BILL064(23)
Testimony

MISC. COMM. 370

PLANNING AND THE ECONOMY (P&E)

PLANNING AND THE ECONOMY (P&E) Meeting

Meeting Date: Aug 22, 2024 @ 09:00 AM

Support: 4

Oppose: 25

I wish to comment: 19

Name:	Email:	Zip:
Cheryl Prince	prince.of.kailua@gmail.com	96734
Representing:	Position:	Submitted:
Koolaupoko Hawaiian Civic Club	Support	Aug 15, 2024 @ 05:34 PM

Name:	Email:	Zip:
Tom Holowach	holowach@hawaii.edu	96734
Representing:	Position:	Submitted:
Popoki Place Oahu Cat Sanctuary	I wish to comment	Aug 15, 2024 @ 06:33 PM

Testimony:

Our organization will tentatively support this latest version of the bill, if we can be assured that we are interpreting some of the specific wording changes accurately.

Name:	Email:	Zip:
Hokulani Lee	hokulani15@hotmail.com	96744
Representing:	Position:	Submitted:
Self	Oppose	Aug 15, 2024 @ 09:33 PM

Testimony:

I oppose adding the crop production requirement of 51% of AG1 and AG2 lots. There are so many reasons why, but here's a few:

1)There are many families that cannot afford to buy equipment and pay employees necessary to comply with such a drastic requirement, especially Kupuna.

2)It's not fair for people that have already purchased land and took into account the current $1000/yr requirement. It's doable at $1000, but 51% of lot is not financially or physically viable.

3) Most AG lots on Oahu are not flat and many do not have much space suitable for crops. The space that is suitable for crops is probably already occupied by a dwelling.

4) Many AG properties on Oahu have already been made into CPR's, which minimizes the lots.

5) The AG properties on Oahu are way too small to make a profitable business. You need at least 10 acres of usable land to even have a chance of profiting. (Ask any crop farmer that lives here.)

6) The "director" that decides the definition of what "usable land" is should be an elected official.

7) Some people bought AG lots to grow food for their own families, not necessarily to produce mass quantities for sale.

The current LUO allows for that.

Please do not make such drastic changes that will hurt local families. It's getting extremely difficult to live here with all the excess regulation.

Name:	Email:	Zip:
Stephen Crowell	crowells@gmail.com	96717
Representing:	Position:	Submitted:
Self	Oppose	Aug 17, 2024 @ 06:54 AM

Testimony:
The land that you own is yours to care for so it can provide for you. No one should rob you of that land.
Government can regulate your use of the land so that its impact is safe to those on it and around it. But government should not take it away if those occupying it are doing so responsibly with utmost effort to safety and protection to self, occupiers, visitors, workers (all persons and animals) and the environment including your neighbors and surrounding community.

Name:	Email:	Zip:
Roxanne Rivero	wheresroxanne@gmail.com	96816
Representing:	Position:	Submitted:
Self	Oppose	Aug 17, 2024 @ 07:43 AM

Testimony:
I appreciate the intent of the bill to tax empty homes, however I realize monthly rentals or month to month rentals are vital to our island and should not be considered empty.. with events like red hill and maui fires it is essential that our island have furnished short term rentals available for our residents our healthcare system would collapse if we did not have short term available for nurses and doctors (traveling) as well as our military, sporting and film visitors all rely on monthly rentals available

the midterm rental market is growing here and sustainably the hotels cannot accommodate (rim pac one example)

Name:	Email:	Zip:
Keith Matsumoto	keith.matsumoto@pichtr.org	96814
Representing:	Position:	Submitted:
Self	Support	Aug 18, 2024 @ 09:58 AM

Name:	Email:	Zip:
Ted Kefalas	tkefalas@grassrootinstitute.org	96813
Representing:	Position:	Submitted:
Grassroot Institute of Hawaii	I wish to comment	Aug 19, 2024 @ 06:49 AM

Name:	Email:	Zip:
Norm Nichols	norm@petroglyphs.com	96734
Representing:	Position:	Submitted:
Self	Oppose	Aug 19, 2024 @ 10:25 AM

Testimony:

I am vehemently opposed to Bill64. City, County & State governments no longer support the the will of the citizens and our culture. Laws and ordinances that blatantly favor foreign, including the US, have allowed for the interests of the Kamaaina and Hawaiians to have our property be diverted to greedy outside interests. Hotels provide jobs but the profits generated are exported from our economy and force our residents and our young people to leave to other locations because of the high costs of living and lack of local business that should be the driving engine of our economy. Housing is just one focal point that impacts this, outside investors, and the lack of government oversite have created large residential buildings(so called homes) in our neighborhoods. Profiteering of existing houses and homes through misplaced neglect of weak or overlooked ordinances by the cancerous growth of the real-estate companies out of greed continue to exacerbate and fuel the problem. This has to stop if the state and local governments can't or won't address this then maybe the citizen should find another way to make this happen.

Name:	Email:	Zip:
Miki Blackstad	mikibrealty@gmail.com	96744
Representing:	Position:	Submitted:
Self	I wish to comment	Aug 19, 2024 @ 07:01 PM

Testimony:

I VOTE NO TO BILL (10) (60) & (64) IN REFERENCE TO AG LAND

4 REASON OF WHICH I WILL ANNOUCE WHEN I AM CHOSEN TO SPEAK.

Name:	Email:	Zip:
Lourdes Millan	millan.lourdes1@gmail.com	96734
Representing:	Position:	Submitted:
Self	Support	Aug 19, 2024 @ 07:06 PM

Testimony:

I support Bill 64 with the revisions that city council member andria tupola made in the last zoom meeting that was held for the ag community to participate

Name:	Email:	Zip:
Lindsey Ching	paniolo7@aol.com	96782
Representing:	Position:	Submitted:
Self	Oppose	Aug 19, 2024 @ 09:12 PM

Testimony:

i don't agree about this bill especially cannot keep a horse unless we have 3 acres of property .therefore i oppose

this bill.

mahalo

Lindsey Ching

Name:	Email:	Zip:
Taylor Kellerman	tkellerman@kualoa.com	96730
Representing:	Position:	Submitted:
Kualoa Ranch	I wish to comment	Aug 20, 2024 @ 06:07 AM

Testimony:

Aloha!

As participants of the ag stakeholder group which met in 2023 (Oahu Agriculture and Conservation Association, Kualoa Ranch, Waimanalo Agricultural Association, KoHana, Hawaii Cattlemen's Council, Ulupono Initiative, Hawaii Farm Bureau, East County Farm Bureau, and Kuilima Farms), we want to thank you for the opportunity to comment and make recommendations on then Bill 10, now Bill 64.

Kualoa Ranch stands behind the recommendations of the group, and respectfully encourages the Council to consider Oahu agriculture a complex system whose impact is paramount to our goal of improved food security. We hope that this Bill and any future legislation that impacts our farmers and ranchers' ability to grow food is put through a collaborative lens, and all consequences/implications are considered.

Mahalo

Taylor Kellerman

Director of Diversified Agriculture and Land Stewardship

Kualoa Ranch Hawaii

Name:	Email:	Zip:
Ronald Weidenbach	hawaiifish@gmail.com	96791
Representing:	Position:	Submitted:
Hawaii Fish Company Inc.	I wish to comment	Aug 20, 2024 @ 09:49 AM

Name:	Email:	Zip:
Frederick Mencher	frederickmencher@gmail.com	96817
Representing:	Position:	Submitted:
East Oahu County Farm Bureau	I wish to comment	Aug 20, 2024 @ 10:42 AM

Name:	Email:	Zip:
Micah Munekata	mmunekata@ulupono.com	96813
Representing:	Position:	Submitted:

Ulupono Initiative	I wish to comment	Aug 20, 2024 @ 04:29 PM
Name: Nicole Galase	Email: nicole@hicattle.org	Zip: 96816
Representing: Hawaii Cattlemen's Council	Position: I wish to comment	Submitted: Aug 20, 2024 @ 04:47 PM
Name: Nicole Galase	Email: socfarmers808@gmail.com	Zip: 96816
Representing: South Oahu County Farmers Association	Position: I wish to comment	Submitted: Aug 20, 2024 @ 04:48 PM
Name: Alan Sinesky	Email: asinesky@hawaii.rr.com	Zip: 96706
Representing: Self	Position: Oppose	Submitted: Aug 20, 2024 @ 04:57 PM
Name: Robert Dawson	Email: robert@kohanarum.com	Zip: 96759
Representing: Kō Hana Distillers	Position: Oppose	Submitted: Aug 20, 2024 @ 08:02 PM
Name: Kim Falinski	Email: kimfalinski@gmail.com	Zip: 96817
Representing: Nalo Meli Honey	Position: Oppose	Submitted: Aug 20, 2024 @ 08:09 PM
Name: Sandy Van	Email: sandy@prpacific.com	Zip: 96792
Representing: Self	Position: Oppose	Submitted: Aug 20, 2024 @ 08:32 PM
Name: Lu Faborito	Email: kaluhiokalanik@aol.com	Zip: 96792
Representing: Makaha Hawaiian Civic club	Position: Oppose	Submitted: Aug 21, 2024 @ 06:49 AM
Testimony: Strongly oppose this bill as it will jeopardize legitimate farmer's & rancher's needing the property zoning to continue their efforts to sustain their businesses and lifestyles. Strengthened & knowledgeable enforcement for violators abusing the designation for non compliant property owners.		

Name:	Email:	Zip:
Brian Miyamoto	brian@hfbf.org	96759
Representing:	Position:	Submitted:
Hawaii Farm Bureau	I wish to comment	Aug 21, 2024 @ 09:30 AM

Name:	Email:	Zip:
Shannon Alivado	shannon.alivado@gmail.com	96795
Representing:	Position:	Submitted:
Waimanalo Agricultural Association	I wish to comment	Aug 21, 2024 @ 09:36 AM

Name:	Email:	Zip:
Karin OMahony	k7omahony@aol.com	96795
Representing:	Position:	Submitted:
Self	Oppose	Aug 21, 2024 @ 09:40 AM

Testimony:

This is a bad bill. Even though a lot of "work" and time have gone into it it hurts Oahu residents, especially farmers and ranchers and homeowners and there is no excuse to "push it through". There is no shame in throwing this in the trash can and beginning again with actual stakeholder participation and actually knowledgeable experts being consulted.

At the very least, all of Andria Tupola's amendments should be adopted. She took the time to engage with ranchers and farmers and Oahu residents, really listened and heard our concerns and crafted well thought out changes that will reduce the harm to constituents, especially farmers, ranchers and beekeepers.

Thank you for taking the time to respect and listen to actual residents, not just developers and the East Coast firm that came up with this unrealistic, ridiculous and harmful Bill 10 and now 64.

VOTE NO on 64 or at least adopt all of Andria Tupola's current amendments.

Mahalo

Name:	Email:	Zip:
Earl Yamamoto	earl.j.yamamoto@hawaii.gov	96814
Representing:	Position:	Submitted:
Hawaii Department of Agriculture	I wish to comment	Aug 21, 2024 @ 02:07 PM

Name:	Email:	Zip:
Larry Bartley	sonhawaii@hawaii.rr.com	96734
Representing:	Position:	Submitted:
Save O'ahu's Neighborhoods	I wish to comment	Aug 21, 2024 @ 02:51 PM

Name:	Email:	Zip:
Lilia Kapuniai	lilia@papakolea.org	96813
Representing:	Position:	Submitted:
Papakolea Community Development Corporation	Oppose	Aug 21, 2024 @ 05:22 PM

Name:	Email:	Zip:
Lee Gallegos	feed_farm@yahoo.com	96792
Representing:	Position:	Submitted:
Feed & Farm Supply	Oppose	Aug 21, 2024 @ 06:11 PM

Testimony:

I oppose Bill 64!!!

I currently own a feed store on a one and a half acre parcel lot.

If this bill passes it will be devastating to my business and customers.

Financially it will cripple my business which is my livelihood. It will have a domino effect on all my customers with animals.

Here we are trying to be sustainable and yet this bill is totally against ag land owners raising their own animals.

Name:	Email:	Zip:
Ramsey Brown	ramsey.brown@ponopacific.com	96813
Representing:	Position:	Submitted:
Pono Pacific Land Management	I wish to comment	Aug 21, 2024 @ 07:48 PM

Name:	Email:	Zip:
Diana Puulei	dpuulei@yahoo.com	96792
Representing:	Position:	Submitted:
Self	Oppose	Aug 21, 2024 @ 07:48 PM

Testimony:

I opposed bill 64. I'm opposing the 51% agricultural, the polygon for the farm dwellings, and needing 3 acres or more for livestock. Many agricultural properties are not able to farm due to the soil or other reasons. I've sent previous testimonies opposing this bill.

Name:	Email:	Zip:
Melissa Burns	m.lee.burns@gmail.com	96813
Representing:	Position:	Submitted:
Self	Oppose	Aug 21, 2024 @ 07:58 PM

Testimony:

The sweeping changes proposed will impact so many properties adversely that it amounts to an unlawful taking by the

state. Expect significant legal opposition if it passes.

Name:	Email:	Zip:
Justine Haltom	kaalaea.hale@gmail.com	96744
Representing:	Position:	Submitted:
Self	I wish to comment	Aug 21, 2024 @ 08:17 PM

Testimony:

Aloha,

I’m a beekeeper and fruit grower in Ka’alaea. I’m in support of the amendment that deletes beekeeping use standards from the accessory agriculture category.

I’m also in support of removing “standards for beekeeping”.

The “standards for beekeeping” section would impose unnecessary restrictions on beekeeping, and it would cause economic hardship to many beekeepers and farmers. These restrictions appear to have been arbitrarily written by uninterested parties with a poor understanding of beekeeping and agricultural practices as they pertain to the city and county of Honolulu.

Restricting beekeeping practices will result in poor pollination of fruit and vegetable crops that rely on insect pollinators. This directly conflicts with sustainability goals of producing more locally grown food.

Mahalo.

Name:	Email:	Zip:
Franchelle White	Fran221@hawaii.rr.com	96792
Representing:	Position:	Submitted:
Self	Oppose	Aug 21, 2024 @ 09:17 PM

Testimony:

Hello, my name is Franchelle White and I am opposed to Bill 64. Why? I work at a Pet Boarding facility on the West side. If Bill 64 passes, these animal shelters and Pet boarding facilities, often run by small business owners, would be forced to close down. The result of these Animal Shelters and boarding facilities shutting down due to Bill 64 passing, would only add to the growing number of unwanted animals to the streets, as the Humane Society and OSPCA currently don't have enough room to take in more animals. As such, it would lead to a growing number of stray and feral animals to roam around the island that would become a safety concern to people... such as a pack of wild dogs attacking a people. If Bill 64 passes, with the shuttering of Pet boarding facilities, people will loose their livelihoods and jobs. Again, mostly small businesses are running Animal shelters and Pet boarding facilities. I work at a pet boarding facility and I love working there. If this Bill passes, then everyone will loose. My boss will be forced to close down. I will be out of a job, and the

animals will have nowhere to go.

Name:	Email:	Zip:
Danyelle Sutherland	elle80810@yahoo.com	96792
Representing:	Position:	Submitted:
Self	Oppose	Aug 21, 2024 @ 09:54 PM

Testimony:

I oppose bill 64 if, as written, will shut down pet boarding businesses in agriculture zones.

Name:	Email:	Zip:
Mike Foley	haikulani@gmail.com	96734
Representing:	Position:	Submitted:
Self	Oppose	Aug 21, 2024 @ 10:47 PM

Testimony:

Aloha Committee Chair Kia'āina and Committee members,

I respectfully submit this testimony in opposition to the proposed Agricultural Use amendments. The proposed amendments go against our community's goal of improving economic opportunity. The changes will not promote new agricultural models for economic and food security, which was an action identified within the O'ahu's Resilience Strategy in 2019. Instead, the proposed changes will significantly harm the local farm economy by imposing significant restrictions on the business activities that support the lives of our small-scale farmers and the communities they support.

Section 21-5.40-2, which proposes restrictions on livestock keeping is unnecessary; it only serves to limit the economic potential for agricultural lands. Is it intended to control the risk that farm animals create a nuisance to the residents of adjacent apartment and residential zones? If so, ROH Chapter 12 already addresses animal nuisance, including farm animals. If a livestock farmer can responsibly keep her animals without creating a nuisance, why impose new challenges that may make the business activity impractical? Please remove Section 21-5.40-2 from the proposed amendments.

The cost of housing in our community is exorbitant. Local farmers often need to live on their lands to meet their bottom line. The proposed farm dwelling standards in Section 21-5.40-4 will cause major impacts to our agricultural businesses. Please remove 21-5.40-4 (e)(1), which dictates that only crop or livestock farmers can live on their lands. This is a major change as the existing LUO does not distinguish between agricultural activities for a farm dwelling. A diverse range of agricultural producers must dwell on their farms for them to be economically viable. A fruit grower, which is defined in the LUO as "Forestry" not "Crop Production", should be allowed to live next to her orchard and farm equipment to deter theft, which is a major problem for many farmers in our community. Please do not make this significant change to the farm dwelling standards.

Outrageously, 21-5.40-4 (e)(1) also requires farmers to give up their property rights in exchange for the right to build a

farm home. Obtaining an agricultural easement from a government agency or land trust is a lengthy legal process with no clear pathway to completion. Farmers would first need to find an organization willing to own the easement to their lands. If an organization is identified, it is unlikely that farmers would receive much, if any, compensation in exchange for their property rights. Perhaps the intent of the proposed farm dwelling restrictions is limiting the development of luxury homes on agricultural lands that are not actively farmed. If so, please explain how requiring a legal encumbrance on property rights would achieve this goal. Wealthy real-estate developers seem much more likely to have the resources needed to satisfy this extraordinary new standard, while the average farmer would be left without a clue. Historically, farmers have lived on their farms and controlled their lands because it makes small business agriculture practical. This amendment would be a major economic disruption to small farmers and must be removed. Please strike 21-5.40-4 (e)(1) from Bill 64.

It is already difficult for local farmers to make a living producing food or agricultural services on their lands. We know farming will not make the average person rich, but the proposed rules will make it near impossible by imposing significant obstacles on diverse ag activities. Our community needs to adapt to become more economically sustainable and climate resilient, but these Agricultural Use amendments take us in the opposite direction. They will drive small farmers out of business and off their lands, which will harm our economy and our community. When local farming becomes impractical, food security sufferers and agricultural lands are left unused and at greater risk of rezoning for intense development.

Thank you for this opportunity to submit testimony on the proposed changes to the City's land use regulations. I look forward to learning more about the Committee's goals behind the proposed Agricultural Use amendments and how they will work to improve our community.

Sincerely,

Mike Foley, Ph.D.

Kailua, HI

Name:	Email:	Zip:
Michelle Blacconiere	hnlhorse@gmail.com	96792
Representing:	Position:	Submitted:
Self	Oppose	Aug 22, 2024 @ 01:22 AM

Testimony:

Aloha, I oppose this bill strongly for many reasons. Mainly I feel it drives Honolulu County to becoming even more unsustainable. We live on an island where land is already limited. These agricultural restrictions and rules will turn many country zoned and ag zoned properties into violations. Especially the equine industry. There are not many options as most boarding stables are full. This bill written up by someone from the mainland is not conducive to our island life. The whole bill should be scrapped and local committees of land owners and animal owners should hold round Robin's to rewrite a bill applicable to our unique island situation. The only supporters that I have seen in favor are contractors the build residential communities. 4H and the big ranches as well as small country zoned and ag zoned property owners, the farm

bureau, cattleman's asso, bee keepers, aquaponic farms, etc should be the ones tasked to draw up a bill that will benefit all the island residents.

Name:	Email:	Zip:
Teley Brandon	finaledj@hotmail.com	96817
Representing:	Position:	Submitted:
Self	Oppose	Aug 22, 2024 @ 01:38 AM

Testimony:
This bill is not good for the economy of Hawaii. This bill will further erode the already very low level of having food security, sustainability and freedom for all of Hawaii and its communities.

Name:	Email:	Zip:
Edith Bikle	tarogifts@aol.com	96727
Representing:	Position:	Submitted:
Self	I wish to comment	Aug 22, 2024 @ 06:43 AM

Testimony:
Most people eat three meals a day. Food comes from farmers. Some people enjoy growing and sharing their produce. We live on islands in the middle of the Pacific Ocean. Food security is important. Why make it any harder for people to grow food? If anything, you should spend your time figuring out ways to encourage people to farm...by making arable land available and affordable. We will be facing a similar issue on the Big Island. I own an acre and a half of ag land in Hamakua. I am lucky to be on the Hamakua Ditch. Here is a list of what I farm. Sheep for meat, ducks and chickens for eggs, luau leaves, bananas, papayas, cacao, macadamia nuts, moringa,as well as row crops. I sell some and give some away. It's a blessing with grocery prices so high. Every time you sit down for a meal, think about where it came from. Think of the farmer up early feeding and picking up eggs. Think of the farmer out in the rain planting or harvesting crops. It could be a half a truckload, or a small bag of beans. It's food and it magically appears on your plate. Please stop with any impediments to farmers. Love them. Put them on a pedestal. Most people don't want to farm. It's dirty. It's hard work. You have to battle bugs, diseases and bad weather. Please don't make it any harder. If you enjoy eating, just remember- food doesn't come from the store. It comes from farmers. I am against this Bill 64. With Aloha. EDIE

Name:	Email:	Zip:
Adam Lee	adam@fightclub.com	96791
Representing:	Position:	Submitted:
Self	Oppose	Aug 22, 2024 @ 08:09 AM

Testimony:
I would be testifying in person

Name:	Email:	Zip:
Deyaneira Lugo Ruiz	dlugorui@gmail.com	96816
Representing:	Position:	Submitted:

Self	Oppose	Aug 22, 2024 @ 08:17 AM

Testimony:

By approving this bill, the state would limit the ability for homeowners with small lots to sustainably produce crops and food on their properties. Poultry on small properties not only provide eggs and meat but also help reduce pests, while beehives contribute to pollination and produce significant amounts of honey. I oppose this bill because it unreasonably restricts what homeowners can do on their own land.

