

## Derrickson, Scott A

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**From:** Steve Lopez <808slopez@gmail.com>  
**Sent:** Thursday, August 06, 2020 6:02 PM  
**To:** DBEDT LUC  
**Cc:** 808slopez@gmail.com  
**Subject:** [EXTERNAL] Testimony opposing DR20- 69 COUNTY OF HAWAII and DR20-70 LINDA ROSEHILL et al

Aloha Honorable Land Use Commission

You are scheduled to hear a continuation of this petition at your meeting of August 13, 2020. I most heartedly oppose the granting of their petition.

In the below I use the term STVR to be as defined In the Hawai'i County Code: ““Short-term vacation rental” means a dwelling unit of which the owner or operator does not reside on the building site, that has no more than five bedrooms for rent on the building site, and is rented for a period of thirty consecutive days or less. This definition does not include the short-term use of an owner’s primary residence as defined under section 121 of the Internal Revenue Code.”. Likewise, I use abbreviation HRS for Hawaii Revised Statutes and HCC for Hawaii County Code.

I am not an attorney nor have the ability to search and present wording conflicts or context misinterpretations but I do believe in the right of the citizens to protect their way of life and intent behind our laws and rules of co-existing. On those I would apply a simple sense of logic to a problem . One, in this case, that has loudly and repeatedly been supported by resident citizens of Hawaii and to myself personally as one who is currently negatively affected by a STVR on agriculturally zoned land in my immediate area. How is it that we, who live and enjoy Hawaii life could have no defense or remedy to the destruction of our own quality of life? A land owner did not properly make themselves aware of zoning laws/requirements of their real estate purchase and now want to amend the law to fit their intended use – neighbors be damned?

HRS 205-4.5 clearly states the intent and use of agricultural land; vacation renting is NOT one of those. To suggest that HRS is remiss in not actively stating details of non-permissible land use is absurd. Only the wildest of minds could conjure every possible use that is not permitted.

HRS 205-3.1c has delegated the determination of this and other related matters to the “county land use decision making authority”. Further, HRS 205-12 and HCC 25-2-35 codifies that the county director shall have enforcement powers. How is it that someone may petition LUC to disregard this home rule?

Given HRS 205-3.1 as above, the County of Hawaii clearly has the authority and did define STVR and established a sound process to apply the wording and intent of HRS 205-4.5 and its references. This is legal, enforceable and does provide for an exception permit as determined by the county land use authority, though opens the question as to its validity to the definition, purpose and intent of ag land zoning. Attempts to circumvent this is akin to those who believe wearing a mask (pandemic) is a violation of their civil rights. Again, others be damned!

I humbly request in your determination of this petition that you consider failure of the petitioner to have availed themselves of easily available land use laws, the proven detrimental impact of this use to our local residents and the intent and downstream laws to serve and protect our quality of life in local rule by rejecting this petition.

Mahalo,  
Stephen D Lopez  
Kailua Kona, HI.