

COUNTY OF HAWAI‘I PLANNING DEPARTMENT
BACKGROUND AND RECOMMENDATION

COUNTY COUNCIL INITIATED (PL-CCI-2025-000011)
AMENDMENT TO CHAPTER 25, ARTICLE 1, ARTICLE 4, AND ARTICLE 5 OF THE
HAWAI‘I COUNTY CODE 1983 (2016 EDITION, AS AMENDED), RELATING TO
ZONING DISTRICT REGULATIONS FOR HENNERIES

The County Council has referred a bill for an ordinance to amend Chapter 25 (Zoning), Article 1, Article 4, and Article 5 of the Hawai‘i County Code 1983 (2016 Edition, as amended), relating to henneries. The Zoning Code does not currently allow for henneries to be located within the residential districts. The purpose of this bill is to allow for household henneries to be established in certain residential zoning districts under defined conditions.

PURPOSE OF BILL 52

The Hawai‘i County Council has introduced Bill No. 52 (**Planning Department Exhibit 1**), which seeks to amend Chapter 25 (Zoning), Article 1, Article 4, Article 5 of the Hawai‘i County Code 1983 (2016 Edition, as amended) (hereinafter HCC) to establish clear and consistent zoning regulations for household henneries within residential zoning districts. The bill defines a household hennery, and proposes standards addressing the location, size, and operation of household henneries to support self-sufficiency in urban/residential areas, safeguard public health and welfare, and promote compatibility with surrounding properties.

PROPOSED AMENDMENTS HCC CHAPTER 25 (ZONING)

1. Add a definition for Household Hennery to the Zoning Code:

- Bill 52 seeks to amend Article 1, Section 25-1-5 (Definitions) of Chapter 25 (Zoning) by adding the following definition: “Household hennery means a parcel or lot, where female chickens, turkeys, ducks, geese, or other poultry are kept, raised, and maintained for the non-commercial production and consumption of eggs.”

2. Add standards for Household Henneries:

- Bill 52 seeks to add section 25-4-17 (Household henneries) to Article 4, Division 1 of the Zoning Code outlining specific standards for the establishment and maintenance of household henneries as follows:

“Section 25-4-17. Household henneries.

Household henneries are permitted in the RS, RD, RM, and RCX districts, subject to the following regulations:

- (1) Hens must be confined to a coop, cage, hutch, hen house, fenced area, or other enclosure:
 - (A) No closer than twenty feet from any residential district other than RA; and
 - (B) Complying with the yard requirements of the zoning district;
- (2) The number of hens may not exceed:
 - (A) Two hens for the first three thousand square feet of the building site area; and
 - (B) One more hen for each one thousand square feet of area greater than three thousand square feet;
- (3) Roosters may not be kept on a household henneries; and
- (4) The sale of hens or eggs from a household henneries is prohibited.”

3. Amend the permitted uses sections of the Zoning Code to add household henneries as a permitted use in the RS, RD, RM and RCX zoning district to read as follows:

“Household henneries, as permitted under section 25-4-17.”

AGENCY COMMENTS

3. County of Hawai‘i Research and Development: (Planning Department Exhibit 2 – May 28, 2025 Memo)

AGENCY COMMENTS – NO COMMENTS/CONCERNS

4. State Office of Planning and Sustainable Development.

AGENCY COMMENTS – NO RESPONSE PROVIDED

5. Real Property Tax Office; State Department of Health; State Department of Agriculture; U.S. Fish and Wildlife Service.

PUBLIC COMMENTS PROVIDED

6. As of the date of this report, no written public comments have been received regarding Bill 52.

PLANNING ANALYSIS OF THE IMPACTS OF BILL 52

Under the County's current Zoning Code, the keeping of poultry, including hens, is not identified as a permitted or accessory use within Single-Family Residential (RS), Double-Family Residential (RD), Multiple-Family Residential (RM), or Residential-Commercial Mixed Use (RCX) zoning districts. These districts are principally intended to support dwelling units and compatible accessory uses that uphold a residential character of the neighborhood. Animal-related uses in these districts are generally limited to domestic household pets, such as dogs, cats, and similar animals, in order to maintain neighborhood compatibility and minimize potential nuisance impacts.

