



Ho'omoana Foundation Homeless Camp Application Feb. 24

David Jenkins

to:

&LUC

02/18/2016 05:22 PM

Hide Details

From: David Jenkins <jenkins2753@msn.com>

To: &LUC <luc@dbedt.hawaii.gov>

1 Attachment



Pu'unoa testimony.rtf

Commissioner and Members,

Please find attached written testimony in opposition to the application by the Ho'omoana Foundation to change the use of currently zoned agricultural land to allow a commercial camp site.

Respectfully

David Jenkins

For the Makila Plantation Home Owners Association

Re Pending Declaratory Ruling DR 15-54 Pu'unoa HOA...
Ho'omoana Foundation Docket CP 2014/0002, SUP2 2014/0006 Kuala Homeless
Camp

Testimony opposing Ho'omoana's application to change the use of agricultural land to commercial or urban use offered from Makila Home Owners Association by D Jenkins, President.

Our HOA interest in this issue is as immediate neighbors of this unwanted development and as an HOA effected by other proposed re-zoning by this same developer.

COMMENT 1

It appears to local residents that the serious homelessness problem in HI is being exploited as cover for re-zoning of agricultural land. The applicant is the owner of about 5000 acres of agricultural land on the Westside of Maui which were purchased in the mid-90s in full knowledge of the allowed agricultural usage. The applicant initially publicly expressed intentions to revive post-plantation agriculture on the Westside and he developed as agricultural land parts of Olowalu and Makila Plantation but around 10 years ago radically moved away from this stated commitment and proposed major residential and commercial projects not allowed under agricultural zoning. Residents believe this application is just another step in this attempted systematic dismantling of good quality agricultural land with the plight of homeless people being utilized as political pressure to achieve this financial objective.

We would ask decision makers to compare and contrast this applicant's commercial development strategy for agricultural land with the recent decision by HC&S to withdraw from sugar plantation agriculture and their stated commitment to the development of diversified agriculture in line with State objectives.

COMMENT 2

There is a strong commitment at State policy level to the protection of agricultural land. It is easy for developers or their consultants to claim that each proposal is just a small percentage of agricultural land available in the State and therefore commercial development should carry higher weight. In this case the plight of the homeless (and in other cases the need for affordable housing) is used as leverage by developers to achieve re-zoning of agricultural land. We would strongly encourage the State LUC and the Maui Planning Dept. to consider the cumulative effects of these spot re-zoning applications in the way they break up good agricultural land and then make it easier for the next rezoning application for adjoining land to pass.....development creep.

Any conditional use permit for agricultural land should be for activities that in some way can be related to promoting agriculture is our understanding. We feel the role of State and County is to stop this slippery slope, thin end of the wedge, Trojan Horse (choose your metaphor) spot urbanization of agricultural land.

We are aware of the rejection at County level of the arguments put forward by the effected Pu'unoa and Puamana HOA's which have filed Intention to Intervene and this is troubling since it suggests that at County planning level the State's objectives in protecting agricultural land are being subordinated to development of non-agricultural uses.

COMMENT 3

The specifics of this application, the mixing of commercial camping for tourists and commercial provision of a homeless tent encampment, needs critical examination. Both the State under Gov. Ige and the County under Mayor Arakawa have announced initiatives to get the homeless in to proper homes and it is widely acknowledge by social services professionals that living under canvas is no answer to the homeless problem. Mayor Arakawa has stated "tents are not the answer". There is extensive information on this issue from the Mainland supporting Mayor Arakawa's position. The applicant's heart may be in the right place (if our suspicions are misplaced) but a tent encampment in this area away from social services, public transport and retail resources makes little sense. And how the dumping of unsuspecting tourists in to this volatile mix aids one of our key industries with all the public health, sewage, waste, image and security issues involved is difficult to understand.

Suggestions for how the applicant could better aid the homeless have been put to him. The applicant needs to more fully explain how commercial camping fits in with the expressed concern for the homeless.

COMMENT 4

At public presentation meetings the applicant's consultant has stated that the camp will only accept the 'creme de la creme' of the homeless. We are unclear whether anyone in the foundation has the professional social service skills to make this determination. Homelessness is a serious social problem in HI which should be dealt with at government level by professionals and not 'outsourced' to under-qualified individuals running a commercial operation.

