

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of the)
)
DEPARTMENT OF PLANNING AND ECONOMIC) PETITION FOR DECLARATORY
DEVELOPMENT, STATE OF HAWAII) RULING
)
For a Declaratory Ruling regarding) DR82-7
Section 3-3 (6) of the Land Use)
Commission's State Land Use)
District Regulations)
)
_____)

DECLARATORY RULING
REGARDING USE IN THE
AGRICULTURAL DISTRICT

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DECLARATORY RULING REGARDING USE IN THE AGRICULTURAL DISTRICT

This proceeding was initiated by the Department of Planning and Economic Development on September 24, 1982, pursuant to Part VIII, Rules of Practice and Procedure of the State Land Use Commission to determine whether a private beach dwelling and accessory boat equipment storage structure qualify as permissible uses in the Agricultural District under Section 3-3 (6) of the State Land Use Commission's District Regulations. Subsection (6) of the section states that the following uses are permissible within the State Land Use Agricultural District:

"(6) Public and private 'open area' types of recreational uses including day camps, picnic grounds, parks, and riding stables, but not including dragstrips, airports, drive-in theaters, golf courses, golf driving ranges, country clubs, and overnight camps."

The Land Use Commission on December 3, 1982, having considered the Petition for Declaratory Ruling filed by the Department of Planning and Economic Development, and written comments and oral arguments prescribed by representatives of the Department of Planning and Economic Development, and the City and County Department of General Planning, and Donald H. and Alma M. Chung, on December 3, 1982 has determined that a private beach dwelling and accessory boat equipment storage facility with no use related to agriculture are not permissible uses within the Agricultural District under Section 3-3 (6) of the Land Use Commission's District Regulations. Private beach dwellings are essentially residential dwellings. Although

recreation may be one aspect of the use for a dwelling, the principal use nevertheless remains residential. In addition, the uses do not qualify as an "open area" form of recreation such as that associated with parks, ball fields and picnic areas.

Dated at Honolulu, Hawaii, this 24th day of February, 1983, upon motion duly adopted by the Land Use Commission on the 19th day of January, 1983 and the 27th day of January, 1983.

LAND USE COMMISSION
STATE OF HAWAII

By William W. Yuen
WILLIAM W. L. YUEN
Chairman and Commissioner

By Richard B. F. Choy
RICHARD B. F. CHOY
Vice Chairman and Commissioner

By Lawrence F. Chun
LAWRENCE F. CHUN
Commissioner

By Everett L. Cuskaden
EVERETT L. CUSKADEN
Commissioner

By Shinsei Miyasato
SHINSEI MIYASATO
Commissioner

By T. P. Tachian
TEOFILO TACBIAN
Commissioner

By Robert Tamaye
ROBERT TAMAYE
Commissioner

By Winona E. Rubin
WINONA E. RUBIN
Commissioner

By Frederick P. Whittemore
FREDERICK P. WHITTEMORE
Commissioner

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the Land Use Commission's Declaratory Ruling Regarding Use in the Agricultural District was served upon the following by either hand delivery or depositing the same in the U. S. Postal Service by certified mail:

HIDETO KONO, Director
Department of Planning & Economic Development
State of Hawaii
250 South King Street
Honolulu, Hawaii 96813

WILLARD T. CHOW, Chief Planning Officer
Department of General Planning
City and County of Honolulu
650 South King Street
Honolulu, Hawaii 96813

DONALD H. CHUNG
1236 Elizabeth Street
Honolulu, Hawaii 96816

DATED: Honolulu, Hawaii, this 1st day of March, 1983.


GORDAN Y. FURUTANI
Executive Officer

DOCKET NO. DR82-7 - DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT
PETITION FOR DECLARATORY RULING

A certified copy of the Land Use Commission's Declaratory Ruling Regarding Use in the Agricultural District was served by regular mail to the following on March 1, 1983:

ANNETTE CHOCK, Deputy Attorney General
Department of Attorney General
State of Hawaii
4th Floor, State Capitol
Honolulu, Hawaii 96813

GARY M. SLOVIN, Corporation Counsel
Department of Corporation Counsel
City and County of Honolulu
3rd Floor, City Hall
Honolulu, Hawaii 96813