

LAND USE COMMISSION
STATE OF HAWAII

2022 JUN 30 A 9:19



BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In The Matter Of The Petition Of

CITY AND COUNTY OF HONOLULU
IMPORTANT AGRICULTURE LANDS
(IAL) MAPS AND RECOMMENDATIONS
(O'AHU)

Land Use Commission's Evaluation Of The
City And County Of Honolulu's
Recommendations And
Compliance For Identification And Mapping
Of Important Agricultural Lands For The
Island Of O'ahu State Of Hawai'i

FINDINGS OF FACT, CONCLUSIONS OF
LAW, AND DECISION AND ORDER
DENYING THE CITY AND COUNTY OF
HONOLULU'S PETITION TO
DESIGNATE IMPORTANT
AGRICULTURAL LAND ("IAL") AND
CERTIFICATE OF SERVICE

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION AND ORDER
DENYING THE CITY AND COUNTY OF HONOLULU'S PETITION TO DESIGNATE
IMPORTANT AGRICULTURAL LAND ("IAL")

AND

CERTIFICATE OF SERVICE

**THIS IS TO CERTIFY THAT THIS IS A TRUE
AND CORRECT COPY OF THE DOCUMENT ON
FILE IN THE OFFICE OF THE STATE LAND
USE COMMISSION, HONOLULU, HAWAII.**

June 30, 2022
DATE

by



ORIGINAL

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STATE OF HAWAII

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LAND USE COMMISSION
STATE OF HAWAII

**FINDINGS OF FACT, CONCLUSIONS
OF LAW, AND DECISION AND ORDER**

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The Department of Planning and Permitting ("DPP") of the City and County of Honolulu, filed a Recommendation of Important Agricultural Lands on April 6, 2021, pursuant to Hawai'i Revised Statutes ("HRS") § 205 Part III, and Hawai'i Administrative Rules ("HAR") chapter 15-15-125, to designate Important Agricultural Lands ("IAL").

Approximately 128,000 acres or 32% of the total acreage of the City and County of Honolulu (approximately 386,000 acres) is in the State Land Use Agricultural District. Of the 128,000 acres, approximately 56,145 acres were ineligible for IAL designation and excluded due to prior IAL designation through the landowner-initiated process, State of Hawai'i land ownership, or were pending acquisition by the U.S. Government.

The DPP's IAL mapping and public outreach phase of the IAL designation process began in August 2014. Of the 63,855 acre study area identified, approximately 45,428 acres were recommended for designation as IAL to the State of Hawai'i Land Use Commission ("LUC"). A list of the recommended Tax Map Key ("TMK") parcels was presented as Petitioner's Appendix H, with associated regional profiles displayed in Petitioner's Figures 4-3 through 4-8.

The DPP's IAL designation project took approximately seven years to complete, and present to the LUC. This prolonged span of time created discrepancies in the County's records, and created problems for the LUC. In particular, the LUC had difficulty determining how to notify the appropriate property owners/title holders of the LUC's IAL proceedings.

After the LUC sent out IAL hearing notifications, the LUC received approximately 300 phone calls and letters of written public testimony objecting to County's designation proposal.

The LUC, having heard and examined the testimony, evidence, and argument of counsel presented during the hearings on this matter, along with the pleadings filed herein, hereby makes the following Findings of Fact, Conclusions of Law, and Decision and Order.

I. PROCEDURAL MATTERS

1. On August 28, 2019, the City and County of Honolulu (“C&C HNL” or “County”) filed a preliminary Petition to Designate Important Agricultural Lands for the C&C HNL from the Honolulu City Council to the Land Use Commission (“LUC” or “Commission”).

2. On September 29, 2020, the County transmitted to the LUC the following: Honolulu County Council Resolution HCC No. 18-233, CD1, FD1; Exhibit A (IAL maps) and Exhibit B (Recommended IAL Tax Map Key identifications); and a report titled O‘ahu Important Agricultural Land Mapping Project August 2018 (“County IAL Submission”). The substance of the Resolution and submittal was intended to comply with the requirements of HRS §205-47 to -48, and HAR §15-15-125.

