RES24-243
Testimony

MISC. COMM. 472

PLANNING AND THE ECONOMY (P&E)

PLANNING AND THE ECONOMY (P&E) Meeting

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

Support: 9

Oppose: 0

I wish to comment: 2

Name:	Email:	Zip:
Frederick Mencher	fmencher@hawaii.rr.com	96817
Representing:	Position:	Submitted:
East Oahu County Farm Bureau	Support	Oct 20, 2024 @ 01:08 AM

Name:	Email:	Zip:
Micah Munekata	mmunekata@ulupono.com	96813
Representing:	Position:	Submitted:
Ulupono Initiative	Support	Oct 20, 2024 @ 03:39 PM

Name:	Email:	Zip:
Taylor Campbell	taylorpc@hawaii.edu	96795
Representing:	Position:	Submitted:
Waimanalo Agricultural Association	Support	Oct 21, 2024 @ 10:27 AM

Name:	Email:	Zip:
Nicole Galase	nicole@hicattle.org	96816
Representing:	Position:	Submitted:
Hawaii Cattlemen's Council	Support	Oct 21, 2024 @ 11:26 AM

Name:	Email:	Zip:
Taylor Kellerman	tkellerman@kualoa.com	96730
Representing:	Position:	Submitted:
Self	Support	Oct 21, 2024 @ 12:42 PM

Testimony:

Dear Chair Kia‘āina and Members of the Committee:

My name is Taylor Kellerman and I am the Director of Diversified Agriculture and Land Stewardship for Kualoa Ranch.

I agree with the recommendation to the Council to re-activate the Agriculture Task Force and Agriculture Liaison, which would meet regularly for substantive discussions about agriculture and make recommendations to the Honolulu City Council. The Task Force should also ensure the representation of small farms. As the Council continues to consider Bill 64 and any future funding or policies related to agriculture, we commend this resolution as a progressive step to incorporate more voices from Oahu’s agricultural industry in these important decisions. We believe that this Task Force will help to address agricultural lands priority issues, assist with implementing the outcomes from Bill 64, and offer guidance to protect and support a vibrant and resilient agricultural industry.

Mahalo

Taylor Kellerman

Name:	Email:	Zip:
Brian Miyamoto	brian@hfbf.org	96759
Representing:	Position:	Submitted:
Hawaii Farm Bureau	Support	Oct 21, 2024 @ 01:28 PM

Name:	Email:	Zip:
Choon James	ChoonJamesHawaii@gmail.com	96762
Representing:	Position:	Submitted:
Self	I wish to comment	Oct 21, 2024 @ 02:21 PM

Name:	Email:	Zip:
Choon James	ChoonJamesHawaii@gmail.com	96762
Representing:	Position:	Submitted:
Self	I wish to comment	Oct 21, 2024 @ 02:25 PM

Testimony:

Aloha!

Also, it would make more sense to re-activate the AG DEVELOPMENT TASK FORCE and have public discussions BEFORE adopting Bill 64.

Bill 64 is also changing the LUO on Agricultural Use in Chapter 21.

RES24-243

Measure Title:

RECONVENING THE HONOLULU CITY COUNCIL'S AGRICULTURAL DEVELOPMENT TASK FORCE TO FOSTER THE GROWTH AND ENHANCEMENT OF AGRICULTURAL ACTIVITIES ON O'AHU.

I maintain that Bill 64 will be much better legislative product that better fits the needs of our residents - - when local residents have ample opportunity to study, understand, and to provide their valuable frontline, on the ground knowledge, experience, and opinions.

Agriculture is such a big part of our island home sustainability.

Sincerely,

Choon James

ChoonJamesHawaii@gmail.com

Attached are some of my quick comments on Bill 64.

Name:	Email:	Zip:
Mike Foley	haikulani@gmail.com	96734
Representing:	Position:	Submitted:
Self	Support	Oct 21, 2024 @ 03:26 PM
Name:	Email:	Zip:
Sharon Hurd	sharon.k.hurd@hawaii.gov	96814
Representing:	Position:	Submitted:
Hawaii Department of Agriculture	Support	Oct 21, 2024 @ 05:13 PM
Name:	Email:	Zip:
Ramsey Brown	ramsey.brown@ponopacific.com	96813
Representing:	Position:	Submitted:
Pono Pacific / Kuilima Farm	Support	Oct 21, 2024 @ 08:07 PM

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

October 18, 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, strongly supports Resolution 24-243, which would reconvene Honolulu's Agricultural Development Task Force. If agriculture is to remain viable on O'ahu, the City Council and the City Administration must have someplace to go for information and advice on the needs of O'ahu's farmers. The original task force, established by Resolution 04-218 and extended by later resolutions, met and made recommendations to the City Council through 2019, but has been inactive since then. Many of the concerns that existed when the Task Force was established are still present; for example: designation of important agricultural lands, outdated or inappropriate land use regulations, access to land and water at acceptable cost, and the impacts of invasive species. Meanwhile, Honolulu imports most of its food needs, and remains vulnerable to supply interruptions such as the recent East Coast longshore workers' strike. We therefore encourage your Committee and the full Council to pass Resolution 24-243 and to re-establish the Agricultural Development Task Force with members reflecting the diversity of O'ahu's farming and ranching industry.

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
Tuesday, October 22, 2024 — 9:00 a.m.

Ulupono Initiative supports Resolution 24-243, Reconvening the Council's Agricultural Development Task Force.

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 supports Resolution 24-243, which reconvenes the Honolulu City Council's Agricultural Development Task Force, with a membership consisting of not more than nine and not less than five members with no term limits, to foster the growth and enhancement of agricultural activities on O'ahu.

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 critical in order to allow for key agricultural stakeholder input and recommendations.

To ensure this occurred, a 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: 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 Kuilima Farms. Government agencies—the State of Hawai'i Department of Agriculture and the City and County of Honolulu's Department of Planning and Permitting and 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.

The top general recommendation to the Council was to re-activate the Agriculture Task Force and Agriculture Liaison, which would meet regularly for substantive discussions about agriculture and make recommendations to the Honolulu City Council. The Task Force should also ensure the representation of small farms.

As the Council continues to consider Bill 64 and any future funding or policies related to agriculture, we commend this resolution as a progressive step to incorporate more voices from Oʻahuʻs agricultural industry in these important decisions. We believe that this Task Force will help to to address agricultural landʻs priority issues, assist with implementing the outcomes from Bill 64, and offer guidance to protect and support a vibrant and resilient agricultural industry.

We look forward to the collaborative efforts of the City and County of Honolulu and the Agricultural Development Task Force to bolster Oʻahu's agricultural future.

Respectfully,

Micah Munekata
Director of Government Affairs

PO Box 42
Waimanalo, HI 96795-0042
http://waimanaloag.com

Waimanalo Agricultural Association

October 22, 2024

Support of Resolution 24-243

Reconvening the Honolulu City Council's Agricultural Development Task Force, with a membership consisting of not more than nine and not less than five members with no term limits, to foster the growth and enhancement of agricultural activities on O'ahu.

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

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

The Waimanalo Agricultural Association (WAA) is writing in strong support of Resolution 24-243 which would reconvene the Honolulu City Council's Agricultural Development Task Force. Members of the Waimanalo agricultural community have served on the City's Agricultural Task Force in the past and would welcome the opportunity to serve again.

The Waimanalo Agricultural Association is dedicated to the preservation of agriculture in Waimanalo. WAA members represent diverse agricultural businesses, including food producers, tree farms, plant nurseries & retail businesses, poultry & egg farms, and horse farms. Waimanalo's agriculture lands include smaller lots, including leaseholds with the Department of Agriculture and Department of Land and Natural Resources, 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. The agricultural characteristics of Waimanalo are not widely known outside of Waimanalo – thus a Task Force such as this one is of great importance to the Waimanalo agricultural community to ensure we have a voice at the table.

As an example of WAA's involvement, WAA has been involved the evolution of Bill 64 (2023), which is proposing to do a major overhaul of the City's Land Use Ordinance. If the Agricultural task force existed before this undertaking – the task force would have been able to provide guidance from a farmer perspective, thus going forward this task force will play an important role in the agricultural priorities of the City for its future. In Waimanalo, there are many competing interests on agricultural lands, leading some to misuse agricultural lands for unpermitted activities. The task force will be able to address these issues and create solutions for the continued preservation of agricultural lands in the City and County of Honolulu.

WAA strongly supports Resolution 24-243 and requests its passage. Thank you for the opportunity to express the Waimanalo Agricultural Association's strong support.

Hawaii Cattlemen's Council, Inc.

Honolulu City Council
Committee on Planning and the Economy
Tuesday, October 22, 2024, 9:00am
Resolution 24-243

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

The Hawaii Cattlemen's Council supports Resolution 24-243, which reconvenes the Honolulu City Council's Agricultural Development Task Force, with a membership consisting of not more than nine and not less than five members with no term limits, to foster the growth and enhancement of agricultural activities on Oahu.

The Hawaii Cattlemen's Council participated in meetings with other agricultural stakeholders in 2023 regarding Bill 10, including Oahu Agriculture and Conservation Association, Kualoa Ranch, Waimanalo Agricultural Association, KoHana, Ulupono Initiative, Hawaii Farm Bureau, East County Farm Bureau, and Kuilima Farms.

The top general recommendation from this group was to 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.

We thank you for considering this resolution to ensure farmers and ranchers are incorporated into important decisions like Bill 64.

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

P.O. Box 253, Kunia, Hawai'i 96759
Phone: (808) 848-2074; Fax: (808) 848-1921
e-mail info@hfbf.org; www.hfbf.org

October 22, 2024

HEARING BEFORE THE
COMMITTEE ON PLANNING AND THE ECONOMY

TESTIMONY ON RESOLUTION 24-243

Reconvening the Honolulu City Council's Agricultural Development Task Force, with a membership consisting of not more than nine and not less than five members with no term limits, to foster the growth and enhancement of agricultural activities on Oʻahu.

City Council Chamber
9:00 AM

Aloha Chair Kiaʻaina, Vice Chair Cordero, and Members of the Committee,

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

The Hawaiʻi Farm Bureau is in strong support of Resolution 24-243, which would reconvene the Honolulu City Council's Agricultural Development Task Force.

