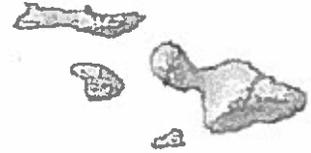
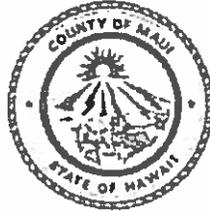


MICHAEL P. VICTORINO
Mayor

MICHELE CHOUTEAU MCLEAN, AICP
Director

JORDAN E. HART
Deputy Director



**DEPARTMENT OF PLANNING
COUNTY OF MAUI
ONE MAIN PLAZA
2200 MAIN STREET, SUITE 315
WAILUKU, MAUI, HAWAII 96793**

September 16, 2019

Dr. Lew and Mrs. Maria De Abrams
4505 Hana Highway
Haiku, Hawaii 96708

Dear Dr. Lew and Mrs. Maria De Abrams:

SUBJECT: STATE LAND USE COMMISSION SPECIAL PERMIT (SUP1) APPROVAL

Project: SACRED EARTH ASSEMBLY
Address: 4505 Hana Highway, Haiku, Maui, Hawaii
Description: To operate a non-profit, interfaith church, bookstore and gift shop.
TMK: (2) 2-8-003:075 (por.)
Permit Nos.: SUP1 2019/0001 **Expiration Date: One Year After Obtainment of First Certificate of Occupancy**
(Renewals shall be filed within 90 days prior to this date)

In response to your application received on June 5, 2017, your State Land Use Commission Special Permit (SUP1) was approved by the Maui Planning Commission (Commission) approved as follows. The complete record will be forwarded to the State Land Use Commission for final action.

STATE LAND USE COMMISSION SPECIAL PERMIT

At its regular meeting on August 13, 2019, the Commission reviewed your SUP1 application (SUP1 2019/0001), and after due deliberation and receipt of testimony and exhibits, hereby ordered approval of the SUP1 subject to the following conditions:

1. That the Land Use Commission Special Permit shall be valid for one year, beginning on the date of issuance of the first Certificate of Occupancy for any structure used for church and religious activities, subject to extension by the Maui

County Planning Director (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 Director may forward the time-extension request to the Commission for review and approval and may require a public hearing on the time extension by the Commission.

2. That the subject SUP1 shall not be transferred without the prior written approval of the Director. However, in the event that a contested case hearing preceded issuance of said SUP1, a public hearing shall be held by the appropriate Commission upon due published notice, including actual written notice to the last known addresses of parties to said contested case and their counsel.
3. That the applicant, its successors and permitted assigns shall exercise reasonable due care as to third parties with respect to all areas affected by subject SUP1 and shall procure at its own cost and expense, and shall maintain during the entire period of this SUP1, 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.
4. That no church and religious activities shall occur before 8:00 a.m. or after 9:00 p.m., allowing reasonable time for members to arrive, setup and disperse before and after events. Any amplification of sound or music at an event shall occur inside and shall not exceed any standards established by the State Department of Health for the Agricultural District.
5. That church and religious activities shall not occur on days other than Wednesday mornings, Friday evenings and one additional day each week provided that none occur on a Monday and no more than six per year occur on a Saturday, with no more than 40 participants. Church and religious activities may also occur on the holidays listed on the schedule provided by the applicant at the August 13, 2019

Maui Planning Commission meeting, with no more than 100 participants or the maximum occupancy established by the Fire Department for the church building, whichever is lower.

6. That the church and farm shall be subject to periodic inspections by County enforcement personnel at reasonable times upon presentation of appropriate credentials.
7. That full compliance with all applicable governmental requirements shall be rendered, including compliance with the requirements of the Agricultural District, pursuant to Chapter 19.30A, Maui County Code (MCC) for uses of the property that are not related to the church, and State Department of Health requirements relating to the individual wastewater system and the private water system. Verification of compliance with State Department of Health requirements shall be provided with the compliance report.
8. That the applicant shall submit to the Department a detailed report addressing its compliance with these conditions. Two hard copies and one digital copy by a compact disk or similar means shall be submitted. The Compliance Report shall be submitted to the Department with the request for time extension.
9. That the applicant shall develop the property in substantial compliance with the representations made to the Commission in obtaining the Special Permit. Failure to so develop the property may result in the revocation of the permit.
10. That a certificate of occupancy shall be required for all church related structures prior to the initiation of operation and shall be maintained for the duration of the permit. Verification shall be provided to the Department prior to operation and shall be included with the compliance report.
11. That a minimum of 72 hours' notice shall be given to neighbors for events with more than 40 participants via a website maintained by the applicant which is available to the public and readily accessible. The website shall be functional and verified by the Department prior to operation, and shall be maintained for the duration of the permit.
12. That, notwithstanding the prior conditions, church and religious activities on Christmas Eve and New Year's Eve shall be limited in time by county and state regulations of general applicability, and the number of participants shall be limited by the maximum occupancy established by the Fire Department for the church building.

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We will notify you, or the staff of the State Land Use Commission will notify you, when the application is scheduled for consideration and action before the State Land Use Commission.

Thank you for your cooperation. If additional clarification is required, please contact Staff Planner Tara K. Furukawa by email at tara.furukawa@mauicounty.gov or by phone at (808) 270-7520.

Sincerely,



MICHELE MCLEAN, AICP
Planning Director

cc: Clayton I. Yoshida, AICP, Planning Program Administrator (PDF)
Danny A. Dias, Acting Planning Program Administrator (PDF)
Tara K. Furukawa, Staff Planner (PDF)
State Land Use Commission
Project File

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