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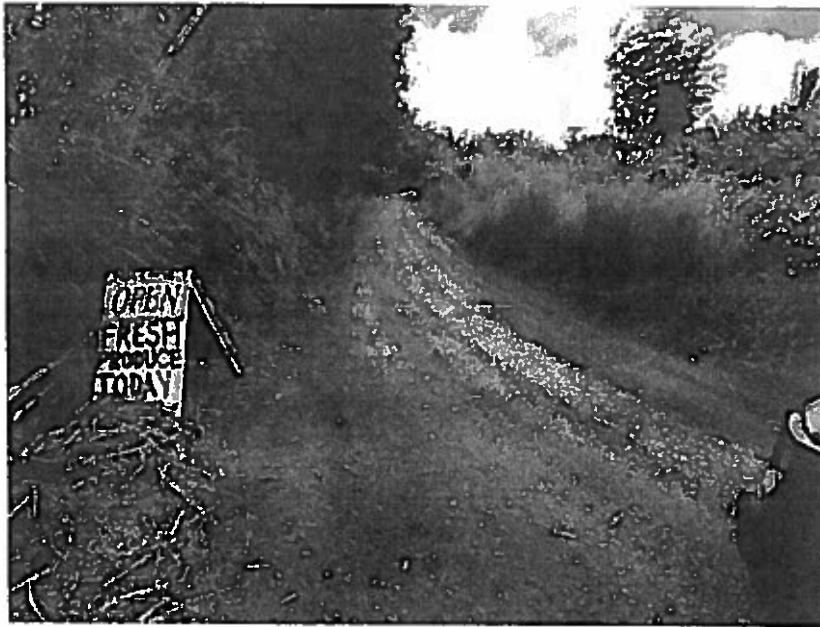


C.1
Submitted
by L. Abrams

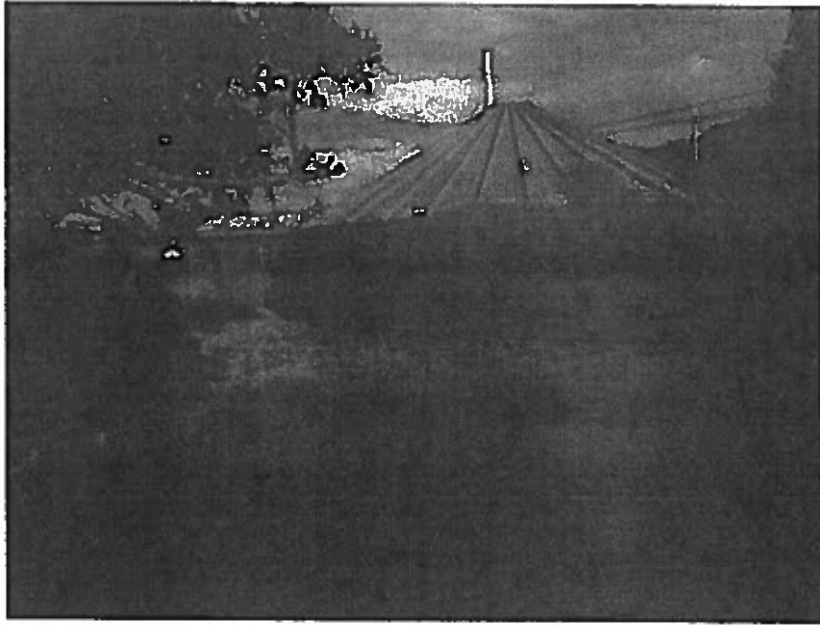
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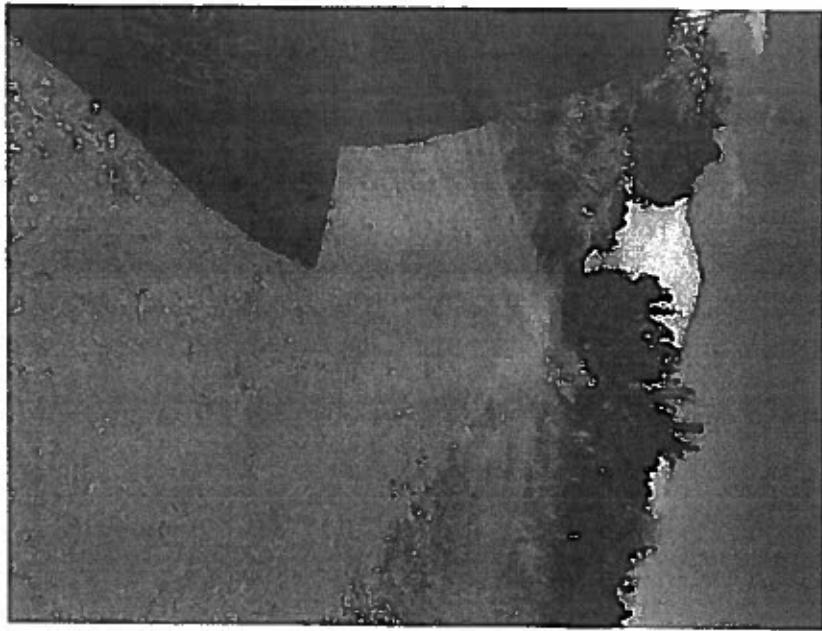
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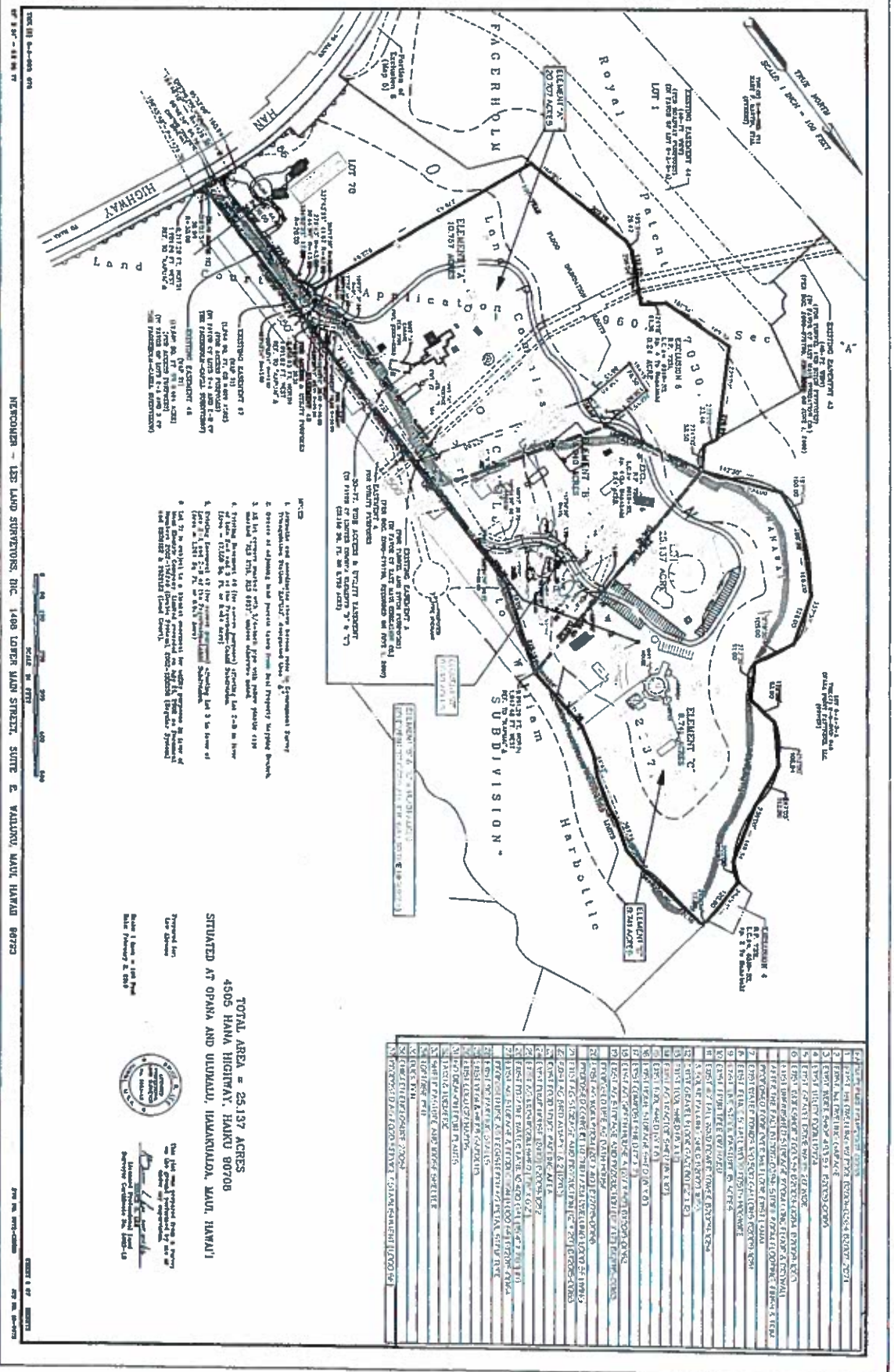


15



116





1961 (11) Sub-999 078
 OF 7 OF - 43 96 77
 RECORDED - 1883 LAND SURVEYORS, INC. 1488 LOWER MAUI STREET, SUITE 2, WAILUO, MAUI, HAWAII 96722
 SCALE 1" = 1000'
 TOTAL AREA = 25,137 ACRES
 4505 HAWAII HIGHWAY, HONOLULU, HAWAII 96808
 SITUATED AT OPAHA AND UHUKU, HAWAIIAN HARBOUR, MAUI, HAWAII

- NOTES:
1. All lots are shown with their respective areas.
 2. Areas of adjacent land parcels shown with their respective areas.
 3. All lots shown with their respective areas.
 4. All lots shown with their respective areas.
 5. All lots shown with their respective areas.
 6. All lots shown with their respective areas.
 7. All lots shown with their respective areas.
 8. All lots shown with their respective areas.
 9. All lots shown with their respective areas.
 10. All lots shown with their respective areas.

