



PUUNOA/HOOMOANA Petition for declaratory order

Carl Verley

to:

luc, riley.k.hakoda

02/04/2016 09:15 AM

Cc:

firm

Hide Details

From: Carl Verley <cgverley@hotmail.com>

To: <luc@dbedt.hawaii.gov>, <riley.k.hakoda@hawaii.gov>

Cc: <firm@wkmaui.com>

1 Attachment



160204_PUAMANA Comments - LUC filing.pdf

Dear Sirs;

Attached please find our comments regarding the petition for a declaratory order as filed by Pu'unoa Homeowners Association.

Mahalo,

Carl Verley, President

Puamana Community Association

808-661-3424

Puamana Community Association
Carl Verley, President
34 Puailima Place
Lahaina, Maui, Hawaii 96761
(808)661-3424
carl@puamana.us

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

IN THE MATTER OF) DOCKET NO. DR15-54
)
To issue a declaratory order that the proposed) **COMMENTS IN SUPPORT OF A**
construction of a homeless encampment and) **DECLARATORY ORDER; EXHIBITS**
commercial campground on 7.9 Acres of a) **“A” – “C”; CERTIFICATE OF SERVICE**
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)
)
)
_____)

COMMENTS IN SUPPORT OF A DECLARATORY ORDER

PUAMANA COMMUNITY ASSOCIATION and CARL VERLEY, an individual and as a member of the Puamana Community Association, as interested persons file these comments in support of a Petition for a Declaratory Order from the State of Hawaii's Land Use Commission, pursuant to Hawaii Revised Statutes ("HRS") §91-8 and Hawaii Administrative Rules ("HAR") § 15-15-98 et seq., of the Land Use Commission Rules of the State of Hawaii as filed by PU'UNOA HOMEOWNERS ASSOCIATION, INC and DEVONE LANE.

1. IDENTIFICATION OF COMMENTER AND COMMENTERS' INTEREST

Commenter PUAMANA COMMUNITY ASSOCIATION ("Puamana") is a Hawaii non-profit, Public Unit Development formed to act as a community association, whose members consist of 230 family dwellings on 30 acres of land makai of the real property which is the subject of an application for a conditional use and special use permit before the Maui County Planning

Commission, Docket No. CP 2014/0002 and SUP2 2014/0006, to establish a homeless tent encampment and commercial campground on agriculturally zoned property (see EXHIBIT “A” – LOCATION). Commenter CARL VERLEY (“Verley”) is the President of the Association and is also an owner in Puamana.

2. COMMENTS

The application for the special use permit/district boundary amendment and the uses for which such approval is sought, which the planning department has recommended to be approved is not consistent with HRS Chapter 205 for agricultural lands. The request for a special use permit for a commercial and transient (homeless) campground is an attempt to introduce commercial activities on agricultural land. It is spot zoning; an attempt to justify a change that ultimately will affect the whole property being couched as a small area. I know this because of communications between Puamana’s General Manager, Scott Naganuma and Peter Martin concerning the property. When Mr. Naganuma asked Mr. Martin what he wanted from someone to buy this property, he responded that his goal was to have the zoning changed on the property. Thus this permit for commercial activities is just a step towards changing the whole property away from agriculture while avoiding state review (see EXHIBIT “B” – EMAILS).

While the application tries to tie part of the commercial campground to an agricultural use by saying there might be some agricultural activity IF the homeless work the fields, there is no actual stated commitment to this agricultural use. The commercial campers will not be working in the fields under this plan; there is no clear commitment that any homeless staying there would do so, only a potential agricultural use at the developer’s discretion. It is our opinion that this attempt to circumvent the state LUC district boundary amendment while achieving spot zoning from which there will be no return is directly contrary to the permitted and accessory uses that the state law and county ordinance are designed to protect.

