



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII 96813-3077

COMMITTEE ON PLANNING AND THE ECONOMY

Voting Members:

Esther Kia'aina, Chair
Radiant Cordero, Vice-Chair
Val A. Okimoto
Calvin K.Y. Say
Matt Weyer

THIS AGENDA SUPERSEDES THE AGENDA POSTED ON MAY 12, 2023

AGENDA

REGULAR MEETING
CITY COUNCIL CHAMBER
THURSDAY, MAY 25, 2023
9:00 A.M.

PUBLIC PARTICIPATION AND TESTIMONY

Pursuant to Section 92-3.7, Hawai'i Revised Statutes, this meeting will be conducted as a remote meeting by interactive conference technology, with the following procedures in effect for the meeting:

VIEWING THE MEETING

The meeting will be viewable: (1) by internet live streaming through <https://www.honolulucitycouncil.org/meetings> (2) by televised live broadcast on 'Ōlelo TV Channel 54; and (3) on the monitor situated outside the Council Chamber. Viewers who experience a loss of viewing signal should try switching to another viewing option.

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Some Councilmembers and presenters may be participating in the meeting by interactive conference technology from remote locations.

ORAL TESTIMONY

Oral testimony will be permitted on all items on the agenda. Each speaker may not have anyone else read their statement and is limited to a one-minute presentation.

Remote Testimony

1. For direct access to submit oral testimony call: +1-253-215-8782, enter ID: **85233710685** and Passcode: **764713**
2. To testify by videoconference visit: <https://hnlldoc.ehawaii.gov/hnlldoc/testimony>. Videoconference access information will be provided upon registration. Testifiers are encouraged to register/submit testimony at least 24 hours prior to the meeting.

In-Person Testimony in the Council Chamber

Persons wishing to testify are requested to register by 9:00 a.m. by filling out the registration form in person outside the Council Chamber. Persons who have not registered will be given an opportunity to speak following the oral testimonies of the registered speakers.

Oral testimony will be allowed when each agenda item is taken up in the following order:

- 1. In-person testimony in the Council Chamber;**
- 2. Remote testimony.**

WRITTEN TESTIMONY

Written testimony may be uploaded at <https://hnldoc.ehawaii.gov/hnldoc/testimony>, or mailed to Office of the City Clerk, Attention: Information Section, 530 South King Street, Room 100, Honolulu, HI 96813. If submitted, written testimonies, including the testifier's address, email address and phone number, will be available to the public at <https://hnldoc.ehawaii.gov>.

Should you have any questions, please call (808) 768-3119 or send an email to irene.limos@honolulu.gov.

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MATERIALS AVAILABLE FOR INSPECTION

Meeting materials ("*board packet*" under HRS Section 92-7.5) are accessible at <https://hnldoc.ehawaii.gov/hnldoc/browse/agendas> by clicking on the appropriate Committee meeting.

If you need an auxiliary aid/service or other accommodation due to a disability or an interpreter for a language other than English, please call the Office of the City Clerk Information Section at (808) 768-5822 between 7:45 a.m. and 4:30 p.m. or send an email to irene.limos@honolulu.gov as soon as possible or at least three (3) business days before the scheduled meeting. Requests made as early as possible have a greater likelihood of being fulfilled.

BILL 10 AMENDMENTS

"As it relates to item #1 below, the Chair of the Committee will be prioritizing discussion and amendments by land use type and accordingly will consider amendments to the following sections and provisions relating to commercial uses:

- Bill SECTION 3 — Table 21-5.1 (Use Table), commercial uses listed on pages 6 to 8;
- Bill SECTION 3 — ROH Section 21-5.70 *et seq.* (pages 36 to 64), commercial uses standards and requirements;
- Bill SECTION 64 - Table 21-9.6(A), (Waikīkī Special District Precinct Permitted Uses and Structures), commercial uses listed on pages 167 to 169;
- Bill SECTIONS 70, 71, and 72 (pages 175 to 208) — ROH Section 21-10.1, commercial uses definitions; and
- Bill SECTIONS 4 through 69 (pages 76 to 174), and 73 through 93 (pages 208 to 240) — commercial uses conforming amendments."

FOR ACTION

1. **BILL 10 (2022), CD1 – LUO AMENDMENT RELATING TO USE REGULATIONS.**
Addressing the regulation of uses throughout Chapter 21, Revised Ordinances of Honolulu 1990 ("Land Use Ordinance" or "LUO"). (Bill passed Second Reading and Public hearing held on 9/7/22; Committee amended to CD2 and postponed action on 4/6/23) (Current deadline for Council action: 2/1/24)

CD2 TO BILL 10 (2022) (Approved by the Committee on Planning and the Economy on April 6, 2023) – The CD2 (OCS2023-0345/4/24/2023 10:45 AM) makes the following amendments (highlighted yellow language in the summary reflects changes that were made at the April 6, 2023 meeting):

- A. Moves all definitions in SECTION 3 of the bill (LUO Article 5) to SECTIONS 70 and 71 of the bill (ROH § 21-10.1).
 1. Deletes ROH § 21-5.20 (g), which provides that the definitions set forth in the article apply throughout the chapter.

2. Reformats and rennumbers LUO Article 5 accordingly, and conforms section text to reference use standards. For purposes of this summary, references to section numbers in Article 5 are references to the renumbered section numbers as they appear in the CD2 version of the bill.
 3. Makes conforming amendments to Table 21-5.1 (Use Table) to reference the correct ROH Section for standards applicable to specific land uses.
 4. Makes conforming amendments throughout the bill to reference the definitions in ROH § 21-10.1, and to reference the correct Article 5 section numbers.
- B. In SECTION 3 of the bill, amends Table 21-5.1 as follows:
1. In the table legend:
 - a. Adds a "+" symbol and footnote 1 to denote that for land within the State Land Use Agricultural District, a special use permit approved by the Planning Commission may be required.
 - b. Adds an "Ac" symbol to denote an accessory use subject to standards.
 - c. Adds a footnote 2 to indicate that if there is more than one symbol, all symbols apply.
 2. Deletes the minor composing and major composing entries.
 3. Deletes the community garden entry.
 4. In the feed store entry, replaces "P*" with "P*+" in the AG-1 and AG-2 Districts.
 5. In the livestock veterinary service entry, replaces "P" with "P+" in the AG-1 and AG-2 Districts.
 6. In the agricultural energy facility entry, replaces "P*" with "P*+" in the AG-1 and AG-2 Districts.