Lot No.	Area (Acres)	Description
1	1.00	Lot 1
2	1.00	Lot 2
3	1.00	Lot 3
4	1.00	Lot 4
5	1.00	Lot 5
6	1.00	Lot 6
7	1.00	Lot 7
8	1.00	Lot 8
9	1.00	Lot 9
10	1.00	Lot 10
11	1.00	Lot 11
12	1.00	Lot 12
13	1.00	Lot 13
14	1.00	Lot 14
15	1.00	Lot 15
16	1.00	Lot 16
17	1.00	Lot 17
18	1.00	Lot 18
19	1.00	Lot 19
20	1.00	Lot 20
21	1.00	Lot 21
22	1.00	Lot 22
23	1.00	Lot 23
24	1.00	Lot 24
25	1.00	Lot 25
26	1.00	Lot 26
27	1.00	Lot 27
28	1.00	Lot 28
29	1.00	Lot 29
30	1.00	Lot 30
31	1.00	Lot 31
32	1.00	Lot 32
33	1.00	Lot 33
34	1.00	Lot 34
35	1.00	Lot 35
36	1.00	Lot 36
37	1.00	Lot 37
38	1.00	Lot 38
39	1.00	Lot 39
40	1.00	Lot 40
41	1.00	Lot 41
42	1.00	Lot 42
43	1.00	Lot 43
44	1.00	Lot 44
45	1.00	Lot 45
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87	1.00	Lot 87
88	1.00	Lot 88
89	1.00	Lot 89
90	1.00	Lot 90
91	1.00	Lot 91
92	1.00	Lot 92
93	1.00	Lot 93
94	1.00	Lot 94
95	1.00	Lot 95
96	1.00	Lot 96
97	1.00	Lot 97
98	1.00	Lot 98
99	1.00	Lot 99
100	1.00	Lot 100



The Seal and Signature of the Surveyor General of Hawaii
 State of Hawaii
 Department of Land and Natural Resources
 Honolulu, Hawaii

LAW OFFICES OF
LESLIE K. ICZKOVITZ
1350 Ala Moana Boulevard. Suite 2304
Honolulu, Hawaii 96814
808.523.8449
les.iczkovitz@gmail.com

August 12, 2019

Michelle McLean
Maui Planning Director
Via email

Re: Land Use Commission Letter dated August 1, 2019
- Jurisdiction of Abrams SUP Application

Dear Ms. McLean,

This letter is written on behalf of Dr. Lew and Maria Abrams regarding their SUP/2 Application. This letter responds to the August 1, 2019 letter which the Land Use Commission wrote to you. It also responds to Tara Furukawa's email to Dr. Abrams, which informed him that the Land Use Commission would have to review the SUP/2 Application, if the Maui Planning Commission approves it. The Abrams disagree with this conclusion for these reasons.

My notes indicate that at the close of the June 25 MPC Meeting, before the Abrams Application was deferred to August 13, you stated that if the Commission did not take action that day, staff will follow up to make sure it is within County authority. The clear intent was to resolve any possible jurisdictional issues regarding the 14.8 acres specified for non-exclusive church use as part of the Abrams' entire 25-acre parcel.

On July 3, 2019, you wrote a letter to the LUC with two hypotheticals, asking input as to how the MPC should handle these types of situations, and whether they should be forwarded to the LUC for approval. Your letter posed this specific hypothetical for the Abrams Application:

"the subject parcel was more than 25 acres, and the applicant proposed to use two of the three condominiumized units that together totaled 14.8 acres for church purposes; this was further complicated by the exclusion of the 0.7 acre access roadway that would put the total over 15 acres if it were included in the total area.... it is difficult to argue that a use allowed by a State Special Permit will remain on an arbitrary portion of a parcel and not migrate to the unpermitted portion."

The LUC responded with its August 1 letter stating:

"the LUC takes issue with the counties not forwarding SUP applications of this type for its approval under Section 205-6 (d) HRS where the use will impact the entire parcel, where the use will obviously later expand in the rest of the parcel or where the use renders utilization of the remainder of the parcel for agricultural purposes unlikely. SUPs

of less than 15 acres which evidence such expanded activity or impact should be approved by the LUC under Section 205-6.”

The LUC letter further stated:

“Your second example of a 25-acre parcel, a portion of which is to be used for church purposes, is more blatant in the abuse of the 15-acre limitation. Clearly the remainder of the parcel if not the whole parcel, is not going to be used for agricultural activity. In addition, the likelihood that churchgoers will use remaining portions of the parcel for activities related to the SUP is extremely high. In such cases the county should request a complete operational plan before determining how the permit should be processed and require the SUP be submitted to the LUC where appropriate.”

The Abrams strongly disagree with the LUC’s conclusion, based on the fact that their SUP/2 Application does not resemble the description in the scenario of a 25-acre parcel which you included in your July 3 letter to the LUC. These are the facts that are in the record:

1. The Abrams property has not been condominiumized.
2. The Planning Department’s Report and Recommendations on the Abrams SUP/2 Application confirmed that more than fifty percent of the Abrams’ 25-acre organic farm is already being used for agriculture, pursuant to a fully implemented organic Farm Plan.
3. The Abrams Farm Plan is the complete operational plan for the Abrams property, and it confirms that church use will not reduce or limit agricultural use.
4. There is nothing in the Record which will support a finding that there is an extremely high likelihood that churchgoers will use any of the remaining portions of the parcel for activities related to the SUP in such a way that it will ever impact agricultural uses.
5. Just the opposite is true. More people coming to the farm for regular church services, means more farm volunteers eager to learn and get hands on experience in regenerative agriculture, so any activities by church congregants outside the building will be agricultural in nature.
6. The SUP provides that church services will be held inside the temple building.
7. There is no evidence that church activities would not be contained in the proposed church building and the few acres of land immediately around it.
8. The Abrams recently renewed the organic certification for their farm, and remain fully dedicated to keeping more than fifty percent of their land in agriculture. A copy of this certification is attached to this letter.

In order for the Land Use Commission to have jurisdiction over the Abrams SUP/2 Application, the Maui Planning Commission would have to make findings that (1) if the SUP is approved, the remainder of the parcel if not the whole parcel, is not going to be used for agricultural activity," or find that (2) "the likelihood that churchgoers will use remaining portions of the parcel for activities related to the SUP is extremely high."

The Abrams submit that given the facts in the record in this case, these findings cannot be made, because the farm will always remain at least 50% in agricultural uses.

Regarding the issue of whether the access road to the proposed temple building needs to be included within the 14.8 acres designated for church use, the Abrams are willing to include the driveway within the 14.8 acres, if the Planning Department is changing its policy based upon the LUC letter. According to the Maui Planning Department at the May 28 MPC meeting, in its review of prior applications for a Special Use Permit, the access road to the area designated for the special use, has never been included in the 15-acre limitation, by the Maui Planning Commission. The access road on the Abrams property will be used, non-exclusively for both farm and church activities. No church activities will take place on the access road.

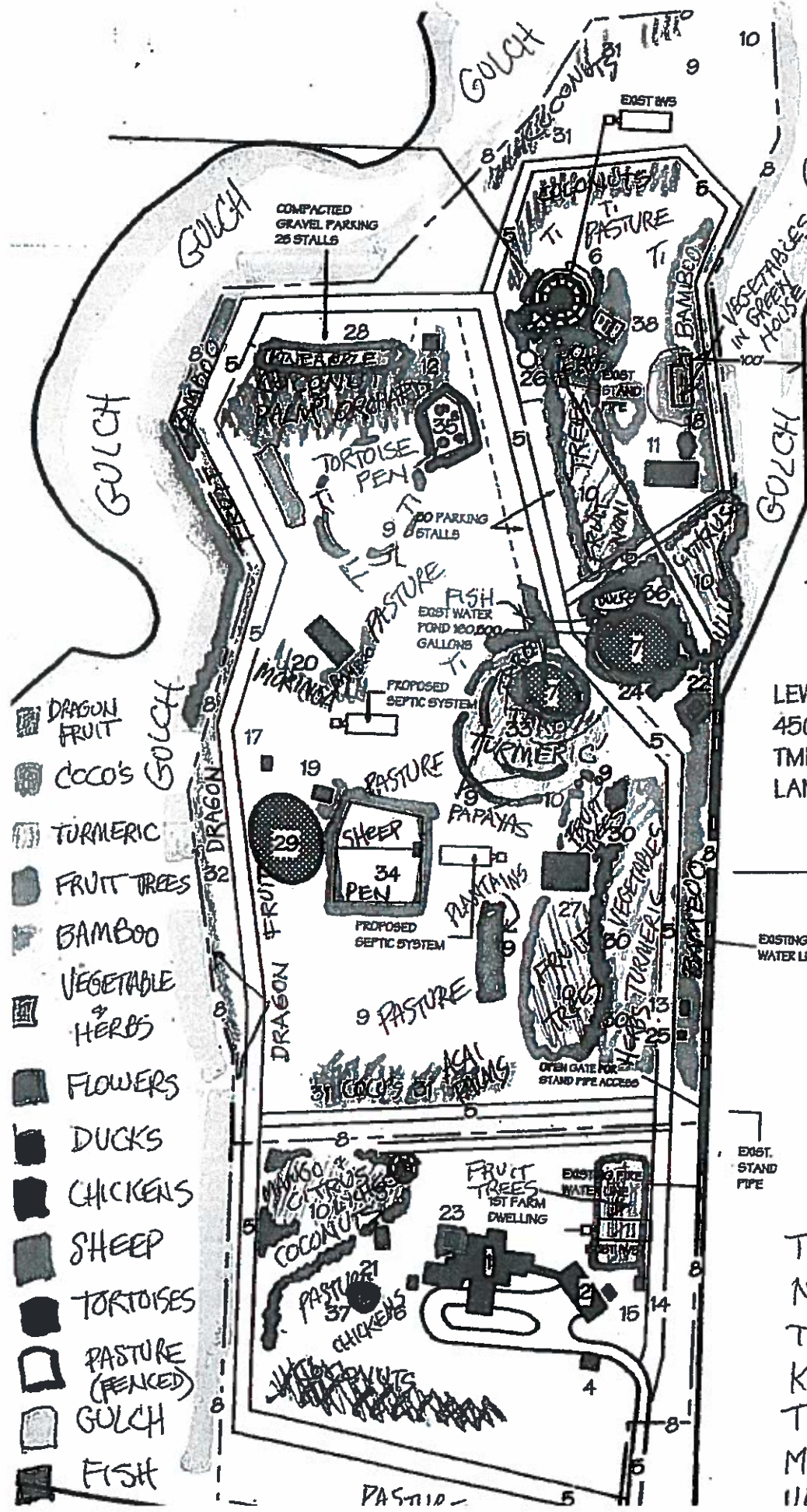
However, to address the possibility that the LUC decides that the access road must be included within the 14.8 parcel designated for church use, the Abrams have had Michael Leone, redraw the 14.8 parcel to be designated for church use, to include the 0.7 acre that is being used by the access road. Copies of this new map will be distributed to commission members at the August 13 Meeting. A copy of the map is attached to this email. At the May 28 MPC meeting, the Planning Department confirmed that it allows maps to be informally redrawn to meet the map requirement.

