Council Chair
Alice L. Lee

Vice-Chair
Keani N.W. Rawlins-Fernandez

Presiding Officer Pro Tempore
Tasha Kama

Councilmembers
Gabe Johnson
Kelly Takaya King
Michael J. Molina
Tamara Paltin
Shane M. Sinenci
Yuki Lei K. Sugimura

COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

Director of Council Services
Traci N. T. Fujita, Esq.

RECEIVED
2021 JUN -9 PM 2:17
OFFICE OF THE
COUNTY CLERK

June 7, 2021

The Honorable Alice L. Lee
Council Chair
County of Maui
Wailuku, Hawaii 96793

Dear Chair Lee:

SUBJECT: **CONDITIONAL PERMIT FOR HO'OMOANA FOUNDATION TO OPERATE A CAMPGROUND FOR HOMELESS AND RECREATIONAL CAMPERS ON 7.9 ACRES (LAHAINA)** (PSLU-18)

May I request County Communication 18-285, from the Planning Director, transmitting a proposed bill, entitled "A BILL FOR AN ORDINANCE GRANTING HO'OMOANA FOUNDATION, A HAWAII NONPROFIT CORPORATION, A CONDITIONAL PERMIT TO ALLOW THE DEVELOPMENT OF THE HO'OMOANA OVERNIGHT CAMPGROUND FOR PROPERTY SITUATED AT HOKIOKIO PLACE AND LAHAINA BYPASS ROAD AND IDENTIFIED AS TAX MAP KEY NO. (2) 4-7-003:031 (POR), LAHAINA, MAUI, HAWAII," be placed on the next Council meeting agenda.

Sincerely,

Tamara M. Paltin

TAMARA PALTIN, Chair
Planning and Sustainable Land Use Committee

pslu:ltr:018ach01:dr

Enclosure

COUNTY COMMUNICATION NO. 21-277

ALAN M. ARAKAWA
Mayor

WILLIAM R. SPENCE
Director

MICHELE CHOUTEAU McLEAN
Deputy Director

COUNTY OF MAUI
DEPARTMENT OF PLANNING

RECEIVED
2018 JUL 19 PM 3:08
OFFICE OF THE MAYOR

July 18, 2018

RECEIVED
2018 JUL 20 PM 3:17
OFFICE OF THE COUNTY CLERK

Honorable Alan M. Arakawa
Mayor, County of Maui
200 South High Street
Wailuku, Hawaii 96793

For Transmittal to:

Honorable Mike White, Chair
and Members of the Maui County Council
200 South High Street
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL
7/20/18
Mayor Date

Dear Chair White and Members:

SUBJECT: CONDITIONAL PERMIT (CP) FOR THE HO'OMOANA (FORMERLY NAMED KAUAULA) CAMPGROUND, LOCATED AT HOKIOKIO PLACE AND LAHAINA BYPASS ROAD, LAHAINA, ISLAND OF MAUI, HAWAII; TMK: (2) 4-7-003:031 (POR.) (CP 2014/0002)

The Department of Planning (Department) is transmitting for your review and action the Conditional Permit (CP) application filed by Ho'omoana Foundation for the Ho'omoana Campground.

APPLICATION SUMMARY	
Application	The CP will permit the development of the Ho'omoana overnight campground focused on the needs of the homeless population.
Applicant	Ho'omoana Foundation, a Hawaii non-profit corporation
Owner	Kauaula Land Company, LLC
Tax Map Key	(2) 4-7-003:031 (POR.)
Address	Hokiokio Place and Lahaina Bypass Road, Lahaina, Island of Maui, Hawaii
Area	Approximately 7.9 acres of a 22.7 acre parcel of land
Land Use Designations	State Land Use District: Agricultural West Maui Community Plan: Agriculture Title 19, Zoning: Agricultural NOT located within the Special Management Area (SMA)
Brief Description	The Applicant is requesting a CP in order establish and operate an overnight campground focused on providing a safe location for a limited number of homeless individuals.

COUNTY COMMUNICATION NO. 18-285

APPLICATION SUMMARY	
Public Hearing	Public hearing was held by the Maui Planning Commission (Commission) on July 28, 2015, and item was deferred until Commission meeting of January 23, 2018 for additional information.
Testimony	Testimony was received at both the July 28, 2015 and January 23, 2018 meetings.
Recommendation	The Commission voted to recommend approval of the CP subject to a total of six (6) conditions with five (5) ayes and four (4) excused/absent.

As Council approval is required for the CP, the Department transmits the subject application to the Council for consideration. Accordingly, attached for your review are the following documents:

1. Proposed bill entitled, "A BILL FOR AN ORDINANCE GRANTING HO'OMOANA FOUNDATION, A HAWAII NONPROFIT CORPORATION, A CONDITIONAL PERMIT TO ALLOW THE DEVELOPMENT OF THE HO'OMOANA OVERNIGHT CAMPGROUND FOR PROPERTY SITUATED AT HOKIOKIO PLACE AND LAHAINA BYPASS ROAD AND IDENTIFIED TAX MAP KEY NO. (2) 4-7-003:031 (POR.), LAHAINA, MAUI, HAWAII";

2. Letter from William Spence, Planning Director, to Peter K. Martin, Ho'omoana Foundation dated March 2, 2018, with the Commission's recommendation for Council approval of the CP with six (6) conditions and Commission's approval of the State Land Use Commission Special Permit with ten (10) conditions;

3. Department's Recommendation to the Commission, dated January 23, 2018;

4. Department's Memorandum to the Commission dated January 23, 2018, along with Department's Report to the Commission dated July 28, 2015, and minutes from the July 28, 2015 Commission meeting;

5. Adopted Minutes of the January 23, 2018 Commission meeting; and

6. Conditional Permit Application dated July 28, 2014.

By way of information, the Commission's decision regarding their approval of State Special Permit SUP2 2014/0006 is currently under review at the Intermediate Court of Appeals (ICA). A detailed timeline of legal events is outlined in the Staff Report.

Should you have any questions, please feel free to transmit them to the Department of Planning via transmittal through the Office of the Mayor.

Sincerely,

MICHELE MCLEAN
Planning Director

Attachments

xc: Clayton I. Yoshida, Planning, AICP, Planning Program Administrator (PDF)
Kurt F. Wollenhaupt, Staff Planner (PDF)
Maui Planning Commission Members (PDF)
Dean K. Frampton, Frampton & Ward, LLC (PDF)
Peter Martin, Ho`omana Foundaton (PDF)

MCM:KFW:rma

Project File

K:\WP_DOCS\PLANNING\CP\2014\0002_Kauaula_Camp\Council\Council_transmittal.doc

ORDINANCE NO. _____

BILL NO. _____ (2018)

A BILL FOR AN ORDINANCE GRANTING HO'OMOANA FOUNDATION, A HAWAII NONPROFIT CORPORATION, A CONDITIONAL PERMIT TO ALLOW THE DEVELOPMENT OF THE HO'OMOANA OVERNIGHT CAMPGROUND FOR PROPERTY SITUATED AT HOKIOKIO PLACE AND LAHAINA BYPASS ROAD AND IDENTIFIED AS TAX MAP KEY NO. (2) 4-7-003:031 (POR), LAHAINA, MAUI, HAWAII

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Pursuant to Chapter 19.40, Maui County Code, and subject to the conditions imposed in Section 2 of this ordinance, a Conditional Permit is hereby granted to Ho'omoana Foundation, a Hawaii nonprofit corporation to allow the development of the Ho'omoana Overnight Campground, located at Hokiokio Place and Lahaina Bypass Road, Lahaina, Maui, Hawaii identified for real property tax purposes as tax map key number (2) 4-7-003:032 (por.), on approximately 7.9 acres of a 22.7 acre parcel of land and identified on Exhibit "A" attached hereto.

SECTION 2. The granting of this Conditional Permit is subject to the following conditions:

1. That the Conditional Permit shall be valid for a period of one (1) year from the effective date of this ordinance; provided, that an extension of this permit beyond this 1-year period may be granted pursuant to Section 19.40.090, Maui County Code.

2. That the Conditional Permit shall be nontransferable unless the Council approves of the transfer by ordinance.

3. That the Applicant, its successors and permitted assigns shall exercise reasonable due care as to third parties with respect to all areas affected by subject Conditional Permit and shall procure at its own cost and expense, and shall maintain during the entire period of this Conditional Permit, a policy or policies of comprehensive liability insurance in the minimum amount of ONE MILLION AND NO/100 DOLLARS ($1,000,000.00) naming the County of Maui as additional insured, insuring and defending the Applicant and the County of Maui against any and all claims or

demands for property damage, personal injury, and/or death arising out of this permit including, but not limited to: (1) claims from any accident in connection with the permitted use, or occasioned by any act or nuisance made or suffered in connection with the permitted use in the exercise by the Applicant of said rights; and (2) all actions, suits, damages, and claims by whomsoever brought or made by reason of the non-observance or non-performance of any of the terms and conditions of this permit. Proof of a policy naming the County of Maui as an additional insured shall be submitted to the Department within ninety (90) calendar days from the date of transmittal of the Decision and Order (D&O). The proof of insurance and all subsequent certifications of insurance coverage shall include the applicable Tax Map Key (TMK) and permit numbers.

4. That the Applicant shall develop the property in substantial compliance with the representations made to the Maui County Council in obtaining the CP. Failure to so develop the property may result in the revocation of the CP pursuant to Section 19.40.080, MCC.

5. That full compliance with all applicable governmental requirements shall be rendered.

6. That full compliance with the conditions of the State Land Use Commission Special Permit (SUP2 2014/0006) shall be rendered.

SECTION 3. This ordinance shall take effect upon its approval.

APPROVAL AS TO FORM
AND LEGALITY

MICHAEL J. HOPPER
Deputy Corporation Counsel
County of Maui
2018-0260
2018-07-02 Ord for CP (Ho'omoana Foundation)

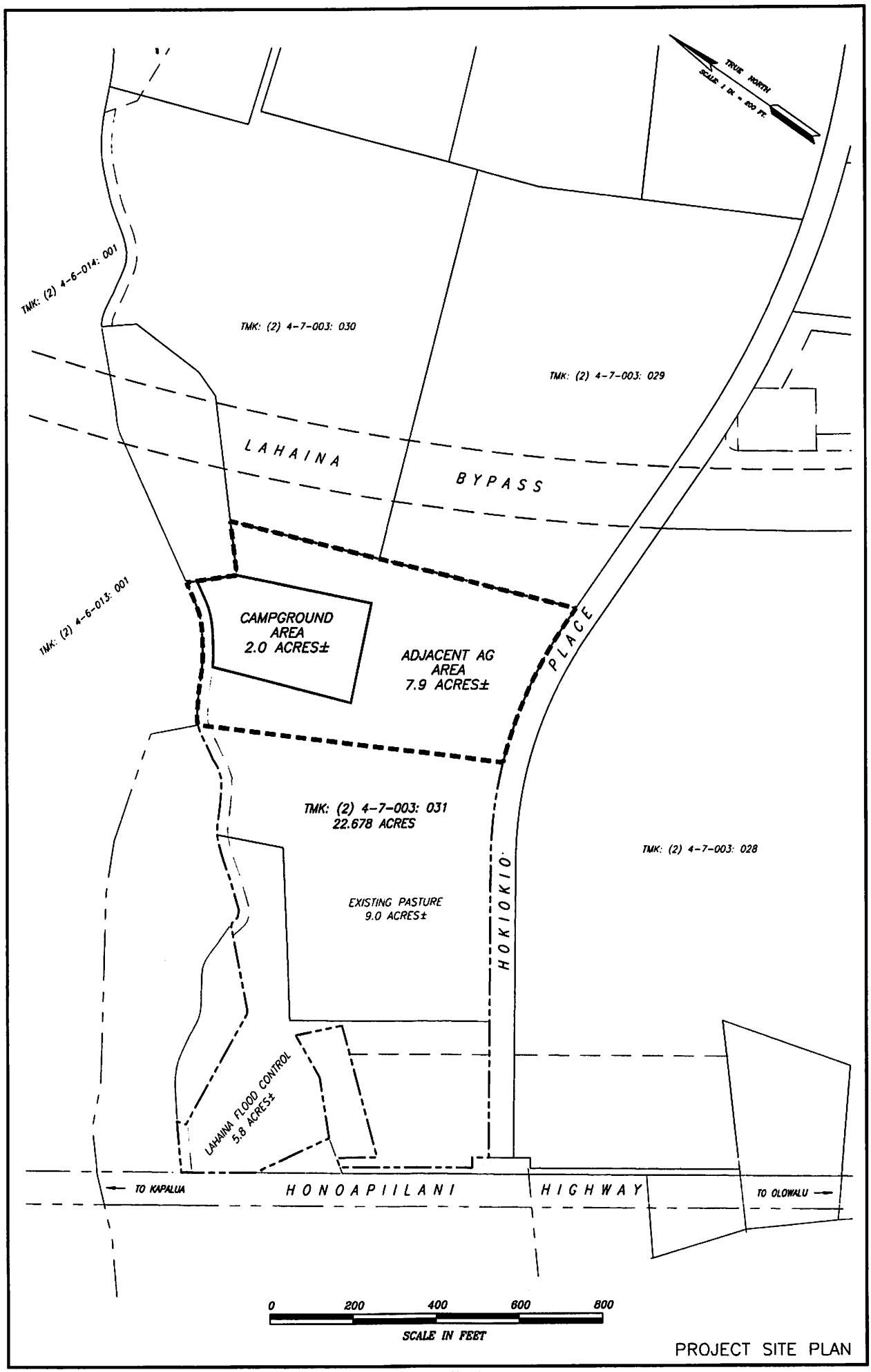

TRUE NORTH
SCALE: 1 IN. = 400 FT.
TMK: (2) 4-6-014: 001
TMK: (2) 4-7-003: 030
TMK: (2) 4-7-003: 029
LAHAINA
BYPASS
TMK: (2) 4-6-013: 001
CAMPGROUND
AREA
2.0 ACRES±
ADJACENT AG
AREA
7.9 ACRES±
PLACE
TMK: (2) 4-7-003: 031
22.678 ACRES
TMK: (2) 4-7-003: 028
EXISTING PASTURE
9.0 ACRES±
HOKIOKIO
LAHAINA FLOOD CONTROL
5.8 ACRES±
TO KAPALUA
HONOAPIILANI
HIGHWAY
TO OLOWALU
0
200
400
600
800
SCALE IN FEET
PROJECT SITE PLAN

EXHIBIT "A"

ALAN M. ARAKAWA
Mayor

WILLIAM R. SPENCE
Director

MICHELE CHOUTEAU McLEAN
Deputy Director

COUNTY OF MAUI

DEPARTMENT OF PLANNING

March 2, 2018

Certified Mail - # 7016 1370 0000 2699 3181

Mr. Peter K. Martin
Ho'omoana Foundation
305 E. Wakea Avenue
Kahului, Hawaii 96732

Dear Mr. Martin:

SUBJECT: APPROVAL OF A STATE LAND USE COMMISSION SPECIAL PERMIT (SUP2) AND A RECOMMENDATION OF APPROVAL OF A CONDITIONAL PERMIT (CP) FOR THE HO'OMOANA (FORMERLY KAUAULA) CAMPGROUND, LOCATED AT, HOKIOKIO PLACE AND LAHAINA BYPASS ROAD, LAHAINA, ISLAND OF MAUI, HAWAII; TMK: (2) 4-7-003:031 (POR.) (CP 2014/0002) (SUP2 2014/0006) (AMENDED)

At its regular meeting on January 23, 2018, the Maui Planning Commission (Commission) reviewed the requests for a SUP2 and CP to construct and operate the proposed Ho'omoana Campground. The Commission voted to approve the SUP2 and recommended approval of the CP to the Maui County Council (Council) for the Ho'omoana Campground.

STATE LAND USE COMMISSION SPECIAL PERMIT

The State Land Use Commission SUP2 for Ho'omoana Campground is subject to the following conditions:

1. That the SUP2 shall be valid until **January 31, 2019**, or in accordance with the expiration date of the CP, whichever is later, subject to extension by the Planning Director (Director) upon a timely request for extension filed within ninety (90) days prior to its expiration. The Director may forward the time extension request to the Commission for review and approval and may require a public hearing on the time extension by the Commission.

2. That the subject SUP2 shall not be transferred without the prior written approval of the Director. However, in the event that a contested case hearing preceded issuance of said SUP2, a public hearing shall be held by the appropriate Commission upon due published notice, including actual written notice to the last known addresses of parties to said contested case and their counsel.

3. That the Applicant, its successors, and permitted assigns shall exercise reasonable due care as to third parties with respect to all areas affected by subject State Land Use Commission SUP2 and shall procure at its own cost and expense, and shall maintain during the entire period of this State Land Use Commission SUP2, a policy or policies of comprehensive liability insurance in the minimum amount of ONE MILLION AND NO/100 DOLLARS ($1,000,000.00) naming the County of Maui as additional insured, insuring and defending the Applicant and the County of Maui against any and all claims or demands for property damage, personal injury, and/or death arising out of this permit including, but not limited to: (1) claims from any accident in connection with the permitted use, or occasioned by any act or nuisance made or suffered in connection with the permitted use in the exercise by the Applicant of said rights; and (2) all actions, suits, damages, and claims by whomsoever brought or made by reason of the non-observance or non-performance of any of the terms and conditions of this permit. Proof of a policy naming the County of Maui as an additional insured shall be submitted to the Department of Planning (Department) within ninety (90) calendar days from the date of transmittal of the Decision and Order (D&O). The proof of insurance and all subsequent certifications of insurance coverage shall include the applicable Tax Map Key (TMK) and permit numbers.

4. That full compliance with all applicable governmental requirements and regulations shall be rendered.

5. That the Applicant shall submit to the Department two (2) copies of a report addressing compliance with the conditions established with the subject SUP2. The compliance report shall be reviewed and approved by the Department and shall be filed along with a request for time extension and within ninety (90) calendar days prior to the expiration of the SUP2.

6. That the Applicant shall develop the property in substantial compliance with the representations made to the Commission in obtaining the SUP2. Failure to so develop the property may result in the revocation of the SUP2.

7. That the farm plan be implemented during the duration of the SUP2. Evidence of implementation shall be submitted as part of the renewal application.

8. That if the event historic resources, including human skeletal remains, are identified during construction activities, all work shall cease in the immediate vicinity of the find, the find shall be protected from additional disturbance, and the Department of Land and Natural Resources-State Historic Preservation Division (DLNR-SHPD), Maui Section, shall be contacted immediately at (808) 243-5169 or the most recent phone number for the Section.

9. That to the satisfaction of the Department, Best Management Practices (BMPs) shall be implemented to ensure that water quality and marine resources are protected. All construction-related materials shall be free of pollutants and placed or stored in ways to avoid or minimize disturbance. No debris, petroleum products or deleterious materials or wastes shall be allowed to fall, flow, leach, or otherwise enter near shore waters. Any turbidity and siltation generated from activities proposed at the site shall be minimized and contained in the immediate vicinity of construction through the use of effective silt containment devices. Construction during adverse weather conditions should be curtailed to minimize the potential for adverse water quality impacts. A BMPs plan including these provisions shall be submitted to the Department.

10. That limitations on the Ho'omoana Campground operations shall be as follows:

    a. That all necessary permits shall be obtained for the manager's cottage and farm dwelling and that the dwelling shall be constructed prior to occupancy of any Campground sites and that a full-time manager shall be on-site during all times that any campers are in-residence.

    b. That a State Department of Health (DOH) approved individual wastewater system shall be constructed and approved prior to occupancy of any Campground sites.

    c. That all sanitary units including bathrooms, laundry, shower and sink areas shall be constructed and approved prior to occupancy of any Campground sites.

    d. That security fencing, especially along the border with the Lahaina Bypass Road and Hokiokio Road shall be completed prior to the occupancy of any Campground sites.

    e. That the Maui Fire Department approved driveways and roadways shall be constructed and approved completed prior to the occupancy of any Campground sites.

    f. That the median fronting the Project driveway on Hokiokio Place be paved due to an existing median swale to accommodate entering and exiting left-turns to the future Project driveway.

    g. That a minimum of at least 450 feet (ft.) of space be provided between the future Campground driveway and the Lahaina Bypass Road exit ramp (taken at the fork where it merges onto Hokiokio Place.)

h. That the frontage surrounding the Campground driveway shall be free of any large trees or obstructions, in order to maintain adequate site distance and to assist in pedestrian safety along Hokiokio Place.

i. That the Campground shall start with a maximum of eight (8) camping pods with a maximum of twenty-six (26) campers for the first year of operations. During this first year of operations, no more than twenty-six (26) campers shall be permitted on property at any one (1) time, and capacity control and length of camper stay shall be subject to daily review and control by the camp manager.

j. That all campers must fill out a Campground application, agree to a Code of Conduct, and be approved by the camp manager prior to engaging in any Campground activity. The Code of Conduct shall be substantially the same as that detailed in the Staff Report for the July 28, 2015, Commission meeting and discussed during the January 23, 2018, Commission meeting.

k. To the satisfaction of the Department, a compliance and review board made up of representatives from adjacent neighborhoods including but not limited to the Puunoa and Puamana developments (as possible) along with selected representatives of homeless advocacy groups shall provide a yearly update of Campground operations.

The conditions of this SUP2 shall be enforced pursuant to 205-12 and 20513, Hawaii Revised Statutes (HRS).

Further, in regards to the Ho'omoana project, the Commission adopted the Memorandum Report and Recommendation with revisions prepared by the Department for the January 23, 2018, meeting, along with the Staff Report from the July 28, 2015 meeting, as its Findings of Fact, Conclusions of Law, and D&O.

CONDITIONAL PERMIT

In addition, the Commission voted to recommend approval of the CP request for the proposed Ho'omoana Campground to the Council subject to the following conditions:

1. That the CP shall be valid for a period of one (1) year from the effective date of this ordinance; provided, that an extension of this permit beyond this 1-year period may be granted pursuant to Section 19.40.090, Maui County Code (MCC).

2. That the CP shall be non-transferable unless the Council approved the transfer by Ordinance.

3. That the Applicant, its successors, and permitted assigns shall exercise reasonable due care as to third parties with respect to all areas affected by subject State Land Use Commission SUP2 and shall procure at its own cost and expense, and shall maintain during the entire period of this State Land Use Commission SUP2, a policy or policies of comprehensive liability insurance in the minimum amount of ONE MILLION AND NO/100 DOLLARS ($1,000,000.00) naming the County of Maui as additional insured, insuring and defending the Applicant and the County of Maui against any and all claims or demands for property damage, personal injury, and/or death arising out of this permit including, but not limited to: (1) claims from any accident in connection with the permitted use, or occasioned by any act or nuisance made or suffered in connection with the permitted use in the exercise by the Applicant of said rights; and (2) all actions, suits, damages, and claims by whomsoever brought or made by reason of the non-observance or non-performance of any of the terms and conditions of this permit. Proof of a policy naming the County of Maui as an additional insured shall be submitted to the Department within ninety (90) calendar days from the date of transmittal of the D&O. The proof of insurance and all subsequent certifications of insurance coverage shall include the applicable TMK and permit numbers.

4. That the Applicant shall develop the property in substantial compliance with the representations made to the Maui County Council in obtaining the CP. Failure to so develop the property may result in the revocation of the CP pursuant to Section 19.40.080, MCC.

5. That full compliance with all applicable governmental requirements shall be rendered.

6. That full compliance with the conditions of the Permit **(SUP2 2014/0006)** shall be rendered.

Further, in regards to the Ho'omoana project, the Commission adopted the Memorandum Report and Recommendation with revisions prepared by the Department for the January 23, 2018, meeting, along with the Staff Report from the July 28, 2015 meeting, as its Findings of Fact, and Conclusions of Law and authorized the Director to transmit the Commission's recommendation to the Council on its behalf. Parties to proceedings before the Commission may obtain judicial review of D&O issued by the Commission in the manner set forth in Chapter 91-14, HRS.

Thank you for your cooperation. Should you have any questions or require additional information, please contact Staff Planner Kurt Wollenhaupt via email at kurt.wollenhaupt@mauicounty.gov or by phone at (808) 270-1789.

Sincerely,

WILLIAM SPENCE
Planning Director

xc: Clayton I. Yoshida, AICP, Planning Program Administrator (PDF)
John S. Rapacz, Planning Program Administrator (PDF)
Kurt F. Wollenhaupt, Staff Planner (PDF)
Peter K. Martin, Ho'omoana Foundation (PDF)
Dean Frampton, Frampton and Ward (PDF)
Jim Geiger, Mancini, Ward & Geiger LLP (PDF)
Lori Sablas (PDF)
Harmony Hallas (PDF)
State Land Use Commission
State Office of Planning
Project File

WRS:KFW:lk
K:\WP_DOCS\PLANNING\CP\2014\0002_Kauaula_Camp\Staff Report To Approval\LPC_SUP2_CP_Decision_Amended.doc

BEFORE THE MAUI PLANNING COMMISSION

COUNTY OF MAUI

STATE OF HAWAII

In The Matter of The Applications of HO'OMOANA FOUNDATION To Obtain a Conditional Permit and a State Land Use Commission Special Permit to Allow the Development of the Kauaula Overnight Campground Focused on Both the Transient / Homeless / Financially Disadvantaged Population and the Commercial Camper 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.	DOCKET NO. CP 2014/0002 SUP2 2014/0006 Kauaula Campground Ho'omoana Foundation (KFW)

MAUI COUNTY PLANNING DEPARTMENT'S RECOMMENDATION TO THE MAUI PLANNING COMMISSION JANUARY 23, 2018, MEETING

DEPARTMENT OF PLANNING
COUNTY OF MAUI
2200 MAIN STREET, SUITE 315
WAILUKU, MAUI, HI. 96793

BEFORE THE MAUI PLANNING COMMISSION

COUNTY OF MAUI

STATE OF HAWAII

In The Matter of The Applications of HO'OMOANA FOUNDATION To Obtain a Conditional Permit and a State Land Use Commission Special Permit to Allow the Development of the Kauaula Overnight Campground Focused on Both the Transient / Homeless / Financially Disadvantaged Population and the Commercial Camper 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.	DOCKET NO. CP 2014/0002 SUP2 2014/0006 Kauaula Campground Ho'omoana Foundation (KFW)

CONCLUSIONS OF LAW

The application complies with the applicable standards for a State Land Use Commission Special Permit and a County Conditional Permit as established in the Planning Department's Reports to the Maui Planning Commission, dated July 28, 2015, and January 23, 2018, Docket Nos. SUP2 2014/0002 and CP 2014/0006. Based on the analysis provided in the Department's Reports, the applications comply with the applicable standards as follows:

STATE LAND USE COMMISSION SPECIAL PERMIT

(1) The use is not contrary to the objectives sought to be accomplished by chapters 205 and 205A, HRS, and the rules of the Land Use Commission;

(2) The desired use will not adversely affect surrounding property;

(3) The use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage and school improvements, and police and fire protection;

(4) Unusual conditions, trends and needs have arisen since the district boundaries and rules were established; and,

(5) The land upon which the proposed use is sought is unsuited for the uses permitted within the district.

CONDITIONAL PERMIT

A Conditional Permit is reviewed pursuant to Title 19, Zoning, Chapter 19.40 Conditional Permits; Maui County Code, 1980, as amended. The intent of the Conditional Permit is to provide the opportunity to consider establishing uses not specifically permitted within a given use zone where the proposed use is similar, related or compatible to those permitted uses and which has some special impact or uniqueness such that its effect on the surrounding environment cannot be determined in advance of the use being proposed for a particular location.

Upon finding that reasons justifying granting of a Conditional Permit exist, and that the proposed use would not be significantly detrimental to the public interest, convenience and welfare, and will be in harmony with the area in which it is to be located; issuance of a Conditional Permit may be recommended, subject to such terms and conditions and for such period of time as the facts may warrant.

Should the Commission determine that the permit requested is for a use which is substantially different from those uses permitted in the use zone, the Commission shall recommend denial of the request and may instruct the Applicant to seek a change in zoning should the facts warrant such an application.

Every Conditional Permit shall be conditioned upon the proposed development fully complying with all requirements of Title 19 and other applicable governmental requirements.

The Planning Department finds that the proposed use meets the criteria for the issuance of a Conditional Permit.

RECOMMENDATION

State Land Use Commission Special Permit

The Maui County Planning Department recommends approval of the State Land Use Commission Special Permit subject to the following conditions:

1. That the State Land Use Commission Special Permit shall be valid until January 31, 2019, or in accordance with the expiration date of the Conditional Permit, whichever is later, subject to extension by the Maui Planning Director upon a timely request for extension filed with ninety (90) days prior to its expiration. The Planning Director may forward the time-extension request to the Planning Commission for review and approval and may require a public hearing on the time extension by the Planning Commission.

2. That the subject State Land Use Commission Special Permit shall not be transferred without the prior written approval of the Maui Planning Director. However, in the event that a contested case hearing preceded issuance of said State Land Use Commission Special Permit, a public hearing shall be held by the appropriate Commission upon due published notice, including actual written notice to the last known addresses of parties to said contested case and their counsel.

3. That the Applicant, its successors, and permitted assigns shall exercise reasonable due

care as to third parties with respect to all areas affected by subject State Land Use Commission Special Permit and shall procure at its own cost and expense, and shall maintain during the entire period of this State Land Use Commission Special Permit, a policy or policies of comprehensive liability insurance in the minimum amount of ONE MILLION AND NO/100 DOLLARS ($1,000,000.00) naming the County of Maui as additional insured, insuring and defending the Applicant and the County of Maui against any and all claims or demands for property damage, personal injury, and/or death arising out of this permit including, but not limited to: (1) claims from any accident in connection with the permitted use, or occasioned by any act or nuisance made or suffered in connection with the permitted use in the exercise by the Applicant of said rights; and (2) all actions, suits, damages, and claims by whomsoever brought or made by reason of the non-observance or non-performance of any of the terms and conditions of this permit. Proof of a policy naming County of Maui as an additional insured shall be submitted to the Department of Planning within ninety (90) calendar days from the date of transmittal of the Decision and Order. The proof of insurance and all subsequent certifications of insurance coverage shall include the applicable Tax Map Key (TMK) and permit numbers.

4. That full compliance will all applicable governmental requirements and regulations shall be rendered.

5. That the Applicant shall submit to the Planning Department two (2) copies of a report addressing compliance with the conditions established with the subject Special Permit. The compliance report shall be reviewed and approved by the Planning Department and shall be filed along with a request for time extension and within ninety (90) calendar days prior to the expiration of the Special Permit.

6. That the Applicant shall develop the property in substantial compliance with the representations made to the Planning Commission in obtaining the Special Permit. Failure to so develop the property may result in the revocation of the Special Permit.

7. That the farm plan be implemented during the duration of the Special Permit. Evidence of implementation shall be submitted as part of the renewal application.

8. That is the event historic resources, including human skeletal remains, are identified during construction activities, all work shall cease in the immediate vicinity of the find, the find shall be protected from additional disturbance, and the State Historic Preservation Division, Maui Section, shall be contacted immediately at (808) 243-5169 or the most recent phone number for the Section.

9. That to the satisfaction of the Planning Department, best management practices shall be implemented to insure that water quality and marine resources are protected. All construction-related materials shall be free of pollutants and placed or stored in ways to avoid or minimize disturbance. No debris, petroleum products or deleterious materials or wastes shall be allowed to fall, flow, leach, or otherwise enter near shore waters. Any turbidity and siltation generated from activities proposed at the site shall be minimized and contained in the immediate vicinity of construction through the use of effective silt containment devices. Construction during adverse weather conditions should be curtailed to minimize the potential for adverse water quality impacts. A best management practices plan including these provisions shall be submitted to the Planning Department.

10. That limitations on the Kauaula Campground operations shall be as follows:

a. That all necessary permits shall be obtained for the manager's cottage and farm dwelling and that the dwelling shall be constructed prior to occupancy of any campground sites and that a full-time manager shall be on-site during all times that any campers are in-residence.

b. That a State Department of Health approved individual wastewater system shall be constructed and approved prior to occupancy of any campground sites.

c. That all sanitary units including bathrooms, laundry, shower and sink areas shall be constructed and approved prior to occupancy of any campground sites.

d. That security fencing, especially along the border with the Lahaina Bypass Road and Hokiokio Road shall be completed prior to the occupancy of any campground sites.

e. That Fire Department approved driveways and roadways shall be constructed and approved completed prior to the occupancy of any campground sites.

f. That the median fronting the Project driveway on Hokiokio Place be paved due to an existing median swale to accommodate entering and exiting left-turns to the future Project driveway.

g. That a minimum of at least 450 feet of space be provided between the future Project driveway and the Lahaina Bypass Road exit ramp (taken at the fork where it merges onto Hokiokio Place.)

h. That the frontage surrounding the Project driveway shall be free of any large trees or obstructions, in order to maintain adequate site distance and to assist in pedestrian safety along Hokiokio Place.

i. That the campground shall start with eight (8) camping pods incrementally ramping up to a build-out maximum of 26 pods. No more than 80 campers at build-out shall be permitted on-property at any one time, and capacity control and length of camper stay shall be subject to daily review and control by the camp manager.

j. All campers must fill out an Campground Application, agree to a Code of Conduct, and be approved by the camp manager prior to engaging in any campground activity. The Code of Conduct shall be substantially the same as that detailed in the Staff Report for the July 28 2015, Maui Planning Commission meeting.

k. To the satisfaction of the Planning Department a compliance and review board made up of representatives from adjacent neighborhoods including but not limited to the Puunoa and Puamana developments along with selected representatives of homeless advocacy groups shall provide a yearly update of Campground operations.

The conditions of this Land Use Commission Special Permit shall be enforced pursuant to 205-12 and 20513, Hawaii Revised Statutes.

In consideration of the forgoing, the Maui County Planning Department recommends that the Maui Planning Commission adopt the Department's Report and Recommendation for the July 28, 2015, and January 23, 2018, meetings and authorize the Director to transmit said Findings of Fact, Conclusions of Law, and Decision and Order on behalf of the Maui Planning Commission.

Conditional Permit

The Maui County Planning Department recommends approval of the Conditional Permit subject to the following conditions:

1. That the Conditional Permit shall be valid for a period of one (1) year from the effective date of this ordinance; provided, that an extension of this permit beyond this 1-year period may be granted pursuant to Section 19.40.090, Maui County Code.

2. That the Conditional Permit shall be nontransferable unless the Council approved the transfer by Ordinance.

3. That the Applicant, its successors, and permitted assigns shall exercise reasonable due care as to third parties with respect to all areas affected by subject State Land Use Commission Special Permit and shall procure at its own cost and expense, and shall maintain during the entire period of this State Land Use Commission Special Permit, a policy or policies of comprehensive liability insurance in the minimum amount of ONE MILLION AND NO/100 DOLLARS ($1,000,000.00) naming the County of Maui as additional insured, insuring and defending the Applicant and the County of Maui against any and all claims or demands for property damage, personal injury, and/or death arising out of this permit including, but not limited to: (1) claims from any accident in connection with the permitted use, or occasioned by any act or nuisance made or suffered in connection with the permitted use in the exercise by the Applicant of said rights; and (2) all actions, suits, damages, and claims by whomsoever brought or made by reason of the non-observance or non-performance of any of the terms and conditions of this permit. Proof of a policy naming County of Maui as an additional insured shall be submitted to the Department of Planning within ninety (90) calendar days from the date of transmittal of the Decision and Order. The proof of insurance and all subsequent certifications of insurance coverage shall include the applicable Tax Map Key (TMK) and permit numbers.

4. That the Applicant shall develop the property in substantial compliance with the representations made to the Maui County Council in obtaining the Conditional Permit. Failure to so develop the property may result in the revocation of the Conditional Permit pursuant to Section 19.40.080, Maui County Code.

5. That full compliance with all applicable governmental requirements shall be rendered.

6. That full compliance with the conditions of the State Land Use Commission Special Permit (SUP2 2014/0006) shall be rendered.

That Conditional Permit conditions be enforced pursuant to the provisions of Chapter 19.530,

19.530.030 of the Maui County Code, as amended, 1980; and the *Rules for Administrative Procedures and Civil Fines for Violations of Titles 12, 14, 16, 19, and 20 of the Maui County Code.*

In consideration of the forgoing, the Maui County Planning Department recommends that the Maui Planning Commission adopt the Department's Report and Recommendation for the July 28, 2015, and January 23, 2018, meetings and authorize the Director to transmit said Findings of Fact, Conclusions of Law, and Decision and Order to the Maui County Council on behalf of the Maui Planning Commission.

APPROVED:

WILLIAM SPENCE
Planning Director
County of Maui

January 23, 2018

MEMORANDUM

TO: Sandra Duvauchelle, Chair
and Members of the Maui Planning Commission

FROM: William Spence, Planning Director *WS.*

SUBJECT: DEFERRAL AND UNFINISHED BUSINESS FOR A CONDITIONAL PERMIT (CP) AND A STATE LAND USE COMMISSION SPECIAL PERMIT (SUP2) FOR THE KAUAULA CAMPGROUND, LOCATED AT HOKIOKIO PLACE AND LAHAINA BYPASS ROAD, LAHAINA, MAUI, HAWAII; TMK: (2) 4-7-003:031 (POR) (CP 2014/0002) (SUP2 2014/0006)

At its regular meeting on July 28, 2015, the Maui Planning Commission (Commission) conducted a public hearing on the above-referenced applications for a Conditional Permit and a State Land Use Commission Special Permit regarding the development of the Kauaula Campground by Ho'omoana Foundation. The proposed overnight campground would cater to the transient/homeless/financially disadvantaged population and to a lesser extent potential commercial campers. The project is proposed for a 7.9-acre portion of a 22.678-acre parcel of land within the State Agricultural District along Hokiokio Place and adjacent to and bounded by the Lahaina Bypass Road between the Puamana Planned Unit Development and the agriculturally zoned Pu'unoa Subdivision at Lahaina, Maui, Hawaii. The specific project site consists of a 2-acre campground and a 5.9-acre adjacent agricultural field to be used by campers. The proposed build-out of camping pods is twenty-six (26). After due deliberation, the Commission voted to defer this matter to a future date requesting that the Applicant continue to meet with neighboring homeowner groups opposed to the project and to then report progress of these meetings to the Commission.

For the record it is noted that the Pu'unoa Homeowners' Association filed a Petition to Intervene and presented this Petition to the Commission at the July 28, 2015, meeting. The Commission denied the Petition to Intervene and continued to the public hearing for the project and subsequently deferred a decision on the matter which is the subject of this meeting and staff report. For reference, the Commission adopted the Decision & Order on the denial of the Petition to Intervene filed by the Pu'unoa HOA at its December 12, 2017, meeting. Please review the documents provided to you attached to this Memorandum as background material for this project.

Reason for a Conditional Permit. The Conditional Permit (CP) is required as a "camping unit", defined in MCC Section 19.04.040 as a tent, recreational vehicle, cabin, lean-to, or other similar structure which provides or is intended to provide temporary living quarters for a person or persons, is only allowed for not more than six consecutive nights within a thirty-day period. The

Applicant intends that transient camp residents may use their "camping units" which includes tents for more than six consecutive nights within a thirty-day period.

Reason for a State Land Use Special Permit. The State Land Use Special Permit (SUP2) is required as overnight camps are not a permitted use on lands with soil classified by the Land Study Bureau's detailed land classification as overall productivity rating class "A" or "B" in the State Agricultural District, and hence require a State Special Permit. The Project Site is located on "B87i" rated land. Additionally, open land recreation uses, structures or facilities including commercial camping requires a County Special Use Permit in the County Agricultural Zoning District, except that if a use described in MCC, Section 19.30A.060 also requires a special permit pursuant to Chapter 205, Hawaii Revised Statutes, the state special permit shall fulfill the requirements of MCC, Section 19.30A.060. Hence approval of an SUP2 additionally satisfies the requirements of a County Special Use Permit.

Project Update. Per the request of the Commission, the Applicant provided an update which is attached as **Exhibit 1.** Within **Exhibit 1** are multiple documents provided by the Applicant which will update the Commission. **Exhibit A** within **Exhibit 1** is the statement of progress and an update since the July 28, 2015, Commission meeting. The Applicant has met with adjacent homeowners' associations including Puamana and Pu'unoa, the West Maui Taxpayers' Association, the Department of Housing & Human Concerns, Councilmember Cochran, and various other individuals and organizations. Within **Exhibit 1** is the Applicant's Management and Development Plan and Client/Camper Selection Criteria. An important distinction of the campground's latest proposal is that preference is being given to women, families, and couples and that no single men are being considered in the selection process at this time. Collaboration with community/faith-based organizations is encouraged. The project is very similar to that presented to the Commission on July 28, 2015.

Project Timeline. The Applicant in **Exhibit B** within **Exhibit 1** has provided a timeline with regards to events occurring after the Commission's public hearing of July 28 2015. After the Commission's deferral on the matter, the Pu'unoa HOA on December 4, 2015, filed a Petition for a Declaratory Order with the State of Hawaii Land Use Commission (LUC). Pu'unoa in its Petition for a Declaratory Order asked the LUC to determine whether the proposed overnight campground with an adjacent agricultural field on about 7.9 acres of 22.678 acre parcel located within the State Agricultural District required a District Boundary Amendment or if it could be permitted by a Special Permit granted by the Maui Planning Commission.

On February 19, 2016, Appellant Ho'omoana Foundation filed a Petition to Intervene.

On February 24, 2016, the State Land Use Commission considered the Petition for a Declaratory Order and determined that it had jurisdiction to act on the Petition, determined that the project could not be permitted by a Special Permit, and determined that a District Boundary Amendment was required to allow the project on the parcel. Furthermore, the LUC denied the Ho'omoana Petition to Intervene on the basis that it was moot.

On March 3, 2016, the LUC entered its Declaratory Order in Docket No. DR15-54, determining that the LUC had jurisdiction to act on the Petition for Declaratory Order, that the project could not be permitted by way of a Special Permit, and that a District Boundary Amendment was required to be filed to allow the project to proceed on the parcel.

On March 3, 2016, the LUC entered its order denying Ho'omoana's Petition to Intervene on the ground that the request was moot.

On March 29, 2016, Ho'omoana filed its Notice of Appeal in the matter of both decisions and orders of the LUC entered on March 3, 2016.

On December 1, 2016, oral arguments were held on the Appeal before the Honorable Rhonda I.L. Loo. The Second Circuit Court reversed the LUC's Order denying Ho'omoana Foundation's Petition to Intervene filed on March 3, 2016 in Docket DR15-54 and reversed the LUC's Declaratory Order filed on March 3, 2016, in Docket DR15-54. Both actions were remanded to the LUC with directions to enter orders consistent with this ruling. The Order vacating LUC's Decisions and Orders was signed on January 4, 2017.

On March 16, 2017, Pu'unoa HOA/Lane appealed the Second Circuit Court decision to the Intermediate Court of Appeals.

On March 17, 2017, the LUC appealed the Second Circuit Court decision to the Intermediate Court of Appeals.

On June 22, 2017, the two appeals were consolidated into a single appeal.

On July 18, 2017, Pu'unoa HOA/Lane filed their opening brief.

On July 19, 2017, the LUC filed its opening brief.

On September 27, 2017, Ho'omoana filed its answering briefs.

On October 10, 2017, the LUC filed its reply brief.

On October 19, 2017, Pu'unoa HOA/Lane filed its reply brief.

CURRENT. The project is pending review by the Intermediate Court of Appeals. To date, the ICA has not issued a Notice of Panel Members which will be the first step in getting a final disposition from the ICA.

Project Updated Site Plan. The Applicant in **Exhibit C** within **Exhibit 1** provides an updated project site plan showing the existing farm dwelling and proposed buildings and campsites. The project is similar to that originally proposed with no increase in the camping pod number of twenty-six (26).

Project Documents. Attached are project documents for review by Commissioners.

Exhibit 2. Commission Staff Report and Recommendation dated July 28, 2015.

Exhibit 3. Minutes from Commission meeting on July 28, 2015.

Exhibit 4. Letter to Applicant dated July 31, 2015, noting Commission action: Denial of Petition to Intervene by Pu'unoa Homeowners Association and Deferral of action

on State Special Permit and County Conditional Permit pending further information from the Applicant.

Exhibit 5. Pu'unoa HOA and Devonne Lane Petition for a Declaratory Order from the LUC dated December 4, 2015.

Exhibit 6. Maui County Position Statement on Petition for a Declaratory Order dated January 25, 2016, and Revised Maui County Position Statement on Petition for a Declaratory Order dated February 1, 2016.

Exhibit 7. State Office of Planning Position Statement on Petition for a Declaratory Order dated February 4, 2016.

Exhibit 8. LUC Order Denying Ho'omoana's Petition to Intervene dated March 3, 2016.

Exhibit 9. LUC 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 in the agricultural district requires a Boundary Amendment dated March 3, 2016.

Exhibit 10. Petitioner's position statement concerning and opposition to rescission of February 24, 2016, LUC Decision on Petition for a Declaratory Order dated April 18, 2016.

Exhibit 11. Petitioner's supplemental statement dated April 19, 2016.

Exhibit 12. Ho'omoana Foundation's submittal of appeal to the Second Circuit Court regarding the denial of the Petition to Intervene at the LUC and the issuance of the Declaratory Order dated March 29, 2016. Note: On April 1, 2016, the LUC received Civil No. 16-1-0160 (1) Notice of Appeal.

Exhibit 13. Decision and Order from the Second Circuit Court (Honorable Rhonda I.L. Loo) reversing the LUC Order denying Ho'omoana Foundation's Petition to Intervene filed on March 3, 2016, in Docket No. 15-54 and reversing the LUC's Declaratory Order filed on March 3, 2016, in Docket No. 15-54. Both actions are remanded to the LUC with directions to enter orders consistent with this ruling.

NOTE: This Second Circuit Decision has been appealed to the Intermediate Court of Appeals by the Pu'unoa HOA and the State of Hawaii Land Use Commission.

The Applicant and their legal counsel are aware of the inherent risks involved with regards to potential rulings from the Intermediate Court of Appeals and consequent actions from future decisions on matters reviewed by the County of Maui with regards to this project.

RECOMMENDATION

State Land Use Commission Special Permit

1. Deferral. The Commission may defer action to another meeting date in order to obtain additional information that will assist in their deliberation on the request.

2. Approve With No Conditions. The Commission may take action to approve the permit request without imposing any conditions.

3. Approve With Conditions. The Commission may take action to approve the permit request with conditions.

4. Denial. The Commission may take action to deny the permit requests

Conditional Permit

1. Deferral. The Commission may defer action to another meeting date in order to obtain additional information that will assist in their deliberations on the application.

2. Recommendation of Approval to the County Council. The Commission is not the authority on conditional permits and, therefore, can only make a recommendation to the County Council to approve or deny the conditional permit. The County Council is the authority to act on conditional permits.

3. Recommendation of Denial to the County Council. The Commission is not the authority on conditional permits and, therefore, can only make a recommendation to the County Council to approve or deny the conditional permit. The County Council is the authority to act on conditional permits.

Attachments
XC: Clayton I. Yoshida, AICP, Planning Program Administrator (PDF)
John S. Rapacz, Planning Program Administrator (PDF)
Kurt F. Wollenhaupt, Staff Planner (PDF)
Maui Planning Commission (PDF)
Peter Martin (PDF) peter@westmauiland.com
Project File
General file
WRS:KFW:xxx
K:\WP_DOCS\PLANNING\CP\2014\0002_Kauaula_Camp\Staff Report To Approval\MPC_Report_Continuation_23-Jan-2018 .doc

EXHIBIT 1

Ho`omoana Foundation
305 E. Wakea Ave., Kahului, HI 96732
808.877.4202

COUNTY OF MAUI
DEPT. OF PLANNING - CURRENT
SEP 15 2017
RECEIVED

Board of Directors
Peter K. Martin
Thomas D. Welch Jr.
Rory Frampton
Samual Ahia
Dr. Jon Betwee
Maggie Coloumbe
Josh Dean
Ali Martin
Bruce U`u

August 30, 2017

Aloha Kurt,

As per your email dated August 3, 2017, please find enclosed:

1. A prepared statement of progress and update from the last Commission meeting – *see Exhibit "A", pages 1-4*;
2. A brief history and update of process from the LUC and decision by Judge Loo, including current status of appeal at the Intermediate Court of Appeals - *See Exhibit "B"*;
3. Management and development plan for the campground – *See Exhibit "A", page 4&5*;
4. Client selection criteria and management for those people staying at the campground – *See Exhibit "A". page 5*;
5. Updated site plan showing existing building (farm dwelling) and proposed buildings and campsites – See Exhibit "C"; and
6. Explanation of faith based campground and how that will work – See Exhibit "A", page 5.

We hope this information will assist in the rescheduling of our project before the Maui Planning Commission.

Thank You Very Much,

Peter K. Martin

Mission: Ho'omoana offers a dignified bridge for families and individuals seeking mental wellness and an opportunity to better provide for themselves. Ho'omoana believes that free market principles create safe places to live, work and are essential in regaining a higher quality of life.

EXHIBIT "A"

Ho`omoana Foundation

305 E. Wakea Ave., Kahului, HI 96732
808.877.4202

Mission: Ho'omoana offers a dignified bridge for families and individuals seeking mental wellness and an opportunity to better provide for themselves. Ho'omoana believes that free market principles create safe places to live, work and are essential in regaining a higher quality of life.

September 13, 2017

Ho`omoana Foundation aims to identify and address these three items, and we ask the council to keep in mind:

1. *Empathy*: We ask the council to put yourself in the position of the campers who have no safe place to turn to, no place to call "home"
2. *Compassion*: We encourage you to be part of humanity by helping a fellow human being.
3. *Courage*: To make a good decision for Maui.

We ask that you keep in mind these three words, *Empathy, Compassion, and Courage*, while reviewing this revised proposal.

Statement of Progress

As of September 2015, Ho`omoana Foundation has met with various community associations with regards to their concerns. Below is a detailed timeline of these meetings with results defined.

On August 3rd 2015, we met with West Maui Council Representative Elle Cochran. Ms. Cochran encouraged us to continue working with the community and agreed on the urgent need to make more services available for our growing homeless population.

On August 11th 2015, we met with the Board of the West Maui Taxpayers

Association (WMTA). The Board was supportive of any additional services that provide for homeless residents on the West Side. The Board was saddened by the division created by the mischaracterization of the facts involved with our Ho`omoana proposal. The WMTA offered to host a community panel discussion on the general topic of homeless issues in West Maui. The hope was to educate the community on ways that ordinary citizens can contribute to solving the problem. It was also envisioned that the evening event would provide an opportunity for Ho`omoana to present our proposal and clarify any misconceptions.

On August 13th 2015 we met with Carol Riemann, newly appointed Director of Housing & Human Concerns. We gave her a general overview of the project and indicated we were in the process of working with the community to find common ground and mitigate some of the main issues raised in opposition.

On August 19th 2015, we met with the Maui Homeless Alliance (MHA) to present the general idea of our project and received valuable feedback. We acknowledge the MHA advocates for "Housing First", however, in the absence of available housing units, the campground could be beneficial in providing homeless individuals with a "safe harbor" while waiting to be placed in permanent housing.

On August 20th 2015 we met with the Board of the Puamana AOAO. While many members of the Puamana Board expressed opposition to the project, the discussion was extremely fruitful and constructive. A number of suggestions were born out of the meeting that can and will be implemented into the overall concept, should it be approved. Below is a summary of the issues discussed, including recommendations that we are aiming to incorporate into our overall concept:

-Members of the Board and General Manager Scott Naganuma explained the serious problems Puamana has faced with existing homeless in the area, escalating dramatically in the last six months. Individuals trespass regularly on the property, gaining access along the shoreline and also from the Kauaula streambed. And there is a group living mauka of Puamana alongside the Kauaula Stream. During major storm events, incredible amounts of rubbish, junk and drug paraphernalia wash down the stream and end up in the ocean or at the river mouth. GM Naganuma provided photos of mattresses, used drug needles and used drug packets, etc. Peter Martin

agreed to work with GM Scott Naganuma to clean up the steam in the near future.

-A number of members expressed concern with the proposed location (citing proximity to services, increased traffic, impact to stream environment, visual impacts, etc.). We acknowledge these concerns and will do what we can to mitigate relevant impacts.

-Members were concerned with the vetting / screening process of potential clients. They are concerned that individuals who are denied entry into the camp will wander surrounding properties with no place to go, thereby creating a negative attraction. We are willing to prohibit "walk-up" clients, allow registration by referral only.

-Members were concerned with the qualifications of the onsite manager. Want to know that "he / she/ they" will be trained and experienced in assessing and dealing with addiction and other social issues. Possibly including a CSAC license? We are happy to work with existing social services to create an appropriate degree of qualifications for the onsite manager.

-Concerns raised regarding the financial stability of the project, including the initial start-up and ongoing annual budget.

-Concerns raised that the stream and larger campground would not be maintained once campground approvals issued. I explained the concept of the Planning Department's *Compliance Report* required after a SUP permit has been issued. Noting the expressed reservations of the Board, we took it a step further, suggesting an idea of a "compliance committee" made up of representatives from adjacent neighborhoods to ensure regular communication and compliance with conditions of approval. We would welcome dedicated members of the Puamana Board to act and serve on the compliance committee.

-Board asked us to return in mid November to report on progress. We agreed and are able to confirm that we will NOT schedule a return to the Maui Planning Commission until AFTER we have updated the Board on our plan refinements.

On September 2nd 2015 we met with Jan Shishido (Dept Director, COM Housing & Human Concerns) and Thelma Akita-Kealoha (Catholic Charities of Hawaii) and Maude Cumming (Family Life Center) to give a project overview and seek their input and comments. All three indicated a desire to pursue the policies of "Housing First". But did acknowledge that in the absence of available living units, the campground may be helpful if it is considered "temporary" in nature, designed to be the first step for homeless residents who are looking for permanent housing. We also indicated we would be trying to craft our model to fall more in-line with the mission of the Maui Homeless Alliance.

On September 8th 2015 we met with Erin Lowenthal, who was at the time, Executive Director of Ka Hale A Ke Ola (KHAKO). I reviewed our concept and discussed with her the possibilities of tying in services offered. One possibility is that the campground could serve as a place for those on the waiting list at KHAKO. While no specific agreements were made, it was understood that KHAKO would be willing to work with us to find ways to tie-in services, so that the respective services may hopefully complement each other in the future.

On September 9th 2015 we attended the Board meeting of the Pu'unoa Homeowner's Association. The Board brought their own attorney to the meeting, so the discussion was somewhat limited. I did explain the progress we had made with Puamana and described the new conditions we were willing to accept. The Pu'unoa Board reiterated many of the same thoughts presented at the Maui Planning Commission Hearing on July 28th. Despite efforts to find common ground, the Board remained steadfast in opposition to the project.

Management and Development plan:

- Onsite Manager: Cliff Libed has agreed to be the onsite manager as we begin this project.
    - Currently, the main structure is being rented out as a security measure only.
    - Ideally, we would like to have a couple (married or otherwise) with a social work background to act as "advisor" to campers.

- Diversified Agriculture: ultimate goal of developing this between on site manager and the campers. Will be used as a tool to develop stability and good character. Maui Farm is the model for incorporating the work-trade aspect.

Client / Camper Selection Criteria:

To be developed and managed by onsite manager; ultimate discretion is given to the manager.

- Kama'aina
- Current island occupants in the West side, Lahaina area.
- Preference given to those with a longer length of stay on Maui.
- First preference to women, families, and couples; no single men.
- Ka Hale A Ke Ola waitlist preference given.
- No more than 4 adults per individual site.
- 9 campgrounds in phase 1, no more than 24 total as advised by the MPC.

Community / Faith Based Campground details:

Collaboration with non-profit organizations already serving homelessness and local area churches:

- Ka Hale A Ke Ola
- Feed My Sheep
- Maui Homeless Alliance
- West Maui Taxpayers Association
- Church of Later Day Saints
- Catholic Charities of Hawaii

Campers will have the choice to do a work-trade agreement for payment of facility usage. This will be in conjunction with the diversified agriculture on site.

EXHIBIT "B"

Ho`omoana Foundation

305 E. Wakea Ave., Kahului, HI 96732
808.877.4202

August 30, 2017

Aloha,

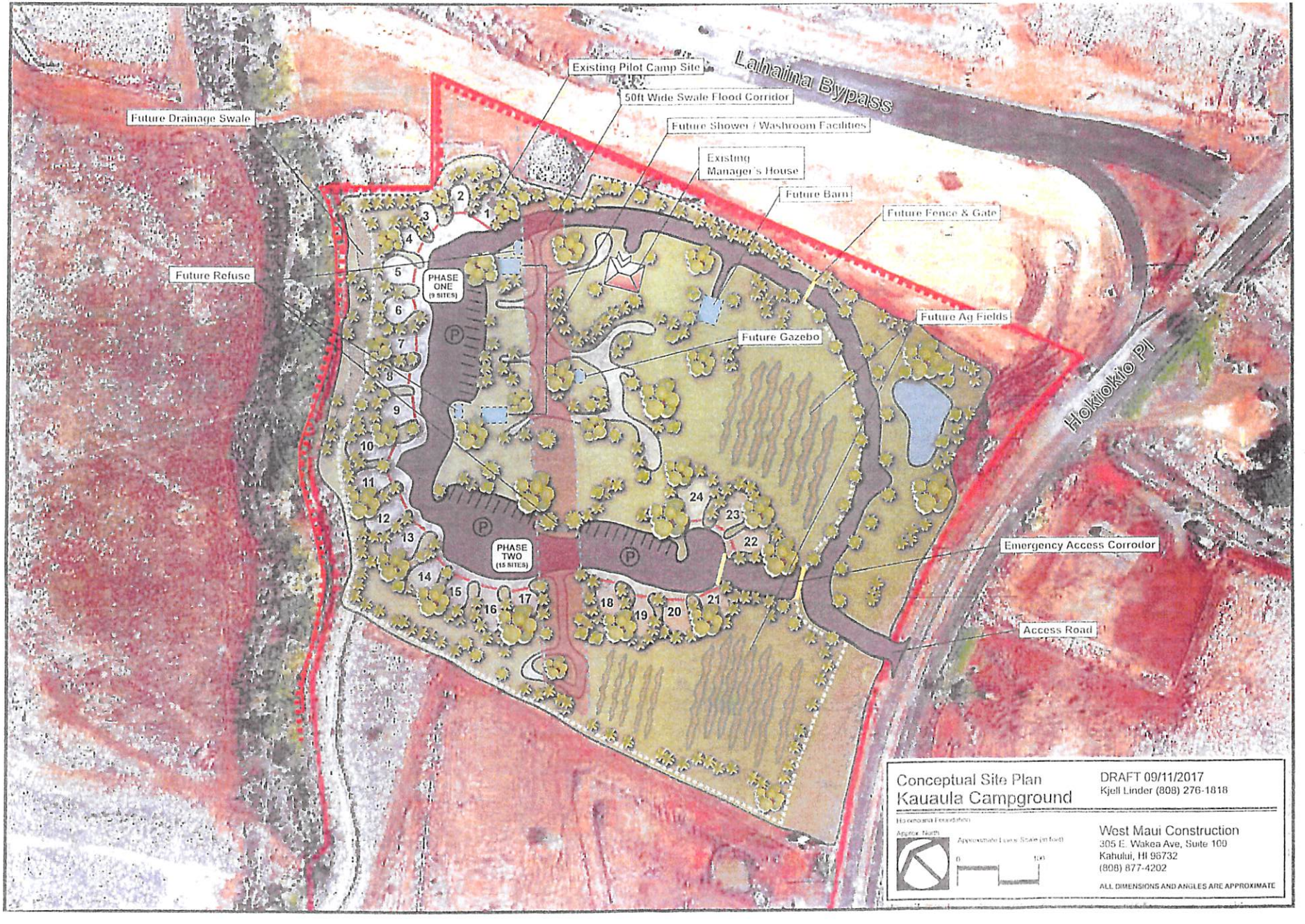
Below is a summary of court cases with outcomes in regards to Ho`omoana campground.

Issue in Question: Can a campground be approved on prime agriculture land with a Special Use Permit (SUP) or does it need a district boundary amendment?

- Dec 4, 2015 – Pu'unoa HOA filed for a Declaratory Ruling by the LUC.
- Feb 24, 2016 – LUC granted the Pu'unoa Association Petition for a Declaratory Ruling saying campgrounds could not be permitted by a SUP.
- March 24, 2016 – Ho'omoana appealed the LUC decision.
- Dec 1, 2016 – Judge Rhonda Loo oversaw a hearing regarding the appeal.
- Jan 4, 2017 – Judge Rhonda Loo decided the LUC was incorrect in stating the need for a boundary agreement. Judge Loo ruled a campground on 15 acres did not need a district boundary amendment, allowing Ho'omoana to move forward.
- March 16, 2017 – Pu'unoa HOA appealed Judge Loo's ruling.
- March 17, 2017 – LUC appealed.

Mission: Ho'omoana offers a dignified bridge for families and individuals seeking mental wellness and an opportunity to better provide for themselves. Ho'omoana believes that free market principles create safe places to live, work and are essential in regaining a higher quality of life.

EXHIBIT "C"


Existing Pilot Camp Site
Lahaina Bypass
50ft Wide Swale Flood Corridor
Future Drainage Swale
Future Shower / Washroom Facilities
Existing Manager's House
Future Barn
Future Fence & Gate
Future Refuse
PHASE ONE (9 SITES)
Future Ag Fields
Future Gazebo
Hokiokio Pl
PHASE TWO (15 SITES)
Emergency Access Corridor
Access Road
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4
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Conceptual Site Plan
Kauaula Campground
DRAFT 09/11/2017
Kjell Linder (808) 276-1818
Approx. North
Approximate Lines Scale (in feet)
0
100
West Maui Construction
305 E. Wakea Ave, Suite 109
Kahului, HI 96732
(808) 877-4202
ALL DIMENSIONS AND ANGLES ARE APPROXIMATE

BEFORE THE MAUI PLANNING COMMISSION

COUNTY OF MAUI

STATE OF HAWAII

In The Matter of The Applications of HO'OMOANA FOUNDATION To Obtain a Conditional Permit and a State Land Use Commission Special Permit to Allow the Development of the Kauaula Campgrounds Focused on Both the Transient / Homeless / Financially Disadvantaged Population and the Commercial Camper 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.	DOCKET NO. CP 2014/0002 SUP2 2014/0006 Kauaula Campgrounds Ho'omoana Foundation c/o Lisa Darcy (KFW)

MAUI COUNTY DEPARTMENT PLANNING'S RECOMMENDATION TO THE MAUI PLANNING COMMISSION JULY 28, 2015 MEETING

DEPARTMENT OF PLANNING
COUNTY OF MAUI
2200 MAIN STREET, SUITE 315
WAILUKU, MAUI, HI. 96793

EXHIBIT 2

BEFORE THE MAUI PLANNING COMMISSION

COUNTY OF MAUI

STATE OF HAWAII

In The Matter of The Applications of HO'OMOANA FOUNDATION To Obtain a Conditional Permit and a State Land Use Commission Special Permit to Allow the Development of the Kauaula Campgrounds Focused on Both the Transient / Homeless / Financially Disadvantaged Population and the Commercial Camper 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.	DOCKET NO. CP 2014/0002 SUP2 2014/0006 Kauaula Campgrounds Ho'omoana Foundation c/o Lisa Darcy (KFW)

MAUI COUNTY PLANNING DEPARTMENT'S REPORT TO THE MAUI PLANNING COMMISSION JULY 28, 2015, MEETING

DEPARTMENT OF PLANNING
COUNTY OF MAUI
2200 MAIN STREET, SUITE 315
WAILUKU, MAUI, HI. 96793

BEFORE THE MAUI PLANNING COMMISSION

COUNTY OF MAUI

STATE OF HAWAII

In The Matter of The Applications of HO'OMOANA FOUNDATION To Obtain a Conditional Permit and a State Land Use Commission Special Permit to Allow the Development of the Kauaula Campgrounds Focused on Both the Transient / Homeless / Financially Disadvantaged Population and the Commercial Camper 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.	DOCKET NO. CP 2014/0002 SUP2 2014/0006 Kauaula Campgrounds Ho'omoana Foundation c/o Lisa Darcy (KFW)

DESCRIPTION OF THE PROJECT

This matter arises from applications for a Conditional Permit (CP) filed on August 22, 2014, and for a State Land Use Commission Special Permit (SUP2) filed on June 10, 2014, by the non-profit Ho'omoana Foundation ("Applicant"). It was determined after the filing of the SUP2 that a Conditional Permit would also be required for the proposed Project. Ms. Lisa Darcy is the Executive Director of the Ho'omoana Foundation. Their mission statement is *"Ho'omoana believes that having a safe place to live and to be employed are essential to regaining a higher quality of life."* Ho'omoana Foundation is proposing the development of the Kauaula Campgrounds on approximately 7.9 acres ("Project Site") which is a portion of the larger 22.68 acre agricultural site located along Hokiokio Place adjacent to the Lahaina By-Pass in between the Puamana Planned Unit Development and the gated residential community of Puunoa. The Project Site consists of the 2 acre campground and a 5.9 acre adjacent agricultural field to be used by the campground residents for therapy and work. The property is owned by Kauaula Land LLC of which Peter K. Martin is identified as Manager. The property is identified by Hawaii TMK (2) 4-7-003:031 (POR). See **Exhibit 1** for regional location maps and **Exhibit 2** for a property location map with aerial and site photographs, and **Exhibit 3** for a detailed plot map showing the proposed campground in relation to the entire agricultural parcel. The parcel's uses may be broken down as follows:

- Lot 14 Total Area = 22.678 Acres
- Lahaina Watershed Flood Control Project Leased Area = 5.8 Acres
- Existing Fenced Pasture Area for Safe/Humane Horse and Animal Care = 9 Acres (Kalee's Retirement Stables)
- Proposed 2 Acre Campground Site and 5.9 Acre Adjacent Agricultural Area = 7.9 Acres

In Lahaina there is little to no access to campsites, with the exception of Camp Olowalu south of Lahaina. Camp Olowalu is located on a 6.8 acre site adjacent to the ocean with a variety of wood tent platforms and camping sites in 4 pod areas. This Camp has successfully operated since 1955 originally as Camp PECUSA.

Many campers in the West Maui region are homeless and lack the financial resources to secure permanent housing. Subsequently, there are two needs: 1) camping facilities for the recreational commercial camper, and 2) facilities for the transient/homeless/financially disadvantaged population. The primary emphasis for the transient population would be the situational/transitional individual defined as someone forced into homelessness because of circumstances such as losing a job, high medical bills or other material loss, or loss of main breadwinner. Through careful management and strict adherence to campground rules, the Applicant states that these two populations may coexist harmoniously. The Applicant presents a unique concept for temporary living in an effort to address the homeless and transient population challenge especially in West Maui.

In addition to developing a commercial campground, the Applicant intends on building a farm dwelling on-site. A summary of the elements of the campground is described below. The campground intends to start with eight (8) camping pods incrementally ramping up to a build-out maximum of 26 pods. The components of the campground are:

1. Commercial / Transient Campground: With an initial development of eight (8) camping pods separated by landscaping for privacy, the campground area will contain two (2) restroom facilities with community showers and toilets and a location for common trash collection. Centrally located at the core of the campground will be a paved parking area accommodating twenty (20) vehicles along with an area for securing bicycles/mopeds/etc. 18 additional camping pods will be added in increments reflecting the campground's popularity and successful management. A total of twenty-six (26) pods is anticipated reflected in the detailed site plan in **Exhibit 4**. The pods will be areas primarily for the placement of campers' tents and associated belongings. A maximum capacity at build-out of 80 campers is anticipated. Campers will be required to bring their own tent equipment and/or shelter. No electricity will be provided at each camping pod; however, there is be an area for cell phone charging. No central cooking area is anticipated at this campground; however, small grills may be permitted with the agreement of the camp manager at designated locations. The goal is to transition homeless campers to more permanent housing as soon as possible. The length of campground stay would be subject to the camp manager's discretion with the priority that homeless campers would be able to transition quickly to more permanent housing. Critical to the camp's success is that on-site staff will provide goal-oriented counseling specifically designed to encourage a transition into permanent community housing.

2. Farm Dwelling: Operation and oversight of the campground will require the presence of an on-site manager. The manager will take residence in the farm dwelling to be constructed on the north entrance to the site. In addition to this dwelling, the manager's portion of the property will contain a barn, three (3) visitor parking spaces, and a yard. The farm dwelling will also serve as the campground office. **Exhibit 5** shows proposed renderings of the farm dwelling.

3. Agriculture Area: Working and walking in gardens and farm plots have been shown to be therapeutic and productive for a transient population. 16.88 net acres of the total 22.7 acre project site are available for agricultural purposes after subtracting the 5.8 acre Lahaina Watershed Flood Control Project area. As previously stated, of the 16.88 net agricultural acres available, 9 acres will continued to be used by Stuart and Kalee Farberow as Kalee's Retirement Stables. The stables provide safe and

humane care for retired horses that are aging and ill. In addition to the horses, the stables also have pigs, goats, and cattle grazing onsite. Consequently, the remaining and vacant 7.9 acres will be available for the 2 acre campground site and 5.9 acre planting and garden area. Using the vast majority of this parcel for agriculture provides a buffer between the commercial campground and adjacent properties. Additionally, farming may also provide a means for transient campers to work in order to pay for campsite rental through the maintenance and development of small-scale gardens. The plot plan is shown again in **Exhibit 3**. All equipment used for gardening shall be stored on-site in a closed and locked building.

The Applicant proposes the campers will fill out an Application and agree to a Code of Conduct shown in **Exhibit 6**. The Code of Conduct in **Exhibit 6** is a preliminary document to be refined. Priority will be given to Maui County residents. The Kauaula Campground Code of Conduct consists of the following provisions at a minimum:

- Keep your designated area clean and free of litter.
- No weapons of any kind are allowed including pocket knives, etc.
- Respect your fellow campers and their privacy. Do not enter others designated camp areas without permission.
- No loud music or excessive noise at any time. Repeat warnings could result in eviction. Volume level designated in line with average conversational noise level. There will be no sound amplification permitted on-site.
- All campers must maintain personal hygiene including keeping clothing and bedding clean. (Bedding must be cleaned once a week.) Those in need of medical attention must seek such medical assistance in partnership with health standards of the community as a whole.
- All campers must observe lights out at 9:30 P.M. Except Friday and Saturday when it will be 11 P.M. (Does not include lights within personal campers' tents.
- Each campground resident is encouraged to contribute to their camping community by checking in with camp coordinator.
- All campers will be expected to be courteous and treat camp residents and staff with respect. Zero tolerance with regard to any physical violence.
- Visiting hours are from 8 A.M. to 8 P.M. weekdays and from 8 A.M. to 10 P.M. on weekends.
- Sites allotted on "need" basis.
- Approved service animals shall be permitted on-site by permission of the camp manager.
- No illicit drugs shall be used or stored on-site, with a zero tolerance policy in effect.
- Operation or use of any portable electric or gas generator is prohibited, except by written permission of the camp manager.
- Camp fires are prohibited except by permission of the camp manager and only in specially designated areas. Portable stoves or warming devices may be used in designated camping and picnicking areas by permission of the camp manager.
- All geological, historical, and archaeological features must remain undisturbed.

Reason for a Conditional Permit. The Conditional Permit (CP) is required as a 'camping unit", defined in MCC Section 19.04.040 as a tent, recreational vehicle, cabin, lean-to, or other similar structure which provides or is intended to provide temporary living quarters for a person or persons, is only allowed for not more than six consecutive nights within a thirty-day period. The

Applicant intends that transient camp residents may use their "camping units" which includes tents for more than six consecutive nights within a thirty-day period.

Reason for a State Land Use Special Permit. The State Land Use Special Permit (SUP2) is required as overnight camps are not a permitted use on lands with soil classified by the Land Study Bureau's detailed land classification as overall productivity rating class "A" or "B" in the State Agricultural District, and hence require a State Special Permit. The Project Site is located on "B87i" rated land. Additionally, open land recreation uses, structures or facilities including commercial camping requires a County Special Use Permit in the County Agricultural Zoning District, except that if a use described in MCC, Section 19.30A.060 also requires a special permit pursuant to Chapter 205, Hawaii Revised Statutes, the state special permit shall fulfill the requirements of MCC, Section 19.30A.060. Hence approval of an SUP2 additionally satisfies the requirements of a County Special Use Permit.

BRIEF HISTORY OF APPLICATION

This is a new application for an overnight campground primarily for a transient population; however, a similar application was filed with the Department for a similar proposal in a location adjacent to Spreckelsville, Maui. That application was withdrawn prior to final review. In the Lahaina region there is little to no access to overnight camping sites and there is a severe homeless challenge. According to the Applicant, individuals seeking recreational and domestic campsites are left to find alternate means of habitation. The Applicant states that many of these campers are homeless and lack the financial resources to secure permanent housing. **Exhibit 7** gives an overview of the current homeless climate on Maui and currently available resources for the homeless population.

Since the Applicant believes that there are two needs, it is anticipated that the proposed campground would contain a diverse mix of commercial campers and a transient population; however, the focus of this Project is providing a safe, clean, controlled environment for the homeless/financially disadvantaged population.

DESCRIPTION OF THE PROPERTY

1. The Ho'omoana Foundation is proposing the development of the Kauaula Campgrounds on approximately 2 acres with an accompanying 5.9 acre agricultural planting parcel which is a portion of the larger 22.68 acre agricultural site located along Hokiokio Place adjacent to the Lahaina By-Pass in between the Puamana Planned Unit Development and the gated residential community of Puunoa. The Property is located about one (1) mile north of Puamana Beach Park and one (1) mile south of the Lahaina Aquatic Center. A gravel and landscaped drive will be constructed from Hokiokio Place to the campsite, which will provide access to the internal gravel roadways and parking areas for the Project. The property is owned by Kauaula Land LLC and identified by Hawaii TMK (2) 4-7-003:031 (POR).

2. Land Use Designations --

   a. State Land Use District -- Agricultural

   b. West Maui Community Plan -- Agriculture

   c. County Zoning -- Agricultural

d. Maui Island Plan -- Subject parcel is within the Rural Growth Boundary

e. Other -- Not in the Special Management Area

3. Surrounding Uses --

North -- Residential & Agricultural (Lahaina Town)

East -- Residential & Agricultural (Puunoa Subdivision)

South -- Residential & Agricultural & Flood Control Channel

West -- Residential (Puamana Residential Planned Unit Development)

4. The subject parcel on Hokiokio Place is in upwardly sloping agricultural terrain which comprises a 5.8 acre portion for the Lahaina Watershed Flood Control Project: Drainage, Access, and Construction Easements. The property has been issued an approved Farm Plan. The agricultural activities will consist of transient campground occupants harvesting a variety of crops in various planting areas and the area will continue to encompass the 9 acres fenced for the important human horse project known as Kalee's Retirement Stables. The approved farm plan FRMP 2015/0035 and unilateral agreement are shown in **Exhibit #8.** Photographs of the current agricultural operations at Kalee's Retirement Stables are shown in **Exhibit #9.**

APPLICABLE REGULATIONS

CONDITIONAL PERMIT

A Conditional Permit is reviewed pursuant to Title 19, Zoning, Chapter 19.40 Conditional Permits; Maui County Code, 1980, as amended. The intent of the Conditional Permit is to provide the opportunity to consider establishing uses not specifically permitted within a given use zone where the proposed use is similar, related or compatible to those permitted uses and which has some special impact or uniqueness such that its effect on the surrounding environment cannot be determined in advance of the use being proposed for a particular location.

Upon finding that reasons justifying granting of a Conditional Permit exist, and that the proposed use would not be significantly detrimental to the public interest, convenience and welfare, and will be in harmony with the area in which it is to be located; issuance of a Conditional Permit may be recommended, subject to such terms and conditions and for such period of time as the facts may warrant.

Should the Commission determine that the permit requested is for a use which is substantially different from those uses permitted in the use zone, the Commission shall recommend denial of the request and may instruct the applicant to seek a change in zoning should the facts warrant such an application.

Every Conditional Permit shall be conditioned upon the proposed development fully complying with all requirements of Title 19 and other applicable governmental requirements.

LAND USE COMMISSION SPECIAL PERMIT

Pursuant to Section 205-6 Special Permit, Hawaii Revised Statutes, the county planning commission may permit certain unusual and reasonable uses within agricultural and rural districts other than those for which the district is classified. Special permits for land the area of which is greater than fifteen acres shall be subject to approval by the State Land Use Commission. This application concerns uses on a portion of a parcel, that portion being less than fifteen acres, and therefore the Maui County Planning Commission is the authority for the Special Use Permit.

Standards for reviewing a Land Use Commission Special Permit are found under Title 15 Department of Business, Economic Development, and Tourism; Subtitle 3 State Land Use Commission, Chapter 15 Land Use Commission Rules, Subchapter 12 Special Permits, § 15-15-95 of the Hawaii Administrative Rules.

Certain "unusual and reasonable" uses within agricultural and rural districts other than those for which the district is classified may be permitted. The following guidelines are established in determining an "unusual and reasonable use":

(1) The use shall not be contrary to the objectives sought to be accomplished by Chapters 205 and 205A, HRS, and the rules of the Land Use Commission.

(2) The desired use would not adversely affect surrounding property;

(3) The use would not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage and school improvements, and police and fire protection;

(4) Unusual conditions, trends and needs have arisen since the district boundaries and rules were established;

(5) The land upon which the proposed use is sought is unsuited for the uses permitted within the district.

The county planning commission may impose such protective conditions as it deems necessary in the issuance of a Special Permit. The county planning commission shall establish, among other conditions, a reasonable time limit suited to establishing the particular use, and if appropriate, a time limit for the duration of the particular use, which shall be a condition of the Special Permit. If the permitted use is not substantially established to the satisfaction of the county planning commission within the specified time, it may revoke the permit. The county planning commission, with the concurrence of the commission, may extend the time limit if it deems that circumstances warrant the granting of the extension. Pursuant to HRS Section 205-6 (C), the Commission must also find that the use would promote the objectives and effectiveness of Chapter 205 HRS.

PROCEDURAL MATTERS

- On June 10, 2014 and August 22, 2014, the Maui Planning Department received applications and fee payments from the Applicant for a Land Use Special Permit and Conditional Use Permit respectively. Originally the Applicant applied for only the Special Permit and the Department determined that a Conditional Permit was also required, hence the two dates.

- On June 8, 2015, the Maui Planning Department mailed a notice to the Applicant and appropriate State and County agencies notifying them of the scheduled public hearing on these applications for July 28, 2015.

- On June 22, 2015, the Applicant mailed a letter of notification and location map to all owners and recorded lessees located within 500 feet of the subject property describing the applications and notifying them of the scheduled hearing date, time and place by either certified or registered mail receipt. Copies of the letter, location map, list of owners, certified and registered mail receipts are on file in the Planning Department.

- On June 26, 2015, a notice of hearing on the application was published in the Maui News by the Maui Planning Department.

- On July 14, 2015, a neighborhood meeting was held in Olowalu at the home of Peter Martin to present the plans in greater detail to the interested public. The notice of this meeting was sent along with the public hearing notices mailed to property owners within 500 feet of the subject property. A copy of the letter is included as **Exhibit 10.**

- The subject action does not involve an action that triggers compliance to Chapter 343, Hawaii Revised Statutes, relating to Environmental Impact Statements.

- The Maui Planning Commission shall make a determination on the Land Use Commission Special Permit. The Commission is the final authority on the Special Permit; however, the expiration of the SUP2, if approved, shall be tied to the expiration date of the Conditional Permit if approved by the County Council.

- The Maui Planning Commission shall transmit findings, conclusions and recommendations for the Conditional Permit to the County Council.

REVIEWING AGENCIES

County Agencies:	Comment	Exhibit #
Department of Water Supply	Yes	11
Department of Parks & Recreation	Yes	12
Fire and Public Safety	Yes	13
Police Department	Yes	14
Department of Public Works	Yes	15
Zoning and Enforcement Division	Yes	16
Department of Housing and Human Concerns	Yes	17
Department of Environmental Management	No Comment	18
Department of Transportation	No Comment	19

State Agencies:	Comment	Exhibit #
Office of Planning	Yes	20
State Historic Preservation Division	Yes	21
Department of Transportation	Yes	22

ANALYSIS

LAND USE

1. The proposed project is in conformance with the goals, objectives and policies of the Hawaii State Plan. It will provide opportunities for safe and controlled transitional and emergency shelter and housing for the transient population.

2. As stated in the Maui County Charter, as amended in 2002:

> "The General Plan shall indicate desired population and physical development patterns for each island and region within the county; shall address the unique problems and needs of each island and region; shall explain the opportunities and the social, economic, and environmental consequences related to potential developments; and shall set forth the desired sequence, patterns, and characteristics of future developments. The general plan shall identify objectives to be achieved, and priorities, policies, and implementing actions to be pursued with respect to population density, land use maps, land use regulations, transportation systems, public and community facility locations, water and sewage systems, visitor destinations, urban design, and other matters related to development."

The County of Maui 2030 General Plan Countywide Policy Plan, adopted by the Maui County Council on March 19, 2010, is the first component of the decennial General Plan update. The Countywide Policy Plan replaces the General Plan as adopted in 1990 and amended in 2002. The Countywide Policy Plan acts as an over-arching values statement and umbrella policy document for the Maui Island Plan and the nine Community Plans that provides broad goals, objectives, policies, and implementing actions that portray the desired direction of the County's future. The site under review was accorded Rural Growth Boundary status in the recently approved Maui Island Plan. The Rural Growth Boundary designation lends support to the Applicant's request as the property still maintains agricultural use. The Countywide Policy Plan includes:

1. A vision statement and core values for the County to the year 2030
2. An explanation of the plan-making process
3. A description and background information regarding Maui County today
4. Identification of guiding principles
5. A list of countywide goals, objectives, policies, and implementing actions related to the following core themes:

    A. Protect the Natural Environment

    B. Preserve Local Cultures and Traditions

    C. Improve Education

    D. Strengthen Social and Healthcare Services

    E. Expand Housing Opportunities for Residents

F. Strengthen the Local Economy

G. Improve Parks and Public Facilities

H. Diversify Transportation Options

I. Improve Physical Infrastructure

J. Promote Sustainable Land Use and Growth Management

K. Strive for Good Governance

The proposed project is in keeping with the following Countywide Policy Plan goals, objectives and policies:

Social Patterns and Housing Trends

Island Housing – While difficult to track because of the necessarily transient behavior of the population, it is understood that homelessness and the difficulties associated with finding affordable, legal, and safe housing are growing problems throughout Hawaii, and Maui County is no exception. Several service organizations throughout the County assist in providing emergency and transient housing. However, providing permanent housing for the chronically homeless is a challenge for Maui County.

Key Strategies

Strengthen Social and Healthcare Services – Ensuring the health and safety of each resident is one of the most basic obligations of County, State, and Federal government. To achieve this, it is important for the different levels of government to work together to provide a wide variety of social and healthcare services that meet the challenges and needs of each community.

Goals, Objectives, Policies, and Actions

Goal: Health and social services in Maui County will fully and comprehensively serve all segments of the population.

Objective:

1. In cooperation with the Federal and State governments and nonprofit agencies, broaden access to social and healthcare services and expand options to improve the overall wellness of the people of Maui County.

Policies:

a. Work with other levels of government and the nonprofit sector to expand services to address hunger, homelessness, and poverty.

Goal: Quality, island-appropriate housing for residents.

Objective:

1. Reduce the affordable housing deficit for residents.

Policies:

d. Provide the homeless population with emergency and transitional shelter and other

supportive programs.

COMMENT: *The Applicant with work in conjunction with social service entities of both the County of Maui and the State of Hawaii in trying to provide much needed homeless housing assistance. The proposed transitional housing assistance meets the goals, objectives, and policies of the Countywide Policy Plan.*

3. The Maui Island Plan (MIP) was adopted by the County Council on December 28, 2012. The Plan provides direction for future growth, the economy, and social and environmental decisions through the year 2030. The Plan looks comprehensively at many factors that influence the physical, social and economic development of the island. In addition to establishing a directed growth strategy to identify areas appropriate for future urbanization and revitalization, the Plan also identifies and addresses key environmental, housing, and economic development issues relevant to Maui's current and future generations. The Plan is intended by the County Council, Planning Department, and Maui Planning Commission as a policy foundation for day to day decisions and is specifically intended to be used to assist in reviewing discretionary permits.

   The subject parcel is located within the Rural Growth Boundary of the Lahaina Region and the proposed Project is in keeping with the following MIP goals, objective, and policies:

   Chapter 5 – Housing

Goal:	*5.1*	*Maui will have safe, decent, appropriate, and affordable housing for all residents developed in a way that contributes to strong neighborhoods and a thriving island community.*
Objective:	*5.1.5*	*A wider range of affordable housing options and programs for those with special needs.*
Policies:	*5.1.5.a*	*Ensure that residents with special needs have access to appropriate housing.*
	5.1.5.c	*Ensure and facilitate programs to assist those with special needs from becoming homeless.*
	5.1.5.d	*Promote programs that stimulate the production of sustainable homeless shelters and alternative housing technologies.*
Implementing Actions:	*5.1.5-Action 2*	*Create or assist in creating programs that provide affordable housing to seniors, the disabled, and those returning home from mental health institutions, correctional institutions, and drug rehabilitation.*
	5.1.5-Action 4	*Develop and maintain indicators to monitor homelessness.*
	5.1.5-Action 5	*Partner with the private sector/nonprofit organizations to develop and maintain an adequate supply of emergency shelters and transitional housing.*

COMMENT: *The Applicant will work in conjunction with social service entities of both the County of Maui and State of Hawaii in trying to provide much needed homeless housing assistance.*

4. According to the West Maui Community Plan, the property is identified as Agriculture and is consistent with the land use map of the Community Plan. The proposed campsite aims to provide recreational camping as well as transitional housing for Maui's growing homeless and transient population. The proposed action is consistent with the following portions of the West Maui Community Plan:

Growth:
Affordable Housing:

There is an ongoing need to provide affordable housing in the region. However, care should be taken not to repeat mistakes made in the past. It is also important to provide a wider range of affordable housing choices in order to serve the full spectrum of residents (from single persons to large families) and to seek to address the problem of homelessness.

Policy Recommendations, Implementing Actions, and Standards for the West Maui Region

Housing
Goal: A sufficient supply and choice of attractive, sanitary and affordable housing accommodations for a broad cross section of residents.

Objectives and Policies

2. Promote a variety of affordable housing opportunities, including improved lots and self-help projects and special needs housing for the elderly, single parent families, homeless, and disabled.

8. Support efforts to develop housing for the elderly and the homeless.

COMMENT: *The Applicant will work in conjunction with social service entities of West Maui in attempting to provide much needed homeless housing assistance for the West side. The proposed transitional housing assistance meets the goals, objectives, and policies of the West Maui Community Plan.*

5. According to County Zoning maps, the property is zoned as Agricultural. The Agricultural zoning designation requires that open land recreation uses, structures or facilities including commercial camping require a County Special Use Permit in the County Agricultural Zoning District, except that if a use described in MCC, Section 19.30A.060 also requires a special permit pursuant to Chapter 205, Hawaii Revised Statutes, the state special permit shall fulfill the requirements of MCC, Section 19.30A.060. Hence approval of an SUP2 additionally satisfies the requirements of a County Special Use Permit for the campground project.

And a previously indicated, a Conditional Permit (CP) is required as a "camping unit", defined in MCC Section 19.04.040 as a tent, recreational vehicle, cabin, lean-to, or other similar structure which provides or is intended to provide temporary living quarters for a person or persons, is only allowed for not more than six consecutive nights within a thirty-day period. The Applicant intends that transient camp residents may use their "camping units" which includes tents for more than six consecutive nights within a thirty-day period.

LAND USE COMMISSION SPECIAL PERMIT

The subject property is in the State Agricultural District. The proposed uses are consistent with the Agricultural designation of the property as identified in the Applicable Regulations section of this report. Chapter 205-6, HRS allows for the establishment of "unusual and reasonable" uses in the State Agricultural District through the approval of a State Land Use Commission Special Permit. The Applicant has demonstrated bona fide agricultural activities are occurring on the property as reflected in the agricultural activities on the Project Site at Kalee's Retirement Stables and planned future agricultural operations from campers. The following guidelines are established in determining an "unusual and reasonable use" and the response to these guidelines is indicated as such:

Certain "unusual and reasonable" uses within agricultural and rural districts other than those for which the district is classified may be permitted. The following guidelines are established in determining an "unusual and reasonable use":

(1) The use shall not be contrary to the objectives sought to be accomplished by chapters 205 and 205A, HRS, and the rules of the Land Use Commission.

COMPLIANCE: This section, as specific to the Agricultural District, directly provides broad discretion to the local planning commission to determine if a particular use is consistent and compatible within an area. The existing property meets the objectives of 205 HRS with the current pasture and grazing agricultural use. The proposed campsite will encompass approximately 2 acres or approximately 10% of the larger parcel with an additional 5.9 acre adjacent agricultural field to be used by the campground residents for therapy. The proposed campsite use will not affect the continued pasture and grazing operations. As such, the proposed campsite will not jeopardize compliance with HRS 205 and the rules of the Land Use Commission.

(2) The desired use would not adversely affect surrounding properties or applicable district standards;

COMPLIANCE: The specific location of the campsite is located within the mauka limits of the 22 acre parcel, adjacent to the new Lahaina Bypass. Based on the proposed site plan, a substantial buffer area will soften the effect of the proposed campsite on surrounding properties. The existing pasture and grazing use will remain in place, unaffected by the proposed campsite. Further, the proposed campsite use does not represent a significant deviation from existing agricultural district standards.

(3) The potential impact on a) natural systems or habitats, b) cultural/natural resources, c) natural resources relevant to Hawaii's economy, d) state funds and resources, e) provisions for economic development, and f) provisions for housing opportunities mainly low income people.

COMPLIANCE: The proposed campground use will be generally self-contained and will not require substantial use of public resources to operate. The project will not have a significant impact on natural systems or habitats or cultural resources. The proposed campsite is insignificant in terms of the larger economy of Hawaii and will not represent a threat to existing agricultural resources. The project is privately funded and will not require state funds nor resources. Providing housing and life assistance to Maui's homeless residents will be a positive influence on the State's economy and also provide valuable

housing assistance for Maui's lowest income group. It is the intention of the Applicant to focus services on the situational/transitional homeless individual as contrasted from that of the chronic homeless who may suffer from severe mental illness or addiction. The homeless individual who has met unfortunate circumstances such as the loss of a job or significant material loss likely will bring with them some resources such as a tent to the campground.

(4) Unusual conditions, trends and needs have arisen since the district boundaries and rules were established;

COMPLIANCE: The homeless population on Maui has increased dramatically in recent years, the degree of the problem virtually inconceivable at the time Chapter 205 HRS was originally adopted in 1961. The proposed project aims to provide a site for transitional housing for the homeless community. At the same time, the subject property will continue to be Used for agricultural purposes, in consonance with the objectives of HRS 205.

(5) The land upon which the proposed use is sought is unsuited for the uses permitted within the district.

COMPLIANCE: The property is designated with an agricultural rating of Class B. The proposed project campground is designated for 2 acres on a larger 22.678 acre parcel, or less than 10% of the total land area of the property. The existing pasture use makes efficient use of the agricultural productivity of the land. Further, the new campsite will not reduce, minimize, or limit the existing agricultural activities of the larger parcel. Again, an approved, vetted, and implemented farm plan demonstrates that bone fide agricultural operations are occurring on the property as part of the requirements under Chapter 205 HRS.

The county planning commission may impose such protective conditions as it deems necessary in the issuance of a special use permit. The county planning commission shall establish, among other conditions, a reasonable time limit suited to establishing the particular use, and if appropriate, a time limit for the duration of the particular use, which shall be a condition of the special permit. If the permitted use is not substantially established to the satisfaction of the county planning commission within the specified time, it may revoke the permit. The county planning commission, with the concurrence of the commission, may extend the time limit if it deems that circumstances warrant the granting of the extension. Pursuant to HRS Section 205-6 (C), the Commission must also find that the use would promote the objectives and effectiveness of Chapter 205 HRS.

AGRICULTURE

The Property, according to best available records, is classified as "B87i" by the Detailed Land Classification – Island of Maui, Land Study Bureau, University of Hawaii, Hawaii, May 1967. The classification indicates productivity ratings of land with "A" representing the highest rating and "E" the lowest rating. The "Major Existing Uses" for this land classification at the time of the survey was "Sugar Cane". Productivity Ratings are as follows for "B87i" land:

- Machine tillability: Poorly suited
- Stoniness: Stony to Very Stony
- Depth (inches): Deep, Over 30 inches
- Slope (percent): 0 to 10, with inclusions of steeper slopes, predominately 8%
- Texture: Fine

- Drainage: Well-drained
- Mean Annual Rainfall (inches): 10 to 20
- Elevation (feet): 10 to 1,000
- Color: Dark reddish brown
- Soil Series: Wainee
- Major Existing Uses: Sugar cane
- District: Lahaina

Additional information on the agricultural components of this Project was previously described in the Description of the Project section at the beginning of this Staff Report.

INFRASTRUCTURE AND PUBLIC FACILITIES AND SERVICES

1. Water -- Potable and non-potable water will be supplied by the Launiupoko Water Company and the Launiupoko Irrigation Company which are private water companies. The County Department of Water Supply does not service this area and does not set or review requirements on private water systems. The Applicant will be using native and climate adaptive plantings for this dry West Maui arid parcel and employing Best Management Practices to protect groundwater and near shore water resources during construction. Such practices shall include:

    - Evaluation of the site for the best grading method that will create the least amount of debris and sediment loss during construction.
    - Minimize disturbance to the smallest area possible.
    - Retain natural ground cover until the last possible date. Stabilize denuded areas by sodding or planting native species as soon as possible. Use high seeding rates to ensure rapid stand establishment.
    - Use appropriate methods to minimize soil erosion and trap sediments.
    - Avoid fertilizers and biocides, or apply only during periods of low rainfall to minimize chemical run-off.
    - Keep run-off on-site from the minimal grading for buildings including the manager's farm dwelling, barn, and access roadways.

2. Wastewater -- The subject property will be handled by a private individual wastewater system specifically sized to accommodate the proposed project site since there are no existing County sewer lines in the vicinity. A system approved by a licensed engineer and the State Department of Health will be required based upon a maximum use of 80 campers. The Department of Health does not have health standards for campgrounds per se; however, it does have jurisdiction over wastewater disposal systems and concerns over vector control related problems that may occur at campgrounds.

3. Flood -- The subject property is located in Zone X as indicated by the Flood Insurance Rate Map, which defines areas of the 100-year flood with base flood elevations and flood hazard factors. A flood development permit, if required, will be obtained from the Applicant as applicable from the Zoning and Enforcement Division of the Planning Department.

4. Traffic, Access, and Drainage -- Access to the project site is from paved roads specifically Hokiokio Place which is a private road, currently being used by the State Department of Transportation for access/egress to/from the Lahaina Bypass. If Hokiokio Place is to remain a private road, then DPW has no comments. If Hokiokio Place is to be dedicated to the County in the future, then DPW would have comments regarding upgrading Hokiokio Place

to County Standards. DPW does encourage fencing be installed to discourage pedestrian access onto the Lahaina Bypass from the campground area by vehicles or pedestrians. A building permit will be required for the construction of the proposed farm dwelling/camp manager's cottage and a grading permit will be required for roadway and site preparation.

In response to the State Department of Transportation's request for a traffic study and evaluation, the Applicant hired Austin, Tsutsumi & Associates, Inc. to prepare a Traffic Assessment (See **Exhibit 23**). The Conclusions of the study were as follows:

- The Project is forecast to generate approximately 8 vehicles during the AM peak hour and 10 vehicles during the PM peak hours of traffic at buildout.

- The preparation of a TIAR (traffic impact analysis report) is not required as the Project does not meet the minimum trip generation criteria of 100 new trips in the peak direction which is recommended by ITE (Institute of Traffic Engineers) regarding the preparation of a TIAR.

- An exclusive eastbound left-turn lane into the Project driveway is not warranted based upon TRB (Transportation Research Board) and AASHTO (American Association of State Highway and Transportation Officials) guidance.

- The minimum intersection sight distance to accommodate turning movements at the Project driveway is approximately 450 feet based upon TRB and AASHTO guidance.

The Recommendations from the traffic study for the Project are as follows:

- The median fronting the Project driveway should be paved to accommodate entering and exiting left-turns to the future Project driveway.

- Providing a minimum of at least 450 feet of space between the future Project driveway and the Lahaina Bypass Road exit ramp (taken at the fork where it merges onto Hokiokio Place)

- The frontage surrounding the Project driveway should be free of any large trees or obstructions, in order to maintain adequate site distance.

A retention basin will be constructed on-site and will have a capacity to, at a minimum, accommodate the increase in surface runoff volume generated by the development of the Project Site. Minimal grading and hard surface placement is anticipated for this Project.

5. Historic Resources -- The State Historic Preservation Division of the Department of Land and Natural Resources in their April 24, 2015, letter, determined that no historic properties would be affected by the proposed project so long as Applicants follow and adhere to the Preservation Plan developed for the area from a previous survey.

6 Parks & Recreation -- The Parks Department supports the creation of a campground especially if such a Project can reduce the number of homeless from camping out on County of Maui beaches and parks. A "legitimate" campground will provide a sanitary and maintained area for those financially disadvantaged and homeless, versus being in illegal camping areas or using beach parks and vehicles.

8. Public Services --

Fire -- Fire protection is from the Lahaina Fire Station. Design of the access roadways into the campground will follow the requirements of the Fire Code. The camping pods are designed for tents and are consequently not considered permanent structures. No camp fires will be allowed on-site. At the time of issuance of grading and building permits, especially for the manager's residence, adherence with the Fire Code will be assessed. The fire hydrant serving this Property is located near the entrance to the parcel along Hokiokio Place.

Police -- The Maui Police Department is located at the Lahaina Station. The Police Department is rightfully concerned about the development of a transient/homeless campground in this West Maui location. They advocate a "Code of Conduct" policy that prohibits the use of illicit drugs on-site with a zero tolerance policy, requires the camp manager to be responsible for monitoring and identifying questionable activities, provides on-site security personnel, and that strictly monitors animal control or perhaps prohibits any on-site animals other than legitimate service animals. The Police Department also expressed concerns about pedestrian access to the property as Hokiokio Place has undeveloped shoulders. The Applicant will ensure the frontage along the camp entrance will maintain an adequate site distance.

The Applicant has developed a Code of Conduct described in the first section of this report.

Medical Services -- Maui Memorial Medical Center located in Wailuku provides acute, general, and emergency care services from its 231 bed facility. There is a proposed West Maui Medical Center currently in the development process.

Solid Waste -- Trash from the common area will be collected by a private refuse collector, paid from rental collections.

9. State Office of Planning -- The State Office of Planning highly encourages an agricultural component to the Project and that an agricultural plan be developed in concert with the County of Maui. The Applicant has secured an approved Farm Plan. As previously stated, nine (9) acres of the Project Area are currently used for Kalee's Retirement Stables for the humane treatment of old horses. The proposed manager's house will be used by the campground manager who also will be responsible for agricultural activities of the campers, addressing the concern of the Office of Planning and the definition of a farm dwelling.

10. Housing and Human Concerns -- The DHHC for Maui County appreciates innovative efforts in solving the homeless/transient housing challenge. The DHHC would like see more permanent solutions be made available to this population across the island. In order to give the Commissioners some background on Mainland efforts at finding alternative transition housing for the disadvantaged an article is shown in **Exhibit 24**. The article is entitled "Santa Cruz Sanctuary Village: FAQ." This is a primer on a pilot camp for homeless in Santa Cruz, California that makes use of the tent as a basic shelter unit. Also, as the Commissioners likely are aware of the City and County of Honolulu is moving forward with a housing plan involving modular or container-style units at Sand Island for 75 to 100 of Honolulu's chronically homeless.

SOCIO-ECONOMIC IMPACTS

The proposed project seeks to restore dignity and possibilities to those who need assistance. The campground seeks to provide the first step to safety, and to integrate resources with designated steps to rejoin the community. It is intended to assist those who are able to rejoin the community swiftly, not the individuals who need a great deal of oversight or public assistance or mental health care. As previously indicated the target population for the campground would be the situational/transitional homeless individual, not the chronic homeless population. Hawaii is ranked #2 in homelessness and has the highest cost burden for low-income households in the nation according to Hawaii Appleseed Center for Law and Economic Justice.

ENVIRONMENTAL IMPACTS

No environmental impacts are anticipated as this application concerns transient and commercial camping adhering to strict sanitation, noise, and camping control. However, the Department is aware that if such strict standards are not adhered to, surrounding communities may see impacts resultant from increased noise and the increased presence of a homeless population. Such impacts would seriously compromise the ability of the Project to continue and would be addressed expeditiously by the Zoning and Enforcement Division of the Planning Department along with the Maui County Police Department.

OTHER GOVERNMENTAL APPROVALS

The Applicant shall be bound by any other permits as may be necessary in order to ensure the health and safety of campground operations.

TESTIMONY

As of July 15, 2015, the Planning Department has letters of support from the critical State Council on Development Disabilities which is a member of the Maui Disability Alliance, the Grassroot Institute of Hawaii, Hale Kau Kau, Thomas D. Welch, Jr., and Christine Halton and a letter of concerns and questions from the Puamana Community Association located nearby this project on this request as copied in **Exhibit 25**.

ALTERNATIVES

State Land Use Commission Special Permit

1. Deferral. The Commission may defer action to another meeting date in order to obtain additional information that will assist in their deliberation on the request.

2. Approve With No Conditions. The Commission may take action to approve the permit request without imposing any conditions.

3. Approve With Conditions. The Commission may take action to approve the permit request with conditions.

4. Denial. The Commission may take action to deny the permit requests

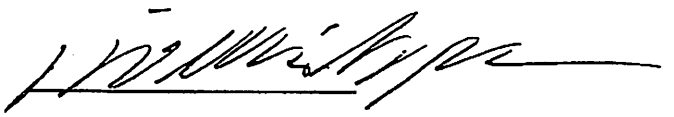
Conditional Permit

1. Deferral. The Commission may defer action to another meeting date in order to obtain additional information that will assist in their deliberations on the application.

2. Recommendation of Approval to the County Council. The Commission is not the authority on conditional permits and, therefore, can only make a recommendation to the County Council to approve or deny the conditional permit. The County Council is the authority to act on conditional permits.

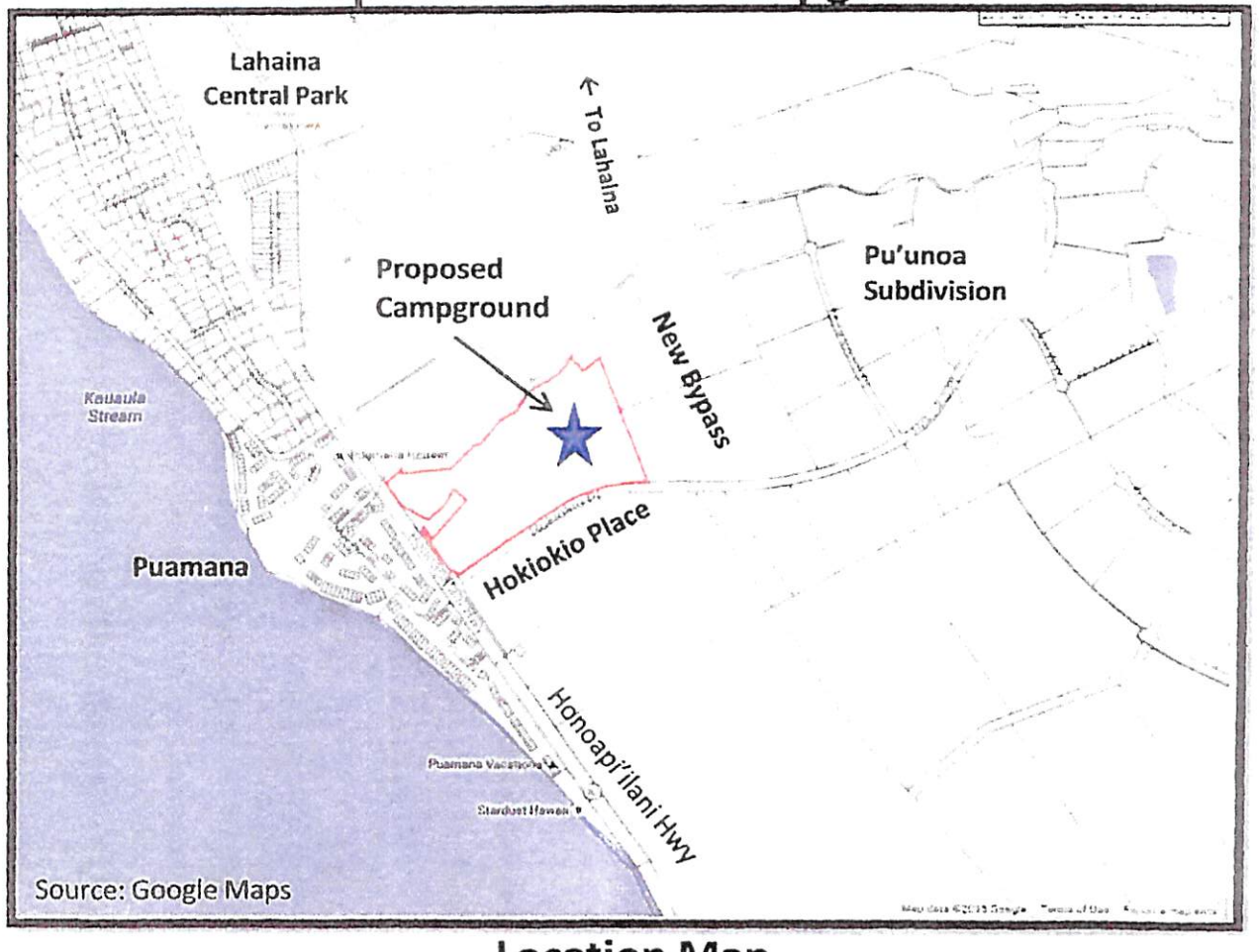
3. Recommendation of Denial to the County Council. The Commission is not the authority on conditional permits and, therefore, can only make a recommendation to the County Council to approve or deny the conditional permit. The County Council is the authority to act on conditional permits.