COMMENT 5

It seems from the outside that the application for changing the use of only part of the 22 acre lot (and for less than 15 acres triggering State review) was a transparent attempt to avoid due process and to avoid having the State LUC involved....ie. to have this passed at County level which would then make a use change for the rest of the parcel easier in future. The applicant is aware of the strength of local objection to this proposal (over 800 signatures were collected among locals objecting to this proposal last year which seem to have been discounted at County level) and the applicant's consultant has met with strong opposition at presentation meetings of the proposal. We suspect this attempt to have the issue settled at County level is the real motivation for the application for only part of the parcel at this time.

Respectfully
David Jenkins



Docket DR15-54 Hearing Date: Feb. 24 @ 9 a.m. M.A.C.C. - Written Testimony

Donna Gibson

to:

luc

02/19/2016 02:19 PM

Hide Details

From: "Donna Gibson" <dmg@telus.net>

To: <luc@dbedt.hawaii.gov>

1 Attachment



DR15-54.pdf

Please find attached written testimony regarding Docket No. DR15-54, Hearing date: Wednesday, February 24, 2016 at 9 a.m. at M.A.C.C.

I would appreciate it if all members of the State Land Use Commission receive this testimony before Wednesday's hearing.

Thank you,

Donna Gibson

DOCKET NO. DR15-54

LUC HEARING DATE: FEBRUARY 24, 2016 AT 9 a.m at M.A.C.C.

IN THE MATTER OF: To issue a declaratory order 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

*Peter and Donna Gibson
87-1 Pualei Drive
Lahaina, Maui, Hawaii 96761*

February 19, 2016

State Land Use Commission
P.O. Box 2359
Honolulu, Hawai'i 96804
E-mail: luc@dbedt.hawaii.gov

**Re: Pending Declaratory Ruling Docket No. DR15-54 Pu'unoa HOA
(Agricultural lands slated for homeless campground development)**

Dear Members of the Commission:

We, Peter and Donna Gibson, are owners of 87-1 Pualei Drive, a property within the Puamana Community Association which is situated directly west of the subject parcel of land. We use our property for personal use and for transient vacation rentals.

We have reviewed Ho'omoana Foundation's proposal to change the use of Ag land to commercial or urban use through the Maui Planning Commission **and we are firmly of the opinion that the proposed zoning change from agriculture should be denied** on the following grounds:

1. The land in question is part of a 22+ acre parcel of land zoned for agricultural use. It has not been sub-divided. It is not appropriate to consider a *de facto* zoning change for a portion of a parcel of land.
2. Spot zoning of small pieces of agricultural land parcels to commercial use is a slippery slope that will allow developers to slowly erode the agricultural zoning of entire parcels for their financial benefit.
3. There is very strong State and local community interest in protecting and encouraging agricultural uses for lands no longer used for sugar cane production. Retaining agricultural zoning for these lands will provide for self-sufficiency, a diverse workforce and much needed green space.
4. The Developer has attempted to avoid going through the proper channels by presenting this proposal to the Maui Planning Commission instead of the State LUC.

5. Situating a homeless campground at this location is a ploy to try to achieve an erosion of the agricultural zoning of the entire 22 acre parcel. A visit to the site will show the Commission that it is completely inappropriate for this use as it is not located within walking distance of any of the services (including transportation) that the homeless would require. It is unfortunate that such a serious and complex issue as homelessness has been used by the Developer as an emotional tool to obtain a change in the zoning of agricultural lands which would result in great financial benefit to the Developer.

As owners of property directly across the highway from the lands in question, we are greatly concerned with the effect a zoning change such as this would have in West Maui. Traffic on the Honoapiilani Highway is already at over-capacity, often at a standstill, and commercial development of this site would only make this problem worse. In addition, the campground could negatively impact residents in the local communities who conduct permitted transient vacation rentals, as we do. This would have the added impact of reducing the tax revenue received by Maui County from this activity.

As a neighbor of the West Maui community, we support Pu'unoa's efforts and respectfully submit this request to the LUC to issue a Declaratory Ruling that the LUC has the authority to issue an opinion recommending denial of Ho'omoana's project.