Name:	Email:	Zip:
Angela Melody Young	Alohadivinedesign@gmail.com	96817
Representing:	Position:	Submitted:
CARES Community Advocacy Research Education Services	Support	Aug 22, 2024 @ 08:34 AM

Testimony:

Cares testifies in support.

Name:	Email:	Zip:
Bonnie Grossi	grossib001@gmail.com	96782
Representing:	Position:	Submitted:
Self	Oppose	Aug 22, 2024 @ 08:45 AM

Testimony:

I have previously submitted written testimony in opposition of Bill 10 regarding agricultural lands. For the same reasons I oppose the renamed Bill 64 version.

Name:	Email:	Zip:
Chuck Prentiss	prentissc@outlook.com	96734
Representing:	Position:	Submitted:
Keep It Kailua (KIK)	Oppose	Aug 22, 2024 @ 08:46 AM

Testimony:

I reviewed the above Bill. In section 21-5.20 "Land Use Classification" it provides new, inappropriate, discretion to DPP director to allow exceptions to Table 21-5.1. Zoning is a law that should only be changed by City Council action. It does not provide for public notice, and in many respects defeats the purpose of the table. Also opens it up to political mischief.

Name:	Email:	Zip:
Max Towey	hawaiianmeli@gmail.com	96734
Representing:	Position:	Submitted:
Self	Oppose	Aug 22, 2024 @ 08:47 AM

Testimony:

Aloha City Council,

I oppose the present language around beekeeping standards and setbacks in Bill 10. The language should mirror that of the Hawaii Revised Statutes. I support the Council Member Matt Weyer Amendments:

(b) Beekeeping - standards. See also § 12-2.5(b), relation to honeybees.

(1) Setbacks: Beehives must be set back a minimum of 25 feet from any property line except:

(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 goround-level beehives so that bee departures and arrivals occur at no less that 6 feet in height at interior property lines. The barrier for purposes of influencing the flyways must extend 2 feet from each side of the hive openings: or

(B) When located at least 8 feet or more above adjacent ground level.

Mahalo

Max Towey

Name:	Email:	Zip:
Hunter Heaivilin	hunter@supersistence.org	96822
Representing:	Position:	Submitted:
Hawaii Farmers Union	I wish to comment	Aug 22, 2024 @ 08:49 AM

Name:	Email:	Zip:
Richard Smylie	rsmylie11@hotmail.com	96734
Representing:	Position:	Submitted:
Self	I wish to comment	Aug 22, 2024 @ 08:52 AM

Testimony:

Bill 64 (formerly Bill 10) is a bill written by a land development company (R M Towill) for land development companies with input from the DPP, and it could have a profoundly negative impact on small property owners, who are involved in agriculture, livestock raising and farming. While draft report from R M Towill boasts it received input from over 75 government and private companies, it did not make effort to solicit testimony from the Hawaii Farm Bureau, the Cattlemen's Association, farming coops, and small landowners.

One of the most egregious proposals is to require livestock owners to have at least 3 acres of land to raise live stock. As DPP and Towill must know the vast majority of either country and/or ag lots are under this size, and as a result it forces us to give up a lifestyle that hundreds have enjoyed for decades. On a personal basis, our property is a country lot with little under two acres and we have had horses on this property for over 60 years. We are faced with the possibility making a

lifestyle change based a proposal from greedy landowners and the DPP. Eliminating the ability to have livestock on our property destroys a cultural heritage and lifestyle which we cherish. There are probably hundreds of other families which would suffer the same fate. Without the ability to keep livestock, the overall value of the property would drop significantly.

There are other knock on effects with this proposal which have not been considered. Do City Council members enjoy our lavish Waikiki parades with the horses and riders reflecting our cultural heritage? We do! Do you think the 4 H clubs teach our youth valuable skills? Do you think High School Rodeo builds character and teaches responsibility? Do you want to preserve our rich Paniolo culture? If you agree, and approve the Towill/DPP recommendations, you will be personally responsible for destroying all of the above, because the vast majority of residents involved in these activities have less than three acres. Does the Council want to accept responsibility for the gross injustices which will benefit land developers at the expense of the residents who voted for you? This could be a wonderful legacy for you if you crush this proposal and allow small landowners to be able to keep their animals on their property, as they have for decades. It is really up to you and your good conscience.

Kerry Schuman and Rich Smylie, Maunawili

Name:	Email:	Zip:
Choon James	ChoonJamesHawaii@gmail.com	96762
Representing:	Position:	Submitted:
Self	I wish to comment	Aug 22, 2024 @ 08:55 AM

KO`OLAUPOKO HAWAIIAN CIVIC CLUB

August 14, 2024

Members of the Planning and Economy Committee
Honolulu City Council
530 South King Street, Room 202
Honolulu, Hawaii 96813

Aloha Members of the Planning and Economy Committee:

The Ko`olaupoko Hawaiian Civic Club is urgently asking for your assistance to amend Section 21-5.40-4 of the Land Use Ordinance to allow for a 24/7 caretaker on an ancient Hawaiian Loko I'a (fishpond) that is currently zoned preservation.

The Pacific American Foundation, a strong collaborator with our Civic Club, has been restoring Waikalua Loko I`a for over 30 years. They have tried everything short of having someone on site 24/7 to deter vandals from breaking into their containers and research tanks to disrupt the restoration and revitalization process. Traditional Hawaiian Loko I'a are on the verge of vanishing in the 21st century. These resources have proven to be rich treasures of Hawaiian history not duplicated anywhere in the world. The possibility that wisdom can still help our community today to provide food and knowledge is worth saving. Having a caretaker on site is a traditional practice that is still important to its success today!

The foundation's goal for the next 30 years is to produce food for our community. Currently, Waikalua Loko I'a is all zoned preservation/conservation which does not allow a 24/7 caretaker on the property. Allowing for a 24/7 caretaker on the property will greatly help to get us there.

We are grateful for the assistance of the Honolulu City Council in amending the Land Use Ordinance to allow for a caretaker on site 24/7.

Mahalo nui,

Charles V. Naumu

Charles Naumu
President

The Ko`olaupoko Hawaiian Civic Club was established in 1937 and is one of the largest in the Association of Hawaiian Civic Clubs nationwide. Ko`olaupoko HCC is a not-for-profit community organization dedicated to preserving and perpetuating the history, heritage and culture of Native Hawaiians and providing leadership and scholarships. Its membership is open to people of Hawaiian ancestry and those who are "Hawaiian at heart."

P. O. Box 664 * Kaneohe, HI 96744
Email: koolaupokohcc@gmail.com * Website: www.koolaupoko-hcc.org

August 7, 2024

Honorable Esther Kiaʻāina, Chair
Planning and the Economy committee
Honolulu City Council

Subject: Testimony In SUPPORT for Bill 64: Amendment to allow a caretaker facility on an ancient Hawaiian fishpond currently zoned preservation.

Aloha, Chair Kiaʻāina,

I am writing in support for Bill 64 which allows a caretaker facility at an ancient Hawaiian fishpond that is currently zoned as preservation.

Once a thriving resource for food production, ancient Hawaiian fishponds are vanishing in the 21st century. The Pacific International Center for High Technology Research (PICHTR) is part of a committed community that has been involved in the restoration and continuing research at Waikalua Loko I'a for some time. We are currently engaged in a National Science Foundation project that will be based at the fishpond and is focused on developing project-based high school curriculum and research to grow limu in controlled environments to enhance growth and propagation of the important ocean resource.

These resources are even more valuable today than ever. We have come to know Waikalua Loko I'a as a place to teach and share knowledge with the hope of providing food again to the community. However, this valuable resource is at threat from vandals and others doing damage and stealing from the site. The proposed amendment will help to give the landowner, Pacific American Foundation, and opportunity to better steward the resource and protect it for the years and generations to come.

I humbly ask for your support to pass the Amendment as we continue the journey of restoration and revitalization together to benefit the Koʻolaupoko and wider community of Hawaiʻi.

Mahalo,

Dr. Keith Matsumoto
Programs Director

GRASSROOT INSTITUTE OF HAWAII

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Honolulu, HI 96813
808-864-1776
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Removing barriers to Hawaii's prosperity

Aug. 22, 2024, 9 a.m.
Honolulu Hale

To: Honolulu City Council, Committee on Planning and the Economy
Esther Kiaʻāina, Chair
Radiant Cordero, Vice-Chair

From: Grassroot Institute of Hawaii
Ted Kefalas, Director of Strategic Campaigns

RE: Bill 64 (2023) — RELATING TO USE REGULATIONS

Aloha Chair Kiaʻāina, Vice-Chair Cordero and members of the Committee,

The Grassroot Institute of Hawaii has **concerns** about the portion of Bill 64 (2023), FD1 that would amend the city's land-use regulations governing agricultural uses.

In general, Grassroot believes that the current draft of Bill 64 would harm Oahu's small farmers and beekeepers, worsen the island's food security and discourage entrepreneurship. Therefore, we strongly support the following amendments to the bill proposed by Committee Chair Esther Kiaʻāina and Councilmembers Andria Tupola and Matt Weyer.

>> Restore current beekeeping standards.

One of our primary concerns with the current draft is how it would treat beekeeping. Current standards allow beekeeping in all county zones, with setback standards and an eight-hive limit for non-agricultural zones. Apiaries kept in agricultural zones are not subject to any zoning standards.

The draft bill would put the screws to hobby and commercial beekeepers by imposing a 5,000-square-foot minimum lot size for keeping bees. No lot could have more than six hives, lots between 10,000 and 20,000 square feet could have four, and any lot smaller than 10,000 square feet could have only two.

Finally, without explaining why, the bill would remove beekeeping as a permitted use in the county industrial and industrial mixed-use zones.

Meanwhile, the proposed minimum lot sizes in residential zones where lot sizes sometimes do not exceed 5,000 and rarely exceed 10,000 square feet would have a devastating effect on many current and prospective beekeepers.

Several amendments submitted by Councilmembers Tupola and Weyer would delete these proposed restrictions by making beekeeping a permitted use in all zoning districts and removing the arbitrary lot restrictions now in the bill.

>> Keep small-scale ranching alive.

One of Bill 64's most potentially harmful elements is its proposal to prohibit raising animals such as cattle, horses, goats, poultry, birds, rabbits and swine in pens, stalls, or cages on parcels smaller than three acres.

As stated in the bill, this would include feedlots, where "feed is brought to the animals rather than the animals grazing or otherwise seeking feed in pastures, fields, or on rangeland."

Many Oahu ranchers raise horses or cattle on small plots of land, with a barn and a small pasture area. Their reasons might be for personal enjoyment, to feed their families or supplement their incomes. But under Bill 64, they would no longer be able to do so.[1]

Committee Chair Kiaʻāina and Councilmembers Tupola and Weyer have each submitted amendments to strike this minimum, and we would suggest the Committee adopt them.

Finally, although they do not pertain to agriculture, Councilmember Weyer's amendments relating to home-based childcare should be also adopted.

Allowing one non-household employee to help out on an everyday basis makes sense, and could help provide training to individuals looking to go into childcare as a career.

Thank you for the opportunity to testify.

Ted Kefalas,
Director of Strategic Campaigns
Grassroot Institute of Hawaii

[1] Annabelle Ink, "Honolulu Bill To Rein In Fake Farms Threatens Real Ag Enterprises," Honolulu Civil Beat, July 5, 2024.

Hawaii Fish Company Inc. Testimony

Crop Production, Livestock Keeping, and Agricultural Support Use Recommendations to Bill 64 (2023) FD1 Proposed CD1 (EK6)

August 22, 2024

Background: Hawaii Fish Company (HFC) is a multi-generational family aquaculture farm and R&D company established on Oahu in 1978 and actively farming on a State-managed North Shore property since 1992. We respectfully offer the following testimony.

General recommendations to the Honolulu City Council to support Oahu agriculture:

1. Preface Land Use Regulations on Oahu agriculture with a supportive statement that acknowledges the Hawaii State constitutional "right to farm" and the environmental, economic, social, and nutritional benefits of local food production and import substitution.
2. Establish an Agriculture permitting classification and permit review process in the Department of Planning and Permitting, in addition to the existing Residential and Commercial permitting classifications, to directly support the needs of Oahu's farming and ranching community, staffed by one or more knowledgeable agricultural specialists who understand the unique needs of the local agricultural producer. Currently, an agricultural permit review goes through the same extensive commercial permitting requirements and review processes as a shopping center although the needs, risks, and financial resources are typically substantially different.

Specific testimony regarding Bill 64 (2023) FD1 Proposed CD1 (EK6):

1. HFC agrees with and supports the Ag Stakeholder recommendations for Bill 64 (2023) Land Use Regulation Updates submitted by the Ulupono working group.
2. HFC agrees with and supports the North Shore Neighborhood Board Ag Committee Recommendations on Bill 64.
3. HFC respectfully requests the City Council to recognize that integrated farming practices are increasingly employed by small- and mid-sized farms and ranches as being more environmentally and economically sustainable than large-scale monocropping practices. A given farm or farm property may therefore engage in multiple forms of crop production, livestock production, accessory support activities, or combinations of these agricultural activities to make more efficient use of the land, water, and external input resources. In contrast, the proposed regulations differentiate between crop production, livestock keeping, and agricultural support uses. HFC requests that the overarching framework of these regulations be structured in a way that recognizes and supports this important integrated agricultural process and increasing farming/ranching trend.
4. Finally, HFC requests the City Council to recognize that aquaponics is an accessory activity of aquaculture, as defined by the USDA and in Hawaii Revised Statutes.

Submitted by: Ron Weidenbaach, President, Hawaii Fish Company, Waialua, HI 96791

EAST OAHU COUNTY FARM BUREAU
910 CALIFORNIA AVE., WAHIAWA, HI 96786

August 20, 2024

Councilmember Esther Kia'aina, Chair
Councilmember Radiant Cordero, Vice Chair
Committee on Planning and the Economy
Honolulu City Council
Honolulu, Hawai'i 96813-3077

Dear Chair Kia'aina, Vice Chair Cordero, and Members of the Committee,

The East O'ahu County Farm Bureau, which represents approximately 420 farmers and supporters of agriculture from Waimanalo to Kahuku, participated in the 2023 agricultural stakeholder working group that also included O'ahu Agriculture and Conservation Association, Kualoa Ranch, Waimanalo Agricultural Association, KoHana, Hawai'i Cattlemen's Council, Ulupono Initiative, Hawai'i Farm Bureau, Kuilima Farms, and representatives of State and County agencies. Over three full-day sessions, the working group considered the potential impacts of each agriculture-related item in Bill 10 (2022), currently reintroduced as Bill 64 (2023), upon agricultural production and accessory operations in the City and County of Honolulu. **East O'ahu County strongly supports the recommendations of this working group, and respectfully requests that they be incorporated into the provisions of Bill 64.**

One concern specific to East O'ahu County is the proposed set of standards for urban agriculture. Years ago, Kahaluu was placed in the urban district in anticipation of large-scale development that never actually occurred. The area is still largely rural, with small farms and nurseries. The proposed standards are inappropriate for such a situation. For example, one standard would prohibit the keeping and raising of livestock – presumably even a few chickens -- while others would require all-weather parking and pedestrian walkways: unnecessary and expensive facilities in a rural setting. A prohibition on livestock raising could also conflict with the establishment of aquaponic facilities in urban-zoned areas. Bill 64 includes aquaponics under "crop raising," leaving the fish component undefined and potentially construed as "livestock." Production of fish and vegetables in a recirculating aquaponic system is highly appropriate as urban agriculture because it is highly productive, conserves water and other resources, and does not require high-quality soil. Finally, we note that there have been a number of small commercial operations in urban Honolulu culturing ornamental fish. Aquaponics and aquaculture should be specifically included as permitted uses under urban agriculture.

We also encourage your Committee and the full Council to consider the working group's general suggestions:

- Reactivate the Agriculture Task Force with updated membership that reflects the diversity of O'ahu's agricultural community, and encourage the City Administration to revive its agricultural liaison position.

- Add at least one position within the Department of Planning and Permitting that requires a strong background in agricultural production. Further, we recommend that an agricultural classification and review process be established under DPP. Currently, farms and ranches are classified as commercial and are subject to the same review process as large commercial establishments. This process often involves requirements that are unnecessary and physically or economically impractical for a farm or ranch to meet.

- "Grandfather" farm and ranch facilities that are rendered non-conforming by regulatory changes made under Bill 64.

Thank you for the opportunity to testify on this important matter.

Sincerely,

Frederick M. Mencher

Frederick M. Mencher
for Grant Hamachi, President
East O'ahu County Farm Bureau

Email: communications@ulupono.com

HONOLULU CITY COUNCIL COMMITTEE ON PLANNING & THE ECONOMY
Thursday, August 22, 2024 — 9:00 a.m.

Ulupono Initiative offers comments on Bill 64 (2023) FD1, Proposed CD1 (EK6) Relating to Land Use Ordinance (LUO) Use Regulation Amendments.

Dear Chair Kia'āina and Members of the Committee:

My name is Micah Munekata, and I am the Director of Government Affairs at Ulupono Initiative. We are a Hawaii-focused impact investment firm that strives to improve the quality of life throughout the islands by helping our communities become more resilient and self-sufficient through locally produced food, renewable energy and clean transportation choices, and better management of freshwater resources.

Ulupono offers comments on Bill 64 (2023) FD1, Proposed CD1 (EK6). This bill proposes amendments to the regulation of uses throughout Chapter 21, Revised Ordinance of Honolulu 1990 ("Land Use Ordinance"). This testimony covers the agricultural use sections along with other use categories which touch AG-1 and AG-2 lands.

Background:
In October 2022, Bill 10 (Land Use Regulations) decision-making was postponed primarily due to the advocacy of agricultural entities. The agriculture industry was not involved in developing the proposed bill, which contained land use changes that affect agriculture production and related activities. The bill's postponement was done with the understanding that the agriculture industry would bring recommendations to the Council for the next round of hearings in 2023.

Our group of agricultural industry organizations met for three full days in early 2023 to discuss, line by line, the proposed land use regulation updates pertaining to agriculture. This group consisted of the following agricultural stakeholders: Oahu Agriculture and Conservation Association, Kualoa Ranch, Waimanalo Agricultural Association, KoHana, Hawaii Cattlemen's Council, Ulupono Initiative, Hawaii Farm Bureau, East County Farm Bureau, and Kuilima Farms. Government agencies—Hawaii Department of Agriculture, City and County of Honolulu (CCH) Department of Planning and Permitting (DPP), and CCH Office of Economic Revitalization—also joined the conversation to provide context and feedback to the group's comments.

As agriculture producers and stakeholders, we support agriculture and accessory agriculture on AG-1 and AG-2 lands for active farm/ranch production. While there have been multiple drafts before this Council and Committee, we have provided the following recommendations and comments on the Bill 64 (2023) FD1 Proposed CD1 (EK6) version of the bill. We appreciate this committee's efforts to address some of our concerns to date. The following recommendations represent some of the remaining recommendations and concerns which lie within the current EK6 draft.

General Recommendations for Consideration of the Final Bill 64 Outcome:

- Re-activate the Agriculture Task Force and Agriculture Liaison to meet regularly for substantive discussions about agriculture and to make recommendations to the Honolulu City Council. The Task Force should ensure the representation of small farms.
- Add a position within DPP that requires a background in agriculture. Without such a position, it is difficult for DPP to make land use changes that support Oahu's agricultural production and preservation of productive farmland.
- Grandfather agriculturists faced with adverse impacts on farm operations because of the final Bill 64.

Crop Production, Livestock Keeping, and Agricultural Support Use Recommendations to Bill 64 (2023) FD1 Proposed CD1 (EK6)

Urban Agriculture:

- ROH Section 21-5.40-1(a) (relating to urban agriculture) addresses specific use impacts (hours of operation, onsite sales, prohibiting livestock and insects, signs, off-street parking, pedestrian walkways, and electricity requirements). (p. 11)
    - **Oppose:** We all oppose the language for the standards for urban agriculture as we view them to be onerous. We do not believe that this bill intends to hinder farm production, however it may. The intent seems to be to protect businesses and residents adjacent to urban landscapes, such as community and rooftop gardens. We all agree there must be more clarity about urban-zoned land for agriculture and city agriculture. Some of farmers are on urban-zoned lands and will be severely restricted by the specific use impacts in this bill. For example, Kahaluu is a location that is zoned urban, but where significant agricultural activity is taking place. To our knowledge, there is no definition and standards differentiating city agriculture from urban zoned land for agriculture.

Animal Raising and Animal Raising, Confined definitions

- We all agree that the definition of "Animal Raising" and "Animal Raising, Confined" in Section 70, p. 193, should include **sheep**.
    - **Proposed New Addition to Definitions**:
        - Animal Raising: Raising, feeding, and keeping cattle, horses, goats, poultry, birds, rabbits, **sheep,** and swine, primarily in unconfined outdoor areas where they are free to roam or graze. Animals may include boarding and care of domestic animals."
        - Animal Raising, Confined: Raising and feeding cattle, horses, goats, poultry, birds, rabbits, **sheep,** and swine primarily in confined indoor or outdoor areas, such as pens, stalls, or cages. The term includes feedlots, defined as any animal feeding operation that congregates animals, feed, manure and urine, dead animals, and production operations on a small land area. Feed is brought to the animals rather than the animals grazing or otherwise seeking feed in pastures, fields, or on rangeland."