APPROVED:



WILLIAM SPENCE
Planning Director
County of Maui

Proposed Kauaula Campground

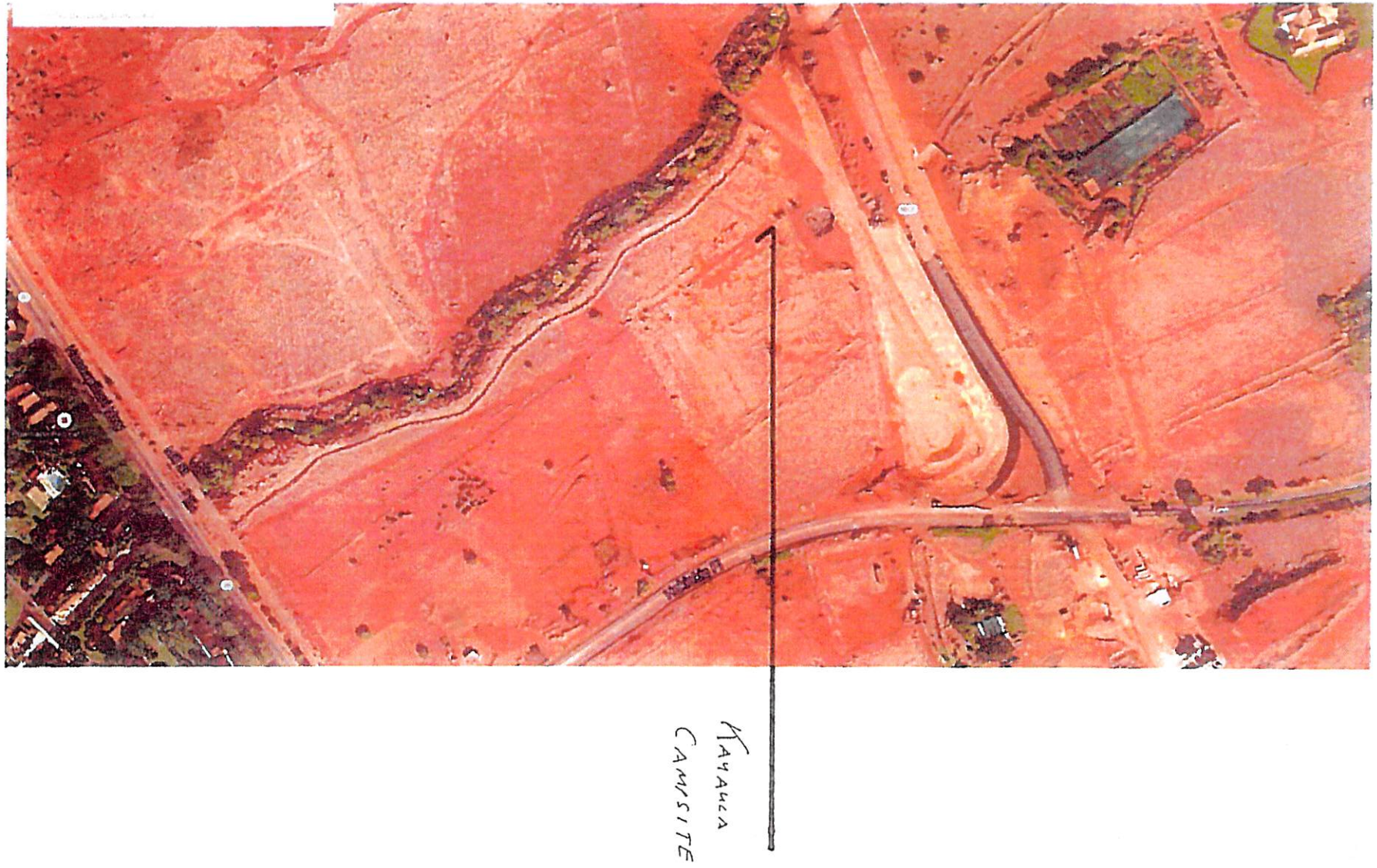


Location Map

EXHIBIT /

https://www.google.com/maps/@20.8604712,-156.6631243,923m/data=!3m1!

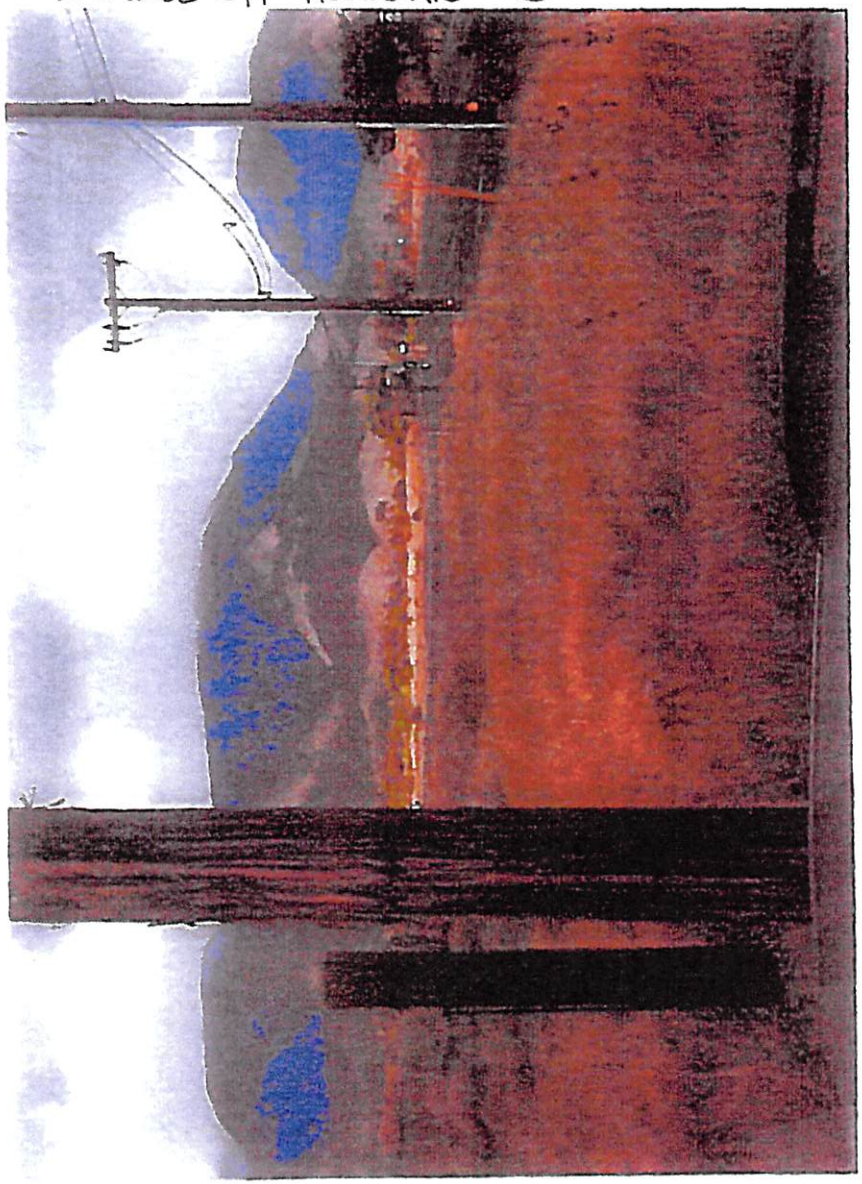
EXHIBIT 2


MAUKA
CAMPSITE

LAHAINA BY PASS
C
D
E
F
G
H
B
A

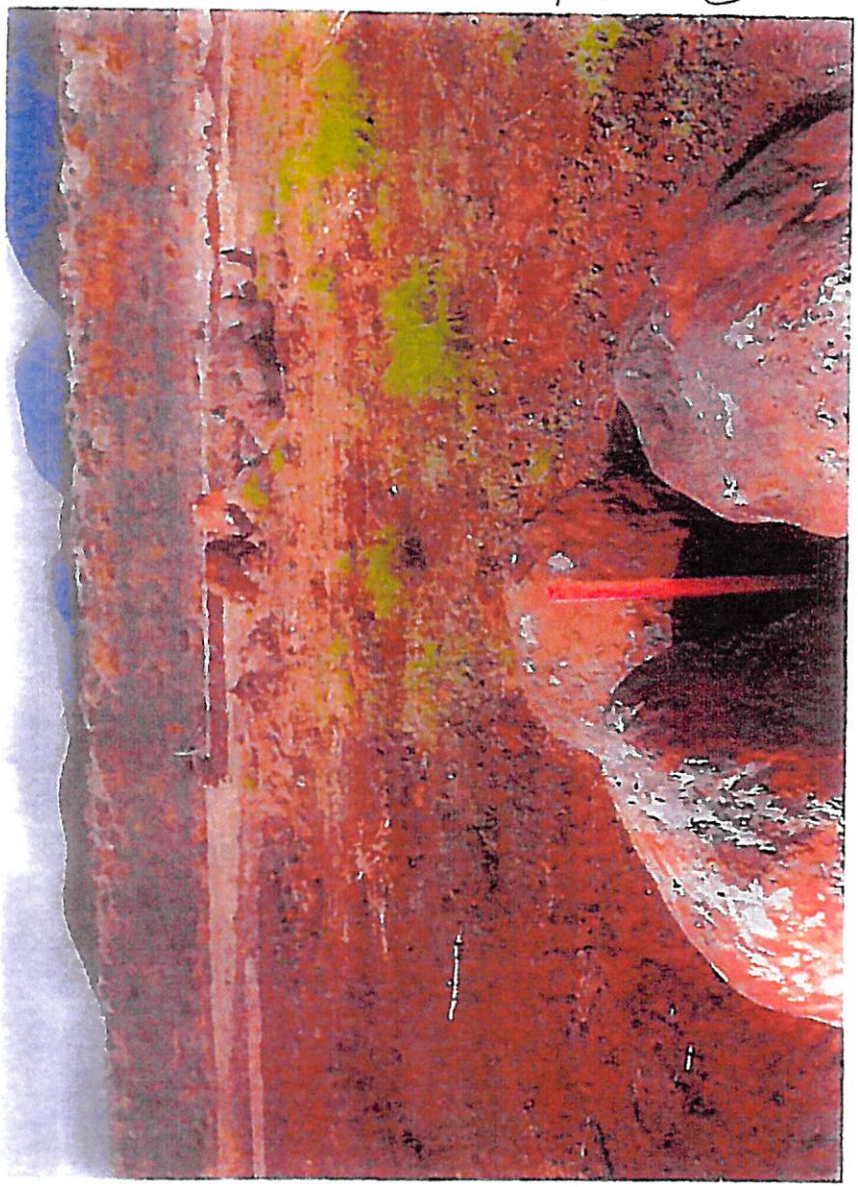
Fire hydrant Ⓐ

Entrance off Hokiokio (B)



View Towards Campsite (C)

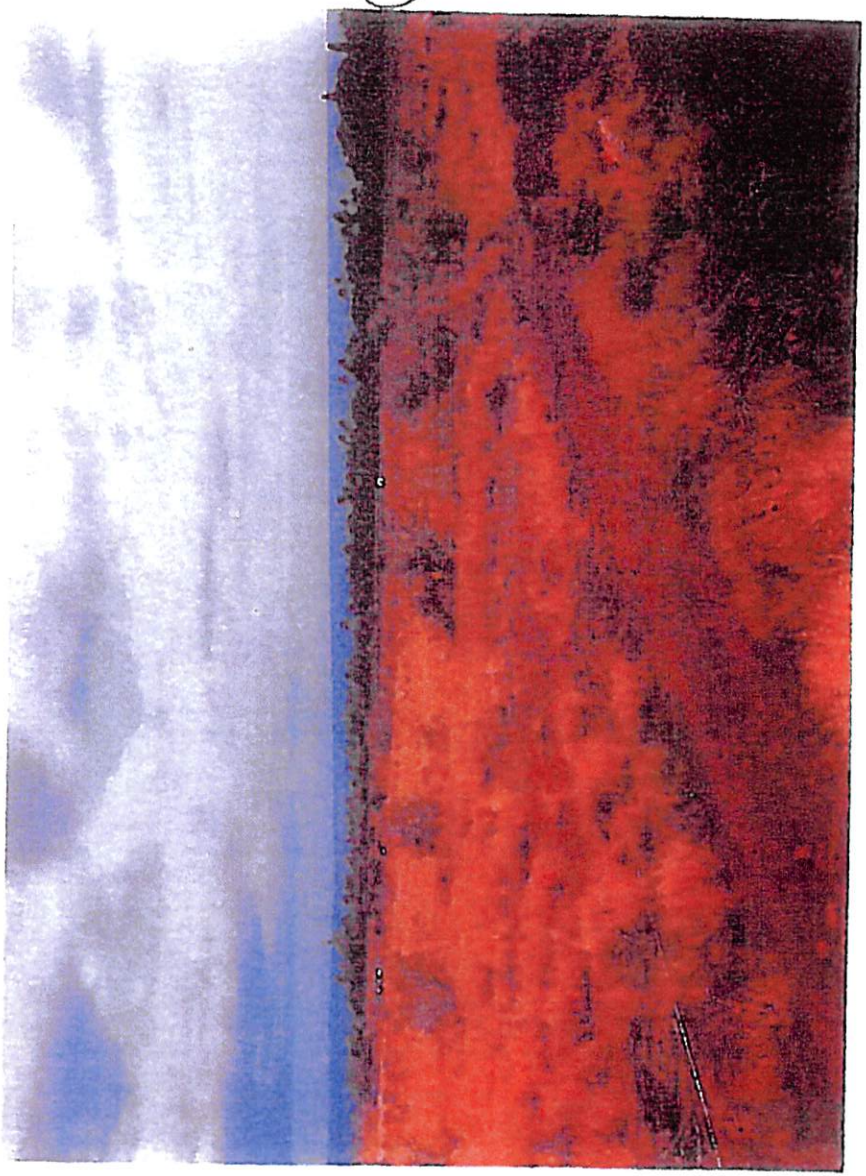
View towards Lahaina By-Pass (A)

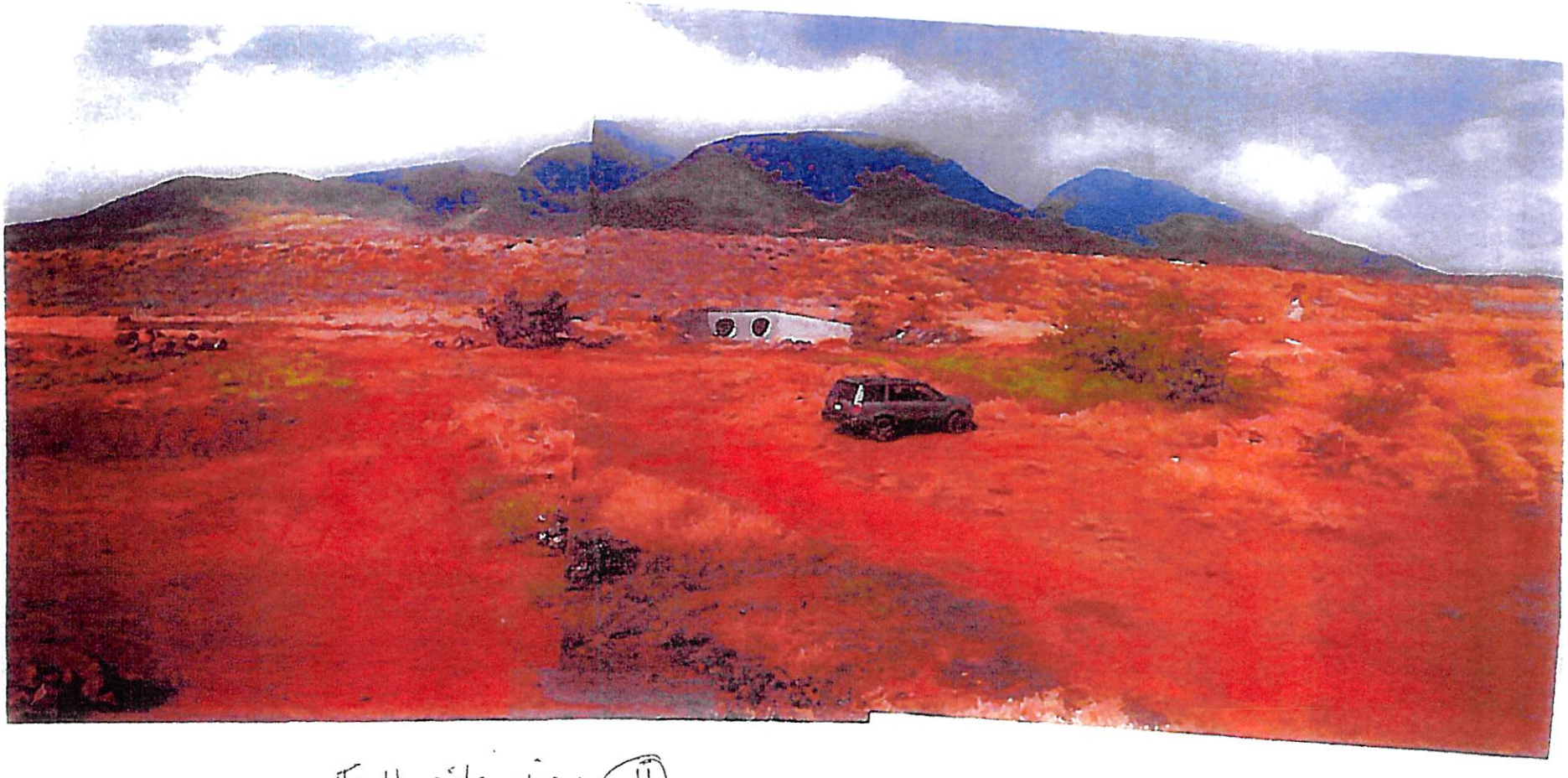


View towards Lanai (B)

View towards Hokiokio (LL)

(LT)





Full site view (H)

KAUAULA CAMP SITE

HOKIOKIO PL
Lahaina, HI 96761

Parcel Number
470030310000

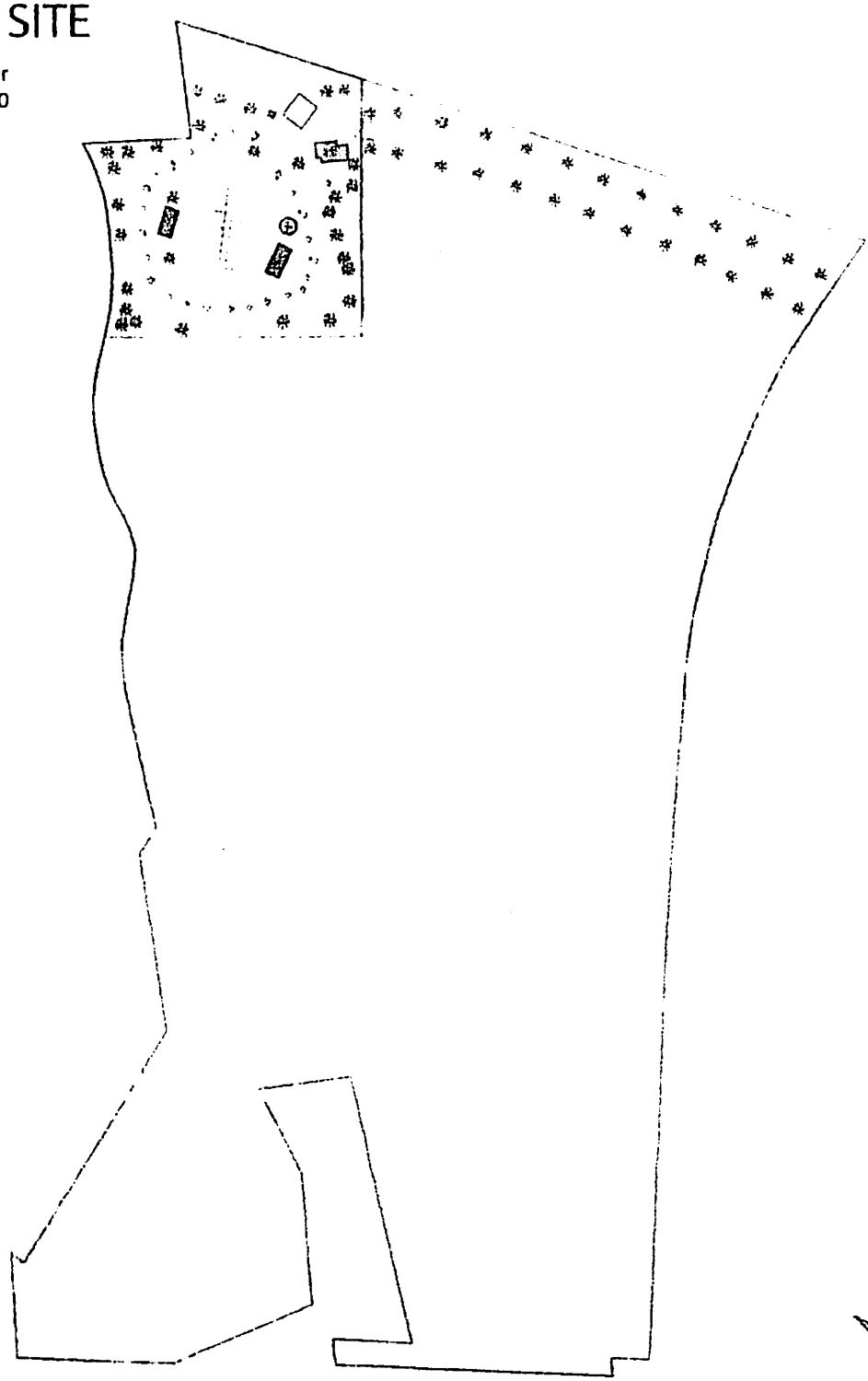
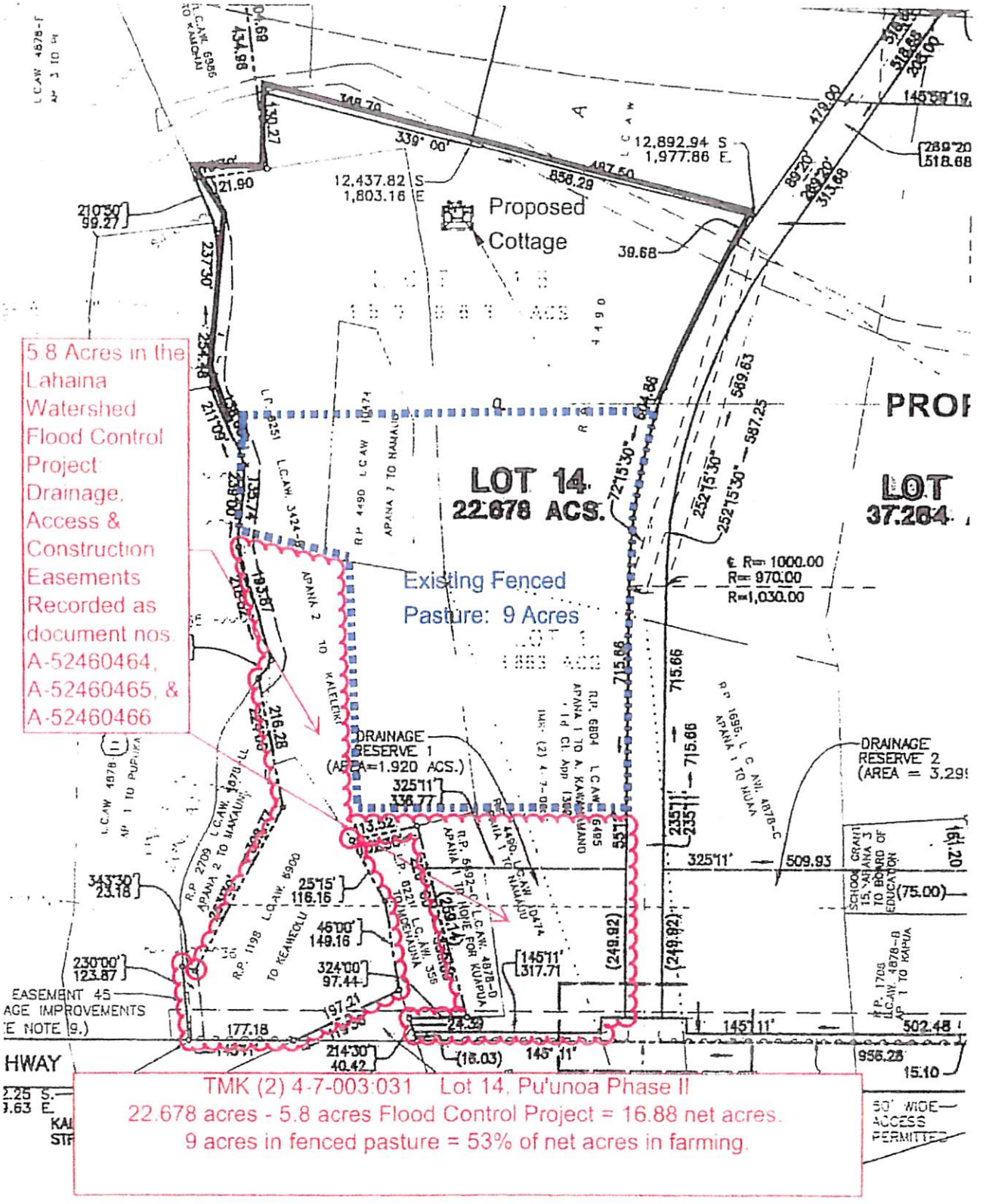
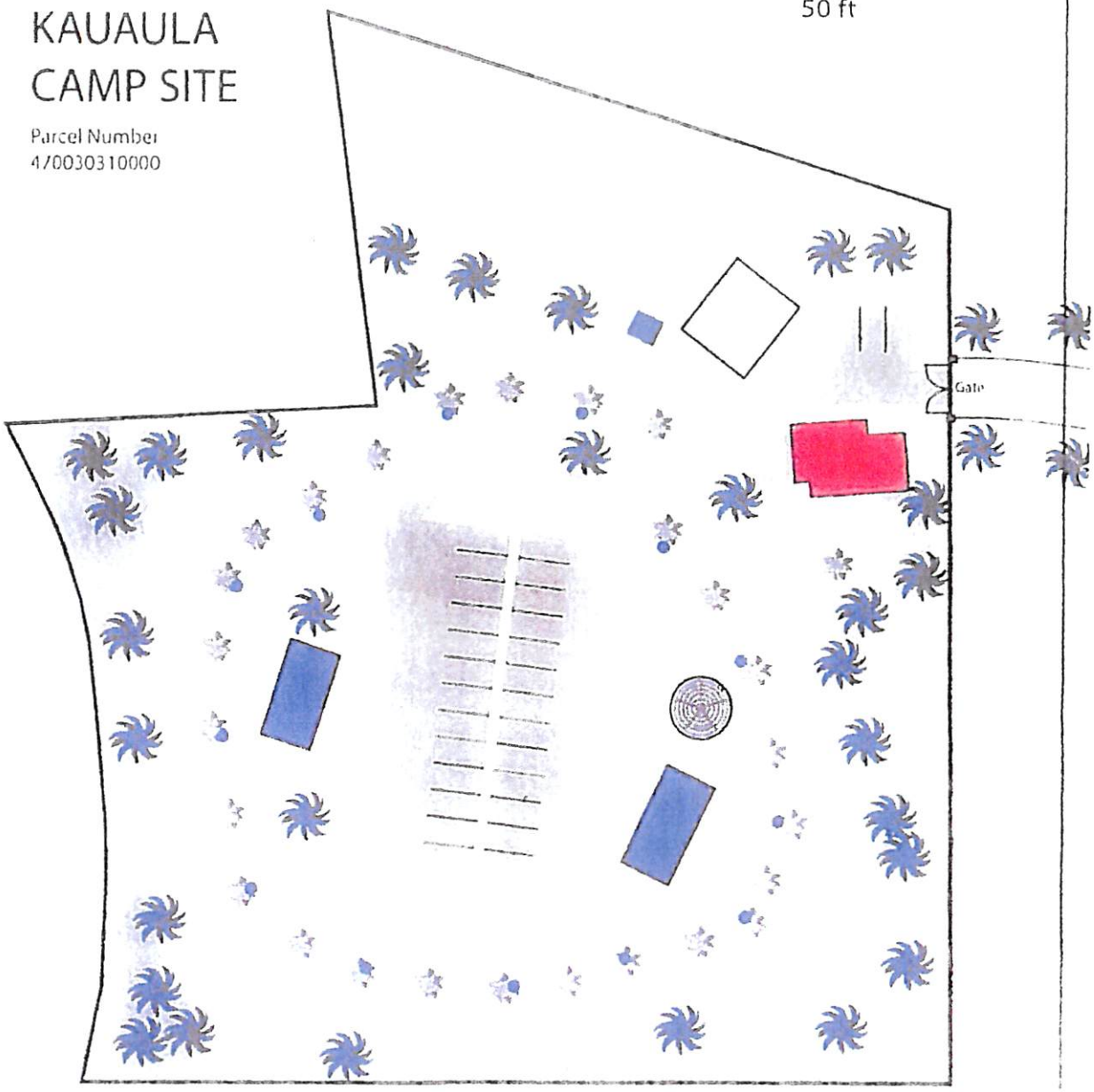


EXHIBIT 3


5.8 Acres in the Lahaina Watershed Flood Control Project Drainage, Access & Construction Easements Recorded as document nos. A-52460464, A-52460465, & A-52460466
Proposed Cottage
LOT 14
22.678 ACS.
Existing Fenced Pasture: 9 Acres
DRAINAGE RESERVE 1
(AREA=1.920 ACS.)
DRAINAGE RESERVE 2
(AREA = 3.29
12,892.94 S
1,977.86 E
12,437.82 S
1,803.16 E
TMK (2) 4-7-003:031 Lot 14, Pu'unoa Phase II
22.678 acres - 5.8 acres Flood Control Project = 16.88 net acres.
9 acres in fenced pasture = 53% of net acres in farming.

KAUAULA CAMP SITE

Parcel Number
4/0030310000



Ag Land
Landscaped / Grassy Area
Multi Purpose Use Area
Shower / Washroom Facilities
Gazebo
Manager's House
Barn
Path
Refuse
Portable Water
CAMPING POD

EXHIBIT 4

KAUAULA CAMP SITE
New Cottage for
LOT 14
PUUNOA SUBDIVISION II
TMK (2) 4 7 10 077
A-5
RIGHT SIDE ELEVATION
BACK ELEVATION
LEFT SIDE ELEVATION

EXHIBIT 5

Kauaula Campground Application

(Priority given to Maui County Residents)

Print Name:

Previous (last known address):

Why would you like to stay at the Campground (safety? convenience? Etc.):

Male/female (please circle one): Age/ DOB:

Ethnic background (optional):

Health concerns:

Children:

Future housing options:

Do you have any immediate medical needs?

In case of emergency, please contact _____

Name Relationship Phone

I agree to pay up to $10/day for a designated camping space.

_____ _____

Signature Date

EXHIBIT 6

Kauaula Campground Code of Conduct

1) Keep your designated area clean and free of litter.

2) No weapons of any kind allowed including pocket knives, etc.

3) Respect your fellow campers and their privacy. Do not enter others designated camp areas without permission.

4) No loud music or excessive noise at any time. Repeat warnings could result in eviction. Volume level designated in line with average conversational noise level.

5) All campers must maintain personal hygiene including keeping clothing and bedding clean. (Bedding must be cleaned once a week). Those in need of medical attention must seek such medical assistance in partnership with health standards of the community as a whole.

6) All campers must observe lights out at 9:30 p.m. Except Friday and Saturday when it will be 11 p.m. (Does not include lights within personal campers tents)

7) Each campground resident is encouraged to contribute to their camping community by checking in with camp coordinator.

8) All campers will be expected to be courteous and treat camp residents and staff with respect; Zero tolerance with regard to any physical violence.

9) Visiting hours are from 8 am to 8 pm weekdays and from 8 am to 10 pm on weekends.

10) Sites allotted on "need" basis.

Current homeless climate and need pertaining to Maui County, Hawaii.

Three Types/Definitions:

1) Situational or transitional: This is when someone is forced into homelessness because of uncontrollable circumstances such as losing a job, important material lost, loss of main breadwinner(father, husband, wife) etc.

2) Episodic or cyclical: This is when a person repeatedly falls in and out of homelessness. This often happens with drug addicts and with people experiencing mental health issues. The person might live episodes of severe depression cyclical way and fall back in homelessness when these occur. Same for someone with drug abuse issues. The person may be able to stop consuming for certain periods of time and get off the street, while being at high risk of homelessness all the time.

3) Chronic: This is when an individual is in the street for a long period of time and very few or no resources are at their disposition to modify their situation. Often, these people will suffer from mental health issues OR ADDICTION. They won't have the ability to modify their situation without the support of others. It is very rare that someone will be homeless all of his or her life on a voluntary basis.

Who are the homeless/unsheltered? A Maui view of Demographics

Veterans	Disabled-	Mentally Ill, Physically disabled
Living with Aids	Adolescent/Youth/Kids	
Financially challenged: Unemployed, Underpaid		Bankrupt – medical bills, etc.
Addictions-alcohol, pills, weed, meth		Single moms/single Dads
Domestic abuse individuals		previously incarcerated
Residents/Non-residents		Native Hawaiians living on given lands
Individuals with pets		Individuals with poor credit

EXHIBIT 7

Ground Floor services.

1. KHAO Ka Hale A Ke Ola Has dorm emergency shelter and transitional housing which are modest dorm style studio apartments and 1/2 bdrm which once people transition from shelter can stay for up to two years. Here are KHAKO s numbers for the questions below as of this morning (3/11) for Central & Lahaina

Lahaina (west side):
Men's Dorm: 25 Beds Open. Women's Dorm 0 Beds Open. Studio Units 0 Open. 2 Bedroom Units: 0 Open
Waitlist. 12 Families (3 adults needs CD Program-2 Bedrooms). 9 Families (1 adult needs CD Program-Studio). 6 Single Men (1 needs CD Program). 6 Single Women (3 needs CD Program)
Clients on waitlist waiting for documents, coming out of jail, not returning calls or phone numbers no longer available

Central (Wailuku):
Men's Dorm: 15 Beds Open. Women's Dorm: 0 Beds Open. Studio Units: 2 Open (Being filled with Families today)
2 Bedroom Units: 1 Open (Family coming in tomorrow)
Waitlist: 13 Families (2 adult needs CD Program-2 Bedrooms). 3 Families (1 adult needs CD Program-Studio), 12 Single Men (8 needs CD Program). 4 Single Women (2 needs CD Program)
Clients on waitlist waiting to come out jail, not returning calls or phone numbers no longer available

2. FLC -- operating as a wet house. emergency open sleeping room for women and children in an upstairs room, busting at the seams to accommodate men outside downstairs since the closure of the beds program by the Salvation Army over a year ago.
Max men: 12 cots indoors & 12 outdoors except when ministry (3/4x wk)- always full. Drug and alcohol primary observation.
Max women of 30 beds - need cribs - majority are single. right now 3 with children. can stay for 6 weeks. Financial is biggest barrier.

3. SALVATION ARMY – continues to fold significant resources such as mail service. safe haven, food program. Two years ago they were in a position to expand their beds program and now it folded along with many resources.

4. WHW - announced last month at Homeless Alliance meeting they will no longer accept women from out of state. and who is there to make a positive impact on this? We serve approximately 40 women and 60 to 65 children per month in our Transitions Program where we offer housing and support services. As participants of the program leave. we take on new ones. Here are our emergency shelter stats:
Last fiscal year: Average is 144 women and 87 children or 19 per month. Currently, our numbers are much higher. We are up to about 18 people per day. We also serve approximately 100 out-clients per year who do not formally come into our program but we assist them with

client assistance such as food pay car repair car insurance registration. etc So in general I would say our Transitions Program serves approximately 145 women per year. I feel the need is increasing but we have to work within our budget so many times we refer to other agencies like Catholic Charities churches etc I am only giving you #s for Transitions. WHW has other programs like shelter, TRO and service to women who have recently been discharged from prison that have experienced domestic violence

5. Aloha House The Aloha House Sober Living Program (SLP) provides housing for individuals without appropriate living alternatives so they may regain their place in the community. SLP currently has three locations on Maui which includes 9 male beds upcountry. 24 male beds in Wailuku. and 9 female beds in Kahului. Individuals who enter the program have a 6 month commitment in which they have time to participate in treatment. find employment. and housing. I currently have 39 participants in the program with a waitlist of 13. The program accepts referrals through the Maui Drug Court Program. AH Residential Program. Care Hawaii. Intensive Outpatient Program. Probation Officers. Parole Officers. and the work furlough program at MCCC.

The following are ballparks for our various treatment programs that can be accessed by the general public
Treatment for substance abuse - Residential- $5460/month. Average length of stay: 45 days
Sober Living- $250-300/month with a one month deposit. Average length of stay: 5 months
Intensive Outpatient Treatment- $145/week. Average length of stay: 4 months
Outpatient Treatment- $40/group, $88/individual. Average length of stay: 4 months
Crisis Residential- $341.80/day. Average length of stay: 10 days

These costs are almost always covered by state funding or insurance. Let me know if you need something different.

6. Mental Health Kokua – three transitional homes which have various degrees of supervision for ? individuals. Looking to open a safe haven by 2015 for 6 more individuals. We have 5 residential houses: Iao, Central, Lanai, Mill and Market that total 46 beds. We have a current referral list of over 25 people on the wait list. We average 2 vacancies per month.
Steadfast –3 Group homes (18 slots) located on Maui with 8-24 hour supervision. Provide housing for those with Mental Illness at a reduced rental rate. Usually 30% of income. Their funding continues to dwindle and there is a challenge retaining staff.

15/12 95

COUNTY OF MAUI
DEPARTMENT OF PLANNING
2200 MAIN STREET, SUITE 315
WAILUKU, HAWAII 96793
Telephone: (808) 270-7735
Facsimile: (808) 270-7634
E-mail: planning@mauicounty.gov

FARM PLAN APPLICATION

APPLICATION FORM

2015 MAR 17 A 10:14

COUNTY OF MAUI
DEPT. OF PLANNING
ZONING DIVISION

Please print legibly or type the following.

APPLICANT INFORMATION								
Applicant's Name(s):	Trisha Egge			Email:	trisha@mauiwindowsanddoors.com			
Address:	54 Maui Lani Prkwy Suite 2050 Wailuku HI 96793							
Phone Number(s):	(bus) 877-3667	(hm)		(cel)	633-1686	(fax)		
Signature(s):	TEgge			Date:				

CONTACT INFORMATION								
Contact Name(s):	Trisha Egge			Email:	trisha@mauiwindowsanddoors.com			
Address:	54 Maui Lani Prkwy Suite 2050 Wailuku, HI 96793							
Phone Number(s):	(bus) 877-3667	(hm)		(cel)		(fax)		
Signature(s):	TEgge			Date:				

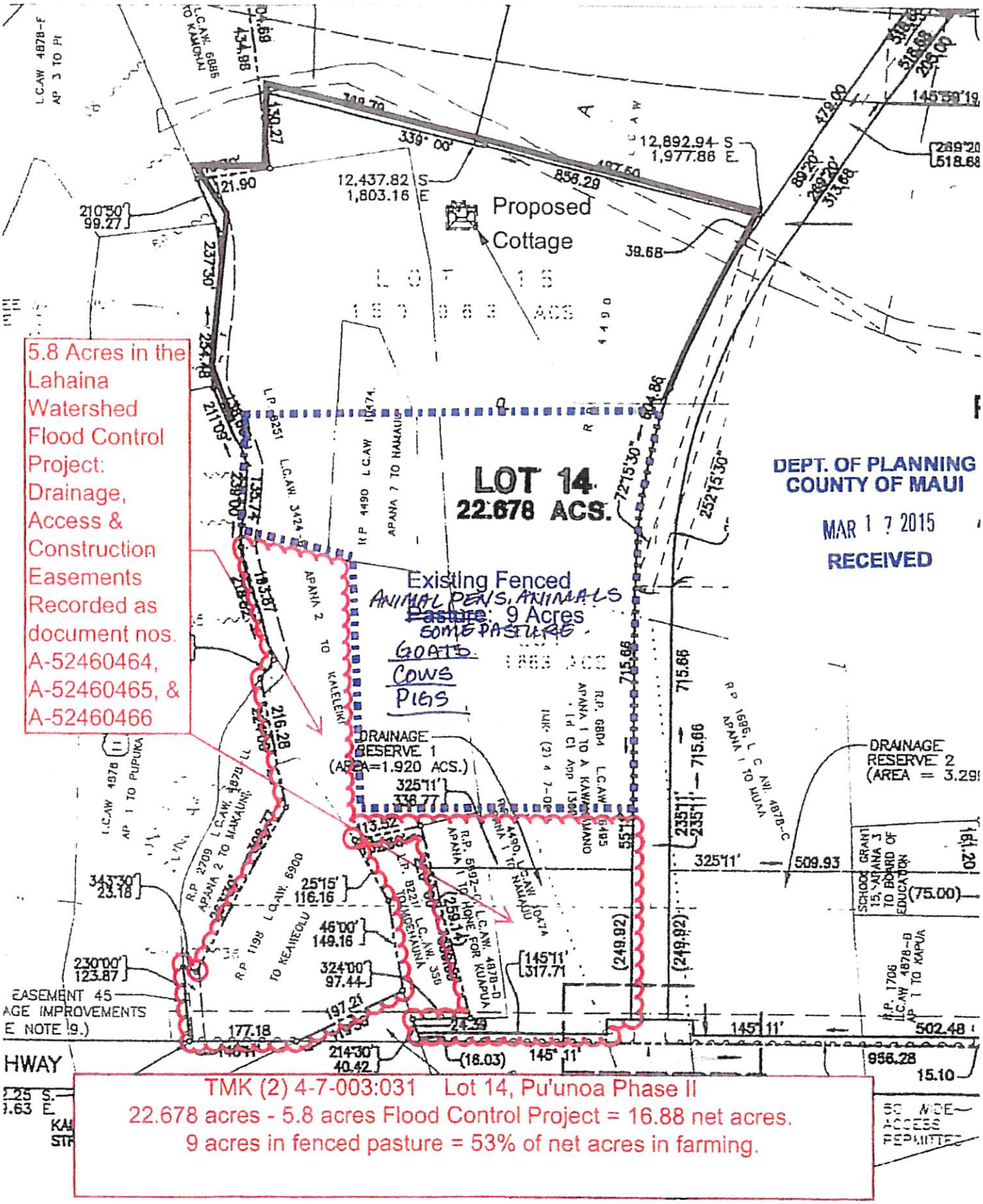
OWNER INFORMATION								
Owner's Name(s):	Kauaula Land Company LLC			Email:	heidi@westmauiland.com			
Address:	305 E. Wakea Ave., Suite 100, Kahului, HI 96732							
Phone Number(s):	(bus) 877-4202	(hm)	877-4202	(cel)		(fax)	877-9409	
Signature(s):	Peter K. Martin			Date:	Feb. 2, 2015			

PROPERTY/PROJECT INFORMATION			
Tax Map Key No:	(2) 4-7-003:031	Total Lot Area:	22.68 acres
Address/Location:	Off Hokiokio Road, Lahaina, HI		
State Land Use District Boundary Designation:	Ag		
Community Plan Designation:	Ag	County Zoning:	Ag
Building Permit Application No. & Description:	BT 2014/1522, Farm Dwelling		
Bed & Breakfast Permit Application No. & Description:			

FOR COUNTY USE ONLY			
Farm Plan Permit No:	FRMP 2015 0035		
Reviewed by:	Kydzallaeata	Date:	4/29/15
Approved by:	For: WILLIAM R. SPENCE PLANNING DIRECTOR	Date:	4/29/15

S:\ALL\FORMS\ZAED\FarmPlan\FarmPlanApp_Rev10.13.doc (Rev. 10/13)

EXHIBIT 8


5.8 Acres in the Lahaina Watershed Flood Control Project: Drainage, Access & Construction Easements Recorded as document nos. A-52460464, A-52460465, & A-52460466
Proposed Cottage
LOT 14
22.678 ACS.
Existing Fenced
ANIMAL PENS, ANIMALS
~~Pasture~~: 9 Acres
SOME PASTURE
GOATS
COWS
PIGS
DRAINAGE RESERVE 1
(AREA=1.920 ACS.)
DRAINAGE RESERVE 2
(AREA = 3.29
DEPT. OF PLANNING
COUNTY OF MAUI
MAR 17 2015
RECEIVED
TMK (2) 4-7-003:031 Lot 14, Pu'unoa Phase II
22.678 acres - 5.8 acres Flood Control Project = 16.88 net acres.
9 acres in fenced pasture = 53% of net acres in farming.

STATE OF HAWAII
BUREAU OF CONVEYANCES
RECORDED
April 01, 2015 8:01 AM
Doc No(s) A-55690053

/s/ NICKI ANN THOMPSON
REGISTRAR

1 1/1 SKC
B-32607331

LAND COURT ✓ REGULAR SYSTEM

AFTER RECORDATION, RETURN BY: MAIL (X) PICK-UP ( )

TO:
ADDRESS: Kauaula Land Company LLC
305 E. Wakea Ave. Suite 100
Kahului, HI 96732

TG: 469494-L

TITLE GUARANTY OF HAWAII, INC. HAS FILED THIS DOCUMENT FOR RECORD AS AN ACCOMODATION ONLY. THIS DOCUMENT HAS NOT BEEN REVIEWED OR IN ANY WAY EXAMINED AS TO ITS EFFECT ON REAL PROPERTY.

S:\ALL\FORMS\ZAED\FarmPlan\UnilateralAgrmnt_02.09.doc 7 Pages

UNILATERAL AGREEMENT AND DECLARATION FOR CONSTRUCTION OF A FARM DWELLING ON LANDS ZONED COUNTY AGRICULTURAL DISTRICT OR DESIGNATED STATE AGRICULTURAL DISTRICT

THIS INDENTURE made this 24th day of March 20 15 ,

by Kauaula Land Company LLC ,

whose residential address is 305 E. Wakea Ave. Suite 100

Kahului, HI 96732 ,

(hereinafter referred to as "Declarant(s)"), and who is/are the recorded owner(s) of that certain parcel of land situated at

Off Hokiokio Road, Lahaina, HI

comprising approximately 22.68 acres and identified for real property tax purposes as Tax Map Key No.: (2) 4-7-003:031

(hereinafter referred to as "Parcel").

W I T N E S S E T H:

WHEREAS, the Parcel is located within the County's Agricultural Zoning District and/or within the State's Agricultural District; and

WHEREAS, the State Land Use Law, Chapter 205, Hawaii Revised Statutes, does not authorize residential dwellings or residential use as a permitted use in the State Agricultural District unless the dwelling is a farm dwelling; and

WHEREAS, Declarant has applied for a building permit for a farm dwelling; and

WHEREAS, "farm dwelling" is defined in Section 205-4.5, Hawaii Revised Statutes, as "a single-family dwelling located on and used in connection with a farm, including clusters of single-family farm dwellings permitted within agricultural parks developed by the State, or where agricultural activity provides income to the family occupying the dwelling; and

WHEREAS, Section 19.04.040, Maui County Code, defines "farm" as "a lot on which the majority of the land is used for and the predominant activity is agriculture and/or agricultural land conservation"; and

WHEREAS, Section 19.30A.010, Maui County Code, provides that among the purposes of the Agricultural Zoning District is to:

"Notify the public that lands within the agricultural district are used for agricultural purposes. Owners, residents, and other users of such property or neighboring properties may be subjected to inconvenience, discomfort, and the possibility of injury to property and health arising from normal and accepted agricultural practices and operations. Such normal and accepted agricultural practices and operations include but are not limited to noise, odors, dust, smoke, the operation of machinery of any kind, including aircraft, and the storage and disposal of manure. Owners, occupants, and users of such property or neighboring properties shall be prepared to accept such inconveniences, discomfort, possibility of injury from normal agricultural operations.

and

WHEREAS, Declarant(s) has agreed to execute this Agreement in consideration of the issuance of a building permit, subject to compliance with all other county, state and federal requirements.

NOW THEREFORE, the Declarant(s) hereby makes the following Declaration:

1. That this Declaration is made pursuant to provisions of Chapter 19.30A, Maui County Code and Chapter 205, Hawaii Revised Statutes, relating to use of lands designated for agricultural purposes;
2. That Declarant has submitted a farm plan to the Director of the Department of Planning (hereinafter referred to as "Director");
3. That Declarant has been informed that the farm plan has been approved by the Director;
4. That Declarant shall submit an amendment to said farm plan and obtain the Director's approval of the amendment

prior to changing the activities or uses upon the Property if the changes are inconsistent with the farm plan;

5. That Declarant shall comply with all provisions of the farm plan and any and all amendments to the farm plan;

6. That Declarant understands and acknowledges that failure to implement the farm plan may constitute a violation of Chapter 205, Hawaii Revised Statutes, and/or Chapter 19.30A, Maui County Code, and/or a breach of this Agreement;

7. That Declarant represents and covenants that the dwelling shall be a single-family dwelling located on and used in connection with a farm and shall be a use that is accessory to the principal use of agriculture and/or agricultural conservation, in accordance with the farm plan;

8. That Declarant covenants and agrees to maintain the Parcel in accordance with this Agreement and acknowledges and agrees that failure to implement the farm plan in a timely manner shall constitute grounds for the County to revoke or suspend building permits issued and to not issue permits for new structures on the Parcel;

9. That the County shall have the right to enforce this agreement and all conditions related thereto by appropriate action at law or suit in equity against the

Declarant and any persons claiming an interest in the parcel;

10. That this Agreement shall become fully effective upon execution;

11. That the term "Declarant" and any pronoun in reference thereto, wherever used herein, shall be construed to mean the singular or the plural, the masculine or the feminine or the neuter, and vice versa, and shall include any corporation, and shall be held to mean and include the Declarant, Declarant's heirs, devisees, executors, administrators, personal representatives, successors, and assigns;

12. That the conditions imposed are reasonable and rationally relate to the objective of preserving public health, safety and general welfare and such conditions fulfill the need for preservation, protection and conservation of the agricultural land resource of the County and of the State of Hawaii.

AND IT IS EXPRESSLY UNDERSTOOD AND AGREED that until released in writing by the County of Maui, the covenants, conditions, and restrictions set forth in this Agreement shall run with the land identified herein above; without the execution, delivery or recordation of any further deed, instrument, document, agreement, declaration, covenant or the like with respect thereto by the Declarant, the County of Maui, or any heir, devisee, executor,

administrator, personal representative, and assign; that the acquisition of any right, title or interest in or with respect to the Parcel by any person or persons, entity or entities, whomsoever, shall be deemed to constitute the acceptance of all of the covenants, conditions and restrictions of this Declaration by such person or persons, entity or entities; and that the covenants, conditions, and restrictions set forth herein shall bind and constitute notice to all subsequent lessees, grantees, assignees, mortgagees, lienors and any other persons who claim an interest in the Parcel; and the County of Maui shall have the right to enforce this Declaration by appropriate action at law or suit in equity against all such persons.

IN WITNESS WHEREOF, the undersigned has executed this Unilateral Agreement and Declaration the day and year first above written.

DECLARANT:
By: Kauaula Land Company LLC

(Signature)

By: Peter K. Martin, Its Member
(Print Name)

(Signature)

(Print Name)

STATE OF HAWAII)
) SS.
COUNTY OF MAUI)

On this 25th day of March, 2015, before me personally appeared Peter K. Martin to me personally known, who, being by me duly sworn or affirmed did say that such person executed the foregoing instrument as the free act and deed of such person, and if applicable in the capacity shown, having been duly authorized to execute such instrument in such capacity.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

LEA TAMAYOSE NOTARY PUBLIC No. 09-190 STATE OF HAWAII

Notary Public, State of Hawaii
Print Name: Lea Tamayose
My commission expires: 17 May 17

NOTARY PUBLIC CERTIFICATION

Doc. Date: March 24, 2015 # Pages: 7

Notary Name: Lea Tamayose Judicial Circuit: 2nd

Doc. Description: Unilateral Agreement and Declaration for Construction of a Farm Dwelling on Lands Zoned Agricultural, TMK (2) 4-7-003:031

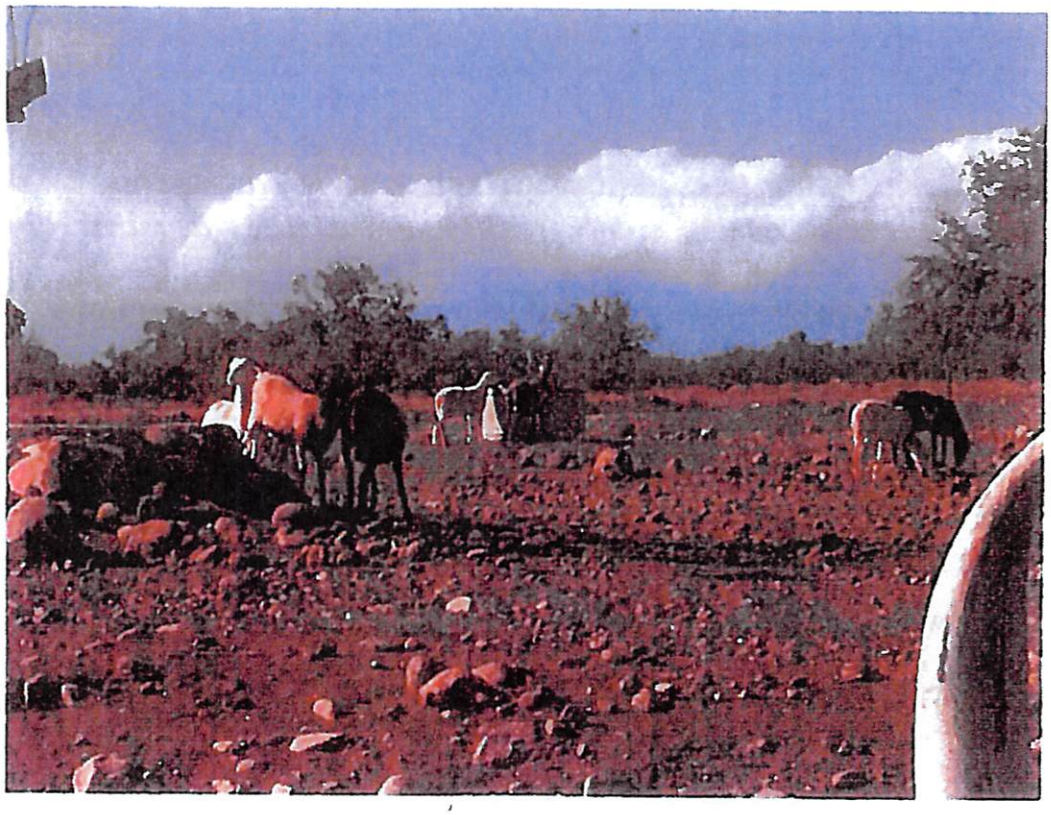
Notary Signature:

Date: 25 Mar 15

LEA TAMAYOSE NOTARY PUBLIC No. 09-180 STATE OF HAWAII

EXHIBIT

TMK (2) 4-7-003:031
Pu'unoa Phase 2, Lot 14
Existing Pasture



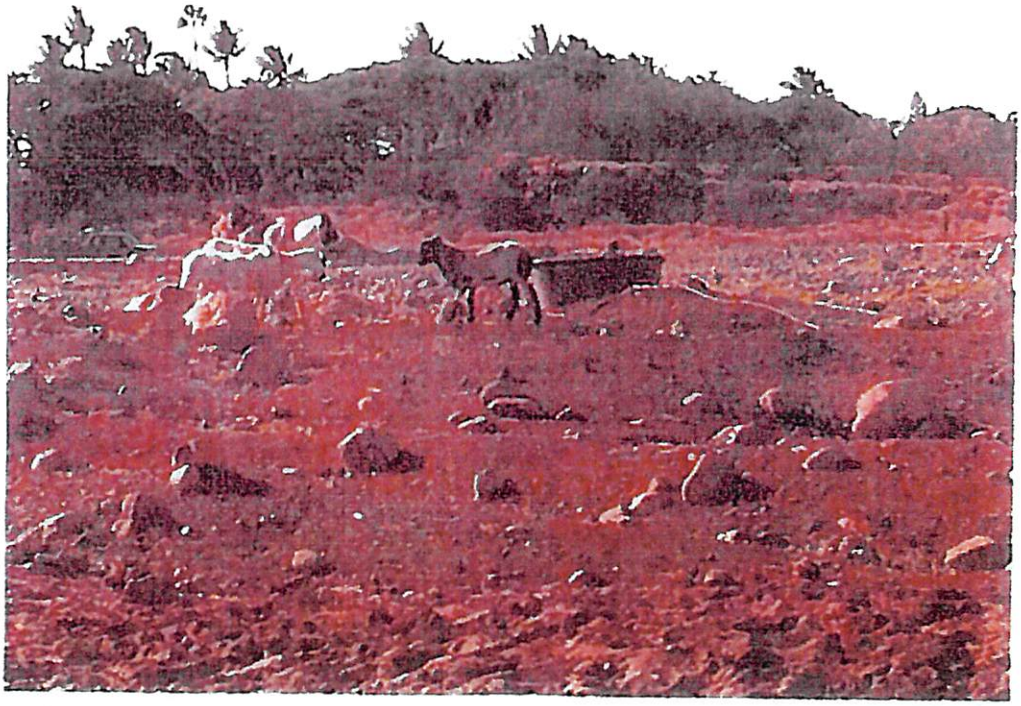
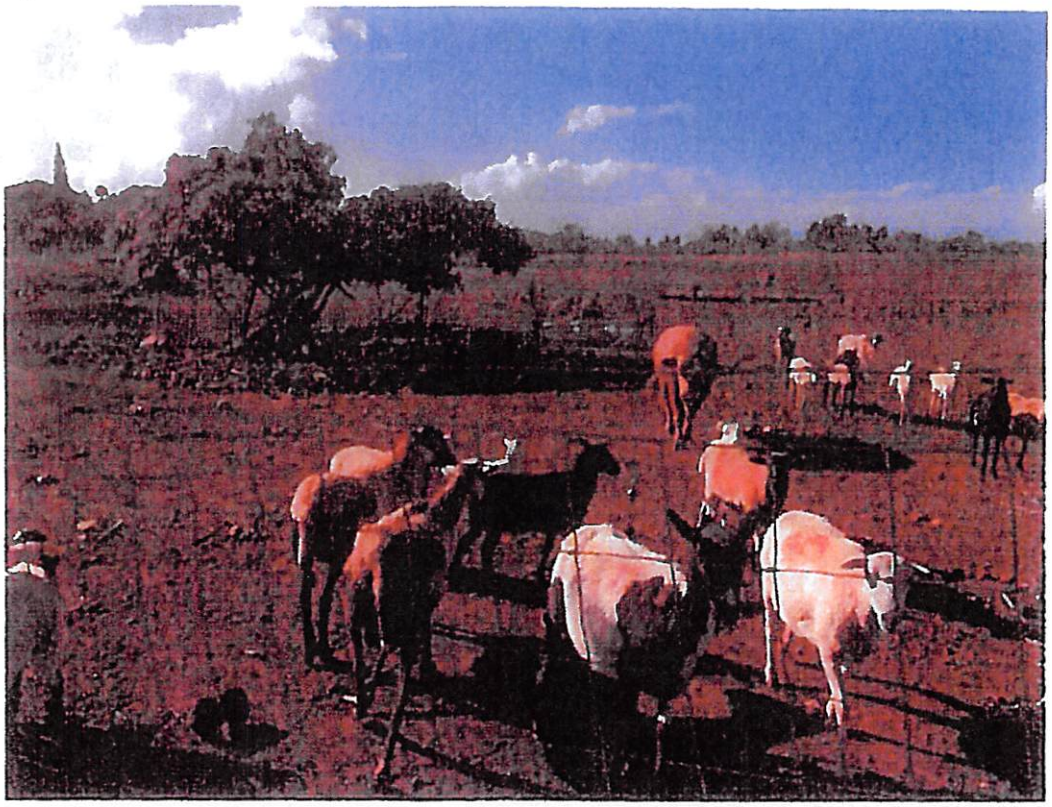
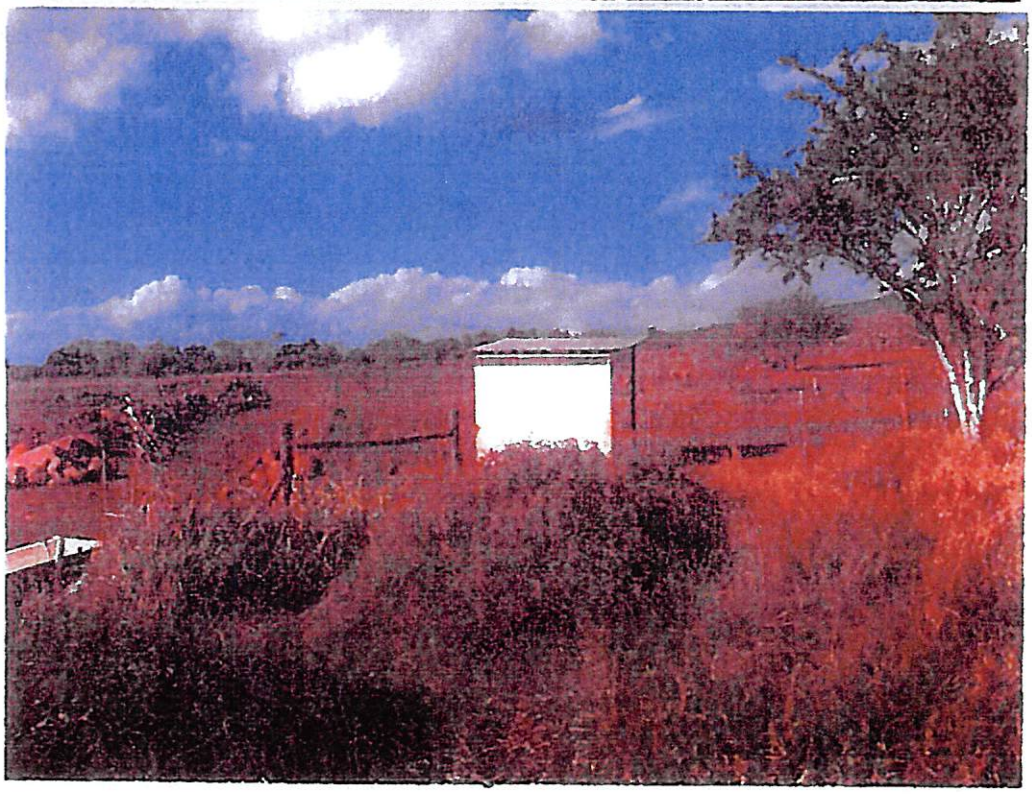


EXHIBIT 9

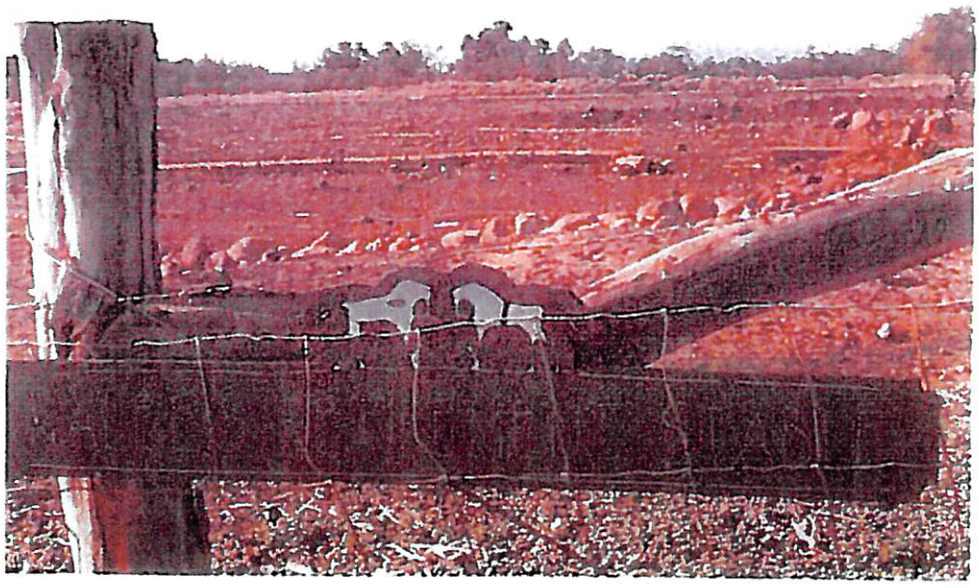
TMK (2) 4-7-003:031
Pu'unoa Phase 2, Lot 14
Existing Pasture



TMK (2) 4 7-003:031
Pu'unoa Phase 2, Lot 14
Existing Pasture



TMK (2) 4 7 003:031
Pu'unoa Phase 2, Lot 14
Existing Pasture



Ho`omoana Foundation

33 Lono Ave., Ste 230, Kahului, HI 96732

June 19, 2015

Subject: Proposed Kauaula Campground

Aloha Neighbor:

Ho'omoana Foundation is proposing a new campground facility off Hokiokio Place in Lahaina, Maui (see enclosed map). To this effect, we will be reviewing our proposed plans with the Maui Planning Commission on July 28, 2015 (see enclosed notices). We have also enclosed a summary, site map and location map for your review.

As part of our mission, *"Ho`omoana believes that having a safe place to live and to be employed are essential to regaining a higher quality of life."* Our camp will provide much needed commercial camping alternatives for West Maui visitors. More importantly, we will provide transitional housing for Maui residents alongside who are financially/emotionally disenfranchised. On-site staff will provide employment and the program for Maui residents will be goal-oriented, specifically designed to develop sustainability to transition into community housing.

In addition to the public hearing on July 28, we will also be hosting a neighborhood meeting in Olowalu on Tuesday, July 14th, 2015 from 4:30pm-5:30pm (directions and a map to the meeting location are included below). At this meeting we will present our plans in greater detail and be available for questions and comments. If possible, please RSVP by email lisa@hoomoanafoundation.org or by phone at 877-7720. Until then, please do not hesitate to call me should you have any questions or concerns.

Thank you very much for your consideration.

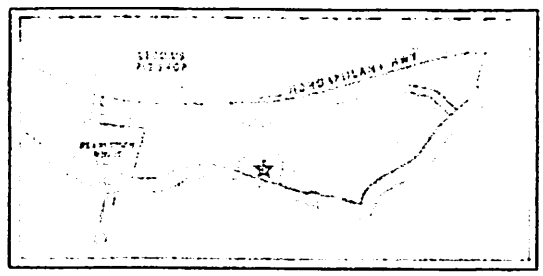
Sincerely,

Lisa Darcy
Executive Director

Directions

From Honoapiilani Hwy

1. Turn West towards the ocean into Olowalu Makai Subdivisions (across from Leoda's Pie Shop)
2. The immediate Left before the gate
3. Head South and continue past first coconut grove
4. Turn Right down gated coral driveway entrance



Ph 808-877-7720 Fax 808-877-7721 lisa@hoomoanafoundation.org www.hoomoanafoundation.org

EXHIBIT 10

ALAN M. ARAKAWA
Mayor

DAVID TAYLOR, P.E.
Director

PAUL J. MEYER
Deputy Director

DEPARTMENT OF WATER SUPPLY
COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793-2155
www.mauiwater.org

RECEIVED
2014 NOV 6 P 4:48
COUNTY OF MAUI
DEPT. OF PLANNING
ADMINISTRATION

November 3, 2014

Mr. Kurt Wollenhaupt, Staff Planner
Department of Planning
County of Maui
250 South High Street
Wailuku HI 96793

Re: I.D.: CP 2014/0002; SUP2 2014/0006
TMK: (2) 4-7-003:031
Project Name: Kauaula Campground
Conditional Use and State Land Use Special Use Permit Applications

Dear Mr. Wollenhaupt

Thank you for the opportunity to comment on these applications. The applicant, Ho'omoana Foundation, entered into a six year lease of approximately 2 acres of land from Kauaula Land Company, LLC, and proposes to construct and operate a commercial campground; the remaining 20 acres will be used for agriculture.

Source Availability and Consumption
Potable and non-potable water will be supplied from the Launiupoko Water Company Inc. and the Launiupoko Irrigation Company, Inc., private water utility companies. DWS does not review or set requirements on private water systems However, we recommend as a condition of approval that the County obtain a contingency plan from the applicant in case the purveyors are not able to provide water service for an extended period of time or in the event of an emergency shutdown. According to statewide water system per acre standards, the anticipated consumption of the proposed agricultural portion of the project would be approximately 100,000 gallons per day. This figure does not take into consideration any other water consumption.

Conservation
Please consider using climate-adapted native plants for all landscaping. The project is located in Plant Zones 3 and 5 in the "County of Maui Landscape and Gardening Handbook." Native plants adapted to the area conserve water and protect the watershed from degradation due to invasive alien species. The Landscape Handbook lists native plants and may be found on our website at:
http://www.mauicounty.gov/index.aspx?NID=227

Pollution Prevention

We are pleased to note that Best Management Practices (BMPs) will be implemented. In addition to those BMPs, and in order to protect groundwater resources, the following mitigation measures below will alleviate adverse impacts on water quality during construction:

- Evaluate the site for the best grading method that will create the least amount of debris and sediment loss.
- Minimize disturbance to the smallest area possible.
- Retain natural ground cover until the last possible date. Stabilize denuded areas by sodding or planting native species as soon as possible. Use high seeding rates to ensure rapid stand establishment.
- Use appropriate methods to minimize soil erosion and trap sediments.
- Avoid fertilizers and biocides, or apply only during periods of low rainfall to minimize chemical run-off.
- Keep run-off on site.

Should you have any questions, please contact Marti Buckner of the Water Resources and Planning Division at 463-3104 or marti.buckner@mauicounty.gov.

Sincerely,

Dave Taylor, P.E.
Director

mlb
cc: engineering division

Ho`omoana Foundation

33 Lono Ave., Ste 230, Kahului, HI 96732 (808) 877 7720

Mr. David Taylor, P.E.
Director, County of Maui
Department of Water Supply
200 High Street
Wailuku, HI 96793 2155

December 3, 2014

Aloha Mr. Taylor,

Mahalo for the opportunity to respond to your comments received November 26, 2014 through Marti Buckner, regarding Kauaula Campground Permit Application CP 2014/0002, SUP2 2014/0006 that was submitted on October 6, 2014. As the Executive Director, I appreciate the time and consideration put into reviewing the application and recognize the value of your input.

To address development on this land and those who will use this, we have already discussed and recognize the importance of several of the concerns. We appreciate and value the additional information provided such as the additional contingency needs in an emergency. We have skilled and knowledgeable guidance from the Launiupoko Water Company Inc. and the Launiupoko Irrigation Company assisting this project. We also appreciate the recommendation that we use agriculture which is native and climate adaptive. We are working with a highly knowledgeable landscaper who will be utilizing native species.

In addition to Best Management Practices, with respect to pollution prevention, part of the designed culture is to leave the smallest footprint possible. We intend to maintain higher values than the county is expecting and very much look forward to working together to make a successful project here on Maui.

If you have any questions, please contact me at Ho`omoana's office or at lisa@hoomoanafoundation.org.

Repectfully,

Lisa Darcy
Executive Director

ec: Kurt Wollenhaupt, Peter Martin, Dean Frampton

ALAN M. ARAKAWA
Mayor

WILLIAM R. SPENCE
Director

MICHELE CHOUTEAU McLEAN
Deputy Director

HPR: Please draft comments for my review RH

COUNTY OF MAUI

DEPARTMENT OF PLANNING

RECEIVED
2014 OCT -6 PM 2:42
PARKS & RECREATION
PLANNING & DEVELOPMENT

TRANSMITTAL

October 3, 2014

	STATE AGENCIES
x	Dept of Health, Maui (2 CDs)
x	DLNR-Land, Maui
X	Dept of Health, Honolulu
X	DLNR-SHPD, Maui
x	DOT, Maui
X	DOT, Honolulu
X	DBEDT
X	Land Use Commission (1 CD, 1 Hard Copy)
X	State Office of Planning
X	Dept of AG- Maui
X	Dept of Human Services
	OTHER
X	Maui Electric Company

	COUNTY AGENCIES
x	Dept of Env Mgt, Solid Waste
x	Dept of Env Mgt, WasteWater Reclamation
x	Dept of Finance – Real Property Division
x	Dept of Housing & Human Concerns
x	Dept of Parks & Recreation
x	Dept of Public Works (1 CD, 2 Hard Copies)
x	Dept of Water Supply
x	Fire & Public Safety
x	Police Department
x	ZAED, Zoning & Enforcement Division
x	Dept of Transportation

PROJECT:	**KAUAULA CAMPGROUND**
APPLICANT:	**HO'OMOANA FOUNDATION**
PROPERTY OWNER:	**KAUAULA LAND COMPANY, LLC**
CONSULTANT:	**Lisa Darcy, Ho'omoana Foundation** **Dean Frampton, Frampton & Ward, LLC**
STREET ADDRESS:	**Hokiokio Place, Lahaina, Maui, Hawaii (Approximately 1 mile north of Puamana Beach Park on Hokiokio Place.**
PARCEL SIZE:	**22.3 Acres**
PROJECT DESCRIPTION:	**Construction of a campground serving a mix of both the transient population and commercial campers. Numerous campers will likely be considered among the homeless lacking financial resources to secure permanent housing and this site will provide a temporary alternative means of habitation. The initial project will involve about 2 acres out of the total 22.3 acre parcel, with the remainder of the parcel being used for farming. The campground facility is proposed for eventually 26 camping pods with spaces for camping units such as tents, RVs, etc. 20 parking stalls will be provided in the camping area. The campground area will contain 2 newly restroom facilities with community showers and toilets on septic system and a location for common trash collection. In addition, a farm dwelling is proposed to be built. The farm dwelling will serve as the home and office for the camp manager. In addition to the dwelling, the manager's portion of the property will contain a barn, 2 visitor stalls adjacent to the farm dwelling, and a yard.**
TMK:	**(2) 4-7-003:031**
PERMIT NO.:	**(CP 2014/0002) (SUP2 2014/0006)**

EXHIBIT 12

ONE MAIN PLAZA BUILDING / 2200 MAIN STREET, SUITE 315 / WAILUKU, MAUI, HAWAII 96793
MAIN LINE (808) 270-7735 / FACSIMILE (808) 270-7634
CURRENT DIVISION (808) 270-8205 / LONG RANGE DIVISION (808) 270-7214 / ZONING DIVISION (808) 270-7253

TRANSMITTED TO YOU ARE THE FOLLOWING:

●	Conditional Permit (CP) and State Land Use Special Use Permit (SUP2) Applications

THESE ARE TRANSMITTED AS CHECKED BELOW:

●	For your Comments and Recommendations

Please first identify any comments and second identify any recommendations you would like the Department of Planning (Department) to recommend as conditions of project approval with regard to your review of the Kauaula Campground project in Lahaina, Maui, Hawaii.

Please submit your comments directly to me at the Department of Planning, Current Division, within forty-five (45) days of the date of this transmittal letter or by approximately December 1, 2014.

The Department's Current Division address is:

Department of Planning, Current Division
County of Maui
Attn: Kurt Wollenhaupt
2200 Main Street, Suite 619
Wailuku, Hawaii 96793

A comment box is also provided to further assist you. If no comment, please sign the "No Comment" box below and return to the Department of Planning by, email, or fax. Thank you for your cooperation. For additional clarification, please contact me via email at kurt.wollenhaupt@mauicounty.gov or by phone at (808) 270-1789.

Sincerely,

Kurt Wollenhaupt

KURT F. WOLLENHAUPT, Staff Planner

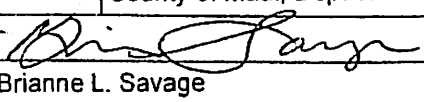
xc: Clayton I. Yoshida, AICP, Planning Program Administrator (PDF)
Kurt F. Wollenhaupt, Staff Planner (PDF)
Lisa Darcy, Ho'omoana Foundation, 33 Lono Avenue, Suite 230, Kahului, HI 96732
Dean Frampton, Frampton & Ward LLC, 2035 Main Street, Suite 1, Wailuku, HI 96793
Project File
General File

KFW:xx
K:\WP_DOCS\PLANNING\CP\2014\0002_Kauaula_Camp\Agency Transmittal.doc

NO COMMENT			
Commenting Agency:		Phone:	
Signed:		Dated:	
Print Name:		Title:	

COMMENT/RECOMMENDATION BOX

The Department of Parks & Recreation supports the concept of the project: the assistance of getting the homeless out of County of Maui parks and beaches. We have no other comments at this time.

Commenting Agency:	County of Maui, Dept of Parks & Recreation	Phone:	270-7230
Signed:		Dated:	11/28/14
Print Name:	Brianne L. Savage	Title:	Interim Director

COUNTY OF MAUI
DEPT OF PARKS & RECREATION
CURRENT DIVISION
RECEIVED
'14 DEC -2 A11:34

Kurt Wollenhaupt - Re: Fire protection for west Maui camp project

From: Peter Davis
To: Lisa Darcy
Date: 7/31/2014 9:23 AM
Subject: Re: Fire protection for west Maui camp project
CC: Kurt Wollenhaupt

Lisa, Sorry for the delayed response, our computers here have been giving us some problems. See my response in blue below:

Lt. P. Kono Davis

County of Maui
Department of Fire
and Public Safety

Fire Prevention Bureau
313 Manea Pl.
Wailuku, HI 96793

808-244-9161 ext.25
808-244-1363 Fax
808-357-5036 Cell

Peter.Davis@co.maui.hi.us

>>> Lisa Darcy <Lisa@hoomoanafoundation.org> 7/29/2014 10:12 AM >>>
I appreciate your time this morning Lt. Davis.

As I understand our conversation, the proposed camp site planning needs to be in compliance with the following county requirements:

*Fire protection with any building greater than 700 sq. ft. needs to have an access for a fire truck supporting the dimensions of the drive/access to be 20 ft. wide road and a grade of >18%.
If > 700 sq. ft. no need sprinklers in every building. If >700 do we need to have the driveway maintain those requirements? Yes, unless its protected with an automatic fire sprinkler system. The caveat is that if there is a bathroom or a barn within 50 ft. then it gets added into the 700 sq. ft. dimensions and therefor will require the above requirement.

All structures larger than 700 sq. ft. will need some type of fire protection and access to the structures. Those under 700 sq. ft. does not need fire protection if access is provided, if no access then fire sprinklers are an option.
Access roads are those that are at least 20 feet wide, constructed of an all weather surfacing, capable of

EXHIBIT 13

supporting a 50,000 lb. fire apparatus, with a grade not exceeding 18%. Structures that are within 50 feet of each other are considered exposures, so if you have a 700 sq. ft. structure within 50 feet of another structure, that will take you beyond the 700 sq. ft. (No fire protection needed) exception, thus requiring you to provide access and fire protection for those structures.

I appreciate you alerting me to the upcoming timing of code changes. Although you do not know when this will happen, it sounds like if we have our information in before we will be able to follow the above information to proceed.

For my review:
Uniform Fire Code 1997 - article 9, 10
Amendments on cty website - Maui cty code chapter 16 fire amendments 700 sq. ft.

Please comment or correct any of the above information so I may proceed accurately. I am coordinating with Kurt Wollenhaupt at the Planning Department and have cc:d him for reference.

In appreciation of this complicated journey,
Lisa Darcy
877-7720
www.hoomoanafoundation.org

Aloha,
Kono

Kurt F Wollenhaupt, Staff Planner
Department of Planning

Re: Kauaula Campground - Hokiokio Place, Lahaina, Hawaii
(2) 4-7-003: 031
CP 2014/0002 & SUP2 2013/0006

Dear Kurt:

Thank you for the opportunity to comment on this subject. At this time, our office provides the following comments:

- Camping pods are mentioned, but no design is shown. If these are permanent structures, there should be a check for the need of building permits for these structures.
- Camp fires, if allowed, should be at designated sites and shall be monitored by on-site personnel. If these sites are proposed, please check with the Department of Health-Clean Air Branch (DOH-CAB) for proper clearances. Maui County's Fire Prevention Bureau can provide safety information for these fires if proper clearance is obtained from DOH-CAB.
- Access roads to the camp site should be designed to allow for emergency vehicle access. Fire trucks require the following specifications for access roads: 20 feet minimum width; 13.5 feet vertical clearance; outside turning radius of 35 feet; and an all-weather surface capable of supporting 50,000#. This is a recommendation.
- Our office reserves the right to comment on any building permit applications associated with this project. At that time, fire department access and water supply for fire protection requirements shall be addressed.

If there are any questions or comments, please feel free to contact me at 244-9161 ext. 23.

Sincerely,

Paul Haake

Paul Haake
Captain, Fire Prevention Bureau
Dept. of Fire & Public Safety
Maui County

313 Manea Place Wailuku, HI 96793
244-9161 ext. 23
244-1363 fax

Ho`omoana Foundation

33 Lono Ave., Ste 230, Kahului, HI 96732 (808) 877 7720

Mr. Paul Haake
Captain, Fire Prevention Bureau
Department of Fire & Public Safety
Maui County
313 Manea Place
Wailuku, HI 96793

February 10, 2015

Aloha Mr. Haake,

Mahalo for the opportunity to respond to your comments received February 6, 2015, regarding Kauaula Campground Permit Application CP 2014/0002, SUP2 2014/0006 that was submitted on October 6, 2014. As the Executive Director, I appreciate the time and consideration put into reviewing the application and recognize the value of your input and experience.

In response to your comments, Ho`omoana did not submit a design for the camping pods because there are no permanent structures intended. It is literally for tents. We did have discussion regarding camp fires and there are no plans to allow camp fires. We do have plans to have an on-site staff person, regardless. I appreciate your assistance guiding me to the proper place for acceptable limits if we had chosen this route.

ZAED commented earlier in this process and also highlighted the importance of emergency vehicle access and we have integrated their requirements into the overall development plan for compliance. Your input is appreciated at any point in this process.

Mahalo for your comments. We intend to maintain the integrity of the county and state requirements/systems and very much look forward to working together to make a successful project here on Maui. If you have any questions, please contact me at Ho`omoana's office or at lisa@hoomoanafoundation.org.

Repectfully,

Lisa Darcy
Executive Director

ec: Kurt Wollenhaupt, Peter Martin, Dean Frampton

ALAN M. ARAKAWA
MAYOR

OUR REFERENCE

YOUR REFERENCE

POLICE DEPARTMENT
COUNTY OF MAUI

55 MAHALANI STREET
WAILUKU, HAWAII 96793
(808) 244-6400
FAX (808) 244-6411

TIVOLI S. FAAUMU
CHIEF OF POLICE

DEAN M. RICKARD
DEPUTY CHIEF OF POLICE

COUNTY OF MAUI
DEPT OF PLANNING
CURRENT

'14 NOV 14 P3 :43

November 12, 2014

MEMORANDUM

TO : KURT F. WOLLENHAUPT, STAFF PLANNER
DEPARTMENT OF PLANNING

FROM : TIVOLI S. FAAUMU, CHIEF OF POLICE

SUBJECT :

PERMIT NO.	:	(CP 2014/0002) (SUP2 2014/006)
TMK	:	(2) 4-7-003: 001
Project Name	:	KAUAULA CAMPGROUND
Applicant	:	HO'OMOANA FOUNDATION

____ No recommendation or comment to offer.

__x__ Refer to enclosed comments and/or recommendations.

Thank you for giving us the opportunity to comment on this project.

Assistant Chief Victor K. Ramos
For: TIVOLI S. FAAUMU
Chief of Police

Enclosures

EXHIBIT 14

TO : TIVOLI FAAUMU, CHIEF OF POLICE, MAUI COUNTY POLICE (+ ADDITION)

VIA : CHANNELS

FROM : SCOTT D PERRY, SERGEANT, LAHAINA DISTRICT

SUBJECT : KAUAULA CAMPGROUNDS

(HAWAII INCLUDE REGISTRATION OF CAMPERS THE LAND OWNER WILL RECEIVE OPPOSING FROM RESIDENTS.

Victor K. Ramos
Assistant Chief
11/7/14

Sir, this To-From is relative to the receipt of the transmittal from Department of Planning regarding the application for proposed campgrounds located at Hokiokio Place, Lahaina. The project located approximately 1 mile north of Puamana Beach Park on Hokiokio Place. The site of the campground project site encompasses 22.3 acres of land. The transmittal requests that our department identify any recommendations regarding the proposed site.

I checked in I-LEADS, in ATACRAIDS, and in Report Warrior. There were no incidents reported for this site and the surrounding area as it is currently undeveloped farm land.

A visual assessment of the site revealed vehicular traffic would access the project from Hokiokio Place and would pose no concerns. Pedestrians attempting to access the site would do so along Hokiokio Place. The Hokiokio Place roadway has undeveloped shoulders of grass, dirt and gravel which could possibly hamper pedestrians attempting to access the site. The applicants' proposal does not address pedestrians attempting to access the location along Hokiokio Place. Hokiokio Place is a main connector road to the Lahaina Bypass and is directly above the project location and, at times, is a heavily traveled roadway.

In addition, there is a Kauaula Campground "Code of Conduct" policy that does not prohibit the use of illicit drugs or alcohol, on site. There is no policy for the Kauaula Campground manager, coordinator or a designee being responsible for monitoring and/or identifying such activity. On-site security personnel can only lead to a safer and secure living environment for the individuals staying at the campground.

A policy of dealing with animals that may accompany persons at the campgrounds should be in order. Whether animals at the site will need to be confined or a zero tolerance should be enforced.

Therefore with regards to the information requested, I suggest the applicant address the issue of possibility of pedestrian access to the Kauaula Campgrounds along Hokiokio Place. This could be a safety issue as the shoulders of the roadway are undeveloped. The policies for monitoring illicit activity and animal control at the campground should

also be addressed. Security personnel should be looked as a way of securing the safety of individuals at the proposed campground.

This to/from is being submitted for your perusal.

AS THIS SITE IS DESCRIBED AS BEING A "TEMPORARY ALTERNATIVE MEANS OF HABITATION" FOR THE "HOMELESS LACKING FINANCIAL RESOURCES", OBVIOUS CONCERNS ARE BROUGHT UP BY SGT. PERRY. STRICT RULES FOR THE CODE OF CONDUCT REGARDING ILLEGAL DRUG USE ARE ENCOURAGED TO BE IMPLEMENTED PRIOR TO APPROVAL. THE CONCERN OF ALLOWING ANIMALS SHOULD ALSO BE ADDRESSED DUE TO NOISE AND DEFECATION CONCERNS. RULES AND ENFORCEMENT POLICIES NEED TO BE IN ORDER AND IN "BLACK AND WHITE" TERMS (NO "GRAY AREAS") TO INCREASE THE PROBABILITY THAT THIS PROJECT WILL NOT TURN INTO A "TENT CITY". SECURITY OF THE SITE AND USERS IS ALSO A CONCERN.

Lt. [signature]
11/5/14

Respectfully submitted;

[signature]

Scott PERRY #924

Sergeant/ Lahaina Patrol

11/03/14@ 2230 hours

THERE ARE VARIOUS CONCERNS REGARDING KAUAULA CAMPGROUNDS AS NOTED BY SGT. PERRY & LT. VICKERS. RULES AND ENFORCEMENT POLICY NEED TO BE CLEAR PRIOR TO APPROVAL. RECOMMEND APPLICANT ADDRESS THESE ISSUES.

[signature] 11/6/14

Ho`omoana Foundation

33 Lono Ave., Ste 230, Kahului, HI 96732 (808) 877-7720

Tivoli S. Faaumu
Chief of Police, County of Maui
55 Mahalani Street
Wailuku, HI 96793

November 21, 2014

Aloha Chief Faaumu,

Mahalo for the opportunity to respond to your memorandum dated November 12, 2014 through Assistant Chief Victor K. Ramos, regarding Kauaula Campground Permit Application CP 2014/0002, SUP2 2014/0006 that was submitted on October 6, 2014. As the Executive Director, I appreciate the time and consideration put into reviewing the application and recognize the value of your input.

To address development on this land and those who will use this, we have already discussed and recognize the importance of several of the concerns. We appreciate knowing there have been no previous incidents reported on this property site. Although we are planning for only a few camp sites initially, if and when the County initiates a bus stop in the area, we shall respond expeditiously to any foot traffic need presented.

With respect to illicit drug or alcohol use, we will enforce and respect the legalities surrounding these concerns and fully intend to develop a clear report with our enforcement officers on the west side. Please forward this to whomever you have as a point person and I shall contact them to discuss this in further detail. Behavior and upholding the law is the key element in determining participation at this site. We are in discussions regarding the development of comprehensive on-site security.

As a Maui Homeless Alliance member and someone who has interviewed local families regarding what they would like to see in a camp site, the issue of animals comes up. Local families want to take their pets out camping with them for the weekend or the week to off-set the cost of boarding. Service animals with proper paperwork will be allowed as long as there presents no disruption to the community. Since we are focusing on a harmonious site, to begin this project, although noted this is requested, all other requests will be denied.

If you have any questions, please contact me at Ho'omoana's office or at lisa@hoomoanafoundation.org.

Repectfully,

Lisa Darcy
Executive Director

ec: Kurt Wollenhaupt, Peter Martin, Dean Frampton

ALAN M ARAKAWA
Mayor

DAVID C GOODE
Director

ROWENA M DAGDAG ANDAYA
Deputy Director

Telephone (808) 270-7845
Fax (808) 270-7955

COUNTY OF MAUI
DEPARTMENT OF PUBLIC WORKS
200 SOUTH HIGH STREET, ROOM NO. 434
WAILUKU, MAUI, HAWAII 96793

GLEN A UENO, P.E , P L S
Development Services Administration

CARY YAMASHITA, P E
Engineering Division

BRIAN HASHIRO, P.E
Highways Division

ORIGINAL FILED
DEPT OF PLANNING
CURRENT DIVISION RECEIVE.
'14 OCT 16 P4 :07

October 15, 2014

MEMO TO: WILLIAM R. SPENCE, PLANNING DIRECTOR

FROM: DAVID C. GOODE, DIRECTOR OF PUBLIC WORKS

SUBJECT: **APPLICATION FOR CONDITIONAL PERMIT AND STATE LAND USE SPECIAL USE PERMIT FOR KAUAULA CAMPGROUND FOR HO'OMOANA FOUNDATION; TMK: (2) 4-7-003:031 CP 2014/0002; SUP2 2014/0006**

We reviewed the subject application and have the following comments:

Comments from the Highways Division:

1. Currently there are no County roads in the area of this development. Hokiokio Place is a private road, currently being used by State Department of Transportation (DOT) Highways for access/egress to/from the Lahaina Bypass. If Hokiokio Place is to remain a private road, we would have no comments. If Hokiokio Place is to be dedicated to the County in the future, we may have comments about upgrading Hokiokio Place to County standards.

2. We would recommend fencing be established to prevent or discourage access onto the Lahaina Bypass by campground vehicles or pedestrians. The Bypass is a limited access road not intended for use by pedestrians.

If you have any questions regarding this memorandum, please call Rowena M. Dagdag-Andaya at 270-7845.

DCG:RMDA:da
xc: Highways Division
Engineering Division
S:\DSA\Engr\CZM\Draft Comments\47003031_Kauaula_campground_cp_sup2wpd.wpd

EXHIBIT 15

ALAN M. ARAKAWA
Mayor

WILLIAM R. SPENCE
Director

MICHELE CHOUTEAU McLEAN
Deputy Director

DEPT. OF PLANN
COUNTY OF MA
OCT 6 2014
RECEIVED

COUNTY OF MAUI

DEPARTMENT OF PLANNING

TRANSMITTAL

October 3, 2014

	STATE AGENCIES
x	Dept of Health, Maui (2 CDs)
x	DLNR-Land, Maui
X	Dept of Health, Honolulu
X	DLNR-SHPD, Maui
x	DOT, Maui
X	DOT, Honolulu
X	DBEDT
X	Land Use Commission (1 CD, 1 Hard Copy)
X	State Office of Planning
X	Dept of AG- Maui
X	Dept of Human Services
	OTHER
X	Maui Electric Company

	COUNTY AGENCIES
x	Dept of Env Mgt, Solid Waste
x	Dept of Env Mgt, WasteWater Reclamation
x	Dept of Finance – Real Property Division
x	Dept of Housing & Human Concerns
x	Dept of Parks & Recreation
x	Dept of Public Works (1 CD, 2 Hard Copies)
x	Dept of Water Supply
x	Fire & Public Safety
x	Police Department
x	ZAED, Zoning & Enforcement Division
x	Dept of Transportation

PROJECT:	**KAUAULA CAMPGROUND**
APPLICANT:	**HO'OMOANA FOUNDATION**
PROPERTY OWNER:	**KAUAULA LAND COMPANY, LLC**
CONSULTANT:	**Lisa Darcy, Ho'omoana Foundation** **Dean Frampton, Frampton & Ward, LLC**
STREET ADDRESS:	**Hokiokio Place, Lahaina, Maui, Hawaii (Approximately 1 mile north of Puamana Beach Park on Hokiokio Place.**
PARCEL SIZE:	**22.3 Acres**
PROJECT DESCRIPTION:	**Construction of a campground serving a mix of both the transient population and commercial campers. Numerous campers will likely be considered among the homeless lacking financial resources to secure permanent housing and this site will provide a temporary alternative means of habitation. The initial project will involve about 2 acres out of the total 22.3 acre parcel, with the remainder of the parcel being used for farming. The campground facility is proposed for eventually 26 camping pods with spaces for camping units such as tents, RVs, etc. 20 parking stalls will be provided in the camping area. The campground area will contain 2 newly restroom facilities with community showers and toilets on septic system and a location for common trash collection. In addition, a farm dwelling is proposed to be built. The farm dwelling will serve as the home and office for the camp manager. In addition to the dwelling, the manager's portion of the property will contain a barn, 2 visitor stalls adjacent to the farm dwelling, and a yard.**
TMK:	**(2) 4-7-003:031**
PERMIT NO.:	**(CP 2014/0002) (SUP2 2014/0006)**

EXHIBIT
16

TRANSMITTED TO YOU ARE THE FOLLOWING:

o Conditional Permit (CP) and State Land Use Special Use Permit (SUP2) Applications

THESE ARE TRANSMITTED AS CHECKED BELOW:

● For your Comments and Recommendations

Please first identify any comments and second identify any recommendations you would like the Department of Planning (Department) to recommend as conditions of project approval with regard to your review of the Kauaula Campground project in Lahaina, Maui, Hawaii.

Please submit your comments directly to me at the Department of Planning, Current Division, within forty-five (45) days of the date of this transmittal letter or by approximately December 1, 2014.

The Department's Current Division address is:

Department of Planning, Current Division
County of Maui
Attn: Kurt Wollenhaupt
2200 Main Street, Suite 619
Wailuku, Hawaii 96793

A comment box is also provided to further assist you. If no comment, please sign the "No Comment" box below and return to the Department of Planning by, email, or fax. Thank you for your cooperation. For additional clarification, please contact me via email at kurt.wollenhaupt@mauicounty.gov or by phone at (808) 270-1789.

Sincerely,

Kurt Wollenhaupt

KURT F. WOLLENHAUPT, Staff Planner

xc: Clayton I. Yoshida, AICP, Planning Program Administrator (PDF)
Kurt F. Wollenhaupt, Staff Planner (PDF)
Lisa Darcy, Ho'omoana Foundation, 33 Lono Avenue, Suite 230, Kahului, HI 96732
Dean Frampton, Frampton & Ward LLC, 2035 Main Street, Suite 1, Wailuku, HI 96793
Project File
General File

KFW:xx
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NO COMMENT			
Commenting Agency:		Phone:	
Signed:		Dated:	
Print Name:		Title:	

COMMENT/RECOMMENDATION BOX

M.C.C. 19.36A.010 does not provide for minimum numbers of accessible off-street parking for Commercial Camping. Please provide research and reference to what other government agencies, in Hawaii or the Mainland, use as a formula for calculating the parking requirements for tent only commercial camping.

COUNTY OF MAUI
DEPT OF PLANNING - CURRENT
OCT - 9 2014
RECEIVED

Commenting Agency:	ZAED	Phone:	270-7197
Signed:	[signature]	Dated:	10/9/14
Print Name:	Gerald Azbill	Title:	Plans Examiner

Ho`omoana Foundation

33 Lono Ave., Ste 230, Kahului, HI 96732 (808) 877 7720

Mr Gerald Azbill
ZAED, County of Maui
2200 Main Street, Suite 315
Wailuku, HI 96793

December 14, 2014

Aloha Mr Azbill,

Mahalo for the opportunity to respond to your comments received October 28, 2014, regarding Kauaula Campground Permit Application CP 2014/0002, SUP2 2014/0006 that was submitted on October 6, 2014 As the Executive Director, I appreciate the time and consideration put into reviewing the application and recognize the value of your input

To address development on this land and those who will use this, we have and continue to research other projects with similar visions. Since this is not a governmental project, there are very few projects nationally which have been established in this manner. Currently, upon referrals from National Center for Homelessness and the well running camp Olowalu here on Maui, parking spaces vary quite a bit in respect to the groups who are staying. Camp Hope in Arizona has very few parking spaces as many use other means of transportation, while here on Maui, the vacationing clients tend to require more spaces. Since there is no equal of a project that we can find, and we are starting very small, we expect to fall somewhere in the middle.

Ho`omoana will continue to research information in regards to this project and bring valuable information forward to assist in making this development seamless. We intend to maintain high values and very much look forward to working together to make a successful project here on Maui.

If you have any question , please contact me at Ho`omoana's office or at [redacted].

Repectfully,

Lisa Darcy
Executive Director

ec. Kurt Wollenhaupt, Peter Martin, Dean Frampton

DEPARTMENT OF
HOUSING AND HUMAN CONCERNS
COUNTY OF MAUI

ALAN M. ARAKAWA
Mayor

JO ANN T. RIDAO
Director

JAN SHISHIDO
Deputy Director

200 SOUTH HIGH STREET • WAILUKU, HAWAII 96793 • PHONE (808) 270 7805 • FAX 270 7165 • E-MAIL director.hhc@mauicounty.gov

COUNTY OF MAUI
DEPT OF PLANNING - CURRENT
OCT 15 2014
RECEIVED

Date: October 15, 2014

To: Kurt F. Wollenhaupt, Staff Planner

From: Wayde T. Oshiro, Housing Administrator

Subject: **Preliminary Planning Review**
Residential Workforce Housing Policy; Ord 3418
Chapter 2.96, MCC; effective 12/5/2006

Project Name: **KAUAULA CAMPGROUND**
Applicant: **Ho'omoana Foundation**
Subject I.D.: **(CP 2014/0002) (SUP2 2014/0006)**
TMK: (2) 4-7-003:031

Street Address: Hokiokio Place, Lahaina, Maui, Hawaii (1 mile north of Puamana Beach Park)
Determination:

☑ **Not-Applicable**
Does not meet applicability as set forth in 2.96.030(A), MCC

☐ **Applicable**
- ☐ **No Exemptions**
- ☐ **Exemptions: (2.96.030)**
  - ☐ B.1. An executed affordable housing agreement, currently in effect and approved prior to the effective date of chapter.
  - ☐ B.2. A development subject to a change in zoning condition that requires affordable or residential workforce housing.
  - ☐ B.3. A subdivision granted preliminary subdivision approval prior to the effective date of this chapter. (12/5/2006)
  - ☐ B.4. A building permit application submitted prior to the effective date of this chapter.
  - ☐ B.5. A family subdivision, for immediate family members, as described in sections 18.20.280(B)(1) and (B)(2) of this code.
  - ☐ B.6. A development by a government entity, 201H, community land trust, or an affordable housing project with more than the residential workforce housing units, in-lieu fees, or in-lieu land required by section 2.96.040, as approved by the director.

Additional Comments:

☐ **See comments below** ☐ **See Attachment(s)**
☑ **We have NO comment**

Reviewed By: Wayde T Oshiro
Wayde T. Oshiro, Housing Administrator

10/14/2014
Date

EXHIBIT 17

ALAN M. ARAKAWA
Mayor

WILLIAM R. SPENCE
Director

MICHELE CHOUTEAU McLEAN
Deputy Director

HHC-ADMINISTRATION SERVICES

2014 OCT -7 PM 12 37

COUNTY OF MAUI

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2014 OCT -6 AM 9:50
DEPT. OF PLANNING
COUNTY OF MAUI

DEPARTMENT OF PLANNING
COUNTY OF MAUI

TRANSMITTAL

October 3, 2014

	STATE AGENCIES
x	Dept of Health, Maui (2 CDs
x	DLNR-Land, Maui
X	Dept of Health, Honolulu
X	DLNR-SHPD, Maui
x	DOT, Maui
X	DOT, Honolulu
X	DBEDT
X	Land Use Commission (1 CD, 1 Hard Copy)
X	State Office of Planning
X	Dept of AG- Maui
X	Dept of Human Services
	OTHER
X	Maui Electric Company

	COUNTY AGENCIES
x	Dept of Env Mgt, Solid Waste
x	Dept of Env Mgt, WasteWater Reclamation
x	Dept of Finance – Real Property Division
x	Dept of Housing & Human Concerns
x	Dept of Parks & Recreation
x	Dept of Public Works (1 CD, 2 Hard Copies)
x	Dept of Water Supply
x	Fire & Public Safety
x	Police Department
x	ZAED, Zoning & Enforcement Division
x	Dept of Transportation

PROJECT:	**KAUAULA CAMPGROUND**
APPLICANT:	**HO'OMOANA FOUNDATION**
PROPERTY OWNER:	**KAUAULA LAND COMPANY, LLC**
CONSULTANT:	**Lisa Darcy, Ho'omoana Foundation** **Dean Frampton, Frampton & Ward, LLC**
STREET ADDRESS:	**Hokiokio Place, Lahaina, Maui, Hawaii (Approximately 1 mile north of Puamana Beach Park on Hokiokio Place.**
PARCEL SIZE:	**22.3 Acres**
PROJECT DESCRIPTION:	**Construction of a campground serving a mix of both the transient population and commercial campers. Numerous campers will likely be considered among the homeless lacking financial resources to secure permanent housing and this site will provide a temporary alternative means of habitation. The initial project will involve about 2 acres out of the total 22.3 acre parcel, with the remainder of the parcel being used for farming. The campground facility is proposed for eventually 26 camping pods with spaces for camping units such as tents, RVs, etc. 20 parking stalls will be provided in the camping area. The campground area will contain 2 newly restroom facilities with community showers and toilets on septic system and a location for common trash collection. In addition, a farm dwelling is proposed to be built. The farm dwelling will serve as the home and office for the camp manager. In addition to the dwelling, the manager's portion of the property will contain a barn, 2 visitor stalls adjacent to the farm dwelling, and a yard.**
TMK:	**(2) 4-7-003:031**
PERMIT NO.:	**(CP 2014/0002) (SUP2 2014/0006)**

TRANSMITTED TO YOU ARE THE FOLLOWING:

o Conditional Permit (CP) and State Land Use Special Use Permit (SUP2) Applications

THESE ARE TRANSMITTED AS CHECKED BELOW:

● For your Comments and Recommendations

Please first identify any comments and second identify any recommendations you would like the Department of Planning (Department) to recommend as conditions of project approval with regard to your review of the Kauaula Campground project in Lahaina, Maui, Hawaii.

Please submit your comments directly to me at the Department of Planning, Current Division, within forty-five (45) days of the date of this transmittal letter or by approximately December 1, 2014

The Department's Current Division address is:

Department of Planning, Current Division
County of Maui
Attn: Kurt Wollenhaupt
2200 Main Street, Suite 619
Wailuku, Hawaii 96793

A comment box is also provided to further assist you. If no comment, please sign the "No Comment" box below and return to the Department of Planning by, email, or fax. Thank you for your cooperation. For additional clarification, please contact me via email at kurt.wollenhaupt@mauicounty.gov or by phone at (808) 270-1789.

Sincerely,

Kurt Wollenhaupt

KURT F. WOLLENHAUPT, Staff Planner

xc: Clayton I. Yoshida, AICP, Planning Program Administrator (PDF)
Kurt F. Wollenhaupt, Staff Planner (PDF)
Lisa Darcy, Ho'omoana Foundation, 33 Lono Avenue, Suite 230, Kahului, HI 96732
Dean Frampton, Frampton & Ward LLC, 2035 Main Street, Suite 1, Wailuku, HI 96793
Project File
General File

KFW:xx
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NO COMMENT			
Commenting Agency:		Phone:	
Signed:		Dated:	
Print Name:		Title:	

COMMENT/RECOMMENDATION BOX

Commenting Agency:		Phone:	
Signed:		Dated:	
Print Name:		Title:	

14/5872

AGENCY TRANSMITTAL RESPONSE e-FORM

FOR DEPARTMENT OF PLANNING, COUNTY OF MAUI

October 13, 2014

AGENCY NAME	Department of Environmental Mgmt. TELEPHONE 270-8230
PROJECT: APPLICANT: PERMIT NO: TMK: STREET ADDRESS: PROJECT DESCRIPTION: SECURITY CODE:	Kauaula Campground Hoomoana Foundation CP2014/0002 SUP2 2014/0006 2-4-7-003-031 Hokio Place, Lahaina, Maui , Hawaii (approximately 1 mile north of Puamana Beach Park on Hokiokio Place) Construction of a campground serving a mix of both the transient population and commercial campers. Numerous campers will likely be considered among the homeless lacking financial resources to secure permanent housing and this site will provide an alternative means of habitation. The initial project will involve about 2 acres out of the total 22.3 acre parcel, with the remainder of the parcel being used for farming. The campground facility is proposed for eventually 26 camping pods with spaces for camping units such as tents, RVs, etc. 20 Parking stalls will be provided in the camping area. The campground area will contain 2 new restroom facilities with community showers and toilets on septic system and a location for common trash collection. In addition, a farm dwelling is proposed to be built. The farm dwelling will serve as the home and office for the camp manager. In addition for the dwelling, the manager's portion of the property will contain a barn, 2 visitor stalls adjacent to the farm dwelling and a yard.

COUNTY OF MAUI
DEPARTMENT OF PLANNING
CURRENT DIVISION

'14 DEC 10 A10:53

☐ COMMENTS/RECOMMENDATIONS ☒ NO COMMENTS

WASTEWATER RECLAMATION DIVISION COMMENTS

☐ COMMENTS/RECOMMENDATIONS ☒ NO COMMENTS

SOLID WASTE DIVISION COMMENTS

Signed:		
Print Name:	Michael M. Miyamoto, Deputy Director	Date

EXHIBIT 18

14/2598

Kurt

ALAN M. ARAKAWA
Mayor

WILLIAM R. SPENCE
Director

MICHELE CHOUTEAU McLEAN
Deputy Director

COUNTY OF MAUI

COUNTY OF MAUI
DEPT OF PLANNING
CURRENT DIVISION RECEIVED
2014 OCT -7 A11 :07

DEPARTMENT OF PLANNING

TRANSMITTAL

October 3, 2014

	STATE AGENCIES
x	Dept of Health, Maui (2 CDs)
x	DLNR-Land, Maui
X	Dept of Health, Honolulu
X	DLNR-SHPD, Maui
x	DOT, Maui
X	DOT, Honolulu
X	DBEDT
X	Land Use Commission (1 CD, 1 Hard Copy)
X	State Office of Planning
X	Dept of AG- Maui
X	Dept of Human Services
	OTHER
X	Maui Electric Company

	COUNTY AGENCIES
x	Dept of Env Mgt, Solid Waste
x	Dept of Env Mgt, WasteWater Reclamation
x	Dept of Finance – Real Property Division
x	Dept of Housing & Human Concerns
x	Dept of Parks & Recreation
x	Dept of Public Works (1 CD, 2 Hard Copies)
x	Dept of Water Supply
x	Fire & Public Safety
x	Police Department
x	ZAED, Zoning & Enforcement Division
x	Dept of Transportation

PROJECT:	**KAUAULA CAMPGROUND**
APPLICANT:	**HO'OMOANA FOUNDATION**
PROPERTY OWNER:	**KAUAULA LAND COMPANY, LLC**
CONSULTANT:	**Lisa Darcy, Ho'omoana Foundation** **Dean Frampton, Frampton & Ward, LLC**
STREET ADDRESS:	**Hokiokio Place, Lahaina, Maui, Hawaii (Approximately 1 mile north of Puamana Beach Park on Hokiokio Place.**
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TMK:	**(2) 4-7-003:031**
PERMIT NO.:	**(CP 2014/0002) (SUP2 2014/0006)**

RCVD OCT 2...

EXHIBIT 19

TRANSMITTED TO YOU ARE THE FOLLOWING:

[●] Conditional Permit (CP) and State Land Use Special Use Permit (SUP2) Applications

THESE ARE TRANSMITTED AS CHECKED BELOW:

[o] For your Comments and Recommendations

Please first identify any comments and second identify any recommendations you would like the Department of Planning (Department) to recommend as conditions of project approval with regard to your review of the Kauaula Campground project in Lahaina, Maui, Hawaii.

Please submit your comments directly to me at the Department of Planning, Current Division, within forty-five (45) days of the date of this transmittal letter or by approximately December 1, 2014.

The Department's Current Division address is:

Department of Planning, Current Division
County of Maui
Attn: Kurt Wollenhaupt
2200 Main Street, Suite 619
Wailuku, Hawaii 96793

A comment box is also provided to further assist you. If no comment, please sign the "No Comment" box below and return to the Department of Planning by, email, or fax. Thank you for your cooperation. For additional clarification, please contact me via email at kurt.wollenhaupt@mauicounty.gov or by phone at (808) 270-1789.