Furthermore, Puamana has great concerns for the natural resources in the area and what a campground could mean. As it is with the present homeless squatting in the area, we at Puamana, as the downstream neighbor, are forced to do extensive clean-up of debris that washes down from the shanties every time there is a heavy rain (see EXHIBIT “C” – PHOTOS). In the past the property owners have not helped with the cleanup. With more campers allowed if the permit is granted the Kaua’ula Stream will be even more compromised.

Therefore, Puamana is strongly in support of Pu'unoa's Petition for 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.

DATED: Lahaina, Maui, Hawaii; February 4, 2016.

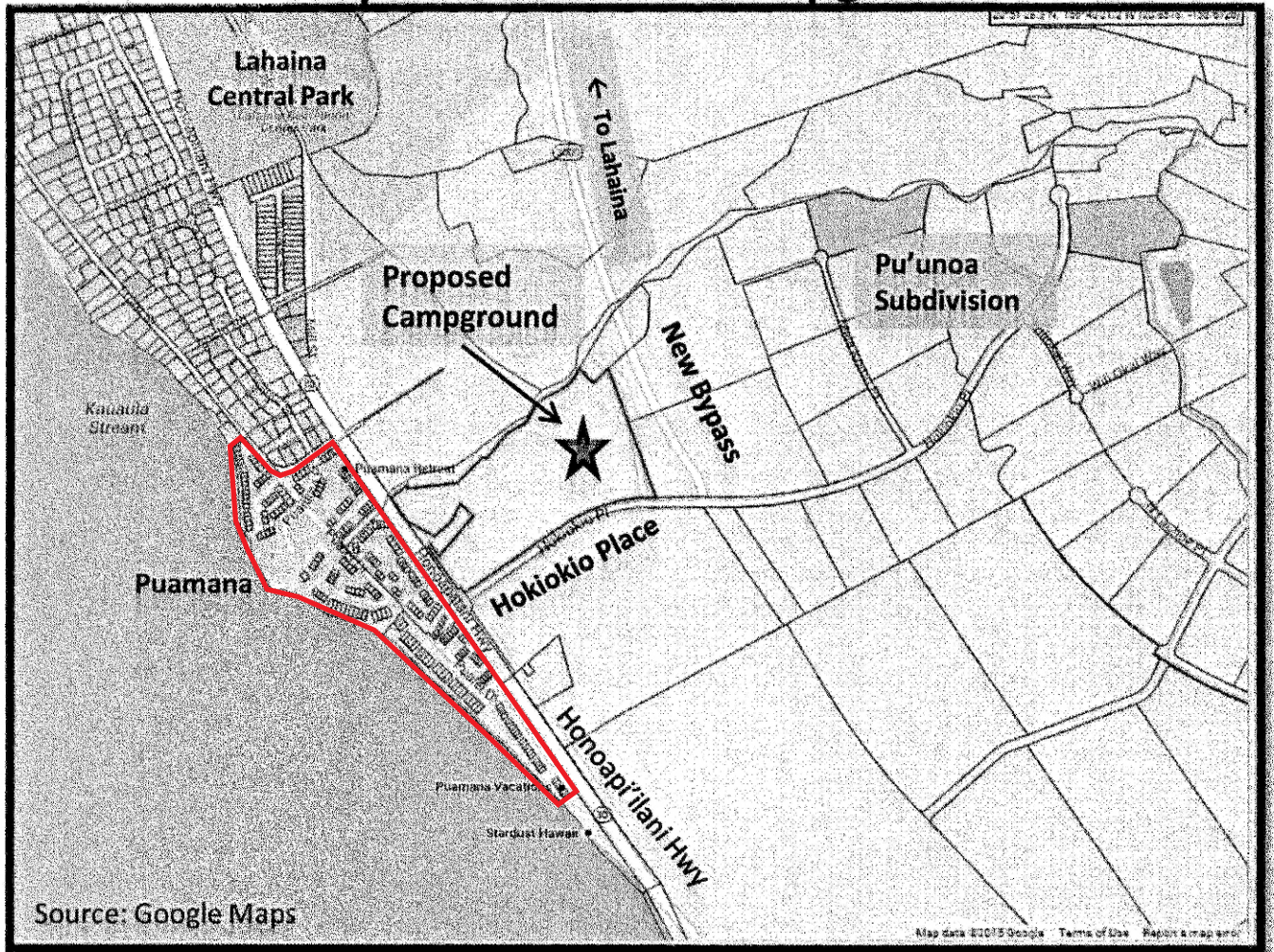
PUAMANA COMMUNITY ASSOCIATION and
CARL VERLEY



President

EXHIBIT "A" - LOCATION

Proposed Kauaula Campground



Not To Scale

Location Map

June 2015

Carl Verley

Subject: FW: For sale sign

----- Forwarded message -----

From: **Peter Martin** <Peter@westmauland.com>

Date: Tue, Jan 5, 2016 at 3:37 PM

Subject: Re: For sale sign

To: Scott Naganuma <scott@puamana.us>

Aloha Scott

I haven't thought about selling it

I eventually hope to have the zoning changed

Pete

Sent from my iPhone

On Jan 5, 2016, at 7:41 AM, Scott Naganuma <scott@puamana.us> wrote:

Hi Peter,

How much are you asking for that piece of property and how big is it?

EXHIBIT "C" - PHOTOS



Photo #1. Squatter's shanty on Kauaula Land LLC's property.



Photo #2. Rubbish washed down Kau'ula Stream after recent rains.



Photo #3. Hypodermic syringes gathered up from Kaua'ula Stream after recent rains.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing document was duly served upon the following parties, at their last known address indicated below, by depositing a copy with the U.S. Postal Service, First Class Mail, postage prepaid, on February 4, 2016.

State Land Use Commission
P. O. Box 2359
Honolulu, HI 96804

Deborah K. Wright, Esquire
Keith D. Kirschbraun, Esquire
