BILL064(23)
Testimony

MISC. COMM. 505

COUNCIL

COUNCIL Meeting

Meeting Date: Nov 7, 2024 @ 10:00 AM

Support: 5

Oppose: 0

I wish to comment: 6

Name:	Email:	Zip:
Tracy Tonaki	TSTonaki@drhorton.com	96813
Representing:	Position:	Submitted:
D.R. Horton Hawaii	Support	Nov 4, 2024 @ 06:11 PM

Name:	Email:	Zip:
Frederick Mencher	frederickmencher@gmail.com	96817
Representing:	Position:	Submitted:
East Oahu County Farm Bureau	I wish to comment	Nov 5, 2024 @ 08:53 PM

Name:	Email:	Zip:
Olan Leimomi Fisher	olan@kuahawaii.org	96744
Representing:	Position:	Submitted:
Kua'aina Ulu 'Auamo (KUA)	Support	Nov 6, 2024 @ 11:27 AM

Name:	Email:	Zip:
Evan Oue	eoue@imanaka-asato.com	96813
Representing:	Position:	Submitted:
NAIOP Hawaii	Support	Nov 6, 2024 @ 11:34 AM

Name:	Email:	Zip:
Brian Miyamoto	brian@hfbf.org	96759
Representing:	Position:	Submitted:
Hawaii Farm Bureau	I wish to comment	Nov 6, 2024 @ 02:55 PM

Name:	Email:	Zip:
Micah Munekata	mmunekata@ulupono.com	96813
Representing:	Position:	Submitted:
Ulupono Initiative	I wish to comment	Nov 6, 2024 @ 03:06 PM

Name:	Email:	Zip:
Jacob Franco	jac1snake@yahoo.com	96731
Representing:	Position:	Submitted:
Self	Support	Nov 6, 2024 @ 04:17 PM

Testimony:

Hello thank you for reading my written testimony. I support Bill 64(23) of Council Member Kia’aina’s Committee Draft cause things like shadow flicker and noise level from the wind turbines. When shadow flicker happens such as in my room feels like someone is turning on and off the room lights. So when I trying to use the computer I can't even concentrate even with the curtains close. Also other family members it has the same affect and even getting waken up from it cause

their bed window is facing towards the wind turbines. For the noise or whooshing sound can be heard from the turbine at different times of the day. So when I try to relax or take a nap all I hear is that whooshing noise. I am not against going green its just we can do a better job for both parties in mind instead of catering to one party. Also there are other methods that we can also explore not just wind turbines there must be a balance between all. While I support the section on setbacks for large wind energy turbines, including the increased setback to 1.25 miles (or a 1:10 ratio, whichever is greater) with no grandfathering clause, we are also requesting specific changes to strengthen the language specially under g (ii).

Name:	Email:	Zip:
Nicole Galase	nicole@hicattle.org	96816
Representing:	Position:	Submitted:
Hawaii Cattlemen's Council	I wish to comment	Nov 7, 2024 @ 05:18 AM

Name:	Email:	Zip:
Racquel Achiu	rhachiu@gmail.com	96791
Representing:	Position:	Submitted:
Self	Support	Nov 7, 2024 @ 08:35 AM

Testimony:

Aloha My name is Racquel Achiu of North Shore, Waialua Moku testifying on Bill 64. I just wanted to offer support and appreciation for the process that the Planning & the Economy Committee and Chair Kia'aina has put forth. I felt it necessary to share with you today, although I know you're fully aware, the importance of placing guidelines that support our AG Lands and their original intended use and support of REAL farmers and ranchers as Tourism has made its way into our Agricultural footprint. Ag Land purchases by real estate & corporate investors (local & out of state) etc have placed a severe threat to our Agricultural Industry and to the actual farmers and ranchers of Hawai'i. Our ability to be sustainable and ensure the integrity of our lands has become so challenging. This past week, I attended a site visit on Mount Ka'ala and listened to a developer explain his plans for an unbelievably invasive, intrusive, massive development that will completely alter our beautiful & historic Mauna. The tallest peak on O'ahu and she's at risk of desecration. It was that moment that I completely became overwhelmed with how incredibly important it is to stand up for our lands, our farmers, our ranchers...our ability to survive and retain our own space. So mahalo to the Council, Committee Chair Kia'aina and all CouncilMember's for working tirelessly to ensure the integrity of our Ag Industry and our Lands. MAHALO NUI

Name:	Email:	Zip:
Melissa Ka'onohi-Camit	kmelissa808@aol.com	96731
Representing:	Position:	Submitted:
Self	I wish to comment	Nov 7, 2024 @ 08:36 AM

Testimony:

Dear Chair Water and Council Members,

I am writing to you as a mother, a resident of Kahuku, and a dedicated advocate for our community. Every year that goes

by living near the Na Pua Makani wind project—with its record-sized land-based turbines situated alarmingly close to residential areas and a school—brings heightened concern for our safety and well-being. Expanding these turbines with even larger blades would deepen the already significant impact on our community, creating a ripple effect of potentially devastating consequences.

As it stands, the turbines are already too large and too close. We need your help to establish appropriate safeguards to prevent developers from causing further harm. I understand the proposed amendment will allow up to 30 minutes of shadow flicker—a deeply troubling prospect. I work with special needs students at Kahuku Elementary, right beneath these massive turbines. We experience the effects of their proximity every day, and we have no control over the noise, placement, or flickering shadows cast onto our campus. Allowing 30 minutes of shadow flicker would add yet another strain on our students and staff.

