

BILL010(22)
Testimony

MISC. COMM. 417

ZONING AND PLANNING

ZONING AND PLANNING Meeting

Meeting Date: Sep 26, 2022 @ 09:15 AM

Support: 9

Oppose: 47

I wish to comment: 30

Name: SharLyn Foo	Email: bpacker@maui.net	Zip: 96712
Representing: Self	Position: Oppose	Submitted: Sep 21, 2022 @ 02:42 PM
<p>Testimony:</p> <p>Aloha, This bill is giant and unruly legislation. It is a irresponsible attempt to address LUO changes. Bill 10 needs to be broken down to sections and needs alit more community input. Especially now that DPP is in disarray and is unable to implement anything , to push this overly broad bill thru is unjust and wrong .</p> <p>Please slow down and be much more concise,</p> <p>Mahalo Shar Lyn Foo</p>		
Name: Alicia Hill	Email: thehillshouse4@icloud.com	Zip: 96791
Representing: Self	Position: Oppose	Submitted: Sep 21, 2022 @ 04:57 PM
<p>Testimony:</p> <p>This bill is way to large!! It affects too many areas. Agriculture, Health, etc... This bill needs to be broken down. It's so large that you can agree to one and not the 9 others. It needs community input for this bill. To try to push this bill thru is absolutely unjust.</p> <p>Mahalo Alicia Hill</p>		
Name: Andrea Woods	Email: andreaswimsunset@yahoo.com	Zip: 96712
Representing: Sunset Beach Community Association	Position: I wish to comment	Submitted: Sep 22, 2022 @ 03:55 PM
Name: Ted Kefalas	Email: tkefalas@grassrootinstitute.org	Zip: 96814
Representing: Grassroot Institute of Hawaii	Position: I wish to comment	Submitted: Sep 22, 2022 @ 04:50 PM
Name: lynne matusow	Email: lynnehi@aol.com	Zip: 96817
Representing: Self	Position: Oppose	Submitted: Sep 22, 2022 @ 09:48 PM
<p>Testimony:</p> <p>Please defer this measure. It is being rushed through without public consultation/input. Most of us learned about it recently. Crafted by the leaderless, corrupt Department of Planning and Permitting which never reached out to real people, it does not take into consideration real impacts.</p> <p>These bureaucrats say they did outreach. We need to see a list of the many (their word) stakeholders, government agencies, consulting firms and developers who participated. How many is many? Meanwhile, the real people, those who will be affected daily, have not had any input. This measure must be deferred until the new council takes office in January when there will be at least three new members.</p> <p>The island is changing. Some areas are becoming more dense. For example, look at the urban core, specifically Kaka'ako, Downtown, and Chinatown. There are more high rises, more people on the streets. But areas designated BMX do not get treated the same as others marked residential, even though they have higher population counts. Residents living in BMX are subject to unending noise, 24/7, from sirens, souped up cars, trash trucks, bar patrons, etc. Residential areas have noise restrictions. Those of us who live in BMX suffer.</p> <p>Waikiki resident Carlino Giampolo said it eloquently in a Sept 22 Star/Advertiser letter, asking why Bill 23 is stalled, a bill that would ban trash pickup by private refuse companies before 6 a.m. He is correct in saying that the beeping, banging, and clanging of trash pickup activities could be considered abuse. This must be addressed in the LUO. Other communities have other interests.</p>		

There need to be public meetings, where people get to speak instead of being spoken to, where there is a short presentation (five to 10 minutes) and at least two hours is allocated to the public, where they can voice their frustrations, what they live with 24/7, what needs to be changed, what should stay the same.

Please defer action until the public gets to have a say, in their own communities. Slow the process. Put it on the back burner. Better to get it right. Respect the taxpayer, the residents, the communities, the real O'ahu.

Lynne Matusow

Name: Benjamin Sadoski	Email: bsadoski@5.unitehere.org	Zip: 96818
Representing: UNITE HERE Local 5	Position: I wish to comment	Submitted: Sep 23, 2022 @ 08:33 AM

Name: Stanford Carr	Email: scarr@stanfordcarr.com	Zip: 96813
Representing: Stanford Carr Development, LLC	Position: Support	Submitted: Sep 23, 2022 @ 08:52 AM

Name: Kristin Vasquez	Email: sawonglaw@hawaii.rr.com	Zip: 96813
Representing: Ko Olina Community Association	Position: I wish to comment	Submitted: Sep 23, 2022 @ 11:01 AM

Name: Sandie Wong	Email: sawonglaw@hawaii.rr.com	Zip: 96813
Representing: Ko Olina Community Association	Position: I wish to comment	Submitted: Sep 23, 2022 @ 11:10 AM

Testimony:
Aloha: Ko Olina Community Association prefers the 1.25 set back for wind machines over the 1 mile setback. However, we believe that a 5 mile setback be considered for wind machines proposed for mountain ranges above communities and resorts. See photo attached to testimony of Kristin Vasquez.
We support Councilmember Tupola's amendment regarding Districts in the Ko Olina area where short-term rentals are permitted.
Mahalo.

Name: Frederick Mencher	Email: frederickmencher@gmail.com	Zip: 96817
Representing: East Oahu County Farm Bureau	Position: Oppose	Submitted: Sep 23, 2022 @ 11:14 AM

Name: mikme dixon	Email: 22pokoli@gmail.com	Zip: 96712
Representing: Self	Position: Oppose	Submitted: Sep 23, 2022 @ 12:39 PM

Testimony:
Aloha

I know this is a critical Bill
Break it up into smaller lumps
Unless you are a professional involved in these issues it is too much.
For example:
Things to do with seashore; how to save or let go of existing homes.
Things to do with condo farms and house building

Things to do with_____.

Give your public chance to read, think and decide.

Trying. MMD

Name: Stacy Lieser	Email: sdliester@hotmail.com	Zip: 96791
Representing: Self	Position: Oppose	Submitted: Sep 23, 2022 @ 01:39 PM

Testimony:

I oppose Bill 10 because it is too large and too vague on many subjects. Some of these topics need to be broken down into smaller bills. Food trucks are a very slippery slope and if we continue to let them go unregulated, communities and coastlines will be effected and we will not be able to come back.

Name: Alice Hahn	Email: alice@nmplimited.com	Zip: 96817
Representing: Nuuanu Memorial Park, Ltd	Position: I wish to comment	Submitted: Sep 23, 2022 @ 02:17 PM

Name: Han Ching	Email: han@alohainv.com	Zip: 96816
Representing: Diamond Head Memorial Park Assn, Ltd.	Position: I wish to comment	Submitted: Sep 23, 2022 @ 02:22 PM

Name: Jay Morford	Email: Jay.Morford@Dignitymemorial.com	Zip: 96817
Representing: Hawaii Funeral & Cemetery Association	Position: I wish to comment	Submitted: Sep 23, 2022 @ 03:18 PM

Name: Nicole Galase	Email: nicole@hicattle.org	Zip: 96816
Representing: Hawaii Cattlemen's Council	Position: I wish to comment	Submitted: Sep 23, 2022 @ 03:34 PM

Name: Douglas Luka	Email: socfarmers808@gmail.com	Zip: 96816
Representing: South Oahu County Farmers Association	Position: I wish to comment	Submitted: Sep 23, 2022 @ 03:37 PM

Name: Frederick Redell	Email: fred@hawaiiicleanpower.org	Zip: 96813
Representing: Hawaii Clean Power Alliance	Position: I wish to comment	Submitted: Sep 23, 2022 @ 04:04 PM

Name: Nicolas Vargas	Email: nicovargas722@gmail.com	Zip: 96791
Representing: Self	Position: Oppose	Submitted: Sep 23, 2022 @ 10:09 PM

Testimony:

I oppose Bill 10 because it's too large and should be broken into smaller bill and discussed accordingly.

Name:	Email:	Zip:
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Damien Kim	dkim@ibew1186.org	96819
Representing: IBEW Local Union 1186	Position: I wish to comment	Submitted: Sep 24, 2022 @ 09:38 AM
Name: Nancy Salemi	Email: salsalemi@gmail.com	Zip: 96712
Representing: Self	Position: Oppose	Submitted: Sep 24, 2022 @ 10:21 AM
Testimony: Many things (per ie lunch wagon s on state property with little regulation should not be grouped under big bills (so that they go un noticed!) This is a serious issue with long term and grave consequences and it would not be the first time some topic is over looked until the problem is unmanageable! Let's stop it now!		
Name: Caridad Leiva	Email: carill808@gmail.com	Zip: 96792
Representing: Self	Position: Oppose	Submitted: Sep 24, 2022 @ 01:17 PM
Testimony: I Caridad Leiva am opposed to Bill10.		
Name: Bridget Boyd	Email: bridgetboyd1@yahoo.com	Zip: 96821
Representing: Self	Position: Oppose	Submitted: Sep 24, 2022 @ 02:08 PM
Testimony: As a member of the equine community I strongly oppose!!		
Name: Micah Munekata	Email: mmunekata@ulupono.com	Zip: 96813
Representing: Ulupono Initiative	Position: I wish to comment	Submitted: Sep 24, 2022 @ 06:37 PM
Name: Diana Puulei	Email: dpuulei@yahoo.com	Zip: 96792
Representing: Self	Position: Oppose	Submitted: Sep 24, 2022 @ 07:17 PM
Testimony: I oppose of this.		
Name: Christopher Delaunay	Email: cdelaunay@prp-hawaii.com	Zip: 96813
Representing: Pacific Resource Partnership	Position: Support	Submitted: Sep 24, 2022 @ 09:45 PM
Name: Dawn Bruns	Email: dawnbruns@gmail.com	Zip: 96712
Representing: Self	Position: I wish to comment	Submitted: Sep 25, 2022 @ 08:12 AM
Name: Chris Bruns	Email: sledge77@hotmail.com	Zip: 96712
Representing: Self	Position: I wish to comment	Submitted: Sep 25, 2022 @ 08:28 AM
Testimony:		

1.25-mile wind turbine setback is a step in the right direction but 3 miles away, when all the Kahuku Wind Farm turbines are on, or when only a few are on during high wind conditions, our sleep is severely affected.

These wind turbines would never have been allowed if the wind farms had disclosed the serious sleep disturbance (and attendant fatigue and cognitive declines) they cause.

Thankfully all the turbines are within 1.25 miles of Kahuku so this legislation will enable us to stay in our home at Sunset Beach. But it doesn't prevent someone from building within 5 miles of another community. To do that, a community will be more likely to identify a site 2.5 miles upwind from their residents - to target to change a small area of ag land to residential zoning. I am hopeful your body will understand and support this future zoning change request made necessary by your failure to require a 5-mile wind turbine setback on land. The larger at-sea turbines would produce higher decibel levels of low-frequency sound - I notice the only at-sea wind turbines on the east coast not buried in litigation are 15 miles offshore.

Name: Denise Antolini	Email: antolinid@gmail.com	Zip: 96712
Representing: Self	Position: Oppose	Submitted: Sep 25, 2022 @ 09:27 AM

Name: Michelle Blaconiere	Email: hnlhorse@gmail.com	Zip: 96792
Representing: Self	Position: Oppose	Submitted: Sep 25, 2022 @ 11:41 AM

Testimony:

I oppose all the proposed changes that would limit and restrict the use for ag land and would actually like to see more parcels from one acre and up to include more livestock and ag growing minus the ridiculous restrictions. We live in America and these "rules" infringe upon our God given rights!

Name: Julius Mendoza	Email: koamendoza5419@gmail.com	Zip: 96792
Representing: Self	Position: Oppose	Submitted: Sep 25, 2022 @ 11:44 AM

Testimony:

I firmly oppose all proposed agricultural restrictions.

Name: Sonja Bigalke-Bannan	Email: sonja@hearthorses.com	Zip: 96713
Representing: Self	Position: Oppose	Submitted: Sep 25, 2022 @ 12:17 PM

Testimony:

While I suspect the intent of this bill is to prevent the rise of the gentleman farm, the suggested changes in this bill way overshoot the mark and will strike a large blow to the equine agricultural industry. So many ranches and farms have shut down in recent years, or have kicked out the animals and become wedding venues instead. The Paniolo history that is so important to our islands has been preserved by the horse industry is under threat. By removing horse breeding and boarding from allowed activities on agricultural lands, you strike yet another blow. On our farm we have horses, but we also provide a broader community service by offering equine assisted psychotherapy, therapeutic riding, and occupational and physical therapy to a rural community that is lacking in services. These changes threaten our program and ability to continue to provide services. We also provide access to interactions with these animals to lower income families and individuals, because we understand how impactful interaction with these animals can be.

Name: Shelly Leslie	Email: ponoiia@gmail.com	Zip: 96792
Representing: Self	Position: Oppose	Submitted: Sep 25, 2022 @ 12:26 PM

Testimony:

As if life isn't hard enough? Putting ALL your eggs in one basket has lethal consequences for small business owners. Regulating

their AG land that they own (or the bank owns) down to the footage is assuming that the board knows better than the owner?!? I live on two acres and raise goats, chickens, have a foster rescue and have 6 hoofed stock. I sell a few goats a year, chicken eggs and sometimes a horse. Now my friend has a young horse that needs surgery and daily care. With your regulation I wouldn't be able to board her filly? How does this make sense? Perhaps instead of trying to pass "one size fits all" bills, maybe figure out what is the end state that you are trying to get to, and pass a bill that works toward that goal?

Name: Kathleen Pahinui	Email: pahinuik001@hawaii.rr.com	Zip: 96791
Representing: Self	Position: Support	Submitted: Sep 25, 2022 @ 12:29 PM

Name: Allyssa Barlow	Email: barlowallyssa@yahoo.com	Zip: 96791
Representing: Self	Position: Oppose	Submitted: Sep 25, 2022 @ 12:54 PM

Testimony:
I have been working on Dillingham Ranch in Mokuleia for the past 15 years. One of the largest ranches on Oahu with a long history of cattle and equine production. Horses have been and still are key to livestock production on Agriculture lands. Horses are used to monitor and work cow herds, work the land, check fence lines, ect. Horseback is often the only way to traverse into the mountains to herd the cattle back down. Restricting horses from Agriculture land is the same as restricting cattle and ranching in general.

Agriculture land should continue to include the boarding of horses. Ranches that offer horse boarding is a way for the community to enjoy the country while still preserving open spaces. Riding spaces and horse pastures require the land to be kept open and undeveloped.

Horses are part of the beauty of the country and have a history and future here.

Name: Holly Gedeon	Email: hollykgedeon@gmail.com	Zip: 96821
Representing: Self	Position: Oppose	Submitted: Sep 25, 2022 @ 01:14 PM

Testimony:
This bill is extremely detrimental to the current owners of ag land who are abiding by the rules in place when the land was purchased. In your effort to prevent misuse of agricultural lands, you're explicitly harming those of good nature, faith and accordance of previous law. This bill was stalled and now suddenly it's back in full force and steam training ahead. It must pause, if not stop completely and be rewritten. There is a need to separate the plethora of issues this single bill is attempting to cover. You need to assess and address the detriment it will cause current law-abiding AG land owners. Shame!

Name: Patricia Maxwell	Email: palpati@aol.com	Zip: 96712
Representing: Heart Horses	Position: Oppose	Submitted: Sep 25, 2022 @ 01:31 PM

Testimony:
This will strike a large blow to the equine agricultural industry. So many ranches and farms have shut down in recent years, or have kicked out the animals and become wedding venues instead. The Paniolo history that is so important to our islands has been preserved by the horse industry is under threat. By removing horse breeding and boarding from allowed activities on agricultural lands, you strike yet another blow. On our farm we have horses, but we also provide a broader community service by offering equine assisted psychotherapy, therapeutic riding, and occupational and physical therapy to a rural community that is lacking in services. These changes threaten our program and ability to continue to provide services. We also provide access to interactions with these animals to lower income families and individuals, because we understand how impactful interaction with these animals can be.

Name: Karen Kiefer	Email: karen@karenkiefer.com	Zip: 96734
Representing:	Position:	Submitted:

Self	I wish to comment	Sep 25, 2022 @ 01:39 PM
<p>Testimony:</p> <p>Aloha,</p> <p>As a member of the horse back riding community on Oahu, I would like to say that horse related activities are a big part of our culture and community well being and would urge you to vote to support the on going presence of equestrian facilities on Ag land on Oahu. Thank you for your support.</p>		
Name: Calvert Chipchase	Email: cchipchase@cades.com	Zip: 96813
Representing: Cades Schutte LLP	Position: I wish to comment	Submitted: Sep 25, 2022 @ 01:57 PM
Name: Baiba Serocca	Email: baibaserocca@gmail.com	Zip: 96789
Representing: Self	Position: Oppose	Submitted: Sep 25, 2022 @ 02:07 PM
<p>Testimony:</p> <p>It has been brought to my attention that in Bill 010 (22) horse stables are not an allowable use of agricultural land. Horse stables and horse boarding should remain an allowable use of agricultural land. To recategorize these entities into something else is ridiculous.</p>		
Name: Gayle Fujita Ramsey	Email: fujitaramsey@gmail.com	Zip: 96782
Representing: Self	Position: Oppose	Submitted: Sep 25, 2022 @ 02:07 PM
<p>Testimony:</p> <p>I oppose limiting equine use on AgLand.</p> <p>In a time when many are dealing with stress and anxiety you wish to take away the one non pharmaceutical method of finding sanity in messed up world.</p> <p>Why? What is the purpose? To add this other then one more way to limit what we love and enjoy. There are already so few ranches, horse boarding facilities that is somewhat affordable, and now this.</p> <p>How many children and adults love horses. Love seeing them in parades. P' is part of our Hawaii, even Oahu. Why is a bill written ti exclude or limit them?</p> <p>So many other more pressing things such as AG land that has a cemetery of old vehicles, machinery that has obviously not moved in years leaking oil and other chemicals. Why not write a bill that targets owners that are using Age land as storage for these items...and let m just say storage is more like a dump.</p> <p>Focus on what is harming our land that brings no joy or mental stability.</p> <p>Shame on the bill writer and supporters. What and who is lining your pockets to get this bill passed?</p> <p>Leave the equine properties alone and stop trying to redefine ag. Clean up what is obviously not!</p>		
Name: Melissa Olim	Email: kaugurl808@gmail.com	Zip: 96825
Representing: Self	Position: Oppose	Submitted: Sep 25, 2022 @ 03:07 PM
<p>Testimony:</p> <p>Stables should be allowed to board horses as long as they are cared for and all humane laws are followed. It has become increasingly difficult to be a horse owner in this state and this would make it even harder to continue to do what we love to do. The</p>		

horse community should be protected. Not harmed.

Name: Jessica Reynolds	Email: jessicarmccann@gmail.com	Zip: 96791
Representing: Self	Position: Oppose	Submitted: Sep 25, 2022 @ 04:16 PM

Testimony:

Ag land should not be restricted to horses - only to allow someone else to build a house on it. That is the point of ag land- a place to farm and keep animals!

Name: Elizabeth Germain	Email: Egermain25@hotmail.com	Zip: 96825
Representing: Self	Position: Oppose	Submitted: Sep 25, 2022 @ 04:29 PM

Testimony:

As a horse owner and boarder, I would like to comment that a horse farm of any sort is an agricultural business. As with any live animal, there has to be someone available living on property for the safety of the animals and the public. What if an animal gets out and into the public. Think about it like the zoo. What if those animals get out? Would that be safe for the animals or the public? Also, what if there is a fire or an animal becomes sick? Someone needs to be monitoring them 24/7.