Agricultural activities, including the keeping of livestock and poultry, are generally permitted within Agricultural (A), Family Agricultural (FA), and Residential Agricultural (RA) zoning districts. These districts are intended to support rural and agricultural lifestyles, where such uses are consistent with the underlying character of the area.

Bill No. 52 proposes to allow small-scale poultry keeping, specifically henneries, within residential zoning districts where they are currently prohibited. This measure represents a proactive policy shift that acknowledges increasing community interest in food self-reliance, local agriculture, and sustainable living practices. By enabling residents to raise hens (female chickens) for personal egg production, the bill aims to enhance opportunities for household-level food production in a manner that aligns with evolving community values and sustainability goals. Roosters (male chickens) are prohibited in a household hennery.

To ensure compatibility within existing residential environments, Bill 52 includes standards and controls such as limits on the number of hens, hennery enclosure requirements, and minimum setback distances from property lines. These standards are critical for preventing adverse impacts, such as noise, odor, or attraction of pests, and help maintain the residential character of neighborhoods while expanding resident access to small-scale agricultural opportunities to increase food self-sufficiency.

PLANNING DIRECTOR'S RECOMMENDATION

The Planning Director is supportive of the intent of Bill 52 and commends the County Council for its leadership in advancing legislation that promotes small-scale food production, enhances community resilience, and supports the goals of sustainability and food self-sufficiency. Allowing household henneries within appropriate residential zoning districts provides residents with an opportunity to engage in personal agriculture, while strengthening Hawai'i Island's local food systems.

To support the successful implementation of Bill 52 and to ensure further compatibility within residential neighborhoods, public health, and quality of life, the Planning Director respectfully recommends the following revisions to strengthen the bill:

Recommendation #1:

Revise the definition of "Household henneries" to state:

"...an outdoor site on a parcel or lot that is an accessory use to a dwelling, where female chickens [~~turkeys, ducks, geese, or other poultry~~] are kept, raised, and maintained for the non-commercial production and consumption of eggs."

Reason: To more clearly align the definition of "Household henneries" with the intent of the bill by emphasizing its role as a residential accessory use dedicated to personal food production. The revision reinforces that such use is subordinate to the primary residential dwelling, consistent with the purpose of residential zoning districts. Additionally, removing references to other types of poultry (e.g., turkeys, ducks, geese), will help minimize potential nuisance impacts, such as excessive noise, odor, and sanitation concerns that are more likely to arise from larger or more disruptive species of fowl, thereby supporting residential neighborhood compatibility and public health objectives. The County's Department of Research and Development (R&D) also noted concerns that ducks and geese can be very disruptive in residential areas and recommended limiting their numbers if permitted, further justifying their exclusion from the definition.

Recommendation #2:

Refine enclosure standards in Section 25-4-17, subsection (1), by removing "fenced area" from the list of acceptable enclosures and replacing it with clearer language such as "fully enclosed area" or "other secured space" to state:

*“Hens must be confined to a coop, cage, hutch, hen house, [~~fenced area, or other enclosure~~]
fully enclosed area, or other secured space at all times.”*

Reason: The term “fenced area” may be interpreted to include partially enclosed spaces without overhead containment, increasing the likelihood of free-ranging birds. This could result in nuisance conditions and conflicts between neighbors, and potential public health risks. Therefore, replacing it with clearer terms such as “fully enclosed area” or “other secured space” promotes responsible poultry management, enhances neighborhood compatibility, and helps mitigate noise, odor, and sanitation issues commonly associated with inadequately confined birds.

Recommendation #3:

Amend HCC Section 25-5-52 subsection (a) to add “Household hennery” as a permitted use in the Residential Agricultural (RA) zoning district.

Reason: The RA district currently permits “livestock production” under subsection (a), which refers specifically to commercial-scale agricultural operations such as dairies, feedlots, and poultry farms. These uses are subject to strict siting requirements due to their higher intensity and potential to generate odor, noise, and environmental impacts.