For my family, this is personal. When the first set of turbines was built, my son was diagnosed with epilepsy at age 10. He is now 25. After the construction of the Na Pua Makani turbines, we quickly observed that shadow flickers became a seizure trigger for him, forcing him to spend much of his life in dark rooms with blackout curtains. Allowing 30 minutes of shadow flicker could trigger his seizures, leading to dangerous seizure clusters.

I sincerely thank you for taking the time to read my testimony. As a mother of a child with a neurological disorder, I am pleading with you to protect our keiki. You have the power to help our community, and I appreciate the hard work this council has already devoted to this issue.

Mahalo nui,
Melissa Ka'onohi-Camit

Name:	Email:	Zip:
Kim Falinski	kimfalinski@gmail.com	96817
Representing:	Position:	Submitted:
Nalo Meli Honey	I wish to comment	Nov 7, 2024 @ 09:02 AM

Testimony:
Hello Councilmembers,

Thank you for your attention to Bill 64. I fully support using our agriculture lands to be able to grow food and provide ecosystem services to our lands and community.

As a beekeeper, I approve of the revisions to the earlier versions of Bill 64 that eliminated hive number requirements on ag land, and specified what home use beekeeping looks like. The new version is much improved in the beekeeping language, and I encourage you to approve it.

I work with many small farmers on ag land that is encroached by development and housing. Our need for housing is as important as our need to have good jobs on O'ahu that are not . For this, I support having 50% of productive land on ag land be dedicated to farming and production. I would go so far as to ask that we consider asking owners to show that they are farmers before they build their mansion and their pool. If we had a micro-ag economy, that focused on high value products for export, our economy would be much more stable. Hawaii has the potential to be one of the most productive agriculture environments - if we can protect our land and water.

Lastly, I support the amendments included in Bill 64 to make it easier to do traditional agriculture pursuits such as kalo farming and fishpond maintenance. Across the island, a lei of fishponds and lo'i have been re-emerging, and we need to protect these practices.

Thank you for working hard to make Bill 64 work for farmers and traditional practioners of caring for the land.

Dr. Kim Falinski
Nalo Meli Honey

November 4, 2024

The Honorable Tommy Waters, Chair
The Honorable Esther Kia'aina, Vice Chair
Members of the City Council
City and County of Honolulu
Honolulu, Hawaii 96813-3077

RE: **Bill 64 (2023), FD1 – LUO Amendment Relating to Use Regulations**
Meeting: November 7, 2024, 10:00am

Aloha Chair Waters, Vice Chair Kia'aina and Members of the Honolulu City Council

Mahalo for the opportunity to submit testimony on behalf of D.R. Horton Hawaii, offering comments to Bill 64 (2023) Land Use Ordinance (LUO) Amendment relating to use regulations. D.R. Horton Hawaii has provided previous testimony under Bill 10 (2022) offering our strong support. At this time, **we continue to offer our support with comment regarding Joint Development Agreements.**

We strongly request to reinsert back into Bill 64 (2023):

- **Sec. 21-5.30 Use table - Miscellaneous Use, Joint Development (Table 21-5.1 Table of Permitted Uses)**
- **Sec. 21-5.90(b) - Joint Development: The development of 2 or more adjacent subdivision lots under a single, unified project concept" from original Bill 10 (2022) page 80-81 submitted by DPP.**

Joint Development Agreement (JDA) is currently a part of the existing LUO (Sec. 21-5.380) and was included in the initial version of Bill 10 (2022) submitted to the City Council by DPP under Sec. 21-5.90(b) and Sec. 21-5.30 Use Table – Miscellaneous Use, Joint Development. A subsequent CD amendment deleted both sections.

Under the existing LUO, the Joint Development Agreement (JDA) is a very useful tool that allows the efficient development of a project, commercial and/or residential, over multiple parcels without having to apply for additional subdivision reconsolidation actions. "Joint development" is a process requiring a Conditional Use Permit (minor) that allows two or more adjacent subdivision lots to be developed as one zoning lot if the proposed development will result in a more efficient use of land and the Director of the Department of Planning and Permitting ("Director" and "DPP") finds that the proposed joint development agreement assures future protection of the public interest.

Joint development facilitates development of lots under a single, unified project concept, which is particularly helpful and effective when the adjacent lots have or are contemplated to have different owners. Joint development provides greater flexibility in the design and layout of a development as

placement of buildings, roads, and other features across multiple parcels can be coordinated. With efficient use of land and infrastructure, joint development can achieve economies of scale and can reduce some of the negative impacts of a development, such as inefficient infrastructure systems, parking and building layouts.

As a general matter, developing adjacent lots as one zoning lot means that the shared boundary line(s) of the lots proposed for joint development can be ignored and development standards (e.g., minimum lot area, minimum lot width and depth, maximum building area, maximum density, setbacks, parking, loading) are applied to the lots as a single lot for zoning purposes only.

D.R. Horton Hawaii has used the JDA on occasion to help facilitate efficiencies such as shared infrastructure, shared parking and reduced setbacks in between physically adjacent parcels. At Ho'opili, the JDA was a useful tool that helped efficiently create our very popular Festival Street used for community events.

Additionally, and more importantly, the JDA is used by affordable rental housing developers such as Mutual Housing Association of Hawaii (MHAH), as a critical incremental financing mechanism that breaks down large projects into smaller, more manageable and fundable phases. Given the limitation on annual public funding resources, joint development allows affordable rental housing developers to seek/obtain funding and start construction on an initial phase while continuing to apply for funding of additional phases from future annual funding cycles.

For these reasons, we strongly recommend reinserting Joint Development Use and Agreement back into Bill 64 (2023).

Mahalo for your time and consideration, it is very much appreciated. Should you have any questions, please do not hesitate to contact me at (808)782-4109 or ttonaki@drhorton.com.

