



**Pending Declaratory Ruling DR 15-54 Pu'unoa HOA**  
**Bill McCandless** to: luc

02/17/2016 04:09 PM

From: Bill McCandless <billmccand@charter.net>

To: luc@dbedt.hawaii.gov

1 attachment



State Land Use Commission38.docx

Dear Commission Members,

Please find attached a letter representing my position on this subject.

Respectfully,

Christina G Peterson

(Owner Units 38-3 and 38-4 Pualoke Place, Puamana, Lahaina, Maui)

State Land Use Commission  
P.O.Box 2359  
Honolulu, Hawaii 96804  
Email : luc2dbedt.hawaii.gov

38-3 and 38-4 Pualoke Place  
Lahaina  
Maui

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'omoanas 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.

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

Respectfully,

*Christina G Peterson*

Christina G Peterson



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

02-17-2016

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

Dear Members of the Commission:

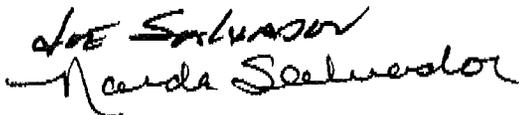
There is no dispute that the parcel upon which Ho'omoana wants to locate its campground and homeless tent encampment is over 22 acres in size. It is not subdivided and the entire parcel is located in an agricultural district. The neighbors in the agricultural district are all subject to the agricultural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

Joe & Narda Salvador  
43-1 Puamelia Pl  
Lahaina, Maui 96761



ANNE STEVENSON  
2507 2ND AVENUE NORTH  
SEATTLE, WA 98109



2/17/16

DEAR LUC,

MY VACATION HOME IS IN PUAMANA,  
UNIT 254-4 ON THE SIDE NEAR THE  
PUAMANA SURFING PARK.

I ALREADY HAVE A LOT OF PEOPLE  
WALKING UP TO MY UNIT THAT CLIMB  
ONTO THE LAWN FROM THE BEACH THAT  
COME FROM THE PARK. I CANNOT  
BELIEVE THAT A HOMELESS COMMUNITY  
WOULD BE ALLOWED TO EXIST RIGHT  
BEHIND MY UNIT. I JUST SPENT MUCH  
OF MY SAVINGS TO RENOVATE MY UNIT  
WHERE I WANT TO RETIRE IN PEACE.

I DO NOT SUPPORT THE HO'OMOAHA'S  
PROPOSAL TO CHANGE THE USE OF AG LAND  
TO COMMERCIAL OR AREAS USE THROUGH THE  
MAUI PLANNING COMMISSION.

*Anne Stevenson*  
206/953-9239

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

02-17-2016

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

Dear Members of the Commission:

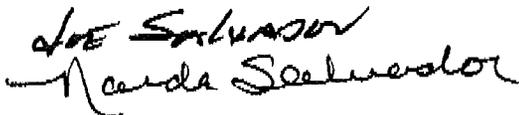
There is no dispute that the parcel upon which Ho'omoana wants to locate its campground and homeless tent encampment is over 22 acres in size. It is not subdivided and the entire parcel is located in an agricultural district. The neighbors in the agricultural district are all subject to the agricultural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

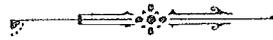
The commercial campground and homeless tent encampment are the main reasons the project is supposedly being advanced by the developer. However, a spot zoning could, and will probably, be later used as one of the criteria to gain a rezoning of the larger adjacent area. Regardless of the 15 acre size requirement, 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.

Joe & Narda Salvador  
43-1 Puamelia Pl  
Lahaina, Maui 96761



ANNE STEVENSON  
2507 2ND AVENUE NORTH  
SEATTLE, WA 98109



2/17/16

DEAR LUC,

MY VACATION HOME IS IN PUAMANA,  
UNIT 254-4 ON THE SIDE NEAR THE  
PUAMANA SURFING PARK.

I ALREADY HAVE A LOT OF PEOPLE  
WALKING UP TO MY UNIT THAT CLIMB  
ONTO THE LAWN FROM THE BEACH THAT  
COME FROM THE PARK. I CANNOT  
BELIEVE THAT A HOMELESS COMMUNITY  
WOULD BE ALLOWED TO EXIST RIGHT  
BEHIND MY UNIT. I JUST SPENT MUCH  
OF MY SAVINGS TO RENOVATE MY UNIT  
WHERE I WANT TO RETIRE IN PEACE.