3. On February 2, 2021 the LUC mailed a meeting notice and agenda for the February 11, 2021 meeting to the County, State Office of Planning and Sustainable Development (“OPSD”), State Department of Agriculture (“DOA”) and the Statewide and O‘ahu mail and email lists. The purpose of the February 11, 2021, meeting was to inform the Commissioners and the Public of the required process and procedures to be applied in reviewing and rendering a decision on the County IAL Submittal pursuant to Part III of Chapter 205 HRS and Subchapter 17 of Chapter 15-15 HAR.

4. On February 10, 2021, OPSD and DOA filed public comments on the County's IAL submittal.

5. On February 11, 2021 the LUC held a hearing on the County IAL recommendation and the Commission's Executive Officer explained the process and procedural requirements of Part III, Chapter 205 HRS and Subchapter 17 of Chapter 15-15 HAR to the Commissioners and the Public.

6. At the conclusion of the Executive Officer's presentation, the Commissioners had numerous questions regarding how to process landowner objections, the standard of review required by law, whether the proceedings were rule-making or subject to contested-case proceedings, and how the 365-day decision timeline would be affected if they had to handle cases individually. The Commission asked the Deputy Attorney General ("DAG"), Linda Chow, for her perspectives on how best to proceed. She offered various alternatives for them to consider.

7. The Commission took no action on the County IAL designation matter at the February 11, 2021 meeting.

8. On February 16, 2021, the LUC mailed a meeting notice and agenda for the February 24-25, 2021 meeting to the County, OPSD, DOA and the Statewide and O'ahu mail and email lists.

9. The February 24-25, 2021 LUC hearing agenda was amended to delete Consideration of the City and County of Honolulu's Department of Planning and Permitting (DPP) recommendations for IAL designation on the island of O'ahu due to unresolved issues with regard to preparation of the agenda and notification.

10. On February 26, 2021, the LUC received additional supplemental digital files from DPP. The supplemental files contained the County's original mailing list, updated property tax records, and GIS layer map files of the IAL recommendations. The LUC was unable to verify the accuracy of the submitted mailing list. A more accurate and comprehensive mailing list of affected property owners and TMKs was then constructed using available county records.

11. On April 12, 2021, the LUC mailed notice letters and meeting and agenda notices for the April 28-29, 2021 meeting to all property owners included on the County's updated and revised list.

12. On April 20, 2021 the LUC mailed the April 28-29, 2021 meeting notice and agenda to all parties to the proceedings and to property owners on the revised statewide mailing and email lists.

13. On April 28-29, 2021, the LUC held a hearing to consider whether the City

and County of Honolulu recommendation for the designation of Important Agricultural Lands on the Island of O‘ahu complied with the requirements of Sections 205-44, 205-47, and 205-48 of the Hawai‘i Revised Statutes.

14. Dawn Takeuchi-Apuna, Esq., Deputy Director, Department of Planning (“DPP”), Raymond Young, Planner, and Dina Wong appeared on behalf of Petitioner.

15. Alison Kato, Esq. Deputy Attorney General, Office of Planning and Sustainable Development (“OPSD”), and Rodney Funakoshi, Administrator appeared on behalf of OPSD.

16. Earl Yamamoto, Planner, appeared on behalf of the Department of Agriculture (“DOA”).

17. Commissioner Okuda recused himself from the proceedings due to a conflict of interest.

18. Public testimony was taken at the opening of the agenda item. Public testimony was concluded on April 28, 2021.

19. The Petitioner gave its presentation on April 29, 2021. After the completion of the petitioner’s presentation OPSD and DOA gave their presentations.

20. At the conclusion of the presentations and public testimony the Commission

entered into discussions on how to proceed with the processing of the County IAL petition. As a consensus could not be achieved, the LUC took no further action and the meeting was adjourned.

21. Between March 3, 2021 and May 7, 2021, the Commission received approximately 100 emails, phone calls, and pieces of written public correspondence with regard to this matter. The majority of the comments received were from concerned landowners responding to the Commission's comprehensive mailing notice¹ for the April meeting. The majority expressed their opposition to being included on the DPP's proposed IAL designation list.