Sincerely,

Kurt Wollenhaupt

KURT F. WOLLENHAUPT, Staff Planner

xc: Clayton I. Yoshida, AICP, Planning Program Administrator (PDF)
Kurt F. Wollenhaupt, Staff Planner (PDF)
Lisa Darcy, Ho'omoana Foundation, 33 Lono Avenue, Suite 230, Kahului, HI 96732
Dean Frampton, Frampton & Ward LLC, 2035 Main Street, Suite 1, Wailuku, HI 96793
Project File
General File

KFW:xx
K:\WP_DOCS\PLANNING\CP\2014\0002_Kauaula_Camp\Agency Transmittal.doc

NO COMMENT			
Commenting Agency:	County DOT	Phone:	270 7511
Signed:	Jim Oster	Dated:	10-7-14
Print Name:	Jim Oster	Title:	ENGINEER

OFFICE OF PLANNING
STATE OF HAWAII

35 South Beretania Street, 6th Floor Honolulu, Hawaii 96813
Mailing Address P O Box 2359, Honolulu, Hawaii 96804

DAVID Y IGE
GOVERNOR

LEO R. ASUNCION
ACTING DIRECTOR
OFFICE OF PLANNING

Telephone (808) 587 2846
Fax (808) 587 2824
Web http://planning.hawaii.gov

Ref. No. P-14595

December 5, 2014

Mr. William R. Spence, Director
County of Maui
Department of Planning
One Main Plaza Building
2200 Main Street, Suite 315
Wailuku, Maui, Hawaii 96793

Dear Mr. Spence:

Subject: State Special Use Permit (CP2014/0002)(SUP2 2014/0006)
Applicant: Hoomoana Foundation
Project: Kauaula Campground
TMK: 4-7-003-031
Request: Campground
Lahaina, Maui, Hawaii

Thank you for the opportunity to review the proposal for a State Special Use Permit to construct a campground to serve a mix of commercial camping and a segment of the transient population. The campground will be developed on a two-acre site, carved out of a larger 22.3-acre parcel. The site is located on the corner of Hokiokio Place and Honoapiilani Highway.

The applicant is proposing to construct a farm dwelling as a residence for the camp manager and office use. The proposed maximum capacity for the commercial campground will be 26 camping pods for tents and recreational vehicles, two comfort stations with showers, and 20 parking stalls. Other structures on site will include a barn for the agricultural uses. The remainder of the lot will be used for agriculture. The applicant indicates that the transient population may work in the agricultural area of the lot to supplement their rental fees.

The Office of Planning (OP) has the following comments.

1. Hawaii Administrative Rules, Chapter 15, Land Use Commission Rules, Section 15-15-95(c) of Subchapter 12 Special Permits, allows for certain "unusual and reasonable" uses within the State Agricultural and Rural districts that meet certain criteria. The applicant should provide a more detailed description of the proposed project that would satisfy the criteria listed within this chapter.
2. The application should also provide a detailed description of the proposal, including information such as the number of transient people that would occupy the campgrounds on a daily basis, the type of social services that will be provided, the

EXHIBIT 20

approximate ratio of 'vacation tourist' type population to the transient population, the daily rental rates for the campgrounds, and other pertinent information.

3. We recommend that the applicant provide a agricultural farm plan for the remainder of the lot.
4. Farm dwellings are structures that are defined as a specific use in Hawaii Revised Statutes 205-4.5 (4). The farm dwelling use that is described in the proposed application does not appear to meet this criteria.

Thank you for the opportunity to review this project. If you have any questions, please call Lorene Maki of our Land Use Division at (808) 587-2888.

Sincerely,

Leo R. Asuncion
Acting Director

cc: Land Use Commission

Ho`omoana Foundation

33 Lono Ave., Ste 230, Kahului, HI 96732 (808) 877 7720

Mr. Leo R. Asuncion
Acting Director
Office of Planning
State of Hawai'i
235 S. Beretania Street, 6th Fl.
Honolulu, HI 96804

December 11, 2014

Aloha Mr. Asuncion

Mahalo for the opportunity to respond to your comments received December 10, 2014 through Kurt Wollenhaupt, regarding Kauaula Campground Permit Application CP 2014/0002, SUP2 2014/0006 that was submitted on October 6, 2014. As the Executive Director, I appreciate the time and consideration put into reviewing the application and recognize the value of your input.

To address your four concerns, we have intend to stay within the Hawaii Administrative Rules, Chapter 15 Land Use Commission Rules. Since there is nothing of this sort within Maui County, we wish to start very small and well within all the rules to ensure a smooth and successful project. We recognize the importance of taking small steps with only a few people at a time to develop a harmonious community.

As stated in our application, we intend to start off with only 10 individuals who would likely be quite independent. Ho`omoana is extremely involved with the Maui Homeless, as the ED I am Chair of the Maui Homeless Coalition Committee, the Housing Committee and a member of the Advocacy Committee. If any services are necessary for the individual's, I will personally oversee the referral. As for the cost, it will be nominal per person. The ratio is expected to be even, although if an opening is available we wish to have small flexibility.

Currently, we are seeking the guidance of several successful agricultural entities to provide us with small simple ideas which we can become successful with before we try to take on too much for the few individuals who may be staying on property. We appreciate and value the additional information provided and have engaged a planner who can build a structure which meets the Hawaii Revised Statues 205 4.5 (4) so we may move forward in compliance.

We very much look forward to working together to make a successful project here on Maui. If you have any questions, please contact me at Ho`omoana's office or at [redacted].

Respectfully,

Lisa Darcy
Executive Director
ec: Kurt Wollenhaupt, Peter Martin, Dean Frampton

NEIL ABERCROMBIE
GOVERNOR OF HAWAII

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

JESSE K. SOUKI
DEPUTY DIRECTOR

WILLIAM M. TAM
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCE ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

HISTORIC PRESERVATION DIVISION
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION
601 KAMOKILA BOULEVARD, ROOM 555
KAPOLEI, HAWAII 96707

October 16, 2014

Keith Scott, Staff Planner
County of Maui, Department of Planning
Via email to: Keith.Scott@co.maui.hi.us

LOG NO: 2014.04555
DOC NO: 1410MD20
Archaeology

Aloha Mr. Scott,

SUBJECT: **Chapter 6E-42 Historic Preservation Review – Maui County**
Kauaula Campground Permit Application (CP 2014/0002, SUP2 2014/0006)
Pahoa Ahupua'a, Lāhainā District, Island of Maui
TMK (2) 4-7-003:031

Thank you for the opportunity to review the aforementioned application submittal, which we received on October 6, 2014. The applicant is proposing to establish a campground with 26 camping pods and 20 parking stalls, with future development including construction of a farm dwelling and associated agriculture, on this 22.678 acre parcel located within Pu'unoa Subdivision.

A search of our records indicates that an archaeological survey for this subdivision has not occurred. This parcel contains numerous Land Commission Awards (3424-B:2, 4878-D, 6495:1, 6900, 10474:1 and 7) and one Land Court Application (1302), indicating substantial occupation in pre-Contact times. Additionally we have encountered human remains on a portion of this parcel. We do believe it is likely that archaeological sites may be present in the subject property.

Therefore, we recommend an **archaeological inventory survey** for this subdivision pursuant to Hawaii Administrative Rule § 13-276. Depending on the results of that survey further mitigation may be needed. Please contact me at (808) 243-4641 or Morgan.E.Davis@hawaii.gov if you have any questions or concerns regarding this letter.

Mahalo,

Morgan E. Davis
Lead Archaeologist, Maui Section

cc: County of Maui
Department of Planning
via email to: Planning@co.maui.hi.us

Renee Segundo, Supervising Building Permit Clerk
County of Maui, Development Services Administration
via email to: Renee.Segundo@co.maui.hi.us

Annalise Kehler, County of Maui
Cultural Resources Commission
via email to: Annalise.Kehler@co.maui.hi.us

Jordan V. Calpito, SHPD Maui Burial Sites Specialist
via email to: Jordan.V.Calpito@hawaii.gov

EXHIBIT 21

Ho`omoana Foundation

33 Lono Ave., Ste 230, Kahului, HI 96732

Mr. Morgan E Davis
Lead Archeologist, Maui Section
Historic Preservation Division
Department of Land and Natural Resources
State Historic Preservation Division
601 Kapolei, Hawaii 96707

November 14, 2014

Aloha Mr. Davis,

Regarding your letter dated October 16, 2014 to Keith Scott, please find the attached document to address development on this land. The report (018-121502) was completed by Haun & Associates in January of 2003. We respectfully wish to proceed regarding your request for an archeological inventory survey for the Kauaula Campground Permit Application CP 2014/0002, SUP2 2014/0006 that was submitted on October 6, 2014.

Attached please find a hard copy of the report. If you have any questions, please contact me at Ho`omoana's office at 877-7720.

Repectfully,

Lisa Darcy
Executive Director

ec: Kurt Wollenhaupt
Peter Martin
Dean Frampton

Ph 808-877-7720 Fax 808-877 7721 [illegible]

Report 018-121502

ARCHAEOLOGICAL SITE PRESERVATION PLAN
KAUA'ULA DEVELOPMENT PARCEL

Lands of Puehuehu Iki, Pahoa, and Polanui Ahupua'a

Lahaina District, Island of Maui

(TMK: (2) 4-7-02:4, 5, & 7 and (2) 4-7-03:por.1)

January 2003

Haun & Associates
Archaeological, Cultural, and Historical Resource Management Services
HCR 1 Box 4730, Keaau, Hawaii 96749 Phone: 982-7755 Fax: 982-6343

ARCHAEOLOGICAL SITE PRESERVATION PLAN

KAUA'ULA DEVELOPMENT PARCEL

Lands of Puehuehu Iki, Pahoa, and Polanui Ahupua'a

Lahaina District, Island of Maui

(TMK: (2) 4-7-02:4,5,&7; (2) 4-7-03:por.1)

By:

Alan E. Haun, Ph.D.
and
Jack D. Henry, B.S.

Prepared for:

Kauaula Land Company, LLC
173 Ho'ohana Street, Suite 201
Kahului, Hawaii 96732

January 2003

Haun & Associates

Archaeological, Cultural, and Historical Resource Management Services
HCR 1 Box 4730, Keaau, Hawaii 96749 Phone: 982-7755 Fax: 982-6343

INTRODUCTION

This archaeological site preservation plan concerns three sites in the Kau'aula Development Parcel project area *(Figure 1)* located in the Lands of Puehuehu Iki, Pahoa, and Polanui Ahupua'a, Lahaina District, Island of Maui (TMK: (2) 4-7-02:4,5,&7; (2) 4-7-03:por.1). The plan was prepared in accordance with the Department of Land and Natural Resources-State Historic Preservation Division (DLNR-SHPD) rules for site preservation (DLNR-SHPD 1998, Chapter 277). The plan describes the sites to be preserved, buffer zones, and measures for short- (interim) and long-term preservation. The selected form of preservation is avoidance and protection (conservation). The plan will be submitted to the County of Maui Cultural Resources Commission for public review and comment.

SITE IDENTIFICATION

An inventory survey of the project area (PHRI 1999) identified three sites, all related to agriculture. Site 4787 consists of nine features associated with sugarcane cultivation during the early to mid-1900s. Site 4789 consists of two irrigated terraces (*loi*) that are late prehistoric to pre-1900s in age. Site 4795 is a wall segment that is probably part of a late prehistoric to early historic garden enclosure.

Site 4787 consists of features associated with Pioneer Mill sugar cane plantation operations (see *Figure 1*). Makila Reservoir (Feature B), and four ditches (Lahaina Luna Ditch, Feature A; Makila Ditch, Feature G; A Pump Ditch, Feature C; and Mill Ditch, Feature D) are part of the Mill's irrigation system developed in the early 1900s. The features have been used up to the present and have undergone periodic maintenance and upgrading, such as dredging the reservoir and re-lining the ditches with concrete. Feature F is a formed concrete railroad bridge that probably replaced a wooden bridge sometime prior to the end of the rail transportation system in the early 1950s. An area with linear mounds or low walls, and mounds of manually piled stones (Feature H), with an irrigation gate (Feature I), and the linear mound of stones at Feature E are the remains of the manually cultivated fields dating to the early 1900s. The ditches, railroad bridge, and reservoir lie within easements controlled by Pioneer Mill for continued use and maintenance. Features H and I are situated in the undeveloped terrain surrounding Site 4795. Feature E is situated adjacent to Kaua'ula Stream.

Site 4789 (*Figure 2*) consists of two irrigated taro terraces (*loi*; Features A and B) in the seaward portion of Land Commission Award (LCA) 2560, Apana 3, awarded to Kekoalii. The site is adjacent to Kau'aula Stream. The site is bounded on the inland side by a large, 2-2.5 m high ridge of mechanically piled boulders and soil. There are additional terraces, a petroglyph, and a possible burial on the seaward side of the site situated in an undeveloped parcel, LCA 7633 awarded to Kapuhi, which is not owned by Kauaula LLC. The approximate locations of these features are shown in *Figure 3*. Vegetation in the site area consists of grasses and scattered *kiawe* trees. LCA testimony indicates both LCAs were used for taro cultivation in the early to mid-1800s.

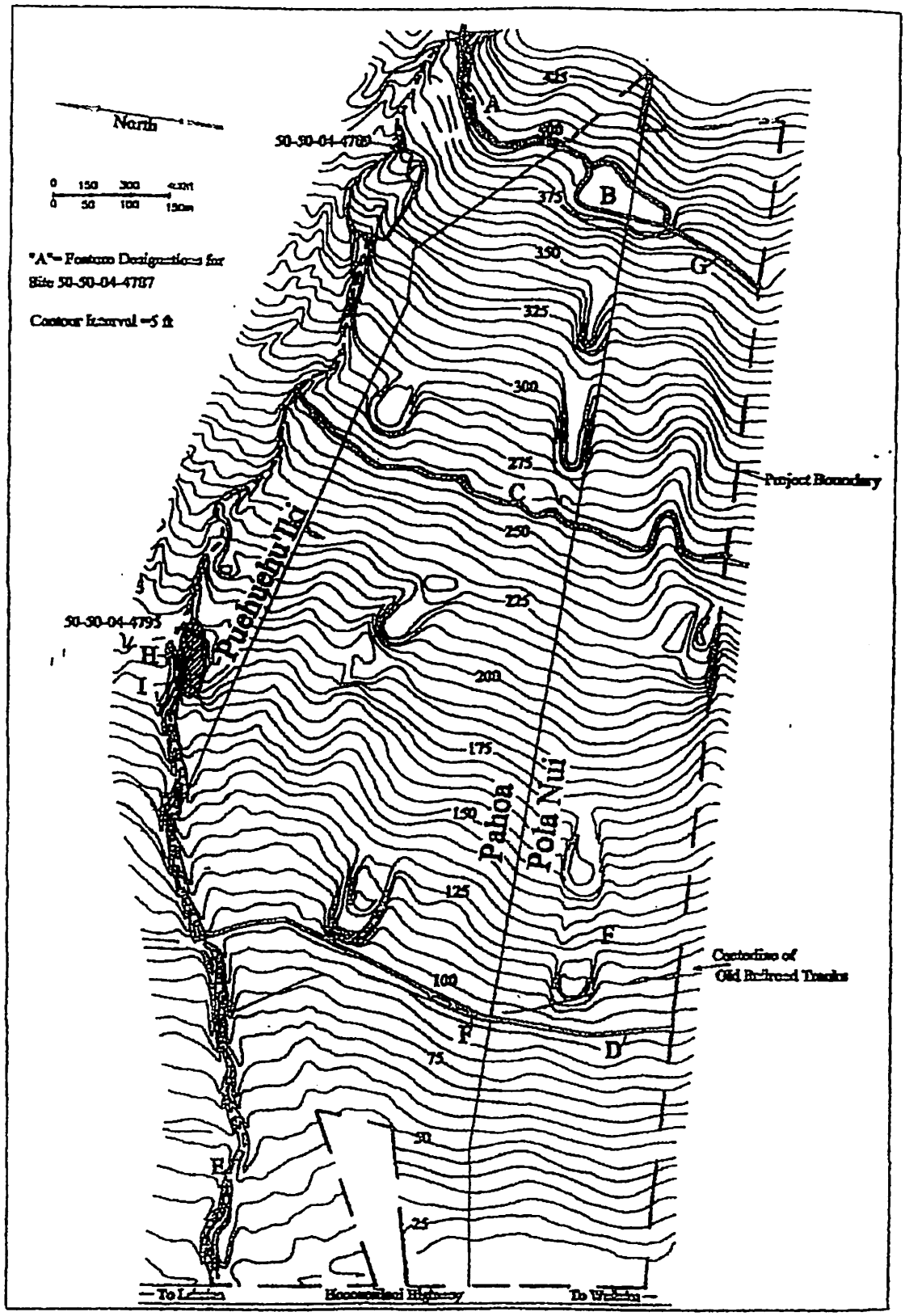


Figure 1. Site Location Map

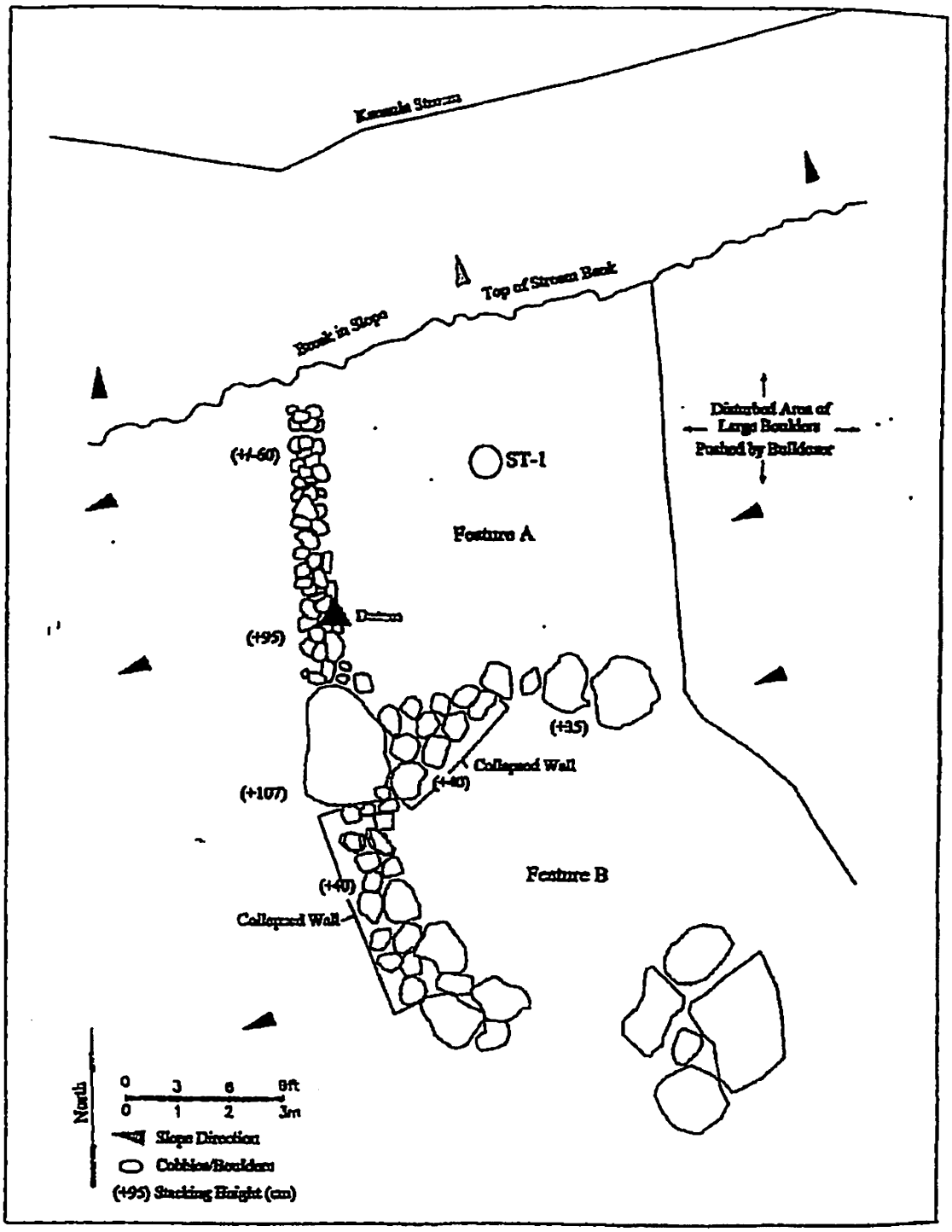


Figure 2. Site 50-50-04-4789

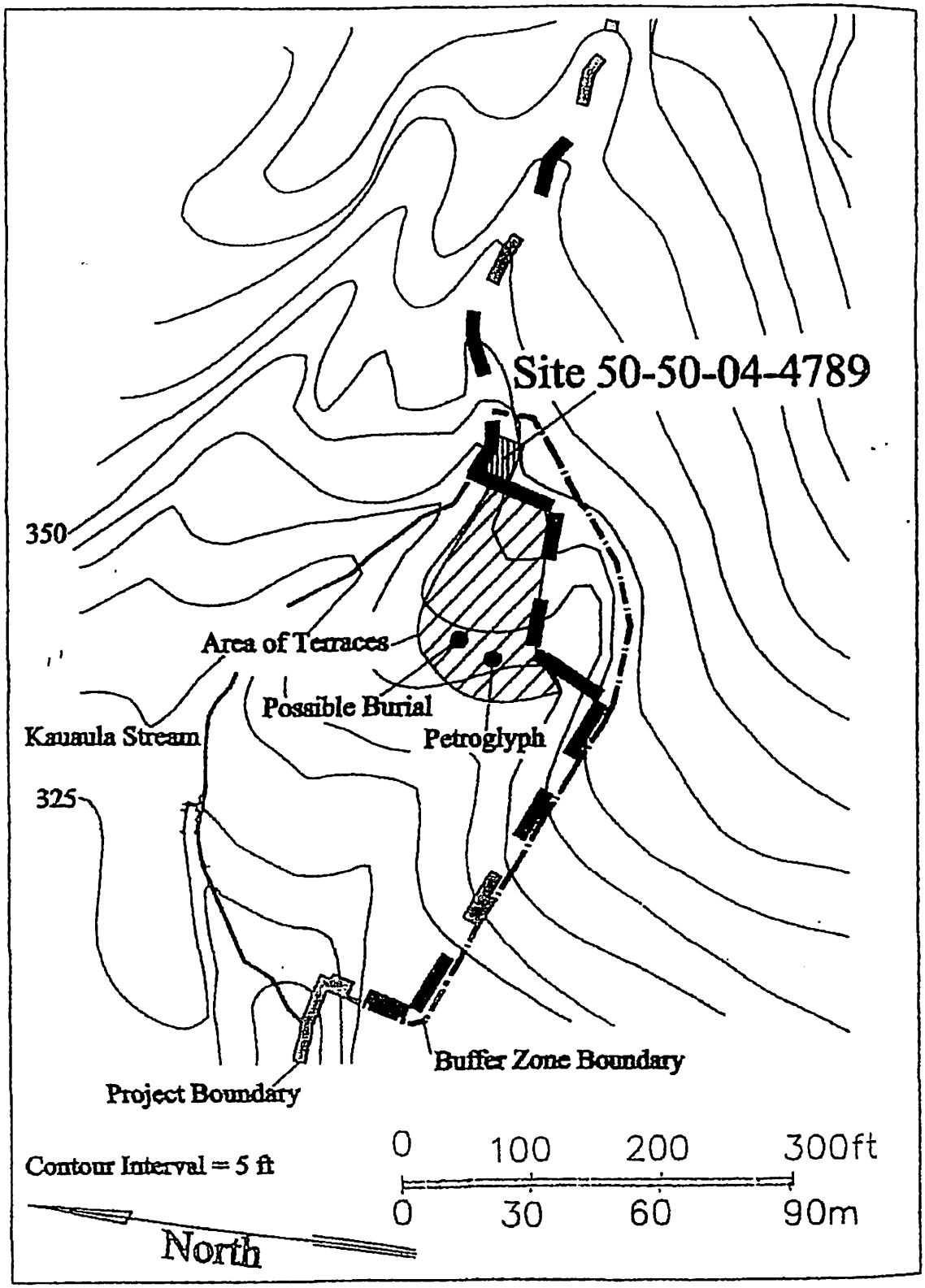


Figure 3. Site 50-50-04-4789 and Adjacent Features

Site 4795 (*Figure 4*) is situated along Kau'aula Stream, between the A Pump Ditch and the Mill Ditch, in area where a side drainage, or former stream drainage, is present. The site consists of a wall in the lower portion of LCA 581, Apana 2, awarded to S. Laahili. Nearby are two features of Site 4787, a concrete and stone irrigation gate (Feature I), and a series of low walls or alignments of cobbles and small boulders (Feature II). The wall is probably part of a former enclosure, probably for a garden beside the stream.

The survey report (PHRI 1999) assessed all three sites as significant solely for information content, Criterion "d" (DLNR 1998: Chapter 275-6). DLNR-SHPD concurred with this assessment (2/25/00 letter from Don Hibbard to Dr. Rechtman of PHRI [Log No: 24968, Doc No: 0002RC45] and 4/18/00 letter from Don Hibbard to Ms. Carlin, Chair of the Maui County Cultural Resources Commission [Log No: 25240, Doc No: 0004RC11]).

PRESERVATION SITE BUFFERS

The major irrigation features of Site 4787 are situated within easements controlled by Pioneer Mill. The ditch easements include an access road and average 6.5 m (21 ft) in width on the road side and 4 m (13 ft) on other side of the ditches. The easement ranges from 10 m to 35 m (33 ft to 115 ft) around the reservoir.

Site 4789 is bounded to the north by Kaua'ula Stream and private land. The seaward boundary is private land. It is bounded on the inland and south sides by a ridge of mechanically piled stones and earth at the edge of a former sugar cane field. The buffer zone on the inland and south sides will be the outer edge of the bulldozed stones and earth, a distance of approximately 5 m (16 ft). A buffer of at least 30 m (98 ft) will be maintained from the petroglyph, and possible burial in the adjacent lot. The edge of the buffer will follow the crest of an existing embankment on the south side of the site (see *Figure 3*).

Site 4795 and Features H and I of Site 4787 are situated in an area beside Kaua'ula Stream that was never used for mechanized cultivation of sugar cane. Vegetation in this area consists of grasses and scattered *kiawe* trees. The area is bounded to the north by the stream and private land. The remaining sides are bordered by large piles of mechanically piled stones and earth, 2 m to 4 m in height. These piles form a high ridge as *Figure 4* illustrates.

Both sites are situated beside the stream in depressions, which naturally limit the visibility of the adjacent terrain to the east, south, and west of the sites. The buffer zone perimeters follow the crests of the ridges that form the depressions.

SHORT-TERM PRESERVATION

Short-term preservation buffer zones for Sites 4789 and 4795 will be marked with brightly colored flagging tape or temporary plastic fencing. No construction or land modification

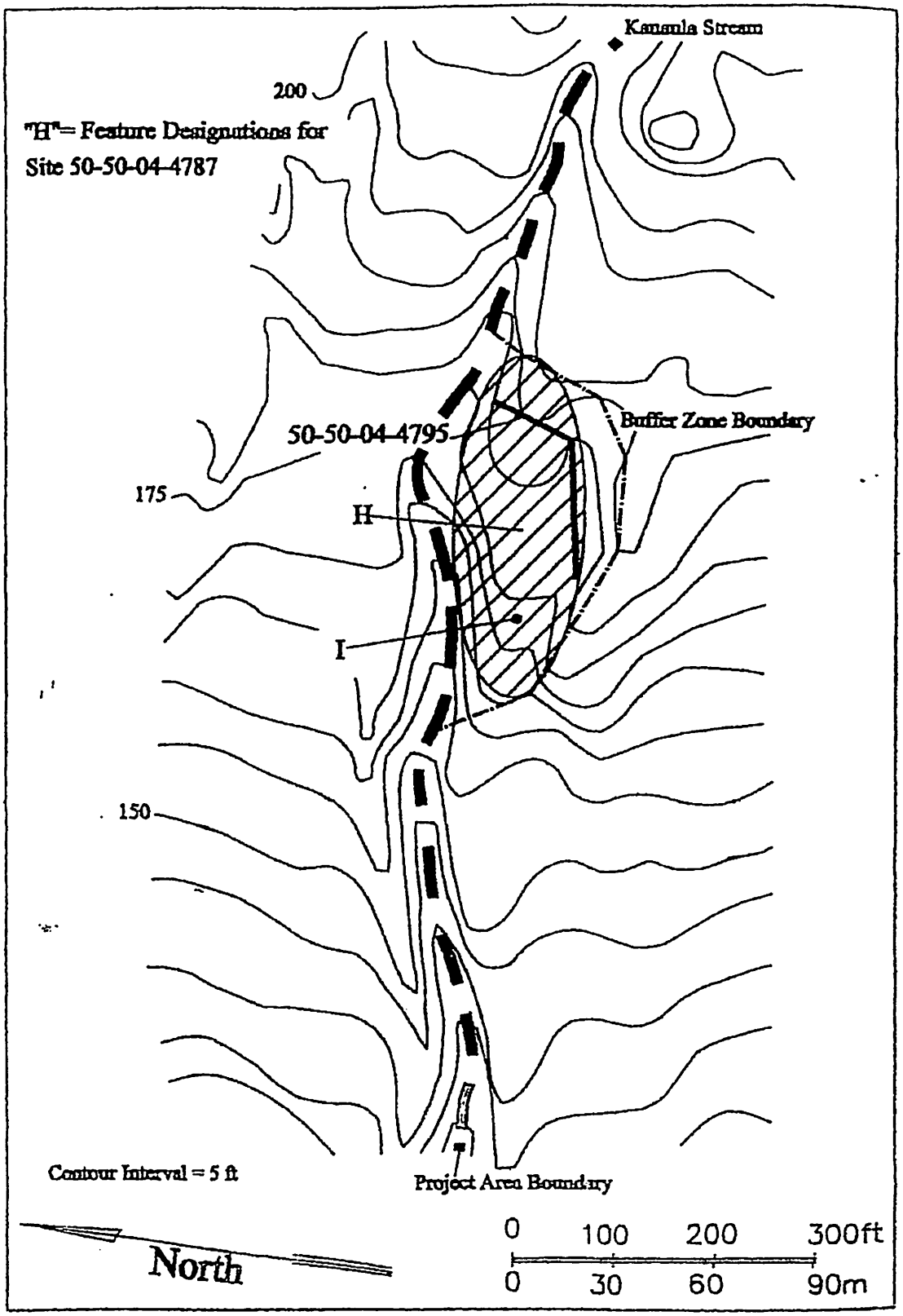


Figure 4. Plan Map of Site 50-50-04-4795

activity will occur within the buffer zones. No landscaping or maintenance activities including the integration with the proposed "greenway" will occur within the buffer zones without prior DLNR-SHPD approval. Kaua'ula Land Co., LLC acknowledges DLNR-SHPD request for use of native species as a method of enhancing the greenway easement. Short-term preservation will be ensured by adopting the following general protective measures:

1. All sites will be plotted accurately on grading plans and construction plans prior to the initiation of any grading, grubbing, and/or construction activities;

2. Buffer zones, as described above, shall be identified and marked around site perimeters. The buffer zone boundaries will be delineated with orange plastic fencing. The DLNR-SHPD will verify that the fencing is correctly in-place prior to any land alteration; and

3. Construction supervisors and personnel will be explicitly notified as to the nature and location of the sites, the significance of the buffer zones, and the color and meaning of the buffer zone marking.

LONG-TERM PRESERVATION

Long-term preservation of the cultural resources in the project area will also include preservation buffers as described above. No future construction or land modification activities will occur within these preservation zones. No landscaping or maintenance activities including the integration with the proposed "greenway" will occur within the buffer zones without prior DLNR-SHPD approval. Kaua'ula Land Co., LLC acknowledges DLNR-SHPD request for use of native species as a method of enhancing the greenway easement.

Disclosure of all sites will be made to future lot owners. Disclosure will consist of a written description of the sites and the metes and bounds of the buffer zones in the deeds. The location of the sites and buffer zones will be plotted on subdivision plat maps. The buffer zones will be marked in the field by stone monuments on survey pins.

. DLNR-SHPD review of an earlier version of this plan requested that the plan address potential impacts of the proposed development on the "larger historic district of Kau'aula Valley" (3/28/01 letter from Don Hibbard to Mr. Peter Martin [Log No: 27190, Doc No: 0103RC31]). In response Kau'aula Land Co., LLC proposes the following:

1. To provide a "buffer" area and building setback on the south side of Kau'aula Stream as follows:

    a. Buffer Area
        i. *Approximate Center Line of Stream to Property Line* – As outlined on the attached maps (at end) depicting the approximate stream location, the property line included in this agricultural development does not mirror the centerline of Kau'aula Stream. In fact, the centerline of the stream varies along the entire boundary of the property which in most cases is the "top of bank". This variation is generally between 25 and 60 feet for the majority of the property line; however, see attached maps for variation.

ii. *Greenway Easement* - A minimum 20 foot wide Greenway Easement is proposed along property within this subdivision that borders the stream. In most cases, this property line is the "top of bank". This Greenway is defined within the Conditions, Covenants, and Restrictions ("CC&Rs") that are recorded on title as follows:

"A greenway common area easement or "Greenway" is an area of land granting a perpetual right for open space for the public use for access to historic sites, hiking, jogging, bicycling, and horseback riding. The greenway may be farmed or landscaped. Use as an access or for motorized vehicles is prohibited. The easement may be in favor of the Association in which case the Association will have the authority to restrict the hours of use and the availability for use by the general public."

Please note that Kaua'ula Land Company, LLC and the Association are committed to this greenway easement being utilized by the general public during daylight hours and that the language within the CC&Rs is a protection against unsuitable use at unsuitable hours similar to the way Maui County restricts use at other public parks.

In locations where LCA's bordering the stream are not included within this subdivision, the greenway is not enforceable within these CC&Rs; however, note that this Greenway Easement is anticipated to continue along in general proximity to the stream (see attached map for details).

b. *Building Setback* – The CC&R's also require a 40 foot building setback from the property line along the stream (an additional 20 feet from the greenway) in which no buildings are allowed. Please note that Building Setbacks may be adjusted on Lots #13 and #14 of Pu'unoa Subdivision II if property boundary amended or if zoning is changed on the Property.

2. Although Kauaula Land Co., LLC does not own lands mauka of the subject area, it anticipates that the "greenway" will continue mauka and it will work with these land owners to extend the "greenway" further mauka. Additionally, Kauaula Land Co., LLC understands that the "greenway" or other buffers will not be standard along the valley, but, will be established in accordance with both the topography and integrity of sites within the valley.

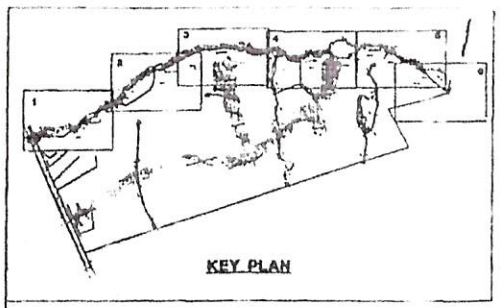
References

PHRI

1999 Archaeological Inventory Survey, Kaua'ula Development Parcel, Lands of Puehuehu Iki, Pahoa, and Pola Nui, Lahaina District, Island of Maui. Prepared by Paul H. Rosendahl, Ph.D. Inc. (PHRI) for Kauaula LLC. PHRI Report 1983-122199.

DLNR (Department of Land and Natural Resources)

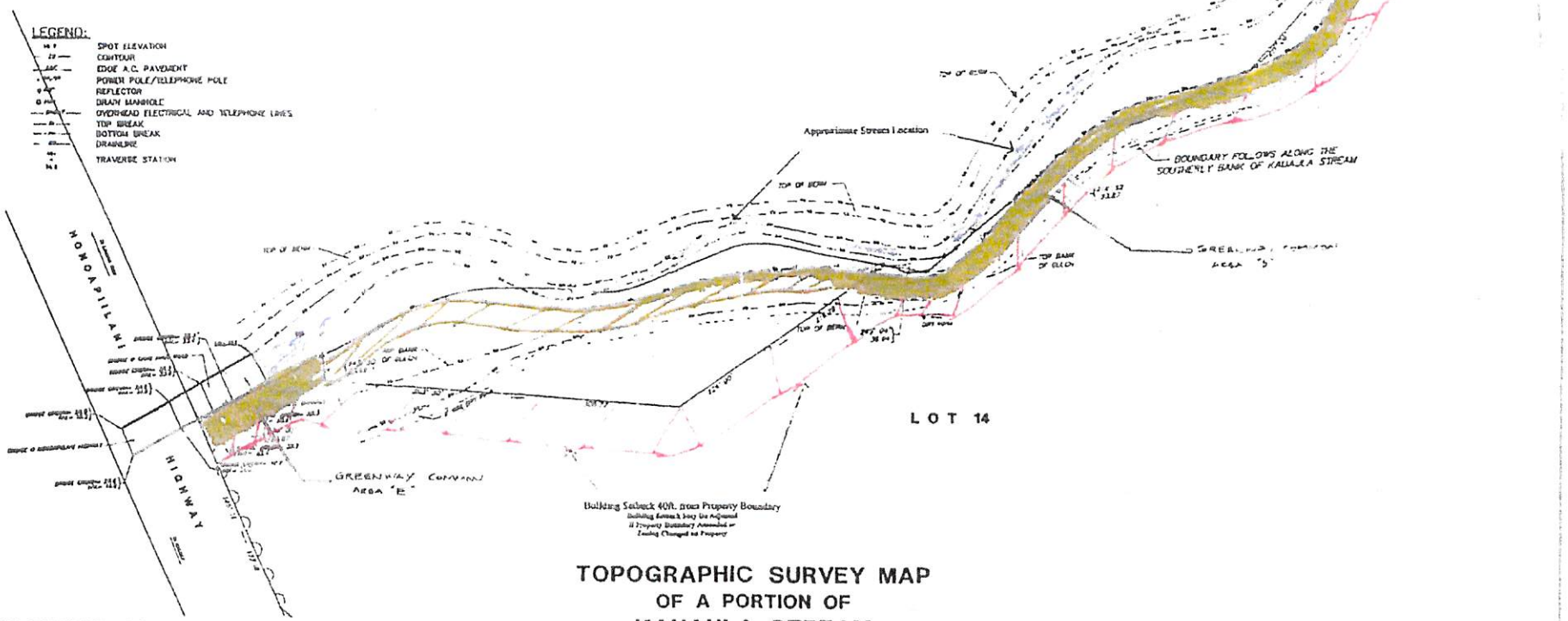
1998 Hawaii Administrative Rules, Title 13, Department of Land and Natural Resources, Subtitle 13, State Historic Preservation Division Rules.



KEY PLAN

LEGEND:

- SPOT ELEVATION
- CONTOUR
- EDGE A.C. PAVEMENT
- POWER POLE/TELEPHONE POLE
- REFLECTOR
- DRAIN MANHOLE
- OVERHEAD ELECTRICAL AND TELEPHONE LINES
- TOP BREAK
- BOTTOM BREAK
- DRAINLINE
- TRAVERSE STATION



NOTES FOR TOPOGRAPHIC FEATURES:

1. ELEVATION DATUM IS MEAN SEA LEVEL.
2. ALL VISIBLE UTILITY STRUCTURES HAVE BEEN LOCATED IN THE FIELD. HOWEVER, CORRECTION OF UNDERGROUND UTILITY LINES AS SHOWN ARE UNVERIFIED AND COMPILED FROM EXISTING DATA. UNDERGROUND UTILITIES SHOWN HEREON ARE FOR INFORMATION ONLY. MAPS HAVE BEEN OBTAINED FROM THE BEST AVAILABLE SOURCES, BUT FROM OTHERS NOT CONNECTED WITH THIS COMPANY. THEREFORE, NO GUARANTEE IS MADE ON THE ACCURACY OR COMPLETENESS OF SAID INFORMATION.

TOPOGRAPHIC SURVEY MAP
OF A PORTION OF
KAUAULA STREAM
LAND SITUATED ON THE EAST SIDE OF HONOAPIILANI HIGHWAY (F.A.P. No. F-030-1(1))
AT PAHOA, POLANUI, LAHAINA, MAUI, HAWAII

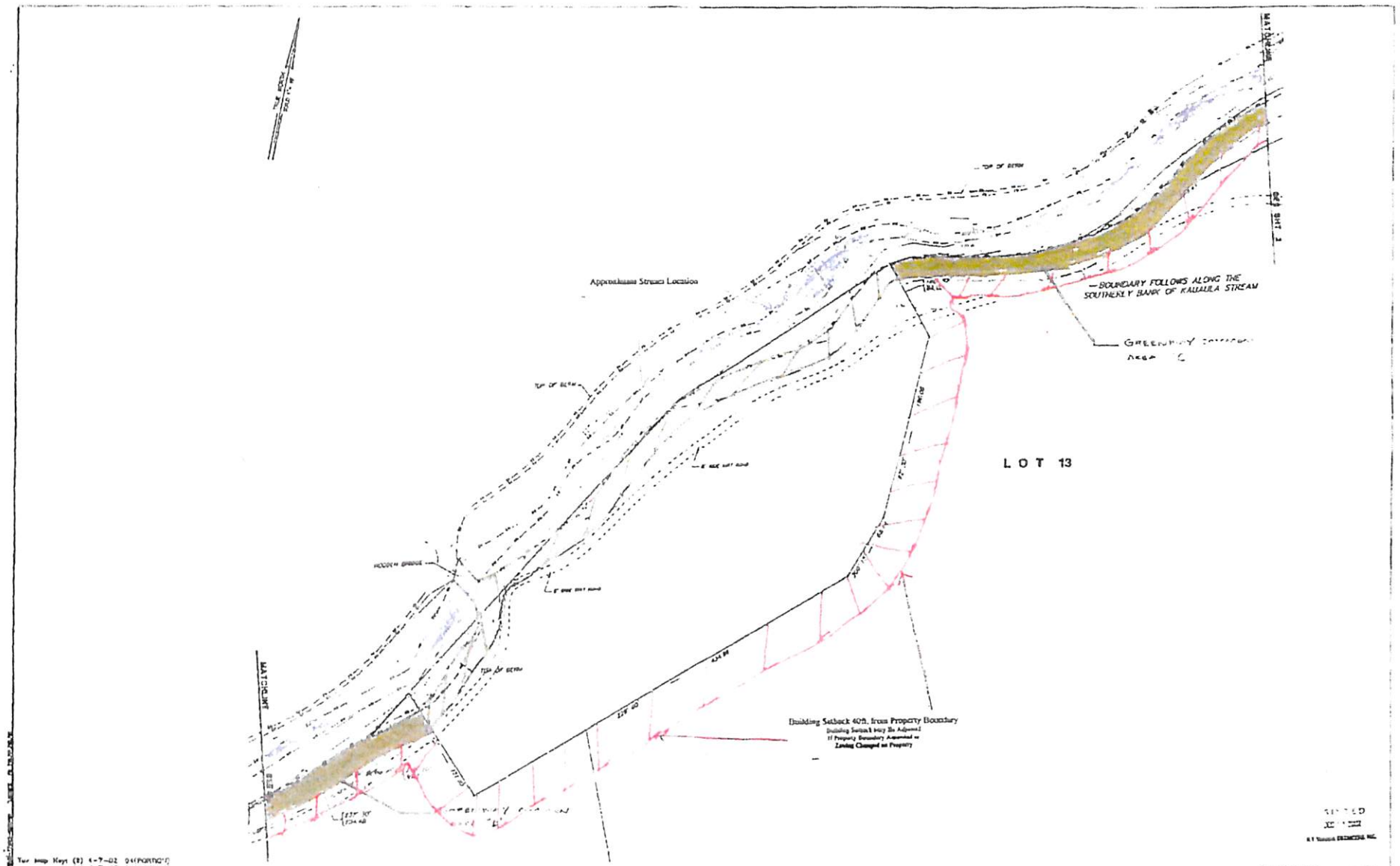
GRAPHIC SCALE IN FEET

Tax Map Key: (2)4-7-02: 04(PORTION)
(2)4-7-03: 01(PORTION)

671 KOLU STREET, SUITE 201
WAILUKU, MAUI, HAWAII 96793

R. T. TANAKA ENGINEERS, INC.
LAND SURVEYORS — CIVIL & STRUCTURAL ENGINEERS

SHEET 1 of 6

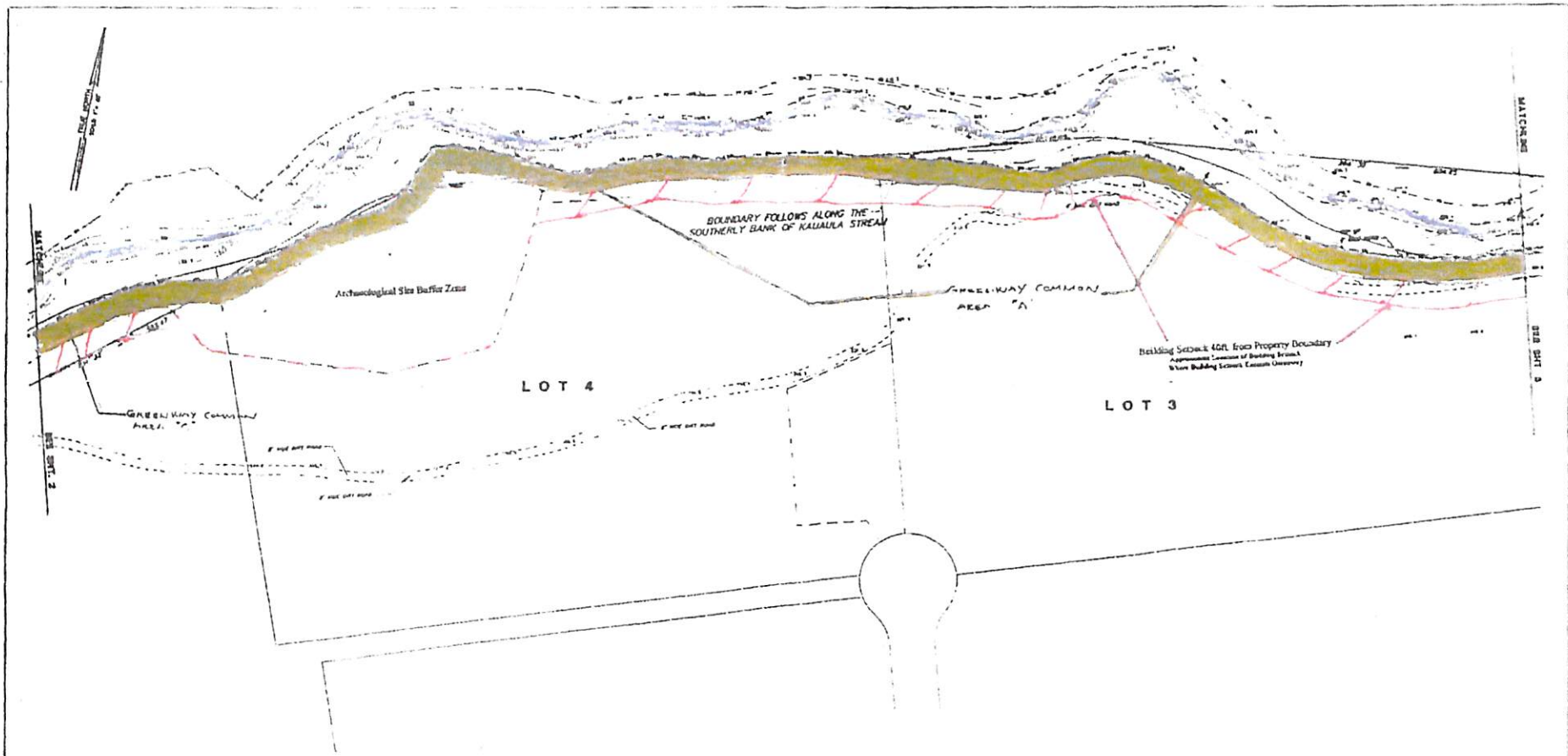


Tax Map Keys: (2) 4-7-02: 01 (PORTION)
(2) 4-7-07: 01 (PORTION)

671 KOLU STREET, SUITE 201
WAILUKU, MAUI, HAWAII 96793

R. T. TANAKA ENGINEERS, INC.
LAND SURVEYORS — CIVIL & STRUCTURAL ENGINEERS

SHEET 2 of 6



Tax Map Key: (2) 4-7-02: 04(PORTION)
(2) 4-7-02: 01(PORTION)

671 KOLU STREET, SUITE 201
WAILUKU, MAUI, HAWAII 96793

R. T. TANAKA ENGINEERS, INC.
LAND SURVEYORS - CIVIL & STRUCTURAL ENGINEERS

SHEET 3 of 5

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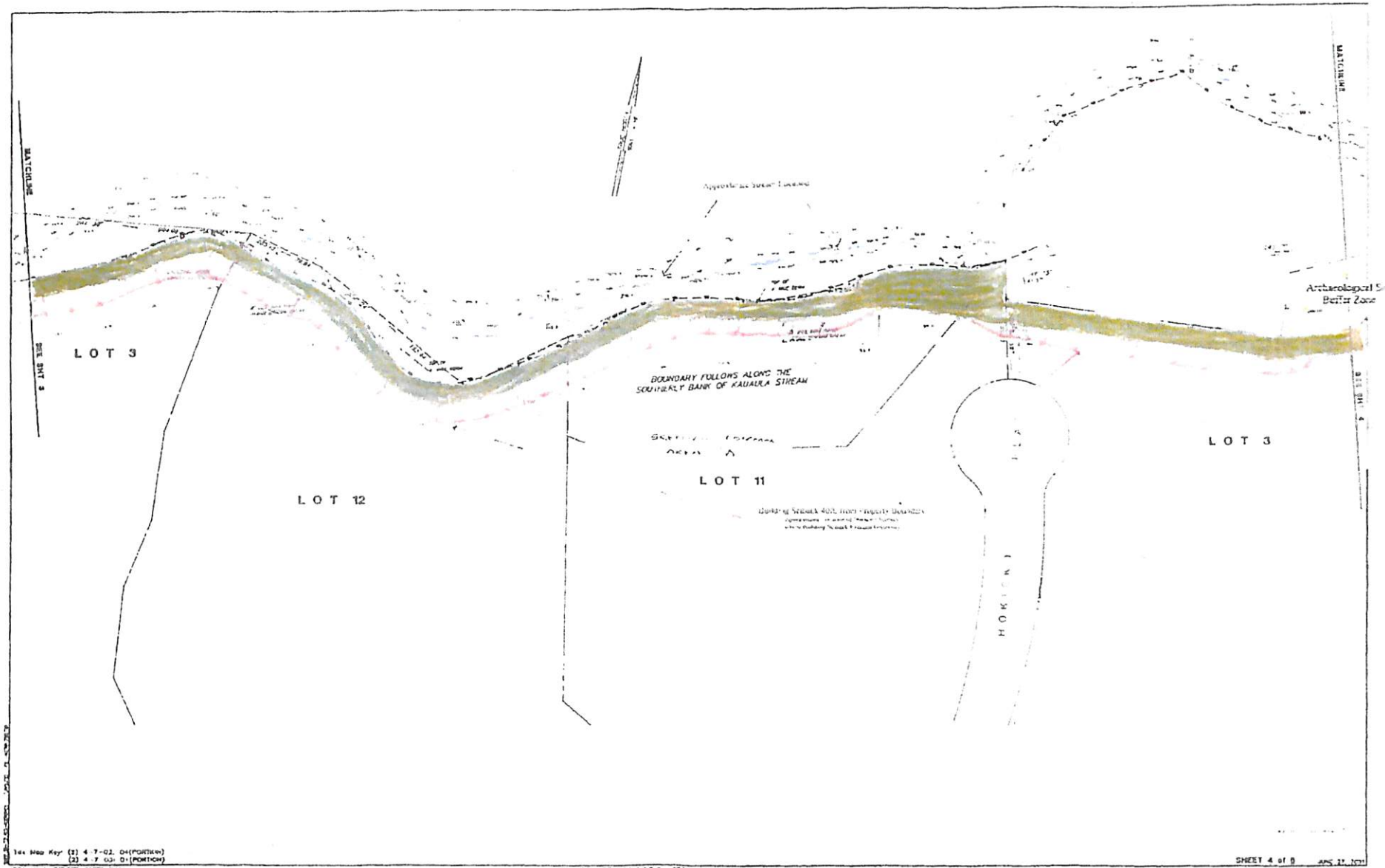
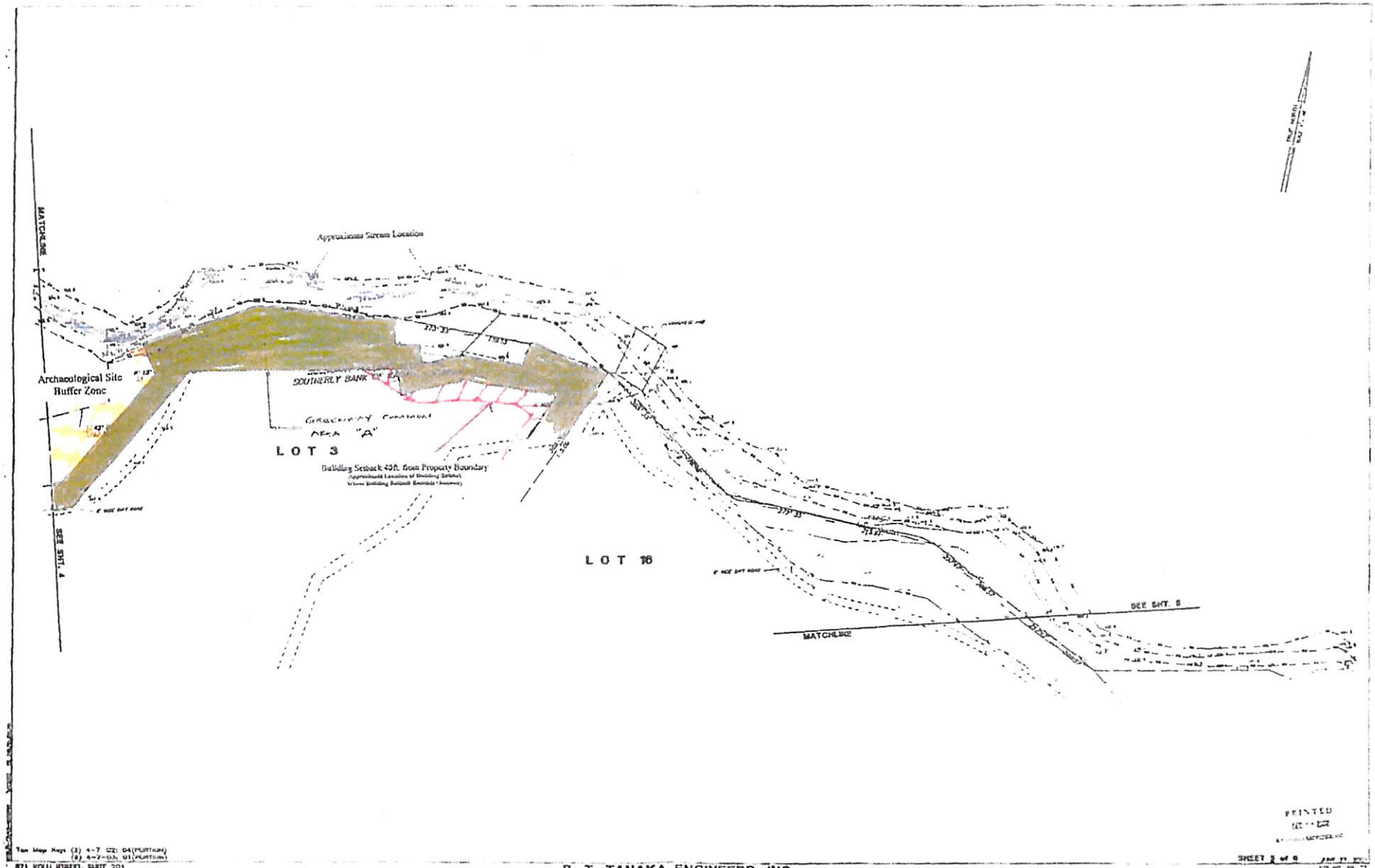


Tax Map Key: (2) 4-7-02: 04(PORTION)
(2) 4-7-03: 01(PORTION)

871 KOLU STREET, SUITE 201
WAILUKU, MAUI, HAWAII 96793

R. T. TANAKA ENGINEERS, INC.
LAND SURVEYORS • CIVIL & STRUCTURAL ENGINEERS

SHEET 4 of 8



Tax Map Keys (2) 4-7-22: 04(PORTION)
(2) 4-7-03: 01(PORTION)

871 KOLU STREET, SUITE 201
WAILUKU, MAUI, HAWAII 96793

R. T. TANAKA ENGINEERS, INC.
LAND SURVEYORS — CIVIL & STRUCTURAL ENGINEERS

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SHEET 3 of 6

NEIL ABERCROMBIE
GOVERNOR OF HAWAII

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

JESSE K. SOUKI
FIRST DEPUTY

WILLIAM M. TAM
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCE ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

HISTORIC PRESERVATION DIVISION
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION
601 KAMOKILA BOULEVARD, ROOM 555
KAPOLEI, HAWAII 96707

October 16, 2014

Keith Scott, Staff Planner
County of Maui, Department of Planning
Via email to: Keith.Scott@co.maui.hi.us

LOG NO: 2014.04555
DOC NO: 1410MD20
Archaeology

Aloha Mr. Scott,

SUBJECT: **Chapter 6E-42 Historic Preservation Review – Maui County**
Kauaula Campground Permit Application (CP 2014/0002, SUP2 2014/0006)
Pahoa Ahupua'a, Lahaina District, Island of Maui
TMK (2) 4-7-003:031

Thank you for the opportunity to review the aforementioned application submittal, which we received on October 6, 2014. The applicant is proposing to establish a campground with 26 camping pods and 20 parking stalls, with future development including construction of a farm dwelling and associated agriculture, on this 22.678 acre parcel located within Pu'unoa Subdivision.

A search of our records indicates that an archaeological survey for this subdivision has not occurred. This parcel contains numerous Land Commission Awards (3424-B:2, 4878-D, 6495:1, 6900, 10474:1 and 7) and one Land Court Application (1302), indicating substantial occupation in pre-Contact times. Additionally we have encountered human remains on a portion of this parcel. We do believe it is likely that archaeological sites may be present in the subject property.

Therefore, we recommend an **archaeological inventory survey** for this subdivision pursuant to Hawaii Administrative Rule § 13-276. Depending on the results of that survey further mitigation may be needed. Please contact me at (808) 243-4641 or Morgan.E.Davis@hawaii.gov if you have any questions or concerns regarding this letter.

Mahalo,

Morgan E. Davis
Lead Archaeologist, Maui Section

cc: County of Maui
Department of Planning
via email to: Planning@co.maui.hi.us

Renee Segundo, Supervising Building Permit Clerk
County of Maui, Development Services Administration
via email to: Renee.Segundo@co.maui.hi.us

Annalise Kehler, County of Maui
Cultural Resources Commission
via email to: Annalise.Kehler@co.maui.hi.us

Jordan V. Calpito, SHPD Maui Burial Sites Specialist
via email to: Jordan.V.Calpito@hawaii.gov

Ho`omoana Foundation

33 Lono Ave , Ste 230, Kahului HI 96732

Morgan L Davis
Lead Archeologist, Maui Section
Historic Preservation Division
Department of Land and Natural Resources
State Historic Preservation Division
601 Kapolei, Hawaii 96707

Subject Kauaula Campground Permit Application (CP 2014/0002 SUP 2014/0061
Hokiokio Place/Lahaina Bypass, Puunoa, Lahaina
TMK 2 4 7 003 031 (por)
Response to Log No 2014.04554 / Doc No 1410MD20 Archeology

March 11, 2015

Aloha Ms. Davis,

I am following up regarding your 10/16/14 Comment Letter to Keith Scott Staff Planner County of Maui Planning Department regarding the Kauaula Campground Permit Application Per our correspondence of 11/14/14 to you we provided a copy of the Archaeological Site Preservation Plan Kauaula Development Parcel prepared for the subdivision by Haun & Associates 018-121502, January 2003 for your review

As the Preservation Plan only addresses three sites in Kauaula Development Parcel all of which are located outside the Ho omoana Campground project area, we are hopeful you will provide a revised comment letter to County of Maui Planning Dept cc Ho omoana Foundation acknowledging that an AIS and Preservation plan were completed and approved for the subject subdivision And as there doesn't appear to be any significant sites in the project vicinity SHPD is in general okay on the camp location subject

Attached please find a hard copy of the report If you have any questions please contact me at Ho omoana office at 877-7720.

Repectfully,

Lisa Darcy
Executive Director

cc Kurt Wollenhaupt
Peter Martin
Dean Frampton

Ph 808-877-7720 Fax 808-877-7721

Ho`omoana Foundation

[illegible] Ste 230 Kahului HI 96732

Morgan E Davis
Lead Archeologist Maui Section
Historic Preservation Division
Department of Land and Natural Re[illegible]
State Historic Preservation Division
601 Kapolei Hawaii 96707

Subject Kauaula Campground Permit Application (CP 2014/0002, SUP 2014/006)
Response to Log No 2014 04555 / Doc No 1410MD20 Archaeology
Hokiokio Place/Lahaina Bypass, Pu'unoa Lahaina
Pu unoa Phase 2 Lot 14
TMK (2) 4-7-003 0[illegible]1 formerly a portion of TMK 2) 4-7-003 001 (2) 4-7-02 007 005 & 004

March 12, 2015

Aloha Ms. Davis

I am following up regarding the 10/16/14 Comment Letter to Keith Scott Staff Planner County of Maui Planning Department regarding the Kauaula Campground Permit Application The proposed Kauaula Campground is located on Lot 14 in the Pu'unoa Phase II subdivision. The project area is included the study area of the Archaeological Site Preservation Plan Kauaula Development Parcel prepared for the Pu unoa Subdivision by Haun & Associates 018-121502, January 2003 for your review (sent to you previously in our 11/14/14 correspondence and reattached herein for your convenience).

There are three sites slated for preservation as well as designated greenway/building set-backs in the Preservation Plan The preserved sites are located outside the subject project area and the project location meets the building setback requirements and greenway buffer area within Lot 14 (see attached archaeology site preservation plan highlighted)

As the subject area has had archeological review, we are hopeful that you will provide a revised comment letter to the County of Maui Planning Department acknowledging that an AIS and Preservation Plan was completed and approved for the subdivision where the subject project is located.

Attached please find a hard copy of the report and informational reference maps. If you have any questions please contact me at Ho omoana s office at 877-7720

Respectfully,

Lisa Darcy
Executive Director

ec KW PM, DF

Ph 808-877-7720 Fax 808-877-7721

DAVID Y. IGE
GOVERNOR OF HAWAII

CARTY S. CHANG
INTERIM CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

KEKOA KALUHIWA
FIRST DEPUTY

W. ROY HARDY
ACTING DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION
KAKUHIHEWA BUILDING
601 KAMOKILA BLVD, STE 555
KAPOLEI, HAWAII 96707

April 24, 2015

Keith Scott, Staff Planner
County of Maui, Department of Planning
Via email to: Keith.Scott@co.maui.hi.us

Log No: 2014.05245
Doc No: 1504MD12
Archaeology

Aloha Mr. Scott,

SUBJECT: **Revised: Chapter 6E-42 Historic Preservation Review – Maui County**
Kauaula Campground Permit Application (CP 2014/0002, SUP2 2014/0006)
Pahoa Ahupua'a, Lāhainā District, Island of Maui
TMK (2) 4-7-003:031 (Lot 14) [previously a portion of 4-7-003:001]

Thank you for the opportunity to review the aforementioned application submittal, which we originally received on October 6, 2014. The applicant is proposing to establish a campground with 26 camping pads and 20 parking stalls, with future development including construction of a farm dwelling and associated agriculture, on this 22.678 acre parcel located within Pu'unoa II Subdivision. We previously requested additional information regarding this location, which has since been received; this letter replaces our earlier correspondence (*Log No. 2014.04555, Doc No. 1410MD20*).

A search of our records indicates that an archaeological survey for this subdivision has occurred (PHRI 1997). This subdivision contains three historic properties in and around the Kaua'ula Stream gulch which have been slated for permanent preservation (Haun & Associates January 2003). One historic property, State Inventory of Historic Places (SIHP) 50-50-04-4787, is present within the project area and is slated for permanent preservation. SIHP consists of nine features associated with the Pioneer Mill sugar cane plantation operations and is considered significant under criterion "d" for its information content. These features are situated within easements controlled by Pioneer Mill. A "greenway"-style corridor, a minimum of 20 feet wide is intended to provide access to all three preservation sites as well as buffers around them may not include any maintenance or landscaping activities other than as approved pursuant to the approved preservation plan.

Therefore, we determine that **no historic properties will be affected** by the proposed project so long as the applicants **follow the preservation plan** as required. In the event that historic resources, including human skeletal remains, structural remains, cultural deposits, or lava tubes are identified during construction activities, please cease work in the immediate vicinity of the find, protect the find from disturbance, and contact the State Historic Preservation Division at **(808) 243-1285**. Please contact me at (808) 243-4641 or Morgan.E.Davis@hawaii.gov if you have any questions or concerns regarding this letter.

Mahalo,

Morgan E. Davis
Lead Archaeologist, Maui Section

cc: County of Maui
Department of Planning
Planning@co.maui.hi.us

County of Maui
Department of Public Works – DSA
Renee.Segundo@co.maui.hi.us

County of Maui
Cultural Resources Commission
[illegible]

Lisa Darcy, Executive Director
Ho'omoana Foundation
lisa@hoomoanafoundation.org

Ms. Arlene Torricer
West Maui Land Company, Inc
arlene@westmauiland.com

NEIL ABERCROMBIE
GOVERNOR

ROSS M. HIGASHI
INTERIM DIRECTOR

Deputy Directors
RANDY GRUNI
AUDREY HIDANO
JADINE URASAKI
IN REPLY REFER TO
HWY-PS 2.8411

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

RECEIVED
2014 NOV 19 A 8:45
COUNTY OF MAUI
DEPT. OF PLANNING
ADMINISTRATION

November 12, 2014

Mr. William R. Spence
Director
Department of Planning
County of Maui
2200 South Main Street, Suite 315
Wailuku, Maui, Hawaii 96793

Attention: Kurt F. Wollenhaupt

Dear Mr. Spence:

Subject: Conditional Permit (CP)-CP2014/0002 and State Land Use Special Use Permit (SUP)-SUP2 2014/0006, Kauaula Campground, Lahaina, Maui
TMK: (2) 4-7-003:031

Thank you for consulting with us regarding the subject conditional permit and special use permit for the construction of a campground serving a mix of both the transient population and commercial campers. The proposed campground will be the principal use of the parcel eventually consisting of 27 camping pods and 80 campers. The initial project will involve 2 acres out of the total 22.3 acre parcel. Twenty parking stalls will be provided onsite for campground use. The project will access off Hokiokio Place (a private road) that connects to Honoapiilani Highway (State Route #30).

We have the following comments:

1. Approval of the conditional and special use permits for this initial phase of the Kauaula Campground project is subject to the following conditions:

   a. The proposed project's access at Hokiokio Place is in close proximity with the Lahaina Bypass exit ramp (see exhibit#1). The proposed access should be relocated as far away as possible from the exit ramp and verified with the submittal and preparation of a sight evaluation study prepared by a professional engineer to ensure that the location of the project access is in accordance with current AASHTO and State Highway Design Standards.
   b. The proposed campground is nearby the 2-60" RCP culvert outlet (see exhibit#1), applicant must submit a Drainage Study for our review and approval.
   c. Because of the traffic activity on Hokiokio Place, applicant must provide for our approval a left turn warrant study.

EXHIBIT 22

2. Applicant must monitor the traffic during weekend camping activities to ensure that no vehicle backups/queuing occur onto Honoapiilani Highway.

3. Applicant must provide sufficient parking on property. Parking along Hokiokio Place is not permitted.

4. Fencing along the property frontage on Hokiokio Place must be provided to control indiscriminate accesses.

5. There shall be no additional surface water run-off permitted to discharge onto the State highway caused by the Conditional/Special Use Permit.

6. This project should be coordinated with our proposed Lahaina Bypass Project as Hokiokio Place intersects our Lahaina Bypass Project.

7. Since this project involves farming activities, applicant must monitor vehicular activities on the site and prevent debris such as gravel, dirt, mud etc., from being tracked onto Honoapiilani Highway.

If you have any questions, please contact Ken Tatsuguchi, Engineering Program Manager, Highways Planning Branch, at (808) 587-1830. Please reference file review number PS 2014-206 in all contacts and correspondence regarding these comments.

Sincerely,

ROSS M. HIGASHI
Interim Director of Transportation

Attachment

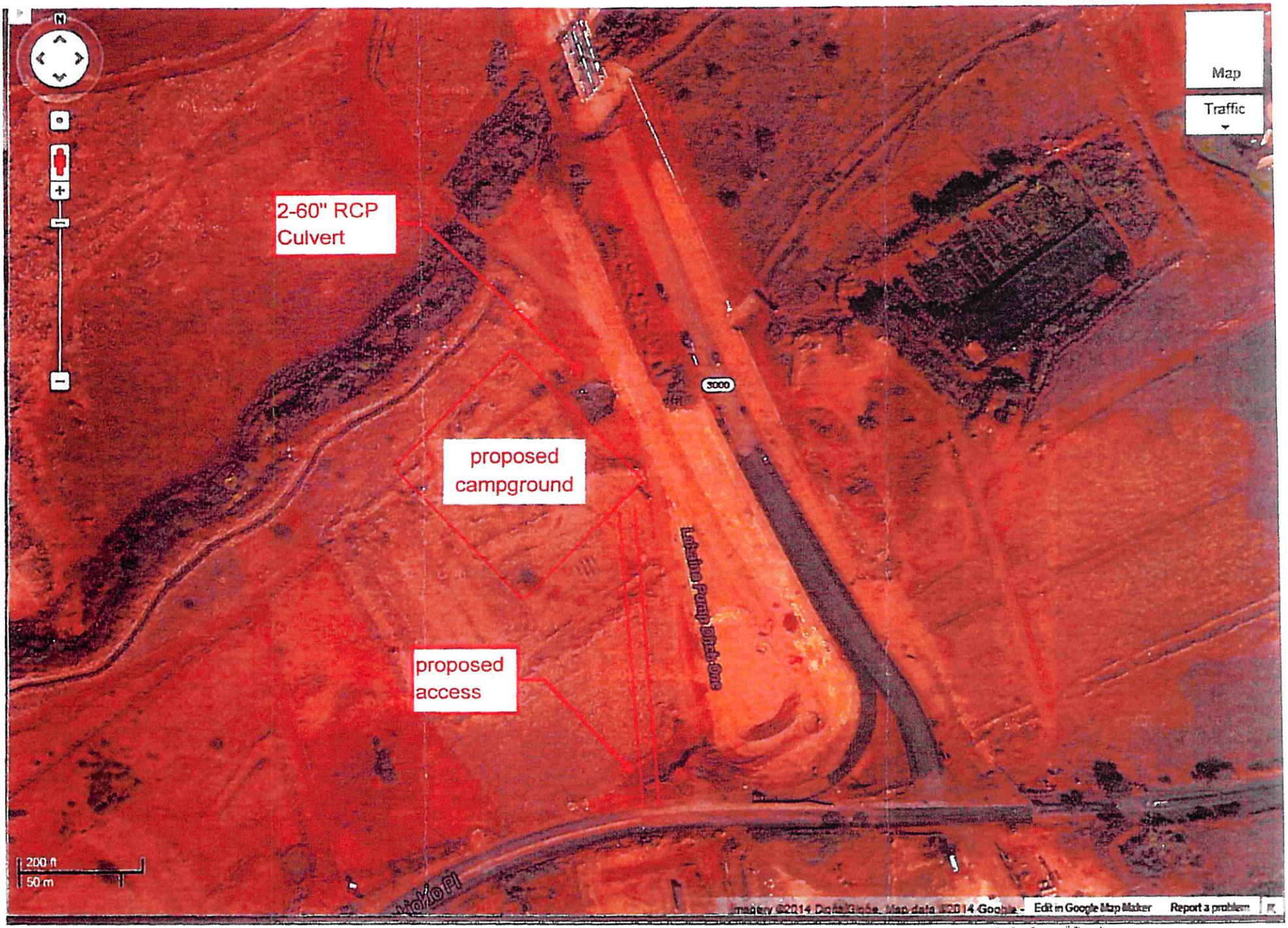

2-60" RCP
Culvert
proposed
campground
proposed
access
3000
Lakeshore Pump Station Dr
Hoyo Pl
Map
Traffic
200 ft
50 m
Edit in Google Map Maker
Report a problem

Exhibit #1

Ho`omoana Foundation

33 Lono Ave., Ste 230, Kahului, HI 96732 (808) 877 7720

Mr. Ross M. Higashi
Interim Director
State Department of Transportation
200 High Street
Wailuku, HI 96793 2155

December 3, 2014

Aloha Mr. Higashi,

Mahalo for the opportunity to respond to your comments received November 26, 2014 through Kurt Wollenhaupt, regarding Kauaula Campground Permit Application CP 2014/0002, SUP2 2014/0006 that was submitted on October 6, 2014. As the Executive Director, I appreciate the time and consideration put into reviewing the application and recognize the value of your input.

To address your concerns, we have already discussed and recognize the importance of making the entrance as far away from the by-pass exit as possible and will work with current AASHTO and State Highway Design Standards. We appreciate and value the additional information and we are starting with 10 campers will submit a drainage study reflective of the needs. We will also address the potential traffic back-ups and will provide ample footage of the traffic patterns. We have no plans for weekend activities, and take the concern nonetheless. Our landscaper has recommended a beautiful hedge possibly in lieu of an unattractive metal fence, as would be more appealing to the visual appearance and still provide a boundary.

We have skilled and knowledgeable guidance from ZAED and will maintain all standards to ensure there is no run-off onto the State highway. We shall review and work in balance with the Lahaina Bypass Project. During any time of heavy equipment use, we will take extra care in making sure no debris or gravel, dirt, or mud is tracked onto the Honoapiilani Highway.

We very much look forward to working together to make a successful project here on Maui. If you have any questions, please contact me at Ho`omoana's office or at lisa@hoomoanafoundation.org.

Repectfully,

Lisa Darcy
Executive Director

ec: Kurt Wollenhaupt, Peter Martin, Dean Frampton

GRASSROOT INSTITUTE OF HAWAII
Hawai'i's Independent Think Tank

335 Merchant Street, #3377
Honolulu, HI 96801

808.591.9193
grassrootinstitute.org

June 30, 2015

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

Attn: Kurt Wollenhaupt

Re: Kauaula Campground

To Whom It May Concern,

I am writing to express our support for the Kauaula Camp project which is to be located in Lahaina, Hawaii.

We believe it is an innovative opportunity for the private sector, with the cooperation of government, to increase the resources available to serve Maui residents most in need.

Kauaula Camp will provide a significant precedent for effective community-based solutions to homelessness that do not drain public resources.

I commend you for considering this project which will serve the public good and encourage your support of it.

Sincerely,

Keli'i Akina
President/CEO

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

DEPT OF PLANNING
CURRENT DIV RECEIVED
15 JUL -1 A9:23

Attn: Kurt Wollenhaupt

June 24, 2015

Re: Kauaula Campground

To Whom It May Concern,

Please accept this letter in support of the Kauaula Camp project which is to be located in Lahaina, Hawaii. As a member of the Maui Homeless Alliance (MHA), it is clear that there are not enough resources to help address all the issues surrounding our unsheltered residents. We need new resources and ideas to assist those who are working diligently in the Alliance. Please consider the value and inspiration this project can bring to the entire county.

Kauaula Camp acknowledges it is starting very small, with only a few campsites and seeks to normalize the community perception of being unsheltered by weaving visitor's stays alongside our residents. Kauaula Camp will be giving precedent to local individuals and providing a camp structure with a small farm and have a full-time camp manager present. We recognize this is an unusual arrangement, and maintain there are individuals who will support this integration knowing it is for the betterment of the Maui community.

Next to the District of Columbia, our community is aware that Hawai`i has the highest rate of homelessness in the United States. In the past 6 years that Ho`omoana has been contributing to those in need, we have yet to see any new projects develop outside of the dedicated MHA. Each Alliance member is committed to the vision of providing a safe place to sleep and contribute to the needs individuals have to move forward. We need to foster more solutions to assist those in need.

The recently released 2015 Point In Time Count for Maui County indicated a 12% increase in those unsheltered. Maui County is in need of new, creative options and Kauaula Camp is the only privately based solution to be put forward. We urge you to consider supporting this project and allow it to be given the chance to thrive.

Sincerely,

Richard Hoang

Program Director for Hale Kau Kau

25 W Lipoa St. Kihei HI 96753

Tel: 808 875-8754 Fax: 808 875-4674

Email: Rhoang@saint-theresa.com

PAUL R MANCINI
THOMAS D WELCH, JR
JAMES W GEIGER

COUNSEL
ROSALYN LOOMIS

A LAW CORPORATION

MANCINI, WELCH & GEIGER LLP

A LIMITED LIABILITY LAW PARTNERSHIP

305 E WAKEA AVENUE
SUITE 200
KAHULUI, HAWAII
96732-1681

TELEPHONE
(808) 871-8351

FACSIMILE
(808) 871-0732

July 6, 2015

DEPARTMENT OF PLANNING
RECEIVED
15 JUL 13 A10:46

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

Attention: Kurt Wollenhaupt

Re: Proposed Kauaula Campground

Dear Sir:

I am a director of Ho`omoana, which is proposing the development of the Kauaula Camp on land in Lahaina. This letter expresses my strong support of the proposed camping use of this land. It is my sincere hope that the County will grant the necessary permits.

Ho`omoana is a charitable Hawaii nonprofit corporation qualified with the IRS as a "private operating foundation," with its mission to help people in need of a safe, temporary living environment under circumstances where they may otherwise be homeless. Its mission is to provide temporary solutions to encourage and enable these people to find employment, self-respect and housing.

We believe that the proposed campground with its small size, a full-time, onsite camp manager and access to professional, transitional help for the campers will, if successful, point the way to broader solutions, county-wide, to our growing homeless problem.

While the campground may also accept temporary camping by "hostel" type campers who are not technically "homeless," this operation is not a commercial, profit-making venture, and, in fact, its charter and the IRS rules prohibit profit-making commercial activities. Needy campers will be given first priority. Other campers may help offset expenses.

Our other board members join me in urging you to consider supporting this project and allow it to be given the chance to thrive and be successful.

Thank you for your consideration.

Very truly yours,

THOMAS D. WELCH, JR.

172517pl/26009B-0002

Director of Planning

Attention Kurt Wollenhaupt

July 5, 2015

To Whom It May Concern,

Please except this letter of support of the Kauaula Camp ground which is to be located in Lahaina Hawaii. As a concerned citizen I believe we do not have enough resources to help the less fortunate unsheltered residents. This project will bring together the community and will help support the homeless. We as a community must start addressing the homeless issue which is the second largest in the nation.

In the past 6 years Ho'omoana has been assisting those in need, it is time that we take the next step and develop permanent solutions that will help the homeless strive for a better future for themselves as well as the community of Maui. The homeless issue will only continue to grow, we have an opportunity to start a program that could integrate the homeless with residents and create a better environment for all concerned.

I urge you to support this project. Let the community of Maui and Ho'omoana be given the chance to show that we are concerned for the welfare of all of our citizens no matter what their position is in life.

Sincerely

Christine Halton

DE
CURRENT
IVED
15 JUL 13 A10:46

Kurt Wollenhaupt - Proposed Kauaula Campground of Ho'omoana Foundation Concerns and Questions

From:	"Carl Verley" <cverley@telus.net>
To:	<planning@mauicounty.gov>
Date:	7/8/2015 11:56 AM
Subject:	Proposed Kauaula Campground of Ho'omoana Foundation Concerns and Questions
CC:	"Lisa Darcy" <lisa@hoomoanafoundation.org>, "Scott Naganuma" <scott@puamana.us>
Attachments:	150708_PCA Concerns Ho'omoana Foundation_MPC copy.pdf

Mr. Keone Ball, Chairperson Maui Planning Commission,
Mr. William Spence, Director, Department of Planning, Maui County
Ms. Michelle Chouteau McLean, Deputy Director, Department of Planning, Maui County

Attached please find a copy of a letter listing concerns and questions regarding Ho'omoana Foundations' proposal to locate a Campground on a parcel of land identified by tax map key (2)4-7-003:031 in the vicinity of Hokiokio Place and Lahaina Bypass, Lahaina, HI.

Residents of Puamana, a community of 230 homes adjacent to the proposed campground, are very concerned about this project and would appreciate it if the Maui Planning Commission would take these concerns into consideration when reviewing this proposal.

Sincerely,

Carl Verley

Carl Verley, President
Puamana Community Association
Tel. 808-661-3423

PUAMANA COMMUNITY
ASSOCIATION
34 Puailima Place, Lahaina, Maui, Hawaii 96761
Tel. (808) 661 3423/Fax (808)667 0398/E mail: office@puamana us

July 8, 2015
Via email

Ms Lisa Darcy, Executive Director
Ho`omoana Foundation
31 Lono Avenue, Ste 230
Kahului, HI 96732

Dear Lisa,

Re: Ho`omoana Foundation's Proposed Kauaula Campground

Homeowners in Puamana are very concerned about the proposed Kauaula Campground that Ho`omoana Foundation is proposing for land mauka of Puamana that straddles Kauaula stream. Many feel threatened by this proposed project, as it may:

- create an influx of potentially dangerous individuals into their neighbourhood,
- reduce property values,
- create a viewscape that will not enhance tourism in the Lahaina area,
- create additional pollution in Kauaula stream, with additional environmental impacts on the shoreline at the mouth of the stream.

If it is at all possible to gain their support for this project, a series of questions, attached to this letter, will need to be answered in further communications with the homeowners and/or at public forms. Clearly, approval will depend on how homeowners perceive the adequacy of answers to these questions.

Provided with a clear vision of the project and adequate explanations for how it is expected to be managed and how their concerns will be met, I feel confident that the majority of homeowners in Puamana will support this project.

Sincerely,

Carl Verley
President, Puamana Community Association

cc: Department of Planning, County of Maui
Attmt

. . . 2/.

Puamana Community Association - Questions & Concerns re: Ho'omoana Foundation's proposed Kauaula Campground

1. **Provide more details as to what sort of a centre you are proposing.**
   - i.) Have you researched plans for similar camps/communities that have been effective in other hot climates?
   - ii.) How will this campground benefit the community beside the obvious attempt to control and rehabilitate the homeless population?
   - iii.) What are the capital costs and annual operating budgets for the project and how will these be funded?
   - iv.) What sort of structures are you thinking of for the campsite?
   - v.) What sort of sanitation/utility infrastructure will be provided?
   - vi.) How many residents will it house?
   - vii.) What sort of supervision and assistance will you be providing?
   - viii.) Will there be a rehabilitation centre in the campground?
   - ix.) Will Ho'omoana provide free medical and psychological care for camp residents, as well as basic sustenance?
   - x.) Will there be 24/7 on-site staff at the campsite?
   - xi.) Will the clients have to leave during the day?
   - xii.) Will Ho'omoana be required to do a background check on each camp resident in terms of criminal records?
   - xiii.) Will Ho'omoana uphold and maintain a no drugs or alcohol policy for the camp?
   - xiv.) Will Ho'omoana take out substantial liability insurance for such things as fire damage, property damage, theft, personal injuries caused by a camp resident? The campsite is creating an increased risk for the neighboring community.
   - xv.) Will Ho'omoana maintain and clean the campsite and ensure no pollution of Kauaula stream?
   - xvi.) Will Ho'omoana have a planned schedule for cleaning Kauaula stream?
   - xvii.) Will there be a plan to allow the community to inspect and mandate changes if necessary?

2. **Location:**
   - i) Why did Ho'omoana chose the Kauaula parcel for this project?
   - ii) Will zoning need to be changed for this project to be approved?
   - iii) Is the proposed location safe for the people you want to help? The highway is dangerous, it's too far from town/school for your clients to walk in the heat, the risk of pollution to Kauaula stream and the land is great and the risk of fires is high.
   - iv) How will the increase in pedestrian traffic to and from the campground be solved?
   - v) Has Ho'omoana considered other locations in West Maui, such as above the Aquatic Centre, that may be more appropriate?
   - vi) Does Ho'omoana have a close-out and remediation plan for this site if the time comes when there are no clients for such a facility?

. . . 3/.

3. **Support:**

   i.) Have you been in touch with the churches in Lahaina, The Salvation Army, A Cold Cup of Water, Feed My Sheep and some of the other charities in the area that may be able to provide additional support for your project?

   ii.) Have you received support from other local community groups?

Ho`omoana Foundation

33 Lono Ave., Ste 230, Kahului, HI 96732
Ph 808-877-7720 Fax 808-877-7721

July 14, 2015

Responses to the questions and concerns put forth by Puamana Community Association:

1. Provide more details as to what sort of a center you are proposing.

i.) Have you researched plans for similar camps/communities that have been effective in other hot climates? **Yes, almost all camps which have been documented by the *National Law Center for Homelessness and Poverty* are in warm climates.**

ii.) How will this campground benefit the community beside the obvious attempt to control and rehabilitate the homeless population? **First and foremost, it is an attempt to meet the challenges of poverty and homeless situations in our county. We intend to work with a specific segment of the potentially unsheltered population, individuals facing transitional or temporary homelessness. We are attempting to help those that are willing and able to help themselves.**

iii.) What are the capital costs and annual operating budgets for the project and how will these be funded? **The entire project is entirely funded by a private donor, and the operating budget is to be determined.**

iv.) What sort of structures are you thinking of for the campsite? **Modest structures, to include a farm dwelling/manager's house, a shed for farming, security fencing, restrooms and outdoor gathering areas. All improvements will be subject to County of Maui Building Permit requirements.**

v.) What sort of sanitation/utility infrastructure will be provided? **Kauaula Camp will have its own private water and wastewater system. It will have showers and laundry facilities, subject to building permit approval from the County of Maui and the State of Hawaii (ie restrooms).**

vi.) How many residents will it house? **To begin in the first year, it will offer 8 camping pods with an eventual 26 pods for a maximum of 80. This would grow as the camp demonstrated success with community integration.**

vii.) What sort of supervision and assistance will you be providing? **There will be a 24 hr on-site camp manager team. For those who are local residents and in need of program assistance, the Ho`omoana office will provide one-on-one consulting time to assist with any employment or life skills training to become more self-sufficient.**

viii.) Will there be a rehabilitation center in the campground? **No. We intend to provide services for a specific segment of the homeless population; individuals flirting with and temporarily caught in the homelessness trap. The services provided will be for those seeking to improve their life skills and get back to work in the short term. The camp is not designed to provide long terms services like rehabilitation.**

ix.) Will Ho`omoana provide free medical and psychological care for camp residents, as well as basic sustenance? **No, see response above. We are aiming to assist those who are willing and capable to help themselves.**

x.) Will there be 24/7 on-site staff at the campsite? **Yes, along with volunteers from the community to be overseen/coordinated by Ho`omoana staff.**

Ho`omoana Foundation
33 Lono Ave., Ste 230, Kahului, HI 96732
Ph 808-877-7720 Fax 808-877-7721

xi.) Will the clients have to leave during the day? **No. It will be operated like any other campground. Hopefully many leave during the day to work!**

xii.) Will Ho`omoana be required to do a background check on each camp resident in terms of criminal records? **Yes, new campers will be subjected to background checks.**

xiii.) Will Ho`omoana uphold and maintain a no drugs or alcohol policy for the camp? **Yes. Kauaula Camp is designed to help those who are willing and able to help themselves. A no drugs and no alcohol policy will be enforced.**

xiv.) Will Ho`omoana take out substantial liability insurance for such things as fire damage, property damage, theft, personal injuries caused by a camp resident? The campsite is creating an increased risk for the neighboring community. **Yes.**

xv.) Will Ho`omoana maintain and clean the campsite and ensure no pollution of Kauaula stream? **Yes.**

xvi.) Will Ho`omoana have a planned schedule for cleaning Kauaula stream? **No.**

xvii.) Will there be a plan to allow the community to inspect and mandate changes if necessary? **Yes, in the form of Special Use Permit and Conditional Use Permit subject to renewal by Maui County.**

2. Location:

i) Why did Ho`omoana chose the Kauaula parcel for this project? **It is owned by the primary funder because it was privately owned and designated agricultural land.**

ii) Will zoning need to be changed for this project to be approved? **No**

iii) Is the proposed location safe for the people you want to help? The highway is dangerous, it's too far from town/school for your clients to walk in the heat, the risk of pollution to Kauaula stream and the land is great and the risk of fires is high. **We recognize Maui has very little infrastructure that serves pedestrians. Every community is in great need. This and are in discussion with the Department of Transportation. The camp will not pollute the stream and will reduce fire potential by keeping individuals in a safe, contained area. As you know, the area is not currently occupied and there are individuals living on the adjacent land. We believe our presence will improve the quality of life by addressing their needs to other supporting agencies on-island.**

iv) How will the increase in pedestrian traffic to and from the campground be solved? **It is not likely to be very much more than it already is.**

v) Has Ho`omoana considered other locations in West Maui, such as above the Aquatic Centre, that may be more appropriate? **See above number 2i.**

vi) Does Ho`omoana have a close-out and remediation plan for this site if the time comes when there are no clients for such a facility? **Yes, back to pasture land.**

Kauaula Camp FYI

Ho omoana recognizes individuals need a safe place to sleep to move forward or have a great day in paradise.

- Located off Hokiokio Place where the Lahaina bypass begins on a 22 acre parcel by the bypass. All land development is being done in conjunction with Maui County Planning Department
- Privately owned land. Privately funded project, no cost to the County of Maui designed specifically to address critical needs for Maui County private solution to community
- Will have full-time manager living on site and community garden.
- Initially will start with 8 camping pods and develop incrementally over years
- Showers and bathroom on site.
- Intentionally catering to visitors and local residents to cohabitate.
- Ho omoana recognizes the value of living with community members brings dignity to all.
- Nominal fee to be charged.
- Professionally landscaped surroundings will improve the current land presence
- Local residents will be connected to the resources from the Ho`omoana office
- Anticipating many applications and recognizing small amount of staff presence all applications will be screened/individually selected and this will not operate on a first come first serve basis. WE cannot help everyone who just walks up.
- The camp intends to support and facilitate individual needs to the already existing shelters and support agencies on-island by dedicating time and resources to those staying at the camp with individualized attention.
- Length of stay is limited, and up to the discretion of the camp manager. Understanding there is little inventory on-island, campers will get personalized attention to gain self sufficiency.
- Mission and vision of Ho omoana is to normalize and educate about unsheltered need.

For an application

Call 808.877.7720

or go to our website

hoomoanafoundation.org

Who we are

We are a private operating foundation dedicated to assisting people with mental illness to regain their confidence and ability to participate in their community. We provide a series of supports necessary to build their lifestyle with dignity for a better quality of life. Essential to these goals are a safe living environment and employment.

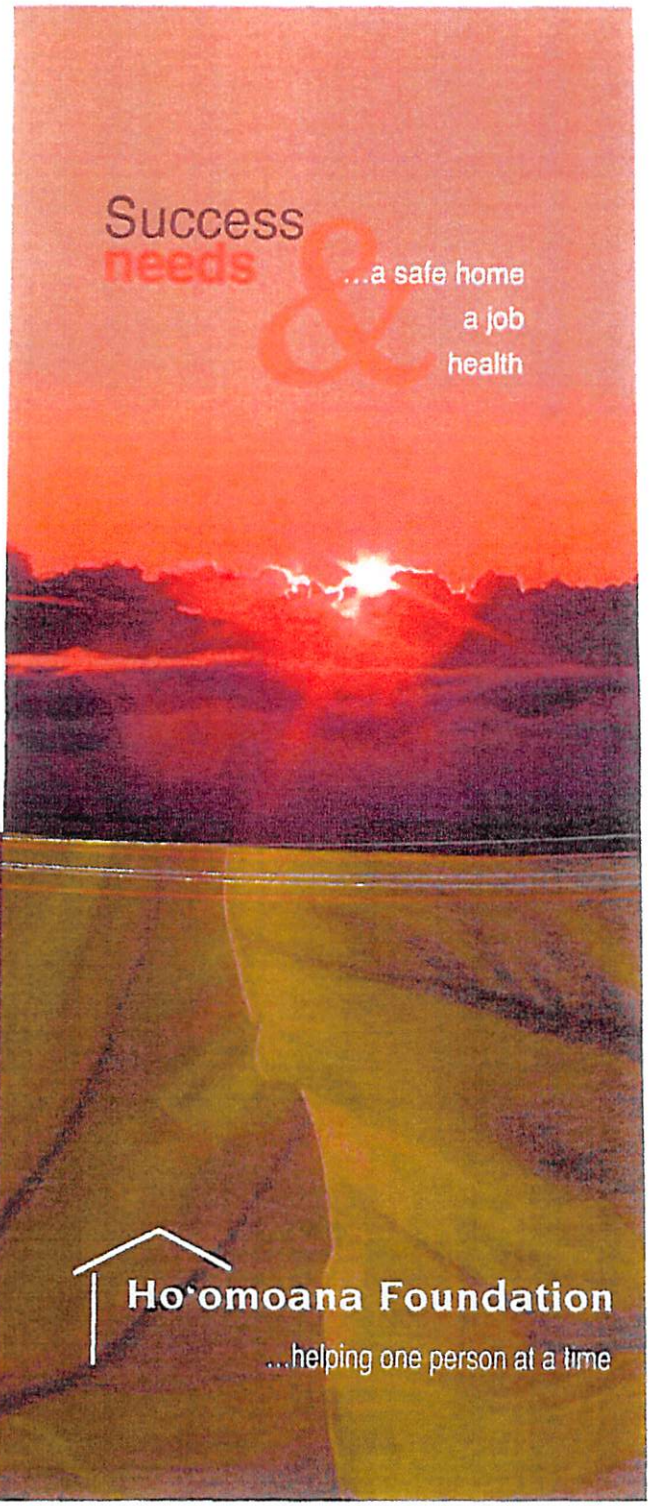
Determined

To accelerate a successful transition.

Ho'omoana Foundation

...helping one person at a time

33 Lono Avenue, Suite 230
Kahului, HI 96732
phone 808.877.7720
fax 808.877.7721
info@hoomoanafoundation.org
www.hoomoanafoundation.org



Ho'omoana Foundation

...helping one person at a time

Success needs a safe home

DETERMINED TO MAKE A DIFFERENCE

The Foundation was created based upon the recognition that a safe place to live is essential to an individual's well-being.

OUR MISSION

TO PROVIDE A DIGNIFIED BRIDGE FOR INDIVIDUALS WHO EXPERIENCE MENTAL HEALTH CHALLENGES SO THEY MAY HAVE THE OPPORTUNITY TO REBUILD THEIR PROFESSIONAL AND PERSONAL LIVES. HO'OMOANA BELIEVES THAT HAVING A SAFE PLACE TO LIVE AND EMPLOYMENT ARE ESSENTIAL TO REGAINING A HIGHER QUALITY OF LIFE

OBJECTIVE

Ho'omoana Foundation evaluates individual readiness and provides financial resources. Each applicant is treated individually and considered based upon their current circumstances and motivation to achieve a healthier life.

offering solutions for your success needs

EMPLOYMENT FOR A BETTER QUALITY OF LIFE

We believe the more individuals in a community who work, the stronger the community. The Foundation therefore seeks to keep individuals working and reduce the barriers that exist to those who are returning to employment.

A HEALTHY MIND

Mental health related life misfortunes are at glance unpredictable, however upon closer examination, we can see patterns that lead to a range of life challenges. Since these challenges are often unpreventable, we work to provide pro-active services.

SERVICES WE PROVIDE

- An individual consultation to determine needs and resources.
- Transitional housing assistance, first day move-in help.
- Job coaching, job placement assistance.
- Transportation to job interview & to job on first day, clothing & uniform provision.
- Emergency medication costs, psychiatric office visits.

TO APPLY

Motivated individuals are encouraged to apply. Priority is given to those currently employed and to long-term residents.

Ho'omoana Foundation
33 Lono Avenue, Suite 230
Kahului, HI 96732
Phone: 808.877.7720
Fax: 808.877.7721
E-mail: info@hoomoanafoundation.org

I was working, going to school and homeless. I now have my own place after 17 years.

– Ui

WE WORK WITH ONE PERSON AT A TIME.
Helping those on Maui to enjoy all of it's beauty.

BEFORE THE MAUI PLANNING COMMISSION

COUNTY OF MAUI

STATE OF HAWAII

In The Matter of The Applications of HO'OMOANA FOUNDATION To Obtain a Conditional Permit and a State Land Use Commission Special Permit to Allow the Development of the Kauaula Campgrounds Focused on Both the Transient / Homeless / Financially Disadvantaged Population and the Commercial Camper 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.	DOCKET NO. CP 2014/0002 SUP2 2014/0006 Kauaula Campgrounds Ho'omoana Foundation c/o Lisa Darcy (KFW)

MAUI COUNTY DEPARTMENT PLANNING'S RECOMMENDATION TO THE MAUI PLANNING COMMISSION JULY 28, 2015 MEETING

DEPARTMENT OF PLANNING
COUNTY OF MAUI
2200 MAIN STREET, SUITE 315
WAILUKU, MAUI, HI. 96793

BEFORE THE MAUI PLANNING COMMISSION

COUNTY OF MAUI

STATE OF HAWAII

In The Matter of The Applications of HO'OMOANA FOUNDATION To Obtain a Conditional Permit and a State Land Use Commission Special Permit to Allow the Development of the Kauaula Campgrounds Focused on Both the Transient / Homeless / Financially Disadvantaged Population and the Commercial Camper 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.	DOCKET NO. CP 2014/0002 SUP2 2014/0006 Kauaula Campgrounds Ho'omoana Foundation c/o Lisa Darcy (KFW)

CONCLUSIONS OF LAW

State Land Use Commission Special Permit

The application complies with the applicable standards for a State Land Use Commission Special Permit as established in the Planning Department's Report to the Maui Planning Commission, July 28, 2015, Docket No. SUP2 2014/0006 as follows:

(1) The use shall not be contrary to the objectives sought to be accomplished by Chapters 205 and 205A, HRS, and the rules of the Land Use Commission.

(2) The desired use would not adversely affect surrounding property;

(3) The use would not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage and school improvements, and police and fire protection;

(4) Unusual conditions, trends and needs have arisen since the district boundaries and rules were established;

(5) The land upon which the proposed use is sought is unsuited for the uses permitted within the district.

Conditional Permit

The application complies with the applicable standards for a Conditional Permit as established in the Planning Department's Report to the Maui Planning Commission, July 28, 2015, Docket No. CP 2014/0002 as follows:

A Conditional Permit is reviewed pursuant to Title 19, Zoning, Chapter 19.40 Conditional Permits; Maui County Code, 1980, as amended. The intent of the Conditional Permit is to provide the opportunity to consider establishing uses not specifically permitted within a given use zone where the proposed use is similar, related or compatible to those permitted uses and which has some special impact or uniqueness such that its effect on the surrounding environment cannot be determined in advance of the use being proposed for a particular location.

Upon finding that reasons justifying granting of a Conditional Permit exist, and that the proposed use would not be significantly detrimental to the public interest, convenience and welfare, and will be in harmony with the area in which it is to be located; issuance of a Conditional Permit may be recommended, subject to such terms and conditions and for such period of time as the facts may warrant.

Should the Commission determine that the permit requested is for a use which is substantially different from those uses permitted in the use zone, the Commission shall recommend denial of the request and may instruct the Applicant to seek a change in zoning should the facts warrant such an application.

Every Conditional Permit shall be conditioned upon the proposed development fully complying with all requirements of Title 19 and other applicable governmental requirements.

The Planning Department finds that the proposed continued use meets the criteria for the issuance of a Conditional Permit.

RECOMMENDATION

State Land Use Commission Special Permit

The Maui County Planning Department recommends approval of the State Land Use Commission Special Permit subject to the following conditions:

1. That the Land Use Commission Special Permit shall be valid until July 28, 2018, or in accordance with the expiration date of the Conditional Permit, whichever is later, subject to extension by the Maui Planning Director upon a timely request for extension filed at least ninety (90) days prior to its expiration. The Planning Director may forward the time-extension request to the Planning Commission for review and approval and may require a public hearing on the time extension by the Planning Commission.

2. That the subject Land Use Commission Special Permit shall not be transferred without the prior written approval of the Maui Planning Director. However, in the event that a contested case hearing preceded issuance of said Land Use Commission Special Permit, a public hearing shall be held upon due published notice, including actual written notice to the last known addresses of parties to said contested case and their counsel.

3. That the Applicant, its successors and permitted assigns shall exercise reasonable due care as to third parties with respect to all areas affected by subject Land Use Commission Special Permit and shall procure at its own cost and expense, and shall maintain during the entire period of this Land Use Commission Special Permit, a policy or policies of comprehensive liability insurance in the minimum amount of ONE MILLION AND NO/100 DOLLARS (1,000,000.00) naming the County of Maui as an additional insured, insuring and defending the Applicant and the County of Maui against any and all claims or demands for property damage, personal injury and/or death arising out of this permit, including but not limited to: (1) claims from any accident in connection with the permitted use, or occasioned by any act or nuisance made or suffered in connection with the permitted use in the exercise by the Applicant of said rights; and (2) all actions, suits, damages and claims by whomsoever brought or made by reason of the non-observance or non-performance of any of the terms and conditions of this permit. Proof of a policy naming the County of Maui as an additional insured shall be submitted to the Department within ninety (90) calendar days from the date of transmittal of the decision and order. The proof of insurance and all subsequent certifications of insurance coverage shall include the applicable TMK and permit numbers.

4. That full compliance with all applicable governmental requirements shall be rendered.

5. That the Applicant shall submit to the Planning Department two (2) copies of a detailed report addressing its compliance with the conditions established with the subject Special Permit. The compliance report shall be reviewed and approved by the Planning Department and shall be filed along with a request for time extension and at least ninety (90) days prior to expiration of the Special Use Permit.

6. That the Applicant shall develop the property in substantial compliance with the representations made to the Planning Commission in obtaining the Special Permit. Failure to so develop the property may result in the revocation of the permit.

7. That the farm plan shall remain implemented during the duration of the permit. Evidence of implementation shall be submitted as part of the renewal application.

8. That in the event historic resources, including human skeletal remains, are identified during routine construction activities, all work shall cease in the immediate vicinity of the find, the find shall be protected from additional disturbance, and the State Historic Preservation Division, Maui Section, shall be contacted immediately at (808) 243-5169.

9. That to the satisfaction of the Department, best management practices shall be implemented to insure that water quality and marine resources are protected. All construction-related materials shall be free of pollutants and placed or stored in ways to avoid or minimize disturbance. No debris, petroleum products or deleterious materials or wastes shall be allowed to fall, flow, leach, or otherwise enter near shore waters. Any turbidity and siltation generated from activities proposed at the site shall be minimized and contained in the immediate vicinity of construction through the use of effective silt containment devices. Construction during adverse weather conditions should be curtailed to minimize the potential for adverse water quality impacts. A best management practices plan including these provisions shall be submitted.

10. That limitations on the Kauaula Campground operations shall be as follows:

a. That all necessary permits shall be obtained for the manager's cottage and farm dwelling and that the dwelling shall be constructed prior to occupancy of any campground sites and that a full-time manager shall be on-site during all times that any campers are in-residence.

b. That a State Department of Health individual wastewater system shall be constructed and approved prior to occupancy of any campground sites.

c. That all sanitary units including bathrooms, laundry, shower and sink areas shall be constructed and approved prior to occupancy of any campground sites.

d. That security fencing, especially along the border with the Lahaina Bypass Road and Hokiokio Road shall be completed prior to the occupancy of any campground sites.

e. That Fire Department approved driveways and roadways shall be constructed and approved prior to the occupancy of any campground sites.

f. That the median fronting the Project driveway on Hokiokio Place be paved due to an exiting median swale to accommodate entering and exiting left-turns to the future Project driveway.

g. That a minimum of at least 450 feet of space be provided between the future Project driveway and the Lahaina Bypass Road exit ramp (taken at the fork where it merges onto Hokiokio Place.)

h. That the frontage surrounding the Project driveway shall be free of any large trees or obstructions, in order to maintain adequate site distance and to assist in pedestrian safety along Hokiokio Place.

i. That the campground shall start with eight (8) camping pods incrementally ramping up to a build-out maximum of 26 pods. No more that 80 campers at build-out shall be permitted on-property at any one time, and capacity control and length of camper stay shall be subject to daily review and control by the camp manager.

j. All campers must fill out an Campground Application, agree to a Code of Conduct, and be approved by the camp manager prior to engaging in any campground activity. The Code of Conduct shall be substantially the same as that detailed in the Staff Report for the July 28, 2015, Maui Planning Commission.

The conditions of this Land Use Commission State Special Permit shall be enforced pursuant to §§205-12 and 205-13, Hawaii Revised Statutes.

In consideration of the forgoing, the Maui County Planning Department recommends that the Maui Planning Commission adopt the Department's Report and Recommendation for the July 28, 2015, meeting and authorize the Director to transmit said Findings of Fact, Conclusions of Law, and Decision and Order on behalf of the Maui Planning Commission.

Conditional Permit

Maui County Planning Department recommends that the Maui Planning Commission recommend approval of the Conditional Permit to the Maui County Council, subject to the following conditions:

1. That the Conditional Permit shall be valid for a period of three (3) years from the effective date of this ordinance; provided, that an extension of this permit beyond this 3-year period may be granted pursuant to Section 19.40.090, Maui County Code.

2. That the Conditional Permit shall be nontransferable unless the Council approves the transfer by Ordinance.

3. That the Applicant and its successors and permitted assigns shall exercise reasonable due care as to third parties with respect to all areas affected by subject Conditional Permit and shall procure at his/her/their own cost and expense, and shall maintain during the entire period of this Conditional Permit, a policy or policies of comprehensive liability insurance in the minimum amount of ONE MILLION AND NO/100 DOLLARS ($1,000,000) naming the County of Maui as an additional insured, insuring and defending the Applicant and County of Maui against any and all claims or demands for property damage, personal injury and/or death arising out of this Conditional Permit, including, but not limited to: (1) claims from any accident in connection with the permitted use, or occasioned by any act or nuisance made or suffered in connection with the permitted use in the exercise by the Applicant of said rights; and (2) all actions, suits, damages and claims by whomsoever brought or made by reason of the non-observance or non-performance of any of the terms and conditions of this Conditional Permit. A copy of the certificate of insurance naming County of Maui as an additional insured shall be submitted to the Department of Planning within ninety (90) calendar days from the date of approval of this Conditional Permit. The proof of insurance and all subsequent certifications of insurance coverage shall be submitted directly by the insurance carrier to the Department and shall include the applicable TMK and permit numbers.

4. That the Applicant shall develop the property in substantial compliance with the representations made to the Maui County Council in obtaining the Conditional Permit. Failure to so develop the property may result in the revocation of the Conditional Permit pursuant to Section 19.40.080, Maui County Code.

5. That full compliance with all applicable governmental requirements shall be rendered.

6. That full compliance with the conditions of the State Land Use Commission Special Permit (SUP2 2014/0006) shall be observed.

That Conditional Permit conditions will be enforced pursuant to the provisions of Chapter 19.530, §19.530.030 of the Maui County Code, as amended, 1980; and the *Rules for Administrative Procedures and Civil Fines for Violations of Titles 12, 14, 16, 19, and 20 of the Maui County Code.*

In consideration of the forgoing, the Maui County Planning Department recommends that the Maui Planning Commission adopt the Planning Department's Report and Recommendations prepared for the July 28, 2015, meeting as its Findings of Fact, Conclusions of Law, and

Recommendation and to authorize the Director of Planning to transmit said Recommendation to the Maui County Council on behalf of the Maui Planning Commission.