The Abrams submit that given the facts in the record, and this new map, that the MPC should make findings that this SUP does not need to be approved by the LUC. The Abrams respectfully request that you contact the LUC again, and to ask them if they have jurisdiction over the Abrams' actual scenario. Please let me know if you have any questions. Thank you.

Sincerely,

Leslie K. Iczkovitz

cc: Dr. Lew Abrams
Tara Furukawa



LAND USE of

NATURAL GULCH	30
PASTURE	30
FRUIT TREES	20
BAMBOO	10
VEGETABLES & HERBS	10

NOTE: ENTIRE USEABLE AREA IS FENCED FOR PASTURE

UPDATED FARM PLAN 6/22/17

LEW ABRAMS, LOT: 71
 4505 HANA HWY HAIKU
 TMK: (2) 2-8-003:075
 LAND AREA: 25.54 Acres

SITE PLAN 1/16=10'

NOTE CANOE PLANTS BEING CULTIVATED:

- TARO (KALO) - 7 VARIETIES
- NONI
- TURMERIC - OLENA
- KAVA KAVA
- TI
- MAMAKI
- ILII - BREADFRUIT

- DRAGON FRUIT
- COCO'S
- TURMERIC
- FRUIT TREES
- BAMBOO
- VEGETABLE & HERBS
- FLOWERS
- DUCKS
- CHICKENS
- SHEEP
- TORTOISES
- PASTURE (FENCED)
- GULCH
- FISH



International Certification Services, Inc.

Certificate of Organic Operation

Ahimsa Sanctuary Farms LLP
4504 Hana Hwy
Haiku, HI 96708
UNITED STATES
Tel: 808-572-2332
DrAbrams@AhimsaSanctuaryFarm.com

Client ID Number: 0515158
Certificate Number: ICS-19558-2019
Effective Date: 02/22/2016
Issue Date: 08/06/2019
Last Inspection Date: 12/13/2018
Anniversary Date: 08/01/2019

Categories of Organic Operation: Crops

Certified Organic to the USDA National Organic Program



Certified Organic to the USDA National Organic Program regulations, 7CFR Part 205. Once certified, a production or handling operation's organic certification continues in effect until surrendered, suspended or revoked.

International Certification Services, Inc. (ICS Inc.), in granting this certification, warrants it has reviewed the above Certified Party's application, inspection, and other records and determines the products identified on the schedule are organically grown and/or handled in accordance with applicable USDA National Organic Program standards and regulations.

This certificate is issued within the scope of ISO/IEC 17065 accreditation issued by the International Organic Accreditation Service (Registration Number 13).

This certificate is not valid without attached Organic Certification Schedule.

Customers of the ICS client named on this certificate are encouraged to contact the ICS office to confirm the client's current certification status.

INTERNATIONAL CERTIFICATION SERVICES, INC.
PO Box 517/301 5th Ave SE, Medina, ND 58467, USA
(701) 486-3578 - Fax: (701) 486-3580 www.ics-intl.com

Christina Dockster

Vice President of Operations

08/06/2019

ICS Signature

Title

Date

5-CE101
08/22/2018



International Certification Services, Inc.

Organic Certification Schedule

Ahimsa Sanctuary Farms LLP
 4504 Hana Hwy
 Haiku, HI 96708
 UNITED STATES
 Tel: 808-572-2332
 DrAbrams@AhimsaSanctuaryFarm.com

Client ID Number: 0515158
 Certificate number: ICS-19559-2019
 Effective Date: 02/22/2016
 Issue Date: 08/06/2019
 Last Inspection Date: 12/13/2018

Categories of Organic Operation: Crops

This operation is in compliance with the following standards and programs:

USDA National Organic Program
 Certified

This schedule is documentation of the organic status of products, crops, livestock, products and services of ICS certified entities, and is not valid without the Certificate of Organic Operation.

Crops

100% organic

Crop	Variety	Comment	Programs
Arugula			NOP
Ashwagandha/Indian Ginseng			NOP
Asian Greens			NOP
Astralagus			NOP
Avocado			NOP
Bamboo			NOP
Banana			NOP
Banana	Cuban Red		NOP
Basil			NOP
Basil	Tulsi		NOP
Beans	Blue Lake Pole		NOP
Beans	Bush Beans		NOP
Beans	Lima Beans		NOP
Beans	Yellow		NOP
Beets	Red		NOP
Bok Choy			NOP
Brassicas			NOP

Ahimsa Sanctuary Farms LLP

Crops

100% organic

Crop	Variety	Comment	Programs
Breadfruit			NOP
Broccoli	Chinese		NOP
Cabbage			NOP
Cacao			NOP
Calendula			NOP
Carrots			NOP
Catnip			NOP
Cauliflower			NOP
Chamomile			NOP
Chard			NOP
Cherry	Surinam		NOP
Chestnuts	Malabar		NOP
Cilantro			NOP
Citron			NOP
Clover			NOP
Coconut			NOP
Comfrey			NOP
Corn			NOP
Cucumbers			NOP
Dill			NOP
Dragon Fruit			NOP
Durian			NOP
Edamame			NOP
Figs			NOP
Ginger	Awapuhi		NOP
Gotu Kola			NOP
Grapefruit			NOP
Hibiscus	Red		NOP
Jackfruit			NOP
Kaffir Lime			NOP
Kale			NOP
Leeks			NOP
Lemon Balm			NOP
Lemongrass			NOP
Lettuce			NOP

Ahimsa Sanctuary Farms LLP

Crops

100% organic

Crop	Variety	Comment	Programs
Lettuce	Green Star		NOP
Lettuce	Red		NOP
Limes	Tahitian		NOP
Longan/Dragon Eye			NOP
Mamaki/Pipturus Albidus			NOP
Mango			NOP
Mangosteen			NOP
Mint			NOP
Mizuna			NOP
Moringa			NOP
Mulberry			NOP
Nasturtium			NOP
Noni			NOP
Okra			NOP
Olive			NOP
Onion			NOP
Oranges			NOP
Oranges	Blood		NOP
Oregano			NOP
Papaya			NOP
Parsley			NOP
Passion Fruit			NOP
Peas	Sugar Snap		NOP
Penroyal			NOP
Peppermint			NOP
Peppers	Bell		NOP
Peppers	Chile		NOP
Peppers	Hot Jalapeno		NOP
Pineapple			NOP
Poha/Cape Gooseberry			NOP
Pumpkins			NOP
Pumpkins	Kubocho		NOP
Sapote			NOP
Soursop/Guanabana			NOP
Spearmint			NOP
Squash	Summer		NOP

Ahimsa Sanctuary Farms LLP

Crops

100% organic

Crop	Variety	Comment	Programs
Squash	Winter		NOP
Sugar Cane			NOP
Sweet Potatoes			NOP
Sweet Potatoes	Purple		NOP
Swiss Chard			NOP
Taro			NOP
Tomatillos			NOP
Tomatoes			NOP
Turmeric			NOP
Yacon			NOP
Zaatar			NOP

LEW J. ABRAMS, Ph.D.

1135 Makawao Avenue, Suite 103, PMB#217

Makawao, HI 96768

Phone: (808) 283- 8057

E-Mail: Info@LewAbramsPhDPsychologist.com

EDUCATION:

University of North Carolina, Chapel Hill

Ph.D. in Clinical Psychology - July 1990

MA. in Clinical Psychology - May 1987

Special Interests: Cross-cultural psychology, family systems, couples therapy, behavioral medicine.

University of Washington School of Medicine

Pre-doctoral Internship in Clinical Psychology- July 1989 to June 1990

University of California, Berkeley

B.A. Psychology- June 1981; GPA: 3.94

Brandeis University, Waltham, Massachusetts

Psychology and Sculpture- 1977 to 1979; GPA: 3.87

CLINICAL PSYCHOLOGY EXPERIENCE:

West Maui Counseling Center – Lahaina, HI; 3/18 to present. Independently contracted clinical psychologist providing outpatient individual, couples, and family psychotherapy to a diverse array of clients.

Maui Memorial Medical Center- Wailuku, HI; 5/99 to 6/01. Adolescent and Adult Psychiatric Units. Independently contracted clinical psychologist providing individual and group mental health treatment to hospitalized psychiatric patients on the Molokini Unit.

Child and Family Service - Kahului, HI; 1999. Independently contracted psychologist conducting mental health evaluations of children and adolescents.

Heart and Soul Therapy - Makawao, HI; 1998 to present. Private practice in clinical psychology serving individuals, couples, families, and groups. Specializing in treating people recovering from abuse, domestic violence, chemical dependence, depression, anxiety, and chronic illness. Offering supervision and consultation to other mental health professionals.

Compass Health - Everett, WA; 1997. Independently contracted Clinical Supervisor and Native American Mental Health Consultant for community mental health center. Responsible for training and education of psychotherapists with the goal of providing culturally congruent services.

Natural Medicine Works - Seattle, WA; 1/93 to 8/97. Private practice as a licensed psychologist serving individuals, couples, and families. Areas of specialization included depression and anxiety disorders, chemical dependency, PTSD associated with abuse, relationship conflicts, divorce and remarriage, coping with chronic or life threatening illness, and cross-cultural adjustment issues.

Indian Health Service -Seattle, WA; 8/90 to 6/93. Chief of Mental Health and Social Services responsible for developing Puget Sound Service Unit mental health program. Provided consultation and training to Masters level fieldworkers from 9 tribes. Managed referrals for IHS funding of evaluation and treatment of Indian clients needing service by outside providers. Served as Psychologist for Nisqually tribe; treated children, adolescents, adults, couples, and families, consulted to Alcohol and Head Start programs, and led multi-disciplinary team case conferences.

Northwest Center for Holistic Medicine - Seattle, WA; 1991-92. Licensed clinical psychologist in part-time private practice with individuals, couples, and families. Specialized in treating survivors of sexual abuse, adolescents and their family systems, couples in conflict due to poor communication skills, and individuals coping with cancer and other somatic problems.

University of Washington School of Medicine- 7/89 to 6/90. Pre-doctoral intern responsible for psychotherapy and assessment with adults, adolescents, and children in a variety of hospital and community settings, including work with American Indians. Received videotape and live supervision in individual, marital, and family therapy. Participated in case conferences, psychiatry grand rounds, and didactic seminars. Pursued additional training in court ordered parenting evaluation and treatment of psychosexual dysfunctions.

Franklin-Vance-Warren Head Start Program - Henderson, NC; 1987- 89. Mental Health Consultant responsible for observing 23 rural Head Start classrooms in order to identify children needing psychological evaluations and/or special services. Conducted in-service training for approximately 80 staff members. Consulted with teachers, parents, and staff and facilitated meetings aimed at developing intervention plans for identified children.

