

Implementation Plan for Processing Agricultural and Pastoral Homestead Subdivision Requests



DEPARTMENT OF HAWAIIAN HOME LANDS
BENEFICIARY CONSULTATION

Presented statewide March 4-15, 2013



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- **Welcome, introductions, purpose**
- **Presentation of Implementation Plan**
 - **History**
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 - **Simple vs complex subdivision**
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- **Discussion/written comments due April 15, 2013**
- **April 22, 2013 HHC Workshop Kapolei**
- **May 20, 2013 HHC Approval Molokai**



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Priorities 2013

- **Energy Plan Consultation - Spring**
- **Oahu Island Plan - Spring**
- **Water Plan - Summer**
- **Agriculture Plan - Fall**
- **Outline for Administrative Rules**

Notices will be made as the consultation dates are finalized

History



Congress provided poor agricultural lands with no infrastructure, water or funding in 1921. By 1923 the first thirteen pioneer homesteaders moved to Kalamaula. Farm and ranch homesteading has grown and there are now more than 1,500 farmers and ranchers on Hawaiian Home Lands

History

Over the years homestead farming and ranching have provided subsistence and supplemental level opportunities for families.



When Agricultural activities dropped to less than 5% the HHC created the Agricultural Task Force to understand why 95% of the homesteaders were not farming.

History

- **1998-2000 HHC Task Force included Homesteaders, Farmers, Applicants, CES and the Commission.**
- **Their goal was to preserve agriculture and encourage increased farming activities on HHL.**
- **They recommended a moratorium (stopped all subdivision requests) on DHHL agricultural and pastoral lands, because agricultural lands were being subdivided into smaller lots for the purposes of developing multiple residences on agricultural land which were then being sold for a profit by homesteaders who were not farming.**

Legal Framework

- 1) Submittal B-1 was passed by HHC on 12/14/1999, creating the Moratorium
- 2) Submittal G-1 was passed by HHC 1/15/2013 to remove Moratorium and requires development of an implementation plan to process subdivision requests

Legal Framework

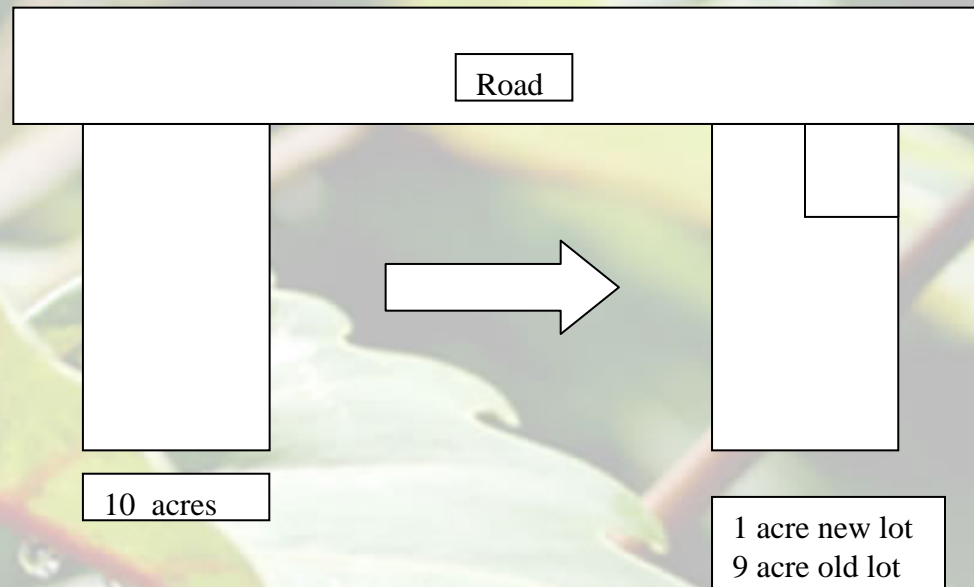
- **Hawaiian Homes Commission Act** 1920, as amended
Section 207 Leases to Native Hawaiians and 208 Conditions of Leases
- **Hawaii Administrative Rules DHHL Title 10**
§10-3-24 Agricultural and pastoral leases (Plans)
§10-3-26 Residence on ag and pas lot (Subdivision)
- **Homestead Lease Contract Requirements**
Section 10 of the lease regarding Compliance with Laws
Section 20 of the lease regarding Agricultural Lot
Section 21 of the lease regarding Pastoral Lot
Section 29 of the lease regarding Acceptance of terms

