

BEFORE THE MAUI PLANNING COMMISSION

COUNTY OF MAUI

STATE OF HAWAII

In the Matter of the Application of

DR. LEW ABRAMS AND MARIA DE
ABRAMS ON BEHALF OF THE SACRED
EARTH ASSEMBLY

To obtain a State Land Use Commission
Special Permit to operate the Sacred Earth
Assembly, a non-profit, interfaith church, in the
State Agricultural District on approximately
14.8 acres of land located at 4505 Hana
Highway, Haiku, Island of Maui, Hawaii, Tax
Map Key (2) 2-8-003:075 (por.)

DOCKET NO. SUP2 2017/0011

Dr. Lew and Maria De Abrams On Behalf
of the Sacred Earth Assembly

(T. Furukawa)

DEPARTMENT OF PLANNING
REPORT AND RECOMMENDATION
TO THE MAUI PLANNING COMMISSION
MAY 28, 2019 MEETING

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

State Land Use Commission Special Permit

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DESCRIPTION OF THE PROJECT

This matter arises from an application for a State Land Use Commission Special Permit ("SUP2") filed on June 5, 2017 by Dr. Lew and Maria De Abrams on behalf of the Sacred Earth Assembly ("Applicant"). The Applicant proposes to operate the Sacred Earth Assembly, a non-profit, interfaith church, on 14.8 acres of the Ahimsa Sanctuary Farm and an existing two-story 7,693 square foot agricultural building for church-related activities. The property is located at 4505 Hana Highway, Haiku, Maui, Hawaii, Tax Map Key (2) 2-8-003:075. See location map attached as **Exhibit 1** and aerial photograph of the parcel and region attached as **Exhibit 2**.

The Ahimsa Sanctuary Farm is a private 25-acre sustainable farm that obtained organic certification by the International Certification Services in 2016. See field verified and implemented farm plan attached as **Exhibit 3**. A natural gulch, which is unusable for farming, comprises 30 percent, pasture comprises 30 percent, fruit trees comprise 20 percent, bamboo comprises 10 percent and vegetables and herbs comprise 10 percent. See photographs attached as **Exhibit 4**. No pesticides are utilized onsite. A Permaculture Farm Tour is offered, where participants can pick herbs for tea and learn about different approaches to farming. The Applicant hopes to someday offer farm-to-table vegan meals. The farm currently draws its irrigation water from aquaculture ponds. In addition, vermiculture and mulching are practiced to rebuild soil. There are a few ponds onsite, one of which is a duck pond. The other pond has tilapia, channel catfish, koi and peacock bass. There are also tortoises and sheep. There are more than 200 fruit trees and 75 coco palms onsite. Currently, the largest commercial crops are turmeric, banana, limes, papaya and herbal tea. The fruit trees include ruby red grapefruit, Valencia orange, lychee, fig, pumpkin, sweet potato, ulu, etc. There are also approximately 60 dragon fruit cactus vines. Vegetables and herbs grown onsite include: taro, carrots, beets, turmeric, kale, bok choy, cucumbers, tomatoes, eggplant, etc. There are also assorted flowers that include red, pink and torch ginger, heliconia varieties, sugar cane and bamboo. It should be noted that the farm utilizes

renewable energy sources, a five kilowatt Helixwind vertical access generator and 12 kilowatts of photovoltaic panels.

The Applicant is proposing to utilize the 3,623 square foot main floor agricultural building as an assembly and worship hall. See site plan attached as **Exhibit 5** and photographs attached as **Exhibit 6**. The 4,070 square foot lower level, which has a kitchen, is for meetings and potluck style gatherings for church members. The minimum required parking is 26 parking stalls; however, there will be 65 stalls onsite.

The church will have a congregation of no more than 100 members. Plans are to hold weekly services on Wednesday and Friday from 6 to 9 p.m.; however, they may be held at other times. Typically, there is an attendance that ranges from approximately 10 to 30 people. Holiday celebrations will occur between 4 to 9 p.m., with attendance estimated at approximately 50 to 75 people.

The Department notes that the original application and plans were modified after they were transmitted to agencies for comments. The change made was to eliminate the commercial kitchen from the lower level of the agricultural structure proposed for church use. The Applicant instead plans to construct a commercial kitchen in another smaller agricultural structure at some time in the future.

DESCRIPTION OF THE PROPERTY

1. The Property, which is 25.54 acres, is located at Maui Tax Map Key (2) 2-8-003:075, 4505 Hana Highway, Haiku, Island of Maui, Hawaii.
2. Land Use Designations --
 - a. State Land Use District -- Agricultural
 - b. Maui Island Plan -- Outside Growth Boundary
Sensitive Land/Outside Protected Areas
 - c. Wailuku-Kahului Community Plan -- Agriculture
 - d. County Zoning -- Agricultural
 - e. Other -- Within the Special Management Area
3. Surrounding Uses --

North --	Agricultural lots/Residential Agricultural Lots
East --	Agricultural lots
South --	Hana Highway/Residential agricultural lots
West --	Residential agricultural lots/Agricultural Lots
4. The subject parcel has a natural grade of about 15 degrees sloping north. The site has various structures, retention ponds, a wind power tower, various farm animals, a pasture, aquaculture, vermiculture and mulching, and agricultural cultivation. The property is also surrounded by an unusable gulch with a flat bottom valley. The gulch comprises 30 percent of the property; however, the remainder of the property is comprised of 30 percent pasture, 20 percent fruit trees, 10 percent of bamboo and 10 percent of vegetables and herbs. The parcel lies within Flood Hazard Zone "X," an area of minimal flood risk.
5. There are eight closed Requests for Service (RFS) on file with the Department, and they

are in **Exhibit 7**. Below is a summary of all RFSs files on property:

RFS #12-0002926 was filed on November 26, 2012 for copies of all building and planning permits for the property. Copies were provided and the RFS was closed on December 27, 2012.

RFS #15-0000951 was filed on June 5, 2015 for the advertising of an unpermitted commercial kitchen and live concerts. The issues were investigated and two Notices of Warning were issued. A Notice of Warning was issued on June 23, 2015 to correct the violation by June 29, 2015. A Notice of Warning was also issued on June 23, 2015 because the property is within the SMA and an Assessment should have been filed for prior to the event. The deadline to correct the violation was on June 29, 2015. The violation was closed on September 1, 2015.

RFS #15-0001798 was filed on November 2, 2015 for commercial events onsite and construction of a structure, a greenhouse, which was denied a building permit. Through investigation, it was also found that there was an art gallery, live bands, a dance floor, bon fire and numerous signs off of Hana Highway. A Notice of Violation was issued and the Applicant paid the fines. The RFS was closed out on February 26, 2019.

RFS #16-0000147 was filed on February 2, 2016 because there were excessive parties, non-Agricultural uses and noise. A party was to be held and the Department was asked to investigate. The Department did not have enough forewarning to investigate and no copies of ads were found. The RFS was closed on January 9, 2019.

RFS #16-0000154 was filed on February 3, 2016 because of the noise, traffic and water source that may be associated with a proposed commercial kitchen (B T2010/0695). The complaint about the water source was not valid, since the water system is private. The request was closed on February 18, 2016.

RFS #16-0000617 was filed by a building inspector on May 17, 2016 because there was an expiring after-the-fact building permit application, B T2010/0695. The structure was being utilized for more than agricultural storage. A violation was issued by the Department of Public Works, V 2017/0005, and the fine was eventually paid, and the area that was utilized for art storage was dismantled. The RFS was closed on February 22, 2019.

RFS #19-0000588 was filed by a building inspector on April 12, 2019 because there was an expired after-the-fact building permit. A site inspection was conducted on November 26, 2018, and it was confirmed that the violation had been removed. The RFS was closed on May 3, 2019.

APPLICABLE REGULATIONS

State Land Use Commission Special Permit

Pursuant to Section 205-6 Special permit, Hawaii Revised Statutes (HRS), the Maui Planning Commission (Commission) may permit "certain unusual and reasonable uses" within the State Agricultural District other than those for which the district is classified. Special Use Permits for land the area of which is greater than fifteen acres shall be subject to approval by the State Land Use Commission.

Standards for reviewing a SUP 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, Section 15-15-95, Hawaii Administrative Rules.

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 State 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 Commission may impose protective conditions as it deems necessary in the issuance of a SUP. The Commission shall establish, among other conditions, a reasonable time limit to establish the particular use, and if appropriate, a time limit for the duration of the use, which shall be a condition of the SUP. If the permitted use is not substantially established to the satisfaction of the Commission within the specified time, the Commission may revoke the permit. The Commission, may extend the time limit if it is deemed circumstances warrant the granting of the extension.

Pursuant to Section 205-6 (C), HRS, the Commission must also find that the use would promote the objectives and effectiveness of the entire chapter.

PROCEDURAL MATTERS

1. SUP2 application submitted on June 5, 2017. Original scope of permit request included a commercial kitchen, planned to be located in the lower level of the church structure, as well as a roof over the adjacent outdoor lanai for sun and rain protection. The requests for the commercial kitchen and lanai covering were later withdrawn.

2. On December 11, 2017 a letter regarding a closure of the file was sent by the Department. We noted that on September 7, 2017, the Department received a letter from the Department of Public Works stating that there is an open Notice of Violation issued on March 1, 2017, with daily fines amounting to \$59,500, as of August 16, 2017. The Applicant filed for an after-the-fact (ATF) building permit but the fines would not stop accruing until the permit was approved. Agency comments were not adequately addressed. We requested a response by January 2, 2018 on how the Applicant wished to proceed in consideration of the violation and agency comments provided.

3. On March 8, 2018, Applicant paid initial Public Works violation fine of \$500.

4. On May 9, 2018, the Department sent the Applicant another letter as a follow-up

to the December 11, 2017 letter. The Department noted that the initial fine was paid but that the ATF building permit application was still open, so fines were still accruing. At that time, we also noted the lack of responses to agency comments. The Department requested a status update by May 31, 2018. It should be noted that the Applicant communicated with the Department to resolve other Special Management Area and building permits.

5. On November 29, 2018, a settlement letter was sent to the Applicant by the Department of Public Works for fines that accrued up to \$524,000. The letter was sent after the Applicant removed the art storage structure. The fines were reduced to \$1500.

6. On December 6, 2018, the reduced fine of \$1500 was paid to the Department of Public Works for the recently dismantled art storage structure.

7. On April 15, 2019, the Maui County Planning Department mailed a notice to the Applicant and appropriate state and county agencies, notifying them of the scheduled public hearing.

8. On April 27, 2019, the Applicant mailed a letter of notification and location map to all owners and recorded lessees adjacent to the subject property and across the street. The notification described the application and notified 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 and recorded lessees, certified and registered mail receipts are on file in the Planning Department.

9. On April 26, 2019, a notice of hearing on the application was published in the Maui News by the Maui County Planning Department.

10. The SUP2 application does not involve an action that triggers compliance to Chapter 343, Hawaii Revised Statutes, relating to Environmental Impact Statements.

REVIEWING AGENCIES

County Agencies:	Comment	Exhibit
Department of Public Works	Yes	8
Department of Water Supply	No Comment	9
Department of Environmental Management	Yes	10
Response to Department of Environmental Management	-	11
Department of Transportation	No comment	12
Police Department	No comment	13
Department of Fire & Public Safety	Yes	14
Response to Department of Fire & Public Safety	-	15

State Agencies:	Comment	Exhibit
Department of Transportation, Maui District Office	Yes	16
Response to Department of Transportation	-	17
Office of Planning	Yes	18
Response to Office of Planning	-	19
Letter from Project Engineer to Department of Health	-	20
Department of Health – Wastewater Division	Yes	21

ANALYSIS

LAND USE

1. 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.
2. 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.
3. 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 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:

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. Prioritize the use of agricultural land to feed the local population, and promote 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.

4. 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 MIP states:

The Directed Growth Plan (DGP) is the backbone of the MIP and taking into account population projections, it prescribes and outlines how Maui will grow over the next two decades. It includes the location and general character of new development. It also accommodates growth in a manner that provides for economic development, yet protects environmental, agricultural, scenic and cultural resources; economizes on infrastructure and public services; meets the needs of residents; and protects community character. (MIP Chapter 8, Page 2)

The subject property is outside the growth boundaries, is in sensitive land and outside of protected areas. Sensitive land is land that contains development constraints, such as steep slopes greater than 35 percent, floodplains, significant drainage features, and intact forested areas.

The proposed project is in keeping with the following MIP 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: 4.1.2.b Encourage and support local businesses.
- GOAL: 4.3 Maui will have a diversified agricultural industry contributing to greater economic, food, and energy security and prosperity.
- Objective: 4.3.1 Strive for at least 85 percent of locally-consumed fruits and vegetables and 30 percent of all other locally-consumed foods to be grown in-State.
- Policies: 4.3.1.a. 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. Enhance opportunities for the cultivation and processing of local agricultural products and encourage the establishment of agricultural parks and support services (i.e., co-op facilities for distribution, marketing and sales) to enhance diversified agricultural activities.

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

According to Title 19 of the Maui County Code, the subject project area is zoned Agricultural. The proposed church meets the district standards provided in Section 19.30A, which pertains to minimum lot area, width, yard setbacks and height. The permitted principal use is Agricultural. The proposed church is a special use that requires a special use permit. Because the land areas of the parcel is less than 15 acres, the County may process the State Land Use Commission Special Permit.

STATE LAND USE COMMISSION SPECIAL PERMIT

The subject property is in the State Agricultural District. 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 following guidelines are established in determining an "unusual and reasonable use" and the response to these guidelines is indicated as such:

- 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.

The properties to the north, south, east and west are all at least approximately three acres. The property has an existing small sign for the farm, which will be replaced with a more visible sign, contact phone number and website. The sign will remain on the property. Another sign will be installed at the top of the cul-de-sac to direct visitors to the correct driveway. 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. See Exhibit 22. As previously noted, there are no open RFS's on the property. Adjacent owners and lessees, including those across any abutting street, were notified about the public hearing. There were eight letters of support received by the Department. See Exhibits 23.

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 designations are more fully discussed in the following section on agriculture.

The proposed church and agricultural educational uses will complement existing agricultural uses occurring on the property.

AGRICULTURE

According to the State Department of Agriculture the subject property is classified as "PfC," Pauwela Clay, 7 to 15 percent slopes, "PfD," Pauwela Clay, 15 to 25 percent slopes, "and "rRR," Rough broken land.

"PfC" is well-drained soil with medium runoff, and is concerned Prime farmland if irrigated, according to the soil survey posted to the U.S. Department of Agriculture, Natural Resources Conservation Service website. "PfD" is well-drained soil with high runoff, and is not prime farmland. "rRR" is well-drained soil with very high runoff, and is not prime farmland.

According to the University of Hawaii Land Study Bureau, agricultural lands are classified on a scale of "A" to "E," reflecting land productivity characteristics. While land classified as "A" are considered to have the highest productivity, land classified as "E" has the lowest. A majority of the subject property is classified as having a "C" rating. Some of the property also has an "E" rating.

As previously mentioned, the property has a field verified, implemented farm plan that covers the entire 25.54 acres. Refer to **Exhibit 3**. The State Office of Planning did not have any comments on the proposed church use, other than to say that the County Department of Planning can process and approve the Special Permit. Refer to **Exhibits 18 and 19**.

ARCHAEOLOGICAL, HISTORIC AND CULTURAL RESOURCES

It should be noted that there is no construction associated with the proposed church use; hence, the application was not transmitted to the Department of Land and Natural Resources, State Historic Preservation Division (SHPD) for review and comment. Because the property is located within the Special Management Area (SMA), SHPD has reviewed applications transmitted previously. In a comment letter dated December 3, 2009, SHPD noted that an archaeological inventory survey was conducted by Scientific Consultant Services in 1996. Three historic sites were identified; but, the two closest to the project area are the discontinuous road segments and the Haiku Ditch, a plantation era irrigation ditch that is still utilized and recommended for preservation through avoidance and protection. It was also determined that there would be no effect on historic resources. Previous correspondence that SHPD has provided is attached as **Exhibit 22**.

INFRASTRUCTURE AND PUBLIC FACILITIES AND SERVICES

1. **Water** – The subject property overlies the Haiku aquifer with a sustainable yield of 27 million gallons per day; however, the property is serviced by a private water system. There is a 10,400 gallon potable water tank to the south of the agricultural structure proposed

for church use. The property is serviced by a private water system that consists of a well and potable water tank. There should be no adverse impacts associated with the proposed church use. Since the water system is private, the Department of Water Supply did not have any comments on the proposed church use. Refer to **Exhibit 9**.

2. **Sewers** -- The subject property has an existing septic system. There is a 1,250 gallon tank and 1,150 square foot leaching field with a capacity of 1,000 gallons per day. In a letter dated January 15, 2016 from the project engineer to the Department of Health Wastewater Branch, the existing system can handle a maximum of 100 persons which will generate 1,000 gallons per day. Refer to **Exhibit 20**. The Department of Health confirmed the conformance of the wastewater plans with Hawaii Administrative Rules. Refer to **Exhibit 21**. The proposed church will have a maximum capacity of approximately 100 persons, so there should be no adverse impacts associated with the proposed request.

2. **Drainage** -- 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. Zone X represents areas determined to be inside the 0.1% annual chance floodplain. The base flood elevation is not calculated for Zone X.

As previously mentioned, the property slopes north, downward towards the ocean. There are natural swales that lead to retention ponds onsite. There are no areas of flooding or erosion. The Department of Public Works did not have any comments with respect to drainage. Refer to **Exhibit 8**.

4. **Roadways, Curbs, Gutters and Sidewalks** -- Access to the project site is a driveway off of Hana Highway, a State roadway. There is more than 90 feet of road frontage so that there is adequate visibility for safe turns on to the property from either direction. The driveway is owned by the Ahimsa Sanctuary Farm and is shared with two neighboring properties, which have granted easements for the use of the driveway to access their parcels. There should be no adverse impacts associated with the proposed request. The State Department of Transportation commented that the applicant should apply for a permit for any sign within the State right-of-way. Refer to **Exhibit 16**. It should be noted that the existing sign is on private property.
5. **Electrical and Telephone** -- Electrical and telephone service is available to the site. No impacts are anticipated as a result of this project.
6. **Parks** -- There are a few parks in Haiku, including the Haiku Community Center and the 4th Marine Division Memorial Park, which are both approximately two miles away from the property. This project is not anticipated to adversely impact recreational facilities.
7. **Schools** -- The Haiku region is served by the Haiku Elementary School, Kalama Intermediate School in Makawao and King Kekaulike High School in Pukalani. This project is not anticipated to impact educational facilities.
8. **Solid Waste** -- The nearest landfill site is the Central Maui Sanitary Landfill in Puunene. The Department of Environmental Management reviewed the project and had no comments. Refer to **Exhibit 10**. No adverse impacts on solid waste resources are anticipated.
9. **Public Services** -- Fire protection is from the Paia Fire Station, located at 179 Hana

Highway in Paia, approximately eight miles away from the proposed church. Additional fire support is available from the Makawao Fire Station, approximately eight miles away and the Kahului Fire Station, approximately 14 miles away. The Fire Department did not have any objections to the proposed use. They are reserving their comments with respect to access, water supply, safety systems and egress for when the applicant applies for a Certificate of Occupancy. Refer to **Exhibit 14**.

Police protection is provided by the Maui Police Department headquartered at the Wailuku Station, approximately 16 miles away from the proposed church. There is an existing substation at the Eddie Tam Memorial Center, approximately seven miles away from the school. The Police Department did not have any comment on the proposed church use. Refer to **Exhibit 13**.

Maui Memorial Medical Center, the only major medical facility on the island, is located near the Maui Police Department, approximately 16 miles away from the school. Acute, general, and emergency care services are provided by this facility, which is licensed for approximately 231 beds. In addition, numerous privately operated medical/dental clinics and offices are located in the area to serve the region's residents.

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

SOCIO-ECONOMIC IMPACTS

The proposed church will be located in Haiku, which had a population of 8,118, according to the 2010 United States Census. The Haiku economy is driven by sales related jobs, health care and social assistance, and the accommodation and food service industries. 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. Should the Applicant develop the commercial kitchen in the future, there may be temporary construction-related impacts; however, construction activity will be limited to certain times of the day, and any noise will be mitigated by the agricultural buffers and gulch.

OTHER GOVERNMENTAL APPROVALS

No other governmental approval is necessary to operate the church use in the existing agricultural structure. Building permit and Special Management Area approval will be necessary for any future actions that may occur onsite.

TESTIMONY

As of May 7, 2019, the Planning Department has received eight letters in support of the project. Refer to **Exhibit 23**.

ALTERNATIVES

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.

RECOMMENDATION

The application complies with the applicable standards for a State Land Use Commission Special Permit as discussed in the 'Analysis' section for this Report. The Maui County Planning Department recommends approval, subject to the following conditions:

1. That the Land Use Commission Special Permit shall be valid until **June 30, 2024**, subject to extension by the Maui County Planning Director upon a timely request for extension filed prior to its expiration. Any request for a time-extension should be submitted no later than 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 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 by the appropriate Planning 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 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 \$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 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 be submitted directly by the insurance carrier to the Department and shall include the applicable TMK and permit numbers.



EXHIBIT 2

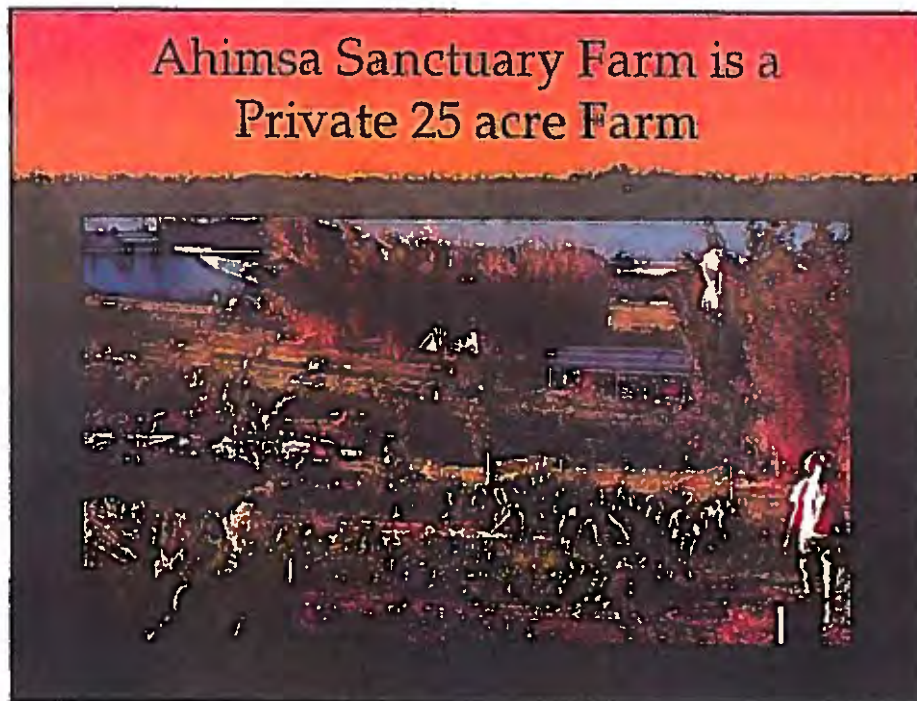
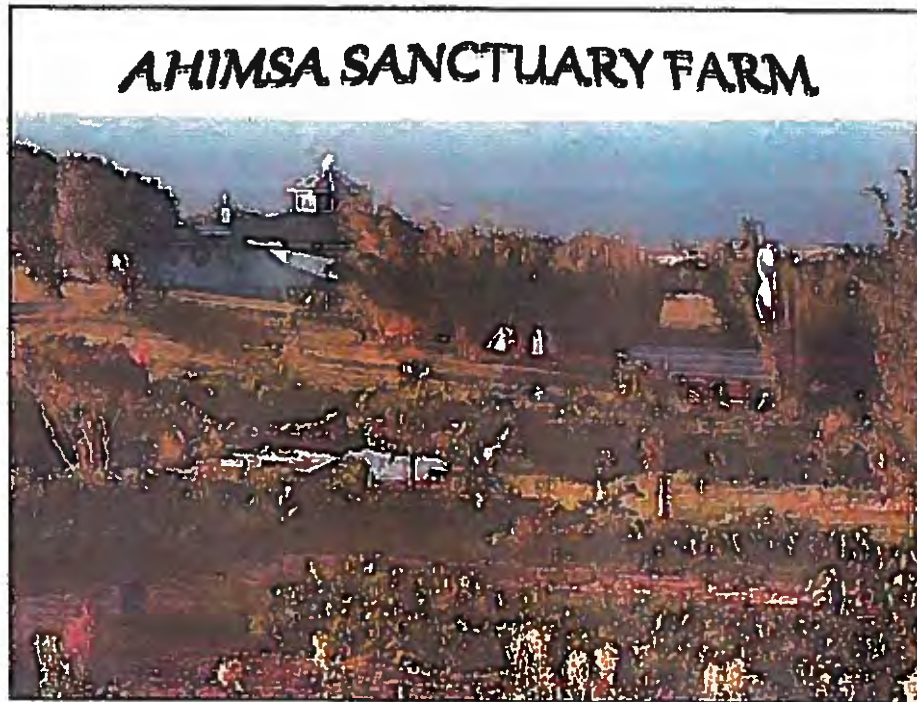


EXHIBIT 4

Location – 4505 Hana Highway, Haiku, Maui HI



Restoring Old Pineapple Land with Regenerative Agriculture



Organic Farming of Fruits,
Vegetables, Herbs, & Flowers...



