BILL010(22)
Testimony

MISC. COMM. 156

ZONING AND PLANNING

ZONING AND PLANNING Meeting
Meeting Date: Apr 21, 2022 @ 09:00 AM
Support: 7
Oppose: 42
I wish to comment: 9

Name:	Email:	Zip:
Denise Antolini	antolinid@gmail.com	96712
Representing:	Position:	Submitted:
Self	Oppose	Apr 19, 2022 @ 10:52 PM

Name:	Email:	Zip:
ANGELA HUNTEMER	ahuntemer@aol.com	96731
Representing:	Position:	Submitted:
Ko'olau Waialua Alliance	I wish to comment	Apr 20, 2022 @ 06:07 AM

Name:	Email:	Zip:
Dawn Bruns	dawnbbruns@gmail.com	96712
Representing:	Position:	Submitted:
Self	I wish to comment	Apr 20, 2022 @ 07:32 AM

Name:	Email:	Zip:
Dawn Bruns	dawnbbruns@gmail.com	96712
Representing:	Position:	Submitted:
Self	Oppose	Apr 20, 2022 @ 07:33 AM

Testimony:
I strongly oppose DPP's proposed LUO amendments that would permit Mobile Commercial Establishments (MCE) in Country and B-1 zoning.

Name:	Email:	Zip:
Sunny Unga	kahukucommunityassociation@gmail.com	96731
Representing:	Position:	Submitted:
Kahuku Community Association	Support	Apr 20, 2022 @ 07:38 AM

Name:	Email:	Zip:
Mike Biechler	mbiechler@gmail.com	96791
Representing:	Position:	Submitted:
Self	Oppose	Apr 20, 2022 @ 07:45 AM

Testimony:
I strongly oppose DPP's proposed LUO amendments that would permit Mobile Commercial Establishments (MCE) in Country and B-1 zoning. If anything, MCEs should be allowed in "Resort zoning" where the tourists are welcome and supported, not the country district. Food trucks and other mobile retailer have gotten out of control. I welcome attempts to reign this in, but not at the expense of areas intended for resident serving businesses and low intensity use areas like the country district.

Name:	Email:	Zip:
Rouen Liu	rouen.liu@hawaiianelectric.com	96840
Representing:	Position:	Submitted:
Hawaiian Electric	Oppose	Apr 20, 2022 @ 07:48 AM

Name:	Email:	Zip:
Joshua Kaina	joshnewlife5@gmail.com	96731
Representing:	Position:	Submitted:
Self	Support	Apr 20, 2022 @ 07:57 AM

Testimony:
I support the 1.25 mile setback as I live much closer to the industrial wind turbines in Kahuku. I experience severe "strobing" effects during winter months when the sun is setting directly behind the turbine. The effect encompasses our whole property. We can also hear the turbines at night which impacts my mothers sleep. We also notice that during the more windy times of the year our experiences of headaches, brain fog and difficulty concentrating increase as well as blood pressure. These symptoms are common amongst other complaints from those who live near Industrial Turbines around the world. We oppose a 1:1 setback as that is not sufficient! Please delete any language that would suggest a 1:1 setback. Thank you for hearing my concerns.

Name:	Email:	Zip:
Larry McElheny	lkmcelheny@gmail.com	96712
Representing:	Position:	Submitted:
Self	Oppose	Apr 20, 2022 @ 08:51 AM

Testimony:
Aloha Chair Elefante and Committee Members
The pressure to urbanize rural Oahu is tremendous and ever-increasing.
Some of DPPs proposed changes to the LUO would compromise the North Shores General Plan role as a "rural haven" and threaten rural areas in general. Ironically, these proposals come at a time when stricter enforcement of land use laws is widely acknowledged as essential.
In order to protect Oahus rural neighborhoods from over-commercialization and tourism, I strongly oppose DPPs proposal to allow "mobile commercial establishments" in B1 and Country zoned districts.
I am also opposed to allowing Accessory Dwelling Units on agriculturally zoned land and to relaxing restrictions on drive-throughs.
Mahalo,
Larry McElheny
808-237-9354

Name:	Email:	Zip:
John Thielst	thielst@coffman.com	96812
Representing:	Position:	Submitted:
Self	Oppose	Apr 20, 2022 @ 09:06 AM

Testimony:
Aloha Council,
As a 35 year resident of Oahu I strongly oppose DPP's proposed LUO amendments that would permit Mobile Commercial Establishments (MCE) in Country and B-1 zoning. Enough already. How commercialized do we want to make these rural areas. We need to be thinking sustainably for the future of these areas and future generations.

We are much smarter about the environment and sustainable growth then we have been in the past. Please do not allow more commercial operations in B-1 zoning. Even better, further restrict! what can be done in these B-1 areas to allow sensitive environmental areas to heal and maintain their health going forward.

If you really need to, allow food trucks in Resort zoning" (As long as they move away daily) where the tourists are welcome and supported.

Thank you for your considerations.
Regards
John Thielst
35 year resident of the North Shore

Name:	Email:	Zip:
David Druz	ddruz@aol.com	96712
Representing:	Position:	Submitted:
Self	Oppose	Apr 20, 2022 @ 09:09 AM

Testimony:
I strongly oppose DPP's proposed LUO amendments that would permit Mobile Commercial Establishments (MCE) in Country and B-1 zoning!

Name:	Email:	Zip:
Joe Wilson	qwavesjoe@yahoo.com	96712
Representing:	Position:	Submitted:
North Shore Ko'olau Diversity Collective	I wish to comment	Apr 20, 2022 @ 09:30 AM

Name:	Email:	Zip:
Colleen Haviland	chav1957@aol.com	96712

Representing:	Position:	Submitted:
Self	Oppose	Apr 20, 2022 @ 09:57 AM

Testimony:
I strongly oppose DPP's proposed LUO amendments that would permit Mobile Commercial Establishments (MCE) in Country and B-1 zoning.

Name:	Email:	Zip:
Lopaka Lauaki	queen_agnes@yahoo.com	96731

Representing:	Position:	Submitted:
Self	Support	Apr 20, 2022 @ 10:16 AM

Testimony:
“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 seback 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 world wide 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!”

Name:	Email:	Zip:
Linda Baptiste	baptiste.linda@gmail.com	96795

Representing:	Position:	Submitted:
Self	Oppose	Apr 20, 2022 @ 10:28 AM

Testimony:
Proposed changes to article five of the City and County of Honolulu’s Land Use Ordinance (“LUO”) is now in front the City Council as Bill 10 (2022). I own two parcels identified as Tax Map Key No. (1)41025006 and Tax Map Key No. (1)41025007. Both parcels are presently zoned for agricultural use. I am urgently worried that I will lose the right to live in my own home due to the stricter occupancy restrictions looming in article five of the proposed revisions to the LUO.

Under the standard set by HRS § 205-4.5, individuals and their families are free to live in their homes on agricultural land if their home is “used in connection with a farm” or “agricultural activity provides income to the family” living on the agriculturally zoned

land. The proposed revisions for Article Five of the LUO threaten to codify a much harsher and discriminatory restriction for living on agricultural lands. Contrary to the broader occupancy rights established in HRS § 205-4.5, the proposed LUO amendment would mandate that anyone living on agricultural land must be actively farming. This suggested revision to the LUO specifically articulates that “leasing land, managing labor, or managing a business are not considered performance of an agricultural activity.” See Section 21-5.40(d)(5)(vii).

These new occupancy restrictions appear to be intended to prevent gentleman farms and ensure the productive use of O`ahu’s agricultural land. Despite this laudable intent to protect Oahu’s agricultural lands from luxury housing developments, these occupancy restrictions will have a discriminatory impact that will dramatically harm the most vulnerable in our agricultural communities, including many people like myself.

The disparate harms visited on those who are physically and economically vulnerable are reason enough to send the LUO amendment authors back to the drawing board with instructions to devise more appropriate protections for agricultural lands that do not strip disadvantaged homeowners of the right to live in their own homes. Indeed, implementing this new occupancy standard will amount to a de facto eviction for myself and many other individuals and families residing on agricultural lands who are unable to actively farm their lands, either due to health conditions, advanced age, retirement, finances, caregiving responsibilities, or other personal circumstance that may preclude “active farming”, however that term may be defined in the future.

Additionally, others may be unable to farm actively simply because their land is too small, too rocky, to dry, etc., such that it is not conducive to the kind of substantial agricultural production that would make farming a viable option for economic survival, most like me will need separate jobs and income in order to afford to live. Like most farmers, living on agricultural lands, I cannot survive on farming income alone. Disabled, retired, and elderly farmers and their families are especially likely to suffer severe disruptions to their lives and livelihoods if the new provisions are allowed to proceed.

My parcels face several conditions which complicate any effort to sustain agricultural production. In addition to the size concerns for the small parcel, significant portions of both parcels are subject to barriers likely to hinder any reasonable form of agricultural production. The vast majority of the total land area across both parcels does not feature soil qualities sufficient to support agricultural production. Furthermore, the water currently being supplied to the property is inadequate for agricultural purposes.

The condition of the land is not the only barrier to agricultural production on the parcels owned by myself. I am not able to actively engage in farm labor and agricultural production. While I presently draw some income from limited agricultural activity on my lands, I am reaching an age and a physical condition where it is not feasible for me to actively farm. My child and grandchildren live on the property with me. They are similarly incapable of actively working in agricultural production on the land, particularly where they are required to pursue work and education in non-agricultural pursuits in order to help make ends meet for our household.

My lands are unsuitable for largescale agriculture and I will soon be totally unable to engage in farm work due to my advancing age and poor health. Therefore, it would be unreasonable to apply a new occupancy standard to my land which only allows me to live on the land if I am actively engaged in farm labor. The proposed new occupancy restrictions for agricultural land would render my family’s occupancy of our own land illegitimate and amount to a de facto eviction of myself and my loved ones from a property that we have developed and invested in extensively over the years. This potentiality is of profound concern to us.

Even if no immediate enforcement actions are taken against us in connection with the LUO revision, the new occupancy restrictions will continually be a source of stress and concern for us and any future landowners or occupants of the parcel. The passage of the revised LUO will create a threatening uncertainty which will loom over our genuine desire to peacefully live out our days on our own property and pass that property down to our heirs without the threat of eviction and foreclosure. Degrading our occupancy rights and disrupting our life in this manner simply because we are not physically able to operate a substantially profitable farming operation on our small parcel would be unjust, blatantly discriminatory, and senseless. Furthermore, application of the new occupancy standard to our land will fail to meaningfully protect O’ahu’s agricultural industry or discourage in any meaningful way the establishment of gentlemen farms.

I strongly object to the proposed changes to the LUO. Imposing overly strict occupancy restrictions across O’ahu’s nearly 128,000 acres of agricultural land will violate the basic property rights of legions of small landowners, many of whom have invested their life’s work and savings into their homes on agricultural lands over decades and generations.

I ask that the City Council cautiously approach any actions or decisions that would disproportionately harm those disabled and elderly members living in Oahu's agricultural communities. Indeed, I hope the City Council will require agency officials to work on devising regulatory mechanisms that can help safeguard agricultural lands and production on O'ahu, without stripping agricultural landowners of their basic property rights and evicting people like myself and my relatives from our longtime homes. I implore the City Council to require the exploration of alternative paths rather than approving the deeply flawed and harmful restrictions currently proposed for agricultural dwellings in the revised LUO.

Name:	Email:	Zip:
Raynald Cooper	raysr@uprightllc.com	96792
Representing:	Position:	Submitted:
Self	Oppose	Apr 20, 2022 @ 10:54 AM

Testimony:
Proposed changes to article five of the City and County of Honolulu's Land Use Ordinance ("LUO") is now in front of the City Council as Bill 10 (2022). I am the owner of the parcel identified as Tax Map Key No. (1)87018018, which is presently zoned for agricultural use. I am intensely worried that I will lose the right to live in my own home due to the stricter occupancy restrictions looming in article five of the proposed revisions to the LUO.

Under the standard set by HRS § 205-4.5, individuals and their families are free to live in their homes on agricultural land if their home is "used in connection with a farm" or "agricultural activity provides income to the family" living on the agriculturally zoned land. The proposed revisions for article five of the LUO threaten to codify a much harsher and discriminatory restriction for living on agricultural lands. Contrary to the broader occupancy rights established in HRS § 205-4.5, the proposed LUO amendment would mandate that anyone living on agricultural land must be actively farming. This suggested revision to the LUO specifically articulates that "leasing land, managing labor, or managing a business are not considered performance of an agricultural activity." See Section 21-5.40(d)(5)(vii).

These new occupancy restrictions appear to be intended to prevent gentleman farms and ensure the productive use of O'ahu's agricultural land. Despite this laudable intent to protect Oahu's agricultural lands from luxury housing developments, these occupancy restrictions will have a discriminatory impact that will dramatically harm the most vulnerable in our agricultural communities, including many people like myself.

The disparate harms visited on those who are physically and economically vulnerable are reason enough to send the LUO amendment authors back to the drawing board with instructions to devise more appropriate protections for agricultural lands that do not strip disadvantaged homeowners of the right to live in their own homes. Indeed, implementing this new occupancy standard will amount to a de facto eviction for myself and many other individuals and families residing on agricultural lands who are unable to actively farm their lands, either due to health conditions, advanced age, retirement, finances, caregiving responsibilities, or other personal circumstance that may preclude "active farming", however that term may be defined in the future.

Additionally, others may be unable to farm actively simply because their land is too small, too rocky, to dry, etc., such that it is not conducive to the kind of substantial agricultural production that would make farming a viable option for economic survival, most like me will need separate jobs and income in order to afford to live. Like most farmers living on agricultural lands, I cannot survive on farming income alone. Disabled, retired, and elderly farmers and their families are especially likely to suffer severe disruptions to their lives and livelihoods if the new provisions are allowed to proceed.

The nature of large portions of my parcel hinders any reasonable form of agricultural production. For example, it is my understanding that water service to the property comes via a ¾" portable water meter. The parcel does not currently enjoy direct access to sufficient quantities of usable water to support meaningful agricultural production. Additionally, the vast majority of my parcel does not feature soil quality and growing conditions suitable for the production crops.

My parcel is only 2.5 acres in size. The small total size places a limit on the potential agricultural yields which can be drawn from my land. The water access and soil quality issues further compound this issue. As my land is unlikely to support largescale agricultural production, it would be unreasonable to impose a new occupancy standard on my parcel which requires me to be actively farming the land in order to continue living in my home on my property.

The nature of my land is not the only barrier to agricultural production on my parcel. My wife and I are both of advanced age. I am 70 years old and experience persistent pain in my feet, knees and back. This pain makes it very difficult for me to remain standing

for long periods or bend down. As such, any extensive agricultural production would be beyond my physical abilities. As we are not capable of farming the land, passage of the revised LUO will render my family's occupancy of my own land illegitimate and amount to a de facto eviction of myself and my family from a property that we have developed, made suitable for limited agricultural activity, and invested our life's savings into. This potentiality is of profound concern to myself and my family.

Even if no immediate enforcement actions are taken against us in connection with the LUO revision, the new occupancy restrictions will continually be a source of stress and concern for myself and any future landowners or occupants of the parcel. The passage of the revised LUO will create a threatening uncertainty which will loom over my sincere hope of peacefully living out our days on my own property and passing that property down to our heirs without the threat of eviction and foreclosure. Allowing my occupancy rights to be degraded because I am not physically able to operate a substantially profitable farming operation on our small parcel would be unjust, blatantly discriminatory, and senseless. Applying the new occupancy standard to my land will also fail to meaningfully protect O'ahu's agricultural industry or discourage the establishment of gentlemen farms. Instead, the occupancy restriction would seriously harm myself and others living in agricultural communities, the very people land-use laws should be designed to serve.

I strongly object to the proposed changes to the LUO. Imposing overly strict occupancy restrictions across O'ahu's nearly 128,000 acres of agricultural land will violate the basic property rights of legions of small landowners, many of whom have invested their life's work and savings into their homes on agricultural lands over decades and generations.

I trust that the City Council will cautiously approach any actions or decisions that would disproportionately harm those disabled and elderly members living in Oahu's agricultural communities. Indeed, I trust that the City Council will require agency officials to work on devising mechanisms that can help safeguard agricultural lands and production on O'ahu without stripping agricultural landowners of their basic property rights and evicting people like myself from their longtime homes. I implore the City Council to require the exploration of alternative paths rather than approving the deeply flawed and harmful restrictions currently proposed for agricultural dwellings in the revised LUO.

Name:	Email:	Zip:
Diana Young	dianayoung7669@gmail.com	96795
Representing:	Position:	Submitted:
Self	Oppose	Apr 20, 2022 @ 11:12 AM

Testimony:

Proposed changes to article five of the City and County of Honolulu's Land Use Ordinance ("LUO") is now in front of the City Council as Bill 10 (2022). I, through the GERALD Y H YOUNG TRUST ESTATE, own the parcel identified as Tax Map Key No. (1)41018022, which is presently zoned for agricultural use. I am urgently worried about losing the right to live in my own home due to the stricter occupancy restrictions looming in article five of the proposed revisions to the LUO.

Under the standard set by HRS § 205-4.5, individuals and their families are free to live in their homes on agricultural land if their home is "used in connection with a farm" or "agricultural activity provides income to the family" living on the agriculturally zoned land. The proposed revisions for article five of the LUO threaten to codify a much harsher and discriminatory restriction for living on agricultural lands. Contrary to the broader occupancy rights established in HRS § 205-4.5, the proposed LUO amendment would mandate that anyone living on agricultural land must be actively farming. This suggested revision to the LUO specifically articulates that "leasing land, managing labor, or managing a business are not considered performance of an agricultural activity." See Section 21-5.40(d)(5)(vii).

These new occupancy restrictions appear to be intended to prevent gentleman farms and ensure the productive use of O'ahu's agricultural land. Despite this laudable intent to protect Oahu's agricultural lands from luxury housing developments, these occupancy restrictions will have a discriminatory impact that will dramatically harm the most vulnerable in our agricultural communities, including many people like myself.

The disparate harms visited on those who are physically and economically vulnerable are reason enough to send the LUO amendment authors back to the drawing board with instructions to devise more appropriate protections for agricultural lands that do not strip disadvantaged homeowners of the right to live in their own homes. Indeed, implementing this new occupancy standard will amount to a de facto eviction of myself and other families residing on agricultural lands who are unable to actively farm their lands, either due to health conditions, advanced age, retirement, finances, caregiving responsibilities, or other personal circumstance that may preclude "active farming", however that term may be defined in the future.

Additionally, others may be unable to farm actively simply because their land is too small, too rocky, to dry, etc., such that it is not conducive to the kind of substantial agricultural production that would make farming a viable option for economic survival, most like me will need separate jobs and income in order to afford to live. Like most farmers living on agricultural lands, I cannot survive on farming income alone. Disabled, retired, and elderly farmers and their families are especially likely to suffer severe disruptions to their lives and livelihoods if the new provisions are allowed to proceed.

My parcel faces several conditions which significantly complicate agricultural production. The primary source of water on the property is a creek which is contaminated with leptospirosis. Additionally, rocks and sand are present throughout the soil on the property. These conditions render large portions of the parcel virtually unusable for agricultural purposes in their current state. For most types of crops, if planted on the parcel, heat will also diminish or wipe out any anticipated yields.

Some agricultural production is currently being accomplished on the property. I have laid down ground cover and constructed a system of PVC piping to bring water to the existing crops. The small-scale agricultural activity that does exist on the parcel is a testament to my commitment to meet existing challenges stemming from the nature of the parcel. However, as explained above, those challenges preclude viable agricultural production of any significant yields.

The condition of the land is not the only barrier to agricultural production on my parcel. I am not able to engage in substantial agricultural production. I am 65 years of age. As noted above, I presently care for a number of potted plants. However, any more extensive agricultural activity would present an impossible physical challenge for myself. Under the occupancy standard contained within the proposed revision to the LUO, my occupancy rights would be made worryingly tenuous. If I am ever unable to farm due to progressing age or any other circumstances, my occupancy of my own land would be rendered illegitimate. That eventuality would amount to a de facto eviction of myself from a property that I have developed, made habitable and productive, and invested my life’s savings into. This potentiality is particularly concerning to me because the conditions of the Trust’s ownership of the parcel forbids me from selling the property during my lifetime. Given that, if my occupancy of the parcel was to be jeopardized as a consequence LUO revision, I would be left with little recourse and no feasible options for relocation.

Even if no immediate enforcement actions are taken against myself in connection with the LUO revision, the new occupancy restrictions will continually be a source of stress and concern for me and any future landowners or occupants of the parcel. The passage of the revised LUO will create a threatening uncertainty which will loom over my genuine hope of peacefully living out my days on my own property and passing that property down to my heirs without the threat of eviction and foreclosure. Allowing such serious harm to come to me simply because I am not physically able to operate a substantially profitable farming operation on my property would be remarkably unjust. Additionally, applying the new occupancy standard to my land will fail to meaningfully protect O’ahu’s agricultural industry

I strongly object to the proposed changes to the LUO. Imposing overly strict occupancy restrictions across O’ahu’s nearly 128,000 acres of agricultural land will violate the basic property rights of legions of small landowners, many of whom have invested their life’s work and savings into their homes on agricultural lands over decades and generations.

I ask that the City Council cautiously approach any actions or decisions that would disproportionately harm those disabled and elderly members living in Oahu’s agricultural communities. Indeed, I hope the City Council will require agency officials to work on devising regulatory mechanisms that can help safeguard agricultural lands and production on O’ahu, without stripping agricultural landowners of their basic property rights and evicting people like myself from our longtime homes. I implore the City Council to require the exploration of alternative paths rather than approving the deeply flawed and harmful restrictions currently proposed for agricultural dwellings in the revised LUO.

Name:	Email:	Zip:
chip hartman	seachip@yahoo.com	96712
Representing:	Position:	Submitted:
Self	I wish to comment	Apr 20, 2022 @ 11:18 AM

Testimony:

Aloha P and Z members, I do not like the proliferation of mobile eateries (lunch trucks, etc) that are becoming and eye sore and in some cases a traffic hazard in our rural communities around the island. There has been and continues to be a negative impact on me and my neighbors here in our North Shore community. For these and other reasons I strongly oppose DPP's proposed LUO amendments that would permit Mobile Commercial Establishments (MCE) in Country and B-1 zoning. Please DO NOT amend the LUO for the benefit of all of O'ahu's residents, not just me and my neighbors. Mahalo, Chip Hartman

Name:	Email:	Zip:
Lawrence Ito	rito1@hawaii.rr.com	96795
Representing:	Position:	Submitted:
Self	Oppose	Apr 20, 2022 @ 11:32 AM

Testimony:

Proposed changes to article five of the City and County of Honolulu's Land Use Ordinance ("LUO") is now in front of the City Council as Bill 10 (2022). I am the owner of three parcels identified as Tax Map Key No. (1)41024012, (1)41024013, and (1)41024014. All three parcels are currently zoned for agricultural use. I am urgently concerned that I will lose the right to live in my own home due to the stricter occupancy restrictions looming in article five of the proposed revisions to the LUO.

Under the standard set by HRS § 205-4.5, individuals and their families are free to live in their homes on agricultural land if their home is "used in connection with a farm" or "agricultural activity provides income to the family" living on the agriculturally zoned land. The proposed revisions for article five of the LUO threaten to codify a much harsher and discriminatory restriction for living on agricultural lands. Contrary to the broader occupancy rights established in HRS § 205-4.5, the proposed LUO amendment would mandate that anyone living on agricultural land must be actively farming. This suggested revision to the LUO specifically articulates that "leasing land, managing labor, or managing a business are not considered performance of an agricultural activity." See Section 21-5.40(d)(5)(B)(vii).

These new occupancy restrictions appear to be intended to prevent gentleman farms and ensure the productive use of O'ahu's agricultural land. Despite this laudable intent to protect Oahu's agricultural lands from luxury housing developments, these occupancy restrictions will have a discriminatory impact that will dramatically harm the most vulnerable in our agricultural communities, including many people like myself.

The disparate harms visited on those who are physically and economically vulnerable are reason enough to send the LUO amendment authors back to the drawing board with instructions to devise more appropriate protections for agricultural lands that do not strip disadvantaged homeowners of the right to live in their own homes. Indeed, implementing this new occupancy standard will amount to a de facto eviction for myself and many other individuals and families residing on agricultural land who are unable to actively farm their lands, either due to health conditions, advanced age, retirement, finances, caregiving responsibilities, or other personal circumstance that may preclude "active farming", however that term may be defined in the future.

Additionally, others may be unable to farm actively simply because their land is too small, too rocky, to dry, etc., such that it is not conducive to the kind of substantial agricultural production that would make farming a viable option for economic survival, most like me will need separate jobs and income in order to afford to live. Like most farmers living on agricultural lands, I cannot survive on farming income alone. Disabled, retired, and elderly farmers and their families are especially likely to suffer severe disruptions to their lives and livelihoods if the new provisions are allowed to proceed.