Agricultural Processing, Includes Breweries/Distilleries

- In Section 70 of the bill, FD1, PROPOSED CD1 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. Minor agricultural processing includes the processing of crops to produce malt beverages, distilled spirits, or wines. (pp. 192-193)
    - **Support With Amendment:** We all agree with changing 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 **Hawaii-grown crops that are not restricted to on-site cultivation** to produce malt beverages, distilled spirits or wines. ~~**Minor agricultural processing includes the processing of crops to produce malt beverages, distilled spirits, or wines.**~~
- In Section 70 of the bill, FD1, PROPOSED CD1 states "Agricultural processing" means processing local crops and local animal-related products essential to supporting a variety of agriculture uses for distribution to storage structures or wholesale and retail markets. (1) Minor: Processing crops and live animal by-products such as milk, eggs, and honey. In the agricultural zoning districts, the term includes the processing of crops to produce malt beverages, distilled spirits, or wines. (2) Major: Slaughtering and processing dead animals and associated byproducts." (pp. 192-193)
    - **Support With Amendments:** For minor and major processing,
        - We all agree with the proposed amendment: "Agricultural processing" means processing ~~**local crops and local animal-related products**~~ **of Hawaii-grown crop production or livestock keeping products that are not restricted to on-site cultivation that are** essential to

supporting a variety of agriculture uses for distribution to storage structures or wholesale and retail markets.

- We all agree with the proposed amendment: (1) Minor: Processing **Hawaii-grown crop production or livestock keeping** ~~**crops and live animal**~~ by-products such as milk, eggs, and honey which **are not restricted to on-site cultivation**. Minor processing **includes aquaculture harvests placed in or on ice.** In the agricultural zoning districts, the term includes the processing of **Hawaii-grown** crops **not restricted to on-site cultivation** to produce malt beverages, distilled spirits, or wines, **of which at least 51 percent are Hawaii-grown non-water ingredients.**

Livestock Veterinary Service

- FD1, PROPOSED CD1 Section 21-5.30 Use Table Livestock veterinary services are allowed in the AG-1 and AG-2 Districts as "P+" (Permitted Use, SUP) (p. 4).
    - **Oppose:** Most agree that Livestock Veterinary Services are permitted uses and should not require a special use permit. There is concern however that while livestock veterinary services are permissible for ag lots, domestic veterinary care clinics are not. To ensure this is the case, a proposal should be reviewed before allowing this use.

Accessory Agricultural Use Recommendations for Bill 64 (2023) FD1 Proposed CD1 (EK6)

Agricultural Farmers Market

- FD1, PROPOSED CD1 Section 71 adds a new definition of "agricultural farmers market" to mean an outdoor market on land within the agricultural zoning districts for the sale of agricultural products grown on Oahu and value-added products that were produced using agricultural products grown on Oahu by the producer of the agricultural products. The term does not include outdoor markets and similar uses conducted outside of the agricultural zoning districts. (p. 213)
    - **Support with Amendment:** We all agree with amending the definition of "agricultural farmers market" to clarify that the term means an outdoor market for the sale of agricultural products grown **in Hawaii** and value-added products produced using agricultural products grown **in Hawaii**. The term does not include outdoor markets and similar uses conducted outside of the agricultural zoning districts.
- FD1, PROPOSED CD1 (h) Agricultural farmers market – standards. (2) Adequate parking and vehicular access must be provided, as determined by the director. (p. 18)

- **Oppose:** We all agree this is an overreach. Recommend deletion: ~~(2) Adequate parking and vehicular access must be provided, as determined by the director.~~

Agritourism

- We all agree that the current standing Land Use Ordinance (LUO) language about agribusiness activities (Bill 64 renaming as "agritourism") is supported and preferred.
  - **Oppose:** The current LUO language about agribusiness activities (which covers "agritourism") is sufficient. Bill 64 imposes additional restrictions and requirements when the majority of agritourism activities are not a problem. We all agree that agribusiness activities (agritourism) "…must always be an accessory and incidental to the primary agricultural use of the lot…"
  - **Alternative:** If the committee decides to keep this newly created use, then the standards listed on page 14 should be amended to:

"(b) Agritourism – standards.

(1) ~~At least 51 percent of the activity on the zoning lot must be crop production or livestock keeping.~~ **A minimum of 51 percent of the zoning lot area suitable for crop production or livestock keeping must be dedicated to crop production or livestock keeping.**

(2) Activities and improvements on the property may not diminish the long-term 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 51 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.

(6) Weddings and similar accessory destination events are subject to the following:

(A) Events must take place at a designated event space; and

(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.

(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, ~~and require major conditional use approval~~ subject to the following standards:

(A) Tours must have an educational purpose related to the agricultural use of the property; and

(B) Tours must not interfere with surrounding farm operations."

- We all disagree with Bill 64's proposal to require a Major Conditional Use Permit as well as a new Special Use Permit (SUP) process for AG-1 (C*+) and AG-2 (C*+) districts.
    - **Oppose**: We all agree that this is questionable and adds another layer that impedes permitted agricultural use. We support the current LUO designation of agribusiness activities as Minor Conditional Use for both AG-1 (Cm) and AG-2 (Cm). HRS 205 §205-4.5 (Permissible uses within the agricultural districts) (13)(14) already provides permitted agricultural tourism.

Beekeeping

- FD1, PROPOSED CD1 Section 21-5.30 Use Table classifies beekeeping as P* (Permitted Use, Standards) in the AG-1 and AG-2 districts.
    - **Oppose:** We all oppose classifying beekeeping as P*. Beekeeping in AG-1 and AG-2 districts should only be P, a permitted use. Agriculturists should have the flexibility to maintain productive bee hives to encourage the pollination of crops.

Biofuel Processing Facility

- FD1, PROPOSED CD1 Section 21-5.30 Use Table. Lists biofuel processing as Cm* (Minor Conditional Use, Use Standards Apply) for AG-1 and AG-2. (p. 4)
    - **Oppose:** We all agree that adding a SUP (new use to be Cm*+) to this process will help to alleviate concerns regarding movement of invasive species and pests.
- FD1, PROPOSED CD1 Section 21-5.40-4(d)(1) provides standards 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). (p. 16)
    - **Support With Amendment to Bill 64:** Most agree with biofuel feedstock from at least 51 percent Hawaii-grown not limited to on-site production and may include feedstocks sourced from waste or invasive species.
        - **Suggested Amendment to Bill 64:** "…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).**~~ includes **at least 51 percent Hawaii-grown feedstock not limited to on-site production, and may include** ~~**restricted must be grown**~~

~~onsite, with the exception of~~ feedstocks sourced from waste or invasive species

- **Proposed New Definition and Language:** We all agree with the addition of new language for sub-processing of Hawaii-grown feedstock:
  - **Sub-processing means producing, harvesting and preparing the Hawaii-grown feedstock for use in biofuel processing facilities. Sub-processing of Hawaii-grown feedstock may be transported to biofuel processing facilities located in the agricultural zoning district.**

Farm Dwelling

- FD1, PROPOSED CD1 Farm Dwelling Standards (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.
  - **Support With Amendments**: We all agree with the removal of "storage sheds" to avoid confusion in its interpretation since many farmers and ranchers need storage sheds for agricultural purposes. It should not be included within the required square footage standards. We all agree with the removal of "confined to a polygon for which no exterior angle is greater than 180 degrees". This appears to be an overreach without an understandable purpose.
    - **Recommended Amendments:** Farm Dwelling Standards (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.**~~

Farm Stand

- FD1, PROPOSED CD1 (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 the farm stand. (p. 17)
  - **Support With Amendment:** We all agree farm operations must have the choice and flexibility to install electricity, sewer, water or other utility services in their farm stand. We question the rationale for disallowing electricity, sewer, and water from farm stands. Such utilities may be required to meet food safety standards.
    - **Recommended Amendment:** "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 the farm stand."**~~

Farm Worker Housing

- 21-5.40-3(g)(9) states, "When the associated farm is no longer in active production or no longer employing farm workers, no workers may be housed on the zoning lot. An exception is allowed to house one caretaker and the caretaker's immediate family. (p.18)
    - **Support With Amendments:** We all agree that Item (9) should include the statement, "Prior to eviction, a grace period of 60 days is allowed for displaced farm workers." This is to allow sufficient time for farm workers to find alternative housing.
        - **Recommended Amendments:** "When the associated farm is no longer in active production or no longer employing farm workers, no workers may be housed on the zoning lot. An exception is allowed to house one caretaker and the caretaker's immediate family. **Prior to eviction, a grace period of 60 days is allowed for displaced farm workers.**
- Standards 21-5.40(3)(g)(2) The farm worker housing plans must be supported by agricultural plans. The amount of labor necessary to farm the land must justify the number of dwelling units proposed. (p.17)
    - **We raise the following concerns about Farm Worker Housing that require more discussion:**
        - We all agree that the DPP administrative rules should explain what is required and what is the approval process for the LUO reference for an agricultural plan for farm worker housing.
        - We all agree that DPP administrative rules should clarify what is required for the justification of "the amount of labor necessary to farm the land must justify the number of dwelling units proposed."

Other Uses Categories in AG-1 or AG-2 Zoned Lands Recommendations for Bill 64 (2023) FD1 Proposed CD1 (EK6)

Group Living, Small

- FD1, PROPOSED CD1 Section 21-5.30 Use Table. Designates "C*+" in the AG-2 District for Small group living – State regulated and Small group living – not State regulated (pp. 4-5).
    - **Oppose:** We all agree that small group living (State regulated and not state regulated) should be deleted from AG-2 zone districts. Small group living in agricultural zoning districts is more of a transitional housing issue. It is not a farm dwelling or farm worker housing. It does not belong in the AG-2 zoned districts.

Meeting Facilities

- FD1, PROPOSED CD1 Section 21.5.30 Use Table:
  a. Allows small meeting facility use on AG-2 land as Cm*+ (Minor Conditional Use, Standards, SUP) and on Country land as Cm* (Minor Conditional Use, Standards) (p. 5)
  b. Allows medium meeting facility use on AG-2 land as C*+ (Major Conditional Use, Standards, SUP)and on Country land as C* (Major Conditional Use, Standards) (p. 5)
    - **Oppose:** We all agree meeting facilities should not be allowed on AG-2 land, which should be preserved and used for active agriculture production and accessory agriculture.
    - **Comments**: Most agree that meeting facilities of all sizes can be placed in country-zoned districts.
      - There is disagreement because country zoned districts are small and between AG-1 and AG-2 farms. Such proximity can compromise normal ag activities (i.e., herbicide/insecticide spraying, animal odors, machinery noises, etc.) by complaints from meeting attendees. The Hawaii State Constitution preserves the "right to farm."

School, PreK-12

- Section 21-5.30 Use Table. FD1, PROPOSED CD1 proposes PreK-12 schools in AG-2 districts as C*+ (Major Conditional Use, Standards, SUP) and in Country districts as Cm* (Minor Conditional Use, Standards).
  - **Oppose:** We all agree, as agriculture producers and stakeholders, with support of agriculture and accessory agriculture on AG1 and AG2 lands for active farm/ranch production. While we support education in general, we cannot support schools on AG-2 lands.
  - We all agree that schools are incompatible with farms. Normal ag activities (i.e., herbicide/insecticide spraying, animal odors, machinery noises, etc.) would generate complaints and hinder the management of the farm. The Hawaii State Constitution preserves the "right to farm," and schools should not be allowed on these smaller parcels.
  - **Comment**: In addition, please consider the removal of schools as a permitted use on country-zoned parcels that are ***adjacent*** to AG-1 or AG-2 parcels. Some of the country ag parcels are small and between AG-1 and AG-2 farms. When schools are allowed on these parcels zoned for agriculture it infringes on the right to farm.

Wind Energy Facilities (Small, Medium, Large)

- FD1, PROPOSED CD1 creates standards under ROH Section 21-5.60(a)(3) small utility (p. 41); Section 21-5.60-6(b)(3) medium utility (p. 43); and Section 21-5.60-6 (c)(2) large utility (pp. 44-45). Most of the Bill 64 refers to how wind energy generation facilities are established. <u>Our review focused on where it is allowed in relation to agriculture operations.</u>

- **Support With Amendments:** We all agree that wind energy generation facilities of all categories, small, medium, and large, when placed on AG-1 and AG-2 lands, must dedicate at least 51 percent of the zoning lot area suitable for crop production or livestock keeping to crop production or livestock keeping. The Director may adopt rules pursuant to HRS Chapter 91 to determine the zoning lot area; the Director may adopt rules pursuant to HRS Chapter 91 to determine the zoning lot area considered suitable for crop production or livestock keeping.

Day Care, Adult and Child (Combined Review)

- FD1, PROPOSED CD1 ROH Section 21-5.70-1(a)(3) (relating to child daycare) to require that in the AG-2 District (no longer permitted in the AG-1 District) a minimum of 51 percent of the zoning lot area suitable for crop production or livestock keeping (instead of 50 percent of the total zoning lot area) must 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 (pp. 46-47).
- FD1, PROPOSED CD1 ROH Section 21-5.70-1(b) (relating to adult daycare) to require that in the AG-2 District (no longer permitted in the AG-1 District) a minimum of 51 percent of the zoning lot area suitable for crop production or livestock keeping (instead of 50 percent of the total zoning lot area) must 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 (pp. 47).
    - **Oppose (a) and (b):** We all agree that child and adult day care be deleted from AG-2 zone districts. The proximity of child and adult day care facilities in AG-2 lands takes land away from active agriculture production. More than likely buffer zones will be requested to separate active farming noise, smells, dust and spraying of approved applications. This erodes available agricultural lands for the crop production or livestock keeping.

Major Animal Care

- FD1, PROPOSED CD1 Section 21-5.30 Use Table. Animal Care, Major allowed on AG-2 districts as P*+ (Permitted Use, Standards, SUP); and on Country zoned districts as P* (Permitted Use, Standards)
    - **Support With Amendments:** We all agree our primary concern is preserving AG-1 and AG-2 land for active agriculture production and accessory agriculture. With that in mind, we propose an agricultural nexus of at least 51 percent for animal care on AG-2 land. If the standard of **at least 51 percent of the zoning lot area suitable for crop production or livestock keeping must be dedicated to crop production or livestock keeping** is inserted into this bill, we support removal of the SUP for major animal care to establish the use as a P* (Permitted Use, Standards).

Nature Based Recreation

- FD1, PROPOSED CD1 Section 21-5.30 Use Table. Nature Based Recreation allowed in AG-2 districts as C* (Conditional Major Use, Use Standards Apply) (p. 8).
    - **Oppose:** We all agree to remove any reference of nature-based recreation on AG-2 districts.
    - **Concerns with definition:** We also note concerns with the definition of "Nature-Based Recreation" as the term "includes picnic grounds, greenways, hiking and bicycling trails, areas for fishing and hunting, limited accessory sports courts and fields, non-motorized access to scenic interests, horseback riding tours, recreational camping, and campgrounds with tents, pavilions, lodges, and cabins."
        - We believe that this term can negatively impact the primary use of AG-2 lands, which should be for active agricultural production.

SUP and Exceptions

- FD1, PROPOSED CD1 adds a new section 21-2.110-3 Special use permit to the ROH 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 (p. 91-92) .
    - **Support with Reservations**: We all agree with reservations because it puts process details to the existing SUP process, which is opaque and left to the director's discretion. There is concern about leaving it to the Director's discretion when the Director may have no knowledge of or appreciation for agriculture. Adding a DPP position with an agricultural background would alleviate reservations about this section.
- FD1, PROPOSED CD1 creates a new section to delineate a framework for the director's decision-making. We suggest additional requirements be added for the director's decision-making about agriculture.
    - **Support:** We all agree with delineating a framework and additional requirements for the DPP director's decision-making about agriculture. However, we did not have time to delve into the specifics to recommend additional requirements. Having a dedicated position at DPP as stated in previous bullet could help to alleviate this concern.

We appreciate your consideration of these recommendations and comments and hope to contribute further to this important conversation as we look to update the many important land uses in Bill 64 (2023).

Respectfully,

Micah Munekata
Director of Government Affairs

Hawaii Cattlemen's Council, Inc.

Honolulu City Council
Committee on Planning and the Economy
Thursday, August 22, 2024, 9:00am
BILL 64

Chair Kia'aina, Vice Chair Cordero, and members of Planning and the Economy Committee,

The Hawaii Cattlemen's Council offers comments on Bill 64, which updates the Article 5 use regulations of the City's Land Use Ordinance. We have the following comments on the Agricultural Use Subcategories of Crop Production, Livestock Keeping, and Agricultural Support.

We thank you for postponing decision-making on this measure while the agricultural industry came together to review the proposed amendments. The Hawaii Cattlemen's Council participated in meetings with other agricultural stakeholders in 2023, including Oahu Agriculture and Conservation Association, Kualoa Ranch, Waimanalo Agricultural Association, KoHana, Ulupono Initiative, Hawaii Farm Bureau, East County Farm Bureau, and Kuilima Farms. We support the amendments proposed by this group as outlined in the Ulupono and Hawaii Farm Bureau testimony, but would like to highlight those that pertain to livestock in this testimony.

General Recommendations for Consideration of the Final Bill 64 Outcome:

- Re-activate the Agriculture Task Force and Agriculture Liaison to meet regularly for substantive discussions about agriculture and to make recommendations to the Honolulu City Council. The Task Force should ensure the representation of small farms.

- Add a position within DPP that requires a background in agriculture. Without such a position, it is difficult for DPP to make land use changes that support Oahu's agricultural production and preservation of productive farmland.

- Grandfather agriculturists faced with adverse impacts on farm operations because of the final Bill 10.

Urban Agriculture:

- ROH Section 21-5.40-1(a) (relating to urban agriculture) addresses specific use impacts (hours of operation, onsite sales, prohibiting livestock and insects, signs, off-street parking, pedestrian walkways, and electricity requirements). (p. 11)
    - **Oppose:** We all oppose the language for the standards for urban agriculture as we view them to be onerous. We do not believe that this bill intends to hinder farm production, however it may. The intent seems to be to protect businesses and residents adjacent to urban landscapes, such as community and rooftop gardens. We all agree there must be more clarity about urban-

zoned land for agriculture and city agriculture. Some of farmers are on urban-zoned lands and will be severely restricted by the specific use impacts in this bill. For example, Kahaluu is a location that is zoned urban, but where significant agricultural activity is taking place. To our knowledge, there is no definition and standards differentiating city agriculture from urban zoned land for agriculture.

- ROH Section 21-5.40-2(a) – we oppose the minimal total lot area of 3 acres – livestock producers use parcels under 3 acres for vital livestock care

Animal Raising and Animal Raising, Confined definitions

- We all agree that the definition of "Animal Raising" and "Animal Raising, Confined" in Section 70, p. 193, should include **sheep**.
    - **Proposed New Addition to Definitions**:
        - Animal Raising: Raising, feeding, and keeping cattle, horses, goats, poultry, birds, rabbits, **sheep,** and swine, primarily in unconfined outdoor areas where they are free to roam or graze. Animals may include boarding and care of domestic animals."
        - Animal Raising, Confined: Raising and feeding cattle, horses, goats, poultry, birds, rabbits, **sheep,** and swine primarily in confined indoor or outdoor areas, such as pens, stalls, or cages. The term includes feedlots, defined as any animal feeding operation that congregates animals, feed, manure and urine, dead animals, and production operations on a small land area. Feed is brought to the animals rather than the animals grazing or otherwise seeking feed in pastures, fields, or on rangeland."

Livestock Veterinary Service

- FD1, PROPOSED CD1 Section 21-5.30 Use Table Livestock veterinary services are allowed in the AG-1 and AG-2 Districts as "P+" (Permitted Use, SUP) (p. 4).
    - **Oppose:** Most agree that Livestock Veterinary Services are permitted uses and should not require a special use permit. There is concern however that while livestock veterinary services are permissible for ag lots, domestic veterinary care clinics are not. To ensure this is the case, a proposal should be reviewed before allowing this use.

We appreciate the opportunity to testify on this measure. The Hawaii Cattlemen's Council (HCC) is the Statewide umbrella organization comprised of the four county-level Cattlemen's Associations. Our member ranchers represent over 60,000 head of beef cows; more than 75% of all the beef cows in the State. Ranchers are the stewards of over 750 thousand acres of land in Hawaii, or 20% of the State's total land mass. We represent the interests of Hawaii's cattle producers.

Nicole Galase
Hawaii Cattlemen's Council
Managing Director

South Oahu County Farmer's Association

Honolulu City Council
Planning and the Economy Committee

Bill 64
Thursday, August 22, 2024, 9:00 AM

Chair Kiaʻaina,Vice Chair Cordero, and the Committee on Planning and the Economy,

The South Oahu County Farmer's Association respectfully submits our comments on Bill 64. Land use principles are tied directly to how business is done here in the City and County of Honolulu, and we appreciate the additional time provided to understand the proposed amendments that will affect food producers here on Oahu. As a county association, we are aligned with the testimony of the Hawaii Farm Bureau and share their stated concerns.

General Recommendations for Consideration of the Final Bill 64 Outcome:

- Re-activate the Agriculture Task Force and Agriculture Liaison to meet regularly for substantive discussions about agriculture and to make recommendations to the Honolulu City Council. The Task Force should ensure the representation of small farms.

- Add a position within DPP that requires a background in agriculture. Without such a position, it is difficult for DPP to make land use changes that support Oahu's agricultural production and preservation of productive farmland.

- Grandfather agriculturists faced with adverse impacts on farm operations because of the final Bill 10.

Crop Production, Livestock Keeping, and Agricultural Support Use Recommendations to Bill 64 (2023) FD1 Proposed CD1 (EK6)

Urban Agriculture:

- ROH Section 21-5.40-1(a) (relating to urban agriculture) addresses specific use impacts (hours of operation, onsite sales, prohibiting livestock and insects, signs, off-street parking, pedestrian walkways, and electricity requirements). (p. 11)
    - **Oppose:** We all oppose the language for the standards for urban agriculture as we view them to be onerous. We do not believe that this bill intends to hinder farm production, however it may. The intent seems to be to protect businesses and residents adjacent to urban landscapes, such as community and rooftop gardens. We all agree there must be more clarity about urban-zoned land for agriculture and city agriculture. Some of farmers are on urban-zoned lands and will be severely restricted by the specific use impacts in this bill. For example, Kahaluu is a location that is zoned urban, but where significant agricultural activity is taking

place. To our knowledge, there is no definition and standards differentiating city agriculture from urban zoned land for agriculture.