Name: Atalina Pasi	Email: kahukucommunityassociation@gmail.com	Zip: 96731
Representing: Kahuku Community Association	Position: Support	Submitted: Sep 25, 2022 @ 04:57 PM

Name: Seren Weber	Email: cwisnw2088@gmail.com	Zip: 96813
Representing: Self	Position: Oppose	Submitted: Sep 25, 2022 @ 05:03 PM

Testimony:

How can you say that the state of Hawaii wants to increase sustainable ag and locally produced agriculture when you won't allow leased homes on farm property? I am a farmer and I do not know any other farmers who can afford to own their land on Oahu. I had to commute from Honolulu to Haliewa for two years and was paid under livable wages in order for the farm to compete with produce brought in from the mainland. It's like you are not even thinking about how this can even functionally work, or you are not actually talking to the farmers and the people in the fields. Stop talking to the rich and wealthy people who are only here to live in their mansions on acreage, plant some fruit trees, and then leave half the year renting the house to tourists. This is just ridiculous. Think about the cost analysis, talk to the farmers, the field workers and then go talk to an economist and do the math on if this is actually a reasonable bill.

Name: Senator Kurt Fevella	Email: senfevella@capitol.hawaii.gov	Zip: 96706
Representing: Self	Position: Support	Submitted: Sep 25, 2022 @ 05:50 PM

Name: Ana Murray	Email: beachhousehawaii.comana@gmail.com	Zip: 96795
Representing: Self	Position: Oppose	Submitted: Sep 25, 2022 @ 05:50 PM

Testimony:

Aloha

We owned agricultural land and have never been notified of this bill. It seems something of this scope should be broken up into different parts that affect different communities and landowners. Nobody has contacted the Waimanalo agricultural Community with information on this bill.

Name: Anita Johnson	Email: caznitaj@gmail.com	Zip: 96717
Representing: Self	Position: Oppose	Submitted: Sep 25, 2022 @ 06:00 PM
Testimony: I vehemently oppose this bill it will unfairly target horseowners.		
Name: Greta Ivezaj	Email: gretaivezaj@me.com	Zip: 96734
Representing: Self	Position: Oppose	Submitted: Sep 25, 2022 @ 06:16 PM
Testimony: Allow horse boarding to continue on oahu		
Name: Abigail Rose	Email: molokaipony@gmail.com	Zip: 95707
Representing: Self	Position: Support	Submitted: Sep 25, 2022 @ 06:25 PM
Testimony: Livestock such as horses should not be considered an acceptable use for ag lands. The primary use should be to grow food/produce. The amount of land used for housing should be limited.		
Name: Cristin Selle	Email: piccoloflute14@gmail.com	Zip: 96826
Representing: Self	Position: Oppose	Submitted: Sep 25, 2022 @ 07:04 PM
Testimony: Any alterations that put more restrictions, burdens, and frivolous regulations on the equine community risk endangering and already shrinking but crucial part of Hawaii.		
Name: Karin OMahony	Email: k7omahony@aol.com	Zip: 96795
Representing: Self	Position: Oppose	Submitted: Sep 25, 2022 @ 08:10 PM
Testimony: Please vote no on built-in regarding the land-use ordinance changes. This enormous bill contains many drastic changes that harm residents. The further restrictions on horse properties are not warranted or what the people want.		
Name: Ken Takeya	Email: takeyak001@hawaii.rr.com	Zip: 96734
Representing: Self	Position: Oppose	Submitted: Sep 25, 2022 @ 08:15 PM
Testimony: I oppose the passing of Bill 10. Too often things are rushed through before the public has had a chance to properly review all the facts and nuances of the bill. It appears this is to satisfy special interest groups rather than being in the best interest of the general public. This bill has too many far-reaching implications that could actually damage rather than help the situation.		
Name: Lee Cuccia	Email: lcuccia@yahoo.com	Zip: 96734
Representing: Self	Position: Oppose	Submitted: Sep 25, 2022 @ 08:24 PM
Testimony:		

I oppose this measure. Horses belong on ag land and this bill just makes it more difficult for the horse community to continue to exist. As you not allowing a caretaker's home in ag land? That is insane as a caretaker is very much needed for any sort of livestock/ animal related business for safety. In fact it would help for any ag related business.

Name: Jacob Franco	Email: jac1snake@yahoo.com	Zip: 96731
Representing: Self	Position: Support	Submitted: Sep 25, 2022 @ 08:26 PM

Name: Vera-Marie Lee	Email: hawaiiiequineassistedservices@gmail.com	Zip: 96717
Representing: Self	Position: Oppose	Submitted: Sep 25, 2022 @ 08:43 PM

Testimony:
For hundreds of years Traditional farm work required the use of horses ,they are a staple of what the word agriculture means. This is nonsensical.This will be devastating for the equine industry in Hawaii .

Name: Lois Brown	Email: llois@gmail.com	Zip: 96734
Representing: Self	Position: Oppose	Submitted: Sep 25, 2022 @ 08:51 PM

Testimony:
i oppose this bill. we need to take time to review the information.

Name: Winston Welch	Email: winston@outdoorcircle.org	Zip: 96814
Representing: The Outdoor Circle	Position: Oppose	Submitted: Sep 25, 2022 @ 08:58 PM

Name: Dana Lyons	Email: contact@sierracluboahu.org	Zip: 96803
Representing: Sierra Club of Hawai'i O'ahu Group	Position: I wish to comment	Submitted: Sep 25, 2022 @ 09:21 PM

Name: Greg Shimokawa	Email: greg.shimokawa@hawaiianelectric.com	Zip: 96840
Representing: Hawaiian Electric	Position: I wish to comment	Submitted: Sep 25, 2022 @ 09:49 PM

Name: Rouen Liu	Email: rouen.liu@hawaiianelectric.com	Zip: 96840
Representing: Hawaiian Electric	Position: I wish to comment	Submitted: Sep 25, 2022 @ 09:51 PM

Testimony:
I will be available to respond to any questions related to Bill 10, CD1 during hearing.

Name: Natalie Iwasa	Email: iwasajunk@mail.com	Zip: 96825
Representing: Self	Position: I wish to comment	Submitted: Sep 25, 2022 @ 09:52 PM

Name: Angela Huntmer	Email: ahuntmer@aol.com	Zip: 96731
Representing:	Position:	Submitted:

Self	I wish to comment	Sep 25, 2022 @ 09:56 PM
<p>Testimony:</p> <p>This bill has many good ideas that should be implemented. However, there are also many inconsistencies and problematic proposals. Please allow the public and the council more time to work on the problems. Thank you.</p>		
Name: Andrea Anixt	Email: andreapeatmoss6@gmail.com	Zip: 96730
Representing: Self	Position: Oppose	Submitted: Sep 25, 2022 @ 09:58 PM
<p>Testimony:</p> <p>Please defer this Bill. The Public Interest would be better served by some more community input as of now in many people's opinions, including mine.</p> <p>After all the time spent on the O'ahu General Plan and Ko'olauloa 'Sustainable Community' Plan, and the State Coastal Highways Plan, this Bill 10 seems to have out of sync plans/goals; and 'results' that need amending to prevent urban sprawl in Ko'olauloa and on the North Shore. There is ONE through road for about 40 miles, a two lane blacktop eroding into the ocean while serving millions of tourists and now beleaguered residents that do not need housing built on the agricultural lands! Not even for the growing amount of houseless who need to be where the jobs and infrastructure and government services are. Does Bill 10 address the biggest land use issues for food for people who live here?</p> <p>Defer this today for more discussion in the community please.</p>		
Name: Stephanie Murray	Email: Stefstar1@gmail.com	Zip: 96782
Representing: Self	Position: Oppose	Submitted: Sep 25, 2022 @ 10:18 PM
<p>Testimony:</p> <p>I oppose this bill that puts restrictions on horse boarding on ag land .</p>		
Name: Sandra Van	Email: sandy@proacific.com	Zip: 96792
Representing: Self	Position: Oppose	Submitted: Sep 25, 2022 @ 10:22 PM
<p>Testimony:</p> <p>I strongly oppose this bill, as I believe it to be unconstitutional and will result in the displacement of many people — especially elders — who have lived on their land for decades - some for multiple generations. Especially vulnerable are the elderly who are physically unable to be involved in farming, but are required to do so themselves in order to live in their own homes. This bill demands that regardless of age or health status, they must be actively involved in crop production and harvesting. They are specifically precluded from leasing their land to others who may be younger, healthier and in possession of appropriate (expensive) farming Implements that could potentially in some, but not all, cases make farming a profitable venture. This makes no sense at all. People like myself who live on small parcels in areas not suitable for successful commercial crop production (thin, rocky soil with inadequate rainfall) cannot afford to purchase the costly farming implements or even the cost of irrigation. Demanding that property owners pursue a government mandated profession (crop farming) is no different from communist countries that dictate careers to their citizens. Please do not pursue this reckless measure. It will surely be challenged in the courts and ultimately overturned. But at what cost to our citizens and to taxpayers. It is irresponsible, dictatorial and wrong. Pure and simple.</p>		
Name: Brenda Jensen	Email: bajensen@hawaii.rr.com	Zip: 96734
Representing: Self	Position: I wish to comment	Submitted: Sep 25, 2022 @ 10:42 PM
<p>Testimony:</p> <p>Aloha,</p> <p>I would like to present my formal concern regarding Bill 10, as it may seek to limit the use of designated agricultural lands to support primarily equine facilities. I would like to voice my most strident concern that this bill be sure to allow horse facilities to</p>		

qualify as agricultural activities that qualify under such zoning. This bill should not allow primarily HORSE facilities to be disqualified from an approved designated use for land zoned for agricultural use.

The housing, boarding, raising, and support of horses is very much within the kuleana of our husbandry obligations as a community. Our distinguished, historic, and respected Paniolo tradition must be considered here. Designated equine facilities always support additional agricultural purposes and build community ties, including opportunities for healthy outdoor youth activities. Facilities supporting horses have been dramatically reduced in number in recent years, to a perilous number such that the horse community struggles to secure venues for training, boarding, and community events.

Please contact me if you would like more information, or prefer verbal in person testimony. I represent a large farm in Maunawili, Oahu, and I am an officer in a national equine husbandry organization that supports horse husbandry, youth education, and conservation.

Name: Kenneth LeVasseur	Email: Cetaman@aol.com	Zip: 96744
Representing: Self	Position: I wish to comment	Submitted: Sep 25, 2022 @ 10:59 PM

Testimony:

Aloha and Mahalo,

The PROPOSED CD1 of Bill 10 is a very positive effort to address the sustainability of our island agriculture, but our agricultural access roads, traffic safety and racing have not been addressed.

Summary; This testimony requests that all parts of BILL 10 (2022) PROPOSED CD1 that reference existing uses or added PUBLIC uses and assembly areas "in the AG-1 and AG-2 Districts" and "Country Districts", with a current six or more commercial or personal vehicles allowed on site, be changed to include a limitation of "six or more commercial or personal vehicles"; or limit assembly site locations, or assembly site parking areas, to within a "quarter mile" of a State highway as a "Conditional Use" (major or minor). State highways are major thoroughways for safe and efficient commercial and public access and exist in all AG-1, AG-2 and Country Districts on O'ahu.

Requiring assembly site locations to be within a "quarter mile" of a State highway is extremely important for safety in our agricultural and country areas.

The agricultural areas of Kahalu'u are being endangered by the City and County of Honolulu through its Department of Planning and Permitting counter to recent City and County sustainability requirements. Recent DPP permits have shown that DPP does not understand what sustainability means at the country community, and farmer level, much less how roads and traffic affect our farming communities. But the DPP follows the LUO, so the LUO improvements possible through "Bill 10" can give better guidance to DPP on road and traffic issues in our agricultural and country districts.

Our Kahalu'u Community has always lived with an understaffed police presence and as a Kahalu'u Neighborhood Board member for thirty years, or so, and as a Board - at board meetings, we have never been witness to a fully staffed Honolulu Police Department. As chair of the Transportation, Transportation and Safety or just Infrastructure committees for 30 years, I can testify to a serious problem we have with racing on our back roads because we do not have enough police here that are able to stop that racing. That is obviously because most of our area is agricultural land and not humans, and their abodes, like residential properties in city and residential areas. Why have police protecting our taro? (We like it but it is not cost effective, and we understand that.) But it does contribute to a racing problem that HPD does recognize and would like to have addressed (per private conversation).

Simply put, farming communities have a problem within their own community, and more often with outsiders, of racing on their back roads because police are not used often enough to police our agricultural roads and protect our agriculture lands - especially when the police are understaffed. (Sometimes this is referred to as a "Dukes of Hazard" problem - like the old TV show).

Kahalu'u has a long record of how this is dangerous for members of our community. Mr. Hashimoto had to rebuild his CMU wall twice from racing and drifting crashes. In this case, bollards were rejected as a solution because, as was said at the time by the City, "We want to stop the racing, we do not want to kill the racers".

The problem in the agricultural areas of Kahalu'u is that the City "Country Road" Standard is 20 feet wide in the subdivision rules and regulations, but our farm access roads are 15-17 feet wide. The current racing areas in Kahalu'u have road widths of 20 feet or more. Our narrow farm access roads discourage racing even as "displays of speed" are noted on occasion. When the DPP allows assembly uses, such as a meeting facility, deep in our agricultural areas, they condition and require road widening to 20 feet according to the subdivision rules and regulations. This widening can create a miles long winding raceway that racers

throughout the island look for and use. We have seen this in our more suburban areas of Kahalu'u (i.e. Hashimoto's CMU wall). Such road widening also encourages realignment of Community Growth Boundaries, rezoning and development, which flies in the face of the sustainability of our farmlands. Our country roads should not exceed 16 feet in width, so racing is inhibited. While the PROPOSED CD1 is a very positive effort to address the sustainability of our island agriculture, we need to also address the dangers of road access width, racing and traffic issues for allowed assembly sites in our farming areas. Widening our farm access roads for assembly areas, especially meeting facilities, that are used occasionally (sometimes only once a week), leaves the resulting raceway for use 24/7 – a much longer time.

The danger a raceway presents over time (24/7) does not justify the proposed safety of a 20-foot-wide access road to an assembly site allowed by CUP deep in our agricultural lands. We need to sustain our agriculture, not endanger our farmers when out of control cars crash into their houses and fields!

Please also require that any existing CUPs that have not been completed or executed as of the effective time of this legislation, go under review for this important racing issue and denied if required. There are other areas where assembly sites can be provided that do not encourage racing as noted in this testimony and "land swaps" could be arranged or encouraged. A win-win situation can be developed. No racing on our farm roads!

Aloha and Mahalo!

Ken LeVasseur

808-239-5875

Name: Jason Brand	Email: jason@kohanarum.com	Zip: 96816
Representing: Self	Position: Oppose	Submitted: Sep 25, 2022 @ 11:58 PM

Testimony:

While I am appreciative of the efforts to clarify many parts of the city and county's land use ordinances, this bill has not yet achieved those goals. In fact, this bill specifically would take our business, a true agricultural enterprise from growing to processing, and force us to relocate to industrial areas that make no sense for our type of farming. And while our business, which is a true farm, would have to move, non-farming uses such as sports courts or even housing developments would be permitted on agricultural land. The messaging of this bill, as its details are currently drafted, confuse the stated goals towards agriculture for the City (and State and Federally). I am willing to work with the council, directly or through farm agencies, to help develop language to achieve better clarity and alignment of land use and stated goals, with a focus on agriculture. For now, please do not pass this bill.

Name: Grace Himenes	Email: pipspal@aol.com	Zip: 96734
Representing: Self	Position: Oppose	Submitted: Sep 26, 2022 @ 12:47 AM

Testimony:

The DPPs proposals on AG land use make it extremely difficult for people to adhere to and stay in business. It seems unfair to dictate such rigid demands to people who own their land and work hard to stay in business.

I would like to know why out of the variety of livestock, horses are being singled out to not be eligible to live on AG land. There are fewer places to keep horses whether it be due to private properties being sold or leases ended and weren't renewed.

The restriction that no one can live on the property is a major problem, you have live animals and someone needs to be there in case of an emergency and/or prevent theft. A perfect example is the recent fire in Mokuleia, dozens of horses had to be evacuated.

There is a misconception that only rich people have horses and that's not true, the vast majority of owners work hard to have a horse and many horses have jobs, ranch work, trail rides, and therapeutic horses.

Therefore I ask that the livestock restrictions be reconsidered.

Name: Candace Fujikane	Email: fujikane@hawaii.edu	Zip: 96744
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Representing: Self	Position: Support	Submitted: Sep 26, 2022 @ 01:02 AM
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Testimony:

I am testifying to support the proposed 1.25 mile setback. I am very happy to learn that Zoning and Planning Chair Elefante is amending his proposed 1 mile in his CD1 (committee draft) to 1.25 mile setback and that Council members Tsuneyoshi, Kiaina, Tupola, and Cordero have also requested a 1.25 mile setback.

The proposed 1.25 mile setback is critical 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.

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 in November 2019. On November 19, 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. When Pacific Islanders and Knaka Maoli are getting arrested multiple times to stand on the front lines to protect their communities from the harmful effects of renewable energy projects sited to closely to their homes and schools, more of us need to step in to help shoulder that weight of kuleana. I was arrested with 20 others standing for Kahuku, and the charge was "failure to obey a police officer" because we chose to sit on the road to block the AES trucks from leaving the baseyard.

Please support this 1.25 mile setback.

No kuu Ihui e hawi pau a i ola mau (For my beloved nation I give my all, so that the legacy lives on).

Mahalo piha.
Candace Fujikane
UH English professor
Resident of Heeia Uli near Kneohe

Name: Choon James	Email: ChoonJamesHawaii@gmail.com	Zip: 96762
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Representing: Self	Position: Oppose	Submitted: Sep 26, 2022 @ 01:11 AM
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Name: Abbey Crowell	Email: th3abbs@gmail.com	Zip: 96734
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Representing: Self	Position: Oppose	Submitted: Sep 26, 2022 @ 06:46 AM
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Testimony:

There are already little to no farms and boarding facilities for horses on Oahu on certain parts of the island, and this bill could possibly make those even fewer. I have known of 2 in the last year alone that have shut down. People use their farms for not only breeding but for horse boarding and for other allowed horse activities. This bill would be a huge blow to the small amount of farms left on Oahu.

Name: Nityananda Bull	Email: incredabullcreations@gmail.com	Zip: 96792
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Representing: Self	Position: Oppose	Submitted: Sep 26, 2022 @ 07:00 AM
Testimony: I oppose this bill. As a farmer that lives on her small farm and also has horses this will make my life unbearable and cost too much in water rates due to being in Waianae wjth fruit tree and orchards.		
Name: Meridee Pabst	Email: meridee.pabst@wirelesspolicy.com	Zip: 98671
Representing: Wireless Policy Group for AT&T	Position: I wish to comment	Submitted: Sep 26, 2022 @ 07:13 AM
Name: Jessica Cole	Email: jesscolefilms@me.com	Zip: 96790
Representing: Self	Position: Oppose	Submitted: Sep 26, 2022 @ 07:35 AM
Testimony: Please continue allowing horses to be classed as agriculture. They are a critical component to the ag process contributing rich manure to farming endeavors. They are culturally important as part of our paniolo history and go hand in hand with working cattle and other herd animals which are critical ag. Much of the land here is navigable only by horse. The amount of public stables on the island is dwindling, allowing horse farmers to keep their horses on land classified as ag will help mitigate the reduction of available space. Mahalo nui		
Name: Michael Parlin	Email: msully993@gmail.com	Zip: 96587
Representing: Self	Position: Oppose	Submitted: Sep 26, 2022 @ 08:01 AM
Testimony: As an independent contractor aiming to start my own home/farmstead, this bill directly targets those with my view of life. My ability to raise livestock, promote a traditional way of life for my friends, students, and family will be severely impacted and only allow city zoning councils to push-out farmers on acreage and allow more low-cost housing that will only add to the crippling decay of this island with the advent of low-cost housing and Air BNB-type rentals that only add to the chaos and suck the spirit out of Oahu. Please do not vote for this - as it pushes us traditionalists away and only makes us hard-working folk's live's harder. - Thank you for your time.		
Name: Sue Chipperton	Email: tailsticks@gmail.com	Zip: 96717
Representing: Self	Position: Oppose	Submitted: Sep 26, 2022 @ 08:16 AM
Testimony: I oppose this bill		
Name: Martin Nguyen	Email: martin@centre-urban.com	Zip: 96816
Representing: Centre Urban Real Estate	Position: Support	Submitted: Sep 26, 2022 @ 08:28 AM
Name: Calvert Chipchase	Email: cchipchase@cades.com	Zip: 96813
Representing: Cades Schutte	Position: I wish to comment	Submitted: Sep 26, 2022 @ 08:40 AM

Name: Kathy Putt	Email: lho@hawaiipublicpolicy.com	Zip: 96813
Representing: Crown Castle	Position: I wish to comment	Submitted: Sep 26, 2022 @ 08:43 AM

Name: Zhizi Xiong	Email: Alohadininedesign@gmail.com	Zip: 96817
Representing: Roar	Position: I wish to comment	Submitted: Sep 26, 2022 @ 08:43 AM

Testimony:

Dear chair, vice chair and members of the committee,

I'm testifying to provide comments...I'm not a developer or someone with a big parcel of ag land but I couldn't miss a chance to get in on a historic piece of legislation.