Committee on Planning and the Economy Agenda
Thursday, May 25, 2023

7. In the agritourism entry, replaces "C*" with "C*+" in the AG-1 and AG-2 Districts.
8. In the small group living entry, deletes "C*" in the AG-1 District, and replaces "C*" with "C*+" in the AG-2 District.
9. In the large group living entry, deletes "C*" in the AG-1 District, and replaces "C*" with "C*+" in the AG-2 District.
10. Deletes the family child care home entry.
11. Deletes the poultry raising entry.
12. Deletes the teacher and workforce housing entry.
13. Deletes the community recreation center entry.
14. Deletes the convention center, concert, or sporting venue entry.
15. In the small meeting facility entry, deletes "C*" in the AG-1 District; replaces "C*" with "Cm*+" in the AG-2 District; deletes "P*" in the I-1 and I-2 Districts; replaces "C*" with "Cm*" in the Country District; and replaces "P" with "Cm*" in the Resort, B-1, B-2, BMX-3, BMX-4, and IMX-1 Districts.
16. In the medium meeting facility entry, deletes "C*" in the AG-1 District; replaces "C*" with "Cm*+" in the AG-2 District; deletes "Cm*" in the I-1 and I-2 Districts; and replaces "Cm" with "C*" in the Resort, B-1, B-2, BMX-3, BMX-4, and IMX-1 Districts.
17. In the large meeting facility entry, replaces "C" with "PRU" in the Resort, B-1, B-2, BMX-3, BMX-4, and IMX-1 Districts.
18. In the K-12 school entry, deletes "C*" in the AG-1 District, and replaces "C*" with "C*+" in the AG-2 District.
19. In the university, college entry, replaces "PRU" with "PRU+" in the AG-1 and AG-2 Districts.

Committee on Planning and the Economy Agenda
Thursday, May 25, 2023

20. In the prison entry, replaces "PRU" with "PRU+" in the AG-1 and AG-2 Districts.
21. In the public facility entry, replaces "P" with "P+" in the AG-1 and AG-2 Districts.
22. In the cemetery entry, replaces "Cm*" with "PRU+" in the AG-2 District.
23. In the child daycare entry, deletes "C*" in the AG-1 District; replaces "C*" with "C*+" in the AG-2 District; and deletes "P" in the I-1 and I-2 Districts.
24. In the adult daycare entry, deletes "C*" in the AG-1 District; replaces "C*" with "C*+" in the AG-2 District; and deletes "P" in the I-1 and I-2 Districts.
25. In the general eating and drinking entry, replaces "P" with "P*" in the Resort, B-1, B-2, BMX-3, BMX-4, I-1, I-2, I-3, and IMX-1 Districts.
26. In the minor bar, nightclub entry, replaces "P" with "P*" in the Resort and I-2 Districts.
27. In the major bar, nightclub entry, replaces "P" with "P*" in the Resort District.
28. In the minor hotel entry, replaces "C*" with "Cm*" in the IMX-1 District; and deletes "Cm*" in the I-2 District.
29. In the major hotel entry, deletes "Cm*" in the I-2 District.
30. In the timeshare entry, replaces "P*" with "Cm*" in the A-2 District.
31. In the hospital entry, replaces "PRU" with "PRU+" in the AG-1 and AG-2 Districts.
32. In the major animal care entry, replaces "P*" with "P*+" in the AG-2 District.

Committee on Planning and the Economy Agenda
Thursday, May 25, 2023

33. Deletes the wedding services entry.
34. In the general outdoor recreation entry, replaces "C*" with "C" in the Resort, B-1, B-2, BMX-4, I-1, and I-2 Districts. Adds "C*" in the BMX-3 District. Replaces "Cm*" with "Cm" in the IMX-1 District. (There are no standards for general outdoor recreation.)
35. Deletes the nature-based recreation entry.
36. In the zoo entry, replaces "C*" with "PRU" in the P-2 District, and replaces "C*" with "PRU+" in the AG-2 District.
37. In the small general retail entry, deletes "C*" in the residential and apartment zoning districts, and deletes "P" in the industrial zoning districts.
38. In the medium general retail entry, deletes "P" in the I-1 and I-2 Districts.
39. In the large general retail entry, deletes "P" in the I-1 and I-2 Districts.
40. Deletes the alternative financial entry.
41. Deletes the service vehicle repair entry, light vehicle repair entry, and heavy vehicle repair entry.
42. In the light vehicle sales and rental entry, replaces the "P*" with a "P" in the B-2, BMX-3, BMX-4, and IMX-1 Districts (there are no standards for light vehicle sales and rental).
43. Deletes the caretaker unit entry.
44. In the drive-thru entry, replaces "P*" with "Ac*" in the B-1, B-2, BMX-3, BMX-4, I-1, I-2, I-3, and IMX-1 Districts.
45. Deletes the accessory retail entry.
46. In the general repair entry, replaces "P*" with "P" in the AMX-1, AMX-2, and AMX-3 Districts (there are no standards for general repair).

Committee on Planning and the Economy Agenda
Thursday, May 25, 2023

47. Adds a new vehicle service entry, with "P*" in the B-1, B-2, BMX-3, BMX-4, I-1, I-2, I-3, and IMX-1 Districts.
48. In the waste disposal and processing entry, replace "C*" with "C*+" in the AG-2 District.
49. In the heliport entry, replaces "P" with "P*" in the I-2 District. Adds reference to the standards in § 21-5.80-6(c).
50. In the multimodal facility entry, amends the standards reference to § 21-5.80-6(d) (instead of § 21-5.80-6(c)).
51. In the helistop entry:
 - a. Replaces "C*" with "Ac*+, C" in the AG-1 and AG-2 Districts.
 - b. Replaces "C*" with "Ac*, C" in the Resort, B-2, BMX-3, BMX-4, I-1, and IMX-1 Districts.
 - c. Replaces "P*" with "Ac*" in the I-2 and I-3 Districts.

C. In SECTION 3 of the bill:

1. Amends ROH § 21-5.10 (relating to purpose and intent) to clarify that Article 5 identifies permissible land uses and the conditions in which they may be conducted, and imposes development standards and use restrictions to mitigate and prevent disruptive community impacts.
2. Amends ROH § 21-5.20(c)(3) (relating to a land use that is not permitted in Table 21-5.1) to require a special use permit approved by the director (instead of a minor conditional use permit).
3. Amends ROH § 21-5.20(d) (relating to specific development standards) to clarify that uses subject to use-specific development standards must comply with the general development standards of the underlying zoning district and the use specific standards in Article 5. If there is a conflict between the underlying zoning district standards and the Article 5 standards, the more stringent requirements will apply.