APPROVED:

WILLIAM SPENCE
Planning Director
County of Maui

AUSTIN, TSUTSUMI & ASSOCIATES, INC. CIVIL ENGINEERS • SURVEYORS
CONTINUING THE ENGINEERING PRACTICE FOUNDED BY H. A. R. AUSTIN IN 1934

TERRANCE S. ARASHIRO, P.E.
STANLEY T. WATANABE
IVAN K. NAKATSUKA, P.E.
ADRIENNE W. L. H. WONG, P.E., LEED AP
DIANNA HAYASHI, P.E.
PAUL K. ARITA, P.E.
ERIK S. KANESHIRO, LPLS, LEED AP

#15-526

May 12, 2015

Mr. Peter Martin
Hoomoana Foundation
305 East Wakea Avenue
Kahului, Hawaii 96732

Dear Mr. Martin:

Subject: Traffic Assessment for Kauaula Campground
TMK: (2) 4-7-003:031
Lahaina, Maui, Hawaii

Austin, Tsutsumi & Associates, Inc. (ATA) has conducted a Traffic Assessment (TA) for the proposed Kauaula Campground, hereinafter referred to as the 'Project', in Lahaina, Maui, Hawaii.

Project Description

The Project will serve a mix of both transient residents and commercial campers on approximately two (2) acres of a 22.7-acre parcel. The fully completed Project will consist of approximately 27 camping pods and provide 20 parking stalls. The Project will be provided vehicular access via Hokiokio Place just west of the southern terminus of the Lahaina Bypass Road. Figure 1 shows the location of the Project. Figure 2 shows the Project site plan.

Existing Roadways

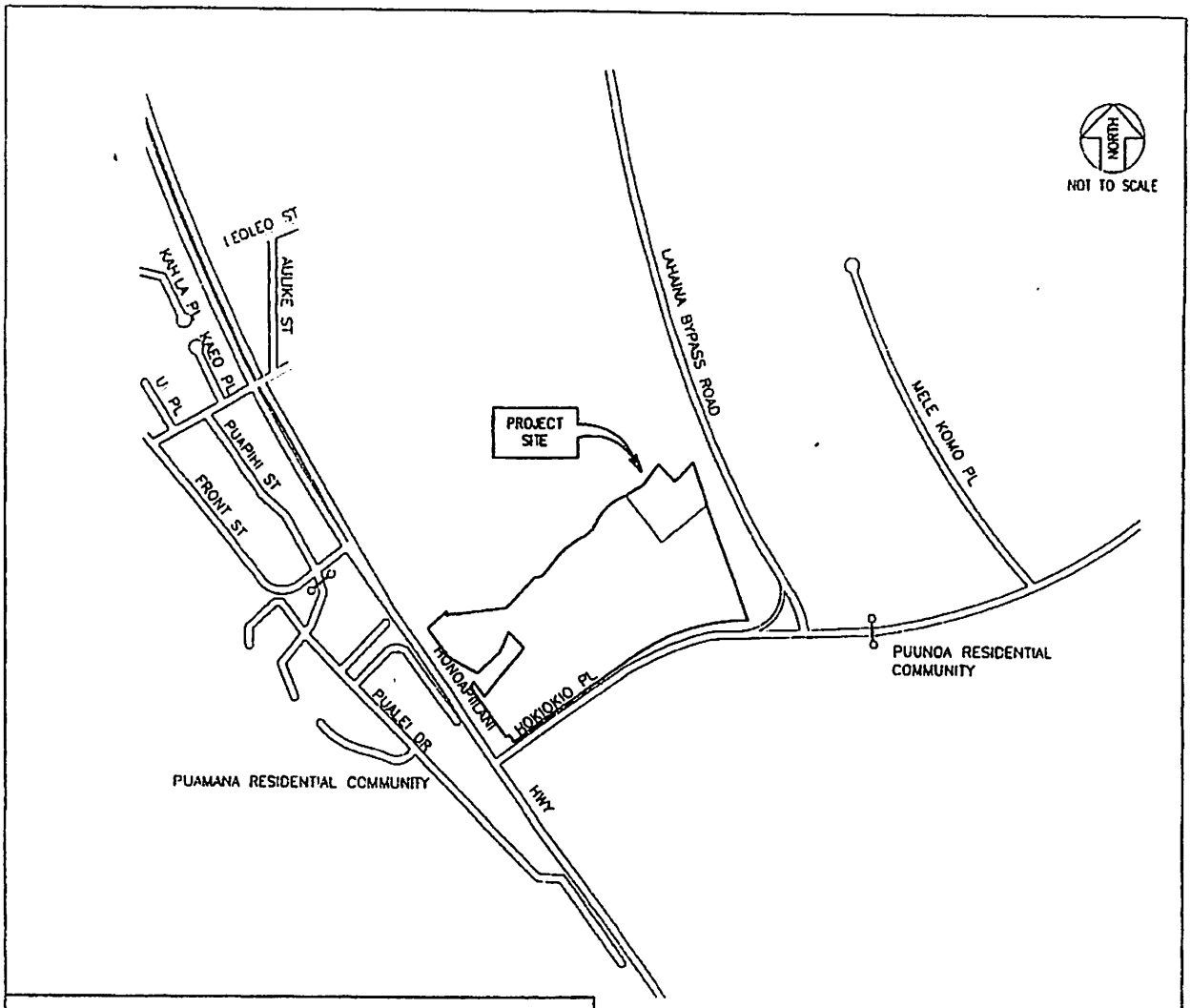
The Project is proposed to be located north of Hokiokio Place and the west of the Lahaina Bypass Road.

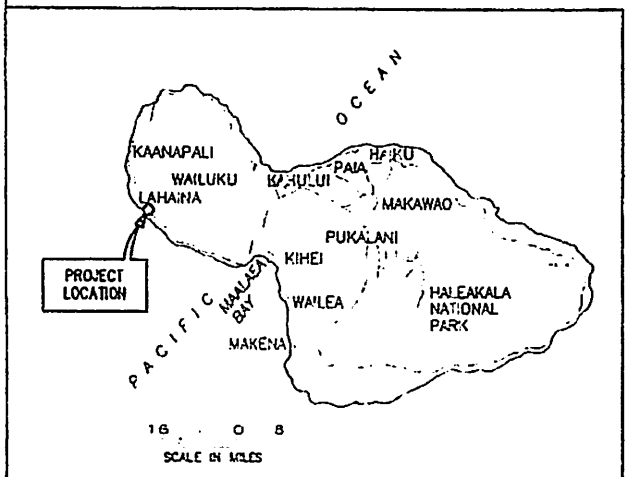
The Lahaina Bypass Road (LBR) is generally a two-lane, two-way undivided arterial State roadway which provides an alternative route for vehicles currently traveling along Honoapiilani Highway. This roadway is generally parallel and to the east of Honoapiilani Highway and extends from its northern terminus at Keawe Street to its southern terminus at Hokiokio Place. Speed limit signs along LBR are generally 35-45 mph, however is reduced to 25 mph for southbound direction, as they approach the exit ramp onto Hokiokio Place.

REPLY TO:
1871 WILI PA LOOP, SUITE A • WAILUKU, MAUI, HAWAII 96793
PHONE (808) 244-8044 • FAX (808) 242-9163
EMAIL : atamaui@alohawaii.com

OFFICES IN:
HONOLULU, HAWAII
WAILUKU, MAUI, HAWAII
HILO, HAWAII

EXHIBIT 23





KAUAULA CAMPSITE
TRAFFIC ASSESSMENT

AUSTIN, TSUTSUMI & ASSOCIATES, INC.
ENGINEERS SURVEYORS HONOLULU, HAWAII

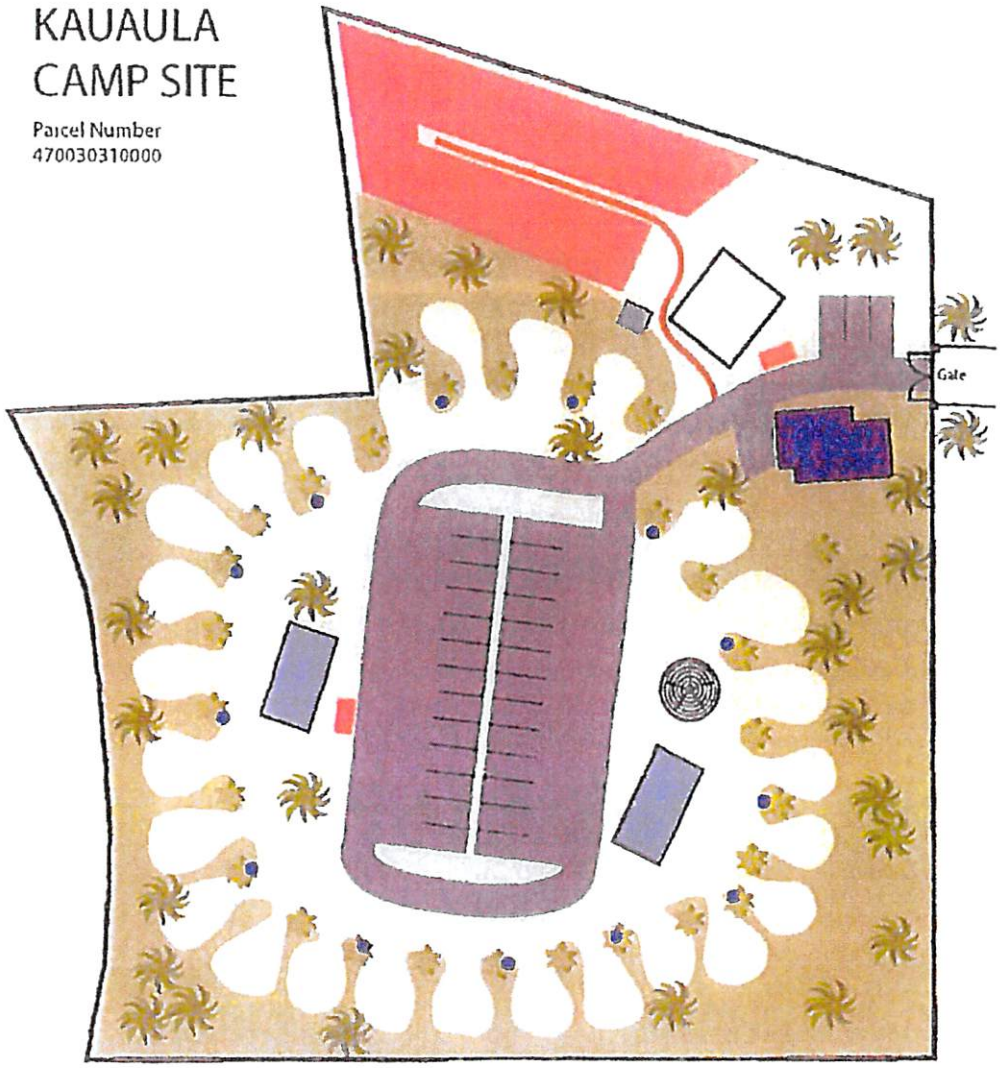
FIGURE 1

LOCATION MAP

NOT TO SCALE

KAUAULA CAMP SITE

Parcel Number
470030310000



- Ag Land
- Landscaped / Grassy Area
- Multi Purpose Use Area
- Shower / Washroom Facilities
- Gazebo
- Manager's House
- Barn
- Path
- Refuse
- Portable Water

KAUAULA CAMPSITE TRAFFIC ASSESSMENT	AUSTIN, TSUTSUMI & ASSOCIATES, INC. ENGINEERS, SURVEYORS • HONOLULU, HAWAII	FIGURE
	PROJECT SITE PLAN	2

Mr Peter Martin
Hoomoana Foundation

May 12, 2015

Hokiokio Place is currently a two-lane, two-way divided private roadway that extends from Honoapiilani Highway and continues east for approximately 0.4 miles to the private gate servicing the Puunoa residential community. Beyond the gate, Hokiokio Place continues for about 0.6 miles, terminating at a cul-de-sac within the Puunoa residential community.

Honoapiilani Highway is a two-lane, two-way undivided arterial State roadway in the vicinity of Hokiokio Place. This roadway begins in Wailuku at its intersection with Keanu Street opposite of South High Street, then extends to the south through Waikapu and Maalaea, then curves to the northwest along the islands south coast through Lahaina and Kaanapali. Honoapiilani Highway continues to the northeast along the islands coast through Kaanapali, Napili, Honokowai and Kapalua before terminating opposite of Kahekili Highway near Honokohau Bay. A traffic signal system and turning pockets are provided on all approaches at the Honoapiilani Highway and Hokiokio Place intersection. An acceleration lane is provided from Hokiokio Place to northbound Honoapiilani Highway.

Study Scope

The focus of this TA will be on the trip generation potential of the Project to determine whether it meets the minimum trip generation criteria recommended by Institute of Transportation Engineers (ITE). The Manual of Transportation Engineering Studies, dated 2000, published by ITE states:

> *"... in lieu of other locally established thresholds, a traffic access/impact study should be conducted whenever a proposed development will generate 100 or more added (new) peak direction trips to or from the site during the adjacent roadway's peak hours or the development's peak hours."*

This TA will also address traffic concerns and comments provided to the County of Maui Department of Planning by the State of Hawaii Department of Transportation (HDOT) in a letter (HWY-PS 2.8411) dated November 12, 2014.

Trip Generation

Table 1 below shows the trip generation rates/formulae used to estimate the number of vehicles generated by the Project, based on the nationally published ITE, Trip Generation, 9th Edition. Table 2 shows the forecast Project-generated trips.

Table 1: Kauaula Campground Trip Generation Data

Land Use Type	Independent Variable	AM Peak Hour		PM Peak Hour	
		Rate	% Enter	Rate	% Enter
Camp Ground (ITE 416)	Occupied Camp Sites	a.	36%	b.	65%

Notes:
a. (T) = 0.16*(X) + 2.93 b. Ln(T) = 0.71*Ln(X) - 0.06

Mr. Peter Martin
Hoomoana Foundation

May 12, 2015

Table 2: New Project-Generated Trips

Land Use Designation	Quantity	AM Peak Hour			PM Peak Hour		
		Enter	Exit	Total	Enter	Exit	Total
Camp Ground (ITE 416)	27 Camp Sites	3	5	8	7	3	10

The Project is anticipated to generate only 8 vehicles during the AM peak hour and 10 vehicles during the PM peak hours of traffic. Thus, each of the projected AM and PM resulted in project generated traffic below the 100 new trip threshold that would require a Traffic Impact Analysis Report (TIAR).

Existing & Future Traffic Operations

Traffic tube counts were conducted over a 24-hour period along Hokiokio Place just west of the Lahaina Bypass Road exit ramp on Wednesday, April 22 and Thursday, April 23, 2015. Based on the count data, it was determined that the weekday AM peak hour of traffic occurs between 7:15 AM and 8:15 AM and the weekday PM peak hour of traffic occurs between 3:15 PM and 4:15 PM. Traffic counts are provided in Appendix A.

Traffic conditions operated smoothly along Hokiokio Place during the AM and PM peak hours of traffic, with no queuing or congestion in the vicinity of the proposed Project.

Figure 3 shows the existing AM and PM peak hour traffic volumes along Hokiokio Place with the forecast turning movements generated by the Project.

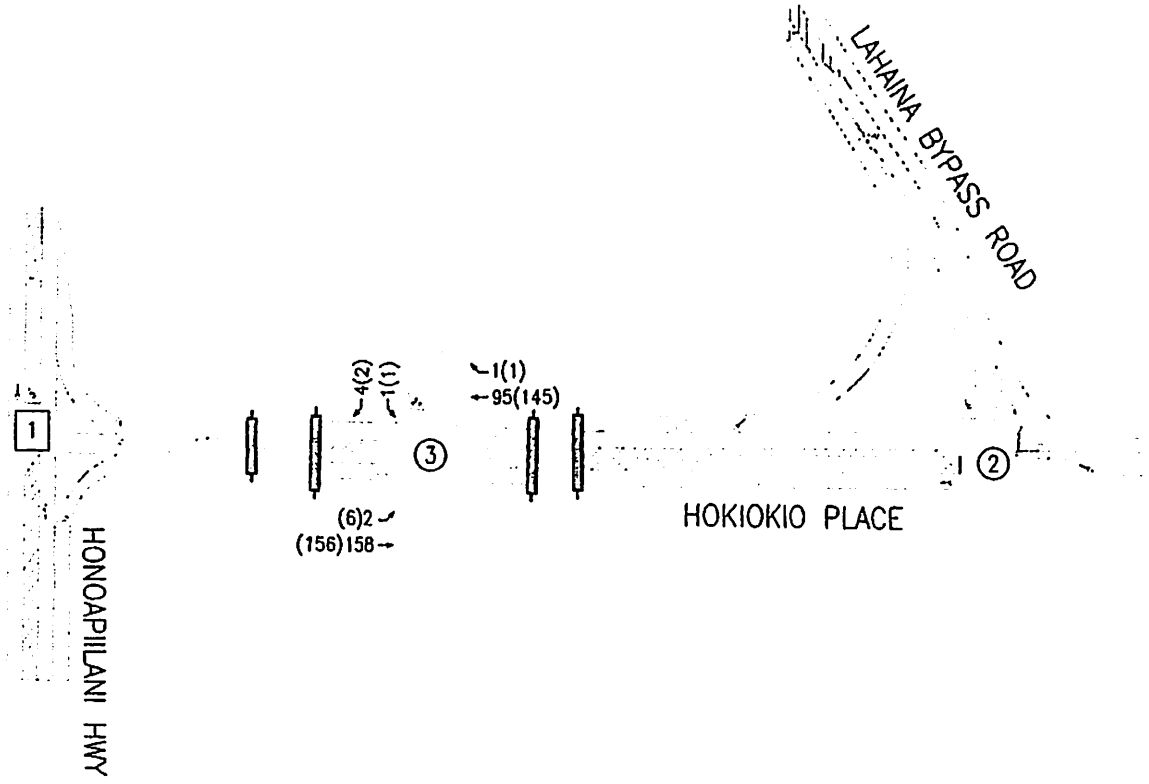
Project Driveway Left-Turn Turn Warrant Study

In response to HDOT's comment regarding left-turn warrant analysis, the left-turn lane warrant chart obtained from the Transportation Research Board (TRB) National Cooperative Highway Research Program (NCHRP) Document 279, dated 1985, was used to determine whether a left-turn lane is warranted for entering vehicles at the future Project driveway. This chart, shown below, requires the 85th percentile speed, advancing and opposing throughput volumes and percentage of forecast left-turn vehicles along Hokiokio Place during the peak hour of traffic

Based on the 24-hour traffic tube counts, the 85th percentile vehicle speed along Hokiokio Place is approximately 40 miles per hour (mph). According to the chart below, the advancing and opposing volumes along Hokiokio Place and forecast left-turns generated by the Project are low enough that a left-turn lane for entering Project trips is NOT warranted. The American Association of State Highway and Transportation Officials (AASHTO) publication of A Policy on Geometric Design of Highways and Streets, dated 2011 (hereinafter referred to as "Green Book) also provides guidance for left-turn lanes on two-lane highways. Based on the AASHTO Green Book, Table 9-23, a left-turn lane for entering Project trips is NOT warranted based on the above criteria. However, since there is an existing median swale, it is recommended that the median fronting the Project driveway be paved to accommodate entering and exiting left-turns to the future Project driveway. See Figure 4 for the left-turn lane warrant analysis.

NOT TO SCALE

NOTE:
THIS DRAWING IS FOR ILLUSTRATIVE PURPOSES ONLY DO NOT USE FOR CONSTRUCTION



LEGEND

##(##) – AM(PM) PEAK HOUR OF TRAFFIC VOLUMES

(Y) – UNSIGNALIZED INTERSECTION Y

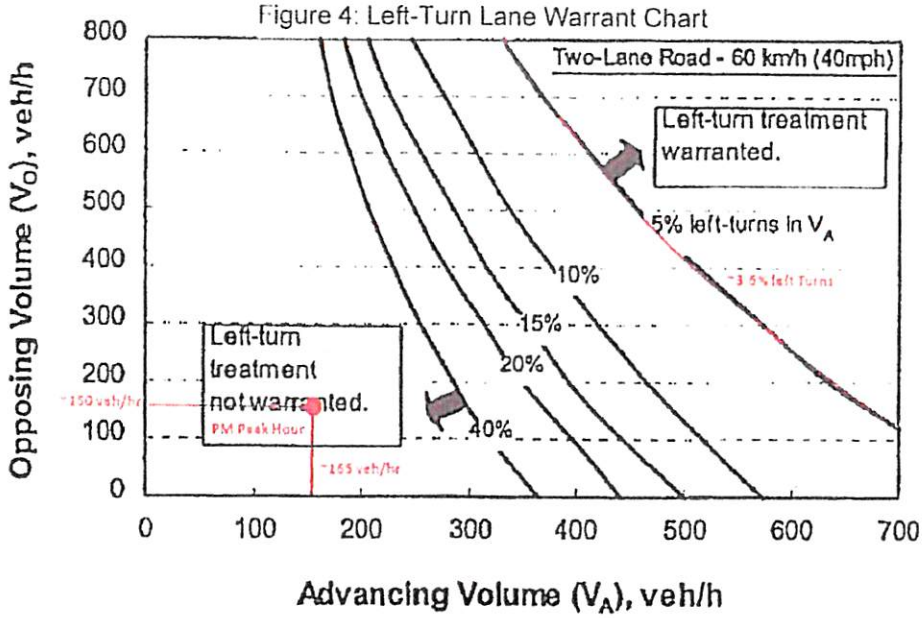
[Y] – SIGNALIZED INTERSECTION Y

KAUAULA CAMPSITE TRAFFIC ASSESSMENT	AYA AUSTIN, TSUTSUMI & ASSOCIATES, INC. ENGINEERS, SURVEYORS HONOLULU, HAWAII **EXISTING TRAFFIC VOLUMES WITH PROJECT TRIPS AND LANE CONFIGURATION**	FIGURE 3

Mr. Peter Martin
Hoomoana Foundation

May 12, 2015

Figure 4: Left-Turn Lane Warrant Chart

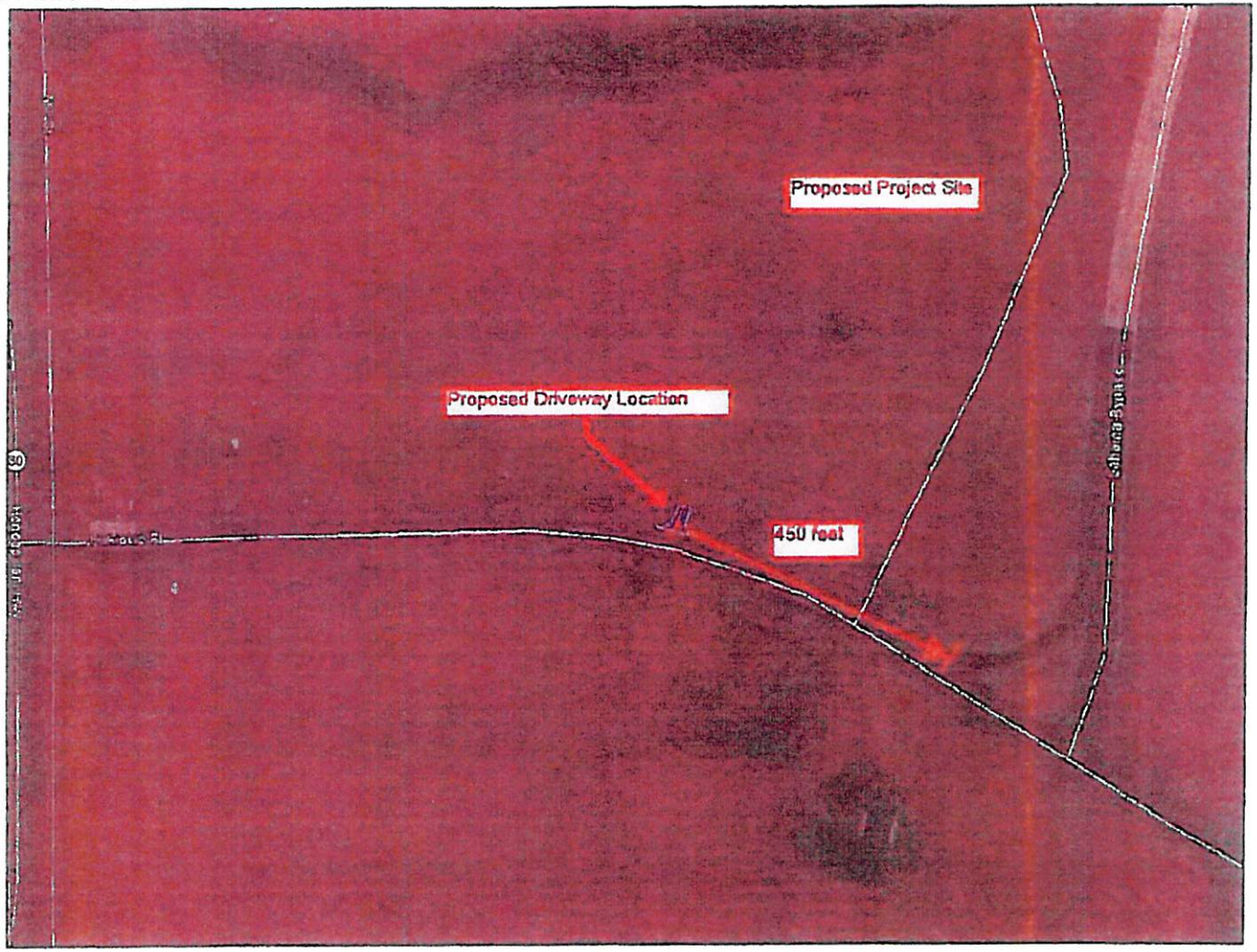


Source: Neuman, T., Intersection Channelization Design Guide, NCHRP Report 279. Copyright, National Academy of Sciences, Washington, D.C., 1985.

Project Driveway Location

In response to HDOT's comment regarding the Project's driveway location in relation to the Lahaina Bypass Road exit ramp, a sight distance assessment was conducted along Hokiokio Place. Based on the AASHTO Green Book's guidance on intersection sight distance (ISD), this study looked at the minimum ISD recommended for left-turn and right-turn vehicles entering and exiting the Project driveway to accommodate adequate separation from conflicting traffic along Hokiokio Place. Using the 40 mph design speed, the highest calculated ISD was approximately 450 feet, which should provide adequate sight distance for left-turns from the Project driveway onto Hokiokio Place. In addition, the TRB's Access Management Manual, dated 2003 provides supplemental guidance for minimum spacing of driveways to reduce collisions due to overlapping right-turn maneuvers; in this case, consecutive right-turn maneuvers from Lahaina Bypass Road exit ramp into the Project driveway. However, the Access Management Manual, only recommends a minimum distance of 300 feet. Therefore, based on the overall assessment of the sight distances for turning movements, it is recommended that the Project driveway be located at least 450 feet away from the fork of the Lahaina Bypass Road exit ramp where it merges onto Hokiokio Place. In order to maintain adequate sight distance, the frontage surrounding the Project driveway should be free of any large trees or obstructions, which could potentially block the vision of turning vehicles at the Project driveway. See Figure 5 for a general sketch of the proposed location of the Project driveway in relation to the Lahaina Bypass Road exit ramp.

NOT TO SCALE



NOTE:
THIS SKETCH IS FOR ILLUSTRATIVE PURPOSES ONLY. DO NOT USE FOR CONSTRUCTION. IMAGE PROVIDED BY GOOGLE EARTH.

KAUAULA CAMPSITE TRAFFIC ASSESSMENT	AUSTIN, TSUTSUMI & ASSOCIATES, INC. ENGINEERS, SURVEYORS • HONOLULU, HAWAII PROJECT DRIVEWAY LOCATION SPACING	FIGURE 5

Mr. Peter Martin
Hoomoana Foundation

May 12, 2015

Conclusions

The following are the conclusions of the TA Study.

- The Project is forecast to generate approximately 8 vehicles during the AM peak hour and 10 vehicles during the PM peak hours of traffic.
- The preparation of a TIAR is not required as the Project does not meet the minimum trip generation criteria of 100 new trips in the peak direction which is recommended by ITE regarding the preparation of a TIAR.
- An exclusive eastbound left-turn lane into the Project driveway is not warranted based on TRB and AASHTO guidance.
- The minimum intersection sight distance to accommodate turning movements at the Project driveway is approximately 450 feet based on TRB and AASHTO guidance.

Recommendations

- The median fronting the Project driveway should be paved to accommodate entering and exiting left-turns to the future Project driveway.
- Providing a minimum of at least 450 feet of space between the future Project driveway and the Lahaina Bypass Road exit ramp (taken at the fork where it merges onto Hokiokio Place).
- The frontage surrounding the Project driveway should be free of any large trees or obstructions, in order to maintain adequate sight distance.

AUSTIN TSUTSUMI & ASSOCIATES, INC.
Civil Engineering • Traffic

Mr. Peter Martin
Hoomoana Foundation

May 12, 2015

We appreciate the opportunity to have prepared this Traffic Assessment Study for the Project. Should you require clarification, please call Leif Kohler or myself at (808) 244-8044.

Sincerely,

AUSTIN, TSUTSUMI & ASSOCIATES, INC.

By
TYLER FUJIWARA, P.E.
Traffic Engineer

TF:lk

Z:\2015\15-520\Report\Kaupulehu Campsite TA 4 27 15.docx

Mr. Peter Martin
Hoomoana Foundation

May 12, 2015

REFERENCES

1 American Association of State Highway and Transportation Officials (AASHTO), A Policy on Geometric Design of Highways and Streets, 2011.

2. Institute of Transportation Engineers, Trip Generation, 9th Edition, 2012.

3. Neuman, T., National Cooperative Highway Research Program (NCHRP) Document 279, 1985.

4. TRB, Highway Capacity Manual, 2010.

5. TRB, Committee on Access Management, Access Management Manual, 2003.

6. TRB, NCHRP Document 193, 2010.

APPENDICES

Austin, Tsutsumi & Associates

1871 Wili Pa Loop, Suite A
Wailuku, Maui, Hawaii
(808)244 8044

Eastbound Hokiokio Place
Near Lahaina Bypass Road
Station ID 24574

Start	20-Apr-15		Tue		Wed		Thu		Fri		Sat		Sun		Average Day	
Time	A M	P M	A M	P M	A M	P M	A M	P M	A M	P M	A.M	P M	A M	P M	A.M	P M
12 00	-	-	-	-	-	15	2	-	-	-	-	-	-	-	2	15
12 15	-	-	-	-	-	28	1	-	-	-	-	-	-	-	1	28
12 30	-	-	-	-	-	29	0	-	-	-	-	-	-	-	0	29
12 45	-	-	-	-	-	35	0	-	-	-	-	-	-	-	0	35
01 00	-	-	-	-	-	30	2	-	-	-	-	-	-	-	2	30
01 15	-	-	-	-	-	35	1	-	-	-	-	-	-	-	1	35
01 30	-	-	-	-	-	35	0	-	-	-	-	-	-	-	0	35
01 45	-	-	-	-	-	35	0	-	-	-	-	-	-	-	0	35
02 00	-	-	-	-	-	29	0	-	-	-	-	-	-	-	0	29
02 15	-	-	-	-	-	35	1	-	-	-	-	-	-	-	1	35
02:30	-	-	-	-	-	28	0	-	-	-	-	-	-	-	0	28
02.45	-	-	-	-	-	30	1	-	-	-	-	-	-	-	1	30
03.00	-	-	-	-	-	30	0	-	-	-	-	-	-	-	0	30
03 15	-	-	-	-	-	36	1	-	-	-	-	-	-	-	1	36
03 30	-	-	-	-	-	36	0	-	-	-	-	-	-	-	0	36
03.45	-	-	-	-	-	42	0	-	-	-	-	-	-	-	0	42
04.00	-	-	-	-	-	44	1	-	-	-	-	-	-	-	1	44
04:15	-	-	-	-	-	24	0	-	-	-	-	-	-	-	0	24
04:30	-	-	-	-	-	43	0	-	-	-	-	-	-	-	0	43
04:45	-	-	-	-	-	34	1	-	-	-	-	-	-	-	1	34
05:00	-	-	-	-	-	50	0	-	-	-	-	-	-	-	0	50
05.15	-	-	-	-	-	26	2	-	-	-	-	-	-	-	2	26
05:30	-	-	-	-	-	46	6	-	-	-	-	-	-	-	6	46
05:45	-	-	-	-	-	29	4	-	-	-	-	-	-	-	4	29
06:00	-	-	-	-	-	27	7	-	-	-	-	-	-	-	7	27
06.15	-	-	-	-	-	22	13	-	-	-	-	-	-	-	13	22
06:30	-	-	-	-	-	21	19	-	-	-	-	-	-	-	19	21
06 45	-	-	-	-	-	12	28	-	-	-	-	-	-	-	28	12
07:00	-	-	-	-	-	17	34	-	-	-	-	-	-	-	34	17
07 15	-	-	-	-	-	19	54	-	-	-	-	-	-	-	54	19
07:30	-	-	-	-	-	16	50	-	-	-	-	-	-	-	50	16
07 45	-	-	-	-	-	8	31	-	-	-	-	-	-	-	31	8
08:00	-	-	-	-	-	10	23	-	-	-	-	-	-	-	23	10
08.15	-	-	-	-	-	9	20	-	-	-	-	-	-	-	20	9
08:30	-	-	-	-	-	11	25	-	-	-	-	-	-	-	25	11
08:45	-	-	-	-	-	6	17	-	-	-	-	-	-	-	17	6
09:00	-	-	-	-	-	15	13	-	-	-	-	-	-	-	13	15
09 15	-	-	-	-	-	12	21	-	-	-	-	-	-	-	21	12
09:30	-	-	-	-	25	9	30	-	-	-	-	-	-	-	28	9
09 45	-	-	-	-	14	11	26	-	-	-	-	-	-	-	20	11
10:00	-	-	-	-	21	5	2	-	-	-	-	-	-	-	12	5
10 15	-	-	-	-	13	9	-	-	-	-	-	-	-	-	13	9
10:30	-	-	-	-	26	7	-	-	-	-	-	-	-	-	25	7
10 45	-	-	-	-	27	1	-	-	-	-	-	-	-	-	27	1
11:00	-	-	-	-	22	4	-	-	-	-	-	-	-	-	22	4
11 15	-	-	-	-	23	1	-	-	-	-	-	-	-	-	23	1
11 30	-	-	-	-	16	5	-	-	-	-	-	-	-	-	16	5
11 45	-	-	-	-	20	0	-	-	-	-	-	-	-	-	20	0
Total	0	0	0	0	206	1059	436	0	0	0	0	0	0	0	584	1059
Day Total	0		0		1265		436		0		0		0		1643	
% Splits	0.0%	0.0%	0.0%	0.0%	16.3%	83.7%	100.0 %	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	35.5%	64.5%
Peak					10:30	03:15	07:00								07:00	03:15
Vol.					97	156	169								169	156
P.H.F.					0 898	0.886	0.782								0.782	0.886

ADT Not Calculated

Austin, Tsutsumi & Associates

1871 Wili Pa Loop, Suite A
Wailuku, Maui, Hawaii
(808)244-8044

Westbound Hokiokio Place
Near Lahaina Bypass Road
Station ID 24675

Start Time	20-Apr-15 Tue A M	P M	Wed A.M	P M	Thu A M	P M	Fri A M.	P M	Sat A.M	P M	Sun A.M.	P.M.	Average Day A.M.	P M
12 00	•	•	•	•	•	18	0	•	•	•	•	•	•	•	0	18
12 15	•	•	•	•	•	19	1	•	•	•	•	•	•	•	1	19
12 30	•	•	•	•	•	22	1	•	•	•	•	•	•	•	1	22
12 45	•	•	•	•	•	20	1	•	•	•	•	•	•	•	1	20
01 00	•	•	•	•	•	30	1	•	•	•	•	•	•	•	1	30
01 15	•	•	•	•	•	29	0	•	•	•	•	•	•	•	0	29
01 30	•	•	•	•	•	27	0	•	•	•	•	•	•	•	0	27
01 45	•	•	•	•	•	25	0	•	•	•	•	•	•	•	0	25
02 00	•	•	•	•	•	14	0	•	•	•	•	•	•	•	0	14
02 15	•	•	•	•	•	31	0	•	•	•	•	•	•	•	0	31
02 30	•	•	•	•	•	26	0	•	•	•	•	•	•	•	0	26
02 45	•	•	•	•	•	24	0	•	•	•	•	•	•	•	0	24
03 00	•	•	•	•	•	37	1	•	•	•	•	•	•	•	1	37
03 15	•	•	•	•	•	47	0	•	•	•	•	•	•	•	0	47
03 30	•	•	•	•	•	34	0	•	•	•	•	•	•	•	0	34
03:45	•	•	•	•	•	25	1	•	•	•	•	•	•	•	1	25
04 00	•	•	•	•	•	**39**	0	•	•	•	•	•	•	•	0	**39**
04 15	•	•	•	•	•	**43**	1	•	•	•	•	•	•	•	1	**43**
04 30	•	•	•	•	•	**39**	0	•	•	•	•	•	•	•	0	**39**
04:45	•	•	•	•	•	**29**	2	•	•	•	•	•	•	•	2	**29**
05 00	•	•	•	•	•	39	1	•	•	•	•	•	•	•	1	39
05:15	•	•	•	•	•	39	3	•	•	•	•	•	•	•	3	39
05:30	•	•	•	•	•	22	6	•	•	•	•	•	•	•	6	22
05:45	•	•	•	•	•	12	5	•	•	•	•	•	•	•	5	12
06 00	•	•	•	•	•	23	4	•	•	•	•	•	•	•	4	23
06.15	•	•	•	•	•	22	9	•	•	•	•	•	•	•	9	22
06:30	•	•	•	•	•	32	8	•	•	•	•	•	•	•	8	32
06:45	•	•	•	•	•	15	13	•	•	•	•	•	•	•	13	15
07 00	•	•	•	•	•	14	12	•	•	•	•	•	•	•	12	14
07 15	•	•	•	•	•	10	29	•	•	•	•	•	•	•	29	10
07:30	•	•	•	•	•	10	15	•	•	•	•	•	•	•	15	10
07 45	•	•	•	•	•	13	**23**	•	•	•	•	•	•	•	**23**	13
08:00	•	•	•	•	•	12	**28**	•	•	•	•	•	•	•	**28**	12
08 15	•	•	•	•	•	15	**28**	•	•	•	•	•	•	•	**28**	15
08:30	•	•	•	•	•	16	**20**	•	•	•	•	•	•	•	**20**	16
08:45	•	•	•	•	•	12	11	•	•	•	•	•	•	•	11	12
09:00	•	•	•	•	•	1	18	•	•	•	•	•	•	•	18	1
09:15	•	•	•	•	•	11	22	•	•	•	•	•	•	•	22	11
09:30	•	•	•	•	•	8	20	•	•	•	•	•	•	•	20	8
09:45	•	•	•	•	**25**	3	22	•	•	•	•	•	•	•	24	3
10:00	•	•	•	•	**18**	5	5	•	•	•	•	•	•	•	12	5
10:15	•	•	•	•	**22**	6	•	•	•	•	•	•	•	•	22	6
10:30	•	•	•	•	**29**	4	•	•	•	•	•	•	•	•	29	4
10 45	•	•	•	•	17	3	•	•	•	•	•	•	•	•	17	3
11:00	•	•	•	•	16	2	•	•	•	•	•	•	•	•	16	2
11 15	•	•	•	•	20	3	•	•	•	•	•	•	•	•	20	3
11:30	•	•	•	•	18	2	•	•	•	•	•	•	•	•	18	2
11 45	•	•	•	•	13	2	•	•	•	•	•	•	•	•	13	2
Total	0	0	0	0	178	934	311	0	0	0	0	0	0	0	455	934
Day Total	0		0		1112		311		0		0		0		1389	
% Splits	0.0%	0.0%	0.0%	0.0%	16.0%	84.0%	100.0 %	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	32.8%	67 2%
Peak					09:45	04:00	07 45								07:45	04:00
Vol.					94	150	99								99	150
P.H.F.					0.810	0.872	0.884								0.884	0.872

ADT Not Calculated

APPENDIX B

85TH PERCENTILE SPEED DATA

Austin, Tsutsumi & Associates

1871 Wili Pa Loop, Suite A
Wailuku, Maui, Hawaii
(808)244-8044

Eastbound Hokiokio Place
Near Lahaina Bypass Road
Station ID 245[illegible]4

Eastbound Start Time	1 20	21 22	23 24	25 26	27 28	29 30	31 32	33 34	35 36	37 38	39 40	41 42	43 44	45 999	Total
04/22/15	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
01:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
02:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
03:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
04:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
05:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
06:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
07:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
08:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
09:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
10:00	3	1	2	8	5	9	8	12	10	12	9	1	1	5	86
11:00	5	0	2	2	5	7	10	13	12	4	7	8	1	5	81
12 PM	0	0	0	1	0	5	13	14	21	20	16	9	2	6	107
13:00	0	0	1	4	4	9	11	21	17	28	14	10	5	11	135
14:00	1	0	1	4	4	11	16	26	16	11	14	5	7	6	122
15:00	0	0	2	1	9	8	12	15	18	27	20	10	8	12	142
16:00	2	1	2	3	4	10	12	26	19	17	20	12	8	9	145
17:00	3	0	0	1	6	4	14	23	23	31	20	9	6	11	151
18:00	0	1	0	2	5	3	9	13	14	11	8	8	2	6	82
19:00	0	0	1	4	7	7	9	10	7	5	5	2	1	2	60
20:00	0	0	0	2	1	3	3	5	6	6	6	3	0	1	36
21:00	0	0	0	1	1	6	5	12	6	6	6	3	0	1	47
22:00	0	0	0	0	1	4	2	2	4	2	5	0	2	0	22
23:00	0	0	0	0	0	1	3	1	2	0	0	1	0	2	10
Total	14	3	11	33	52	87	127	193	175	180	150	81	43	77	1226

Austin, Tsutsumi & Associates

1871 Wili Pa Loop, Suite A
Wailuku, Maui, Hawaii
(808)244-8044

Hokiokio Place
Near Lahaina Bypass Road
Station ID 24574

Eastbound Start	1	21	23	25	27	29	31	33	35	37	39	41	43	45	
Time	20	22	24	26	28	30	32	34	36	38	40	42	44	999	Total
04/23/15	0	0	0	0	0	1	0	1	1	0	0	0	0	0	3
01:00	1	0	0	0	0	0	0	2	0	0	0	0	0	0	3
02:00	0	0	1	0	0	0	0	1	0	0	0	0	0	0	2
03:00	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1
04:00	0	0	0	0	0	0	0	0	1	1	0	0	0	0	2
05:00	0	0	1	1	0	1	2	1	2	0	1	2	1	0	12
06:00	0	1	0	1	1	4	9	9	14	6	10	6	1	5	67
07:00	1	1	0	2	3	5	16	28	23	39	25	11	10	5	169
08:00	0	0	2	2	5	10	9	17	16	4	7	7	4	2	85
09:00	4	1	1	11	6	10	10	14	7	8	10	3	1	1	90
10:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
11:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
12 PM	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
13:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
14:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
15:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
16:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
17:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
18:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
19:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
20:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
21:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
22:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
23:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Total	7	3	8	17	15	31	46	73	64	58	53	29	17	13	434
Grand Total	21	6	19	50	67	118	173	266	239	238	203	110	60	90	1660

15th Percentile :	30 MPH
50th Percentile :	35 MPH
85th Percentile :	41 MPH
95th Percentile :	48 MPH

Statistics

Mean Speed(Average) :	36 MPH
10 MPH Pace Speed :	31-40 MPH
Number in Pace :	1119
Percent in Pace :	67.4%
Number of Vehicles > 20 MPH :	1639
Percent of Vehicles > 20 MPH :	98.7%

Austin, Tsutsumi & Associates

1871 Wili Pa Loop, Suite A
Wailuku, Maui, Hawaii
(808)244-8044

Westbound Hokiokio Place
Near Lahaina Bypass Road
Station ID 24675

Westbound Start Time	1 20	21 22	23 24	25 26	27 28	29 30	31 32	33 34	35 36	37 38	39 40	41 42	43 44	45 999	Total
04/22/15	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
01:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
02:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
03:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
04:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
05:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
06:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
07:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
08:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
09:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
10:00	0	3	2	0	7	15	20	14	16	6	1	2	0	0	86
11:00	1	0	0	1	5	11	11	18	6	3	6	2	2	1	67
12 PM	0	0	0	2	9	6	15	18	13	9	2	4	0	1	79
13:00	0	3	0	0	3	14	20	23	18	16	11	2	1	0	111
14:00	1	0	1	3	3	13	12	22	19	13	6	2	0	0	95
15:00	0	0	3	5	11	10	33	29	31	13	4	0	2	2	143
16:00	0	1	1	3	2	16	20	31	41	23	7	1	3	1	150
17:00	0	0	0	2	4	8	23	27	23	15	4	4	1	1	112
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20:00	0	0	2	0	2	5	11	15	7	9	4	0	0	0	55
21:00	1	0	0	0	1	0	2	4	2	10	1	1	1	0	23
22:00	0	0	0	2	0	2	0	2	4	4	1	1	0	2	18
23:00	0	0	0	0	0	1	0	4	1	1	2	0	0	0	9
Total	4	7	10	20	56	122	197	231	216	133	51	21	10	9	1087

Austin, Tsutsumi & Associates

1871 Wili Pa Loop, Suite A
Wailuku, Maui, Hawaii
(808)244-8044

Hokiokio Place
Near Lahaina Bypass Road
Station ID: 24675

Westbound

Start	1	21	23	25	27	29	31	33	35	37	39	41	43	45	
Time	20	22	24	26	28	30	32	34	36	38	40	42	44	999	Total
04/23/15	0	0	0	0	0	1	0	0	1	1	0	0	0	0	3
01:00	0	0	0	0	0	0	0	0	1	0	0	0	0	0	1
02:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
03:00	0	0	0	0	0	2	0	0	0	0	0	0	0	0	2
04:00	0	0	0	0	1	0	1	0	0	1	0	0	0	0	3
05:00	0	0	1	0	2	3	0	3	0	3	2	1	0	0	15
06:00	0	0	1	0	1	1	7	12	4	2	4	2	0	0	34
07:00	0	0	0	1	1	8	16	16	17	7	8	4	1	0	79
08:00	0	1	2	3	8	10	17	14	14	7	6	2	1	2	87
09:00	1	0	1	4	11	13	16	14	10	9	2	0	1	0	82
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11:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
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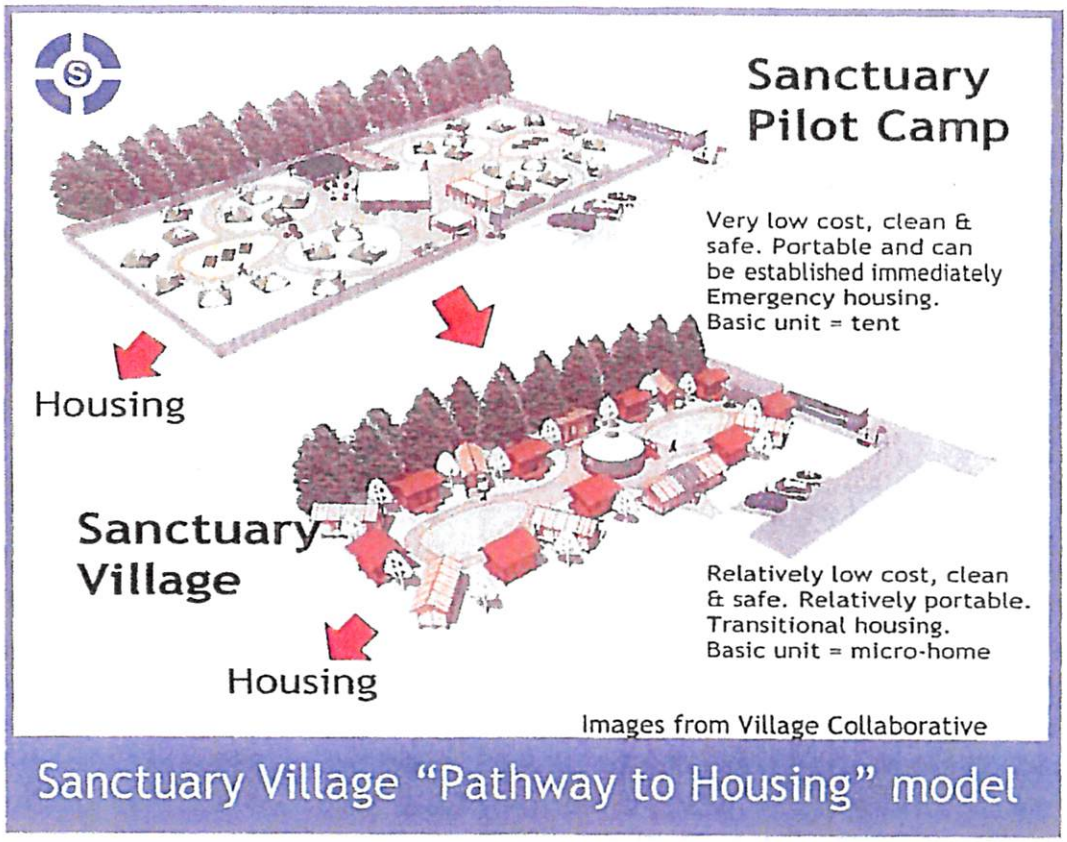
23:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Total	1	1	5	8	24	38	57	59	47	30	22	9	3	2	306
Grand Total	5	8	15	28	80	160	254	290	263	163	73	30	13	11	1393

15th Percentile :	29 MPH
50th Percentile :	34 MPH
85th Percentile :	37 MPH
95th Percentile :	40 MPH

Statistics

Mean Speed(Average) :	34 MPH
10 MPH Pace Speed :	29-38 MPH
Number in Pace :	1130
Percent in Pace :	81.1%
Number of Vehicles > 20 MPH :	1388
Percent of Vehicles > 20 MPH :	99.6%

Santa Cruz Sanctuary Village: FAQ



1. Is Sanctuary Village a tent city?

No, a sanctuary-type camp is highly organized and well regulated, with a specific set of material and conceptual elements that help to create a clean and safe environment for all. Main features include a boundary fence encircling the camp, an intake desk that is staffed 24 hours a day and a set of strongly enforced rules that must be agreed upon before admittance. Other basic elements are porta-pots and a trash dumpster. Sanctuary-type camps are usually temporary and itinerant; meaning they move to different host sites at periodic intervals. Various camps in Seattle and Olympia, WA are legally obligated to move every 90 days. This protects property values from being adversely affected by a stationary permanent camp.

2. Didn't we try this before in Santa Cruz and we found that it didn't work?

Those camps of the past weren't organized or regulated. The ones that did have rules were powerless to enforce them, and that is what ultimately did them in. The advocates of this project learned first hand from their experience at the camp at Occupy Santa Cruz that the ability to get a good night's sleep is critical to good

EXHIBIT 124

physical and emotional health. Having a reliable place to sleep and a guarantee of safety is crucial to the balance required to address the problems that may have been responsible for the homelessness in the first place.

3. Do we expect the city to fund it?

This project will be community supported through fundraising and donations. Only after a period of proven success at moving people out of homelessness and effectively reducing the high price that the city pays in dealing with homelessness would the project ever seek government funding.

4. Won't this attract more homeless people to Santa Cruz?

The transient homeless population will not be admitted into the camp, and, therefore, the word that travelers can stay at the camp won't spread outside of the county. This project is designed to serve our localized homeless population. It is known that nearly 70% of our area's homeless population resided in Santa Cruz prior to becoming homeless and 40% lived here for +10 years prior. [1] Our localized homeless often have family and/or friends in the area, and this has been their home. We are committed to giving them the tools they need to heal their situations and to begin to thrive here.

5. Will it increase crime in the area in and around the camp?

Sanctuary-type camps and villages actually reduce crime. We have several data sets from various police departments in Portland, Seattle and Olympia documenting that areas around these sanctuary-type communities actually see a drop in crime. [2]

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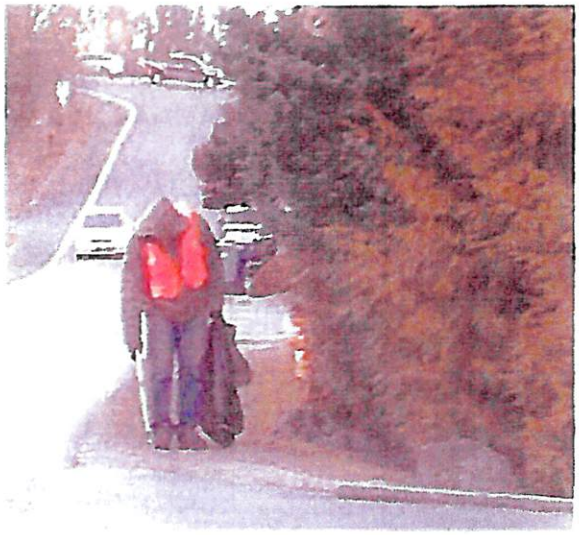
[1] Between 2011 and 2013, the percentage who reported having lived in Santa Cruz County at the time they became homeless increased from 67% to 72%. More than half (53%) of homeless respondents had lived in the county for 3 years or more. 31% for 10 years or more. 5% had been in the area for 30 days or less. http://www.appliedsurveyresearch.org/storage/database/homelessness/santacruz/Homeless2013_SantaCruz_FullReport.pdf

[2] According to the police in Seattle, Shoreline, Tukwila, Bothell, Kirkland, Bellevue, and Woodinville, there has been no measurable increase in crime in neighborhoods near any Tent City. On May 21, 2004, the Seattle Times published an independent investigation, which found that SHARE/WHEEL's Tent Cities do not affect crime. Law enforcement has made regular daily contact with Tent City. Unscheduled visits are made several times a day. Chief Kent Baxter told the City Council that this arrangement had been successful for Tent City 4 and the local residents. rates. http://www.northshoreucc.org/TC4.html
Crime statistics show decreased crime (indicated by fewer police calls) in the Sunderland Yard area since Dignity Village moved in. From 2007-09, the annual rate of 911 calls resulting in the dispatch of Portland Police to Dignity Village was lower on a per capita basis than the citywide average.

Police calls from within these camps are lower per capita than the cities at large. There are four easy reasons for this. 1) The camp has strictly enforced rules within the camp (No violence, no theft, no drugs or alcohol, no repeated disruptions, 10 hours of service duty etc.). 2) A sanctuary camp has a built-in resident, volunteer, orange-vest crew that regularly patrols the surrounding area, which reduces crime. 3) These camps maintain good relationships with local law enforcement. Law enforcement finds value in them because officers often spend too much of their time (and budget) dealing with the effects of general homeless vagrancy and illegal camping. Locally, police will be able to direct localized homeless individuals to the camp instead of repeatedly issuing camping citations. Local law enforcement will have easy access to our rules and will always be welcome inside the camp.

6. Will it increase litter and defecation in the area?

Areas around Sanctuary-type camps are always safer and cleaner because of the orange-vest cleaning/safety crew of resident volunteers. These volunteers walk around the area picking up trash and making sure that the area is generally safe. This is one reason why these camps are routinely invited back to their host properties and communities because they are such good neighbors. [3]



Kristina Smock for Portland Housing Authority
http://dc407.4shared.com/doc/AaRx8YH9/preview.html

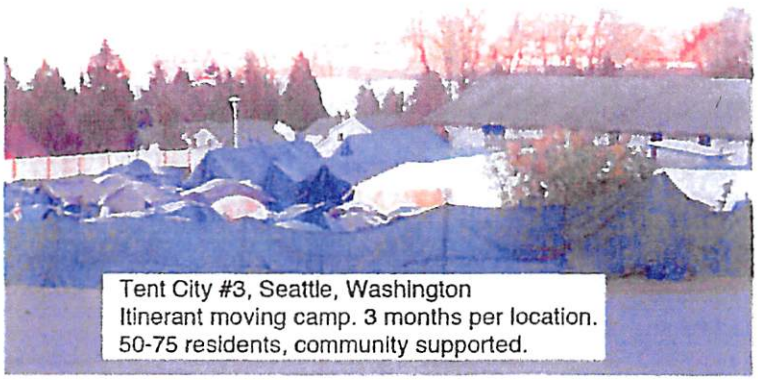
[3] Residents do litter patrol of TC4 and surrounding areas.
http://www.northshoreucc.org/TC4.html
Tent City 3 is scheduled to return to HLUMC July 12th for 90 days. Donations of homemade cookies gratefully accepted!
http://www.hallerlakeumc.org/news-and-events/news/article/tent-city-3-returns/
http://greaterseattlecares.org/tent-city-3/location-hosts/

7. Will it be in close proximity to schools and homes?

Ideally, this project will be in areas that are not in close proximity to homes or schools, and yet, it has been proven that sanctuary-type camps have no adverse effect on either. The Seattle police department has documented that Tent City #4 (which is a sanctuary-type itinerant camp in existence for more than 15 years and moves every 90 days to a different host site) has been located within 2 blocks of a school on at least 10 occasions and has received no complaints. On one occasion, it was located on the same block as an elementary school. [4] Sanctuary homeless communities are usually temporary, itinerant camps that move regularly. In Seattle, they are legally expected to move every 90 days. This ensures that property values won't be adversely affected and that different neighborhoods have the chance to interact and offer various types of support, such as extra tents and bedding, jobs, and food and money donations.

8. Won't this just be a place for homeless people to use drugs?

Sanctuary-type camps are clean and sober environments which have strict no drug and alcohol policies. If residents regularly violate this rule, they must leave the camp. Our project already has a partnership with local drug addition support meetings and will direct (if not shuttle) residents to nightly meetings nearby.



Tent City #3, Seattle, Washington
Itinerant moving camp. 3 months per location.
50-75 residents, community supported.

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[4] "Tent City has now been located near or beside schools in about half of its nine sites over two years. School officials have not reported any incidents of Tent City residents having contact with schools or their children, except to lessen the amount of litter in the area. And during the entire history of all Tent Cities, not a single child or other neighbor has been harmed by any Tent City resident, according to police records." http://www.northshoreucc.org/TC4.html

9. Won't this adversely affect property values of homes and businesses?

Sanctuary-type camps are usually temporary and itinerant, meaning they move around from place to place. Because of this they don't adversely affect property values because they exist in an area for a short time. These camps actually help improve property values. The very definition of homelessness, means that people are sleeping around, outside in our community. A sanctuary-type camp creates a clean, and safe place for people to sleep and keep things. This reduces general homeless vagrancy and the eventuality of people sleeping nearby along the train tracks, in open fields, in bushes, in doorways in the business district or in our natural areas.

10. How will this help homeless people change their situations and find housing?

Sanctuary-type camps, by definition, are a "pathway to housing," immediately removing a person from sleeping in the inhospitable outdoors. and giving them the stability of a safe and clean place to sleep and keep personal belongings. Our project has a housing placement function as well as a jobs program. We aim to have a close relationship with the Homeless Services Center, 180/180, Homeless Person's Health Project, MHCAN, The Homeless Garden Project etc. There will be access to drug cessation support meetings seven nights a week. In Seattle and Portland, where these projects have been working for over a decade, there is proof that people are able to move up and out of homelessness through the sanctuary camp model. [5]

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[5] The typical length of stay for residents is about 6 weeks."Residents of the 2004 Tent City stay in Woodinville now work and live in Woodinville—such as at McLendon's and Woodinville Lumber. Other residents, after living a more settled, safe lifestyle surrounded by community volunteers coming and going 24/7, repair relationships with families and move home. Many residents develop friendships with others living in Tent City: After saving money in the free shelter while working, they pool their savings in groups of 2 or 4 people to rent housing together. "
http://www.northshoreucc.org/TC4.html

140 former residents have gotten full time jobs and have moved away from the village into conventional housing.
http://dc407.4shared.com/doc/AaRx8YH9/preview.html

STATE OF HAWAII
STATE COUNCIL
ON DEVELOPMENTAL DISABILITIES
919 ALA MOANA BOULEVARD, ROOM 113
HONOLULU HAWAII 96814
TELEPHONE (808) 586-8100 FAX (808) 586-7543

DLF I
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15 JUL 14 P1:37

July 8, 2015

Mr. Kurt Wollenhaupt, Director
Department of Planning
County of Maui
250 South High Street
Wailuku, Maui, Hawaii 96793

Dear Mr. Wollenhaupt:

Subject: Kauaula Camp Project

On behalf of the State Council on Developmental Disabilities, please accept this letter in support of Ho'omoana Foundation's Kauaula Camp project, which is to be located in Lahaina, Maui. The Council values and promotes self-determination as core to our mission. "It is a fundamental human right. It means that people have authority over how their lives will be lived, where, and with whom. It means that people have control of the resources needed for their support, as well as responsibility for their decision and actions."

In its design, Kauaula Camp focuses on providing homeless vulnerable adults, who quite often have a mental health disability, an opportunity to rebuild their professional and personal lives. In addition, Kauaula Camp will be giving precedent to local individuals and providing a camp structure with a small farm and have a full-time camp manager present. The thoughtful focus on the overall integration of this project is most certainly for the betterment of the Maui community. It is our understanding that the land development for the project is being coordinated in conjunction with the County of Maui Department of Planning.

As a member of the Maui Disability Alliance (MDA), it is clear that there are not enough resources to help address the housing issues surrounding the State's unsheltered residents. We share the same concerns of MDA that we need new resources and ideas to address the increasing housing crisis faced by people with and without disabilities.

EXHIBIT 25

Next to the District of Columbia, our community is aware that Hawai`i has the highest rate of homelessness in the United States. In the past six years that Ho`omoana Foundation has been contributing to those in need, we have yet to see any new projects develop to assist those who are homeless and unsheltered. In the June 19, 2015 article of Maui Now, it was mentioned that there are an estimated 1,137 homeless individuals on Maui according to a new report compiled by the State Department of Human Services. The 2015 Statewide Point in Time Count shows a 12 percent increase in the homeless population on Maui, up 178 individuals from the 959 homeless reported in 2014. This reinforces the need for the County of Maui to embrace new creative housing options, and Kauaula Camp as a private non-government entity provides a proactive approach to do this.

The Council asks for your favorable support of Kauaula Camp and allow it to be given the chance to thrive. Please consider the value and inspiration this project can bring to the entire County of Maui.

Sincerely,

Waynette K.Y. Cabral, MSW
Executive Administrator

WKYC/RT:stk

EXHIBIT 3

MAUI PLANNING COMMISSION

COUNTY OF MAUI

JULY 28, 2015

(9:07 a.m. to 3:20 p.m.)

TRANSCRIPT OF PROCEEDINGS

ITEM NO. C.1

Held at the Planning Department Conference Room, Kalana Pakui Building, 250 South High Street, and Council Chambers, 200 South High Street, Maui, Hawaii.

Reported by: Tonya McDade, Hawaii CSR #447
Certified Shorthand Reporters Maui
2145 Wells Street, Suite 302
Wailuku, Hawaii 96793
(808)244-3376
tonya@csrmaui.com

ATTENDANCE

COMMISSION MEMBERS PRESENT:

Max Tsai, Vice-Chair

Wayne Hedani

Richard Higashi

Larry Hudson

Ivan Lay

Keaka Robinson

STAFF PRESENT:

Will Spence, Planning Director, Department of Planning

Clayton Yoshida, Administrator, Department of Planning

Carolyn Takayama-Corden, Commission Secretary

Rowena Dagdag-Andaya, Deputy of Public Works

Michael Hopper, Deputy Corporation Counsel

Kurt Wollenhaupt, Staff Planner, Department of Planning

JULY 28, 2015

TRANSCRIPT OF PROCEEDINGS

*****

VICE-CHAIR TSAI: Today is July 28th, 2015, the Maui Planning Commission is called to order.

Before we begin, as a courtesy to everyone, would you please silence your cell phones? Thank you.

Okay. We have a number -- regarding public testimony, anyone who wish to testify now will not be allowed to testify again when the agenda item is presented. So you have a choice, either do it now or later. I have a -- let's see. The first item on the -- so does anyone wish to testify right now? Please come forward and identify yourself, you have three minutes.

MR. HOPPER: Again, this is primarily for people who can't stay for their agenda item. So there will be another chance to testify for the agenda item when it actually comes up, but this is for if you can't stay for the item primarily.

MR. MORAN: I appreciate the clarification. Yeah, my item is D. And I see a lot of people here, so, you know, I will say my piece and hit the road and let you guys absorb all that.

Good morning, Chair Tsai.

VICE-CHAIR TSAI: Sorry. Can you --

MR. MORAN: Oh, sorry.

VICE-CHAIR TSAI: Your name, please?

MR. MORAN: My name is Mike Moran, speaking for the Kihei Community Association. Good morning, Chair Tsai and Commissioners.

UNIDENTIFIED SPEAKER: Good morning, Mike.

MR. MORAN: We're on Item D, the Krausz Companies, comments on their SMA recommendations to be presented this morning.

The Kihei Community Association has worked with the Krausz Companies, Incorporated over the years since the inception of the downtown Kihei development. Many good features are incorporated into this project; however, there are several issues that we have requested during the design process that still concern the community. These issues are not resolved and must be addressed for the safety of the community and the future success of the project.

One: Most importantly, bike paths need to be separated from car and truck, vehicular traffic as shown in our KCA Road Guidelines. A designated bike path is much safer. One path can be run from the lower drive on 4th Street, then turn along the east side of the wetlands.

A bike path here will keep the vagrant population from establishing itself in the area near the wetland (inaudible) structure.

A second path can run from Liloa along 2nd Street in front of the hotel and then turn (inaudible) and run along the edge of the detention basin.

Again, the presence of cyclists will help keep down the establishment of vagrant settlements in the perimeter areas of the project. The situation of homelessness is extreme in the area due to the Hale Kaukau at St. Theresa's Church, the convenience of grocery and drugstores and abundance of discrete places to camp out.

Two: All sidewalks shall be separated from traffic by the green strip where the trees and shrubs are planted as shown, again, on KCA Road Guidelines.

Within the project, we see protected sidewalks in front of the buildings facing Piikea and along the existing wetlands north of Piikea Avenue. We would like to see that configuration throughout the project, including the south side of Piikea Avenue along the existing wetlands and on both sides of Piikea toward the roundabout.

B: There needs to be a sidewalk between Piikea Avenue and Building A, so pedestrians coming from South Kihei Road can access Building A safely on foot instead of having to walk through a parking lot only.

C: Provide midway crossing islands at all crosswalks on Piikea so pedestrians have a safe point to pause, if needed, when crossing walking lanes of traffic.

Three: Due to sensitive drainage in the area, we're requesting that the green streets principles be used information in all vegetative areas to increase the absorption and filtering of hard-scape runoff.

4: The issue of increased traffic and congestion at the intersection of South Kihei Road and Piikea has recently become more apparent --

MS. TAKAYAMA-CORDEN: Three minutes.

MR. MORAN: Okay. I'll just read my concluding sentence. I'll skip down. Please understand these concerns have been consistently presented and offer the benefit of all the project will be safer and more accessible development of what Kihei can be proud. Mahalo for your support.

And we did submit it in writing. So whatever I skipped, you can get to later.

Thank you very much.

VICE-CHAIR TSAI: Thank you, Mike. Questions from the Commission? Okay.

MR. MORAN: Thank you.

VICE-CHAIR TSAI: Anyone else? Please come forward, identify yourself. You have three minutes.

MR. McCAFFERTY: Good morning, Planning Commission. Brian McCafferty, Teens on Call, work skills training program. You have a letter in your packet that we

wrote a while ago.

And the reason I am here is because, over the years -- our program has been going for 20 years -- the last five years, we have a increasing number of young people with homeless parents. So I am concerned about this. And I -- I applaud this experiment, social experiment, they call it, for this camp over on the west side.

My letter says, this letter is to support concept and planning for the social experiment to be known as Kaua`ula Camp to be situated on private land off of Hokiokio Place by the entrance of the Lahaina Bypass.

There will initially be eight camping pads with shower, toilet facility, resident manager. The goal is to provide safe sleeping space for selected individuals. There would be a nominal charge, plus application and selection process. Which is the key, I think, to the success of this is a selection process that would include the Puamana people and, you know, include everyone who is a stakeholder in the neighborhood, to weed out the type of homeless people you don't want, the addicts.

There's a number of homeless people that are not addicts that can follow the rules. These are the ones we're advocating for.

An experiment to see if this will work. And if it does work, it can be a model for other parts of the island

to serve these -- this segment of the homeless population, help them transition, work with other agencies and so forth.

So unless we go out on a limb, sometimes you can't pick the fruit. You gotta try something instead of just talk about it. So I pray that everyone here will be compassionate. This is compassionate action to try something like this.

And I've known the landowner here. That's why I am here, too, also, besides my young people that have homeless parents, is the landowner, I've known him for over 40 years. And he's born on the mainland, but he's been here 40 years. And he started out working in restaurants and became a school teacher, you know, taught in our high schools. He's a compassionate person. And that's -- that's why he wants to do this. It's costing him a ton of money and time and -- and plenty humbug sort of, but he -- he believes in it because he's a compassionate person.

So I pray that you folks, everyone here who is opposed to it, will try it for a year. The Conditional Use Permit is for a year, I believe, or something like that. Is that correct? It's a limited period of time. So you can see if it works. And if it does work, then you can have a model -- tune it up and have a model for other parts the island, to serve this segment of the homeless population who deserves a chance to transition.

Thank you very much. Aloha.

VICE-CHAIR TSAI: Thank you. Any questions from the Commission? Seeing none, okay. At this point, to accommodate everyone, and, also, the folks outside, we're going to move our meeting to the Council Chambers.

DIRECTOR SPENCE: Right. So this is -- you know, when we set meetings like this, we don't know how many people are going to show up. But we were plenty aware of the interest in -- in the -- in the one project. So we reserved the Council Chambers, so we could accommodate everybody, so people don't have to sit outside. And, you know, it gets pretty cramped in here. So the Chair would -- would recess this meeting and we will reconvene up in the Council Chambers.

If you go out this door, to your right, and then turn left, you go in under the County building, there's an elevator -- go through glass doors, there's an elevator there. And the Council Chambers are on the 8th Floor.

UNIDENTIFIED SPEAKER: Will there be somebody here to redirect everybody else that needs --

DIRECTOR SPENCE: Yeah. We're going to put signs out on the door.

(Recess, 9:17 a.m. to 9:37 a.m.)

VICE-CHAIR TSAI: Okay. We're calling the Maui Planning Commission meeting back to order.

Open the floor back up to public testimony. And, again, this is for those of you who are not going to be available to testify when the agenda item is presented. So please know that you'll have opportunity to testify when that comes up, or you can choose to testify now if you can't stay for the meeting. But you can't do both.

So we have our first testifier, please identify yourself. You have three minutes.

MR. AKINA: Good morning. I am Dr. Kelii Akina, President of the Grass Root Institute of Hawaii, Hawaii's leading independent public policy think tank.

Chairman Tsai and Members of the Commission, aloha. Thank you for letting me share my comments today from our organization on the Kaua`ula Campground sites.

Basically, you all know that there was a 12 percent increase in homelessness in just one year between 2014 and '15 here on the island of Maui alone. We now are the state that has the highest per capita rate of homelessness in the entire nation.

But our problem isn't the homelessness. Our real problem is the lack of ability of our government to pay for solutions to homelessness. There's a fiscal crisis both at the State level and at the County level. We've documented that. Yesterday, Governor Ige announced a committee that would come up with new solutions for homelessness, but he

did not point out funding sources.

Here is a solution before us. And that's to take a look at what is going on nationwide.

We have surveyed municipalities and states across the nation and have discovered that there's an emerging best practice. That practice is when municipalities and states allow the private sector to move in and take initiatives to solve the problem of homelessness. And that's exactly what we have going on in Kaua`ula right now.

There's several benefits to the project. I've had the opportunity to look over the designs. I've gone to the campsite.

Benefit Number One: It helps the poor and homeless at no cost to the taxpayer.

Number 2: It protects the property values of condos and homes in the area. Here's why: These condos and homes are already experiencing vagrancy from homelessness, but nothing is being done about it. And this problem is going to increase.

Currently, in Waikiki, a solution has been developed. Businesses are paying private services to meet the needs of the homeless in order to get them out and take care of their long-term permanent needs.

Eventually, condo owners and taxpayers are going to end up paying, but Kaua`ula is part of the solution of

the private sector that will cost nothing to the public sector.

There's some clarifications that are needed. And I think they're important.

First of all, this is not going to be a tent city of homeless. Quite the opposite. It's going to be a professionally-landscaped well-maintained venue with pavilions called pods in which there's dormitory residents.

Secondly, it's privately-owned property which means we don't have the problems with the State. You can evict people from private property. You can have private security. You can have a level of management that's not possible in our parks and so forth.

In addition, it's not permanent; it's transitional housing. And it's a center where the homeless are connected to health services, mental health services, and other needs.

In closing, The Grass Root Institute makes the following recommendations: Number 1, approve this project; Number 2, look to it as a short-term start-up, an experiment that can be reproduced; Number 3, think about --

MS. TAKAYAMA-CORDEN: Three minutes.

MR. AKINA: -- (inaudible) in the future for developers.

And, finally, I'll close with this, let Maui become a model for the rest of the nation. Thank you very

much.

VICE-CHAIR TSAI: Thank you. Questions from the Commission? Seeing none --

MR. AKINA: Thank you very much.

MR. AHIA: Good morning. My name is Sam Ahia. I am a resident of Lahaina, Maui for the last 30 years or so. And I am here to support the Kaua`ula Campground.

I'd like to share something that I sent that here to -- up to now has been invisible or inaudible. And what I mean by that is I think I have -- I could add to the solution or to add to the allaying of fears of a lot of people who are (inaudible).

I have been a part of a small local church in the last 20 years. And our -- our mission is to rehabilitate people. How we do that, we have outreaches, community outreaches, we have youth camps, we -- we invite people. They sign our invitation cards. After we get the cards, we go out and visit them. We have one-on-one talks. We follow up with phone calls. We invite them to our services. We pick them up in vans.

When they come into our services, they meet a kind of family there with open arms. And if they keep coming back, all of a sudden, they get this concept of ohana, of people that care about them.

We already know the problems they have. We know

their circumstances. But our mission is to rehabilitate, to instill confidence in people who are down, that they can change and they can make it and they can become an asset to the community rather than a perceived non-asset, if you will.

So I would say today that I am for the project. And I would ask you to consider this added dimension of helping to make people better, to have a better community, then you wouldn't have so much fear of people you can deem as being vagrant or less desirable.

I have personally dealt with drug addicts and mentored drug addicts, and broken marriages, children without parents who are in prison. And I am happy to give you an account of many wonderful stories that have come about.

Not all our stories have happy endings, but all I am asking you is give this program a chance. Thank you very much.

VICE-CHAIR TSAI: Thank you. Questions for the Commission? Seeing none. Okay. I have a list, pretty extensive list of testifiers here. And I am going to call your name, and please let me know whether you want to testify now or wait for the agenda item comes up. I have Marlene Kaahui.

MS. KAAHUI: Here.

VICE-CHAIR TSAI: Would you like to wait or you want to testify now?

MS. KAAHUI: I'll wait.

VICE-CHAIR TSAI: Okay. Anna Barbeau?

MS. BARBEAU: Is this going to be the first -- the first thing to testify for or against, is it going to be the Ho`omoana project? Is that the first thing?

VICE-CHAIR TSAI: That's our next agenda item. So you will have a chance to testify then, or you can choose to testify now.

MS. BARBEAU: I might as well go ahead and go. I didn't know if I had to sit through other ones and then wait.

VICE-CHAIR TSAI: Right. Just so you know, we're going to have a presentation first, then you get to testify for this particular item.

MS. BARBEAU: Oh. I'll wait. I'll look at the presentation.

MR. HOPPER: Oh, no, no, no. I am just saying if they want to wait.

VICE-CHAIR TSAI: Yeah. So you want to testify now?

MS. BARBEAU: Are you going to do a presentation, as you just said?

DIRECTOR SPENCE: Okay. The normal -- what we're

doing right now is we're following normal Planning Commission procedure. We -- the Planning Commission opens up public testimony as a courtesy to people who need to leave or they need to go to work, or whatever, but still offer them an opportunity to testify. People can testify on any agenda item at this time, but you only get to testify once. You can testify now on any agenda item, or if you -- as your name is called, you can -- you can say, no, I want to wait until the actual agenda item is called.

MS. BARBEAU: This is the agenda item that I am testifying about, but didn't you just mention there's going to be a presentation before?

DIRECTOR SPENCE: Yeah. Right now, we're just in public testimony.

MS. BARBEAU: Okay.

DIRECTOR SPENCE: Okay. We will go through each agenda item one at a time and there will be additional public testimony at that time. But you get to -- individual members of the public --

MS. BARBEAU: You'll call the names again?

DIRECTOR SPENCE: We will have additional testimony at that time. But everybody gets a chance to testify once.

MS. BARBEAU: Yes. So you -- after the presentation, you'll go ahead and call, in order, people who

have signed up for that particular agenda?

DIRECTOR SPENCE: That's correct.

MS. BARBEAU: Okay. I'll wait for the presentation. I am interested.

DIRECTOR SPENCE: Okay.

MS. BARBEAU: Thank you.

VICE-CHAIR TSAI: I have Linda McCarthy.

MS. McCARTHY: I'll wait.

VICE-CHAIR TSAI: Okay. Clark Johnson.

MR. JOHNSON: I'll wait.

VICE-CHAIR TSAI: Dan Dowdall.

MR. DOWDALL: I'll wait, also.

VICE-CHAIR TSAI: Dave Kelso, Keiso.

MR. KELSO: I'll wait.

VICE-CHAIR TSAI: Jason Schwartz.

MR. SCHWARTZ: I'll wait.

VICE-CHAIR TSAI: Kiana Amoreio.

MS. AMONCIO: It's Amoncio. And I'll wait.

VICE-CHAIR TSAI: Sorry. Joseph Rizzo.

MR. RIZZO: Yeah, that's me. I am going up.

VICE-CHAIR TSAI: Okay.

MR. RIZZO: Go on up there?

VICE-CHAIR TSAI: Yes, please.

MR. RIZZO: How are you doing? My name is Joseph Rizzo, R-I-Z-Z-O. I figure I might as well come up here

now.

Briefly, what I just wanted to say is that about a year and-a-half ago, actually, in January of 2014, I was in college at -- at the Maui College here, University of Hawaii, and doing pretty good. I -- I did everything I had to do to get in the school. I -- I got my tuition paid. Any kind of debts that I had, I had arranged to get pay -- payments for. And what happened is I got stuck outside. I got stuck outside, and it started raining. And it was bad rainy season, couple years ago. And I got wiped out. One night, I was camped out and the water actually came up from underneath me and destroyed my computer, my phone, my school books, and my papers, my tent, clothes, everything.

And I ended up not doing so well after that, got sick. Ended up going back to Chicago for the last year and-a-half. My family helped me out, get me healthy and (inaudible).

And I am back here. And I have made some friends while I was here, last time I was here. And Lisa Darcy is one of 'em. I've been working with her, helping her do research on this homeless thing.

And for me, you know, it's a good idea because, you know, I am trying to better myself. I am -- I used to be -- drink real heavy. I was a alcoholic at one time, heavily. I don't drink at all anymore. So -- and I am

trying to better myself and I am -- but I'm still having difficult times.

And my problem then was that I didn't have nowhere to go to stay out of the rain. And it nearly killed me, actually.

And, anyway, I think this is a good idea. You know, I'm into nursing, I'm into music, I'm into a few other things. Never know. I might be the guy in the emergency room that happens to have to take care of your grandson or your granddaughter some day. You never know, so -- maybe mother, who knows. So, you know -- and I'm -- you know, I'm back. I'm going to try to get back in school again. I gotta wait a year now because I've been gone a while now. I've gotta to have a year residency here.

That's all I wanted to say, you know. I think that's a good idea, what she's trying to do here, that can help a lot of the right people out. That's all.

VICE-CHAIR TSAI: Thank you. Questions from the Commission? Hold on, sir.

COMMISSIONER LAY: Joseph, one question.

VICE-CHAIR TSAI: Joseph.

COMMISSIONER LAY: Joseph, do you have a place to stay now?

MR. RIZZO: Right now, I'm staying at the shelter.

COMMISSIONER LAY: Okay.

MR. RIZZO: Ka Hale A Ke Ola right now. And I'm working on getting something a little better than that. That ain't exactly the best place in the world living with 29 other people under -- in one room.

COMMISSIONER LAY: How long can you stay at the shelter?

MR. RIZZO: I don't know. I guess they got programs there where you can stay a couple years, if you want.

COMMISSIONER LAY: Thank you.

MR. RIZZO: Yeah.

VICE-CHAIR TSAI: Okay. We have Deiter Lane.

MR. LANE: I'll wait.

VICE-CHAIR TSAI: Richard Siler.

MR. SILER: I'll wait.

VICE-CHAIR TSAI: Doug Wright.

MR. WRIGHT: I'll wait.

VICE-CHAIR TSAI: Deborah Wright.

MS. WRIGHT: I'll wait.

VICE-CHAIR TSAI: Rob Tarver.

MR. TARVER: I'll wait.

VICE-CHAIR TSAI: Cheryl Henderson.

MS. HENDERSON: I'll wait.

VICE-CHAIR TSAI: William -- I'm sorry, can't read if it's F or S.

MR. SOARES: I'll wait.

VICE-CHAIR TSAI: Thank you. Is it an S or F?

MR. SOARES: S.

VICE-CHAIR TSAI: Got it. Eugene Smith.

MR. SMITH: Wait.

VICE-CHAIR TSAI: Gordon Firestein.

MR. FIRESTEIN: I'll wait.

VICE-CHAIR TSAI: Rory Frampton.

MR. RORY FRAMPTON: I'll wait.

VICE-CHAIR TSAI: Nansy --

MS. PHLEGER: I'll wait.

VICE-CHAIR TSAI: Ted Loberg.

MR. LOBERG: I will wait.

VICE-CHAIR TSAI: Albert Dizon. You'll wait? Okay.

UNIDENTIFIED SPEAKER: No, no. He coming.

UNIDENTIFIED SPEAKER: No. He's testifying now.

VICE-CHAIR TSAI: Okay.

MR. DIZON: Aloha. Good morning. My name is Albert-Dall Dizon. I am a lifetime resident of Lahaina.

And I am not happy with this project you guys trying to build. We the family, especially me, malama the culture, the kupuna. Building one place over there, it ain't gonna be good for us, Lahaina.

65 years I live there, three years went to -- I

was in the Army. I'm a Vietnam vet.

Really one place like Olowalu in Lahaina. When they never build those things out there, the added tents, that place look like crap. Now you get this new stuff look like the new crap behind the old crap. I'm sorry. I am here to defend Lahaina, the culture.

The word Kaua`ula, brah, all that family live up there, every kupuna, the word Kaua`ula is sacred. It's not one word you guys can use for you guys' development. You know, you guys love -- you guys say you guys love Hawaii, but you use us only for (inaudible). After that, nothing. (Inaudible) Olowalu. (Inaudible) because the old camp is still shit, period.

I'm here to protect Lahaina. No way. I say no way this kine camp. Why? When they pau with the camp or run out of money, what gonna come next? You guys know they going put something else. They trying to push this. If no fast, they go another direction. That's what they're doing. The same players, different time.

We, the family of Kaua`ula, been here a long time. We know all the players. It's the same players, different time. You just don't get it. Over the 20 years, the same players doing the same thing. And they messing up Lahaina.

Why? I was born there. I know everything. I know every family, big family. I one of the big family in

Lahaina. So I'm here to protect the culture, the dignity of that place they call Kaua`ula and the sacred land of Moku`ula. That's the key, gentlemen, ladies. You guys talk about protection, it's the whole area we protect. And that's what the family do, the kuleana family live up there. We trying to protect for not take away what's not going to come back again. Never this gonna come back again. I know. I was here since the time the strike. I was carrying plate to lunch every day. I know what a struggle. I been without money. No money in pocket. You go watch, you go show, you go movies. No money. I been there. This not going to do good for Lahaina and not going to do good for my family. And gonna hurt the history and the culture of Lahaina. (Inaudible) in the past, and it's still in the past.

MS. TAKAYAMA-CORDEN: Three minutes.

MR. DIZON: That's the greatness of this land, Lahaina they call. Mahalo.

VICE-CHAIR TSAI: Thank you. Questions from the Commission? (Inaudible) Hoshiro.

UNIDENTIFIED SPEAKER: Hoshino.

VICE-CHAIR TSAI: Sorry. You're going to wait, ma'am?

UNIDENTIFIED SPEAKER: It's a he.

VICE-CHAIR TSAI: Oh, sorry.

MR. HOSHINO: Aloha. My name is (Inaudible)

Hoshino from Lahaina, Maui. I agree with my Uncle Albert Dizon. I no approve this project, yeah.

Living in Lahaina, you know, there's a lot of things that's came up, especially, you know, this -- this issue right here, Kaua`ula camping ground, you know. And you think about -- you look at the project, especially where the site is, yeah, 22 acres. And it's right next to the stream, yeah. So can you control, yeah, yeah, that amount of people there, yeah, because there's a lot of substance abuse here, yeah. And a lot of people throw all their stuffs right in the stream, yeah. What that's gonna cause, yeah, affect?

See, this is the thing that you guys don't think about, especially these Ho`omoana, yeah. That the problems that we facing today, yeah, like, for us, we know we have a big -- a lot of homeless is in here, yeah, in Hawaii, yeah. But creating something like this gonna cause impact for us. Especially for the next -- you know, next generation. Especially, for right now, that this issue might lead to other development as well.

That's the impact that I see for us. Because, you know, my grandfather work in the plantation, yeah. And they lived in a so-called -- we called it Lahaina Pump, yeah. Once that Pioneer Mill closed, yeah, they got rid of us. Yeah, they got rid of us. And years, nothing happened. Now

you guys like make a campground? No.

I don't approve this kine, yeah. So for me, yeah, I say aole to this. And mahalo.

VICE-CHAIR TSAI: Thank you. Questions from the Commission? Okay. Next one, we have Brian McCafferty.

DIRECTOR SPENCE: He went already.

VICE-CHAIR TSAI: Oh, he did. And Ke`eaumoku.

MR. KAPU: I'll wait.

VICE-CHAIR TSAI: Okay. Deborah Mader.

MS. MADER: I'm coming.

Aloha, Committee. Thank you for the opportunity.

I faced homelessness after one year of college because I was $17,000 in debt. So I can appreciate people trying to help those that don't have a house. However, in my situation, the problem was the system, the way that our -- the U.S. economy is set up, kids can't afford college. That put me in the position.

So on this particular project, I have several concerns. One of which is the word "for commercial use" that is part of the special permission that this group is trying to get to -- to carry forward this project. That makes me worried about how this is going to proceed. It may start off with one intention, but when the word "commercial" is in there, it -- seeing money exchanged or potential other projects, it might grow into, that, obviously, many people

from Lahaina don't agree with.

And I'm here speaking on behalf of some of my friends who couldn't get here today. They're working. They're mothers as well. I actually live Kihei side, but they asked me to come and, please, to voice their concerns about this project. They're very worried about it, very concerned about what it will grow into, straying far from the intention of just trying to help people bridge houselessness.

The other issue I just wanted to address, since I am from Kihei, if I may, is the megamall, downtown, city central, whatever you want to call it, as proposed in Kihei. I'm strongly opposed to it. We have a city center already. We have many storefronts that are vacant right now in Kihei and many opportunities for businesses to come and fill them without having to build a gigantic new mega center in Kihei. My family doesn't want to see Kihei go in that direction.

Mahalo.

VICE-CHAIR TSAI: Okay. Questions?

MS. MADER: Questions?

VICE-CHAIR TSAI: Yeah, we're good. All right. Yuki Lei Sugimura. Please identify yourself.

MS. SUGIMURA: My name is Yuki Lei Sugimura. And I am here today to testify to support the Krausz Company project in Kihei. I, right now, have, for the past 12

years, worked with the Krausz Company to do their marketing and promotions at the Piilani Village Shopping Center.

Some of you who are familiar with the project, like our previous speaker, know that a shopping center itself provides a lot of services for the community, with a great shopping center mall concept, with banks there, you can get your gas there at Minit Stop. You can also charge your electric vehicle there, they have a project partnership with JUMPSmartMaui, you can cut your hair there, you can do a lot of things there.

But I wanted to also tell you the things that goes on with their partnership for the community. I just got through -- I pulled some of the posters we did. We just pulled -- we just partnered with the shopping center and collected lots of back-to-school supplies for needy children. And we partnered with Queen Liliuokalani Children's Center. We've been doing this -- this project has been around through Senator Inouye's creation in 1998, and we still continue it even after his passing. So the shopping center does help -- also help Maui High School Band get to the Rose Bowl Parade, and did things like that, by having them perform at the center. So we continue to partner with the community to collect food, to do toys, you know, to do different things so that we can give back to the community.

And I think this is something that the Krausz company has instilled in me as I -- as I represent them and try to pull these events together. And I just wanted to share that this is -- this is part of the development project concept that's proposed to be built before you.

VICE-CHAIR TSAI: Thank you. Questions from the Commission? Thank you.

MS. SUGIMURA: Thank you.

VICE-CHAIR TSAI: Erin Lowenthal. Please identify yourself.

MS. LOWENTHAL: Sure. Good morning, Planning Commission Members. My name is Erin Lowenthal. And I am the Chief Executive Officer of Ka Hale A Ke Ola Homeless Resource Centers.

We operate two resource centers, one of which is located in the Lahaina, off Shaw Street. Currently, the Lahaina facility has a wait list of 150 individuals, including more than 60 children. All too often, I am forced with making a heart-wrenching task knowing -- turning away families in need of shelter, knowing that they'll end up sleeping on the beaches, on the streets or uncomfortably in cars.

I believe we, as a community, can do better. Ho`omoana's proposed project is a great first step. The proposed campground will provide safe and secure

transitional shelter and connect individuals and families with available resources. The initial small scope of the camp, in addition to its full-time site manager, gives me great confidence in its ability to succeed and thrive.

It's easy to talk about the problems facing our community, but what we need -- what we see here are a group of individuals committed to providing relief for our communities most vulnerable residents and actually taking action. I urge this Commission to allow this project to move forward and provide much needed relief to our community. Thank you.

VICE-CHAIR TSAI: Commissioner Robinson.

COMMISSIONER ROBINSON: Will you be around after the presentation if we ever want to call you back up for questions?

MS. LOWENTHAL: I would be more than happy to respond to questions, depending on how long this meeting goes. I don't know the --

COMMISSIONER ROBINSON: Thank you.

VICE-CHAIR TSAI: Yeah. Okay. Yeah, let's ask questions now.

COMMISSIONER ROBINSON: I want to see the presentation first.

MS. LOWENTHAL: I'll make myself available as a resource.

VICE-CHAIR TSAI: Well, I think it's our typical practice not to call people back. And so -- Commissioner Hedani.

COMMISSIONER HEDANI: I have a question for the testifier.

VICE-CHAIR TSAI: Yes, please.

COMMISSIONER HEDANI: As the Chief Executive of Ka Hale A Ke Ola Resource Center, for 160 people that you turn down, are there plans for expansion of your program in Lahaina or in Central Maui?

MS. LOWENTHAL: Currently, we do -- we have no plans to expand. We recognize the need for more resources. And, unfortunately, the funding has not been made available for us to do so.

COMMISSIONER HEDANI: Okay. So there are no plans at the current time?

MS. LOWENTHAL: No, sir.

VICE-CHAIR TSAI: Commissioner Robinson.

COMMISSIONER ROBINSON: How are you funded currently?

MS. LOWENTHAL: We receive a variety of funding sources, which include the County of Maui, the State of Hawaii and the Federal Government through the Housing and Urban Development Administration, HUD.

COMMISSIONER ROBINSON: And you say you have two

facilities in the Lahaina side?

MS. LOWENTHAL: We have two in total. One is located in Wailuku and the other one is located in Lahaina.

COMMISSIONER ROBINSON: On Shaw Street?

MS. LOWENTHAL: Off Shaw Street, correct.

COMMISSIONER ROBINSON: How large is that facility?

MS. LOWENTHAL: It is 32 dormitory beds, 24 studios and 24 two-bedrooms.

COMMISSIONER ROBINSON: Is it a-single story --

MS. LOWENTHAL: Yes.

COMMISSIONER ROBINSON: -- place? And what is your -- what is your annual budget right now?

MS. LOWENTHAL: We -- our annual budget is roughly $4 million.

COMMISSIONER ROBINSON: And how much would you need to double -- I mean, do you folks have a location that -- that you're able to move in if your budget grows, or you're not going to have a location because you go through your budget first and then you start looking for something.

MS. LOWENTHAL: We have a long-term lease on the land where we're located now. And the space that we have available in Lahaina does not provide any room for growth unless we were able to secure additional land.

COMMISSIONER ROBINSON: Okay. Thank you.

VICE-CHAIR TSAI: Commissioner Lay.

COMMISSIONER LAY: Erin, what are your greatest challenges with your facility and how do you deal with it?

MS. LOWENTHAL: My greatest challenge is really the lack of resources. We have an even longer wait list at our Wailuku facility. Everyone in this community recognizes we need to do more to really tackle the problem with homelessness and, yet, we have limited resources. And we see the resources that do exist dwindling.

Ideally, we really need more affordable rental housing built so that can I move people in my facility into permanent housing and really address those who are more chronically homeless.

VICE-CHAIR TSAI: Commissioner Lay.

COMMISSIONER LAY: I guess I have a question that relates to (inaudible). So with families, how are the children dealt with, with the families? Any education or is it just -- just wondering what the kids are -- with the homeless families, how they're dealt with.

MS. LOWENTHAL: Every child receives a children's case manager. And that children's case manager identifies issues that the children are facing, whether it be medical, education, development, et cetera. We also partner with other community resources to provide Head Start programs on site. And we do have a Head Start Program both in Lahaina

and at our Wailuku facilities.

VICE-CHAIR TSAI: Commissioner Lay.

COMMISSIONER LAY: Okay. With this -- with your program, do you see yourself in the future, not necessarily this one itself, but teaming up with them because of the facility that will be available to you?

MS. LOWENTHAL: Absolutely. We currently work very, very closely with Ho`omoana. They provide tremendous resources for many of our clients who are trying to dig themselves out of this situation by securing jobs, securing necessary clothing, resume skills, et cetera.

COMMISSIONER LAY: Thank you.

VICE-CHAIR TSAI: Commissioner Robinson.

COMMISSIONER ROBINSON: If I could give you one thing to help you service more people besides money, what would that be?

MS. LOWENTHAL: Affordable housing.

COMMISSIONER ROBINSON: Thank you.

VICE-CHAIR TSAI: Thank you.

MS. LOWENTHAL: All right. Thank you very much.

VICE-CHAIR TSAI: Yolanda Dizon.

MS. DIZON: I'll wait.

VICE-CHAIR TSAI: Okay. Lisa Wear.

MS. WEAR: Good morning, Council. And thank you for the attendance. Much larger than our initial meeting in

Olowalu, which I attended. And my name is Lisa Wear -- apologize -- W-E-A-R. I'm a Puamana resident and owner.

And I'd like to express, at first blush, I'm sure it appears, because I'm a resident owner, that my concerns are primarily about property values, security, and all the things that will be mentioned by discussion after the presentation. However, equally to that, and maybe more so, my point to speak this morning is that it's very clear that the locals and the Hawaiian natives primarily need to be respected and need to be heard. And I'm quite surprised, in these last few weeks, of the lack of support by that community. I really expected that that was -- that that group would be the most in support of this project.

The reason we don't know which way I'm really stating my case right now is because my heartstrings are pulled in all directions. I've seen this presentation. And the reason I wanted to speak first, before it, is to let you know that you're going to hear a very compelling and compassionate presentation that naturally opens the heart. And it's with good will from good people trying to do good things.

I would like to invite the Foundation, and particularly Mr. Martin, to please consider these funds or the personal efforts and volunteer that's already in place to still be working if this project does not pass, if it is

denied. I would like to see it evolve because, obviously, it's a great gift to the county, to the city, to the individuals, to proceed with some sort of assistance.

And I believe, obviously, there's a need for it. And as the good doctor and I have spoken -- just earlier, spoken that this problem will persist and will grow and will spiral larger. And I know individuals need the help. I just believe that there -- that the proposal on its merits currently, there might be a better way to do that and build a bridge.

Like I said, I would welcome the Foundation and Mr. Martin to please consider these funds still be offered in the appropriate means, whatever the Council or the individuals and the groups decide that they deem that that is. I would just hate to see it quashed as an all or nothing proposal.

And like I said, the presentation, I'm sure, has even probably been summarized since we've seen it at Olowalu. And it's very nice, it's very compelling. And I'd, in my life, like to pay it forward as well. And I get involved and I do so in different avenues. And this is one that I'm happy to be involved with at the appropriate means.

So it's, of course, up to all as a group. I just believe that we can build a bridge and find some sort of medium, not necessarily happy medium, of course. The best

answer is --

MS. TAKAYAMA-CORDEN: Three minutes.

MS. WEAR: -- and everybody is unhappy. So please consider whatever the result is that there are options instead of all or nothing, to maybe direct funds in an appropriate manner, in appropriate buildings or however it's effected. Thank you very much.

VICE-CHAIR TSAI: Okay. Thank you. All right. Tim Aubrey.

MR. AUBREY: I'll wait.

VICE-CHAIR TSAI: Sam Ahia.

UNIDENTIFIED SPEAKER: He already spoke.

VICE-CHAIR TSAI: Robert Harren.

MR. HASSON: What did you say the last name was?

VICE-CHAIR TSAI: I think it's H-A --

MR. HASSON: That's me. I'll go now. Aloha. I'm Robert Hasson. Thank you guys for giving me the opportunity to speak today.

I'm here as an objective person. I have no dog in this fight. I don't even live on the west side. I live on South Maui. But I read about this in the paper and it kind of got me scratching my head. And I ran it by my colleagues. I am in real estate, I work at the Wailea Group. And we all kind of looked at this and said it doesn't make any sense from a community planning standpoint.

It's a poor location.

I do, in a sense, applaud people who are trying to do the right thing, but -- do the right thing with good intentions, but there needs to be due diligence with this. It's been a week or two since people kind of got a chance to wrap their head around this. It seems like it's being escaped under the radar. It seems very political instead of looking at it from an economic standpoint.

So, yeah, I would caution everybody that this, to me, just from a unbiased objective standpoint, doesn't make any sense whatever, does make any sense just for site work alone. It's a poor location. You're doing it smack dab in the residential area. It's not urban. There's not a lot of social services around there. It's hot, you know, really hot in the summertime without AC.

Again, I'm all for a solution, we got to do something, but this is a bandaid, it's a temporary fix. It will do more harm than good. To me, just kind of common sense that the cons far outweigh the pros, but do I hope that we can work together to find something that would make sense. It's -- as part of the community, we do gotta do something to the problem, but just as a regular person, I don't get it.

But that's all I have. Thank you. Appreciate it.

VICE-CHAIR TSAI: Elaine -- oh, questions. Sorry.

Commissioner Hedani.

COMMISSIONER HEDANI: It's not a question for the testifier. Mr. Chairman, because we have so many people here to testify today and -- what I was wondering is if the Chair could request the testifiers to direct their comments to you as the Chairman of the Commission and that we request the audience not to applaud in support or against any testifiers, as a courtesy to people that are testifying.

VICE-CHAIR TSAI: Okay. Thank you, Commissioner Hedani. Duly noted. Okay. Elaine Aviles Fales.

MS. FALES: Aloha. My name is Elaine Aviles Fales. And I live just on the other side of the bypass (inaudible), my husband and I.

My concern with this -- and please note I have experience with one of our children who was unfortunate and dabbled in drugs and became an addict. Thank you to the Lord, after so many struggles, he's -- he's better, but it wasn't easy.

And back in the mainland, they have what is called SLE, sober living housing and transitional homes. Not tents. These homes are very controlled. It's a way to help the situation and not put a bandaid. And I think this project is putting a bandaid. We need to get to the problem and help fix it, not put a bandaid on it.

We hear the shelters. I think sometimes things

need to be really scrutinized. I heard four million allotted a year. I know they can say it's not enough, 4 million is not a lot, but I think one million of it can buy a home and a property and several families can live in there and share and work hard. In a lot of these families, they have all these talents of construction contractors, plumbers and everything. With the city giving them the rights to build an (inaudible). Still, these homes being owned by the shelters to control them, giving these people a chance.

Also, after so many days, they would have to pay to live there. Affordable living.

A bandaid doesn't work.

The location where they want this, there's no work there. You have the children living there currently fighting for jobs. It's located incorrectly.

I do think we need to respect the locals and listen to them, too. This is their land.

MS. TAKAYAMA-CORDEN: Three minutes.

VICE-CHAIR TSAI: Thank you.

MS. FALES: Thank you.

VICE-CHAIR TSAI: Any questions, Commission? None? Okay. Thank you, ma'am. Henry Vandervelde.

MR. VANDERVELDE: My name is Henry Vandervelde. I'm testifying on Item C.2, Arkles permit.

And I would like to say that I am in favor of this

permit. I live directly across the street. And he's a good neighbor. And they're a good community member. And I support the permit.

Thank you.

VICE-CHAIR TSAI: Questions? Thank you. George --

MR. KAIMIOLA: Kaimiola.

VICE-CHAIR TSAI: Oh.

MR. KAIMIOLA: Aloha. My name is George (Inaudible) Kaimiola. And I'm the office manager for (inaudible). We operate a leadership project based on Hawaiian principles, and we've got funded by the Administration for Native Americans. I'm here speaking as a public -- as a private citizen.

I did homeless outreach for six years with Family Life Center. And I've been to the homeless camps. I want to remind everybody about the sodomy that occurred in Lahaina, about the young man that got stabbed, I think it was 21 times, with 22 wounds because one went in and came out the other side.

I think that something like this could work. In Lahaina, I don't think so. Because they're too far from the services that are available. I think Spreckelsville would have been a better location when it was first proposed because it's more central. And as an outreach work, I will

be able to go there daily to help assist in providing the services.

Everybody is talking about bandaids and this and that. The wahine from Ka Hale A Ke Ola said that, you know, her heart melts when she's got to turn people away. My friend that worked there said, "Oh, George, you don't know how hard it was to turn people away." So I have an idea because I'm the guy that have to drive them to the beach afterwards. We can't tell them where to go, but say, "Where do you want to go," and we drop 'em off.

In the six years that I've worked there, the number one reason that I've come up with that people are homeless is because they don't access services. They become complacent after a while. They're comfortable. They like staying there. I think by giving them that out, they won't access the services.

I agree that affordable homes is the answer. I mean, you can't -- you can't find a house that accepts HUD anymore. Look in the newspaper. There's -- there aren't any left. We need more affordable rentals.

I would suggest that maybe you guys do what they call sheets and eats which is what Family Life Center does, which is a drop-in shelter, they come in for the evening, they have a meal and then they go out. The case manager there assesses them for substance abuse, assists them with

finding jobs.

Ho`omoana, by the way, helped a lot of people find work that worked at -- that stayed at the shelter at Family Life Center. So it is a community effort. They do mean well, but, unfortunately, sometimes like the little kid that assisted the butterfly out of its cocoon -- you know what happens when you assist the butterfly out of its cocoon? It doesn't squeeze all the liquid out of its wings and then it becomes deformed and can't fly.

So I appreciate the effort. I truly do. I know your heart's in the right place. We need solutions, but I don't think this is it.

MS. TAKAYAMA-CORDEN: Three minutes.

MR. KAIMIOLA: I don't think that by mixing transient visitors with the homeless population is a very good idea. So that's my mana`o. Take it for what it's worth. Throw it away if you want, but mahalo.

VICE-CHAIR TSAI: Thank you, George. Questions? Commissioner Robinson.

COMMISSIONER ROBINSON: George, nice shave.

MR. KAIMIOLA: Mahalo.

COMMISSIONER ROBINSON: So, George, what type of people you think would be visiting this campground with your experience on Front Street and 505, the veterans? You know, I know the veterans was a challenge over there, right,

across from the Moku`ula site. Are those the type of people that will using these type of facilities?

MR. KAIMIOLA: You know, I don't even know where the site's at, but if it's -- if it's in that area, oh, even more horrible. Sorry. I see -- I see transient populations. You know, there's a -- there's modern day hobos. They -- they travel here because they get Social Security and they party for a little while, then they go back to the states. Sometimes they get a free ticket here.

I asked this one guy, "How did you get here? Oh, I went to a mission and they sent me here." There's a guy that we called Chicago that came here because the parents sent him here because they didn't want to see him freeze to death in Chicago. So you might be inviting even more transients and even more homeless people.

If you looked at the statistics, homeless populations in the Continental U.S. dropped when, in Hawaii, it grows. Coincidence, I don't think so. They're moving here because it's nice and sunny. And who doesn't want to live in oceanfront property in Hawaii? I do. You know, but if I do that, I go camping and I'll just stay there for a week or so.

Yeah, that's the kind of people, I think. And there are services for veterans, there's the HUD-VASH voucher. Unfortunately, if they've got anything other than

an honorable discharge they become ineligible. So that's hard. That's really hard.

COMMISSIONER ROBINSON: Thank you.

VICE-CHAIR TSAI: Okay. Any other questions? All right.

MR. KAIMIOLA: Thank you for your time.

VICE-CHAIR TSAI: All right. Looks like public testimony is now closed. We're going to open the next agenda item, Public Hearing Number 1. So just keep the order that's going. We're going to hear the presentation first, then we're going to open up for public testimony again, and then we're going to hear about the Petitions to Intervene.

Mr. Wollenhaupt.

MR. WOLLENHAUPT: Good morning, Members of the Maui Planning Commission. And thank you to all of the people who showed up today for Item Number Conditional Permit 2014/0002 and State Land Use Special Permit 2014/0006.

The item in front of Maui Planning Commission today is the Matter in the Application of the Ho`omoana Foundation to obtain a Conditional Permit and a State Land Use Special Permit to allow the development of the campgrounds which, according to the applicant, would be focused on the transient/homeless/financially disadvantaged

population and the commercial camper on 7.9 acres on a 22.7-acre parcel located at Hokiokio Place and Lahaina Bypass Road at Maui Tax Map Key Number (2)4-7-003:031.

My name is Kurt Wollenhaupt. And I am from the Planning Department. I'll be giving a description of why we're here today, a factual outline of the project. As the Chairman of the Maui Planning Commission indicated, then there will be an opportunity for those people who wish to speak directly on this item to come before public testimony.

There has been a Petition to Intervene filed by the Pu`unoa Homeowners Association. That Petition to Intervene will have to be considered by the Planning Commission prior to any debate or discussion on the matter. Therefore, I am going to be noting what the project is about and the reason we're here today.

As indicated before, the matter does arise from an application for a Conditional Permit that was filed on August 22nd, 2014, and for a State Land Use Special Use Permit filed on June 10th, 2012, by the nonprofit Ho`omoana Foundation.

The applicant is proposing to set up and operate a campground, initially with eight camping pods, which will be separated by landscaping for privacy, including two restroom facilities with community showers and toilets, and a location for common trash collection. There would also be a

farm dwelling built that would have a manager on site 24/7 that would be determining an intake process for the campers.

In addition, there would be an agricultural area which would go along with the campground. That gives us pause today to note, well, what is the applicant actually applying for.

They're applying for two things. One is the State Land Use Special Use Permit. Why is that important? That's because this land is on agriculture land. According to Chapter 205 of the Hawaii Revised Statutes, a campground for overnight camping, which the applicant is proposing, requires a State Land Use Commission Special Use Permit. This body, the Maui Planning Commission, has final approval authority over this Special Use Permit. Therefore, that will be one of the permits to be reviewed in today's public hearing.

That is what the intervenors are intervening on, is the State Land Use Special Use Permit to allow overnight camping in a piece of land that is zoned agriculture by the State of Hawaii on land that is B rated. This is land B-87-I. All land in Hawaii, from a state perspective, is divided into five categories; A, B, C, D and E. Because this is on B-rated land, it does have to have a State Special Permit.

In addition, there would have to be, also, a

County Special Use Permit, but the Maui County Code does provide that if a State Special Use is required, that will suffice for the County Special Use.

So that's the reason that we're here today, for the State Special Use Permit.

Now, in addition, the applicant needs to apply for a Conditional Permit.

Just so the Members of the audience know the process, a Conditional Permit has final approval authority by the County Council. This body today, the Maui Planning Commission, will be advisory. Should they get to that point today, they will make a recommendation to approve or to deny, that will be sent up to the Maui County Council for a Conditional Permit.

