

BILL010(22)
Testimony

MISC. COMM. 286

ZONING AND PLANNING

ZONING AND PLANNING Meeting

Meeting Date: Jul 14, 2022 @ 09:00 AM

Support: 0

Oppose: 1

I wish to comment: 0

Name: Wesley Wong	Email: myguja@aol.com	Zip: 96797
Representing: Self	Position: Oppose	Submitted: Jul 14, 2022 @ 08:51 AM

January 3, 2022

Land Use Commission meeting for January 6, 2022

SUBJECT: Opt out request Designation of Important Agriculture Land (IAL)

Property tax map key: 870210150000, approximately 2.5 acres

Address: 87-1659 Kapiki Road, Waianae, Hawaii 96792

This is our fourth letter requesting that our property to not be designated as IAL. We would like this introduced as our testimony for the January 6, 2022, Land Use Commission meeting.

We first learned that our land was considered to be designated as IAL in November 2017. We responded to the City and County of Honolulu requesting to opt out from the IAL, but the City did not respond to our request. In 2021, we were made aware of the IAL designation by a letter sent by the law firm of Durrett Lang morse, LLLP. During this time, we did not receive any information from the City. The virtual meetings with the Land Use Commission provided the information to us.

We became fully aware of the IAL in April of last year when we participated in a virtual meeting. We submitted a letter to opt out of the IAL as this is not what we want with our property. We submitted letters of testimony to opt out of the IAL for meetings in June 2021 and October 2021.

The City's IAL mapping and recommendation process:

1. Failed to provide me as a landowner, with adequate notice and due process, as required by the statute and the constitution

The City has not done an adequate and complete review of our property with what appears to be a blanket designation. The City has not given us any notifications on the IAL and we have only received information from the Land Use Commission meetings and the law firm of Durrett Lang Morse, LLLP.

2. Misled or failed to accurately inform landowners about the restrictions IAL designation would put on their basic property rights

In a past meeting, attorney David Arakawa testified that landowners cannot rent or live on their property if the land is designated as IAL and not used for agriculture. Our property at 87-1659 Kapiki Road was formerly a pig farm that was operated by our parents. They are both deceased, and the land was transferred to us. Our parents stopped farming in the 1990s and the farm structures are no longer standing. Our property is mostly coral, with no functioning water lines and not suitable for crop growing.

Learning all of this from the virtual meetings, we realized that the city failed to provide any information and the restrictions that would be imposed upon us and our property.

3. Relies on inaccurate mapping, shortcut methods, and other erroneous records to inaccurately describe and recommend many parcels as satisfying the IAL criteria.

We reviewed the Land Use Commission website, City and County IAL and specifically looked at the map under Figure 4.5 Recommended IAL, Waianae. ([Land Use Commission | City & County IAL \(hawaii.gov\)](http://www.hawaii.gov/luc/)) This blanket designation covers the area of our property, but our land cannot be used for crop growing. We feel that this contributed to inaccurate mapping and shortcut methods to not inspect each parcel. This shortcut method made it easier and less labor intensive for the City to not inspect each individual property for the IAL criteria.

4. Inappropriately submitted its IAL recommendations to the LUC prior to enacting county incentives and protections for IAL lands, landowners, and farmers.

The City submitted its IAL recommendations to the Land Use Commission and did not notify us about any county incentives and protections for our land.

5. Failed to provide the Land Use Commission with enough basic information about my land and how it does or does not meet all or of the eight IAL criteria. Thus prevents the LUC from properly "weighing the standard and criteria with each other" as required before designating my land as IAL.

Without the inspection of our property (and other properties), the City has failed to provide the Land Use Commission with any information about our land. As a former pig farm, our property does not meet all the eight IAL criteria. The blanket designation of IAL lands failed to provide accurate information to the LUC for each parcel that is covered.

As property owners, we would like to make the decision on the designation of IAL. We are both retired and could not farm on the land, especially since the land is not suitable for growing crops. The size of our parcel is approximately two and one-half acres and would not have a major impact should the land not be designated as IAL. It would only be of great concern for our family as we will not be able to use our land.

We hope you will take our request into consideration to not have our property designated as IAL.

Regards

Wesley and Karen Wong

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