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The attached and document below is testimony from Tawn Keeney pertaining to General Plan 2045 Final Draft. Thank you for your consideration.
Tawn Keeney

Testimony before the Windward Planning Commission: Final Draft General Plan 2045
Commission Meeting Nov. 1, 2024
Submitted by Tawn Keeney MD

The basic concept underlying the notion of General Plan is desirable. However this Final Draft General Plan 2045 raises questions about practical application of that notion. It is found, in survey of the proposals here that the Draft General Plan is laden with contentious ideas which are likely to represent the thinking on one administration but may well be rejected by a subsequent administration, or, more importantly by the general public. If the General Plan is to be posited as a guideline or aspirational document that spans a period of 20+ years then contentious proposals, or proposals that have a shifting or limited source of support or are poorly understood by the public or the administration, should not be a part of the document.

Regardless of whether the apologists of placement of contentious proposals in the Draft General Plan attempt to justify this document as a 'Living Document', this Plan posits itself as foundational to the development of ordinances and administrative rules that may subsequently arise.

Where there would be significant opposition, even if the document framers should feel themselves in a majority position, the General Plan should be avoided as residence of that directive.

If a General Plan directive may expect even modest opposition, then that proposal should be accompanied by a full explanation of the reasoning behind its position, as inclusion in the General Plan may become rationale for proposal as ordinance or administrative rule.

Does the State of Hawaii or the United States have a 'General Plan' that it creates periodically? No, they have constitutions. However these 'constitutions' are not given to contentious proposals which arise with the shifting of societal circumstance or environment. They are fundamental guidelines which are truly foundational and not subject to whim of administration. And it is from that document that legal applications arise. There is no intermediate 'General Plan', formulated as aspiration by one administration after another, not subject to public debate and discussion.

If a General Plan is posited by an administration as description of intention of where its aspirations lie, and especially if that Plan contains contentious or poorly

understood proposals then that document should be retired at the conclusion of each administration rather than posited as a guidepost for a 20+ year period.

And if such a document is of such fundamental importance to construction of societal rules, then its evolution should take place by amendment of the underlying document rather than reconstruction of a new document which allows only incomplete or limited understanding of how that document has transformed from what has proceeded it.

If the document is reformulated as transformation rather than edited as transition from currently existing structure, then a full explanation of the rationale for each proposal should be available to the public. Even in the model of transition, an explanation of changes should be available to the public.

The above considerations conclude that: A) The General Plan should not contain proposals where agreement will be subject to significant contention. Rather, such proposals or directives must first be considered and endorsed in their individuality. B) A General Plan should have clarity of transition from its predecessor. C) Unless contentious proposals are restricted, the timeframe of application of the document should be shortened, perhaps as much as to the term of the administration which has generated the document. This shortened timeframe in itself will encourage transition rather than transformation.

The following statements of 'Policy' and 'Priority Actions' included in the Draft General Plan 2045 should be seen as exemplification of the above concerns. It is posited that these proposals, policies or advocated actions are contentious and should be removed, amended or explained in detail before the final draft of GP 2045 is constructed. My comments explain the elements of contention. I have only carefully addressed several of the sections of the Draft GP.

P. 236 - "Adopt a land acquisition program with potential leaseback options for the purchase of hazard-prone locations or those with beneficial attributes for climate adaptation or mitigation."

Comment: This is extremely controversial, particularly in relation to sea-level rise, and I believe that this is not something that the public will bear. This feels like collusion between corporate or wealthy land owners and Administration. This is a directive which must be taken to the public in the form of a referendum before it is placed in the General Plan. This certainly would be reason for the County Council to defer ratification of the Draft General Plan. Proposals with this level of controversy should not be placed in the General Plan until they are taken to the people by referendum or, at least, the County Council.

P. 78 - "Remove barriers to residential development in the appropriate districts to reduce development timelines, increase housing stock availability and increase affordability."