Respectfully,



Peter and Donna Gibson



Docket No DR15-54
Paul Bieker to: luc
Please respond to paul.bieker

02/19/2016 01:51 PM

1 attachment



2016-02-19 Puamana DR15-54 Pu'unoa HOA.pdf

Please accept and enter this email testimony for the record.
Thanks in advance
Paul Bieker

February 19, 2016

State Land Use Commission

P.O. Box 2359

Honolulu, Hawai'i 96804

E-mail: luc@dbedt.hawaii.gov

Re: Pending Declaratory Ruling DR15-54 Pu'unoa HOA
(Agricultural lands slated for homeless campground development)

Dear Members of the Commission:

I support Pu'unoa's efforts before the State Land Use Commission asking the LUC to determine that Ho'omoana's desired transformation of good agricultural land is subject to the formal District Boundary Amendment process put in place for the protection, preservation and promotion of such important island lands.

Homelessness is a serious matter. It is also the current emotional hot topic. As important as it is, I hope that the long-term and thoughtful constitutional significance of agricultural land is not forgotten or diminished. After all, agricultural lands are specifically mentioned in in article XI of the State's Constitution: "The State shall conserve and protect agricultural lands, promote diversified agriculture, increase agricultural self-sufficiency and assure the availability of agriculturally suitable lands." The Constitution also says at article XI that "For the benefit of present and future generations, the State and its political subdivisions shall conserve and protect Hawaii's natural beauty and all natural resources, including land ... and shall promote the development and utilization of these resources in a manner consistent and in furtherance of the self-sufficiency of the State." In tying together the underlying significance of the environment, Article XI also provides that "Each person has the right to a clean and healthful environment, as defined by laws relating to environmental quality, including control of pollution and conservation, protection and enhancement of natural resources."

This is a mandate by the people. Agricultural lands provide for a diverse workforce, self-sustainability and aesthetics. The goals of protecting good agricultural land should not be squandered for the convenience of a developer or a knee-jerk reaction to an emotional of-the-moment topic. Promoting agricultural lands does not mean trying to minimize the harm or impact, it means to advance or increase the protections for this limited and valuable resource.

As a neighbor of the West Maui community, I respectfully submit this request to the LUC to issue a Declaratory Ruling that the LUC has the authority to issue an opinion recommending denial of Ho'omoana's project.

Respectfully Submitted

Paul J Bieker

Resident Puamana 46-4



DR15-54
Jeff and Sue Anderson to: luc

02/19/2016 09:01 AM

Hi,

We're writing in support of the matter of:

DR15-54 PU`UNOA H.O.A. & DEVONNE LANE (Maui) To consider Petition for Declaratory Order 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, Hawai`i, in the State Land Use Agricultural District requires a district boundary amendment.

We are homeowners and farmers about a mile from the proposed campground.

We've read through the PETITION FOR A DECLARATORY ORDER by PU'UNOA HOMEOWNERS ASSOCIATION, INC. and DEVONNE LANE. Although we're not experts in land use law, it appeared to us they made a good case that the State LUC should have jurisdiction over whether Ho'omoana Foundation can develop a commercial/homeless camp on agricultural land. Specifically, while it appears Hawaii State law delegates authority for Maui County to approve special uses on small parcels of agricultural land, both state and county law require the special use to be in support of agriculture, which this project is not. In fact, State and County law specifically preclude the use Ho'omoana Foundation is requesting. Further, although the proposed camp is less than 15 acres, the associated parcel is more than 15 acres which may also necessitate LUC involvement.

Jeff and Sue Anderson



Docket No:DR15-54 - Proposed Construction of Homeless Camp at Hokiokio Place & Lahaina Bypass

mkrb to: luc

02/19/2016 10:32 AM

February 19, 2016

State Land Use Commission
P.O. Box 2359
Honolulu, Hawai`i 96804
E-mail: luc@dbedt.hawaii.gov

Re: Pending Declaratory Ruling DR15-54 Pu'unoa HOA
(Agricultural lands slated for homeless campground
development)

Dear Members of the Commission:

There is no dispute that the parcel upon which Ho'omoana wants to locate its campground and homeless tent encampment is over 22 acres in size. It is not subdivided and the entire parcel is located in an agricultural district. The neighbors in the agricultural district are all subject to the agricultural standards in place for the promotion and preservation of the agricultural lands.

"Abuse of process" or "working the system" are the terms that come to mind when considering Ho'omoana's current attempt to circumvent the careful LUC procedure when such drastic changes are requested. The project is a district boundary amendment of land 15 acres or more in size. The project has nothing to do with agriculture. For whatever reason, the County Planning Department supports the spot zoning of urban uses in this agriculture district. Planning's unprincipled determination has no support in any planning document, zoning laws or precedent and is actually contrary to numerous state pronouncements concerning the need to protect and promote appropriate uses for good agricultural lands.