The priority focus of the Agricultural Development Task Force (ADTF) is to recommend areas where city policy may support agricultural development, to include, but not be limited to: 1) reviewing the land use ordinance regarding zoning for agricultural areas and the necessary changes in zoning to reflect changes in agricultural practices; 2) addressing gentleman farming from a land use perspective by restricting these uses in agricultural areas; 3) reevaluating requirements for roads and utilities within agriculturally zoned areas; 4) examining the agricultural tax rate; and 5) developing incentives to benefit and enhance the agricultural history.

The ADTF's first meetings in 2005 focused on Agricultural Theft (1/24/05), Agricultural Tax (2/7/05), LUO (3/7/05), and IAL (4/4/05). The last two ADTF meetings (1/12/18 and 1/29/19) focused primarily on IAL.

The ADTF members included stalwarts of agriculture with extensive experience and background in agriculture. They were assets to the Council and the administration through collaboration with the Mayor's Ag Liaison. Some of the past ADTF members include:

Yuki Kitagawa, former HDOA Chair
Jimmy Nakatani, HDOA Chair, ADC Executive Director, HFB President
Dean Okimoto, Nalo Farms, Hawaii Ag Foundation Cahir, and HFB President
Dr. Cal Lum, Former State Veterinarian, DOA Animal Health Division Administrator, and North Shore Cattle Company, and Rancher
Kapu Smith, Senior Land Manager for KS
Wayne Ogasawara, Mililani Ag Park
Alan Takemoto, Bayer and Executive Director at the Hawaii Farm Bureau
Fred Humphrey, Waimanalo Farmer, Ag, nursery supplies

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

AGENDA REGULAR MEETING CITY COUNCIL CHAMBER TUESDAY, OCTOBER 22, 2024 9:00 A.M.

COMMENTS FROM CHOON JAMES

COMMITTEE ON PLANNING AND THE ECONOMY Voting Members: Esther Kiaʻāina, Chair Radiant Cordero, Vice-Chair Val A. Okimoto Calvin K.Y. Say Matt Weyer

Aloha Chair Esther Kia'aina and Committee Members:

MAHALO PLENTY for the "redline" format below!

The above format is so much more public-friendly and less confusing to follow the changes to the LUO overhaul. It's been really confusing and extremely time-consuming to try to follow the Bill 64 process.

PLEASE ALLOW ANOTHER OVERALL REVIEW for the entire Bill 64.

It's a BIG ASK, but we are requesting that the entire LUO be in this format for public education and public input. Thus far, only the very last portion of Bill 64 on Misc. Section is fully formatted in this manner.

We understand the City Council wishing to complete this process asap as early as December 11, 2024. However, something of such significance and impacts on Oahu requires widespread Grassroots participation.

We ask the city council provide magnanimous understanding to the public and allow this Bill 64 a public review in its entirety in the "redline" or "Ramseyer" format as shown above.

We understand so much effort have been put into this Bill 64 process. However, Bill 64 will become the new "Bible" for Oahu land use for the foreseeable future. It's imperative that the grassroots have the opportunity to digest and give input to this final product.

We understand and appreciate all who have submitted their input. But it's also apparent that it has been the MAJOR stakeholders and corporations that has put in their efforts and interests into the process the most.

A few other smaller groups are cornered into protecting their own "territories" due to time and resources. Many neighbor board members are not aware. One neighborhood board, due to lack of time mostly, have to pick "top 3 issues" but unfortunately have to forgo the others, which is just as important to others.

We're aware that City Council District 1 has held forums for parts of this Bill 64. Even then, not everyone could attend or attend for various reasons.

We're also concerned that it's been corporate interests who have the time and paid employees who can lobby for their own interests.

However, the average citizen and resident have not been at the table. This is not a judgment on you all but it's just a fact that the average citizen does not have the time nor the resources to represent themselves vigorously most of the time at the State or City level. There is no widespread mechanism to focus on all important legislative issues.

However, in this case, there must be more ordinary people participation because Bill 64 directly and significantly impact ordinary people the most. Corporations and their employees come and go. But ordinary local residents are left to live with the inevitable impacts for a longer time.

(Example: I was at a public school in Oahu and was so surprised to see a tower with 5G Communications tower so close to the classrooms. Our students spend a majority of their growing up years in schools. Their health should be protected fiercely by us adults.)

Please allow more time and allow this Bill another final review.

Also, it would make more sense to re-activate the AG DEVELOPMENT TASK FORCE and have public discussions BEFORE adopting Bill 64.

RES24-243
Measure Title:
RECONVENING THE HONOLULU CITY COUNCIL'S AGRICULTURAL DEVELOPMENT TASK FORCE TO FOSTER THE GROWTH AND ENHANCEMENT OF AGRICULTURAL ACTIVITIES ON O'AHU.

I maintain that Bill 64 will be much better legislative product that better fits the needs of our residents - - when local residents have ample opportunity to study, understand, and to provide their valuable frontline, on the ground knowledge, experience, and opinions.

Sincerely,
Choon James
ChoonJamesHawaii@gmail.com

References:

https://hnldoc.ehawaii.gov/hnldoc/document-download?id=22750

3. BILL 64 (2023), FD1 – LUO AMENDMENT RELATING TO USE REGULATIONS. Addressing the regulation of uses throughout Chapter 21, Revised Ordinances of Honolulu 2021 ("Land Use Ordinance" or "LUO"). (Bill passed first reading 12/06/23; Committee amended the bill to CD1 and postponed action 9/26/24)

Related communications:

CC-266 Councilmember Kia‘āina, submitting supplemental proposed amendments to Miscellaneous Uses in Bill 64 (2023), FD1 for the Committee on Planning and the Economy Meeting on October 22, 2024.

https://hnldoc.ehawaii.gov/hnldoc/document-download?id=22745

CC-267 Councilmember Kia‘āina, submitting response to Council Communication 259 (2024) from Councilmember Weyer, relating to proposed amendments to miscellaneous uses in Bill 64 (2023), FD1. Committee on Planning and the Economy Agenda Addendum Tuesday, October 22, 2024 4

CC-268 Councilmember Kia‘āina, submitting response to Council Communication 255 (2024) from Councilmember Tupola, relating to proposed amendments to miscellaneous uses in Bill 64 (2023), FD1.

ESTHER KIA‘ĀINA, Chair Committee on Planning and the Economy

HONOLULU CITY COUNCIL

KE KANIHELA O KE KALANA O HONOLULU

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

'24OCT17 PM 3:13 CITY CLERK

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: October 17, 2024

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

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

SUBJECT: Supplemental Kia'āina Proposed Amendments to Miscellaneous Uses in Bill 64 (2023), FD1, for the Committee on Planning and the Economy Meeting on October 22, 2024

Attached for consideration by the Committee on Planning and the Economy at its meeting on September 26, 2024, are my proposed supplemental amendments to Bill 64 (2023), FD1, relating to land use regulations. These proposed amendments are in addition to my proposed amendments in Council Communication 262 (2024).

Attachments (1):

Amendment Form, Miscellaneous Uses, Bill 64 (2023), FD1, Relating to Use Regulations

COUNCIL COM. 266
P&E

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

TOTAL PAGES: 2
DATE: October 17, 2024
COUNCILMEMBER: Esther Kia'āina

Item No.	Bill SECTION	ROH Section, Exhibit, or Figure, and Title	Page No.	Amendment Description	Amendment Text (in Ramseyer Format)	Comments or Clarification
1	SECTION 3	Table 21-5.1 Table of Permitted Uses Agricultural use category Accessory agricultural subcategory Minor and major agritourism entry	4		<table><tr><td>Agritourism</td><td>--</td><td>Cm*</td><td>Cm*</td><td>--</td><td>--</td><td>--

CD1 TO BILL 64 (2023), FD1 (Approved by the Committee at its meeting on September 26, 2024) – The CD1 (OCS2024-0907/10/8/2024 1:45 PM) makes the following amendments:

A. In SECTION 3 of the bill, amends Table 21-5.1 as follows:

1. Amends the crop raising entry to replace "P" with "P*" in the P-2 Zoning District. References the standards in ROH § 21-5.40-1(b).

2. Amends the plant nursery entry to replace "P" with "P*" in the AG-1 and AG-2 Zoning Districts. References the standards in ROH § 21-5.40-1(c).

3. Deletes the vertical farm entry. (Vertical farm will be a type of farming under the crop raising and urban agriculture uses.)

4. Amends the "Livestock Keeping" subcategory to read "Livestock and Poultry Keeping."

5. Amends the animal raising entry to refer to the use as "animal raising, outdoor" (add "outdoor").

6. Adds a minor composting entry. Designates "P*" in the P-2, AG-1, AG-2, and I-2 Zoning Districts. References the standards in ROH § 21-5.40-3(f).

7. Adds a major composting entry. Designates "C*" in the AG-1 and AG-2 Zoning Districts. Designates "P*" in the I-2 Zoning District. References the standards in ROH § 21-5.40-3(f).

8. Amends the livestock veterinary service entry to refer to the use as "livestock and poultry veterinary service" (add "poultry").

9. Amends the agricultural energy facility entry to change "P*" to "Cm*" in the AG-1 and AG-2 Districts, and change "P" to "Ac" in the I-1 and I-2 Districts.

10. Amends the agritourism entry to:

a. Separate agritourism into a minor and major use;

b. For minor agritourism, designate "Cm*" in the AG-1 and AG-2 Zoning Districts; and

c. For major agritourism, designate "C*" in the AG-1 and AG-2 Zoning Districts.

11. Deletes the beekeeping entry as an accessory agricultural use (accessory beekeeping will not be regulated as a separate accessory use, and beekeeping as a principal agricultural activity is included under the outdoor animal raising use).

12. Deletes the biofuel processing facility entry as an accessory agricultural use (accessory biofuel processing facility is included under the agricultural energy facility use, and biofuel processing facility as a principal use is regulated under industrial uses.

13. Amends the farm dwelling entry to change "P*" to "Ac*" in the AG-1 and AG-2 Districts, and conform the reference to the standards in ROH § 21-5.40-4(c).

14. Amends the farm stand entry to change "P*" to "Ac*" in the AG-1, AG-2, and Country Districts, and conform the reference to the standards inROH § 21-5.40-4(d).

15. Amends the farm worker housing entry to conform the reference to the standards in ROH § 21-5.40-4(e).

16. Amends the multi-unit dwelling entry to remove the asterisk in zoning districts other than the B-1 and B-2 Zoning Districts (multi-unit dwelling standards only apply to the B-1 and B-2 Zoning Districts).