Comment: Yes, this is one approach, assuming that one is trying to accelerate residential development. Perhaps one needs to start by making the case for accelerating residential development. This is not a 'given'. It is a 'given' that we need

more housing for our heritage residents, but it seems that a preponderance of development housing actually goes to immigrants. The County, for probably excellent reasons, seems unable to solve this problem, and so, as much as we build, build, build... there are still the same number of heritage residents who seem to have to move to the mainland to find work and housing that are more practical. Consequently I don't think that the assumption should be made that we need to remove barriers to residential development. The County has made the assertion that 90% of the increase in population by the year 2045 will be from out-of-state immigration. The County also has stated that by 2045 45% of the population will be over the age of 65. It is not clear that this is a desirable picture that needs acceleration by removing barriers to residential development. It is also not clear that even though residential development has been accelerating consistently decade after decade, that there has been an increase in housing stock availability and increase in affordability. This policy/action and indeed this 'mindset' should be eliminated from the General Plan.

P. 78 - "Advocate allowing for County initiated State Land Use Commission District Boundary Amendments to meet the preferred land use pattern."

Comment: It is entirely appropriate that, consequent to communication and collaboration between the State Commission and the County that the State Commission would take responsibility for initiating District Boundary Amendments to be considered by their Commission. However, it seems that this procedural proposal runs counter to reasonable administrative divisions and it has not been explained why current State Land Use Commission District Boundary Amendment procedures fail to represent an appropriate balance of State and County interests.

P. 237 - "Amend the Zoning Code and Subdivision Code to allow Cluster Plan Developments to be applied to all zoning districts with appropriate building site standards."

Comment: This is certainly a controversial proposal and, as such, should not be sited in the General Plan, but rather is an issue which should be weighed carefully as an individual proposal, considered and discussed by the Public and the County Council.

P. 237 - "Amend the Zoning Code to allow for Planned Unit Development to become administrative permits and subject to the approval of the Planning Director."

Comment: There might be a reaction to this Draft General Plan that the thrust is toward acceleration of the process of development. With that perspective, and less than unanimity in endorsement by the public of this perspective, it would be most desirable that there would be County Council oversight applied to the enthusiasm of the Planning Department for all significant development, whether Planned Unit Developments or any other category of Development. If it is felt that the public would be supportive of this proposal then it should be subject to Council and Public consideration and discussion rather than placed in the General Plan.

P. 98 - "Support the development of small scale visitor accommodations with heritage, agriculture, wellness or similar themes in rural areas and near points of interest."

Comment: All public support for short term visitor rental accommodation should be removed other than in designated resort areas.

P. 98 - "Provide flexibility in discretionary permit applications to maintain health and safety for rural small scale visitor accommodations not serviced by public infrastructure."

Comment: All public support for short term visitor rental accommodations outside of resort areas should be removed.

P. 98 - "Support the State Land Use reclassification to Rural in alignment with the General Plan Rural designation."

Comment: This proposal would be especially impactful in light of the recent passage of Bill 123 by the Hawaii County Council. Bill 123 has now mandated that all properties in the Agricultural, as well as Family Ag and Residential Ag and Residential Zones will be available to addition of three Accessory Dwelling Units, one of which may be a Transient Accommodations Rental. The Authors of Bill 123 have taken the position that Rural 'Sprawl' or Suburban 'Sprawl' will not be accelerated because of the State Land Use requirement that any dwelling, principal or accessory, on State Agricultural Zoned Land must be a 'farm dwelling' which is supportive of an agricultural use of that property. However, the reclassification of State Agricultural Lands, as is being proposed here, to the designation of 'Rural' will open these broad areas to the unhindered effect of 'Rural Sprawl'. Bill 123's directives should not have included the Agricultural Zone, as the Agricultural Zone was specifically excluded from the State Legislation passed this year which required County Allowance of at least 2 ADU's per property. However, now, on the Big Island, after Bill 123's passage, if the State Agricultural Zone guardrail against Rural Sprawl is abandoned by 'Rural' rezoning then these rural zones will be transformed in the direction of 'Sprawl'. This controversial directive should be removed from the General Plan.

