



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

Judy Nigh

to:

luc@dbedt.hawaii.gov

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From: Judy Nigh <jgnigh@gmail.com>

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

February 22, 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 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.

Mahalo,
Mark and Judy Nigh

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

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 Council and identified above, would have a significant 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

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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.

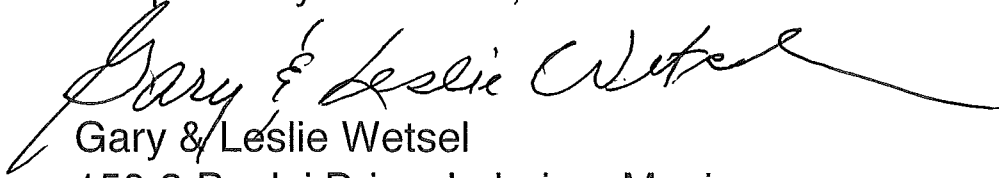
There is no dispute that the parcel upon which Ho'omoana wants to locate its campground and homeless tent encampment is over 22 acres in size. It is not subdivided and the entire parcel is located in an agricultural district. The neighbors in the agricultural district are all subject to agricultural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

A handwritten signature in black ink that reads "Gary & Leslie Wetsel". The signature is written in a cursive style with a long, sweeping horizontal line extending to the right.

Gary & Leslie Wetsel

150-3 Pualei Drive, Lahaina, Maui

and

3327 Deer Hollow Drive, Danville, California 94506