The commercial campground and homeless tent encampment are the main reasons the project is supposedly being advanced by the developer. However, a spot zoning could, and will probably, be later used as one of the criteria to gain a rezoning of the larger adjacent area. Regardless of the 15 acre size requirement, though, shouldn't the LUC review the project where the proposed use doesn't "promote" the agricultural activities? The developer and County have conveniently ignored the requirements that the changed use shall promote the agricultural uses. Instead, they have conveniently rewritten the LUC requirement by arguing that the new use

doesn't negatively impact agriculture or the surrounding community. Attempting to avoid a negative is not the same thing as positively advancing or promoting.

This is a bad idea and a dangerous precedent concerning both the *use* of good ag land and the *process* to seek changes which reduce the availability of such land. We don't need a camp more subdivisions or commercial building in already the crowded small town of Lahaina.

We live in Puamana subdivision across the street from the proposed camp. We feel for the reasons outlined above the camp is not a good idea and a farce as to the what the final outcome will be. We are concerned about safety for ourselves as well as the homeless walking the highways and crossing streets, possible trespassing. Ofcourse the homeless need a home, but just because someone wants to provide free land does not make it the best solution.

We pray the Commission and County can see clearly this camp is not the answer for All Concerned.

Sincerely,

Rocky and Mary Kay Barnett
185-1 Pualei Drive Lahaina



Pending Declaratory Ruling DR 15-54 Pu'unoa HOA (Agricultural lands slated for homeless campground development)

hilary spreiter to: luc@dbedt.hawaii.gov

02/19/2016 01:36 PM

Please respond to hilary spreiter

Dear Members of the Commission,

**Re: Pending Declaratory Ruling DR15-54 Pu'unoa HOA
(Agricultural lands slated for homeless campground development)**

As a resident of Puamana since 1968, I am dismayed by Peter Martin's attempts to change the use of the agricultural lands in question to commercial. This change is being pursued in a way that circumvents the legal process put in place to oversee such changes. And it egregiously opposes the written directions in Article XI of the State Constitution to "conserve and protect agricultural lands, promote diversified agriculture, increase agricultural self-sufficiency, and assure the availability of agriculturally suitable lands." Surely we have seen enough of Martin's commercial developments degrade the mauka side of our island from once open-space good quality agricultural lands to suburban sprawl from Olowalu to Lahaina.

Granting Martin's request would set a damaging precedent concerning both the future use of good agricultural land and the process used to seek changes. Changing the land use, even in the proposed initial spot zone, reduces the availability of good agricultural land, quite likely permanently. The proposed location of the homeless shelter which lacks essential amenities such as public transportation, easy access to grocery stores and health and counseling services, and unknown affects of possible sewage run-off to our vulnerable reef ecosystem, is clearly ill-conceived. Likewise, proposing that a commercial campground used by tourists and local residents can peacefully co-exist next to a homeless shelter is naive. In any case, neither commercial campground nor homeless shelter do anything to promote agricultural uses.

Please submit this as a request to the LUC to issue a Declaratory Ruling that the LUC has the authority to issue an opinion recommending denial of Ho'omoana's project.

Thank you,
Hilary Spreiter



Docket No. DR15-54
Jim Robertson to: luc

02/19/2016 09:50 AM

*State Land Use Commission
PO Box 2359
Honolulu, Hawaii 96804*

VIA EMAIL

RE: IN THE MATTER OF: To issue a declaratory order 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

Dear Members of the Commission:

As an owner in Puunoa I am writing you to let you know that I strongly oppose the aforementioned matter.

The owners in Puunoa purchased their properties because of its beauty and their ability to "work the land". Never imagining the possibility that they would one day be next to a 22 acre commercial tent city. Allowing this commercial enterprise to operate in a quiet agricultural zone is not fair to me or any others living in the area.

What about the increased activity a tent city will bring? Will the type of people living there increase the danger for local families? Will there be a theft problem? How will they be fed? Will ancillary services be needed which will add to the commercialization of the area? Does moving the homeless outside of town make it harder to police? Does it really solve the homeless problem, or does it simply move it out of the way of some and into the way of others? Will this crack in the zoning make it easier for Peter Martin (the developer) to bring other high density projects to the area? Does Peter have a hidden agenda in all of this? Does this have anything to do with his Olowalu Town and other projects he is working on in West Maui?

