

# Bill 10 Testimony

**MISC. COM. 58**

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**From:** CLK Council Info  
**Sent:** Monday, February 21, 2022 11:05 AM  
**Subject:** Council Testimony

## Written Testimony

|                                |  |
|--------------------------------|--|
| Name                           | Maralyn Tilley   |
| Phone                          |  |
| Email                          | waitilley5@icloud.com  |
| Meeting Date                   | 02-23-2022   |
| Council/PH<br>Committee        | Council  |
| Agenda Item                    | Windmill set back  |
| Your position on the<br>matter | Support  |
| Representing<br>Organization   | Self   |
| Written Testimony              | Definitely support the windmill set back being further back.<br>Currently too close to school and homes. |
| Testimony<br>Attachment        |  |
| Accept Terms and<br>Agreement  | 1  |

IP: 192.168.200.67

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**From:** CLK Council Info  
**Sent:** Monday, February 21, 2022 12:18 PM  
**Subject:** Council Testimony

## Written Testimony

**Name**                   Sioeli Moala  
**Phone**  
**Email**                   sioelimoala@gmail.com  
**Meeting Date**       02-23-2022  
**Council/PH  
Committee**           Council  
**Agenda Item**       Bill 10  
**Your position on  
the matter**           Support  
**Representing  
Organization**       Self

**Written  
Testimony**           I support the 1.25 setback because of safety and if this was  
implemented earlier the industrial wind turbines near my kids school  
would not exist and be such an immense safety and health concern.

**Testimony  
Attachment**  
**Accept Terms  
and Agreement**     1

IP: 192.168.200.67

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**From:** CLK Council Info  
**Sent:** Monday, February 21, 2022 12:44 PM  
**Subject:** Council Testimony

## Written Testimony

**Name** Atalina Pasi  
**Phone**  
**Email** ataleeroy@gmail.com  
**Meeting Date** 02-23-2021  
**Council/PH Committee** Council  
**Agenda Item** Bill 10  
**Your position on the matter** Support  
**Representing Organization** Self

**Written Testimony**

A 1.25 mile setback is what we need to protect rural communities like Kahuku from being overburdened with wind turbines that pose safety risks if built too close to schools, residents, hospitals, etc. Green responsible renewable energy takes into consideration the social, health, racial, and safety effects that such a large development poses on vulnerable communities. Social justice, energy justice, and the equitable distribution renewable energy developments should not overburden small rural communities!

**Testimony Attachment**

**Accept Terms and Agreement** 1

IP: 192.168.200.67

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**From:** CLK Council Info  
**Sent:** Monday, February 21, 2022 12:49 PM  
**Subject:** Council Testimony

## Written Testimony

Name Jessica dos Santos  
Phone  
Email nrtshrlv@gmail.com  
Meeting Date 02-23-2022  
Council/PH Committee Council  
Agenda Item Bill 10  
Your position on the matter Support  
Representing Self  
Organization

Dear Councilmembers,

Written  
Testimony

I am a Kahuku resident and have previously testified in support of the 1.25-mile setback. Where we live in Kahuku we are experiencing shadow flicker, increased sound pollution with pulsing swishing sounds that are very disturbing, and we are still unsure of what exactly the safety plans are for major hurricanes or fires with our turbines set dangerously close to your schools and homes. We are also still waiting on possible health studies and studies on infrasound and the possible negative effects that IWT might have on people in such close proximity. I am writing to urge you to support the 1.25-mile setback as it is the responsible thing to do. Economically advantaged communities such as ours should not bear the unproportionate burden of these machines so close to our communities so we should do all that we can to protect others from going through what Kahuku has been, and currently is, going through. We appreciate your consideration in supporting this bill.

Sincerely,  
Jessica dos Santos

Testimony  
Attachment

Accept Terms  
and Agreement 1



## *Kahuku Community Association*

Honolulu City Council  
530 South King Street Room 202  
Honolulu, HI 96813

February 21, 2022

RE: Bill 10 (2022)

Dear Chair Waters, Vice Chair Kia`aina, Floor Leader Tupola and Councilmembers,

Kahuku Community Association (KCA) is writing in strong support for retaining the language in Bill 10 as previously proposed by DPP that states, “wind machines with a rated capacity of 100 kilowatts or greater must be a setback a minimum of 1.25 mile from the zoning lot lines of any lot located in the Country, Residential, Apartment, Apartment Mixed Use and Resort Districts” for medium and large utility wind machines. KCA also strongly urges that the Council delete any and all language that references a 1:1 setback, to eliminate any confusion surrounding the 1.25 mile setback requirement in the bill.

Kahuku as a community surrounded by 20 industrial wind turbines experiences the cumulative impacts of these turbines daily. We want to stress how severely inadequate a 1:1 setback is and cannot agree to the Planning Commission's request to amend and delete the 1.25 mile setback while retaining only the 1:1 setback language. Both the DPP had previously supported the 1.25 mile setback in past bill introductions after hearing concerns from the community and reviewing the vast amount of research. In addition, the State Energy Office is also on record supporting a setback nothing less than 1 mile. Therefore, the LUO should include the 1.25 setback as opposed to the current 1:1 setback for wind machines.