Showcasing the Abundance
of the A'ina ...



Providing the Community with Healthy Food at Farmer's Markets, Restaurants, and Health Food Stores



Educational and Inspiring Permaculture Farm Tours

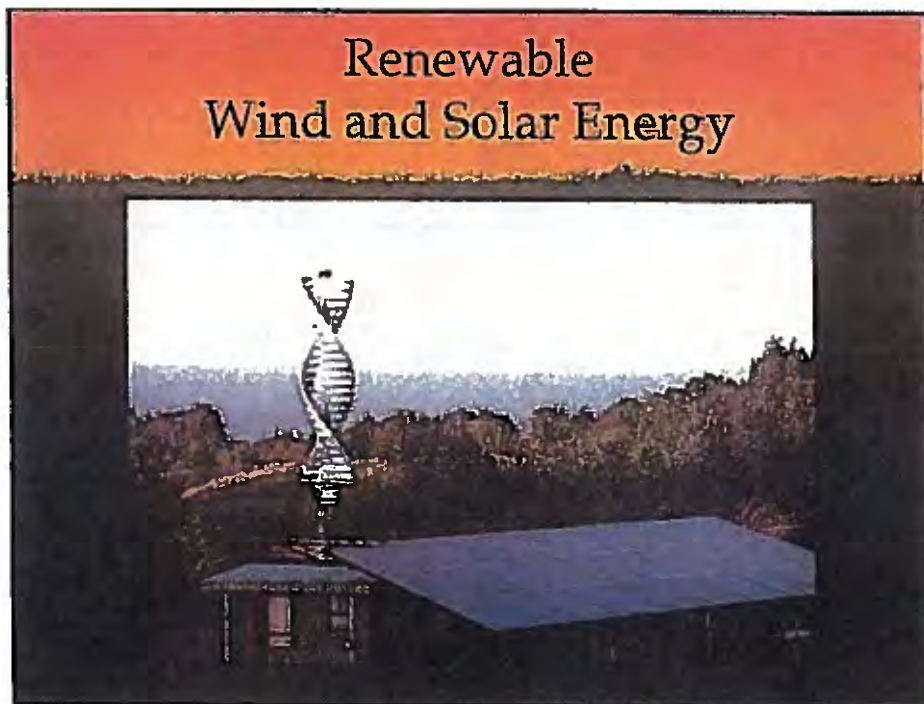
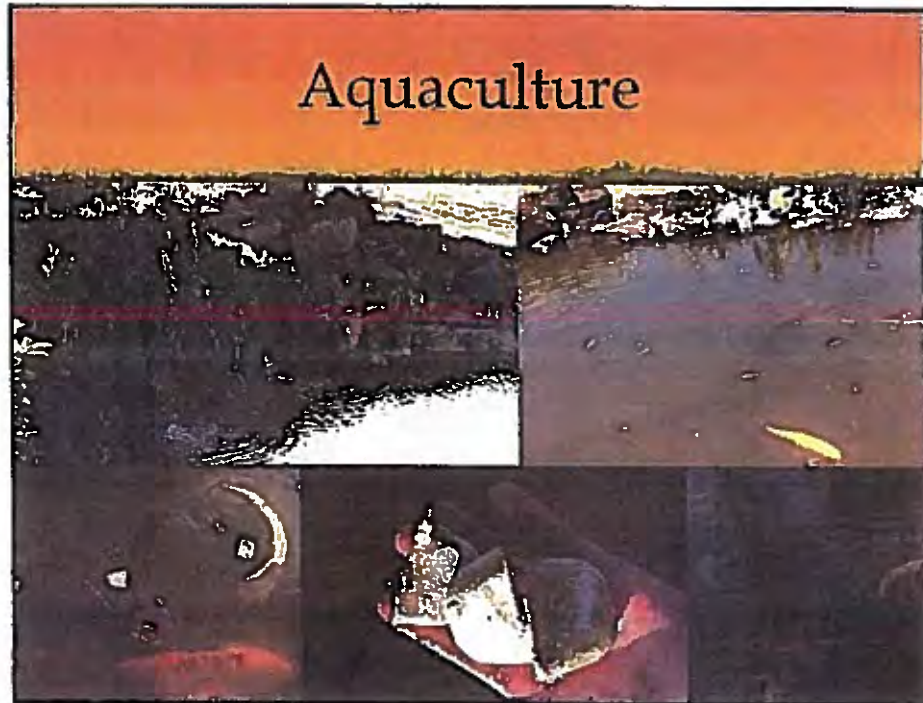


Hands on Fun



Interactive Learning



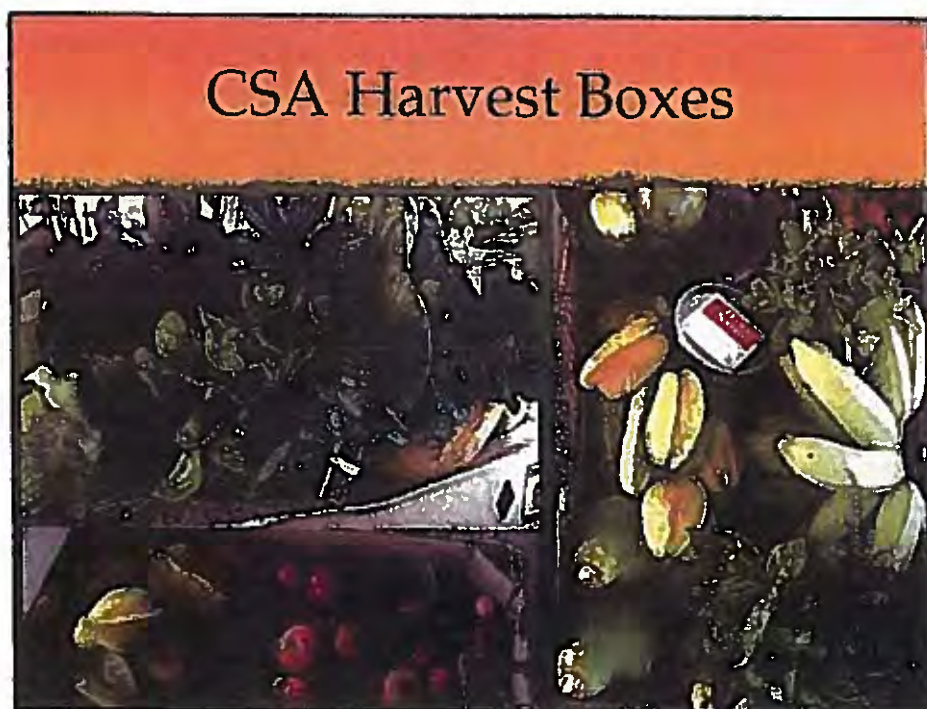


Organic Vegetable and Fruit Production



Turmeric – Olena Production

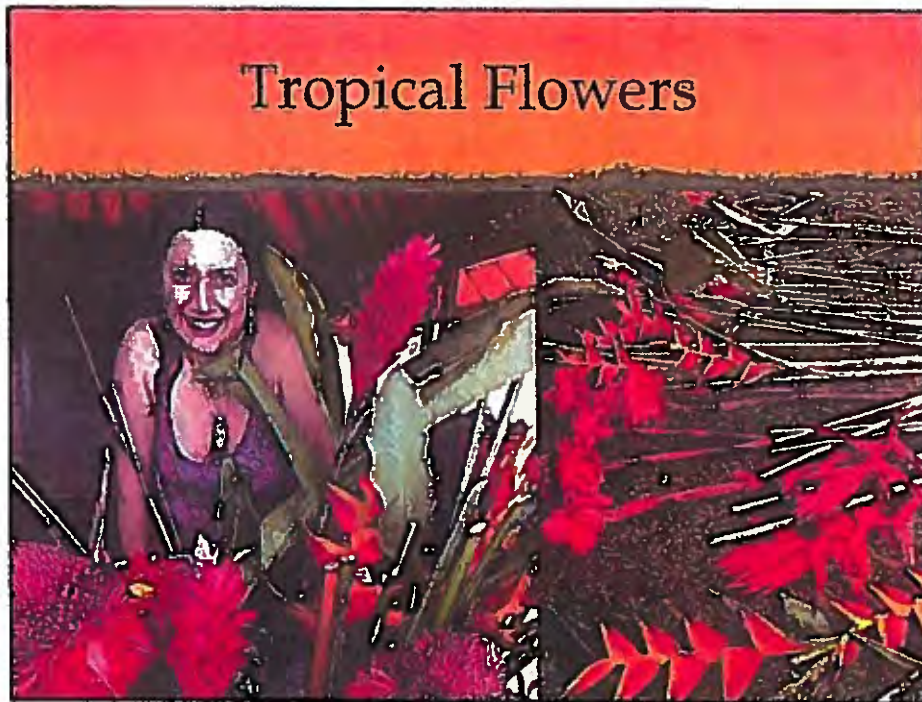




Bananas, Papayas, Citrus,
Soursop, Surinam Cherries



Tropical Flowers



6 Varieties of Bananas

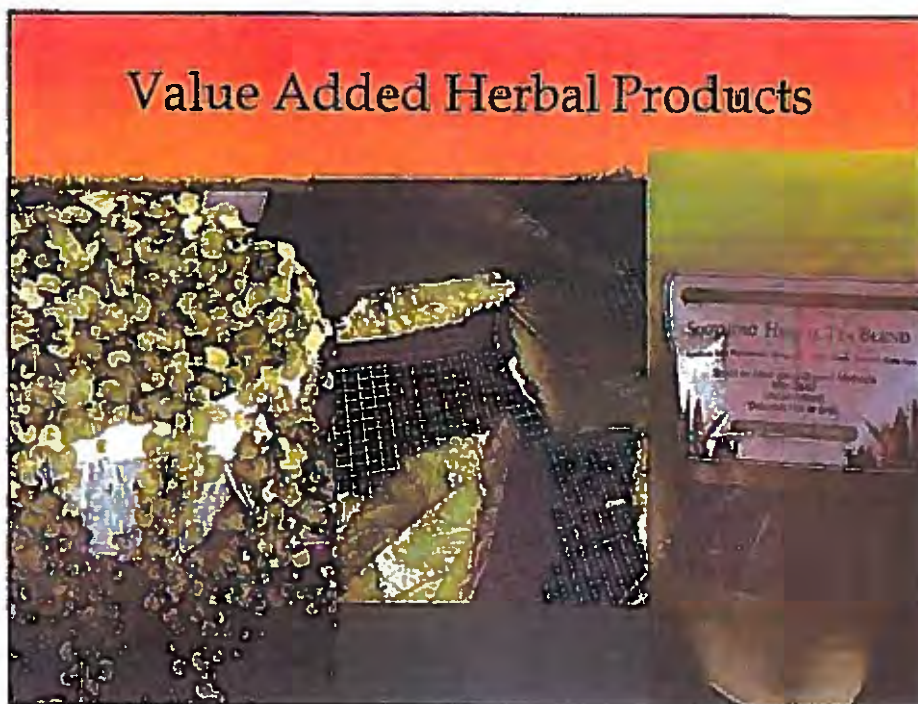
Apple, Williams, Cuban Red, Ice Cream,
Puerto Rican Plantain



Coconut Orchard

More than 75 coco palms in the ground
mostly Samoan and other dwarf varieties

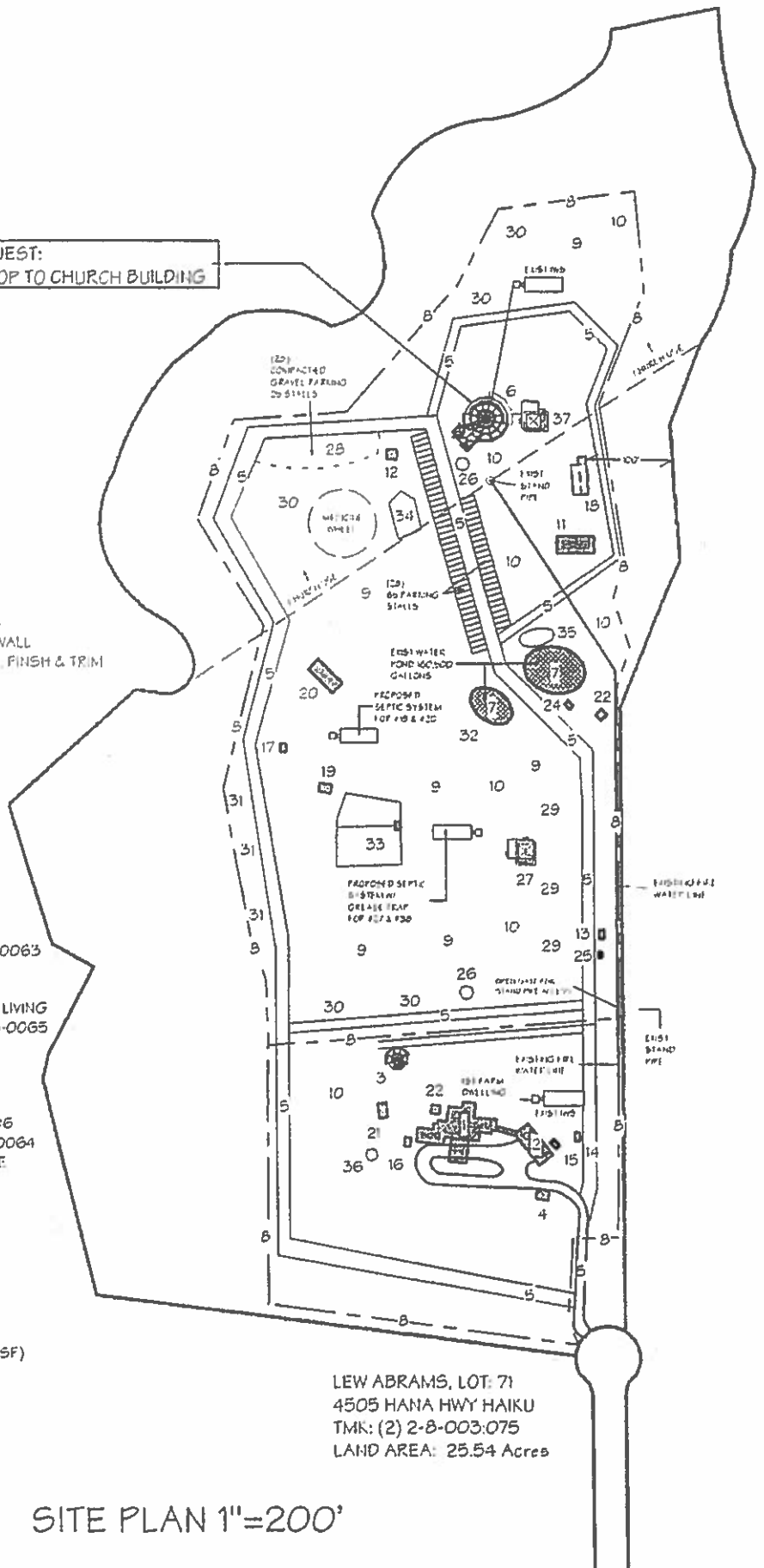




**SPECIAL USE REQUEST:
CONVERT WORKSHOP TO CHURCH BUILDING**

FARM PERMIT FRMP2007-0098

- 1 EXIST. 1st DWELLING W/ POOL B2001-0364 B2007-2074
- 2 EXIST. 1st DWELLING GARAGE
- 3 EXIST. WORK SHOP 493 SF B2009-0025
- 4 EXIST. UTILITY ROOM 12X24
- 5 EXIST. GRAVEL DRIVE WAYS 20' WIDE
- 6 EXIST. WORKSHOP 7,693 SF B2009-0034, B2009-1033
EXIST UNFINISHED STORAGE ROOM CONC FLOOR & DRYWALL
AFTER THE FACT BT2017-0394. STORE ROOM FLOORING FINISH & TRIM
PROPOSED ROOF OVER 1st FLOOR EXIST LANAII
- 7 EXIST WATER PONDS 160,500 GALLONS B2009-1061
- 8 EXIST FENCE 5' TALL WOOD POSTS HOGWIRE
- 9 EXIST. LIVE STOCK PASTURE 15 ACRES
- 10 EXIST. FRUIT TREE ORCHARD
- 11 EXIST 40' TALL WIND POWER TOWER B2009-1054
& SOLAR PACKING SHED B2009-1055
- 12 EXIST GRAVEL FLOOR GAZEBO (12' X 12')
- 13 EXIST TOOL SHED (6' X 12')
- 14 EXIST AG TRACTOR SHED (8' X 10')
- 15 EXIST TOOL SHED (6' X 8')
- 16 EXIST HOME STORAGE SHED (8' X 8')
- 17 EXIST COMPOST SHED (7' X 7')
- 18 EXIST AG GREEN HOUSE A (20' X 50') BX2015-0062
- 19 EXIST AG STORAGE AND PRODUCTION (12' X 17') BX2015-0063
PROPOSED USE AG BATH HOUSE
- 20 EXIST AG WORKROOM (20' X 40') BX2015-0066
PROPOSED CONVERT TO 2ND FARM DWELLING 1,000 SF LIVING
- 21 EXIST AG STORAGE AND PRODUCTION (12' X 20') BX2015-0065
- 22 EXIST AG BIRD AVIARY 1 & 2 (12X12)
- 23 EXIST FOOD TRUCK PARKING AREA
- 24 EXIST PUMP HOUSE (BX10) B2009-1052
- 25 EXIST AG MUSHROOM SHED (73" X 6'2")
- 26 EXIST POTABLE WATER TANK 10,400 GAL (15'4" X 7'6") #6
- 27 EXIST AG STORAGE & PRODUCTION (1,000 SF) BX2015-0064
PROPOSED USE AS REGISTERED AG RETAIL STRUCTURE
- 28 EXIST 90 PARKING STALLS
- 29 EXIST VEGI & HERB GARDENS
- 30 EXIST COCO ORCHARDS
- 31 60 DRAGON FRUIT PLANTS
- 32 TARO & TURMERIC
- 33 SHEEP PASTURE AND 100SF SHELTER
- 34 TORTOISE PEN
- 35 DUCK PEN
- 36 CHICKEN ENCLOSURE 200SF
- 37 PROPOSED AG FOOD SERVICE ESTABLISHMENT (1,000 SF)

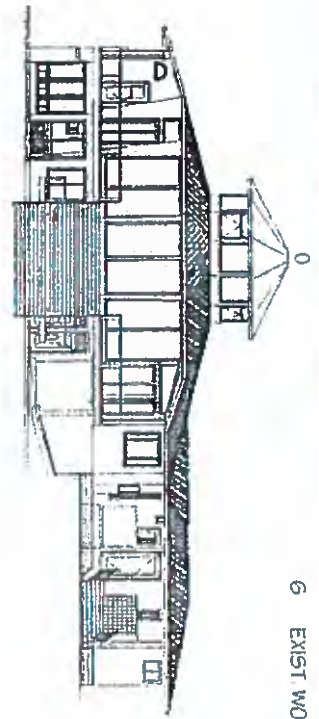


LEW ABRAMS, LOT: 71
4505 HANA HWY HAIKU
TMK: (2) 2-8-003:075
LAND AREA: 25.54 Acres

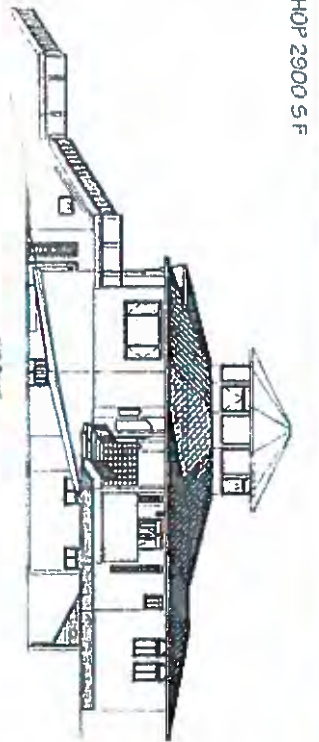
SITE PLAN 1"=200'

EXHIBIT 5

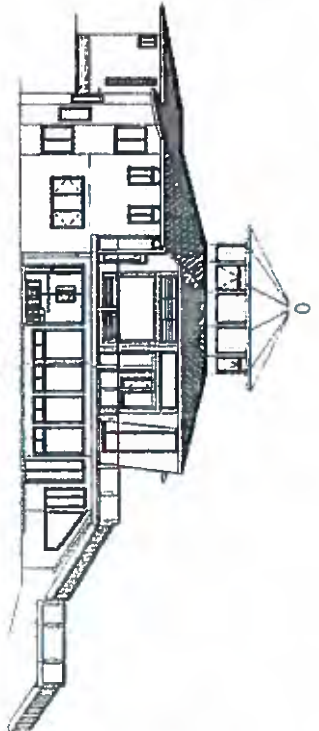
6 EXIST WORK SHOP 2900 S.F.