I understand that homelessness is a serious problem. But why is this developer being allowed to circumvent the normal process and rezone an area of land that is zoned for agriculture? By definition, an agricultural area is not designed to handle the demands of a commercial area. Spot zoning will lead to a degradation of the surrounding land uses and will encourage future abuses. I strongly believe that the developer is trying to use the emotional topic of homelessness to try to create erosion of the area's zoning. This would play right into his development goals for all of the land he owns in the West Maui area.

Further, I understand that the developer is required by law to present this matter to the State LUC, not the Maui Planning Commission. He should not be allowed to circumvent this process.

Thank you for taking to time to read this. Please do not let this dangerous precedent to be set.
Respectfully,

Jim Robertson
200 Hokiokio Place



DR 15-54. Ag lands to be changed for homeless camp
Linda Lyerly to: luc

02/19/2016 08:56 AM

Dear Commissioners:

Changing over 20 acres of agricultural zoned land into urban or commercial use is not a matter for Maui Planning Dept. but should come from the State LUC.

I feel this is a slippery slope of the owner not satisfying his low income housing which is much needed and a correct mandate.

The homeless issue needs to be addressed but not through a makeshift use of the land in this way. As a near by neighbor I feel this is definitely the wrong use for this good ag land.

Mahalo for your time and consideration.

Sincerely with aloha, Linda Lyerly 25 Puakukui Pl., Lahaina, HI 96761

Sent from my iPad



Docket No. DR15-54 proposed construction of Homeless Camp ...
Gary - Lynn McFarlane to: luc@dbedt.hawaii.gov

02/19/2016 10:31 AM

State Land Use Commission
P.O. Box 2359
Honolulu, HI 96804
Email: Luc@dbedt.hawaii.gov

RE: Pending Declaratory Ruling DR15-54 Pu'unoa HOA
(Agricultural Lands slated for homeless campground development)

Dear Members of the Commission:

We are residents of the West Maui Community - Mahanalua Nui Association - owners of agricultural property at 167 Awaiku Street since 2004.
We have always been subject to the agricultural standards in place for the promotion and preservation of the agricultural lands since we purchased our property.

We object to : Ho'omoana's proposal to change the use of ag land to commercial or urban use through the Maui Planning Commission.

-

There are so many reasons that are already in place to support our objections:

This is a 22 acre parcel (ag designated) and no other state or political subdivision would consider a zoning change for a part of a parcel.

This is agricultural land and this project has nothing to do with agricultural purposes. It is a mistake to consider changing the rules for one applicant - this would set a precedent that could not be reversed.

Ag lands provide self-sufficiency, greenspace for wildlife and endangered birds,
Diverse workforce - we must increase the protection of these lands not harm them by gradually picking them apart by changing their mandated use.
Spot rezoning will lead to degradation of the surrounding land parcels.

We believe that other lands-areas that are more appropriate should be chosen for
A Homeless campground.

We request that the members of the Commission deny the Ho'omoana's project.

Thank you,

Gary B. McFarlane and Lynn R. McFarlane
February 19, 2016



Docket No DR15-54
Paul Bieker to: luc
Please respond to paul.bieker

02/19/2016 01:51 PM

Please accept and enter this email testimony for the record.
Thanks in advance
Paul Bieker



2016-02-19 Puamana DR15-54 Pu'unoa HOA.pdf



Pending Declaratory Ruling DR 15-54 Pu'unoa HOA (Agricultural lands slated for homeless campground development)

Animedctr to: luc

02/19/2016 08:31 AM

State Land Use Commission
P.O. Box 2359
Honolulu, Hawai'i 96804
E-mail: luc@dbedt.hawaii.gov

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(Agricultural lands slated for homeless campground development)

Dear Members of the Commission:

There is no dispute that the parcel upon which Ho'omoana wants to locate its campground and homeless tent encampment is over 22 acres in size. It is not subdivided and the entire parcel is located in an agricultural district. The neighbors in the agricultural district are all subject to the agricultural standards in place for the promotion and preservation of the agricultural lands.

"Abuse of process" or "working the system" are the terms that come to mind when considering Ho'omoana's current attempt to circumvent the careful LUC procedure when such drastic changes are requested. The project is a district boundary amendment of land 15 acres or more in size. The project has nothing to do with agriculture. For whatever reason, the County Planning Department supports the spot zoning of urban uses in this agriculture district. Planning's rogue determination has no support in any planning document, zoning laws or precedent and is actually contrary to numerous state pronouncements concerning the need to protect and promote appropriate uses for good agricultural lands.