17. Separates the small group living entry into two different entries:

a. Small group living – State regulated. Designates "C*+" in the AG-2 Zoning District. Designates "P*" in the Country, R-20, R-10, R-7.5, R-5, R-3.5, A-1, A-2, A-3, AMX-1, AMX-2, AMX-3, Resort, BMX-3 and BMX-4 Zoning Districts.

b. Small group living – not State regulated. Designates "C*+" in the AG-2 Zoning District. Designates "C*" in the Country, R-20, R-10, R-7.5, R-5, R-3.5, A-1, A-2, A-3, AMX-1, AMX-2, AMX-3, Resort, and BMX-3 Zoning Districts. Indicates "Cm*" in the BMX-4 Zoning District. References the standards in ROH § 21-5.50-2(b).

18. Amends the large group living entry to delete the "C*+" in the AG-2 Zoning District (no longer permitted in the AG-2 Zoning District). Amends the reference to the standards in ROH § 21-5.50-2(c) (instead of ROH § 21-5.50-2(b)).

19. Amends the accessory dwelling unit entry to replace "P*" with "Ac*" in the Country, R-20, R-10, R-7.5, R-5, and R-3.5 Zoning Districts.

20. Amends the home occupation entry to replace "P*" with "Ac*+" in the AG-1 and AG-2 Zoning Districts (accessory use, a special use permit approved by the Planning Commission may be required), and replaces "P*" with "Ac*" in the Country, R-20, R-10, R-7.5, R-5, R-3.5, A-1, A-2, A-3, AMX-1, AMX-2, and AMX-3, Resort, B-1, B-2, BMX-3, and BMX-4 Zoning Districts (accessory use).

21. Amends the ohana unit entry to replace "P*" with "Ac*+" in the AG-1 and AG-2 Zoning Districts (accessory use, a special use permit approved by the Planning Commission may be required), and replaces "P*" with "Ac*" in the Country, R-20, R-10, R-7.5, R-5, and R-3.5 Zoning Districts (accessory use).

22. Amends the rooming entry to replace "P*" with "Ac*" in the Country, R-20, R-10, R-7.5, R-5, R-3.5, A-1, A-2, A-3, AMX-1, AMX-2, and AMX-3, Resort, B-1, B-2, BMX-3, BMX-4, and IMX-1 Zoning Districts (accessory use).

23. Amends the small meeting facility entry to replace "Cm*" with "P*" in the Resort, B-1, B-2, BMX-3, BMX-4 Zoning Districts, and add "P*" in the I-1 Zoning District.

24. Amends the medium meeting facility entry to add "C*" in the I-1 Zoning District.

25. Adds a new community-based recreation center entry with "Cm*" in the P-2 Zoning District; "Cm" in the Country Zoning District, "P*" in the R-20, R-10, R-7.5, R-5, R-3.5, A-1, A-2, and A-3 Zoning Districts; and "P" in the AMX-1, AMX-2, AMX-3, Resort, B-1, B-2, BMX-3, and BMX-4 Zoning Districts. References the standards in ROH § 21-5.60-1(b).

26. Adds a new broadcasting antenna entry, with "Cm* in the P-2, AG-1, and AG-2 Zoning Districts; and "C*" in the I-1, I-2, I-3, and IMX-1 Zoning Districts. References the standards in ROH § 21-5.60-2(e).

27. Amends the alternative communication support structure entry to refer to the use as "communication support structure (delete "alternative").

28. Amends the communication tower entry to replace "C*" with "Cm*" in the R-20, R-10, R-7.5, A-1, A-2, A-3, AMX-1, AMX-2, AMX-3, Resort, B-1, B-2, BMX-3, BMX-4, and IMX-1 Zoning Districts.

29. Amends the K-12 school entry to rename "K-12 school" as "PreK-12 school".

30. Amends the minor vocational school entry to add "P*" in the AG-1 and AG-2 Zoning Districts.

31. Amends the major vocational school entry to add "P*" in the AG-1 and AG-2 Zoning Districts. Also adds a reference to the standards in ROH § 21-5.60-3(b).

32. Amends the university and college entry to delete the reference to the standards in ROH § 21-5.60-3(c).

33. Amends the prison entry to delete the reference to the standards in ROH § 21-5.60-4(b).

34. Amends the cemetery entry to replace "PRU+" with "PRU*+" in the AG-2 Zoning District. Deletes "P*" in the IMX-1 Zoning District (cemeteries no longer permitted in the IMX-1 Zoning District).

35. Amends the park entry to replace "P" with "P*" in the P-2, AG-1, AG-2, Country, R-20, R-10, R-7.5, R-5, R-3.5, A-1, A-2, A-3, AMX-1, AMX-2, AMX-3, B-1, B-2, BMX-3, BMX-4, and IMX-1 Zoning Districts. Adds a reference to the standards in ROH § 21-5.60-5(b).

36. Adds a new "Accessory Public, Civic, and Institutional" subcategory. Moves the accessory communication structure entry to the new "Accessory Public, Civic, and Institutional" subcategory, and amends the entry to rename "accessory communication structure" as "accessory receive only antenna." Adds "Ac*" to all Zoning Districts and references the standards in ROH § 21-5.60-2(d).

37. Amends the child daycare entry to replace "P" with "P*" in the Resort, B-1, B-2, BMX-3, BMX-4, and IMX-1 Zoning Districts (standards apply).

38. Amends the adult daycare entry to replace "Cm" with "Cm*" in the Country, R-20, R-10, R-7.5, R-5, R-3.5, A-1, A-2, A-3, AMX-1, AMX-2, and AMX-3 Zoning Districts (standards apply). Also replace "P" with "P*" in the Resort, B-1, B-2, BMX-3, BMX-4, and IMX-1 Zoning Districts (standards apply).

39. Amends the major animal care entry to add "P*" in the B-1, B-2, BMX-3, BMX-4, I-1, and IMX-1 Zoning Districts, and replace "P" with "P*" in the I-2 Zoning District.

40. Amends the biofuel processing facility entry (under the industrial uses category) to delete "C*" in the P-2 District (not permitted in the P-2 District).

41. Amends the helistop entry to change "Ac*+ C" to "C*+" in the AG-1, AG-2 Zoning Districts, and change "Ac*C" to "C*" in the Resort, B-2, BMX-3, BMX-4, I-1, and IMX-1 Districts.

B. In SECTION 3 of the bill:

1. For the ROH sections listed below, where the use is permitted in the AG-2 Zoning District and is subject to a minimum dedication for agricultural use, the 50 percent minimum dedication amount is replaced with 51 percent, to read as follows:

In the AG-2 Zoning District, 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 so long as the *[type of 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.

§ 21-5.40-4(b)(5) relating to agritourism
§ 21-5.40-4(e)(1) relating to farm dwelling
§ 21-5.40-4(h)(3) relating to agricultural farmers market
§ 21-5.60-1(a)(1) relating to meeting facility (small, medium, or large)
§ 21-5.60-3(a)(5) relating to K-12 schools
§ 21-5.70-1(a)(3) relating to child daycare
§ 21-5.70-1(b)(2) relating to adult daycare

2. Amends ROH § 21-5.40-1(a), relating to urban agriculture standards, to:

a. Add references to produce and flowers;

b. Provide that the keeping of livestock, poultry, and insects is prohibited;

c. Delete the hours of operation standard, and the standard providing that onsite sale of produce and flowers grown onsite are allowed during hours of operation;

d. Delete sign and off-street parking standards because these are already covered under § 21-7.40 and § 21-6.50(c), respectively; and

e. Delete the requirement that indoor crop production operations meet certain electricity needs from renewable sources.

3. Deletes ROH § 21-5.40-1(b), relating to vertical farm standards. (Vertical farm will be a type of farming under the crop raising and urban agriculture uses.)

4. Adds a new ROH § 21-5.40-1(b), relating to crop raising standards, to provide that vertical farms are not permitted in the P-2 Zoning District.

5. Adds a new ROH § 21-5.40-1(c), relating to plant nursery standards, to provide that:

    a. Retail sales are limited to plants (in its primary form) sold directly from the greenhouse or open field where the plant was grown or cultivated;

    b. The sale of secondary products such as jams, juices, and baked goods is prohibited; and

    c. Separate structures used primarily for retail sales are prohibited.

6. Amends ROH § 21-5.40-2, relating to the livestock keeping subcategory, to reference "livestock and poultry keeping."

7. Amends ROH § 21-5.40-2(a), relating to confined animal raising standards, to delete the minimum 3-acre zoning lot size requirement.

8. Amends ROH § 21-5.40-3(a), relating to agricultural collection and storage standards, to add pickup or drop-off hour requirements in the AG-1, AG-2, and I-1 zoning districts if within 300 feet of a zoning lot in the residential, apartment, or apartment mixed-use zoning district.

9. Amends ROH § 21-5.40-3(b), relating to agricultural equipment service standards, to increase the minimum setback from 100 feet to 300 feet (from the property line of any adjoining property within the residential, apartment, or apartment mixed-use zoning districts).

10. Amends ROH § 21-5.40-3(c), relating to agricultural processing standards, to provide that a reduction in the 1,500-foot setback requirement (from the property line of any adjoining property within the country, residential, apartment, apartment mixed-use, or resort zoning district), to a minimum 500 feet (as determined by the DPP Director) does not apply to the Resort zoning district.

11. Amends ROH § 21-5.40-3(e), relating to sawmill standards, to increase the minimum setback from 300 feet to 500 feet (from the property line of any adjoining property within the residential, apartment, or apartment mixed-use zoning district).

12. Adds a new ROH § 21-5.40-3(f) to add standards for minor and major composting.

13. Amends ROH § 21-5.40-4(a), relating to agricultural energy facility standards, to:

    a. Clarify that no more than 10 percent of the portion of the zoning lot or zoning lots used for crop production or livestock and poultry keeping may be used for the agricultural energy facility, consistent with the regulation of permissible uses within the agricultural districts pursuant to HRS 205-4.5(a)(17); and

    b. Add a 300-foot setback requirement from the property line of any adjoining property within the residential, apartment, or apartment mixed-use zoning district.

14. Amends ROH § 21-5.40-4(b), relating to agritourism standards, to:

    a. Delete a duplicative standard that requires 51 percent of the of the zoning lot area suitable for crop production or livestock and poultry keeping to be dedicated to crop production or livestock and poultry keeping, and delete the provision regarding the adoption of administrative rules;

    b. Refer to accessory destination events, including weddings (instead of weddings and similar accessory destination events); and

    c. Refer to farm or ranch operations.