Sincerely,

Tracy Tonaki
President
D.R. Horton Hawaii

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

November 5, 2024

Councilmember Tommy Waters, Chair
Councilmember Esther Kia'aina, Vice Chair
Honolulu City Council
Honolulu, Hawai'i 96813-3077

Dear Chair Waters, 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, participated in the 2023 agricultural stakeholder working group that also included O'ahu Agriculture and Conservation Association, Kualoa Ranch, Waimanalo Agricultural Association, KoHana, Hawai'i Cattlemen's Council, Ulupono Initiative, Hawai'i Farm Bureau, Kuilima Farms, and representatives of State and County agencies. Over three full-day sessions, the working group considered the potential impacts of each agriculture-related item in Bill 10 (2022), currently reintroduced as Bill 64 (2023), upon agricultural production and accessory operations in the City and County of Honolulu. **East O'ahu County strongly supports the recommendations of this working group, and respectfully requests that they be incorporated into the provisions of Bill 64.**

Further, we strongly support the amendments proposed by Councilmember Kia'aina that would include aquaculture and urban agriculture as permitted uses in industrial zones, add aquaculture to the definition of urban agriculture, and modify the definition of "agriculture-energy facility." We thank Councilmember Kia'aina and the other members of the Planning and Economy Committee for introducing amendments that offer substantial improvements over the original version of Bill 64, and we thank the members of the City Council for their patience and concern during the long process of amending Bill 64 to better reflect the realities of modern agriculture.

Bill 64 is intended to update Honolulu's land use ordinance to account for current conditions, and ideally to allow for appropriate growth into the future. Aquaculture, aquaponics, and hydroponics are increasingly done in enclosed facilities that allow intensive production, make efficient use of water and other resources, protect crops from pests and diseases, and produce minimal waste. These facilities can appropriately be sited in industrial areas as well as in agricultural zones. In fact, aquaculture operations (including the hatchery for the former offshore moi cages) have been located at Campbell Industrial Park, and sites at the industrial park are among several locations currently being considered by the State Department of Economic Development and Tourism for an aquaculture park on O'ahu. Previous versions of Bill 64's use table do not list aquaculture as a permitted use within the four industrial zones, or urban agriculture as a permitted use within I-1, I-2, or I-3 zones. We therefore support amendments that would allow these uses.

Under Bill 64's original definition of "agricultural-energy facility," solar facilities are specifically excluded. This provision could be construed as preventing farms from installing small-scale alternative energy facilities to reduce electricity costs or to provide electricity at off-grid sites. In contrast, HRS 205-4.5 (10) specifically allows such facilities within the State agricultural district. Farms should be encouraged to install alternative energy sources such as wind and solar for exclusively on-farm use, and these sources should be specifically permitted as an accessory use to agricultural and aquacultural production. We therefore support the proposed amendment changing the definition to exclude only utility-scale solar facilities.

As in our previous testimony, we also encourage you to consider the agricultural working group's general suggestions:

- Reactivate the Agriculture Task Force with updated membership that reflects the diversity of O'ahu's agricultural community, and encourage the City Administration to revive its agricultural liaison position.

- Add at least one position within the Department of Planning and Permitting that requires a strong background in agricultural production. Further, we recommend that an agricultural classification and review process be established under DPP. Currently, farms and ranches are classified as commercial and are subject to the same review process as large commercial establishments. This process often involves requirements that are unnecessary and physically or economically impractical for a farm or ranch to meet.

- "Grandfather" farm and ranch facilities that are rendered non-conforming by regulatory changes made under Bill 64.

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

Sincerely,

Frederick M. Mencher

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

KUA'ĀINA ULU 'AUAMO

November 6, 2024

ATTN: **Honolulu City Council**
Ke Kanihela o ke Kalana o Honolulu
City & County of Honolulu
Submitted *via* *https://hnldoc.ehawaii.gov/hnldoc/testimony*

SUBJECT: **Strong Support for Councilmember Esther Kia'āina's Proposed Amendments to "Miscellaneous Uses" in Bill 64 (2023), FD1 Regarding Caretaker Units for Hawaiian Fishponds, Second Reading Regular Meeting, City Council Chamber, November 7, 2024, 10:00 a.m.**

Aloha pumehana kākou:

Kua'āina Ulu 'Auamo (KUA) submits this testimony in **strong support** of Councilmember Kia'āina's proposed amendments regarding caretaker units for Hawaiian fishponds (loko i'a). Specifically, Councilmember Kia'āina calls for amending Bill Section 3, Revised Ordinances of Honolulu (ROH) § 21-5.50-3(b) to allow for Hawaiian fishpond caretaker units of up to 1,000 square feet in P-2, AG-1, and AG-2 zoning districts. This includes amending Bill Section 71, adding definitions to ROH § 21-10.1 for "caretaker unit" including for maintenance and security of cemeteries and Hawaiian fishponds; and the same definition of "Hawaiian fishpond" as defined in Hawai'i Revised Statutes (HRS) § 183B-1. **We strongly support passage of the second reading for these specific amendments.**

"Kua'āina Ulu 'Auamo" stands for "grassroots growing through shared responsibility," and our acronym "KUA" means "backbone." **Our mission is to connect and empower communities to improve their quality of life through the collective care for their biocultural (natural and cultural) heritage, serving as a "backbone organization" that supports creative and community-driven solutions to problems stemming from environmental degradation.** Hawai'i's biocultural resources continue to be negatively impacted by political, economic, and social changes, and the increasing dangers of climate change make fostering and empowering resilient communities acutely critical.

