

Feb 24, 2016, LUC Hearing Carl Verley

to:

02/18/2016 01:47 PM

Cc:

firm, "DeVonne Lane", "'Scott Naganuma'", "'david medina'", bill, "'Tim Rogers'", trevor_guernsey, smcquad1, "Phil Kasper", "Kelly Laprade", natalieamoog, repmckelvey, elle.cochran

Hide Details

From: Carl Verley <cgverley@hotmail.com> Sort List...

To: <luc@dbedt.hawaii.gov>

Cc: <firm@wkmaui.com>, "DeVonne Lane" <devonne.lane@yahoo.com>, "'Scott Naganuma'" <scott@puamana.us>, "'david medina'" <david.w.medina@gmail.com>, <bill@puamana.us>, "'Tim Rogers'" <taroger@Pacbell.net>, <trevor_guernsey@telus.net>,

<smcquad1@san.rr.com>, "Phil Kasper" <bossfrog@maui.net>, "Kelly Laprade"

<kellylaprade@yahoo.com>, <natalieamoog@gmail.com>,

<repmckelvey@Capitol.hawaii.gov>, <elle.cochran@mauicounty.us>

1 Attachment



PUAMANA LUC filing_Testimony.pdf

Aloha To Whom it May Concern,

Attached please find a copy of our written testimony for the upcoming Land Use Commission Hearing scheduled for 24 February 2016.

Please see that this document is forwarded to each Land Use Commissioner so that they each have the opportunity to review testimony of our concerns regarding a proposed zoning change that would allow a campground for homeless persons to be constructed in our neighborhood.

Mahalo,

Carl Verley, President
Puamana Community Association
Tel. 808-661-3423
Email: Carl@puamana.us

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

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAI'I

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

TESTIMONY IN SUPPORT OF A DECLARATORY ORDER

PUAMANA COMMUNITY ASSOCIATION ("Puamana") and CARL VERLEY, President of Puamana, an individual and a member of the Puamana Community Association and SCOTT NAGANUMA, General Manager of Puamana and Lahaina area resident as interested persons provide the following testimony in support of a Petition for a Declaratory Order from the State of Hawai'i 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 Hawai'i as filed by PU'UNOA HOMEOWNERS ASSOCIATION, INC and DEVONE LANE.

1. IDENTIFICATION AND INTEREST

PUAMANA COMMUNITY ASSOCIATION 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). CARL VERLEY ("Verley") is the President of the Association and is also an owner in Puamana, SCOTT NAGANUMA ("Naganuma") is the General Manager of Puamana and a Lahaina area resident.

2. TESTIMONY

Zoning Issues

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. The proposed amendment does not promote agricultural use for the land in question, which has been designated as agricultural land in the Maui Island Plan and such agricultural use we and neighboring residents support. The proposed amendment is a blatant attempt to subvert the zoning process. We know this because of communications between Puamana's General Manager, Scott Naganuma and Peter Martin concerning the property where the campground is proposed to be located. Mr. Naganuma noticed a for sale sign on the property in question. When Mr. Naganuma asked Mr. Martin what he wanted from someone to buy this property, Mr. Martin 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. The developer has been asked by Puamana to provide the local communities with plans and budgets that would support his efforts to establish a sustainable project proposal, but he has repeatedly failed to provide that information to us. Consequently, it is our opinion that the developer is attempting to circumvent the state LUC district boundary amendment while achieving spot zoning from which there will be no return, which is directly contrary to the permitted and accessory uses that the state law and county ordinance are designed to protect.

As further evidence of what some may consider to be an underhanded approach by the developer in dealing with the neighboring communities it should be noted that prior to first contact with the local communities of Ho'omoana Foundation's intention to establish a campground on Kauaula Land LLC's property, the developer has gone ahead and acquired special use permits for a campground as well as building, grading and other permits necessary to start work toward establishing a campground. In addition, the developer has signed a lease agreement with Ho'omoana Foundation providing Ho'omoana with an agricultural use lease on the land where the campground is to be located. Furthermore, the developer has already constructed graded road access and cleared areas to be used as "camp pods" as well as put into electrical service to an area were a cottage is to be built. The developer's deference to local opinion appears to be absolutely nil.

