



RESOLUTION

PROPOSING AN AMENDMENT TO CHAPTER 21, REVISED ORDINANCES OF HONOLULU 1990 (THE LAND USE ORDINANCE), RELATING TO FARM VILLAGE COMMUNITIES.

WHEREAS, the zoning maps and the Land Use Ordinance ("LUO") of the City and County of Honolulu ("City") establish zoning districts and zoning district regulations for the utilization of land in the City pursuant to Section 6-1514 of the Revised Charter of the City and County of Honolulu 1973 (2017 Edition) ("Charter"); and

WHEREAS, each zoning district is designated for certain uses and restricted for other uses in order to encourage orderly development in accordance with adopted land use policies, including the Oahu general plan and the applicable development plans or sustainable community plans, and to promote and protect the public health, safety, and welfare; and

WHEREAS, the COVID-19 pandemic has had a severe impact upon Hawaii's economy, causing many large and small businesses, nonprofit organizations, and local government agencies to curtail or cease their operations; and

WHEREAS, Hawaii's economic engines, including the tourism, agriculture, healthcare, and service industries, are now experiencing unprecedented financial difficulties; and

WHEREAS, Hawaii imports about 85 percent of its food supplies from the U.S. mainland or foreign countries, and it has been estimated that Hawaii has only five to seven days of food reserves in the event of a natural disaster or national emergency; and

WHEREAS, food security must always be provided to Hawaii's population, especially during a national or global calamity that interrupts the delivery of food to the State; and

WHEREAS, increasing the production and sale of locally-grown agricultural goods would help ensure food sustainability and security in Hawaii, contribute to job growth, and aid in the diversification of the State's economy; and

WHEREAS, one of the most promising areas for economic diversification on Oahu is agriculture, and many of the lands which in the past contributed to Hawaii's economic vitality with crops like sugar and pineapple now lie fallow; and



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WHEREAS, studies have shown that the major issues now facing Hawaii's farmers and which impede food production include high land prices, access to skilled labor, invasive species, crop diseases, lack of sufficient water, and a lack of capital; and

WHEREAS, the Council believes that one approach to addressing these issues, and to increasing agricultural output, is to encourage the creation of farm village communities consisting of small and inexpensive farm dwellings inhabited by families engaged in and receiving income from agricultural activities conducted on the land; and

WHEREAS, clustering these small farm dwellings on agriculturally-zoned lands would result in a more economical and efficient use of the land, minimize the costs of providing necessary infrastructure, increase food production and sustainability, create more affordable housing, and provide additional opportunities for agricultural workers; and

WHEREAS, Section 205-2(d)(2), Hawaii Revised Statutes ("HRS"), states that the State Land Use Agricultural District must include farming activities or uses related to animal husbandry and game and fish propagation, and HRS Section 205-4.5(a)(4) states that a permissible use of lands in the State Agricultural District with a soil productivity classification of "A" or "B" is farm dwellings, employee housing, farm buildings, or activities or uses related to farming and animal husbandry; and

WHEREAS, Section 6-1513 of the Revised Charter of the City and County of Honolulu 1973 (2017 Edition) ("Charter"), provides that "[a]ny revision of or amendment to the zoning ordinances may be proposed by the council and shall be processed in the same manner as if proposed by the director [of planning and permitting]"; and

WHEREAS, the term "zoning ordinances," as used in Charter Section 6-1513 includes both amendments to the LUO and to ordinances designating particular parcels of property in terms of the LUO; and

WHEREAS, ROH Chapter 2, Article 24, Part A, establishes procedures and deadlines for the processing of Council proposals to revise or amend the general plan, the development plans, the zoning ordinances, and the subdivision ordinance, and clarifies the responsibility of the Director of Planning and Permitting to assist the Council in adequately preparing its proposals for processing; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that the Director of Planning and Permitting and the Planning Commission are directed, pursuant to Charter Section 6-1513, and ROH Chapter 2, Article 24, Part A, to process the proposed amendment to ROH Chapter 21 (the "Land Use Ordinance"), attached



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hereto as Exhibit A, in the same manner as if the proposal had been proposed by the Director; and

BE IT FURTHER RESOLVED that the Director of Planning and Permitting is directed to inform the Council upon the transmittal of the Director's report and the proposed Land Use Ordinance amendment to the Planning Commission; and

BE IT FINALLY RESOLVED that, pursuant to ROH Chapter 2, Article 24, Part A, the Clerk shall transmit copies of this resolution and the Exhibit attached hereto to the Director of Planning and Permitting and the Planning Commission of the City and County of Honolulu, and shall advise them in writing of the date by which the Director's report and accompanying proposed ordinance are required to be submitted to the Planning Commission.