Legal Framework

- **Homesteaders are required to comply with state laws and municipal ordinances. (Section 10 of Lease)**
- **Chapter 343 State Environmental Quality Commission EIS Regulation 1:33 DHHL exemption from an environmental assessment for minor/simple subdivisions, Complex subdivisions require environmental compliance.**
- **Each County has their own set of ordinances for subdivision approval you or your consultant should check the respective county website for current information regarding procedures.**

SIMPLE SUBDIVISION

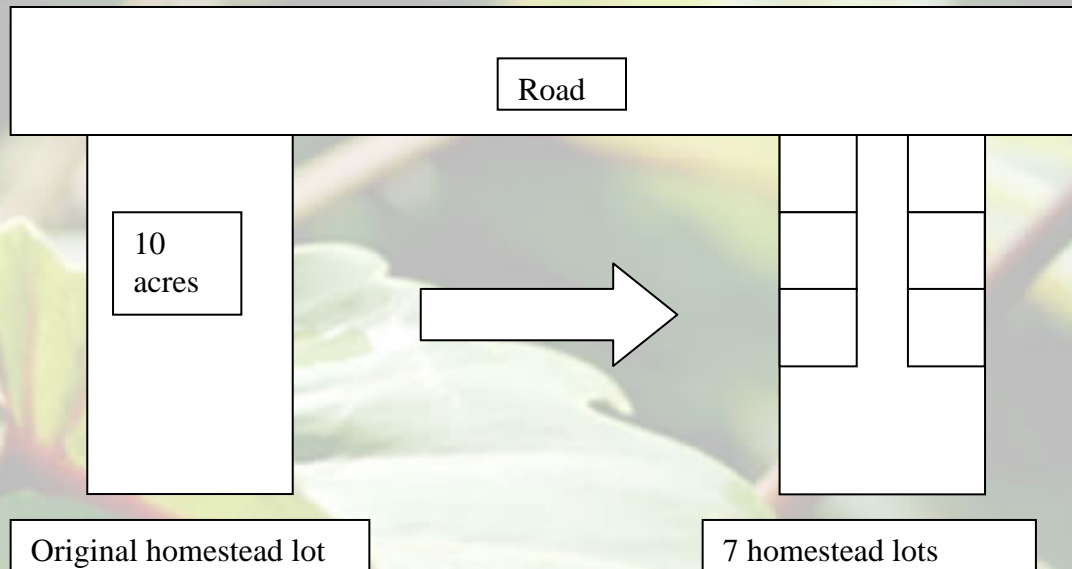
One acre single lot simple subdivisions do not require an environmental review, these subdivisions involve cutting out a one acre lot from an existing homestead subdivided property.