22. On May 18-19 , 2021, the LUC, via mail and email, transmitted the May 26-27, 2021 meeting notice and agenda to all parties and to the revised Statewide and City and County of Honolulu mailing and email list.

23. On May 20, 2021, OPSD filed the documents "City IAL OPSD Recommendation to LUC" and "City Council Resolution 18-233, Exhibit B: Parcels Less than Two(2) Acres".

24. Between May 25th and 27th 2021, the LUC received approximately

¹ The Commission compiled a comprehensive mailing notification list based on the following County submittals: City Council Resolution No. 18-233, CD1 FD1, Exhibit B (dated June 5, 2019); O'ahu Important Agricultural Land Mapping Project, Appendix H (dated August 2019); and, digital submittals by City & County Department of Planning and Permitting from their HOLIS system containing spatial GIS and ownership data files (February 2021).

60 emails, phone calls, and pieces of written public correspondence objecting to the IAL designation process, effectively opposing DPP's proposed designation.

25. On May 26-27, 2021, the LUC resumed its hearing on the IAL Submission with 7 Commissioners (Commissioner Okuda recused, 8 seated Commissioners), and all Parties from the previous hearing present.

26. At the May 26, 2021 meeting, the LUC went into Executive Session to discuss conformance of the C&C IAL recommendation to applicable statutory and procedural requirements. No public testimony was received on the agenda items.

27. Upon exiting the Executive Session, the LUC approved a motion to request a formal Attorney General ("AG") opinion on whether the County was required to apply all 8 statutory criteria to each individual parcel or make a general determination as to what criteria should or should not be applied. The Executive Officer and Chair were authorized to further refine the specific questions submitted to the AG.

28. The IAL proceedings were stayed until the LUC received the answers to its questions from the AG. No further LUC action was taken and the meeting was adjourned.

29. On October 1, 2021, the LUC received a legal opinion dated September 23, 2021 from the DAG responding to the LUC's questions.

30. On October 6, 2021, the LUC mailed and emailed the meeting and agenda notice for the October 13, 2021 meeting to the parties and the individuals and organizations contained in the revised Statewide, County and IAL mailing lists.

31. On October 11, 2021 the LUC concluded that unforeseen procedural matters affecting the adequacy of the notice had arisen. The LUC therefore distributed a notice of cancellation of the October 13, 2021 meeting to the parties and the individuals and organizations contained in the Statewide and County mailing lists. An email was sent to those who had registered for the meeting by Zoom. A cancellation notice was also posted on the Zoom registration page.

32. On October 12, 2021, a Meeting Agenda for October 21, 2021 was mailed and emailed to the parties and the individuals on the revised Statewide, County, and IAL list.

33. On October 21, 2021, the LUC held a hearing on the IAL submission with all Parties from the previous hearing present. The LUC unanimously voted (7 Commissioners present-Commissioner Okuda recused, 8 seated Commissioners), to waive the attorney/client privileges with respect to the Attorney General's IAL opinion and to make the legal opinion of the AG available to the public.

34. On December 14, 2021, the LUC mailed and emailed notice of a January 5-6, 2022 meeting to property owners included in the list provided by C&C of Honolulu.

35. On December 23, 2021, the LUC mailed and emailed notice of the January 5-6, 2022 to the Parties, and individuals on the revised Statewide and County lists.

36. On December 29th, 2021, the LUC received DPP's Supplemental Brief to its Recommendation of Important Agricultural Lands.

37. On December 29th, 2021, the LUC received additional testimony from "A Charitable Foundation Corporation".

38. On January 5-6, 2022, the LUC held hearings on the IAL Submission.

II. FINDINGS OF FACT

39. In August of 2015 the City began the IAL mapping and public outreach phase of its process, approximately 63,855 acres of agricultural land was studied. Of that acreage 45,428 acres was identified as meeting the criteria for submittal as proposed IAL to the LUC . DPP's Figures 4-2 of the Report maps the approximate 45,428 acres on 1,781 TMK parcels recommended for IAL designation and Figures 4-3 through 4-8 are regional profiles showing the recommendations for IAL at a closer view.

