



ESTHER KIA'ĀINA
VICE CHAIR
HONOLULU CITY COUNCIL, DISTRICT 3
Email: ekiaaina@honolulu.gov
Telephone: (808) 768-5003

MEMORANDUM

DATE: September 14, 2022

TO: Councilmember Brandon Elefante
Chair, Committee on Zoning & Planning

FROM: Councilmember Esther Kia'āina *Esther Kia'aina*
Vice Chair, Committee on Zoning & Planning

SUBJECT: Bill 10 CD2 (2022), Relating to Use Regulations

Attached are my amendments to Bill 10 (2022), CD1 relating to the regulation of uses throughout Chapter 21, Revised Ordinances of Honolulu 1990 ("Land Use Ordinance"), being considered by the Committee on Zoning and Planning. I put forth these amendments in order to

- Increase the setback for large windmills to provide additional buffer and protection for impacted communities.
- Disincentivize non-agricultural use of agricultural lands, by not allowing meeting facilities, daycare facilities, nature based recreation, K-12 facilities, and group living facilities on AG-1 lands and by maintaining the CD1's current 50 percent agricultural dedication requirement for these non-agricultural uses on AG-2 lands. Meeting facilities, daycare facilities, outdoor recreation facilities (which is similar to nature based activities), and K-12 facilities are not currently allowed on AG-1 lands – my amendments would continue to not allow these uses on AG-1 lands. Group living facilities currently require activities to be agriculture in nature – my amendments would maintain this requirement for AG-2.
- Provide some level of flexibility by reducing the dedication requirement for farm dwellings, an agricultural accessory use, from 50 percent to 25 percent, which is lower than the dedication requirement for other non-agricultural uses. And maintaining the 50 percent requirement for farmers market and

agritourism, which exists in the CD1 as well as the current land use ordinance.

Attachment: Amendment Form, Bill 10 (2022) CD2, Relating to use Regulations

**AMENDMENT FORM
BILL 10 (2022), CD1
Relating to Use Regulations**

TOTAL PAGES: 4

DATE: September 14, 2022

COUNCILMEMBER: Kia'āina

No.	Bill SECTION	ROH Section, Exhibit, or Figure and title	Page No.	Amendment Description	Amendment Text (in Ramseyer form)	Comments or Clarification
1	3	Table 21-5.1 Use Table	4	Amend small group living facility entry. Not permitted (subject to a CUP-major) in the AG-1 District.	<div>Small</div> <div>-- [C*] C* P* P* P* P* P* P* P* P* P* P* -- -- P* P* -- -- -- --</div>	
2	3	Table 21-5.1 Use Table	4	Amend large group living facility entry. Not permitted (subject to a CUP-major) in the AG-1 District.	<div>Large</div> <div>-- [C*] C* C* C* C* C* C* C* C* C* C* C* -- -- C* Cm* -- -- -- --</div>	
3	3	Table 21-5.1 Use Table	5	Amend small meeting facility entry. Not permitted (subject to a CUP-major) in the AG-1 District.	<div>Small</div> <div>-- [C*] C* C* Cm* Cm* Cm* Cm* Cm* Cm* Cm* Cm* Cm* P P P P P P* P* -- P</div>	
4	3	Table 21-5.1 Use Table	5	Amend medium meeting facility entry. Not permitted (subject to a CUP-major) in the AG-1 District.	<div>Medium</div> <div>-- [C*] C* C* C* C* C* C* C* C* C* Cm Cm Cm Cm Cm Cm* Cm* -- Cm</div>	