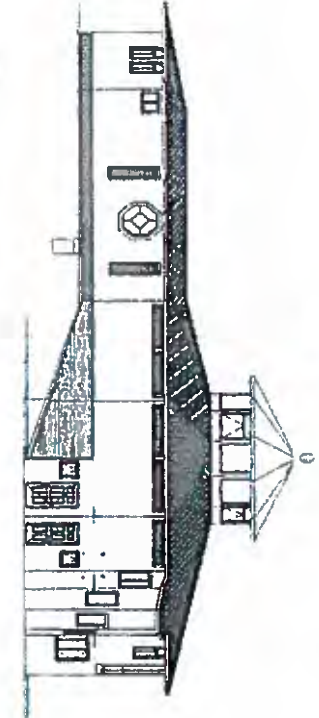
LEFT



FRONT

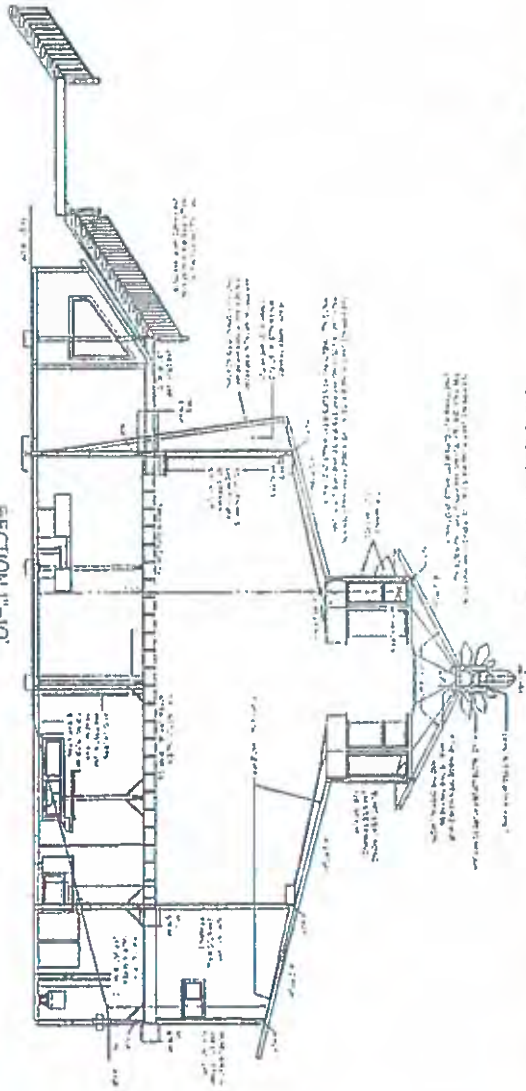


BACK

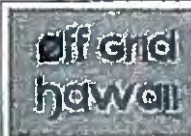


RIGHT

SIDE ELEVATION 1/16"=1'



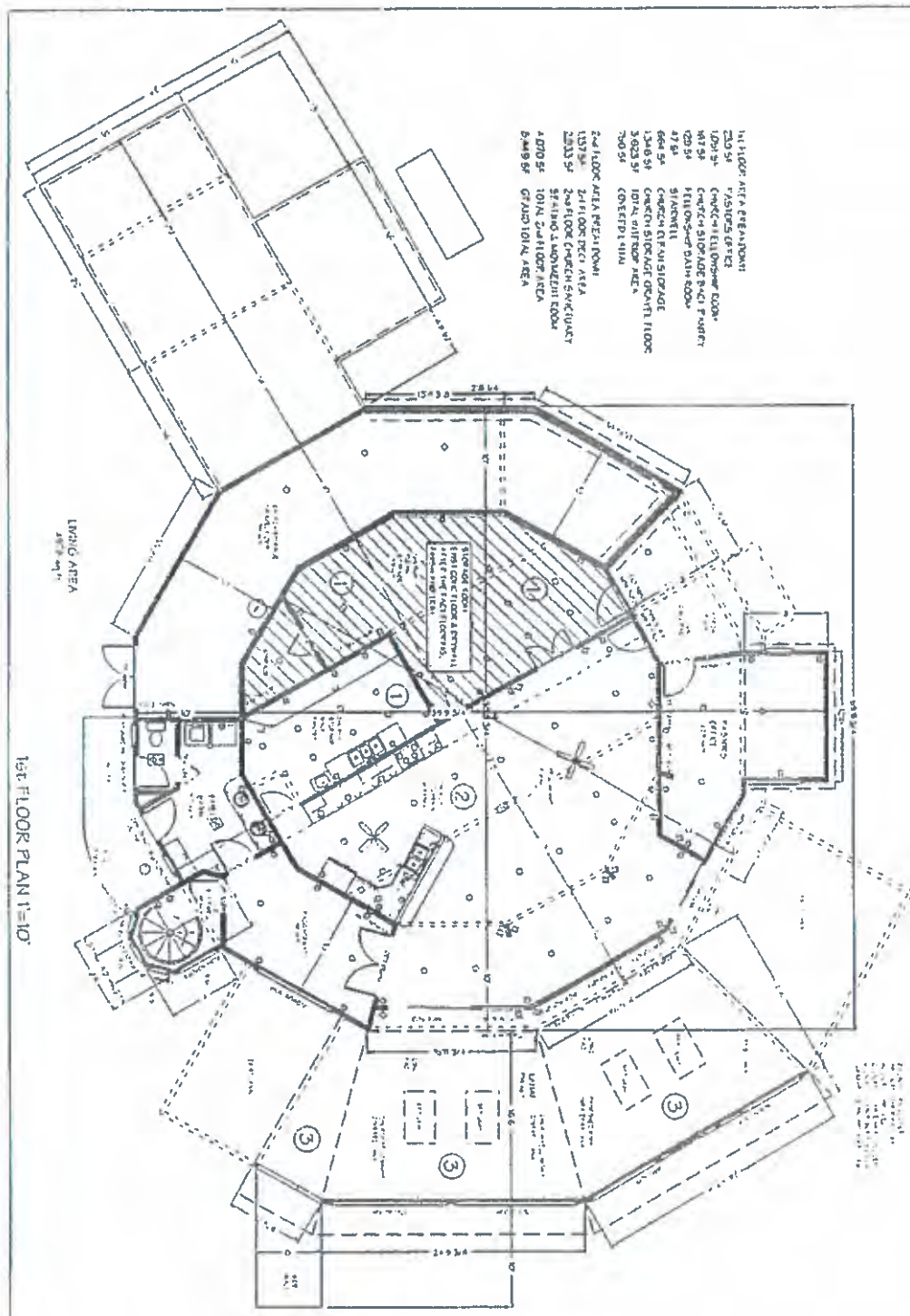
SECTION 1'-10''



OFF GRID HAWAII
www.OFFGRIDHawaii.org
Use RC 30980 (P&M, Eoort, Plans)
Hawaii Architectural
www.HawaiiArchitectural.com
State of Hawaii Architectural Law AZ 6271
Y&P 809 875-1750 Cell 809 370-6302
Email: OFFGRID@offgridhawaii.com

LEW ABRAMS, LOT 71
4000 MANA HWY HAIKU
HAU (2 2 0 0 0 0 7 5)
LAND AREA 25.54 Acres

DATE PAGE
3/20/09 A-21
CAD by
Michael Michael Smith



- 1st FLOOR AREA BREAKDOWN:
- 230 SF VESTIBULE
 - 104 SF CHURCH STORAGE ROOM
 - 417 SF CHURCH STORAGE ROOM
 - 420 SF FELLOWSHIP DASH ROOM
 - 47 SF STAIRWELL
 - 664 SF CHURCH STORAGE ROOM
 - 1346 SF CHURCH STORAGE ROOM
 - 3023 SF 100% STAIRWELL AREA
 - 700 SF CONCRETE SLAB
- 2nd FLOOR AREA BREAKDOWN:
- 1137 SF 2nd FLOOR REAR AREA
 - 2333 SF 2nd FLOOR CHURCH SANCTUARY
 - 4470 SF 100% 2nd FLOOR ROOM
 - 6449 SF GRADE 101A AREA

- #6 EXIST WORKSHOP
- SCOPE OF WORK:
- SPECIAL USE REQUEST: EXISTING AG WORKSHOP CHANGE USE TO CHURCH
- 1 UNFINISHED STORAGE TO FINISHED CHURCH STORAGE
 - 2 CHURCH KITCHEN & SERVING
 - 3 PROPOSED ROOF OVER EXIST LANA

1st FLOOR PLAN 1"=10'

Hawaii Architectural
 www.HawaiiArchitectural.com
 State of Hawaii Architectural Lic: AK 5271
 V&F: 808 573-1755 Cell: 808 870-5302
 Email: info@HawaiiArchitectural.com

SPECIAL USE PERMIT PLANS
 LEW ABPAMS 101 71
 4000 HANA HWY HAWAII
 TOWN (2) 2 & 603-075
 LAND AREA: 25.54 Acres

DATE	PAGE
Quant	A-4
CAD by	
Hawaii Architectural Group	



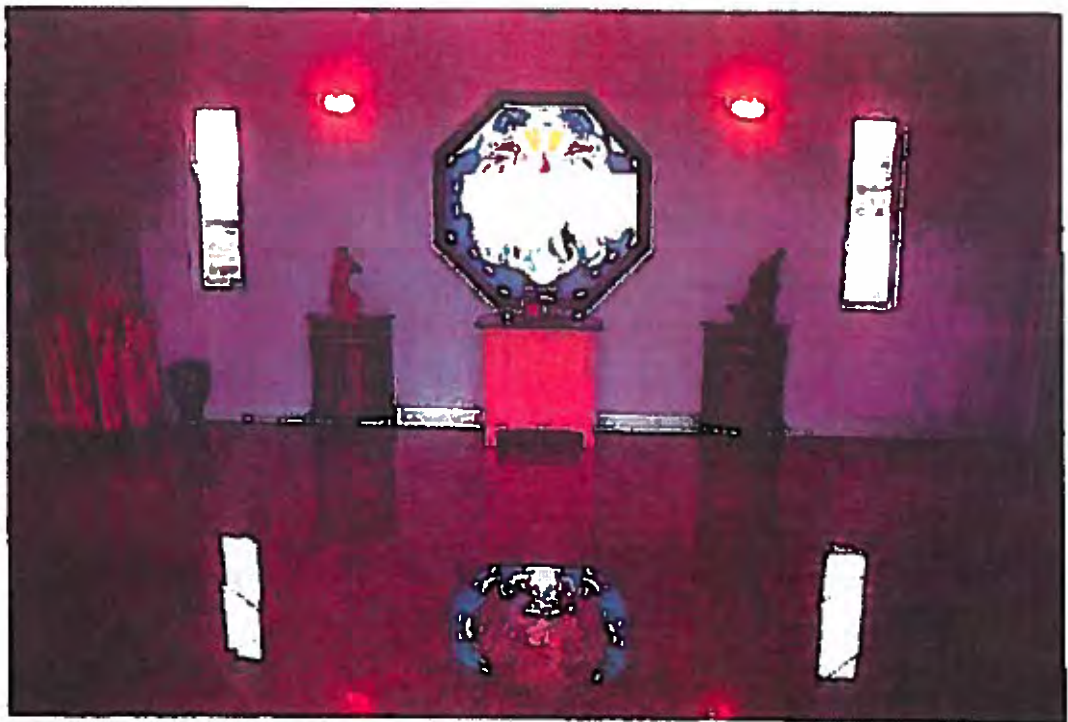
EXHIBIT 6











SERVICE REQUESTS ON PARCEL

Owners Zoning Struct Establ Flags Geo Area Permits RFS Legal Parcel Attr

APN: 2280030750000 4505 HANA HWY 76

Request#	Program	Requestor	Recd Date	Comp Date	Status
12-0002926	PA01DSAREV	SIMON, PAMELA	26-NOV-2012	27-DEC-2012	DONE
12-0002926	PA01ADMIN	SIMON, PAMELA	26-NOV-2012	27-DEC-2012	DONE
12-0002926	NC01CURRNT	SIMON, PAMELA	26-NOV-2012	27-DEC-2012	DONE
12-0002926	NA01ADMIN	SIMON, PAMELA	26-NOV-2012	27-DEC-2012	DONE
12-0002926	PD01PREREV	SIMON, PAMELA	26-NOV-2012	27-DEC-2012	DONE
12-0002926	PD02UIPA	SIMON, PAMELA	26-NOV-2012	27-DEC-2012	DONE
12-0002926	PD03CP/CO	SIMON, PAMELA	26-NOV-2012	27-DEC-2012	DONE
12-0002926	PD06INSP	SIMON, PAMELA	26-NOV-2012	27-DEC-2012	DONE
12-0002926	PD05INSP	SIMON, PAMELA	26-NOV-2012	27-DEC-2012	DONE
12-0002926	PD04INSP	SIMON, PAMELA	26-NOV-2012	27-DEC-2012	DONE
12-0002926	NA01ADMIN	STRIN, RICK	05-JUN-2015	01-SEP-2015	DONE

Memo Type Memo Text RFS Detail

charging money with no permit for eg property, bands no permit, noise complaint, illegal unpermitted comercial kitchen, no restaurant permit, no parking permit, no PA systems permit, no live concert permit.
 Memo Date: 08-JUN-2015 check these links

Service	Comp By	Comp Date	Comments
REASSIGN	CWRIGHT	08-JUN-2015	assigned to c.wright

SERVICE REQUESTS ON PARCEL

Owners Zoning Struct Establ Flags Geo Area Permits RFS Legal Parcel Attr

APN: 2280030750000 4505 HANA HWY 7G

Request#	Problem	Requestor	Recd Date	Comp Date	Status
15-0000951	NB02USE	STRINI, RICK	05-JUN-2015	01-SEP-2015	DONE
15-0001798	NA01ADMIN	STRINI, RICK	02-NOV-2015	26-FEB-2019	DONE
15-0001798	FB02APPR	STRINI, RICK	02-NOV-2015	26-FEB-2019	DONE
15-0001798	FB01RADM	STRINI, RICK	02-NOV-2015	26-FEB-2019	DONE
15-0001798	FA01ADMIN	STRINI, RICK	02-NOV-2015	26-FEB-2019	DONE
15-0001798	NB02USE	STRINI, RICK	02-NOV-2015	26-FEB-2019	DONE
15-0001798	PD04BWOP	STRINI, RICK	02-NOV-2015	26-FEB-2019	DONE
15-0001798	PD01PREREV	STRINI, RICK	02-NOV-2015	26-FEB-2019	DONE
15-0001798	PA01ADMIN	STRINI, RICK	02-NOV-2015	26-FEB-2019	DONE
16-0000147	NA01ADMIN	GLACIER, JIM	02-FEB-2016	09-JAN-2019	DONE
16-0000147	NB02USE	GLACIER, JIM	02-FEB-2016	09-JAN-2019	DONE

Memo Type: Memo Text: RFS Detail

charging money with no permit for ag property, bands no permit, noise complaint, illegal unpermitted comercial kitchen, no restaurant permit, no parking permit, no PA systems permit, no live concert permit.
check these links

Service	Comp By	Comp Date	Comments
NBINSPECT	JARAKAWA	06-JUN-2015	Assigned to C. Wright.
NBVERIFY	CWRIGHT	06-JUN-2015	Site inspection on 6/5/15 verifies the complaint made.
NB1WARNING	CWRIGHT	22-JUN-2015	NOV sent out 6/23/15, compliance date 6/29/15.

SERVICE REQUESTS ON PARCEL

Owners Zoning Struct Establ Flags Geo Area Permits RFS Legal Parcel Attr

APN: 2260030750000 4505 HANA HWY 7G

Request#	Problem	Requestor	Recd Date	Comp Date	Status
16-0000154	NA01ADMIN	GLACIER, JIM	03-FEB-2016	18-FEB-2016	DONE
16-0000154	PA01ADMIN	GLACIER, JIM	03-FEB-2016	18-FEB-2016	DONE
16-0000154	RA01ADMIN	GLACIER, JIM	03-FEB-2016	18-FEB-2016	DONE
16-0000600	NA01ADMIN	PLANNING,	16-MAY-2016	09-JAN-2019	DONE
The requestor number					
	02SIGNS	PLANNING,	16-MAY-2016	09-JAN-2019	DONE
16-0000617	NA01ADMIN	BUILDING PERMIT,	17-MAY-2016	22-FEB-2019	DONE
16-0000617	P004BWOP	BUILDING PERMIT,	17-MAY-2016	22-FEB-2019	DONE
16-0000617	P001PREREV	BUILDING PERMIT,	17-MAY-2016	22-FEB-2019	DONE
16-0000617	NB02SMA	BUILDING PERMIT,	17-MAY-2016	22-FEB-2019	DONE
16-0000617	PA01DSAREV	BUILDING PERMIT,	17-MAY-2016	22-FEB-2019	DONE
19-0000588	P001PREREV	BUILDING PERMIT,	12-APR-2019	03-MAY-2019	DONE

RFS Detail

Memo Type Memo Text
 B T20100695 Pending Commercial Kitchen. Objections do to noise, traffic, and the water source is a private agricultura well, not intended for commercial purposes. Mr. Abrams needs to procure his own water supply apart from the private water supply.
 Memo Date 04-FEB-2018

Service	Execpt By	Comp Date	Comments
*REASSIGN	JARAKAWA	17-FEB-2016	On 2/17/16, attempted to contact Requestor but phone was no longer in service. Was going to
*CLOSE	JARAKAWA	17-FEB-2016	Case closed

The problem associated with the request

Record: 24/36

=OSC=



County of Maui
Kulana O Maui Building
200 South High Street,
Wailuku, HI 96793-2155

05/07/2019

RFS Information for 12-0002926

Call Information

Status	Received Date	Completed Date	Duration (Days)	Entered By	How Taken	Source
DONE	11/26/2012	12/27/2012	31	KIVANET	REMOTE	INTERNET

Requestor Information

Name: PAMELA SIMON Address: 1000 BISHOP STREET, 96813,
Company: (H) Phone: 808-521-9363 (W) Phone:
E-Mail: psimon@cades.com

Event Location

Address: 4505 HANA HWY
HAIKU, HI 96708

TMK: 2280030750000

Subdivision: FAGERHOLM-CAHILL SUBDIVISION

Intersection:

Common Place:

Other Location:

Owner(s):

ABRAMS, LEW JAY 1135 MAKAWAO AVE, PMB 217, MAKAWAO, HI
96768

DE ABRAMS, MARIA DEL ROSARIO G. P

Memo(s)

We (Cades Schutte LLP) are requesting copies of your records related to TMK No. (2) 2-8-003-075/Lot 71 4505 Hana Highway. The online record lists the following permits: SMX-20070490, SMX-20070317, SM5-20080017, SM5-20070305 and FRMP-20070098 ~ for these permits can we please have copies of your entire file for each. There are also 10 building permits, 8 electrical permits, 3 plumbing permits, 1 gas permit, and 2 minor grading permits ~ for these may we please have a copy of each permit. Please don't hesitate to contact me, if you have any questions or concerns about this request. Thank you in advance for your assistance.

THIS IS A CORRECTED REQUEST ~ We (Cades Schutte LLP) are requesting copies of your records related to TMK No. (2) 2-8-003-075/Lot 71/4505 Hana Highway. The online record lists the following permits: SMX-20070490, SMX-20070317, SM5-20080017, SM5-20070305 and FRMP-20070098 ~ for these permits can we please have copies of your entire file for each ~ we would appreciate you giving these 5 permits priority. There are also 10 building permits, 8 electrical permits, 3 plumbing permits, 1 gas permit, and 2 minor grading permits ~ for these may we please have a copy of each permit. Please don't hesitate to contact me, if you have any questions or concerns about this request. Thank you in advance for your assistance.

Additional Addresses

Address TMK

Related Permit(s)

Permit	Permit Name	Status
B - 20072074	FARM DWELLING ADDITION	EXPR
B - 20090084	NEW WORKSHOP / STORAGE / DECK	DONE
B - 20090085	NEW WORKSHOP / DECK	DONE
B - 20091051	POND - AFTER THE FACT	DONE
B - 20091052	PUMP HOUSE - AFTER THE FACT	DONE
B - 20091053	WORKSHOP ADDITION / ALTERATION	DONE
B - 20091054	WIND TURBINE	DONE

RFS#: 12-0002926

TMK#: 2280030750000



County of Maui
 Kalana O Maui Building
 200 South High Street,
 Wailuku, HI 96793-2155

05/07/2019

RFS Information for 12-0002926

B - 20091055	SOLAR PANEL STRUCTURE/STORAGE CONTAINER	DONE
B - T20100695	CONVERT AG BLDG TO COMM KITCHEN (ATF)	EXPR
G-RS - 20090009	NEW WORKSHOP/DECK BUILDING	DONE
G-RS - 20090074	GRADING PERMIT FOR B2009/1051-1055	DONE

Inspection Information

<u>Problem</u>	<u>Type</u>	<u>Scheduled</u>	<u>Completed</u>	<u>Inspector</u>	<u>Result</u>
PD04INSP	BRFS	12/14/2012	12/14/2012	ETAKITANI	SC
Comments:					

Problem/Service Action Information

<u>Problem</u>	<u>Date Entered</u>	<u>Entered by</u>	<u>Contact</u>	<u>Status</u>
NA01ADMIN	11/27/2012	KIVANET	ASHINMOTO	DONE
<u>Service</u>	<u>Scheduled</u>	<u>Completed</u>	<u>Completed by</u>	<u>Status</u>
*REASSIGN	11/27/2012	11/27/2012	JARAKAWA	DONE
Comments: Forwarded to Current Planning.				

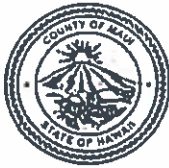
<u>Problem</u>	<u>Date Entered</u>	<u>Entered by</u>	<u>Contact</u>	<u>Status</u>
PA01ADMIN	11/27/2012	KIVANET	RANDAYA	DONE
<u>Service</u>	<u>Scheduled</u>	<u>Completed</u>	<u>Completed by</u>	<u>Status</u>
*REVIEW	11/27/2012	11/27/2012	RANDAYA	DONE
Comments:				
*REASSIGN	11/27/2012	11/27/2012	RANDAYA	DONE
Comments:				

<u>Problem</u>	<u>Date Entered</u>	<u>Entered by</u>	<u>Contact</u>	<u>Status</u>
PD01PREREV	11/27/2012	RANDAYA	RNAGAMINE	DONE
<u>Service</u>	<u>Scheduled</u>	<u>Completed</u>	<u>Completed by</u>	<u>Status</u>
*REASSIGN	11/27/2012	11/28/2012	RNAGAMINE	DONE
Comments: To be reassigned to DSA's Engineering, Building Permits & Inspection, Electrical and Plumbing Sections.				

<u>Problem</u>	<u>Date Entered</u>	<u>Entered by</u>	<u>Contact</u>	<u>Status</u>
PD02UIPA	11/28/2012	RNAGAMINE	LNAKAMURA	DONE
<u>Service</u>	<u>Scheduled</u>	<u>Completed</u>	<u>Completed by</u>	<u>Status</u>
*REASSIGN	11/28/2012	12/03/2012	TFUKUROKU	DONE
Comments: Assigned to THF.				

RFS#: 12-0002926

TMK#: 2280030750000



County of Maui
 Kalanani O Maui Building
 200 South High Street,
 Wailuku, HI 96793 2155

05/07/2019

RFS Information for 12-0002926

*RESEARCH	11/28/2012	12/03/2012	TFUKUROKU	DONE
Comments: Copies of grading permits G-RS 20090009 & 74 were e-mailed to requestor on 11/28/12.				
*RESPOND	11/28/2012	12/03/2012	TFUKUROKU	DONE
Comments: Copies of grading permits G-RS 20090009 & 74 were e-mailed to requestor on 11/28/12.				
*CLOSE	11/28/2012	12/03/2012	LNAKAMURA	DONE
Comments: Request completed.				
*PENDING	12/03/2012	12/03/2012	RNAGAMINE	DONE
Comments: >>> Ralph Nagamine 12/3/2012 6:59 AM >>> Lance, Renee, Erne, Greg, please followup on this RFS, thanks, Ralph.				
PDADMINFR	12/04/2012	12/03/2012	RNAGAMINE	DONE
Comments: Administrator's Review Completed.				
<u>Problem</u>	<u>Date Entered</u>	<u>Entered by</u>	<u>Contact</u>	<u>Status</u>
PD03CP/CO	11/28/2012	RNAGAMINE	RSEGUNDO	DONE
<u>Service</u>	<u>Scheduled</u>	<u>Completed</u>	<u>Completed by</u>	<u>Status</u>
*REASSIGN	11/28/2012	11/28/2012	RSEGUNDO	DONE
Comments: NA				
*RESEARCH	11/28/2012	12/05/2012	RSEGUNDO	DONE
Comments: Located (8) building permits and (1) application on the property.				
*RESPOND	11/28/2012	12/05/2012	RSEGUNDO	DONE
Comments: Emailed requestor that copies are ready for pick up				
*CLOSE	11/28/2012	12/05/2012	RSEGUNDO	DONE
Comments: RFS completed				
*PENDING	12/03/2012	12/03/2012	RNAGAMINE	DONE
Comments: >>> Ralph Nagamine 12/3/2012 6:59 AM >>> Lance, Renee, Erne, Greg, please followup on this RFS, thanks, Ralph.				
PDADMINFR	12/04/2012	12/12/2012	RNAGAMINE	DONE
Comments: Administrator's Review Completed.				