Currently KUA supports three major networks of: (1) almost 40 mālama 'āina (caring for our 'āina or "that which feeds") community groups collectively referred to as E Alu Pū (moving forward together); (2) over 60 loko i'a (fishpond aquaculture systems unique to Hawai'i) and wai 'ōpae (anchialine pool systems) sites in varying stages of restoration and development, with numerous caretakers, stakeholders, and volunteers known as the Hui Mālama Loko I'a ("caretakers of fishponds"); and (3) the Limu Hui made up of over 50 loea (traditional experts) and practitioners in all things "limu" or locally-grown "seaweed." Our shared vision is to once again experience what our kūpuna (ancestors) referred to as **'ĀINA MOMONA** – abundant and healthy ecological systems that sustain our community resilience and well-being.

KUA is grateful to and appreciative of Councilmember Kia'āina's consideration of our precious loko i'a, and particularly the kia'i loko i'a (fishpond caretakers/protectors) who dedicate their lives to restoring and caring for such places.

KUA'ĀINA ULU 'AUAMO

Prior to 1900, **Hawai'i had close to 500 flourishing loko i'a, sustaining communities in numerous ways including through sustainable local seafood, limu, shellfish, and fertilizer – at one time producing an average of 400-600 pounds of fish per acre per year, yielding over 2 million pounds of fish annually throughout Hawai'i.** (*See Generally,* Loko I'a Needs Assessment, 2021). The U.S. Organic Act of 1900 (the Act) abandoned the support of most semblances of Native Hawaiian governance, especially in regard to biocultural resource management. The Act then transferred the aegis of governance – or lack thereof – to a U.S. laissez faire market system, ended Konohiki Fishery Management, and condemned loko i'a – extinguishing most of the existing ownership and operations of these systems. For context, in 1901 the catch and sale data for commercial 'ama'ama (mullet) – believed to be mostly fishpond-raised – decreased from close to 800,000 pounds of fish to less than 3,000 pounds today, with an estimated 88% of all food consumed in Hawai'i now imported. **Rebuilding our robust and sustainable local food systems is critical to community resilience in the face of more frequent natural disasters** such as the devastating Maui fires last year, 2018 floods, climate change, and long lasting pandemics.

Up until about nine years ago, all loko i'a restoration was stymied by an overly burdensome permitting process. It could often take decades to secure all the required state and federal permits to restore the ponds. A partnership of regulatory agencies, funders, and nonprofits formed in 2012 to design a better process, including input from members of KUA's Hui Mālama Loko I'a – and the Hō'ala Loko I'a Program was born after extensive consultations with loko i'a practitioners, scientists, resource agencies, and government officials. Since the loko i'a permit streamlining was implemented in 2015, 24 fishpond permits have been approved on six of the main Hawaiian Islands, with an average processing time reduced from many years to under one month. The success of permit streamlining for loko i'a serves as a resounding example of the power of our collective sharing of responsibility to care for our island home and resources.

Unfortunately, even with streamlined permitting, caring for loko i'a remains a long and arduous journey while ironically, loko i'a have the proven potential to benefit all of Hawai'i's society from increasing biodiversity, food, and jobs, to the undeniable spiritual and cultural benefits of such knowledge and practices. As such, KUA was both surprised and delighted a few months ago when one of our community members informed us of these proposed amendments for loko i'a caretaker units. Since then, we met with Council Member Kia'āina's staff and connected them with more loko i'a caretakers to share their feedback, including the need and appreciation for such amendments. As such, we strongly support the proposed amendments to foster more loko i'a efforts, and encourage similar laws and community collaborations to build toward our shared vision of 'āina momona – increasing Hawai'i's fish, in Hawai'i's waters, for Hawai'i's people first and foremost, utilizing traditional and customary Native Hawaiian practices and values.

Besides increasing biodiversity in our nearshore ecosystems, loko i'a likewise serve as essential building blocks for our sustainable food systems infrastructure here in Hawai'i; a system that has been broken for far too long. **Many loko i'a practitioners envision a future when loko i'a can be fully functional once again to feed both our bodies and collective well being. These amendments facilitate and encourage such a future because effective kilo (observation), management, and security of loko i'a require dedicated attention and presence at all hours of the day to truly understand and protect loko i'a.**

KUA‘ĀINA ULU ‘AUAMO

Thanks to Councilmember Kia‘āina’s thoughtful inclusion of loko i‘a caretaker units in amending Bill 64, we see the City & County of Honolulu as a potential leader in recognizing the importance of loko i‘a. Likewise, we hope that the amendments, if adopted, will serve as an example for other Hawai‘i counties to follow suit in supporting loko i‘a revitalization in various ways. We appreciate creative and collaborative approaches that account for our Native Hawaiian traditional & customary practices with intention, and in a way that benefits ongoing community efforts such as loko i‘a as catalysts for systemic improvements to our food systems, societal Native Hawaiian cultural understandings, and overall local well being.

The communities we work with are committed to ensuring the long-term health of our biocultural resources that they have cared for and depended on for generations since time immemorial. Our ‘āina, or “that which feeds” including our land and water ecosystems, is the foundation of our very existence, requiring long-term prioritization toward restoring ‘āina momona. To get there requires dedication to innovative pathways, mindsets, relationships, and resources for mālama ‘āina efforts such as loko i‘a. Passing these amendments for loko i‘a is an excellent step toward achieving ‘āina momona once again. Mahalo nui loa to Councilmember Kia‘āina and her staff for this effort. **Please <u>pass</u> the second reading of these proposed amendments regarding loko i‘a caretaker units.**

‘O ke aloha ‘āina nō,

Kevin K.J. Chang	Brenda Asuncion Lima	Olan Leimomi Fisher
Executive Director	Hui Mālama Loko I‘a Coordinator	Kua‘āina Advocate

NAIOP
COMMERCIAL REAL ESTATE DEVELOPMENT ASSOCIATION
HAWAII CHAPTER

November 6, 2024

Councilmember Tommy Waters, Chair
Councilmember Esther Kia'aina, Vice-Chair
Honolulu City Council

RE: **Bill 64 – LAND USE ORDINANCE AMENDMENT RELATING TO USE REGULATIONS**
Hearing date – November 7, 2024 at 10:00AM.