OPC Northside Community Mental Health Center - Chapel Hill, NC; 1987-88. Responsible for screening interviews, intake assessments, and insight-oriented and cognitive-behavioral therapy with individuals and couples in Adult Services.

Davie Hall Clinic - UNC-CH Clinical Psychology Department; 1986-89. Co-led structural family therapy with experienced faculty. Conducted individual psychotherapy with abused children.

Student Mental Health Service - UNC-CH; 9/86 to 5/87. Conducted brief individual outpatient psychotherapy, saw clients through the crisis/walk-in service, and was a co-therapist in couples counseling. Attended trainee case conference, seminar in hypnosis.

Children's Psychiatric Institute - Butner, NC; 9/85 to 5/86. Served on a multi-disciplinary diagnostic team; responsible for psychological testing (Rorschach, TAT, WISC-R), assessment interviews, structured family interviews, and interpretive interviews. Conducted individual play therapy and couples therapy with parents. Organized and led two psychotherapy groups for adolescents from divorced homes. Collaborated with social workers, psychiatric residents, and other psychologists.

VA Medical Center - Asheville, NC; Summer 1985. Received a paid 500 hour psychology traineeship in treatment and assessment of inpatient psychiatry and alcohol rehabilitation patients. Participated in treatment planning and case conferences. Conducted intake interviews with alcoholics in de-tox unit. Co-led-group psychotherapy with psychiatric outpatients and their wives as well as for clients with chronic medical conditions. Carried two individual psychotherapy cases. Performed psychological testing with MMPI, Rorschach, TAT, and to a limited extent with the Halstead-Reitan Battery.

RELATED WORK EXPERIENCE:

Graduate Assistant - Center for Teaching and Learning, UNC-Chapel Hill; 5/88 to 12/88. Interviewed award-winning faculty about their pedagogical techniques for a book on college teaching. Conducted and edited videotaped interviews of experienced instructors of Experimental Psychology for a series of tapes used to train novice teaching assistants. Consulted with instructors about teaching-related problems and videotaped classroom instruction to help professors and TA's to improve their teaching.

Group Home Counselor - Attention Inc., Boulder, CO; 1983-84. Residential counselor for disturbed adolescents with histories of neglect, physical and sexual abuse, delinquency, and substance dependence. Led art program, recreational activities, and therapeutic groups. Consulted with parents, lawyers, and caseworkers.

Mental Health Specialist II - Highland Hospital, Oakland, CA; 1982. Full-time counselor on locked ward for clients with acute psychiatric disorders. Responsible for intake and discharge procedures, formulating treatment plans and goals, keeping daily nursing notes, assisting with personal hygiene, and leading therapeutic art and recreational groups. Received training in agitated behavior management techniques.

Half-Way House Relief Counselor - Berkeley Place, Oakland, CA; 1982. On-call counselor assisting ex-psychiatric patients reintegrate into independent living in the community. Responsibilities included general house supervision, petty cash transactions, individual and group counseling.

RESEARCH EXPERIENCE:

Ph.D. Dissertation- UNC-Chapel Hill; Spring 1988-89. *Influences of Family Structure and Family Relationships on African American College Students' Self-Esteem and Interpersonal Sensitivity.*

Masters Thesis - UNC-Chapel Hill; 1987. *Efficacy of Guided Imagery Training in Reducing Distress of Children and Adolescents with Leukemia Undergoing Medical Procedures.*

Senior Honors Thesis - UC Berkeley; 1981. *The Long-Term Effects of Divorce on Children: A Study of College Students Who Coped.*

TEACHING EXPERIENCE:

Clinical Faculty - Department of Psychiatry and Behavioral Sciences, University of Washington School of Medicine; 1991 to 1997.

Guest Lecturer - Northwest Indian College, Bellingham, WA; 1991. Presentation on cognitive behavioral intervention for depression and suicidal ideation.

University Instructor - UNC Chapel Hill Psychology Department; 1986 to 1988. Taught Abnormal Psychology (Psychology 80 - Behavior Disorders) for 5 semesters. Responsible for choosing text and course content, giving lectures, as well as designing and grading examinations and written assignments.

Preschool Teacher - Lemberg Children's Center, Waltham, MA; 1978-79. Led art and play activities with two to six year old children in a preschool / day care center.

ACADEMIC HONORS:

On-Campus Dissertation Fellowship - 1989. The Graduate School, UNC Chapel Hill.

Great Distinction - Doctoral Written Comprehensive Examinations - 1986. Clinical Psychology Department, UNC-Chapel Hill.

National Institute of Mental Health Fellowship - 1984-86. Awarded funding for two years of graduate training in child clinical psychology at UNC-Chapel Hill.

UC Berkeley Presidential Undergraduate Fellowship - 1980-81. Competitive grant for research leading to senior honor's thesis.

Highest Honors - 1981. Department of Psychology, UC Berkeley.

Great Distinction - 1981. University General Scholarship, UC Berkeley.

Phi Beta Kappa - 1981. UC Berkeley.

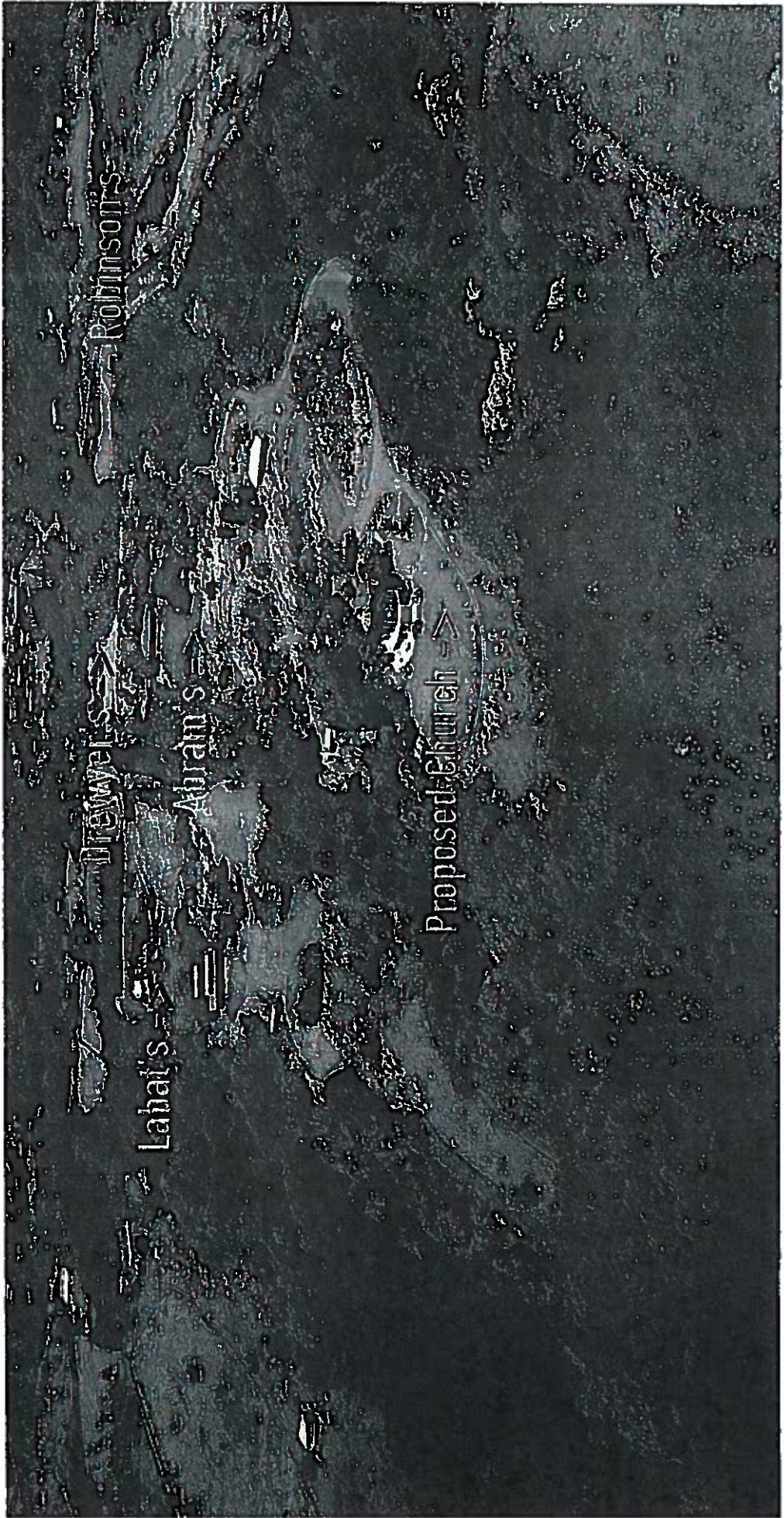
PROFESSIONAL LICENSE:

Psychologist License - 12/97 to present. State of Hawaii - License Number Psy -620.

MEMBERSHIP IN PROFESSIONAL ORGANIZATIONS:

American Psychological Association

References available upon request.