As the city rewrites a big part of Honolulu's zoning code, it's good to not rush through the process. I agree with the statements I read about in Civil Beat from former councilmember Kobyashi that some of these issues are too important to have it all put into one bill and that there should be separate measures introduced to examine these issues separately.

I know the intention of the LUO is to encourage orderly development, to promote and to protect the public health, safety and welfare of our communities. But there are inherent flaws and regulatory burdens that are being imposed.

For example, a wedding is being limited to 50 guests. An average wedding has 150 guests. Bees are being limited to 2 hives per acre. According to Cornell University, 1 acre can produce 12 hives. Many of our Hawaii crops are managed by bees. Macadamia nuts, avocados, coffee, citrus, and lychee are just a few crops that require pollination for fruit yield. The more trees there are the more bees are required.

These numbers and limits in bill 10 seem arbitrary and not derived from metrics and quantifiable data, the regulatory burdens limit the entrepreneurial, economic and agricultural potential of businesses, nonprofits and farms and therefore I'm hesitant to give it my full support.

Name: Robert Dawson	Email: robert@kohanarum.com	Zip: 96759
Representing: K Hana Distillers	Position: Oppose	Submitted: Sep 26, 2022 @ 08:43 AM

Testimony:

Thank you for taking the time to review my testimony regarding K Hana Distillers.

As a rum distillery in Kunia, Hawaii, our business has been processing sugarcane to juice to make Hawaii's only 100% locally grown and produced rum which we call Hawaiian Agricole. I make that distinction because for the last roughly 10 years we have grown all of the sugarcane we use ourselves on our own leased farms. We are the only distillery in Hawaii doing this. We started with just two people and a quarter acre of land, and now we employ 12 full time farmers, and another 25 operations and customer support people, and our farm leases now approach 300 acres and growing. We have been able to do this because our processing center is on Ag-1 land in Kunia, and our distillery operation has always been an allowable use as Ag minor processing. Our farmland is located in multiple areas from Kunia to Haliewa to Waialua. This is done to protect the heirloom varieties of sugarcane we grow from having a single issue that could effect the entire field. This is simply good farming practice. We bring the sugarcane juice from our fields to our distillery to make rum. Again, this is all cane grown by us. We endeavor to create a true expression of what a made in Hawaii can be, and our goal is to grow this value added business into a significant export product in the near future. We have invested a great deal of money in our infrastructure in Kunia to make this possible. Bill 10 would essentially stop everything and force us to move in order to grow.

While I understand the need to repair flawed uses and remove bad actors, we are neither of those things. We have spent better than 10 years truly investing in agriculture in Hawaii. I am fairly certain we are the largest sugar cane grower in the State of Hawaii, and we want to keep growing. We welcome the opportunity to assist in drafting legislation that looks at all aspects of agricultural process. I truly believe this action limiting distilleries directly is simply an oversight. We are truly farming on farm land,

and processing on Ag-1 in a centralized location. Distilleries growing the ingredients they use in production of their value added products should be encouraged. This is a place Ag can grow and thrive in Hawaii. Please do not pass this bill. It would be devastating and possibly impossible for us to recover.

Mahalo,
Robert Dawson
Co-Founder K Hana Distillers

Name: Ryan Kobayashi	Email: rkobayashi@local368.org	Zip: 96817
Representing: Laborers' Union; Local 368	Position: I wish to comment	Submitted: Sep 26, 2022 @ 08:57 AM

Name: Cam Black	Email: cameron.b.black@hawaii.gov	Zip: 96821
Representing: Hawaii State Energy Office	Position: I wish to comment	Submitted: Sep 26, 2022 @ 09:12 AM

Testimony:
Our office has assumed throughout the windfarm setback discussions that repairs and maintenance to existing wind projects would be allowed. We believe it would be helpful for the LUO to clarify this.

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

September 22, 2022

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

Re: Bill 10 – LUO Amendment Relating to Use Regulations

Aloha Chair Elefante, Vice Chair Kia'aina, Councilmembers 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.

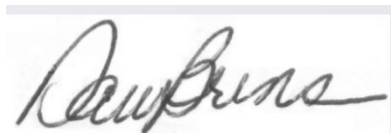
However, contained in the same Bill 10 is a measure our community strongly **opposes**: permitting Mobile Commercial Establishments (MCE) in County and B-1 Zoning. We applaud the Department of Planning and Permitting (DPP) for proposing to regulate MCE/Food Trucks. However, DPP'S proposal to permit MCE/Food Trucks in Country and B-1 Zoning is contrary to the intention behind both of these zoning designations and should be rejected. On the North Shore, MCE/Food Trucks cater to approximately 90% tourists. Therefore, these mobile establishments should be regulated as tourism destinations, which are incompatible with Country and B-1 Zoning.

In addition, the presence of MCE/Food Trucks is not in keeping with the North Shore Sustainable Communities Plan's goals, which are to retain the flavor of a rural community. MCE/Food Trucks primarily serve tourists, lead to increased tourism and overcrowding, encourage pedestrians to jaywalk across Kamehameha Highway, and lead to excessive traffic and congestion. There has also been concern over the current lack of toilet and wash station facilities around these establishments, and Bill 10 does 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 MCE/Food Trucks on the North Shore and elsewhere. Not only does Bill 10 allow each MCE/Food Truck to be covered with signage as they are now, it also specifically allows each MCE/Food Truck to have a portable sign even though such signs are prohibited in the sign code (ROH Sec. 21-7.30(c)).

In summary, there are so many components to Bill 10 that the Sunset Beach Community Association cannot unilaterally endorse or oppose it. However, we do support the 1.25-mile minimum setback for wind turbines, and oppose permitting Mobile Commercial Establishments (MCE) in County and B-1 Zoning.

Sincerely,

A handwritten signature in black ink, appearing to read "Dawn Bruns", is enclosed within a thin black rectangular border.

Dawn Bruns
Corresponding Secretary, SBCA



Sept. 26, 2022

9 a.m.

Honolulu City Council Chamber

To: Honolulu City Council

Tommy Waters, Chair

Esther Kia'aina, Vice Chair

From: Ted Kefalas

Director of Strategic Campaigns

Grassroot Institute of Hawaii

RE: BILL 10 (2022), CD1 — RELATING TO USE REGULATIONS

Dear Chair and Council Members:

The Grassroot Institute would like to offer comments on [Bill 10 \(2022\), CD1](#), which would restructure the land-use ordinances contained in Chapter 21 of the 1990 Revised Ordinances of Honolulu.

Regarding protecting agricultural land and agribusiness, Bill 10 aims to strike a careful balance as it applies to agricultural land. The Council must balance agriculture's vital contributions to Hawaii's culture while protecting landowners from cumbersome and costly regulations.

The Council deserves praise for seeking to remove the requirement that agricultural lands be farmed for 10 years, but the Council should reconsider the requirement that 50% of each agricultural parcel be dedicated to crop or livestock production.

Many agricultural lands are rocky, contain gulleys, lack adequate water, have poor soil or are otherwise infeasible for farming. In addition, 66% of Hawaii's farms are only between one to nine acres.¹ Given Hawaii's high cost of living, it can be extremely difficult for farm owners to make a living from raising crops or livestock on such small acreage, so it is important that Bill 10 does not overburden these households.

¹ "[2017 Census of Agriculture: Hawaii State and County Data](#)," U.S. Department of Agriculture, Vol. 1, Geographic Area Series Part 11, April 2019, p. 7.

Remember, too, that weddings and other group events — such as community harvesting days — are vital to many farmers. Capping the number of events per week and the number of people who can attend will only limit revenue opportunities and make it harder for families to afford to raise crops or livestock.

Already, 56% of Hawaii's farms operate at a net loss.² Heavy-handed mandates might make the problem worse.

Residents who have lived on agricultural land for years should not be subject to the fear that they might lose their land simply because they are physically or financially unable to farm it.

The Council should consider mandating that only 25% of land be dedicated to crop production or livestock, allowing farmsteads to access water and electricity, permitting the use of certain motorized vehicles and increasing the allowable number of events and people that a farm can host each week.

On the matter of expanding ADUs and multi-unit housing, the Institute welcomes Bill 10's proposed changes as to how accessory dwelling units are regulated. In Sec. 21-5.50-3, pages 28 and 29, the bill would allow ADUs to be slightly larger and to be built on smaller lots. It also would remove the requirement that ADUs have dedicated parking spaces, as long as they are within 800 feet of a bus stop.

All of these minor changes would make ADUs more affordable for the average individual.

Meanwhile, as the Institute explained in earlier testimony, Bill 10 would expand the zones in which multi-unit dwellings can be constructed. These dwellings would be allowed in B-1 and B-2 zones, but only in the transit-oriented development area.

The Council should consider allowing multi-unit dwellings in all B-1 and B-2 zones, not just in the TOD areas. Honolulu's residents are already facing sky-high housing prices, and expanding the available stock of multi-unit dwellings would help counter that trend.

Thank you for the opportunity to testify. We appreciate the work you are doing in trying to update the county's land-use ordinance.

² "[2017 Census of Agriculture: Hawaii State and County Data](#)," U.S. Department of Agriculture, Volume 1, Geographic Area Series Part 11, April 2019, p. 16.

Sincerely,

Ted Kefalas
Director of Strategic Campaigns
Grassroot Institute of Hawaii



Eric W. Gill, Financial Secretary-Treasurer

Gemma G. Weinstein, President

Cade Watanabe, Senior Vice-President

September 23, 2022

Committee on Zoning & Planning
Honolulu City Council
Brandon Elefante, Chair
Esther Kia'āina, Vice Chair

Testimony with comments on Bill 10 (2022)

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

UNITE HERE Local 5 represents hotel, health care and food service workers across the state. We are concerned that some of the changes proposed in Bill 10 are not in the public's best interest; particularly changes regarding areas where hotel development would be allowed, and the process by which hotel developments are approved.

1. We are opposed to allowing hotels in B-1 and B-2 zoned areas. Given the impacts that hotels can have on their surroundings, even small hotels, we do not believe it is a good idea to expand the areas where they are allowed further into the hearts of our communities. Bill 10 (2022) CD1 would allow for hotels in B-1 and B-2 areas on page 110, Section 21-2.40-1(b)(5).
2. We believe that proposed hotel developments anywhere should be subject to the discretion of City Council, with serious consideration of input from the public. Bill 10 should be amended such that hotels in I-2 areas and BMX-3 areas be subject to Major Conditional Use Permits. In addition, Bill 10 should amend the Land Use Ordinance to ensure that Major Conditional Use Permits for hotels require the approval of City Council. Bill 10 is a perfect opportunity to make this a reality.
3. Proposed hotel developments in the IMX-1 and I-2 areas near the Honolulu International Airport should be subject to the approval of City Council.
4. We feel that hotels in BMX-3 areas should be subject to the approval of City Council regardless of room count. In the nine years since Council passed Ordinance 13-10 allowing hotels in BMX-3 areas, two have been built (the Residence Inn Kapolei and the Embassy Suites Kapolei) and others have been contemplated in places such as the UH West Oahu area and Puck's Alley.

There is real potential that Oahu may face a shortage of fresh water in the future. Additionally, residents' sentiments about the benefits vs. drawbacks of the hotel industry need to be addressed. Hotels, even those under 180 rooms, potentially have many other impacts on communities – on traffic volume, character of a community, parking availability, etc. The Land Use Ordinance must provide the ability for decisionmakers to control future development as material conditions change.

We feel the appropriate way to address all of these concerns would be to ensure that members of the public and all Councilmembers can weigh in meaningfully on each new proposed hotel development. While hearings before the Department of Planning and Permitting are helpful, we strongly feel that in order to have meaningful input, residents' concerns should be put before Council and that Council should have the right - for each potential hotel - to approve, disapprove, or approve with conditions accordingly.

Thank you.



STANFORD CARR DEVELOPMENT, LLC

September 23, 2022

The Honorable Brandon J.C. Elefante, Chair
and Committee Members
Committee on Zoning and Planning
Honolulu City Council
530 South King Street, Room 202
Honolulu, Hawaii 96813

SUBJECT: Bill 10 (2022), CD1 Relating to Use Regulations
Chapter 21, Revised Ordinances of Honolulu, Land Use Ordinance (LUO)

Dear Chair Elefante and Committee Members:

Stanford Carr Development is writing to express **support** for your proposed amendments to Bill 10 (2022), CD1 relating to the Land Use Regulations as submitted in Council Communication #286 to amend Section 3 of Bill 10, CD1, ROH Section 21-5.50-1(d)(2) to delete the limitation of multi-unit dwellings in the B-1 and B-2 zoning districts in *only neighborhood transit-oriented development (TOD) plan areas*. We further support the proposal to expand the permitted allowable areas to include the Primary Urban Core Development Plan and Ewa Development Plan.

As recommended by the nonpartisan policy think tank, American Enterprise Institute's (AEI) Housing Center, Hawaii could ease its housing shortage by adopting housing policies that increase density. During July 2022 presentations on the islands of Hawaii and Maui, AEI reported that, "Honolulu County added almost 18,000 single family detached homes since 2000 at a median as built density of 8 units/acre. (In Maui, the median density is only about 6 units/acre.) At 50% higher density, this could have added another 9,000 units, while lowering home prices and adding extra tax revenue."¹

We concur with the concept of increased density, applaud the City and County of Honolulu for efforts to adopt land use policies in that direction, and suggest that your committee consider permitting the multi-unit dwelling in B-1 and B-2 zoning districts throughout the island.

Thank you for the opportunity to participate in this important discussion.

Respectfully,

A handwritten signature in blue ink, appearing to read "Stanford S. Carr".

Stanford S. Carr

¹ [AEI Housing Market Indicators \(HMI\) \(grassrootinstitute.org\)](https://grassrootinstitute.org)



**BEFORE THE HONOLULU CITY COUNCIL
Committee on Zoning and Planning, Special Meeting
Testimony to Bill 10 (2022), CD1
September 26, 2022**

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

I am submitting this testimony on behalf of Ko Olina Community Association, Inc. (“KOCA”). KOCA is the community association for the Ko Olina Resort (“Ko Olina”).

Ko Olina is a master-planned community built on approximately 642 acres on the leeward coast of O`ahu. Ko Olina includes six planned communities that include single family homes, townhouses, and condominium villas. It is also home to three existing hotels and vacation-club resorts. In total KOCA has 2,010 members.

Ko Olina is a major employer for leeward O`ahu. At full-build-out, Ko Olina will provide approximately 31,000 direct jobs to Honolulu. This number is increased to 43,000 jobs when you include indirect jobs.

Ko Olina is a major contributor to the City’s and State’s tax revenues. The annual tax impact of Ko Olina to the City is estimated to be more than \$123 million, and approximately \$144 million for the State. This results in a cumulative economic impact of \$267 million.

Ko Olina has major concerns about the minimum 1 mile setback requirement for large wind energy generation facilities. We prefer either the 1.25 mile setback proposed in the amendments from Councilmembers Tupola, Kia`aina, Cordero, Tsuneyoshi, and Elefante or the 5 mile setback proposed by Councilmember Tsuneyoshi in 2021.

Ko Olina is in strong opposition to the minimum 1 mile setback because it does not reflect the views of the Communities that will be directly affected and whose quality of life will be negatively impacted for 20 to 30 years. We also have concerns that Bill 10 does not take into consideration instances where proposed wind machines are sited on mountain ranges. We believe that when wind machines are sited on mountain ranges a minimum 5 mile setback is appropriate.

Residents and visitors are attracted to Ko Olina for its beautiful views and resort atmosphere. Recently, a 46.8 Megawatt wind project was being proposed to be sited above Kahe Valley on the southwestern end of the Wai`anae mountain range. As planned, this project would have been within the proposed setback of 1 mile from Ko Olina’s property line because the proposed setback does not take into consideration rises in elevation. If this project, or a similar one, were to proceed it would cause significant economic damage to Ko Olina, the City and the State. The wind machines would present a notable-visual blight that would destroy the pristine beauty of the area and generate noise pollution that would not only impact the experiences of visitors and residents but more importantly, local businesses and the livelihood of over 5,000 current resort employees. Attached to this testimony, is a photo that was provided to Ko Olina

by the proposed developer of the 46.8 MW wind project which depicts how the wind project would affect Ko Olina's view. This photo depicts a 2 to 2.5 mile setback.

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

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

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

We understand the State's policy to promote the use of renewable resources, however, this policy must be balanced with the preservation of our lands and culture, and the economic impacts to Ko Olina and neighboring communities. We request that the Committee reject the proposed 1 mile setback for all property lines and consider a setback figure closer to the 5-mile mark proposed in Bill 30 (2021). The proposed 1 mile setback seems to be arbitrary; the Committee should require further studies be conducted, especially when wind machines are being proposed to be sited on mountain ranges above communities and resorts. Alternatively, we would request that Bill 10 (2022) be amended to provide an alternative restriction to address situations when wind machines are being proposed for mountain ranges above communities and resorts.

Ko Olina does support the amendments to Bill 10 proposed by Councilmember Tupola proposed on August 2, 2022 which amends Figure 21-5.2. to reflect changes to the A-1 (Low Density Apartment) and A-2 (Medium Density Apartment) Districts in the Ko Olina area where short-term rentals are permitted. This amendment is necessary to ensure that all communities at Ko Olina are within the resort zone.

Thank you for the opportunity to submit testimony.

Respectfully,



Kristin Vasquez

Assistant General Manager, Ko Olina Community Association, Inc.



Eurus Energy - 2018



EAST OAHU COUNTY FARM BUREAU
910 CALIFORNIA AVE., WAHIAWA, HI 96786

September 22, 2022

Councilmember Brandon J.C. Elefante, Chair
Councilmember Esther Kia'aina, Vice Chair
Committee on Zoning and Planning
Honolulu City Council
Honolulu, Hawai'i 96813-3077

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

The East O'ahu County Farm Bureau, which represents approximately 420 farmers and supporters of agriculture from Waimanalo to Kahuku, appreciates the efforts by the Department of Planning and Permitting to update Honolulu's Land Use Ordinance. However, as we have noted in previous testimony, Bill 10 CD1 contains many provisions that may negatively impact farmers on O'ahu. These concerns include allowing non-agricultural facilities in AG-1 and AG-2 zones, inaccurate definitions, unnecessary and unproductive restrictions, conflicting standards, and likely conflicts with State statutes. We recognize that several amendments to Bill 10 CD1 have been proposed for this hearing, but these amendments address only some of our concerns. We must therefore oppose Bill 10 CD1 as it currently exists.