Social issues

Homeless persons have been living along Kaua'ula stream for many years. The landowners on either sides of the stream have done nothing to affect a permanent solution to keep these people out of the stream area, despite periodic removals aided by the Maui Police Department. Consequently, a chronic homeless element has established what amounts to a squatter's camp along the stream. The local communities are frustrated and angered by the lack of response from the landowners and County and are concerned that if the problem is not addressed with a permanent solution the squatter's camp could grow into a larger slum or favela, which would negatively impact tourism and the environmental state of the stream. We at Puamana are very concerned with the probably impact of more criminal activity that additional drug addicted, anti-social people will bring to our community if a zone change is approved and a campground for homeless persons is constructed.

The Major of Maui has indicated that he is willing to work towards alleviating the homeless problem on Maui. The Major's office has also indicated that they are unhappy with proposal to place homeless persons in tented campgrounds, but would rather have dignified structures provided that are consistent with the State of Hawaii's *Plan to End Chronic Homelessness in Hawaii*. Furthermore, land has been set aside for development for housing for the homeless: that should be the focus of the developer's and Ho'omoana's efforts, if they really are sincere about helping out. We are very concerned that a campground that may end up having the appearance of a refugee camp beside a war zone: this is not the sort of thing we want or should see on Maui. However, we applaud efforts by those who are willing and able to provide necessary refuge and services for the homeless on Maui.

Ho'omoana's proposal, however, does not meet any of the needs of the chronically homeless, but only caters to a class of homeless, which, for all we know, may only be a figment of their imagination. Consequently, their conceptual campground, without the request plans and budgets, is, in our opinion, a sham and will not help the homeless, but will only help the developer achieve some sort of self-indulgent do-gooder satisfaction while at the same time move him close to his true aim of achieving commercial zoning for the property.

Environmental issues

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. Because of the dangers posed by hypodermic syringes in the debris that washes down the stream we have difficulties even getting volunteers to help us clean up the stream and surrounding beaches. With more campers allowed if the permit is granted the Kaua'ula Stream, surrounding beaches and reef zone will be even more compromised. Puamana's General Manager, Mr. Naganuma, and his crew have taken great efforts to clean up the portion of Kaua'ula stream that passes through Puamana and make it more habitable for native fish species that use the stream as a spawning ground. We do not want this effort to be in vain as a result of continued pollution coming downstream from squatters and a campground that use the stream as a dump and latrine.

Cultural Issues

The proposed campground and therefore the zoning changes go against the concerns of the local Hawaiian community whom we support. In particular, setbacks for development along the creek have not been followed in the past and it is our concern that these setbacks will not be followed if the zoning change is approved and a commercial campground is established on the property in question.

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.

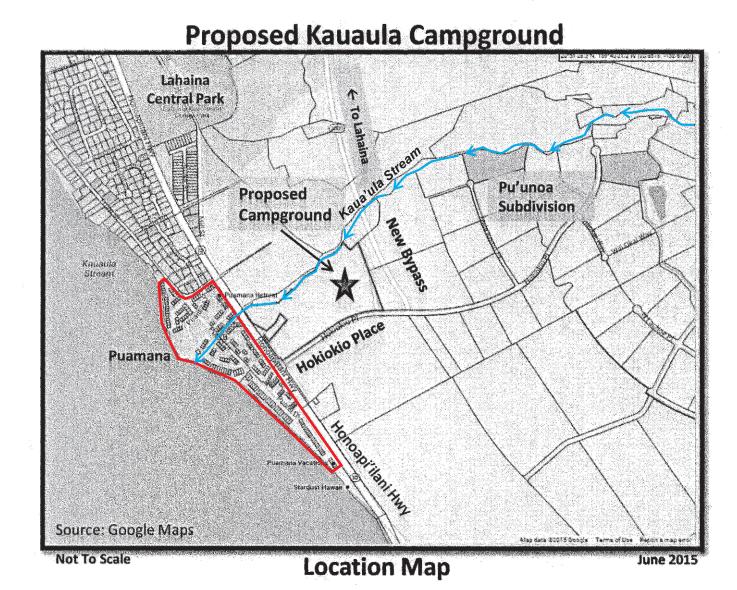
DATED: Lahaina, Maui, Hawaii; February 17, 2016.

PUAMANA COMMUNITY ASSOCIATION, CARL VERLEY and SCOTT NAGANUMA

President

General Manager

EXHIBIT "A" - LOCATION



Carl Verley

Subject: FW: For sale sign

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

From: **Peter Martin** < <u>Peter@westmauiland.com</u>>

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 Kaua'ula Stream after recent rains.



