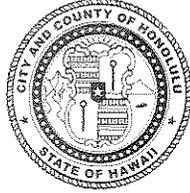


DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

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MUFU HANNEMANN
MAYOR



DAVID K. TANOUE
DIRECTOR
ROBERT M. SUMITOMO
DEPUTY DIRECTOR

June 15, 2009

The Honorable Todd K. Apo, Chair
and Members
Honolulu City Council
530 South King Street, Room 202
Honolulu, Hawaii 96813

RECEIVED

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HONOLULU, HAWAII

Dear Chair Apo and Councilmembers:

Subject: Request for Additional Accompanying Documentation Required
for Processing the Land Use Ordinance Amendment of Resolution
No. 09-176 Relating to Agribusiness Activities

As required by Ordinance 08-8, we are submitting our comments as to submission requirements.

The proposed bill would amend the definition of accessory "agribusiness activities" in the Land Use Ordinance (LUO) by creating and defining separate categories of major and minor agribusiness activities. The major agribusiness activities would continue to be regulated by a Conditional Use Permit Minor (CUP-minor) and the minor agribusiness activities would be permitted as a principal use. The Master Use Table in the LUO also would be amended accordingly.

Ordinance 08-8, Section 2-24.3, specifies that, "prior to adoption of the resolution", the Director must assist the Council by:

- Advising the Council of any documentation "needed to satisfy the director's usual requirements" for processing the amendments within thirty (30) days of receiving the City Clerk's notice of introduction of the resolution;
- Providing maps, documents, and information in the possession of the Department within thirty (30) days of receiving a written request from any Councilmember; and
- Advising the Council of the sufficiency of any documentation prepared to accompany the proposal within thirty (30) days of submission of the documentation to the Director.

The Department of Planning and Permitting (DPP) typically prepares a report and recommendation for LUO amendments which follows a standard format. Supporting documentation for the LUO amendment should provide the DPP with information adequate to complete its report, and should address the following with regard to the specific proposal.

Problem Statement

Identify the problem, i.e., what is stopping small farmers from doing what the Land Use Ordinance allows as accessory activities to crop production, aquaculture, or livestock production. The resolution indicates the following reasons justifying the proposal:

- 1) Some farmers, particularly operating small farms, have found the CUP-minor application requirements, which include the submittal of site plan drawings, photographs of the site and adjacent lands, building elevation drawings, sections and floor plans, a \$300 filing fee, and various information, are a deterrent to undertaking agribusiness activities;
- 2) Certain agribusiness activities, such as farm tours or U-pick operation, may not involve the construction of new buildings or structures to support such activities and, accordingly, would lack many of the adverse impacts which CUP-minor application requirements are intended to address; and
- 3) The Council "finds that amending the land use ordinance to permit agribusiness activities that do not involve the construction of new buildings or structures on small farms would provide needed opportunities for the agricultural industry."

Provide documentation that adequately supports the above conclusions.

- 1) Explain why the proposed amendments are superior to the existing LUO regulations, and how it will better facilitate the use of agricultural lands for accessory activities that provide farmers with opportunities to maintain and diversify their agricultural operations;
- 2) Explain how large tours or U-pick operations, which do not involve the construction of new buildings or structures to support such activities, but may have adverse impacts, would be addressed without the CUP-minor provision; and
- 3) Explain why the basic CUP-minor process, including application requirements, is considered a deterrent to accessory agribusiness activities.

The DPP recognizes that there may be confusion of what is already permitted as accessory activities to agricultural uses. The LUO definition of accessory use indicates that it must be clearly incidental to and customarily found in connection with the principal use. Therefore, occasional tours of the farm or incidental retail sale of produce still in the field (e.g.,

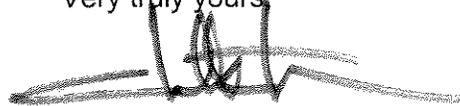
U-pick pumpkins at Halloween) or potted plants inside a greenhouse (e.g., poinsettia at Christmas) already would be permitted as accessory to crop production.

The LUO Master Use Table also identifies certain special accessory uses which are allowed. For example, the LUO Section 21-5.40 allows one (1) roadside stand, not to exceed 500 square feet in area, as an accessory to agricultural production on the same premises. All items (e.g., flowers, plants, fruits, vegetables, eggs, honey, shrimp, etc.) sold in the roadside stand must be grown on that same site. It is not clear why a 500-square-foot space would be inadequate to handle day-to-day retail sales of farm products.

The definition of (accessory) "agribusiness activities" was intentionally broad in order to accommodate a spectrum of activities agricultural producers may envision to support agricultural diversification and generate additional income. Consequently, only standards related to dedicated space for retail sales, farmers markets, and transportation systems were added to the LUO Article 5 (Section 21-5.10A). The CUP-minor was intended as a mechanism to address more novel proposals or those known to have impacts on adjacent land uses.

If you have any questions, please call me at 768-8000.

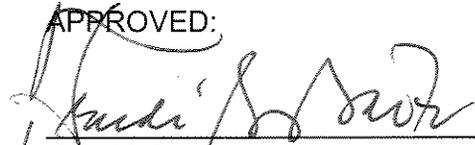
Very truly yours,



David K. Tanoue, Director
Department of Planning and Permitting

DKT:fm

APPROVED:


Kirk W. Caldwell
Managing Director