

Bill 10 (2022) Testimony

MISC. COM. 69

ZP

From: CLK Council Info
Sent: Friday, February 25, 2022 1:19 PM
Subject: Council Testimony

Written Testimony

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

Written
Testimony

I am a long time Kahuku resident mother of 8 grandmother of 2! These gigantic monstrosities erected in the name of Green energy are so close to the elementary school where 3 of my children attend and even the High school where my daughter is a sophomore!!! I support the bill requiring a 1.25 mile setback. I have already seen what the turbines have caused in the sleep patterns or lack of sleep in my household! The headaches I get from shadow flicker has changed the quality of my life! I am planning to move if this worsens. I also am documenting our symptoms. We need to require that the tallest turbines in the country which happen to be the 20 surrounding our small community of Kahuku- be required to be setback

Testimony
Attachment

Accept Terms
and Agreement 1

IP: 192.168.200.67

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Testimony Attachment
Accept Terms and Agreement 1

IP: 192.168.200.67

From: CLK Council Info
Sent: Tuesday, March 1, 2022 1:43 PM
Subject: Zoning and Planning Testimony
Attachments: 20220301134259_Bill_10-
City_Council_Committee_on_Planning_and_Zoning_LUO_revision_3-3-22.pdf

Written Testimony

Name Phyllis Shimabukuro-Geiser
Phone
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Meeting Date 03-03-2022
Council/PH Committee Zoning and Planning
Agenda Item **Bill** 10
Your position on the matter Comment
Representing Organization
Organization State Department of Agriculture
Written Testimony
Testimony 20220301134259_Bill_10-
Attachment City_Council_Committee_on_Planning_and_Zoning_LUO_revision_3-3-22.pdf
Accept Terms and Agreement 1

IP: 192.168.200.67

DAVID Y. IGE
Governor

JOSH GREEN
Lt. Governor



PHYLLIS SHIMABUKURO-GEISER
Chairperson, Board of Agriculture

MORRIS M. ATTA
Deputy to the Chairperson

State of Hawaii
DEPARTMENT OF AGRICULTURE
1428 South King Street
Honolulu, Hawaii 96814-2512
Phone: (808) 973-9600 FAX: (808) 973-9613

WRITTEN ONLY

TESTIMONY OF PHYLLIS SHIMABUKURO-GEISER CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE CITY AND COUNTY OF HONOLULU
COMMITTEE ON ZONING AND PLANNING
HONOLULU CITY COUNCIL
THURSDAY, MARCH 3, 2022
9:00 A.M.
City Council Chamber

BILL 10 (2022) RELATING TO USE REGULATIONS

Chairperson Brandon Elefante and Members of the Committee:

Thank you for the opportunity to testify on Bill 10 (2022). We understand the request before you is to grant the Department of Planning and Permitting an extension of time, however we are taking this opportunity to offer our recommendations on the proposed amendments to the Land Use Ordinance. Our comments and recommendations are limited to those amendments affecting agricultural activities and resources fundamental to agricultural production. The Department appreciates the effort by the Department of Planning and Permitting and the Planning Commission to clarify and tighten up the definitions of permitted uses and activities in the general and restricted agricultural districts.

Vertical Farm (Sec. 21-5.40(a)(8)) page 13

The Department considers "D" and "E" rated agricultural land as having poor productivity potential for agricultural crops. We do not consider "C" rated agricultural lands as having poor productivity potential. The Department recommends the following amendment.

"(B) Standards: Permitted only on soils that are rated poor ([~~C~~] D or worse)."

Animal Raising (Section 21-5.40(b)(1)) page 13

The Department notes that the addition of boarding and care of horses and domestic animals under the new category of "livestock keeping" grants these uses the same



status as raising livestock for consumption as food. Further, it appears that “farm dwellings” (Section 21-5.40(d)(5) pages 19-20) will be allowed when accessory to “livestock keeping” that consists of boarding and care of horses and domestic animals. The Department recommends amending Section 21-5.40(b)(1) (page 13) Animal Raising, as follows:

“(B) Standards: [~~None~~]

- (i) A farm dwelling is not allowed as an accessory use to boarding and care of horses and domestic animals.”

Finally, there doesn’t appear to be a significant difference between “Animal Raising” and “Animal Care-Major (Sec. 21-5.70(g)(2)), page 62.

Farm Dwelling (Sec. 21-5.40(d)(5) pages 19-20

The Department supports the effort to bring greater definition to what constitutes an allowable dwelling in the agricultural districts, such as the 50 percent minimum lot area to be in agricultural production. The Department recommends amending “Farm Dwelling” standards (Section 21-5.40(d)(5)(B)(i)) as follows:

“(B) Standards

- (i) Crop production and livestock keeping must occupy a minimum of 50% of the lot area and maintain valid agricultural dedication status as evidence of agricultural activity. “

Please note our earlier concern about farm dwellings and “Animal Raising”.