15. Deletes ROH § 21-5.40-4(c), relating to accessory beekeeping standards (accessory beekeeping will not be regulated as a separate accessory use, and beekeeping as a principal

agricultural activity is included under the outdoor animal raising use).

16. Deletes ROH § 21-5.40-4(d), relating to standards for a biofuel processing facility as an accessory agricultural use (accessory biofuel processing facility is included under the agricultural energy facility use, and biofuel processing facility as a principal use is regulated as an industrial uses). Realphabetizes subsequent subsections in ROH § 21-5.40-4.

17. Amends realphabetized ROH § 21-5.40-4(c), relating to farm dwelling standards, to:

    a. Delete the standard that requires 51 percent of the of the zoning lot area suitable for crop production or livestock and poultry keeping to be dedicated to crop production or livestock and poultry keeping;

    b. Clarify that a storage shed that is not used in connection with agricultural activities will be included in the 5,000 square-foot maximum area; and

    c. In the AG-1 and AG-2 Zoning Districts, provide an exception to maximum number of farm dwellings allowed if more farm dwellings are approved under an agricultural site development plan or agricultural cluster permit.

    d. Delete the standard requiring that multiple farm dwellings permitted on a zoning lot not exceed 10 percent of the total zoning lot area.

18. Amends realphabetized ROH § 21-5.40-4(d), relating to farm stand standards, to:

    a. Clarify that one farm stand for the growers and producers of agricultural products is permitted is allowed per zoning lot; and

    b. Delete the standard that no electricity, sewer, water, or other utility services are allowed in conjunction with a farm stand.

19. Amends realphabetized ROH § 21-5.40-4(e), relating to farm worker housing standards, to:

    a. Delete the requirement that the farm worker housing must occupy at least 5 percent of the total agricultural land area on the zoning lot;

    b. Move the building area and impervious surface standards to subdivision (1); and

    c. Delete the yard and height setback standards.

20. Amends realphabetized ROH § 21-5.40-4(f), relating to agricultural farmers market standards, to:

    a. Delete the requirement for adequate off-street parking and vehicular access; and

    b. Delete the provision regarding the adoption of administrative rules.

21. Amends ROH § 21-5.50-1(a), relating to duplex-unit standards, to reference Figure 21-10.3.

22. Amends ROH § 21-5.50-1(b), relating to two-unit standards, to:

    a. Reference Figure 21-10.3; and

    b. Provide that dwelling units may not be connected solely by a covered open area, exterior hallway, or breezeway.

23. Amends ROH § 21-5.50-1(c), relating to multi-unit dwellings, to:

    a. In ROH § 21-5.50-1(c)(1), adds the Central Oahu Sustainable Communities Plan area (in addition to the Primary Urban Center Development Plan and Ewa Development Plan areas) as the areas where multi-unit dwellings are permitted in the B-1 and B-2 Zoning Districts.

    b. In ROH § 21-5.50-1(c)(1)(A):

i. Deletes the requirement that nonresidential uses and occupancies be located on a different floor as residential uses and occupancies; and

ii. Provides that a building must have at least one non-residential use (instead of requiring an FAR of 0.2 to be dedicated to nonresidential uses that are permitted in the underlying zoning district).

c. In ROH § 21-5.50-1(c)(1)(B):

i. Adds a new subparagraph (i) to provide that for multi-unit dwellings located on zoning lots of 3 acres or less, a minimum nonresidential floor area ratio of 0.2 must be developed on the lot (renumbers subsequent subparagraphs);

ii. Amends renumbered subparagraph (ii) to provide that for multi-unit dwellings located on zoning lots larger than 3 acres but smaller than 7 acres, a minimum of 10,000 square feet or a floor area ratio of 0.05, whichever is greater, of nonresidential floor area must be developed on the lot;

iii. Amends renumbered subparagraph (iii) to provide that for multi-unit dwellings located on zoning lots larger than 7 acres, a minimum of 40,000 square feet or a floor area ratio of 0.05, whichever is higher, of nonresidential floor area must be developed on the lot;

iv. Deletes former subparagraph (iii), which required the zoning lot to have a minimum nonresidential floor area ratio of 0.2; and

v. Deletes the requirement for a pedestrian and bicycle access path from adjacent rights-of-way to both residential and nonresidential uses on the zoning lot.

d. Adds a new ROH § 21-5.50-1(c)(1)(C) to provide that nonresidential uses must be fully enclosed within a building and do not include areas used for parking.

24. Amends ROH § 21-5.50-2(a), relating to small group living standards:

    a. Specifies that the standards apply to small group living that is State regulated; and

    b. Adds a new subdivision (3) to provide that if a zoning lot is developed with a principal dwelling unit and an accessory dwelling unit or an ohana unit, and each of the dwelling units is being used as a small group living that is State regulated, if the aggregate number of residents in both dwelling units exceeds eight, the group living will be considered a large group living.

25. Adds a new ROH § 21-5.50-2(b) to set forth the standards that apply to small group living that is not State regulated:

    a. Designates as subdivision (1) the standard in the AG-2 Zoning District that requires small group living to be of an agricultural nature and requires a minimum dedication for agricultural use.

    b. Adds a new subdivision (2) to provide that within the country, residential, and A-1 Zoning Districts, except for multifamily dwellings located in the A-1 Zoning District that provide housing for students or staff of an educational institution with a total enrollment of 10,000 or more students and are within a one-half-mile radius of the educational institution, unless directly related to public health and safety, small group living that is not State regulated may not be located within 1,000 feet of the next closest group living.

    c. Adds a new subdivision (3) to provide that if a zoning lot is developed with a principal dwelling unit and an accessory dwelling unit or an ohana unit, and each of the dwelling units is being used as a small group living that is State regulated, if the aggregate number of residents in both dwelling units exceeds eight, the group living will be considered a large group living.

    d. Realphabetizes ROH § 21-5.50-2(b) as ROH § 21-5.50-2(c).

26. Amends realphabetized ROH § 21-5.50-2(c), relating to large group living standards, to:

    a. Delete requirements relating to visual screening and buffering (set forth in ROH Chapter 21, Article 4) and cumulative impacts regarding traffic, parking, infrastructure, and community character (set forth in ROH Chapter 21, Article 2 for uses subject to conditional use permits);

    b. Allow for flexibility with regard to density, height, and off-street parking for special needs housing for the elderly (in the existing LUO); and

    c. Provide that within the country, residential, and A-1 Zoning Districts, except for multifamily dwellings located in the A-1 Zoning District that provide housing for students or staff of an educational institution with a total enrollment of 10,000 or more students and are within a one-half-mile radius of the educational institution, unless directly related to public health and safety, large group living may not be located within 1,000 feet of the next closest group living.

27. Amends ROH § 21-5.50-3(a), relating to accessory dwelling unit standards, to:

    a. Add a new ROH § 21-5.50-3(a)(1)(A)(ii) that provides that ADUs are not permitted on zoning lots that are landlocked (existing provision in the LUO);

    b. Amend ROH § 21-5.50-3(a)(1)(B)(ii) to provide that the maximum size of an ADU is 1,000 (instead of 800) square feet for zoning lots of 5,000 square feet or more in area;

    c. Clarify in ROH § 21-5.50-3(a)(1)(D) that an ADU may be created by building a new structure or converting a legally established structure that is attached to, such as a two-unit dwelling, or detached from, the principal dwelling unit but located on the same zoning lot;

d. Clarify in ROH § 21-5.50-3(a)(1)(E) that only one ADU is permitted on a zoning lot; provided that an ohana unit that is otherwise permitted on a zoning lot is not considered to be an accessory dwelling unit for purposes of limiting the number of ADUs to one per zoning lot.

e. Add a new ROH § 21-5.50-3(a)(1)(F) to reference the parking requirements for an accessory dwelling unit in § 21-6.30(b);

f. Add a new ROH § 21-5.50-3(a)(1)(G) to provide that ADUs are only permitted where there is sufficient infrastructure, including but not limited to wastewater treatment and disposal and water supply infrastructure, as well as adequate roadways and first-responder resources to accommodate the ADU.

g. Require in ROH § 21-5.50-3(a)(2)(A)(i) that the covenant for an accessory dwelling unit state that, among other things, the accessory dwelling unit may only be used for long-term residential occupancy (as opposed to long-term rental) and may not be used as a bed and breakfast home or transient vacation unit.

28. Amends ROH § 21-5.50-3(c), relating to ohana unit standards to:

a. In subdivision (1):

i. Add that the construction or conversion of an ohana unit must meet all development standards and requirements in the underlying zoning district for the principal dwelling unit and the ohana unit;

ii. Clarify that an ohana unit may be created by building a new structure or converting a legally established structure that is attached to, such as a two-unit dwelling, or detached from, the principal dwelling unit but located on the same zoning lot; and

iii. Add that an ohana unit may be permitted as accessory to a principal dwelling unit on a zoning

lot that already includes one accessory dwelling unit; provided that all development standards and requirements in the underlying zoning district for the principal dwelling unit, the accessory dwelling unit, and the ohana unit are satisfied.

b. In subdivision (3), relating to ohana unit covenants, provide that at a minimum, the covenant must state that the deed restrictions lapse upon removal of the ohana unit and the covenants are binding upon all heirs, successors, and assigns of the owners (in addition to a prohibition on submitting the zoning lot to a condominium property regime).

c. Add a new subdivision (4) to provide for zoning lot limitations (this standard is being deleted from ROH § 21-8.20 and incorporated into ROH § 21-5.50-3(c), see summary paragraph I, below). The zoning lot limitations do not include the prohibition of ohana units on nonconforming zoning lots.

d. Add a new subdivision (5) to provide that ohana units are only permitted where there is sufficient infrastructure, including but not limited to wastewater treatment and disposal and water supply infrastructure, as well as adequate roadways and first-responder resources to accommodate the ohana unit (this standard is being deleted from ROH § 21-8.20 and incorporated into ROH § 21-5.50-3(c), see summary paragraph I, below).

e. Add a new subdivision (6) to reference the parking requirements for an ohana unit in ROH § 21-6.30(m).