Further, Bill 10 CD1 is extremely long, almost 300 pages, and contains the first full-scale revision of Honolulu's land use regulations in many years. Everyone on O'ahu – whether a farmer, a homeowner, a renter, a business owner, or a worker – is affected by Honolulu's land use regulations. There is simply too much in this bill for potential stakeholders to review, for extensive public comment to be made, and for the City Council to ponder in the amount of time allotted for Bill 10's consideration. In view of the likely major impacts of the revised regulations on agriculture, we request that Bill 10 CD1 be held to allow further input from the agricultural community, and to permit more comprehensive amendments that will address the full range of problems with the bill's agricultural sections. Further, we encourage the City Council to consider updating Honolulu's agricultural land use regulations as a separate bill, rather than attempting to update the full scope of use regulations as a single item.

Thank you for the opportunity to testify on this important matter.

Sincerely,

A handwritten signature in cursive script that reads "Frederick M. Mencher".

Frederick M. Mencher
for Grant Hamachi, President
East O'ahu County Farm Bureau



Nuuanu Memorial Park, Ltd.

2233 Nuuanu Avenue
Honolulu, Hawaii 96817
Phone (808) 537-5255

September 23, 2022

The Honorable Brandon Elefante, Chair
and Members of the Committee on Zoning and Planning
Honolulu City Council
530 South King Street, Room 202
Honolulu, Hawaii 96813-3065

Testimony in Relating to Bill 10 (2022) LUO Amendments Relating to Use Regulations

Dear Chair Elefante and Members of the Committee on Zoning and Planning:

I am Alice K. Hahn, President of Nuuanu Memorial Park, Ltd. and I am providing testimony on behalf of Nuuanu Memorial Park, Ltd. and Nuuanu Memorial Park & Mortuary (collectively, "NMP"). NMP is the owner of a cemetery located along Nuuanu Avenue adjacent to the Royal Mausoleum. The cemetery is zoned P-2 and will be adversely affected by the standards proposed in Bill 10 relating to new setbacks proposed for cemetery burials.

NMP supports Bill 10 (2022) and appreciates the City's efforts to modernize and streamline the Land Use Ordinance; however, NMP wishes to explain the effects Bill 10 (2022) changes will have upon its facilities. The current zoning codes standards for cemetery and columbaria apply to these uses located within AG-2 zoning districts. As a result, the standards requiring a certificate of approval from the Board of Water Supply, or 50-foot landscape buffer are not applicable to our cemetery. Bill 10 (2022) proposes these standards apply to all cemetery uses. In addition, this bill proposes a new standard prohibiting burials within 50-feet of the cemetery boundary.

NMP is an active and operating cemetery that needs the ability to expand to meet demand and provide well maintained facilities. We currently have burial plots, crypts and columbaria spaces within the proposed 50-foot prohibition zone and feel this requirement will bring uncertainty to our business and services we can provide to our community. Why is it necessary to apply such a buffer along a street? What is to become of a burial plot that has been sold but not yet used by a family? Would this prohibit family members that have burial plans from being placed next to each other if in this zone? NMP and other cemeteries within Honolulu's urban core do not have the ability to expand its land area like others on the Windward side of the island. Therefore, we must make the best use of the space we have, and this bill will restrict the usable space we have even further.

We understand that the Hawaii Funeral and Cemetery Association (HFCA) feels similarly and has proposed changes to Bill 10 (2022) whereby the proposed standards would only apply to cemetery within AG-2 zoning districts. We fully support HFCA's proposed changes to the bill and their efforts to bring voice to our concerns and provide for viable well maintained cemetery space that can meet the growing needs of our community.

Thank you for the opportunity to provide comments in support of the proposed revisions to Bill 10 (2022).

Sincerely,

Alice K. Hahn, President



Diamond Head Memorial Park, Ltd.

529 18th Avenue

Honolulu, Hawaii 96816

(808) 734-1954 • fax: (808) 732-8975

September 23, 2022

The Honorable Brandon Elefante, Chair
and Members of the Committee on Zoning and Planning
Honolulu City Council
530 South King Street, Room 202
Honolulu, Hawaii 96813-3065

Testimony in Relating to Bill 10 (2022) LUO Amendments Relating to Use Regulations

Dear Chair Elefante and Members of the Committee on Zoning and Planning:

I am Han P. Ching, President of Diamond Head Memorial Park Association Limited, and I am providing testimony on behalf of Diamond Head Memorial Park ("DHMP"). DHMP is the owner of a cemetery located in Kaimuki located between 18th and 22nd Avenues. The cemetery is zoned P-2 and R-10 and will be adversely affected by the standards proposed in Bill 10 relating to new setbacks proposed for cemetery burials.

DHMP supports Bill 10 (2022) and appreciates the City's efforts to modernize and streamline the Land Use Ordinance; however, DHMP wishes to explain the effects Bill 10 (2022) changes will have upon its facilities. The current zoning codes standards for cemetery and columbaria apply to these uses located within AG-2 zoning districts. As a result, the standards requiring a certificate of approval from the Board of Water Supply, or 50-foot landscape buffer are not applicable to our cemetery. Bill 10 (2022) proposes these standards apply to all cemetery uses. In addition, this bill proposes a new standard prohibiting burials within 50-feet of the cemetery boundary.

DHMP is an active and operating cemetery that needs the ability to expand to meet demand and provide well maintained facilities. We currently have burial plots, crypts and columbaria spaces within the proposed 50-foot prohibition zone and feel this requirement will bring uncertainty to our business and services we can provide to our community. Why is it necessary to apply such a buffer along a street? What is to become of a burial plot that has been sold but not yet used by a family? Would this prohibit family members that have burial plans from being placed next to each other if in this zone? DHMP and other cemeteries within Honolulu's urban core do not have the ability to expand its land area like others on the Windward side of the island. Therefore, we must make the best use of the space we have, and this bill will restrict the usable space we have even further.

We understand that the Hawaii Funeral and Cemetery Association (HFCA) feels similarly and has proposed changes to Bill 10 (2022) whereby the proposed standards would only apply to cemetery within AG-2 zoning districts. We fully support HFCA's proposed changes to the bill and their efforts to bring voice to our concerns and provide for viable well maintained cemetery space that can meet the growing needs of our community.

Thank you for the opportunity to provide comments in support of the proposed revisions to Bill 10 (2022).

Aloha,


Han P. Ching, President



Hawaii Funeral & Cemetery Association, Inc.
1330 Maunakea Street, Honolulu, Hawaii 96817

September 23, 2022

To: Honolulu City Council Zoning & Planning Chair Brandon Elefante

Re: BILL 10 TESTIMONY - COMMENTS AND AMENDMENT REQUEST

Aloha Zoning & Planning Chair Elefante and Members of the Committee:

The Hawaii Funeral and Cemetery Association, Inc. ("HFCA") provides the following comments and respectfully requests an amendment regarding Bill 10, Relating to Use Regulations.

HFCA is a Domestic Nonprofit Corporation with an independent 12-member Board of Directors. We represent 14 mortuaries and 10 cemeteries across the state serving the vast majority of Hawaii's families during their time of need.

HFCA recognizes the City's desire to update its land use ordinances. However, we find that the proposed language requiring new setback standards for cemeteries in Bill 10, CD1 would pose a significant hardship on the few remaining operational cemeteries on Oahu.

Over the past 25 years, annual deaths on Oahu have risen substantially. Since 1996 when the Department of Health began tracking data by county, the number of deaths within the City & County of Honolulu have nearly doubled (from 5,557 annual deaths to 9,074).

Additionally, the last new public cemetery to be built on Oahu opened in 1965. Since that time, many of the cemeteries across the island have reached their capacity. Today, only seven major endowment care cemeteries remain along with two veterans cemeteries. Of these remaining cemeteries, nearly all are undergoing expansion or will need to need to do so in the near future to keep pace with the growing need.

Nearly all of Oahu's cemeteries are located on land zoned P-2 where this use is fully permitted. Imposing setback standards on the industry would likely impede cemeteries' ability to continue to serve families on the island and provide space for the inurnment of their loved ones.

For these reasons, HFCA respectfully requests the following amendments to avoid the unintentional consequences of the changes contemplated under Bill 10.

Under Section 3, Page 47 - Sec. 21-5.60-5, Parks and Open Space, Cemetery standards

(B) In the AG-2 zoning district, Bburials within 50 feet of the cemetery boundary of any adjoining zoning lot in the country, residential, apartment, or apartment mixed use zoning districts are prohibited.

(C) In the AG-2 zoning district, Aa minimum 50-foot landscaped buffer is required from the property lines of any adjoining zoning lot in the country, residential, apartment, or apartment mixed use zoning districts.

Conclusion

HFCA appreciates the Council's consideration of these proposed amendments and respectfully requests its action to incorporate the changes into the bill.

Sincerely,

A handwritten signature in black ink, reading "Jay Morford". The signature is written in a cursive, flowing style.

Jay Morford
President

Cc: Jay Morford, Hawaiian Memorial Life Plan



Honolulu City Council
Zoning & Planning Committee

Bill 10

Wednesday, September 26, 2022, 9:00 AM

Chair Elefante and the Committee on Zoning & Planning,

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

The Hawai'i Cattlemen's Council respectfully submits our comments on Bill 10 to address the regulation of uses throughout Chapter 21, Revised Ordinances of Honolulu 1990 ("Land Use Ordinance"). We urgently request that you hold any action on Bill 10 to gather more information on the repercussions of this measure.

We are concerned with the vast changes proposed for agriculture, including agritourism. The changes outlined in this bill are quite specific and may have unintended negative consequences on those currently running legitimate agritourism operations that benefit agriculture's outreach to the general public. Oahu's farmers and ranchers are an integral part of increasing the state's local food production. Agriculture is a business, and this bill includes restrictions that will hinder ag operation's resilience to maintain operations. Restrictions to the way an agricultural operation can diversify and deliver their business could have a negative impact on the viability of farming and ranching for the long term and for any potential plans to scale up operations.

Updating Land Use Ordinance is necessary to keep up with evolving practices and needs of the users, but as the Department of Planning and Permitting has also requested a 120-day extension, we urge you to hold this bill. Please take the time to consult with food producers on Oahu to develop a bill that truly benefits our agriculture industry. We appreciate the opportunity to testify on this critical matter for our industry and are available to aid in further discussion on agricultural use regulations.

Nicole Galase
Hawaii Cattlemen's Council
Managing Director





Honolulu City Council
Zoning & Planning Committee

Bill 10

Wednesday, September 26, 2022, 9:00 AM

Chair Elefante and the Committee on Zoning & Planning,

The South Oahu County Farmer's Association respectfully submits our comments on Bill 10 to address the regulation of uses throughout Chapter 21, Revised Ordinances of Honolulu 1990 ("Land Use Ordinance"). We respectfully request that you hold any action on Bill 10 to gather more information on the repercussions of this measure. As a county association, we are aligned with the testimony of the Hawaii Farm Bureau and share their stated concerns.

Land use principles are tied directly to how business is done here in the City and County of Honolulu, and we hope many of the specific agricultural regulations within Bill 10 (2022) are appropriately discussed and vetted with those that are producing food and agriculture here on Oahu. As such, we request holding the agricultural use regulation aspects contained within Bill 10 (2022) to allow for further discussion, with a recommendation that these items be addressed in a separate, future measure. We appreciate the opportunity to testify on this critical matter for our industry and are available to aid in further discussion on agricultural use regulations.

Douglas Luka
South Oahu County Farmer's Association
President



Honolulu City Council
Committee on Zoning and Planning

Bill 10, CD1 (2022) – Land Use Ordinance Amendment Relating to Use Regulations

WRITTEN TESTIMONY - Comments Only
Hearing - September 26, 2022, 9:00 AM
[<https://hnlldoc.ehawaii.gov/hnlldoc/testimony>]

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

My name is Frederick Redell, and I am testifying on behalf of Hawaii Clean Power Alliance ("HCPA"), a non-profit corporation organized to advance the development and sustainability of clean energy in Hawaii. Thank you for the opportunity to submit testimony regarding Bill 10, CD1 (the "Bill") relating to large wind energy generating facilities.

HCPA supports the addition of a grandfather clause to the wind turbine setback increase, whether it be 1 mile or 1.25 miles, to ensure that the Bill does not negatively impact existing wind projects. We offer the following comments:

As the committee is fully aware, the Honolulu City Council passed Bill 20-47 in 2020 to transition Oahu to 100% renewable energy and promote the resiliency of Oahu's communities through the establishment of climate action policies. The State has made the development of renewable energy projects in Hawaii a priority and has mandated through Act 97 and Act 15, respectively, that the State achieve a 100% renewable portfolio standard and carbon neutrality goal by 2045.

Wind energy projects provide a critical cornerstone towards meeting these goals and work in concert with solar energy projects to reduce the State's reliance on high-priced, imported fossil fuels. Currently, existing wind energy projects are capable of producing 123 megawatts of energy, enough to supply power to approximately 45,000 homes annually and are an integral component of Oahu's existing diversified supply mix to ensure reliability and energy security.

Maintaining renewable energy facilities is more critical than ever given the recent closure of the AES Coal Plant earlier this month and loss of approximately 20% of the electricity supply to Oahu's households and businesses. Hawaii consumers already pay the highest energy bills in the nation and adding additional burdens to renewable energy projects will only further expose consumers to fossil fuel price volatility and drive prices even higher.

For the reasons noted above, HCPA respectfully urges that the Bill be amended to include a grandfather clause to enable continued strides towards meeting our renewable energy and carbon neutrality mandates.

Thank you for the opportunity to provide this testimony regarding the Bill.

Sincerely,

A handwritten signature in black ink, appearing to read "Fred Redell".

Frederick Redell, PE
Executive Director

fred@hawaiicleanpower.org

www.hawaiicleanpoweralliance.org

TO: City & County Zoning & Planning Committee
Special Hearing on Monday, September 26, 2022, at 9:00 a.m.

RE: TESTIMONY IN **SUPPORT** WITH A FRIENDLY AMENDMENT OF BILL 10

Honorable Chairperson Brandon Elefante, Vice Chair Esther Kia'aina, and Counsel Members:

The International Brotherhood of Electrical Workers Local Union 1186 (IBEW 1186) represents over 3,400 members working in electrical construction, telecommunications, Spectrum, civil service employees, and educator and faculty associations. We are in support of the intent of Bill 10 but ask for a friendly amendment.

My name is Damien Kim, I am the Business Manager/Financial Secretary and a 37-year member of IBEW 1186. I want to thank the Council for hearing my testimony.

I would like to request a friendly amendment to Bill 10 and that it would address the repair and maintenance of any renewable energy project that is already installed to be grandfathered into this Bill.

In Sec. 21-5.60-6(c)(2)(B)(v):

“Setback shall apply to New Installations only and not apply to any facilities covered by a power purchase contract with an electric public utility during the term of such contract, including any renewal or extension term, or upon repair, maintenance or component replacement of such facility.”

IBEW Electricians install many of these renewable projects and are required to keep up with their training. Technologies are always changing in the renewable energy sector, it only makes sense that many of these existing projects need to upgrade as time goes on. Parts also become obsolete as time goes on and will need to be replaced to keep things efficient.

Mahalo again for taking the time to hear my testimony.

Sincerely,

Damien t.k. kim

Business manager/financial secretary



Email: communications@ulupono.com

HONOLULU CITY COUNCIL COMMITTEE ON ZONING & PLANNING
Monday, September 26, 2022 — 9:00 a.m.

UluPono Initiative offers comments on Bill 10 (2022) CD1, Relating to Use Regulations.

Dear Chair Waters and Members of the Council:

My name is Micah Munekata, and I am the Director of Government Affairs at UluPono Initiative. We are a Hawai'i-focused impact investment firm that strives to improve the quality of life throughout the islands by helping our communities become more resilient and self-sufficient through locally produced food, renewable energy and clean transportation, and better management of freshwater resources.

UluPono offers comments on Bill 10 (2022) CD1, which proposes amendments to the regulation of uses throughout Chapter 21, Revised Ordinance of Honolulu 1990 ("Land Use Ordinance").

Based on our review of the CD1, UluPono appreciates the draft's inclusion of suggested changes proposed in previous testimony, specifically regarding utility (small, medium, and large) and land-use regulation updates. We believe the revisions made to (1) Disruptive Electromagnetic Interference, (2) Renewable Energy Facility Dismantling Day Count, and (3) Conditional Use Permits for Wind Facilities over 20 kW have addressed our previous concerns.

Energy

UluPono is generally supportive of the proposed wind facility setback requirements listed in the CD1. Specifically, UluPono supports a setback no greater than one mile for onshore wind developments. We believe anything greater than a one-mile setback will likely increase electricity costs for residents and hinder the state's progress towards achieving its renewable energy goals and, therefore, harmfully contribute to climate-related events. As onshore wind projects are a low-cost option to advance the state's clean energy goals, a setback greater than one mile will exacerbate the state's dependence on high-cost and polluting energy resources, such as fossil fuels, and contribute to the increased severity and frequency of storms, sea-level rise, eroding beaches, and more. Additionally, O'ahu will be forced to rely on other potentially controversial, higher-cost alternatives such as off-shore wind facilities and/or utility-scale solar facilities on O'ahu's most productive agricultural lands. UluPono believes a setback up to one mile will also help to address community concerns (e.g., shadow flicker, noise pollution, blade throw, etc.) while preserving suitable areas for future wind development if needed.

Urban and Transportation

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

Investing in a Sustainable Hawai'i

Agriculture

Ulupono has concerns around the agricultural land-use regulation updates and the potential operational impacts. We appreciate the CD1 as it looks to address the land use concerns around “gentleman farms.” Agricultural land standards that promote production on ag zoned land will help to ensure a future for farming here on O’ahu. At the same time, it is important to consider the costs associated with farming here in Hawai’i. Diversifying revenues and increasing profitability for bona fide local producers drastically improves farming’s economic viability in the state. Decreasing the required minimum percentage (from 75% to 50%) of activity dedicated to crop production or livestock keeping on the zoning lot area is a welcome change that will be helpful to agricultural producers seeking to diversify and augment revenue to ensure the viability of their operations. This amendment is an acknowledgement of agriculture and its role in diversifying our local economy, as well as the need to balance agricultural land use to allow for appropriate accountability without overly burdensome regulations.

However, Ulupono respectfully urges consideration of having the required minimum percentage apply to farmable land, as it is often the case that farmable land is significantly less than total acreage. For example, on land with steep slopes, gullies, or lava rock, it is entirely possible that 50% of total acreage might actually exceed 100% of farmable acreage. We also ask this Committee to consider adding in language that offers an “either or” solution. This can be an income-based approach which states a dollar amount generated from the farming or ranching operation. For example, the accessory uses to agriculture could be based on “50% of farmable land in agricultural production or at least \$25,000 income from farming or ranching operation.” Further, we suggest including a farm plan as part of the approval process.

While these recommendations may help, they have not been fully vetted and agreed upon by O’ahu’s producers. For this reason, we respectfully request that the Committee table action on this measure until local producers and agricultural groups are allowed additional time to work with the council and department to develop viable solutions for the future of agriculture here on O’ahu.

As noted in prior testimony, local farmers and ranchers work on tight margins. In fact, according to the USDA NASS 2017 Agricultural Census, nearly 60% of Hawai’i’s 7,328 farms operate at a net loss. Any limits, restrictions, or changes to the way in which an agricultural operation currently does business can have lasting effects on the future of farming for O’ahu. Updated land-use regulations are critical to local producer success. Such use updates include but are not limited to: crop production, aquaculture, composting, urban agriculture, vertical farming, livestock keeping, animal raising, agricultural support, accessory agricultural uses, agritourism, farm dwellings, farm stands, and farm worker housing. With a super majority of all producers within the state being “small,” there is great importance in developing policies and regulations that promote local production and address some of the industry’s toughest problems.

We appreciate your consideration of these comments and hope to contribute further to this important conversation.