Original homestead becomes two lots - new lot is one acre

COMPLEX SUBDIVISION

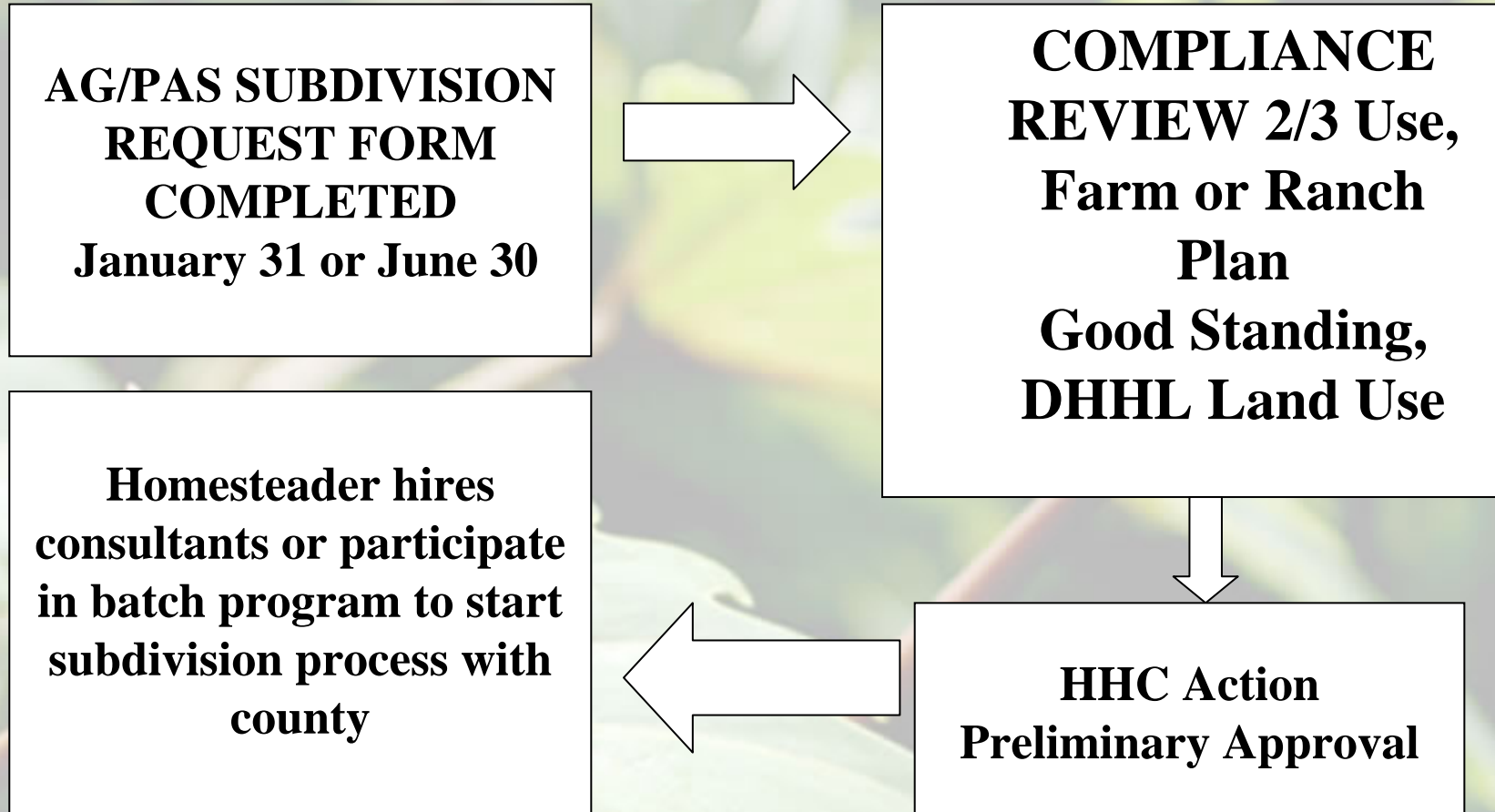
Subdivisions greater than one acre or that have multiple lots are complex subdivisions and require an environmental review and county subdivision approval.