Aloha Chair Waters, and Members of the Council,

Thank you for allowing NAIOP Hawaii to submit testimony in **SUPPORT WITH COMMENTS ON BILL 64 – Land Use Ordinance (LUO) AMENDMENT RELATING TO USE REGULATIONS.** NAIOP Hawaii is the Hawaii chapter of the nation's leading organization for office, industrial, retail, residential and mixed-use real estate. NAIOP Hawaii has over 200 members in the State including local developers, owners, investors, asset managers, lenders, and other professionals.

NAIOP Hawaii strongly urges the committee to consider reinserting § 21-5.380 regarding joint development of two or more adjacent subdivision lots and § 21-5.380A regarding the joint development of two or more adjacent subdivision lots— Waikiki special district or Ala Moana transit-oriented development special district, as well as to add "Joint Development" back into the Use Table under Miscellaneous, § 21-5.30 Use Table.

Section 21-5.380 is a critical section of the existing LUO and was included as Section 21-5.90(b) in the original Bill 10 submitted by the Department of Planning and Permitting (DPP). This section was subsequently deleted in a subsequent CD and changed to "Transfer of Development." However, "Transfer of Development" is limited to certain qualified historic properties. NAIOP Hawaii is greatly concerned that the current language of the bill eliminates wholesale the concept of JDAs which are vital to the development process.

Primarily, JDAs are a useful tool that enables efficient development of a project that includes various land uses across multiple parcels. The JDA essentially ties together two adjacent and separate legal lots in order for it to be treated as one zoning lot. In turn, JDAs facilitate the development of lots under a single cohesive project concept and allow for greater coordination in design leading to more efficient land use.

Specifically, JDAs provided substantial benefits including the following:

1. **Phased Development**: Allows the developer to phase large projects into manageable increments, especially for projects developed under the Condominium Property Regime.

2. **Acquire and Obtain Financing**: Allows the developer to take down land and finance in manageable increments to lower risk and promote improved cashflow. This is particularly important for affordable rental housing developers who are able to utilize the limited annual public funding to begin construction while applying for future funding. In sum, JDAs allow for projects to begin production without the need to finance an entire project prior to construction.

3. **Shared Facilities**: Allows for the sharing of parking and utilities without the need to create complex easements over both parcels.

4. **Elimination of Setback Requirements at Shared Boundaries**: Land Use Ordinance requirements for setbacks, wall heights, landscape, etc. at the common boundaries within a joint developed parcel are not applicable since it is considered one zoning lot.

5. **Flexibility with Subdivision Requirements**: Irregular lot lines and land locked parcels are not allowed by the Subdivision Rules and Regulations. If done concurrently, the JDA can allow these subdivisions to be granted approval if the joint developed parcel is compliant with the Rules and Regulations.

In summary, a joint development provides greater flexibility in the design and layout of the development as the placement of buildings, roads, and other features across multiple parcels of land can be coordinated. With this efficient use of land and infrastructure, joint development has the potential to increase overall housing inventory.

In the absence of joint development, the only option to develop a project that integrates two or more adjacent lots would be to consolidate and subdivide such parcels. Consolidation and subdivision are lengthy processes which entail the redrawing, resubmission and approval of subdivision maps for each respective phase. In turn, this would create an additional burden and work for the City and homebuilders.

Accordingly, NAIOP Hawaii recommends the aforementioned amendment for Bill 64. NAIOP Hawaii respectfully offers these comments and looks forward to working with the council and all stakeholders on this measure. Thank you for the opportunity to testify.

Mahalo for your consideration,



Reyn Tanaka, President
NAIOP Hawaii

November 7, 2024

HEARING BEFORE THE
HONOLULU CITY COUNCIL

TESTIMONY ON BILL 64 (2023) FD1, CD1
RELATING TO USE REGULATIONS

City Council Chamber
10:00 AM

Aloha Chair Waters, Vice Chair Kia‘aina, and Members of the Council,

I am Brian Miyamoto, Executive Director of the Hawaiʻi Farm Bureau (HFB). Organized in 1948, the HFB is comprised of 1,800 farm family members statewide and serves as Hawaiʻi’s voice of agriculture to protect, advocate and advance the social, economic, and educational interests of our diverse agricultural community.

The Hawaiʻi Farm Bureau appreciates the efforts by the Honolulu City Council and Department of Planning and Permitting to update Honolulu’s Land Use Ordinance. However, as we have noted in previous testimony, Bill 10 (now Bill 64) contained provisions that were of concern to farmers and ranchers on O‘ahu. We thank the Council for allowing the agriculture industry the opportunity to recommend amendments to address these concerns.

The Hawaiʻi Farm Bureau was an active participant in the 2023 agricultural stakeholder working group. This group also included the O‘ahu Agriculture and Conservation Association, Kualoa Ranch, Waimanalo Agricultural Association, KoHana, Hawai‘i Cattlemen's Council, Ulupono Initiative, and Kuilima Farms. Government agencies—Hawaiʻi Department of Agriculture, City and County of Honolulu (CCH) Department of Planning and Permitting (DPP), and CCH Office of Economic Revitalization—also joined the conversation to provide context and feedback to the group’s comments. Over three full-day sessions, the working group carefully evaluated the potential impacts of each agriculture-related provision in Bill 10 (2022), now reintroduced as Bill 64 (2023), on agricultural production and associated operations within the City and County of Honolulu. The Hawaiʻi Farm Bureau strongly endorses the working group's recommendations and respectfully requests their integration into Bill 64.