The commercial campground and homeless tent encampment are the main reasons the project is supposedly being advanced by the developer. However, a spot zoning could, and will probably, be later used as one of the criteria to gain a rezoning of the larger adjacent area. Regardless of the 15 acre size requirement, though, shouldn't the LUC review the project where the proposed use doesn't "promote" the agricultural activities? The developer and County have conveniently ignored the requirements that the changed use shall promote the agricultural uses. Instead, they have conveniently rewritten the LUC requirement by arguing that the new use doesn't negatively impact agriculture or the surrounding community. Attempting to avoid a negative is not the same thing as positively advancing or promoting.

This is a bad idea and a dangerous precedent concerning both the *use* of good ag land and the *process* to seek changes which reduce the availability of such land.

Sincerely
Dr Alan Schulman

Puamana



Docket No. DR15-54
Bob Sternthall to: luc

02/19/2016 03:30 PM

1 attachment



Constitutionalargument_letter_(Puunoa).pdf

Please open attached letter of testimony regarding the Pu'unoa Homeless
Encampment and Commercial Campground.
Mahalo for your consideration.
Robert Sternthall

Sent from my iPad

February 19, 2016

State Land Use Commission
P.O. Box 2359
Honolulu, Hawai'i 96804
E-mail: luc@dbedt.hawaii.gov

Re: Pending Declaratory Ruling DR15-54 Pu'unoa HOA
(Agricultural lands slated for homeless campground development)

Dear Members of the Commission:

I support Pu'unoa's efforts before the State Land Use Commission asking the LUC to determine that Ho'omoana's desired transformation of good agricultural land is subject to the formal District Boundary Amendment process put in place for the protection, preservation and promotion of such important island lands.

Homelessness is a serious matter. It is also the current emotional hot topic. As important as it is, I hope that the long-term and thoughtful constitutional significance of agricultural land is not forgotten or diminished. After all, agricultural lands are specifically mentioned in article XI of the State's Constitution: "The State shall conserve and protect agricultural lands, promote diversified agriculture, increase agricultural self-sufficiency and assure the availability of agriculturally suitable lands." The Constitution also says at article XI that "For the benefit of present and future generations, the State and its political subdivisions shall conserve and protect Hawaii's natural beauty and all natural resources, including land ... and shall promote the development and utilization of these resources in a manner consistent and in furtherance of the self-sufficiency of the State." In tying together the underlying significance of the environment, Article XI also provides that "Each person has the right to a clean and healthful environment, as defined by laws relating to environmental quality, including control of pollution and conservation, protection and enhancement of natural resources."

This is a mandate by the people. Agricultural lands provide for a diverse workforce, self-sustainability and aesthetics. The goals of protecting good agricultural land should not be squandered for the convenience of a developer or a knee-jerk reaction to an emotional of-the-moment topic. Promoting agricultural lands does not mean trying to minimize the harm or impact, it means to advance or increase the protections for this limited and valuable resource.

Also, I find no indication that the owners/developers of the campground are required to have 51% of the property in question planted as a farm or in pasture. Homeowners in agricultural zone have to comply before any building permits are issued. The law should apply to all.

As a neighbor of the West Maui community, I respectfully submit this request to the LUC to issue a Declaratory Ruling that the LUC has the authority to issue an opinion recommending denial of Ho'omoana's project.

Sincerely,

Robert and Cassandra Sternthall
P.O. Box 11551
Lahaina, Hi 96761



Pending declaratory ruling DR 15-54 Pu'unoa HOA
Todd Erickson to: luc

02/19/2016 02:44 PM

State Land Use commission

P.O. Box 2359

Honolulu, Hi.

96804

E-mail: luc@dbedt.hawaii.gov

Re: Pending Declaratory Ruling DR 15-54 Pu'unoa HOA

(Agricultural lands slated for homeless campground development)

Dear Members of the Commission:

Thank you in advance for reading this letter.

As a property owner in the Puunoa subdivision, I am writing to you to ask you to issue a Declaratory Ruling denying Ho'omoana's attempt to circumvent the LUC's standard procedure for a change in land use.

Lately, the residents and owners in the area feel like they have been under siege by repeated attempts from West Maui Land and the Ho'omoana Foundation to change and/or up-zone the surrounding areas to higher density and/or change the use entirely.