40. While the majority of the recommended land was in Central O'ahu (Mililani, Kunia, and Wahiawa) and the North Shore (Hale'iwa and Waialua), there were several large tracts found along the Wai'anae coast, in Ko'olau Loa, and in Ko'olau

Poko. DPP presented a list of the Tax Map Key ("TMK") parcels that were recommended for IAL, found in Appendix H of the Report. However, there were numerous sub-five acre lots that were included. Evidence contained in the report indicates that there is some question as to whether or not these lots could sustain agricultural activity.

COMMISSION FINDINGS

41. The Commission found that the DPP did not meet the minimum standards and criteria for the identification and mapping process in HRS sections 205-44 and 47 in its submittal.

42. The Report did not take into account lands subsequently designated IAL by the Land Use Commission, nor did it include additional lands recommended for IAL inclusion by the Honolulu City Council during its deliberations on passing Resolution No. 18-233, CD 1, FD.

43. The Report contained property ownership information which was obsolete or inaccurate. The ownership data parameters used by DPP failed to identify situations such as multiple land owners for the same property, land affected by "condominium property regime" ownership, or lands with complex title issues. The data parameters had not been updated over the approximately 7 years between initial collection and final submittal to the LUC.

44. County mapping irregularities were reported by property owners who were located in fringe areas of the proposed designation area.

45. The Commission found that maps of potential lands to be considered for designation as IAL had not been developed in full or adequate consultation and cooperation with landowners, agricultural interest groups, and other agricultural organizations.

46. The technical advisory committee (“TAC”) organized by DPP consisted of 13 farmers, six agricultural agency representatives, two agricultural interests, two other agricultural representatives, one landowner, and two ex-officio members, which together, included all of the agencies and organizations listed in HRS§205-47(b). Prior to the TAC’s involvement however, DPP had performed an internal technical review without the guidance, awareness, and intelligence of the TAC.

47. The Commission found that the time lapse from the IAL project’s inception to delivery of the finalized proposed designated lands to the LUC, the failure to keep a better record of its property/title owner notifications and to update its records, indicated that HRS§205 had not been complied with in a proper and timely manner. DPP had not met the minimum standards and criteria for the identification and mapping process in HRS sections 205-44 and 205-47.

48. The process utilized by DPP for public involvement in identifying IAL and the development of maps of lands to be recommended as IAL included a series of public meetings. However, landowner involvement was limited, notices to landowners were inadequate and recordkeeping was poor.

49. Pursuant to evidence submitted by OPSD, the County did not take complete notice of those lands already designated important agricultural lands by the commission.

50. The Commission also found that some of the land that DPP had proposed for designation was smaller than two acres and was insufficient to support viable agriculture. Public testimony and testimony submitted by OPSD indicated that many of the small lots were not viable for agriculture and/or had not been in agricultural production for some time.

51. The County had not made reasonable attempts to notify each owner by mail, or by posting notice on the affected lands, to inform owners of the potential designation of their lands.

52. The County only submitted a mailing list as a Petition exhibit and could not produce a verifiable record of proper property/title owner notification regarding the IAL designation process as many of the notices went to property managers and similar

organizations. It was unclear if all affected property owners had received the notices that the County claimed it mailed.

53. The Commission took notice of various anomalies identified by DOA, including:

- Not all areas recommended for IAL were in agricultural production, particularly in the Waimānalo and the Wai‘anae coast.
- A significant percentage of TMKs proposed for IAL were less than two acres: 38% of 621 parcels in Wai‘anae and Lualualei; and, 45% of 235 parcels from Waimānalo to Maunawili. DOA raised the question of whether these small parcels were consistent with the IAL policy of “...retention of important agricultural lands in blocks of contiguous, intact, and functional land units large enough to allow flexibility in agricultural production and management.”
- The County’s petition used a different standard than DOA to define “...land with soil qualities and growing conditions that support agricultural production of food, fiber, or fuel- and energy-producing crops” [Criterion 2]. The County used the Federal Natural Resources Conservation Service’s “Soil Survey Geographic (SSURGO) database” to map soil properties, available water capacity, agricultural productivity, solar radiation, and slopes. DOA uses the Land Study Bureau’s ratings (A to E) for that purpose.