We firmly believe that renewable energy projects must be done responsibly and not at the cost of the health, safety and quality of life of host communities and their residents. When industrial wind farm projects are poorly sited in close proximity to schools and residential communities, the impacts of these industrial wind turbines to host communities can be devastating. Blade throw, tower collapse, fire from mechanical failures, shadow flicker, both inaudible and audible noise have negatively impacted individuals and families who live near turbines

[kahukucommunityassociation.org](http://kahukucommunityassociation.org)



## *Kahuku Community Association*

worldwide including our Kahuku community.

KCA understands the need for clean energy as our communities are experiencing the devastating effects of extreme weather events from climate change. However, we must also strike a balance and put in place regulations to ensure renewable energy projects do not come at the cost of the health, safety and quality of life of host communities and its residents.

Negative impacts of industrial wind turbines can easily be prevented, lessened or even mitigated when projects are properly sited away from schools and homes. Adequate setback is the only proven safety measure to protect host communities from the impacts of industrial scale wind turbines.

The Land Use Ordinance is in place to promote and protect public health, safety and welfare of the people whom these projects will directly affect. The threat posed to those living and schooling in close proximity to industrial wind turbines are clearly evident to our Kahuku residents. We respectfully ask the Council to listen to our community who speaks from firsthand experience and support a 1.25 mile setback to prevent any other community from bearing the burdens and impacts of industrial wind from any future wind projects. Mahalo!

Respectfully,

***Sunny Unga (e-sign)***

Kahuku Community Association  
Sunny Unga - President  
Oriana McCallum - Vice President  
Valeriano Garrido - Secretary  
Laura Pickard- Treasurer  
Melissa Ka'onohi-Camit - Director  
Atalina Pasi - Director  
Berenice Au- Director

[kahukucommunityassociation@gmail.com](mailto:kahukucommunityassociation@gmail.com)

[kahukucommunityassociation.org](http://kahukucommunityassociation.org)

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**From:** CLK Council Info  
**Sent:** Monday, February 21, 2022 1:31 PM  
**Subject:** Council Testimony

## Written Testimony

**Name** Corbin Thomander  
**Phone**  
**Email** corbin.thomander@gmail.com  
**Meeting Date** 02-23-2022  
**Council/PH Committee** Council  
**Agenda Item** Bill 10  
**Your position on the matter** Support  
**Representing Organization** Self

**Written Testimony**

I support the DPP's recommendation of a 1.25 mile set back for wind turbines, such as those in Kahuku. Over 200 people were arrested in Kahuku in protest to the the current set back. The government supported those arrests. One unified slogan was provided in Kahuku and the region, "Too Big. Too Close." I haven't met anyone who is against wind power, but nearly everyone is against wind power being located at a 1:1 height to distance ratio. I believe we've witnessed one of the failures of our government to prioritize business interests over the people's interests. Let's not repeat this mistake again by locating wind turbines at a more reasonable distance from people.

**Testimony Attachment**  
**Accept Terms and Agreement** 1

IP: 192.168.200.67



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**From:** CLK Council Info  
**Sent:** Monday, February 21, 2022 2:26 PM  
**Subject:** Council Testimony

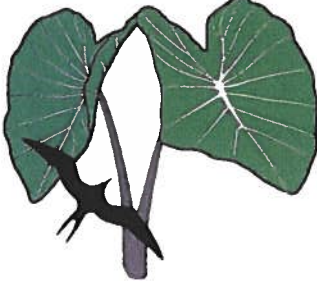
## Written Testimony

**Name** Epenesa  
**Phone**  
**Email** epenesa.ruth@gmail.com  
**Meeting Date** 02-23-2022  
**Council/PH Committee** Council  
**Agenda Item** Windmills in Kahuku setback  
**Your position on the matter** Comment  
**Representing Organization** Self

**Written Testimony** Windmills should have never been allowed on Kahuku hills. It's an eyesore. But windmills are here & appears to be a part of life already. Please I wish to express my voice in saying whatever is proposed please make sure it is for the Best of our mo'opuna now & will be residing & attending schools in the Kahuku area and communities.

**Testimony Attachment**  
**Accept Terms and Agreement** 1

IP: 192.168.200.67



KO'OLAU WAIALUA  
ALLIANCE

City and County of Honolulu, City Council, Wednesday, February 23, 2022  
Re: Bill 10-2022 Revision of the Land Use Ordinance

Feb 21, 2022

Dear City Council Members,

The Ko'olau Waialua Alliance would like to express concerns regarding the exclusion of the 1.25 mile setback requirement for wind turbines from the property line in the current version of the proposed revision of the Land Use Ordinance (Bill 10-2022). The Planning Commission made a request on 01/21/22 to the City Council Chair Waters to "Delete the 1.25-mile minimum setback zone for large wind energy generation facilities and retain only the 1:1 setback language (i.e. remove "and at least 1.25 miles from the zoning lot lines of any lot located in the Country, Residential, Apartment, Apartment Mixed Use and Resort Districts." **However, both the State Energy Office and the Department of Planning and Permitting made recommendations that a 1.25 mile setback requirement is an appropriate distance.**

This is a high priority issue for restorative justice and ensures that IF there are future projects, they do not undermine communities and wildlife nearby. Two hundred local residents were peacefully arrested protesting the installation of the Na Pua Makani Wind Turbines in 2019. The developers, the State and the City are still embroiled in legal action stemming from the destruction wrought on the communities and wildlife in the North Shore - Ko'olau region.