Respectfully,

Micah Munekata
Director of Government Affairs

Testimony of
Pacific Resource Partnership

City Council
City & County of Honolulu
Committee On Zoning And Planning
Councilmember Brandon J.C Elefante, Chair
Councilmember Esther Kiaʻāina, Vice Chair

Bill 10, CD1—LUO Amendment Relating to Use Regulations
Monday, September 26, 2022

Aloha Chair Elefante, Vice Chair Kiaʻāina, and Members of the Committee:

Pacific Resource Partnership (PRP) writes in **strong support** of proposed Amendment No. 8, Council Communication 281, to Bill 10 (2022) CD1.

Amendment No. 8 in Council Communication 281 allows developers to build multi-unit dwellings in B1 and B2 zoning districts, areas where they typically would not be allowed to build under the current Land Use Ordinance, upon satisfying specific requirements. In return for the opportunity to build multi-unit dwellings in these zoning districts, developers must ensure that the contractors and subcontractors hired to work on the job register and certify with the Department of Planning and Permitting that they: 1) will provide specific benefits and training opportunities to their workers; and 2) do not have a history of unlawful business practices.

The Proposed Amendment is designed to address housing and labor issues that Oahu faces by encouraging the construction of more housing to meet demand, ensuring workers are treated fairly and receive benefits to help them survive Hawaii's high cost of living, creating new jobs and a long-term career path for Oahu's residents, deterring unscrupulous contractors from getting into Oahu's market, and ensuring that reputable contractors are getting the work from this benefit.

The Proposed Amendment complies with Section 46-6, HRS and the Oahu General Plan.

HRS Section 46-4 states in (a): . . . [A]ny ordinance . . . adopted in accordance with this section shall apply to lands not contained within the forest reserve boundaries . . . Zoning in all counties shall be accomplished within the framework of a long-range, comprehensive general plan . . . Zoning shall be one of the tools available to the county to put the general plan into effect in an orderly manner. . ."

The Proposed Amendment complies with Section 46-6, HRS by ensuring that the landowner's proposed use of the property is consistent with the Oahu General Plan, which addresses both housing and



(Continued From Page 1)

economic concerns. For instance, the Oahu General Plan guides government in land use and development decisions, such as implementing ordinances like the LUO, to create a balanced economy by promoting “diversified economic opportunities that enable Oahu residents to attain meaningful employment and a decent standard of living.” The Proposed Amendment will help the City and County of Honolulu to achieve a balanced economy by requiring contractors and subcontractors, both non-union and union, to provide specific benefits and training to their workers and by ensuring that all contractors benefitting from this exception do not have a history of unlawful business practices.

The Proposed Amendment does not take away any property rights. The Proposed Amendment does not coerce a project applicant into giving up any property rights nor does it seek any exaction from the property owner. In fact, it provides landowners with an opportunity to build housing in B1 and B2 zoning districts—areas that currently do not allow for multi-unit dwellings.

The Proposed Amendment does not interfere with any contract or ERISA or any state or federal laws. The Proposed Amendment is simply a threshold that any contractor or subcontractor, non-union or union, can achieve by meeting specific requirements. The Proposed Amendment: 1) does not interfere with the right to organize or not to organize. Both non-union and union contractors and subcontractors can benefit from this exception to the LUO; 2) does not require employees to be union; and 3) does not require contractors and subcontractors to participate in ERISA. Instead, it ensures that contractors and subcontractors participating in ERISA trust funds are not disqualified from benefiting from this LUO exception.

Furthermore, we write in **strong support** of Proposed Amendment No. 7 in Council Communication 281 to permit the expansion of multi-unit dwellings in the B1 and B2 zoning districts within the Primary Urban Core Development Plan, Ewa Development Plan, and Central Oahu Sustainable Communities Plan areas. This will provide more housing and economic opportunities for Oahu’s residents.

Given the above, we respectfully request your favorable decision on this measure.

Thank you for this opportunity to submit written testimony.

Dawn Bruns, Kaunala Resident, North Shore Oahu, Recommending nighttime wind turbine shutdown or 5-mile wind turbine setback from residential areas July 14, 2022 for Zoning and Planning Committee of Honolulu City Council meeting Bill 10:

Recommendation: To protect the public's health, limit wind turbine low-frequency sound pressure "noise" to 55 decibels at night and limit daytime low-frequency wind turbine sound to 60 decibels health in residential-zoned area and hospitals. A five mile wind turbine setback distance, reduced wind turbine rotor speeds, and night-time wind turbine shutdowns of most turbines are methods to accomplish these limits.

Wind Turbine Sound Physics Background Information: Fast-spinning wind turbine blades make an audible (above 20 Hz) whooshing sound (audible more than one mile away) and each turbine blade tower pass also produces an inaudible but very powerful air pressure pulse (sound) between 0.3 and 1.2 Hz (detected by ear structures but not heard unless they are well above 100 decibels). 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 faster the turbine blades spin - producing higher decibel levels of the low-frequency sound pulse. Harmonics of the fundamental frequency (the approximately 1 Hz sound produced by the spinning blade) occur at multiples of the fundamental frequency – these are at approximately 2 Hz and 3 Hz – these higher frequency sounds are still powerful, but they attenuate faster/do not travel as far. 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>). A 55 dB 1 Hz sound has twice the power of a 52 dB sound.

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** cause 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 to 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

The impact of wind turbines on suicide

"Exploiting over 800 utility-scale wind turbine installation events in the United States from 2001-2019, I show robust evidence that wind farms lead to significant increases in suicide."



Eric Zou – Department of Economics, University of Illinois at Urbana-Champaign

- 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).

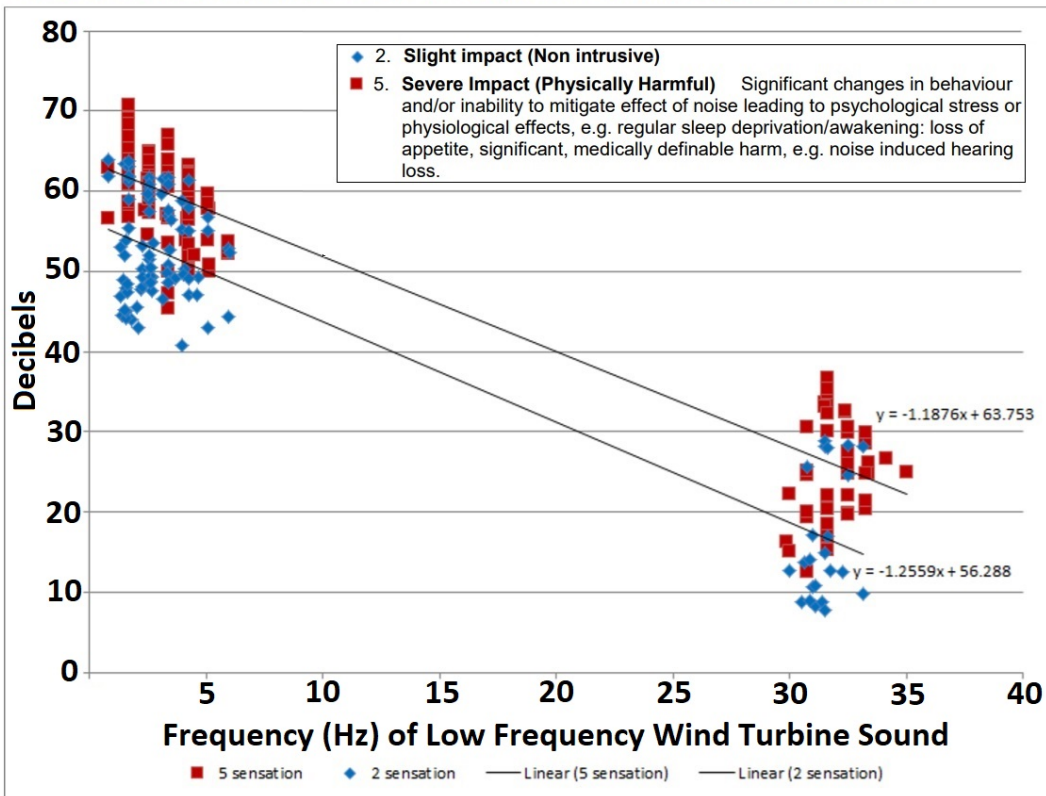


FIGURE 49: Human response to sound pressure of wind turbine signature and 31.5 Hz wind turbine amplitude modulation (both do not occur in the ambient environment) https://drive.google.com/open?id=180jlKaO_Z9pdWpQ64z8EFeh1vYdiqrp

- 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=IwAR3pwiRLGzoHYKJqmEZJhuljCHehJlrgaP1QauPpGpDntVQNYuf6oHygLo>
- 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/>)

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.

20 of 45 Population

26%
14%
13%
10%
33%

Living Near Turbines - Resolves away from turbines

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. (53 decibels is a serious problem for my sleep – the literature supports the 55 dB limit and certainly as more data becomes available, the 53 decibel limit will become common knowledge),

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).

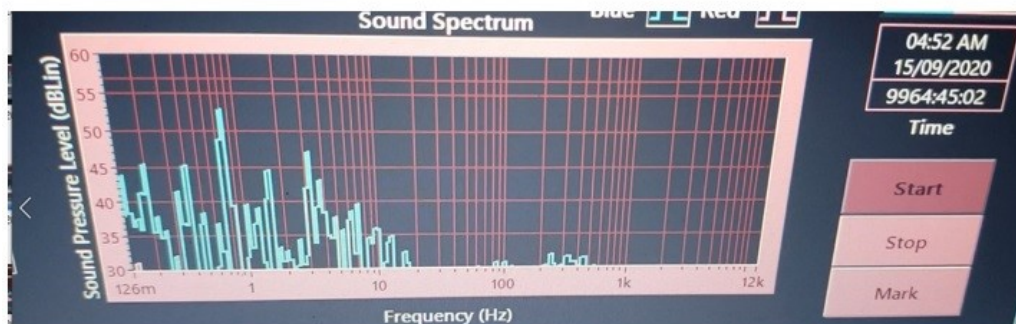


Figure B: Turbines on with light wind. This is the sound pressure level three miles downwind from Kahuku with about the lightest winds the turbines are allowed to operate during April through October nighttime (James Campbell Weather Station: winds 10, gusts to 13, 99-degrees/East wind). This 50-55 dB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

Denise Antolini
59-463 Alapi‘o Road
Hale‘iwa, Hawai‘i 96712

September 25, 2022

Zoning and Planning Chair Brandon Elefante
Honorable Members of the Committee

Re: Bill 10 CD1 – LUO Amendments
Monday September 26, 2022, 9:00 A.M.

Aloha Chair Elefante and Members of the Zoning and Planning Committee,

I am submitting a shortened version of the testimony that I submitted to the Zoning and Planning Committee for the April 24, 2022 meeting, the August 25, 2022 Zoning and Planning Committee hearing, and the City Council for the September 7, 2022 hearing. Please see those prior testimonies for more detail and relevant attachments, incorporated here by reference.

This is the fourth time that I have respectfully requested that the Committee/Council remove Mobile Commercial Establishments (MCE) in B-1 Zoning – neighborhood business (defined under ROH Sec. 21-3.110).

In my prior testimony, I have explained, point by point, the Department and Planning and Permitting (DPP) original “loose” justification for adding MCEs to B-1 and I have provided detailed information to show why **MCEs should not be allowed to run amok in B-1**, particularly in rural communities like the North Shore. I am not aware of any response by DPP or anyone else that justifies such a gross expansion of MCE locations, particularly given the LOU amendments do allow MCEs in many other areas.

Allowing MCEs, which are primarily Food Trucks, to **overwhelm brick and mortar (truly) neighborhood businesses**—which they inevitably will, due to the “fast cash” and low infrastructure business model -- guts the intent and language of B-1 and creates a host of problems for the neighboring communities.

If the Committee will not ban MCEs completely from B-1, then **please respect the regional plans** – specifically the **North Shore Sustainable Communities Plan**, which is under revision - where communities have a voice in planning that fits their region. Thus, at a minimum, the Committee should allow a **regional differentiation** approach for MCEs (as used in the LUO for Minor Hotels in BMX-3).

Therefore, for the reasons stated in my prior testimony, I respectfully request that the B-1 Zoning for MCE use be left blank, and language added to Sec. 21-5.70-10(c) Standards stating

“In the B-1 zoning district, MCEs are only permitted within the Primary Urban Center Development Plan, Ewa Development Plan, or Central Oahu Sustainable Communities Plan Areas.”

This amendment would mean that MCEs should not be allowed in B-1 zoning under the North Shore Sustainable Communities Plan (NSSCP) for the reasons describe in my prior testimony, attached hereto.

If the MCEs are allowed in B-1, then the proposed MCE Standards, Sec. 21-5.70-10(c) must be strengthened and clarified:

- (1) Definitions – the term “**itinerant**” is used but not defined. Please DEFINE “itinerant” in terms of the periodic mobility required for these trucks. For example, “moved off site daily.” This lack of definition has been a huge problem because, in Hale‘iwa, Sharks Cove, and Kahuku, these trucks are not truly itinerant, but stationary for weeks on end or longer. The City does not have a way to enforce the mobility of MCEs without a specific standard. Leaving this vague creates more enforcement problems for DPP and the community.
- (2)(C) **portable sign** – please indicate where this portable sign may be placed – recently a food truck at Sharks Cove (illegally) placed the portable sign across the Highway along Pūpūkea Beach Park. If the Standards do not specify that the signs need to be **within a specific number of feet of the MCE**, for example, **within 3 feet** of the MCE, then the vendors will put them anywhere, particularly along high traffic areas, and claim the Standards allow it.
- (2)(D) pedestrian and vehicle plan – please require that the plan include **nearby streets** and not just the site itself – the impact of pedestrians (crossing streets and highways – see testimony below) and vehicles of MCEs is significant on the neighborhood and needs to be addressed in the Standards.
- (2)(D)(cc) – hours – the hours of operation from **6 am to 10 pm** are too long if residences are nearby (as they are at Sharks Cove). Please restrict operation to **8 am to 9 pm** if the property is bordered by residential areas.
- (2)(D)(dd) – this language is amazingly loose – “when required” – what does that mean? – **restrooms** (port a potties at least) should be **required** along with **hand-washing stations**. It is unsanitary for patrons, employees, and nearby residences to have MCEs without toilet facilities. Indeed, before portable toilets were required at the Sharks Cove site, patrons were using nearby residents’ yards as outdoor toilets, creating medieval conditions.

Mahalo,



Denise Antolini

Kathleen M. Pahinui
67-237 Kauai St
Waialua, HI 96791

September 26, 2022

Committee Chair Brandon Elefante
Honolulu Hale
530 S. King St
Honolulu, HI 96813

Re: Support and Comment on Bill 10 Land Use Ordinance

Aloha Committee Chair Elefante and Committee Members:

I am writing in support of Bill 10 relating to the Land Use Ordinance with the following comments / requests for amendments:

- **Agritourism.** Agritourism. Requires the dedication of 50 percent of the zoning lot area to crop production or livestock keeping for as long as the agritourism use is in operation (instead of a minimum of 10 years), through an agricultural easement or similar legal encumbrance. Deletes bus, jeep, or off-road vehicle tours using motorized vehicles as a permitted agritourism use. Limits weddings and similar accessory destination events to no more than one event (instead of two events) per week.

COMMENT: Overall support but would prefer 75% of arable land in ag as described above vs 50%. DO NOT support weddings or non-related ag events. Concerned that this is a loophole that can be exploited by those who buy ag land with the intent of not to use it for ag but to use it for tourism purposes. Also "similar destination events" needs to be defined. It could include anything from a birthday party to a Halloween event. Agritourism uses must have a major conditional use permit.

- **Council Chair Waters Amendment:** Bus, jeep, or off-road vehicle tours using motorized vehicles, including an all-terrain vehicle (ATV), quad, four-wheeler, off highway motorcycle, or any other all-terrain or four-wheel drive vehicle, may only be conducted on a working farm, and require major conditional use approval subject to the following standards: (i) Tours must have an educational purpose related to the agricultural use of the property; and (ii) Tours must not interfere with surrounding farm operations.

COMMENT: Support new language regarding use of motorized vehicles on ag land including ATVs. Recognizes need to working farms as vehicles to get around the land but tightens up use for agritourism. Adds in that agritourism must have a nexus to the ag operations.

- **Council Chair Waters Amendment:** A farm dwelling is permitted as permitted as an accessory use to the boarding and care of horses and other domestic animals; provided that property obtain a major conditional use permit.

COMMENT: Support this change. Must have a CUP Major.

- Council Chair Waters Amendment: In the AG-1 and AG-2 zoning districts, accessory dwelling units must be of an agricultural nature or exclusively for employees and their immediate family members who currently actively work on agricultural land.

COMMENT: Support only if a CUP Major is required. Concerned about abuses using ag land for non-ag purposes.

- Council Member Kiaaina Amendment: Disincentivize non-agricultural use of agricultural lands, by not allowing meeting facilities, daycare facilities, nature based recreation, K-12 facilities, and group living facilities on AG-1 lands and by maintaining the CD1's current 50 percent agricultural dedication requirement for these non-agricultural uses on AG-2 lands. Meeting facilities, daycare facilities, outdoor recreation facilities (which is similar to nature based activities), and K-12 facilities are not currently allowed on AG-1 lands — amendments would continue to not allow these uses on AG-1 lands. Group living facilities currently require activities to be agriculture in nature — amendments would maintain this requirement for AG-2.

COMMENT: Support not allowing these uses on AG-1. Still concerned about abuses on Ag-2 and still support 75% ag dedication. Would not support these uses on Ag-2 (please see comment below).

- Council Member Kiaaina Amendment: Provide some level of flexibility by reducing the dedication requirement for farm dwellings, an agricultural accessory use, from 50 percent to 25 percent, which is lower than the dedication requirement for other non-agricultural uses. And maintaining the 50 percent requirement for farmers market and agritourism, which exists in the CD1 as well as the current land use ordinance.

COMMENT: do not support dropping dedication down to 25% even for farm dwelling. Depending on the size of the parcel, 25% could be so little as to make meaningful farming out of the realm of possibility. Many ag lots on the North Shore are not very large.

- Uses in the agricultural zoning districts. In the AG-1 and AG-2 Districts, certain uses (meeting facilities, group living, child daycare, adult daycare, and K-12 schools, nature-based recreation) are permitted with a major conditional use permit, and require a minimum of 50 percent of the zoning lot area to be dedicated to crop production or livestock keeping through an agricultural easement or similar legal encumbrance for as long as the applicable use is in operation.

COMMENT: Oppose. Ag land should be kept for ag uses. Concerned that these uses could be used as loopholes by buyers with no real intent of doing ag. Strongly support the requirement of a major conditional use permit for any of the above uses if this change moves forward.

- Adds a new nature-based recreation use, defined as a permanent facility for outdoor play or recreation, often containing recreational equipment and facilities intended to promote or enhance access to natural areas on land with preserved wildlife and natural features. Permitted in the AG-1, and AG-2 Districts with a major conditional use permit. Includes horseback riding stables or ranches, which has been deleted from the general outdoor recreation use. Also includes vacation cabins, which has been deleted as a separate land use (accessory commercial category). In the AG-1 and AG-2 Districts, a minimum of 50 percent of the zoning lot area must be dedicated to crop production, livestock keeping, or passive undeveloped recreational areas, through an agricultural easement or similar legal

encumbrance.

COMMENT: very concerned that this change will open the door to misuse of ag land. There is currently a business with a similar model as described above on ag land and there is no ag. There are ATVs, karaoke nights, weddings, and other events that are not allowed along with allowed horses and stables. Concerned about opening a loophole that will be exploited by those not interested in ag use. Who will enforce the 50% requirement to ensure there is no exploitation?

Not opposed to horses and stables on ag land but location is important. Current horses and stables are in an area surrounded by homes. The smells and dust are impacting the neighbors.

Also what is the difference between vacation cabins and vacation rentals? Is this a loophole around the new law? We will see a whole new crop of “cabins” on ag land and very little ag if there is no enforcement.

DO NOT support this change at this time to many opportunities for exploitation without enforcement. Let’s see how the TVU enforcement and other ag-related changes in the LUO go forward first.