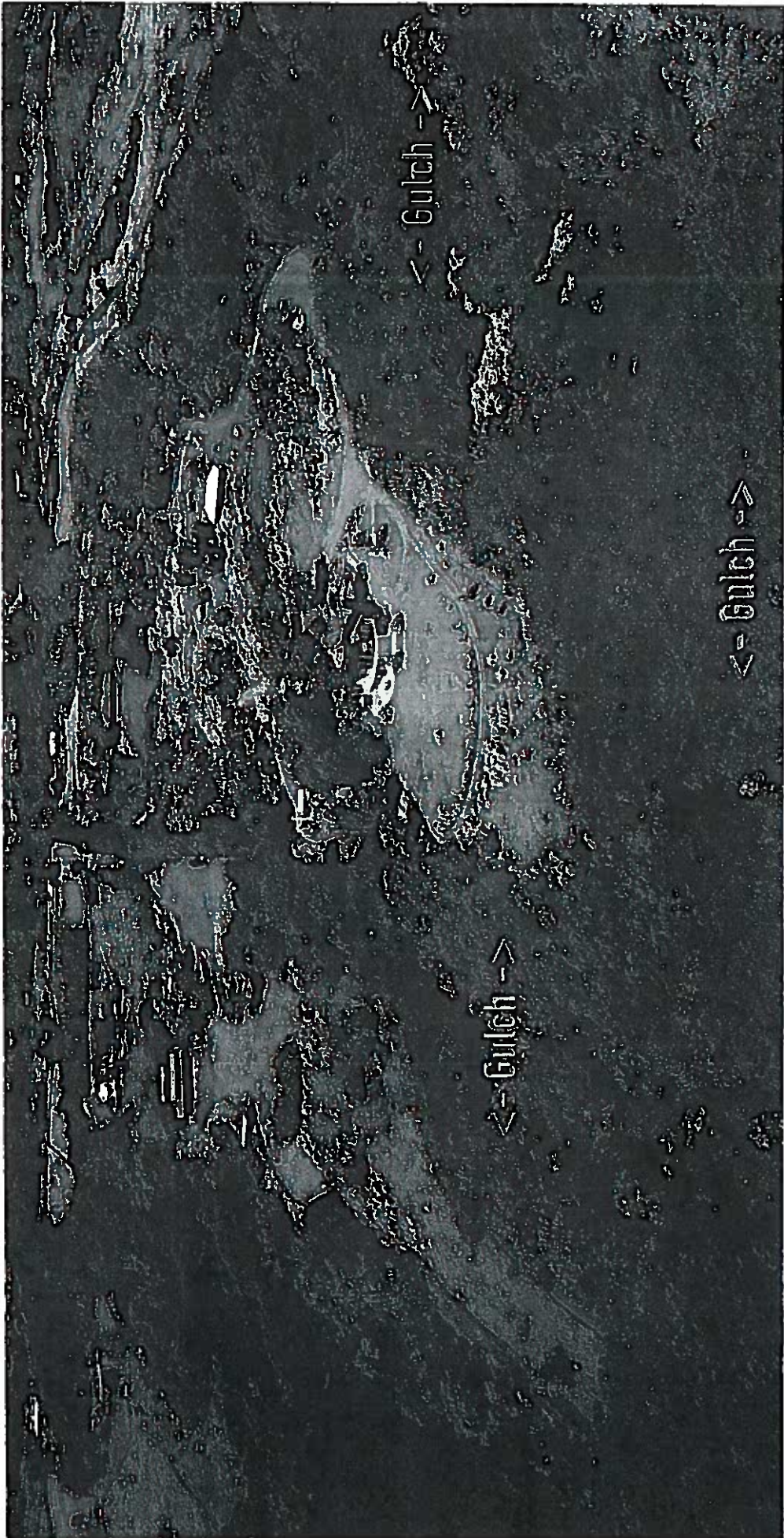




Labat's >

Dreyer's >

Robinson's >



<- Gulch ->

<- Gulch ->

<- Gulch ->



<- Gulch ->

<- Bamboo-Buffer ->

Proposed Church ->

<- Gulch ->

▲
▲
▼
▼







Shared Driveway ->



Shared Driveway ->

Fall Equinox 2015

Wednesday Sept. 23

Free Celebration

Organic Vegan Potluck 6pm

Sacred Sharing Circle 7:30 - 9:30pm

Fresh Harvest Baskets and Permaculture Tours
every Wednesday and Saturday 4-6pm

Tickets online at www.AhimsaSanctuaryFarm.com

Volunteer Opportunities
Call 808 283-8057

4505 Hana Hwy Haiku,
between Ulumalu and Manawai.



**MEMORANUDUM SUBMITTED IN SUPPORT OF DR. LEW AND MARIA
ABRAMS SUP/2 APPLICATION TO OPERATE A CHURCH ON 14.8 ACRES OF
THEIR 25 ACRE PARCEL OF AGRICULTURAL LAND IN HAIKU, MAUI**

At the close of the June 25, 2019 meeting of the Maui Planning Commission (MPC), the Abrams were told they were being given the opportunity to submit rebuttal evidence regarding the testimony and the documents submitted by their neighbors, Jerome Labat, Michelle Drewyer and Tim Robinson, and to cross-examine them. Deputy Corporate Counsel told the Abrams: "Bring everything you want to bring to the table. The hearing is continued so we can accept more evidence from you."

Together with this Memorandum, Dr. Lew and Maria Abrams will be submitting a verbal and visual, factual presentation, at the August 13 MPC meeting which will rebut the neighbors' testimony and support the granting of the Abrams SUP/2 Application with restrictions no more severe than the conditions recommended in the DPR Report.

FACTUAL AND PROCEDURAL SETTING

1. Dr. Lew and Maria Abrams filed an application for a State Land Use Commission Special Permit ("SUP2") to operate a church on their 25-acre organic farm on June 5, 2017.
2. Eight people submitted letters all strongly in support of the Abrams SUP Application based upon their long-terms friendship with Dr. Abrams. Exhibit 23 to DPR. These people included:

Ram Dass
Pir Shabda Kahn
Reverend Bodhi Be
Alulani Hill
Auntie Pi'ilani
Lei'ohu Ryder
Lili Townsend
Mark Sheehan

3. After extensive review and investigation of the Abrams' application, Maui Planning Director Michelle McLean, submitted the Department of Planning Report and Recommendation to the Maui Planning Commission ("DPR Report").
4. **JURISDICTION**
The proposed property to be used for church use is 14.8 acres, of a total 25-acre parcel owned by the Abrams, and is located in the jurisdiction of Maui County. The Maui Planning Department (MPD) determined that the Maui Planning Commission (MPC) is the proper commission to hear the permit application.

At the May 28 MPC Meeting, jurisdiction was discussed and the MPC determined that it had jurisdiction over this Application. When the Application was deferred to the June 25 Meeting, the Planning Department said it would check with the Land Use Commission.

At the June 25 MPC Meeting, the MPC determined that it had jurisdiction over this Application, and that it did not need to be referred to the Land Use Commission (LUC).

5. At the close of the June 25 Meeting, Planning Director McLean stated that she would contact the Land Use Commission regarding they would claim jurisdiction over a situation where the church use of less than fifteen acres, is part of a 25-acre parcel. According to the Maui Planning Department, in its review of prior applications for a Special Use Permit, the access road to the area designated for the special use, has not ever been included in the 15-acre limitation, by the Maui Planning Commission.
6. In a letter dated August 1, 2019, the Land Use Commission has indicated a disagreement with this past policy. The Abrams will be submitting a redrawn map to include the access road within the 14.8 acres to eliminate this issue from its consideration.
7. The proposed property is in a State Designated Agricultural District as well as in a County Zoned Agricultural District.
8. The Maui Planning Commission has the authority to permit certain unusual and reasonable uses within agreed agricultural districts. HRS §205-6.
9. Land Use Commission Rules, Section §15-15-95(b), provides that certain unusual and reasonable uses within agricultural districts other than those for which the district is classified may be permitted.
10. A special use permit is to be granted only when the use would promote the effectiveness and objectives of HRS §205.
11. Whether a particular use is “unusual and reasonable” is determined by applying the five guidelines set forth in Land Use Commission Rule. HAR §15-5-95.
12. Churches may be permitted in the Maui County agricultural districts as Special Uses. 19.30A.060(J). Maui County Code.
13. **The DPR Report included the following findings:**

DPR p. 7

A. The proposed project is in conformance with the goals, objectives and policies of the Hawaii State Plan. It will provide additional opportunities for employment and economic growth.

B. The property is in the State Agricultural District. The proposed use is consistent with the Agricultural designation of the property provided a SUP is granted. **The implemented farm plan demonstrates that more than half of the property is currently being used for agricultural purposes.**

DPR p. 8

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

THEME: Strengthen the Local Economy

GOAL: Maui County's economy will be diverse, sustainable, and supportive of community values.

Objective:

- 1. Promote an economic climate that will encourage diversification of the County's economic base and a sustainable rate of economic growth.**

Policies:

d. Support and promote locally produced products, and locally owned operations and businesses that benefit local communities and meet local demand.

h. Encourage businesses that promote the health and well-being of the residents, produce value added products, and support community values.

- 2. Diversify and expand sustainable forms of agriculture and aquaculture.**

Policies:

b. Prioritizes the use of agricultural land to feed the local population, and promotes the use of agricultural lands for sustainable and diversified agricultural activities.

d. Assist farmers to help make Maui County more self-sufficient in food production.

j. Encourage healthy and organic farm practices that contribute to land health and regeneration.

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The proposed project is in keeping with the following Maui Island Plan's goals, objectives, and policies:

GOAL: 4.1 Maui will have a balanced economy composed of a variety of industries that offer employment opportunities and well-paying jobs and a business environment that is sensitive to resident needs and the island's unique natural and cultural resources.

- Objective: 4.1.2 Increase activities that support principles of sustainability.
- Policy: 4.1.2b Encourage and support local businesses.
- GOAL: 4.3 Maui will have a diversified agricultural industry contributing to greater economic, food, and energy security and property.
- Objective: 4.3.1 Strive for at least 85 percent of locally-consume fruits and vegetables, and 30 percent of all other locally-consumed foods to be grown in-State.
- Policies: 4.3.1a. Strive to substitute food/agricultural product imports with a reliable supply of locally produced food and agricultural products.
- 4.3.1.c Encourage growing a diverse variety of crops and livestock to ensure the stewardship of our land while safeguarding consumer safety.
- Objective: 4.3.3 Expand diversified agriculture production at an average annual rate of 4 percent.
- Policy 4.3.3.a Promote the development of locally grown and ecologically sound biofuels, aquaculture and forest products.

5. According to the Paia-Haiku Community Plan the property is identified for Agriculture and is consistent with the land use map of the Community Plan. **The proposed action is in keeping with the following Community Plan recommendations:**

Land Use

GOAL: A well-planned community that preserves the region’s small; town ambiance and rural character, coastal scenic vistas, and extensive agricultural land use, and accommodates the future needs of residents at a sustainable rate of growth and in harmony with the region’s natural environment, marine resources, and traditional uses of the shoreline and mauka lands.

Objectives and Policies:

4. Ensure that appropriate lands are available to support the region’s current and future agricultural industries, including sugar, pineapple, diversified agriculture, and aquaculture.
10. Discourage approvals of Special Permits in State Agricultural and Rural Districts unless:
 - (a) necessary to serve the immediate community in remote areas; (b) supportive of agricultural uses; or (c) needed for the use or distribution of locally produced products and services that otherwise do not adversely affect the environment, surrounding agricultural uses, or public safety.

Economic Activity

GOAL: A stable economy that complements the rural character of the region and provides opportunities for economic diversification and community needs.

Objectives and Policies:

1. Maintain agriculture as the primary economic activity. Entrance opportunities for the cultivation and processing of local agricultural products and encourage the establishment of agricultural parks and support service (i.e. co-op facilities for distribution marketing and sales to enhance diversified agricultural active.

The special permit for the church is consistent with the Paia-Haiku Community Plan maps and meets the objectives and policies of said plan.

14. Whether a particular use is "usual and reasonable" is determined by applying the five guidelines set forth in Land Use Commission Rules HAR §15-15-95.
15. The DPR reviewed each of the five Guidelines which were established in determining an unusual and reasonable use that would be suitable for a Special Use Permit, and then stated the Report's very positive conclusions regarding each of these guidelines regarding the Abrams SUP application:

- A. **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;**

Response: The proposed use is not contrary to the objectives of Chapters 205, 205A and the Land Use Commission. The property is and will continue to be used for agricultural activities, including the cultivation of vegetables, herbs, fruit trees and flowers. The proposed church use will be within an existing building, and is intended to complement and support the existing agricultural uses and the open, rustic setting.