**Please include the 1.25 mile setback for wind turbines as deemed appropriate by the State Energy Office and the Department of Planning and Permitting.** Mahalo and thank you for this opportunity to testify.

The Ko'olau Waialua Alliance

[koolauwaialuaalliance@protonmail.com](mailto:koolauwaialuaalliance@protonmail.com)

The Ko'olau Waialua Alliance is a grassroots network of residents and community groups across Oahu's north and windward shores that believes that our health and well-being are woven together in the same cloth, that problems affecting one community in the region threaten us all, and that works to foster a just and sustainable region for current and future generations.

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**From:** CLK Council Info  
**Sent:** Tuesday, February 22, 2022 9:49 AM  
**Subject:** Council Testimony

# Written Testimony

**Name** Lily Fonoimoana  
**Phone**  
**Email** fonoimol@gmail.com  
**Meeting Date** 02-23-2022  
**Council/PH Committee** Council  
**Agenda Item** Bill 10  
**Your position on the matter** Oppose  
**Representing Organization** Self

**Written Testimony** We need this bill to help support the push back of wind turbines from being too big or too close to communities...what is currently written in place is still way too close ....

**Testimony Attachment**  
**Accept Terms and Agreement** 1

IP: 192.168.200.67



Email: [communications@ulupono.com](mailto:communications@ulupono.com)

HONOLULU CITY COUNCIL REGULAR MEETING  
Wednesday, February 23, 2022 — 10:00 a.m.

**Ulupono Initiative offers comments on Bill 10 (2022), Relating to Use Regulations.**

Dear Chair Waters and Members of the Council:

My name is Micah Munekata, and I am the Director of Government Affairs at Ulupono Initiative. We are a Hawai'i-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; and better management of freshwater and waste.

**Ulupono offers comments on Bill 10 (2022)**, which proposes amendments to the regulation of uses throughout Chapter 21, Revised Ordinance of Honolulu 1990 ("Land Use Ordinance").

Ulupono would like to thank the Honolulu Department of Planning and Permitting's (DPP) for their efforts to update the Land Use Ordinance (LUO). We would also like to thank the Planning Commission's work to review and provide additional recommendations in their January 21, 2022 communication with the Council. Ulupono supports these additional recommendations and looks forward to the Council's support of those changes.

Ulupono supports the Honolulu Department of Planning and Permitting's (DPP) proposed updates for urban development. These include allowing more diverse housing types, more diverse uses within Mixed-Use districts, allowing neighborhood groceries and parks, and the transfer of development rights policies. All of these updates help to encourage development in our urban core and support a successful multimodal transportation system.

Based on the current Bill 10 (2022), we ask for additional clarification and consideration regarding utility (small, medium, and large) land-use regulations updates. While these issues may be addressed with the additional recommendations from the Planning Commission, we thought it would still be helpful to list our concerns on the current bill draft. This includes:

- **Disruptive Electromagnetic Interference.** Clarification regarding (1) the intent of the clause and/or established standard and (2) the need for this clause and/or established standard to be applied to utility projects at or below 20 kW.
- **Renewable Energy Facility Dismantling Day Count.** As previously suggested, Ulupono finds the 30-day period to dismantle and remove a project may be too short for renewable energy projects over a certain size. This standard should also specify that the Director cannot deem a project abandoned if the owner is actively seeking approval of an amended or extension to the existing Power Purchase Agreement (PPA) with the electric utility, or if some or all of the project is still producing power that is being consumed by the customer.

*Investing in a Sustainable Hawai'i*

999 Bishop Street, Suite 1202 | Honolulu, Hawai'i 96813 ☎ 808.544.8960 📠 808.432.9695 | [www.ulupono.com](http://www.ulupono.com)

- **Conditional Use Permits (CUP) for Wind Facilities over 20 kW.** Ulupono finds this proposed amendment to be unnecessary and, if passed, has the potential to slow down, and may deter the development of smaller wind generating facilities. The current standard (100 kW or above) is a reasonable threshold. As such, Ulupono does not support this proposed amendment and would appreciate additional clarity on the need for the proposed revision.
- **Wind Facility Setback Requirements.** Ulupono believes the proposed 1.25-mile setback for wind projects will undoubtedly affect lands suitable for renewable energy projects and put the state in jeopardy of meeting its renewable energy commitments. As onshore wind projects are a low-cost option to advance the state's clean energy goals, this setback virtually ensures a greater dependence on high-cost and polluting energy resources, such as fossil fuel generation, further exacerbating many issues associated with climate change, such as increased severity and frequency of storms, sea-level rise, eroding beaches, and more. Additionally, should land-based renewable wind energy generation be limited and/or restricted, O'ahu will undoubtedly be forced to consider other potentially controversial, high-cost alternatives such as off-shore wind facilities and utility-scale solar facilities on O'ahu's most productive agricultural lands. Therefore, Ulupono has concerns with the expansion of the existing regulations, especially given the significant increase proposed from the current setback. Ulupono believes anything greater than the current setback will potentially cost more for residents and hinder the state's progress towards reducing electricity costs, combatting climate change, and achieving Hawai'i's renewable energy goals.

