Lands Designated as IAL and Lands Proposed for Designation as IAL) does not recognize the RKL designated IAL lands as Lands designated as IAL pursuant to HRS Section 205-45 by the State LUC. The proceedings on the City's Recommendation should not go forward to the extent they attempt to make recommendations which violate HRS Chapter 205. It should not be left to the LUC to sort through conflicting documents provided by the City to determine exactly what lands the City is proposing for IAL designation.
7. The City failed to take notice of those lands that have already been designed as important agricultural lands by the LUC. See HRS Section 205-47.
8. Prior to the involuntary designation of IAL, the City is required, but has failed, to offer incentives. See HRS Section 205-46.
9. In formulating its final recommendations to the City Council, the planning department failed to report on the manner in which the IAL mapping relates to, supports and is consistent with RKL's position on involuntary designation. See HRS Section 205-47(d).
10. The City has failed to adopt ordinances that reduce infrastructure standards for Important Agricultural Lands. See HRS Section 205-51.

11. No involuntary proceedings should go forward until the State and the City, as required under HRS Section 205-43, disclose to the public what changes to policies, land use plans, ordinances, and rules they will be enacting to pursue the IAL policies under HRS Section 205-43, so that landowners are provided notice of the implications of IAL designation.

The City's Recommendation should be dismissed, and thereafter amended and corrected to exclude attempts to designate lands which cannot be supported under current law. Moreover, the City in pursuing future recommendations for designation, should take notice of landowners who have designated a majority of its property as IAL, offer incentives, adopt ordinances that reduce infrastructure standards for IAL, disclose changes in policies, land use plans, ordinances and rules to pursue IAL policies, inform and facilitate voluntary designation prior to seeking involuntary designation of IAL and fully comply with all legal requirements under Chapter 205.

Very truly yours,

RUSH MOORE LLP  
A Limited Liability Law Partnership

By   
Stephen K.C. Mau

**From:** [Hakoda, Riley K](#)  
**To:** [Quinones, Natasha A](#)  
**Subject:** FW: [EXTERNAL] Important Agricultural Lands (IAL) designation  
**Date:** Thursday, May 20, 2021 6:06:13 AM

---

IAL- add to future case list

-----Original Message-----

From: Arlene Ting <adtingting2@gmail.com>  
Sent: Wednesday, May 19, 2021 4:14 PM  
To: Hakoda, Riley K <riley.k.hakoda@hawaii.gov>  
Subject: [EXTERNAL] Important Agricultural Lands (IAL) designation

Re: TMK: RP 1-8-6-010-004-0000-000  
86-313 Puhawai Rd, Waianae, HI 967692

Dear Mr. Hakoda,

Thank you for clarifying some issues regarding the letter we received from the Land Use Commission dated May 11, 2021.

We are hereby questioning the process which resulted in our property (listed above) being included in the Important Agricultural Lands (IAL) designation, and believe that the process did not consider the feasibility of requiring agriculture on this property. The property in question is 21,780 square feet (72.6 sq ft x 300 sq ft) or 1/2 acre, and is too small to support agriculture profitably; therefore, it should not be included in the Important Agricultural Lands designation. We would like this property removed from this designation. We would also like this letter to be included in the public testimony with the City and County, State Office of Planning, and the Department of Agriculture.

Please let us know if you require supporting documents, which we will be happy to provide. Thank you.

Sincerely,

Dennis K. Y. Ting  
Arlene H. Ting

2532 Malama Pl.  
Honolulu, HI 96822

Home Phone: 808-988-5003  
Cell Phone (Arlene): 808-783-5353  
Cell phone (Dennis): 808-372-5011

Email address: [adtingting2@gmail.com](mailto:adtingting2@gmail.com)



May 19, 2021

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

Email: [dbedt.luc.web@hawaii.gov](mailto:dbedt.luc.web@hawaii.gov)

To the Land Use Commission,

This letter comes to you in regards to our 2-acre farm in Waimanalo that is being recommended for IAL designation.