RFS#: 12-0002926

TMK#: 2280030750000



County of Maui
 Kalana O Maui Building
 200 South High Street,
 Wailuku, HI 96793-2155

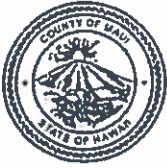
05/07/2019

RFS Information for 12-0002926

<u>Problem</u>	<u>Date Entered</u>	<u>Entered by</u>	<u>Contact</u>	<u>Status</u>
PD04INSP	11/28/2012	RNAGAMINE	ETAKITANI	DONE
<u>Service</u>	<u>Scheduled</u>	<u>Completed</u>	<u>Completed by</u>	<u>Status</u>
*REASSIGN	11/28/2012	12/14/2012	ETAKITANI	DONE
Comments: Assigned to Jeff Johnson. .et				
*RESEARCH	11/28/2012	12/14/2012	ETAKITANI	DONE
Comments: 12/14/12 RPT records and KIVA detail reports, list these permits: 3187 SF, 3 Bedrm/2-1/2 Bath dwelling originally constructed in 2002 B2001/0364 Farm Dwelling Garage B2007/2074 Convert Lanai to Enlarged Great Room Pump House B2009/1052 ATF Pump House Workshop Storage Deck B2009/0084 Workshop/Storage/Deck 71' x 68' B2009/0085 Workshop/Deck B2009/1053 Add/Alier - Tea Processing Rm Free Form Pond B2009/1051 Workshop Deck B2009/0085 Workshop Deck 26' x 27'-6" Wind Turbine B2009/1054 Wind Turbine Solar Panel Storage Container B2009/1055				
*RESPOND	11/28/2012	12/14/2012	ETAKITANI	DONE
Comments: Faxed all the info of permits and inspections to the requestor. .et				
*CLOSE	11/28/2012	12/14/2012	ETAKITANI	DONE
Comments: Please close this RFS, task completed. .et				
PDADMINFR	11/29/2012	12/14/2012	RNAGAMINE	DONE
Comments: Administrator's Review Completed.				
*PENDING	11/29/2012	12/03/2012	RNAGAMINE	DONE
Comments: >>> Ralph Nagamine 12/3/2012 6:59 AM >>> Lance, Renee, Ernie, Greg, please followup on this RFS, thanks, Ralph.				

RFS#: 12-0002926

TMK#: 2280030750000



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RFS Information for 12-0002926

*PENDING 11/29/2012 12/14/2012 RNAGAMINE DONE
 Comments: >>> Ralph Nagamine 12/14/2012 8:47 AM >>>
 Ernie, please followup on your problem code, thanks, Ralph.

<u>Problem</u>	<u>Date Entered</u>	<u>Entered by</u>	<u>Contact</u>	<u>Status</u>
PD05INSP	11/28/2012	RNAGAMINE	GNAKAO	DONE
<u>Service</u>	<u>Scheduled</u>	<u>Completed</u>	<u>Completed by</u>	<u>Status</u>
*REASSIGN	11/28/2012	11/28/2012	GNAKAO	DONE

Comments: 11/28/2012 Request assigned to Cynthia Funes. GAN

*RESEARCH 11/28/2012 11/28/2012 GNAKAO DONE
 Comments: 11/28/2012 RPT records list 2 dwellings:

3187 SF, 3 Bedrm/2-1/2 Bath dwelling originally constructed in 2002
 B2001/0364 Farm Dwelling/Garage
 E2001/1748 Contractor: Trident Electric, Final Approved 7/17/2002

B2001/1901 Swiming Pool
 E2004/0758 Trident Electric, No Final Approval.

E2003/1812 PV System, Trident Electric, No Final Approval.

E2007/2265 SWH, Sunset Electric, ESWH Approved 7/9/2007

B2007/2074 Convert Lanai to Enlarged Great Room
 E2007/3849 ELCCO, Final approved 9/8/2008

E2009/2412 Service Upgrade, ELCCO, Final Approved 2/2/2010

E2009/2044 SWH Jack Morris, No record of any inspections

1969 SF, 1 Bedrm/2-1/2 Bath originally built in 2009
 B2005/0184 2nd Farm Dwelling
 E2005/0491 Jack Dyson Rising Sun Electric, Final Approved 11/2/2005

B2005/1891 Addendum to B2005/0184 Add Loft above Garage
 Electrical work may be included in E2005/0491

E2005/2102 SWH Jack Morris, ESWH Approved 11/16/2005

Other Structures:

Pump House
 B2009/1052 ATF Pump House
 E2001/1911 Well Pump, Trident Electric, No Final Approval.

RFS# : 12-0002926

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RFS Information for 12-0002926

Workshop Storage Deck

B2009/0084 Workshop/Storage/Deck 71' x 68'
 E2009/1416 ELCCO, Final Approved 2/12/2010
 B2009/1053 Add/Alter - Tea Processing Rm
 E2009/1803 ELCCO, Final Approved 2/4/2010

PV Pnl Storage Container

B2009/1055 PV Pnl Storage Container 8' x 21'
 E2010/1084 Badua Contracting, Final Approved 8/6/2010

Wind Turbine

B2009/1054 Wind Turbine
 E2010/1084 Badua Contracting, Final Approved 8/6/2010

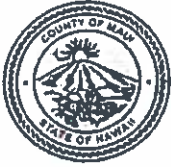
Workshop Deck

B2009/0085 Workshop/Deck 26' x 27'-6"
 NO RECORD OF ANY ELECTRICAL PERMIT GAN

*RESPOND	11/28/2012	12/12/2012	GNAKAO	DONE
Comments:	12/05/112 - @ 9:49am advised requestor that all the permits for this TMK is available on line - I offered to make copies for her at .25 cents each - gave her the website so she may access and view the permits herself - faxed her @ 1-808-521-9210 pages 4 of 5 and 5 of 5 of this RFS so she has a list of the electrical permits - this RFS is done and ready to be closed - CNF			
	12/11/12 - re-faxed info to requestor - she received only partial of the fax - her office is on the 6th floor - fax machine on the 1st floor - CNF			
*CLOSE	11/28/2012	12/12/2012	GNAKAO	DONE
Comments:	12/12/2012 Permit records information provided to Requestor. Requestor was advised information is available on-line. GAN			
*PENDING	12/03/2012	12/03/2012	RNAGAMINE	DONE
Comments:	>>> Ralph Nagamine 12/3/2012 6:59 AM >>> Lance, Renee, Erne, Greg, please followup on this RFS, thanks, Ralph.			
	12/7/2012 E-mailed Cynthia to followup. GAN			
PDADMINFR	12/04/2012	12/14/2012	RNAGAMINE	DONE
Comments:	Administrator's Review Completed.			

RFS#: 12-0002926

TMK#: 2280030750000



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RFS Information for 12-0002926

<u>Problem</u>	<u>Date Entered</u>	<u>Entered by</u>	<u>Contact</u>	<u>Status</u>
PD06INSP	11/28/2012	RNAGAMINE	RCRAIG	DONE
<u>Service</u>	<u>Scheduled</u>	<u>Completed</u>	<u>Completed by</u>	<u>Status</u>
*REASSIGN	11/28/2012	11/30/2012	RCRAIG	DONE
Comments: Rassigned to RC				
*RESEARCH	11/28/2012	11/30/2012	RCRAIG	DONE
Comments: 11/30/2012 Research in RTP records show two dwellings built on th property. A 3,187 sq ft structure built in 2002 and a 1,969 sq. ft. structure built in 2009. Research in Kiva found four plumbing permits. P 2007/1654 for a solar water heater was finalized on 7/05/2007. Gas 2010/00013 for a gas stove and dryer has expired. P 2009/1295 for a solar water heater for the existing dwelling jas expired. P 2009/1085 for plumbing for a workshop/storage/Deck was finalized 1/29/2010 There were no plumbing permits found on Ax. RC				
*RESPOND	11/28/2012	11/30/2012	RCRAIG	DONE
Comments: 11/30/2012 Emailed plumbing permits found on the property to the requestor. RC				
*CLOSE	11/28/2012	11/30/2012	RCRAIG	DONE
Comments: 11/30/2012 Research in Kiva found four plumbing permits. P 2007/1654 for a solar water heater was finalized on 7/05/2007 Gas 2010/00013 for a gas stove and dryer has expired. P 2009/1295 for a solar water heater for the existing dwelling jas expired. P 2009/1085 for plumbing for a workshop storage/Deck was finalized 1/29/2010 There were no plumbing permits found on Ax. Permits information found was emailed to the requestor, please close this problem code. RC				
PADMINFR	11/29/2012	12/03/2012	RNAGAMINE	DONE
Comments: Administrator's Review Completed.				
<u>Problem</u>	<u>Date Entered</u>	<u>Entered by</u>	<u>Contact</u>	<u>Status</u>
PA01DSAREV	12/14/2012	RNAGAMINE	RANDAYA	DONE
<u>Service</u>	<u>Scheduled</u>	<u>Completed</u>	<u>Completed by</u>	<u>Status</u>
*REVIEW	12/14/2012	12/18/2012	RANDAYA	DONE
Comments:				

RFS#: 12-0002926

TMK#: 2280030750000



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 Kalana O Maui Building
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RFS Information for 15-0000951

Call Information

Status	Received Date	Completed Date	Duration (Days)	Entered By	How Taken	Source
DONE	06/05/2015	09/01/2015	88	KIVANET	REMOTE	INTERNET

Requestor Information

Name: RICK STRINI Address: 263 MANAWAI PLACE , HAIKU,
 Company: (H) Phone: 572-6283 (W) Phone:
 E-Mail: rick@striniartglass.com

Event Location

Address: 4505 HANA HWY
 HAIKU, HI 96708

TMK: 2280030750000

Subdivision: FAGERHOLM-CAHILL SUBDIVISION

Intersection:

Common Place:

Other Location: AHIMSA SANCTUARY FARMS

Owner(s):

ABRAMS, LEW JAY 1135 MAKAWAO AVE, PMB 217, MAKAWAO, HI 96768

DE ABRAMS, MARIA DEL ROSARIO G. P.

Memo(s)

This is advertizing of the unpermitted kitchen and sales of food. <http://www.mauiSacredEarth.com/maui-workshop-venue/> Venue Booking at Maui Sacred Earth Looking for a venue for your next workshop on Maui? Make your workshop an event that attendees talk about for years to come. Booking Maui Sacred Earth for your workshop or class is simple. Scroll down for more photos! Adjacent to your workshop space are koi ponds featuring aquaculture, waterfalls, and cascading flowers, the perfect retreat for meditation. Our lush fields also feature our medicine wheel, permaculture gardens, and stunning views of the Pacific Ocean near Haiku, Hawaii and Mt. Haleakala, Maui's giant volcano. The professional kitchen area, on the ground floor level, has a large interior room which opens onto a lovely ocean view terrace for dining and relaxing. charging money with no permit for ag property, bands no permit, noise complaint, illegal unpermitted commercial kitchen, no restaurant permit, no parking permit, no PA systems permit, no live concert permit. check these links

<http://ahimsasanctuaryfarm.com/papa-mali-gemini-celebration-junc-5th-2015/>

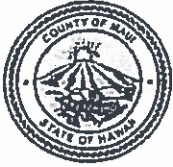
Police Report Filed - # 15002277 Jan 15, 2015 Noise Complaint Ahimsa Sanctuary Farms is Promoting Concerts with Stage and PA system in Ag zone with Loud parties and often all night long. This has been going on for over 2 years.

<https://www.youtube.com/watch?v=mbO97IngS4k>
 They have a stage and a PA system in the videos

Promoting Live Music Concerts - Copied from their website 1.28.15
<http://ahimsasanctuaryfarm.com/>

RFS#: 15-0000951

TMK#: 2280030750000



County of Maui
 Kalana O Maui Building
 200 South High Street,
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05/07/2019

RFS Information for 15-0000951

<u>Additional Addresses</u>	
Address	TMK

<u>Related Permit(s)</u>		
Permit	Permit Name	Status

<u>Inspection Information</u>					
<u>Problem</u>	<u>Type</u>	<u>Scheduled</u>	<u>Completed</u>	<u>Inspector</u>	<u>Result</u>
NB02USE	NBREINSPCT	07/08/2015	09/01/2015	CWRIGHT	CLOSE
Comments:					
NB02SMA	NBREINSPCT	07/08/2015	09/01/2015	CWRIGHT	CLOSE
Comments:					
NB02SMA	NBINITIAL	06/09/2015	06/08/2015	CWRIGHT	FAIL
Comments: Site inspection 6/5/15 confirms report of concert on property. Mr. Lou "Blue Mountain" Abrams and his farm manager sat down with this inspector to discuss what events were occurring on the property that evening. Mr. Amrams stated that the events were "not typical" of what happens on the property. Mr. Abrams stated that the ag tour and ag food truck are run by him and that the concert was actually a birthday party for a friend of his and the money charged was just to recoup the cost of having the band play that night. No SMA application was filed for this event. The Ahimsasanctuaryfarm.com website shows that there have been events similar to this one on a almost monthly basis. See pics and emails in related docs.					
NB02USE	NBINITIAL	06/09/2015	06/08/2015	CWRIGHT	FAIL
Comments: Site inspection 6/5/15 confirms report of concert on property. Mr. Lou "Blue Mountain" Abrams and his farm manager sat down with this inspector to discuss what events were occurring on the property that evening. Mr. Amrams stated that the events were "not typical" of what happens on the property. Mr. Abrams stated that the ag tour and ag food truck are run by him and that the concert was actually a birthday party for a friend of his and the money charged was just to recoup the cost of having the band play that night. No SMA application was filed for this event. The Ahimsasanctuaryfarm.com website shows that there have been events similar to this one on a almost monthly basis. See pics and emails in related docs.					

<u>Problem/Service Action Information</u>				
<u>Problem</u>	<u>Date Entered</u>	<u>Entered by</u>	<u>Contact</u>	<u>Status</u>
NA01ADMIN	06/08/2015	KIVANET	JRAPACZ	DONE
<u>Service</u>	<u>Scheduled</u>	<u>Completed</u>	<u>Completed by</u>	<u>Status</u>
*REASSIGN	06/08/2015	06/08/2015	CWRIGHT	DONE
Comments: assigned to c.wright				
<u>Problem</u>	<u>Date Entered</u>	<u>Entered by</u>	<u>Contact</u>	<u>Status</u>
NB02USE	06/08/2015	JARAKAWA	JARAKAWA	DONE
<u>Service</u>	<u>Scheduled</u>	<u>Completed</u>	<u>Completed by</u>	<u>Status</u>
NBINSPECT	06/10/2015	06/08/2015	JARAKAWA	DONE
Comments: Assigned to C. Wright.				

RFS#: 15-0000951

TMK#: 2280030750000



County of Maui
 Kulana O Maui Building
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RFS Information for 15-0000951

NBVERIFY	06/15/2015	06/08/2015	CWRIGHT	DONE
Comments: Site inspection on 6/5/15 verifies the complaint made.				
NBIWARNING	07/01/2015	06/22/2015	CWRIGHT	DONE
Comments: NOW sent out 6/23/15, compliance date 6/29/15.				
NBFINAL	08/16/2015	09/01/2015	CWRIGHT	DONE
Comments: Case closed.				
<u>Problem</u>	<u>Date Entered</u>	<u>Entered by</u>	<u>Contact</u>	<u>Status</u>
NB02SMA	06/08/2015	JARAKAWA	JARAKAWA	DONE
<u>Service</u>	<u>Scheduled</u>	<u>Completed</u>	<u>Completed by</u>	<u>Status</u>
NBINSPECT	06/10/2015	06/08/2015	AABE	DONE
Comments: Assigned to C. Wright.				
NBCZMDET	06/10/2015	06/08/2015	AABE	DONE
Comments: Subject property is in the SMA area.				
NBIWARNING	06/26/2015	06/22/2015	CWRIGHT	DONE
Comments: NOW sent out 6/23/15, compliance date 6/29/15.				
NBFINAL	08/11/2015	09/01/2015	CWRIGHT	DONE
Comments: Case closed.				

RFS#: 15-0000951

TMK#: 2280030750000

ALAN M. ARAKAWA
Mayor

WILLIAM R. SPENCE
Director

MICHELE CHOUTEAU McLEAN
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

June 23, 2015

Certified Receipt No. (7014 2870 0001 3379 9717)
Lew & Maria Del Rosario Abrams
1135 Makawao Avenue, PMB 217
Makawao, Hawaii 96768

Dear Mr. and Mrs. Abrams:

RE: NOTICE OF WARNING AND FIRST (1ST) REQUEST TO CORRECT APPARENT VIOLATION(S) WITHIN THE SPECIAL MANAGEMENT AREA (SMA)

TMK: (2) 2-8-003:075-0000

RFS No.: 15-0000951

Description: Failure to obtain an SMA assessment/determination for a concert located at 4505 Hana Highway, Haiku, Maui, Hawaii

Based on information obtained, we have reason to believe that on your property, on or before June 8, 2015, there were one or more violations. Having a concert and associated commercial activities (two food trucks and jumper) is a violation of the SMA Rules for the Maui Planning Commission, including but not limited to Section 12-202-12 which states that all actions within the SMA shall be subject to an assessment/determination made by the Planning Director.

The information obtained includes: site inspection, photographs and web advertisement.

You must correct any violation(s) by **June 29, 2015**. We will investigate further, and if we find any of the above-described apparent violations, you will be subject to civil and possible criminal enforcement action.

Civil Fines for the violation will be up to 1) \$100,000 initial fine; and 2) a daily fine of up to \$10,000 for each day the violation continues.

This request is only for violations of regulations that are enforced by the Department of Planning. There may be additional violations of regulations that are enforced by other County, State, or Federal agencies. If you have questions about this request, please contact me at Conklin.Wright@co.maui.hi.us or (808)270-8255; and please refer to RFS 15-0000951.

Sincerely,

A handwritten signature in black ink, appearing to read "Conklin Wright".

Conklin Wright
Zoning Inspector

xc: Jay Arakawa, Supervising Zoning Inspector (via e-mail)
Conklin Wright, Zoning Inspector (PDF)
RFS No. 15-0000951 (KIVA; RFS Project File)
JSR:JAA:CW:smb S:\ZONING\RFS\2015\0951_ahlmsa_use_smaNOW\NOW1_sma.wpd

ALAN M. ARAKAWA
Mayor

WILLIAM R. SPENCE
Director

MICHELE CHOUTEAU McLEAN
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

June 23, 2015

Certified Receipt No. (7014 2870 0001 3379 9717)
Lew & Maria Del Rosario Abrams
1135 Makawao Avenue, PMB 217
Makawao, Hawaii 96768

Dear Mr. and Mrs. Abrams:

RE: NOTICE OF WARNING AND REQUEST TO CORRECT APPARENT VIOLATION(S)
TMK: (2) 2-8-003:075-0000
RFS No.: 15-0000951
Description: For a concert located at 4505 Hana Highway, Haiku, Hawaii, on the island of Maui

Based on information obtained, we have reason to believe that on your property, on or before June 8, 2015, there were one or more violations. Having a concert and associated commercial activities (two food trucks and jumper) within the County's Agricultural District are violations of the Maui County Code, including, but not limited to Chapters/Sections 19.30A.050.

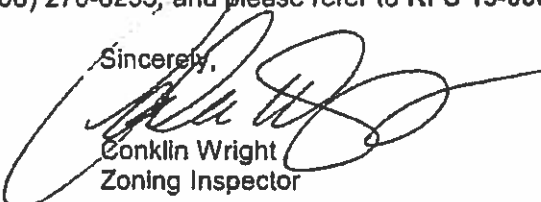
The information obtained includes: site inspection, photographs and website advertisements.

You must correct any violations by **June 29, 2015**. We will investigate further, and if we find any of the above-described apparent violations, you will be subject to civil and possible criminal enforcement action.

Civil Fines for the violation will be 1) an initial fine of \$1,000; and 2) a daily fine of \$1,000 for each day the violation continues.

This request is only for violations of regulations that are enforced by the Department of Planning. There may be additional violations of regulations that are enforced by other County, State, or Federal agencies. If you have any questions about this request, please contact me at Conklin.Wright@co.maui.hi.us or (808) 270-8255; and please refer to RFS 15-0000951.

