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Attorney for
HO'OMOANA FOUNDATION
Potential Intervenor

LAND USE COMMISSION
STATE OF HAWAII
2016 FEB 19 A 8:03

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAI'I

In the Matter of the Petition)	DOCKET NO. DR 15-54
of:)	
)	HO'OMOANA FOUNDATION'S
KAUAULA CAMPGROUND)	POSITION STATEMENT ON REQUEST
)	FOR DECLARATORY ORDER;
To Issue a Declaratory Order)	CERTIFICATE OF SERVICE
that the Proposed Construction)	
of a Homeless Encampment and)	
Commercial Campground on 7.9)	
Acres of a 22.7 Acre Parcel)	
Located at Hokiokio Place and)	
Lahaina Bypass Road at Maui Tax)	
Map Key No. (2) 4-7-003:031)	
(POR), Lahaina, Maui, Hawaii,)	
in the Agricultural District)	
Requires a Boundary Amendment)	

HO'OMOANA FOUNDATION'S POSITION STATEMENT
ON REQUEST FOR DECLARATORY ORDER

Ho'omoana Foundation ("Foundation") is filing a Motion to Intervene as its property interests will be impacted in the event the Land Use Commission ("Commission") decides to consider the merits of the request to issue a declaratory order. Since the Motion to Intervene will not be acted upon unless the Commission determines that this matter should proceed, the

Foundation wishes to state its position concerning the proposed request.

If allowed to intervene, the Foundation will take the position that a district boundary amendment is not required in connection with the project to establish a temporary campground on agricultural land. The Foundation incorporates by reference and joins in the Revised Position Statement of the Department of Planning, County of Maui, regarding this matter. The Foundation agrees that the proper process for review of the proposed action is through the State Land Use Commission Special Use Permit and through the County of Maui Conditional Use Permit, both of which are processed by the Maui Planning Commission which is considering those permits at this time.

Additionally, a district boundary amendment does not make sense regarding the proposed project. The Foundation, in its permit applications pending before the Maui Planning Commission, made clear that it does not know whether, or to what extent, a campground will be successful. As such, the Foundation is seeking to operate the proposed project for a period of time to see whether or not it would be successful. If successful on its permit applications, the Foundation's use will be allowed for a limited amount of time as a condition of any permit that is issued will be the amount of time during which

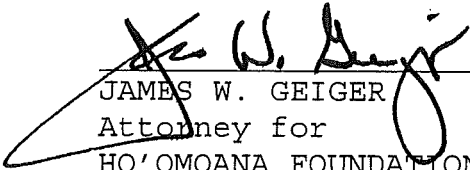
the Foundation can continue the use of the property as a campground.

This is not a situation where an owner of land is attempting to subdivide the land making a change in the use permanent. Rather, this is a situation in which a lessee is proposing to conduct a use on agricultural land which, while not specifically permitted by statute, is so closely related to a permitted use as to be permissible on a temporary basis. The legislature established a procedure to address such temporary uses and this Commission adopted rules to address such temporary uses.

Petitioner, an association of homeowners in a gated community separated by distance and infrastructure, asks the Commission to ignore the procedures that exist and to require owners and lessees of land seek permanent land use classification change even if the use is temporary in nature. The Commission is asked to decline to render a declaratory order based upon the facts of this matter given the temporary nature of the proposed use.

FEB 17 2016

DATED: Kahului, Hawai'i, _____.



JAMES W. GEIGER
Attorney for
HO'OMOANA FOUNDATION,
potential intervenor

CERTIFICATE OF SERVICE

I hereby certify that on the date hereof I caused a copy of the foregoing to be duly served by depositing same in the United States mail, postage prepaid, to the following at their last known address:

William Spence
Department of Planning
County of Maui
2200 Main Street, Suite 315
Wailuku, HI 96793

Daniel Orodener
Land Use Commission
State of Hawaii
P.O. Box 2359
Honolulu, HI 96804

Leo R. Asuncion, Jr.
Office of Planning
235 Beretania Street, 6th Floor
Honolulu, HI 96813

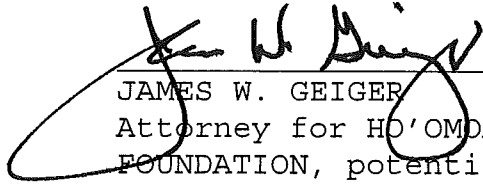
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FEB 17 2016

DATED: Kahului, Hawai'i, _____.



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