- B. **The desired use will not adversely affect surrounding property;**

Response: The property is surrounded by large agricultural lots and properties with similar agricultural and residential uses. **In order to ensure that there will be no adverse impacts, the applicant will implement mitigative measures, such as ensuring that church activities will occur inside the agricultural structure.** It should be noted that the property is surrounded by a gulch on three sides, which provides physical separation of the property from surrounding uses... **There will be noise that will be typical of a church, such as use of a conch shell, a small church bell, music and singing. However, it will be mitigated by surrounding agriculture and gulch. The noise generated should be no louder than existing noise associated with farming activities occurring in the region.**

There is no record of disturbance according to the Maui Police Department... there are no open RFS's on the property.

- C. **The use would not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage and school improvements, and police and fire protection;**

Response: There is no indication that the proposed use within this residence would adversely impact public infrastructure and services. The property is serviced by a private water system. The proposed church structure is serviced by an individual septic system. Visitor access is via a paved driveway off of Hana Highway.

- D. **Unusual conditions, trends and needs have arisen since the district boundaries and rules were established.**

Response: The property was formerly used for pineapple production up until about 35 years ago. With the decline of large-scale monoculture, diversified agriculture in the form of small-scale food production have become a larger part of the industry. The Applicant would like to conduct church activities and agricultural educational seminars using the existing structures and facilities. **There are examples of historical and modern churches that are located in the Agricultural District throughout Hawaii.**

- E. **The land upon which the proposed use is sought is unsuited for the uses permitted within the district.**

Response: The land is ideally suited to the proposed uses. The soil on which the property sits is classified as having a C and E rating ... The proposed church and agricultural educational uses will complement existing agricultural uses occurring on the property.

- p. 14 **No adverse impact to public services will occur as a result of the proposed land use entitlements.**

SOCIO-ECONOMIC IMPACTS

There should be no adverse impact to the population or economy.

ENVIRONMENTAL IMPACTS

There will be no adverse environmental impacts associated with the proposed church use. There may be some noise associated with the proposed church use, such as music and singing; however, it may occur only during church-related functions, and the property has agriculture that serves to buffer the sound. In addition, there is a physical separation of the church use area from neighboring properties via a gulch.

It took 12 years of incredible effort, and an incredible investment of time, money and effort, for the Abrams to transform 25 acres of depleted, unproductive pineapple fields, into a fully implemented, functioning organic farm. The Abrams have long desired to operate a public church on their property, so that they can offer weekly services, so they can regularly practice their religion with the local community. The Abrams picked this particular property because it is surrounded by gulch and the closest neighbors were over 1,000 feet away. The Abrams did not

submit an application for a SUP until June 2017. They waited until their farm was certified organic and had a fully implemented farm plan.

The conclusions of the Maui Planning Department as set forth in the DPR, confirm that the Abrams have met each and every one of the criteria required by the state and Maui County laws, rules and regulations, for the MPC to approve the Abrams' SUP2 Application. Having done so, the Abrams respectfully request the MPC to approve their SUP2 Application with minimal restrictions as to operating hours and average number of attendees.

DPR REPORT RECOMMENDATIONS

After concluding that the Abrams complied with every guideline and every condition they were required to comply with, the DPR recommended that the SUP permit be approved, with the following key conditions:

1. The LUC Permit shall be valid for five years.
2. All church and religious activities shall only occur between the hours of 8:00 a.m. and 10 p.m. Any amplification of sound or music at an event shall not be heard beyond the subject property lines.
3. That, as represented by the applicant, services shall occur no more than three times per week, plus holiday celebrations, and the applicant shall maintain an average of no more than 40 people for weekly services and no more than 100 people for holiday celebrations, including employees and staff.

MAY 28, 2019 MAUI PLANNING COMMISSION MEETING

The Abrams' SUP Application was on the agenda of the May 28, 2019 meeting of the Maui Planning Commission (MPC). Sixteen people, including numerous religious leaders and elders in the community of various faiths, testified at the meeting strongly in favor of the Abrams' SUP for a church.

Three neighbors of the Abrams spoke, and stated their objections to the Abrams SUP:

Jerome Labat, the owner of two properties adjoining the Abrams property, who primarily lives on the mainland and is rarely on Maui;

Federico Meloni, the caretaker for Mr. Labat's property; and,

Tim Robinson, another adjoining property owner to the west of the Abrams farm.

The three each verbally expressed concerns about noise and traffic, which were based upon past celebrations, the vast majority of which had been held on the Abrams' farm in years past. Mr. Meloni specifically said he was not against the church application, indicating he was in favor of limits being placed on the permit. Lew Abrams directly challenged Mr. Meloni's testimony regarding the number of cars visiting the Abrams farm. Mr. Meloni later confirmed to

Mr. Abrams that he had never counted the number of cars that travelled down the Abrams' driveway.

Mr. Labat's and Mr. Robinson's homes are located no less than 1,100 feet from the temple building. There is a gulch, bamboo trees and other vegetation which serve as natural barriers between the proposed temple building and the Abrams' neighbors' properties. Several years ago, after Mr. Labat complained about musical sounds emanating from their property, the Abrams planted a large row of bamboo trees to further reduce the sound that can be heard on the Labat property.

The MPC closed testimony on the Abrams SUP application at the close of the May 28 meeting. The Abrams SUP matter was deferred to the June 25 MPC meeting to give Dr. Abrams the opportunity to provide an accurate map delineating the 14.8 acres of the Abrams property which will be used non-exclusively for church purposes, in place of the incorrect map which Dr. Abrams had inadvertently submitted for the May 28 meeting.

After the May 28 meeting, Dr. Lew and Maria Abrams met with Jerome Labat and Michelle Drewyer to discuss their concerns about the SUP. After their meeting, Dr. Abrams wrote very similar letters to Mr. Labat, Ms. Drewyer and Tim Robinson, setting forth the Abrams' good faith efforts to address their concerns. These letters were submitted to the MPC and the Abrams request that these letters should be included in the official record. These letters confirm the Abrams good faith effort to discuss, address and resolve all issues with their neighbors, including but not limited to the following.

Regarding complaints of dog barking, the Abrams' letter confirmed they have already moved their dogs to another part of their property, which has already significantly reduced the dogs barking when cars drive past the house on the driveway.

Regarding traffic concerns, the Abrams' letters confirmed they will encourage church attendees to car pool to the property to reduce number of cars, and to have a person help direct traffic off of Hana Highway for events for which more than 30 people are expected. Over 1,000 cars travel on the stretch of Hana Highway every day. There is no reason to believe an additional, small number of vehicles that church use will draw on average, and an occasional larger celebration for specific spiritual events, that may draw cars to and from the property over a period of several hours, will have any adverse effect on the surrounding properties.

Regarding water issues, as the DPR Report stated, the water supply is private, and shared among the Abrams, Labat and Drewyer properties pursuant to a private Water Agreement. To address the fact they use more water than their neighbors, the Abrams's letters confirmed they have offered to pay a pro rata share of future maintenance costs for the water pump, which is something the Water Agreement does not currently require. Currently, all maintenance and repair expenses are shared equally by the three property owners, regardless of the amount of water used.

The letters closed with the Abrams' request to continue communication and discussion in the hopes the issues can be worked out amicably.

None of the recipients of these letters, Mr. Labat, Ms. Drewyer and Mr. Robinson, responded in writing to the Abrams, thereby completely rejecting their efforts to work out a compromise. Dr. Abrams has made repeated attempts to engage in further discussions with Mr. Labat, Mr. Meloni, Mr. Robinson, and Ms. Drewyer regarding the concerns they raised, all of which have been ignored. Mr. Labat and Ms. Drewyer and Mr. Robinson have made it apparent that the only result both will be satisfied with is the MPC's denial of the Abrams SUP/2 Application.

SUBMISSIONS AFTER TESTIMONY WAS CLOSED ON MAY 28

Subsequent to the May 28 meeting, Dr. Abrams submitted a survey map that had been created when he had been contemplating doing a CPR with his property, which showed the approximately 14.8 acres that would be covered by the Abrams SUP. This map fulfilled the condition which was required for the SUP per the MPC at the May 28 meeting.

In June 2019, after the MPC had closed testimony on the Abrams SUP, instead of responding to Dr. Abrams' letters, Mr. Labat and Mr. Robinson, and a third adjoining neighbor, Michelle Drewyer, emailed documentation to the Maui Planning Division (MPD), opposing the Abrams' SUP/2 application. Mr. Labat emailed a letter on June 12, 2019 explaining his opposition, and included weblinks to over 100 pages of documents stored in a personal Dropbox folder controlled by Mr. Labat. Mr. Labat is relying upon the documents in his Dropbox folder, which he can alter at any time, as the evidence of "disturbances ... not related to 'farming activities. According to Mr. Labat, these documents are the reasons why the MPC should completely deny the Abrams' application for a SUP/2.

Mr. Labat specifically alleged these disturbances included "large gatherings and celebrations accompanied by amplified music, ongoing cars going up and down the property on loose gravels to attend activities or gatherings at the Ahimsa Sanctuary for "workshops", barking dogs for pretty much any car that circulates on the property, damage of surrounding property land due to guest parking in appropriately, guests wandering onto my properties as they are lost as to where to go(even though Dr. Lew Abrams did post some signage)."

Mr. Labat then acknowledged that Dr. Abrams managed each incident successfully case by case.

The Abrams challenge the accuracy and the relevancy of the documents and testimony submitted by Mr. Labat, based on these facts. Specifically, the Abrams deny that other than a rare occurrence or two that may have occurred many years ago, that any of their guests have wandered onto Mr. Labat's property. The Abrams deny that their guests have caused any damage on Mr. Labat's property due to the Abram's guest's parking inappropriately, and guests wandering onto his properties. Mr. Labat complained most about the New Year's Eve celebration held on December 31, 2014, over four years ago. Mr. Labat's forthcoming cross-examination will discuss the recent history of celebrations held at Ahimsa Sanctuary Farm that were disturbing him, to the extent that he called Dr. Abrams to complain about noise level, and other issues relevant to the Abrams' SUP/2.

On Friday, June 21, 2019, Ms. Drewyer emailed a letter to the MPD, just before the Tuesday, June 25 MPC meeting, explaining her opposition to the SUP/2 Application. Ms. Drewyer's letter entirely relied upon the documents in Mr. Labat's Dropbox folder as the evidence why the MPC should completely deny the Abrams' application for an SUP2.