54. The LUC found that the County failed to meet the standards and criteria in HAR §15-15-125(b) requiring the County to keep a complete record of its proceedings in support of its recommendation, including evidence the county adhered to the requirements of HRS §205-

47. The County had submitted its preliminary Petition to designate IAL in August 2019.

However, the process began 7 years prior, rendering the analysis and much of the information it contained stale and at least partially inaccurate.

55. HAR §15-15-125(b)(1) requires that maps of potential lands to be considered for designation as IAL be developed in consultation and cooperation with landowners. The County utilized several community focus groups to refine and validate its mapping methodology. However, community outreach was limited in comparison to the scope of the project.

56. The review of the paper maps contained in the IAL Report and the GIS map layers from which they were produced showed misalignments between IAL recommendations and TMK layers. Discovered inconsistencies included parcels that should have been excluded, excluded parcels that should have been included, and Urban District lands that were included, as well as State lands.

57. HAR §15-15-125(b)(2) requires that the inclusive process utilized for public involvement in identifying IAL and the development of associated maps of lands must include a series of public meetings. The County hired a consultant to assist in managing a public process and conducted public meetings throughout the island. However, shortcomings in its notifications to potentially affected property owners limited response and participation in the process.

58. HAR §15-15-125(b)(3) requires that the County take notice of those lands

already designated important agricultural lands by the commission. Evidence indicated that the County's identification process was not updated and inaccurate as a result.

59. HAR §15-15-125(b)(4) requires the County, take reasonable action to notify each owner of lands identified for potential designation by mailing or posting notice on the potentially affected lands. The County provided the LUC with an Excel spreadsheet of their initial mailing list based on the address of the entity paying property taxes; a second spreadsheet providing information on TMK ownership [current to February 25, 2021]; and digital GIS layer files showing IAL recommendations and TMK boundaries. Comparison of the submittals revealed that although the County mailed a notice to the owner/property tax payer of record many TMK parcels had multiple owners and some TMK parcels had collective ownership based on condominium property regimes ("CPR"). These additional owners were not notified of the ongoing IAL process.

60. The LUC's public notice letters to landowners were mailed out on April 12, 2021, using the initial County mailing list. Many additional TMK/CPR owners from the County's records had to be added to the LUC comprehensive mailing list. The LUC revised mailing list was considerably larger than the County's public notice mail out list as the LUC sent notices to all owners of TMKs and CPRs identified by the County's ownership files, not just to the entity paying the TMK property tax.

61. HAR §15-15-125(b)(5) provides that the County must submit evidence that

the important agricultural lands mapping relates to, supports, and is consistent with the standards and criteria set forth in HRS §205-44. While HRS §205-44 states that eight criteria may be used, the County had discretion to weigh certain criteria higher than others.

62. HRS §205-44 provides that County take into account adopted land use plans as applied to both the identification and exclusion of important agricultural lands from such designation.

63. Some high-quality agricultural land within urban growth boundaries had been and will be developed for urban use. Such lands were excluded from IAL consideration. This was intended to offset larger tracts of high-quality agricultural lands in Kunia and the North Shore.

64. HRS §205-44 provides that the County furnish comments received from government agencies and others identified in §205-47(b), HRS. The collection of public testimony received by the LUC in reaction to this IAL issue indicated that the County outreach program was ineffective.

65. HRS §205-44 provides for the viability of existing agribusinesses. The DOA and the Federal National Agricultural Statistics Service no longer monitor the agricultural industry or conduct in-depth reporting.

66. HRS §205-44 requires the County to provide representations or position

statements of the owners whose lands are subject to the potential designation. A significant number of the public were dissatisfied with the County's IAL process and sought to be excluded indicating their lands were not currently being used or not intended for future agricultural use while others indicated their lands were not conducive to agricultural use.

67. The County was unable to confirm that proper notification to the affected property/title owners had been accomplished. The Commission determined that a list of names on a mailing list was insufficient evidence that proper notice had been accomplished.