P. 129 - "Be a net power producer with Hydrogen and Waste Management."

P. 162 - "Implement waste stream technology, such as recycling and up cycling and waste-to-energy to reduce the flow of refuse deposited in landfills.

Comment: This directive should not be included in the General Plan. It is understood by the administration and much of the Public that the intent to use Hydrogen pervasively as energy storage mechanism, and various waste to energy strategies, whether by burning or a pyrolysis mechanism, are controversial and thus are of questionable propriety in such a 'foundational level' policy document as the General Plan.

In evidence of this controversy I cite a recent Tribune Herald headline, "National Expert Questions County Energy Policy". The expert's comments were directed toward countering proposals for extensive use of hydrogen for energy storage and waste to energy proposals. The County has presented no response of which I am aware to the issues raised in that presentation. Until clarity is given as to how Hydrogen will add to our net power production or storage, and what technology will be

embraced in converting waste to energy, placing hydrogen energy paradigms and waste management into County energy policy direction for the 20+ year interval until 2045 is inappropriate.

There is no question that controversy exists over these energy strategies. It is not inappropriate that the current administration would take initiative toward careful examination and even endorsement of a perspective on these strategies. However, before enshrining their perspective as foundation for County policy over a 20 year period, a pedestal that the General Plan offers, that administration must undertake explanation and education of the Public of the desirability of their endorsement. None of this has taken place.

The administration has not explained to the public how Hydrogen will be used in a 'net power' strategy. The inefficiency of Hydrogen fuel cell for vehicular power is well known and is approximated at one-half to one-third the number of vehicular miles traveled per life-cycle energy consumed when compared to battery electric vehicles. A vehicular hydrogen infrastructure would be exceptionally expensive and a commitment which the 2000 Hydrogen vehicles as opposed to over 900,000 electric vehicles (and rapidly becoming less) cannot justify. The inefficiency and infrastructure demands have led to abandonment of the vehicular hydrogen model. Whether Hydrogen should be visualized as back up grid storage, with longer capacity than current battery technology, is questionable and the subject of significant debate, particularly with the advance in battery storage capability. Any 'Green Energy' produced on this island should be applied directly to the grid with battery back up before diverting it to 'storage' in the form of Hydrogen production at a significant loss of efficiency for grid purposes. Producing Hydrogen from, for instance, virtually unlimited geothermal might make sense as an export product, but for grid back up on this island converting 'firm' geothermal energy to Hydrogen would be superfluous as well as inefficient. And geothermal may become a realistic energy resource on all islands. Hydrogen may have certain acknowledged applications in replacement of fossil fuel power such as maritime shipping, fertilizer production, possibly mass transit or trucking, and high heat applications such as foundry or steel production. These applications are in contention also. However, before Hydrogen is advocated as a basis for societal 'net power production' at the level of directives of the General Plan, the administration should be transparent and vigorous in its explanation to the Public of how this application of Hydrogen's potential will take place, well before its endorsement in the General Plan.

Waste to energy strategies need clarity for the Public also. Perhaps the administration has been convinced of the desirability of a waste conversion strategy involving a pyrolysis process. This has been opaque to the public consequent to a non-disclosure agreement made by the County. However that opacity should preclude this process as being foundation for Waste to Energy commitment enshrined in the General Plan, which should be available to the assent of the Public. If the Waste to Energy commitment in the Draft Plan (I use the term commitment because the General Plan should not be a document of Advocacy) is the more traditional burning of trash (most likely at the Pepeekeo Hu Honua facility) then this needs to be clarified. It is my limited second hand understanding that the Hawaii County Council has twice considered and rejected endorsing proposals of a waste to energy strategy, once in the Kim administration and once in the Kenoi administration. It would not be appropriate to place this in the General Plan if such controversy exists. Its presence

there without explanation and justification should lead again to rejection of the Draft Plan by the County Council.