**TMK:** 141026031

**Address:** 41-244 Hihimanu Street  
Waimanalo, HI 96795

**Owners:** Gordon & Jennifer Ah Nee ( Kahua Pohaku Farms, LLC)

We are **OPPOSED** to this IAL designation and ask to **NOT** be considered. Here are a few crucial reasons:

- 1) Our farm has roughly 1.5 acres out of the total 2 acres available for actual farming. We have a flag lot with a long 800" x 16" driveway and we're in the process of obtaining our building permit for a 40x60 barn (with an attached 2 bedroom apartment). This leaves enough land for a very small farm operation or homestead. One could sell occasionally at a farmer markets but there is no way a property this size could economically and physically produce high yield crops. Let alone provide a livable full-time income.
- 2) Our farm grows sod/turf grass. This landscape crop is suitable considering the soil on our farm is heavy clay under just a few inches of soil. Also, the sod can withstand the Windward side's climate of heavy rains and wind. It would be cost prohibitive and just impractical to try and grow food products in these soil and climate conditions.
- 3) We are like the majority of farms in Waimanalo in that we grow and sell landscape &/or nursery plants. We proudly provide a local product to retailers, homeowners, landscapers and contractors on our island.
- 4) Farming on our miniature farm is not our full-time employment. It is part-time income and hopefully a place for our children to live and help care for our land. An inheritance and legacy to pass down. It may also be an option for

retirement. We could downsize to the 2-bedroom apartment and continue working the land for part-time income. Then leave the land to our children and their children.

- 5) With more restrictions and regulations, there is great concern for the real estate value of our property to decrease. We have worked hard, physically and financially, to invest in our property, follow the existing laws and regulations and pay our taxes. The existing framework has been fine. Especially for smaller farms.

So with all due respect, please consider removing our names and farm from the IAL map. We appreciate this opportunity.

Thank you,

Gordon & Jennifer Ah Nee  
1306 Manu Aloha Street  
Kailua, HI 96734  
Email: jennahnee@gmail  
808-782-7873

Aloha,

My name is Wendy Hee, Vice President of Blue Ivory Hawaii Corp. (Blue Ivory). 2 months ago a lawyer emailed us about “Important Agricultural Lands (IAL) and the proposed designation of a parcel we had just purchased less than a year earlier. Our awareness of this issue was accidental: we had not received official written notice.

I called the State Land Use Commission (LUC) and was told a hearing would be scheduled. But because Blue Ivory never received prior notices, I wrote a letter on March 4 to make sure our objection was on record.

We would also like to go on record to say that the process for the LUC to make this designation is unclear. We were informed that this is a modified “rulemaking” process that may not be proper in comparison to the typical petition that affects a private landowner’s property uses.

LAND USE COMMISSION  
NOTIFICATION OF LAND USE COMMISSION MEETING

**April 28, 2021 & April 29, 2021 at 9:00 a.m.**

via **Zoom Webinar Virtual Meeting** (to register, see below)

*Considering the evolving COVID-19 situation, protecting the health and welfare of the community is of utmost concern. Pursuant to Exhibit F of the Governor's Seventeenth Proclamation Related to the COVID-19 Emergency, the Commission will hold meetings remotely by interactive conference technology, with Commission members, Staff and Applicants participating simultaneously online. Individuals and members of the public can view and listen to these live, online meetings by registering and using the links below. A registration e-mail will follow thereafter with a link to the day's meeting.*

**A G E N D A**

**April 28, 2021 – 9:00 a.m.**

Click to register for this Zoom meeting:

[https://us02web.zoom.us/webinar/register/WN\\_u3GuTHXjQZ6NBFMt3a-27A](https://us02web.zoom.us/webinar/register/WN_u3GuTHXjQZ6NBFMt3a-27A)

**I. CALL TO ORDER**

**II. ADOPTION OF MINUTES**

April 14-15, 2021 Minutes

**III. TENTATIVE MEETING SCHEDULE**

**IV. ACTION**

**A07-772 A&B PROPERTIES, INC. (Maui)**

Consider Motion for Order to Extend Time in Docket No. A07-772 in which the Commission granted the reclassification of approximately 94.352 acres of land from the Agricultural District to the Urban District at Waiakoa, Maui, for single- and multi-family residential units, and commercial services at TMK Nos. 3-8-04: por. 2, por. 22, and por. 30.