On June 20, 2019, Mr. Robinson emailed a letter opposing the Abrams' SUP/2 to the MPD, with copies of letters he received from the Maui Police Department. These letters provided insignificant statistics concerning minor and major traffic crashes that occur on Hana Highway in the stretch of road near Mr. Robinson's property. It is easily confirmed that over 1,000 cars pass by Mr. Robinson's property, every day. Mr. Robinson's street is on a curve. The Abrams property has long clear site lines in both directions on Hana Highway. Mr. Robinson does not share a driveway with the Abrams. Mr. Robinson has never once called Dr. Abrams to complain about noise. There is no evidence in the record that the traffic to and from the Abrams property will cause any traffic or safety issues. This is especially so with the Abrams' agreement to install a larger sign on Hana Highway, to encourage carpooling, and to have a person help direct traffic for larger celebrations.

JUNE 25, 2019 MPC MEETING

At the June 25 MPC meeting, Leslie Iczkovitz, attorney for the Abrams, objected to these additional letters and additional documentation from the three neighbors being entered into the MPC Record. The record for testimony had been closed at the end of the May 28 MPC meeting. The MPC has the authority to reopen the Record to accept additional testimony. It has not yet officially done so in this matter. The Abrams continue to object to all of this late testimony.

Before these documents could be submitted into the record before the MPC, Iczkovitz insisted that he be given the opportunity to cross-examine the neighbors about the documents they each submitted. The MPC did not accept these additional documents into the Record at any time during the June 25 meeting. However, it became apparent from the discussion, that Ms. LaCosta and likely other commission members had already gone ahead and reviewed some if not all of the documents submitted by Mr. Labat after testimony had been closed.

At the June 25 meeting of the MPC, the Commissioners discussed the specific recommendations made by Planning Director Michelle McLean, which was to approve the Abrams SUP/2 application to operate a church on their 25-acre organic farm, with the specified restrictions set forth above. After a lengthy discussion, and apparently directly in response to the letters and documents submitted by Mr. Labat, Mr. Robinson and Ms. Drewyer, the Commission members voted to make the following changes to Ms. McLean's recommendation in the DPR:

1. Instead of a five-year renewable permit, the MPC voted in favor of a one-year permit, which period would start as of the date of the building's certificate of occupancy.
2. Instead of activities ending at 10 p.m., activities would end at 9 p.m.
3. Instead of not being able to hear noise off of the property boundary lines, the sounds emanating from the Abrams' property cannot exceed county specified dB levels by the

time the sounds reach adjoining properties.

4. Instead of allowing three events per week with an average attendance of 40 members, and a maximum of 100 members, the MPC voted to allow an unlimited number of events up to 25 people, and authorized up to 24 events per year which exceeded 25 people, in addition to New Year's Eve.
5. The MPC voted to have the Abrams choose one day on which they do not conduct any church activities, except for major celebrations.
6. The MPC voted to require that a Certificate of Occupancy be obtained for the building before the holding any church activities take place.

At that point in the proceedings, the only information that had been submitted into the Record before the MPC, that had been submitted in opposition to the Abrams SUP application, were the three minutes of verbal testimony submitted by Mr. Labat, Mr. Robinson, and Mr. Meloni at the May 28 meeting. There was no discussion or review of the five guidelines set forth in HAR 15-15-95 to determine whether this particular use is "unusual and reasonable" and worthy of the granting of a SUP, during the consideration of the Motion to approve the SUP with these revised restrictions.

The MPC voted, unanimously, to make each of these changes to Director McLean's recommendations. The MPC did ask or give Dr. Abrams the opportunity to question or object to these changes individually. The MPC asked: Will you accept these conditions for your SUP? Although Dr. Abrams considered the new restrictions onerous and substantially burdensome, Dr. Abrams, the ultimate peace seeker, agreed to accept these conditions if they were what was required to have the MPC approve their SUP Application on that date. After voting to make these changes to the terms of the permit, Commissioner Robinson moved to approve the Abrams SUP with these changes. Commissioner LaCosta was the only one who spoke to the motion, saying words including:

*I am going to speak in opposition to motion.
I have seen too many things that are contradictory.
I have heard too many things that are contradictory.
Read this three times*

As with the prior case, it is not what is best for you, it is what is best for the neighborhood, and for the neighbors who have been there a long time, and who put a lot of money in there

On the whole, just can't support this.

Then, without any further discussion or statement by any commissioner, the MPC proceeded to vote to deny the Abrams' SUP/2 application with these changes, by a vote of 4 to 2. No reasons were given or cited, and no findings regarding any guidelines were announced by the MPC, as reasons given for denying the Abrams application with these changes.

After denying the Abrams SUP2 application with the changes, Commissioner LaCosta made a motion to completely deny the Abrams' SUP/2 application, which was seconded by Tackett. Again, no official reason or finding regarding any of the guidelines was given or offered as a justification for denying the Abrams' application.

At that point, Iczkovitz addressed the MPC and reminded them about the First Amendment to the Constitution and the Religious Land Use and Institutionalized Persons Act (RLUIPA). Iczkovitz also reminded the MPC about the Hale O Kaula case in which Maui County was forced to pay over \$700,000 in legal fees as a result of their prior denial of a SUP application for a church on agricultural land, which denial had been based solely on noise and traffic safety complaints of some of their neighbors.

The MPC then went into executive session, where they were soon joined by Planning Director McLean. After a lengthy period of time, the public was invited back into the meeting room. Commissioner DeCosta immediately withdrew her motion to deny the Abrams SUP and the second for the motion was withdrawn as well. Iczkovitz was then informed he would be given the opportunity to cross-examine the neighbors regarding the documents they had submitted to the MPC.

Iczkovitz informed the MPC that he was prepared to proceed to cross-examination at that time. The neighbors, who were still in attendance, requested time to prepare. The MPC deferred consideration of the Abrams SUP, and the cross-examination of the Abrams' neighbors, to their August 13, 2019 meeting. The Abrams were told they can submit any information they want to submit in support of their SUP Application, and in rebuttal to the neighbors' testimony and documents, no later than the August 13 meeting, for the MPC to consider.

During the interim period, Director McLean said she would check with the Land Use Commission to clear up any issues regarding the 14.8 acres specified for non-exclusive church use as part of a larger 25-acre parcel. On July 3, 2019, Planning Director McLean wrote a letter to the LUC with two hypotheticals, asking input as to how the MPC should handle these types of situations, and whether they should be forwarded to the LUC for approval:

Ms. McLean's letter posed this specific hypothetical, "the subject parcel was more than 25 acres, and the applicant proposed to use two of the three condominiumized units that together totaled 14.8 acres for church purposes; this was further complicated by the exclusion of the 0.7 acre access roadway that would put the total over 15 acres if it were included in the total area.... it is difficult to argue that a use allowed by a State Special Permit will remain on an arbitrary portion of a parcel and not migrate to the unpermitted portion."

The LUC responded with a letter asserting that "the LUC takes issue with the counties not forwarding SUP applications of this type for its approval under Section 205-6 (d) HRS where the use will impact the entire parcel, where the use will obviously later expand in the rest of the parcel or where the use renders utilization of the remainder of the parcel for agricultural purposes unlikely. SUPs of less than 15 acres which evidence such expanded activity or impact should be approved by the LUC under Section 205-6."

The LUC letter further stated: "Your second example of a 25-acre parcel, a portion of which is to be used for church purposes, is more blatant in the abuse of the 15-acre limitation. Clearly the remainder of the parcel if not the whole parcel, is not going to be used for agricultural activity. In addition, the likelihood that churchgoers will use remaining portions of the parcel for activities related to the SUP is extremely high. In such cases the county should request a complete operational plan before determining how the permit should be processed and require the SP be submitted to the LUC where appropriate."

The Abrams strongly disagree that their SUP/2 Application meets the description which Ms. McLean included in her July 3 letter to the LUC. The Abrams property has not been condominiumized. Ms. McLean's Report and Recommendations on the Abrams SUP/2 Application confirmed that more than fifty percent of the Abrams' 25-acre farm is being used for agriculture pursuant to a fully implemented farm plan.

The SUP/2 Application specifies that the church will have non-exclusive use of the 14.8 acres designated for church use. The Application further specifies that church activities will be conducted inside the proposed temple building. The approved farm plan shows more than 50% of the entire parcel already dedicated to agricultural activities. There is absolutely nothing in the record which would support any finding that "Clearly the remainder of the parcel if not the whole parcel, is not going to be used for agricultural activity." Or a finding that "In addition, the likelihood that churchgoers will use remaining portions of the parcel for activities related to the SUP is extremely high." Based upon the August 1 LUC letter, unless the MPC makes these specific findings regarding the Abrams SUP/2 Application, the LUC does not have any jurisdiction, and it does not need to review the Abrams SUP/2 Application.

Regarding the issue of whether the access road to the proposed temple building needs to be included within the 14.8 acres designated for church use, according to the Maui Planning Department, in its review of prior applications for a Special Use Permit, the access road to the area designated for the special use, has never been included in the 15-acre limitation, by the Maui Planning Commission. The access road on the Abrams property will be used, non-exclusively for both farm and church activities. No church activities will take place on the access road.

To address the possibility that the LUC decides that the access road must be included within the 14.8 parcel designated for church use, the Abrams have had their architect, Michael Leone, redraw the 14.8 parcel to be designated for church use, to include the 0.7 acre that is being used by the access road. The Abrams submit that given the facts in the record, and this new map, that the MPC should make findings that this SUP does not need to be approved by the LUC.

ANALYSIS OF DOCUMENTS SUBMITTED BY LABAT AND RELIED UPON BY DREWYER

Mr. Labat bought two properties adjoining the Abrams farm in 2010.

Mr. Labat emailed a letter with weblinks to the MPC on June 12, 2019. When printed out, these weblinks generated 104 pages of documents ("Labat Documents"), six pages of which are the Water Agreement. Mr. Labat pointed to and relied upon these documents as evidence of activities conducted by the Abrams on their farm which should justify the denial of their SUP application.

Michelle Drewyer, the other adjoining neighbor who emailed a letter to the MPC after the May 28 meeting, pointed to all of the Labat Documents as proof of alleged ongoing zoning violations by the Abrams. Ms. Drewyer has made additional insinuations against the Abrams which are false. Mr. Labat and Ms. Drewyer have been invited to attend the August 13 MPC meeting so Iczkovitz can cross-examine them regarding the letters and documents they submitted.

