



LAND USE COMMISSION
STATE OF HAWAII

2020 JAN 24 P 12:30

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In The Matter Of The Petition of

SACRED EARTH ASSEMBLY

For A Special Permit for an interfaith
Church on 14.8 Acres of a 25-Acre Parcel
Owned by Dr. Lew Abrams and Maria
De Abram Located Within the State
Agricultural District, 4505 Hana
Highway, Haiku, Island of Maui,
Hawai'i;
TMK: (2) 2-8-003: 075 (por).

DOCKET NO. SP19-410

ORDER REMANDING SPECIAL PERMIT
SP19-410 TO THE COUNTY OF MAUI,
MAUI PLANNING COMMISSION


**ORDER REMANDING SPECIAL PERMIT SP19-410 TO THE COUNTY OF
MAUI, MAUI PLANNING COMMISSION**

AND

CERTIFICATE OF SERVICE

This is to certify that this is a true and
correct copy of the document on file in
the office of the State Land Use
Commission, Honolulu, Hawai'i

— 1/24/2020 — by



Executive Officer



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SACRED EARTH ASSEMBLY)	ORDER REMANDING SPECIAL
)	PERMIT SP19-410 TO THE
For A Special Permit for an interfaith Church)	COUNTY OF MAUI, MAUI
on 14.8 Acres of a 25-Acre Parcel Owned by)	PLANNING COMMISSION
Dr. Lew Abrams and Maria De Abram)	
Located Within the State Agricultural)	
District, 4505 Hana Highway, Haiku, Island)	
of Maui, Hawai`i;)	
TMK: (2) 2-8-003: 075 (por).)	
_____)	

ORDER REMANDING SPECIAL PERMIT SP14-410 TO THE COUNTY OF
MAUI, MAUI PLANNING COMMISSION

On November 6, 2019, the State Land Use Commission (“LUC”) met in Kahului, Hawai`i, to consider and deliberate on the application for a Special Permit for Church uses and services on approximately 14.8 acres of a 25-acre parcel owned by Dr. Lew Abrams and Maria De Abram located within the State Land Use Agricultural District, at Hana Highway, Haiku, Island of Maui,

Hawai`i, identified as TMK (2) 2-8-003:075 (por). Leslie Iczkovitz, Esq., Dr. Lew Abram and Maria De Abram appeared on behalf of the Sacred Earth Assembly ("Applicant"). Director Michele C. McLean, Michael Hopper, Esq., and Tara Furukawa appeared on behalf of the County of Maui Planning Department ("County"). Dawn Takeuchi-Apuna, Esq., and Lorene Maki appeared on behalf of the State Office of Planning ("OP").

At the hearing, the LUC heard public testimony in support of the Petition from Robin Vanderpool, Katherine Morgan, Aerie Waters, Romy Bugg, Judith Levy, Christiane Douglas, Taya Raine, Kedar St. John, Alan Lott and Jonathan Yudis. The LUC also heard public testimony in opposition to the Petition from Michelle Drewyer and Donna Richmond.

Following the receipt of public testimony, the parties provided oral argument. OP proposed remanding the matter back to the County. OP raised procedural issues on establishing jurisdiction. Dawn Apuna mentioned the record from the County is not clear whether the proposed use and Petition Area are more than 15 acres or less than 15 acres. The maps provided with the application were not clear and covered additional issues like water supply, traffic impacts, road and parking areas, and a history of zoning and building violations.

The actual area the Special permit is intended to cover required further detail and documentation.

The Petitioner filed the application for a Special Permit for 14.8 acres with the County of Maui. The maps and acreages included in the application were not consistent with discussions on the proposed uses. The Petitioner stated at the hearing, the application was filed for 14.8 acres to avoid coming to the State land Use Commission.

The County was not in favor of remanding the application back to the County. Mr. Hopper acknowledged that the Commission has right to remand for further clarification.

Following discussion, a motion was made and seconded to remand Special Permit No. SP19-410 to the Maui Planning Department for further proceedings to determine the exact acreage to be covered by the Special Permit with driveway and the parking area. The provision of clear Findings of Facts and Conclusions of Law on various issues by the Maui Planning Commission.