68. HAR §15-15-125(b)(6) requires that the County's important agricultural lands maps be adopted by the county council by resolution. The City and County of Honolulu Resolution No. 18-233, CD1, FD1 was adopted on June 5, 2019.

69. Public comments and written testimony indicated that many landowners had not been informed of the IAL process and the potential impacts of IAL designation.

70. Documentation on the County's attempts to contact landowners whose lands were designated IAL was not timely or adequately recorded. Public comments and written testimony indicated that a significant number of landowners had not been notified. Due to the time lapse of years that the County's IAL process took, the ownership records were not current.

71. The County's IAL process was too prolonged and the span of years involved diluted the County's attempt to establish an inclusive process where landowners could object to inclusion and be heard.

72. Review of the records submitted by DPP indicated that County had failed in many cases to include all the property owners associated with the affected addresses in its notices. Properties with multiple owners were only sent a single notice. It was therefore questionable whether or not co-owners had received notice and information regarding the IAL designation effort. The volume of returned mail to the DPP and the LUC during the IAL notification effort also confirmed that addresses on records were not up to date and needed to be corrected.

73. The County did not provide any explanation as to the inclusion of parcels less than one acre in size or where 5% or less of their parcel met IAL criteria.

74. In its discussion of the Petition, the Commission noted, among other things, that the 4 year gap in the County process created problems with notice, community outreach, had allowed general misinformation on the IAL process to occur.

II. CONCLUSIONS OF LAW

1. Any conclusion of law herein improperly designated as a finding of fact

should be deemed or construed as a conclusion of law; any finding of fact herein improperly designated as a conclusion of law should be deemed or construed as a finding of fact.

2. The County IAL Designation Process procedural and substantive requirements are governed by HRS §205-47, §205-48 and HAR §15-15-125.

3. HAR §15-15-125 sets forth the requirements for the county identification of IAL, including that the form and content of the County IAL recommendations shall conform to the following requirements:

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

4. A submission by a county under this section shall not be deemed complete unless all the evidence set forth in §15-15-125(b) has been transmitted and accepted by the Commission.

5. The Commission was required to decide: (1) whether the County provided a complete record of its proceedings and whether there was sufficient evidence that it adhered to the requirements of HRS §205-44 and -47, and, HAR §15-15-125; **if not then** (2) remand the matter back to the County for additional work; or **if the filing was deemed complete then** (3) accept the County's filing and set the matter for future hearings.

Pursuant to HAR §15-15-125(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.”

Pursuant to HAR §15-15-125(d):

“the commission may, under this section:

- (1) Remand the matter back to the county for further review or clarification;*
- (2) Adopt the recommendation 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 review the county recommendations and proposal to exclude, or include, certain lands from designation as important agricultural lands.”*