Sincerely,


Conklin Wright
Zoning Inspector

xc: Jay Arakawa, Supervising Zoning Inspector (PDF)
Conklin Wright, Zoning Inspector (PDF)
15-0000951 (KIVA; RFS File)
JSR:JAA:CW:smb S:\ZONING\RFS\2015\0951_ah\msa_use_sma\NOW\NOW1_use.wpd



County of Maui
Kalana O Maui Building
200 South High Street,
Wailuku, HI 96793-2155

05/07/2019

RFS Information for 15-0001798

Call Information						
Status	Received Date	Completed Date	Duration (Days)	Entered By	How Taken	Source
DONE	11/02/2015	02/26/2019	1212	JARAKAWA	EMAIL	GEN PUB

Requestor Information			
Name: RICK STRINI	Address:		
Company:	(H) Phone: 572-6283	(W) Phone:	
E-Mail: RICK@STRINIARTGLASS.COM			

Event Location	
Address: 4505 HANA HWY HAIKU, HI 96708	Owner(s): ABRAMS, LEW JAY 1135 MAKAWAO AVE, PMB 217, MAKAWAO, HI 96768
TMK: 2280030750000	DE ABRAMS, MARIA DEL ROSARIO G. P.
Subdivision: FAGERHOLM-CAHILL SUBDIVISION	
Intersection:	
Common Place:	
Other Location: HAIKU	

Memo(s)
Has conducted commercial events on this parcel. Advertisements indicate a Halloween event was just completed (see related docs). Structure that was denied building permit was constructed

Additional Addresses	
Address	TMK

Related Permit(s)		
Permit	Permit Name	Status
SM2 - 20160029	VARIOUS FARM IMPROVEMENTS / MAKAWAO	DONE

Inspection Information					
Problem	Type	Scheduled	Completed	Inspector	Result
NB02USE Comments:	NBREINSPCT	07/12/2017	06/26/2017	GMDAVIS	RESOLVED
NB02USE Comments:	NBINITIAL	11/03/2015	12/17/2015	GMDAVIS	FAIL

RFS#: 15-0001798

TMK#: 2280030750000



County of Maui
 Kalana O Maui Building
 200 South High Street,
 Wailuku, HI 96793 2155

05/07/2019

RFS Information for 15-0001798

Problem/Service Action Information

<u>Problem</u>	<u>Date Entered</u>	<u>Entered by</u>	<u>Contact</u>	<u>Status</u>
NB02USE	11/02/2015	JARAKAWA	JARAKAWA	DONE
<u>Service</u>	<u>Scheduled</u>	<u>Completed</u>	<u>Completed by</u>	<u>Status</u>
NBINSPECT	11/04/2015	11/02/2015	JARAKAWA	DONE
<p>Comments: Assigned to G. Davis. Zoned ag (25.54 acres) Owner Lew Jay Abrams, Maria Del Roasrio G P. Maria Del Rosario Galdamez Prieto De Abrams 1135 Makawao Ave, PMB 217 Makawao, Hi 96768</p> <p>Flood zone X</p>				
NBVERIFY	11/04/2015	12/17/2015	GMDAVIS	DONE
<p>Comments: Emailed Rick Strini phone number cannot be completed as dialed.</p>				
*ADDINFO	11/04/2015	12/17/2015	GMDAVIS	DONE
<p>Comments: Spoke to Paul Hoake on 12/15/15 about bon fire and he directed me to the Clean Air Branch of the Dept. of Health. 12/15/15 Sent email via their website requesting clarification on the matter. 12/17/15 Received a voicemail message from Lisa so called and spoke to her regarding the bonfire. She stated that the bonfire does need their approval, they have no approvals for Maui, DLNR is the one who enforces on the beaches, and they need proof that it already has taken place to enforce.</p> <p>12/17/15 Emailed Mr. Strini because the phone was not connecting to his number. Received email response that the number is correct and that it has been his number for 15 years.</p> <p>12/18/15 Spoke to Rick Strini on the phone regarding complaint. He related that their neighborhood is quiet and these events are very disruptive. The owner has threatened neighbors before, just moved in a few years ago, graded a road without permit, and used to have events every full moon but scaled them back because of neighbors' complaints. He wanted to see the policy that says the requestor's name would be disclosed should the owner's ask so sent him a copy of the disclaimer via email.</p> <p>After discussing with Inspector Wright per Michele McLean (Deputy Director) NOWs to be sent again and if event takes place NOV's will be issued.</p> <p>David Jenkins (878-1869, creationdesign@msn.com) came into the office seeking information on what type of enforcement will be coming from our office as the owners had somehow gotten wind that notices were going to be sent out. He is helping them to obtain an SUP to hold their events. Discussed with him the art gallery, live bands, dance floor, health dept. clearance and bon fire. He gave me a new flyer without most of those activities listed, (the dinner of organic vegan food and raw dessert and chai were still listed), but warned him about the requestor watching their activities closely. Also told him about an application for an exemption on a greenhouse that was denied.</p>				
*ADDINFO	11/04/2015	12/22/2015	GMDAVIS	DONE
<p>Comments: Emailed a copy of the application to exempt a greenhouse to Mr. Jenkins.</p> <p>4/4/16 Been talking to Lew about what is permitted, sent him the registration form via email, and advised him on signage as they want to advertise their smoothies, produce, etc. Also re-sent the cert. mailings of the NOW for the use and registration of the commercial ag buildings because he said he didn't get it, but after preparing the copies to re-send did find the receipt in the folder.</p>				

RFS#: 15-0001798

TMK#: 2280030750000



County of Maui
 Kalana O Maui Building
 200 South High Street,
 Wailuku, HI 96793-2155

05/07/2019

RFS Information for 15-0001798

*ADDINFO 11/04/2015 05/13/2016 GMDAVIS DONE
 Comments: 5/13/16 Received a complaint that owners of Ahimsa farms have numerous signs near the highway. Arrived on site along with trainees Merle Tashiro and Pikake Fernandez to find numerous portable signs near the Ahimsa Farms ground sign. All portable signs removed and NOW to be sent.

*ADDINFO 11/04/2015 11/03/2016 GMDAVIS DONE
 Comments: CASR application denied in May. Checked with Plans Examiner Supervisor Rulan Waikiki and no new plans or applications have been submitted by owners. NOV for using a commercial retail agricultural structure to be generated.

*ADDINFO 11/04/2015 01-12/2017 GMDAVIS DONE
 Comments: Received a call from Lew who received my Notice of Violation for the art gallery which he argued is not really a retail space because they haven't sold too many pieces of art. He did admit that people can go into it and if they wanted to purchase something they would probably sell it. He did say it was removed from the website and they would probably appeal the violation so informed him of where to find the form. I also told him I am sure I had given him enough time to register his structures and that I had checked with the permitting section of ZAED to see if there was anything current they were working on for his property and they had said there was not.

*ADDINFO 11/04/2015 02/22/2017 GMDAVIS DONE
 Comments: 2/22/17 2:12 pm--Spoke to Mike Leone (870-5302) and explained what needs to be done to clear the NOV (paying initial fine). He understood, there are plans to construct another building for the kitchen and the art gallery since the one they planned on doing it in is too big. Lew left a message to call him back on my phone but he did not answer and the mailbox was full.

*ADDINFO 11/04/2015 02/23/2017 GMDAVIS DONE
 Comments: 2/23/17 1:30pm--Received a call from Lew and he again tried to make the point that nothing was ever sold on property out of the gallery. Told him the gallery was open for people to come and see, they could call to inquire and their website offered online sales. Neither Jay nor I have the power to rescind NOVs and Mr. Rapacz cannot get involved because he used to represent them. He had already filed an appeal so recommended they let that process take place for a final judgment.

Spoke to Lew again at 1:50pm as he had mentioned that there are many people actually selling their art off of agricultural properties and he wanted to know why they are able to. Told him we are not pro-active but will enforce any issues we find once there is a Request for Service filed. That we may find additional violations besides what is mentioned in the RFS during the course of our investigation. Gave him Will Spence's email and told him he could try and plead his case that way.

*ADDINFO 11/04/2015 03/31/2017 GMDAVIS DONE
 Comments: 3/31/17 Met with Lew and his wife who came into the office. They were advised by Gina Flammer to pay their fine for the NOV and to withdraw the appeal so that they can move on and obtain a special use permit for a church that they have planned. Received the \$1,000 initial fine and asked that he email me with a formal withdrawal of the appeal so I have something in writing.

NB/FINAL 12/04/2015 05/18/2017 GMDAVIS DONE
 Comments: Farm advertising selling teas, produce boxes, and doing farm tours. SMA permit obtained for all structures on property. Per Michele McLean and John Rapacz it's okay for them to have the viewing of the crystal as part of their farm tour as long as the focus of the tour is the farm. The teas are not being sold though I did let Lew know they can set up a ag products stand less than 300 feet to sell their products if they wish. Close file.

RFS#: 15-0001798

TMK#: 2280030750000



County of Maui
 Kalana O Maui Building
 200 South High Street,
 Wailuku, HI 96793-2155

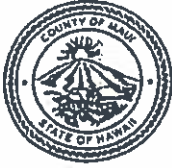
05/07/2019

RFS Information for 15-0001798

<u>Problem</u>	<u>Date Entered</u>	<u>Entered by</u>	<u>Contact</u>	<u>Status</u>
NA01ADMIN	11/02/2015	JARAKAWA	JRAPACZ	DONE
<u>Service</u>	<u>Scheduled</u>	<u>Completed</u>	<u>Completed by</u>	<u>Status</u>
*REASSIGN Comments: Assigned to G. Davis.	11/02/2015	11/02/2015	JARAKAWA	DONE
*ADDINFO Comments: See other problem code.	11/02/2015	01/09/2019	GMDAVIS	DONE
NBFINAL Comments: Case closed.	12/02/2015	02/26/2019	JARAKAWA	DONE
<u>Problem</u>	<u>Date Entered</u>	<u>Entered by</u>	<u>Contact</u>	<u>Status</u>
PA01ADMIN	12/21/2015	JARAKAWA	RANDAYA	DONE
<u>Service</u>	<u>Scheduled</u>	<u>Completed</u>	<u>Completed by</u>	<u>Status</u>
*REVIEW Comments:	12/21/2015	12/30/2015	RANDAYA	DONE
*REASSIGN Comments:	12/21/2015	12/30/2015	RANDAYA	DONE
<u>Problem</u>	<u>Date Entered</u>	<u>Entered by</u>	<u>Contact</u>	<u>Status</u>
FA01ADMIN	12/22/2015	GMDAVIS	DAGSALOG	DONE
<u>Service</u>	<u>Scheduled</u>	<u>Completed</u>	<u>Completed by</u>	<u>Status</u>
*REASSIGN Comments: Planning acknowledged receipt of payment SAZONING RFS\2015\1798 Strini LandUse\Payment receipt	12/22/2015	02/26/2019	DHAMAI	DONE
<u>Problem</u>	<u>Date Entered</u>	<u>Entered by</u>	<u>Contact</u>	<u>Status</u>
FB01RADM	12/22/2015	DTHYSSEN	GMADRIAGA	DONE
<u>Service</u>	<u>Scheduled</u>	<u>Completed</u>	<u>Completed by</u>	<u>Status</u>
*REASSIGN Comments: re-assigned to Gery Madriaga-RPA	12/22/2015	12/22/2015	GMADRIAGA	DONE

RFS#: 15-0001798

TMK#: 2280030750000



County of Maui
Kalana O Maui Building
200 South High Street,
Wailuku, HI 96793-2155

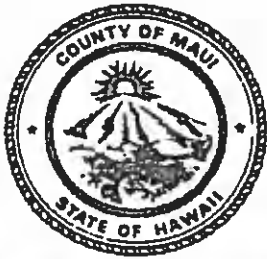
05/07/2019

RFS Information for 15-0001798

<u>Problem</u>	<u>Date Entered</u>	<u>Entered by</u>	<u>Contact</u>	<u>Status</u>
FB02APPR	12/22/2015	GMADRIAGA	KSHIMIZU	DONE
<u>Service</u>	<u>Scheduled</u>	<u>Completed</u>	<u>Completed by</u>	<u>Status</u>
*RESOLVE	12/22/2015	08/24/2016	KSHIMIZU	DONE
Comments:				
*REASSIGN	12/22/2015	08/24/2016	KSHIMIZU	DONE
Comments:	reassigned to Appraisal to confirm all improvements accounted for			
<u>Problem</u>	<u>Date Entered</u>	<u>Entered by</u>	<u>Contact</u>	<u>Status</u>
PD01PREREV	12/30/2015	RANDAYA	GUENO	DONE
<u>Service</u>	<u>Scheduled</u>	<u>Completed</u>	<u>Completed by</u>	<u>Status</u>
*REASSIGN	12/30/2015	12/31/2015	LNAKAMURA	DONE
Comments:	Assigned to building inspection			
<u>Problem</u>	<u>Date Entered</u>	<u>Entered by</u>	<u>Contact</u>	<u>Status</u>
PD04BW/OP	12/31/2015	LNAKAMURA	ETAKITANI	DONE
<u>Service</u>	<u>Scheduled</u>	<u>Completed</u>	<u>Completed by</u>	<u>Status</u>
*REASSIGN	12/31/2015	01/06/2016	LCARVALHO	DONE
Comments:	L. Carvalho			
*VERIFY	01/04/2016	01/06/2016	LCARVALHO	DONE
Comments:	@8:44 am phone disconnected. Sent email to requestor. DDD 1/15/16. lmc @9:36 requestor emailed and stated his number was 572-6283 and had it for 16 years. Number provided in RFS was 572-2683. Updated # in RFS. Called 572-6283 recording asked for an extension #. Emailed requestor and waiting for his response. lmc @9:45 spoke with requestor. Verified information			
*RESPOND	01/04/2016	01/06/2016	LCARVALHO	DONE
Comments:	Spoke with requestor buildings in questions have been issued BX permits. Requestor given planning number and he will call and speak with GDavis regarding events. lmc			
*CLOSE	01/04/2016	01/06/2016	LCARVALHO	DONE
Comments:	task complete, please close. lmc			
PDADMINFR	01/05/2016	01/08/2016	LNAKAMURA	DONE
Comments:	Review complete.			

RFS#: 15-0001798

TMK#: 2280030750000



COUNTY OF MAUI
DEPARTMENT OF PLANNING
ZONING ADMINISTRATION AND
ENFORCEMENT DIVISION
 2200 Main Street, Suite 315
 WAILUKU, MAUI, HAWAII 96793
 Telephone: (808) 270-7253
 Facsimile: (808) 270-7634
 E-mail: planning@mauicounty.gov
 Website: www.mauicounty.gov

FILE NO	NOV 20160100
RFS NO	15-0001798
DATE OF NOTICE	December 19, 2016
DATE OF VIOLATION	November 3, 2016
CONTINUING VIOLATION	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
COLLECTED FINE	NONE
CERTIFIED RECEIPT NO	7016 1370 0001 2713 7989

NOTICE OF VIOLATION
MAUI COUNTY CODE, TITLE 19 - COMPREHENSIVE ZONING ORDINANCES

TO: Lew Jay Abrams
 Maria Del Rosario G P. De Abrams
 1135 Makawao Ave, Pmb 217
 Makawao, Hawaii 96768

RE: **TMK** (2) 2-8-003-075-0000 **PERMIT NO** NONE
ADDRESS 4505 Hana Hwy Haiku, Hawaii 96708

I have inspected the above described structure and/or premises and have found the following violation(s) of the County of Maui's Code(s) and/or Ordinance(s) governing same, as amended:

CODE(S); ORDINANCE(S); SECTION(S)	NATURE AND EVIDENCE OF THE VIOLATION(S)
Maui County Code ("MCC"), §19.30A.072(F)	Use of a commercial retail structure (art gallery) not permitted within the agricultural district. Evidence of the aforementioned violation(s) include(s): Website advertisement

ORDER

Pursuant to MCC §19.530.030(B), and Chapter 12-103, Rules for Administrative Procedures and Civil Fines for Violations of Chapter 16.13 and Title 19 of the Maui County Code ("Administrative Rules"), as amended, you are hereby ordered as follows:

<input checked="" type="checkbox"/>	Cease and desist all activity immediately.		
<input checked="" type="checkbox"/>	Correct the violation(s) at your own expense by:	December 26, 2016	By taking the following corrective action(s): Remove all advertising/references to the art gallery (online, print, etc.), cease all sales and displaying of art pieces until such time structure has been registered.
<input checked="" type="checkbox"/>	Pay an initial civil fine in the amount of:	\$1000.00	To the Department of Planning ("Planning") by: January 19, 2017
<input checked="" type="checkbox"/>	Pay a daily civil fine in the amount of:	\$1000.00	Per day to Planning if the corrective action described above is not completed by: December 26, 2016

Pursuant to MCC, §19.530.030(B)(2) and (C) and §12-103-5(a)(6), Administrative Rules, as amended, this notice of violation and order shall become final thirty (30) days after the date of this notice, unless an appeal is properly filed with the Board of Variances and Appeals ("BVA"). The appropriate form may be found online at <http://co.maui.hi.us/documentcenter/view/8208> or at the Department of Planning, One Main Plaza, 2200 Main Street #315, Wailuku, Maui, Hawaii 96793. An appeal to the BVA shall not stay any provision of this order.

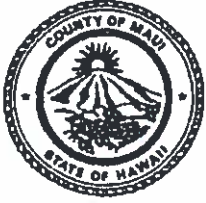
Pursuant to §12-103-12(b), Administrative Rules, as amended, the initial fine shall be payable whether the violation is corrected before or after the order becomes final.

Pursuant to §91-9(b)(5), Hawaii Revised Statutes, you may retain counsel or appear on your own behalf.

Pursuant to §12-103-12(d), Administrative Rules, as amended, in the case of a continuing violation, the daily fine shall be doubled on the first (1st) day of each thirty (30) day period after the end of the time to take corrective action, up to a maximum amount of one thousand dollars (\$1,000.00) per day.

FOR THE PLANNING DIRECTOR

Print Administrator's Name	Michele McLean	Deputy Director's Signature	
Print Supervisor's Name	Jay Arakawa	Supervisor's Signature	
Print Inspector's Name	Gail Davis	Inspector's Signature	



COUNTY OF MAUI

PERMIT RECEIPT

Page 1 of 1

RECEIPT NUMBER: 17-0003047

APN: 2280030750000
DATE ISSUED: 03-APR-2017
PERMIT: NOV 20160100
SCOPE: VIOLATION
SITE ADDRESS: 4505 HANA HWY 7G
SUBDIVISION: FAGERHOLM-CAHILL SUBDIVISION
CITY: HAIKU, HI 96708

PARCEL OWNER: ABRAMS, LEW JAY ETAL
ADDRESS:
CITY/STATE/ZIP: MAKAWAO, HI 96768

PERMIT OWNER:
ADDRESS:
CITY/STATE/ZIP:

Contractor Company Role

Fees Calculated 12 Months Back

<u>Date</u>	<u>Fee Code</u>	<u>Description</u>	<u>Paid to Date</u>	<u>This Receipt</u>	<u>Balance Due</u>
03-APR-2017	PD_VIO	NOTICE OF VIOLATION - INITIAL CIVIL FINE	\$0.00	\$1,000.00	\$0.00
Totals:				\$1,000.00	\$0.00

<u>Payment Code</u>	<u>Description</u>	<u>Amount</u>
CHECK	#9254 AHIMSA SACTUARY FARMS LLP	\$1,000.00

Tendered: \$1,000.00
Change: \$0.00
Balance Due: \$0.00

County of Maui

Batch Date: 4/3/2017 Batch: 43972
Cashier: CKKEA Nach ID: PLNCUR-M14282
Office: PLAN Tran #: 2
Trans. Date/Time: 4/3/2017 10:03 AM

Payment: PDNO Notice of Violation - Ini
Receipt #01336517
Permit: NOV 20160100
TMK: 2280030750000
Notice of Violation - Initial Civil
PDNOV \$1,000.00

Payment Total: \$1,000.00

Transaction Total: \$1,000.00
Check 9254 \$1,000.00

Thank you for your payment.
Have a nice day!



County of Maui
 Kulana O Maui Building
 200 South High Street,
 Wailuku, HI 96793 2155

05/07/2019

RFS Information for 16-0000147

<u>Call Information</u>						
Status	Received Date	Completed Date	Duration (Days)	Entered By	How Taken	Source
DONE	02/02/2016	01/09/2019	1072	KIVANET	REMOTE	INTERNET

<u>Requestor Information</u>		
Name: JIM GLACIER	Address: , HAIKU,	
Company:	(H) Phone: 808 -573-1234	(W) Phone:
E-Mail: JimGlacier@gmail.com		

<u>Event Location</u>		Owner(s):
Address: 4505 HANA HWY HAIKU, HI 96708		ABRAMS, LEW JAY 1135 MAKAWAO AVE, PMB 217, MAKAWAO, HI 96768
TMK: 2280030750000		DE ABRAMS, MARIA DEL ROSARIO G. P.
Subdivision: FAGERHOLM-CAHILL SUBDIVISION		
Intersection:		
Common Place:		
Other Location:		

<u>Memo(s)</u>
Ahimsa Farm Lew Abrams Excessive parties, non Ag and noise. Party advertised for tonight please investigate this is ongoing for years

<u>Additional Addresses</u>	
Address	TMK

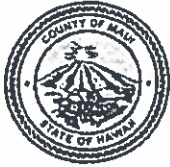
<u>Related Permit(s)</u>		
Permit	Permit Name	Status

<u>Inspection Information</u>					
Problem	Type	Scheduled	Completed	Inspector	Result
NB02USE	NBINITIAL	02/04/2016	01/09/2019	GMDAVIS	CLOSE
Comments:					

<u>Problem/Service Action Information</u>				
Problem	Date Entered	Entered by	Contact	Status
NA01ADMIN	02/03/2016	KIVANET	JRAPACZ	DONE
Service	Scheduled	Completed	Completed by	Status
*REASSIGN	02/03/2016	02/03/2016	JARAKAWA	DONE
Comments: Assigned to G. Davis.				

RFS#: 16-0000147

TMK#: 2280030750000



County of Maui
Kalana O Maui Building
200 South High Street,
Wailuku, HI 96793-2155

05/07 2019

RFS Information for 16-0000147

<u>Problem</u>	<u>Date Entered</u>	<u>Entered by</u>	<u>Contact</u>	<u>Status</u>
NB02USE	02/03/2016	JARAKAWA	JARAKAWA	DONE
<u>Service</u>	<u>Scheduled</u>	<u>Completed</u>	<u>Completed by</u>	<u>Status</u>
NBINSPECT	02/05/2016	02/03/2016	JARAKAWA	DONE
Comments: Assigned to G. Davis.				
NBVERIFY	02/09/2016	01/09/2019	GMDAVIS	DONE
Comments: Not enough notice of event, no copies of any ads provided.				
NBFINAL	03/10/2016	01/09/2019	GMDAVIS	DONE
Comments: Close until another complaint is registered.				

RFS#: 16-0000147

TMK#: 2280030750000



County of Maui
 Kalana O Maui Building
 200 South High Street,
 Wailuku, HI 96793-2155

05/07/2019

RFS Information for 16-0000154

<u>Call Information</u>						
Status	Received Date	Completed Date	Duration (Days)	Entered By	How Taken	Source
DONE	02/03/2016	02/18/2016	15	KIVANET	REMOTE	INTERNET

<u>Requestor Information</u>		
Name: JIM GLACIER	Address:	
Company:	(H) Phone: 575 1234	(W) Phone:
E-Mail: iimglacier@email.com		

<u>Event Location</u>		Owner(s):
Address: 4505 HANA HWY HAIKU, HI 96708		ABRAMS, LEW JAY 1135 MAKAWAO AVE, PMB 217, MAKAWAO, HI 96768
TMK: 2280030750000		DE ABRAMS, MARIA DEL ROSARIO G. P.
Subdivision: FAGERHOLM-CAHILL SUBDIVISION		
Intersection:		
Common Place:		
Other Location:		

<u>Memo(s)</u>
B T20100695 Pending Commercial Kitchen. Objections do to noise, traffic, and the water source is a private agriculture well, not intended for commercial purposes Mr. Abrams needs to procure his own water supply apart from the private water supply.

