

Hakoda, Riley K

From: Gary Robb <grobb@hawaii.rr.com>
Sent: Thursday, August 13, 2020 11:55 AM
To: Hakoda, Riley K
Subject: [EXTERNAL] STVR

Aloha Riley,

My name is Gary Robb. I live at 74-4910 Hao Kuni Pl #2, Kona HI 96740.

We live in a 9 lot gated subdivision with 8 houses on ag land. At one time we had 5 short term vacation rentals. It was awful.

We sincerely hope the LUC does not allow any STVR on ag land on Hawaii Island. If you allow then there should be a required a minimum 6 month lease with no loop holes for the STVR property owners.

Mahalo,

Gary Robb

Hakoda, Riley K

From: Janice Glennie <palmtree7@hawaiiantel.net>
Sent: Thursday, August 13, 2020 9:16 AM
To: Hakoda, Riley K
Subject: [EXTERNAL] Fwd: testimony DR20-69: Enact strong limits on short term vacation rentals
Importance: High

Begin forwarded message:

From: Janice Glennie <palmtree7@hawaiiantel.net>
Subject: DR20-69: Enact strong limits on short term vacation rentals
Date: August 12, 2020 at 10:29:40 AM HST
To: dbedt.luc.web@hawaii.gov

Aloha commissioners,

In Hawai'i County, I took part in seemingly endless, exhaustive meetings related to vacation rentals. In the end, our bill was weakened and allowed far too many rentals with far too many loopholes.

However, one positive was that no un-hosted rentals were allowed on Ag land except for those rezoned before 1976. Unfortunately, the restriction should have been for rentals on ALL ag lands as there is often discrepancy about when a subdivision was created (gaps in recording and memory); but it seemed better than nothing, which is pretty much what our county bill gave us (i.e., better than nothing).

I've lived in ag-zoned land for over 30 years as have many of our friends and colleagues. All of us have nightmare stories of neighbors renting to short term holiday-makers including one where our friends took the issue through the appeals process and won every time, yet the 24/7 partying and other intrusions carried on (as they may be to this day). In the end, our friends finally sold their farm which they had poured love and sweat into for years.

And that's just one of many disruptive scenarios (including some of our own) which I testified about in county hearings. The din against limits from the real estate sector has been particularly ferocious and, generally, no one except for people who want to do vacation rentals supports it unless it's in resort zoned lands.

Farm dwellings aren't condos. Tourists aren't farm workers. Allowing those structures to be used for short term rentals would make a mockery of governance and the democratic process which residents depend upon to guide them and to help keep some agreed-upon order. Life has enough inevitable challenges without adding those that pit neighbor against neighbor and create unwelcome, unplanned-for havoc.

I applaud the efforts of this commission to stop the abuse of agricultural lands and the premise upon which they were set aside, which is to feed families, maintain green space and create a diverse, sustainable economy. I hope you will use your wisdom and experience as well as the experience of

others to create and uphold the strictest limits possible on short term rentals on agricultural lands and leave tourism to areas appropriately zoned for those activities.

Sincerely,

Janice Palma-Glennie

Keauhou Gardens and Irrigation

P.O. Box 4849

Kailua-Kona, Hawai'i 96745

Tel#808-324-0093

Cell#808-989-3549

www.keauhougardens.net

Janice Palma-Glennie

Keauhou Gardens and Irrigation

P.O. Box 4849

Kailua-Kona, Hawai'i 96745

Tel#808-324-0093

Cell#808-989-3549

www.keauhougardens.net

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813
PHONE: (808) 768-8000 • FAX: (808) 768-6041
DEPT. WEB SITE: www.honolulu.gov • CITY WEB SITE: www.honolulu.gov

KIRK CALDWELL
MAYOR



KATHY K. SOKUGAWA
ACTING DIRECTOR

TIMOTHY F. T. HIU
DEPUTY DIRECTOR

EUGENE H. TAKAHASHI
DEPUTY DIRECTOR

2020/ELOG-1542

August 11, 2020

Mr. Daniel Orodenker
Executive Officer
State Land Use Commission
Department of Business, Economic
Development and Tourism
P. O. Box 2359
Honolulu, Hawaii 96804

Dear Mr. Orodenker:

SUBJECT: DR20-69 County of Hawaii, "Farm Dwellings" May Not Be Operated as Short-Term Vacation Rentals and DR20-70 Linda K. Rosehill, et. al.

The Department of Planning and Permitting provides the following comments regarding DR20-69 relating to short-term rentals in the State Agricultural District:

1. Chapter 205, Hawaii Revised Statutes (HRS), does not allow short-term vacation units.
2. While each county must abide by the requirements of Chapter 205, they may adopt more restrictive provisions for lands under the state agricultural districts. In Honolulu's case, it would be through amendments to the Land Use Ordinance, Chapter 21, Revised Ordinances of Honolulu (ROH).
3. The City and County of Honolulu did not regulate duration of stay in dwellings until the 1980s. In 1989, the City adopted an ordinance that required any units that were being used for short-term vacation stays in residential areas apply for and receive a nonconforming use certificate (NUC) in order to continue. This provision was not offered to dwellings in agricultural areas. No applications were accepted after December 1990.
4. Outside of resort areas, these NUC units are the only dwellings allowed to be used for short-term rentals. There are no NUCs in the state agricultural district.
5. Thus, by state law and county ordinance, transient vacation units, as we define the use, are not allowed either by being "grandfathered" after 1990, or recognized by special use permit in the state agricultural district.

Mr. Daniel Orodener
August 11, 2020
Page 2

6. However, we do allow persons to occupy farm dwellings for periods of less than 30 days (the duration we define as "short term," or "transient") if they are on premises for agricultural pursuits. These projects have components that are not permitted outright in Chapter 205, and thus may be allowed by special use permit and typically a conditional use permit. A key to these proposals is the need to demonstrate that the principal activity is agriculture, and not vacation-oriented or residential. A historical example of this legitimate use in agricultural areas is bringing in seasonal workers for pineapple harvesting.
7. In short, we do not permit short-term rentals as a principle use, but we do accept short-term occupancies when directly related to on-site agricultural activities.

Should you have any questions, please contact me at 768-8000.

Very truly yours,


Eugene H. Takahashi
Deputy Director