In contrast, a household hennery differs significantly in both scale and potential impact. It is an accessory use to a residential dwelling, not a principal agricultural operation. However, Bill No. 52 currently does not include the RA district among the zoning districts where household henneries would be permitted, despite the RA district’s rural-residential nature.

By adding household hennery as a separate permitted use in the RA district, the amendment would clarify the distinction between non-commercial poultry keeping for egg production and commercial livestock operations. It would also promote food self-sufficiency and small-scale agricultural practices consistent with rural living, while better aligning with the RA district’s intent to support low-impact, residential-scale agriculture. Furthermore, it would enable the application of tailored performance standards, such as reduced setbacks and specific enclosure requirements appropriate for household henneries.

Recommendation #4:

Include a reference to applicable State and Federal agencies that regulate poultry keeping, including the State Department of Health (DOH), State Department of Agriculture (HDOA), and United States Department of Agriculture (USDA) to encourage adherence to applicable best management practices (BMPs) for household henneries.

Reason: The County does not regulate animal health, animal borne disease control, or biosecurity, rather these matters fall under the jurisdiction of different state and federal agencies. Including references to the DOH, HDOA, and the USDA helps delineate the County's regulatory authority and directs the public to appropriate agencies for applicable requirements, BMPs, and technical guidance. This information is essential to minimizing potential nuisances related to household hennery use, such as noise, odor, waste, and vectors, and to ensure the safe, sanitary, and compatible operation of household henneries in residential areas.

PLANNING DIRECTOR'S RECOMMENDATION

Based on the analysis provided and in recognition of the County's goals for sustainable land use and food security, the Planning Director **recommends that the Windward and Leeward Planning Commissions forward a favorable recommendation** of Bill No. 52 to the County Council, **with the four recommended revisions** outlined in this report.

PLANNING COMMISSION ACTION

The Windward and Leeward Planning Commissions are required to take action on Bill 52 as described in Section 25-2-43 (b) of the Zoning Code (**Planning Department Exhibit 3 - HCC Section 25-2-43(b)**). This bill was transmitted by the County Council to the Department on May 20, 2025, which means the commissions are required to transmit their recommendations to the council by September 17, 2025. The commissions shall recommend approval in whole or in part, with or without modifications, or rejection of the proposed bill. Each commission's recommendations will be forwarded separately, but at the same time, to the County Council for their consideration and decision. In the event the commissions fail to act on the proposed bill by this date, such inaction shall be considered as an unfavorable recommendation by the commissions.

Ashley L. Kierkiewicz
County Council District IV

*Policy Committee on Planning
Land Use and Development – Chair*



COH PLANNING DEPT
MAY 20 2025 PM 12:40
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*Policy Committee on Infrastructure
and Assets – Vice Chair*

HAWAI'I COUNTY COUNCIL

Hawai'i County Building
25 Aupuni Street • Hilo, Hawai'i 96720

REC'D HAND DELIVERED

TO: Jeff Darrow, Director
Planning Department

FROM: Ashley L. Kierkiewicz, Council Member

A handwritten signature in black ink, appearing to be "AK", followed by a long horizontal line.

DATE: May 20, 2025

SUBJECT: Referral of Bill 52; an Ordinance amending Chapter 25, Articles 1, 4, and 5 of the Hawai'i County Code 1983 (2016 Edition, As Amended), relating to henneries.

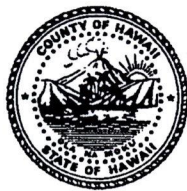
Pursuant to Section 25-2-43(b) of the Hawai'i County Code, I am submitting Bill 52, enclosed for your comment and recommendation. I also request that you forward the same to the Windward and Leeward Planning Commissions for their comment and recommendation.

Bill 52 was referred for comment and recommendation to the Planning Director and the Windward and Leeward Planning Commissions by the Hawai'i County Council's Committee on Planning on May 20, 2025.

After your and the Commissions review, please forward your comments and recommendations to Council Chairperson Dr. Holeka Goro Inaba.

Thank you for your attention to this matter.