Other comments

- Support the 1.25 mile setback for wind turbines as proposed by several Council Members.
- B-1 and B-2 Districts. Please leave the current definitions of B1 and B2 as is. Do not revise.
- Mobile Food Units. Please do not allow food trucks in any zoning except Resort, BMX, IMX or AMX. Please allow each regional plan to drive where food trucks are allowed.

I have also included below excerpts from the General Plan, state constitution, city charter and North Shore Sustainable Community Plan that state the importance of ag land.

Mahalo for taking up this difficult but very important Bill.

Mālama ‘āina,

Kathleen M. Pahinui

STATE CONSTITUTION

CONSERVATION AND DEVELOPMENT OF RESOURCES

Section 1. For the benefit of present and future generations, the State and its political subdivisions shall conserve and protect Hawaii’s natural beauty and all natural resources, including land, water, air, minerals and energy sources, and shall promote the development and utilization of these resources in a manner consistent with their conservation and in furtherance of the self-sufficiency of the State.

All public natural resources are held in trust by the State for the benefit of the people. [Add Const Con 1978 and election Nov 7, 1978]

AGRICULTURAL LANDS

Section 3. The State shall conserve and protect agricultural lands, promote diversified agriculture, increase agricultural self-sufficiency and assure the availability of agriculturally suitable lands. The legislature shall provide standards and criteria to accomplish the foregoing.

Lands identified by the State as important agricultural lands needed to fulfill the purposes above shall not be reclassified by the State or rezoned by its political subdivisions without meeting the standards and criteria established by the legislature and approved by a two-thirds vote of the body responsible for the reclassification or rezoning action. [Add Const Con 1978 and election Nov 7, 1978]

REVISED CHARTER OF THE CITY & COUNTY OF HONOLULU 1973 (AMENDED 2017 EDITION)

PREAMBLE

We, the people of the City and County of Honolulu, accepting responsibility to seek to achieve in our time that righteousness by which the life of our land is preserved and to encourage and enable our people to participate in their governance, do hereby adopt this Charter of the City and County of Honolulu.

Section 2-102. Purposes -- All city powers shall be used to serve and advance the general welfare, safety and aspirations of its inhabitants in a sustainable manner and promote stewardship of natural resources for present and future generations. All city powers shall be administered in a transparent manner that is inclusive and shall encourage full participation by the citizenry in the process of governance.
(2016 General Election Charter Amendment Question No. 7)

CHAPTER 15 - DEPARTMENT OF PLANNING AND PERMITTING

Section 6-1507. General and Development Plans -- The purposes of preparing a general plan and development plans are to recognize and anticipate the major problems and opportunities concerning the social, economic and environmental needs and future development of the city and to set forth a desired direction and patterns of future growth and development. The director shall prepare a general plan for the entire city and development plans for particular areas of the city.
(1998 General Election Charter Amendment Question No. 1(III))

Section 6-1508. General Plan -- The general plan shall set forth the city's objectives and broad policies for the long-range development of the city. It shall contain statements of the general social, economic, environmental and design objectives to be achieved for the general welfare and prosperity of the people of the city and the most desirable population distribution and regional development pattern.
(1998 General Election Charter Amendment Question No. 1(III))

Section 6-1509. Development Plans -- "Development plans" shall promote the formation of smart and sustainable communities.

Development plans shall consist of conceptual schemes for implementing and accomplishing the development objectives and policies of the general plan within the city. A development plan shall include a map, statements of standards and principles with respect to land uses, statements of urban design principles and controls, and priorities as necessary to facilitate coordination of major development activities.

The development plans and maps (which shall not be detailed in the manner of zoning maps) shall describe the desired urban character and the significant natural, scenic and cultural resources for the several parts of the city to a degree which is sufficient to serve as a policy guide for more detailed zoning maps and regulations and public and private sector investment decisions.

(1998 General Election Charter Amendment Question No. 1(III); 2016 General Election Charter Amendment Question No. 6)

Section 6-1511. Adoption of the General Plan and Development Plans -- 3. Public improvement projects and subdivision and zoning ordinances shall be consistent with the development plan for that area, provided that development plan amendments and zoning map amendments may be processed concurrently. If any provision of the general plan or development plans places the receipt of federal funds in jeopardy, the council may, after a public hearing, set aside the general plan or development plans, but only to the extent necessary to resolve the conflict which jeopardizes federal funding.

OAHU GENERAL PLAN NOVEMBER 2021

PREAMBLE

Purpose of the General Plan

The General Plan for the City and County of Honolulu, a requirement of the City Charter, is a written commitment by the City government to a future for the island of O’ahu which it considers desirable and attainable.

NATURAL ENVIRONMENT AND RESOURCE STEWARDSHIP

The natural environment, next to the island’s people, is O’ahu’s greatest asset. Protecting the island’s natural resources and environmental quality is essential to ensuring the long- term health and well-being of the community. The City's policies seek to protect and enhance O’ahu’s natural beauty and environment by increasing public awareness and appreciation, and by mitigating against the degradation of these assets. The objectives and policies recognize the importance of protecting the natural environment for current and future generations.

Implementation

The Development Plans (DPs) and Sustainable Community Plans (SCPs), according to the City Charter, are “conceptual schemes” that describe “the desired urban character and the significant natural, scenic and cultural resources” within a region (Revised Charter of Honolulu Sec. 6-1509). They are a tool for implementing the objectives and policies of the General Plan, serving as a policy guide for the City's more detailed zoning regulations, and public and private sector investment decisions. The DPs and SCPs provide for land use and public facilities planning as well as indicate the sequence in which development will occur. They must implement and accomplish the objectives and policies of the General Plan. **COMMENT: permitting residential in B -1 and B-2 does not take into account the adequacy of public facilities-sewer, water etc.**

I. POPULATION

Objective A

To plan for anticipated population in a manner that acknowledges the limits of O’ahu’s natural resources, protects the environment, and minimizes social, cultural, and economic disruptions.

Policy 3

Seek a balanced pace of physical development in harmony with the City's environmental, social, cultural, and economic goals by effecting and enforcing City regulations.

Policy 4

Establish geographic growth boundaries to accommodate future population growth while at the same time protecting valuable agricultural lands, environmental resources, and open space.

Objective B

To establish a pattern of population distribution that will allow the people of O'ahu to live, work and play in harmony.

Policy 1

Facilitate the full development of the primary urban center through higher-density redevelopment and the provision of adequate infrastructure. **COMMENT: residential in the B-1 and B-2 districts should only be allowed in the PUC, Ewa and Central which are identified in the General Plan as growth areas where adequate infrastructure will be provided.**

Policy 2

Encourage development within the secondary urban center at Kapolei and the 'Ewa and Central O'ahu urban-fringe areas to relieve developmental pressures in the remaining urban-fringe and rural areas and to meet housing needs not readily provided in the primary urban center. **COMMENT: allowing residential in B-1 and B-2 zoning will increase pressure in rural and urban fringe areas and is more appropriate in PUC, Ewa/Kapolei and Central.**

II. BALANCED ECONOMY

Objective A

To promote diversified economic opportunities that enable all the people of O'ahu to attain meaningful employment and a decent standard of living.

Policy 3

Pursue opportunities to grow and strategically develop non-polluting industries such as healthcare, agriculture, renewable energy, and technology in appropriate locations that contribute to O'ahu's long-term environmental, economic, and social sustainability.

Objective C

To ensure the long-term viability, continued productivity, and sustainability of agriculture on O'ahu. (allowing non-ag related uses in the ag district violates this objective)

Policy 1

Foster a positive business climate for agricultural enterprises of all sizes, as well as innovative approaches to farming as a business, to ensure the continuation of agriculture as an important component of O'ahu's economy.

Policy 3

Pursue opportunities to grow and strategically develop non-polluting industries such as healthcare, agriculture, renewable energy, and technology in appropriate locations that contribute to O'ahu's long-term environmental, economic, and social sustainability.

Policy 6

Promote small-scale farming activities and other operations, such as truck farming, flower growing, aquaculture, livestock production, taro growing, subsistence farms, and community gardens. (continuing to allow more tourism activities on ag zoned land does not promote small-scale farming but undermines it)

Policy 8

Encourage sustainable agricultural production to coexist on lands with renewable energy generation.

Policy 9

Prohibit the urbanization of agricultural land located outside the City's growth boundaries. (allowing non-ag uses such as tourism activities on ag land is counter to this policy)

Policy 14

Promote farming as a desirable and fulfilling occupation by encouraging agricultural education and training programs and by raising public awareness and appreciation for agriculture.

Policy 17

Recognize the scenic value of agricultural lands as an open-space resource and amenity.

III. NATURAL ENVIRONMENT AND RESOURCE STEWARDSHIP

Objective A

To protect and preserve the natural environment.

Policy 1

Protect O'ahu's natural environment, especially the shoreline, valleys, ridges, watershed areas, and wetlands from incompatible development.

Policy 4

Require development projects to give due consideration to natural features and hazards such as slope, inland and coastal erosion, flood hazards, water-recharge areas, and existing vegetation, as well as to plan for coastal hazards that threaten life and property.

Objective B

To preserve and enhance natural landmarks and scenic views of O'ahu for the benefit of both residents and visitors as well as future generations.

Policy 3

Locate and design public facilities, infrastructure and utilities to minimize the obstruction of scenic views.

COMMENT: the objective to minimize the obstruction of scenic views must be considered when permitting wind turbines and communication towers.

NORTH SHORE SUSTAINABLE COMMUNITY PLAN

- Pg 1-3: Support businesses which serve the agricultural, educational, health, and tourist industries and the local population, and provide employment for North Shore residents consistent with the low-key rural atmosphere of the North Shore.
- Pg 2-8 The core of Waialua Town is centered around Goodale Avenue and Kealohanui Street. As envisioned in the Waialua Town Master Plan (2005), revitalization of the town's core has created a landscaped, pedestrian-oriented mall anchored by the Waialua Bandstand and the revitalized Waialua Mill site, an expanded farmers market, and community and commercial uses. Appropriate forms of small-scale, low-intensity tourist activities such as tours of nearby agricultural farms and processing facilities and recreational resources are helping to further revitalize the town's commercial center by attracting more people there.

- Pg 3-13 Support efforts to restore Loko Ea Fishpond as an interactive, productive and functioning aquaculture resource. Promote the development of a cultural learning center providing both visitors and residents opportunities to experience the unique environment around Loko Ea Pond and 'Uko'a Marsh. Possible activities may include tours of a working aquaculture farm, as well as cultural and environmental education programs that teach traditional and modern aquaculture techniques and the history of the Pond and its adjacent areas. Walkways extending north to 'Uko'a Pond could provide opportunities for interpretive nature walks.
- Pg. 4-1 A survey conducted by the State of Hawai'i Department of Economic Development and Tourism for two separate time periods – Winter 2003 and Summer 2005 – indicates that more than half (51%) of all visitors to O'ahu in 2003 and 2005 visited the North Shore.¹³ This translates into an estimated 2.4 million tourists per year visiting the North Shore, or almost 7,000 visitors per day on average,¹⁴ which is about 40% of the total number of residents living on the North Shore in 2005 (about 18,400 residents).¹⁵ Although the effect is economically positive, the dramatic influx of tourists to the North Shore has significantly stressed the community's infrastructure with increasing traffic congestion, overcrowded beaches and park facilities, and insufficient rest room facilities in Hale'iwa Town
- Pg 5-12; 48. Adopt development standards and permitting procedures that simplify and streamline the permitting requirements for uses that support the growth of agriculture, including agricultural support facilities and agriculture-based tourism.
- Pg 5-13: 66. Monitor tourism-related activities conducted on agricultural lands to ensure that such activities do not adversely impact on-site or adjacent agricultural activities or other resources.
- Pg ES-2 The North Shore's Vision Statement focuses on retaining the unique qualities that have defined the region's attractiveness to residents and visitors alike; scenic open spaces, coastal resources, and the community's cultural and plantation heritage. A stable and diverse agriculture industry, which includes crop production, agricultural processing, and other support facilities, will play a key role in the region's economy and in protecting the region's agricultural lands and open space setting. Hale'iwa and Waialua remain the North Shore's principal commercial and civic centers while retaining their historic and "country town" character.
- Pg ES-3 The policies and guidelines related to Agriculture recognize the importance of protecting productive agricultural land; encourage the development of regional support facilities and infrastructure; and emphasize the importance of prohibiting improper use and subdivision of agricultural land.
- Pg 1-1 The General Plan directs growth to the Primary Urban Center, Central O'ahu and 'Ewa regions of O'ahu and limits growth in the urban fringe and rural areas (Exhibit 1.1). It designates the North Shore as a rural area where physical growth and development will be managed so that "an undesirable spreading of development is prevented," and "population densities are consistent with the character of development and environmental qualities desired for the area" (General Plan of the City and County of Honolulu, page 15). The General Plan also specifies that agricultural lands along the Windward, North Shore, and Wai'anae coasts are to be maintained for diversified agriculture.
- Pg 1-2 Preserve agricultural lands for current and future agricultural uses and support the diversified agriculture industry.

- Pg 2-2 Agriculture is a major contributor to the North Shore's economy, providing a multitude of jobs and economic opportunities for area residents. A varied quilt work of crops and forest products defines vast tracts of agricultural lands. All of O'ahu's residents enjoy the agricultural products grown on the North Shore, and value the North Shore's ability to provide food for the island's population and reduce O'ahu's dependency on imported foods. Coastal waters, beaches, and parks are linked by walkways and bicycle routes creating an ideal backdrop to host a rich array of recreational pursuits. Mountain areas provide safe havens for native plants and wildlife as well as wilderness settings for appropriate backcountry recreation. Hale'iwa and Waialua are the region's principal commercial and civic centers, and small pockets of rural residential areas remain clustered around Mokulē'ia, Kawailoa, and Sunset/Pūpūkea. Residents are proud of their close-knit communities and the many local families in their communities that have a history of multigenerational ties to the North Shore.

The growth of a stable and diverse agriculture industry has ensured the long-term protection of the North Shore's agricultural lands and open space setting and supported an array of flourishing agricultural enterprises, including crop production, agricultural processing and other support industries, farmers' markets and agricultural specialty outlets. Along with the continued success of the visitor and recreational industries, the growth of the agriculture industry has resulted in further needs for conventional commercial and industrial services, and an increase in cottage industries.

- Pg 2-4 Areas outside the Community Growth Boundary include agricultural lands as well as preservation lands with important open space, scenic, or natural resource values. Uses such as commercial and industrial development, public and private schools, and residential subdivisions with no bona fide agricultural activities are not permitted in these areas. Permissible land uses outside the Community Growth Boundary include agriculture and limited low-intensity types of outdoor recreational uses where appropriate, such as on nonagricultural lands or agricultural lands that are not suitable for intensive cultivation, provided they do not diminish the agricultural potential of these sites or jeopardize the open space, natural and scenic character of these resources. Other permitted uses outside the Community Growth Boundary include environmental and educational programs and facilities that are resource compatible, such as a high technology learning center that uses existing facilities at Camp Mokulē'ia and Camp Erdman in Mokulē'ia.
- Pg 2-6 A healthy agricultural industry continues to generate economic opportunities that are appropriate to the region's open space and rural qualities. In addition to using the Community Growth Boundary to ensure long-range protection for agricultural lands, land use policies and guidelines are in place to protect agricultural lands from encroachment by incompatible uses and to encourage long-term investments in productive agricultural uses on those lands. Economic incentives to support the industry, including tax or other incentives or measures to maintain productive agricultural lands, facilitate conversion from plantation crops to diversified agriculture, and promote long-term leases or sale of lands for farming, have been enhanced and strengthened.
- Pg 3-15 Preservation of agricultural areas is essential to promoting agriculture and maintaining the scenic open space features and rural character of the region. In addition to the Community Growth Boundary, policies and guidelines are established to protect agricultural lands from development. Policies and guidelines pertaining to agricultural areas are listed in Section 3.2 relating to Agriculture.
- Pg 3-17 When view reductions may come from agricultural activities which intrude into viewplanes or otherwise degrade or diminish scenic qualities, the protection of roadway views should be balanced with the operating requirements of agriculture.

- Pg 3-19 & 20 Agricultural lands are a key component of the North Shore's rural character. Cultivated fields extending towards the mountains significantly contribute to the form and character of the North Shore's rural landscape and the visual qualities that the region is known for. The protection of agricultural lands and agricultural uses, together with the assurance of a thriving agriculture industry, is essential to retaining the rural character and scenic open space features that are so valued by North Shore residents and visitors.
- Pg 3-21 Agricultural Support Facilities. In addition to the cultivation of products, agricultural land uses also include the related industrial and commercial activities that support crop production and sales. Agricultural support activities are an essential part of the industry, and include crop storage, processing, packing, and manufacturing of products, distribution facilities, and agriculturally related administrative, management, marketing, and sales facilities. These support activities are directly dependent on crop production and need to be located on Agriculture-designated lands in close proximity to the activity it serves.
- Agriculture-Based Tourism. Agriculture-based tourism is an alternative revenue-generating activity that combines education about agricultural products with recreation and the experience of interacting with the land and the grower. It involves visiting a working farm or agricultural venture to enjoy, learn about or participate in the operation, and may include activities such as farm tours with retail sales of locally grown produce, hunting, fishing, horseback riding and/or bicycling tours, farmers' markets, restaurants featuring regional cuisine, and agricultural fairs and festivals. By providing an additional revenue source, such visitor-related activities can supplement farm incomes and contribute to the economic viability and stability of the farm. Overnight visitor accommodations on agricultural lands are not appropriate.

Pg 3-22 Policies The following policies are applicable to agricultural lands:

- Protect all productive, high-value agricultural lands, regardless of current crop production capabilities, from uses that would undermine or otherwise irreversibly compromise their agricultural potential and crop production capabilities.
- Promote the long-term viability of diversified agriculture on the North Shore and ensure the continued productive use of the land.
- Maintain a healthy and competitive industry that supports a range of different types and scales of agriculture.
- Ensure that agriculture is the primary use of agricultural lands. Prohibit the improper use of agricultural lands, including the development or subdivision of agriculturally designated and zoned lands for residential and other nonagricultural uses, unless accessory to agricultural use. Do not allow token farming (i.e., "fake farms") or ranching as a ruse to exploit agricultural land.
- Maintain the current agricultural land use and zoning designation of agricultural lands within the Community Growth Boundary that are in the State Agricultural District and zoned for agriculture, except for limited "infill" areas contiguous to Hale'iwa and Waialua Towns that are designated for future residential.
- Pg 3-23 Ag lands guidelines
- Enforce permitted uses on agricultural lands to ensure that the use is contributing to meaningful and credible agricultural production on the same or nearby properties.
- Cluster and locate dwellings near similar uses to preserve open space, maximize the use of productive agricultural lands, and reduce infrastructure costs, when planned as part of an agricultural activity.
- Design and site buildings and other facilities that are accessory to an agricultural operation to minimize the visual impact on nearby areas and views from arterial and major collector roads.

- Adopt development standards and permitting procedures that simplify and streamline the permitting requirements for uses that support the growth of agriculture, including agricultural support facilities and agriculture-based tourism.
- Maintain adequate physical buffers between agricultural land uses and surrounding land uses.
- Base any subdivision of agricultural lands on the most appropriately sized, viable economic unit for agricultural production.

Pg 3-25 AGRICULTURE-BASED TOURISM

- Allow agricultural, recreational and educational programs, and limited outdoor recreational or other uses if the activity is complementary to the primary agricultural use of the land and it does not interfere with the agricultural use of the site.
- Monitor tourism-related activities conducted on agricultural lands to ensure that such activities do not adversely impact on-site or adjacent agricultural activities or other resources.
- Provide technical and business development support for visitor-related proposals.

