

Quinones, Natasha A

From: 808slopez@gmail.com
Sent: Monday, May 16, 2022 10:29 PM
To: DBEDT LUC
Cc: MitchD.Roth@hawaiicounty.gov; 'Inaba, Holeka'; 'Rebecca Villegas'; maile.david@hawaiicounty.gov; 'Baez, Wendy'; 'Kern, Zendo'; Evans, Mary Alice; 'Lee E Lord'; elizabeth.strance@hawaiicounty.gov
Subject: [EXTERNAL] Testimony Item V May 19, 2022 LUC Executive Session Case No. 3CCV-21-0000178

Follow Up Flag: Follow up
Flag Status: Flagged

Aloha LUC and County of Hawaii Corporation Counsel,

In light of the recent court ruling reversing the LUC and County declaration (Case Number 3CCV-21-178) regarding short term rentals in farm dwellings on State Agricultural Land, I am writing to provide you, the County and the LUC, with my concerns related to this grossly detrimental decision; and, respectfully request that the County and the LUC seriously consider appealing this decision or, at a minimum, put immediate safeguards into place to preserve and protect agricultural lands from the nuisance, traffic, safety and social impacts of short term transient rentals on ag land, the potential economic impact to the Island and the growing loss of true agricultural lands. Perhaps a STAY of the order until you may properly address the impacts to our people our economy and research the intent of why HRS 205 was placed into the statutes. This factor alone appears to read in direct contrast to the interpretation of the Court.

I have to wonder why we have AG zoned land when money, politics, and silver tongued lawyers can find an argument in their favor. If we can't defeat this grotesqueness in court then legislative action is our only hope but we need a local champion willing to go up against this powerful lobby. Bill 108, Hawaii County, came about for a reason. Coming soon to a huge cry out, grass roots citizens are gathering to address it's deficiencies, abomination of STVR on ag lands and the severe lack of enforcement and penalties. How long do we have to endure the endless "its under investigation" response. Having the phone number of the owner onsite or remote has repeatedly proved useless and pits neighbor to neighbor ill will.

Honolulu City and County has taken this issue in favor of the people over the ghastly intrusion into their community by passing and signing Bill 41 (2021) CD2 on April 26, 2022. <https://hnlidoc.ehawaii.gov/hnlidoc/document-download?id=13949> a sweeping benefit to the citizens and protection of their quality of life. One can argue that this affects residential and resort zoning but here, we are ignoring residential quality on ag zoned land. This body has served its residents by posting information to help residents at <https://www.honolulu.gov/dppstr> including the link VIEW ALL. Outstanding that there is a STVR web site for City/County of Honolulu complete with reports of # complaints.

Our State legislature has approved a joint resolution strongly urging each County to increase fines, foreclosures, etc. See H.C.R. No. 73 <https://www.capitol.hawaii.gov/session2022/bills/HCR73 .HTM>. Are our local elected taking heed?

Those Big Island planning consultants who collected fees and represented this intrusion with attempts to gain exemptions are now jumping with glee. They are easily identifiable in the public record whose names are well known.

Lastly, I did take notice that the petitioners legal counsel is Vitousek on Oahu and our own Chair of Leeward Planning Commission is also Vitousek. Not to say there is any connection but does cause one to ask if there may be a conflict of interest.

Thank you for your consideration. I am happy to answer any questions or provide testimony, gather groups of like minded individuals, etc. in order to protect our community and its quality of life.

Mahalo for your consideration.

Steve Lopez
Kailua Kona, HI 96740

Quinones, Natasha A

From: Geri Allison <geriallison@yahoo.com>
Sent: Monday, May 16, 2022 3:21 PM
To: DBEDT LUC
Subject: [EXTERNAL] Vacation Rentals on Ag Land

Follow Up Flag: Follow up
Flag Status: Flagged

It is my understanding that a recent circuit court decision to overturn a ruling prohibiting ag land being used for short term rentals.

Please accept the following testimony for your LUC Executive Session Item V on the May 19, 2022 Agenda. Mahalo.

I was dismayed to read the recent Court ruling relative to short term rentals of 'farm dwellings' on agricultural land. I submit this testimony in hopes that you will consider appealing this action based on the legislative intent and actual documentable history outlined in the legislature's deliberations related to the adoption of H.B. No. 3262-76 (act 199) in 1976.

For example, SCrep. 502-76 before the Water, Land Use, Development, and Hawaiian Homes and Agriculture Committee on H.B. No. 3262-76 states, *"Your Committees find that agricultural subdivisions approved by the counties are being put to uses other than agricultural uses. The purpose of the agricultural district classification is to control the uses of land for agricultural purposes. (emphasis added) This purpose is being frustrated by the development of urban type residential communities in the quise of agricultural subdivisions. To discourage abuse of this purpose, the bill, as amended, defines more clearly the uses permissible within the agricultural district. Except for such uses permitted under special use permits in section 205-6 and for non-conforming uses permitted in section 205-8, uses not permitted by this bill shall be prohibited."*

Further, the Conference Committee Report No. 6 on H.B. No. 3262-76 states that the Committee amended the bill to define 'farm dwelling'. The Court ruling appears far reaching in its literal parsing of the "farm dwelling" definition in HRS. There would be no reason for that 1976 amendment to have been made if the legislature intended that any ol' house on a farm was simply, ipso facto, a "farm dwelling" and nothing more, other than saying, "Oh, that's a FARM dwelling." What would have been the point of that legislatively? Nothing.

The judge is perhaps unaware that more than a few large scale farms house - and/or did house for many decades - employed workers off-site from the farm – think of "plantation housing" that was predominant along the Hamakua Coast, and all sited on agricultural district lands owned by the plantations. These were still "going strong" in 1976. Clearly to me, that is the reason for the "or" phrasing; plantation housing, or just off-site worker housing, such as dormitories as provided by Greenwell Farms and other large scale (and contract) operators to house seasonal workers arriving with worker visas for harvesting seasons. The housing (dorms or otherwise) are located on ag land.

I encourage you to research the records of the Legislature's deliberations for additional substantive evidence beyond what I have provided here, that is contrary to this Circuit Court ruling in order to initiate an appeal. If not, the exact issues that H.B. No. 3262-76 was designed to prevent will occur.

Mahalo,
Geri Allison
Kailua-Kona
808.854.7760

[Sent from Yahoo Mail for iPhone](#)

Quinones, Natasha A

From: Cynthia Milani <cynthiadmilani@gmail.com>
Sent: Monday, May 16, 2022 1:26 PM
To: DBEDT LUC
Cc: Holeka.Inaba@hawaiiicounty.gov; wendy.baez@hawaiiicounty.gov;
Mitchd.roth@hawaiiicounty.gov; rebecca.villegas@hawaiiicounty.gov;
Zendo.kern@hawaiiicounty.gov; Cynthia Milani
Subject: [EXTERNAL] Testimony LUC Executive Session Item V, May 19, 2022 Agenda

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Mahalo,
Cynthia Milani
Kailua Kona, Hawaii
530-701-5402