Enc.
AK/kj



BILL NO. 52

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 25, ARTICLES 1, 4, AND 5, OF THE HAWAI'I COUNTY CODE 1983 (2016 EDITION, AS AMENDED), RELATING TO HENNERIES.

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF HAWAI'I:

SECTION 1. Chapter 25, article 1, section 25-1-5, of the Hawai'i County Code 1983 (2016 Edition, as amended) is amended by adding a definition in subsection (b) to be appropriately inserted and to read as follows:

““Household henneries” means a parcel or lot where female chickens, turkeys, ducks, geese, or other poultry are kept, raised, and maintained for the non-commercial production and consumption of eggs.”

SECTION 2. Chapter 25, article 4, division 1, of the Hawai'i County Code 1983 (2016 Edition, as amended) is amended by adding a section to be appropriately inserted and to read as follows:

“Section 25-4-17. Household henneries.

Household henneries are permitted in the RS, RD, RM, and RCX districts, subject to the following regulations:

- (1) Hens must be confined to a coop, cage, hutch, hen house, fenced area, or other enclosure:
 - (A) No closer than twenty feet from any residential district other than RA;
 - and
 - (B) Complying with the yard requirements of the zoning district;
- (2) The number of hens may not exceed:
 - (A) Two hens for the first three thousand square feet of the building site area; and
 - (B) One more hen for each one thousand square feet of area greater than three thousand square feet;
- (3) Roosters may not be kept on a household henneries; and
- (4) The sale of hens or eggs from a household henneries is prohibited.”

SECTION 3. Chapter 25, article 5, division 1, section 25-5-3, division 2, section 25-5-22, division 3, section 25-5-32, and division 4, section 25-5-42, of the Hawai'i County Code 1983 (2016 Edition, as amended), are amended by adding a paragraph to be appropriately inserted in the respective subsections (a) thereof and to read as follows:

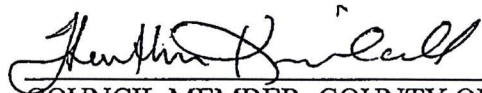
"Household henneries, as permitted under section 25-4-17."

SECTION 4. New material is underscored. In printing this ordinance, the underscoring need not be included.

SECTION 5. Severability. If any provision of this ordinance, or the application thereof to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION 6. This ordinance shall take effect upon its approval.

INTRODUCED BY:

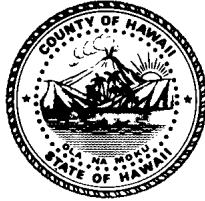


COUNCIL MEMBER, COUNTY OF HAWAI'I

_____, Hawai'i
Date of Introduction:
Date of 1st Reading:
Date of 2nd Reading:
Effective Date:

REFERENCE Comm. 286

C. Kimo Alameda, Ph.D.
Mayor



Benson Medina
Director

Dennis Lin
Deputy Director

County of Hawai'i

DEPARTMENT OF RESEARCH AND DEVELOPMENT

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May 28, 2025

Windward Planning Commission
County of Hawai'i, Planning Department
101 Pauahi Street, Suite 3
Hilo, Hawai'i 96720

Re: Bill No. 52 Henneries PL-CCI-2025-011

R&D appreciates the opportunity to review and provides the following comments:

- As the bill's intention is to allow for egg production for residential consumption, other egg laying poultry should also be considered (turkey, ducks, geese)
- As roosters are prohibited from henneries, the same prohibition should be extended to male toms (turkey), drakes (duck), gander (geese)
- Geese and ducks can be very disruptive in a residential neighborhood and if allowed, should be limited to 2 max.
- As chickens only have a 2-3 year egg production period, considerations should be made on what to do with the hens after egg production ends
- Residents that utilize this new allowable use should also comply with HDOA and USDA regulations

Mahalo,

Dennis Lin,
Deputy Director

- (3) Within ninety days after receipt of the application from the director, unless a longer period is agreed to by the applicant, the commission shall transmit the proposed change of zone ordinance together with its recommendations thereon through the mayor to the council. The commission shall recommend approval in whole or in part, with or without modifications, or rejection of such application. In the event that the commission fails to act on the application within the ninety-day period, the application shall be considered an unfavorable recommendation by the commission, and the application shall be transmitted through the mayor to the council with such recommendation.
- (1996, ord 96-160, sec 2; ratified April 6, 1999; am 2005, ord 05-136, sec 3; am 2012, ord 12-90, sec 1; am 2024, ord 24-87, sec 1.)