I DO NOT SUPPORT THE HO'OMOAHA'S  
PROPOSAL TO CHANGE THE USE OF AG LAND  
TO COMMERCIAL OR AREAS USE THROUGH THE  
MAUI PLANNING COMMISSION.

*Anne Stevenson*  
206/953-9239



**Docket No. DR 15-54. Pending declaratory ruling dr 15-54 Pu'unoa HOA  
(Agricultural lands slated for homeless campground development )**

**Pat Hillman** to: luc

02/17/2016 09:11 PM

Dear Members of the Commission.

I am 88 year old homeowner in the area below the proposed 22 acre homeless campground development. Since I have lived part time in Maui for many years I have observed some radical changes in land use. It is appalling to hear that the Maui Planning Commission is proposing to change the use of agricultural land to commercial use with a multitude of negative ramifications.

As one who has been involved in farming on the mainland for 4 generations, I am firmly convinced that the loss of agricultural land for any use beside growing and producing crops is an irrevocable blunder. Good agricultural areas, once developed for any other purpose are lost. Agriculture provides jobs and promotes the local economy. I urge you to resist the effort by Peter Martin and his organization to change the designation of this area from agricultural to commercial use.

Very sincerely yours,  
Patricia Hillman  
31-4. Puamelia Street  
Lahaina, HI 96761

Sent from Pat's iPad



**Ho'omoana's proposal to change use use permit**

**Marie Lemos** to: luc

02/17/2016 11:05 AM

To whom it may concern,

My name is Marie (Martie) Lemos and I have lived on West Maui for the past 16 years and I currently live in the Puamana community. This email is in regard to the pending declaratory ruling DR15-54 Pu'unoa.

I strongly object to the proposed land use change from ag to commercial/urban use. It is clear that Peter Martin has pull, since all objections from neighboring communities have fallen on deaf ears which is a huge frustration to us, the neighbors who vote and pay taxes.

I support helping the homeless in ways that are truly a help. Better and more rehab facilities, counseling, PERMANENT county or state sponsored housing. But the proposed homeless tent encampment is a sham. It will change nothing in regard to our shameful homeless situation, and will be a blight when entering West Maui.

Now that sugar cane will no longer be farmed here in Maui, it is imperative that we maintain a strong ag base, one that is not whittled down by a greedy developer with obvious ulterior motives.

Sincerely,

Martie Lemos  
Sent from my iPad



**Fwd: Pending Declaratory Ruling DR 15-45 Pu'unoa HOA**  
**Marty Peterson** to: luc

02/17/2016 01:58 PM

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

From: **Marty Peterson** <[martypeterson6@gmail.com](mailto:martypeterson6@gmail.com)>

Date: Wed, Feb 17, 2016 at 6:46 PM

Subject: Pending Declaratory Ruling DR15-45 Pu'unoa HOA

To: luc@dbedt.hawaii.gov, Chris McCandless <[cmccand@charter.net](mailto:cmccand@charter.net)>



State Land Use Commission  
P.O. Box 2359  
Honolulu, Hawai'i 96804  
E-mail:

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 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.

Thank you,

John Peterson  
Homeowner in Puamana

---

-  
*Marty Peterson*  
[919-696-4773](tel:919-696-4773) *mobile*

--  
*Marty Peterson*  
*919-696-4773 mobile*



**Ruling DR15-54 Pu'unoa HOA**  
**Gary Wetsel** to: luc

02/17/2016 01:23 PM

From: Gary Wetsel <gary@mauisunrise.net>  
To: luc@dbedt.hawaii.gov

1 attachment



State Land Use Commission.docx

State Land Use Commission

P.O. Box 2359

Honolulu, Hawai`i 96804

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

February 17, 2016

Re: Pending Declaratory Ruling DR15-54 Pu'unoa HOA

In the Matter of : To issue a declaratory order that the proposed construction of a homeless encampment and commercial ground on 7.9 Acres of a 22.7 Acre Parcel Located at Hokiokio Place and Lahaina Bypass at Maui Tax Map Key No. (2) 4-7-003:031 (Por) Lahaina, Maui.

(Agricultural lands slated for homeless campground development)

Dear Members of the Commission:

We are the owners of 150-3 Pualei Drive, Puamana. We have owned this property for 15 years. My wife and I, and those that rent our unit, have enjoyed the peace, beauty and safety of Puamana and the surrounding area. Therefore, any negative impact affecting the immediate surrounding areas, such as the proposal submitted to this Commission and identified above, would have a significantly negative financial and safety impact on the area.