All of my parcels face difficulties which significantly complicate agricultural production. The first parcel has a total land area of only 0.59 acres, much too small for agriculture. In addition to the specific size constraints on this parcel, challenges to agricultural production exist across all of my parcels. Presently, my family grows small crops of soybean, papaya, avocado, ginger, and ornamental plants. However, more than half of my land lacks soil qualities sufficient to support ground crops.

My wife, my brother and myself are all of advanced age. The physical demands of agricultural work are now beyond our abilities. My children also reside on my parcels. However, they are engaged with other responsibilities and are unable to actively farm. Despite these challenges, my family has thus far been able to encourage and sustain limited agricultural activity on my parcels. Still, imposing a new standard occupancy to my land which requires us to actively farm in order to maintain residence could render my family's occupancy of my own home illegitimate and amount to a de facto eviction of my family from my property that we have developed, heavily invested in, and preserved for limited agricultural use. This potentiality is of profound concern for my family.

Even if no immediate enforcement actions are taken against us in connection with the LUO revision, the new occupancy restrictions will continually be a source of stress and concern for my family and any future landowners or occupants of the parcels. The passage of the revised LUO will create a threatening uncertainty which will loom over my sincere hope of peacefully living out our days on my own property and passing that property down to my heirs without the threat of eviction and foreclosure. Allowing the occupancy rights of my family to be degraded simply because we are aged and not physically able to operate a substantially profitable farming operation would be unjust, blatantly discriminatory, and senseless. Furthermore, applying the new occupancy standard to my land will not meaningfully protect O'ahu's agricultural industry or discourage the establishment of gentlemen farms.

Instead, the occupancy restriction would seriously harm myself and other small farmers, the very people our land-use laws should serve.

I strongly object to the proposed changes to the LUO. Imposing overly strict occupancy restrictions across O'ahu's nearly 128,000 acres of agricultural land will violate the basic property rights of legions of small landowners, many of whom have invested their life's work and savings into their homes on agricultural lands over decades and generations.

I ask that the City Council cautiously approach any actions or decisions that would disproportionately harm those disabled and elderly members living in Oahu's agricultural communities. Indeed, I hope the City Council will require agency officials to work on devising regulatory mechanisms that can help safeguard agricultural lands and production on O'ahu, without stripping agricultural landowners of their basic property rights and evicting people like myself and my relatives from our longtime homes. I implore the City Council to require the exploration of alternative paths rather than approving the deeply flawed and harmful restrictions currently proposed for agricultural dwellings in the revised LUO.

Name:	Email:	Zip:
Mark Harris	mark@mdrestore.com	96795
Representing:	Position:	Submitted:
HARRIS RANCH LLC	Oppose	Apr 20, 2022 @ 11:46 AM

Testimony:
Proposed changes to Article Five of the City and County of Honolulu's Land Use Ordinance ("LUO") is now in front of the City Council as Bill 10 (2022). I, through the Harris Ranch, LLC (the "Ranch"), recently acquired two parcels identified as Tax Map Key No. (1)41024060 and Tax Map Key No. (1)41024061. Both parcels are presently zoned for agricultural use. I am anxiously worried about losing rights to ever live in my own home on these parcels, due to the stricter occupancy restrictions looming in the proposed revisions to Article Five of the LUO.

Under the standard set by HRS § 205-4.5, individuals and their families are free to live in their homes on agricultural land if their home is "used in connection with a farm" or "agricultural activity provides income to the family" living on the agriculturally zoned land. The proposed revisions for Article Five of the LUO threaten to codify a much harsher and discriminatory restriction for living on agricultural lands. Contrary to the broader occupancy rights established in HRS § 205-4.5, the proposed LUO amendment would mandate that anyone living on agricultural land must be actively farming. This suggested revision to the LUO specifically articulates that "leasing land, managing labor, or managing a business are not considered performance of an agricultural activity." See Section 21-5.40(d)(5)(B)(vii).

These new occupancy restrictions appear to be intended to prevent gentleman farms and ensure the productive use of O`ahu's agricultural land. Despite this laudable intent to protect Oahu's agricultural lands from luxury housing developments, these occupancy restrictions will have a discriminatory impact that will dramatically harm the most vulnerable in our agricultural communities, including many people like myself.

The disparate harms visited on those who are physically and economically vulnerable are reason enough to send the LUO amendment authors back to the drawing board with instructions to devise more appropriate protections for agricultural lands that do not strip disadvantaged homeowners of the right to live in their own homes. Indeed, implementing this new occupancy standard will amount to a de facto eviction for myself and many other individuals and families residing on agricultural lands who are unable to actively farm their lands, either due to health conditions, advanced age, retirement, finances, caregiving responsibilities, or other personal circumstance that may preclude "active farming", however that term may be defined in the future.

Additionally, others may be unable to farm actively simply because their land is too small, too rocky, too dry, etc., such that it is not conducive to the kind of substantial agricultural production that would make farming a viable option for economic survival. It remains to be seen whether my parcels are conducive to agriculture. As the parcels were recently acquired, I am unsure of the parcels' suitability to agricultural production. I am aware that unforeseen barriers to agricultural production are likely to become apparent in the near future based on reports and representations from other landowners in the area. Should the land prove to be of poor quality for crop cultivation or become unsuitable for farming in the future by any change to the character of the land, the occupancy restrictions proposed in the revised LUO would jeopardize my right to ever live on my land.

Furthermore, the occupancy restrictions would degrade my occupancy rights in the event that I were ever to become physically unable to farm due to illness, disability, or old age. Therefore, codifying stricter occupancy restrictions for dwellings situated on

agricultural lands will potentially render any occupancy of my land illegitimate and will likely force abandonment of a property that I have developed and invested in extensively.

Even if no immediate enforcement actions are taken against myself in connection with the LUO revisions, the new occupancy restrictions will continually be a source of distress and concern for myself and any future landowners or occupants of the parcels. Passage of the revised LUO will create a threatening uncertainty which will loom ominously over my genuine hope of ever living peacefully on my own property or passing that property down to my heirs without the threat of eviction and foreclosure.

As such, I strongly object to these proposed changes to the LUO. Imposing overly strict occupancy restrictions across O'ahu's nearly 128,000 acres of agricultural land will violate the basic property rights of legions of small landowners, many of whom have invested their life's work and savings into their homes on agricultural lands over decades and generations. Surely there are better, less harmful, and non-discriminatory means of disincentivizing and preventing luxury developments on agricultural lands.

I ask that the City Council cautiously approach any actions or decisions that would disproportionately harm those disabled and elderly members living in Oahu's agricultural communities. Indeed, I hope the City Council will require agency officials to work on devising regulatory mechanisms that can help safeguard agricultural lands and production on O'ahu, without stripping agricultural landowners of their basic property rights and evicting people like myself and my relatives from our longtime homes. I implore the City Council to require the exploration of alternative paths rather than approving the deeply flawed and harmful restrictions currently proposed for agricultural dwellings in the revised LUO.

Name:	Email:	Zip:
Mark Afuso	mtafuso@usa.net	96792
Representing:	Position:	Submitted:
87-711 KAUKAMA ROAD TRUST	Oppose	Apr 20, 2022 @ 11:56 AM

Testimony:
Proposed changes to Article Five of the City and County of Honolulu's Land Use Ordinance ("LUO") is now in front of the City Council as Bill 10 (2022). I, through the 87-711 KAUKAMA ROAD TRUST, own the parcel identified as Tax Map Key No. (1)87018009 (the "Parcel"), which is presently zoned for agricultural use. I am anxious with worry about losing rights to ever live in my own home on the Parcel, due to the stricter occupancy restrictions looming in the proposed revisions to Article Five of the LUO.

Under the standard set by HRS § 205-4.5, individuals and their families are free to live in their homes on agricultural land if their home is "used in connection with a farm" or "agricultural activity provides income to the family" living on the agriculturally zoned land. The proposed revisions for Article Five of the LUO threaten to codify a much harsher and discriminatory restriction for living on agricultural lands. Contrary to the broader occupancy rights established in HRS § 205-4.5, the proposed LUO amendment would mandate that anyone living on agricultural land must be actively farming. This suggested revision to the LUO specifically articulates that "leasing land, managing labor, or managing a business are not considered performance of an agricultural activity." See Section 21-5.40(d)(5)(B)(vii).

These new occupancy restrictions appear to be intended to prevent gentleman farms and ensure the productive use of O`ahu's agricultural land. Despite this laudable intent to protect Oahu's agricultural lands from luxury housing developments, these occupancy restrictions will have a discriminatory impact that will dramatically harm the most vulnerable in our agricultural communities, including many people like myself.

The disparate harms visited on those who are physically and economically vulnerable are reason enough to send the LUO amendment authors back to the drawing board with instructions to devise more appropriate protections for agricultural lands that do not strip disadvantaged homeowners of the right to live in their own homes. Indeed, implementing this new occupancy standard will amount to a de facto eviction for myself and many other individuals and families residing on agricultural lands who are unable to actively farm their lands, either due to health conditions, advanced age, retirement, finances, caregiving responsibilities, or other personal circumstance that may preclude "active farming", however that term may be defined in the future.

Additionally, others may be unable to farm actively simply because their land is too small, too rocky, too dry, etc., such that it is not conducive to the kind of substantial agricultural production that would make farming a viable option for economic survival, most like me will need separate jobs and income in order to afford to live. Like most farmers, living on agricultural lands, I cannot survive on farming income alone. Disabled, retired, and elderly farmers and their families are especially likely to suffer severe

disruptions to their lives and livelihoods if these proposed revisions are approved. For example, my Parcel faces many challenges which complicate active agricultural production on the land. My family tries to maintain a small farming operation, but despite the Parcel's larger size, sufficient agricultural production cannot be generated, for various insurmountable factors related to the Parcel and personal circumstances.

Moreover, the Parcel has historically been occupied by two generations of my family members, some of whom were not directly involved with farming operations. While there is a small farming operation currently maintained on the property, conditioning occupancy on one's ability to directly engage in agricultural labor is troubling, as is the idea that the proposed LUO revisions could render illegitimate the occupancy of those who, for various understandable reasons, are unable to perform farm labor. Codifying stricter occupancy restrictions in the LUO will potentially render any occupancy of my family land illegitimate and will likely force abandonment of a property that we have developed, invested in extensively, and resided upon for generations.

Even if no immediate enforcement actions are taken against us in connection with the LUO revisions, the new occupancy restrictions will continually be a source of distress and concern for us and any future landowners or occupants of the Parcel. Passage of the revised LUO will create a threatening uncertainty which will loom ominously over our genuine hope of ever living peacefully on my own property or passing that property down to my heirs without the threat of eviction and foreclosure ever looming.

I strongly object to the proposed changes to the LUO. Imposing overly strict occupancy restrictions across O'ahu's nearly 128,000 acres of agricultural land will violate the basic property rights of legions of small landowners, many of whom have invested their life's work and savings into their homes on agricultural lands over decades and generations.

I ask that the City Council cautiously approach any actions or decisions that would disproportionately harm those disabled and elderly members living in Oahu's agricultural communities. Indeed, I hope the City Council will require agency officials to work on devising regulatory mechanisms that can help safeguard agricultural lands and production on O'ahu, without stripping agricultural landowners of their basic property rights and evicting people like myself and my relatives from our longtime homes. I implore the City Council to require the exploration of alternative paths rather than approving the deeply flawed and harmful restrictions currently proposed for agricultural dwellings in the revised LUO.

Name:	Email:	Zip:
Jeffrey Bloom	jeffcta@hotmail.com	96795
Representing:	Position:	Submitted:
JEFFREY P BLOOM TRUST	Oppose	Apr 20, 2022 @ 12:10 PM

Testimony:

Proposed changes to article five of the City and County of Honolulu's Land Use Ordinance ("LUO") is now in front of the City Council as Bill 10 (2022). I, through the JEFFREY P BLOOM TRUST, am the owner of a 2.02-acre parcel identified as Tax Map Key No. (1)41024086. The parcel is presently zoned for agricultural use. I am urgently worried that I will lose the right to live in my own home due to the stricter occupancy restrictions looming in article five of the proposed revisions to the LUO.

Under the standard set by HRS § 205-4.5, individuals and their families are free to live in their homes on agricultural land if their home is "used in connection with a farm" or "agricultural activity provides income to the family" living on the agriculturally zoned land. The proposed revisions for Article Five of the LUO threaten to codify a much harsher and discriminatory restriction for living on agricultural lands. Contrary to the broader occupancy rights established in HRS § 205-4.5, the proposed LUO amendment would mandate that anyone living on agricultural land must be actively farming. This suggested revision to the LUO specifically articulates that "leasing land, managing labor, or managing a business are not considered performance of an agricultural activity." See Section 21-5.40(d)(5)(B)(vii).

These new occupancy restrictions appear to be intended to prevent gentleman farms and ensure the productive use of O`ahu's agricultural land. Despite this laudable intent to protect Oahu's agricultural lands from luxury housing developments, these occupancy restrictions will have a discriminatory impact that will dramatically harm the most vulnerable in our agricultural communities, including many people like myself.

The disparate harms visited on those who are physically and economically vulnerable are reason enough to send the LUO amendment authors back to the drawing board with instructions to devise more appropriate protections for agricultural lands that do not strip disadvantaged homeowners of the right to live in their own homes. Indeed, implementing this new occupancy standard will amount to a de facto eviction for myself and many other individuals and families residing on agricultural lands who

are unable to actively farm their lands, either due to health conditions, advanced age, retirement, finances, caregiving responsibilities, or other personal circumstance that may preclude “active farming”, however that term may be defined in the future.

Additionally, others may be unable to farm actively simply because their land is too small, too rocky, to dry, etc., such that it is not conducive to the kind of substantial agricultural production that would make farming a viable option for economic survival, most like me will need separate jobs and income in order to afford to live. Like most farmers, living on agricultural lands, I cannot survive on farming income alone. Disabled, retired, and elderly farmers and their families are especially likely to suffer severe disruptions to their lives and livelihoods if the new provisions are allowed to proceed.

My parcel faces many conditions unfavorable to largescale, sustained agricultural production. Most notably, the parcel is only two acres, an exceedingly small size that makes viable agricultural production difficult. Additionally, agricultural production would be impossible on several segments of my parcel due to existing structures. For instance, the parcel includes a thin strip of land that provides vehicle access to the road bordering the property. Planting is neither possible nor reasonable in that area. A single residence and a horse stable also exist on the parcel. Agricultural production cannot be undertaken in the area covered by those buildings. The area of the parcel which remains usable for agricultural purposes is so small that the yields drawn from it cannot provide substantial financial support to myself and my family.

Very limited planting and cultivation is currently taking place on the parcel. My land supports the growth of flowers and a small number of fruit trees. Any substantial expansion of the existing activity, or the establishment of new agricultural operations, would be impossible due to the size constraint discussed above. Therefore, applying a new occupancy standard to my land which would require me to continually farm to maintain a legal right to reside in my own home would be unreasonable and needlessly harmful to myself and my family.

The small size of the land is not the only barrier to agricultural production on my parcel. I live on the parcel with my wife and my 95-year-old Mother- in-Law. My wife and I have several critical responsibilities which preclude my engagement in agricultural work, including caring for our 95-year-old loved one.

My wife and I are also of advanced age. We are not able to engage in the physically strenuous work required to continually sustain agricultural production. As no member of my family currently occupying the parcel is in a position to farm the land, codification of the new occupancy restriction could render my family’s occupancy of our own land illegitimate and amount to a de facto eviction of myself and my family from a property that we have developed, made agriculturally productive, and invested in extensively.

Even if no immediate enforcement actions are taken against myself in connection with the LUO revision, the new occupancy restrictions will continually be a source of stress and concern for myself and any future landowners or occupants of the parcel. The passage of the revised LUO will create a threatening uncertainty which will loom over my sincere hope of peacefully living out our days on our own property and passing that property down to our heirs without the threat of eviction and foreclosure.

Allowing my occupancy rights to be degraded because my wife and I are elderly and physically unable to operate a substantially profitable farming operation on our small parcel would be unjust, blatantly discriminatory, and senseless. Furthermore, applying the new occupancy standard to my parcel would fail to meaningfully protect O’ahu’s agricultural industry or discourage the establishment of gentlemen farms. Instead, the occupancy restriction would seriously harm myself and others living in agricultural communities, the very people land-use laws should be designed to serve.

I strongly object to the proposed changes to the LUO. Imposing overly strict occupancy restrictions across O’ahu’s nearly 128,000 acres of agricultural land will violate the basic property rights of legions of small landowners, many of whom have invested their life’s work and savings into their homes on agricultural lands over decades and generations.

I ask that the City Council cautiously approach any actions or decisions that would disproportionately harm those disabled and elderly members living in Oahu’s agricultural communities. Indeed, I hope the City Council will require agency officials to work on devising regulatory mechanisms that can help safeguard agricultural lands and production on O’ahu, without stripping agricultural landowners of their basic property rights and evicting people like myself and my relatives from our longtime homes. I implore the City Council to require the exploration of alternative paths rather than approving the deeply flawed and harmful restrictions currently proposed for agricultural dwellings in the revised LUO.

Name:	Email:	Zip:

David Bybee	david.bybee@byuh.edu	96717
Representing: Self	Position: Oppose	Submitted: Apr 20, 2022 @ 12:22 PM

Testimony:

Proposed changes to article five of the City and County of Honolulu's Land Use Ordinance ("LUO") is now in front of the City Council as Bill 10 (2022). My wife and I are owners of a .61-acre parcel identified as Tax Map Key No. (1)530040360 and presently zoned for agricultural use. I am urgently concerned that I will lose the right to live in my own home due to the stricter occupancy restrictions looming in article five of the proposed revisions to the LUO.

Under the standard set by HRS § 205-4.5, individuals and their families are free to live in their homes on agricultural land if their home is "used in connection with a farm" or "agricultural activity provides income to the family" living on the agriculturally zoned land. The proposed revisions for Article Five of the LUO threaten to codify a much harsher and discriminatory restriction for living on agricultural lands. Contrary to the broader occupancy rights established in HRS § 205-4.5, the proposed LUO amendment would mandate that anyone living on agricultural land must be actively farming. This suggested revision to the LUO specifically articulates that "leasing land, managing labor, or managing a business are not considered performance of an agricultural activity." See Section 21-5.40(d)(5)(B)(vii).

These new occupancy restrictions appear to be intended to prevent gentleman farms and ensure the productive use of O`ahu's agricultural land. Despite this laudable intent to protect Oahu's agricultural lands from luxury housing developments, these occupancy restrictions will have a discriminatory impact that will dramatically harm the most vulnerable in our agricultural communities, including many people like myself.

The disparate harms visited on those who are physically and economically vulnerable are reason enough to send the LUO amendment authors back to the drawing board with instructions to devise more appropriate protections for agricultural lands that do not strip disadvantaged homeowners of the right to live in their own homes. Indeed, implementing this new occupancy standard will amount to a de facto eviction for myself and many other individuals and families residing on agricultural lands who are unable to actively farm their lands, either due to health conditions, advanced age, retirement, finances, caregiving responsibilities, or other personal circumstance that may preclude "active farming", however that term may be defined in the future.

Additionally, others may be unable to farm actively simply because their land is too small, too rocky, to dry, etc., such that it is not conducive to the kind of substantial agricultural production that would make farming a viable option for economic survival, most like me will need separate jobs and income in order to afford to live. Like most farmers living on agricultural lands, I cannot survive on farming income alone. Disabled, retired, and elderly farmers and their families are especially likely to suffer severe disruptions to their lives and livelihoods if the new provisions are allowed to proceed.

My parcel faces a number of conditions which make extensive agricultural production exceedingly challenging. At less than an acre, the parcel is simply too small for the agricultural yields drawn from it to substantially provide for myself and my family. Approximately half of the parcel (.3 acres) does not currently feature growing conditions suitable for any agricultural activity, further compounding the small lot size issue.

My personal circumstances are also not suited to agricultural production. I am engaged in full time non-agricultural work that is critical to my family's livelihood. My wife and I also share a responsibility to care for our four children. As no member of my family currently occupying the parcel can feasibly farm the land, codification of the harsh occupancy restriction contained within the proposed revisions to the LUO could render my family's occupancy of my own land illegitimate and amount to a de facto eviction of myself and my family from a property that we have developed and invested in extensively. This potentiality is of profound concern to my family.

Allowing my family's occupancy rights to be imperiled under a revised LUO would be unreasonable and unjust, especially considering that applying the new occupancy standard to such a small parcel will not meaningfully protect local agricultural production.

Even if no immediate enforcement actions are taken against myself in connection with the LUO revision, the new occupancy restrictions will continually be a source of stress and concern for my family and any future landowners or occupants of the parcel. The passage of the revised LUO will create a threatening uncertainty which will loom over my sincere hope of peacefully living out our days on my own property and passing that property down to my heirs without the threat of eviction and foreclosure.

I strongly object to the proposed changes to the LUO. Imposing overly strict occupancy restrictions across O'ahu's nearly 128,000 acres of agricultural land will violate the basic property rights of legions of small landowners, many of whom have invested their life's work and savings into their homes on agricultural lands over decades and generations.

I ask that the City Council cautiously approach any actions or decisions that would disproportionately harm those disabled and elderly members living in Oahu's agricultural communities. Indeed, I hope the City Council will require agency officials to work on devising regulatory mechanisms that can help safeguard agricultural lands and production on O'ahu, without stripping agricultural landowners of their basic property rights and evicting people like myself and my relatives from our longtime homes. I implore the City Council to require the exploration of alternative paths rather than approving the deeply flawed and harmful restrictions currently proposed for agricultural dwellings in the revised LUO.

Name:	Email:	Zip:
Maximo Maafala	maafala2731@gmail.com	96792
Representing:	Position:	Submitted:
Self	Oppose	Apr 20, 2022 @ 12:33 PM

Testimony:
Proposed changes to article five of the City and County of Honolulu's Land Use Ordinance ("LUO") is now in front of the City Council as Bill 10 (2022). I am the owner of a 1-acre parcel identified as Tax Map Key No. (1)86007006. The parcel is presently zoned for agricultural use. I am exceedingly worried that I will lose the right to live in my own home due to the stricter occupancy restrictions looming in article five of the proposed revisions to the LUO.

Under the standard set by HRS § 205-4.5, individuals and their families are free to live in their homes on agricultural land if their home is "used in connection with a farm" or "agricultural activity provides income to the family" living on the agriculturally zoned land. The proposed revisions for Article Five of the LUO threaten to codify a much harsher and discriminatory restriction for living on agricultural lands. Contrary to the broader occupancy rights established in HRS § 205-4.5, the proposed LUO amendment would mandate that anyone living on agricultural land must be actively farming. This suggested revision to the LUO specifically articulates that "leasing land, managing labor, or managing a business are not considered performance of an agricultural activity." See Section 21-5.40(d)(5)(B)(vii).

These new occupancy restrictions appear to be intended to prevent gentleman farms and ensure the productive use of O`ahu's agricultural land. Despite this laudable intent to protect Oahu's agricultural lands from luxury housing developments, these occupancy restrictions will have a discriminatory impact that will dramatically harm the most vulnerable in our agricultural communities, including many people like myself.

The disparate harms visited on those who are physically and economically vulnerable are reason enough to send the LUO amendment authors back to the drawing board with instructions to devise more appropriate protections for agricultural lands that do not strip disadvantaged homeowners of the right to live in their own homes. Indeed, implementing this new occupancy standard will amount to a de facto eviction for myself and many other individuals and families residing on agricultural lands who are unable to actively farm their lands, either due to health conditions, advanced age, retirement, finances, caregiving responsibilities, or other personal circumstance that may preclude "active farming", however that term may be defined in the future.

Additionally, others may be unable to farm actively simply because their land is too small, too rocky, to dry, etc., such that it is not conducive to the kind of substantial agricultural production that would make farming a viable option for economic survival, most like me will need separate jobs and income in order to afford to live. Like most farmers living on agricultural lands, I cannot survive on farming income alone. Disabled, retired, and elderly farmers and their families are especially likely to suffer severe disruptions to their lives and livelihoods if the new provisions are allowed to proceed.

My land faces conditions which render it ill-suited to substantial agricultural production. Most notably, the parcel is exceedingly small and built structures cover much of the already severely limited land area. I currently cultivate a limited number of coconut and mango trees on the land. However, due to its size, the parcel cannot possibly support any more extensive agricultural production. Furthermore, the soil is excessively dry and the supply of water to the parcel is not sufficient for agricultural activity. Given these conditions, it is not possible for agricultural yields drawn from the parcel to substantially support myself. Therefore, conditioning my continued occupancy of my land on my active engagement in farming, as proposed in the LUO revisions, would be unreasonable.