29. Amends ROH § 21-5.50-3(b), relating to home occupation standards, to:

a. In ROH § 21-5.50-3(b)(1)(A), delete the second sentence, which required the home occupation use to be one that is traditionally and customarily conducted as an accessory use to residential living.

b. In ROH § 21-5.50-3(b)(1)(B), provide that the home occupation use may not significantly change the exterior

appearance of the dwelling unit, zoning lot, or the surrounding neighborhood.

c. Add a new ROH § 21-5.50-3(b)(1)(D) to require that the indoor storage of materials or supplies not exceed 250 cubic feet or 20 percent of the total floor area of the dwelling unit, whichever is greater. Realphabetizes subsequent paragraphs.

d. Add a new ROH § 21-5.50-3(b)(1)(G) to provide that in the B-1 and B-2 Zoning Districts, a home occupation use is permitted in a dwelling unit within a multi-unit dwelling.

e. Replace former ROH § 21-5.50-3(b)(2), which provided examples of permitted home occupations, with a new ROH § 21-5.50-3(b)(2) that provides for limitations on certain home occupations:

i. Commercial beekeeping may be a home occupation if specifically permitted as a principle use in the underlying zoning district, subject to the standards for home occupations; and

ii. Items sold on the property are limited to items produced by the home occupation.

f. In ROH § 21-5.50-3(b)(3)(A), provide that the prohibition on vehicle repair and painting does not include the repair or painting of up to five vehicles owned by a household member.

g. In ROH § 21-5.50-3(b)(3)(C), provide that the prohibition on commercial weddings includes a prohibition on wedding ceremonies and receptions.

h. In ROH § 21-5.50-3(b)(3)(D), provide that the prohibition on storage yards and base yards includes a prohibition on stockpiling.

i. Delete ROH § 21-5.50-3(b)(3)(E), which prohibited mail and package handling and delivery businesses. Realphabetizes subsequent paragraphs.

j. Add a new ROH § 21-5.50-3(b)(3)(G) to prohibit metal fabricating and cutting using welding or cutting torches, or other uses that involve the excessive or continuous use of loud tools.

k. Add a new ROH § 21-5.50-3(b)(3)(H) to prohibit commercial events that involve the renting, for compensation, of any portion of the zoning lot for use by guests or invitees.

l. Add a new ROH § 21-5.50-3(b)(3)(I) to prohibit animal care, treatment, boarding, or veterinary services, except for the occasional boarding and the occasional grooming of animals, so long as it involves no more than three animals that are not household pets on the property at any given time.

m. Amend subdivision (4), relating to employees, to:

i. Add a new paragraph (A) to permit one employee of the home occupation to be on the property at any given time; and

ii. Add a new paragraph (B) to provide that for home-based childcare, in addition to one employee of the home occupation, if an emergency renders unavailable the principal caregiver who is a household member, an additional employee may be on the property on a temporary basis to substitute for the principal caregiver.

n. Replace former ROH § 21-5.50-3(b)(5), which provided for parking requirements for home occupations, and instead reference the parking adjustments and exemptions for home occupations in ROH § 21-6.30(d) (these parking requirements are being deleted from ROH § 21-5.50-3(b)(5) and modified and incorporated into ROH § 21-6.30(d), see summary paragraph E.2, below).

30. Amends ROH § 21-5.60-1(a), relating to small, medium, or large meeting facility standards, to:

a. Delete the requirement for meeting facility management plans.

b. Clarify that ingress and egress must be provided with access to a street or right-of-way of a minimum width and sufficient street frontage as determined by the appropriate government agencies.

c. Add that kitchens are allowed as accessory to the meeting facility, but may not be used to support onsite or offsite commercial activities.

d. Add that in the AG-2 Zoning District, the maximum capacity for a meeting facility is 500 individuals.

e. Provide that noise and odor restrictions apply in the Country Zoning District (in addition to the residential and apartment Zoning Districts).

f. Add standards for meeting facilities located in the I-1 Zoning District, including

i. A 1,000-foot spacing requirement between meeting facilities;

ii. Requiring the recordation of a declaration with the State Bureau of Conveyances or State Land Court (or both as appropriate);

iii. Prohibiting accessory uses unless otherwise permitted as an accessory use (or except for accessory uses to a religious facility); and

iv. Requiring a parking and landscaping plan.

g. Delete outdoor lighting and all-weather surface parking provisions (covered in LUO Articles 4 and 6, respectively).

31. Adds a new ROH § 21-5.60-1(b), to add community-based recreation center standards to provide that:

a. In the P-2 Zoning District, a community-based recreation center is only permitted if it is being used to satisfy park dedication requirements, or is a part of a master planned community; and

b. In the residential and apartment Zoning Districts, if a community-based recreation center is not being used to satisfy park dedication requirements, or is not part of a master planned community, a minor conditional use permit is required.

32. Amends ROH § 21-5.60-2(b), relating to communication tower standards, to:

a. Provide that in the industrial Zoning Districts, the communication tower must be set back a minimum of 100 feet from the property line of any adjoining zoning lot in the residential, apartment or apartment mixed-use Zoning Districts (instead of requiring a CUP-minor in those circumstances); and

b. Add that communication towers that qualify as eligible facility requests under 47 U.S.C. § 1455(a) and 47 C.F.R § 1.6100, do not require any additional land use permits or approvals under the LUO; provided that the communication tower complies with all conditions of the initial land use permit or approval.

33. Amends ROH § 21-5.60-2(c), relating to alternative communication support structure standards, to:

a. Refer to the use as "communication support structure" (delete reference to "alternative").

b. Provide that at-grade equipment must be screened by a solid wall or fence, or by a landscape hedge of sufficient height and width to screen the equipment (instead of requiring a 10-foot wide buffer).

c. Clarify that antennas must be concealed within the communication support structure or designed to minimize visual impacts through architecture, landscaping, or other site solutions. Provide that

antennas are not considered to be concealed or designed to minimize visual impacts if the antenna extends above the top of the communication support structure or above the top of screening walls or features. Provide examples of design features that accomplish acceptable antenna concealment.

d. Provide that the DPP Director may allow for flexibility from the strict application of the concealment and integration requirements if it would result in the antenna not being able to provide the service it was designed to provide in the desired coverage area; provided that the DPP Director must first determine that there are no feasible alternatives to minimize the antenna's visual impacts, including possible relocation of the antenna.

e. Delete the requirement that the communication support structure comply with applicable State and city laws (not necessary as compliance is already required).

f. Add that communication support structures that qualify as eligible facility requests under 47 U.S.C. § 1455(a) and 47 C.F.R § 1.6100, do not require any additional land use permits or approvals under the LUO; provided that the communication tower complies with all conditions of the initial land use permit or approval.

g. In the I-1, I-2, and I-3 Zoning Districts, add an exception to the antenna concealment and integration requirements unless the communication support structure is located within 100 feet of the property line of any adjoining zoning lot in the residential, apartment, or apartment mixed-use Zoning Districts.

34. Amends ROH § 21-5.60-2(d), relating to accessory communication structure standards, to rename "accessory communication structure" as "accessory receive only antenna."

35. Adds a new ROH § 21-5.60-2(e) to add broadcasting antenna standards as follows:

a. Freestanding broadcasting antennas must be set back from all property lines a minimum of 1 foot for every 5 feet of height;

b. Broadcasting antennas supported by guy wires must be set back from all property lines a minimum of 1 foot for every 1 foot of height;

c. AM antennas must be set back a minimum of 500 feet from the property line of any adjoining zoning lot in the country, residential, apartment, or apartment mixed-use Zoning Districts;

d. FM and TV antennas must be set back a minimum of 2,500 feet from the property line of any adjoining zoning lot in the country, residential, apartment, or apartment mixed-use Zoning Districts;

e. TV broadcasting antennas and broadcasting antennas other than for TV are required to have certain structural capabilities (subject to certain circumstances under which the requirements may be reduced);

f. Once a site for a broadcasting antenna is approved, additional antennas and accessory uses proposed within the approved envelope (within a specified height and distance) will be processed without requiring modification to the initial land use permit or approval, unless the broadcasting antenna site is within a special district;

g. Broadcasting antennas and associated facilities must be enclosed by fencing a minimum of 6 feet in height; and

h. A landscape plan is required for all broadcasting antenna installation requests.

36. Amends ROH § 21-5.60-3(a), relating to K-12 school standards, to rename "K-12 school" as "PreK-12 school," and delete the minimum zoning lot size of 20,000 square feet. Renumbers subsequent subdivisions.

37. Amends ROH § 21-5.60-3(b), relating to vocational school standards, to provide that in the AG-1 and AG-2 Zoning Districts, minor and major vocation schools must involve agricultural education programs conducted on a farming operation that is accessory and secondary to the principal agricultural use of the zoning lot as described in HRS § 205-4.5 (19).

38. Deletes ROH § 21-5.60-3(c), relating to university and college standards (will be subject to Plan Review Use conditions).

39. Deletes ROH § 21-5.60-4(b), relating to prison standards (will be subject to Plan Review Use conditions).

40. Amends ROH § 21-5.60-5(a), relating to cemetery standards, to provide that in the P-2 Zoning District, the following development standard flexibility may be permitted pursuant to the Plan Review Use process:

    a. An increase of up to 25 feet above the maximum height limit;

    b. An increase in the maximum density; and

    c. An increase in the maximum building area.

41. Adds a new ROH § 21-5.60-5(b), relating to park standards, to require that parks with playgrounds, sport courts, or sport fields must be set back from all property lines a minimum of 20 feet.

42. Amends ROH § 21-5.60-6(a)(3)(D), relating to small wind energy generation facilities, to clarify that height is measured from the farthest vertical extension of the tower, which includes the height of the tower or its vertical support structure and the farthest vertical extension of the blade tip from the tower.

43. Amends ROH § 21-5.60-6(b)(3)(E), relating to medium wind energy generation facilities, to clarify that height is measured from the farthest vertical extension of the tower, which includes the height of the tower or its vertical support structure and the farthest vertical extension of the blade tip from the tower.

44. Amends ROH § 21-5.60-6(c)(2), relating to large wind energy generation facilities, to:

a. Amend paragraph (E) to provide that large wind energy generation facilities must be set back:

i. From all property lines a minimum distance equal to the height of the facility; and

ii. From the property lines of any zoning lot located in the country, residential, apartment, apartment mixed-use, or resort Zoning Districts a minimum distance of 10 times the height of the facility or 1.25 miles, whichever is greater.

Also clarifies that height is measured from the farthest vertical extension of the tower, which includes the height of the tower or its vertical support structure and the farthest vertical extension of the blade tip from the tower.

b. Add a new paragraph (F) to provide that with regard to occupied buildings in proximity to the facility that exist on the submission date of the facility's CUP application:

i. No portion of a large wind energy facility may cause more than 10 hours per year or 10 minutes per day of shadow flicker on existing occupied buildings; and

ii. During normal operation, facility noise levels may not exceed 10 dBA above ambient sound levels at existing occupied buildings.