Ulupono also has concerns around the agricultural land-use regulation updates and the potential operational impacts. Local farmers and ranchers work on tight margins. In fact, according to the USDA NASS 2017 Agricultural Census, nearly 60% of Hawai'i's 7,328 farms operate at a net loss. Any limits, restrictions, or changes to the way in which an agricultural operation currently does business can have lasting effects on the future of farming for O'ahu. Updated land-use regulations are critical to local producer success. Such use updates include but are not limited to: crop production, aquaculture, composting, urban agriculture, vertical farming, livestock keeping, animal raising, agricultural support, accessory agricultural uses, agritourism, farm dwellings, farm stands, and farm worker housing. We believe the agricultural community, particularly the active producers across O'ahu, should be an active participant in the process of compiling new use standards and definitions. Unfortunately, this may not have been the case in this instance, and we hope future details around land use and related definitions can be a more collaborative effort and capture broader input across key stakeholders in the local ag sector.

Ulupono welcomes the Administration's work to review the City and County of Honolulu's LUO and all use regulations attached to the ordinance. We recognize that land use definitions and regulations are critical factors to our island community's sustainable and resilient future. We appreciate your consideration of these comments and hope to contribute further to this important conversation.

Respectfully,

Micah Munekata  
Director of Government Affairs

\*Note: Ulupono Initiative values this measure before the Council today and appreciates the opportunity to testify; however, we are unable to attend in person due to concerns around COVID-19. Thank you for your understanding.

[mmunekata@ulupono.com](mailto:mmunekata@ulupono.com)



**Hawaiian  
Electric**

**TESTIMONY BEFORE THE CITY AND COUNTY OF HONOLULU  
CITY COUNCIL**

**Bill 10, RELATING TO USE REGULATIONS**

Wednesday, February 23, 2022  
10:00 am  
City Council Chamber

Rouen Liu  
Permit Engineer  
Hawaiian Electric Company, Inc.

Chair Waters, Vice Chair Kia'ana, and Members of the City Council,

My name is Rouen Liu and I am submitting testimony on behalf of Hawaiian Electric Company, Inc. ("Hawaiian Electric") in **opposition** to the current version of Bill 10 (22) proposing changes to Article 5, of the Land Use Ordinance by the Department of Planning and Permitting (DPP) and passed through the Planning Commission.

Hawaiian Electric Company, Inc. ("Hawaiian Electric") worked with the Department of Planning and Permitting and other stakeholders on a revised version of Bill 10, that was approved by the Planning Commission on January 18, 2022 and is described in Communication D-0074(22). Hawaiian Electric supports the proposed amendments adopted by the Planning Commission and respectfully requests that the Honolulu City Council amend the draft to reflect the amendments accepted by the Planning Commission, in particular the three noted in DPP's communication:

- 1) Replace the utility section in the original draft bill with the utility section provided to the Planning Commissioners on January 14, 2022, which reflected changes based on comments the DPP received from the Hawaii State Energy Office and Hawaiian Electric Company;

- 2) Further clarify the abandonment language for small, medium, and large utilities to mean they will be deemed abandoned if operations cease for one continuous year; and
- 3) Strike the line "and other facilities associated with the transmission of electricity across the utility grid" from the definition of Medium Utility based on Hawaiian Electric's testimony.

Due to the hard work of the Department of Planning and Permitting, the Planning Commission and other stakeholders, we would strongly recommend that the City Council consider adopting the revised draft bill as accepted by the Planning Commission. The Planning Commission's communication reflects the changes agreed upon by Hawaiian Electric.

Thank you for the opportunity to testify and we look forward to further discussion at the Committee hearing.

[rouen.liu@hawaiianelectric.com](mailto:rouen.liu@hawaiianelectric.com)



# HAWAII STATE ENERGY OFFICE STATE OF HAWAII

DAVID Y. IGE  
GOVERNOR

SCOTT J. GLENN  
CHIEF ENERGY OFFICER

235 South Beretania Street, 5th Floor, Honolulu, Hawaii 96813  
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804

Telephone:  
Web:

(808) 587-3807  
energy.hawaii.gov

Testimony of  
**SCOTT J. GLENN, Chief Energy Officer**

before the  
**CITY COUNCIL**  
**CITY AND COUNTY OF HONOLULU**

Wednesday, February 23, 2022  
10:00 AM  
Videoconference

Comments on  
**BILL 010 (22)**  
**RELATING TO USE REGULATIONS.**

Chair Waters and Members of the Honolulu City Council, the Hawai'i State Energy Office (HSEO) offers the following comments on Bill 10 (22), which amends and updates Chapter 21, Revised Ordinances of Honolulu 1990 (Land Use Ordinance or LUO) Article 5 Use Regulations.

HSEO's comments are guided by its statutory purpose under Hawai'i Revised Statutes (HRS) Section 196-71 and its mission to promote energy efficiency, renewable energy, and clean transportation to help achieve a resilient, clean energy, and carbon negative economy by 2045. The island of O'ahu achieved just under 33% electricity sales from renewable energy in 2021. The execution of the City and County of Honolulu's climate action policy to transition to 100% renewable energy and achieve net negative carbon emissions by 2045 will require replacing 67% of Oahu's remaining electricity with non-fossil sources over the next 23 years. The LUO is a critical tool to help shape and appropriately regulate O'ahu's electrical grid of today and the future.