INTRODUCED BY:

Keon Pua

DATE OF INTRODUCTION:

OCT 29 2020
Honolulu, Hawaii

Councilmembers

EXHIBIT A



A BILL FOR AN ORDINANCE

RELATING TO FARM VILLAGE COMMUNITIES.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose. The purpose of this ordinance is to establish farm village communities as a land use requiring a major conditional use permit in the agricultural zoning districts to increase agricultural production and food security by encouraging the development of affordable housing for farm workers and the economical and efficient use of agricultural land.

SECTION 2. Table 21-3, Revised Ordinances of Honolulu 1990 ("Master Use Table"), is amended by amending the "Agriculture" category to add "farm village communities," to read as follows:

**"TABLE 21-3
MASTER USE TABLE**

In the event of any conflict between the text of this Chapter and the following table, the text of the Chapter shall control. The following table is not intended to cover the Waikiki Special District; please refer to Table 21-9.6A.

- KEY:
- Ac = Special accessory use subject to standards in Article 5
 - Cm = Conditional Use Permit-minor subject to standards in Article 5; no public hearing required see Article 2 for exceptions
 - C = Conditional Use Permit-major subject to standards in Article 5; public hearing required
 - P = Permitted use
 - P/c = Permitted use subject to standards in Article 5
 - PRU = Plan Review Use

ZONING DISTRICTS																					
USES (Note: Certain uses are defined in Article 10.)	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	Resort	B-1	B-2	BMX-3	BMX-4	I-1	I-2	I-3	IMX-1

AGRICULTURE

Agribusiness activities			Cm	Cm																			
Agricultural products processing, minor			P/c	P/c															P/c	P/c			P/c
Agricultural products processing, major			C	C																P/c			
Animal products processing																				P		P	
Aquaculture	P	P	P	P																			
Centralized bulk collection, storage and distribution of agricultural products to wholesale and retail markets			P/c	P/c															P/c		P		
Composting, major	C	C	C																		P/c		
Composting, minor	P/c	P/c	P/c																		P/c		
Crop production	P	P	P	P																			
Farm village communities			C	C																			



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Forestry	P	P	P																	
Open land		P	P																	
Roadside stands, accessory		Ac	Ac	Ac																
Sale and service of machinery used in agricultural production		P/c	P/c															P	P	P
Sawmills		P/c	P/c																P	
Storage and sale of seed, feed, fertilizer and other products essential to agricultural production		P/c	P/c																P	P

SECTION 3. Chapter 21, Article 5, Revised Ordinances of Honolulu 1990 ("Specific Use Development Standards"), is amended by adding a new section for "Farm village communities," to be appropriately numbered by the revisor of ordinances and to read as follows:

"Sec. 21-5. Farm village communities.

- (a) The purpose of this section is to increase agricultural production and food self-sufficiency by encouraging the construction of affordable small-scale farm dwellings for agricultural workers to promote economy of services and utilities and the most efficient use of the remainder area for agricultural pursuits.
- (b) A farm dwelling in a farm village community may not exceed 600 square feet of floor area.
- (c) In the AG-1 restricted agricultural district, the number of farm dwellings in a farm village community may not exceed _____ unit for each _____ acres of lot area. In the AG-2 general agricultural district, the number of farm dwellings in a farm village community may not exceed _____ unit for each _____ acres of lot area. Each farm dwelling and any accessory uses in a farm village community must be contained within an area not to exceed _____ square feet of the lot.
- (d) The minimum land area required for an AG-1 district farm village community is 15 contiguous acres. The minimum land area required for an AG-2 district farm village community is six contiguous acres.
- (e) (1) Except as provided in subdivision (2), all principal, accessory, and conditional uses and structures permitted within the AG-1 district and AG-2 district are permitted in a farm village community, subject to the minimum standards and conditions specified in this chapter for these uses.
 - (2) The following uses are not permitted in a farm village community:
 - (A) Trade or convention center;



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- (B) Bed and breakfast homes;
- (C) Dwellings for cemetery caretakers;
- (D) Group living facilities;
- (E) Resource extraction;
- (F) Waste disposal and processing;
- (G) Recreation facilities, outdoor;
- (H) Cemeteries and columbaria;
- (I) Day-care facilities;
- (J) Hospitals;
- (K) Meeting facilities;
- (L) Prisons;
- (M) Schools: Elementary, intermediate and high;
- (N) Universities, colleges;
- (O) Helistops; and
- (P) Wind machines over 100 KW;

provided that a day care facility exclusively for children living in the farm community and a meeting facility exclusively for meetings among persons living within the farm community are permitted so long as the buildings in which these uses are located do not exceed a floor area of 600 feet.

- (f) Within a farm village community each farm dwelling may be sited on a lot not to exceed _____ square feet.
- (g) Height and yards are the same as permitted in AG-1 and AG-2 districts.
- (h) Parking, loading, and sign requirements must be specified in the approval of the farm village community plan.