In addition to the more legal points that follow, there are practical points that should also be considered:

- Homeless people are a growing problem throughout our country, not only in Hawaii. As citizens we are all responsible to address this growing issue. However we need to address the issue carefully, knowledgably and responsibly. Experience has shown us that issues of an “encampment” area are far reaching. I can reference San Jose, California where the City spent millions of dollars policing and eventually clearing up a homeless encampment, not to mention the negative financial impact this had on surrounding areas. There is no reason to believe this proposal would not have the same result.
- While I do not have a definitive answer to the homeless problem my sense is that repurposing agricultural designated land and degrading a safe, scenic area surrounded by prosperous endeavors is not the answer.
- It would also seem to me that a possible answer to the homeless problem maybe to identify an alternate area where such an encampment ( if that is a solution) could be one located with proper control and a very limited financial impact also without requiring a critical exception to agricultural zoning.

- In the 15 years that I have owned in Puamana we have watched the County enhance the beauty of Maui while keeping the commercial development confined to certain areas while maintaining the beauty of open spaces. Please do not allow this proposal to negatively impact this strategy.

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

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.

In summary, this is a bad idea and a dangerous precedent concerning both the *use* of good agricultural land and the *process* to seek changes which reduce the availability of such land.

Respectively submitted,

Gary & Leslie Wetsel

150-3 Pualei Drive, Lahaina, Maui

and

3327 Deer Hollow Drive, Danville, California 94506

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

February 17, 2016

Re: Pending Declaratory Ruling DR15-54  
Pu'unoa HOA

In the Matter of : To issue a declaratory order that the proposed construction of a homeless encampment and commercial ground on 7.9 Acres of a 22.7 Acre Parcel Located at Hokiokio Place and Lahaina Bypass at Maui Tax Map Key No. (2) 4-7-003:031 (Por) Lahaina, Maui.

(Agricultural lands slated for homeless campground development)

Dear Members of the Commission:

We are the owners of 150-3 Pualei Drive, Puamana. We have owned this property for 15 years. My wife and I, and those that rent our unit, have enjoyed the peace, beauty and safety of Puamana and the surrounding area. Therefore, any negative impact affecting the immediate surrounding areas, such as the proposal submitted to this Commission and identified above, would have a significantly negative financial and safety impact on the area.

In addition to the more legal points that follow, there are practical points that should also be considered:

- Homeless people are a growing problem throughout our country, not only in Hawaii. As citizens we are all responsible to address this growing issue. However we need to address the issue carefully, knowledgably and responsibly. Experience has shown us that issues of an "encampment" area are far reaching. I can reference

San Jose, California where the City spent millions of dollars policing and eventually clearing up a homeless encampment, not to mention the negative financial impact this had on surrounding areas. There is no reason to believe this proposal would not have the same result.

- While I do not have a definitive answer to the homeless problem my sense is that repurposing agricultural designated land and degrading a safe, scenic area surrounded by prosperous endeavors is not the answer.
- It would also seem to me that a possible answer to the homeless problem maybe to identify an alternate area where such an encampment ( if that is a solution) could be one located with proper control and a very limited financial impact also without requiring a critical exception to agricultural zoning.
- In the 15 years that I have owned in Puamana we have watched the County enhance the beauty of Maui while keeping the commercial development confined to certain areas while maintaining the beauty of open spaces. Please do not allow this proposal to negatively impact this strategy.

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 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.

In summary, this is a bad idea and a dangerous precedent concerning both the *use* of good agricultural land and the *process* to seek changes which reduce the availability of such land.

Respectively submitted,

Gary & Leslie Wetsel  
150-3 Pualei Drive, Lahaina, Maui  
and  
3327 Deer Hollow Drive, Danville, California 94506



RE: Docket No. DR15-54  
JSalva3070  
to:  
luc  
02/17/2016 11:09 AM  
Hide Details  
From: JSalva3070@aol.com  
To: luc@dbedt.hawaii.gov

1 Attachment



State Land Use Letters050.pdf

To: State Land Use Commission  
RE: Docket No. DR15-54

Concerning the Matter, 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.

Please see the attached letters from my wife and I concerning the above.

