'24SEP23 PM 4:24 CITY CLERK

HONOLULU CITY COUNCIL

KE KANIHELA O KE KALANA O HONOLULU

530 S. KING ST. STE. 202, HONOLULU, HI 96813

ESTHER KIA'ĀINA
VICE CHAIR, HONOLULU CITY COUNCIL, DISTRICT III
HOPE LUNA HO'OMALU
TELEPHONE: (808) 768-5003
EMAIL: ekiaaina@honolulu.gov
https://www.honolulucitycouncil.org/district-3-kiaaina

MEMORANDUM

DATE: September 23, 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 240 (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 240 (2024).

Attachment:

Chair of the Committee on Planning and the Economy's Responses to Council Communication 240 (2024) from Councilmember Weyer.

COUNCIL COM. 245
P&E

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

TOTAL PAGES: _____2_____

DATE: _____9/17/2024_____

COUNCILMEMBER: _____Weyer_____

<table>
<tr><th>Item No.</th><th>Bill SECTION</th><th>ROH Section, Exhibit, or Figure, and Title</th><th>Page No.</th><th>Amendment Description</th><th>Amendment Text (in Ramseyer Format)</th><th>Comments or Clarification</th><th>Planning and the Economy Chair's Response</th></tr>
<tr><td>1</td><td>Section 3</td><td>Table 21-5.1 Table of Permitted Uses Agricultural Uses category Livestock Keeping subcategory</td><td>3</td><td>Amends the Livestock Keeping subcategory by adding the Beekeeping entry.</td><td>
<table>
<tr><td>Livestock Keeping</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>Animal raising</td><td>P</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></tr>
<tr><td>Animal raising, confined</td><td>--</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>
<tr><td>Beekeeping</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>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>P*</td><td>P*</td><td>§ 21-5.40-2(b)</td></tr>
</table>
</td><td>Please note that this amendment also allows for beekeeping as a permitted use (with use standards) in the Industrial, Industrial Commercial, Mixed-Use zones.</td><td>See CC-243 (2024), line items #19 and #25.
Permitting Beekeeping as a principle use (not an accessory use) under the Agricultural Livestock and Poultry Subcategory in the residential and apartment zoning districts may conflict with the purpose and intent of the residential and apartment zoning districts if the beekeeping use is the sole principal use on a zoning lot within the residential and apartment zoning districts.</td></tr>
<tr><td>2</td><td>Section 3</td><td>Table 21-5.1 Table of Permitted Uses Agricultural Uses category Accessory Agricultural subcategory</td><td>4</td><td>Amends the Accessory Agricultural subcategory by splitting Agritourism into Minor and Major entries</td><td>
<table>
<tr><td>Agritourism</td><td>--</td><td>~~C*+~~</td><td>~~C*+~~</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>
<tr><td>Minor</td><td></td><td>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></td><td>§ 21-5.40-4(b)</td></tr>
<tr><td>Major</td><td></td><td>C*+</td><td>C*+</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>§ 21-5.40-4(b)</td></tr>
</table>
</td><td></td><td>Accept.</td></tr>
<tr><td>3</td><td>Section 3</td><td>Table 21-5.1 Table of Permitted Uses Agricultural Uses category Accessory Agricultural subcategory</td><td>4</td><td>Amends the Accessory Agricultural subcategory by deleting the Beekeeping entry.</td><td>
<table>
<tr><td>~~Beekeeping~~</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>~~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>--</td><td>--</td><td>--</td><td>~~§ 21-5.40-4(c)~~</td></tr>
</table>
</td><td></td><td>Incorporated in CC-243 (2024), line item #2.
Beekeeping as an accessory agricultural use is being deleted.</td></tr>
</table>

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
4	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.	See CC-243 (2024), line items #19 and #25. Beekeeping is not being added as a separate principal use (not an accessory use) under the Agricultural Livestock and Poultry Subcategory. Instead, Beekeeping as an agricultural activity is being included in the Outdoor Animal Raising Use, which is permitted in the P-2, AG-1, AG-2, and Country zoning districts, and is not subject to standards.
5	Section 3	§ 21-5.40-4(b) Agritourism Standards	14	Amends the agritourism standards to: 1) reflect that there is a minor and major agritourism use; and 2) clarify that the first use standard pertains to activity on the zoning lot area suitable for crop production or livestock	(b) Agritourism, minor and major – standards. (1) At least 51 percent of the activity on the zoning lot area suitable for crop production or livestock must be crop production or livestock keeping.		Accept addition of minor and major Agritourism. See CC-243 (2024), line item #11. The 51 percent requirement applies to the area suitable for crop production or livestock and poultry keeping.
6	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.~~		Incorporated in CC-243 (2024), line item #12. Beekeeping as an accessory agricultural use and the related standards are being deleted. Accessory beekeeping will NOT be regulated as a separate accessory use.

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
7	Section 70	§ 21-10.1	195	Amends the definition of Agritourism to include a Major and Minor	**Agritourism.** Accessory agricultural-related tourism for recreational or educational purposes on zoning lots primarily used for ongoing crop production or livestock and poultry keeping. Agricultural-related tourism activities include kayaking, hiking, mountain biking, boating, horseback riding, ziplining, and picnicking. [~~Limited~~] The term includes accessory destination events, such as weddings[~~, are included in this definition~~]. (1) **Minor:** use of the property for picnic grounds, greenways, hiking and bicycling trails, areas for fishing and hunting, limited accessory sports courts and fields, non-motorized access to scenic interests, and horseback riding tours. (2) **Major:** All other agricultural-related tourism activities that do not [~~constitute a~~] fall within the minor[~~.~~] agritourism use.		Accept, as modified in red.
8	Section 71	§ 21-10.1	221	Amends the definition of Livestock to include dogs.	"**Livestock.** Animals raised in an agricultural setting to provide labor or produce diversified products for consumption such as meat, milk, fur, leather, and wool. The term includes cattle, horses, goats, sheep, swine, [~~dogs, and~~] rabbits, and herding dogs that are not raised as household pets or for purposes of personal use and companionship."		Accept, as modified in red.