



'23JUN19 PM 12:37 CITY CLERK
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May 23, 2023

MEMORANDUM

TO: IRENE LIMOS, COMMITTEE CLERK
COMMITTEE ON PLANNING AND THE ECONOMY

FROM: COUNCILMEMBER ANDRIA TUPOLA

SUBJECT: PROPOSED AMENDMENTS TO BILL 10 (2022), CD1 - AGRICULTURE

Attached for consideration by the Committee on Planning and the Economy are proposed amendments to Bill 10 (2022), CD1, relating to agriculture.

Mahalo for the consideration of these amendments.

Respectfully,

A handwritten signature in black ink, appearing to read "A. Tupola", is written over a light blue rectangular background.

Andria Tupola, Ph.D.
Honolulu City Councilmember
District 1 'Ēwa Beach, Kapolei, Nānākuli, Wai'anae

AMENDMENT FORM
Bill 10 (2022), CD1
Relating to Use Regulations
COMMERCIAL USES

Total Pages 1 of 4
Date 4/12/2023
Councilmember Tupola

Item No.	Bill Section	ROH Section, Exhibit, or Figure, and Title	Page No.	Amendment Description	Amendment Text (in Ramseyer Format)
1	§ 21-5.30 Use table.	Table 21-5.1 Table of Permitted Uses	22/269	For "County" add "Animal Raising Confined" as a "Permitted use"	"p"
2	§ 21-5.40-2 Livestock keeping.	(a) Animal raising, confined – standards.	30/269	Remove "Standards" for "Animal Raising Confined"	[(1) All zoning lots must have a minimum total lot area of 3 acres. (2) Feedlots and fowl, poultry, or swine enclosures must be set back a minimum of 300 feet from the property line of any adjoining property within the residential, apartment, or apartment mixed-use zoning districts.]
3	§ 21-5.40-3 Agricultural support.	(b) Agricultural equipment service – standards.	30/269	Adjust the minimum setback from 100 to 15 feet	(1) All structures and activities must be set back a minimum of <u>15</u> [100] feet from the property line of any adjoining property within the residential, apartment, or apartment mixed-use zoning districts.
4	§ 21-5.40-3 Agricultural support.	(a) Feed store – standards.	31/269	Strike "or stored." from (1)	(1) Only products that are clearly incidental to agricultural activities may be sold [or stored.]
5	§ 21-5.40-3 Agricultural support.	(a) Feed store – standards.	31/269	Strike (2) and (3)	[(2) The building area of all agricultural support facilities must not exceed 25percent of the zoning lot area. (3) All structures and activities must be set back a minimum of 100 feet from the property line of any adjoining property within the residential, apartment, or apartment mixed-use zoning districts.]