September 25, 2022

From:

Cades Schutte LLP
Hawaii Reserves, Inc.
Durrett Lang Morse, LLLP
EW Gardner FLP 2
Gunstock Ranch, Inc.
Kaukonahua Ranch, LLC
Kualoa Ranch, Inc.
Koha Hui, LLC dba Climbworks
K-View, LLC
Triple G Stables, Ltd.
Preservation Partners, LLC

To:

Councilmember Brandon Elefante, Chair
Councilmember Esther Kia'aina, Vice Chair
Zoning and Planning Committee, Honolulu City Council

Re: Deferral of Bill 10 (2022), CD1 – Land Use Regulations

Aloha Chair Elefante, Vice Chair Kia'aina and members of the Zoning and Planning Committee:

We write to request deferral of Bill 10 to allow more time to gather and consider input and feedback from all stakeholders. Allowing time for further input will help ensure that the proposed amendments to the Honolulu Land Use Ordinance do not have unintended consequences.

We recognize the work that has been put into Bill 10. We appreciate all of the work that this Committee and the rest of the Council have put into addressing the issues that were expressed by other interested parties. Considering the breadth and potential consequences of Bill 10 and considering the relatively small number of stakeholders who have been engaged to this point, further community outreach and consultation will lead to a better bill.

The Land Use Ordinance has not been comprehensively updated for decades. Based on the feedback that we have received from stakeholders, we respectfully request consideration of the following points and the opportunity to meet with you to discuss these and other issues:

1. **Requiring a major conditional use permit for agritourism use.** Agritourism is essential for the preservation of agricultural lands and uses in the City and County of Honolulu. Agritourism is the leading accessory use allowing our community to preserve agriculturally zoned lands. Impeding agritourism will impede agriculture. Requiring a major conditional use permit for legitimate agritourism uses will be unduly burdensome, overly restrictive, and hurt many responsible landowners.
2. **Limiting agritourism events to one per week and prohibiting events with over 50 people.** Such restrictions will preclude many events that currently support existing agricultural uses and operations. These events subsidize and allow agricultural uses to continue. Limiting events means limiting agriculture.
3. **Not allowing motorized vehicle tours in agricultural zoning districts.** Farms and ranches on O‘ahu have demonstrated that vehicle tours, whether guided or self-guided, can co-exist with agricultural operations on the same property. These tours provide supplemental income that enables the perpetuation of agricultural operations and preservation of the land. Agritourism also teaches guests the principle of malama ‘aina and encourages visitors to practice the same here and at home.
4. **Not allowing farm dwellings as an accessory use to the boarding and care of horses.** Farm dwellings as uses accessory to equine and general animal husbandry and ranch operations are historical agricultural uses. It is absurd to pretend that horses are not an agricultural use or to impose the burdens of satisfying major permit requirements for a farm dwelling accessory to raising horses.

To date, there has been limited stakeholder engagement. The agricultural community on O‘ahu endured insufficient consultation in connection with the City’s Important Agricultural Lands recommendations. The State Land Use Commission rejected the recommendations because it concluded that the neighborhood boards, agricultural landowners, farmers, land buyers, and other stakeholders had not been involved and part of the discussion.

We can avoid these problems with Bill 10. We respectfully request that you consider allowing additional time to discuss and reflect on these issues by deferring action on Bill 10. Proper engagement and feedback from the agricultural community would help to ensure that Bill 10 is passed in the best possible form.

Thank you again for your time.

September 25, 2022

Page 3

Respectfully submitted,

/s/ Calvert G. Chipchase

Calvert G. Chipchase
Partner
Cades Schutte LLP

/s/ R. Eric Beaver

R. Eric Beaver
President & CEO
Hawaii Reserves, Inc.

/s/ Kalani A. Morse

Kalani A. Morse
Partner
Durrett Lang Morse LLLP

/s/ Aaron Campbell

Aaron Campbell
Land Manager
EW Gardner Family
Limited Partnership No. 2

/s/ Gregory and Kyndra Smith

Gregory and Kyndra Smith
President and Vice President
Gunstock Ranch, Inc.

/s/ Joseph C. Houssian

Joseph C. Houssian
Manager
Kaukonahua Ranch, LLC

/s/ John Morgan

John Morgan
President
Kualoa Ranch, Inc.

/s/ Aaron Campbell

Aaron Campbell
Manager
Koha Hui, LLC DBA Climbworks

/s/ Skip Taylor

Skip Taylor
Managing Agent
K-View, LLC

/s/ Bonnie Grossi

Bonnie Grossi
President
Triple G Stables, Ltd.

/s/ Chuck Horning

Chuck Horning
Preservation Partners, LLC



Kahuku Community Association

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

September 25, 2022

RE: Bill 10 CD1 (2022)

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

Kahuku Community Association (KCA) strongly supports a 1.25 mile setback as requested in the Proposed Amendments to Bill 10 CD1 (2022) from Chair Elefante, Vice Chair Kia`aina, Council Members Tsuneyoshi, Cordero and Tupola. We greatly appreciate the council members listening to our Kahuku Community and supporting a setback of 1.25 Mile for Large Wind Energy Generation Facilities. KCA would prefer a greater setback of 2 miles or more but feel that 1.25 mile is the step in the right direction.

KCA also respectfully requests the council to consider these following items regarding medium scale wind energy generations. First, amend medium wind energy generation to 99 Kilowatts instead of 100 Kilowatts as noted in our previous testimony. Second, consider supporting a setback of 1.25 mile for medium scale wind utility projects instead of a 1:1 setback. We feel that the burden of proof should be placed on the developers to request for a variance for lesser setback. If the developers can prove that medium scale turbines can be placed at a closer distance to residential communities without jeopardizing the health and safety of host communities, variance requests can be submitted for approval. We believe this will ensure that the safety, health and quality of life can be better protected as medium scale wind energy generation can also impose the same issues such as blade throw, tower collapse, fire, noise, and shadow flicker.

Placing an adequate setback is the only proven safety measure to protect and prevent host communities from the negative impacts of industrial scale wind turbines. KCA appreciates the council's support in a 1.25 mile setback and humbly asks the Council to continue to advocate for the public health, safety and welfare of the people. Mahalo!

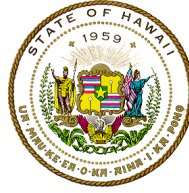


Kahuku Community Association

Respectfully,

Sunny Unga (e-sign)

Kahuku Community Association
Sunny Unga - President
Valeriano Garrido - Secretary
Melissa Ka'onohi-Camit - Director
Atalina Pasi - Director



The Senate

STATE CAPITOL
HONOLULU, HAWAII 96813

September 25, 2022

The Honorable Brandon J.C. Elefante
and Members of the Zoning and Planning Committee
Honolulu City Council
530 South King Street, Room 202
Honolulu, Hawai'i 96813

Aloha Chair Elefante and Committee Members:

Subject: Special Zoning and Planning Committee Meeting-9/26/22
Bill 10 (2022), CD1 Relating to Use Regulations (Wind Facilities)

I wanted to take this opportunity to thank the members of the Honolulu City Council who heard the concerns of the community and who expressed support for establishing a minimum 1.25-mile property line setback for large wind energy generation facilities. As I mentioned during my testimony before the full Council, I personally would be in favor of Councilmember Heidi Tsuneyoshi's 2021 proposal setting a greater setback of five miles; however, I am submitting this testimony in support of the community's stance on this issue.

I believe a distancing requirement of 1.25-mile for large wind energy generation facilities is completely necessary in order to improve upon the protection of our communities from any and all health-related and safety concerns due to the proximity of these facilities. Additionally, for large utility facilities that need to obtain a major conditional use permit, each developers of these large facilities must be required to hold a public hearing, schedule presentation to the area neighborhood board or community association and provide the City with confirmation that notice of its board or association public hearing has been provided to nearby property owners and residents. The Honolulu City Council must closing any remaining loophole by prohibiting a waiver of compliance to the

September 25, 2022

Page 2 of 2

land use regulations as proposed in Bill 10 (2022) and Hawai'i's environmental impact statement law.

Thank you for your consideration of this testimony.

Sincerely,

A handwritten signature in black ink that reads "Kurt Fevella". The signature is fluid and cursive, with the first name "Kurt" and last name "Fevella" clearly distinguishable.

Senator Kurt Fevella

State of Hawai'i, District 19

Minority Leader/Minority Floor Leader

State Capitol, Room 217

415 S. Beretania Street

Honolulu, HI 96813

Phone: (808) 586-6360

Fax: (808) 586-6361

senfevella@capitol.hawaii.gov

Aloha

I support Bill 10(22) with a set back of 1.25 mile. Reason I support it is that I personally felt the affects with my family. Affects that I am talking about is SHADOW FLICKER and WIND TURBINE NOISE as in humming from the motor and also the whooshing generated by turbine blades from the wind. If they were moved back about 1.25 mile that affect would be minimal or won't affect us at all. I am for green energy but think about the people who has in their community. Grow of a community can really be affected cause the proximity of the wind turbines.

Mahalo, Jacob



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September 25, 2022

RE: Bill 10 – Request to DEFER BILL 10

Dear City Council Members,

Today you have before you a massive proposed legislation in the form of Bill 10 that we ask for you to DEFER at this time.

This Bill, while well-intended and ultimately needed as part of a comprehensive update, simply has not had sufficient time for public understanding, input, discussion or deliberation. Such major changes and complicated changes proposed to so many areas of land use simply cannot be rushed and it cannot be at all in the public interest to advance this Bill at this time.

Please defer this bill until the community has had robust opportunity in the form of community workshops, presentations, extensive and continued outreach by DPP to Neighborhood Boards and other groups, and receives back also robust and extensive community involvement in these matters.

You have seen in recent testimony that the community feels this is rushed and inappropriate to advance at this time. Please listen to these voices and defer Bill 10 today.

Thank you for the opportunity to provide comments on this important matter.

Warm regards,

Winston Welch, Executive Director



SIERRA CLUB

O'AHU GROUP

HONOLULU CITY COUNCIL- ZONING AND PLANNING COMMITTEE
**Comments on Bill 10 CD1: Relating to use regulations. [Addressing the regulation of
uses throughout Chapter 21, Revised Ordinances of Honolulu 1990**

September 26, 2022, 9:00 a.m.

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

On behalf of our 8,000 members and supporters, the Sierra Club O'ahu Group offers **comments on Bill 10 CD1** to ensure a just energy transition inclusive of the voices and concerns of communities on the frontline of industrial-scale energy projects as well as the preservation of O'ahu's rural areas.

The Land Use Ordinance is a vital tool that protects and enhances the quality of O'ahu's natural environment and natural and cultural resources. It can also promote beneficial growth for local economies and smart development aligned with our climate resiliency and energy goals. We appreciate the Council's intent to address some long-standing issues with land use regulation through the Land Use Ordinance as well as update our island's land use and development standards.

Land use is a critical determinant for climate action, and we commend the work done in Bill 10 to ensure progress towards climate targets by encouraging denser, mixed-use, and transit-oriented development to lessen automobile dependence. As we know, transportation accounts for the majority of emissions and can significantly impact our air quality and quality of life. Bill 10 also supports climate adaptation through a Transfer of Development zoning practice to facilitate development that avoids increasingly hazardous locations in coastal areas.

There are several items within Bill 10 CD1 that are steps forward for land use and demonstrate changes that reflect community concerns raised throughout the hearing process. However, Bill 10 CD1 is still a large measure that covers many areas and affects many industries. We'd like to provide comments on the potential adverse impacts of a few of Bill 10 CD1's contents that we hope offer improvements and complement the council's efforts.

- 1. Wind Energy Generation Setback: Sierra Club O'ahu would like to express concern regarding the exclusion of the 1.25 mile setback requirement for large wind energy generation facilities in Bill 10 CD1.** Although we appreciate that a

one-mile setback is an improvement over the status quo, a 1.25 mile setback will better protect the well-being of residents, cultural practitioners, and native ecosystems in areas that may be impacted by industrial wind turbines. The AES “Na Pua Makani” wind project showcased the imperative need for community and species well-being to be prioritized in large utility-scale energy development. The Kahuku community has fought over 10 years to be heard, recognized, and institutionally supported in raising concerns and sharing their experiences being inundated with large wind generation.

Please include the 1.25 mile setback for wind turbines as introduced by Council Members Elefante, Kia’aina, Cordero, Tsuneyoshi, and Tupola to protect communities and restore trust between government and residents in the renewable energy transition. This is ultimately a matter of environmental and restorative justice.

2. **Mobile Commercial Establishments (MCE) in Country and B-1 zoning:** We appreciate the Department of Planning and Permitting’s proactive efforts to regulate MCE/Food Trucks, and recent changes to designate them in “Resort” zoning areas. However, we believe there should be explicit language which restricts MCEs from being allowed in Country and B-1 zoning. Also, in regards to requirements for more than three MCEs on one lot, a restroom with sanitation station requirements would alleviate infrastructure stress on neighboring brick and mortar retailers as well as county facilities, and support the health and sanitation of employees and customers.
3. **Hotels in B-1 and B-2 zoned areas:** We do not believe allowing hotels in B-1 and B-2 zoned areas will benefit the residents of O’ahu; such land uses will only lead to further industrialization and commercialization impacts on their surroundings. Even small hotels impact traffic volume, character of a community, parking availability, etc. Please do not expand hotels in B-1 and B-2 areas and into the hearts of our communities. Furthermore, there is real potential that O’ahu could face a water shortage in the foreseeable future; the Land Use Ordinance must reserve the ability of decision makers to control future development rather than invite land uses that may have significant water and other resource impacts, and that may be far more difficult to manage once they have been established.

Mahalo to the Council and Committee for the opportunity to offer these comments on Bill 10 CD1.



**Hawaiian
Electric**

**TESTIMONY BEFORE THE SPECIAL COMMITTEE
ON ZONING AND PLANNING**

**COMMENTS WITH REQUESTED AMENDMENTS REGARDING
Bill 10, CD1, RELATING TO USE REGULATIONS**

Monday, September 26, 2022
9:00 A.M.
City Council Chamber

Greg Shimokawa
Director, Renewable Acquisition Division
Hawaiian Electric

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

My name is Greg Shimokawa and I am submitting testimony on behalf of Hawaiian Electric **with comments and requested amendments** on Bill 10, CD1 proposing changes to Article 5 of the Land Use Ordinance. While Bill 10, CD1 is proposing myriad changes to land use laws, Hawaiian Electric is only focused on the section that applies to existing wind machines, as their current production of renewable energy is vital to the State's decarbonization plans and getting us to 100% renewable energy by 2045.

Hawaiian Electric understands there are concerns regarding setbacks for wind energy generation facilities and is sensitive to concerns raised by the community. Hawaiian Electric acknowledges this process and the policy that will be set forth by the Council. Hawaiian Electric does not oppose either the 1 mile or 1.25 miles setback. However, it is important to recognize that to achieve the State's renewable energy goals existing renewable energy projects must remain intact. Thus, any changes to setback requirements in Section 21-5.60-6 should only be directed at new wind generation

facilities and that these setback requirements do not have implications on existing facilities during the term of the Independent Power Producer's power purchase contracts with the electric public utility, including any renewal term, or upon repair of an existing facility. If existing wind energy generation facilities are unable to continue operations, the current progress Hawai'i is making towards 100% renewables could be hindered. Cessation of existing wind generation could also result in additional costs to customers who will have to fund replacement projects that could potentially be more costly than keeping projects that are already built. Additional land will also be required to site these replacement projects.

Hawaiian Electric respectfully requests the following changes, as underlined and stricken through [--] in Section 21-5.60-6(c)(2)(B)(v) to address concerns for existing facilities and provide consistency to the narrative for "height of the facility":

- "(v) Large wind energy generation facilities must be set back from all property lines at a minimum distance equal to the height of the facility, measured from the highest vertical extension of the facility, and a minimum of X mile from the property lines of any zoning lot located in the country, residential, apartment, apartment mixed use, and resort zoning districts. Height includes the height of the tower or its vertical support structure and the farthest vertical extension of the facility tower. **This subsection does not apply to any existing facilities covered by a power purchase contract with an electric public utility during the term of such contract, including any renewal or extension term, or undergoing repair, maintenance, or component replacement.**

We sincerely appreciate the efforts of the City Council, Committee on Zoning and Planning, Department of Planning and Permitting, and the Planning Commission in getting the bill to this point and look forward to continuing our work with them as the bill progresses.

Please consider our requested amendments. Thank you for the opportunity to testify.

TO: Members of the Committee on Zoning & Planning

FROM: Natalie Iwasa
808-395-3233

DATE: Monday, September 26, 2022

SUBJECT: Bill 10, CD1 Amend and Update Land Use Ordinance - **COMMENTS**
Extension Request 120 days - **SUPPORT**
Teacher and Workforce Housing 80% AMI - **OPPOSED**
Proposed Wind Energy Set Back 1.25 Miles - **SUPPORT**

Aloha Chair Elefante and Councilmembers,

Thank you for allowing testimony on Bill 10, CD1, which would amend and update the land use ordinance. The Honolulu Department of Planning and Permitting has requested a 120-day extension of time to hear and consider Bill 10 (2022). I support this extension. As I, and others, have previously commented, this bill deserves much more public participation.

There is one proposed change to the ordinance which I oppose and ask you to remove, and that is the teacher and workforce housing. This change would carve out a special use for certain government property and allow one small group of residents to rent there. If this were to go through, it would require more city resources that other taxpayers would have to cover.

Please remove all references to teacher workforce housing.

OPPOSE BILL 10 (22)
Special Meeting
Planning and Zoning Committee
September 26, 2022

[BILL010\(22\)](#) was introduced for First Reading on February 23, 2022 Agenda on page 15. *Relating to use regulations. (Addressing the regulation of uses throughout Chapter 21, Revised Ordinances of Honolulu 1990 (“Land Use Ordinance”).*

Aloha Honolulu City Council members:

Please DEFER Bill 10 and unbundled into segments incrementally.

Excerpts stated below clearly shows that Bill 10 is not ready to be adopted.
<https://www.civilbeat.org/2022/09/a-major-overhaul-of-honolulu-land-use-rules-has-been-quietly-advancing-now-some-say-not-so-fast/>

“ DPP Land Use Permits Division Chief Katia Balassiano said in an emailed statement.

*She added that the bill, which reflected what she called a **“thoughtful and intentional effort,” will benefit the community** and a number of different sectors, including agriculture, utilities, housing and commercial uses.*

***“It’s in good shape and ready to be acted upon by the City Council,”** Balassiano said.”*

*The DPP’s Balassiano said **the department consulted many stakeholders, including government agencies, consulting firms and developers. The process was handled “with great transparency,”** she said in the statement.*

Mayor Rick Blangiardi’s office declined comment, referring questions to officials at DPP.

Other council members declined to publicly endorse the bill.

Elefante, who has been traveling and [is running for state Senate](#), said he was unavailable for comment and declined to provide a statement about the bill.

Waters provided a statement but declined to discuss it. Council member Esther Kiaaina, who also serves on the planning and zoning committee, said she couldn't comment on the record because she is still reviewing it."

We are very concerned that this **OMNIBUS BILL 10** is a very complicated, confusing, and contradictory document that is not ready to be adopted as a public policy for Oahu's Land Use Ordinance (LUO).

The proposed amendments are far-reaching. But it's a very technical piece of document that covers 239 pages.

The public must have the opportunity to learn, digest, and ask more questions about this very sweeping and far-reaching bill that will drastically change communities through land use ordinances and laws.

There are so many facets to this Bill 10 that three (3) minutes is grossly inadequate for public participation and dialogue.

Even the single vacation rental bill took over two years to complete. This Bill 10 is OMNIBUS and more sweeping.

It appears DPP does not provide an over-arching mindset to the entire Oahu Island or treat the amended LUO as an over-arching whole in the public interest and public good of Oahu.

Groups and residents are cornered into trying to protect their dearest concerns in piece-meal fashion while many other critical issues inadvertently slipped through and not addressed.