In hindsight, it now appears as though West Maui Land's game plan all along was to get the original subdivisions passed through Maui County by "selling" the idea that the whole area will be "agricultural" and then, when all the smaller Ag lots had been sold at a premium to unsuspecting residents, rezoning their remaining holdings of agricultural parcels to commercial in order to maximize profits. None of this was ever disclosed to their original purchasers or the community in general.

It would be naive to think that the foundation's inclusion of a commercial component in the proposal is by accident. I believe that if this commercial component were taken off the table, the entire proposal would be withdrawn, revealing their true intentions.

This attempted change of use could be "the tip of the spear" for further changes and could be used as a precedent to further rezone other agricultural parcels and erode the originally intended use for the whole area.

Let's face the facts, the individuals behind both Ho'omoana and West Maui Land are the same, the only difference is the vehicle in which the lands in question are being held.

These entities, while differing in their publicly stated mandates, are controlled by the same people and from a logical perspective, I find it hard to believe that the foundation would not try to aid West Maui Land in its quest for financial gain.

From an ethical perspective, I believe that all applicants should be treated equally and have to abide by the same rules. It seems as though Ho'omoana's lawyers and the Maui Planning commission have gone outside the realm of what is considered reasonable and fair when they state that the applicant can choose to declare that only a portion of the lot will be used in their proposed venture and thus it is not subject to LUC scrutiny. It is hard not to conclude that this is a blatant attempt to circumvent oversight by the LUC even though it is a 22 + acre lot.

It begs the question as to whether or not Maui County and West Maui Land have become a little too comfortable with one another. Would other applicants be treated the same way or are there

special privileges being extended to powerful entities in this instance?

Area residents would be greatly affected by this development and because of this, it should be treated with the utmost scrutiny. Particularly in this circumstance, no shortcuts should be allowed.

The homeless camp part of this proposal is a particularly delicate and devious issue and has extreme and far-reaching effects and should not be undertaken as a knee-jerk reaction by Maui County to put a band aid on "crisis of the moment" media reports.

In the last month the Hawaiian media has simultaneously reported that there is a huge homeless problem and has also reported that the unemployment rate is at the lowest rate it's ever been at. They were quoted as saying that "the unemployment rate is so low, that if you are unemployed, it is a matter of choice."

In their proposal, the Ho'omoana foundation says they will only cater to those temporarily in transition, not the "chronically homeless". Well, according to the latest stats, as reported by the Hawaiian media, there is only chronically homeless right now. Which is it? What are the implications of each?

One thing that has become painfully clear is that Maui County has done virtually no research on the subject of the homeless or the impact that such a camp would have on the surrounding community even though other communities across the country have had lots of experience with such camps and could provide extensive insight.

The properties in this area have been marketed, sold and acquired with the understanding that this is an agricultural area. In order to have homes there, all owners have complied with the agricultural requirements that the County zoning bylaws demand. Complying with these bylaws can be a difficult and costly measure but in spite of this, owners have taken on this task even through trying economic times. Most do this because they believe in the ideals that this zoning is supposed to encourage: Protecting and encouraging agricultural uses, self-sufficiency, green space, agricultural employment, etc.

How can Maui County decide to arbitrarily ignore all the same guidelines it created for the entire area and that all other residents have had to abide by in order to cater to a specific, special interest group with whom they have developed a special relationship?

I implore you to please intervene on this proposal. This change of use would not only affect neighborhoods and property values but could be the stepping stone that undercuts the positive, forward-looking development that is presently encouraged under current zoning and replaces it with short-sited, profit-driven zoning.

These seemingly "little" changes could end up irreversibly changing the character of West Maui.

Thank you again for your attention to this matter.

Sincerely,

Todd Erickson

Sent from my iPad



Pending Declaratory Ruling DR 15-54 Pu'unoa HOA
thomas landrigan to: luc

02/19/2016 04:05 PM

please see below request to the LUC to issue a Declaratory Ruling that the LUC has the authority to issue an opinion recommending denial of Ho'omoana's project



Letter to LUC ref DR15-54 Pu'unoa HOA.docx

February 19, 2016

State Land Use Commission
P.O. Box 2359
Honolulu, Hawai`i 96804
E-mail: luc@dbedt.hawaii.gov

Re: Pending Declaratory Ruling DR15-54 Pu'unoa HOA
(Agricultural lands slated for homeless campground development)

Dear Members of the Commission:

On July 28, 2015, my wife and I attended a meeting at the County Building in Wailuku regarding the proposal of the Ho'omoana Organization to transform good agricultural land to commercial or urban use through the Maui Planning Commission. It is now our understanding that it is under your authority, the State Land Use Commission, who will decide on this issue. Regardless, we see this as a preposterous idea and another land grab for the purpose of development.