Tim Robinson emailed a letter opposing the Abrams SUP, due to noise, saying he goes to sleep at sunset and does not want to be disturbed. Mr. Robinson did not submit any audio recordings of any events. Mr. Robinson also expressed concern about traffic safety, and sent as attachments to his email, copies of emails that he had received from the Maui Police Department with the number of statistics of minor and major traffic crashes on that stretch of Hana Highway over a three-year period. Mr. Robinson has been invited to attend the August 13 meeting so Iczkovitz can cross-examine him regarding his concerns.

A thorough analysis of the Labat Documents renders the following conclusions:

6 pages are the Water Agreement between the parties, redacted by Mr. Labat.

19 pages concern events held at Studio Maui, not Ahimsa Sanctuary Farm, or don't mention Ahimsa Sanctuary Farm at all. To include these documents is completely misleading because they did not take place on Ahimsa Sanctuary Farm

12 pages concern one event, New Year Eve 2014/2015

9 pages concern one event held in December 2012

32 pages concern free belly dance classes and workshops which Maria Abrams held on the property from 2008 to 2014

10 pages concern New Year's Eve events held between 2010 to 2014

3 pages concern offers to host events at Ahimsa that was on the web site in December 2013

3 pages consist of Mr. Labat's listing of weblinks to the documents, including links to a video and audio of a New Year's Eve celebration. One page includes a weblink to an audio file of musical sounds emanating from the Abrams property, before midnight on

New Year's Eve 2014/15. Since it was New Year's Year, before midnight, having a party and playing music at that time of that evening was presumably not in violation of any zoning ordinance.

The remaining 10 pages submitted concerned five other celebrations which the Abram hosted, between 2012 and 2015. What is common with all of these documents is that they all were published between 2008 and 2016. None of the documents submitted to the MPD by Mr. Labat is for any celebration which has taken place in more than three years.

The Abrams object to the acceptance of these documents into the Record after the MPC closed the matter for testimony, on the basis that these documents, the most recent of which is over three years old, are not relevant to the issue before the MPC. The neighbors, one of which is an attorney, chose not to file to intervene in the Abrams' SUP Application. There is no justification to allow the neighbors to submit old irrelevant documents into the Record.

The Abrams were under the understanding that they are allowed to host New Year's Eve parties and other private gatherings and celebrations so long as they are not commercial events. The Abrams have never operated, and have never been accused of operating an ongoing illegal commercial enterprise on their farm, seeking illegal profits.

The Abrams submit that church use, under the conditions drafted by Planning Director McLean will not adversely affect surrounding properties. There is no evidence in the Record before the MPC that would support a factual finding that more restrictive conditions are required to avoid adversely affecting surrounding properties.

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**OVERWHELMING EVIDENCE OF SUPPORT FOR SACRED EARTH ASSEMBLY
SUP/2 APPLICATION OPERATE A CHURCH AT AHIMSA SANCTUARY FARM**

After the June 25, 2019 Maui Planning Commission meeting, at which the MPC had discussed and initially voted to approve the SUP, with several changes to the Maui Planning Department's Report Recommendations, the DPR recommended that services shall occur no more than three times per week, and the applicant shall maintain an average of no more than 40 people for weekly services. The MPC voted to allow SEA to conduct unlimited events up to 25 people. The MPC modified several other DPR Recommendations, including reducing the permit from five years to one year, and limiting gatherings above 25 people to 24 per year, plus New Year's Eve.

Dr. Lew Abrams was not given any opportunity to respond to each individual change. He was asked if he would agree to all of the changes the MPC had made to the conditions the MPD had recommended. To achieve the granting of the SUP on that day, Dr. Abrams said he would agree to the revised, more restrictive conditions than the original DPR recommendations.

Dr. Abrams was not given any opportunity to explain why limiting their regular services to 25 people, and allowing only 24 events with more than 25 people, would be imposing a substantial burden on the Abrams' exercise, and their existing spiritual community's exercise, of their First Amendment rights to practice their religion with each other, with their friends with their community with whom they have gathered for over twenty years on Maui. Based on the following evidence, the Abrams submit that an average of 40 people at up to three church events per week is the minimum number of congregants that they require to continue practicing their religion with their spiritual community.

The Abrams are submitting the following as evidence of the overwhelmingly strong support they have received in support of the Sacred Earth Assembly SUP/2 Application, and why 40 people is being requested. All of these people share a First Amendment Right goal and right to practice their religion with each other. All of these letters are in your green folder.

8 letters in support that are included as Exhibit 23 to the Dept of Planning Report

7 letters in support that were submitted at the May 28 MPC meeting

16 people who took the time to testify in support of the SUP at the May 28 MPC meeting; 9 of these people also wrote letters in support.

26 letters in support that are being submitted at the August 13 meeting

62 people who attended Sunday services at the Temple of Peace on August 11, 2019 which services were co-led by Dr. Lew and Maria Abrams, signed a Petition directed to the Maui Planning Commission in support of SEA's SUP/2 Application.

As of 11:30 p.m. on August 12, 2019, 138 people have signed this same Petition online at change.org in less than 24 hours after the Petition was posted. A list of these 138 individual signers is available if the MPC requests.

Over recent years, Sacred Earth Assembly has collected signatures of 556 people on Sign-Up sheets supporting the Mission of Sacred Earth Assembly and Dr. Lew and Maria Abrams. In your folder are two of the 63 pages of signatures they have accumulated; some pages have only a few signatures on them. All 63 pages are available for review by the Commission at this meeting if requested.

Commissioners who take the time to read the dozens of heartfelt letters that were written by the religious leaders and elders of the Maui community, all very strongly in support of the SEA's SUP Application, will be moved to support this cause. In conclusion, the MPC has received an abundance of very positive testimony confirming the broad community support that the Abrams have developed by offering a unique sanctuary and gathering place to people of all walks of life. Please do not restrict their weekly services to less than 40 people.

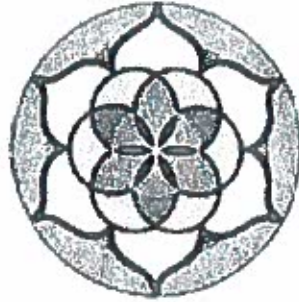
PETITION IN SUPPORT OF SACRED EARTH ASSEMBLY / BLUE MOUNTAIN ABRAMS' SUP APPLICATION TO OPERATE A CHURCH

Dr. Lew Abrams aka Reverend Blue Mountain and Reverend Maria Abrams have submitted an Application to the Maui Planning Commission for a Special Use Permit to operate a church offering weekly services at Ahimsa Sanctuary Farm, their 25-acre organic farm in Haiku.

The recommendation by the Maui Planning Dept was that the SUP be approved with reasonable conditions. Incredibly positive testimony was submitted by dozens of people at Commission meetings, and in letters expressing gratitude for the experiences they have had at celebrations which the Abrams have hosted at Ahimsa Sanctuary Farm.

Despite the strong praise and gratitude that was expressed for the services that the Abrams have been providing to the Maui community for more than twenty years, the Commission was on the verge of entirely denying the Abrams SUP Application at their June 25 meeting. The Commission also discussed changing the Planning Dept's recommendations so as to severely restrict the size of weekly church services to no more than 25 people, and restricting the permit to one year, instead of five years.

This is a pivotal moment. Sacred Earth is asking for your help now. The decisive Commission Meeting is August 13. By signing this Petition, you will be asking the Commission to grant the Sacred Earth Assembly's SUP with minimal restrictions so you have the opportunity to celebrate holidays and spiritual gatherings with the Abrams at Ahimsa Sanctuary Farm.



Sacred Earth Assembly

MISSION STATEMENT

Sacred Earth Assembly (SEA) was established as a non-profit 501(c)3 trans-denominational church in 2012.

This ministry invites people of all faiths, who honor the earth as a divine mother, to gather in gratitude for the gift of life by sharing healthy locally grown food, to honor rites of passage for community members, and to celebrate holidays together.

SEA is family friendly and welcomes children to participate and to learn to respect and care for the natural world. Creative self-expression through the arts, music, and dance are shared and honored as divinely inspired.

Consistent with traditional Hawaiian values known as Malama Aina (caring for the Earth, that which feeds us), Sacred Earth Assembly sees the role of human beings as stewards of the earth's natural resources in order to pass on clean water, fresh air, living soils, and vibrant ecosystems to future generations.

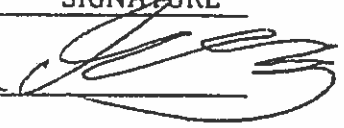
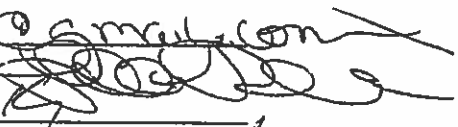
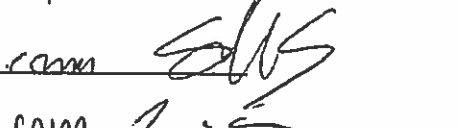
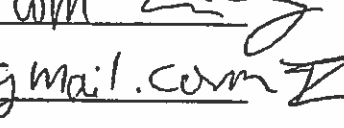
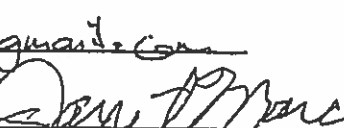
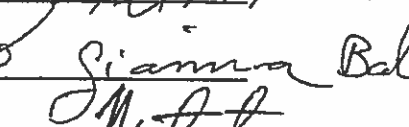
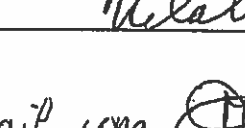



Demonstrations and teaching about natural farming methods free from chemical fertilizers and pesticides and renewable energy production through wind and solar power are offered as essential ways to preserve the health of the earth and the web of life it sustains.

SACRED EARTH ASSEMBLY WELCOMES YOU

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To express your support of this vision, and to receive our newsletter, please provide your name and email below. Provide your cell number to receive texts from SEA.

You can join at <https://www.MemberPlanet.com/SacredEarth> Assembly

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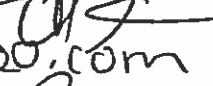
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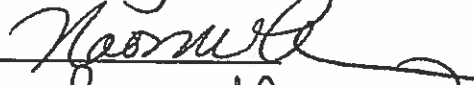
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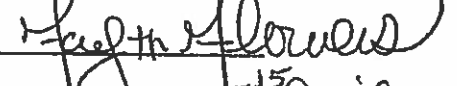
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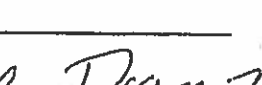
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YOU WANT SUPPORT FOR YOUR TEMPLE BUT YOU
 FORN ALWAYS LIGHT THAT SEEK SHELTER.
 AS THE MOMENT CAN'T SUPPORT YOUR CAUSE.

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Visit www.SacredEarthAssembly.org soon for more information.

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