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1	§ 21-5.40-4 Accessory agricultural	(a) Agritourism – standards.	31/269	Strike (1), (2), (3), (4), and (5)	[(1) At least 51 percent of the activity on the zoning lot must be crop production or livestock keeping. (2) Activities and improvements on the property may not diminish the longterm agricultural potential of the land. Improvements on the land used for agritourism must be capable of removal without unreasonable cost or effort. (3) Structures primarily dedicated to agritourism must not exceed 10 percent of the total zoning lot area. (4) Buildings and structures associated with agritourism that are not required as part of the crop production or livestock keeping on the zoning lot are limited to 10,000 square feet of total floor area for the zoning lot. (5) A minimum of 50 percent of the zoning lot area suitable for crop production or livestock keeping must be dedicated to crop production or livestock keeping through an agricultural easement or similar legal encumbrance for as long as the agritourism use is in operation. The director may adopt rules pursuant to HRS Chapter 91 to determine the zoning lot area considered to be suitable for crop production or livestock keeping.]
2	§ 21-5.40-4 Accessory agricultural	(a) Agritourism – standards.	32/269	Removing "Weddings"	[Weddings and similar a] Accessory destination events are subject to the following:
3	§ 21-5.40-4 Accessory agricultural	(a) Agritourism – standards.	32/269	Remove limit on total floor area sq. footage	(B) Predominantly open-air physical improvements associated with destination events, such as a roofed pavilion, are allowed; provided that the total floor area must not exceed 1,000 square feet].
4	§ 21-5.40-4 Accessory agricultural	(a) Agritourism – standards.	32/269	Add "Ranch" to 4-wheel drive use and remove "conditional use approval"	(7) Bus, jeep, or off-road vehicle tours using motorized vehicles, including an all-terrain vehicle (ATV), quad, four-wheeler, off highway motorcycle, or any other all-terrain or four-wheel drive vehicle, may only be conducted on a working farm or ranch , [and require major conditional use approval] subject to the following standards:
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Item No.	Bill Section	ROH Section, Exhibit, or Figure, and Title	Page No.	Amendment Description	Amendment Text (in Ramseyer Format)
1	§ 21-5.40-4 Accessory agricultural	(c) Beekeeping – standards	32/269	Remove minimum zoning lot size	[(1) Zoning lot size: The minimum zoning lot size required for beekeeping is 5,000 square feet.]
2	§ 21-5.40-4 Accessory agricultural	(c) Beekeeping – standards	33/269	Remove zoning lot area requirements	[(2) Zoning lot area required: (A) No more than two beehives may be established on zoning lots less than 10,000 square feet; (B) No more than four beehives may be established on zoning lots of 10,000 up to 20,000 square feet; (C) No more than six beehives may be established on zoning lots greater than 20,000 square feet; and (D) No beehive may exceed 7 cubic feet in volume.]
3	§ 21-5.40-4 Accessory agricultural	(c) Beekeeping – standards	33/269	Remove barrier setback requirement	(A) When situated behind a solid fence, dense hedge, or similar barrier, at least 6 feet in height, parallel to the property line, established in front of the entrance of all ground-level beehives so that bee departures and arrivals occur at no less than 6 feet in height at interior property lines. [The barrier for purposes of influencing the flyway must extend 2 feet from each side of the hive openings; or]
4	§ 21-5.40-4 Accessory agricultural	(c) Beekeeping – standards	33/269	Remove barrier setback requirement	[(B) When located at least 8 feet or more above adjacent ground level.]
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1	§ 21-5.40-4 Accessory agricultural	(e) Farm dwelling – standards.	34/269	Stike (1)	[(1) Crop production and livestock keeping must occupy a minimum of 50percent of the zoning lot area suitable for crop production or livestock keeping, and valid agricultural dedication status must be maintainedthrough an agricultural easement or similar legal encumbrance for as long as the farm dwelling use continues.
2	§ 21-5.40-4 Accessory agricultural	(e) Farm dwelling – standards.	34/269	Strike polygon language	(2) Each farm dwelling (including eaves, overhangs, carports, garages, trellised areas, stairways, decks, storage sheds, and swimming pools) must be contained within an area not to exceed 5,000 square feet[, confined to a polygon for which no exterior angle is greater than 180 degrees].
3	§ 21-5.40-4 Accessory agricultural	(f) Farm stand – standards.	35/269	Strike utility prohibition on farm stands	(2) Enclosed floor area for the farm stand must not exceed 500 square feet. Additional unenclosed floor area may be roofed, but must otherwise be open to the elements. [No electricity, sewer, water, or other utility services are allowed in conjunction with a farm stand.]
4	§ 21-5.40-4 Accessory agricultural	(h) Agricultural farmers market – standards.	36/269	Strike (3)	[(3) A minimum of 50 percent of the zoning lot area suitable for crop production or livestock keeping must be dedicated to crop production or livestock keeping through an agricultural easement or similar legal encumbrance for as long as the agricultural farmers market is in operation.The director may adopt rules pursuant to HRS Chapter 91 to determine the zoning lot area considered to be suitable for crop production or livestock keeping.]
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