Also requires an applicant to submit to the DPP site-specific data using software models to demonstrate conformity with shadow flicker and noise restrictions.

c. Add a new paragraph (G) to provide that for existing large wind energy generation facilities with approved land use permits, the repair, maintenance, or component replacement of the facility during the term of the facility's current power purchase agreement may involve an increase in the height of the facility:

i. By up to 7 percent of the original height of the facility; or

ii. Up to a maximum height of 575 feet;

whichever is the lesser facility height; provided that the facility operates under and within the scope of its approved land use permits. Carves out an exception so that any such height increase will not be deemed to increase the facility's setback nonconformity.

45. Adds a new ROH § 21-5.70-7(b)(7), relating to minor and major animal care standards, to provide that in the business, business mixed-use, and IMX-1 Zoning Districts, major animal care must be soundproofed and air-conditioned.

46. Amends ROH § 21-5.70-8(c), relating to nature-based recreation standards, to provide that for horseback riding tours, all buildings housing horses and all corrals in which horses are kept or assembled must be set back a minimum of 100 feet from the property line of any adjoining zoning lot located in the country, residential, apartment, or apartment mixed-use Zoning Districts.

47. Amends ROH § 21-5.70-9(b), relating to mobile commercial establishment standards, to:

a. In ROH § 21-5.70-9(b)(3), provide an exception to the allowance of one portable sign within 5 feet of a mobile commercial establishment if weather conditions render it unsafe; and

b. In ROH § 21-5.70-9(b)(4)(A), move the parking requirements to ROH § 21-6.30(m), and references that section (these parking requirements are being deleted from ROH § 21-5.70 9(b)(4)(A) and incorporated into ROH § 21-6.30(m), see summary paragraph E.4, below). Retains the requirement for a parking management plan.

48. Amends ROH § 21-5.80-1(b), relating to standards for a biofuel processing facility as a principal industrial use, to add a

standard pursuant to HRS § 205-4.5(a)(16), providing that in the AG-1 and AG-2 Zoning Districts, agricultural land and uses in the vicinity of the biofuel processing facility must not be adversely impacted.

C. In SECTION 6 of the bill, amends ROH § 21-2.90-2(e), relating to general requirements for conditional use permits, to reference special needs housing for the elderly (instead of large group living) for purposes of modifications of underlying zoning district standards.

D. In SECTION 7 of the bill, repeals ROH § 21-2.110-3, relating to the designation of ohana-eligible areas (the previous SECTION 7 of the bill amended the references in ROH § 21-2.110).

E. In SECTION 8 of the bill, adds a new ROH § 21-2.110-3 (instead of a new ROH § 21-2.110-4), relating to special use permits.

F. In SECTION 10 of the bill, amends ROH § 21-2.130(a)(1), relating to the waiver of zoning requirements, to make conforming amendments to clarify that communication towers and communication support structures (instead of communication facilities) are eligible for zoning waivers.

G. In SECTION 11 of the bill, deletes ROH § 21-2.140-1(h)(1)(A), relating to nonconforming status if an ohana dwelling is no longer in an ohana-eligible area (provisions relating to ohana-eligible areas under ROH § 21-2.110-3 and ROH § 21-8.20-1 are being deleted). Realphabetizes subsequent paragraphs.

H. In SECTION 25 of the bill, amends ROH § 21-4.60 (Heights) to make conforming amendments to reference communication towers and communication support structures (instead of antennas associated with utility installations), and accessory receive only antennas (instead of receive only antennas).

I. In SECTION 33 of the bill, amends Table 21-6.1 (Minimum Off-street Parking Ratios) to amend the accessory residential entry under the Residential and Lodging use category, to delete references to home-based childcare and confined animal raising, and add a reference to home occupation.

J. In SECTION 34 of the bill, amends ROH § 21-6.30, relating to adjustments and exceptions to parking requirements, to:

1. Amend ROH § 21-6.30(b), relating to the waiver of off-street parking requirements for accessory dwelling units, to add the Ewa Development Plan area (in addition to the Primary Urban Center Development Plan area) where off-street parking space requirements may be waived if the ADU is located within 800 feet of a City bus stop; provided that this waiver does not apply if an off-street parking waiver has already been applied to an ohana unit located on the same zoning lot.

2. Amend ROH § 21-6.30(d), relating to home occupations, to:

    a. For home occupations that involve client visits, require one off-street parking space for every four (instead of five) clients that may be on the property at any given time, and specify how the parking requirement is calculated;

    b. For home occupations that involve employees, require one off-street parking space for the one onsite employee that may be on the property at any given time;

    c. Provide that multi-unit dwelling residents may fulfill their parking requirement using guest parking if allowed by the rules and regulations for the multi-unit dwelling; and

    d. Provide that commercial vehicles associated with the home occupation (other than the occasional, infrequent, and momentary parking of a vehicle for pickups and deliveries as a service to the home occupation) may not be parked on the street.

3. Amend ROH § 21-6.30(h)(4), relating to car sharing, to refer to a car-sharing organization, as that term is defined in HRS § 251-1 (instead referring to a provider of car share services).

4. Add a new ROH § 21-6.30(l), relating to mobile commercial establishments, to provide that when three or more mobile commercial establishments operate on one zoning lot, a minimum of five parking spaces per mobile commercial establishment is required.

5. Add a new ROH § 21-6.30(m) to provide that:

a. For ohana units, the off-street parking space requirements are the same as required for the primary dwelling unit, which are in addition to the required off-street parking for the primary dwelling unit; and

b. For ohana units that are 1,000 square feet or less in size and are located on zoning lots within the Primary Urban Center development plan area or the Ewa development plan area, the off-street parking space requirement is waived if the zoning lot developed with an ohana unit is located within 800 feet of a city bus stop; provided that this waiver does not apply if an off-street parking waiver has already been applied to an accessory dwelling unit located on the same zoning lot.

K. In SECTION 42 of the bill, repeals ROH § 21-8.20, relating to ohana dwelling standards. Certain standards relating to zoning lot limitations and infrastructure requirements are being incorporated into ROH § 21-5.50-3(c) (see summary paragraph B.9, above).

L. In SECTION 43 of the bill, repeals ROH § 21-8.20-1, relating to procedures for approval of ohana dwellings.

M. In SECTION 64 of the bill, relating to Table 21-9.6(A) ("Waikiki Special District Precinct Permitted Uses and Structures"), amends Table 21-9.6(A) to:

1. Separate the group living entry (under residential uses) to three different entries:

a. Small group living – State regulated. Designates "P*" in the Apartment and Resort Mixed-Use Precincts of the Waikiki Special District ("WSD");

b. Small group living – not State regulated. Designates "C*" in the Apartment and Resort Mixed-Use Precincts of the WSD; and

c. Large group living. Designates "C*" in the Apartment and Resort Mixed-Use Precincts of the WSD.

2. Amend the daycare entry (under commercial uses) to two different entries:

a. Adult daycare. Designates "C*" in the Apartment Precinct and "P*" in the Resort Mixed-Use Precinct of the WSD; and

b. Child daycare. Designates "Cm*" in the Apartment Precinct and "P*" in the Resort Mixed-Use Precinct of the WSD.

3. Under public, civic, and institutional uses, add a new communication tower entry, and designate "Cm" in the Apartment Precinct, Resort Mixed-Use Precinct, and Public Precinct of the WSD.

4. Under public, civic, and institutional uses, add a new dish antenna entry, and designate "Cm" in the Apartment Precinct, Resort Mixed-Use Precinct, and Public Precinct of the WSD.

N. In SECTION 70 of the bill:

1. Amends the definition of "accessory dwelling unit" to mean a dwelling unit, including separate kitchen, bedroom, and bathroom facilities, attached or detached from the principal dwelling unit on the zoning lot.

2. Renames "accessory communication structure" as "accessory receive only antenna," and amends the definition to mean an antenna that is not regulated by the Federal Communications Commission, is used primarily to receive radio frequency or microwave transmissions, and is accessory to a principal use. Includes satellite dishes up to 1 meter in size, amateur (ham) radio antennas, and television antennas attached to single-unit, two-unit, and duplex-unit dwellings. Does not include broadcasting antennas, telecommunication facilities such as communication towers and communication support structures, or dish antennas larger than 1 meter in diameter.

3. Amends the definitions of "minor and major agricultural processing" to reference Hawaii-grown crops and Hawaii-raised animals. Provides that the term does not include the processing of packaged food or drink products (refers to food manufacturing and processing). Cross references agricultural collection and storage.

4. Amends the definition of "agritourism" to:

    a. Clarify that the term includes accessory destination events, such as weddings;

    b. Define "minor agritourism" as 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; and

    c. Define "major agritourism" as all other agricultural-related tourism activities that do not fall within the minor agritourism use.

5. Amends the definition of "animal raising" to:

    a. Refer to the use as "outdoor animal raising";

    b. Clarify the definition as the raising, the feeding, and keeping of livestock and poultry such as cattle, horses, goats, sheep, swine, turkeys, chickens, ducks, rabbits, and bees that are not raised as household pets or for purposes of personal use or companionship, primarily in unconfined outdoor areas where they are free to roam or graze;

    c. Provide that the term includes beekeeping as an agricultural use;

    d. Provide that the term does not include feedlots (refers to confined animal raising) or animal shelters (refers to animal care); and

    e. Provide that the term may include the boarding and care of livestock and poultry that are not raised as household pets or for purposes of personal use and companionship.

6. Amends the definition of "confined animal raising" to clarify the definition as the raising and feeding of livestock and poultry such as cattle, horses, goats, sheep, swine, turkeys, chickens, ducks, and rabbits that are not raised as household pets or for

purposes of personal use and companionship, primarily in confined indoor or outdoor areas, such as pens, stalls, or cages. Provides that the term does not include the boarding and care of household pets owned by other persons (see animal care) or animal shelters (see animal care).

7. Amends the definition of "aquaculture" to provide that the term does not include cultivating land-based crops, including with hydroponics (refers to crop raising).

8. Amends the definition of "biofuel processing facility" to delete the definition of biofuel processing facility as an accessory agricultural use, and define biofuel processing facility as an industrial use to mean a facility that produces liquid or gaseous fuels from organic sources, such as biomass crops, agricultural residues, oil crops (including palm, canola, soybean, and waste cooking oils); grease; food wastes; or animal residues and wastes that may be used to generate energy.

