# HONOLULU CITY COUNCIL

***KE KANIHELA O KE KALANA O HONOLULU***

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**MEMORANDUM**

DATE: November 18, 2024

TO: Pearlene Sotelo
Clerk, Committee on Planning and the Economy

FROM: Esther Kia'āina, Chair
Committee on Planning and the Economy

SUBJECT: Response to Council Communication 294 (2024) from Council Chair Tommy Waters, relating to Proposed Amendments to Bill 64 (2023), FD1, CD1

Attached for consideration by the Committee on Planning and the Economy are my proposed recommendations regarding the amendments to Bill 64 (2023), FD1, CD1, relating to land use regulations, offered by Council Chair Tommy Waters in Council Communication 294 (2024).

Attachment:

Chair of the Committee on Planning and the Economy's Responses to Council Communication 294 (2024) from Council Chair Tommy Waters.

COUNCIL COM. 295
P&E

**AMENDMENT FORM**
**Bill 64 (2023), FD1, CD1**
**Relating to Use Regulations**

TOTAL PAGES: 2
DATE: November 18, 2024
COUNCILMEMBER: Tommy Waters

| Item No. | Bill SECTION | ROH Section, Exhibit, or Figure, and Title | Page No. | Amendment Description | Amendment Text (in Ramseyer Format) | Comments or Clarification | |
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| | | | | | | | |
| 1 | SECTION 3 | § 21-5.60-6(c)(2)<br>Public, civic, and institutional uses<br>Utility<br>Large wind energy generation standards | 44 | Amend large wind energy generation standards | (2) *Wind energy generation.*<br>(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.<br>(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.<br>(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.<br>(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.<br>(E) Large wind energy generation facilities must be set back as follows:<br>(i) From all property lines a minimum distance equal to the height of the facility; and<br>(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[~~.~~];<br>provided that the setback requirements in this paragraph do not apply to the repair, maintenance, or component replacement of any facility in existence as of the effective date of this revised ordinance; and provided further that any component replacement shall utilize commercially viable turbine components available at the time of the component replacement that will minimize any increase in height.<br>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.<br>(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<br>site-specific data (such as weather, topography, and turbine operating characteristics) applicable to legally permitted dwellings in proximity of the facility that exist on the submission date. Software models (such as WindPro or iNoise) must demonstrate conformity with the following shadow flicker and noise restrictions.<br>(i) No portion of a large wind energy facility may cause more than [~~10~~] 30 hours per year or [~~10~~] 30 minutes per day of shadow flicker on [~~existing occupied buildings;~~] legally permitted dwellings and<br>(ii) During normal operation, facility noise levels may not exceed [~~10 dBA above ambient sound levels at existing occupied buildings.~~<br>~~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, at legally permitted dwellings. | Amend standards for setback, shadow flicker, and noise for large wind energy generation.<br>This supersedes the amendments proposed in CC-271 (2024).<br>New amendments that have been changed from CC-271 (2024) are highlighted in yellow. | Partially accept paragraphs (E), (F), former (G), and re-lettered (G).<br>Modified and incorporated in CC-290 (2024), Line Item 18. |

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| | | | | | [~~(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:~~<br>~~(i) By an incremental amount not to exceed 7 percent of the original height of the facility; or~~<br>~~(ii) Up to a maximum height of 575 feet;~~<br>~~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.~~<br>~~(H)~~](G) 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, not associated with renewable energy generation or associated habitat conservation plans 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. | | |