<u>Additional Addresses</u>	
Address	TMK

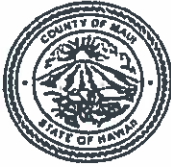
<u>Related Permit(s)</u>		
Permit	Permit Name	Status

<u>Inspection Information</u>					
<u>Problem</u>	<u>Type</u>	<u>Scheduled</u>	<u>Completed</u>	<u>Inspector</u>	<u>Result</u>

<u>Problem/Service Action Information</u>				
<u>Problem</u>	<u>Date Entered</u>	<u>Entered by</u>	<u>Contact</u>	<u>Status</u>
PA01ADMIN	02/04/2016	KIVANET	RANDAYA	DONE
<u>Service</u>	<u>Scheduled</u>	<u>Completed</u>	<u>Completed by</u>	<u>Status</u>
*REVIEW	02/04/2016	02/16/2016	RANDAYA	DONE
<u>Comments:</u>				

RFS#: 16-0000154

TMK#: 2280030750000



County of Maui
 Kalana O Maui Building
 200 South High Street,
 Wailuku, HI 96793 2155

05/07/2019

RFS Information for 16-0000154

*REASSIGN	02/04/2016	02/16/2016	RANDAYA	DONE
Comments:				
<u>Problem</u>	<u>Date Entered</u>	<u>Entered by</u>	<u>Contact</u>	<u>Status</u>
NA01ADMIN	02/16/2016	RANDAYA	JRAPACZ	DONE
<u>Service</u>	<u>Scheduled</u>	<u>Completed</u>	<u>Completed by</u>	<u>Status</u>
*REASSIGN	02/16/2016	02/17/2016	JARAKAWA	DONE
Comments: On 2/17/16, attempted to contact Requestor but phone was no longer in service. Was going to explain that the building permit would be processed and his concerns would be addressed.				
*CLOSE	02/16/2016	02/17/2016	JARAKAWA	DONE
Comments: Case closed				
<u>Problem</u>	<u>Date Entered</u>	<u>Entered by</u>	<u>Contact</u>	<u>Status</u>
RA01ADMIN	02/16/2016	RANDAYA	DTAYLOR	DONE
<u>Service</u>	<u>Scheduled</u>	<u>Completed</u>	<u>Completed by</u>	<u>Status</u>
*RESEARCH	02/03/2016	02/18/2016	MSAKUMA	DONE
Comments:				
*RESPOND	02/03/2016	02/18/2016	MSAKUMA	DONE
Comments: Per engineering N/A due to private water system				



County of Maui
 Kalana O Maui Building
 200 South High Street,
 Wailuku, HI 96793 2155

05/07/2019

RFS Information for 16-0000617

Call Information

Status	Received Date	Completed Date	Duration (Days)	Entered By	How Taken	Source
DONE	05/17/2016	02/22/2019	1011	RSEGUNDO	IN-HOUSE	INTERNAL

Requestor Information

Name: BUILDING PERMIT Address:
 Company: (H) Phone: (W) Phone:
 E-Mail:

Event Location

Address: 4505 HANA HWY Owner(s):
 HAIKU, HI 96708 ABRAMS, LEW JAY 1135 MAKAWAO AVE, PMB 217, MAKAWAO, HI
 TMK: 2280030750000 96768
 DE ABRAMS, MARIA DEL ROSARIO G. P.
 Subdivision: FAGERHOLM-CAHILL SUBDIVISION
 Intersection:
 Common Place:
 Other Location:

Memo(s)

Building inspector visited the site and it appeared that the structure was being used for more than AG storage. EXPIRING "AFTER THE FACT" BUILDING PERMIT APPLICATION #B T2010-0695 - ABRAMS COMMERCIAL KITCHEN. THERE IS NO ACTIVITY TO SINCE PERMIT SINCE APRIL 2012. THIS IS THE 2ND TIME WE ARE EXPIRING THIS APPLICATION. WE EXPIRED THIS APPLICATION ON 1/31/12 AND UNEXPIRED 4/12/12. OWNER HAS NOT DONE ANYTHING SINCE 2012.

Additional Addresses

Address	TMK

Related Permit(s)

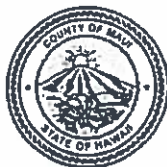
Permit	Permit Name	Status
B - T20100695	CONVERT AG BLDG TO COMM KITCHEN (ATF)	EXPR
SM2 - 20160029	VARIOUS FARM IMPROVEMENTS / MAKAWAO	DONE
V - 20170005	ART STORAGE BUILT WITHOUT A PERMIT	DONE

Inspection Information

Problem	Type	Scheduled	Completed	Inspector	Result
PD04BW/OP	BRFS	11/16/2018	11/16/2018	SGABIN	PASS
Comments: 11-16-18 Pass RFS Re-Inspection. Sink has been removed and storage area on lower level is part of original permitted foot print. Please close this RFS. sjg					
PD04BW/OP	BRFS	06/30/2016	06/30/2016	COANA	SC
Comments:					
NB02SMA	NBINITIAL	06/21/2016	06/23/2016	GMDAVIS	DONE
Comments:					

RFS#: 16-0000617

TMK#: 2280030750000



County of Maui
 Kalana O Maui Building
 200 South High Street,
 Wailuku, HI 96793-2155

05/07/2019

RFS Information for 16-0000617

PD04BW OP BRFS 06/14/2016 06/14/2016 COANA SC

Comments: 6-14-2016 Comments under RFS

Problem/Service Action Information

<u>Problem</u>	<u>Date Entered</u>	<u>Entered by</u>	<u>Contact</u>	<u>Status</u>
PD01PREREV	05/17/2016	RSEGUNDO	GUENO	DONE
<u>Service</u>	<u>Scheduled</u>	<u>Completed</u>	<u>Completed by</u>	<u>Status</u>
*REASSIGN	05/17/2016	05/26/2016	LNAKAMURA	DONE

Comments: Assigned to building. Requested that RFS be forwarded to Planning.

<u>Problem</u>	<u>Date Entered</u>	<u>Entered by</u>	<u>Contact</u>	<u>Status</u>
PD04BW OP	05/26/2016	LNAKAMURA	WKKITAMURA	DONE
<u>Service</u>	<u>Scheduled</u>	<u>Completed</u>	<u>Completed by</u>	<u>Status</u>
*REASSIGN	05/26/2016	06/13/2016	WKKITAMURA	DONE

Comments: assigned to Chris

*REASSIGN	05/26/2016	01/03/2017	WKKITAMURA	DONE
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Comments: Re-assigned to Bill

*RESEARCH	05/26/2016	01/07/2019	WKKITAMURA	DONE
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Comments: COM RPT lists Lew Jay Abrams as Owner:
 Mailing address: 1135 Makawao Ave. PMB 217, Makawao, HI 96768.
 also listed as Fee Owner: De Abrams, Maria Del Rosario G. P. Maria Rosario Galdamez Prieto...no mailing address.

Will verify with Permits B T2010 0695 is an ATF application before proceeding with investigation. wk

06/14/16 Permits confirm B T2010 0695 is ATF, application plans received. wk

*PRIVILEGE	05/26/2016	01/07/2019	WKKITAMURA	DONE
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Comments: 6-14-2019 : Lew Abrams cell #: 808-283-8057.

*RESPOND	05/26/2016	01/07/2019	WKKITAMURA	DONE
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Comments:

*INSPECT	05/26/2016	01/07/2019	WKKITAMURA	DONE
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Comments: 6-14-2016 Went to subject property and building. I was not granted access into the building but I could see the commercial kitchen in question through the downstairs door. It had a glass insert. As I was leaving the property, I was stopped by Lew Abrams. I told him I was doing an inspection to confirm that the kitchen was still there in his "AG" building. Which is a yoga studio up stairs and an office, kitchen, and what looks like a living room complete with pool table down stairs. That is just what I could see from outside when I was knocking on the door. This building was originally designated as AG storage. "Welcome" sign at the street entrance and direction arrows suggest they are doing business on this property. Yoga studio may require a Certificate of Occupancy if they are allowed to conduct a yoga business out of an AG storage.

RFS#: 16-0000617

TMK#: 2280030750000



County of Maui
 Kalana O Maui Building
 200 South High Street,
 Wailuku, HI 96793-2155

05/07/2019

RFS Information for 16-0000617

I will draft a warning letter for building without a permit and forward this RFS to planning for the change in use. This RFS should be forwarded to plumbing and electrical for added fixtures. CKO.

6-30-2016 On inspection found Island sink has been removed. Stove top has been removed. Permitted sink for Tea processing room has been moved into the drying room. Additional storage has been added adjacent to drying room and production room. See pictures in AX.

ATF permit is required for additional storage. ATF plans should show sink relocation into drying room.

I will draft new warning letter for added storage. CKO.

2-23-2017 Drafted NOV. CKO.

3-13-2017 Received a voicemail from Lew Abrams saying he received the NOV. Tried to call him back but his voicemail was full. CKO.

PD041ST	05/27/2016	06/17/2016	BCABASUG	DONE
Comments:	1st Notice CM 7012 2210 0000 1512 9768 sent for a kitchen constructed prior to obtaining a county building permit (ddd 12 14 16)			

6/30/16 - Items removed, see inspector's comments. No need for a 2nd letter on this violation.

PD041ST	05/31/2016	07/14/2016	BCABASUG	DONE
Comments:	1st Notice CM 7012 2210 0000 1512 9799 (for new violation) Art Storage constructed prior to obtaining a permit. (ddd 1/10/17)			

PD042ND	06/01/2016	09/20/2016	BCABASUG	DONE
Comments:	2nd Notice CM 7010 1060 0000 4471 4265 sent for Art Storage constructed prior to obtaining a permit. (ddd 1/10/17)			

PD04NOV	06/02/2016	03/02/2017	BCABASUG	DONE
Comments:	V2017/0005 CM 7011 3500 0003 5536 3042 issued for Art Storage constructed prior to obtaining a permit. (ddd 4/3/17) 2/8/18 - Initial fine of \$500 paid today.			

*INSPECT	06/02/2016	11/16/2018	SGABIN	DONE
Comments:	11-16-18 Pass RFS Re-Inspection. Sink has been removed and B2009-0084 shows storage area on lower level is part of permitted foot print. The area that was used to display art work been emptied out. (This area is Lower Level, south east side of the house).			

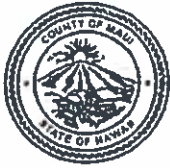
11-28-18 Rescheduled inspection and observed exterior door removed from area that had art work. Please close this RFS. sjg

*ADDINFO	06/02/2016	11/29/2018	BCABASUG	DONE
Comments:	Settlement fines letter sent for reduced fines of \$1,500, due by 12/29/18. 12/6/18 - Reduced fines of \$1,500 paid today by owner, compliance letter being mailed. bjc			

*CLOSE	06/02/2016	11/16/2018	SGABIN	DONE
Comments:	Corrections Done. Please Close this RFS.			

RFS#: 16-0000617

TMK#: 2280030750000



County of Maui
 Kalana O Maui Building
 200 South High Street,
 Wailuku, HI 96793-2155

05/07/2019

RFS Information for 16-0000617

PDADMINFR 06/03/2016 01/07/2019 LNAKAMURA DONE
 Comments: Complete.

<u>Problem</u>	<u>Date Entered</u>	<u>Entered by</u>	<u>Contact</u>	<u>Status</u>
NA01ADMIN	06/17/2016	RANDAYA	JRAPACZ	DONE
<u>Service</u>	<u>Scheduled</u>	<u>Completed</u>	<u>Completed by</u>	<u>Status</u>
*REASSIGN	06/17/2016	06/20/2016	JARAKAWA	DONE

Comments: Assigned to G. Davis.

<u>Problem</u>	<u>Date Entered</u>	<u>Entered by</u>	<u>Contact</u>	<u>Status</u>
NB02SMA	06/20/2016	JARAKAWA	JARAKAWA	DONE
<u>Service</u>	<u>Scheduled</u>	<u>Completed</u>	<u>Completed by</u>	<u>Status</u>
NBINSPECT	06/22/2016	06/20/2016	JARAKAWA	DONE

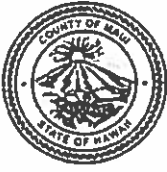
Comments: Assigned to G.Davis.

NBCZMDET 06/22/2016 06/23/2016 GMDAVIS DONE
 Comments: SM2 approved April 2016, Keith Scott, planner.

NBFINAL 07/22/2016 06/23/2016 GMDAVIS DONE
 Comments: April 4, 2016 SM2 for dwellings and various farm structures approved, close.

<u>Problem</u>	<u>Date Entered</u>	<u>Entered by</u>	<u>Contact</u>	<u>Status</u>
PA01DSAREV	01/07/2019	LNAKAMURA	RANDAYA	DONE
<u>Service</u>	<u>Scheduled</u>	<u>Completed</u>	<u>Completed by</u>	<u>Status</u>
*REVIEW	01/07/2019	02/22/2019	RANDAYA	DONE

Comments:



County of Maui
 Kalana O Maui Building
 200 South High Street,
 Wailuku, HI 96793 2155

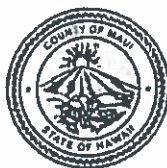
05/07/2019

RFS Information for 19-0000588

<u>Problem</u>	<u>Date Entered</u>	<u>Entered by</u>	<u>Contact</u>	<u>Status</u>
PD04BW/OP	04/12/2019	LNAKAMURA	WKKITAMURA	DONE
<u>Service</u>	<u>Scheduled</u>	<u>Completed</u>	<u>Completed by</u>	<u>Status</u>
*REASSIGN Comments:	04/12/2019	04/25/2019	WKKITAMURA	DONE
*RESEARCH Comments:	04/12/2019	04/25/2019	WKKITAMURA	DONE
*RESPOND Comments: in house	04/12/2019	04/25/2019	WKKITAMURA	DONE
*INSPECT Comments: review of ATF application plans & site inspection done on 11/16/2018 confirms violation has been removed.	04/12/2019	04/25/2019	WKKITAMURA	DONE
*CLOSE Comments: please close	04/12/2019	04/25/2019	WKKITAMURA	DONE
PDADMINR Comments: Complete.	04/15/2019	04/29/2019	LNAKAMURA	DONE
<u>Problem</u>	<u>Date Entered</u>	<u>Entered by</u>	<u>Contact</u>	<u>Status</u>
PA0IDSAREV	04/29/2019	LNAKAMURA	SWELLING	DONE
<u>Service</u>	<u>Scheduled</u>	<u>Completed</u>	<u>Completed by</u>	<u>Status</u>
*REVIEW Comments:	04/29/2019	05/03/2019	SWELLING	DONE

RFS#: 19-0000588

TMK#: 2280030750000



County of Maui
 Kalana O Maui Building
 200 South High Street,
 Wailuku, HI 96793-2155

05/07/2019

RFS Information for 19-0000588

Call Information

Status	Received Date	Completed Date	Duration (Days)	Entered By	How Taken	Source
DONE	04/12/2019	05/03/2019	21	JSOUZA	IN-HOUSE	

Requestor Information

Name: BUILDING PERMIT Address: 250 HIGH ST, WAILUKU, HI 96793
 Company: (H) Phone: 270-2750 (W) Phone: 270-7250
 E-Mail:

Event Location

Address: 4505 HANA HWY
 HAIKU, HI 96708

TMK: 2280030750000

Subdivision: FAGERHOLM-CAHILL SUBDIVISION

Intersection:

Common Place:

Other Location:

Owner(s):

ABRAMS, LEW JAY 1135 MAKAWAO AVE, PMB 217, MAKAWAO, HI 96768

DE ABRAMS, MARIA DEL ROSARIO G. P.

Memo(s)

EXP ATF BUILDING PERMIT APPLICATION PER OWNER-RFS GENERATED PER BUILDING INSPECTOR REQUEST

Additional Addresses

Address	TMK

Related Permit(s)

Permit	Permit Name	Status
B - T20170394	ATF WORKSHOP ADDITION/ALTERATION	W

Inspection Information

Problem	Type	Scheduled	Completed	Inspector	Result

Problem/Service Action Information

Problem	Date Entered	Entered by	Contact	Status
PD01PREREV	04/12/2019	JSOUZA	GUENO	DONE
Service	Scheduled	Completed	Completed by	Status
*REASSIGN	04/12/2019	04/12/2019	LNAKAMURA	DONE

Comments:

RFS#: 19-0000588

TMK#: 2280030750000

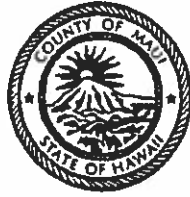
7/5009

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

August 31, 2017

GLENA UENO, P.E., P.L.S.
Development Services Administration

CARY YAMASHITA, P.E.
Engineering Division

RECEIVED
JOHN S. SMITH, P.E.
Highways Division

2017 SEP -7 A 11:47

COUNTY OF MAUI
DEPT. OF PLANNING
ADMINISTRATION

MEMO TO: WILLIAM R. SPENCE, PLANNING DIRECTOR

F R O M: DAVID C. GOODE, DIRECTOR OF PUBLIC WORKS

SUBJECT: APPLICATION FOR SPECIAL USE PERMIT FOR SACRED EARTH
ASSEMBLY TO UTILIZE AGRICULTURAL LAND AND EXISTING
AGRICULTURAL BUILDING FOR CHURCH-RELATED ACTIVITIES;
TMK: (2) 2-8-003:075
SUP2 2017/0011

We reviewed the subject application and have the following comments:

Comments from the Development Services Administration (DSA), Building
Inspection Section:

1. RFS 16-0000617: Open building Notice of Violation V2017/0005 issued on March 1, 2017, Status: Open fines due as of August 16, 2017 in the amount of \$59,500. Daily fines of \$1,000.00 per day are still accruing.

Comments from the DSA, Plan Review Section:

2. All unpermitted buildings and structures shall obtain a building permit. A change in building use may trigger a building permit.

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\Eng\CZM\Draft Comments\28003075_sacred_earth_assembly_sup2.rtf

EXHIBIT 8

DAVID C. GOODE
Director



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

COUNTY OF MAUI
DEPARTMENT OF PUBLIC WORKS
DEVELOPMENT SERVICES ADMINISTRATION
250 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793

November 29, 2018

Mr. Lew Jay Abrams
Mrs. Maria Abrams
1135 Makawao Avenue PMB 217
Makawao, Hawaii 96768

SUBJECT: NOTICE OF VIOLATION V2017/0005
REQUEST FOR SERVICE 16-0000617
BUILDING VIOLATION
AT 4505 HANA HIGHWAY, HAIKU, MAUI, HAWAII
TMK: (2) 2-8-003:075

Dear Mr. and Mrs. Abrams:

This is to confirm that County Building Code and/or County Residential Code violations associated with the subject Notice of Violation have been corrected. Although you have corrected the building violations, you still have outstanding fines that must be paid.

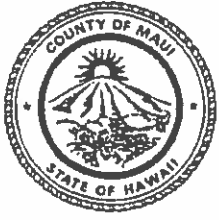
The initial fine of \$500 has been paid. The outstanding balance of fines owed is \$524,000. However, we agree to waive a portion of the fines. The final fine amount that must be paid to resolve this violation is \$1,500.

This must be paid in full by **December 29, 2018**, otherwise, our offer to waive any portion of the fines will be withdrawn and this matter will be forwarded to the Department of the Corporation Counsel for legal action, at which time they will pursue collection of the entire amount. If you have any questions regarding this letter, please contact Stan Gabin, Building Inspector, at (808) 270-7375.

Sincerely,

A handwritten signature in cursive script, appearing to read "Wayne Kitamura".

Wayne Kitamura
Supervising Building Inspector



COUNTY OF MAUI

PERMIT RECEIPT

RECEIPT NUMBER: 18-0011170

APN: 2280030750000
 DATE ISSUED: 06-DEC-2018
 , PERMIT: V 20170005
 SCOPE: VIOLATION
 SITE ADDRESS: 4505 HANA HWY 7G
 SUBDIVISION: FAGERHOLM-CAHILL SUBDIVISION
 CITY: HAIKU, HI 96708

PARCEL OWNER: ABRAMS, LEW JAY ETAL
 ADDRESS:
 CITY/STATE/ZIP: MAKAWAO, HI 96768
 PERMIT OWNER:
 ADDRESS:
 CITY/STATE/ZIP:

<u>Contractor</u>	<u>Company</u>	<u>Role</u>
-------------------	----------------	-------------

Fees Calculated 12 Months Back

<u>Date</u>	<u>Fee Code</u>	<u>Description</u>	<u>Paid to Date</u>	<u>This Receipt</u>	<u>Balance Due</u>
29-NOV-2018	B NOV2	DSA BUILDING VIOLATION DAILY FINES	\$522,500.00	\$1,500.00	\$0.00
Totals:				\$1,500.00	\$0.00

<u>Payment Code</u>	<u>Description</u>	<u>Amount</u>
CHECK	9059 LEW J ABRAMS, MARIA G ABRAMS	\$1,500.00

Tendered:	\$1,500.00
Change:	\$0.00
Balance Due:	\$0.00

ALAN M ARAKAWA
Mayor



DAVID TAYLOR, P.E.
Director

GLADYS C BAISA
Deputy Director

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

August 23, 2017

Evelyn A. Aako, Planner
Department of Planning
2200 Main Street
Wailuku, Hawaii 96793

RE: TMK: (2) 2-8-003:075
SUP2 2017/0011
Sacred Earth Assembly Church Activities

Dear Ms. Aako:

The Department of Water Supply (DWS) thanks you for the opportunity to comment on the special use permit for church related activities.

Source Availability

The project overlies the Halku aquifer with a sustainable yield of 27 million gallons per day according to the Commission on Water Resource Management. The applicant states that the property is served by a private water system. DWS has no authority to impose requirements on private water systems not owned and operated by the County.

Pollution Prevention and Conservation

DWS notes the use of organic farming methods which provides ground water protection from farm chemicals. We also note the presence of two septic systems on the property. For additional ground water protection DWS recommends the following measures for the project.

Septic System Best Management Practices

- Have septic system inspected annually and pumped out regularly.
- No chemical or other additive can be a substitute for regular pumping. Septic System chemicals can prevent the septic system from functioning properly.
- Use caution about what you put into the system. Substances like coffee grounds, cigarette butts, sanitary items, or fats do not break down easily in septic systems. Prevent strong chemicals like paints, solvents, oil, and pesticides from entering the system and entering the groundwater.
- Practice water conservation to increase system life span. Limit the amount of water entering the system by using water-saving fixtures and appliances.

"By Water All Things Find Life"

EXHIBIT 9

Evelyn Aako
Page 2

- Keep roof drains and storm water runoff away from the drain field area.
- Keep leaching area free of vehicles, buildings, trees and shrubs.
- Keep accurate records of on-site maintenance activities.
- Keep an accurate map of the location of all system components

Should you have any questions, please contact staff planner Audrey Dack at (808) 463-3109 or audrey.dack@co.mauhi.us.

Sincerely,

A handwritten signature in black ink, appearing to read 'DTaylor', with a long horizontal stroke extending to the right.

Dave Taylor, P.E., Director
apd

cc: DWS Engineering Division

AGENCY TRANSMITTAL RESPONSE e-FORM
FOR DEPARTMENT OF PLANNING, COUNTY OF MAUI
8/16/2017


AGENCY NAME	Department of Environmental Mgmt.	PHONE	270-8230
PROJECT:	Sacred Earth Assembly Church Related Activities		
APPLICANT:	Dr. Lew Abrams and Maria G. Abrams		
PERMIT NO:	SUP2 2017/0011		
TMK:	(2) 2-8-003:075		
STREET ADDRESS:	4505 Hana Highway, Haiku, Island of Maui, Hawaii		
PROJECT DESCRIPTION:	State Land Use Commission Special Permit (SUP) to allow Sacred Earth Assembly Church to utilize agricultural land and existing agricultural building for church related activities.		
SECURITY CODE:			
<input checked="" type="checkbox"/> COMMENTS/RECOMMENDATIONS <input type="checkbox"/> NO COMMENTS			
WASTEWATER RECLAMATION DIVISION COMMENTS			
a. A Grease Interceptor is required for a certified commercial kitchen. Submit an Appendix H sizing calculation and a plumbing plan for our review.			
<input type="checkbox"/> COMMENTS/RECOMMENDATIONS <input checked="" type="checkbox"/> NO COMMENTS			
SOLID WASTE DIVISION COMMENTS			
Signed:			
Print Name:	Michael M. Miyamoto, Deputy Director	Date	8/16/17

EXHIBIT 10



SACRED EARTH ASSEMBLY

AT AHIMSA SANCTUARY FARM

February 18, 2019

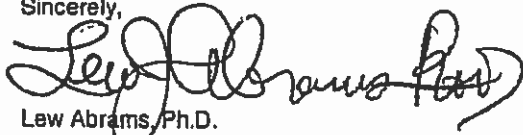
Michael M. Miyamoto
Dept. of Environmental Management
County of Maui
2050 Main Street Suite 2B
Wailuku, Hawaii 96793

SUBJECT: Sacred Earth Assembly Church Related Activities
4505 Hana Hwy. Haiku, HI 96708
SUP2 2017/0011 TMK: (2) 2-8-003: 075

Regarding the comment about waste water calculations and plumbing plans for a commercial kitchen, we withdrew the request for a commercial kitchen in the Ag workshop/Church building because we were told such kitchens would be approved only in buildings of less than 1000 sq ft.

Our plan is to put up a 600 sq ft building to house a commercial kitchen near the existing ag workshop. We have SMA approval for that. So for the current application, information regarding a commercial kitchen is not needed.