9. Adds a definition of "broadcasting antenna" to mean antennas, towers, and other accessory facilities for radio frequency transmissions of AM and FM radio and television broadcasting, which may be received by anyone with a radio or television. Broadcasting antennas are regulated by the Federal Communications Commission, and do not include broadcasting studios and stations, and telecommunication facilities.

10. Amends the definition of "cemetery" to add examples of permitted accessory uses to the cemetery principal use, including crematory operations, cemetery real estate operations, mortuary services, floral and monument sales, and single-unit dwellings to be occupied by cemetery caretakers.

11. Amends, rather than deletes, definitions of "minor and major composting."

12. Amends the definition of "consulate" to clarify that consulates are eligible for zoning waivers that apply to public facilities.

13. Amends the definition of "crop raising" to:

a. Clarify the definition as the cultivating, maintaining, and harvesting crops for agriculture and horticulture purposes, generally conducted in an open field or greenhouse;

b. Provide that the term includes vertical farm operations and cultivating crops with hydroponics, aeroponics, and aquaponics; and

c. Provide that the term does not include cultivating aquatic plants or animals (refers to aquaculture), and cross-references to forestry, plant nursery.

14. Amends the definition of "child daycare" to add a cross reference to public facility.

15. Amends the definition of "dwelling unit" to provide that two or more structures that are essentially separate except for an unenclosed or token connection, such as a covered walkway or trellis, do not constitute a single dwelling unit.

16. Amends the definition of "multi-unit dwelling" to clarify that:

a. A multi-unit dwelling has three or more dwelling units contained in a single building; and

b. Any nonresidential uses permitted in the underling zoning district will be regulated as separate land uses.

17. Amends the definition of "duplex-unit dwelling" to reference Figure 21-10.3.

18. Amends the definition of "farm dwelling" to:

a. Provide that a farm dwelling may NOT be accessory to the boarding and care of animals; and

b. Require that onsite agricultural activity provide income to the household occupying the farm dwelling.

19. Amends the definition of "food manufacturing and processing" to clarify the definition as the processing of packaged food or drink products for human consumption that does not involve

the handling of dead animals or animal by-products. Provides that the term does not include facilities that fall within the agricultural processing use, if activities include further processing such as cooking and blending.

20. Adds a definition of "group living" as follows:

    Residential occupancy that is not included in household living. Includes but is not limited to monasteries, convents, dormatories, and facilities such as adult residential care home, assisted living facility, special needs housing for the elderly, developmental disabilities domicilary home, special treatment facility, clean and sober home, hospice home, group home, recovery home, nursing home, rehabilitation facility, and sanitarium. These facilities may be licensed, certified, registered, or monitored by the State.

21. Amends the definition of "lodging unit" to clarify that a lodging unit is designed for transient occupancy, and is used for independent living quarters for one or more persons living as a single family.

22. Amends the definition of "meeting facility" to clarify that meeting facilities may be accessory to a principal use unless expressly prohibited. Also adds examples of meeting facilities, including private clubs, union halls, community centers, religious facilities such as churches, temples, and synagogues, and student centers. Cross references public facility.

23. Amends the definition of "ohana unit" to provide that an ohana unit is an accessory attached or detached dwelling unit on a zoning lot that includes a principal dwelling unit, for persons who are related by blood, adoption, guardianship, marriage, or other duly-authorized custodial relationship to the family residing in the principal dwelling unit located on the same zoning lot.

24. Amends the definition of "plant nursery" to:

    a. Provide that the term includes floriculture operations;

    b. Provide that the term does not include retail establishments such as garden shops that sell items other than plants,

such as gardening supplies, potting soil, and fertilizers (refers to general retail); and

c. Cross reference crop raising, aquaculture, forestry, feed store.

25. Amends the definition of "public facility" to add further examples of public facilities, including public (federal, state, or city) libraries, satellite city halls, post offices, schools, parks, zoos, golf courses, and meeting facilities such as the Hawaii Convention Center, the Neal S. Blaisdell Center, and the Waikiki Shell (in addition to public administrative offices and transportation stops). Also clarifies uses that are not public facilities, including private K-12 and vocational schools, private golf courses, parks, or community recreation centers.

26. Amends the definition of "general outdoor recreation" to clarify that horseback riding tours are not general outdoor recreation. Cross references animal raising.

27. Amends the definition of "heavy repair" to provide that the term does not include facilities that fall within the agricultural equipment service use if activities include the repair of industrial machinery, heavy equipment, engines, and vehicles that are not used in agricultural production.

28. Amends the definition of "rooming" to clarify that rooming provides accessory overnight living accommodations to persons other than transient occupants, and does not include bed and breakfast homes (references bed and breakfast home).

29. Amends, rather than deletes, the definition of "special needs housing for the elderly" to clarify that the term is a type of group living that meets certain listed criteria and is eligible for the modification of certain development standards pursuant to ROH § 21-2.90-2(e).

30. Amends the definition of "storage, warehousing, and distribution" to refer to the use as "general storage, warehousing, and distribution." Cross references agricultural collection and storage.

31. Amends the definition of "transient occupant" to reference transient vacation unit, bed and breakfast home, rooming, and hotel.

32. Adds a new Figure 21-10.3 after the definitions of "duplex-unit dwelling," "single-unit dwelling," and "two-unit dwelling."

O. In SECTION 71 of the bill:

1. Amends the definition of "agricultural collection and storage" to provide that the term does not include the storage or movement of non-agricultural products (refers to general storage, warehousing, and distribution).

2. Amends the definition of "agricultural energy facility" to provide that:

   a. The term includes producing, harvesting, and preparing Hawaii-grown feedstock for use at the agricultural energy facility; and

   b. The term does not include the use of grease, food wastes, animal residues, or animal wastes from offsite commercial or industrial uses to generate energy (references biofuel processing facility).

3. Amends the definition of "agricultural equipment service" to provide that the term does not include the sale, rental, or lease of motor vehicles for use on a road (refers to vehicle sales and rental), the repair of industrial machinery, heavy equipment, and engines that are not used in agricultural production (refers to heavy repair), or the routine maintenance of vehicles that are not used in agricultural production, such as replacing fluids and minor parts (refers to vehicle service).

4. Amends the definition of "agricultural farmers market" to:

   a. Clarify that the use is an accessory outdoor market for the sale of Hawaii-grown products located on a zoning lot with a principal agricultural use; and

   b. Provide that the term does not include outdoor markets and similar uses conducted outside of the agricultural zoning

districts, farm stands, or mobile commercial establishments.

5. Amends the definition of "alternative communication support structure" to delete reference to "alternative" (refers to the use as "communication support structure.") Amends the definition to mean a structure designed for a separate use or purpose that also supports or conceals a telecommunications facility. Equipment may be mounted on and integrated with a roof or facade, light pole, bell tower, clock tower, campanile, steeple, light structure other than a street light pole or traffic signal pole, or similar structure.

6. Amends the definition of "animal care" to clarify the definition as providing medical care, grooming, training, or boarding services to household pets owned by other persons as a principal use. Also provides that the term does not include raising and feeding livestock and poultry in confined areas such as pens, stalls, or cages (refers to confined animal raising), or providing veterinary services to livestock and poultry (refers to livestock and poultry veterinary service).

7. Amends the definition of "beekeeping" to:

   a. Refer to beekeeping as an agricultural activity;

   b. Clarify that the term does not include accessory commercial beekeeping in zoning districts where home occupations are permitted, which must comply with home occupation standards; and

   c. Add that the term does not include accessory backyard beekeeping on the same zoning lot on which the beekeeper's dwelling unit is located, which is subject to the animal nuisance requirements for the keeping of honeybees.

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8. Moves the definition of biofuel processing facility as an industrial use to SECTION 70 of the bill.

9. Amends the definition of "brewery, distillery, winery" to clarify that the term does not include facilities that fall within the minor agricultural processing use (refers to minor

agricultural processing) or establishments that fall within the bar, nightclub use.

10. Moves the definition of "communication tower" from SECTION 70 to SECTION 71, and amends the definition to mean a freestanding structure that supports a telecommunications facility. Clarifies that communication tower includes monopoles, monopalms, monopines, lattice towers, and similar structures, but does not include broadcasting antennas or structures that support or conceal an antenna.

11. Adds a definition of "community-based recreation center" to mean a community-based recreation center, which may be membership based, that includes outdoor and indoor recreation, including swimming pools, locker rooms, sports courts, gymnasiums, meeting rooms, offices, and supporting facilities. Cross references park, general outdoor recreation, nature-based recreation, personal services, public facility.

12. Amends the definition of "dish antenna" to mean a receiver or transmitter of radio frequency or microwave transmissions consisting of a reflector-shaped satellite dish that is larger than 1 meter in diameter. Clarifies that dish antenna does not include antennas integrated with telecommunication facilities. Cross references accessory receive only antenna.

13. Amends the definition of "farm stand" to clarify that the term does not include a mobile commercial establishment or agricultural farmers market.

14. Amends the definition of "forestry" to delete reference to edible fruit, and to cross reference plant nursery, crop raising.

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15. Adds a definition of "large group living" as follows:

    Type of group living that may be licensed, certified, registered, or monitored by the State, where a dwelling unit is occupied by nine or more residents who do not meet the definition of a family. Resident managers or supervisors and their families are not included in the resident count.

16. Adds a definition of "small group living – State regulated" as follows:

Type of group living that is licensed, certified, registered, or monitored by the State, where a dwelling unit is occupied by up to eight residents who do not meet the definition of a family. Resident managers or supervisors and their families are not included in the resident count.

17. Adds a definition of "small group living – not State regulated" as follows:

    Type of group living that is not licensed, certified, registered, or monitored by the State, where a dwelling unit is occupied by up to eight residents who do not meet the definition of a family. Resident managers or supervisors and their families are not included in the resident count.

18. Adds a definition of "livestock" to mean animals raised in an agricultural setting to provide labor or produce diversified products for consumption such as meat, milk, fur, leather, and wool. Provides that the term includes cattle, horses, goats, sheep, swine, rabbits, and herding dogs that are not raised as household pets or for purposes of personal use and companionship.

19. Amends the definition of "livestock veterinary service" to:

    a. Refer to the use as "livestock and poultry veterinary service";

    b. Define the use as providing veterinary services to livestock and poultry; and

    c. Provide that the term does not include providing veterinary services to livestock and poultry raised as household pets or for purposes of personal use and companionship (refers to animal care); and

    d. Cross reference confined animal raising.

