



OFFICE OF PLANNING STATE OF HAWAII

DAVID Y. IGE
GOVERNOR

MARY ALICE EVANS
DIRECTOR
OFFICE OF PLANNING

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

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

DTS201910301031MA

November 4, 2019

To: Daniel Orodener, Executive Officer
Land Use Commission

From: Mary Alice Evans, Director
Office of Planning

Subject: Sacred Earth Assembly Church Related Activities
Dr. Lew Abrams and Maria G. Abrams
SP19-410 (SUP2 2017/0011)
TMK: (2)-2-8-003: 075
4505 Hana Highway, Haiku, Maui



The Office of Planning (OP) recommends approval of Special Permit Application, SP19-410, Sacred Earth Assembly (“Petitioner”), as transmitted by the County of Maui, Maui Planning Commission’s State Land Use Commission’s Special Permit (SUP1) Approval, including the conditions of approval, dated September 16, 2019.

OP originally reviewed and commented on the application by letter dated September 18, 2017 to the County of Maui Department of Planning. Our comments were predicated on the application for a church use on a lot of less than 15 acres or 14.8 acres. We note that in response to a question by the Department of Planning, the Land Use Commission (LUC) staff by letter dated August 1, 2019, indicated that this application should be processed for LUC final review and approval, because the parcel itself is approximately 25.54 acres and thus greater than 15 acres in size. OP is concerned that the area of proposed use, if greater than 14.8 acres, is neither clearly delineated nor its associated uses explained for purposes of the Special Permit.

Our letter to the Department of Planning is attached. OP also provides the following in support of the County’s recommendation.

Factual and Procedural Background

The Petitioner submitted a Special Use Permit application to the Department of Planning, County of Maui, (County) for the establishment of the Sacred Earth Assembly Church on the existing Ahimsa Sanctuary Farm within an existing two-story agricultural building and related uses within the State Agricultural District. The 4,070 square-foot main floor will contain an assembly and worship hall for church members. The minimum required parking is 26 parking stalls, but the Petitioner is proposing 65 parking stalls on-site. The church is planning for a 100-person congregation. Weekly services will be held on Wednesdays and Fridays, from 6 pm to 9 pm, with attendance ranging from 10-30 people. Other services,

Mr. Daniel Orodener
November 4, 2019
Page 2

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 Petition Area also contains the Ahimsa Farm. The Ahimsa Farm is certified organic, and cultivates approximately 200 fruit trees on 20% of the land, bamboo on 10% of the land, and vegetables and herbs on about 10% on the Petition Area. Pasture land is comprised of about 30% of the area and contain sheep, and a gulch area is on about 30% of the property. Several ponds are on the property that contain ducks, tilapia, channel catfish koi and peacock bass.

The farm also utilizes a five (5) kilowatt Heliwix vetical access generator and 12 kilowatts of photovoltaic panels to provide renewable energy.

Special Permit Guidelines

The guidelines for Special Permits are contained within Hawaii Administrative Rules (HAR) § 15-15-95 which allow certain “unusual and reasonable” uses within Agricultural and Rural Districts other than those for which the district is classified. HAR § 15-15-95 lists six (6) guidelines for determining whether a proposed use is “unusual and reasonable.” OP assessed the project in relation to these guidelines, and provided comments to the County, which were addressed as follows:

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 Commission.

Hawaii Revised Statutes (HRS) Chapter 205 seeks to protect agricultural lands and ensure their continued availability for agricultural use. It provides that the Agricultural District shall include lands with a high capacity for agricultural production, grazing, or other agricultural uses. Chapter 205 recognizes that some lands in the Agricultural District may not be suitable for the uses permitted in the Agricultural District and, therefore, other uses may be allowed with a Special Permit.

In this case, the site contains soils of mostly average to poor quality. According to the Land Study Bureau (LSB), the soils have been classified as having an overall (master) productivity rating as “C” and the gulch as having a rating of “E” lands. As noted above, much of the Petition Area not within the gulch is used for pasture, fruit trees, and is being cultivated. The Petition Area has an implemented farm plan, and more than half the parcel is currently used for agricultural purposes.

Regarding the objectives of HRS Chapter 205A, the application sufficiently addresses the project’s compliance with applicable Coastal Zone Management (CZM) program objectives and policies and it appears that the proposed use is not contrary to the objectives of the program. The Petition Area is within the Special Management Area.

The land is sloped towards the north side about 15 degrees. The parcel is within Flood Zone X, an area of minimal flooding.

Additionally, a letter by the State Historic Preservation Division (SHPD) indicates that no significant impact to archaeological resources is anticipated.

B. The desired use would not adversely affect surrounding property.

According to the application, the proposed project is not anticipated to directly or indirectly affect adjacent uses. The Petition Area is approximately 25.54 acres. The surrounding uses are agricultural lots and uses to the north and east. On the south and west sides there are residential agricultural lots and Hana Highway.

Church services may impact the surrounding agricultural uses however, we note that the Planning Commission's Condition Nos. 4 and 5 provide for limits on hours of operation and amplification of sound or music.

C. The use would not unreasonably burden public agencies to provide streets, sewers, water, drainage, schools, fire, and police resources.

According to the application, the proposed church use is within an existing agricultural building. It is serviced by an individual wastewater system with the capacity to service 100 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.

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

OP recognizes the State's interest in conserving the State's agricultural land resource base and assuring the long-term availability of agricultural lands for agricultural use. OP acknowledges that much of the proposed church site has an implemented farm plan, and that the proposed church will be within an existing building within approximately 4,000 square feet, and therefore should not negatively impact the agricultural uses of the property.

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

The land upon which the proposed use is sought is suited for the uses permitted within the district. As noted above, the project would be located on average and relatively poor quality lands, as rated by the LSB productivity rating system. Under

Mr. Daniel Orodener
November 4, 2019
Page 4

the Agricultural Lands of Importance to the State of Hawaii (ALISH) these lands are classified as Prime, and most of the Petition Area currently has an implemented farm plan.

Recommendation

Having reviewed the application and applied the available information to the applicable Special Permit guidelines and, provided that the area of proposed use is clearly delineated and its associated uses explained for purposes of the Special Permit, OP supports the proposed project and agrees with the conditions of approval from the County of Maui Planning Commission dated June 12, 2019.

If you have any questions, please contact Lorene Maki of our Land Use Division at (808) 587-2888.