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June 19, 2020

TO: Land Use Commission, State of Hawaii  
P.O. Box 2359  
Honolulu, HI 96804

RE: Petitions for Declaratory Order DR20-69 & DR20-70  
Meeting Scheduled for June 25, 2020

The undersigned has lived on Kohala Ranch for over 20 years. During that time we have developed a substantial agribusiness, Palila Growers, LLC. We are the largest grower of grapefruit in the State and we produce and sell, on average, 15-30,000 lbs of grapefruit per year. This is in keeping with the Agricultural zoning of Kohala Ranch. We live on our property, and provide long term employment to the individuals who work with us.

We are concerned that a number of property owners in Kohala Ranch are advertising and renting their homes for Short Term Vacation Rentals, despite being in violation of Hawaii Ordinance 18-114, also known as Bill 108 (Hawaii Code Section 25-4-16.1(e)), because they are located in a State land use Agricultural District and their parcels were created in 1985, nine years after June 4, 1976. They are also in violation of the CC&Rs of Kohala Ranch.

Many of these owners have applied for Non-Conforming Use, claiming that their homes are "Farm Dwellings". Without question, these homes are not "Farm Dwellings" as defined in Hawaii statutes (per quotes below). They are strictly STVRs and are being operated as resort-style commercial enterprises.

1. There is no "agricultural activity providing income to the family occupying the dwelling.
2. Uses are not "primarily in pursuit of an agricultural activity".
3. They don't provide, "employee housing or uses related to farming or animal husbandry".
4. The Petitioners do not live on their property
5. They are advertising with extensive descriptions and colorful photographs on the Internet and elsewhere.

We totally support the decision of the Hawaii Planning Director in denying STVR and Non-Conforming Use Applications.

A handwritten signature in black ink, appearing to read "P. Eising".