My personal circumstances also present a barrier to any substantial agricultural production taking place on my property. I am 54 years old with no previous experience in farm work. I am presently receiving disability benefits because of physical limitations that would make it impossible for me to establish and sustain any agricultural production on my land even if the size and nature of my parcel made such action otherwise feasible. Since I am not physically able to extensively farm my land, codification of this new occupancy restriction for agricultural land could render my family's continued residence on my own land illegitimate and amount to a de facto eviction of myself and my family from a property that they have developed and invested in extensively. This potentiality is of profound concern to me.

Even if no immediate enforcement actions are taken against myself in connection with the LUO revision, the new occupancy restrictions will continually be a source of stress and concern for myself and any future landowners or occupants of the parcel. The passage of the revised LUO will create a threatening uncertainty which will loom over my genuine hope of peacefully living out my days on my own property and passing that property down to my heirs without the threat of eviction and foreclosure. Allowing my occupancy rights to be degraded because I am not physically able to operate a substantially profitable farming operation on my small parcel would be unjust, blatantly discriminatory, and senseless. Applying the new occupancy standard to my land will not meaningfully protect O'ahu's agricultural industry or discourage the establishment of gentlemen farms. Instead, the occupancy restriction would seriously harm myself and others like me, the very people our land-use laws should serve.

I strongly object to the proposed changes to the LUO. Imposing overly strict occupancy restrictions across O'ahu's nearly 128,000 acres of agricultural land will violate the basic property rights of legions of small landowners, many of whom have invested their life's work and savings into their homes on agricultural lands over decades and generations.

I ask that the City Council cautiously approach any actions or decisions that would disproportionately harm those disabled and elderly members living in Oahu's agricultural communities. Indeed, I hope the City Council will require agency officials to work on devising regulatory mechanisms that can help safeguard agricultural lands and production on O'ahu, without stripping agricultural landowners of their basic property rights and evicting people like myself and my relatives from our longtime homes. I implore the City Council to require the exploration of alternative paths rather than approving the deeply flawed and harmful restrictions currently proposed for agricultural dwellings in the revised LUO.

Name:	Email:	Zip:
William Quinlan	nimboy44@aol.com	96712
Representing:	Position:	Submitted:
Self	Oppose	Apr 20, 2022 @ 12:36 PM

Testimony:
I strongly oppose DPP's proposed LUO amendments that would permit Mobile Commercial Establishments (MCE) in Country and B-1 zoning.

Name:	Email:	Zip:
Bonnie Grossi	grossib001@icloud.com	96792
Representing:	Position:	Submitted:
TRIPLE G STABLES LTD	Oppose	Apr 20, 2022 @ 12:49 PM

Testimony:
Proposed changes to article five of the City and County of Honolulu's Land Use Ordinance ("LUO") is now in front of the City Council as Bill 10 (2022). I am the owner and registered agent of "Triple G Stables, LTD" ("Triple G"). Triple G owns the parcel identified as Tax Map Key No. (1)87019023, which is presently zoned for agricultural use. I am urgently worried about losing the right to live in my own home due to the stricter occupancy restrictions looming in article five of the proposed revisions to the LUO.

Under the standard set by HRS § 205-4.5, individuals and their families are free to live in their homes on agricultural land if their home is "used in connection with a farm" or "agricultural activity provides income to the family" living on the agriculturally zoned land. The proposed revisions for Article Five of the LUO threaten to codify a much harsher and discriminatory restriction for living on agricultural lands. Contrary to the broader occupancy rights established in HRS § 205-4.5, the proposed LUO amendment would mandate that anyone living on agricultural land must be actively farming. This suggested revision to the LUO specifically articulates that "leasing land, managing labor, or managing a business are not considered performance of an agricultural activity." See Section 21-5.40(d)(5)(B)(vii).

These new occupancy restrictions appear to be intended to prevent gentleman farms and ensure the productive use of O`ahu's

agricultural land. Despite this laudable intent to protect Oahu's agricultural lands from luxury housing developments, these occupancy restrictions will have a discriminatory impact that will dramatically harm the most vulnerable in our agricultural communities, including many people like myself.

The disparate harms visited on those who are physically and economically vulnerable are reason enough to send the LUO amendment authors back to the drawing board with instructions to devise more appropriate protections for agricultural lands that do not strip disadvantaged homeowners of the right to live in their own homes. Indeed, implementing this new occupancy standard will amount to a de facto eviction for myself and many other individuals and families residing on agricultural lands who are unable to actively farm their lands, either due to health conditions, advanced age, retirement, finances, caregiving responsibilities, or other personal circumstance that may preclude "active farming", however that term may be defined in the future.

Additionally, others may be unable to farm actively simply because their land is too small, too rocky, to dry, etc., such that it is not conducive to the kind of substantial agricultural production that would make farming a viable option for economic survival, most like me will need separate jobs and income in order to afford to live. Like most farmers living on agricultural lands, I cannot survive on farming income alone. Disabled, retired, and elderly farmers and their families are especially likely to suffer severe disruptions to their lives and livelihoods if the new provisions are allowed to proceed.

The nature of Triple G's parcel presents many challenges to agriculture. The land is primarily utilized to raise and care for horses. The property has long been used as a stable and the operation of the stable is essential for the livelihood of myself and my family. The current layout of the parcel is ideal for the horses housed on the land. While very limited agriculture is possible on the property, growing crops or raising other livestock in significant numbers would deny the horses the living space they need and make it impossible for Triple G to run its business on its owned land. The existence of the stable precludes any substantial farming.

Additionally, the parcel supports several existing structures, including the personal home of myself and my husband as well as buildings necessary for Triple G's business operations. It would be wholly unreasonable to expect Triple G to alter the land to the extent of removing those structures to establish extensive agricultural operations, especially when the land is only five acres in size and factors critical to the assessing the potential agricultural productivity of the land, such as soil quality and water supply, have yet to be determined. Given the significant portion of the total land area taken up by these structures and the relatively small size of the land, applying a new occupancy standard to the land which would require my husband and I to actively farm to maintain residence in our own home would be unreasonable.

The condition of the land is not the only barrier to agricultural production. My husband and I are the only permanent residents living on the parcel. Both myself and my husband are engaged full time with the operations of Triple G's business. My family cannot be expected to develop new expertise and embrace agricultural production on the land to the detriment of the existing business simply to comply with unexpected changes to the LUO.

As my husband and I are not able to farm the land, enactment of the new occupancy restrictions contained within the revised LUO could render my family's occupancy illegitimate and amount to a de facto eviction of myself and my family from a property that we have developed and invested in extensively.

Even if no immediate enforcement actions are taken against myself in connection with the LUO revision, the new occupancy restrictions will continually be a source of stress and concern for myself and any future landowners or occupants of the parcel. The passage of the revised LUO will create a threatening uncertainty which will loom over my sincere desire of peacefully living out my days on my own property and passing that property down to my heirs without the threat of eviction and foreclosure. Allowing such serious harm to come to us simply because we are not able to operate a substantially profitable farming operation on the property would be remarkably unjust. Additionally, applying the new occupancy standard to Triple G's land will not meaningfully protect O'ahu's agricultural industry

I strongly object to the proposed changes to the LUO. Imposing overly strict occupancy restrictions across O'ahu's nearly 128,000 acres of agricultural land will violate the basic property rights of legions of small landowners, many of whom have invested their life's work and savings into their homes on agricultural lands over decades and generations.

I ask that the City Council cautiously approach any actions or decisions that would disproportionately harm those disabled and elderly members living in Oahu's agricultural communities. Indeed, I hope the City Council will require agency officials to work on

devising regulatory mechanisms that can help safeguard agricultural lands and production on O'ahu, without stripping agricultural landowners of their basic property rights and evicting people like myself and my relatives from our longtime homes. I implore the City Council to require the exploration of alternative paths rather than approving the deeply flawed and harmful restrictions currently proposed for agricultural dwellings in the revised LUO.

Name:	Email:	Zip:
Kolea Chong	koleachong@yahoo.com	96744
Representing:	Position:	Submitted:
Self	Oppose	Apr 20, 2022 @ 01:02 PM

Testimony:
Proposed changes to article five of the City and County of Honolulu's Land Use Ordinance ("LUO") is now in front of the City Council as Bill 10 (2022). My husband and I own the parcel identified as Tax Map Key Number (1)480050030, which is presently zoned for agricultural use. My husband and I are anxious with worry about losing the right to live in our own home due to the stricter occupancy restrictions looming in article five of the proposed revisions to the LUO.

Under the standard set by HRS § 205-4.5, individuals and their families are free to live in their homes on agricultural land if their home is "used in connection with a farm" or "agricultural activity provides income to the family" living on the agriculturally zoned land. The proposed revisions for Article Five of the LUO threaten to codify a much harsher and discriminatory restriction for living on agricultural lands. Contrary to the broader occupancy rights established in HRS § 205-4.5, the proposed LUO amendment would mandate that anyone living on agricultural land must be actively farming. This suggested revision to the LUO specifically articulates that "leasing land, managing labor, or managing a business are not considered performance of an agricultural activity." See Section 21-5.40(d)(5)(B)(vii).

These new occupancy restrictions appear to be intended to prevent gentleman farms and ensure the productive use of O`ahu's agricultural land. Despite this laudable intent to protect Oahu's agricultural lands from luxury housing developments, these occupancy restrictions will have a discriminatory impact that will dramatically harm the most vulnerable in our agricultural communities, including many people like myself and my husband.

The disparate harms visited on those who are physically and economically vulnerable are reason enough to send the LUO amendment authors back to the drawing board with instructions to devise more appropriate protections for agricultural lands that do not strip disadvantaged homeowners of the right to live in their own homes. Indeed, implementing this new occupancy standard will amount to a de facto eviction for myself and many other individuals and families residing on agricultural lands who are unable to actively farm their lands, either due to health conditions, advanced age, retirement, finances, caregiving responsibilities, or other personal circumstance that may preclude "active farming", however that term may be defined in the future.

Additionally, others may be unable to farm actively simply because their land is too small, too rocky, to dry, etc., such that it is not conducive to the kind of substantial agricultural production that would make farming a viable option for economic survival, most like me will need separate jobs and income in order to afford to live. Like most farmers living on agricultural lands, we cannot survive on farming income alone. Disabled, retired, and elderly farmers and their families are especially likely to suffer severe disruptions to their lives and livelihoods if the new provisions are allowed to proceed.

Our parcel faces many challenges which complicate active agricultural production on the land. Most notably, the parcel is only 2.12 acres in size. This is barely larger than the two acres the Hawai`i Department of Agriculture recently identified as the minimum size for agricultural operations to be viable. Additionally, several sections of the land are unusable for agricultural purposes either due to the presence of structures erected long ago or because of rocky soil. The agricultural yields on such a small plot of land could never feasibly provide a livelihood for our family. As such, it would be unreasonable to enact a standard which mandates that my husband and I farm the parcel in order to maintain a legal right to occupy our home, which is situated on the land.

Our personal circumstances are also not suited to agricultural production. Both my husband and I are engaged in full time non-agricultural work. My husband and I also share a responsibility to care for our three children as well as my husband's grandmother, who lives with us on the property. Additionally, my husband and I do not possess any of the knowledge or skills necessary to maintain profitable agricultural production on the land. As no member of our family is presently able to farm on the parcel, codifying stricter occupancy restrictions in the LUO will render our family's occupancy of our own land illegitimate and will likely force my family to abandon our property that we have developed and invested in extensively. Allowing such serious harm to

be inflicted upon my family simply because my husband and I face circumstances which precludes us from farming would be cruel and would not in any way serve to encourage agricultural production on O'ahu.

My husband and I initially purchased our parcel to ensure that the property, which has historically belonged to our family, remained in our family's possession. We did so with the understanding that we would be able to live in the family home. Four generations of our family members currently live on the property. As such, the fact that restrictions applied to all agricultural land regardless of circumstance could deprive our family of continued occupancy rights is of profound concern to our family.

Even if no immediate enforcement actions are taken against us in connection with the LUO revision, the new occupancy restrictions will continually be a source of stress and concern for us and any future landowners or occupants of the parcel. The passage of the revised LUO will create a threatening uncertainty which will loom over our genuine hope of peacefully living out our days on our own property and passing that property down to our heirs without the threat of eviction and foreclosure.

We strongly object to the proposed changes to the LUO. Imposing overly strict occupancy restrictions across O'ahu's nearly 128,000 acres of agricultural land will violate the basic property rights of legions of small landowners, many of whom have invested their life's work and savings into their homes on agricultural lands over decades and generations.

We ask that the City Council cautiously approach any actions or decisions that would disproportionately harm those disabled and elderly members living in Oahu's agricultural communities. Indeed, we hope the City Council will require agency officials to work on devising regulatory mechanisms that can help safeguard agricultural lands and production on O'ahu, without stripping agricultural landowners of their basic property rights and evicting people like ourselves and our relatives from our longtime homes. We implore the City Council to require the exploration of alternative paths rather than approving the deeply flawed and harmful restrictions currently proposed for agricultural dwellings in the revised LUO.

Name:	Email:	Zip:
Erin Carruth	erinray@comcast.net	96786
Representing:	Position:	Submitted:
PUEO LAND TRUST	Oppose	Apr 20, 2022 @ 01:12 PM

Testimony:
Proposed changes to Article Five of the City and County of Honolulu's Land Use Ordinance ("LUO") is now in front of the City Council as Bill 10 (2022). I am the trustee of the PUEO LAND TRUST (the "Trust") which owns the parcel identified as Tax Map Key No. 9-4-005-0100000. The parcel is presently zoned for agricultural use. I am anxious with worry about losing rights to ever live in on the parcel, due to the stricter occupancy restrictions looming in the proposed revisions to Article Five of the LUO.

Under the standard set by HRS § 205-4.5, individuals and their families are free to live in their homes on agricultural land if their home is "used in connection with a farm" or "agricultural activity provides income to the family" living on the agriculturally zoned land. The proposed revisions for Article Five of the LUO threaten to codify a much harsher and discriminatory restriction for living on agricultural lands. Contrary to the broader occupancy rights established in HRS § 205-4.5, the proposed LUO amendment would mandate that anyone living on agricultural land must be actively farming. This suggested revision to the LUO specifically articulates that "leasing land, managing labor, or managing a business are not considered performance of an agricultural activity." See Section 21-5.40(d)(5)(B)(vii).

These new occupancy restrictions appear to be intended to prevent gentleman farms and ensure the productive use of O`ahu's agricultural land. Despite this laudable intent to protect Oahu's agricultural lands from luxury housing developments, these occupancy restrictions will have a discriminatory impact that will dramatically harm the most vulnerable in our agricultural communities, including many people like myself.

The disparate harms visited on those who are physically and economically vulnerable are reason enough to send the LUO amendment authors back to the drawing board with instructions to devise more appropriate protections for agricultural lands that do not strip disadvantaged homeowners of the right to live in their own homes. Indeed, implementing this new occupancy standard will amount to a de facto eviction for myself and many other individuals and families residing on agricultural lands who are unable to actively farm their lands, either due to health conditions, advanced age, retirement, finances, caregiving responsibilities, or other personal circumstance that may preclude "active farming", however that term may be defined in the future.

Additionally, others may be unable to farm actively simply because their land is too small, too rocky, to dry, etc., such that it is not

conducive to the kind of substantial agricultural production that would make farming a viable option for economic survival, most like me will need separate jobs and income in order to afford to live. Like most farmers living on agricultural lands, I cannot survive on farming income alone. Disabled, retired, and elderly farmers and their families are especially likely to suffer severe disruptions to their lives and livelihoods if the new provisions are allowed to proceed.

The parcel held by the Trust faces many challenges which complicate agricultural operations on the property. While the parcel is large, it is situated within a large gulch. As such, the bulk of the acreage is taken up with extremely steep topography inhospitable to crops. The soil is also very rocky and large portions of the land have not reliably grown crops for decades. Finally, the Kipapa Stream runs through the property and unpredictably floods the land.

A poultry farm is present on a portion of the parcel. However, water access issues threaten the continued operation of the farm. The farm does not have control over its water supply. Water for the farm comes from a basal aquifer and is pumped from a well situated on a parcel owned and operated by another business. Farm operators have gone without water for days due to service issues with the pump. The well has also been contaminated in the past and the water from this well is considered unpotable. These water supply issues sometimes result in expensive and damaging mass die offs among the chickens raised on the property. At any point the challenging conditions faced on the property due to its suboptimal location and inconsistent water access could interrupt or indefinitely foreclose any agricultural production taking place on the land. As such, it would be unreasonable to apply a new occupancy standard to the parcel which required anyone wishing to reside on the property to actively and continually farm.

Furthermore, the restrictions contained within the proposed LUO revisions will degrade the occupancy rights for myself or any other potential occupant in the inevitable event that eventually I or any other potential occupant becomes physically unable to farm due to illness, disability, or old age. Therefore, codifying stricter occupancy restrictions for dwellings situated on agricultural lands will potentially render any occupancy of the Trust's land illegitimate and will likely force abandonment of a property that I have developed and invested in extensively.

Even if no immediate enforcement actions are taken against myself and the Trust in connection with the LUO revisions, the new occupancy restrictions will continually be a source of distress and concern for myself and any future landowners or occupants of the parcel. Passage of the revised LUO will create a threatening uncertainty which will loom ominously over my genuine hope of ever living peacefully on the property or passing that property down to my heirs without the threat of eviction and foreclosure.

I strongly object to the proposed changes to the LUO. Imposing overly strict occupancy restrictions across O'ahu's nearly 128,000 acres of agricultural land will violate the basic property rights of legions of small landowners, many of whom have invested their life's work and savings into their homes on agricultural lands over decades and generations.

I ask that the City Council cautiously approach any actions or decisions that would disproportionately harm those disabled and elderly members living in Oahu's agricultural communities. Indeed, I hope the City Council will require agency officials to work on devising regulatory mechanisms that can help safeguard agricultural lands and production on O'ahu, without stripping agricultural landowners of their basic property rights and evicting people from their longtime homes. I implore the City Council to require the exploration of alternative paths rather than approving the deeply flawed and harmful restrictions currently proposed for agricultural dwellings in the revised LUO.

Name:	Email:	Zip:
Yvonne Watarai	yywatarai@yahoo.com	96782
Representing:	**Position:**	**Submitted:**
YVONNE Y WATARAI TRUST	Oppose	Apr 20, 2022 @ 01:23 PM

Testimony:

Proposed changes to article five of the City and County of Honolulu's Land Use Ordinance ("LUO") is now in front of the City Council as Bill 10 (2022). I am the trustee of the "YVONNE Y. WATARAI TRUST" (the "Trust") which owns the parcel identified as Tax Map Key Number (1)870180230 which is presently zoned for agricultural use. My family and I are exceedingly worried about losing the right to live on our own property due to the stricter occupancy restrictions looming in article five of the proposed revisions to the LUO.

Under the standard set by HRS § 205-4.5, individuals and their families are free to live in their homes on agricultural land if their home is "used in connection with a farm" or "agricultural activity provides income to the family" living on the agriculturally zoned land. The proposed revisions for Article Five of the LUO threaten to codify a much harsher and discriminatory restriction for living

on agricultural lands. Contrary to the broader occupancy rights established in HRS § 205-4.5, the proposed LUO amendment would mandate that anyone living on agricultural land must be actively farming. This suggested revision to the LUO specifically articulates that “leasing land, managing labor, or managing a business are not considered performance of an agricultural activity.” See Section 21-5.40(d)(5)(B)(vii).

These new occupancy restrictions appear to be intended to prevent gentleman farms and ensure the productive use of O`ahu’s agricultural land. Despite this laudable intent to protect Oahu’s agricultural lands from luxury housing developments, these occupancy restrictions will have a discriminatory impact that will dramatically harm the most vulnerable in our agricultural communities, including many people like myself.

The disparate harms visited on those who are physically and economically vulnerable are reason enough to send the LUO amendment authors back to the drawing board with instructions to devise more appropriate protections for agricultural lands that do not strip disadvantaged homeowners of the right to live in their own homes. Indeed, implementing this new occupancy standard will amount to a de facto eviction for myself and many other individuals and families residing on agricultural lands who are unable to actively farm their lands, either due to health conditions, advanced age, retirement, finances, caregiving responsibilities, or other personal circumstance that may preclude “active farming”, however that term may be defined in the future.

Additionally, others may be unable to farm actively simply because their land is too small, too rocky, to dry, etc., such that it is not conducive to the kind of substantial agricultural production that would make farming a viable option for economic survival, most like me will need separate jobs and income in order to afford to live. Like most farmers living on agricultural lands, I cannot survive on farming income alone. Disabled, retired, and elderly farmers and their families are especially likely to suffer severe disruptions to their lives and livelihoods if the new provisions are allowed to proceed.

While the Trust’s parcel has historically been used for agriculture purposes, it not well suited to sustainable and profitable agricultural production. Indeed, the parcel does not currently enjoy access to the quantities of water necessary to support largescale agricultural activities. There is a well producing water on the property, however the water produced thereby is too salty to be used for in connection with any feasible farming operation.

As such, viable agricultural production would require installation of a water line. I would need to seek loans to finance such a large capital project, but more importantly, I am 72 years old. Thus, it would be unreasonable to expect me to take on debt in an attempt to establish a new agricultural operation on the Trust’s land given that I would then have to endure active farm labor in order to live on my own property. Given the adverse conditions on the land, requiring me to actively farm the land in order to continue occupying the land would be wholly unreasonable.

The considerable issues with water access are not the only obstacles to farming operations on the parcel. As previously mentioned, I am 72 years old and cannot be expected to farm. The proposed revisions to the LUO would allow only those who “actively and currently farm” and their families can live on agricultural land. As such, even if I was able to find a farmer willing to establish agricultural production on the land, application of the new occupancy restrictions to the parcel could still render my occupancy of my own land illegitimate and amount to a de facto eviction of myself from a property that I have developed and invested in extensively over the years. The potential that my occupancy rights could be degraded by changes to the LUO is of profound concern to me.

Even if no immediate enforcement actions are taken against myself in connection with the LUO revision, the new occupancy restrictions will continually be a source of stress and concern for myself and any future landowners or occupants of the parcel. Passage of the revised LUO will create a threatening uncertainty which will loom over any hope landowners have of peacefully living on their own property and/or passing that property down to their heirs without the threat of eviction and foreclosure. Allowing such grievous harm to come to me because I am not physically able to farm would demonstrate a remarkable lack of consideration for the needs and conditions of those living in O’ahu’s agricultural communities. Such action would also be blatantly discriminatory and would fail to meaningfully advance the goal of protecting and maintaining agricultural production in the State of Hawai’i.

I strongly object to the proposed changes to the LUO. Imposing overly strict occupancy restrictions across O’ahu’s nearly 128,000 acres of agricultural land will violate the basic property rights of legions of small landowners, many of whom have invested their life’s work and savings into their homes on agricultural lands over decades and generations.

I ask that the City Council cautiously approach any actions or decisions that would disproportionately harm those disabled and elderly members living in Oahu's agricultural communities. Indeed, I hope the City Council will require agency officials to work on devising regulatory mechanisms that can help safeguard agricultural lands and production on O'ahu, without stripping agricultural landowners of their basic property rights and evicting people like myself from their longtime homes. I implore the City Council to require the exploration of alternative paths rather than approving the deeply flawed and harmful restrictions currently proposed for agricultural dwellings in the revised LUO.

Name:	Email:	Zip:
Jerri Lum	pikakehanako@yahoo.com	96795
Representing:	Position:	Submitted:
ARNOLD K/JERRI A LUM TRUST	Oppose	Apr 20, 2022 @ 01:36 PM

Testimony:
Proposed changes to article five of the City and County of Honolulu's Land Use Ordinance ("LUO") is now in front of the City Council as Bill 10 (2022). Through our trust, my husband and I own two parcels identified as Tax Map Key No. (1)41035020 and Tax Map Key No. (1)41035018. Both parcels are presently zoned for agricultural use. We are urgently concerned that we will lose the right to live in our own home due to the stricter occupancy restrictions looming in article five of the proposed revisions to the LUO.

Under the standard set by HRS § 205-4.5, individuals and their families are free to live in their homes on agricultural land if their home is "used in connection with a farm" or "agricultural activity provides income to the family" living on the agriculturally zoned land. The proposed revisions for Article Five of the LUO threaten to codify a much harsher and discriminatory restriction for living on agricultural lands. Contrary to the broader occupancy rights established in HRS § 205-4.5, the proposed LUO amendment would mandate that anyone living on agricultural land must be actively farming. This suggested revision to the LUO specifically articulates that "leasing land, managing labor, or managing a business are not considered performance of an agricultural activity." See Section 21-5.40(d)(5)(B)(vii).

These new occupancy restrictions appear to be intended to prevent gentleman farms and ensure the productive use of O`ahu's agricultural land. Despite this laudable intent to protect Oahu's agricultural lands from luxury housing developments, these occupancy restrictions will have a discriminatory impact that will dramatically harm the most vulnerable in our agricultural communities, including many people like myself.

