BILL064(23)
Testimony

MISC. COMM. 527

PLANNING AND THE ECONOMY (P&E)

PLANNING AND THE ECONOMY (P&E) Meeting

Meeting Date: Nov 21, 2024 @ 09:00 AM

Support: 34

Oppose: 2

I wish to comment: 33

Name:	Email:	Zip:
Tom Holowach	Holowach@hawaii.edu	96734
Representing:	Position:	Submitted:
Popoki Place Oahu Cat Sanctuary	I wish to comment	Nov 15, 2024 @ 07:53 PM

Name:	Email:	Zip:
Charles Stark	starklaw@sonic.net	96825
Representing:	Position:	Submitted:
Self	Support	Nov 16, 2024 @ 03:34 PM

Testimony:

- I support Council Member Tupola's amendment to allow TVU and B&B registration for the indicated area next to Hoakalei Lagoon as this is a resort area.

Name:	Email:	Zip:
Angela Lopes	kealakauihoni71@gmail.com	96795
Representing:	Position:	Submitted:
Self	Support	Nov 16, 2024 @ 04:40 PM

Testimony:

I support Council Member Tupola's amendment to allow TVU and B&B registration for the indicated area next to Hoakalei Lagoon as this is a resort area.

Name:	Email:	Zip:
Dave Whitegon	seajoycego@gmail.com	92651
Representing:	Position:	Submitted:
Self	Support	Nov 17, 2024 @ 10:01 AM

Testimony:

I support Council Member Tupola's amendment to allow TVU and B&B registration for the indicated area next to Hoakalei Lagoon as this is a resort area.

Name:	Email:	Zip:
Philomene Verlaan	tcipav@yahoo.com	96816
Representing:	Position:	Submitted:
Self	Support	Nov 17, 2024 @ 10:36 AM

Testimony:

I support Council Member Tupola's amendment to allow TVU and B&B registration for the indicated area next to Hoakalei Lagoon Resort because this indicated area is adjacent to this Resort.

Name:	Email:	Zip:
Robert Griffith	lagosbobg@gmail.com	96815

Representing:	Position:	Submitted:
Self	Support	Nov 17, 2024 @ 11:00 AM

Testimony:

I support Council Member Tupola’s amendment to allow TVU and B&B registration for the indicated area next to Hoakalei Lagoon as this is a resort area.

Robert Griffith

2140 Kuhio Ave #2402

Honolulu 96815

Name:	Email:	Zip:
Kathleen M Pahinui	pahinuik001@hawaii.rr.com	96791
Representing:	Position:	Submitted:
Self	I wish to comment	Nov 17, 2024 @ 12:16 PM

Name:	Email:	Zip:
Levi Brooker	levibrooker@gmail.com	96707
Representing:	Position:	Submitted:
Self	Support	Nov 18, 2024 @ 02:36 PM

Testimony:

Mahalo

Name:	Email:	Zip:
TERRY KATAGIRI	t.katagiri@sanko-soflan.co.jp	96814
Representing:	Position:	Submitted:
SANKO SOFLAN HAWAII LLC	Support	Nov 18, 2024 @ 02:38 PM

Name:	Email:	Zip:
Helena von Sydow	helenavonsydow@gmail.com	96825
Representing:	Position:	Submitted:
Self	Support	Nov 18, 2024 @ 03:52 PM

Testimony:

Dear Sirs,

I support Council Member Tupola’s amendment to permit TVU and B&B registration for the designated area near Hoakalei Lagoon. As a resort area, this location is well-suited for such uses and aligns with its intended purpose.

Thank you for considering this amendment.

Helena Von Sydow		
Name: Harald von Sydow	Email: nztrendshi@gmail.com	Zip: 96825
Representing: Self	Position: Support	Submitted: Nov 18, 2024 @ 03:55 PM
Testimony: Dear Sirs, I fully support Council Member Tupola's amendment to allow TVU and B&B registration in the designated area adjacent to Hoakalei Lagoon. Given its status as a resort area, this amendment appropriately aligns with the intended use of the location. Thank you for your attention to this matter. Harald Von Sydow		
Name: Gary Royster	Email: roysterg@hawaii.rr.com	Zip: 96706-6485
Representing: Self	Position: Support	Submitted: Nov 18, 2024 @ 04:09 PM
Name: Karen Young	Email: kareny402@gmail.com	Zip: 94118
Representing: Self	Position: Support	Submitted: Nov 18, 2024 @ 04:46 PM
Testimony: Residential-A rates are causing higher rents for our residents. I support encouraging property owners to offer long-term housing.		
Name: Karen Young	Email: kareny402@gmail.com	Zip: 94118
Representing: Self	Position: Support	Submitted: Nov 18, 2024 @ 04:51 PM
Testimony: I support Council Member Tupola's amendment to allow TVU and B&B registration for the indicated area next to Hoakekei Lagoon as this is a resort area.		
Name: Stanford Carr	Email: scarr@stanfordcarr.com	Zip: 96813
Representing:	Position:	Submitted:

Stanford Carr Development, LLC	Support	Nov 19, 2024 @ 10:37 AM
Name: Patricia Rolland	Email: pkr@rolland.biz	Zip: 96791
Representing: Self	Position: Support	Submitted: Nov 19, 2024 @ 10:41 AM

Testimony:

Patricia Rolland

67-225 Kiapoko St.

Apt. A

Waialua, HI 96791

Regarding: Bill 46 (23)

November 19, 2024

I support Council Member Tupola's amendment to allow TVU and B&B registration for the indicated area next to Hoakalei Lagoon as this is a resort area.

Thank you for your consideration,

Patricia Rolland

Name: MARK ANTHONY CLEMENTE	Email: mclemente@hrcc-hawaii.com	Zip: 96817
Representing: Hawaii Regional Council of Carpenters	Position: Support	Submitted: Nov 19, 2024 @ 12:58 PM
Name: Olan Leimomi Fisher	Email: olan@kuahawaii.org	Zip: 96744
Representing: Kua'aina Ulu 'Auamo (KUA)	Position: Support	Submitted: Nov 19, 2024 @ 02:44 PM
Name: Claudia Parker	Email: cparker@parkerlawgroup.com	Zip: 96789
Representing: Self	Position: Support	Submitted: Nov 19, 2024 @ 02:55 PM

Testimony:

I support Council Member Tupola's amendment to allow TVU and B&B registration for the indicated area next to Hoakalei

Lagoon as this is a resort area. It makes perfect sense.

Name:	Email:	Zip:
Micah Munekata	mmunekata@ulupono.com	96813
Representing:	Position:	Submitted:
Ulupono Initiative	I wish to comment	Nov 19, 2024 @ 03:04 PM

Name:	Email:	Zip:
Holly Holowach	holly@popokiplace.com	96734
Representing:	Position:	Submitted:
POPOKI PLACE OAHU CAT SANCTUARY	I wish to comment	Nov 19, 2024 @ 03:21 PM

Name:	Email:	Zip:
Peggy Regentine	peggy@hawaii.edu	96821
Representing:	Position:	Submitted:
Self	I wish to comment	Nov 19, 2024 @ 05:20 PM

Name:	Email:	Zip:
Carole Richelieu	crraloha@gmail.com	96825
Representing:	Position:	Submitted:
Self	I wish to comment	Nov 19, 2024 @ 05:41 PM

Testimony:

Due to work, I will be unable to attend and thus offer this testimony. We in the community are well aware of the dire need for an animal sanctuary for animals without homes, especially cats with which we work daily in active participation with humane non-profits and volunteers in trap spay neuter programs. Animal sanctuaries should be allowed and promoted by the government as a humane and effective solution which benefits communities, regulated under Agriculture, specifically under Agriculture/Livestock and Poultry Keeping/Animal Raising, Minor which I understand would permits animal sanctuaries anywhere farm animals are allowed. Sanctuaries differ vastly from boarding kennels and the like and need fenced in pasture lands for the necessary life long care.

Mahalo for your serious consideration of this solution.

Name:	Email:	Zip:
Elizabeth Kent	vested_interest_hi@yahoo.com	96822
Representing:	Position:	Submitted:
Self	I wish to comment	Nov 19, 2024 @ 05:47 PM

Testimony:

Thank you for considering my testimony. I support providing opportunities for animal sanctuaries and welcome legislation that will allow for more animal sanctuaries.

Name:	Email:	Zip:
James Parker	jamiecparker@aol.com	96791
Representing:	Position:	Submitted:
Self	Support	Nov 19, 2024 @ 07:22 PM

Testimony:

I support Council Member Tupola's amendment to allow TVU and B&B registration for the indicated next toHoakalei Lagoon as this is a resort area. It makes sense.

James Parker

Name:	Email:	Zip:
Dawn Bruns	dawnbbruns@gmail.com	96712
Representing:	Position:	Submitted:
Self	I wish to comment	Nov 19, 2024 @ 11:39 PM

Name:	Email:	Zip:
Jen Larson	xiaofancui@gmail.com	96706
Representing:	Position:	Submitted:
Self	Support	Nov 20, 2024 @ 08:47 AM

Name:	Email:	Zip:
Rob Lefler	robnmom@gmail.com	96789
Representing:	Position:	Submitted:
Self	Support	Nov 20, 2024 @ 08:48 AM

Testimony:

In all fairness, Hoakalei should have the same opportunities as the other three resort areas such as Koolina, Turtle Bay and Waikiki. Having a designated area for legal air b&b's will help keep illegal air b&b's out of our residential neighborhoods.

I've been following this project for years and have waited for Hoakalei to be complete. This is one of the final components. Please give your support for this project.

Name:	Email:	Zip:
DRINDA MAXWELL	FANCYFREE@HAWAII.RR.COM	96817
Representing:	Position:	Submitted:
PopokiPlace	I wish to comment	Nov 20, 2024 @ 09:00 AM

Testimony:

Please amend Bill 64 to allow cat sanctuaries on pastureland or any other land area of approximately 5 acres. It is

extremely frustrating and heartbreaking to care for cat colonies via TNR in areas that are open to the public, including the homeless, being unable to prevent animal abuse and dumping of pets and having their food stolen. We have needed a secure, large outdoor area for sanctuaries for decades. please allow this to happen.

Mahalo,

Drinda Maxwell

Owner KulianaPetCare and supporter of PopokiPlace

Name:	Email:	Zip:
Aaron Yahiku	ayahiku@jayarhawaii.com	96819
Representing:	Position:	Submitted:
Jayar Construction Inc.	Support	Nov 20, 2024 @ 09:16 AM

Name:	Email:	Zip:
Karin OMahony	k7omahony@aol.com	96795
Representing:	Position:	Submitted:
Self	I wish to comment	Nov 20, 2024 @ 09:30 AM

Testimony:

Against the restrictions and set backs on ag and country zoned land.

Name:	Email:	Zip:
Frederick Mencher	frederickmencher@gmail.com	96817
Representing:	Position:	Submitted:
East Oahu County Farm Bureau	I wish to comment	Nov 20, 2024 @ 09:38 AM

Name:	Email:	Zip:
James Keller	keller@armstrongbuilders.com	96819
Representing:	Position:	Submitted:
Armstrong Builders LLC	Support	Nov 20, 2024 @ 09:44 AM

Name:	Email:	Zip:
Phyllis Shimabukuro-Geiser	psgmikilua@gmail.com	96825
Representing:	Position:	Submitted:
Self	Oppose	Nov 20, 2024 @ 09:48 AM

Name:	Email:	Zip:
Gil Riviere	gil@gilriviere.com	96791
Representing:	Position:	Submitted:
Self	I wish to comment	Nov 20, 2024 @ 10:01 AM

Name:	Email:	Zip:

Jonathan Helton	jhelton@grassrootinstitute.org	96813
Representing: Grassroot Institute of Hawaii	Position: Support	Submitted: Nov 20, 2024 @ 10:27 AM

Name: Stephen Sang	Email: sang@qdgi.com	Zip: 96813
Representing: Quad Design Group Inc	Position: Support	Submitted: Nov 20, 2024 @ 10:40 AM

Testimony:

November 20, 2024

The Honorable Esther Kia'aina, Chair
Members of the Committee on Planning and the Economy
Honolulu City Council
530 South King Street, Room 202
Honolulu, Hawaii 96813-3065

WRITTEN SUMMARY OF VIDEO TESTIMONY BY STEPHEN SANG, ARCHITECT, QUAD DESIGN GROUP, INC.

Dear Chair Kia'aina and Members of the Committee:

My name is Stephen Sang and I'm an architect with Quad Design Group, In. Our office in in downtown Honolulu. I am speaking before you in support of the Amendments to Bill 64 (2023), CD1 as related to Hoakalei Resort in Ewa Beach.

As architects, we have been privileged to serve Haseko Hawaii, Inc. in various roles since 1994. In 1998, the first homes were developed in Ocean Pointe Area I, near Fort Weaver Road, on fallow lands that were previously sugar cane fields. I have seen Ocean Pointe evolve gradually and consistently over the last 25 years and have a high level of professional gratification to see the fruition of Haseko's efforts in the master planning, and the creation of several Cluster Housing and Planned-Development Housing Projects, among other projects. To date we have proudly and gratefully participated in the creation of more than 3,500 homes and their ancillary facilities.

It took a great level of commitment to good planning and design to achieve the vibrant Ocean Pointe/ Hoakalei community that we see today. For example, it's been amazing for me to see the community participation in the open markets at the Resort, and events like the Boo Bash. These proposed Amendments will serve to further that commitment.

I won't repeat the other testimony that you will no doubt hear today, such as the benefits to the construction industry and the local economy by providing alternate types of accommodation for visitors to Honolulu, in a location about half-way between Waikiki and Ko 'Olina. The ability for homeowners to register their units as transient vacation units will help the

completion of the Hoakalei Resort by giving further incentive for potential buyers to invest in Ewa Beach, and to complete a 30-year vision.

The subject lots are currently zoned A-2. They are directly adjacent to lots already zoned as Resort and I see them as a natural (albeit limited) extension to the Resort. Importantly, Section 21-5.730 of the Land Use Ordinance currently allows such transient accommodations in parts of Waikiki, Ko ʻOlina and Turtle Bay. It is my opinion that the Hoakalei Resort areas under consideration are similar to, and consistent with, the types of use within these three precedent areas.

I am in full-hearted support of the proposed Amendments.

Thank you.

Stephen Fong Sang, AIA Architect
Quad Design Group, Inc.
1164 Bishop Street, Suite 1010, Honolulu, Hawaii 96813, USA

Name:	Email:	Zip:
Donna Wong	htf3000@gmail.com	96734
Representing:	Position:	Submitted:
Hawaii's Thousand Friends	I wish to comment	Nov 20, 2024 @ 10:43 AM

Name:	Email:	Zip:
Elizabeth McArdle Solomon	e-m-s@comcast.net	94108
Representing:	Position:	Submitted:
Self	Support	Nov 20, 2024 @ 12:11 PM

Testimony:
I support Council Member Tupola's amendment to allow TVU and B&B registration for the indicated area next to Hoakalei Lagoon as this is a resort area.

Name:	Email:	Zip:
Sara Malia Wisch	malia@wisch-design.com	96734
Representing:	Position:	Submitted:
Popoki Place Oahu Cat Sanctuary	I wish to comment	Nov 20, 2024 @ 12:26 PM

Testimony:
Aloha Chair Kiaʻāina and esteemed members of the committee.

I urge you to define as part of the new Land Use rules a determination for where an open-air sanctuary for cats belong.

Stray cats are an escalating nuisance to your constituents, prompting cruelty and conflict.

Mass culling is not politically feasible any longer. The city – along with all organizations tasked with animal welfare – are under pressure to find *humane* strategies for decreasing the number of free-roaming animals on Oahu.

A large-scale cat sanctuary is working well on Lana'i. It is not a shelter and it is not a kennel and it is not a game preserve. But it has elements of all of these things. It is a feel-good, long-term solution for unwanted cats. They cannot escape. They cannot multiply. They do not bark and there is no odor. Toxoplasmosis is greatly reduced and entirely contained.

It is short-sighted and close-minded to preclude it from even being tried on Oahu through the technicality of zoning.

We as community members are trying to step up. If you do not provide a determination for cat sanctuaries, we will instead put the onus back on you, our city representatives, for implementing innovative, humane, realistic and effective solutions to this thorny issue.

Name: Aki Cruzata	Email: nancy.bernal@hawaiianelectric.com	Zip: 96813
Representing: Hawaiian Electric	Position: I wish to comment	Submitted: Nov 20, 2024 @ 12:35 PM
Name: KNSC Directors	Email: info@keepthenorthshorecountry.org	Zip: 96712
Representing: Keep the North Shore Country	Position: I wish to comment	Submitted: Nov 20, 2024 @ 12:53 PM
Name: Leslie Witten	Email: lesliewitten2@gmail.com	Zip: 96791
Representing: Self	Position: I wish to comment	Submitted: Nov 20, 2024 @ 12:58 PM

Testimony:

Aloha Chair Kia'āina and esteemed committee members,

I request that you incorporate a specific designation for open-air cat sanctuaries within the forthcoming Land Use regulations. Please write in language that permits cat sanctuaries on PASTURELAND.

The growing problem of stray cats is increasingly causing distress and discord among our community members. While mass euthanasia is no longer a viable option, the urgent need for humane solutions to curtail the population of free-roaming felines remains.

The successful model of a large-scale cat sanctuary on Lana'i offers a promising approach. This facility, distinct from a

traditional shelter or kennel, provides a controlled environment where cats can live safely and responsibly. By preventing reproduction, minimizing noise and odor, and significantly reducing the risk of toxoplasmosis, these sanctuaries offer a compassionate and effective solution.

It would be shortsighted to dismiss this option solely on technical zoning grounds. We, as community members, are eager to contribute to innovative solutions. By providing clear guidelines for cat sanctuaries, you empower us to take proactive steps and alleviate the burden on our city's resources.

We are asking for a clear determination of where sanctuaries for cats and dogs belong. Animal sanctuaries are not shelters (indoor, facilities, nor for commercial purposes). Animal sanctuaries should be permitted anywhere that farm animals are allowed. Animal sanctuaries for cats and dogs need a rural pasture environment to keep the animals permanently in an enclosed outdoor location. Please write in language that permits sanctuaries on PASTURELAND.

I urge you to embrace this opportunity to foster a more humane and sustainable future for our island.

Mahalo nui loa,
Leslie Witten

Name:	Email:	Zip:
Kelly Lee	kellyreports@gmail.com	96734
Representing:	Position:	Submitted:
Self	Support	Nov 20, 2024 @ 01:05 PM

Name:	Email:	Zip:
Sunny Unga	kahukucommunityassociation@gmail.com	96731
Representing:	Position:	Submitted:
Kahuku Community Association	Support	Nov 20, 2024 @ 02:42 PM

Name:	Email:	Zip:
Tracy Tonaki	TSTonaki@drhorton.com	96813
Representing:	Position:	Submitted:
D.R. Horton Hawaii	I wish to comment	Nov 20, 2024 @ 03:02 PM

Name:	Email:	Zip:
Taylor Campbell	taylorpc@hawaii.edu	96795
Representing:	Position:	Submitted:
Self	I wish to comment	Nov 20, 2024 @ 04:12 PM

Testimony:
Aloha! My name is Taylor Pi'ikea Campbell and I am a second generation farmer from Waimanalo. I also sit on the

Waimanalo Board of Agriculture (WAA). I am writing because many of us are very concerned with the plant nursery standards. I will be testifying on behalf of WAA, but would also like to share how these standards would have impacted us personally.

(1) Retail sales are limited to plants sold directly from the greenhouse or open field where the plant was grown or cultivated, and only sales of the plant in its primary form are allowed.
The pandemic pushed us to shift our focus to food crops, and we've since planted 40 avocado trees, choosing specific varieties so that we will have year round blooms. We've also planted 15 'ulu trees with another 15 coming, and in our next phase will be working on an orchard of citrus. In order to find these crops, we worked with our neighbor's nursery to source the specific varieties, in some cases bringing in established trees from the outer islands. I understand that this wording might aim to limit plant movement in light of the various invasive species we are dealing with, but it will absolutely have a detrimental effect on nursery business and ability for farmers to source valuable crops. Additionally, what does “only sales of the plant in its primary form are allowed” even mean, exactly?

(2) The sale of secondary products such as jams, juices, and baked goods is prohibited.
It is my understanding that this conflicts with cottage food laws. This feels like an over restriction of value added products, but I'm more concerned with the way it erodes at life's little pleasures. It would mean I can no longer go down the road and get a cup of fresh lemonade or a jar of aunty's lilikoi jam.

(3) Separate structures used primarily for retail sales are prohibited.
Collectively farmers have questions as to how this is interpreted.

The original definition of plant nursery was
1) Defined: Propagating and growing plants for off-site sale, or onsite accessory sales (both wholesale and retail)
2) Standards: None.
This was a much better definition.

I understand that the purpose of this bill is to ensure that agriculture lands are not misused, and I agree with those efforts. I would be remiss if I did not urge the continued consideration that the process of imposing regulations comes at cost to those in agriculture who are operating in good faith with good intent. This bill has been a source of fear to farmers within our agriculture association, who have said they "do not speak 'legalese'" and do not have the capacity to comb through hundreds of pages of proposed regulations. Many of our farmers are struggling. We are being faced with so many threats to agriculture, whether it be the physical demands, financial strains, or the onslaught of invasives that are threatening if not decimating our crops. At a time when we could really use help, it feels as though we are getting met with much regulation and little supportive action. Again, I am grateful for your efforts towards preserving agricultural lands, and I hope that you will continue to keep in mind those on the other end, who are trying their hardest to be a part of the process while struggling to do so.

Name:	Email:	Zip:

Evan Oue	eoue@imanaka-asato.com	96813
Representing: NAIOP Hawaii	Position: Support	Submitted: Nov 20, 2024 @ 05:01 PM

Name: Yvonne M Ahearn	Email: yvonne@yvonneahearn.com	Zip: 96734
Representing: Self	Position: I wish to comment	Submitted: Nov 20, 2024 @ 05:42 PM

Testimony:

Dear Chair Kia'āina and Esteemed Members of the Committee,

Aloha and heartfelt gratitude for the opportunity to present this testimony. I implore you to address a critical gap in the Land Use Ordinance by determining the appropriate zoning area(s) for an Oahu Cat Sanctuary. Presently, the ordinance lacks a clear designation for such an entity. While cat sanctuaries share characteristics with petting zoos, domestic animal kennels, and game preserves—each of which is categorized under specific zoning—cat sanctuaries remain unrecognized.

As you are well aware, the issue of stray cats on Oahu is longstanding, posing environmental challenges and being perceived as a nuisance by many residents. Despite this, there is no comprehensive solution to manage the free-roaming cat population. It is imperative that we prioritize humane and effective solutions, with the establishment of a Cat Sanctuary on Oahu being the most viable option. Yet, the question remains: where can such a sanctuary be developed?