No.	Bill SECTION	ROH Section, Exhibit, or Figure and title	Page No.	Amendment Description	Amendment Text (in Ramseyer form)	Comments or Clarification
6	3	Table 21-5.1 Use Table	5	Amend K-12 school entry. Not permitted (subject to a CUP-major) in the AG-1 District.	<div>School, K-12</div> <div> <div>--</div> <div>[C*]</div> <div>C*</div> <div>Cm*</div> <div>Cm*</div> <div>Cm*</div> <div>Cm*</div> <div>Cm*</div> <div>Cm*</div> <div>Cm*</div> <div>Cm*</div> <div>Cm*</div> <div>Cm*</div> <div>Cm*</div> <div>--</div> <div>P</div> <div>P</div> <div>P</div> <div>P</div> <div>--</div> <div>--</div> <div>--</div> <div>--</div> </div>	
7	3	Table 21-5.1 Use Table	5	Amend child daycare entry. Not permitted (subject to a CUP-major) in the AG-1 District.	<div>Child daycare</div> <div> <div>--</div> <div>[C*]</div> <div>C*</div> <div>Cm*</div> <div>Cm*</div> <div>Cm*</div> <div>Cm*</div> <div>Cm*</div> <div>Cm*</div> <div>Cm*</div> <div>Cm*</div> <div>Cm*</div> <div>Cm*</div> <div>Cm*</div> <div>P</div> <div>P</div> <div>P</div> <div>P</div> <div>P</div> <div>P</div> <div>--</div> <div>P</div> </div>	
8	3	Table 21-5.1 Use Table	5	Amend adult daycare entry. Not permitted (subject to a CUP-major) in the AG-1 District.	<div>Adult daycare</div> <div> <div>--</div> <div>[C*]</div> <div>C*</div> <div>Cm</div> <div>Cm</div> <div>Cm</div> <div>Cm</div> <div>Cm</div> <div>Cm</div> <div>Cm</div> <div>Cm</div> <div>Cm</div> <div>Cm</div> <div>Cm</div> <div>P</div> <div>P</div> <div>P</div> <div>P</div> <div>P</div> <div>P</div> <div>--</div> <div>P</div> </div>	
9	3	Table 21-5.1 Use Table	7	Amend nature-based recreation entry. Not permitted (subject to a CUP-major) in the AG-1 District.	<div>Nature-based recreation</div> <div> <div>--</div> <div>[C*]</div> <div>C*</div> <div>--</div> <div>--</div> <div>--</div> <div>--</div> <div>--</div> <div>--</div> <div>--</div> <div>--</div> <div>--</div> <div>--</div> <div>--</div> <div>--</div> <div>--</div> <div>--</div> <div>--</div> <div>--</div> <div>--</div> <div>--</div> </div>	
10	3	21-5.40-4(e)(2)(A) Agricultural uses, Accessory Agricultural, Farm dwelling, Standards	21	Decrease farm dwelling agricultural dedication requirement to 25 percent (instead of 50 percent) of the zoning lot area.	(A) Crop production and livestock keeping must occupy a minimum of [50] 25 percent of the zoning lot area and valid agricultural dedication status must be maintained through an agricultural easement or similar legal encumbrance for as long as the farm dwelling use continues.	
11	3	21-5.40-4(e)(2)(G) Agricultural uses, Accessory Agricultural, Farm dwelling, Standards	22	Delete prohibition on a farm dwelling as an accessory use to boarding and care of horses and other domestic animals.	[(G) A farm dwelling is not permitted as an accessory use to boarding and care of horses and other domestic animals.]	