The following recommendations represent some of the remaining recommendations and concerns that lie within the current draft.

General Recommendations for Consideration of the Final Bill 64 Outcome:

- Re-activate the Agriculture Task Force and Agriculture Liaison to meet regularly for substantive discussions about agriculture and to make recommendations to the Honolulu City Council. The Task Force should ensure the representation of small farms.

- Add a position within DPP that requires a background in agriculture. Without such a position, it is difficult for DPP to make land use changes that support Oahu's agricultural production and preservation of productive farmland.

<u>Accessory Agricultural Use Recommendations for Bill 64 (2023) FD1, CD1</u>

Agritourism

- Standards listed on page 15-16: remove "minor" and "major" reference and standards 2 and 3.

"(b) Agritourism ~~**minor and major**~~ – standards.

~~**(2) Structures primarily dedicated to agritourism must not exceed 10 percent of the total zoning lot area.**~~

~~**(3) Buildings and structures associated with agritourism that are not required as part of the crop production or livestock keeping on the zoning lot are limited to 10,000 square feet of total floor area for the zoning lot.**~~

Farm Dwelling

- Remove language from Farm Dwelling Standards (1). (p.16): ~~**confined to a polygon for which no exterior angle is greater than 180 degrees.**~~

Farm Worker Housing

- Add in 51% language: A minimum of 51 percent of the zoning lot area suitable for crop production or livestock and poultry keeping must be dedicated to crop production or livestock and poultry keeping through an agricultural easement or similar legal encumbrance for as long as the farm worker housing exists.

Agricultural Energy Facility - Biofuel Processing Facility on Ag Land

- Add a SUP to this process will help to alleviate concerns regarding movement of invasive species and pests. Update master use table to include **Cm*+** for AG-1 and AG-2.

Agricultural Support Use Recommendations to Bill 64 (2023) FD1, CD1

Agricultural Processing, Minor

- Amend definition of "agricultural processing minor" (p. 198)
    - Minor: Processing Hawaii-grown crops and live Hawaii-raised animal by-products (grown or raised onsite or offsite) such as milk, eggs, ~~and~~ honey, **and aquaculture harvests placed in or on ice**.

Other Uses Categories in AG-1 or AG-2 Zoned Lands Recommendations for Bill 64 (2023) FD1 Proposed CD1 (EK8)

Group Living, Small

- Designates "C*+" in the AG-2 District for Small group living – State regulated and Small group living – not State regulated (p. 5).
    - Small group living (State regulated and not state regulated) should be deleted from AG-2 zone districts. Small group living in agricultural zoning districts is more of a transitional housing issue. It is not a farm dwelling or farm worker housing. It does not belong in the AG-2 zoned districts.

Meeting Facilities

- Allows small meeting facility use on AG-2 land as Cm*+ (Minor Conditional Use, Standards, SUP). Allows medium meeting facility use on AG-2 land as C*+ (Major Conditional Use, Standards, SUP). (p.5).
    - Meeting facilities should not be allowed on AG-2 land, which should be preserved and used for active agriculture production and accessory agriculture.

School, PreK-12

- Allows PreK-12 schools in AG-2 districts as C*+ (Major Conditional Use, Standards, SUP) (p. 6).
    - As agriculture producers and stakeholders, with support of agriculture and accessory agriculture on AG1 and AG2 lands for active farm/ranch production. While we support education in general, we cannot support schools on AG-2 lands.

Day Care, Adult and Child (Combined Review)

- (p. 6) Child and adult day care should be deleted from AG-2 zone districts. The proximity of child and adult day care facilities in AG-2 lands takes land away from active agriculture production. More than likely buffer zones will be requested to separate active farming noise, smells, dust and spraying of approved applications. This erodes available agricultural lands for the crop production or livestock keeping.

Nature Based Recreation

- FD1, PROPOSED CD1 Section 21-5.30 Use Table. Nature Based Recreation allowed in AG-2 districts as C* (Conditional Major Use, Use Standards Apply) (p. 8).
    - Remove any reference of nature-based recreation on AG-2 districts.
    - **Concerns with definition:** We also note concerns with the definition of "Nature-Based Recreation" as the term "includes picnic grounds, greenways, hiking and bicycling trails, areas for fishing and hunting, limited accessory sports courts and fields, non-motorized access to scenic interests, horseback riding tours, recreational camping, and campgrounds with tents, pavilions, lodges, and cabins."
        - We believe that this term can negatively impact the primary use of AG-2 lands, which should be for active agricultural production.

Thank you for this opportunity to provide comments on Bill 64 (2023).

Email: communications@ulupono.com

HONOLULU CITY COUNCIL REGULAR MEETING
Thursday, November 7, 2024 — 10:00 a.m.

Ulupono Initiative offers comments on Bill 64 (2023) FD1, CD1 Relating to Land Use Ordinance (LUO) Use Regulation Amendments.

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 Hawaii-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 choices, and better management of freshwater resources.

Ulupono offers comments on Bill 64 (2023) FD1, CD1. This bill proposes amendments to the regulation of uses throughout Chapter 21, Revised Ordinance of Honolulu 1990 ("Land Use Ordinance"). This testimony covers the agricultural use sections along with other use categories which touch AG-1 and AG-2 lands.

Background:
In October 2022, Bill 10 (Land Use Regulations) decision-making was postponed primarily due to the advocacy of agricultural entities. The agriculture industry was not involved in developing the proposed bill, which contained land use changes that affect agriculture production and related activities. The bill's postponement was done with the understanding that the agriculture industry would bring recommendations to the Council for the next round of hearings in 2023.