Now, why -- why does this application for a campground need a Conditional Permit? Well, the Code is a bit arcane on this. And if you'll bear with me for a minute, the Code indicates that a camping unit, a camping unit -- now, that could be a tent, that could be a recreational vehicle, that could be a lean-to, but it could be a cabin -- a camping unit can only be used for six consecutive nights. So the applicant proposes that someone staying at the campground would use their camping unit for more than six consecutive nights. That is why this needs to be pushed up for a Conditional Permit at the Maui County

Council.

According to the applicant -- and there has been some discussion of this today -- the campground would serve two needs. That would be camping facilities for a recreational/commercial camper, anyone who would come for a holiday on Maui, someone who lives here and wishes to go camping. In addition there would be -- they would be allowed a campground that would be open to anyone, including the transient, the homeless, the financially disadvantaged population. Therefore, the moniker that has been used when we state "tent city" is not entirely correct. This is a campground. And the Department has to be reviewing this from the aspects of what a campground is, what a campground is defined as in the Maui County Code. And, therefore, the analysis looks at a campground that, in fact, may serve a variety of populations, but, nevertheless, it is a campground.

From speaking with the applicant and in looking at their review, the emphasis for their work with the transient population would be on what is called the situational transitional homeless person. Someone that is able and willing to help to take care of themselves as contrasted from the chronic homeless person. The applicant would go into this in more detail during their presentation.

As indicated before, the applicant does propose

that campers would have to agree to a significantly strict code of conduct. It's outlined in the Staff Report. And I won't go into all the details. However, it does indicate things such as no weapons would be allowed, no loud music would be allowed, personal hygiene, would have to be kept clean, campers would have to observe quiet hours. There would be a zero illicit drug policy. Visiting hours would be controlled. There would be a strict code of conduct.

As indicated before, this wouldn't just be a campground set up tomorrow, or whenever it may be approved. There would be significant infrastructure requirements from the applicant before any camper could possibly be here, such as security fencing, the construction of the camp manager's house that would have to be there 24/7. That construction and landscaping that would provide refuge from the heat. The Department would have to agree that the infrastructure was set in place before any campers could even go onto that property.

Since we do have many people in the audience today who might not be familiar, I will briefly run through the process.

The Special Use Permit that this body will be taking up really has to be reviewed against five criteria. The first was that the use will not be contrary to the objectives sought by the State Land Use Commission. The

second, the desired use would not adversely affect surrounding property. The third, use would not unreasonably burden public facilities with roads, streets, sewers, water, drainage. Fourth, unusual conditions, trends and needs have arisen since the district boundaries and rules were established for this area. And, finally, the land upon which the proposed use is sought is unsuited for the uses permitted within the district.

And I really can't emphasize enough, those are the five criteria from which this body will have to make its decision depending on the outcome of the Petition to Intervene.

The other item, which was the Conditional Permit, the Commission really needs to determine whether or not this use, while it -- is this use so substantially different from uses permitted in this use zone that the Commission could not recommend approval, or does it feel that this use is somewhat similar, related or compatible to other uses and it can make the decision to recommend approval on to the County Council.

That being said, I just wanted to finish up here as -- as the -- each of the parties and the Commissioners know, there has been considerable testimony that has been given. It has been reproduced and given to the Members of the Maui Planning Commission. Testimony has come in a

number of ways; it's come in through email, it's come in through an I-petition, there's been testimony on both sides of the matter.

And, finally, the item, as indicated before, just to clarify, is in the State Land Use District of Agriculture, the West Maui Community Plan Agriculture, the County Zoning Agricultural District. And it's not in the Special Management Area.

That would finish the factual report from the Department at this time.

VICE-CHAIR TSAI: Thank you, Kurt. Good job. Okay. We're going to open up the --

MR. HOPPER: Oh, here. There's no applicant presentation?

VICE-CHAIR TSAI: Is there an applicant presentation? Okay, yeah, we have the applicant to present.

MR. HOPPER: Just to note that I think we're going to take -- just to note briefly -- we're going to take a break in a second, sounds like, but just to note that the plan is to have the applicant presentation, the conclusion of the public testimony, and then a hearing on the Petition to Intervene. At the time of the Petition to Intervene, legal counsel for the Petitioners and the opposition will have an opportunity to address the Commission with arguments. So I just wanted to have that noted for the

record.

VICE-CHAIR TSAI: Thank you, Mike. So we're going to take a five-minute recess. Thank you.

(Recess, 10:41 a.m. to 10:49 a.m.)

VICE-CHAIR TSAI: Maui Planning Commission called back to order. We have a presentation from the applicant. Yes, please begin.

MR. DEAN FRAMPTON: Thank you, Commissioners, Members of the Planning Commission. My name is Dean Frampton, Frampton and Ward, assisting in the consulting on this project for the entitlement phase of the development of Kaua`ula Campground. I also have here up with me Ms. Lisa Darcy, Executive Director of the Ho`omoana Foundation.

You know, we are starting our presentation here. And we would like to start by saying we appreciate the compassionate testimony on both sides. I'd like to think that, with enough positive energy, we can tackle this problem with homelessness. And what we are hoping to present today is a small start on a large project -- on a large problem.

So I apologize, my -- I guess the laser pointer doesn't work on the screen. It works -- difficult to point out, but we'll try and walk through this presentation.

So most of you are familiar with the project location, but I'm just going to go through a couple of

items. TMK is 4-7-003:031 or a portion of that parcel. As Kurt noted, it's zoned agricultural by the State and the County. It's approximately 22.67 acres in size, total size.

The lower portions of the subject property are encumbered by the Lahaina Control Flood Project -- I'm just going to skip ahead here. The lower portions are encumbered, as I said, by the Lahaina Flood Control Project.

Approximately nine acres of the subject property is currently used as Kalee's Retirement Stables. And Stewart Farberow and his daughter Kalee started that. And I believe he can speak a little bit more to the history during the public testimony. But that covers nine acres of our ag.

And we're proposing the campground for the mauka portion of the property, approximately two acres. And that would include an additional about six acres that we could expand for additional ag use and put them together with the homeless -- or the transient camp and commercial camp.

So, again, I don't have my pointer, but, as you can see from the slide, in green, we have the project area. We have the Honoapiilani Highway running along the coastline. We have Puamana on the coast, Puamana Condominium. Just mauka of us we have the Pu`unoa Subdivision. And you can also see the Lahaina Bypass and Hokiokio Place that goes right along our southern boundary.

This is a blowup of the parcel in question, the

full property, the 22 acres. It's difficult to see the red line and the -- yeah, just the boundary. So Lisa is going to point out the boundary real quickly for me. And just the subject property, the red line going all the way across, yeah. That's going down the mauka side. That's the top, yeah, and along the stream. Okay. Thank you, Lisa.

So, Commissioners, you have a copy -- Commissioners have a copy of the site plan that we have developed. And just a couple things that we're going to note. And, again, most of this is in your Staff Report that Kurt's provided you with, but we're talking about commercial and resident campground.

We're talking about a maximum build-out of approximately 26 pods, which would include no more than 80 campers in total.

The project will also include restroom facilities, a common area for trash and recycling, a gravel parking area, a bike and a moped storage.

In addition, it would include a farm dwelling and a manager's residence, as has been noted, a barn.

The property would also be fenced for security. And that tends to be landscaped from the outside. Original landscape improvements on the internal portion of the property.

And the project would also include paving of the

median on Hokiokio Place right at the project driveway. So, right now, it's a swale, a drainage swale. So it will be paved in that portion.

In addition to the improvements that I just noted, potable and non-potable water meters are available for domestic and irrigation water use. A septic sewer system will be installed subject to approval by the Department of Health.

All drainage will be contained on site utilizing landscape drainage swales.

This was brought up a little earlier in the testimony. A very important part of the project to be noted is the archaeological resources. I would like to note that an inventory survey was completed for this project in about February of 2000.

Regarding the project area that we're discussing, that we're proposed -- where the proposed campground is, during that study, they didn't find significant resources, they didn't identify at that project area. That was due, primarily, to decades of intensive agriculture.

But the inventory survey did identify significant sites within and adjacent to the stream. And so, subsequently, a preservation plan was prepared and accepted, that essentially includes a buffer zone and a building setback. And it varies going all the way up the stream, up

mauka, but, for the most part, for our purposes of our discussion today, it's approximately 100 feet from the center of the stream or about 60 feet from the property boundary. Prior to any plan implementation, this will be verified with SHPD. And we would go through a formal review to get that approved.

So, again, this is kind of an overall map showing surrounding parcels. Again, on the makai side of the property, we have Puamana. On the mauka side, we have the Pu`unoa Subdivision. In blue, we have -- you can see the white -- it's difficult to see, but just above our project area are two blue parcels that are owned by the State of Hawaii. In fact, an additional one just to the north of it. And that was for expansion of the Lahaina Bypass. So we have a fairly wide project corridor immediately mauka of us.

What I'm going to do is just go through a series of photos. The first set of photos are at Honoapiilani Highway and the Hokiokio Place intersection. And then we'll take -- we'll go up, a little bit up Hokiokio, and then look down on the property from the bypass, Hokio -- Hokiokio Place intersection.

So this is looking back towards -- looking south. You can see the intersection there. Pointing out, just worth noting, that we have a thick vegetative landscaping along the highway, on both sides of the road, but primarily

the mauka one generally -- generally blocks views mauka. In addition to the drainage control project that -- so there's not a lot of mauka views in this area with the exception of the intersection gap.

This is same spot looking north. Again, you'll see landscaping, thick landscaping, on both sides of the road. And we have a thick landscape down the mauka side in particular. So this is looking up that -- kind of that snapshot of Hokiokio Place corridor. Without the pointer, it's hard -- it's hard to clarify, but, basically, above that Toyota truck is where the farm -- or where the campground would be located.

So I'm just going to take another photo. This is from what would be the proposed project driveway. You see there's a swale in the foreground here and there's a little gravel area. That's where it would be paved for a median to cross, cross lanes. In the background, you can see there's a large -- it's about a 40-foot embankment and it's -- that's on -- the bypass is on top of the embankment. So we -- our project would abut up to the base of that embankment in most cases.

So, again, this is Hokiokio bypass intersection looking makai. You can see the bypass going off to the north. And I'm going to just -- where those blue parcels are right now, we're going to be looking from the bypass

looking down at this point. So this is -- this would be the southern extent, if you will. Just looking down on the property, you can see there's a very significant topographical difference between the lower camp area and the -- and the bypass highway. And the point we would make is, at least from the bypass highway, most of this -- most of the campground would be obscured.

Again, this is looking down. In the foreground is a large -- is a large drainage basin from the State Department of Transportation.

This is looking makai in the vicinity of closer to the stream, the edge of the property. And I want to put a very crude overlay, but that's not to scale, but that's essentially the campground area that we're talking about. So you've got the property there. And this is what we're talking about, generally.

This is a view from the bypass in the middle of the property, the middle of the proposed campground, looking makai. So, again, I'm on the -- on the northbound lane, so I'm on the mauka side of it. But even on the makai lane, it's still -- you have a hard time even seeing the coconut trees above Puamana down in that area. So the point being, from the highway, this proposed campground would be largely out of view.

From that point that I was just at, I turned

around and took some photos looking mauka. We have -- we have two five-acre parcels that abut each other. And then, beyond that, we have the Pu`unoa residential sub -- or agricultural subdivision. Again, this is closer to the stream, a little bit more north, looking up at the Pu`unoa agricultural lots.

That's -- that's the entrance to Pu`unoa, which is just mauka of our -- of the bypass on Hokiokio intersection.

We had a rendering done. It's -- it was done up by a landscape architect. And this is to be illustrative to indicate what this property would look like fully landscaped. It is, obviously, Photo-shopped and represents the best case scenario of what we would like to have at full build-out. But that would be a landscaped wall, mature trees on the inside. And you can see the coconut trees from the driveway that would line the -- line the entrance.

So, at this point, I am going to ask Lisa Darcy just to kind of talk a little bit through what Ho`omoana's role in this application would be.

MS. DARCY: Thank you, Dean.

Thank you, Commission. I didn't realize you weren't paid. So I just want to say wow and thank you. And everybody in the audience who is here to discuss this, I have deep appreciation for it.

My name is Lisa Darcy. And I'm the Executive

Director at Ho`omoana. I've been working with people in need for about 25 years. So to have this audience is really -- I'm really humbled and grateful by it. So thank you. It's not a very popular topic.

So Kaho`ohalahala Campground, our primary objective is that we believe that having a safe place to live, to be employed are essential -- very essential to regaining a higher quality of life.

The camp available -- will be available for commercial users and local residents who are struggling with permanent housing. In terms of local residents who may stay stronger than the -- than the commercial camper, essentially that they are willing and able, and mentally, to help themselves.

So there's been a lot of discussion about like a tent city. That was never part of our proposal. Our proposal is really a very small group of people who are really able to kind of get themselves up and going. So I just want to make sure that's clear.

We have quite a few affiliations. And I'm a member of the Maui Homeless Alliance and a participant on the State Homeless Task Force, chaired by Senator Chun Oakland. She's amazing. And participates -- I participate monthly on Oahu Advocacy team meetings.

Ho`omoana organized and sponsored two community

forums to educate residents and organizations on the complexities of being unsheltered in Maui County. And very honored. And Ho`omoana was asked by the Governor's Office to join the Hawaii Public Housing Authority. And that meets monthly in Honolulu.

We've had some achievements. We've had about 643 applicants. And of those, we've been able to assist about 540.

We have a varied type of assistance. Sometimes we can help out with security deposits and rent. We've had 96 people we've been able to assist with that. We also work closely with Family Life Center and Ka Hale A Ke Ola. If we can't assist (inaudible), we make sure they get connected to one of those.

We purchased and initiated service for mobile phones. It's a very important item for people to have.

We've created 311 resumes. And I estimate my job coaching hours to be over 800 hours. Number of jobs obtained is estimated about 100. I don't always know because sometimes people go off and work and are busy and I don't know what is happening. So --

This is really important for people to understand in going forward, part of our conversation, is that there are categories of need.

There are situational transitional. And those

could be anybody who may have lost a job, someone whose house burned down, had a decrease in income, someone fleeing a relationship where you just need to get back on your feet. This includes financial disruptions such as bankruptcy and whereby the individual must start over.

There's, also, cyclical and episodic. This is periods of instability and stability along with -- I'm sorry. And these are individuals who are able to maintain -- or you might have actually some sobriety challenges -- I'm having a microphone challenge -- and may have an occasional relapse. That could be one week, that could be four years. There's no telling. It just depends on the individual.

Mental health issues fall into this category as well at times. And sometimes they're in remission and people are well for long periods of time. Sometimes they might not, they might need the help.

Then there's the chronic. And this is what, I think, somehow got mixed up with our proposal. Chronic individuals are the third and most severe category of need. And they're often the most visible. These are the individuals who have untreated substance abuse challenges, they have persistent mental health issues that are untreated, and they really have had their life decompensate to the point where they're really not functional within the

community.

So who can we help? This proposal, Kaua`ula Campground, is designed to assist the situational and transitional residents in our community. At times, we may be able to assist cyclical or episodic. And, generally, I don't think that's going to be anything we're going to be able to help with. We're definitely not going to be able to assist with the chronic. And that's way beyond our ability.

In terms of local residents who may stay longer than the commercial camper, essentially that they are willing, again, and able and physically mentally able to be a part of this developing community and to help themself.

We've put a lot of time into the design. We are definitely going to have a full-time camp manager or managers. So there will be a 24-hour individual on site.

Initially, we're going to start very small. We are not interested in trying to tackle this entire issue. We cannot. Everyone in this room knows every one of us has to chip in one little piece. This is a little piece we're trying to chip in. It's going to start with eight camping pods and develop incrementally based upon success.

We will have showers, we'll have laundry, we'll have bathrooms. Everything everybody in the community is asking for, which are not readily available to individuals.

We're going to also make sure that people have the

ability to charge their electronics so they can stay connected, if they have a job interview, if their phone -- any of that, we're going to have that available.

It's going to be professionally landscaped. The surroundings will definitely improve, you can see the current land presence, and include a farming community. This is very important, to develop a sense of community.

All applications will be screened and individually selected. And every resident and every commercial camper will have to -- they'll have to adhere to our established code of conduct.

The campground will not operate on a first-come, first-serve basis. We know we will not be able to assist everybody.

And the length of stay is temporary. It's up to the discretion of the camp manager, but our goal is two to four months. It's a big goal. We know that.

Ho`omoana Foundation support. So as the Executive Director and the I'll-do-whatever-you-need person, I will be providing regular on-site support for campground residents in need of life skills and support. And that includes resident preparation, interviewing, identifying permanent housing opportunities, links to the public and private.

And I am extraordinarily flexible. I meet people when and where they need to be met. I don't say, woop,

lunchtime. Lunch is an option for me sometimes. I will be there, I will help, I'm available.

This is really important. Somehow, a picture got out, that got circulated, of all these people in a row. We're not going to have people in a row. We are going to have a small type of little private spot. This is an example of a typical pod concept. It's very important that people see this and understand we are not lining people up.

Here is a view where you can see several different pods. So you're neighboring. There's a little bit of privacy. This is -- this is what we're aiming to accomplish.

Here's a couple more views that, you know, will use natural landscaping. We'll have (inaudible) picnic table, (inaudible).

So the bottom line is we are asking for everyone to understand that we know the complexity and the current community needs. And we're in crisis. We want to present some solutions to unsheltered individuals. We believe everyone needs an opportunity, beginning with a safe place to sleep. If everybody in this room had to sleep in their car last night or had to sleep on the beach and come in here to present, you know that would be a big challenge. You have to have a safe place to sleep.

We believe that the campground will give residents

who are willing and able to help themselves a chance to succeed. And I've seen people succeed. It does happen. And we're asking you to give us this tiny little chance to succeed.

Thank you so much for being here. I really appreciate it.

VICE-CHAIR TSAI: Thank you. Okay. We're going to open the floor back up for public testimony. And to speed up the process here, I'm going to call your names in order. So if you can make yourself available in line there, so we can get this thing going. First, I have Marlene, then followed by Linda McCarthy, followed by Clark Johnson, Dan Dowdall. Okay. Marlene, please, Kaahui.

UNIDENTIFIED SPEAKER: Marlene went to move her car. When she first signed up, Anna Barbeau was right in back of her in signature. And I asked if I could wait until after the presentation.

VICE-CHAIR TSAI: Okay. Go ahead, Anna, you can start.

MS. BARBEAU: Thank you.

VICE-CHAIR TSAI: And then, please, Linda McCarthy and then Clark Johnson.

MS. BARBEAU: That was a nice presentation. Here's the thing -- my name is --

VICE-CHAIR TSAI: Please identify yourself.

MS. BARBEAU: My name is Anna Barbeau, I'm a 48-year resident of Lahaina -- or of Maui, seven years in Lahaina. And I love this land.

Here's the problem with this proposition: Those with residences -- without residences are constantly being sent to Maui. These are not mostly our own Hawaii residents that have this homeless situation. The majority are from the mainland, that are being sent here on a one-way ticket from Oregon, West Coast, California, Washington, and some from Oahu.

Living in Lahaina, tutoring kids -- I'm a 20-year retired DOE person, I have private tutoring -- and I see kids in fear when they go by parks and there's all these guys laying in the parks, alcohol bottles all over the place. I approach and ask them, I say, "You know, there's places you can get help, there's a Salvation Army, there's up above the aquatic center." And they, "No. We can't party." These guys are from the mainland. They're not our own people. Well, I'm not local, but I lived here for a while.

Anyway, they're being sent here on a one-way ticket to take advantage of our social services as in their own areas it's been tapped out. And they're being sent by their own social services from the West Coast. The majority are single, who will not comply with the rules of non drugs

and alcohol in establishments that are already in place.

And for example, when I go across the street -- I live (inaudible) apartments. When I go across the street to walk in the beach, I take a bag and I pick up rubbish. And I picked up this card. And I was going to drop it in the mailbox and let it go back to its owner. Well, it's a syringe -- a needle exchange program card from San Diego. Now I can't walk on the beach barefoot. I wear slippers. I don't want to get poked by a needle.

There are guys camping in the -- in the graveyard, all up and down the beach, just like that, leaving rubbish and trash. That's just one small little kine.

Now, this proposal meaning well, but wrong place. And I'm sorry, it's just going to enable a greater influx, encouraging others. In fact, I've spoken to people that say, wow, if this happens, I'm going to move out and go live there, save some money. And they're already in an apartment or a dwelling. Build it and they will come.

Now, Peter Martin, if you need the tax break, I've got some solutions. Agricultural land. Oh, my goodness. Or you could donate the property and start building pods for educational purposes for residents that will not go on to college after they get out of high school. Pods for hands-on, mechanics, carpenters, electrical. Get a big tax break. You know foundations and charities will go flock to

that so they have their name on top.

MS. TAKAYAMA-CORDEN: Three minutes.

MS. BARBEAU: I'm sorry. Hold on.

VICE-CHAIR TSAI: Please conclude, ma'am.

MS. BARBEAU: Okay. Hold on. You can donate the land for that purpose. You make like a Hawaiiana type, so people can come in, look at mango groves, et cetera. And that will create jobs. Agricultural land. Or this cutting edge, it's in the process right now, hemp. Good building material. Doesn't take water or people to take care of it.

Okay. So here's my wrap-up: You can enable a listless lifestyle or you can elevate through educational pods, see the big picture. You know, you can either be vilified or admired, you know. What's your legacy going to be?

Thank you --

VICE-CHAIR TSAI: Ma'am --

MS. BARBEAU: -- very much.

VICE-CHAIR TSAI: -- thank you.

MS. BARBEAU: Questions? Yes, sir.

VICE-CHAIR TSAI: Commissioner Hedani.

COMMISSIONER HEDANI: Mr. Chairman, you know, if we have 100 people that want to testify today, and we give each person three minutes, that's 300 minutes. Divided by 60 minutes, that's five hours of testimony. So can we have

the testifiers restrict their comments to three minutes?

MS. BARBEAU: I apologize. I was here since 8:00.

VICE-CHAIR TSAI: Thank you. Yes, please. So we have -- yeah, is Marlene back?

UNIDENTIFIED SPEAKER: I don't see her.

VICE-CHAIR TSAI: So we have Clark Johnson followed by Dan Dowdall. Please be ready. And identify yourself, you got three minutes.

MR. JOHNSON: Good morning, Council -- Committee. My name is Clark Johnson. I'm very concerned about the homeless problem in the United States, especially on Maui.

One-and-a-half years ago, I was homeless. That was not easy. I'm the exception to the general problem of people not wanting to participate.

Hopefully, Ho`omoana Foundation will screen the people carefully, will -- will get the people to move back -- forwards in lives.

I was an individual that had the opportunity to move forward. I now reside in a group home. I'm getting treatment for my certain challenges I face. I'm a responsible citizen. No, I do not do drugs. I do responsible recovery, moving forward with my life.

My story doesn't end there. I am going back to school this fall to be a -- even more of a productive citizen. My goal is to work in this community, to be an

outstanding example. I appreciate the opportunity to begin again with Mental Health Kokua.

Yes, people have challenges, but I am one of the role models for moving forward with my life. And I think if we are very careful and we select people from certain criteria and we have it in the right neighborhood, we can move forward.

We need to respect the land, too. And I have confidence that this chamber -- this committee will pick carefully, but will also take responsibility. And the Ho`omoana Foundation, yes, that they will screen their applicants and they will move forward and do the right thing.

Secondly -- excuse me for a second. You've heard my story. We're talking about people's brothers, sisters, aunts, uncles, mothers, fathers. We need to take care of our ohana.

Thank you and mahalo. Aloha.

VICE-CHAIR TSAI: So following, we have Dan Dowdall and Dave Kelso.

UNIDENTIFIED SPEAKER: You're skipping over people like --

MS. McCARTHY: Yeah. I'm Linda McCarthy.

VICE-CHAIR TSAI: Okay. Please come up, ma'am. Then we have Dan and, also, Dave. Please be ready.

MS. McCARTHY: Hi. My name is Linda McCarthy and I live in Lahaina.

And this is such a tough subject, but I think everybody in this room, their heart is in the right place.

And so I just want to add that there is a similar facility, the resource center in Lahaina. There's also the (inaudible), Salvation Army. And there's a -- a 40-person dorm there with 48 family apartments. And it seems like that an actual building more centrally located, nearer to medical services and public transportation would be more appropriate to help the homeless and people in transitional periods of their life. Expanding this building that's -- where a place already exists makes a lot more sense. This is a really bad location.

And, again, I think it would be a win-win for everybody if we all work together just a bad idea. So thank you.

MR. DOWDALL: Good morning. My name is Dan Dowdall. Thank you, Commission, for the opportunity. I live in Lahaina area, also.

And, of course, it's a good idea. We have to do something to address the homeless issue. Personally, though, I don't think this is the correct location for it due to services, kuleana land issues.

I don't know about the idea of -- myself, if I

were a recreational camper, I'm not going to be camping next to a homeless guy. I don't care. So I don't think that idea works.

But the idea, of course, of the homeless facility is good. I just don't think it's a good location given the fact that it's a dry, hot, dusty area far away from services for the people who need it the most.

Thank you.

VICE-CHAIR TSAI: Thank you. And, also, have Jason Schwartz after.

MR. KELSO: Good morning, gentlemen. My name's Dave Kelso. I live in Makila Plantation, which is right -- backs up to Pu`unoa. And I've been here for about a year and-a-half, came from San Diego. Another beautiful place.

I had a big concern with this in that I worked in the fire department for 36 years, and we had kind of a similar situation in Balboa Park. I don't know if a lot of you know about Balboa Park, but it's a beautiful park.

And about a decade and-a-half ago, they proposed a similar situation, but it wasn't a pod, it was for camping for vacationers and, also, for whoever wanted to use it, locals and so forth. And they had a restriction on days that you could use the campsite.

As time went on, less vacationers used the facilities. One of the reasons was a little bit more crime

in the -- in the area. We started responding a lot more to the area, police department with us. And pretty much, after about two and-a-half years, it was taken off the board. They closed it up and said that's it. So I kind of have a concern with this.

Another thing that they brought up was 26 pods, 80 people, kind of, as a total. I did a little math. And a lot of homeless people, as has been brought up, they have families, they have children. Well, if you put three people in a pod, you're running out of people. And I don't know of too many homeless families that don't have quite a few children, or more than a mom and a dad and one child. So the numbers, to me, don't fit.

And then, also, now you have an issue with commercial use. If you use the pods for your 80 people, some way, it just doesn't work out that you're going to have commercial people in that area.

And, again, when the gentleman was talking about is there issues, the big one is, is you've got multi-million-dollar homes all the way around this proposal. I think that affects it.

Is there another campsite in the area? I don't see other campsites other than somebody along the stream that's homeless.

And the big thing I had kind of a concern was

that -- when the gentleman was talking about how he was going to have the vegetation and the bypass couldn't see this and --

MS. TAKAYAMA-CORDEN: Three minutes.

MR. DOWDALL: They're almost trying to hide this thing. Well, if it's so nice, why are we trying to hide it? Thank you very much for your time.

VICE-CHAIR TSAI: Thank you. We have Kiana Amoncio after Jason. Are you -- I'm sorry. Are you Jason?

MR. SCHWARTZ: I'm Jason.

VICE-CHAIR TSAI: Yeah. Would you please come first? I'm sorry. And then Kiana.

MR. SCHWARTZ: Good morning. My name is Jason Schwartz. I am here for one reason, because I know homeless people. And I know that I could be homeless if it wasn't that someone in the community reached out when I was in challenge and helped. And I came because I know Lisa Darcy and I saw the good that she's been doing, all the work that she's been doing.

As far as this location, I can see the, you know, fear and danger and property values. I think this issue is getting bigger and bigger. And these pods are going to be everywhere. And I don't know if anyplace is going to be the appropriate place. The old NIMBY problem, not in my back yard.

I'm representing a 9,000-square-foot house Upcountry where I live in, has nine bedrooms, but the owner's not ready to -- someone tried to buy it, but they knew that the community would stand in the way, thinking that they didn't somehow trust the people would screen people to stop the problems.

So I know there's all kinds of issues, but I think we have to really look at this.

I do a lot of stuff at Akaku. And I am negotiating getting a time slot because housing and homelessness are the two issues. Erin from the shelter said it the most clear, we need affordable housing. We need somehow to expand the rules to create some kind of housing.

Camping is something that I don't really feel too close to. If I was homeless, I'm not sure if I would be camping. But I do know that there are a lot of people that really need help.

And so please give careful consideration here. And I hope that the homeowners know that Lisa Darcy and the group that I know are very careful at what they do. It's not gonna be random light-level screening. And it's going to start, and if it doesn't work, kill it.

Thank you.

VICE-CHAIR TSAI: Thank you.

MR. SCHWARTZ: Questions?

VICE-CHAIR TSAI: Thank you. And we have Deiter Lane after.

MS. AMONCIO: Good morning. My name is Kiana Amoncio. And I've been a resident of Hawaii for about 29 years, 15 in Oahu and 14 on Maui. And, unfortunately, I -- I struggle with a mental illness, so I experienced homelessness firsthand. Not for a long period of time. But what saved me was family and friends.

And I think what Lisa Darcy and Peter Martin are trying to do in Ho`omoana Foundation is a great asset to this community.

I hear a lot of people giving opinions and negativity and positivity, but who is actually going to take action with what's -- with the issue of homelessness. And Ho`omoana's on the front lines for homelessness and making a difference and putting an effort, and not just sitting down at the desk and saying all these problems and not doing anything about it. They're trying to make change in the world, starting with our family islands here in Oahu and -- I'm sorry -- on Maui.

And so I do support this -- this camp. And I believe that if it wasn't for family and friends that I would be homeless right now. And if I knew that there was a facility that I could stay at for about $10 a day, I would -- you know, I would really appreciate that. And, you

know, let's -- let's try to do something about this homelessness problem.

And I just thank you for this time. Mahalo.

VICE-CHAIR TSAI: Thank you. We have Richard Siler after. Sir, please come up.

MR. LANE: Good morning. My name is Deiter Lane. I'm a property owner in Pu`unoa near the proposed campground. My wife is president of the Pu`unoa Homeowners Association.

The first public meeting with the community that I'm aware of concerning the Ho`omoana Foundation's (Inaudible) -- sorry, I'm slaughtering the words -- application for a campground was not held until July 14, 2015, right before the opportunity to intervene expired. This gave us hardly any time to get with counsel and try to be able to bring something to this Commission. I'm sure the timing was no accident, but time should be given to the community to make inquiries, to further investigate the application.

Although the applicant calls his campground a service intended to benefit the broader community, it has wholly failed to really seek the input and incorporate comments and concerns from the adjoining property owners. Explaining -- explain this temporary project and how eight campsites for the homeless and/or commercial use will

accomplish anything, especially based on the lack of the Foundation's past experience with housing.

In their PowerPoint presentation, they showed they only have done resumes and other nonresidential type services, or demonstrate why, other than as a matter of convenience for the applicant, that this project is at all appropriate in an agriculturally-zoned area outside the main town of Lahaina.

The applicant pushes that it has rules that will be -- keep the camp in order. What if someone breaks the rules and is ordered out of camp and won't leave, what happens? Do you go to court? If there is a problem, this camp is outside Lahaina, and the wait for police could be considerable. In the Staff Report the police have expressed a lot of concern about this camp.

There are no general public services in the area. And all the conditions are extremely arid.

I just want to say that everybody needs to get together and help the homeless. And this is just not the right solution. Mixing commercial campers and resident and transitional campers doesn't seem like a good mix to me.

And I please ask that you consider denying this request. Thank you.

VICE-CHAIR TSAI: Thank you. We have Richard, and followed by Doug Wright and then Deborah Wright.

MS. WRIGHT: Just for the record, I'm here on the intervention. So I'll be speaking later. That's Deborah Wright.

VICE-CHAIR TSAI: Okay.

MR. SILER: Good morning. My name is Richard Siler. I'm a resident in Lahaina. Thank you to the Commission for hearing, I think, all the views being expressed today.

I want to mention that this issue, you know, has a lot and has evoked a lot of emotion on both sides. But I think rather than talking in emotional terms, the Commission is here to look at the impact and the validity of a feasible proposal, whether that is feasible. Look at the merits of the plan, look at the discussion around the plan and you have to determine based on the facts as to whether it creates adverse impact to the surrounding community, as to whether there is no additional public resource that is encumbered by this.

Just to put it in context, I volunteered with a lot of nonprofit organizations. I have worked to build houses with Habitat for Humanity. I have worked with Salvation Army and supported Feed My Sheep, Cup of Cold Water. I have, myself, supported homeless and counseled with drug-addicted and mentally ill individuals for a long time.

So emotion aside, as a resident in Lahaina, I strongly oppose the proposal. And I'll tell you why. I think that Ho`omoana's Foundation seeking this Special Use Permit to construct a tent facility, no matter what you call it, whether it is a temporary tent facility, it's not affordable housing. It's decorations on a tent.

This is at the intersection of Honoapiilani, Hokiokio and the bypass. Let's think about that from a common sense standpoint. You're putting children, you're putting families, you're asking people to leave things and belongings and cook outside and be in an environment which is extremely dry. We've had a lot of grass fires over there, you don't think the Fire Department is going to be imposed upon, the police would be imposed upon?

You know, asking the homeless to live in temporary structures like that without AC, I don't see that as compassionate. I really don't. I think the homeless do need compassionate solutions. And we're talking solutions, not quick fix or -- you know, we need appropriate functional solutions. Counseling, yes. Job placement, sure.

Peter Martin's facility there in Olowalu, great place to stage a job center, counseling center, opportunity next to existing camping facilities for these people to go to. Provide transportation. There's no good resource here for social services, the first response in case of an issue.

Additionally, the location is going to cause some traffic problems. I believe these are highly traveled areas. Whether it's campers, the homeless or the unintended visitor --

MS. TAKAYAMA-CORDEN: Three minutes.

MR. SILER: -- peers and family members that will be adversely affected. I ask the permit be denied.

Thank you.

VICE-CHAIR TSAI: Thank you. Doug Wright followed by Rob Tarver.

MR. WRIGHT: Good morning, Commission Members. It's still morning. I just checked, just to make sure. I'm an attorney for Pu`unoa, but it's unclear if the intervention is going to be allowed. So I'd like to take a few minutes just to give a perspective on this.

Listening to Ms. Darcy's presentation, this is an emotional issue about homeless. And that's the way it's been phrased, but, to put it in perspective, this is a Special Use Permit and a Conditional Permit which is being requested of this Commission to allow up to 80 people, plus a resident manager building, on about 2.9 acres of land, in an agriculturally-zoned area. That's why we're here. It's because we're asking to change the rules for the agricultural zoning.

Now, I understand that homelessness is a

terrifying topic for anyone to consider. The reasons or causes for a family's homelessness, or any individual, may vary. And the ability to help often seems daunting.

Maui is filled with compassionate, sympathetic, caring people. We've seen that today on both sides. The Lahaina neighbors are no exception. To paint them, as one individual did, as a NIMBY is really quite disrespectful of the valid concerns that have been raised by any number of people here today.

And these aren't concerns just that people are inventing. These are well-publicized concerns that are raised in the news media, that are in statistics that are widely available.

And although the challenge to provide homelessness is a difficult task, it's been pretty well recognized and presented by everybody that the answer would be more in the tune of affordable housing. This is not housing. This is an agriculturally-zoned property.

Ms. Darcy suggested that they were going to have a working farming community. That wasn't part of the plan. It's not part of any plan that's been submitted to the Planning Department or this Commission. An agricultural zoning does allow a farming community with housing that is appurtenant, workers' housing to supplement the farm. That's not what is being suggested here. But, instead, the

Commission is being asked to change the rules.

I question whether or not this Commission really does have the authority to issue a Special Use Permit. It's been phrased that the exemption for 15 acres or less for the land use area means that this Commission has the final word. I think that's taking for granted the fact that the parcel is 22 acres in size. The applicant has touted the fact that there's another working farm of nine acres in size which satisfies the agricultural component. You can't isolate. I'm not aware of any rules, at least, where you can isolate issuing a permit for part of this parcel. You know, this is a 22-acre parcel. I believe the Special Use Permit would be required to be obtained from the State Land Use Commission.

Now, what is truly before you is the Conditional Permit. And I heard Kurt -- and I apologize, Kurt, I can't -- I never quite got your last name or the ability to pronounce it, so I will say Kurt -- discuss what the criteria for the Conditional Permit might be. And there are some significant criteria for that.

MS. TAKAYAMA-CORDEN: Three minutes.

MR. WRIGHT: Please deny the permit here today, the Conditional Permit that would be otherwise requested. I ask you to review those terms in the Maui County Code ordinance for yourselves to see what that actual language says. It's not exactly, I don't believe, as represented by

Kurt.

Thank you.

VICE-CHAIR TSAI: Thank you. Rob Tarver. We have Cheryl Henderson, followed by William Soares. Please.

MS. HENDERSON: My name is Cheryl Henderson. And I live in Lahaina. My husband and I volunteer at the Resource Center and serve dinner there twice a month. They are doing a fantastic job. And I really don't see this campground for eight people. That's less than a drop in the bucket. I would think that the money could be spent so much better to add to the Resource Center and make that a better project. It's already working.

And I don't think that this campground, at such a busy intersection, as you enter Lahaina, is really what we want on the welcome wagon door side. It's -- it is literally by the city limits.

So many other people have said mixing commercial and the homeless seems silly. I don't see that working. It clearly didn't work in San Diego. And I -- I don't see it working here, either.

I -- I also pick up -- I walk the beach and pick up trash. I'm -- I have an affliction that I can't walk anywhere without a plastic bag, picking up. And the -- and so I'm very aware of the homeless situation that we have in Lahaina. And it clearly is getting worse.

I desperately want to be part of the solution, not part of the problem. So I'm not -- I'm not condemning anybody because I know I could be there next month, but I don't think that this is the solution for this problem. And I ask that you do deny the petition.

And it clearly needs more time and more research on this. And it seems like the money could go to the Resource Center or Salvation Army or wherever they have a proven track record of helping the homeless.

Thank you.

VICE-CHAIR TSAI: Thank you. William Soares, followed by Eugene Smith.

MR. SOARES: My name is -- my name is William Soares. Listening to different people in the morning, I've come to the conclusion that, since I've been in Lahaina for 74 and-a-half years, I probably am the senior citizen here today. Hopefully, my comments will be taken with a grain of salt, and, also, make note of what I really feel.

I had a -- I had a list of comments that I wanted to say. And after listening to all the different people, I changed my -- changed my notes. I didn't change my thinking, I changed my notes.

And before I go any further, I just want to say I do not support this project.

The first thing that comes to mind -- I don't know

how many of you travel Piilani, but go there at 7:00 in the morning or 4:00 in the afternoon, and ask Wayne Hedani how long it takes him to get out of town. Okay. That -- that intersection and the Launiupoko intersection has really created traffic problems. Okay. Nobody worries about the traffic until you're in it. Okay. If you're home, it's fine.

The other thing that bothers me is now we're going to have homeless people in a specific area. And how do they transport themselves? They gonna be walking. There's no sidewalks there. They can walk on the Haul Cane Road, but, eventually, they got to get out to a street.

I live right across from the Aquatic Center. I can tell you that I see people running the red light every day, and people walking across that highway at 10:00 at night, going out to wherever they going. We're lucky we haven't had a real serious accident. Walking is not going to solve the problem for those people that need to get by there.

The other thing that really annoys me is -- hopefully, there's somebody here from Department of Transportation -- because when you come down from the bypass and you hit that stoplight, about a minute later, your light will change and you can get out on the highway. But in the meantime, there's 30 or 40 cars waiting for that light to

change back to green again. It just is annoying. And I've talked to Mr. Catagual. And I haven't been successful.

The other thing that bothers me is the location. The location is only half a mile from where I live. A couple days ago, I decided to do my yard at 2:00 in the afternoon. It wasn't a smart thing to do. I hung my thermometer on the clothesline at 2:00 in the afternoon. And --

MS. TAKAYAMA-CORDEN: Three minutes.

MR. SOARES: -- the temperature was 101. So these guys are going to be out there in the bushes with 101 in the tent and no AC and maybe a fan.

The other issue, mixed use. I don't understand --

VICE-CHAIR TSAI: Sir, will you please conclude?

MR. SOARES: Okay. I guess I'll conclude, but I -- I just feel that this is not the right place. I've had discussions with some people. I know they are opinionated for the project, but I wish that the people that were opinionated for the project would live -- live near the project, not just visit it.

Thank you.

VICE-CHAIR TSAI: Okay. We have Eugene Smith, Gordon Firestein, followed by --

MR. FIRESTEIN: My name is Gordon Firestein. My wife and I live in Launiupoko. And we are opposed to this

proposal and urge the Planning Commission to reject it at this time.

We're sympathetic to the needs to help the homeless on the west side, as I believe everybody in the room is. Our concerns are really about the process by which this decision is being taken.

We have very limited information about this proposal, and have been given no time whatsoever to consider its implications.

And, clearly, the proposal raises many sensitive questions for the community, serious and long-term implications. It deserves a thorough examination by the community it will affect.

There's been no opportunity yet for the public to learn from the proponents exactly what they are proposing and why they believe this is likely to succeed except for this hearing, that I'm aware of. Apparently, there was a presentation, I guess, a week or two ago. We heard nothing about it. We weren't invited. And so this is all of the information that we had to go on.

Also, the proponents have had no opportunity, other than this hearing, to hear from the public our many legitimate concerns or to express how they intend to address them. At a minimum, before the Planning Commission takes action, there needs to be a community hearing on the west

side with ample notice, and for us to be informed and given an opportunity to ask questions and voice concerns.

Thank you.

VICE-CHAIR TSAI: Thank you. Rory. We have Nansy Phleger following.

MR. RORY FRAMPTON: Good -- good morning, Commissioners. My name is Rory Frampton. I'm a board member of Ho`omoana Foundation. I'm also a board member of the Ka Hale A Ke Ola Resource Center. Erin Fleming was, our Executive Director, here talking to you earlier. I'm speaking here as an individual.

The Ka Hale A Ke Ola operates two facilities that have emergency shelters, transitional shelters and long-term low-income rentals. The facility that's being proposed by Ho`omoana would be a complement to Ka Hale A Ke Ola. It would provide for some temporary transitional housing. You heard today of a long waiting list. Perhaps some of those people on the waiting list could come to this facility.

Again, the intent is to provide a safe and clean place for people who are willing and able to help themselves break the cycle of homelessness.

The location of this project site, although the project site is just a couple acres, it's on a parcel that's 22 acres in size. It provides for significant buffers from the residences down makai, which are on the other side of

the highway, on the other side of the Lahaina Flood Control Project. On the mauka boundary, you have the Lahaina bypass. So it does provide some isolation, some buffers.

Some people have suggested it should be right in the middle of town. You know, there's no perfect space. And, certainly, if you were in the middle of town, you would have as many or if not more people objecting to the location.

The opportunity to have it on a larger agricultural property and to allow people to work and participate with the farming activities presents a unique opportunity for people to -- to participate in a positive way and to improve the site. People have mentioned that it's dry, hot and dusty. It certainly is hot. But if you look just mauka and look what a little bit of irrigation can do, some of those properties have turned to be pretty nice, landscaped. The landscaping in Lahaina grows really quick. With a little bit of water, you can get shade and make it a more comfortable location without much difficulty.

This -- the problem of homelessness is multifaceted. There is no one single silver bullet that's going to stop it. I think everybody needs to do their little part. And I -- I commend the -- Mr. Martin who started the Foundation and who has contributed his money to try to help people out, and in this one special way. So I

would ask that the Commission consider the request in a positive light.

And I would also note that, for the people here, this isn't the only body that needs to consider this project. It also is going to go in front of the County Council as part of the Conditional Permit, as Kurt mentioned earlier. So there will be additional opportunities for public consideration and public debate in front of the County Council.

That's all.

VICE-CHAIR TSAI: Commissioner Lay.

COMMISSIONER LAY: Just a quick question. I should have asked this earlier. The percentile as far as local families, you know, people from Hawaii compared to those from the mainland, I think is what? What is it, I mean, as far as homeless?

MR. RORY FRAMPTON: I wouldn't be able to answer that question in terms of exact numbers. I'm not aware of it. I know the facilities at Ka Hale A Ke Ola, in terms of the individuals served, there's quite a bit of local people, but there are quite a bit of people from the mainland as well as the other Pacific islands. So it is -- it is a kind of a cross-section of people that Ka Hale A Ke Ola, but, I'm sorry, I can't give you the exact numbers.

COMMISSIONER LAY: Okay. Thank you.

VICE-CHAIR TSAI: Thank you, Rory. Nansy Phleger, Ted Loberg, Ke`eaumoku. And after Ke`eaumoku is Yolanda Dizon.

MR. KAPU: I have written testimony. Can I give this to all the Commission, please? I have 14 copies.

VICE-CHAIR TSAI: Can you proceed, please?

MR. KAPU: Okay. Good morning to the Planning Commission. Mahalo for allowing me this time to testify. My name is Ke`eaumoku Kapu of Kaua`ula Valley. And I am the CEO of Aha Moku o Maui, an advisory to the Aha Moku Council of each moku throughout the 12 districts of Maui. I am here to oppose the request for the State Land Use Permit and Conditional Permit to allow for the development and operation of the Kaua`ula Campground focused on both transient and homeless commercial camper located at Hokiokio Place and the Lahaina Bypass road.

Our concerns stem from many years of land litigations with Kuleana Kuikahi, which is made up of kuleana landowners mauka of this project with Kaua`ula Associations LLC -- a lot of our family is sitting in the back -- in the protection of the historic corridors known to many as the capitol of the Kingdom of Hawaii depicted on a sign on Piilani Highway just below the project area. So important that it's credited to be placed on the National Historic Register, which didn't extend mauka, but,

nonetheless, it is within the cultural properties corridor, whereas the State Historic Preservation Division, Don Hibbard, director in 2001, has stressed the need for a 300-yard setback along Kaua`ula River for the fear of adverse impacts towards historic sites and possible burials.

This 22.678-acre project, owned by Kaua`ula Land Company, being proposed for transients are more than enough reason for the community of Lahaina to be outraged that the County would even consider on putting such an intrusive proposal on the agenda for the County Planning Commission's consideration. And to remind the Commission that this comes from the same affiliates that got denied by this County when they wanted to do the same type of homeless camp in Spreckelsville a few years ago which created the same fears within the Hamakuapoko and Hamakualoa moku community.

To understand more of the background of Kaua`ula Associates LLC, I urge this Commission to look into the County's rulings of a prior project once proposed for this very area, Pu`unoa Village, that they tried to fast track, but got denied unanimously by the County of Maui in 2004, and the lawsuit that stemmed from this project by Kuleana Kuikahi LLC versus the County of Maui.

Before the County fast tracks this project, I urge the Planning Commission, the Department, to look into what was the preservation conditions that were proposed in this

area by the Pu`unoa Village 201G -- 201G, prior project to assure all avenues are considered before making any determination of this intrusive commercial project, which does not -- does nothing for our community of Lahaina.

So I stress this, that the facts are, I think this project is in the wrong body. The County Council representatives for years have dealt with this very general area.

MS. TAKAYAMA-CORDEN: Three minutes.

MR. KAPU: A lot of adverse issues that our kuleana families that are here today have been facing. And it's still ongoing today. So mahalo for your time, Ladies and Gentlemen. Thank you.

VICE-CHAIR TSAI: Thank you. Okay. We have Yolanda. And the last testifier I have listed is Tim Aubrey. If anyone else chooses to testify, haven't testified on this agenda item yet, please come now.

MS. DIZON: Hi. My name is Yolanda Dizon. And I live right below Ke`eaumoku on the mauka -- the mauka of Kaua`ula Valley. And I was really, really shocked to hear that it was gonna be a project below us because nothing was -- was heard. I called my families, nobody heard anything. But like good neighbors, Mr. Martin always wants to be a good neighbor, and he always try to keep us in the loop, I guess we got passed up. I don't know.

Anyway, I travel the road right above the basin where this project is being -- where it's gonna be. You don't have to be a rocket scientist to see the bypass. Piilani Highway lights and amount of traffic that goes up and down that area, cars comes zooming in, coming out of Wailuku into Lahaina to catch that bypass. I'm coming off on the side road and see how many times there's almost accidents there. It's not a safe place. It shouldn't even be there.

And -- and -- and it's not that anybody is against the homeless people or what's trying to be done for them. This is not the place. It's not, really.

And out of the 22 acres, is it true that's only two acres that's going to go to this? What's going to happen to the other 20? Why the special permit for that commercial area? You know -- you know, I mean, that's so baloney, period, baloney. It is. And, you know, please deny this.

We need to have community meetings on west side because this is gonna impact west side huge. And everyone that goes in and out, for either employment, visitors, it's gonna impact. Like Mr. Soares says, traffic stops before Hokiokio road all the way out to Launiupoko.

And, yeah, please deny it. Thank you.

VICE-CHAIR TSAI: Thank you. Tim Aubrey.

MR. AUBREY: Good morning. My name is Tim Aubrey. And I am a Lahaina resident that does and have been involved with people's transitional places in their lives. And I understand firsthand its challenges and what it looks like.

Homeless camps, as we have all seen, whether on the streets or on the beach, are not esthetically pleasing, by any means, even though, for some, it's their only option. I also understand that the proposed plan will, by no means, solve the homeless crisis. Without certain conditions in place, I, too, would be skeptical. However, I do believe that the proposed plan will include to serve both esthetically pleasing environment and a purpose that can make all the difference in the world to an individual trying to get back on their feet.

As far as the law of attraction, any place that -- any -- any place that presents itself as a well maintained and looked after environment usually serves as a deterrent to wanderers. Such a place, if both purposes are served, a pleasing environment that adapts to its surroundings and helping those being helped, are respectful and appreciative and are willing to improve themselves.

That's all. Thank you.

VICE-CHAIR TSAI: Thank you, Tim. Anyone wish to testify at this time that hasn't testified already, please come forward now. Identify yourself, you have three

minutes.

MR. U`U: I'm trying for say good morning or good afternoon, but your clock, gotta change the batteries. So I gonna say aloha. My name is Bruce U`u, in here to support the homeless campsite that is being proposed. And -- and I -- I just like to say that I respect all testifiers who testified in favor or not in favor.

You know, where do you start? There's 160 waiting list for homeless. Everybody's been bringing up the homeless problems, whether it be the Mayor or the Governor. And going back to the subject, 60 of them are children. And that's -- I get a hard time swallow that one, you know.

Some of the testifiers say it was too isolated. And the one in Sprecks, they said, was too close to the -- to the services. It's amazing how, you know, it doesn't fit everyone. It was too far -- the one in Spreckelsville was too close, this is too isolated. You can't please 'em all. One said it's too hot, don't have the proper landscaping. And one needs to just drive to Maui Meadows to figure they figured it out. Why can't you guys?

So I just wanna say this: If I was put in that predicament, I would take my kids there, if I was homeless.

And I did adopt two kids.. Same life like these kids. They're Hawaiian. I got 'em when they was two and three. Where the services was? Where is their

opportunities? I took 'em in. They're still with me. They're 14 and 15. They're brothers, never have a chance. Stepbrothers, they not with me. Sadly, couldn't take 'em home. I took 'em. (Inaudible) the problem, I was part of the solution. I brought 'em in.

One go Kamehameha Schools, one going King K. They had no idea what was Christmas. They couldn't understand. Why you gonna put one tree in your house? Who puts a tree in your house, he tell me. He don't get it.

Only two I took. Get 60 on this list. It kills me to be here. And you -- and you have a hard time. I still have a hard time swallowing when listening to people say it's not perfect. It's not, you know. And they Hawaiians, guys. I Hawaiian. They Hawaiian. I took 'em in. I wish I could take in more. And I trying to be one positive role model. And I getting hard time. I doing my best. You know, I do my best. And I don't complain about the issue. I did something about the issue. I just like 'em -- I just want one solution to the problem that is ongoing.

MS. TAKAYAMA-CORDEN: Three minutes.

MR. U`U: Sorry about -- sorry about getting emotional. I had a feeling, as I was contemplating to testify, because I knew that would happen. Thank you.

VICE-CHAIR TSAI: Thank you. Anyone else wish to

testify?

LINDA: Aloha, Committee. My name is Linda Magallanes (phonetic). And I live all my life in Lahaina.

First of all, Mr. U`u was talking about my first cousin's kids. And I thank him so much for helping them. If I had known, I would have took them, too.

Anyway, you know, I not looking at a bad thing of this plan, but it's not in the right place. It is hot. I live just a little bit out of Lahaina Town, and it's still hot. But, of course, I cannot run AC because the electric is high. But that location where it is, it's really hot.

And for those who came and testified for it, you know, if you -- like -- like the earlier person said, don't just go visit, live in the area.

So what I'm speaking right now is I'm totally against it. I not -- you know, what you guys wanna do, that's fine, but might not be the right place at this time, you know, because -- and I work in Lahaina Town. I talk with a lot of homeless people. Maybe that's what you should do, go and talk to them. They not gonna listen. They wanna drink, they wanna do drugs. What we gonna do with those people? That's the ones need the help.

And then I heard another testifier, oh, maybe we should have them in Lahaina Town. Maybe you're right, at the banyan tree. Let's do a community, leave them there at

the banyan tree, because that's where they're all at. And then go across the highway to go sleep. But they're not going listen.

So who is this really benefit? Not the people of Lahaina. I just feel that it's totally in the wrong place. Find somewhere else. And I'm not against what you're doing. I glad you folks are doing something like that, but not there. Find somewhere else. Thank you.

VICE-CHAIR TSAI: Thank you. Come up, please identify yourself. You have three minutes.

MS. OANA: Aloha mai kakou. Nadine Oana. I'm here as an individual resident in Maui. You know, I'm so emotional. We talk about it all the time. We hear Ige's plan and a task force, so to speak. And I really believe that's what we need here in Maui, is to really have the meeting of the minds.

But I truly oppose this project only because, one, how do you mix vacationers on the commercial side with situational homelessness. I don't understand how that's gonna mix. I really don't.

I've been in hotel, I've been on the social side, I've been on both sides of the fence. And I really, really do not believe that this project will serve what we perceive the greater community perceives.

And then the other thing that bothers me the most

is that how come the Pu`unoa residents and neighbors don't know about this project? That tells me that this developer did not approach the neighbors. It tells me that they wanna bypass their neighbors. Why wouldn't you want to listen to the neighbors, right?

If you -- you're gonna grow one big mango tree, I'm sure your neighbor is going to be bothered by it after 20 years. May not be bothered by it the first year, but 20 years later, it's gonna be on their side of the fence, and they're gonna be picking up all those leaves and dirty rotten mangos, if they don't eat it.

But, anyway, the point is be a good neighbor, right? We all have to live together. We all have to create solutions for each other to help the homelessness. Not this bandage project that -- temporary, I don't even understand what temporary means. What is that, one year, two year? What happens after that? That means that these people are gonna get a special management permit for a temporary period. What happens after that? I wanna see that plan. I'm sure the neighbors wanna see that plan. Right? If you live right next, I'd wanna know, you know. Don't -- be transparent, be good neighbors.

Thank you.

VICE-CHAIR TSAI: Okay. Seeing -- oh, one more.

MS. PALI: Hi. My name is Mapu Pali.

There's two kinds, there's homeless and houseless. Which one are you guys trying to help out?

My sister, she just going through a rough time right now. The shelter, she said that there's a lot of people on the waiting list. But since she has two kids, they took her in, she got to move in on Monday, yesterday.

I wouldn't want them going, living in one tent. I would rather have them -- the money that's doing this whole project, why don't they give it to the shelters people, let them expand their stuff? Instead of throwing 'em -- making a little side track so they can put more things on other the other 20 acres, and, afterwards, just throwing out all those people in the beginning part, in those small little tents, so they can have some other things in the future. But instead of making those stuff, they should give the money to -- I don't know -- Salvation Army, they're usually taking in the homeless people.

Homeless are like bums who choose to do that. Houseless is the one that works, with kids, having hard time paying bills, have to work and can't pay for the housings. So just get it straight, is it homeless or houseless people you guys are trying to help. Thank you.

VICE-CHAIR TSAI: Okay. Now seeing no one else who wants to testify, public testimony is now closed. At this time, we passed the lunchtime, I'll ask the Commission

Members, okay we go on to lunch and we re-adjourn at 1:15? Stay here? Yeah, let's stay here. Come back to the same place. So we re-adjourn at 1:15. Thank you.

(Recess, 12:13 p.m. to 1:19 p.m.)

VICE-CHAIR TSAI: So we would like to hear from the opposing party. Yeah, Petitioner first. So you guys want to come up and present your case?

MS. WRIGHT: Do you want us at the podium, or where do you --

VICE-CHAIR TSAI: Yes, please.

MS. WRIGHT: Good afternoon, Commissioners. Thank you for giving us the opportunity this afternoon to present our Petition to Intervene. My name is Deborah Wright and I am an attorney representing Pu`unoa Homeowners Association. And we're asking permission to intervene in this matter concerning the applicant's request for the Conditional Use and Special Use Permits, including the commercial and homeless tent area.

Let me put on my glasses here.

Your rules, under 12-201-41(d), leave to intervene is supposed to be freely granted.

One of the reasons we're here before you today is because, in this particular instance, the deadline for leave to intervene was July 14. The informational hearing that was held for the neighbors and for others in the community

was, also, July 14, 2015.

The applicant feels, of course, that we should have intervened and met that deadline and been before you no matter what. We feel that it was unreasonable to ask for intervention or to assume that intervention could be filed before we even attended the informational meeting. It seems like that would have been jumping the gun, to say we object, we want to intervene, we want to participate in this, when we hadn't even had the chance to hear from our neighbors as to the situation and to at least have the opportunity to ask questions of them.

As soon as the informational meeting was over, when there were still what the Pu`unoa Homeowners Association thought were unanswered questions and problems, they sought counsel and sought to intervene. And did it as promptly as possible.

Because leave to intervene should be freely granted, and because of these particular facts, we believe that the Commission should, for good cause, grant us leave to intervene.

It's important to remember that they have spent a year with you guys. They filed their application in June. And at least with the County, they've spent a year doing their preparation, getting their comments. One application was filed in June and one of August of 2014. But in the

meantime, they haven't had a meeting with the neighbors or communicated with the neighbors about this particular plan.

So having it all come right at the very end like this, we think, is unreasonable and presents good cause for us to intervene at this particular time. Especially where you're talking about an ag property, the zoning for which -- what they're asking you to do is not a permitted use, it's not a special use, it's not an accessory use. It's completely outside of that, where they're coming in for these permits.

And this is something that is, as a result, very important to the community. And we believe that Pu`unoa, being as close as it is -- part of Pu`unoa is across Hokiokio road and part of it is across from the bypass. So we're on two sides of this particular piece of property in this project. And we think that, as a result, the homeowners there are uniquely situated to provide input and to express concerns or even conditions that might be appropriate with regard to this particular project.

The applicant has said, well, you know, there are limitations on what is good cause. And good cause -- they cite to several different cases and say, you know, this doesn't fit good cause. But taking from their cases, the cases they cited -- one is Miller v. Tanaka. And, in Miller v. Tanaka, the Court said good cause also depends upon the

circumstances of the individual case, and a finding of its existence lies largely in the discretion of the officer or the court. In other words, you have to look at the particular facts of the particular case and see whether you think good cause has been shown. We believe it has in this instance.

Similarly, they cite to a couple other criminal law cases, which are actually under the Rules of Criminal Procedure, kind of different circumstance. But in each of those cases, the court repeats the fact that it's in the discretion of, in this case, the Commission, or, in that case, it would be the trial judge to determine if good cause has been shown. We think under these circumstances it has.

Because of our proximity to the particular property and because of the ag zoning for the whole area, including the area where the Pu`unoa homeowners live, they are in a unique and better position to go into and delve into some of the concerns and problems that we think exist with regard to the property with the current zoning.

You've heard a lot of people talk about how arid, how dry it is. We saw that the Fire Department said, well, we're against campfires. And they said, don't worry, there won't be campfires, but they did say, separately, well, we may allow grills and we may allow camp stoves and things of this nature. With the arid and dry conditions, that's a

huge concern for brushfires.

And, again, because of the location, you're not near services, such as fire services, that could help with regard to these situations. That's just one example.

The homeowners are very concerned about security. And it's not just the security for them and the homeowners, it's also security for the people who may be staying on the campgrounds. There is a big concern.

There are -- there -- the Police Department talked about the fact that you need to provide, to make sure this is a secure area. And the response was, well, we'll go ahead and we will put a 24/7 on-site manager on the property. But what the Police Department said in their letter is there should be security personnel on the property. It's not enough.

And you've got a situation where you're talking about putting some homeless people, putting some commercial campers into a situation there, and then also having the problems with highways on two sides, another road, a heavily traveled road, next to it, where people are going to have heavy pedestrian traffic. So far you've had Department -- the transportation study that was done. And the transportation study specifically spoke to the fact that vehicular traffic would not be increased dramatically, but it didn't address pedestrian traffic.

Because of these unique situations that the people living in the area can address, we think that it's appropriate for them to be allowed to intervene and contribute.

One of the things that the applicant has also said is -- you're supposed to allow intervention if it will make for a fuller record, but they're saying this is just going to expand the proceedings. Well, to me, a fuller record does expand the proceedings to some extent because it provides more information and more input and it gets the information that needs to be made for a clear decision so that you -- you have this kind of information coming. And I can't understand why that wouldn't be in a -- why that wouldn't be something that is appropriate for the intervention to do, to expand, to make sure that when you're talking about certain situations and conditions that are unique to this area, and that people living in the area are uniquely suited to address, why that wouldn't be something that's appropriate.

One of the criticisms of our intervention was that the applicant says, well, you know, you -- you let them come into this, they're just going to -- it's just one of those things that's just a delay, it's just causing more problems. But the -- but the fact of the matter is that this is an important thing. Again, you're talking about approving

something, a zoning use -- a zoning -- a use for zoning that is outside the realm, outside the standard realm.

None of the homeowners -- and you've heard a lot of them speak today -- none of them are against providing shelter for the homeless, but none of them believes that, in this particular area, a tent like that is suitable for a family. There are perhaps ways to do this that would be appropriate. Affordable housing is desperately needed, we all know that. But we don't think this is the appropriate method. And certainly not without considerable restrictions.

This is called a temporary plan. We don't know what that means, even. We haven't even had the opportunity to explore that. As someone said when they got up, does that mean it's for one year, it's for three years, after one year they can fold it, does it mean it's temporary? Someone called it a great experiment. Well, those kinds of things need to be explored so we all know what we're talking about exactly before the Commission approves or disapproves this application that's before it.

Thank you.

VICE-CHAIR TSAI: So now we will give the opposition a chance to speak.

MR. GEIGER: Good afternoon, Commissioners. Can you hear me?

When a party wants to come in -- or when a person who is not a party wants to come into the process, they have to come in and explain to you why they are different from the public as a whole. Because the Planning Department is out there --

VICE-CHAIR TSAI: For the record, can you please identify yourself?

MR. GEIGER: Oh, I'm sorry. I apologize. My name is Jim Geiger. I'm here on behalf of Ho`omoana Foundation, the applicant in this case. And we are opposing the intervention of the Pu`unoa Homeowners Association. And we've done it on three reasons. And I presume that each of you have had the opportunity to read our opposition.

But, as I said, when somebody wants to intervene in a matter, when they're not a party to the proceeding, they're coming in and saying "let us participate," they need to explain to you how they are different from the public in general, how they are uniquely affected by this particular project, so that they should be able to come in and participate as a party to the process. That is their burden that they have to achieve. They have to convince you, yes, we should be here. And I will submit that they have not done that.

What you have heard is that they are bringing up things that are not unique to Puamana -- excuse me --

Pu`unoa Homeowners Association. Those are the same issues that the people in Puamana have, that the people in Lahaina have, that the people on the west side have. They complain about traffic, they complain about possibility of fire, they complain about security. Those are no different than any other resident of west side.

They haven't established to you that they are unique from the public whose interests are being protected by the Planning Department, by the other County departments who have had an opportunity to review, by the Planning Director, who was weighed in on this particular project and given you his thoughts, with conditions that he thinks should be imposed, addressing these very same issues that they are trying to, let's say, let us come in and raise. So I think that they have just failed in the basic hurdle that they would have to clear.

They also failed procedurally. You folks have a rule -- or several rules. One rule is, before the public hearing, the applicant has to give at least 30 days notice to the neighbors and in -- and in the paper. That was done in this case. A letter was sent out June 19. You have it in the Staff Report. It's Exhibit 10. In the letter, it not only mentions that we're going to have this community hearing, but it also says, until then, "Please do not hesitate to call me should you have any questions or

concerns."

They had the opportunity to contact the Foundation and say, "What's going on? What are you talking about? How is this gonna impact security? What are you doing for traffic? What are you doing for fire." They did not take advantage of that opportunity; instead, they waited. They waited until the Friday before this hearing -- Thursday before this hearing, four days ago, to file a Petition to Intervene.

And then they don't tell you why they waited other than, "Oh, well, we wanted to see the community meeting." Well, why didn't they go look at the Staff Report? Why didn't they contact Ho`omoana Foundation? You don't know these things. They didn't think to do it. They came in too late.

In fact, we reached out to them and had a meeting with the president of the -- of the Association on July 2nd. Yet, they still waited until July 23rd in which to file the petition. Is that timely? Is that good cause? I submit it is not.

I think the final point I'd like to make is that even if you say, okay, we'll let 'em slide on the -- on filing late, and even if you say, okay, well, maybe they're a little bit different from the public, you have to ask yourself, will their participation assist you in your

decision-making process.

You have two permits before you. You have a Special Use Permit, State Special Use Permit, and you have a County Conditional Use Permit. The intervention doesn't go into the County Use Permit. You're still going to have to rule on that. You're still going to have to act on that. Intervention won't stop that. You have to proceed with that.

So what benefit does it do you in your decision-making process to allow the homeowners association, which isn't even adjacent property, which is probably more than 500 feet away from the nearest corner of this property, to come in and participate? The answer is nothing. They won't add anything more than what all of the departments have added. Because if you've gone through the Staff Report, as I have, you'll see that all the Department have weighed in, all commented on things, the very things these people are bringing up. What more would they add? I submit nothing.

And so for these reasons, I would ask that you deny the Petition to Intervene so that we can proceed forward on the permits. Thank you.

VICE-CHAIR TSAI: At this point, I'll ask the Commissioners if they have any questions for either party? We're making a decision whether to grant or deny the

petition. Or, if you prefer, we can go into Executive Session.

COMMISSIONER ROBINSON: I make a motion to deny the Petition to Intervene.

COMMISSIONER LAY: Second.

VICE-CHAIR TSAI: So we have a motion on the floor from Commissioner Robinson to deny, a second from Commissioner Lay. Discussion.

COMMISSIONER LAY: I see no new issues that were brought up. The same concerns were brought up earlier, the same concerns they have with these -- with these petitioners. And that's the reason why I made a motion -- seconded the motion to deny.

VICE-CHAIR TSAI: Any other comments? Okay. You want to repeat -- okay, Director, do you want to repeat the motion?

DIRECTOR SPENCE: The motion is to deny intervention.

VICE-CHAIR TSAI: So all in favor, raise your hand.

DIRECTOR SPENCE: That's four ayes.

COMMISSIONER HEDANI: Is that the vote?

VICE-CHAIR TSAI: Yeah, the vote.

COMMISSIONER HEDANI: I'm sorry. Did you call for the vote?

VICE-CHAIR TSAI: Yes, I did. Sorry.

DIRECTOR SPENCE: Okay. Once again --

VICE-CHAIR TSAI: Once again, let's call for a vote. All in --

DIRECTOR SPENCE: The motion is to deny intervention.

VICE-CHAIR TSAI: All in favor, raise your hand.

DIRECTOR SPENCE: That's five ayes.

VICE-CHAIR TSAI: Motion carries.

MR. GEIGER: We want to thank the Commissioners for your action. I guess we would ask for just a short recess so we can prepare for the presentation for further questions on the permit.

VICE-CHAIR TSAI: Yeah. Five minutes will --

MR. GEIGER: That would be fine for us to prepare. Thank you.

VICE-CHAIR TSAI: Five-minute recess.

(Recess, 1:39 p.m. to 1:47 p.m.)

VICE-CHAIR TSAI: Call the meeting back to order. Corporation Counsel.

MR. HOPPER: I would just like to note that we would request that Mr. Geiger prepare the decision and order denying the intervention.

MR. GEIGER: Will do.

MR. HOPPER: Thank you.

VICE-CHAIR TSAI: I would like to open the floor up for questions from the Commission Members.

COMMISSIONER LAY: Okay.

VICE-CHAIR TSAI: Commissioner Lay.

COMMISSIONER LAY: Okay. Ho`omoana is very new facility we're trying to get -- you know, attempting to open up. I'm wondering are there any successful ones that have inspired you to open up this campground? I'm not sure who it would be addressed to.

VICE-CHAIR TSAI: The applicant, please.

MS. DARCY: Good afternoon. And thank you. My name is Lisa Darcy, I'm the Executive Director at Ho`omoana.

Yes, there are places that have inspired me. There are also places that have worked and ones you need to understand why they have not worked. Part of the inspiration that has come from this is exactly what has happened today, in that there isn't a full recognition or understanding of the problem. It's become a very large problem. There isn't a lot of education on the segments of it. And it's segmented.

And what we did was look at -- and I've researched many, many, many campgrounds. I actually have an ongoing dialogue with Eric Tars who is with the National Law Center on Poverty and Homelessness. And I've spoken to several different campgrounds on the mainland. And I've talked to

them about what are the things that have worked for them and what have not worked. What has worked is when people do have full knowledge of what is happening and that the community is aware, which we are doing, and the individuals who are there understand.

The problem is with tents in camps have been just for one size fits all. We are recognizing we can't deal with that approach, certainly not in a small foundation. And we would really need a lot of stakeholders and community and a larger scale to do a one size fits all. We're not able to do that. That's actually something that doesn't work.

So one of the things that does work, in all of my years, 25-plus years, of working with people with challenges, is that you -- you can't put people in one size fits all. You have to fit whatever they need at that point. This is just that. It is a very small attempt.

And it actually -- we, actually, believe in bandaids. There was a lot of discussion about bandaids not being good, but bandaids are actually very helpful. We are actually trying to do that and protect just a small group. Not the large group. We understand that is not something. So that has inspired us. So if we took a tiny bite of this, we might have a chance in understanding the larger picture and it would provide an opportunity for years for education

for the entire community.

COMMISSIONER LAY: Thank you.

VICE-CHAIR TSAI: Commissioner Higashi.

COMMISSIONER HIGASHI: I have a question relating to your project itself. I think, conceptually, I really appreciate the fact that addressing the homeless is an important factor. However, there are some major concerns about safety, starting with the walkway from your particular project to wherever they're gonna go. I don't see any in your plan itself for safety.

The other thing that I -- I'm worried about is these people are gonna be up in a -- in an out-of-town area and bus transportation. These people, more than likely, will not have a vehicle to be able to get to any place that's close enough for them to have transportation.

And with that, I was very concerned about the project itself.

MS. DARCY: So just a comment on that. There are an enormous amount of individuals who are unsheltered who are living in their cars. They don't have a place to shower, to go to the bathroom. You would recognize them if you have the same pattern over and over. This is the group that we are looking to work with. We're not looking to work with somebody who is struggling or gonna be walking up and down the road or -- I mean, that is -- it's a very small

group of people, but they're the people that we can actually probably pump out of the systems pretty quickly.

So we have recognized that and understand the importance of that. We have had dialogue with the Department of Transportation, look forward to more ongoing dialogue with the Department of Transportation.

And we're -- we're, again, looking for the people who are invisible because you don't see them because they are in places where they can get to and they can, you know, semi-blend in, but they do need help of maybe having a safe place to leave their belongings and a place to shower, a place to do the laundry, a place to plug in. So it addresses that in that we are, again, not going to be looking -- or -- or having people who are going to be walking up and down the highway.

There are some corridors that are established already where people are walking. We would like to improve that as well.

VICE-CHAIR TSAI: Commissioner Hudson.

COMMISSIONER HUDSON: Referring to the memo written by the Police Department dated November 3rd, 2014, Paragraph 4 of the memo, "In addition, there is a Kaua`ula Campground Code of Conduct policy that does not prohibit the use of illicit drugs or alcohol on site. There is no policy for the campground manager, coordinator or designee being

responsible for monitoring and/or identifying such activity." Could you please enlighten me on this?

MR. DEAN FRAMPTON: Thank you, Mr. Chairman. Dean Frampton.

I believe you have a handout packet that you got today that included a location map, the large 11-by-17 underneath your Staff Report right there. It had a location map, a site plan and, also, the latest revised version of the code of conduct. And if you look there, I think it's Item Number 3, it says specifically this is a no drugs, no alcohol policy. So that -- that comment was part of the review process, taken into account and incorporated into our plan.

COMMISSIONER HUDSON: So there's no alcohol?

MR. DEAN FRAMPTON: No alcohol, no drugs. And a policy will be enforced.

VICE-CHAIR TSAI: Commissioner Lay.

COMMISSIONER LAY: Enforcement by who?

MS. DARCY: The camp manager. And if the camp manager is unable to contain the situation, we will use whatever the community would use, police, whoever.

COMMISSIONER LAY: So Police Department would be the next step after that?

MS. DARCY: You know, it depends on the situation. I've been able, at times, to deescalate people personally.

I have a skill set. Not everybody has that skill set, but, based on what the person is able to do. If it's necessary, yeah, absolutely. We do have an officer nearby, adjacent to our property, who is very invested. So it's an asset.

VICE-CHAIR TSAI: Commissioner Hudson.

COMMISSIONER HUDSON: Illegal drugs or contraband, only the government can hold illegal drugs, there's no discretion on that. I think the question is more direct. While I understand a lot of situations can be defused, certain situations cannot be diffused. You're aware of that?

MS. DARCY: Oh, absolutely, yes. And this is -- the point is safety. We're engaging in creating a safe place for people that's highly valuable or functional.

VICE-CHAIR TSAI: Commissioner Robinson.

COMMISSIONER ROBINSON: Even though we denied the intervention, I do believe that you guys did rush this through the process. I do believe that with working with the community more, a lot more things could have came out. And maybe the long run, things might have been done more cohesively with the community. And I hope you guys understand that the -- the testimony we had today was because of the way you guys decided to do it. I just want you guys to understand that. I think I agree with a lot of people that are here today.

My -- my question is why the commercial element?

MR. DEAN FRAMPTON: I'd say that that's -- a commercial element serves two purposes. Number one, at its basic element, it's to provide financial stability for an operation that's run by a nonprofit organization. But probably more importantly, number two, it's to add a sense of normalcy, sense of normalcy to the environment. And it's as simple as that. I'll leave it at that.

COMMISSIONER ROBINSON: If this project is gonna be needed as a commercial to help pay for this nonprofit and -- and if costs become higher than expected, which, most businesses, that happens, especially in the beginning process, do you increase the commercial and decrease the -- you know, the -- the -- I guess the best part about this project was trying to help these transient people?

MR. DEAN FRAMPTON: Yeah. The focus will always be on the -- the resident population that needs the help. But in terms of the financial -- it is a part of it. It helps to offset the cost, but is not the primary issue. The primary issue is serving the -- the residents that need assistance. So if a sliding scale needed to be applied, I'm sure that the manager and the owner would consider that.

COMMISSIONER ROBINSON: Is your Foundation paying rent to the -- to the property owner?

MS. DARCY: Yes. We are engaged in a lease with

the property owner.

COMMISSIONER ROBINSON: So with normal accommodations, there are policies to evict people, the counties have certain rules and laws. And we talked about people that are breaking the rules, you know, they would have to, you know, move on and so forth. How about people that don't break the rules or that would say that your interpretation of them breaking the rules are incorrect?

MR. DEAN FRAMPTON: I think the first -- the first thing that we would always look at is the code of conduct, are they complying with the code of conduct. And, secondly, it would be dependent on the discretion of the camp manager, are the residents fitting in, are they utilizing the benefits, are they doing what they can to help get themselves in a better scenario. So I think we're talking about the -- the strength and the qualities of a qualified camp manager.

COMMISSIONER ROBINSON: Well, I understand that. But somebody who is in need is probably going to sign any type of code of conduct to get into a facility.

MR. DEAN FRAMPTON: I understand.

COMMISSIONER ROBINSON: It comes apart, like Mr. Hudson says, where the police, because you have just a manager, they're going to be coming, driving out to that location. How do you folks deal with the shelter part when

you have to have people leave that area?

MS. DARCY: So one of the things that is not visible to this group here today is the amount of supports and the amount of connection that Ho`omoana has with the entire homeless alliance and all of the agencies and facilities. I have a direct line and call agencies all the time. People come into the office all the time who have a wide array of needs. Everybody leaves with a connection to something. So if somebody is displaying problems that are bigger than we can associate with, I mean, we can call any of the other agencies, give them an opportunity to intervene or assist the person. And, hopefully -- you know, sometimes that actually just relieves what the issue is, is I can't even get in touch with my case manager, or, you know, I'm so frustrated. Sometimes I just pick the phone up and call and they go, you got through. I'm like, yeah, yeah. You know, sometimes it takes a little persistence, and they're a little tired. So sometimes that actually can really just take care of the issue. And we have connections with the entire community.

COMMISSIONER ROBINSON: I think what I'm talking about is not a -- is not a free service, it's a paid service. And you're gonna -- from what I've read, you're gonna charge a certain amount. So when you charge a certain amount, a certain services -- has to be a two-way street.

So when there's a -- when there's a dispute, it ain't as simple as, well, I'm sorry, this is a homeless shelter and falls under these rules because it's not going to be a shelter anymore because it is for pay. So that's when, you know, things could be different. That's where you have a code of having 80 people, you have 20 parking lot spaces. You know, a lot of the concerns of this community is the safety of the community and the people involved. And it's -- I guess what I'm still getting to is how are you gonna control a paid environment when people have rights? You can't just call another agency and say --

MR. DEAN FRAMPTON: Right.

COMMISSIONER ROBINSON: -- we're going to shift you off to some other place.

MR. DEAN FRAMPTON: It's gonna have to be the strength of the on-site manager or managers. And that's, also, why we've talked about growing in increments, not getting too far ahead of ourselves, and, you know, allowing the camp to grow, allowing the protocols to be more refined and defined over time in order to respond. Because we're not -- we're not jumping right into people right away. We're jumping into, you know, a small piece of this first, grow into it, understand our mistakes, there will be mistakes, do what we can, stick with the Planning Department, work on conditions, if there's anything that

changes over time. So, you know -- and -- and utilizing, as Lisa said, the other agencies that may be able to support. But understanding it's primarily our responsibility to manage this well. So my answer to you would be slow, controlled growth, not getting too far ahead of ourselves.

VICE-CHAIR TSAI: Commissioner Hedani.

COMMISSIONER HEDANI: The question I have is more for the Planning Department rather than the applicant at this point. The property is 22-plus acres. Under the guidelines that we usually follow, properties that are 15 acres or less come to the Planning Commission, properties that are over 15 acres go to the State Land Use Commission. Why did we make an exception in this case?

VICE-CHAIR TSAI: Director.

DIRECTOR SPENCE: Thank you, Commissioner -- thank you, Commissioner Hedani. The -- the answer to that is this is not an exception. In Hawaii Revised Statutes, Chapter 205-6, Special Permits, the very first section says, subject to this section, the County Planning Commission may permit certain unusual and reasonable uses within the agricultural and rural districts. So that authority is given to you to decide on these. Later on, under Section D, it says special permits for land, the area of which is greater than 15 acres or for lands designated IAL, they need to go to both the Planning Commission -- it needs to go to the Land Use

Commission. And then the -- the Land Use Commission's rules basically mirror what -- what state law says. So here we're talking about the 7.9 acres. That area where there is being a request for a Special Use Permit is smaller than 15 acres. They cannot conduct -- and this is -- they cannot conduct the special use outside of this 7.9 acres. This is something that we've been doing since I can remember.

If you think of it another way, you have -- you can have any number of small uses that only take up an acre or a couple acres on 1,000-acre parcel. Why would you need to go to the Land Use Commission for just that really tiny use?

So this is the way that they set up state law. It's the area of land that has the special use; it's not the parcel of land that -- that use is located on a specific parcel, but it doesn't encompass the entire parcel. So that's the way that -- and we have any number of these. We processed any number of these over the years in this exact same manner.

MR. HOPPER: To clarify, the Commission's only authority in this case is to grant the use for the 7.9 acres. The special uses that are required cannot be practiced outside of the 7.9 acres. The rest of the land would have to be used in a manner that's allowed by the State Agricultural District without any permitting. If the

use is beyond the 7.9 acres that requires the Special Use Permit, then the State Land Use Commission would have to approve. But the applicant's proposal is 7.9 acres, as I understand it, of the 22-acre parcel. And the Department has consistently applied that it's the area of use and the Commission has granted permits under those circumstances in the past. And the County has talked to the State Land Use Commission about that. So it's not a matter of the size of the parcel, it's the actual size of the use. It's the size of the land on which the use is being authorized. So in this case 7.9 acres is the only area that the Planning Commission can authorize this use on. If the use is outside of that area, it has to be something that is permitted under State and County agricultural laws, anyway.

VICE-CHAIR TSAI: Questions? Commissioner Hudson.

COMMISSIONER HUDSON: I have a question regarding the pod. The pod is considered a dwelling, is that correct, for -- for -- the question is for Corp Counsel. Could it be considered a dwelling? I mean, in criminal law, a tent could be considered a dwelling. And if it's considered a dwelling, then you pay rent on it. Is this a rental unit?

MR. HOPPER: Well, I mean, the Commission is being asked to authorize the pods. I mean, what exactly is the concern about whether something is a dwelling or not? I mean, the use that's being authorized is overnight -- is an

overnight camping use which would require a Special Use Permit. I'm not sure of the significance of characterizing it as a dwelling or not as a dwelling. It's being used -- it's being authorized by the special permit process.

COMMISSIONER HUDSON: Okay. Bear with me. I'm trying to wrap my head around this. The people are gonna be interviewed before they get allowed to take part in this, right? Correct me when I'm wrong. I'm working from that assumption. They get interviewed and they say, okay, yes, you can stay here. It's for a short-term, two months, four months, whatever, but if they're staying there and they're actually living there and they're paying rent, then we go back to Mr. Robinson's consideration. If they're paying rent on the dwelling, they have certain rights, you cannot kick them out right away. I just want some clarification from Corp Counsel. Am I misreading this?

MR. HOPPER: Well, the restrictions on eviction, that's something you could ask the applicant about and that they would be responsible for dealing with. And whether it's extremely difficult or difficult to evict people, that would be an issue for the applicant. This permit, again, is to authorize that use, but the -- the, you know, dealing -- as you would if you authorize any development, the issues with, you know, evicting people who are paying rent on that property would be the responsibility of the landowner.

VICE-CHAIR TSAI: Commissioner Lay.

COMMISSIONER LAY: Just some clarification. The pod, the pod is owned by the individual himself or is it owned by the -- by the camping grounds? And if you're getting kicked off, you're just being kicked off of the property and not thrown out of your home, if that is your tent, right?

VICE-CHAIR TSAI: Can we have the applicant come forward to answer these questions?

MR. GEIGER: It really would be treated, if you will, more like a hotel, overnight stay in a hotel.

VICE-CHAIR TSAI: Jim --

MR. GEIGER: Sorry. I apologize.

VICE-CHAIR TSAI: Please identify yourself again.

MR. GEIGER: Jim Geiger on behalf of the applicant.

What you're talking about would really be treated like a hotel, an overnight stay at a hotel. And hotels routinely kick people out if they're being unruly. And so it would be the same thing.

VICE-CHAIR TSAI: Commissioner Robinson.

COMMISSIONER ROBINSON: Except it's not a hotel. It's a -- and I guess the question, is this a short-term vacation rental? I mean, are we going to categorize this -- you know, is -- we got to get our categories. That's where,

I think, we're all leaning towards. If they're gonna charge rent to a pod or room, and they're going to have 30 of them, or 20 of them, could this become a short-term vacation rental?

MR. WOLLENHAUPT: Well, since we've opened the door, I'll start down the road to see where it goes. We have to remember -- and this was sort of in my initial comments, this is a campground. Campground as defined in the code has a camping unit. The camping unit as defined in the code, a tent, recreational vehicle, cabin, lean-to or other similar structure which provides or intended to provide temporary living quarters for a person or persons only allowed for not more than six consecutive nights within a 30-day period.

Part number one. When we're talking about a tent, a tent wouldn't be considered a dwelling if the tent doesn't have the building permit. The short-term rental bill requires -- allows for the permit, short-term rental in a dwelling. A tent does not equate to a dwelling under the Building Code. So that was one question, well, could a tent be considered a dwelling. And in this case, it would be my understanding that the answer would be no. Therefore, we're looking at a structure or a -- we're looking at a camping unit that's providing temporary living quarters.

And there, we move into the second phase. If this

was a request for a campground and the traditional campground would have people using their tents for six nights or less, the Conditional Permit would not even be part of our debate today. It would just be can you have overnight camping in the Ag District. That's what we're dealing with, the State Special Use Permit. Overnight camping in the Ag District.

When we begin to speak about multiple nights in a camping unit, a/k/a a transient individual would be staying two months in a tent, now we have moved into the realm of where the Conditional Permit is required and passage by the Council. So that's where it gets to be more of a challenge, in looking at the lift this project comes into as a campground moving beyond perhaps ones traditional definition of a campground.

So I'm trying to answer both the questions. A tent, I can't see that as a dwelling. I can't see this as ever being a short-term rental because a short-term rental does require a dwelling, which a tent is not. And we have a greater lift and a greater level of review because the applicant, in fact, wants to use these camping units for more than six nights. So that's my attempt at starting some answers here.

VICE-CHAIR TSAI: Commissioner.

COMMISSIONER ROBINSON: So they're permitted,

the -- the main house, because that's the only property, that's the only house on top of that lot, and then they have a farm dwelling. Is there a dwelling -- is that -- is that stables where they have any type of stuff? Is that considered the second dwelling on top of this farm lot, this 22 acres?

MR. WOLLENHAUPT: It's my understanding that the farm dwelling to be constructed as a requirement prior to occupancy of any campground units would in fact be the farm dwelling in which the on-site manager would live. Therefore, at the moment, there is no building approved dwelling. But a dwelling known in the vernacular as a farm dwelling, which would be required under State Ag, would have to be built and then consequently occupied by a 24/7 manager prior to any occupancy of this campground. So it is correct that there would be a one farm dwelling.

Now, the stables that are there for Kalee's ranch, that's an allowed use in the Ag District.

COMMISSIONER ROBINSON: Is that considered a barn? Because there's also a barn on top of this proposal. So is that become the third --

MR. WOLLENHAUPT: The barn would be -- that's going to be part of, I believe, the building to house different kinds of implements to be used in the agricultural portion of this permit. So the barn would be, again, an

accessory structure, but there wouldn't be anyone living in the barn, so it wouldn't be a habitable dwelling. It would be a storage unit.

COMMISSIONER ROBINSON: But you can have more than one accessory structure on one lot, yes?

MR. WOLLENHAUPT: In association with the activities of the farm.

COMMISSIONER ROBINSON: With activities, okay.

MR. HOPPER: Just to --

VICE-CHAIR TSAI: Corp Counsel.

MR. HOPPER: Just to clarify, Staff, correct me if I'm wrong, I mean, the conditional permit is allowing uses that are not allowed by the zoning. That's why it's going to the County Council for their decision-making. I think there was a conclusion that the uses, you know, in dealing with the number of dwellings and whether these are, you know, camping -- camping units or considered transient vacation rentals, which they're not based on the Department's analysis, they still require County Council approval. County Council can't authorize uses that are not allowed by the zoning. These are uses that are not allowed by the zoning, agricultural zoning, which is why they have to go to Council and get a Conditional Use Permit. And that's how the Council can authorize it. The Council can essentially authorize any use in any district based on the

criteria in the Conditional Permit. It is relatively broad authority of Council. It used to be all transient vacation rentals had to get permitted before the short-term rental law came into being. So that's what is being requested. And I think that's why the Department concluded that they need a Conditional Use Permit, because that use is not allowed in the State -- in the -- the State Agricultural Districts, why the Special Use Permit's being required, but the -- the Conditional Permit's required if the use is not allowed by County zoning.

VICE-CHAIR TSAI: I have a couple questions of the applicant.

MR. DEAN FRAMPTON: Dean Frampton.

VICE-CHAIR TSAI: Yeah. Can you elaborate on your commercial part? Are you talking about just specifically related to renting out sites or --

MR. DEAN FRAMPTON: I think the commercial component is just strictly the rental of camping pods as discussed.

VICE-CHAIR TSAI: Okay. Also, my understanding, and you kind of alluded to it in your presentation earlier, is that the similar projects in Seattle and Oahu failed. So what makes you guys think you're going to be successful?

MR. DEAN FRAMPTON: The similar projects that failed are -- I think that's more experiences Lisa is aware

of. I'm not aware of those experiences. What I -- what we do know is that we're asking for a Special Use Permit that would have a time stipulation on it and it would have accountability in terms of if it's not working, if it's not doing well, it's a revocable permit. But we are optimistic that this will work.

VICE-CHAIR TSAI: Thank you. So no other questions from the Commission, I would like to hear the Department's recommendation.

COMMISSIONER LAY: I have a question.

VICE-CHAIR TSAI: Oh, I'm sorry.

COMMISSIONER LAY: Your manager, what kind of skill sets does he have? He's going to be on the property all the time and he's going to have to deal with a lot of things. I'm just wondering what type of person would fill that spot.

MR. DEAN FRAMPTON: Sadly, our previous on-site manager was -- was here to testify about that specific question. He's not here, but he has spoken about it. His name is Josh Dean. He has been an on-site manager. He -- it takes a special person, he said. And in his words, you have to make an assessment in the first five minutes, you have to know -- you have to judge character, you have to be able to make a quick call, and, then, if you make a mistake, you have to be able to rectify it quickly. So we're looking

for -- it will be a strong individual, or perhaps individuals, living in the family, perhaps a family unit, but that is -- that is probably the single most important part of this whole process, is the on-site manager or managers.

COMMISSIONER LAY: Thank you.

VICE-CHAIR TSAI: Commissioner Hedani.

COMMISSIONER HEDANI: Okay. I have a question for the applicant. In the exhibit that was circulated, it looks like this, the Kaua`ula Campground. At the top of the parcel, it shows a culvert opening which looks like two 36 or two 48-inch culverts daylighting at the top of the background. During a 100-year storm what happens to that water?

MR. DEAN FRAMPTON: Kurt, if you wouldn't mind, could you go to Slide Number 40, please? You're almost there. Keep going, please. Right there. Go back. There you go. Commissioner Hedani, is that -- is that the daylighting culvert area that you're talking about?

COMMISSIONER HEDANI: Right. Take a look at the next slide after that. You'll see it displayed at the top of the campground.

MR. DEAN FRAMPTON: Okay. And then are you talking about the area -- well, okay. So --

COMMISSIONER HEDANI: Right here.

MR. DEAN FRAMPTON: That -- yeah, that drainage comes specifically from the improved area of the highway, up on -- on the -- on the elevated bypass. That was sized by the State to accommodate their runoff in the event of a -- well, I can't speak for them, but in a -- in a major rain event. If you see what we've included in our -- in our site plan is that we have provisions there for a landscape soil that would connect to the stream. So in the event of an extremely large event, that -- that area where the culvert comes out would act -- it's -- it's a depression, so it would act as a settling pond, if you will, and then overflow into the drainage swale, which in that case would lead towards the stream.

COMMISSIONER HEDANI: So what you're saying is none of the water that comes out of that culvert would reach the campground site?

MR. DEAN FRAMPTON: That would be the intent.

COMMISSIONER HEDANI: Okay. Because I've seen water come out of a 48-inch culvert that went right over the settlement basin and hit the retaining wall on the back side, then flew up about 30 feet, when a big storm comes.

MR. DEAN FRAMPTON: It would -- it would behoove us to have that -- if we were to be fortunate enough to move forward, to have an engineer take a really hard look at that.

COMMISSIONER HEDANI: Okay. The reason I'm cautious is because we've approved things in the past where bed and breakfasts have gone down the stream, disappeared in the middle of the night. And, fortunately, there were nobody in there.

MR. DEAN FRAMPTON: Understood.

VICE-CHAIR TSAI: Commissioner Robinson.

COMMISSIONER ROBINSON: I have a question for the -- for the finance person of this project. You're gonna take 'em all?

MR. DEAN FRAMPTON: Depends how deep we get in finances.

COMMISSIONER ROBINSON: Just real simple. If this Commission put a condition to where there would be zero commercial activity and zero money collected from these transient people, would you guys still do this project?

MR. DEAN FRAMPTON: You say would we -- if it were 100 percent --

COMMISSIONER ROBINSON: Zero percent commercial.

MR. DEAN FRAMPTON: Zero percent commercial.

COMMISSIONER ROBINSON: You collect zero monies from occupants. Would this project still go forward?

MR. DEAN FRAMPTON: One second.

MR. MARTIN: Good afternoon, Commissioners. My name's Peter Martin.

We -- the Foundation is very, very well funded by myself and my former wife Debbie. We do not need the money to make this commercial campground work. It -- we think there's -- it's very valuable that people do pay. They might be able to work it off.

It's part of the experience we've developed from being involved in Camp Olowalu, which we took over about, what, 16 years ago. And I think most -- my children went there 35 years ago or so. And we have a fair amount of experience in that campground at one time.

And Josh was here to speak, but he is running our construction company. And as you know, we have an affordable housing project going. And, all of a sudden, this guy's -- the sewer -- so he left, because they were trying to put the sewer line in. I got mad at him. He goes, "What can I do? I want to build these houses, so I left." I said, "Okay."

But, anyway, what he had managed -- when he took over, Olowalu Camp, it was quite a problem and wasn't managed as well as it is now. If you go down there, your children have probably gone there, I hope.

But back to this, if do charge there, do we deviate for certain folks and give them jobs, helping out, whatevers, yes. But I don't think that that would make a better camp. Would we do it, anyway? I guess, but I -- I

think if you understood the rationality and work we've had studying this, you would understand that we think it's a healthier way to go for all -- all of them. But we can definitely show you the financials. And you'll know that Debbie and I funded this well.

COMMISSIONER ROBINSON: Is -- I actually think it's a great thing that you guys are trying to do. I think commercial and charging people will -- will get a little, I think, like I explained before, in the accommodations and people's rights. You know, it's not a pure shelter. I think there's challenges there. I think, you know, work, you know, trade or something else, that's not a monetary thing might, you know, give a couple loopholes to the management of the property. But for a financial thing, it's -- and the way it is, I just know, I think for me it's -- it's more of a -- it takes away from what I think the goal is, which is trying to help these transient people. I think when people hear commercial, I think when people hear charge, you know, it's just -- it's -- and as we've heard today, a lot of times, you know, half the people are -- don't want homeless there, they have commercial camping there, you know. It's kind of a combination of both. I think if it was one or the other instead of a combination, you know, I think that's something a little bit easier to -- to grasp, you know, about going forward.

MR. MARTIN: I understand. I feel strongly that this is a positive. And it has been a positive at Camp Olowalu. And if you -- the police reports there are nonexistent now. And they were very existent years ago. And I don't think we've had a problem. And the system is working. We've moved more -- that has been a true commercial campground now. Very few people there are transient. They are locals, lot of people that live here, they're not all tourists.

But this campground, Ho`omoana is a nonprofit, it will not make a profit. I can -- I mean, it's not even close to making any kind of a profit. Not that there's wrong with it. It is -- it is very well funded. I don't mind sharing that, folks, with you, you know. And it's -- we have the finances to make this work. That -- that's not gonna be the problem.

VICE-CHAIR TSAI: Commissioner.

COMMISSIONER ROBINSON: That's fantastic that it's well funded. Any chance of getting a better type of facility besides a tent pod if it's well funded?

MR. MARTIN: Well, first, possibly in the future. I don't want to say. We wanted something that if it was a mistake, which I don't believe it is, but we won't be out -- you know, it's -- the cottage would still have possibly some value in the wrong location, but the -- all the site work

and the landscaping would not have any value, so -- I mean, not have that much value. So I didn't want to get too far down the line with a three-year permit. I want to prove ourselves. And I think we will.

VICE-CHAIR TSAI: Commissioner Lay.

COMMISSIONER LAY: Mr. Martin, for me, I understand the reason why you would charge. Because, for me, in society, you working to get something. If you give something free, of course, you're gonna get a different crowd from the people that are looking at it, I'm gonna stay here, I have to work for it. It's a part of sensibility and reality. So I think as far as your program, it's important that they know that, too, where this is a start, but a start starts from somewhere. And I'm wondering if you agree upon that.

MR. MARTIN: Well, I do. I believe that -- and I -- I'm like Bruce U`u, I cry when I talk. But four components, faith, community, family and work. We will incorporate those. Work is a very important part of it. Sorry, I cry when I talk. And I don't have to. Thank you.

VICE-CHAIR TSAI: Okay. Other questions?

COMMISSIONER LAY: Oh, one more. One more, please. Indulge me just one more time. Okay. There was some question about fire. Do we have any water resources or anything available in case there's a fire there in the area,

or fire extinguishers or anything at these campsites that might be possibly there to help prevent this from happening?

MR. DEAN FRAMPTON: There's a fire hydrant right at the project, right where the proposed project driveway is.

COMMISSIONER LAY: Thank you.

VICE-CHAIR TSAI: Commissioner Hedani.

COMMISSIONER HEDANI: I have a question on Kaua`ula Stream, which is right next to the proposed campsite. Does it flow on a regular basis? Does it flood on a regular basis, and to what degree?

MR. DEAN FRAMPTON: As we understand, it flows on a regular basis. It flows on a regular basis. We're not aware of it flooding, but it flows.

COMMISSIONER HEDANI: And at flood stage, what does it reach?

MR. DEAN FRAMPTON: I can't answer that.

COMMISSIONER HEDANI: Okay. Is the campground gonna be fenced in?

MR. DEAN FRAMPTON: Yes, sir.

VICE-CHAIR TSAI: Director.

DIRECTOR SPENCE: Yes. Kurt, what flood zone is it? Okay. Commissioner, this is in flood zone X which means it's subject to minimal flooding. So it's subject to minimal flooding, meaning that if the stream gets a whole

lot of water that it's not going to affect this particular property.

COMMISSIONER HEDANI: Okay.

DIRECTOR SPENCE: And the -- I remember the particular bed and breakfast that Commissioner Hedani was referring to. That was down at the bottom of Maliko Gulch, a very different situation than what we're referring to here.

VICE-CHAIR TSAI: Commissioner Hedani.

COMMISSIONER HEDANI: I heard concerns from people about protection of archaeological sites along the stream, historical sites along the stream, potential burials. What kind of a historic preservation plan do they offer for the parcel itself?

VICE-CHAIR TSAI: Applicant.

MR. DEAN FRAMPTON: Dean Frampton again. Kurt, if you wouldn't mind going to -- we had a slide up -- I believe it was Slide Number 9. It was in the beginning. And if you don't mind, I'm just gonna -- I'm gonna read from that again, but there was an inventory survey completed and approved, in February 2000, for a larger portion of these parcels. This property being one of them. And regarding the project area that we're proposing the campground on, there were no significant resources identified at that time. And that was due to decades of intensive agriculture. As I

mentioned in my presentation, the inventory survey did identify significant sites within and adjacent to the stream.

There was a preservation plan that was approved and accepted that includes, as I mentioned, a buffer zone and a building setback that varies, but it's approximately -- it varies in different locations on the stream. But the setback is approximately 100 feet from the center of the stream or 60 feet from the property boundary. The plan as we have it designed now acknowledges and respects those setbacks and even goes beyond that.

COMMISSIONER HEDANI: What is the distance from the proposed camping area to the stream?

MR. DEAN FRAMPTON: Scaled on that site plan, it looks like it's about 80 feet right now.

COMMISSIONER HEDANI: Because I couldn't tell from the exhibits that were provided --

MR. DEAN FRAMPTON: Not right.

COMMISSIONER HEDANI: -- what part of it, you know, would be close to or encroaching over the cultural sites.

MR. DEAN FRAMPTON: Nothing is -- as designed is intended to be encroaching or over, nothing, as designed. And as I mentioned in my -- my -- the earlier presentation, prior to implementation, we have to demonstrate compliance

with the existing approved preservation plan. And that's governed by SHPD. We have to demonstrate compliance before we can move forward.

VICE-CHAIR TSAI: Commissioner Robinson.

COMMISSIONER ROBINSON: Mr. Frampton -- sorry -- on the -- on the proposed layout of the campsite --

MR. DEAN FRAMPTON: Yes, sir.

COMMISSIONER ROBINSON: -- you selected an area that is under the culvert. Did you guys do any other drawings that might have been more north and south of campsite instead of east to west?

MR. DEAN FRAMPTON: The -- the site plan as you see it now, it has shifted a little bit over in various stages. You know, we submitted -- it's a general application process, you know. We submitted an original application with the design, get agency comments, we adjust accordingly and we move it around. But DOT did bring out a comment, we were -- it has moved around, the configuration has -- has been massaged, if you will. But we feel that in its current location right now, that's -- that's the best location.

COMMISSIONER ROBINSON: Thank you.

VICE-CHAIR TSAI: Commissioner Hedani.

COMMISSIONER HEDANI: This is a question for the applicant. The $10 fee applies to per person or per pod per

night?

MR. DEAN FRAMPTON: Yes. And $10 is a moving target, but it's an approximate. Yes. But, yes, that would be per person per pod per night.

COMMISSIONER HEDANI: Okay. So from my math, if you are at full build-out, you have 80 people at $10 per night, that's $800 per night, times 365 days a year.

MR. DEAN FRAMPTON: So, again, it's -- it was -- it was (inaudible). As Mr. Martin noted, the Foundation is a nonprofit. It's not designed to be profitable in that sense. So I'm sure the price range would be adjusted accordingly with consultation with the Planning Department.

COMMISSIONER HEDANI: It comes out to $24,000 per month, from my perspective.

MR. DEAN FRAMPTON: Okay. That's --

COMMISSIONER HEDANI: 288,000 --

MR. DEAN FRAMPTON: -- on full -- on full build-out? On full build-out, correct?

COMMISSIONER HEDANI: Okay. One more question.

VICE-CHAIR TSAI: Commissioner Hedani.

COMMISSIONER HEDANI: When I go camping, I always carry a knife. I always carry a knife, period. How are you gonna prevent people from having knives in the campsite?

MR. DEAN FRAMPTON: Again, it's the -- it's the code of conduct and it's the manager, the on-site manager,

observation, the awareness. You know, I'm sure in your circumstance it depends on -- on what you're doing when you're actually camping, if you go to the shoreline, if you're scaling fish. You know, in this particular case, there should not be a need for a knife in this case. And that's the rules. And comply with it or you're in a violation of code of conduct.

COMMISSIONER HEDANI: From my perspective, just from my perspective, when I go camping, I take a knife for utility purposes as well as self-defense.

MR. DEAN FRAMPTON: Okay.

VICE-CHAIR TSAI: No more questions? Oh.

COMMISSIONER HEDANI: I have a question on traffic. At full build-out, if we have 26 pods, we have 80 people, from one lot, on Hokiokio road, the problem is that Honoapiilani Highway is -- at 40,000 vehicles per day gets stopped on a regular basis by intersections and stoplights that back up traffic not only to Launiupoko, it backs up traffic to Maalaea Harbor on bad days. When I'm coming home to Wailuku from Lahaina, I can read what brand tires the visitors are driving because they're going so slow. The County made a mistake at Launiupoko by putting a 50-lot parking lot mauka side of the highway. 50-lot parking lot. People, when the surf's up, they use the stoplight to cross Honoapiilani Highway. They press the button, the stoplight

stops, 40,000 vehicles come to a stop, they cross the road. They have to do it twice, once going, once coming back to their car. Times 50 cars, that's 100 presses of the button, times maybe three times that the stall turns over in a day. So that's 300 times that the stoplight activates. That's for 50 stalls. We're dealing here with 80 people from one lot. If we approve it on this one, should we approve it on another lot becomes the question. And the question then becomes how many times is the signal going to be pressed for people that need to cross the highway or, you know, to get onto the highway. That number of vehicles was not something that was anticipated when the agricultural subdivision was built. Putting 26 residences, temporary transitional tent residences on one lot, from my perspective, becomes troublesome from that perspective.

VICE-CHAIR TSAI: Good point. Does the applicant wants to respond?

MR. DEAN FRAMPTON: Again, Dean Frampton. I'll respond on, I guess, two different levels. First of all, we had a traffic study done for us at the request of the DOT. In the morning peak hour, it's estimated over one hour, there would be (inaudible) generated out of this project site on full build-out. In the evening -- or in the afternoon peak hour, 10 trips. That's -- that's a small portion of 40,000, but, nonetheless, it's more. I think a

lot of these issues in time go away if we can get the next phase of the DOT -- the next phase of the bypass to go through. I think that helps out, but that's a regional traffic issue. And we understand, but we feel our overall numbers are -- are somewhat insignificant given the larger regional problems that we have. Eight in the morning, 10 in the evening.

VICE-CHAIR TSAI: No more questions? Let's hear what the Department's recommendation is.

MR. WOLLENHAUPT: Good afternoon, Members of the Maui Planning Commission. I'm not going to be pedantic about this, but I will be going through what exactly would be approved and why we are here again.

As you know, this is a lot in the County Ag District. If this were a noncommercial camp, it would simply be an accessory use. If it were a commercial campground, it would require a County -- County Special Use Permit, that it go through the proper procedures. But since this is also located on State Ag, we have to look at the State rules. And because this is an overnight camp, it requires a State Special Use Permit. So the first permit that the Members of the Commission would be looking at would be the State Land Use Special Use Permit.

Then, second of all, why does it need a Conditional Permit. And, again, I said this, but I just

want to ensure that the Members know. The reason the Conditional Permit is required for this particular project is that the applicant proposes using a camping unit, a tent, an RV, a lean-to, for more than six consecutive nights. It's not particularly related to the individual staying six nights; it's the use of the camping unit. I know it does sound a bit odd, but that's the way the Code is written.

Therefore, moving into the first recommendation on the State Land Use Special Use Permit, in the green sections of your Staff Report, there's a recommendation with 10 conditions. In reviewing the comments today and the consultation, the Department would be making a recommendation of approval; however, adding a number of conditions.

If we go with Condition Number 1, that the Land Use Commission Special Permit shall be valid until July 28th, 2018, or in accordance with the expiration date of the Conditional Permit, whichever is later, subject to extension by the Director of Planning upon a timely request filed at least 90 days prior. The Planning Director may forward the time extension to the Planning Commission for review and approval, may require a public hearing on the time extension by the Planning Commission. The Department would, however, recommend adding an additional sentence, that this State Land Use Commission Special Permit shall not be effective

until such time as the Maui County Council approve the related Conditional Permit. Now, that should be obvious because the applicant has made representations that a camping unit would be used more than six consecutive nights, but we would want to make sure that should approval of the Land Use Commission Special Permit be done today, as you are the final body, that that permit would essentially not be effective until and unless at such time as the Council would approve the Conditional Permit.

The Department also will be recommending adding a condition. Because there has been considerable concern about landscaping, because the plans are showing a landscaped area, that a condition worded such as that a zoning and enforcement division approved landscape and planting plan shall be implemented prior to occupancy of the campground. So that there would be the planting of some trees in this rather barren place prior to the occupancy.

And that being said, there would also be an addition to Condition 10-J, that all campers must fill out a campground application, agree to a code of conduct and be approved by the camp manager prior to engaging in any campground activity. The code of conduct shall be substantially the same as presented in the Staff Report and as expanded by exhibits presented at the July 28th MPC meeting with -- especially with regards to a zero alcohol

use.