4. Deletes ROH § 21-5.40-1(a) (relating to composting).
5. Deletes ROH § 21-5.40-1(b) (relating to community garden). Realphabetizes subsequent subsections accordingly.
6. Amends realphabetized ROH § 21-5.40-1(a) (relating to urban agriculture) to address specific use impacts (hours of operation, onsite sales, prohibiting livestock and insects, signs, off-street parking, pedestrian walkways, and electricity requirements).
7. Amends realphabetized ROH § 21-5.40-1(b) (relating to vertical farm) to clarify that in the agricultural zoning districts, vertical farms are only permitted on lands with soils that are rated poor (D or worse).
8. Amends ROH § 21-5.40-4(a) (relating to agricultural-energy facility) to provide that a minimum of 90 percent of (instead of the primary) activity on the zoning lot must be crop production or livestock keeping (required by HRS Chapter 205).
9. Amends ROH § 21-5.40(b) (relating to agritourism) by:
 - a. Amending ROH § 21-5.40-4(b)(1) to provide that at least 51 percent (instead of 50 percent) of the activity on the zoning lot must be crop production or livestock keeping (required by HRS Chapter 205).
 - b. Combining and amending ROH § 21-5.40-4(b)(2) and (3) to provide that activities and improvements on the property may not diminish the long-term agricultural potential of the land, and improvements on the land used for agritourism must be capable of removal without unreasonable cost or effort. Renumbers subsequent subdivisions accordingly.
 - c. Amending renumbered ROH § 21-5.40-4(b)(5) to require a minimum of 50 percent of the zoning lot area suitable for crop production or livestock keeping (instead of 50 percent of the total zoning lot area) be dedicated to crop production or livestock keeping; and provide that the DPP Director may adopt rules to determine the zoning lot area considered to be suitable for crop production or livestock keeping.

Committee on Planning and the Economy Agenda
Thursday, May 25, 2023

- d. Amending ROH § 21-5.40-4(b)(6) (relating to agritourism weddings) to delete paragraphs (B), (C), and (D), relating to limits on the number of events per week, attendance limits per event, and parking requirements.
 - e. Adds a new ROH § 21-5.40-4(b)(7) to include bus, jeep, or off-road vehicle tours as an agritourism use, with standards that include an agricultural educational purpose, and prohibiting the tours from interfering with surrounding farm operations.
- 10. Amends ROH § 21-5.40-4(c)(2) (relating to beekeeping) to limit a beehive to 7 cubic feet in volume.
 - 11. Amends § 21-5.40-4(d)(1) to provide that for biofuel processing facilities located in the agricultural or preservation zoning districts, the dominant feed stock must be grown onsite, with the exception of feedstocks sourced from waste or invasive species (instead of requiring that all energy feedstocks be grown onsite).
 - 12. Amends ROH § 21-5.40-4(e) (relating to farm dwellings) by:
 - a. Amending ROH § 21-5.40-4(e)(1) to require a minimum of 50 percent of the zoning lot area suitable for crop production or livestock keeping (instead of 50 percent of the total zoning lot area) be dedicated to crop production or livestock keeping; and provide that the DPP Director may adopt rules to determine the zoning lot area considered to be suitable for crop production or livestock keeping; and
 - b. Deleting standards in ROH § 21-5.40-4(e)(6) and (7) (which prohibited farm dwellings as accessory to certain uses).
 - 13. Amends ROH § 21-5.40-4(f) (relating to farm stand) by deleting ROH § 21-5.40-4(f)(3) (which required farm stands to be located on private property).

14. Amends ROH § 21-5.40-4(h) (relating to agricultural farmers market) by:
 - a. Deleting ROH §§ 21-5.40-4(h)(1), (2), (3), and (4) (structures for agricultural products, finished foods, and non-food items); and renumbering subsequent subdivisions accordingly; and
 - b. Amending renumbered ROH § 21-5.40-4(h)(3) to require a minimum of 50 percent of the zoning lot area suitable for crop production or livestock keeping (instead of 50 percent of the total zoning lot area) be dedicated to crop production or livestock keeping; and provide that the DPP Director may adopt rules to determine the zoning lot area considered to be suitable for crop production or livestock keeping.
15. Amends ROH § 21-5.50-1(a) (relating to duplex-unit dwelling) to delete the provision stating that a duplex-unit dwelling does not require a demising wall.
16. Amends ROH § 21-5.50-1(c) (relating to multi-unit dwellings) by:
 - a. Permitting multi-unit dwellings in the B-1 and B-2 Districts within the Primary Urban Center Development Plan and Ewa Development Plan areas only (instead of above the ground floor island-wide, and as stand-alone structures in the neighborhood TOD plan areas); provided certain requirements are satisfied;
 - b. Providing that all residential uses and occupancies must be located on consecutive floors located above all non-residential uses (instead of above the ground floor), prohibit non-residential uses and residential uses from being located on the same floor, and require 20 percent of the floor area in the multi-unit dwelling (FAR of 0.2) to be dedicated to nonresidential uses that are permitted in the underlying zoning district; and
 - c. Amending one of the requirements for stand-alone multi-unit dwellings in the B-1 and B-2 Districts to provide that the zoning lot must have a minimum nonresidential floor area ratio of 0.2 (instead of 0.3).