Our group of agricultural industry organizations met for three full days in early 2023 to discuss, line by line, the proposed land use regulation updates pertaining to agriculture. This group consisted of the following agricultural stakeholders: Oahu Agriculture and Conservation Association, Kualoa Ranch, Waimanalo Agricultural Association, KoHana, Hawaii Cattlemen's Council, Ulupono Initiative, Hawaii Farm Bureau, East County Farm Bureau, and Kuilima Farms. Government agencies—Hawaii Department of Agriculture, City and County of Honolulu (CCH) Department of Planning and Permitting (DPP), and CCH Office of Economic Revitalization—also joined the conversation to provide context and feedback to the group's comments.

As agriculture producers and stakeholders, we support agriculture and accessory agriculture on AG-1 and AG-2 lands for active farm/ranch production. While there have been multiple drafts before this Council and Committee, we have provided many recommendations and comments on the Bill 64 (2023) FD1, CD1 version of the bill. We appreciate this committee's efforts to address some of our concerns to date. The following recommendations represent some of the remaining recommendations and concerns that lie within the current draft.

General Recommendations for Consideration of the Final Bill 64 Outcome:

- Re-activate the Agriculture Task Force and Agriculture Liaison to meet regularly for substantive discussions about agriculture and to make recommendations to the Honolulu City Council. The Task Force should ensure the representation of small farms.
- Add a position within DPP that requires a background in agriculture. Without such a position, it is difficult for DPP to make land use changes that support Oahu's agricultural production and preservation of productive farmland.

Accessory Agricultural Use Recommendations for Bill 64 (2023) FD1, CD1

Agritourism

- Standards listed on page 15-16: remove "minor" and "major" reference and standards 2 and 3.

"(b) Agritourism ~~**minor and major**~~ – standards.

~~**(2) Structures primarily dedicated to agritourism must not exceed 10 percent of the total zoning lot area.**~~

~~**(3) Buildings and structures associated with agritourism that are not required as part of the crop production or livestock keeping on the zoning lot are limited to 10,000 square feet of total floor area for the zoning lot.**~~

Farm Dwelling

- Remove language from Farm Dwelling Standards (1) (p.16): ~~**confined to a polygon for which no exterior angle is greater than 180 degrees.**~~

Farm Worker Housing

- Add in 51-percent language: A minimum of 51 percent of the zoning lot area suitable for crop production or livestock and poultry keeping must be dedicated to crop production or livestock and poultry keeping through an agricultural easement or similar legal encumbrance for as long as the farm worker housing exists.

Agricultural Energy Facility – Biofuel Processing Facility on Ag Land

- Add a SUP to this process will help to alleviate concerns regarding movement of invasive species and pests. Update master use table to include **Cm*+** for AG-1 and AG-2.

Agricultural Support Use Recommendations to Bill 64 (2023) FD1, CD1

Agricultural Processing, Minor

- Amend definition of "agricultural processing minor" (p. 198)
    - Minor: Processing Hawaii-grown crops and live Hawaii-raised animal by-products (grown or raised onsite or offsite) such as milk, eggs, ~~and~~ honey, **and aquaculture harvests placed in or on ice.**

Other Uses Categories in AG-1 or AG-2 Zoned Lands Recommendations for Bill 64 (2023) FD1 Proposed CD1 (EK8)

Group Living, Small

- Designates "C*+" in the AG-2 District for Small group living – State regulated and Small group living – not State regulated (p. 5).
    - Small group living (State regulated and not state regulated) should be deleted from AG-2 zone districts. Small group living in agricultural zoning districts is more of a transitional housing issue. It is not a farm dwelling or farm worker housing. It does not belong in the AG-2 zoned districts.

Meeting Facilities

- Allows small meeting facility use on AG-2 land as Cm*+ (Minor Conditional Use, Standards, SUP). Allows medium meeting facility use on AG-2 land as C*+ (Major Conditional Use, Standards, SUP) (p. 5).
    - Meeting facilities should not be allowed on AG-2 land, which should be preserved and used for active agriculture production and accessory agriculture.

School, PreK-12

- Allows PreK-12 schools in AG-2 districts as C*+ (Major Conditional Use, Standards, SUP) (p. 6).
    - As agriculture producers and stakeholders, with support of agriculture and accessory agriculture on AG1 and AG2 lands for active farm/ranch production. While we support education in general, we cannot support schools on AG-2 lands.

Day Care, Adult and Child (Combined Review)

- (p. 6) Child and adult day care should be deleted from AG-2 zone districts. The proximity of child and adult day care facilities in AG-2 lands takes land away from active agriculture production. More than likely buffer zones will be requested to separate active farming noise, smells, dust and spraying of approved applications. This erodes available agricultural lands for the crop production or livestock keeping.

Nature Based Recreation

- FD1, PROPOSED CD1 Section 21-5.30 Use Table. Nature Based Recreation allowed

in AG-2 districts as C* (Conditional Major Use, Use Standards Apply) (p. 8).

- Remove any reference of nature-based recreation on AG-2 districts.
- **Concerns with definition:** We also note concerns with the definition of "Nature-Based Recreation" as the term "includes picnic grounds, greenways, hiking and bicycling trails, areas for fishing and hunting, limited accessory sports courts and fields, non-motorized access to scenic interests, horseback riding tours, recreational camping, and campgrounds with tents, pavilions, lodges, and cabins."
    - We believe that this term can negatively impact the primary use of AG-2 lands, which should be for active agricultural production.