ORDER

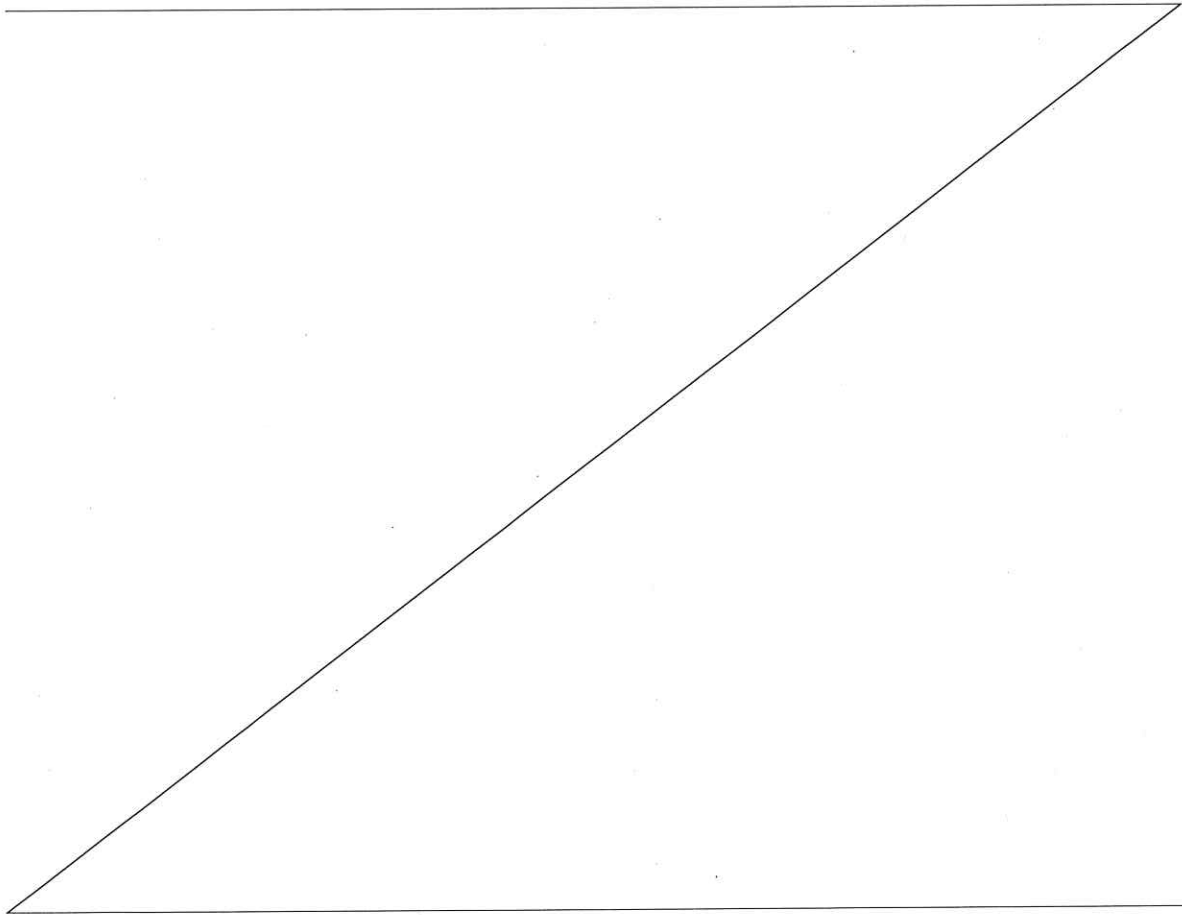
The Commission, having duly considered the written and oral arguments presented by the Applicant, Maui County, and testimony by OP and

the Public, a motion having been made and seconded at a meeting on November 6, 2019, in Kahului, Maui, Hawai`i; the motion having received the affirmative votes required by HAR § 15-15-13, HAR, and there being good cause for the motion,

HEREBY ORDERS that Special Permit SP19-410 be REMANDED to the Maui County Planning Commission for the expressed purpose of reviewing and considering information received from the Sacred Earth Assembly regarding acreages of the Petition Area and other issues raised regarding uses in the permit area and modifying the Special Permit as appropriate. The Maui Planning Commission shall make specific findings as to:

1. To determine the actual acreage of the Special Permit to make specific findings of the driveway and the parking area.
2. With regard to proposed conditions; and the basis for the conditions
3. Whether or not the actual use of the church is related to any agricultural use of the property
4. Whether or not traffic impacts need to be addressed and a finding made with regards to those matters;

5. A finding with regards to the impact of the shared water system whether it is adequate for the project without causing detriment to the other users and,
6. The history of zoning violations and whether or not that has any relationship to the proposed conditions for the project.



ADOPTION OF ORDER

This ORDER shall take effect upon the date this ORDER is certified by this Commission.

Done at Honolulu, Hawai'i, this 24th day of January, 2020, per motion on 11/6/2019.

LAND USE COMMISSION

APPROVED AS TO FORM

STATE OF HAWAI'I



Deputy Attorney General

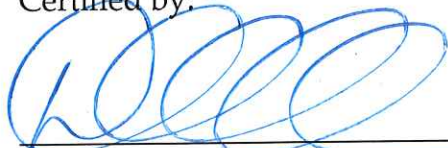


By
JONATHAN LIKEKE SCHEUER
Chairperson and Commissioner

Filed and effective on:

1/24/2020

Certified by:



DANIEL ORODENKER
Executive Officer



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

DOCKET NO. SP19-410

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this date, a copy of the **ORDER REMANDING SPECIAL PERMIT SP19-410 TO THE COUNTY OF MAUI, MAUI PLANNING COMMISSION** was served on the following parties, by depositing a copy with the U. S. Postal Services, postage prepaid, by either regular first class or certified mail as noted to:

Regular: Michele McLean- Director of Planning
Department of Planning County of Maui
250 South High Street
Wailuku, Hawaii 96793

Regular: Deputy Attorney General- Michael Hopper, Esq.
Corporation Counsel
County of Maui
250 South High Street
Wailuku, Hawaii 96793

Regular: STATE OF HAWAII OFFICE OF PLANNING
Deputy Attorney General- Dawn Takeuchi-Apuna
Hale Auhau
425 Queen Street
Honolulu, Hawaii 96813

Regular: OFFICE OF PLANNING
1428 South King Street
P.O. Box 2359
Honolulu, Hawai'i 96804-2359

Certified: Leslie K. Iczkovitz, Esq.,
1350 Ala Moana Boulevard. Suite 2304
Honolulu, Hawai'i, 96814

DATED: Honolulu, Hawai'i,

1/24/2020



DANIEL E. ORODENKER
Executive Officer