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HONOLULU CITY COUNCIL

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MEMORANDUM

DATE: August 19, 2024

TO: Pearlene Sotelo
Clerk, Committee on Planning and the Economy

FROM: Esther Kia'āina, Chair
Committee on Planning and the Economy

SUBJECT: Response to Council Communication 215 (2024) from Councilmember Andria Tupola, relating to Proposed Amendments to Agricultural Uses in Bill 64 (2023), FD1

Attached for consideration by the Committee on Planning and the Economy are my proposed recommendations regarding the amendments to Bill 64 (2023), FD1, relating to land use regulations, offered by Councilmember Tupola in Council Communication 215 (2024).

Attachment:

Chair of the Committee on Planning and the Economy's Responses to Council Communication 215 (2024) from Councilmember Tupola.

COUNCIL COM. 224
P&E

AMENDMENT FORM
Bill 64 (2023), FD1
Relating to Use Regulations
AGRICULTURAL USES

TOTAL PAGES: 5

DATE: 08/15/24

COUNCILMEMBER: Tupola

Item No.	Bill SECTION	ROH Section, Exhibit, or Figure, and Title	Page No.	Amendment Description	Amendment Text (in Ramseyer Format)	Comments or Clarification	Planning and the Economy Chair's Response
1	3	Table 21-5.1 Table of Permitted Uses Agricultural uses	3	For "Country" add "Animal Raising Confined" as a "Permitted use"	<table><tr><td>Animal raising, confined</td><td>--</td><td>P*</td><td>P*</td><td>~~[-]~~ P*</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>§ 21-5.40-2(a)</td></tr></table>		Not accepted. The Country zoning district is for residential uses.
2	3	§ 21-5.40-2 (a) Agricultural uses Livestock keeping. Animal raising, confined – standards.	12	Remove (1) Change (2) to (1), remove minimum setback of 300 ft for, and add "The required setback distance shall be scaled on the size and intensity of operation" for	(a) *Animal raising, confined – standards.* ~~(1) All zoning lots must have a minimum total lot area of 3 acres.~~ (~~2~~)(1) Feedlots and fowl, poultry, or swine enclosures must be set back ~~a minimum of 300 feet~~ from the property line of any adjoining property within the residential, apartment, or apartment mixed-use zoning districts. [The required setback distance shall be scaled on the size and intensity of the operation.]		See CC-217 (2024), line item #13. The minimum zoning lot size requirement for Confined Animal Raising is being deleted. No change to the setback requirement is recommended.
3	3	§ 21-5.40-3(b) Agricultural uses Agricultural support. Agricultural equipment service – standards.	12	Adjust the minimum setback from 100 to 15 feet	(b) *Agricultural equipment service – standards.* (1) All structures and activities must be set back a minimum of ~~100~~ 15 feet from the property line of any adjoining property within the residential, apartment, or apartment mixed-use zoning districts. (2) The building area of all agricultural support facilities must not exceed 25 percent of the lot area.		See CC-217 (2024), line item #15. Recommending increase to the minimum setback from 100 feet to 300 feet due to noise impacts.
4	3	§ 21-5.40-3(d) Agricultural uses Agricultural support. Feed store – standards.	13	Replace "clearly incidental" with "related" in (1). Strike (2) and (3).	(d) *Feed store – standards.* (1) Only products that are ~~clearly incidental~~ related to agricultural activities may be sold or stored. ~~(2) The building area of all agricultural support facilities must not exceed 25 percent of the zoning lot area.~~ ~~(3) All structures and activities must be set back a minimum of 100 feet from the property line of any adjoining property within the residential, apartment, or apartment mixed-use zoning districts.~~		Not accepted. No changes to the feed store standards are recommended.