The Lanai Cat Sanctuary offers a commendable and proven model for the humane management of free-roaming cats. Since its inception in 2009, it has successfully sheltered over 1,800 cats, with more than 1,000 finding new homes. The sanctuary is primarily funded by visitors who support its mission through donations. This model provides a sustainable solution for managing unwanted cats, ensuring they cannot escape, multiply, or cause disturbances. Furthermore, it effectively contains toxoplasmosis. Above all, the Lanai Cat Sanctuary is committed to ensuring that cats live their best possible lives, under the stewardship of a responsible and ethical board of directors.

The Popoki Place Oahu Cat Sanctuary, an established 501(c)(3) organization, aspires to replicate this successful model. However, its progress is hindered by the current zoning ambiguity. It is crucial for the State to acknowledge the necessity of Popoki Place and the positive impact it will have on the community by establishing appropriate zoning that facilitates its development and growth on Oahu.

Thank you for your thoughtful consideration of this pressing matter.

Yvonne Jaramillo Ahearn

REALTOR/Attorney/Board Member Popoki Place Oahu Cat Sanctuary

Name:	Email:	Zip:
Raquel Rodrigues	raquel.rodrigues@lejardinacademy.org	96734
Representing:	Position:	Submitted:
Self	I wish to comment	Nov 20, 2024 @ 05:47 PM

Testimony:

Dear Chair Kia'āina and esteemed members of the committee,

Within the new Land Usage rules I compel you to include a specific set of designations in regards to open-air cat sanctuaries. More specifically, language that includes permitting cat sanctuaries on pasture land. Currently within our state, and all over the world there are stray cats running amuck in the streets. This causes large amounts of stress within local communities and causes the spread of toxoplasmosis. Living in Hawaii means that it is especially important for us to protect native bird species as well as endangered marine animals, both of which these cats pose a threat to. Seeing as mass euthanasia is not a viable option and we are currently still searching for a humane way in which we could fight against this cat problem, permitting cat sanctuaries on pasture land is more important than ever. In a cat sanctuary environment cats are able to live safely. These facilities also prevent the cats from reproducing, limit animal related odor, and minimize noise. This makes them a perfect candidate to assist with this problem. Within our community we wish to establish more innovative solutions toward these types of problems, and dismissing this action would be a mistake. Animal sanctuaries for cats or dogs require a rural environment, such as pastureland, in order to permanently house the animals in an enclosed outdoor location. Once again, my request to you is that you include language that includes permitting cat sanctuaries on pasture land.

Thank you for your consideration,

Raquel Rodrigues

Name:	Email:	Zip:
Frederick Redell	fred@hawaiicleanpower.org	96813
Representing:	Position:	Submitted:
Hawaii Clean Power Alliance	I wish to comment	Nov 20, 2024 @ 05:55 PM

Name:	Email:	Zip:
Eric Hashizume	ehashizume@hdcc.com	96812
Representing:	Position:	Submitted:
Hawaiian Dredging Construction Company, Inc.	Support	Nov 20, 2024 @ 06:40 PM

Name:	Email:	Zip:
Jacob Franco	jac1snake@yahoo.com	96731
Representing:	Position:	Submitted:
Self	Support	Nov 20, 2024 @ 07:00 PM

Testimony:

Aloha, thank you for reading my written testimony. I support Bill 64(23) 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 do daily things, I can't even concentrate even with the curtains close. Also, other family members are bothered by the same affect and even getting waken up from it. 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 it's 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.

1. Support 1.25 mile setback.
2. Do not support existing turbine projects to be grandfathered in and operate beyond their lease terms under outdated setback regulations. This intention must be made clear by adding this language, lAny facility that receives a new power purchase agreement, extension or amendment to an existing power purchase agreement shall comply with (E) (i) (ii).” (Comply with the new setback)
3. Turbine height must be capped at 568 feet and not allow AES turbines to be bigger than they already are.
4. Must have language that limits turbine height increases not to exceed 7% of their height.

Name:	Email:	Zip:
Melissa Ka'onohi-Camit	kmelissa808@aol.com	96731
Representing:	Position:	Submitted:
Self	I wish to comment	Nov 20, 2024 @ 07:28 PM

Testimony:

Aloha Chair Kia‘āina and Council Members,

I am submitting testimony on behalf of my hometown of Kahuku, myself and my ‘ohana regarding the newly proposed amendments for wind turbine modifications and setbacks.

The proposal to allow an increase in turbine height is both outrageous and dangerous. Not only would it pose a significant threat to our wildlife, but it would also jeopardize the health and safety of those of us living near these massive structures. Increasing the height of the turbines means taller blades, which in turn increases the harmful effects of shadow flicker on nearby homes.

I strongly support the proposed 1.25-mile setback. This is a necessary measure to protect the well-being of residents and ensure a safe distance from these massive turbines. However, I do not support allowing existing turbine projects to be grandfathered in and continue operations beyond their lease terms. It is unacceptable for these projects to overstay their welcome, especially when they have already caused significant harm to the community. Additionally, any increase in turbine height should not exceed 7% of their current height.

I have testified numerous times about the health risks associated with shadow flicker, especially for those with epilepsy. My son, who suffers from this condition, was forced to leave our family home and relocate to another town just to avoid the devastating effects of these flickers. At one point, his only refuge at home was a room with blackout curtains and a

shipping container blocking the window. This is not a life any parent wants for their child. It is heartbreaking to think that he cannot come home simply because of these turbines.

I was one of over 200 people arrested while peacefully fighting against these monstrosities. I fought for my kūpuna, for our keiki, for my community, and for my son. And I would do it all over again.And will continue to do so. Working under the shadow of these turbines every day at Kahuku Elementary serves as a constant reminder of the sacrifices we made—our arrests, our tears, and our voices—all of which seemingly fell on deaf ears.

Today, you have the opportunity to right these wrongs. You have the power to ensure that our rural community is no longer subjected to the injustices we face daily. I urge you to uphold the 1.25-mile setback and prevent existing turbine projects from being grandfathered in past their lease terms. I also strongly advocate for capping the height of turbines at 568 feet, limiting height increases to no more than 7%, and considering smaller blades to minimize risks like shadow flicker and blade throw.

Please, do what is pono. Help me bring my son home. Help our community feel safe again. The decision you make today can restore hope and safety to our town.

Mahalo nui for your time and consideration.

Name:	Email:	Zip:
Jessica dos Santos	nrtshrlv@gmail.com	96731
Representing:	Position:	Submitted:
Self	I wish to comment	Nov 20, 2024 @ 07:44 PM

Testimony:

Aloha Chair Kia'āina and members of the committee,

Mahalo for this opportunity to submit testimony. My name is Jessica dos Santos, and I am a lifelong Kahuku resident. I am testifying in support of Bill 64 FD1, CD1, as it is currently written, with the Kahuku Community Association's (KCA) proposed amendments. I must also strongly oppose the amendment proposed by Chair Kia'āina on November 15, 2024.

1. Support for the 1.25-Mile Setback

I firmly support the 1.25-mile setback requirement. This distance is critical to ensuring the safety, health, and quality of life of our communities. Families in Kahuku and other areas near turbine developments have endured long-term impacts from inadequate setbacks. This legislation must not perpetuate those harms.

2. No Grandfathering for Outdated Turbine Projects

It is essential that Bill 64 includes explicit language to ensure that existing turbine projects are not grandfathered in under outdated regulations if they extend their leases or power purchase agreements. Without this clarity, we risk perpetuating

inappropriate setbacks that no longer meet modern safety and community standards. I strongly recommend including the following language in the bill:
"Any facility that receives a new power purchase agreement, extension, or amendment to an existing power purchase agreement shall comply with (E) (i) (ii)."
This ensures all turbines operate under the new setback regulations, protecting our communities from further harm.

3. Turbine Height Cap at 568 Feet
To safeguard against escalating environmental and community impacts, turbine heights must be capped at 568 feet. This limit reflects the maximum height of current AES turbines, and we should not allow developers to expand their footprint or scale with taller turbines.

4. Limiting Height Increases to 7%
Language must also be included to restrict turbine height increases to no more than 7% of their existing height. This prevents incremental height increases from being used as a loophole to circumvent the 568-foot cap or to create unintended consequences for nearby communities and ecosystems.

Bill 64 is an important step toward establishing better safeguards for Hawai'i's residents and environment, but it must reflect these protections to ensure it fulfills its purpose. I urge the committee to adopt the Kahuku Community Association's proposed amendments and to oppose Chair Kia'āina's November 15 amendment.

Mahalo nui loa, for your time and dedication to addressing these critical issues.

Respectfully,
Jessica dos Santos

Name: Chris Thompson	Email: Chris@LuckyPaws.org	Zip: 96826
Representing: Lucky Paws Animal Foundation	Position: I wish to comment	Submitted: Nov 20, 2024 @ 08:34 PM
Name: Natalie Wohner	Email: natalie.wohner@gmail.com	Zip: 96734
Representing: Self	Position: I wish to comment	Submitted: Nov 20, 2024 @ 09:04 PM
Name: Ramsey Calimlim	Email: Calimlim96731@gmail.com	Zip: 96731
Representing: Self	Position: Support	Submitted: Nov 20, 2024 @ 10:07 PM

Testimony:

I am supporting Bill 64 FD1, CD 1 as it is currently written with KCA's proposed amendments. And strongly oppose Chair Kia'aina's newly proposed amendment on 11/15/24.

Mahalo!

Name:	Email:	Zip:
Mufi Hannemann	mhannemann@hawaiilodging.org	96815
Representing:	Position:	Submitted:
Hawaii Lodging & Tourism Association	Support	Nov 20, 2024 @ 10:07 PM

Name:	Email:	Zip:
MARGARET PRIMACIO	defendoahucoalition@gmail.com	96731
Representing:	Position:	Submitted:
Defend Oahu Coalition	I wish to comment	Nov 20, 2024 @ 10:20 PM

Testimony:

Good Morning Committee Chair Kiaaina and Members,

My comments on behalf of Defend Oahu Coalition are in support of the safe distance of 1.25 miles setback or greater from property lines of schools, and residences when developing industrial scale wind turbines. Additionally health care centers, and farm lots must also be protected from the close proximity of wind turbines and it's causes of shadow flicker and sound which, Bill 64, 2023 should keep to the minimum exposure original considered under this legislation. We further support no grandfathering of current wind turbines from the 1.25 mile or greater setback law when leases expire or are renewed.

When a community such as Kahuku is expecting city government to legally protect their citizens from the harmful effects of these industrial wind turbines located so near their homes, schools, farms, recreational facilities and health care centers, environmental justice has been served and upheld as should be required.

Mahalo nui loa,

Margaret Primacio

President

Defend Oahu Coalition

Name:	Email:	Zip:
Mike Foley	haikulani@gmail.com	96734
Representing:	Position:	Submitted:
Self	I wish to comment	Nov 20, 2024 @ 10:24 PM

Testimony:

Dear Chair Kia'āina, Vice Chair Cordero and Members of the Committee,

Thank you for the opportunity to submit comments on this important measure. I strongly support Councilmember Kiaaina's proposed changes (CC-286) to many of the accessory agricultural use standards, which delete the cumbersome agricultural easement requirement and replaces it with a farm plan. This important change to the language of Bill 64 will help avoid rendering many agricultural uses unobtainable for the average person; obtaining an agricultural easement is a nearly impossible task.

This change is especially important for the Farm Dwelling use (§ 21-5.40-4(c)). Farm dwellings provide critical shelter to farm families. The other accessory uses that share the revised language are opportunities for expanding a farm's business profile (agritourism, agricultural farmers market, small State regulated group living, small not State regulated group living, small, medium, or large meeting facility , PreK-12 school, Wind energy generation, child daycare, adult daycare, minor and major animal care, and nature-based recreation). Since shelter is a human need, I suggest that the LUO standards for dwellings should be revised further so they are less stringent than those for business opportunities.

Please support Councilmember Kiaaina's important amendment to help allow farmers to obtain the basic human need of building shelter. In addition, please continue to improve the LUO to help address the impact of the housing supply crisis on our communities.

Mahalo,

Mike Foley
Kailua, HI

Name:	Email:	Zip:
Taylor Campbell	taylorpc@hawaii.edu	96795
Representing:	Position:	Submitted:
Waimanalo Agricultural Association	Oppose	Nov 20, 2024 @ 10:59 PM

Name:	Email:	Zip:
Jessica Thompson	JessThompson808@gmail.com	96815
Representing:	Position:	Submitted:
Self	I wish to comment	Nov 20, 2024 @ 10:59 PM

Testimony:
Aloha City Council Members,

My name is Jessica Thompson, and I'm a resident of O'ahu who cares deeply about our community and the animals that are a part of it. I'm writing to ask that you include language in Bill 64 to allow for animal sanctuaries in our zoning rules. Sanctuaries are such a simple, compassionate solution, and they could make a huge difference for the cats in our community and the environment they share with us.

If you look at other places, like Lana'i or Kaua'i, they've already figured this out. Lana'i Cat Sanctuary has become a model for how sanctuaries can work. They've created a safe, permanent space for hundreds of cats, and in doing so, they've reduced the number of free-roaming cats across the island. Their sanctuary also keeps cats away from sensitive areas where wildlife needs protection. They've even become a tourist destination, teaching visitors about responsible pet care and humane solutions to overpopulation. It's a win for everyone: the animals, the environment, and the community.

We could do something like that here on O'ahu. Right now, so many cats don't have safe options, and it puts a strain on our neighborhoods, our animal control system, and the environment. Sanctuaries would give them a permanent, secure home, especially those cats that can't be adopted or returned to colonies. Sanctuaries would also help nonprofits remove cats from areas like harbors and beaches, protecting native species while still treating the animals with care.

Sanctuaries can do more than just house animals—they can educate the community, too. They could be places where locals and tourists alike learn how to reduce overpopulation by getting your animals fixed, how to care for pets responsibly, and how to get involved in humane solutions. It's a way to bring people together while making real progress.

The problem right now is that we don't have clear zoning rules for sanctuaries, and that's stopping nonprofits from being able to create these spaces. If sanctuaries were allowed on pasture and farm land, they'd finally have the space they need to do it right. We've seen this work on other islands, and there's no reason we can't make it work here, too.

This is a chance for O'ahu to take a step forward, just like Lana'i and Kaua'i have. Let's support sanctuaries and give them the opportunity to help the animals, the environment, and our community. Mahalo for listening and for considering this important change. It would mean so much to so many.

Jess Thompson

Name: Earl Yamamoto	Email: earl.j.yamamoto@hawaii.gov	Zip: 96814
Representing: Hawaii Department of Agriculture	Position: I wish to comment	Submitted: Nov 21, 2024 @ 07:03 AM
Name: Brian Miyamoto	Email: brian@hfbf.org	Zip: 96759
Representing: Hawaii Farm Bureau	Position: I wish to comment	Submitted: Nov 21, 2024 @ 07:15 AM
Name: Sandra Larsen	Email: ssakamoto@imanaka-asato.com	Zip: 96789
Representing:	Position:	Submitted:

aes Hawaii	I wish to comment	Nov 21, 2024 @ 07:22 AM
Name: Frederick Cobb-Adams	Email: fecobbad@ksbe.edu	Zip: 96813
Representing: Kamehameha Schools	Position: I wish to comment	Submitted: Nov 21, 2024 @ 07:25 AM
Name: Racquel Achiu	Email: rhachiu@gmail.com	Zip: 96791
Representing: Self	Position: Support	Submitted: Nov 21, 2024 @ 08:17 AM

Testimony:

Aloha Chair & Committee members, Racquel Achiu, Waialua Moku (North Shore) in support of BILL 64. However i do have some points to address with current amendments for your consideration.

Chair Kia'aina Amendments:

Joint Development - Please change to CUP MAJOR or REQUIRE PUBLIC ENGAGEMENT and or Presentations to neighborhood boards & community assoc. LARGE SCALE PROJECTS THAT SEVERELY IMPACT OUR COMMUNITIES & AG LAND GET APPROVED ON A MINOR WITH NO INPUT FROM COMMUNITY.

Agritourism - Keep AG Easements - Easements support the commitment of the land to Ag as it should be used primarily

Farm Dwelling - Please consider the ESTABLISHED and or generational Ag Land owner and or operation that is a self sustaining Agricultural operation and not commercial - being held to restrictions that would be possible to adhere too

Animal Raising - Add "Working DOgs"

Animal Care - Add "Farrier Services" - necessary for care of all horses especially working horses

Member Say

Livestock - Please Add "Working Dogs" as there are dogs that fall into a "working dog" category (recognized by the AKC) that supports canine for the act of "working" livestock, security etc.

The intention is to support farm & ranch operations & their plans that include & utilize specialty/working dogs for herding & protection of livestock (and more recently even crops), land and property. Additionally assists in the rapidly growing issue of AG Trespass/Theft/Vandalism environment. Farm & Ranch plans often include critical detail of working dog inclusions to support their operation and industry.

(FOR EXAMPLE: The Great Pyrenees breed is specifically used to guard livestock without human supervision and not treated as a standard "pet". In fact the guard dog stays with a herd 24/7 and not treated as a common house pet. Other breeds of canine can be used for this purpose as well.

MUCH MUCH MAHALO TO YOU ALL FOR YOUR COMMITMENT IN ENSURING THAT THIS EFFORT OF OUR LUO FOLLOWED AN INCLUSIVE AND THOROUGH PROCESS. Securing the integrity of our genuine rancher & farmers operations, lands and industry are critical and always at risk. I am extremely grateful for the ability to participate in this process. MAHALO NUI

Name:	Email:	Zip:
Andrea Woods	andreaswimsunset@yahoo.com	96712
Representing:	**Position:**	**Submitted:**
Sunset Beach Community Association	Support	Nov 21, 2024 @ 08:39 AM

Testimony:

Aloha Chair Kia`āina and members of the Committee on Planning & the Economy

Sunset Beach Community Association supports Bill 64's 1.25-mile wind turbine setback, the agreed upon compromise distance, but strongly opposes Chair Kia`āina's proposed insertion of the words "continuous and uninterrupted", rather than "existing" in reference to facility power purchase agreements.

Sincerely,

SBCA

DATE: November 13, 2024

TO: PEARLENE SOTELO
CLERK, COMMITTEE ON PLANNING & THE ECONOMY

FROM: TOM HOLOWACH, POPOKI PLACE OAHU CAT SANCTUARY

RE: PROPOSED AMENDMENTS TO BILL 64 (2023), FD1, FOR THE NOVEMBER 21, 2024, P&E COMMITTEE MEETING (AGRICULTURAL USE PART 3)

Attached for consideration by the Committee on Planning and the Economy are proposed additional amendments to Bill 64 (2023), FD1, relating to land use regulations.

These proposed additional amendments relate to agricultural uses, and are intended to supplement the amendments to a CD1 version of Bill 64 (2023) that was approved by the Committee on Planning and the Economy on October 22, 2024, (OCS2024-0962/10/30/2024 8:44 AM) and had a second reading by the whole Council on November 7, 2024.

This is testimony addresses the mis-categorization of zoning for Animal Sanctuaries (shelters) as "Commercial."

We believe that Animal Sanctuaries should be regulated under **Agriculture**, specifically under **Agriculture/Livestock and Poultry Keeping/Animal Raising, Minor.**
We request the removal of the phrase excluding animal shelters from the definition of Animal Raising, Minor, as shelters house animals that are not household pets and provide lifelong care. The current categorization of Animal Shelters under Animal Care, in the category of "**Commercial - Personal Services**" limits the operation of Animal Rescue Sanctuaries to semi-urban areas, which is not suitable.

Mis-categorization of Zoning for Animal Sanctuaries

- Animal Sanctuaries should be regulated under Agriculture.
- Shelters house non-household pets and provide lifelong care.
- Request to remove the phrase excluding animal shelters from Animal Raising, Minor.

Current Categorization Issues

- Animal Shelters, as Animal Care, falls under "Commercial - Personal Services."
- Limits operation to semi-urban areas with commercial activities.
- Opposite of what is needed for Animal Rescue Sanctuaries.

Mahalo for the consideration of these amendments.



Tom Holowach
holowach@hawaii.edu
(808) 864-2647

AMENDMENT FORM
Bill 64 (2023), FD1
Relating to Use Regulations
AGRICULTURAL USES

TOTAL PAGES: 2

DATE: 11/13/2024

Resident Name: Tom Holowach

Item No.	Bill SECTION	ROH Section, Exhibit, or Figure, and Title	Page No.	Amendment Description	Amendment Text (in Ramseyer Format)	Comments or Clarification
1	Section 3	Table 21-5.1 Table of Permitted Uses Agricultural Uses category Livestock Keeping subcategory	3	Establishes the Livestock and Poultry Keeping subcategory, Establishes two Subsections for Animal Raising: Minor and Major	**Livestock and Poultry Keeping** Animal raising Minor: P P P P -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- Major: -- P* P* -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- § 21-5.40-2(a)	Please note that this Delineation of the Animal Raising categories between Major and Minor, has already been agreed upon in previous hearings and revisions.
2	Section 71	§ 21-10.1	198	Amends the Definition of Animal Raising: Minor, to prevent the exclusion of Animal Shelters from being applicable to this definition.	**Animal Raising, Minor**: Agricultural establishments that, because of operational characteristics, may generate dust, odors, pollutants, or visual impacts that are unlikely to adversely affect adjacent properties. The term includes small commercial animal operations such as rabbit farms, apiaries, aviaries, or the raising and feeding of livestock and poultry such as cattle, horses, goats, sheep, swine, turkeys, chickens, ducks, bees and rabbits. This term does not include feedlots (see major animal raising), **or** the boarding and care of household pets owned by other persons (see animal care)~~, or animal shelters (see animal care)~~.	Please STRIKE the final phrase: “The term does not include… animal shelters (see animal care)

Aloha, Honolulu City Council. Tom Holowach from **Popoki Place Oahu Cat Sanctuary**
holowach@hawaii.edu, **(808) 864-2647**

Bill 64 - 11/21/24 - Mis-categorizing of zoning for Animal Sanctuaries (shelters) as "Commercial."

Animal Sanctuaries (shelters) should henceforth be regulated by the C&C DPP under **Agriculture** (see ***Page 3*** for Land Use **Table 21-5.1)**: *Agriculture/Livestock and Poultry Keeping*/***Animal Raising, Minor***.

Livestock and Poultry Keeping																					
Animal raising																					
Minor	P	P	P	P	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	
Major	--	P*	P*	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	§ 21-5.40-2(a)

~~***Livestock Production, Minor.*** Commercial small animal operations as a principal land use, such as rabbit farms, apiaries, or aviaries."]~~ "***Animal Raising.*** Agricultural establishments primarily engaged in commercial livestock and poultry keeping or feeding as a principal use.

(1) *Minor:* Agricultural establishments that, because of operational characteristics, may generate dust, odors, pollutants, or visual impacts that are unlikely to adversely affect adjacent properties. The term includes small commercial animal operations such as rabbit farms, apiaries, aviaries, or the raising and feeding of livestock and poultry such as cattle, horses, goats, sheep, swine, turkeys, chickens, ducks, bees, and rabbits. The term does not include feedlots (see major animal raising), the boarding and care of household pets owned by other persons (see animal care), or animal shelters (see animal care).