HSEO appreciates the work done by the Department of Planning and Permitting (DPP) and its willingness to consider HSEO's input to date. HSEO offers the following recommendations for the Council's consideration with the intent to ensure small renewable energy projects and system/grid maintenance are not overburdened by zoning and permitting requirements, increase the opportunities for public notice and



input on projects with more impacts, and balance the need for community protection with the need to develop many more renewable energy projects of all sizes to achieve the State and City's renewable energy goals.

Maintain a Wind Energy Setback of at Least One Mile

HSEO believes onshore wind is needed in some capacity for O'ahu to reach 100% renewable energy generation given O'ahu's limited land space and high electricity consumption; however, a sufficient setback distance must be in place for O'ahu communities to consider hosting large wind energy projects in their areas.

HSEO believes a setback of no less than one (1) mile from residences and communities in Country, Residential, Apartment, Apartment Mixed Use and Resort Districts is needed to protect against various concerns raised by Hawai'i residents and studied in other jurisdictions with wind energy. HSEO provides this recommendation based on its own site visits, input from members of O'ahu communities adjacent to existing utility-scale wind turbines, and its own setback research and geospatial analysis.

Separate Electrical Utilities from Other Utilities (Water, Gas, Sewer, Cable)

HSEO suggests the LUO should separate electric utilities from other utilities for zoning and permitting purposes. Bill 10 provides standards for electrical utilities but does not for the other utilities listed including: stormwater retention or detentions, wastewater treatment plants, water and wastewater pump stations, aeration and septic systems, drainage, telecommunications switching and transmission lines, and water supply wells, tanks, and towers.

HSEO is not an expert in these fields and cannot comment on the standards for these utilities. HSEO also understands the LUO does not apply to public utilities including those owned and operated by the Board of Water Supply and Department of Environmental Services; however, there are some private wastewater systems, septic systems, and water supply systems on O'ahu.

Delete Reference to Other Facilities Associated with Transmission

HSEO recommends deletion of the phrase, “and other facilities, associated with the transmission of electricity across the utility grid” from the definition of Medium Utility. This phrase is ambiguous. HSEO shares Hawaiian Electric’s concerns about changes that could require a discretionary permit to complete day-to-day operations and maintenance activities on critical grid components, such as ground-mounted or pole-mounted transformers.

HSEO supports DPP’s Proposed Revisions that delete language from Bill 10 tying the size of a utility to the size of the electrical transmission line to which energy from the utility is carried to the grid. The size of the transmission line a project connects to is not relevant to the impacts of that facility and could lead to an inappropriate classification of a utility.

Electric Utility Permitting Should be Based on Utility Impacts

HSEO agrees on the need to update the zoning and permitting of utilities to account for the different types of utilities and renewable energy technologies being deployed on O’ahu and elsewhere. HSEO understands the Definitions and Standards for each size of Utility in Bill 10 provide administrative and regulatory clarity; however, HSEO believes the most accurate method of permitting utilities is based on the facility impact envelope or the potential construction and operational impacts from a facility. Further discussion is needed on this point to better define and set standards for all electrical utilities as these definitions and standards determine the appropriate level of permitting.

Project capacity in kW or MW may not be an accurate proxy for impacts in many cases. For example, a 4 megawatt (MW) solar project could have the same impacts as a 6 MW solar project. Also, projects could be artificially sized to avoid certain thresholds without reducing project impacts. Project footprint (acres) is a proxy that warrants further discussion.

However they are defined, electrical utilities that require a Conditional Use Permit – Minor may warrant a public meeting and/or adjacent property owner notice.

HSEO supports the need for a Conditional Use Permit – Major for Large Utilities to increase regulatory oversight, public notice, and opportunity for public input on the largest utility projects.

Any defining language should be written in the “Definitions” section. For example, items in Sec. 21-5.60(f)(1)(B)(ii)(a-c) define the utility size and therefore belong within the definitions Sec. 21-5.60(f)(1)(A).

#### Adopt the Decommissioning Timelines in DPP’s Proposed Revisions and the Planning Commission’s Clarification for Abandonment

HSEO supports the tiered decommissioning timelines in DPP’s Proposed Revisions. It can take time to remove the equipment from a site, prepare it for transport, and conduct any necessary site remediation or restoration. These tiers are currently:

- Small – 90 days
- Medium – 180 days
- Large – 1 year

HSEO also supports the Planning Commission’s recommendation to clarify abandonment means operations have ceased for one continuous year. If projects unintentionally or intentionally cease operations before their end of life, it can take time to get them back into service.

#### Remove Electromagnetic Frequency from Bill 10

HSEO believes electromagnetic frequency (EMF) is more appropriately regulated under Chapter 17, Revised Ordinances of Honolulu (Electric Code),<sup>1</sup> which adopts the National Electric Code. Protection from EMF should not be based entirely upon the discretion of the DPP Director.