Animal Raising and Animal Raising, Confined definitions

- We all agree that the definition of "Animal Raising" and "Animal Raising, Confined" in Section 70, p. 193, should include **sheep**.
    - **Proposed New Addition to Definitions**:
        - Animal Raising: Raising, feeding, and keeping cattle, horses, goats, poultry, birds, rabbits, **sheep,** and swine, primarily in unconfined outdoor areas where they are free to roam or graze. Animals may include boarding and care of domestic animals."
        - Animal Raising, Confined: Raising and feeding cattle, horses, goats, poultry, birds, rabbits, **sheep,** and swine primarily in confined indoor or outdoor areas, such as pens, stalls, or cages. The term includes feedlots, defined as any animal feeding operation that congregates animals, feed, manure and urine, dead animals, and production operations on a small land area. Feed is brought to the animals rather than the animals grazing or otherwise seeking feed in pastures, fields, or on rangeland."

Agricultural Processing, Includes Breweries/Distilleries

- In Section 70 of the bill, FD1, PROPOSED CD1 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. Minor agricultural processing includes the processing of crops to produce malt beverages, distilled spirits, or wines. (p. 192-193)
    - **Support With Amendment:** We all agree with changing 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 **Hawaii-grown crops that are not restricted to on-site cultivation** to produce malt beverages, distilled spirits or wines. ~~**Minor agricultural processing includes the processing of crops to produce malt beverages, distilled spirits, or wines.**~~
- In Section 70 of the bill, FD1, PROPOSED CD1 states "Agricultural processing" means processing local crops and local animal-related products essential to supporting a variety of agriculture uses for distribution to storage structures or wholesale and retail markets. (1) Minor: Processing crops and live animal by-products such as milk, eggs, and honey. In the agricultural zoning districts, the term includes the processing of crops to produce malt beverages, distilled spirits, or wines. (2) Major: Slaughtering and processing dead animals and associated byproducts." (p. 192-193)
    - **Support With Amendments:** For minor and major processing,
        - We all agree with the proposed amendment: "Agricultural processing" means processing ~~**local crops and local animal-related products**~~ **of Hawaii-grown crop production or livestock keeping products that are not restricted to on-site cultivation that are** essential to supporting a variety of agriculture uses for distribution to storage structures or wholesale and retail markets.
        - We all agree with the proposed amendment: (1) Minor: Processing **Hawaii-grown crop production or livestock keeping** ~~**crops and live animal**~~ by-

products such as milk, eggs, and honey which **are not restricted to on-site cultivation**. Minor processing **includes aquaculture harvests placed in or on ice.** In the agricultural zoning districts, the term includes the processing of **Hawaii-grown** crops **not restricted to on-site cultivation** to produce malt beverages, distilled spirits, or wines, **of which at least 51% are Hawaii-grown non-water ingredients.**

Livestock Veterinary Service

- FD1, PROPOSED CD1 Section 21-5.30 Use Table Livestock veterinary services are allowed in the AG-1 and AG-2 Districts as "P+" (Permitted Use, SUP) (p. 4).
    - **Oppose:** Most agree that Livestock Veterinary Services are permitted uses and should not require a special use permit. There is concern however that while livestock veterinary services are permissible for ag lots, domestic veterinary care clinics are not. To ensure this is the case, a proposal should be reviewed before allowing this use.

Accessory Agricultural Use Recommendations for Bill 64 (2023) FD1 Proposed CD1 (EK6)

Agricultural Farmers Market

- FD1, PROPOSED CD1 Section 71 adds a new definition of "agricultural farmers market" to mean an outdoor market on land within the agricultural zoning districts for the sale of agricultural products grown on Oahu and value-added products that were produced using agricultural products grown on Oahu by the producer of the agricultural products. The term does not include outdoor markets and similar uses conducted outside of the agricultural zoning districts. (p. 213)
    - **Support with Amendment:** We all agree with amending the definition of "agricultural farmers market" to clarify that the term means an outdoor market for the sale of agricultural products grown **in Hawaii** and value-added products produced using agricultural products grown **in Hawaii**. The term does not include outdoor markets and similar uses conducted outside of the agricultural zoning districts."
- FD1, PROPOSED CD1 (h) Agricultural farmers market – standards. (2) Adequate parking and vehicular access must be provided, as determined by the director. (p. 18)
    - **Oppose:** We all agree this is an overreach. Recommend deletion: ~~(2) Adequate parking and vehicular access must be provided, as determined by the director.~~

Agritourism

- We all agree that the current standing Land Use Ordinance (LUO) language about agribusiness activities (Bill 64 renaming as "agritourism") is supported and preferred.
    - **Oppose:** The current LUO language about agribusiness activities (which covers "agritourism") is sufficient. Bill 64 imposes additional restrictions and requirements when the majority of agritourism activities are not a problem. We all agree that agribusiness activities (agritourism) "…must always be an accessory and incidental to the primary agricultural use of the lot…"

- **Alternative:** If the committee decides to keep this newly created use, then the standards listed on page 14 should be amended to:

"(b) Agritourism – standards.

(1) ~~At least 51 percent of the activity on the zoning lot must be crop production or livestock keeping.~~ A minimum of 51 percent of the zoning lot area suitable for crop production or livestock keeping must be dedicated to crop production or livestock keeping.

(2) Activities and improvements on the property may not diminish the long term 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 51 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.

(6) Weddings and similar accessory destination events are subject to the following:

(A) Events must take place at a designated event space; and

(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.

(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, ~~and require major conditional use approval~~ subject to the following standards:

(A) Tours must have an educational purpose related to the agricultural use of the property; and

(B) Tours must not interfere with surrounding farm operations."

- We all disagree with Bill 64's proposal to require a Major Conditional Use Permit as well as a new Special Use Permit (SUP) process for AG-1 (C*+) and AG-2 (C*+) districts.
  - **Oppose**: We all agree that this is questionable and adds another layer that impedes permitted agricultural use. We support the current LUO designation of agribusiness activities as Minor Conditional Use for both AG-1 (Cm) and AG-2 (Cm). HRS 205 §205-4.5 (Permissible uses within the agricultural districts) (13)(14) already provides permitted agricultural tourism.

Beekeeping

- FD1, PROPOSED CD1 Section 21-5.30 Use Table classifies beekeeping as P* (Permitted Use, Standards) in the AG-1 and AG-2 districts.

- **Oppose:** We all oppose classifying beekeeping as P*. Beekeeping in AG-1 and AG-2 districts should only be P, a permitted use. Agriculturists should have the flexibility to maintain productive bee hives to encourage the pollination of crops.

Biofuel Processing Facility

- FD1, PROPOSED CD1 Section 21-5.30 Use Table. Lists biofuel processing as Cm* (Minor Conditional Use, Use Standards Apply) for AG-1 and AG-2.(p. 4)
  - **Oppose:** We all agree that adding a SUP (new use to be Cm*+) to this process will help to alleviate concerns regarding movement of invasive species and pests.
- FD1, PROPOSED CD1 Section 21-5.40-4(d)(1) provides standards 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). (p. 16)
  - **Support With Amendment to Bill 64:** Most agree with biofuel feedstock from at least 51% Hawaii-grown not limited to on-site production and may include feedstocks sourced from waste or invasive species.
    - **Suggested Amendment to Bill 64:** "…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).**~~ includes **at least 51% Hawaii-grown feedstock not limited to on-site production, and may include** ~~**restricted must be grown onsite, with the exception of**~~ feedstocks sourced from waste or invasive species
    - **Proposed New Definition and Language:** We all agree with the addition of new language for sub-processing of Hawaii-grown feedstock:
      - **"Sub-processing means producing, harvesting and preparing the Hawaii-grown feedstock for use in biofuel processing facilities. Sub-processing of Hawaii-grown feedstock may be transported to biofuel processing facilities located in the agricultural zoning district."**

Farm Dwelling

- FD1, PROPOSED CD1 Farm Dwelling Standards (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.
  - **Support With Amendments**: We all agree with the removal of "storage sheds" to avoid confusion in its interpretation since many farmers and ranchers need storage sheds for agricultural purposes. It should not be included within the required square footage standards. We all agree with the removal of "confined to a polygon for which no exterior angle is greater than 180 degrees". This appears to be an overreach without an understandable purpose.
    - **Recommended Amendments:** Farm Dwelling Standards (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.~~

Farm Stand

- FD1, PROPOSED CD1 (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 the farm stand. (p. 17)
    - **Support With Amendment:** We all agree farm operations must have the choice and flexibility to install electricity, sewer, water or other utility services in their farm stand. We question the rationale for disallowing electricity, sewer, and water from farm stands. Such utilities may be required to meet food safety standards.
        - **Recommended Amendment:** "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 the farm stand."**~~

Farm Worker Housing

- 21-5.40-3(g)(9) states, "When the associated farm is no longer in active production or no longer employing farm workers, no workers may be housed on the zoning lot. An exception is allowed to house one caretaker and the caretaker's immediate family. (p.18)
    - **Support With Amendments:** We all agree that Item (9) should include the statement, "Prior to eviction, a grace period of 60 days is allowed for displaced farm workers." This is to allow sufficient time for farm workers to find alternative housing.
        - **Recommended Amendments:** "When the associated farm is no longer in active production or no longer employing farm workers, no workers may be housed on the zoning lot. An exception is allowed to house one caretaker and the caretaker's immediate family. **Prior to eviction, a grace period of 60 days is allowed for displaced farm workers.**
- Standards 21-5.40(3)(g)(2) The farm worker housing plans must be supported by agricultural plans. The amount of labor necessary to farm the land must justify the number of dwelling units proposed. (p.17)
    - **We raise the following concerns about Farm Worker Housing that require more discussion:**
        - We all agree that the DPP administrative rules should explain what is required and what is the approval process for the LUO reference for an agricultural plan for farm worker housing.
        - We all agree that DPP administrative rules should clarify what is required for the justification of "the amount of labor necessary to farm the land must justify the number of dwelling units proposed."

Other Uses Categories in AG-1 or AG-2 Zoned Lands Recommendations for Bill 64 (2023) FD1 Proposed CD1 (EK6)

Group Living, Small

- FD1, PROPOSED CD1 Section 21-5.30 Use Table. Designates "C*+" in the AG-2 District for

Small group living – State regulated and Small group living – not State regulated (p. 4-5).

- **Oppose:** We all agree that small group living (State regulated and not state regulated) should be deleted from AG-2 zone districts. Small group living in agricultural zoning districts is more of a transitional housing issue. It is not a farm dwelling or farm worker housing. It does not belong in the AG-2 zoned districts.

Meeting Facilities

- FD1, PROPOSED CD1 Section 21.5.30 Use Table:
  a. Allows small meeting facility use on AG-2 land as Cm*+ (Minor Conditional Use, Standards, SUP) and on Country land as Cm* (Minor Conditional Use, Standards) (p.5)
  b. Allows medium meeting facility use on AG-2 land as C*+ (Major Conditional Use, Standards, SUP)and on Country land as C* (Major Conditional Use, Standards) (p. 5)
  - **Oppose:** We all agree meeting facilities should not be allowed on AG-2 land, which should be preserved and used for active agriculture production and accessory agriculture.
  - **Comments**: Most agree that meeting facilities of all sizes can be placed in country-zoned districts.
    - There is disagreement because country zoned districts are small and between AG-1 and AG-2 farms. Such proximity can compromise normal ag activities (i.e., herbicide/insecticide spraying, animal odors, machinery noises, etc.) by complaints from meeting attendees. The Hawaii State Constitution preserves the "right to farm."

School, PreK-12

- Section 21-5.30 Use Table. FD1, PROPOSED CD1 proposes PreK-12 schools in AG-2 districts as C*+ (Major Conditional Use, Standards, SUP) and in Country districts as Cm* (Minor Conditional Use, Standards).
  - **Oppose:** We all agree, as agriculture producers and stakeholders, with support of agriculture and accessory agriculture on AG1 and AG2 lands for active farm/ranch production. While we support education in general, we cannot support schools on AG-2 lands.
  - We all agree that schools are incompatible with farms. Normal ag activities (i.e., herbicide/insecticide spraying, animal odors, machinery noises, etc.) would generate complaints and hinder the management of the farm. The Hawaii State Constitution preserves the "right to farm," and schools should not be allowed on these smaller parcels.
  - **Comment**: In addition, please consider the removal of schools as a permitted use on country-zoned parcels that are ***adjacent*** to AG-1 or AG-2 parcels. Some of the country ag parcels are small and between AG-1 and AG-2 farms. When schools are allowed on these parcels zoned for agriculture it infringes on the right to farm.

Wind Energy Facilities (Small, Medium, Large)

- FD1, PROPOSED CD1 creates standards under ROH Section 21-5.60(a)(3) small utility (p. 41); Section 21-5.60-6(b)(3**)** medium utility (p. 43); and Section 21-5.60-6 (c)(2) large utility (p. 44-45). Most of the Bill 64 refers to how wind energy generation facilities are established. Our review focused on where it is allowed in relation to agriculture operations.
  - **Support With Amendments:** We all agree that wind energy generation facilities of all categories, small, medium, and large, when placed on AG-1 and AG-2 lands, must

dedicate at least 51% of the zoning lot area suitable for crop production or livestock keeping to crop production or livestock keeping. The Director may adopt rules pursuant to HRS Chapter 91 to determine the zoning lot area; the Director may adopt rules pursuant to HRS Chapter 91 to determine the zoning lot area considered suitable for crop production or livestock keeping.

Day Care, Adult and Child (Combined Review)

- FD1, PROPOSED CD1 ROH Section 21-5.70-1(a)(3) (relating to child daycare) to require that in the AG-2 District (no longer permitted in the AG-1 District) a minimum of 51 percent of the zoning lot area suitable for crop production or livestock keeping (instead of 50 percent of the total zoning lot area) must 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 (p. 46-47).
- FD1, PROPOSED CD1 ROH Section 21-5.70-1(b) (relating to adult daycare) to require that in the AG-2 District (no longer permitted in the AG-1 District) a minimum of 51 percent of the zoning lot area suitable for crop production or livestock keeping (instead of 50 percent of the total zoning lot area) must 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 (p. 47).
    - **Oppose (a) and (b):** We all agree that child and adult day care be deleted from AG-2 zone districts. The proximity of child and adult day care facilities in AG-2 lands takes land away from active agriculture production. More than likely buffer zones will be requested to separate active farming noise, smells, dust and spraying of approved applications. This erodes available agricultural lands for the crop production or livestock keeping.

Major Animal Care

- FD1, PROPOSED CD1 Section 21-5.30 Use Table. Animal Care, Major allowed on AG-2 districts as P*+ (Permitted Use, Standards, SUP); and on Country zoned districts as P* (Permitted Use, Standards)
    - **Support With Amendments:** We all agree our primary concern is preserving AG-1 and AG-2 land for active agriculture production and accessory agriculture. With that in mind, we propose an agricultural nexus of at least 51% for animal care on AG-2 land. If the standard of **at least 51% of the zoning lot area suitable for crop production or livestock keeping must be dedicated to crop production or livestock keeping** is inserted into this bill, we support removal of the SUP for major animal care to establish the use as a P* (Permitted Use, Standards).

Nature Based Recreation

- FD1, PROPOSED CD1 Section 21-5.30 Use Table. Nature Based Recreation allowed in AG-2 districts as C* (Conditional Major Use, Use Standards Apply) (p. 8).
    - **Oppose:** We all agree to remove any reference of nature-based recreation on AG-2 districts.
    - **Concerns with definition:** We also note concerns with the definition of "Nature-Based Recreation" as the term "includes picnic grounds, greenways, hiking and bicycling trails,

areas for fishing and hunting, limited accessory sports courts and fields, non-motorized access to scenic interests, horseback riding tours, recreational camping, and campgrounds with tents, pavilions, lodges, and cabins."

- We believe that this term can negatively impact the primary use of AG-2 lands, which should be for active agricultural production.

SUP and Exceptions

- FD1, PROPOSED CD1 adds a new section 21-2.110-3 Special use permit to the ROH 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 (p. 91-92) .
    - **Support with Reservations**: We all agree with reservations because it puts process details to the existing SUP process, which is opaque and left to the director's discretion. There is concern about leaving it to the Director's discretion when the Director may have no knowledge of or appreciation for agriculture. Adding a DPP position with an agricultural background would alleviate reservations about this section.
- FD1, PROPOSED CD1 creates a new section to delineate a framework for the director's decision-making. We suggest additional requirements be added for the director's decision-making about agriculture.
    - **Support:** We all agree with delineating a framework and additional requirements for the DPP director's decision-making about agriculture. However, we did not have time to delve into the specifics to recommend additional requirements. Having a dedicated position at DPP as stated in previous bullet could help to alleviate this concern.

Thank you for the opportunity to provide testimony.

Nicole Galase
South Oahu County Farmer's Association
President

My name is Alan Sinesky, I'm a retiree, I've lived on Oahu for 45 years. I raise meat rabbits as the primary meat source for our family. I'd like to tell you why I do this and the issues I have with bill 64.

First, health. I'm 66, have no health issues nor am I on any medications. I attribute most of this to my diet, eating healthy meat which has no steroids, antibiotics, hormones, nitrates, etc.

Second, food security. We're an island community, 90% of our food has to be imported. What happens when the ships can't come in? We got a taste of this during Covid, but what if war breaks out, a lethal pandemic, an economic collapse? During WWII, victory gardens were promoted to help keep everyone fed. Should we wait for something to happen or maybe head in the opposite direction and promote food production, just in case. As an additional benefit, if we got serious about food production, we could create jobs and a larger tax base.

Third, inflation. If you go to the grocery store, you know the price of everything is up. Since it's not mathematically possible to pay back the debt, the only solution will be to print more money, so inflation is not going away. By generating our own food, we can keep the costs down.

Fourth, the type of people this bill targets. This bill targets people who are productive, who are producing healthy products, who are enjoying what they do. I think our time would be better spent targeting criminals.

Fifth, protecting the aina. If you have animals, they produce manure, it goes back into the land, which helps promote healthy soil microbial activity, as compared to chemical fertilizers, which destroy it. Bees are a requirement for plant pollination.

In summary, health, food security, inflation, targeting the wrong people, protecting the aina. I'd suggest the council compare the benefits of not passing this bill to the benefits of passing it, this should be a simple cost benefit analysis

In conclusion, this bill reeks of Orwellian and WEF overtones: Control the food supply, control the people. The Declaration of Independence gives all humans, the unalienable rights of life, liberty and the pursuit of happiness which governments are then created to protect. Food is required for life, liberty is freedom, not control and I think most of the people are doing what they do because it makes them happy.

If you believe in God, a spiritual being, a higher power, then you know the difference between right and wrong. This bill is wrong on so many fronts. It's time that government get back to we the people.

FROM THE DESK OF

KŌ HANA DISTILLERS, LLC

August 20, 2024

Councilmember Esther Kia'aina, Chair
Councilmember Radiant Cordero, Vice Chair
Committee on Planning and the Economy
Honolulu City Council
Honolulu, Hawai'i 96813-3077

Chair Kia'aina, Vice Chair Cordero, and Members of the Committee,

My name is Robert Dawson, and I am the co-founder of Kō Hana Distillers. Since 2011, our business has proudly grown and harvested sugar cane on Oahu for the production of Kō Hana Hawaiian Agricole Rum. We began our journey on a modest 1/4-acre plot and have since expanded our operations to over 200 acres across Kunia, Waialua, and Haleiwa. With our sights set on further growth, we expect to cultivate over 500 acres in the next 18 months.

As the only rum producer in Hawaii that exclusively uses sugar cane grown on our own farms, without relying on imported ingredients from out of state, we are deeply committed to sustainable, farm-to-bottle production, which lies at the core of everything we do. Our distillery operations are entirely local, supporting the community through employment and contributing to the preservation of Hawaii's agricultural heritage. We currently employ 12 full-time farmers, in addition to our dedicated production staff, all of whom are integral to our mission of creating world-class rum.

From the beginning, we have operated on Ag-1 land in the former Del Monte Kunia Camp area, where we were granted an Ag-minor use designation. This has enabled us to cultivate our crops and grow our business in alignment with Hawaii’s agricultural traditions and economic goals.

Honolulu Bill 64 represents a critical opportunity to support and sustain agricultural enterprises like ours. However, we can only support the passage of this bill if it includes provisions that allow distilleries like ours to continue operating on Ag-1 land. The current draft, as it stands, does not permit our

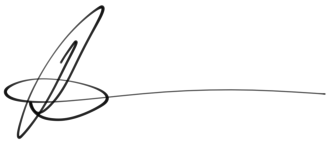
production facilities to exist on Ag-1 land, which would directly threaten our ability to continue operating and growing our business.

Additionally, we strongly advocate for a provision requiring that at least 51% of the distilled spirits production in Hawaii be derived from locally grown crops, excluding water, as water often constitutes up to 60% of the volume in a typical bottle of rum or other distilled spirits. By establishing this standard, the bill would further ensure that agricultural lands are used productively, supporting local farmers and reinforcing the authenticity of products labeled as being made in Hawaii.

We urge the Committee and the full Council to amend Honolulu Bill 64 to include these essential provisions. Only with these amendments can the bill truly support the growth of local businesses, ensure that agricultural lands are used productively and sustainably, and make a commitment to Hawaii's agricultural future, local employment, and the preservation of our land and traditions.

Thank you for your consideration.

Sincerely,



Robert Dawson
Co-Founder, Kō Hana Distillers

CONTACT

92-1770 KUNIA ROAD, #227 | KUNIA, HAWAI'I 96759 | (808) 224-7505 | ROBERT@KOHANARUM.COM

August 2024

To Whom It May Concern:

My name is Kim Falinski, and I have been a beekeeper on O'ahu since 2007. I would be called a "sideliner" with about 60 hives in Kailua, Waimanalo, Hawaii Kai and Aiea, though my company has a larger public footprint because of our long term presence at KCC, Kailua and Kaka'ako Farmers Markets. For those markets, we have helped customers understand pollination and honey since 2004.