17. Amends ROH § 21-5.50-2(a)(2) (relating to small group living) to require that in the AG-2 District (no longer permitted in the AG-1 District), a minimum of 50 percent of the zoning lot area suitable for crop production or livestock keeping (instead of 50 percent of the total zoning lot area) be dedicated to crop production or livestock keeping; and provide that the DPP Director may adopt rules to determine the zoning lot area considered to be suitable for crop production or livestock keeping.
18. Amends ROH § 21.5.50-2(b) (relating to large group living) by:
 - a. Deleting ROH §§ 21-5.50-2(b)(1), (2), and (3) (relating to State licensing, required distance between large group living facilities, and special needs housing for the elderly); and renumbering subsequent subdivisions accordingly;
 - b. Amending renumbered ROH § 21-5.50-2(b)(1) to require that in the AG-2 District (no longer permitted in the AG-1 District), a minimum of 50 percent of the zoning lot area suitable for crop production or livestock keeping (instead of 50 percent of the total zoning lot area) be dedicated to crop production or livestock keeping; and provide that the DPP Director may adopt rules to determine the zoning lot area considered to be suitable for crop production or livestock keeping; and
 - c. Adding new standards relating to access roads, minimum parking requirements, visual screening and buffering, cumulative adverse impacts, and compliance with the federal Fair Housing Act and similar laws.
19. Amends ROH § 21-5.50-3(a) (relating to accessory dwelling unit) by:
 - a. Deleting ROH § 21-5.50-3(a)(2) (ADU advertisements); and renumbering subsequent subdivisions accordingly; and
 - b. Amending renumbered ROH § 21-5.50-3(a)(2) to delete paragraphs (A) and (B) (written confirmation of adequate infrastructure and after-the-fact building permits for ADUs constructed without a building permit prior to September 14, 2015); and realphabetizing subsequent paragraphs accordingly.

Committee on Planning and the Economy Agenda
Thursday, May 25, 2023

20. Deletes ROH § 21-5.50-3(b) (relating to family child care home). Realphabetizes subsequent subsections accordingly.
21. Amends realphabetized ROH § 21-5.50-3(b) (relating to home occupation) by:
 - a. Amending ROH § 21-5.50-3(b)(1) to provide that the home occupation must be clearly incidental and subordinate to use of the dwelling unit and zoning lot for residential living, the exterior of the dwelling or zoning lot must not be significantly changed, the home occupation must not cause noise and obnoxious odors that may be detected from abutting streets and sidewalks, and the home occupation must not cause adverse impacts;
 - b. Amending ROH § 21-5.50-3(b)(2) to add home-based childcare, home offices, and personal and professional services as permitted home occupations; and clarifying that for the grooming and occasional boarding of animals, no more than three animals that are not household pets are permitted on the property at any given time;
 - c. Amending ROH § 21-5.50-3(b)(3) to delete the prohibition on providing care, treatment, or boarding of animals as a home occupation; and
 - d. Amending ROH § 21-5.50-3(b)(5) to clarify that the parking requirement of one off-street parking space for every five clients on the property at any given time is calculated as requiring one off-street parking for the first five clients and one additional off-street parking for every fractional increment up to five thereafter; and provide that if residents of multi-unit dwellings fulfill their parking requirements using guest parking, it must be allowed by the multi-unit dwelling's rules and regulations.
22. Deletes former ROH § 21-5.50-3(e) (relating to poultry raising).
23. Deletes former ROH § 21-5.50-3(g) (relating to teacher and workforce housing).

Committee on Planning and the Economy Agenda
Thursday, May 25, 2023

24. Deletes ROH § 21-5.60-1(a) (relating to community recreation center).
25. Deletes ROH § 5.60-1(b) (relating to convention center, concert, or sporting venue). Realphabetizes subsequent subsections accordingly.
26. Amends realphabetized ROH § 21-5.60-1(a) (relating to meeting facilities) by:
 - a. Amending ROH § 21-5.60-1(a)(1) to require that in the AG-2 District (no longer permitted in the AG-1 District), a minimum of 50 percent of the zoning lot area suitable for crop production or livestock keeping (instead of 50 percent of the total zoning lot area) be dedicated to crop production or livestock keeping; and provide that the DPP Director may adopt rules to determine the zoning lot area considered to be suitable for crop production or livestock keeping; and
 - b. Replacing all other standards with new standards that apply to small, medium, and large meeting facilities (event management plan, noise and odor, emergency vehicle ingress and egress, outdoor lighting, and parking surfaces).
27. Amends ROH § 21-5.60-2(b) (relating to communication tower) to be consistent with the federal Telecommunications Act of 1996 (setbacks, fencing enclosures, monotree design in the residential zoning district, and a minor CUP requirement in the industrial zoning districts if adjacent to any zoning lot in the residential, apartment, or apartment mixed use zoning districts).
28. Deletes ROH § 21-5.60-2(c)(4) (relating to alternative communication support structure federal eligible facilities requests).

29. Amends ROH § 21-5.60-3(a)(5) (relating to K-12 schools) to require that in the AG-2 District (no longer permitted in the AG-1 District), a minimum of 50 percent of the zoning lot area suitable for crop production or livestock keeping (instead of 50 percent of the total zoning lot area) be dedicated to crop production or livestock keeping; and provide that the DPP Director may adopt rules to determine the zoning lot area considered to be suitable for crop production or livestock keeping.
30. Amends ROH § 21-5.60-5(a) (relating to cemetery) to provide that:
 - a. In the AG-2 District (instead of all zoning districts where cemeteries are permitted), burials are prohibited within 50 feet from the property line of any adjoining zoning lot located in the country, residential, apartment, or apartment mixed use zoning districts (instead of 50 feet from all cemetery boundaries); and
 - b. In the AG-2 District (instead of all zoning districts where cemeteries are permitted), a minimum 50-foot landscaped buffer is required from the property line of any adjoining zoning lot located in the country, residential, apartment, or apartment mixed use zoning districts.
31. Amends ROH § 21-5.60-6(a)(3) (relating to small utility) to provide that a wind energy generation facility is considered a small utility if it is located within the agricultural, residential, apartment, apartment mixed use, business, business mixed use, resort, or preservation zoning districts and has a rated capacity of no more than 15 kilowatts.
32. Amends ROH § 21-5.60-6(b)(3) (relating to medium utility) to provide that a wind energy generation facility is considered a medium utility if it is located within the agricultural, country, industrial, or industrial mixed use zoning districts, and has a rated capacity of no more than 99 kilowatts (instead of up to 100 kilowatts).

33. Amends ROH § 21-5.60-6(c)(2)(E) (relating to large wind energy generation) to provide that:
- a. Large wind energy generation facilities must be set back from all property lines a minimum distance equal to the height of the facility; and a minimum distance of 1.25 miles (instead of 1 mile) from the property lines of any zoning lot located in the country, residential, apartment, apartment mixed use, or resort zoning districts; and
 - b. The setback requirements only apply to new large wind energy generation facilities, and do not apply to the repair, maintenance, or component replacement of any existing facility covered by a power purchase contract with an electric public utility during the term of the contract (and any renewal or extension thereof).
34. Amends ROH § 21-5.70-1(a) (relating to child daycare) to:
- a. Require that in the AG-2 District (no longer permitted in the AG-1 District) a minimum of 50 percent of the zoning lot area suitable for crop production or livestock keeping (instead of 50 percent of the total zoning lot area) be dedicated to crop production or livestock keeping; and provide that the DPP Director may adopt rules to determine the zoning lot area considered to be suitable for crop production or livestock keeping; and
 - b. Provide that pickup and drop-off spaces may be used as parking spaces outside of the designated pickup and drop-off time periods.

