

February 12, 2016

LAND USE COMMISSION  
STATE OF HAWAII

2016 FEB 16 A 7:33

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

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

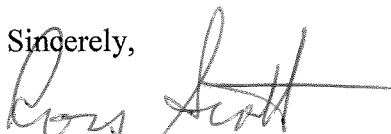
Members of the Commission:

My name is Ross Scott and I live at 415 Hokiokio Place, Pu'unoa phase 1. We are ag land with a producing orchard and have 50 laying chickens. I oppose the changing of land use from ag land to commercial or urban use as requested by Ho'omoana. I support Pu'unoa's efforts before the State Land Use Commission asking the LUC to determine that Ho'omoana's desired transformation of 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 and complicated matter. A really thought out solution needs to be determined. A tent camp in about the hottest location in Lahaina is not the answer. 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."

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,



Ross Scott

February 12, 2016

LAND USE COMMISSION  
STATE OF HAWAII

2016 FEB 16 A 7:29

VIA EMAIL – Original by U.S. Mail  
State Land Use Commission  
PO Box 2359  
Honolulu, Hawaii 96804

**Re: Docket No. DR15-54 Pu'unoa HOA**

**Case:** 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 the Hokiokio Place and Lahaina Bypass Road at Maui Tax Map key No. (2) 4-7-003:031 (POR), Lahiana, Maui, Hawaii, in the agricultural district requires a boundary amendment.

Dear Members of the Commission:

As a neighbor and property owner of the West Maui Community, specifically Lots 5, 6, and 12 (a total area in excess of 20 acres), in the Pu'unoa Development immediately adjacent to the proposed homeless encampment and camp-ground where Peter Martin was the original developer of Pu'unoa. I am respectfully submitting this request to the State Land Use Commission to issue a Declaratory Ruling that the LUC has the authority to issue an opinion recommending DENIAL of the Ho'omoana's project.

I am in full support of the 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 agricultural island lands.

Although homelessness is a serious matter, and is most certainly in need of being addressed, the proposed homeless tent encampment and commercial campground on a parcel that is located in an agricultural district is just a bad idea. We, as neighbors, are all subject to the agricultural standards in place for the promotion and preservation of the agricultural lands. Allowing spot zoning creates a slippery slope toward the erosion of existing boundary district/zoning and will likely lead to a degradation of the surrounding land uses, encouraging further abuses of spot urbanization within even larger agricultural parcels. Furthermore, the proposed change in use is contrary to the criteria required to support the change. Agricultural lands provide for a diverse workforce, self-sustainability and aesthetics. The approval of such a

change would require the new use to promote or positively advance the intentions of the agricultural designation while advancing and increasing the protections for this limited and valuable resource, not run contrary to it. The developer and the County have conveniently rewritten the LUC requirement by arguing that the new use doesn't negatively impact agriculture or the surrounding community. However, an attempt to avoid a negative impact is not the same thing as positively advancing or promoting the agricultural uses; the only reason that the requirements for changed use should even be considered. Bottom line, the goal of protecting good agricultural land should not be overlooked for the convenience and gain of a developer, or as a knee-jerk reaction to an emotionally loaded topic.

I strongly urge the Commission to not only consider the impact of such a zone change for a part of a parcel designated agricultural and the effects it would have on our community, but to also have the foresight to recognize the implications such a change would likely have in creating and encouraging further abuses of spot urbanization within larger agricultural parcels.

Thank you for your time and consideration on this very important matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Doug Salisbury", written in black ink.

Douglas L. Salisbury



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

02/16/2016 01:15 PM

State Land Use commission

P.O. Box 2359

Honolulu, Hi.

96804

E-mail: [luc@dbedt.hawaii.gov](mailto: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