**V. ACTION**

**CONFORMANCE OF C & C OF HONOLULU IMPORTANT AGRICULTURAL LANDS (IAL)  
RECOMMENDATION TO APPLICABLE STATUTORY AND PROCEDURAL REQUIREMENTS**

To consider whether the City and County of Honolulu recommendations for the designation of Important Agricultural Lands on the Island of Oahu complies with the requirements of Sections 205-47, 205-48 and 205-49 Hawaii Revised Statutes and whether the proper procedural, legal, statutory and public notice requirements were met in developing the recommendations. The lands recommended for designation are listed in Appendix H of the C&C's IAL petition which, along with meeting materials, are available for public review in advance of the meeting at: <https://luc.hawaii.gov/city-county-ial/>

**The Commission will not be considering or determining at this meeting the legal rights, duties, or privileges of specific landowners or issues relating to particular properties.**

**VI. RECESS/ADJOURNMENT**

**A G E N D A**

**April 29, 2021 – 9:00 a.m.**

Click to register for this Zoom meeting:

[https://us02web.zoom.us/webinar/register/WN\\_7B5qmx9WTBu5zbNdaC6xhQ](https://us02web.zoom.us/webinar/register/WN_7B5qmx9WTBu5zbNdaC6xhQ)

**VII. CALL TO ORDER**

VIII. CONTINUED ACTION  
CONFORMANCE OF C & C OF HONOLULU IMPORTANT AGRICULTURAL LANDS (IAL)  
RECOMMENDATION TO APPLICABLE STATUTORY AND PROCEDURAL REQUIREMENTS

IX. ADJOURNMENT

**Executive Session.** During the scheduled meetings, the Commission may elect to consult with its legal counsel in executive session pursuant to HRS § 92-5.

**Protocol for Testifying before the LUC.** Interested persons can submit written testimony that will be distributed to Commissioners/Board Members prior to the meeting. Written testimony must be submitted no later than 24 hours before the meeting to ensure time for Commissioners to review it. Submit written testimony to: [dbedt.luc.web@hawaii.gov](mailto:dbedt.luc.web@hawaii.gov). The mailing address for the Land Use Commission is P.O. Box 2359, Honolulu, Hawaii, 96814-2359. Mailed-in testimony must be received no later than 24-hours prior to the meeting to ensure review. All written testimony will be acknowledged at the meeting.

To provide live oral/video testimony during the online meeting, you must register in advance—with your name, email address, and the agenda item you would like to testify on during the meeting—using the following URL links:

Wednesday April 28, 2021

[https://us02web.zoom.us/webinar/register/WN\\_u3GuTHXjQZ6NBFMt3a-27A](https://us02web.zoom.us/webinar/register/WN_u3GuTHXjQZ6NBFMt3a-27A)

Thursday April 29, 2021

[https://us02web.zoom.us/webinar/register/WN\\_7B5qmx9WTBu5zbNdaC6xhQ](https://us02web.zoom.us/webinar/register/WN_7B5qmx9WTBu5zbNdaC6xhQ)

Once your request has been received, you will receive a Zoom link via which to attend the meeting. You will need a computer with internet access, video camera and microphone to participate.<sup>1</sup> If you require access by phone only, please indicate that in your email request. Public testimony will be taken when each agenda item is discussed.

Testifiers will be called on by the Chair to offer testimony. The Chair will call you name and enable you to join the on-screen panel. The Chair will unmute your microphone and turn on your video. When it is your turn to speak, you will be given full access to the meeting.

When testifying, please state your first and last name for the record. If you are testifying on behalf of an organization, please include the name of the organization as well. Testimony will be limited to a maximum of three (3) minutes per person, per item. You will be given notice when 30 seconds remain. If you continue to testify beyond your allotted time, the Chair will kindly ask you to complete your testimony. If you have submitted written testimony and have also signed up to deliver it orally, the Chair will ask you to kindly summarize your points. When you have finished testifying, please wait to see if the parties or Commissioners may have follow-up questions. If not, the Chair will return you to the audience side of the Zoom meeting. Staff will be monitoring people joining by video and will do their best to take each person in an orderly fashion. Please be patient as we continue to navigate this new platform.

**Meeting Materials.** Some materials for the agenda items may be available on the Land Use Commission's website prior to the Commission's meeting, available here: <http://luc.hawaii.gov>.

---

<sup>1</sup>Please note that persons who require an auxiliary aid, service, or an accommodation due to a disability should call (808) 587-3822 no later than 12:00 noon, 2 business days before the date of the meeting.