So that being the case, I won't go through all 10 conditions, but Condition Number 1, which was stated, has to do with the expiration date. Condition 2, non-transference policy. Condition 3, insurance. Condition 4, that full compliance with government requirements shall be rendered. Five, that the applicant will present detailed compliance reports. Six, that the applicant will develop the property in substantial compliance. Seven, that the farm plan will remain implemented during the duration of the permit. Eight, that in the case of historic resource finds, including skeletal remains, that construction activities and all work shall immediately cease. And that the property in the vicinity of the finds shall be protected from additional disturbance and that State SHPD shall be contacted immediately. Nine, that best management practices will be followed. And 10, which has Conditions A through J, which are critical for this permit. And, also, it should be recognized these conditions are being placed in the State Land Use Commission permit. Therefore, these specific issues, which are very critical to any functioning of this camp, are going to be resting with the Maui Planning Commission. And there is an ability, then, for you to easily come back and modify them. That's why they're being placed here.

I can go through A through J. Is that something that -- okay. A, that all necessary permits shall be obtained for the manager's cottage and farm dwelling, that the dwelling shall be constructed prior, prior to any occupancy of any campground sites, and the full-time manager shall be on site during all times the campers are in residence. B, that State Department of Health individual wastewater system shall be constructed and approved prior to occupancy of any campground sites. That all sanitary units including bathrooms, laundry, showers, sink areas shall be constructed and approved prior to occupancy of any campground sites. That security fencing, especially along the border with the Lahaina Bypass Road and Hokiokio road, shall be completed prior to the occupancy of any campground sites. That Fire Department approved driveways and roadways shall be constructed and approved prior to the occupancy of any campground units. That the median fronting the project driveway on Hokiokio Place be paved due to an existing median swale to accommodate entering and exiting left turns to the future project driveway. G, that a minimum of at least 450 feet of space be provided between the future project driveway and the Lahaina Bypass Road exit ramp. H, that the frontage surrounding the project driveway shall be free of any large trees or obstructions in order to maintain adequate site distance and to assist in pedestrian safety

along Hokiokio Place. I, that the campgrounds shall start with eight camping pods, incrementally ramping up to a build-out maximum of 26 pods. No more than 80 campers at build-out shall be permitted on property at any one time. Capacity and control of (inaudible) shall be subject to daily review and (inaudible) the camp manager. J, all campers must fill out a campground application, agree to a code of conduct, be approved by the camp manager prior to engaging in any campground activity. The code of contact shall be substantially the same as that detailed in the Staff Report for the July 28th, 2015 Maui Planning Commission meeting, and as expanded by exhibits presented at the July 28th Maui Planning Commission meeting.

In consideration of the foregoing, the Maui County Planning Department would recommend that the Commission adopt the Department's report and amended recommendation for the July 28th, 2015 meeting, and authorize the Director to transmit findings of fact, conclusion of law and decision and order on behalf of Maui Planning Commission.

VICE-CHAIR TSAI: Corp Counsel.

MR. HOPPER: Just to briefly add, the options are set forth in the Staff Report. There can be approval, approval with conditions, deferral, if you need more information, or denial. Keep in mind that the approval -- any approval would have to be based on the criteria in --

that you have in your Staff Report under State law and the rules of the Land Use Commission. And it is the applicant's burden to establish that they are entitled to the Special Use Permit.

Also, I would note under State law, this is HRS 205-6, C says that the County Planning Commission may, under such protective restrictions as may be deemed necessary, permit the desired use. And that phrase, "under such protective restrictions as may be deemed necessary," can authorize conditions. So the Commission can add additional conditions, it can delete conditions or modify the conditions that are proposed. You can add conditions, if -- if you would like.

But, again, the options are approval with conditions, approval, deferral, if you need more information on this, or denial. And those are your options. Again, the applicant bears the burden of showing they met the criteria that was set forth to you in the Staff Report by the Planning Department under the law.

DIRECTOR SPENCE: (Inaudible.) Kurt, so -- and I bring this up for the Commission's consideration as well -- the Number 1 Condition deals with the time of -- that the permit would be valid until it has to be renewed. We would normally think of that as sort of a trial period. I would note that -- I mean, as it is right now, we're recommending

for three years. The -- and to be changed, you know, for, I assume, three years after Council approves the Conditional Permit, if they approve it.

I would note that there's a lot of infrastructure and a lot of things to be installed on this property prior to occupation of -- you know, actually the operation of the conditional -- or operation of the campground. So I would say the actual operation would probably be probably a couple of years rather than three actual years. Because the approvals need to come first. Then you're gonna get -- you know, install the septic system, the restrooms, all the other facilities. So the actual -- this Commission may approve it, County Council may approve it, and then they're going to install the infrastructure, and that's going to take some time, before any of the campground pods can even be occupied.

VICE-CHAIR TSAI: Thank you. So we have Department's recommendation. Do I hear a motion?

COMMISSIONER LAY: Motion for approval.

VICE-CHAIR TSAI: We have a motion for approval by Commissioner Lay.

COMMISSIONER HIGASHI: Second.

VICE-CHAIR TSAI: Second by Commissioner Higashi.

MR. HOPPER: Chair, I need to clarify. To clarify, there's a motion to approve with the conditions as

recommended by staff?

COMMISSIONER LAY: Yes.

VICE-CHAIR TSAI: Do we have discussion on this motion? Commissioner Lay.

COMMISSIONER LAY: Like what was brought up earlier, this is the first step in something that we're trying to work on. You see it in the streets, you see it on the roads, you see it on the highways, you see it when you go into the back yards. Lot of homeless out there. This isn't going to resolve everything, but it's a one step try. Not everything works, this might work, we're hoping it does work, for the County. If we can work forward in trying to help to educate these people, get them back into society, it's a good thing. If we just leave it the way it is, it's only gonna get worse. We got to get some kind of trial run to get things moving in the right direction. And as it is right now, nothing is going. We got more people coming here, more homeless here. And we're going to sit back and watch it happen? I think we have to step forward and do something and move ahead.

VICE-CHAIR TSAI: Commissioner Robinson.

COMMISSIONER ROBINSON: I totally agree. I think something has to be done. My feeling, however, is that this project, there's too many -- too many things that I don't think are done correctly. I think if we push this forward,

we're just going to throw a whole boatload of you know what on top of the Council and it's just gonna -- it's just not gonna -- as is, I don't think, with the conditions, it's just not a well thought enough project yet. I think the intent is there. I think -- I think the need is definitely there. And I think the compassion from the owner and from the rest of us, we all want, we all want a project like this to happen, but there's still the safety issues, there's still the support of the surrounding neighbors, there's still the DOT numbers, which I don't know how there's only eight trips with 23 parking stalls and more pods. You know, there's -- and we see in the past, until we actually get engineering numbers, it's really hard to -- to estimate something that's going to be safe. And we're looking at a permit and our body is granting something, we're saying that we agree that, you know, the applicant, you know, has done the due process and that this project is -- you know, is going to be safe. Because if we don't -- if we don't do it correctly, it's just going to get kicked out (inaudible) or some other place and it will take even longer for this project to go.

You know, it's -- I know the motion on the floor is to approve. And I'm not against approving, but I think I'm more falling towards -- I'm more towards -- I don't know. I mean, to deferral with -- with, I mean, I guess

conditions. I feel the applicant didn't speak with the community enough. I think the applicant didn't get enough information from outside of their -- their circle, you know, and get more ideas on what other people think. I think they looked internally and have a good project, but I just think there's a little -- there's still some more tweaking to do before this becomes a positive thing for the community. Something as we saw with us being in this chamber and having this many people speak for and against it. It's very split, and I hate to, you know, just push this off to the County Council, and just, you know, without it -- you know, the project being worked more. Is there such a thing as -- as a -- as a deferral for a certain amount of days with a condition that the applicant goes back to the community more? You know, the intervention was just Pu`unoa, but there's -- you know, there's -- there's the long-term Lahaina people, there's the farther west, there's the ones up the street. What is my -- my (inaudible).

VICE-CHAIR TSAI: There's a motion on the floor. Any other discussion regarding this motion?

DIRECTOR SPENCE: And I should say, Commissioners, if this motion fails, the floor would still be open to other -- other motions, either to defer or deny or -- you know, depending on whatever the Commission -- the Commission chooses to do. So, you know, there is a motion on the floor

and we should deal with that one.

VICE-CHAIR TSAI: Commissioner Higashi.

COMMISSIONER HIGASHI: In listening to today's testimony and presentation, although the applicant did follow all the procedures of what should have happened with the County, apparently, somewhere along the line, there was some mis -- lack of communication between the community and the applicant. And I think some of those things, based upon the recommendation of staff, had said possibly could be resolved with the project itself. Because I think the project has potential, but there are some extenuating circumstances that I think needs to be addressed.

VICE-CHAIR TSAI: Commissioner Hedani.

COMMISSIONER HEDANI: I have a hard time supporting this, this particular application and the motion. Traffic on Honoapiilani Highway is horrendous. It backs up all the way to the Pali, it backs up to Maalaea at times. This is gonna make it worse; it's not gonna make it better. And I understand the intent of the project.

The landowner acquired a lot of land when Pioneer Mill went out of business, a lot of land. Most of that land has been driven toward creating gentlemen estates on agricultural land. It's essentially raised the average price of housing on the west side by the fact that most of those homes are million dollar estates. Land that was in

productive agriculture is no longer in productive agriculture.

This particular land is rated B class land, which means you add water and you can have productive agriculture there. Almost all of the estates that are up in these subdivisions go through the motions of doing agriculture, but don't really produce agricultural goods for the community.

This particular application, I believe, tries to do something for the homeless to correct the perception that the landowner is only out there to make money by selling million dollar estates.

I agree that there's a homeless problem. I agree that something has to be done about it. I don't agree that it should be done through putting people in tents and putting visitors next to them who have no understanding that the people next to them are homeless or may have problems other than being fully functional rational people that have no dependencies or issues.

When somebody rents a campsite, they have an expectation of security. The people that rent them the site for camping owe them a duty of security. They have to be assured that, when they go to sleep at night, everything is gonna be -- everything is gonna be fine.

I don't think that's the case in this particular

situation. I don't -- no matter how good the manager is, no matter if they screen them with a metal detector -- look at me. Am I armed? The answer is yes. Would I be allowed to camp at night at the campsite? Probably so. Am I an ax murderer? Nobody knows. Some people think I am.

In this particular case, I think if the landowner is truly interested in addressing the homeless problem in West Maui, he would do what some of the advocates that deal with the homeless asked them to do, provide affordable housing, donate lands to the County of Maui for affordable housing. Have the -- have the County proceed with an affordable housing project.

The Commission has a responsibility to help provide affordable housing. And it's something that we haven't done.

We need to get through the Community Plan process. We need to identify areas that can be set aside for affordable housing. And we need to recommend approval for development of those parcels to the Council for affordable housing.

The solution to homelessness is homes. And the way to do that is for us to do our job in order to make homes available for people that need it. Not million dollar gentlemen estates on the side of the hill with magnificent views of the ocean. Places where people can live, decently,

safely, so they don't have to resort to campsites like this.

From my perspective, this is not a good idea.

VICE-CHAIR TSAI: Thank you, Commissioner Hedani. Commissioner Hudson.

COMMISSIONER HUDSON: About as elegant as Mr. Hedani. Also, I'll be brief on my closing comments on this. (Inaudible) is right, we need this project to proceed, but I agree more with Mr. Higashi and Mr. Robinson. Even though they did notify the neighbors, I do not believe, in good faith, that the neighbors had ample opportunity to respond. I think a lot of these issues could have been addressed in a true head to head where they sit down and discuss these things.

In my neighborhood, if somebody is going to have a party, they let everybody know, we're having a party. It's called being a good neighbor.

I have some difficulties with this. I have some concerns about its location. I don't doubt its merit or its need, though.

Thank you.

VICE-CHAIR TSAI: Any other comments from the Members? Okay. So we're going to have the Director repeat the motion and take a vote.

DIRECTOR SPENCE: Okay. Commissioners, the motion is to approve as recommended by staff and as conditions

(inaudible).

VICE-CHAIR TSAI: Okay. All those in favor of the motion, raise your hand.

DIRECTOR SPENCE: That's two ayes. Motion fails.

VICE-CHAIR TSAI: Oppose? Yeah, oppose.

DIRECTOR SPENCE: That's three opposed. Motion fails.

COMMISSIONER LAY: Motion to defer.

COMMISSIONER HUDSON: Second.

VICE-CHAIR TSAI: Okay. We have a motion to -- by Mr. Lay to defer and seconded by Commissioner Hudson. And discussion on the --

COMMISSIONER LAY: The reason I'm asking for -- to defer this, we got three of our guys -- three of our Commissioners missing today. I would love to have heard their input. And I'm sure they could have brought up more information that might help us with this decision. And that's the reason why I'm deferring this.

COMMISSIONER HUDSON: I hoped we would use the deferral time for the parties to speak with each other.

VICE-CHAIR TSAI: So we need to make a decision on the date, next meeting, and, also --

COMMISSIONER ROBINSON: Discussion.

VICE-CHAIR TSAI: Yeah. When would you guys like to have --

COMMISSIONER LAY: For me, one of the reasons was because of the time limitations that were put upon this was rushed through. So whatever we might think that there will be enough time for the discussion to happen as needed, I'm fine with that.

MR. HOPPER: Just note for the record that, for the deferral, the Members who are absent are going to require a transcript of this meeting in order to come up to speed before we would have the next meeting to continue to discuss this. So I'm not sure how much time that would take, but that would be the minimum for them to have an opportunity to receive all the materials, including the transcript of today's meeting, and have an opportunity to review that -- either the transcript or the video recording, but a way to examine all the evidence that's been put before you prior to making a decision. So we would need that.

Also, if there's any additional information you want from the applicant or from the Department or staff, then that should be requested as well so they can give that to you prior to the next meeting.

COMMISSIONER ROBINSON: I would ask for a deferral of minimum of 60 days.

VICE-CHAIR TSAI: So the maker of the motion would have a suggestion. Do you --

COMMISSIONER LAY: That's late September, then,

right? Middle of September? Okay.

VICE-CHAIR TSAI: So you're okay with that?

COMMISSIONER LAY: Yes.

VICE-CHAIR TSAI: So we have a motion on the floor to defer for 60 days minimum.

MR. HOPPER: Wait a minute. Do you want to -- I don't necessarily -- if you're okay with that, that's all right, but the 60-day time frame, if the information can be provided to the other Members quicker than that, I don't want you to necessarily hamstring that ability. It's up to --

COMMISSIONER ROBINSON: I think my vote to defer this motion instead of -- instead of not to vote to defer is, hopefully, give enough time for the parties involved to get together without us forcing them to. And, hopefully, when we do meet again, there's some other information. So that way, the vote won't go exactly that it's going to go today. So -- so that is the purpose for 60 days. Is that allowed?

MR. HOPPER: You can make the motion to defer for that reason. Again, you can request that there be that discussion, but that wouldn't be a requirement.

COMMISSIONER ROBINSON: Right. We can't --

MR. HOPPER: But, you know, you would vote at the next meeting based on, again, the criteria set forth in the

permit, any new evidence. And, again, any absent Members are going to need to be able to come up to speed with the whole record before they can take action on this, on this item.

COMMISSIONER ROBINSON: Yeah, because I just -- that was -- a one-week turnaround for me to read something like that was a little tight, so -- the matter that we had this afternoon. So I think 60 days is something I'd request.

VICE-CHAIR TSAI: Commissioner Hedani.

COMMISSIONER HEDANI: I agree with Commissioner Robinson. I think if we defer it -- you know, I could support a motion to defer. I think if we defer it and allow the applicant an opportunity to speak with the community that attempted to intervene at today's meeting it would be a step in the right direction. And then to come back to us with the results of those discussions.

The only reason I supported the motion to deny the intervention was I thought we were going to deny this application outright. Since we're moving toward considering approval or we had a motion for approval, I think we should allow the people that had problems with this project to speak with the applicant.

So if you need a condition or an amendment to the main motion, I can do that. Or if the maker of the main

motion would be amenable to adding a condition that they meet with the surrounding community associations, I think that would be a good thing.

MR. HOPPER: Again, at this time you can make requests, but there's not going to be any binding conditions on the deferral. You can defer and request action and additional information, but, in the end, your action is going to be to approve or deny. I mean, you can defer for additional information and you can make that request and say it's for 60 days, but, again, if there's -- there's -- generally, you can't put a condition on a deferral motion. You can on an approval motion, certainly, but on a deferral motion, you can make that request certainly and if they, you know, don't do that to your satisfaction, and you believe essentially that the criteria for granting the permits has not been met and they have not met the burden of showing they're entitled to the relief requested, you can deny the permit. But in this case, the deferral, you can certainly state your -- you know, your request that they -- they still speak with certain people, but, you know, to say it's a condition is a bit different. I'd say it's a request that that be done as part of the deferral, just to clarify.

VICE-CHAIR TSAI: Mike, since we can request for additional information, can that be part of the information we are requesting, is the findings of their meetings or

discussions with the community, the rest of the community?

MR. HOPPER: You can certainly request they provide any information that they have on that, or specify exactly what you would like to see that would assist you in your decision-making at the next meeting.

VICE-CHAIR TSAI: Yes.

MR. WOLLENHAUPT: Since we're discussing surrounding communities, the testimony has come in from Pu`unoa Homeowners Association, Puamana Homeowners Association, Launiupoko neighborhood, Shark Pit neighborhood. So I think that any discussions, because those have been letters from those neighborhoods, the applicant should be requested that discussions should, at a minimum, go to the neighborhoods that have expressed most level -- highest level of concern. So I just wanted to get on the record that those have been the neighborhoods that have written testimony of concern.

VICE-CHAIR TSAI: Commissioner Robinson.

COMMISSIONER ROBINSON: I think the applicant, wanting a favorable outcome in the next meeting, will probably reach out more than just that area. And, you know, to put -- I don't think we have to put the requirement on. I think -- I think they kind of heard us today that -- with our votes, that we want them to be more -- more inclusive in their decision and their plan. So I think just -- I think a

request would be good. And I'm comfortable to vote on that now.

VICE-CHAIR TSAI: You want to repeat the motion on the floor, Director?

DIRECTOR SPENCE: I'm gonna try. The motion is to defer. I think the request -- that there's a request with it for 60 days, that the applicant go discuss the matter with the community. But the main motion -- and those are just requests, but the motion is to defer.

VICE-CHAIR TSAI: Okay. All right. Let's vote. Show of hands. All in support of this motion, raise your hand.

DIRECTOR SPENCE: That's five ayes. Motion carries.

Commissioners, there's one more item with this particular application. It'd be action on the Conditional Permit. The Planning Commission makes a recommendation to the County Council. And, I mean, just so the record is clear, would the Commission like to make a motion on the recommendation for the Conditional Permit? There could be --

COMMISSIONER ROBINSON: I make a motion to defer for 60 days on the -- on the conditional.

COMMISSIONER HEDANI: Second.

COMMISSIONER HIGASHI: Second.

VICE-CHAIR TSAI: Okay. Show of hands, vote. In support of the motion to defer.

COMMISSIONER HEDANI: Second.

DIRECTOR SPENCE: Okay. That's five ayes to defer on the Conditional Permit.

VICE-CHAIR TSAI: Okay. Before we go to the next agenda item, we're going to move to the regular Planning conference meeting room. 10 minutes.

(Recess, 3:20 p.m.)

(Transcript of this item concluded.)

CERTIFICATE

I, TONYA MCDADE, Certified Court Reporter of the State of Hawaii, do hereby certify that the proceedings contained herein were taken by me in machine shorthand and thereafter was reduced to print by means of computer-aided transcription; and that the foregoing represents, to the best of my ability, a true and accurate transcript of the proceedings had in the foregoing matter.

I further certify that I am not an attorney nor an employee of any of the parties hereto, nor in any way concerned with the cause.

DATED this ___ day of _____, 2015.

_____
Tonya McDade
Certified Shorthand Reporter #447
Registered Professional Reporter
Certified Realtime Reporter
Certified Broadcast Reporter

EXHIBIT 4

ALAN M. ARAKAWA
Mayor

WILLIAM R. SPENCE
Director

MICHELE CHOUTEAU McLEAN
Deputy Director

COUNTY OF MAUI

DEPARTMENT OF PLANNING

July 31, 2015

Ms. Lisa Darcy
Ho'omoana Foundation
33 Lono Avenue, Suite 230
Kahului, Hawaii 96732

Dear Ms. Darcy:

SUBJECT: DENIAL OF PETITION TO INTERVENE AND DEFERRAL OF THE STATE LAND USE COMMISSION SPECIAL USE PERMIT (SUP) AND CONDITIONAL PERMIT (CP) BY HO'OMOANA FOUNDATION, C/O LISA DARCY, FOR THE PROPOSED DEVELOPMENT AND OPERATION OF THE KAUAULA CAMPGROUND FOCUSED ON BOTH THE TRANSIENT / HOMELESS / FINANCIALLY DISADVANTAGED POPULATION AND THE COMMERCIAL CAMPER, LOCATED AT HOKIOKIO PLACE AND THE LAHAINA BYPASS ROAD, LAHAINA, ISLAND OF MAUI, HAWAII; TMK: (2) 4-7-003:031 (SUP2 2014/0006) (CP 2014/0002)

At its regular meeting on July 28, 2015, the Maui Planning Commission (Commission) conducted a public hearing on the above-referenced applications. The Applicant for the State Land Use Special Use Permit (SUP2) and Conditional Permit (CP) is Ho'omoana Foundation.

After due deliberation of the Petition to Intervene by Pu'unoa Homeowners Association, Inc., the Commission voted to DENY the Petition to Intervene.

Subsequently, after due deliberation, the Commission voted to DEFER SUP2 2014/0006 AND CP 2014/0002.

The Commission requests that the Applicant work with adjacent property owners and homeowners' associations in order to attempt to resolve questions and concerns that have been raised about the proposed Kauaula Campground and within approximately sixty (60) days to report the findings of these meetings back to the Commission at a regularly scheduled meeting.

Thank you for your cooperation. If additional clarification is required, please contact Staff Planner Kurt Wollenhaupt at kurt.wollenhaupt@mauicounty.gov or at (808) 270-1789

Sincerely,

WILLIAM SPENCE
Planning Director

xc: Clayton I. Yoshida, AICP, Planning Program Administrator (PDF)
John S. Rapacz, Planning Program Administrator (PDF)
Kurt F. Wollenhaupt, Staff Planner (PDF)
James W. Geiger
Deborah K. Wright, Wright & Kirschbraun
Dean K. Frampton, Frampton & Ward, LLC,
Project File
General File

WRS:KFW:sn
K:\WP_DOCS\PLANNING\CP\2014\0002_Kauaula_Camp\MPC_Deferral.doc

EXHIBIT 5

WRIGHT & KIRSCHBRAUN,
A Limited Liability Law Company

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

2015 DEC -4 A 8:31

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAI'I

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	DOCKET NO. DR 15-54 **PETITION FOR A DECLARATORY ORDER; EXHIBITS "A" – "B;" VERIFICATION OF DEVONNE LANE; CERTIFICATE OF SERVICE**

PETITION FOR A DECLARATORY ORDER

PU'UNOA HOMEOWNERS ASSOCIATION, INC., and DEVONNE LANE, an individual and as a member of the Pu'unoa Homeowners Association, Inc., as interested persons, file this 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. The land soil in

question is classified as having a "B" productivity rating under the Land Study Bureau's Detailed Land Classification System.

I. IDENTIFICATION OF PETITIONERS AND PETITIONERS' INTERESTS

Petitioner PU'UNOA HOMEOWNERS ASSOCIATION, INC. ("Pu'unoa"), is a Hawaii non-profit corporation formed to act as a neighborhood homeowners' association, whose members consist of twenty-six (26) owners of agricultural lots having approximately five (5) acres or more of real property each and being located adjacent to, and mauka 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. Petitioner DEVONNE LANE ("Lane") is the President of the Association and is also an owner in the Pu'unoa Subdivision and member of Pu'unoa. The applicant before the County of Maui is Ho'omoana Foundation ("Ho'omoana"). Pu'unoa's address is c/o its President, DeVonne Lane, 78 Mele Komo Place, Lahaina, Hawaii 96761; its telephone number is 808-446-5906. Lane's address is 78 Mele Komo Place, Lahaina, Hawaii 96761; her telephone number is 808-446-5906. A list of the Tax Map Key numbers for the Pu'unoa Subdivision lots is attached as Exhibit "A." Pu'unoa is responsible for the common elements of the Pu'unoa Subdivision and therefore also has an interest in the real property located near to the Application. Pu'unoa's duties include managing, enforcing and adopting rules, regulations and covenants and conditions for the benefit of all of its members. Having property immediately north to that of the applicant's, Pu'unoa is uniquely poised to witness the consequences of the implementation of the proposed social safety net experiment and commercial enterprise, neither of which is related to agriculture. Pu'unoa's members have cultural, recreational, aesthetic, land use and

environmental interests that would be directly and indirectly affected by the proposed campground nearby.

Lane is an individual homeowner and neighbor to the land in question and utilizes the same public services that would be utilized by the proposed campground. On her property she has over 7 dozen fruit trees, as well as laying hens and bee hives. Since the entire area, including where the proposed campground will be located, is designated agricultural (having good and productive soil) by both the State of Hawai'i, County of Maui, West Maui Community Plan, and the recently adopted Maui County 2030 General Plan, the fact that there are protected birds in the area and the same Kau'aula Stream borders and defines both properties, which lead to the ocean, and because of limited public resources in the area, Lane has aesthetic, recreational, environmental, and land use interests in ensuring that Ho'omoana is not developed into a homeless and commercial encampment contrary to agricultural use designations.

II. ISSUE

Does the issuance of a Special Use Permit authorizing a campground, part homeless encampment and part commercially based, in an agricultural district permanently removing land classified as "B" under the Land Study Bureau's Detailed Land Classification System, on 7.9 acres of a 22.7 acre parcel, require a district boundary amendment or can the authority be granted utilizing the Maui County Planning Commission process, not subject to the more thorough review of the Land Use Commission boundary amendment and zoning approval process?

III. FACTS

Ho'omoana, on land owned by Kauaula Land Company, LLC, TMK (2)4-7-003:031 (POR), proposes to build a campground (Kauaula Campgrounds), to include approximately 7.9 acres of an approximately 22.7 acre agricultural parcel located on Maui's West Side along

Hokiokio Place, adjacent to and bounded by the Lahaina By-Pass between the Puamana Planned Unit Development and the agriculturally zoned Pu'unoa community. The project is described as being 7.9 acres of a larger 22.68 acre agricultural site, consisting of a 2 acre campground while reserving 5.9 acres of adjacent agricultural field for possible future uses for the encampment residents. Future agricultural productivity is not a guaranteed or required for the campers. The actual 2 acre area will have up to 26 pods (for up to 80 people) for tents (to be provided by the campers) with the goal of having the "cream of the crop" of homeless setting up tents alongside commercial campers. Homeless campers are expected to pay $10 a night; commercial campers would pay more. The goal is for the camping fees to underwrite the ongoing expenses of the venture. The campgrounds would provide showers, some sort of toilet facilities, fire pits or campstove areas, a paved parking area and a charging station to campers. Campers would be allowed to stay for as long as approved by the campground manager, which is expected to be two to three months or more for the homeless occupants. While there is mention of the possibility that some campers may wish to participate in some sort of farming on some part of the property in the future as noted above, there is no current requirement that the homeless campers (and certainly not of the commercial campers) engage in agricultural activities. In other words, the possibility of agriculture is discretional and proposed as a possible accessory to the principal use of the land as an encampment.

Ho'omoana has applied for a State Land Use Commission Special Use Permit and a Conditional Permit through the County of Maui Planning Commission. No application is presently before the State Land Use Commission.

The soil on the land at issue, as noted above, is classified as "B", or land entitled to great protection by statute due to its high capacity for intense cultivation. As shown on attached

Exhibit B, this land is one of the very few areas of prime agricultural land left in West Maui. Another part of the same lot is currently in use as a retirement stable for horses (9 acres); 5.8 acres are part of the Lahaina Watershed Flood Control Project Area. This land used to be used for the cultivation of sugar cane when it was owned by Pioneer Mill, LLC. The Kau'aula Stream flows on one side of the proposed campsite and through Puamana Planned Unit Development to the south and on into the ocean.

The Kau'aula Stream has been designated as a cultural site by the State Historic Preservation Division and for which there is a recommended 60 - 300 yard setback to preserve cultural influences. Additionally, the Newell's shearwater (endangered) and Hawaii dark-rumped petrol (endangered) nest in the West Maui Mountains, with adults and their fledglings flying through this area.

IV. STATUTORY PROVISIONS AND RULES AT ISSUE

HRS §205-2(a)(3) sets forth what lands are classified as agricultural and states the goals with regard to same:

> (3) In the establishment of the boundaries of agricultural districts the greatest possible protection shall be given to those lands with a high capacity for intense cultivation;

HRS §205-2(d), with respect to agricultural districts, states that permitted activities on such land shall include:

> (1) Activities or uses as characterized by the cultivation of crops, crops for bioenergy, orchards, forage, and forestry;
> (2) Farming activities or uses related to animal husbandry and game and fish propagation;
> (3) Aquaculture...;
> (4) Wind generated energy production...;
> (5) Biofuel production...;
> (6) Solar energy facilities [with limitations]...;
> (7) Bona fide agricultural services and uses that support the agricultural activities of the fee or leasehold owner...;

(8) Wind machines and wind farms;
(9) Small-scale meteorological, air quality, noise, and other scientific and environmental data collection...;
(10) Agricultural parks;
(11) Agricultural tourism conducted on a working farm...;
(12) Agricultural tourism activities [as limited]...;
(13) Open area recreational facilities;
(14) Geothermal resources exploration...;
(15) Agricultural-based commercial operations [roadside stands, agricultural producer retail activities].

HRS §205-4.5(a) speaks to specifically permissible uses in the agricultural districts, for land classified as B, states:

(a) Within the agricultural district, all lands with soil classified by the land study bureau's detailed land classification as overall (master) productivity rating class A or B and for solar energy facilities, class B or C, shall be restricted to the following permitted uses:
(1). Cultivation of crops, including crops for bioenergy, flowers, vegetables, foliage, fruits, forage, and timber;
(2) Game and fish propagation;
(3) Raising of livestock, including poultry, bees, fish, or other animal or aquatic life that are propagated for economic or personal use;
(4) Farm dwellings, employee housing, farm buildings, or activities or uses related to farming and animal husbandry. "Farm Dwelling," as used in this paragraph, means a single-family dwelling located on and used in connection with a farm, including clusters of single-family farm dwellings permitted within agricultural parks developed by the State, or where agricultural activity provides income to the family occupying the dwelling;
(5) Public institutions and buildings that are necessary for agricultural practices;
(6) Public and private open area types of recreational uses, including day camps, picnic grounds, parks, and riding stables, but not including dragstrips, airports, drive-in theaters, golf courses, golf driving ranges, country clubs, and overnight camps [emphasis supplied];
(7) Public, private, and quasi-public utility lines and roadways...
(8) Retention, restoration, rehabilitation, or improvement of buildings or sites of historic or scenic interest;
(9) Agricultural-based commercial operations as described in section 205-2(d)(15) [agricultural based operations such as a roadside stand or retail activities by a producer];
(10) Buildings and uses, including mills, storage and processing facilities, ...that are normally considered directly accessory to the above-mentioned uses and are permitted under section 205-2(d);
(11) Agricultural parks;

(12) Plantation community subdivisions, ... [with regard to a sugar or pineapple plantation];
(13) Agricultural tourism conducted on a working farm, or a farming operation as defined in section 165-2, for the enjoyment, education, or involvement of visitors; provided that the agricultural tourism activity is accessory and secondary to the principal agricultural use and does not interfere with surrounding farm operations...;
(14) Agricultural tourism activities, including overnight accommodations of twenty-one days or less, for any one stay within a county...;
(15) Wind energy facilities...;
(16) Biofuel processing facilities...;
(17) Agricultural-energy facilities...;
(18) Construction and operation of wireless communication antennas...;
(19) Agricultural education programs conducted on a farming operation...;
(20) Solar energy facilities that do not occupy more than ten per cent of the acreage of the parcel...;
(21) Solar energy facilities on lands with soil classified by the land study bureau's detailed land classification as overall (master) productivity rating B or C for which a special use permit is granted pursuant to section 205-6...;
(22) Geothermal resources exploration...;
(23) Hydroelectric facilities [as limited]....

HRS §205-5(b), with respect to permissible uses in the agricultural district, states:

Within agricultural districts, uses compatible to the activities described in section 205-2 as determined by the commission shall be permitted; provided that accessory agricultural uses and services described in sections 205-2 and 205-4.5 may be further defined by each county by zoning ordinance.[1] Each county shall adopt ordinances setting forth procedures and requirements, including provisions for enforcement, penalties, and administrative oversight, for the review and permitting of agricultural tourism uses and activities as an accessory use on a working farm, or farming operation as defined in section 165-2. Ordinances shall include but not be limited to:
(1) Requirements for access to a farm, including road width, road surface, and parking;
(2) Requirements and restrictions for accessory facilities connected with the farming operation, including gift shops and restaurants;
(3) Activities that may be offered by the farming operation for visitors;
(4) Days and hours of business operation; and
(5) Automatic termination of the accessory use upon the cessation of the farming operation.
Each county may require an environmental assessment under chapter 343 as a condition to any agricultural tourism use and activity. Other uses may be allowed by special permits issued pursuant to this chapter....

[1] The County of Maui has no ordinance allowing campgrounds for extended stays as an accessory use in an agricultural district.

HRS §205-3.1(a) states:

District boundary amendments involving lands in the conservation district, land areas greater than fifteen acres, or lands delineated as important agricultural lands shall be processed by the land use commission pursuant to section 205-4.

HRS §205-3.1(c), with regard to land areas less than fifteen acres, states:

District boundary amendments involving land areas of fifteen acres or less, except as provided in subsection (b), shall be determined by the appropriate county land use decision-making authority for the district and shall not require consideration by the land use commission pursuant to section 205-4; **provided that such boundary amendments and approved uses are consistent with this chapter**...[bolding added].

HRS §205-6 (a), (c) and (d), as to special permits, state:

(a) Subject to this section, the county planning commission may permit certain unusual and reasonable uses within agricultural and rural districts other than those for which the district is classified. Any person who desires to use the person's land within an agricultural or rural district other than for an agricultural or rural use, as the case may be, may petition the planning commission of the county within which the person's land is located for permission to use the person's land in the manner desired. Each county may establish the appropriate fee for processing the special permit petition. Copies of the special permit petition shall be forwarded to the land use commission, the office of planning, and the department of agriculture for their review and comment.

(c) The county planning commission may, under such protective restrictions as may be deemed necessary, permit the desired use, but only when the use would promote the effectiveness and objectives of this chapter;...[bolding supplied]

(d) Special permits for land the area of which is greater than fifteen acres or for lands designated as important agricultural lands shall be subject to approval by the land use commission. The land use commission may impose additional restrictions as may be necessary or appropriate in granting the approval, including the adherence to representations made by the applicant.

HAR §15-15-01 states the purpose of the rules as:

Purpose. This chapter governs the practice and procedure before the land use commission, and shall be construed to secure the just and efficient determination of every proceeding. **This chapter shall be liberally construed to preserve, protect, and encourage the development and preservation of lands in the**

State for those uses to which they are best suited in the interest of public health and welfare of the people of the State of Hawai'i. The rules under this chapter are promulgated pursuant to authority provided by sections 205-1 and 205-7, HRS. (emphasis supplied).

HAR §15-15-23 generally states permissible uses as:

Except as otherwise provided in this chapter, the following land and building uses are compatible and permitted within the following land use districts, except when applicable county ordinances or regulations are more restrictive. Except as otherwise provided in this chapter, **uses not expressly permitted are prohibited.** (emphasis supplied).

HAR §15-15-25(a) notes permissible uses within the "A" agricultural district as:

Permissible uses within the agricultural district on land with soil classified by the land study bureau's detailed land classification as overall (master) productivity rating class A or B shall be those uses set forth in section 205-4.5, HRS.

HRS §205-15 states with regard to conflicts:

Except as specifically provided by this chapter and the rules adopted thereto, neither the authority for the administration of chapter 183C nor the authority vested in the counties under section 46-4 shall be affected.

The County of Maui, at Maui County Ordinance §19.510.070(B), has set forth the following criteria which must be reviewed and, further, a finding has been made that each of the following has been met:

Criteria for Permit. Subject to the provisions of this chapter, the appropriate planning commission shall review and, after a public hearing, may approve a request for a special use if the commission finds that each of the following criteria have been met:

1. The proposed request meets the intent of the general plan and the objectives and policies of the applicable community plan of the county;
2. The proposed request is consistent with the applicable community plan land use map of the county;
3. The proposed request meets the intent and purpose of the applicable district;
4. The proposed development will not adversely affect or interfere with public or private schools, parks, playgrounds, water systems, sewage and solid waste disposal, drainage, roadway and transportation systems, or other public requirements, conveniences, and improvements;

5. The proposed development will not adversely impact the social, cultural, economic, environmental, and ecological character and quality of the area;
6. That the public shall be protected from the deleterious effects of the proposed use;
7. That the need for public service demands created by the proposed use shall be fulfilled; and
8. If the use is located in the state agricultural and rural district, the commission shall review whether the use complies with the guidelines established in section 15-15-95 of the rules of the land use commission of the State.

The last section (numbered 8) of the foregoing ordinance also pulls in an additional set of five criteria by reference to HAR §15-15-95. The following are the additional criteria:

> (c) Certain "unusual and reasonable" uses within agricultural and rural districts other than those for which the district is classified may be permitted. The following guidelines are established in determining an "unusual and reasonable use":
> (1)The use shall not be contrary to the objectives sought to be accomplished by chapters 205 and 205A, HRS, and the rules of the commission;
> (2) The proposed use would not adversely affect surrounding property;
> (3) The proposed use would not unreasonably burden public agencies to provide roads and streets, sewers, water drainage and school improvements, and police and fire protection;
> (4) Unusual conditions, trends, and needs have arisen since the district boundaries and
> rules were established; and
> (5) The land upon which the proposed use is sought is unsuited for the uses permitted within the district.

V. STATEMENT OF POSITION AND OF THE CONTROVERSY

Ho'omoana has applied to the County of Maui Planning Department and Maui Planning Commission for special use and conditional use permits in order to put an overnight campground allowing extended commercial and transient stays for up to 80 people on approximately 7.9 acres set aside out of the 22.7 acre agriculturally zoned parcel in West Maui. The extended stay commercial and homeless campground proposed on land soil classified as a B productivity level by the Land Study Bureau is not a permitted use under HRS §205-4.5(a), and is specifically prohibited. Further, such a campground is neither a permitted nor an accessory use under Maui

County Ordinance §19.30A.050, in part because under Maui's ordinances, §19.04.040, a camping unit, including a tent, is to provide temporary living quarters for no more than six consecutive nights in any thirty-day period. The counties are given authority under HRS §205-5(b) to further define accessory agricultural uses (which Maui has done to the exclusion of long-term camping, as it has to in light of HRS §205-4.5(6)). This limited grant of authority to consider other permissible accessory agricultural uses which are consistent with the state's goals and statutory parameters, though, is simply not a blank check to consider any use whatsoever. Similarly, HRS §205-6(a) and (c) allow the counties to grant special permits for unusual and reasonable uses so long as those uses promote the effectiveness and objectives of chapter 205. These provisions, however, do not allow the counties, by ordinance or by special permit, to define away or contradict the statutory restrictions for agricultural uses.

Because the portion of the lot where it will establish the campground is under 15 acres, Ho'omoana believes it does not need to apply for a special use permit through the Land Use Commission. Even if the interpretation that only a portion of the lot need be considered to determine where the application for the special use permit may be filed, the County of Maui is still limited on what special use permits it may approve by statute. HRS §205-6(c) precludes the counties from granting a special use permit unless it promotes uses consistent with the objectives of the chapter which include the preservation of agricultural land. Petitioners believe that since the proposed use is not a permissible use by statute, or a permissible or accessory use by zoning ordinance, the special use permit application through the Maui County Planning Commission in this instance on such prime agricultural land is merely an attempt to circumvent the correct process, i.e., a district boundary amendment petition through the State Land Use Commission.

VI. MEMORANDUM OF AUTHORITIES

The attempt to take prime agricultural land and push it through the local planning commission as an extended stay commercial and transient campground is clearly an attempt to avoid the formal process of a district boundary amendment (advancing a step towards urbanization) end run around the Land Use Commission, to achieve a currently, specifically prohibited commercial use. It is the exact thing that the Hawaii legislature's intent and enacted statutes, the Land Use Commission's rules and the Hawaii courts expressly seek to prevent.

A. The Importance of Agricultural Land In Hawaii and Under Hawaii Law

Agricultural land has always been accorded historical, cultural and economic significance in Hawaii. The importance of agricultural land is specifically referred to in the Hawaii State Constitution in Article II, Section 3: "The State shall conserve and protect agricultural lands, promote diversified agriculture, increase agricultural self-sufficiency and assure the availability of agriculturally suitable lands." It is with this mandate in mind that the legislature enacted HRS §205-1 *et seq*. and related statutes.

In this instance, HRS §§205-2(d) and 205-4.5 identify those uses suitable for agricultural land, and specifically land classified as "B" in the Land Study Bureau's Detailed Land Classification System. "B" land is considered the second highest productivity level and as shown on Exhibit "B" hereto is in short supply on Maui's West Side. Commercial and transient camping is not a statutorily allowed use either as a principal or as an accessory use for agricultural land and is specifically prohibited. HRS §205-5(b) permits the counties to further define accessory uses within certain parameters. These parameters require the use to be compatible with the already described statutory uses. A commercial and transient campground fits none of the statutorily permissible or accessory or the County of Maui permissible or

accessory use definitions. HRS §205-6(c) allows special uses only so long as they "promote the effectiveness and objectives of this chapter," Chapter 205.

B. The Special Permit Process Is Not A Substitute For A District Boundary Amendment

Using the special permit process to affect a substantive change to an agriculturally prohibited use, should require a district boundary amendment. As a result of the de facto spot zoning and permanent removal of good agricultural land, the formal process of a boundary district amendment must be implemented.

In *Save Sunset Beach Coalition, et al v. The City and County of Honolulu, et al*, 102 Hawaii 465, 78 P. 3d 1 (Hawaii 2003), the court examined a rezoning of 765 acres from agricultural use to a country district designation. In its review, the Court discussed the interplay among county zoning ordinances, permitted uses and statutorily defined uses, and found

> In Hawaii's land use system the legislature's statutory districts constitute more of a general scheme, and, presumably, by delegating authority to zone to the counties, the legislature intended that specific zoning be enacted at the county level. We believe that the "consistency doctrine" enunciated in [*Gatri v. Blane*, 88 Hawaii 108, 962 P.2d 367 (1998)] is somewhat instructive in the instant case. Because the uses allowed in country zoning, are prohibited from conflicting with the uses allowed in a State agricultural district, only a more restricted use as between the two is authorized. By adopting a duel land use designation approach, the legislature envisioned that the counties would enact zoning ordinances that were somewhat different from, but not inconsistent with, the statutes.

Id. at p. 482. The Court then specifically addressed the limitations on uses in agricultural districts and the exceptions thereto:

> While the counties are empowered to enact zoning ordinances, HRS chapter 205 clearly limits the permissible uses allowed within an agricultural district. HRS §205-4.5(b) states that "uses not expressly permitted in subsection (a) shall be prohibited, except the uses as provided in sections 205-6 and 205-8[.]" (Emphasis added.) Thus, any use permitted by a country designation not expressly permitted in HRS §205-4.5(a) or by virtue of HRS §§205-6 or 205-8 (2001) conflicts with the statutory regime. ...

> ... However, we observe that the "reasonable and unusual" exception permitted by HRS §205-6 cannot be utilized to circumvent the essential purpose of the agricultural district. In Curtis, 90 Hawaii at 397, 978 p.2d at 835, this court held that the "essential purpose [of HRS § 205-6] ...is to provide landowners relief in exceptional situations where the use desired would not change the essential character of the district nor be inconsistent therewith." Id. (emphasis added) citing Neighborhood Board No. 24 (Waianae Coast) v. State Land Use Comm'n, 64 Haw. 265, 639 P. 2d 1097 (1982)). Accordingly, while a landowner may request a permit for a use allowed by a country designation but prohibited in an agricultural district, such a permit is appropriate only in an "exceptional situation" that does not contravene the general purpose of an agricultural district. ...

Id. at 482. In some instances, utilizing the catch-all "reasonable and unusual" exception is warranted. For example, a landowner may seek to obtain a special use permit to conduct limited commercial activities consisting of limited culinary farm-to-table gatherings to generate additional income to help make ends meet on land zoned for agricultural use. Such a use should be analyzed pursuant to the criteria set forth at HRS §205-6 concerning "Special Permits." In this instance, although the culinary farm-to-table proposal is not a specifically enunciated permitted or accessory use, it would appear to qualify as a form of eco or educational tourism promoting farmer-chef relationships and Hawaii agricultural activities, thereby achieving the effectiveness and objectives of Chapter 205.[2] Further analysis might reveal a significant amount of other reasons which may further justify such a limited commercial venture on agricultural designated lands: the use comports with the County Plan, the use ultimately seeks to use, protect and promote agricultural lands, no additional burden on the community and County, and on and on. As a hypothetical, it shows that appropriate circumstances exist for the issuance of a Special Permit on agriculturally designated lands -- those uses which promote the effectiveness and objectives of Chapter 205. Nothing about Ho'omoana's proposed use promotes the effectiveness and objectives of Chapter 205.

[2] This hypothetical is based on an actual case; however, Rule 35 of the Hawaii Appellate Rules prevents citation to this case because it is a summary dispositional order filed before July 1, 2008.

Here, there is no exceptional situation that allows for a special permit inconsistent with the statutorily prescribed agricultural uses. Here, the land soil is rated "B" and is good agricultural soil. Ho'omoana has shown no reason to replace the productive soil with commercial and transient encampments. Ho'omoana has argued that the land is otherwise fallow; however, its hollow ultimatum to leave good agricultural land fallow or convert it to an urban use is self-imposed. Ho'omoana has chosen to leave the productive land fallow, but that doesn't mean that it can't be made productive for agricultural purposes -- converting the land to an urban use is not the only, or the best, alternative. In essence, what Ho'omoana is doing is using the special use permit route to circumvent the more appropriate district boundary amendment process and create unofficial spot zoning to serve its own interests. *See Save Sunset Beach Coalition et al, supra,* at 473 (discussing spot zoning).

The *Waianae Coast* case, cited above, dealt with a proposed recreational theme park to be developed on agricultural land. In that instance the agricultural land's productivity rating was "E," much lower than the land in the present case. Even so, after noting that the planning commission used the Land Use District criteria to determine that the criteria were met for a special use permit, being unusual and reasonable under HRS §205-6, and that it would ultimately promote the effectiveness and objectives of HRS Chapter 205, without regard to the acreage involved, the Court held:

> ...however, we are left with a definite and firm conviction that the recreational theme park proposal fails to comply with the first and critical requirement that the proposed use not run contrary to the objectives sought to be accomplished by the Land Use Laws and Regulations, the counterpart of the statutory mandate that the proposed use promote the effectiveness and objectives of HRS Ch. 205....
>
> As courts have repeatedly recognized, unlimited use of the special permit to effectuate essentially what amounts to a boundary change would undermine the protection from piecemeal changes to the zoning scheme guaranteed landowners

> by the more extensive procedural protections of boundary amendment statutes. [citations omitted]

Id. at pp. 270, 272.

This is a simple issue: HRS Chapter 205 is designed to protect agricultural lands, especially highly productive agricultural land. In *Curtis v. Board of Appeals, County of Hawaii*, 90 Haw. 384, 978 P. 2d 822 (Haw. 1999) the Court reiterated that "...conservation lands must be reserved if practicable, agricultural lands should be protected, and urban lands should be developed in orderly fashion." *Id.* at 396. If anything, the recognized need to protect agricultural land has only increased.

Similarly, the Land Use Commission has previously addressed the issue of overnight camps on agricultural land:

> The enacting statute, HRS Chapter 205, is very clear in prohibiting "overnight camps" as provided in HRS §205-4.5(6), "...but not including dragstrips, airports, drive-in theaters, golf courses, golf driving ranges, country clubs and overnight camps. (emphasis added).
>
> ...HRS Chapter 205 does not expressly or by implication allow agricultural district lands to be used to accommodate overnight camps or dwellings where there is no apparent evidence of any activity for uses related to farming or animal husbandry.

In the Matter of Pono, Declaratory Order, August 6, 1997[3], Docket No. DR97-20, pp. 12 – 13, 14. The vague, possible agricultural use, which will in the future only be accessory to the tent encampment, one that transient campers may, or may not, actually ever participate in, proposed by Ho'omoana to justify its commercial long stay campground, is much like the proposed optional agricultural uses in *Save Sunset Beach* – proposals that are inserted simply to try and avoid the disclosure of the real nature of the project. This is an attempt to create a slippery slope. It's not that urban land is unavailable, it's just that it is convenient for the applicant to change the

[3] This order was later overruled for Sunshine law violations, but not on the substance of the declaratory ruling.

permitted uses to suit its needs and preferences in this location. After all, in addition to the clear guidance in Chapter 205, the State has further enunciated its objectives and policies for agricultural land:

> § 226-7. Objectives and policies for the economy -- Agriculture.
>
> (a) Planning for the State's economy with regard to agriculture shall be directed towards achievement of the following objectives:
>
> (1) Viability of Hawaii's sugar and pineapple industries.
>
> (2) Growth and development of diversified agriculture throughout the State.
>
> (3) An agriculture industry that continues to constitute a dynamic and essential component of Hawaii's strategic, economic, and social well-being.
>
> (b) To achieve the agriculture objectives, it shall be the policy of this State to:
>
> (1) Establish a **clear direction for Hawaii's agriculture** through stakeholder commitment and advocacy.
>
> (2) **Encourage agriculture by making the best use of natural resources.**
>
> (3) Provide the governor and the legislature with information and options needed for **prudent decision-making for the development of agriculture.**
>
> (4) Establish **strong relationships between the agricultural and visitor industries** for mutual marketing benefits.
>
> (5) Foster increased public awareness and understanding of the contributions and benefits of **agriculture as a major sector** of Hawaii's economy.
>
> (6) Seek the enactment and retention of federal and state **legislation that benefits Hawaii's agricultural industries.**
>
> (7) **Strengthen diversified agriculture** by developing an effective promotion, marketing, and distribution system between Hawaii's food producers and consumers in the State, nation, and world.
>
> (8) Support research and development activities that **strengthen economic productivity in agriculture, stimulate greater efficiency, and enhance the development of new products** and agricultural by-products.
>
> (9) **Enhance agricultural growth** by providing public incentives and encouraging private initiatives.
>
> (10) **Assure the availability of agriculturally suitable lands** with adequate water to accommodate present and future needs.
>
> (11) Increase the attractiveness and opportunities for an **agricultural education and livelihood.**

(12) In addition to the State's priority on food, **expand Hawaii's agricultural base** by promoting growth and development of flowers, tropical fruits and plants, livestock, feed grains, forestry, food crops, aquaculture, and other potential enterprises.
(13) Promote economically competitive activities that **increase Hawaii's agricultural self-sufficiency**, including the increased purchase and use of Hawaii-grown food and food products by residents, businesses, and governmental bodies as defined under section 103D-104.
(14) Promote and assist in the establishment of sound financial programs for **diversified agriculture**.
(15) Institute and support programs and activities to assist the entry of displaced agricultural workers into alternative agricultural or other employment.
(16) Facilitate the **transition of agricultural lands in economically nonfeasible agricultural production to economically viable agricultural uses**.
(17) **Perpetuate, promote, and increase use of traditional Hawaiian farming systems**, such as the use of loko i'a, mala, and irrigated lo'i, and growth of traditional Hawaiian crops, such as kalo, 'uala, and 'ulu.
(18) **Increase and develop small-scale farms**.

HRS §226-7 (emphasis supplied). Nowhere in Chapter 205, or the above exhaustive list of policies, is it evident that taking productive agricultural land out of the collective land bank[4] and converting it to an urban use for the convenience of an individual landowner is encouraged or supported. To the contrary, applicant's proposed use runs against the adopted objectives concerning the use of agricultural lands.

VII. OTHER PARTIES

Other parties who may have an interest are the Maui Planning Commission and Ho'omoana, both of whom are being served with a copy of this Petition.

[4] Of which, only 6% has been identified within the Land Study Bureau's Acreage in State Agricultural District as having the highly productive class "B" rating. The most productive land in the state, rated as Class "A" and "A" represents less than 10% of the total agriculturally designated lands throughout Hawaii. *Future of Agriculture in Hawaii: Hawaii Land Use and Planning Framework*, Jesse Souki (Presentation to the American Planning Association-Hawaii Chapter on October 30, 2013, which can be viewed at http://www.slideshare.net/jessesouki/future-of-agriculture-in-hawaii).

VIII. RELATION TO ANY OTHER COMMISSION DOCKET FOR DISTRICT BOUNDARY AMENDMENT OR SPECIAL PERMIT

Petitioners know of no other docket for a district boundary amendment or a special permit which are related to this case.

DATED: Wailuku, Maui, Hawaii; December 2, 2015.

DEBORAH K. WRIGHT
KEITH D. KIRSCHBRAUN
DOUGLAS R. WRIGHT

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

PU`UNOA SUBDIVISION LOTS - TAX MAP KEY NOS:

470030300000
470030210000
470030300000
470030220000
470030240000
470030160000
470030230000
470030200000
470030190000
470030010000
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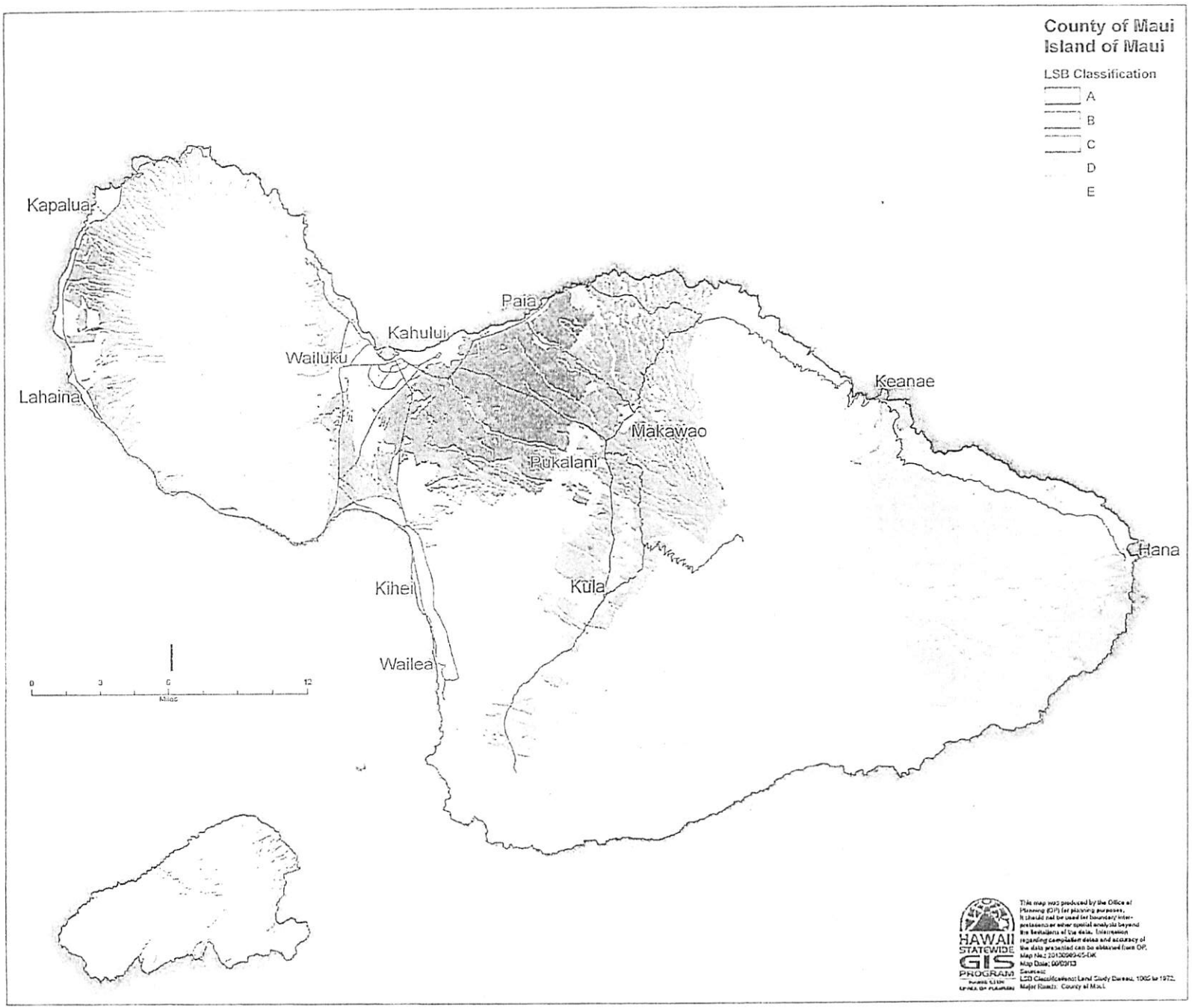
EXHIBIT "A"


County of Maui
Island of Maui
LSB Classification
A
B
C
D
E
Kapalua
Lahaina
Wailuku
Kahului
Paia
Keanae
Makawao
Pukalani
Hana
Kula
Kihei
Wailea
0
3
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12
Miles
HAWAII STATEWIDE GIS PROGRAM
This map was produced by the Office of Planning (OP) for planning purposes. It should not be used for boundary interpretations or other spatial analysis beyond the limitations of the data. Information regarding compilation dates and accuracy of the data presented can be obtained from OP.
Map No.: 20130069405-DK
Map Date: 06/2013
Sources:
LSB Classification: Land Study Bureau, 1965 to 1972.
Major Roads: County of Maui.

EXHIBIT "B"

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAI'I

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	DOCKET NO. _____ **VERIFICATION OF DEVONNE LANE**

VERIFICATION OF DEVONNE LANE

STATE OF HAWAII)
) SS.
COUNTY OF MAUI)

DEVONNE LANE, being first duly sworn upon oath, deposes and says that:

1. I am an individual Petitioner to the foregoing Petition for a Declaratory Order (the "Petition") and I am also the President of Petitioner PU'UNOA HOMEOWNERS ASSOCIATION, INC., a Hawaii non-profit corporation and homeowners association, and in those capacities I am qualified to make this Verification.

2. I have read the foregoing Petition and Exhibits "A" and "B" thereto, know the contents thereof, and that the same are true and correct to the best of my knowledge, understanding and belief.

FURTHER, Affiant sayeth naught.

DEVONNE LANE, individually and as
President of PU'UNOA HOMEOWNERS
ASSOCIATION, INC.

Subscribed and sworn to before me
this 19th day of November, 2015.

Printed Name: Margaret E. Harris
Notary Public, State of Hawaii
My commission expires: Sept. 5, 2016

MARGARET E. HARRIS NOTARY PUBLIC No. 04-498 STATE OF HAWAII

Document Date: undated # of Pages: 2
Name: Margaret E Harris Second Circuit

Document Description: Verification of Devonne Lane

Signature 11-19-2015 Date

NOTARY CERTIFICATION

MARGARET E. HARRIS NOTARY PUBLIC No. 04-498 STATE OF HAWAII

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 Wednesday, December 02, 2015.

Maui Planning Commission
Department of Planning, County of Maui
One Main Plaza
2200 Main Street, Suite 315
Wailuku, HI 96793

Ho'omoana Foundation
33 Lono Avenue, Suite 230
Kahului, HI 96732

DATED: Wailuku, Maui, Hawaii; December 2, 2015.

DEBORAH K. WRIGHT
KEITH D. KIRSCHBRAUN
DOUGLAS R. WRIGHT

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

EXHIBIT 6

ALAN M. ARAKAWA
Mayor

WILLIAM R. SPENCE
Director

MICHELE CHOUTEAU McLEAN
Deputy Director

LAND USE COMMISSION
STATE OF HAWAII
2016 JAN 25 A 9:08

COUNTY OF MAUI

DEPARTMENT OF PLANNING

January 20, 2016

MEMO TO: DANIEL ORODENKER
Executive Director
Land Use Commission
State of Hawaii
P. O. Box 2359
Honolulu, Hawaii 96804

FROM: Department of Planning, County of Maui
William R. Spence, Director of Planning
Clayton Yoshida, Planning Program Administrator

SUBJECT: **DOCKET No. DR 15-54 / KAUAULA CAMPGROUND**

TRANSMITTED ARE THE FOLLOWING:

COPIES	DATE	DESCRIPTION
Original and Digital Copy	1/20/2016	Position Statement of the Department of Planning, County of Maui, to Petition for a Declaratory Order; Certificate of Service.

( ) For your information & files
( ) For approval & signature
( ) Per your request
( ) For your review and approval
( ) See REMARKS below
(X) For filing

Attachments
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BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In the Matter of the Petition of: KAUAULA CAMPGROUND 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	Docket No. DR 15-54 POSITION STATEMENT OF THE DEPARTMENT OF PLANNING, COUNTY OF MAUI ON A PETITION FOR A DECLARATORY ORDER; CERTIFICATE OF SERVICE

POSITION STATEMENT OF THE DEPARTMENT OF PLANNING, COUNTY OF MAUI

The Department of Planning (Department), County of Maui, finds that the Petition for a Declaratory Order (Petition) requesting a District Boundary Amendment filed by Puunoa Homeowners Association, Inc., and Devonne Lane (Petitioner) relating to the construction of the Kauaula Campground is not supported by the Department. Hoomoana Foundation is proposing the development of the Kauaula Campground on approximately 7.9 acres (Project Site) which is a portion of the larger 22.68 acre agricultural site located along Hokiokio Place adjacent to the Lahaina By-Pass in between the Puamana Planned Unit Development and the gated residential community of Puunoa. The Project Site consists of the 2 acre campground and a 5.9 acre adjacent agricultural field to be used by the campground residents for therapy and work. The Department continues to hold the opinion that the appropriate planning vehicles for review of this matter are: 1) State Land Use Special Permit with the County of Maui Planning Commission the appropriate approving authority, and a 2) County of Maui Conditional Permit with the Maui County Council the approving authority.

Jurisdiction. Rule 15-15-102 of the Land Use Commission's rules states, in pertinent part:

> The commission, for good cause, may refuse to issue a declaratory order by giving specific reasons for the determination. Without limiting the generality of the foregoing, the commission may so refuse when:
>
> (4) The matter is not within the jurisdiction of the commission.

In this case, the Land Use Commission lacks jurisdiction to rule on this request for a State Special Permit, as jurisdiction lies with the Maui Planning Commission. Chapter 205-6, HRS clearly states that the sole authority to issue a Special Permit is sought is less than fifteen acres. The land for which the Special Permit is sought totals 7.9 acres. The Petitioners raise various objections to the issuance of the Special Permit in their petition; however, the proper venue for such objections is before the Maui Planning Commission.

The Maui Planning Commission has already began consideration of the Special Permit, and has provided notice of the application to property owners and held a public hearing on July 28, 2015. In fact, petitioners testified at the hearing along with many other community members and stakeholders. The decision on the Special Permit was deferred and is still under the Commission's active consideration. It would be both improper and illegal for the Land Use Commission to rule on the issuance of a Special Permit in this case, as that decision lies with the Maui Planning Commission under Chapter 205-6, HRS.

The Petitioners basically argue that the criteria in Chapter 205-6, HRS have not been met in this case. This is clearly an argument to be made (and Petitioners have made) before the Maui Planning Commission. Ultimately the Commission will need to reach a decision on the application. The Planning Commission's decision would be subject to judicial review in accordance with Chapter 91-14, HRS.

In short, a District Boundary Amendment is not the appropriate action in this case; but rather the State Land Use Special Permit.

Reason for a State Land Use Special Permit. The State Land Use Special Permit is required as overnight camps are not a permitted use on lands with soil classified by the Land Study Bureau's detailed land classification as overall productivity rating class "A" or "B" in the State Agricultural District, and hence require a State Special Permit. The Project Site is located on "B87i" rated land. Additionally, open land recreation uses, structures or facilities including commercial camping requires a County Special Use Permit in the County Agricultural Zoning District, except that if a use described in Maui County Code MCC, Section 19.30A.060 also requires a Special Permit pursuant to Chapter 205, Hawaii Revised Statutes, the state special permit shall fulfill the requirements of MCC, Section 19.30A.060. Hence approval of a Special Permit additionally satisfies the requirements of a County Special Use Permit. The Department considers the campground activity under review as occurring on a portion of the parcel

The subject property is in the State Agricultural District. The proposed uses are consistent with the Agricultural designation of the property. Chapter 205-6, HRS allows for the establishment of "unusual and reasonable" uses in the State Agricultural District through the approval of a State Land Use Special Permit. The Applicant has demonstrated bona fide agricultural activities are occurring on the property as reflected in the agricultural activities on the Project Site at Kalee's Retirement Stables and planned future agricultural operations from campers. The following guidelines are established in determining an "unusual and reasonable use" and the response to these guidelines is indicated as such:

> Certain "unusual and reasonable" uses within agricultural and rural districts other than those for which the district is classified may be permitted. The following guidelines are established in determining an "unusual and reasonable use":
>
> *(1) The use shall not be contrary to the objectives sought to be accomplished by chapters 205 and 205A, HRS, and the rules of the Land Use Commission.*
>
> COMPLIANCE: This section, as specific to the Agricultural District, directly provides broad discretion to the local planning commission to determine if a particular use is consistent and compatible within an area. The existing property meets the objectives of 205 HRS with the current pasture and grazing agricultural use. The proposed campsite will encompass approximately 2 acres or approximately 10% of the larger parcel with an

additional 5.9 acre adjacent agricultural field to be used by the campground residents for therapy. The proposed campsite use will not affect the continued pasture and grazing operations. As such, the proposed campsite will not jeopardize compliance with HRS 205 and the rules of the Land Use Commission.

(2) The desired use would not adversely affect surrounding properties or applicable district standards;

COMPLIANCE: The specific location of the campsite is located within the mauka limits of the 22 acre parcel, adjacent to the new Lahaina Bypass. Based on the proposed site plan, a substantial buffer area will soften the effect of the proposed campsite on surrounding properties. The existing pasture and grazing use will remain in place, unaffected by the proposed campsite. Further, the proposed campsite use does not represent a significant deviation from existing agricultural district standards.

(3) The potential impact on a) natural systems or habitats, b) cultural/natural resources, c) natural resources relevant to Hawaii's economy, d) state funds and resources, e) provisions for economic development, and f) provisions for housing opportunities mainly low income people.

COMPLIANCE: The proposed campground use will be generally self-contained and will not require substantial use of public resources to operate. The project will not have a significant impact on natural systems or habitats or cultural resources. The proposed campsite is insignificant in terms of the larger economy of Hawaii and will not represent a threat to existing agricultural resources. The project is privately funded and will not require state funds nor resources. Providing housing and life assistance to Maui's homeless residents will be a positive influence on the State's economy and also provide valuable housing assistance for Maui's lowest income group. It is the intention of the Applicant to focus services on the situational/transitional homeless individual as contrasted from that of the chronic homeless who may suffer from severe mental illness or addiction. The homeless individual who has met unfortunate circumstances such as the loss of a job or significant material loss likely will bring with them some resources such as a tent to the campground.

(4) Unusual conditions, trends and needs have arisen since the district boundaries and rules were established;

COMPLIANCE: The homeless population on Maui has increased dramatically in recent years, the degree of the problem virtually inconceivable at the time Chapter 205 HRS was originally adopted in 1961. The proposed project aims to provide a site for transitional housing for the homeless community. At the same time, the subject property will continue to be used for agricultural purposes, in consonance with the objectives of HRS 205.

(5) The land upon which the proposed use is sought is unsuited for the uses permitted within the district.

COMPLIANCE: The property is designated with an agricultural rating of Class B. The proposed project campground is designated for 2 acres on a larger 22.678 acre parcel, or less than 10% of the total land area of the property. The existing pasture use makes efficient use of the agricultural productivity of the land. Further, the new campsite will not reduce, minimize, or limit the existing agricultural activities of the larger parcel. Again, an approved, vetted, and implemented farm plan demonstrates that bone fide agricultural

operations are occurring on the property as part of the requirements under Chapter 205 HRS.

The county planning commission may impose such protective conditions as it deems necessary in the issuance of a special use permit. The county planning commission shall establish, among other conditions, a reasonable time limit suited to establishing the particular use, and if appropriate, a time limit for the duration of the particular use, which shall be a condition of the special permit. If the permitted use is not substantially established to the satisfaction of the county planning commission within the specified time, it may revoke the permit. The county planning commission, with the concurrence of the commission, may extend the time limit if it deems that circumstances warrant the granting of the extension. Pursuant to HRS Section 205-6 (C), the Commission must also find that the use would promote the objectives and effectiveness of Chapter 205 HRS.

Based on our review of the information provided in the Petition, the Planning Department respectfully requests that the Land Use Commission refuse to issue a declaratory ruling for the reasons stated above. In addition, the Department finds that the State Special Permit is the appropriate process for review of this action, not the District Boundary Amendment process advocated by the Petitioner.

DATED: Wailuku, Hawaii, 1/20, 2016.

WILLIAM SPENCE
Planning Director
Department of Planning

In the Matter of the Petition of: KAUAULA CAMPGROUND 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	)	Docket No. DR 15-54 CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served on the following on the date indicated below:

DANIEL ORODENKER — Mail
Executive Director
Land Use Commission
State of Hawaii
PO Box 2359
Honolulu, Hawaii 96804

LEO R. ASUNCION, JR — Mail
Acting Director
Office of Planning
235 Beretania Street, 6th Floor
Honolulu, Hawaii 96813

BRYAN YEE — Mail
Deputy Attorney General
Commerce and Economic Development
Department of the Attorney General
425 Queen Street
Honolulu, Hawaii 96813

WRIGHT & KIRSCHBRAUN — Mail
DEBORAH K. WRIGHT
KEITH D. KIRSCHBRAUN
DOUGLAS R. WRIGHT
1885 Main Street, Suite 108
Wailuku, HI 96793

Attorney for Petitioner

HOOMOANA FOUNDATION — Mail
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Kahului, HI 96732

MANCINI, WELCH & GEIGER, LLP — Mail
JAMES W. GEIGER
305 E. Wakea Avenue, Suite 200
Kahului, HI 96732

MICHAEL HOPPER — Hand Delivery
Deputy Corporation Counsel
Department of the Corporation Counsel
County of Maui
200 South High Street
Wailuku, Hawaii 96793

GARY Y, MURAI — Hand Delivery
Deputy Corporation Counsel
Department of the Corporation Counsel
County of Maui
200 South High Street
Wailuku, Hawaii 96793

PLANNING COMMISSION — Hand Delivery
County of Maui
250 South High Street
Wailuku, Maui, Hawaii 96793

DATED: Wailuku, Hawaii, 1/20, 2016.

WILLIAM SPENCE
Planning Director
Department of Planning

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ALAN M. ARAKAWA
Mayor

WILLIAM R. SPENCE
Director

MICHELE CHOUTEAU McLEAN
Deputy Director

LAND USE COMMISSION
STATE OF HAWAII
2016 FEB -1 A 9:42

COUNTY OF MAUI
DEPARTMENT OF PLANNING

January 28, 2016

MEMO TO: DANIEL ORODENKER
Executive Director
Land Use Commission
State of Hawaii
P. O. Box 2359
Honolulu, Hawaii 96804

FROM: Department of Planning, County of Maui
William R. Spence, Director of Planning
Clayton Yoshida, Planning Program Administrator CY

SUBJECT: **DOCKET No. DR 15-54 / KAUAULA CAMPGROUND**

TRANSMITTED ARE THE FOLLOWING:

COPIES	DATE	DESCRIPTION
Original and Digital Copy	1/28/2016	**Revised** Position Statement of the Department of Planning, County of Maui, to Petition for a Declaratory Order; Certificate of Service.

( ) For your information & files
( ) For approval & signature
( ) Per your request
( ) For your review and approval
( ) See REMARKS below
(X) For filing

Attachments
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BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

LAND USE COMMISSION
STATE OF HAWAII

2016 FEB -1 A 9:45

In the Matter of the Petition of: KAUAULA CAMPGROUND 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	Docket No. DR 15-54 **REVISED** POSITION STATEMENT OF THE DEPARTMENT OF PLANNING, COUNTY OF MAUI ON A PETITION FOR A DECLARATORY ORDER; CERTIFICATE OF SERVICE

REVISED POSITION STATEMENT OF THE DEPARTMENT OF PLANNING, COUNTY OF MAUI

This is a revised position statement incorporating wording and references from Chapter 15-15, Hawaii Administrative Rules updated on October 11, 2013, which were not discussed in the previous position statement from the County of Maui dated January 20, 2016. Although the Rules regarding dismissal of a petition appear to have become somewhat less specific upon the revision of Chapter 15-15, dismissal of the Petition is the still the recommended action in this matter.

The Department of Planning (Department), County of Maui, finds that the Petition for a Declaratory Order (Petition) requesting a District Boundary Amendment filed by Puunoa Homeowners Association, Inc., and Devonne Lane (Petitioner) relating to the construction of the Kauaula Campground is not supported by the Department. Hoomoana Foundation is proposing the development of the Kauaula Campground on approximately 7.9 acres (Project Site) which is a portion of the larger 22.68 acre agricultural site located along Hokiokio Place adjacent to the Lahaina By-Pass in between the Puamana Planned Unit Development and the gated residential community of Puunoa. The Project Site consists of the 2 acre campground and a 5.9 acre adjacent agricultural field to be used by the campground residents for therapy and work. The Department continues to hold the opinion that the appropriate planning applications for review of this matter are: 1) State Land Use Special Permit with the County of Maui Planning Commission the appropriate approving authority, and a 2) County of Maui Conditional Permit with the Maui County Council the approving authority.

> *Declaratory orders; dismissal of petition.* Rule 15-15-101 of the Land Use Commission's rules states: The commission, without notice or hearing, may dismiss a petition for declaratory order that fails in material respect to comply with the requirements of this subchapter. The dismissal shall be in writing and state the reasons therefor.

In this case, the Land Use Commission lacks jurisdiction to rule on this request for a State Special Permit, as jurisdiction lies with the Maui Planning Commission. Chapter 205-6, HRS states that the authority to issue a Special Permit rests with the County Planning Commission where the area of land for which the Special Permit is sought is less than fifteen acres. The land for which the

Special Permit is sought totals 7.9 acres. The Petitioners raise various objections to the issuance of the Special Permit in their petition; however, the proper venue for such objections is before the Maui Planning Commission.

The Maui Planning Commission has already begun consideration of the Special Permit, and has provided notice of the application to property owners and held a public hearing on July 28, 2015. In fact, petitioners testified at the hearing along with many other community members and stakeholders. The decision on the Special Permit was deferred and is still under the Commission's active consideration. It would be both improper and illegal for the Land Use Commission to rule on the issuance of a Special Permit in this case, as that decision lies with the Maui Planning Commission under Chapter 205-6, HRS.

The Petitioners basically argue that the criteria in Chapter 205-6, HRS have not been met in this case. This is clearly an argument to be made (and Petitioners have made) before the Maui Planning Commission. Ultimately the Commission will need to reach a decision on the application. The Planning Commission's decision would be subject to judicial review in accordance with Chapter 91-14, HRS.

In short, a District Boundary Amendment is not the appropriate action in this case; but rather the State Land Use Special Permit currently in review by the appropriate entity, the Maui Planning Commission.

Reason for a State Land Use Special Permit. The State Land Use Special Permit is required as overnight camps are not a permitted use on lands with soil classified by the Land Study Bureau's detailed land classification as overall productivity rating class "A" or "B" in the State Agricultural District, and hence require a State Special Permit. The Project Site is located on "B87i" rated land. Additionally, open land recreation uses, structures or facilities including commercial camping requires a County Special Use Permit in the County Agricultural Zoning District, except that if a use described in Maui County Code MCC, Section 19.30A.060 also requires a Special Permit pursuant to Chapter 205, Hawaii Revised Statutes, the state special permit shall fulfill the requirements of MCC, Section 19.30A.060. Hence approval of a Special Permit additionally satisfies the requirements of a County Special Use Permit. The Department considers the campground activity under review as occurring on a portion of the parcel

The subject property is in the State Agricultural District. The proposed uses are consistent with the Agricultural designation of the property. Chapter 205-6, HRS allows for the establishment of "unusual and reasonable" uses in the State Agricultural District through the approval of a State Land Use Special Permit. The Applicant has demonstrated bona fide agricultural activities are occurring on the property as reflected in the agricultural activities on the Project Site at Kalee's Retirement Stables and planned future agricultural operations from campers. The following guidelines are established in determining an "unusual and reasonable use" and the response to these guidelines is indicated as such:

> Certain "unusual and reasonable" uses within agricultural and rural districts other than those for which the district is classified may be permitted. The following guidelines are established in determining an "unusual and reasonable use":
>
> *(1) The use shall not be contrary to the objectives sought to be accomplished by chapters 205 and 205A, HRS, and the rules of the commission.*

COMPLIANCE: This section, as specific to the Agricultural District, directly provides broad discretion to the local planning commission to determine if a particular use is consistent and compatible within an area. The existing property meets the objectives of 205 HRS with the current pasture and grazing agricultural use. The proposed campsite will encompass approximately 2 acres or approximately 10% of the larger parcel with an additional 5.9 acre adjacent agricultural field to be used by the campground residents for therapy. The proposed campsite use will not affect the continued pasture and grazing operations. As such, the proposed campsite will not jeopardize compliance with HRS 205 and the rules of the Land Use Commission.

(2) The proposed use would not adversely affect surrounding property.

COMPLIANCE: The specific location of the campsite is located within the mauka limits of the 22 acre parcel, adjacent to the new Lahaina Bypass. Based on the proposed site plan, a substantial buffer area will soften the effect of the proposed campsite on surrounding properties. The existing pasture and grazing use will remain in place, unaffected by the proposed campsite. Further, the proposed campsite use does not represent a significant deviation from existing agricultural district standards.

(3) The proposed use would not unreasonably burden public agencies to provide roads and streets, sewers, water drainage and school improvements, and police and fire protection.

COMPLIANCE: The proposed campground use will be generally self-contained and will not require substantial use of public resources to operate, and therefore will not unreasonably burden public agencies in providing roads, streets, sewers, water drainage, school improvements, and fire and police protection. The project will not have a significant impact on natural systems or habitats or cultural resources. The proposed campsite is insignificant in terms of the larger economy of Hawaii and will not represent a threat to existing agricultural resources. Providing housing and life assistance to Maui's homeless residents will be a positive influence on the State's economy and also provide valuable housing assistance for Maui's lowest income group. It is the intention of the Applicant to focus services on the situational/transitional homeless individual as contrasted from that of the chronic homeless who may suffer from severe mental illness or addiction. The homeless individual who has met unfortunate circumstances such as the loss of a job or significant material loss likely will bring with them some resources such as a tent to the campground.

(4) Unusual conditions, trends and needs have arisen since the district boundaries and rules were established.

COMPLIANCE: The homeless population on Maui has increased dramatically in recent years, the degree of the problem virtually inconceivable at the time Chapter 205 HRS was originally adopted in 1961. The proposed project aims to provide a site for transitional housing for the homeless community. At the same time, the subject property will continue to be used for agricultural purposes, in consonance with the objectives of HRS 205.

(5) The land upon which the proposed use is sought is unsuited for the uses permitted within the district.

COMPLIANCE: The property is designated with an agricultural rating of Class B. The proposed project campground is designated for 2 acres on a larger 22.678 acre parcel, or less than 10% of the total land area of the property. The existing pasture use makes

efficient use of the agricultural productivity of the land. Further, the new campsite will not reduce, minimize, or limit the existing agricultural activities of the larger parcel. Again, an approved, vetted, and implemented farm plan demonstrates that bone fide agricultural operations are occurring on the property as part of the requirements under Chapter 205 HRS.

The county planning commission may impose such protective conditions as it deems necessary in the issuance of a special use permit. The county planning commission shall establish, among other conditions, a reasonable time limit suited to establishing the particular use, and if appropriate, a time limit for the duration of the particular use, which shall be a condition of the special permit. If the permitted use is not substantially established to the satisfaction of the county planning commission within the specified time, it may revoke the permit. The county planning commission, with the concurrence of the commission, may extend the time limit if it deems that circumstances warrant the granting of the extension. Pursuant to HRS Section 205-6 (C), the Commission must also find that the use would promote the objectives and effectiveness of Chapter 205 HRS.

Based on our review of the information provided in the Petition, the Planning Department respectfully requests that the Land Use Commission refuse to issue a declaratory ruling for the reasons stated above. In addition, the Department finds that the State Special Permit is the appropriate process for review of this action, not the District Boundary Amendment process advocated by the Petitioner.

DATED: Wailuku, Hawaii, 1/28, 2016.

WILLIAM SPENCE
Planning Director
Department of Planning

In the Matter of the Petition of: KAUAULA CAMPGROUND 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	)	Docket No. DR 15-54 CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served on the following on the date indicated below:

DANIEL ORODENKER — Mail and Electronic Mail
Executive Director
Land Use Commission
State of Hawaii
PO Box 2359
Honolulu, Hawaii 96804

LEO R. ASUNCION, JR — Mail
Acting Director
Office of Planning
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Department of the Attorney General
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DEBORAH K. WRIGHT
KEITH D. KIRSCHBRAUN
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Attorney for Petitioner

HOOMOANA FOUNDATION — Mail
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GARY Y, MURAI — Hand Delivery
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PLANNING COMMISSION — Hand Delivery
County of Maui
250 South High Street
Wailuku, Maui, Hawaii 96793

DATED: Wailuku, Hawaii, 1/28, 2016.

WILLIAM SPENCE
Planning Director
Department of Planning

K:\WP_DOCS\PLANNING\CP\2014\0002_Kauaula_Camp\Declaratory_Ruling\2ndRevPositionStatement&CertService.docm

EXHIBIT 7

OFFICE OF PLANNING
Leiopapa a Kamehameha, Room 600
235 South Beretania Street
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Telephone: (808) 587-2846
Facsimile: (808) 587-2824

LAND USE COMMISSION
STATE OF HAWAII

2016 FEB -4 A 10:44

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In the Matter of the Petition:	)	DOCKET NO. DR15-54
	)	
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 district boundary amendment	)	OFFICE OF PLANNING, STATE OF HAWAII'S RESPONSE TO PETITION FOR DECLARATORY ORDER
	)	CERTIFICATE OF SERVICE

OFFICE OF PLANNING, STATE OF HAWAII'S
RESPONSE TO PETITION FOR DECLARATORY ORDER

Under the particular facts and circumstances of this case, the Office of Planning ("OP") concurs with the County of Maui ("County") that overnight camping and a transient encampment may be permitted under a State Special Permit rather than a District Boundary Amendment.

I. INTRODUCTION

Puunoa Homeowners Association, Inc., and Devonne Lane ("Petitioners") filed the present Petition for a Declaratory Order asking whether establishment of a campground, part homeless encampment and part commercially based, on State Agricultural land designated "B"

under the Land Study Bureau system, can be granted a State Special Permit or is it required to obtain a District Boundary Amendment ("DBA"). The Hoomoana Foundation ("Hoomoana") is proposing to establish the Kauaula Campgrounds to serve a mix of commercial camping and a segment of the transient population. The campground will be developed on a 7.9-acre site, carved out of a larger 22.3-acre parcel. The site is located on the corner of Hokiokio Place and Honoapiilani Highway. Hoomoana is proposing to construct a farm dwelling as a residence for the camp manager and office use. The proposed maximum capacity for the commercial campground will be 26 camping pods for tents and recreational vehicles, two comfort stations with showers, a barn, and 20 parking stalls located on a two-acre area of the lot. The remainder of the site will be used for agriculture. Hoomoana indicated that the transient population may work in the agricultural area of the lot to supplement their rental fees.

II. BACKGROUND

The County of Maui Department of Planning submitted a report to the Maui Planning Commission for their July 28, 2015 meeting. The report indicates that the lot area contains the following existing uses:

- Total Lot area: 22.678 acres
- Lahaina Watershed Flood Control Project Leased Area: 5.8 acres
- Kalee's Retirement Stables--Existing fenced pasture Area for Safe/Humane Horse and Animal Care: 9 acres
- Proposed Hoomoana Foundation site: 7.9 acres

According to the Department of Planning, the Maui Planning Commission held a public hearing on July 28, 2015 and has deferred a decision on this application.

Hoomoana's application with the Maui County Department of Planning included a Farm Plan. OP solicited comments on the petition from Department of Agriculture ("DOA"). Their comments are as follows:

- The DOA, through email, indicated that the Farm Plan lacks descriptions on how farming is to be accomplished, and whether the products grown will be sold or eaten on site. The applicant indicates that transient campers may pay for campsite rental from working on the agricultural area, but does not explain whether this will be from "income from crop sales or avoided cost of produce purchase." Also, there is no description of the irrigation infrastructure within the property.

III. ANALYSIS

There are two methods by which non-permitted uses may be allowed on Agricultural District land: (1) a district boundary amendment pursuant to Hawaii Revised Statutes ("HRS") § 205-4; or (2) a special permit pursuant to HRS § 205-6. Because both methods accomplish a similar purpose, there are occasionally efforts to achieve what amounts to a district boundary amendment through a special permit. In *Neighborhood Board No. 24 (Waianae Coast) v. State Land Use Commission, State of Hawaii, 64 Hawaii 265, 266* (Hawaii 1982), the applicant requested a special permit to construct a recreational theme park on 103 acres of agricultural land, including "cultural theme rides, restaurants, fast food shops, retail stores, exhibits, theaters, an amphitheater, a bank, nurseries, twelve acres of parking, a sewage treatment plant, and other related support services." The Court also described the procedural and substantive differences between these two techniques. In that case, the Court found that a special permit may not "be used as a method of circumventing district boundary amendment procedures to allow the ad hoc infusion of major urban uses into agricultural districts." Id. at 273. Accordingly, the court found that the special permit was not an appropriate method to approve the recreational theme park, and that a district boundary amendment was required. Id. at 273.

In contrast, this is an overnight camp on approximately 7.9 acres. Given the relatively small size, minimal intensity of urban use, potential for reversion to agricultural activity, and the incorporation of agriculture into its operation, OP concludes that the request for a Special Permit is not an attempt to circumvent the District Boundary Amendment, that it is not an ad hoc infusion of major urban uses, and that a District Boundary Amendment is not required in this case.

As the project will be developed on less than 15 acres, the determination of whether the use is an unusual and reasonable use pursuant to HRS § 205-6 is within the authority of the County of Maui Planning Commission to decide on this request for a Special Permit.

CONCLUSION

Based upon the particular facts and circumstances of this case, the filing of a Special Permit by the Applicant is appropriate. Accordingly, OP recommends that the LUC declare that the proposed Hoomoana Foundation's Kauaula Campground is not required to obtain a District Boundary Amendment.

DATED: Honolulu, Hawai'i, this 4th day of February, 2016.

OFFICE OF PLANNING
STATE OF HAWAI'I

LEO R. ASUNCION
Director

Docket No. DR15-54

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon the following by either hand delivery or depositing the same in the U.S. Postal Service by regular mail.

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HOOMOANA FOUNDATION
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DATED: Honolulu, Hawaii, this 4th day of February 2016.

LEO R. ASUNCION
Director
Office of Planning

MANCINI, WELCH & GEIGER LLP

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Attorney for Appellant
HO'OMOANA FOUNDATION

LAND USE COMMISSION FILED
STATE OF HAWAII
2016 MAR 30 PM 2:26
2016 MAR 32 A 8:17
M. FERNANDEZ-KAKAUWILA, CLERK
SECOND CIRCUIT COURT
STATE OF HAWAII

IN THE CIRCUIT COURT OF THE SECOND CIRCUIT

STATE OF HAWAI'I

HO'OMOANA FOUNDATION, Appellant, vs. LAND USE COMMISSION, STATE OF HAWAII; PU'UNOA HOMEOWNERS ASSOCIATION, INC.; and DEVONNE LANE, Appellees.	CIVIL NO. 16-1-0160(1) (Agency Appeal) CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

I hereby certify that on March 30, 2016, I caused a file-marked, certified copy of the Notice of Appeal, filed on March 29, 2016, to be duly served via Certified Mail, Return Receipt Requested, to the following at their last known address:

Daniel Orodenker
Land Use Commission
State of Hawaii
P.O. Box 2359
Honolulu, HI 96804

Appellee

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Attorneys for Appellees Pu'unoa Homeowners Assoc., Inc. and Devonne Lane

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Attorney for State of Hawaii Office of Planning

Michael Hopper, Esq.
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Attorney for County of Maui Department of Planning

DATED: Kahului, Hawai'i, _____, 2009.

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FILED
2016 MAR 29 PM 2:40
V. ISHIHARA, CLERK
SECOND CIRCUIT COURT
STATE OF HAWAII

Attorney for Appellant
HO'OMOANA FOUNDATION

IN THE CIRCUIT COURT OF THE SECOND CIRCUIT

STATE OF HAWAI'I

HO'OMOANA FOUNDATION, Appellant, vs. LAND USE COMMISSION, STATE OF HAWAII; PU'UNOA HOMEOWNERS ASSOCIATION, INC.; and DEVONNE LANE, Appellees.	CIVIL NO. 16-1-0160 ( ) (Agency Appeal) NOTICE OF APPEAL; EXHIBITS "A"-"B"; STATEMENT OF THE CASE; DESIGNATION OF RECORD ON APPEAL; ORDER FOR CERTIFICATION AND TRANSMISSION OF RECORD ON APPEAL

I hereby certify that this is a full, true and correct copy of the original.
Clerk, Second Circuit Court

NOTICE OF APPEAL

Notice is given that Appellant Ho'omoana Foundation ("Appellant"), pursuant to HRS §§ 91-8 and 91-14, HRCP 72, and Article I, Section 5, of the Constitution of the State of Hawaii, appeals to the Circuit Court of the Second Circuit from the Declaratory Order the Land Use Commission of the State of Hawaii (the "Commission") issued on March 3, 2016, in Docket No. DR 15-54, a copy of which is attached hereto as Exhibit "A" and the Order Denying Ho'omoana Foundation's Petition to Intervene entered on March 3, 2016, a copy of which is attached as Exhibit

"B." Appellees have prejudiced the substantial rights of Appellant for the reasons provided in HRS §91-14(g) and as set forth in the Statement of Case filed on this date and attached hereto.

DATED: Kahului, Hawai'i, MAR 2 8 2016.

JAMES W. GEIGER
Attorney for Appellant
HO'OMOANA FOUNDATION

EXHIBIT 8

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAI'I

LAND USE COMMISSION
STATE OF HAWAII
2016 MAR -3 P 2:05

In The Matter Of The Petition Of	)	DOCKET NO. DR15-54
	)	
PU'UNOA HOMEOWNERS ASSOCIATION, INC., AND DEVONNE LANE	)	ORDER DENYING HO'OMOANA FOUNDATION'S PETITION TO INTERVENE; AND CERTIFICATE OF SERVICE
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, Hawai'i In The Agricultural District Requires A Boundary Amendment	)	

ORDER DENYING HO'OMOANA FOUNDATION'S PETITION TO INTERVENE

AND

CERTIFICATE OF SERVICE

This is to certify that this is a true and correct copy of the document on file in the office of the State Land Use Commission, Honolulu, Hawai'i.

March 3, 2016 by

Executive Officer

EXHIBIT "A"

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAI`I

LAND USE COMMISSION
STATE OF HAWAII
2016 MAR -3 P 12:05

In The Matter Of The Petition Of	)	DOCKET NO. DR15-54
	)	
PU`UNOA HOMEOWNERS ASSOCIATION, INC., AND DEVONNE LANE	)	ORDER DENYING HO`OMOANA FOUNDATION'S PETITION TO INTERVENE
	)	
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, Hawai`i In The Agricultural District Requires A Boundary Amendment	)	

ORDER DENYING HO`OMOANA FOUNDATION'S PETITION TO INTERVENE

On February 19, 2016, Ho`omoana Foundation ("Ho`omoana") filed a Petition to Intervene in the above-entitled docket, pursuant to Hawai`i Administrative Rules ("HAR") §15-15-53.

On February 24, 2016, the State of Hawai`i Land Use Commission ("LUC") met in Kahului, Maui, Hawai`i, to consider the Petition to Intervene. James W. Geiger, Esq., appeared on behalf of Ho`omoana. Also present were Deborah K. Wright, Esq.,

and Douglas R. Wright, Esq., on behalf of the Pu`unoa Homeowners Association, Inc., and DeVonne Lane (collectively "Petitioners"); Bryan C. Yee, Esq., and Lorene Maki on behalf of the State of Hawai`i Office of Planning; and Michael Hopper, Esq., and Kurt Wollenhaupt on behalf of the County of Maui Department of Planning. At the meeting, prior to consideration of Ho`omoana's Petition to Intervene, the LUC duly granted Petitioners' Petition for a Declaratory Order, rendering Ho`omoana's Petition to Intervene moot.

Following discussion, a motion was made and seconded to deny Ho`omoana's Petition to Intervene on the basis that it is moot in light of the LUC's granting of Petitioners' Petition for a Declaratory Order. There being a vote tally of 7 ayes, 0 nays, and 1 excused, the motion carried.[1]

ORDER

The LUC, having duly considered Ho`moana's Petition to Intervene, and a motion having been made at a meeting on February 24, 2016, in Kahului, Maui, Hawai`i, and the motion having received the affirmative votes required by HAR §15-15-13, and there being good cause for the motion,

HEREBY ORDERS that Ho`omoana's Petition to Intervene be DENIED.

[1]There are currently eight sitting commissioners on the LUC. The one remaining seat is vacant.

ADOPTION OF ORDER

This ORDER shall take effect upon the date this ORDER is certified by this Commission.

Done at Honolulu, Hawai'i, this 3rd, day of March, 2016 per motion on February 24, 2016.

LAND USE COMMISSION

STATE OF HAWAI'I

APPROVED AS TO FORM

Deputy Attorney General

By
EDMUND ACZON
Chairperson and Commissioner

Filed and effective on:

3/3/2016

Certified by:

DANIEL ORODENKER
Executive Officer

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAI'I

In The Matter Of The Petition Of	)	DOCKET NO. DR15-54
	)	
PU'UNOA HOMEOWNERS ASSOCIATION, INC., AND DEVONNE LANE	)	CERTIFICATE OF SERVICE
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, Hawai'i In The Agricultural District Requires A Boundary Amendment	)	

CERTIFICATE OF SERVICE

I hereby certify that due service of the within document was made by depositing the same with the United States Mail, postage prepaid, or by hand delivery, on March 4, 2016, addressed to:

LEO R. ASUNCION, JR., AICP
Director
Office of Planning
State of Hawaii
235 South Beretania Street, 6th Floor
Honolulu, Hawaii 96813

BY HAND DELIVERY

BRYAN C. YEE, ESQ.
Deputy Attorney General
Department of the Attorney General
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BY MAIL

WILLIAM SPENCE
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PATRICK K. WONG, ESQ.
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BY MAIL

WRIGHT & KIRSCHBRAUN, LLLC
DEBORAH K. WRIGHT
DOUGLAS R. WRIGHT
1885 Main Street, Suite 108
Wailuku, HI 96793

BY CERTIFIED MAIL

DATED: Honolulu, Hawai'i, March 3, 2016.

DANIEL ORODENKER
Executive Officer
State Land Use Commission

EXHIBIT 9

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAI'I

LAND USE COMMISSION
STATE OF HAWAII
2016 MAR -3 P 12:02

In The Matter Of The Petition Of	)	DOCKET NO. DR15-54
	)	
PU'UNOA HOMEOWNERS ASSOCIATION, INC., AND DEVONNE LANE	)	DECLARATORY ORDER; AND CERTIFICATE OF SERVICE
	)	
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, Hawai'i In The Agricultural District Requires A Boundary Amendment	)	

DECLARATORY ORDER

AND

CERTIFICATE OF SERVICE

This is to certify that this is a true and correct copy of the document on file in the office of the State Land Use Commission, Honolulu, Hawai'i.

March 3, 2016 by

Executive Officer

EXHIBIT "B"

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAI'I

In The Matter Of The Petition Of	)	DOCKET NO. DR15-54
	)	
PU'UNOA HOMEOWNERS ASSOCIATION, INC., AND DEVONNE LANE	)	DECLARATORY ORDER
	)	
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, Hawai'i In The Agricultural District Requires A Boundary Amendment	)	

2016 MAR -3 P 2:02

LAND USE COMMISSION
STATE OF HAWAI'I

DECLARATORY ORDER

On December 4, 2015, Pu'unoa Homeowners Association, Inc., and DeVonne Lane, individually and as a member of the Pu'unoa Homeowners Association, Inc. (collectively "Petitioners"),[1] filed a Petition for a Declaratory Order ("Petition"), pursuant to Hawai'i Revised Statutes ("HRS") §91-8 and Hawai'i

[1] Pu'unoa Homeowners Association, Inc., is a Hawai'i non-profit corporation formed to act as neighborhood homeowners' association. The Association consists of 26 owners of 5 or more acre

Administrative Rules ("HAR") §15-15-98(a).

Petitioners requested a declaratory order from the State of Hawai`i Land Use Commission ("LUC") as to whether a proposed overnight campground for homeless and commercial campers with an adjacent agricultural field for possible future uses by the campers ("Project") on an approximately 7.9-acre portion of a 22.678-acre parcel of land, identified as Tax Map Key ("TMK"): (2) 4-7-003: por. 031 ("Property"), within the State Land Use Agricultural District along Hokiokio Place and adjacent to and bounded by the Lahaina Bypass Road between the Puamana Planned Unit Development and the agriculturally zoned Pu`unoa Subdivision, at Lahaina, Maui, Hawai`i, requires a district boundary amendment or may be permitted by a special use permit.

The LUC, having heard and examined the testimony and evidence presented by Petitioners, Ho`omoana Foundation ("Ho`omoana"),[2] the State of Hawai`i Office of Planning ("OP"), the County of Maui Department of Planning ("DP"), and other public witnesses, at its meeting on February 24, 2016, in Kahului, Maui, Hawai`i, hereby makes the following findings of fact and conclusions of law:

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agricultural lots within the Pu`unoa Subdivision. Ms. Lane is the President of the Association and an owner in the Pu`unoa Subdivision.

[2] Ho`omoana is the developer of the Project.

FINDINGS OF FACT

PROCEDURAL MATTERS

1. On December 4, 2015, Petitioners filed the Petition.

2. On January 25, 2016, the DP filed a Position Statement on the Petition.

3. On February 1, 2016, the DP filed a Revised Position Statement on the Petition.[3]

4. On February 4, 2016, OP filed a Response to the Petition.[4]

5. On February 19, 2016, Ho`omoana filed a Petition to Intervene and Position Statement on the Petition.[5]

6. On February 24, 2016, at its meeting in Kahului, Maui, Hawai`i, the LUC considered the Petition pursuant to HAR §15-15-100. Deborah K. Wright, Esq.,

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[3] The DP argued that a special use permit is the appropriate vehicle to process the Project, and recommended that the LUC dismiss the Petition pursuant to HAR §15-15-101. The DP noted that a special use permit is required because the Project is not a permitted use on lands with soil classified by the Land Study Bureau's ("LSB") detailed land classification as overall (master) productivity rating class B.

[4] OP recommended that the LUC declare that the Project is not required to obtain a district boundary amendment. OP argued that the Project's relatively small size, minimal intensity of urban use, potential for reversion to agricultural activity, and incorporation of agriculture into its operation did not give rise for a district boundary amendment. OP believed that processing the Project through the special use permit process did not represent an attempt to circumvent the district boundary amendment process and was not an ad hoc infusion of major urban uses.

[5] Ho`omoana concurred with the position of the DP. Because Ho`omoana did not know whether, or to what extent, the Project would be successful, Ho`omoana was seeking to operate the Project for a period of time to see whether or not it would be successful through a special use permit.

and Douglas R. Wright, Esq., appeared on behalf of Petitioners. OP, the DP, and Ho`omoana were provided notice of the meeting and were present at the proceeding. Bryan C. Yee, Esq., and Lorene Maki appeared on behalf of OP. Michael Hopper, Esq., and Kurt Wollenhaupt appeared on behalf of the DP. James W. Geiger, Esq., appeared on behalf of Ho`omoana.

7. At this meeting, the LUC entered into the record the written testimonies received on the matter and heard public testimony from Leonard Wilke, Todd Erickson, Rich Holmer, and Gordon Firestein.[6] The LUC also entered into the record the pleadings filed by OP, the DP, and Ho`omoana and afforded their representatives the opportunity to provide public testimony on the Petition. In their pleadings, OP, the DP, and Ho`omoana did not request a hearing on the Petition as provided for in HAR §15-15-103. The LUC specifically asked Mr. Geiger if he wanted to make a statement on behalf of Ho`omoana, but he declined.[7]

DESCRIPTION OF THE PROPERTY

8. The Property is situated along Hokiokio Place, adjacent to and bounded by the Lahaina Bypass Road between the Puamana Planned Unit Development and the agriculturally zoned Pu`unoa Subdivision, and is identified as TMK: (2) 4-7-003: por. 031, at Lahaina, Maui, Hawai`i. Kaua`ula Stream flows on one

[6] The written testimonies are on file at the LUC office in Honolulu, Hawai`i.

side of the Property. The lots within the Pu`unoa Subdivision are situated immediately mauka of the Property.

9. The Property consists of approximately 7.9 acres of land and represents a portion of the approximately 22.678-acre parcel 31.

10. The Property is situated within the State Land Use Agricultural District.

11. The Property is owned by Kauaula Land Company, LLC, and is leased to Ho`omoana.

12. The Property has soil classified by the LSB's detailed land classification as overall (master) productivity rating class B.[8] Specifically, the Property is situated on "B87i" rated land.

13. The Property was previously used for sugarcane cultivation.

14. In addition to the Property, parcel 31 includes an approximately 9-acre area used as a retirement stable for horses and approximately 5.8 acres that are part of the Lahaina Watershed Flood Control project area.

PROPOSED USE OF THE PROPERTY

15. Ho`omoana plans to develop the Project as an overnight

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[7] OP, the DP, and Ho`omoana were not parties, but they represented the interests of the State of Hawai`i, County of Maui, and the developer of the Project, respectively, in the proceeding.

[8] The LSB incorporates a five-class overall productivity rating system, using the letters A, B, C, D, and E, with A representing the class of highest productivity and E the lowest.

campground for homeless and commercial campers with an agricultural field for possible future uses by the campers on the Property. The name of the Project is Kauaula Campground.

16. Under Ho'omoana's proposal, the Project would consist of 2 acres, while the remaining adjacent 5.9 acres would be reserved as an agricultural field to be used by the campground occupants for therapy and work. It is envisioned that the transient campers may work in the agricultural field to supplement their rental fees. Homeless campers are expected to pay $10 a night, while the commercial campers would be charged more. The camping fees are anticipated to underwrite the expenses of the campground. Although some of the campers may wish to participate in farming activities on the Property, there is no guarantee that the agricultural field would result in future agricultural productivity nor is there a current requirement placed upon the campers to engage in agricultural pursuits.

17. The 2-acre area of the Project would have up to 26 pods for tents accommodating up to 80 people. Tents are to be provided by the campers. It is intended that both the homeless campers and the commercial campers would be camping alongside each other. In addition to the pods, showers, toilet facilities, fire pits or camp stove areas, a paved parking area, and a charging station for campers are proposed. Homeless campers would be allowed to stay for two to three months or

more as approved by the campground manager. It is unclear how long commercial campers would be allowed to use the grounds, but any stay would need to be approved by the manager.

18. Ho`omoana does not know whether there will be sufficient use to justify continued operations, nor does Ho`omoana know whether the Project will prove successful in addressing some of the needs of the homeless in West Maui.

19. The Project is being initiated on a trial basis.

20. Ho`omoana has filed conditional permit (CP 2014/0002) and special use permit (SUP2 2014/0006) applications with the DP for the Project.

21. On July 28, 2015, the County of Maui Planning Commission ("Planning Commission") conducted a public hearing on Ho`omoana's special use permit application. Decision on the application was deferred and the matter is still under consideration by the Planning Commission at this time.

RULING ON PROPOSED FINDINGS OF FACT

Any conclusions of law herein improperly designated as a finding of fact should be deemed or construed as a conclusion of law; any finding of fact herein improperly designated as a conclusion of law should be deemed or construed as a finding of fact.

CONCLUSIONS OF LAW

JURISDICTION

1. Petitioners are interested persons pursuant to HAR §15-15-98(a), and thus have standing to bring this Petition before the LUC.

2. The LUC has jurisdiction to issue this declaratory order. HRS §91-8, as implemented by subchapter 14 of the LUC's rules, and HAR §§15-15-98 through 15-15-104.1 authorize the LUC to issue a declaratory order "as to the applicability of any statutory provision or of any rule or order of the commission to a specific factual situation." The LUC's statutes, the applicability of which are put at issue in this Petition, are those sections of HRS chapter 205 which govern the uses permitted on agricultural lands. Without limitation, these sections include 205-4.5(a) (describing permitted uses on lands with soil classified by the LSB's detailed land classification as overall (master) productivity rating class A or B in agricultural districts) and 205-6 (concerning procedures for special use permits of agricultural lands).

3. The LUC has asserted its jurisdiction under questions involving interpretations of HRS §§205-4.5 and 205-6 in the past.

4. The Hawai`i State Legislature enacted HRS §205-6 in 1963 and last amended it in 2005. HRS §205-4.5(a)(6) was enacted in 1976 as Act 199. Act 199 amended HRS chapter 205 by adding a new section, which became HRS §205-4.5. What became HRS §205-4.5 provided in pertinent part:

> **Sec. 205- Permissible uses within the agricultural district.** (a) Within the agricultural district all lands with soil classified by the Land Study Bureau's Detailed Land Classification as Overall (Master) Productivity Rating Class A or B shall be restricted to the following permitted uses:
> ***
>
> (6) Public and private open area types of recreational uses including day camps, picnic grounds, parks and riding stables, **but not including** dragstrips, airports, drive-in theaters, golf courses, golf driving ranges, country clubs, and **overnight camps**;
> ***
>
> (b) **Uses not expressly permitted in this section 205- (a) shall be prohibited,** except the uses permitted as provided in section 205-6 and 205-8,...[9]
> [Emphases added.]

5. In this case, the clear prohibition of overnight camps on class A and class B rated lands is irreconcilable with the provisions of HRS §205-6 that permit certain "unusual and reasonable uses" within agricultural districts other than for which the district is classified. By expressly prohibiting overnight camps on class A and class B rated lands, the legislature effectively determined that the use of overnight camp facilities on class A and class B rated lands is unreasonable.

6. To adopt the interpretation of Ho`omoana, OP, and the DP that a special use permit may be used to allow the Project on class A and class B rated

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[9] The quoted statutory language above from Act 199 for item (a)(6) and the quoted language above from Act 199 of subsection (b) are the same in 2016 as they were in 1977. The introductory language of subsection (a) has not changed in relevant part; it currently reads as follows: "Within the agricultural district, all lands with soil classified by the land study bureau's detailed land classification as overall

agricultural lands despite the clear language to the contrary would mean that the counties could define away completely any statutory restrictions on agricultural uses. It results in treating a clear and explicit statutory prohibition as a nullity, and it results in treating an implicit determination of the legislature that overnight camps on land classified as class A and class B is an unreasonable use on such land as a nullity, and as such must be rejected. The only way that overnight camps such as those proposed in the Project can be allowed on the Property is to change its land use classification to one where overnight camps would be permitted. A change in the land use classification would require a district boundary amendment.

7. Based on the information in the record, the LUC concludes that an overnight camp on the Property is prohibited on lands with soil classified by the LSB's detailed land classification as overall (master) productivity rating class B pursuant HRS §205-4.5(a)(6) and cannot be permitted by a special use permit. The fact that the overnight camp would be initiated on a trial basis inasmuch as it is unknown whether, or to what extent, the overnight camp will be successful, as Ho'omoana argues, or that the overnight camp's relatively small size, minimal intensity of urban use, potential for reversion to agricultural activity, and incorporation of agriculture into its operation, as OP argues, does not alter the statutory prohibition of overnight camps on such lands nor the need for a district boundary amendment to establish its use.

