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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 214 (2024) from Councilmember Matt Weyer, 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 Weyer in Council Communication 214 (2024).

Attachment:

Chair of the Committee on Planning and the Economy's Responses to Council Communication 214 (2024) from Councilmember Weyer.

COUNCIL COM. 225
P&E

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

TOTAL PAGES: 5

DATE: 8/13/2024

COUNCILMEMBER: Weyer

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	Section 3	Table 21-5.1 Table of Permitted Uses Agricultural Uses category Crop Production subcategory	3	Amends the Vertical Farm entry by deleting the asterisks for AG-1, AG-2, and Country, indicating that no use standards apply. Also deletes the reference to the use standard.	Vertical farm -- ~~P*~~ ~~P*~~ ~~P*~~ -- -- -- -- -- -- -- -- -- P P -- -- P P -- P ~~§ 21-5.40-1(b)~~	Please also see item 4.	See CC-217 (2024), line item #2. The Vertical Farm entry will be deleted and vertical farm will be a method of farming under the Crop Raising and Urban Agriculture uses.
2	Section 3	Table 21-5.1 Table of Permitted Uses Agricultural Uses category Livestock Keeping subcategory	3	Amends the Livestock Keeping subcategory by adding the Beekeeping entry.	**Livestock Keeping** Animal raising P P P P -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- Animal raising, confined -- P* P* -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- § 21-5.40-2(a) Beekeeping P* P* P* P* P* P* P* P* P* P* P* P* P* P* P* P* P* P* P* P* P* § 21-5.40-2(b)	Please note that this amendment also allows for beekeeping as a permitted use (with use standards) in the Industrial, Industrial Commercial, Mixed-Use zones. Please also see items 3, 6, 8.	Beekeeping (listed as an Accessory Agricultural Use) will be addressed at the September P&E meeting.

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3	Section 3	Table 21-5.1 Table of Permitted Uses Agricultural Uses category Accessory Agricultural subcategory	4	Amends the Accessory Agricultural subcategory by deleting the Beekeeping entry.	~~Beekeeping~~ ~~P*~~ ~~P*~~ ~~P*~~ ~~P*~~ ~~P*~~ ~~P*~~ ~~P*~~ ~~P*~~ ~~P*~~ ~~P*~~ ~~P*~~ ~~P*~~ ~~P*~~ ~~P*~~ ~~P*~~ ~~P*~~ ~~P*~~ ~~--~~ ~~--~~ ~~--~~ ~~--~~ ~~§ 21-5.40-4(c)~~	Please also see items 2, 6, 8.	Beekeeping (listed as an Accessory Agricultural Use) will be addressed at the September P&E meeting.
4	Section 3	§ 21-5.40-1(b) Vertical Farm Standard	11	Deletes the 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.~~	Please also see item 1.	See CC-217 (2024), line item #9. Vertical Farm will be a type of farming under the Crop Raising and Urban Agriculture Uses. This standard has been deleted.
5	Section 3	§ 21-5.40-2(a) Animal raising, confined standards	12	Amends the use standard for Animal raising, confined	(a) Animal raising, confined – standards~~.~~ ~~(1) All zoning lots must have a minimum total lot area of 3 acres.~~ ~~(2)~~ Feedlots, not including animal rescue operations, 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.	Remove the minimum lot area size and clarify that the setback does not apply to feedlots used by animal rescue operations.	See CC-217 (2024), line item #13. The minimum zoning lot size requirement for Confined Animal Raising is being deleted. Also see line item #21. The definition of Confined Animal Raising does not include animal shelters.
6	Section 3	§ 21-5.40-2 Livestock Keeping	12	Amends the Livestock Keeping category to add a use standard relating to Beekeeping setbacks	(b) Beekeeping – standards. See also § 12-2.5(b), relating 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 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.	Maintains a setback standard but removes other restrictions. Please also see items 2, 3, 8.	Beekeeping (listed as an Accessory Agricultural Use) will be addressed at the September P&E meeting.

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7	Section 3	§ 21-5.40-4(b) Agritourism Standards	14	Amends the agritourism standards to clarify that the first use standard pertains to activity on the zoning lot area suitable for crop production or livestock	(b) Agritourism – standards. (1) At least 51 percent of the activity on the zoning lot <u>area suitable for crop production or livestock</u> must be crop production or livestock keeping.		Agritourism (listed as an Accessory Agricultural Use) will be addressed at the September P&E meeting.
8	Section 3	§ 21-5.40-4(c) Beekeeping Standards	15	Deletes Beekeeping use standards from the Accessory Agricultural category.	~~(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.~~	Please also see items 2, 3, 6.	Beekeeping (listed as an Accessory Agricultural Use) will be addressed at the September P&E meeting.

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9	Section 3	§ 21-5.50-3(b)(4) Employees	27	Amends the Home-occupation standard relating to employees for home-based childcare	(B) For home-based childcare, in addition to one employee of the home occupation and one non-household member employee, if an emergency renders unavailable either the principal caregiver who is a household member or the non-household member employee, an additional employee may be on the property on a temporary basis ~~to~~ as a substitute ~~for the principal caregiver~~.	We understand that this does not pertain to an Agricultural Use. Nonetheless, we request the committee's indulgence in entertaining this amendment. This amendment would allow for a non-household member to assist, regardless of whether there is an emergency. It also provides for a temporary employee in cases of an emergency. Please also see item 10.	Home-based Childcare (which is a home occupation listed as a Residential Use) will be addressed at a future P&E meeting when the focus will be Miscellanous Uses and cleanup provisions.

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10	Section 70	§ 21-10.1 Home Based Childcare	199	Amends the definition of Home-Based Childcare.	"Home-Based [~~Child Care.~~] Childcare. A home occupation in which childcare services are provided [~~on a part-time basis~~] during any part of a 24-hour day to no more than six children at any given time who are not members of the household, and that is licensed by the State department of human services. One non-household member may provide childcare services to clients in the registered family care home on a permanent or temporary basis, and if either the resident caregiver or the non-household member becomes unavailable due to illness or emergency then an additional non-household member may provide childcare services to clients on a temporary basis. See also child daycare."	We understand that this does not pertain to an Agricultural Use. Nonetheless, we request the committee's indulgence in entertaining this amendment. Please also see item 9.	Home-based Childcare (which is a home occupation listed as a Residential Use) will be addressed at a future P&E meeting when the focus will be Miscellanous Uses and cleanup provisions.