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



State land Use Commission Hearing

John Bradley to: luc

Cc: Adrianne Bradley, Rich and Wanda Holmer

From: John Bradley <jbradley44@suddenlink.net>

To: luc@dbedt.hawaii.gov

Cc: Adrianne Bradley <ambradley@suddenlink.net>, Rich and Wanda Holmer

<richandwanda@sbcglobal.net>

1 attachment



Land Use Commission Letter 2.17.docx

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

Please consider our attached letter of opposition to the ${\tt Ho'omoana}$ / ${\tt Martin}$ proposal.

John and Adriane Bradley 40-2 Puakukui Puamana, Lahaina, Maui

John Bradley jbradley44@suddenlink.net 707-839-1930 (H) 707-616-4922 (C) 02/18/2016 07:07 AM

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

February 17, 2016

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

Dear State Land Use Commission,

Once it's a Homeless Shelter and Commercial Campground it will never again conform to the State of Hawaii Constitution's mandate (Article XI) or the wishes and best interests of the permanent residents of West Maui and the State of Hawaii.

Do not allow the scamming clamor for "a homeless shelter" to blur your "just a foot in the door" suspicions that developer Martin's proposal is the most exceptional, unprecedented and destructive request for a zoning change ever to come before your board.

In your deliberations, please honor the efforts of all those who have endeavored to honor and preserve the agricultural lands in Hawaii and deny the applicant a victory over the long-term best interests of generations to come.

Please, say no to this request for exceptional privilege in the guise of social welfare. An outside-of-town campground won't last or work but the zoning change will curse the land forever.

Please deny the Ho'omoana proposal.

Sincerely,

John and Adrianne Bradley, Neighbor and Owner 40-2 Puakukui Puamana, Lahaina, Maui



Docket No. DR15-54, "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,"

RICH and Wanda HOLMER

to:

luc@dbedt.hawaii.gov 02/18/2016 11:10 AM

Cc:

PUAMANA OFFICE, Adrianne Bradley, "firm@wkmaui.com"

Hide Details

From: RICH and Wanda HOLMER <richandwanda@sbcglobal.net>

To: "luc@dbedt.hawaii.gov" < luc@dbedt.hawaii.gov>

Cc: PUAMANA OFFICE <office@puamana.us>, Adrianne Bradley <ambradley@suddenlink.net>, "firm@wkmaui.com" <firm@wkmaui.com> Please respond to RICH and Wanda HOLMER <richandwanda@sbcglobal.net>

1 Attachment



State Land Use Commission 2016.doc

Attached are my comments on the subject project. Please distribute to the commissioners. Mahalo. Rich Holmer

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:

We are long time owners in the Puamana community. We would like to voice our opposition to the subject project for the following reasons:

- 1. This conversion of agricultural land to urban uses (homeless camp) is inappropriate for this historically agricultural land. It would be more appropriate to encourage diversified agricultural uses by small farmers such as those at Launiupoko and the coffee farms above Kaanapali. Maui needs small farmers in order to become more sustainable and self sufficient.
- 2. Since this land was taken out of sugar cane, there has regularly been homeless camping along Kauaula stream. This has caused degradation of the stream with litter, waste and sediment.
- 3. The homeless have caused problems of petty theft in Puamana. This has improved recently when the current owner was successful in removing the homeless camps but can be expected to occur again when the homeless are encouraged to congregate in this new camping area.
- 4. Smoke and fire danger from campfires is a real problem. At night, the wind blows down from the mountain and carries the smoke with it. This is a nuisance and a health hazard. There have been numerous small fires associated with the homeless camps and one very large fire that burned right to Honoapiilani Highway.
- 5. There are very few services for homeless on the west side of the island. There are only a few small medical clinics, police services are stretched thin and there are limited counseling and mental health resources. It is really inappropriate to place the homeless into an area where they are deprived of the services that they need.
- 6. Lahaina is a jewel of Maui. It is one of the biggest tourist destinations. Encouraging the homeless to camp here will exacerbate problems with panhandling and petty crimes in downtown areas such as the banyan tree and the seawall areas. This is not a good face to present to our tourist industry.

The project proponents may argue that they can control these issues in an organized homeless camp, but I believe that they will find it very difficult to control the activities of the homeless when they are not provided with adequate social support systems. Homelessness should be treated as a societal failure to address the needs of the most vulnerable in our society. Simply warehousing the homeless in a campground in a rural, agricultural area will do nothing to address the fundamental issues.

We encourage you to deny this proposal as being located in the wrong area and being contrary to the allowable uses under the zoning.