When Bill 10 first came out, we as beekeepers immediately understood this as a threat to a way of life, to honey production, and to our ability to work with homeowners and farmers to keep bees safely on land. The below letter was composed publicly and shared with the Oahu Beekeepers group to summarize some of the main points.

Nalo Meli **Honey opposes Bill 64 in its current form – and supports the amendments submitted by Councilmember Weyer and Councilmember Tupola's office** to strike most of the language that limits the number of hives, the size of hives. Importantly, Nalo Meli consider bees to be livestock – this is what our federal designation is, but understands that City rules may need to write policy differently. We would like the opportunity for future generations to continue to keep bees as we have done, and to dream of making honey and pollinators a bigger business opportunity.

Sincerely,
Kim Falinski, PhD,
Nalo Meli Honey

>>>>>>>>>>>>>>>>>>>>>>>>>>>>>>>>>>>>

Beekeeping is and has the potential to be an important agricultural industry for O'ahu. It requires little infrastructure, provides a high value product that is in demand locally and for export, and employs trained staff for management. The amount of hives in Hawaii has doubled in the last 10 years because of new interest, but are mostly focused on Hawai'i island. Hawai'i island is currently working towards expanding beekeeping (see Bill 144), even in more urban areas like Hilo and Kona. O'ahu has the potential to be a honey producer, as well. In light of our city and State goals to increase food security and resilience, maintaining the ability to keep productive commercial apiaries is important.

The section of concern is **§ 21-5.40-4 Accessory agricultural (current page 14).**
It states:

> **(1) Zoning lot size: The minimum zoning lot size required for beekeeping is 5,000 square feet.**

(2) Zoning lot area required:

(A) No more than two beehives may be established on zoning lots less than 10,000 square feet;

No more than four beehives may be established on zoning lots of 10,000 up to 20,000 square feet;

No more than six beehives may be established on zoning lots greater than 20,000 square feet; and

No beehive may exceed 7 cubic feet in volume.

(3) Setbacks: Beehives must be set back a minimum of 25 feet from any property line except:

(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

(B When located at least 8 feet or more above adjacent ground level.

Below is the current city ordinance around bees in urban areas under Animal Nuisances **§** 7-2.5.

Where we stand right now:

Beekeeping is currently approved in all zoning areas of Honolulu City and County for *noncommercial purposes*, with certain restrictions to ensure the safety of the public. Section 7-2.5 of the ROH (“Animal Nuisances”) specifies that

- no more than **eight** honey bee hives may be kept per lot and that colonies shall be maintained in movable frame hives, which includes the standard Langstroth hives as well as Kenya top-bar hives.
- Hives should be properly shaded from adjacent night lighting on adjoining properties.
- They should be placed at least 25 feet from any property line, public street, sidewalk, or alley.
- Exceptions are granted if hives are situated behind a solid fence running parallel to the property line that is at least 6 feet high and extends 15 feet beyond the hive in both directions, or if the hives are located at least eight feet above adjacent ground level, such as on a roof top.

These restrictions do not apply to **agriculturally zoned areas where commercial beekeeping is a permitted use** [ROH 7-2.4]. In Agricultural and Country zoning districts, **commercial apiaries are considered minor livestock production** (21-3.50-4 and 21-3.60-4, respectively), and no further guidance or restrictions are supplied by the City and County. Commercial producers are therefore encouraged to adopt industry standards with regards to apiary stocking rates.

What changes we hope to see:

The right to beekeep commercially on agricultural land:

1. Beekeeping is considered “Agricultural support”, yet according to Federal designations it is usually placed next to “Livestock”. We recommend putting it back in the minor livestock category to match USDA code.
2. Under the bill as written there is no path forward for commercial apiaries at scale. For the 170 year history of beekeeping on O’ahu there have been no restrictions on agricultural land. We recommend removing restrictions on commercial apiaries on agricultural land altogether.

The right to beekeep in urban areas:

3. We recommend maintaining the previous urban animal nuisance law for Honolulu County that did not include a lot size. Beehives are allowed in urban cities across the US, including New York and San Francisco. 65% of properties in Honolulu are less than 5,000 sq ft.



Legend

Properties under 5000ft2

Properties that would be unable to have beehives in Honolulu are above in pink.

The redlined version of Bill 64 is below:

(1) Zoning lot size: The minimum zoning lot size for urban zoned areas required for beekeeping is ~~5,000~~ 2,000 square feet.

(2) Zoning lot area required:

(A) ~~No more than two beehives may be established on zoning lots less than 10,000 square feet;~~

~~No more than four beehives may be established on zoning lots of 10,000 up to 20,000 square feet;~~

No more than six beehives may be established on urban zoning lots ~~greater than 20,000 square feet; and~~

~~No beehive may exceed 7 cubic feet in volume.~~

(3) Setbacks: Beehives must be set back a minimum of 25 feet from any property line except:

(A) When situated behind a solid fence, dense hedge, or similar barrier at least 6 feet in height, parallel to the property line, 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

(B When located at least 8 feet or more above adjacent ground level.

It is important to codify that beekeeping is an important agricultural practice, both as a full industry and as an accessory. I hope it is possible to amend the language in order to reflect interest in preserving apiculture as a key part of farming on O'ahu.

WRITTEN TESTIMONY OPPOSING BILL 64

TO: Honolulu City Council

FROM: Sandy Van

DATE: August 22, 2024

I am writing today in opposition of Bill 64. If passed, this illogical and unreasonable bill will cost me my livelihood and will likely force me out of my own home in Wai'anae where I have lived for nearly 20 years and plan to retire. But it's not just me that will be compacted. There are thousands of others like me who are facing similar situations and scenarios.

As written, Bill 64 will close businesses, force layoffs, push people out of their own homes, exacerbate O`ahu's critical housing shortage, make agritourism investment possible only for the affluent few, make it impossible to raise horses or other livestock, devalue ag properties, close pet care facilities, permanently shutter desperately needed animal shelters, and much more.

It is clear that in the drafting of this bill – and the 2019 RM Towill Corp report on which it is based –there was no input from anyone with expertise in farming, livestock, animal care, beekeeping or any other area of agriculture. There was no input from small farmers – only powerful developers and large land owners. On the face of it, this appears to constitute a serious conflict of interest.

Here are just a few of the many anti-agricultural revisions proposed by Bill 64:

- As written, Bill 64 will inevitably displace many Kupuna and others who have occupied their agricultural lands for decades – many for multiple generations – devaluing their lands and in many circumstances making it impossible to live in their own homes. This bill will exacerbate O`ahu's critical housing shortage. Where will people go who are forced out of their homes because they cannot meet the 51% ag threshold (determined by DPP)?
- Keeping horses and other animals will be prohibited on zoned lots smaller than three acres. Who determined that a minimum of three acres is needed to keep a horse, or chickens, or goats, or sheep or even rabbits? What about the small-scale farmer who raises chickens for eggs and meat for his family? Or a few goats or sheep?
- Where will cattle ranchers keep the horses they need in order to work their livestock? What will this do to our rich paniolo heritage? Where will Pa'u units find horses to ride in our beautiful Kamehameha Day Floral parade and the Aloha Festivals parade. If animals cannot live on ag or country lands, where in the world CAN they live on Oahu? This makes no sense.
- Beekeeping will also be sharply curtailed. On what basis was it determined that a small-scale beekeeper can only have up to two hives? Will we have to say good-bye to local honey?
- Farm stands will not be allowed to have electricity, water or other utilities, which poses obvious and basic hygiene and safety concerns.
- Bill 64 will permanently close many Oahu pet-care facilities. Ironically, the ideal location for pet-boarding is in more rural areas that are less densely populated – such as Ag- or Country-zoned properties – that can offer larger grassy areas where dogs can get exercise rather than only being taken for short walks on concrete sidewalks or parking lots. There is already a shortage of

boarding facilities on the island. Where will pet owners find safe, suitable accommodations for their pets while they travel?

- Animal shelters on ag or country-zoned lands will also be forced to close. This will exacerbate an already-critical problem, as all of the island's shelters (including the Hawaiian Humane Society) are already filled to overflowing and are turning away animals in need of help.
- If animal shelters are forced to close, it will worsen an already-critical problem – stray and feral dogs and cats and strays roaming neighborhoods and communities seeking food. As shelters close, there will be even more feral and unpredictable animals facing starvation, and as they do, they will become increasingly desperate – even aggressive – as they struggle to survive. These animals will be virtually all be unvaccinated, and combined with increased aggression will pose a very real threat to public health and safety. Is this what we want for our communities?

These are just a few examples of the illogical, overreaching, and destructive effects Bill 64 will have as currently written. There are many more, and I would welcome an opportunity to sit down with you and discuss them.

For example, I believe it is worth noting again that Bill 10 (now Bill 64) was authored by the engineering and development firm of RM Towill Corporation for the Department of Permitting and Planning, and the interests of small farm or ranch owners were not represented. See page 94 of their report at: https://www.honolulu.gov/.../dpp_docs/LUOPhaseIRecReport.pdf.

The list reads like a who's who of Hawaii's large landowners and developers. It is my understanding that the Hawaii Farm Bureau was not consulted, nor was the Waimanalo Agricultural Association, the Hawaii Cattleman's Association or other small ag interests. Clearly this bill was not written with the concerns of the average farm owner living on their own land.

We all understand (and even support) the need to better control the misuse of agricultural lands with luxury residential development, but the zeal to squash the development of gentleman farms does not justify crushing legitimate small-scale farmers, ranchers, growers, and others who have invested their livelihoods, blood, sweat, and tears into making and keeping Oahu's agricultural lands productive. This is wrong on every level.

Mahalo,



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August 22, 2024

HEARING BEFORE THE
COMMITTEE ON PLANNING AND THE ECONOMY

TESTIMONY ON BILL 64 (2023) FD1, PROPOSED CD1 (EK6)
RELATING TO USE REGULATIONS

City Council Chamber
9:00 AM

Aloha Chair Kia'aina, Vice Chair Cordero, and Members of the Committee,

I am Brian Miyamoto, Executive Director of the Hawai'i Farm Bureau (HFB). Organized in 1948, the HFB is comprised of 1,800 farm family members statewide and serves as Hawai'i's voice of agriculture to protect, advocate and advance the social, economic, and educational interests of our diverse agricultural community.

The Hawai'i Farm Bureau appreciates the efforts by the Honolulu City Council and Department of Planning and Permitting to update Honolulu's Land Use Ordinance. However, as we have noted in previous testimony, Bill 10 (now Bill 64) contained provisions that were of concern to farmers and ranchers on O'ahu. We thank the Council for allowing the agriculture industry the opportunity to recommend amendments to address these concerns.

The Hawai'i Farm Bureau was an active participant in the 2023 agricultural stakeholder working group. This group also included the O'ahu Agriculture and Conservation Association, Kualoa Ranch, Waimanalo Agricultural Association, KoHana, Hawai'i Cattlemen's Council, Ulupono Initiative, and Kuilima Farms. Government agencies—Hawai'i Department of Agriculture, City and County of Honolulu (CCH) Department of Planning and Permitting (DPP), and CCH Office of Economic Revitalization—also joined the conversation to provide context and feedback to the group's comments. Over three full-day sessions, the working group carefully evaluated the potential impacts of each agriculture-related provision in Bill 10 (2022), now reintroduced as Bill 64 (2023), on agricultural production and associated operations within the City and County of Honolulu. The Hawai'i Farm Bureau strongly endorses the working group's recommendations and respectfully requests their integration into Bill 64.

As agriculture producers and stakeholders, we support agriculture and accessory agriculture on AG-1 and AG-2 lands for active farm/ranch production. While there have

been multiple drafts before this Council and Committee, we have provided the following recommendations and comments on the Bill 64 (2023) FD1 Proposed CD1 (EK6) version of the bill. We appreciate this committee's efforts to address some of our concerns to date.

The following recommendations represent some of the remaining recommendations and concerns which lie within the current EK6 draft.

General Recommendations for Consideration of the Final Bill 64 Outcome:

- Re-activate the Agriculture Task Force and Agriculture Liaison to meet regularly for substantive discussions about agriculture and to make recommendations to the Honolulu City Council. The Task Force should ensure the representation of small farms.
- Add a position within DPP that requires a background in agriculture. Without such a position, it is difficult for DPP to make land use changes that support O'ahu 's agricultural production and preservation of productive farmland.
- Grandfather agriculturists faced with adverse impacts on farm operations because of the final Bill 64.

Crop Production, Livestock Keeping, and Agricultural Support Use Recommendations to Bill 64 (2023) FD1 Proposed CD1 (EK6)

Urban Agriculture:

- ROH Section 21-5.40-1(a) (relating to urban agriculture) addresses specific use impacts (hours of operation, onsite sales, prohibiting livestock and insects, signs, off-street parking, pedestrian walkways, and electricity requirements). (p. 11)
    - **Oppose:** We all oppose the language for the standards for urban agriculture as we view them to be onerous. We do not believe that this bill intends to hinder farm production, however it may. The intent seems to be to protect businesses and residents adjacent to urban landscapes, such as community and rooftop gardens. We all agree there must be more clarity about urban-zoned land for agriculture and city agriculture. Some of farmers are on urban-zoned lands and will be severely restricted by the specific use impacts in this bill. For example, Kahaluu is a location that is zoned urban, but where significant agricultural activity is taking place. To our knowledge, there is no definition and standards differentiating city agriculture from urban zoned land for agriculture.

Animal Raising and Animal Raising, Confined definitions

- We all agree that the definition of "Animal Raising" and "Animal Raising, Confined" in Section 70, p. 193, should include **sheep**.
    - **Proposed New Addition to Definitions**:
        - Animal Raising: Raising, feeding, and keeping cattle, horses, goats, poultry, birds, rabbits, **sheep,** and swine, primarily in unconfined outdoor areas where they are free to roam or graze.

Animals may include boarding and care of domestic animals."

- Animal Raising, Confined: Raising and feeding cattle, horses, goats, poultry, birds, rabbits, **sheep,** and swine primarily in coniined indoor or outdoor areas, such as pens, stalls, or cages. The term includes feedlots, deiined as any animal feeding operation that congregates animals, feed, manure and urine, dead animals, and production operations on a small land area. Feed is brought to the animals rather than the animals grazing or otherwise seeking feed in pastures, iields, or on rangeland."

Agricultural Processing, Includes Breweries/Distilleries

- In Section 70 of the bill, FD1, PROPOSED CD1 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. Minor agricultural processing includes the processing of crops to produce malt beverages, distilled spirits, or wines. (pp. 192-193)
  - **Support With Amendment:** We all agree with changing 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 **Hawaiʻi-grown crops that are not restricted to on-site cultivation** to produce malt beverages, distilled spirits or wines. ~~**Minor agricultural processing includes the processing of crops to produce malt beverages, distilled spirits, or wines.**~~
- In Section 70 of the bill, FD1, PROPOSED CD1 states "Agricultural processing" means processing local crops and local animal-related products essential to supporting a variety of agriculture uses for distribution to storage structures or wholesale and retail markets. (1) Minor: Processing crops and live animal by-products such as milk, eggs, and honey. In the agricultural zoning districts, the term includes the processing of crops to produce malt beverages, distilled spirits, or wines. (2) Major: Slaughtering and processing dead animals and associated byproducts." (pp. 192-193)
  - **Support With Amendments:** For minor and major processing,
    - We all agree with the proposed amendment: "Agricultural processing" means processing ~~**local crops and local animal-related products**~~ **of Hawaiʻi-grown crop production or livestock keeping products that are not restricted to on-site cultivation that are** essential to supporting a variety of agriculture uses for distribution to storage structures or wholesale and retail markets.
    - We all agree with the proposed amendment: (1) Minor: Processing **Hawaiʻi-grown crop production or livestock keeping** ~~**crops and live animal**~~ by-products such as milk, eggs, and honey which **are not restricted to on-site cultivation**. Minor processing **includes aquaculture harvests placed in or on ice**. In the

agricultural zoning districts, the term includes the processing of **Hawaiʻi-grown** crops **not restricted to on-site cultivation** to produce malt beverages, distilled spirits, or wines, **of which at least 51 percent are Hawaiʻi-grown non-water ingredients.**

Livestock Veterinary Service

- FD1, PROPOSED CD1 Section 21-5.30 Use Table Livestock veterinary services are allowed in the AG-1 and AG-2 Districts as "P+" (Permitted Use, SUP) (p. 4).
    - **Oppose:** Most agree that Livestock Veterinary Services are permitted uses and should not require a special use permit. There is concern however that while livestock veterinary services are permissible for ag lots, domestic veterinary care clinics are not. To ensure this is the case, a proposal should be reviewed before allowing this use.

Accessory Agricultural Use Recommendations for Bill 64 (2023) FD1 Proposed CD1 (EK6)

Agricultural Farmers Market

- FD1, PROPOSED CD1 Section 71 adds a new definition of "agricultural farmers market" to mean an outdoor market on land within the agricultural zoning districts for the sale of agricultural products grown on Oʻahu and value-added products that were produced using agricultural products grown on Oʻahu by the producer of the agricultural products. The term does not include outdoor markets and similar uses conducted outside of the agricultural zoning districts. (p. 213)
    - **Support with Amendment:** We all agree with amending the definition of "agricultural farmers market" to clarify that the term means an outdoor market for the sale of agricultural products grown **in Hawaiʻi** and value-added products produced using agricultural products grown **in Hawaiʻi**. The term does not include outdoor markets and similar uses conducted outside of the agricultural zoning districts.
- FD1, PROPOSED CD1 (h) Agricultural farmers market – standards. (2) Adequate parking and vehicular access must be provided, as determined

    - **Oppose:** We all agree this is an overreach. Recommend deletion: ~~(2) Adequate parking and vehicular access must be provided, as determined by the director.~~

Agritourism

- We all agree that the current standing Land Use Ordinance (LUO) language about agribusiness activities (Bill 64 renaming as "agritourism") is supported and preferred.
    - **Oppose:** The current LUO language about agribusiness activities (which covers "agritourism") is sufficient. Bill 64 imposes additional restrictions and requirements when the majority of agritourism activities are not a

problem. We all agree that agribusiness activities (agritourism) "…must always be an accessory and incidental to the primary agricultural use of the lot…"

- **Alternative:** If the committee decides to keep this newly created use, then the standards listed on page 14 should be amended to:

"(b) Agritourism – standards.

(1) ~~At least 51 percent of the activity on the zoning lot must be crop production or livestock keeping.~~ **A minimum of 51 percent of the zoning lot area suitable for crop production or livestock keeping must be dedicated to crop production or livestock keeping.**

(2) Activities and improvements on the property may not diminish the long-term 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 iloor area for the zoning lot.~~

(5) A minimum of 51 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.

(6) Weddings and similar accessory destination events are subject to the following:

(A) Events must take place at a designated event space; and

(B) Predominantly open-air physical improvements associated with destination events, such as a roofed pavilion, are allowed; provided that the total iloor area must not exceed 1,000 square feet.

(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, ~~and require major conditional use approval~~ subject to the following standards:

(A) Tours must have an educational purpose related to the agricultural use of the property; and

(B) Tours must not interfere with surrounding farm operations."

- We all disagree with Bill 64's proposal to require a Major Conditional Use Permit as well as a new Special Use Permit (SUP) process for AG-1 (C*+) and AG-2 (C*+) districts.
  - **Oppose**: We all agree that this is questionable and adds another layer that impedes permitted agricultural use. We support the current LUO designation of agribusiness activities as Minor Conditional Use for both AG-1 (Cm) and AG-2 (Cm). HRS 205 §205-4.5 (Permissible uses within the agricultural districts) (13)(14) already provides permitted agricultural tourism.

Beekeeping

- FD1, PROPOSED CD1 Section 21-5.30 Use Table classifies beekeeping as P* (Permitted Use, Standards) in the AG-1 and AG-2 districts.
    - **Oppose:** We all oppose classifying beekeeping as P*. Beekeeping in AG-1 and AG-2 districts should only be P, a permitted use. Agriculturists should have the flexibility to maintain productive bee hives to encourage the pollination of crops.

Biofuel Processing Facility

- FD1, PROPOSED CD1 Section 21-5.30 Use Table. Lists biofuel processing as Cm* (Minor Conditional Use, Use Standards Apply) for AG-1 and AG-2. (p. 4)
    - **Oppose:** We all agree that adding a SUP (new use to be Cm*+) to this process will help to alleviate concerns regarding movement of invasive species and pests.
- FD1, PROPOSED CD1 Section 21-5.40-4(d)(1) provides standards 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). (p. 16)
    - **Support With Amendment to Bill 64:** Most agree with biofuel feedstock from at least 51 percent Hawai‘i-grown not limited to on-site production and may include feedstocks sourced from waste or invasive species.
        - **Suggested Amendment to Bill 64:** "…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).**~~ includes **at least 51 percent Hawai‘i-grown feedstock not limited to on-site production, and may include** ~~**restricted must be grown onsite, with the exception of**~~ feedstocks sourced from waste or invasive species
        - **Proposed New Definition and Language:** We all agree with the addition of new language for sub-processing of Hawai‘i-grown feedstock:
            - **Sub-processing means producing, harvesting and preparing the Hawai‘i-grown feedstock for use in biofuel processing facilities. Sub-processing of Hawai‘i-grown feedstock may be transported to biofuel processing facilities located in the agricultural zoning district.**

Farm Dwelling

- FD1, PROPOSED CD1 Farm Dwelling Standards (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.