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5	3	§ 21-5.40-4(b) Agricultural uses Accessory agricultural Agritourism – standards.	14	Strike (1) (3) (4) (5) leave only the First sentence of (2).	(b) *Agritourism – standards.* ~~(1) At least 51 percent of the activity on the zoning lot must be crop production or livestock keeping.~~ (~~2~~)(1) 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.~~		Agritourism (listed as an Accessory Agricultural Use) will be addressed at the September P&E meeting.
6	3	§ 21-5.40-4(b)(6) Agricultural uses Accessory agricultural Agritourism – standards.	14	Change (6) to (2). Remove "Weddings and similar" from (6). Add "that they are accessory to agriculture and do not interfere with farm/ranch operations". Remove limit on total floor area sq. footage	(~~6~~)(2) ~~Weddings and similar a~~ 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 that they are accessory to agriculture and do not interfere with farm/ranch operations. ~~the total floor area must not exceed 1,000 square feet.~~		Agritourism (listed as an Accessory Agricultural Use) will be addressed at the September P&E meeting.
7	3	§ 21-5.40-4(b)(7) Agricultural uses Accessory agricultural Agritourism – standards.	14-15	Change (7) to (3). Add Ranch and accessory language. Remove Major Conditional use and standards (A) and (B).	(~~7~~)(3) Bus, jeep, or off-road vehicle tours using motorized vehicles, including an all-terrain vehicle (ATV), quad, four-wheeler, off highway motorcycle, or any other all-terrain or four-wheel drive vehicle, may only be conducted on a working farm or ranch, provided that that they are accessory to agriculture, do not interfere with farm/ranch operations, and are not for entertainment or amusement purposes. ~~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.~~		Agritourism (listed as an Accessory Agricultural Use) will be addressed at the September P&E meeting.

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8	3	§ 21-5.40-4(c) Agricultural uses Accessory agricultural Beekeeping – standards	15	Remove "standards" for "Beekeeping	~~(c) *Beekeeping – standards.* See also § 7-2.5(b), relating to honeybees.~~ ~~(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;~~ ~~(B) No more than four beehives may be established on zoning lots of 10,000 up to 20,000 square feet;~~ ~~(C) No more than six beehives may be established on zoning lots greater than 20,000 square feet; and~~ ~~(D) No beehive may exceed 7 cubic feet in volume.~~ ~~(3) *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.~~		Beekeeping (listed as an Accessory Agricultural Use) will be addressed at the September P&E meeting.
9	3	§ 21-5.40-4(e) Agricultural uses Accessory agricultural Farm dwelling – standards.	16	Strike 1. Change #s. Strike polygon language	(e) *Farm dwelling – standards.* ~~(1) Crop production and livestock keeping must occupy a minimum of 51 percent of the zoning lot area suitable for crop production or livestock keeping, and valid agricultural dedication status must be maintained through an agricultural easement or similar legal encumbrance for as long as the farm dwelling use continues. The director may adopt rules pursuant to HRS Chapter 91 to determine the zoning lot area considered to be suitable for crop production or livestock keeping.~~ ~~(2)~~(1) Each farm dwelling (including eaves, overhangs, carports, garages, trellised areas, stairways, decks, storage sheds, and swimming pools) must be contained within an area not to exceed 5,000 square feet~~, confined to a polygon for which no exterior angle is greater than 180 degrees~~. ~~(3)~~(2) In the AG-1 zoning district, the number of farm dwellings must not exceed one for every 5 acres of zoning lot area. (4)(3) In the AG-2 zoning district, the number of farm dwellings must not exceed one for every 2 acres of zoning lot area. ~~(5)~~(4) If multiple farm dwellings are permitted on a zoning lot, they must not exceed 10 percent of the total zoning lot area.		Farm Dwelling (listed as an Accessory Agricultural Use) will be addressed at the September P&E meeting.