#### Insert Public Process into Waiver for Large Utilities

While not called out in DPP’s Proposed Revisions or included in Bill 10, HSEO offers a final recommendation to increase public awareness and opportunity to comment on large renewable energy projects that require Waivers from DPP. As

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<sup>1</sup> [https://www.honolulu.gov/rep/site/ocs/roh/ROH\\_Chapter\\_17.pdf](https://www.honolulu.gov/rep/site/ocs/roh/ROH_Chapter_17.pdf)

SECTION 5. of Bill 10 proposes to amend Section 21-2.40-1 (Minor permits), which includes Waivers, HSEO believes it would be appropriate to amend Section 21-2.130 through Bill 10.

“Sec. 21-2.130 Waiver of requirements.

(a) A waiver of the strict application of the development or design standards of this chapter may be granted by the director for the following:

(1) Public or public/private uses and structures, and utility installations provided that Waivers for Large Utilities require the applicant to demonstrate to DPP it has presented the Waiver and need for the Waiver to the neighborhood board or community association of the district in which the project is located prior to DPP action on the Waiver.”

HSEO welcomes continued discussion on the LUO amendments with all stakeholders.

HSEO appreciates the opportunity to testify on this important bill.

[cameron.b.black@hawaii.gov](mailto:cameron.b.black@hawaii.gov)



# SIERRA CLUB

## O'AHU GROUP

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City and County of Honolulu, City Council, Wednesday, February 23, 2022

Re: Bill 10-2022 Revision of the Land Use Ordinance

Feb 21, 2022

Aloha City Council Members,

The Sierra Club O'ahu Group and our 8,000 members and supporters appreciate you considering amendments to The Land Use Ordinance (LUO). As we transition from fossil fuels to renewable energy sources, it is critical that we are thinking holistically and hold our utility and developers accountable and ensure it is done in a just and equitable way. However, we would like to express concern regarding the exclusion of the 1.25 mile setback requirement for wind turbines from the property line in the current version of the proposed revision of the Land Use Ordinance (Bill 10-2022). The Planning Commission made a request on 01/21/22 to the City Council Chair Waters to

".. Delete the 1.25-mile minimum setback zone for large wind energy generation facilities and retain only the 1:1 setback language (i.e. remove "and at least 1.25 miles from the zoning lot lines of any lot located in the Country, Residential, Apartment, Apartment Mixed Use and Resort Districts." **However, both the State Energy Office and the Department of Planning and Permitting made recommendations that a 1.25 mile setback requirement is an appropriate distance.**

This is a high priority issue for environmental justice and ensures that if there are future projects, they do not undermine communities and wildlife nearby. Two hundred local residents were peacefully arrested protesting the installation of the Na Pua Makani Wind Turbines in 2019. The developers, the State and the City are still embroiled in legal action stemming from the destruction wrought on the communities and wildlife in the North Shore - Koolau region. Setback standards for wind turbines are needed to protect the health and wellbeing of residents within close proximity. The injustice done to the community members and native wildlife habitats of the rural North Shore and Kahuku through the construction of the AES Na Pua Makani wind farm needs to be addressed in a restorative manner.



# SIERRA CLUB

## O'AHU GROUP

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**Please include the 1.25 mile setback for wind turbines deemed appropriate by the State Energy Office and the Department of Planning and Permitting in the Revised Land Use Ordinance . Mahalo and thank you for this opportunity to testify.**

Sincerely,

**Sierra Club, O'ahu Group Executive Committee**

Angela Huntmer  
[ahuntmer@aol.com](mailto:ahuntmer@aol.com)

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**From:** CLK Council Info  
**Sent:** Tuesday, February 22, 2022 2:07 PM  
**Subject:** Council Testimony

# Written Testimony

**Name** Sunny Unga  
**Phone**  
**Email** sunnyrkim@gmail.com  
**Meeting Date** 02-23-2022  
**Council/PH Committee** Council  
**Agenda Item** Bill 10  
**Your position on the matter** Support  
**Representing Organization** Self

Aloha all,

**Written Testimony** I strongly support the current version of Bill 10 that includes the 1.25 mile setback and strongly oppose the Planning Commissions recommendation to retain the 1:1 ratio. In addition, I request that the 1:1 ratio language be deleted in Bill 10 to avoid any confusion on the setback regulation for wind machines.

**Testimony Attachment**  
**Accept Terms and Agreement** 1

IP: 192.168.200.67

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**From:** CLK Council Info  
**Sent:** Tuesday, February 22, 2022 3:07 PM  
**Subject:** Council Testimony

## Written Testimony

**Name** Carissa Tafuna  
**Phone**  
**Email** Carissam40@gmail.com  
**Meeting Date** 02-23-2022  
**Council/PH Committee** Council  
**Agenda Item** Bill 10  
**Your position on the matter** Support  
**Representing Organization** Self

**Written Testimony**

I am a Kahuku resident and I support the 1.25 mile setback of the wind turbines because they are too close to our children's schools and our homes. In the case of a malfunction or a natural disaster, having only the 1:1 ratio puts us in danger of being hit/injured by one of the blades. There need to be boundaries and accountability for these turbines. 1:1 ratio leaves too much potential for danger in our communities by big companies and their own agendas.