For the newest definition of ***Animal Raising, Minor*** on ***Page 198***, please STRIKE the final phrase: "The term does not include… ~~animal shelters (see animal care)~~" Shelters already ONLY house animals which are NOT now household pets, nor owned by other persons. Rescuers remove them from roaming wildly, keeping both citizens and wildlife from harm. It's NOT a Kennel or Vet operation; it's lifelong animal care.

When you do look up said "***Animal Care***" in **Table 21-5.1**, you'll discover that, oddly enough, ***Animal Shelters*** would then fall under the category of "***Commercial - Personal Services***." This would be wrong.

	Preservation, Agricultural, Country				Residential, Apartment					Apartment Mixed-Use, Resort				Business, Business Mixed-Use				Industrial, Industrial Commercial Mixed-Use				
Uses (Note: Certain uses are defined in Article 10)	P-2	AG-1	AG-2	Country	R-20, R-10	R-7.5, R-5, R-3.5	A-1	A-2	A-3	AMX-1	AMX-2	AMX-3	Resort	B-1	B-2	BMX-3	BMX-4	I-1	I-2	I-3	IMX-1	Standards
Eating and Drinking																						
General eating and drinking	--	--	--	--	--	--	--	--	--	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	§ 21-5.70-2(a)
Bar, nightclub																						
Minor	--	--	--	--	--	--	--	--	--	--	--	--	P*	--	P*	P*	P*	P*	P*	--	P*	§ 21-5.70-2(b)
Major	--	--	--	--	--	--	--	--	--	--	--	--	P*	--	P*	--	P*	--	--	--	P*	§ 21-5.70-2(b)
Personal Services																						
General personal services	--	--	--	--	--	--	--	--	--	P*	P*	P*	P	P	P	P	P	--	--	--	P*	§ 21-5.70-7(a)
Animal care																						
Minor	--	--	--	--	--	--	--	--	--	--	P*	P*	P*	P*	P*	P*	P*	P*	P*	--	P*	§ 21-5.70-7(b)

Unfortunately, this error would restrict the areas where any Animal Rescue Sanctuary could operate to ONLY semi-urban areas which might already have existing commercial activities, such as ***Resort, Apartment/ Mixed Use, Business/ Mixed Use, and Industrial/ Commercial***. That's exactly the opposite of what is truly needed. We literally put these rescues "out to pasture" for the rest of their natural lives. Having peaceful green land for them is the most pono outcome. Mahalo!

Kathleen M. Pahinui
Pahinuik001@hawaii.rr.com

November 17, 2024

Committee Chair Esther Kiaʻaina
Committee on Planning and the Economy

RE: Testimony on Bill 64

Aloha Committee Chair Kiaʻaina and Committee Members –

Please accept the following comments / requests regarding Bill 64 (2023) FD1 DC1:

Kiaʻaina Proposed Amendments

- Item 3: strongly support the language regarding agri-tourism.
- Item 5: strongly support the language regarding farm dwellings.
- Item 19: a major conditional use permit should be required for any nature-based recreation activities whether overnight or not. Strongly support the rest of the changes for this item.
- Item 24: Still do not agree with the following activities as part of agri-tourism - kayaking, hiking, mountain biking, boating, horseback riding, ziplining, and picnicking. How do these tie back to agriculture? What is the nexus? Agree with the added language.

Weyer Proposed Amendments

- Item 2: strongly support this amendment. Too often, ag land is purchased, and a farm operation is never realized or not fully realized and before it can be done, the owner is applying for all sorts of non-ag uses, especially agri-tourism uses with activities that have no nexus to the farming / ranching activities. Please see comment above under item 24.

Mahalo for your time and consideration of my comments.

Mālama ʻāina,

Kathleen M Pahinui

Kathleen M. Pahinui
Waialua Resident, North Shore, Oʻahu

Sanko Soflan Holdings co., ltd.

November 18, 2024

Honolulu City Council
Committee on Planning and the Economy
530 S. King Street
Honolulu Hale, Room 202
Honolulu, Hawaii 96813

RE: Proposed Amendments to Bill 24 (2024), Relating to the Primary Urban Center Development Plan, for the Committee on Planning and the Economy Meeting on November 11, 2024

Dear Honorable Chair Kia'āina, Vice Chair Cordero, and Members,

I write on behalf of Sanko Soflan Hawaii LLC **in strong support** of the amendments to Bill 24 as submitted by Council Chair Tommy Waters, specifically, items 9, 14,15, and 16 which seek to amend the Primary Urban Center (PUC) Development Plan map to redesignate the zoning lots with street frontage immediately mauka of Kūhiō Avenue from Kuamo'o Street to Paoakalani Avenue as "resort." This is the second written testimony from me regarding the same following last month`s Committee meeting.

I fully understand the importance of residential developments in Honolulu including affordable units. However, Waikiki is expected to be an engine of our economy to create much needed revenue and employment opportunities for the benefit of all the people in Honolulu. Our development site location should fit perfectly to fulfill the expected role as the property just immediately mauka of Kūhiō Avenue in Waikiki. Additionally, the project closely situated Ala Pono Pedestrian Bridge Project will be a focal point, and it would spill out positive economic impact from Waikiki to our local neighborhoods.

Although drastic drop of Japanese tourism to Waikiki is obvious, as businessperson traveling between Japan and Honolulu frequently, I notice the compelling reason of that is a huge decrease of recent media exposures to Hawaii in Japan. In my opinion, the key to get exposure & attention back to Hawaii is to introduce new and unique products in Waikiki to stimulate media appetite.

Sanko Soflan Holdings Co., Ltd
Yaesu First Financial Building 13F, 1-3-7 Yeasu Chuo-Ku Tokyo 103-0028 Japan
TEL : 03-6895-7735 FAX : 03-6895-8835

Sanko Soflan Holdings co., ltd.

Since our parcels sit behind the Ritz Carlton Waikiki, the introduction of our product as hotel accommodation should bring some spotlights to Waikiki as a new option to stay.

We are happy to provide an opportunity for media to pick up with strong hope to get Japanese tourists back to Waikiki. - `Make Waikiki Great Again as Da Capital of Japanese tourism`.

Also, as a token of our willingness to support Waikiki tourism, we`ve just started to consider hosting our own firework event in Waikiki, as related to specific Japanese local government event, as an ignition to rollout our plan to revitalize Japanese tourism, if our site were to be redesignated to resort.

We strongly hope for `win-win formula` with City and County of Honolulu and its people.

Thank you very much for your time and consideration.

Kindest regards,

T. Katagiri

Terry Katagiri
Vice President, Sanko Soflan Hawaii LLC
Executive Officer & General Manager, Overseas Business, Sanko Soflan Holdings Co., Ltd.

Attachments

cc: Honolulu Council Chair Tommy Waters

Sanko Soflan Holdings Co., Ltd
Yaesu First Financial Building 13F, 1-3-7 Yeasu Chuo-Ku Tokyo 103-0028 Japan
TEL : 03-6895-7735 FAX : 03-6895-8835

November 18, 2024

Chair Esther Kia ʻaina,
And Members of the Committee on Planning and the Economy
Honolulu City Council
530 South King Street, Room 202
Honolulu, Hawaii 96813-3065

Support for Amendments of Bill 64 (2023), CD1 Related to Transient Vacation Rentals at Hoakalei

Aloha Chair Kia ʻaina and Members of the Committee on Planning and the Economy

I am writing to express my strong support for the proposed amendments to Bill 64 (2023) as outlined in Councilmember Andria Tupola's Council Communication 255 (2024). These amendments seek to allow bed and breakfast homes and transient vacation rentals within the A-2 zoning district adjacent to the Hoakalei Resort and Lagoon in Ewa Beach.

As a resident of the Hoakalei Community and a member of Hoakalei Country Club, I have seen firsthand the need for increased accommodation options within our community. Currently, there are limited lodging options in West Oahu, and Ewa Beach has none available for visitors. The proposed amendments would fill this critical gap, providing more choices for travelers – such as the participants of Lotte's LPGA tournament, seeking to experience the unique beauty and culture of our area while also supporting the broader goals of economic growth and community development.

Allowing bed and breakfast homes and transient vacation rentals adjacent to the Hoakalei Resort would bring Ewa Beach in line with other established resort areas on Oahu, such as Waikīkī, Ko Olina, and Turtle Bay, where similar lodging alternatives are already permitted. This change would provide a diverse range of accommodations, catering to varying needs, preferences, and budgets. It would enable visitors to experience Ewa Beach more intimately and support local businesses through increased spending on dining, shopping, and recreational activities.

By creating more legal options for short-term rentals, we can generate additional revenue streams for local property owners and businesses, boost employment opportunities, and increase real property tax revenues for the City. This economic growth can directly benefit community members by funding public services, improving infrastructure, and supporting initiatives that enhance the quality of life in our area.

In addition to economic benefits, allowing regulated short-term rentals near Hoakalei Resort can help reduce the prevalence of illegal vacation rentals in residential neighborhoods across the island. By providing visitors with legitimate, well-managed lodging options, we can mitigate community tensions, ensure compliance with safety and zoning regulations, and promote a more positive visitor experience.

I strongly urge you to support these amendments and help realize the vision of a thriving, integrated Hoakalei Resort community that benefits all.

Thank you for the opportunity to share my testimony.

Respectfully,
Gary Royster

STANFORD CARR DEVELOPMENT, LLC

November 19, 2024

The Honorable Esther Kiaʻāina, Chair
and Committee Members
Committee on Planning and the Economy
Honolulu City Council
530 South King Street, Room 202
Honolulu, Hawaii 96813

SUBJECT: Bill 64 (2023), FD1, CD1
Land Use Ordinance (LUO) Amendment Relating to Use Regulations

Dear Chair Kiaʻāina and Committee Members:

Stanford Carr Development is writing to express **support** for the proposed amendments to the LUO as outlined in Council Communication #286 (CC-286). We have previously expressed our support for Bill 64 (2023), including the Chair's incremental approach to reviewing the proposed amendments.

Specifically, we support the addition of language in §21-5.90.2 Miscellaneous Uses, Joint Development Use – Standards, as proposed in CC-286, which enables the development of two or more adjacent zoning lots jointly as one zoning lot.

The Joint Development Agreement is an invaluable tool that facilitates the efficient development of projects—both commercial and residential—across multiple parcels without requiring additional subdivision or reconsolidation actions. This process, which involves obtaining a Conditional Use Permit Minor, allows two or more adjacent subdivision lots to be developed as a single zoning lot. It ensures that the proposed development results in a more efficient use of land while safeguarding the public interest through oversight by the Director of the Department of Planning and Permitting.

Thank you for the opportunity to participate in this important discussion. We appreciate your consideration of these amendments and their potential to enhance land-use efficiency.

Respectfully,



Stanford S. Carr

ALAKEA CORPORATE TOWER • 1100 ALAKEA STREET, 27TH FLOOR • HONOLULU, HAWAII 96813
PHONE: (808) 537-5220 • FACSIMILE: (808) 537-1801 • WEBSITE: www.stanfordcarr.com

HAWAII REGIONAL COUNCIL OF CARPENTERS

November 21, 2024

TO: The Honorable Esther Kiaʻāina, Chair
The Honorable Radiant Cordero, Vice-Chair
and Members of the Committee on Budget
Honolulu City Council

FROM: Mark Anthony Clemente
Government Relations
Hawai'i Regional Council of Carpenters

SUBJECT: Support for Joint Development Agreements; Support Bill 64 Amendments regarding Transient Vacation Rentals in A-2 zoned land at Hoakalei;

Aloha Chair Kiaʻāina, Vice-Chair Cordero and Members of the Committee on Planning and the Economy:

My name is Mark Anthony Clemente writing on behalf of the Hawai'i Regional Council of Carpenters, and we strongly urge the Committee to restore the Joint Development provisions currently contained in the LUO, that is § 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, and to add "Joint Development" back into the Use Table under Miscellaneous in § 21-5.30.

We also write in support of Bill 59, specifically with respect amendments proposed by Councilmember Tupola—specifically Items Nos. 4 and 5 in Councilmember Tupola's Council Communication 255 (2024).

Joint Development Agreements

With respect to our comments on Joint Development Agreements (JDA), these are currently available under the Land Use Ordinance (LUO).

Under the existing LUO, the 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

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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.

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).

Bill 64 Amendments regarding Transient Vacation Rentals in A-2 zoned land at Hoakalei

The presented amendments by Council Member Tupola propose allowing bed and breakfast homes and transient vacation rentals within the A-2 zoning district adjacent to Hoakalei Lagoon, and we believe will help stimulate the local economy by supporting local businesses and creating jobs.

Further, the amendments are in line with the goals of the O'ahu General Plan, which aims to maintain a successful visitor industry that enhances residents' quality of life while preserving our cultural heritage and sense of place. Policy 8 of the General Plan encourages the development of secondary resort areas, like Hoakalei, in ways that respect both local lifestyles and the natural environment. By permitting regulated short-term rentals in the A-2 zoning district, we can foster a tourism model that benefits both visitors and residents alike.

This policy change represents an important step toward creating a balanced, thriving community, providing more accommodation options for visitors, supporting local businesses, and contributing to sustainable economic development in Ewa Beach.

Mahalo for the opportunity to testify and for your consideration of this testimony.

KUA'ĀINA ULU 'AUAMO

November 19, 2024

ATTN: **Honolulu City Council**
Ke Kanihela o ke Kalana o Honolulu
Committee on Planning & the Economy
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, CD1 Regarding Caretaker Units for Hawaiian Fishponds, Regular Meeting City Council Chamber, November 21, 2024, 9:00 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 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 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**

KUA‘ĀINA ULU ‘AUAMO

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.

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> 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

Email: communications@ulupono.com

HONOLULU CITY COUNCIL COMMITTEE ON PLANNING & THE ECONOMY
Thursday, November 21, 2024 — 9:00 a.m.

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

Dear Chair Kia'āina and Members of the Committee:

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 at least one 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, 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

PŌPOKI PLACE
O'AHU CAT SANCTUARY

TESTIMONY REGARDING
Hearing for Bill 64
November 21, 2024

Aloha Chair Kia'aina, and honorable Council Members,

Popoki Place Oahu Cat Sanctuary is still looking for a home, and our biggest roadblock to acquiring land has been that there is currently NO definition for our type of operation, which will fit within the definitions of the Land Use Ordinances of the City and County of Honolulu.

I'm Holly Holowach, co-founder of Popoki Place O'ahu Cat Sanctuary, with comments on Agriculture Use Subcategory titled ***Livestock Keeping, Minor.***

We humbly request that you ADD this line under Livestock Keeping or Raising MINOR:

> Animal SANCTUARIES are allowed **anywhere** that animal RAISING or KEEPING is allowed.

Animal SANCTUARIES and animal SHELTERS are quite different.

- Animal **Shelters** are temporary boarding or housing of animals that may or may not be owned by people. They are often in buildings with AC and need a small land footprint. They are meant to keep animals temporarily. Kennels and boarding facilities fall in this category as does the Hawaiian Humane Society.

- Animal **Sanctuaries** require a larger amount of open space for the permanent housing of animals. This land needs to be open pastureland. Animals must be contained in enclosures with secure fencing until their natural death. ALL animals, including CATS and DOGS should be allowed to be in sanctuaries on pasturelands.

There is a crisis of cat overpopulation on this island that are endangering wildlife. Popoki Place wants to help solve this problem. But we need LAND to do it. We simply can't just kill thousands of community cats, so we need to move them somewhere else. We must put them out to pasture like we do with horses, for example.

Popoki Place plans to create a large-scale sanctuary with escape-proof, fenced enclosures in large fields. We will provide these rescue cats with food and water, medical care, and enrichment for the rest of their birth-controlled lives.

We are not a commercial business like a cat café, a boarding facility or kennel. We are a NON-PROFIT organization whose primary goal is to rescue and remove cats from the landscape and give them a safe place to live while protecting wildlife!

The Lanai Cat Sanctuary, built on 5 acres of agricultural land, is a 15-year-old proof-of-concept that proves that this idea works! We desperately need a similar sanctuary here. Popoki Place is READY to be that place once we get land.

PŌPOKI PLACE
O'AHU CAT SANCTUARY

We NEED YOUR HELP to write into the law wording that will HELP us create Popoki Place O'ahu Cat Sanctuary! HELP US please!

On behalf of the Board of Directors, I am respectfully yours,

Holly



Holly Holowach, President and Founder
Popoki Place O'ahu Cat Sanctuary
Holly@PopokiPlace.com Main: 808-262-1099

a Win for the Cats
a Win for Wildlife
a Win for the Community
a 501c3 nonprofit organization
https://popokiplace.org/

Aloha Chair Kia'aina, and honorable Council Members:

Testimony regarding Bill 64

Over the past 5 years I have been Trapping Neutering Releasing and Maintaining cats in the Kalani Valley and Kalani High School. I did this because I found 5 cats poisoned in our valley area with blood running from their mouth and confirmed at the Humane Shelter that they were poisoned. A poison death to an animal makes them go crazy and bleed in their stomach and fall dead on the street. My goal was to neuter as many cats as possible to prevent this type of horrific death. I have trapped and had 37 cats neutered and fed at Kalani HS until October. I have been told I will be given a TRO for feeding these cats which I have fed and maintained for 5 years. Now the cats have no choice but to search for food to survive and get killed by cars on Kalaniiki Street and Kalanianiole Highway. This is inhumane. Many do not know that it is against Hawaii Law to euthanize or move feral cats to another area and think the cat problem will go away. (NOT IN MY BACK YARD theory). NOT SO!

The most humane and D0-ABLE solution is to have a cat sanctuary such as Holly Holowach, co-founder of Popoki Place O'ahu Cat Sanctuary, is suggesting. The Lanai Cat Sanctuary and several in North Carolina sanctuaries are examples of how this can work. There are many cat advocates that will financially support this effort if given the opportunity.

My plea if to allow Animal SANCTUARIES anywhere that animal RAISING or KEEPING is allowed. These sanctuaries will be maintained by the many numbers. We will not find dead and starving cats as I am facing if they can live their short life peacefully in a secure area.

Peggy Regentine
1611 Kalaniuka PL
Honolulu, HI 96821

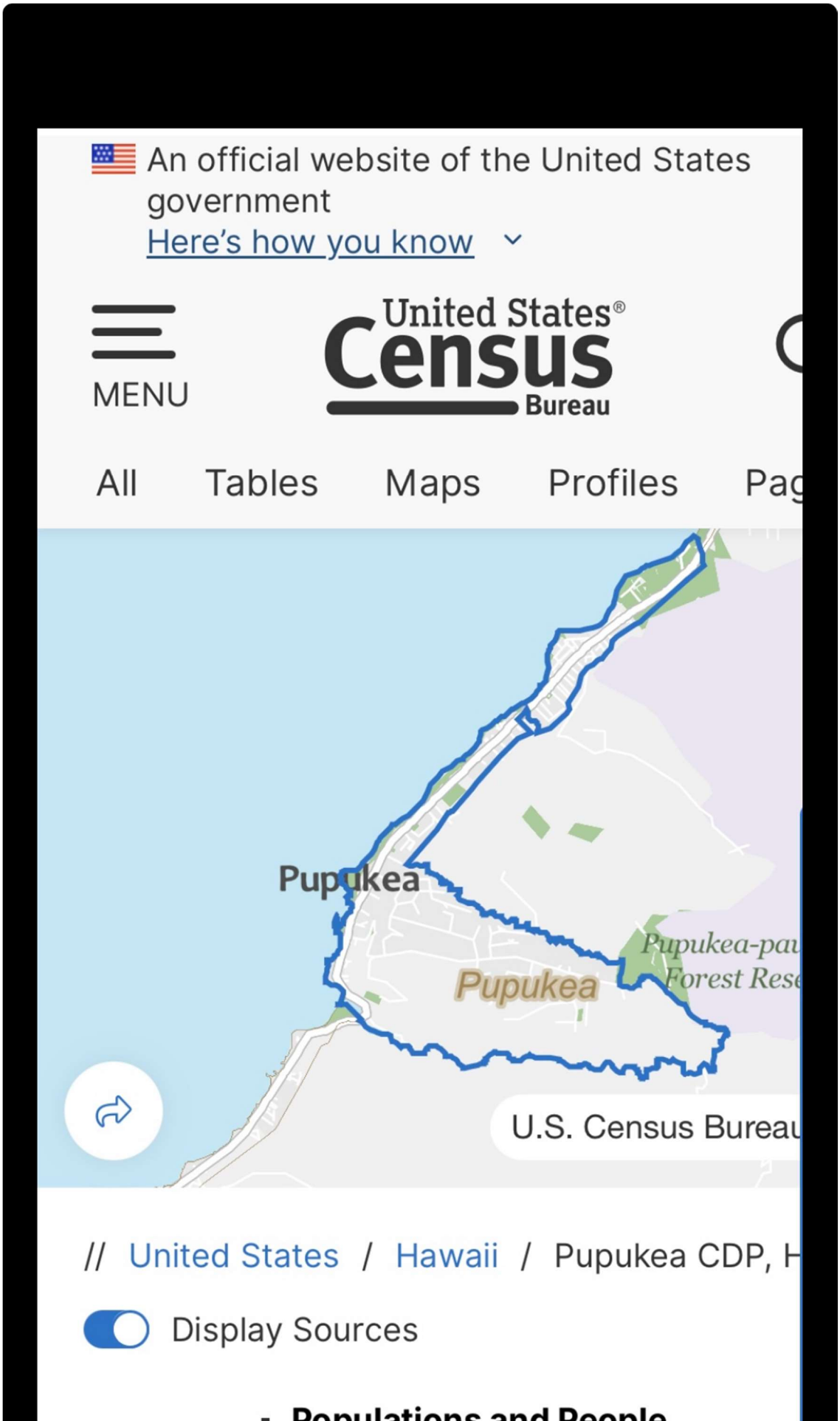
Dawn Bruns, Kaunala Resident, Sunset Beach, North Shore Oahu

November 21, 2024, for City Council Planning and the Economy Committee meeting Bill 64 (former Bill 10):

Aloha Chair Kia`āina and members of the Committee on Planning & the Economy

I support Bill 64's 1.25-mile wind turbine setback agreed upon compromise distance, but strongly opposes Chair Kia`āina's proposed insertion of the words "continuous and uninterrupted", rather than "existing" in reference to facility power purchase agreements. We also wish to note that after the too-close turbines are decommissioned, anticipated remaining turbine nuisance impacts to communities may necessitate additional nighttime turbine shutdown. Details regarding these impacts in our neighborhood, three miles from the turbines, are below:

I am one of an estimated 1,000 residents of Sunset Beach who have been chronically experiencing insomnia and REM sleep deficit due to the wind turbines in Kahuku. Three miles from any wind turbine, our home is as far from a turbine as one can get at Sunset - other areas of our community are closer and more exposed than we are.