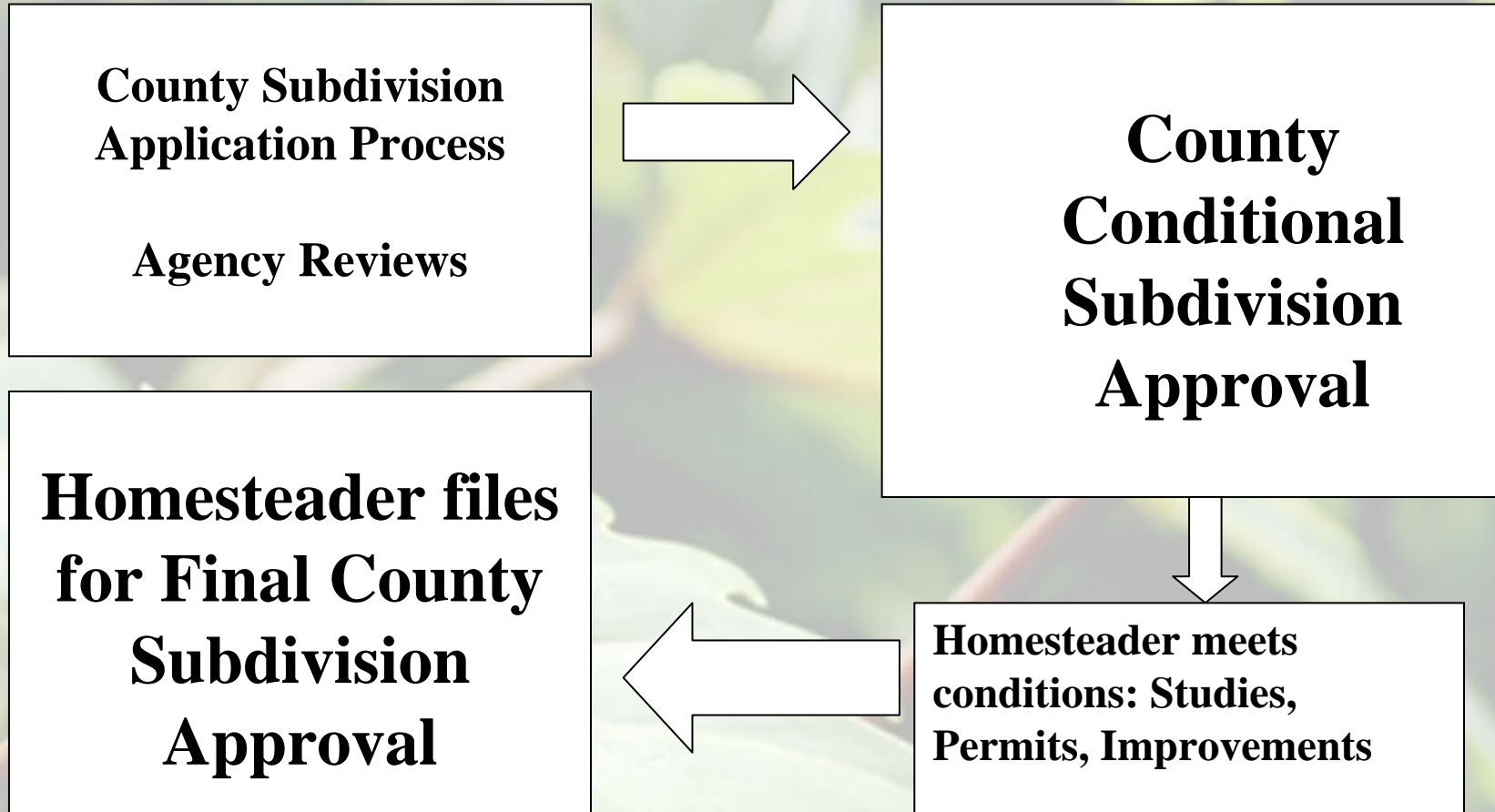
SIMPLE VS COMPLEX Cost

Activity	Simple	Complex	Homesteader Cost
Environmental Study	N/A	Yes	\$5-25K+
Engineering Design Survey prepare application	\$1,500-5,000	\$5,000 to 15,000+	Cost varies based on complexity of project
Additional studies, permits, drainage, traffic etc	N/A	May be required	\$5-20K
Infrastructure improvements water, fire waste etc.	\$5,000-7,500	\$7,500 to what ever is required based on subdivision ltr	Cost for complex subdivision is higher to serve all of the lots

DHHL Eligibility

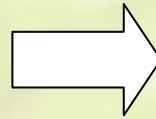


Conditional Subdivision Approval



Final Subdivision Approval

**County Subdivision Final
Letter of Approval**



**Homesteader
Submits Final Letter
to HSD**



- Create New lease**
- Transfer New Lease**
- New Farm or Ranch Plan**
- Official Letters**



**HHC Final Approval of
Homestead Subdivision**

Criteria for Approval to subdivide

- **Farm or Ranch Plan on file**
- **Must be in good standing with lease**
- **Actively farming or ranching**
- **Finances to complete subdivision**
- **Available water resource**
- **Meets DHHL land use requirements**

Criteria for Approval to subdivide

- Each subdivided lot must meet criteria for designation as an agricultural or pastoral subsistence lot
- Lessee acknowledges that the department shall not be obligated to pay for any costs associated with the processing and obtaining the subdivision approval
- If a house will be built plans shall be submitted to DHHL
- Lessee acknowledges that the department shall not be liable for expenses incurred by lessee for amenities brought to the lot that may be required under the subdivision approval process. (Roads, water and wastewater, utilities or fire protection will be paid for by lessee.)

Implementation Plan

- Identifies general requirements, time lines, process and responsibilities involved in the subdivision of an existing homestead lease.
- Insures full disclosure to homesteaders of the critical steps and costs involved in processing the request for the subdivision and transfer of a portion of their lease.
- Establishes criteria to determine who is eligible to participate in the subdivision process.

Time Line

- **HHC Approval May 2013**
- **DHHL develops forms procedures 6 months**
- **First Application January 2014 (Estimated)**
- **Batch Processing simple subdivisions fast track county review will be faster than complex subdivisions exact time will vary**



Mahalo!



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Next Steps

- **Submit comments by April 15, 2013**
- **April 22, 2013 HHC Workshop Kapolei**
- **May 20, 2013 HHC Approval Molokai**

Contact information

Call Bob Freitas at **(808) 620-9484** or Ulu Lota at **(808) 620-9517** in the DHHL Planning Office