Joe Salvador  
Narda Salvador  
43-1 Puamelia PI  
Lahaina, Maui, 96761

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

02-16-2016

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 define dby 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.

Joe & Narda Salvador  
43-1 Puamelia Pl  
Lahaina, Maui, HI 96761

*Joe Salvador*  
*Narda Salvador*

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

02-17-2016

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

Dear Members of the Commission:

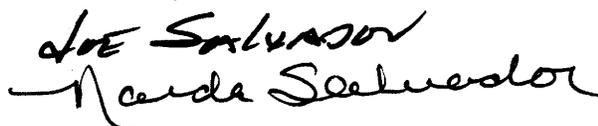
There is no dispute that the parcel upon which Ho'omoana wants to locate its campground and homeless tent encampment is over 22 acres in size. It is not subdivided and the entire parcel is located in an agricultural district. The neighbors in the agricultural district are all subject to the agricultural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

Joe & Narda Salvador  
43-1 Puamelia Pl  
Lahaina, Maui 96761





Pending Declaratory Ruling DR15-54 Pu'unoa HOA

John & Kathy Halligan

to:

luc

02/17/2016 07:00 PM

Cc:

DeVonne Lane

Hide Details

From: "John & Kathy Halligan" <jhkh1234@gmail.com>

To: luc@dbedt.hawaii.gov

Cc: DeVonne Lane <devonne.lane@yahoo.com>

1 Attachment



Puunoa Homeless Camp Protest letter.docx

Attached is my letter concerning my concerns with pending ruling.

John Halligan

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

Dear Members of the Commission:

As a homeowner and member of the Pu'unoa community, I believe I have standing and an understanding of the issues involved in the proposed homeless tent encampment under the pending declaratory ruling DR15-54 Pu'unoa HOA via Ho'omoana's proposal to change the use of ag land to commercial or urban use through the Maui Planning Commission (MPC). I believe this is both an improper and ill advised change.

It is improper for several reasons. First, it has undermined the proper process. This is a matter that the law says should be presented to the State LUC, not the Maui Planning Commission. Mr. Martin likely considered the LUC would be more difficult to convince and so sought to usurp the LUC role to the MPC. He therefore sought to circumvent the proper process through LUC.

Second, the proposed change in use is contrary to the criteria required to support the change. Approving the use of agricultural land for something that is not specifically authorized requires the new use to *promote* the intentions of the ag designation, not run contrary to it. This usage would hamper agricultural uses in the region by placing an urban/commercial which would then have rights to prevent such nuisances as dust, smell and noise which would normally be protected under ag "ag designation" but not urban or commercial one. After all, the developer has not sought a change in the zoning for the entire lot; this is a special use sought *within* the existing ag district. Therefore adjacent ag land would be affected.

Third, there is a hidden intention or slippery slope to erode existing boundary district/zoning. Spot zoning will lead to a degradation of the surrounding land uses and will encourage further abuses of spot urbanization within larger agricultural parcels. This is a 22+ acre parcel. No other state or political subdivision would consider a de facto zoning change for a *part of* a parcel; however, once this is accomplished precedent will be set. Further development of Ho'omoana "ag land" could then be subdivided into denser urban lots with a significant profit for Mr. Martin and his partners. Commercial camping at this location is a sham, tourists will not seek to collocate with a homeless camp. Homeless being used as an emotional tool to achieve an erosion of the zoning.

The state has interest in protecting and encouraging agricultural uses for good agricultural lands. Ag lands provide for a diverse workforce, greenspace, and much needed self-sufficiency.

This homeless encampment would also affect our neighborhood and the environment adversely. The Kau'ula Stream abuts the lot that the proposed encampment would be on. This would certainly lead to more trash/debris entering the stream and directly dumping into the ocean and polluting adjacent beaches. This includes needles and other items associated with chronic homelessness and drug usage. It also raises the specter of increased crime in Pu'umana, Pu'unoa and Lanipoko with a higher concentration of the chronically homeless who have a documented increased rate of drug and /or alcohol abuse. It is also ill advised for the homeless for whom it is supposed to be helping. However, having a minimalized living environment far from all other community resources makes obtaining social services more difficult. It could also then lead to additional spending requirements to the county by having to bring resources out to the encampment.

I thank you for consideration of these points and hope you will act in the best interest of the people of Maui and decline this proposed change.

John Halligan  
510 Hokiokio Place  
Lahaina, HI 96761