Sincerely,



Lew Abrams, Ph.D.

EXHIBIT //

AGENCY NAME		PHONE	
--------------------	--	--------------	--

Agency Transmittal - Sacred Earth Assembly Church Related Activities (SUP2 2017/0011)
 August 3, 2017
 Page 2

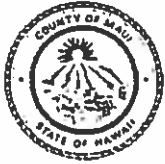
NO COMMENT			
Signed:	<i>[Signature]</i>	Dated:	8-7-17
Print Name:	JIM OSTER	Title:	ENGINEER

RECOMMENDED CONDITIONS BOX			
Signed:		Dated:	
Print Name:		Title:	

GENERAL COMMENTS BOX			
Signed:		Dated:	
Print Name:		Title:	

EXHIBIT 12

17/4588



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

August 15, 2017

AUG 16 2017

RECEIVED

MEMORANDUM

TO : EVELYN AAKO, STAFF PLANNER
DEPARTMENT OF PLANNING

FROM : TIVOLI S. FAAUMU, CHIEF OF POLICE

SUBJECT : PERMIT NO.: SUP2 2017/0011
 TMK : (2) 2-8-003:075
 Project : Sacred Earth Assembly Church Related
 Activities
 Applicant : Dr. Lew Abrams & Maria G. Abrams

No comments or recommendations to offer at this time.

Refer to enclosed comments and/or recommendations.

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

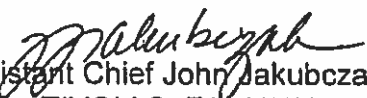
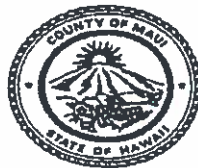

 Assistant Chief John Jakubczak
 For: TIVOLI S. FAAUMU
 Chief of Police

EXHIBIT 13

MICHAEL P. VICTORINO
MAYOR



DAVID C. THYNE
FIRE CHIEF

BRAD VENTURA
DEPUTY CHIEF

COUNTY OF MAUI
DEPARTMENT OF FIRE AND PUBLIC SAFETY
FIRE PREVENTION BUREAU

313 MANEA PLACE, WAILUKU, HAWAII 96793
(808) 876-4690 FAX (808) 244-1363

January 14, 2019

Department of Planning
Attn: Tara Furukawa - Staff Planner
2200 Main St. Suite 315
Wailuku, HI 96793

SUBJECT: Sacred Earth Assembly Church Related Activities
4505 Hana Hwy. Haiku, HI
SUP2 2017/0011
TMK: (2) 2-8-003: 075

Dear Tara,

Thank you for allowing our office to provide comment on the proposed project. As per your request, comments are provided below:

- There are no objections or exceptions in regards to the use of the property for church-related activities.
- In regards to the use of existing buildings on the property for church-related activities, our office requests that any existing building being proposed for use for church-related activities be properly permitted and have a proper Certificate of Occupancy related to the intended use.
- Should a building permit or a certificate of occupancy application related to this Special-Use be routed to our office for approval, at that time, proper fire department access, water supply for fire protection, fire and life safety systems, and proper egress shall be evaluated and approved. Our office reserves the right to provide additional comments during the building permit and/or certificate of occupancy process.

EXHIBIT 14

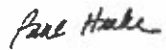
Department of Planning
Attn: Tara Furukawa - Staff Planner
2200 Main St. Suite 315
Wailuku, HI 96793

Page 2

If there are any questions or comments, please feel free to contact me at (808) 876-4693 or by email at paul.haake@mauicounty.gov.

Sincerely,

Paul Haake



Captain - Fire Prevention Bureau



SACRED EARTH ASSEMBLY

AT AHIMSA SANCTUARY FARM

February 18, 2019

Captain Paul Haake
Department of Fire and Public Safety
Fire Prevention Bureau
County of Maui
313 Manea Place
Wailuku, Hawaii 96793
(808) 876-4690 fax (808) 244-1363

SUBJECT: Sacred Earth Assembly Church Related Activities
4505 Hana Hwy. Haiku, HI 96708
SUP2 2017/0011 TMK: (2) 2-8-003: 075

Dear Captain Haake:

This letter is to acknowledge and respond to your comments in a January 14th, 2019 letter to Planner Tara Furukawa regarding the SUP2 application referenced above.

Thank you for your finding that "there are no objections in regards to the use of the property for church-related activities."

The issues of fire department access, water supply for fire protection, fire and life safety systems, and proper egress are being addressed in fire protection plans being developed by engineer Douglas Gomes of Engineering Dynamics Corp who has had several consultation meetings with Fire Prevention Bureau officers.

The focus of the current SUP2 application is the single agricultural workshop specified in the application. Should other structures be included in the permit for church related activities in the future, fire protection plans will be developed and submitted for your review, recommendations, and approval.

Thank you for your careful consideration of the fire protection needs of this project.

Sincerely,

Lew Abrams, Ph.D.

EXHIBIT 15

Evelyn Aako - Sacred Earth Assembly Church Related Activities SUP2 2017/0011

From: "Krueger, Joseph K" <joseph.k.krueger@hawaii.gov>
To: "evelyn.aako@mauicounty.gov" <evelyn.aako@mauicounty.gov>
Date: 8/10/2017 10:45 AM
Subject: Sacred Earth Assembly Church Related Activities SUP2 2017/0011
CC: "Matsuda, Annette DH" <annette.dh.matsuda@hawaii.gov>

Hi Evelyn,

We have reviewed the SUP application and offer one comment.

The applicant shall obtain a permit for any construction or signage within the State right-of-way from State Highway Maui.

Thanks,

Joe

EXHIBIT 16

From: Lew Abrams <drabrams@ahimsasanctuaryfarm.com>
To: <joseph.k.krueger@hawaii.gov>
CC: tara Furukawa <tara.furukawa@co.maui.hi.us>
Date: 5/1/2019 1:05 AM
Subject: response to a letter about signage for Sacred Earth Assembly SUP2
Attachments: DOTMauiLetter.pdf, SEA DOT Kreuger signage permit response letter.docx

EXHIBIT 17



SACRED EARTH ASSEMBLY

AT AHIMSA SANCTUARY FARM

April 30, 2019

Joseph Kreuger
Dept of Transportation
County of Maui
Wailuku, Hawaii

SUBJECT: Sacred Earth Assembly Church Related Activities
4505 Hana Hwy. Ha'ku, HI 96708
SUP2 2017/0011 TMK (2) 2-8-003: 075

We understand that a permit will need to be obtained if there is any signage constructed in the State Highway right-of-way. At present, no such signage is planned.

Sincerely,

Lew Abrams, Ph.D.

17/5242



**OFFICE OF PLANNING
STATE OF HAWAII**

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

DAVID Y. IGE
GOVERNOR

LEO R. ASUNCION
DIRECTOR
OFFICE OF PLANNING

RECEIVED

Telephone: (808) 587-2848
Fax: (808) 587-2824
Web: <http://planning.hawaii.gov/>

2017 SEP 21 A 8:39

Ref. No. P-15742

COUNTY OF MAUI
DEPT. OF PLANNING
ADMINISTRATION
September 18, 2017

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

Attention: Ms. Evelyn A. Aako

Dear Mr. Spence:

Subject: Sacred Earth Assembly Church Related Activities
Dr. Lew Abrams and Maria G. Abrams
SUP2 2017/0011
TMK: (2)-2-8-003: 075
4505 Hana Highway, Haiku, Maui
Sacred Earth Assembly Church to utilize agricultural land and
existing agricultural building for church related activities

Thank you for the opportunity to review and comment upon the Special Permit for the establishment of the Sacred Earth Assembly Church on the existing Ahimsa Sanctuary Farm within an existing 3,000-square foot agricultural building and related uses within the State Agricultural District. We have the following comments and concerns:

1. The applicant is proposing to construct the proposed church on approximately 14.8 acres of a 25-acre lot. The existing 3,000-square foot building will be used as an assembly and worship hall. A lower level of the building will be used for meetings, fellowship and meals. The church will conduct weekly group meetings and periodic educational programs and celebrations. Weekly services will be held on Wednesdays and Fridays, from 6 pm to 9 pm, with attendance ranging from 10-30 people. Other services, such as holiday celebrations could be scheduled between the hours of 4 pm to 9 pm with attendance ranging from 50 to 75 people.

The access driveway off Hana Highway is shared, and the 14.8 acre church site is fenced and separated and serviced by its own loop road.

The remaining approximately 10-acres will remain in agricultural and open space use. According to the application, farm operations are conducted on approximately

EXHIBIT 18

Mr. Will Spence, Director
September 18, 2017
Page 2


25 acres and include crops such as herbs, turmeric, bananas, papayas and herbal tea. The farm has been in operation since 2008. A revised farm plan has been submitted to the County for approval. The site plan indicates that there will be approximately 25 parking stalls within a parking lot, and additional parking along the loop road. An engineering study has indicated that the existing Individual Wastewater System has the capacity for 100 people.

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

1. The 14.8-acre lot is less than 15 acres, which would allow the County Planning Department to process and approve the proposed Special Permit.
2. The County's Land Use Pattern Allocation Guide (LUPAG) map indicates the site for Agricultural.
3. The site is within the SMA. The applicant should consult with County of Maui Planning Department for the requirements of SMA use.
4. The Petitioner's document indicates that the Land Study Bureau has classified the soil as C and E, and is classified under ALISH as Prime Agricultural land.
5. The State Department of Transportation should be consulted given the proposed size and scope of the proposed Church activities to accommodate approximately 100 people at special church services.

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
Director

cc: Land Use Commission



SACRED EARTH ASSEMBLY

AT AHIMSA SANCTUARY FARM

May 2, 2019

Lorene Maki
Land Use Division
Department of Planning - State of Hawaii
PO Box 2359
Honolulu, Hawaii 96804

SUBJECT: Sacred Earth Assembly Church Related Activities
4505 Hana Hwy. Haiku, HI 96708
SUP2 2017/0011 TMK: (2) 2-8-003: 075

Response to: Ref. No. P-15742 Sept. 18, 2017

We have been working with the County Planning Department on the processing of the Special Use Permit 2. (Addressing comment #1 and #3). The site will remain in agricultural use, which will comply with comment #2. Ahimsa Sanctuary Farm has been certified organic by International Certification Services, Inc., since 2016.

The Special Permit application has been approved and included in the revised Special Management Area (SMA) plan and mentions that the proposed use will coincide with the Agricultural use.

EXHIBIT 19

With regards to comment #5, the application was transmitted to the State DOT and they had no comments about the size and scope of church activities.

Sincerely,

Lew Abrams, Ph.D.

DMC ENGINEERING

LOCATION: 2138 W. VINEYARD ST.
WAILUKU, HI 96793
MAILING: P.O. BOX 2864
WAILUKU, HI 96793
PHONE: 808.442.2508
FAX: 808.442.0519
CROSARIOL@GMAIL.COM

Date: January 15, 2016

Mr. Roland Tejano
Department of Health
Wastewater Branch
54 High Street
Wailuku, HI 96793

Re: Sacred Earth Assembly, 4505 Hana Hwy, Haiku, Maui, Hawaii, 96768
TMK: (2) 2-8-003: 075

This letter is a certification on the existing septic system for a new non-profit 501(c)3 church named Sacred Earth Assembly (SEA). The church will utilize the exiting agricultural building located on the property.

Weekly services are planned for Wednesday and Friday, from the hours of 6pm to 9pm and anticipated attendance will range from 10-30 people. Holiday celebrations will vary in schedule and the number of participants, but generally meetings will be scheduled between the hours of 4pm-9pm with an estimated attendance of 50 to 75 people. The existing agricultural building to be used by SEA provides an assembly hall with connected foyer and two restrooms. On the lower level, a kitchen and dining area provides a place for the sharing of food, and there is a children's lounge with an adjacent restroom.

Based on Chapter 1-62 Appendix "F", the new use will fall under "Church with kitchen" (per person per day). The existing septic system can handle a maximum of 100 persons which will generate 1000 gallons per day.

The existing system has a 1,250 gallon IAPMO septic tank with a 25 feet x 46 feet leaching field which has a capacity of 1000 gallons per day. The existing IWS will be adequate for the proposed use.

Please call me should you have any questions.

Sincerely,



Dominic M. Crosariol, P.E.

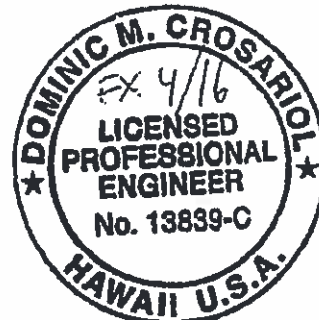


EXHIBIT 20

INDIVIDUAL WASTEWATER SYSTEM

FOR

SACRED EARTH ASSEMBLY

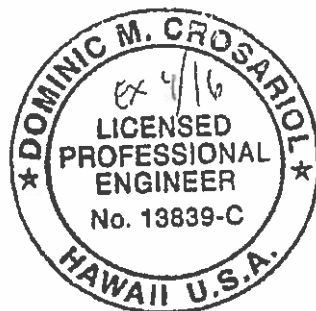
**Lew Abrams
4505 Hana Hwy
Haiku, Maui, Hawaii 96768
TMK: (2) 2-8-003: 075**

Date: January 15, 2016

This work has been prepared by me or under my supervision and construction of this project will be under my supervision.

PREPARED BY:

**DMC ENGINEERING
P.O. Box 2864
Wailuku, Maui, Hawaii 96793**



DEPARTMENT OF HEALTH - WASTEWATER BRANCH
INDIVIDUAL WASTEWATER SYSTEM (IWS)
APPLICATION INFORMATION SHEET
Please Print or Type

Engineer: DMC Engineering

Owner: Lew Abrams

Owner's Mailing Address: 1135 Makawao Ave PMB 217, Makawao, HI 96768

Project Location: 4505 Hana Hwy, Makawao, Maui, Hawaii 96768
(Street Address, Subdivision Name and General Area):

Project Tax Map Key (TMK) Number: (2) 2 - 8 - 003 ; 075

Lot Size: 25.54 Acres Zoning: _____

Projected Flow or Number of Bedrooms: 1,000 gal/day

Proposed Treatment Unit (Manufacturer, Model, Design Capacity):

Existing 1,250 Gallon (IAPMO Approved) Septic Tank

Proposed Disposal System: Existing 25' x 46' leaching field

Percolation Rate: 25 _____ min/in

Existing IWS on lot: NO YES Type: Septic tank with leaching field

Existing structure on lot: NO YES Type: Dwelling w/ pool, garage & carport
Ag building (to be used for new church)

I CC upgrade? NO YES

Existing potable drinking water well within 1,000 ft of the proposed disposal system? NO YES

Would the construction and/or discharges from the proposed IWS affect any public trust or Native Hawaiian resources or the exercise of traditional cultural practices in the vicinity? NO YES

If yes, indicate what feasible action can be taken to protect those resources or exercise of practices. Please provide your response on a separate sheet of paper

FOR DEPARTMENT USE ONLY:

Date Received: _____ Project Engineer: _____ File No. _____

Notes: _____

DESIGN CRITERIA

INDIVIDUAL WASTEWATER SYSTEM FOR:

**Lew Abrams
Sacred Earth Assembly**

TMK: (2) 2-8-003: 075

1. LOCATION: Haiku, Maui, Hawaii

2. PROJECTED FLOW:

Chapter 11-62, Appendix F, Table I:

Church with kitchen:

$$\frac{10 \text{ gallons per person per day} \cdot 100 \text{ visitors}}{1000 \text{ gal/day}} = 1000 \text{ gal/day}$$

TOTAL = 1000 gal/day

3. SEPTIC TANK SIZING:

$$Q(\text{flow}) = 1000 + (Q - 800) \times 1.25$$

$$Q = \frac{1000 + (1000 - 800) \times 1.25}{1} = 1,250 \text{ gal/day}$$

TOTAL = 1,250 gal/day

3. SEPTIC TANK:

Proposed Septic Tank for Sacred Earth Assembly = 1,250 gallons

4. DISPOSAL SYSTEM:

Proposed leaching field for Sacred Earth Assembly 25' x 46' = 1,150 sq.ft.

PERCOLATION RATE: 25.00 min./in.

REQUIRED ABSORPTION AREA:

Chapter 11-62, Appendix F, Table III, 25 min/in percolation rate:

Required Absorption Rate = 230 sf per 200 gallons

1000 gpd / 200 gallons X 230sf = 1,150 sq.ft.

TOTAL = 1,150 sq.ft.

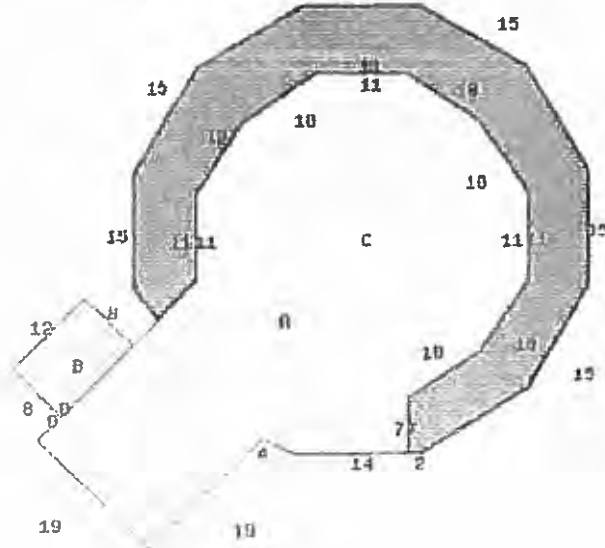
ABSORPTION SYSTEM:

The absorption system for Sacred Earth Assembly will consist of an existing 25' x 46' leaching field.



Parcel Number: 280030750000

Building Number: 2



Call r	Area Type Description	Ground Floor Square Feet
A	MAIN AREA	1969
B	PCH UNC SHD RF	108
C	PCH UNC SHD RF	998

[Enlarge](#)

[Close Window](#)



DEPARTMENT OF HEALTH - WASTEWATER BRANCH
INDIVIDUAL WASTEWATER SYSTEM (IWS)
OWNER'S CERTIFICATION FORM

Subject: Individual Wastewater System for LEW & MARIA ABRAMS
Tax Map Key (TMK) Number: (2) 2 - 8 - 003 : 75
Mailing Address: 1135 MAKAWAO AVE PMB# 217
MAKAWAO HI 96768

I, LEW ABRAMS, hereby certify that I am the owner (s) of the
(please print name)

subject property and that I have read the following and shall comply with all provisions. Failure to comply with any or all of the provisions can lead to imposition of the penalties and remedies as provided for in Administrative Rule, Title 11, Chapter 62, Section 11-62-72, Penalties and remedies.

1. I certify that as the owner of the Individual Wastewater System (IWS) serving the subject property, the IWS will be inspected, operated and maintained in accordance with the operation and maintenance manual developed by my IWS design engineer section (section 11-62-31.1(e)(2)).

Furthermore, if an aerobic unit is utilized for wastewater treatment, an active service contract for the proper operation and maintenance shall be maintained at all times (section 11-62-33.1.(b)(3)).

2. I understand and shall comply with the provision of section 11-62-08 (g) which requires that the IWS be constructed by a licensed contractor with a license type of: A, C-9, C-37, C-37a or C-43.
3. I understand and shall comply with the provisions of section 11-62-31.(f) which states that the IWS must be inspected and approved of by the Department prior to use.

Furthermore, I shall instruct and require my contractor to leave uncovered for inspection, various parts of the IWS system. These parts include manhole/access openings, distribution boxes, ends of trenches to visually see gravel, pipe and geotextile fabrics used and/or seepage pit openings. I understand that I will be required to re-expose these areas if at the time of inspection they are not visible.

4. I understand and shall comply with the provisions of section 11-62-31.1.(e)(2) which required me to certify upon sale or transfer of the subject property, that the appropriate transfer or sales documents and provisions shall bind the new owners to the operation and maintenance provisions referenced in item 1 above.
5. I understand and shall submit any and all changes made to my IWS plans to the Department (section 11-62-08(b)) for review and approval. Changes to the approved IWS plans that need to be submitted to the Department include but are not limited to the following - changes in location of any component of the wastewater system, changes in the type of products used, changes in the disposal system methods, changes in the dwellings/buildings location or size and changes in the design engineer for the IWS.

Signed: _____



Dated: _____

12/9/15

DAVID Y. IGE
GOVERNOR OF HAWAII



VIRGINIA PRESSLER, M.D.
DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. BOX 3378
HONOLULU, HI 96801-3378
February 18, 2015

In reply, please refer to
File #

Dominic M. Crosariol
P. O. Box 2864
Wailuku, HI 96793

Dear Sir/Madam

Subject: Individual Wastewater System (IWS) for
Owner/Lessee: - Sacred Earth Assembly
Project Site: 4505 Hana Highway, Haiku, HI
TMK: 228003075
IWS File No.: 54976 (Septic Tank)
Old File No.: N/A

The subject wastewater plans have been reviewed by the Wastewater Branch for conformance to applicable provisions of Hawaii Administrative Rules, Title 11, Chapter 62, entitled Wastewater Systems. The IWS plan conforms to applicable provisions of Chapter 11-62.

As the professional engineer responsible for the design of the above wastewater plan, it is your responsibility to inform the owner/lessee of the property that: a) the IWS plans must be attached to each set of permit construction plans, b) the IWS must be installed by a licensed contractor holding A, C-9, C-37, C-37a or C-43 license, c) inspected and certified by the designing engineer, d) authorized in writing by the Department of Health before use, and e) IWS approval expires in one year without concurrent active building permit.

For new dwellings, the Department of Health will process an applicable county building permit application provided that all information submitted as part of the IWS plan and county building permit application are consistent with each other and meet applicable provisions of Chapter 11-62, HAR at the time of permit application.

For renovation projects that require abandoning the existing cesspool and/or require building modifications to the existing dwelling (require separate permit) to comply with Chapter 11-62 HAR, the new IWS and/or required modifications to the existing dwelling must be completed prior to applying for a County Building Permit for the project. For clarification purposes, the separate building modifications permit to the existing dwelling will be considered completed when the County Building Permit is properly closed for that work.

Should you have any questions, please feel free to contact Roland Tejano at 984-8232.

Sincerely,

A handwritten signature in black ink, appearing to read "Sina Pruder".

SINA PRUDER P E
Chief, Wastewater Branch

EXHIBIT 21

LexisNexis Community Crime Map

Map Data Grid Analytics Metadata

Map Satellite

Menu

1 year

DATE RANGE

Start Date: 05/07/2018

End Date: 05/07/2019

View points using time slider

Event

- Homicide
- Attempted Homicide
- Death Investigation
- Sexual Assault
- Sexual Offense - Other
- Robbery - Commercial
- Robbery - Individual
- Aggravated Assault
- Assault - Other
- Burglary - Commercial
- Burglary - Residential
- Theft
- Fraud
- Shoplifting
- Theft - Other
- Motor Vehicle Theft
- Burglary from Motor Vehicle
- Arson
- DUI
- Alcohol Violation
- Drugs / Narcotics Violation
- Disorderly Conduct
- Traffic Incident
- Vandalism
- Weapons Violation
- All Other - Non-Criminal
- All Other - Criminal

Select All Deselect All

Offenders

Analytic Layers

Agency Layers

About Community Crime Map

© 2019 LexisNexis

Planning Commission Council Meetings Google Maui County Intranet Official Website Maui Self Service Portal Sign out Novell File Password Manager

Crime mapping, crime reports and tips for the public

EXHIBIT 22

011012



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
STATE HISTORIC PRESERVATION DIVISION
601 KAMOKILA BOULEVARD, ROOM 555
KAPOLEI, HAWAII 96707

LAURA B. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
RUSSELL Y. TSUJI
FIRST DEPUTY
KEN C. KAWAHARA
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
KANOAIAVE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

March 11, 2009

Ms. Renee Segundo
County of Maui, Department of Public Works
Development Services Administration
250 South High Street
Wailuku, Hawai'i 96793

LOG NO: 2009.0151
DOC NO: 0903PC38
Archaeology

Dear Ms. Segundo:

**SUBJECT: Chapter 6E-42 Historic Preservation Review –
Lew Abrams Pond and Pump House: Building Permits T2009-0149 and -0150
'Opana and Ulumalu Ahupua'a, Makawao District, Island of Maui
TMK (2) 2-8-003:075 [formerly a portion of (2) 2-8-003:017]**

Thank you for the opportunity to review the aforementioned project, correspondence for which we received on February 11 of 2009.

