Welcome – Dean Andrew Hashimoto
Clarification
- Not an administration initiative, but a community effort
- AWG does not push anyone’s agenda
  - Some may feel that their “voice” is not being heard because of the varying points of views
  - AWG has brought wide range of perspectives
    - AWG attempted to build consensus to develop common ground
    - Others may have opportunity to initiate legislation
    - Hope to fashion a product that people can live with and a better solution

Overview of the Implementation of Constitutional issue – Anthony Ching
Critical Path Toward Implementation of Article XI, Section 3, Hawaii State Constitution (Powerpoint presentation is posted on the AWG website)
- The presentation is made as a participant in the AWG and as a resource person, a planner, and does not represent LUC.
- The critical path will get you to a goal with multiple inputs. Based on information from:
  - Subcommittee reports
  - Counties’ matrix
  - Letters and communications
  - American Planning Association’s proposal 12.03.03 (posted on AWG website)

Standards and Criteria for identification of IAL – JoAnn Yukimura
Questions: Standards/Criteria
- Open space not in the working
- Would any of the 9 criteria make land automatically a candidate?
- “Balancing criteria” in the introductory paragraph should capture intent of the group that no one criteria will determine IAL
- “Balancing criteria” is clear enough, captures the importance of flexibility for each county
- “Balancing with each other” should be taken out
  - Balancing generally implies conflicting issues, perhaps term “weighing” is better
- Criteria 2 & 3 essentially are the same. If a numeric threshold is used, then the distinctions must be made clearer
- Will there be application of the criteria on a parcel by parcel basis?
  - Difficult with 9 criteria, trying to weigh one over another
- Criteria for broad mapping
- Judgment calls when at boundaries
- Identify IAL in ag district → design of bubble
Legislature establishes the criteria, we can give general concepts; Legislature can always provide more specific language.

- At what point does “just ag land” move to IAL?
  - Land currently in ag, is this all IAL, when does lands rise to IAL?
  - Comment: Probably during community input sessions

- 9 criteria—Can be a hierarchical system that nests under each other
- Committee can discuss and craft it in a system
- Need to identify what ag land policy outcomes are desired—what do you want to end up with when these criteria are applied?
  - Come up with 4-5 policy statements to guide this, e.g., ensure that large tracts of lands are preserved for agriculture

- #4 Large contiguous lots

- Criteria for sufficient quantities of affordable water not needed, this is included under Criteria 8
- No-water too important, must stand
- Add biomass for energy production to Criteria 4 and 9.
- Need to put “viability” of ag back into criteria
- Are we targeting acres? How much do we really need to sustain ag now and in future? Should this be part of the proposal?
- Need buffer zones around ag zones:
  - Establish responsibility—who takes care of buffer zones, important consideration
- Affordability of water is a critical issue
- IAL should help focus public resources
- Take “affordability” out of the criteria language
  - Is there sufficient quantity
  - Underlying potential
- Use of terms like “Viable” ag activity and “affordable” water could make the counties’ job much more difficult, since viability and affordability are so different for different farmers, crops, and locations
- Policy statements are needed—blocks of important ag lands, ag land/activities must be buffered
- All couched in present tense, how long do we want it to be, what about future potential for other crops? Keep in mind that some of these issues such as potable water and recognition of need and incentives for buffers are also addressed by other statutes, such as Right to Farm for protection against neighbors and buffers.
- Goal is to consider clarity for each criteria→want consistency and not too open to interpretation.
- NRCS is looking at making changes to ALISH criteria for prime, so some categorization will change—might want to keep that in mind as criteria are applied
- Provide disincentives to opposing putting into IAL

Items 1-9 under the Standards and Criteria will be forwarded to the drafting committee with suggestions for edits/clarification.

- Under Constitution, another list of standards and criteria are required for taking land OUT of agriculture—this needs to be developed as part of package.
• Legislature is to adopt standards & criteria for conserving & protecting, promoting diversified ag, self-sufficiency, availability of ag land—through the IAL piece and incentive piece will be providing standards & criteria for some of these

Timeframe on actions
• How long before changes take place if lands become reclassified?
  o Is it broad sweeping changes?
  o Is it lot by lot?

Options for IAL:
1. New district
2. Overlay, subset of ag district
  o Sequences county planning process
  o Priority IAL
  o Other ag lands regulated as under existing system
3. Policy guidance only, no identification or mapping

What happens to non-IAL lands?
• Clarification of Office of Planning boundary review
  o Under current statutes, petitions for redistricting are quasi-judicial
  o Each docket must have information for land you want to be reclassified
• Current process should be changed:
  o Eliminate multiple dockets
  o Propose amendments in statute
  o Different process for regional process
• Take lands out of ag
• Process
  o Flexibility on identification of land important
  o Resources from State
  o Conformance with county plans
  o Accountability
  o Timeframe
• Need to focus here on identifying IAL:
  o Rural and other issues are proposals that need to be discussed on their own merit
  o There should be another discussion of appropriate standards, etc.
  o IAL is only for Ag districts
• If counties want to change ag to rural, there is the potential for counties to ID IAL and identify other lands that could be rural
• Focus for identification of ag lands should be taken from perspective of promoting ag as industry:
  o Ag lands should not be weighted as means to protect other lands
  o 1.9 million acres in ag district that aren’t all good for ag
• Must have some protection of lands that might be taken out, e.g. land banking
• Set up a process for residual lands
• If IAL is to be subset of ag district for now, then need a statement that remainder land may need to be reclassified
• If in ag district and can change from ag, need to have subsequent process for re-examination for reclassification of lands
• Need to make sure there is a Phase II to deal with lands not IAL, fixing other land issues
• HRS 205 already allows counties to move non essential lands to urban
• Follow up with legislative resolution to provide for redistricting of non-IAL lands
• Provide support to address other items

Critical Path to Implementation of Article XI, Section 3: comments
• Counties should be given the charge to do the comprehensive planning/districts/boundary review with IAL
  o Timetable
  o Can be with IAL
• Establish IAL process as subset or overlay of ag district
• Don’t agree that LUC’s role should be quasi-legislative
• Directive to address promote, sustainability IAL as an omnibus package with:
  • Incentives for ag on IAL lands
  • Incentives that are targeted to ag enterprise
• In terms of incentives, there are many issues being raised as a result of Act 221.
  Questions will be:
    o When will the incentives start? What processes are available? What happens to tax credits, what are the percentages?
• Recommended that the drafters put together an omnibus bill that can be pulled apart as separate bills
• Incentives will target both IAL and Ag activity
  o Land and activity should go with incentives
• Must not have lands locked in district
• If have ag activity, better than non IAL qualifies for activity incentives
• In the designation of IAL, a package of incentives to help maintain a viable ag
• Important IAL, the identification process, incentives can go into an omnibus bill
• Activity based ag incentives are a separate bill
• Farm Bureau commits to helping put incentive bill together.

Legislative process
• Is it possible if it is an omnibus bill that there be separate process rather than going through many referrals?
• Recommend a joint hearing with water, land and finance.

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