(master) productivity rating class A or B and for solar energy facilities, class B or C, shall be restricted to

8. Based on the information presented by both Petitioners and Ho`omoana, the LUC concludes that the Project involves lands of 15 acres or less. Pursuant to HRS §205-3.1(c), district boundary amendments involving land areas of 15 acres or less shall be determined by the appropriate county land use decision-making authority.

9. The DP argues that the Petition should be dismissed because the LUC lacks jurisdiction to rule on the matter. HAR §15-15-101 allows the LUC to dismiss a petition for declaratory order that fails in material respect to comply with the requirements of HAR subchapter 14. Having already concluded that the LUC has jurisdiction to issue a declaratory order determining whether the Project for an overnight camp requires a district boundary amendment, the LUC also concludes that the Petition meets the material requirements of said subchapter.

10. HAR §15-15-98(c) allows the LUC to issue a declaratory order "without notice of hearing" to terminate a controversy or to remove uncertainty. The LUC concludes that based on the facts presented at the meeting, the testimony of public witnesses, the pleadings filed, together with the exhibits, the opportunity granted to interested parties to present their views, and the fact that none of the interested parties requested a hearing pursuant to HAR §15-15-103, a hearing is not necessary before issuing a declaratory order in this matter.

DECLARATORY ORDER

At the LUC's meeting on the Petition on February 24, 2016, in Kahului, Maui, Hawai`i, a motion was made and seconded to deny the Petition. There being no second to this motion, the motion failed. Thereafter, another motion was made and seconded to grant the Petition as the LUC has jurisdiction of this matter because it involves an interpretation of HRS §§205-4.5 and 205-6. Following discussion by the LUC, a vote was taken on this motion. There being a vote tally of 6 ayes, 1 nay, and 1 excused, the motion carried.[10]

Having duly considered Petitioners' Petition, the oral and written arguments presented by Petitioners, OP, the DP, Ho`omoana, and the other public witnesses in this proceeding, and a motion having been made at the LUC's meeting conducted on February 24, 2016, in Kahului, Maui, Hawai`i, and the motion having received the affirmative votes required by HAR §15-15-13, and there being good cause for the motion, the LUC hereby RULES as follows:

> The LUC has the jurisdiction to act on the Petition, and will exercise its discretion to issue a declaratory order.

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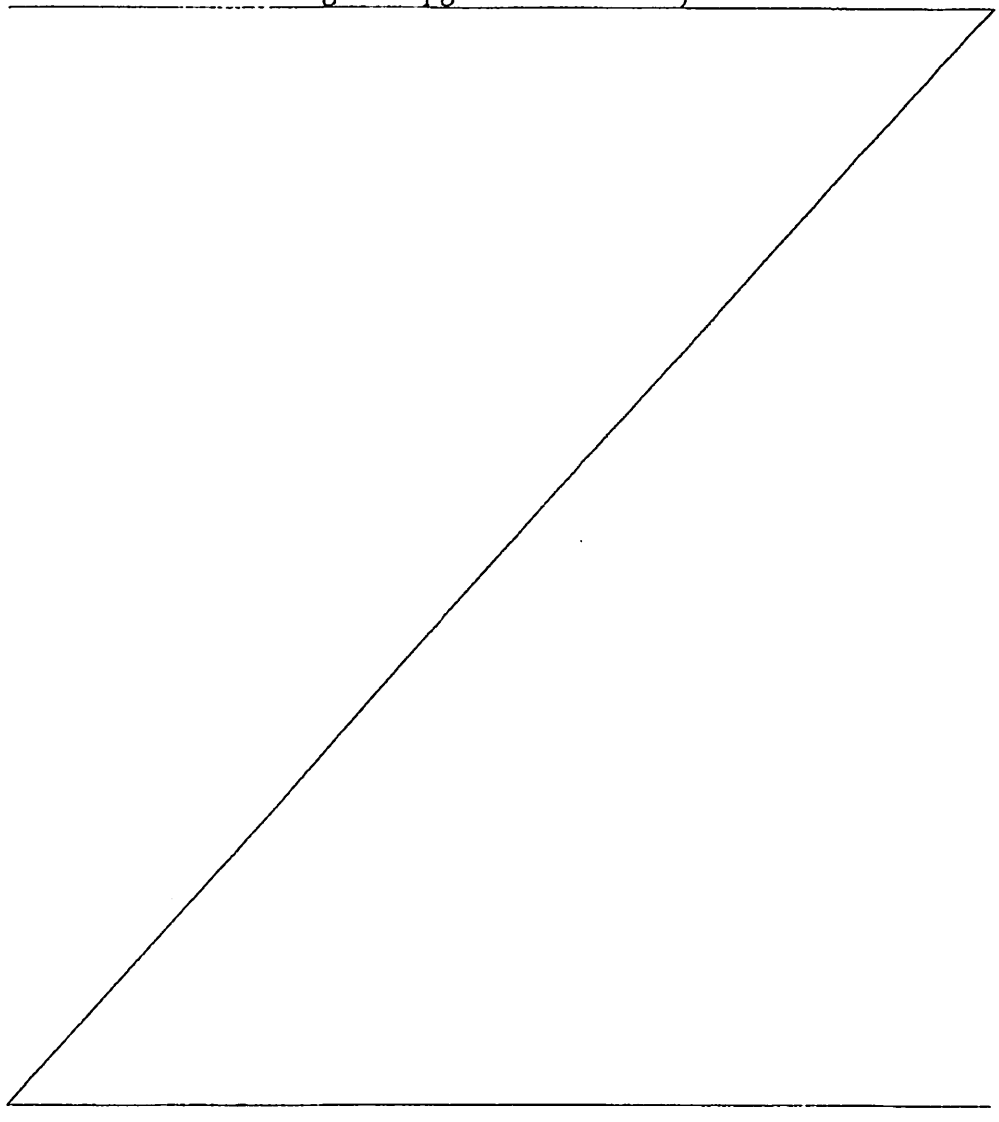
[10] Following this motion, another motion was made and seconded to allow chair Edmund Aczon to sign this Declaratory Order on behalf of the LUC given that the LUC would not be able to meet to adopt the form of the Declaratory Order before the passing of the 90-day timeframe in which the LUC is required to act on the Petition after its submission. The motion carried unanimously by voice votes of the commissioners. At the present time, there are eight sitting commissioners on the LUC. The one remaining seat is vacant.

IT IS FURTHER DECLARED that:

Petitioners' Petition is GRANTED. The Project, consisting of an overnight campground on approximately 7.9 acres of land within the State Land Use Agricultural District with soil classified by the LSB's detailed land classification as overall (master) productivity rating class B, is prohibited by HRS §205-4.5(a)(6) and cannot be permitted by a special use permit. Accordingly, a district boundary amendment petition is required to be filed to allow an overnight campground for the Project.



ADOPTION OF ORDER

This ORDER shall take effect upon the date this ORDER is certified by this Commission.

Done at Honolulu, Hawai'i, this 3rd, day of March, 2016 per motion on February 24, 2016.

LAND USE COMMISSION

APPROVED AS TO FORM

STATE OF HAWAI'I

Deputy Attorney General

By
EDMUND ACZON
Chairperson and Commissioner

Filed and effective on:

3/3/2016

Certified by:

DANIEL ORODENKER
Executive Officer

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAI'I

In The Matter Of The Petition Of	)	DOCKET NO. DR15-54
	)	
PU'UNOA HOMEOWNERS ASSOCIATION, INC., AND DEVONNE LANE	)	CERTIFICATE OF SERVICE
	)	
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, Hawai'i In The Agricultural District Requires A Boundary Amendment	)	

CERTIFICATE OF SERVICE

I hereby certify that due service of the within document was made by depositing the same with the United States Mail, postage prepaid, or by hand delivery, on March 4, 2016, addressed to:

LEO R. ASUNCION, JR., AICP
Director
Office of Planning
State of Hawaii
235 South Beretania Street, 6th Floor
Honolulu, Hawaii 96813

BY HAND DELIVERY

EXHIBIT 10

COPY

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DEVONNE LANE

2016 APR 18 P 2:45
STATE OF HAWAII
LAND USE COMMISSION

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAI'I

IN THE MATTER OF	DOCKET NO. DR 15-54
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.	**POSITION STATEMENT CONCERNING AND OPPOSITION TO CONSIDERATION OF RESCISSION OF FEBRUARY 24, 2016 LUC DECISION ON PETITION FOR DECLARATORY ORDER; EXHIBIT "A"; CERTIFICATE OF SERVICE**

POSITION STATEMENT CONCERNING AND OPPOSITION TO RESCISSION OF FEBRUARY 24, 2016 LUC DECISION ON PETITION FOR A DECLARATORY ORDER

PU'UNOA HOMEOWNERS ASSOCIATION, INC., and DEVONNE LANE, an individual and as a member of the Pu'unoa Homeowners Association, Inc., as interested persons, file this Position Statement Concerning and Opposition to the April 20, 2016 Agenda Item V to

consider rescission of February 24, 2016 Land Use Commission ("LUC") Decision on Petition for a Declaratory Order, for the following reasons:

I. NOTHING NEW HAS OCCURRED, EXCEPT THE APPEAL OF THE LUC'S DECLARATORY ORDER

The LUC's Decision on Pu'unoa Homeowners Association, Inc. and DeVonne Lane's (hereinafter referred to jointly as "Pu'unoa") Petition for a Declaratory Order was heard on February 24, 2016 at which time the Commission voted 6-1 to grant the petition. At the same meeting, the LUC voted to deny Ho'omoana's Motion to Intervene.[1] The Order on these decisions was issued on March 3, 2016. On March 29, 2016, Ho'omoana Foundation appealed the Order Denying Ho'omoana Foundation's Petition to Intervene to the Second Circuit Court.

The argument made on appeal is not "new" and was already addressed by existing, current and more relevant case law Petitioner brought to the LUC's attention before February 24, 2016. After the presentation by Pu'unoa on February 24, 2016, the Chair provided Ho'omoana the opportunity to state its position. Ho'omoana responded in part as follows:

> "...And we think that while there is two ways you could do this, the appropriate way for this type of project is through the Special Use Permit process."

Transcript of proceedings, p. 59, l. 1-3. Ho'omoana had also presented a position statement dated February 17, 2016 directly responding to the petition, as well as a motion to intervene, filed on February 19, 2016 before the hearing. Ho'omoana argued its facts and applicable law and failed to address the 1990 case referenced in Pu'unoa's own filings until the appeal was filed, but that doesn't change the reality that the case is old and was already considered by reference to the newer statutes and cases. Thus, Ho'omoana failed, on three separate occasions,

[1] Ho'omoana appealed the denial of its motion to intervene, apparently seeking contested case status before the LUC; however, it successfully opposed Pu'unoa's Motion to Intervene before the Maui Planning Commission to prevent contested case status at that level.

to voice any objections before the LUC made its decision as to what it might consider other or "new" information after being given the opportunity to do so.

In the appeal, Ho'omoana finds its voice and raises a 1990 case that *predates* the Save Sunset Beach Coalition v. City and County of Honolulu, 102 Haw. 465, 78 P. 3d 1 (2003) case cited by Pu'unoa in its Petition, and which 1990 case also predates revisions to HRS §204.5. The "new" case cited by Ho'omoana, Malama Maha'ulepu v. Land Use Commission, 71 Haw. 332, 790 P. 2d 906 (1990), stated that under HRS §205-6 a planning commission may permit unusual and reasonable uses that **promote** the effectiveness and objectives of Chapter 205 by a special use permit. The Court noted that it believed it could conform the seemingly contradictory provisions of HRS §§205-2 and 205-4.5(6) concerning golf courses and the special use permit process.

After this case, in 2005, the legislature made clear its intent to prohibit golf courses, and by implication, the use of special use permits to get around the HRS §205-4.5 statutory prohibitions, by adding a section (d). HRS §205-4.5 (d) reads as follows:

> Notwithstanding any other provision of this chapter to the contrary, golf courses and golf driving ranges approved by a county before July 1, 2005, for development within the agricultural district shall be permitted uses within the agricultural district.

Thus, the legislature clearly stated that the prohibitions do not apply for golf courses that predate the 2005 amendment only.

Save Sunset Beach, supra, referenced in Pu'unoa's Petition for a Declaratory Order, does acknowledge and address the Maha'ulepu case, not for its interpretation of HRS §§204.5 and 205-6, even though it interprets those sections, but for a completely different (and in this case irrelevant) principal and issue. The Court stated:

> However, we observe that the "reasonable and unusual" exception permitted by HRS §205–6 cannot be utilized to circumvent the essential purpose of the agricultural district. In Curtis, 90 Hawai'i at 397, 978 P. 2d at 835, this court held that the "essential purpose [of HRS § 205 -6] ...is to provide landowners relief in exceptional situations where the use desired would not change the essential character of the district nor be inconsistent therewith."

Similarly, the Land Use Commission has previously addressed the issue of overnight camps on agricultural land:

> The enacting statute, HRS Chapter 205, is very clear in prohibiting "overnight camps" as provided in HRS §205-4.5(6), "...but not including dragstrips, airports, drive-in theaters, golf courses, golf driving ranges, country clubs and overnight camps. (emphasis added).
>
> ...HRS Chapter 205 does not expressly or by implication allow agricultural district lands to be used to accommodate overnight camps or dwellings where there is no apparent evidence of any activity for uses related to farming or animal husbandry.

In the Matter of Pono, Declaratory Order, August 6, 1997[2], Docket No. DR97-20, pp. 12 – 13, 14. This decision was also *after* the Maha'ulepu case. The vague, possible agricultural use, which will in the future only be accessory to the tent encampment, one that transient campers may, or may not, actually ever participate in and proposed by Ho'omoana to justify its commercial long stay campground, is much like the proposed optional agricultural uses in *Save Sunset Beach* – proposals that are inserted simply to try and avoid the disclosure of the real nature of the project and to avoid the appropriate permitting or applicable boundary amendment process.

In this instance Pu'unoa has asked the LUC for a Declaratory Order that a district boundary amendment is required for a number of reasons, not singly because of the express prohibitions stated in HRS §205 -4.5.

[2] This order was later overruled for Sunshine law violations, but not on the substance of the declaratory ruling.

The Declaratory Order should stand based on the amendment to HRS §205 -4.5 by adding section (d) and the Save Sunset Beach case, but also for the original reasons stated in the Petition, reiterated below.

II. THE PARCEL EXCEEDS 15 ACRES, IS NOT A PERMITTED OR ACCESSORY USE, AND IS CONTRARY TO STATE, COUNTY AND COMMUNITY LONG-TERM PLANNING

The project is described as being 7.9 acres of a larger 22.68 acre agricultural site, consisting of a 2 acre campground while reserving 5.9 acres of adjacent agricultural field for possible future uses for the encampment residents. Future agricultural productivity is not a guaranteed or required for the campers. The parcel is over 15 acres, and should require a district boundary amendment before the LUC as a result. Under HRS §205-3.1(a) for land areas that are greater than 15 acres, the LUC is the body that must decide the district boundary amendment. In Ho'omoana's application it refers to the whole parcel as being part of its plan – 2 acres of actual campground and 20 acres of "gardening" area in conjunction therewith. Puunoa has been told by the Maui Planning Commission that this application has not been amended. In the original application at 6, Description of Use, p. 3, section (c) Ho'omoana states: "Small gardens are both therapeutic and productive for the campers. There will be a 20 acres of the 22 of the property that may be used for gardening." See Exhibit "A" attached hereto. Further possible references to agricultural activity are addressed as passing lip service, seemingly intended for the sole purpose of uttering the correct key or magic words to keep the project within the designated use.

Besides being designated as agricultural under the State's Land Study Bureau's Detailed Land Classification System ("B"), the property is designated as agricultural land by the West Maui Community Plan and the Maui County 2030 General Plan recently released. It is not

designated urban or conservation and it is not appropriate to exclude the community from the planning process at this time.

III. THIS SPECIAL USE PERMIT IS AN ATTEMPT TO CURRY SPECIAL TREATEMENT AND PLAY UPON EMOTIONS

It is clear that the attempt to gain permission for a use prohibited by HRS 205-4.5(6) (overnight camping) and equally prohibited by Maui County Code 19.04.040 (definition of camping unit), is nothing more than an attempt to avoid the rules and laws to rezone this property. Why would the applicant do this? Allowing urban uses here might open the door for support of an overall change in the zoning of this property (which runs along the Lahaina Bypass and is thus clearly visible to traffic, increasing its value as a commercial property). Puamana has submitted an email dated Jan. 5, 2016 where Mr. Scott Naganuma communicated with Peter Martin and was told that Mr. Martin thought he would apply for a zoning change for the property – obviously for the whole lot of 22.7 acres. This is just the first step in that plan.

In Save Sunset Beach, supra, the court examined a rezoning of 765 acres from agricultural use to a country district designation. In its review, the Court discussed the interplay among county zoning ordinances, permitted uses and statutorily defined uses, and found

> In Hawaii's land use system the legislature's statutory districts constitute more of a general scheme, and, presumably, by delegating authority to zone to the counties, the legislature intended that specific zoning be enacted at the county level. We believe that the "consistency doctrine" enunciated in [*Gatri v. Blane*, 88 Hawaii 108, 962 P.2d 367 (1998)] is somewhat instructive in the instant case. Because the uses allowed in country zoning, are prohibited from conflicting with the uses allowed in a State agricultural district, only a more restricted use as between the two is authorized. By adopting a duel land use designation approach, the legislature envisioned that the counties would enact zoning ordinances that were somewhat different from, but not inconsistent with, the statutes.

Id. at p. 482.

It is clear that an attempt to change the use to a commercial one is what is desired, even from Ho'omoana's own words. The application at issue requests permission for a commercial and transient campground, but in its opposition to Pu'unoa's application, only the transient hot-button homeless issue is discussed at all, and that is stated to be "temporary." In its Position Statement on Request for Declaratory Relief filed in February 2016, Ho'omoana states at pp. 2 and 3:

> If allowed to intervene, the Foundation will take the position that a district boundary amendment is not required in connection with the project to establish a temporary campground on agricultural land. ...
>
> ...this is a situation in which a lessee is proposing to conduct a use on agricultural land which, while not specifically permitted by statute, is so closely related to a permitted use as to be permissible on a temporary basis.

And on p. 4 of Ho'omoana's Petition to Intervene, Ho'omoana states:

> It is anticipated by the Foundation that the users of the campground will be among the functionally homeless population in West Maui.

In this manner, Ho'omoana tries to mask the spot zoning by couching its application as "temporary" and as "for the functionally homeless" rather than a conversion to a commercial use, with paying campers, completely unrelated to any permitted use. If this is a use to be allowed by the planning authorities, it should properly proceed to and be reviewed as a district boundary amendment, which is what is appropriate for this project.

IV. A DISTRICT BOUNDARY AMENDMENT IS CALLED FOR UNDER HRS §205–3.01(C)

The second way that the LUC may review this is under HRS §205-3.1(c) which allows the counties to determine district boundary amendments for land areas under 15 acres PROVIDED THAT SUCH USES ARE CONSISTENT WITH CHAPTER 205. The proposed uses are not consistent with the chapter, and Ho'omoana's application, as a result, should be before the LUC. As previously stated, the subject land is rated as Class B and this application is

not a permitted use under HRS 205-4.5 nor a permitted or approved accessory use under the Maui County Code.

The State Office of Planning, in its position statement notes that Ho'omoana proposes to build a "farm dwelling" as a residence for the camp manager, thus providing office space for the camp. It's a building, but not a "farm dwelling." Again, all Ho'omoana says in its application is that if the campground proves successful some of the land may, in the future, serve as accessory agricultural purposes. The State Office of Planning notes that the Dept. of Agriculture says it lacks information on this proposed, possible future agricultural use. That's because Ho'omoana doesn't even know if it will actually ever do any agricultural activity in association with this project. They don't know if they will be promoting agriculture or not. It is not simply enough to have an unrelated agricultural use (the horse pasturing) on another part of the property and say see, we have an agricultural use somewhere on the property; Ho'omoana is supposed to show that the proposed use will promote agriculture. This application is not consistent with Ch. 205. The State Office of Planning says that due to the minimal size of the project and incorporation of agriculture into the project, which may never happen, a district boundary amendment is not required. Ho'omona has made it clear that no agricultural use may ever happen and the State Office of Planning did not have the information that the proposed urban use was a domino set to fall; the applicant was looking to change the zoning and this is the necessary first step in avoidance of the LUC and the appropriate public avenue to change standing long-term planning. For these reasons there is no reason to rescind the Declaratory Order in place.

DATED: Wailuku, Maui, Hawaii, APR 15 2016.

DEBORAH K. WRIGHT
KEITH D. KIRSCHBRAUN
DOUGLAS R. WRIGHT

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

(6)

DESCRIPTION OF PROPOSED USE

EXHIBIT "A"

A. BACKGROUND

Property Information

The proposed Kauaula Campgrounds site is located along Hokiokio Place adjacent to the Lahaina By-Pass, in Maui, Hawaii and is identified by Tax Map Key (2) 4-7-003:031. The property is owned by Kauaula Land LLC and Ho'omoana is the applicant.

The project site is roughly two acres and is part of the roughly rectangular parcel, which is approximately 22.68 acres in area. Preliminary approval was granted by the County of Maui on November 21, 2006 for an almost identical proposal in a different location. The project site comprises the lot on the proposed location. .

The initial project site is approximately 2.0 acres in size and if successful, may use the additional 20 acreage for diversified agricultural cultivation.

Project Need

In Lahaina there is no access to campsites. South of Lahaina, there is camping in Olowalu. Due, in large part, to the absence of permitted campgrounds in the area, individuals seeking recreational and domestic campsites are left to find alternate means of habitation. Many of the campers are homeless and lack the financial resources to secure permanent housing.

Since there are two needs, it is anticipated that the proposed Kauaula Campground will contain a diverse mix of commercial campers and transient population. Through careful management oversight of the campground and strict adherence to campground rules, the two (2) populations may coexist harmoniously.

Project Overview

The applicant proposes to develop a commercial campground in addition to a farm dwelling at the site. A summary of the components of the site is described below. The campground intends to start with eight campers the first year and when phased up, not to exceed 26 campers. Each annual phase will increase by 8 campers until the intended maximum of 26 is reached. Since with will be a mix of commercial and local individuals, we intend to start slowly to ensure smooth growth.

a. **Commercial Campground**
The commercial campground will initially contain 8 camping pods, separated by landscaped shrubbery for privacy. The campground area will also contain 2

restroom facilities with community showers and toilets and a location for common trash collection. In addition, recognizing many campers do not own a vehicle, 20 parking stalls will be provided onsite for campground use and an area for safely locking bikes/moped will be provided. The driveway, parking stalls, and landscape will reflect ZAED (County code 19.36A) requirements. The proposed campground will be the principal use of the parcel and up to 18 more pods will be added as the site proves it is feasible for a total of 26 pods and a total of 80 possible campers.

b. **Farm Dwelling**

Operation and oversight of the commercial campground will require the presence of an onsite manager. The campground manager will take residence in the dwelling constructed on the north entrance of the site. In addition to the dwelling, the manager's portion of the property will contain a barn, two (2) visitor parking spaces, and a yard. Farm dwelling will also serve as an office for the camp manager

c. **Agriculture Area**

Small gardens are both therapeutic and productive for the campers. There will be a 20 acres of the 22 of the property that may be used for gardening. This agricultural area is consistent with the agricultural and open space uses to the north and will provide a buffer between these areas and the commercial campgrounds. Another purpose of the farming area is to provide a means for campers to work to pay for rental of their campsites through the maintenance of small-scale gardens and other agricultural pursuits. The decisions on what to grow will be a community decision aided by local volunteers who host successful gardens in the area. All equipment will be stored in a small shed purchased from Home Depot.

Infrastructure

Infrastructure elements provided onsite are described below.

a. Electricity will be supplied by MECO using existing overhead power lines and tied to the existing power grid system to provide on-site utilities. Once the project proves sustainable, we will consider developing off-grid or may eventually be provided by Maui Electric Company via an existing overhead electrical distribution system. The existing overhead utility lines are located along the Puunoa Subdivision near the project site.

b. Potable and non-potable water will be supplied by the Launiupoko Water Company and the Launiupoko Irrigation Company. Non-potable water will be priced at

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 April 15, 2016.

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Attorney for HO`OMOANA FOUNDATION

DATED: Wailuku, Maui, Hawaii; April 15, 2016.

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

EXHIBIT 11

ORIGINAL

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LAND USE COMMISSION
STATE OF HAWAII

2016 APR 19 A 7:18

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAI'I

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.	DOCKET NO. DR 15-54 **SUPPLEMENT TO PETITIONERS PU'UNOA HOMEOWNERS ASSOCIATION, INC. AND DEVONNE LAND'S POSITION STATEMENT CONCERNING AND OPPOSITION TO CONSIDERATION OF RESCISSION OF FEBRUARY 24, 2016 LUC DECISION ON PETITION FOR DECLARATORY ORDER, DATED APRIL 15, 2016; CERTIFICATE OF SERVICE**

SUPPLEMENT TO PETITIONERS PU'UNOA HOMEOWNERS ASSOCIATION, INC. AND DEVONNE LAND'S POSITION STATEMENT CONCERNING AND OPPOSITION TO CONSIDERATION OF RESCISSION OF FEBRUARY 24, 2016 LUC DECISION ON PETITION FOR DECLARATORY ORDER, DATED APRIL 15, 2016

PU'UNOA HOMEOWNERS ASSOCIATION, INC., and DEVONNE LANE, an individual and as a member of the Pu'unoa Homeowners Association, Inc., as interested persons

(hereinafter referred to jointly as "Pu'unoa"), supplement their Position Statement Concerning and Opposition to the April 20, 2016 Agenda Item V to consider rescission of February 24, 2016 Land Use Commission ("LUC") Decision on Petition for a Declaratory Order, dated April 15, 2016 (the "Position Statement"), as follows:

The Land Use Commission Lacks Jurisdiction to Rescind Its Final Ruling

As noted in Pu'unoa's Position Statement, the LUC's Decision on Pu'unoa Homeowners Association, Inc. and DeVonne Lane's (hereinafter referred to jointly as "Pu'unoa") Petition for a Declaratory Order was heard on February 24, 2016 at which time the Commission voted 6-1 to grant the petition. At the same meeting, the LUC voted to deny Ho'omoana's Petition to Intervene.[1] The Orders on those two decisions were issued on March 3, 2016. On March 29, 2016, Ho'omoana Foundation appealed the Order Denying Ho'omoana Foundation's Petition to Intervene and the LUC's final Declaratory Order to the Second Circuit Court pursuant to HRS §§ 91-8 and 91-14, HRCP Rule 72 and Article I, Section 5 of the Constitution of the State of Hawaii.

HRS § 91-14 sets forth the procedures for review of an agency order. "HRS § 91-14(a) controls an appeal to the circuit court from an administrative agency, and so long as the requirements of HRS § 91-14(a) are met, the circuit court is vested with jurisdiction to hear the appeal." *Hawaii Gov't Employees' Association, Local 152, AFSCME, AFL-CIO v. State,* 63 Haw. 85, 87, 621 P.2d 361, 363 (1980). Additionally, HRS § 91-14(b) provides in pertinent part that proceedings for review shall be instituted in the circuit court within thirty days after service of the certified copy of the final decision and order of the agency pursuant to rule of court. The LUC's final Declaratory Order was issued on March 3, 2016, pursuant to HRS § 91-8 and was a

[1] Ho'omoana appealed the denial of its motion to intervene, apparently seeking contested case status before the LUC; however, it successfully opposed Pu'unoa's Motion to Intervene before the Maui Planning Commission to prevent contested case status at that level.

final, appealable agency order. Ho'omoana Foundation filed its Notice of Appeal on March 29, 2016, along with its Statement of the Case and Designation of Record on Appeal. The Second Circuit Court further ordered that the LUC designate and transmit the entire record of the proceedings before it to the circuit court for review in connection with the appeal, within twenty (20) days of that order, or by April 18, 2016. The matter is now proceeding as an appeal to the circuit court pursuant to HRCP Rule 72. Rule 72(k) provides that "... [u]pon determination of the appeal, the court having jurisdiction shall enter judgment." Further, under HRCP Rule 72(i), the "... filing of a notice of appeal shall not operate as a stay of the decision, order or action appealed from, unless otherwise provided by statute or unless ordered, for good cause shown, by the circuit court." [emphasis supplied]

The LUC has further listed on its Agenda that it is going to "reconsider" the Petition to Intervene. The LUC's Order Denying Ho'omoana Foundation's Petition to Intervene was issued and filed March 3, 2016. The current agenda and "reconsideration" is coming up on April 20, 2016 – well beyond the ten days within which a reconsideration must be brought under Hawaii law. The noted reconsideration is clearly not timely and any such window to reconsider has since closed.

Once this matter was appealed to the Second Circuit Court, the LUC was divested of jurisdiction to rescind, reconsider or redo their final Declaratory Order. Jurisdiction clearly lies with the Second Circuit Court presently and any attempt by the LUC to unilaterally change a final Declaratory Order is baseless.

DATED: Wailuku, Maui, Hawaii; April 18, 2016.

DEBORAH K. WRIGHT
KEITH D. KIRSCHBRAUN
DOUGLAS R. WRIGHT

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

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 April 18, 2016.

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DATED: Wailuku, Maui, Hawaii; April 18, 2016.

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

EXHIBIT 12

IN THE CIRCUIT COURT OF THE SECOND CIRCUIT

STATE OF HAWAI'I

HO'OMOANA FOUNDATION, Appellant, vs. LAND USE COMMISSION, STATE OF HAWAII; PU'UNOA HOMEOWNERS ASSOCIATION, INC.; and DEVONNE LANE, Appellees.	CIVIL NO. _____( ) (Agency Appeal) STATEMENT OF THE CASE

STATEMENT OF THE CASE

Appellant Ho'omoana Foundation ("Appellant") submits this Statement of the Case pursuant to HRCP 72(e).

I. IDENTIFICATION OF THE PARTIES

1. Appellant is a Hawaii non-profit organization located in Kahului, Island and County of Maui, State of Hawaii.

2. Appellee Land Use Commission, State of Hawaii ("Commission"), is an agency of the State of Hawaii within the meaning of HRS §91-1(1).

3. The Commission has been delegated the authority, duty and obligation to render declaratory rulings pursuant to HRS §205-7, HRS §91-8 and HAR §15-15-98.

4. Appellee Pu'unoa Homeowners Association, Inc. (the "Association") is a Hawaii non-profit corporation whose

members are owners within the Pu'unoa I Subdivision located in the County of Maui, State of Hawaii.

5. Appellee DeVonne Lane ("Lane") is a member of the Association and an owner of a lot within the Pu'unoa Subdivision.

6. The Commission is sued herein pursuant to the actions taken in connection with a Petition for Declaratory Order in Docket No. DR 15-54.

7. Association is sued herein as the petitioner for the declaratory ruling in Docket No. DR 15-54.

8. Lane is sued herein as the petitioner for the declaratory ruling in Docket No. DR 15-54.

9. Through a Petition for Declaratory Ruling (the "Petition"), Association and Lane sought a determination that a proposed overnight campground with an adjacent agricultural field for use by the campers (the "Project") on 7.9 acres of a 22.678 acre parcel of land identified as Tax Map Key No. (2) 4-7-003:031(por) (the "Property") located within the State Land Use Agricultural District required a district boundary amendment and could not be authorized by issuance of a State Land Use Commission Special Use Permit.

10. The Petition was filed on December 4, 2015.

11. The Petition was set for hearing on February 24, 2016.

12. Before the scheduled hearing, Appellant filed a Petition To Intervene ("Intervention Petition") alleging that its property interests would be adversely impacted by action taken by the Commission if it were not allowed to participate in the proceeding.

13. At the hearing on February 24, 2016, the Commission considered the Petition before considering the Intervention Petition.

14. The Commission determined that an overnight campground was a use specifically prohibited by HRS §204-4.5 in agricultural lands rated A and B, which use could not be authorized by way of a State Land Use Commission Special Use Permit pursuant to HRS §204-6 (the "Declaratory Order").

15. The Commission, without providing Appellant an opportunity to be heard on Intervention Petition, denied the Intervention Petition as being moot (the "Intervention Order").

16. Appellant seeks the reversal of the Declaratory Order as it is contrary to a plain reading of HRS §205-4.5, and is in direct conflict with the Hawaii Supreme Court's interpretation of the same subsection of HRS §205-4.5 rendered in Mahaulepuu v. Land Use Commission, 71 Haw. 332, 790 P.2d 906 (1990).

17. Appellant also seeks reversal of Intervention Ruling as Appellant was denied the opportunity to participate as

a party in a proceeding which directly impacted its property rights in violation of Article I, Section 5 of the Constitution of the State of Hawaii.

18. The Commission's actions have prejudiced Appellant's rights for the reasons set forth under HRS §91-14(g).

II. JURISDICTION

19. This Court has jurisdiction over this matter pursuant to HRS §§ 91-8 and 91-14 and HRS §205-4.5 because Appellant is a person aggrieved by a final decision and order of an agency.

20. Venue is proper before this court as all transactions at issue occurred within the County of Maui.

III. HISTORY OF PROCEEDINGS

21. On June 10, 2014, Appellant filed an application with the Maui Planning Commission for a State of Hawaii Land Use Commission Special Use Permit in connection with the Project.

22. On August 22, 2014, Appellant filed with the Maui Planning Commission an application for a County of Maui Conditional Use Permit in connection with the Project.

23. Following determination that the applications were complete, the Maui Planning Commission scheduled the applications for hearing on July 28, 2015.

24. Association sought leave to intervene in the proceedings before the Maui Planning Commission, which motion was denied following hearing because Association failed to establish that its interests were different from those of the general public in connection with the applications.

25. On December 4, 2015, Lane and Association filed a Petition for Declaratory Ruling with the Commission contending that Appellant could not obtain a State Land Use Commission Special Use Permit for the operation of an overnight campground on agricultural land and instead required a District Boundary Amendment for the Project.

26. On February 4, 2016, the State of Hawaii Office of Planning filed a position statement with the Commission in which it advised the Commission that approval of an overnight campground as a use in an agricultural district could be done by way of a district boundary amendment or by way of a special use permit.

27. The Department of Planning, County of Maui filed a position statement and a revised position statement with the Commission on January 20 and January 28, 2016, respectively, in which the Department of Planning of the County of Maui informed the Commission of the pending State Land Use Commission Special Use Permit application and the history of the processing of the

Appellant's State Land Use Commission Special Use Permit application.

28. On February 17, 2016, the Commission issued an agenda for its February 24, 2016, meeting at which the Petition was scheduled for action.

29. On February 19, 2016, Appellant filed the Intervention Petition and a Position Statement regarding the Petition.

30. At its meeting on February 24, 2016, five individuals provided public testimony concerning the Project. The Commission's Chair repeatedly informed those present at the meeting that the Commission was not accepting evidence concerning the merits of the Project and was acting only on the legal aspects of the Petition.

31. Only the Association's and Lane's counsel was given the opportunity to question the witnesses providing public testimony.

32. The State of Hawaii Office of Planning and the County of Maui were asked to provide public testimony, however neither of those agencies provided public testimony.

33. Rather, the County of Maui, through its counsel, and the State Office of Planning, through its counsel, provided their respective positions concerning the Petition to the Commission.

34. Following the close of public testimony, Appellees Lane and Association were given the opportunity to present their case in connection with the Petition for Declaratory Ruling. Neither Lane nor the Association offered evidence in support of the Petition; both made argument only concerning the legal aspects of the Petition.

35. Following the presentation of Lane's and Association's counsel, the Chair of the Commission requested Appellant to state its position concerning the Petition.

36. Thereafter, the Commission went into executive session and upon returning from executive session, took action on the Petition.

37. The Commission, upon motion of a Vice Chairman, granted the Petition, and determined that the specific mention of overnight camping as a non-permitted use in HRS §205-4.5(a)(6) reflected a legislative intent that such use could not be allowed at any time within the agricultural district on lands classified as A or B, requiring that a person who wished to engage in such use change the State Land Use Classification from Agricultural to Urban by way of a District Boundary Amendment.

38. The motion of the Commission passed by a vote of 6 to 1.

39. Thereafter, the Chair of the Commission requested a motion from a member of the Commission to deny Appellant's Intervention Petition as being moot.

40. Before motion was made, Appellant's counsel, without being recognized by the Commission, objected to the proceedings as being prejudicial to Appellant's property rights.

41. The Commission then moved to deny the Intervention Petition to Intervention as being moot, which motion passed on a vote of 7 in favor and 0 against.

IV. STATEMENT OF POINTS OF ERROR

42. The granting of the Petition prejudiced Appellant's substantial rights because the Declaratory Order suffers from the following legal defects. The Declaratory Order is defective because:

a) it was made upon unlawful procedures;

b) it is in violation of constitutional or statutory provisions;

c) it is in excess of the statutory authority or jurisdiction of the agency;

d) it is affected by other error of law; and

e) it is arbitrary, capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

43. The denial of the Intervention Petition prejudiced Appellant's substantial rights because the Intervention Ruling suffers from the following legal defects. The Intervention Ruling is defective because:

a) it was made upon unlawful procedures; and/or

b) it was arbitrary, capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

44. The Declaratory Order and Intervention Ruling were made upon unlawful procedure. The only parties to the proceeding were Lane and Association. Neither the Planning Department of the County of Maui, which was processing a State Land Use Commission Special Use Permit on the Project, nor the Appellant who had property rights in the Project, were given the opportunity to participate as a party to the action which would include the ability to question members of the public who testified regarding the proceedings, present evidence concerning the Petition, and make a record upon which the Commission could act.

45. Additionally, Appellant was denied the opportunity to participate as a party although its property rights were impacted by the Commission's actions. Appellant holds a lease for the land on which the Project will be located. Appellant has property rights arising from the lease.

Appellant's property rights were impacted by the Commission's actions. Appellant was not allowed to participate as a party in the proceeding yet had its property rights impacted, thereby depriving Appellant of property rights without it having received due process of law.

46. The Declaratory Order is in violation of constitutional or statutory provisions. Section 205-4.5(b), HRS, was ignored by the Commission in rendering the Declaratory Order. That section provides "uses not expressly permitted in subsection (a) shall be prohibited, **except the uses permitted as provided in sections 205-6 and 205-8, . . .**" (Emphasis added). Subsection (b), HRS §205-4.5, specifically allows uses that are not permitted in HRS §205-4.5(a), provided that the uses are authorized pursuant to a State Land Use Commission Special Use Permit as established in HRS §205-6. Section 205-6, HRS, provides that a county planning commission may permit certain unusual and reasonable uses within the agricultural district other than those which are specifically permitted, provided the applicant meets certain conditions. In the Declaratory Order, the Commission ignored the specific provisions of HRS §§205-4.5(b) and 205-6, rendering the Declaratory Order in violation of statutory provisions.

47. The same subsection of HRS §205-4.5 upon which the Commission issued the Declaratory Order (HRS §205-4.5(a)(6))

was the subject of review in Mahaulepuu v. Land Use Commission, 71 Haw. 332, 790 P.2d 906 (1990). In that case, the Hawaii Supreme Court interpreted HRS §205-4.5(a)(6) exactly opposite to the Commission's interpretation in the Declaratory Order. The Commission in its Declaratory Order found that the inclusion of overnight camps in HRS §205-4.5(a)(6) as a disallowed use was a legislative mandate that such use could not be permitted by way of a State Land Use Commission Special Use Permit. In Mahaulepuu v. Land Use Commission, supra, the Hawaii Supreme Court affirmed the issuance of a State Land Use Commission Special Use Permit for a golf course. Section 205-4.5(a)(6), HRS, identifies golf courses as a disallowed use in the same sentence that identified overnight camps as a disallowed use. The Hawaii Supreme Court, after reviewing the legislative history concerning HRS §205-4.5(a)(6), held that such use could be authorized by way of a special use permit under HRS §205-6. The Declaratory Order is in direct conflict with Mahaulepuu v. Land Use Commission, supra, and the conflict cannot be reconciled or distinguished, rendering the Declaratory Order in violation of statutory provisions.

48. The Declaratory Order was in excess of the statutory authority or jurisdiction of the agency. The very issue before the Commission in the Petition was addressed by the Hawaii Supreme Court in Mahaulepuu v. Land Use Commission,

supra. Section 205-4.5(a)(6), HRS, was interpreted by the Hawaii Supreme Court in connection with the authorization of a golf course by way of a special use permit; the Hawaii Supreme Court held that HRS §205-4.5(b) allowed golf courses as a permissible use on agriculturally classified lands having A and B soils provided the requirements for a special permit under HRS §205-6 were met. The Declaratory Order is in direct conflict with the Hawaii Supreme Court determination, rendering the Declaratory Order in excess of the statutory authority of the Commission.

49. Additionally the Commission engaged in rulemaking in violation of HRS §91-3. The Commission's Declaratory Order forces persons seeking a use not permitted in agricultural lands with soils classified as A and B to obtain a District Boundary Amendment to change the land use classification to allow the proposed use.

50. The Commission's actions are a statement of particular applicability and future effect that implements, interprets or prescribes law or policy, which action is rulemaking under HRS §91-1.

51. The Commission is required to follow specific procedures before it adopts a rule under HRS §91-3.

52. The Commission failed to follow at least the following procedures in taking action at its February 24, 2016 meeting:

a) provide 30 days' notice for a public hearing;

b) provide notice of the topic of the proposed rule;

c) provide a copy of the proposed rule to interested persons; and,

d) provide that the proposed rule is subject to approval by the governor.

53. The Commission's actions in engaging in rulemaking in violation of rulemaking procedures was in excess of its statutory authority.

54. The Declaratory Order is affected by other error of law. As noted, the Hawaii Supreme Court has issued a ruling directly on point which holds that uses not permitted under HRS §205-4.5(a), including uses specifically identified under such section, are permissible under HRS §205-6 provided the conditions of HRS §205-6 are met. The Commission failed to mention Mahaulepuu v. Land Use Commission, supra, which reflects a failure to recognize legal authority directly on point and made no attempt to distinguish the legal authority reflecting a conscious indifference to the opinion of the Hawaii Supreme Court on interpretation of the very statute that the Commission

was interpreting. The Commission's failures in this regard resulted in a Declaratory Order affected by other errors of law.

55. The Declaratory Order and Intervention Ruling were arbitrary, capricious and characterized by an abuse of discretion. During the hearing on the Petition, a Vice Chairman made certain comments on how the Commission should construe a statute which reflected a basic misunderstanding on the application of the rules of statutory construction. The same Commissioner made comments on Appellant's Intervention Petition reflecting a basic misunderstanding in the application of principles of due process. Such actions were arbitrary and capricious and are properly characterized as an abuse of the discretion expected of, and exercised by, Commissioners in the carrying out of their statutory duties.

56. Additionally, the Commission, instead of allowing Appellant to present its Intervention Petition, took action without hearing from Appellant on the Intervention Petition. Such action was arbitrary, capricious, and an abuse of discretion which resulted in the deprivation of Appellant's property rights without due process of law in violation of the Hawaii Constitution.

V. PRAYER FOR RELIEF

Based upon the foregoing, Appellant respectfully requests the Court:

1. Determine that the Commission's denial of the Intervention Petition without hearing substantially prejudiced the rights of Appellant and was improper.

2. Determine that the Declaratory Order is void and must be vacated for being in contravention of the plain reading of HRS §205-4.5(b) and in violation of existing case law which interpreted HRS §205-4.5(a) and (b).

3. Determine that the Commission engaged in unlawful rule-making.

4. Issue an order directing that the Commission rescind its Declaratory Order dated March 3, 2016, and enter an order recognizing that overnight camps can be approved on Agricultural lands with A and B soils by way of a State Land Use Commission Special Use Permit pursuant to HRS §205-6.

5. Issue an Order directing the Commission to rescind the Intervention Ruling.

6. Award Appellant its attorney's fees and costs incurred in this matter.

7. Issue such other and further relief as to which Appellant may be justly entitled.

DATED: Kahului, Hawai'i, MAR 2 8 2016.

JAMES W. GEIGER
Attorney for Appellant
HO'OMOANA FOUNDATION

IN THE CIRCUIT COURT OF THE SECOND CIRCUIT

STATE OF HAWAI'I

HO'OMOANA FOUNDATION, Appellant, vs. LAND USE COMMISSION, STATE OF HAWAII; PU'UNOA HOMEOWNERS ASSOCIATION, INC.; and DEVONNE LANE, Appellees.	CIVIL NO. _____( ) (Agency Appeal) DESIGNATION OF RECORD ON APPEAL

DESIGNATION OF RECORD ON APPEAL

TO: Clerk, Second Circuit Court
State of Hawaii

Pursuant to HRCP 72(d)(1), Appellant Ho'omoana Foundation ("Appellant") designates all files, correspondence and documents maintained by the Land Use Commission of the State of Hawaii, with respect to Docket No. DR 15-54, including, but not limited to, all pleadings, documents, exhibits, transcripts and minutes regarding the Petition and all pleadings or related documents mentioned or relied upon by the Land Use Commission of the State of Hawaii in rendering its decisions and orders in that proceeding.

DATED: Kahului, Hawai'i, MAR 2 5 2015.

JAMES W. GEIGER
Attorney for Appellant
HO'OMOANA FOUNDATION

185904pl

IN THE CIRCUIT COURT OF THE SECOND CIRCUIT

STATE OF HAWAI'I

HO'OMOANA FOUNDATION, Appellant, vs. LAND USE COMMISSION, STATE OF HAWAII; PU'UNOA HOMEOWNERS ASSOCIATION, INC.; and DEVONNE LANE, Appellees.	CIVIL NO. _____( ) (Agency Appeal) ORDER FOR CERTIFICATION AND TRANSMISSION OF RECORD ON APPEAL

ORDER FOR CERTIFICATION AND TRANSMISSION OF RECORD ON APPEAL

TO: Land Use Commission
State of Hawaii

YOU ARE HEREBY COMMANDED, pursuant to HRCP 72(d)(1), to certify and transmit to this Court, within twenty (20) days of the date below, or within such further time as may be allowed by the Court, the entire comment set forth in the foregoing designation of record on appeal.

This record shall include, but is not limited to, all files, correspondence and documents maintained by the Land Use Commission of the State of Hawaii with regard to the Petition for Declaratory Ruling filed in Docket No. DR 15-54, including, but not limited to, all pleadings, documents, exhibits, transcripts and minutes related to the actions taken by the Land Use Commission in the above-referenced docket number, together

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LAND USE COMMISSION STATE OF HAWAII FILED
2016 MAR 29 PM 2:40
2016 MAR 32 A 8:17
V. ISHIHARA, CLERK
SECOND CIRCUIT COURT
STATE OF HAWAII

IN THE CIRCUIT COURT OF THE SECOND CIRCUIT

STATE OF HAWAI'I

HO'OMOANA FOUNDATION, Appellant, vs. LAND USE COMMISSION, STATE OF HAWAII; PU'UNOA HOMEOWNERS ASSOCIATION, INC.; and DEVONNE LANE, Appellees.	CIVIL NO. 16-1-0160 (1) (Agency Appeal) NOTICE OF APPEAL; EXHIBITS "A"-"B"; STATEMENT OF THE CASE; DESIGNATION OF RECORD ON APPEAL; ORDER FOR CERTIFICATION AND TRANSMISSION OF RECORD ON APPEAL

I hereby certify that this is a full, true and correct copy of the original.
Clerk, Second Circuit Court

NOTICE OF APPEAL

Notice is given that Appellant Ho'omoana Foundation ("Appellant"), pursuant to HRS §§ 91-8 and 91-14, HRCP 72, and Article I, Section 5, of the Constitution of the State of Hawaii, appeals to the Circuit Court of the Second Circuit from the Declaratory Order the Land Use Commission of the State of Hawaii (the "Commission") issued on March 3, 2016, in Docket No. DR 15-54, a copy of which is attached hereto as Exhibit "A" and the Order Denying Ho'omoana Foundation's Petition to Intervene entered on March 3, 2016, a copy of which is attached as Exhibit

"B." Appellees have prejudiced the substantial rights of Appellant for the reasons provided in HRS §91-14(g) and as set forth in the Statement of Case filed on this date and attached hereto.

DATED: Kahului, Hawai'i, MAR 2 8 2016.

JAMES W. GEIGER
Attorney for Appellant
HO'OMOANA FOUNDATION

EXHIBIT 13

JAN 6 2017

FILED

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K. MAEDA, CLERK
SECOND CIRCUIT COURT
STATE OF HAWAI'I

IN THE CIRCUIT COURT OF THE SECOND CIRCUIT

STATE OF HAWAI'I

HO'OMOANA FOUNDATION, Appellant, vs. LAND USE COMMISSION, STATE OF HAWAII; PU'UNOA HOMEOWNERS ASSOCIATION, INC.; and DEVONNE LANE, Appellees.	CIVIL NO. 16-1-0160(1) (Agency Appeal) FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER VACATING LAND USE COMMISSION, STATE OF HAWAII'S DECISIONS AND ORDERS ENTERED ON MARCH 3, 2016; CERTIFICATE OF SERVICE

APPELLANT'S PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER VACATING LAND USE COMMISSION, STATE OF HAWAII'S DECISIONS AND ORDERS ENTERED ON MARCH 3, 2016

This appeal from Administrative Decisions and Orders came on for oral argument on December 1, 2016 before the Honorable Rhonda I.L. Loo. James W. Geiger, Esq. appeared on behalf of Appellant Ho'omoana Foundation. Deborah K. Wright, Esq. and Douglas R. Wright, Esq. appeared on behalf of Appellees Pu'unoa Homeowners Association, Inc. and Devonne Lane. Kyle K. Chang, Esq. appeared on behalf of Appellee Land Use Commission.

The court, after reviewing the briefs submitted by the parties, the record on appeal, and affording each party the opportunity to present further arguments, issues its Findings of Fact, Conclusions of Law and Orders reversing the State of Hawaii Land Use Commission's Order Denying Ho'omoana Foundation's Petition to Intervene filed on March 3, 2016 in Docket No. DR15-54 and Reversing the State of Hawaii Land Use Commission's Declaratory Order filed on March 3, 2016 in Docket No. DR15-54. Both actions are remanded to the State of Hawaii Land Use Commission with directions to enter orders consistent with this ruling.

FINDINGS OF FACT

1. On December 4, 2015, Appellees Pu'unoa Homeowners Association, Inc. and Devonne Lane (collectively "Pu'unoa") filed a Petition for a Declaratory Order with the Appellee State of Hawaii Land Use Commission ("Commission"). (ROA 1:0002-0025).

2. Pu'unoa in its Petition for Declaratory Order asked the Commission to determine whether a proposed overnight camp ground with an adjacent agricultural field for possible future uses by the campers ("Project") on about 7.9 acres of a 22.678 acre parcel located within the State Land Use Agricultural District required a district boundary amendment or could be permitted by a special use permit. (ROA 1:0002-0025).

3. On February 19, 2016, Appellant Ho'omoana Foundation ("Ho'omoana") filed a Petition to Intervene and a Position Statement on the Petition. (ROA 7:0054-0060).

4. On February 24, 2016, the Commission considered the Petition for Declaratory Order. (ROA 13:0101-0116).

5. Upon motion made and seconded, the Commission determined that it had jurisdiction to act on the Petition for Declaratory Order, determined that the project could not be permitted by a special use permit, and determined that a district boundary amendment was required to allow the project on the parcel in question. (ROA 37 (02/24/16) 0303:25 to 0304:10).

6. On the same date, the Commission upon motion made and seconded, denied the Ho'omoana's Petition to Intervene on the basis that it was moot. (ROA 37 (02/24/16) 0312:25 to 0313:3).

7. On March 3, 2016, the Commission entered its Declaratory Order in Docket No. DR15-54 determining that the Commission had jurisdiction to act on the Petition for Declaratory Order, that the project could not be permitted by way of a special use permit, and that a District Boundary Amendment Petition was required to be filed to allow the project to proceed on the parcel. (ROA 13:0101-0116).

8. On March 3, 2016, the Commission entered its order denying Ho'omoana's Petition to Intervene on the ground that the request was moot. (ROA 12:0091-0095).

9. On March 29, 2016, Ho'omoana filed its Notice of Appeal in the instant matter of both decisions and orders of the Commission entered on March 3, 2016.

10. If it should be determined that any finding of fact should have been set forth as a conclusion of law, it is so concluded as to such finding.

CONCLUSIONS OF LAW

1. This court has jurisdiction over this matter pursuant to HRS §91-14(g).

2. The standard of review for this appeal is set forth in HRS §91-14(g)(5) which provides:

> Upon review of the record the court may affirm the decision of the agency or remand the case with instructions for further proceedings; or it may reverse or modify the decision and order if the substantial rights of the petitioners may have been prejudiced because the administrative findings, conclusions, decisions, or orders are: (1) In violation of constitutional or statutory provisions; or (2) In excess of the statutory authority or jurisdiction of the agency; or (3) Made upon unlawful procedure; or (4) Affected by other error or law; or (5) Clearly erroneous in view of the reliable, probative and substantial evidence of the whole record; or (6) Arbitrary or capricious, or characterized by abused discretion or clearly unwarranted exercise of discretion.

3. A court is free to reverse an agency's decision if it is affected by error of law. Camara v. Agsalud, 67 Haw. 212, 685 P.2d 794 (1984).

4. Conclusions of law are reviewable under HRS §91-14(g), subsections (1), (2) and (4), questions regarding procedural defects are reviewed under subsection (3), findings of fact are reviewed under subsection (5), and an agency's exercise of its discretion is reviewed under subsection (6). Paul v. Department of Transportation, 115 Haw. 416, 168 P.3d 546 (2007).

5. Conclusions of law are freely reviewable to determine if the agency's decision was in violation of constitutional or statutory provisions, in excess of statutory authority or jurisdiction, or affected by other error of law. In Re: Water Use Permit Applications, 94 Haw. 97, 9 P.3d 409 (2000), aff'd in part, vacated in part, 105 Haw. 1, 93 P.3d 643 (2004).

6. The primary duty of a court in construing a statute is to determine and give full effect to the intent of the legislature. Adams v. CDM Media USA, Inc., 135 Haw. 1, 346 P.3d 70 (2015).

7. The fundamental starting point for statutory interpretation is the language of the statute itself; where the statutory language is plain and unambiguous, the court's sole duty is to give effect to the plain and obvious meaning of the statute. Villon v. Marriott Hotel Services, Inc., 130 Haw. 130, 306 P.3d 175 (2013).

8. An ambiguity exists only where there is doubt, doubleness of meaning, or indistinctiveness or uncertainty of an expression used in a statute. Ah Mook Sang v. Clark, 130 Haw. 282, 308 P.3d 911 (2013).

9. It is fundamental in statutory construction that each part or section of a statute should be construed in connection with every other part or section so as to produce a harmonious whole. Kauai Springs, Inc. v. Planning Commission of the County of Kaua'i, 133 Haw. 141, 324 P.3d 951 (2014).

10. Laws on the same subject matter are to be construed with reference to each other. Schmidt v. HSC, Inc., 131 Haw. 497, 319 P.3d 416 (2014).

CONCLUSIONS OF LAW 5, 6 AND 7
ARE IN VIOLATION OF STATUTORY PROVISIONS

1. The Commission, in its Conclusion of Law 5, based such conclusion on a determination that the legislature expressly prohibited overnight camps on Class A and Class B rated lands, thereby effectively determining that the use of overnight camp facilities on Class A and Class B rated lands is unreasonable.

2. In rendering such a conclusion, the Commission found that the provisions of HRS §205-4.5 were irreconcilable with the provisions of HRS §205-6.

3. HRS §205-4.5(a)(6) states in pertinent part:

> Within the agricultural district, all lands. . . shall be restricted to the following permitted uses. . .: (6) public and private open area type of recreational uses, including day camps, picnic grounds, parks, and riding stables, but not including drag strips, airports, drive-in theaters, golf courses, golf driving ranges, country clubs and overnight camps;....

4. The language of HRS §205-4.5(a)(6) is not ambiguous.

5. As such, this court is required to give effect to the plain and obvious meaning of the language of the statute.

6. The plain and obvious meaning of HRS §205-4.5(a)(6) is that public and private open area type recreational uses are a permitted use within the agricultural district.

7. The plain and obvious meaning of HRS §205-4.5(a)(6) is that day camps, picnic grounds, parks and riding stables are included in the definition of a public and private open area type recreational use.

8. The plain and obvious meaning of HRS §205-4.5(a)(6) is that overnight camps are not included in the definition of a public and private open area type recreational use.

9. Although not included in the definition of public and private open area type recreational uses, the legislature did not "expressly prohibit" overnight camps within the agricultural district.

10. The Commission's conclusion that overnight camps were expressly prohibited on Class A and Class B rated lands, is therefore in violation of statutory provisions and incorrect.

11. HRS §205-4.5(b) provides in pertinent part:

> Uses not expressly permitted in subsection (a) shall be prohibited, except the uses permitted as provided in Sections 205-6 and 205-8,...

12. This statute likewise is not ambiguous.

13. Where statutory language is plain and unambiguous, the court's sole duty is to give effect to the plain and obvious meaning of the statute.

14. The plain and obvious meaning of HRS §205-4.5(b) is that uses not expressly permitted in subsection (a) of HRS §205-4.5 are prohibited unless permitted as provided in HRS §205-6, which is the special use permit statute, and HRS §205-8 which is the non-conforming use statute.

15. The Commission in its Conclusions of Law 6 and 7 in which it determined that the only way overnight camps can be allowed on the parcel on which the project is proposed, would be by way of a district boundary amendment is in clear violation of the statutory provisions of HRS §205-4.5(b).

16. In addition to application of rules of statutory construction, the court is persuaded by the reasoning of the Hawaii Supreme Court in Maha'ulepu v. Land Use Commission, 71 Hawai'i. 332, 332, 790 P.2d 906, 906 (1990). In that decision, the Hawaii Supreme Court interpreted the same provisions being interpreted by the Commission in the instant matter. The Hawaii Supreme Court determined that a use not included within the definition of public and private open area type of recreational use could nonetheless be allowed by way of a special use permit under HRS §205-6.

17. The Commission in reaching its Conclusions of Law 5, 6 and 7, did so in contravention and direct violation of the rational and holding of Maha'ulepu v. Land Use Commission, supra.

18. The Commission's Conclusions of Law 5, 6 and 7, being in contravention and directly contrary to the Hawaii Supreme Court's decision Maha'ulepu v. Land Use Commission, supra, committed error and such conclusions are invalid having been affected by other error of law.

MISCELLANEOUS MATTERS

19. The Commission asserted that HRCP 72(f)(1) requires the striking of the opening brief and dismissal of the appeal.

20. Appellate courts give great leeway to appellants concerning the filing and contents of briefs. HARP 30 and In Re: Marn Family Litigation, 132 Haw. 165, 319 P.3d 1173 (2014).

21. For dismissal to be granted as requested by the Commission, the Commission must show prejudice as a result of the delay in filing the opening brief.

22. The Commission showed no prejudice as a result of the delay, and in fact, received the time allowed by rule in which to submit an answering brief.

23. As the Commission showed no prejudice, the argument of Commission is rejected and the opening brief is not stricken nor is the matter dismissed.

24. The Commission also asserted that the Ho'omoana waived its ability to present Maha'ulepu v. Land Use Commission, supra, to this Court because such legal authority was not presented to the Commission at the time of the hearing on the declaratory ruling.

25. Conclusions of law are freely reviewable. Kilauea Neighborhood Association v. Land Use Commission, 7 Haw.App. 227, 751 P.2d 1051 (1988).

26. This appeal involves the legal conclusion of the Commission that subsections (a) and (b) of HRS §205-4.5 are irreconcilable, which legal conclusions are freely reviewable by this court.

27. Legal authorities that concern this conclusion and likewise are freely reviewable by this court.

28. Accordingly, the Commission's argument that the Ho'omoana waived its ability to present Maha'ulepu v. Land Use Commission, supra, to this court is rejected.

CONCLUSION AND SUMMARY

1. With regard to the Declaratory Ruling, this Court concludes that the Conclusions of Law adopted by the Commission, and particularly Conclusions 5, 6 and 7, are in violation of constitution or statutory provision, in excess of statutory authority or jurisdiction, and affected by other error of law.

2. If it is determined that any conclusion of law should have been set forth as a finding of fact, it is so found as to each such conclusion.

DECISION, ORDER AND JUDGMENT

Based upon the above findings of fact and conclusions of law, this Court HEREBY vacates the Commission's Declaratory Ruling filed on March 3, 2016. This Court further remands this matter to the Commission for further proceedings consistent with this ruling.

This Order resolves all claims of all parties and a final judgment shall accordingly be entered in favor of Appellant Ho'omoana Foundation and against

Appellees Land Use Commission, State of Hawaii, Pu'unoa Homeowners Association, Inc. and Devonne Lane.

DATED: Wailuku, Hawaii, 1/4/17.

JUDGE OF THE ABOVE-ENTITLED COURT

IN THE CIRCUIT COURT OF THE SECOND CIRCUIT

STATE OF HAWAI'I

HO'OMOANA FOUNDATION, Appellant, vs. LAND USE COMMISSION, STATE OF HAWAII; PU'UNOA HOMEOWNERS ASSOCIATION, INC.; and DEVONNE LANE, Appellees.	CIVIL NO. 16-1-0160(1) (Agency Appeal) CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

I hereby certify that on the date indicated below, a true and correct copy of the foregoing document was duly served by mail on the following at their last known address:

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DEVONNE LANE

DATED: Wailuku, Hawaii, 1/4/17.

Clerk of the above-entitled Court

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LAND USE COMMISSION FILED
STATE OF HAWAII
2016 MAR 30 PM 2:26
2016 MAR 32 A 8:17
M. FERNANDEZ KA HAKUWILA, CLERK
SECOND CIRCUIT COURT
STATE OF HAWAII

IN THE CIRCUIT COURT OF THE SECOND CIRCUIT

STATE OF HAWAI'I

HO'OMOANA FOUNDATION, Appellant, vs. LAND USE COMMISSION, STATE OF HAWAII; PU'UNOA HOMEOWNERS ASSOCIATION, INC.; and DEVONNE LANE, Appellees.	CIVIL NO. 16-1-0160(1) (Agency Appeal) CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

I hereby certify that on March 30, 2016, I caused a file-marked, certified copy of the Notice of Appeal, filed on March 29, 2016, to be duly served via Certified Mail, Return Receipt Requested, to the following at their last known address:

Daniel Orodenker
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186811pl

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DATED: Kahului, Hawai'i, _____.

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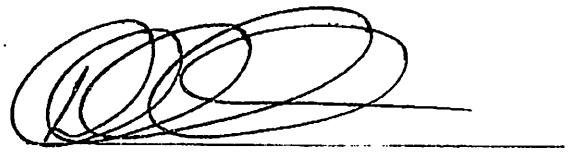
DATED: Honolulu, Hawai'i, March 3, 2016.



DANIEL ORODENKER
Executive Officer
State Land Use Commission

MAUI COUNTY PLANNING COMMISSION

COUNTY OF MAUI, STATE OF HAWAII

Held at J. Walter Cameron Center, 95 Mahalani Street, Wailuku, Maui, Hawaii, commencing at 9:01 a.m., on Tuesday, January 23, 2018.

Reported by: Tonya McDade, CSR, RPR, CRC
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COMMISSION MEMBERS PRESENT:

Sandra Duvauchelle, Chair

Richard Higashi, Vice-Chair

Lawrence Carnicelli

Kahu Alalani Hill

Christian Tackett

STAFF PRESENT:

Will Spence, Director, Department of Planning

Kurt Wollenhaupt, Department of Planning

Carolyn Takayama-Corden, Department of Planning

David Galazin, Deputy Corporation Counsel

(Tuesday, January 23, 2018, 9:01 a.m.)

* * *

CHAIR DUVAUCHELLE: (Gavel.) Good morning. January 23rd, 2018, the Maui County Planning Commission is now in session. We will take public testimony after the applicant's presentation.

Director.

DIRECTOR SPENCE: Okay. Commissioners, good morning.

COMMISSIONER CARNICELLI: Good morning, Chair.

DIRECTOR SPENCE: Members of the public. We have one item on -- one primary item on today's agenda, it's under C.1., Unfinished Business, Ho`omoana Foundation requesting a State Land Use Commission Special Use Permit and a Conditional Permit to allow the development and operation of the campgrounds focused on both the transient/homeless/financially disadvantaged population and the commercial camper located at Hokiokio Place by the Lahaina Bypass Road. So I'm sure, everybody, that's what you're here for.

So, first, is going to come the presentation. Public testimony will come after the presentation. So --

CHAIR DUVAUCHELLE: Okay. And presenting for the Department, you want to give us a brief overview, Kurt?

MR. WOLLENHAUPT: Good morning, Members of the Maui Planning Commission and to everyone in the audience today. The item, as mentioned before, is for, actually, two permits, one would be a Conditional Permit and one would be a State Land Use Commission Special Permit for the proposed campground located, as indicated previously, at the corner intersection of Hokiokio Place and Lahaina Bypass Road.

The Members of the Commission are intimately familiar with both a special permit and the conditional permit; however, perhaps some of the members of the audience may not be as familiar with why we even have these permits today. So I might just give a little brief overview so that the people in the audience know the purpose of why we're here.

Just to give a bit of history, at the regular meeting on July 28th, 2015, the Maui Planning Commission did conduct a public hearing on the proposed project for both the conditional permit and the State Land Use Commission Special Permit for the development of this proposed campground. The proposed overnight campground would cater to those people who are considered homeless and, to a lesser extent, it was indicated previously that it would be -- there would, also, be a commercial component. It's important today as the applicant has made

some modifications that the Commission will consider how the project has been modified in its current state.

For the record, it was noted that, at the meeting in 2015, the Pu`unoa Homeowners Association filed a Petition to Intervene, presented this petition to the Commission at the July 2015 meeting. The Commission decided to deny the Petition to Intervene and continue to the public hearing at the date. The decision and order on that denial was accepted at the December 12, 2017 meeting of the Maui Planning Commission.

Just for, also, members of the audience, there is a parallel case that's going on, on this project, which has to do with the Land Use Commission's definition of overnight camping and whether or not a State Special Permit, which we're here today to look at, or District Boundary Amendment would be the appropriate process. That -- that -- that is moving through the courts. At the present time, Judge Rhonda Loo decided that the current special permit process that we're reviewing here today is a process that she decided upon. However, the Land Use Commission and the Pu`unoa Homeowners Association have appealed that to the Intermediate Court of Appeals where that process now rests.

That's a different process from today. Today, as I indicated, we're looking at the Conditional Permit

and for a State Land Use Commission Special Permit.

So why are we looking at those two? The State Special Permit is for unusual but reasonable uses to be allowed in the Agricultural zone. This is zoned Ag. Therefore, according to the rules, we need to have a State Special Permit for this use. The County and Judge Loo believe that this overnight camping, the proper procedure for review on these B rated lands is the special permit process.

This -- this Commission is the deciding authority on a special permit. So, today, you have an option to approve it with conditions, deny it with conditions or defer it. You are the final authority.

Now, that's in contrast to the other part of this which is a Conditional Permit. Why do we have to have a Conditional Permit? That is because the applicant intends to have a use of a camping unit, which would in this case most likely be a tent, for more than six consecutive days in a 30-day period. Therefore, it also requires the Conditional Permit that would have to be reviewed and -- by the Maui County Council. So this Commission would be advisory to the County Council. And, again, you can make a decision to advise them to accept, advise them to deny, or defer today for further review. That's why we have two different permits that are under

review.

That kind of brings the Commission up to date.

There have been some modifications that the team from Ho`omoana is going to talk about in their presentation.

And, also, I did want to make mention, we do have Michele Navarro Ishiki from the Department of Housing and Human Concerns here with us this morning. So that would be part of the presentation in the sense that she's a resource that's being looked upon as agency review, which will be different than a public testifier. So you may want to hear something from her now or certainly at some point in these deliberations.

CHAIR DUVAUCHELLE: Would you like to come up and say a few words, Michele, before the presentation?

MR. WOLLENHAUPT: Or you can wait.

MS. ISHIKI: I'll wait.

CHAIR DUVAUCHELLE: Okay. Thank you. All right. So we're ready to hear the presentation.

I apologize for a bare quorum today. We have several Commissioners that are excused, but we'll do our best.

MR. FRAMPTON: Good morning, Madam Chair, Members of the Commission. My name Dean Frampton. I'm here representing Ho`omoana, the Ho`omoana Campground

Project.

Just quickly, I would like to introduce each of the project team that we have up front here. We have Shalia and -- Shalia and Kaui Keahi, on-site managers; we have Joshua Dean, who is the Ho`omoana Board President; we have Lori Sablas, who is an Advisory Member; as well as Clifford Libed; and we, also, have Harmony Halas who is our Organizational Manager.

Technical difficulties. Give me a second here. Give me one second.

CHAIR DUVAUCHELLE: Sure.

MR. FRAMPTON: Apologies to the Commission for that. Okay, we're back up and running.

So, again, just a little housekeeping item. Our property is identified as Tax Map Key 4-7-003, Parcel 31. Of course, we're zoned Agricultural by the State and the County. 22.67 acres in size. We're talking about a designated area of two acres for the Ho`omoana Campground, including an additional 5.9 acres for ag. There's an existing 1,000-square-foot ag structure located on the property, which is the manager's house. And access is provided by Hokiokio road.

So I have an aerial photo here again in green. You can see this is the area that includes our campground and the ag area. This is the new bypass that everybody is

familiar with. Hokiokio road comes right down here. In addition, just points to note, this is the Pu`unoa subdivision and Puamana Association down here.

There's a blowup that shows, again, just a bigger view of the campground area, approximately two acres, and then this additional area for agricultural use which is approximately six acres.

The members have a blowup of this that was handed out this morning. This is just a site plan of the property. And it shows access off Hokiokio road, driveway, and then the pods that we're -- that round the edge of the stream. We're only talking about these eight pods right here today, just these first eight pods. Also, on this site plan, you can see this essential area of the barbecue, communal meeting place. And there's the manager's house as well.

I'm going to take a moment just to familiarize you with the area by way of photos. So I'm going to start with some photos right down here on Honoapiilani Highway, then looking up at Hokiokio, looking at the driveway, then looking down from Hokiokio, and then along the new bypass.

So here's a view looking towards Maalaea at the Hokiokio intersection.

There's the view looking towards Kaanapali at Hokiokio.

This is a view looking up from the highway. What's important to note is that our project site, it's kind of lost in the shade here, but it's about 1,000 feet up the hill and, largely, out of view from the highway.

Here's a view from the project driveway. And, again, the proposed area is nestled back along this -- the toe of the hillside from the State bypass.

This is looking at the project site from the Hokiokio and the new bypass. And the property is located behind the -- the hill there.

This is looking on the bypass, straight down. And approximately -- the campground is located approximately 60 feet below the edge of this -- the highway right-of-way.

This is the view looking from the bypass. So it's 100 percent out of view from cars going in both directions.

This is just a quick view of the homes looking up mauka of the Pu`unoa subdivision.

Again, another look at the campground from the edge of the highway right-of-way. One more.

I am going to take a quick moment to talk about the history. I'm going to keep this abbreviated. We appeared before the Planning Commission in July 2015. And our previous plans included the concept of 26 pods and

approximately 80 campers in total. It included a mix of homeless and commercial camping, campers. Like today, it included restroom facilities, common trash areas, gravel parking, and bikes and moped storage as well as a barn, fencing and security gating and landscape improvements.

For the Commissioners that were on the -- serving at the time, you may remember there was a lot of -- there was a lot of comments that came out for and, also, a lot against. There were a lot of questions that came up. So the project was deferred by the Commission. And that gave us a chance to -- and the Commission asked that we continue our dialogue with the community. And it gave us a chance to kind of reassess our project.

Since the 2015 meeting, we've met with Elle Cochran, West Maui Taxpayers, County of Maui Housing and Human Concerns, Family Life Center, Catholic Charities of Hawaii, the Maui Homeless Alliance, Ka Hale A Ke Ola, Pu`unoa Board as well as the Puamana Board.

Based on a lot of these discussions that we had, we've revised our concept. We've -- first and foremost, we've eliminated commercial camping for the first year. There were questions about that at the last hearing.

We're not accepting walkup applications. And I'll come back to that in a minute.

We're prioritizing women, children and, of

course, West Maui residents.

We are including now raised platforms. Each individual camping pod would have a raised platform as well as a tent.

We shifted the camp a little bit more away from the streambed by another 40, 50 feet.

We're proposing a condition of compliance -- of a Compliance Committee. And I'll come back to that as well.

And we hope to dovetail our services with existing providers that service our homeless community.

We're only asking for approval for eight pods or a maximum of 26 campers a year -- I'm sorry -- 26 campers at one time. And, again, we're only asking for one year. Normally, if -- if successful, approval of a Special Use Permit can sometimes have a longer first timeframe, but we're only asking for one year. And that's recent, just to help alleviate some of the fears and the concerns.

Probably the biggest thing that we did was we incorporated a better, more experienced team. And we brought in, of course, the site managers that have experience. And they'll be up in just a second. And then we also brought in our Advisory Members, Lorie and Cliff. And they'll be speaking in just a minute as well.

But I wanted to go back to the walkup -- no

walkup applications and I wanted to go back to the Compliance Committee because this is important. And we met with the Puamana Association. And we met with them on multiple occasions. And while there was never a real overall endorsement from the Board, we had a lot of -- a number of hours of communication and a lot of, I think, positive back and forth and healthy communication. As a result of, you know, our discussions, one of the comments they brought up was they were afraid that homeless people might be walking up to our gates and what happens if they get turned away and they don't meet our requirements, they don't meet our standards or we're full. They were afraid that those people would walk down and go right on the beach to Puamana. So as a result of that, we have asked for a self-imposed condition that said we won't take walkups, they'll have to be by referral only.

Another concern that came out of our discussions was the idea that how do we know that you're going to live up to the terms of your permit. As Commissioners, you probably are aware that when you issue project conditions on a project, usually an application will just go back to the Planning Department for administrative review to establish compliance. And they'll write a compliance report. And, generally, it doesn't come back unless there's a problem. We explained that process to -- with

the Board and in dialogue, in our discussions with them, it became clear that, hey, if there's concerns that we're not living up to terms of our approval, then we gladly welcome our -- welcome a Compliance Committee. And that would be made up of individuals on the Board from Puamana, from neighboring properties, that would be willing to engage with us on, say, maybe, a monthly basis, once a month, open house, review the project conditions, review the on-site conditions. And, basically, allow ourselves to be open for examination. And that Compliance Committee could have direct contact with the Planning Department, our Planner, Kurt. We're hoping that the Compliance Committee adds a layer of accountability to satisfy the concerns that have been raised.

So the last thing I'm going to do is just show you -- this is just a real quick concept of what a pod looks like. This is a -- we -- Peter had one built on the property, if you will. It's a 10-by-10 wood structure, platform. Each pod would have its own security lockbox that you see there, a tent, as necessary. And this is just a little bit more of a view that's from the background or a little bit stepping back. What you see is a bermed landscaped perimeter and a nice -- a nice grass area there.

So with that, I'm going to turn off the

PowerPoint. We're going to let Shalia and Kaui talk a little bit as on site managers. And we're going to hear from Cliff Libed quickly and we're going to hear from Lori Sablas. And then that will conclude our presentation. Thank you.

SHALIA KEAHI: Aloha, Commissioners and everybody. Thank you for taking the time to meet with us today. We're grateful for the opportunity to share our vision with you. I wrote --

CHAIR DUVAUCHELLE: I'm sorry. Would you -- would you state your name, please, again?

SHALIA KEAHI: Yes, my name is Shalia Keahi. I wrote everything down, so -- 'cause I'm kind of nervous, so I'm just going to read from what I wrote.

We are grateful for the opportunity to share our vision with you. And we hope that you will see the good that we're trying to do in West Maui.

I grew up on Maui, of course. And half time in Lahaina and half time in Waiehu. My parents were divorced. So my dad lives in Lahaina and my mom in Waiehu still to this day.

I was a hula dancer at the Old Lahaina Luau as a youth and young adult. And I had my share of party days. And no one ever intends to become an addict or an alcoholic or even homeless, but even for myself, as a

young adult, partying took me farther than I wanted to go. And I found myself making a mess of my life.

I sought after God, a higher power, the only one that could clean -- clean up my mess and he helped me through it. And today, I'm proud to say that I am a CSAC, I'm a certified substance abuse counselor, and I have a degree in human services. I'm, also, a worship leader and a group facilitator in the Transformation and Prison Ministries of King's Cathedral and Chapels. I seek to help those that have made a mess their lives like I did and to show them ways to experience the freedom I have today.

UNIDENTIFIED SPEAKER: Right on, sister.

SHALIA KEAHI: Our mission at Transformation at Ho`omoana is to provide a stepping stone to home through faith, hope and love. Those that come to participate in the program will be provided with a safe place to sleep and keep their belongings without fear, like Dean shared -- shared in the PowerPoint, that have restrooms and showers, a place to cook, a place to wash their clothes, access to computer and internet and printer to, perhaps, apply for jobs online, and a physical address, which is important. They will, also, have the opportunity to work as a community in the garden and farm at Ho`omoana.

My role as program manager will be to assist

participants in identifying their needs and formulate a plan to meet those needs. I will meet weekly with participants to provide guidance and measure their progress toward meeting their needs. Participants will be required to adhere to program guidelines and be held accountable for them.

Today, Commissioners, we ask that you help us make our vision to help the people of West Maui a reality. Mahalo and God bless.

And this is my husband; not my brother.

KAUI KEAHI: As you can see, she the brain to this outfit.

Good morning, Commissioners. My name is Kaui Keahi. I am the on-site manager at Transformation at Ho`omoana.

I have firsthand experience with homelessness because I was homeless. What led to my homelessness was a toxic relationship and the death of my older brother that led me to meth addiction for eight years. I lost everything; my kids, my job, my home and my mind.

With no hope or reason to live, I decided to take my life. The day I planned to take my life, I heard an inner voice, and I believe it was the Lord's, that led me to a guy at work who prayed for me and he told me to come home with him to My Brother's Keeper's discipleship

christian home.

It was a commitment of one year. Pastor Mark Donovan and his team imparted faith, hope and love back into my life. And I became a father again. I got my children back. I got a home. My money was renewed and my life restored. God gave me one beautiful wife and even added to my children. And not only that, I inherited more children. We running the Brady Bunch today.

Today, like my wife, I'm a worship leader and a group facilitator in Transformation and Prison Ministries at King's Cathedral and Chapels where we see evidence of God changing and transforming lives that were broken, people that were lost, relationships that were broken, we see 'em, everybody in front of our eyes, lives being restored as ours.

My role at Transformation at Ho`omoana is to impart that same faith, hope and love to those who come for help. Helping participants get back on their feet, as my pastor did, I want it paid for. My wife and I are living on this site. My responsibility consists of face-to-face contact, securing participants and property through involving the community of the people that will be there. This is our house. This is our community.

UNIDENTIFIED SPEAKER: Amen.

KAUI KEAHI: And before I end, I like share this

scripture, it's found in 2 Corinthians, Chapter 1, Verse 3 and 4. And it says, all praise to God, the father of our Lord, Jesus Christ. God is our merciful father and the source of all comfort. He comforts us in all our troubles so that we can comfort others. When they are troubled, we will be able to give them the same comfort God has given us.

So I pray, Commissioners, today that you would vote in support of those in need. Thank you for your time and God bless you all.

UNIDENTIFIED SPEAKER: Homeless, hemp, hope.

MR. LIBED: Aloha, Commissioners. My name is Cliff Libed. I'm, actually, a volunteer for this project. I'm not employed by Ho`omoana or any other affiliation with the project itself. When it came to me, I certainly wanted to jump in because I've been around and been a longtime advocate for disadvantaged communities.

My experience with disadvantaged communities is Hawaii Housing Authority, I was the project manager for Kahekili Terrace, David Malo Circle, Molokai and Lanai. I've, also, worked with the Rent Supplement Program and things to help disadvantaged.

I am here today to look outside the box. Look at the issues that have confronted the project. And I think that we have an opportunity to be able to look

outside the box and see for what it is.

Our efforts is to manage and help local families. For me, being in the business I been in for nearly 15 years, I come in close contact with local families, both here, Molokai and Lanai, and have seen many of the issues that have confronted our local families in Maui County. Many things that I have witnessed I would like to forget. Many things I have shared across a desk in consultation with people aspiring I would like to forget because it's just --

I'm, also, the grant reviewer for the Administration for Native Americans and a grant reviewer for Department of Hawaiian Home Lands, also addressing the issues of housing, socioeconomic development, which is a part of growth.

These communities are severely disadvantaged because of not only location, but the issues that they face within their daily lives. Although, for example, Native Americans may get funding and grants from the U.S. Government, the social economic issues in these tribe -- tribal lands is extremely difficult. And no different from -- look at we from what we shared today with our lack of housing individuals. I don't like to necessarily use the term homeless. I would -- I would rather look at the terminology lack of housing. Okay.

UNIDENTIFIED SPEAKER: Amen. Amen.

MR. LIBED: The protests that I have read and some of the things that I've seen actually say we should not stigmatize anyone for aspiration for a better life. Let me repeat that. We should not stigmatize anyone for aspiration of a better life.

Being in the trenches like I have in all those years, I have seen aspirations come about in the strangest ways. When I first met Kaui, Kaui was initially an individual who was a fighter, who gave an opportunity to teach self-defense at public housing, but the spark in his eyes, his giving of himself, of the encouragement that he provided other people at the public housing was phenomenal. This was done on a voluntary basis. It was done because we wanted to change the environment that we had.

Another project that I have worked on, and it goes back to children. We have started art program on behalf of the Lahaina Art Society, who provided funding for color crayon and paper, paint, et cetera, for our children at Kahekili Terrace. So every afternoon, once a week, we would have the kids come over and paint. And through this expression and through this opportunity to express themselves, you could see many of the challenges that we could see in the homes. In my position, I go into

the homes, I meet them, I greet them, teach 'em how to clean a house, teach 'em how to maintain, but the difference of what they have is a solid structure. Okay. But the reality is, is that what is being proposed is not necessarily a solid structure.

Now, a little bit of a story why -- why my philosophy is guided. I was 16 years old. And I'm turning 70 this year. Those years when I was 16, I went to -- I was on the Big Island, I was working for a boy's camp in Kohala. And these were boys that we took around to the mountains before backpacking became an issue. And the reality was when we came down to Puuhonua o Honaunau, which is City of Refuge, standing without structure, without buildings, just an empty place, and being told you know, Cliff, you see that trail up here, they ran down the trail, okay, you see the ocean over here, they swam into the ocean. They had -- the culture has a forgiveness and the compassion for people who made mistakes, they broke kapus. They were disadvantaged. The children and women were taken to City of Refuge when there were wars and they were protected. And the winning chief would inherit all women and children, they were not subjected to death. But if you did not make -- did not make the City of Refuge by running from the mountain or coming from the ocean, it was a very simple solution, you were killed immediately. And

that is practiced in Hawaii. And that is something that we need to take a look at because the values of forgiveness is extremely strong. The value of returning to who you were is extremely strong. We forget that these are the battles why we're here, and these were -- the battles were for people who were there before all of us came.

UNIDENTIFIED SPEAKER: Amen.

MR. LIBED: Okay. Excuse me. In Western society, regarding the protests or disagreements, there's a -- there's a -- we tend to view the physical environment as separate from ourselves, as an objective thing. As a community, we develop, the land to be developed, or trade it or waste it or exploit it as an economic unit, as property.

Hawaii never had property. Okay. Ahupuaa meant the mountain to the ocean. It was all part of the community, but there was no ownership. When foreigners came, the introduction of land hold became -- became a reality because of the control of the plantation owners. In all reality, that's really what happened in history.

Dominant Western world view has been described as hostile to -- hostile to nature and (inaudible) to any concept -- perception beyond individualism. Tentative knowledge, shared perspective. In native language or

native -- tribal -- natives say to themselves I am and I am my own community. It is inherent philosophy that is being practiced in Hawaiian culture. It is -- it is practiced throughout the world, all aboriginal people, but it's not something that's any different for you today. It's something that is there.

I looked at the Housing First issues which has -- which you have a letter of deferring our project, but the Housing First issue requires development of 26,000 units that is needed in Maui County. We don't have that. The increase of B&B, vacation rentals that decrease the amount of rentals throughout Maui. So without Housing First, which I believe is a wonderful, wonderful opportunity, it's faster than transitional housing, people are being much more success that they have a home, they have a solid structure, brick and mortar. Okay. However, look around you. Empty, empty lands because of closure of the plantation.

What are we doing as a County? What are we doing in planning? What are we doing to address the needs of our local families.

I'm not talking about that come here on a plane ride, one-way ticket. I been to Seattle, I been to Chicago, I been to Boston, I've seen the homeless there. It's cold as hell. Who wouldn't want to live in a warm

weather environment like we have here? And it is true. I talk to people at Salvation Army, they says, "You know, Cliff, one-way ticket from New York City." You go to Oahu, same thing, one-way tickets to New York City. Much of the homeless you see are -- they're not -- they're not local people. And this intent and this -- and this project is to serve our local communities.

The (inaudible) from Housing First, (inaudible) homes, have this process work until there's a nail that is put in a board.

Many discussion regarding tiny homes came about. Maui High School, for example, they have built the tiny home, the students, students have built tiny homes. Okay. But it is a solid structure, it is something of a learning process.

Now, the capacity that I had talked about with residents, can we develop if we develop capacity for behavior, values and skill. We have alignments -- and there should be alignment with, for example, construction community, to teach people how to pound nails, teach 'em how to lay cement, teach 'em how to do the basic skills that college would not provide you. Not everybody goes to college, unfortunately, or fortunately. But we need more in the skills development of our residents.

UNIDENTIFIED SPEAKER: Yes.

MR. LIBED: And the residents are not leaving. Who we talking about is people who are not going to leave. Increase in population, it's necessarily the migrants that are coming here, increase in population is the expansion of families. Our families are growing. Our younger kids now in their 30s have children. I only have five, okay, but my children do not live here. They had to leave --

CHAIR DUVAUCHELLE: Speak in the mic, please.

SPEAKER: Okay. They had to leave Hawaii. You know, background, Wailuku Elementary, Iao School, Baldwin High School, all-star soccer players, band players, wonderful educational opportunities with great teachers. Again, I cannot live here because I cannot afford. The median range for homes is $700,000, median range for condominiums is over $400,000, $419,000.

We have -- we are a service industry -- we are a service industry program. And in our reality, you don't have that kind of opportunity to -- to have that kind of income.

The Governor talked about diversified -- diversified --

CHAIR DUVAUCHELLE: Excuse me. I'm going to have to interrupt you just a second. We have a blue Honda and a white Dodge Grand Caravan that are both parked in handicap stalls without handicap signs. If they're not

moved, they're going to be towed like right now. So a blue Honda and license number is ALIVE. And a white Dodge Caravan, license number RXNLO3 or something like that. Okay. Thank you. Please -- I'm sorry for the interruption.

UNIDENTIFIED SPEAKER: Who are the ones that are illegally parked? Just kidding. Not.

MR. LIBED: Challenge regarding the definition of homeless. Many stigmatism we put together, people -- people walking on the road and the streets are on drugs, but we have unaccountable hidden homeless, unaccountable hidden homeless, "I lost my lease, I lost my job, I'm living with families." It is -- I don't necessarily know it's a known fact, but there are more grandparents raising children because the kids have just given up. And that is certainly not a society we would see and we would like to have here on Maui.

This is a sustainability issue that should be put forth. The social work definition, the letter -- interesting with the letter, I'm not being demeaning to the writer, but I actually -- I, actually, decided to say, look, what is social work? I'm not a social worker, although, in my profession, we do a lot of social work while protecting people. And natural environment to its fullest realization of the person in the environmental

perspective. The capability of sustainable development and pursuit prosperous is a firm clear theoretical foundation. You cannot separate the housing and the person. You cannot separate it. It goes together. The definition of housing comes in many different forms.

As far as our needs, we all know what the needs are. You're the Planning Department. We're the lowest permitting process in the state of Hawaii, practically, outside of Kauai. You know, our process for permitting is slow.

Well, in closing, Ho`omoana project is defined to me as a sustainable development. And this comes really from the (inaudible) report from United Nations regarding the treatment of humans. Development of which meets the needs of the present without compromising the ability of future generations to meet his own needs. And that's your responsibility. Are we compromising the ability of people to meet their own needs? Are we compromising our citizens by rejecting this particular project? In my opinion, yes, because the planning and issues that I hear is from Ho`omoana, Ho`omoana project, it is not from the County of Maui.

Thinking outside of the box, it doesn't cost our taxpayers anything. It is an opportunity to look outside of the box and say, hey, we can work with this.

Now, our alignments regarding social agencies, that's already in process. The alignment of social workers, have a place they can gather, an alignment with people who offered faith-based or any type of human development is -- is available.

So I encourage you to pass this project.

UNIDENTIFIED SPEAKER: Yes, please. Please.

MR. LIBED: Go ahead and make the right decision for our -- for our local residents here on Maui. And, again, thank you very much.

CHAIR DUVAUCHELLE: Thank you.

MS. SABLAS: Aloha kakou. My name is Lorie Sablas.

Why am I here? I am here because I'm blessed to have been born on this beautiful island of Maui. I was born and raised on the west side, raised in the Kahana Camp, family of nine children, mom and dad. And in those days, we never starved, we never ever remembered being hungry, because we had values of taking care of our neighbors, kakou, to help.

Our island has changed. And I believe we need to change along with the island and the needs.

For a long time, I've been blessed to be on this island and I have served my community ever since I was 18 years old in one form of community in what -- I think my

first was Girl Scout leader. I, also, served on the Planning Commission. My first time at the meeting, I remember we were at GPAC, so guess what, the meeting before the members had decided that we would meet every Tuesday. From March until September, we met every Tuesday deliberating GPAC. Then I was appointed to three terms on the Cultural Resource Commission. I'm currently the Chair of the CRC.

I'm only sharing this because I tell you I love my island. And I think it's a privilege. But with that privilege comes kuleana. And how do you have kuleana? You get kuleana by being involved, you get kuleana by being at the seat of the table like you are. You have responsibility. I've been there. You can make a difference by your vote. It's been very clear today that this body has the opportunity to move this project forward.

This is a humanitarian project. It is for just a small group of people. We're talking about maybe 26 people at the least who need the help.

You see the accountability. We've tried very hard as a team to meet the needs and concerns of the neighbors. And I appreciate -- I appreciate the concerns. Life is not perfect, guys. We gotta move forward, we gotta do. This is a project that has no reason to be

deferred because everything is in place. We have -- we have Ho`omoana Foundation. Ho`omoana, by the way, is the Hawaiian definition of campground. Our ancestors knew. In fact, that's what they did, they camped outdoors. We lived off the land.

We are trying to address -- I'm a West Maui person, too. We been trying to address (inaudible). If someone was like they're -- they're homeless, we're looking priority to women and children. And then if they the kane, the father, it's families. 26 people, mostly would be children, giving them the opportunity to be able to transform and to be and lead into different agencies.

I think our group, we reached out to the community. You've heard the project description. You've heard how we have really tried to address the concerns. You've met our on-site managers. I cry when I hear the testimony because it could be me, it could be you, it could be your children.

I think we've dealt and tried to address Housing First. I was very disappointed to hear that comment because, you know what, we're offering people a place to sleep at night and stay in the interim. We all want to have housing. Unfortunately, it's not that easy on Maui. We all know that.

I think we've proven we have a team that's

reliable, we can be accountable. But most important, what this project is going to mean to 26 souls, guys. You can make the difference by just voting yes today. Please don't defer it.

I'm excited. I'm retired now.

UNIDENTIFIED SPEAKER: Me, too.

MS. SABLAS: And I can tell you I've never been more excited about a project because it's a need and we can do something about it. We can sit on our okoles and decide to defer it, but why? Why? We've got everything we want and we have the team, we have the spirit, we have the passion.

So, please, please, please vote yes. Mahalo.

CHAIR DUVAUCHELLE: Okay. Thank you very much. We are going to take a five-minute break. And when we come back, we'll entertain public testimony. Thank you

(Recess, 9:48 a.m. to 10:00 a.m.)

CHAIR DUVAUCHELLE: Good morning. Planning Commission is now back in session. Thank you. Sorry about that. Thought we better get moving.

At this point, we will open the floor for public testimony. I will ask -- we have a roomful, and there's a lot of passion on both sides, so I would ask everyone to refrain from commenting or clapping during public testimony. It would really be appreciated.

The other thing, unfortunately, since there is so many and we want to hear you all, try to please keep your testimony to the three minutes.

All right. That being said, our first testifier, Alice Lee. Please state your name, you'll have three minutes.

MS. LEE: Good morning, Commissioners. My name is Alice Lee. And although I am a member of Go Maui, which is in support of this project, I am speaking for myself and my family today.

We have the nonprofit residential program called New Leaf Ranch, a 501(c)(3) of which I am the founder and president. And this program is to help those who are in need of transitional housing in a clean and sober environment. We have a capacity of 11. Right now, we have five residents, six coming in February and March, and a wait list of another five. And we just started in June of last year. So we've been open for seven months. And already -- already, we can't accommodate everyone.

Our residents are adult males who were homeless or reintegrating from incarceration. We would love to accommodate women and children, but cannot do it at this time. We are a family-run organization with many community volunteers and no one gets paid.

We urgently need more programs and facilities

for the homeless, especially for women and children. Just like with affordable housing, everyone wants it, but not here in their neighborhood. But, okay, if not here, then where?

If everyone on Maui reached out and took the homeless into their homes, there would be no homeless problem. But since that is not always possible, I'd ask that we at least support those who are willing to provide the facilities for the homeless.

I say let's make this work, please approve this project. Thank you.

CHAIR DUVAUCHELLE: Thank you. Any questions for the testifier? Seeing none, thank you very much. Next testifier Stephen Smith. Please state your name, you'll have three minutes.

MR. SMITH: Hi, Commissioners. My name is --

COMMISSIONER CARNICELLI: Into the mic.

MR. SMITH: -- Stephen Smith. And the reason that I'm here to testify is that I've been at meetings for the last three years at the Hale -- I'm a member of Hawaii Canoe Club. I'm speaking as an individual, though, today.

And at those meetings were State, County and nonprofit agencies that help the homeless population. And -- and at those meetings, for three years, they kept telling us that the biggest issue is capacity. The

nonprofits don't have the capacity. The County wants to do like permanent Housing First, but, basically, at every meeting, 'til it boiled over this year, where people said why are we coming to these meetings, every year we come, you guy tell us the same thing, but and you guys don't do anything about it.

So, finally, this is the first time I've seen this project. And I can't believe how creative this is. And I can't believe that a private entity had to be creative because with all the State and County officials that were there, they came up with no solutions after three years. This is a solution. I think it's awesome.

And I hope you guys support it because you know what they keep telling us at these meetings, we need private entities to come in and help us, we can't do this, they -- just with the County and State level, we need your help. Here's somebody that's coming to do it, he's not asking for anything but approvals. I think it's about time that we step forward and support the programs. Enough of excuses, you know, because -- you know what I would like to see is I would like to see, when they come to testify today, what they're building, what they built in the past and what they plan to build in the future, because as far as the presentations they have given us at the Hale, it's come up with nothing. So I hope you guys

support this program.

Thank you.

CHAIR DUVAUCHELLE: Thank you. Any questions? All right. Thank you, Mr. Smith. Next -- next testifier is John Martinson. State your name, you'll have three minutes.

MR. MARTINSON: Good morning, Commissioners. My name is John Martinson. And I just wanted to briefly get up here and I say I strongly support this idea.

I worked with some of these guys. And they're hard workers. I trust them. I haven't known 'em very long, but it seems like this is just a no-brainer to give him a year to try this out. You know, if anybody in the neighborhood can come up with a reason in that year that they should be shut down, they'll be shut down.

So I hope they can get your support as well. And thank you for your time.

CHAIR DUVAUCHELLE: Thank you. Next testifier -- and I'm sorry, I can't get the first -- it looks like maybe two people are registered, last name is Linder.

MR. LINDER: Yes. That's me.

CHAIR DUVAUCHELLE: Okay. Please state your name, you'll have three minutes.

MR. LINDER: Hi, guys. My name is Chell, as

they say, Chell Linder, speaking of -- speaking on behalf of myself and my family. I was part of kind of designing this campground a little bit from a designer point stand. During this time that I've been working on it, it's been really exciting. Even though I don't have firsthand experience in seeing what this project is going to be like, it's been really exciting for me to imagine it, to see what is possible, what can happen.

And I think there's a lot of things in life that we can talk about. We can do a lot of things that -- we have big plans, like, oh, we gotta do this, we gotta do that, but all too often we don't do anything. We kind of just, oh, okay, let's -- let's talk about it and let's talk about some more, and, unfortunately, a lot of times, things don't happen.

Houses kind of pan out in the future. I don't think anybody exactly knows, but I think it's time for us to start something. There's a spark to a fire, right? A fire won't start by itself. We need something, a catalyst to be an answer to many problems.

Is this the answer to the problems of all, you know, needs? I don't know. Perhaps. Perhaps not. But we have to try.

So I just wanted to say I am in support. And I hope you guys will support this as well. Thank you.

CHAIR DUVAUCHELLE: Thank you very much. Next testifier, Kimokea.

MR. KAPAHULEHUA: Aloha and good morning, Commissioners. My name is Kimokea Kapahulehua. (Hawaiian language.) There's an island in a canoe and there's a canoe on a island. Homeless, lack of housing, we've identified them throughout our community. There's been never a community without a meeting in the last several years discussing this situation that we have in our own community, whether it's north, east, south, west.

We're speaking about Ho`omoana now. And we ask you to support this for this reason. And there's many other reasons.

Recently, you heard about the worldwide voyage of Hokule`a returning 2017. The message was about malama honua.

I'm the president of Hui o Wa`a Kaulua. We're located at 525 Front Street. We want to say that malama Ho`omoana, not as a kuleana, but a way of life for us to support this project and bring the cultural values of a canoe person, farming and ocean, taking the ocean in the kai, and moana, Ho`omoana, mauka. And as you know, that there's going to be agriculture growing.

Alice Lee who previously speak, we're part of her partnership in doing dryland taro out with her

project. And we would like to do the same, saying that bringing the values of ohana kawaa to Ho`omoana and making sure that the values of that is kept here on our own island.

So versus going around the world in malama honua, we just want to go directly mauka and malama Ho`omoana.

I come before thee to ask you guys to support Ho`omoana. Support it because it's the right reason for us to support our ohana. Mahalo. Thank you very much.

CHAIR DUVAUCHELLE: Thank you. Any questions? Thank you very much. Next testifier, Kyle Chandley. Please state your name, you'll have three minutes.

MR. CHONG KEE: Hi. My name is Kyle Chong Kee. I do support this project. I hope you guys do, too. Even if we got eight people -- or eight tents, even if they change the lives of two -- of one family, I can see that doing a good project, you know what I mean. We have, as you guys can see over the years, you know, a lot of more homeless than we have ever had on this island. So by helping at least one family get off the street -- I mean, they sleep at the beach, they get kicked out by the police at night, they gotta leave. This is giving them a spot, you know what I mean, to change their life, help them get one job, get one house, eventually they can afford to buy

their own instead of renting. Rent is expensive nowadays. You can't even find a two-bedroom for less than 1,000 bucks, it's over $1,200 or more.

So I would like to see you guys help us out with this project. Thank you guys.

CHAIR DUVAUCHELLE: Thank you. Any questions? Thank you, Kyle. Next testifier, Cody Perreira. Good morning, Cody. State your name, you'll have three minutes.

MR. PERREIRA: Hello. Good morning. My name is Cody Perreira. And I just like to say I support this project. I hope that you guys pass it.

I believe that this is something that will strengthen our community. It will get people off the streets. And more people will be contributing to our community. And just like uncle who wants to pay for it, maybe he can help somebody else, they'll want to pay for it, too. It will just be a continuing cycle, something that will be really good for island of Maui.

And that's pretty much all I have to say. Thank you.

CHAIR DUVAUCHELLE: Thank you very much. Next testifier, Lincoln Lin Kee, Jr. State your name and you have three minutes.

MR. LIN KEE: Good morning Commission. My name

is Lincoln Lin Kee, Jr. I support this project that's happening right now.

And I think it's really beautiful that, you know, everything that Kaui -- sorry -- and Shalia, that they've -- it's just amazing that somebody took the time to minister in their life and, you know, through everything that they've been through up to this point, you know. I mean, it's just so beautiful, you know, what they're doing. And, you know, I just pray and ask that you support them in this because how the people that touched and ministered their lives, you know, they can be a seed to others in this project, you know. Even if it's just one person, that one person can be touched from Kaui and Shalia, you know. And then from that one person, it can root out many more.

So, yeah, just ask that you guys support this project, you know, for the greater cause. Thank you.

CHAIR DUVAUCHELLE: Thank you. Next testifier, Dave Minami, followed by Brandon. Thank you.

MR. MINAMI: Good morning, Commissioners. I thought it was easier if I just bring my whole crew up. We're West Maui Land and --

CHAIR DUVAUCHELLE: State your name for us.

MR. MINAMI: Dave Minami, West Maui Land.

We're the boots on the ground. We're the people

that have to do the cleanup. We're the guys that take care of the mess, as you call it. And it's hard work, but they work hand in hand every day almost. And, again, we deal with a lot of homeless people.

I'm the Field Manager for West Maui Land. And I'm here to say that I support Ho`omoana. We always encourage Maui businesses to (inaudible) people to give back. Well, here it is, Peter and Ho`omoana, doing this thing by trying to do just that. We should be embracing this and asking what we can do to make this a more successful endeavor.

By moving forward hand in hand, we're gonna try to restore people's lives, dignity and well-being. This, in turn, will only improve the overall west side community.

As one of the field member crews, we deal with homeless a lot, as I mentioned. It takes a tremendous amount of resources to clean up these homeless areas. It is, also, hard on us personally. Many times, when we go to remove the homeless, they tell us, "Where are we gonna go." It's very disheartening and discouraging for us. Then our feelings quickly turn to frustration and anger because of the deplorable conditions that they live in. Because of this whole situation made me think a little bit more about -- about the whole thing. And really, you

know, it's -- my feelings shouldn't be that because they have nothing. Many of them are just trying to survive. So, unfortunately, we got to go in there and clean it up, but they got nothing, they don't know where to go. They're just trying to get through their day.

It's easy for people with million dollar homes, tourist vacation -- tourist vacation areas to oppose this project because they're pretty comfortable in their beautiful communities. Once again, this is not an attitude of in my back yard -- or this is an attitude of in my back yard, but the reality is they're already there. Ho`omoana is trying to help you guys clean it up, organize it, give dignity and an attempt to improve lives in West Maui. I would like to ask these people what are you guys doing to contribute to Lahaina.

If you saw the 6:00 news last night, Hawaii has the largest amount of homelessness per capita in the United States. This issue has and will continue to grow no matter where we live. We need to start looking at options.

STAFF: Three minutes.

MR. MINAMI: And see what we can do. We need to stop spinning our wheels and get the job done. Thank you.

CHAIR DUVAUCHELLE: Thank you. Any questions? Thank you, Dave.

MR. MINAMI: Some of my guys may want to just, real brief, say something.

CHAIR DUVAUCHELLE: Well, can I take them in -- did they sign up?

MR. MINAMI: I believe they all signed up, but we like go back work.

CHAIR DUVAUCHELLE: Unfortunately, other people signed up, too. So we're going to have to take them in the order that they signed up. I have Brandon listed next. I do appreciate you want to go back to work.

MR. UWEKOOLANI: Howzit. My name is Brandon Uwekoolani. I just want to say I support this project. These people who live in our home, people of our community, we should be able to take care of them, help them.

That's all I got. Thank you.

CHAIR DUVAUCHELLE: Thank you. Paea, please state your name and you'll have three minutes.

MR. FALETA: Good morning, Commissioners. My name is Paea Faleta. I just want to ask you to approve this project. It's good for the community.

CHAIR DUVAUCHELLE: Thank you. Michael Manuel.

MR. MANUEL: Hi. My name is Michael Manuel. I do support this project.

Right behind my house, there's a lot of homeless

camps. And I think this project will help them.

Thank you.

CHAIR DUVAUCHELLE: Thank you. Sharm or Sham?

MR. VERRIA: Sham.

CHAIR DUVAUCHELLE: Verria.

MR. VERRIA: Verria. Got one right.

CHAIR DUVAUCHELLE: It's going to be a long day. I'm going to mess up a lot of 'em.

MR. VERRIA: That's all right. No problem.

CHAIR DUVAUCHELLE: Thank you. State your name, you'll have three minutes.

MR. VERRIA: Sham Verria. I support this project. It's not costing the County and the State nothing. There's no taxpayer dollars going to this funding. Mr. Peter Martin paid for everything. He was cleaned up all this mess. And people complain, I don't know what for, not coming out of their pockets.

That's all I have to say. Thank you.

CHAIR DUVAUCHELLE: Thank you. Next testifier, Kurt Thompson. Please state your name and you'll have three minutes.

MR. THOMPSON: Hello. My name is Kurt Thompson. I reside in Launiupoko area. And I guess I have to be the first one who opposes this development or this special permit.

Myself and many members really believe that the end game here is not to serve the large homeless community; it's more about classification of land and the future use of that land. We ran into this issue as they worked on the affordable housing areas down below Launiupoko area. And the longer term ability for Mr. Martin and investors to reclassify this land from Ag and use for commercial purposes is the thing that we're most concerned about in that area. And, quite frankly, we're tired of fighting Peter Martin and Greg Brown and others who continually want to change the Ag classification and make things more urban.

I think, after hearing testimony today, eight pods or six pods for one year, the question is what happens after one year. We've heard conversations about getting residents and locals the home and housing that they need, but there's no assurances that these are, in fact, going to be local residents that are homeless that are going to be there. It could be transients that are on the island as well.

Homelessness in the island and in many large cities is a very large problem. This camp, on the surface, looks like it will start to address that, but it's merely a band-aid on a hemorrhage. It is just a start. And I think the Planning Commission and Maui

County in general, as well as the State of Hawaii, needs to put something in the longer term planning for the islands and for the County to address homelessness and all of the issues that go with it in terms of health care, in terms of safety, in terms of treatment, in terms of counseling, and look at it as a systemic global thing in the County as opposed to trying and just do a little sample here with -- with eight pod homesites right outside of Lahaina.

CHAIR DUVAUCHELLE: Thank you. Any questions? Thank you, Mr. Thompson. Next testifier, deny know --

UNIDENTIFIED SPEAKER: I had a question.

CHAIR DUVAUCHELLE: I'm sorry, no. Next testifier, Dino, I can't pronounce the last name. Here we go again. Please state your name, you'll have three minutes.

MR. AIWOHI: My name's Dino Aiwohi. Good morning, Commission. I'm here to support this motion.

I think it's a good thing to give back to a community. And I'm thankful that the private sector stepped in to do this instead of waiting for our government.

I'm glad the guy before me came up and spoke against it because now I can see that there's a huhu between -- I think it's between them and Peter Martin, but

it's more because he changing the land from ag into urban. And I think we're going to have to do that at some point in time, you know, so why not start now.

And that's my -- all I have to say. Thanks.

CHAIR DUVAUCHELLE: Thank you. Next testifier, Michele Ishiki.

DIRECTOR SPENCE: Do you want to -- do you want to hold until after testimony?

CHAIR DUVAUCHELLE: Would you like to defer 'til the end?

MS. ISHIKI: I could go on a little bit more, but I don't know that I can go on until the end of the end of the testifiers.

CHAIR DUVAUCHELLE: Okay. Go ahead, then. You'll have -- state your name, you'll have three minutes.

MS. ISHIKI: I'm testifying on behalf of the Department of Housing and Human Concerns.

Good morning, Madam Chair, Members of the Maui County Planning Commission. On behalf of the County's Homeless Program Division, thank you for allowing us an opportunity to share our thoughts regarding Ho`omoana Foundation's request for a Special Use Permit and Conditional Permit which will allow for the development of a campground that will focus on women and families as their first priority.

My name is Michele Navarro Ishiki. And I'm the Homeless Program Specialist.

The mission of the County's Homeless Program is to end homelessness. We, by no means, manage it.