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10	3	§ 21-5.40-4(f) Agricultural uses Accessory agricultural Farm stand – standards.	17	Strike utility prohibition on farm stands	(f) *Farm stand – standards.* (1) No more than one farm stand for the growers and producers of agricultural products is permitted on a zoning lot. More than one grower or producer is allowed at a farm stand. (2) Enclosed floor area for the farm stand must not exceed 500 square feet. Additional unenclosed floor area may be roofed, but must otherwise be open to the elements. ~~No electricity, sewer, water, or other utility services are allowed in conjunction with a farm stand.~~ (3) The farm stand must be located on private property and not on any public right-of-way.		Farm Stand (listed as an Accessory Agricultural Use) will be addressed at the September P&E meeting.
11	3	§ 21-5.40-4(h) Agricultural uses Accessory agricultural Agricultural farmers market – standards.	18	Strike 3.	(h) *Agricultural farmers market – standards.* (1) Hours of operation are limited to between 6:00 a.m. and 8:00 p.m. (2) Adequate parking and vehicular access must be provided, as determined by the director. ~~(3) 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 agricultural farmers market is in operation. The director may adopt rules pursuant to HRS Chapter 91 to determine the zoning lot area considered to be suitable for crop production or livestock keeping.~~		Agricultural Farmer's Market (listed as an Accessory Agricultural Use) will be addressed at the September P&E meeting.
12	70	21-10.1, Revised Ordinances of Honolulu 2021 ("Definitions")	205	Strike "Recreation, General Outdoor." definition. Revert back to previous definition, but remove "riding stables"	~~["**Recreation Facilities, Outdoor**. Permanent facilities for active outdoor sports and recreation, other than golf courses. Typical uses include: parks; playgrounds; botanical gardens; golf driving ranges; tennis courts; riding stables; academies and trails; and recreational camps."] "**Recreation, General Outdoor**. Facilities for outdoor recreation and enjoyment, including for entertainment and related activities, that involve activities overseen by a manager or operator, and may include motorized activities. The term includes amusement parks, batting cages, drive-in theaters, go-cart or vehicle racetracks, golf driving ranges, miniature golf courses, outdoor sport facilities, amphitheaters, sport courts and fields, and water parks. The term does not include parks (see park), government facilities (see public facility), golf courses (see golf course), privately-owned clubs (see meeting facility, general eating and drinking, golf course, general marine), horseback riding tours (see nature-based recreation), recreational camping (see nature-based recreation), or nature-based recreation uses such as hiking and biking trails that do not involve artificial lighting or support structures other than sanitary facilities. See also agritourism, zoo, animal raising."~~ "Recreation Facilities, Outdoor. Permanent facilities for active outdoor sports and recreation, other than golf courses. Typical uses include: parks; playgrounds; botanical gardens; golf driving ranges; tennis courts; [~~riding stables;~~] academies and trails; and recreational camps."		General Outdoor Recreation (which is a Commercial Use) will be addressed at a future P&E meeting when the focus will be Miscellanous Uses and cleanup provisions.

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13	3	Table 21-5.1 Table of Permitted Uses Agricultural uses	8	Change Nature-based recreation to a conditional use permit minor for P-2, AG-2, and Country	<table><tr><td>Nature-based recreation</td><td>~~[C*]~~ Cm</td><td>--</td><td>~~[C*]~~ Cm</td><td>~~[--]~~ Cm</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>§ 21-5.70-8(c)</td></tr></table>		Nature-Based Recreation (which is a Commercial Use) will be addressed at a future P&E meeting when the focus will be Miscellanous Uses and cleanup provisions.
14	3	Table 21-5.1 Table of Permitted Uses Agricultural uses	4	Change Agritourism to a conditional use permit minor for AG-1, AG-2, and Country	<table><tr><td>Agritourism</td><td>--</td><td>~~[C*+]~~ Cm</td><td>~~[C*+]~~ Cm</td><td>~~[--]~~ Cm</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>§ 21-5.40-4(b)</td></tr></table>		Agritourism (listed as an Accessory Agricultural Use) will be addressed at the September P&E meeting.
15	3	Table 21-5.1 Table of Permitted Uses Agricultural uses	7	Animal Care Minor – change to P* for AG-1, AG-2, and Country. Animal Care Major – change to P* for AG-1, Ag-2, and Country	<table><tr><td>Animal care</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr><tr><td>Minor</td><td>--</td><td>[--] P*</td><td>[--] P*</td><td>[--] P*</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>P*</td><td>P*</td><td>P*</td><td>P*</td><td>P*</td><td>P*</td><td>P*</td><td>P*</td><td>P*</td><td>--</td><td>P*</td><td>§ 21-5.70-7(b)</td></tr><tr><td>Major</td><td>--</td><td>[--] P*</td><td>~~[P*+]~~ P*</td><td>P*</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>P*</td><td>P*</td><td>P*</td><td>P*</td><td>P*</td><td>P*</td><td>--</td><td>P*</td><td>§ 21-5.70-7(b)</td></tr></table>		Animal Care (which is a Commercial Use) will be addressed at a future P&E meeting when the focus will be Miscellanous Uses and cleanup provisions.