35. Amends ROH § 21-5.70-1(b) (relating to adult daycare) to:
- a. Require that in the AG-2 District (no longer permitted in the AG-1 District) a minimum of 50 percent of the zoning lot area suitable for crop production or livestock keeping (instead of 50 percent of the total zoning lot area) be dedicated to crop production or livestock keeping; and provide that the DPP Director may adopt rules to determine the zoning lot area considered to be suitable for crop production or livestock keeping; and
 - b. Provide that pickup and drop-off spaces may be used as parking spaces outside of the designated pickup and drop-off time periods.
36. Amends ROH § 21-5.70-2(a) (relating to general eating and drinking) to add that:
- a. In the AMX-1, AMX-2, AMX-3, B-1, and I-3 Districts, the preparation and selling of liquor must end at 12:00 a.m.; and
 - b. When the principal entrance is less than 75 feet or its parking or loading areas are less than 20 feet from any adjoining zoning lot in the country, residential, apartment, or apartment mixed use zoning district, a solid wall or fence or equivalent landscape buffer (6 feet in height) is required at the common property lines, and hours of operation are limited to between 6:00 a.m. and 10:00 p.m. (hours may be extended under a CUP-minor).
37. Amends ROH § 21-5.70-2(b) (relating to bar, nightclub), to add that:
- a. The DPP Director may require the mitigation of impacts from noise, odor, or glare; and

- b. When the principal entrance is less than 75 feet or its parking or loading areas are less than 20 feet from any adjoining zoning lot in the country, residential, apartment, or apartment mixed use zoning district, a solid wall or fence or equivalent landscape buffer (6 feet in height) is required at the common property lines, and hours of operation are limited to between 6:00 a.m. and 10:00 p.m. (hours may be extended under a CUP-minor).
- 38. Amends ROH § 21-5.70-3(a)(2)(C)(i) (relating to bed and breakfast home and transient vacation unit) to clarify that carbon monoxide detectors are required if the room being used for transient occupant sleeping accommodations and the connected hallway are served by natural gas, propane, or other combustible gas.
- 39. Amends ROH § 21-5.70-3(b)(1) (relating to minor hotels) by:
 - a. Adding Figure 21-5.4 to designate the areas in the IMX-1 District in close proximity to the Daniel K. Inouye International Airport where minor hotels are permitted;
 - b. Providing that minor hotels may not be used or include facilities for weddings, conventions, or special events as an accessory use (specific uses must be permitted as a principal use in the underlying zoning district);
 - c. Requiring guest rooms to be available for transient accommodations for a minimum of 275 days per year); and
 - d. Moving the requirement for a 24-hour front desk and facilities to the definition for minor hotels.
- 40. Amends ROH § 21-5.70-3(b)(2) (relating to major hotels) by:
 - a. Adding Figure 21-5.4 to designate the areas in the IMX-1 District in close proximity to the Daniel K. Inouye International Airport where major hotels are permitted;
 - b. Requiring guest rooms to be available for transient accommodations for a minimum of 275 days per year; and

- c. Moving the requirement for a lobby, 24-hour front desk and facilities to the definition for major hotels.
- 41. Amends ROH § 21-5.70-3(c) (relating to timeshares) to add Figure 21-5.5 to designate the areas located within the A-1 and A-2 Districts in close proximity to the Ko Olina Resort where timeshares are permitted, and Figure 21-5.6 to designate the area located within the A-1 District in close proximity to the Turtle Bay Resort where timeshares are permitted.
 - 42. Amends ROH § 21-5.70-6(a) (relating to remote parking) to add standards (marked parking spaces and an all-weather surface, the DPP Director's approval of a site plan for facilities that serve five or more vehicles, and the DPP Director's approval of a spill management plan for facilities that serve 20 or more vehicles and facilities used to accommodate vehicles that transport hazardous waste).
 - 43. Amends ROH § 21-5.70-6(b) (relating to commercial parking) to delete setback requirements, and add standards (marked parking spaces and an all-weather surface, and the DPP Director's approval of a site plan and spill management plan).
 - 44. Amends ROH § 21-5.70-7(b) (relating to animal care) to set forth one set of standards that apply to major and minor animal care as follows:
 - (a) Requires a minimum 100-foot setback from any adjoining zoning lot if animals are kept overnight.
 - (b) Animal shelters and areas must contain the kept animals securely and keep other animals from entering the enclosure.
 - (c) Prohibits the use of metal barrels, cars, refrigerators, and similar confinements as shelter structures for animals.
 - (d) Noise and odors must not be detectable from common areas within a building, abutting properties, or public areas.

- (e) Requires animals kept overnight to be located in a fully-enclosed, noise attenuated structure.
 - (f) For minor animal care, outdoor animal care areas are limited to supervised play areas and runs.
45. Deletes ROH § 21-5.70-7 (c) (relating to wedding services).
46. Deletes ROH § 21-5.70-8(a) (relating to general outdoor recreation). Requirements and conditions will be based on the scope and impacts of specific general outdoor recreation uses via a CUP. Realphabetizes subsequent subsections accordingly.
47. Deletes former ROH § 21-5.70-8(c) (relating to nature-based recreation). Realphabetizes the subsequent subsection accordingly.
48. Amends realphabetized ROH § 21-5.70-8(b) (relating to zoo) to delete the zoo standards and instead require a PRU.
49. Amends ROH § 21-5.70-9(a) (relating to general retail) to set forth one set of standards that apply to small, medium, and large general retail as follows:
- a. All incidental storage of material and equipment must be located in a fully enclosed structure;
 - b. When the principal entrance is less than 75 feet or its parking or loading areas are less than 20 feet from any adjoining zoning lot in the country, residential, apartment, or apartment mixed use zoning district, a solid wall or fence or equivalent landscape buffer (6 feet in height) is required at the common property lines, and hours of operation are limited to between 6:00 a.m. and 10:00 p.m. (hours may be extended under a CUP-minor).
 - c. In the apartment mixed use zoning district, limits the hours of operation to between 6:00 a.m. and 10:00 p.m., including any loading activities.
 - d. In the IMX-1 District, the density controls of Table 21-3.5 and ROH § 21-3.140-1(c) apply.