The disparate harms visited on those who are physically and economically vulnerable are reason enough to send the LUO amendment authors back to the drawing board with instructions to devise more appropriate protections for agricultural lands that do not strip disadvantaged homeowners of the right to live in their own homes. Indeed, implementing this new occupancy standard will amount to a de facto eviction for ourselves and many other individuals and families residing on agricultural lands who are unable to actively farm their lands, either due to health conditions, advanced age, retirement, finances, caregiving responsibilities, or other personal circumstance that may preclude "active farming", however that term may be defined in the future.

Additionally, others may be unable to farm actively simply because their land is too small, too rocky, to dry, etc., such that it is not conducive to the kind of substantial agricultural production that would make farming a viable option for economic survival, most like us will need separate jobs and income in order to afford to live. Like most farmers living on agricultural lands, we cannot survive on farming income alone. Disabled, retired, and elderly farmers and their families are especially likely to suffer severe disruptions to their lives and livelihoods if the new provisions are allowed to proceed.

Both of our parcels face conditions adverse to sustained agricultural production. The first of the parcels has a total land area of only .38 acres. Additionally, roughly 10% of the parcel faces growing conditions unsuitable to farming and as much as half is not currently engaged in agricultural production. The parcels incredibly small size makes agricultural production financially and logistically infeasible. The second parcel is roughly 2.6 acres. Approximately one (1) acre of that land is not in agricultural production. This is because a portion of the land is prone to flooding and another segment features soil that is of undesirable quality. These portions of the parcel cannot be reliably utilized in the production of crops.

Our parcels are partially abutted by an agriculture park established by the State of Hawaii in the 1980s. Extensive erosion and ponding has occurred on the parcels as a result of that park's development. This issue further complicates agricultural activity on the land. The State is aware of the issue and has proposed a redirection of the runoff from the park. However, the State has yet to take any corrective action to restore the productive capacity of our land. Given the challenges to crop production on our land it

would be unreasonable to codify a new occupancy standard which would require us to continually farm in order to live on our land.

The condition of the land is not the only barrier to agricultural production on the parcels. We face health conditions which limit our ability to cultivate crops. My husband is 64 years old and experienced a heart attack in 2019 and underwent heart by-pass surgery. He also lives with diabetes and hypertension. Farm work is beyond his physical ability. I am 63 years old and am occupied full time with the responsibilities of caring for my mother who also resides on the parcels and requires constant assistance. As a result of these factors, we are not able to farm. We have two adult children that also reside on the parcels. Both of our children are single parents, each raising and providing for three small children. It would be unreasonable to expect either of our children to abandon these responsibilities to facilitate agricultural production on the parcels. As no member of our family currently occupying the parcels are able to farm the land, the proposed new standard could render our family's occupancy of our own land illegitimate and amount to a de facto eviction of our family from our property that we have developed and invested our life's savings into. This potentiality is of profound concern to us.

Even if no immediate enforcement actions are taken against us in connection with the LUO revision, the new occupancy restrictions will continually be a source of stress and concern for our family and any future landowners or occupants of the parcel. The passage of the revised LUO will create a threatening uncertainty which will loom over our sincere hope of peacefully living out our days on our own property and passing that property down to our heirs without the threat of eviction and foreclosure. Allowing our occupancy rights to be degraded simply because we are not physically able to operate a substantially profitable farming operation would be unjust, blatantly discriminatory, and senseless. Applying the new occupancy standard to our parcels will not meaningfully protect O'ahu's agricultural industry or discourage the establishment of gentlemen farms.

We strongly object to the proposed changes to the LUO. Imposing overly strict occupancy restrictions across O'ahu's nearly 128,000 acres of agricultural land will violate the basic property rights of legions of small landowners, many of whom have invested their life's work and savings into their homes on agricultural lands over decades and generations.

We ask that the City Council cautiously approach any actions or decisions that would disproportionately harm those disabled and elderly members living in Oahu's agricultural communities. Indeed, we hope the City Council will require agency officials to work on devising regulatory mechanisms that can help safeguard agricultural lands and production on O'ahu, without stripping agricultural landowners of their basic property rights and evicting people like ourselves from their longtime homes. We implore the City Council to require the exploration of alternative paths rather than approving the deeply flawed and harmful restrictions currently proposed for agricultural dwellings in the revised LUO.

Name:	Email:	Zip:
Jan Burns	jankburns@gmail.com	96792
Representing:	Position:	Submitted:
Self	Oppose	Apr 20, 2022 @ 01:42 PM

Testimony:
Proposed changes to Article Five of the City and County of Honolulu's Land Use Ordinance ("LUO") is now in front of the City Council as Bill 10 (2022). I am the owner of the parcel identified as Tax Map Key No. (1)86007001, which is presently zoned for agricultural use. I am anxious with worry about losing rights to ever live in my own home on the parcel, due to the stricter occupancy restrictions looming in the proposed revisions to Article Five of the LUO.

Under the standard set by HRS § 205-4.5, individuals and their families are free to live in their homes on agricultural land if their home is "used in connection with a farm" or "agricultural activity provides income to the family" living on the agriculturally zoned land. The proposed revisions for Article Five of the LUO threaten to codify a much harsher and discriminatory restriction for living on agricultural lands. Contrary to the broader occupancy rights established in HRS § 205-4.5, the proposed LUO amendment would mandate that anyone living on agricultural land must be actively farming. This suggested revision to the LUO specifically articulates that "leasing land, managing labor, or managing a business are not considered performance of an agricultural activity." See Section 21-5.40(d)(5)(B)(vii).

These new occupancy restrictions appear to be intended to prevent gentleman farms and ensure the productive use of O`ahu's agricultural land. Despite this laudable intent to protect Oahu's agricultural lands from luxury housing developments, these occupancy restrictions will have a discriminatory impact that will dramatically harm the most vulnerable in our agricultural communities, including many people like myself.

The disparate harms visited on those who are physically and economically vulnerable are reason enough to send the LUO

amendment authors back to the drawing board with instructions to devise more appropriate protections for agricultural lands that do not strip disadvantaged homeowners of the right to live in their own homes. Indeed, implementing this new occupancy standard will amount to a de facto eviction for myself and many other individuals and families residing on agricultural lands who are unable to actively farm their lands, either due to health conditions, advanced age, retirement, finances, caregiving responsibilities, or other personal circumstance that may preclude “active farming”, however that term may be defined in the future.

Additionally, others may be unable to farm actively simply because their land is too small, too rocky, to dry, etc., such that it is not conducive to the kind of substantial agricultural production that would make farming a viable option for economic survival, most like me will need separate jobs and income in order to afford to live. Like most farmers living on agricultural lands, I cannot survive on farming income alone.

Furthermore, the proposed occupancy restrictions will degrade my occupancy rights in the inevitable event that I will eventually become physically unable to farm due to illness, disability, or old age. Therefore, codifying stricter occupancy restrictions for dwellings situated on agricultural lands will potentially render any occupancy of my land illegitimate and will likely force abandonment of a property that I have developed and invested in extensively.

Even if no immediate enforcement actions are taken against myself in connection with the LUO revisions, the new occupancy restrictions will continually be a source of distress and concern for my family and any future landowners or occupants of my land. Passage of the revised LUO will create a threatening uncertainty which will loom ominously over my family's genuine hope of ever living peacefully on my own property or passing that property down to my heirs without the threat of eviction and foreclosure ever looming.

I strongly object to the proposed changes to the LUO. Imposing overly strict occupancy restrictions across O’ahu’s nearly 128,000 acres of agricultural land will violate the basic property rights of legions of small landowners, many of whom have invested their life’s work and savings into their homes on agricultural lands over decades and generations.

I ask that the City Council cautiously approach any actions or decisions that would disproportionately harm those disabled and elderly members living in Oahu’s agricultural communities. Indeed, I hope the City Council will require agency officials to work on devising regulatory mechanisms that can help safeguard agricultural lands and production on O’ahu, without stripping agricultural landowners of their basic property rights and evicting people like myself from their longtime homes. I implore the City Council to require the exploration of alternative paths rather than approving the deeply flawed and harmful restrictions currently proposed for agricultural dwellings in the revised LUO.

Name:	Email:	Zip:
Cheri-Ann Guerrero	cgandco@gmail.com	96792
Representing:	Position:	Submitted:
HOWARD L GUERRERO TRUST ESTATE	Oppose	Apr 20, 2022 @ 01:51 PM

Testimony:
Proposed changes to article five of the City and County of Honolulu’s Land Use Ordinance (“LUO”) is now in front of the City Council as Bill 10 (2022). Through the HOWARD L GUERRERO TRUST ESTATE, I own the parcel identified as Tax Map Key No. (1)86003190. The parcel is zoned as agricultural land. I am deeply worried that I will lose the right to live in my own home due to the stricter occupancy restrictions looming in article five of the proposed revisions to the LUO.

Under the standard set by HRS § 205-4.5, individuals and their families are free to live in their homes on agricultural land if their home is “used in connection with a farm” or “agricultural activity provides income to the family” living on the agriculturally zoned land. The proposed revisions for Article Five of the LUO threaten to codify a much harsher and discriminatory restriction for living on agricultural lands. Contrary to the broader occupancy rights established in HRS § 205-4.5, the proposed LUO amendment would mandate that anyone living on agricultural land must be actively farming. This suggested revision to the LUO specifically articulates that “leasing land, managing labor, or managing a business are not considered performance of an agricultural activity.” See Section 21-5.40(d)(5)(B)(vii).

These new occupancy restrictions appear to be intended to prevent gentleman farms and ensure the productive use of O`ahu’s agricultural land. Despite this laudable intent to protect Oahu’s agricultural lands from luxury housing developments, these occupancy restrictions will have a discriminatory impact that will dramatically harm the most vulnerable in our agricultural

communities, including many people like myself.

The disparate harms visited on those who are physically and economically vulnerable are reason enough to send the LUO amendment authors back to the drawing board with instructions to devise more appropriate protections for agricultural lands that do not strip disadvantaged homeowners of the right to live in their own homes. Indeed, implementing this new occupancy standard will amount to a de facto eviction for myself and many other individuals and families residing on agricultural lands who are unable to actively farm their lands, either due to health conditions, advanced age, retirement, finances, caregiving responsibilities, or other personal circumstance that may preclude “active farming”, however that term may be defined in the future.

Additionally, others may be unable to farm actively simply because their land is too small, too rocky, to dry, etc., such that it is not conducive to the kind of substantial agricultural production that would make farming a viable option for economic survival, most people like me will need separate jobs and income in order to afford to live. Like most farmers living on agricultural lands, I cannot survive on farming income alone. Disabled, retired, and elderly farmers and their families are especially likely to suffer severe disruptions to their lives and livelihoods if the new provisions are allowed to proceed.

Despite the history of agricultural production on my parcel, it is currently not suited to these purposes. The entirety of the parcel is currently unplanted. High levels of soil acidity have made it impossible to cultivate crops on the land for the past two years. While work is currently being done to reestablish soil pH levels suitable for farming, the acidic conditions are likely to persist for at least the next six months to a year. Additionally, the parcel does not currently enjoy access to the quantities of water necessary to support largescale agricultural activity. The Board of Water Supply is in the process of replacing outdated mains that have serviced the area on which the parcel is situated. Until the replacement project is complete, lack of water will continue to hinder agricultural operations in the area. For the foreseeable future, my land will not be capable of producing any significant agricultural yield. As such, imposing a new standard on my land which allows me to continue occupying my home only if I am actively farming would be unreasonable and cause serious harm to myself.

Even if no immediate enforcement actions are taken against myself in connection with the LUO revision, the new occupancy restrictions will continually be a source of stress and concern for my family and any future landowners or occupants of their parcel. The passage of the revised LUO will create a threatening uncertainty which will loom over my sincere hope of peacefully living out my days on my own property and passing that property down to my heirs without the threat of eviction and foreclosure. Furthermore, application of the new occupancy standard to my land will fail to meaningfully protect O’ahu’s agricultural industry or in any way discourage the establishment of gentlemen farms.

I strongly object to the proposed changes to the LUO. Imposing overly strict occupancy restrictions across O’ahu’s nearly 128,000 acres of agricultural land will violate the basic property rights of legions of small landowners, many of whom have invested their life’s work and savings into their homes on agricultural lands over decades and generations.

I ask that the City Council cautiously approach any actions or decisions that would disproportionately harm those disabled and elderly members living in Oahu’s agricultural communities. Indeed, I hope the City Council will require agency officials to work on devising regulatory mechanisms that can help safeguard agricultural lands and production on O’ahu, without stripping agricultural landowners of their basic property rights and evicting people like myself from their longtime homes. I implore the City Council to require the exploration of alternative paths rather than approving the deeply flawed and harmful restrictions currently proposed for agricultural dwellings in the revised LUO.

Name:	Email:	Zip:
Barbara Nakata	nakataohana@icloud.com	96792
Representing:	Position:	Submitted:
Self	Oppose	Apr 20, 2022 @ 02:01 PM

Testimony:
Proposed changes to article five of the City and County of Honolulu’s Land Use Ordinance (“LUO”) is now in front of the City Council as Bill 10 (2022). My husband and I own a parcel identified as Tax Map Key No. (1)86019040, which is presently zoned for agricultural use. We are urgently worried about losing the right to live in our own home due to the stricter occupancy restrictions looming in article five of the proposed revisions to the LUO.

Under the standard set by HRS § 205-4.5, individuals and their families are free to live in their homes on agricultural land if their home is “used in connection with a farm” or “agricultural activity provides income to the family” living on the agriculturally zoned

land. The proposed revisions for Article Five of the LUO threaten to codify a much harsher and discriminatory restriction for living on agricultural lands. Contrary to the broader occupancy rights established in HRS § 205-4.5, the proposed LUO amendment would mandate that anyone living on agricultural land must be actively farming. This suggested revision to the LUO specifically articulates that “leasing land, managing labor, or managing a business are not considered performance of an agricultural activity.” See Section 21-5.40(d)(5)(B)(vii).

These new occupancy restrictions appear to be intended to prevent gentleman farms and ensure the productive use of O`ahu’s agricultural land. Despite this laudable intent to protect Oahu’s agricultural lands from luxury housing developments, these occupancy restrictions will have a discriminatory impact that will dramatically harm the most vulnerable in our agricultural communities, including many people like ourselves.

The disparate harms visited on those who are physically and economically vulnerable are reason enough to send the LUO amendment authors back to the drawing board with instructions to devise more appropriate protections for agricultural lands that do not strip disadvantaged homeowners of the right to live in their own homes. Indeed, implementing this new occupancy standard will amount to a de facto eviction for ourselves and many other individuals and families residing on agricultural lands who are unable to actively farm their lands, either due to health conditions, advanced age, retirement, finances, caregiving responsibilities, or other personal circumstance that may preclude “active farming”, however that term may be defined in the future.

Additionally, others may be unable to farm actively simply because their land is too small, too rocky, to dry, etc., such that it is not conducive to the kind of substantial agricultural production that would make farming a viable option for economic survival, most people like us will need separate jobs and income in order to afford to live. Like most farmers living on agricultural lands, we cannot survive on farming income alone. Disabled, retired, and elderly farmers and their families are especially likely to suffer severe disruptions to their lives and livelihoods if the new provisions are allowed to proceed.

Our parcel faces several conditions which significantly complicate agricultural production. The vast majority of the land is not currently utilized for agricultural production. In the past, the agricultural yields on the land have been exceedingly small due to poor soil quality. This soil quality issue has made crop production on the property economically inviable for us. Furthermore, the parcel does not have access to sufficient quantities of water to support agricultural production. While a portion of the parcel is currently hosting agricultural activity, this portion is quite small.

In addition to the challenges associated with agricultural production on the parcel due to soil quality and water access issues, we are not able to farm. There are two homes on our parcel. The first is occupied by my husband’s parents. My husband’s parents previously farmed on the land. However, they are now of advanced age and continuing to farm is far beyond their physical capabilities. The second home on the property is occupied by my husband, myself and our two children. Both my husband and I are engaged in non-agricultural work that is vital to the economic security of our family. My husband and I also have a responsibility to care not only for our children, but for my husband’s parents. No member of our family can reasonably be expected to farm on our parcel. Therefore, codifying the proposed new restrictions for dwellings on agricultural land could render our family’s occupancy of our own land illegitimate and amount to a de facto eviction of our family from our property that we have developed and invested in for our whole lives. This potentiality is of profound concern to us.

Even if no immediate enforcement actions are taken against us in connection with the LUO revision, the new occupancy restrictions will continually be a source of stress and concern for us and any future landowners or occupants of the parcel. The passage of the revised LUO will create a threatening uncertainty which will loom over our genuine hope of peacefully living out our days on our own property and passing that property down to our heirs without the threat of eviction and foreclosure. Allowing such serious harm to come to our family simply because our family members are not able to farm due to old age and unavoidable personal circumstance would be remarkably unjust.

We strongly object to the proposed changes to the LUO. Imposing overly strict occupancy restrictions across O’ahu’s nearly 128,000 acres of agricultural land will violate the basic property rights of legions of small landowners, many of whom have invested their life’s work and savings into their homes on agricultural lands over decades and generations.

We ask that the City Council cautiously approach any actions or decisions that would disproportionately harm those disabled and elderly members living in Oahu’s agricultural communities. Indeed, we hope the City Council will require agency officials to work on devising regulatory mechanisms that can help safeguard agricultural lands and production on O’ahu, without stripping agricultural landowners of their basic property rights and evicting people like ourselves from their longtime homes. We implore the

City Council to require the exploration of alternative paths rather than approving the deeply flawed and harmful restrictions currently proposed for agricultural dwellings in the revised LUO.

Name:	Email:	Zip:
ANGELA HUNTEMER	ahuntemer@aol.com	96731
Representing:	Position:	Submitted:
Sierra Club Oahu Group	I wish to comment	Apr 20, 2022 @ 02:03 PM

Name:	Email:	Zip:
Ronald Okabe	rokabe99@gmail.com	96792
Representing:	Position:	Submitted:
RONALD T OKABE TRUST	Oppose	Apr 20, 2022 @ 02:13 PM

Testimony:
Proposed changes to article five of the City and County of Honolulu's Land Use Ordinance ("LUO") is now in front of the City Council as Bill 10 (2022). I, through the RONALD T OKABE TRUST, own two parcels as Tax Map Key No. (1)86003054 and (1)86003055. Both parcels are presently zoned for agricultural use. I am urgently concerned that I will lose the right to live in my own home due to the stricter occupancy restrictions looming in article five of the proposed revisions to the LUO.

Under the standard set by HRS § 205-4.5, individuals and their families are free to live in their homes on agricultural land if their home is "used in connection with a farm" or "agricultural activity provides income to the family" living on the agriculturally zoned land. The proposed revisions for Article Five of the LUO threaten to codify a much harsher and discriminatory restriction for living on agricultural lands. Contrary to the broader occupancy rights established in HRS § 205-4.5, the proposed LUO amendment would mandate that anyone living on agricultural land must be actively farming. This suggested revision to the LUO specifically articulates that "leasing land, managing labor, or managing a business are not considered performance of an agricultural activity." See Section 21-5.40(d)(5)(B)(vii).

These new occupancy restrictions appear to be intended to prevent gentleman farms and ensure the productive use of O`ahu's agricultural land. Despite this laudable intent to protect Oahu's agricultural lands from luxury housing developments, these occupancy restrictions will have a discriminatory impact that will dramatically harm the most vulnerable in our agricultural communities, including many people like myself.

The disparate harms visited on those who are physically and economically vulnerable are reason enough to send the LUO amendment authors back to the drawing board with instructions to devise more appropriate protections for agricultural lands that do not strip disadvantaged homeowners of the right to live in their own homes. Indeed, implementing this new occupancy standard will amount to a de facto eviction for myself and many other individuals and families residing on agricultural lands who are unable to actively farm their lands, either due to health conditions, advanced age, retirement, finances, caregiving responsibilities, or other personal circumstance that may preclude "active farming", however that term may be defined in the future.

Additionally, others may be unable to farm actively simply because their land is too small, too rocky, to dry, etc., such that it is not conducive to the kind of substantial agricultural production that would make farming a viable option for economic survival. Disabled, retired, and elderly farmers and their families are especially likely to suffer severe disruptions to their lives and livelihoods if the new provisions are allowed to proceed.

The nature of my parcels are such that agricultural production on the land is exceedingly challenging. The combined land area of the parcels is arguably sufficient for agricultural operations. However, much of the land is not suitable for that purpose. Both parcels are "flag lots" situated at the end of a long road. The total acreage of the parcels includes the length of this road and the necessary clearances on each side. Agricultural production on this part of the land is obviously not possible. Several structures also exist on the land. These structures include my home and garage. No planting can take place where these structures are located. Approximately 1.5 acres of land across both parcels cannot support any crop raising. Due to the small size of the parcels and the unique barriers to agricultural production faced on them, it is unlikely that agricultural yields from the land could ever provide a livelihood for myself. As such, the occupancy standard put forth in the proposed revisions to the LUO, which would mandate me to continually farm in order to maintain a legal right to occupy my own home, is unreasonable.

The small size of the land is not the only barrier to agricultural production on my land. My personal circumstances preclude me from engaging in substantial agricultural production on the parcels. I am the only occupant living on the parcels and am disabled. I

have been on disability assistance for the past twelve years. Despite this, I currently care for a heard of sixteen goats. I am physically able to let the goats out to graze a few times a day. However, any more extensive agricultural production on the parcels would be physically impossible for me. Making alterations to the land necessary to prepare it for a higher level of production would also present an unreasonable challenge for me.

In the near future, my disability may render me to completely be unable to actively be involved in even limited agricultural operations. Given that, codifying a stricter occupancy standard for agricultural lands would render my occupancy of my own land illegitimate and amount to a de facto eviction of myself from my own property that I have developed and extensively invested in. This potentiality is of profound concern to me.

Even if no immediate enforcement actions are taken against myself in connection with the LUO revision, the new occupancy restrictions will continually be a source of stress and concern for myself and any future landowners or occupants of the parcel. The passage of the revised LUO will create a threatening uncertainty which will loom over my sincere hope of peacefully living out my days on my own property and passing that property down to my heirs without the threat of eviction and foreclosure. Allowing my occupancy rights to be degraded because I am not physically able to operate a substantial farm on my property would be unjust, blatantly discriminatory, and senseless. Applying the new occupancy standard to my land will not meaningfully protect O'ahu's agricultural industry or discourage the establishment of gentlemen farms. Instead, the occupancy restriction would seriously harm myself and small farmers, the very people our land-use laws should serve.

I strongly object to the proposed changes to the LUO. Imposing overly strict occupancy restrictions across O'ahu's nearly 128,000 acres of agricultural land will violate the basic property rights of legions of small landowners, many of whom have invested their life's work and savings into their homes on agricultural lands over decades and generations.

I ask that the City Council cautiously approach any actions or decisions that would disproportionately harm those disabled and elderly members living in Oahu's agricultural communities. Indeed, I hope the City Council will require agency officials to work on devising regulatory mechanisms that can help safeguard agricultural lands and production on O'ahu, without stripping agricultural landowners of their basic property rights and evicting people like myself from their longtime homes. I implore the City Council to require the exploration of alternative paths rather than approving the deeply flawed and harmful restrictions currently proposed for agricultural dwellings in the revised LUO.

Name:	Email:	Zip:
Alekisio Vakauta	alex.janeseymourconstruction@gmail.com	96792
Representing:	Position:	Submitted:
Self	Oppose	Apr 20, 2022 @ 02:29 PM

Testimony:

Proposed changes to article five of the City and County of Honolulu's Land Use Ordinance ("LUO") is now in front of the City Council as Bill 10 (2022). I am the owner of the parcel identified as Tax Map Key No. (1)86003004, which is presently zoned for agricultural use. My family members and I are urgently concerned about losing our right to live in our own home due to the stricter occupancy restrictions for dwellings situated on agricultural land looming in article five of the proposed revisions to the LUO.

Under the standard set by HRS § 205-4.5, individuals and their families are free to live in their homes on agricultural land if their home is "used in connection with a farm" or "agricultural activity provides income to the family" living on the agriculturally zoned land. The proposed revisions for Article Five of the LUO threaten to codify a much harsher and discriminatory restriction for living on agricultural lands. Contrary to the broader occupancy rights established in HRS § 205-4.5, the proposed LUO amendment would mandate that anyone living on agricultural land must be actively farming. This suggested revision to the LUO specifically articulates that "leasing land, managing labor, or managing a business are not considered performance of an agricultural activity." See Section 21-5.40(d)(5)(B)(vii).

These new occupancy restrictions appear to be intended to prevent gentleman farms and ensure the productive use of O`ahu's agricultural land. Despite this laudable intent to protect Oahu's agricultural lands from luxury housing developments, these occupancy restrictions will have a discriminatory impact that will dramatically harm the most vulnerable in our agricultural communities, including many people like myself.