No.	Bill SECTION	ROH Section, Exhibit, or Figure and title	Page No.	Amendment Description	Amendment Text (in Ramseyer form)	Comments or Clarification
12	3	Sec. 21-5.50-2(a)(2)(B) Residential uses, Group living, Small group living, Standards	27	Amend small group living agricultural dedication requirement to delete reference to the AG-1 District and to require the group living activities in AG-2 be of an agricultural nature.	(B) In the [AG-1 and] AG-2 zoning [districts,] <u>district</u> , group living activities must be of an agricultural nature. A minimum of 50 percent of the zoning lot area must be dedicated to crop production or livestock keeping through an agricultural easement or similar legal encumbrance for as long as the group living is in operation.	
13	3	Sec. 21-5.50-2(b)(2)(D) Residential uses, Group living, Large group living, Standards	28	Amend large group living agricultural dedication requirement to delete reference to the AG-1 District and to require the group living activities in AG-2 be of an agricultural nature.	(D) In the [AG-1 and] AG-2 zoning [districts,] <u>district</u> , group living must be of an agricultural nature. A minimum of 50 percent of the zoning lot area must be dedicated to crop production or livestock keeping through an agricultural easement or similar legal encumbrance for as long as the group living is in operation.	
14	3	Sec. 21-5.60-1(c)(2)(A)(i) Public, civic, and institutional uses, Assembly, Meeting facility, Standards, Small or medium meeting facility	38	Amend small or medium meeting facility agricultural dedication requirement to delete reference to the AG-1 District.	(i) In the [AG-1 and] AG-2 zoning [districts,] <u>district</u> , a minimum of 50 percent of the zoning lot area must be dedicated to crop production or livestock keeping through an agricultural easement or similar legal encumbrance for as long as the meeting facility is in operation.	
15	3	Sec. 21-5.60-3(a)(2)(E) Public, civic, and institutional uses, Education, K-12 school, Standards	45	Amend K-12 school agricultural dedication requirement to delete reference to the AG-1 District.	(E) In the [AG-1 and] AG-2 zoning [districts,] <u>district</u> , a minimum of 50 percent of the zoning lot area must be dedicated to crop production or livestock keeping through an agricultural easement or similar legal encumbrance for as long as the K-12 school is in operation.	

No.	Bill SECTION	ROH Section, Exhibit, or Figure and title	Page No.	Amendment Description	Amendment Text (in Ramseyer form)	Comments or Clarification
16	3	Sec. 21-5.60-6(c)(B)(v) Public, civic, and institutional uses, Utility, Large, Wind energy generation	54	Increase setback requirement for large wind energy generation facilities to 1.25 miles (instead of 1 mile).	(v) Large wind energy generation facilities must be set back from all property lines at a minimum distance equal to the height of the facility, measured from the highest vertical extension of the facility, and a minimum of [4 mile] <u>1.25 miles</u> from the property lines of any zoning lot located in the country, residential, apartment, apartment mixed use, and resort zoning districts. Height includes the height of the tower or its vertical support structure and the farthest vertical extension of the tower.	
17	3	Sec. 21-5.70-1(a)(2)(C) Commercial uses, Child daycare, Standards	55	Amend child daycare agricultural dedication requirement to delete reference to the AG-1 District.	(C) In the [AG-1 and] AG-2 zoning [districts,] <u>district</u> , a minimum of 50 percent of the zoning lot area must be dedicated to crop production or livestock keeping through an agricultural easement or similar legal encumbrance for as long as the child daycare is in operation.	
18	3	Sec. 21-5.70-1(b)(2)(B) Commercial uses, Adult daycare, Standards	56	Amend adult daycare agricultural dedication requirement to delete reference to the AG-1 District.	(B) In the [AG-1 and] AG-2 zoning [districts,] <u>district</u> , a minimum of 50 percent of the zoning lot area must be dedicated to crop production or livestock keeping through an agricultural easement or similar legal encumbrance for as long as the adult daycare is in operation.	
19	3	Sec. 21-5.70-9(c)(2)(A) Commercial uses, Outdoor recreation, Nature-based recreation, Standards	82	Amend nature-based recreation agricultural dedication requirement to delete reference to the AG-1 District and to delete reference to passive undeveloped areas.	(A) In the [AG-1 and] AG-2 zoning [districts,] <u>district</u> , a minimum of 50 percent of the zoning lot must be dedicated to crop production, livestock keeping[, or passive undeveloped recreational areas, such as natural open space, forests, and trails,] through an agricultural easement or similar legal encumbrance for as long as the nature-based recreation is in operation.	