Sincerely,

Richard and Wanda Holmer 40-2 Puakukui Lahaina, HI



State land Use Commission Hearing

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Cc: PUAMANA OFFICE <office@puamana.us>, Adrianne Bradley <ambradley@suddenlink.net>, "firm@wkmaui.com" <firm@wkmaui.com> Please respond to RICH and Wanda HOLMER <richandwanda@sbcglobal.net>

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We encourage you to deny this proposal as being located in the wrong area and being contrary to the allowable uses under the zoning.

Sincerely,

Richard and Wanda Holmer 40-2 Puakukui Lahaina, HI



Fwd: Rural project by Peter Martin in Launiupoko

mark albers to: luc 02/18/2016 04:25 PM

Begin forwarded message:

From: mark albers <omwao@cox.net>

Subject: Fwd: Rural project by Peter Martin in Launiupoko

Date: February 3, 2016 at 1:29:40 PM HST

To: luc@dbedt.hawaii.gov

Begin forwarded message:

From: mark albers <omwao@icloud.com>

Subject: Fwd: Rural project by Peter Martin in Launiupoko

Date: February 3, 2016 at 1:21:15 PM HST

To: luc@dbedt.hawaii.gov

Begin forwarded message:

From: mark albers < omwao@icloud.com >

Subject: Rural project by Peter Martin in Launiupoko

Date: February 3, 2016 at 1:18:59 PM HST

To: <u>luc@dbedt.hawaii.gov</u>

Cc: MARKER <omwao@cox.net>

Dear LUC, 2/3/16

As humble residents who bought one acre and built a cottage in Launiupoko three years ago, we want to speak up **against** the proposal regarding the Makila Village. Makila Land Company and Peter Martin want to change the designation from Ag to rural for just one reason....Big Profit for them. But what about about us ordinary citizens without millions of dollars? Don't we have any say in this? The more homes they can get away with squeezing in the acreage, the better for them and the worst for the hundreds of people with homes directly around them that will be impacted in so many negative ways. No one living up here approves of this. Can we put it to a vote in our neighborhoods?

Many of the residents living up here, including us, have been required to create **Farm Plans**, costing at least \$10,000. It is not fair for them to be allowed to change the remaining land to rural just for the sake of high density which equals more profit with Farm Plans not required.

I'm sure you've heard all of the reasons why Makila Village is has so much **opposition**...Let me list a few:

They want to build a **sewage treatment plant** in a residential neighborhood. Very bad idea.

Where is the **water** going to come from?

The large numbers of homes proposed is not congruent with the existing homes and will lower the **property values**.

There is a tremendous **fire problem** in the neighborhood with sustained winds as much as 70 mph because of the configuration of the mountain behind.

It would increase an already **dense traffic** problem at the intersection of Launiupoko Park right by the ocean and Highway

There is also going to be an extension of the **bypass road** in the exact location, meaning even more congestion.

There will be the **pollution problem of dust and debris** that will negatively impact anyone in the vicinity as well as the **coral reefs** just across the highway.

It is wrong to allow large construction to happen so close to and already endangered **coral reef.**

There are nesting **NeNe geese** in the said location which are endangered West Maui **highway is a bottleneck** already and there are already thousands of homes slated to be built and already approved.

The Pali part of the highway will become **gridlocked** all the time.

Please do not let **greed** get in the way of what is right..They should build homes that will fit into the **esthetics** of existing neighborhoods. Mahalo,

Suzanne and Mark Albers 204 Pua Niu Way Launiupoko

02/18/2016 04:17 PM

Dear State Land Use Commission,

My wife Doris Lang and I live in Launiupoko, about 1.5 miles south of the proposed homeless campground.

We oppose the proposal by Ho'omana Foundation to change the zoning of the subject parcel from Ag to any other designation.

Ag lands ought to be conserved whenever possible, as stated in the State Constitution.

We oppose their attempt to have the Maui Planning Commission be the deciding body in this matter as opposed to its legitimate place before your commission.

This is an obvious attempt to subvert the formal District Boundary Amendment process, and should be denied.

We oppose their proposal for a homeless campground at this location.

Homelessness IS a serious problem in the state and in our area. The location of the proposed campground is inappropriate, and the proposed facilities are inadequate.

Please affirm the Puunoa HOA's request that the proper place for a decision on a change of zoning is your commission through a District Boundary Amendment. Furthermore, we urge you to reject such an Amendment in this case.

Sincerely,

Gordon Firestein Doris Lang

186 Paia Pohaku Pl. Lahaina HI 96761



Docket No. DR15-54 lisa to: luc

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.

We are owners, investors, developers and full time residents of Puamana in Lahaina. We are in strong opposition to Peter Martin and all of his LLCs, corporations and business entities in manipulation of the County and State by way of privately funding progress on the West Side. <u>Please listen to your constituents</u> when we express to you our opposition in these regards.