- **Support With Amendments**: We all agree with the removal of "storage sheds" to avoid confusion in its interpretation since many farmers and ranchers need storage sheds for agricultural purposes. It should not be included within the required square footage standards. We all agree with the removal of "confined to a polygon for which no exterior angle is greater than 180 degrees". This appears to be an overreach without an understandable purpose.
  - **Recommended Amendments:** Farm Dwelling Standards (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.~~**

Farm Stand

- FD1, PROPOSED CD1 (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 the farm stand. (p. 17)
  - **Support With Amendment:** We all agree farm operations must have the choice and flexibility to install electricity, sewer, water or other utility services in their farm stand. We question the rationale for disallowing electricity, sewer, and water from farm stands. Such utilities may be required to meet food safety standards.
    - **Recommended Amendment:** "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 the farm stand."~~

Farm Worker Housing

- 21-5.40-3(g)(9) states, "When the associated farm is no longer in active production or no longer employing farm workers, no workers may be housed on the zoning lot. An exception is allowed to house one caretaker and the caretaker's immediate family. (p.18)
  - **Support With Amendments:** We all agree that Item (9) should include the statement, "Prior to eviction, a grace period of 60 days is allowed for displaced farm workers." This is to allow sufficient time for farm workers to find alternative housing.
    - **Recommended Amendments:** "When the associated farm is no longer in active production or no longer employing farm workers, no workers may be housed on the zoning lot. An exception is allowed to house one caretaker and the caretaker's immediate family. **Prior to eviction, a grace period of 60 days is allowed for displaced farm workers.**

- Standards 21-5.40(3)(g)(2) The farm worker housing plans must be supported by agricultural plans. The amount of labor necessary to farm the land must justify the number of dwelling units proposed. (p.17)
    - **We raise the following concerns about Farm Worker Housing that require more discussion:**
        - We all agree that the DPP administrative rules should explain what is required and what is the approval process for the LUO reference for an agricultural plan for farm worker housing.
        - We all agree that DPP administrative rules should clarify what is required for the justification of "the amount of labor necessary to farm the land must justify the number of dwelling units proposed."

Other Uses Categories in AG-1 or AG-2 Zoned Lands Recommendations for Bill 64 (2023) FD1 Proposed CD1 (EK6)

Group Living, Small

- FD1, PROPOSED CD1 Section 21-5.30 Use Table. Designates "C*+" in the AG-2 District for Small group living – State regulated and Small group living – not State regulated (pp. 4-5).
    - **Oppose:** We all agree that small group living (State regulated and not state regulated) should be deleted from AG-2 zone districts. Small group living in agricultural zoning districts is more of a transitional housing issue. It is not a farm dwelling or farm worker housing. It does not belong in the AG-2 zoned districts.

Meeting Facilities

- FD1, PROPOSED CD1 Section 21.5.30 Use Table:

a. Allows small meeting facility use on AG-2 land as Cm*+ (Minor Conditional Use, Standards, SUP) and on Country land as Cm* (Minor Conditional Use, Standards) (p. 5)
b. Allows medium meeting facility use on AG-2 land as C*+ (Major Conditional Use, Standards, SUP)and on Country land as C* (Major Conditional Use, Standards) (p. 5)

- **Oppose:** We all agree meeting facilities should not be allowed on AG-2 land, which should be preserved and used for active agriculture production and accessory agriculture.
- **Comments**: Most agree that meeting facilities of all sizes can be placed in country-zoned districts.
    - There is disagreement because country zoned districts are small and between AG-1 and AG-2 farms. Such proximity can compromise normal ag activities (i.e., herbicide/insecticide spraying, animal odors, machinery noises, etc.) by complaints from meeting attendees. The Hawai'i State Constitution preserves the "right to farm."

School, PreK-12

- Section 21-5.30 Use Table. FD1, PROPOSED CD1 proposes PreK-12 schools in AG-2 districts as C*+ (Major Conditional Use, Standards, SUP) and in Country districts as Cm* (Minor Conditional Use, Standards).
    - **Oppose:** We all agree, as agriculture producers and stakeholders, with support of agriculture and accessory agriculture on AG1 and AG2 lands for active farm/ranch production. While we support education in general, we cannot support schools on AG-2 lands.
    - We all agree that schools are incompatible with farms. Normal ag activities (i.e., herbicide/insecticide spraying, animal odors, machinery noises, etc.) would generate complaints and hinder the management of the farm. The Hawaiʻi State Constitution preserves the "right to farm," and schools should not be allowed on these smaller parcels.
    - **Comment**: In addition, please consider the removal of schools as a permitted use on country-zoned parcels that are ***adjacent*** to AG-1 or AG-2 parcels. Some of the country ag parcels are small and between AG-1 and AG-2 farms. When schools are allowed on these parcels zoned for agriculture it infringes on the right to farm.

Wind Energy Facilities (Small, Medium, Large)

- FD1, PROPOSED CD1 creates standards under ROH Section 21-5.60(a)(3) small utility (p. 41); Section 21-5.60-6(b)(3) medium utility (p. 43); and Section 21-5.60-6 (c)(2) large utility (pp. 44-45). Most of the Bill 64 refers to how wind energy generation facilities are established. Our review focused on where it is allowed in relation to agriculture operations.

    - **Support With Amendments:** We all agree that wind energy generation facilities of all categories, small, medium, and large, when placed on AG-1 and AG-2 lands, must dedicate at least 51 percent of the zoning lot area suitable for crop production or livestock keeping to crop production or livestock keeping. The Director may adopt rules pursuant to HRS Chapter 91 to determine the zoning lot area; the Director may adopt rules pursuant to HRS Chapter 91 to determine the zoning lot area considered suitable for crop production or livestock keeping.

Day Care, Adult and Child (Combined Review)

- FD1, PROPOSED CD1 ROH Section 21-5.70-1(a)(3) (relating to child daycare) to require that in the AG-2 District (no longer permitted in the AG-1 District) a minimum of 51 percent of the zoning lot area suitable for crop production or livestock keeping (instead of 50 percent of the total zoning lot area) must 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 (pp. 46-47).
- FD1, PROPOSED CD1 ROH Section 21-5.70-1(b) (relating to adult daycare) to require that in the AG-2 District (no longer permitted in the AG-1 District) a minimum of 51 percent of the zoning lot area suitable for crop production or

livestock keeping (instead of 50 percent of the total zoning lot area) must 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 (pp. 47).

- **Oppose (a) and (b):** We all agree that child and adult day care be deleted from AG-2 zone districts. The proximity of child and adult day care facilities in AG-2 lands takes land away from active agriculture production. More than likely buffer zones will be requested to separate active farming noise, smells, dust and spraying of approved applications. This erodes available agricultural lands for the crop production or livestock keeping.

Major Animal Care

- FD1, PROPOSED CD1 Section 21-5.30 Use Table. Animal Care, Major allowed on AG- 2 districts as P*+ (Permitted Use, Standards, SUP); and on Country zoned districts as P* (Permitted Use, Standards)
  - **Support With Amendments:** We all agree our primary concern is preserving AG-1 and AG-2 land for active agriculture production and accessory agriculture. With that in mind, we propose an agricultural nexus of at least 51 percent for animal care on AG-2 land. If the standard of **at least 51 percent of the zoning lot area suitable for crop production or livestock keeping must be dedicated to crop production or livestock keeping** is inserted into this bill, we support removal of the SUP for major animal care to establish the use as a P* (Permitted Use, Standards).

Nature Based Recreation

- FD1, PROPOSED CD1 Section 21-5.30 Use Table. Nature Based Recreation allowed in AG-2 districts as C* (Conditional Major Use, Use Standards Apply) (p. 8).
  - **Oppose:** We all agree to remove any reference of nature-based recreation on AG-2 districts.
  - **Concerns with definition:** We also note concerns with the definition of "Nature-Based Recreation" as the term "includes picnic grounds, greenways, hiking and bicycling trails, areas for fishing and hunting, limited accessory sports courts and fields, non-motorized access to scenic interests, horseback riding tours, recreational camping, and campgrounds with tents, pavilions, lodges, and cabins."
    - We believe that this term can negatively impact the primary use of AG-2 lands, which should be for active agricultural production.

SUP and Exceptions

- FD1, PROPOSED CD1 adds a new section 21-2.110-3 Special use permit to the ROH 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 (p. 91-92) .
  - **Support with Reservations**: We all agree with reservations because it

puts process details to the existing SUP process, which is opaque and left to the director's discretion. There is concern about leaving it to the Director's discretion when the Director may have no knowledge of or appreciation for agriculture. Adding a DPP position with an agricultural background would alleviate reservations about this section.

- FD1, PROPOSED CD1 creates a new section to delineate a framework for the director's decision-making. We suggest additional requirements be added for the director's decision-making about agriculture.
    - **Support:** We all agree with delineating a framework and additional requirements for the DPP director's decision-making about agriculture. However, we did not have time to delve into the specifics to recommend additional requirements. Having a dedicated position at DPP as stated in previous bullet could help to alleviate this concern.

Thank you for this opportunity to provide comments on Bill 64 (2023).

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Waimanalo Agricultural Association

August 22, 2024

Comments & Suggested Amendments regarding Bill 64 (2023) FD1 Proposed, CD1 (EK6)

Honolulu City Council
Committee on Planning and Economy
Thursday, August 22, 2024
9:00 a.m.

Dear Chair Kia'aina, Vice Chair Cordero and Committee Members,

The Waimanalo Agricultural Association (WAA) is writing to provide comments and suggested amendments to the most recent draft of Bill 64 (2023), FD1 Proposed, CD1 (EK6) version. WAA has been involved in the evolution of Bill 64 (2023) since its inception back in 2022 under Bill 10 (2022) – and have been actively working with other farm entities on recommendations for the committee's consideration. WAA worked with Oahu Agriculture and Conservation Association, Kualoa Ranch, KoHana, Hawaii Cattlemen's Council, Ulupono Initiative, Hawaii Farm Bureau, East County Farm Bureau, and Kuilima Farms, State of Hawaii Department of Agriculture, and city agencies.

The Waimanalo Agricultural Association is dedicated to the preservation of agriculture in Waimanalo. WAA members represent diverse agricultural businesses, including food producers, tree farms, nursery and retail businesses, poultry and egg farms and horse farms. Waimanalo's agriculture lands include smaller lots, including Department of Agriculture leaseholds, former Department of Land and Natural Resources leaseholds and fee simple lands. WAA brings a unique perspective because of the special characteristics of the valley, including smaller lot size, close proximity to residential neighborhoods, schools and other publicly accessed areas.

WAA highlights four important requests for the Committee's immediate consideration to preserve the special conditions of agricultural lands across Oahu and especially in Waimanalo and address the missing voice of agriculture within the City and County of Honolulu:

- Prohibit schools on Ag-1, Ag-2 and Country zoned lands. Normal agricultural activities (i.e., herbicide/insecticide spraying, animal odors, machinery noises, etc.) would generate complaints and hinder the management of the farm. The Hawaii State Constitution preserves the "right to farm," and schools should not be allowed on these smaller parcels. Due to Waimanalo's small lots that are located too close to non -ag uses which may impede on constitutionally protected farm activities. Recently, schools have attempted to lease or purchase Ag-2 zoned lands that are located right next to active farms – and WAA has had to oppose such operations because of the risk to farming activities. While this was previously discussed by Committee – WAA did not have the opportunity to comment and would like to inform the committee on its objections.
- Re-activate the Agriculture Task Force and Agriculture Liaison to meet regularly for substantive discussions about agriculture and to make recommendations to the Honolulu City Council. The Task Force should ensure the representation of small farms.

- Add a position within the Department of Planning and Permitting (DPP) that requires a background in agriculture. Without such a position, it is difficult for DPP to make land use changes that support Oahu's agricultural production and preservation of productive farmland.
- Grandfather agriculturists faced with adverse impacts on farm operations because of the final version of Bill 64.

In addition, please consider the following (page # references bill page #'s at bottom of page):

- **Urban Agriculture (p. 11): Oppose amendments to ROH Section 21-5.40-1(a) (relating to urban agriculture) the section which addresses specific use impacts (hours of operation, onsite sales, prohibiting livestock and insects, signs, off-street parking, pedestrian walkways, and electricity requirements).** (p. 11)**.** WAA opposes the language for the standards for urban agriculture as we view them to be onerous. We do not believe that this bill intends to hinder farm production, however it may.

- **Animal Raising and Animal Raising, (p. 193): Amend "confined" standards. T**he definition of "Animal Raising" and "Animal Raising, Confined" in Section 70, p. 193, should include **sheep**.

- **Agricultural Processing, Includes Breweries/Distilleries (p. 192-193) – Support with amendment.** In Section 70 of the bill, FD1, PROPOSED CD1 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. Minor agricultural processing includes the processing of crops to produce malt beverages, distilled spirits, or wines. (p. 192-193) Amend to include the following where applicable "Hawaii-grown crops that are not restricted to on-site cultivation"

- **Livestock Veterinary Service** (p. 4) Section 21-5.30 **Oppose added Use Table Livestock veterinary services in the AG-1 and AG-2 Districts as "P+" (Permitted Use, SUP)** Livestock Veterinary Services are permitted uses and should not require a special use permit. There is concern however that while livestock veterinary services are permissible for ag lots, domestic veterinary care clinics are not. To ensure this is the case, a proposal should be reviewed before allowing this use.

- **Agricultural Farmers Market (p. 41)** Section 71 – **Oppose requirement that a farmer's market should have adequate parking and vehicular access** – as determined by director. This requirement is unrealistic as many ag lots are of different sizes and to require parking would be an unnecessary barrier to operating of such a market.

- **Agritourism (p. 14) prefer** current Land Use Ordinance (LUO) language governing agribusiness activities (Bill 64 renames it "agritourism"). **Oppose proposed language on agritourism as** Bill 64 imposes additional restrictions and requirements. Currently agribusiness activities are not a problem. We agree that agribusiness activities (agritourism) "…must always be an accessory and incidental to the primary agricultural use of the lot…"

- **Agritourism Table (p. 4) Oppose Bill 64's proposal to require a Major Conditional Use Permit as well as a new Special Use Permit (SUP) process for AG-1 (C*+) and AG-2 (C*+) districts for agritourism**. WAA prefers the current LUO designation of agribusiness activities as Minor Conditional Use for both AG-1 (Cm) and AG-2 (Cm) remain in place. HRS 205 §205-4.5 (Permissible uses within the agricultural districts) (13)(14) already provides permitted agricultural tourism.

- **Beekeeping (p. 4) Section 21-5.30 Use Table classifies beekeeping as P* (Permitted Use, Standards) in the AG-1 and AG-2 districts. WAA opposes classifying beekeeping as P*.** Beekeeping in AG-1 and AG-2 districts should only be P, a permitted use. Agriculturists should have the flexibility to maintain productive bee hives to encourage the pollination of crops.

- **Biofuel Processing Facility** Section (p. 4) 21-5.30 Use Table. Lists biofuel processing as Cm* (Minor Conditional Use, Use Standards Apply) for AG-1 and AG-2.(p. 4). Instead of a Cm* it should add a SUP (new use to be Cm*+) to this process will help to alleviate concerns regarding movement of invasive species and pests.

- **Farm Dwelling – (p. 16) Request Amendment to Farm Dwelling Standards (2)**. The bill requires that 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. Sheds should not be included within the 5,000 square feet. We could support this provision with amendments – to read: "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."**~~

- **Farm Stand (p. 17) Request Amendment to Farm Stands. The proposed language for farm stands is too restrictive – delete the last sentence as follows:** "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 the farm stand."**~~

- **Group living, Small Should not be permitted on Ag-2 lands.** Section 21-5.30 Use Table allows it on Ag-2 lands. Designates "C*+" in the AG-2 District for Small group living – State regulated and Small group living – not State regulated (p. 4-5). WAA opposes group living, small on agricultural lands as farm worker housing should be a priority.

- **Meeting facilities Should not be permitted on Ag. 2 Lands. (p. 5) Table** Allows small meeting facility use on AG-2 land as Cm*+ (Minor Conditional Use, Standards, SUP) and on Country land as Cm* (Minor Conditional Use, Standards) Allows medium meeting facility use on AG-2 land as C*+ (Major Conditional Use, Standards, SUP)and on Country land as C* (Major Conditional Use, Standards) (p. 5) Meeting facilities should not be allowed on AG-2 land, which should be preserved and used for active agriculture production and accessory agriculture. Such proximity can compromise normal ag activities (i.e., herbicide/insecticide spraying, animal odors, machinery noises, etc.) by complaints from meeting attendees. The Hawaii State Constitution preserves the "right to farm."

- **Day Care, Adult and Child (Combined Review)** (p. 46-47). Section 21-5.70-1(a)(3) (relating to child daycare) proposes to require that in the AG-2 District (no longer permitted in the AG-1 District) a minimum of 51 percent of the zoning lot area suitable for crop production or livestock keeping (instead of 50 percent of the total zoning lot area) must 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. Similar to our concerns with school in close proximity to farms – leads us to oppose this proposal. The proximity of child and adult day care facilities in AG-2 lands takes land away from active agriculture production. More than likely buffer zones will be requested to separate active farming noise, smells, dust and spraying of approved applications. This erodes available agricultural lands for the crop production or livestock keeping.

- **Nature Based Recreation** (p. 8) Section 21-5.30 Use Table. Concerns with definition of Nature Based Recreation allowed in AG-2 districts as C* (Conditional Major Use, Use Standards Apply) Request amendment to remove any reference of nature-based recreation on AG-2 districts. The group's concerns lie with the definition of "Nature-Based Recreation" as the term "includes picnic grounds, greenways, hiking and bicycling trails, areas for fishing and hunting, limited accessory sports courts and fields, non-motorized access to scenic interests, horseback riding tours, recreational camping, and campgrounds with tents, pavilions, lodges, and cabins." We believe that this term can negatively impact the primary use of AG-2 lands, which should be for active agricultural production.

The main intent of our proposed amendments is to preserve agricultural lands in Waimanalo. Thank you for considering our requested amendments.

JOSH GREEN, M.D.
Governor

SYLVIA LUKE
Lt. Governor

SHARON HURD
Chairperson, Board of Agriculture

DEXTER KISHIDA
Deputy to the Chairperson

State of Hawai'i
DEPARTMENT OF AGRICULTURE
KA 'OIHANA MAHI'AI
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TESTIMONY OF SHARON HURD
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE CITY COUNCIL
COMMITTEE ON PLANNING AND THE ECONOMY
CITY AND COUNTY OF HONOLULU

THURSDAY, AUGUST 22, 2024
9:00 A.M.
CITY COUNCIL CHAMBER

BILL 64 (2023), FD1 (CD1 AMENDMENTS)
LUO AMENDMENT RELATING TO USE REGULATIONS

Chair Kia'aina, Vice Chair Cordero and Members of the Committee:

The Department of Agriculture (Department) has reviewed Bill 64 (2023), FD1, Proposed CD1 and offers the following comments and recommendations.

The Department participated in the meetings convened by the Ulupono Initiative (aka Working Group) in October 2022 and March 2023 with agricultural operators, agricultural associations, non-governmental organizations, and City agencies in attendance.

The Department generally concurs with the testimonies submitted by the Working Group and other meeting attendees and offers the following additional observations, comments, and recommendations to the latest draft of Bill 64.

SECTION 3 – Table 21-5.30 Use Table (pages 3-4)

Crop Production (page 3) – Section 21-5.30 (Use Table 21-5.1)
Permitted uses includes the already existing aquaculture, crop raising, and forestry. Additional crop production uses are plant nursery, urban agriculture and vertical farm. Plant nurseries are proposed to be moved from the Commerce and Business category in the current Land Use Ordinance (LUO) to both AG-1 and AG-2 districts subject to use regulations – this is a good thing. Vertical farm is a new activity proposed to be permitted in AG1 and AG-2 districts subject to the application of use standards. Urban agriculture is targeting apartment and business districts.

DOA comments – support the inclusion of plant nursery as an agricultural use.

Livestock Keeping (page 3) – Section 21-5.30 (Use Table 21-5.1)
Permitted uses include “animal raising” and “animal raising, confined”. This replaces the “Animals” category in the current LUO that includes livestock grazing (not including feedlots or swine); livestock production, minor (small animal operations like rabbit farms, apiaries, aviaries) and major (commercial piggeries, dairies, dairy/beef feedlots, chicken, turkey, other poultry); livestock veterinary services; game preserves; kennels, commercial; and zoos.

DOA comments – concerns about the imprecise definition of “animal raising” and “animal raising, confined” and recommends restoring current LUO definition. We note that the definition of "Livestock" in the current LUO “means and includes all animals generally associated with farming, which are raised and kept for food and other agricultural purposes. Such animals include horses, cattle, goats, sheep, chickens, ducks, geese and other poultry, and swine.” (current LUO, page 348)

Agricultural Support (pages 3-4)
Permitted uses include uses located elsewhere in the current LUO including “feed store, livestock veterinary service”, and “sawmill”. New permitted uses appear to describe processing and storage of a narrow range of crops and other products - “agricultural processing” and “agricultural collection and storage”

DOA comments - concerns about the definition of the new agricultural support categories that may be too limiting.

Section 3 (pages 11-13) – Section 21-5.40 et seq. (pages 11 to 13)
Agricultural Use standards and requirements relating to the Crop Production, Livestock Keeping, and Agricultural Support Use Subcategories;

Section 21-5.40-1(a) and (b) Crop production (page 11)

Section 21-5.40-1(a)(1) through (7) Urban agriculture standards
DOA comments – stand with the Working Group’s strong concerns that the unique situation of Kahaluu be addressed.

Section 21-5.40-1(b) Vertical farm - standard
“(b) Vertical farm – standard. In the agricultural zoning districts, vertical farming may only be conducted on lands with an agricultural lands of importance to the State of Hawaii (ALISH) soils rating of D or worse.”

DOA comments – amendment necessary – the soil classification referenced is incorrect. The "Agricultural Lands of Importance to the State of Hawaii" (January 1977) classifies soil as "Prime", "Other Important", and "Unique" agricultural land. The soil rating of "D" refers to the "Overall Productivity Ratings" as established by the Land Study Bureau – Detailed Land Classification, Island of Oahu (December 1972). The study, commonly referred to as the "LSB" has overall productivity ratings ranging from "A" (very good productivity potential for most crops) to "E" (very poor productivity for most crops).