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Your adoption of the proposed 1.25-mile wind turbine setback distance and language disallowing modification in height or blade length of these too-big too-close wind turbines is your responsibility as a County with towns that do not have their own legislative self-determination.

Future Updates to Consider: As summarized below, the wind turbine low-frequency sound from the Kahuku turbines is a nuisance at Sunset Beach, three miles away, so we anticipate nighttime turbine shutdowns will, in the future, need to be added for distances farther than 1.25-miles.

Wind Turbine Sound Physics Background Information: The downstroke of the wind turbine blade, as it passes the tower, makes an audible (above 20 Hz) whooshing sound (audible more than one mile away) and each turbine blade tower pass also produces an inaudible air pressure pulse if approximately 1 Hz (detected by humans but not "audible"). This very low-frequency sound is measured with sensitive microphones or with air pressure sensors. The lower the frequency (Hz), the farther the sound travels – it also travels farther with the wind, and when the atmosphere is stable (such as when cool air sinks at night) with a low mixing height. The stronger the wind is, the faster the blade is moving, the higher the decibel level of the low-frequency sound pulse from the wind turbines. Harmonics of the fundamental frequency occur at multiples of the frequency produced by the turbine blade pass. The decibel scale is logarithmic – a 3 decibel increase in decibel level is a doubling in power (https://www.animations.physics.unsw.edu.au/jw/dB.htm).

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

At very high levels (levels normally only experienced occupationally, e.g., 100-decibels at 1 Hz tilt-rotor aircraft cockpits and unfortunately the levels occurring in Kahuku, 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 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 references links below). Very high levels of low-frequency sound affect the town of Kahuku on most days because of the extremely close proximity of the wind turbines.

Chronic, prolonged nighttime exposure to low-frequency wind turbine pulses **above 55 decibels** causes an estimated 10-30% of the general population many miles from wind turbines (which is 500-1,500 of the 5,000 Sunset Beach residents) 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 (a known effect of lack of REM sleep). The second-most common problem, which affected 89% of the affected patients she studied, was noticeable chronic sleep disturbance. Chronic sleep disturbance appears to be the underlying cause of the fatigue (75%) and irritability

(76%) experienced by the patients she studied. Wind turbine-caused sleep disturbance has been well-documented. Wind turbine low-frequency sound sleep disturbance appears be the cause of the increased suicide rate Zou (2017) found during windy periods at distances spanning more than 25 km upwind and downwind from the 828 turbine installation events spanning 39 states between 2001 and 2013.

The sleep disturbance resolves immediately after the family moves away from the wind farm. Memory deficits usually resolve over a period of weeks to months after moving away from the wind farm. Learning and productivity deficits have affected our communities for more than a decade and we look very much forward to those turbines coming to their end because we are not moving away from our homes.

Not for this legislation, but for County executive branch who may be able to help us without legislation: During the remaining intervening years the wind turbines will operate, please allow us to park and sleep in our vehicles in county parks with restrooms away from the Kahuku turbines on windy nights. Sleeping in our cars to get away from the turbines carries its own public health and safety aspects that could be mitigated with these facilities. Renting a bedroom for sleeping away from the turbines when it's windy is preventing us from saving for retirement.

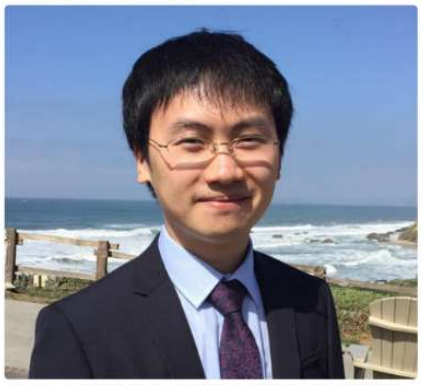
Annotated bibliography/links to most relevant literature (more wind turbine health effects peer-reviewed literature available my Google Drive Wind Turbine Noise Folder at https://drive.google.com/drive/folders/1x2bYkblTkTN_wmeht3eh8Row3tLpmkoO?usp=sharing:

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

University of Illinois October 2017 Illinois

The impact of wind turbines on suicide

"Exploiting over 800 utility-scale wind turbine installation events in the United States from 2001-2013, 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)

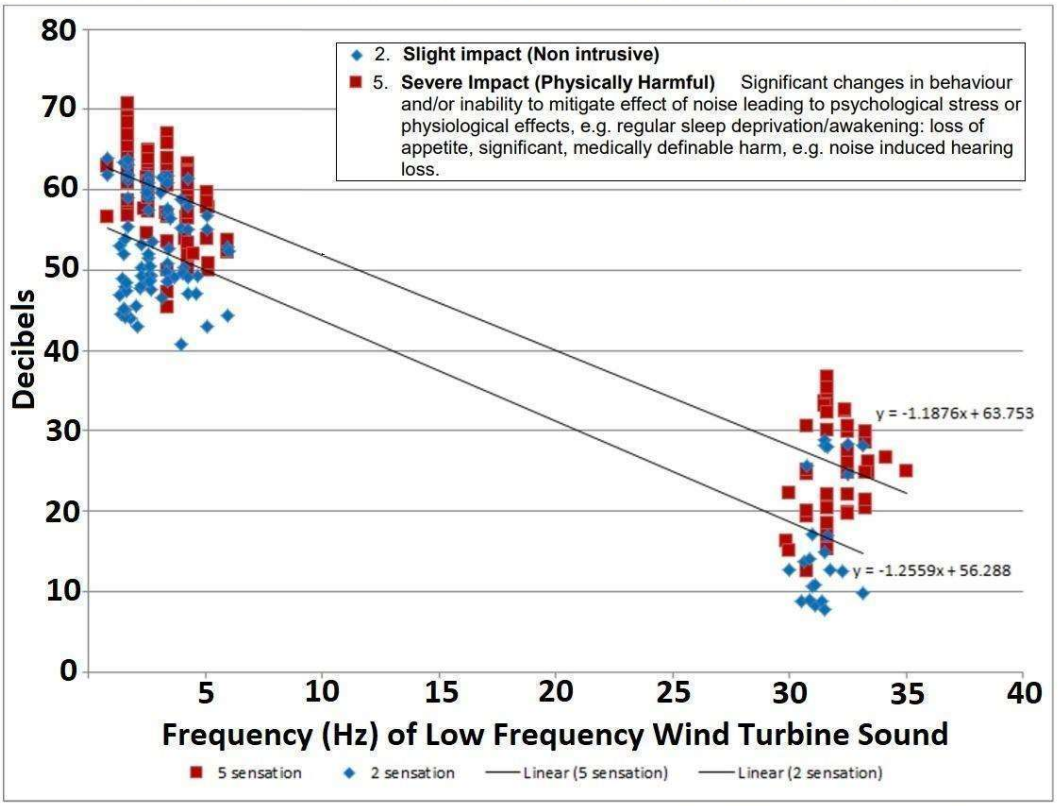


FIGURE 49: Human response to sound pressure of wind turbine signature and 31.5 Hz wind turbine amplitude modulation (both do not occur in the ambient environment) https://drive.google.com/open?id=180jlKaO_Z9pdWpQ64z8EFEh1vYdiqqrp

3.) Dr Alves Pereira (2019) University of Waterloo presentation (wind turbine low-frequency sound pressure is chronic – though exposure levels are usually below level of occupational exposure of military aircraft workers, biological effects to tissues are expected to be similar – thickening of the pericardial tissues around the heart, changes in collagen related to thickening of arteries, increased epilepsy, high blood pressure, heart conditions. In addition, low-frequency sound (**55-60 dB at 1 Hz**) caused residential structures to resonate (55-60 dB at around 10 Hz) – the resonance frequency of wood frame and concrete structural materials is around 10 Hz – in addition to low-frequency sound itself, the structure's resonance is often the significant cause of discomfort, causing the people to move away or sleep in the basement) https://livestream.com/itmsstudio/events/8781285/videos/196181579?fbclid=IwAR3pwiRLGzoHYKJqmEZJhjuIjCHehJIrgaP1QauPpGpDntVQNYuf6oHygLo

4.) Stepanov (2000) Biological effects of low frequency oscillations (Russian **75 dB limit for 2 Hz**. low-frequency sound for "living and public premises" based on exposure time,

p. 15. Russia has a lot of experience with low-frequency sound (as does NASA) due to the space programs. https://apps.dtic.mil/dtic/tr/fulltext/u2/a423963.pdf

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

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

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

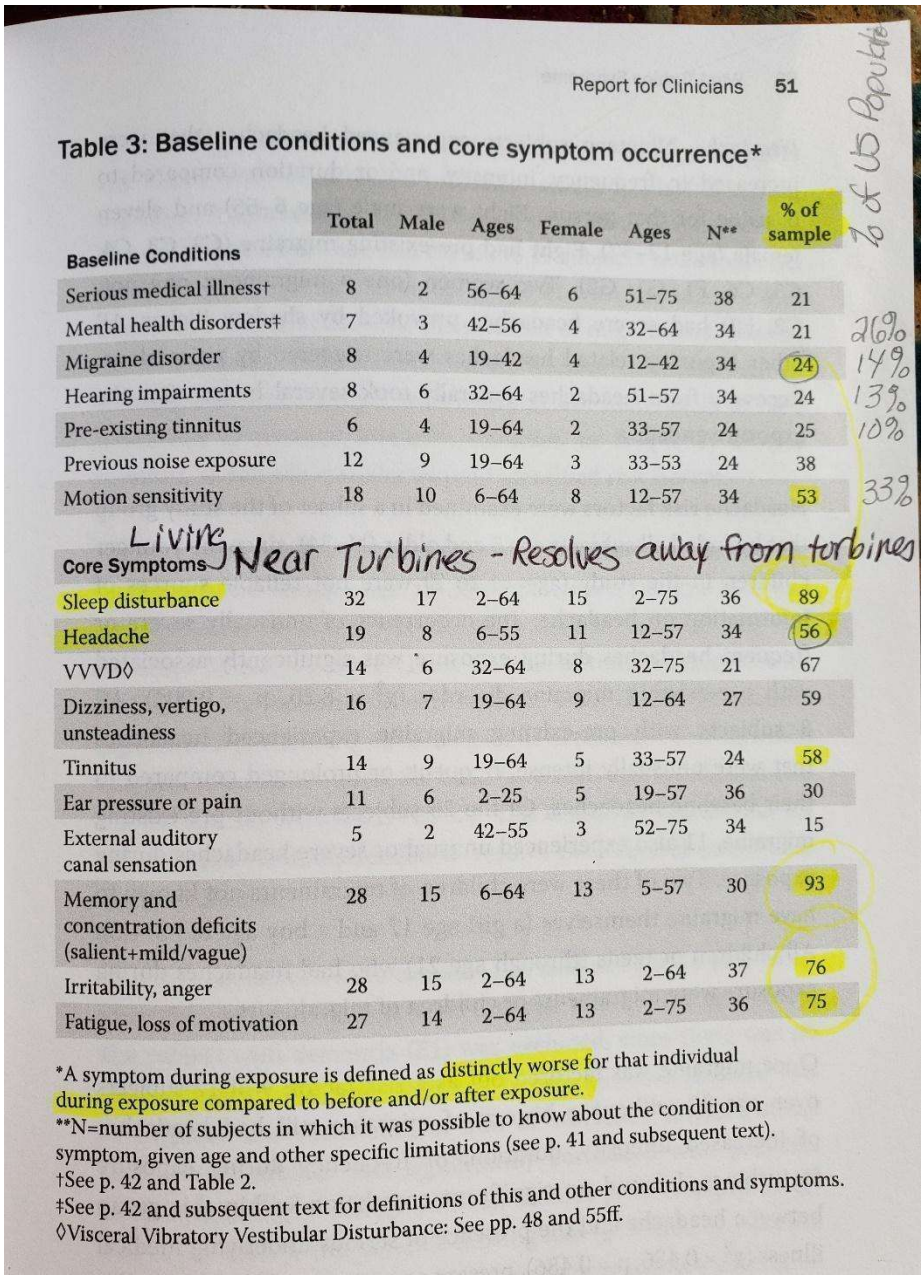
5.) The 65 dB ANSI threshold for low-frequency sound is based on effects of less-harmful traffic and aircraft noise. The physiological response to wind turbine sound is significantly greater than the physiological response to the same decibel sound from traffic and aircraft noise Schaffer 2016. Apparently,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

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

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

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

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



Report for Clinicians 51

Table 3: Baseline conditions and core symptom occurrence*

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

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

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

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

frequency sound measurements exceeded 60 dB.

> 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

14.) Smith et al. A laboratory study on the effects of wind turbine noise on sleep: results of the polysomnographic WiTNES study. https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7487868/

15.) Our Sunset Beach measurements indicate the Kahuku Wind Farm Clipper turbines are causing us to chronically experience 50-60 db of 0.8 hz sound. This 0.8 hz is exactly the frequency know to cause insomnia: https://onlinelibrary.wiley.com/share/XDN9ZM4P3EIUKHSGXYM5?target=10.1111/j.1365-2869.2012.01039.x No wonder we can't sleep.

Any study failing to detect the considerable reduction in REM sleep in 10-30% of humans does so by failing to measure the turbine sound levels in relation to REM sleep, or by using small sample sizes with no Power, and lumping adversely affected subjects with the unaffected study participants. Impacts to what I estimate to be over 1,000 Sunset Beach residents are considerable and intolerable.

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 turbines 1.25 miles from residences, schools, and hospitals, and shut them down at night to avoid being shut down in court.

My Sunset Beach 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 Sunset Beach 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.

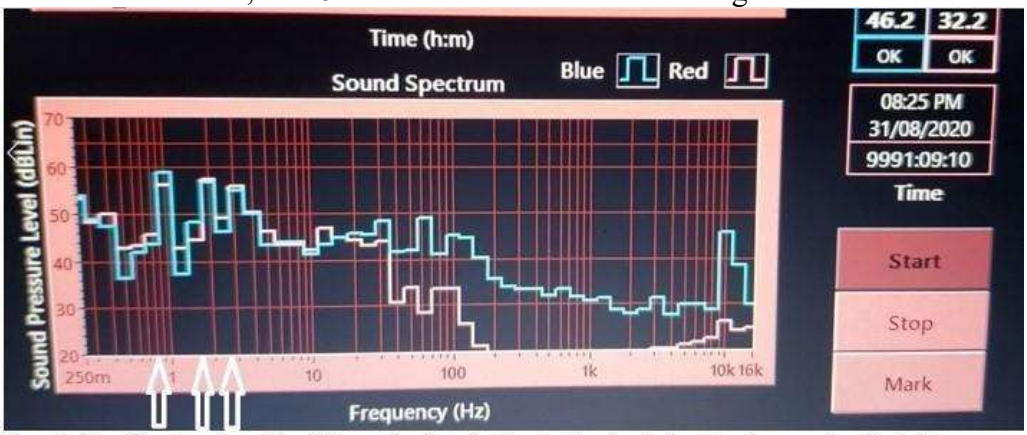


Figure A. Blue microphone Sunset Beach (three miles downwind from turbines), red microphone in garage "crypt" sleeping area (which does nothing to block 1 Hz, 2 Hz, and 3 Hz low-frequency air pressure pulses "low-frequency sound pressure" registering at 55 60 dB (see white arrows). Winds were 18 MPH,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

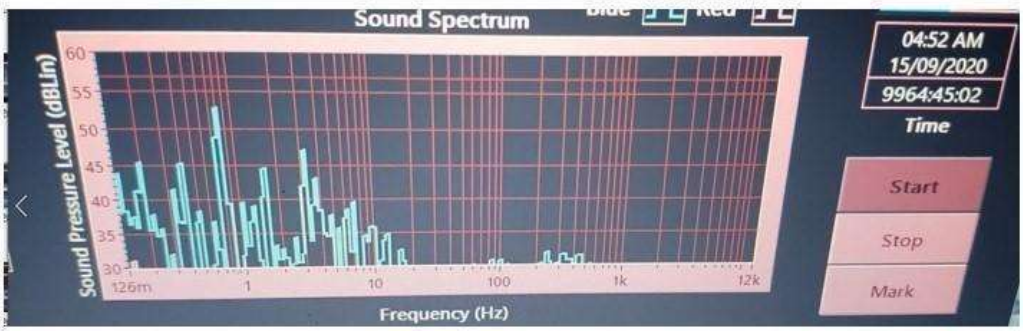


Figure B: Turbines on with light wind. This is the sound pressure level three miles downwind from Kahuku with about the lightest winds the turbines are allowed to operate during April through October nighttime (James Campbell Weather Station: winds 10, gusts to 13, 99-degrees/East wind). This 50-55 dB 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 decibel level of the 12 original 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 here, three miles away, when wind is 18 mph (the

attenuation rate of 3 decibels per doubling of distance would mean it would be 57 decibels at 6 miles (REM sleep disturbance annoyance to a considerable number of residents, early cognitive decline from chronic, years, without enough REM sleep, relieved by periods traveling or sleeping away from the turbines); and it would be 54 decibels at 12 miles (so on windy nights, the safe setback distance would be farther than 5 miles).

When wind turbines are situated in high-wind areas such as Kahuku, low-frequency sound from the blades affects large areas of the island. Siting turbines in low-wind areas is much less problematic - my measurements 3 miles downwind from Kawailoa Wind Farm don't detect wind turbine sound, but the wind has always been light there when I've measured). Oahu is too small and densely populated to have industrial wind turbines operating at night in high-wind areas like Kahuku, Kailua, Diamondhead, and ridge lines, because high levels of low-frequency sound from large fast-spinning turbine blades prevents up to 30% of residents from getting needed REM sleep many miles away.

There is no difference between low-frequency wind turbine sound levels in versus outside our house, or in any other residential structure I've measured. The 0.8 hz sound is not stoppable (we've tried to construct a "crypt" to block the low-frequency sound with 10 layers of Sheetrock, tried industrial noise-cancelling earphones, earplugs, tried masking the sound with other frequencies (only the very large surf such as 16-second, 16-foot swells, produces sufficient decibel levels of white noise in the very low frequency range to mask out the wind turbine sound - my sleep is normal when surf is giant)). And we are unable to mitigate wind turbine sound-caused sleep loss, lack of rem sleep, and cognitive decline via prescription drugs, diet, exercise, meditation, binaural beats, PRMF, IR, and supplements. Even with two to three daily hours of concerted effort to do everything possible to get normal sleep, I fail, almost all nights in windy summer months and have to go sleep away from the turbines. When I sleep in my car or rent a room in Waialua and Mokuleia (being just as windy there as it is at our home), or elsewhere, away from these many and fast-spinning turbines, or on days the turbines are off, I wake refreshed and well-rested and accrue one day at a time of normal sleep. One night at a time, away, my brain can clear metabolites during rem sleep and I make gains in my cognition and short-term memory.

Tips for school children exposed to wind turbine sound: Bill 64's passage will not prevent us from having to cope with the turbines these next few years, so I feel for today's students. There really is no way to get needed sleep other than sleeping elsewhere, as noted above. But the following measures can help reduce the spinning turbines' learning deficit and migraine impacts: Because sounds below 20 hz are inaudible, the way to get the brain to get out of being entrained at 0.8 hz is when the normal brain frequencies "win". You can help the normal brain frequencies win using binaural beats or pulsed electromagnetic field (PEMF) at the frequencies associated with thinking and learning. I find a PEMF chair-mat https://higherdose.com/products/infrared-pemf-mat and binaural beats to help me think when it's windy when I work at my home. During the day, school children having difficulty concentrating and learning in the wind turbine low-frequency sound could try using headphones to listen to binaural beats in the Theta, Alpha, Beta, and Gamma frequencies (there are many apps for this. For years, I have relied on the Android phone app "Binaural Beats Therapy by Giorgio Regni". For iPhone there are also many including https://apps.apple.com/us/app/brainwave-sharp-mind/id308715234 and pre-recorded

tracks are abailable on Apple Music, and https://www.binauralbeatsmeditation.com/product/mind-master-pack/). It also helps to always (day and night when it's windy) play audible white noise nature sounds of rain or surf, or run fans or AC units that make audible sound. Students may get some easing of wind turbine-caused migraine using 10 hz frequencies on their PEMF or binaural beats devices, and if they're not already, try to get in with a neurologist to try different prerequisite things to qualify for the expensive prescriptions that work with few side effects like Pfizer Botox for migraine injections and, once they turn 18, CGRP receptor antibody injections (Merck, Lilly, etc., not without risks, but weighing the risks of not treating the migraines) (treatments cost a couple thousand dollars a month but are covered by HMSA and our other local insurance companies). Hang in there □

I want to take this opportunity to be clear in providing the City and the wind developers with this notice that they can anticipate Sunset Beach residents will ensure the turbines are shut down at night via nuisance litigation if they operate at night beyond their current power purchase agreement dates. As the turbines have already resulted in harms to Sunset Beach residents in excess of $1 billion, we anticipate the wind farm would also experience bankruptcy in this litigation. I had been in ongoing contact with previous Kahuku Wind Farm owners to ensure they understood the harm they were doing to me and certainly now, a decade later, the wind farm owner would be well aware of the impacts their turbines are having to people like us, 3 miles downwind. Paying for (leveraging to get a loan for) brand new turbines given this nighttime shutdown for Sunset Beach resident sleep - I guess that's a business decision you'd want to pair with having a wind farm buyer lined up.

I forgive those who were involved in authorizing the 20-year operation of the Kahuku Wind Farm because I believe they were unaware of the effects turbines in such close proximity to towns would have. You now know better than to do it again.

November 19, 2024

Chair Esther Kia'aina
and the Planning and the Economy Committee Members
Honolulu Hale – City Council
530 South King Street, Room 202
Honolulu, Hawaii 96813-3065

Support Bill 64 Amendments – Transient Accommodations in A-2 zoned land at Hoakalei

Aloha Chair Kia'aina and Members of the Planning and the Economy Committee,

As a West Oahu resident, I urge you to support Councilmember Tupola's proposed amendments to Bill 64 (2023).

These amendments would allow bed and breakfast homes (B&Bs) and transient vacation rentals near Hoakalei Resort, which I fully endorse. Having worked in Ewa Beach for several years, I am very familiar with the area and the challenges faced by homeowners, including the lack of nearby lodging options when family visits. Legal transient vacation rentals would address this issue, while also boosting local businesses, generating additional city tax revenue, and meeting the growing demand for visitor accommodations. Locally owned transient vacation homes can be a valuable resource for both residents and visitors.

Furthermore, by establishing more legal short-term rentals in appropriate areas, we can help prevent the spread of illegal vacation rentals in residential neighborhoods. This approach will help maintain neighborhood integrity while supporting the long-term vision of Hoakalei as a thriving, mixed-use community.

Please support these amendments. Thank you for your time and consideration.