The concept of changing the agricultural designation of land in order to house the homeless with vacationing campers in a questionably habitable enclave, makai of the Lahaina By-Pass and very close to the existing communities of Puamana and Pu'unoa, is unwise.

This land, located a significant distance from the services of Lahaina Town, was being proposed as an experiment of sorts. It is brutally hot, dry, dusty and safety issues abound. Will crime rise in the adjoining communities? Is it safe for the populace to cross streets, which are essentially Highways? Shopping centers are miles away.

Maybe there were some altruistic thoughts, but in viewing the transparency of the motives of developers here on Maui's West Side, we identify these actions as continuing attempts to change the topography and demographics of an area we hold dear. Outwardly it may appear to have been proposed as genuine concern for the unfortunate among us, but I caution you that there are understated strings attached.

In our hearts, we all know, that profit is the ultimate motive. Grant one subversion of the formal District Boundary Amendment, and other schemes, currently in development, planning and in the approval phases may be easier to achieve.

Haven't we learned the lessons from the defeat of the Olowalu Project through the overwhelming response of the united citizens of the West Side and those community members of Greater Maui who voiced their opposition?

On November 16, 2015, myself and a few neighbors of the Launiupoko, Puamana and Pu'unoa Communities attended the West Maui Taxpayers Community Meeting at the

West Maui Senior Center. Although it had little to do with the Ho'omoana project before you, it was an informative discussion of housing shortages for the unsheltered, houseless and homeless. It was an excellent presentation from Catholic Charities, the Homeless Resource Centers, State and County Departments of Housing and other concerned groups.

The discussion of the plight of the homeless at the West Maui Taxpayers Community Meeting served to enlighten us to the complicated layers the Government faces in addressing a very real problem. Unfortunately the proposal before you will not scratch the surface of solving it.

Based on the testimony given at the County Offices on July 28, 2015 and what I learned from the Panel Members on November 16, 2015, I respectfully submit this request to the LUC to issue a Declaratory Ruling that the LUC has the authority to issue an opinion recommending denial of Ho'omoana's project. It would be a severe mistake if this project were to be approved.

Sincerely,

Thomas Landrigan and Rona Landrigan
590 Punakea Loop
Lahaina, Hawaii 96761



Pending declaration ruling DR15-54

Rich

to:

luc

02/19/2016 05:03 PM

Hide Details

From: Rich <rbridgesw@aol.com>

To: luc@dbedt.hawaii.gov

Dear Members of the Commission,

I am writing to you to voice my objections to the proposed homeless camp and tent shelter put forward by Ho'omoana. Although I am supportive of making some accommodations for the homeless community on Maui, I am very much opposed to this proposal for many reasons. First and foremost is the use of designated agricultural land for this purpose. The entire reason for an Ag designated area will be compromised when there is a 8 acre community here with absolutely no relation to agriculture. I believe that Ag land should be for agriculture. If there are any deviations from this, the alternate use should at least promote the ideas and possibilities of agriculture. This proposed use does neither. Secondly, the proposal calls for the removal of this land from ag use, and yet the plan only calls for the use of 7.9 acres. Insofar as this is a 22 acre parcel, what is the proposed use for the other 14 acres. Is this a bit of a Trojan Horse to get to some other alternate future use for the other 14 acres? Thirdly, this matter should be presented to the state LUC, not the Maui Planning Commission. And finally, I live in Puamana. My neighbors and I all live by the rules and regulations that are in effect. We comply with building codes, shoreline use and access codes, some of our neighbors live in, want, and abide by the Agriculture designation codes. There is a reason for all of these codes and designations. Surely there are better ways to help the homeless problem that by completely violating the infrastructure that is currently in place.

Please take my opinion into account as you consider the matter. I support the Pu'unoa HOA in it's efforts before the State Land Use Commission. Thank you for your consideration.

Richard W. Bridges
31-1 Puamelia Pl.
Lahaina, HI 96761

rbridgesw@aol.com