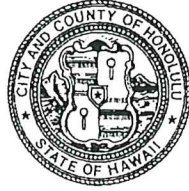


DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

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2020/ELOG-1542

August 11, 2020

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

Dear Mr. Orodener:

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.

2020 AUG 13 P 3:01
LAND USE COMMISSION
STATE OF HAWAII

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