Sincerely,

Xiaofan "Jen" Larson

November 20, 2024

Honorable Chair and Members of the Planning and The Economy Committee,
City and County of Honolulu
530 S. King Street
Honolulu, HI 96813

Support Bill 64 –Transient Vacation Rentals near Hoakalei Resort

Dear Chair Kia'aina and Members of the Planning and the Economy Committee,
I strongly support the proposed amendments to Bill 64 (2023) that would allow bed and breakfast (B&B) homes and vacation rentals adjacent to Hoakalei Resort. These changes align with established planning policies, support the local economy, and offer diverse, legal accommodation options for visitors.

Several areas on Oahu have already demonstrated that transient vacation rentals in A-2 land, adjacent to resort-zoned properties, can greatly benefit the surrounding community. The success of these areas suggests that Hoakalei's A-2 zoned land, which is situated next to resort-zoned land, should be granted the same opportunity. Allowing vacation rentals in this area would stimulate the local economy, generate job opportunities, and provide more options for tourists looking to experience Oahu.

This policy change is a logical step that will not only enhance the area's economic development but also contribute positively to the long-term growth of the community and tourism industry. I ask that you give your support to Councilmember Tupola's proposed amendment.

Sincerely,

Aaron M. Yahiku, P.E.
President
Jayar Construction, Inc.

EAST OAHU COUNTY FARM BUREAU

910 CALIFORNIA AVE., WAHIAWA, HI 96786

November 19, 2024

Councilmember Esther Kia‘aina, Chair
Councilmember Radiant Cordero, Vice Chair
Committee on Planning and the Economy
Honolulu City Council
Honolulu, Hawai‘i 96813-3077

Dear Chair Kia‘aina, Vice Chair Cordero, 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.**

We would also like to express concerns regarding the newly proposed amendments to Bill 64 that would require farmers and ranchers to file detailed farm plans with DPP when applying for permits. Our concerns include the following:

- The amendments impose a substantial paperwork requirement which will impact small farmers and people with poor English skills disproportionately, and go well beyond what is necessary to determine whether or not the 51% requirement is likely to be satisfied. Is a plan required only when a farm applies for an initial permit, say to install a farm stand, or for any subsequent modification that may require an additional permit? What about farms that already have farm stands -- are they grandfathered, or must they also submit plans in order to keep their stands?

- DPP has no personnel with the knowledge and experience in agriculture that would be necessary to evaluate a farm plan. O‘ahu’s agricultural ventures are extremely diverse; even a person experienced in row crop production might be lost trying to evaluate the validity of a farm plan dealing with aquaculture, ornamental plants, biofuels, or honey production. DPP already has a backlog of permit applications; reviewing farm plans will take time and resources that DPP doesn’t currently have.

- Compiling information about "a farm or ranch's resources, goals, business plan, and timeline"seems far more detailed and intrusive than is necessary to show legitimate intent to farm. It could result in demands for proprietary information that might be disclosed to the

public or to competitors, and the seemingly open-ended requirements could result in long delays when DPP asks for supplemental information.

- Plans may change, crops may fail, and opportunities for different agricultural ventures may arise. Can DPP revoke a permit if a farm fails to carry out its plan? If so, DPP will be burdened with the necessity to monitor all farms to which it has issued permits; if not, then the plan is just a paperwork exercise that can be ignored once the permit is issued.

While we recognize that the previous Bill 64 requirement for an agricultural easement is liable to be burdensome, we do not feel that exchanging one burden for another is a suitable solution. We suggest that a simple diagram showing intended uses of the land should be sufficient to indicate whether a person intends to farm or ranch at least 51% of a parcel. Farmers and ranchers already have to supply such a diagram to obtain Honolulu's real property tax exemption.

As in our previous testimony, we also encourage your Committee and the full Council to consider the 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
for Grant Hamachi, President
East O'ahu County Farm Bureau

ARMSTRONG
BUILDERS LLC

80 Sand Island Access Road, Suite 209
Honolulu, Hawaii 96819
Phone: 808-848-2484 Fax: 808-842-0527

November 18, 2024

Chair Kia'aina
and Members of the Committee on Planning and the Economy
Honolulu City Council
530 South King Street, Room 202
Honolulu, Hawaii 96813-3065

Dear Chair Kia'aina and Members of the Committee on Planning and the Economy:

Support for Amendments to Bill 64 (2023), CD1 –Transient Vacation Rentals at Hoakalei Resort

I am writing to express my support for the proposed amendments to Bill 64 (2023), CD1, relating to transient vacation rentals near Hoakalei Resort. These amendments are important for maintaining accommodations within the resort zoning, where they are most appropriate, while preventing their spread into residential neighborhoods. The proliferation of illegal bed and breakfast homes and vacation rentals in residential areas has become a significant concern. By regulating short-term rentals and confining them to areas specifically designed for such uses, we can better balance community needs and visitor interests.

Councilmember Tupola's proposed amendments align with the goals set forth in both the Oahu General Plan and the Ewa Development Plan, which emphasize the development of Ocean Pointe/Hoakalei as a major residential and recreational hub, with integrated visitor accommodations. Allowing bed and breakfast homes and transient vacation rentals within the designated areas supports this vision, ensuring that Hoakalei evolves into a vibrant, mixed-use community as intended.

I want to thank the Committee on Planning and the Economy for considering these important amendments, which represent a meaningful step toward fostering responsible development and supporting the future growth of the Ewa region.

Sincerely,

James R. Keller
President

TO: Committee on Planning and the Economy

FROM: Phyllis Shimabukuro-Geiser

DATE: November 21, 2024 TIME: 9am

RE: Bill 64 (2023), FD1, CD1 – LUO AMENDMENTS RELATING TO USE REGULATIONS.

Position: Oppose Amendments to Animal Care Minor change to P* for AG-1, AG-2, and to P for Country; and Animal Care Major change to P* for AG-1 and AG-2.

Aloha Chair, Vice Chair, and Members of the Committee,

I am in opposition to the amendment to change Animal Care Minor of this bill to P* for AG-1, AG-2, and to P for Country, and to change Animal Care Major of this bill to P* for AG-1 and AG-2 because the permitted use of animal shelters/animal sanctuaries pose a serious threat of disease transmission and biosecurity of our commercial poultry and swine operations in the surround community. Highly Pathologic Avian Influenza (HPAI) H5N1 was recently diagnosed in a backyard operation in Central Oʻahu. The owner of the operation was interviewed and referred to the operation as a sanctuary for the animals. Seventy or so animals including ducks and geese were euthanized because of the highly virulent nature of the disease and the possible transmission to humans. This is the first detection of HPAI H5N1 in the State of Hawaiʻi and the pathway of introduction of the virus is unknown at this time.

The purpose of the agricultural districts is to maintain a strong agricultural economic base... The intent of the AG-1 restricted agricultural district is to conserve and protect important agricultural lands for the performance of agricultural functions by permitting only those uses that perpetuate the retention of these lands in the production of food, feed, forage, fiber crops, and horticultural plants. Only accessory agribusiness activities that meet the above intent shall be permitteding in this district. (SECTION 12. SECTION 21-3.50, ROH 2021 (a) (b)).

Thank you for your hard work and good intentions to amend the LUO, however the recent detection of HPAI H5N1 demonstrates that biosecurity and protection of our livestock industry on Oʻahu and our food security could be further threatened by the proposed animal care amendments and designating animal shelters as primary land uses in our agriculture and country districts.

Mahalo for the opportunity to submit testimony.

Honolulu Council Committee on Planning and the Economy
Regular Meeting, City Council Chamber
November 21, 2024, 9:00 am

COMMENTS for Bill 64 (2023)

Aloha, Chair Kia` āina, Vice-Chair Cordeiro and Members.

Thank you for allowing me to comment on the proposed amendments to Bill 64. I have two specific concerns and oppositions, and two supporting comments:

1. *Concerns about Farm Plans instead of agricultural land dedications.*
2. *Serious concerns about new verbiage for wind turbine modifications and setbacks.*
3. *Nature-based recreation activities should require conditional use permits.*
4. *Please require the primary agricultural activity to be in operation before an application for accessory use can be submitted.*

Gil Riviere
Waialua

Here are my specific comments:

1. **Farm Plan (Kiaana, multiple)**

I oppose amendments deleting agricultural easements and inserting a farm plan requirement. **I have great concern that the farm plans will be meaningless and unenforceable.** Questions:

What is the legal definition of a Farm Plan?
Is a Farm Plan a mere formality, simply to be created and filed, or must it be reviewed and approved?
Based on what criteria should a Farm Plan be accepted?
Can a Farm Plan be rejected, denied, or revoked?
How can/should the department enforce compliance of Farm Plans that are not being followed?
Should periodic reports be required for Farm Plans?
Should Farm Plans be amended, if circumstances change?
What use is a Farm Plan if it is not followed?

To my knowledge, no conditional use permit for accessory agricultural activity has ever been enforced or revoked. If a Farm Plan is meant to require agricultural integrity, please make sure the condition is enforceable.

2. **Turbine Modifications (Kiaaina, Item 15)**

I **strongly oppose the new language** in paragraph 21-5.60-6(c)2(E)

provided that the setback requirements of this paragraph do not apply to the repair, maintenance, or component replacement of any large wind energy generation facility with approved land use permits that were legally established on the date of this ordinance during the term of the facility's continuous and uninterrupted power purchase agreement approved by the State Public Utilities Commission; provided further that the repair, maintenance, or component replacement of the facility during the stated period is limited to an increase in the height of the facility up to a maximum height of 575 feet, and the facility must operate under and within the scope of its approved land use permits, including any minor modifications (to account for an increase in height), but not including any major modifications thereto.

If this is the text moving forward, please clarify the intention is not to create a permanent grandfathering by inserting the word "previously."

provided that the setback requirements of this paragraph do not apply to the repair, maintenance, or component replacement of any large wind energy generation facility with approved land use permits that were legally established on the date of this ordinance during the term of the facility's continuous and uninterrupted power purchase agreement **previously** approved by the State Public Utilities Commission;

The 575 feet limit should be deleted and replaced with a de minimus percentage increase as previously contemplated. Every effort should be made to honor the spirit of the existing one-to-one setback requirement that was required for original approval of existing projects.

I support Councilmember Weyer's Item 1, which maintains the 1:1 setback.

If longer turbine blades are installed as a modification, **then the shadow flicker analysis and requirements in Paragraph F should be implemented.**

What distinguishes minor from major modifications and what action is triggered by major modifications?

3. **Nature Based Recreation Standards (Kiaaina, Item 19)**

I support Conditional Use Permits as the default requirement for all Nature Based Recreational Activities. Daytime activities could have massive impacts on neighboring properties and communities, so an overnight stay is not an appropriate trigger between major and minor permits. The community should be allowed to weigh in on the application, unless it can easily be determined to pose minimal impacts.

4. **Accessory Agricultural Uses (Weyer, Item 2)**

I strongly support a requirement that a primary agricultural operation be in existence before a land use permit can be granted for an accessory use.

MAHALO

GRASSROOT INSTITUTE OF HAWAII

1050 Bishop St. #508
Honolulu, HI 96813
808-864-1776
info@grassrootinstitute.org

Removing barriers to Hawaii's prosperity

Nov. 21, 2024, 9 a.m.
Honolulu Hale

To: Honolulu City Council, Committee on Planning and the Economy
Esther Kiaʻāina, Chair
Radiant Cordero, Vice-Chair

From: Grassroot Institute of Hawaii
Jonathan Helton, Policy Researcher

RE: Bill 64 (2023) — RELATING TO USE REGULATIONS

Aloha Chair Kiaʻāina, Vice-Chair Cordero and members of the Committee,

The Grassroot Institute of Hawaii would like to **comment** on the proposed amendments to various uses in Bill 64 (2023), FD1.

>> Beekeeping

Committee Chair Kiaʻāina's amendment would delete a requirement that beekeeping be considered a principal use in the zoning district to be allowed as a home occupation, essentially cleaning up an error from previous drafts of the bill.

>> Joint development

Regarding proposed changes to the county's joint-development programs — where developers can build on two lots in the same zone as if they were the same lot — the current land-use ordinance allows two of them: one for adjacent lots and one for non-adjacent lots. Bill 64, however, proposes to delete both.

Instead, Grassroot supports the amendments being proposed by Councilmember Weyer and Committee Chair Kiaʻāina that would leave in the joint-development programs for adjacent lots, since it gives builders flexibility whenever they happen to own two adjacent lots in the same zoning district.

>> Home-based childcare

Grassroot urges the Committee to adopt either of the amendments offered by Councilmember Weyer or Committee Chair Kia‘āina that would allow a second non-household employee to assist with childcare if the principal caregiver is unavailable because of a sickness or other emergency.

The current draft of the bill allows only one non-household member to work in the home in addition to the household childcare provider.

Thank you for the opportunity to testify.

Jonathan Helton
Policy Researcher
Grassroot Institute of Hawaii

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

November 21, 2024

Honolulu Council Committee on Planning and the Economy
Chair Esther Kia`āina
Vice-Chair Radiant Cordeiro
Committee Members

Bill 64 (2023)

Hawaii's Thousand Friends, a statewide non-profit water and land use planning organization dedicated to protecting the environment, human health, and cultural and natural resources, submits the following for your consideration.

We are concerned that agricultural lands are increasingly exploited for purposes that do not support agricultural activity or food sustainability. Accessory agricultural-based operations are meant to support a primary agricultural enterprise.

We strongly support Weyer Proposed Amendment Item 2, which clarifies that a primary agricultural activity must be established before an accessory activity can be approved.

> "The accessory agricultural uses and secondary supporting uses must be compatible with the onsite agricultural operation and surrounding land uses. The onsite agricultural operation must already be in existence before a land use permit can be granted for an accessory agricultural use or secondary supporting use."

TESTIMONY BEFORE THE COMMITTEE ON PLANNING AND THE ECONOMY

COMMENTS ON BILL 64 (2023), FD1, CD1 AND PROPOSED AMENDMENTS IN COUNCIL COMMUNICATIONS 290 AND 294

Thursday, November 21, 2024
9:00 A.M.
City Council Chamber

Aki Cruzata
Manager, Energy Procurement
Hawaiian Electric

Dear Chair Kia‘āina, Vice Chair Cordero, and Members of the Committee,

My name is Aki Cruzata and I am submitting testimony on behalf of Hawaiian Electric **with comments** on Bill 64 (2023), FD1, CD1 (noted as OCS2024-0962/10/30/2024 8:44 AM), proposing changes to Article 5 of the Land Use Ordinance (“LUO”), and proposed amendments in Council Communication 290 and 294 (respectively, “CC-290” or “CC-294”). While Bill 64 (2023), FD1, CD1 is proposing a myriad of changes to land use laws, Hawaiian Electric is focused on the section that applies to existing wind energy generation facilities, as their current production of renewable energy is vital to the State’s decarbonization plans and Renewable Portfolio Standards (RPS) goal of 100% renewable energy by 2045. As the county with the largest population, peak demand for energy on O‘ahu reaches about 1,100 MW, serving not only our local residents, but also the demands of the military and our tourism industry.

Hawaiian Electric understands there are concerns regarding setbacks for wind energy generation facilities and is sensitive to concerns raised by the community. Hawaiian Electric does not oppose operational limits on existing farms to address flicker, subject to further

understanding on the limitation of output. However, as Hawaiian Electric has previously noted, while the current version of Bill 64 (2023), FD1, CD1 states that certain repairs, maintenance, or component replacement of existing large wind energy generation facilities may not increase a facility's nonconformity, classification as a nonconforming structure may not give sufficient certainty to facility operators who may need to do repairs that do not clearly fall within one of the defined exceptions. Hawaiian Electric appreciates that the amendments proposed in CC-290 state that the setback requirements in country, residential, apartment, apartment mixed-use, or resort zoning districts do not apply to "repair, maintenance, or component replacement;" however, such repairs are limited to a maximum height of 575 feet, and, as with the current version of Bill 64 (2023), FD1, CD1 facility operators may need to do repairs that fall outside of this range.

Additionally, repairs are limited to "the term of the facility's continuous and uninterrupted power purchase agreement approved by the State Public Utilities Commission," and would therefore not appear to cover repairs performed under a future agreement. Hawaiian Electric respectfully submits that the amendments in CC-294, which mention that the component replacement shall utilize "commercially viable" components that "minimize any increase in height," and that do not limit repairs to be performed during the term of the facility's power purchase agreement, would provide greater feasibility regarding the continued operation of existing large wind energy generation facilities.

Hawaiian Electric acknowledges that the Honolulu City Council is the appropriate policymaking body on this matter. Hawaiian Electric is therefore not advocating for a particular outcome, but would like to advise the Committee of possible consequences should existing large wind energy generation facilities be required to cease operations:

- With the absence of these resources, Hawai‘i may be unable to achieve its goal of 100% renewable energy by 2045.

- These existing facilities, which currently provide the only utility scale non-photovoltaic variable renewable generation on Oʻahu, **would not** be able to participate in future procurements, reducing competition and increasing costs to customers via the development of new facilities.
- Construction of new facilities would likely require significant additional resources, such as:
    - Approximately 123 MW of photovoltaic solar generation;
    - Additional land, estimated at approximately 5-10 acres per MW, and
    - New interconnection facilities to connect these new facilities to the Hawaiian Electric grid.
- Replacing wind with photovoltaic solar generation would reduce the resource diversity of Hawaiian Electric's renewable generation portfolio, with generation becoming more dependent on sunny weather.

The cessation of existing wind energy generation could thus result in an inability to meet Hawaiʻi's renewable energy goals, additional costs to customers who will need to fund replacement projects that could potentially be more costly than maintaining projects and interconnection facilities that are already built, and increased uncertainty in electrical generation.

We sincerely appreciate the efforts of the Honolulu City Council and the Committee on Planning and the Economy in developing Bill 64 (2023), FD1, CD1 and look forward to continuing our work together as the bill progresses.

Thank you for the opportunity to testify.

Keep the North Shore Country

Honolulu Council Committee on Planning and the Economy
Regular Meeting, City Council Chamber,
November 21, 2024, 9:00 am

ENVIRONMENTAL IMPACTS OF TALLER WIND TURBINES
Proposed amendments to Bill 64 (2023)

Aloha, Chair Kiaaina, Vice-Chair Cordeiro and Members.

Taller wind turbines pose greater risk to endangered species than shorter turbines.

Wind projects develop Habitat Conservation Plans (HCP) to understand and mitigate potential adverse impacts on federally and state protected endangered species. Without an approved HCP and Incidental Take License (ITL) owners are liable for substantial penalties for take of (harm to) listed endangered species. This is done through an extensive permitting process and is not something that should be ignored.

If the City and County wishes to allow increases to wind turbine heights, **there should be a provision to seek comment** from the State of Hawaii Department of Land and Natural Resources Endangered Species Recovery Committee (ESRC) on whether the proposed modification will comply with the approved HCP and ITL.

No wind energy company wants to be out of compliance of their approved HCP and ITL. This concern should be answered before any modification to height or change in operations is made.

We strongly oppose the automatic allowance of taller turbines without proper review and consideration of potential environmental impacts. Please require comment from ESRC.

Also, we strongly oppose any exception to the 1:1 minimum setback standard.

Mahalo.

November 21, 2024

The Honorable Esther Kia'aina, Chair
and Members of the Committee on Planning and the Economy
Honolulu City Council
530 South King Street, Room 202
Honolulu, Hawaii 96813-3065

Dear Chair Kia'aina and Members of the Committee on Planning and the Economy:

Testimony in Support of Amendments to Bill 64 (2023), CD1 Relating to Bed and Breakfast Homes and Transient Vacation Rentals at the Hoakalei Resort

Thank you for the opportunity to submit written testimony. My name is Kelly Lee. I grew up on the West side of Oahu. I'm writing in strong support of proposed amendments to Bill 64 (2023) outlined as Items Nos. 4 and 5 in Councilmember Andria Tupola's *Council Communication 255 (2024)* to allow B&B homes and transient vacation rentals in the A-2 zoning district adjacent to the Hoakalei Resort and lagoon in Ewa.

The proposed amendments would provide alternatives for short-term lodging in the apartment zoned areas adjacent to the Hoakalei Resort including bed and breakfast homes and transient vacation rentals. This change would be consistent with other established resort areas on Oahu and supports the policies expressed in the Oahu General Plan and the Ewa Development Plan.

There are six locations on O'ahu with Resort zoning: Waikīkī, Hoakalei, Ko'olina, Mākaha, Turtle Bay and Lā'ie. As currently written, the LUO allows these lodging alternatives in proximity to three of the six established resort zones: Waikīkī, Turtle Bay, and Ko'olina. By including the Hoakalei Resort area, visitors and residents gain greater access to a wider range of short-term lodging options, catering to varying needs, preferences, and budgets for both visitors and residents. This diversity of accommodations will provide additional economic support and opportunities in the Ewa area growth by generating additional revenue streams for local owners and local businesses, increasing employment opportunities for the Ewa region, and increasing real property tax revenue for the City.

Expanding alternative lodging choices within the master planned Hoakalei Resort area will also help relieve island-wide demand for visitor accommodations during peak seasons and deter illegal B&B and vacation rentals in our local communities and neighborhoods.

The proposed changes to the LUO are consistent with, and in furtherance of, the General Plan (GP) and Ewa Development Plan (DP) objectives and policies.

O‘ahu General Plan

Section II Balanced Economy,

Objective B To maintain a successful visitor industry that creates living wage employment, enhances quality of life, and actively supports our unique sense of place, natural beauty, Native Hawaiian culture, and multi-cultural heritage.

Policy 8 – Facilitate the development of the following secondary resort areas: Ko Olina, Turtle Bay, Hoakalei, and Mākaha Valley in a manner that respects existing lifestyles and the natural environment. [emphasis added]

Section VII Physical Development and Urban Design

Objective D To develop a secondary urban center in ‘Ewa with its nucleus in the Kapolei area.

Policy 6 – Encourage the development of the Ocean Pointe/Hoakalei Communities as a major residential and recreation area emphasizing recreational activities and a waterfront commercial center containing light-industrial, commercial and visitor accommodation uses. [emphasis added]

The proposed changes to the LUO will create consistent land use conditions across three of the established secondary resort areas designated in the GP and facilitate the development of Hoakalei Resort as intended. The proximity of the A-2 zoning to the resort and waterfront is compatible with the vision of the Hoakalei community as a major residential and recreation area with integrated visitor accommodations.

‘Ewa Development Plan

Urban Land Use Map

Resort/Recreation Area - Areas at Ko Olina and Ocean Pointe/Hoakalei to be developed for hotels, apartments, and accessory commercial and recreational facilities for resort use.

A-2 Medium Density Apartments – Medium Density Apartment - Areas with this designation should be zoned predominantly for medium density apartment use. Mixed use, with retail activities at the ground level, is encouraged.

3.8 Ocean Pointe/Hoakalei

3.8.1 General Policies

On the west, develop a mix of activities around the basin, including a Waterfront Mixed Use area with resort and commercial development, a Medium Density Residential area, and a Light Industrial Mixed Use Support area. Hoakalei is planned to have about 950 visitor units to support its waterfront-oriented activities.