Committee on Planning and the Economy Agenda
Thursday, May 25, 2023

50. Deletes ROH § 21-5.70-9(b) (relating to alternative financial services). Realphabetizes the subsequent subsection accordingly.
51. Amends realphabetized ROH § 21-5.70-9(b) (relating to mobile commercial establishments) to provide that:
 - a. Any sign must be located within 5 feet of the mobile commercial establishment.
 - b. When three or more mobile commercial establishments operate on one zoning lot, if seating areas are provided, restrooms or portable restrooms must be present on the zoning lot.
 - c. If a mobile commercial establishment is located less than 75 feet from any adjoining lot:
 - i. In the country, apartment, or apartment mixed use zoning district, hours of operation are limited to between 6:00 a.m. and 10:00 p.m.; and
 - ii. In the residential zoning district, hours of operation are limited to between 8:00 a.m. and 9:00 p.m.
52. Deletes ROH § 21-5.70-10(b) (relating to vehicle fueling station).
53. Deletes former ROH § 21-5.70-10(c) (relating to vehicle repair). Vehicle repair will fall within the heavy repair use in the industrial uses category, and a new vehicle service use will be added to the industrial use category.
54. Deletes ROH § 21-5.70-11(a) (relating to caretaker unit). Realphabetizes the subsequent subsection accordingly.
55. Amends realphabetized ROH § 21-5.70-11(a) (relating to drive-thru) to delete "adjoining" (and only refer to zoning lots) for setback purposes.
56. Deletes former ROH § 21-5.70-11(c) (relating to accessory retail).

Committee on Planning and the Economy Agenda
Thursday, May 25, 2023

57. Amends ROH § 21-5.80-1(a)(1) (relating to light general manufacturing and processing) to increase the maximum total floor area to 10,000 square feet (instead of 2,000 square feet).
58. Amends ROH § 21-5.80-1(b) (relating to biofuel processing facility) to delete "adjoining" (and only refer to zoning lots) for setback purposes, and to delete transitional height setback requirements (already required in LUO Article 3).
59. Amends ROH § 21-5.80-1(c) (relating to explosive or toxic chemical manufacturing, storage, and distribution) to delete "adjoining" (and only reference zoning lots) for setback purposes, and provide that for explosives storage, the height of the landform or barrier used for screening purposes must be taller than any magazine or production facility and must consist of an earthen mound or revetted wall a minimum thickness of 3 feet.
60. Amends ROH § 21-5.80-1(e) (relating to petrochemical plant) to delete "adjoining" (and only refer to zoning lots) for setback purposes.
61. Amends ROH § 21-5.80-2(a)(1) (relating to minor general marine) by:
 - a. Referring to the preservation zoning district (instead of the State land use preservation district, as there is no State land use preservation classification); and
 - b. Deleting the standard requiring small engine and minor boat repair to be within a fully enclosed, noise-attenuated structure.
62. Deletes ROH § 21-5.80-3(a) (relating to general repair standards). General repair uses have minimal impacts. Realphabetizes the subsequent subsection accordingly.
63. Amends realphabetized ROH § 21-5.80-3(a) (relating to heavy repair) to delete "adjoining" (and only refer to zoning lots) for setback purposes.

64. Amends ROH § 21-5.80-3(b) (relating to vehicle service) to delete "adjoining" (and only refer to zoning lots) for setback purposes.
65. Adds a new ROH § 21-5.80-3(b) (relating to vehicle service) to provide that all activities conducted within 300 feet from the property line of any adjoining zoning lot in the residential, apartment, or apartment mixed use zoning district are limited to the hours between 6:00 a.m. to 10:00 p.m.
66. Amends ROH § 21-5.80-5(a) (relating to self-storage) by:
 - a. Amending ROH § 21-5.80-5(a)(1) to provide that no individual self-storage area may exceed 6,000 (instead of 3,600) cubic feet in volume;
 - b. Amending ROH § 21-5.80-5(a)(3) to provide that storage spaces may not be used for activities other than the storage of personal property; and
 - c. Deleting ROH § 21-5.80-5(a)(4), relating to underground storage.
67. Amends ROH § 21-5.80-5(b)(3) (relating to storage yard) to delete "adjoining" (and only refer to zoning lots) for setback purposes within the I-1 District.
68. Amends ROH § 21-5.80-6(b)(2) (relating to base yard) to delete "adjoining" (and only refer to zoning lots) for setback purposes within the I-1 District.
69. Adds a new ROH § 21-5.80-6(c) to add heliport standards to limit the number of operations, time of operations, and size of the rotorcraft using the heliport facilities (with exceptions for emergency medical operations and search and rescue operations). Realphabetizes the subsequent subsection.
70. Amends ROH § 21-5.80-7(a)(1) (relating to salvage, scrap, or junk storage and processing) to delete "adjoining" (and only refer to zoning lots) for setback purposes.

71. Amends ROH § 21-5.80-7(b)(1) (relating to waste disposal and processing) to clarify that no person may construct, modify, or expand a waste or disposal facility, including a municipal solid waste landfill unit or a construction and demolition landfill unit, unless a minimum 0.5-mile buffer zone is provided from the property line of any zoning lot used for residential, school, or hospital purposes.
 72. Amends ROH § 21-5.80-8(a), relating to helistop standards, to limit the number of operations, time of operations, and size of the rotorcraft using the helistop facilities (with exceptions for emergency medical operations and search and rescue operations).
 73. Amends ROH § 21-5.90-2 (relating to transfer of development) to delete all provisions relating to the transfer of development (floor area or number of dwellings) from a donor zoning lot located within the special management area to a qualified receiving zoning lot. Retains all provisions relating to the transfer of development (floor area) from a donor zoning lot with a historic site, building, or structure to a qualified receiving zoning lot.
- D. In SECTION 4 of the bill, amends ROH § 21-2.40-1(b)(5) to delete an erroneous reference to minor hotels in the B-1 or B-2 Districts (under Table 21-5.1, minor hotels are not permitted in the B-1 and B-2 Districts).
 - E. Adds additional conforming amendments to various ROH §§ throughout the bill to conform with new terms being added, deleted, and amended, and renumbers SECTIONS of the bill accordingly.
 - F. Adds a new SECTION 7 of the bill to amend ROH § 21-2.110 ("Exceptions") to reference new ROH § 21-2.110-4 (relating to special use permits) as an exception to the major or minor permit process.
 - G. Adds a new SECTION 8 of the bill to add a new ROH § 21-2.110-4 to set forth procedures for the DPP Director to process a special use permit, and guidelines for the DPP Director's approval and issuance of a special use permit. Renumbers subsequent bill SECTIONS accordingly.