We appreciate your consideration of these recommendations and comments and hope to contribute further to this important conversation as we look to update the many important land uses in Bill 64 (2023).

Respectfully,

Micah Munekata
Director of Government Affairs

Hawaii Cattlemen's Council, Inc.

Honolulu City Council
Thursday, November 7, 2024, 9:00am
BILL 64

Chair Water, Vice Chair Kia'aina, and City and County Council,

The Hawaii Cattlemen's Council offers comments on Bill 64, which updates the Article 5 use regulations of the City's Land Use Ordinance. We have the following comments on the agricultural use sections along with other use categories which touch AG-1 and AG-2 lands.

We thank you for postponing decision-making on this measure while the agricultural industry came together to review the proposed amendments. The Hawaii Cattlemen's Council participated in meetings with other agricultural stakeholders in 2023, including Oahu Agriculture and Conservation Association, Kualoa Ranch, Waimanalo Agricultural Association, KoHana, Ulupono Initiative, Hawaii Farm Bureau, East County Farm Bureau, and Kuilima Farms. We are supportive of the amendments suggested by this group as follows:

General Recommendations for Consideration of the Final Bill 64 Outcome:

- Re-activate the Agriculture Task Force and Agriculture Liaison to meet regularly for substantive discussions about agriculture and to make recommendations to the Honolulu City Council. The Task Force should ensure the representation of small farms.

- Add a position within DPP that requires a background in agriculture. Without such a position, it is difficult for DPP to make land use changes that support Oahu's agricultural production and preservation of productive farmland.

Accessory Agricultural Use Recommendations for Bill 64 (2023) FD1, CD1

Agritourism

- Standards listed on page 15-16: remove "minor" and "major" reference and standards 2 and 3.

"(b) Agritourism ~~**minor and major**~~ – standards.

~~**(2) Structures primarily dedicated to agritourism must not exceed 10 percent of the total zoning lot area.**~~

~~**(3) Buildings and structures associated with agritourism that are not required as part of the crop production or livestock keeping on the zoning lot are limited to 10,000 square feet of total floor area for the zoning lot.**~~

Farm Dwelling

- Remove language from Farm Dwelling Standards (1). (p.16): ~~**confined to a polygon for which no exterior angle is greater than 180 degrees.**~~

Farm Worker Housing

- Add in 51% language: A minimum of 51 percent of the zoning lot area suitable for crop production or livestock and poultry keeping must be dedicated to crop production or livestock and poultry keeping through an agricultural easement or similar legal encumbrance for as long as the farm worker housing exists.

Agricultural Energy Facility - Biofuel Processing Facility on Ag Land

- Add a SUP to this process will help to alleviate concerns regarding movement of invasive species and pests. Update master use table to include **Cm*+** for AG-1 and AG-2.

Agricultural Support Use Recommendations to Bill 64 (2023) FD1, CD1

Agricultural Processing, Minor

- Amend definition of "agricultural processing minor" (p. 198)
    - Minor: Processing Hawaii-grown crops and live Hawaii-raised animal by-products (grown or raised onsite or offsite) such as milk, eggs, ~~and~~ honey, **and aquaculture harvests placed in or on ice**.

Other Uses Categories in AG-1 or AG-2 Zoned Lands Recommendations for Bill 64 (2023) FD1 Proposed CD1 (EK8)

Group Living, Small

- Designates "C*+" in the AG-2 District for Small group living – State regulated and Small group living – not State regulated (p. 5).
    - Small group living (State regulated and not state regulated) should be deleted from AG-2 zone districts. Small group living in agricultural zoning districts is more of a transitional housing issue. It is not a farm dwelling or farm worker housing. It does not belong in the AG-2 zoned districts.

Meeting Facilities

- Allows small meeting facility use on AG-2 land as Cm*+ (Minor Conditional Use, Standards, SUP). Allows medium meeting facility use on AG-2 land as C*+ (Major Conditional Use, Standards, SUP). (p.5).
    - Meeting facilities should not be allowed on AG-2 land, which should be preserved and used for active agriculture production and accessory agriculture.

School, PreK-12

- Allows PreK-12 schools in AG-2 districts as C*+ (Major Conditional Use, Standards, SUP) (p. 6).
    - As agriculture producers and stakeholders, with support of agriculture and accessory agriculture on AG1 and AG2 lands for active farm/ranch production.

While we support education in general, we cannot support schools on AG-2 lands.

Day Care, Adult and Child (Combined Review)

- (p. 6) Child and adult day care should be deleted from AG-2 zone districts. The proximity of child and adult day care facilities in AG-2 lands takes land away from active agriculture production. More than likely buffer zones will be requested to separate active farming noise, smells, dust and spraying of approved applications. This erodes available agricultural lands for the crop production or livestock keeping.

Nature Based Recreation

- FD1, PROPOSED CD1 Section 21-5.30 Use Table. Nature Based Recreation allowed in AG-2 districts as C* (Conditional Major Use, Use Standards Apply) (p. 8).
    - Remove any reference of nature-based recreation on AG-2 districts.
    - **Concerns with definition:** We also note concerns with the definition of "Nature-Based Recreation" as the term "includes picnic grounds, greenways, hiking and bicycling trails, areas for fishing and hunting, limited accessory sports courts and fields, non-motorized access to scenic interests, horseback riding tours, recreational camping, and campgrounds with tents, pavilions, lodges, and cabins."
        - We believe that this term can negatively impact the primary use of AG-2 lands, which should be for active agricultural production.

We appreciate the opportunity to testify on this measure. The Hawaii Cattlemen's Council (HCC) is the Statewide umbrella organization comprised of the four 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.

Nicole Galase
Hawaii Cattlemen's Council
Managing Director