The ‘Ewa DP Urban Land Use Map identifies Hoakalei Resort as a “*Resort/Recreation Area*” for hotels, apartments, and accessory commercial and recreational facilities for resort use, and designates the approximate area of the contiguous A-2 zoning district as “*Medium Density Apartment / Commercial Mixed-Use*”. Permitting B&B homes and transient vacation units within the A-2 zoning district helps meet demand for an important share of the visitor industry market. Integrating transient vacation accommodations within

the A-2 zoning district contiguous to the Hoakalei Resort and lagoon, compliments the master planned resort use and is consistent with the ‘Ewa DP general policies for Hoakalei.

I would like to thank Councilmember Tupola for listening to the community and recognizing the need to support the continued growth and economic development of the Ewa area.

I would also like to thank the Committee on Planning and the Economy for it’s consideration of Councilmember Tupola’s proposed amendments to allow B&B homes and transient vacation rentals in the A-2 zoning district adjacent to the Hoakalei Resort and lagoon in Ewa.

Very truly yours,

Kelly Lee

Kelly Lee

Kahuku Community Association

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

November 20, 2024

RE: Bill 64 Section 3 § 21-5.60-6(c)(2) Utility Large Wind Energy Generation Standards

Dear Chair Kiaʻāina & Fellow Council Members,

Kahuku Community Association (KCA) strongly supports the current Committee Draft for Bill 64 Section 3 § 21-5.60-6(c)(2) along with KCA's three recommendations as testified in previous committee hearings. We have significant concerns regarding Chair Kiaʻāina's newly proposed amendments for wind turbine modifications and setbacks introduced on 11/15/24 and we strongly prefer the current Committee Draft with our suggested amendments.

1. No Grandfathering and Compliance with New Setback Standard:

The newly inserted language under Section E (ii) must NOT create a permanent grandfathering of existing large wind energy generation facilities. It is essential to ensure that developers cannot operate beyond their lease terms under outdated setback regulations. All existing projects seeking to to extend, amend, or renew their power purchase agreement must comply with the new setback standards. To address this, we strongly urge the Council to add "Any facility that receives a new power purchase agreement, extension or amendment to an existing power purchase agreement shall comply with (E) (i) (ii)."

This addition reflects the intent to prevent indefinite operation under outdated regulations. Adequate setbacks remain the most effective protection for host communities from the adverse impacts of industrial-scale wind turbines.

2. Regulations and Height Limitations as Major Modifications:

KCA strongly opposes allowing turbine heights to increase to 575 feet. This increase is not a "minor modification" but a major change with significant consequences, including increased shadow flicker, noise, safety risks, and adverse effects on local wildlife such as birds and bats. We firmly recommend capping the maximum turbine height at 568 feet and replacing the 575 feet limit with a de minimus percentage increase. Allowing unregulated increases in turbine

height sets a dangerous precedent. If developers seek to increase turbine heights, they must fully comply with Section F and complete all necessary environmental assessments and permitting processes to carefully evaluate the implications for both human and wildlife populations. Developers must bear the burden of proof in demonstrating compliance with stringent safety and environmental standards. Not having any regulations on height increase allows developers to circumvent these processes that will ensure protection of residents and wildlife. We also suggest exploring the option of using smaller blade sizes as a safer alternative. Developers must not be given pre-approvals that bypass these protections.

In addition, this request arises from the deep concerns of our community, evidenced by the more than 200 residents who were arrested while protesting the Na Pua Makani wind project. These turbines, already the largest land-based turbines ever placed near a residential zone and a school, pose significant risks to safety and quality of life. Allowing AES to further increase their turbine height, especially since they are already in such close proximity to our homes and school, would further exacerbate these issues and contradict the very principles we have long advocated for. These turbines are already "too big and too close," and permitting them to be even taller is an egregious offense to an already impacted community. We firmly believe that the height of these turbines must remain capped at 568 feet to protect our residents from further harm and adverse impacts.

Furthermore, in Na Pua Makani project's Environmental Impact Statement states, "taller turbines have larger rotor swept areas, which could influence collision risk." Larger blades will not only increase the blade-swept area but also impact turbine setback distances and blade throw safety zones. It is also crucial to acknowledge that changes in turbine height will directly affect our community by potentially increasing shadow flicker, noise, safety risks, and negative impacts on local wildlife including our birds and bats.

KCA acknowledges the need for clean energy as our communities face the effects of extreme weather events caused by climate change. However, it is imperative to strike a balance by implementing regulations that ensure renewable energy projects do not compromise the health, safety, and quality of life of host communities and their residents. The PUC has made public commitments to move forward in a just and equitably energy transition. Now is the time for all to participate and turn those words into action. Kahuku has already shouldered its share of the burden. It would be unjust to continue subjecting communities like Kahuku to the ongoing presence of turbines—especially after the Council's acknowledgment of the need for increased setbacks to protect the health, safety, and quality of life of host communities. This new ordinance must ensure that existing turbine projects do not operate indefinitely, particularly beyond the expiration of their lease terms.

We are grateful that the Council has recognized the importance of increasing the setback to 1.25 miles. Proper siting of industrial wind turbines away from schools and homes is crucial, as adequate setbacks are the only proven safety measure to lessen, prevent, or mitigate their negative impacts on host communities. We respectfully ask the Council to listen and adopt KCA's requests as a community directly impacted by industrial wind projects and prioritize the well-being of host communities. Thank you for your commitment to creating a just and equitable renewable energy transition.

Attached are two KCA Proposed Amendment Form for your reference. First based on the current committee draft, second based on Chair Kia`aina's most recent proposed amendments on 11/15/2024.

Respectfully,

Sunny Unga (e-sign)

Kahuku Community Association
Sunny Unga - President
Tatiana Santiago- Secretary
Budde Cabael -Treasurer
Atalina Pasi - Director
James Munoz - Director

KAHUKU COMMUNITY ASSOCIATION
REQUEST FOR AMENDMENT BASED ON CURRENT COMMITTEE DRAFT: Bill 64 (2023) FD1, CD1
FD1 Relating to Use Regulations MISCELLANEOUS USES

Item No. Bill Section ROH Section,	Amendment Description	Amendment Text (in Ramseyer Format)	Comments or Clarification
#15/ Section 3 § 21-5.60-6(c)(2) Large wind energy generation standards (page 42)	G (ii): -Add 568 & Delete 575. - Add "and shall conform to the minimum setback defined in paragraph (E)(i)." & Delete "Any increase in height pursuant to this paragraph will not be deemed to increase the facility's setback nonconformity." -Add (I) Any facility that receives a new power purchase agreement, extension or amendment to an existing power purchase agreement shall comply with this ordinance.	(2) Wind energy generation. (A) Large wind energy generation facilities are not permitted in the preservation, residential, apartment, apartment mixed use, business, business mixed-use, resort, industrial, and industrial mixed-use zoning districts. (B) For any ground-mounted wind energy generation facility, the tower climbing apparatus and blade tips of the facility may not be lower than 15 feet from ground level, unless enclosed by a 6-foot high fence, and may not be within 7 feet of any roof or structure, unless the blades are completely enclosed by a protective screen or fence. (C) A public safety sign must be posted at the base of the wind energy generation facility warning of high voltage and dangerous moving blades. (D) All guy wires must be anchored onsite and outside of any right-of-way, and equipped with safety devices that will prevent them from being climbed, and must be securely fastened. (E) Large wind energy generation facilities must be set back as follows: (i) From all property lines a minimum distance equal to the height of the facility; and (ii) From the property lines of any zoning lot located in the country, residential, apartment, apartment mixed-use, or resort zoning districts a minimum distance of 10 times the height of the facility or 1.25 miles, whichever is greater. For purposes of this paragraph, height is measured from the farthest vertical extension of the tower, which includes the height of the tower or its vertical support structure and the farthest vertical extension of the blade tip from the tower. Any facility that receives a new power purchase agreement, extension or amendment to an existing power purchase agreement shall comply with this ordinance.	

		(F) With regard to occupied buildings in proximity to the facility that exist on the submission date of the facility's conditional use permit application: (i) No portion of a large wind energy facility may cause more than 10 hours per year or 10 minutes per day of shadow flicker on existing occupied buildings; and (ii) During normal operation, facility noise levels may not exceed 10 dBA above ambient sound levels at existing occupied buildings. Prior to the issuance of a conditional use permit for the facility, the applicant shall submit to the department site specific data (such as weather, topography, and turbine operating characteristics) using software models such as WindPro or iNoise, demonstrating conformity with shadow flicker and noise restrictions. (G) For large wind energy generation facilities with approved land use permits that were legally established on the effective date of this ordinance, the repair, maintenance, or component replacement of the facility during the term of the facility's current power purchase agreement may involve an increase in the height of the facility as follows: (i) By an incremental amount not to exceed 7 percent of the original height of the facility; or (ii) Up to a maximum height of 568 ~~575~~ feet; whichever is the lesser facility height; provided that the facility operates under and within the scope of its approved land use permits and shall conform to the minimum setback defined in paragraph (E)(i). ~~Any increase in height pursuant to this paragraph will not be deemed to increase the facility's setback nonconformity.~~ (H) In the AG-1 and AG-2 zoning districts, a minimum of 51 percent of the zoning lot area suitable for crop production or livestock 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 large wind energy generation facility is in operation.	AES Turbines are 568 feet in height and already erected too close to our residential homes and schools. Over 200 community members were arrested opposing this controversial project because it was too big and too close. Allowing AES's turbines to be even bigger is an egregious offense to the community. There needs to be a cap at 568 feet. Need to clarify language that the 7% increase in blade length shall conform to the current 1:1 setback. The current language is not clear and confusing.

KAHUKU COMMUNITY ASSOCIATION
REQUEST FOR AMENDMENT FORM Bill 64 (2023)
BASED ON KIA`AIANA'S PROPOSED AMENDMENTS SUBMITTED ON 11/15/2024
FD1 Relating to Use Regulations MISCELLANEOUS USES

Item No. Bill Section ROH Section,	Amendment Description	Amendment Text (in Ramseyer Format)	Comments or Clarification
#15/ Section 3 § 21-5.60-6(c)(2) Large wind energy generation standards	G (ii): **KCA's REQUEST TO ADD "**Any facility that receives a new power purchase agreement, extension or amendment to an existing power purchase agreement shall comply with this ordinance (E) (i) (ii)." **KCA's REQUEST TO DELETE** "during the term of the facility's continuous and uninterrupted power purchase agreement approved by the State Public Utilities Commission" **KCA's REQUEST TO ADD:** "by an incremental amount not to exceed 7 percent of the original height of the facility; or to a maximum height of 568 whichever is the lesser facility height; provided that the facility operates	(2) Wind energy generation. (A) Large wind energy generation facilities are not permitted in the preservation, residential, apartment, apartment mixed use, business, business mixed-use, resort, industrial, and industrial mixed-use zoning districts. (B) For any ground-mounted wind energy generation facility, the tower climbing apparatus and blade tips of the facility may not be lower than 15 feet from ground level, unless enclosed by a 6-foot high fence, and may not be within 7 feet of any roof or structure, unless the blades are completely enclosed by a protective screen or fence. (C) A public safety sign must be posted at the base of the wind energy generation facility warning of high voltage and dangerous moving blades. (D) All guy wires must be anchored onsite and outside of any right-of-way, and equipped with safety devices that will prevent them from being climbed, and must be securely fastened. (E) Large wind energy generation facilities must be set back as follows: (i) From all property lines a minimum distance equal to the height of the facility; and (ii) From the property lines of any zoning lot located in the country, residential, apartment, apartment mixed-use, or resort zoning districts a minimum distance of 10 times the height of the facility or 1.25 miles, whichever is greater. Any facility that receives a new power purchase agreement, extension or amendment to an existing power purchase agreement shall comply with (E) (i) (ii). provided that the setback requirements of this paragraph do not apply to the repair, maintenance, or component replacement of any large wind energy generation facility with approved land use permits that	Ensures that existing turbine projects will not operate indefinitely under outdated setback regulations, particularly those affecting communities like Kahuku. Projects that do not meet the new setback requirements must conform to the new setback standard to prevent developers from bypassing updated regulations. AES Turbines are 568 feet in height and already erected too close to our residential homes and schools. Over 200 community members were arrested opposing this controversial project because it was too big and too close. Allowing AES's turbines to be even bigger is an egregious offense to the community. There needs to be a cap at 568 feet. Increase in height is NOT a

	under and within the scope of its approved land use permits and shall conform to the minimum setback defined in paragraph (E)(i).” **KCA’s REQUEST TO DELETE:** “up to a maximum height of 575 feet”, & “including any minor modifications (to account for an increase in height), but not including any major modifications thereto.” **KCA’s REQUEST TO ADD:** “If longer turbine blades are installed as a modification, then the shadow flicker analysis and requirements in Paragraph F should be implemented.”	were legally established on the effective date of this ordinance, ~~during the term of the facility's continuous and uninterrupted power purchase agreement approved by the State Public Utilities Commission;~~ provided further that the repair, maintenance, or component replacement of the facility during the stated period is limited to an increase in the height of the facility by an incremental amount not to exceed 7 percent of the original height of the facility; or to a maximum height of 568 whichever is the lesser facility height; provided that the facility operates under and within the scope of its approved land use permits and shall conform to the minimum setback defined in paragraph (E)(i). ~~up to a maximum height of 575 feet~~, and the facility must operate under and within the scope of its approved land use permits, ~~including any minor modifications (to account for an increase in height), but not including any major modifications thereto.~~ If longer turbine blades are installed as a modification, then the shadow flicker analysis and requirements in Paragraph F should be implemented. For purposes of this paragraph, height is measured from the farthest vertical extension of the tower, which includes the height of the tower or its vertical support structure and the farthest vertical extension of the blade tip from the tower. (F) ~~With regard to occupied buildings in proximity to the facility that exist on the submission date of the facility's conditional use permit application:~~ Prior to the issuance of a conditional use permit for the facility, the applicant shall submit to the department site-specific data (such as weather, topography, and turbine operating characteristics) applicable to legally permitted dwelling units in proximity of the facility that exist on the submission date of the facility's conditional use permit application. Software models (such as WindPro or iNoise) must demonstrate conformity with the following shadow flicker and noise restrictions; (i) No portion of a large wind energy facility may cause more than 10 hours per year or 10 minutes per day of shadow flicker on existing ~~occupied buildings~~; legally permitted Dwelling units and (ii) During normal operation, facility noise levels may not	minor modification. The 575 feet limit should be deleted and replaced with a de minimus percentage increase as written in the current committee draft. Every effort should be made to honor the spirit of the existing one-to-one setback requirement that was required for original approval of existing projects. If longer turbine blades are installed as a modification, then the shadow flicker analysis and requirements in Paragraph F should be implemented.

exceed ~~10 dBA above ambient sound levels at existing occupied buildings.~~

~~Prior to the issuance of a conditional use permit for the facility, the applicant shall submit to the department site specific data (such as weather, topography, and turbine operating characteristics) using software models such as WindPro or iNoise, demonstrating conformity with shadow flicker and noise restrictions.~~ applicable State Department of Health community noise control standards, as set forth in Hawaii Administrative Rules Chapter 11-46

~~[(G) For large wind energy generation facilities with approved land use permits that were legally established on the effective date of this ordinance, the repair, maintenance, or component replacement of the facility during the term of the facility's current power purchase agreement may involve an increase in the height of the facility as follows:~~

~~(i) By an incremental amount not to exceed 7 percent of the original height of the facility; or~~

~~(ii) Up to a maximum height of 575 feet; whichever is the lesser facility height; provided that the facility operates under and within the scope of its approved land use permits Any increase in height pursuant to this paragraph will not be deemed to increase the facility's setback nonconformity.]~~

(H) In the AG-1 and AG-2 zoning districts, except for areas of the zoning lot that encompass the large wind energy generation facility footprint, including areas that contain infrastructure and equipment to support the facility, and areas that have been dedicated to the protection of endangered species and their habitats under federal or State of Hawaii laws, a minimum of 51 percent of the zoning lot area suitable for crop production or livestock 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 large wind energy generation facility is in operation[.-], as evidenced by a farm plan that shows the area and percentage of the zoning lot to be in active agricultural use, and information about a farm or ranch's resources, goals, business plan, and timeline to engage in crop production or livestock and poultry keeping.

November 20, 2024

The Honorable Esther Kia'aina, Chair
The Honorable Radiant Cordero, Vice Chair
Members of the Committee on Planning and the Economy
City and County of Honolulu
Honolulu, Hawaii 96813-3077

RE: **Bill 64 (2023), FD1 – LUO Amendment Relating to Use Regulations**
Planning & the Economy Committee Meeting: November 21, 2024, 9:00am

Aloha Chair Kia'aina and Members of the Committee on Planning and the Economy,

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, including support for Chair Kia'aina's amendments regarding the **joint development agreements provision in proposed § 21-5.90-2**.

Joint Development Agreements (JDA), which are currently permitted under the existing LUO (Sec. 21-5.380) and were proposed 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, are a 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. The use of JDAs result in a more efficient use of land as it 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. JDAs allow 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.

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.

More importantly, JDAs are 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 urge the committee to pass Bill 64 with the joint development agreement amendments suggested by Chair Kia'aina in proposed § 21-5.90-2.

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

NAIOP
COMMERCIAL REAL ESTATE DEVELOPMENT ASSOCIATION
HAWAII CHAPTER

November 19, 2024

Councilmember Esther Kia'aina, Chair
Councilmember Radiant Cordero, Vice-Chair
Committee on Planning and the Economy

RE: **Bill 64 – LAND USE ORDINANCE AMENDMENT RELATING TO USE REGULATIONS**
Hearing date – November 21, 2024, at 9:00 A.M.

Aloha Chair Kia'aina, Vice-Chair Cordero, and Members of the Committee,

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 appreciates the committee reinserting the language of § 21-5.380 regarding joint development of two or more adjacent subdivision lots to allow for Joint Development Agreements (JDA). Additionally, NAIOP Hawaii supports the reinsertion of "Joint Development" back into the Use Table under Miscellaneous.

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

HAWAII CLEAN POWER ALLIANCE

Honolulu City Council
Committee on Planning and the Economy

Bill 64 (2023)
Land Use Ordinance Amendment Relating to Use Regulations
Hearing – November 21, 2024, 9:00 AM

Chair Kia'āina, Vice Chair Cordero and Members of the Committee,

Hawaii Clean Power Alliance ("HCPA") is a nonprofit alliance organized to advance and sustain the development of clean energy in Hawaii. Our goal is to support the state's policy goal of 100% renewable energy by 2045. We advocate for utility-scale renewable energy, which is critical to meeting the state's clean energy and carbon reduction goals.

HCPA would like to offer the following comments regarding 21-5.60-6 Utility (C) (2) (E), (F) and (G) (Pages 44-45).

Maintaining existing renewable energy facilities is more critical than ever, given the closure of the coal plant in September of 2022 which removed 20% of the lowest-cost electricity supply to Oahu's households and businesses. Additionally, as recently as this week, the fifth proposed renewable energy project (of fifteen projects HECO awarded this year) has terminated, leaving a potential gap in energy production. Adopting new standards that could inadvertently curtail existing wind energy projects currently providing low cost, renewable energy could have detrimental consequences for the residents of Oahu. Hawaii consumers already pay the highest energy bills in the nation, which will likely further increase due to the electric grid investments needed for wildfire mitigation. It is in the public interest to support renewable energy to eliminate fossil fuel price volatility and help drive costs down. As we experienced earlier this year, the state was unfortunately impacted by rolling blackouts from a lack of adequate energy production due to weather and unforeseen interruptions in electricity production. A diversified resource portfolio is key to mitigating these risks. Wind resources are essential electric generators that assist with grid reliability, especially during evening peak hours.

Additionally, the City and County of Honolulu's Bill 20-47 (2020) requires 100% renewable energy and promotes the resiliency of Oahu communities. The State of Hawaii enacted Act 97 and Act 15, respectively, mandating achievement of 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. If existing wind projects are unable to continue operating due to the new proposed setback requirements there will very likely be challenges to grid reliability. Furthermore, we realize there are significant challenges for offshore wind projects, leaving few resource alternatives.

For these reasons, we support the amendments proposed in CC-294(24), which are in the public interest for all communities on Oahu and equally important, the host communities interests.

Thank you for the opportunity to testify.

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Honolulu, HI 96812-4088
Phone: (808) 735-3211
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HAWAIIAN DREDGING
CONSTRUCTION COMPANY, INC.

November 20, 2024

The Honorable Esther Kia'aina, Chair
and Members of the Committee on Planning and the Economy
Honolulu City Council
530 South King Street, Room 202
Honolulu, Hawaii 96813-3065

Dear Chair, Kia'aina and Members of the Committee on Planning and the Economy:

Letter in Support of Amendments to Bill 64 (2023), CD1 Relating to Bed and Breakfast Homes and Transient Vacation Rentals at the Hoakalei Resort

I am writing in - support of proposed amendments to Bill 64 (2023) outlined as Items Nos. 4 and 5 in Councilmember Andria Tupola's *Council Communication 255 (2024)* to allow bed and breakfast homes and transient vacation rentals in the A-2 zoning district adjacent to the Hoakalei Resort and lagoon in Ewa.

The proposed amendments are intended to provide alternatives for short-term lodging in the apartment zoned areas adjacent to the Hoakalei Resort including bed and breakfast homes and transient vacation rentals.

Expanding alternative lodging choices within the master planned Hoakalei Resort area would also help relieve island-wide demand for visitor accommodations during peak seasons and deter illegal B&B and vacation rentals in our local communities and neighborhoods.

Thank you for your consideration of the proposed amendments to Bill 64 (2023).

Very truly yours,

Eric H. Hashizume
Senior Vice President

Testimony for Including Animal Sanctuaries in Land Use Regulations

Aloha,

My name is Chris Thompson, and I am the founder and director of Lucky Paws Animal Foundation, a 501(c)(3) nonprofit dedicated to the rescue, rehabilitation, and care of sick, injured, and at-risk animals in O'ahu. I am testifying today to urge you to include clear and supportive language in Bill 64 to allow for the establishment of animal sanctuaries. We strongly support the inclusion of sanctuaries in the zoning code, as it is critical to creating humane solutions for animal care and population management on our island.

Proposed Language:
"Animal sanctuaries, which provide permanent, humane care for rescued animals in an enclosed outdoor rural setting, are a permitted use in areas zoned for agriculture and where farm animals are allowed."

Why This is Critical:
The current zoning framework does not differentiate between animal sanctuaries and shelters, creating unnecessary barriers for nonprofit organizations seeking to establish sanctuaries. This clarification would not only allow for the establishment of sanctuary spaces but also create opportunities to address pressing animal welfare and environmental issues, including the removal of free-roaming cats from sensitive areas like harbors and shorelines.