Based on the submitted documents, the application is for the construction of a free form pond and separate pump house within a portion of what is currently shown in County of Maui records to be a 25.54 acre parcel located at 4505 Hana Highway in Haiku, Hawai'i.

A search of our records indicates that an archaeological inventory survey was conducted of the subject property by Scientific Consultant Services in 1996 (Dunn and Spear 1996, *An Archaeological Inventory Survey of Sea Ranch Estates Subdivision, Ulumalu and Opana Ahupua'a, Makawao District, Island of Maui, Hawai'i, TMK 2-8-03*) resulting in the identification of three partially previously recorded sites and one newly identified site now on record as SIHP #50-50-06-4092, -4094, -4095 and -4182 (SHPD LOG NO: 17371; DOC NO: 9606SC18). Those closest to the proposed area of effect are SIHP #50-50-06-4092 [Haiku Ditch] and -4095 [discontinuous post-Contact period road segments]. The Haiku Ditch, a plantation era irrigation ditch still utilized today was recommended for preservation through avoidance and protection (conservation), while the historic road segments were subsequently data recovered by being accurately located by a professional surveyor. No further work was recommended for SIHP #50-50-06-4095.

Therefore, because the area of effect has undergone the historic preservation review process, we believe the proposed project will have *no effect on historic resources* and should be allowed to proceed.

DEPT OF PLANNING
COUNTY OF MAUI
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MAR 16 08:49

EXHIBIT 22

If you have any questions or comments regarding this letter, please contact Patty Conte
(Patty.J.Conte@hawaii.gov).

Aloha,



Nancy McMahon, Deputy SHPO/State Archaeologist
State Historic Preservation Division

c: Michael Leone: mike@hawaiiarchitectural.com

Jeff Hunt, Director, Dept. of Planning, FAX (808) 270-7634

Maui CRC, Dept. of Planning, 250 S. High Street, Wailuku, Hawai'i 96793

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

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

January 5, 2009

Ms. Renee Segundo
Department of Public Works
Development Services Administration, County of Maui
250 South High Street
Wailuku, Hawai'i 96793

LAURA H. THIELER
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUI
FIRST DEPUTY

KEN C. KAWAILARA
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
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FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAIHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

LOG NO: 2008.5288
DOC NO: 0812JP44
Archaeology

Dear Ms. Segundo:

SUBJECT: UPDATE Chapter 6E-42 Historic Preservation Review [County/DSA] -
Building Permit Applications (B T2008-1985 & 1986) for the
Proposed Lew Abrams Project
'Opana and Ulumalu Ahupua'a, Makawao District, Island of Maui
TMK: (2) 2-8-003:075 (Portion)

We previously recommended archaeological work regarding the proposed subject action. We have since received updated information and wish to keep you apprised of the recent findings. The proposed project involves a previously cultivated and developed area, away from any documented historic properties.

We believe the proposed project will have no effect on historic properties because:

- Intensive cultivation has altered the land
- Residential development/urbanization has altered the land
- Previous grubbing/grading has altered the land
- An accepted archaeological inventory survey (AIS) found no historic properties
- SHPD previously reviewed this project and mitigation has been completed
- Other: *We have been informed that the proposed project will occur on a flat open area above the surrounding gulches. An archaeological inventory survey report and preservation plan has been accepted by our office. There are no historic properties documented within the immediate project area and proposed excavations are minimal.*

In the event that any historic resources including old bottles, ceramics, rock alignments, terraces, walls, petroglyphs, artifacts, charcoal, shell midden, or skeletal remains (etc.) are identified on the subject parcel, the find needs to be protected from any disturbance, and the State Historic Preservation Division, Maui Section, needs to be contacted at (808) 243-1285 or (808) 243-4640. Please feel free to contact Jenny Pickett at (808) 243-4641 with any archaeological concerns or questions about this review.

Ms. Rence Segundo
Page 2

Aloha,



Nancy McMahon
Historic Preservation Manager
State Historic Preservation Division

c: Michael Angelo Leone email address: mike@hawaiiarchitectural.com
✓ Dept of Planning, FAX 270-7634
Maui Cultural Resources Commission, Dept. of Planning, 250 S. High Street, Wailuku, HI 96793

09 JAN -7 P 1:20
DEPT OF PLANNING
COUNTY OF MAUI
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CA/7515

LINDA LUYCKE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

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

'09 APR 30 P1 32

LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
RUSSELL Y. TSUIR
FIRST DEPUTY
KEN C. KAWABARA
DEPUTY DIRECTOR - WATER
AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
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COMMISSION ON WATER RESOURCE MANAGEMENT
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April 24, 2009

DEPT OF PLANNING
COUNTY OF MAUI
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Ms. Renee Segundo
County of Maui, Department of Public Works
Development Services Administration
250 South High Street
Wailuku, Hawai'i 96793

LOG NO: 2009.1134
DOC NO: 0904PC51
Archaeology

SUBJECT: Chapter 6E-42 Historic Preservation Review – Lew Abrams Wind Turbine and Solar/Storage Container: Building Permits T2009-0437 and -0438 'Opana and Ulumalu Ahupua'a, Makawao District, Island of Maui TMK (2) 2-8-003:075 [formerly a portion of (2) 2-8-003:017]

Thank you for the opportunity to review the aforementioned project, correspondence for which we received on April 7 of 2009.

Based on the submitted documents, the application is for the construction of a wind turbine and solar/storage container within a portion of what is currently shown in County of Maui records to be a 25.54 acre parcel located at 4505 Hana Highway in Haiku, Hawai'i.

A search of our records indicates that an archaeological inventory survey was conducted of the subject property by Scientific Consultant Services in 1996 (Dunn and Spear 1996, *An Archaeological Inventory Survey of Sea Ranch Estates Subdivision, Ulumalu and Opana Ahupua'a, Makawao District, Island of Maui, Hawai'i, TMK 2-8-03*) resulting in the identification of three partially previously recorded sites and one newly identified site now on record as SIHP #50-50-06-4092, -4094, -4095 and -4182 (SHPD LOG NO: 17371; DOC NO: 9606SC18). Those closest to the proposed area of effect are SIHP #50-50-06-4092 [Haiku Ditch] and -4095 [discontinuous post-Contact period road segments]. The Haiku Ditch, a plantation era irrigation ditch still utilized today was recommended for preservation through avoidance and protection (conservation), while the historic road segments were subsequently data recovered by being accurately located by a professional surveyor. No further work was recommended for SIHP #50-50-06-4095.

Therefore, because the area of effect has undergone the historic preservation review process, we believe the proposed project will have *no effect on historic resources* and should be allowed to proceed.

County/DPW/DSA
Page 2 of 2

If you have any questions or comments regarding this letter, please contact the SHPD's Lead Maui Archaeologist, Ms. Patty Conte (Patty.J.Conte@hawaii.gov).

Aloha,



Nancy McMahon, Deputy SHPO/State Archaeologist
State Historic Preservation Division

c: Michael Leone: mike@hawaiiarchitectural.com
Jeff Hunt, Director, Dept. of Planning, FAX (808) 270-7634
Maui CRC, Dept. of Planning, 250 S. High Street, Wailuku, Hawai'i 96793

LINDA LINGLE
GOVERNOR OF HAWAII



'09 DEC 18 P1:16 STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

DEPT OF PLANNING COUNTY OF MAUI RECEIVED
STATE HISTORIC PRESERVATION DIVISION
601 KAMOKILA BOULEVARD, ROOM 555
KAPOLEI, HAWAII 96707

LAURA IL THIELEN
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BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
RUSSELL Y. TSUJI
PAST DEPUTY
KEN C. KAWAHARA
DEPUTY DIRECTOR - WATER
AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
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CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

December 3, 2009

Mr. Gerald Azbill
Staff Planner
County of Maui, Department of Planning
250 South High Street
Wailuku, Hawai'i 96793
gerald.azbill@mauicounty.gov
rene.segundo@mauicounty.gov
building.permits@mauicounty.gov

LOG NO: 2009.1167
DOC NO: 0912PC18
Archaeology

**SUBJECT: Chapter 6E-42 Historic Preservation Review –
Lew Abrams SM5 2007/0305 Application Amendment
'Opana and Ulumalu Ahupua'a, Makawao District, Island of Maui
TMK (2) 2-8-003:075 [formerly a portion of (2) 2-8-003:017]**

Thank you for the opportunity to review the aforementioned project, correspondence for which we received on April 23 of 2009.

Based on the submitted documents, the application is for the installation of a new 5kW solar photovoltaic structure, 5kW wind turbine, an 8' x 10' storage container, 6 cubic yards of cutting and 6 cubic yards of fill grading within a portion of what is currently shown in County of Maui records to be a 25.54 acre parcel located at 4505 Hana Highway in Haiku, Hawai'i.

A search of our records indicates that an archaeological inventory survey was conducted of the subject property by Scientific Consultant Services in 1996 (Dunn and Spear 1996, *An Archaeological Inventory Survey of Sea Ranch Estates Subdivision, Ulumalu and Opana Ahupua'a, Makawao District, Island of Maui, Hawai'i, TMK 2-8-03*) resulting in the identification of three partially previously recorded sites and one newly identified site now on record as SIHP #50-50-06-4092, -4094, -4095 and -4182 (SHPD LOG NO: 17371; DOC NO: 9606SC18). Those closest to the proposed area of effect are SIHP #50-50-06-4092 [Haiku Ditch] and -4095 [discontinuous post-Contact period road segments]. The Haiku Ditch, a plantation era irrigation ditch still utilized today was recommended for preservation through avoidance and protection (conservation), while the historic road segments were subsequently data recovered by being accurately located by a professional surveyor. No further work was recommended for SIHP #50-50-06-4095.

In accordance with previous comments for the same or similar work proposed under separate building permit applications for the same TMK (SHPD LOG NO:2009.0151/DOC NO: 0903PC38; SHPD LOG NO: 2009.1134/DOC NO: 0904PC51), because the area of effect has undergone the historic preservation

County/Planning/Gerald Azbill
TMK: (2) 2-8-003:075 Abrams SMS 2007/0305
Page 2 of 2

review process, we believe the proposed project will have no effect on historic properties and should be allowed to proceed.

Aloha,



Digitally signed by Patty J. Conte
Date: 2009.12.04 09:13:39 -10'00'

Patty J. Conte, Lead Maui Archaeologist

c: Michael Leone: mike@hawaiiarchitectural.com
Jeff Hunt, Director, Dept. of Planning, FAX (808) 270-7634
Maui CRC, Dept. of Planning, 250 S. High Street, Wailuku, Hawai'i 96793

MARK SHEEHAN
588 E. Kulaha Rd.
Haiku, HI 96708

TO: Maui Planning Commission
RE: SUP2 for Sacred Earth Assembly

Dear Commissioners:

I have know Dr. Lew Abrams for over a decade. I have watched him develop the Ahimsa Sanctuary Farm in Haiku during that time. As an organic farmer, I have watched him persist in developing a model organic farm on his Hana highway property.

Over the years I have attended various religious services at his unique and beautiful agriculture building. All events have been in keeping with is goal of promoting a better world by bringing people together in a spirit of love and peace.

This application for special use permit is in harmony with Dr. Abrams work to promote an earth-based spirituality. The building and surrounding land are well suited for these interfaith services.

Please grant the permission necessary for the Sacred Earth Assembly to conduct services in this beautiful setting.

Sincerely,



Mark Sheehan
Realtor, Environmental Activist

EXHIBIT 23



SUFI RUHANIAT INTERNATIONAL

October 7, 2017

To Maui County Planning Commission: *RE: SUP2 for Sacred Earth Assembly*

I am the Pir - Spiritual Director of the Sufi Ruhaniat International, a worldwide organization in the universal Sufi tradition. I have privilege of offering spiritual teachings and guidance for life all over the world, North America, Central America, South America, Europe, Asia, Australia and New Zealand!

I request the Maui County Planning Commission approve the Special Use Permit for Sacred Earth Assembly's use of the main agricultural workshop building and surrounding land at Ahimsa Sanctuary Farm.

I feel that environment and proposed church building at Ahimsa Sanctuary is so very sacred and beautiful, an inspirational place to share teaching on bringing Loving Kindness and Compassion into everyday life, and with the organic farm, a natural place to teach respect and care for our Mother Earth.

The Ahimsa Sanctuary Farm excels with its commitment to earth based spirituality. The farm demonstrates natural farming and stewardship on a practical level which supports Sacred Earth Assembly's mission.

I fully support Sacred Earth Assembly's request to host visiting teachers from numerous religious and spiritual lineages, as well as events for regular holidays, ceremonial days, and rites of passage ceremonies.

Naturally, I very much look forward to being able to offer teachings at Sacred Earth Assembly if the Maui County Planning Commission grants the Special Use Permit.

I have known Dr. Lew Abrams for 18 years and have valued his friendship and participation in programs I have offered at Camp Keanae, the Makawao Union Church and other locations on Maui. I am confident that he will provide hospitality and leadership for Sacred Earth Assembly programs at Ahimsa Sanctuary Farm.

Sacred Earth Assembly is a wonderful resource for Maui. Please grant the permission necessary for Sacred Earth Assembly to operate to its full potential on this beautiful, well designed property.

Sincerely,
Pir Shabda Kahn


OFFICE OF THE PIR • 304 DEVON DRIVE • SAN RAFAEL, CA 94903 • USA
415-499-1778 PHONE • SHABDA@MARINSUFIS.COM



TO: MAUI COUNTY PLANNING COMMISSION
FROM: REVEREND BODHI BE
RE: SUP 2 / SACRED EARTH ASSEMBLY
DATE: OCTOBER 12, 2017

Aloha,

I wish to add my voice in support of Sacred Earth Assembly's request for a Special Use Permit.

I am Reverend Bodhi Be, the Executive Director of Doorway Into Light, a 501c3 nonprofit organization on Maui serving the dying and their families since 2006. We have built strong relationships with local hospices, churches and funeral homes and other community organizations, and continue to offer community educational presentations and workshops throughout Hawaii.

A resident of Maui for over 40 years, my wife and I have raised our children and grandchildren here. My wife, Leilah, and I have been leading spiritual retreats and prayer circles here for the past 31 years, as well as throughout the world.

I have known and worked with Dr. Lew Abrams for more than 20 years and he has participated in a number of our programs at the Makawao Union Church and the YMCA Camp in Keanae. I know Dr. Abrams as a very sincere and deep-hearted man, a devoted husband and father, and a kahu and caregiver of the earth. He has a deep understanding of our connection to all of life and the importance of living in right relationship with the earth. He is clearly working for this island and future generations.

Ahimsa Sanctuary Farm's wish to use their land for religious and spiritual activities and ceremonies is so very important, especially at this time in the world. Interfaith and interdenominational rituals bringing people of many faiths together is critical at this time, in my view.

We have watched the evolution and development of the farm and its off-the-grid components. Ahimsa Sanctuary Farm stands out as a model of conscious, sustainable land use and a commitment to earth based spirituality. Ahimsa Sanctuary Farm is an ideal setting for the Sacred Earth Assembly to make its home. We're looking forward to offering programs and retreats at Ahimsa Sanctuary Farm when the Special Use Permit is approved.

I ask your support in granting Sacred Earth Assembly's request for a Special Use Permit.

Respectfully,

Reverend Bodhi Be 10/12/17

Reverend Bodhi Be



Ram Dass
345 Manawai Place
Haiku, HI 96708

November 4, 2017

RE: SUP2 for Sacred Earth Assembly

To Maui County Planning Commission:

Please approve the Special Use Permit for Sacred Earth Assembly's use of the main agricultural workshop building and surrounding land at Ahimsa Sanctuary Farm.

I am Ram Dass of the Love Serve Remember Foundation, and have offered spiritual teachings since 1968 and have lived on Maui since October 2004.

I have authored over 10 books and have been featured in "Fierce Grace", "Going Home", and "Dying To Know".

I support Sacred Earth Assembly's request to host visiting teachers from different religious and spiritual lineages, as well as regular holiday, full moon, and rites of passage ceremonies. I look forward to being able to offer teachings once this Special Use Permit is granted.

I have known Dr, Lew Abrams for more than 13 years and have valued his presence at programs I have offered. We are neighbors.

Dr. Abrams is a responsible, bright, creative, caring, spiritual, and community-oriented individual . I believe that he will offer hospitality and leadership for SEA programs at ASF.

The fact that SEA will be located at Ahimsa Sanctuary Farm is consistent with its commitment to earth based spirituality. The farm demonstrates natural farming and stewardship on a practical level which supports SEA's mission.

SEA is a wonderful resource for Maui. The building and surrounding land on Ahimsa Sanctuary Farm is ideally suited to provide a quiet, safe, spacious, uplifting setting for interfaith worship services.

Please grant the permission necessary for Sacred Earth Assembly to meet on this beautiful, well designed property.

Sincerely,


Ram Dass, PhD

June 29, 2018

RE: SUP2 for Sacred Earth Assembly

To Maui County Planning Commission:

I am writing as a Kanaka Maoli kupuna who was born in 1937 and raised in Keaukaha, Hilo Hawaii. I moved to Maui 5 years ago. I have been a ho'opono'opono practitioner for more than 50 years.

I have known Blue Mountain for several years through our participation in the Kula Farmers Market on Saturday mornings. He often sits with me and we share thoughts on a wide range of topics including nutrition and natural healing, Hawaiian culture, and interfaith spirituality.

I have had the chance to visit Ahimsa Sanctuary Farm and the building intended for use for meetings of Sacred Earth Assembly. SEA is a rare and precious resource for Maui. The building and surrounding land on Ahimsa Sanctuary Farm is beautiful and ideally suited to provide a quiet, safe, uplifting setting for interfaith worship services and meditation. The mana of the ancient ancestors is alive and strong on that land.

Please approve the Special Use Permit for Sacred Earth Assembly's use of the main agricultural workshop building and surrounding land at Ahimsa Sanctuary Farm. The farm demonstrates organic natural farming and malama 'āina on a practical level that supports SEA's mission.

I support Sacred Earth Assembly's request to host visiting teachers from different religious and spiritual lineages, as well as regular weekly, holiday, and rites of passage ceremonies. Although I was not able to attend, I heard that everyone was touched by the recent memorial for Auntie Pua Mahoe held at the farm. I look forward to being able to participate in Sacred Earth Assembly services and programs once the Special Use Permit is granted.

Please grant the permission necessary for Sacred Earth Assembly to meet at Ahimsa Sanctuary Farm.

Sincerely,



Auntie Pīlani

L I L I T O W N S E N D

June 15, 2017

To Whom It May Concern:

I am writing to voice my support for the special use permit allowing Sacred Earth Assembly Ministry to use the large agricultural workshop at Ahimsa Sanctuary Farm for Church related activities.

The Church (affiliated with Temple of Peace in Haiku) provides many services to the community including: Providing a safe, drug free, family friendly place and hosting potlucks and holiday celebrations that honor children and elders.

I heartily support this endeavor which serves so many.

Sincerely,



LiLi Townsend

Tara Furukawa - Fwd: To: Maui County Planning Commission

From: Lew Abrams <drabrams@mauisacredearth.com>
To: tara Furukawa <tara.furukawa@co.maui.hi.us>
Date: 5/2/2019 7:22 AM
Subject: Fwd: To: Maui County Planning Commission

Begin forwarded message:

From: Lei'ohu N Maydeen <kukuipuka@aol.com>
Subject: To: Maui County Planning Commission
Date: April 30, 2019 at 12:07:17 PM HST
To: Lew Abrams <drabrams@mauisacredearth.com>

To: Maui County Planning Commission
Letter of Support Sacred Earth Assembly

Aloha Commissioners,

This is a letter of support for approval of the Special Use Permit for Sacred Earth Assembly's use of the main agricultural workshop building and surrounding land at Ahimsa Sanctuary Farm.

SEA is an island & global community resource for Maui. I have participated in numerous interfaith activities, workshops and outreach over the years.

The building and surrounding land on Ahimsa Sanctuary Farm is ideally suited to provide a family friendly, quiet, safe, spacious, uplifting setting for interfaith worship services.

Please grant the permission necessary for Sacred Earth Assembly to meet at Ahimsa Sanctuary Farm.

Mahalo,
Lei'ohu Ryder

Tara Furukawa - Fwd: Your support of our SUP2

From: Bonnie Newman <bonnienuwman10@gmail.com>
To: <Tara.Furukawa@co.maui.hi.us>, Lew Abrams
<drabrams@mauisacredearth.com>
Date: 5/7/2019 3:26 PM
Subject: Fwd: Your support of our SUP2
Attachments: Sacred Earth Asembly.docx

Aloha - Lew Abrams has asked that I send the letter below to You....Mahalo!



Bonnie Newman Rs
The Singing Realtor!
Coldwell Banker Island Properties
The Wailea Village Office
808 / 283-0645

April 11th; 2019

To: Maui County Planning Commission

Re: SUP2 for Sacred Earth Assembly

ALOHA – Please approve the Special Use Permit for Sacred Earth Assembly's use of the main agricultural workshop building and surrounding land at Ahimsa Sanctuary Farm in Haiku.

I have been a full-time resident of Maui for 33 years; a licensed real estate agent for 29 years and a very active Community member.

I am a regular member of the Choir and featured soloist at Unity Church of Maui. I also lead sacred songs at Temple Beit Shalom in Kihei. I have attended various services and events at the Temple of Peace in Haiku where I have had much opportunity to interact with Dr. Lew Abrams. I have also visited Ahimsa Sanctuary Farm on multiple occasions to attend community gatherings in the building for which the current SUP2 is being sought. One of my favorite experiences there was for the Jewish High Holydays a few years ago. The environment and church building at Ahimsa Sanctuary is absolutely magnificent; it always feels Sacred and I feel privileged to be there.

I wholeheartedly offer my support of Sacred Earth Assembly's request to hold regular weekly Services, special gatherings on holidays, and 'rites of passage' ceremonies; as well as to host visiting Teachers from numerous religious and spiritual lineages. I look forward to participating in such programs once this Special Use Permit is granted.

I have known Dr. Lew Abrams for decades and value his contributions as a spiritual and community leader. I can attest to his character being of the highest integrity; and am confident that he will provide excellent leadership for SEA programs at ASF.

The fact that SEA will be located at organically certified Ahimsa Sanctuary Farm is consistent with its commitment to earth based spirituality. It demonstrates natural farming and malama a'ina on a practical level that supports SEA's mission.

SEA is an extremely valuable resource for Maui. The building and surrounding land on Ahimsa Sanctuary Farm is ideally suited to provide a safe, spacious, uplifting setting for interfaith worship services.

Please grant the necessary permission for Sacred Earth Assembly to operate to its full potential on this beautiful, well designed property.

Sincerely and with Aloha – **Bonnie Newman** 808/ 283-645

650 Mililani Place, Kihei