Committee on Planning and the Economy Agenda
Thursday, May 25, 2023

- H. In renumbered SECTION 25 of the bill, makes amendments to conform to the amendments made by Ordinance 22-28 (relating to height limits for rooftop structures).
- I. In renumbered SECTION 64 of the bill, corrects an error in the home occupation entry in Table 21-9.6(A) ("Waikiki Special District Precinct Permitted Uses and Structures") by replacing "Ac" with "P*" (instead of "P") in the apartment and resort mixed use precincts. **Makes miscellaneous technical and nonsubstantive conforming amendments for purposes of formatting, alphabetization, and land use terminology.**
- J. In renumbered SECTION 70 of the bill:
 - 1. Amends the definition of "agricultural processing" (formerly minor agricultural products processing) to provide that in the agricultural zoning districts, minor agricultural processing includes the processing of crops to produce malt beverages, distilled spirits, or wines.
 - 2. Deletes the definition of "composting, minor and major."
 - 3. Amends the definition of "crop raising" (formerly crop production) to include cultivating crops with hydroponics and aquaponics.
 - 4. Amends the definition of "daycare, adult" to mean the use of a building or property other than a dwelling unit or medical facility to provide supervision and care to adults who need supervision or assisted living services. The term does not include overnight stays and 24-hour care.
 - 5. Amends the definition of "daycare, child" to mean the use of a building or property other than a dwelling unit, public school, or medical facility to provide supervision and care for individuals under 18 years of age. **Includes care for seven or more individuals under 18 years of age. Excludes overnight stays and 24-hour care. Refers to home occupation, home-based childcare, and K-12 school.**
 - 6. Amends the definition of "duplex-unit dwelling" to clarify the definition.

Committee on Planning and the Economy Agenda
Thursday, May 25, 2023

7. Amends the definition of "dwelling unit" to clarify the definition.
8. Amends the definition of "dwelling, multi-unit" to clarify the definition.
9. Deletes the new definition of "family child care home," and retains and amends the existing definition of "home-based childcare" as a home occupation (instead of the definition proposed in the bill).
10. Amends the definition of "farm dwelling" to mean a dwelling unit that is accessory to a principal agricultural use on the same zoning lot other than open space, forestry, or the boarding and care of animals.
11. Amends the definition of "food manufacturing and processing" to reference agricultural processing.
12. Amends the definition of "group living, large" to refer the occupancy of a dwelling unit by to nine or more residents who do not meet the definition of "family."
13. Amends the definition of "group living, small" to refer to the occupancy of a dwelling unit by six to eight residents who do not meet the definition of "family."
14. Amends the definition of "helistop" to delete the last sentence, which reads "The term includes but is not limited to the commercial use of a drone."
15. Retains and amends the existing definition of "home occupation" (instead of the definition proposed in the bill).
16. Amends the definition of "home-based childcare" to mean a home occupation in which childcare services are provided during any part of a 24-hour day (instead of on a part-time basis) to no more than six children at any given time who are not members of the household. Refers to child daycare.

17. Amends the definition of "hotel" to mean a building or buildings, or a portion of a building or buildings, containing guest rooms that are offered and used for the provision of overnight accommodations to transient guests. Includes activities, facilities, and services that are traditionally and customarily provided for the benefit and convenience of hotel guests. Excludes transient vacation units, bed and breakfast homes, and timeshares. A minor hotel does not exceed any of the following thresholds: 180 guest rooms or less than 2,000 square feet of floor area dedicated to meeting facilities; and must include a 24-hour front desk and facilities used to provide housekeeping services to guests. A major hotel exceeds any of the following thresholds: 180 or more guest rooms or 2,000 square feet or more of floor area dedicated to meeting facilities; and must include a lobby, 24-hour front desk, and facilities used to provide valet, bell, and housekeeping services to guests.
18. Amends the definition of "household," to revert back to the term "family."
19. Amends the definition of "manufacturing and processing, general, heavy" to refer to petrochemical plant; explosive or toxic chemical manufacturing, storage, and distribution; waste disposal and processing; and salvage, scrap, or junk storage and processing.
20. Amends the definition of "meeting facility" to mean a principal use involving periodic gatherings or assemblies of individuals on private property for a common purpose not accessory to a permitted principal use. Provides that the DPP Director may liberally construe accessory uses outside of the agricultural zoning districts. Clarifies the capacity requirements for small, medium, or large meeting facilities.
21. Amends the definition of "recreation, general outdoor" to mean facilities for outdoor recreation or entertainment and related activities. Adds examples of activities that the term includes, and activities that the term does not include.

22. Amends the definition of "repair, general" to mean repair that does not require the use of tools or equipment that generate significant noise or impact to the environment and adjacent land uses. Includes the repair of household appliances, upholstery, bicycles, shoes, garments, clocks, and general fix-it repair. Also includes the production and repair of prosthetic devices.
23. Amends the definition of "repair, heavy" to mean the repair of industrial machinery, heavy equipment, engines and motors, vehicle repair exceeding activities permitted under the vehicle service use, blacksmithing, and furniture repair. Also includes other repair activities not permitted under general repair or activities requiring an industrial wastewater discharge permit.
24. Amends the definition of "timeshare" to mean the use or occupancy of a timeshare unit, as defined in HRS § 514E-1, or any successor statute.

K. In renumbered SECTION 71 of the bill:

1. Moves the definition of "accessory" to renumbered SECTION 70 of the bill.
2. Amends the definition of "agricultural farmers market" to clarify that the term means an outdoor market for the sale of agricultural products grown on Oahu and value-added products that were produced using agricultural products grown on Oahu by the producers of the agricultural products. The term does not include outdoor markets and similar uses conducted outside of the agricultural zoning districts.
3. Deletes the definition of "alternative financial service."
4. Amends the definition of "animal care" to mean providing medical care, grooming, training, or boarding services to household pets as a principal use. Distinguishes between minor versus major animal care by whether overnight boarding is provided.