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- (i) Notwithstanding Section 21-2.90-1, an application for a farm village community must include the following information:
- (1) The name of the project;
 - (2) A location map showing the project in relation to the surrounding area;
 - (3) An analysis of agricultural use of the proposed project, based on projected sales prices and terms, marketability, soils analysis, availability of water, consideration of climate, rainfall, and other factors related to agricultural productivity sufficient to demonstrate that agricultural use will constitute the primary activity undertaken on the land. The director shall refer the proposal for review and commentary of this analysis to the state department of agriculture or appropriate soil and water conservation district;
 - (4) A site plan showing:
 - (A) The metes and bounds of the site, prepared and certified by a registered engineer or surveyor, including any deed restrictions;
 - (B) Total area of the project and, if applicable, lot layout and approximate dimensions, lot number of each lot, area of each lot, proposed use of each lot, and total number of lots;
 - (C) Locations, names, dimensions, approximate gradients and radius of curves of existing and proposed streets within and adjacent to the project; approximate location and area dimensions of existing and proposed easements; existing and proposed drainage facilities; and existing and proposed utilities, including sewers, water, electric, telephone, and refuse;
 - (D) Location, size, spacing, setbacks, and dimensions of all existing and proposed structures and improvements, including the number of farm dwelling units;
 - (E) The shoreline, shoreline setback lines, beach access, and stream and other setback lines, when applicable;



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- (F) Location with notations and the sizes of all parcels of land, including streets, improvements, facilities, and easements with an indication as to whether they are proposed to be dedicated to the city, or whether the streets, improvements, facilities, and easements are to be proposed to be private and, if private, who will have the responsibility to maintain them; and
- (G) Finished condition to be achieved by proposed grading shown by contours, cross sections, spot elevations, or other means and estimated quantities of cut and fill. Elevations must be marked on such contours based on city data.
- (5) Verification by the board of water supply of the availability of sufficient agricultural-quality water to support the proposed agricultural use, whether such water is to be supplied by the board or another water supplier;
- (6) Draft covenants, leases, agreements of sale, mortgages, and other instruments of conveyance or encumbrance requiring lot purchasers to maintain land in agricultural use in conformity with federal, state, and city laws and regulations, enforceable by the city and either by the applicant, lessor or owner, or an association composed of all lot owners and indicating applicable laws and penalties for violation thereof. All subsequent documents of sale, lease, or rental of the property must include these restrictions;
- (7) Notice of all restrictions contained in laws and regulations to be provided to all prospective subdivision lot purchasers, in the sales agreement, deeds, covenants, and other instruments of conveyance;
- (8) Notice that building permit applications must include an agricultural plan for farm dwellings indicating how feasible agricultural use on the lots will be carried out within a period not to exceed five years, to be provided in the sales agreements, deeds, covenants, and other instruments of conveyance;
- (9) Other information and documentation as may be required by the director to review and ensure feasible agricultural use within the farm village community in conformity with applicable federal, state, and city laws and regulations; and
- (10) Proposals for maintenance and conservation of all common elements.



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL _____

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- (j) The director shall approve, modify, or deny the farm village community application based on the director's determination of whether the application meets the intent of the agricultural district, the intent of the farm village community provisions, and the applicant's compliance with the requirements of other government agencies.
- (k) The director shall approve final drawings before issuance of building permits in accordance with the approved plan. Before approval of the farm village community plan final drawings by the director, certified deed covenants and/or condominium property regime documents binding any lessees or buyers to the conditions of approval imposed by the director must be submitted to the department."

SECTION 4. Section 21-10.1, Revised Ordinances of Honolulu 1990, is amended by adding a new definition of "Farm village community" to read as follows:

"Farm village community" means an agricultural development in which a farm dwelling of no more than 600 square feet of floor area is permitted."

SECTION 5. New material is underscored. When revising, compiling or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the Revisor of Ordinances need not include the brackets, the material that has been bracketed and stricken, or the underscoring.



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL _____

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SECTION 6. This ordinance takes effect upon its approval.

INTRODUCED BY:

DATE OF INTRODUCTION:

Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 20____.

Mayor
City and County of Honolulu

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

RESOLUTION 20-293

Introduced: 10/29/20 By: KYMBERLY PINE

Committee: ZONING, PLANNING AND HOUSING

Title: RESOLUTION PROPOSING AN AMENDMENT TO CHAPTER 21, REVISED ORDINANCES OF HONOLULU 1990 (THE LAND USE ORDINANCE), RELATING TO FARM VILLAGE COMMUNITIES.

Voting Legend: * = Aye w/Reservations

11/19/20	ZONING, PLANNING AND HOUSING	CR-319 – RESOLUTION REPORTED OUT OF COMMITTEE FOR ADOPTION. 5 AYES: ELEFANTE, MANAHAN, MENOR, TEXEIRA, WATERS.
12/09/20	COUNCIL	CR-319 AND RESOLUTION 20-293 WERE ADOPTED. 9 AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, TEXEIRA, TSUNEYOSHI, WATERS.

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this RESOLUTION.


GLEN I. TAKAHASHI, CITY CLERK


ANN KOBAYASHI, CHAIR AND PRESIDING OFFICER