Animal sanctuaries address several vital needs in our community:

1. Reducing Overpopulation: Sanctuaries are a critical component of comprehensive overpopulation management. They provide permanent, humane homes for animals that cannot be rehomed and support TNR (Trap-Neuter-Return) programs to reduce population growth.
2. Protecting Ecosystems: Sanctuaries help mitigate the impact of free-roaming animals on O'ahu's fragile ecosystems, particularly in areas with endangered species or vulnerable habitats. By relocating cats from sensitive areas like harbors and shorelines, they align with conservation goals.

3. Strengthening Nonprofit Collaboration: Including sanctuaries in the zoning code will empower nonprofit organizations to work collaboratively on humane solutions. This includes partnerships to remove cats from sensitive areas, support TNR initiatives, and promote responsible animal care.

4. Educating Locals and Tourists: Sanctuaries can serve as hubs for education, offering locals and tourists opportunities to learn about responsible pet ownership, reducing overpopulation, and the importance of proper animal management. Education is key to creating a compassionate, informed community that supports sustainable solutions.

5. Providing Permanent, Humane Care: Sanctuaries are not shelters; they provide permanent, outdoor, pasture-like spaces where animals can live out their lives safely. Denying sanctuaries access to proper zoning restricts this vital service and leaves nonprofit organizations unable to address the full scope of animal welfare issues.

Why Pastureland is Essential:

Animal sanctuaries require rural, enclosed outdoor spaces to properly care for animals. Unlike urban shelters, sanctuaries prioritize open, natural environments to reduce stress and promote well-being. By allowing sanctuaries on pastureland, O‘ahu can support humane animal care in a way that aligns with both land use and conservation goals.

Broader Impact:

Including this language in Bill 64 would set a compassionate and progressive precedent for land use policy in Hawai‘i. It would support nonprofits working to create lasting solutions to overpopulation and environmental challenges, while also fostering a sense of community responsibility and education. Most importantly, it would provide clarity and fairness for those seeking to establish sanctuaries and contribute to a humane and sustainable O‘ahu.

We respectfully urge you to adopt the proposed language and allow sanctuaries to operate in areas zoned for agricultural use. This small but significant change will have a lasting impact on animal welfare, environmental conservation, and community education.

Mahalo nui loa for your time and consideration.

Sincerely,
Chris Thompson
Founder/Director
Lucky Paws Animal Foundation

November 20, 2024, Kailua

Comment
BILL 64 (2023), FD1, CD1
RELATING TO USE REGULATIONS.
Planning & the Economy Meeting on October 22nd, 2024
Submitted by Natalie Wohner

Aloha Committee Chair Kiaʻāina, Vice Chair Cordero, and Committee members,

My name is Natalie Wohner and I am a resident of Kailua. I respectfully submit this testimony in support to Chair Kiaʻāinaʻs proposed amendments regarding farm dwelling standards in section § 21-5.40-4(c), which **deletes reference to an agricultural easement or similar legal encumbrance, and instead requires a farm plan for the 51 percent requirement:**

> "Crop production and livestock and poultry keeping must occupy a minimum of 51 percent of the zoning lot area suitable for crop production or livestock and poultry keeping, and valid agricultural dedication status must be maintained [~~through an agricultural easement or similar legal encumbrance~~] as long as the farm dwelling use continues[..-], **as evidenced by a farm plan that shows the area and percentage of the zoning lot to be in active agricultural use**, and information about a farm or ranch's resources, goals, business plan, and timeline to engage in crop production or livestock and poultry keeping."

I understand that the goal of this bill is to increase production on agricultural lands and to avoid "gentlemen's farms". I fully support you in achieving this goal to ensure food security and help Oʻahu become more resilient. However, requiring an agricultural easement does not address existing farms and ensure they are in active production since they will be grand-fathered in and no such easement would be required. I therefore don't see how this requirement will help regulate already existing gentlemen's farms and increase production on those lands that are creating an issue right now.

Farming is already a tough business with little margins for hard labor. Historically, farmers have lived and worked on their lands because it works to make small agricultural businesses practical. Living on the land deters thieves, who are a big threat to Hawaiʻi farmers, and makes farmland more affordable considering the high rental market. Requiring an agricultural easement would create another obstacle for the average local farmer to be able to afford farmland, make farming more unattractive to our youth, and even put some farmers out of business considering their already small margins.

Farmers would have to give up their property rights in exchange for the right to build a home. **Obtaining an agricultural easement from a government agency or land trust is a lengthy legal process** with no clear pathway to completion. What small farmer will have the means to pay for such a process? Wealthy real-estate developers seem much more likely to have the resources needed to satisfy this extraordinary new standard, while the average farmer would be left behind.

Mahalo for considering my testimony.
Sincerely, Natalie Wohner

HAWAI'I LODGING & TOURISM ASSOCIATION

Testimony of Mufi Hannemann
President & CEO, Hawai'i Lodging & Tourism Association

Honolulu City Council
Committee on Planning and the Economy
Thursday, November 21, 2024
Bill 64 (2023): LUO Amendment relating to use regulations

Aloha Chair Kia'āina and members of the committee,

On behalf of the Hawai'i Lodging & Tourism Association (HLTA), the state's largest and oldest private-sector tourism organization representing 700 members, nearly 50,000 hotel rooms, and 40,000 lodging workers, we express our support for the proposed amendments to Bill 64 (2023) as outlined in Councilmember Andria Tupola's proposed amendments (CC- 283). These amendments would allow bed and breakfast (B&B) homes and transient vacation rentals within the A-2 zoning district adjacent to Hoakalei Resort in Ewa Beach.

With limited lodging options in Ewa Beach and Kapolei, the proposed amendments offer an opportunity to fill this gap while supporting the local economy and tourism industry. Expanding the availability of legal, regulated short-term rentals alongside the resort development would provide visitors with more accommodation options, enhance their experience of the area's unique beauty and culture, and boost local businesses, contributing to sustainable economic growth.

While we vehemently oppose illegal transient vacation units in residential areas, we support their operation in resort zones like Hoakalei, which are equipped with the infrastructure, safety measures, and regulations needed for such operations. As demonstrated in Ko Olina and Turtle Bay, integrating short-term rentals in resort environments provides more lodging options, supports local businesses, and creates job opportunities. The lots under consideration are a natural extension of the Hoakalei Resort, enabling its responsible and sustainable growth.

Regulating short-term rentals in resort areas also helps curb illegal rentals in residential neighborhoods, ensuring compliance with zoning laws and minimizing disruptions to local residents. This approach promotes safety and fosters a positive experience for visitors.

The proposed amendments align with the goals of the O'ahu General Plan and the Ewa Development Plan, which emphasize the creation of vibrant, mixed-use communities. Allowing B&Bs and transient vacation rentals near Hoakalei Resort supports this vision by encouraging balanced tourism growth and ensuring that the area remains a desirable place to live, work, play, and visit.

For these reasons, we support Councilmember Tupola's amendments for the Hoakalei Resort area. Mahalo for the opportunity to provide this testimony.

PO Box 42
Waimanalo, HI 96795-0042
http://waimanaloag.com

Waimanalo Agricultural Association

November 21, 2024

Comments & Concerns regarding New Proposed Amendments to Bill 64 (2023) FD1, CD1

Honolulu City Council
Committee on Planning and Economy
Thursday, November 20, 2024
9:00 a.m.

Dear Chair Kia'aina, Vice Chair Cordero and Committee Members,

The Waimanalo Agricultural Association (WAA) is writing with comments and concerns regarding (1) the definition of plant nursery; (2) new language introduced for Bill 64 (2023), FD1, CD1 regarding requirements for farm plans, and (3) the overbroad definition of aina-based education, such language has not been vetted with farmers and would directly affect farmers who are trying to survive and thrive. WAA requests that such language be tabled to allow further discussion and clarification on how these new requirements would be interpreted, enforced and implemented by the Department of Planning and Permitting. At this time, WAA would not be able to support any of these new amendments being considered as it relates to farm plans or aina based education. While WAA supports farm education and programs that will increase youth's interest in farming – the proposed language provides a loophole for those entities seeking to place traditional style schools on large, open agricultural lands.

First, WAA is requesting the language on page 11 of the bill defining plant nursery be amended as back to its original bill's language and would prefer it read:

(f) Plant nursery.

(1) Defined: Propagating and growing plants for off-site sale, or onsite accessory sales (both wholesale and retail).

(2) Standards: None.

The current FD1, CD1 version of Bill 64 (2023) which WAA opposes - amends the definition of plant nursery in an arbitrary and unfair manner by prohibiting the sale of jams, juices and baked goods and also prohibiting separate structures – what is the basis of this amended language to describe a plant nursery? Please consider reverting plant nursery back to its original definition as described above.

The FD1, CD1 version says:

(c) Plant nursery – standards. In the agricultural zoning districts:

(1) Retail sales are limited to plants sold directly from the greenhouse or open field where the plant was grown or cultivated, and only sales of the plant in its primary form are allowed.

(2) The sale of secondary products such as jams, juices, and baked goods is prohibited.

(3) Separate structures used primarily for retail sales are prohibited

Second, upon review of Council Communication-262(24) WAA learned of the new requirements to require farm plans for certain agricultural uses. While we understand the need to keep farmers accountable – WAA would request that such language not be added to the bill until proper vetting with farmers could take place to gain a better understanding of how such requirements would be implemented and enforced by DPP. WAA recognizes that the County of Maui has adopted such requirements but our understanding is that such plans are not monitored or used as a tool to ensure a legitimate farm operation. Therefore, how would it be helpful to farms on Oahu and how would small farms and those that may not have the resources be able to comply? WAA request that the farm plans language NOT BE ADOPTED.

Third, while WAA is a big supporter of agricultural education - the proposed definition of aina-based education is overbroad and without any distinct description of what aina-based education is. WAA has been on record since the discussion of the original Bill 10 started about our concerns of "planting a school" on ag lands due to the conflicts of a classroom setting in the middle of an active farming zone. Due to Waimanalo's small lots that are located too close to non-ag uses, farming activities could conflict with a classroom setting. These conflicts may impede on constitutionally protected farm activities. Recently, schools have attempted to lease or purchase Ag-2 zoned lands that are located right next to active farms – and WAA has had to oppose such school siting because of the risk to farming activities. Therefore, unless aina-based education is more clearly defined and required to go through council approval, WAA raises grave concerns about the addition of such language.

WAA also highlights four important requests for the Committee's immediate consideration to preserve the special conditions of agricultural lands across Oahu and especially in Waimanalo and address the missing voice of agriculture within the City and County of Honolulu:

- Prohibit schools on Ag-1, Ag-2 and Country zoned lands. Normal agricultural activities (i.e., herbicide/insecticide spraying, animal odors, machinery noises, etc.) would generate complaints and hinder the management of the farm. The Hawaii State Constitution preserves the "right to farm," and schools should not be allowed on these smaller parcels.

- 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 the Department of Planning and Permitting (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.

- Grandfather agriculturists faced with adverse impacts on farm operations because of the final version of Bill 64.

WAA has been involved in the evolution of Bill 64 (2023) since its inception back in 2022 under Bill 10 (2022) – and have been actively working with other farm entities on recommendations for the committee's consideration. WAA worked with a hui of agriculturists to provide feedback on Bill 64 (2023) and up until now have been very engaged. We request that these new amendments discussed above NOT be included in the current draft. The Waimanalo Agricultural Association is dedicated to the preservation of agriculture in Waimanalo. WAA members represent diverse agricultural businesses, including food producers, tree farms, nursery and retail businesses, poultry and egg farms and horse farms. Waimanalo's agriculture lands include smaller lots, including Department of Agriculture leaseholds, former Department of Land and Natural Resources leaseholds and fee simple lands. WAA brings a unique perspective because of the special characteristics of the valley, including smaller lot size, close proximity to residential neighborhoods, schools and other publicly accessed areas.

The main intent of our proposed amendments is to preserve agricultural lands in Waimanalo. Thank you for considering our concerns.

JOSH GREEN, M.D.
Governor

SYLVIA LUKE
Lt. Governor

SHARON HURD
Chairperson, Board of Agriculture

DEXTER KISHIDA
Deputy to the Chairperson

State of Hawai'i
DEPARTMENT OF AGRICULTURE
KA 'OIHANA MAHI'AI
1428 South King Street
Honolulu, Hawai'i 96814-2512
Phone: (808) 973-9600 FAX: (808) 973-9613

TESTIMONY OF SHARON HURD
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE CITY COUNCIL
COMMITTEE ON PLANNING AND THE ECONOMY
CITY AND COUNTY OF HONOLULU

THURSDAY, NOVEMBER 21, 2024
9:00 A.M.
CITY COUNCIL CHAMBER

BILL 64 (2023), FD1 (CD1 AMENDMENTS)
LUO AMENDMENT RELATING TO USE REGULATIONS

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

The Department of Agriculture (DOA) has reviewed Bill 64 (2023), FD1, Proposed CD1 (EK-7) and offers the following comments and recommendations.

The DOA participated in the meetings convened by the Ulupono Initiative (aka Working Group) in October 2022 and March 2023 with agricultural operators, agricultural associations, non-governmental organizations, and City agencies in attendance.

The DOA generally concurs with the testimonies submitted by the Working Group and other meeting attendees and offers the following additional observations, comments, and recommendations to the latest draft of Bill 64 concerning "accessory agricultural".

The first part of our testimony presents our comments and recommendations on "Accessory Agricultural", the fourth Agricultural Use Subcategory.

This testimony includes our substantive comments on the additional amendments proposed by Chair Kia'āina (dated September 20, 2024).

ACCESSORY AGRICULTURAL

Agricultural-Energy Facility

Section 71
Section 21-10.1 Definitions (page 215)
Agricultural-Energy Facility
“An accessory facility that generates, stores, or distributes renewable energy fuels from products of crop production or livestock keeping. The term includes operational infrastructure of the appropriate type and scale for the economic commercial generation, storage, distribution, and other similar handling of energy, including equipment, feedstock, fuels, and other products of agricultural-energy facilities necessary for an enterprise that integrally incorporates an agricultural activity with an agricultural-energy facility. The term does not include solar facilities."
(**DOA comment**: This definition is a partial amalgam of Section 205-4.5(a)(17), HRS. There is no equivalent use in the existing Land Use Ordinance (LUO). It does not include or refer to “agricultural-energy enterprise”. To fully comport with the HRS, the proposed definition may need to refer to the entirety of Section 205-4.5(a)(17).)

Section 3
Article 5: Use Regulation
Section 21-5.40-4(a) Agricultural-energy facility – standards (page 15)
Allowable on AG-1 and AG-2 subject to standards and special use permit. (page 4)
“(a) Agricultural-energy facility – standards. A minimum of 90 percent of the activity on the zoning lot must be crop production or livestock keeping, consistent with the regulation of permissible uses within agricultural districts pursuant to HRS § 205-4.5(a)(17).”
(**DOA comment**: This comports with Section 205-4.5(a)(17), HRS.)

Agricultural Farmers Market

Section 71
Section 21-10.1 Definitions (page 216)
Agricultural Farmers Market
“An outdoor market on land within the agricultural zoning districts for the sale of agricultural products grown on Oahu and value-added products that were produced using agricultural products grown on Oahu by the producers of the agricultural products. The term does not include outdoor markets and similar uses conducted outside of the agricultural zoning districts."
(**DOA comment**: Support the intent of limiting the products sold to that grown or raised on O’ahu but **acknowledge the position of the Working Group to allow sale of agricultural products grown in Hawai’i**. This definition is stricter than what currently is provided for in the existing LUO (Section 21-5.10A (c) “Agribusiness activities”, page

114) and Section 205-2(d)(15)(D), HRS that permits farmers' markets that are "limited to producers selling agricultural products grown in Hawai'i and value-added products that were produced using agricultural products grown in Hawai'i;")

Section 3
Article 5: Use Regulation
Section 21-5.40-4(h) Agricultural farmers market – standards (page 20)
Requires Conditional Use Permit – Minor and subject to standards on AG-1 and AG-2 (page 4)

- Limited hours of operation – 6:00 am to 8:00 pm
- Adequate parking and vehicular access must be provided, as determined by the director. (This is a recent addition to the other two standards)
- 51% of the zoning lot area suitable for crop production/livestock keeping must be dedicated via an agricultural easement for as long as the farmers market is in operation. The director may adopt rules pursuant to HRS Chapter 91 to determine the zoning lot area considered to be suitable for crop production or livestock keeping.

(**DOA comment**: **Support the intent** of the 51% dedication requirement.)

Agritourism

Section 71
Section 21-10.1 Definitions (page 193)
Agritourism
"Accessory agricultural-related tourism for recreational or educational purposes on zoning lots primarily used for ongoing crop production or livestock keeping. Agricultural-related tourism activities include kayaking, hiking, mountain biking, boating, horseback riding, ziplining, and picnicking. Limited destination events, such as weddings, are included in this definition."
(**DOA comment**: Horseback riding is considered an "agricultural-related tourism activity". "Horseback riding tours" is an allowed use under "Nature-Based Recreation" (page 222) which is permitted on AG-2 district by Conditional Use – Major, subject to standards (page 8). What is the difference between the two types of horseback riding? Is it because "horseback riding tours" is a commercial operation and "horseback riding" isn't?)

Section 3
Article 5: Use Regulation
Section 21-5.40-4(b) Agritourism – standards (pages 15-16)
Requires Conditional Use Permit – Major subject to standards and special use permit on AG-1 and AG-2 (page 4)
"(1) At least 51 percent of the activity on the zoning lot must be crop production or livestock keeping.

(**DOA comment**: Can this condition be deleted as it appears to be is encompassed within item (5)?)

(2) Activities and improvements on the property may not diminish the long-term agricultural potential of the land. Improvements on the land used for agritourism must be capable of removal without unreasonable cost or effort.

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

(4) 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.

(5) A minimum of 51 percent of the zoning lot area suitable for crop production or livestock keeping must be dedicated to crop production or livestock keeping through an agricultural easement or similar legal encumbrance for as long as the agritourism use is in operation. The director may adopt rules pursuant to HRS Chapter 91 to determine the zoning lot area considered to be suitable for crop production or livestock keeping.

(6) Weddings and similar accessory destination events are subject to the following:
   (A) Events must take place at a designated event space; and
   (B) Predominantly open-air physical improvements associated with destination events, such as a roofed pavilion, are allowed; provided that the total floor area must not exceed 1,000 square feet.

(7) 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:
(**DOA comment**: The agritourism operation already requires a special use permit. Is the motorized vehicle Conditional Use Permit – Major meant to be a separate permit from that required for agricultural tourism? The term “working farm” needs to be defined - see middle of page 16)
   (A) Tours must have an educational purpose related to the agricultural use of the property; and
   (B) Tours must not interfere with surrounding farm operations.”
(**DOA comment**: The agritourism standards and definition do not include overnight accommodations as permitted in Section 205-2(d)(12), HRS. DOA supports this absence.)

Section 13

Section 21-3.50 “Agricultural districts – purpose and intent” (page 106)

"(a) The purpose of the agricultural <u>zoning</u> districts is to maintain a strong agricultural economic base, to prevent unnecessary conflicts among incompatible uses, to minimize the cost of providing public improvements and services, and to manage the rate and location of physical development consistent with the city's adopted land use policies. To promote the viability and economic feasibility of an existing agricultural operation, [~~accessory agribusiness activities~~] <u>agritourism</u> may be permitted on the same site as an adjunct to agricultural uses. [~~These accessory activities~~] <u>The agritourism</u> must be compatible with the onsite agricultural

operation and surrounding land uses.

(b) The intent of the AG-1 restricted agricultural zoning district is to conserve and protect important agricultural lands for the performance of agricultural functions by permitting only those uses that perpetuate the retention of these lands in the production of food, feed, forage, fiber crops, and horticultural plants. Only [~~accessory agribusiness activities~~] agritourism that [~~meet~~] meets the above intent [~~shall~~] will be permitted in this district."
(**DOA comment**: The current LUO's definition of "accessory agribusiness activities" definition does not provide clarity in what is acceptable and what isn't (LUO, page 64). However, the proposed "agritourism" replacement language is very concerning as it reads that "agritourism" is the only accessory activity to agricultural production that is acceptable (page 106).
DOA strongly recommends the following amendments to subsections (a) and (b).
Bold text that is underscored, or overstruck and bracketed, is new:

"(a) The purpose of the agricultural zoning districts is to maintain a strong agricultural economic base, to prevent unnecessary conflicts among incompatible uses, to [~~minimize~~] **moderate** the cost of providing public improvements and services, and to manage the rate and location of physical development consistent with the city's adopted land use policies. To promote the viability and economic feasibility of an existing agricultural operation, [~~accessory agribusiness activities~~] [~~agritourism~~] **accessory agricultural uses** may be permitted on the same site as an adjunct to agricultural uses. [~~These accessory activities~~] The [~~agritourism~~] **accessory agricultural uses** must be compatible with the onsite agricultural operation and surrounding land uses.

(b) The intent of the AG-1 restricted agricultural zoning district is to conserve and protect important agricultural lands for the [~~performance of agricultural functions~~] **primary agricultural uses of crop production and livestock keeping** by permitting only those uses that perpetuate the retention of these lands in the production of food, feed, forage, fiber crops, and horticultural plants. Only [~~accessory agribusiness activities~~] [~~agritourism~~] **accessory agricultural uses** that [~~meet~~] [~~**meets**~~] **meet** the above intent [~~shall~~] will be permitted in this district."

Beekeeping

Section 71
Section 21-10.1 Definitions (page 217)
Beekeeping
"Accessory keeping of bees in artificial hives, such as honeybees and varieties of native bees, as a hobby or for commercial purposes. Commercial beekeeping in the residential or apartment zoning districts must comply with standards for home occupations."

Section 3
Article 5: Use Regulation
Section 21-5.40-4(c) Beekeeping – standards (pages 16-17)
Permitted use on AG-1 and AG-2, subject to standards (page 4)

"(1) Zoning lot size: The minimum zoning lot size required for beekeeping is 5,000 square feet.
(2) Zoning lot area required:
  (A) No more than two beehives may be established on zoning lots less than 10,000 square feet;
  (B) No more than four beehives may be established on zoning lots of 10,000 up to 20,000 square feet;
  (C) No more than six beehives may be established on zoning lots greater than 20,000 square feet; and
  (D) No beehive may exceed 7 cubic feet in volume.
(3) Setbacks: Beehives must be set back a minimum of 25 feet from any property line except:
  (A) When situated behind a solid fence, dense hedge, or similar barrier, at least 6 feet in height, parallel to the property line, established in front of the entrance of all ground-level beehives so that bee departures and arrivals occur at no less than 6 feet in height at interior property lines. The barrier for purposes of influencing the flyway must extend 2 feet from each side of the hive openings; or
  (B) When located at least 8 feet or more above adjacent ground level."