6. The commission may, under this section: [HAR §15-15-125(e)]

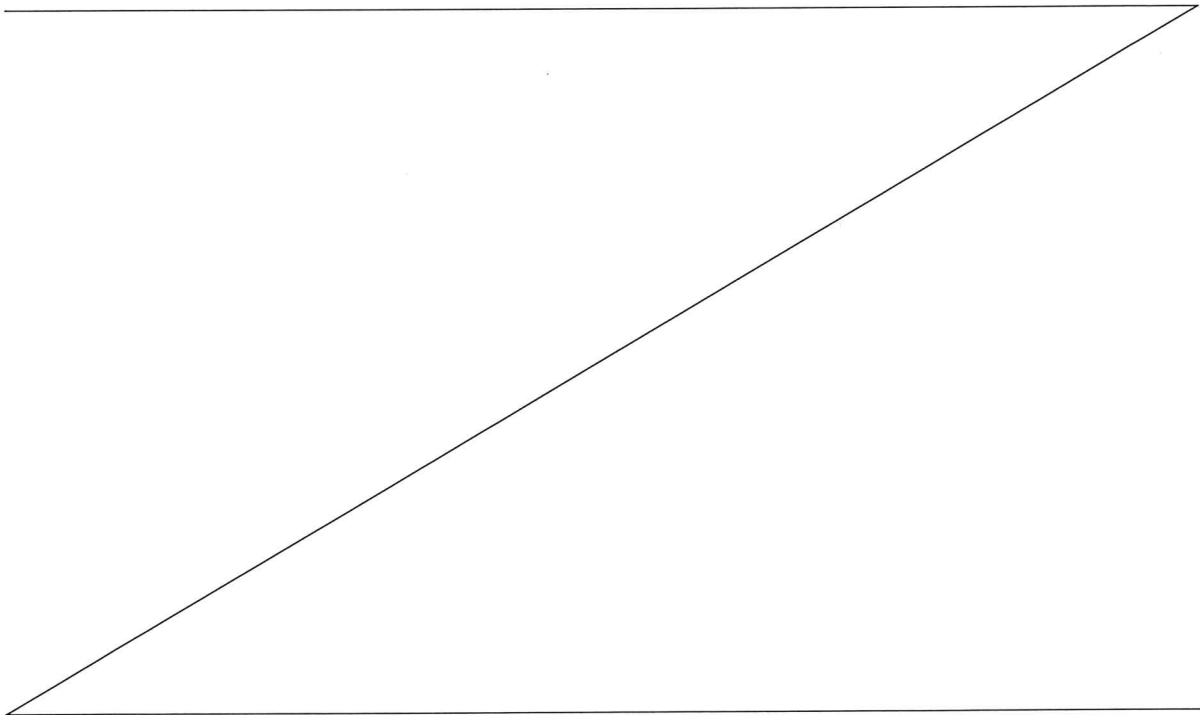
- (1) Remand the matter back to the county for further review or clarification;
- (2) Adopt the recommendations of the county in its entirety after receipt of the complete record from the county pursuant to §15-15-126, and designate lands in such county as important agricultural lands; or
- (3) Based on evidence presented, amend or revise the county recommendation and proposal to exclude, or include, certain lands from designation as important agricultural lands.

7 The Commission has jurisdiction over the Petition pursuant to HRS §§ 91-8, 205-44 and 205-45 and HAR § 15-15-98.

IV. DECISION AND ORDER

A motion was made and seconded to return the IAL Petition to the County for further action consistent with HRS Chapter 205 and a vote was taken on this motion. The LUC voted unanimously (7-0-1 recused, 8 seated Commissioners) to approve the motion.

IT IS HEREBY ORDERED that the Department of Planning and Permitting ("DPP") of the City and County of Honolulu's Recommendation of Important Agricultural Lands on April 6, 2021, pursuant to Hawai'i Revised Statutes ("HRS") §§ 205 Part III, and Hawai'i Administrative Rules ("HAR") chapter 15-15-125, to designate as Important Agricultural Lands ("IAL") be rejected and returned to the DPP for further action consistent with HRS 205.



ADOPTION OF ORDER

This ORDER shall take effect upon the date this ORDER is certified by this Commission.

Done at Honolulu, Hawai'i, this 30th, day of June, 2022, per motion on January
6th 2022.

LAND USE COMMISSION

APPROVED AS TO FORM

STATE OF HAWAII

De A. V. S.

Deputy Attorney General

[Signature]

By _____
JONATHAN LIKEKE SCHEUER
Chairperson and Commissioner

Filed and effective on:

Jun 30, 2022

Certified by:

[Signature]

DANIEL ORODENKER
Executive Officer



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DOCKET NO. A87-610

CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

I hereby certify that a copy of the FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION AND ORDER DENYING THE CITY AND COUNTY OF HONOLULU'S PETITION TO DESIGNATE IMPORTANT AGRICULTURAL LAND ("IAL") was served upon the following by either hand delivery or depositing the same in the U. S. Postal Service by regular or certified mail as noted:

Regular CITY & COUNTY OF HONOLULU
DEPARTMENT OF PLANNING & PERMITTING
650 South King Street
Honolulu, Hawaii 96813
Attention: Director Dean Uchida

Regular

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

Regular

Paul S. Aoki, Esq.
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530 South King Street
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Regular

Deputy Attorney General- Bryan Yee
Hale Auhau
425 Queen Street
Honolulu, Hawaii 96813

DATED: Honolulu, Hawai'i,
June 30, 2022



DANIEL RODENKER

Executive Officer