**Testimony Attachment**

**Accept Terms and Agreement** 1

IP: 192.168.200.67



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**From:** CLK Council Info  
**Sent:** Tuesday, February 22, 2022 4:57 PM  
**Subject:** Council Testimony

## Written Testimony

**Name** Jacob Franco  
**Phone**  
**Email** jac1snake@yahoo.com  
**Meeting Date** 02-23-2022  
**Council/PH Committee** Council  
**Agenda Item** Bill 10  
**Your position on the matter** Support  
**Representing Organization** Self

### Written Testimony

Hello thank you for reading my written testimony. I support Bill 10 cause things like shadow flicker and noise level from the wind turbines. When shadow flicker happens such as in my room feels like someone is turning on and off the room lights. So when I trying to use the computer I can't even concentrate even with the curtains close. Also other family members it has the same affect and even getting waken up from it cause their bed window is facing towards the wind turbines. For the noise or whooshing sound can be heard from the turbine at different times of the day. So when I try to relax or take a nap all I hear is that whooshing noise. I am not against going green its just we can do a better job for both parties in mind instead of catering to one party. Also there are other methods that we can also explore not just wind turbines there must be a balance between all.

### Testimony Attachment

Accept Terms and Agreement 1

IP: 192.168.200.67

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**From:** CLK Council Info  
**Sent:** Tuesday, February 22, 2022 7:34 PM  
**Subject:** Council Testimony

## Written Testimony

**Name** Saleia Tuia  
**Phone**  
**Email** saleiam09@gmail.com  
**Meeting Date** 02-23-2022  
**Council/PH Committee** Council  
**Agenda Item** Bill 10  
**Your position on the matter** Support  
**Representing Organization** Self

**Written Testimony**

I support Bill 10. The current setback of the height of the turbine 1:1 ratio is not a safe enough distance from the impacts of industrial turbines. The current setback of the 1:1 ratio has allowed developers to build dangerous turbines near homes and schools and it is not acceptable to continue with this setback. I know this because I am a resident of Kahuku and live near the two existing wind farms that consist of 20 industrial turbines altogether. I hear, see, and feel their impacts every day. In these wind farms' environmental impact statements, it indicates the effects of industrial turbines and it is very disturbing to know that these dangerous machines are built close to schools where children attend and learn, and homes where we raise and nurture our families. If the current setback remains, imagine how many residents on our little islands will be put in danger? No one should be put in an unsafe situation where their health and safety are being threatened every day. Children should not be put in an unsafe situation where their growth and progression are threatened every day. According to the principles of public health "It is our right to be healthy and to live in conditions that support our health." A setback of 1.25 miles is a good start to keeping our citizens of this beautiful state safe from industrial turbines and their impacts.

**Testimony Attachment**  
**Accept Terms and Agreement** 1

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**From:** CLK Council Info  
**Sent:** Tuesday, February 22, 2022 7:58 PM  
**Subject:** Council Testimony

## Written Testimony

**Name** Ainofo Mataafa  
**Phone**  
**Email** Ainofofom@gmail.com  
**Meeting Date** 02-22-2022  
**Council/PH Committee** Council  
**Agenda Item** Bill 10  
**Your position on the matter** Support  
**Representing Organization** Self

**Written Testimony** The current wind-farms in Kahuku are prime examples of how the current setback is unsafe and does not support our health and way of life. It is our right to live in a safe and healthy environment. I support the 1.25 mile setback.

**Testimony Attachment**

**Accept Terms and Agreement** 1

IP: 192.168.200.67



BEFORE THE CITY COUNCIL OF THE CITY AND COUNTY OF HONOLULU

Testimony in Opposition to Bill 10 (2022)  
February 23, 2022

Aloha Chair Waters and Zoning Chair Elefante:

I am submitting this testimony on behalf of the Ko Olina Community Association, Inc. (“KOCA”). KOCA is the community association for the Ko Olina Resort (“Ko Olina”). Ko Olina is a luxury master-planned ocean front community built on approximately 642 acres in West O‘ahu.

KOCA understands that the Department of Planning and Permitting (“DPP”) is proposing to amend current Land Use Ordinance regarding wind energy with a setback of 1.25 miles from any property line. KOCA is in strong opposition to DPP’s new proposal because it does not take into consideration instances where proposed wind machines are proposed for mountain ranges. A setback of 1.25 miles from any property line may be appropriate for flat terrain but is not appropriate for areas that rise in elevation.

Recently, a 46.8 Megawatt wind project was being proposed to be sited above Kahe Valley on the southwestern end of the Wai‘anae mountain range. As planned, this project would have been within the proposed setback of 1.25 miles from KOCA property line because the proposed setback does not take into consideration rises in elevation. If this project, or a similar project, were to proceed it would cause significant economic damage to KOCA and the City and the State. The wind machines will tower over KOCA’s property and result in a significant visual blight and noise pollution that will destroy the current pristine beauty of the area.

Residents and visitors are attracted to Ko Olina for the beautiful views and resort atmosphere, which would be negatively impacted by the construction of wind machines (also included with the construction of the wind machines, would be overhead transmission lines and switching stations) in its vicinity. Any such changes to the natural beauty and serenity of the area would directly affect not only KOCA, but the experience of visitors and residents, which impacts business and employment in the area.