(**DOA comment**: The standards for beehives appear to be addressing issues that may arise in non-agricultural districts. **DOA recommends** that zoning lots in the AG-1 and AG-2 districts be exempt from the standards for beekeeping with the exception of the minimum 25-foot set back from any property line.)

Biofuel Processing Facility

Section 70
Section 21-10.1 Definitions (page 196)
Biofuel Processing Facility
"An accessory facility that produces liquid or gaseous fuels from organic sources such as biomass crops, agricultural residues, oil crops (including palm, canola, soybean, and waste cooking oils), grease, food wastes, and animal residues and wastes that may be used to generate energy. The term includes operational infrastructure of the appropriate type and scale for economic commercial storage and distribution, and other similar handling of feedstock, fuels, and other products associated with the production and refining of biofuels typically considered directly accessory and secondary to the growing of the energy feedstock."
(**DOA Comment**: The proposed amendment is an amalgam of Section 205-4.5(a)(16), HRS. Also see Section 71, Section 21-10.1 Definitions (page 217) "A facility that

produces liquid or gaseous fuels from organic sources, such as biomass crops, agricultural residues, oil crops (including palm, canola, soybean, and waste cooking oils); grease; food wastes; or animal residues and wastes that may be used to generate energy." which may be unnecessary as it is redundant the first sentence of the other definition on page 196)

Section 3
Article 5: Use Regulation
Section 21-5.40-4(d) Biofuel Processing Facility – standards (pages 17-18)
The biofuel processing facility is allowable on AG-1 and AG-2 and requires Conditional Use Permit – Minor, subject to standards (page 4)
(**DOA Comment**: Why are biofuel processing facilities permitted as an Accessory Agricultural use on AG-1 and AG-2 districts under Conditional Use Permit – Minor on page 4 and as an Industrial use requiring a Conditional Use Permit – Major on AG-1 and AG-2 districts (page 8)? It appears the latter could be deleted from the Use Table on page 8.)

"(1) For biofuel processing facilities located in the agricultural or preservation zoning districts, the dominant feedstock must be grown onsite, with the exception of feedstocks sourced from waste or invasive species.
(**DOA comment**: Requiring the "dominant feedstock must be grown onsite" appears to be a reasonable requirement.)
(2) Agricultural land and other agricultural uses in the vicinity of the biofuel processing facility must not be adversely impacted, consistent with the regulation of permissible uses within the agricultural districts pursuant to HRS § 205-4.5(a)(16).
(3) Transitional setback requirements are as follows:
(A) Preservation zoning districts: 1 additional foot of setback for every 2 feet above 15 feet in height;
(B) Agricultural zoning districts: 1 additional foot of setback for every 2 feet above 15 feet in height; or
(C) Industrial zoning districts: Every 1 foot in structure height requires 2 feet of setback from the vertical projection of the center line of the street."

Farm Dwelling

Section 70
Section 21-10.1 Definitions (page 200)
Farm Dwelling
"A dwelling [~~located on and used in connection with a farm where agricultural activity provides income to the family occupying the dwelling.~~] unit that is accessory to a principal agricultural use on the same zoning lot other than open space, forestry, or the boarding and care of animals."

(**DOA comment**: The proposed definition does not include the income requirement found in the existing LUO (page 342) and HRS (Section 25-4.5(a)(4)). It addresses the HRS requirement that the dwelling is "located on and accessory to a farm". "Principal agricultural use" appears to come from Section 205-4.5(a)(19) (agricultural education programs" – **DOA recommends** the use of this statutory citation be reassessed. The farm dwelling standard of 51% of the zoning lot area suited for agriculture use in combination with maintaining agricultural dedication status should suffice as a substitute for income from agricultural activity.)

Section 3
Article 5: Use Regulation
Section 21-5.40-4(e) Farm Dwelling – standards (page 18)
Permitted use, subject to standards on AG-1 and AG-2 (page 4)

"(1) Crop production and livestock keeping must occupy a minimum of 51 percent of the zoning lot area suitable for crop production or livestock keeping, and valid agricultural dedication status must be maintained through an agricultural easement or similar legal encumbrance for as long as the farm dwelling use continues. The director may adopt rules pursuant to HRS Chapter 91 to determine the zoning lot area considered to be suitable for crop production or livestock keeping.
(**DOA comment**: **Support.** This standard may be an effective deterrent to the creation of "gentlemen farmer" estates via the subdivision (or other partition) of agricultural land. **DOA recommends** the Agricultural Dedication program in Section 8-7.3, ROH be reevaluated.)

(2) Each farm dwelling (including eaves, overhangs, carports, garages, trellised areas, stairways, decks, storage sheds, and swimming pools) must be contained within an area not to exceed 5,000 square feet, confined to a polygon for which no exterior angle is greater than 180 degrees.

(3) In the AG-1 zoning district, the number of farm dwellings must not exceed one for every 5 acres of zoning lot area.

(4) In the AG-2 zoning district, the number of farm dwellings must not exceed one for every 2 acres of zoning lot area.

(5) If multiple farm dwellings are permitted on a zoning lot, they must not exceed 10 percent of the total zoning lot area."

Farm Stand

Section 71
Section 21-10.1 Definitions (page 220)
Farm Stand
"Selling merchandise primarily grown or made onsite with limited sales of prepackaged food and drinks. The term does not include food trucks or mobile vendors."
(**DOA comment**: **Recommend deleting** "…with limited sales of prepackaged food and drinks". The current LUO's definition of "roadside stand is worth retaining for its clarity -

"No more than one roadside stand as an accessory to agricultural production on the same premises shall be permitted, provided that no stand shall exceed 500 square feet in floor area." (Section 21-5.540, page 135)). The proposed definition also goes beyond what is provided for in "agricultural-based commercial operations" that limit roadside stands to "the display and sale of agricultural products grown in Hawai'i and value-added products that were produced using agricultural products grown in Hawai'i." (Section 205-2(d)(15)(A), HRS))

Section 3
Article 5: Use Regulation
Section 21-5.40-4(f) Farm Stand – standards (pages 18-19)
Permitted use, subject to standards on AG-1 and AG-2 (page 4)

"(1) No more than one farm stand for the growers and producers of agricultural products is permitted on a zoning lot. More than one grower or producer is allowed at a farm stand.
(2) Enclosed floor area for the farm stand must not exceed 500 square feet. Additional unenclosed floor area may be roofed, but must otherwise be open to the elements. No electricity, sewer, water, or other utility services are allowed in conjunction with a farm stand.
(3) The farm stand must be located on private property and not on any public right-of-way."

Farm Worker Housing

Section 71
Section 21-10.1 Definitions (page 217)
Farm Worker Housing
"Dwelling units that are accessory to an active, principal agricultural use other than open space, forestry, or the boarding and care of animals, and used exclusively to house employees of agricultural operations and their family members."
(**DOA comment**: Farm worker or employee housing is not explicitly provided for in the current LUO. "Group Living Facilities" is closest to providing farm worker housing (see comments on standards below). <u>The standards do not address the situation where there is no farm dwelling on the zoning lot where the farm worker housing is proposed</u>. **DOA recommends** that the property on which the farm worker housing is proposed to be in substantiated agricultural production no less than (period of time).)

Section 3
Article 5: Use Regulation
Section 21-5.40-4(g) Farm Worker Housing – standards (pages 19-20)
Allowed by Conditional Use Permit – Minor, subject to standards on AG-1 and AG-2 (page 4)

(1) All structures and facilities associated with farm worker housing must occupy a contiguous total land area limited to the lesser of the following:

(A) 5 percent of the total agricultural land area on the zoning lot; or
(B) 50 acres.

(2) The farm worker housing plans must be supported by agricultural plans. The amount of labor necessary to farm the land must justify the number of dwelling units proposed.

(3) Farm worker housing may be composed of multiple detached dwelling units or attached dwelling units, or may consist of multi-unit dwellings; provided that no more than one employee and the employee's family live in each dwelling unit, or up to three unrelated employees may share one dwelling unit.

(4) Each dwelling unit must not exceed 800 square feet of floor area.

(5) No more than eight dwelling units are allowed in any multi-unit dwelling.

(6) The building area must not exceed 50 percent of the land area associated with the farm worker housing. Impervious surface area must not exceed 75 percent of the land area associated with the farm worker housing.

(7) Yards and height setbacks abutting the boundaries of the entire farm worker housing site must not be less than the minimum requirements for the underlying zoning district. The front yard for all zoning lots fronting public streets must not be less than the front yard requirement for the underlying zoning district.

(8) The landowner may not plan or develop a residential subdivision on the agricultural land, except in accordance with the plantation community subdivision regulations in HRS § 205-4.5(a)(12) (relating to permissible uses within the agricultural districts).

(9) When the associated farm is no longer in active production or no longer employing farm workers, no workers may be housed on the zoning lot. An exception is allowed to house one caretaker and the caretaker's immediate family."

(**DOA comment**: The existing LUO does not explicitly provide for farm worker or employee housing but does provide for "group living facilities" where the activities associated with such facilities are of an agricultural nature. The proposed farm worker housing standards are very specific and appear to prevent the farm worker housing from being used for purposes unrelated to agricultural production and employment. **DOA recommends** that the "agricultural plans" in (2) be defined.)

DOA comments and recommendations on September 20, 2024 proposed additional amendments to EK-7 by Chair Kia'āina:

DOA offers the following comments and recommendation by item number.

Item 1. "Agricultural Energy Facility" amending the Use Table to allow via Conditional Use Permit – Minor, subject to Standards and special use permit. (**DOA – question** – does requiring a Conditional Use Permit - "Minor", subject to standards and special use permit approval establish a regulatory precedent?)

Item 4. Accessory Agricultural use – amending the Use Table by making “farm dwelling” an accessory use, subject to Standards and deleting it as Permitted.
(**DOA** – see comment on item 14.)

Item 14. Accessory agricultural – “Farm Dwelling” standards are amended – deleting the 51% requirement, storage shed area not used in connection with agricultural activities is to be included in the 5,000 sq. ft. maximum dwelling area, and allowing up to two farm dwellings per AG-1 or AG-2 lot under an “agricultural site development plan” or agricultural cluster permit. Note that “agricultural site development plan” allow up to 6 farm dwellings on a zoning lot.
(**DOA – very strong concerns about deleting the 51% requirement and agricultural dedication status for as long as the farm dwelling use continues**. Without it, there is no objective measure of farm dwellings being “accessory” to an agricultural activity. As proposed, this amendment would have no effect on the ongoing partitioning of agricultural land by subdivision, condominium property regime, and other methods that increase the price of agricultural land (purchase or lease) for agricultural production.

What can replace the 51% requirement? Maintaining valid agricultural dedication status may be sufficient incentive to commence and maintain commercial agricultural production. Another consideration is gross annual income from sales of agricultural products grown on the zoning lot where the farm dwelling is located. During the 2021 State Legislature, House Bill No. 247 proposed an income requirement of $10,000 annually from agricultural activity on the parcel in which the dwelling and agricultural activity are located. This provision was supported by both the Department of Planning and Permitting, DOA, Hawaii Farm Bureau Federation, Ulupono Initiative, and the Office of Planning and Sustainable Development. This income requirement was removed after the bill moved to the Senate.)

Item 16. Accessory agricultural – “Farm Worker Housing” standards. Deletes the minimum footprint for farm worker housing, deletes yard and height setbacks. Maintains the requirement for farmworker housing that the associated farm be in active production and employing farmworkers to remain permitted.
(**DOA – strong concerns** – recommend retaining standard (1)(A), 5 percent of the total agricultural land area on the zoning lot)

Item 22 Definitions – “Farm Stand” clarification. Does continue to allow undefined “limited sales of prepackaged food and drinks”
(**DOA – strong concerns** – the term “limited sales” needs unambiguous definition)

Item 24. Definitions – “Agricultural Farmers Market” is amended to be “accessory” outdoor market for sale of Hawaii-grown agricultural products. Does not include outdoor markets, general retail, or food trucks/mobile vendors.
(**DOA – Concur**)

DOA comments and recommendations from earlier testimonies

Our comments and recommendations found in our testimonies before Committee meetings of May 23, 2024 and August 22, 2024 remain applicable, and in some cases, have been revised to "strong concerns" as a result of amendments found in EK-7.

May 23, 2024 testimony

- School, vocational – major and minor (**DOA offers amendments**);
- Meeting facility – small and medium (**DOA - oppose**); and
- School, PreK-12 (**DOA - oppose**)

August 22, 2024 testimony

In brief, DOA supports definitions and standards of terms be more descriptive to assist the Department of Planning and Permitting with their enforcement responsibilities. In many cases, we support the existing language found in the LUO.

- Vertical farm definition and standards – **DOA has strong concerns** – vertical farming and commercial scale hydroponic, aquaponic, and aeroponic operations require a controlled environment in order to maximize production and quality. It does not require being located on production agricultural land. It would benefit from being closer to rather than farther from the point of demand. Accessory chilling, packing, and distribution facilities would also be required. DOA recommends retaining the language in EK-6 along with our amendments to correct the errors in referencing soil classification.
- Amending "livestock keeping" to "livestock and poultry keeping" – this needs explanation.
- Animal raising and animal raising confined – **DOA strongly recommends** retaining the current LUO definitions that focus on "animals generally associated with farming, which are raised and kept for food and other agricultural purposes".
- Agricultural support categories of "agricultural processing" and "agricultural collection and storage" definitions appear to be too limiting.
- Agricultural products processing, Major and Minor – **DOA recommends** retaining the existing LUO definitions as they are more descriptive.
- Amending animal raising to outdoor animal raising and confined animal raising – **DOA supports** the amendments in EK-7 that appear to not include the boarding and care of household pets.
- Agritourism – in the definition, the phrase "primarily used" needs to be unambiguously defined. **DOA recommends** consideration of definitions such as more than 50% of the zoning lot in agricultural production or more than 50% of the gross income of the operator of the agricultural-related tourism operation must come from sales of agricultural products on the zoning lot. Additional, consideration should be given to quantifying the accessory relationship of

recreational and limited destination events by the income generated that is directed to support the agricultural operation.

- Crop raising – **DOA recommends** retaining the existing and more descriptive language in the current LUO.
- Animal care – **DOA is very concerned** about permitting this commercial facility (major) that services household pets on AG-2 land, subject to standards and special use permit.
- Livestock veterinary service – **DOA concurs** with the amendment in EK-7 to include “and poultry” but excluding domesticated animals.
- Nature-based recreation – **DOA opposes** permitting the proposed uses and activities on AG-2 lands as a conditional use permit – major, subject to standards.
- Agricultural Districts – purpose and intent - the purpose and intent of the agricultural district represents the foundation of what follows in in the LUO with respect to primary agricultural activities and uses. Simply replacing “accessory agribusiness activities” with “agritourism” is a step backwards. **DOA strongly recommends** deleting references to “agritourism” and replacing “accessory agribusiness activities” with “accessory agricultural activities”.

Concluding recommendations

DOA strongly supports the Working Group’s recommendations to reestablish the City’s Agricultural Development Task Force (ADTF) and requesting DPP establish an in-house agricultural expert position.

1. Both could ensure that future amendments to the City’s general plan and communities development plans are consistent in how they address protection and promotion of agricultural resources, agricultural activities, and incentives in support of sustaining existing and encouraging new commercial agricultural production.
2. The ADTF and the DPP agricultural expert can initiate or support amendments to the subdivision rules and property tax on agricultural land, and agricultural water rates of the Board of Water Supply to properly perform as the primary tools to carry out the agricultural policies and objectives in the City’s plans.
3. Finally, the DPP agricultural expert can also do permit and subdivision application review to ensure the impact of agricultural district reclassifications, special use permits, change of zone, and subdivision/other partitioning of agricultural lands are thoroughly vetted and comport with the City’s plans, ordinances, and rules affecting agricultural resources and agricultural production activities.

DOA also supports the intent of “grandfathering“ existing agricultural operations that meet to-be-determined criteria that otherwise may be adversely affected by the enacted version of Bill 64.

Thank you for the opportunity to provide testimony on this critically important tool to protect and promote Oahu's agricultural resources and agricultural operators.

November 21, 2024

HEARING BEFORE THE
COMMITTEE ON PLANNING AND THE ECONOMY

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

City Council Chamber
9:00 AM

Aloha Chair Kia‘aina, Vice Chair Cordero, 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.

We would like to express concerns regarding the newly proposed amendments to Bill 64, requiring farmers and ranchers to file detailed farm plans with DPP when applying for permits. Our concerns include the following:

- The amendments impose a substantial paperwork requirement that will disproportionately impact small farmers and people with poor English skills and go well beyond what is necessary to determine whether the 51% requirement will likely be satisfied. Is a plan required only when a farm applies for an initial permit, say to install a farm stand, or for any subsequent modification that may require an additional permit? What about farms that already have farm stands -- are they grandfathered, or must they also submit plans in order to keep their stands?

- DPP lacks personnel with the knowledge and experience in agriculture necessary to evaluate a farm plan. O'ahu's agricultural ventures are extremely diverse; even a person experienced in row crop production might be lost trying to evaluate the validity of a farm plan dealing with aquaculture, ornamental plants, biofuels, or honey production. DPP already has a backlog of permit applications; reviewing farm plans will take time and resources that DPP doesn't currently have.

- Compiling information about "a farm or ranch's resources, goals, business plan, and timeline" seems far more detailed and intrusive than is necessary to show legitimate intent to farm. It could result in demands for proprietary information that might be disclosed to the public or competitors, and the seemingly open-ended requirements could result in lengthy delays when DPP asks for supplemental information.

- Plans may change, crops may fail, and opportunities for different agricultural ventures may arise. Can DPP revoke a permit if a farm fails to carry out its plan? If so, DPP will be burdened with the necessity to monitor all farms to which it has issued permits; if not, then the plan is just a paperwork exercise that can be ignored once the permit is issued.
- While we recognize that the previous Bill 64 requirement for an agricultural easement is liable to be burdensome, we do not feel that exchanging one burden for another is a suitable solution. We suggest that a simple diagram showing intended uses of the land should be sufficient to indicate whether a person intends to farm or ranch at least 51% of a parcel. Farmers and ranchers already have to supply such a diagram to obtain Honolulu's real property tax exemption. If farmers and ranchers have filed conservation plans with the Natural Resource Conservation Service's local districts, these plans should also be acceptable to DPP.

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.

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

Bill 64
WRITTEN TESTIMONY
Honolulu City Council, Committee on Planning & the Economy
Thursday, November 21, 2024
9:00 a.m.
CITY COUNCIL CHAMBER

Aloha Chair Kia'āina, Vice Chair Cordero, and members of the Committee on Planning and the Economy:

Mahalo for the opportunity to provide comments on Bill 64, which imposes much more stringent set back requirements on all horizontal-axis and ground-mounted vertical-axis wind machines (turbine generators) with a related capacity of 100 kilowatts or more.

Hawai'i is a global leader in the transition to a 100% renewable future. With more than three decades of experience working in the state, AES Hawai'i is committed to helping the state accelerate and responsibly transition toward a carbon-free energy future with a vast pipeline of renewable projects across the Hawaiian Islands. Currently, we have over 160 MW of solar, solar-plus-storage, and wind resources in operation and 241 MW in development or newly awarded. We've been working hard to deliver on our clean energy commitments to Hawai'i, by providing solutions that work for Hawai'i now and in the future.

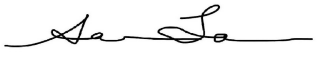
Hawai'i has one of the most ambitious renewable energy goals in the country, committing to 100% clean power by 2045. It will take innovative, diverse, and ambitious technologies to get there. The impacts of Bill 64 would severely restrict the amount of usable land for future wind power projects, as well as limit the ability to extend the life of current wind power projects. This bill would also create potential for O'ahu to lose 123 MW of wind energy from its renewable energy portfolio. Hawai'i will be unable to meet its renewable energy goals if we: (i) do not support further development of an array of renewable energy projects, and (ii) continue to seek policy changes that impose limitations on the portfolio of renewable opportunities available for use. As a state, it's critical that we stay nimble, open, and forward thinking to achieve our renewable goals.

While we understand the concerns, AES Hawai'i has worked diligently to alleviate impact within the community. This includes the donation of funds for community improvements, as well as working to keep open lines of communication with our neighbors.

We appreciate the Council's attention to potential impacts like shadow flicker and noise from wind turbines and support Amendments CC-271, CC-294, and CC-295, which propose that shadow flicker and noise restrictions be applied to legally permitted dwellings**.** For further clarity, we respectfully propose the following language, which limits the restriction to "legally permitted dwellings <u>on residentially zoned parcels</u>."

We appreciate the Committee Chair's careful deliberation and efforts to include community input during this process. If the Council could provide a redline version of the final bill, before the December 11 Full Council Meeting, it would greatly benefit all stakeholders by ensuring clarity and understanding of all amendments. Please do not hesitate to contact me if you have any questions or if I may be of assistance in any way.

Mahalo for your consideration.



Sandra Larsen
AES Hawai'i President

Kamehameha Schools®

Honolulu City Council
Committee on Planning and the Economy
Date: Thursday, November 21, 2024, 9:00am
Where: City Council Chamber

TESTIMONY
By: Kamuela Cobb-Adams, Kamehameha Schools

RE: Bill 64 (2023) Relating to Use Regulations

E ka Luna Hoomalu Kiaāina, ka Hope Luna Hoomalu Cordero, a me nā lālā o ke Kōmike, aloha kākou! My name is Kamuela Cobb-Adams and I am the Managing Director of Asset Management at Kamehameha Schools.

Mahalo for the opportunity to testify in support of two proposed amendments – the first, to define Āina-Based Education Facilities and include them within Nature-Based Recreation, and the second, to allow caretaker units as an accessory use for Hawaiian fishponds (loko ia) and cemeteries in certain zoning districts.

The inclusion of Āina-Based Education Facilities in Nature-Based Recreation represents a significant step forward in integrating cultural, environmental, and community-based values into land use policy. By creating space for educational programs that are grounded in āina stewardship, this amendment recognizes the importance of perpetuating Native Hawaiian practices, environmental education, and community well-being.

The definition proposed for Āina-Based Education Facilities – "a facility designed to support educational programs that are grounded in the cultural, environmental, and community values of āina and is not operated primarily for financial gain." reflects a thoughtful balance between cultural integrity and regulatory clarity.

Kamehameha Schools also supports the amendment to allow caretaker units for Hawaiian fishponds, as they provide essential on-site stewardship and protect cultural practices. These units ensure the preservation of Hawaiian culture, enhance land security, and support sustainable land management practices, aligning with KS' core values of mālama āina and ike kupuna.

Kamehameha Schools is grateful for the opportunity to be involved in this process and supports these amendments.

Founded in 1887, Kamehameha Schools is an educational organization striving to restore our people through education and advance a thriving Lāhui where all Native Hawaiians are successful, grounded in traditional values, and leading in the local and global communities. We believe that community success is individual success, Hawaiian culture-based education leads to academic success and local leadership drives global leadership.

Aohe hana nui ke alu ia. No task is too great when we work together.