Farm Worker Housing (Sec. 21-5.40(d)(7)) pages 20-21

The Department supports the effort to formally allow and bring definition to farm worker housing. The Department recommends that the term “agricultural plans” be further defined (double underscored text)

“(B) Standards

...

- (ii) The plans for farm worker housing must be supported by agricultural plans. The amount of labor necessary must justify the number of dwelling units proposed.”

This concludes our remarks. Thank you, again, for this opportunity to present testimony on this important effort.



Email: communications@ulupono.com

HONOLULU CITY COUNCIL COMMITTEE ON ZONING AND PLANNING
Thursday, March 3, 2022 — 9:00 a.m.

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

Dear Chair Elefante and Members of the Committee:

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.

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- **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.



**BEFORE THE ZONING COMMITTEE FOR THE
CITY AND COUNTY OF HONOLULU**

**Testimony in Opposition to Bill 10 (2022)
March 3, 2022**

Aloha Chair Elefante, Vice Chair Kia'aina and Members of the Committee:

I am submitting this testimony on behalf of the Ko Olina Resort Operators Association, Inc. ("KORA"). KORA oversees the destination marketing efforts for Ko Olina Resort ("Ko Olina"), a master-planned ocean front community built on approximately 642 acres in West O'ahu.

KORA 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. KORA is in strong opposition to DPP's new proposal because it does not take into consideration instances where proposed wind machines are sited on 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.

Residents and visitors are attracted to Ko Olina for its beautiful views and resort atmosphere. 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 Ko Olina's property line because the proposed setback does not take into consideration rises in elevation. If this project, or a similar one, were to proceed, it would cause significant economic damage to Ko Olina, the City and the State. The wind machines would present a notable visual blight that would destroy the pristine beauty of the area and generate noise pollution that would not only impact the experiences of visitors and residents but more importantly, local businesses and the livelihood of over 5,000 current resort employees.

The construction of wind machines (overhead transmission lines and switching stations would also be included with the construction of the wind machines) will undeniably alter the natural beauty and serenity of the area and impact the experiences of those who choose to live, work and visit.

We are also concerned about detrimental health risks associated with wind machines. These may include, but are not limited to, exposure to infrasound, pulsating sounds and shadow flicker. Noise pollution associated with mechanical noise created by the friction between two components of the machinery and vibrations induced by the rotary components, the turbines' generators, fans and hydraulic systems, and the aerodynamical noise that comes from the motion of the air around the blade, would be extreme. Having wind farms generating noise pollution 24/7 could cause both physiological and psychological problems for area residents and visitors.

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, the environmental and cultural 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 Ko Olina and neighboring communities. We request that the Committee reject DPP's alternative proposal for a 1.25 miles setback for all property lines and consider a setback figure closer to the 5-mile mark proposed in Bill 30 (2021). The proposed 1.25 miles setback seems to be arbitrary; 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 Bill 10 (2022) 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,



Sweetie Nelson
Director of Destination Marketing
Ko Olina Resort Operators Association, Inc.



Hawaii Cattlemen's Council, Inc.

City and County of Honolulu
Committee on Zoning and Planning

Bill 10

Thursday, March 3, 2022, 9:00 AM

City and County of Honolulu Council Members,

The Hawai'i Cattlemen's Council (HCC) is the Statewide umbrella organization comprised of the five county level Cattlemen's Associations. Our member ranchers represent over 60,000 head of beef cows; more than 75% of all the beef cows in the State. Ranchers are the stewards of over 750 thousand acres of land in Hawaii, or 20% of the State's total land mass. We represent the interests of Hawaii's cattle producers.

The Hawai'i Cattlemen's Council **offers comments on Bill 10** to address the regulation of uses throughout Chapter 21, Revised Ordinances of Honolulu 1990 ("Land Use Ordinance"). We appreciate the addition of definitions for Livestock Veterinary Services and Processing. The new category for Accessory Agriculture use is helpful to acknowledge that some lands support livestock keeping indirectly.

We are concerned with the vast changes proposed for agritourism and ask that you work with those who are currently successfully utilizing agritourism to supplement agricultural income while exposing visitors to the importance of agriculture in Hawai'i. The changes outlined in this bill are quite specific and may have unintended negative consequences on those currently running legitimate agritourism operations that benefit agriculture's outreach to the general public.

Updating Land Use Ordinance is necessary to keep up with evolving practices and needs of the users. We appreciate the opportunity to testify on this critical matter for our industry.

Nicole Galase
Hawaii Cattlemen's Council
Managing Director