Proposed amendment – (Ramseyer)
"(b) Vertical farm – standard. In the agricultural zoning districts, vertical farming may only be conducted on lands with ~~an agricultural lands of importance to the State of Hawaii (ALISH) soils~~ a land study bureau overall productivity soil rating of D or ~~worse~~ E."

Section 21-5.40-2(a) Livestock keeping (pages 11-12)
(a) Animal raising, confined - standards
Minimum total lot area of 3 acres.
Feedlots and small animal enclosure set back of 300 feet from property line of any adjoining property in residential, apartment, or apartment mixed-use districts.

DOA comments – concur

Section 21-5.40-3(a) through (e) Agricultural support (pages 12-13)
(a) Agricultural collection and storage, minor and major, and
(b) Agricultural equipment service – standards
(c) Agricultural processing, minor and major - standards
Minor and major categories, both have setbacks of 50' to 1,500' from country, residential, apartment, apartment mixed-use, or resort zones, and building area not in excess of 25% of the lot area

DOA comments – none

(d) Feed store – standards
(1) limited to products incidental to agricultural activities may be sold/stored

DOA comments – none

(e) Sawmill – standards

DOA comments – none

Pursuant to the Planning and the Economy Committee's guidance, DOA did not submit comments and recommendations on Section 21-5.40.4 Accessory agricultural (pages 13-18)

Sections 70, 71, 72 (pages 191-230)
Section 21-10.1 Agricultural Use definitions

Agricultural Processing (pages 191-192)
The existing "Agricultural Products Processing, Major and Minor" definitions are deleted in their entirety and replaced by a less specific and somewhat updated version of activities appropriate to each category. The new definition of "Minor" processing as applied to agricultural districts includes "the processing of crops to produce malt beverages, distilled spirits, or wine". Breweries, distilleries, and wineries are not permitted on agricultural lands but permitted in business and industrial zones (Table of Permitted Uses, page 9).

DOA comments – we recommend retaining the existing LUO definitions of "Agricultural Products Processing, Major and Minor" as they are more descriptive. We also recommend adding "processing of crops to produce malt beverages, distilled spirits, or wines" to Agricultural Processing, Minor. The intent is to reduce the likelihood of misinterpretation. Otherwise, we support the Working Group's proposal of opening up "agricultural processing" minor and major, on Oahu to "Hawaii-grown crop production or livestock keeping products that are not restricted to on-site cultivation".

Livestock grazing (page 192)
The existing "Livestock Grazing; Livestock Production, Major and Minor" definitions are deleted in their entirety and replaced by two categories, "Animal Raising" and "Animal Raising, Confined".

"Animal Raising" is a permitted use on agriculture zoned land and includes cattle, horses, goats, poultry, birds, rabbits, and swine that are raised, fed, and kept in unconfined outdoor areas to roam and graze. Animals may be kept indoors overnight. The term does not include feedlots. The term may include boarding and care of "domestic animals" which is indirectly defined as "household pet" such as dogs, cats, service animals, and others that are "customary and usual pets" but does not include cows, horses, camels, llamas, sheep, goats, swine, or poultry. (page 218)
"Animal Raising" does appear to include horse stables which are not specified as a permitted use elsewhere in Bill 64 (see page 22 and "Nature-Based Recreation" on page 219)

The minimum lot area for “Animal Raising” in AG-1 district is 5 acres and in the AG-2 district it is 2 acres.

DOA comments – concerns. This amendment appears to include the stabling of horses and boarding of dogs, cats and other domestic animals/household pets as “Animal Raising” and thereby qualifying under “Agricultural Uses”.

- Are these uses qualified to meet all or part of the crop production or livestock keeping 51% minimum dedication requirement for permitted uses (agritourism, farm dwelling, agricultural farmers market, meeting facility, Pre-K-12 schools, child and adult daycare) in the AG-1 and AG-2 districts?
- Will the proposed definition of “Animal Raising” compel the City Department of Budget and Finance, Real Property Assessment Division to qualify an agricultural lot owner with these uses for agricultural use dedication pursuant to Section 8-7.3, Revised Ordinances of Honolulu?

As written, it appears that the boarding of household pets and stabling of horses is equivalent to food and non-food producing agricultural operations. This may not sit well with agricultural producers.

“Animal Raising, Confined” includes the raising and feeding of cattle, horses, goats, poultry, birds, rabbits and swine primarily in confined indoor or outdoor area such as pens, stalls, or cage. This includes feedlots (animal feeding operation that congregates animals on a small land area where feed is brought to the animals rather than by grazing). The minimum lot area for “Animal Raising, Confined” operations in the AG-2 district is 3 acres and in the AG-1 district it is 5 acres. There is a 300’ setback requirement separating animal enclosures from adjoining property in residential, apartment, or apartment mixed-use districts.

DOA comments – concur, but otherwise defer to the Working Group recommendations.

Agritourism (page 193)
"Agritourism. Accessory agricultural-related tourism for recreational or educational purposes on zoning lots primarily used for ongoing crop production or livestock keeping. Agricultural-related tourism activities include kayaking, hiking, mountain biking, boating, horseback riding, ziplining, and picnicking. Limited destination events, such as weddings, are included in this definition."

DOA comments – we do not see the connection between the “accessory agricultural-related tourism for recreational…purposes on zoning lot primarily used for ongoing crop production or livestock keeping.” The phrase “Primarily used” needs to be unambiguously defined – consider more than 50% of the property in agricultural production or more than 50% of the gross income of the operator of the agricultural-related tourism operation must come from sales of agricultural products on the property. Additional, consideration should be given to quantifying the accessory relationship of recreational and limited destination events by the income generated that is directed to support the agricultural operation.

Biofuel Processing Facility (page 194)

DOA comments - none

Crop Raising (Page 196)
“Crop Raising Cultivating, maintaining, and harvesting crops, generally conducted in an open field or greenhouse. The term includes cultivating crops with hydroponics and aquaponics."

DOA comments – we prefer the more descriptive language in the current LUO definition.

Farm dwelling (page 197)
"Farm Dwelling. A dwelling [~~located on and used in connection with a farm where agricultural activity provides income to the family occupying the 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."

DOA comments – we concur with the intent but there may be conflict with the proposed definition of “Animal Raising”.

Agricultural Collection and Storage (page 212)
“Collecting and storing crops and animal-related products essential for the support of a variety of agriculture uses for distribution or wholesale and retail markets.
(1) Minor: Collecting and storing crops and live animal by-products such as milk, eggs, and honey.
(2) Major: Collecting and storing dead animals and associated by-products."

DOA comments – support as a permitted or major conditional use on AG-1 and AG-2.

Agricultural-Energy Facility (page 213)

DOA comments – support as a permitted use subject to use standards and a special use permit.

Agricultural Equipment Service (page 213)

DOA comments – support provided the language excludes other types of machinery and vehicles used in construction, road work, utility vehicles, etc.

Agricultural Farmers Market (page 213)
“An outdoor market on land within the agricultural zoning districts 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."

DOA comments – supports the Oahu centric agricultural product focus but understands the recommendation of the Working Group to broaden the agricultural products sold to that grown elsewhere in Hawaii.

Animal Care (page 213)
“Providing medical care, grooming, training, or boarding services to household pets as a principal use. The term includes but is not limited to animal shelters, kennels, veterinary clinics, animal clinics, animal hospitals, pet grooming facilities, pet daycare, or pet spas.
(1) Minor: Facilities that do not provide overnight boarding.
(2) Major: Facilities that provide overnight boarding."

DOA comments – we are very concerned about this commercial facility (major) that services household pets be permitted on AG-2 land subject to standards and special use permit.

Beekeeping (page 214)
“Accessory keeping of bees in artificial hives, such as honeybees and varieties of native bees, as a hobby or for commercial purposes. Commercial beekeeping in the residential or apartment zoning districts must comply with standards for home occupations."

DOA comments – permitted use subject to standards on AG-1 and AG-2, however the standards appear to be overly restrictive in limiting the number of beehives on agricultural land.

Biofuel Processing Facility (page 214)

DOA comments – none - permitted as a minor conditional use subject to standard on AG-1 and AG-2

Renewable Energy (page 215)
Includes solar but not specified in the Use Table

DOA comments – none at the moment.

Farm Worker Housing (page 217)
“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."

DOA comments – support – permitted on AG1 and AG-2 as minor conditional use subject to standards.

Livestock veterinary service (page 218)
“Providing veterinary services to livestock and domesticated animals."

DOA comments – oppose and in agreement with the Working Group position. Most of the business will come from domesticated animals, defined as “household pets”. – permitted as an agricultural support facility with special use permit approval on AG-2 and AG-2.

Nature-Based Recreation (page 219)
“A privately-owned and managed permanent facility or area dedicated to outdoor play or recreation, often containing recreational equipment and facilities intended to promote or enhance access to natural areas on land with preserved wildlife and natural features. The term includes picnic grounds, greenways, hiking and bicycling trails, areas for fishing and hunting, limited accessory sports courts and fields, non-motorized access to scenic interests, horseback riding tours, recreational camping, and campgrounds with tents, pavilions, lodges, and cabins. The term does not include parks (see park), golf courses (see golf course), horse stables (see animal raising), accessory agriculture-related tourism or recreation (see agritourism), community recreation centers (see community-based recreation center), hotels (see hotel), and timeshares (see timeshare). See also general outdoor recreation, animal raising."

DOA comments – we stand with the Working Group’s opposition to permitting these uses and activities as a major conditional use subject to standards on AG-2.

Urban Agriculture (page 222)

DOA comments – stand with the Working Group’s opposition to the proposed standards.

Vertical Farm (page 223)

DOA – support the intent with amendment to the soil classification referenced in the proposed standards.

We have earlier stated our opposition to small and medium scale meeting facilities in AG-2 with up to 500-person capacity and School, PreK-12 as permitted conditional uses in the AG-2 district.

Sections 4 through 69 (pages 87-191) and 73 through 93 (Definitions - pages 230-263)
Agricultural Use conforming amendments
These are amendment meant to comport the remainder of the LUO to the primary amendments being made.

Section 21-2.40-1 Minor Permits (pages 87-89)
Minor permits include zoning adjustment, waiver, existing use permits, conditional use permit (minor) and special district permit (minor)
The following projects - communication towers, small or medium meeting facilities, child or adult daycare, K-12 schools in the AG-1 or AG-1 district, as applicable – must make a presentation of the project to the applicable neighborhood board

DOA comments – need to clarify what constitutes a satisfactory presentation to a neighborhood board or community association.

Section 21-2.110-3 Special use permit (pages 91-92)

(a) The director may issue a special use permit for temporary land uses of a limited duration not to exceed 48 hours and land uses that require a special use permit pursuant to Table 21-5.1. The director may also issue a special use permit to allow land uses that are not specifically permitted or prohibited by this chapter, unless the use will be conducted in the agricultural districts. Special use permits in the agricultural districts will be administered by the planning commission in accordance with HRS Chapter 205.

(b) Special use permits issued by the director must be processed in accordance with the preapplication and application processing requirements for minor permits; provided that the director may require a discretionary public hearing on the application in the same manner described in § 21-2.90-1(c) Application fees for special use permits will be required in the same amount as applications for minor conditional use permits.

(c) The director may approve a special use permit if the applicant is able to establish that:

    (1) The site for the proposed use is suitable based on the existing infrastructure for the property and any new infrastructure that will be constructed by the applicant;
    (2) The proposed use is compatible with the permitted principal and accessory uses allowed in the zoning district because it is not likely to prevent or limit those uses;
    (3) The proposed use is not likely to cause meaningful adverse impacts to abutting properties or existing land uses on those properties;
    (4) The proposed will not significantly alter the character of the surrounding area; and
    (5) The proposed use is consistent with the purposes of the underlying zoning district and the policies and objectives of the General Plan and applicable development plans.

(d) In approving a use under subsection (a), the director may impose conditions to prevent or mitigate any negative impacts.

(e) Special use permits issued by the director do not create permanent rights to engage in the permitted use. The director may reconsider, modify, or revoke a special use permit at any time based on undesirable impacts."

DOA comments – just to be clear, all special use permits (temporary and otherwise) proposed for lands within the AG-1 and AG-2 districts will be administered by the planning commission pursuant to Chapter 205, HRS?

Section 21-3.50 Agricultural Districts – purpose and intent (page 105)

"(a) The purpose of the agricultural zoning districts is to maintain a strong agricultural economic base, to prevent unnecessary conflicts among incompatible uses, to minimize the cost of providing public improvements and services, and to manage the rate and location of physical development consistent with the city's adopted land use policies. To promote the viability and economic feasibility of an existing agricultural operation, [~~accessory agribusiness activities~~] agritourism may be permitted on the same site as an adjunct to agricultural uses. [~~These accessory activities~~] The agritourism must be compatible with the onsite agricultural operation and surrounding land uses.

(b) The intent of the AG-1 restricted agricultural zoning district is to conserve and protect important agricultural lands for the performance of agricultural functions by permitting only those uses that perpetuate the retention of these lands in the production of food, feed, forage, fiber crops, and horticultural plants. Only [~~accessory agribusiness activities~~] agritourism that [~~meet~~] meets the above intent [~~shall~~] will be permitted in this district."

DOA comments – concerns and recommend amendment.
The purpose and intent of the agricultural district represents the foundation of what follows in in the LUO with respect to primary agricultural activities and uses. Simply replacing “accessory agribusiness activities” with “agritourism” is a step backwards. DOA recommends deleting references to “agritourism” and replacing “accessory agribusiness activities” with “accessory agricultural activities”.

In the current LUO, “agribusiness activities” encompass retail activities in an enclosed structure, transportation system used for guided/self-guided tours, and farmer’s market. All must be accessory and incidental to the primary agricultural use of the lot and 50% or more of the project site is to be dedicated for no less than 10 years for active ag use.

As proposed in Bill 64, “Accessory Agricultural” encompasses agritourism as well as agricultural energy facilities, agricultural farmers markets, beekeeping, biofuel processing facilities, farm dwellings, farm stands, and farm worker housing.

Pages 230-263

Section 73. Section 6-41.1 Amends the fee schedule for applications. (pages 230-232)

DOA comments – none

Section 74. Section 8-7.1 Valuation – considerations in fixing (pages 233-240)

DOA comments – none, the conforming amendments do not address agricultural dedication.

Sections 75 and 76 refers to properties dedicated to residential use (pages 240-242)

Pages 243-250
Section 77 refers to historic residential property dedication to preservation
Section 78 refers to animals in public parks
Section 79 refers to dwelling units
Section 80 refers to new establishment or use after August 2015 – not agriculture related
Section 81 refers to building permits
Section 82 refers to timeshare guests
Section 83 refers to country and residential zoning districts – minimum land area

Section 84 – 93 refers to Definitions used by the Department of Planning and Permitting (DPP) and other miscellaneous definitions that are not agriculture-related.

Concluding recommendation

DOA strongly supports the Working Group's recommendations to reestablish the City's Agricultural Development Task Force (ADTF) and request DPP establish an in-house agricultural expert position.

1. Both could ensure that future amendments to the City's general plan and communities development plans are consistent in the manner that they address the protection and promotion of agricultural resources, agricultural activities, and incentives in support of sustaining existing and encouraging new commercial agricultural production.
2. The ADTF and the DPP agricultural expert can initiate or support amendments to the subdivision rules and property tax on agricultural land to properly perform as the primary tools to carry out the agricultural policies and objectives in the City's plans.
3. Finally, the DPP agricultural expert can also do permit and subdivision application review to ensure the impact of agricultural district reclassifications, special use permits, change of zone, and subdivision/other partitioning of agricultural lands are thoroughly vetted.

DOA also supports "grandfathering" existing agricultural operations that may be adversely affected by the enacted version of Bill 64.

Thank you for the opportunity to provide testimony on this critically important tool to protect and promote Oahu's agricultural resources and agricultural operators.

SONHawai'i
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COMMENT BILL 64(2023)

Dear Honolulu P&E Committee Member,

Deciphering the changes that Bill 64(2023) will cause to our LUO has proven an ardous and ultimately impossible task.

Please make sure that this Bill includes adequate language to respond to the State's adoption of SB3202 forcing the counties to allow TWO Accessory Dwelling Units (ADU) on residential lots.

Bill 64(2023) must include language to:

FORBID THE USE OF ADU's as Short-Term rentals, Bed and Breakfast or Transient Vacation Unit

Thanks for your attention and consideration.

Larry Bartley
Save O'ahu's Neighborhoods (SONHawaii)
sonhawaii@hawaii.rr.com

PAPAKŌLEA
COMMUNITY DEVELOPMENT CORPORATION

Written Testimony of
Papakōlea Community Development Corporation
Lilia Kapuniai, Executive Director

Bill 64
Honolulu City Council, Committee on Planning and the Economy
August 22, 2024 – 9:00 am

Aloha mai e Chair Kiaʻāina, Vice Chair Cordero, and Members.

Mahalo nui for the opportunity to submit this written testimony. My name is Lilia Kapuniai, and I am the Executive Director of the Papakōlea Community Development Corporation (PCDC), a resident of the Hawaiian homestead community of Papakōlea, a mother of two children that participate in 4-H and equestrian activities, and I am a fifth generation paniola, raised on Hawaiʻi island.

PCDC is a beneficiary-serving nonprofit organization, established in 1999, with a mission to mobilize broad-based community participation; to promote self-determination by developing strong and effective community leaders; and to manage the Papakōlea Community Park and Center, as well as future community facilities in the Hawaiian homestead region of Papakōlea. PCDC offers programs that support the preservation and promotion of ʻike and ʻōlelo Hawaiʻi, providing resources supporting business development and leadership, and advancement of priorities identifed in the Department of Hawaiian Home Lands 2020 Papakōlea Regional Plan.

We are OPPOSED to the language in Bill 64 (2023) FD1 Proposed CD1, under ROH Sections: 1) 21-5.40-1 Crop production; 2) 21-5.40-2 Livestock keeping; and 3) 21-5.40-3 Agricultural support.

The language proposed under these sections are in direct conflict with local and national agricultural priorities that we have been working to implement, alongside the USDA, the Hawaiʻi State Department of Agriculture, the University of Hawaiʻi College of Tropical Agriculture and Human Resources, the Native American Agricultural Fund, the Hawaii Farm Bureau, Hawaii Cattlemenʻs Council, the South Hawaii County Farmerʻs Association, and the Sovereign Council of Hawaiian Homestead Associations.

We have been working to fund agricultural programming that will promote sustainable activities for youth, family and community, in their backyards. Based on the language of Bill 64 (2023) FD1 Proposed CD1, we would be restricted from raising poultry, sheep, rabbits, goats, hogs, cattle, horses, or honey bees, as a means to provide for our families and educate our youth on animal husbandry and micro-enterprise, through 4-H. As Bill 64 (2023) FD1 Proposed CD1 is written, we would have to find someone with a property in a rural community (limited to 382 acres on Oʻahu), compliant with proposed zoning requirements, to board our animals. Unlike the

Continent, we do not have public boarding facilities here - they are privately-owned. Furthermore, most boarding facilities on Oʻahu, are located on parcels smaller than three acres.

For my peers that operate an agricultural business (i.e ranches, boarding facilities, animal shelters, veterinary practices, meat markets, etc.), the land-use restrictions within Bill 64 (2023) FD1 Proposed CD1, would make it impossible to operate their businesses with the proposed setbacks, because we are land-locked by hotels, commercial developments, and housing developments. Plus, many of the lands zoned specifically for agriculture, have become "gentlemens farms" or they are used for non-agricultural business activities (i.e. storage of heavy equipment, storage of commercial trash bins, etc.).

For the 20,733 individuals that reside on Hawaiian homelands on Oʻahu, it is in direct conflict with the purpose of the Hawaiian Homes Commission Act of 1921, wherein Prince Jonah Kūhiō Kalaniana'ole, sought to *enable native Hawaiians to return to their lands in order to fully support self-sufficiency for native Hawaiains and the self-determination of native Hawaiians in the administration of this Act, and the preservation of the values, traditions, and culture of native Hawaiians. (b) The principal purposes of this Act include but are not limited to: (1) Establishing a permanent land base for the benefit and use of native Hawaiians, upon which they may live, farm, ranch, and otherwise engage in commercial or industrial or any other activities as authorized in this Act*.

The language as proposed, does not consider our historical subsistence practices, nor does it consider our goals to incorporate more of those practices into our daily lives. Our people had our lands taken away. The rising costs of housing and the lack of affordable housing inventory is forcing families to move away. And now, through the language proposed in ROH Sections 21-5.40-1, 21-5.40-2, and 21-5.40-3, the Honolulu City Council would eliminate our ability to continue and/or expand subsistance living on the little land we have left. The language within the agrilcultural standards section, is punitive at best.

Prince Kūhiō fought to introduce and pass the Hawaiian Homes Commission Act, and in 1934, the kūpuna of Papakōlea fought to amend the Act to include the 177 acres in our region, because they watched as land was being sold to foreign interests. We are feeling the same ʻeha (pain) that our kūpuna felt 100 years ago, as wealthy developers and landowners influenced public policy for their personal gain, at the cost of diminishing our connection to ʻāina, health, and well-being.

Chair Kiaʻāina, Vice Chair Cordero, and Council Members, we acknowledge that amendments were proposed to strike and/or amend some of the language referenced above. More work needs to be done to find a workable solution for all. We humbly ask that you strike ROH Sections 21-5.40-1, 21-5.40-2, and 21-5.40-3 (inclusive of the tables) in its entirety, reactivate the Agricultural Task Force and Agricultural Liaison, hire one permitting staff member with an agricultural background, and grandfather agriculturists faced with adverse impacts on farm operations because of the final Bill 10. Mahalo again for the opportunity to submit testimony on Bill 64 (2023) FD1 Proposed CD1.

Lilia Kapuniai
PCDC Executive Director

Email: ramsey.brown@ponopacific.com

HONOLULU CITY COUNCIL COMMITTEE ON PLANNING & THE ECONOMY
Thursday, August 22, 2024 — 9:00 a.m.