20. Amends the definition of "nature-based recreation" to add that horse stables and community recreation centers are not nature-based recreation. Cross references animal raising.

21. Amends the definition of "park" to mean an area used for outdoor play or recreation, often containing recreational equipment such as slides, swings, climbing frames, sport courts and fields, and botanical gardens. A park may include small office spaces for managers or groundskeepers, storage structures, and barbeque pavilions. A park does not include swimming pools and gymnasiums. A park may include both passive and active recreation, and projects that promote and enhance ecosystem benefits, keep wildlife on land with preserved natural features, as well as picnic grounds, beaches, beach access, greenways, and areas for hiking, fishing, hunting, and other scenic interests. Clarifies that park does not include public parks or community recreation centers. Cross references nature-based recreation, general outdoor recreation, and meeting facility.

22. Adds a definition of "poultry" to mean fowls, including chickens, turkeys, geese, ducks, and other birds raised for the production of meat, eggs, or feathers.

23. Amends the definition of "prison" to cross reference public facility.

24. Renames "K-12 school" as "PreK-12 school," and amends the definition to mean a facility educating students enrolled in pre-kindergarten through 12th grade, operated by a private institution or entity that provides educational programs using a curriculum analogous to the Hawaii public school curriculum for the same grade level, and when applicable, in compliance with the Hawaii State compulsory attendance laws. Clarifies that PreK-12 school does not include public schools or post-secondary schools. Cross references child daycare and home-based childcare.

25. Amends the definition of "single-unit dwelling" to reference Figure 21-10.3.

26. Adds a definition of "telecommunications facility" to mean facilities integrated with communication towers or communication support structures that are regulated by the Federal Communications Commission, and may include transmitting panel antennas, GPS antennas, accessory satellite dish antennas, remote radio units, power cables, and similar equipment. Clarifies that telecommunications facility includes

accessory structures that may be located elsewhere on the zoning lot, including equipment cabinets, emergency generators, and fencing.

27. Amends the definition of "two-unit dwelling" to reference Figure 21-10.3.

28. Amends the definition of "urban agriculture" to define the term as crop raising and related agricultural activities conducted as a principal or predominant land use outside of the P-2, agricultural, and country zoning districts. Provides that the term includes vertical farm operations located outside of the P-2, agricultural, and country zoning districts.

29. Amends the definition of "vehicle sales and rental" to define the use as a facility that sells, rents, or leases motor vehicles for use on a road, such as cars, trucks, and buses. Provides that the term does not include facilities that fall within the agricultural equipment service use if activities include the sale, rental, or lease of vehicles that are not used in agricultural production.

30. Amends the definition of "vehicle service" to provide that the term does not include facilities that fall within the agricultural equipment service use if activities include the routine service and maintenance of vehicles that are not used in agricultural production.

31. Amends the definition of "vertical farm" to provide that the term does not include cultivating aquatic plants or animals (see aquaculture).

32. Amends the definition of "vocational school" to add a list of facilities that are not vocational schools, including vocational training on harbor fast lands that support commercial marine activities, sports classes, tutoring, martial arts studios, dance studios, gymnastic studios, or institutions of higher education that award associates, bachelors, masters, or doctorate degrees. Also adds definitions of minor versus major vocational school as follows:

Minor: Facilities that do not include the operation of industrial equipment such as floor-mounted woodworking or machine shop equipment.

Major: Facilities that include the operation of industrial equipment such as floor-mounted woodworking or machine shop equipment.

33. Amends the definition of "university, college" to clarify that universities and colleges are for post-secondary education, and to cross reference public facility, vocational school, and PreK-12 school.

34. Adds a new Figure 21-10.3, which depicts dwelling types, including single-unit dwelling, two-unit dwelling, and duplex-unit dwelling.

P. In SECTION 72 of the bill:

1. Removes the deletion of the definition of "major and minor composting," which is being retained and amended (see summary paragraph N.9 above).

2. Removes the deletion of the definition of "special needs housing for the elderly," which is being retained and amended (see summary paragraph N.26, above).

3. Deletes the definition of "car sharing."

Q. In SECTION 94 of the bill, relating to direction to the Revisor of Ordinances, adds that in SECTION 3 of the ordinance, pursuant to the Revisor's authority under ROH Section 1-16.3(b)(1), the Revisor shall replace the phrase "effective date of this ordinance" or similar phrase used in the codified language of the ordinance with the actual date on which the ordinance takes effect.

R. Makes miscellaneous technical and nonsubstantive amendments for purposes of formatting, grammar, consistency, and clarity.

Related communications:

CC-254 Councilmember Kia‘āina, submitting instructions for amendments to Bill 64 (2023), FD1, for the P&E meeting on October 22, 2024 (Miscellaneous Uses and Clean-up Amendments)

CC-255 Councilmember Tupola, submitting proposed amendments to Bill 64 (2023), FD1

CC-259 Councilmember Weyer, submitting proposed additional amendment to Bill 64 (2023), FD1 – Miscellaneous uses

CC-262 Councilmember Kia‘āina, submitting proposed amendments to Miscellaneous Uses in Bill 64 (2023), FD1, for the Committee on Planning and the Economy Meeting on October 22, 2024

EXECUTIVE SESSION

If the need arises with respect to any item on this agenda, then pursuant to Hawai‘i Revised Statutes Sections 92-4 and 92-5(a)(4), the Committee may consult in a closed meeting with its attorneys in executive session on questions and issues pertaining to claims and other matters on the Council's powers, duties, privileges, immunities and/or liabilities relating to that item.

ESTHER KIA‘ĀINA, Chair

Committee on Planning and the Economy

Office of City Clerk

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Support of Resolution 24-243, Reconvening the Council's Agricultural Development Task Force

Honolulu City Council Committee on Planning and Economy

Tuesday, October 22, 2024; 9:00 a.m.

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

Thank you for the opportunity to provide my **support** of Resolution 24-243, which would reconvene the Honolulu City Council's Agricultural Development Task Force. Thank you Councilmember Esther Kia'āina for introducing this measure and Councilmember Andria Tupola for co-sponsoring. I suggest prioritizing diversity while selecting the nine members of this important panel; please ensure small farmers are represented from communities on all sides of the island.

While the Task Force works to suggest improvements to support agricultural development, I humbly request that the Committee table the controversial proposal to require agricultural easements for farm dwellings (standard (4) of § 21-5.40-4(e) of Chair Kia'āina's proposed amendments to Bill 64). There are more effective and less burdensome approaches to ensure that AG lands are being used for agricultural activities that will avoid the significant costs to the agriculture economy, especially to small farm operations, than requiring agricultural easements before farmers may construct homes for themselves. These include:

1. Maintaining valid agricultural dedication status with the Real Property Assessment Division under ROH §8-7.3.
2. A standard for gross annual income from sales of agricultural products grown on the zoning lot where the farm dwelling is located

The Agricultural Development Task Force can study these and other options and recommend a method to the Committee that is consistent with the purpose and intent of the AG-1 and AG-2 zoning districts.

Thank you for this opportunity to provide input on the proposed Agricultural Development Task Force. This is critical work because community goals for a diverse economy and healthy environment are strongly tied to agricultural development. I look forward to continuing to be involved in this important process.

Mahalo,



Mike Foley

Kailua

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

TUESDAY, OCTOBER 22, 2024
9:00 A.M.
CITY COUNCIL CHAMBER

RESOLUTION 24-243
RECONVENING THE COUNCIL'S AGRICULTURAL DEVELOPMENT TASK FORCE

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

The Department of Agriculture (Department) strongly supports Resolution 24-243 that reconvenes the Agricultural Development Task Force to foster the growth and enhancement of agricultural activities on Oahu.

The initial designation of Task Force members is to be done by the Council Chair and Vice Chair. Membership is not to exceed nine and not be less than five, and one member is to have expertise in traditional Native Hawaiian agricultural practices. An annual report from the Task Force is required to be transmitted to the City Council, Mayor, Managing Director, Director of the Office of Economic Revitalization, and the Director of the Department of Planning and Permitting. Open and ongoing communication between the Task Force and these City legislative and executive functions is encouraged.

The priority function of the Task Force is to recommend means by which City policy can support agricultural development in 12 areas. The Department took the liberty of organizing and adding to these areas as follows:

- Direct and general assistance to agricultural operations in the form of grants, preferential water rates, property tax abatement for productive agricultural lands, agricultural support infrastructure which may consider collaboration and investment in major post-production facilities proposed for Oahu that could increase agricultural product volume, quality, and variety to meet the requirements of institutional purchasers;

- In addition to zoning, permitting, and data gathering and analysis, the Department recommends the Task Force consider how the City general and communities plans, zoning ordinance, subdivision rules and control over other partitioning of agricultural lands can be harmonized to suppress, if not reverse, the runaway increase in value of agricultural land for rural-residential living with little, if any, meaningful agricultural production.

The Department believes both food security and economic development can be achieved from the focus the Task Force can bring to the elements described above.

The Department recommends that the Task Force be provided support personnel to ensure continuity and recordation of their efforts and to arrange meetings and communication with the Council, Mayor, and the executive departments

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

Email: ramsey.brown@ponopacific.com

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

Pono Pacific Land Management supports Resolution 24-243, Reconvening the Council's Agricultural Development Task Force.

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 supports Resolution 24-243, which reconvenes the Honolulu City Council's Agricultural Development Task Force, with a membership consisting of not more than nine and not less than five members with no term limits, to foster the growth and enhancement of agricultural activities on O'ahu.

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), reintroduced as Bill 64 (2023), upon agricultural production and accessory operations in the City and County of Honolulu. As agriculture producers and stakeholders, we support agriculture and accessory agriculture on AG-1 and AG-2 lands for active farm/ranch production.

The top general recommendation to the Council was to re-activate the Agriculture Task Force and Agriculture Liaison, which would meet regularly for substantive discussions about agriculture and make recommendations to the Honolulu City Council. The Task Force should also ensure the representation of small farms.

As the Council continues to consider Bill 64 and any future funding or policies related to agriculture, we commend this resolution as a progressive step to incorporate more voices from O'ahu's agricultural industry in these important decisions. We believe that this Task Force will help to address agricultural land's priority issues, assist with implementing the outcomes from Bill 64, and offer guidance to protect and support a vibrant and resilient agricultural

Industry.

We look forward to the collaborative efforts of the City and County of Honolulu and the Agricultural Development Task Force to bolster O'ahu's agricultural future.

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

Sincerely,



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