



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

FILED

JUN 08 2006

PURSUANT TO ROH Sub. 1-2.5 No.

05-211

RESOLUTION

TO TRANSMIT TO THE DEPARTMENT OF PLANNING AND PERMITTING A PROPOSAL RELATING TO LEASEHOLD FARM SUBDIVISIONS.

WHEREAS, Section 6-1503(h) of the Revised Charter of the City and County of Honolulu 1973, as amended, provides that the director of planning and permitting shall "[p]repare the land subdivision code and rules and regulations and any amendments thereto"; and

WHEREAS, it is the desire of the City Council that the Director of Planning and Permitting prepare the proposed amendment to Chapter 22, Revised Ordinances of Honolulu (ROH) 1990, as amended, attached hereto as Exhibit "A"; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that the Director of Planning and Permitting is requested, pursuant to Section 6-1503(h) of the Revised Charter of the City and County of Honolulu 1973, as amended, to prepare the proposed amendment to Chapter 22, ROH 1990 (Subdivision of Land), attached hereto as Exhibit "A," in the same manner as if the proposal had been proposed by the Director; and



RESOLUTION

BE IT FINALLY RESOLVED that the Clerk is directed to transmit certified copies of this resolution and the Exhibit attached hereto to the Director of Planning and Permitting.

INTRODUCED BY:
[Handwritten Signature]

DATE OF INTRODUCTION:

JUN 08 2005
Honolulu, Hawaii

Councilmembers

FILED
JUN 08 2005
PURSUANT TO RCH Sec. 1-2.5

EXHIBIT A



A BILL FOR AN ORDINANCE

RELATING TO LEASEHOLD FARM SUBDIVISIONS.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose and intent. This ordinance is intended to promote the availability of affordable agricultural lands by providing for the subdivision of agricultural lands into leasehold lots for agricultural uses, with reduced infrastructure standards and on which residential dwellings shall be prohibited. The ordinance will facilitate the timely implementation of agricultural endeavors without the subdivision infrastructure requirements that make subdivided agricultural lands too costly for profitable agricultural operations, and prevent the development of large estates on agricultural lands.

SECTION 2. Chapter 22, Revised Ordinances of Honolulu 1990, is amended by adding a new Article 10 to read as follows:

"Article 10. Leasehold Farm Subdivisions

Sec. 22-10.1 Applicability.

- (a) The provisions of this article shall apply to the subdivision of agricultural lands into leasehold farm lots for agricultural production, provided that the subdivided leasehold farm lots shall return to the original lot or lots of record at the termination of the leasehold farm subdivision.
- (b) The provisions of this article shall only apply to leases of agricultural lands used solely for agricultural production of plant and animal life used for food, fiber, and raw materials, including general farming, fruit growing, flower growing, aquaculture, growing of timber and forest products, beekeeping, grazing, dairy farming, and the production of any form of livestock and poultry, except that farm dwellings or structures suitable for residential occupancy or habitation shall be prohibited.
- (c) For the purposes of this article, "agricultural lands" mean lands within the state-designated agricultural district, lands in the AG-1 restricted district, and lands in the AG-2 general agricultural district.



A BILL FOR AN ORDINANCE

Sec. 22-10.2 Regulations governing leasehold farm subdivisions.

- (a) Notwithstanding Sections 22-3.3 and 22-3.4, the director may approve leasehold farm subdivisions within agricultural lands, provided that the landowner submits a plan or map of the proposed leasehold farm subdivision, which shall include:
 - (1) The tax map key or tax map keys of the lots in the farm subdivision;
 - (2) The actual metes and bounds description of the overall parcel being subdivided, including the metes and bounds and areas of the farm subdivision lots or of existing fields with their designation in the case of former sugar or pineapple land; and
 - (3) A soil conservation plan approved by the United States Department of Agriculture's Natural Resources Conservation Service.
- (b) A copy of a farm lease of a lot or lots within the approved farm subdivision shall be submitted to the director.
- (c) Leases for lots or parcels within a farm subdivision shall restrict uses of the land to agricultural production as provided in Section 22-10.1(b).
- (d) Buildings and uses that are considered accessory to agricultural use shall be permitted, provided that no structure suitable for residential occupancy shall be allowed, and provided that all buildings and uses shall comply with applicable building ordinances and regulations.

Sec. 22-10.3 Farm subdivision infrastructure standards.

- (a) Notwithstanding any ordinance or regulation to the contrary, the following infrastructure standards shall apply to leasehold farm subdivisions:
 - (1) Water. A water system for a leasehold farm subdivision shall not be required.
 - (2) Roads. Private roadways used primarily for agricultural and ranching purposes shall be the property and responsibility of the landowner and roadway improvements need not meet the requirements for roadways under this chapter for the subdivision of land.
- (b) Leases for parcels or lots in a farm subdivision shall include a roadway maintenance agreement for all roadways within the farm subdivision.



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ORDINANCE _____

BILL _____ **(2005)**

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Sec. 22-10.4 Termination of leasehold farm subdivision.

- (a) When conditions in an area change to an extent that a farm subdivision is no longer feasible or desirable, the landowner may apply to the director to terminate the leasehold farm subdivision, provided that the landowner secures the consent of all of the lessees within the subdivision.

- (b) Upon the approval of the director of the termination of a leasehold farm subdivision, the subdivided leasehold farm lots shall return to the original lot or lots of record."



A BILL FOR AN ORDINANCE

SECTION 3. This ordinance shall take effect upon its approval.

INTRODUCED BY:

DATE OF INTRODUCTION:

Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 2005.

MUFU HANNEMANN, Mayor
City and County of Honolulu