P. 149 "Remove barriers to reduce cost for new construction and rehabilitation of the current housing through changes to tax, zoning and building standard requirements."

Comment: It is stated above (p. 24 "About 90% of growth is through immigration.") that 90% of growth till 2045 will be through immigration. Does it make sense to reduce taxation, which exists to benefit the general public, in order to accommodate immigration. Much of the cost of immigrant ownership of housing will be distributed among the current resident population (though some of the cost will be in purchase of offshore materials). Where is the advantage in reducing building costs for this immigrant population of homebuyers. Removal of barriers should only be for the 'affordable housing' component.

P. 250 - "Adopt a County affordable housing program, similar to HRS 201H that encourages development, reduces cost and simplifies permitting."

Comment: HRS 201H is an undisguised blow to the intent of Regulation. The main purpose of planning and a Planning Department is to impose regulation. The County Council should have jurisdiction to weigh the advisability of waiving regulation in the appropriate circumstance regarding Affordable Housing development. In what way would a County 201H similar proposal provide opportunities that HRS 201H itself does not. This proposal appears to be counter to the idea of safeguards to the common good for the benefit of development, and should be abandoned.

P. 212 - "A high quality of life for residents is maintained when a regenerative visitor industry balances the preservation of natural and cultural resources with responsible visitation."

General Comments: 1. The emphasis on Regenerative Tourism came as a result to the mounting criticism of the numbers of visitors and intrusion into the social fabric that the numbers of visitors was creating. The numbers of visitors is the basic problem - not that the visitors are disrespectful of the historic and current cultures. The catchphrase of 'Regenerative Tourism' is an effort to divert attention from the real problem of numbers. It is likely that for 90+ % of visitors there has been no change of plans or behavior from before the term 'regenerative tourism' was fabricated. There has been no diminishing of numbers of visitors. 2. By far, the most 'negative effect of tourism' is the associated Greenhouse Gas emissions from air transport of visitors. As we see more and more the social effects of rising temperatures such as climate migration, civil unrest and food shortages and the climate disasters such as fire, flood, hurricanes, sea level rise etc. the more clear it will be that leisure travel must be eliminated. Hawaii tourism, as leisure travel, is perhaps the worst offender on the planet, Hawaii being the most distant archipelago from any inhabited continental land mass. 3. In 2021 I presented a paper to the Honolulu Climate Change Commission indicating that Greenhouse Gas Emissions from air transport of Visitors to Hawaii accounted for 1-1/2x Hawaii's total domestic GHG emissions. The Honolulu Commission requested that I present the paper to the State Climate Commission. Dr. Makena Coffman, UHERO researcher, presented a critique of the paper a year later

indicating that the correct figure would be equal to all Hawaii's domestic emissions. However her analysis did not count any connecting flight emissions, but only the two Hawaii legs of an itinerary. This is resultant from her use of the Hawaii State Greenhouse Gas Inventory, of which she was an author, for visitor data. My findings were based on the Hawaii Tourism Authority's eight 'Global Regions of Origin' visitor data and thus counted 'connecting flights' in the itinerary (which has its own problems). 4. Also subsequent to Dr. Coffman's presentation, the IPCC designated as 'best science' on Aviation emissions a method which calculates the global warming potential of 'non-CO2 emissions' as twice that of CO2 emissions themselves. Whereas myself and Dr. Coffman had calculated these 'non-CO2 emissions' as equal to the warming potential of CO2 itself, using the IPCC endorsed method would bring her calculation of visitor air transport GHG emissions to 1-1/2x the state's total domestic emissions, and my calculation, including the multiple legs of any visitor itinerary, to 2x the state's total net domestic emissions.

Respectfully submitted as Testimony,
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