Pono Pacific Land Management offers comments on Bill 64 (2023) FD1, Proposed CD1 (EK6) Relating to Land Use Ordinance (LUO) Use Regulation Amendments.

Dear Chair Kia'āina and Members of the Committee:

My name is Ramsey Brown and I am the Vice President of Diversified Agriculture for Pono Pacific Land Management. Founded in 2000, we are a locally owned conservation, agriculture, and sustainable energy company seeking to actively manage land for a thriving future for Hawaii. Kuilima Farm, managed by Pono Pacific Land Management, is a 468-acre diversified agriculture operation on the North Shore of O'ahu, with 12 active farmers growing tropical fruits, vegetables, leafy greens, herbs, edible flowers, hydroponic lettuce, and more.

Pono Pacific/Kuilima Farm participated in the 2023 agricultural stakeholder working group that also included O' ahu Agriculture and Conservation Association, Kualoa Ranch, Waimanalo Agricultural Association, KoHana, Hawai'i Cattlemen's Council, Ulupono Initiative, Hawai'i Farm Bureau, East County Farm Bureau, and representatives of State and County agencies. Over three full-day sessions, the working group considered the potential impacts of each agriculture-related item in Bill 10 (2022), currently reintroduced as Bill 64 (2023), upon agricultural production and accessory operations in the City and County of Honolulu. **Pono Pacific strongly supports the recommendations of this working group, and respectfully requests that they be incorporated into the provisions of Bill 64.**

As agriculture producers and stakeholders, we support agriculture and accessory agriculture on AG-1 and AG-2 lands for active farm/ranch production. While there have been multiple drafts before this Council and Committee, we have provided the following recommendations and comments on the Bill 64 (2023) FD1 Proposed CD1 (EK6) version of the bill. We appreciate this committee's efforts to address some of our concerns to date. The following recommendations represent some of the remaining recommendations and concerns of Kuilima Farm which lie within the current EK6 draft.

We also encourage your Committee and the full Council to consider the working group's general suggestions:

- Re-activate the Agriculture Task Force and Agriculture Liaison to meet regularly for substantive discussions about agriculture and to make recommendations to the Honolulu City Council. The Task Force should ensure the representation of small farms.

- Add a position within DPP that requires a background in agriculture. Without such a position, it is difficult for DPP to make land use changes that support Oahu's agricultural production and preservation of productive farmland.

- Grandfather agriculturists faced with adverse impacts on farm operations because of the final Bill 10.

Crop Production, Livestock Keeping, and Agricultural Support Use Recommendations to Bill 64 (2023) FD1 Proposed CD1 (EK6)

Urban Agriculture:

- ROH Section 21-5.40-1(a) (relating to urban agriculture) addresses specific use impacts (hours of operation, onsite sales, prohibiting livestock and insects, signs, off-street parking, pedestrian walkways, and electricity requirements). (p. 11)
    - **Oppose:** We all oppose the language for the standards for urban agriculture as we view them to be onerous. We do not believe that this bill intends to hinder farm production, however it may. The intent seems to be to protect businesses and residents adjacent to urban landscapes, such as community and rooftop gardens. We all agree there must be more clarity about urban-zoned land for agriculture and city agriculture. Some of farmers are on urban-zoned lands and will be severely restricted by the specific use impacts in this bill. For example, Kahaluu is a location that is zoned urban, but where significant agricultural activity is taking place. To our knowledge, there is no definition and standards differentiating city agriculture from urban zoned land for agriculture.

Animal Raising and Animal Raising, Confined definitions

- We all agree that the definition of "Animal Raising" and "Animal Raising, Confined" in Section 70, p. 193, should include **sheep**.
    - **Proposed New Addition to Definitions**:
        - Animal Raising: Raising, feeding, and keeping cattle, horses, goats, poultry, birds, rabbits, **sheep,** and swine, primarily in unconfined outdoor areas where they are free to roam or graze. Animals may include boarding and care of domestic animals."
        - Animal Raising, Confined: Raising and feeding cattle, horses, goats, poultry, birds, rabbits, **sheep,** and swine primarily in confined indoor or outdoor areas, such as pens, stalls, or cages. The term includes feedlots, defined as any animal feeding operation that congregates

animals, feed, manure and urine, dead animals, and production operations on a small land area. Feed is brought to the animals rather than the animals grazing or otherwise seeking feed in pastures, fields, or on rangeland."

Agricultural Processing, Includes Breweries/Distilleries

- In Section 70 of the bill, FD1, PROPOSED CD1 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. Minor agricultural processing includes the processing of crops to produce malt beverages, distilled spirits, or wines. (p. 192-193)
    - **Support With Amendment:** We all agree with changing 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 **Hawaii-grown crops that are not restricted to on-site cultivation** to produce malt beverages, distilled spirits or wines. ~~**Minor agricultural processing includes the processing of crops to produce malt beverages, distilled spirits, or wines.**~~
- In Section 70 of the bill, FD1, PROPOSED CD1 states "Agricultural processing" means processing local crops and local animal-related products essential to supporting a variety of agriculture uses for distribution to storage structures or wholesale and retail markets. (1) Minor: Processing crops and live animal by-products such as milk, eggs, and honey. In the agricultural zoning districts, the term includes the processing of crops to produce malt beverages, distilled spirits, or wines. (2) Major: Slaughtering and processing dead animals and associated byproducts." (p. 192-193)
    - **Support With Amendments:** For minor and major processing,
        - We all agree with the proposed amendment: "Agricultural processing" means processing ~~**local crops and local animal-related products**~~ **of Hawaii-grown crop production or livestock keeping products that are not restricted to on-site cultivation that are** essential to supporting a variety of agriculture uses for distribution to storage structures or wholesale and retail markets.
        - We all agree with the proposed amendment: (1) Minor: Processing **Hawaii-grown crop production or livestock keeping** ~~**crops and live animal**~~ by-products such as milk, eggs, and honey which **are not restricted to on-site cultivation**. Minor processing **includes aquaculture harvests placed in or on ice.** In the agricultural zoning districts, the term includes the processing of **Hawaii-grown** crops **not restricted to on-site cultivation** to produce malt beverages, distilled spirits, or wines, **of which at least 51% are Hawaii-grown non-water ingredients.**

Livestock Veterinary Service

- FD1, PROPOSED CD1 Section 21-5.30 Use Table Livestock veterinary services are allowed in the AG-1 and AG-2 Districts as "P+" (Permitted Use, SUP) (p. 4).
    - **Oppose:** Most agree that Livestock Veterinary Services are permitted uses and should not require a special use permit. There is concern however that while livestock veterinary services are permissible for ag lots, domestic veterinary care clinics are not. To ensure this is the case, a proposal should be reviewed before allowing this use.

Accessory Agricultural Use Recommendations for Bill 64 (2023) FD1 Proposed CD1 (EK6)

Agricultural Farmers Market

- FD1, PROPOSED CD1 Section 71 adds a new definition of "agricultural farmers market" to mean an outdoor market on land within the agricultural zoning districts for the sale of agricultural products grown on Oahu and value-added products that were produced using agricultural products grown on Oahu by the producer of the agricultural products. The term does not include outdoor markets and similar uses conducted outside of the agricultural zoning districts. (p. 213)
    - **Support with Amendment:** We all agree with amending the definition of "agricultural farmers market" to clarify that the term means an outdoor market for the sale of agricultural products grown **in Hawaii** and value-added products produced using agricultural products grown **in Hawaii**. The term does not include outdoor markets and similar uses conducted outside of the agricultural zoning districts."
- FD1, PROPOSED CD1 (h) Agricultural farmers market – standards. (2) Adequate parking and vehicular access must be provided, as determined by the director. (p. 18)
    - **Oppose:** We all agree this is an overreach. Recommend deletion: ~~(2) Adequate parking and vehicular access must be provided, as determined by the director.~~

Agritourism

- We all agree that the current standing Land Use Ordinance (LUO) language about agribusiness activities (Bill 64 renaming as "agritourism") is supported and preferred.
    - **Oppose:** The current LUO language about agribusiness activities (which covers "agritourism") is sufficient. Bill 64 imposes additional restrictions and requirements when the majority of agritourism activities are not a problem. We all agree that agribusiness activities (agritourism) "…must always be an accessory and incidental to the primary agricultural use of the lot…"

- **Alternative:** If the committee decides to keep this newly created use, then the standards listed on page 14 should be amended to:

"(b) Agritourism – standards.

(1) ~~At least 51 percent of the activity on the zoning lot must be crop production or livestock keeping.~~ A minimum of 51 percent of the zoning lot area suitable for crop production or livestock keeping must be dedicated to crop production or livestock keeping.

(2) Activities and improvements on the property may not diminish the long term 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 51 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.

(6) Weddings and similar accessory destination events are subject to the following:

(A) Events must take place at a designated event space; and

(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.

(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, ~~and require major conditional use approval~~ subject to the following standards:

(A) Tours must have an educational purpose related to the agricultural use of the property; and

(B) Tours must not interfere with surrounding farm operations."

- We all disagree with Bill 64's proposal to require a Major Conditional Use Permit as well as a new Special Use Permit (SUP) process for AG-1 (C*+) and AG-2 (C*+) districts.
  - **Oppose**: We all agree that this is questionable and adds another layer that impedes permitted agricultural use. We support the current LUO designation of agribusiness activities as Minor Conditional Use for both AG-1 (Cm) and AG-2 (Cm). HRS 205 §205-4.5 (Permissible uses within the agricultural districts) (13)(14) already provides permitted agricultural tourism.

Beekeeping

- FD1, PROPOSED CD1 Section 21-5.30 Use Table classifies beekeeping as P* (Permitted Use, Standards) in the AG-1 and AG-2 districts.
    - **Oppose:** We all oppose classifying beekeeping as P*. Beekeeping in AG-1 and AG-2 districts should only be P, a permitted use. Agriculturists should have the flexibility to maintain productive bee hives to encourage the pollination of crops.

Farm Dwelling

- FD1, PROPOSED CD1 Farm Dwelling Standards (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.
    - **Support With Amendments**: We all agree with the removal of "storage sheds" to avoid confusion in its interpretation since many farmers and ranchers need storage sheds for agricultural purposes. It should not be included within the required square footage standards. We all agree with the removal of "confined to a polygon for which no exterior angle is greater than 180 degrees". This appears to be an overreach without an understandable purpose.
        - **Recommended Amendments:** Farm Dwelling Standards (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.~~**

Farm Stand

- FD1, PROPOSED CD1 (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 the farm stand. (p. 17)
    - **Support With Amendment:** We all agree farm operations must have the choice and flexibility to install electricity, sewer, water or other utility services in their farm stand. We question the rationale for disallowing electricity, sewer, and water from farm stands. Such utilities may be required to meet food safety standards.
        - **Recommended Amendment:** "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 the farm stand."~~

Farm Worker Housing

- 21-5.40-3(g)(9) states, "When the associated farm is no longer in active production or no longer employing farm workers, no workers may be housed on the zoning lot. An exception is allowed to house one caretaker and the caretaker's immediate family. (p.18)
    - **Support With Amendments:** We all agree that Item (9) should include the statement, "Prior to eviction, a grace period of 60 days is allowed for displaced farm workers." This is to allow sufficient time for farm workers to find alternative housing.
        - **Recommended Amendments:** "When the associated farm is no longer in active production or no longer employing farm workers, no workers may be housed on the zoning lot. An exception is allowed to house one caretaker and the caretaker's immediate family. **Prior to eviction, a grace period of 60 days is allowed for displaced farm workers.**
- Standards 21-5.40(3)(g)(2) The farm worker housing plans must be supported by agricultural plans. The amount of labor necessary to farm the land must justify the number of dwelling units proposed. (p.17)
    - **We raise the following concerns about Farm Worker Housing that require more discussion:**
        - We all agree that the DPP administrative rules should explain what is required and what is the approval process for the LUO reference for an agricultural plan for farm worker housing.
        - We all agree that DPP administrative rules should clarify what is required for the justification of "the amount of labor necessary to farm the land must justify the number of dwelling units proposed."

Other Uses Categories in AG-1 or AG-2 Zoned Lands Recommendations for Bill 64 (2023) FD1 Proposed CD1 (EK6)

Group Living, Small

- FD1, PROPOSED CD1 Section 21-5.30 Use Table. Designates "C*+" in the AG-2 District for Small group living – State regulated and Small group living – not State regulated (p. 4-5).
    - **Oppose:** We all agree that small group living (State regulated and not state regulated) should be deleted from AG-2 zone districts. Small group living in agricultural zoning districts is more of a transitional housing issue. It is not a farm dwelling or farm worker housing. It does not belong in the AG-2 zoned districts.

Meeting Facilities

- FD1, PROPOSED CD1 Section 21.5.30 Use Table:
  a. Allows small meeting facility use on AG-2 land as Cm*+ (Minor Conditional Use, Standards, SUP) and on Country land as Cm* (Minor Conditional Use, Standards) (p.5)
  b. Allows medium meeting facility use on AG-2 land as C*+ (Major Conditional Use, Standards, SUP)and on Country land as C* (Major Conditional Use, Standards) (p. 5)
    - **Oppose:** We all agree meeting facilities should not be allowed on AG-2 land, which should be preserved and used for active agriculture production and accessory agriculture.
    - **Comments**: Most agree that meeting facilities of all sizes can be placed in country-zoned districts.
      - There is disagreement because country zoned districts are small and between AG-1 and AG-2 farms. Such proximity can compromise normal ag activities (i.e., herbicide/insecticide spraying, animal odors, machinery noises, etc.) by complaints from meeting attendees. The Hawaii State Constitution preserves the "right to farm."

School, PreK-12

- Section 21-5.30 Use Table. FD1, PROPOSED CD1 proposes PreK-12 schools in AG-2 districts as C*+ (Major Conditional Use, Standards, SUP) and in Country districts as Cm* (Minor Conditional Use, Standards).
  - **Oppose:** We all agree, as agriculture producers and stakeholders, with support of agriculture and accessory agriculture on AG1 and AG2 lands for active farm/ranch production. While we support education in general, we cannot support schools on AG-2 lands.
  - We all agree that schools are incompatible with farms. Normal ag activities (i.e., herbicide/insecticide spraying, animal odors, machinery noises, etc.) would generate complaints and hinder the management of the farm. The Hawaii State Constitution preserves the "right to farm," and schools should not be allowed on these smaller parcels.
  - **Comment**: In addition, please consider the removal of schools as a permitted use on country-zoned parcels that are ***adjacent*** to AG-1 or AG-2 parcels. Some of the country ag parcels are small and between AG-1 and AG-2 farms. When schools are allowed on these parcels zoned for agriculture it infringes on the right to farm.

Wind Energy Facilities (Small, Medium, Large)

- FD1, PROPOSED CD1 creates standards under ROH Section 21-5.60(a)(3) small utility (p. 41); Section 21-5.60-6(b)(3**)** medium utility (p. 43); and Section 21-5.60-6 (c)(2) large utility (p. 44-45). Most of the Bill 64 refers to how wind energy

generation facilities are established. Our review focused on where it is allowed in relation to agriculture operations.

- **Support With Amendments:** We all agree that wind energy generation facilities of all categories, small, medium, and large, when placed on AG-1 and AG-2 lands, must dedicate at least 51% of the zoning lot area suitable for crop production or livestock keeping to crop production or livestock keeping. The Director may adopt rules pursuant to HRS Chapter 91 to determine the zoning lot area; the Director may adopt rules pursuant to HRS Chapter 91 to determine the zoning lot area considered suitable for crop production or livestock keeping.

Day Care, Adult and Child (Combined Review)

- FD1, PROPOSED CD1 ROH Section 21-5.70-1(a)(3) (relating to child daycare) to require that in the AG-2 District (no longer permitted in the AG-1 District) a minimum of 51 percent of the zoning lot area suitable for crop production or livestock keeping (instead of 50 percent of the total zoning lot area) must 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 (p. 46-47).
- FD1, PROPOSED CD1 ROH Section 21-5.70-1(b) (relating to adult daycare) to require that in the AG-2 District (no longer permitted in the AG-1 District) a minimum of 51 percent of the zoning lot area suitable for crop production or livestock keeping (instead of 50 percent of the total zoning lot area) must 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 (p. 47).
    - **Oppose (a) and (b):** We all agree that child and adult day care be deleted from AG-2 zone districts. The proximity of child and adult day care facilities in AG-2 lands takes land away from active agriculture production. More than likely buffer zones will be requested to separate active farming noise, smells, dust and spraying of approved applications. This erodes available agricultural lands for the crop production or livestock keeping.

Major Animal Care

- FD1, PROPOSED CD1 Section 21-5.30 Use Table. Animal Care, Major allowed on AG-2 districts as P*+ (Permitted Use, Standards, SUP); and on Country zoned districts as P* (Permitted Use, Standards)
    - **Support With Amendments:** We all agree our primary concern is preserving AG-1 and AG-2 land for active agriculture production and accessory agriculture. With that in mind, we propose an agricultural nexus of at least 51% for animal care on AG-2 land. If the standard of **at least 51% of the zoning lot area suitable for crop production or livestock keeping must be dedicated to crop production or livestock keeping** is inserted

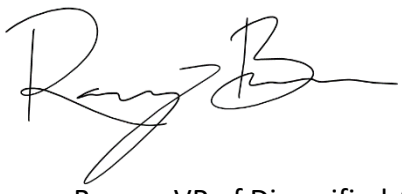
into this bill, we support removal of the SUP for major animal care to establish the use as a P* (Permitted Use, Standards).

SUP and Exceptions

- FD1, PROPOSED CD1 adds a new section 21-2.110-3 Special use permit to the ROH 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 (p. 91-92) .
    - **Support with Reservations**: We all agree with reservations because it puts process details to the existing SUP process, which is opaque and left to the director's discretion. There is concern about leaving it to the Director's discretion when the Director may have no knowledge of or appreciation for agriculture. Adding a DPP position with an agricultural background would alleviate reservations about this section.
- FD1, PROPOSED CD1 creates a new section to delineate a framework for the director's decision-making. We suggest additional requirements be added for the director's decision-making about agriculture.
    - **Support:** We all agree with delineating a framework and additional requirements for the DPP director's decision-making about agriculture. However, we did not have time to delve into the specifics to recommend additional requirements. Having a dedicated position at DPP as stated in previous bullet could help to alleviate this concern.

Thank you for the opportunity to testify on this important matter.

Sincerely,



Ramsey Brown, VP of Diversified Agriculture
Pono Pacific Land Management | Kuilima Farm

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Hawai'i Farmers Union United
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Aloha Chair Kia'āina, Vice Chair Cordero, and Members of the Planning and Economy Committee,

The Hawaii Farmers Union is a 501(c)(5) agricultural advocacy nonprofit representing a network of over 2,500 family farmers and their supporters across the Hawaiian Islands.

Leaders and members of our four chapters across Honolulu County met to review Bill 64, and **we support efforts to update Oahu's Land Use Ordinance and offer the following amendments and comments on Councilmember proposed amendments.**

Vertical Farming
AMEND § 21-5.40-1(b) Vertical farming standards

Retain standards to limit vertical farming to class D and lower lands. Fix reference to correct land classification from ALISH to LSB:

(b) *Vertical farm – standard.* In the agricultural zoning districts, vertical farming may only be conducted on lands with an [~~agricultural lands of importance to the State of Hawaii (ALISH)~~] Land Study Bureau (LSB) soils rating of D or worse.

OPPOSE CM Kia'āina's Item #2 to Delete vertical farm entry in the Use Table.

Vertical farming is distinct from most crop raising in that it is usually an entirely enclosed environment. This form of production should be restricted to LSB class D & E lands to ensure sufficient access to quality parcels by soil-based producers.

Beekeeping
OPPOSE § 21-5.40-4(c) Beekeeping – standards

We agree with CM's Tupola & Weyer's (Items #8 and 6, respectively) items to remove standards for beekeeping.

Animal Raising, Confined
AMEND § 21-5.40-2 Livestock Keeping (a) Animal raising, confined – standards.

- Add Scale setback and siting rules based on adoption of the Environmental Protection Agency's Concentrated Animal Feeding Operation (CAFO) regulatory definitions available at https://www3.epa.gov/npdes/pubs/sector_table.pdf
- Add specific requirements for odor and waste management in CAFOs, including the use of covered waste storage and mandatory buffer zones between CAFOs and residential areas.
- Include a bond requirement clause for CAFOs. Specify the amount based on the scale of the operation and the potential risk to the environment and public health.

- Include a new section to outline the specific permit requirements for CAFOs, including environmental impact assessments, public health reviews, and ongoing compliance checks. This could also be tied to conditional use permits (C) to ensure detailed review processes.

Mahalo for the opportunity to testify.
Hunter Heaivilin, Advocacy Director, Hawaii Farmers Union

HONOLULU CITY COUNCIL

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AGENDA

REGULAR MEETING
CITY COUNCIL CHAMBER
THURSDAY, AUGUST 22, 2024
9:00 A.M.

BILL 64 (2023)

Aloha Chair Waters and City Council members:

Bill 64 is a huge undertaking.

Residents have concerns that this appear to be an undertaking that is being directed by big organized groups that may or may not represent the thousands of Ag-zoned property owners in Oahu.

Here are some very quick observations and comments:

1. Corporation and desktop farming advocates tend to want to monetize Farming. The only mindset is that farming has to make money. If a farmer does not make money, it is not farming.
2. For some small farmers, some of the new rules bring back the image of a plantation "luna" imposing many rules and more rules. It does not have to be a negative description either.
3. What happens to those who do not fully meet the expectations of these new rules? Are they ag-zone properties going to be penalized? Do they have to pay more property taxes?
4. Some farm lots are left fallow for a season for soil regenerative purposes?
5. Living on an Ag-land is also a choice. A resident should have the freedom to choose their life-style and not be limited to exact requisites to how many bee hives or what type of animals an owner can have.

I've not been able to read through the entire Bill 64 and will strive to read them all before the 2nd Hearing.

Aloha,
Choon James

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