

LAND USE COMMISSION
STATE OF HAWAII

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

2020 JUL -6 A 9:56

June 9, 2020

RE: Petitions for Declaratory Order DR20-69 & DR20-70

To the Land Use Commission of the State of Hawaii:

We are concerned homeowners who reside in Agricultural-zoned Kohala Ranch in Hawaii County. Regarding the above referenced Petitions for Declaratory Order, we write to voice our support of the position taken by the County of Hawaii Petition for Declaratory Order DR20-69 stating "farm dwellings" may not be used as short-term vacation rentals ("STVRs") pursuant to Hawaii Revised Statute 205 and Hawaii Administrative Rule 15-15-25. It has been our understanding that the Legislature did not intend to allow for STVR use within the Agricultural District under the auspices of being a "farm dwelling." Furthermore, Kohala Ranch, where we reside, is a quiet, rural community, not intended for short-term vacation rental use.

We, as resident homeowners, very much value the peace and quiet of our rural residential community at Kohala Ranch. Unfortunately, our quality of life in Kohala Ranch has been adversely affected by an influx of STVRs into our community. Many of us have repeatedly been disturbed by frequent and excessive noise and light pollution caused by inconsiderate vacation renters who not uncommonly occupy the rentals in large groups. This type of activity was never intended for Kohala Ranch. A number of property owners in Kohala Ranch, including some of those listed as Petitioners in Rosehill et al (DR20-70), have been operating lucrative STVRs in Ag-zoned Kohala Ranch, despite the enactment of Bill 108, which prohibits the operation of STVRs in Ag-zoned lands without a Non-Conforming Use Certificate. The argument advanced by the attorneys representing the Petitioners of DR20-70 is that STVRs are permitted in Ag-zoned lands as "farm dwellings." However, we believe this claim to be ludicrous since most or all of these STVRs are, in fact, luxurious homes that are being advertised and operated as resort-style commercial enterprises. They are not farm dwellings as defined in Hawaii Statutes as there is no agricultural activity occurring that produces income to the family occupying the dwelling nor is the dwelling used primarily for agricultural activity. These are strictly STVRs.

The operation of STVRs in Kohala Ranch subjects us to an unnecessary and unreasonable burden. Ample vacation rental accommodations are available in the nearby resort areas just minutes away. We therefore request the State

Land Use Commission to rule that "farm dwellings" may not be used as short-term vacation rentals pursuant to HRS 205 and HAR 15-15-25.

Mahalo for your consideration.

Respectfully submitted,

Kohala Ranch Neighbors

Ken and Lynn Krieger (lot 281)

Stephen and Silke Bell (lot 279)

Peter and Sharlee Eising (lots 296, 298, 299, 305)

Bernard and Claudia Roederer (lot 288)

Jan and Melissa Levitan (lot 283)

Juerg and Heidi Keller (lots 370, 371, 287)

Jerald and Jeanie Wigdortz (lot 326)

Linda Voloshen Spender (lot 103)