Section 25-2-43. Amendments initiated by the council and director.

- (a) Any amendment initiated by the director shall be reviewed by the commission.
- (1) The amendment shall be submitted to the commission with the director's justification and recommendation on the amendment.
- (2) Upon receipt of a proposed amendment from the director, the commission shall hold at least one public hearing. Notice of the hearing by the publication shall be provided by the commission in accordance with section 25-2-5, except that when a proposed amendment involves a specific parcel of land, notice shall be provided by the commission in accordance with subsections (c) and (d).
- (3) Within sixty days after receipt of the amendment from the director, the commission shall transmit the proposed amendment together with its recommendations thereon through the mayor to the council. The commission shall recommend approval in whole or in part, with or without modifications, or rejection of such amendment. In the event that the commission fails to act on the amendment within the sixty-day period, such inaction shall be considered as unfavorable recommendation by the commission, and the amendment shall then be submitted through the mayor to the council with such recommendation.
- (b) The council shall refer any proposed council-initiated amendment to this chapter to the director and the commission with requests for their respective comments and recommendations thereon, prior to the first reading of any such amendment. The director and the commission shall each submit comments and recommendations on the proposed amendment to the council within one hundred twenty days from the date that the amendment is transmitted by the council to the director and the commission.
- (1) The director shall submit comments and any recommendations to both the commission and the council within the one-hundred-twenty-day review period.

- (2) The commission shall hold at least one public hearing on the proposed amendment. Notice of the hearing by publication shall be provided by the commission in accordance with section 25-2-5, except that when a proposed amendment involves a specific parcel of land, notice shall be provided by the commission in accordance with subsections (c) and (d).
 - (3) The commission shall transmit the amendment together with its recommendations thereon through the mayor to the council. The commission shall recommend approval in whole or in part, with or without modifications, or rejection of such amendment. In the event that the commission fails to act on the amendment within the one-hundred-twenty-day review period, such inaction shall be considered as an unfavorable recommendation by the commission.
 - (4) After the one-hundred-twenty-day review period has expired, the council may proceed to act on the proposed amendment as it deems appropriate.
 - (c) Notice by mail to surrounding owners and lessees of record of properties within the boundaries established by section 25-2-4, shall not be required for any amendment initiated by the council or the director. In lieu of mailing written notice to surrounding property owners and lessees of record, the director shall publish notice of the commission's public hearing in at least two newspapers of general circulation in the County, once a week for three consecutive weeks, with the last notice to be at least ten days prior to the hearing. The notice shall specify the time, date and place of the hearing, its purpose and a description of any property which may be involved.
 - (d) Notice to owners of any properties specifically subject to the proposed amendment shall be provided by mail from the director, no later than thirty days prior to the commission's public hearing on the amendment.
- (1996, ord 96-160, sec 2; ratified April 6, 1999.)

Section 25-2-44. Conditions on change of zone.

- (a) Within any ordinance for a change of zone, the council may impose conditions on the applicant's use of the property subject to the change of zone provided that the council finds that the conditions are:
 - (1) Necessary to prevent circumstances which may be adverse to the public health, safety and welfare; or
 - (2) Reasonably conceived to fulfill needs directly emanating from the land use proposed, with respect to:
 - (A) Protection of the public from the potentially deleterious effects of the proposed use; or
 - (B) Fulfillment of the need for public service demands created by the proposed use.

Within any ordinance for a change of zone that includes any such conditions, except for ordinances reverting zoning to a previous zoning district designation or to an open zoning designation, the director shall specify the time by which all conditions shall be completed. The time during which required plans, reports, studies, or relevant permit applications are under review for approvals by