Douglas R. Wright, Esquire
Wright & Kirschbraun, LLLC
1885 Main Street, Suite 108
Wailuku, HI 96793

Attorneys for Petitioners
PU'UNOA HOMEOWNERS ASSOCIATION, INC. and
DEVONNE LANE

Maui Planning Commission
County of Maui
250 South High Street
Wailuku, HI 96793

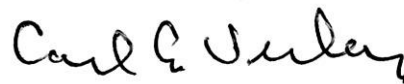
William Spence
Planning Director
Department of Planning, County of Maui
One Main Plaza
2200 Main Street, Suite 315
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James W. Geiger, Esq.
Mancini, Welch & Geiger LLP
33 Lono Avenue, Suite 470
Kahului, HI 96732-1681

Attorney for HO`OMOANA FOUNDATION

DATED: Lahaina, Maui, Hawaii; February 4, 2016.

PUAMANA COMMUNITY ASSOCIATION

A handwritten signature in black ink that reads "Carl Q. Verley". The signature is written in a cursive style with a horizontal line underneath it.

Carl Verley, President

LAND USE COMMISSION
STATE OF HAWAII

Subject: Proposed Homeless Tent Camp 2/4/16
in Puamana/Launupoko area.

Dear LUC Committee Members,

My apologies for hand writing this. My computer is down tonight. LUC FAX 808 587 3827

I am an 14 year resident of Maui, an 11 year resident of Makala Phase 1, Launupoko & a 28 year resident of Hawaii. I love Maui + Hawaii!

I believe that West Maui land + their associates / partners in the "Tent City" proposal are seeking to skirt a Very important State Zoning issue.

Essentially the "Tent City" proponents are attempting to effect a Zoning change in the future. Via a questionable + possible illegal initial "Sub Division" maneuver. The parcel in question for the "Tent City" is far less than the 15 or 20+ acre parcel it sits on, yet is clearly part of that larger 15 or 20+ acre parcel. This triggers, by law, the requirement that this "proposed change" is now required to go before the State of Hawaii LUC. The proper correct + legal forum. I clearly object to what the Tent City proponents request.

sparkybrooks22@yahoo.com

Thank you
Keven K Brooks
120 PUNAKEA LOOP
LAHAINA, HI. 96761