The disparate harms visited on those who are physically and economically vulnerable are reason enough to send the LUO amendment authors back to the drawing board with instructions to devise more appropriate protections for agricultural lands that do not strip disadvantaged homeowners of the right to live in their own homes. Indeed, implementing this new occupancy

standard will amount to a de facto eviction for myself and many other individuals and families residing on agricultural lands who are unable to actively farm their lands, either due to health conditions, advanced age, retirement, finances, caregiving responsibilities, or other personal circumstance that may preclude “active farming”, however that term may be defined in the future.

Additionally, others may be unable to farm actively simply because their land is too small, too rocky, to dry, etc., such that it is not conducive to the kind of substantial agricultural production that would make farming a viable option for economic survival. Disabled, retired, and elderly farmers and their families are especially likely to suffer severe disruptions to their lives and livelihoods if the new provisions are allowed to proceed.

My parcel faces several challenges which would complicate any effort to farm on the land. The parcel’s total size is arguably sufficient for agricultural production. However, much of the land is not suitable for that purpose. A section of land approximately 5 acres in size situated at the back of the property features soil dominated by gravel. No planting is possible on that portion of the property. Additionally, since no irrigation currently exists on the property, preparing the rest of the land for agricultural production would require significant effort by the landowner. While some agricultural production may be possible in the future, at present the parcel cannot support production.

While concerns related to land quality do constitute a barrier to agricultural production on the parcel, my personal circumstances are a more significant concern. I am 65 years old and also disabled as the result of an injury. I require my family’s assistance to accomplish daily tasks. Preparing the parcel for agricultural production is far beyond my physical ability. Continually farming the land would also be impossible for me.

Given the unfavorable condition of the land and the fact that my disability precludes me from performing agricultural work, applying the strict occupancy standard contained within the proposed revisions to the LUO to my parcel could render my occupancy of my own land illegitimate and amount to a de facto eviction of myself from my own property that I have developed and invested in significantly. Enforcing the proposed occupancy standard without regard for my personal circumstances would constitute a blatant and intensely harmful instance of discrimination against a disabled land owner. Such action is particularly unjustifiable as it would not meaningfully discourage the establishment of gentleman farms or in any way help to maintain local agricultural production.

Even if no immediate enforcement actions are taken against my family in connection with the LUO revision, the new occupancy restrictions will continually be a source of stress and concern for myself and any future landowners or occupants of the parcel. The passage of the revised LUO will create a threatening uncertainty which will loom over my genuine hope of peacefully living out my days on my own property and passing that property down to my heirs without the threat of eviction and foreclosure.

I strongly object to the proposed changes to the LUO. Imposing overly strict occupancy restrictions across O’ahu’s nearly 128,000 acres of agricultural land will violate the basic property rights of legions of small landowners, many of whom have invested their life’s work and savings into their homes on agricultural lands over decades and generations.

I ask that the City Council cautiously approach any actions or decisions that would disproportionately harm those disabled and elderly members living in Oahu’s agricultural communities. Indeed, I hope the City Council will require agency officials to work on devising regulatory mechanisms that can help safeguard agricultural lands and production on O’ahu, without stripping agricultural landowners of their basic property rights and evicting people like myself from their longtime homes. I implore the City Council to require the exploration of alternative paths rather than approving the deeply flawed and harmful restrictions currently proposed for agricultural dwellings in the revised LUO.

Name:	Email:	Zip:
Sandra Van	Sandy@prpacific.com	96792
Representing:	Position:	Submitted:
SANDRA CAROL VAN TRUST	Oppose	Apr 20, 2022 @ 02:49 PM

Testimony:
Proposed changes to article five of the City and County of Honolulu’s Land Use Ordinance (“LUO”) is now in front of the City Council as Bill 10 (2022). Through the SANDRA CAROL VAN TRUST, I own two small parcels identified as Tax Map Key No. (1)86008024 and (1)86008023. Both parcels are presently zoned for agricultural use. I am deeply worried that I will lose the right to live in my own home due to the stricter occupancy restrictions looming in article five of the proposed revisions to the LUO.

Under the standard set by HRS § 205-4.5, individuals and their families are free to live in their homes on agricultural land if their home is “used in connection with a farm” or “agricultural activity provides income to the family” living on the agriculturally zoned land. The proposed revisions for Article Five of the LUO threaten to codify a much harsher and discriminatory restriction for living on agricultural lands. Contrary to the broader occupancy rights established in HRS § 205-4.5, the proposed LUO amendment would mandate that anyone living on agricultural land must be actively farming. This suggested revision to the LUO specifically articulates that “leasing land, managing labor, or managing a business are not considered performance of an agricultural activity.” See Section 21-5.40(d)(5)(B)(vii).

These new occupancy restrictions appear to be intended to prevent gentleman farms and ensure the productive use of O`ahu’s agricultural land. Despite this laudable intent to protect Oahu’s agricultural lands from luxury housing developments, these occupancy restrictions will have a discriminatory impact that will dramatically harm the most vulnerable in our agricultural communities, including many people like myself.

The disparate harms visited on those who are physically and economically vulnerable are reason enough to send the LUO amendment authors back to the drawing board with instructions to devise more appropriate protections for agricultural lands that do not strip disadvantaged homeowners of the right to live in their own homes. Indeed, implementing this new occupancy standard will amount to a de facto eviction for myself and many other individuals and families residing on agricultural lands who are unable to actively farm their lands, either due to health conditions, advanced age, retirement, finances, caregiving responsibilities, or other personal circumstance that may preclude “active farming”, however that term may be defined in the future.

Additionally, others may be unable to farm actively simply because their land is too small, too rocky, to dry, etc., such that it is not conducive to the kind of substantial agricultural production that would make farming a viable option for economic survival. Disabled, retired, and elderly farmers and their families are especially likely to suffer severe disruptions to their lives and livelihoods if the new provisions are allowed to proceed.

My parcels face several adverse conditions which would complicate any substantial agricultural production on the land. First, the parcels are very small, measuring just 1.56 and 1.8 acres in total land area. Largescale production of crops is exceedingly difficult on lots that small. Additionally, the parcels do not currently enjoy sufficient water access to support substantial agricultural production. Furthermore, both parcels are situated within an old river bottom and characterized by thin, sediment-filled soil. There are large rocks present throughout the soil which would hinder any tilling of the soil necessary to facilitate the planting and cultivation of crops. Adverse conditions innate to my parcels significantly complicate agricultural production on the land. Therefore, it would be unreasonable to apply a new occupancy standard to my land which preserves my ability to live on the land only when I actively farm.

In addition to the environmental challenges and size constraints on the parcels, my family members are not prepared to farm. I am nearly 65 years old with asthma and heart issues severe enough to necessitate an implanted heart monitor. I do not have the strength or stamina to engage in agricultural production. My son and daughter-in-law also reside on the parcels. However, both are engaged with non-agricultural work and other responsibilities necessary to sustain their families. As no member of the family presently living on the parcels can reasonably be expected to farm the land, the proposed new occupancy restrictions for agricultural land would render my family’s occupancy of my own land illegitimate and amount to a de facto eviction of myself and my relatives from my own property that we have developed and invested in extensively. This potentiality is of profound concern to me.

Even if no immediate enforcement actions are taken against myself in connection with the LUO revision, the new occupancy restrictions will continually be a source of stress and concern for my family and any future landowners or occupants of the parcel. The passage of the revised LUO will create a threatening uncertainty which will loom over my sincere hope of peacefully living out my days on my own property and passing that property down to my heirs without the threat of eviction and foreclosure. Degrading my occupancy rights and disrupting my life in this manner simply because I am not physically able to operate a substantial farm on my parcel would be unjust, blatantly discriminatory, and senseless. Furthermore, application of the new occupancy standard to my land will fail to meaningfully protect O’ahu’s agricultural industry or in any way discourage the establishment of gentlemen farms.

I strongly object to the proposed changes to the LUO. Imposing overly strict occupancy restrictions across O’ahu’s nearly 128,000 acres of agricultural land will violate the basic property rights of legions of small landowners, many of whom have invested their life’s work and savings into their homes on agricultural lands over decades and generations.

I ask that the City Council cautiously approach any actions or decisions that would disproportionately harm those disabled and elderly members living in Oahu's agricultural communities. Indeed, I hope the City Council will require agency officials to work on devising regulatory mechanisms that can help safeguard agricultural lands and production on O'ahu, without stripping agricultural landowners of their basic property rights and evicting people like myself from their longtime homes. I implore the City Council to require the exploration of alternative paths rather than approving the deeply flawed and harmful restrictions currently proposed for agricultural dwellings in the revised LUO.

Name:	Email:	Zip:
James Kobatake	jkobatake@gmail.com	96789
Representing:	Position:	Submitted:
JAMLIN LLC	Oppose	Apr 20, 2022 @ 02:57 PM

Testimony:

Proposed changes to Article Five of the City and County of Honolulu's Land Use Ordinance ("LUO") is now in front of the City Council as Bill 10 (2022). My company, Jamlin, LLC owns the parcel identified as Tax Map Key No. (1)94005095, which is presently zoned for agricultural use. I am anxious with worry about losing rights to ever live in my own home on the parcel, due to the stricter occupancy restrictions looming in the proposed revisions to Article Five of the LUO.

Under the standard set by HRS § 205-4.5, individuals and their families are free to live in their homes on agricultural land if their home is "used in connection with a farm" or "agricultural activity provides income to the family" living on the agriculturally zoned land. The proposed revisions for Article Five of the LUO threaten to codify a much harsher and discriminatory restriction for living on agricultural lands. Contrary to the broader occupancy rights established in HRS § 205-4.5, the proposed LUO amendment would mandate that anyone living on agricultural land must be actively farming. This suggested revision to the LUO specifically articulates that "leasing land, managing labor, or managing a business are not considered performance of an agricultural activity." See Section 21-5.40(d)(5)(B)(vii).

These new occupancy restrictions appear to be intended to prevent gentleman farms and ensure the productive use of O`ahu's agricultural land. Despite this laudable intent to protect Oahu's agricultural lands from luxury housing developments, these occupancy restrictions will have a discriminatory impact that will dramatically harm the most vulnerable in our agricultural communities, including many people like myself.

The disparate harms visited on those who are physically and economically vulnerable are reason enough to send the LUO amendment authors back to the drawing board with instructions to devise more appropriate protections for agricultural lands that do not strip disadvantaged homeowners of the right to live in their own homes. Indeed, implementing this new occupancy standard will amount to a de facto eviction for myself and many other individuals and families residing on agricultural lands who are unable to actively farm their lands, either due to health conditions, advanced age, retirement, finances, caregiving responsibilities, or other personal circumstance that may preclude "active farming", however that term may be defined in the future.

Additionally, others may be unable to farm actively simply because their land is too small, too rocky, to dry, etc., such that it is not conducive to the kind of substantial agricultural production that would make farming a viable option for economic survival, most people like me will need separate jobs and income in order to afford to live. Like most farmers living on agricultural lands, I cannot survive on farming income alone. Disabled, retired, and elderly farmers and their families are especially likely to suffer severe disruptions to their lives and livelihoods if the new provisions are allowed to proceed.

The nature of large portions of my parcel is likely to hinder any reasonable form of agricultural production. The parcel does not currently enjoy direct access to sufficient quantities of usable water in order to support meaningful agricultural production. I have to truck in portable water vessels to undertake any kind of agricultural irrigation activity on the parcel.

Additionally, while the land is large, steep topography dominates the parcel. This steeply sloped land may be suitable for some type of agricultural production. However, it is not possible for the types of crops I typically grow to survive on this land. Establishing production in these areas would require significant effort from myself and may prove to be impossible. Considering the logistical challenges and environmental barriers which complicate crop cultivation on my land, it would be unreasonable to enforce a new occupancy standard in the revised LUO which requires anyone who wishes to live on the land to actively and continually farm. Furthermore, the proposed occupancy restrictions will degrade my occupancy rights in the inevitable event that I will eventually become physically unable to farm due to illness, disability, or old age. Therefore, codifying stricter occupancy

restrictions for dwellings situated on agricultural lands could potentially render any occupancy of my land illegitimate and will likely force abandonment of my own property that I have developed and invested in extensively.

Even if no immediate enforcement actions are taken against myself in connection with the LUO revisions, the new occupancy restrictions will continually be a source of distress and concern for myself and any future landowners or occupants of my parcel. Passage of the revised LUO will create a threatening uncertainty which will loom ominously over my genuine hope of ever living peacefully on my own property or passing that property down to my heirs without the threat of eviction and foreclosure ever looming.

I strongly object to the proposed changes to the LUO. Imposing overly strict occupancy restrictions across O'ahu's nearly 128,000 acres of agricultural land will violate the basic property rights of legions of small landowners, many of whom have invested their life's work and savings into their homes on agricultural lands over decades and generations.

I ask that the City Council cautiously approach any actions or decisions that would disproportionately harm those disabled and elderly members living in Oahu's agricultural communities. Indeed, I hope the City Council will require agency officials to work on devising regulatory mechanisms that can help safeguard agricultural lands and production on O'ahu, without stripping agricultural landowners of their basic property rights and evicting people like myself from their longtime homes. I implore the City Council to require the exploration of alternative paths rather than approving the deeply flawed and harmful restrictions currently proposed for agricultural dwellings in the revised LUO.

Name:	Email:	Zip:
Stacey Utu	skealoha.utu@gmail.com	96795
Representing: LLOYD P KEALOHA TRUST; HAZEL M KEALOHA TRUST; ROBERT A KEALOHA	Position: Oppose	Submitted: Apr 20, 2022 @ 03:11 PM

Testimony:

Proposed changes to article five of the City and County of Honolulu's Land Use Ordinance ("LUO") is now in front of the City Council as Bill 10 (2022). Through the LLOYD P KEALOHA TRUST and HAZEL M KEALOHA TRUST, I own a one-acre parcel identified as Tax Map Key No. (1)41010056, which is presently zoned for agricultural use. I am deeply worried that I will lose the right to live in my own home due to the stricter occupancy restrictions looming in article five of the proposed revisions to the LUO.

Under the standard set by HRS § 205-4.5, individuals and their families are free to live in their homes on agricultural land if their home is "used in connection with a farm" or "agricultural activity provides income to the family" living on the agriculturally zoned land. The proposed revisions for Article Five of the LUO threaten to codify a much harsher and discriminatory restriction for living on agricultural lands. Contrary to the broader occupancy rights established in HRS § 205-4.5, the proposed LUO amendment would mandate that anyone living on agricultural land must be actively farming. This suggested revision to the LUO specifically articulates that "leasing land, managing labor, or managing a business are not considered performance of an agricultural activity." See Section 21-5.40(d)(5)(B)(vii).

These new occupancy restrictions appear to be intended to prevent gentleman farms and ensure the productive use of O`ahu's agricultural land. Despite this laudable intent to protect Oahu's agricultural lands from luxury housing developments, these occupancy restrictions will have a discriminatory impact that will dramatically harm the most vulnerable in our agricultural communities, including many people like myself.

The disparate harms visited on those who are physically and economically vulnerable are reason enough to send the LUO amendment authors back to the drawing board with instructions to devise more appropriate protections for agricultural lands that do not strip disadvantaged homeowners of the right to live in their own homes. Indeed, implementing this new occupancy standard will amount to a de facto eviction for myself and many other individuals and families residing on agricultural lands who are unable to actively farm their lands, either due to health conditions, advanced age, retirement, finances, caregiving responsibilities, or other personal circumstance that may preclude "active farming", however that term may be defined in the future.

Additionally, others may be unable to farm actively simply because their land is too small, too rocky, to dry, etc., such that it is not conducive to the kind of substantial agricultural production that would make farming a viable option for economic survival, most people like me will need separate jobs and income in order to afford to live. Like most farmers living on agricultural lands, I cannot

survive on farming income alone. Disabled, retired, and elderly farmers and their families are especially likely to suffer severe disruptions to their lives and livelihoods if the new provisions are allowed to proceed.

My parcel is ill-suited to largescale, sustained agricultural production. As mentioned above, the parcel is only 1.01 acres in size. In addition to the size concern, the parcel faces significant barriers to agricultural production related to soil quality and water access. Red and gray clay is present in large quantities throughout the soil on the parcel. This makes the soil extremely dense and not conducive to agricultural production of food or other crops. The parcel can produce taro and ti, but only in very small quantities. The primary source of water on the property is a small stream which may contain pollutants from upstream and lacks any stones that would naturally filter debris. This source is insufficient to provide water for agricultural use.

Due to these disadvantageous circumstances and the small size of the parcel, any agricultural yields drawn from the parcel would be wholly insufficient to support my family. Additionally, my family members and I are not able to farm. My mother is 96 years old and cannot physically farm. I am 66 years old and am currently facing my own physical limitations. I am also responsible for being my mother's primary caregiver. Finally, my brother is 63 years old. He is engaged full time in non-agricultural work to support my family and cannot be expected to farm. Considering the disadvantageous conditions on my parcel and the physical inability of my family members to farm, applying a new standard to my family's land that requires them to farm to continue living on our own land is unreasonable and needlessly harmful. The proposed new occupancy restrictions could render my family's occupancy of our own land illegitimate and amount to a de facto eviction of myself and my family from our own property that we have developed and invested in extensively. This potentiality is of profound concern to me.

Even if no immediate enforcement actions are taken against us in connection with the LUO revision, the new occupancy restrictions will continually be a source of stress and concern for my family and any future landowners or occupants of the parcel. The passage of the revised LUO will create a threatening uncertainty which will loom over our sincere hope of peacefully living out our days on our own property and passing that property down to our heirs without the threat of eviction and foreclosure. Degrading our occupancy rights and disrupting our lives in this manner simply because we are not physically able to operate a substantially profitable farming operation on our small parcel would be unjust, blatantly discriminatory, and senseless. Furthermore, application of the new occupancy standard to our land will fail to meaningfully protect O'ahu's agricultural industry or in any way discourage the establishment of gentlemen farms.

I strongly object to the proposed changes to the LUO. Imposing overly strict occupancy restrictions across O'ahu's nearly 128,000 acres of agricultural land will violate the basic property rights of legions of small landowners, many of whom have invested their life's work and savings into their homes on agricultural lands over decades and generations.

I ask that the City Council cautiously approach any actions or decisions that would disproportionately harm those disabled and elderly members living in Oahu's agricultural communities. Indeed, I hope the City Council will require agency officials to work on devising regulatory mechanisms that can help safeguard agricultural lands and production on O'ahu, without stripping agricultural landowners of their basic property rights and evicting people like myself from their longtime homes. I implore the City Council to require the exploration of alternative paths rather than approving the deeply flawed and harmful restrictions currently proposed for agricultural dwellings in the revised LUO.

Name:	Email:	Zip:
Lisa Cooper	coopergreen11@gmail.com	96791
Representing:	Position:	Submitted:
LISA COOPER TRUST	Oppose	Apr 20, 2022 @ 03:22 PM

Testimony:

Proposed changes to article five of the City and County of Honolulu's Land Use Ordinance ("LUO") is now in front of the City Council as Bill 10 (2022). Through the LISA COOPER TRUST, I own a 1.98-acre parcel identified as Tax Map Key No. (1)68013057. The parcel is presently zoned as agricultural land. I am urgently worried about losing the right to live in my own home due to the stricter occupancy restrictions looming in article five of the proposed revisions to the LUO.

Under the standard set by HRS § 205-4.5, individuals and their families are free to live in their homes on agricultural land if their home is "used in connection with a farm" or "agricultural activity provides income to the family" living on the agriculturally zoned land. The proposed revisions for Article Five of the LUO threaten to codify a much harsher and discriminatory restriction for living on agricultural lands. Contrary to the broader occupancy rights established in HRS § 205-4.5, the proposed LUO amendment would mandate that anyone living on agricultural land must be actively farming. This suggested revision to the LUO specifically articulates that "leasing land, managing labor, or managing a business are not considered performance of an agricultural activity."

See Section 21-5.40(d)(5)(B)(vii).

These new occupancy restrictions appear to be intended to prevent gentleman farms and ensure the productive use of O`ahu's agricultural land. Despite this laudable intent to protect Oahu's agricultural lands from luxury housing developments, these occupancy restrictions will have a discriminatory impact that will dramatically harm the most vulnerable in our agricultural communities, including many people like myself.

The disparate harms visited on those who are physically and economically vulnerable are reason enough to send the LUO amendment authors back to the drawing board with instructions to devise more appropriate protections for agricultural lands that do not strip disadvantaged homeowners of the right to live in their own homes. Indeed, implementing this new occupancy standard will amount to a de facto eviction for myself and many other individuals and families residing on agricultural lands who are unable to actively farm their lands, either due to health conditions, advanced age, retirement, finances, caregiving responsibilities, or other personal circumstance that may preclude "active farming", however that term may be defined in the future.

My land faces adverse conditions which render largescale agricultural production exceedingly difficult. First, the small size of the parcel means that even under ideal conditions only modest agricultural yields can be drawn from my land. Additionally, only a very small portion of the parcel is currently utilized for any form of agriculture. The soil quality issues preclude agricultural activity on the rest of parcel. While there are some fruit trees planted on the parcel, the poor soil quality creates an extremely long growing period for any type of crop making it extremely difficult to produce a substantial crop that would yield sufficient production income to sustain myself and my family. As my parcel is small and largely unsuitable for agriculture, it would be nonsensical to apply a new occupancy standard to my land which would require me to farm in order to maintain residence in my home.

In addition to the challenges posed by the small size of the parcel, my husband and I are not well suited to agricultural work. My husband and I are the only full-time residents living on the parcel. Both my husband and I are elderly, and my husband's mobility is additionally limited by an injured leg. Neither of us are physically able to engage in agricultural production on the parcel. Therefore, if the occupancy restrictions for agricultural land contained within the proposed revisions to the LUO are codified it would render my occupancy of my own land illegitimate and amount to a de facto eviction of myself and my family from our own property that I have developed and extensively invested in.

Even if no immediate enforcement actions are taken against myself in connection with the LUO revision, the new occupancy restrictions will continually be a source of stress and concern for myself and any future landowners or occupants of the parcel. The passage of the revised LUO will create a threatening uncertainty which will loom over my genuine hope of peacefully living out our days on my own property and passing that property down to our heirs without the threat of eviction and foreclosure. Allowing such serious harm to come to me simply because I am not physically able to operate a substantial farm on my property would be remarkably unjust and blatantly discriminatory. Additionally, applying the new occupancy standard to my land will not meaningfully protect O'ahu's agricultural industry.

I strongly object to the proposed changes to the LUO. Imposing overly strict occupancy restrictions across O'ahu's nearly 128,000 acres of agricultural land will violate the basic property rights of legions of small landowners, many of whom have invested their life's work and savings into their homes on agricultural lands over decades and generations.

I ask that the City Council cautiously approach any actions or decisions that would disproportionately harm those disabled and elderly members living in Oahu's agricultural communities. Indeed, I hope the City Council will require agency officials to work on devising regulatory mechanisms that can help safeguard agricultural lands and production on O'ahu, without stripping agricultural landowners of their basic property rights and evicting people like myself from their longtime homes. I implore the City Council to require the exploration of alternative paths rather than approving the deeply flawed and harmful restrictions currently proposed for agricultural dwellings in the revised LUO.

Name: Kathy Whitmire	Email: kathyjwhit@aol.com	Zip: 96762
Representing: North Shore Outdoor Circle	Position: Oppose	Submitted: Apr 20, 2022 @ 03:57 PM

Name: Sandra Van	Email: sandy@prpacific.com	Zip: 96792

Representing:	Position:	Submitted:
Self	I wish to comment	Apr 20, 2022 @ 05:34 PM

Testimony:
Please stop the proposed Bill 10 (2022). I am 65 years old, have a heart condition requiring the use of a 24/7 implanted monitor. I have lived on my 1.8-acre property with my children since 2005. My (now) adult children live on the property as well. Even if I were healthy enough to engage in active farming, this property is far too small to farm profitably -- and the soil is thin and rocky (an old river bottom). This is an unrealistic and unreasonable bill, representing the very worst of government overreach.

My children and I have worked hard to purchase and maintain our home. It is wrong on every level for government to simply change the rules and decide they can force us all to "actively farm" -- ignoring the reality that these are for the most part small parcels without adequate water for irrigation (especially here on the Leeward Coast/Waianae) and with soil conditions that cannot support farming.

My long-time plan has been for this property to pass to my children when I am gone, but if this bill passes, we won't even be allowed to continue living here now. I don't want to lose my home and my children's home for the past 17 years.