Ko Olina’s resorts, marina, shopping centers and residential communities are significant employers for leeward O‘ahu, with approximately 40,000 direct jobs created for the State and the City, with a cumulative employment impact in excess of 88,000 jobs once indirect and induced employment is included. Indeed, the annual tax impact of Ko Olina to the City is estimated to be over \$148 million, and approximately \$262 million for the State, resulting in a cumulative economic impact in excess of \$218 million.

We are also concerned about detrimental health risks these turbines impose on our residents and guests. These include, but are not limited to, exposure to infrasound, pulsating sounds, and shadow flicker. Noise pollution will result from the wind farms in the form of mechanical noise created by the friction between two components of the machinery and vibrations induced by the rotary components. The generator, fans, and hydraulic systems all contribute to this noise. Next, there is the aerodynamical noise that comes from the motion of the air around the blades. Noise pollution can cause both physiological and psychological problems to our residents and guests. Clearly, having the wind farms generating noise 24/7 above Ko Olina will destroy the quiet and idyllic environment that we have created for our residents and guests.

Lastly, for too many years the leeward communities of O‘ahu have been heavily burdened with the county’s less desirable projects. Projects no other communities want, but overwhelmingly benefit from. In addition, environmental interests of the area, including preservation of the land and culture of Native Hawaiians, the largest majority of whom reside on the leeward coast, must be considered.

We understand the State’s policy to promote the use of renewable resources, however, this policy must be balanced with the preservation of our lands and culture, and the economic impacts to our residents. We request that the Council reject DPP’s alternative proposal for a 1.25 miles setback for all property lines. Additionally, the proposed 1.25 miles setback seems to be arbitrary and not based on science. Hence, the Council should require further studies be conducted especially when wind machines are being proposed to be sited on mountain ranges above communities and resorts. Alternatively, we would request that DPP’s proposal be amended to provide an alternative restriction to address situations when wind machines are being proposed for mountain ranges above communities and resorts.

Thank you for the opportunity to submit testimony.

Respectfully,

A handwritten signature in black ink, appearing to read 'Kenneth Williams', with a stylized flourish at the end.

Kenneth Williams  
General Manager  
Ko Olina Community Association, Inc.

[etalbot@theresortgroup.com](mailto:etalbot@theresortgroup.com)

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**From:** CLK Council Info  
**Sent:** Wednesday, February 23, 2022 12:20 AM  
**Subject:** Council Testimony

## Written Testimony

**Name** Kananiloaanuenue Ponciano  
**Phone**  
**Email** Kkawahakui07@gmail.com  
**Meeting Date** 02-23-2022  
**Council/PH Committee** Council  
**Agenda Item** Bill 10  
**Your position on the matter** Support  
**Representing Organization** Self

**Written Testimony**

Aloha my name is Kananiloaanuenue Ponciano and I am current resident of Kahuku. I am here to testify that I strongly support DPP's new setback of industrial wind turbines of 1.25miles.

I am a mother of two beautiful children, one boy 10 years old and one girl 3 years old, I am a Kahuku Alumni, and I married a Kahuku boy whose family has been in Kahuku for 6 generations, I am a business owner and also a farmer where I manage my aunties farm at the Kahuku Ag park as a farm operations manager. Everyday when my children and I go to the farm to work, I feel sad seeing these humongous turbines and its really depressing for me that I had no other choice but to expose my children to these harmful turbines while we tend to our chores on the farm where we would spend 8-10hrs working, playing and eating as a family. Somedays my son and myself would get these headaches and often times felt "woozy." I knew the infrasound caused by the turbines was highly likely the source of our headaches and possibly the cause of other health ailments that I was developing at that time. Aside from feeling nauseated, sick and having pounding headaches while working because we are in close proximity to the turbines on the farm, I can definitely say I have sleep disturbances and high blood pressure and tinnitus because I am exposed to turbines 24/7 since we live in Kahuku. It is a real shame that AES has been allowed to build these poisonous and dangerous wind turbines here in my backyard where my beautiful children will be exposed to this for their entire lives 24/7 for 365 days a year , which is why I strongly support DPP's new setback of 1.25miles of industrial wind turbines proximity to homes and schools. Although my children have been forced to sacrifice their health for the betterment of Hawaii for green energy, we will help to fight for the health and safety of

neighboring communities so they never have to go through the same detrimental and horrifying experience that Kahuku has gone through.

Testimony  
Attachment

Accept Terms  
and Agreement 1

IP: 192.168.200.67

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**From:** CLK Council Info  
**Sent:** Wednesday, February 23, 2022 8:50 AM  
**Subject:** Council Testimony

# Written Testimony

**Name** Kehau Santiago  
**Phone**  
**Email** Kehaus12@gmail.com  
**Meeting Date** 02-23-2022  
**Council/PH Committee** Council  
**Agenda Item** Bill 10  
**Your position on the matter** Support  
**Representing Organization** Self

**Written Testimony**

As a Kahuku resident that is directly impacted by the Wind Turbines, I am in support of the proposed setback. My family experiences shadow flicker and the noise generated when the propellers turn both day and night. It is unimaginable and inhuman to have these turbines so close to any home or school.

**Testimony Attachment**

**Accept Terms and Agreement** 1

IP: 192.168.200.67