

Derrickson, Scott A

From: KW <kfvonbeck@yahoo.com>
Sent: Wednesday, June 24, 2020 5:40 AM
To: DBEDT LUC
Subject: [EXTERNAL] Fw: Testimony on DR20-69 County of Hawaii and DR20-70 Lind Rosehill et al
Attachments: LUC Testimony STRH AG.pdf

I wanted to clarify my submitted testimony which I attached below and sent yesterday on June 23, 2020, on overnight vacation rentals of farm dwellings in the agricultural district.

My testimony refers to short-term rentals defined as accommodations which are rented in total, as contrasted from a bed and breakfast where an owner lives in the dwelling and rents out individual rooms. My concerns are far more with farm dwellings being rented out in total as short-term rentals and the owners NOT on property. Thank you.

Kurt Wollenhaupt
Haiku, Maui, Hawaii

----- Forwarded Message -----

From: KW <kfvonbeck@yahoo.com>
To: dbedt.luc.web@hawaii.gov <dbedt.luc.web@hawaii.gov>
Sent: Tuesday, June 23, 2020, 7:58:41 PM HST
Subject: Testimony on DR20-69 County of Hawaii and DR20-70 Lind Rosehill et al

I am submitting testimony as attached for DR20-69 and DR20-70 as an individual living in Haiku Maui on the subject of short-term vacation rentals and farm dwellings in the State Agricultural District.

Thank you.

Kurt Wollenhaupt

TO: dbedt.luc.web@hawaii.gov - State Land Use Commission of Hawaii

FROM: Kurt Wollenhaupt, Resident of Haiku, Maui, Hawaii 96708

Regarding: DR20-69 County of Hawaii and DR20-70 Lind Rosehill et al

SUBJECT: Consider Petitioners County of Hawaii's and Linda Rosehill et al's Petition for Declaratory Orders regarding Short-term Vacation Rentals as Farm Dwellings

PREMISE:

FARM DWELLINGS IN MOST CASES SHOULD NOT BE USED FOR SHORT-TERM OVERNIGHT VACATION RENTALS IN THE STATE AGRICULTURAL DISTRICT

Chapter 205-4.5, HRS outlines permissible uses within the agricultural district. Chapter 205-4.5(13 and 14) HRS speak to overnight accommodations under the rubric of agricultural tourism but only for a county that includes at least three islands and has adopted ordinances regulating agricultural tourism activities. I am **not** aware of any such adoption by any Hawaii County. Therefore overnight short-term vacation rentals in the agricultural district are not a permissible use by right.

Chapter 205-6, HRS allows for the establishment of "unusual and reasonable" uses in the State Agricultural District through the approval of a State Land Use Commission Special Permit. I don't believe that short-term vacation rentals meet all 5 criteria for the granting of Special Permit.

A. The use shall not be contrary to the objectives sought to be accomplished by chapters 205 and 205A, HRS, and the rules of the Land Use Commission;

Response: Vacation rentals have little to do with farm productivity; however, renting out a farm dwelling certainly may provide income for farming operations. The primary purpose of agricultural land is simply that, agriculture. A proliferation of short-term rentals in the ag district can lead to purchasers buying property with the primary intent of renting it out for short-term rental, rather than farming. A farm dwelling is precisely that, a dwelling in which people live who are engaged in the farming of a parcel. There should be incentives to farm as opposed to renting out farm dwellings for financial gain. If an overnight rental is being used to supplement farm income, then I certainly hope the operation is a true farm and not a well landscaped estate.

B. The desired use will not adversely affect surrounding property;

Response: Vacation rentals may or may not adversely affect surrounding property; however, the primary purpose of the agricultural district is farming. Support in farming from neighbors comes from other nearby farmers, and likely not to often from out-of-area homeowners who are using the property as an investment vehicle.

C. The use would not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage and school improvements, and police and fire protection;

Response: There is most likely little indication that the proposed use as a vacation rental within the farm dwelling would place a demand on public agencies to provide excessive additional services.

D. Unusual conditions, trends and needs have arisen since the district boundaries and rules were established;

Response: It is true that overnight short-term rentals are a new and growing industry unlikely contemplated at the time of the district boundary amendment adoption; however, the primary purpose of agricultural land is farming, not vacation rentals. So the fact that more visitors wish to stay in agricultural areas is not a primary reason for granting special permits for short-term rentals, but I will admit that a new trend is learning about and staying in agriculturally oriented areas.

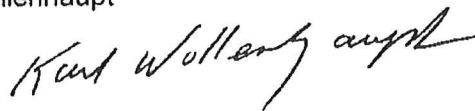
E. The land upon which the proposed use is sought is unsuited for the uses permitted within the district.

Response: There is little evidence that the agricultural land on which a farm dwelling is located is unsuited for agricultural uses. In certain rare instances this may be true, such as locating a house on a steep cliff; but, most farm dwellings are located on land suitable for farming operations. This criteria appears to often make the granting of a special permit for a short-term overnight rental in the agricultural district problematic.

Consequently, I believe that short-term overnight vacation rentals are rarely ideal uses of the agricultural state of Hawaii land use districts; unless, they very specifically assist a family with operating expenses of an authentic and dynamic farming operation.

Thank you.

Kurt Wollenhaupt

A handwritten signature in cursive script, reading "Kurt Wollenhaupt", written in dark ink.