Even our District 2 City Council member only provided an amendment on the 1.25 mile industrial turbine setback when there are so many other pressing issues relating to this voluminous Bill 10 that were unattended to.

DPP cannot provide this type of leadership and process as this management style creates confusion, pits neighbors against neighbors, leaves most affected residents in the dark while developers, lobbyists, and consultants were provided opportunities in decision-making with DPP, as alluded to by the DPP staff.

A few of many highlighted concerns with Bill 10:

Bill 10 is not consistent with the Oahu General Plan and Sustainable Communities Plan.

There is a shift in development density in Bill 10. Allowing hotels on neighborhood B-1 zoning will forever change neighborhoods and communities.

The Oahu General Plan specifically provides diversity in different parts of Oahu land use plans to protect the finite resources, culture, sense of place and so on. Bill 10 is contradictory to these primary land use planning values.

Agricultural Zoning and Uses

The agricultural issues and changes connected to this Bill 10 have not been properly discussed among the affected farmers and owners of ag-zoned properties yet. This AG issue alone demands a separate segment to allow affected owners/farmers to work out the details and solutions.

Transfer of development

The agreement running with the land for all donor and receiving zoning lots must remain in effect for a minimum of 60 years (instead of 30 years). Clarifies that for the transfer of development (floor area only) from a donor zoning lot with a historic site to a receiving zoning lot, or for the transfer of development (floor area or number of dwelling units only) from a donor zoning lot within the special management area to a receiving zoning lot, all other requirements and standards applicable to the receiving zoning lot and its underlying zoning district remain in effect.

What is the above proposed LUO amendment about?

Wind Turbine Setbacks:

In many ways, this is an after-the-fact action. Kahuku residents are forced to live with these industrial turbines for the next 20 years. The procuring and processing of these turbines was flawed with government agencies violating its own laws and ordinances to please private corporations like General Electric Industries to meet deadlines for its federal tax incentives and so forth.

I'm particularly saddened and alarmed also by the callousness of some energy corporations relating to the wind turbines setback. 1.5 mile is so minimum at best. It's easy to opine and drop any figures when a decision-maker is not living within the proximity of these huge industrial turbines. It really should be **5 miles**. Health organizations have suggested five (5) miles as the buffer distance for elderly, children and those with vulnerable health conditions.

We live on an island. The mindset and the intransigent attitude is not pono. **Let's put people first. Let's live aloha first.**

Wind turbines have caused health problems. Towns and counties have shut down turbines through their Health Departments due to negative health impacts on their most affected residents.

Some residents or communities in Oahu are obviously considered **expendables** *in the name of achieving Hawai'i's renewable energy goals*. Shown in italics below is a chilling commentary. This commentary is in a "survival of the fittest" mode. This is not pono. It shows no aloha.

Excerpted from Ulupono Initiative

Wind Facility Setback Requirements. Ulupono believes the proposed 1.25-mile setback for wind projects will undoubtedly affect lands suitable for renewable energy projects and put the state in jeopardy of meeting its renewable energy commitments. As onshore wind projects are a low-cost option to advance the state's clean energy goals, this setback virtually ensures a greater dependence on high-cost and polluting energy resources, such as fossil fuel generation, further exacerbating many issues associated with climate change, such as increased severity and frequency of storms, sea-level rise, eroding beaches, and more. Additionally, should land-based renewable wind energy generation be limited and/or restricted, O'ahu will undoubtedly be forced to consider other potentially controversial, high-cost alternatives such as off-shore wind facilities and utility-scale solar facilities on O'ahu's most productive agricultural lands. Therefore, Ulupono has concerns with the expansion of the existing regulations, especially given the significant increase proposed from the current setback. Ulupono believes anything greater than the current setback will potentially cost more for residents and hinder the state's progress towards reducing electricity costs, combatting climate change, and achieving Hawai'i's renewable energy goals.

There are voluminous information relating to health and industrial turbines. We must put people first and find ways to adapt Hawaii's energy agenda without treating some residents or communities as "expendables".

Green energy is important but **ENVIRONMENT JUSTICE** and **SOCIAL JUSTICE** must be an integral part of the process and agenda.

There are many more concerns and issues that is constrained by time and space here.

Please slow down and allow needed public participation. Defer Bill 10. Provide workshops where the public can ask questions of DPP with time limit restraints. DPP must be implement the general public's needs and concerns. Unbundle Bill 10 and amend the LUO in segments incrementally as needed.

Mahalo,

**Choon James
www.CountryTalkStory.com**



September 26, 2022

Councilmember Brandon Elefante, Chair
Committee on Zoning and Planning
City and County of Honolulu
530 South King Street, Room 202
Honolulu, Hawai'i 96813-3077

SENT ELECTRONICALLY: <https://hnlidoc.ehawaii.gov/hnlidoc/testimony>

Re: September 26, 2022, Agenda Item 3: Bill 10
Wireless Communication Facilities

Dear Chair Waters and Councilmembers:

On behalf of New Cingular Wireless PCS, LLC ("AT&T"), I provide these comments on the proposed City and County of Honolulu ("City") code amendments referenced above.

AT&T supports the City's efforts to update its wireless code for consistency with federal laws and regulations and provide more direction and clarity for applicants, as well as staff and impacted members of the community.

For further clarification and consistency with federal law, AT&T suggests three additional changes to the Communications section of Bill 10 (Section 21-5.60-2) and related provisions applicable to utilities, as outlined in this letter.

Skyrocketing Demand for Wireless Service

AT&T continues to improve its network in response to skyrocketing demand for wireless service. Of note:

- AT&T estimates that since introduction of the iPhone in 2007, mobile data usage has increased 730,000% on its network.¹
- Over 80 percent of Americans rely exclusively or primarily on wireless communications in their homes.²

¹ <https://www.business.att.com/explore/make-the-switch.html>

² *Wireless Substitution: Early Release of Estimates from the National Health Interview Survey, January-June 2021*, available at <https://www.cdc.gov/nchs/data/nhis/earlyrelease/wireless202111.pdf>.

- As of June 2021, **68.0% of adults and 79.1% of children live in wireless-only households.**³ This is an approximately nine-point increase over only two years' time.⁴ This increase is coupled with a nearly 8-point drop in households with both a landline and wireless.⁵ Americans are continuing to abandon their home landlines and rely on wireless service.
- According to the National Emergency Number Association ("NENA"), an estimated 240 million calls are made to 9-1-1 in the U.S. each year, and in many areas, 80% or more are from wireless devices.⁶

AT&T's Suggested Changes

Disqualifying Collocation Alternatives. AT&T is familiar with collocation preferences, such as those proposed in the new wireless code, and its siting teams look for opportunities to attach to existing towers as a practical matter regardless of a code's requirements that such locations be considered. To accompany such preferences, most jurisdictions allow a wireless applicant to present evidence to explain why any such collocation opportunity is not in fact feasible or available for lease.

On page 41 of the 09-01-2022 draft of Bill 10 ([BILL010\(22\), CD1 - 08-25-22 ZP](#)), in subsection (F)(iii), the **only** reason listed for an applicant to demonstrate that collocation on an existing tower is not feasible is if there is a "lack of space." This language does not fully capture the typical issues in the relevant siting analysis. Compare this narrow language with the broader language immediately above in subsection (F)(ii), which addresses this analysis from the perspective of the tower owner.

Consistent with most other jurisdictions, AT&T asks that the relevant code provision be clarified to allow the applicant to demonstrate various reasons why collocation is not possible. To this end, AT&T suggests elaborating in subsection (F)(iii) as follows:

"or other evidence that collocation on such existing towers is technically infeasible (such as when precluded by zoning constraints, radio frequency interference, or structural limitations, or where an alternative location will not meet the service coverage objectives of the applicant) or that the applicant is unable to obtain agreement by the owner of such tower on reasonable terms."

³ Id.

⁴ Id., Table 1 on p. 4.

⁵ Id.

⁶ <https://www.nena.org/page/911Statistics>

Clarifying concealment requirements. Full screening of antennas is not always feasible; for example, antennas operating at certain higher frequencies may not be screened or even painted because such materials block their signals. AT&T and other carriers have looked to other alternatives for mitigating the visual impacts of antennas, including wraps of colored or reflective film. The wrap of reflective film obscures an antenna because it is reflecting the appearance of the sky. AT&T has approved use of this method of concealment in other markets, and this is offered as an additional solution for your consideration. We have enclosed photographs showing how the reflective film can mitigate the appearance of antennas.

In AT&T's view, further detail in the code's concealment language can allow for these mitigation options and keep staff, the public, and service providers on the same page as far as expectations. This may be addressed on pp. 42-43 of Bill 10 as follows:

- (B) Alternative communication support structures must:
 - (i) Be concealed **or obscured** to minimize visual impacts, especially when integrated into an existing building façade. Integration with existing structures or with existing uses must be accomplished through the use of architecture, landscape, and site solutions. **Acceptable concealment includes screening, painting or coloring antennas to match building materials, or wrapping antennas in reflective film.**

Deleting power density language. AT&T understood that the City intended to delete references to radiofrequency ("RF") emissions and "power density," in recognition of the federal preemption of this subject matter.⁷ Most relevant provisions in the latest version of Bill 10 have been stricken, but references to access restrictions based on RF emissions remain in the following three subsections of Bill 10:

Section 21-9.80-5(d)
Section 21-9.80-6(d)
Section 21-9.80-8(d)

AT&T suggests deleting the above three subsections on pages 191-92 of Bill 10.

⁷ Federal law and Federal Communications Commission rules have occupied the field of radio RF regulation and any local regulation of RF emissions is preempted and void. *Southwestern Bell Wireless, Inc. v. Johnson County*, 199 F.3d 1185, 1193 (1999).

September 26, 2022
Page 4

We appreciate your consideration of AT&T's comments and for all the efforts by the City's leaders and staff to establish workable policies for the wireless industry, including AT&T, and the people living and working in the City & County of Honolulu.

Sincerely,

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

Meridee Pabst
meridee.pabst@wirelesspolicy.com

Encl: Photographs of reflective wrap on wireless antennas

cc: Elizabeth Krueger, Interim Chief Planner, Land Use Permits Division

**Rooftop Antennas Obscured with Reflective Film -
Renton, WA**



REFLECTIVE FILM

**ORDINARY
TREATMENT**



**Rooftop Antennas Obscured with Reflective
Film -
Renton, WA**



Martin M. Q. Nguyen, MRED
Associate Principal
CA DRE #02074177
HI RS #76392

September 26, 2022

The Honorable Brandon J.C. Elefante
Committee on Zoning and Planning
Honolulu City Council
530 South King Street, Room 202
Honolulu, Hawaii 96813

RE: TESTIMONY IN SUPPORT OF BILL 10 (2022), CD1 RELATING TO USE REGULATIONS

Aloha Chair Elefante, Vice Chair Kia'āina, and Committee Members,

I am submitting testimony in my capacity as principal of Centre Urban Real Estate in **support** of the proposed amendments to Bill 10 (2022), CD1 relating to the Land Use Regulations. Specifically, the permitting of multi-unit dwelling in B-1 and B-2 zoning districts outside of the neighborhood transit-oriented development (TOD) plan areas, will allow much needed housing to be naturally developed.

The housing crisis in Honolulu has reached a point where inaction is not a choice. Our best and brightest are leaving for the Mainland and may never return home. In my personal experience, as a kama'āina who moved away and have had the opportunity to return home, I know that housing is a major hurdle to those who have the benefit to even consider doing so. It all starts with housing and housing is an everything problem. By allowing multi-unit dwellings and increased density along our major thoroughfares, this creates the opportunity for our kama'āina to choose to stay or return home as well as rejuvenate our urban commercial corridors and support our local businesses.

The City & County of Honolulu is certainly heading in the right direction and we emphasize our support for the permitting of multi-unit dwelling in B-1 and B-2 zoning districts. To further facilitate positive change as it relates to housing, we suggest the Committee consider including B-1 and B-2 under the allowable zoning districts for Ordinance 19-8.

Thank you for the opportunity to contribute to this important dialogue. If there are any questions or concerns, please reach me at martin@centre-urban.com to discuss.

Sincerely,

Martin M. Q. Nguyen, MRED
Managing Principal
Centre Urban Real Estate Hawaii, LLC

September 26, 2022

Calvert G. Chipchase
1000 Bishop Street, Suite 1200
Honolulu, Hawai'i 96813-4212
Direct Line: (808) 521-9220
Direct Fax: (808) 540-5021
Email: cchipchase@ca-des.com

Councilmember Brandon Elefante, Chair
Councilmember Esther Kia'aina, Vice Chair
Zoning and Planning Committee, Honolulu City Council

Re: Deferral of Bill 10 (2022), CD1 – Land Use Regulations

Aloha Chair Elefante, Vice Chair Kia'aina and members of the Zoning and Planning Committee:

I am writing to request deferral of Bill 10 to allow more time to hear from all interested stakeholders and ensure that the proposed amendments to the Honolulu Land Use Ordinance will not have unintended consequences. In these comments, we focus on the provisions in Bill 10 that do not concern agriculturally zoned land.

Bill 10 has come a long way since its initial draft, and we appreciate all of the work that this Committee and other Councilmembers have put into it. Bill 10 would benefit from further deliberation among the City, stakeholders and impacted land-owners. The following are among our comments and concerns.

1. **Not allowing general eating and drinking in the apartment zoning districts.** As the City moves toward more contained neighborhoods and away from the heavy reliance on individual vehicles, it is important to promote complementary uses within walking distance in neighborhoods. When subject to reasonable development standards, eating and drinking establishments promote the livability of residential areas.
2. **Considering a hotel “major” based on the meeting facility or provision of food alone.** The distinction between major and minor hotels should be based on unit count and not the floor area of the meeting facilities or nature of food provided. The distinction is an important one, but it should be based on the intensity of use and that is most easily measured by the hotel's unit count. Within reason, minor hotels should be able to have varying meeting facilities and food arrangements.

We respectfully ask the Council to defer action on Bill 10 so that these and other concerns may be considered, all voices may still be heard and Bill 10 is passed in its best possible form.

September 26, 2022

Page 2

Please let us know if you would like to discuss any of our comments or receive a copy of our proposed revisions. Thank you again for your time.

Very truly yours,

A handwritten signature in black ink, appearing to read "Calvert Chipchase". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Calvert G. Chipchase

for

CADES SCHUTTE

A Limited Liability Law Partnership



Crown Castle
150 Hamakua Drive, #703
Kailua, HI 96734

September 26, 2022

City Council
City and County of Honolulu
Honolulu, Hawaii

Via Electronic Submittal at <https://hnl.doc.ehawaii.gov/hnl/doc/testimony>

RE: Crown Castle Comments
Bill 10 (2022), CD1

Honorable members of the City Council:

On behalf of Crown Castle USA Inc. ("Crown Castle"), the nation's largest provider of shared communications infrastructure, thank you for the opportunity to offer comment on Bill 10 (2022). Specifically, our comments are focused on CD1, which is slated for a third hearing and possible adoption by the City Council on 9/26/22.

Crown Castle supports the overall direction the communications section of CD1 provides and we welcome the opportunity to work with you and the Department of Planning and Permitting to ensure edits to CD1 are both consistent with federal law and workable from a practicality standpoint.

Eligible Facilities Requests under Section 6409.

Crown Castle supports the proposed exemption of Eligible Facilities Requests ("EFR") from land use permitting in Sections 21-5.60-2(b)(2)(E) and 21-5.60-2(c)(2)(D). This exemption furthers the nationwide policy goal to speed deployment of minor modifications on existing structures. These policies are reflected in a provision of the Spectrum Act¹ and the regulations adopted by the Federal Communications Commission ("FCC")² (collectively, "Section 6409").

¹ Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, § 6409 (2012) (codified at 47 U.S.C. § 1455).

² *Acceleration of Broadband Deployment by Improving Wireless Facility Siting Policies*, 29 FCC Rcd. 12865 (2014) (codified at 47 CFR § 1.6100); *Implementation of State & Local Governments' Obligation to Approve Certain Wireless Facility Modification Requests Under Section 6409(a) of the Spectrum Act of 2012*, WT Docket No. 19-250 (June 10, 2020); and *Accelerating Wireless and Wireline Deployment by Streamlining Local Approval of Wireless Infrastructure Modifications*, WT Docket No. 19-250, RM-11849; FCC 20-153 (Nov. 3, 2020).

Section 6409 streamlined local review and approval of any application qualifying as an EFR. To do so, it implemented deadlines for governmental review and approval, provided important rights and remedies for those deadlines and limited the scope of review for EFR applications.

Given the clear regulatory framework, Crown Castle strongly recommends the Council align the amendments proposed in CD1 with Section 6409 to the greatest extent possible. To that end, Crown Castle would recommend carving out a specific procedural path for all EFR applications, including those in special districts, and clarifying that the procedural and substantive requirements for non-EFR applications will not apply to EFR applications.

Subjective Criteria for Non-EFR Applications.

Crown Castle supports the City and County's standards for Communication Towers on pg. 41 of CD1, Section 21-5.60-2(b)(2)(D), which requires new towers to be designed to support multiple uses while minimizing the visual impact. However, the specific provision is subjective, and it may not be possible to prove compliance. Instead, Crown Castle recommends the following changes:

All communication towers must be designed to structurally accommodate ~~the maximum number of additional equipment-users technically practicable, while using the smallest, least visually intrusive components.~~

The implementation component of this standard, on pg. 42 of CD1, Section 21-5.60-2(b)(2)(F)(i), requires provision of a quantitative description of the additional tower capacity anticipated, including the number and types of antennas that the tower could ultimately support. For purposes of clarity and to minimize subjectivity, Crown Castle respectfully requests the Council's consideration of a minor edit to this language to simply add a qualifier for what information might satisfy this requirement. Please consider modifying this sentence to read as follows:

A quantitative description ~~of the~~that the communications tower is capable of additional ~~tower~~ capacity ~~anticipated~~, such as in a structural analysis or other engineering determination, ~~including the approximate number and types of antennas.~~

Thank you again for your consideration of these important matters. Crown Castle appreciates the time and effort you have put into Bill 10 and we look forward to working with you to ensure your community has the wireless communication services it expects and deserves.

Sincerely,

A handwritten signature in cursive script that reads "Kathy Putt". The signature is written in black ink and is positioned above a horizontal line.

Kathy Putt

Government Affairs Manager

Crown Castle

Kathy.Putt@crowncastle.com

cc: *All via e-mail*

Testimony of the Hawaii Laborers' Union LiUNA Local 368

1617 Palama Street

Honolulu, Hawaii 96817

Meeting: Special Zoning and Planning

Date: September 26, 2022

Time: 9:00 am

RE: COMMENT BILL 10 (2022), CD1 – LUO AMENDMENT RELATING TO USE REGULATIONS

Chair Elefante, Vice-Chair Kia'aina, and Committee Members,

The Hawaii Laborers' Union (LiUNA Local 368) and its 5,000 working and retired men and women across the state of Hawaii wish to comment on BILL 10 (2022), CD1 – LUO AMENDMENT RELATING TO USE REGULATIONS, particularly with regard to Section 21-6.60-6(c)(2)(B)(v) relating to large wind facilities.

The Hawaii Laborers' Union believes that there should be a provision in this bill that allows for the repair and maintenance of existing facilities such that these facilities can fulfill their power generation requirements which they are contractually obligated to fulfill pursuant to their purchase agreements with HECO.

While ROH 21-4.110 exists as a means of repair or replacement in the event of "destruction" of these facilities, it does not provide for repair and especially maintenance during the regular course of the permitted lifespan of the facility.

Therefore, we ask that this committee consider providing a repair and maintenance provision with regard to Section Section 21-6.60-6(c)(2)(B)(v) in order that these facilities may continue to maintain their facilities and provide the power that O'ahu need in accordance with it power purchase agreement with HECO.

Thank you for the opportunity to provide this written testimony.

Sincerely,

Ryan Kobayashi

Government Relations

Hawaii Laborers' Union LiUNA Local 368