Name:	Email:	Zip:
Dorene Cooper	dorene1950@gmail.com	96792
Representing:	Position:	Submitted:
Self	Oppose	Apr 20, 2022 @ 07:56 PM

Testimony:
I do not support this bill. Any changes to LUO should not be changed...I bought and since paid off this property 25 years ago knowing then the rules for this land and now you want to pass this bill so that it can be changed? I am 72 years old and I am the owner of this property. I cannot physically farm this land therefore my adult children help me. I testified in the last hearing for the IAL and i feel that this is just a round about way of letting the IAL rules apply to ag. property. Also, this is so last minute meetings that only yesterday I found out about! Changing the LUO should not be allowed, and I feel that is illegal. these types of things cause unnecessary stress on me and is putting my health in danger.

Name:	Email:	Zip:
Kanani Wond	htf3000@gmail.com	96734
Representing:	Position:	Submitted:
Hawaii's Thousand Friends	I wish to comment	Apr 20, 2022 @ 08:05 PM

Name:	Email:	Zip:
crystal posiulai	crissycooper79@gmail.com	96792
Representing:	Position:	Submitted:
Self	Oppose	Apr 20, 2022 @ 08:14 PM

Testimony:
I oppose this bill 010(22). My mom is the owner of this property for 25 years. we have testified against the IAL and now with this bill I feel that this is just another way that they are trying to change rules that only will hurt all the homeowners. How does that make sense when you buy a property, pay it off, then 20 something years later, the LUO is allowed to be changed. My parents bought this property knowing and following the current LUO and now this bill will allow changes to LUO? NO! One change that worries us is that one that says that you have to be actively farming to live on the property. My mom is 72 years old and cannot physically farm her property. does this mean that she cannot live on it , if they do make some ordinance saying this? She is the owner but she cannot live here because she is not capable of physically farming?....hell no! Thats what they wanted to do with the IAL! Passing this bill will open up ways that will hurt homeowners who has been peacefully living and farming and just trying to get by! On behalf of my parents, my family and all the other ag. homeowners i ask you not to pass this bill. please leave us alone!

Name:	Email:	Zip:
Jacob Franco	jac1snake@yahoo.com	96731
Representing:	Position:	Submitted:
Self	Support	Apr 20, 2022 @ 08:31 PM

Testimony:
Aloha

I am a resident of Kahuku and I support Bill 10(22). The reason I support this bill cause Kahuku community is the closest to wind turbines in Hawaii state till this day. We know first hand what its like being less then a mile away. As a person I am not against green energy but ignoring a community concerns and questions on why these wind turbines being this close to a community is unacceptable. I have even sent videos to KCA of noise problems and shadow flickering from the wind turbines of the proximity of my home. So noise problems I hear especially at night from the wind turbines is the electrical humming some nights are just hard to sleep. Also during the day shadow flicker happens, so when I am on the computer or trying to read from my phone can't concentrate on what I am doing cause shadow flicker is like someone is turning on and off the lights in the room so irritating. All I asking is to move the wind turbines back further the better.

Mahalo and Thank you

Name:	Email:	Zip:
Armani De Ocampo	sub1out1@gmail.com	96792
Representing:	Position:	Submitted:
Self	Oppose	Apr 20, 2022 @ 08:57 PM

Testimony:
To Whom It May Concern,

I am writing on behalf of Myself (Armani De Ocampo) and my brother (Valentino De Ocampo) who I share ownership with of the property located at 86-318 Puhawai Road, Waianae HI, 96792 TMK# 860070030000.
We were notified about Bill 10 and we fiercely oppose this proposition for a variety of reasons.

Our property does not meet any of the criteria listed to nominate a property as IAL nor does it have the potential to farm any crop. Our property is zoned as “Residential” under the City and County Of Honolulu which is exactly the purpose it serves. My brother and I live here and do nothing to farm because we do not wish to farm nor does the property support any type of farming. The proposal to designate our property as IAL and further, the effects that Bill 10 would have on us if they were to designate our property as IAL, is completely illogical and serves no benefit to owners of properties like ours. Anyone can see that farming is completely out of the question for properties like mine, so why are they trying to be designated as IAL and furthermore, why are they trying to kick us out of our homes if we cannot comply with unrealistic rules ? Designating properties like mine as IAL and forcing homeowners like myself to farm or lose my home makes it clear that preserving agricultural lands is not the true agenda of this process. The true agenda is to kick people out of their homes ...

If anyone cares about preserving important agricultural lands for farming then it should be very clear that forcing homeowners like me to comply with illogical rules like those that Bill 10 would impose, would be a complete waste of time. There are plenty of properties actually used for farming that have fertile soil and the other resources that make farming feasible; our property is not one of them.

My brother and I do not plan on ever selling our property and want to raise our families in this house. Farming on this property will never be feasible and we have absolutely no plans to farm it as long as we live. There are many families just like us out there that this bill would do nothing to help us and serve Only to boot us from our homes.

Please feel free to contact me regarding my submission of this letter.

Armani De Ocampo
86-318 Puhawai Road
Waianae, HI 96792

Armanideocampo@gmail.com
808-203-8261

Name:	Email:	Zip:
Andrea Woods	andreaswimsunset@yahoo.com	96712
Representing:	Position:	Submitted:
Sunset Beach Community Association	I wish to comment	Apr 20, 2022 @ 10:24 PM

Name:	Email:	Zip:
Andrea Woods	andreaswimsunset@yahoo.com	96712
Representing:	Position:	Submitted:
Self	Oppose	Apr 20, 2022 @ 10:33 PM

Testimony:
I strongly oppose DPP's proposed LUO amendments that would permit Mobile Commercial Establishments (MCE) in Country and B-1 zoning. Food trucks should be allowed in Resort zoning where the tourists are welcome and supported.
I strongly support the 1.25 mile setback for Wind Turbines, but as that issue has been bundled into the same Bill, I can only use this comment section to ask that Mobile Commercial Establishments NOT be allowed in Country and B-1 zoning while the 1.25 mile setback SHOULD BE mandated.
Mahalo

Name:	Email:	Zip:
Sonnie Muaina	muaina.ohana@gmail.com	96762
Representing:	Position:	Submitted:
Self	Support	Apr 20, 2022 @ 11:11 PM

Testimony:
I highly disagree with the 1.1 setback in reference to the turbines in place today in Kahuku. I am asking that the language used in referencing the 1.1 setback in existing Bill 10 be deleted. A 1.25 mile setback should have been put in place a very long time ago, but I'm hoping that today it will be done. Please, please look at how painful it is now being so close to schools and homes. The community needs your support and other communities are counting on you to make it right. Mahalo!

Sonnie Muaina

Name:	Email:	Zip:
Candace Fujikane	fujikane@hawaii.edu	96744
Representing:	Position:	Submitted:
Self	Support	Apr 20, 2022 @ 11:44 PM

Testimony:
I am testifying in support of Bill 10's proposed 1.25 mile setback, and I urge the council to delete any language referencing a 1:1 setback in Bill 10.

I support renewable energy projects, but the wind farms must be adequately setback from residences and schools.

Like Indigenous peoples elsewhere who describe the "sustainable violence" of wind farms, the people in Kahuku have fought for over ten years to protect their North Shore communities from the devastating health impacts of giant wind turbines. Although billed as a "clean energy" initiative that would help the State of Hawaii to meet its energy goal of 100 percent renewable energy by 2045, the turbines are sited within 1500 feet of schools and residences, and such consequences as blade throw pose a real threat to children and families, while shadow flicker and low-frequency infrasound are affecting residents who report feeling vertigo, nausea, headaches, and vomiting. The noise from the wind turbines is described as piercing, preoccupying, and continually surprising, as it is irregular in intensity. The noise includes grating and incongruous sounds that distract the attention or disturb rest. The spontaneous recurrence of these noises disturbs the sleep, suddenly awakening people when the wind rises and preventing people from going back to sleep.

I stood with Kahuku communities for the protection of their families on November 2019. On the third night that I was there, I was talking with a Kahuku woman who told me she had been arrested twice and was prepared to be arrested a third time. I told her that I would get arrested for her, that I would hold space for her. It's not right that Pacific Islanders and Knaka Maoli are getting arrested multiple times as they stand on the front lines to protect their communities.

The 1.25 mile setback proposed in Bill 10 is important in this fight for renewable energy that communities can actually live with. The Hawaii State Energy Office supports the 1.25 mile setback, and I believe it is the best option.

Mahalo piha.

Name:	Email:	Zip:

Alan Keil	alanfkeil@yahoo.com	96731
Representing: Self	Position: Support	Submitted: Apr 21, 2022 @ 04:00 AM

Testimony:
The windmills might look cute on your drive to the North Shore. In reality it's a reminder of how Hawaii government let us down.
Thank you for reading this.
Alan Keil.

Name: Brilana Troublefield	Email: brilana@gmail.com	Zip: 96782
Representing: Self	Position: Oppose	Submitted: Apr 21, 2022 @ 06:24 AM

Testimony:
Aloha,

This bill would significantly disrupt the life of my mother, Renee Silva, who resides on agriculturally designated land in Waianae and is 76 years old. There is no way she could actively farm the less than 1 acre parcel and should not be forced from her home of over 50 years because of this bill's strict land use requirements.
If Bill 10 passes, it will make stricter occupancy restrictions on ag lands and increases the potential for violations, fines, liens, and other losses due to occupancy without active farming for ALL agricultural parcels on Oahu, which can expose ag landowners and others living in farm dwellings to potential fines, violations, orders, and possible liens/foreclosures. This is unacceptable.
V/R,
Brilana Troublefield on behalf of Renee Silva

Name: Bruce Yee	Email: bkyee@aol.com	Zip: 96822
Representing: Self	Position: Oppose	Submitted: Apr 21, 2022 @ 06:38 AM

Testimony:
With so much land in Hawaii agricultural zoned and the massive lands once used for growing sugar cane and pineapple remain unutilized, why is the City Council even considering going after the farmer "hobbyist". I say farmer "hobbyist" because there's no way to make a living by farming a property less than 5 acres. Utility costs (water) and rampant, uncontrolled theft of produce (thieves drive up w/ pickup trucks and steal our fruit right from the trees or they cut through the chain link fence and steel burlap bags full of fruit). This is the tyranny that all small local fruit growers continue to face, that 25-30±% of our produce gets stolen off the trees and there's no feasible way to prevent it. Over the 30+ years my family owned this land, my father's (a horticulturist who specialized in tropical fruits at UH) best year in cultivating his 4 acre mango orchard yielded only $32K profit. In order to reach this profit, he had to offset his farming expenses with Section 8 rental income from several houses on the property. That was the tradeoff to make farming on his property viable and so he could follow his passion, as is ours, in growing tropical fruits. If the City Council imposed further restrictions on the use of agricultural lands like ours, we could no longer afford to continue our operations and our fields would become fallow. The regulations to be imposed on these lands that you are considering will result in unintended consequences. The diversity of those who are currently passionate about farming these lands will disappear, existing affordable rental housing will be lost, the variety of crops currently grown will significantly narrow to those that have any chance to be profitable, and the agricultural lands targeted by this bill will be subdivided and sold to wealthy individuals seeking large lots and privacy for their big mansions and token fruit trees in their back yard. This bill DOES NOT respond to the needs of the small independent farmer nor the communities in which they are located. For lots of smaller acreages the proposed restrictions will discourage rather than encourage the farming of local grown produce. Please understand our needs and oppose this bill.

Name: Graeme Silva	Email: graeme.silva@gmail.com	Zip: 96734
Representing: Self	Position: Oppose	Submitted: Apr 21, 2022 @ 07:14 AM

Testimony:
I strongly oppose this bill.

Name:	Email:	Zip:

John McCauslin	John.mccauslin1960@gmail.com	96792
Representing: Self	Position: I wish to comment	Submitted: Apr 21, 2022 @ 07:58 AM

Testimony:
Oppose the City's proposal on placing such harsh controls, regulations and laws governing small Ag properties 2 acres and less as these type of Ag owners farming capacity have limited resources and finances compared to large Ag properties. These smaller Ag farmers provide supplemental farming produce and products to our local economy compared to larger volume producing Ag properties. This regulation would greatly degrade the smaller Ag abilities to maintain, strive and supplement sustainable food for our community needs such as open farmers markets, local grocery outlets, small up coming entrepreneurs food businesses and community events non to say ensuring profitable to cover Ag related expensives, cost of goods, sales taxes, property taxes, equipment costs and repairs, produce transportation expenses, boxing, labeling and administrative costs.
I'm opposed to this regulation as the State and City & County should be supporting all Ag properties thru assistance programs, reaching out through community townhalls and educational forums IOT maintain and ensure sustainable of food on our community tables and local economy.
Appreciate your efforts towards rejecting the City's proposal on placing controls and ask that the City actual work with farmers so together Hawaii has a more sustainable island food source.

Name: Laura Johnson	Email: ljhoomau@yahoo.com	Zip: 96792
Representing: Self	Position: Oppose	Submitted: Apr 21, 2022 @ 08:08 AM

Testimony:
My husband and myself have three, one acre parcels in the designated Agricultural Land area. I want to state that I do appreciate the need for Hawaii to be self-sufficient agriculturally. However, one acre parcels are not viable to farm and are especially challenging to do so. As a means providing income, they are more costly than productive and are a burdensome requirement on home owners. Also, these lands are not entirely one acre as many have households on them, thus, additionally limiting their farmable capacity.

Moreover, there are many homeowners like myself caring for the elderly, or elderly themselves, who have been in long established neighborhoods like mine for many years. To add to their burden, the requirements of Bill 10, is to disregard their hardships and pile on more.

I ask that in considering our island to be more sustainable, that more constructive and considerate thought be applied. I do not feel Bill 10 meets this and is a desperate attempt to fulfill an ideal that will backfire completely.

Sincerely,

Laura Johnson

Name: Dean Ventura	Email: dinoventura1@me.me	Zip: 96712
Representing: Self	Position: Oppose	Submitted: Apr 21, 2022 @ 08:57 AM

Testimony:
I oppose Bill 10

Denise Antolini
59-463 Alapiʻo Road
Haleʻiwa, Hawaiʻi 96712

April 19, 2022

Chair Brandon Elefante
Members, Zoning and Planning Committee
Honolulu City Council

Re: Bill 10 – LUO AMENDMENT RELATING TO USE REGULATIONS.
Agenda, Thursday, April 21, 2022 9:00 A.M.

Aloha Chair Elefante and Members of the Committee,

I write in **strong opposition** to the proposed LUO amendments that would permit **Mobile Commercial Establishments (MCE)** in **Country and B-1** zoning.

Currently, the LUO does not regulate MCE, such as Food Trucks. As a result, these types of itinerant (but often actually very stationary) businesses are currently "out of control" in areas of the North Shore. They have become **tourist traps**, created a range of environmental, health, safety, visual blight, and traffic problems, and need to be regulated.

(Food Trucks at B-1 Zoned "Sharks Cove Parcels"
with reduced footprint, restricted operations, and modified screening
only after community litigation and 2020 settlement agreement, provisions of which continue to *not* be complied with by the developer or properly enforced by the City)

Therefore, I applaud the Department of Planning and Permitting (DPP) for proposing to regulate MCE/Food Trucks.

However, DPP's proposal to permit MCE/Food Trucks in **Country and B-1 Zoning** are contrary to the intention behind both of these zoning designation and should be **rejected**. Oddly, DPP does not propose MCE/Food Trucks in **Resort** zoning, where it should be **allowed**.

MCE/Food Trucks have different customer bases in the different districts of O'ahu. Perhaps in the urban core, and in industrial and apartment areas, MCE/Food Trucks cater to local residents and workers.

However, **on the North Shore**, MCE/Food Trucks cater **probably 90% to tourists**. As such, they should be regulated as **tourism destinations**, which are **incompatible with Country and B-1 Zoning**.

This table provides a comparison of what is proposed by DPP and how DPP's proposal should be **amended** by this Committee:

Table 21-5.1	Preservation, Agricultural, Country				Residential, Apartment					Apartment Mixed Use, Resort				Business, Business Mixed Use				Industrial, Industrial Commercial, Mixed Use				Definition/ Standards
Table of Allowed Uses	P-2	AG-1	AG-2	Conutry	R-20 R-10	R-7.5 R-5 R-3.5	A-1	A-2	A-3	AMX-1	AMX-2	AMX-3	Resort	B-1	B-2	BMX-3	BMX-4	I-1	I-2	I-3	IMX-1	Sec.21 - 5.70(j) (3)
MCE **DPP** Proposed	-	-	-	C m*	-	-	-	-	-	P *	P *	P *	-	P *	P *	P *	P *	P *	P *	P *	P *	
MCE - **Amended**	-	-	-	~~C m*~~	-	-	-	-	-	P *	P *	P *	**P** *	~~**P** *~~	P *	P *	P *	P *	P *	P *	P *	
My position:	Delete: Food trucks/MCE *should* <u>*not*</u> be allowed in Country Zoning									Add: Food trucks/MCE *should* be allowed in Resort Zoning				Delete: Food trucks/MCE *should* <u>*not*</u> be allowed in B-1 Zoning								

DPP's proposed amendments for MCE/Food Trucks are contrary to the **intent of the LOU**:

> ROH Sec. 21-1.20 Purpose and intent. (a) The purpose of the LUO is to regulate land use in a manner that will encourage <u>orderly development</u> in accordance with

> adopted land use policies, including the city's general plan, and development and sustainable communities plans, and, as may be appropriate, adopted neighborhood plans, and to promote and protect the public health, safety and welfare by, more particularly: (1) Minimizing adverse effects resulting from the inappropriate location, use or design of sites and structures; (2) Conserving the city's natural, historic and scenic resources and encouraging design that enhances the physical form of the city; and (3) Assisting the public in identifying and understanding regulations affecting the development and use of land. (b) It is the intention of the council that the provisions of the LUO provide reasonable development and design standards for the location, height, bulk and size of structures, yard areas, off-street parking facilities, and open spaces, and the use of structures and land for agriculture, industry, business, residences or other purposes. (Emphasis added.)

The 2010 NSSCP, developed after years of community input under DPP's guidance, states that "Retention of **rural character** was the *single most important issue* for the North Shore community." (Technical Report, p. 5.) (emphasis added). MCE/Food Trucks are **incompatible** with the **rural character** of the North Shore as prioritized in the NSSCP.

To underscore this incompatibility, please note that the B-1 Zoned "Sharks Cove Parcels" in fact have a *unique land use designation* under the NSSCP – a "Rural Community Commercial Center" – defined as "a small cluster of commercial and service businesses local on major thoroughfares that provide a range of goods and services that meet the needs of the surrounding residential communities." (NSSCP, § 3.6.3) (emphasis added.)

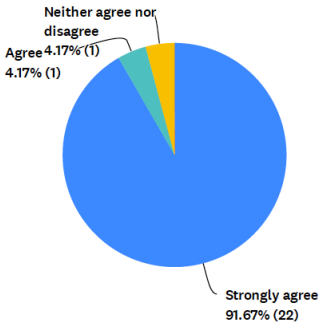
The NSSCP Technical Report explained *why* the designation *for this specific site* was so restrictive: "This is in response to the proposed Pūpūkea Village development (proposed shopping center across from Sharks Cove), which faced community opposition due to the incompatible nature and character of the proposed project, potential traffic and infrastructure-related impacts, and nearshore impacts to the Pūpūkea Marine Life Conservation District. Proposed revisions are intended to clarify the intent of the Rural Community Commercial Center designation, *and ensure that future proposals are limited in size and scope and are designed more for area residents than visitors*." (§ 4.3.9.) (emphasis added).

The Food Trucks on this parcel do not serve the needs of the surrounding community. This conclusion is based on a survey conducted of residents/members of the Sunset Beach Community Association in July 2021, which shows overwhelming concerns about the Food Trucks on these parcels, including that they ***primarily serve tourists, lead to increased tourism and overcrowding, encourage pedestrians to riskily cross the highway, lead to excessive traffic and congestion, and should be removed from the current and future development on this site***.

SBCA Survey re Sharks Cove Development

Q12 Do you agree or disagree that food trucks on the site (currently and future) primarily serve customers who are tourists?

Answered: 24 Skipped: 0

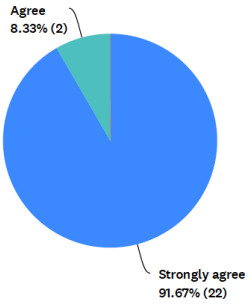


ANSWER CHOICES	RESPONSES	
Strongly agree	91.67%	22
Agree	4.17%	1
Neither agree nor disagree	4.17%	1
Disagree	0.00%	0
Strongly disagree	0.00%	0
TOTAL		24

SBCA Survey re Sharks Cove Development

Q13 Do you agree or disagree that food trucks on the site lead to increased tourism and overcrowding at Pupukea Beach Park and Sharks Cove?

Answered: 24 Skipped: 0

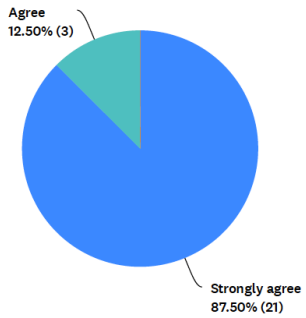


ANSWER CHOICES	RESPONSES	
Strongly agree	91.67%	22
Agree	8.33%	2
Neither agree nor disagree	0.00%	0
Disagree	0.00%	0
Strongly disagree	0.00%	0
TOTAL		24

SBCA Survey re Sharks Cove Development

Q14 Do you agree or disagree that food trucks and other retail (such as snorkel and surf rentals/tours) offered on the site encourage people to cross Kamehameha Highway in front of the development in an unsafe manner?

Answered: 24 Skipped: 0

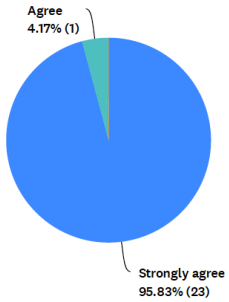


ANSWER CHOICES	RESPONSES	
Strongly agree	87.50%	21
Agree	12.50%	3
Neither agree nor disagree	0.00%	0
Disagree	0.00%	0
Strongly disagree	0.00%	0
TOTAL		24

SBCA Survey re Sharks Cove Development

Q15 Do you agree or disagree that food trucks and other retail (such as snorkel, surf rentals, tours) lead to excessive traffic and congestion in this area?

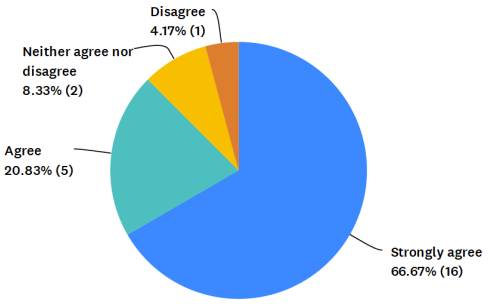
Answered: 24 Skipped: 0



ANSWER CHOICES	RESPONSES	
Strongly agree	95.83%	23
Agree	4.17%	1
Neither agree nor disagree	0.00%	0
Disagree	0.00%	0
Strongly disagree	0.00%	0
TOTAL		24

Q17 Do you agree or disagree that the food trucks should be removed from the current and future development this site?

Answered: 24 Skipped: 0



ANSWER CHOICES	RESPONSES	
Strongly agree	66.67%	16
Agree	20.83%	5
Neither agree nor disagree	8.33%	2
Disagree	4.17%	1
Strongly disagree	0.00%	0
TOTAL		24

Thus, allowing MCE/Food Trucks on **B-1** zoned parcels, as the NSSCP specifically indicates for the RCCC on the Sharks Cove Parcels, is incompatible with the very nature of the community-based designation and **should not be allowed under the LUO**.

The same concerns about incompatibility with *B-1* apply to DPP's proposal to allow MCE/Food Trucks in *Country* Zoning.

Country Zoning

> Sec. 21-3.60 Country district—Purpose and intent. (a) The purpose of the country district is to recognize and provide for areas with limited potential for agricultural activities but for which the open space or rural quality of agricultural lands is desired. The district is intended to provide for some agricultural uses, low density residential development and some supporting services and uses. (b) It is the intent that basic public services and facilities be available to support the district but that the full range of urban services at urban standards need not be provided. Typically, the country district would be applied to areas outside the primary and secondary urban centers, which are identified by city-adopted land use policies. . . . (Emphasis added.)

None of these values embedded in Country zoning are enhanced by MCE/Food Trucks. To the contrary, **MCE/Food Trucks promote tourism, congestion, and urbanization that are directly contrary to the intent and letter of Country zoning**.

Similarly, these same concerns apply to the proposed allowances in B-1 Zoning. **The Sharks Cove Parcels "regulatory disaster" illustrates that MCE/Food Trucks are not compatible with B-1**.

B-1 Zoning

> Sec. 21-3.110 Business districts—Purpose and intent. . . .
> (b) The intent of the B-1 neighborhood business district is to provide relatively small areas which serve the daily retail and other business needs of the surrounding population. (Emphasis added.)

As indicated above, MCE/Food Trucks **on the North Shore** do not serve the daily retail and business needs of the surrounding population.

Where do MCE/Food Trucks belong? In **Resort Zoning**, where the tourists are allowed, concentrated, and will utilize such food options in an area with adequate infrastructure.