We have been through years of Martin's, <u>et.al</u>. discreet maneuvering and tactics and expect you to cease its support. We remain steadfast in our plight to maintain Hawaiian resources and land uses as intended.

Please feel free to contact us at any time. Contact info below. Cheers,

Lisa Jarrell-Wear

JARRELL & ASSOCIATES, INC. 714.307.0069 direct I 866.512.0000 x1 www.MauiCabana.com www.JarrellAndAssociates.com



Pending Declaratory Ruling DR 15-54 Pu'unoa HOA

Ross Harris to: luc

02/18/2016 08:29 PM

State Land Use Commission P.O.Box 2359 Honolulu, Hawaii

Re: Pending

Declaratory Ruling DR15-54 Pu'unoa HOA

(Agricultural lands slated for homeless campground development)

Dear Members of the Commission:

As owners of a home adjacent to the proposed Ho'omoana project, we urge you to quash the efforts of Ho'omoana to change the zoning from agricultural to commercial or urban via the Maui Planning Commission.

Agricultural lands need to be protected and this project appears to be a stepping stone for the land developer to side step the proper zoning guidelines. This application appears to be a precedent to pull at the heart-strings of well-meaning public officials but it is my opinion that it is a ploy to open the door to future development.

Sugar cane producers have announced the cessation of sugar cane production, which creates the opportunity to grow new, cost effective and diverse products for the residents of Hawaii and for export. This will provide for a diverse workforce, green space and self-sufficiency for the people of Hawaii. If we allow this change in zoning, we are opening the door for further infringement upon our agricultural land.

It is apparent to us that the developers are not driven by empathy for the homeless. This location is not well suited to provide the needs of the destitute. This location isolates those who are already dealing with being ostracized by society. Residents needing to access medical care, social programs, food, work or interaction in the community are going to be dependent upon walking or hitchhiking along the highway. This in itself is a dangerous situation for both the pedestrian and those traveling along the highway.

At present, Lahaina has a facility for the homeless within the town. If the Ho'omoana developers are indeed concerned about the welfare of the homeless, it should be suggested that they contribute to the improvement and expansion the of existing facility.

In closing, I would urge you to deny the proposed change and help us to protect our precious agricultural lands.

Thank you,

Dr. Ross Harris and Family 160-1 Pualei Drive Lahaina, Hawaii 96761



Ho'omoana Kauaula Campground --Lahaina, Maui ALAN SHIREK to: luc Please respond to ALAN SHIREK

02/18/2016 03:26 AM

Please defer any proposed action that would affect the future zoning status of the agricultural land tract upon which this homeless encampment would sit.

I am a property owner downstream from the current unauthorized homeless encampment. We have owned a unit in the Puamana Community since 1985. At long last, we intend to become permanent full-time residents beginning in 2017.

There have been homeless people encamped on this property for quite some time. Periodically, local authorities make an effort to get the homeless people to move elsewhere. They do, then after a while they move back or other people take their places.

As bad as the situation is, with waste products and household debris being continually flushed down Kauaula Stream and through our property, it would be even worse if the encampment were made permanent and legal. One of our concerns is that the use of this property as a campground would only be the initial usage that would allow a change in the zoning from agricultural to commercial. Commercial use of this tract would benefit the current owners to the extreme detriment of everyone else.

The infrastructure in West Maui is strained and further commercial development will only add to the strain. The water supply, sewage treatment, and traffic flow are already strained to keep up with current development. Furthermore, commercial real estate is already over developed with many of the newer shopping centers having many vacant storefronts. We cannot tolerate further commercial development in Lahaina until we have dealt with the infrastructure problems.

Again, our fear is that the tract of land upon which the Ho'omoana Commercial Campground would sit would only be "temporary". After the zoning is changed to allow for the campground, the property would be further subdivided into commercially viable units. Development of those smaller parcels would further add to the already congested roadways, the demands on our overstressed sewage system and our precious water resources.

Please deny the permit, refrain from making any zoning changes, and tell the current owners, who acquired this property as a speculative venture, that this bet turned out to be a loser.

Even if homeless people keep coming back, that status-quo is more desirable than changing the zoning to permit a campground and eventually allow commercial development.

Alan and Kathy Shirek 21 Puapake Place Apartment 2 Lahaina, HI 96761



wojcik0490 to: luc

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. As voting residents of Maui County we urge you to deny this request.

Richard and Kathleen Wojcik 80 Pualei Drive Apt 1 Lahaina