5. Amends the definition of "bar, nightclub" to mean an establishment that prepares and sells liquor for onsite consumption. Excludes liquor production (refers to brewery, distillery, winery). May include a dance floor or live or amplified recorded music or professional entertainment subject to licensing by the Honolulu Liquor Commission. May offer food and nonalcoholic drinks for consumption onsite or offsite but is not considered to be a general eating and drinking establishment if the principal offering is the sale of liquor (refers to general eating and drinking). Minor is open until 2:00 a.m. Major is open until 4:00 a.m.
6. Amends the definition of "brewery, distillery, winery" to provide that:
 - a. Minor is the production of a maximum of 10,000 (instead of 5,000) barrels per year (or similar level of production); and major is the production of more than 10,000 (instead of 5,000) barrels per year (or similar level of production); and
 - b. Does not include facilities that fall within the agricultural processing use or establishments that fall within the bar, nightclub use.
 - c. The onsite or off-site consumption of malt beverages, distilled spirits, or wine is determined by the type of liquor license obtained from the Honolulu Liquor Commission.
 - d. For minor brewery, distillery, winery, the term includes guided tours and free tastings of malt beverages, distilled spirits, or wine produced onsite.
7. Deletes the definition of "community garden."
8. Deletes the definition of "caretaker unit."
9. Moves the definition of "communication tower" to renumbered SECTION 70 of the bill.

Committee on Planning and the Economy Agenda
Thursday, May 25, 2023

10. Amends the definition of "dwelling, single-unit" to mean a detached building containing one dwelling unit that is used exclusively by one family for non-transient residential living and permissible accessory uses.
11. Amends the definition of "dwelling, two-unit" to add that use of a two-unit dwelling is the occupancy of each dwelling unit in the two-unit dwelling by one family for non-transient, residential purposes and permissible accessory uses.
12. Amends the definition of "eating and drinking, general" to mean an establishment that serves meals to patrons for compensation as a principal use. Must have suitable kitchen facilities connected therewith, containing the necessary equipment and supplies for cooking an assortment of foods that may be required for ordinary meals. May include the sale of liquor with appropriate Honolulu liquor commission license (refers to bar, nightclub). A bona fide general eating and drinking establishment is distinguished from a bar or nightclub because the principal offering is the sale of food and nonalcoholic drinks for consumption onsite or offsite (refers to drive-thru).
13. Amends the definition of "farm worker housing" to mean dwelling units that are accessory to an active principal agricultural use other than open space, forestry, or the boarding and care of animals, and used exclusively to house employees of agricultural operations and their family members.
14. Amends the definition of "livestock veterinary service" to mean providing veterinary services to livestock and domesticated animals.

15. Amends the definition of "mobile commercial establishment" to mean a vehicle with current registration and safety check used by an itinerant vendor for the sale of food products, other wares, or services. The vehicle must be mobile and in a condition that allows it to enter and exit the zoning lot. Includes lunch wagons, lunch vans, food trucks, and vehicles with attached or associated pop-up tents. Excludes vendors at farmers markets, fun fairs, special community events, or other special events managed by a regulatory entity where mobile commercial establishments are not a majority of the event. In the Haleiwa special district, the definition of mobile commercial establishment in § 21-9.90-4(j) supersedes the definition in § 21-10.1.
16. Deletes the definition of "nature-based recreation."
17. Amends the definition of "parking, remote" to mean the use of a zoning lot to provide parking for vehicles to support a principal use occurring on a different zoning lot.
18. Deletes the definition of "poultry-raising."
19. Amends the definition of "research and development, general" to refer to medical laboratory.
20. Deletes the definition of "retail, accessory."
21. Deletes the definition of "teacher and workforce housing."
22. Amends the definition of "urban agriculture" to mean crop raising and related agricultural activities conducted as a principal or predominant land use outside of the agricultural and country zoning districts. The term includes vertical farming operations located outside of the agricultural district.
23. Deletes the definition of "vehicle repair" (service, light, and heavy).

Committee on Planning and the Economy Agenda
Thursday, May 25, 2023

- 24. Adds a new definition of "vehicle service" to mean the routine service and maintenance of vehicles limited to the replacement of fluids and minor parts such as brakes, tires, windows, filters, mirrors, and accessories. The term does not include body and fender repair, painting, repair or replacement of powertrain components other than tires, or other significant work. **Refers to heavy repair.**
- 25. Deletes the definition of "wedding services."
- 26. Amends the definition of "zoo" to clarify that the term does not include government facilities, uses involving the display of live animals for sale or adoption, or displays that are accessory to principal commercial or hotel use.
- L. In renumbered SECTION 72 of the bill, removes the deletion of the definition of "receive-only antennas" (the definition of "receive-only antennas" is amended in SECTION 70 of the bill).
- M. **In renumbered SECTION 74 of the bill, updates ROH § 8-7.1 to incorporate the amendments made by Ordinance 23-5.**
- N. Makes miscellaneous technical and nonsubstantive amendments, which include, but are not limited to, updating the provisions of the bill to reflect ROH 2021 as opposed to ROH 1990.

Related communications:

- CC-124 Councilmember Kia'āina, Instructions for Amendments to Commercial Uses in Bill 10 (2022), CD1.
- CC-146 Councilmember Kia'āina, Updated Proposed Amendments to Commercial Uses in Bill 10 (2022), CD1, to Supersede CC-133 (2023).

INFORMATIONAL BRIEFING

- 2. UPDATE FROM THE DEPARTMENT OF PLANNING AND PERMITTING ON BUILDING PERMIT PROCESS BACKLOG.**
- 3. UPDATE FROM THE DEPARTMENT OF PLANNING AND PERMITTING ON DEVELOPMENT AND SUSTAINABLE COMMUNITIES PLAN SCHEDULE AND TRANSIT-ORIENTED DEVELOPMENT PLANS AND ZONING STATUS.**

Related communication:

D-331 Department of Planning and Permitting, TOD Plans and Zoning Status and Development-Sustainable Communities Plan and Watershed Management Plan Schedule.

- 4. UPDATE ON THE ALLOCATION AND USE OF AMERICAN RESCUE PLAN ACT FISCAL RECOVERY FUNDS.**

ESTHER KIA'ĀINA, Chair
Committee on Planning and the Economy