Resort

> Sec. 21-3.100 Resort district—Purpose and intent. The purpose of the resort district is to provide areas for visitor-oriented destination centers. Primary uses are lodging units and hotels and multifamily dwellings. Retail and business uses that service visitors are also permitted. This district is intended primarily to serve the visitor population, and should promote a Hawaiian sense of place. (Emphasis added.)

In addition to the analysis above, I have attached my comments directly to DPP's 2018 staff justification for regulation of MCE/Food Trucks. I welcome further opportunities to address these matters if you have any questions.

Thank you for considering my testimony to **eliminate MCE/Food Trucks in Country and B-1 Zoning and to allow them in Resort zoning**.

Sincerely,

Denise Antolini

Attachment

[Denise Antolini comments on DPP report in underline/italics (4.19.22)]

DPP-INITIATED LUO AMENDMENT
RELATING TO MOBILE COMMERCIAL ESTABLISHMENTS

Staff Report

January 29, 2018

The Department of Planning and Permitting (DPP) recommends an amendment to the Revised Ordinances of Honolulu, Chapter 21 Land Use Ordinance (LUO), that defines mobile commercial establishments as a use permitted in certain zoning districts and specifies development standards to help regulate that use. The attached draft bill is intended to serve as companion legislation to Council Resolution No. 17-79, adopted on June 7, 2017. Resolution No. 17-79 initiated an amendment to the LUO relating to the Haleiwa Special District. Among other changes to the Special District, the Resolution contains a new definition and development standards associated with mobile food establishments in Haleiwa. The staff report associated with Resolution No. 17-79, recommends a broader definition that captures all goods and services sold from vehicles, not just food. Additionally, rather than regulate these establishments only in Haleiwa, we recommend regulating them island-wide. *[Regulation across the island is a good idea; however, MCEs attract different customers in different areas of the island, and therefore the permission of such uses should recognize that in some areas, like the North Shore, MCEs cater primarily to tourists and be regulated as tourism enterprises.]* This staff report and draft bill implements the recommendations the DPP proposed in response to Resolution No. 17-79.

I. Background

Prior to September 2, 2017, the State's Department of Health (DOH) took the lead on broadly regulating food trucks. Their focus is now more narrow such that food trucks are regulated solely from a food safety perspective (see the Hawaii Administrative Rules, Title 11, Department of Health, Chapter 50, Food Safety Code). There are other entities that regulate how, where, and when mobile vendors may operate. The Department of Transportation Services regulates mobile food units on City roadways. Food trucks associated with the People's Open Markets are regulated by the Department of Parks and Recreation. Other entities, such as the State's Department of Agriculture, manage the permitting associated with other farmers markets where food and other goods are sold by mobile vendors. The LUO, which regulates primarily how private property may be used, does not currently have a definition that adequately captures the activities of mobile commercial establishments. *[This is correct – and this is an admission that DPP has allowed food trucks in Special Management Areas, specifically the "Sharks Cove Parcels," without any legal authority.]*

Mobile vending is increasingly recognized as an economic development tool. Food trucks and similar mobile commercial establishments provide opportunities for entrepreneurs and small businesses. They can add vibrancy to streetscapes and sites. *[This "vibrancy" is a sweeping generalization and reflects an urban bias; such "vibrancy" is not suitable for Country or B-1 Zoning.]* Food trucks can expand access to food in areas underserved by traditional restaurants. *[Expansion of food services is not necessarily desirable – please see the North Shore Chamber of Commerce article in the North Shore News, April 6, 2022, explaining how Food Trucks hurt brick and mortar restaurants and businesses. And, in the Sharks Cove area, for decades prior to the arrival of food trucks, the neighborhood and tourists were well served by the Foodland store and deli counter, so comparing options to only "traditional restaurants" is misleading.]* However, neighborhoods can be negatively impacted by the proliferation of mobile vendors. *[Agree 100%]* Impacts include visual clutter from excessive signs, trash, competition (fair or not) to "brick and mortar" businesses, increased traffic, increased competition for parking, noise, air pollution, and the lack of restrooms. *[Agree 100% - these problems have all arisen as significant community concerns on the Sharks Cove parcels, which at one point had 11 food trucks and now has 5 food trucks, restricted in number only due to community litigation]* Land use regulations can help ensure that a balance is achieved between businesses and their potential adverse impacts. *[Agree 100%]*

II. Analysis

A. Mobile Commercial Establishments on the Neighboring Islands: Every county has different regulations. The county-specific standards are summarized below.

(a) County of Hawaii: The Hawaii County zoning code does not require that mobile vendors have vehicle documents (for example, registration and proof of safety check). Food trucks are allowed to operate in commercial

zones and in other districts with plan approval. Hawaii County food truck regulations are in the process of being updated.

(b) County of Maui: The Maui County zoning code requires that food trucks have the necessary vehicle documents. Plan review is required when the food truck operates in the Special Management Area. Parking requirements depend on the number of employees plus three parking spaces for patrons. Establishments which operate from shipping containers or immobile vehicles are treated like other brick and mortar establishments, and must comply with the same parking requirements as those uses.

(c) County of Kauai: The County of Kauai requires vehicle documentation, and food trucks are required to move daily. Food trucks are permitted to operate in the commercial zoning district with the consent of the landowner. As with Maui County, the required parking depends on whether the food truck is mobile or immobile.

B. Food trucks in Other Jurisdictions: The regulations of several other jurisdictions were reviewed. The regulations vary widely. In general, the regulations that other municipalities have implemented are primarily for the safety of consumers and pedestrians. Below are key points that represent the broad scheme of the regulations reviewed.

Mobile food vendor application: In many municipalities, a peddlers' license or certificate of use must be obtained prior to operation.

Location: Areas of operation differ; however, there is a consensus that food trucks should not operate within public rights-of-ways.

Buffer zones: Buffer zones or setbacks, where no food trucks may locate, are used regularly. Food trucks are generally required to be set back from all property lines approximately 20 to 50 feet, depending on the existence of screening or buffering from adjacent uses.

Definition of vending area: Many municipalities define the area or zoning district where food trucks are allowed to operate.

Signage: Many municipalities limit the amount of signage allowed.

C. Discussion: Without comprehensive regulations, mobile commercial establishments have "popped up" in different zoning districts around the island. *[Agree 100%]* The DPP has previously depended heavily upon the DOH to regulate the activities of food trucks. *[This does not make sense – as stated above, DOH does not regulate the land use or zoning aspects of MCE so this was a mistaken reliance, without legal foundation, by DPP]* The attached bill

recommends legislation that is intended to mitigate the adverse impacts of food trucks island-wide. *[Mitigation is indeed needed, however, DPP's proposal does the opposite – it opens the floodgates for MCE/food trucks]*

The draft bill introduces a definition that recognizes vehicles may offer goods and services beyond prepared food. It adds "mobile commercial establishment" to LUO Table 21-3 Master Use Table, as well as the Special District project classification tables. We are proposing that mobile commercial establishments be permitted in apartment mixed use, business, and industrial zoning districts. *[Note that "Country" is not included here as a permitted area but for some reason is added later by DPP]* When located in a Special District, the establishments will require a Minor Special District permit and must conform with the standards of the Special District. Otherwise, mobile commercial establishments will be subject to underlying zoning standards, that include yard (setbacks), landscaping, parking, etc.

The bill recognizes that the impact of a single mobile commercial establishment is different from when a group of such establishments gather on a single lot. A tiered regulatory approach is recommended that includes more stringent standards for when three or more mobile commercial establishments are located on one zoning lot. *[Agree 100% - the cluster of food trucks on the Sharks Cove parcel has created a huge tourist attraction, with all the problems noted above. However, the line should be drawn at ONE, not three, with spacing such as 100 yards apart.]*

The draft regulations require that regardless of their number, mobile commercial establishments shall be located on all-weather surfaces, i.e., paved surfaces. The use of dirt lots for vending has proven to be problematic. Vehicles on such lots (the food trucks themselves and their customers in vehicles) track dirt onto roadways, which eventually ends up in the ocean as a form of road runoff, violating water quality rules. By specifying the need for all-weather surfaces, roadways should be kept free of debris and the amount of sediment in our oceans will be reduced. *[Of equal concern, MCE/Food Trucks generate non-point source pollution from the food debris, cleaning operations, and spills – this causes pollution of the soil and underground area, which can cause stream and ocean pollution. This "seepage" has been documented for the Sharks Cove Parcels, where a study conducted for the EIS indicated significant addition of nitrogen and phosphorous from on-site activities.]*

Based on court action, zoning cannot regulate signs on vehicles. *[This appears to be an overly narrow interpretation of the law – please provide the legal analysis.]* However, the use of banners and other "temporary" signs that are placed along the right-of-way should be regulated because they are distractions to drivers and contribute to visual clutter. *[Agree 100%- but also because they detract from the character and integrity of certain kinds of zoning, such as Country and B-1.]* The

draft bill proposes that a single portable sign may be used per mobile commercial establishment.

[photo inserted by Denise Antolini – showing food truck signage at Sharks Cove Parcels]

The draft bill also addresses traffic impacts. Traffic congestion is not just a concern on the surrounding roads, but also on the particular lots where mobile commercial establishments operate. *[Agree 100% - this is a major problem in Haleiwa and Sharks Cove.]* While the new parking requirements (five spaces per vehicle) may serve to limit the number of mobile commercial establishments on a given lot, it will better ensure that vehicles have the necessary room to maneuver safely based on standard parking stall dimensions. Therefore, lots with more than three mobile commercial establishments will be required to submit parking management plans. Such plans will be reviewed by the DPP and should help to reduce adverse impacts on adjacent streets. *["Should" does not mean "Will." The provision of parking does not address the issue of traffic flow to/from the MCE area; at Sharks Cove, the traffic congestion has increased substantially as tourists look for, turn into, hesitate, drive out of, and park kapakahi in the area of the food trucks.]*

[photo inserted by Denise Antolini – showing example of tourist parking, illegally, at Sharks Cove Parcels]

Other jurisdictions, such as Miami-Dade County or City of Portland, Maine, have determined that three or more mobile commercial establishments created enough neighborhood repercussions to be noteworthy. Staff field surveys around the island concur with this finding. *[Please provide me with copies of those staff surveys.]*

As with any other outdoor uses, noise can impact not just the adjacent properties but those located further away. Noise can be generated by the vehicles, cooking devices, generators, people, and amplified music, among other things. *[Agree 100% - these nuisance issues have been a significant problem at the Sharks Cove Parcels.]* The same can be said for light pollution. Bright lights from unshielded light fixtures can spill over on to adjacent properties. *[Agree 100% - these nuisance issues have been a significant problem at the Sharks Cove Parcels.]* Including mobile commercial establishments as a use in the LUO means that they would be subject to the same general standards contained in Article 4, which address noise and outdoor lighting. To further reduce adverse impacts, lots with more than three mobile commercial establishments will be required to operate between the hours of 8:00 a.m. and 10:00 p.m., daily when adjoining ~~country~~, residential, and apartment districts. *[Country should not be included as a permitted area.]*

As already stipulated by the underlying zoning districts, screening is important to help soften hardscapes and to encourage pedestrian movement. *[Screening needs to be very specifically defined; this has been a huge problem on the Sharks Cove Parcels where, despite specific provisions of the settlement agreement that require visual screening, the developer continues to provide*

inadequate screening, and DPP has not enforced the agreement despite community complaints.] The draft bill proposes that screening should not be limited to parking and trash areas, but should include restrooms areas when provided. *[Will DPP require that MCE/Food Trucks provide bathrooms? Hand-wash stations? If there is no sanitation, patrons will utilize the bushes (which was happening at the Sharks Cove Parcels for many months until the community complained and port-a-potties were provided), neighbors' yards (which also happened), or nearby businesses (read the North Shore Chamber of Commerce article about over-use of the visitor center bathrooms).]*

Excluded from mobile commercial establishment regulations are those events which are already overseen by other regulatory entities. This includes farmers' markets, fun fairs, etc. The vendors at these events are unrefuted mobile establishments as they leave the site once the event is over. *[This distinction points out that IMMOBILE MCE are in fact not **M**CE – yet there appears to be nothing in DPP's proposed amendments that requires true MOBILITY! Food trucks often remain in place in Haleiwa and at Sharks Cove for months on end, or for years, essentially become stationary business that compete directly with brick and mortar even if they are forced to move occasionally.]* Parking and traffic concerns are already addressed at such events along with waste management and operating times.

III. Recommendation

The DPP concurs with the general intent of the Council-initiated Resolution 17-79, i.e., to amend the LUO to better regulate food trucks or, as we suggest, mobile commercial establishments. However, rather than regulate them only in Haleiwa, we recommend that they be regulated island-wide. Attached is a draft bill that introduces a new definition, includes the new use in the Master Use Table and Special District project classification tables, and specifies new parking and development standards that address hours of operation, seating, signage, parking management, and screening of restrooms. We believe these amendments will help curtail the adverse impacts of mobile commercial establishments, create a predictable regulatory regime for food truck owners and the community-at-large, and not stifle innovation and entrepreneurship. *[For the reasons stated above, DPP may have had good intentions but has created a new "free for all" for MCE/Food Trucks in areas such as Country and B-1 where they should not be allowed.]*

* * *

KO'OLAU WAIALUA ALLIANCE

City and County of Honolulu, City Council, Wednesday, April 21, 2022

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

1/ We strongly oppose DPP's proposed LUO amendments that would permit Mobile Commercial Establishments (MCE) in Country and B-1 zoning.

Most mobile commercial establishments cater primarily to tourists and not to nearby residents, as stipulated in the definition of B1 zoning. These establishments are part of a truly out of control rampant flaunting of planning, health and safety regulations - illegal adjunct buildings, storage and preparation of food in uncertified kitchens, undeclared cash income, illegal disposal of waste oil, water and creation of litter in the form of disposable food containers.

We are very disappointed to see that the DPP has seemingly swayed under pressure from these food truck owners to alter the definition and scope of B1 zoning. Please amend the proposed Bill 10 and keep the definition and scope of B1 zoning as it is for now and let's have DPP focus on enforcing the regulations that it is supposed to be regulating regarding violations of zoning - which are all around us.

2/ We strongly <u>oppose the exclusion of the 1.25 mile setback</u> 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.** We testified in favor of following these recommendations back in February when Bill 10 came before Council.

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.

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,

Mahalo,
The Ko'olau Waialua Alliance

Dawn Bruns, Kaunala Resident, North Shore Oahu, Recommending nighttime wind turbine shutdown or 5-mile wind turbine setback from residential areas April 20, 2022 for Zoning Planning meeting Bill 10:

Recommendation: In residential-zoned areas, keep wind turbine low-frequency sound pressure pulses below 55 decibels at night and limit daytime low-frequency wind turbine sound to 60 decibels. Accomplish this with either a night-time wind turbine shutdown or a 5-mile wind turbine setback.

Wind Turbine Sound Physics Background Information: The downstroke of the wind turbine blade, as it passes the tower, makes an audible (above 20 Hz) whooshing sound (audible more than one mile away) and each turbine blade tower pass also produces an inaudible air pressure pulse between 0.3 and 1.2 Hz (detected by ear structures but not "audible"). This very low-frequency sound is measured with sensitive microphones or with air pressure sensors. The lower the frequency (Hz), the farther the sound travels – it also travels farther with the wind, and when the atmosphere is stable (when cool air sinks at night) with a low mixing height. The stronger the wind is, the higher the decibel level of the low-frequency sound pulse decibel level from the wind turbines. Harmonics of the fundamental frequency occur at multiples of the fundamental frequency produced by the turbine blade pass. The decibel scale is logarithmic – a 3 decibel increase in decibel level is a doubling in power (https://www.animations.physics.unsw.edu.au/jw/dB.htm).

Summary of Health Effects occurring miles from the wind turbines because of Wind Turbine Low-Frequency Sound:

At very high levels (levels normally only experienced occupationally, e.g., 100-decibels at 1 Hz tilt-rotor aircraft cockpits and unfortunately the levels expected to occur in the schools and residential neighborhood of Kahuku from the Na Pua Makani Wind Farm), low-frequency sound exposure limits are in hours rather than days; prolonged exposure to such high levels of low-frequency sound causes permanent thickening of the pericardial tissues around the heart, changes in collagen related to thickening of arteries, epilepsy, birth defects, and other serious consequences regardless of the whether or not the person feels any discomfort (see attached references). Very high levels of low-frequency sound affect the town of Kahuku on most days because of the extremely close proximity of the very large Na Pua Makani wind turbines.

Chronic, prolonged nighttime exposure to low-frequency wind turbine pulses **above 55 decibels** causes an estimated 10-30% of the general population many miles from wind turbines to experience significant disruptions to their use of their home by significantly impairing their health (whether they are aware of it or not), safety, peace, comfort, and convenience (one person per every one to three households). The most common problem caused by this dose of low-frequency wind turbine sound, documented in 93% of the patients that physician/PhD Nina Pierpont (2009) studied, was memory and concentration deficits (presumably due to lack of REM sleep). The second-most common problem, which affected 89% of the affected patients she studied, was noticeable chronic sleep disturbance. Chronic sleep disturbance appears to be the underlying cause of the fatigue (75%) and irritability (76%) experienced by the patients she studied. Wind turbine-caused sleep disturbance has been well-documented. Wind turbine low-frequency sound sleep disturbance appears be the cause of the increased suicide rate Zou (2017)

found during windy periods at distances spanning more than 25 km upwind and downwind from the 828 turbine installation events spanning 39 states between 2001 and 2013.

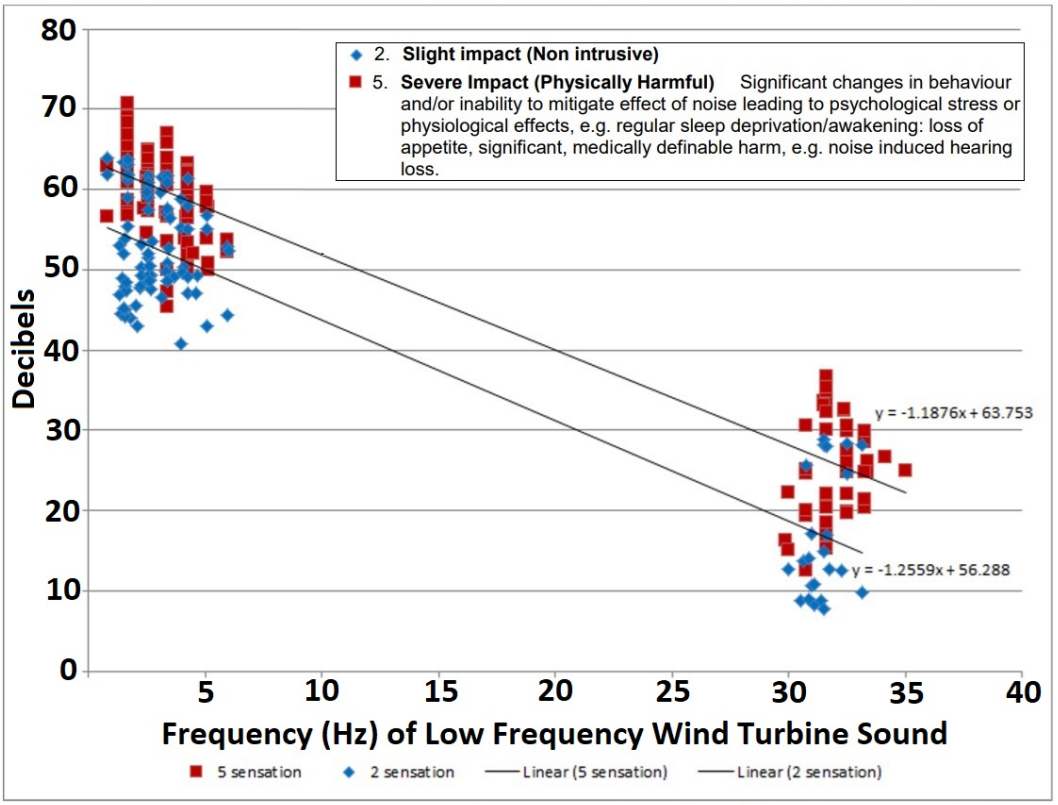
Independent of the sleep-disturbance impacts, the wind turbine low-frequency sound also causes elevations of blood pressure when the turbines are on, and headaches. The sleep disturbance and these consequences resolve immediately after the family moves away from the wind farm. Memory disabilities usually resolve over a period of weeks to months after moving away from the wind farm. Bottom Line: Turn the turbines off at night or don't build turbines within 5 miles of residential, school, and hospital areas.

Annotated bibliography/links to most relevant literature (more wind turbine health effects peer-reviewed literature available my Google Drive Wind Turbine Noise Folder at https://drive.google.com/drive/folders/1x2bYkblTkTN_wmeht3eh8Row3tLpmkoO?usp=sharing:

1.) Zou 2020, The Impact of Wind Farms on Suicide, American Economic Journal: Economic Policy, in prep: Wind turbines increased suicide rates during windy periods in residents **more than 25 km (15 miles) upwind and downwind of turbines**. University of Oregon economics professor studied 828 turbine installation events spanning 39 states in the United States from 2001 to 2013. Sleep disturbance the likely cause. Wind turbine installation resulted in a total of 34,000 life years lost (LYL) due to increased suicides within a year after installation. To put this number in perspective, during the same one-year time window, the new wind capacity generated roughly 150 million megawatt hours (mWh) of clean energy; by comparison, based on existing estimates of the per mWh health cost of coal-generated electricity (Epstein et al., 2011), generating the same amount of electricity with coal would have resulted in around 53,000 life years lost due to air pollution.
https://static1.squarespace.com/static/56034c20e4b047f1e0c1bfca/t/5f612bb98bdfff6199b3a97c/1600203713573/turbine_zou202009.pdf

2.) Cape Bridgewater (2014-2015) This wind farm-funded study made measurements of

low-frequency sound while residents documented their discomfort. Residents reported "severe impacts (significant changes in behavior, and/or inability to mitigate effect leading to psychological stress or physiological effects, e.g., regular sleep deprivation/awakening, loss of appetite, significant, medically definable harm" when **1 Hz wind turbine sound exceeded 58 decibels (72 decibels was the highest level studied)**, https://drive.google.com/drive/folders/1x2bYkblTkTN_wmeht3eh8Row3tLpmkoO?usp=sharing)



Wind Turbine Low-Frequency Sound Decibel Levels Recorded when Residents Journals Noted "Slight Impact" (Blue) and "Severe Impact" (Red), Cape Bridgewater Wind Farm Acoustic Testing Funded by Energy Pacific (2014).

FIGURE 49: Human response to sound pressure of wind turbine signature and 31.5 Hz wind turbine amplitude modulation (both do not occur in the ambient environment) https://drive.google.com/open?id=180jlKaO_Z9pdWpQ64z8EFEh1vYdiqqrp

3.) Dr Alves Pereira (2019) University of Waterloo presentation (wind turbine low-frequency sound pressure is chronic – though exposure levels are usually below level of occupational exposure of military aircraft workers, biological effects to tissues are expected to be similar – thickening of the pericardial tissues around the heart, changes in collagen related to thickening of arteries, increased epilepsy, high blood pressure, heart conditions. In addition, low-frequency sound (**55-60 dB at 1 Hz**) caused residential structures to resonate (55-60 dB at around 10 Hz) – the resonance frequency of wood

frame and concrete structural materials is around 10 Hz – in addition to low-frequency sound itself, the structure's resonance is often the significant cause of discomfort, causing the people to move away or sleep in the basement) https://livestream.com/itmsstudio/events/8781285/videos/196181579?fbclid=IwAR3pwiRLGzoHYKJqmEZJhjuIjCHehJIrgaP1QauPpGpDntVQNYuf6oHygLo

4.) Stepanov (2000) Biological effects of low frequency oscillations (Russian **75 dB limit for 2 Hz**. low-frequency sound for "living and public premises" based on exposure time, p. 15. Russia has a lot of experience with low-frequency sound (as does NASA) due to the space programs. https://apps.dtic.mil/dtic/tr/fulltext/u2/a423963.pdf

Page 15 in Stepanov 2000 Biological effects of low frequency oscillations (Russia's low-frequency sound exposure limits) https://apps.dtic.mil/dtic/tr/fulltext/u2/a423963.pdf

Table 7 – Permissible infrasound levels at workplaces, living and public premises and populated areas

No.	Premise	Sound pressure levels, dB, in octaval bands of averaged geometric frequencies, Hz				General sound pressure level dB "Lin"
		2	4	8	16	
1.	Different jobs inside industrial premises and production areas:					
	- Different physical intensity jobs	100	95	90	85	100
	- Different intellectual emotional tension jobs	95	90	85	80	95
2.	Populated area	90	85	80	75	90
3.	Living and public premises	75	70	65	60	75

5.) The 65 dB ANSI threshold for low-frequency sound is based on effects of less-harmful traffic and aircraft noise. The physiological response to wind turbine sound is significantly greater than the physiological response to the same decibel sound from traffic and aircraft noise Schaffer 2016. Apparently, Hawaii doesn't even appear to have adopted the 65 dB ANSI low-frequency sound limit (let alone the Russian 75 dB limit to low-frequency sound, above) – adopting these general health-related restrictions to low-frequency noise (of any type, let alone the more harmful wind turbine pulses) seems like it should have been done already.

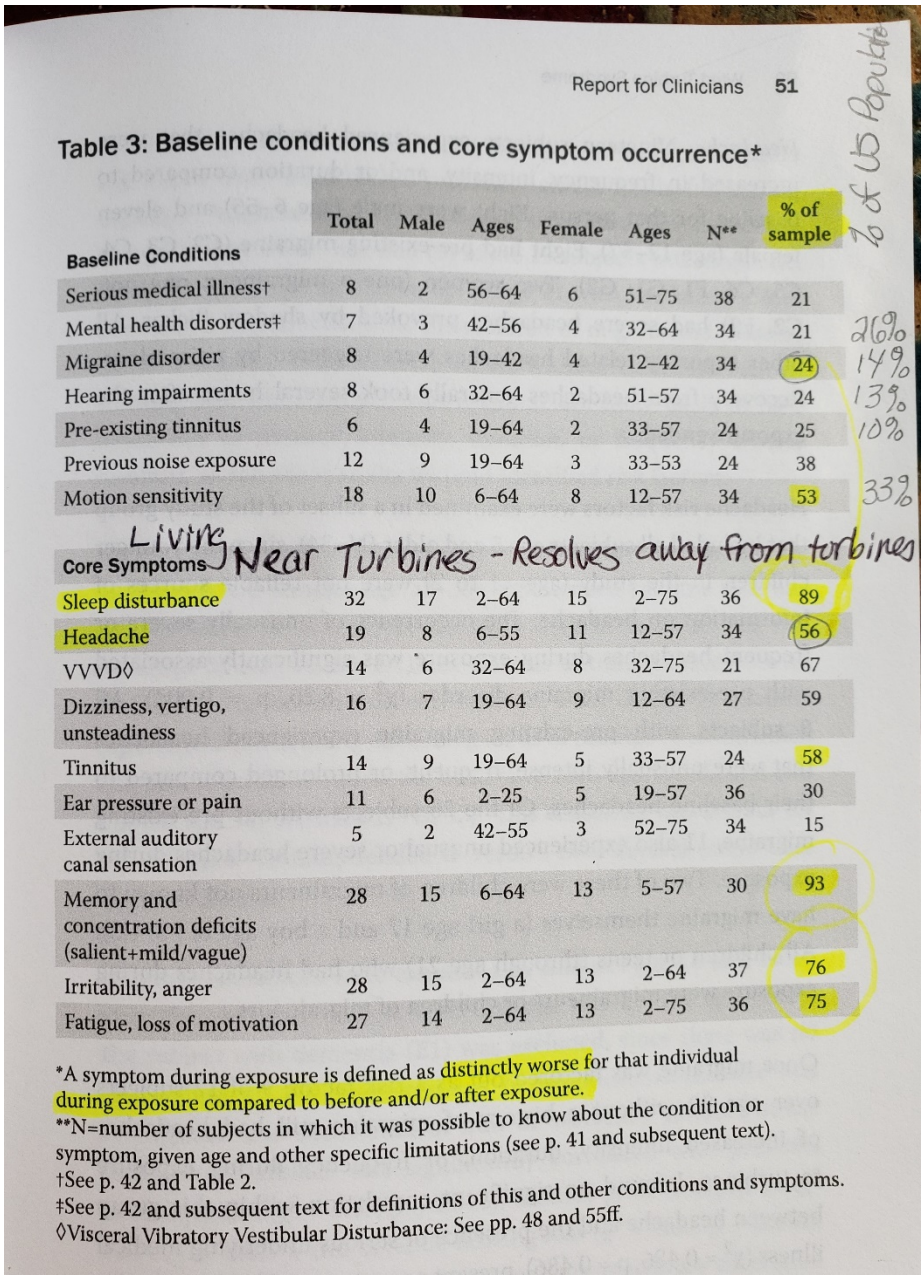
6.) Walker, Hessler, Rand, and Schomer (2012) Shirley Wind Farm, Wisconsin, in particular Appendix C, Rand Acoustics, pp 35-36, "intolerable" (headaches, nausea, dizziness, sleep interference) when wind turbines on (intolerable during the daytime at **73 decibels at 0.3 Hz fundamental frequency),** relief during the daytime at 3.5 miles away **(calculated to be approximately 61 dB at 0.3 Hz**).

7.) The 2.5 MW Clipper turbine, currently in use at the Kahuku Wind Farm has been declared a public health hazard by a Wisconsin county where residents 4.2 miles away are adversely affected and low-frequency sound pulses are detected more than 6 miles

away (Wisconsin).

8.) Falmouth, Massachusetts wind turbines removed because they were a public health hazard Falmouth, MA Health Board 2012

9.) Pierpont (2009) Wind Turbine Syndrome book by physician, see "Report for Clinicians, Table 3 (Page 51) and Chapter 3, Case Histories, the raw data. (order $11 book, free shipping, from https://www.windturbinesyndrome.com/wind-turbine-syndrome/)



Report for Clinicians 51

Table 3: Baseline conditions and core symptom occurrence*

	Total	Male	Ages	Female	Ages	N**	% of sample
Baseline Conditions							
Serious medical illness†	8	2	56–64	6	51–75	38	21
Mental health disorders‡	7	3	42–56	4	32–64	34	21
Migraine disorder	8	4	19–42	4	12–42	34	24
Hearing impairments	8	6	32–64	2	51–57	34	24
Pre-existing tinnitus	6	4	19–64	2	33–57	24	25
Previous noise exposure	12	9	19–64	3	33–53	24	38
Motion sensitivity	18	10	6–64	8	12–57	34	53
Core Symptoms							
Sleep disturbance	32	17	2–64	15	2–75	36	89
Headache	19	8	6–55	11	12–57	34	56
VVVD◊	14	6	32–64	8	32–75	21	67
Dizziness, vertigo, unsteadiness	16	7	19–64	9	12–64	27	59
Tinnitus	14	9	19–64	5	33–57	24	58
Ear pressure or pain	11	6	2–25	5	19–57	36	30
External auditory canal sensation	5	2	42–55	3	52–75	34	15
Memory and concentration deficits (salient+mild/vague)	28	15	6–64	13	5–57	30	93
Irritability, anger	28	15	2–64	13	2–64	37	76
Fatigue, loss of motivation	27	14	2–64	13	2–75	36	75

*A symptom during exposure is defined as distinctly worse for that individual during exposure compared to before and/or after exposure.
**N=number of subjects in which it was possible to know about the condition or symptom, given age and other specific limitations (see p. 41 and subsequent text).
†See p. 42 and Table 2.
‡See p. 42 and subsequent text for definitions of this and other conditions and symptoms.
◊Visceral Vibratory Vestibular Disturbance: See pp. 48 and 55ff.

10.) Salt and Hullar 2010 ear response to low frequency sounds turbines https://pubmed.ncbi.nlm.nih.gov/20561575/

11.) Rand, R.W., S.E. Ambrose, and C.M.E. Krogh. 2011. Occupational Health and Industrial Wind Turbines: A Case Study. Bulletin of Science, Technology, and Society 31(5) 359-362. Excerpt from Page 361:

> Salt and Hullar (2010) that certain structures in the inner ear are sensitive to infrasound and can be stimulated by low-frequency sounds at levels starting at 60 dBG, well below levels that can be heard. The stimulation is maximal at low background sound levels (e.g., indoors). The authors found that when the wind turbine modulating, pulsing infrasonic levels dropped below 60 dBG (nearest wind turbine OFF), there was improvement in health status.

12.) Ambrose, S.E., R.W. Rand, and C.M.E. Krogh. 2012. Wind turbine acoustic investigation: Infrasound and low-frequency noise – a case study. Bulletin of Science, Technology & Society 32(2): 128-141. In an email to me yesterday, Dr. Rand highlighted the following - apparently in addition to the ear structures detecting the low-frequency sound pressure pulses, the nerve fibers are directly responding. Dr. Rand is very approachable and helpful and he takes phone calls in case you are interested in speaking with an expert – his contact information is in his signature line:

> Adverse impacts were associated to acoustic pulsations exceeding the Salt threshold for OHC triggering. Of note, and please read carefully, "low-frequency sounds produce a ***biological*** amplitude modulation of nerve fiber responses to higher frequency stimuli. This is different from the amplitude modulation of sounds detected by a sound level meter."
>
> If you have any questions, please contact me.
>
> Thank you kindly,
> Rob
>
> --
> Robert W. Rand, Member ASA, INCE (Member Emeritus)
> Rand Acoustics
> Tel: 207-632-1215
> Fax: 206-339-3441
> Web: http://randacoustics.com
>
> On 3/11/21 5:16 PM, Dawn Bruns wrote:

13.) Punch and James 2016 – review of literature https://drive.google.com/file/d/10JQcxsMC0j6XIrTyLzaM_M1IYtAPBLox/view?usp=sharing

If you want to use wind turbines as a long-term clean energy generation source that won't be shut down by public nuisance litigation, keep wind turbine sound in residential-zoned areas BELOW 55 decibels at night (I'm not sure how much below 55 decibels – I just know 55 decibels is a serious problem), for sleeping, and limit low-frequency wind turbine sound to 60 decibels, daytime, in residential-zoned areas.

My Measurements: It only cost me $3,000 to purchase low-frequency (full-spectrum) microphones with calibration and notebook computer interface – it's very easy to measure low-

frequency wind turbine sounds http://www.smart-technologies.co.nz/rapley.html At our house three miles from the Kahuku Wind Farm, the fundamental frequency from the 12 original 2.5 MW Clipper wind turbines of the Kahuku Wind Farm is 0.8 Hz and the first two harmonics, at 1.6 Hz and 2.4 Hz are shown in Figure 1.

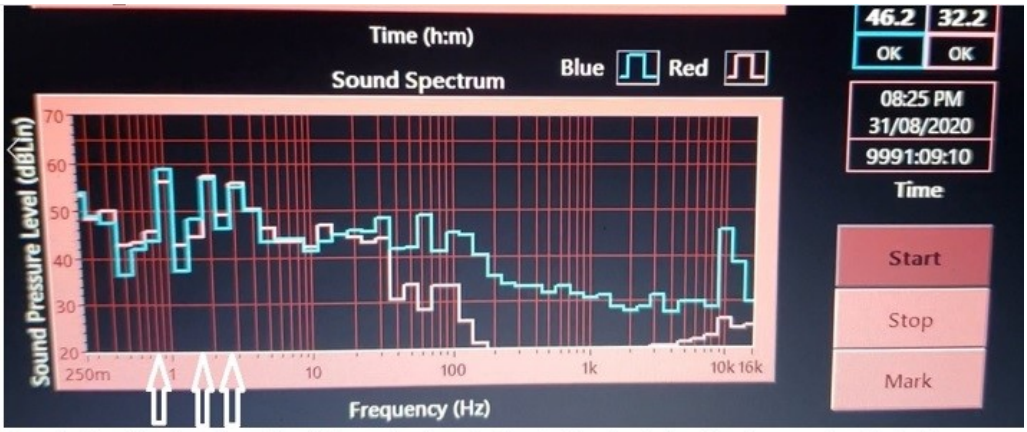


Figure A. Blue microphone Sunset Beach (three miles downwind from turbines), red microphone in garage "crypt" sleeping area (which does nothing to block 1 Hz, 2 Hz, and 3 Hz low-frequency air pressure pulses "low-frequency sound pressure" registering at 55 60 dB (see white arrows). Winds were 18 MPH, gusts to 26, from the east (92 degrees).

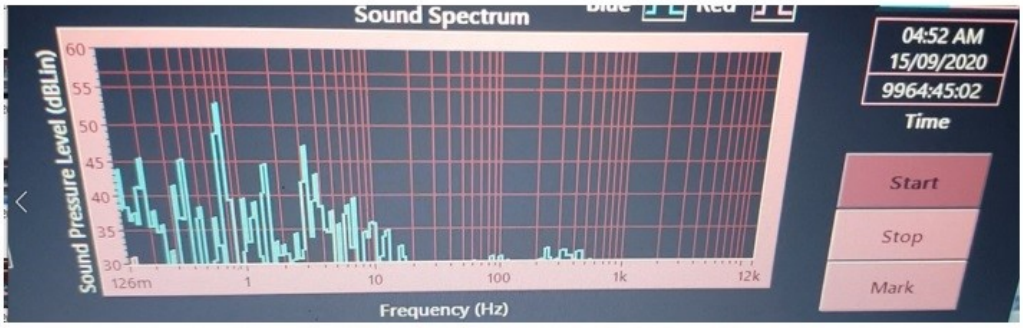


Figure B: Turbines on with light wind. This is the sound pressure level three miles downwind from Kahuku with about the lightest winds the turbines are allowed to operate during April through October nighttime (James Campbell Weather Station: winds 10, gusts to 13, 99-degrees/East wind). This 50-55 dB 1 Hz signal (and its 2 Hz and 3 Hz harmonics.

The difference in power between 55 decibels and 60 decibels is more than double the sound power because decibels are on a log scale. The low-frequency sound is very powerful and it dissipates at roughly 3 decibels per doubling of distance. The decibel level of the 12 existing 2.5 MW turbines in Kahuku, at 3 miles, in light 10 mph winds, is 53 decibels; the same turbines cause the low-frequency sound level to be 60 decibels three miles away when wind is 18 mph (which the 3 decibels per doubling of distance would mean it would be 57 decibels at 6 miles (sleep disturbance annoyance to residents); 54 decibels at 12 miles. I'm not sure why you'd want to have a wind turbine anywhere on Oahu – every location on Oahu within 5 miles of a potential wind farm site, except for the tip of Ka'ena Point, has thousands of residents within 5 miles who would be severely affected if you allowed a wind turbine to be constructed.

Kahuku Community Association

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

April 20, 2022

RE: Bill 10 (2022)

Dear Chair Elefante, Vice Chair Kia`aina and Council Members,

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 seback 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 world wide including our Kahuku community.

Kahuku Community Association

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

TESTIMONY BEFORE THE COMMITTEE ON ZONING AND PLANNING

BILL 10, RELATING TO USE REGULATIONS

Thursday, April 21, 2022
9:00 am
City Council Chamber

Rouen Liu
Permit Engineer
Hawaiian Electric Company, Inc.

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

My name is Rouen Liu and I am submitting testimony on behalf of Hawaiian Electric Company, Inc. in **opposition** to the current version of Bill 10 (2022) proposing changes to Article 5, of the Land Use Ordinance by the Department of Planning and Permitting (DPP) and passed through the City Council.

Hawaiian Electric worked with DPP and other stakeholders on a revised version of Bill 10, that was previously approved by the Planning Commission on January 18, 2022 and is described in Communication D-74 (2022). Hawaiian Electric supports the proposed amendments in Communication D-74 (2022) and respectfully requests that the Committee on Zoning and Planning amend Bill 10 (2022) to reflect the amendments previously accepted by the Planning Commission on January 18, 2022, in particular the three noted below:

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 DPP, the Planning Commission and other stakeholders, we would strongly recommend that the Committee on Zoning and Planning consider adopting the revised draft bill incorporating the Planning Commission’s communication dated January 21, 2022. That communication reflects the changes agreed upon by Hawaiian Electric.

Thank you for the opportunity to testify.

North Shore Ko'olau Diversity Collective

20 April 2022

Chair Elefante and Committee and Council Members:

As a grassroots network committed to justice, inclusion, and equality for all, the North shore Ko'olau Diversity Collective is also deeply rooted in longstanding efforts to protect our communities and the environment from the relentless pursuits and devastating effects of unfettered and predatory commercialism.

We write today, therefore, in strong opposition to the proposed LUO amendments in Bill 10 (2022) that would permit Mobile Commercial Establishments (MCE) in Country and B-1 zoning.

These continued efforts to commodify and commercialize these shores - too often supported, or even promoted, by public agencies and officials – tears at and causes further erosion of the fabric of our already fragile communities.

We are counting on you, our representatives in government, to work with us to preserve and protect this fabric, not contribute to its unraveling.

Thank you for your attention to these concerns,

Joe Wilson, Liz Rago, Michelle Johnson Blimes,
Hao Le, Bethany Berry-Weiss, Kunane Dreier, Torrey Lock

Organizing Committee
nskdcollective@zohomail.com

SIERRA CLUB
O'AHU GROUP

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

April 20, 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

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

Testimony Opposing Bill 10
Committee on Zoning and Planning
April 21, 2022

My name is Kathy Whitmire and I am a Board member of the North Shore Outdoor Circle (NSOC). I am opposed to the portions of Bill 10 which would add "Mobile Commercial Establishments" as a new permitted use in the Land Use Ordinance (Sec. 21-5.70(j)(3). This new provision in Article 5 of the Land Use Ordinance would allow **food trucks** and other mobile commercial establishments (including pop-up tents and shipping containers!) to operate with minimal regulation on any property zoned commercial, industrial or mixed-use, and with minor restrictions to also operate on **country-zoned properties**. It is unclear whether these business establishments would even need to obtain a permit for the facilities from which they operate, and whether the landowner hosting the business would need to obtain any permits.

In 2018, a separate bill was introduced to authorize food trucks and other mobile commercial establishments to operate throughout the county with little regulation (Bill 47(2018)). It was very similar to the current proposal in Bill 10. The North Shore Outdoor Circle and many others on the North Shore opposed it; and fortunately, the Council Committee on Zoning and Housing did not approve it.

The standards for mobile commercial establishments proposed in Bill 10 provide no protections against litter or visual pollution and do not require environmentally-sound waste disposal. Bill 10 has **no provisions to control the visual blight and sign clutter** that are now caused by the proliferation of food trucks on the North Shore and elsewhere. Not only does Bill 10 **allow each food truck to be covered with signage** as they are now, it also specifically **allows each food truck to have a portable sign** even though "portable signs" are prohibited in the sign code (ROH Sec. 21-7.30(c)).

Bill 10 **does not require landscape screening** of food trucks and does not limit the number of establishments operating on a single lot.

Island-wide regulation of mobile commercial establishments is a worthy goal; however, **the current proposal in Bill 10 encourages proliferation of this type of business without adequate protections for the community.**

The mobile food service industry originally operated under the rules for itinerant

vendors who would stay in one location no longer than 3 hours and would comply with food safety regulations by returning to a commercial kitchen each day for cleaning and servicing.

The industry being addressed in Bill 10 is the "non-mobile, outdoor food service industry." Bill 10 fails to recognize this distinction. These businesses set up shop and stay in one location for a long period of time. They create visual blight, are not required to follow the sign code, and are often not required to follow food safety or waste disposal requirements. **This is an industry that needs regulation, but Bill 10 falls far short of accomplishing this goal.**

Please note that the State Dept. of Health is no longer enforcing their rules regarding food trucks moving daily to return to their commercial kitchen for cleaning and disposal of waste such as grease. They are also not required to have toilet facilities for their employees and their customers.

Food trucks either need to be "mobile" and move every day as originally intended OR they need to be treated as buildings.

The North Shore Outdoor Circle is working to keep the North Shore of Oahu **clean, green and beautiful**. With reasonable regulation, mobile commercial establishments can contribute to this goal and also contribute to the local economy. To do so, **the regulations must include**:

- Compliance with the County sign code that other businesses have to follow.
- Landscape screening from street view (as required in ROH 21-4.70(d)and(e) for other unsightly land uses)
- Provision for environmentally safe waste disposal including grease disposal
- Provision of restroom facilities for employees (at a minimum).

I urge the Committee to insist that Mobile Commercial Establishments be removed from Bill 10 until an effective regulatory plan is developed and included.

Thank you for your commitment to keep the City and County of Honolulu clean, green and beautiful.

Kathy Whitmire
kathyjwhit@aol.com
808-226-9612

Hawaii's Thousand Friends
335 Hahani Street #342132 * Kailua, HI 96734 * Phone/Fax (808) 262-0682 E-Mail: htf3000@gmail.com

April 21, 2022

Committee on Zoning and Planning
Brandon J. C. Elefante, Chair
Esther Kia`aina, Vice Chair
Randiant Cordero
Calvin K.Y. Say

Bill 10 LUO
AMENDMENT RELATING TO USE REGULATIONS

Hawaii's Thousand Friends, a non-profit dedicated to ensuring that appropriate land and water planning and management decisions are made to protect the environment, human health and cultural and natural resources, has the following comments on Bill 10.

We are concerned that allowing housing in the business district and grocery stores in residential areas allows incompatible uses and will begin to erode Oahu's zoning that is in place to protect recreational areas, open space, the environment and ensure that uses are compatible.

Pg. 14 (1) Agricultural Equipment Service

(A) Defined: Selling and repairing machinery used in agricultural production, such as tractors, planters and harvesters

- (B) Standards

  (i) *All structures and activities must be set back a minimum of 100 feet from an adjoining Residential, apartment or Apartment Mixed Use District.*

  Recommend keeping the existing 300-feet setback because the repair of large machinery can be noisy and disruptive to adjacent residents.

Pg. 10 Farm Dwelling

(B) Standards

(iv) *In the AG-2 District, the number of farm dwellings must not exceed 1 for every 2 acres of lot area.*

- Allowing a density of 1 house for every 2 acres is counter to the intent of the A-2 agricultural district. *The intent of the AG-2 general agricultural district is to conserve and protect agricultural activities on smaller parcels of land.*

- **Recommend allowing only 1 farm dwelling on smaller parcels of land to prevent urbanizing agricultural land and leaving more land for farming.**

Pg. 30 (6) Rooming

- Provide a definition of ***occupant,*** which is used in (6)(A) *providing accessory overnight living accommodations compensation for a period of 30 days or more in the same dwelling unit occupied by an owner or* ***occupant.***

- What is the definition of *occupant?*

- Bill 10 is unclear how allowing *No more than 3 roomers* (to) *reside in a dwelling unit (in addition to the members of a related household)…for periods of 30 days or more in the same dwelling unit as that occupied by an owner, lessee, operator, or proprietor* **is different from a Bed and Breakfast Home.**

  Pg. 45 (1) Bed and Breakfast Home
  (A) Defined: *A use in which overnight accommodations….to guests for compensation, for periods of less than 30 days, in the same detached dwelling.*

Bill 10 contains only one reference to food trucks **(3) Mobile Commercial Establishment Pg. 66**. There is no **Mobile Commercial Establishment** listed in **Sec. 21-5.30 Use Table.** Do food trucks fall under **General Eating and Drinking a**nd are a permitted use in AMX 1,2,3, Resort, B-1, B-2, BMX-3, 4, I-1,2,3 and IMX-1?

If so, food trucks, which are restaurants on wheels, do not meet the purpose of B-1 zoning. **Sec. 21.3.110 Business districts-Purpose and intent** *The intent of the B-1 neighborhood business district is to provide relatively small areas which* ***serve the daily retail and other business needs of the surrounding population.*** *It is intended that this district be generally applied to areas within or adjacent to urban residential areas, along local and collector streets, but not along major travel routes or on a large scale basis. It would also be applied to rural and urban fringe town centers which may or may not be located along major travel routes.* (Emphasis added)

Food trucks in the B-1 district are an incompatible use and should not be allowed.

Sunset Beach Community Association
P.O. Box 471
Haleiwa HI 96712

March 18, 2022

City and County of Honolulu
Planning and Zoning Committee

Re: Support Wind Turbine Setback of 1.25 Miles

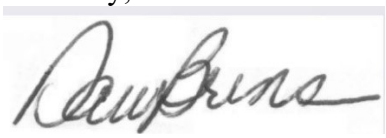
Aloha Chair Elefante, Vice Chair Kia'aina, Concilmembers Cordero and Say,

The Sunset Beach Community Association fully supports and shares the Kahuku Community Association's endeavor to update Bill 10 law to require a 1.25-mile minimum wind turbine setback distance. Additionally, we fully supported Heidi Tsunyeoshi's Resolution 19-305 for a 5-mile setback distance.

Given that there is no current state or local regulation or protection against elevated levels of low-frequency sound, a significant wind turbine setback distance or nighttime shutdown requirement is needed. Increasing the setback from residential homes, school, medical facilities and farm dwellings is imperative to protect community members from the adverse health effects and disruptions to living caused by industrial scale wind turbines.

We strongly believe that a 1.25-mile setback is a crucial step in the right direction.

Sincerely,



Dawn Bruns
Corresponding Secretary, SBCA

cc Kathleen Pahinui, North Shore Neighborhood Board
Senator Gil Riviere
Representative Sean Quinlan
Councilmember Heidi Tsuneyoshi
Dean Uchida , Director, Department of Planning and Permitting