Ho`omoana Foundation's guiding principles is an amazing foundation to build upon; however, at this time we're having some difficulties grasping the idea of placing women and their children in tents as an ideal situation.

As our island continues to lack affordable housing options for families and individuals, the current proposal of the Foundation appears to be more of a temporary fix rather than a long-term permanent solution.

We have been told by some of the Foundation's representatives that their operation will depend on referrals from agencies who provide direct services. We are curious to know exactly which agencies they are because our division works directly with agencies who provide such services.

These agencies are, also, aligned with the Housing First approach which is meant to connect individuals and families experiencing homelessness to permanent housing without preconditions and barriers to entry such as sobriety, treatment or service participation requirements.

Homelessness is a multifaceted social problem with a variety of underlying economic and social factors such as poverty, lack of affordable housing, uncertain physical and mental health conditions, addictions as well as a breakdown in their environment, which may very well be the community and their families.

Many studies suggest and have been proven that in order for individuals to thrive, there are three basic needs that need to be met; housing, employment and a support system. Ho`omoana Foundation does not appear to have a plan to address these basic needs. Most of their vision, which was only shared a few days ago with us, was based on a personal -- was based on personal experiences and anecdotal information. While these are paramount for individual success, it does not hold true for everyone who is experiencing homelessness or other underlying issues.

Having over 18 years of experience in the social services field on Maui, Oahu and stateside, I am comfortable to say that this is not best practice to treat each family or individual as if their circumstance or situation is the same as their neighbor.

Today, it does not appear that the Ho`omoana Foundation has explored all of the unanticipated consequences which could arise from the proposed encampment. Our housing counterparts on Hawaii island

shared some of the negative impacts they have experienced with Camp Kikaha. There are two extremely important aspects to consider: One, if given the opportunity to live in such a way, they will self-govern; and, two, they are not looking for housing solutions or even accepting of social services. Many of these -- many of those left at the encampments are those who only seek charity services.

Therefore, at this time our Division recommends a deferral to allow for further research and to give the Foundation more time to understand the Housing First approach and its benefits which afford our homeless families and individuals long-term permanent solutions.

The Foundation could benefit from aligning themselves and working alongside other agencies who can provide insight into how the housing approach is designed as an intervention, which could truly make a collective impact in our community. While well-intended, there needs to be in-depth planning and a clear alignment with other social service agencies who are already providing front line services to our homeless community.

Mahalo.

CHAIR DUVAUCHELLE: Thank you. Any questions?

COMMISSIONER CARNICELLI: Yeah. Chair?

CHAIR DUVAUCHELLE: Commissioner Carnicelli.

COMMISSIONER CARNICELLI: Thank you for coming

and sharing your manao. I guess why -- I mean, I heard it a little bit in your testimony, but coming from all the experiences, you know, you have. Part of what, you know, we've heard so far is government is failing us. And so for the government to come in and say, wait a second, you're doing something outside the box, don't do that, why?

MS. ISHIKI: I'm not privy to speak on behalf of Government, but I will --

COMMISSIONER CARNICELLI: Okay.

MS. ISHIKI: -- say on behalf of --

COMMISSIONER CARNICELLI: Just for yourself.

MS. ISHIKI: -- our Homeless Division and as a social worker.

COMMISSIONER CARNICELLI: Right.

MS. ISHIKI: We need to focus -- be solution-oriented and not problem-focused. So the focus right now is to help those who are homeless. What are we doing to address that? So -- and I use this analogy with the Foundation because this is what I use when I worked with inmates in Halawa, is that when you have a cold, you have a runny nose, you have itchy eyes, you have a cough, so you take different medications to treat that, but you need to really get into the virus, on what is causing, you know, you to have the itchy eye and the runny nose and --

and all of that. So it's really getting to the core of the issue. And -- and giving them a temporary place does not meet the need of, really, addressing that virus. And we need skilled -- and -- and they come with -- these -- these house managers come with many life experiences. But from a social work perspective, when you meet the client, you meet them where they're at, not where you've been as a clinician, but where you're trying to help these individuals to go. So we don't treat them as -- as -- it's not a one size fits all. Everyone has different needs that need to be addressed.

COMMISSIONER CARNICELLI: Please.

CHAIR DUVAUCHELLE: Commissioner Carnicelli.

COMMISSIONER CARNICELLI: Just one follow-up. Thank you, Chair. Is -- so, I mean, you said it's like, okay, housing, support, employment. You know, they can't necessarily provide the employment, but they're trying to provide some sort of housing, some sort of support. It's not traditional, but this is 26 people for one year. What would a deferral change? I mean, because you're not even opposing, you're just saying, hey, let's kick the can again. But why not just say, hey, listen, you know what, let's try to help 26 people for a year and see if it works?

MS. ISHIKI: Okay. And if it doesn't, then --

and if it doesn't, then they will be released right back into homelessness. That is the issue that is --

CHAIR DUVAUCHELLE: Okay. All right. Shh, everybody, please. Go ahead, Michele.

MS. ISHIKI: That is where -- what we are concerned about.

CHAIR DUVAUCHELLE: Commissioner Higashi.

VICE-CHAIR HIGASHI: Michele, I notice your letterhead comes from a Housing, from County.

MS. ISHIKI: Yes.

VICE-CHAIR HIGASHI: And as such, I'm concerned about -- you know, we have a major problem with homelessness, as you know. And you mentioned about long-term services, et cetera. What are you doing about those people that are in Walmart area, across Foodland? These are homeless people. Have you identified these people and targeted what the long-range plan is for them because they're in the wrong place?

MS. ISHIKI: I can speak into that because my role in the Homeless Program Division is to do the clearing of the homeless encampments. And I took on this role in November. Our Division is relatively new, as of February 2017. And since I have spearheaded the homeless encampments, I have identified two gaps. And that is those who are afflicted with substance abuse issues as

well as mental health issues. And what I have been trying to do is find our providers in our community to help provide immediate services for these individuals. And, again, that is going outside the box as well and not typical of what has been done in the past. And that's really utilizing a holistic approach on these individuals and -- and our resources and our community.

CHAIR DUVAUCHELLE: Okay. Thank you very much.

COMMISSIONER CARNICELLI: Thanks, Michele.

CHAIR DUVAUCHELLE: Thank you. Our next testifier, David Nakama, followed by Trina Shepherd. David? No. All right. Trina Shepherd. Okay. Thank you. State your name, you'll have three minutes.

MS. SHEPHERD: My nickname is Trina, but my real name is Margaret Shepherd. And I, actually, worked at Family Life Center for the first three years, then I worked for a year as a homeless liaison. As a homeless liaison, I went out into the bush. And I believe that anybody opposing it is -- is having a knee-jerk reaction because this is a very well thought out plan.

And I -- I think we have a choice. We can let the people that are homeless stay by the streams, stay in the woods, defecate, pee, have -- have -- make a huge mess, garbage and everything, or we can try a new out-of-the-box program, give it a year, see where it goes.

And it's not a catchall. We're going to network -- they're going to network with every single resource that can help permanent housing. It's a stepping stone; it's not permanent housing.

When I was working at Family Life Center, there was one lady who couldn't get in because her two boys were over the age, over 10. She had -- it was when a lot of homeless were at Kanaha. And she stayed in her Civic, her Honda Civic, small car, her boys were as big as her, they all had to sleep sitting up. She used to give them showers by getting a big cup of hot water from McDonald's and going into the bathroom. Virtually, every car over at Kanaha had a broken window, including hers, because of the wild rough living they have there.

This is a sane proposal. And -- and I would say to the housing, both places, what choice would they take? A pod system where they, basically, have two social workers -- I'm a licensed clinical social worker -- and a substance abuse counselor. With the housing areas like the people -- because the homeless will be there, anyway, because they know how to hide. Would they choose to have the homeless there, anyway, doing all of that activity, or would they like people that are professional, working with them, bringing agencies over?

By the way, they won't have to go out into the

bush, they'll be in the pods. And they will have a structure and a place where they're beginning their stepping stone to permanent housing. It is -- it is a solution.

And when a village goes out to fish, they don't just use one net, everyone takes their nets. So this is one of the nets that I think should be given a chance for a year. They're -- they're looking at everything they can do to make it accountable. And I believe they need a try.

Thank you.

CHAIR DUVAUCHELLE: Thank you. Any questions? All right. Thank you. Next testifier, Joe Kent followed by Debbie Wright.

MR. KENT: Aloha, Members of the Committee. My name is Joe Kent. And I'm the Vice President of Research at the Grass Root Institute of Hawaii, which is a economic research institution. Today, however, I comment in my private capacity as a individual.

I was a teacher, public school teacher on the west side of Maui. And I left because the rents just became too high. And the year I left, I saw many of my friends on Maui becoming homeless, resorting to living out of their cars. So I tried to research this issue.

I often wondered why there were so few temporary shelters available on the island. After researching, I

realized it was because of Hawaii's strict regulations concerning land. Economist Friedrich Hayek said that it's impossible for any one person or central planning agency to have the knowledge required to plan the lives of others. Instead of organizing society from a top down approach, Hayek said that it's best to organize society through a bottom up approach, by allowing individuals the freedom to try their own solutions, whether they succeed and prosper or fail and go out of business. So there are no perfect solutions. And that's why we need to give folks the freedom to try.

Also, tax cuts at the Federal level and State level have -- at the Federal level have State lawmakers worried that budget cuts will soon follow. They said, "They're waiting for the other shoe to drop."

Housing First relies on Federal and State monies. And, presumably, if the funding ran out, then all of those people would be homeless again. That's why we need private solutions as well. So it's not either/or. I think it's both and. So we need both Housing First and temporary shelter solutions to help everyone.

Thank you.

CHAIR DUVAUCHELLE: Thank you. Any questions? Thank you, Mr. Kent. Next testifier, Debbie Wright, followed by Joshua Dean.

DEBBIE WRIGHT: Good morning, Madam Chair and Commissioners, staff as well.

I wanted to point out one thing before I go into --

CHAIR DUVAUCHELLE: What's your name?

DEBBIE WRIGHT: Oh, I'm sorry. My name is Debbie Wright. And I am here on behalf of Pu`unoa Homeowners Association. I wanted to talk about one thing before I get into what I had already prepared to say. I was at your meeting on January 9th when Catholic Charities did their proposal for the 160-condo unit which was going to help seniors who had financial problems or were homeless or on the edge of homelessness. And it was a fantastic project. It had something, a solution that was really going to make a difference. It was going to have permanent housing for people. That's the difference between that type of project and what you're looking at today. The -- all the studies have shown that the answer is permanent housing for people, not tents or more tents. A lot of the people are already living in tents.

Secondly, I wanted to point out that Pu`unoa -- Pu`unoa, in 2015, approached this particular Ho`omoana, Mr. Martin on behalf of Ho`omoana, and made a proposal for why don't you do something that is more permanent, why don't you do ag housing, why don't you do something that

will actually be a permanent type of solution. And we got no response to this inquiry.

So I kind of wanted to go over what we see as a solution, but this project we don't think is the solution to the problem. And there are a number of problems with it.

First of all, as I've already mentioned to the Commission on another occasion, this is -- this issue about who should be deciding what happens next and the appropriate jurisdiction, who should be making a decision, is it the Commission or is it the Land Use Commission that's currently before the courts.

What happened, as Kurt mentioned earlier, briefly, is that Pu`unoa filed a request for a declaratory order before the Land Use Commission. The Land Use Commission was asked to decide if this Special Use Permit process should go on or if a declaratory -- I'm sorry -- if a District Boundary Amendment was the appropriate way for this foundation to -- to get permission for whatever it wanted to do on the property in this regard. And the Land Use Commission's decision was that the proper process was to go through a District Boundary Amendment before it. That was appealed by Ho`omoana to our local courts. And the Judge here said, no, I think they could do the Special Use Permit. That is now on appeal before the Intermediate

Court of Appeals. And that's a very basic question, because it's who has the jurisdiction, is it Maui County to make the decision or is it the State Land Use Commission. And we think it's inappropriate, this could be all for naught, if the Court says, no, you have to go to the Land Use Commission to do a District Boundary Amendment. We think, at a minimum, any decision-making should be deferred because of the fact it's been pending in the courts.

And I'll note to the Commission --

STAFF: Three minutes.

DEBBIE WRIGHT: -- that since the time that I spoke about this before, as of yesterday, we just got notice from the Intermediate Court of Appeals that they've appointed the judges' panel to make the decision. So it's not like it's not -- three minutes?

CHAIR DUVAUCHELLE: Three minutes.

DEBBIE WRIGHT: Okay. The other aspect -- if I could just sum up, the other aspect that is of great concern to us at Pu`unoa is the fact that no one is focusing on the fact this is, also, a commercial use. And that, in the past, Mr. Martin has stated that his ultimate goal is to get a zoning change.

Thank you.

CHAIR DUVAUCHELLE: Thank you. Any questions?

Thank you. Joshua Dean, followed by Ron Heagy, Heagy. Oh.

COMMISSIONER CARNICELLI: No more.

CHAIR DUVAUCHELLE: So Joshua is not here. Our next testifier would be Ron, followed by William Johnson.

MR. HEAGY: Hi. My name is Ron Heagy. I am not a local resident, although I am a person with a disability. I was injured in a surfing accident the day before my 18th birthday. I broke my neck and was left a quadriplegic, paralyzed from my neck down. I need the assistance of others in everything I do, from bathing to eating, transporting to holding a microphone. And I am just here as a -- as a person with a disability representing the need for housing.

Number one, I -- I was put on SSI immediately after my disability. And I was stuck with a $600 a month income. Having a disability makes it very difficult to find housing. And then on top of it are income level. So a lot of the homeless individuals are disabled.

My concern is just is it legal, is it possible, is it permittable to do a camp in agricultural land. The reason that is, is because I'm, also, working on a project for those with disabilities to be able to go to camp.

And a good concern -- I met Peter Martin about 16 years ago. I was talking to a gentleman named Pundy

about some dream I had of a wheelchair accessible camp in the state of Hawaii. I was -- it was eventful. And I accomplished a camp in Oregon called Camp Attitude. And it's on 34 acres of land and it serves children and their families and folks with disabilities. There's no stairs and no barriers, and there's a wheelchair accessible treehouse.

And so I was brought to the island as a speaker to the public schools because that is what I do, I speak to schools, doing school assemblies about attitude and the never give up life choices. I've spoken to almost 7,000 students here in Maui over the last 10 years. And I accomplished a master's degree with a stick in my mouth and I was able to become an artist. And I showed the kids that. And if we work together as a team, it's pretty cool.

And a lot of folks don't understand disability. And I say, well, let's go to camp, let's get together, let's talk about --

STAFF: Three minutes.

MR. HEAGY: Okay. So my fear is that if -- if the lawsuit prevails, then what we've been working on with our camp proposal might be affected, it might set a precedent. So if it's legal to move forward with a camp in ag land, then I -- I would hope that we would do that

today.

Thank you.

CHAIR DUVAUCHELLE: Thank you. Any questions? Thank you very much. Next testifier, William Johnson, followed by Doug Wright.

MR. JOHNSON: Thank you. My name is William Johnson. I'm a resident of Lahaina. And I just have two comments.

The first is that I think that the matter should be deferred out of simple respect for the same governmental processes that you've participated in and you expect to be observed. There's a dispute as to whether the County or the State has jurisdiction to permit this project. The State maintains it has permission, it has the jurisdiction; the County asserts it has the jurisdiction. I think we can all agree that the courts, where the matter is pending, has the power and the jurisdiction to finally decide that. Until that time, I would ask that you respect the State and you would respect the processes of the Judiciary and respect the people of the County by not conducting or deciding matters when the issue of jurisdiction is not clear. Because there are people who are interested in being heard, but when I tell them that it's -- there's an issue of whether you have any power to decide this at all, they don't want to take time

to travel here, take time off from work. So I would ask that you wait until there is the decision from the courts that this body has jurisdiction.

If you permit this and the project goes ahead and the courts decide it's the State that has the power to permit it, not the County, then this project will have been in operation for some period of time unlawfully. I don't think that's something we would recommend.

With the same respect that you expect, you expect to be shown to you, I ask you show that to the judicial system.

Secondly, I've heard here today that this is only a one-year trial, trial run, and that we can all come back in a year and revisit whether it should -- the permit should be extended. My understanding is that, after a year, there will not be another hearing before this body, it simply goes back to the Planning Director for a decision. So I would ask that the -- and I don't know that, but if that is the case, I would ask that if there is some permit granted today for a temporary time that the matter be calendared at the expiration of that period by this board to decide whether or not to extend the term of that permit.

Thank you.

CHAIR DUVAUCHELLE: Thank you. Any questions?

Thank you very much. Next testifier, Doug Wright.

DOUG WRIGHT: Hi. Good morning. My name is Doug Wright. I'm an attorney in town, but, like everybody sitting here today, you wear many hats.

One of my hats is that I am, also, on the board for Ka Hale A Ke Ola. I've been there for three years. With all due respect to the applicant, I don't recall this project coming and being presented to me as a board member. I think that's concerning because a lot of the testimony that's been provided to you from the applicant is housing and the need for housing.

I couldn't agree more, we need to find a solution for housing, which is why it's frustrating when, several years ago, I was one of the people who put together the proposal on behalf of Pu`unoa to make this a win-win, keep the zoning ag, keep the use agriculture, let's combine it with housing and housing opportunities and work for those who are in need. Let's do additional multiple housing for the ag workers. We can address the homeless problem and ag without pitting them against each other. That was completely ignored. And I think it's clear because the reason why is they don't want this to stay in ag use. They want to change this to something else.

This is agricultural land and it's important.

And the law states, as your attorney will advise you, that agricultural districts must be given the greatest possible protection for those with a high capacity for intensive cultivation. This is a classification of B land, which is a high classification for the use of agricultural lands.

The recommendations from the Department of Planning seem contradictory or ignorant of the standards that must be met, at best. The first page of those conclusions provides five different things that the Commission has to meet -- it has to find. And it's not just picking one and saying, yeah, we met that one, let's award this permit, you have to satisfy all five. First of all, that the use is not contrary to the objectives sought to be accomplished, which is intensive use of the ag land for agricultural purposes. I don't know how you can find that this project is not contrary to that first one.

The second one is the desired use will not adversely affect surrounding property. The Attorney General -- you don't have to operate in a vacuum here. The Attorney General gave an opinion on this. Says use of special permit procedures to effectuate what amounts to a District Boundary Amendment, which is what this is, frustrates the effectiveness and objectives of Hawaii's land use scheme and may not be used to circumvent the District Boundary Amendment procedures to allow the ad hoc

infusion of major urban uses into agricultural districts. That is not my opinion. These issues are not new. They've been addressed. And you're having the benefit of guidance from others who had to address these decisions.

STAFF: Three minutes.

DOUG WRIGHT: Thank you.

Just briefly, in closing, I wanted you to let you know, also, that it was interesting that the Department of Planning, the same group that provided and set forth these five standards that you have to meet, didn't address them anywhere in their recommendations. And, second of all, when they presented to you the status of the other case, they completely ignored what the Land Use Commission decided, which was that there is a proper procedure in place for the review.

CHAIR DUVAUCHELLE: Thank you.

DOUG WRIGHT: They skipped over that and went to Judge Loo's commentary. Thank you for your time.

CHAIR DUVAUCHELLE: Thank you.

VICE-CHAIR HIGASHI: I have a question.

CHAIR DUVAUCHELLE: Oh. Commissioner Higashi.

VICE-CHAIR HIGASHI: Mr. Wright --

DOUG WRIGHT: Yes, sir.

VICE-CHAIR HIGASHI: -- are you associated with any suit dealing with the State Land Use?

DOUG WRIGHT: I am an attorney with the firm that represents Pu`unoa for that other matter that is pending.

VICE-CHAIR HIGASHI: Okay.

DOUG WRIGHT: Yes, sir.

VICE-CHAIR HIGASHI: I just wanted to clarify.

DOUG WRIGHT: Yes, sir.

VICE-CHAIR HIGASHI: Thank you.

CHAIR DUVAUCHELLE: Thank you.

DOUG WRIGHT: Thank you.

CHAIR DUVAUCHELLE: All right. Next testifier Scott -- and I can't say it, pronounce the last name -- from the Puamana Community Association. Please state your name.

MR. NAGANUMA: Scott Naganuma, General Manager, Puamana Community Association.

I just typed it out just now. So just give me a second, please.

Puamana is a proponent of solving homelessness on Maui and a supporter of Ho`omoana Foundation, but against the Ho`omoana strategy for these reasons: Kauaula Stream is adjacent to Ho`omoana Campground. And it, also, dissects Puamana. Ho`omoana being on the shoreline, it, also -- we, also, have Kauaula Stream river mouth. Puamana is currently the recipient of other trash and drug

paraphernalia along the stream on the river mouth and along the shoreline. Every week, I pick up trash. And we're talking mattresses, pallets, furniture, household goods, food waste, and a lot of syringes. So much syringes that I tried to do a cleanup of the stream, and, after walking the stream, I had to tell over 50 volunteers that I wouldn't let them because of all the syringes that I found. I picked up so many syringes that my sharps container's a five-gallon bucket. And this is on the beach from Puamana all the way through the beach park. So the reason why Puamana is against this strategy is because there's an existing homeless camp and Ho`omoana is failing to manage that.

Folks have spoken to a homeless lady that resided along the stream. And we asked her if she was willing to go and move into the Ho`omoana tent. And she said she will not because she already lives in a tent and she is unsupervised. If she was to move into the tent campground, she would still be in a tent, but, now, she would be supervised. So she is against the campground, too.

I, also, have a copy of the State's plan to end chronic homelessness. And I just wanted to read a couple bullet points on Page 3. Remedies must be tailored to the needs of each individual, and service providers must be

ready to have the flexibility to do whatever it takes to get a person out of homelessness. We refuse to adopt recommendations that merely manage, rather than solve, homelessness and its related problems. We support the goals of Housing First approach. Put simply, all the myriad of issues that a homeless person faces, such as mental illness, domestic violence, substance abuse, loss of employment and income are best addressed after the person or family has placed -- has a place to stay and can see a potential for permanent stable housing. Results matter. Programs intended to prevent or reduce homelessness should be accountable to the public for results.

STAFF: Three minutes.

MR. NAGANUMA: Thank you.

COMMISSIONER CARNICELLI: I have a question.

CHAIR DUVAUCHELLE: Commissioner Carnicelli.

COMMISSIONER CARNICELLI: Thank you, Chair. You said there's a -- there's currently a homeless camp?

MR. NAGANUMA: Yes. There's homeless living upstream along -- along the stream of -- Kauaula Stream, yes.

COMMISSIONER CARNICELLI: Okay. And so do you -- you don't feel as though this is going to help that at all, it's going to --

MR. NAGANUMA: I feel --

COMMISSIONER CARNICELLI: -- make the situation worse?

MR. NAGANUMA: From speaking to a homeless person, a lady that live there, there's no interest in it because they don't want to be supervised and still live in a tent.

CHAIR DUVAUCHELLE: Thank you. Thank you very much. Next testifier, Tom Welch, followed by Glenn Tremble.

MR. WELCH: Good morning, Madam Chair, Members of the board. I'm here not as -- I'm a lawyer, but I'm here not as a lawyer. I'm on -- I'm testifying as a Member of the Board of Directors of Ho`omoana. Ho`omoana was started about 12 years ago. And I've been on it since its inception. And it's worked very hard over the past -- over 10 years to address problems of homelessness.

We -- we had a proposal very similar to this 10 years ago for Spreckelsville, but we got shouted out of that community. We -- litigation, they brought -- they hired Isaac Hall and sued to stop us. And in the end, we gave up.

Since then, we've done -- we've hired Lisa Darcy, who is here -- or was here earlier, who we -- we had -- we had an office for counseling and so forth. And

we spent a lot of money and a lot of time trying to get our arms around the problem, trying to help and make -- and -- and make a difference.

Over the years, I've said to my friend Pete Martin, who is the primary funder of this, of the Foundation, Pete, how -- I mean, should we give up, we've tried so hard, it doesn't work, people don't want our help -- I mean, people -- communities don't want us near them, you know, that kind of thing. And Pete said -- always says, look, if we can change one family's life, if we can save one life, it's worth all the money and trouble. So that is -- that's been our -- our guiding principle.

I did want to address -- I did want to address the problem with litigation that's been going on. You know, what's going on here is -- is -- unfortunately, our system allows opponents of a project using litigation to stop good projects. And the way they do it is to cause the project time and money, cost, delay, obstacles and so forth. That's what happened in our Spreckelsville deal. We hope it doesn't happen here today.

We implore the Commission to -- to not defer this. The -- and for a couple of reasons. One, we think we're right, we're right in the -- and the Circuit Court agreed with us. At that time our honorable Planning

Director wrote a letter -- filed a paper in support of our position. The State Office of Planning supported our position.

And -- and so -- and, also, if you decide in our favor today, or in this process, the opponents can always appeal and carry on the litigation. And they always have that right. Nobody is hurt by you moving it forward, making a decision of helping us.

We hope that -- that the people in the community, when they -- when they think about it, will open up their hearts and -- and make room for this.

Maui -- the real truth of the matter here is the truth that all of the Members of this board have always known all their lives, that Maui is not a one-way place. Maui is and always has been a two-way place.

Thank you.

CHAIR DUVAUCHELLE: Thank you. Any -- Tom. Questions. Commissioner Tackett.

MR. WELCH: Oh, sorry. Sorry.

COMMISSIONER TACKETT: I have a question for you. Do you know approximately how much funding it takes to get from where you started to this point for this one particular project that we have before us today, just to get from Point A to Point -- to Point B?

MR. WELCH: That is a complicated question. The

question -- it could be how much money have we spent over the years on the problem or how much has it cost us for this particular --

COMMISSIONER TACKETT: Just this particular one.

MR. WELCH: I don't know the answer to that. It's thousands and thousands of dollars, however.

COMMISSIONER TACKETT: Tens, hundreds, singular?

MR. WELCH: Five? $500,000. $500,000.

COMMISSIONER TACKETT: And is there any opportunity for profit out of this kind of -- this kind of situation?

MR. WELCH: No, absolutely not. It's all loss.

COMMISSIONER TACKETT: Those -- those were my only two questions. Thank you.

CHAIR DUVAUCHELLE: Thank you, Commissioner. Any other questions? Thank you. Next testifier, Glenn Tremble. Please state your name, you'll have three minutes.

MR. TREMBLE: My name is Glenn Tremble. Good morning, Commissioners. Thank you for hearing my opinion. I am a partner in the underlying land that the campground goes on, Kauaula Land Company. And I'm a partner in West Maui Land. I am not involved in the Ho`omoana Foundation at all.

Today, I'm speaking to maybe address some of the

concerns that were brought up by some of the neighbors and opposition about this being a concealed plan for future commercialization or other uses of the land. Well, that -- that's news to me that he's got any other alternative.

Although we've tried to do some housing projects on this property before, with Pu`unoa 1 and 2, I think, in the future, we -- everybody knows the process to get land changed to get housing. And that's kind of what we got into this homeless problem for, because we -- it's such a laborious process to get land into housing units. So solutions for the people that are less fortunate than everyone in this room -- everybody gets to go home to a home and have a house, mostly, in this room, I'm sure -- but the people that Peter is trying to serve with this camp don't have that opportunity. They're not here to speak, to testify. They -- they live in -- in, you know, along the stream, putting their rubbish into the stream, putting -- it's a terrible thing to clean up and watch what our society has let happen by not affording places to live.

So I hope you can see to allow this project as a trial. It's -- it's a chance. Nobody else -- I don't see anybody else volunteering great ideas. So please approve this project.

Thank you.

CHAIR DUVAUCHELLE: Thank you. Any questions? Commissioner Carnicelli.

COMMISSIONER CARNICELLI: Sorry. Thanks, Glenn. So if this were to be denied, what could you build there? What's the highest and best use for this after that? Could you build another --

MR. TREMBLE: We could build a main house and a -- a main house along with a cottage there.

COMMISSIONER CARNICELLI: CPR, sell 'em both, make millions of dollars.

MR. TREMBLE: Yeah.

COMMISSIONER CARNICELLI: Thank you.

CHAIR DUVAUCHELLE: Thank you. Commissioner Kahu Hill.

COMMISSIONER HILL: Mahalo. You said you were, also, a partner with Maui Land?

MR. TREMBLE: West Maui Land.

COMMISSIONER HILL: West Maui Land. I just had read multiple testimonies about the concerns about some of the homeless along the stream, along the river, and now about trash and needles and drugs and et cetera. What has been done in this time? I hear that it is not being maintained to help those homeless or to be able to protect the streams, the ocean. What has been done?

MR. TREMBLE: Well, Dave Minama who was -- testified here earlier is challenged daily on the amount of land that we currently oversee, several thousand acres from Olowalu to Kahoma. And the homeless problem comes up every night in different areas. And they go into the bushes and they set up and camp. Before you know it, there's little trails up there and everybody is in there. We don't go to these specific spots every day. And it's -- it's a challenge for him. And it's heartbreaking, as he stated, to clean up the scenario and see what these people find themselves living in. The conditions they live in is terrible.

We, also, manage the Olowalu Campground. We did get a use permit to expand the facility into a cleaner facility with limitations on stays there of two weeks. There was -- we have a challenge getting -- there is a lot of homeless that will -- are willing to pay $20 per person per night to stay in Camp Olowalu for the two weeks just so they can have a shower and a clean toilet and a safe place to be. That is an important part of everybody's -- they're -- they are under a lot of controls when they're in our camp. And they're willing to pay that money to be in a safe place.

So I think it's a great opportunity to try this. And I think the idea maybe have been spurred by the -- at

one time, Camp Olowalu was a bit overcrowded with a lot of individuals willing to pay to stay in a safe place.

So thank you.

CHAIR DUVAUCHELLE: Thank you.

MR. TREMBLE: I hope that answers the question.

CHAIR DUVAUCHELLE: Any other questions?

COMMISSIONER HILL: I do.

CHAIR DUVAUCHELLE: One moment.

COMMISSIONER HILL: I just, also, wanted to know what you have done or what you're doing in the plans to preserve the cultural sites there, the petroglyph, the rock walls, the iwi kapuna, the historical sites on that land?

MR. TREMBLE: Well, I'm not directly involved with the administration of how the camp is going to preserve the cultural. I think that the presenters would best answer that.

CHAIR DUVAUCHELLE: Okay. Thank you. Commissioners, we're going to take a five-minute break at this point. We'll reconvene in five minutes.

(Recess, 11:10 a.m. to 11:17 a.m.)

CHAIR DUVAUCHELLE: Maui Planning Commission is now back in session. Next testifier -- and I did want to mention, at the end of public testimony, the applicant will be given the opportunity to respond or to add

anything if he would like to. So the next testifier is, I believe, Liza.

MS. BARRIENTOS: Leah?

CHAIR DUVAUCHELLE: Leah.

MS. BARRIENTOS: Yes.

CHAIR DUVAUCHELLE: Very pretty handwriting. It's me; not you. Please state your name, you'll have three minutes.

MS. BARRIENTOS: I'm Leah Barrientos. My husband and I pastor a church in Lahaina right across the coffee mill, the smoke stack. So we're in total support of this. We're super stoked and excited. We worked with homeless ministries over the last 10 years here in Hawaii as well as Dallas, Texas. And we just want to be in support.

I know it's been brought up that this will help families. So we have a great little children's church that we'd love to embrace these kids and -- and just love on them, you know. A homeless -- the homeless people, they'll build little communities everywhere. And we just want to be a support system of a good community, a safe one for the little ones.

And, you know, of course I'm for this, I'm the preacher's wife, but, at the same time, I'm a Hawaii girl who had an uncle who died on the streets of AIDS and he

was homeless. And, you know, there are different organizations right now who are out there reaching, but if that was the only answer, then we -- you know, if that was it, then there would be no homeless, you know. So why not try this and see if we can be another -- another helping hand in it and then we all just work together.

So the needles just aren't in the streams, but we found needles on our church property when we have a yard cleaning day. So it's everywhere. You know, we -- we don't want to just shoo the homeless to the next place to the next place to the next place. Let's give them another safe place to be so that these needles aren't everywhere and so that -- these little ones especially is my heart, that they would have a safe place to go, shower, go to the bathroom, you know, receive a meal and whatnot.

So we're for this. We're super excited. Our congregation is as well. I can't speak for everyone there, but we've got 150 people praying and seeking God for this if it's to take place.

So thank you so much. Thank you.

CHAIR DUVAUCHELLE: Thank you. Any questions? Thank you very much. Next testifier, Jakob, followed by Kathy U`u. Please state your name and you'll have three minutes.

MR. BARRIENTOS: Yes. I am Jakob Barrientos.

That was my wife. I am the pastor at King's Chapel Lahaina.

And, you know, what I guess I want to start is saying we are one piece of the support system that's going to be coming alongside this -- this whole project. I know it's -- it's been mentioned, you know, and -- and people have called into question, you know, are -- are we equipped to be able to actually help these individuals and what can we do. And, you know, we -- dealing with the homeless, as my wife has mentioned, on and off for the last decade, we've seen that some need medical attention and some need, you know, psychological attention. And -- and we are going to bring the faith piece to that. We're part of the solution. I don't believe that we're the end all, but we are one of those pieces that is going to strongly support what these guys are looking to create.

Now, in regards to the camp and -- and this kind of stuff, we dealt in Dallas -- Dallas and we worked in the Fort Worth area, we were there for the last five years. In Dallas, we watched kind of two scenarios play out side by side. In Fort Worth, they created a homeless camp similar to this scenario where they could go and they could stay. And what happened is, as they knew that this was a safe area where they could go, we watched different shelters and different organizations, you know, some

dealing with military disability and some dealing, you know, with strictly faith-based and others that were -- all different solutions, they came alongside this. And this became a place where if you wanted to support it, if you wanted to be a part of the solution, we knew that that was an area. Now, we watched, conversely, Dallas was doing, it seems like, similar to what's going on right now where they go in, they clear out a camp, and what happens is these guys will go and relocate. And we would see that individuals in the community would come and, no, we don't want the homeless here, we don't want this, no, we don't want a camp, no, we don't want another shelter, we don't want this, until that homeless camp ended up in their back yard. And when you go in and clear it out, we're not eliminating the homeless, we're just relocating them.

And so, you know, I heard one -- one brother say that, you know, this is like trying to put a band-aid on a hemorrhage. And, you know, while that may be the case, this is a big issue and it's one that I don't know that we've got all the answers for, but I know if you were hemorrhaging, you want to do something. And this is something.

This is not maybe the -- the big picture. I know they scaled back this vision. And -- and it's going to be kind of a trial run for this next year. We'll see

what develops from it. But something needs to be done because I -- I am watching and -- and we can see the same exact thing that we observed in Dallas where -- I mean, we just began to go out and serve because we saw the need. And we began by taking out little sandwich bags and blessing people and trying, we made connections with, if you need medical help, if you're looking for long-term, if you're family, you know, all the different situations. And we began to network with all of these. And by the end, by the time that we left, we had about 500 individuals that we'd serve on a weekly basis. And it grew into an incredible thing.

And so I don't know what this is going to develop into, but that's -- we're in support of this.

CHAIR DUVAUCHELLE: Thank you. Thank you. Any questions for the testifier? Commissioner Tackett.

COMMISSIONER TACKETT: You said you're out on the west side?

MR. BARRIENTOS: Yes, sir.

COMMISSIONER TACKETT: Approximately how many families and children would you say that you work with that are homeless at this point?

MR. BARRIENTOS: Presently, we've -- we've -- we've done little homeless ministry in -- in West Maui as of yet. We -- we've done some outreach and that. And we

constantly, as my wife mentioned, we constantly have individuals coming by the property, whether they're looking for water and things. And so it's kind of an as-needed basis. We've tried to help find housing and work solutions as we have the opportunity, but we've been in -- in Lahaina for just short of a year. So we haven't really begun building what we had in Dallas as of yet.

COMMISSIONER TACKETT: Thank you.

CHAIR DUVAUCHELLE: Thank you very much. Next testifier, Cathy, please state your name, you'll have three minutes, and followed by Marsha -- Marshia -- Marishia, thank you.

MS. U`U: Hi. Good morning. My name is Cathy `U`u. I'm going to read a letter from Bruce U`u who could not be here today.

Aloha, Planning Commissioners. And a Happy New Year. My name is Bruce U`u, lifelong Maui resident, former Maui County Planning Commissioner and a Cultural Resource Commissioner, writing my testimony in support of Ho`omoana Foundation.

I became a board member for Ho`omoana for multiple reasons. And one of the major reasons was regret and hurt.

I regret that, years ago, while serving on Maui Planning Commission, I voted no for a camp similar to this

being proposed in Spreckelsville. I went with the route that was easier. The neighbors came in, were not in support, claiming multiple reasons, the same that you will hear today. The homeless had no voice and no choice in the matter to choose. Again, easy decision for me, along with the Commissioners -- along with other Commissioners, it got denied. I regretted that day and I wish I could have it back.

Hurt was my second reason. I am having a hard time on this one. My wife and I legally adopted two boys at the ages of two and three years old, Casey and Kaumana (Inaudible), currently 16 and 17 years old, and our blessings and our lives. Both of their parents were not doing well, and we became legal guardian. My time on the Planning Commission led us to do the site visit on the Upcountry -- upcoming projects in Lahaina with the Planning Commission and staff, et cetera. As we, all in a bus with low windows were passing by a homeless camp in Lahaina, in the back of the pool area, the developer speaking in a microphone explained the problems caused by this camp. As we neared and passed the camp, I heard screams of "Uncle Bruce." It was the brothers of my nephews. My heart sank. What about them? They have no say. Should I do more? Second-guessing, should I take them in along with my biological three kids? It wasn't

fair. Can I do more? But I didn't. I'm feeling that guilt feeling 'til today.

Life is not fair times. We need to take care of our people. We need solutions, even if it's temporary like the camp, where people like those who oppose this camp need a safe place to put their head down, to sleep, bathroom facilities that's clean and humane, and, more importantly, someplace safe for our kids.

I humbly ask you to approve this project for the people who have no say.

I wish I could be there in person, but, regrettably, I'm off island for work. A hui ho, Bruce U`u, Board Member, Ho`omoana Foundation. Thank you.

CHAIR DUVAUCHELLE: Thank you. Any questions? Thank you very much.

MS. U`U: Thank you.

CHAIR DUVAUCHELLE: Marishia, followed by Tom Blackburn-Rodriguez.

MS. HANNEMANN: Talofa and aloha. Thank you for allowing me to be here today and voice my thoughts on this project. My name is Marishia Hannemann. I am the Executive Director for Hawaii's Forgotten Family. We're a nonprofit based in North Shore Oahu. And we are trying to build hempcrete micro homes for the homeless. We have builders and we have architects that are part of this

organization.

And our solution is this. People were asking for solutions, this is a solution. Communities, workforce communities. Not homeless camps. Workforce communities. Don't chase 'em away. Build a workforce community like Peter and everybody else is trying to get going.

The homeless situation in Hawaii, as somebody already stated, is number one in the nation. I've done a lot of research. I'm sure a lot of us have. But from 2011 to 2016, the homeless rose in Hawaii 25 percent. From 2016 to October 2017, only 10 months, it rose 12 percent. It is not going away. What we're doing is not working.

What a brilliant idea to create a community where we can get ag land and grow hemp and ulu and farming and teach these people skills now, these homeless families with children, right on the cusp of getting homeless, where they enter that cycle, they get depressed and they spiral down and it's hard to get them out of that rut. If we can get them now, right now on the cusp of going homeless, and before they're homeless for too long and get them in here, have the community pitch in.

I organized Shark Pit Neighborhood Watch before I left for Samoa in 2013. For one year, our neighborhood was able to prevent the homeless from sleeping on our

beaches and Front Street. Okay. We had zoning -- not zoning, but signs put up and things like that. We chased 'em away from our -- from our front yards. But where did they go? Into our bushes. They sneak around the path, they still go on our beach. We didn't solve anything. We just, you know, ignored it and pushed it away.

This is a solution that if we can give them skills, job training, have the community come in and donate time, like how to do plumbing and electrical thing. We have so many people that are interested in helping, people that are retired. The Vietnam Vets of Maui just offered their help to do this. I've had people coming to me from -- that are billionaires, millionaires wanting to help this project. This is a good effort for the community to get involved.

We can make this a pilot program for Lahaina that can be implemented to the whole island, to other islands, maybe to the mainland, and maybe worldwide. This could be a really good thing that Lahaina could be like a little diamond in its -- you know, in its crown, that we can shine that light that we're taking care of the community of Maui.

Hempcrete homes are very easy to make. It takes one month to build a hempcrete home. They can learn the skills of how to grow hemp, how to harvest it and build

with it. Their children learn those skills. They have a generational inheritance of a home that's going to last hundreds of years.

That was my alarm that three minutes is up. Sorry about that. I don't know what's going on.

Just -- just in closing, please, like John Lennon, give this a chance. We have nothing to lose and everything to gain. It's just a year. If it doesn't work, then we'll try something else. But let's -- enthusiasm, the momentum. All we need is a yes. And then this will go forward and it will get a great change in all of Hawaii.

And I really believe it's a solution to end homelessness. We're creating not only homes, but jobs. The two things that people lack that become homeless are jobs and homes. And this is what the solution is.

CHAIR DUVAUCHELLE: Thank you. Thank you very much. Any questions? No. Okay. Next testifier, Tom Blackburn-Rodriguez followed by Veronica.

MR. BLACKBURN-RODRIGUEZ: Thank you very much. Hello. My name is Tom Blackburn-Rodriguez. And I'm representing Go Maui, Inc., which is -- we are testifying on the Unfinished Business before the Commission, on the Ho`omoana Foundation's request for campgrounds for disadvantaged folks, and, also, located at Hokiokio Place

and Lahaina Bypass Road.

A key part of Go Maui's mission is development of truly affordable housing. You can find out more about us at gomauiinc.org.

While we strongly support the project under consideration today, we know that a major part of a solution to the homelessness is the building of affordable rental housing. I'm going to say that again. Building affordable rental housing is critical.

You've heard about the program, you know, Housing First. Great idea. I was working in Washington, D.C., I've been involved in these issues since 1968 at the state, local and federal level. And I remember Andrew Cuomo's proposal as HUD Secretary for Housing First and using unexpended funds to get the program started. It's a great idea. Does anybody here think that Ben Carson is going to continue a program started by Andrew Cuomo, who may run for president in 2020? If you do, I've got a penthouse in Mar-a-Lago I can sell you.

For so many issues that come before this body, the underlying issue again is the utter and complete failure, the utter and complete failure of the private sector and the government, the public sector, to successfully address this housing issue with the intensity and the single-minded focus it desperately needs.

It is legal in Maui County to be homeless. It is legal in Maui County to go hungry. It is legal in Maui County not to have medical care. Isn't it time we tried something that people say is illegal? How about putting people in homes? How about working with case workers? How about doing something?

We're talking about a manini number of people. We have spent almost half a million dollars to get to this point. That is absolutely obscene and ridiculous. And we should all be ashamed of it. Public, private and ordinary citizens.

What is it like to live on the streets? Have you ever lived on the streets? I've lived on the streets. It's a lousy stinking life. And just to have a hot shower is a blessing from God.

We have people who live in the bushes until the sprinklers go on in Lahaina. They go on about 2:00, 3:00 in the morning. And then they move out. Then they come back later on.

Yes, Maui has been sold to the mainland as paradise. Many people have moved here for their dream homes. But we who have been here know that we are more than a vacation destination. We are community. And we are called upon to act upon --

STAFF: Three minutes.

MR. BLACKBURN-RODRIGUEZ: -- that community value today.

Every journal -- every journey begins with a single step. Take this first step, but don't forget why it's necessary and do not ignore the larger problem.

I want to thank you for the opportunity to testify. I appreciate all your work. I know you're volunteers, you're not getting paid to do this. And we appreciate very much your time and effort.

My family has been here since 1870. I've been involved in affordable housing issues. I helped start Na Hale O Maui Community Land Trust and I led the campaign for the two percent set aside for real property tax relief for housing.

We can do more. This is a manini step. Take it. Take this step. Do something. Thank you very much. And God bless you.

CHAIR DUVAUCHELLE: Thank you. Any questions? Thank you very much. Next testifier, Veronica, followed by Ross Scott.

UNIDENTIFIED SPEAKER: They both had to leave.

CHAIR DUVAUCHELLE: Okay. Thank you. Patricia Nishiyama, followed by Lisa Darcy.

MS. NISHIYAMA: Aloha. My name is Patricia Nishiyama aka Auntie Patty Nishiyama, aka tutu for all of

my Hawaiian children in Lahaina. I represent Na Kapuna O Na Kupuna O Maui, a nation of Hawaii, and, also, Na Kapuna O Maui Council to the County of Maui.

Na Kupuna O Maui supports the site plan for Ho`omoana Campground for the homeless kamaaina and west side residents seeking mental wellness and safe place to live. We favor, above all, serving the single mother and their children.

Ho`omoana Foundation is offering a program for those most in need, a community with not just a safe place to live, but, also, an opportunity to heal with life-enhancing therapy and, at the same time, learn life-changing skills.

Governor Ige in the State to -- State address yesterday stated that they were going to reduce homeless and create education and job opportunities. I think we should send him this plan, to Governor Ige.

Na Kupuna O Maui will be the kupuna of Ho`omoana's campsite.

Mahalo.

CHAIR DUVAUCHELLE: Thank you. Any questions? Thank you very much.

MS. NISHIYAMA: Aloha. God bless.

CHAIR DUVAUCHELLE: Lisa Darcy, followed by Chantal Ratte.

MS. DARCY: Good morning, Commission. Thank you. Thank you, everyone, for being here.

How you condense a lifetime of experience into three minutes and how do you absorb it? That's the question.

CHAIR DUVAUCHELLE: Please state your name.

MS. DARCY: My name is Lisa Darcy. I am the former executive Director at Ho`omoana. And I currently sit on a State board of directors. I worked with Mental Health kokua, I've worked with the State Mental Health Department, I've worked with Aloha House. I came from New York City where I ran the largest employment agency for individuals with disabilities in the nation. And there's themes that are running throughout everything that's going on here. And we are just one day and one week and one month and one year and one part of our lifetime. So I am going to try and distill everything really quickly.

I met Peter Martin after I had given up on Maui. And I ended up at a lunch table and I listened to him. And I said, oh, my God, this is actually a reason to get back into working with this situation.

Maui has a very narrow view of how to work with individuals, in my opinion. And that's a professional opinion. It's what they know, I understand that.

I have worked with people internationally. And

I see what it takes.

Peter actually understands the concept of really taking public input and monies into supporting what agencies are already doing. In my experience in the 14 years, agencies have been diminished to a point where they are beyond ability to do capacity. Their monies have been decreased, their staff has decreased. Agencies are operating the best they can, but it's not getting better.

I mean, what does this County need to see before we say the public has to have an opportunity to support change?

It's so much experience in terms of understanding the different levels of homelessness. It's impossible to get you to understand this in three minutes or even with this day of testimony.

I support this project completely and utterly. It's an emotional one. And I think we need dialogues like this. I, actually, left Ho`omoana to start a nonprofit to actually have these dialogues and to educate individuals because we can't expect the Commission to step in and understand this with a couple of meetings. You can't. There needs to be a whole lot more dialogue that happens outside of this room and a deeper understanding of the commitments to what agencies can do and then what individuals can do.

And as we see, there is a faith component to this that is being brought up. And I think that's really important.

I think this is a really important time to support this. We're the old woman in the shoe, Maui's busting. Everyone's talking about it. I don't see very many people stepping up to do anything about it. And Kauaula campsite is an extraordinary opportunity in one day, in one week, in one month, in one year, in one day, in your lifetime to actually say, hey, that was a pivotal day. So I would really encourage you to support this. And, also, keep the -- the pieces in check that the community or you feel that if you don't understand something, you keep it --

STAFF: Three minutes.

MS. DARCY: -- you know, hold it to a timeline. And -- and, yeah, take a chance.

Thank you.

CHAIR DUVAUCHELLE: Thank you. Any other questions? Commissioner Carnicelli.

COMMISSIONER CARNICELLI: So in your capacity as a professional, you know, that's done this for a very long time, I don't want to pit professional against professional, but the Department of Housing and Human Concerns, you know, said this doesn't fit the model of

support. So how -- I mean, I don't know exactly how to ask the question, but how is it that you feel this does fit that model, that -- that these 26 people are going to get the support that they should get or need to get or what-have-you? The other part of my question that I'll just throw in there so I don't -- is if we were to expand this, and I don't even know if we can, and say, instead of eight, we're going to make it 12 or 13 or something like that, what then capacity-wise will they need to then accommodate, if it's going to be 32 people, let's just say, instead of 26, as an example? So if you could just address that, please?

MS. DARCY: So part one is -- I love the question, is how does this fit in. It doesn't fit into that model.

If anybody wants to really go back before Housing First became a big buzzword on Maui, read Million Dollar Murray. It was an article written. There were two cops in New York City like 30 years ago that saw Murray, he was always getting drunk and was on the streets. I think it was -- no, it was in Boston. And he was causing a commotion. And so they actually found a way to fund a way for him to stay in an apartment because they figured if they could drop booze off and house him, he -- it cost $1 million over a year to take care of him.

Okay. Housing First is looking to serve that group of people. That is eight to 12 percent of the houseless unsheltered homeless population. Okay. That is a really small group. And they're the group that needs the most services and are the most expensive. They're the emergency turnarounds. They're what -- you know, all the crisis things that -- this camp is actually addressing that other 85 percent. Maui is ignoring the 85 percent, in my opinion. And -- and as a professional, I have said that. I have been part of the Homeless Alliance. People go and they go, "Oh, it's Lisa again." But we've got to talk about that 85 percent. And if we only look at that 15 or that eight to 12 percent, then what you're doing is you're -- people are going to keep falling further down. And getting people out and -- and I work with people who are getting, you know, out of jail, and they have -- they used to come into the office at Ho`omoana, they had nothing. They walked out, they had nothing. And they wanted a better life. And they couldn't necessarily go back to their families. They couldn't go back to where -- maybe they were, you know, doing drugs. What do they do? If we don't serve people who are actually trying to work their way up -- and Housing First is going to meet that, the group that's really kind of reticent, they're gonna do that. And I support them. The key is tandem.

I -- I don't know how anybody in any capacity, in any moral facet of this conversation, could say that this is not a wonderful opportunity for the County of Maui. It is not taking away from Housing First. It is not competing with Housing First. Housing First is a huge funded -- it's a -- it's a full beast. It's going. It's been going for a long time, before it ever came to -- to Maui. Five years ago, I really urged the Homeless Alliance to say what about the 85 percent. And everyone supported.

Okay. So that's a long answer to the first part. But it's important that you know that. And the -- the second question was?

COMMISSIONER CARNICELLI: Numbers.

MS. DARCY: Numbers?

COMMISSIONER CARNICELLI: Numbers, capacity to be able --

MS. DARCY: Oh, so that's -- I, obviously, cannot answer that because we're not there yet. I would like to say that, in my experience -- and I could not stand up here in -- with the capacity of belief that I have -- is that every time I have worked on a project, it's gotten strength. And it's gotten strength because people have been willing to be educated. There are so many people outside of these doors that aren't educated

yet. And I think once they get the education, they'll go, "Oh, this is a no-brainer." They haven't gotten that education. That's where I think -- that's why I'm -- I've stepped up and one of the reasons I left Ho`omoana, is there could -- litigation, I'm not going to sit around and wait for litigation a few years. I got to get out and pounds the pavement and I got to go out and educate people. And that's what brings people to broader dialogues, more conflicts, more resolution. You can't have more resolution if you don't have conflict. Let's do it.

COMMISSIONER CARNICELLI: Okay.

CHAIR DUVAUCHELLE: Thank you very much. All right. Thank you. Next testifier is Chantal Ratte, followed by Daniel Rice.

MS. RATTE: Hi. Thank you for the opportunity. My name is Chantal Ratte. I'm the Executive Director with Kalima O Maui. I'm here on behalf of Kalima and, also, on behalf of myself.

I heavily support this project. I wanted to speak just on the overall intention of Peter Martin because as long as I -- I've been with Ka Lima O Maui for 25 years. And for as long as I can remember, he's supported the agency.

Now, Ka Lima O Maui's mission is enhancing lives

through self-reliance. Basically, we provide employment opportunities for persons with disabilities. Peter has always recognized and put this special population up front. And, you know, people with disabilities don't have a voice, just like a lot of homeless people. And, you know, by providing them employment opportunities, you are making them contributing members of the community. So I know that he understands the value of employment. And it goes along with helping homeless people, you know. It's -- it's a group effort.

And so I just wanted to come up and speak to his understanding and his long-term support. And, my gosh, he certainly has not benefited from all the support he's given us other than seeing these individuals that we support thrive in the community, decrease their dependency on government funding, become independent. And, I mean, we all know, what does a paycheck do, it gives you dignity. And the same with having a place to stay.

Thank you.

CHAIR DUVAUCHELLE: Thank you very much. Any questions? All right. Thank you. Daniel Rice, followed by Cesar Garcia. Please state your name, you'll have three minutes.

MR. RICE: Thank you. My name is Daniel Rice. I'm a minister for King's Cathedral and Chapels here in

Kahului. I'm, also, director of a prison ministry. Also worked along with Kaui and Shalia. They both served in the prison ministry, also a ministry called Transformation. Transformation is a ministry of encouragement for people with life-controlling problems. A number of them are homeless, number of them are addicted to drugs or alcohol in some way.

I was thinking of this -- what can I share with these people and what I felt in my heart was that if nothing changes, nothing changes.

You have the problem already. The needles from Puamana, if you don't do anything, they're going to continue to flow down. Why would you not want something there to change?

So I seen the capability of Kaui and Shalia working with the people, giving them an avenue.

I look at this as not only a long-term program, but a stepping stone. A lot of people that are homeless on Maui aren't from Maui. They're addicted to drugs or alcohol, you get 'em cleaned up, you get 'em sober, they start thinking about where they come from, and then you help 'em get back to where maybe they desire to be.

A lot of guys in the prison -- I just came from the prison before I was here, ministering to them in there. A lot of them have nowhere to go when they leave,

they have nowhere sober to go, so they end up back at the park with the people that they know, the people they're comfortable with. There's nothing going to change. They're stuck in a pattern. Okay. That pattern won't change if there's no change.

So I think something like this, an opportunity for someone to go to a sober, safe place gives them an opportunity to start something new. But if there's nothing changing, you're gonna get the same result.

I believe in this program. I think Kaui and Shalia are the perfect fit for this program. They're going to put their heart and soul -- I've worked with them for six years, and we've seen change.

The people that don't want to change aren't going to change, they're not going to come to the camp. But just because people are addicted doesn't mean they don't want to change. Some people don't know how. You give 'em an opportunity like this, all of a sudden, there's a little bit of light at the end of the tunnel.

I was homeless at one point in my life. I was locked up at one point in my life. But something had to change. When you go to Aloha House, they don't, all of a sudden, graduate you and put you into a mansion. There's a transitional housing involved. So these -- this is a transition from one step to another step. All of a

sudden, they start to work, they feel confident about themselves.

I have a 19-year-old daughter. When she works, she feels valuable. When she doesn't work, if she's getting money from me, she doesn't feel very valuable. I think it's same with this community.

Give 'em an opportunity. And I believe you'll see change through this program.

CHAIR DUVAUCHELLE: Thank you. Any questions? Okay. Thank you. Last testifier, until we open the floor, Cesar. State your name and --

MR. GAXIOLA: Aloha. My name is Cesar Gaxiola, and I am the Executive Director for the J. Walter Cameron Center, here for 11 years. Prior to that, I was Operations Director for Maui Economic Opportunity. And I been involved with a lot of nonprofits in the community for the past 35 years. I gonna make 29 this week. So here to testify in favor of this project. I think we -- we should give 'em an opportunity.

The reasons why is (inaudible) with the nonprofit. And I strongly believe in nonprofits. I been there -- I been here for 35 years. Why? In my life experience, I have seen more than 99 percent of nonprofits always succeed in their projects. Why? Because we have the flexibility to partner with business, with the

community, with government and anyone that passes in front of us. We always have the flexibility and the connectivity to work with -- with people.

And, second, it doesn't matter with nonprofit, what they're addressing or what is the project, they always going to find the solution. And just look around.

I can give you examples. Look at the MACC. In 1985, they started with idea to build a MACC. Look where they are today. In 1994, the Maui Food Bank started with idea to establish a Maui Food Bank. Look where they are today. Cameron Center started in 1965. In 1973, it was open. This is 45 years later. Some people gave us 10 years, other people said you might last 20 years. 45 years later, we are still here.

And so -- and I can keep naming other nonprofits. I belong to the Maui Nonprofit Executive Director's Association, 60 members. They have close to 100 nonprofits in Maui that serve this community. And we are very lucky because the community is very supportive of who we are and what we do, for the services that we provide to our people.

And I believe this organization here, Ho`omoana, will do a great opportunity providing the services they say they gonna provide to those folks in Lahaina.

I'm a runner in my free time. And I run from --

from Wailuku to Lahaina every weekend. And I just turn to my right or my left and I see homeless. Just walk 10 feet into the bushes or to the ocean, or whatever side you look, there's people carts, there's people cardboards, there's people on bicycles, there's people in tents. They living there.

Like the gentleman before me, he say the right words, this is an opportunity in front of us and we should move forward and do it. A lot of the specifics, a lot of the questions that we are asking ourselves will -- they will be addressed when they in front of us.

And I know that Peter and all of them, they come with us, we're the nonprofit community, we gonna support him. I know they going invite us to be there.

STAFF: Three minutes.

MR. GAXIOLA: And see what kind of services we can provide for these folks. We gonna be there, we gonna go and provide those services. He has partners.

Thank you.

CHAIR DUVAUCHELLE: Thank you. Any questions? All right. At this point, that was the last testifier that was signed up. Anybody else here wishing to testify, haven't had an opportunity to do so? Please come forward. State your name, and you'll have three minutes.

MR. DEAN: Okay. Aloha Commissioners. My name

is Joshua Dean. I'm on the board for the Ho`omoana Foundation, and been involved in trying to get similar project passed. I guess been in this now for almost 10 years. And I'm baffled, you know, that -- that we're still here trying to get this through.

So I got a whole pageful of notes. I can't go through all of them, but as people were testifying, I thought that -- I mean, everybody acknowledges, no matter if you're for or against this thing, that we have a problem. Right? And we've proven as a community and a civilization that we can solve problems. Okay.

But the key to these solutions are rooted in honesty. Can we be honest about what the problem is, what's working, what's not working?

And I tell you the key to evolving as a community and solving these problems is rapid experimentation and adaptation. Okay. And it's what we're trying to do.

We're not against any -- any other project that wants to try and -- it's like -- I imagine I'm driving down the road sometimes, I see a guy, and I see him pretty often, see somebody on the side of the road picking up trash. Right. The thought to pull over and tell the guy, hey, you can't pick up trash, it's absurd. No one would ever do that.

I mean, we're trying to do something, right, that we're not saying that this is the solution, but this is a start, you know. I mean, you know, Kaui and -- we built this amazing team that nobody can deny the passion that -- and that's what it takes, you know, someone to have the empathy and -- and meet with someone who feels that they have nothing, they're worthless. Everybody they interact with says that they're -- they're worthless. And to have someone with the kind of compassion that our team has and that can empathize with them and tell them that they are worth something -- and you know what, you want to know how much we think they're worth? It's priceless what a human life is. What is it worth? I mean, we've already invested -- as Ho`omoana, we've invested, right, $500,000 to get us to this point. Well, if it's way more, if it saves one person, right.

I mean, you listen to these stories, right, it's heart wrenching. You listen -- I mean, it's amazing. And it takes a special kind of person like we -- like we have on our team to be able to convey that -- that energy and that enthusiasm to really help someone, just for the sake of seeing that.

So we have, you know, a lot of strong christian people in here. And in the Bible, they talk about letting your light so shine. Right? No one lights a candle and

puts it under a bush, they put it on a candlestick so that they can light up the room.

This is what -- I mean, you look at our team and it is -- I mean, it is like a light tower. I mean, it is -- it's amazing to see.

Why would we cover that up, right? Let's just unlock the ability of what is possible here at Ho`omoana and see what can happen. You know, maybe it -- maybe it totally evolves into something else. It's for one year, eight pods. That's all we're asking for, is an experiment.

STAFF: Three minutes.

MR. DEAN: So thank you very much.

CHAIR DUVAUCHELLE: Thank you. Any questions? All right. Anybody else wishing to testify, please come forward. You have three minutes.

MS. PICHAN: My name is Claire Pichan. I am a resident and owner in Puamana.

I have come to all of the different meetings, at the Council Chambers, Maui Arts & Cultural Center, this past Saturday up at the site, I've seen the pod, I've seen the tent. I congratulate the Keahis and the model of this project, of the problem that it is addressing, a problem that is statewide, worldwide. That is a good concept.

My concern as a resident -- oh, and the little

tidbit. When I get up in the morning, open my front door, or even in the evening, my front door faces direct alignment to their home. I can see if they're up because the lights are on or vice versa. My concern is safety, security, and what Puamana has had to endure over the years that -- I first began as a renter in '88, and then, because rent was comparable, we were given an opportunity, we bought and now pay maintenance fees. I am still paying a mortgage. I'm 81. We have had to put in a gate. We have to pay security for the intrusions on our property.

People consider Puamana a resort. We are a planned -- or were a planned unit development until our -- with the changes in real estate attitudes, we do have people grandfathered in where they can vacation rental.

We are not a resort. We are a private community. And we pay AOAO fees to retain our security, our serenity and our investment. We have wonderful programs that are put on by our House Committee for the children to -- those families who have lived there who now are -- have raised their children, their children have their children, so grandchildren, ages, coming back and enjoying the uniqueness of Puamana. We are concerned with the long-term growth that has been stated by testifiers beyond the one year.

STAFF: Three minutes.

MS. PICHAN: As I said, the model is wonderful addressing homelessness, but Puamana was there in 1968. So I think they should have some -- and we all should have some consideration and priorities of rights.

Mahalo.

CHAIR DUVAUCHELLE: Thank you. Any questions? All right. Thank you. Anybody else wishing to testify? Please come forward. State your name, you'll have three minutes.

MR. GABERGER: My name is Mitch Gaberger, President of the Vietnam Vets of Maui County.

When the -- our latest heroes went to Iraq and Afghanistan, they came back, as you know, and they had major problems with their family. Many of them ended up in cars, 500 to 1,000. So we're pretty familiar with what goes on with the veterans.

This is a similar situation. We empathize with what's going on with the homelessness. I've been here over 40 years, never expected to see this problem. None of us did. But in lieu of no other things, we want to say that we're in favor of what's going on. It can do only good. It can't do any evil.

And many other homeless women and children who are affected in Afghan, Iraq, when they came back, they don't give them hope and light. And, really, that's all

we -- we need, just give the -- the homeless, the mothers and the children, a light. And we've -- we've said this over and over again here in the last few hours. Give them a chance, give them a light, and they will -- that alone will help them change.

Thank you all for all of the effort you're doing. Amen.

CHAIR DUVAUCHELLE: Thank you very much. Any questions? Thank you, Mitch. All right. Anybody else wishing to testify at this time? Okay. Seeing none, we will close public testimony. It's 12:10, Commissioners. Shall we break for lunch or power through it?

COMMISSIONER CARNICELLI: I'm good with keep going.

CHAIR DUVAUCHELLE: Yeah. Okay. All right. So what we'll do is we'll ask the applicant to come up and say a few words and then we will break for lunch. And after lunch, we'll entertain questions from the Commissioners.

MR. FRAMPTON: Thank you, Madam Chair. We'll be respectful of your time. We really appreciate what you guys are doing. I'm only going to make two very quick notes.

Because I'm being quick, I don't want to discount how important it is, but, in Exhibit 2 of your

Staff Report, there's an archaeological inventory survey. And I just wanted to know that in response to your question earlier, there are -- back when that inventory survey was done, there were -- this was a much larger parcel, this was before this subdivision. So along Kauaula Stream, there were a number of sites designated for preservation. And so SHPD accepted that. I just want to make a point that, in the vicinity of our project area, there are no identifying sites. So just in our two area campground that we're talking about. So we are not -- there are no identified sites at this point. And they're not associated with the preservation plan. Okay.

The second thing is just one of the testifiers from -- our neighbors had testified that if, by the grace of God, this project were somehow approved by this body that he would ask for a public hearing for our time extension, which is not always the case. And we would be absolutely willing and happy to abide by that, if -- if things were to work out.

Thank you.

CHAIR DUVAUCHELLE: Okay. Thank you very much. It is 12:10. We'll reconvene at -- are we doing 1:00?

COMMISSIONER CARNICELLI: Yeah, let's do 1:00.

CHAIR DUVAUCHELLE: Yeah, we'll reconvene at 1:00. Thank you.

(Recess, 12:12 p.m. to 1:03 p.m.)

CHAIR DUVAUCHELLE: Ladies and Gentlemen, it is 1:05, and Maui Planning Commission is back in session. We will start out this portion of the meeting by taking questions from the Commissioners. Commissioner Carnicelli.

COMMISSIONER CARNICELLI: Shocking, I know. So for the applicant, I would like for you guys to address -- I wasn't really aware that there was currently a homeless camp up there. And, you know, as the testifiers have said, and you've even acknowledged, you know, that there's the runoff down into Puamana and everything like that. I just feel as though, you know, that would be a concern, like, well, how are you handling that and then we're going to give you something else. So could you please just address, you know, what exists there, what you're doing to mitigate it. And I know that, you know, there's an element of whack-a-mole that's happening, you know, we're -- it's popping up all over the place, but, you know, for what Puamana kind of had concerns about, if you could please address that.

MR. FRAMPTON: Thank you for the question. My name is Dean Frampton responding.

I'm going to give a little bit of a back answer and then I'm going to ask Kaui to give a little bit of a

current answer. So it's a situation that has been going on a while. And Dave Minami alluded to it, with his crew, that they've been working to clean the stream up and it's not an easy process.

When we met with Puamana, the association, the general manager Scott, who spoke earlier, brought that issue to our attention again. And showed that he had done a really -- or he had been and continues to work really hard in keeping up their portion of the stream. And he asked, he said, I would like you guys to do -- work harder in cleaning the stream.

So it took a while. It took -- there's a lot of factors involved with it, but I think -- I want to say there were 10 truckloads, there was a lot of money expended. They cleaned up the camp once. They come back -- they came back recently. But I'm going to ask Kaui, who's been living on site to speak a little bit about what's happened more recently.

KAUI KEAHI: Aloha, again.

So I've been walking the stream this past -- last week, every other day, Tuesday, Thursday, and I believe I went again on Saturday -- on Saturday. So I think it was -- was it this week? It was this week that I teamed up with Dave Minami and his crew and we broke down two camps.

Two single females were living at the bottom of the stream named Maggie and Ashley. So I notified them that they would have to move out. And we -- we even offered them to stay at Camp Olowalu, paid expense, but they turned down the help. They didn't want a help -- they didn't want the help, they didn't want to be subject to rules or -- or what we was offering. So they kind of like their lifestyle.

So after they left, we cleaned up the mess. One whole semi truckload of trash came out. We cleaned it up that day. So the lower stream by Puamana is cleaned out. There is no homeless. We -- we took out the trash.

Now, mauka side of the bypass, going up towards Pu`unoa, I found two more camps which has a female and one male. So they were notified that they have to get out.

So yesterday, we walked -- me and Scott Naganuma, from Puumana, the General Manager, he spoke earlier, and Larry, one guy from their board, we walked up and I showed them the camp. But when we got up there, the camps are breaking down. She is moving out because there were three tents the last time I went up there. So they're down to one. The guy on the very top, he had one whole like one disposal of bikes in the corner. He took that out. So they're slowly getting out of there. And as long as I'm walking the stream and getting, you know --

and telling them, you know, how you guys doing, the progress and stuff like that. So they have been -- they have been cooperative, but, still, they don't want the help. They -- they will just break it down and move. Yeah. Yeah, they are slowly getting out of there. So --

Oh, yeah. In our portion of where it is, they're gone. So, to me, they're behind Pu`unoa right now, behind one house. But the reason why they wouldn't know that someone is behind your yard is because you're never home.

Thank you.

CHAIR DUVAUCHELLE: Thank you. Questions, Commissioners?

COMMISSIONER HILL: Actually, I have a question with the applicant. I have a couple questions, so I'm sure you could answer. I just want to say mahalo, first of all. It's -- you really can feel your hearts here and I know there's going to be a lot of spiritual support here.

You had mentioned about the one year, and you said there would be 20 -- 26 campers at a time. And I'm just wanting to get clear, because the map was for 26 areas and you're looking at eight. And I wanted to see -- well, the max was, I thought 80 occupants and the camp would be in the first eight pods or a maximum of 26 pods,

it said, before, in the other paperwork. So I'm just wanting to know what the maximum for the eight pods is when you're saying 26 campers, 26 campers on the eight pods.

MR. FRAMPTON: Thank you for that question. I'm sorry for the confusion. It's not to occupy more than eight pods. So to construct only eight pods. And then within those eight pods, we cannot exceed 26 individual campers. And so eventually, over time, if it's successful and we can expand to 26, again, the cap for a total number of campers would be 80, but that's down the road. For right here and now, eight constructed pods with a maximum capacity, depending on how the numbers work out, it can't go over 26 campers individually.

COMMISSIONER HILL: Okay. Mahalo. I have a couple other questions as well. I was concerned about the pedestrian and the vehicle safety on the Lahaina Bypass and Hokiokio Road. And I know that Hokiokio is a private road that doesn't really have a shoulder or a place for pedestrians. So I just wanted to know how is it going to work with the vehicles going so fast on the Lahaina Bypass and how you're going to keep safety for the pedestrians and the vehicles as well.

MR. FRAMPTON: Okay. Thank you. One of the things I had hoped to show in the presentation on the

bypass is that the -- there's a -- there's a pretty substantial physical barrier between our camp and the bypass that runs mauka. And I think I mentioned to you 60 or 80 feet. It's a pretty steep slope. So we don't anticipate people up on the bypass or -- the more natural inclination is for them, if they need to get into town, which is to stay on the old cane roads or to stay -- or to utilize the existing Piilani Highway.

COMMISSIONER HILL: And I was, also, wondering about that as well, just from the camp, the distance to the grocery stores or medical facilities or job opportunities. Obviously, they're going to have pastoring and support there. Just looking about the distance. And if they don't have vehicles, are you going to have bus or transport or -- I'm just looking at the distance for their needs to be able to live there.

MR. FRAMPTON: In the -- in the short-term, in the, you know, initial onset of the project, you know, there will be capabilities for the on-site managers to provide transportation needs, but it's going to be somewhat limited. And it -- but it does kind of go back to the mantra of the camp, which is, you know, people that are willing and able to help themselves physically and mentally. By that, I mean in this particular case, you know, some of these people might actually have their own

vehicles. If not, you know, like I said, there would be method or means for transportation from the camp managers.

COMMISSIONER HILL: One last thing is I know there's (inaudible) along the river. I was just imagining the tents and there being no AC or the heat in Lahaina, especially women and children and about the heat and the tents. And just wanted to see, do you actually have trees on the land or is there thoughts about that, where the pads are being made?

MR. FRAMPTON: That's a good question. What we were trying to do when we put that first pod in there was to show that it's grassed and there's a couple of large palm trees that have been put in there. We intend to use landscaping. And if you look at, actually, the properties mauka, in the Pu`unoa subdivision, you can see what -- what irrigation does to the land out here. It's very fertile, it's very green, and, in some circumstances, it's actually lush. So the intent is to heavily landscape to provide shade and wind protection. But at the end of the day, this is still outdoors and it's not perfect, but it's a step in the right direction, we believe.

COMMISSIONER HILL: And one last thing. Mahalo for your patience. I know you had addressed what I asked earlier. So we're just going to clarify that there is those cultural sites above the rock wall, the petroglyph,

the burial grounds, you're saying it's on the other side of the property or in the 22 acres, not where the eight pods are going to be?

MR. FRAMPTON: It's not within the project vicinity, correct.

COMMISSIONER HILL: Okay. Mahalo.

CHAIR DUVAUCHELLE: Thank you. Commissioner Higashi.

VICE-CHAIR HIGASHI: First of all, I would like to make some comments.

First of all, I congratulate the managers for starting this particular project. I notice you gave a verse from the Bible. And I think there's part of it that's parallel to that and that is you're starting a mustard seed and developing one, which I think, hopefully, will grow as a model for the State. It has tremendous amount of potential.

I am a former educator. And when I look at children, I feel that it's real important that we address the homeless population with how are we taking care of the children.

And one of the questions I was going to ask you was, in your structure of organization, how are you setting up the education portion such as responsibility and value? Can either one of you -- have you gone that

far or not?

SHALIA KEAHI: We do have a program that we're planning on implementing already in place. And we have some copies here if anyone --

CHAIR DUVAUCHELLE: If you would state your name again.

SHALIA KEAHI: My name is Shalia Keahi. Sorry.

And -- and we, also, have members of our community that want to volunteer. And like some have testified in support of, that want to get involved and start groups for whatever needs may arise with -- with the -- with the children and with those that are residing at the -- at the project.

VICE-CHAIR HIGASHI: Okay. Another question. Being that this particular area is outside of town, on the border side, I was looking at possibility of safety such as transportation. Have you had any partnerships working with MEO or any of these organizations that would provide transportation for the families to get to and from the campsite?

SHALIA KEAHI: That is definitely something we are exploring to implement as well, partnering with MEO and -- and the Maui Bus.

VICE-CHAIR HIGASHI: Thank you.

CHAIR DUVAUCHELLE: Thank you. Commissioner

Carnicelli.

COMMISSIONER CARNICELLI: So along those same lines, I think Commissioner Hill touched on it as well, I mean, it's one thing to have, you know, bus, you know, MEO or whatever, but I think -- I don't see anywhere in the presentation just to get from the campsite to the Honoapiilani. I know that you can't do anything beyond there, but to -- to send, you know, folks, whether it's on bicycles or pedestrians, down Hokiokio just doesn't seem like, you know, a prudent way of handling it. So is there a with which, you know, you could put a trail or some sort of thing, you know, through the property to at least get to Honoapiilani.

CHAIR DUVAUCHELLE: Please state your name again.

KAUI KEAHI: My name is Kaui Keahi. Where the property is located, we have -- as we all know, the stream runs through. Right?

COMMISSIONER CARNICELLI: Right.

KAUI KEAHI: But there's a path going through, going to Wainee. And from there, we get local kids coming down, you know, from the bypass, they park there, and they walk down and they swim in the stream. That is, also, one bike -- you know, people, like they, actually, ride behind there in that Wainee area. You can, actually, bike trail.

So that would be, to me, the safest way for get those people, you know, who have bicycles to go through that, into our property. They're not trespassing because we own -- the other side is owned by Peter, Peter Martin. And this is a safe passage to get to the highway because that's how I walk the stream. I walk through the Wainee -- Wainee property. And -- and as we all know, a lot of cyclers go -- bicycle riders, I seen a lot of them traveling on that bypass. Yeah.

COMMISSIONER CARNICELLI: Okay.

KAUI KEAHI: Is that good?

COMMISSIONER CARNICELLI: Yeah.

KAUI KEAHI: Thank you.

COMMISSIONER CARNICELLI: If I could follow up, Chair. Actually, is -- the other part, I guess, I'm just sort of curious about, we've heard a lot of testimony today, a lot of emotion, and I'm just sort of -- I sort of threw it out there earlier, but what if we wanted to expand this beyond the eight pods and 26 people? What if like -- as far as the conditions go and everything like that, I know you've made certain representations, but what if, you know, we wanna do something like that in, you know, our transmission to the Council as well?

MR. FRAMPTON: Dean Frampton again. Those are encouraging words, but the -- but the associated -- the

group that's assembled, and I believe the board, want to operate in good faith with the community and the neighbors. And while that idea is really enticing, I think we've made representations to the community that we want to try eight pods. We don't want to come on too strong, and we want to give a chance for the community to then work with us, hopefully, get people to join the Compliance Committee because then we have more buy-in, and then kind of build momentum together. And while we really appreciate that comment and that thought, and it's nice to think about, we -- we have made representations that we want to live up to.

COMMISSIONER CARNICELLI: Thank you.

CHAIR DUVAUCHELLE: Any other questions? All right.

VICE-CHAIR HIGASHI: I have one.

CHAIR DUVAUCHELLE: Commissioner Higashi.

VICE-CHAIR HIGASHI: This deals with the campground and getting back to the children. I didn't see any on your campsite a recreational area where some families could play or -- you have them by the pod, around, which looks pretty nice, with a grassy area. Do you have any plan for an area where the families or whatever can have a playground or some place where they can mingle around?

SHALIA KEAHI: I'm excited because I want to put a playground on there. And it would, actually --

COMMISSIONER CARNICELLI: Your name.

SHALIA KEAHI: Oh. Shalia Keahi. I'm so sorry.

And I would, actually, personally want to donate a playground to the site. So, yes. We -- I'm shopping for one.

CHAIR DUVAUCHELLE: Any other questions, Commissioners? I have a quick question. So it's -- in this first eight pods, will there be shower and washroom facilities? Because it's -- it kind of says future shared. But in the -- in this first phase as it is, there will be facilities constructed?

MR. FRAMPTON: Dean Frampton.

Yes, absolutely. They have to go in accordance with development of the first eight lots -- first eight pods. Excuse me.

CHAIR DUVAUCHELLE: Okay. Thank you very much. All right. Any other questions?

COMMISSIONER HILL: One.

CHAIR DUVAUCHELLE: Commissioner Hill.

COMMISSIONER HILL: I just wanted to know, looking at the map here, to be clear, looking at Kauaula river, just how far this is set back for flooding and things like that, looking at Iao and what's happened, to

keep it run safe?

MR. FRAMPTON: From the center of the stream, it's about -- it's hard to say right now, but I can say that it's a minimum 100 feet. We're working to have 150 feet back. And then if you -- if you can see on the site plan, there is a bermed area there for flood control and for drainage purposes.

CHAIR DUVAUCHELLE: Okay. Any other questions, Commissioners? Seeing none, can we have the Department's recommendation?

MR. WOLLENHAUPT: Hello. The Department has a number of comments to make on this project.

Public hearings are wonderful because they allow the public to get all of the information out so that the Members of the Commission and audience can know. However, it's, also, critical that when statements are made that might lead the Commission to wonder whether or not the analysis done for a project was adequate, that it's incumbent upon the Department then to go through its analysis.

There was a comment made that -- from a testifier that perhaps, at best, the review of the State Land Use Commission's Special Permit five parameters just wasn't quite adequate. Now, perhaps the testifier was only looking at the memorandum report, but the full report

would consists of all of the documents that were given to the Commissioners and that are available online.

That being the case, there are indeed five criteria that were reviewed in extensive detail on the original 2015 report on Pages 13 and 14. There was concern that was expressed, first off, that the use shall not be contrary to the objectives sought to be accomplished by Chapters 205, 205A and the Rules of the Land Use Commission.

I think we're all in agreement that agriculture would be a primary use. It continues to be a primary use here with a pasture, with an approved farm plan. And, indeed, if you looked at Chapter 205, were this only to be private and public open areas such as a day camp, there wouldn't even need to be a special permit as it's given today. But the overnight camping pushes this into the special permit territory of which the Department has analyzed in detail on Pages 13 and 14.

So I just wanted to ensure that as those are the critical criteria for this Commission to review, that they have been looked at in detail. So perhaps some of the testifiers didn't have the entire record available.

There was, also, a comment made that seemed to indicate that there was emphasis on the decision of Judge Rhonda Loo. Well, that doesn't seem to be the case if

there was bias. In fact, in the report, if you're looking at the memorandum report, there is discussion that -- indeed it talks about, on February 24th, 2016, the State Land Use Commission considered the petition for a declaratory order and determined that it has jurisdiction to act on the petition and determined that the project could not be permitted by a special permit and determined that a District Boundary Amendment was required. Furthermore, the LUC denied Ho`omoana's Petition to Intervene.

Further, on Page 2 of our memorandum report, it goes on to say that the LUC entered its declaratory order in Docket DR15-54, determining that the LUC had jurisdiction to act on the petition for the declaratory order, that the project could not be permitted by way of a special permit and that a District Boundary Amendment was required. This was indication that the Department indeed did give the Commission full amount of information and knowledge what has happened at the LUC.

We did go on to indicate, on December 1st, 2016, oral arguments were held on the appeal before the Honorable Judge Rhonda Loo. The Second Circuit reversed the LUC's order denying Ho`omoana Foundation's Petition to Intervene in Docket 15-54, and reversed the LUC's declaratory order filed on March 3rd, 2016, in Docket

DR15-54. So the Department maintains that there was availability of information for the totality of the history of this project.

So that being the case, the Department has prepared a recommendation statement that is for two permits. As indicated before, the first one under consideration would be the State Land Use Commission Special Permit that this body has the purview to either recommend, to deny or to defer. That being the case, on Page 3, the Department would recommend approval of the State Land Use Commission's Special Permit subject to the conditions that are outlined in the report, that being 10 conditions.

There have been a lot of comments that have been made today about certain things, certain representations. So as challenging as the process may be, we might need to go almost by condition by condition, especially if we're looking at memorializing issues such as no walkups, by referral only, prioritizing women and children, looking at some of the crafting of the conditions, because some of these conditions were based upon a previous recommendation that talks about a maximum build-out in the future. So we had some concerns that there was the consideration of a Compliance and Review Board made up of representatives from Pu`unoa and Puamana, but what would happen if none of

those people wanted to even be on such a board. So that we'd probably have some clarifying discussion or addition of conditions either by the Department or by the Members of the Board as contrast from just looking at what's here.

There's, also, been consideration given on Condition 1, the time extension might be subject to a public hearing. That would be something that the Commission could review.

The second permit would be a -- either a recommendation for approval, recommendation for denial or deferral on the conditional permit to the Maui County Council. Important in that condition is that all of the previous conditions of this special permit would be incorporated by reference that full compliance with the conditions of the State Land Use Commission Special Permit shall be rendered.

So the recommendation is to move forward with this, a recommendation to approve the State Special Permit, a recommendation for approval of the Conditional Permit, but with discussion on the conditions of the State Special Permit.

Thank you.

CHAIR DUVAUCHELLE: Okay. Thank you. Commissioners, discussion, motion? Do we want to -- Director. Yes, please.

DIRECTOR SPENCE: Commissioners, I would, also, like to -- I think Kurt did an excellent job in summarizing everything for the Commission. And we would have to go over some of those conditions, I would agree. I want to voice my Department's strong support of this project.

The -- if I could -- I asked Pastor Daniel Rice if I could steal his tagline, that if nothing changes, then nothing changes. You know, if we don't try things, if we don't step out, we will just continue to have the same homeless population that we have now, nobody will be helped, it will just continue and it will probably, no doubt, get worse.

I like this project because it's a controlled environment where, right now, you have encampments that nobody knows about until you actually go in to go clean it up and take out a semitrailer worth of material. Here, you have support, you have showers, you have et cetera, et cetera that -- that this facility would -- would provide.

It's -- I will bear witness that it's extremely difficult to build housing on this island. It -- to me, it's -- it's appalling. I can't tell you how many -- how many public hearings I have been in when somebody is proposing a 100 percent affordable housing project and there's neighbors lined up to say, no, this is bad, this

is bad, do affordable housing, do something somewhere else, but not next to me. And I'm -- I'm -- I'm sorry. I understand the sentiments and everything, but it's -- if -- if we don't help our people, they just plain aren't going to get any help.

I do take offense at the one testifier's comment that the Department was ignorant of the criteria under the State Special Use Permit that the Land Use Commission laid out, that -- as Kurt pointed out, that our very Exhibit 2 contains all of that information and all that analysis. I'm sorry that the -- the testifier, apparently, didn't look at what the Planning Department had provided to this Commission.

I, also, want to comment that if this project were approved -- I'm not trying to portray what the Commission is going to vote on, but if the Commission were to approve this, it doesn't change the zoning. This is -- this is a -- these are permits. These are -- these are administrative actions. To change the zoning takes a legislative action, which means a law is passed by the County Council, and you see different colors on the map and all those kinds of things. It's -- this is -- this is a permit that -- or these are permits that could be changed from time to time and amended. The legislation is much more difficult.

I, also, want to comment, there was testimony that perhaps we should wait, this Commission should wait, until the Intermediate -- lost me.

COMMISSIONER CARNICELLI: Did you blow it out?

DIRECTOR SPENCE: I must have. Even the microphone got mad at me.

CHAIR DUVAUCHELLE: There you go. Almost.

DIRECTOR SPENCE: Almost? There we go. We're back. Okay.

There was a suggestion that maybe this Commission should wait until the Intermediate Court of Appeals decides on, you know, the jurisdiction of this particular permit. And I would encourage the Commission not to wait. And I'll tell you why.

For one reason, this is only one of the permits that is required for this campground. The other permit is a Conditional Permit that must be approved by the County Council.

That -- supposing that this Commission recommends approval of that -- that Conditional Permit to the Council, it will be probably six to nine months before anything takes place at the Council. It just -- it takes that much time to transmit and get all this stuff done. And they're going into budget hearings, et cetera.

The -- the Court -- I mean between that time --

between now and the time the Council takes it up, the Court could potentially rule and then it would be decided one way or another. If we delay that six to nine months, that's another six to nine months that people have to wait. And we -- I would prefer not to wait.

Even if the -- the Court is to rule at a later time, past a Council decision, then, you know, it couldn't go forward, anyway. It would -- potentially could render the decision of this Commission moot. I would find that unfortunate, but, you know, the -- the applicant is -- is fully aware of the risk that the Court could rule against.

So I would urge the Commission to go forward with this.

CHAIR DUVAUCHELLE: Okay. Thank you, Director. Commissioners? Commissioner Carnicelli.

COMMISSIONER CARNICELLI: Director, could you please speak to the one-year public hearing versus the administrative approval, please?

DIRECTOR SPENCE: Okay. The way the -- okay. Commissioners, as you know, on every permit like this, you have a whole series of conditions. The very first one reads that, State Land Use Commission Special Permit shall be valid until January 31st, 2019, or in accordance with the expiration date of the -- of the Conditional Permit, it has to be acted on by the Council, whichever is later,

subject to extension by Maui Planning Director upon a timely request for extension filed with the -- with the Department 90 days prior to expiration. Okay. So the -- the -- it, also, says that the Director may forward the time extension request to the Planning Commission for review and approval.

So the extension could be approved by me if there -- and if it was just to remain the same, I probably would just -- a year from now, I would probably just -- or whoever is sitting in my seat will probably just say, okay, you know, time extension granted. If they ever wanted to amend their permit, however, that would have to come back to this Commission. If they wanted to expand, if they wanted to add pods or whatever, so -- but the Commission is free to modify this condition. This is -- this is our recommendation to you. You can change those recommendations if you want.

COMMISSIONER CARNICELLI: Okay. Thank you.

CHAIR DUVAUCHELLE: Thank you. All right. Commissioners, any other conversation, discussion?

MR. WOLLENHAUPT: I do know that Condition 10-I is problematic because it talks about future build-out. So the Commission will need to look specifically at 10-I. So there would be some consideration that the campground shall start with a minimum of eight camping pods with a

maximum of 26 campers, and then pretty much strike incrementally ramping out to 26 pods, there would be no more than 26, 26, instead of 80 campers, and then you continue on with the rest of the condition. But that would then specifically talk about this one year, eight pods, maximum 26 campers, they represented that any future build-out, they would be happy to come back for, I believe, a public hearing, it would appear. So depending on what you want to do, that -- that would memorialize what is going to happen in one year.

COMMISSIONER CARNICELLI: What you just said, memorialize it.

MR. WOLLENHAUPT: What I --

COMMISSIONER CARNICELLI: Because you just put it on the record.

MR. WOLLENHAUPT: That the campground shall start with a maximum of eight comping pods with a maximum 26 campers. Any mention of ramping it up, now that gets into something that might be different than have been explored recently when you asked what if you wanted to expand it. And the applicant was saying, well, representations to the surrounding community is where we're going to start with this. So --

COMMISSIONER CARNICELLI: So if I could, Chair?

CHAIR DUVAUCHELLE: Go ahead.

COMMISSIONER CARNICELLI: Is -- okay. But in here, it actually -- 10-I doesn't say -- it doesn't make representation to the first year. I mean, the applicant did. I don't want to split hairs here, but I just want it to be clear, especially for the neighbors, if this does get approved, that, you know, this "ramping up" isn't going to happen, you know, two months later or what-have-you, you know. So that -- that's just -- do you have language that you would like to change in this, or do you just want to memorialize it and say this is -- I'm now on the record?

MR. WOLLENHAUPT: Oh, I think that the campground shall start with a maximum of eight camping pods and a maximum of 26 campers for the first year of operations. No more than 26 campers at build-out shall -- no more than 26 campers during the first year of operation shall be permitted on property at any one time. And capacity control and length of camper stay shall be subject to daily review and controlled by the camp manager.

CHAIR DUVAUCHELLE: Okay. Any other comments or conversation on that? That sounds right to me. Good?

COMMISSIONER CARNICELLI: Yeah.

CHAIR DUVAUCHELLE: All right. Any other suggestions? Kurt, anything else we need to work on?

MR. WOLLENHAUPT: There was a question by our Director regarding 10-K, what happens if representatives from Pu`unoa and Puamana simply don't want to engage in that process. So there was thoughts that representatives from adjacent neighbors, including but not limited to Pu`unoa and Puamana developments, if possible, meaning that if -- if there were members that would be willing to do it. If there are none, then that would be impossible to --

CHAIR DUVAUCHELLE: Director.

MR. WOLLENHAUPT: -- build it.

DIRECTOR SPENCE: Right. And so the idea is it would be -- it's -- it's on the applicant to reach out to try to form this Compliance Committee, but you can't force the surrounding homeowners association to participate. But they -- they must make the effort. I think it behooves the surrounding homeowners associations to -- to work together, but I -- I, also, don't want the -- if the Commission and the Council grant permits, I don't want it to fail because the homeowners associations don't want to participate in it.

CHAIR DUVAUCHELLE: Okay. So the suggested language is made up -- one more time. Or other --

MR. WOLLENHAUPT: It would be to the satisfaction of the Planning Department, Compliance and

Review Board made up of representatives from adjacent neighborhoods, including but not limited to Pu`unoa and Puamana developments, if possible, along with selected representative of homeless advocacy groups shall provide a yearly update.

CHAIR DUVAUCHELLE: Okay. Commissioners? All right. Good.

MR. WOLLENHAUPT: Then there have been representations made, certainly during the discussion today, and in the report, that we're going to be focusing this project on families, women. That's not in the conditions. Is that something that the Commission believes, along with, that there would be no walkups and that it would be by referral only? So is that something that you would also put in Condition 10?

CHAIR DUVAUCHELLE: Commissioner Carnicelli.

COMMISSIONER CARNICELLI: I would, actually, question whether we could do that by fair housing laws. It's been represented -- yeah, sorry. The realtor guy's doing his thing here. Apologize. So, I mean, I think the representations have been made. And I think it's genuine. I don't think that they're just trying to get one over or anything like that. So, I mean, I'm good with the representations, but I don't know if fair housing law actually lets us put certain language like that in.

CHAIR DUVAUCHELLE: That could be a good question. Dean, did you want to --

COMMISSIONER CARNICELLI: Corp Counsel.

MR. FRAMPTON: Dean Frampton again.

Condition 6 is kind of the -- it's historically the catchall condition that says we have to develop the property in substantial compliance with the representations made to the Commission. That combined with the idea that we're going to have the Compliance Committee, I think, would help, hopefully work, in our mind. And if, for some reason, we're not making -- we're not meeting the standards that we presented, I think that will come to the surface pretty quickly, assuming that there are people participating in the Compliance Committee.

CHAIR DUVAUCHELLE: Thank you.

MR. WOLLENHAUPT: And Condition 10-J talks about the code of conduct that was in the Staff Report for July 28th, 2015. This has to do with the no alcohol, no drug policy. There's just a condition that all the campers sign the code of conduct. The Department is not aware if there have been refinements made to that code. And if there should be references incorporated that the code has been refined such that we need to reference both the old Staff Report and your new Staff Report. If indeed there

has been an enhanced code, we would like to get that on the record.

Do you want to talk about that?

MR. FRAMPTON: Dean Frampton again.

We have a general code of conduct, but we've, also, worked out -- Shalia has done a pretty good job of working out a lot more specific conditions. I don't know if it's the Commission's will, if they want to review those, the code of conduct, or you want to see the more detail that's been provided. We would be comfortable presenting this to the planner and ensuring that we continue to operate in compliance with our -- as what we've demonstrated. But if the -- if it's the Commission's will, we're happy to pass out a more detailed code of conduct. I think it's six or seven pages. It's a signed contract between guests and -- and the managers. It's the will of the Commission, but we're willing to go along with whatever you want.

CHAIR DUVAUCHELLE: Thank you. Commissioner Carnicelli.

COMMISSIONER CARNICELLI: I would be comfortable with the applicant submitting it to the Department and then just making sure that that is -- if this gets passed, is that then transmitted to the Council? Because you know, again, this is, you know, one we approve and one we

pass on. So I'm -- I'm comfortable with that if the rest of the Commission is.

COMMISSIONER HILL: I'm comfortable with that as well. And I would like to see what that code of conduct is. I was wanting to know if there's drug testing since it is homeless.

MR. LIBED: Drug testing -- I'm sorry. My name's Cliff Libed.

Drug testing has been considered, but the issue would be is, are we equipped to do that. And the answer at this point would be no. So we would have to probably work alongside with other agencies and provide that. (inaudible) experience to deal with that. I think that the code of conduct, as far as contract with the camping, regarding alcohol and drugs is very clear within the perimeter of the campsite. We have -- we cannot control what they do on the outside, but, at the same time, too, random drug testing is a possibility, but we just haven't finished exploring that issue yet.

CHAIR DUVAUCHELLE: Okay. Thank you. Commissioners?

COMMISSIONER CARNICELLI: Unless Kurt has anything else.

MR. WOLLENHAUPT: Oh, no. Just to Commissioner Carnicelli, there was -- there is 10-B that the -- and

10-C, both that the individual wastewater system and the bathrooms need to be approved prior to occupancy of the campground sites. So that's in the conditions.

CHAIR DUVAUCHELLE: Okay. Thank you. All right. Commissioners, further discussion, motion?

COMMISSIONER CARNICELLI: I move to approve as recommended by staff, including the amendments thereto, the amendments of today. So approved as recommended by staff including the changes today.

VICE-CHAIR HIGASHI: Second.

CHAIR DUVAUCHELLE: Moved by Commissioner Carnicelli, seconded by Commissioner Higashi. Can we have some discussion on the motion? Commissioner Carnicelli.

COMMISSIONER CARNICELLI: So, obviously, since it's my motion, I have to speak in favor of it. I just -- the first thing I'm going to say is I hope that everybody shows up to the County Council. If this thing passes, we got to do this all over again at the County Council. So there was a lot of very passionate people, a lot of very impassioned folks, a lot of people that have concerns and a lot of just -- a lot of manao today. And I just encourage everyone to show up to County Council and show that same passion -- compassion and passion for what it is they believe.

To speak to the concerns, I am going to say

something really embarrassing right now. When Ka Hale A Ke Ola first was being proposed in Lahaina, I drove from Lahaina to the County Council to speak against it. I testified against it; "It's that homeless camp, it's those people, it's right next to the rec center where the kids are." I chastised -- I didn't chastise, but I approached Wayne Nishiki and I said, "Wayne, how would you like this if this was right next to your house." I now volunteer there. It's a wonderful project. Were we afraid? We were.

Security at Puamana. I don't know of many condominium complexes now that don't have security. Do you have concerns about homeless people? I get it. Yes, you do. And you should because sometimes, you know, things happen. But -- so I just want to say that, you know, the concerns of the neighbors did not fall on deaf ears. I understand that.

But, actually, Commissioner Tackett and I were talking earlier. And I don't want to sound melodramatic, but this is one of these legacy issues that come before us. You know, not that, you know, we -- other things that we do isn't important, but this is a legacy deal. This is like kind of changing the course of Maui.

You know, like my friend -- I forgot your name -- but like if this does come to fruition, maybe you

can do what it is that your vision is, that you were able to do in Oregon you can bring here.

We have an issue that we have to address. And, you know, is this going to fix it all, no, but it's something that we need, you know. It's -- it's a transition. Is it permanent housing -- we want to give everybody a three-bedroom, two-bath house with 10,000 square feet and a yard and a dog. I want that for everybody. And in the meantime, somebody is going to have to stay in a tent. And that's unfortunate with our society.

I have to agree with the Director in regards to the appeal and the lawsuit that's going on with the neighbors. I personally think that that's probably going to be resolved before this gets to the County Council. And that kind of becomes a moot point.

So I just have to thank the Chair for -- when we questioned her last -- last Commission, like why are we even seeing this if it's on appeal and -- and we pushed through that. So thank you for that.

And then, also, I find it kind of really interesting that, yesterday, Governor Ige said that the number one issue in our state is homelessness and housing. And then this plops in front of us today. So I find that to be something that's just not ironic, but -- let's see.

Anyways, that's -- that's all I'm going to say. I appreciate all the work that you guys have done. I hope that it goes through on the County Council as well, if it gets passed here. Sorry. I'm making assumptions, but I'm just speaking to the motion. So, anyways, thank you for everybody that showed up today.

CHAIR DUVAUCHELLE: Thank you. Commissioner Higashi.

VICE-CHAIR HIGASHI: I -- I seconded the motion based upon the fact that I think this is one of the first projects that really address the issue about homelessness. And I'm glad that we have two managers that have personal experience, that those clients who are coming at least know that they have some assistance with how to improve. And this is a first step. This might not be the perfect model, but I think it's -- it's the beginning. And I think it's always good to have a start where somebody else can follow and assist and, hopefully, enhance the project itself, but I think it has tremendous potential of doing well for our community, and, for me, especially the children. We've neglected the homeless children. And because there's such a wide range in the homelessness, you'll have people who are -- they don't care about rules and regulation. And those are the ones that, somehow or another, they'll have to either be institutionalized or --

or incarcerated. But we're talking about the ones who have potential of making something of themselves. And I think you'll have the perfect opportunity to do that. And I commend you for taking that opportunity.

CHAIR DUVAUCHELLE: Thank you. Commissioner Hill.

COMMISSIONER HILL: Mahalo. Outside of where I live, I just want to say that I came here for almost two years with my kupuna Papa David Kaalakea, my hanai father. And it was in this very room the first Monday of every month that he taught kupuna la`au lapa`au. And one of those kupuna Patty, Auntie Patty, was here today. And amazing that papa would always be up here teaching the la`au lapa`au and opening it to anybody and not charging anyone and sharing the culture, as Uncle Harry Mitchell had shared in the coming together to share the manao and the teachings and the culture, and I never got to see the panels open. Today is the first time I got to see more into this room. In two years, I was only in this much room, not all this room. And it really makes me just see today that, you know, when it came before me last time, I was looking at what the SHPD said in their sharing the substantial precontact, the occupation of the land, and holding that part of the culture and realizing how sensitive some of this is, that we got to remember that.

And I hope that you will remember that the iwi kupuna and be aware as you're on this land how -- how sensitive it was, but I really believe that this is a -- a path, a path of possibility, a path of solution. And it was good to hear all your hearts and where you're coming from with ke akua. And I just want to say it's good to be with -- with all of you today as we can really hear this fairly and hoping everyone can work together to give this a chance for a year or more.

CHAIR DUVAUCHELLE: Thank you. Any other discussion? Commissioner Tackett.

COMMISSIONER TACKETT: Good afternoon, everybody. I will, also, be in favor of this project for numerous reasons. Probably the first reason is, is not all homeless people have addictions or even disabilities. You could have a significant other -- and if you look in the news, there's -- there's instances of people being manipulated by their loved ones all the time. And if you're in a situation where your -- where your options are to leave for something that is unknown or to stay in something that is bad, a lot of times people just will stay in something that is bad. And -- and what I see this as is an option for somebody that's in a bad situation. Maybe they have a car, maybe they have a job, maybe they just don't have any place to go. Guys marry girls from

Big Island, girls from Big Island marry guys from Molokai, you know, people go all over to be with the people they love. Once you're away from your family, once you're away from your support group, sometimes it doesn't work out to be what you thought it was going to be. And for people like that, if you -- if you talk about thousands and thousands of homeless people, I don't think you're going to have a hard time finding eight that are just in a bad situation that just need a little bit of help to save some money to their own house, to get their own safety, get their own place.

As far as Puamana, Puamana is a beautiful place. And I really feel for them with -- with the needles and things of that nature.

I had no idea. I used to love to surf that spot all the time when I was younger and I had free -- free time. I don't have a lot of free time anymore. I would have been more horrified to think there was tons of needles rolling around in the barrels with us. Because that's a pretty good spot, it barrels pretty frequently. You know, it's a pretty nice spot.

But I think -- I think what you got going on here is this project has already cleaned up truckloads, you know. And if they weren't there, those same campers -- once one camper finds out, eh, you can do this

here, another camper gonna come and another camper is gonna come and another camper is going to come. And that whole -- that whole ravine is going to fill up and the -- and the rubbish is just going to come nonstop. And I think what you got right now is you have a ravine that's been cleaner than it's been in a long time and you got a lot of people coming together to keep it that way. And as long as you have quality human beings policing that kind of environment, then you'll keep the dark aspects out of it. And as soon as you leave that place, as soon as something like this doesn't go up -- go on or disappears, that's how those camps and those needles ended up there in the first place.

So I think -- I think it's going the right direction. If we -- if -- if it approves today, I think it's going to be in the hands of the people that keep this project how successful it is. Because if it's not successful, it will come to a crashing halt. And if it is successful, then it will -- it will be amazing for -- for the people that just need a little bit of help.

So that's why -- that's why I'm going to be in favor of this particular project and the motions before us. Thank you.

CHAIR DUVAUCHELLE: Okay. I will keep it short and sweet. I ditto everything they said. And I really,

really am glad that you didn't give up.

So, Director, you want to repeat the motion?

DIRECTOR SPENCE: The motion is to approve the Special Use Permit as recommended by staff and as amended -- the conditions as amended. And so we should do this one and then we should then make another motion for the recommendation to the County Council. So Special Use Permit first, that was the motion.

CHAIR DUVAUCHELLE: Correct?

DIRECTOR SPENCE: Correct.

CHAIR DUVAUCHELLE: Are you asking me?

DIRECTOR SPENCE: No. The motion is --

CHAIR DUVAUCHELLE: I think he was trying to do them together, but we can --

DIRECTOR SPENCE: Oh. You were trying do them together?

COMMISSIONER CARNICELLI: It doesn't matter. We can split them.

CHAIR DUVAUCHELLE: We can absolutely split them if that --

COMMISSIONER CARNICELLI: That's fine.

CHAIR DUVAUCHELLE: Yeah.

DIRECTOR SPENCE: Okay. So right now, the motion is on the Special Use Permit. All in favor? That's five ayes. That's unanimous. Thank you. Motion

is carried.

Recommendation to the County Council on the Conditional Permit.

VICE-CHAIR HIGASHI: So moved.

DIRECTOR SPENCE: Okay. Moved by Commissioner Higashi.

COMMISSIONER CARNICELLI: Second.

DIRECTOR SPENCE: Second by Commissioner Carnicelli. I'm doing your job.

CHAIR DUVAUCHELLE: But you're doing well.

DIRECTOR SPENCE: Any discussion on the motion? All in favor? That's five ayes. Motion is carried. Thank you, Commissioners.

CHAIR DUVAUCHELLE: Congratulations. We are going to take a recess.

(Recess, 2:01 p.m. to 2:09 p.m.)

CHAIR DUVAUCHELLE: Planning Commission is now back in session.

DIRECTOR SPENCE: So, Commissioners, we're on Item D on the agenda today. You've received, actually -- Number 1 and Number 2, you received your SMA Minor and your SMA Exemptions Report. I don't know if you have any questions on that. Otherwise, you --

VICE-CHAIR HIGASHI: So moved.

DIRECTOR SPENCE: -- just acknowledge --

CHAIR DUVAUCHELLE: All those --

DIRECTOR SPENCE: -- that you've received it.

CHAIR DUVAUCHELLE: All those in favor?

COMMISSIONER CARNICELLI: I don't think we have to approve.

COMMISSIONERS: Aye.

DIRECTOR SPENCE: Okay. Then Number 3, your next meeting is February 13th, 2018. You have one public hearing, Mr. James Walkus requesting a short-term rental home permit in Lahaina. You'll have New Business, Mr. Stewart Stant of Department of Environmental Management requesting comments on the Draft Environmental Assessment for the Maui All Natural Alternative, MANA, project at Kahului Wastewater Treatment Plant in Kahului. And then Communications, also Mr. Stant requesting a time extension on a Land Use Commission Special Use Permit for the Hana Landfill. Then the second -- second communication will be A&B Wailea, LLC. They'll be requesting a Step 1 Planned Development Approval. Then I'll have two things on the Director's report. The first is Mr. Ryan W. Schultz, Vice-President of Development for Versa Real Estate representing Makai V, LLC, requesting a two-year time extension to initiate construction on a subdivision, and then, also, a two-year time extension to waive review request for the proposed renovations on an

existing support facility at two -- two-level support facility structures with fitness room in Kaanapali. So a lot of stuff. Every time I think it's not going to be too controversial, I usually end up eating my words. So I won't say that. It doesn't appear very controversial. We'll see. Okay?

CHAIR DUVAUCHELLE: All right. Thank you very much, Commissioners. Thank you so much for being here today. Staff, great job. I like it when you get riled up. Good job. Carolyn, thank you for all that you do. All right. And Akaku. Thank you. Have a good day. All right. Maui Planning Commission is now out of session. Thank you. (Gavel.)

(Meeting adjourned, 2:12 p.m.)

CERTIFICATE

I, TONYA MCDADE, Certified Court Reporter of the State of Hawaii, do hereby certify that the proceedings contained herein were taken by me in machine shorthand and thereafter was reduced to print by means of computer-aided transcription; and that the foregoing represents, to the best of my ability, a true and accurate transcript of the proceedings had in the foregoing matter.

I further certify that I am not an attorney nor an employee of any of the parties hereto, nor in any way concerned with the cause.

DATED this 22nd day of January, 2018.

/s/ Tonya McDade

Tonya McDade
Certified Shorthand Reporter #447
Registered Professional Reporter
Certified Realtime Reporter
Certified Broadcast Reporter

COUNTY OF MAUI
DEPARTMENT OF PLANNING
250 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793
TELEPHONE: (808) 270-7735 FAX:(808) 270-7634

CP 2014/0002

COUNTY OF MAUI
DEPT OF PLANNING
CURRENT DIV: RECEIVED
'14 AUG 22 P3:19

APPLICATION TYPE: CONDITIONAL PERMIT

DATE: July 28, 2014

PROJECT NAME: Kavaula Camp VALUATION: $

PROPOSED DEVELOPMENT: Campground

TAX MAP KEY NO.: (2) 4-7-003:031 CPR/HPR NO.: LOT SIZE: 22.68

PROPERTY ADDRESS: Hokiokio & Lahaina by-pass

OWNER: Kavaula Land Company, LLC PHONE:(B) 877-4202 (H) 283-1273

ADDRESS: 305 E. Wakea Ave. Ste 101

CITY: Kahului STATE: HI ZIP CODE: 96732

OWNER SIGNATURE: Peter Lamo

APPLICANT: Ho'omoana c/o Lisa Darcy

ADDRESS: 33 Lono Ave., Ste 230

CITY: Kahului STATE: HI ZIP CODE: 96732

PHONE (B): 877-7720 (H): 344-5300 FAX: 877 7721

APPLICANT SIGNATURE: Lisa Darcy

AGENT NAME: Ho'omoana c/o Lisa Darcy

ADDRESS: 33 Lono Ave, Ste 230

CITY: Kahului STATE: HI ZIP CODE: 96732

PHONE (B): 877-7720 (H): FAX: 877-7721

EXISTING USE OF PROPERTY: Vacant

CURRENT STATE LAND USE DISTRICT BOUNDARY DESIGNATION: Agricultural

COMMUNITY PLAN DESIGNATION: Ag ZONING DESIGNATION: Agricultural

OTHER SPECIAL DESIGNATIONS: